City of Charlotte

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

Zoning Agenda

Tuesday, October 6, 2020

Charlotte-Mecklenburg Government Center - Virtual Meeting

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 of Zoning Committee Recommendation to November 4, 2020

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

2. Rezoning Petition: 2020-049 by The Keith Corporation

Update: Petitioner is requesting deferral of Zoning Committee Recommendation to November 4, 2020

Location: Approximately 156.32 acres located on the south side of Interstate 85, east of Moores Chapel Road, and north of Wilkinson Boulevard. (Outside City Limits)

Zoning Items

3. Rezoning Petition: 2020-104 by Charlotte Planning, Design and Development

Summary of Petition:
Chapter 13, "Signs" of the Zoning Ordinance to provide additional flexibility; provide better scale for certain sign types; provide greater utilization of building wall space for sign area; address unintended consequences; clarify the enforcement process; and update, add, and delete definitions and graphics.

Public Hearing Held: September 21, 2020 - Item #30

Staff Resource: Sandra Montgomery

Staff Recommendation:
Staff Recommends APPROVAL of this text amendment.

Attachments:
Post-Hearing Staff Analysis
Text Amendment
Annotated Signs
Statement of Consistency

4. Rezoning Petition: 2018-034 by Charles & Ellen Gray

Location: Approximately 0.71 acres located on the southern corner of the intersection of University City Boulevard and John Kirk Road. (Council District 4 - Johnson)

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

Public Hearing Held: September 21, 2020 - Item #36

Staff Resource: William Linville

Staff Recommendation:
Staff recommends APPROVAL of this petition.

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

5. Rezoning Petition: 2019-163 by Novant Health

Location: Approximately 23.75 acres located at the west corner intersection of North Tryon Street and West Mallard Creek Church Road. (Council District 4 - Johnson)

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

Public Hearing Held: September 21, 2020 - Item #37

Staff Resource: Michael Russell

Staff Recommendation:
Staff recommends APPROVAL of this petition.

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

6. Rezoning Petition: 2020-023 by Phillip Neal Sparrow

Location: Approximately 10.918 acres located on the southern side of John Gladden Road, north of Wilkinson Boulevard, and west of Sam Wilson Road. (Outside City Limits)

Current Zoning: R-MH LWPA LLWPA (residential manufactured housing, Lake Wylie Protected Area, Lower Lake Wylie Protected Area)
Proposed Zoning: I-2 (CD) LWPA LLWPA (general industrial, Lake Wylie Protected Area, Lower Lake Wylie Protected Area)

Public Hearing Held: September 21, 2020 - Item #38

Staff Resource: Lisa Arnold

Staff Recommendation:
Staff recommends APPROVAL of this petition.

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

7. Rezoning Petition: 2020-035 by CCP University LLC

Location: Approximately 49 acres located on the south side of IBM Drive, west of Neal Road, and north of University City Boulevard. (Council District 4 - Johnson)

Current Zoning: R-4 (single-family residential) and RE-2 (research)
Proposed Zoning: UR-2 (CD) (urban residential, conditional) and R-8MF (CD) (multi-family residential, conditional)

Public Hearing Held: September 21, 2020 - Item #35

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

8. Rezoning Petition: 2020-055 by RangeWater Real Estate

Location: Approximately 27.97 acres located along the east side of IBM Drive west of Interstate 85, south of West W. T. Harris Boulevard. (Council District 4 - Johnson)

Current Zoning: RE-2 (Research)
Proposed Zoning: R-17MF (CD) (multi-family residential, conditional)

Public Hearing Held: September 21, 2020 - Item #39

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

9. Rezoning Petition: 2020-057 by Lakemont Property Investors, LLC

Location: Approximately 44 acres located west of Interstate 485, on the north side of Old Dowd Road, and east of Sam Wilson Road. (ETJ)

Current Zoning: R-4 LLWPA LLWCA AIR (single-family residential, Lower Lake Wylie Protected Area, Lower Lake Wylie Critical Area, Airport Noise Overlay)
Proposed Zoning: I-2 (CD) LLWPA LLWCA AIR (general industrial, Lower Lake Wylie Protected Area, Lower Lake Wylie Critical Area, Airport Noise Overlay)

Public Hearing Held: September 21, 2020 - Item #40

Staff Resource: Lisa Arnold

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

10. Rezoning Petition: 2020-059 by Hanover R.S. Limited Partnership

Location: Approximately 1.474 acres located on the southeast side of Euclid Avenue, southwest of Royal Court, and northeast of Morehead Street. (Council District 1 - Egleston)

Current Zoning: B-1 PED (neighborhood business, optional, pedestrian overlay) and MUDD (mixed use development district)
Proposed Zoning: MUDD-O (mixed used development district, optional)

Public Hearing Held: September 21, 2020 - Item #32

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: 2020-060 by Westplan Investors

Location: Approximately 11.65 acres located east of Interstate 85, north of Berkeley Place Drive, and south of Mallard Creek Church Road. (Council District 4 - Johnson)

Current Zoning: CC (commercial center)
Proposed Zoning: UR-2 (CD) (urban residential, conditional)

Public Hearing Held: September 21, 2020 - Item #41

Staff Resource: Michael Russell

Staff Recommendation:
Staff recommends APPROVAL of this petition.

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

12. Rezoning Petition: 2020-066 by Yoruk Development Company, Inc.

Location: Approximately 3.62 acres located along the north side of Sardis Road, east of Sunnywood Lane, and south of Watergate Road. (Council District 6 - Bokhari)

Current Zoning: R-3 (single-family residential)
Proposed Zoning: UR-1 (CD) (urban residential, conditional)

Public Hearing Held: September 21, 2020 - Item #33

Staff Resource: John Kinley

Staff Recommendation:
Staff recommends APPROVAL of this petition upon resolution of technical revisions related to Fire access.

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

13. Rezoning Petition: 2020-067 by Terranova Group, LLC

Location: Approximately 2.96 acres located at the 2400 block of Mecklenburg Avenue, just east of its intersection with Matheson Avenue near the Charlotte Country Club. (Council District 1 - Egleston)

Current Zoning: R-3 (residential)
Proposed Zoning: UR-1 (CD) (urban residential, conditional)

Public Hearing Held: September 21, 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

14. Rezoning Petition: 2020-072 by Freemore, LLC

Location: Approximately 0.48 acres located north of Freedom Drive, south of Thrift Road, and east of Berryhill Road. (Council District 3 - Watlington)

Current Zoning: I-1 (industrial)
Proposed Zoning: MUDD-O (mixed-se development district - optional)

Public Hearing Held: September 21, 2020 - Item #43

Staff Resource: Lisa Arnold

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

15. Rezoning Petition: 2020-074 by Redwood USA, LLC

Location: Approximately 21.08 acres located off Harris Houston Road in the University City area. (Council District 4 - Johnson)

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

Public Hearing Held: September 21, 2020 - Item #44

Staff Resource: William Linville

Staff Recommendation:
Staff recommends APPROVAL of this petition.

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

16. Rezoning Petition: 2020-075 by Mattamy Homes

Location: Approximately 19.6 acres located along the south side of Ridge Road, north of Interstate 485, and west of Mallard Creek Road. (Council District 4 - Johnson)

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

Public Hearing Held: September 21, 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

17. Rezoning Petition: 2020-078 by City of Charlotte, Aviation

Location: Approximately 19.5 acres located to the north and south of Old Dowd Road, just west of Interstate 485. (Outside City Limits)

Current Zoning: I-1 LLWPA (light industrial, Lower Lake Wylie Protected Area), R-3 LLWPA (single-fail residential, Lower Lake Wylie Protected Area)
Proposed Zoning: I-2 LLWPA (general industrial, Lower Lake Wylie Protected Area)

Public Hearing Held: September 21, 2020 - Item #46

Staff Resource: Lisa Arnold

Staff Recommendation:
Staff recommends APPROVAL of this petition.

Attachments:
Post-Hearing Staff Analysis
Statement of Consistency

18. Rezoning Petition: 2020-080 by The Courtyard at Park Road, LLC

Location: Approximately 2.376 acres located along the west side of Park Road, east of McDonald Avenue, and south of Ideal Way. (Council District 1 - Egleston)

Current Zoning: B-1 (neighborhood business)
Proposed Zoning: NS (neighborhood services)

Public Hearing Held: September 21, 2020 - Item #47

Staff Resource: Claire Lyte-Graham

Staff Recommendation:
Staff recommends APPROVAL of this petition.

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

19. Rezoning Petition: 2020-084 by D. R. Horton

Location: Approximately 9.09 acres located along the west side of Reames Road, north of Sunset Road, and south of Lawnmeadow Drive. (Council District 2 - Graham)

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

Public Hearing Held: September 21, 2020 - Item #48

Staff Resource: Michael Russell

Staff Recommendation:
Staff recommends APPROVAL of this petition.

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

20. Rezoning Petition: 2020-087 by Plainwood, LLC

Location: Approximately 7.81 acres located on the east side of Brookshire Boulevard, north of Dakota Street, west of Tennessee Avenue. (Council District 2 - Graham)

Current Zoning: R-5 (single-family residential)
Proposed Zoning: R-12 MF (CD) (multi-family residential, conditional)

Public Hearing Held: September 21, 2020 - Item #49

Staff Resource: Michael Russell

Staff Recommendation:
Staff recommends APPROVAL of this petition.

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

City of Charlotte

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

Agenda Date: 10/6/2020

Agenda #: 1.**File #:** 15-14297 **Type:** Zoning Item

Rezoning Petition: 2020-062 by i3i Ventures, LP

Update: Petitioner is requesting deferral of Zoning Committee Recommendation to November 4, 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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City of Charlotte

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

Agenda Date: 10/6/2020

Agenda #: 2.**File #:** 15-14316 **Type:** Zoning Item

Rezoning Petition: 2020-049 by The Keith Corporation

Update: Petitioner is requesting deferral of Zoning Committee Recommendation to November 4, 2020

Location: Approximately 156.32 acres located on the south side of Interstate 85, east of Moores Chapel Road, and north of Wilkinson Boulevard. (Outside City Limits)

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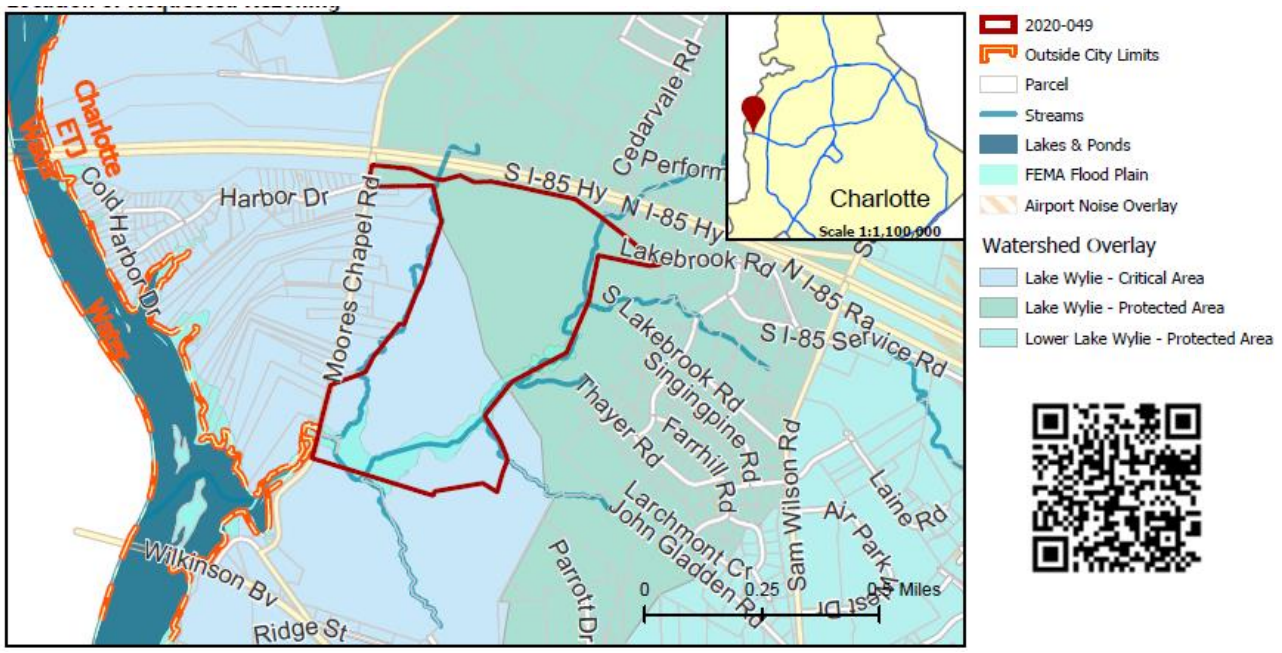
CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-049
Post-Hearing Staff Analysis
October 6, 2020

REQUEST	Current Zoning: R-3 LWPA LWCA (single family residential, Lake Wylie Protected Area, Lake Wylie Critical Area) Proposed Zoning: I-2(CD) LWPA LWCA (general industrial, conditional, Lake Wylie Protected Area, Lake Wylie Critical Area)
LOCATION	Approximately 156.32 acres located on the south side of Interstate 85, east of Moores Chapel Road, and north of Wilkinson Boulevard.



SUMMARY OF PETITION	The petition proposes to rezone property to I-2(CD) to allow the development of a 1,530,000 square foot industrial development.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Square Grooves, LLC The Keith Corporation Keith MacVean, Moore & Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 13

STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and site and building design. <u>Plan Consistency</u> The petition is **inconsistent** with the *Dixie Berryhill Strategic Plan* (2003) recommendation for single family residential uses up to four dwelling units per acre (DUA). <u>Rationale for Recommendation</u> • The proposed site plan will provide transportation improvements surrounding the site in order to mitigate the traffic impacts this development will have on the area.

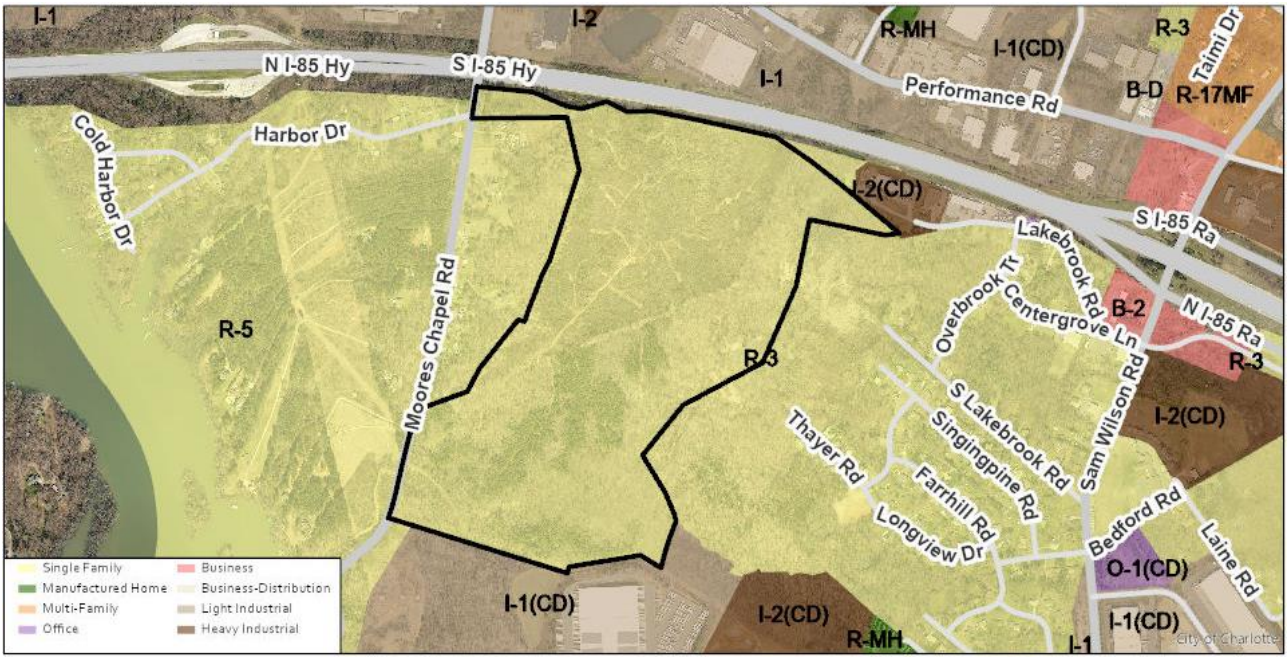
- The proposed site plan will provide buffers between the industrial development and adjacent residential neighborhoods.
- Numerous new industrial projects have been developed in the area recently, especially along Wilkinson Boulevard, and Interstate 485 and Sam Wilson Road.
- The location of the site near I-85,Wilkinson Blvd, and the Charlotte-Douglas International Airport provides regional access which makes this site desirable for larger scale industrial development.
- The site is located within a growth corridor, as per the *Centers Corridors and Wedges Growth Framework, which encourages industrial development near interchanges*.

The approval of this petition will revise the adopted future land use as specified by the *Dixie Berryhill Strategic Plan*, from single family residential up to four DUA, to industrial land use for the site.

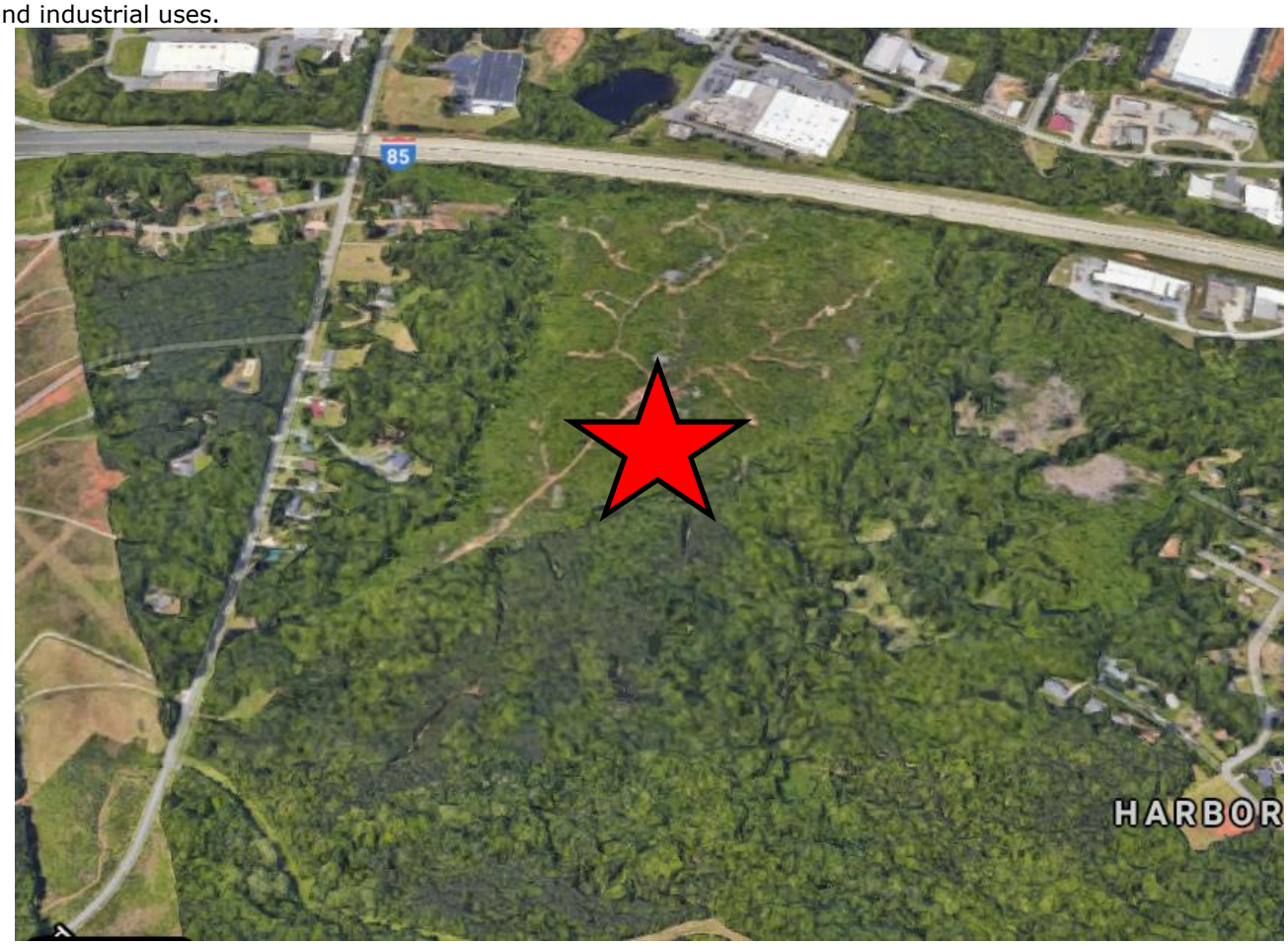
PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Permits up to 1,530,000 square feet of industrial uses (I-1, light industrial uses) and outdoor storage.
  - Develops site with up to five (5) buildings over three (3) phases or one (1) single building over a phase.
  - Provides a 100’ Class A buffer around the site adjacent to single family residential uses.
  - Requires a Traffic Impact Study (TIS) that analyzes the intersection of Wilkinson Blvd and Old Dowd Road/ Moores Chapel Road and the intersection of Lakebrook Road and Sam Wilson Road during the subdivision review process.
  - Re-aligns Moores Chapel Road as generally shown on the rezoning plan.
  - Extends Lakebrook Road as a public street and would provide access to the site after the TIS has been approved and a permit has been applied for a 500,000 SF building on the site.
  - Commits to intersection improvements at Lakebrook Road and Sam Wilson Road and turn lanes from Moores Chapel Road into the site’s access.
  - Provides an 8’ planting strip and 12’ multi-use path along the Site’s frontage along Moores Chapel Road.
  - Commits to work with Mecklenburg County Land Use and Environmental Services Agency Stormwater Services to implement additional erosion control measures including:
    - Implement a continuous monitoring device(s) downstream of the Site to monitor turbidity 24 hours/day during construction and provide alerts to erosion control inspectors if exceedances occur.
    - Participate in bathymetric monitoring of downstream cove before and after construction to observe and document any impacts.
    - Coordinate with City of Charlotte Erosion and Sediment Control to implement enhanced erosion control, as necessary, to minimize down-stream impacts.
  - Requires site lighting to be limited to full cut off fixtures.

- **Existing Zoning and Land Use**



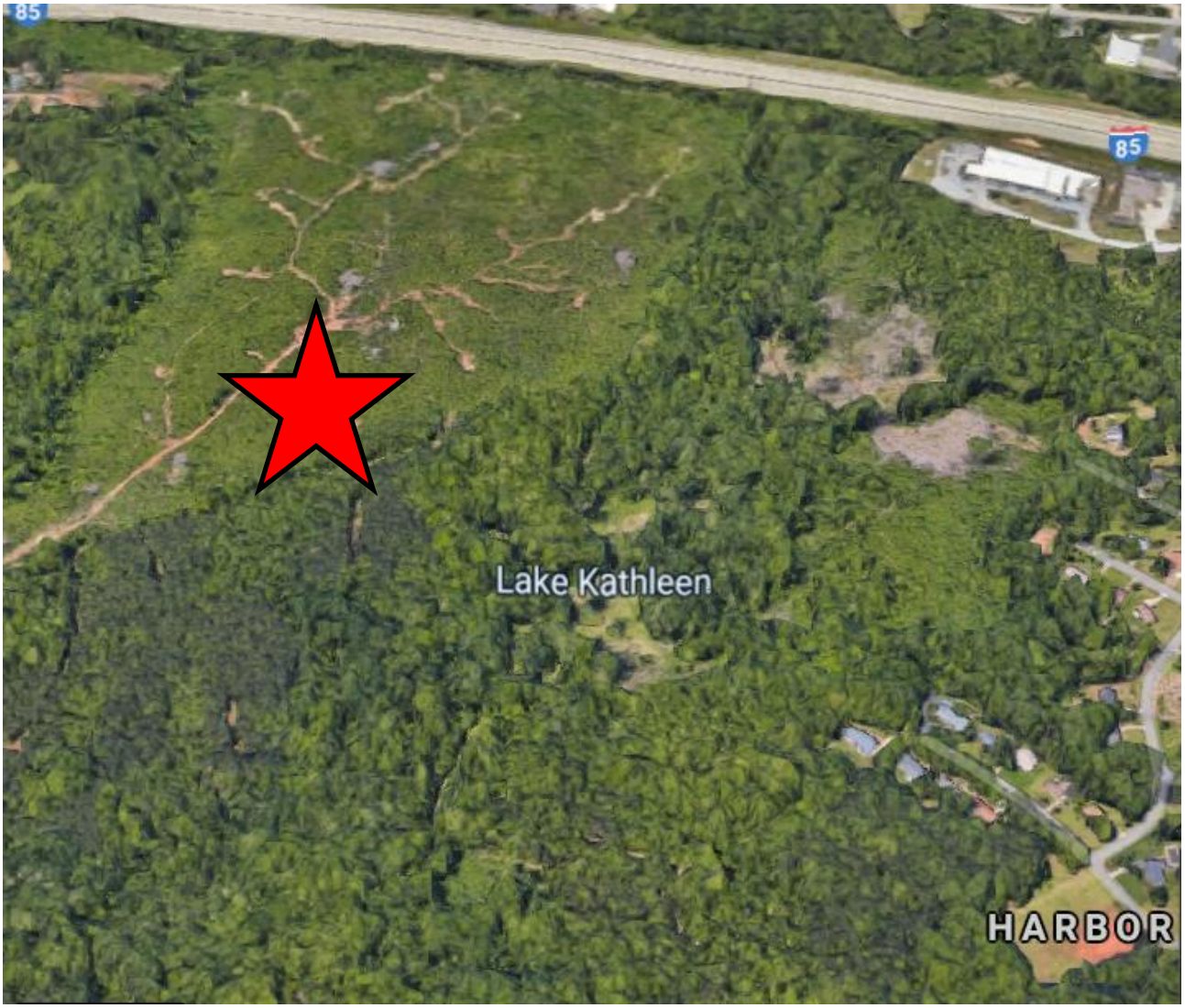
The subject property is undeveloped vacant land. Surrounding land uses include single family residential and industrial uses.



The subject property is undeveloped wooded land. The site is marked with a red star.

The properties to the north are developed with I-85 and industrial land uses. The subject property is marked with a red star.

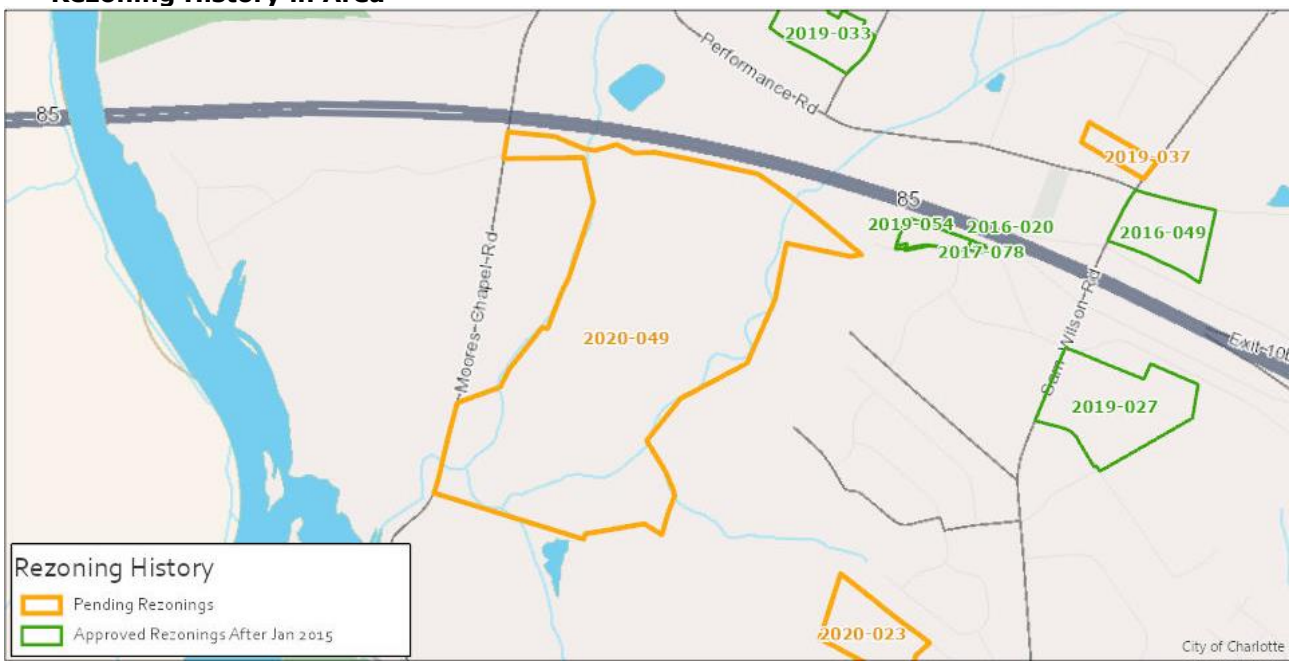
The properties to the south are developed with industrial uses. The subject property is marked with a red star.



The property to the east is undeveloped wooded residentially zoned land. The subject property is marked with a red star.

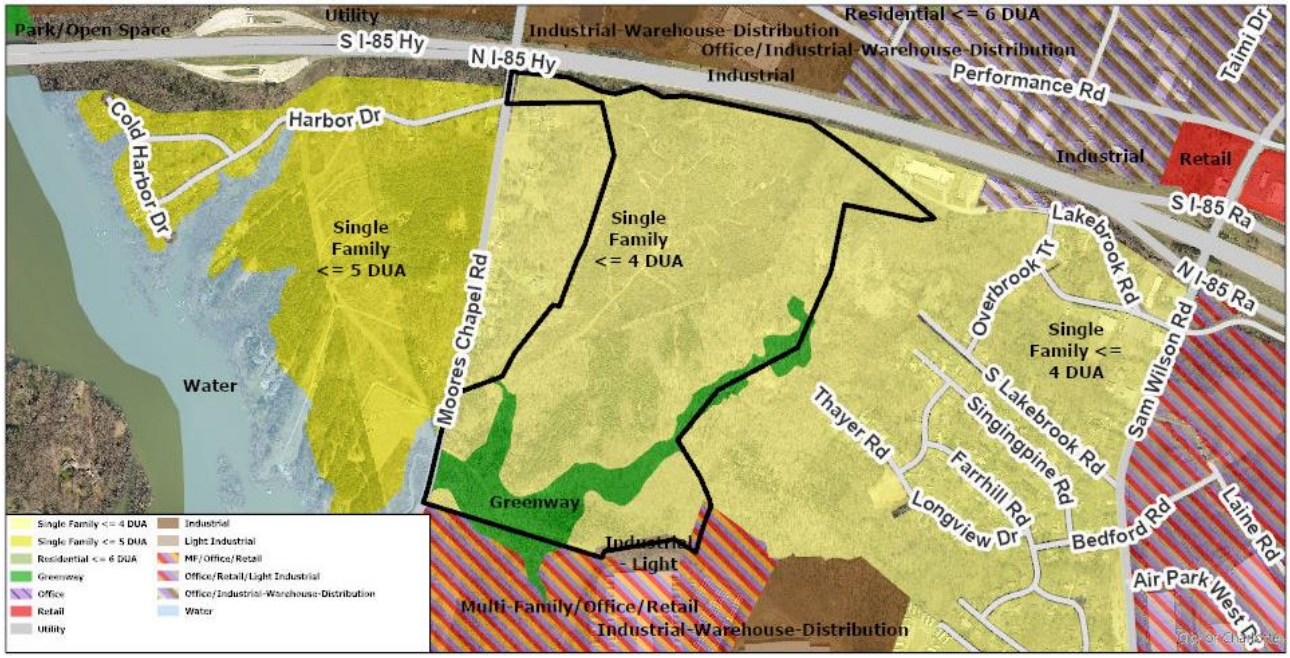
The properties to the west are developed with single family residential houses. The subject property is marked with a red star.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2016-020	The petition rezoned property to I-1(CD) LWPA (light industrial, conditional, Lake Wylie Protected Area) to allow the boat and recreational vehicle display and sales.	Approved
2016-049	The petition rezoned property to I-2(CD) LLWPA (general industrial, conditional, Lower Lake Wylie Protected Area) to allow the construction of a truck stop facility which includes a convenience store, attached restaurant drive through service window, and a tire shop.	Approved
2017-078	The petition rezoned property to O-1 (LWPA) (office, Lake Wylie Protected Area) to allow all uses within the O-1 zoning district.	Approved
2019-027	The petition rezoned property to I-2(CD) LLWPA to allow industrial uses.	Approved
2019-033	The petition rezoned property to I-2(CD) LWPA to allow all uses in the I-1 zoning district, and a contractor's office and storage yard as permitted in the I-2 zoning district.	Approved
2019-037	The petitions proposes to rezone property to B-2 LWPA (general business, Lake Wylie Protected Area) to allow all uses within the B-2 zoning district.	Pending
2019-054	The petition rezoned property to I-1 LWPA (light industrial, Lake Wylie Protected Area) to allow all uses in the I-1 district.	Approved
2020-023	The petition proposes to rezone site to I-2(CD) LWPA LLWPA (general industrial, Lake Wylie Protected Area, Lower Lake Wylie Protected Area) to develop the site for off-site parking and outdoor storage.	Pending

- **Public Plans and Policies**



- The *Dixie Berryhill Strategic Plan* (adopted 2003) recommends single family residential land use, up to four dwelling units per acre (DUA) for this site.

- **TRANSPORTATION SUMMARY**
  - The site is located off of Moores Chapel Road, a state-maintained minor thoroughfare, approximately a half mile north of Wilkinson Boulevard. A secondary access drive will be provided by extending Lakebrook Road, an existing local road located to the east of the site. The extension of Lakebrook Rd. will be established as a local industrial street (U-06), in accordance with USDG and the existing section of Lakebrook Rd. will undergo improvements as well. Additionally, the petitioner will also provide a left and right turn lane, on Moores Chapel Road, into the site. Lastly, in accordance with Charlotte WALKS and BIKES, the petitioner will provide a permanent sidewalk utility easement to encumber an 8-foot planting strip and 12-foot multi-use path along the site's frontage of Moores Chapel Road.

    As a part of this petition, the petitioner is required to perform a TIS, which will be completed and approved as a part of the subdivision approval process associated with the Moores Chapel Road realignment. Although the TIS has yet to officially be completed and approved, the petitioner has agreed to examine and/or provide offsite improvements at various locations.

    There are three ongoing issues that are preventing this petition from moving forward. The first issue pertains to deciding the cross section(s) associated with the new Moores Chapel Road Realignment. CDOT is working with the petitioner to finalize the cross section. The second issue pertains to providing a driveway connection from the existing Moores Chapel Loop to the new Moores Chapel Road Realignment, to be determined in accordance with NCDOT. The last issue is associated with adding clarifying language regarding what transportation improvements will be constructed and the phasing of these improvements. These issues are actively being negotiated with the petitioner.
- **Active Projects:**
  - CATS Silver Line
    - Scope: Construct new light-rail line generally along Wilkinson Boulevard, Independence Boulevard, and Monroe Road between Belmont and Matthews.
    - Phase: Planning
    - Construction: TBD
    - PM: Andy Mock
      - amock@charlottenc.gov
      - 704-432-0478
- **Transportation Considerations**
  - See Outstanding Issues, Notes 1-5
- **Vehicle Trip Generation:**

  Current Zoning:

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

  Entitlement: 4,300 trips per day (based on 468 dwelling units).

  Proposed Zoning: 2,465 trips per day (based on 1,530,000 SF warehouse).

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:** 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:** See advisory comments at www.rezoning.org

- **Mecklenburg County Parks and Recreation Department:** No comments submitted.

OUTSTANDING ISSUES

Transportation

1. As discussed between the petitioner and NCDOT during a comment review meeting (5-14-20), the Moores Chapel Road Realignment cross section will accommodate a three-lane (2-thru lanes & 1-center turn lane) section and super-elevation. The alignment will be revised to meet AASHTO standards. - OUTSTANDING
2. The petitioner should revise the site plan and conditional note(s) to provide a driveway connection to the existing Moores Chapel Loop. The petitioner should coordinate with NCDOT to complete a land swap or abandonment on the existing NCDOT property (*Parcel ID 05323102*). - OUTSTANDING
3. The petitioner needs to provide a three-lane section, for the new Moores Chapel Road Realignment, from existing Old Dowd Road to the Duke Power easement. The petitioner may taper down to a two-lane section, starting at the Duke Power easement. This two-lane section may be maintained from the Duke Power easement to the tie-in point with the existing Moores Chapel Road, excluding the required left and right turn-lanes at the proposed access on the existing Moores Chapel Road. - OUTSTANDING
4. Please remove the first sentence of conditional note 3.E "The petitioner will not make a connection to Lakebrook Road into the site until the TIS has been completed and the building permit for more than 500,000 square feet of development has been applied for". Revised language should convey the intent below:
    a. Add a new note stating that the phasing of all transportation improvements will be decided during the TIS - OUTSTANDING
5. Please add to note 3.F stating that "As a result of the TIS, if additional transportation improvements are warranted, then the petitioner will commit to constructing these improvements in addition to the aforementioned improvements included in this rezoning." - OUTSTANDING

Site and Building Design

6. The petitioner should revise the plan to eliminate the single building option as providing multiple buildings could better break up the massing and scale of the project. - OUTSTANDING

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

Planner: Lisa Arnold (704) 336-5967

REZONING PACKAGE FOR

PROJECT SQUARE GROOVES

SITE DEVELOPMENT DATA

PROJECT NAME:	SQUARE GROOVES
DEVELOPER:	THE KEITH CORPORATION
TOTAL SITE AREA:	210.34-AC
EXISTING ZONING:	R-3
PROPOSED ZONING:	I-2(CD) (LLWPA & LLWCA)
AREA TO BE REZONED:	±156.321-AC
TAX PARCEL NO:	Portion of 053-161-01
JURISDICTION:	CHARLOTTE ETJ
EXISTING USES:	VACANT

PROPOSED USES:
WAREHOUSING, WAREHOUSE DISTRIBUTION, MANUFACTURING, OFFICE, INDUSTRIAL USES, AND OUTDOOR STORAGE AS PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, ALL AS ALLOWED IN THE I-2 ZONING DISTRICT (AS MORE SPECIFICALLY DESCRIBED AND RESTRICTED IN THE DEVELOPMENT STANDARDS BELOW). THE USES ALLOWED ON THE SITE WILL BE LIMITED TO THE USES SPECIFIED ABOVE AS ALLOWED IN THE I-1 ZONING DISTRICT PLUS OUTDOOR STORAGE AS ALLOWED IN THE I-2 ZONING DISTRICT.

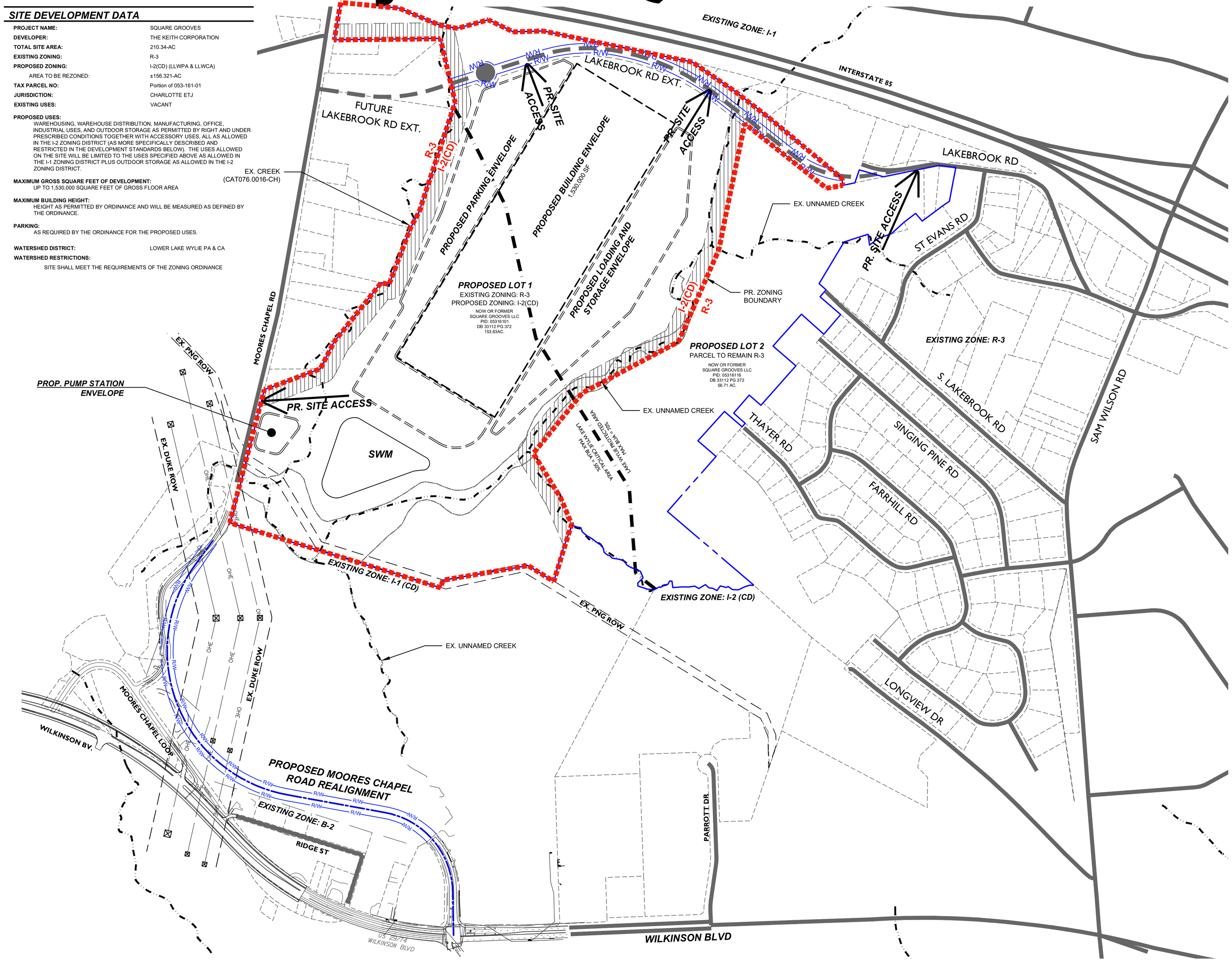
MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT:
UP TO 1,530,000 SQUARE FEET OF GROSS FLOOR AREA

MAXIMUM BUILDING HEIGHT:
HEIGHT AS PERMITTED BY ORDINANCE AND WILL BE MEASURED AS DEFINED BY THE ORDINANCE.

PARKING:
AS REQUIRED BY THE ORDINANCE FOR THE PROPOSED USES.

WATERSHED DISTRICT: LOWER LAKE WYLIE PA & CA

WATERSHED RESTRICTIONS:
SITE SHALL MEET THE REQUIREMENTS OF THE ZONING ORDINANCE



PROJECT CONTACT INFORMATION

ENGINEER:
Burton Engineering Associates
Carlton Burton, PE
5950 Fairview Road, Suite 100
Charlotte, NC 28210
P: (704) 553-8881
cburton@burtonengineering.com

DEVELOPER:
The Keith Corporation
Dave Featherston
5935 Carnegie Blvd., Suite 200
Charlotte, NC 28209
P: (704) 644-4471

PROPERTY OWNER:
Square Grooves LLC
1710 Abbey Pl ste 200
Charlotte, NC 28209

ZONING CONSULTANT:
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Phone: (704) 331-3531

BOUNDARY SURVEY:
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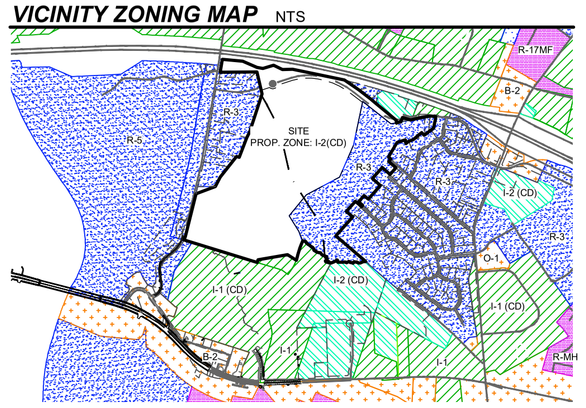
Chris Culbertson
5950 Fairview Road, Suite 100
Charlotte, NC 28210
P: (704) 553-8881
cculbertson@burtonengineering.com

VICINITY ZONING MAP NTS



HATCH LEGEND

- CLASS A ZONING BUFFER
- FUTURE TREE SAVE
- SINGLE FAMILY ZONING
- OFFICE/BUSINESS ZONING
- MULTI-FAMILY ZONING
- I-1 ZONING
- I-2 ZONING

DRAWING INFORMATION

GRID NORTH

Know what's **below.** **Call** before you dig.

300 0 150 300 600 1200

(IN FEET)
1 inch = 300 ft.

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www.burtoneng.com
FIRM #C-1157

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL — PRELIMINARY NOT FOR CONSTRUCTION — CARLTON T. BURTON

PROJECT SQUARE GROOVES
REZONING PETITION# 2020-049
CHARLOTTE NORTH CAROLINA

PROPOSED REZONING PLAN

CTB	PM
CTB	ENG
MBDG	DRAWN BY
2020.03.06	DATE

REVISIONS
2020.03.06 - ISSUED FOR PLANNING REVIEW
1 - 2020.05.11 - REVISED PER PLANNING COMMENT
2 - 2020.06.15 - REVISED PER PLANNING COMMENT
3 - 2020.08.17 - REVISED PER PLANNING COMMENT
4 - 2020.09.18 - REVISED PER PLANNING COMMENT

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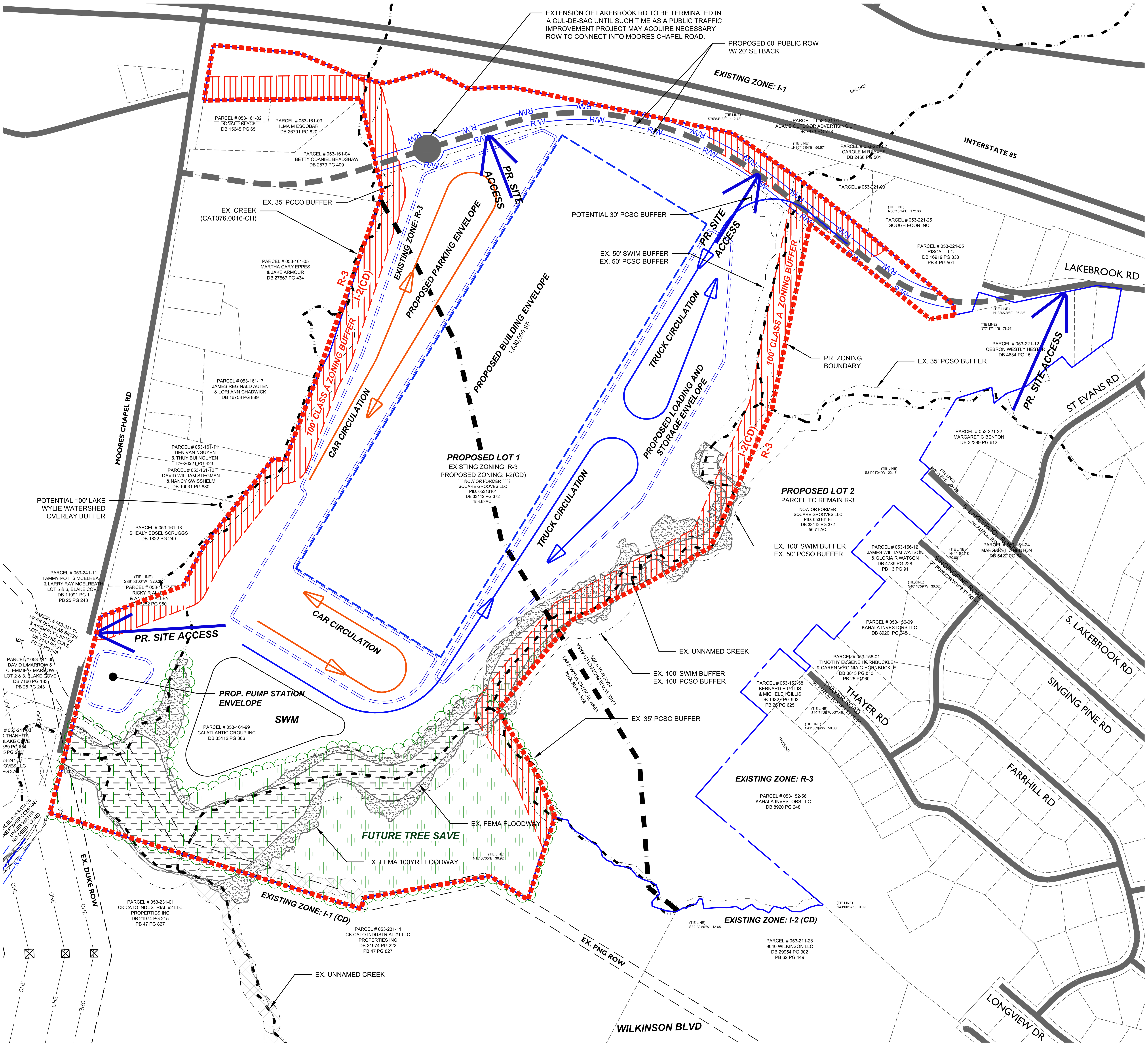
PROJECT NUMBER
019.554.002

RZ100
Sheet 1 of 4

P:\DWG\019.554.002 TKC SQUARE GROOVES REZONING\REZONING PLAN.DWG COVER SHEET 9/28/2020 9:41:14 AM HRD2.CTB MGRAHAM



CONDITIONAL ZONING NOTES

(REVISED 08/13/2020)

1. **General Provisions:**

   a. **Site Location**. These Development Standards, Schematic Site Plan and other graphics set forth on Sheet RZ-1 form this rezoning plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by The Keith Corporation ("Petitioner") to accommodate the development of industrial uses on an approximately 156.321 acre site located along Moores Chapel 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 I-2(LLWPA & LLWPCA) zoning classification shall govern all development taking place on the Site.

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

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

   i. minor and don't materially change the overall design intent depicted on the Rezoning Plan; such as minor modifications to the configurations of any building envelope, driveways and parking area dimensions and the like as long as the modifications maintain the general building/parking orientation and character of the development generally depicted on the Rezoning Plan.

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

   d. **Planned/Unified Development.** The Site shall be viewed in the aggregate as a planned/unified development plan as to the elements and portions of the Site generally depicted on the Rezoning Plan. As such, side and rear yards, buffers, building height separation standards, and other similar zoning standards will not be required internally between improvements and other site elements located on the Site. The Petitioner and/or owner(s) of the Site reserve the right to subdivide the portions or all of the Site and create lots within the interior of the Site without regard to any such internal separation standards, and public/private street frontage requirements, provided, however, all such separation standards along the exterior boundary of the Site shall be adhered to and all square footage maximum requirements will be regulated by any development limitations set forth in Section 2 below as to the Site taken as a whole and not individual portions or lots located therein.

   e. **Number of Buildings Principal and Accessory**. Notwithstanding the number of building(s) shown on the Rezoning Plan, the total number of principal buildings to be developed on the Site will be limited to five (5). Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal building(s). In the event more than one principal building is developed on the Site, the Site shall adhere to the Subdivision Ordinance.

   f. **Development Phasing.** The proposed square footage may be developed in three (3) separate phases with each building containing about ±500,000 square feet or may be developed in one single phase with one building that utilizes most of or all of the allowed square footage.

2. **Permitted Uses, Development Area Limitations:**

   a. The Site may be developed with up to 1,530,000 square feet of gross floor area of warehousing, warehouse distribution, manufacturing, office, and industrial uses as permitted by right and under prescribed conditions together with accessory uses, all as allowed in the I-1 zoning district and/or with the following use allowed in the I-2 zoning district, subject to the limitations described above:

   - Outdoor Storage.

   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: structured parking facilities and all loading dock areas (open or enclosed).

3. **Transportation Improvements and Access:**

   a. Access to the Site will be from Moores Chapel Road and Lakebrook Road as generally depicted on the Rezoning Plan; provided that the exact alignment, dimensions and location of the access points to the Site and the driveways on the Site may be modified from the elements shown on the Rezoning Plan.

   b. The Petitioner will provide CDOT and NCDOT a Traffic Impact Study (TIS) that analysis the operation of the intersection of: (i) Wilkinson Boulevard and Old Dowd Road/Moores Chapel Road re-alignment; (ii) the intersection of Sam Wilson Road and Centergrove Ln./ I-85 Service Road; (iii) Sam Wilson Road and NB I-85 Ramps; and (iv) Sam Wilson Road and SB I-85 Ramps. The TIS will be provided for review and approval as part of the Subdivision approval process for re-aligned Moores Chapel Road. The TIS must be approved prior to the approval of the subdivision plans for the re-alignment of Moores Chapel Road. Any required improvements at the intersection of Old Down and re-aligned Moores Chapel Road that are part of the approved TIS must be substantially completed prior to the issuance of the 1st certificate of occupancy. Any improvements required at the intersection of Sam Wilson Road and Centergrove Ln./ I-85 Service Road must be substantially completed before Lakebrook Road is connected into the Site.

   c. The Petitioner will re-align Moores Chapel Road as generally depicted on the Rezoning Plan. This re-alignment will be constructed and substantially completed prior to the issuance of the 1st certificate of occupancy for the Site. The re-aligned and the cross-section for the re-alignment of Moores Chapel Road will be subject to review and approval by CDOT and NCDOT.

   d. The Petitioner will extend Lakebrook Road as a public street to provide access into the Site from its current terminus as generally depicted on the Rezoning Plan. Lakebrook Road will be extended as a local industrial street (U-06).

   e. The Petitioner will not make a connection to Lakebrook Road into the Site until the TIS has been completed and a building permit for more than 500,000 square feet of development has been applied for. The Petitioner will improve existing Lakebrook to have a minimum of 28 feet of pavement (2-12-foot lanes with a two (2) foot shoulder).

   f. The Petitioner will work with CDOT and NCDOT to improve existing Lakebrook Road as well as the intersection of Centergrove Ln./ I-85 Service Road. The Petitioner will make the following improvements at the intersection of Centergrove Ln./ I-85 Service Road and Sam Wilson Road: (i) an eastbound left-turn lane on Centergrove Ln./ I-85 Service Road to Sam Wilson Road; (ii) a southbound right-turn lane on Sam Wilson Road to Centergrove Ln./ I-85 Service Road; and (iii) a northbound left-turn lane on Sam Wilson Road to Centergrove Ln./ I-85 Service Road. Turn lane storage lengths to be determined during the land development approval process. If as part of the Petitioners TIS for the Site one of the improvements described above are shown not to be needed, then the improvement may be eliminated, and if NCDOT agrees the improvement is not otherwise required. These improvements will be completed before Lakebrook Road is connected into the Site.

   g. The Petitioner will provide a southbound left-turn lane and a northbound right-turn lane on Moores Chapel Road into the Site's access from Moores Chapel Road. The turn lane storage lengths will be determined during the land development approval process for the Site.

   h. The Petitioner shall dedicate and convey 35 feet of right of way along the Site's frontage on Moores Chapel Road as measured from the existing centerline of Moores Chapel Road. The Petitioner will also provide a permeant sidewalk and utility easement to accommodate an eight (8) foot planting strip and a 12-foot multi-use path (MUP) along the Site's frontage on existing Moores Chapel Road. The easement will extend two (2) feet behind the location of the proposed 12 MUP to allow for maintenance and utilities.

   i. The Petitioner shall dedicate and convey all rights-of-way within the limits of the Site to the City prior to the issuance of the Site's first building certificate of occupancy.

4. **Setbacks, Buffers and Screening.**

   a. A twenty (20) foot building and parking setback will be provided along Moores Chapel Road and Lakebrook Road as defined by Ordinance.

   b. A 100-foot Class A Buffer will be provided as generally depicted on the Rezoning Plan.

   c. Mechanical Equipment Screening. HVAC and related mechanical equipment will be screened from public view and from view of adjacent properties and proposed public streets at grade.

   d. Dumpster Screening. Dumpster areas and recycling areas will be enclosed by a solid wall or fence.

5. **Environmental Features:**

   a. 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 to accommodate actual storm water treatment requirements and natural site discharge points.

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      (i) Implement a continuous monitoring device(s) downstream of the Site to monitor turbidity 24 hours/day during construction and provide alerts to erosion control inspectors if exceedances occur.

      (ii) Participate in bathymetric monitoring of downstream cove before and after construction to observe and document any impacts.

      (iii) Coordinate with City of Charlotte Erosion and Sediment Control to implement enhanced erosion control, as necessary, to minimize down-stream impacts of erosion while the Site is under development.

   c. The Site will comply with Tree Ordinance.

6. **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.

7. **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 or applicable parcels within the Site in accordance with the provisions herein and of Chapter 6 of the Ordinance.

8. **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.

DRAWING INFORMATION

GRID NORTH

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(IN FEET)
1 inch = 200 ft.

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PRELIMINARY NOT FOR CONSTRUCTION

PROJECT SQUARE GROOVES

REZONING PETITION# 2020-049
CHARLOTTE NORTH CAROLINA

PROPOSED REZONING PLAN

PM CTB
ENG CTB
DRAWN BY MBDG
DATE 2020.03.06

REVISIONS
2020.03.06 - ISSUED FOR PLANNING REVIEW
1 - 2020.05.11 - REVISED PER PLANNING COMMENT
2 - 2020.06.15 - REVISED PER PLANNING COMMENT
3 - 2020.08.17 - REVISED PER PLANNING COMMENT

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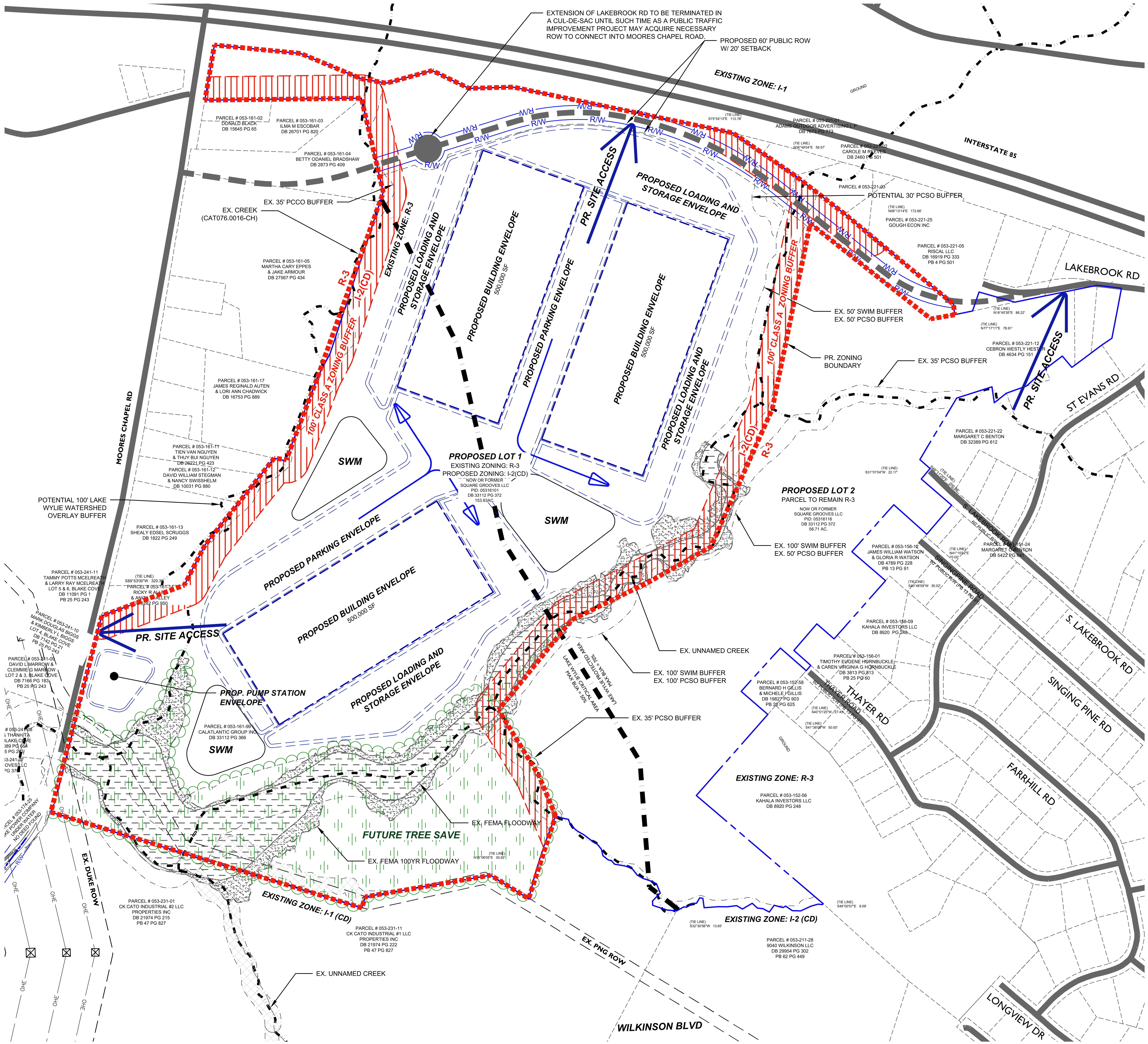
PROJECT NUMBER
019.554.002

RZ101
Sheet 2 of 4



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      (ii) Participate in bathymetric monitoring of downstream cove before and after construction to observe and document any impacts.

      (iii) Coordinate with City of Charlotte Erosion and Sediment Control to implement enhanced erosion control, as necessary, to minimize down-stream impacts of erosion while the Site is under development.

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7. **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 or applicable parcels within the Site in accordance with the provisions herein and of Chapter 6 of the Ordinance.

8. **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.

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(IN FEET)
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FIRM #C-1157

PRELIMINARY NOT FOR CONSTRUCTION

PROJECT SQUARE GROOVES

REZONING PETITION# 2020-049
CHARLOTTE NORTH CAROLINA

PROPOSED REZONING PLAN - MULTI-BUILDING SITE

PM CTB
ENG CTB
DRAWN BY MBDG
DATE 2020.05.11

REVISIONS
1 - 2020.05.11 - REVISED PER PLANNING COMMENT
2 - 2020.06.15 - REVISED PER PLANNING COMMENT
3 - 2020.08.17 - REVISED PER PLANNING COMMENT

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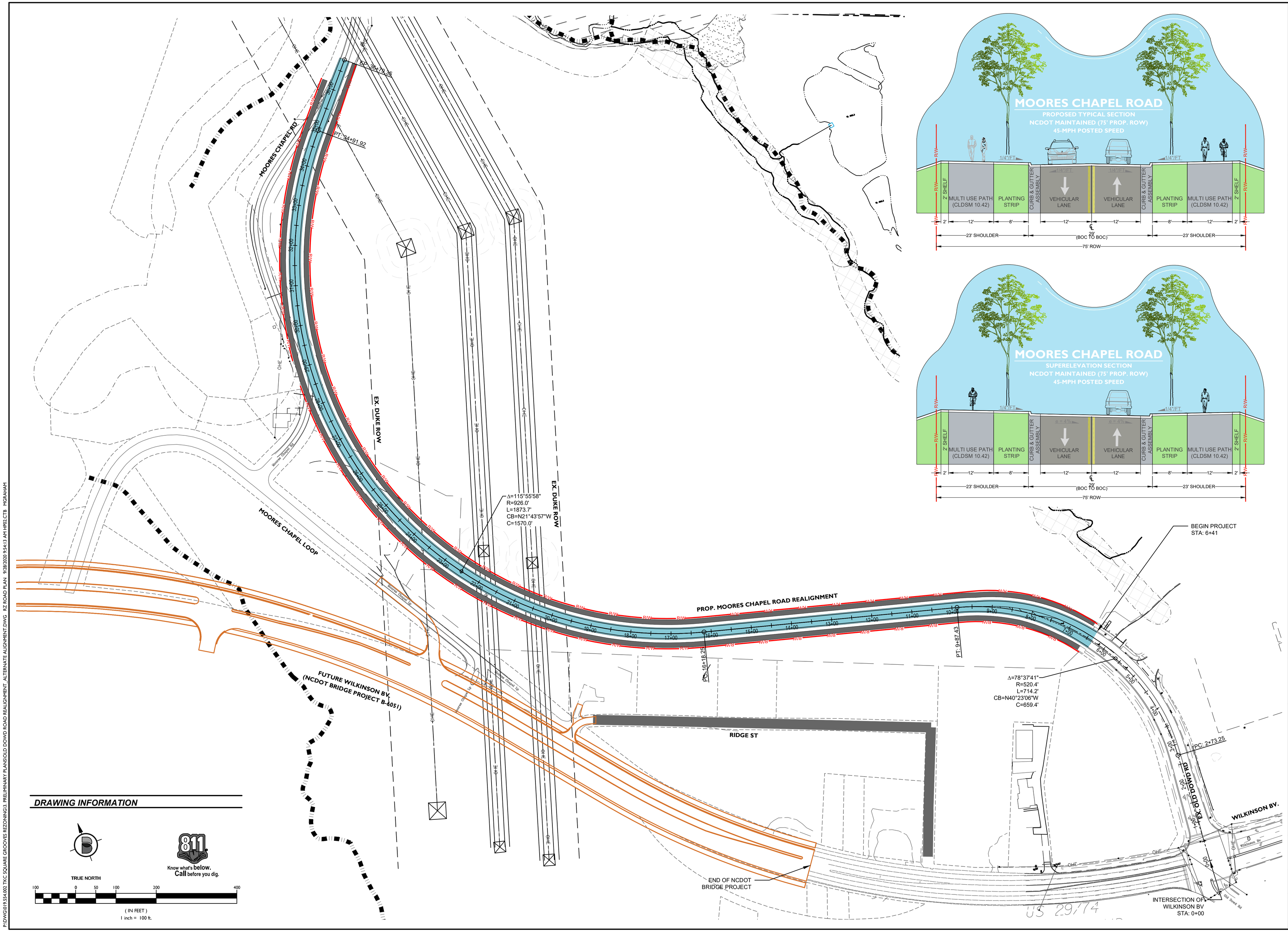
PROJECT NUMBER 019.554.002

RZ102
Sheet 3 of 4

P:\DWG\019.554.002 TKC SQUARE GROOVES REZONING\REZONING PLAN.DWG SITE PLAN (2) 9/28/2020 9:45:44 AM HP02.CTB MGRAHAM



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PRELIMINARY NOT FOR CONSTRUCTION

PROJECT SQUARE GROOVES

REZONING PETITION# 2020-049
CHARLOTTE NORTH CAROLINA

MOORES CHAPEL ROAD REALIGNMENT

PM	CTB
ENG	CTB
DRAWN BY	MBDG
DATE	2020.03.06

REVISIONS
2020.03.06 - ISSUED FOR PLANNING REVIEW
1 - 2020.05.11 - REVISED PER PLANNING COMMENT
2 - 2020.06.15 - REVISED PER PLANNING COMMENT
3 - 2020.08.17 - REVISED PER PLANNING COMMENT
4 - 2020.09.28 - REVISED PER PLANNING COMMENT

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PROJECT NUMBER
019.554.002

RZN103
Sheet 4 of 4

P:\DWG\019.554.002 TKC SQUARE GROVES REZONING\3. PRELIMINARY PLANS\OLD DOWD ROAD REALIGNMENT_ALTERNATE ALIGNMENT.DWG RZ ROAD PLAN 9/28/2020 9:54:13 AM HPGL.CTB MGRAHAM

Petition 2020-049 by The Keith Corporation

To Approve:

This petition is found to be **inconsistent** with the *Dixie Berryhill Strategic 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 residential uses up to four 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 proposed site plan will provide transportation improvements surrounding the site in order to mitigate the traffic impacts this development will have on the area.
- The proposed site plan will provide buffers between the industrial development and adjacent residential neighborhoods.
- Numerous new industrial projects have been developed in the area recently, especially along Wilkinson Boulevard, and Interstate 485 and Sam Wilson Road.
- The location of the site near I-85, Wilkinson Blvd, and the Charlotte-Douglas International Airport provides regional access which makes this site desirable for larger scale industrial development.
- The site is located within a growth corridor, as per the Centers Corridors and Wedges Growth Framework, which encourages industrial development near interchanges.

The approval of this petition will revise the adopted future land use as specified by the *Dixie Berryhill Strategic Plan*, from single family residential up to four DUA, to industrial land use for the site.

To Deny:

This petition is found to be **inconsistent** with the *Dixie Berryhill Strategic 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 residential uses up to four 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:

City of Charlotte

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

Agenda Date: 10/6/2020

Agenda #: 3.**File #:** 15-14307 **Type:** Zoning Item

Rezoning Petition: 2020-104 by Charlotte Planning, Design and Development

Summary of Petition:
Chapter 13, "Signs" of the Zoning Ordinance to provide additional flexibility; provide better scale for certain sign types; provide greater utilization of building wall space for sign area; address unintended consequences; clarify the enforcement process; and update, add, and delete definitions and graphics.

Public Hearing Held: September 21, 2020 - Item #30

Staff Resource: Sandra Montgomery

Staff Recommendation:
Staff Recommends APPROVAL of this text amendment.

Attachments:
Post-Hearing Staff Analysis
Text Amendment
Annotated Signs
Statement of Consistency

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-104
Post-Hearing Staff Analysis
October 6, 2020

REQUEST	Text amendment to Chapter 13, "Signs", Sections 13.2, 13.3, 13.4, 13.5, 13.6, 13.7, 13.10, 13.12, 13.15, Tables 13-1, 13-2, 13-3, and the Table of Contents of the Zoning Ordinance.
SUMMARY OF PETITION	The petition proposes to: • Provide additional flexibility. • Allow innovative design. • Provide better scale for certain sign types. • Provide greater utilization of building wall space for sign area. • Address unintended consequences. • Clarify the enforcement process. • Update, add, and delete definitions and graphics.
PETITIONER	Charlotte Planning, Design, and Development
AGENT/REPRESENTATIVE	Charlotte Planning, Design, and Development
COMMUNITY MEETING	Meeting is not required.

STAFF RECOMMENDATION	Staff recommends approval of this text amendment. <u>Plan Consistency</u> The petition is **consistent** with the *Centers, Corridors and Wedges Growth Framework* goal to support a diverse and growing economy. <u>Rationale for Recommendation</u> • Provides additional flexibility. For example, extending allowances for A-frame signs, and lowering the building height required for a skyline line. • Allows innovative design by introducing vertically-oriented marquee elements, and allowing certain wall sign types to project above a building roofline. • Provides better scale for certain sign types. For example, increasing the maximum size of skyline signs based on building height, and allowing placement of the signs in a larger area. • Provides greater utilization of building wall space for sign area by amending what is considered to be a wall sign. • Addresses unintended consequences such as adjusting sign area allowance for detached pole signs, and also exempting logos and labels not regulated by the Zoning Ordinance which are located on mechanical equipment, trash containers, and similar equipment. • Clarifies the enforcement process by specifying notice procedures, making it easier to understand. • Updates, adds, and deletes definitions and graphics adding further clarity.

PLANNING STAFF REVIEW

- **Background**
  - City Council adopted new sign regulations on October 21, 2019, as part of the Unified Development Ordinance (UDO) process.
  - Since October, City staff has been working with Camiros Ltd, the UDO consultant, to address issues that have arisen, including providing additional flexibility, allowing innovative design, clarifying the enforcement process, and addressing unintended consequences. This text amendment is the result of this effort.

- **Proposed Request Details**
  The text amendment contains the following provisions:
  - Provides additional flexibility:
    - Allows A-frame signs for all commercial, institutional, multi-family, and temporary outdoor sales uses.
    - Allows ground signs in the TOD, B-2, I-1, and I-2 districts to be located out of the right-of-way or behind the sidewalk. Plus, deletes the requirement for ground signs located in the Urban Districts to be a minimum of 5' from the right-of-way, sidewalk, setback line, build-to-line, or maximum dimension of a build-to-zone.
    - Allows pole signs in the B-2, I-1, and I-2 districts to be up to 84 square feet in size.
    - Allows skyline signs in non-residential buildings and multi-family dwellings of 50' or more in height, rather than 80' in all urban, general commercial, research/office, industrial, and institutional districts.
    - Allows skyline signs to be better scaled, based on the building height, changing from a maximum of 300 square feet to up to a maximum of 850 square feet for buildings with a height greater than 500'.
    - Allows skyline signs to be placed within the top 20% of the height of the structure, rather than the top 15' of the structure.
    - Allows wall signs to project a maximum of 24" above the building roofline, but not horizontally beyond the end of the wall to which they are attached.
    - Expands the Planned Development Flexibility Option for coordinated, well-designed sign systems to include planned residential, non-residential, or mixed-use developments with 150 units for multi-family developments, or containing more than 325,000 square feet of non-residential uses.
    - Exempts banners from being securely attached to a building wall for institutional uses.

  - Addresses unintended consequences:
    - Exempts logos and labels located on mechanical equipment, recycling bins, trash containers and similar equipment, which are part of the equipment as manufactured and/or installed, and are not regulated by this ordinance.
    - Closes gaps in non-commercial flagpole height categories.
    - Reduces the building height for skyline signs from 80' to 50' for multi-family dwellings.
    - Allows temporary real estate activity signs to not be limited to ground signs.

  - Updates graphics:
    - Adds birds-eye views to the measurement of sign faces for angled signs, and updating the graphic to illustrate them on a base, instead a wall, where they are typically located.
    - Provides a better graphic for marquee signs that includes a vertically-oriented extension of the marquee sign extending upward and mounted perpendicular to the wall.
    - Provides updates to the skyline sign graphic and the wall sign graphic with new captions that match the written text requirements.

  - Clarifies the text:
    - Adds text allowing a maximum of 2 light pole banners displayed on a light pole.
    - Adds text clarifying that portable sign structures include, but are not limited to, signs mounted on a trailer, wheeled carrier, or other non-motorized mobile structure, with or without wheels.
    - Clarifies when signs are considered to be double-faced, and the sign area measurements for such signs.
    - Clarifies that pole signs are limited to a maximum of 84 square feet in size.
    - Clarifies that marquee signs shall not project from a building façade more than 9'.
    - Clarifies that marquee signs are permitted a vertically-oriented extension above the roof of the marquee sign structure. The height of the extension is limited to a maximum of 24 inches above the building parapet, with a maximum projection of 75% of the depth of the marquee sign, measured perpendicularly from the building wall to the furthest point of the marquee structure.
    - Adds additional clarifying text for Notices of Violations and Warning Citations for various sign types and specifies the number of days given to correct the violations.

  - Definitions:
    - Updates the definitions for on-premise advertising signs and portable sign structure.
    - Adds a new definition for sign face.

- **Public Plans and Policies**
  - The petition is consistent with the *Centers, Corridors and Wedges Growth Framework* goal to support a diverse and growing economy.

- **TRANSPORTATION SUMMARY**
  - No outstanding issues.

DEPARTMENT COMMENTS (see full department reports online)

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

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

Planner: Sandra Montgomery (704) 336-5722

8-10-20

Petition No. 2020-104
Petitioner: Charlotte Planning, Design and Development

AN ORDINANCE AMENDING APPENDIX A OF THE CITY CODE –ZONING ORDINANCE

ORDINANCE NO.

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

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

A. CHAPTER 13: SIGNS

1. Amend Section 13.2, “Applicability”, subsection A, “General Applicability” by adding a new subsection 13.2.5 and renumbering the previous subsection 13.2.5 to 13.2.6. All other subsections remain unchanged. The revised Section 13.2 shall read as follows:

13.2 Applicability

A. General Applicability

1. All signs constructed, erected, modified, or altered shall comply with the standards of this Chapter, whether such signs do or do not require a sign permit.

2. Signs shall only be placed on private property with the permission of the property owner, whether such signs do or do not require a sign permit.

3. The sign regulations of this Section apply to each lot or facade of a structure.

4. Signs located in the public right-of-way are not regulated by this Chapter and Zoning Ordinance, with the exception of permissions for some encroachment of on-premise sign structures on City-maintained public rights- of-way.

5. Logos and labels located on mechanical equipment, recycling bins, trash containers, and similar equipment, which are part of the equipment as manufactured and/or installed, are not regulated by this Chapter and Zoning Ordinance.

~~5~~6. Signs not regulated by this Chapter or Zoning Ordinance shall otherwise be regulated separately by applicable provisions of the City's Code of Ordinances.

2. Amend Section 13.3, "Alteration and Maintenance Activities Exempt from Permit", subsection A by modifying the text. The revised Section 13.3.A shall read as follows:

13.3 Alteration and Maintenance Activities Exempt from Permit

The following activities do not require a sign permit:

A. Normal maintenance and repair of a sign, including painting and cleaning. The following activities are not considered normal maintenance or repair: structural changes, changes in the electrical components of the sign, ~~an increase~~ any change in ~~any~~ sign dimension or height, or changes in the location of a sign.

3. Amend Section 13.4, "Sign Permit", subsection B, "Approval Procedure", subsection 2, by modifying the text. All other subsections shall remain unchanged. The revised Section 13.4.B.2 shall read as follows:

B. Approval Procedure

1. Upon the filing of an application for a sign permit, the Zoning Administrator or their designee shall examine the plans and specifications within 15 business days. If deemed necessary, they may inspect the premises where the sign will be installed.

2. If an application for a proposed sign is complete and complies with all the requirements of these regulations and other applicable codes, including but not limited to Historic District Commission Design Guidelines, a permit shall be issued.

3. A sign permit issued in accordance with this section automatically becomes null and void if work has not visibly started within six months of the date of issue, or if the work

authorized by it has been suspended or abandoned for one year.

4. Amend Section 13.5, "Definitions" by modifying the definition for "On-Premise Advertising" and "Portable Sign Structure" and adding a new definition for "Sign Face" as follows:

On-Premise Advertising. A sign directing attention to or promoting a business, ~~product,~~ service, ~~event,~~ or activity that is ~~sold, produced, manufactured,~~ furnished, or conducted at the site upon which the sign is located.

Portable Sign Structure. A sign structure that is intended, by design and construction, to rest upon and/or be supported by the ground ~~for support~~ and can be moved and reused. Portable sign structures include, but are not limited to, signs ~~those that~~ mounted ~~signs~~ upon a trailer, wheeled carrier, or other non-motorized mobile structure, with wheels or without wheels. ~~removed~~. Portable sign structures do not include A-frame ~~signs,~~ or temporary off-premises advertising signs.

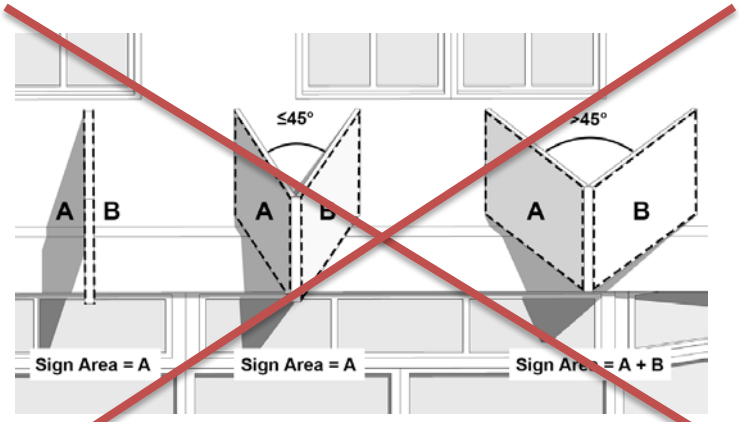
Sign Face. The area of a sign on which copy is intended to be placed.

5. Amend Section 13.6, "Measurement Methodologies", subsection D, "Determination of Number of Sign Faces" by clarifying the text. The revised Section 13.6.D shall read as follows:

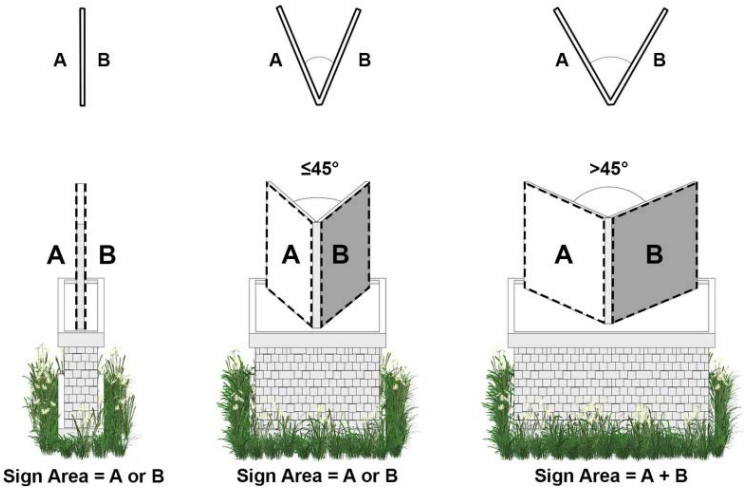
D. Determination of Number of Sign Faces

~~The maximum angle of a double-faced sign is 45 degrees, except for signs located at corners in which case the angle may be 90 degrees. This refers to the distance between sign faces on a single structure.~~ Signs are considered double-faced if the faces are positioned relative to one another at an internal angle not exceeding 45 degrees. The sign area for a double-faced sign is calculated as the measurement of one sign face. If the internal angle exceeds 45 degrees, sign area is calculated as the sum of both faces. This applies to all signs except those located on corner lots, in which case the internal angle for a double-faced sign may not exceed 90 degrees. In all cases, this measurement refers to the internal angle of sign faces on a single structure.

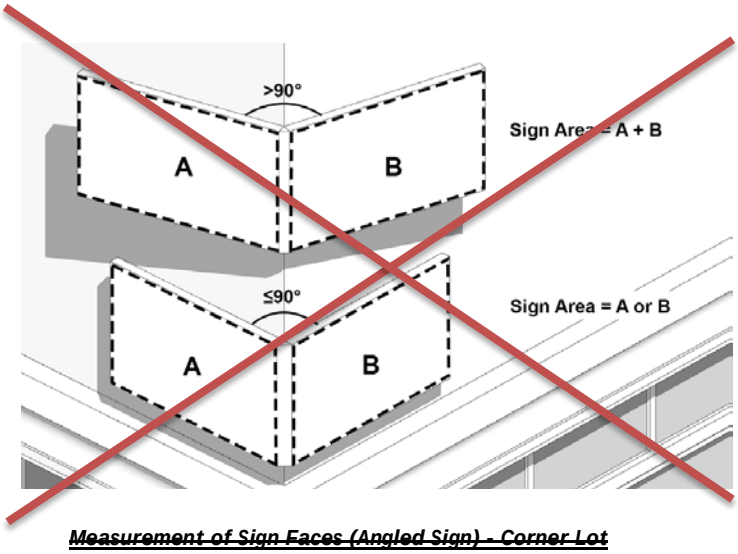
6. Amend Section 13.6, “Measurement Methodologies”, by replacing two graphics with new graphics. The deleted and new graphics are as follows:



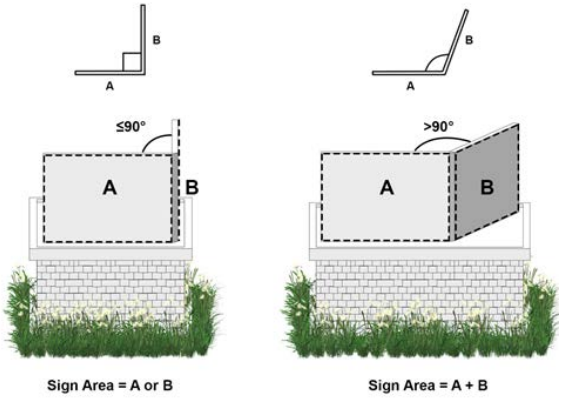
~~*Measurement of Sign Faces (Angled Sign) - Interior Lot*~~



Measurement of Sign Faces (Angled Sign) - Interior Lot



~~Measurement of Sign Faces (Angled Sign) - Corner Lot~~



Measurement of Sign Faces (Angled Sign) - Corner Lot

7. Amend Section 13.7 "Standards for Signs Exempt from Permit", subsection A, "A-Frame Sign", subsection 1 by modifying the text. All other subsections remain unchanged. The revised Section 13.7.A.1 shall read as follows:

A. A-Frame Sign

1. A-frame signs are permitted for ~~non-residential~~ all commercial, institutional, multi-family, and temporary outdoor sales uses. ~~uses in the B-1 and B-2 Districts and the urban districts.~~

8. Amend Section 13.7 "Standards for Signs Exempt from Permit", subsection C, "Banners", subsection 4 and 5 by modifying the text. All other subsections

remain unchanged. The revised Section 13.7.C.4 and 13.7.C.5 shall read as follows:

4. Banners shall be securely attached to a building wall, except for institutional uses.

5. Banners for institutional uses in all districts where allowed may also be ground-mounted between two or more posts, shall be limited to one sign per street front, and shall not be located closer than 11 feet from the edge of the pavement of any roadway or alley, or within any public rights-of-way.

9. Amend Table 13-1, "Noncommercial Flag Dimensions", first column, "Flagpole Height" as follows:

Table 13-1: Noncommercial Flag Dimensions

FLAGPOLE HEIGHT	MAXIMUM FLAG SIZE	MAXIMUM COMBINED FLAG AREA PER FLAGPOLE
Up to ~~24~~ 25' ~~feet~~	24 square feet	48 square feet
25' up to ~~39~~ 40' ~~feet~~	40 square feet	80 square feet
40' up to ~~49~~ 50' ~~feet~~	60 square feet	120 square feet
50' up to 60' ~~feet~~	96 square feet	192 square feet

10. Amend Section 13.7 "Standards for Signs Exempt from Permit", subsection F, "Light Pole Banner" by modifying the text and numbering system. The revised Section 13.7.F shall read as follows:

F. Light Pole Banner

1. Light poles located entirely on private property are permitted to mount banners in all districts. Light pole banners shall not be used as a temporary off-premise advertising sign.

2. A maximum of two light pole banners may be displayed per light pole.

~~2~~3. Light pole banners are limited to a maximum area of 15 square feet.

~~3~~4. Light pole banners shall maintain a minimum vertical clearance of 12 feet from grade to the bottom of the banner.

~~4~~5. Light pole banners shall be mounted to project perpendicular from light poles.

11. Amend Section 13.7 "Standards for Signs Exempt from Permit", subsection I, "Real Estate Activity", subsection 1 by deleting the term, "ground". All other subsections shall remain unchanged. The revised Section 13.7.I.1 shall read as follows:

I. Real Estate Activity

1. Temporary ~~ground~~ signs are permitted for lots or structures currently for sale, lease, or rent.

12. Amend Section 13.7 "Standards for Signs Exempt from Permit", subsection J, "Temporary Off-Premise Advertising Sign" by adding a new sentence to subsection 7. All remaining subsections shall remain unchanged. The revised Section 13.7.J.7 shall read as follows:

7. No temporary off-premise advertising sign shall be mounted upon a portable sign structure. Portable sign structures include, but are not limited to, signs mounted upon a trailer, wheeled carrier, or other non-motorized mobile structure, with wheels or without wheels.

13. Amend Section 13.7 "Standards for Signs Exempt from Permit", subsection M, "Window Sign", subsection 1 by moving the last two sentences into new subsections "a" and "b". The other subsections shall remain unchanged. The revised Section 13.7.M.1 shall read as follows:

M. Window Sign

1. Window signs are permitted for all multi-family and non-residential uses.

a. For multi-family uses, window signs are permitted on the ground floor only.

b. For non-residential uses, window signs are permitted for window areas up to and including the third story.

14. Amend Table 13-2, "Summary of Sign Permissions", first row below "Standards For Signs Exempt From Permit (Section 13.7), and second column by modifying the text. All remaining rows remain unchanged. The revised row shall read as follows:

Table 13-2: Summary of Sign Permissions

SIGN TYPES	PERMISSIONS	
	BY USE/ACTIVITY	BY DISTRICT
STANDARDS FOR SIGNS EXEMPT FROM PERMIT (SECTION 13.7)		
A-Frame Sign	~~Non-residential uses~~ Commercial, institutional, multi-family, and temporary outdoor sales	~~B-1, B-2, and Urban~~ All Districts

15. Amend Section 13.10 "Signs Requiring Permit" by relettering subsections A, B, C, D, E, F, G, H, I, and J as follows. In addition, make all titles plural with "Signs". All text under each letter heading remains.

13.10 Signs Requiring Permit

The following on-premise signs require a sign permit and are subject to all applicable standards of this Chapter. Additionally, the following sign types shall only operate as on-premise signs. Outdoor advertising signs are regulated separately in Section 13.11.

~~A.~~ B. Drive-Through Signs

~~B.~~ C. Electronic Signs

~~C.~~ D. Ground Signs

~~D.~~ E. Marquee Signs

~~E.~~ F. Roof Signs

~~F.~~ G. Skyline Signs

~~G.~~ H. Temporary Signs for Planned Developments

~~H.~~ I. Wall-Mounted Signs

~~I.~~ J. Wall Signs, Painted

~~J.~~ K. Wall Signs, Projected

16. Amend Section 13.10, "Signs Requiring Permit", by relocating text and graphics

from old Section 13.10.H.3 (except for old subsection 13.10.H.3.i) into a new Section 13.10.A, titled "Awning and Canopy Signs". The new Section 13.10.A shall read as follows:

13.10 Signs Requiring Permit

The following on-premise signs require a sign permit and are subject to all applicable standards of this Chapter. Additionally, the following sign types shall only operate as on-premise signs. Outdoor advertising signs are regulated separately in Section 13.11.

A. Awning and Canopy Signs

1. The following standards apply to Awning and Canopy Signs:

a. Awning and canopy signs shall be mounted within the first story of the structure.

b. Awning and canopy signs shall maintain a minimum vertical clearance of nine feet.

c. One awning or canopy sign is permitted per tenant with a facade abutting a public or private street, or public right- of-way.

d. Awning and canopy signs may encroach over a public or private street, or public right-of-way, but no more than four feet from the future back of curb.

e. For buildings in existence prior to the adoption of these sign regulations, canopy posts may be located within an amenity zone, a minimum of four feet from the back of curb. For all other buildings, all canopy posts shall be located on private property and at a minimum of four feet from the future back of curb.

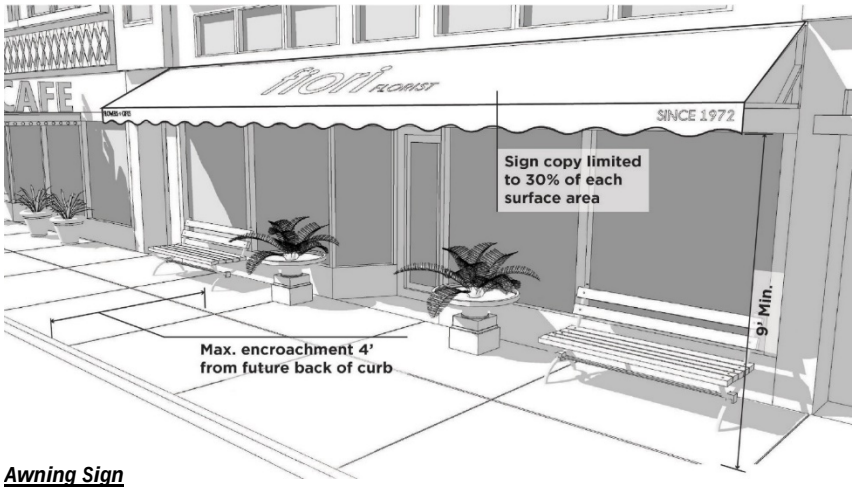
f. A horizontal clearance of at least nine feet shall be maintained between canopy supports and between canopy supports and any building facade.

g. Sign copy on any awning or canopy sign surface is limited to 30% of each surface area. A valance is considered a separate surface area.

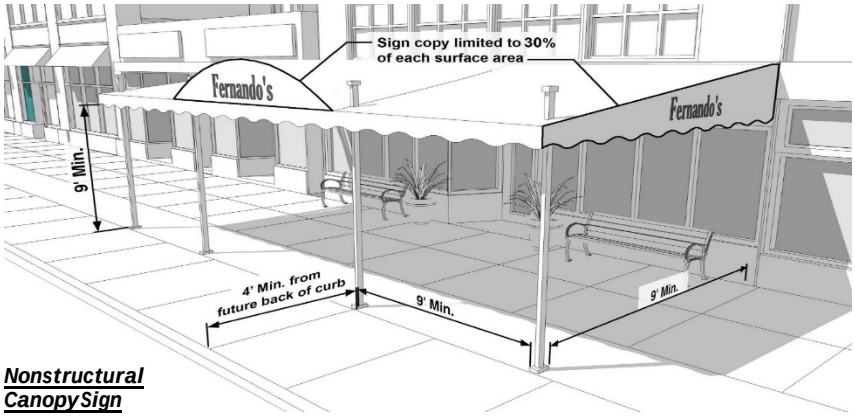
h. A structural awning or canopy is permitted a sign face area

attached to and located above the top of the canopy to a maximum height of 24 inches. Structural awnings or canopies shall be made of metal or material of similar durability and structural integrity.

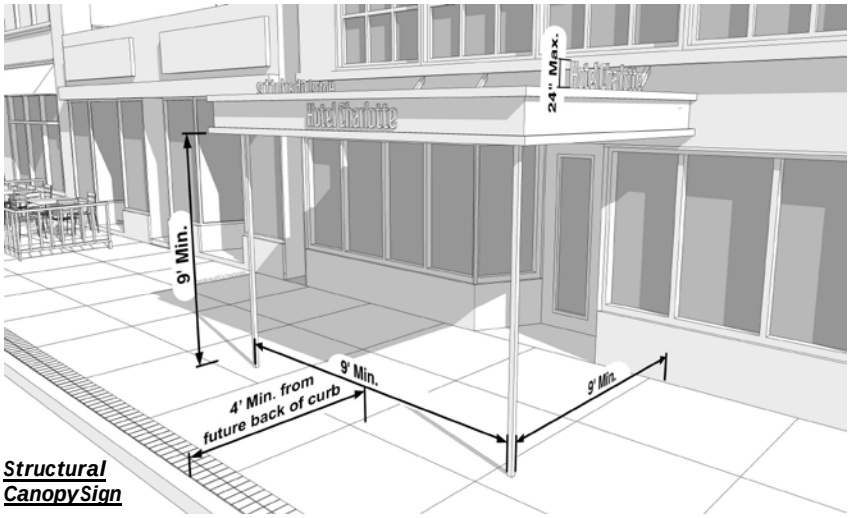
i. Awning and canopy signs may be illuminated but lighting shall be installed as external downlighting or back-lighting.



Awning Sign



Nonstructural Canopy Sign



Structural Canopy Sign

17. Amend Section 13.10, "Signs Requiring Permit", new subsection D, "Ground Signs", subsection 2, "General Regulations", subsection a.ii, by adding additional text at the end of the subsection. All other subsections remain unchanged. The revised Section 13.10.D.2.a. shall read as follows:

2. General Regulations

The following regulations apply to all ground signs:

a. All ground signs shall be of monument type construction, except for ground signs in the B-2, I-1, and I-2 Districts.

i. Ground signs for non-residential uses in the B-2, I-1, and I-2 Districts may be of pole sign type construction up to a maximum height of 30 feet.

ii. Pole signs are limited to one per ~~premises~~ <u>lot and are limited to a maximum sign area of 84 square feet.</u>

iii. If within the B-2, I-1, or I-2 Districts there is also an urban zoning district overlay, including but not limited to the PED or TS Districts, then ground signs shall be of monument type construction.

18. Amend Section 13.10, "Signs Requiring Permit", new subsection D, "Ground Signs", subsection 2, "General Regulations", subsection b and b.i by modifying the

text. The revised Section 13.10.D.2.b and 13.10.D.2.b.i shall read as follows:

b. Ground signs shall be located out of the right-of-way or behind the sidewalk, ~~minimum of five feet from either the right-of-way line or sidewalk,~~ whichever is greater with the following exceptions:

i. In ~~TOD~~ Urban Districts, ground signs shall be located out of the right-of-way or setback, whichever is greater. ~~a minimum of five feet from either the setback line, build- to line, or maximum dimension of a build-to zone, as applicable.~~

19. Amend Table 13-3, "Ground Signs", the row titled, "General Commercial", and the row titled, "Industrial" by clarifying the maximum sign area in the second column. All other rows and columns, (not shown in the table below) remain unchanged. The revised rows in Table 13-3 shall read as follows:

Table 13-3: Ground Signs

ZONING DISTRICT	MAXIMUM SIGN AREA	MAXIMUM SIGN HEIGHT
General Commercial	42sf However, in the B-2 District a permitted pole sign may be 84sf	7' However, in the B-2 District a permitted pole sign may be 30' in height
Industrial	42sf However, in the I-1 and I-2 Districts a permitted pole sign may be 84sf	7' However, in the I-1 and I-2 Districts a permitted pole sign may be 30' in height

20. Amend Section 13.10, "Signs Requiring Permit", new subsection D, "Ground Signs", subsection 4, "Retail Center Ground Signs", subsection b by adding a period "." at the end of subsections i, ii, iii, and iv. The revised Section 13.10.D.4.a.i, ii, iii, and iv shall read as follows:

b. Retail center ground signs are limited to the following maximum sign areas and heights:

i. Development site area of less than 25,000sf: 48 square feet in area and eight feet in height.

ii. Development site area of 25,000sf up to 50,000sf: 100 square feet in area and 10 feet in height.

iii. Development site area more than 50,000sf up to 200,000sf: 128 square feet in area and 15 feet in height.

iv. Development site area of more than 200,000sf: 150 square feet in area and 15 feet in height.

21. Amend Section 13.10, "Signs Requiring Permit", new subsection E, "Marquee Signs", subsections 3, 6 and 7 by clarifying the text. All other subsections remain unchanged. The revised Section 13.10.E shall read as follows:

1. Marquee signs are permitted for non-residential uses only in the urban districts.

2. Marquee signs shall be supported solely by the building to which they are attached. No exterior columns or posts are permitted as supports.

3. The roof of a marquee sign shall not be used for any purpose other than to form and constitute a roof or to support a vertically-oriented extension of the sign extending upward and mounted perpendicular to the wall on which the marquee is mounted.

4. Marquee signs shall be erected over a building entrance. The width of a marquee sign is limited to the width of the building entrance with an additional five-foot extension of the marquee sign allowed on each side of the building entrance so long as such extension is part of the same structure.

5. All marquee signs shall maintain a minimum vertical clearance of nine feet, and the roof of the marquee structure shall be erected below any second-floor windowsill located above the marquee, and cannot obstruct any other architectural features.

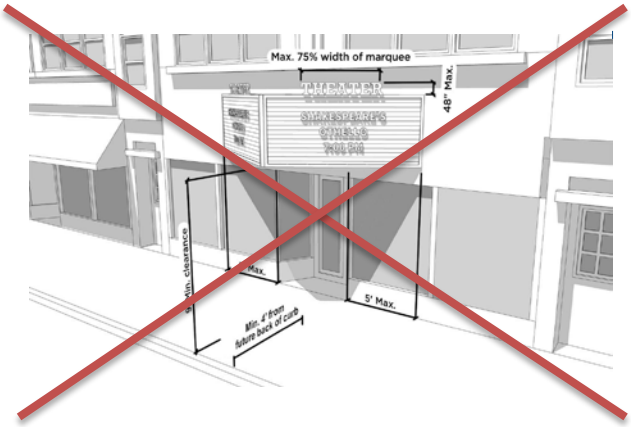
6. Marquee signs may encroach over a public or private sidewalk and/or amenity zone~~,~~ but shall not project from a building façade more than nine feet and shall be ~~are limited to a maximum of~~ no ~~more~~ closer than four feet from the future back of curb.

7. Marquee signs are permitted a vertically-oriented extension ~~sign face area~~ attached to and located above the roof of a marquee sign structure and perpendicular to the building wall. The height of the vertically-oriented extension is limited to a maximum of 24 inches above the building parapet. Such vertically-oriented extension is limited to a maximum projection of 75% of the depth of the marquee, as measured perpendicularly from the building wall to the furthest point of the marquee structure. ~~to a maximum height of 48 inches.~~

~~The sign face area is limited to a maximum width of 75% of the width of the marquee sign structure.~~

8. Marquees may be internally or externally illuminated.

22. Amend Section 13.10, "Signs Requiring Permit", new subsection E, "Marquee Signs" by replacing the graphic with a new graphic. The deleted and new graphic are as follows:



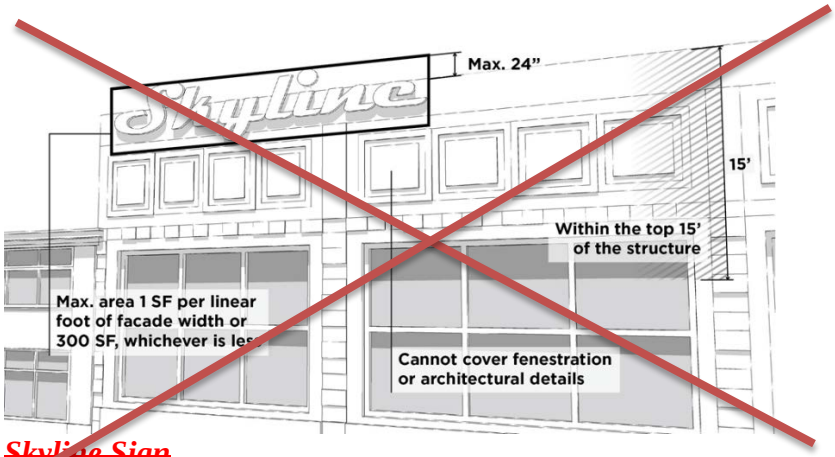
~~*Marquee Sign*~~

<u>Marquee Sign</u>

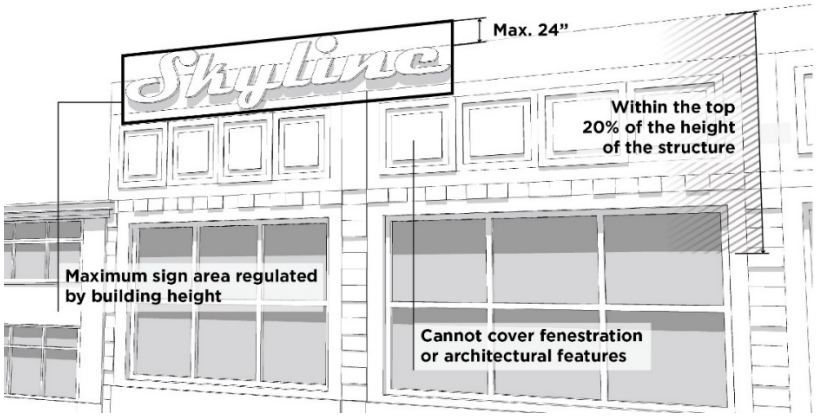
23. Amend Section 13.10, "Signs Requiring Permit", new subsection F, "Roof Signs", subsection 1 by clarifying the text. All other subsections remain unchanged. The revised Section 13.10.F.1 shall read as follows:

1. Roof signs are permitted only for non-residential ~~structures~~ <u>buildings</u> and multi-family dwellings of 30 feet or more in height in the B-2, MUDD, UMUD, TOD-UC, and TOD-CC Districts.

24. Amend Section 13.10, “Signs Requiring Permit”, new subsection G, “Skyline Signs”, graphic and subsections 1, 2, and 4. All other subsections remain unchanged. The revised Section 13.10.G graphic and text shall read as follows:



~~*Skyline Sign*~~



Skyline Sign

1. Skyline signs are permitted only for non- residential ~~structures~~ buildings and multi-family dwellings of ~~80~~ 50 feet or more in height in all urban, general commercial, research/office, industrial, and institutional districts.

2. The size of the skyline sign is limited as follows: ~~to one square foot per linear foot of the facade width where it is mounted or 300 square feet, whichever is less.~~

   a. Building height of 50’ – 75’: 300sf

   b. Building height of greater than 75’ – 100’: 480sf

   c. Building height of greater than 100’ – 200’: 600sf

d. Building height of greater than 200' – 500': 720sf

e. Building height of greater than 500': 850sf

3. One skyline sign is permitted per facade.

4. Skyline signs shall be placed within the top ~~15~~ 20% ~~feet~~ of the height of the structure and cannot cover any fenestration or architectural features.

5. Skyline signs may project up to 24 inches above the roofline or parapet, but shall be designed as a wall-mounted sign and cannot be primarily supported by structures installed on the roof.

6. If a skyline sign is erected on a building, a roof sign (item ~~E~~ F above) is prohibited.

7. Skyline signs shall only be internally illuminated.

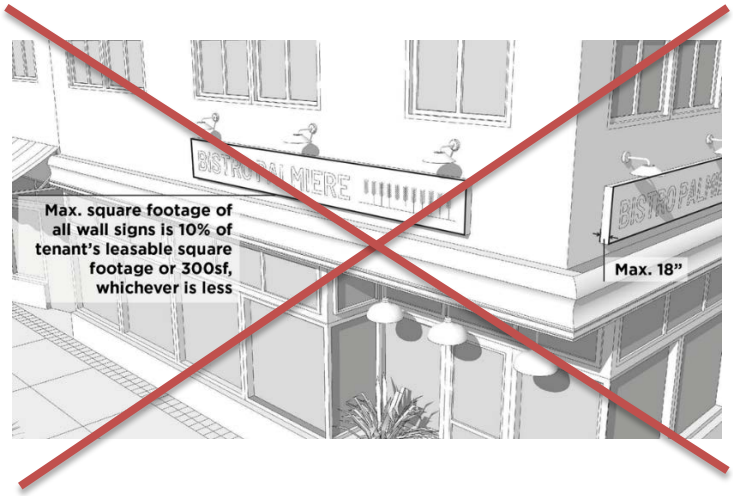
25. Amend Section 13.10, "Signs Requiring Permit", new subsection I, "Wall-Mounted Signs", subsection 2, "Wall Sign", to update cross-references, and subsection 2.d to clarify the text. The other subsections remain unchanged. The revised Section 13.10.I.2.d shall read as follows:

2. Wall Sign

(Painted wall signs and projected wall signs are not regulated by this section and are regulated separately in items ~~I and J~~ J and K below.)

d. ~~No wall sign affixed to a building, including sign support structure, shall project beyond the ends or top of the wall or higher than the roofline of the structure to which it is attached.~~ Wall signs with a background, such as cabinet-box or flat-panel style wall signs, and any associated sign support structure shall not project beyond the ends or top of the wall, or higher than the roofline of the structure to which they are attached. Signs without a background, such as pin-mounted or raceway-mounted channel letter signs, and any associated sign support structure may project a maximum of 24" above the roofline, but may not project horizontally beyond the end of the wall to which they are attached.

26. Amend Section 13.10, “Signs Requiring Permit”, new subsection I, “Wall-Mounted Signs”, subsection 2, “Wall Sign” by replacing the graphic text with a new text in the graphic. The original and revised graphic are as follows:



27. Amend Section 13.10, “Signs Requiring Permit”, new subsection I, “Wall-Mounted Signs”, subsection 3 by deleting the entire subsection along with three graphics. This subsection is being relocated to a new Section13.10.A. The deleted subsection 3 is as follows:

~~**3. Awning and Canopy Signs**~~

~~a. Awning and canopy signs shall be mounted within the first story of the structure.~~

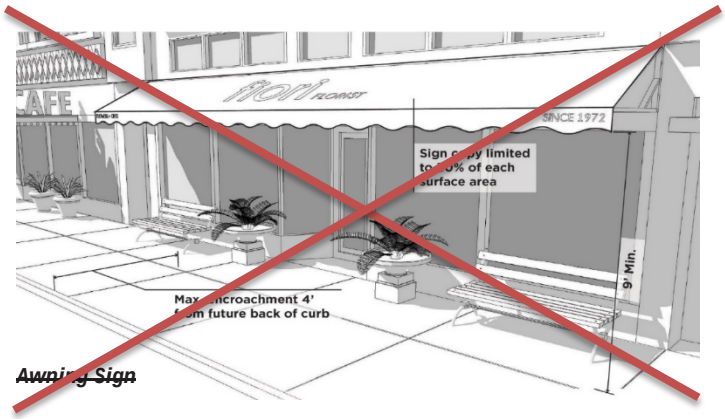
~~b. Awning and canopy signs shall maintain a minimum vertical clearance of nine feet.~~

~~c. One awning or canopy sign is permitted per tenant with a facade abutting a public or private street, or public right-of-way.~~

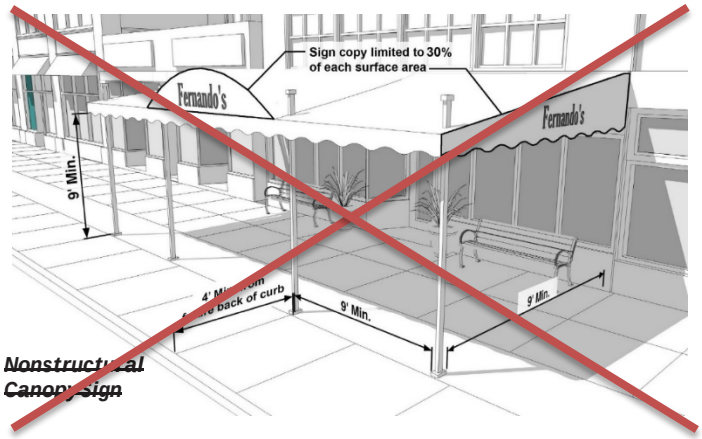
~~d. Awning and canopy signs may encroach over a public or private street, or public right-of-way, but no more than four feet from the future back of curb.~~

~~e. All canopy posts shall be located on private property and at a minimum of four feet from the future back of curb.~~

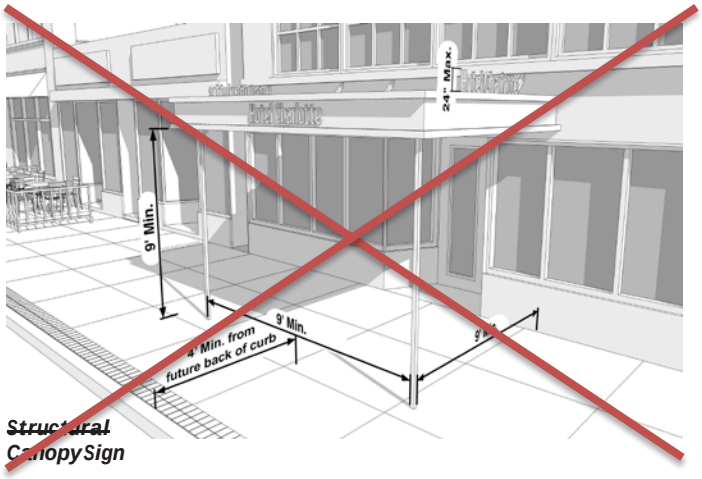
~~f. A horizontal clearance of at least nine feet shall be maintained between canopy supports and between canopy supports and any building facade.~~



~~*Awning Sign*~~



~~*Nonstructural Canopy Sign*~~



28. Amend Section 13.10, "Signs Requiring Permit", new subsection I, "Wall-Mounted Signs", subsection 4, "Projecting Signs" by renumbering the subsection to 3 as shown below. All subsections under this title remain unchanged:

~~4.~~ 3. Projecting Signs

29. Amend Section 13.12, "Special Sign Regulations", subsection B, "Planned Development Flexibility Option", by adding a hyphen in the first paragraph and modifying subsection 1 by clarifying the text. The revised Section 13.12.B.1 shall read as follows:

B. Planned Development Flexibility Option

For providing flexibility and incentives for coordinated, well-designed sign systems for large scale development, special provisions varying the standards of these regulations may be approved by the Planning, Design and Development Director or their designee subject to the following:

1. The development is a planned residential, non-residential, or mixed-use development, 25 acres or greater in size, or 150 units for multi-family developments, or containing more than 325,000 square feet of non-residential uses.

30. Amend Section 13.15, "Sign Enforcement" by modifying the title of subsection B from "Citations" to "Notices of Violations and Citations", and by clarifying the text.

B. ~~Citations~~ Notices of Violations and Citations

If, through inspection, it is determined that a person has failed to comply with the provisions of these regulations, the Zoning Administrator or their designee shall issue to the violator either (1) a ~~w~~Warning ~~c~~Citation ~~to the violator~~ for violations associated with, but not limited to, temporary type signs such as portable signs, banners, and feather flags or (2) a Notice of Violation for violations associated with permanent type signs. Violators issued a Warning Citation shall correct the violation within ten days and violators issued a Notice of Violation shall correct the violation within 30 days. ~~Violations shall be corrected within ten days of the issuance of such citation.~~ If the violation is not corrected within the specified time period, the violator is subject to Section 8.105 (Citations) of this Ordinance.

Approved as to form:

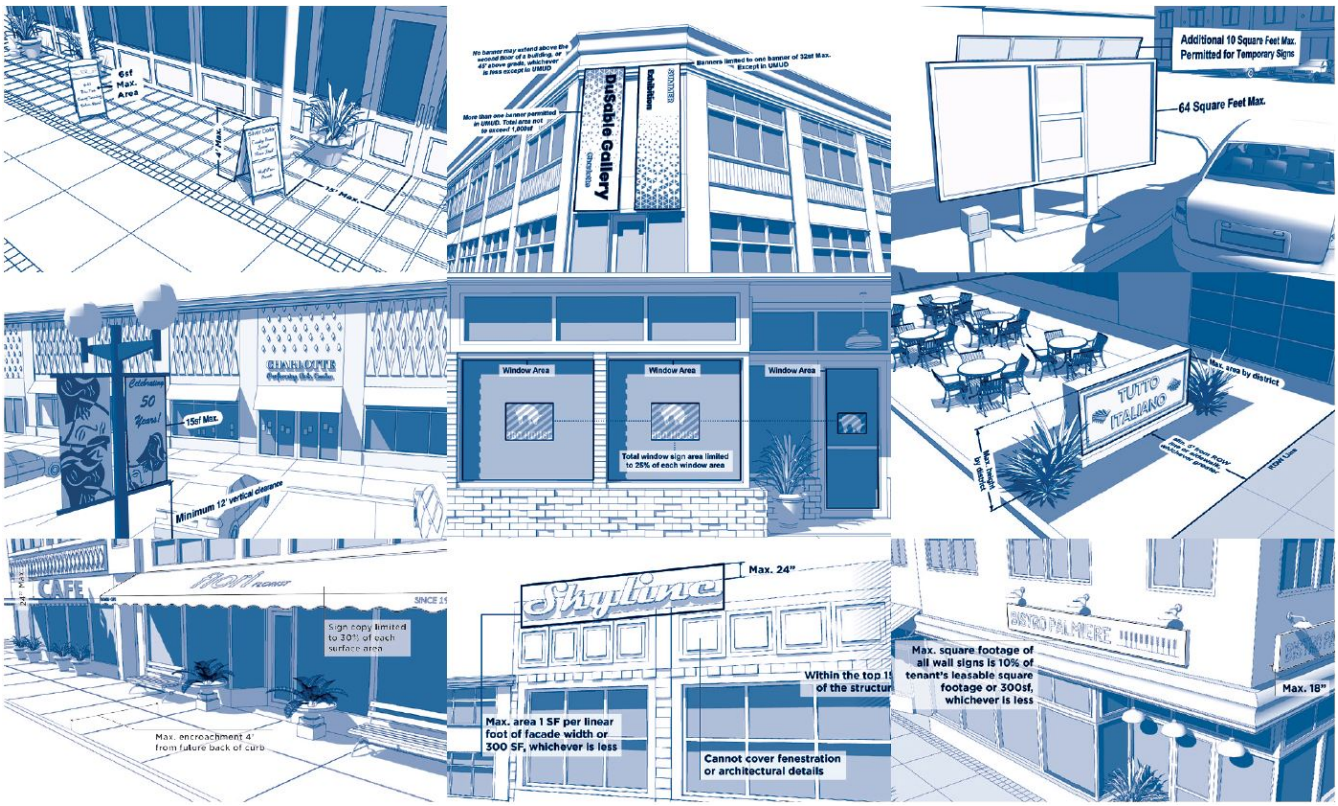
_____

City Attorney

I, _____, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the _____day of ____, 20__, the reference having been made in Minute Book ____, and recorded in full in Ordinance Book _____, Page(s)_____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this ____ day of _____, 20__.

8-10-20



CITY OF CHARLOTTE

CHAPTER 13. SIGNS

This DRAFT document (Chapter 13 of the Zoning Ordinance) shows modifications to the text and graphics proposed in Text Amendment #2020-104. This annotated version shows the following:

- Additions of text: Red font and underlined.
- Deletions of text: Red font and strikethrough.
- Relocated text: Indicated with a nearby red text box stating, "Relocated Text".
- New graphics: Indicated with a nearby red text box stating, "New Graphic".
- Relocated graphics: Indicated with a nearby red text box, stating "Relocated Graphic".
- Deleted graphics are shown with a red "X" through the illustration.

ADOPTED BY CHARLOTTE CITY COUNCIL OCTOBER 21, 2019

SCRIVENER'S ERRORS CORRECTED JANUARY 29, 2020

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TABLE OF CONTENTS

13.1 PURPOSE 5
13.2 APPLICABILITY 5
13.3 ALTERATION & MAINTENANCE ACTIVITIES EXEMPT FROM PERMIT 7
13.4 SIGN PERMIT 7
13.5 DEFINITIONS 8
13.6 MEASUREMENT METHODOLOGIES 11
13.7 STANDARDS FOR SIGNS EXEMPT FROM PERMIT 13
13.8 GENERAL SIGN STANDARDS 20
13.9 SUMMARY OF SIGN PERMISSIONS 22
13.10 SIGNS REQUIRING PERMIT 24
13.11 OUTDOOR ADVERTISING SIGNS 43
13.12 SPECIAL SIGN REGULATIONS 49
13.13 PROHIBITED SIGNS 54
13.14 NONCONFORMING SIGNS 54
13.15 SIGN ENFORCEMENT 55

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CHAPTER 13. SIGNS

13.1 Purpose

The purpose of this Chapter is intended to accomplish the following objectives:

A. To ensure that signs are designed, constructed, installed, and maintained so that public safety and traffic safety are not compromised.

B. To minimize distractions and view obstructions that contribute to traffic hazards and endanger public safety.

C. To allow for adequate and effective signs while preventing visual clutter.

D. To ensure a high standard for the design and size of signs so that they enhance the aesthetic appearance and attractiveness of the community, and create an aesthetic environment that has a positive impact on economic development.

13.2 Applicability

A. General Applicability

1. All signs constructed, erected, modified, or altered shall comply with the standards of this Chapter, whether such signs do or do not require a sign permit.

2. Signs shall only be placed on private property with the permission of the property owner, whether such signs do or do not require a sign permit.

3. The sign regulations of this Section apply to each lot or facade of a structure.

4. Signs located in the public right-of-way are not regulated by this Chapter and Zoning Ordinance, with the exception of permissions for some encroachment of on-premise sign structures on City-maintained public rights-of-way.

5. Logos and labels located on mechanical equipment, recycling bins, trash containers, and similar equipment, which are part of the equipment as manufactured and/or installed, are not regulated by this Chapter and Zoning Ordinance.

~~5~~6. Signs not regulated by this Chapter or Zoning Ordinance shall otherwise be regulated separately by applicable provisions of the City's Code of Ordinances.

B. District Categorization

1. For the purposes of applying the sign standards of this Chapter, the zoning districts are categorized into the following land use categories. These divisions apply only to this Chapter.

2. The zoning districts are categorized as follows:

   a. Single-family districts: R-3, R-4, R-5, R-6, R-8, R-MH, MX-1, MX-2, MX-3, UR-1; For MX-1, MX-2, and MX-3 only those residential portions of those zoned districts shall be single- or multi-family, as applicable.

   b. Multi-family districts: R-8MF, R-12MF, R-17MF, R-22MF, R-43MF, MX-1, MX-2, MX-3; For MX-1, MX-2, and MX-3 only those residential portions of those zoned districts shall be multi- or single-family, as applicable.

   c. Urban districts: NS, PED, UR-2, UR-3, UR- C, MUDD, UMUD, TOD-E, TOD-M, TOD-R, TOD-UC, TOD-NC, TOD-CC, TOD-TR, TS, RE-3

   d. General commercial districts: B-1, B-2, CC, MX-1, MX-2, MX-3; For MX-1, MX-2, and MX-3 only those non-residential portions of those zoned districts shall be general commercial, as applicable.

   e. Research/office districts: BP, O-1, O-2, O-3, RE-1, RE-2

   f. Industrial districts: U-I, I-1, I-2, B-D, HW

   g. Institutional districts: INST

C. Noncommercial Messages

1. Any sign permitted by these regulations may display or publish a noncommercial message. This includes signs that both require and do not require a permit.

13.3 Alteration and Maintenance Activities Exempt from Permit

The following activities do not require a sign permit:

A. Normal maintenance and repair of a sign, including painting and cleaning. The following activities are not considered normal maintenance or repair: structural changes, changes in the electrical components of the sign, ~~an increase~~ any change in ~~any~~ sign dimension or height, or changes in the location of a sign.

B. Changing or replacing the sign face within an existing sign structure so long as no structural changes are made to the sign structure and the size of the sign face is not increased.

C. Changing the copy of a changeable message component of a sign.

13.4 Sign Permit

A. Authority

Unless specifically stated in this Chapter or this Ordinance that a sign is exempt from permit requirements, the installation, construction, enlargement, movement, or replacement of any sign requires a sign permit from the Zoning Administrator or their designee.

B. Approval Procedure

1. Upon the filing of an application for a sign permit, the Zoning Administrator or their designee shall examine the plans and specifications within 15 business days. If deemed necessary, they may inspect the premises where the sign will be installed.

2. If an application for a proposed sign is complete and complies with all the requirements of these regulations and other applicable codes, including but not limited to Historic District Commission Design Guidelines, a permit shall be issued.

3. A sign permit issued in accordance with this section automatically becomes null and void if work has not visibly started within six months of the date of issue, or if the work authorized by it has been suspended or abandoned for one year.

C. Fees

To obtain a sign permit, all fees, in accordance with the associated fee schedule, shall be paid.

D. Final Inspection

Upon notification of completion by the permit holder, the Zoning Administrator or their designee shall make a final inspection of the sign to verify conformance with the permit and all applicable codes.

13.5 Definitions

The following definitions apply to this Chapter:

A-Frame Sign. A temporary sign ordinarily in the shape of the letter "A" or some variation thereof, which is displayed on the ground, not permanently attached to the ground, and usually two-sided, generally connected at the top and separated at the bottom.

Accessory Use Sign. A sign for a use which is customarily or typically subordinate to and serving a principal use.

Amenity Zone. The hardscaped portion of the streetscape used for street trees, street lights, site furnishings, and supplemental landscaping.

Animated Sign. A sign that uses moving or changing lights to depict action, movement, or the optical illusion of movement of part of the sign structure, sign, or pictorial segment, or including the movement of any illumination or the flashing or varying of light intensity to create a special effect or scene.

Awning Sign. A sign printed or displayed upon an awning, which is a roof-like cover designed for protection from the weather or as a decorative embellishment, which projects from a wall or roof of a structure over a window, walkway, or door, with no supports that extend to the ground. An awning sign may be one of the following types:

1. **Awning Sign – Non-Structural.** An awning sign, as defined above, constructed of fabric or similar material mounted on a frame.
2. **Awning Sign – Structural.** An awning sign, as defined above, constructed of permanent materials, such as metal and or plastic.

Balloon Sign. A sign or advertising device designed to be airborne or inflated and tethered to the ground or other structure. This includes any air-inflated signs and any signs that inflate and move via air inflation.

Banner. A temporary sign printed upon flexible material mounted with or without rigid frames.

Billboard. See outdoor advertising sign.

Canopy Sign – Attached. A sign printed or displayed upon a canopy, which is a roof-like cover designed for protection from the weather or as a decorative embellishment affixed to a building with supports that extend to the ground. A canopy sign may be one of the following types:

1. **Canopy – Non-Structural.** A canopy sign, as defined above, constructed of fabric or similar material mounted on a frame.
2. **Canopy – Structural.** A canopy sign, as defined above, constructed of permanent materials, such as metal or plastic.

Changeable Copy. That portion of a sign that allows for a message to be changed.

Drive-Through Facility. That portion of a business where transactions occur directly with customers via a service window that allows customers to remain in their vehicle.

Drive-Through Lane. An on-site driveway approach to a building opening, including windows or mechanical devices, where customers initiate and complete their transaction.

Drive-Through Sign. A ground sign constructed along drive-through lanes for drive-through facilities. A drive-through sign does not include parking lot, parking structure, and site circulation point signs.

Electronic Sign. A sign designed where a portion of the sign area uses changing light emitting diodes (LEDs), fiber optics, light bulbs, or other illumination devices within the electronic display panel to display a message or messages in text and/or image from where the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. Time/temperature signs are not considered electronic message signs. Electronic outdoor advertising signs are not considered electronic signs and are regulated separately.

Feather Flag (Sail). A freestanding attention-getting device typically constructed of cloth held taut by a single post. Also known as sails.

Flag. Fabric containing an emblem or message designed to be flown from a flagpole which may be either freestanding or a mast arm flagpole that extends at an angle from a building.

1. **Commercial Flag.** Flags designed to direct attention to or promote a business, product, service, event, or activity occurring on the site, which are flown from a mast arm flagpole.

2. **Noncommercial Flag.** Flags that do not function to direct attention to or promote a business, product, service, event, or activity.

Flashing Sign. A sign with an intermittent or sequential flashing light source used primarily to attract attention. Flashing signs do not include electronic signs or video display screens.

Floodlight/Spotlight. A powerful light or a grouping of several lights used to illuminate the exterior of a building or sign.

Government Sign. Any temporary or permanent sign erected by and maintained for any governmental purposes.

Ground Sign. A sign that is placed on and/or supported by the ground, independent of a structure on the lot.

Historic Signs. A historically significant sign, as designated by the criteria and process of this Chapter, that has been moved from its original location to be reused on another site to promote the protection of nonconforming signs that represent important aspects of the City's heritage, to enhance the character of the community by considering such signs during development, and to assist owner(s) in the preservation and restoration of their signs.

Illumination, External Sign. Lighting of a sign from a light source external to the body of the sign, so that light is directed on to the face of the sign or directed in a manner so as to create silhouettes of letters or symbols that are placed in front of the light.

Illumination, Internal Sign. Lighting of a sign from internal sources, such as a light source within the framework of a sign cabinet and behind the face of the sign so that light is transmitted through the face of the sign.

Landmark Sign. A landmark sign is a historically significant sign, as designated by the criteria and process of this Chapter, that is allowed to be restored and retained on-premise to promote the protection of nonconforming signs that represent important aspects of the City's heritage, to enhance the character of the community by considering such signs during development, and to assist owner(s) in the preservation and restoration of their signs.

Light Pole Banner. Banners mounted on and with arms installed perpendicular to a light pole.

Marquee Sign. A permanent roof-like structure constructed of permanent building materials that extends from the wall of a structure with no supports extending to the ground providing protection from the elements that includes a sign that is a part of the marquee.

Monument Sign. A sign that is placed on or supported by the ground, independent of a structure on the lot, that has a greater width than height. Monument signs may be designed with a solid base or with two columns on either side supporting a sign face, where there is no more than 12 inches from the ground to the bottom of the suspended sign face.

Moving Sign. A sign where all or a portion of the sign and/or sign structure rotates, revolves, moves, elevates, or in any way alters position or geometry. This includes any sign that gives the appearance of movement, including signs designed to be moved by wind or other natural elements.

Mullion. A vertical or horizontal element that forms a division between units of a window or screen, or is used decoratively. When dividing adjacent window units, its primary purpose is a rigid support to the glazing of the window.

Multi-Tenant Planned Non-Residential Development. A development under unified control that contains a number of separate businesses, offices, light manufacturing facilities, and research uses, and may include accessory and supporting uses, that is designed, planned, and constructed on an integrated and coordinated basis. Examples include, but are

not limited to, research parks, office parks, industrial parks, or a combination of such uses.

Multi-Use. A development site of more than one building that contains a mix of non-residential and residential buildings, some or all of which may be mixed-use buildings as well.

Network Required Private Street. Per the Subdivision Ordinance, a required street that is on private property but for which public access is allowed.

Nit. A unit of measurement of the intensity of visible light, where one nit is equal to one candela per square meter.

Noncommercial Message. Messages and emblems that do not function to direct attention to or promote a business, product, service, event, or activity, either on-site or off-site. Examples of noncommercial messages include, but are not limited to, signs advocating a public issue, recommending a candidate for office, and personal messages.

Off-Premise Advertising. A sign directing attention to or promoting a business, product, service, event, or activity that is not sold, produced, manufactured, furnished, or conducted at the site upon which the sign is located.

1. **Outdoor Advertising Sign.** A permanent sign directing attention to or promoting a business, product, service, event, or activity that is not sold, produced, manufactured, furnished, or conducted at the site upon which the sign is located. Outdoor advertising signs may be static or electronic. Also known as a billboard or a permanent off-premise advertising sign.

2. **Temporary Off-Premise Advertising Sign.** A temporary sign directing attention to or promoting a business, product, service, event, or activity that is not sold, produced, manufactured, furnished, or conducted at the site upon which the sign is located. A temporary off-premise advertising sign is intended for display for a short period of time, is not permanently mounted or installed on-site, and typically cannot be reused. Temporary off-premise advertising signs are usually constructed of light materials such as cardboard or vinyl.

On-Premise Advertising. A sign directing attention to or promoting a business, ~~product,~~ service, ~~event,~~ or activity that is ~~sold, produced, manufactured,~~ furnished, or conducted at the site upon which the sign is located.

Parapet. The extension of the main wall or walls of a building above the roof level.

Pennant. Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind. Streamers are considered pennants.

Planned Development. An approved planned residential, office, business, industrial or mixed-use development.

Planning, Design and Development Director. The Director of Charlotte Planning, Design, and Development, which may include his/her designee in administration of the Ordinance.

Pole Sign. A detached sign erected and maintained on a freestanding frame, mast, or pole and not attached to any building.

Portable Sign Structure. A sign structure that is intended, by design and construction, to rest upon and/or be supported by the ground ~~for support~~ and can be moved and reused. Portable sign structures include, but are not limited to, ~~those that~~ signs mounted ~~signs~~ upon a trailer, wheeled carrier, or other non-motorized mobile structure, with wheels or without wheels. ~~removed.~~ Portable sign structures do not include A-frame ~~signs,~~ or temporary off-premises advertising signs.

Projecting Sign. A sign that is attached to a rigid structure that extends more than 18 inches beyond the surface of the structure to which it is attached.

Public Street. Per the Subdivision Ordinance, a street accepted for dedication to the City, County or North Carolina Department of Transportation.

Residential Planned Development. A residential neighborhood developed as an integrated whole,

typically through the subdivision process, and usually designed with a specific identity.

Retail Center. A commercial development under unified control consisting of three or more separate retail, personal service, restaurant, and entertainment uses, that is designed, planned, and constructed on an integrated and coordinated basis. Also called a shopping center.

Rider Sign. A smaller additional temporary sign attached to the main temporary sign to provide limited additional information.

Roof Sign. A sign that is installed on the roof structure of any building with the principal support attached to the roof structure.

Roofline. The highest point of a flat roof and mansard roof, and the lowest point of a pitched roof, excluding any cupolas, chimneys, or other minor projections.

Searchlight. An attention-getting device where an artificial light of high intensity is shined upward in a focused beam and can turn in any direction to attract attention to a location. Also known as sky-beams or sky spotlights.

Sign. A structure, device, or object using words, letters, figures, designs, emblems, symbols, fixtures, colors, illumination, and/or projected images.

Sign Face. The area of a sign on which copy is intended to be placed.

Skyline Sign. A sign attached to the topmost band or bands of the building facade.

Streamer. See pennant.

Strobe Light. A device used to produce flashes of light in regular intervals.

Temporary Outdoor Sales Sign. A sign for displays of temporary outdoor retail sales.

Valance. That portion of non-structural awning that hangs generally perpendicular from the edge of an awning.

Vehicle Sign. A sign that is attached to or painted on a vehicle. This definition does not include signs painted on or applied to vehicles, trucks, or buses that are being operated and stored in the normal course of business, such as signs located on delivery trucks, moving vans, trailers, and rental trucks, provided that they are parked or stored in areas related to their use as business vehicles and that all such vehicles are in operable condition.

Video Display Screen. A sign, or portion of a sign, that displays an electronic video, whether pre-recorded or streaming.

Wall Sign. A sign that is attached directly to an exterior wall of a building or dependent upon a building for support and projects 18 inches or less from the wall of a structure with the exposed face of the sign in a plane substantially parallel to the face of the wall. Window signs, roof signs, and skyline signs are not considered wall signs. Painted and projected wall signs are types of wall signs but regulated separately by this Ordinance.

Wall Sign, Painted. A sign that is painted, applied, or affixed directly on the exterior wall of a building or structure. A painted wall sign is not limited to only the application of paint, but includes other methods of application and/or material, including, but not limited to tiles or screenprinting.

Wall Sign, Projected. A sign that is projected by an optical device that projects an image directly onto the exterior wall of a building or structure by light or other technological means.

Window Sign. A sign that is attached to, placed upon, or printed on the interior or exterior of a window or door of a building, or displayed on the interior within two feet of a window intended for viewing from the exterior of such a building. A window sign may be either permanent or temporary.

Zoning Administrator. The Charlotte-Mecklenburg Zoning Administrator, which may include his/her designee, in administration of the Ordinance.

13.6 Measurement Methodologies

A. Calculation of Sign Area

1. The sign area includes the area within a single, continuous perimeter enclosing the extreme limits of characters, lettering, logos, illustration, or ornamentations, together with any material or color forming an integral part of the display or differentiating the sign from the background to which it is placed. Structural supports with no sign copy shall not be included in the sign area. If a sign is attached to an entrance wall or fence, only that portion of that wall or fence onto which the sign face or letters are placed shall be calculated in the sign area.

2. For calculating maximum area of window signs, the window area is calculated as a continuous surface until divided by an architectural or structural element. Mullions are not considered an element that divides window area. The area of a window sign is calculated by the same method as for other sign areas, per item 1 above. The standards below further apply to the calculation of window sign areas.

   a. Shadowbox design within display windows, where the window display is designed with a background enclosure within two feet of the window against which signs are mounted that blocks view into the establishment, is considered a window sign and the entire area of the shadowbox is subject to the maximum sign area limitation.

   b. Perforated window graphics/window clings, which show an image to the outside but allow those on the interior to view outside, are not considered transparent and the entirety of the graphic is counted as a window sign.

Measurement of Window Sign Area

B. Measurement of Sign Height

Sign height is measured from the base of the sign at the ground to the highest point of the sign, including any attachments.

Measurement of Sign Height

C. Measurement of Vertical Clearance

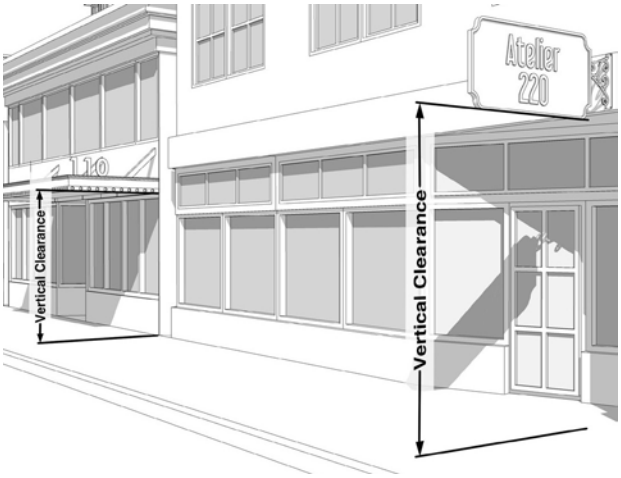
For building-mounted signs, vertical clearance is measured as the vertical distance measured from the ground directly below the sign to the lowest point of the sign.

D. Determination of Number of Sign Faces

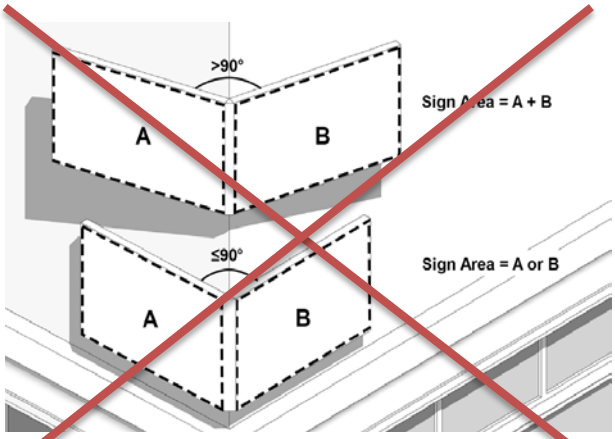
~~The maximum angle of a double-faced sign is 45 degrees, except for signs located at corners in which case the angle may be 90 degrees. This refers to the distance between sign faces on a single structure.~~ Signs are considered double-faced if the faces are positioned relative to one another at an internal angle not exceeding 45 degrees. The sign area for a double-faced sign is calculated as the measurement of one sign face. If the internal angle exceeds 45 degrees, sign area is calculated as the sum of both faces. This applies to all signs except those located on corner lots, in which case the internal angle for a double-faced sign may not exceed 90 degrees. In all cases, this measurement refers to the internal angle of sign faces on a single structure.

E. Sign Setback

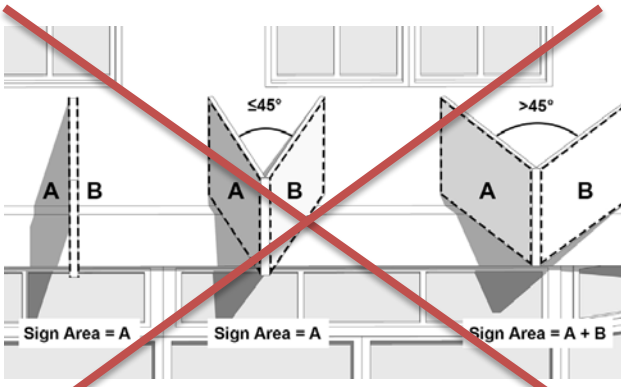
A required sign setback is measured from the applicable lot line to the closest component of the sign or sign structure.



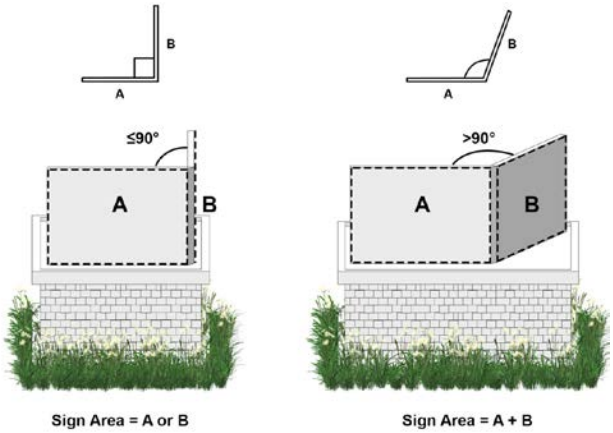
Measurement of Vertical Clearance



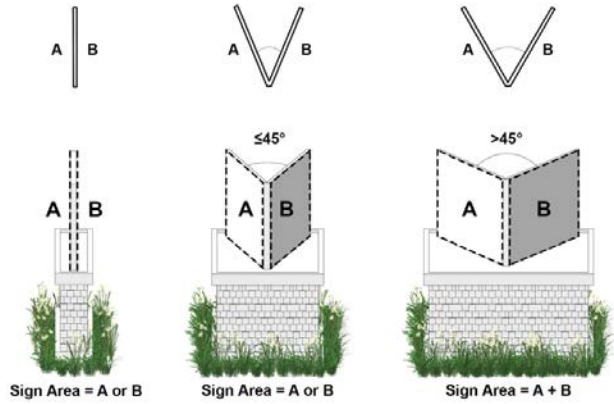
~~*Measurement of Sign Faces (Angled Sign) - Corner Lot*~~



~~*Measurement of Sign Faces (Angled Sign) - Interior Lot*~~



Measurement of Sign Faces (Angled Sign) - Corner Lot



New Graphics

Measurement of Sign Faces (Angled Sign) - Interior Lot

13.7 Standards for Signs Exempt from Permit

The following on-premise permanent and temporary signs are exempt from the sign permit requirement, but subject to all applicable standards of this Chapter, including the general sign standards of Section 13.8.

A-Frame Sign

A. A-Frame Sign

1. A-frame signs are permitted for ~~non-residential~~ all commercial, institutional, multi-family, and temporary outdoor sales uses. ~~uses in the B-1 and B-2 Districts and the urban districts.~~

2. One A-frame sign is permitted per establishment, including one for each tenant in a multi-tenant development.

3. An A-frame sign shall be placed within 15 feet of the primary entrance of the business, and shall not interfere with pedestrian traffic or violate standards of accessibility as required by the ADA or other accessibility codes.

4. A minimum unobstructed sidewalk clearance of five feet shall be maintained at all times. The requirements of Section 10-141 of the City Code apply to signs on public property or in the public right-of-way.

5. A-frame signs are limited to six square feet in area per side and four feet in height.

6. The placement of A-frame signs outdoors is limited to business hours only. A-frame signs shall be stored indoors at all other times.

7. Illumination of A-frame signs is prohibited.

8. A-frame signs shall not have any type of electronic component.

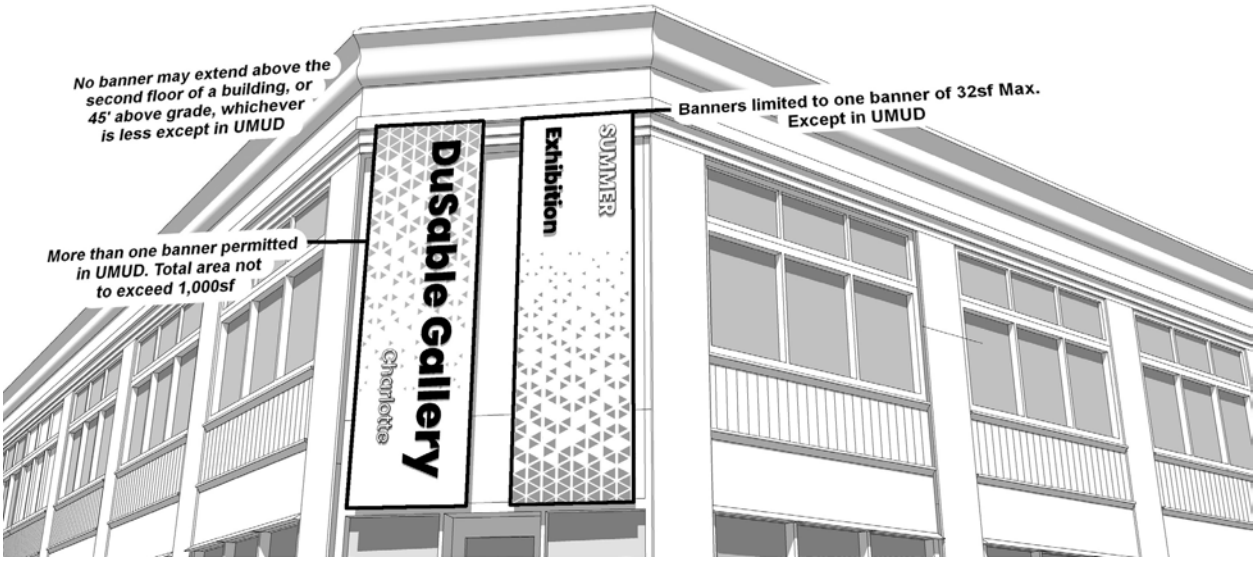
B. Accessory Use Sign

Signs for accessory uses are permitted in all zoning districts as follows:

1. Signs shall be constructed as wall signs. Only one sign is permitted.

2. Signs are limited to four square feet in area.

3. Illumination of signs for accessory uses is prohibited.



Banner

C. Banner

1. Banners are permitted for non-residential uses in all districts.

2. In permitted districts, except UMUD (see item 3 below), one banner is permitted per establishment, including one for each tenant in a multi-tenant development, and banners are limited to a maximum area of 32 square feet. Such banners shall not extend above the second-floor level of a building or 45 feet above grade, whichever is less.

3. In the UMUD District, more than one banner is permitted and the total area of all banners combined shall not exceed 1,000 square feet or 10% of the wall area, whichever is less, per building wall. Banners shall not extend past the roofline.

4. Banners shall be securely attached to a building wall, except for institutional uses.

5. Banners for institutional uses in all districts where allowed may also be ground-mounted between two or more posts, shall be limited to one sign per street front, and shall not be located closer than 11 feet from the edge of the pavement of any roadway or alley, or within any public rights-of-way.

6. Banners shall be made of canvas, canvas-like material, nylon, vinyl-coated fabric, or similar weatherproof type materials.

7. All banners are limited to a maximum display period of 14 consecutive days and there shall be a minimum of ten days between display periods.

D. Construction Activity

1. Temporary ground signs are permitted for lots currently under construction in all districts.

2. Signs located on single-family detached or duplex construction lots are limited to six square feet in area. An additional rider sign not exceeding a total of two square feet in sign area is allowed.

3. Signs for all other types of construction lots cannot exceed 64 square feet in sign area.

4. Signs shall be located on the construction lot.

5. One sign is permitted per street frontage.

6. Signs shall be removed within seven days after expiration of the building permit.

E. Flags

1. Commercial Flags

a. Commercial flags are permitted for non-residential uses in the urban and general commercial districts.

b. One commercial flag is permitted per establishment for each tenant on the first and second stories where such tenant's facade abuts a public or private right-of-way.

c. Commercial flags are limited to a maximum area of 12 square feet.

d. Commercial flags shall only be mounted by a mast arm flagpole that extends at an angle from a building. Such flags cannot extend into the right-of-way measured when the flag is fully extended perpendicular to the post.

e. Commercial flags cannot be illuminated.

2. Noncommercial Flags

Noncommercial flags are permitted in all zoning districts and shall be displayed as set forth below as long as the flag(s) do not affect visibility or create any safety hazards or concerns.

a. References to flagpole height in this section refers to vertical flagpoles. References to the number of noncommercial flags, flagpoles, and noncommercial flag dimensions refer to both vertical flagpoles and mast arm flagpoles that may extend at an angle from a building.

b. Unless otherwise permitted or restricted by this section, noncommercial flags shall be displayed on permanent flagpoles. Flagpoles in non-residential districts shall not exceed 60 feet in height and flagpoles in residential districts shall not exceed 39 feet in height.

c. The maximum dimensions of any noncommercial flag shall be proportional to the flagpole height. The side of the flag nearest to the flagpole shall not exceed 20% of the vertical height of the flagpole. In addition, noncommercial flags are subject to the dimensional limitations of Table 13-1: Noncommercial Flag Dimensions:

Table 13-1: Noncommercial Flag Dimensions

FLAGPOLE HEIGHT	MAXIMUM FLAG SIZE	MAXIMUM COMBINED FLAG AREA PER FLAGPOLE
Up to ~~24~~ 25' ~~feet~~	24 square feet	48 square feet
25' up to ~~39~~ 40' ~~feet~~	40 square feet	80 square feet
40' up to ~~49~~ 50' ~~feet~~	60 square feet	120 square feet
50' up to 60' ~~feet~~	96 square feet	192 square feet

d. There shall be no more than three noncommercial flags allowed per street frontage. These flags may be flown on one flagpole or flown on separate flagpoles.

e. Flagpoles along public streets and network required private streets shall be located behind any required sidewalks.

f. Flagpoles shall be permanently mounted in the ground with necessary structural support features or below grade footings, installed in accordance with all required state and local regulations or applicable codes.

g. Noncommercial flags shall not be draped over the hood, top, sides, or back of a vehicle, nor flown from the antennae of any parked vehicle in a non-residential zoning district.

Light Pole Banner

F. Light Pole Banner

1. Light poles located entirely on private property are permitted to mount banners in all districts. Light pole banners shall not be used as a temporary off-premise advertising sign.

2. A maximum of two light pole banners may be displayed per light pole.

~~2~~3. Light pole banners are limited to a maximum area of 15 square feet.

~~3~~4. Light pole banners shall maintain a minimum vertical clearance of 12 feet from grade to the bottom of the banner.

~~4~~5. Light pole banners shall be mounted to project perpendicular from light poles.

G. Noncommercial Message Sign

In addition to the conversion of any permitted sign to a noncommercial message per Section 13.2.C, additional signs for noncommercial messages are permitted as follows:

1. Noncommercial message signs are permitted in all districts.

2. Noncommercial message signs are ground or wall signs. There is no limit on the number of noncommercial message signs permitted.

3. The sign area of a ground and wall-mounted sign is limited to 16 square feet in area. Ground signs are limited to four feet in height.

4. Ground-mounted signs shall not be located closer than 11 feet from the edge of the pavement of any roadway or alley, or within any public rights-of-way.

5. Noncommercial message signs shall not be illuminated.

6. Noncommercial message signs cannot be used for on-premise or off-premise advertising.

H. Parking Lot, Parking Structure, and Site Circulation Point Signs

1. Parking lots and structures in all districts are permitted permanent signs at parking lot or structure circulation points in accordance with this section, whether such parking lots or structures are a principal or ancillary use. Such signs shall not be used for off-premise advertising.

2. Circulation points include, but are not limited to, entrances/exits, driveway intersections, drive-through lanes, and parking lot drive aisles. Circulation points also include bicycle

paths and bicycle parking areas, pedestrian paths and on-site pedestrian rest areas, and pathways to transit stops.

3. Signs for parking lot and structure circulation points may be internally or externally illuminated.

4. Signs are limited to six square feet in area.

5. Ground signs are limited to six feet in height.

6. A ground sign shall not be located so as to obstruct any pedestrian or vehicular traffic, or within any public rights-of-way.

I. Real Estate Activity

1. Temporary ~~ground~~ signs are permitted for lots or structures currently for sale, lease, or rent.

2. Signs located on individual single-family detached and duplex lots under three acres in size, or individual units within attached housing are limited to six square feet. An additional rider sign not exceeding a total of two square feet in sign area is allowed.

3. Signs for other lots or structures for sale, lease, or rent cannot exceed 64 square feet in sign area.

4. Only one sign is permitted per street frontage of the property. However, properties having a continuous frontage of 850 linear feet or more shall be allowed an additional sign so long as such sign is no closer than 850 feet from another sign on the property.

5. Illumination is prohibited.

6. Signs shall be removed within seven days after the sale is closed or rent or lease transaction is finalized.

J. Temporary Off-Premise Advertising Sign

1. Temporary off-premise advertising signs are limited to four square feet in area.

2. Temporary off-premise advertising signs are limited to four feet in height.

3. Temporary off-premise advertising signs are limited to two per property.

4. Temporary off-premise advertising signs shall not be located closer than 11 feet from the edge of the pavement of any roadway or alley, or within any public rights-of-way.

5. Temporary off-premise advertising signs are limited to the following display period: posted no earlier than 3:00 p.m. of a Friday, or before 8:00 a.m. of a holiday, and displayed until 6:00 p.m. on a Sunday or a designated holiday.

6. Temporary off-premise advertising signs are prohibited from being posted or mounted upon trees, utility poles, traffic control signs, lights, or devices in any place or manner prohibited by the provisions herein.

7. No temporary off-premise advertising sign shall be mounted upon a portable sign structure. Portable sign structures include, but are not limited to, signs mounted upon a trailer, wheeled carrier, or other non-motorized mobile structure, with wheels or without wheels.

K. Temporary Outdoor Sales Sign

1. The following standards apply to all temporary outdoor sales signs:

   a. Temporary outdoor sales signs are limited to one per establishment, including one for each tenant in a multi-tenant development.

   b. Temporary outdoor sales signs may either be of A-frame type or attached to the sales display.

2. The following standards apply to temporary outdoor sales signs of A-frame type:

   a. A-frame signs shall not interfere with or obstruct motor vehicle traffic.

   b. A-frame signs shall not interfere with pedestrian traffic or violate standards of accessibility as required by the ADA or other accessibility codes. The requirements of Section 10-141 of the City Code apply to all signs on public property or in the public right-of-way.

Window Sign

c. A-frame signs are limited to six square feet in area per side and four feet in height.

d. The placement of A-frame signs outdoors is limited to sales hours only. A-frame signs shall be stored indoors at all other times.

e. Illumination of A-frame signs is prohibited.

f. A-frame signs shall not have any type of electronic component.

3. The following standards apply to temporary outdoor sales signs attached to sales displays:

a. Attached signs are limited to 16 square feet.

b. Illumination of attached signs is prohibited.

c. Attached signs shall not have any type of electronic component.

L. Vehicle Dealership Temporary Sign

1. Temporary signs are permitted for vehicle dealerships that front public rights-of-way.

2. Signs are limited to nine square feet per each vehicle that front public rights-of-way.

3. Signs shall be affixed to the exterior surface of the vehicle. Signs cannot project beyond the roof, hood, or trunk of the vehicle.

M. Window Sign

1. Window signs are permitted for all multi-family and non-residential uses.

a. For multi-family uses, window signs are permitted on the ground floor only.

b. For non-residential uses, window signs are permitted for window areas up to and including the third story.

2. The total window sign area, whether temporary or permanent, is limited to no more than 25% of the surface of each window area, including transparent areas of doors and entryways. Window area is counted as a continuous surface until divided by an architectural or structural element, such as door casings or facade treatments. Mullions are not considered an element that divides window area.

3. Window signs may be internally or naturally illuminated except when located within a residential district, where illumination is prohibited. No external illumination is permitted.

13.8 General Sign Standards

A. Installation

1. All signs shall be constructed and installed in accordance with the applicable provisions of the North Carolina State Building Code.

2. All illuminated signs shall be installed in accordance with the applicable provisions of the North Carolina State Electrical Code and all detached signs shall be illuminated by an underground electrical source.

B. Location

Signs may be located in a required setback or yard. If a sign is located in a required setback or yard it shall not be otherwise located so as to obstruct pedestrian or vehicular traffic.

C. Site Distance Triangle Obstruction Prohibited

No sign shall obstruct a required sight distance triangle, as described in Sections 12.109(1)(a), (b), and (c), and 12.109(2), or any vehicular clear site zone as described in Section 15.3.3.B.4. Any sign installed, either permanent or temporary, at ground level greater than 30 inches in height and having vertical clearance less than six feet is prohibited in the sight distance triangle. Height measurements are taken from the centerline of the intersection of the adjacent streets.

D. Projection into City Right-of-Way

When a sign extends into a City right-of-way, prior review and approval by CDOT and/or other relevant agencies is required. The encroachment of signs into a City right-of-way requires an encroachment agreement from CDOT, if applicable. Adherence to the design standards included in this Chapter does not imply approval through an encroachment agreement.

E. Tree Protection

Sign placement, including projections from a building facade, shall protect all trees as required by the Charlotte Tree Ordinance as well as any trees located in the public right-of-way.

F. Permitted Materials for Signs

1. Permanent sign structures shall be constructed of brick, wood or simulated wood, stone, concrete, metal, plastic, or high-density urethane (HDU) foam board or similar durable foam construction.

2. Awning, canopy, projecting, light pole banner, banners, and wall signs may also be constructed of durable weather resistant material such as canvas, nylon, or vinyl-coated fabric.

3. Wall, awning, canopy, projecting, and light pole banners constructed of non-rigid material such as canvas, nylon, or vinyl-coated fabric shall be mounted within a frame so that they are held taut between all support posts.

G. Audio Components

Audio components are prohibited as part of any sign, except for the following:

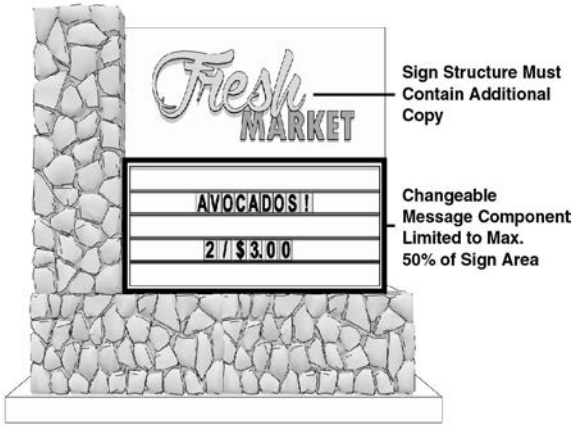
1. Drive-through sign: For drive-through signs, the audio component shall be designed, located, shielded, and directed to prevent detection from surrounding properties.

H. Changeable Message

1. The following sign types, when allowed within a district, may have a changeable message component: wall sign, projecting sign, ground sign, or marquee sign. Electronic signs are limited to the districts listed in Section 13.10.B.

2. Where a sign has an electronic message or manual changeable copy component, it is limited to a maximum of 50% of the total area of the sign.

3. A sign structure with a changeable message component shall contain additional copy; it cannot be a blank sign structure once the changeable message component is discounted.



Changeable Message Sign

I. **Illumination Standards**

1. All sign illumination, both external and internal, shall be designed, located, shielded, and directed to prevent the casting of glare or direct light upon rights-of-way and surrounding properties, and prevent the distraction of motor vehicle operators or pedestrians in the rights-of-way.

2. The sign face of internally illuminated signs shall function as a filter to diffuse illumination. The sign face shall cover all internal illumination components so that no exposed bulbs are visible.

3. All external illumination of a sign shall concentrate the illumination upon the printed area of the sign face.

4. Sign illumination shall not be combined with reflective materials, such as mirrors, polished metal, or highly-glazed tiles, which would increase glare.

5. Strobe lights, moving or fixed searchlights, and floodlights/spotlights are prohibited, except in the UMUD, where such lighting is permitted.

6. No lighting, including neon or LED components of signs, may flash, except in the UMUD, where such lighting may flash, chase, or blink.

7. Neon or LED lighting to outline doors, windows, architectural features, and building facades is permitted. Such lighting shall remain static (i.e., no chasing, blinking, or flashing) except in the UMUD, where such lighting may chase, blink or flash.

8. The maximum allowable footcandle at the lot line is one footcandle unless a sign is allowed to extend over the lot line, where the maximum of one footcandle is measured at the back of curb. This does not apply to electronic message signs, which are regulated by item 9 below.

9. For electronic message signs, excluding electronic outdoor advertising signs, the maximum brightness is limited to 5,000 nits when measured from the sign's face at its maximum brightness, during daylight hours, and 500 nits when measured from the sign's face at its maximum brightness between dusk and dawn, i.e., the time of day between sunset and sunrise. The sign shall have an ambient light meter and automatic or manual dimmer control that produces a distinct illumination change from a higher allowed illumination level to a lower allowed level for the time period between one-half hour before sunset and one-half hour after sunrise. Electronic outdoor advertising signs are regulated by Section 13.11 below.

J. **Maintenance of Signs**

1. All signs shall be maintained in good condition. Deficiencies such as chipped paint, broken plastic, missing letters, and exposed light bulbs are evidence of a lack of maintenance.

2. The City may remove any sign that is an immediate public peril to persons or property summarily and without notice.

3. Sign frames shall not remain unfilled and/or allow any internal part or element of the sign structure to be visible. Sign frames filled or replaced with a blank panel are considered to meet this standard.

13.9 Summary of Sign Permissions

Table 13-2: Summary of Sign Permissions catalogs the types of permitted signs, both permanent and temporary, and indicates whether such sign requires a sign permit. This table is provided for reference purposes. In the case of any conflict with the regulations of this Chapter or any other section of this Ordinance, the specific sign regulations control over this table. This table does not address outdoor advertising signs (Section 13.11) and areas of special sign regulation (Section 13.12).

Table 13-2: Summary of Sign Permissions

SIGN TYPES	PERMISSIONS	
	BY USE/ACTIVITY	BY DISTRICT
STANDARDS FOR SIGNS EXEMPT FROM PERMIT (SECTION 13.7)		
A-Frame Sign	~~Non-residential uses~~ Commercial, institutional, multi-family, and temporary outdoor sales	~~B-1, B-2, and Urban~~ All Districts
Accessory Use Signs		All districts
Banners	Non-residential uses	All districts
Construction Activity	Construction site	All districts
Flag – Commercial Flag	Non-residential uses	Urban and General Commercial Districts
Flag – Noncommercial Flag		All districts
Light Pole Banner	Light poles on private property	All districts
Noncommercial Message Sign		All districts
Parking Lot, Parking Structure, and Site Circulation Point Signs	Parking lot and parking structure	All districts
Real Estate Activity	Real estate activity	All districts
Temporary Off-Premise Advertising Sign		All districts
Temporary Outdoor Sales Sign	Non-residential uses	All districts
Vehicle Dealership Temporary Sign	Vehicle dealership	All districts
Window Sign	Non-residential uses Multi-family dwellings	All districts

Table 13-2: Summary of Sign Permissions

SIGN TYPES	PERMISSIONS	
	BY USE/ACTIVITY	BY DISTRICT
SIGNS REQUIRING PERMIT (SECTION 13.10)		
Drive-Through Sign	Drive-through facilities	All districts
Electronic Sign	Non-residential uses	Urban, General Commercial, Industrial, Institutional Districts and Research/Office Districts
	Cultural facility; Educational facility - primary or secondary; Educational facility - university or college; Government office/ facility; Park/playground; Place of worship	All districts
Ground Sign		
Ground Sign	Non-residential uses Multi-family dwellings	See Table 13-3
Retail Center Ground Sign	Retail Centers	All districts except the TOD-UC or TOD-NC Districts
Multi-Tenant Planned Non-Residential Development Ground Sign	Multi-Tenant Planned Non-Residential Development	All districts except the TOD-UC or TOD-NC Districts
Multi-Use Planned Development Ground Sign	Multi-Use Planned Development	All districts except the TOD-UC or TOD-NC Districts
Residential Planned Development Ground Sign	Residential Planned Development	All districts except the TOD-UC or TOD-NC Districts
Marquee	Non-residential uses	Urban Districts
Roof Sign	Non-residential uses Multi-family dwellings	B-2, MUDD, UMUD, TOD-UC, TOD-CC
Skyline Sign	Non-residential uses Multi-family dwellings	Urban, General Commercial, Research/ Office, Industrial, and Institutional Districts
Temporary Signs for Planned Development Construction Lots	Planned developments	All districts
Wall-Mounted Signs: Walls Signs, Awning and Canopy Signs, Projecting Signs	Non-residential uses Multi-family dwellings	All districts
Wall Sign, Painted	Non-residential uses	All districts
Wall Sign, Projected	Non-residential uses	All districts

13.10 Signs Requiring Permit

The following on-premise signs require a sign permit and are subject to all applicable standards of this Chapter. Additionally, the following sign types shall only operate as on-premise signs. Outdoor advertising signs are regulated separately in Section 13.11.

A. Awning and Canopy Signs

1. The following standards apply to Awning and Canopy Signs:

   a. Awning and canopy signs shall be mounted within the first story of the structure.

   b. Awning and canopy signs shall maintain a minimum vertical clearance of nine feet.

   c. One awning or canopy sign is permitted per tenant with a facade abutting a public or private street, or public right- of-way.

   d. Awning and canopy signs may encroach over a public or private street, or public right-of-way, but no more than four feet from the future back of curb.

   e. For buildings in existence prior to the adoption of these sign regulations, canopy posts may be located within an amenity zone, a minimum of four feet from the back of curb. For all other buildings, all canopy posts shall be located on private property and at a minimum of four feet from the future back of curb.

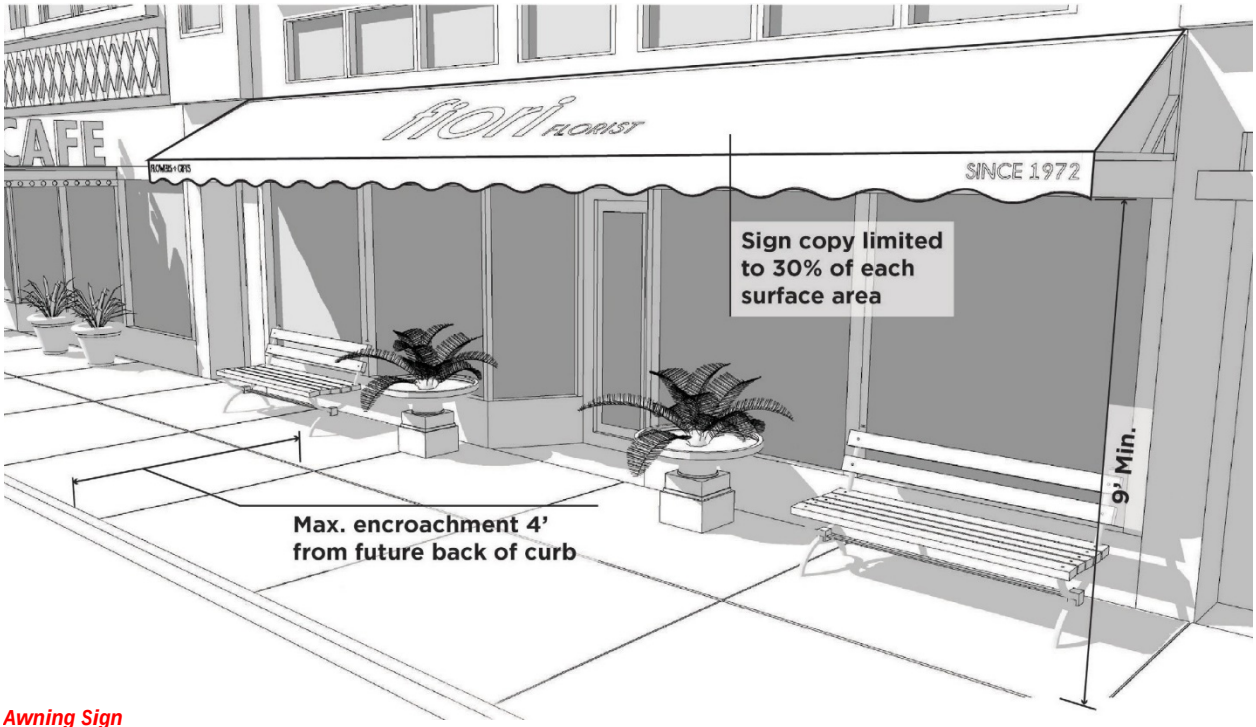
   f. A horizontal clearance of at least nine feet shall be maintained between canopy supports and between canopy supports and any building facade.

   g. Sign copy on any awning or canopy sign surface is limited to 30% of each surface area. A valance is considered a separate surface area.

   h. A structural awning or canopy is permitted a sign face area attached to and located above the top of the canopy to a maximum height of 24 inches. Structural awnings or canopies shall be made of metal or material of similar durability and structural integrity.

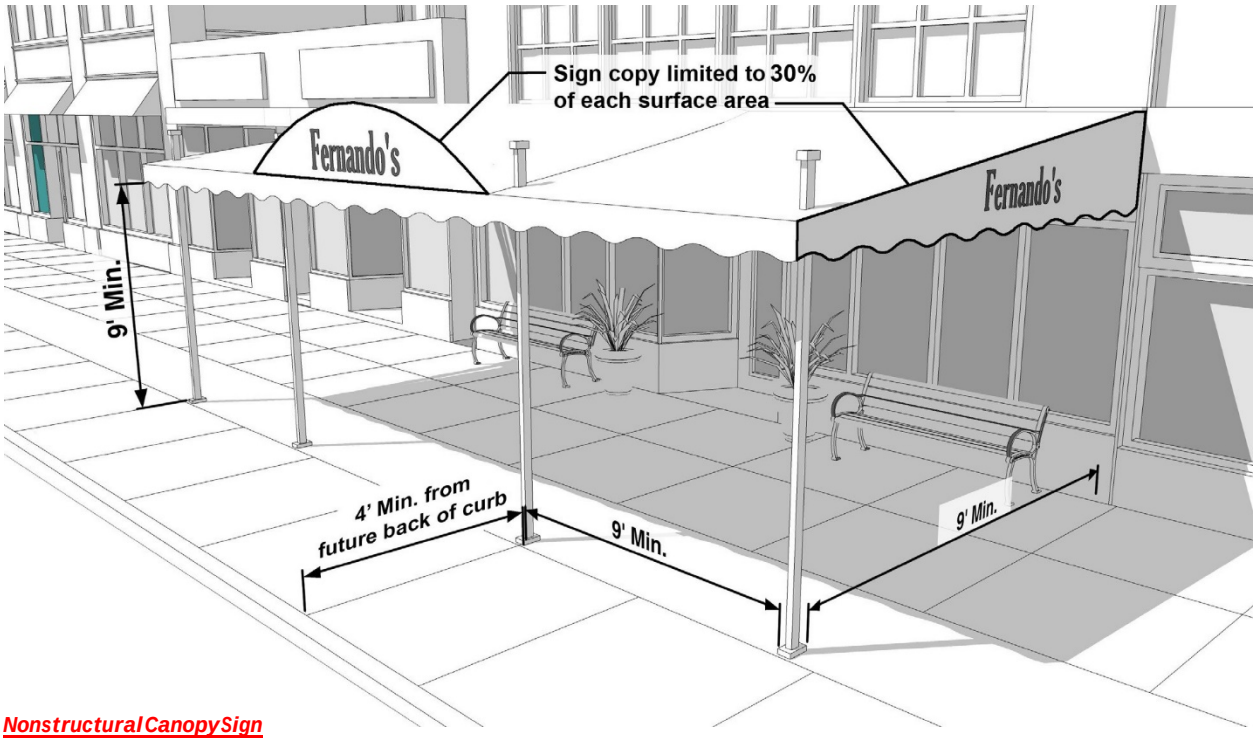
   i. Awning and canopy signs may be illuminated but lighting shall be installed as external downlighting or back-lighting.

Relocated Text from old Section 13.10.H.3 except original "i" was deleted, and "e" was amended.

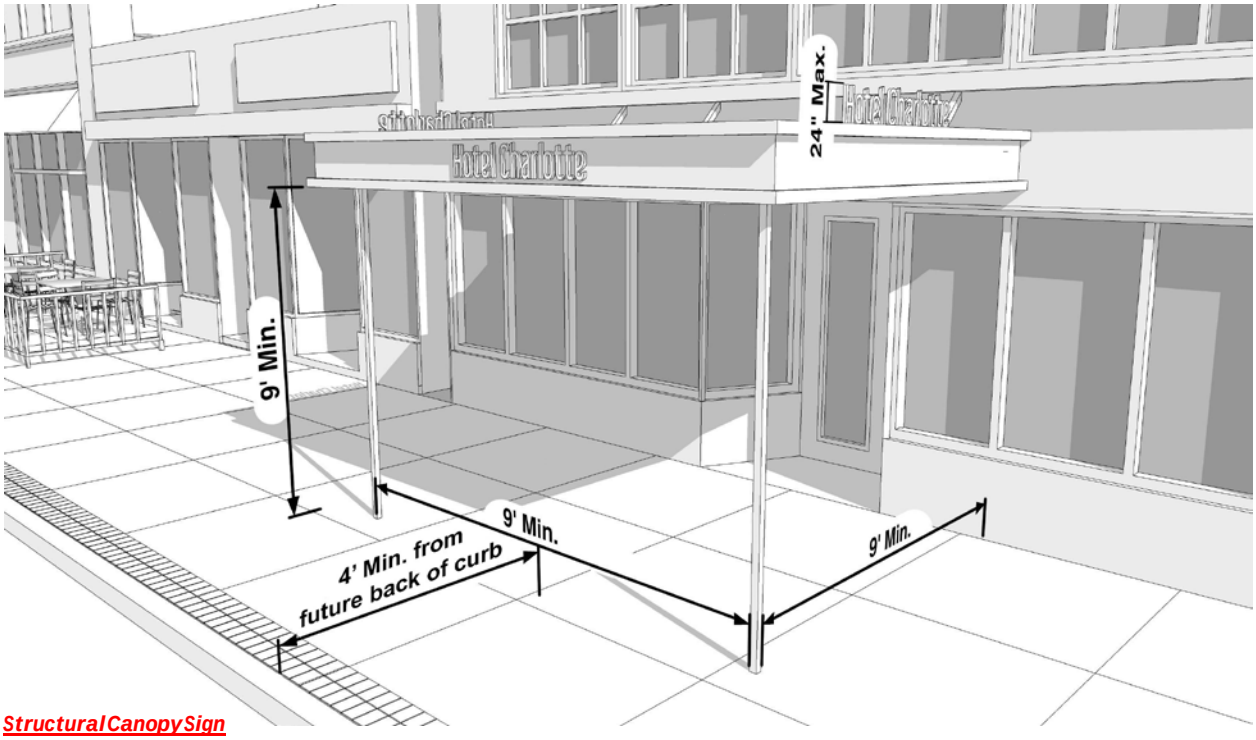


Awning Sign

Three Relocated Graphics from old Section 13.10.H.3



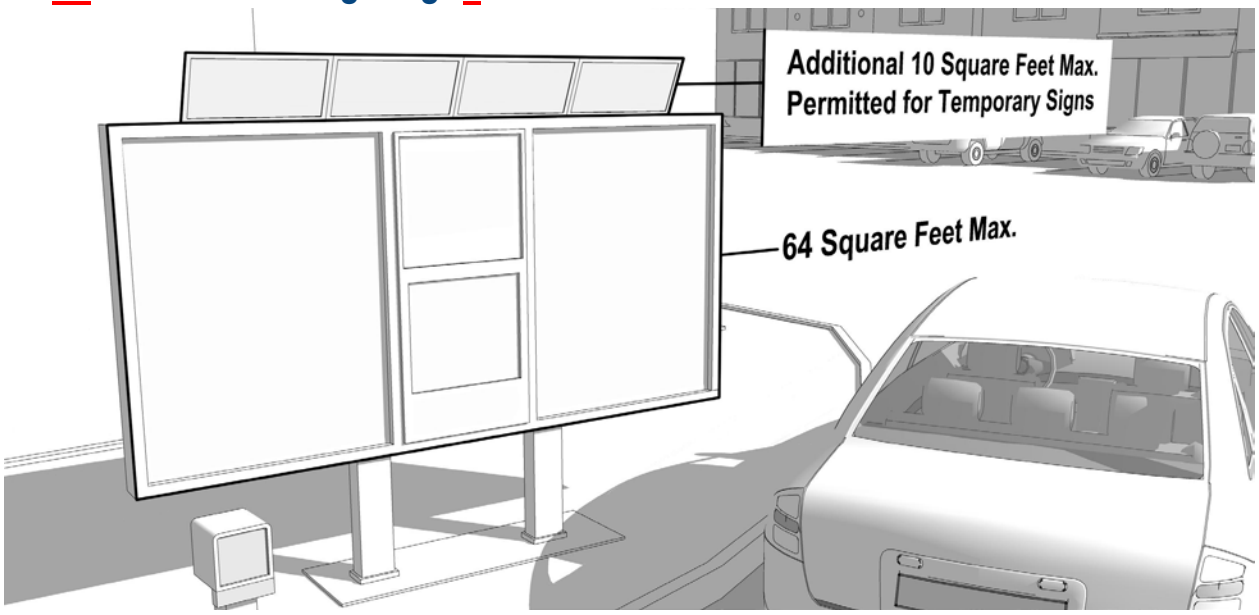
Nonstructural Canopy Sign



Structural Canopy Sign

Relocated Graphic from
old Section 13.10.H.3

~~A.~~ B. Drive-Through Signs



Drive-Through Sign

1. The following standards apply to drive-through signs:

   a. Drive-through signs are limited to one per drive-through lane.

   b. Drive-through signs are limited to 64 square feet in sign area and eight feet in height. The drive-through sign may be designed as separate ground signs grouped together and may include the use of preview boards designed as separate ground signs installed at a distance earlier in the drive-through lane, however the total area of all signs shall not exceed 64 square feet.

   c. In addition, drive-through signs are permitted ten square feet of sign area for temporary signs attached to the top or sides of the drive-through sign.

   d. Drive-through signs shall be located a minimum of 15 feet from any residential zoning district. This is measured from the sign face to the nearest edge of any residential zoning district.

   e. Drive-through signs may be internally illuminated. Drive-through signs may also contain an electronic or video display screen and audio component for interaction with the customer. No external illumination of drive-through signs shall be permitted.

      i. For any included audio component, the standards of Section 13.8.G.1 shall apply.

~~B.~~ C. Electronic Signs

1. Electronic signs are permitted for non-residential uses within the urban, general commercial, industrial, institutional, and research/office districts. In addition, electronic signs are also permitted for the following:

   a. The following uses in any district are permitted an electronic sign: cultural facility, educational facility - primary or secondary, educational facility - university or college, government office/facility, park/playground, place of worship.

2. Only one electronic sign per lot is permitted.

3. Electronic outdoor advertising signs are controlled by Section 13.11.

4. Each message or image displayed on an electronic sign shall be static for a minimum of eight seconds. Electronic signs shall display static text messages only, with no animation or effects simulating animation or video. Scrolling, flashing, animation, or movement of the message or any component of the sign is prohibited. Any message change sequence shall be accomplished immediately by changing from one screen to another without transition effect. Such prohibition does not apply to the UMUD District.

~~C.~~ D. Ground Signs

1. **Ground Sign Types**

Ground signs are regulated as five types in this Chapter:

   a. Ground signs are permitted for multi-family dwellings and non-residential uses in the districts indicated in item 3 below.

   b. Retail center ground signs are permitted for multi-tenant retail centers in any district except the TOD-UC or TOD-NC Districts.

   c. Multi-tenant planned non-residential development ground signs are permitted in any district except the TOD-UC or TOD-NC Districts.

   d. Multi-use planned development ground signs are permitted in any district except the TOD-UC or TOD-NC Districts.

   e. Ground signs are permitted for residential planned developments in any district except the TOD-UC or TOD-NC Districts

2. **General Regulations**

The following regulations apply to all ground signs:

   a. All ground signs shall be of monument type construction, except for ground signs in the B-2, I-1, and I-2 Districts.

      i. Ground signs for non-residential uses in the B-2, I-1, and I-2 Districts may be of pole sign type construction up to a maximum height of 30 feet.

      ii. Pole signs are limited to one per ~~premises~~ lot and a maximum sign area of 84 square feet.

      iii. If within the B-2, I-1, or I-2 Districts there is also an urban zoning district overlay, including but not limited to the PED or TS Districts, then ground signs shall be of monument type construction.

   b. Ground signs shall be located out of the right-of-way or behind the sidewalk, ~~minimum of five feet from either the right-of-way line or sidewalk,~~ whichever is greater with the following exceptions:

i. In ~~TOD~~ Urban Districts, ground signs shall be located out of the right-of-way or setback, whichever is greater. ~~a minimum of five feet from either the setback line, build-to line, or maximum dimension of a build-to zone, as applicable.~~

c. Ground signs shall not project into, over, or otherwise encroach on a public right-of-way, or a sidewalk as part of a network required private street.

d. Ground signs may be internally or externally illuminated. If externally illuminated, all light shall be directed onto the sign face.

3. Ground Signs

Ground signs are subject to the following:

a. Ground signs are permitted for multi-family and non-residential uses in the districts listed in Table 13-3: Ground Signs. Table 13-3 also contains the maximum sign areas and maximum heights.

b. One ground sign is permitted along street frontage of a lot measuring less than 400 feet. Additional signs are allowed as follows:

i. Each street frontage of a lot measuring 400 feet or more, is permitted one additional sign. However, a minimum distance of 200 feet shall be maintained between signs along the frontage. This does not apply to an institutional use, which is controlled by item ii below.

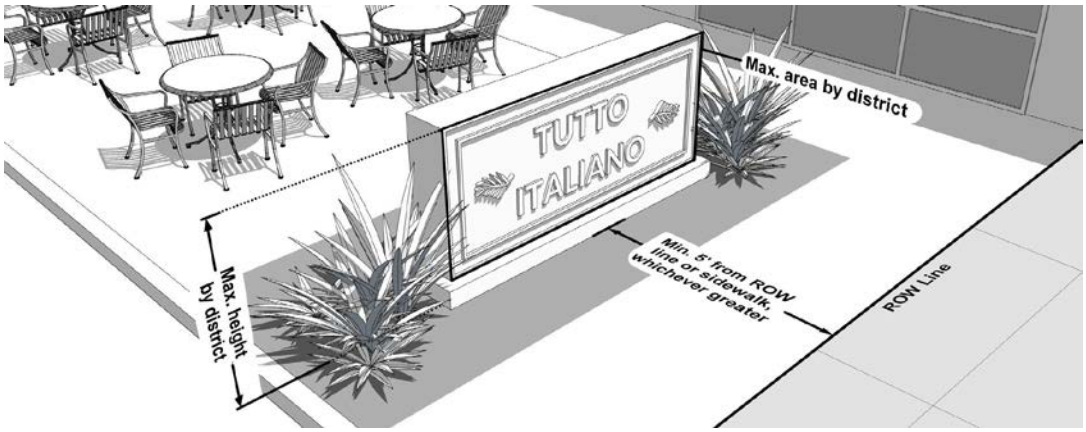
ii. Institutional uses in all districts are permitted one additional ground sign of 16 square feet and four feet in height.

Table 13-3: Ground Signs

ZONING DISTRICT	MAXIMUM SIGN AREA	MAXIMUM SIGN HEIGHT
Single-Family Residential Districts	36sf	7'
Multi-Family Residential Districts	36sf	7'
Urban Districts		
NS	36sf	7'
PED	36sf	7'
UR-2	36sf	7'
UR-3	36sf	7'
UR-C	36sf	7'
MUDD	36sf	7'
UMUD	36sf	7'
TOD-R	36sf	7'
TOD-E	36sf	7'
TOD-M	36sf	7'
TOD-UC	Prohibited	
TOD-NC	Prohibited	
TOD-CC	36sf	7'

Table 13-3: Ground Signs

ZONING DISTRICT	MAXIMUM SIGN AREA	MAXIMUM SIGN HEIGHT
TOD-TR	36sf	7'
TS	36sf	7'
RE-3	36sf	7'
General Commercial	42sf However, in the B-2 District a permitted pole sign may be 84sf	7' However, in the B-2 District a permitted pole sign may be 30' in height
Research/Office Districts		
BP	42sf	7'
O-1	36sf	7'
O-2	36sf	7'
O-3	42sf	7'
RE-1	42sf	7'
RE-2	42sf	7'
Industrial	42sf However, in the I-1 and I-2 Districts a permitted pole sign may be 84sf	7' However, in the I-1 and I-2 Districts a permitted pole sign may be 30' in height
Institutional	36sf	7'



Ground Sign - Monument

4. Retail Center Ground Signs

Ground signs for retail centers are regulated separately from item 3 above, and are subject to the following standards:

a. One retail center ground sign is permitted per street frontage. For lots of five acres or more, an additional ground sign is permitted for each entry point to the lot but a minimum separation of 200 feet is required between signs.

b. Retail center ground signs are limited to the following maximum sign areas and heights:

i. Development site area of less than 25,000sf: 48 square feet in area and eight feet in height.

ii. Development site area of 25,000sf up to 50,000sf: 100 square feet in area and 10 feet in height.

iii. Development site area more than 50,000sf up to 200,000sf: 128 square feet in area and 15 feet in height.

iv. Development site area of more than 200,000sf: 150 square feet in area and 15 feet in height.

c. Where a multi-tenant retail center includes outparcels, each outparcel is permitted one ground sign of a maximum of 36 square feet in sign area and a maximum of five feet in height.

d. Ground signs for retail centers located in a TOD-UC or TOD-NC District are prohibited.

5. Multi-Tenant Planned Non-Residential Development Ground Signs

Ground signs for multi-tenant planned non- residential developments are regulated separately from item 3 above, and are subject to the following standards:

a. One ground sign of 50 square feet in area maximum and a maximum height of seven feet.

b. A second ground sign of 24 square feet in area maximum and a maximum height of four feet.

c. Outparcels on the site are each allowed one ground sign of 36 square feet in area maximum and a maximum height of five feet.

d. Ground signs for multi-tenant planned non-residential developments located in a TOD-UC or TOD-NC District are prohibited.

6. Multi-Use Planned Development Ground Signs

Ground signs for multi-use planned developments are regulated separately from item 3 above, and are subject to the following standards:

a. One ground sign of 50 square feet in area maximum and a maximum height of seven feet.

b. A second ground sign of 24 square feet in area maximum and a maximum height of four feet.

c. Outparcels on the site are each allowed one ground sign of 36 square feet in area maximum and a maximum height of five feet.

d. Ground signs for multi-use planned developments located in a TOD-UC or TOD-NC District are prohibited.

7. Residential Planned Development Ground Sign

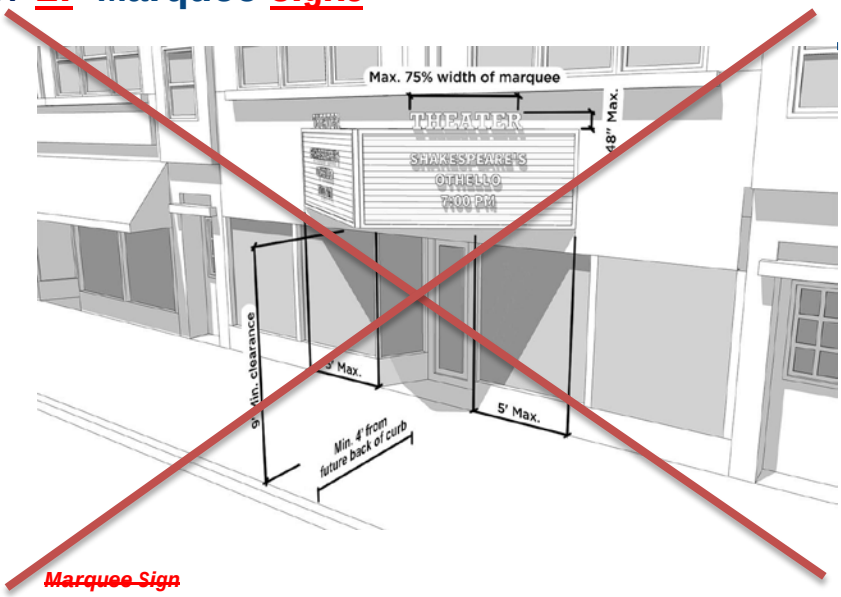
Ground signs for residential planned developments are regulated separately from item 3 above, and are subject to the following standards:

a. One residential planned development ground sign is permitted for each entry point to the development. A minimum separation of 200 feet is required between signs. Two separate sign faces may be used in conjunction with a wall, fence, or other architectural entrance feature.

b. Residential planned development ground signs are permitted a maximum sign area of 42 square feet per sign and a maximum sign height of five feet per sign.

c. Ground signs for residential planned developments located in a TOD-UC or TOD-NC District are prohibited.

~~D.~~ E. Marquee Signs



~~Marquee Sign~~

New Graphic

Marquee Sign

1. Marquee signs are permitted for non-residential uses only in the urban districts.

2. Marquee signs shall be supported solely by the building to which they are attached. No exterior columns or posts are permitted as supports.

3. The roof of a marquee sign shall not be used for any purpose other than to form and constitute a roof or to support a vertically-oriented extension of the sign extending upward and mounted perpendicular to the wall on which the marquee is mounted.

4. Marquee signs shall be erected over a building entrance. The width of a marquee sign is limited to the width of the building entrance with an additional five-foot extension of the marquee sign allowed on each side of the building entrance so long as such extension is part of the same structure.

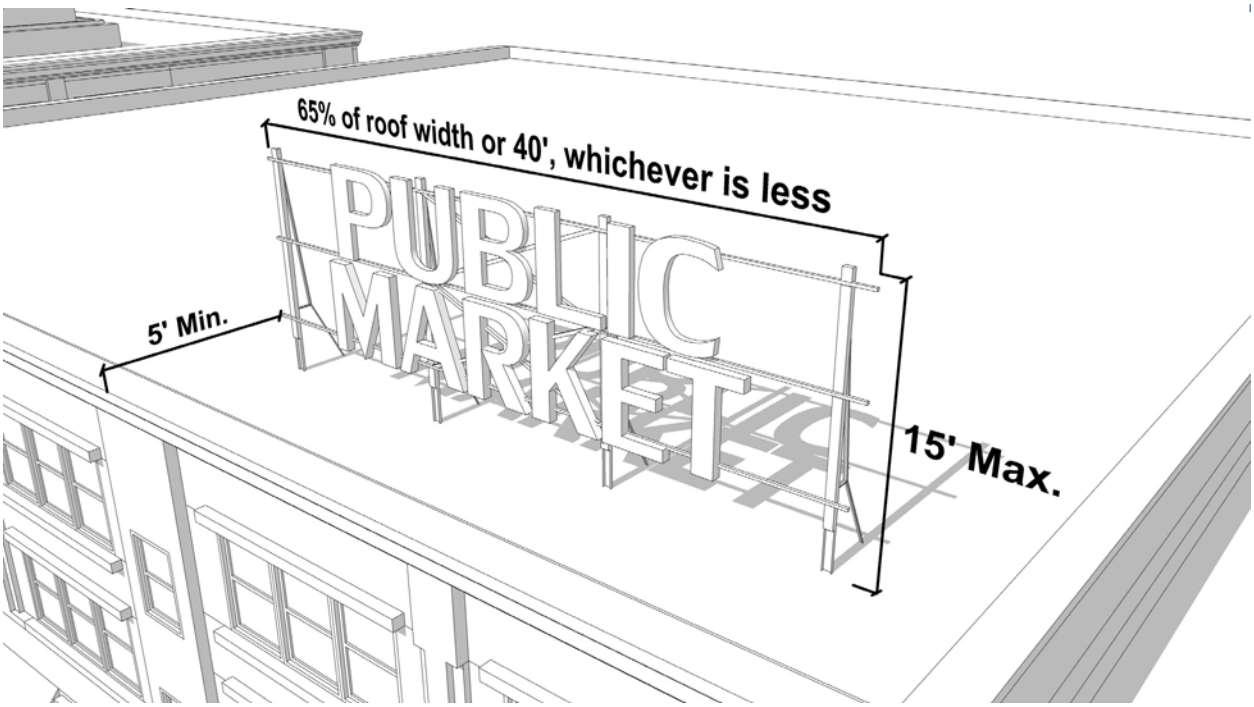
5. All marquee signs shall maintain a minimum vertical clearance of nine feet, and the roof of the marquee structure shall be erected below any second-floor windowsill located above the marquee, and cannot obstruct any other architectural features.

6. Marquee signs may encroach over a public or private sidewalk and/or amenity zone~~,~~ but ~~are~~ shall not project from a building façade more than nine feet and shall be ~~limited to a maximum of~~ no ~~more~~ closer than four feet from the future back of curb.

7. Marquee signs are permitted a vertically-oriented extension ~~sign face area~~ attached to and located above the roof of a marquee sign structure and perpendicular to the building wall. The height of the vertically-oriented extension is limited to a maximum of 24 inches above the building parapet. Such vertically-oriented extension is limited to a maximum projection of 75% of the depth of the marquee, as measured perpendicularly from the building wall to the furthest point of the marquee structure. ~~to a maximum height of 48 inches The sign face area is limited to a maximum width of 75% of the width of the marquee sign structure.~~

8. Marquees may be internally or externally illuminated.

~~E.~~ F. Roof Signs



Roof Sign

1. Roof signs are permitted only for non-residential ~~structures~~ buildings and multi-family dwellings of 30 feet or more in height in the B-2, MUDD, UMUD, TOD-UC, and TOD-CC Districts.

2. The size of the roof sign is limited to a height of 15 feet above the roof, including the support structure. The width of a roof sign is limited to 65% of the roof level width or 40 feet, whichever is less.

3. Roof signs shall be designed with channel letters/icons and the overall area shall be a minimum of 40% transparent.

4. A maximum of one roof sign is permitted per building. Roof signs shall only be installed on a flat roof.

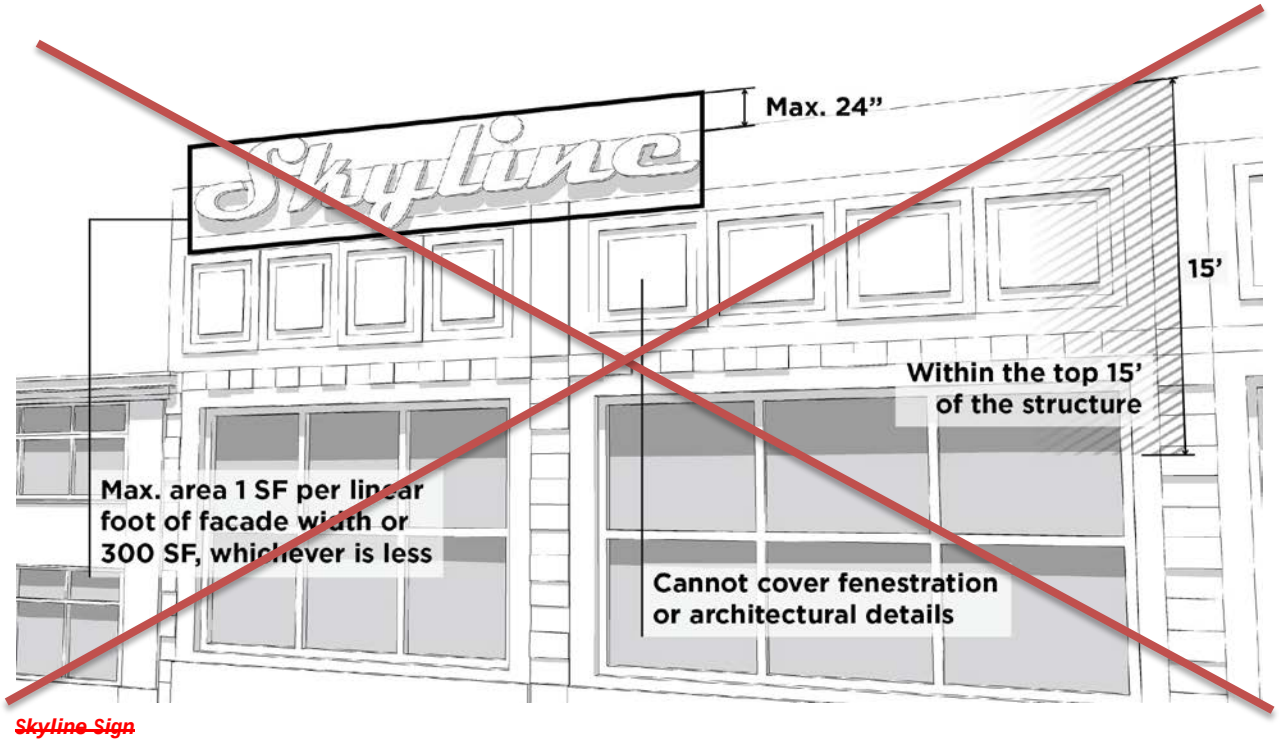
5. If a roof sign is erected on a building, a skyline sign (item F below) is prohibited.

6. A roof sign shall be set back a minimum of five feet from the edge of a roof.

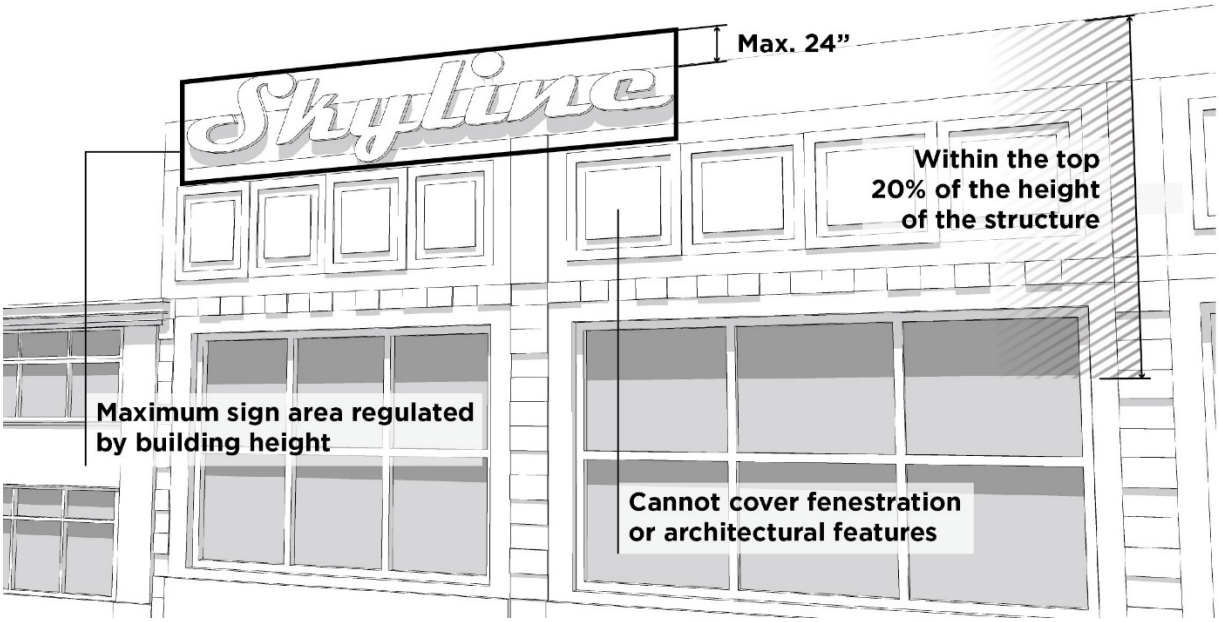
7. Roof signs shall be safely and securely attached to the roof structure and cannot interfere with any roof access points.

8. Roof signs shall only be internally illuminated.

~~F.~~ G. Skyline Signs



~~*Skyline Sign*~~



New Graphic

Skyline Sign

1. Skyline signs are permitted only for non-residential ~~structures~~ buildings and multi-family dwellings of ~~80~~ 50 feet or more in height in all urban, general commercial, research/office, industrial, and institutional districts.

2. The size of the skyline sign is limited as follows: ~~to one square foot per linear foot of the facade width where it is mounted or 300 square feet, whichever is less.~~

   a. Building height of 50’ – 75’: 300sf

b. Building height of greater than 75' – 100': 480sf

c. Building height of greater than 100' – 200': 600sf

d. Building height of greater than 200' – 500': 720sf

e. Building height of greater than 500': 850sf

3. One skyline sign is permitted per facade.

4. Skyline signs shall be placed within the top ~~15~~ 20% ~~feet~~ of the height of the structure and cannot cover any fenestration or architectural features.

5. Skyline signs may project up to 24 inches above the roofline or parapet, but shall be designed as a wall-mounted sign and cannot be primarily supported by structures installed on the roof.

6. If a skyline sign is erected on a building, a roof sign (item ~~E~~ F above) is prohibited.

7. Skyline signs shall only be internally illuminated.

~~G.~~ H. Temporary Signs for Planned Developments

1. Planned developments under construction are permitted temporary ground signs.

2. One primary and two secondary temporary ground signs are allowed per street frontage of the planned development. In addition to these temporary signs, either one real estate activity or one construction activity sign may also be permitted per street frontage.

3. The maximum sign area of a primary sign is limited to 48 square feet in residential districts, and 64 square feet in non-residential districts. The maximum sign area of a secondary sign is limited to 12 square feet.

4. The maximum height of the primary sign is limited to ten feet, and six feet for a secondary sign.

5. Within 30 days after all final certificates of occupancy have been granted, all temporary signs installed per this section shall be removed.

~~H.~~ ~~H.~~ I. Wall-Mounted Signs

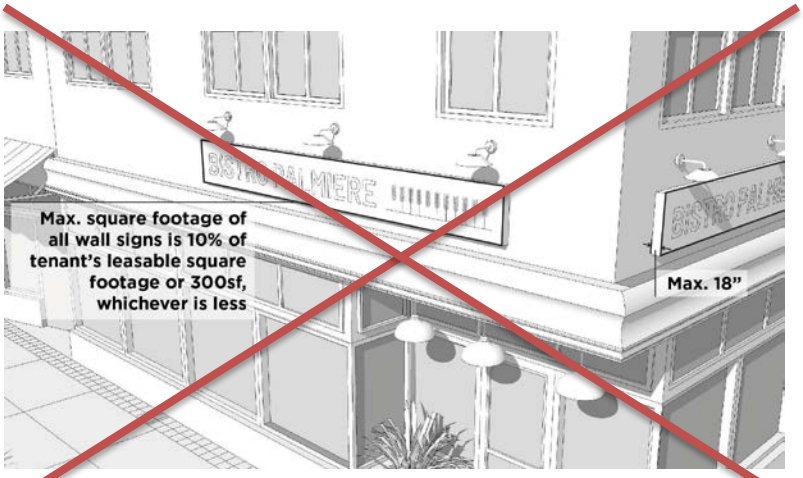
1. **General Regulations**

   a. Wall-mounted signs are permitted for all multi-family and non-residential uses in any district.

   b. Wall signs, projecting signs, and awning and canopy signs are considered wall-mounted signs. Other signs of this section that may be mounted on a wall, such as marquee, skyline, and roof signs, are regulated separately and do not count toward the maximum sign area of wall-mounted signs. Painted and projected wall signs (item I and item J, respectively) are also not considered wall-mounted signs and are regulated separately and do not count toward the maximum sign area of wall-mounted signs.

   c. In a multi-tenant building, the maximum square footage of all wall-mounted signs is allocated by tenant with leasable building wall square footage along each building facade.

   d. The maximum square footage of all wall-mounted signs is 10% of the tenant's leasable building wall square footage or 300 square feet, whichever is less. This limit applies to each tenant and square footage cannot be transferred from one tenant of a structure to another or from one facade of a structure to another.



~~Wall Sign~~

Wall Sign

2. **Wall Sign**

(Painted wall signs and projected wall signs are not regulated by this section and are regulated separately in items ~~I and J~~ J and K below.)

a. Wall signs are permitted on each facade of a structure. On a site consisting of multiple structures, each structure is permitted wall signs per the regulations of this Section.

b. Wall signs may be internally or externally illuminated. If externally illuminated, all light shall be directed onto the sign face.

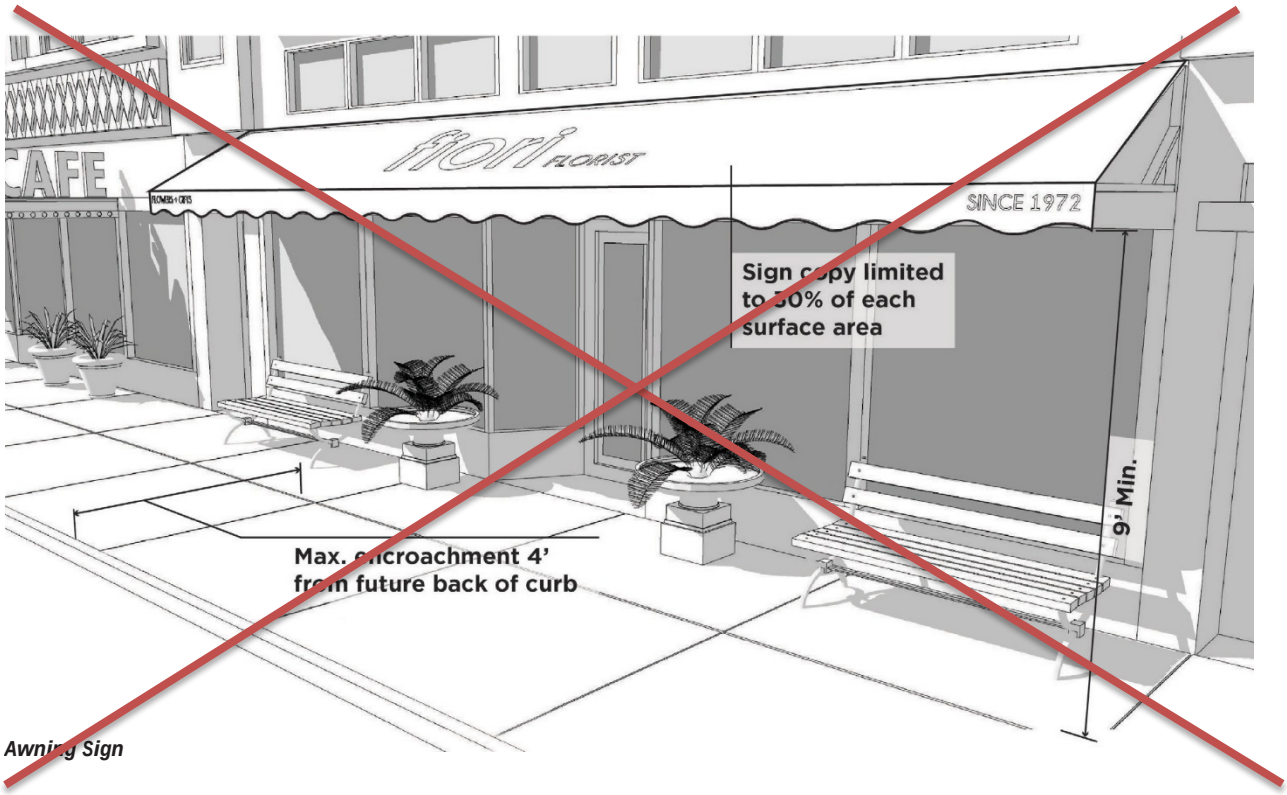
c. Wall signs shall be safely and securely attached to the building wall. Wall signs shall not project more than 18 inches from a building wall.

d. ~~No wall sign affixed to a building, including sign support structure, shall project beyond the ends or top of the wall or higher than the roofline of the structure to which it is attached.~~ Wall signs with a background, such as cabinet-box or flat-panel style wall signs, and any associated sign support structure shall not project beyond the ends or top of the wall, or higher than the roofline of the structure to which they are attached. Signs without a background, such as pin-mounted or raceway-mounted channel letter signs, and any associated sign support structure may project a maximum of 24" above the roofline, but may not project horizontally beyond the end of the wall to which they are attached.

e. Parapets added to existing buildings for the purpose of attaching signs shall match the architecture of the rest of the building, be of the same thickness, and on the same plane

as the wall to which it is added, and no more than six feet above the roofline. Additions to a parapet for the purpose of signage cannot be braced back to the roof.

f. Wall signs cannot cover any window, windowsill, transom sill, or architectural feature, such as cornices, of the structure.



Awning Sign

~~**3. Awning and Canopy Signs**~~

~~a. Awning and canopy signs shall be mounted within the first story of the structure.~~

~~b. Awning and canopy signs shall maintain a minimum vertical clearance of nine feet.~~

~~c. One awning or canopy sign is permitted per tenant with a facade abutting a public or private street, or public right-of-way.~~

~~d. Awning and canopy signs may encroach over a public or private street, or public right-of-way, but no more than four feet from the future back of curb.~~

~~e. All canopy posts shall be located on private property and at a minimum of four feet from the future back of curb.~~

~~f. A horizontal clearance of at least nine feet shall be maintained between canopy supports and between canopy supports and any building facade.~~

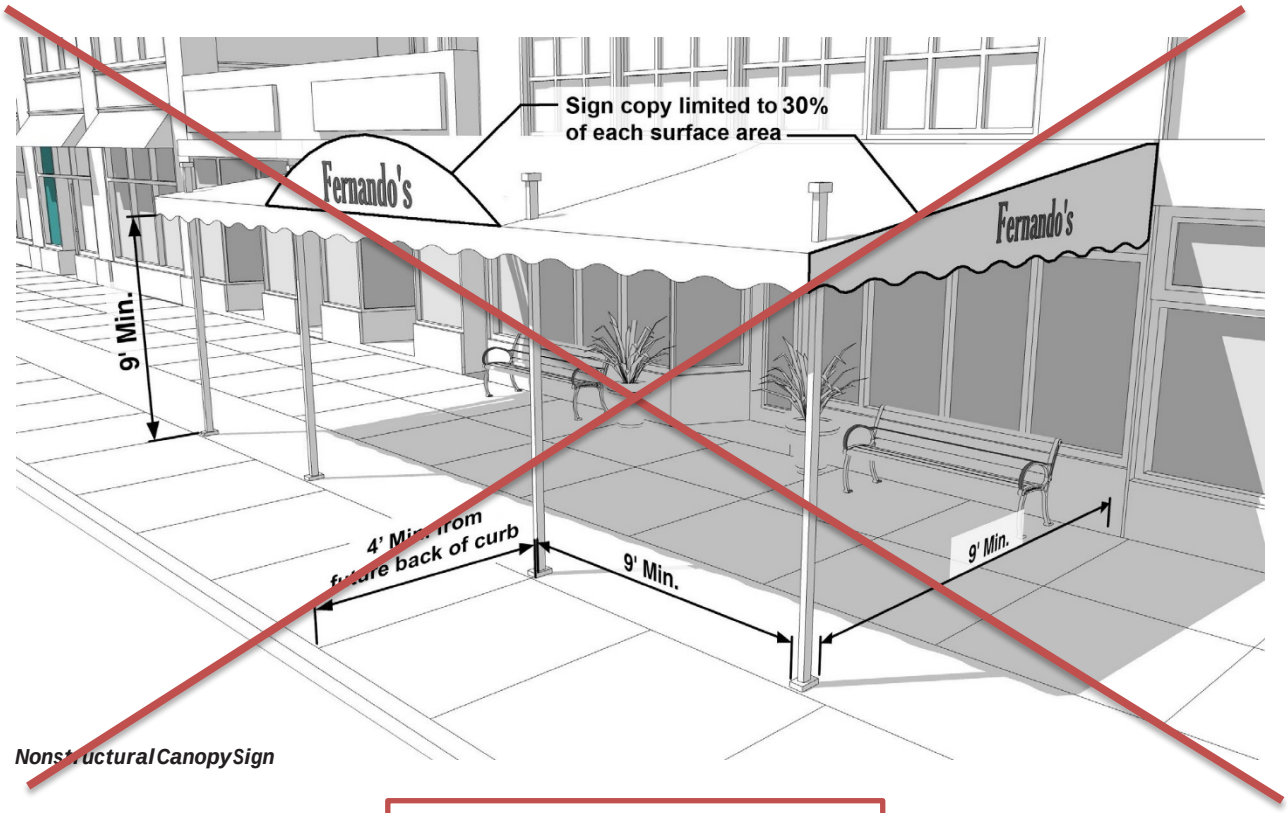
This text has been relocated to new Section 13.10.A

~~g. Sign copy on any awning or canopy sign surface is limited to 30% of each surface area. A valance is considered a separate surface area.~~

~~h. A structural awning or canopy is permitted a sign face area attached to and located above the top of the canopy to a maximum height of 24 inches. Structural awnings or canopies shall be made of metal or material of similar durability and structural integrity.~~

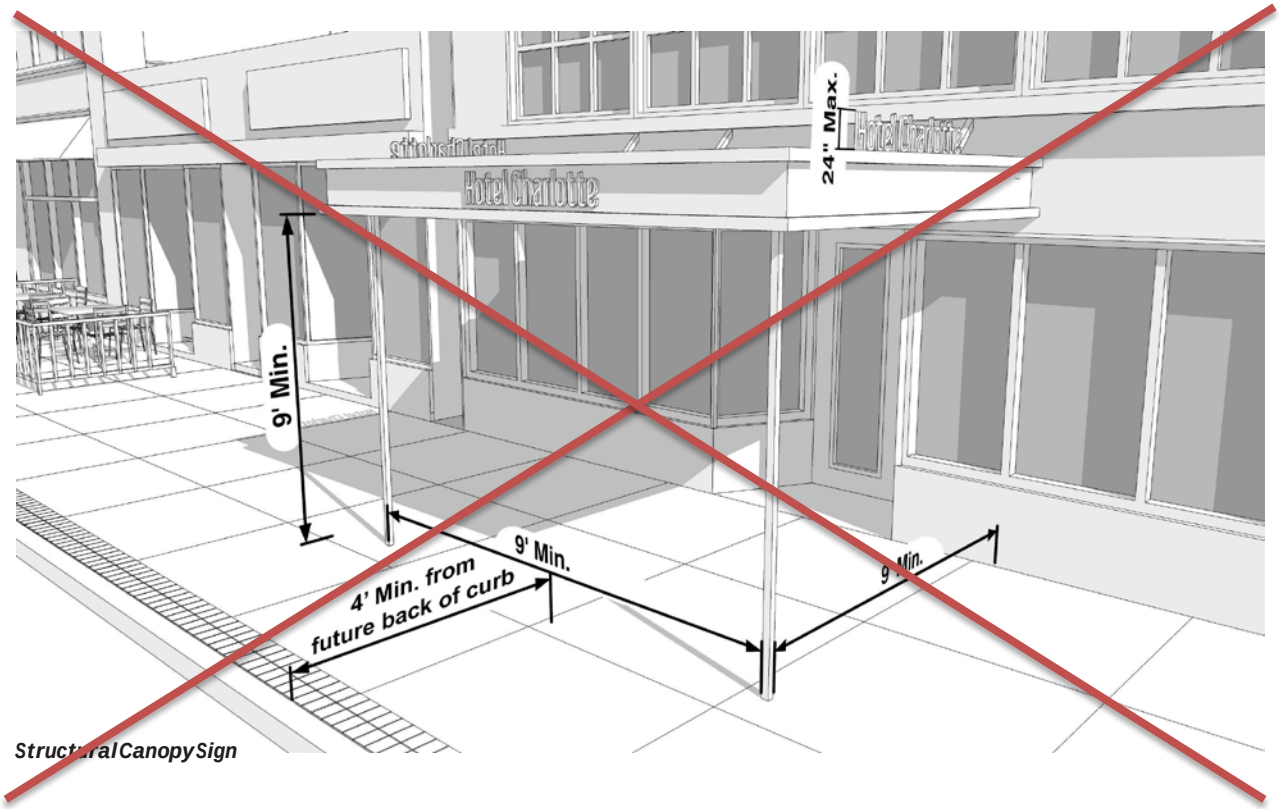
~~i. Sign copy is counted toward the maximum sign area of all wall-mounted signs plus any additional sign area per item h above.~~

~~j. Awning and canopy signs may be illuminated but lighting shall be installed as external downlighting or back-lighting.~~

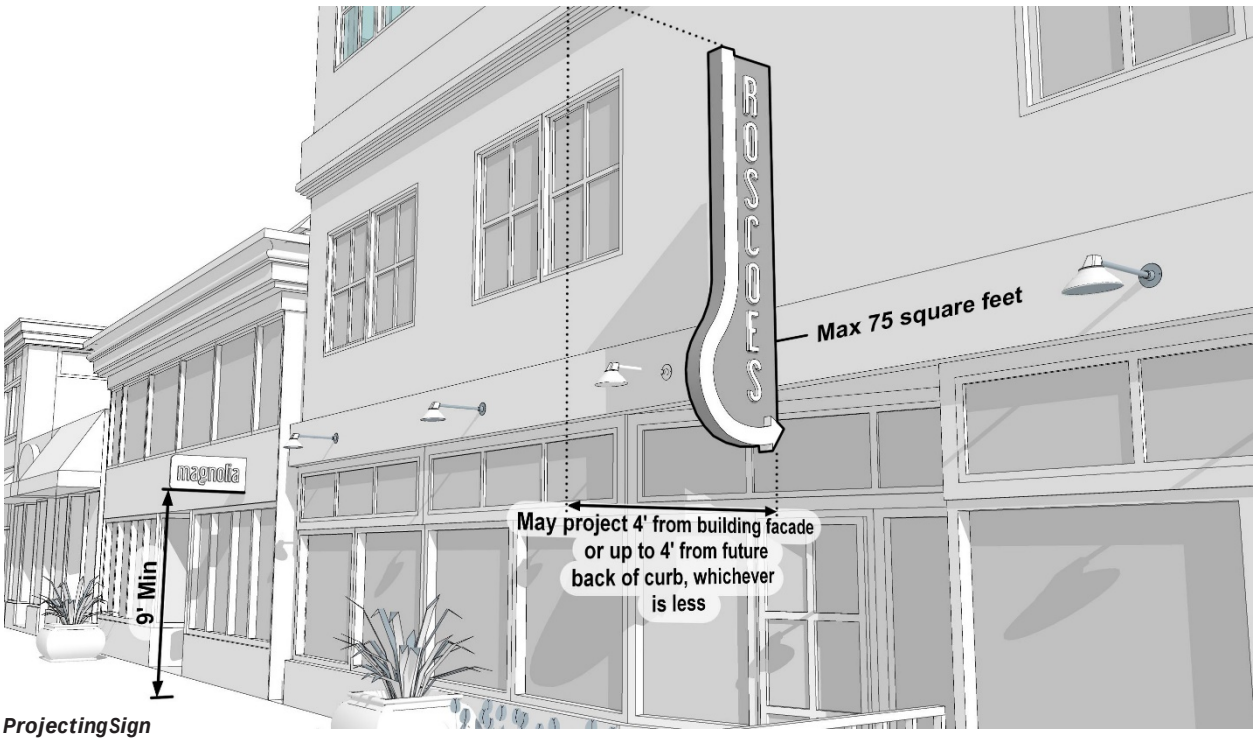


Nonstructural Canopy Sign

These two graphics were relocated to new Section 13.10.A



Structural Canopy Sign



Projecting Sign

~~4.~~ 3. Projecting Signs

a. Projecting signs shall maintain a minimum vertical clearance of nine feet. No projecting sign affixed to a building shall project higher than the building height, including the sign support structure.

b. Projecting signs shall be mounted within the first four stories of the structure.

c. Projecting signs are limited to a maximum sign area of 75 square feet. Sign area is counted toward the maximum sign area of all wall-mounted signs.

d. One projecting sign is permitted per tenant with frontage on a street. For a corner lot, one projecting sign is permitted for each street frontage.

e. Projecting signs are limited to a projection of four feet from the building façade or no more than four feet from the future back of curb, whichever is less.

f. Projecting signs may be internally or externally illuminated.

~~I.~~ J. Wall Signs, Painted

1. Painted wall signs are permitted for all non-residential uses in any district. Painted wall signs are regulated separately and do not count toward the maximum sign area of wall-mounted signs of item H above.

2. Painted wall signs are permitted on each facade of a structure. There is no size limit for a painted wall sign.

3. Painted wall signs shall not be painted on or obscure architectural features such as windows, doors, pilasters, or cornices.

4. Painted wall signs may be externally illuminated. If externally illuminated, all light shall be directed onto the sign face.

5. Painted wall signs shall not project more than 0.25 inches from a building wall.

6. Nothing in this section shall prevent an installer from incorporating their name or other identifying information as part of the painted wall sign.

7. The property owner, or their authorized representative such as the business owner, are responsible for ensuring that a permitted painted wall sign is maintained in good condition and is repaired in the case of vandalism or accidental destruction.

~~J.~~ K. Wall Signs, Projected

1. Projected wall signs are permitted for all non-residential uses in any district. Projected wall signs are regulated separately and do not count toward the maximum sign area of wall-mounted signs of item H above.

2. Projected wall signs must remain static and cannot flash, rotate, or move.

3. No projected wall sign can project an electronic video.

4. Projected wall signs shall not glare onto adjacent properties.

5. Projected wall signs shall not project past the wall onto which it is projected.

6. Projected wall signs shall not be projected over any other permanent or temporary sign, which includes painted wall signs.

13.11 Outdoor Advertising Signs

A. Purpose

The purpose of this section is to establish regulations for outdoor advertising signs that contain off-premise advertising and noncommercial messages to reduce visual clutter, protect the view of the skyline, reduce distractions for motorists, and reduce conflicts with traffic control signs. These regulations are designed to:

1. Present and perpetuate uncluttered and natural views for the enjoyment and environmental enrichment of the citizens of Charlotte, as well as visitors.
2. Promote economic prosperity, civic pride, quality of life, and the general welfare of citizens.
3. Enhance the aesthetic values of the City and its economic vitality.
4. Protect property values.
5. Promote good urban design.
6. Promote safety of motorists.

B. Static Outdoor Advertising Signs

Permits for new static outdoor advertising signs are issued only in accordance with the standards and regulations listed Table 13-4: Static Outdoor Advertising Signs. This excludes electronic changeable face outdoor advertising signs, tri-vision outdoor advertising signs, and other similar technologies.

Table 13-4: Static Outdoor Advertising Signs

Zoning Districts Permitted	I-1 and I-2 Districts located within 150' of the right-of-way of Class I Roads
Location	Cannot locate within required setbacks and yards
Maximum Sign Face Area	380sf
Maximum Height	The height of any portion of the sign structure, excluding cutouts or embellishments, as measured vertically from the adjacent edge of pavement of the main traveled way shall not exceed 50'
Maximum Number of Sign Faces	1 per side of sign
Sign Type/Anchoring	Freestanding of unipole construction only
Message Type	Off-premise advertising and noncommercial messages
Permit Required	A sign permit application shall be submitted in accordance with Section 13.4
Limitations	Moving, rotating, fluttering, blinking, flashing elements prohibited Animation, video, audio, pyrotechnic components prohibited Automatic changeable face outdoor advertising signs prohibited Bluecasting technology prohibited
Message Duration	The message cannot change more than once within a 24-hour time period
Illumination	Any illumination devices shall be effectively shielded so as to prevent beams or rays of light from being directed at any portion of a street or highway Illumination intensity or brilliance cannot cause glare or impair the vision of motorists, and cannot interfere with any driver's operation of a motor vehicle

Table 13-4: Static Outdoor Advertising Signs

Spacing of Sign to Residential Districts	There shall be at least 400' between the outdoor advertising sign and any residential districts The distance shall be the shortest measurable distance between the nearest point of the sign to the edge of residential districts
Spacing to Outdoor Advertising Signs on the Same Side of the Street	There shall be at least 1,000' between outdoor advertising signs on the same side of the street The distance shall be measured from the nearest point of the sign as projected to the centerline of the street upon which the sign is intended to be viewed to the nearest point of the other sign as measured to its closest centerline point along the same street
Spacing to Outdoor Advertising Signs on the Opposite Side of the Street	There shall be at least 500' from any other outdoor advertising sign on the opposite side of the street The distance shall be measured from the nearest point of the sign as projected to the centerline of the street upon which the sign is intended to be viewed to the nearest point of the other sign as measured to its closest centerline point along the same street
Spacing to Other Outdoor Advertising Signs on Nearby Streets	In addition, no two outdoor advertising sign structures within 300' of any street right-of-way on the same side of the street shall be spaced less than 1,000 feet apart, regardless of the street from which the sign is intended to be viewed The distance shall be the shortest measured distance between the nearest point of the sign to the nearest point of the other sign
Spacing to Existing Buildings	There shall be a minimum of 20' distance required between an outdoor advertising sign structure and an existing building The distance shall be the shortest measured distance between the nearest point of the sign to the edge of the building
Tree-Cutting	Vegetation cutting on City maintained streets for the purpose of clearing views for signs is prohibited unless approved by the City Arborist Cutting of any trees required by the Tree Ordinance that are located in the setback on any property is prohibited
Historic District	No outdoor advertising sign shall be located directly across the street from, or within, an historic district

C. Electronic Changeable Face Outdoor Advertising Signs (Including Conversions)

Permits for new electronic changeable face outdoor advertising signs or a permit to convert a static outdoor advertising sign to an electronic changeable face outdoor sign are issued only in accordance with the standards and regulations listed Table 13-5: Electronic Changeable Face Outdoor Advertising Signs (Including Conversions). These regulations apply to all outdoor advertising signs, including those with North Carolina Permits.

Table 13-5: Electronic Changeable Face Outdoor Advertising Signs (Including Conversions)

Zoning District Permitted	I-1 and I-2 Districts, located within 150' of the right-of-way of Class I Roads; Within B-2 District located within 150' of the right-of-way of Class I Roads for conversions of existing static outdoor advertising signs to electronic changeable face outdoor advertising signs
Location	Cannot locate within the required setbacks and yards
Maximum Sign Face Area	380sf
Maximum Height	The height of any portion of the sign structure, excluding cutouts or embellishments, as measured vertically from the adjacent edge of pavement of the main traveled way shall not exceed 50'
Maximum Number of Sign Faces	1 per side of sign
Sign Support	Freestanding of unipole construction only
Permit Required	A sign permit application shall be submitted in accordance with Section 13.4
Limitations	Moving, rotating, fluttering, blinking, or flashing elements prohibited Animation, video, audio, pyrotechnic components prohibited Bluecasting components prohibited
Message Duration	Advertising messages or information shall remain in a fixed, static position for a minimum of 8 seconds The change sequence shall be accomplished within an interval of 2 seconds or less
Message Type	Off-premise advertising and noncommercial messages
Illumination	The outdoor advertising sign shall have an automatic dimmer (factory set to the illumination intensities set below) and a photo cell sensor to adjust the illumination intensity or brilliance of the sign so that it does not cause glare or impair the vision of motorists, and does not interfere with any driver's operation of a motor vehicle The sign cannot exceed a maximum illumination of 7,500 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits between dusk to dawn as measured from the sign's face at maximum brightness Any external illumination devices shall be effectively shielded so as to prevent beams or rays of light from being directed at any portion of a street or highway, or any residential use
Spacing of Sign to Residential Districts	There shall be a minimum spacing of 400' between the electronic changeable face outdoor advertising sign and residential districts The distance shall be calculated as the shortest measurable distance between the nearest point of the sign to the edge of residential district

Table 13-5: Electronic Changeable Face Outdoor Advertising Signs (Including Conversions)

Spacing to Outdoor Advertising Signs on the Same Side of the Street	There shall be a minimum spacing of 2,000' between an electronic changeable face outdoor advertising sign and any other electronic changeable face outdoor advertising sign on the same side of the street There shall also be a minimum of 1,000' between electronic changeable face outdoor advertising signs on the same side of the street and any other static outdoor advertising signs The distance shall be measured from the nearest point of the sign as projected to the centerline of the street upon which the sign is intended to be viewed to the nearest point of the other sign as measured to its closest centerline point along the same street
Spacing to Outdoor Advertising Signs on the Opposite Side of the Street	There shall be a minimum spacing of 1,000' between electronic changeable face outdoor advertising signs on the opposite side of the street There shall also be a minimum of 500' spacing between electronic changeable face outdoor advertising signs and static outdoor advertising signs on the opposite side of the street The distance shall be measured from the nearest point of the sign as projected to the centerline of the street upon which the sign is intended to be viewed to the nearest point of the other sign as measured to its closest centerline point along the same street
Spacing to Other Outdoor Advertising Signs	No two electronic changeable face outdoor advertising signs within 300' of any street right-of-way on the same side of the street shall be spaced less than 2,000' apart, regardless of the street from which the sign is intended to be viewed In addition, no electronic changeable face outdoor advertising sign within 300' of any street right-of-way on the same side of the street shall be spaced less than 1,000' apart from any static outdoor advertising sign, regardless of the street from which the sign is intended to be viewed The distance shall be the shortest measured distance between the nearest point of the sign to the nearest point of the other sign
Spacing to Existing Buildings	20' minimum between an electronic changeable face outdoor advertising sign and any existing building The distance shall be the shortest measured distance between the nearest point of the electronic changeable face outdoor advertising sign to the edge of the building
Tree-Cutting	Vegetation cutting on City maintained streets for the purpose of clearing views for signs is prohibited unless approved by the City Arborist Cutting of any trees required by the Tree Ordinance that are located in the setback on any property is also prohibited
Historic District	No outdoor advertising sign shall be located within an historic district, or within 400' of an historic district boundary.
System Malfunction	Electronic changeable face outdoor advertising signs shall contain a default design that shall freeze the sign in one position with no more than a maximum illumination of 500 nits if a malfunction occurs

D. Nonconforming Outdoor Advertising Signs

1. Existing outdoor advertising signs that do not meet the standards of Table 13-4 or Table 13-5 but conform to the standards of Table 13-6 may continue and are deemed legally nonconforming.

2. Existing outdoor advertising signs that do not meet the standards of Table 13-4, Table 13-5, or Table 13-6 but can be rebuilt or replaced to conform to the standards of Table 13-6 may be rebuilt or replaced so long as the sign height and sign area are not increased. A sign permit to rebuild or replace such sign shall be issued and unexpired prior to the removal of the existing sign.

Table 13-6: Existing Outdoor Advertising Signs

Zoning District Permitted	I-1 and I-2 Districts on Class I, II, III, IV, V and VI Roads B-2 District on Class I, II, III, IV, V, and VI Roads
Location	Cannot locate within the required setbacks and yards
Maximum Sign Face Area	380sf in I-1 and I-2 Districts 300sf in B-2 District
Maximum Height	Class I Roads in I-1 and I-2 Districts: The height of any portion of the sign structure, excluding cutouts or embellishments, as measured vertically from the adjacent edge of pavement of the main traveled way shall not exceed 50' Class II, III, IV, V, and VI Roads in I-1 and I-2 Districts: The height of any portion of the sign structure, excluding cutouts or embellishments, as measured vertically from the adjacent edge of pavement of the main traveled way shall not exceed 40' Class I, II, III, IV, V, and VI Roads in B-2 District: The height of any portion of the sign structure, excluding cutouts or embellishments, as measured vertically from the adjacent edge of pavement of the main traveled way shall not exceed 30'
Maximum Number of Sign Faces	1 per side of sign
Sign Type	Freestanding of unipole construction only
Permit Required	A sign permit application shall be submitted in accordance with Section 13.4
Limitations	Dimming, flashing, fading, or scrolling messages prohibited Moving, rotating, fluttering, blinking, flashing elements prohibited Animation, video, audio, pyrotechnic components prohibited Automatic changeable face outdoor advertising signs prohibited Bluecasting technology prohibited
Message Duration	The message cannot change more than once within a 24-hour period
Message Type	Off-premise advertising and noncommercial messages

Table 13-6: Existing Outdoor Advertising Signs

Illumination	No outdoor advertising sign shall remain lighted between the hours of 12:00 a.m. and 5:00 a.m. except those signs located along Class I and II Roads All illumination devices shall be effectively shielded so as to prevent beams or rays of light from being directed at any portion of a street or highway Illumination intensity or brilliance cannot cause glare or impair the vision of motorists, and cannot interfere with any driver's operation of a motor vehicle
Spacing of Sign to Residential Districts	There shall be at least 400' between the outdoor advertising sign and residential districts The distance shall be calculated as the shortest measurable distance between the nearest point of the sign to the edge of residential district
Spacing to Outdoor Advertising Signs on the Same Side of the Street	There shall be at least 1,000' spacing distance between outdoor advertising signs on the same side of the street The distance shall be measured from the nearest point of the sign as projected to the centerline of the street upon which the sign is intended to be viewed to the nearest point of the other sign as measured to its closest centerline point along the same street
Spacing to Outdoor Advertising Signs on the Opposite Side of the Street	There shall be at least 500' from any other outdoor advertising sign on the opposite side of the street The distance shall be measured from the nearest point of the sign as projected to the centerline of the street upon which the sign is intended to be viewed to the nearest point of the other sign as measured to its closest centerline point along the same street
Spacing to Other Outdoor Advertising Signs on Nearby Streets	In addition, no two outdoor advertising sign structures within 300' of any street right-of-way on the same side of the street shall be spaced less than 1,000' apart, regardless of the street from which the sign is intended to be viewed The distance shall be the shortest measured distance between the nearest point of the sign to the nearest point of the other sign
Spacing to Existing Buildings	There shall be a minimum of 20' distance required between an outdoor advertising sign structure and an existing building The distance shall be the shortest measured distance between the nearest point of the sign to the edge of the building
Tree-Cutting	Vegetation cutting on City maintained streets for the purpose of clearing views for signs is prohibited unless approved by the City Arborist Cutting of any trees required by the Tree Ordinance that are located in the setback on any property is also prohibited

13.12 Special Sign Regulations

A. Passenger Rail Pathways and Platforms Signs

1. The maximum sign area for a sign on passenger rail pathways and platforms is 30 square feet.

2. The maximum sign height for a sign on passenger rail pathways and platforms is 5 feet, as measured from existing grade to the top of sign.

3. A maximum of eight sign faces per passenger rail pathway and platform are permitted.

4. All signs shall be oriented to make the sign content not readily visible from any public street.

5. Passenger rail pathway and platform signs may be freestanding if anchored to passenger rail platform, or may be attached to a platform wall or fence.

6. Passenger rail pathway and platform signs shall not be electronic signs and illumination is prohibited.

B. Planned Development Flexibility Option

For providing flexibility and incentives for coordinated, well-designed sign systems for large scale development, special provisions varying the standards of these regulations may be approved by the Planning, Design and Development Director or their designee subject to the following:

1. The development is a planned residential, non-residential, or mixed-use development, 25 acres or greater in size, or 150 units for multi-family developments, or containing more than 325,000 square feet of non-residential uses.

2. A master sign program that includes the following information is submitted:

   a. Detailed designs of all proposed signs, including the size, height, and materials of such signs.

   b. Proposed locations and number of proposed signs.

   c. Sign illumination plan.

   d. Plans for landscape or architectural features to be used in conjunction with such plans.

3. The Planning, Design and Development Director or their designee shall determine whether the proposed signs are coordinated in terms of design features.

4. The Planning, Design and Development Director or their designee shall allow the following flexibility if items 1, 2, and 3 above are met:

   a. The maximum size of individual detached signs may be varied by up to 25%.

   b. The number of ground signs along a street frontage may be increased up to three signs.

   c. The maximum height of a ground sign may be increased up to 12 feet except when located along a Class I, II or III Street, where the height may be increased up to 16 feet.

   d. Subject to the sign criteria set out below, a regional mall, retail center, office complex, or a mixed-use development containing over 500,000 square feet of gross building area may have additional ground signs at the pedestrian entrances into the building(s). Such signs are not considered to be ground signs along a street frontage and do not count towards the maximum of three ground signs along a street frontage. Such signs are subject to the following:

      i. Each sign shall be located a minimum of 400 feet from any public street.

      ii. Each sign shall be located within 150 feet of the pedestrian entrance.

      iii. The maximum height of each sign is

18 feet, and the maximum sign area is 70 square feet per side.

C. Detached Signs Impacted by Government Sponsored Projects

When a government sponsored project requires either the relocation of an existing ground sign or impairs the visibility of an existing ground sign from the lane of travel adjacent to the sign, adjustments to the ground sign location and standards may be requested in accordance with the following:

1. Relocation of a Sign Approved on a Conditional Site Plan

a. Relocation of a ground sign, whose location was originally approved on a conditional site plan, may be requested if the sign's visibility from the adjacent travel lane is impacted by a government sponsored project, or if the project requires the relocation of the sign.

b. The requested new location is not required to be a location shown on the approved conditional site plan.

2. Converting a Monument Sign to a Pole Sign

a. Conversion of a monument sign may be requested if the sign's visibility from the adjacent travel lane is impacted by a government sponsored project.

b. Conversion to a pole sign may be requested even if the zoning district or conditional site plan does not allow pole signs.

c. Conversion to a pole sign shall only be considered if the ground sign cannot be relocated to another location that allows visibility from the adjacent travel lane.

3. Modification to the Maximum Height of a Sign

a. Modification to the maximum allowed height of a detached sign may be requested if the sign's visibility from the adjacent travel lane is impacted by a government sponsored project.

b. Modification to the maximum allowed height may be requested even if the height is greater than that allowed by a conditional site plan.

c. Modification to the maximum allowed height shall only be considered if the sign cannot be relocated to another location that allows visibility from the adjacent travel lane.

d. Modification to the maximum allowed height shall only be considered if the increase is ten feet or less above the maximum sign height permitted in the district.

4. Approval and New Sign Permit Required

a. An application shall be submitted to Planning, Design and Development requesting the detached sign modification. The Planning Director or their designee has the authority to approve or disapprove the application. Considerations in granting approval include, but are not limited to, the following:

i. Need for relocation due to the government sponsored project.

ii. Loss of visibility from the adjacent lane of travel.

iii. Impact of relocated utility lines.

iv. Purpose and intent of sign restrictions on conditional site plan.

v. Topographical changes due to the government sponsored project.

vi. Unusual or unique circumstances.

vii. If the sign is proposed to be moved, has the distance between the

existing and proposed location been minimized.

viii. If converting to a pole sign, has the requested increase in the sign height been minimized.

ix. If increasing the maximum sign height, has the increase in the proposed sign height been minimized.

x. Consolidation of multiple individual signs.

xi. All other sign standards of this Chapter and the district in which the sign is located are met.

b. If the application is approved, a new sign permit is required for each sign.

D. **Landmark and Historic Signs**

1. **Designation Procedure**

a. The property owner of the parcel where a proposed landmark sign is located, or the owner of the site where a proposed historic sign is to be relocated, may apply for designation of an existing sign as a landmark or historic sign. Such application shall be submitted to and on a form determined by the Zoning Administrator or their designee. The Zoning Administrator or their designee has the authority to approve or to disapprove the designation of landmark or historic signs based upon the criteria stated below. At the time of the filing of a landmark or historic sign designation application, the applicant shall file all necessary information in order for the Zoning Administrator or their designee to determine if the sign meets the criteria for the requested designation. The Zoning Administrator or their designee has the authority to request whatever other information is necessary in order to make a decision. The burden of proof for meeting the criteria is upon the applicant.

b. In approving or disapproving a landmark or historic sign application, the Zoning Administrator or their designee shall state the reasons in writing. An appeal of the decision to the Zoning Board of Adjustment shall be properly filed within 30 days of the date of the decision as shown on the face of the decision.

c. Once a sign has been designated as a landmark or historic sign, the Zoning Administrator or their designee shall then issue a certificate to the applicant stating that the sign has been duly designated as a landmark or historic sign.

d. If the sign being considered for landmark or historic designation is associated with a designated local landmark or located in an established Historic District, the Zoning Administrator or their designee shall receive a recommendation from the appropriate Charlotte-Mecklenburg Historic Landmark Commission or the Historic District Commission before making a decision.

e. After a sign is designated as a landmark or historic sign it shall be maintained in its original condition, shape and size, except for minor changes required for structural enhancements or changes required to comply with minimum Electrical or Building Codes, or to remove portions from a public right-of-way. Where original materials are unavailable, substitute materials shall be used that are as similar as possible to the original material.

f. While a designated landmark or historic sign is deemed conforming, this Section is not intended to prevent the Zoning Administrator or their designee from enforcing this Ordinance if he/she, or another City agency determines that

there is a violation of any provisions, or the intent and purposes of any provisions of the zoning ordinance.

g. Nothing in this section shall prohibit the owner(s) of a designated landmark or historic sign from removing such a sign.

2. Landmark Signs

The purpose of designating a sign as a landmark sign is to encourage the restoration and retention of on-premise, nonconforming signs that are historically significant. Once designated as a landmark sign, the sign is deemed conforming.

a. Designation Criteria

The Zoning Administrator or their designee may designate an existing on-premises sign as a landmark sign if it meets the following criteria:

i. The sign has been in continuous existence at the present location for at least 25 years.

ii. The sign is an on-premises sign, which meets at least four of the following criteria:

(A) It was expressly designed for the business, institution, or other establishments at that location.

(B) It bears a national or local emblem, logo, or other graphic that is unique to the property or the establishment.

(C) The sign exhibits unique or rare characteristics that enhance the streetscape or identity of a neighborhood.

(D) The sign is significant as evidence of the history of the product, business, or service advertised.

(E) The sign is characteristic of a specific historic period.

(F) The sign is integral to the building's design or physical fabric.

(G) The sign represents an outstanding example of the sign maker's art due to craftsmanship, use of materials, or design.

iii. The sign complies with the appropriate provisions of the North Carolina State Building and Electrical Codes. Such signs are allowed structural and electrical repairs, with the approval of a sign permit, to meet the standards of such codes.

iv. If any portion of the sign is permitted to remain in or over a City right-of-way, a CDOT encroachment agreement is required.

v. The sign is structurally safe or is capable of being made so without substantially altering its historical significance.

b. Location

If a designated landmark sign is moved on-premise, it shall be subject to the location standards of this Chapter.

3. Historic Signs

The restoration and retention of nonconforming, historically significant signs that have been removed from their original locations and are to be reused is encouraged. Allowing those signs to move to other locations within the community is necessary to ensure preservation. Once designated as a historic sign, the sign is deemed conforming.

a. Designation Criteria

The Zoning Administrator or their designee may designate an existing sign as a historic sign if it meets the following criteria:

i. The sign shall be at least 25 years old.

ii. The sign shall meet at least three of the following criteria:

(A) It bears a national or local emblem, logo, or other graphic that is unique to the community.

(B) The sign exhibits unique or rare characteristics that enhance the streetscape or identity of a neighborhood.

(C) The sign is significant as evidence of the history of the product, business, or service advertised.

(D) The sign is characteristic of a specific historic period.

(E) The sign represents an outstanding example of the sign maker's art due to craftsmanship, use of materials, or design.

(F) The sign complies with the appropriate provisions of the North Carolina State Building and Electrical Codes. Such signs are allowed structural and electrical repairs, with the approval of a sign permit, to meet the standards of such codes.

(G) The sign is structurally safe or is capable of being made so without substantially altering its historical significance.

b. Location

The sign may be moved to another location on the site where it is currently located or to another property. It is encouraged that the sign be relocated to a site within the neighborhood from which it originated. The receiving site shall be located within a non-residential zoning district for commercial signs.

c. Nonconforming Aspects of Relocated Signs

i. Relocated historic signs that are nonconforming based on their size, height, or lighting do not have to be brought into conformance. However, such signs cannot increase their nonconformance by any physical alterations to the sign.

ii. Sign lighting of relocated historic signs shall be located, screened, or shielded so that abutting lots located in any residential district are not directly illuminated and do not cause glare or impair the vision of motorists.

iii. Projecting signs that extend beyond the maximum projecting dimension based upon the existing dimension of the sign require a CDOT encroachment agreement if they project into the City right-of-way.

iv. The relocation of historic signs that are considered prohibited by this Chapter may maintain the prohibited characteristic, provided such features are considered part of the historic or cultural character of the sign and approved as part of the designation.

v. Relocated outdoor advertising signs shall comply with only the following sections of Table 13-6: zoning district, location, spacing, and tree-cutting regulations.

13.13 Prohibited Signs

The following sign and sign structures are specifically prohibited. Other signs that have not been expressly allowed by these regulations are also prohibited.

A. Balloon signs, including air-infused/air-inflated signs.

B. Feather flags. Also known as sails.

C. Except in the Uptown Mixed Use District (UMUD), flashing, fluttering, swinging, or rotating signs other than time and/or temperature signs.

D. Pennants. Streamers are considered pennants.

E. Portable sign structures.

F. Signs that constitute a traffic hazard, including signs that:

1. Interfere with, obstruct the view of, or may be confused with any authorized traffic sign, signal, or device because of its position, shape, or color, including signs illuminated in red, green, and/or amber color to resemble a traffic signal.

2. Make use of words, phrases, symbols, or characters in a manner that misleads, interferes with, or confuses traffic.

G. Signs painted, pasted, stapled, taped, or otherwise affixed to a tree, fence, utility pole, bench, trash receptacle, or similar non-sign structure.

H. Vehicle signs.

13.14 Nonconforming Signs

A. Legal nonconforming on-premise signs may remain until one of the following occurs:

1. Such sign(s) is moved, removed, or replaced by voluntary action. Any such sign, or portion thereof, which is required to be relocated due to a governmental action, such as a roadway improvement, may be moved to another location on the same property.

2. Any change to the sign that is not one of the following:

a. Necessitated by routine maintenance or by repairs.

b. Necessitated for compliance with minimum electrical or building codes.

c. A change to the existing sign face not involving the modification of the size or shape of the sign face.

3. Approval of an application for a sign permit to add new or additional signage to the site of a nonconforming sign.

B. Nonconforming on-premise signs shall be subject to all applicable nonconforming provisions of this Ordinance.

C. Nonconforming outdoor advertising signs are controlled by the provisions of Section 13.11.

13.15 Sign Enforcement

A. Inspections and Investigations

1. The Zoning Administrator or their designee may periodically inspect signs in order to determine whether there are any violations of this Ordinance.

2. The Zoning Administrator or their designee has the power to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in these regulations, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting signs. No person shall refuse entry or access to the Zoning Administrator or their designee who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with any such representative while in the process of carrying out his official duties.

3. The Zoning Administrator or their designee may require written statements, or the filing of reports with respect to pertinent questions relating to signs.

B. ~~Citations~~ Notices of Violations and Citations

If, through inspection, it is determined that a person has failed to comply with the provisions of these regulations, the Zoning Administrator or their designee shall issue to the violator either (1) a ~~w~~Warning c~~C~~itation ~~to the violator~~ for violations associated with, but not limited to, temporary type signs such as portable signs, banners, and feather flags or (2) a Notice of Violation for violations associated with permanent type signs. Violators issued a Warning Citation shall correct the violation within ten days and violators issued a Notice of Violation shall correct the violation within 30 days. ~~Violations shall be corrected within ten days of the issuance of such citation.~~ If the violation is not corrected within the specified time period, the violator is subject to Section 8.105 (Citations) of this Ordinance.

C. Other Enforcement Methods

In addition to the civil penalties, the provisions of these regulations may be enforced by one or more of the methods described in Chapter 8 of this Ordinance.

Petition 2020-104 by Charlotte Planning, Design, and Development

To Approve:

This petition is found to be **consistent** with the *Centers, Corridors and Wedges Growth Framework* goal to support a diverse and growing economy, based on the information from the staff analysis and the public hearing, and because the text amendment:

- Provides additional flexibility. For example, extending allowances for A-frame signs, and lowering the building height required for a skyline line;
- Allows innovative design by introducing vertically-oriented marquee elements, and allowing certain wall sign types to project above a building roofline;
- Provides better scale for certain sign types. For example, increasing the maximum size of skyline signs based on building height, and allowing placement of the signs in a larger area;
- Provides greater utilization of building wall space for sign area by amending what is considered to be a wall sign; and
- Addresses unintended consequences such as adjusting sign area allowance for detached pole signs, and also exempting logos and labels not regulated by the Zoning Ordinance which are located on mechanical equipment, trash containers, and similar equipment.

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 text amendment:

- Clarifies the enforcement process by specifying notice procedures, making it easier to understand; and
- Updates, adds, and deletes definitions and graphics adding further clarity.

To Deny:

This petition is found to be **consistent** with the Centers, Corridors and Wedges Growth Framework goal to support a diverse and growing economy based on the information from the staff analysis and the public hearing, and because the text amendment:

- Provides additional flexibility. For example, extending allowances for A-frame signs, and lowering the building height required for a skyline line;
- Allows innovative design by introducing vertically-oriented marquee elements, and allowing certain wall sign types to project above a building roofline;
- Provides better scale for certain sign types. For example, increasing the maximum size of skyline signs based on building height, and allowing placement of the signs in a larger area;
- Provides greater utilization of building wall space for sign area by amending what is considered to be a wall sign;
- Addresses unintended consequences such as adjusting sign area allowance for detached pole signs, and also exempting logos and labels not regulated by the Zoning Ordinance which are located on mechanical equipment, trash containers, and similar equipment;
- Clarifies the enforcement process by specifying notice procedures, making it easier to understand; and

- Updates, adds, and deletes definitions and graphics adding further clarity.

(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 the text amendment:

- (To be explained by the Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

City of Charlotte

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

Agenda Date: 10/6/2020

Agenda #: 4.**File #:** 15-14289 **Type:** Zoning Item

Rezoning Petition: 2018-034 by Charles & Ellen Gray

Location: Approximately 0.71 acres located on the southern corner of the intersection of University City Boulevard and John Kirk Road. (Council District 4 - Johnson)

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

Public Hearing Held: September 21, 2020 - Item #36

Staff Resource: William Linville

Staff Recommendation:
Staff recommends APPROVAL of this petition.

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

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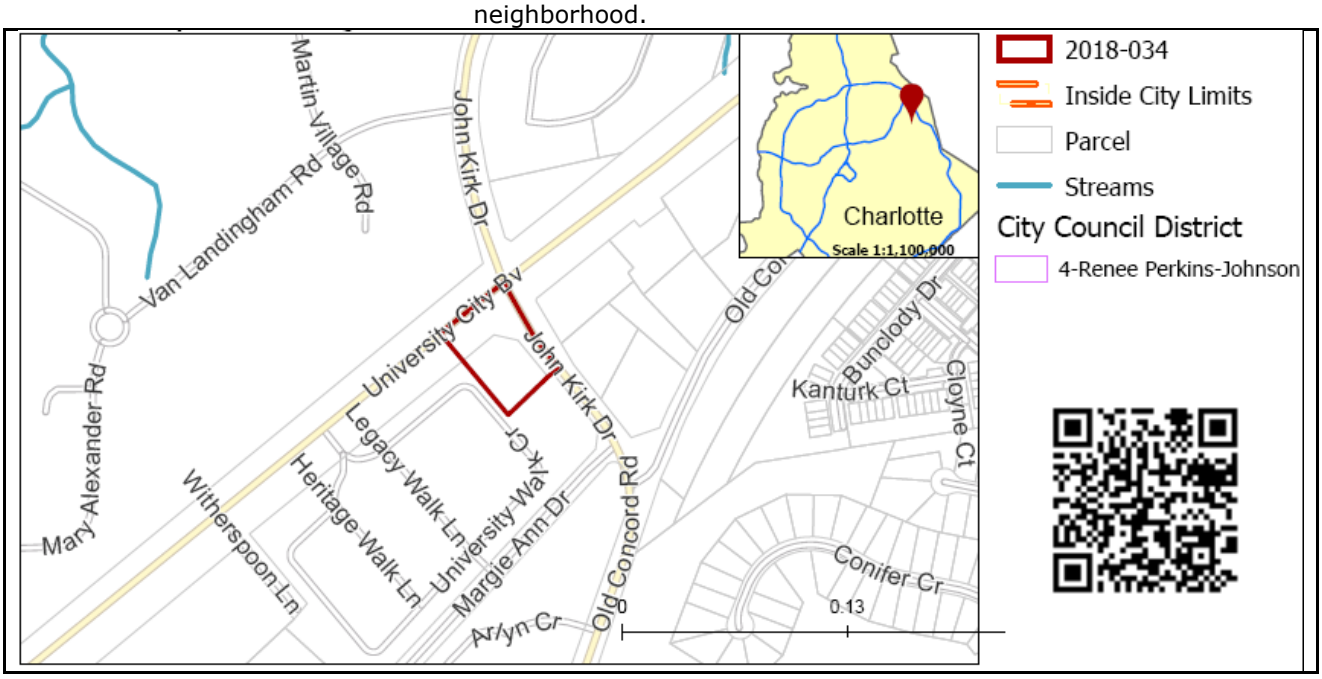
CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2018-034
Post Hearing Staff Analysis
October 6, 2020

REQUEST	Current Zoning: B-1 (CD) (neighborhood business, conditional) Proposed Zoning: B-1 (CD) SPA (neighborhood business, conditional, site plan amendment)
LOCATION	Approximately .76 acres located at the southern intersection of John Kirk Drive and University City Boulevard in the University City neighborhood.



SUMMARY OF PETITION	Request for a site plan amendment to a previously approved conditional plan (1993-031) to allow all uses permitted by-right and under prescribed conditions within the B-1 zoning district while prohibiting some auto-centric uses.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Charles Gray Charles Gray Collin Brown & Brittany Lins, Alexander Ricks, PLLC
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Virtual Community Meeting: 0

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the *University City Area Plan's* (2015) recommendation for residential uses up to 22 dwelling units per acre (DUA) for the site.

Rationale for Recommendation

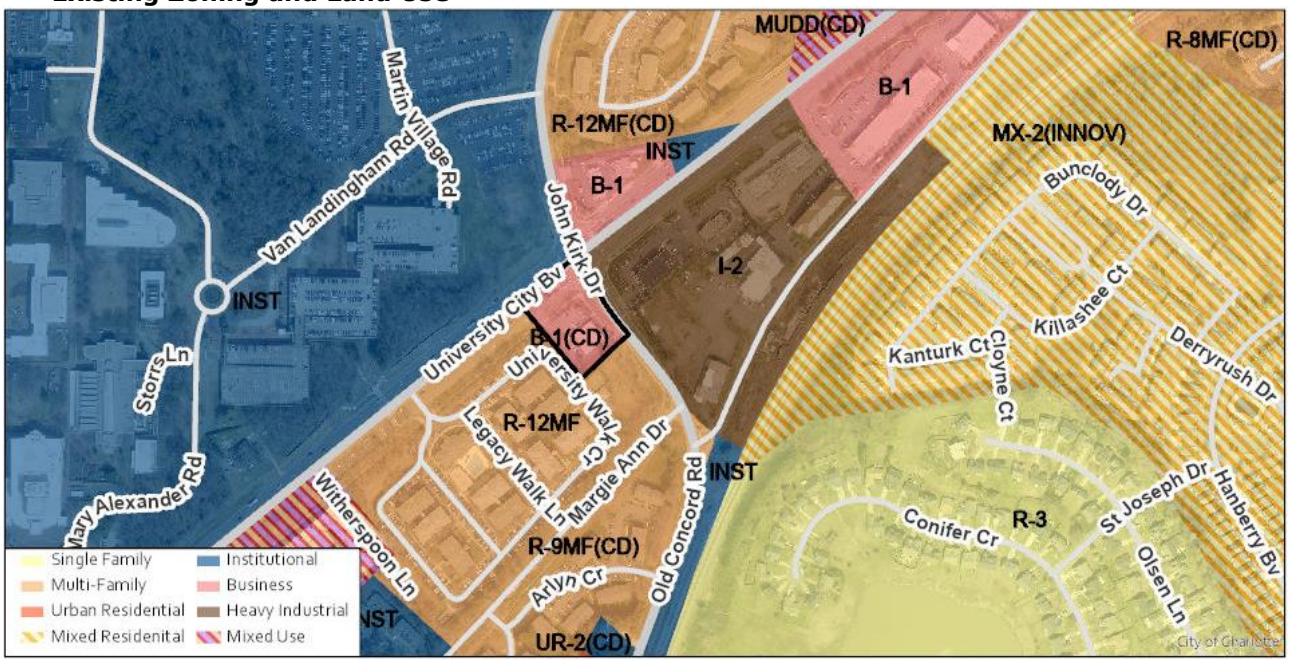
- The request for retail uses at this site matches the land use context of three of the four corners (with the fourth being controlled by the university) at the intersection of John Kirk Drive and University City Boulevard.
- The request maintains existing retail and zoning uses that were previously in operation on this corner.

- The petition is consistent with land use and development policy (policy area 10c). While it recommends this area as a "Primarily Residential Character Area", it acknowledges supportive land uses such as retail, office, and civic/ institutional uses along University City Boulevard.
- The amendment's commitment to exclude fueling stations is consistent with land use and development policies regarding retail uses in area 10c.
- The current conditional plan for this site severely limits the types of uses permitted at a location that is walkable for students and residents. Approval of this plan amendment would assist the owners in finding a suitable tenant for a long-closed former student bookstore.

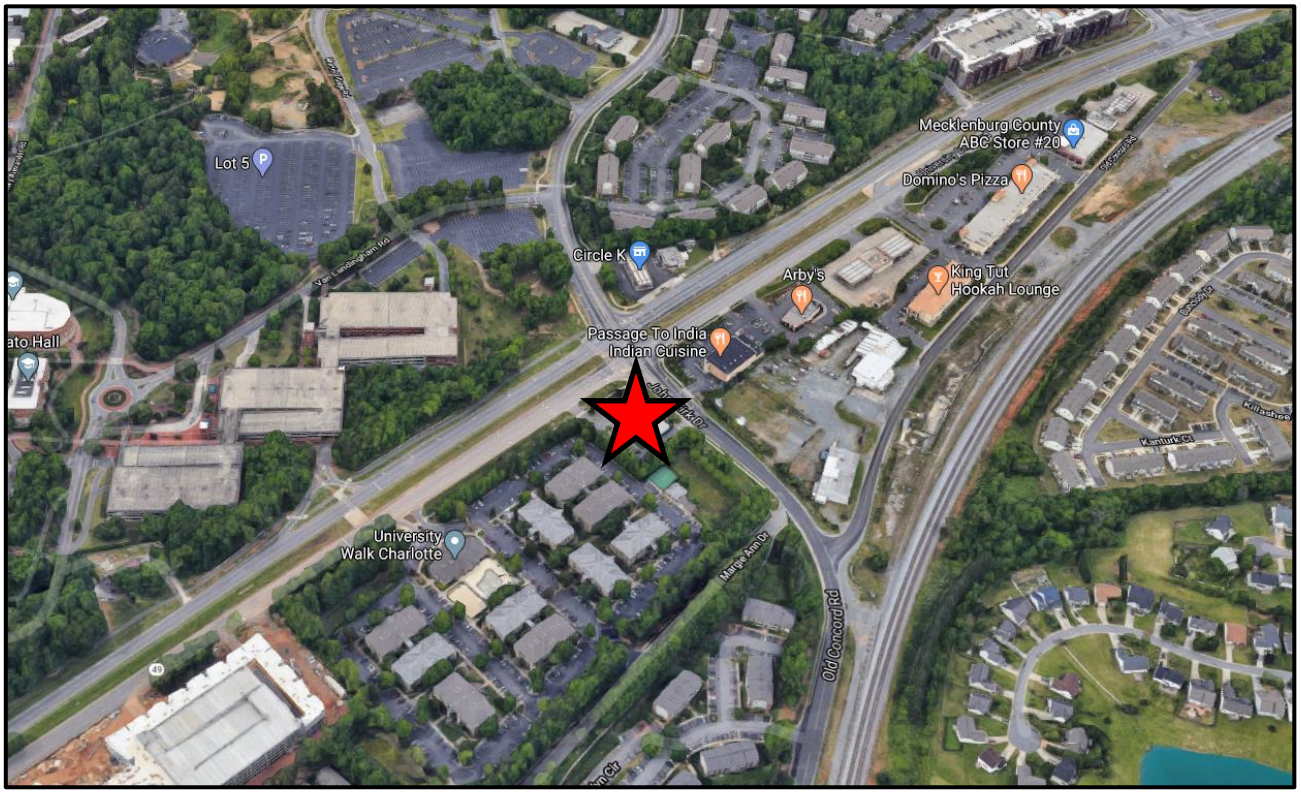
The approval of this petition will revise the adopted future land use as specified by the *University City Area Plan*, from residential uses up to 22 DUA to retail uses for the site.

PLANNING STAFF REVIEW

- **Background**
  The approved site plan from rezoning petition 1993-031 limited the site's permitted uses to a bookstore and all uses allowed within the O-1 district. It also placed limitations to the building area (5,000 SF max.)
- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Proposes to allow all permitted uses within the B-1 district except for the following uses:
    - Automotive service stations with gasoline sales, including repair and lubrication.
    - Automotive maintenance services.
    - Auto sales and rentals.
    - Fueling stations.
    - Commercial car washes.
    - Equipment sales or leasing within an enclosed building.
    - Residential uses.
  - The amendment also removes the building area limitations from the previously approved plan.
- **Existing Zoning and Land Use**



The subject parcel was most recently rezoned in 1993 (petition 1993-031) to B-1 CD to allow the operation of a college bookstore. The University of North Carolina at Charlotte is directly east from the site, while a mixture of single family, multi-family/student housing, industrial, and retail uses surround the remainder of the site.

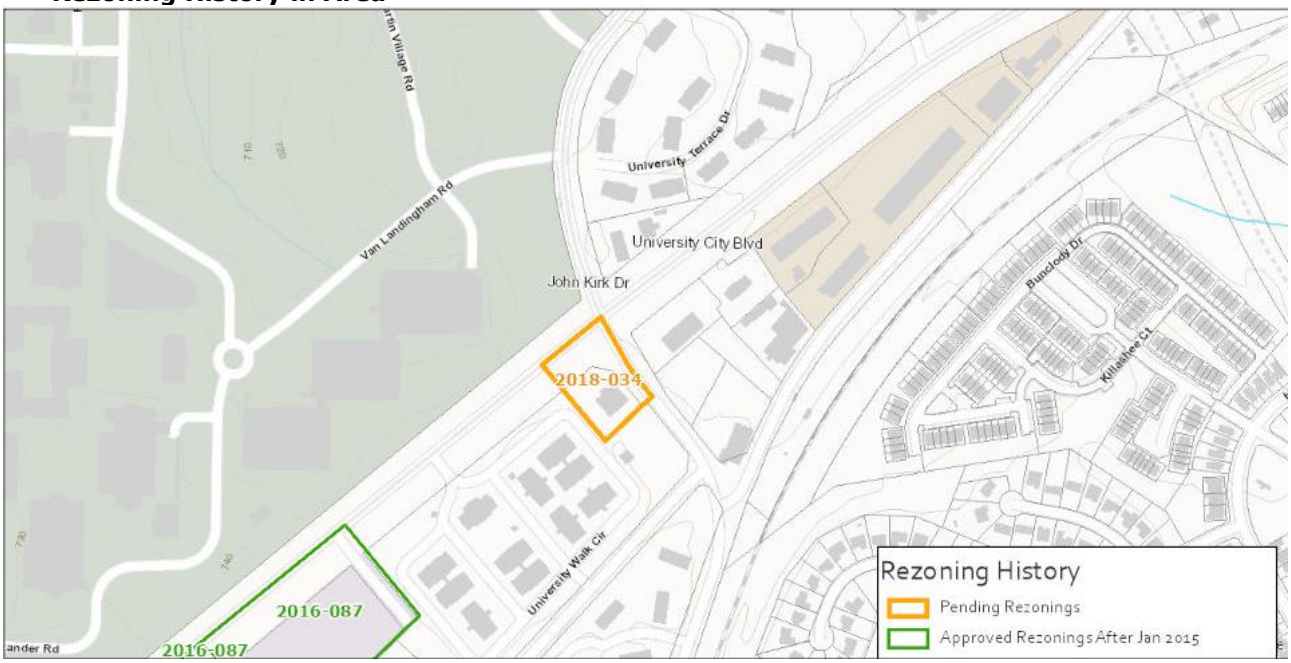


General location of subject property denoted by red star.

Streetview from University City Boulevard looking east toward subject property (site of the former Gray's Bookstore).

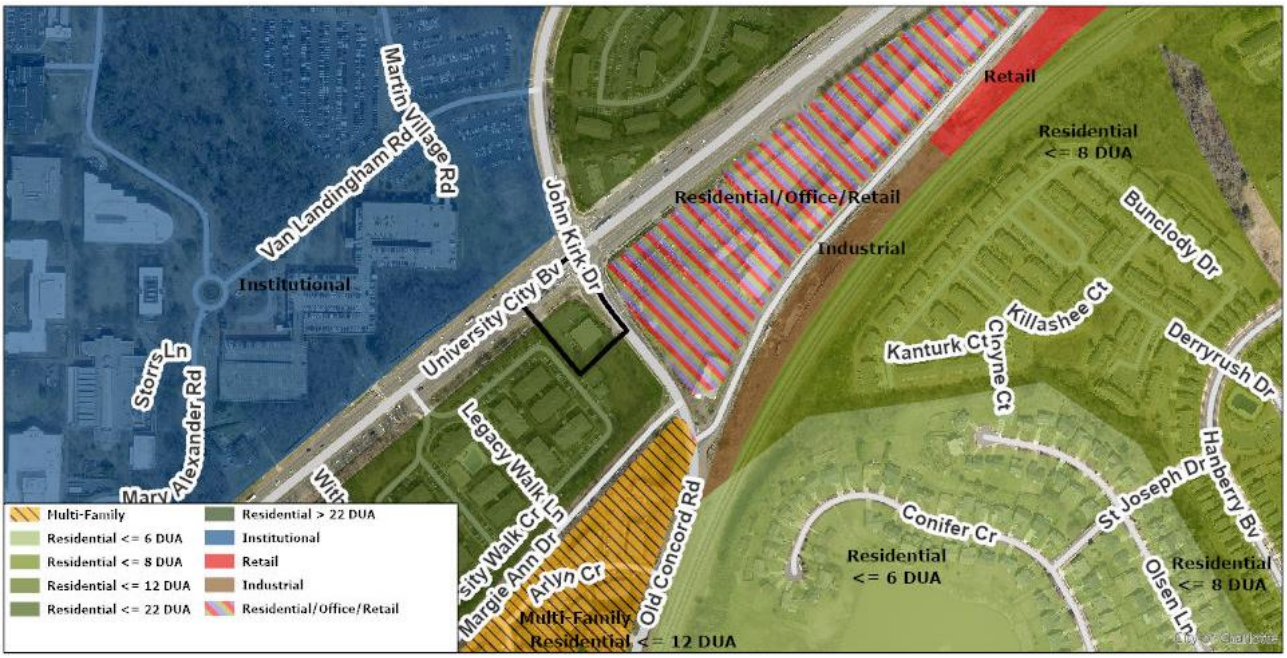
Streetview looking west along University City Boulevard toward UNCC.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2016-087	Redevelopment of former single-family residential site to a multi-family development.	Approved

- **Public Plans and Policies**



  - The *University City Area Plan* (2015) recommends residential uses up to 22 DUA for the site.

- **TRANSPORTATION SUMMARY**
  - The site is at the signalized intersection of two thoroughfares. There is an existing 27' planting strip and 5' sidewalk on University City Boulevard and 25' planting strip and 5' sidewalk on John Kirk Drive.
  - **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: 790 trips per day (based on 5,500 SF bookstore).

    Proposed Zoning: 1,010 trips per day (based on .72 acres of B-1 (CD) uses).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** 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 accessible for the rezoning boundary via an existing 16-inch water transmission main located along John Kirk Drive. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an 9-inch gravity sewer main located along John Kirk Drive. See advisory comments at www.rezoning.org
- **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:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Site and Building Design

~~1. Please revise the site to reflect a shared building/parking envelope in lieu of illustrating existing conditions.~~ ADDRESSED

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

Planner: Will Linville (704) 336-4090

DEVELOPMENT NOTES

THIS REZONING DRAWING IS NOT INTENDED TO BE A SURVEY OR DEED/PLAT MAP. NO GRID TIE WAS FOUND IN REFERENCE DRAWINGS.

THE PROPOSED DEVELOPMENT SHALL COMPLY WITH ALL ZONING ORDINANCE REQUIREMENTS AND STANDARDS PERTAINING TO OFF STREET PARKING, SIGNAGE, SCREENING/LANDSCAPING, BUFFERS, AND THE CHARLOTTE TREE ORDINANCE.

THE MAXIMUM BUILDING AREA SHALL COMPLY WITH ALL ZONING REQUIREMENTS.

NO SEWER CONNECTION OR SEPTIC SYSTEM FOUND IN REFERENCE DRAWINGS.

NO WATER CONNECTION FOUND IN REFERENCE DRAWINGS.

UTILITIES SHOWN ARE APPROXIMATE AND MAY NOT BE ALL INCLUSIVE OR SHOWN ON THIS DRAWING. IT IS THE CONTRACTORS RESPONSIBILITY TO VERIFY LOCATIONS OF ALL UTILITIES. CALL NC ONE CALL CENTER AT 811 BEFORE YOU DIG. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

EXISTING VEGETATION SHOWN ON THIS DRAWING WAS TAKEN FROM REFERENCE DEVELOPMENT DRAWINGS AND MAY NOT DEPICT CURRENT CONDITIONS.

DEVELOPMENT DATA

ENGINEERING MAP GRID Q20
MALLARD WATERSHED
NO HISTORICAL FEATURES KNOWN TO EXISTS
NOT LOCATED IN A FEMA FLOODZONE OR STREAM BUFFER
NO SIGNIFICANT TREES EXISTS ON PROPERTY
EXISTING ZONING B-1 (CD)
EXISTING USE BOOKSTORE
PROPOSED ZONING B-1(CD) SPA
EXCLUDING AUTOMOTIVE

ACTUAL LOT SIZE 37,579 SF (.862 AC)
ACTUAL LOT WIDTH 190.71 FT
MINIMUM LOT WIDTH 50 FT
MAXIMUM FLOOR AREA RATIO .50

PROPOSED SETBACKS FOR NON-RESIDENTIAL
FRONT 20 FT
REAR 10 FT
SIDE 0 FT
*IF PROVIDED, MIN 8 FT AND 4FT.
PROPOSED MAX BUILDING HEIGHT 40 FT
*SIDE YARD MAY BE INCREASED TO ALLOW FOR INCREASED BUILDING HEIGHT PER ORDINANCE STANDARDS

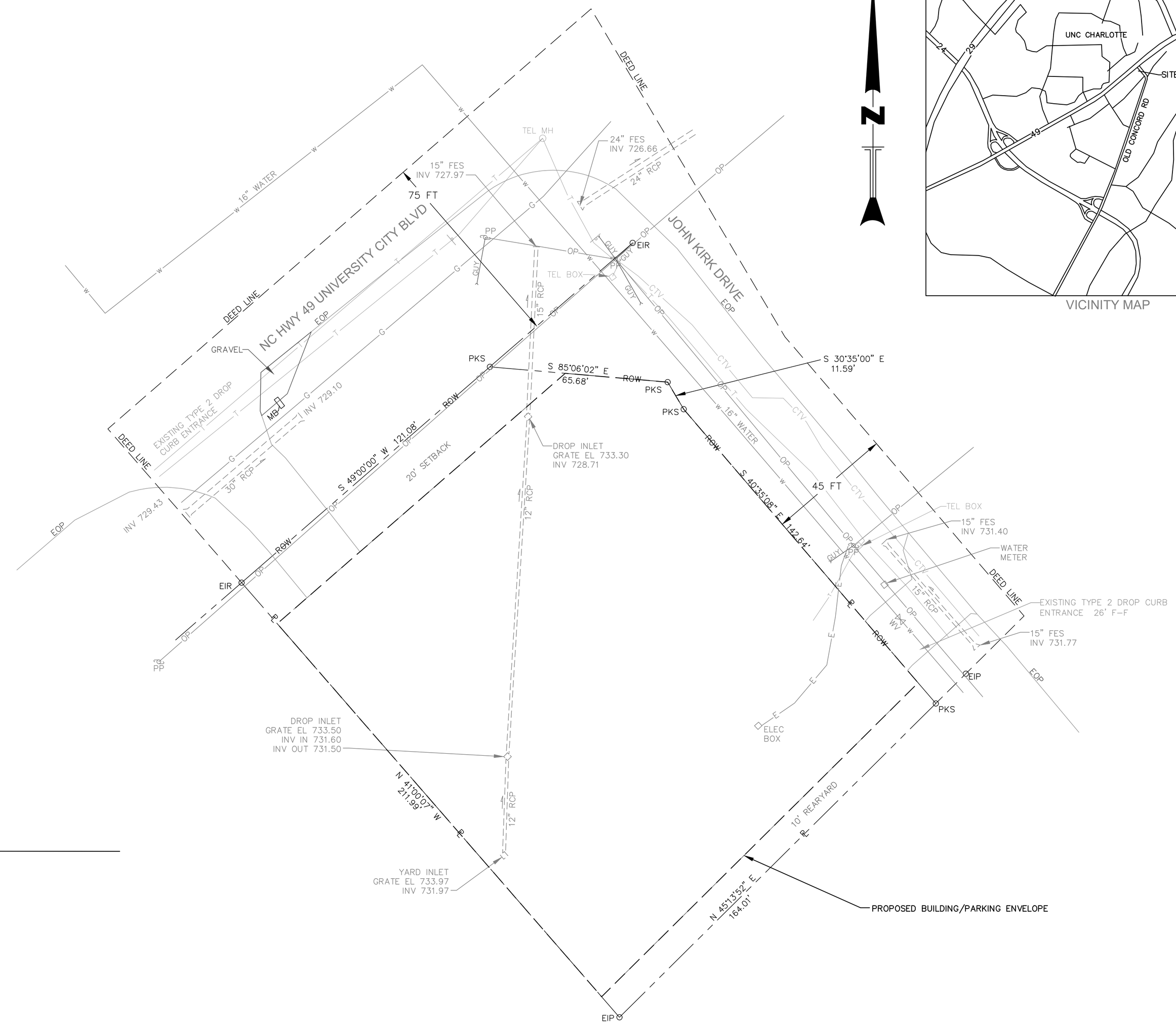
PROPOSED PARKING REQUIRED PER ORDINANCE STANDARDS

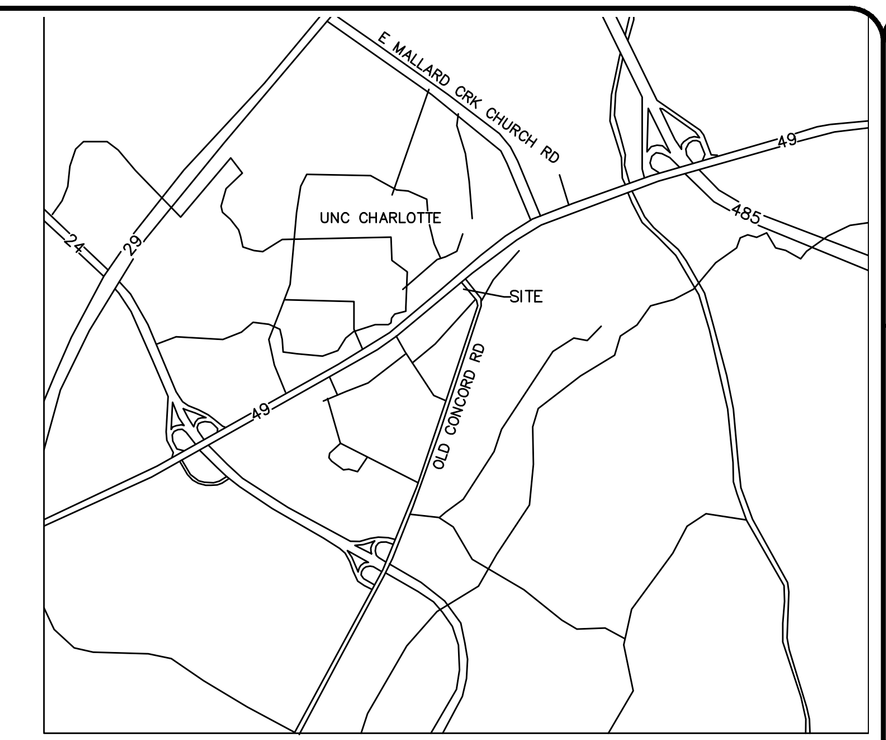
REFERENCE DRAWINGS

1) GRAY'S COLLEGE BOOKSTORE REZONING PLAN PETITION No. 93-31 DATED JAN 20, 1994 BY HEERY INTERNATIONAL, P.C.
2) CHARLES E. GRAY RIGHT-OF-WAY PLAT, GNA ASSOCIATES PROJ No. 31311.00 DATED 04/25/1994
3) GRAY'S BOOKSTORE, GNA ASSOCOATES PROJ No. 31311.50 DATED 03/20/1995
4) TRACT MAP OF "RIDGEWOOD ACRES", DATED FEB. 1954 AND RECORDED IN PLAT BK. 7, PG. 527.
5) DEED-NCNB PROPERTIES, INC. TO NORTH CAROLINA NATIONAL BANK, DATED 10-16-1974, AND RECORDED IN DEED BK. 3717, PG. 429.
6) DEED BOOK 7499 PAGE 212

LEGEND

N/F	NOW OR FORMERLY
DB/PG	DEED BOOK AND PAGE
ROW	RIGHT OF WAY
RCP	REINFORCED CONCRETE PIPE
INV	INVERT (PIPE INVERT)
FFE	FIRST FLOOR ELEVATION
PKS	PK NAIL SET
GUY	GUY WIRE
PP	POWER POLE.....
WV	EXISTING WATER VALVE....
EIR	EXISTING IRON REBAR.....
MB	MAIL BOX.....
PROPERTY LINE	
EXISTING UNDERGROUND TELEPHONE LINE	T
EXISTING UNDERGROUND GAS LINE	G
EXISTING UNDERGROUND WATER LINE	W
EXISTING UNDERGROUND CABLE TV LINE	CTV
EXISTING OVERHEAD POWER LINE	OP





VICINITY MAP

0 20 40 80 100
SCALE: 1" = 20'

Plans Prepared By:
Southern City Engineering, PLLC
9831 HINSON DRIVE
MATTHEWS NC, 28105
(919) 272-0051

2020-7-005	1" = 20' HORIZ.
JOB NO.	SCALE
DIRECTORY: IT-061710/RL/plotsheets	
CAD FILE: sheet3.dwg	
JDH	HCC
PREPARED BY	CHECKED BY
JDH	7-29-2020
APPROVED BY	DATE

Grays Bookstore
9430 University City Blvd
Re-Zoning

Rezoning Plan

SHEET 1 OF 1

Petition 2020-034 by Charles Gray

To Approve:

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

- The plan recommends residential uses up to 22 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 request for retail uses at this site matches the land use context of three of the four corners (with the fourth being controlled by the university) at the intersection of John Kirk Drive and University City Boulevard.
- The request maintains existing retail and zoning uses that were previously in operation on this corner.
- The petition is consistent with land use and development policy (policy area 10c). While it recommends this area as a "Primarily Residential Character Area", it acknowledges supportive land uses such as retail, office, and civic/ institutional uses along University City Boulevard.
- The amendment's commitment to exclude fueling stations is consistent with land use and development policies regarding retail uses in area 10c.
- The current conditional plan for this site severely limits the types of uses permitted at a location that is walkable for students and residents. Approval of this plan amendment would assist the owners in finding a suitable tenant for a long-closed former student bookstore.

The approval of this petition will revise the adopted future land use as specified by the *University City Area Plan* from residential uses up to 22 DUA to retail uses for the site.

To Deny:

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

- The plan recommends residential uses up to 22 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:

City of Charlotte

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

Agenda Date: 10/6/2020

Agenda #: 5.**File #:** 15-14290 **Type:** Zoning Item

Rezoning Petition: 2019-163 by Novant Health

Location: Approximately 23.75 acres located at the west corner intersection of North Tryon Street and West Mallard Creek Church Road. (Council District 4 - Johnson)

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

Public Hearing Held: September 21, 2020 - Item #37

Staff Resource: Michael Russell

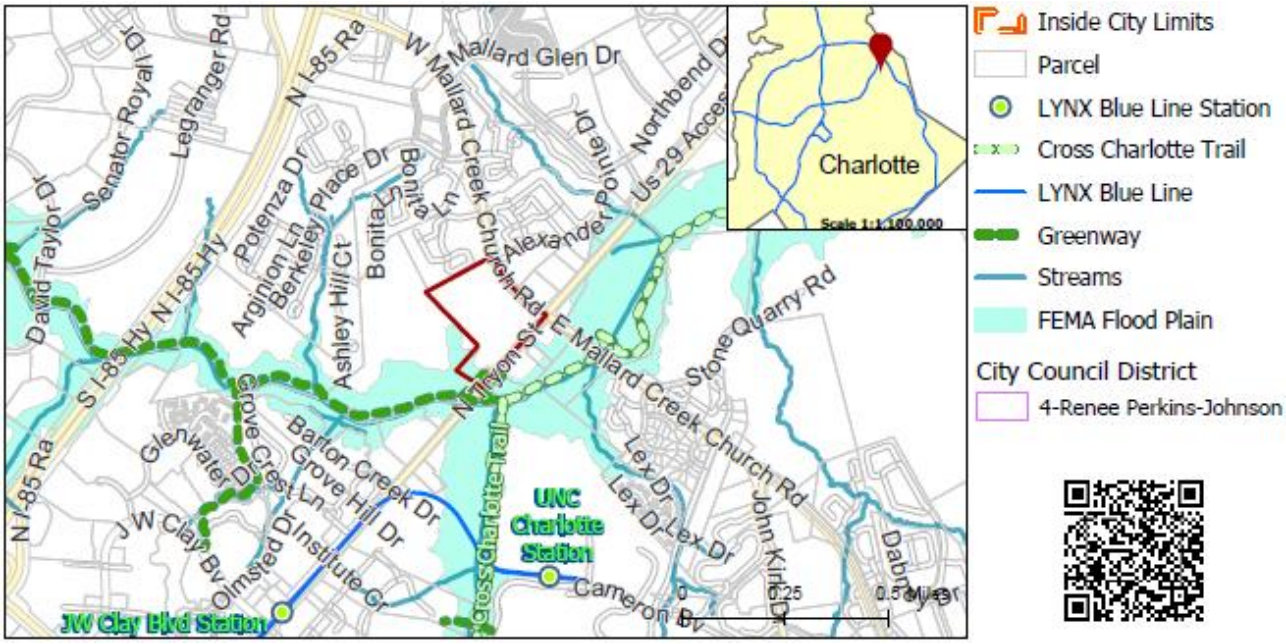
Staff Recommendation:
Staff recommends APPROVAL of this petition.

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

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2019-163
Post Hearing Staff Analysis
October 6, 2020

REQUEST	Current Zoning: MUDD-O (mixed use development, optional) Proposed Zoning: MUDD-O SPA (mixed used development, optional, site plan amendment)
LOCATION	Approximately 23.75 acres located at the west corner intersection of North Tryon Street and West Mallard Creek Church Road.



SUMMARY OF PETITION	The petition is a site plan amendment with a new development concept and plan. It proposes up to 144,000 gross square feet of medical and general office uses with optional provisions on vacant land.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	University Investors, LLC Novant Health 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: 3

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the *Northeast Area Plan* (2000) recommendation of office/retail uses.

Rationale for Recommendation

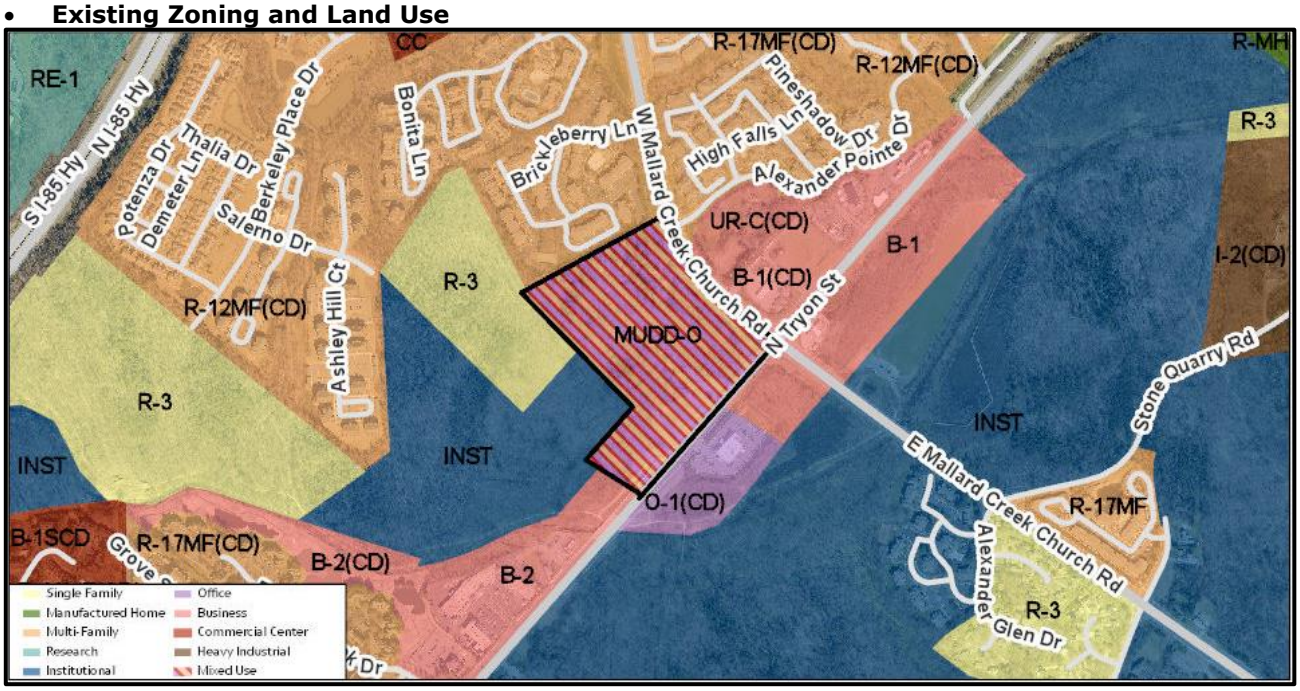
- The *Northeast District Plan (2000)* calls for a variety of job types in the district in order to retain a strong employment base. This petition proposes general and medical office uses, health institutions, emergency rooms, surgery centers, and clinic on this

	site, providing medical jobs as well as medical services in this area of Charlotte. • This petition commits to maintaining connectivity on the existing and proposed public network by providing a direct pedestrian connection between the proposed buildings and N. Tryon Street, the proposed public street B, and W. Mallard Creek Church Road, to the sidewalks along each respective street. • The petition commits to providing urban open space, a minimum eight (8) foot wide planting strip, and a 12-foot multi-use path along the Site's frontage on N. Tryon Street and W. Mallard Creek Church Road.

PLANNING STAFF REVIEW

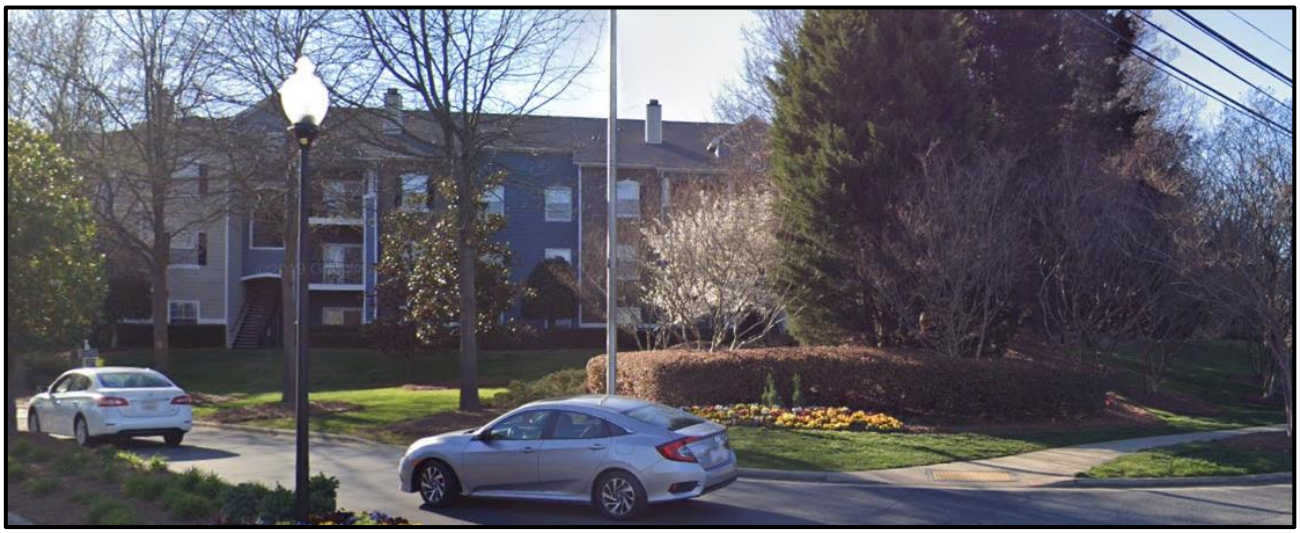
- **Proposed Request Details**
  The site plan amendment contains the following changes:
  - Allows up to 144,000 gross square-feet of medical and general office uses, clinics, health institutions, surgery centers, and emergency rooms.
  - Optional provisions:
    - Within development areas A and B to allow parking and maneuvering area to be located between the building and the road.
    - To not require doorways to be recessed into the face of the building.
  - Access to the site will be from West Mallard Creek Church Road and North Tryon Street.
  - Commits to a southbound right turn lane with 275-feet of storage on I-85 Southbound off-ramp.
  - Commits to a westbound right turn lane with 50-feet of storage on Berkley Place Drive.
  - Construct an additional westbound left turn lane with 325-feet of storage on Mallard Creek Church Road.
  - Extend the existing westbound left turn lane to 325-feet storage on Mallard Creek Church Road.
  - Construct an additional southbound right turn lane with 375-feet of storage on North Tryon Street.
  - Extend the existing southbound right turn lane to 375-feet storage on North Tryon Street.
  - Commits to providing urban open space, a minimum eight-foot wide planting strip, and a 12-foot multi-use path along the Site's frontage on North Tryon Street and West Mallard Creek Church Road.
  - Architectural Guidelines include:
    - The Facades fronting on N. Tryon Street and public street B shall include windows for a minimum of 60% of the N. Tryon Street and public street B elevation, transparent glass between 2-feet feet and 10-feet on the first floor. Up to 20% of this requirement may be comprised of display windows.
    - 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.
    - 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.
  - Commits to direct pedestrian connections between the buildings and N. Tryon Street, public street B, and W. Mallard Creek Church Road, to the sidewalks along each respective street.

- **Existing Zoning and Land Use**



The subject property has been rezoned for commercial development multiple times since 1990. In 1992, a rezoning initiated by the Planning Commission from B-1SCD and B-2 to R-12 MF was denied. Rezoning 2004-074 allowed a multi-phased development with 200,000 square feet of office, 200,000 square feet of retail and one motel of up to 150 rooms or 45,000 square feet as a part of the 200,000 square feet of office development. Rezoning 2009-042 allowed a million square feet of general medical and office uses, professional business and ancillary retail, restaurants, childcare, indoor recreation and personal service uses. The surrounding land uses include multifamily, retail, and medical offices.

The subject property is zoned MUDD-O (denoted by red star) and is vacant.



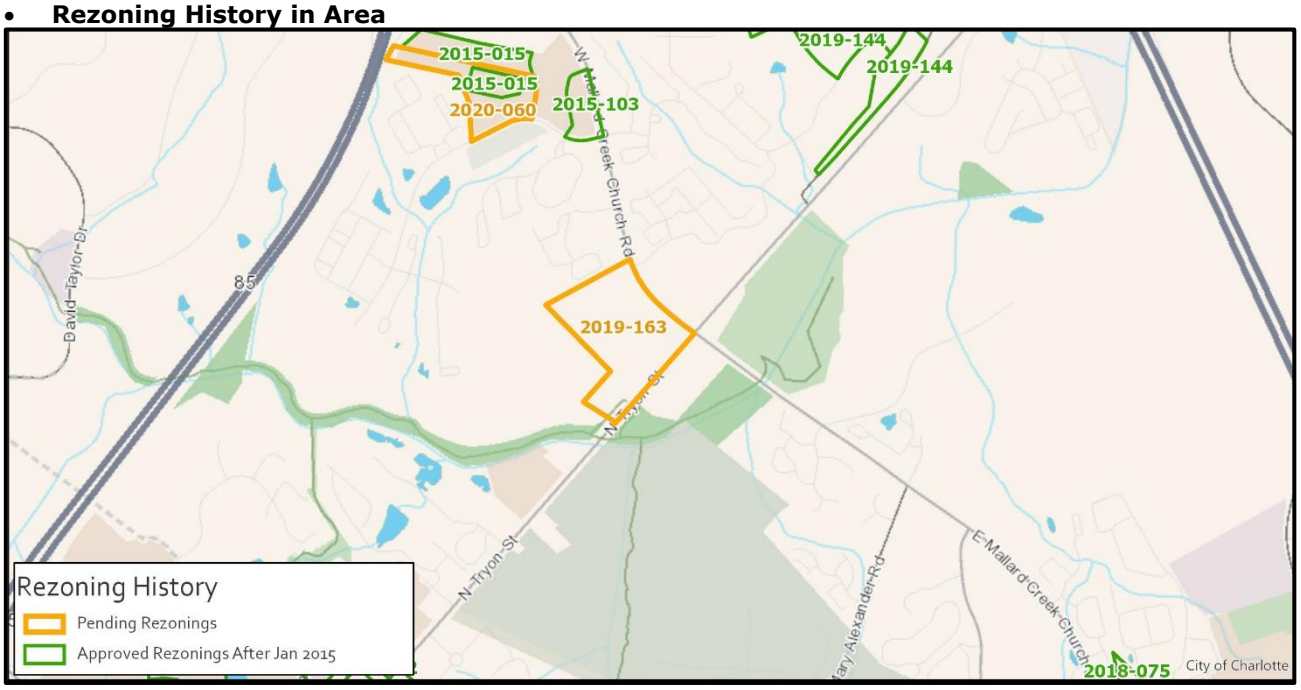
The property to the north along West Mallard Creek Church Road is developed with apartments.

The property along north Tryon Street is developed with a medical office.

The property to the east along West Mallard Creek Church Road is developed with a convenience store.

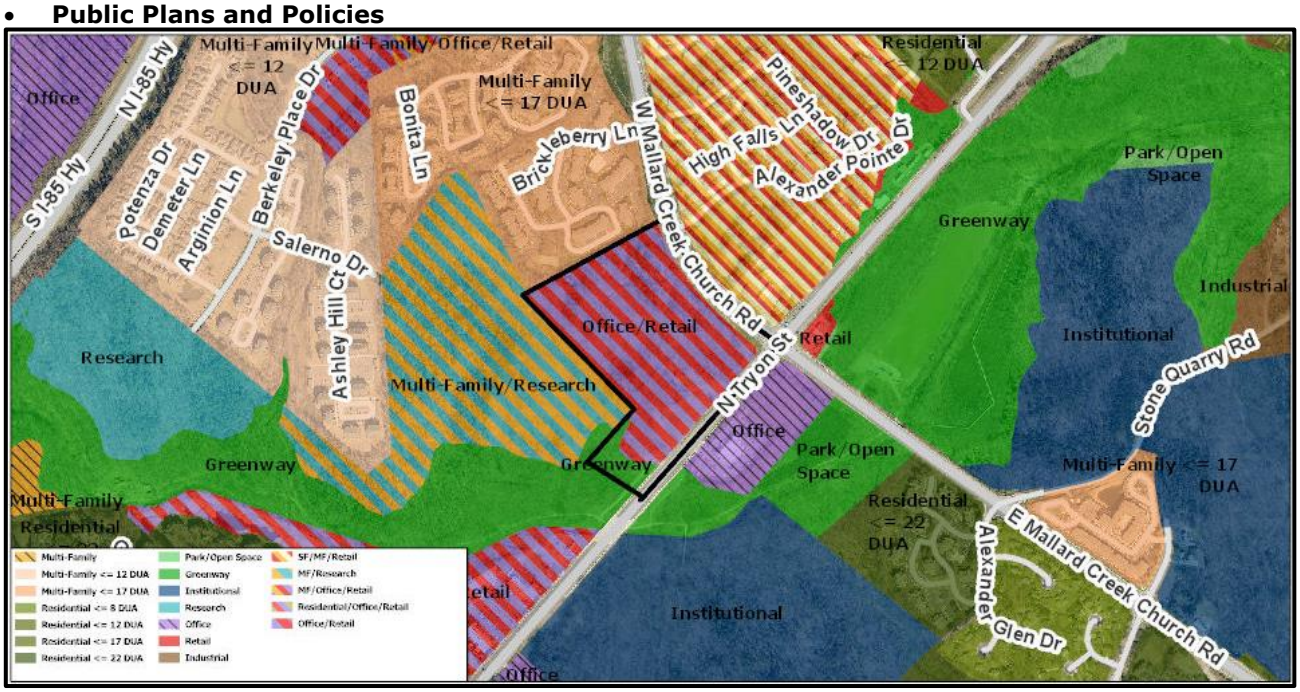
The property to the west along North Tryon Street is developed with retail uses.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-144	Rezoned 23.57 acres to R-12MF(CD) to allow 194 multi-family dwelling units.	Approved
2018-075	Rezoned 10.77 acres to allow 568 multi-family dwelling units.	Approved
2016-115	RE-3(O) site plan amendment modifying the development standards for a portion of an approved project, to allow up to 300 multi-family dwelling units; 75,000 square feet of retail, eating/drinking/ entertainment establishments; and a 200-room hotel, on approximately 37 acres of vacant located in the University Research Park.	Approved
2015-103	CC site plan amendment to vacant property that is part of the Pinnacle Point development to allow an additional 31,000 square feet of retail square footage on the subject property; eliminate the limitation that no single retail use can exceed 25,000 square feet; and, eliminate the requirement for buildings with a retail component to be a minimum of two stories, with retail uses limited to the ground floor.	Approved
2015-015	Rezoned 18.03 acres to CC and BD(CD) to exchange 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, both of which were included in rezoning Petition 2008-087.	Approved

- **Public Plans and Policies**



  - The *Northeast District Plan (2000)* calls for office/retail uses for this site.

- **TRANSPORTATION CONSIDERATIONS**
  - The site is located on major thoroughfares. A traffic impact study was required for the review of the site because it will generate more than 2500 vehicle trips per day. The latest roadway improvements are included within the rezoning petition's conditional notes, as graphically shown within Figure 11 on rezoning sheet R-102. CDOT and NCDOT approved the TIS 7/9/2020, agreeing to the TIS recommendations for Scenario 2 within the study. The petitioner has also committed to a 12' multi-use path along West Mallard Creek Church Road and North Tryon Street, in accordance with Charlotte BIKES.
  - Active Projects Near the Site:
    - There are no active transportation improvements in the vicinity of this rezoning.
  - No Outstanding Issues
  - **Vehicle Trip Generation:**
    Current Zoning:
    Existing Use: 0 trips per day (based on vacant land).
    Entitlement: 9,000 trips per day (based on 1,000,000 square feet of office, medical office, restaurant, and retail uses per petition 2009-042).
    Proposed Zoning: 6,460 trips per day (based on 44,000 square feet hospital and 100,000 square feet medical office; TIS Scope 11/25/2019).

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:** Nonresidential petitions do not impact the number of students generated.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along North Tryon Street. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along N Tryon Street. See advisory comments at www.rezoning.org
- **Engineering and Property Management:**
  - **Arborist:** No outstanding issues.
  - **Erosion Control:** No outstanding issues.

- **Land Development:** ~~See Outstanding Issues, Note 2.~~ ADDRESSED
- **Storm Water Services:** See advisory comments at www.rezoning.org
- **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.

OUTSTANDING ISSUES

Site and Building Design

1. ~~Clarify optional provision notes 2 a. and b. with the percentage of surface parking and maneuvering to be located between the buildings and streets in each development area~~. ADDRESSED
2. ~~Clarify optional provision note 2c. Only allow doorways to not be recessed when the door is 4 or more feet behind the sidewalk along the street~~. ADDRESSED

Environment

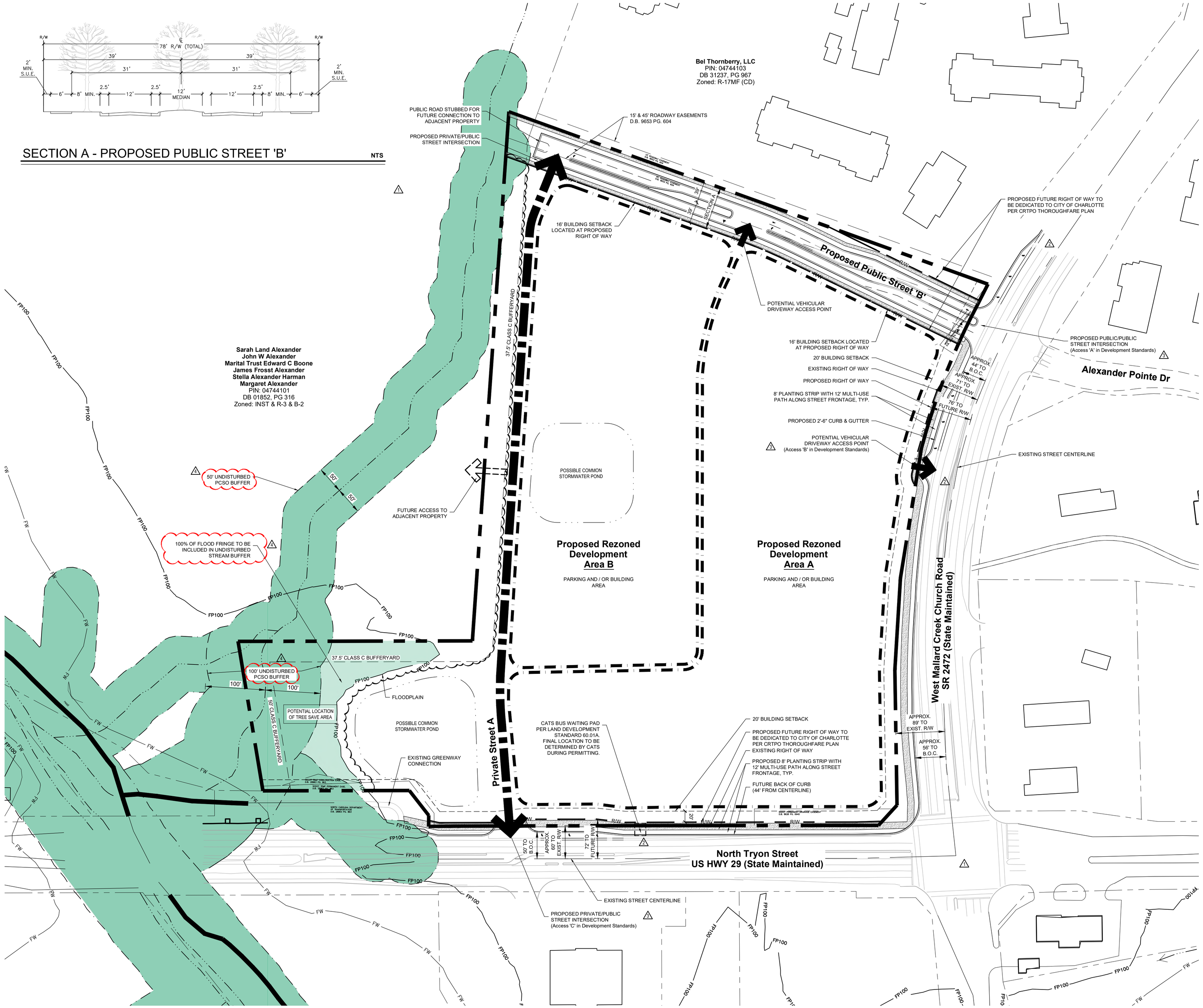
3. ~~Please revise stream buffer labels to include "Undisturbed" specification (i.e. "50-ft Undisturbed PCSO Buffer" and "100-ft Undisturbed PCSO Buffer). Petitioner is advised the stream buffer widths are measured from top of bank on each side of the stream. (Approximate location of stream buffers is adequate for rezoning purposes. No revisions to rezoning plan for stream buffer boundaries is requested.)~~ ADDRESSED

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

Planner: Michael Russell (704) 353-0225

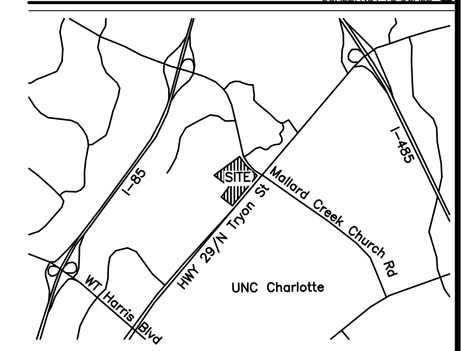
SECTION A - PROPOSED PUBLIC STREET 'B'

NTS



VICINITY MAP

SCALE: NOT TO SCALE



SITE DATA

PETITIONER:	Novant Health Inc 1900 Randolph Road, Ste 500 Charlotte, NC 28207
PARCEL NUMBERS:	04744102
ADDRESS:	9831 N. Tryon St. Charlotte, NC 28262
TOTAL ACREAGE:	23.75 Acres +/-
EXISTING ZONING: **PROPOSED ZONING:**	MUDD-O MUDD-O SPA

SEE DEVELOPMENT STANDARDS ON SHEET R-102 FOR DETAILS.

stimmel
LANDSCAPE ARCHITECTURE
CIVIL ENGINEERING
LAND PLANNING
619 S. CEDAR STREET, SUITE L
CHARLOTTE, NC 28202
P: 336.723.1067 F: 336.723.1069
www.stimmelpa.com

SEALS:

PROJECT:

N. TRYON & MALLARD CREEK REZONING

NORTH TRYON STREET
CHARLOTTE, NC
PETITION #: 2019-163

CLIENT:

NOVANT HEALTH
1900 RANDOLPH ROAD
SUITE 500
CHARLOTTE, NC 28207
(704) 316-4351

DRAWN:	ESB
DATE:	10/28/19

REVISIONS:

1. 03/16/20 1st SUBMITTAL COMMENTS
2. 06/15/20 TIS PROPOSED IMPROVEMENTS
3. 08/14/20 TIS REVISIONS
4. 09/25/20 STAFF ANALYSIS COMMENTS

JOB. NO: 19-305

SHEET TITLE:

SCHEMATIC SITE PLAN

SCALE: 1"=80'

SHEET NO.:

R-101

© STIMMEL ASSOCIATES, P.A.

NORTH

0 80 160 240

SCALE: 1" = 80'

F:\19-305\LP\Drawings\Zoning\19-305 Rezoning Plan Sheets.dwg : R-101 09/25/20 8:49am

Novant Health
Development Standards
09/24/2020
Rezoning Petition No. 2019-163 1

Site Development Data:

--**Acreage:** ± 23.75 acres
--**Tax Parcel #:** 047-441-02
--**Existing Zoning:** MUDD-O
--**Proposed Zoning:** MUDD-O SPA
--**Existing Uses:** Vacant
--**Proposed Uses:** General and medical office uses, health institutions, emergency rooms, surgery centers, clinics, and related uses as permitted by right, under prescribed conditions, and by the Optional provisions below, together with accessory uses, as allowed in the MUDD zoning district (as more specifically described and restricted below in Section 3).
--**Maximum Gross Square feet of Development:** Up to 144,000 square feet of gross floor area of permitted uses as allowed in the MUDD zoning district (as more specifically described and restricted below in Section 3).
--**Maximum Building Height:** Buildings will be limited to a maximum building height of four (4) stories and sixty-five (65) feet as measured by Ordinance and as further described in Section 5 below.
--**Parking:** As required and allowed by the Ordinance.
--**Urban Open Space:** Will be provided as required by the Ordinance and as indicated below.

1. **General Provisions:**

a. **Site Location.** These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition filed by Novant Health to accommodate development of a medical campus composed of medical and general office uses, clinics, health institutions, surgery centers, emergency rooms, and related uses as allowed in the MUDD zoning district on an approximately ± 23.75 acre site located at 9831 N Tryon Street (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-O 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, 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 documentation 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. **Gross Floor Area**. When determining the maximum development levels set forth in this Rezoning Plan, gross floor area as defined in the Ordinance shall exclude any surface or structured parking facilities (including, without limitation, corridors and elevators within such facilities) and enclosed loading dock/service areas.

2. **Optional Provisions.**

a. Within Development Area A to allow surface parking areas and maneuvering for parking areas to be located between the proposed building and the abutting streets as follows:
   i. An Optional provision to allow 20% of the building frontage on N. Tryon Street to have parking and maneuvering for parking between the building and the street.
   ii. An Optional provision to allow 50% of the building frontage on W. Mallard Creek Church Road to have parking and maneuvering for parking between the building and the street.
   iii. An Optional provision to allow 100% of the building frontage on Public Street B to have parking and maneuvering for parking between the building and the street.
   iv. An Optional provision to allow 100% of the building frontage on Private Street A to have parking and maneuvering for parking between the building and the street.

b. Within Development Area B to allow parking areas and maneuvering for parking areas to be located between the proposed building and the abutting streets as follows:
   i. An Optional Provision to allow 100% of the building frontage on N. Tryon Street to have parking and maneuvering for parking between the building and the street.
   ii. An Optional Provision to allow 100% of the building frontage on W. Mallard Creek Church Road to have parking and maneuvering for parking between the building and the street.
   iii. An Optional Provision to allow 35% of the building frontage on Public Street B to have parking and maneuvering for parking between the building and the street.
   iv. An Optional Provision to allow 35% of the building frontage on Private Street A to have parking and maneuvering for parking between the building and the street.

c. To not require doorways to be recessed into the face of the building(s) when the door is 4 or more feet behind the sidewalk along the street.

3. **Permitted Uses & Development Limitations:**

a. The Site may be developed with up to 144,000 square feet of gross floor area devoted to medical and general office uses, clinics, health institutions, surgery centers, emergency rooms, and related uses as permitted by right, under prescribed conditions and per the Optional provisions above together with accessory uses allowed in the MUDD-O zoning district.

4. **Transportation Improvements:**
Proposed Improvements:

Improvements. The Petitioner plans to provide or cause to be provided on its own or in cooperation with other parties who may implement portions of the improvements, the improvements set forth below to benefit overall traffic patterns throughout the area in accordance with the following implementation provisions.

The following Transportation Improvements are also illustrated on Figure 11 on Sheet R-102 of the Rezoning Plan. Figure 11 on Sheet R-102 is to be used in conjunction with the following notes to determine the extent of the proposed improvements (reference to a number or letter when describing an improvement corresponds to the number or letter found on Figure 11 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:

a. Mallard Creek Church Road & I-85 Southbound Ramps (Signalized)

2025 Build with Improvements Conditions

- Construct an additional southbound right turn lane with 275 feet of storage on I-85 Southbound Off-Ramp.

b. Mallard Creek Church Road & I-85 Northbound Ramps (Signalized)

- No suggested improvements.

c. Mallard Creek Church Road & Berkeley Place Drive (Signalized)

2025 Build with Improvements Conditions

- Construct a westbound right turn lane with 50 feet of storage on Berkley Place Drive.
- Implement right turn overlap phasing for the new westbound right turn lane.
- Consideration may be given to any pedestrian improvements deemed acceptable in the vicinity of this study intersection in lieu of additional roadway improvements.

d. Mallard Creek Church Road & North Tryon Street (Signalized)

2025 Build with Improvements Conditions

- Construct an additional westbound left turn lane with 325 feet of storage on Mallard Creek Church Road.
- Extend the existing westbound left turn lane to 325 feet storage on Mallard Creek Ch Rd.
- Construct an additional southbound right turn lane with 375 feet of storage on North Tryon Street.
- Extend the existing southbound right turn lane to 375' storage on S Tryon Street.
- Maximize eastbound left turn lane storage by reducing/modifying turn lane bay taper.
- Consideration may be given to any pedestrian improvements deemed acceptable in the vicinity of this study intersection in lieu of additional roadway improvements; therefore, we suggest the following improvements to the intersection:
- Construct a channelization median for the eastbound and southbound right turn lanes and provide pedestrian refuges within each

e. Mallard Creek Church Road & Mary Alexander Road-Bonnie Cone Lane (Signalized)

2025 Build with Improvements Conditions

- No suggested improvements.

f. North Tryon Street & I-485 Inner Off-Ramp (Signalized)

2025 Build with Improvements Conditions

- No suggested improvements.

g. North Tryon Street & Institute Circle (Signalized)

2025 Build with Improvements Conditions

- No suggested improvements.

h. Mallard Creek Church Road & Alexander Point Drive-Access "A" (Unsignalized)

2025 Build Conditions

- Convert the intersection to a directional cross-over and maintain approximately the existing storage of the eastbound and westbound left turn lanes on Mallard Creek Ch Rd
- Construct an eastbound right turn lane on with 100 feet of storage on Mallard Creek Church Road
- Re-mark the southbound approach to a terminating right turn lane only on Alexander Pointe Drive
- Construct proposed Access "A" with one ingress and one egress lane; a terminating right turn lane
- Minimum internal protected stem of 100 feet

i. Mallard Creek Church Road & Access "B"

2025 Build Conditions

- Construct an eastbound right turn lane with 100 feet of storage on Mallard Creek Church Road
- Construct proposed Access "B" with one ingress and one egress lane; a terminating right turn lane
- Minimum internal protected stem of 100 feet

j. North Tryon Street & Access "C"

2025 Build with Improvements Conditions

- Construct a southbound right turn lane with 100 feet of storage on N Tryon Street
- Utilize the existing northbound left turn lane with 300 feet of storage on N Tryon Street
- Construct proposed Access "C" with one ingress and one egress lane; a terminating right turn lane
- Minimum internal protected stem of 100 feet

II. Standards, Phasing and Other Provisions.

a. **CDOT/NCDOT Standards.** All of the foregoing public roadway improvements will be subject to the standards and criteria of CDOT as applicable. It is understood that such improvements may be undertaken by the Petitioner on its own or in conjunction with other development or roadway projects taking place within the area, by way of a private/public partnership effort or other public sector project support.

b. **Substantial Completion.** Reference to "substantial completion" for certain improvements as set forth in the provisions of Section 3.1.above shall mean completion of the roadway improvements in accordance with the standards set forth in Section 3.1la above provided, however, in the event all roadway improvements are not completed at the time that the Petitioner seeks to obtain a certificate of occupancy for building(s) on the Site in connection with related development phasing described above, then the Petitioner will work with City Staff to determine a process to allow the issuance of certificates of occupancy for the applicable buildings, and in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements.

c. **Right-of-way Availability.** It is understood that some of the public roadway improvements referenced above may not be possible without the acquisition of additional right of way. If after the exercise of diligent good faith efforts, as specified in the City of Charlotte right-of-way acquisition process as administered by the City of Charlotte's Engineering Department, the Petitioner is unable to acquire any land necessary to provide for any such additional right of way upon commercially reasonable terms and at market prices, then CDOT, the City of Charlotte Engineering Department or other applicable agency, department or governmental body agree to proceed with acquisition of any such land. In such event, the Petitioner shall reimburse the applicable agency, department or governmental body for the cost of any such acquisition proceedings including compensation paid by the applicable agency, department or governmental body for any such land and the expenses of such proceedings. Furthermore, in the event public roadway improvements referenced in subsection a. above are delayed because of delays in the acquisition of additional right-of-way as contemplated herein and such delay extends beyond the time that the Petitioner seeks to obtain a certificate of occupancy for building(s) on the Site in connection with related development phasing described above, then the Petitioner will work with City Staff to determine a process to allow the issuance of certificates of occupancy for the applicable buildings; provided, however, Petitioner continues to exercise good faith efforts to complete the applicable road-way improvements; in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements.

d. **Alternative Improvements.** Changes to the above referenced roadway improvements can be approved through the Administrative Amendment process upon the determination and mutual agreement of Petitioner, CDOT, and the Planning Director as applicable, provided, however, the proposed alternate transportation improvements provide (in the aggregate) comparable transportation network benefits to the improvements identified in this Petition.

5. **Access:**

a. Access to the Site will be from W. Mallard Creek Church Road, and N. Tryon Street as generally depicted on the Rezoning Plan. The placement and configuration of the access points are subject to any minor modifications required by CDOT.

b. The Petitioner will construct a new public street (public street B) extending from W. Mallard Creek Church Road to northwestern property line as generally depicted on the rezoning plan. Public street B will be constructed per USDG standards.

c. The Petitioner will construct a private street (private street A) extending from N. Tryon Street to the public street B as generally depicted on the Rezoning Plan. Private street A will be constructed per USDG standards, and will be open to the public. A public access easement will be provided for private street A.

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

e. The Petitioner will provide a permanent sidewalk easement for any of the proposed primary sidewalks located along the public streets located outside of the right-of-way. The permanent sidewalk easement will be located a minimum of two (2) feet behind the primary sidewalk where feasible.

f. 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.

6. **Architectural Guidelines:**

1. Building Placement and Site Design shall focus on and enhance the Pedestrian environment on the existing and proposed Public network required streets, through the following:
   a. The proposed buildings shall be placed to present an interesting and well-articulated façade to N. Tryon Street and public street B described below.
   b. The Facades fronting on N. Tryon Street and public street B shall include windows for a minimum of 60% of the N. Tryon Street and public street B elevation, transparent glass between 2' feet and 10' feet on the first floor. Up to 20% of this requirement may be comprised of display windows. These display windows must maintain a minimum of 3'-0" foot clear depth between window and rear wall. Windows within this zone shall not be screened with film, decals, and other opaque material, or glazing finishes. The maximum sill height for required transparency shall not exceed 4'-0" feet above adjacent street sidewalk.
   c. The facade of first/ground floor of the building along N. Tryon Street and public street B shall incorporate a minimum of 30% masonry material such as brick or stone.
   d. Direct pedestrian connection shall be provided between the buildings and N. Tryon Street, public street B, and W. Mallard Creek Church Road, to the sidewalks along each respective street.
   e. Building elevations shall not have expanses of blank walls greater than 20 feet in all directions and architectural features such as but not limited to banding, medallions, or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.
   f. Building 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.
   g. Buildings should be a minimum height of 22 feet.
   h. Multi-story buildings should have a minimum of 20% transparency on upper stories.
2. All roof mounted mechanical equipment will be screened from view from adjoining public rights-of-way and abutting properties as viewed from grade.

7. **Streetscape, Landscaping, Sidewalks:**

a. The Site shall comply with the applicable setback, side yard and rear yard requirements. As depicted on the Rezoning Plan, the setbacks along N. Tryon Street, and W. Mallard Creek Church Road shall be 20 feet as measured from the existing right-of-way line for each street.

b. Along public street B and private street A, a 16 foot setback as measured form the back of curb will provided.

c. The development of the Site shall comply with the applicable landscaping and screening requirements of the Ordinance.

d. Urban open space will be provided on the Site as required by the Ordinance. The Petitioner will provide an improved urban open space area at the intersection of N. Tryon Street and W. Mallard Creek Church Road. This urban open space area will be improved with landscaping, walking paths and other hardscape elements, seating areas, pedestrian scale lighting and other amenities as appropriate for the urban open space.

e. Petitioner shall install a minimum eight (8) foot wide planting strip and a 12 foot multi-use path (MUP) along the Site's frontage on N. Tryon Street, and W. Mallard Creek Church Road as generally depicted on the Rezoning Plan. Sidewalks and planting strips as required by the USDG standards will be provided for public street B and private street A.

8. **Environmental Features:**

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

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

c. The Site will comply with the Tree Ordinance.

9. **Signage:**

a. Signage as allowed by the Ordinance will be allowed.

10. **Lighting:**

a. All freestanding lighting fixtures installed on the Site (excluding street lights, lower, decorative lighting that may be installed along the driveways, sidewalks and parking areas and landscaping lighting and building accent lighting) shall be fully capped and shielded and the illumination downwardly directed so that direct illumination does not extend past any property line of the Site.

b. The maximum height of any freestanding lighting fixture installed on the Site shall be 31 feet.

c. Any lighting fixtures attached to a building to be constructed on the Site shall be decorative, capped and downwardly directed.

11. **CATS ADA Compliant Waiting Pad:**

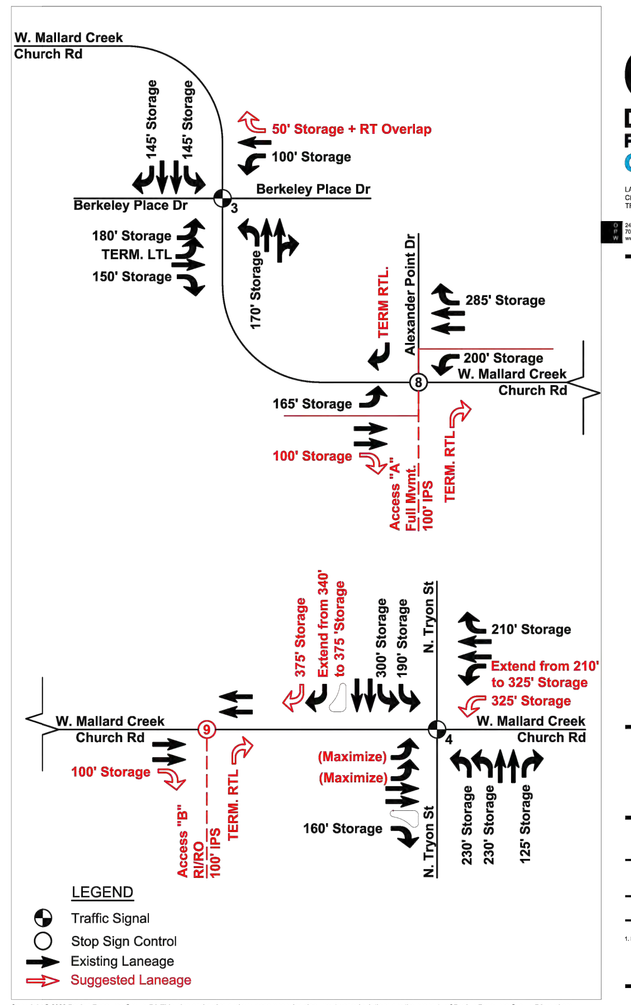
a. The Petitioner will provide an ADA compliant bus waiting pad per Land Development Standard 60.01A. The exact location will be determined with CATS staff during the permitting process.

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 Development Area portion of the Site affected by such amendment in accordance with the provisions 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 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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DESIGN RESOURCE GROUP
LANDSCAPE ARCHITECTURE
CIVIL ENGINEERING
TRANSPORTATION PLANNING
5455 Wilkinson Blvd, Ste 200 Charlotte, NC 28208
704.343.0608
www.drgp.com

NOVANT-UNIVERSITY TIS
CHARLOTTE, NC

NOVANT HEALTH
PO BOX 33549
CHARLOTTE, NC 28233

SCENARIO 2
SUGGESTED LANEAGE

0 XX' XX' N
SCALE: NTS

PROJECT #: 747-006
DRAWN BY: FBO
CHECKED BY: REG

APRIL 2020

REVISIONS:
1. Revised per NCDOT & CDOT comments 09/18/2020

Figure 11

stimmel
LANDSCAPE ARCHITECTURE
CIVIL ENGINEERING
LAND PLANNING
619 S. CEDAR STREET, SUITE L
CHARLOTTE, NC 28202
P: 336.723.1067 F: 336.723.1069
www.stimmelpa.com

SEALS:

PROJECT:

N. TRYON & MALLARD CREEK REZONING

NORTH TRYON STREET
CHARLOTTE, NC
PETITION #: 2019-163 1

CLIENT:

NOVANT HEALTH
1900 RANDOLPH ROAD
SUITE 500
CHARLOTTE, NC 28207
(704) 316-4351

DRAWN:	ESB
DATE:	10/28/19

REVISIONS:
1 03/16/20 1st SUBMITTAL COMMENTS
2 06/15/20 TIS PROPOSED IMPROVEMENTS
3 08/14/20 TIS REVISIONS
4 09/25/20 STAFF ANALYSIS COMMENTS

JOB. NO: 19-305
SHEET TITLE:

DEVELOPMENT STANDARDS

SCALE: NTS
SHEET NO.:

R-102

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F:\19-305\LP\Drawings\Zoning\19-305 Rezoning Plan Sheets.dwg : R-102 09/25/20 9:21am

Petition 2019-163 by Novant Health

To Approve:

This petition is found to be consistent with the *Northeast Area Plan* (2000) 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 *Northeast District Plan* (2000) calls for a variety of job types in the district in order to retain a strong employment base. This petition proposes general and medical office uses, health institutions, emergency rooms, surgery centers, and clinic on this site, providing medical jobs as well as medical services in this area of Charlotte.
- This petition commits to maintaining connectivity on the existing and proposed public network by providing a direct pedestrian connection between the proposed buildings and N. Tryon Street, the proposed public street B, and W. Mallard Creek Church Road, to the sidewalks along each respective street.
- The petition commits to providing urban open space, a minimum 8-foot wide planting strip, and a 12-foot multi-use path along the Site's frontage on N. Tryon Street and W. Mallard Creek Church Road.

To Deny:

This petition is found to be consistent with the Northeast Area Plan (2000) 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 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:

City of Charlotte

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

Agenda Date: 10/6/2020

Agenda #: 6.**File #:** 15-14291 **Type:** Zoning Item

Rezoning Petition: 2020-023 by Phillip Neal Sparrow

Location: Approximately 10.918 acres located on the southern side of John Gladden Road, north of Wilkinson Boulevard, and west of Sam Wilson Road. (Outside City Limits)

Current Zoning: R-MH LWPA LLWPA (residential manufactured housing, Lake Wylie Protected Area, Lower Lake Wylie Protected Area)
Proposed Zoning: I-2 (CD) LWPA LLWPA (general industrial, Lake Wylie Protected Area, Lower Lake Wylie Protected Area)

Public Hearing Held: September 21, 2020 - Item #38

Staff Resource: Lisa Arnold

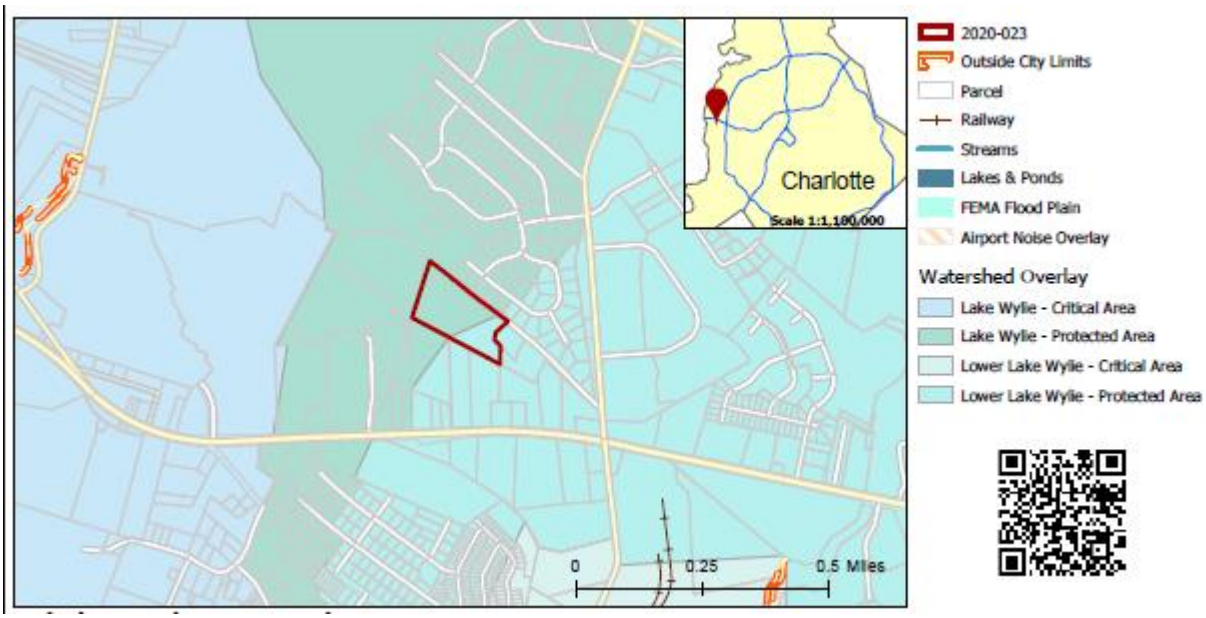
Staff Recommendation:
Staff recommends APPROVAL of this petition.

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

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-023
Post Hearing Staff Analysis
October 6, 2020

REQUEST	Current Zoning: R-MH LWPA LLWPA (residential manufactured housing, Lake Wylie Protected Area, Lower Lake Wylie Protected Area) Proposed Zoning: I-2(CD) LWPA LLWPA (general industrial, conditional, Lake Wylie Protected Area, Lower Lake Wylie Protected Area)
LOCATION	Approximately 10.918 acres located on the southern side of John Gladden Road, north of Wilkinson Boulevard, and west of Sam Wilson Road



SUMMARY OF PETITION	The petition proposes to rezone site to I-2(CD) to develop the site for off-site parking and outdoor storage.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Phillip Neal Sparrow Phillip Neal Sparrow John Carmichael, Robinson Bradshaw
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 2

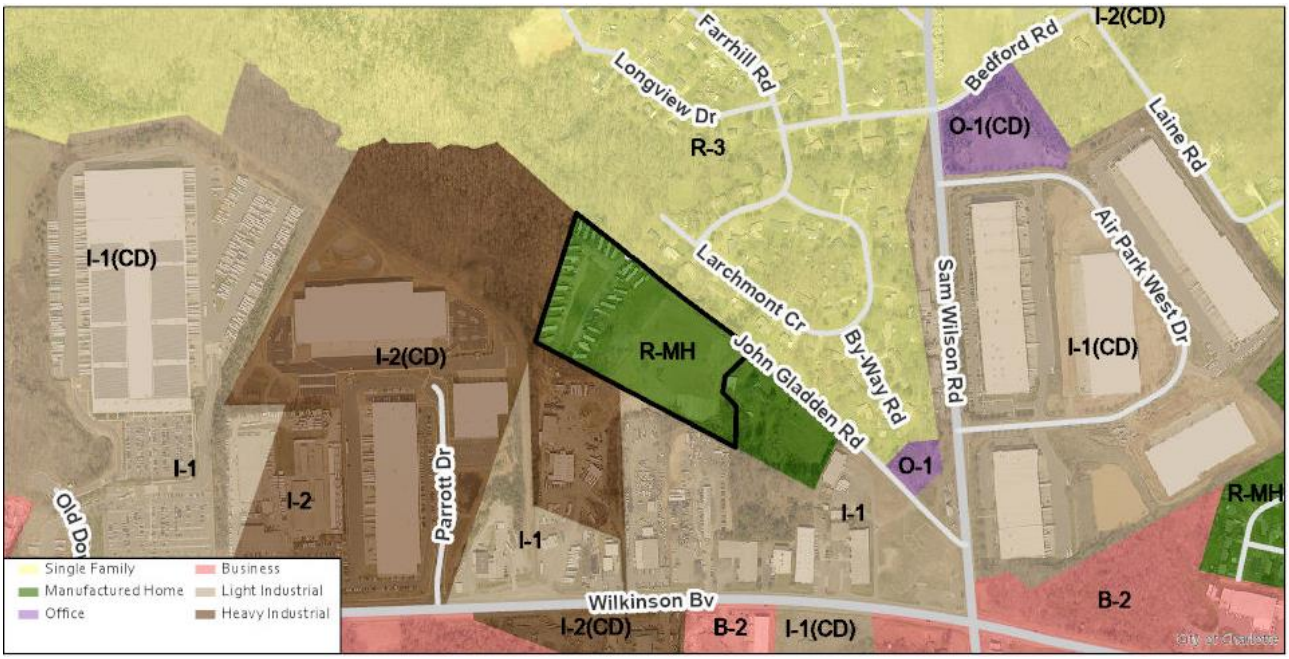
STAFF RECOMMENDATION	Staff recommends approval of this petition. <u>Plan Consistency</u> The petition is **inconsistent** with the *Dixie Berryhill Strategic Plan's* (2003) recommendation for single family residential uses up to four dwelling units per acre (DUA). <u>Rationale for Recommendation</u> • The proposed use while inconsistent with the adopted land use, is compatible with the adjacent industrial developments in the area. • Numerous industrial developments have been developed recently along Wilkinson Boulevard adjacent to this site which makes this site a logical transition to an industrial use.

- The site is separated from the rear yards of existing single-family homes by a public street (John Gladden Road). In addition, a buffer is required along the street frontage on John Gladden Road and there will be no access from the parking area to this street frontage.

The approval of this petition will revise the adopted future land use as specified by the *Dixie Berryhill Strategic Plan*, from single family residential uses up to four DUA, to industrial uses for the site.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Limits uses to off-site parking and outdoor storage.
  - Allows the existing 28 manufactured homes to remain onsite until Development area "A" is redeveloped. The manufactured homes cannot be replaced if removed.
  - Provides access to the site through the property to the south that connects to Wilkinson Blvd. No access would be provided to the new development via John Gladden Road.
  - Requires landscape buffers between the adjacent residential and the site. Once the nonconforming manufactured homes are discontinued, a buffer will be provided against the existing residentially zoned property.
- **Existing Zoning and Land Use**



The site is developed with a manufactured home park and vacant land. The surrounding land uses include industrial and single family residential.

The subject property is developed with a manufactured home park and vacant land. The site is marked with a red star.

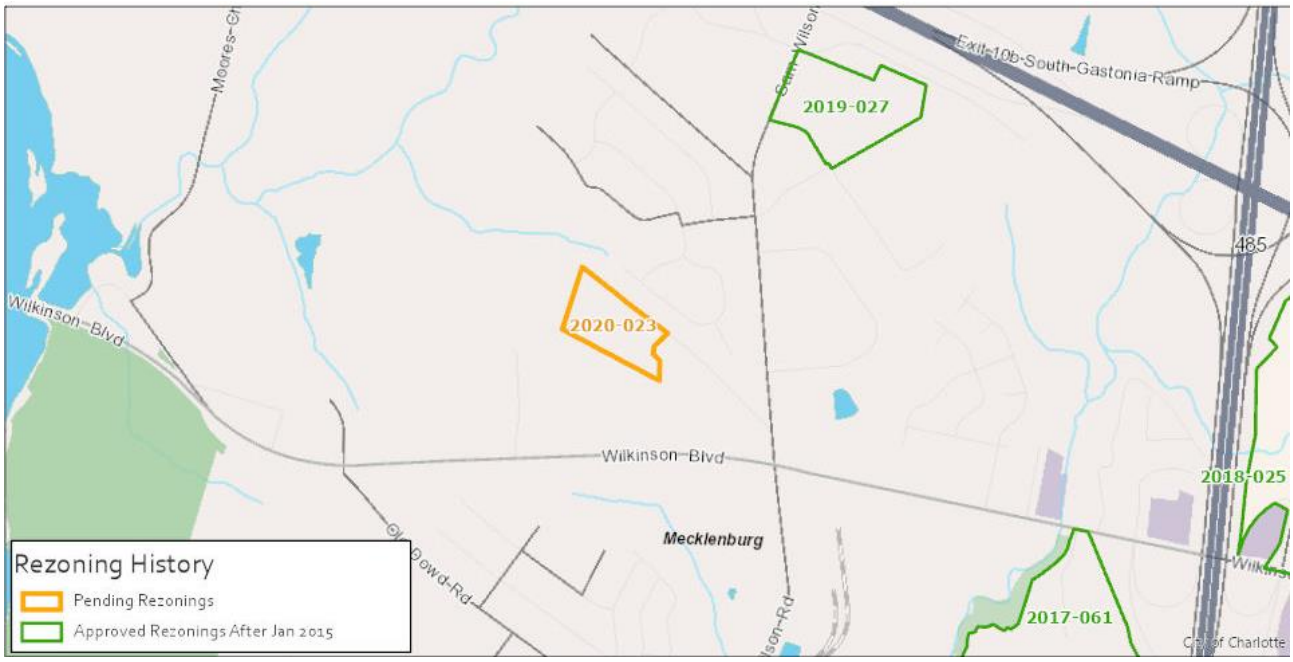
The properties to the north are developed with single family homes.

The properties to the south are developed with industrial uses. The subject property is marked with a red star.

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

The property to the east is developed with a single family house.

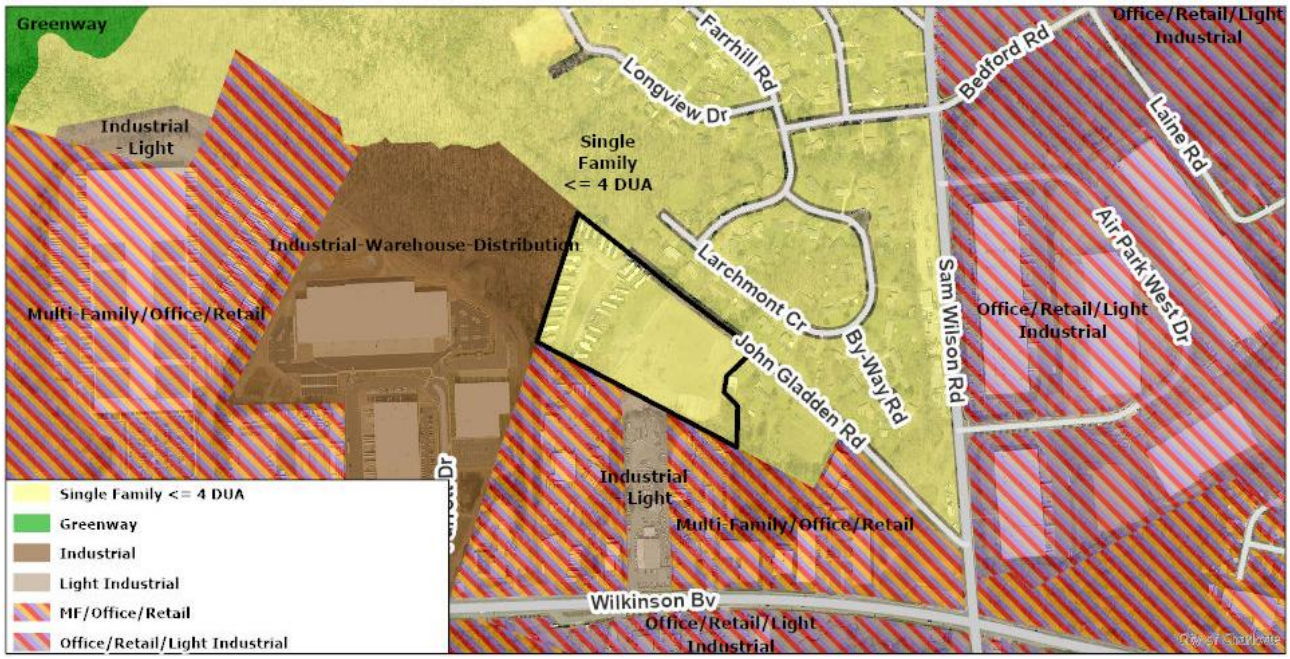
- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-061	The petition rezoned property to I-1(CD) SPA LLWPA (light industrial, conditional, site plan amendment, Lower Lake Wylie Protected Area) to amend the previously approved site plan in order to eliminate a restriction on the amount of permitted warehouse/distribution space.	Approved
2018-025	The petition rezoned property to I-2 (CD) Air LLWPA (general industrial, conditional, Airport Noise Overlay, Lower Lake Wylie Protected Area) to allow the construction of warehouse/ distribution, office and other industrial uses.	Approved

2019-027	The petition rezoned property to I-2(CD) LLWPA to allow 250,000 square feet of industrial uses.	Approved

- **Public Plans and Policies**



- The *Dixie Berryhill Strategic Plan* (adopted 2003) recommends single family residential uses up to four dwelling units per acre (DUA) for this site.

- **TRANSPORTATION SUMMARY**
  - The site is on John Gladden Road (local road, privately maintained), which is off Sam Wilson Road (minor thoroughfare, state maintained, and is located within a corridor outside Route 4. The site is within the limits of the Westside Strategy Plan and I-485 Interchange Analysis.
- **Active Projects:**
  - There are no active projects within the immediate area.
- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**

  Current Zoning:

  Existing Use: No data for manufactured housing.

  Entitlement: No data for manufactured housing.

  Proposed Zoning: 305 trips per day (based on 10.92 acres of Industrial).

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:** 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:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No comments submitted.

OUTSTANDING ISSUES

Site and Building Design

~~1. Will need to show required future buffer adjacent to R-3 single-family in Development Area A.~~ ADDRESSED

Transportation

~~2. The petitioner should revise the site plan and conditional notes, in reference to Sections 3.A. and 3.B, to establish and record a cross access easement across Tax Parcel Nos. 053-211-07 and 053-211-10 to Wilkinson Boulevard. Access agreement for all three parcels in the event that one or more parcel(s) is sold to another individual/entity for access to be maintained to Wilkinson.~~ ADDRESSED

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

Planner: Lisa Arnold (704) 336-5967

DEVELOPMENT STANDARDS

September 28, 2020

1. GENERAL PROVISIONS

A. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Phillip Neal Sparrow (the "Petitioner") for an approximately 10.918 acre site located on the south side of John Gladden Road, west of the intersection of John Gladden Road and Sam Wilson Road, which site is more particularly depicted on the Rezoning Plan (hereinafter referred to as the "Site"). The Site is comprised of Tax Parcel No. 053-211-19.

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 I-2 zoning district shall govern the development and use of the Site.

D. For entitlement purposes, the Site is divided into two development areas that are designated on the Rezoning Plan as Development Area A and Development Area B. Any reference herein to the Site shall be deemed to include Development Area A and Development Area B.

E. 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. Alterations and modifications shall be in accordance with Section 6.207 of the Ordinance.

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

2. PERMITTED USES/DEVELOPMENT LIMITATIONS

A. The Site may only be devoted to the uses set out below (including any combination of such uses), together with any incidental or accessory uses associated therewith that are permitted under the Ordinance in the I-2 zoning district.

(1) The off-street parking of motor vehicles, including, without limitation, trucks, tractor trailers and vans.

(2) Outdoor storage.

B. Notwithstanding the foregoing, that portion of the Site designated as Development Area A on the Rezoning Plan currently contains 28 manufactured/mobile homes that are occupied by residents. These existing manufactured/mobile homes may remain in place (but cannot be replaced) and be utilized as legal, non-conforming residential uses and structures until such time that Development Area A is redeveloped in accordance with the Rezoning Plan. The redevelopment of Development Area A shall be required to comply with the requirements of the Rezoning Plan and the Ordinance.

C. Development Area A and Development Area B shall be subdivided and these Development Areas shall be separate legal lots prior to the issuance of any permits for the development and use of Development Area B in accordance with this Rezoning Plan. The Development Area A lot and the Development Area B lot will each contain more than 5 acres as depicted on the Rezoning Plan and as a result, the subdivision of the Site shall not be subject to the Charlotte Subdivision Ordinance. Upon the discontinuance of the legal, non-conforming residential uses on Development Area A described above in paragraph 2.B, Development Area A may be re-combined with Development Area B into one lot at the option of Petitioner.

3. TRANSPORTATION

A. Vehicular ingress to and vehicular egress from Development Area B shall not be provided by way of John Gladden Road. Vehicular ingress to and vehicular egress from Development Area B shall be provided by way of Wilkinson Boulevard through Tax Parcel Nos. 053-211-07 and 053-211-10, both of which parcels are owned by Petitioner.

B. Vehicular ingress to and vehicular egress from Development Area A shall be provided by way of John Gladden Road as long as Development Area A is devoted to the legal, non-conforming residential uses that are currently in place. Upon the discontinuance of the legal, non-conforming residential uses on Development Area A described above in paragraph 2.B, vehicular ingress to and vehicular egress from Development Area A shall not be provided by way of John Gladden Road. Vehicular ingress to and vehicular egress from Development Area A shall be provided by way of Wilkinson Boulevard through Tax Parcel Nos. 053-211-07 and 053-211-10.

C. In the event that Petitioner transfers title to Tax Parcel No. 053-211-07 and/or Tax Parcel No. 053-211-10, Petitioner shall prepare and record in the Mecklenburg County Public Registry an access easement agreement for the benefit of the Site over and across Tax Parcel Nos. 053-211-07 and 053-211-10. Pursuant to this access agreement, the uses on the Site may utilize Tax Parcel Nos. 053-211-07 and 053-211-10 for vehicular ingress to and vehicular egress from the Site from and to Wilkinson Boulevard. 3

D. The alignments of the internal private drives and driveways and the vehicular circulation areas may be modified by Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by CDOT and/or NCDOT in accordance with applicable published standards.

E. All transportation improvements shall be constructed and approved prior to the release of the first certificate of occupancy for the Site.

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, and the additional right-of-way will be dedicated prior to the issuance of the first certificate of occupancy. 3

4. STREETSCAPE, LANDSCAPING AND BUFFERS

A. Buffers shall be established on the Site as required by the Ordinance and as depicted on the Rezoning Plan, and such buffers shall conform to the standards of Section 12.302 of the Ordinance. Pursuant to the Ordinance, Petitioner may reduce the required width of a buffer by 25% by installing a berm that meets the standards of Section 12.302(8A) of the Ordinance.

B. Upon the discontinuance of the legal, non-conforming residential uses on Development Area A described above in paragraph 2.B, the Class A buffer located along the western boundary line of Development Area B may be removed in its entirety.

C. Upon the discontinuance of the legal, non-conforming residential uses on Development Area A described above in paragraph 2.B, a buffer that complies with the applicable requirements of the Ordinance shall be established along that portion of the northern boundary line of Development Area A that abuts Tax Parcel No. 053-152-56 in the event that Tax Parcel No. 053-152-56 is located in a zoning district or devoted to a use that requires the establishment of a buffer on the relevant portion of the northern boundary line of Development Area A. This potential buffer is generally depicted on the Rezoning Plan. 3

D. 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.

E. John Gladden Road is not a publicly maintained street. As a result, Petitioner shall not be required to install curb and gutter, a planting strip or a sidewalk along the Site's frontage on John Gladden Road.

5. ENVIRONMENTAL FEATURES

A. Development of Development Area B shall comply with the requirements of the City of Charlotte Tree Ordinance.

B. Any redevelopment of Development Area A after the discontinuance of the legal, non-conforming residential uses on Development Area A described above in paragraph 2.B shall comply with the requirements of the City of Charlotte Tree Ordinance.

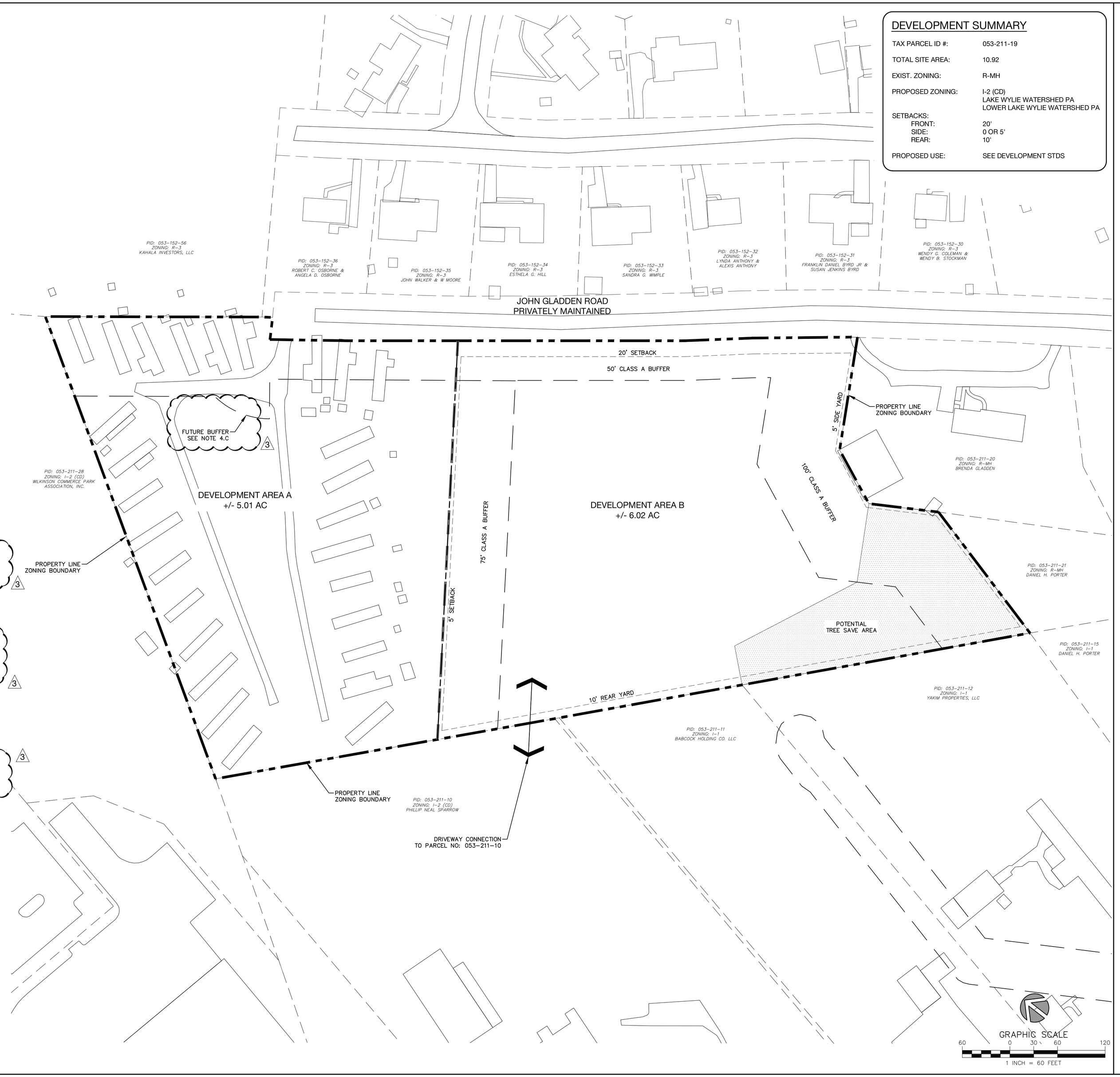
C. Petitioner shall comply with the Charlotte City Council approved and adopted Post-Construction Stormwater Ordinance.

6. BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

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

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

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



DEVELOPMENT SUMMARY

TAX PARCEL ID #:	053-211-19
TOTAL SITE AREA:	10.92
EXIST. ZONING:	R-MH
PROPOSED ZONING:	I-2 (CD) LAKE WYLIE WATERSHED PA LOWER LAKE WYLIE WATERSHED PA
SETBACKS: FRONT: SIDE: REAR:	 20' 0 OR 5' 10'
PROPOSED USE:	SEE DEVELOPMENT STDS

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

John Gladden Road

Rezoning Plan
8715 John Gladden Road Charlotte, NC

NO.	DATE:	BY:	REVISIONS:
1	05.01.20	UDP	PER CITY COMMENTS
2	06.15.20	UDP	PER CITY COMMENTS
3	09.28.20	UDP	PER CITY COMMENTS

Project No: 19-119
Date: 01.13.2020
Designed by: UDP
Drawn By: UDP
Sheet No:

RZ-1.0

Petition 2020-023 by Phillip Neal Sparrow

To Approve:

This petition is found to be **inconsistent** with the *Dixie Berryhill Strategic 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 residential uses up to four 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 proposed use while inconsistent with the adopted land use, is compatible with the adjacent industrial developments in the area.
- Numerous industrial developments have been developed recently along Wilkinson Boulevard adjacent to this site which makes this site a logical transition to an industrial use.
- The site is separated from the rear yards of existing single-family homes by a public street (John Gladden Road). In addition, a buffer is required along the street frontage on John Gladden Road and there will be no access from the parking area to this street frontage.

The approval of this petition will revise the adopted future land use as specified by the *Dixie Berryhill Strategic Plan* from single family residential uses up to four DUA, to industrial uses for the site.

To Deny:

This petition is found to be **inconsistent** with the *Dixie Berryhill Strategic 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 residential uses up to four 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:

City of Charlotte

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

Agenda Date: 10/6/2020

Agenda #: 7.**File #:** 15-14292 **Type:** Zoning Item

Rezoning Petition: 2020-035 by CCP University LLC

Location: Approximately 49 acres located on the south side of IBM Drive, west of Neal Road, and north of University City Boulevard. (Council District 4 - Johnson)

Current Zoning: R-4 (single-family residential) and RE-2 (research)
Proposed Zoning: UR-2 (CD) (urban residential, conditional) and R-8MF (CD) (multi-family residential, conditional)

Public Hearing Held: September 21, 2020 - Item #35

Staff Resource: Michael Russell

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

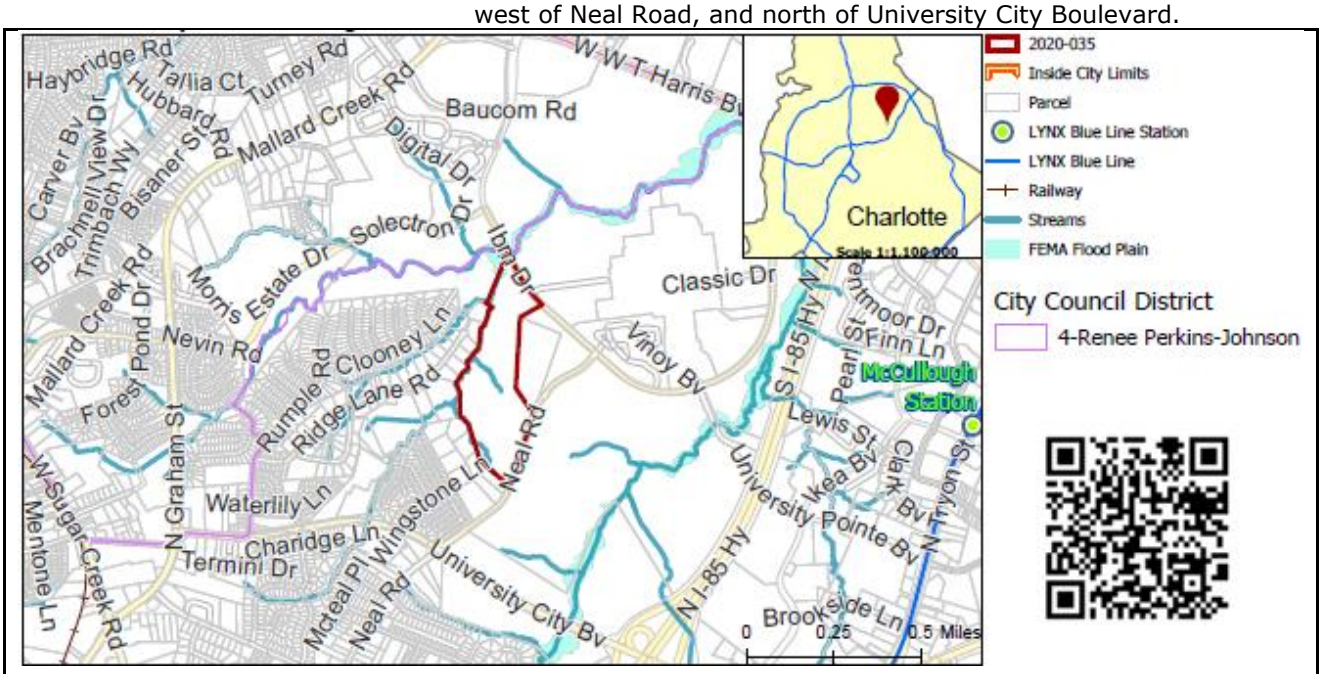
Attachments:
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

powered by Legistar™

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-035
Post Hearing Staff Analysis
October 6, 2020

REQUEST	Current Zoning: R-4 (single family residential) and RE-2 (research) Proposed Zoning: UR-2(CD) (urban residential, conditional) and R-8MF(CD) (multi-family residential, conditional)
LOCATION	Approximately 49 acres located on the south side of IBM Drive, west of Neal Road, and north of University City Boulevard.



SUMMARY OF PETITION	The petition proposes to rezone approximately 49 acres in University City to accommodate a 300-unit mixed residential development and to allow all other incidental and accessory uses permitted within the R-8MF district at a density of 6.12 dwelling units per acre (DUA).
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	IBM Corporation CCP University, LLC Collin Brown & Brittany Lins
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 6

STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues related to transportation. <u>Plan Consistency</u> The petition is **inconsistent** with the *Northeast District Plan (1996)* recommendation for single family residential uses at up to four DUA. However, the increased density is supported by the *General Development Policies* which support up to eight units per acre for this site.

Rationale for Recommendation

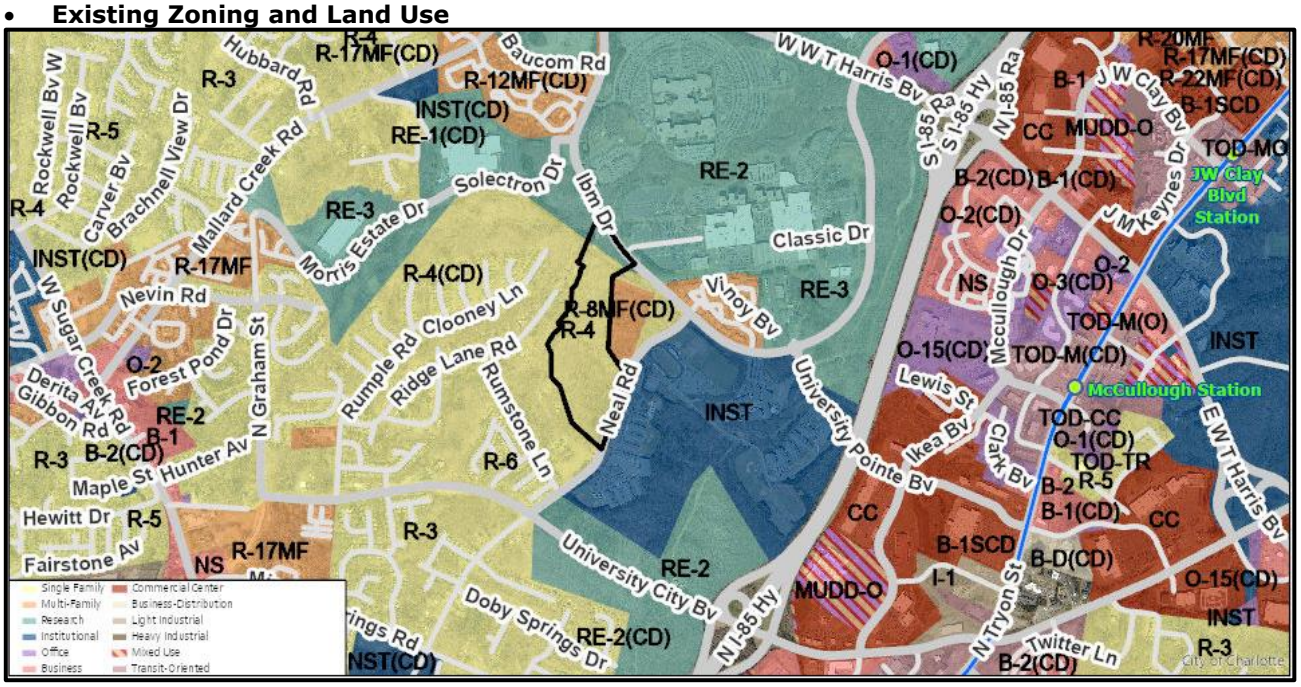
- This petition proposes up to 250 single family attached (townhome) units and 50 multi-family dwelling units, with a density of 6.1 dwelling units per acre (DUA). While this petition is inconsistent with the *Northeast District Plan's (1996)* recommendation of single family residential uses up to 4 DUA, the petition is supported by the *General Development Policies* which support up to 8 DUA for this site.
- This petition is adjacent to recently approved and currently pending rezonings that were also rezoned to R-8MF(CD) to build single and multi-family housing. Petition 2019-108 was rezoned from R-3 to R-8MF(CD) in 2019, and is currently under the pending rezoning petition 2020-102, along with two additional adjacent parcels zoned R-3 and RE-2.
- This petition is adjacent to the area boundary for the *University Research Area Plan,* which favors higher density in the mixed-use designated areas directly adjacent to this petition. A slightly higher density of 6.1 DUA and multi-family housing options are an appropriate transition from the adjacent mixed use area to the lower density, already established single family neighborhoods to the south and west of this petition.
- This petition will increase the number and diversity of housing units within walking distance to the four schools across Neal Road and to the employment center University Research Park.

The approval of this petition will revise the adopted future land use as specified by the *Northeast District Plan (1996)*, from single family residential up to 4 DUA to residential up to 8 DUA for the site.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Commits to the construction of up to 300 residential units, broken out into 250 single family attached units and 50 multi-family units.
  - Proposes a maximum height of three stories/45 feet for all structures on site.
  - Proposes a mixture of public streets and private drives to accommodate the proposed development.
  - Commits to a six-foot wide sidewalk and eight-foot wide planting strip along the site's internal public streets and the site's frontage of Neal Road and IBM drive.
  - Architectural standards that include:
    - Preferred building materials that exclude only concrete masonry units not architecturally finished.
    - Pitched roof standards for the attached single-family units if a flat roof style is not employed.
    - Walkway connections from all residential entrances to sidewalks.
    - Entrances within 15 feet of the sidewalk shall have a raised or lowered entrance a minimum of 12 inches.
    - Recessed garage doors from 12-24 inches. Each townhome unit provided with a garage for at least one car.
    - Limiting the number of total townhomes within a structure to six units.
    - Architectural enhancements for end units to include enhanced planting and a minimum number of windows and shudders.
    - Massing designed to break up long, monolithic building forms through modulations/articulations of facades.
  - Full capped freestanding light fixtured not to exceed 21-feet in height.

- **Existing Zoning and Land Use**



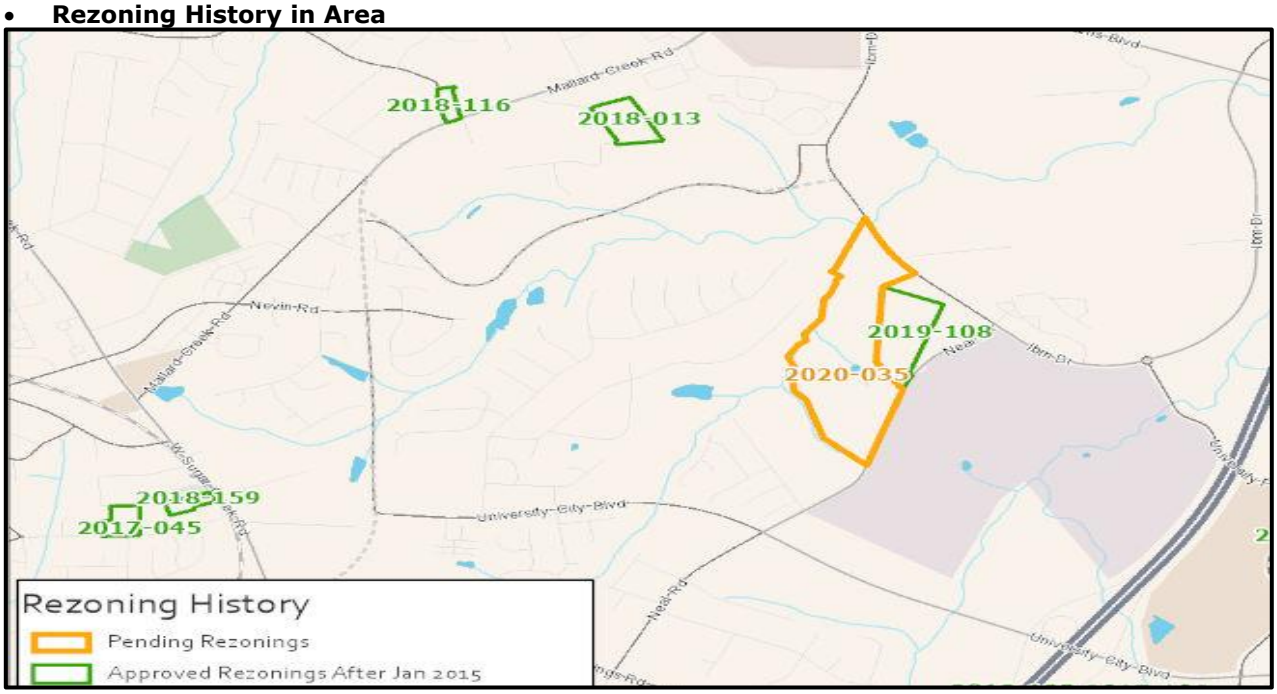
There has been no historic rezoning for this site. Historical aerials show this site to be wooded from 1978 onward. The petition is located in an area near a major employer (IBM) and east of an area that has more single-family residences along W. Sugar Creek Road and the Derita neighborhood. The site is just west (and separated by Interstate 85) from the major commercial center of University City. Vance High School is located across from the site along Neal Road.

General location of site denoted by red star.

Streetview from IBM Drive looking west toward the site.

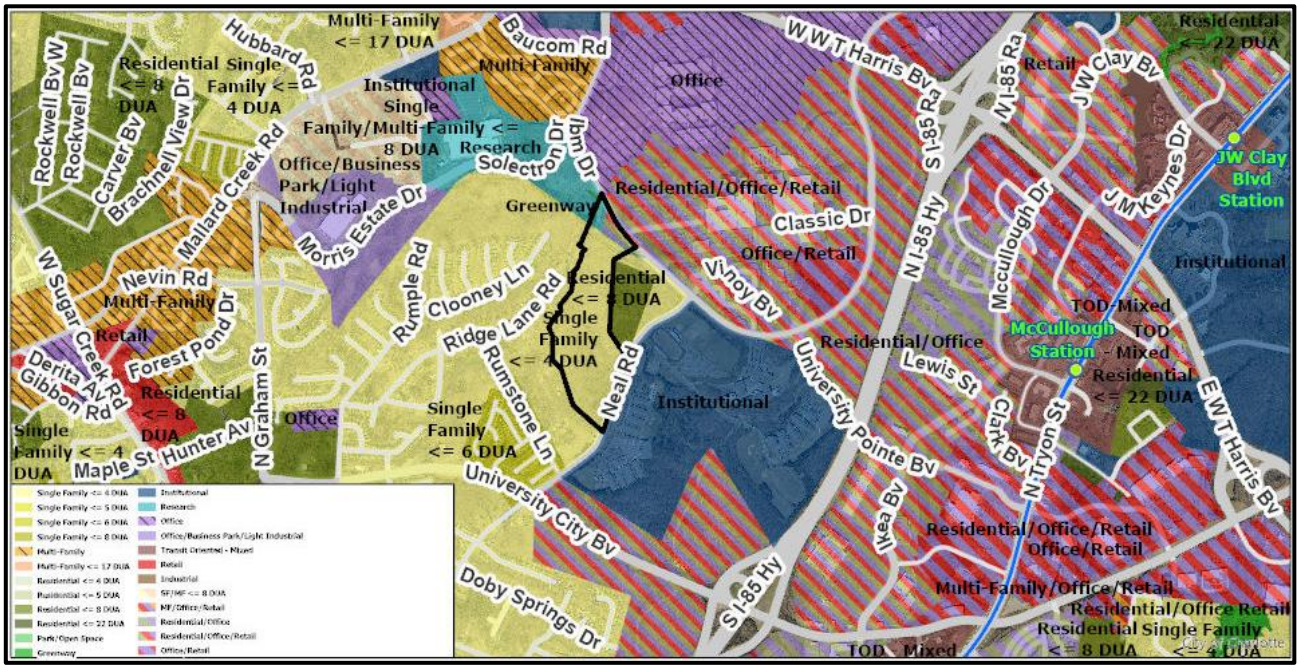
The property to the west of the site along IBM Drive is developed with multi-family apartments.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-108	Rezoned 13.21 acres to R-8MF(CD) to allow up to 92 duplex, triplex and/or single-family attached dwelling units.	Approved
2018-116	Rezoned 1.34 acres to R-4.	Approved
2018-159	Rezoned 1.85 acres to INST(CD) to allow the site and existing buildings to be used for all institutional uses including conferences, weddings, receptions, meetings and similar uses.	Approved
2018-013	Rezoned 6.27 acres to RE-1(CD) to allow the construction of a surface parking lot to serve as accessory parking for an adjacent office building.	Approved
2017-045	Rezone 22.8 acres to UR-2(CD) to allow up to 132 for sale townhome units.	Indefinite deferral

- **Public Plans and Policies**



- The *Northeast District Plan (1996)* calls for single family residential uses up to 4 DUA.
- 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 8 dwellings per acre as illustrated in the table below.

Assessment Criteria	**Density Category – up to 8 dua**
Meeting with Staff	1
Sewer and Water Availability	2
Land Use Accessibility	1
Connectivity Analysis	2
Road Network Evaluation	1
Design Guidelines	4
Other Opportunities or Constraints	NA
Minimum Points Needed: 11	**Total Points: 11**

- **TRANSPORTATION SUMMARY**
  - The site is located on two minor thoroughfare roads. CDOT requested a Traffic Impact Study (TIS) as part of the first review, since the site is proposing to add a fourth leg to the existing signalized intersection at IBM Drive; therefore, it triggers a traffic impact study under CDOT Traffic Impact Study Guidelines. CDOT approved the TIS 8/24/2020, which includes commitments to construct turn lanes at the proposed access points located on both Neal Road and IBM Drive. CDOT continues to request the petitioner to include the TIS road improvements within the rezoning site plan's conditional notes. The petitioner will need to coordinate the street network design with the adjacent rezoning petitions 2019-108 and 2020-102. CDOT is also continuing to coordinate with the petitioner to conduct a queuing analysis for the school driveways on Neal Road, to fully understand the traffic situation and to adequately locate the driveways. CDOT is continuing to request the petitioner to support a 12-foot multi-use path, in accordance with Charlotte BIKES, along Neal Road and IBM Drive, to tie-into the requested bike facility issued within rezoning petition 2020-102.**Active Projects:**
  - University Research Park Sidewalk – The project is installing sidewalk along IBM Drive from University Oaks to the adjacent multi-family property.
- **Transportation Considerations**
  - See Outstanding Issues, Notes 2 & 4
- **Vehicle Trip Generation:**

  Current Zoning:

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

  Entitlement: 1,935 trips per day (based on 196 dwelling units)

  Proposed Zoning: 2,125 trips per day (250 townhomes, 50 apartments)

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 102 students, while the development allowed under the proposed zoning may produce 80 students. Therefore, the net decrease in the number of students generated from existing zoning to proposed is 22.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Governor's Village K-8 from 104% to 108%
    - Zebulon Vance High remains at 129%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Neal Drive and 12-inch water distribution main located along IBM Drive. The proposed rezoning has the potential to significantly impact the capacity of the local sanitary sewer collection system. Due to the limited project details that were provided, it is recommended that the applicant contact the Charlotte Water New Services

group for further information and to discuss options regarding sanitary sewer system capacity. See advisory comments at www.rezoning.org

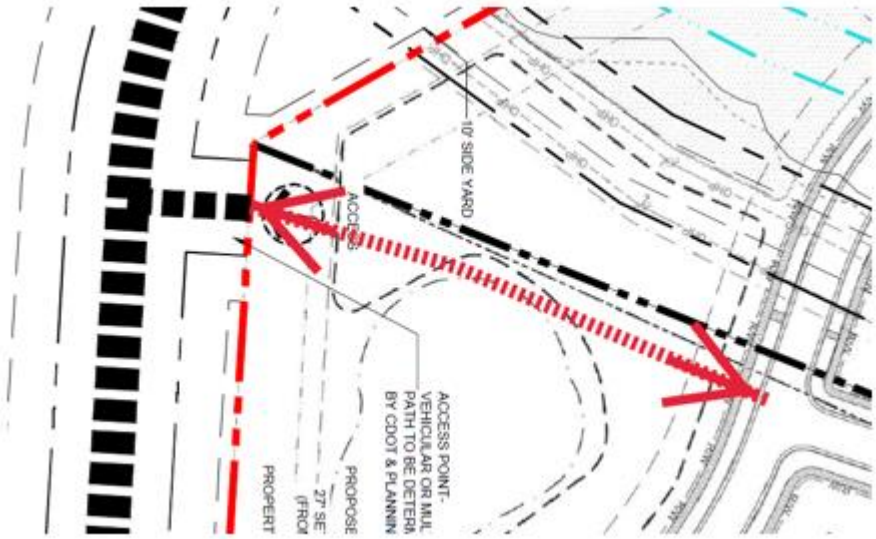
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** See advisory comments at www.rezoning.org
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** ~~See Requested Technical Revisions, Note 5~~ Rescinded

OUTSTANDING ISSUES

Transportation

1. ~~The petitioner should revise the site plan and conditional notes to include the approved TIS roadway mitigations.~~ ADDRESSED
2. ~~The petitioner should include rezoning petition 2020-102's street network within the revised plan to coordinate tie-in points~~. ADDRESSED

   New comment (site plan dated 9-28-20) The petitioner needs to revise the site plan to coordinate the street network connection, shown below, with rezoning petition 2020-102, which is labeled incorrectly as "approved rezoning petition #2019-108."



3. ~~The petitioner needs to provide an existing queuing analysis for the school driveways on Neal Road to fully understand the traffic situation and to adequately locate the driveways~~. ADDRESSED
4. ~~The petitioner should revise the site plan and conditional notes to revise the 6-foot sidewalk to a 12-foot multi-use path in accordance with Charlotte BIKES, along Neal Road and IBM Drive, to tie into the requested bike facility issued within rezoning 2020-102.~~ ADDRESSED

   New comment (site plan dated 9-28-20) The revised site plan should commit to dedicating right-of-way for a future 8-ft planting strip and 12-ft multi-use path, along the site's IBM Drive frontage.

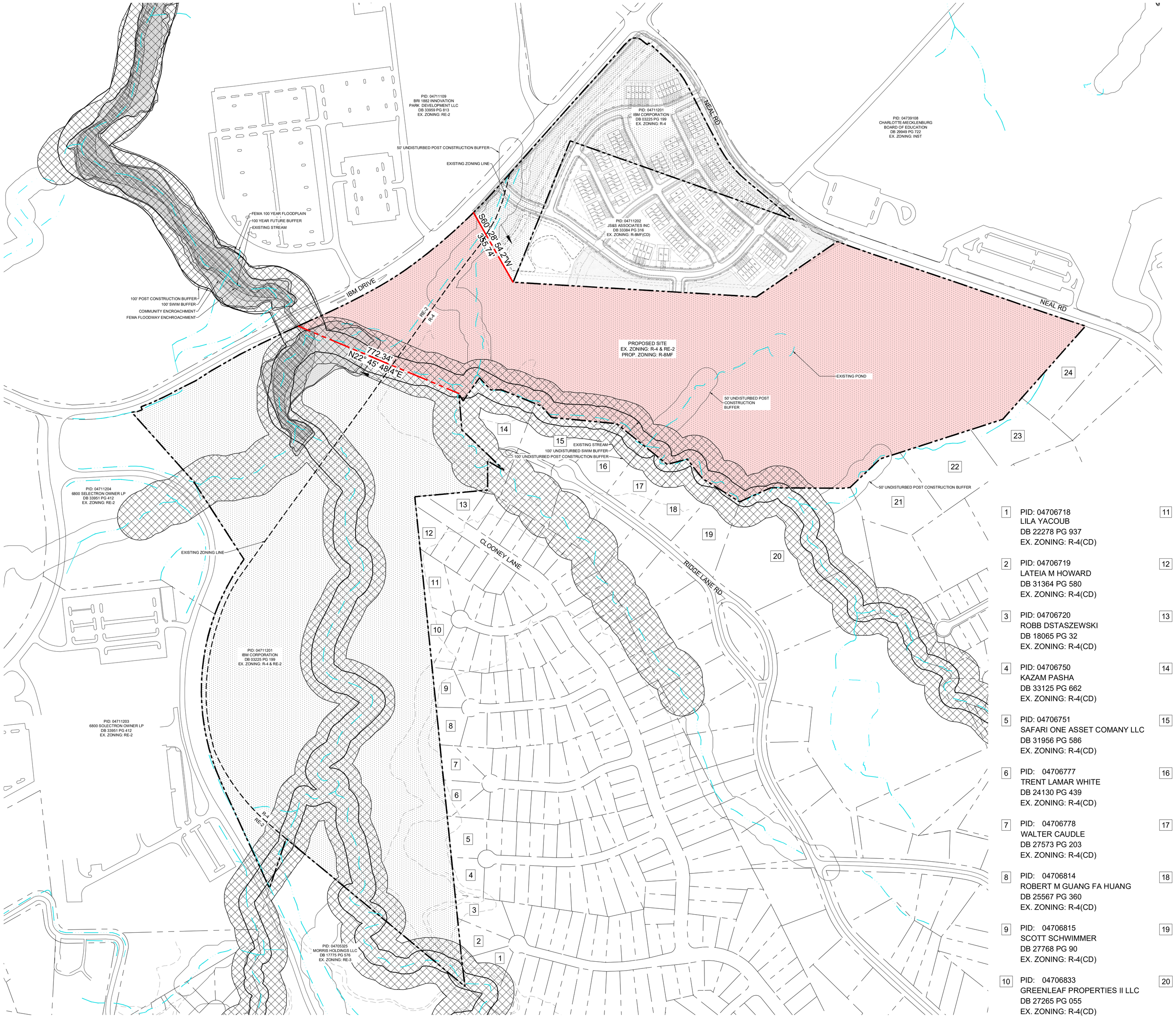
REQUESTED TECHNICAL REVISIONS

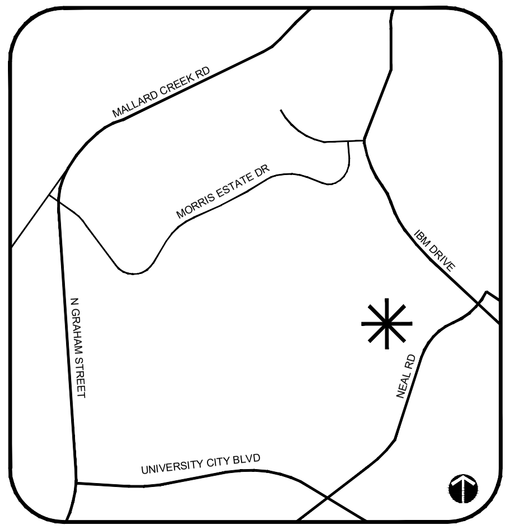
Site and Building Design

5. ~~MCPR requests the petitioner consider dedicating and conveying to Mecklenburg County the minimum 1.12 acre "Amenity Area" for a public neighborhood park. This petition is in a gap area for public open space~~. Rescinded

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

Planner: Michael Russell (704) 353-0225





VICINITY MAP

NTS

SITE DEVELOPMENT DATA

SITE AREA: +/- 49 ACRES

TAX PARCELS: PORTION OF 047-112-01

EXISTING ZONING: R-4 & RE-2

PROPOSED ZONING: R-8MF(CD)

EXISTING USE: RESIDENTIAL

PROPOSED USES: UP TO 300 RESIDENTIAL DWELLING UNITS, INCLUDING MULTI-FAMILY UNITS AND SINGLE-FAMILY ATTACHED (TOWNHOME) UNITS, AS FURTHER DESCRIBED IN SECTION II, BELOW

MAXIMUM BUILDING HEIGHT: THREE STORIES AND UP TO FORTY-FIVE (45) FEET AS MEASURED PER THE ORDINANCE

1 PID: 04706718
LILA YACOUB
DB 22278 PG 937
EX. ZONING: R-4(CD)

2 PID: 04706719
LATEIA M HOWARD
DB 31364 PG 580
EX. ZONING: R-4(CD)

3 PID: 04706720
ROBB DSTASZEWSKI
DB 18065 PG 32
EX. ZONING: R-4(CD)

4 PID: 04706750
KAZAM PASHA
DB 33125 PG 662
EX. ZONING: R-4(CD)

5 PID: 04706751
SAFARI ONE ASSET COMANY LLC
DB 31956 PG 586
EX. ZONING: R-4(CD)

6 PID: 04706777
TRENT LAMAR WHITE
DB 24130 PG 439
EX. ZONING: R-4(CD)

7 PID: 04706778
WALTER CAUDLE
DB 27573 PG 203
EX. ZONING: R-4(CD)

8 PID: 04706814
ROBERT M GUANG FA HUANG
DB 25567 PG 360
EX. ZONING: R-4(CD)

9 PID: 04706815
SCOTT SCHWIMMER
DB 27768 PG 90
EX. ZONING: R-4(CD)

10 PID: 04706833
GREENLEAF PROPERTIES II LLC
DB 27265 PG 055
EX. ZONING: R-4(CD)

11 PID: 04706834
RALPH BLACK
DB 16990 PG 607
EX. ZONING: R-4(CD)

12 PID: 04706846
MARTY HUA
DB 25999 PG 268
EX. ZONING: R-4(CD)

13 PID: 04706847
ADAM REISIG
DB 31682 PG 268
EX. ZONING: R-4(CD)

14 PID: 04706514
JOHN C CHAPMAN
DB 20736 PG 52
EX. ZONING: R-3

15 PID: 04706516
AARON ELIAS MCOWEN
DB 33899 PG 783
EX. ZONING: R-3

16 PID: 04706537
JOHN W MILLER
DB 30828 PG 61
EX. ZONING: R-3

17 PID: 04706518
ANDREW T CLINE
DB 32569 PG 673
EX. ZONING: R-3

18 PID: 04706519
ROBERT P WARREN
DB 28106 PG 895
EX. ZONING: R-3

19 PID: 04706520
CHRISTINE M FREEMAN
DB 20728 PG 869
EX. ZONING: R-3

20 PID: 04706521
JAMES BEAN
DB 31950 PG 003
EX. ZONING: R-3

21 PID: 04707109
ROBERT CLAYTON JR COWHERD
DB 31846 PG 987
EX. ZONING: R-3

22 PID: 04707111
ERIC D SWANSON
DB 18394 PG 375
EX. ZONING: R-3

23 PID: 04707112
ERIC D SWANSON
DB 18394 PG 375
EX. ZONING: R-3

24 PID: 04707105
CHARLES JR RODDEN
DB 16621 PG 581
EX. ZONING: R-3

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

KEY MAP

SEAL

NOT FOR CONSTRUCTION

PROJECT

WAYFORD RESIDENTIAL

CHARLOTTE, NC

REZONING #2020-035

LANDDESIGN PROJ.#
1019430

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	INITIAL REZONING SUBMITTAL	02.04.2020
2	PER CITY COMMENTS	04.13.2020
3	PER CITY COMMENTS	06.15.2020
4	PER CITY COMMENTS	09.28.2020

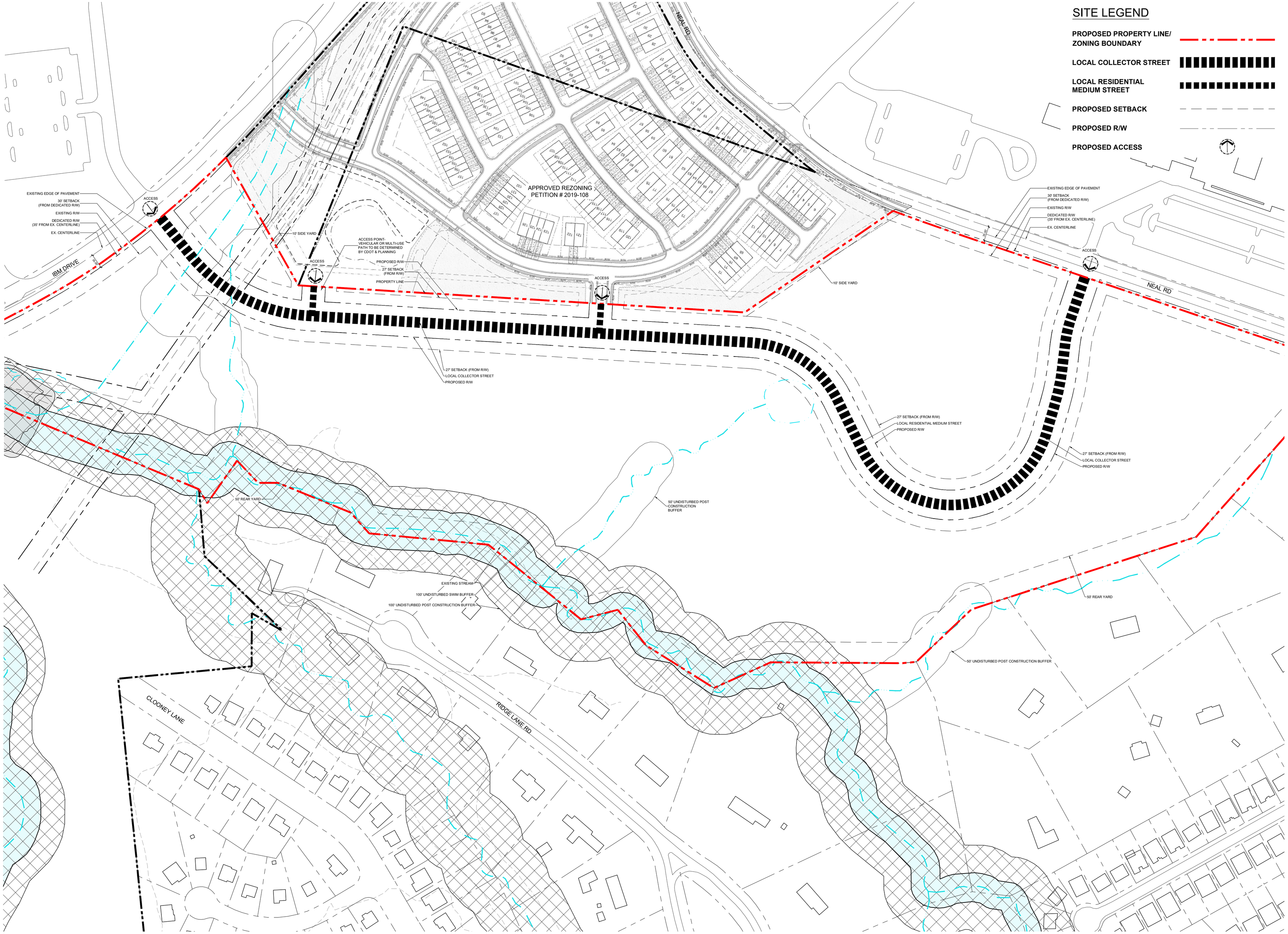
DESIGNED BY: JRY
DRAWN BY: CKS
CHECKED BY: KST

SCALE
VERT: N/A
HORZ: 1"=200'
0 100' 200' 400'

NORTH

SHEET TITLE
TECHNICAL DATA SHEET

SHEET NUMBER
RZ-1



LandDesign.
223 NORTH GRAHAM STREET
CHARLOTTE, NC 28202
704.333.0325
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KEY MAP

SEAL

NOT FOR CONSTRUCTION

PROJECT

WAYFORD RESIDENTIAL

CHARLOTTE, NC

REZONING #2020-035

LANDDESIGN PROJ.#
1019430

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	INITIAL REZONING SUBMITTAL	02.04.2020
2	PER CITY COMMENTS	04.13.2020
3	PER CITY COMMENTS	06.15.2020
4	PER CITY COMMENTS	09.28.2020

DESIGNED BY: JRY
DRAWN BY: CKS
CHECKED BY: KST

SCALE

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

0 50' 100' 200'

NORTH

SHEET TITLE

TECHINCAL DATA SHEET

SHEET NUMBER

RZ-2

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

KEY MAP

SEAL

NOT FOR CONSTRUCTION

PROJECT

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NORTH

SHEET TITLE

SCHEMATIC SITE PLAN

SHEET NUMBER

RZ-3

CCP UNIVERSITY, LLC
REZONING PETITION NO. 2020-035
09/28/2020

Development Data Table:

Site Area: +/- 49 acres
Tax Parcels: Portion of 047-112-01
Existing Zoning: R-4 & RE-2
Proposed Zoning: R-8MF(CD)
Existing Use: Residential
Proposed Uses: Up to 300 Residential Dwelling Units, including multi-family units and single-family attached (townhome) units, as further described in Section II, below
Maximum Building Height: Three Stories and up to Forty-five (45) feet as measured per the Ordinance

I. General Provisions

1. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by CCP University, LLC (the "Petitioner") to accommodate the development of a multi-family and single-family attached (townhome) residential community on that approximately 49-acre portion of a site located on the southwest side of the intersection of IBM Drive and Neal Road, more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of a portion of Tax Parcel Number 047-112-01.

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 R-8MF 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 250 single-family attached (townhome) dwelling units, 50 multi-family residential units, and any incidental and accessory uses relating thereto that are allowed in the R-8MF zoning district.

III. Transportation

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

2. Access points shall be provided as generally depicted on the Rezoning Plan.

3. The Petitioner shall construct and install the following improvements based on the approved Traffic Impact Study:

a. At the intersection of IBM Drive & Hewitt Associates Drive/Proposed Access "A" (Signalized):

i. One ingress and two egress (a northbound left turn lane with 100 feet of storage in addition to a combined thru-right lane) on Proposed Access "A";

ii. Construct an eastbound right turn lane with 100 feet of storage on IBM Drive;

iii. Remark the existing pavement to provide a westbound left turn lane with 100 feet of storage on IBM Drive; and

iv. Remark the existing southbound right turn lane to a combined thru-right lane on Hewitt Associates Drive.

b. At the intersection of Neal Road & Proposed Access "C" (Unsignalized - by others):

i. One ingress and two egress (left turn lane with 100 feet of storage and a terminating right turn lane on Proposed Access "C"); and

ii. Remark the existing median to provide a northbound left turn lane with a minimum of 100 feet of storage on Neal Road.

c. At the intersection of Neal Road & STEM Academy Driveway/Proposed Access "B" (Unsignalized):

i. One ingress and two egress (left turn lane with 100 feet of storage and terminating right turn lane on Proposed Access "B");

ii. Remark the existing median to provide a two-way-left-turn lane (TWL TL) on Neal Road that can accommodate site traffic as well as queueing school traffic; and

iii. Remark the existing westbound right turn lane to a combined thru-right lane on STEM Academy Driveway.

4. Petitioner shall install curb and gutter along the Site's frontage of Neal Road and IBM Drive as generally depicted on the Rezoning Plan prior to the issuance of the issuance of the Site's first certificate of occupancy.

5. Petitioner shall install a minimum twelve (12) foot wide multi-use path along the Site's frontage of Neal Road, as generally depicted on the Rezoning Plan.

6. Petitioner chall 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.

7. 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 for the related phase of development.

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

IV. Architectural Standards

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

2. Prohibited Exterior Building Materials: concrete masonry units not architecturally finished.

3. Dumpster locations as generally depicted on the Rezoning Plan are shown for illustrative purposes only and shall only be required in the event that roll-out trash service is not provided for the Site.

4. The following additional architectural standards shall apply to single-family residential attached (townhome) units on the Site:

a. 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.

b. Walkways shall be provided to connect all residential entrances to sidewalks along public or private streets.

c. To provide privacy, all residential townhome entrances within fifteen (15) feet of the sidewalk shall be either raised or lowered from the average sidewalk grade a minimum of twelve (12) inches.

d. Individual driveways for townhome units shall not front onto the internal public local residential medium street, as generally depicted on the Rezoning Plan.

e. Garage doors visible from public streets shall minimize the visual impact by providing a setback of twelve (12) to twenty-four (24) inches from the front wall plane.

f. All townhome units shall be provided with a garage for a minimum of one (1) car. Driveway lengths shall either be between five (5) and seven (7) feet in length or a minimum of twenty (20) feet in length.

g. Townhouse buildings fronting public network-required streets shall be limited to six (6) individual units per building, or fewer.

h. Townhome buildings shall have a minimum separation of sixteen (16) feet between buildings.

i. Each end unit that fronts a public road, as generally labeled on the Rezoning Plan will feature the following architectural elements on the side of the unit that runs parallel along the public road:

i. A minimum of five (5) two-foot maple trees (or other similar tree) planted approximately six to eight feet apart from each other; and

ii. Minimum of two (2) windows with shutters on the side wall.

5. The following additional architectural standards shall apply to multi-family residential units on the Site:

a. Building elevations shall be designed with vertical bays or articulated architectural façade features which shall include a minimum of three (3) of the following: a combination of exterior wall offsets (projections or recesses), columns, pilasters, banding, or change in materials/colors.

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

c. Building elevations facing network-required public or private streets shall not have blank walls greater than twenty (20) feet in all directions and architectural features such as, but not limited to, banding, medallions or design features or materials to avoid a sterile, unarticulated blank treatment of such walls.

d. Building massing shall be designed to break up long monolithic building forms as follows: building exceeding 120 feet in length shall include modulations of the building massing/façade plane (such as recesses, projections, and architectural details). Modulations shall be a minimum of ten (10) feet wide and shall project or recess a minimum of two (2) feet extending through at least a full floor.

e. 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. Rooftop HVAC and related mechanical equipment will be screened from public view at grade from the nearest network-required street.

6. Amenity areas may include, but not be limited to: mail kiosk(s), bicycle racks, grills, club houses, pools, cabanas, picnic shelters, gazebos, benches, community gardens, dog parks, playgrounds, active or passive recreation, or other similar amenities and may be relocated throughout the Site as long as the locations are consistent with the general intent of the Rezoning Plan.

V. Streetscape and Landscaping

1. The Petitioner shall construct a minimum six (6) foot wide sidewalk and eight (8) foot wide planting strip along the Site's internal public streets and the Site's frontage of IBM Drive. The Petitioner shall provide a minimum twelve (12) foot wide sidewalk and eight (8) foot wide planting strip along the Site's frontage of Neal Road, per Section III.5. above.

2. 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. If sublots are created, each lot shall have a minimum of 400 square feet of private open space or 10% of the Site shall be set aside as usable common open space per Ordinance standards.

VI. Environmental Features

1. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Stormwater Ordinance. The location, size, and type of stormwater management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.

2. 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.

3. The Petitioner shall comply with the Tree Ordinance.

VII. Lighting

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

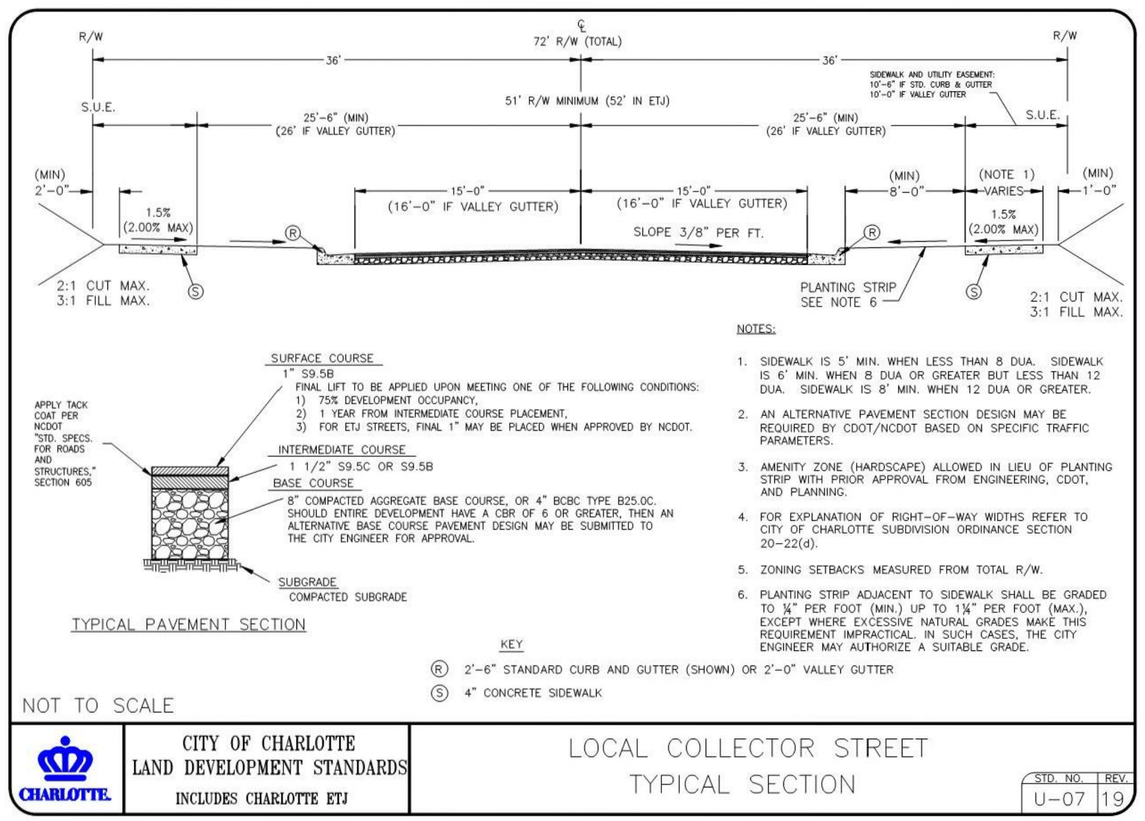
VIII. Amendments to Rezoning Plan

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.

IX. Binding Effect of the Rezoning Documents and Definitions

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

SCALE NORTH

VERT: N/A
HORZ:

SHEET TITLE

DEVELOPMENT STANDARDS

SHEET NUMBER

RZ-4

Petition 2020-035 by CCP University, LLC

To Approve:

This petition is found to be **inconsistent** with the *Northeast District Plan* (1996) recommendation for single family residential uses at up to four dwelling units per acre. However, the increased density is **consistent** with the *General Development Policies* which support up to eight dwelling units per acre for this site, based on the information from the staff analysis and the public hearing, and because:

- The plan recommends single family residential at up to four 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 250 single family attached (townhome) units and 50 multi-family dwelling units, with a density of 6.1 dwelling units per acre (DUA). While this petition is inconsistent with the *Northeast District Plan's* (1996) recommendation of single family residential uses up to 4 DUA, the petition is supported by the *General Development Policies* which support up to 8 DUA for this site.
- This petition is adjacent to recently approved and currently pending rezonings that were also rezoned to R-8MF(CD) to build single and multi-family housing. Petition 2019-108 was rezoned from R-3 to R-8MF(CD) in 2019, and is currently under the pending rezoning petition 2020-102, along with two additional adjacent parcels zoned R-3 and RE-2.
- This petition is adjacent to the area boundary for the *University Research Area Plan*, which favors higher density in the mixed-use designated areas directly adjacent to this petition. A slightly higher density of 6.1 DUA and multi-family housing options are an appropriate transition from the adjacent mixed-use area to the lower density, already established single family neighborhoods to the south and west of this petition.
- This petition will increase the number and diversity of housing units within walking distance to the four schools across Neal Road and to the employment center University Research Park.

  The approval of this petition will revise the adopted future land use as specified by the *Northeast District Plan* (1996), from single family residential up to 4 DUA to residential up to 8 DUA for the site.

To Deny:

This petition is found to be **inconsistent** with the *Northeast District Plan* (1996) recommendation for single family residential uses at up to four dwelling units per acre. However, the increased density is **consistent** with the *General Development Policies* which support up to eight dwelling units per acre for this site, based on the information from the staff analysis and the public hearing, and because:

- The plan recommends single family residential at 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:

City of Charlotte

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

Agenda Date: 10/6/2020

Agenda #: 8.**File #:** 15-14293 **Type:** Zoning Item

Rezoning Petition: 2020-055 by RangeWater Real Estate

Location: Approximately 27.97 acres located along the east side of IBM Drive west of Interstate 85, south of West W. T. Harris Boulevard. (Council District 4 - Johnson)

Current Zoning: RE-2 (Research)
Proposed Zoning: R-17MF (CD) (multi-family residential, conditional)

Public Hearing Held: September 21, 2020 - Item #39

Staff Resource: Michael Russell

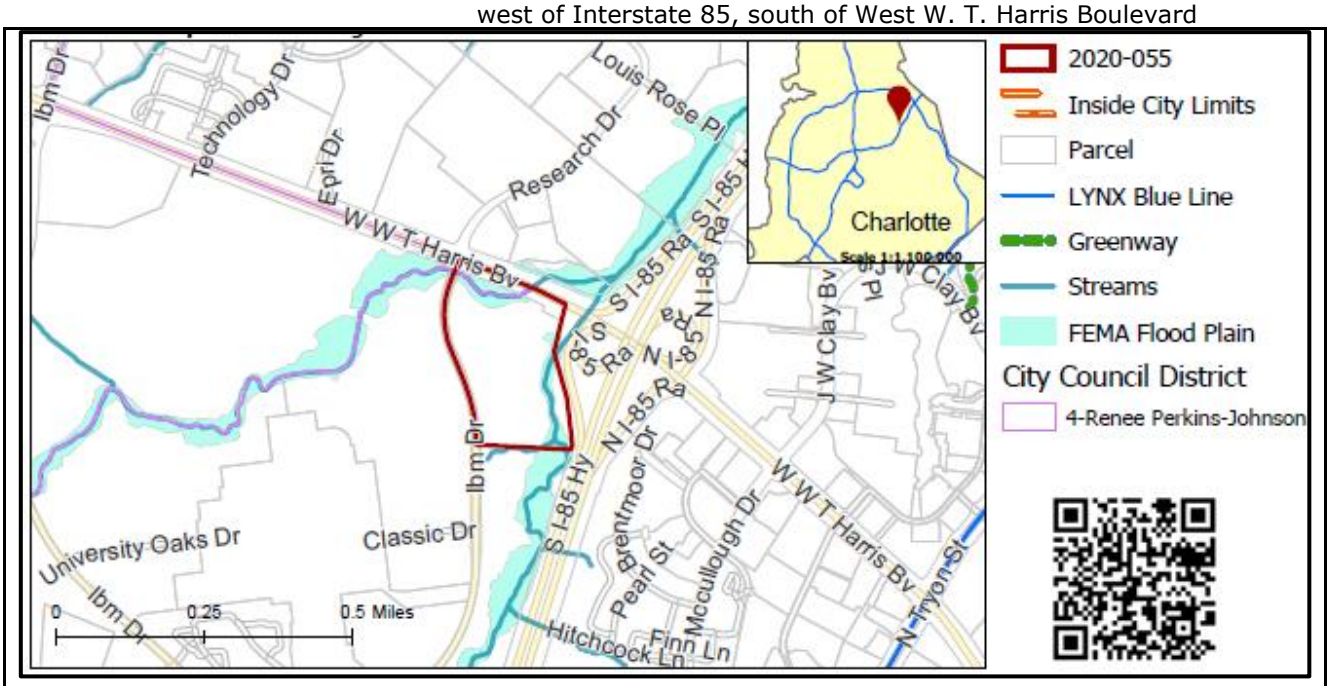
Staff Recommendation:
Staff recommends APPROVAL of this petition upon resolution of outstanding issues related to transportation.

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

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-055
Post Hearing Staff Analysis
October 6, 2020

REQUEST	Current Zoning: RE-2 (research) Proposed Zoning: R-17MF (CD) (multi-family residential, conditional)
LOCATION	Approximately 27.97 acres located along the east side of IBM Drive, west of Interstate 85, south of West W. T. Harris Boulevard



SUMMARY OF PETITION	The petition proposes up to 300 multi-family residential dwelling units with a density of 10.72 dwelling units per acre on vacant land.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	IBM Corporation RangeWater Real Estate 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: 3

STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation.

Plan Consistency

The petition is **consistent** with the *University Research Park Area Plan (2010)* recommendation of Residential/Office/Retail.

Rationale for Recommendation

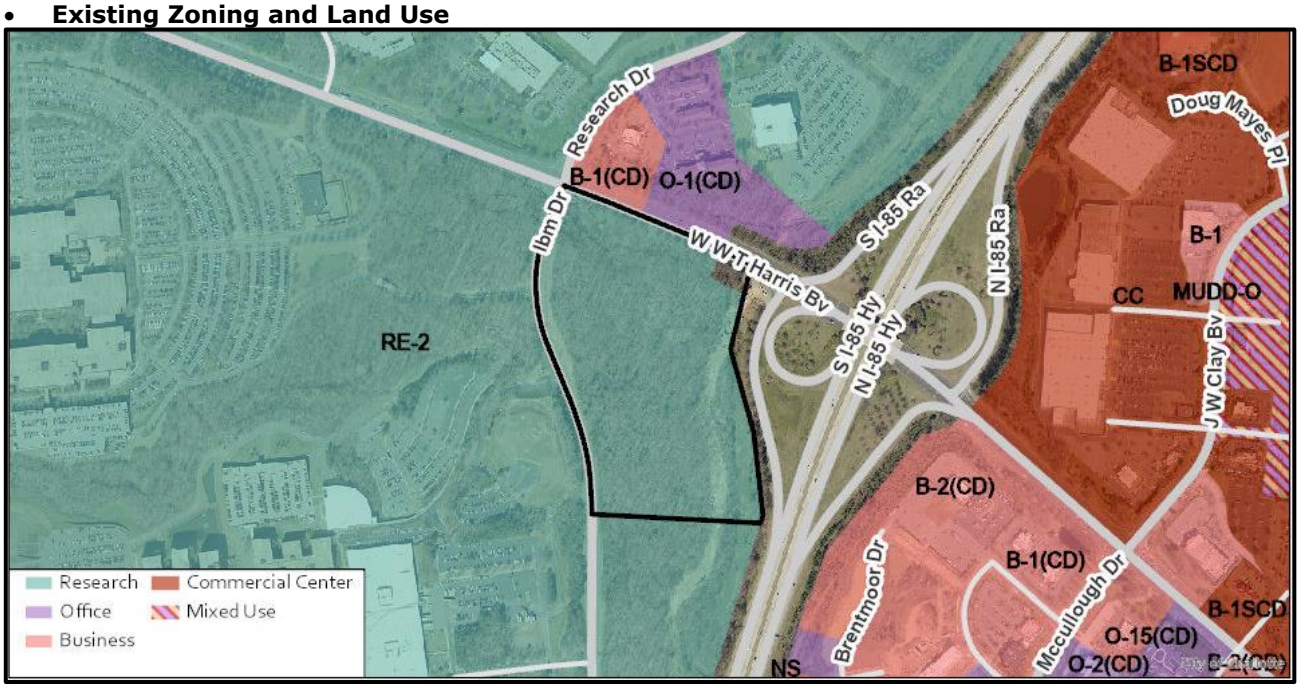
- The subject site is located on IBM drive and West WT Harris Boulevard and proposes up to 300 multi-family residential dwelling units, with a density of 10.72 dwelling units per acre (DUA).
- This proposed use and density is appropriate for the *University Research Park Area Plan's* recommendation of residential/office/retail for this site, with a density of up to 22+ units per acre.

- The addition of multi-family uses in this area will increase the mix of uses in the University Research Park area.
- The petition proposes an open space area improved with landscaping, seating areas, hardscape elements and shade structures as applicable and appropriate to the proposed amenity area.
- The petition's orientation towards IBM drive and commitment to a 12-foot multi-use path and an 8-foot planting strip increases the walkability of the area.
- The Petitioner commits to conveying to Mecklenburg County for the development of a greenway the portion of 100-foot SWIM buffer associated with Doby Creek and the east/west tributary stream that runs parallel to W. T. Harris toward IBM Drive located on the Site. This area will be dedicated and conveyed to Mecklenburg County prior to the issuance of the first certificate of occupancy for the Site.

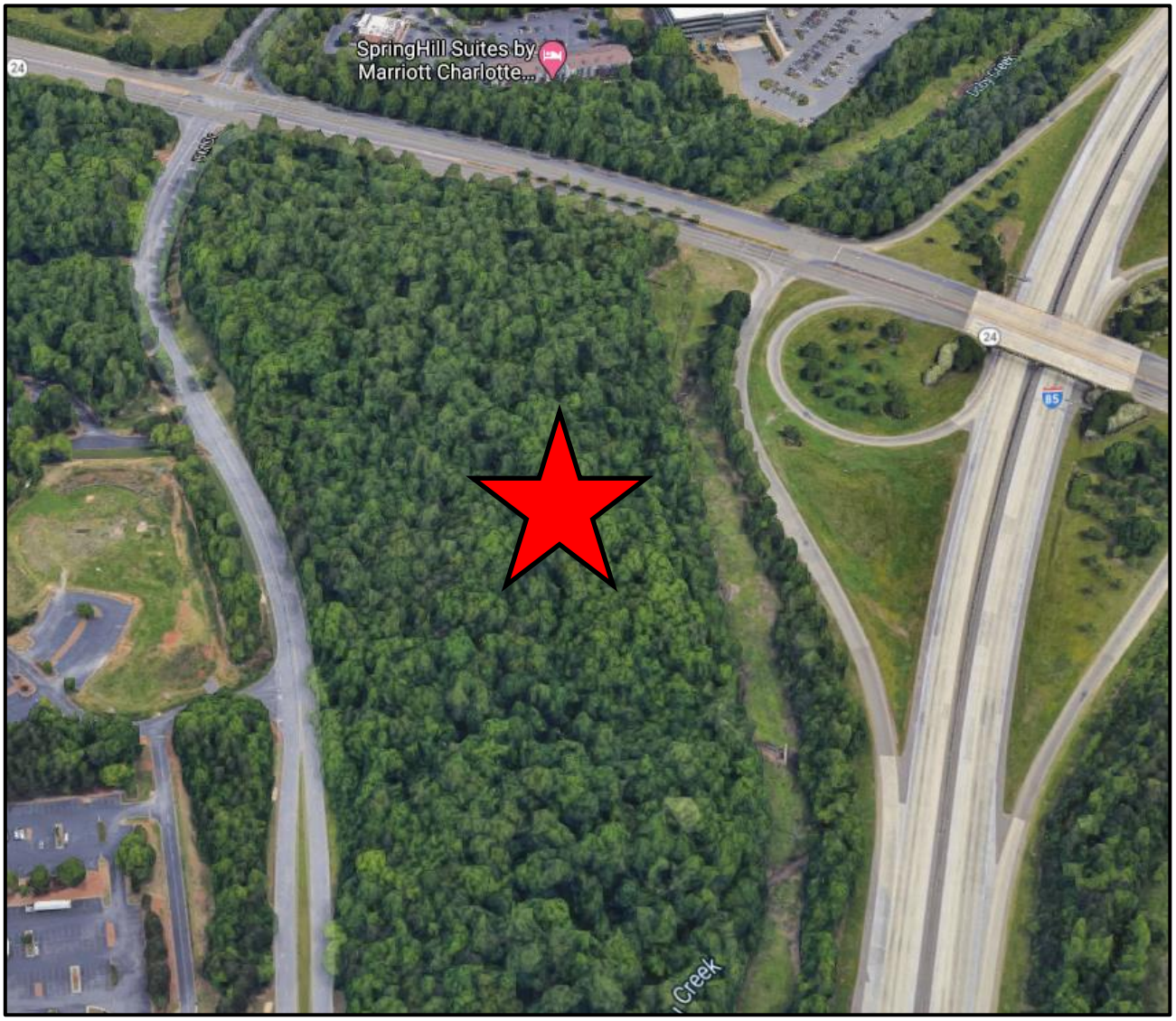
PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Provides access to the site via IBM Drive.
  - Provides a left-turn lane from IBM Drive into the site.
  - Commits to a 12-foot multi-use path and an 8-foot planting strip along IBM Drive.
  - Provides sidewalk and crosswalk networks that link the buildings to public streets.
  - Dedicates and conveys 35-feet of right-of-way from the center line of IBM Drive.
  - Provides a 30-foot setback along IBM Drive and a 100-foot setback along West W.T. Harris Boulevard.
  - Conveys to Mecklenburg County for the development of a greenway the portion of 100-foot SWIM buffer associated with Doby Creek.
  - Commits to an open space area improved with landscaping, seating areas, hardscape elements and shade structures.
  - The building materials used on the principal buildings 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.
  - 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 and extend up and down along the exterior of the building façade.
  - Maximum building height not to exceed 72-feet.

- **Existing Zoning and Land Use**



The subject property is vacant. The surrounding land uses include office, retail, hotels, and warehouse uses.



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

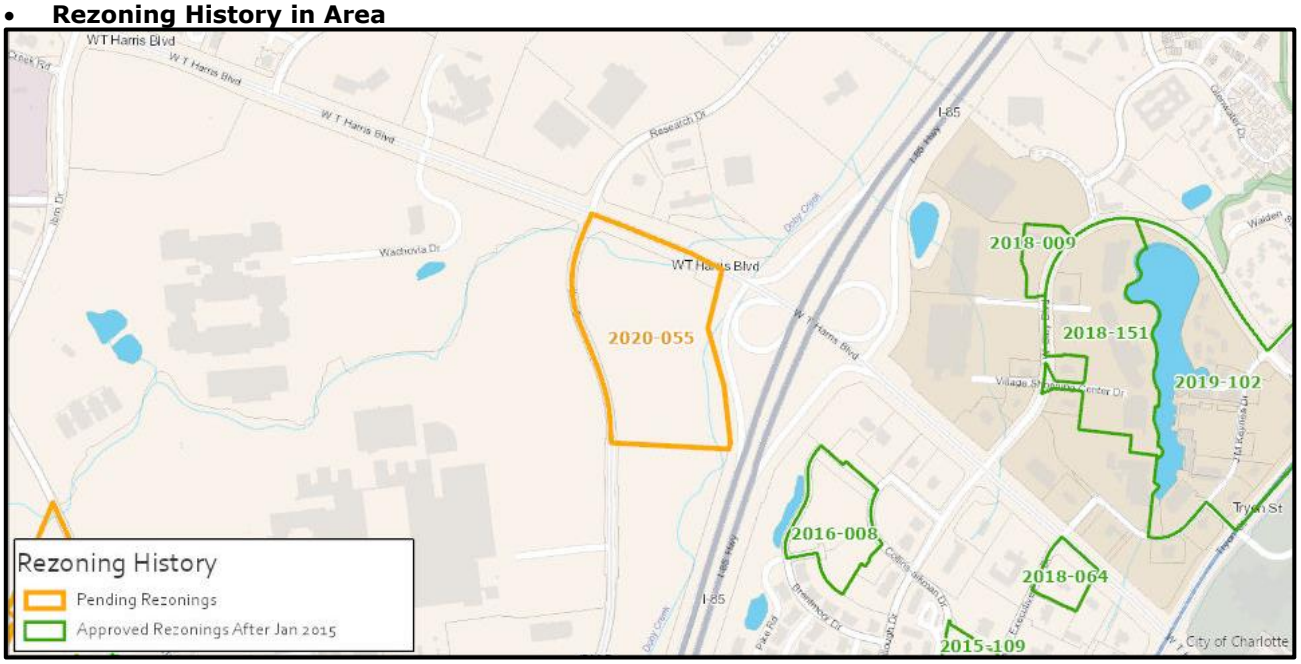
The property to the north along West W.T. Harris Boulevard is developed with hotels, retail and office uses.

The property to the south along IBM Drive is vacant land.

The property to the west along IBM Drive is developed with a large office park, (subject property denoted by red star).

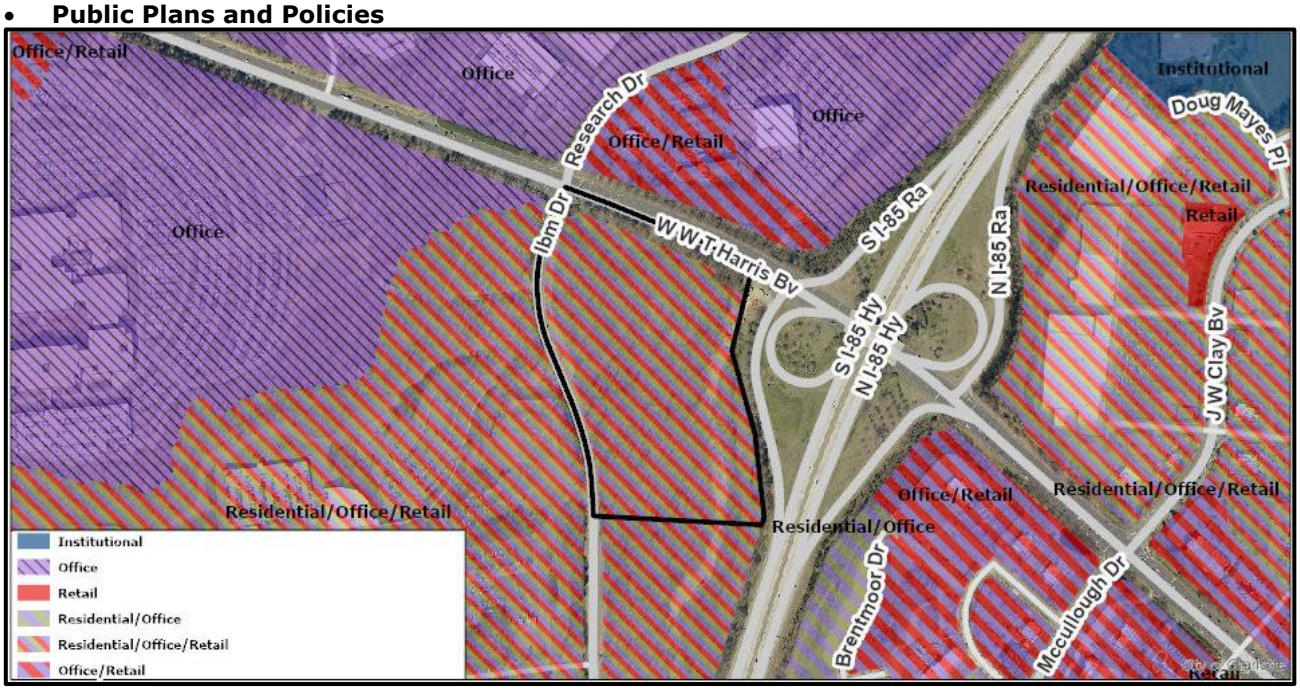
Interstate 85 borders the property to the east.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-102	Rezoned parcels under a range of zoning districts to one of four transit-oriented development (TOD) districts.	Approved
2018-151	Rezoned 20.56 acres to MUDD-O with 5-year vested rights to redevelop a site from a mainly retail center to a live/work/play mixed use activity center with pedestrian trail network and greenspace amenities.	Approved
2018-064	Rezoned 2.033 acres to B-2(CD) to redevelop a site to allow 5,500-square foot eating/drinking/entertainment establishment, with drive through facility.	Approved
2018-009	Rezoned 2.19 acres to B-1(TS).	Approved
2016-008	Rezoned 8.64 acres to B-2(CD) and B-2(CD) SPA within an office/business development in University City to increase the number of hotels allowed from two to three, allow residential dwellings, relocate a street connection, and amend development standards from the current zoning.	Approved
2015-109	Rezoned 5.05 acres to MUDD-O allow up to 150 hotel rooms and residential dwelling units in a single building designed to serve as corporate housing units.	Approved

- **Public Plans and Policies**



  - The *University Research Park Area Plan (2010)* calls for Residential/Office/Retail uses for this site.

- **TRANSPORTATION SUMMARY**
  - The site is located on W. WT Harris Boulevard (Major Thoroughfare, State maintained), IBM Drive (Minor Thoroughfare, City maintain), and I-85 (Freeway, State maintained). The petitioner should revise the site plan to address the outstanding items listed below.
  - **Active Projects:**
    - I-85 & W. W.T. Harris Boulevard (NC 24) Interchange (TIP# I-6013)
      - Conversion of existing interchange to diverging diamond interchange
      - ROW 2025 and Construction 2027 (*Project suspended due to funding issues, schedule TBD*)
      - NCDOT project
    - Future Doby Creek Greenway (parallel to I-85), and greenway spur to Wells-Fargo CIC (parallel to Harris Blvd.)
      - Mecklenburg County
      - Unfunded
  - **Transportation Considerations**
    - See Outstanding Issues, Note 3a
  - **Vehicle Trip Generation:**
    Current Zoning:
    Existing Use: 0 trips per day (based on vacant land; tax record).
    Entitlement: 7,120 trips per day (based on 731,020 square feet of office).
    Proposed Zoning: 2,200 trips per day (based on 300 apartment units.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** ~~See Outstanding Issues, Note 4.~~ ADDRESSED
- **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 0 students, while the development allowed under the proposed zoning may produce 36 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 36.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Governor's Village (Upper & Lower) from 104% to 105%

- Vance High from 129% to 130%.

- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along IBM Drive. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 12-inch gravity sewer main located along the center of the parcel.

- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** No outstanding issues.

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

- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Transportation

~~1. The site plan should show the curb and gutter labeled and dimensioned from the centerline for each road.~~ ADDRESSED

~~2. The petitioner should also commit to including accessible ramps, per PROWAG requirements, to the channelized median at IBM Drive & W.T. Harris Boulevard~~. Rescinded

~~3. 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

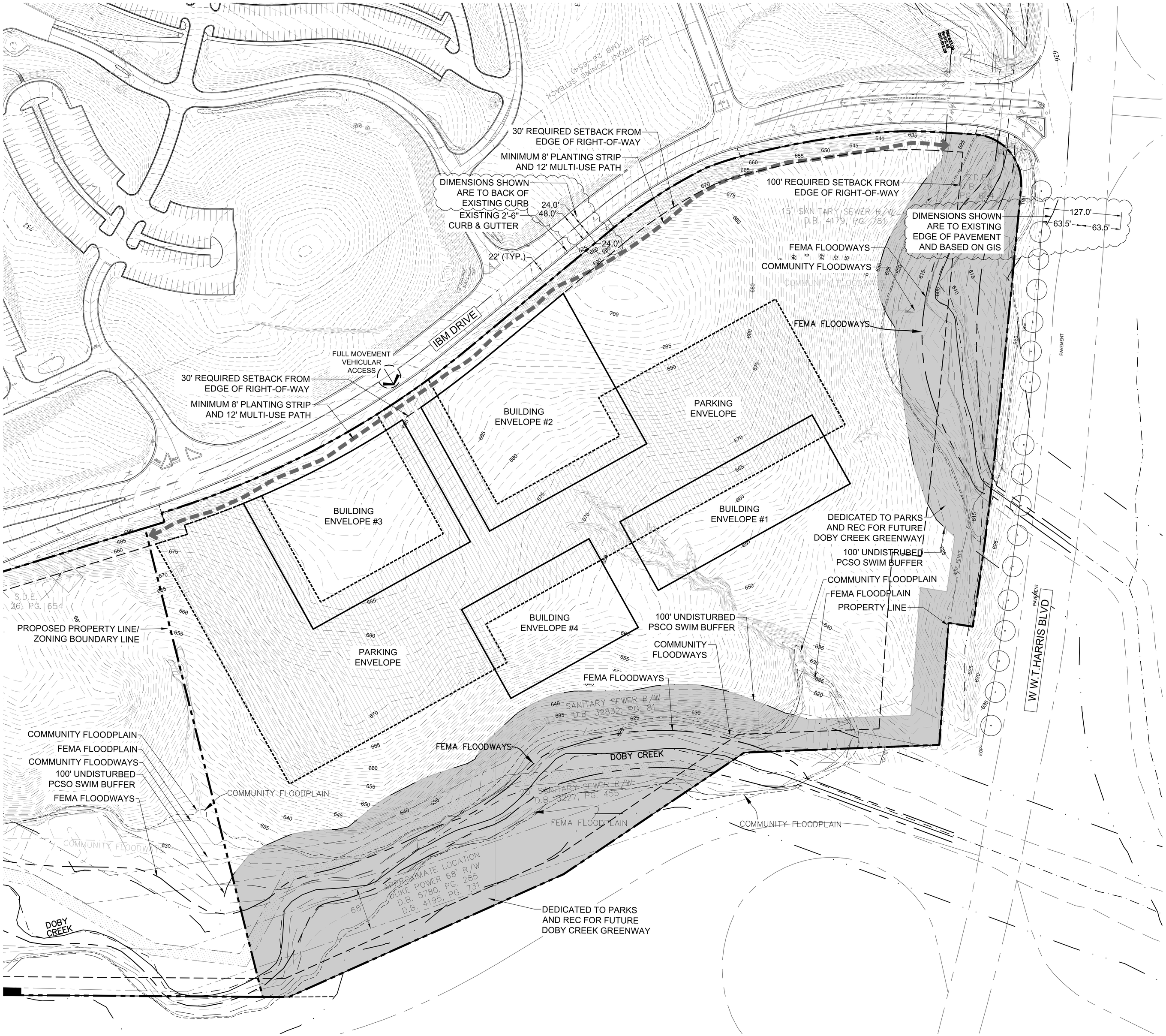
a. New Comment (site plan dated 9-28-20) The petitioner needs to commit to providing improvements that meet Chapter 19 ordinance requirements, per Section 19-173 of the City Code, along the site's W. W.T. Harris Boulevard frontage.

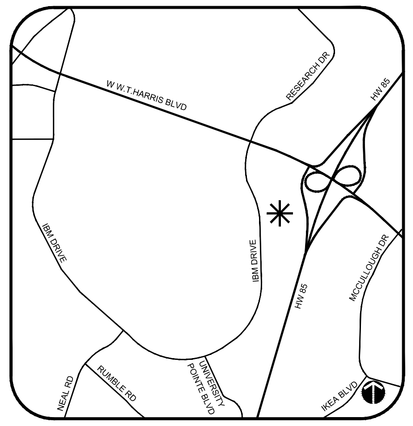
~~4. The site is located along CATS local bus route #54 along IBM Drive. CATS request the petitioner to construct an ADA compliant bus waiting pad.~~ ADDRESSED

5. New Comment (site plan dated 9-28-20) The petitioner needs to commit to providing improvements that meet Chapter 19 ordinance requirements, per Section 19-173 of the City Code, along the site's W. W.T. Harris Boulevard frontage. - OUTSTANDING

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

Planner: Michael Russell (704) 353-0225





NTS

VICINITY MAP

SITE LEGEND

EXISTING PROPERTY LINE

PROPOSED BUILDING ENVELOPE

PROPOSED PARKING ENVELOPE

FULL ACCESS MOVEMENT

SITE DEVELOPMENT DATA

ACREAGE: ± 27.97 ACRES

TAX PARCEL #: PORTION OF 047-391-09

EXISTING ZONING: RE-2

PROPOSED ZONING: R-17MF(CD)

EXISTING USES: VACANT

PROPOSED USES: UP TO 300 MULTI-FAMILY RESIDENTIAL DWELLING UNITS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE R-17MF ZONING DISTRICT.

MAXIMUM BUILDING HEIGHT: NOT TO EXCEED FIVE (5) STORIES OR 72 FEET BUILDING HEIGHT WILL BE MEASURED AS DEFINED BY THE ORDINANCE.

PARKING: AS REQUIRED BY THE ORDINANCE WILL BE PROVIDED.

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KEY MAP

SEAL

REZONING PETITION
NUMBER 2020-055

PROJECT

IBM DRIVE

RANGEWATER

CHARLOTTE, NC

LANDDESIGN PROJ.#

1019522

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	REZONING RESUBMITTAL	06.15.20
2	REZONING RESUBMITTAL	08.17.20
3	REZONING RESUBMITTAL	09.28.20

DESIGNED BY: DAW
DRAWN BY: SFC
CHECKED BY: DAW

SCALE

VERT: N/A
HORZ: 1"=60'

0 30' 60' 120'

NORTH

SHEET TITLE

TECHNICAL DATA SHEET

SHEET NUMBER

RZ-1

RangeWater Real Estate
Development Standards
09/23/20
Rezoning Petition No. 2020-055

Site Development Data:

--**Acreage**: ± 27.97 acres
--**Tax Parcel** #: portion of 047-391-09
--**Existing Zoning:** RE-2
--**Proposed Zoning:** R-17MF(CD)
--**Existing Uses:** Vacant
--**Proposed Uses:** Up to 300 multi-family residential dwelling units together with accessory uses, as allowed in the R-17MF zoning district.
--**Maximum Building Height:** Not to exceed five (5) stories or 72 feet building height will be measured as defined by the Ordinance.
--**Parking:** As required by the Ordinance will be provided.

1. General Provisions:

a. **Site Location**. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by RangeWater Real Estate. ("Petitioner") to accommodate the development of a residential community on approximately 27.97-acre site generally located at the southeast intersection of West W.T. Harris Boulevard and IBM 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 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 not exceed seven (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, 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 300 multi-family residential dwellings units together with accessory uses allowed in the R-17MF zoning district as generally depicted on the Rezoning Plan.

3. Access, Transportation and Improvements:

a. Access to the Site will be from IBM Drive as generally depicted on the Rezoning Plan. The Petitioner will provide a left-turn lane from IBM Drive into the Site at the access drive located between building envelope #2 and #3 as generally depicted on the Rezoning Plan.
b. The Petitioner will provide a 12-foot multi-use path (MUP) along the Site's frontage on IBM Drive as generally depicted on the Rezoning Plan. Due to the existing topography along IBM drive and the presence of rock the location of the MUP will be determined during the land development approval process for the Site. The Petitioner will work with CDOT, Urban Forestry and Planning to determine the appropriate location.
c. Any 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 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.
d. 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.
e. 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.
f. The Petitioner will dedicate and convey 35 feet of right-of-way from the center line of IBM Drive.
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.

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 IBM Drive as generally depicted on the Rezoning Plan. Along West W. T. Harris a 100 foot setback as measured from the existing right-of-way will be provided.
b. Side and rear yards will be provided as required by the Ordinance and per the Planned Multi-family standards.
c. Along the Site's internal parking areas, the Petitioner will provide a sidewalk and cross-walk network that links to the buildings 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. Surface parking areas will not be allowed between IBM Drive and the proposed multi-family residential buildings, except that parking between Building Envelope #1 and IBM Drive as generally depicted on the Rezoning Plan will be allowed. Parking will be allowed between the buildings and W. T. Harris and I-85.
b. 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.
c. Preferred Exterior Building Materials: All principal and accessory buildings abutting IBM Drive 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 Staff.
d. Prohibited Exterior Building Materials:
i. Vinyl siding (but not vinyl hand rails, windows or door trim).

ii. Concrete Masonry Units not architecturally finished.

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 IBM Drive.

ii. Parking lots shall not be located between any residential building and IBM Drive.

f. 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 and extend up and down along the exterior of the building façade.

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 IBM Drive. Such base may be executed through use of Preferred Exterior Building Materials or articulated architectural façade features and color changes.

iii. Building elevations facing IBM Drive 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.

h. 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.

i. 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. The location of the proposed dumpster and recycling areas is generally depicted on the Rezoning Plan.
j. Meter banks will be screened from adjoining properties and from the abutting public streets.

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 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 are subject to review and approval by Charlotte Storm Water Services.
c. The Site will comply with the Tree Ordinance.

8. Greenway Dedication along Doby Creek:

a. The Petitioner will convey to Mecklenburg County for the development of a greenway the portion of 100-foot SWIM buffer associated with Doby Creek and the east/west tributary stream that runs parallel to W. T. Harris toward IBM Drive located on the Site, this area is generally depicted on the Rezoning Plan. This area will be dedicated and conveyed to Mecklenburg County prior to the issuance of the first certificate of occupancy for the Site.

9. 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.

10. CATS:

a. The Petitioner will coordinate with CATS to construct an ADA Compliant bus stop waiting pad on IBM Drive as part of the development of the Site.

11. 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.

12. 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.

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KEY MAP

SEAL

REZONING PETITION
NUMBER 2020-055

PROJECT

IBM DRIVE

RANGEWATER

CHARLOTTE, NC

LANDDESIGN PROJ.#
1019522

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	REZONING RESUBMITTAL	06.15.20
2	REZONING RESUBMITTAL	08.17.20
3	REZONING RESUBMITTAL	09.28.2020

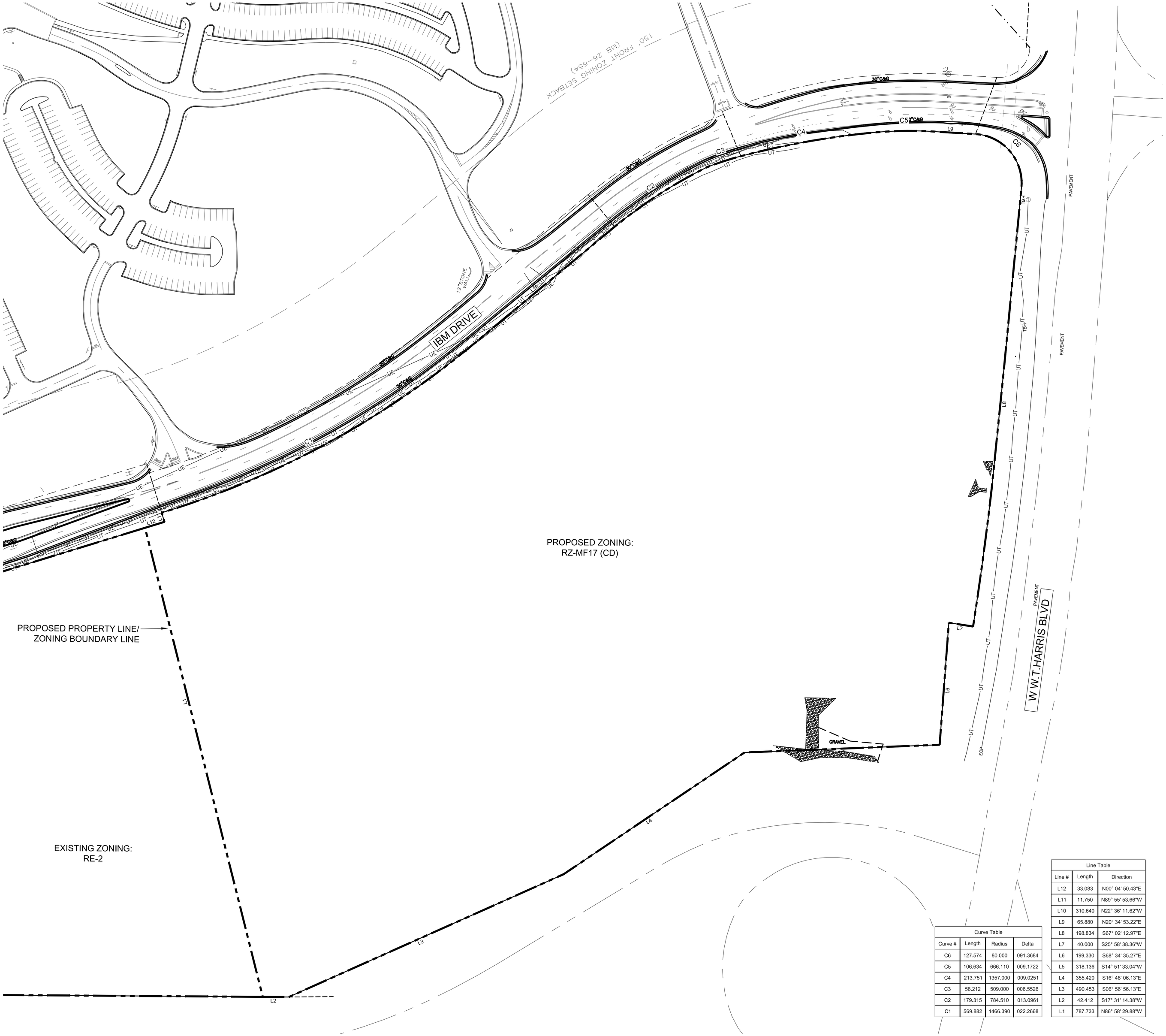
DESIGNED BY: DAW
DRAWN BY: SFC
CHECKED BY: DAW

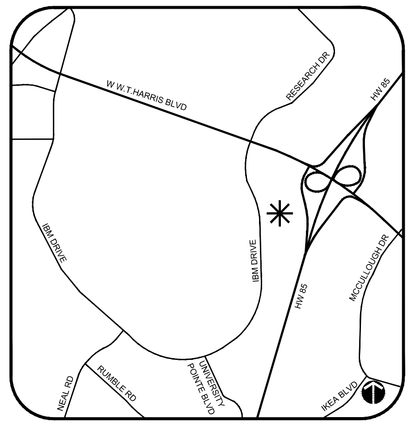
SCALE
VERT: N/A
HORZ: NTS
(NOT TO SCALE)

NORTH

SHEET TITLE
DEVELOPMENT STANDARDS

SHEET NUMBER
RZ-2





NTS
VICINITY MAP

Curve Table			
Curve #	Length	Radius	Delta
C6	127.574	80.000	091.3684
C5	106.634	666.110	009.1722
C4	213.751	1357.000	009.0251
C3	58.212	509.000	006.5526
C2	179.315	784.510	013.0961
C1	569.882	1466.390	022.2668

Line Table		
Line #	Length	Direction
L12	33.083	N00° 04' 50.43"E
L11	11.750	N89° 55' 53.66"W
L10	310.640	N22° 36' 11.62"W
L9	65.880	N20° 34' 53.22"E
L8	198.834	S67° 02' 12.97"E
L7	40.000	S25° 58' 38.36"W
L6	199.330	S68° 34' 35.27"E
L5	318.136	S14° 51' 33.04"W
L4	355.420	S16° 48' 06.13"E
L3	490.453	S06° 56' 56.13"E
L2	42.412	S17° 31' 14.38"W
L1	787.733	N86° 58' 29.88"W

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KEY MAP

SEAL

REZONING PETITION
NUMBER 2020-055

PROJECT

IBM DRIVE

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REVISION / ISSUANCE

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DESIGNED BY: DAW
DRAWN BY: SFC
CHECKED BY: DAW

SCALE
VERT: N/A
HORZ: 1"=60'
0 30' 60' 120'

NORTH

SHEET TITLE
ZONING BOUNDARY

SHEET NUMBER
RZ-3

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KEY MAP

SEAL

REZONING PETITION
NUMBER 2020-055

PROJECT

IBM DRIVE

RANGEWATER

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REVISION / ISSUANCE

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DESIGNED BY: DAW
DRAWN BY: SFC
CHECKED BY: DAW

SCALE

VERT: N/A
HORZ: 1"=60'

0 30' 60' 120'

NORTH

SHEET TITLE

EXISTING CONDITIONS

SHEET NUMBER

RZ-4

Petition 2020-055 by RangeWater Real Estate

To Approve:

This petition is found to be consistent with the *University Research Park Area Plan* (2010) based on the information from the staff analysis and the public hearing, and because:

- The plan recommends residential/office/retail uses.

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

- The subject site is located on IBM drive and West W.T. Harris Boulevard and proposes up to 300 multi-family residential dwelling units, with a density of 10.72 dwelling units per acre (DUA).
- This proposed use and density is appropriate for the University Research Park Area Plan's recommendation of residential/office/retail for this site, with a density of up to 22+ units per acre.
- The addition of multi-family uses in this area will increase the mix of uses in the University Research Park area.
- The petition proposes an open space area improved with landscaping, seating areas, hardscape elements and shade structures as applicable and appropriate to the proposed amenity area.
- The petition's orientation towards IBM drive and commitment to a 12-foot multi-use path and an 8-foot planting strip increases the walkability of the area.
- The Petitioner commits to conveying to Mecklenburg County for the development of a greenway the portion of 100-foot SWIM buffer associated with Doby Creek and the east/west tributary stream that runs parallel to W. T. Harris toward IBM Drive located on the Site. This area will be dedicated and conveyed to Mecklenburg County prior to the issuance of the first certificate of occupancy for the Site.

To Deny:

This petition is found to be consistent with the *University Research Park Area Plan* (2010) based on the information from the staff analysis and the public hearing, and because:

- The plan recommends residential/office/retail uses.

(Therefore, we find) this petition to 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 #:** 15-14294 **Type:** Zoning Item

Rezoning Petition: 2020-057 by Lakemont Property Investors, LLC

Location: Approximately 44 acres located west of Interstate 485, on the north side of Old Dowd Road, and east of Sam Wilson Road. (ETJ)

Current Zoning: R-4 LLWPA LLWCA AIR (single-family residential, Lower Lake Wylie Protected Area, Lower Lake Wylie Critical Area, Airport Noise Overlay)
Proposed Zoning: I-2 (CD) LLWPA LLWCA AIR (general industrial, Lower Lake Wylie Protected Area, Lower Lake Wylie Critical Area, Airport Noise Overlay)

Public Hearing Held: September 21, 2020 - Item #40

Staff Resource: Lisa Arnold

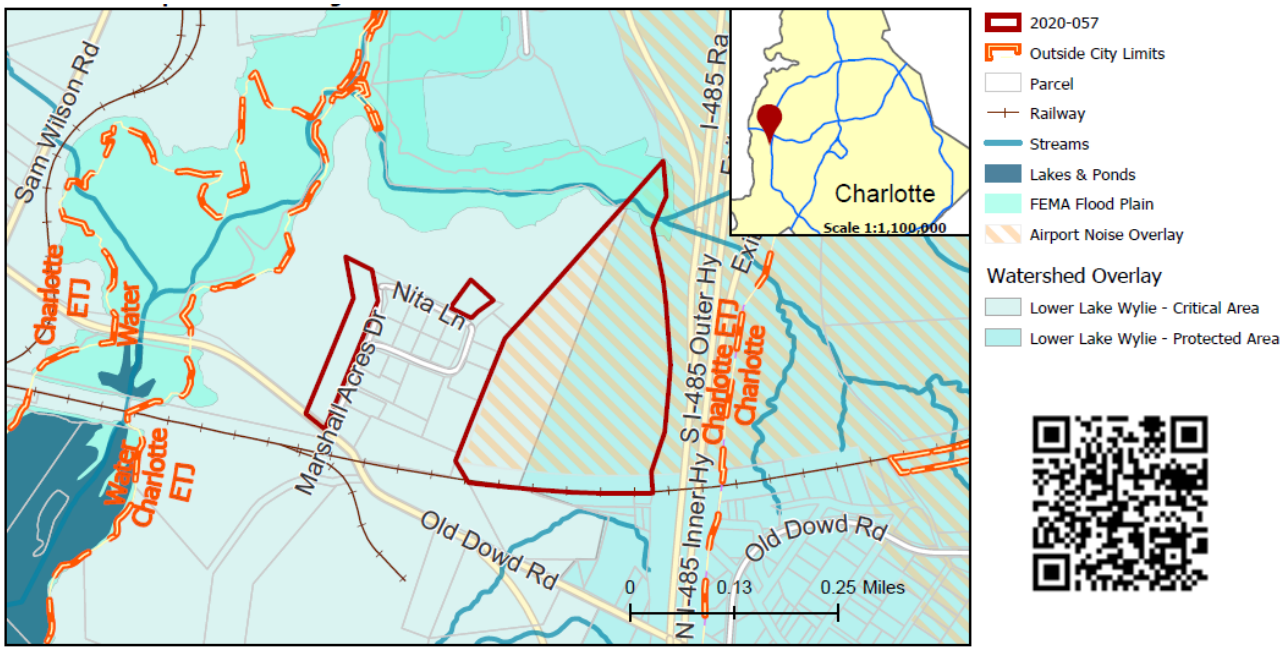
Staff Recommendation:
Staff recommends APPROVAL of this petition upon resolution of outstanding issues related to transportation and technical revisions related to site and building design.

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

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-057
Post-Hearing Staff Analysis
October 6, 2020

REQUEST	Current Zoning: R-4 LLWPA LLWCA AIR (single family residential, Lower Lake Wylie Protected Area, Lower Lake Wylie Critical Area, Airport Noise Overlay) Proposed Zoning: I-2(CD) LLWPA LLWCA AIR (general industrial, conditional, Lower Lake Wylie Protected Area, Lower Lake Wylie Critical Area, Airport Noise Overlay)
LOCATION	Approximately 44 acres located west of Interstate 485, on the north side of Old Dowd Road, and east of Sam Wilson Road



SUMMARY OF PETITION	The petition proposes to rezone vacant property to I-2(CD) to allow up 600,000 square feet of industrial uses.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	William and Elizabeth Bruce, C/O NAI Southern Real Estate Lakemont Property Investors, 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 upon resolution of outstanding issues related to transportation and technical revisions related to site and building design. <u>Plan Consistency</u> The petition is **inconsistent** with the *Dixie Berryhill Strategic Plan's* recommendation for office/retail/light industrial uses. <u>Rationale for Recommendation</u> • The proposed conditional site plan prohibits the more intense heavy industrial uses allowed in the I-2 zoning district and allows light industrial uses including office/warehouses.

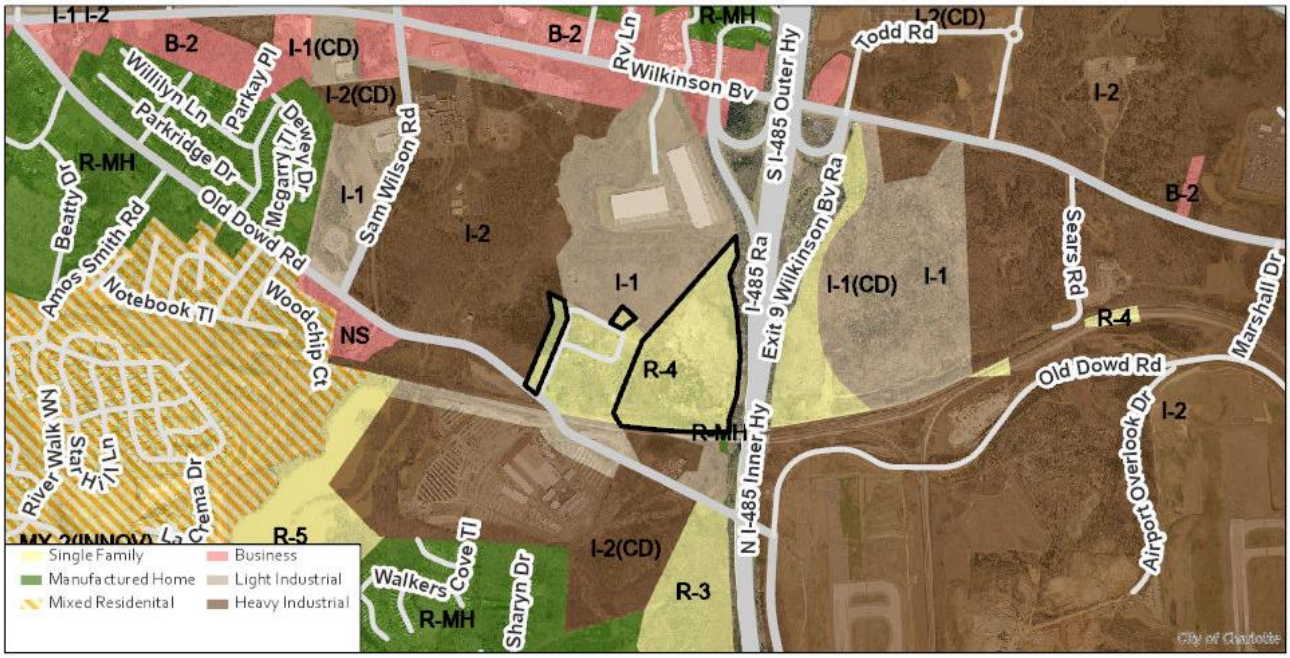
- Industrial development has been approved recently in the area adjacent to this site. The character of the surrounding area is predominantly industrial.
- The proposed site plan provides adequate buffers with existing residential uses adjacent to the site.
- Running through the site is a heavily used Norfolk Southern railroad line, with a 200 foot right-of-way.

The approval of this petition will revise the adopted future land use as specified by the *Dixie Berryhill Strategic Plan*, from office/retail/light industrial to industrial - heavy use for the site.

PLANNING STAFF REVIEW

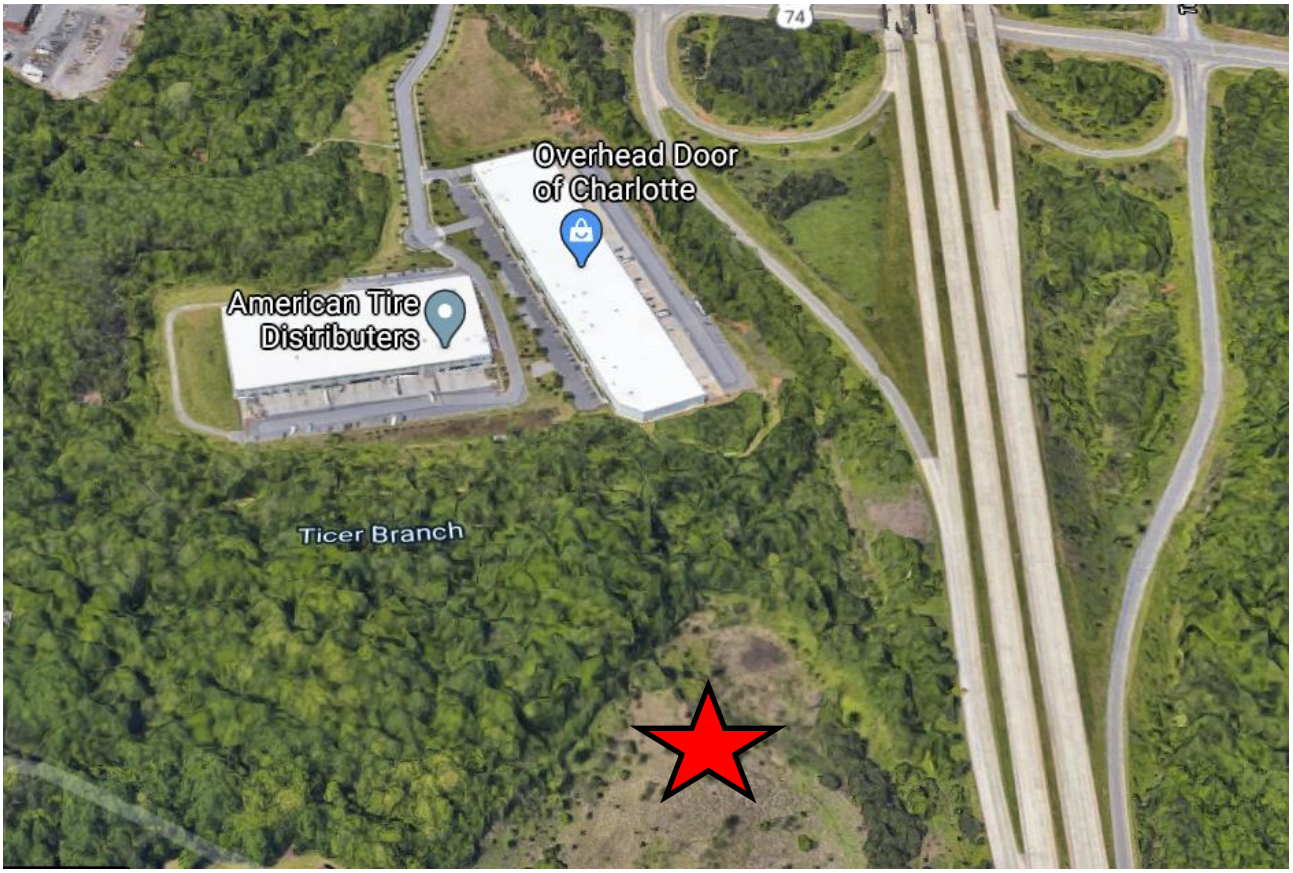
- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Allows up to 600,000 square feet of I-2 industrial uses with the following uses prohibited:
    - Adult establishment
    - Automobile service stations
    - Automotive repair garages
    - Car washes
    - Dry cleaning and laundry establishments
    - Junk yards
    - Petroleum storage facilities
    - Cemeteries
    - Landfills
    - Quarries
    - Raceway and dragstrips
    - Truck stops
    - Truck terminals
  - Includes three separate tracts of land to be included in this rezoning.
  - Provides access to the largest parcel included on the rezoning plan from Old Dowd Road through other portions of Parcel 113-031-05A not included in this Rezoning Plan.
  - Requires Class A buffers along residential property lines.
  - Creates standards for building materials to be used which include: glass, brick, stone, simulated stone, pre-cast stone, pre-cast concrete, synthetic stone, stucco, cementitious siding (such as HardiPlank, panel, shingles, or similar products), metal panels, EIFS, cast on site concrete panel or wood. Vinyl as a building material may only be permitted on windows, soffits, and trim.\

- **Existing Zoning and Land Use**



The subject property is undeveloped vacant land. The surrounding land uses include single family residential and industrial uses.

The subject properties is undeveloped vacant land located with single family in the middle. The three sites included in the rezoning petition are marked with a red star.



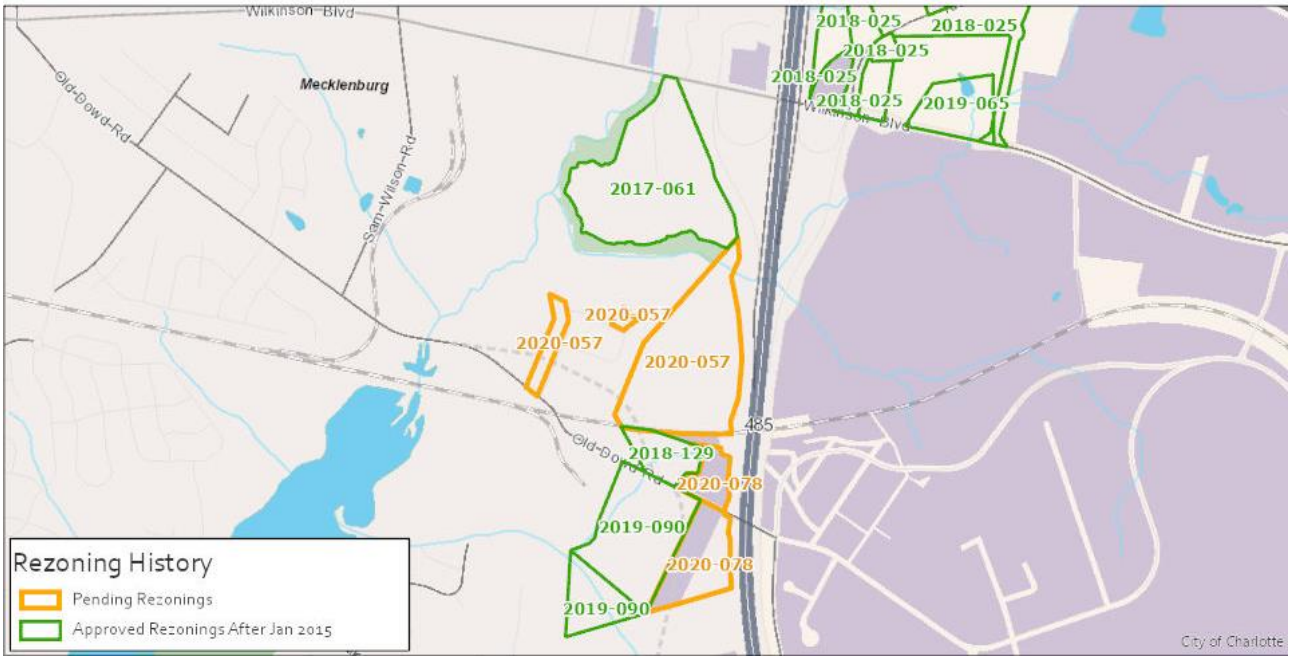
The properties to the north are developed with industrial buildings. The subject property is marked with a red star for the easternmost parcel included on the rezoning plan.

The properties to the south are developed with industrial uses.

The properties to the west, south, and east are developed with single family residential houses.

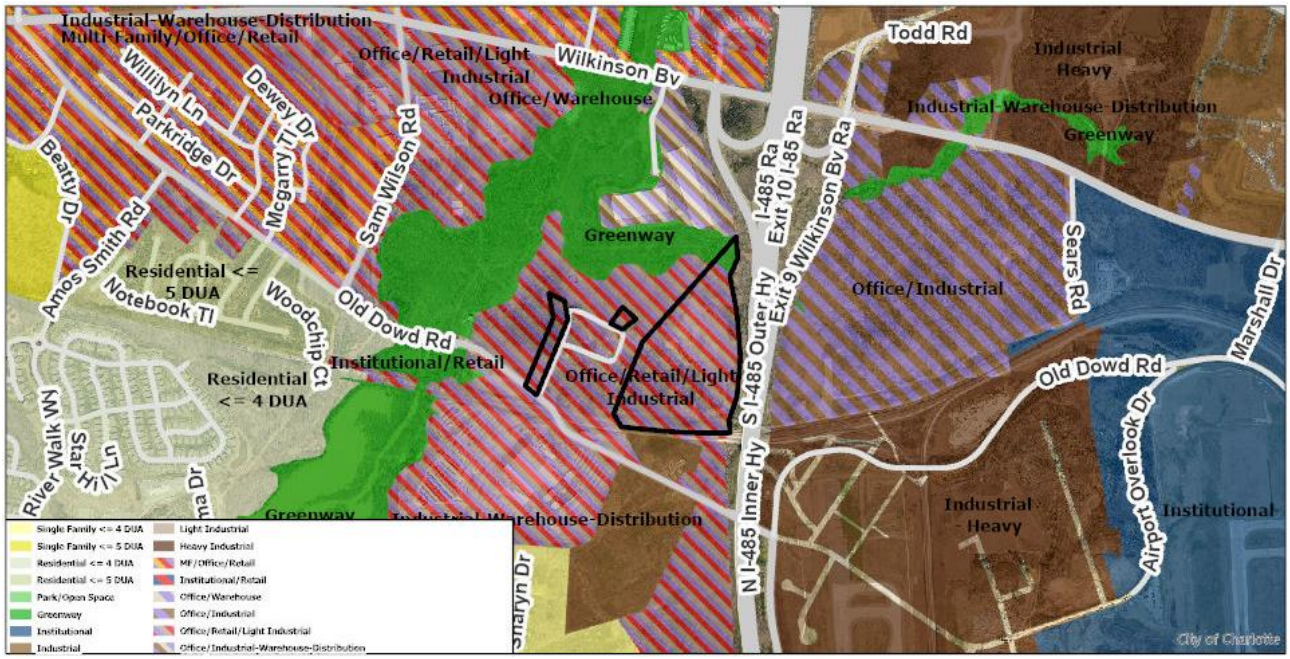
The properties to the east are developed with I-485 and then vacant land. The subject property is marked with a red star for the easternmost parcel included on the rezoning plan.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-061	The petition rezoned property to I-1(CD) SPA LLWPA (light industrial, conditional, site plan amendment, Lower Lake Wylie Protected Area) to amend the previously approved site plan in order to eliminate a restriction on the amount of permitted warehouse/distribution space.	Approved
2018-025	The petition rezoned property to I-2 (CD) Air LLWPA to allow the construction of warehouse/ distribution, office and other industrial uses.	Approved
2018-129	The petition rezoned property to I-2(CD) LLWCA to allow a concrete manufacturing facility on land currently used as truck parking and repair.	Approved
2019-065	The petition rezoned property to I-2 AIR LLWPA to rezone the site to allow uses permitted in the I-2 zoning district.	Approved
2019-090	The petition rezoned property to I-2(CD) LLWCA to develop the site to allow a contractor office with accessory storage along with other limited I-2 uses including truck terminals.	Approved
2020-078	The petition proposes to rezone property to I-2 AIR LLWPA to rezone the site to allow uses permitted in the I-2 zoning district.	Pending

- **Public Plans and Policies**



- The *Dixie Berryhill Strategic Plan* (adopted 2003) recommends office/retail and light industrial land uses for the site.

- **TRANSPORTATION SUMMARY**
  - The site is located off of Old Dowd Road, an existing state-maintained minor thoroughfare, in between Sam Wilson Rd. and I-485. The petitioner has agreed to provide left and right turn-lanes, on Old Dowd Road, into the site. Additionally, the petitioner has accommodated for the future Old Dowd Road realignment by dedicating 120-feet of right-of-way for the four-lane grade separated crossing, over the existing Norfolk Southern Railroad, and designing for an internal three-lane access drive cross section. Lastly, in accordance with Charlotte WALKS, the petitioner will provide an 8-foot planting strip and 6-foot sidewalk along the site's Old Dowd Road frontage.

    There are three ongoing issues preventing this petition from moving forward. The first issue is simply labeling and dimensioning the sidewalk and planting strip from the center line of Old Dowd Road. Second, CDOT has requested the petitioner to construct an overland connector along the future Paw Creek Greenway on existing Old Dowd Road to meet the City of Charlotte BIKES Policy and Greenway Master Plan. Third, CDOT is asking for clarification regarding the proposed quantity of buildings to determine applicability of the Subdivision Ordinance. These issues are actively being negotiated with the petitioner.
- **Active Projects:**
  - Old Dowd Road Realignment/Grade Separation (TIP #P-5602JA)
    - Feasibility study about realigning and grade-separating Old Dowd Road as it crosses the Norfolk-Southern Railroad tracks
    - Schedule/Phasing N/A
    - NCDOT project
  - Paw Creek Greenway (mainline follows Paw Creek; overland connector along Old Dowd Dr. to Marshall Dr. at the Airport)
    - Mecklenburg County project
    - Unfunded
- **Transportation Considerations**
  - See Outstanding Issues, Notes 2-3
  - **Vehicle Trip Generation:**

    Current Zoning:

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

    Entitlement: 1,750 trips per day (based on 176 dwellings).

    Proposed Zoning: 945 trips per day (based on 600,000 SF warehouse).

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:** 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 Requested Technical Revisions, Note 10
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** See Outstanding Issues, Note 4

OUTSTANDING ISSUES

Transportation

1. ~~Please remove "This dedication area shall in no way impact the portions of Parcel 113-031-05A not included in this Rezoning Petition" from note III.d.~~ ADDRESSED
2. ~~The petitioner should revise the site plan and conditional note(s) to commit to construct an overland connector along the future Paw Creek Greenway on existing Old Dowd Road to meet the City of Charlotte BIKES Policy and Greenway Master Plan.~~ RESCINDED
3. ~~The petitioner should revise the site plan and conditional note(s) to confirm whether the proposed development will consist of one or two buildings, to determine applicability of the Subdivision Ordinance.~~ RESCINDED
4. The site plan should label and dimension both planting strip and sidewalk from the edge-of-pavement/shoulder and road centerline. - OUTSTANDING

Environment

5. ~~MCPR requests the petitioner dedicating and conveying to Mecklenburg County the 100' SWIM Buffers of Tiser Branch and Paw Creek. These creeks are on the MCPR Greenway Master Plan.~~ ADDRESSED

REQUESTED TECHNICAL REVISIONS

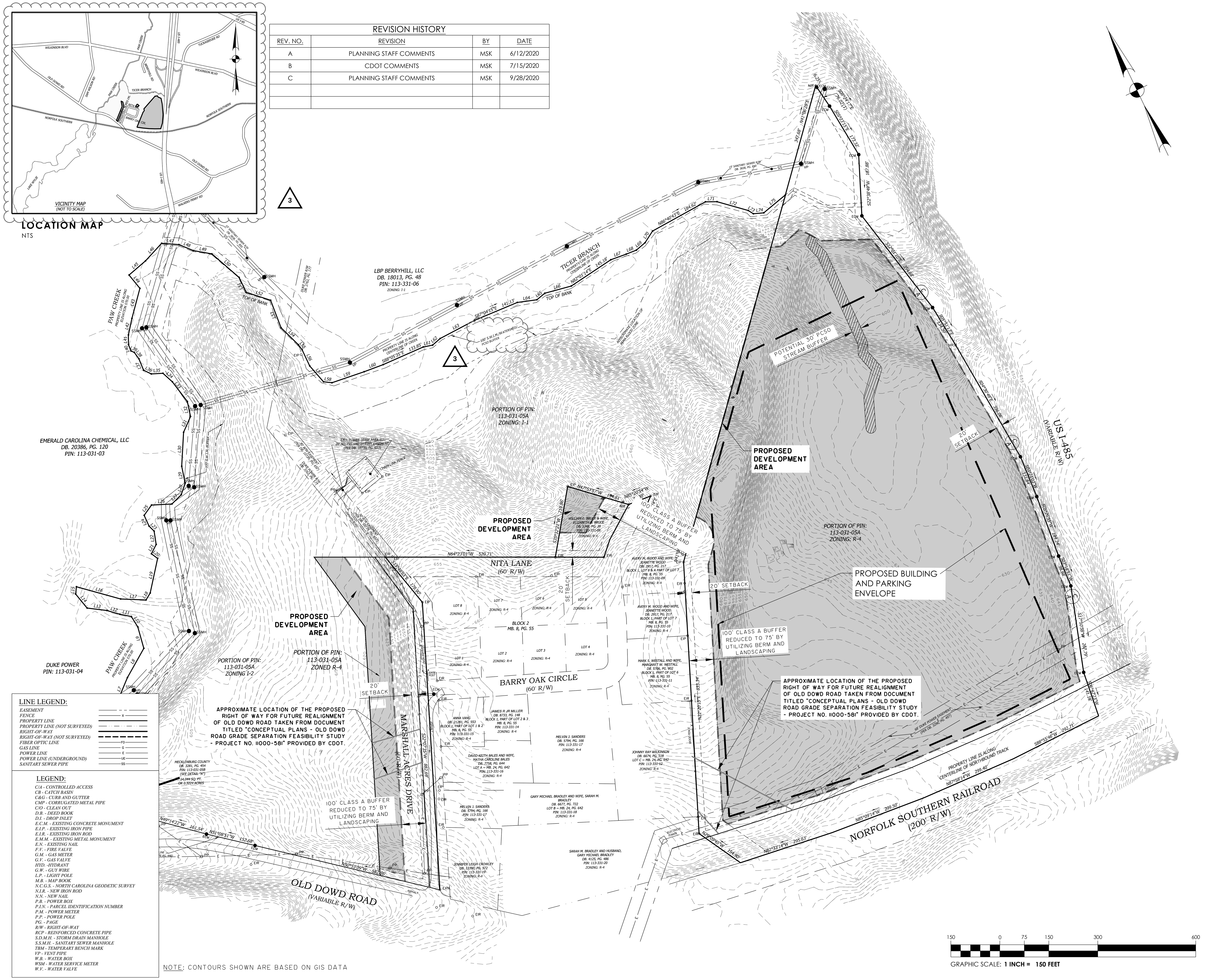
Site and Building Design

6. Increase the size of buffer along the residential properties that front Barry Oak Circle. OUTSTANDING
7. ~~The parking/building area is still large and generalized. Please consider locating the building footprints.~~ RESCINDED
8. ~~Under note V., please clarify that 100' Class A is the minimum with reductions in areas shown on the plan.~~ ADDRESSED
9. ~~Please add watershed information to proposed zoning under the Site Development Data, it should read "Proposed Zoning: I-2(CD) LLWPA LLWCA AIR (general industrial, Lower Lake Wylie Protected Area, Lower Lake Wylie Critical Area, Airport Noise Overlay)".~~ ADDRESSED
10. ~~Please revise location map on site plan to reflect the actual zoning boundaries included in this petition.~~ ADDRESSED

Environment

11. ~~The rezoning plan sheet indicates a 100-ft SWIM Buffer on site. Please revise buffer label to read *"100-ft SWIM/Watershed/PCSO Buffer."*~~ ADDRESSED
12. ~~Please include the following note under Environmental Features: 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 are subject to review and approval by Charlotte Storm Water Services.~~ ADDRESSED

Planner: Lisa Arnold (704) 336-5967



REVISION HISTORY

REV. NO.	REVISION	BY	DATE
A	PLANNING STAFF COMMENTS	MSK	6/12/2020
B	CDOT COMMENTS	MSK	7/15/2020
C	PLANNING STAFF COMMENTS	MSK	9/28/2020

PETITION NO. 2020-057

DEVELOPMENT STANDARDS

Lakemont Property Investors, LLC

9/28/2020

Site Development Data:

Tax Parcel Number: Portion of 113-031-05A zoned R-4 and 113-331-08
Acreage: 44 acres
Existing Zoning: R-4 LLWPA LLWCA AIR (Lower Lake Wylie Protected Area, Lower Lake Wylie Critical Area, Airport Noise Overlay)
Proposed Zoning: I-2(CD) LLWPA LLWCA AIR
Existing Use: Vacant
Proposed Use: Industrial
Proposed Development: Up to 600,000 square feet of gross floor area
Maximum Building Height: Height as permitted by the Ordinance.
Parking: As required by the Ordinance

3

I. **General Provisions**

a. These Development Standards form part of the Rezoning Plan associated with the Rezoning Petition filed by Lakemont Property Investors, LLC (the "Petitioner") to accommodate an industrial development on that approximately 44-acre site located at 8924 Old Dowd Road, more particularly described as a portion of Tax Parcel Number 113-031-05A (the portion currently zoned R-4) and Tax Parcel Number 113-331-08 (the "Rezoning Site").
b. Development of the Rezoning Site shall be governed by the accompanying Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). The Rezoning Plan is intended reflect maximum development rights and the arrangements and locations of access points.
c. Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the I-2 Zoning District shall govern all development taking place on the Rezoning Site.
d. Alterations or modifications which, in the opinion of the Planning Director, substantially alter the character of the development proposed or significantly alter the Rezoning Plan or these Development Standards, constitute changes which increase the intensity of development shall not be deemed to be minor and may only be made in accordance with the provisions of Subsections 6.207(1) or (2) of the Ordinance, as applicable.

II. **Permitted Uses and Maximum Development**

The Rezoning Site may be developed with up to 600,000 square feet of gross floor area of warehousing, warehouse distribution, manufacturing, office, and all other industrial uses as permitted by right and under prescribed conditions together with accessory uses, as allowed in the I-2 zoning district. The following items will not be counted as part of the allowed gross floor area for the Rezoning Site, structured parking facilities and all loading dock areas (open or enclosed).

In no event shall the following uses be permitted:

- Adult establishment
- Automobile service stations
- Automotive repair garages
- Car washes
- Dry cleaning and laundry establishments
- Junk yards
- Petroleum storage facilities
- Cemeteries
- Landfills
- Quarries
- Raceway and dragstrips
- Truck stops
- Truck terminals

III. **Transportation**

a. Vehicular access will be from Old Dowd Road through other portions of Parcel 113-031-05A not included in this Rezoning Plan, to be further coordinated with CDOT during the permitting phase of development. Public vehicular access shall not be provided to the Rezoning Site via Marshall Acres Drive.
b. The Petitioner shall construct right and left-turn lanes with 150' storage and 100' taper at the proposed access on existing Old Dowd Road and an internal three-lane access road section shall be designed to accommodate the future realignment of Old Dowd Road, as generally depicted on the Rezoning Plan.
c. The Petitioner shall construct a minimum eight (8) foot wide planting strip and minimum six (6) foot wide sidewalk along the Rezoning Site's frontage on existing Old Dowd Road.
d. The Petitioner shall dedicate one hundred twenty (120) feet of right-of-way along the Rezoning Site's frontage for the Comprehensive Transportation Plan (CTP) future four-lane grade-separated crossing for the realignment of Old Dowd Road, as generally depicted on the Rezoning Plan. For the sake of clarity, this dedication area shall not include the portions of parcel 113-031-05A outside the boundaries of this Rezoning Petition.
e. The Petitioner shall dedicate and convey in fee simple all newly built public rights-of-way to the City of Charlotte before the Rezoning Site's first building certificate of occupancy is issued.
f. All transportation improvements shall be substantially completed before the Rezoning Site's first building certificate of occupancy is issued. For the sake of clarity, certificates of occupancy for portions of parcel 113-031-05A that are not included in this Rezoning Petition shall not be incumbered by commitments for transportation improvements as stated herein.
1. Reference to "substantially complete" shall mean completion of the roadway improvements in accordance with the Technical Data Sheet provided, however, in the event certain non-essential roadway improvements (as reasonably determined by CDOT) are not completed at the time that the Petitioner seeks to obtain a certificate of occupancy for building(s) on the Rezoning Site, then CDOT will instruct applicable authorities to allow the issuance of certificates of occupancy for the applicable buildings, and in such event the Petitioner may be asked to post a letter of credit or bond for any improvements not in place at the time such certificate of occupancy is issued to secure completion of the applicable improvements.

3

IV. **Architectural Standards**

a. Building Materials: the principal building(s) constructed on the Rezoning Site may use a variety of building materials. The building materials 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 HardiPlank, panel, shingles, or similar products), metal panels, EIFS, cast on site concrete panel or wood. Vinyl as a building material may only be permitted on windows, soffits, and trim.

V. **Setbacks, Buffers and Screening**

a. The Petitioner shall provide a minimum seventy-five (75) foot Class A buffer with a berm in areas as generally depicted on the Rezoning Plan (100' buffer to be reduced 25% with a berm, per the Ordinance).
b. The Petitioner shall dedicate the 100' SWIM Buffers as generally depicted on the Rezoning Plan prior to the issuance of the first building certificate of occupancy for the Rezoning Site.

3

VI. **Environmental Features**

a. The Petitioner shall satisfy the requirements of the Post Construction Stormwater Ordinance and City of Charlotte Tree Ordinance.
b. The location, size, and type of storm water management systems are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.
c. 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 are subject to review and approval by Charlotte Storm Water Services.

3

VII. **Amendments to Rezoning Plan**

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

VIII. **Binding Effect of the Rezoning Documents and Definitions**

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

PREPARED FOR:

MPV PROPERTIES
Merrifield Patrick Vermillion

Schematic Site Plan
Rezoning Petition #2020-057

Charlotte, NC
September 28, 2020

THOMAS & HUTTON
1020 Euclid Avenue
Charlotte, NC 28202 • 980.201.5505
www.thomasandhutton.com

This map illustrates a general plan of the development which is for discussion purposes only, does not limit or bind the owner/developer, and is subject to change and revision without prior written notice to the holder. Dimensions, boundaries and position locations are for illustrative purposes only and are subject to an accurate survey and property description.

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Petition 2020-057 by Lakemont Property Investors, LLC

To Approve:

This petition is found to be **inconsistent** with the *Dixie Berryhill Strategic Plan* with respect to land use, based on the information from the staff analysis and the public hearing, and because:

- The plan recommends office/retail/light 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:

- The proposed conditional site plan prohibits the more intense heavy industrial uses allowed in the I-2 zoning district and allows light industrial uses including office/warehouses.
- Industrial development has been approved recently in the area adjacent to this site. The character of the surrounding area is predominantly industrial.
- The proposed site plan provides adequate buffers with existing residential uses adjacent to the site.
- Running through the site is a heavily used Norfolk Southern railroad line, with a 200 foot right-of-way.

The approval of this petition will revise the adopted future land use as specified by the *Dixie Berryhill Strategic Plan*, from office/retail/light industrial to industrial - heavy use for the site.

To Deny:

This petition is found to be **inconsistent** with the *Dixie Berryhill Strategic Plan* with respect to land use, based on the information from the staff analysis and the public hearing, and because:

- The plan recommends office/retail/light 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:

City of Charlotte

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

Agenda Date: 10/6/2020

Agenda #: 10.**File #:** 15-14295 **Type:** Zoning Item

Rezoning Petition: 2020-059 by Hanover R.S. Limited Partnership

Location: Approximately 1.474 acres located on the southeast side of Euclid Avenue, southwest of Royal Court, and northeast of Morehead Street. (Council District 1 - Egleston)

Current Zoning: B-1 PED (neighborhood business, optional, pedestrian overlay) and MUDD (mixed use development district)
Proposed Zoning: MUDD-O (mixed used development district, optional)

Public Hearing Held: September 21, 2020 - Item #32

Staff Resource: Claire Lyte-Graham

Staff Recommendation:
Staff recommends APPROVAL of this petition.

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

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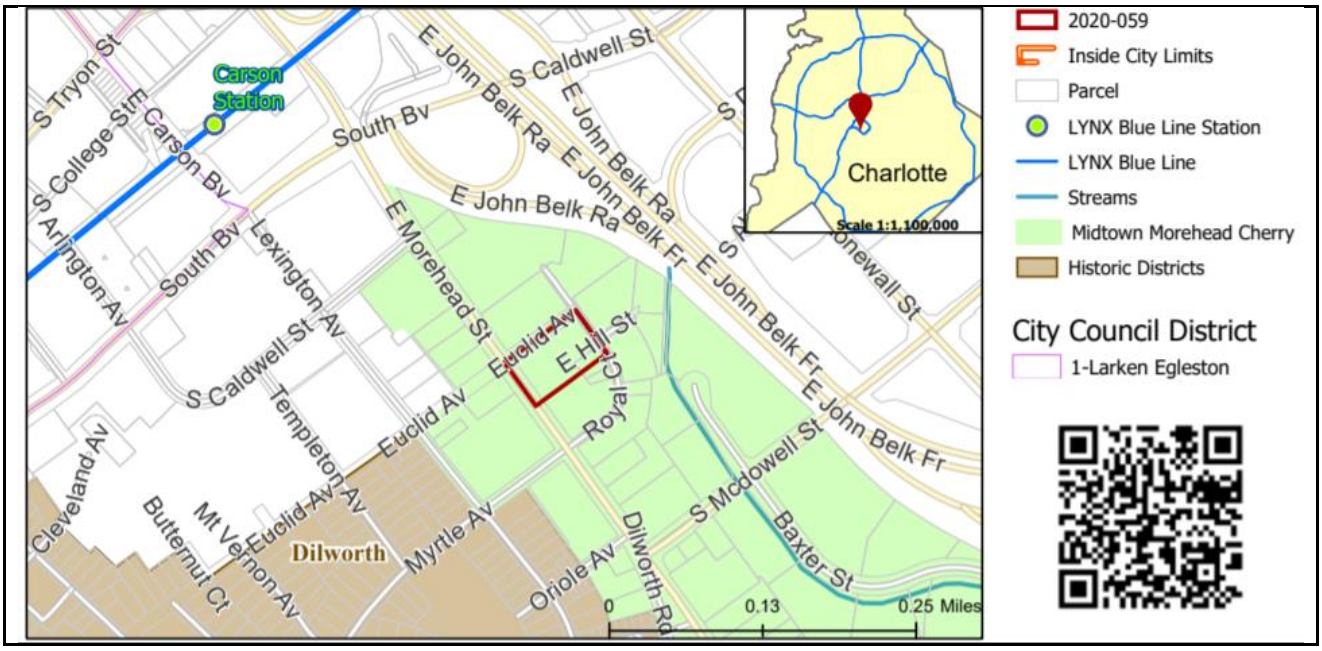
CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-059
Post Hearing Staff Analysis
October 6, 2020

REQUEST	Current Zoning: B-1 PED (neighborhood business, pedestrian overlay) and MUDD (mixed use development district,) Proposed Zoning: MUDD-O PED (mixed use development district, optional, pedestrian overlay)
LOCATION	Approximately 1.474 acres located on the southeast side of Euclid Avenue, southwest of Royal Court, and northeast of Morehead Street.



SUMMARY OF PETITION	The petition proposes to allow a multifamily residential development in a single building with a small eating drinking entertainment component on the first floor.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Roll Triple Sevens LLC Hanover R.S. Limited Partnership 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: 20

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the *Midtown Morehead Cherry Plan* recommendation for a mix of residential/office/retail uses for the area in which the site is located.

Rationale for Recommendation

- The petition is consistent with the current mix of uses in the area and the adopted plan recommendation.
- The petition proposes a project that supports a desired mix of housing types.
- The project is coordinating with other requests in the immediate with respect to streetscape and pedestrian improvements

- The proposed building height is consistent with the height allowed for the building on adjacent property within the same block of Morehead St., Euclid Ave. and Royal Ct.

PLANNING STAFF REVIEW

- **Proposed Request Details**

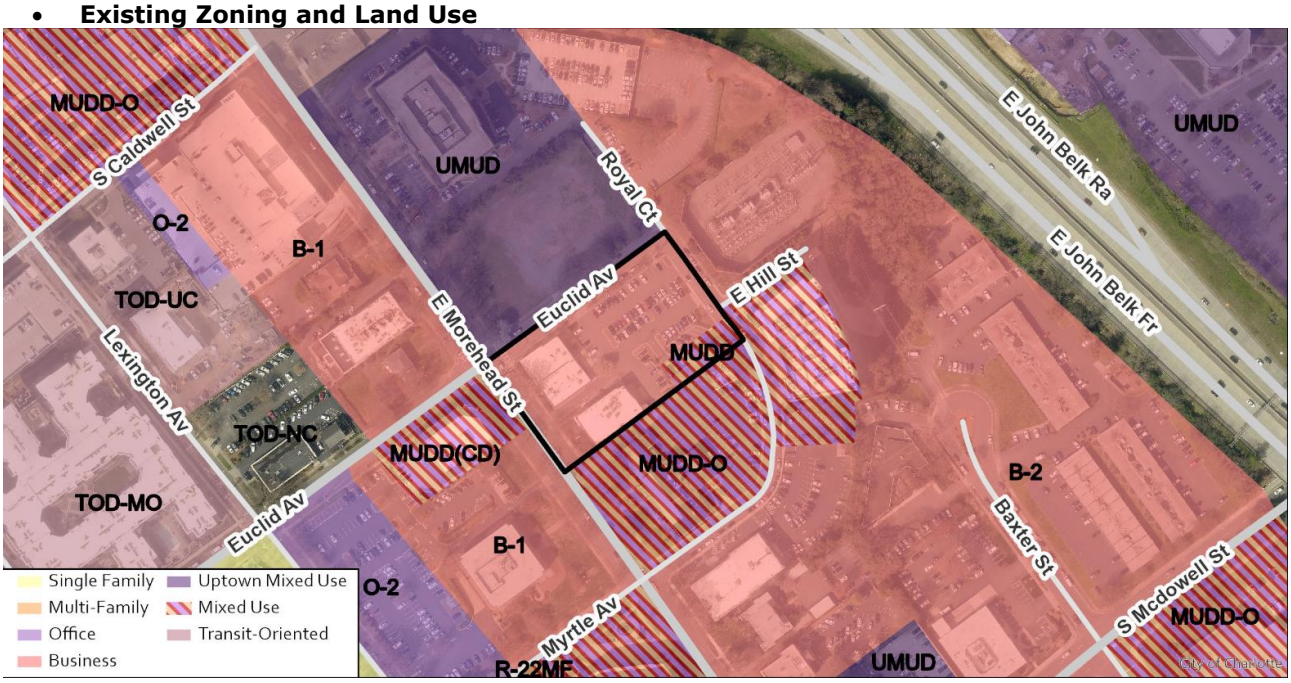
The site plan accompanying this petition contains the following provisions:

- Allow up to 350 multi-family dwelling units together with accessory uses in one building.
- Allow a maximum 500 square foot area of the ground floor of the building to contain a kiosk or countertops devoted to an eating, drinking and entertainment establishment (Type 1).
- Limits number of principal buildings on site to 1.
- Illustrates approximate location of proposed internal loading zone.
- Requests the following optional provisions:
  - Allow a maximum building height of 170 feet.
  - Allow first/ground floor building façade fronting Royal Court to include a combination of windows and operable doors for a minimum of 10% of the first/ground floor building façade fronting Royal Court with transparent glass between 2 feet and 10 feet on the first/ground floor. Up to 20% of this requirement may be comprised of display windows. These display windows must maintain a minimum of 3 feet clear depth between the 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 feet above adjacent street sidewalk.
  - Allow modifications to the streetscape along Royal Court to allow on-street parking and an on-street passenger pick-up and drop-off space.
  - Allow a minimum 14-foot setback along Euclid Avenue and Royal Court.
  - Allow encroachments into the setback along Royal Court as noted:
    - Transformers and other electrical equipment may encroach into the setback from Royal Court provided that these items or features do not encroach into the required clear sidewalk zone. Additionally, the screening elements for the transformers and other electrical equipment may encroach into the setback from Royal Court provided that these items or features do not encroach into the required clear sidewalk zone. Such screening elements shall comply with the requirements of the ordinance.
    - Allows stairs, stoops, low walls, railings, fencing, perpendicular sidewalks, pavers and other ground level architectural items or features may encroach into the setbacks from all streets provided that these features do not encroach into the required clear sidewalk zone.
    - Allow balconies to encroach up to 8 feet into the setbacks from all adjacent streets. Balconies shall maintain a minimum vertical clearance of 12 feet above grade.
    - Allow awnings, sunshades and roof overhangs to encroach into the setbacks from all adjacent streets up to 4 feet from the back of curb and shall maintain a minimum vertical clearance of 9 feet above grade.
    - Allow bay windows to project up to a maximum of 3 feet from each building façade line. Bay windows shall maintain a minimum vertical clearance of 12 feet.
    - Allow sills, belt courses, eaves, cornices and ornamental features to project from the building façade no more than 2 feet and may extend over a public or private sidewalk, shared use path, amenity zone or planting strip.
    - Allow the streetscape along the Site's frontage on Royal Court to be modified by Petitioner to accommodate on street parking.
    - Allow the streetscape along the Site's frontage on Euclid Avenue to be modified by Petitioner as generally depicted on the Rezoning Plan.
- Proposes the following transportation improvements:
  - Proposes that in lieu of dedicating any right of way along the site's public street frontages, petitioner shall grant a sidewalk utility easement to the City of Charlotte along the Site's public street frontages to that point that is located at the back of the sidewalks to be installed along the Site's public street frontages.
  - Proposes drop-off entrance only access point and full access movement point onto Euclid Avenue.
  - Proposes 8-foot sidewalk and 8-foot planting area along E. Morehead with existing trees to remain.
  - Provides cross sections detailing streetscape improvements, proposed on street parking, and through lanes on Royal Court and Euclid Avenue.

    - Installs a stop sign, stop bar and cross walk on Euclid Avenue at the intersection of Euclid Avenue and Royal Court.
    - Installs a stop sign, stop bar and cross walk on Royal Court on the southerly leg of the intersection of Royal Court and Euclid Avenue.
    - States subject to the availability of existing right of way within which to install these improvements, petitioner shall install a stop sign, stop bar and cross walk on Royal Court on the northerly leg of the intersection of Royal Court and Euclid Avenue. If existing right of way is not available to accommodate the foregoing improvements, Petitioner shall not be required to install the same.
    - Stripes a double-yellow solid center line, per CDOT's Pavement Markings Design Guidelines, on that portion of Euclid Avenue located between East Morehead Street and Royal Court. Petitioner shall also mill and overlay that portion of Euclid Avenue located between East Morehead Street and Royal Court from the centerline of the relevant portion of Euclid Avenue to the proposed curb line located along the Site's frontage on Euclid Avenue.
    - Installs and constructs two curb ramps on the southeast corner of the intersection of Euclid Avenue and East Morehead Street (adjacent to the Site).
- Proposes the following architectural standards:
    - Notes building placement and site design shall focus on and enhance the pedestrian environment through such as building placement; combination of windows and operable doors; incorporation of minimum of 30% masonry materials on the facades of first/ground floor; direct pedestrian connections; prohibiting expanses of blank walls greater than 20 feet; and design of building elevations with vertical bays or articulated features.
    - Proposes buildings to have a minimum of 20% transparency on the aggregate of all upper floors.
    - Provides conceptual, schematic images of the first three levels of the East Morehead Street, Euclid Avenue and Royal Court facades of the building to be constructed on the Site that are ~~intended~~ to depict the general conceptual architectural style, design intent and character of the first three levels of these three building facades~~, as well the types and quality of the exterior building materials.~~ The primary exterior building materials for the first three levels of these three building facades shall be a combination of stucco, brick, stone, precast stone and other masonry products. The finishes and colors of these exterior building materials may vary from what is depicted on the conceptual, schematic images. Changes and alterations to the first three levels of these three building facades that do not materially change the overall conceptual architectural style, design intent and character shall be permitted.
    - Notes that with respect to the Euclid Avenue building facade, a tower element shall be located at each end of the Euclid Avenue building facade (the Royal Court end and the East Morehead Street end of the Euclid Avenue building facade). Between the two tower elements, the Euclid Avenue building facade shall stepback ~~a minimum of 5 feet~~ from the Euclid Avenue building facade line (above the third level/story of the Euclid Avenue building facade a minimum of 10 feet and a minimum of 5 feet in a generally alternating fashion (the 10 foot and the 5 foot stepbacks are hereinafter collectively referred to as the "Euclid Avenue Stepback"). The Euclid Avenue Stepback shall ~~occur above the third level/story of the building, the Euclid Avenue Stepback shall~~ have a minimum width of 160 feet ~~and the Euclid Avenue Stepback~~it shall apply to all building levels/stories located above the third level/story of the Euclid Avenue building facade.
    - Notes a portion of the East Morehead Street building facade shall stepback a minimum of 4 feet from the East Morehead Street building facade line (the "East Morehead Street Stepback"). The East Morehead Street Stepback shall occur above the third level/story of the East Morehead Street building facade, the East Morehead Street Stepback shall be located generally in the center of the East Morehead Street building façade, the East Morehead Street Stepback shall have a minimum width of 60 feet and the East Morehead Street Stepback shall apply to all building levels/stories located above the third level/story of the East Morehead Street building facade.
    - The southern facade of the building (the building facade facing Tax Parcel Nos. 125-174-05 and 125-174-07) shall stepback a minimum of 7 feet from the southern building facade line (the "Southern Facade Stepback"). The Southern Facade Stepback shall occur above the third level/story of the southern building facade, and the Southern Facade Stepback shall apply to all building levels/stories located above the third level/story of the southern building facade.
    - The minimum side yard along the southern boundary of the Site (the boundary adjacent to Tax Parcel Nos. 125-174-05 and 125-174-07) shall be 10 feet.
- Notes that subject to the approval of CDOT, NCDOT and any other governmental agencies, and Duke Energy and any other relevant utility, telephone or cable companies, Petitioner shall bury

in the Euclid Avenue right of way the above ground power lines located adjacent to and along the Site's frontage on Euclid Avenue. Petitioner shall exert reasonable and good faith efforts to obtain the required approvals. In the event that Petitioner cannot obtain all approvals and permits required to bury the above ground power lines as described above on or before May 31, 2021, Petitioner shall have no obligation to do so.

- **Existing Zoning and Land Use**

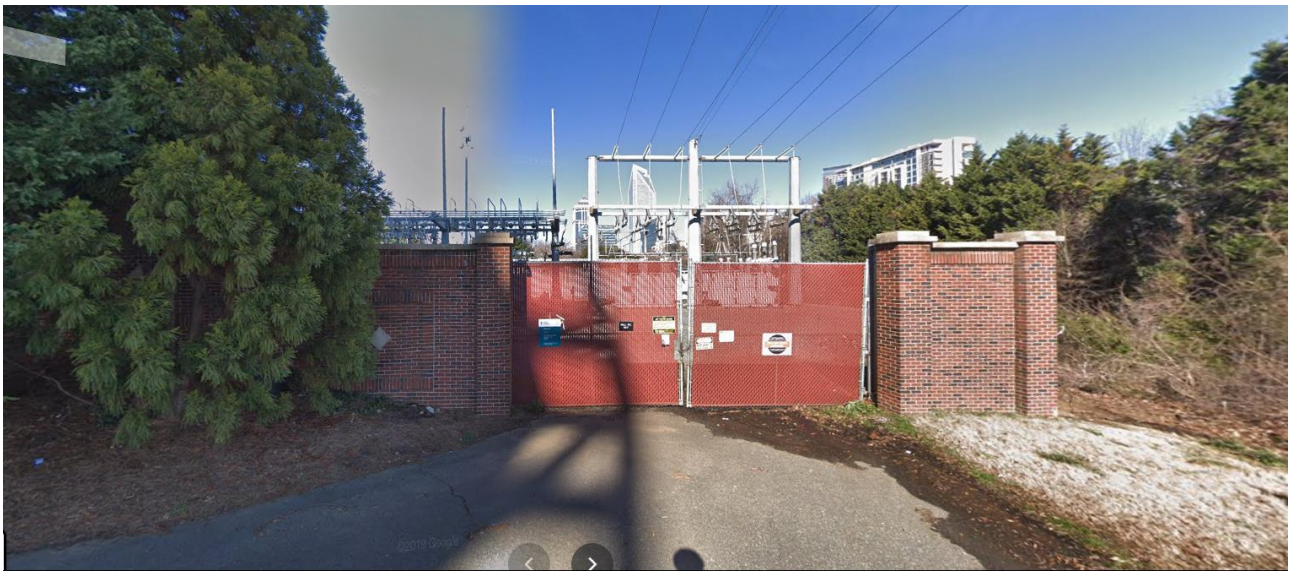


The site is developed with offices and associated parking and is surrounded by a mix of office, residential, retail, and public utility uses in various zoning districts. The site is near Interstate 277 and Uptown.

A view of the site (developed with offices and associated parking) from E. Morehead Street.

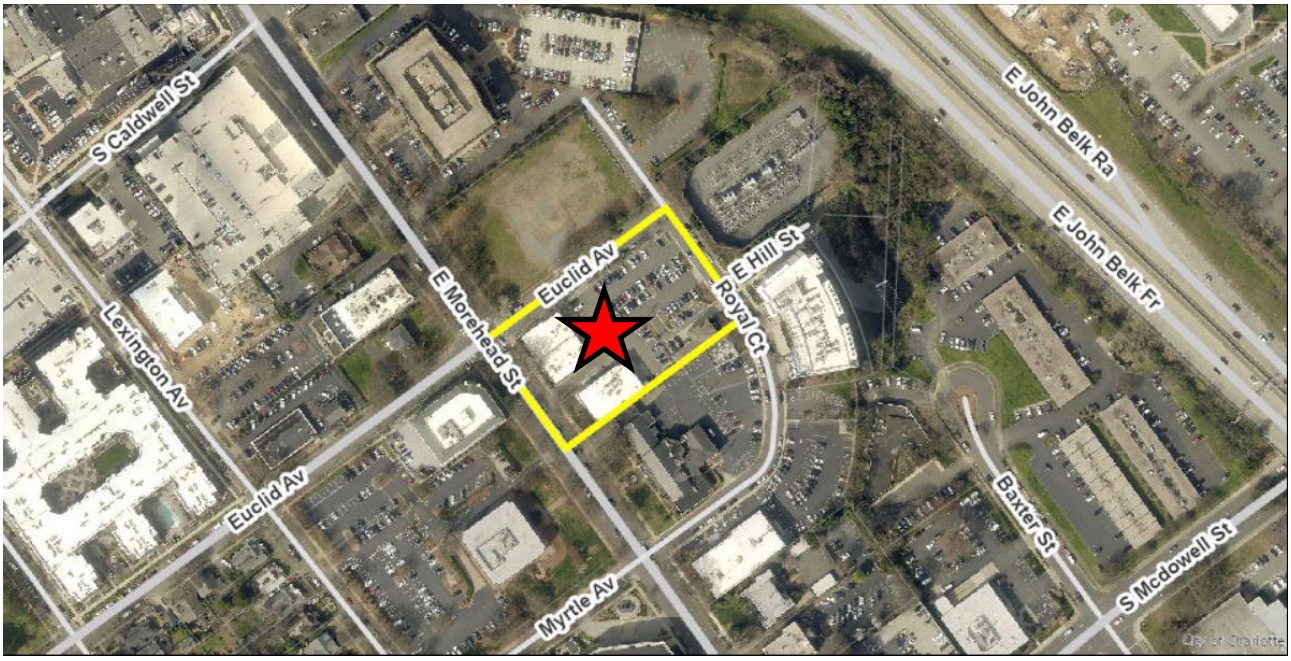
A view of the site (developed with offices and associated parking) from Royal Court.

On the opposite side of Royal Court are residential condominiums and offices (pic above) and Duke Energy substation (pic below).



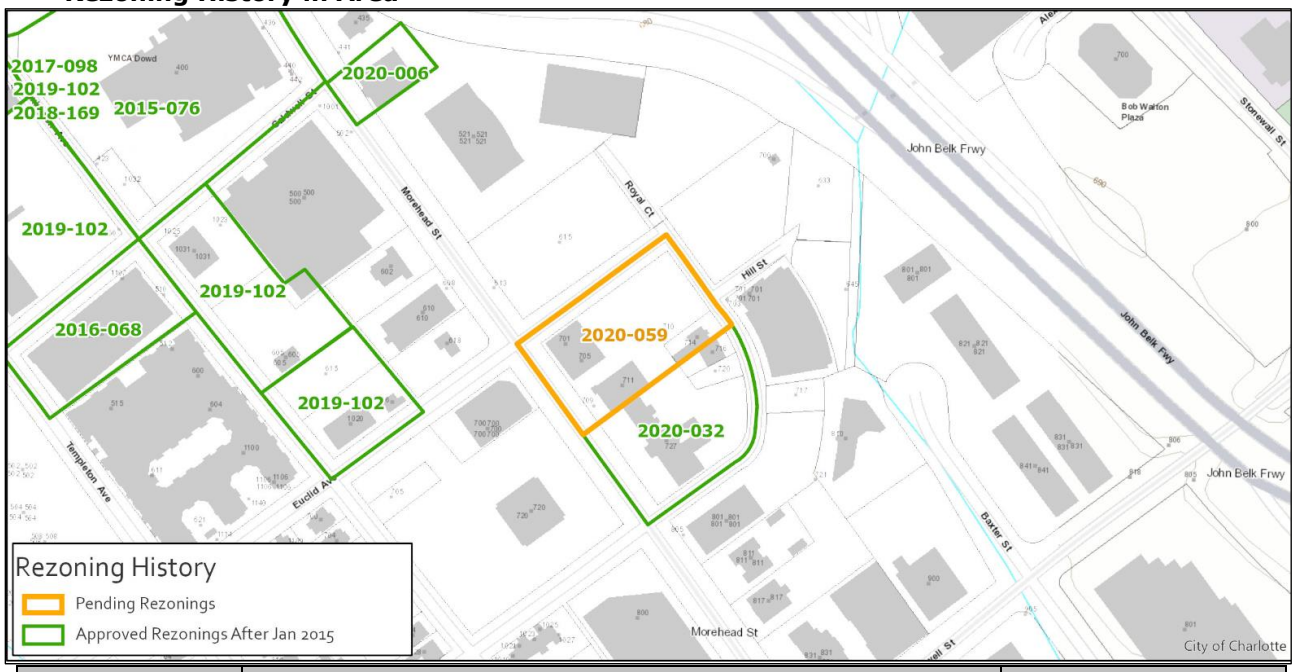
Utility substation across Morehead St.

Along East Morehead Street are office, residential, and retail uses.



The site is bounded by 3 streets (E. Morehead Street, Euclid Avenue, and Royal Court) and is located west of E. John Belk Freeway.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2020-032	MUDD-O SPA to allow an age restricted community with up to 220 multi-family residential units. As an alternative, proposes up to 195,000 square feet of office uses with ground floor retail, EDEE, personal services and/or commercial other non-residential uses, and limits building height to up to 160 feet as approved per petition 2008-025.	Approved
2020-006	Rezone to TOD-UC	Approved
2019-102	Rezoned 1,771.18 acres under a range of zoning districts to TOD-UC, TOD-NC, TOD-CC or TOD-TR.	Approved
2016-068	Rezoned site to MUDD-O (mixed use development, optional) to allow a allow the redevelopment of a surface parking lot for an existing institutional use (Pritchard Memorial Baptist Church) to develop structured parking and 17,000 square feet of ground floor non-residential uses.	Approved
2015-076	Rezoned site to MUDD-O (mixed use development, conditional) to allow the expansion of the existing YMCA including a new parking structure and additional facility space.	Approved

- **Public Plans and Policies**

- The *Midtown Morehead Cherry Plan* (2012) recommends a mix of residential/office/retail uses for the area in which the site is located.

- **TRANSPORTATION SUMMARY**
  - The site is located adjacent to E. Morehead Street, which is a state maintained major thoroughfare. The petition is in a Corridor and is inside Route 4. The applicable plan for the area is the Midtown/Cherry Area Plan, South End Station Area Plan, and Center City 2020 Vision Plan. In reference to the Vision Zero Action Plan, East Morehead Street is classified within Charlotte's High Injury Network.
  - **Active Projects:**
    - Alexander/Euclid bridge over I-277
      - Construct new bridge over I-277 to connect Stonewall Street and Morehead Street, in the approximate area of Alexander Street and Euclid Street.
      - Unfunded project
    - South End Rail Trail Pedestrian Bridge
      - The project will implement Create a new pedestrian bridge across I-277 connecting the Rail Trail on the south side of I-277 to the Convention Center.
      - Construction: TBD; planning in-progress end Q1 2020
    - South Boulevard Corridor Implementation
      - The project will implement pedestrian hybrid beacons, bulb-outs, and pavement markings at various locations along South Boulevard between Clanton Road and Carson Boulevard.
      - Construction: TBD; real estate acquisition to finish end Q1 2020
  - **Transportation Considerations**
    - ~~See Requested Technical Revisions, Notes 5-6.~~ ADDRESSED
  - **Vehicle Trip Generation:**
    Current Zoning:
    Existing Use: 320 trips per day (based on 28,950 square feet offices).
    Entitlement: 1,550 trips per day (based on 13,600 square feet of retail; 0.14 ac of MUDD)
    Proposed Zoning: 1,590 trips per day (based on 350 apartments; site plan 08-17-2020).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No comments received.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org regarding access, fire hydrant location and sprinkler system.

- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 6 students, while the development allowed under the proposed zoning will produce 70 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 64.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Dilworth (Sedgefield Campus K-2) increases from 66% to 69%
    - Dilworth (Latta Campus 3-5) increases from 64% to 68%
    - Sedgefield Middle increases from 73% to 76%
    - Myers Park High increases from 125% to 126%
  - See advisory comments at www.rezoning.org for CMS impact statement.

- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Royal Ct. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Morehead Street.

- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** This property drains to Upper Little Sugar Creek, which is an impaired/degraded stream, and may contribute to downstream flooding. This project has the opportunity to mitigate future impacts to this stream. See advisory comments at www.rezoning.org regarding storm water quality treatment and volume and peak control.
  - **Urban Forestry:** No outstanding issues.

- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org pertaining to air quality and ground water services.

- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Site and Building Design

1. ~~Add an optional provision to allow the setback to be decreased from 16 feet to 14 feet per *Section 10.805. Pedestrian Overlay District (Optional); Purpose.*~~ ADDRESSED
2. ~~Further develop architectural and design standards to better address breaking up the massing and scale of the building. Architectural Standards Note 5(b)(8) proposes a 5-foot step back minimum that is much less than the 11+ feet discussed earlier. Please increase to a minimum of 8-10 feet.~~ ADDRESSED
3. ~~Show, label, and dimension all public street centerlines to the future back of curb.~~ ADDRESSED
4. ~~Show, label, and dimension the setback from the future back of curb which will include the required planting strip and sidewalk.~~ ADDRESSED

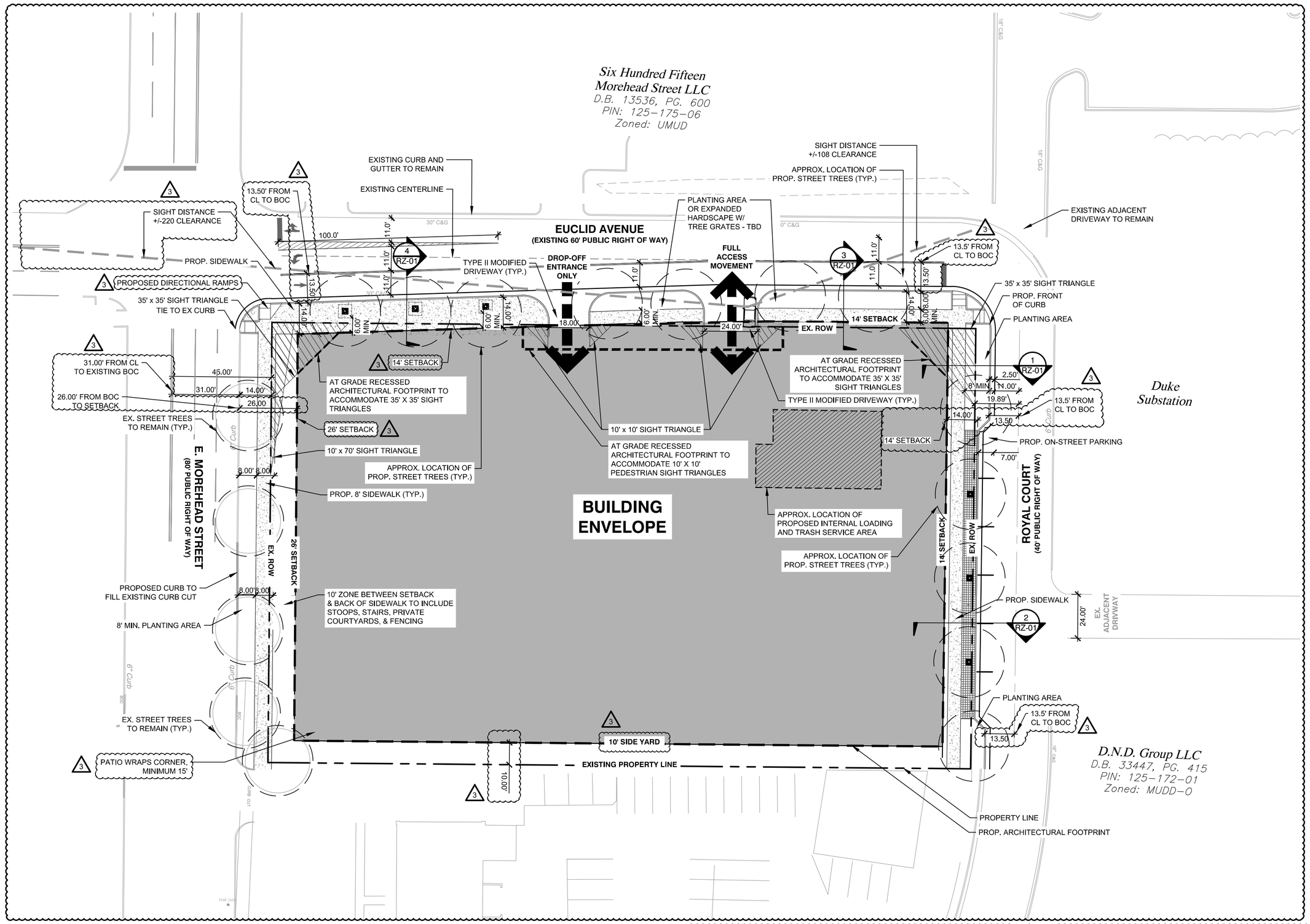
REQUESTED TECHNICAL REVISIONS

Transportation

5. ~~Please extend the left-sight line through the intersection of Euclid Avenue & East Morehead Street to account for the Euclid Avenue eastbound-thru green phase. The intersection sight distance plan and profile may be reviewed during permitting.~~ ADDRESSED
6. ~~Please revise the site plan and conditional note(s) to include the construction of two curb ramps at the east quadrant of the East Morehead Street & Euclid Avenue Intersection.~~ ADDRESSED

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

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



SITE DEVELOPMENT DATA:

--ACREAGE: ± 1.474 ACRES

--TAX PARCEL #: 125-174-02, 125-174-08

--EXISTING ZONING: B-1 PED AND MUDD

--PROPOSED ZONING: MUDD-O

--EXISTING USES: OFFICE

--PROPOSED PRINCIPAL USE: UP TO 350 MULTI-FAMILY SWELLING UNITS TOGETHER WITH ACCESSORY USES , AS ALLOWED IN THE MUDD ZONING DISTRICT

--MAXIMUM BUILDING HEIGHT: UP TO ONE HUNDRED SEVENTY (170) FEET. BUILDING HEIGHT TO BE MEASURED PER THE ORDINANCE

LEGEND:

PROPOSED INGRESS / EGRESS

SITE DEVELOPMENT SUMMARY:

1) TAX PARCEL ID #:
- PARCELS 125-174-02, 125-174-08

2) JURISDICTION: CITY OF CHARLOTTE

3) TOTAL SITE SF (ACREAGE):
- +/- 64,207 (1.474 AC)

4) EXISTING ZONING & USES:
- B-1 PED, MUDD

5) PROPOSED ZONING :
- MIXED USE DEVELOPMENT DISTRICT, OPTIONAL "MUDD-O"

6) PROPOSED USES:
- MULTI-FAMILY RESIDENTIAL DEVELOPMENT

7) PROPOSED SETBACKS:
-26' SETBACK ON E. MOREHEAD STREET
-14' SETBACKS ON ROYAL COURT & EUCLID AVENUE

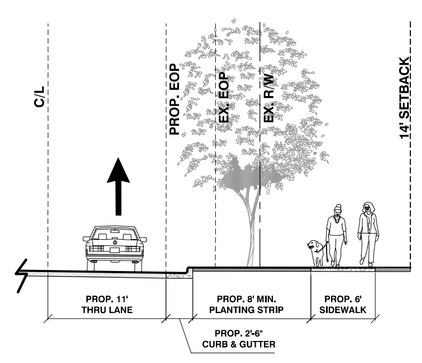
8) BUILDING HEIGHT:
-170' MAX.

9) URBAN OPEN SPACE: AS REQUIRED BY THE ORDINANCE

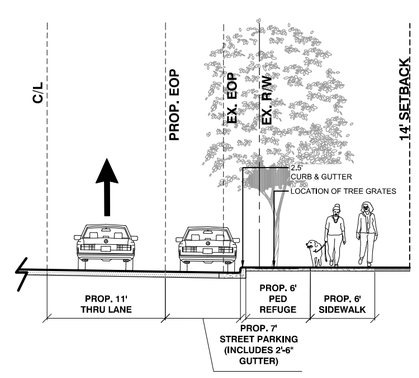
11) PARKING PROVIDED: 1.25 SPACES PER DWELLING UNIT MINIMUM

12) BIKE RACKS WILL BE PROVIDED PER THE ORDINANCE

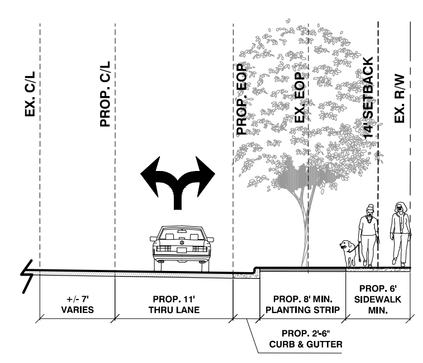
NOTE: THE REZONING PLAN IS ILLUSTRATIVE IN NATURE AND IS INTENDED TO DEPICT BUILDING AND CIRCULATION RELATIONSHIPS.



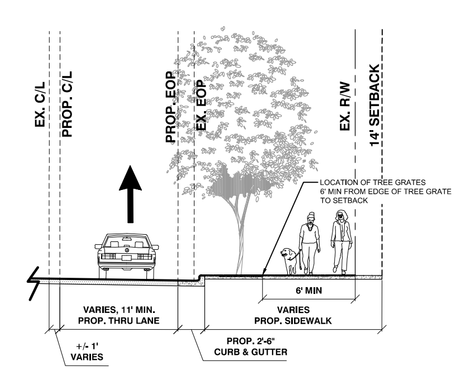
1 PROPOSED ROYAL COURT CROSS SECTION (TYPICAL)
SCALE:1" = 10'-00"



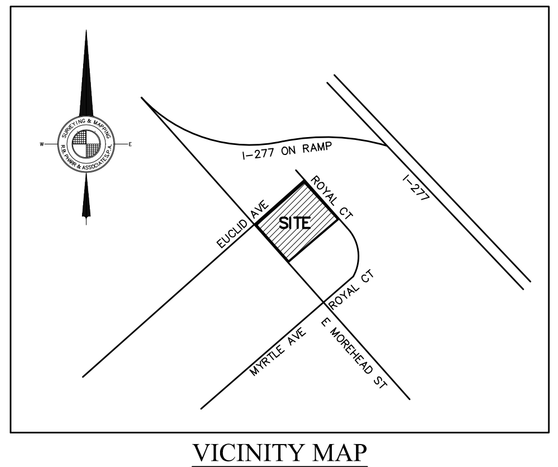
2 PROPOSED ROYAL COURT ON STREET PARKING CROSS SECTION (TYPICAL)
SCALE: 1" = 10'-00"



3 PROPOSED EUCLID AVENUE CROSS SECTION (TYPICAL)
SCALE: 1" = 10'-00"



4 PROPOSED EUCLID AVENUE CROSS SECTION (TYPICAL)
SCALE: 1" = 10'-00"



VICINITY MAP
NOT TO SCALE

REZONING PETITION # 2020-059

LandDesign.
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ZCA RESIDENTIAL, LLC

Ziegler Cooper Architects
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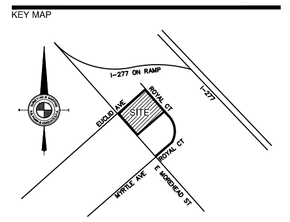
Suite 350
700 Louisiana Street
Houston, Texas
77002

vc 713|374|0000
fx 713|374|0001

KEY MAP



SEAL

PROJECT

711 EAST MOREHEAD

REZONING - SITE PLAN

HANOVER R.S. LIMITED PARTNERSHIP
1780 S POST OAK LN
HOUSTON, TEXAS 77056

LANDDESIGN PROJ.#
1020025

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	REVISIONS PER COMMENTS	06-15-2020
2	REVISIONS PER COMMENTS	08-17-2020
3	REVISIONS PER COMMENTS	09-28-2020

DESIGNED BY:
DRAWN BY:
CHECKED BY:

SCALE
VERT:
HORZ: 1"=30'
0 15' 30' 60'

NORTH

SHEET TITLE
TECHNICAL DATA SHEET

SHEET NUMBER
RZ-1

ORIGINAL SHEET SIZE: 24" X 36"

Hanover R.S. Limited Partnership
Development Standards
3 2 1 **9/28/2020**

Site Development Data

--**Acreage**: ± 1.474
--**Tax Parcel Nos:** 125-174-02 and 125-174-08
--**Existing Zoning:** B-1 PED and MUDD
--**Proposed Zoning:** MUDD-O
--**Existing Use:** Office
3 --**Proposed Principal Use:** Up to 350 multi-family dwelling units together with accessory uses, as allowed in the MUDD zoning district.
--**Maximum Building Height:** 170 feet as measured under 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 Hanover R.S. Limited Partnership ("Petitioner") to accommodate the development of a residential community on an approximately 1.474 acre site generally located on the southeast corner of the intersection of East Morehead Street and Euclid Avenue, which site is more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Tax Parcel Nos. 125-174-02 and 125-174-08.

b. **Zoning Districts/Ordinance**. 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"). Subject to the optional provisions set out below, the regulations established under the Ordinance for the Mixed Use Development District ("MUDD") zoning district shall govern the development and use of the Site.

c. **Graphics and Alterations**. The schematic depictions of the uses, parking areas, sidewalks, building, 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.

d. **Number of Buildings Principal and Accessory**. The total number of principal residential 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.

2. Optional Provisions

1 The optional provisions set out below shall apply to the development of the Site.

a. The maximum height of the building to be constructed on the Site shall be 170 feet as measured under the Ordinance.

1 2 b. The first/ground floor building facade fronting Royal Court shall include a combination of windows and operable doors for a minimum of 10% of the first/ground floor building facade fronting Royal Court with transparent glass between 2 feet and 10 feet on the first/ground floor. Up to 20% of this requirement may be comprised of display windows. These display windows must maintain a minimum of 3 feet clear depth between the 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 feet above adjacent street sidewalk.

c. Encroachments into the setbacks from adjacent streets shall be permitted as set out below.

(1) Transformers and other electrical equipment may encroach into the setback from Royal Court provided that these items or features do not encroach into the required clear sidewalk zone. Additionally, the screening elements for the transformers and other electrical equipment may encroach into the setback from Royal Court provided that these items or features do not encroach into the required clear sidewalk zone. Such screening elements shall comply with the requirements of the Ordinance.

(2) Stairs, stoops, low walls, railings, fencing, perpendicular sidewalks, pavers and other ground level architectural items or features may encroach into the setbacks from all adjacent streets provided that these items or features do not encroach into the required clear sidewalk zone.

(3) Balconies may encroach up to 8 feet into the setbacks from all adjacent streets. Balconies shall maintain a minimum vertical clearance of 12 feet above grade.

(4) Awnings, sunshades and roof overhangs may encroach into the setbacks from all adjacent streets up to 4 feet from the back of curb and shall maintain a minimum vertical clearance of 9 feet above grade.

(5) Bay windows may project up to a maximum of three feet from each building facade line. Bay windows shall maintain a minimum vertical clearance of 12 feet.

1 (6) Sills, belt courses, eaves, cornices and ornamental features may project from the building facade no more than 2 feet and may extend over a public or private sidewalk, shared use path, amenity zone or planting strip.

2 d. The streetscape along the Site's frontage on Royal Court may modified by Petitioner to allow and accommodate on street parking.

e. The streetscape along the Site's frontage on Euclid Avenue may modified by Petitioner as generally depicted on the Rezoning Plan.

3 f. The minimum setback along the Site's frontages on Euclid Avenue and Royal Court shall be 14 feet.

3. Permitted Uses/Development Limitations

a. The Site may only be devoted to a maximum of 350 multi-family dwelling units together with any incidental and accessory uses relating thereto that are allowed in the MUDD zoning district.

3 b. Notwithstanding the terms of paragraph 3.a. above, a maximum 500 square foot area of the ground floor of the building may contain a kiosk or countertops devoted to an eating, drinking and entertainment establishment (Type 1).

4. Access, and Transportation Improvements

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 to accommodate final site development and construction plans and to any adjustments required for approval by the Charlotte Department of Transportation ("CDOT") and/or the North Carolina Department of Transportation ("NCDOT") in accordance with applicable published standards.

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

1 c. In lieu of dedicating any right of way along the Site's public street frontages, Petitioner shall grant a sidewalk utility easement to the City of Charlotte along the Site's public street frontages to that point that is located at the back of the sidewalks to be installed along the Site's public street frontages.

d. Prior to the issuance of the first certificate of occupancy for the building to be constructed on the Site, Petitioner shall:

(1) Install a stop sign, stop bar and cross walk on Euclid Avenue at the intersection of Euclid Avenue and Royal Court.

(2) Install a stop sign, stop bar and cross walk on Royal Court on the southerly leg of the intersection of Royal Court and Euclid Avenue.

(3) Subject to the availability of existing right of way within which to install these improvements, Petitioner shall install a stop sign, stop bar and cross walk on Royal Court on the northerly leg of the intersection of Royal Court and Euclid Avenue. If existing right of way is not available to accommodate the foregoing improvements, Petitioner shall not be required to install the same.

(4) Notwithstanding anything contained in this paragraph 4.d to the contrary, Petitioner shall not be required to install the improvements set out in this paragraph 4.d if these improvements have been installed by others or others have commenced to install these improvements prior to the issuance of the first certificate of occupancy for the building to be constructed on the Site.

2 e. Petitioner shall stripe a double-yellow solid center line, per CDOT's Pavement Markings Design Guidelines, on that portion of Euclid Avenue located between East Morehead Street and Royal Court. Petitioner shall also mill and overlay that portion of Euclid Avenue located between East Morehead Street and Royal Court from the centerline of the relevant portion of Euclid Avenue to the proposed curb line located along the Site's frontage on Euclid Avenue.

3 f. Petitioner shall install and construct two curb ramps on the southeast corner of the intersection of Euclid Avenue and East Morehead Street (adjacent to the Site) as generally shown on the Rezoning Plan.

3 g. All transportation improvements set out in this Section 4 shall be constructed and approved prior to the issuance of the first certificate of occupancy for the Site.

5. Architectural Standards

a. The maximum height of the building to be constructed on the Site shall be 170 feet.

b. Building Placement and Site Design shall focus on and enhance the pedestrian environment on public or private network required streets, through the following:

2 (1) The building shall be placed so as to present a front or side facade to all streets.

1 (2) Subject to the optional provision set out in paragraph 2.b above, the ground floors of facades fronting streets shall include a combination of windows and operable doors for a minimum of 60% of
1 the ground floor frontage elevation with transparent glass between 2 feet and 10 feet on the first/ground floor. Up to 20% of this requirement may be comprised of display windows. These display windows must maintain a minimum of 3 feet clear depth between the 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 feet above adjacent street sidewalk.

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

(4) Direct pedestrian connections shall be provided between street facing doors and corner entrance features to sidewalks on adjacent streets.

(5) 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 or such walls.

(6) Building elevations shall be designed with vertical bays or articulated 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.

1 (7) The building shall have a minimum of 20% transparency on the aggregate of all upper floors.

2 c. Set out on the Rezoning Plan are conceptual, schematic images of the first three levels of
3 the East Morehead Street, Euclid Avenue and Royal Court facades of the building to be constructed on the Site. The purposes of the conceptual schematic images of the first three levels of the East Morehead Street, Euclid Avenue and Royal Court facades of the building are to depict the level of activation and the general conceptual architectural style, design intent and character of the first three levels of these three building facades. The primary exterior building materials for the first three levels of these three building facades shall be a combination of stucco, brick, stone, precast stone and other masonry products. The finishes and colors of these exterior building materials may vary from what is depicted on the conceptual, schematic images.

Changes and alterations to the first three levels of these three building facades that do not materially change the overall conceptual architectural style, design intent and character shall be permitted.

3 d. With respect to the Euclid Avenue building facade, a tower element shall be located at each end of the Euclid Avenue building facade (the Royal Court end and the East Morehead Street end of the Euclid Avenue building facade). Between the two tower elements, the Euclid Avenue building facade shall stepback from the Euclid Avenue building facade line above the third level/story of the Euclid Avenue building facade a minimum of 10 feet and a minimum of 5 feet in a generally alternating fashion (the 10 foot and the 5 foot stepbacks are hereinafter collectively referred to as the "Euclid Avenue Stepback"). The Euclid Avenue Stepback shall have a minimum width of 160 feet and it shall apply to all building levels/stories located above the third level/story of the Euclid Avenue building facade.

e. A portion of the East Morehead Street building facade shall stepback a minimum of 4 feet from the East Morehead Street building facade line (the "East Morehead Street Stepback"). The East Morehead Street Stepback shall occur above the third level/story of the East Morehead Street building facade, the East Morehead Street Stepback shall be located generally in the center of the East Morehead Street building facade, the East Morehead Street Stepback shall have a minimum width of 60 feet and the East Morehead Street Stepback shall apply to all building levels/stories located above the third level/story of the East Morehead Street building facade.

3 f. The southern facade of the building (the building facade facing Tax Parcel Nos. 125-174-05 and 125-174-07) shall stepback a minimum of 7 feet from the southern building facade line (the "Southern Facade Stepback"). The Southern Facade Stepback shall occur above the third level/story of the southern building facade, and the Southern Facade Stepback shall apply to all building levels/stories located above the third level/story of the southern building facade.

g. The minimum side yard along the southern boundary of the Site (the boundary adjacent to Tax Parcel Nos. 125-174-05 and 125-174-07) shall be 10 feet.

6. Streetscape

a. Streetscape improvements shall be provided as depicted on the Rezoning Plan.

3 b. Subject to the approval of CDOT, NCDOT and any other governmental agencies, and Duke Energy and any other relevant utility, telephone or cable companies, Petitioner shall bury in the Euclid Avenue right of way the above ground power lines located adjacent to and along the Site's frontage on Euclid Avenue. Petitioner shall exert reasonable and good faith efforts to obtain the required approvals. In the event that Petitioner cannot obtain all approvals and permits required to bury the above ground power lines as described above on or before May 31, 2021, Petitioner shall have no obligation to do so.

1 **7. 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.

1 **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 Site in accordance with the provisions of Chapter 6 of the Ordinance.

1 **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.

REZONING PETITION # 2020-059

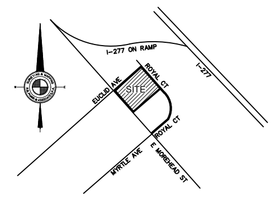
LandDesign.
223 NORTH GRAHAM STREET
CHARLOTTE, NC 28202
704.333.0325
WWW.LANDDESIGN.COM

ZCA RESIDENTIAL, LLC

Ziegler Cooper Architects
Bank of America Center
Suite 350
700 Louisiana Street
Houston, Texas
77002

vc 713|374|0000
fx 713|374|0001

KEY MAP



SEAL

PROJECT

711 EAST MOREHEAD

REZONING - SITE PLAN

HANOVER R.S. LIMITED PARTNERSHIP
1780 S POST OAK LN
HOUSTON, TEXAS 77056

LANDDESIGN PROJ.#
1020025

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	REVISIONS PER COMMENTS	06-15-2020
2	REVISIONS PER COMMENTS	08-17-2020
3	REVISIONS PER COMMENTS	09-28-2020

DESIGNED BY:
DRAWN BY:
CHECKED BY:

SCALE
VERT:
HORZ: 1"=30'
0 15' 30' 60'

NORTH

SHEET TITLE
DEVELOPMENT STANDARDS

SHEET NUMBER
RZ-2

ORIGINAL SHEET SIZE: 24" X 36"

NOTES:

1. THIS PLAT IS NOT FOR RECORDATION AS PER G.S. 47-30 AS AMENDED.

2. ALL CORNERS MONUMENTED AS SHOWN.

3. NO RECOVERABLE NGS MONUMENT LOCATED WITHIN 2,000 FEET OF SUBJECT PROPERTY.

4. THE LOCATION OF UNDERGROUND UTILITIES SHOWN ON THIS MAP IS APPROXIMATE, BASED ON INFORMATION PROVIDED BY OTHERS OR BY FIELD LOCATION. UTILITY LOCATIONS AS SHOWN HEREON ARE INTENDED FOR PLANNING ONLY. ACTUAL LOCATION, SIZE, OR DEPTH OF LINE SHOULD BE VERIFIED WITH THE INDIVIDUAL UTILITY COMPANY BEFORE CONSTRUCTION.

5. BROKEN LINES INDICATE PROPERTY LINES NOT SURVEYED.

6. EAST MOREHEAD STREET IS SHOWN AS A "MAJOR THOROUGHFARE" ON THE MECKLENBURG-UNION METROPOLITAN PLANNING ORGANIZATION THOROUGHFARE PLAN OF 2004 AND MEETS OR EXCEEDS THE FUTURE RIGHT-OF-WAY OF 40' FROM CENTERLINE.

7. THE OFF-SITE RIGHT-OF-WAY SHOWN HEREON IS FOR ILLUSTRATIVE PURPOSES ONLY. THE UNDERSIGNED CERTIFIES ONLY TO THE RIGHT-OF-WAYS SURVEYED, AND DOES NOT CERTIFY TO THE RIGHT OF WAY WIDTH OF ANY ADJACENT PROPERTIES.

8. ELEVATIONS BASED ON NGS MONUMENT "MCDOWELL" ELEV. = 681.79' (NAVD88)

LEGEND:

BFP - BACK FLOW PREVENTOR
C&G - CURB & GUTTER
CB - CATCH BASIN
CI - CURB INLET
CMP - CORRUGATED METAL PIPE
CP - CALCULATED POINT
CPP - CORRUGATED PLASTIC PIPE
C/O - CLEAN OUT
D.B. - DEED BOOK
DI - DROP INLET
DIP - DUCTILE IRON PIPE
ECM - EXISTING CONCRETE MONUMENT
EIP - EXISTING IRON PIPE
EIR - EXISTING IRON ROD
EMM - EXISTING METAL MONUMENT
EN - EXISTING NAIL
EOG - EDGE OF GRAVEL
EOP - EDGE OF PAVEMENT
EU - END UNKNOWN
FC - FIRE CONNECTION
FH - FIRE HYDRANT
FP - FLAG POLE
FV - FIRE VALVE
GDP - GUARD POST
GLT - GROUND LIGHT
GM - GAS METER
GP - GATE POST
GV - GAS VALVE
GW - GUY WIRE
HVAC - HEATING, VENTILATION, AIR COND.
HW - HEADWALL
ICV - IRRIGATION CONTROL VALVE
JBX - JUNCTION BOX
LMP - LAMP POST
LP - LIGHT POLE
(M) - MEASURED
MBX - MAILBOX
M.B. - MAP BOOK
MW - MONITORING WELL
N.G.S. - NATIONAL GEODETIC SURVEY
NIR - NEW IRON ROD
NN - NEW NAIL
O/HANG - OVERHANG
PB - POWER BOX
PIN - PARCEL IDENTIFICATION NUMBER
PM - POWER METER
PMH - POWER MANHOLE
PP - POWER POLE
PG. - PAGE
PVC - PLASTIC PIPE
(R) - RECORDED
R/W - RIGHT-OF-WAY
RCP - REINFORCED CONCRETE PIPE
RW - RETAINING WALL
SBB - BILLBOARD
SDMH - STORM DRAIN MANHOLE
SMP - MULTI-POST SIGN
SSMH - SANITARY SEWER MANHOLE
(T) - TOTAL
TB - TELEPHONE BOX
TERR. - TERRACOTTA PIPE
TMH - TELEPHONE MANHOLE
TSB - TRAFFIC SIGNAL BOX
TVB - CABLE TV BOX
WB - WATER BOX
WM - WATER METER
WSP - WATER SPIGOT
WV - WATER VALVE

LINE LEGEND:

EASEMENT
FENCE
GUARD RAIL
PROPERTY LINE
PROPERTY LINE (NOT SURVEYED)
RIGHT-OF-WAY
RIGHT-OF-WAY (NOT SURVEYED)
SETBACK
CABLE TV LINE
FIBER OPTIC LINE
GAS LINE
POWER LINE
POWER LINE (UNDERGROUND)
SANITARY SEWER PIPE
STORM DRAIN PIPE
STORM DRAIN PIPE >12"
TELEPHONE LINE
TELEPHONE LINE (UNDERGROUND)
WATER LINE
WOOD FENCE

UTILITIES:

POWER
DUKE POWER ENERGY
1-800-777-9898

TELEPHONE
BELL SOUTH TELECOMMUNICATIONS
1-888-757-6500

WATER & SEWER
CHAR.-MECK. UTILITY DEPT. (CMUD)
(704) 336-2564 WATER
(704) 357-6064 SEWER

GAS
PIEDMONT NATURAL GAS CO.
1-800-752-7504

CABLE TELEVISION
TIME WARNER CABLE
1-800-892-2253

811 Know what's below. Call before you dig.

ZONING:

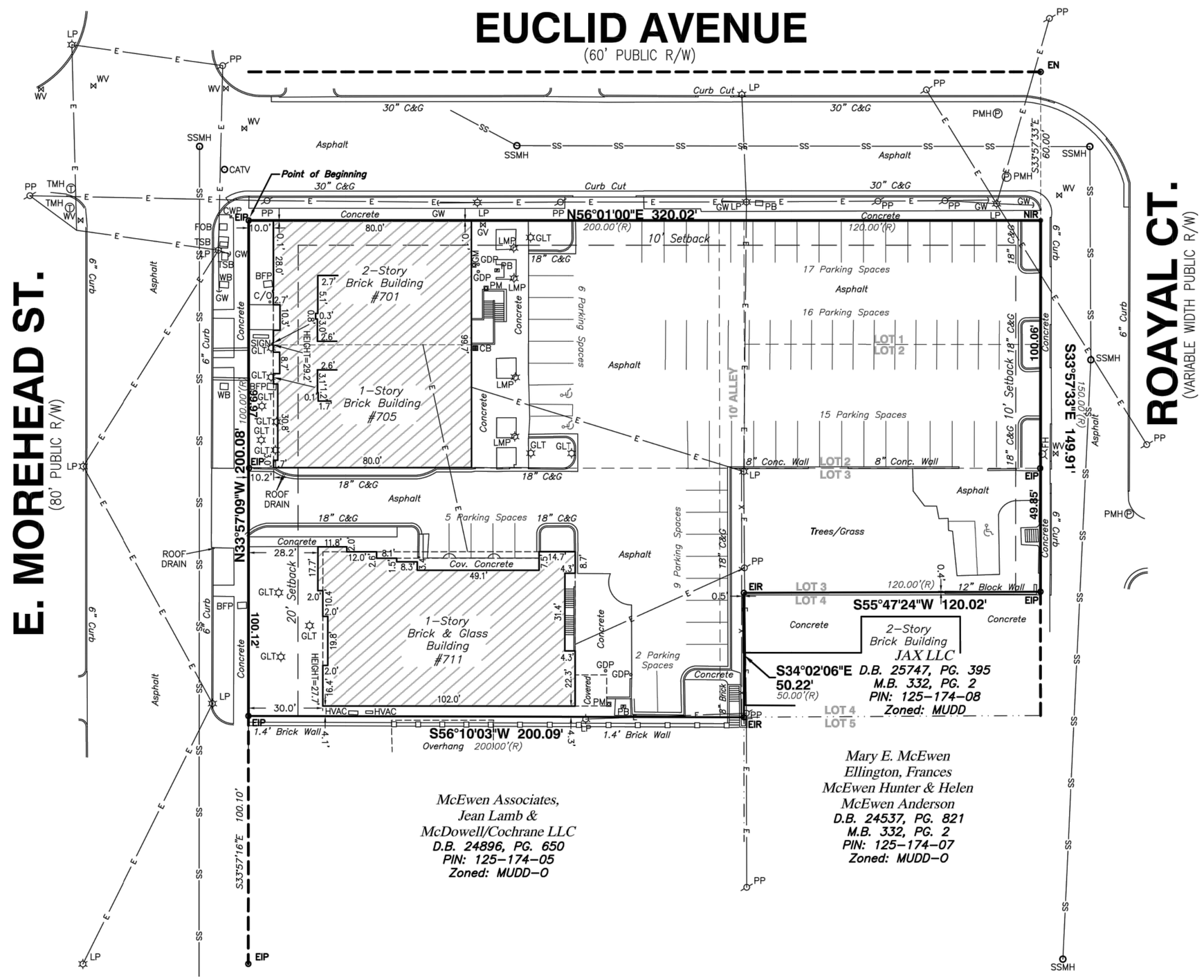
ZONING RESTRICTIONS AS PER ZONING ORDINANCE:
SUBJECT PROPERTY ZONED: B-1

MINIMUM SETBACK:	20'
MINIMUM SIDE YARD:	NONE
MINIMUM REAR YARD:	10'
MAX. BUILDING HEIGHT:	40'

FOR FURTHER INFORMATION CONTACT THE CHARLOTTE-MECKLENBURG ZONING DEPARTMENT AT 704-336-3569.

PARKING:

REGULAR PARKING SPACES	- 70
HANDICAPPED PARKING SPACES	- 3
TOTAL PARKING SPACES	- 73



SURVEYOR'S DESCRIPTION:

That certain tract or parcel of land situated, lying and being in the City of Charlotte, County of Mecklenburg, State of North Carolina and being more particularly described as follows:

BEGINNING at an existing iron pipe at the southeast intersection of East Morehead Street (80 foot Public R/W) and Euclid Avenue (60 foot Public R/W); Thence with and along the southeast right-of-way margin of said Euclid Avenue N 56°01'00" E a distance of 320.02 feet to a new iron road marking the intersection of said Euclid Avenue and Royal Court (Variable width Public R/W); Thence with and along the southwest right-of-way margin of said Royal Court S 33°57'33" E (passing an existing iron pipe at 100.06 feet) a distance of 149.91 feet to an existing iron pipe, said point being the northeast corner of the property of Jax LLC (now or formerly) as described in Deed Book 25747, Page 395 in the Mecklenburg County Public Registry (the "Registry"); Thence with and along the boundary of said property of Jax LLC for the following two (2) courses and distances: (1) S 55°47'24" W a distance of 120.02 feet to an existing iron rod; (2) S 34°02'06" E a distance of 50.22 feet to an existing iron rod, said point being a common corner of aforesaid property of Jax LLC and the property of McEwen Associates, Jean Lamb, and McDowell/Cochrane LLC (now or formerly) as described in Deed Book 24896, Page 650 in the Registry; Thence with and along the northwest boundary of said property of McEwen Associates, Jean Lamb, and McDowell/Cochrane LLC S 56°10'03" W a distance of 200.09 feet to an existing iron pipe on the northeast right-of-way margin of aforesaid East Morehead Street (80 foot Public R/W); Thence with and along said northeast right-of-way margin of East Morehead Street N 33°57'09" W (passing an existing iron pipe at 100.12 feet) a distance of 200.08 feet to the point of BEGINNING;

having an area of 58,093 square feet or 1.3336 acres, as shown on a survey prepared by R. B. Pharr & Associates, p.a. dated March 16, 2015 (map file XX-4088).

ALTA/ACSM CERTIFICATION:

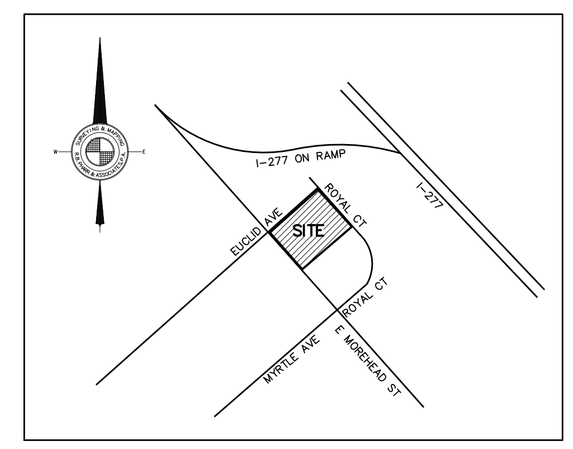
TO: L.C. STEPHENS & COMPANY; CHICAGO TITLE INSURANCE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6, 7(a), 7(b)(1), 7(c), 8, 9, 10, 11(a), AND 13 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON MARCH 16, 2015.

3/26/15

C. CLARK NEILSON — *DATE*
PROFESSIONAL LAND SURVEYOR

TOTAL AREA=58,196 SQ. FT. OR 1.34 ACRES



VICINITY MAP
NOT TO SCALE

FLOOD CERTIFICATION

THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY **IS NOT** *LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, DATED* **SEPTEMBER 2, 2015**
MAP NUMBER: 3710454300L; ZONE X

THIS IS TO CERTIFY THAT ON THE **26TH** *DAY OF* **OCTOBER** *20* **15** *AN ACTUAL SURVEY WAS MADE UNDER MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE BOUNDARY LINES AND THE IMPROVEMENTS, IF ANY, ARE AS SHOWN HEREON. THIS PLAT MEETS THE MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA, BOARD RULE .1600 (21 NCAC 56) AND THE RATIO OF PRECISION DOES NOT EXCEED AN ERROR OF CLOSURE OF ONE (1) FOOT PER 10,000 FEET OF PERIMETER SURVEYED NOR 20 SECONDS TIMES THE SQUARE ROOT OF THE NUMBER OF ANGLES TURNED.*

SIGNED

REVISIONS

FOR:
701, 705, 711 EAST MOREHEAD STREET
710 & 714 ROYAL COURT
CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA
DEED REFERENCE: 8433-499; 4518-303; 3737-60
MAP REFERENCE: BOOK 332, PAGE 2
TAX PARCEL #: 125-174-02 & 08

R.B. PHARR & ASSOCIATES, P.A.
SURVEYING & MAPPING
LICENSURE NO: C-1471
420 HAWTHORNE LANE CHARLOTTE, N.C. 28204 TEL. (704) 376-2186

CREW:	DRAWN:	REVISED:	SCALE:	DATE:	FILE NO.	JOB NO.
PH	BM		1" = 30'	OCT 29, 2015	XX-4088A	84037

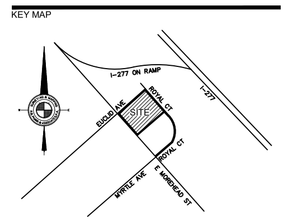
LandDesign.
223 NORTH GRAHAM STREET
CHARLOTTE, NC 28202
704.333.0325
WWW.LANDDESIGN.COM

ZCA RESIDENTIAL, LLC

Ziegler Cooper Architects
Bank of America Center
Suite 350
700 Louisiana Street
Houston, Texas
77002

vc 713|374|0000
fx 713|374|0001

KEY MAP



SEAL

PROJECT

711 EAST MOREHEAD

REZONING - SITE PLAN

HANOVER R.S. LIMITED PARTNERSHIP
1780 S POST OAK LN
HOUSTON, TEXAS 77056

LANDDESIGN PROJ.#
1020025

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	REVISIONS PER COMMENTS	06-15-2020
2	REVISIONS PER COMMENTS	08-17-2020
3	REVISIONS PER COMMENTS	09-28-2020

DESIGNED BY:
DRAWN BY:
CHECKED BY:

SCALE — NORTH
VERT:
HORZ: 1"=30'
0 15' 30' 60'

SHEET TITLE
EXISTING CONDITIONS

SHEET NUMBER
RZ-3

ORIGINAL SHEET SIZE: 24" X 36"

The primary exterior building materials for the first three levels of these three building facades shall be a combination of stucco, brick, stone, precast stone and other masonry products. The finishes and colors of these exterior building materials may vary from what is depicted on the conceptual, schematic images.

4

The primary exterior building materials for the first three levels of these three building facades shall be a combination of stucco, brick, stone, precast stone and other masonry products. The finishes and colors of these exterior building materials may vary from what is depicted on the conceptual, schematic images.

12

The primary exterior building materials for the first three levels of these three building facades shall be a combination of stucco, brick, stone, precast stone and other masonry products. The finishes and colors of these exterior building materials may vary from what is depicted on the conceptual, schematic images.

10

The primary exterior building materials for the first three levels of these three building facades shall be a combination of stucco, brick, stone, precast stone and other masonry products. The finishes and colors of these exterior building materials may vary from what is depicted on the conceptual, schematic images.

9

THE PRIMARY EXTERIOR BUILDING MATERIALS FOR THE FIRST THREE LEVELS OF THESE THREE BUILDING FACADES SHALL BE A COMBINATION OF STUCCO, BRICK, STONE, PRECAST STONE AND OTHER MASONRY PRODUCTS. THE FINISHES AND COLORS OF THESE EXTERIOR BUILDING MATERIALS MAY VARY FROM WHAT IS DEPICTED ON THE CONCEPTUAL, SCHEMATIC IMAGES.

REZONING PETITION # 2020-059

ORIGINAL SHEET SIZE: 24" X 36"

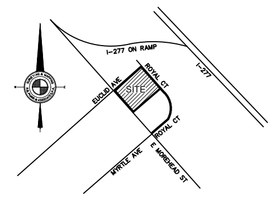
LandDesign.
223 NORTH GRAHAM STREET
CHARLOTTE, NC 28202
704.333.0325
WWW.LANDDESIGN.COM

ZCA RESIDENTIAL, LLC

Ziegler Cooper Architects
Bank of America Center
Suite 350
700 Louisiana Street
Houston, Texas
77002

vc 713|374|0000
fx 713|374|0001

KEY MAP



SEAL

PROJECT

711 EAST MOREHEAD

REZONING - SITE PLAN

HANOVER R.S. LIMITED PARTNERSHIP

1780 S POST OAK LN
HOUSTON, TEXAS 77056

LANDDESIGN PROJ.#
1020025

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	REVISIONS PER COMMENTS	06-15-2020
2	REVISIONS PER COMMENTS	08-17-2020
3	REVISIONS PER COMMENTS	09-28-2020

DESIGNED BY:
DRAWN BY:
CHECKED BY:

SCALE
VERT:
HORZ: 1"=30'
0 15' 30' 60'

NORTH

SHEET TITLE
PERSPECTIVE IMAGES

SHEET NUMBER
RZ-4

Petition 2020-059 by Hanover R.S. Limited Partnership

To Approve:

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

- The plan recommends residential/office/retail uses for the area in which the site is located.

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 current mix of uses in the area and the adopted plan recommendation.
- The petition proposes a project that supports a desired mix of housing types.
- The project is coordinating with other requests in the immediate with respect to streetscape and pedestrian improvements
- The proposed building height is consistent with the height allowed for the building on adjacent property within the same block of Morehead Street, Euclid Avenue, and Royal Court.

To Deny:

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

- The plan recommends residential/retail/office uses for the area in which the site is located.

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 #: 11.**File #:** 15-14296 **Type:** Zoning Item

Rezoning Petition: 2020-060 by Westplan Investors

Location: Approximately 11.65 acres located east of Interstate 85, north of Berkeley Place Drive, and south of Mallard Creek Church Road. (Council District 4 - Johnson)

Current Zoning: CC (commercial center)
Proposed Zoning: UR-2 (CD) (urban residential, conditional)

Public Hearing Held: September 21, 2020 - Item #41

Staff Resource: Michael Russell

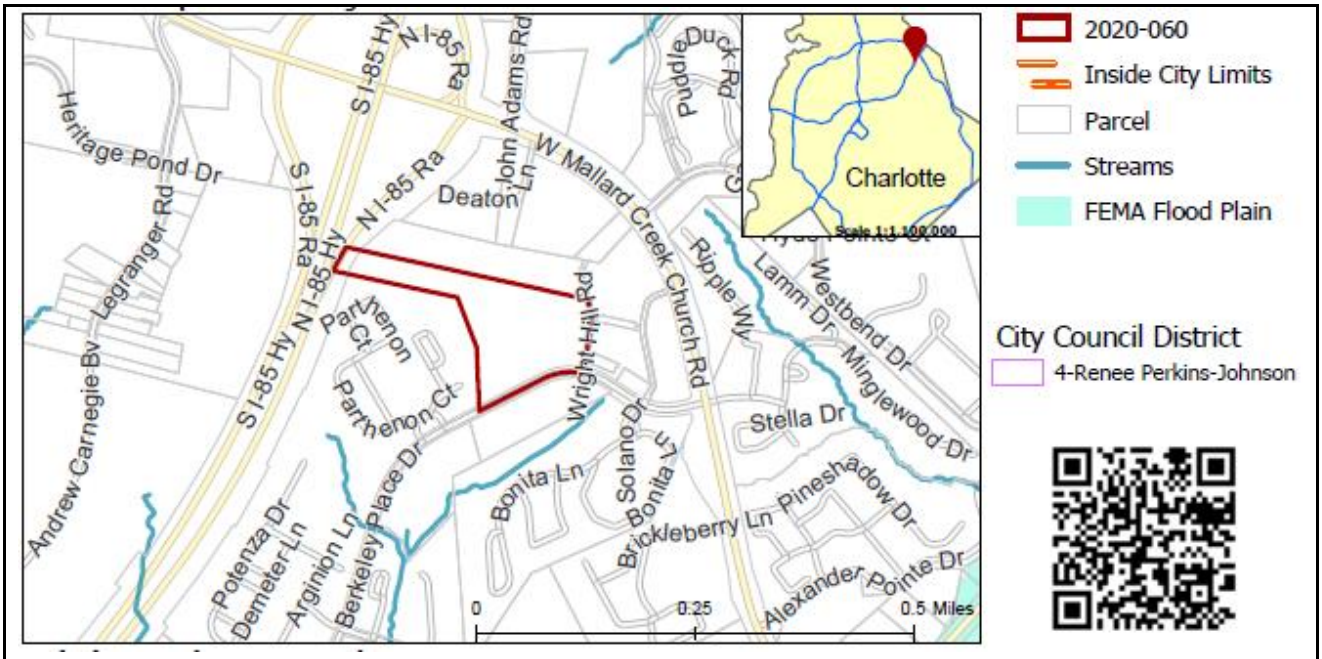
Staff Recommendation:
Staff recommends APPROVAL of this petition.

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

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-060
Post Hearing Staff Analysis
October 6, 2020

REQUEST	Current Zoning: CC (commercial center) Proposed Zoning: UR-2(CD) (urban residential, conditional)
LOCATION	Approximately 11.65 acres located east of Interstate 85, north of Berkeley Place Drive, and south of Mallard Creek Church Road.



SUMMARY OF PETITION	The petition proposes to allow up to 198 multi-family residential dwelling units for a density of 17 dwelling units per acre and accessory uses on vacant land.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Meck-Pinnacle LLC Westplan Investors 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: 1

STAFF RECOMMENDATION	Staff recommends approval of this petititon. <u>Plan Consistency</u> The residential use proposed in this site plan is **inconsistent** with the *Northeast District Plan (1996)* future land use recommendation of Office/Retail and Office/Retail/Industrial-Warehouse-Distribution. <u>Rationale for Recommendation</u> • The subject site sits on the corner of Berkeley Place and Wright Hill Road, to the east of an I-85 interchange, and proposes up to 198 multi-family residential units for a density of 17 dwelling units per acre. • Before the approval of rezoning petitions 2008-087 and 2015-015, which changed the land use to office/retail and

office/retail/industrial-warehouse-distribution, the *Northeast District Plan (1996)* recommended multi-family uses for the site.

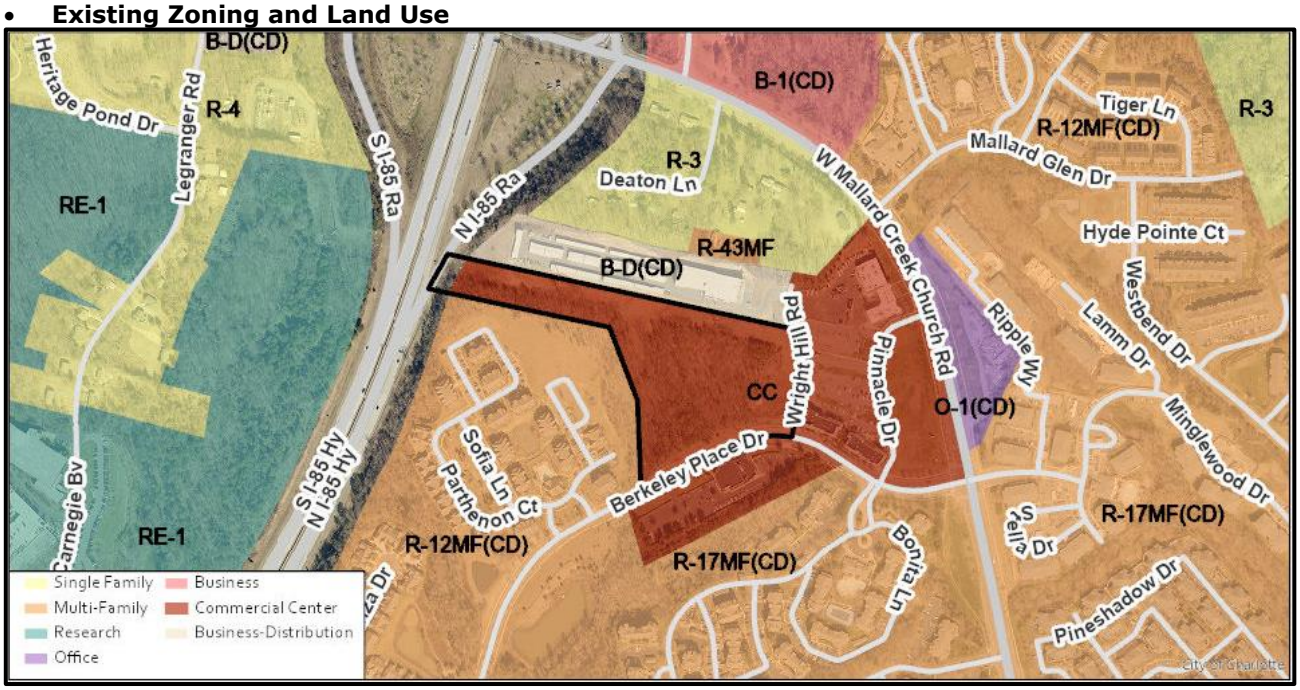
- Both petitions 2008-087 and 2015-015 rezoned the site to be suitable for a storage facility. Only one part of this facility was built, leaving the rest of the parcel fit for a residential use. A residential use for this parcel will more appropriately fulfill the area plans' goal of concentrating high-density residential "close to or along the major thoroughfares, particularly at major intersections or interchanges, close to public transit (future), near public open spaces, and in close proximity to employment and retail centers."
- The petition meets the General Development Policies locational criteria for consideration of up to 17 dwelling units per acre.
- The petition proposes an open space area on the site with several amenities including landscaping, seating areas, walkways and lighting.
- The petition commits to providing pedestrian connectivity by proposing a sidewalk and cross-walk network that links to the building on the site along the site's internal parking area and to the sidewalks along the abutting public streets.

The approval of this petition will revise the adopted future land use from office/retail and office/retail/industrial-warehouse-distribution to residential use up to 17 DUA for the site.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Allows up to 198 multi-family dwelling units.
  - Limits the total number of principle buildings to 8.
  - Limits height to 60-feet.
  - Access to the site will be from Berkeley Place Drive and Wright Hill Road.
  - Commits to an 8-foot planting strip and an 8-foot sidewalk along Berkeley Place Drive and Wright Hill Road.
  - Provides a 5-foot sidewalk and cross-walk network that links to the building on the site and to the sidewalks along the abutting public streets.
  - Provides a minimum of 6,000 square-feet of open space with landscaping, seating areas, shade structures, and lighting.
  - 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.
  - 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 up and down through the building façade.
  - Buildings shall be placed so as to present a front or side façade to Berkeley Place Drive. Parking lots shall not be located between any residential building and Berkeley Place Drive.

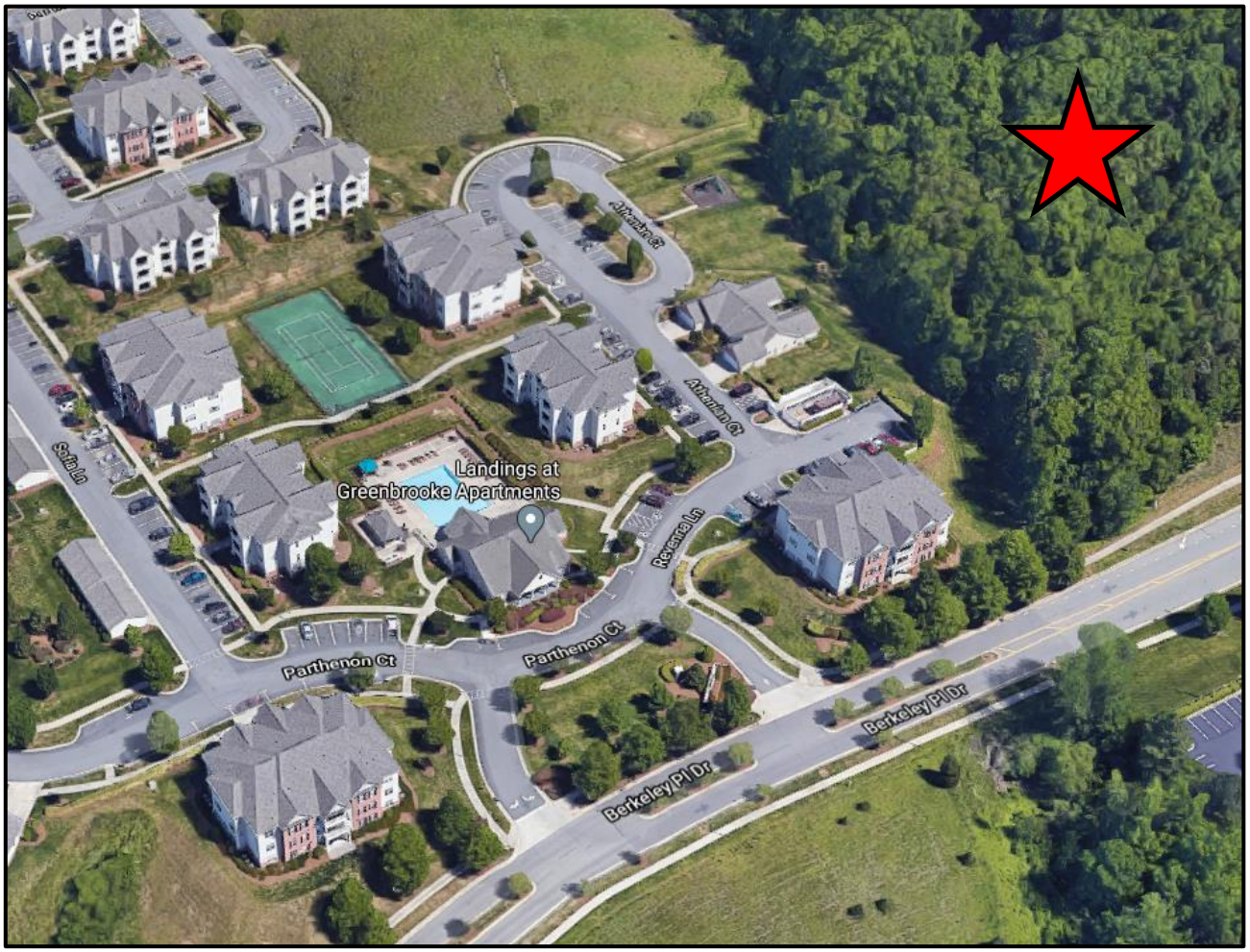
- **Existing Zoning and Land Use**



There were two previous rezoning petitions for this site. Petition 2008-087 rezoned 27.2 acres for up to 58,000 square feet of retail space, up to 200,000 square feet of office space and a self-storage facility of up to 130,000 square feet. Petition 2015-015 rezoned 18.03 acres to CC and BD(CD) to exchange existing development rights and zoning for a 130,000 square self-storage facility with the development rights and zoning for a 258,000 square foot retail/office component. Only one part of this facility was built. The surrounding land uses include multi-family, office, retail, and warehouse uses.

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

The property to the north along Wright Hill Road is developed with a self-storage use.

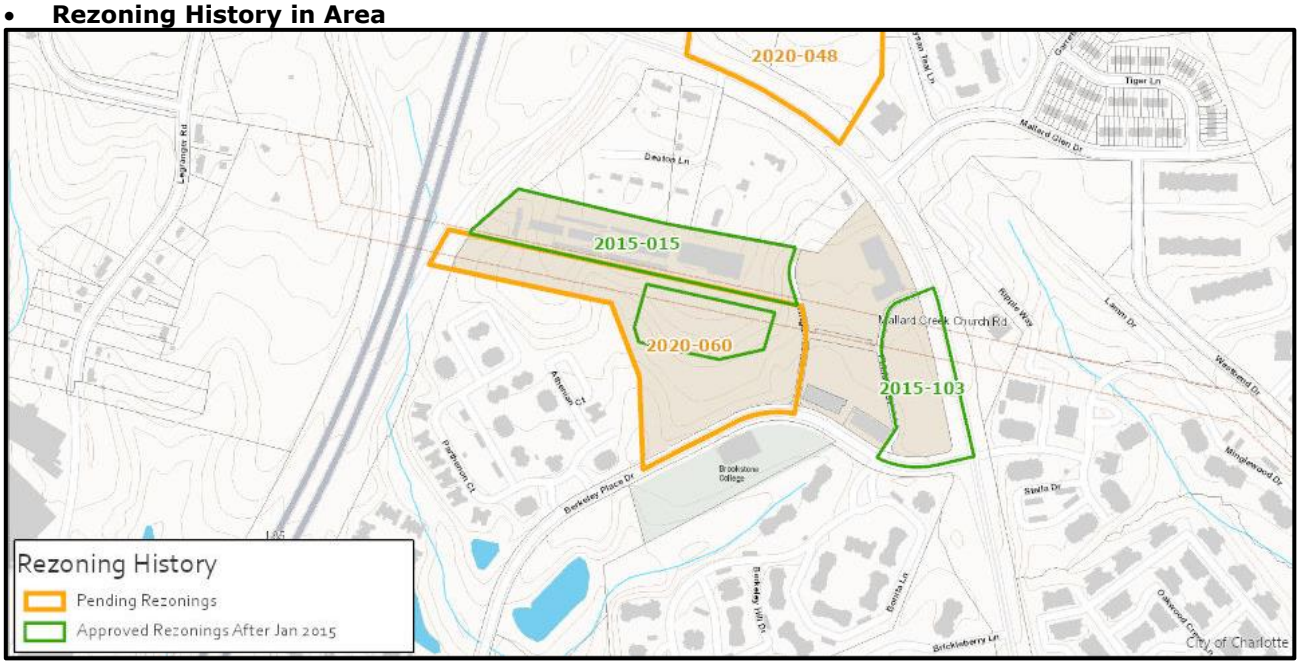


The property to the west along Berkeley Place Drive is developed with apartments.

The property to the south along Berkeley Place Drive is developed with an office use.

The property to the east along Wright Hill Drive is developed with retail and office uses.

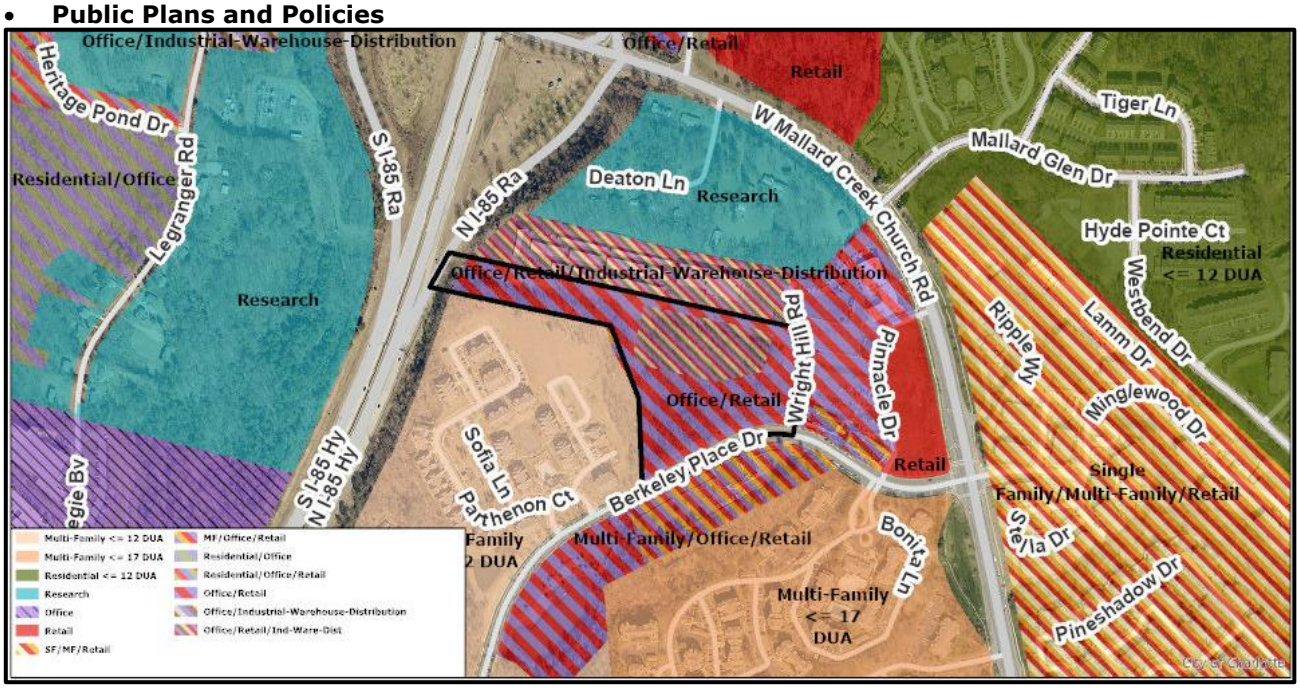
- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2020-048	Proposes to rezone 24.605 acres to MUDD-O to allow 366 apartments and 56 townhomes.	Pending
2015-103	CC site plan amendment for part of Pinnacle Point development to allow an additional 31,000 square feet of retail.	Approved
2015-015	Rezoned 18.03 acres to CC and BD(CD) to exchange existing development rights and zoning for a 130,000	Approved

	square self-storage facility with the development rights and zoning for a 258,000 square foot retail/office component.	

- **Public Plans and Policies**



  - The *Northeast District Plan (1996)* recommends Office/Retail and Office/Retail/Industrial-Warehouse-Distribution for this site.

- **TRANSPORTATION SUMMARY**
  - The site is located on a local road. The petitioner commits to installing an 8-foot planting strip and 8 and 6-ft sidewalks on Berkeley Place Drive and Wright Hill Road, respectively, in accordance with City Charlotte WALKS Policy. CDOT requests the petitioner to convert the existing on-street parking spaces to comply with PROWAG requirements.
- **Active Projects:**
  - Mallard Creek Church Rd. 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**
  - ~~See Requested Technical Revisions, Note 1.~~ ADDRESSED
- **Vehicle Trip Generation:**

  Current Zoning:

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

  Entitlement: 6,430 trips per day (based on 58,000 square feet of retail; 200,000 square feet of office; 130,000 square feet of mini-warehouse).

  Proposed Zoning: 1,460 trips per day (based on 198 apartment 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 zero students while the development allowed under the proposed zoning may produce 24 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 24.

- 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 112%.
  - James Martin Middle remains at 74%.
  - Vance High remains 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 Berkeley Place Drive. 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:** No outstanding issues.
  - **Urban Forestry:** No outstanding issues.

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

- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

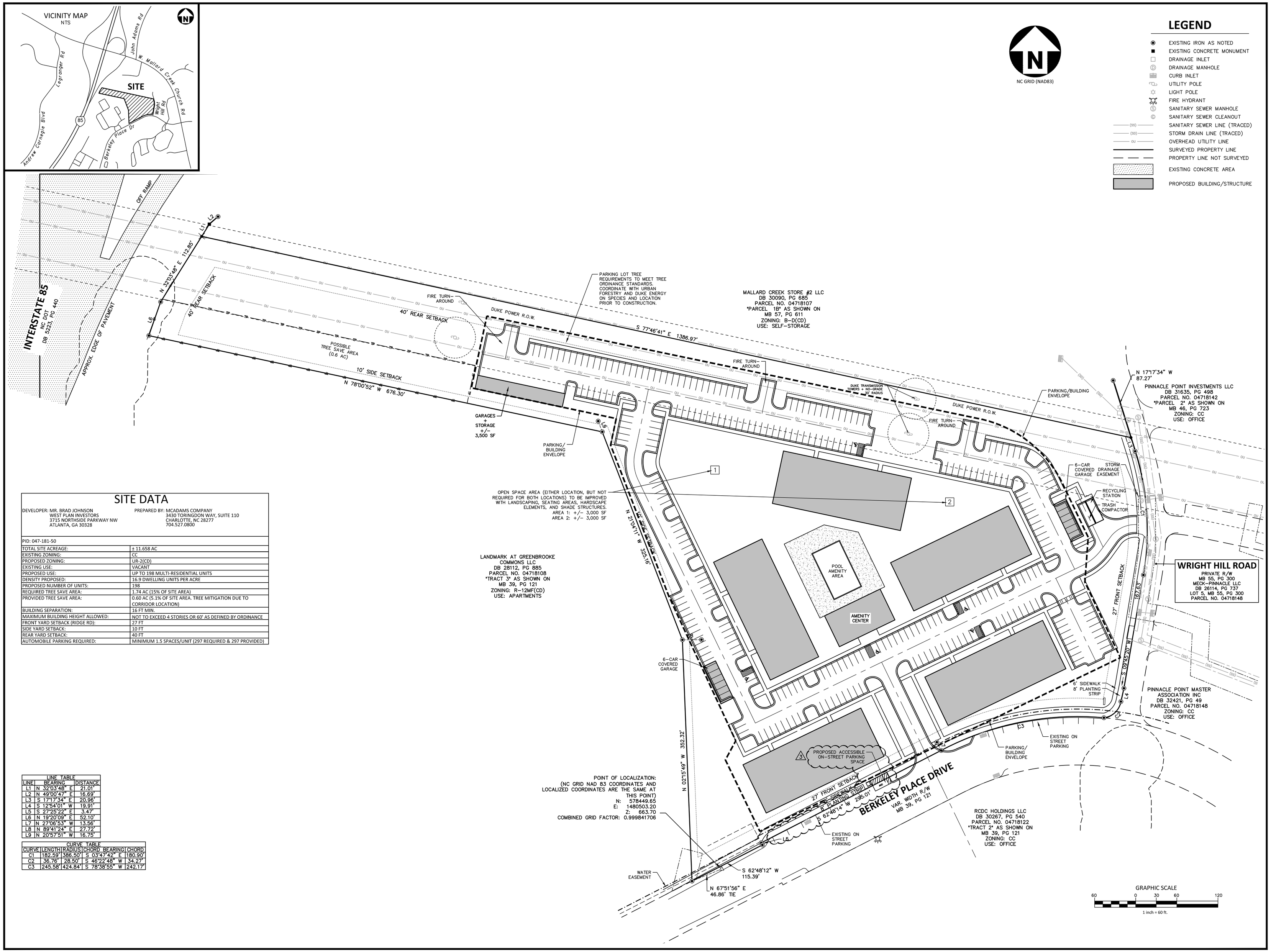
REQUESTED TECHNICAL REVISIONS

Transportation

~~1. Technical Clarification (site plan dated 8-17-20) The petitioner should revise the site plan to revise the existing marked on-street parking spaces, along the petitioner's site frontage, to provide PROWAG required on-street parking spaces, according to CLDSM standard detail number 50.09D.~~ ADDRESSED

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

Planner: Michael Russell (704) 353-0225



SITE DATA

DEVELOPER: MR. BRAD JOHNSON
WEST PLAN INVESTORS
3715 NORTHSIDE PARKWAY NW
ATLANTA, GA 30328

PREPARED BY: MCADAMS COMPANY
3430 TORINGDON WAY, SUITE 110
CHARLOTTE, NC 28277
704.527.0800

PID: 047-181-50	
TOTAL SITE ACREAGE:	± 11.658 AC
EXISTING ZONING:	CC
PROPOSED ZONING:	UR-2(CD)
EXISTING USE:	VACANT
PROPOSED USE:	UP TO 198 MULTI-RESIDENTIAL UNITS
DENSITY PROPOSED:	16.98 DWELLING UNITS PER ACRE
PROPOSED NUMBER OF UNITS:	198
REQUIRED TREE SAVE AREA:	1.74 AC (15% OF SITE AREA)
PROVIDED TREE SAVE AREA:	0.60 AC (5.1% OF SITE AREA. TREE MITIGATION DUE TO CORRIDOR LOCATION)
BUILDING SEPARATION:	16 FT MIN.
MAXIMUM BUILDING HEIGHT ALLOWED:	NOT TO EXCEED 4 STORIES OR 60' AS DEFINED BY ORDINANCE
FRONT YARD SETBACK (RIDGE RD):	27 FT
SIDE YARD SETBACK:	10 FT
REAR YARD SETBACK:	40 FT
AUTOMOBILE PARKING REQUIRED:	MINIMUM 1.5 SPACES/UNIT (297 REQUIRED & 297 PROVIDED)

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 32°03'48" E	21.01'
L2	N 49°00'47" E	16.69'
L3	S 17°17'34" E	20.96'
L4	S 12°54'01" W	19.91'
L5	S 27°25'22" E	3.47'
L6	N 19°20'09" E	52.10'
L7	N 27°06'53" W	13.56'
L8	N 89°41'24" E	27.72'
L9	N 20°57'51" W	16.75'

CURVE TABLE

CURVE	LENGTH	RADIUS	CHORD BEARING	CHORD
C1	182.59'	386.50'	S 03°47'42" E	180.90'
C2	36.76'	28.50'	S 46°22'48" W	34.27'
C3	245.58'	424.84'	S 78°38'55" W	242.17'

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
www.mcadamsco.com

OWNER

WESTPLAN INVESTORS
3715 NORTHSIDE PARKWAY NW
ATLANTA, GA 30328

>20 years
WESTPLAN INVESTORS

ACCENT BERKELEY PLACE

REZONING PLAN
PETITION 2020-060
BERKELEY PLACE DRIVE
CHARLOTTE, NORTH CAROLINA

NORTH CAROLINA PROFESSIONAL SEAL LICENSED LANDSCAPE ARCHITECT 1959 ANTHONY NICHOLAS LOWE
FOR REVIEW ONLY NOT FOR CONSTRUCTION

REVISIONS

NO.	DATE	
1	06. 17. 2020	CITY OF CHARLOTTE COMMENTS
2	08. 14. 2020	CITY OF CHARLOTTE COMMENTS
3	09. 25. 2020	CDOT COMMENTS

PLAN INFORMATION

PROJECT NO.	WPI-20000
FILENAME	WPI20000-RZ1
CHECKED BY	ANL
DRAWN BY	KML
SCALE	1"=60'
DATE	03. 18. 2020

SHEET

REZONING PLAN

RZ-1

Westplan Investors
Development Standards
2 08/14/2020
Rezoning Petition No. 2020-060 1

Site Development Data:

--**Acreage**: ±11.658
--**Tax Parcel** #: 047-181-50
--**Existing Zoning:** CC
--**Proposed Zoning:** UR-2(CD) 1
--**Existing Uses:** Vacant
--**Proposed Uses:** Up to 198 multi-family residential dwelling units together with accessory uses, as allowed in the UR-2 zoning district.
--**Proposed Density:** 17 du/ac 1
--**Maximum Building Height:** Not to exceed four (4) stories or 60 feet building height will be measured as defined by the Ordinance.
--**Parking:** As required by the Ordinance will be provided.

1. **General Provisions:**

a. **Site Location**. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Westplan Investors. ("Petitioner") to accommodate the development of a residential community on approximately 11.658-acre site generally located at the northwest intersection of Berkeley Place Drive and Wright Hill Road (the "Site").

b. **Zoning Districts/Ordinance**. Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards the regulations established under the Ordinance for the UR-2 zoning classification shall govern. 1

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

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

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

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

d. **Number of Buildings Principal and Accessory**. The total number of principal residential buildings to be developed on the Site shall not exceed eight (8). 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 198 multi-family residential dwellings units together with accessory uses allowed in the UR-2 zoning district as generally depicted on the Rezoning Plan. 1

3. **Access, Transportation and Improvements:**

a. Access to the Site will be from Berkeley Place Drive and Wright Hill Road as generally depicted on the Rezoning Plan.
b. The Petitioner will improve Berkeley Place Road with an eight (8) foot planting strip and an eight (8) foot sidewalk as generally depicted on the Rezoning Petition. 1
c. The Petitioner will provide an eight (8) foot planting strip and a six (6) foot sidewalk along Wright Hill Road as generally depicted on the rezoning Petition.
d. Any 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 1 Petitioner 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.
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 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.
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.

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

a. A twenty-seven (27) foot setback as measured from the future right-of-way will be provided along Berkeley Place Drive and Wright Hill Road as generally depicted on the Ordinance Plan
b. Side and rear yards will be provided as required by the Ordinance.
c. Improved open space will be provided on the Site. A minimum of 6,000 square feet of improved opens pace will be provided. The open space will be improved with landscaping, seating areas, walkways and lighting (additional improvements may be made to the open space areas). 1
d. Along the Site's internal parking areas, the Petitioner will provide a sidewalk and cross-walk network that links to the building on the Site and to the sidewalks along the abutting public streets in the manner 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 Berkeley Place Drive 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 Staff (this standard does not apply to the building 1 facades oriented toward Wright Hill Road).
c. Prohibited Exterior Building Materials:
i. Vinyl siding (but not vinyl hand rails, windows or door trim).

ii. Concrete Masonry Units not architecturally finished.

d. Building Placement and Site Design shall focus on and enhance the pedestrian environment through the following:
i. Buildings shall be placed so as to present a front or side façade to Berkeley Place Drive.

ii. Parking lots shall not be located between any residential building and Berkeley Place Drive.

1 iii. Surface parking areas will not be allowed between Berkeley Place Drive and the proposed multi-family residential buildings as generally depicted on the Rezoning Plan.

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 up and down through the building façade.

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 Berkeley Place Drive. Such base may be executed through use of Preferred Exterior Building Materials or articulated architectural façade features and color changes.

iii. Building elevations facing Berkeley Place Drive 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 or a Class B buffer not less than 10' in depth at all above grade perimeter not paved for access. 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.

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. 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.

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OWNER

WESTPLAN INVESTORS
3715 NORTHSIDE PARKWAY NW
ATLANTA, GA 30328

WESTPLAN INVESTORS >20 years

ACCENT BERKELEY PLACE
REZONING PLAN
PETITION 2020-060
BERKELEY PLACE DRIVE
CHARLOTTE, NORTH CAROLINA

REVISIONS

NO.	DATE	
1	06. 17. 2020	CITY OF CHARLOTTE COMMENTS
2	08. 14. 2020	CITY OF CHARLOTTE COMMENTS

PLAN INFORMATION

PROJECT NO.	WPI-20000
FILENAME	WPI20000-RZ1
CHECKED BY	ANL
DRAWN BY	KML
SCALE	N/A
DATE	03. 18. 2020

SHEET

REZONING PLAN NOTES

RZ-2

Petition 2020-060 by Westplan Investors

To Approve:

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

- The plan recommends Office/Retail and Office/Retail/Industrial-Warehouse-Distribution 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:

- The subject site sits on the corner of Berkeley Place and Wright Hill Road, to the east of an Interstate 85 interchange, and proposes up to 198 multi-family residential units for a density of 17 dwelling units per acre.
- Before the approval of rezoning petitions 2008-087 and 2015-015, which changed the land use to office/retail and office/retail/industrial-warehouse-distribution, the Northeast District Plan (1996) recommended multi-family uses for the site.
- Both petitions 2008-087 and 2015-015 rezoned the site to be suitable for a storage facility. Only one part of this facility was built, leaving the rest of the parcel fit for a residential use. A residential use for this parcel will more appropriately fulfill the area plans' goal of concentrating high-density residential "close to or along the major thoroughfares, particularly at major intersections or interchanges, close to public transit (future), near public open spaces, and in close proximity to employment and retail centers."
- The petition meets the General Development Policies locational criteria for consideration of up to 17 dwelling units per acre.
- The petition proposes an open space area on the site with several amenities including landscaping, seating areas, walkways and lighting.
- The petition commits to providing pedestrian connectivity by proposing a sidewalk and cross-walk network that links to the building on the site along the site's internal parking area and to the sidewalks along the abutting public streets.

  The approval of this petition will revise the adopted future land use from office/retail and office/retail/industrial-warehouse-distribution to residential use up to 17 DUA for the site.

To Deny:

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

- The plan recommends Office/Retail and Office/Retail/Industrial-Warehouse-Distribution 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:

City of Charlotte

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

Agenda Date: 10/6/2020

Agenda #: 12.**File #:** 15-14298 **Type:** Zoning Item

Rezoning Petition: 2020-066 by Yoruk Development Company, Inc.

Location: Approximately 3.62 acres located along the north side of Sardis Road, east of Sunnywood Lane, and south of Watergate Road. (Council District 6 - Bokhari)

Current Zoning: R-3 (single-family residential)
Proposed Zoning: UR-1 (CD) (urban residential, conditional)

Public Hearing Held: September 21, 2020 - Item #33

Staff Resource: John Kinley

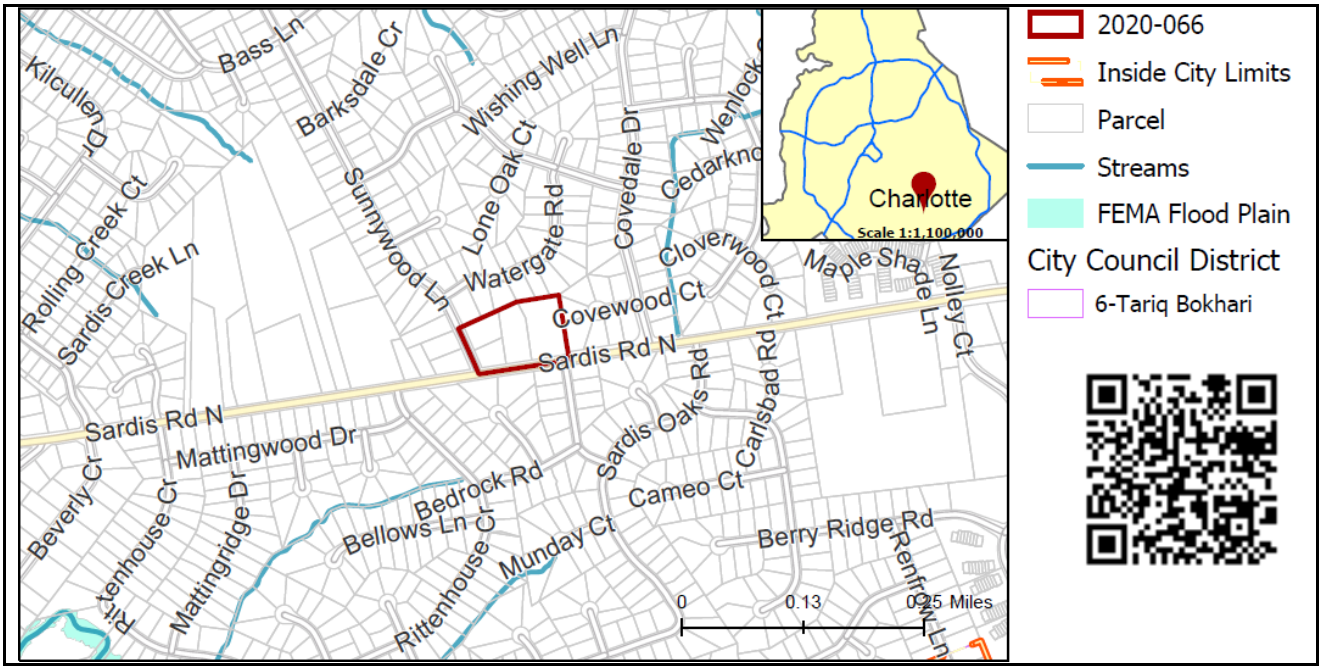
Staff Recommendation:
Staff recommends APPROVAL of this petition upon resolution of technical revisions related to Fire access.

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

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-066
Post Hearing Staff Analysis
October 6, 2020

REQUEST	Current Zoning: R-3 (single family residential) Proposed Zoning: UR-1(CD) (urban residential, conditional)
LOCATION	Approximately 3.62 acres located along the north side of Sardis Road, east of Sunnywood Lane, and south of Watergate Road.



SUMMARY OF PETITION	The petition proposes the development of 4 vacant parcels in south Charlotte allowing up to 18 single family detached homes, up to 4.97 dwelling units per acre, served by an internal private alley.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Yoruk Atilla, Ayfer Ozen, Yoruk Development Company, Inc. Yoruk Development Company Inc. Dujuana Keys & Keith MacVean, Moore & Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 36.

STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of the technical revisions related to Fire access. <u>Plan Consistency</u> The petition is **consistent** with the *South District Plan (1993)* recommendation for single family residential development use, but **inconsistent** with the plan density of 3 units per acre. However, the increased density is supported by the *General Development Policies* which support up to 8 units per acre for this site. <u>Rationale for Recommendation</u> • The proposal is for single family detached homes, the same use developed in the surrounding area. • The petition limits the density to a maximum of 4.97 units per acre.

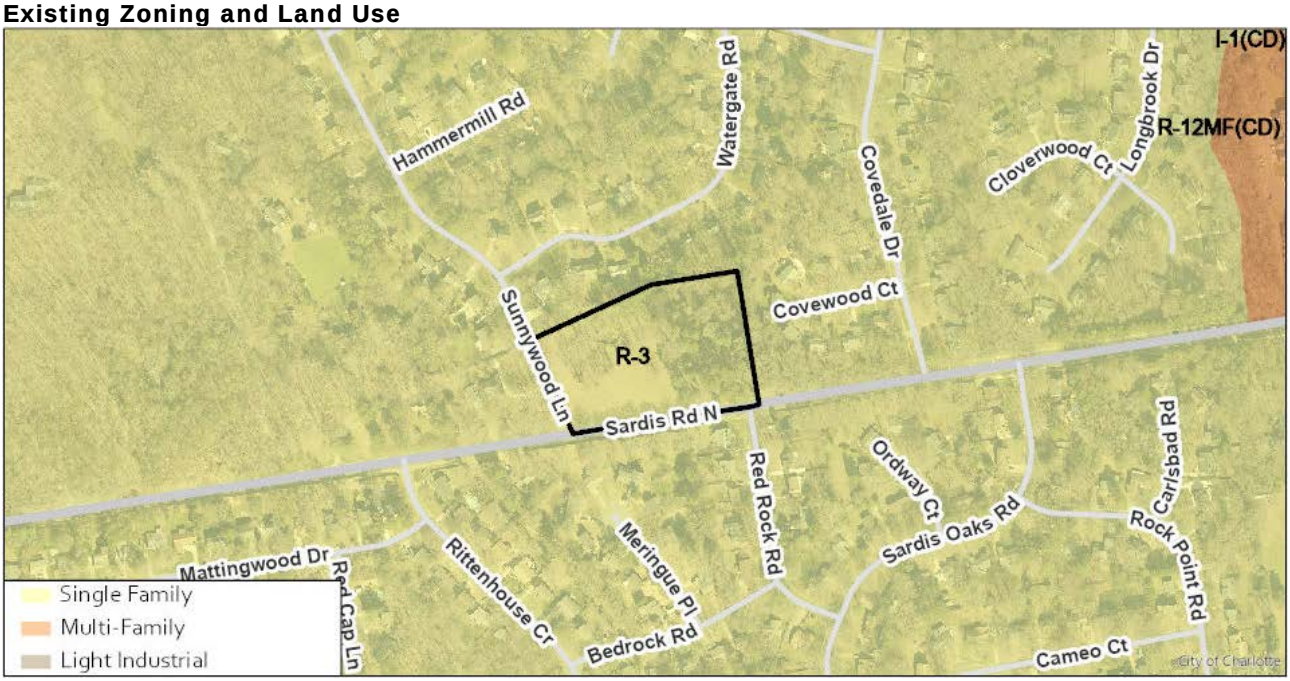
- The site plan limits building height and provides architectural commitments compatible with the existing single family development.
- The site plan provides screening and tree save areas around the site and larger setbacks that are similar to traditional single family zoning.
- The proposal develops vacant land rather than redeveloping existing single family homes.
- The site design and layout limits the number of driveways curb cuts connecting to Sunnywood Lane and Sardis Road North thus limiting potential vehicular and pedestrian conflict points.

The approval of this petition will revise the adopted future land use as specified by the *South District Plan*, from single family at 3 DUA to residential at 5 DUA for the site.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Up to 18 single family detached homes on individual lots (an overall density of 4.97 units per acre)
  - Maximum building height of 2.5 stories not to exceed 40 feet.
  - Specifies each unit will have a 2-car garage and the site will have a minimum of 18 visitor parking spaces.
  - Vehicular access to each unit via an internal shared alley. The alley is accessed from a driveway connecting to Sunnywood Lane and a driveway connecting to Sardis Road North.
  - Depicts 4 units fronting Sunnywood Lane while the remaining units front an area of internal common open space containing a minimum of 20,000 square feet improved with landscaping sidewalks, lighting and seating areas.
  - Provides a 30 foot setback along Sunnywood Lane and 28 foot setback along Sardis Road North.
  - Improves streetscape along site frontage of both Sunnywood Lane and Sardis Road North with 8 foot planting strip and 6 foot sidewalk.
  - Petition installs a pedestrian refuge island across Sardis Road North, east of Sunnywood Lane and commits to contributing $25,000 to CDOT for the construction of a pedestrian hybrid beacon at the proposed pedestrian refuge island.
  - Restripes existing two-way center turn lane on Sardis Road North to create a left-turn lane in the site's Sardis Road North driveway.
  - Provides landscape screening and tree save area around the site adjacent to existing single family homes.
  - Specifies architectural standards related to allowed façade materials, blank walls, raised entrances, prominent pedestrian entrances, usable porches and stoops and pitched roofs.
  - Specifies fences or walls used for screening shall be constructed of wood, brick, stone, metal or other materials specifically designed as fencing materials.

- **Existing Zoning and Land Use**

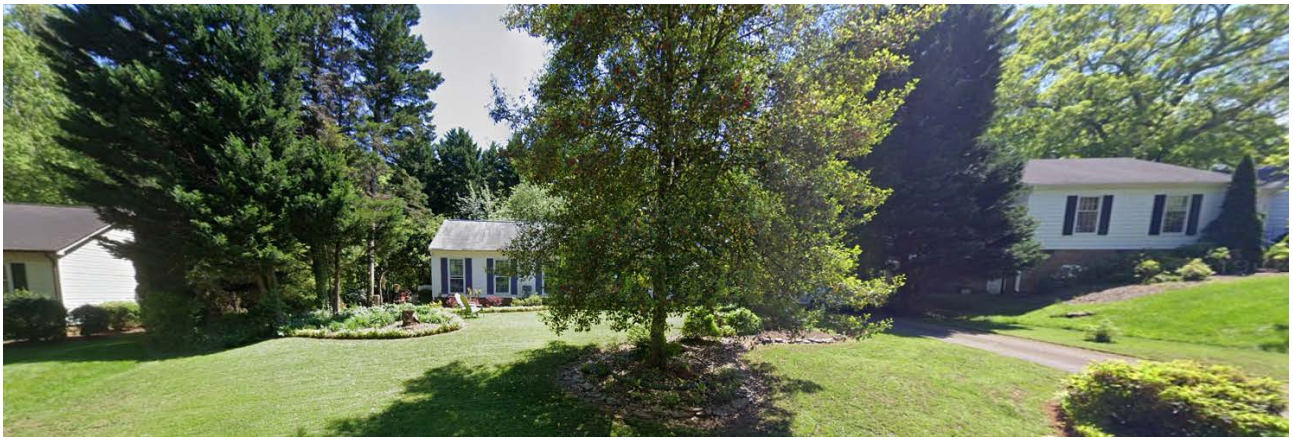


The surrounding area is developed with primarily single family residential homes in R-3 zoning. There are multi-family and commercial uses east of the site along Monroe Road.

The site, marked by red star and shown below, is currently vacant.

There are single family homes to the south across Sardis Road North that front on Red Rock Road and Meringue Place

There are two single family homes west of the site across Sunnywood Lane.



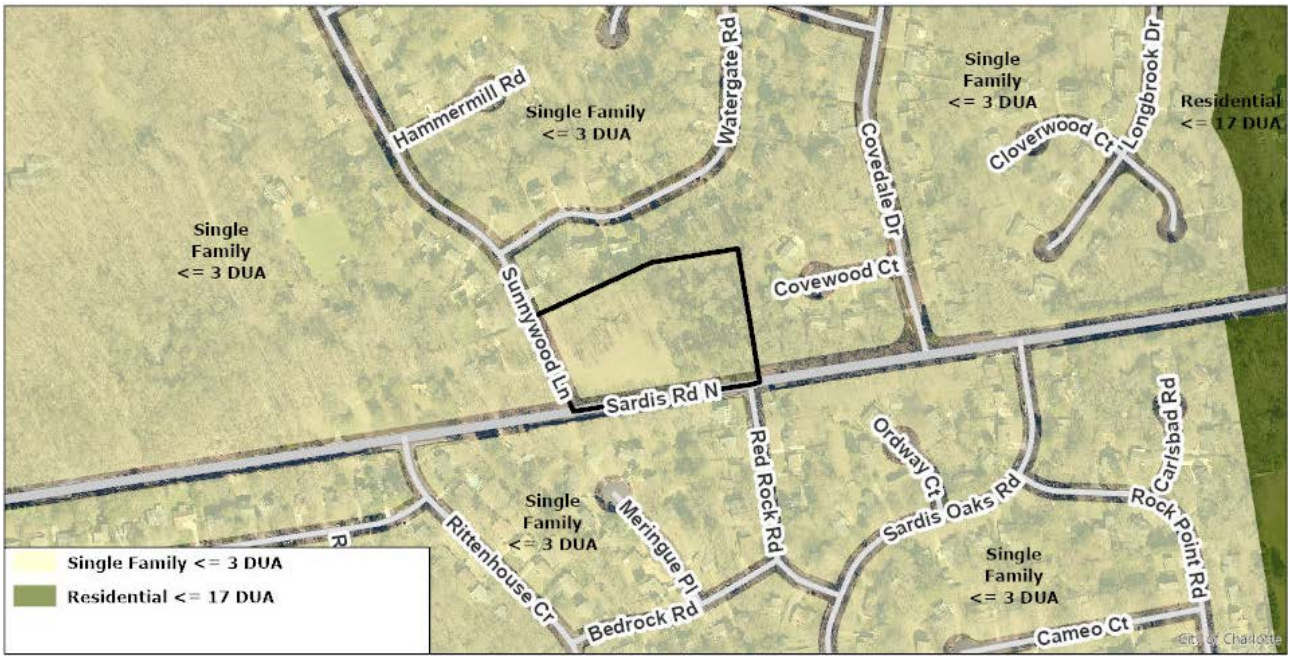
There are single family homes north of the site fronting Watergate Road.

East of the site are single family homes, well screened from Sardis Road North that front Covewood Court

- **Rezoning History in Area**

Petition Number	Summary of Petition	Status
2015-036	2.98 acres northeast of the site on Monroe Rd to I-1(CD) to allow a grocery store use.	Approved
2017-154	3.69 acres southeast of the site on Nolley Court to MUDD-O to allow multi-family residential use for seniors.	Approved

- **Public Plans and Policies**



- The *South District Plan* recommends single family residential development at 3 units per acre.
- 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 8 dwellings per acre as illustrated in the table below.

Assessment Criteria	Density Category – up to 8 dua
Meeting with Staff	1
Sewer and Water Availability	2
Land Use Accessibility	2
Connectivity Analysis	2
Road Network Evaluation	0
Design Guidelines	4
Other Opportunities or Constraints	NA
Minimum Points Needed: 11	**Total Points: 11**

- **TRANSPORTATION SUMMARY**
  - The site is located on the northeast corner of Sardis Rd. North (a minor thoroughfare) and Sunnywood Ln. (a collector street for the first 2 blocks north of Sardis Rd. North). Sunnywood Ln. provides direct access to the McAlpine Creek Greenway within ½ mile. The petitioner has committed to construct a left-turn lane on Sardis Rd. North to the proposed access point. The petitioner has committed to construct a pedestrian refuge island in the existing gore of Sardis Rd. North just east of Sunnywood Ln. and an accessible ramp on the south side of the Sardis Rd. North.
- **Active Projects:**
  - N/A
- **Transportation Considerations**
  - ~~See Outstanding Issues, Note 4.~~ ADDRESSED
- **Vehicle Trip Generation:**

  Current Zoning:

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

  Entitlement: 100 trips per day (based on 10 single family dwellings in R-3).

  Proposed Zoning: 180 trips per day (based on 18 single family 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:** No outstanding issues.

- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Historic Landmarks:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 6 students, while the development allowed under the proposed zoning may produce 10 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 4 students.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Greenway Park Elementary at 110%%
    - McClintock Middle at 130%
    - East Mecklenburg High from 101%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Sardis Road North. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along the eastern part of the parcel. No outstanding issues.
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** ~~See Outstanding Issues and Technical Revisions, Notes 5 and 9.~~ No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Site and Building Design

1. ~~Amend the first and second sheets to show and label the setback along Sardis Road North. They should match and commit to the provided setback that is depicted which appears to be roughly 28 feet from the future BOC.~~ ADDRESSED
2. ~~Amend the lot dimensions table on sheet 2. Setback should be measured from the future BOC. The setbacks depicted are greater than the minimum 14ft. The table should show 30' from future back of curb for Sunnywood Lane and minimum of 28' from future back of curb along Sardis Road North.~~ ADDRESSED
3. ~~Amend the second sentence of note 4a. to say "Along Sardis Road North a building setback with a minimum of 28 feet was measured from the future back of curb will be provided"~~ ADDRESSED

Transportation

4. ~~Revise the site plan and conditional note 3.e to state that the Petitioner agrees to pay in lieu or to install a pedestrian hybrid beacon (PHB) at the pedestrian crossing described in comment 4 of the CDOT memo from 6/26/20. Traffic volumes and speeds on this part of Sardis Rd. North are high enough that a pedestrian refuge island alone is insufficient.~~ Rescinded. The pedestrian refuge island crossing across Sardis Rd North is required to be part of the design and construction.

Environment

5. ~~Ensure that there is at least 10 feet of no build zone along Tree Save areas.~~ ADDRESSED

REQUESTED TECHNICAL REVISIONS

Site and Building Design

6. ~~On sheet 1 amend the label for the building line along Sunnywood Lane to change "existing" to "proposed"~~ ADDRESSED
7. ~~Amend the lot dimensions table on sheet 2. Setback should be measured from the future BOC. The setbacks depicted are greater than the minimum 14ft. The table should show 30' from future back of curb for Sunnywood Lane and minimum of 28' from future back of curb along Sardis Road North.~~ ADDRESSED

~~Correct the typographical error in note 3.g changing "re-strip" to "re-stripe"~~ ADDRESSED

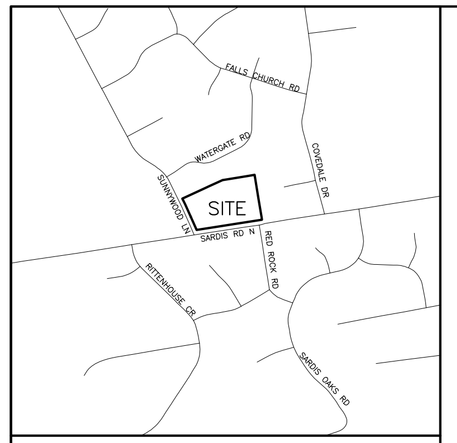
Environment

8. ~~Remove the words "or a tree save area" from note 4.b. because preserved tree save area must have a minimum width of 30 feet. You may add another sentence to say that as generally depicted a tree save area may be provided.~~ ADDRESSED
9. Amend the site plan to clarify compliance with Fire Marshal's office comments including the following:

- Amend the alley cross-sectional detail to either not show roof overhangs within the 20' zone or if roof overhangs exist that they will be a minimum of 14 feet in height.
- Add a note that pavement, curb and sidewalk will all be an all-weather surface, designed to support a minimum of 80,000 lbs.
- Add a note that no obstructions including lawns will be located within the 20' clear zone.
- Ensure all turn radii shall be 30' inside and 42' outside.

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

Planner: John Kinley (704) 336-8311



VICINITY MAP

Site Development Data:

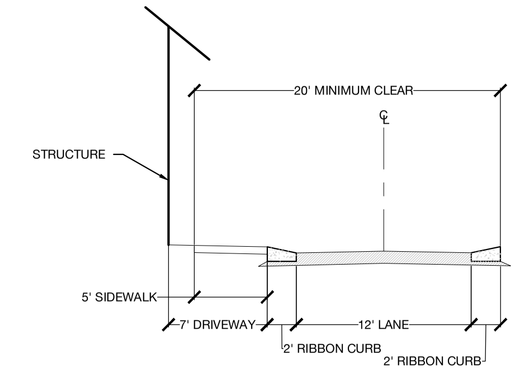
--Acreage: ± 3.62 acres
--Tax Parcel #s: 213-138-17, 213-138-29, 213-138-28, and 213-138-18
--Existing Zoning: R-3
--Proposed Zoning: UR-1(CD)
--Existing Uses: Vacant
--Proposed Uses: Residential dwellings units as permitted by right, and under prescribed conditions, together with accessory uses, as allowed in the UR-1 zoning district (all as more specifically described and restricted below in Section 3).
--Maximum Number of Residential Dwelling Units: Up to 18 single-family detached residential dwelling units as allowed by right and under prescribed conditions in the UR-1 zoning district.
--Maximum Building Height: Up to two and half (2.5) stories and not to exceed 40 feet. Height to be measured per the Ordinance.
--Parking: As required by the Ordinance. Each home will have a two (2) garage. In addition, a minimum of 18 parking spaces will be provided along the interior private alley as generally depicted on the Rezoning Plan.

Tree Save Requirements:

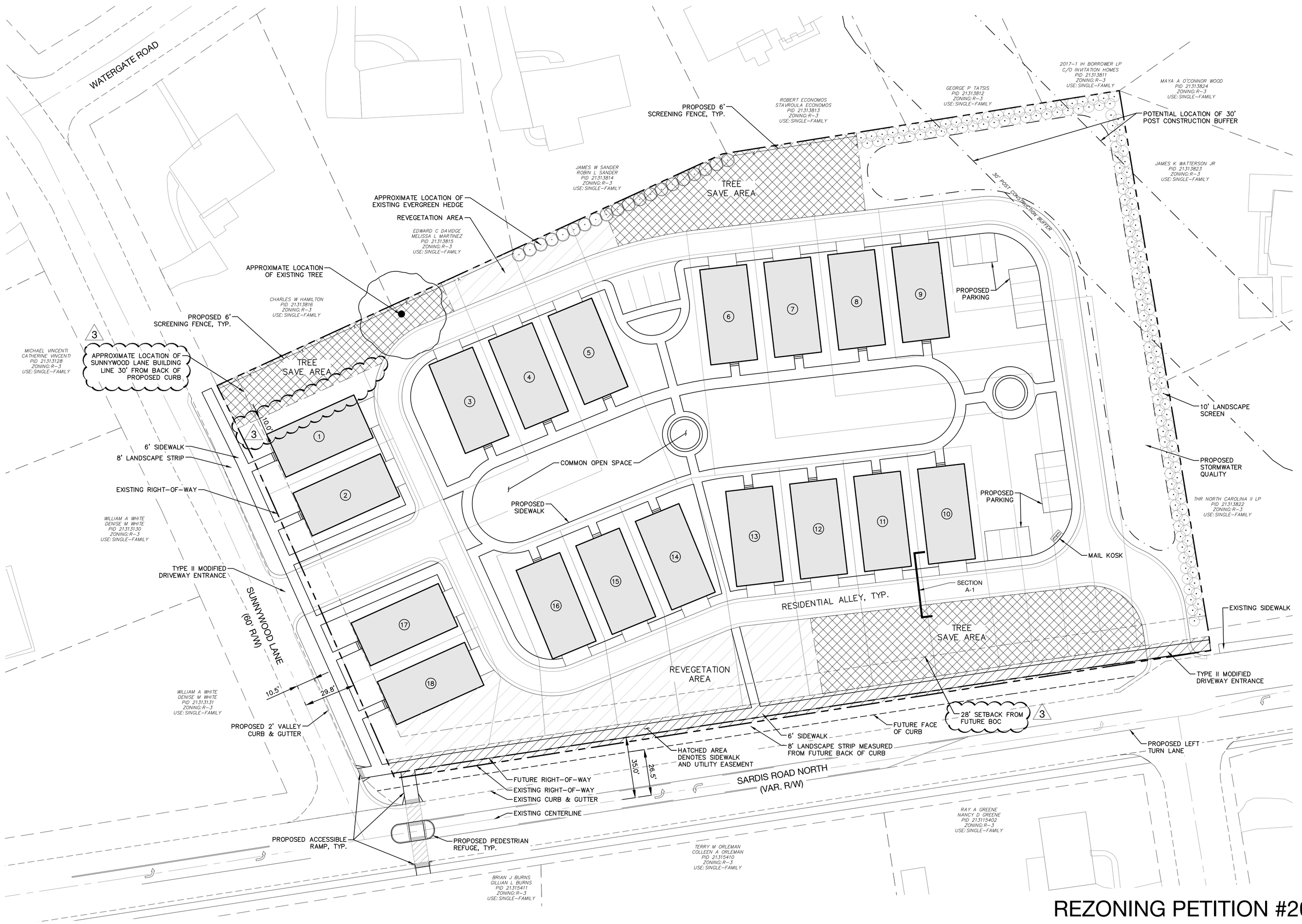
Site Area = 3.62 AC / (43,560 SF) = 157,688 +/-

157,688 SF x 10% = 15,769 SF

15,769 SF Min. Protected Tree Save Required



SECTION A-1
RESIDENTIAL ALLEY



REZONING PETITION #2020-066

GRAPHIC SCALE
30 0 15 30 60
1 INCH = 30 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

Yoruk Development Company, Inc.
Charlotte, NC 28270

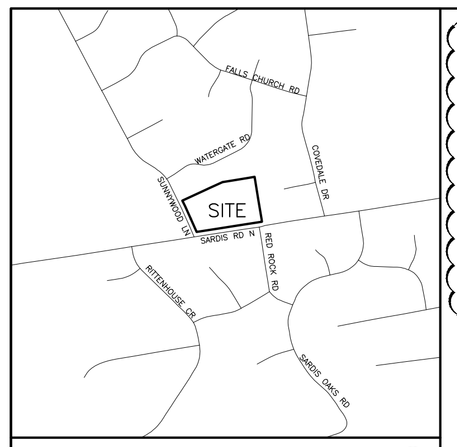
Sardis Road North Pocket Community

Rezoning Site Plan
Charlotte, NC

NO.	DATE:	BY:	REVISIONS:
1	6.15.20	UDP	PER CITY PLANNING COMMENTS
2	8.17.20	UDP	PER CITY PLANNING COMMENTS
3	9.28.20	UDP	PER CITY PLANNING COMMENTS

Project No: 18-167
Date: 03.26.2020
Designed by: UDP
Drawn By: UDP
Sheet No:

RZ-1.0



VICINITY MAP

LOT DIMENSIONS

MIN. LOT WIDTH:	20' (AT FRONTAGE)
MIN. LOT AREA:	3,000 SF
SETBACKS:	
FRONT:	
SARDIS NORTH:	28' FROM FUTURE BOC
SUNNYWOOD:	30' FROM PROPOSED BOC
SIDE:	5'
REAR:	10'

3

Site Development Data:

--Acreage: ± 3.62 acres
--Tax Parcel #s: 213-138-17, 213-138-29, 213-138-28, and 213-138-18
--Existing Zoning: R-3
--Proposed Zoning: UR-1(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 UR-1 zoning district (all as more specifically described and restricted below in Section 3).
--Maximum Number of Residential Dwelling Units: Up to 18 single-family detached residential dwelling units as allowed by right and under prescribed conditions in the UR-1 zoning district.
--Maximum Building Height: Up to two and half (2.5) stories and not to exceed 40 feet. Height to be measured per the Ordinance.
--Parking: As required by the Ordinance. Each home will have a two (2) garage. In addition, a minimum of 18 parking spaces will be provided along the interior private alley as generally depicted on the Rezoning Plan.

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 Yoruk Development Company, Inc. ("Petitioner") to accommodate the development of a high quality residential community on an approximately 3.62 acre site located at the northeast intersection of Sunnywood Lane and Sardis Road North (the "Site").

b. Zoning Districts/Ordinance. Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the UR-1(CD) 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, 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 18. 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 18 single-family residential dwellings units as permitted by right, under prescribed conditions above together with accessory uses allowed in the UR-1(CD) zoning district.

b. The proposed single-family homes will be located on individual lots with each lot having frontage on either Sunnywood Lane or Sardis Road North as generally depicted on Sheet RZ-2. The configuration and shape of the lots illustrated on sheet RZ-2 is conceptual in nature and may change from what is illustrated.

3. Access.

a. Access to the Site will be from Sardis Road North and Sunnywood Lane as generally depicted on the Rezoning Plan, subject to adjustments as set forth below.

b. The internal private street/alley will be constructed with 12 feet of pavement and with two (2) foot concrete ribbon curb on both sides. A five (5) foot s idewalk will be provided on one-side as generally depicted on the Rezoning Plan.

c. The Site's frontage on Sunnywood Lane will be improved with curb and gutter, and eight (8) foot planting strip and a six (6) foot sidewalk. Along Sardis Road North and eight (8) foot planting strip and a six (6) foot sidewalk will be provided as generally depicted on the Rezoning Plan.

d. The Petitioner will install a pedestrian refuge island in the existing gore of Sardis Road North just east of Sunnywood Lane as well as an accessible ramp on the south side of Sardis Road North.

e. The Petitioner will contribute to CDOT $25,000 to be used for the construction of a pedestrian hybrid beacon (PHB) at the proposed pedestrian refuge island location. The Petitioner will contribute these funds to CDOT prior to the issuance of the first certificate of occupancy for the Site.

f. 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.

3 g. The Petitioner will re-stripe the existing two-way center turn lane on Sardis Road to create a left-turn lane into the Sites Sardis Road North access point.

h. Any 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 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.

i. The Petitioner will dedicate and convey 35 feet of right-of-way from the center line of Sardis Road North.

j. 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.

4. Streetscape, Buffer, Landscaping Open Space and Screening:

3 a. A 30-foot setback as measured from the proposed back of curb along will be provided along Sunnywood Lane. Along Sardis Road North a building setback with a minimum of 28 feet will be provided as measured from the future back of curb as generally depicted on the Rezoning Plan. Within the setback along Sardis Road North tree save areas and landscaping will be provided. The proposed private street/alley will be allowed in the setback along Sardis Road North.

3 b. A 10-foot landscape screen will be provided along the northern and eastern property lines as generally depicted on the Rezoning Plan. In a portion of the 10-foot landscape screen area a six (6) foot solid decorative fence will be installed as generally depicted on the Rezoning Plan. Tree save areas will also be located along the northern property line as generally depicted on the Rezoning Plan.

c. The community open space located in the center of the Site will contain approximately 20,000 square feet and will be improved with landscaping, sidewalks, lighting and seating areas. Portions of the proposed community open pace may be located on the individual lots.

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 ("Proffered Exterior Building Materials"). Vinyl or aluminum as a building material may only be used on windows, soffits and on handrails/railings.

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. Usable porches and stoops shall form a predominant feature of the building design and be located on the front and/or side of the building. Usable front porches, when provided, should be covered and be at least six (6) feet deep. Stoops and entry-level porches may be covered but should not be enclosed.

d. To provide privacy, all residential entrances within 15 feet of the public street sidewalk must be raised from the average sidewalk grade a minimum of 24 inches.

e. Residential building entrances 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.

f. To provide a level of comfort and security for residents on the first floor of residential buildings, the first floor shall be visually and physically separated from the sidewalk. Examples include increasing the setback, installing additional landscaping, raising or lowering the first floor or other methods.

g. 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.

h. Buildings are placed to present a front to Sunnywood Lane. The remainder of the units will front on the interior open space as generally depicted on the Rezoning Plan.

i. Walkway should be provided to connect all residential entrances to the sidewalks along the public and private streets.

j. Each residential dwelling unit will have a two-car garage.

k. Fences or walls used for screening shall be constructed in a durable fashion of wood, brick, stone, other finished masonry materials, metal or other materials specifically designed as fencing materials.

6. Environmental Features:

a. 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 to accommodate actual storm water treatment requirements and natural site discharge points.

b. The Petitioner shall analyze the adequacy of the existing storm water conveyance on the adjoining parcels to and including Watergate Rd., 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.

c. Development within any SWIM/PCSO Buffer shall be coordinated with and subject to approval by Charlotte-Mecklenburg Storm Water Services and mitigation 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.

d. 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.

8. Solid Waste Collection:

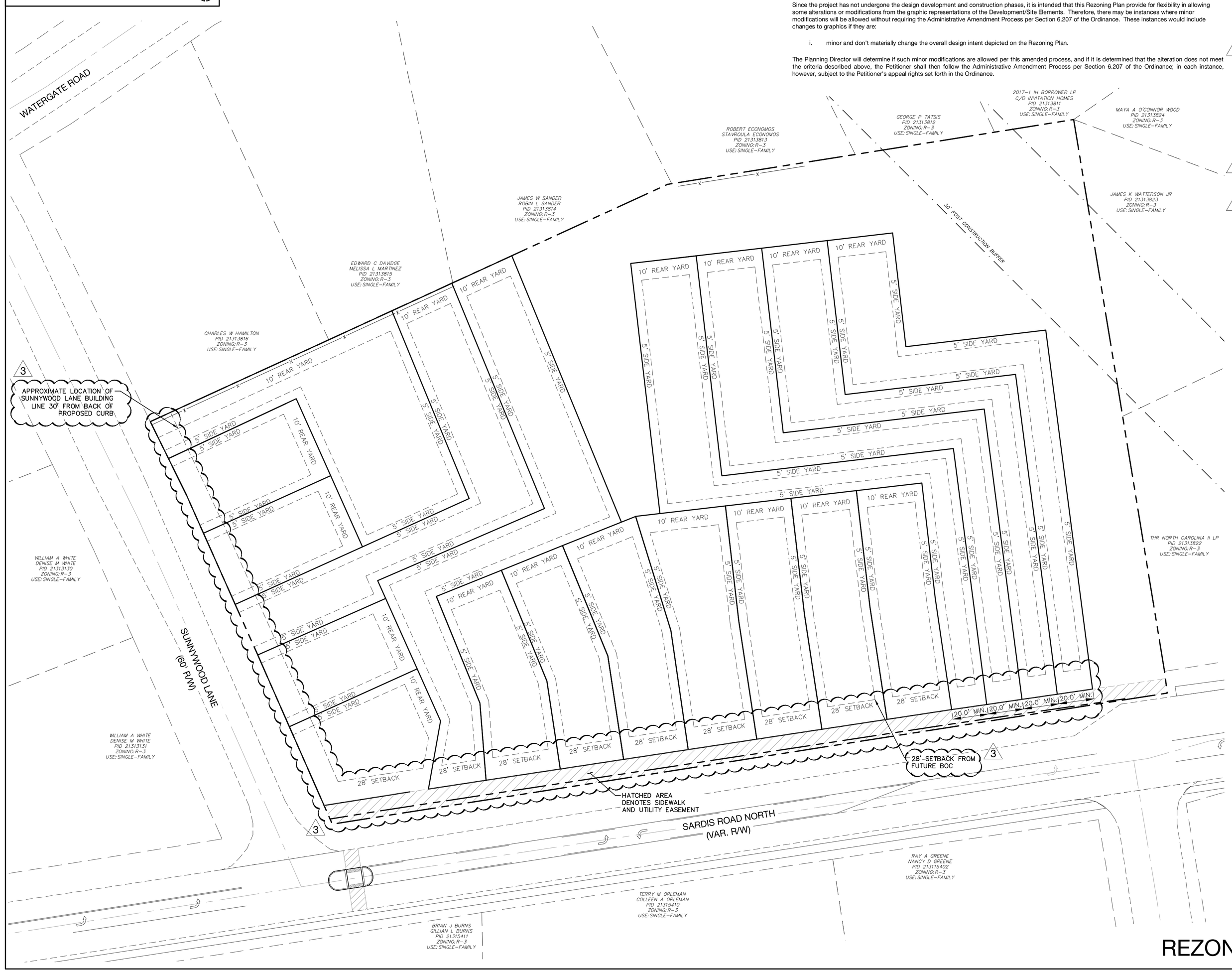
a. Solid waste collection services for the Site will either be provided by the City or by a private service.

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.



REZONING PETITION #2020-066

GRAPHIC SCALE
30 0 15 30 60
1 INCH = 30 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

Yoruk Development Company, Inc.
Charlotte, NC 28270

Sardis Road North Pocket Community

Lot Layout Plan
Charlotte, NC

NO.	DATE:	BY:	REVISIONS:
1.	6.15.20	UDP	PER CITY PLANNING COMMENTS
2.	8.17.20	UDP	PER CITY PLANNING COMMENTS
3.	9.28.20	UDP	PER CITY PLANNING COMMENTS

Project No: 18-167
Date: 03.26.2020
Designed by: UDP
Drawn By: UDP
Sheet No:

RZ-2.0

Petition 2020-066 by Yoruk Development Company Inc.

To Approve:

This petition is found to be **consistent** with the *South District Plan*, but inconsistent with the plan density. However, the increased density is supported by the *General Development Policies* based on the information from the staff analysis and the public hearing, and because:

- The plan recommends single family residential development use; and
- The plan recommends a density of up to 3 dwelling units per acre; and
- The *General Development Policies* support up to 8 dwelling units per acre.

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

- The proposal is for single family detached homes, the same use developed in the surrounding area.
- The petition limits the density to a maximum of 4.97 units per acre.
- The site plan limits building height and provides architectural commitments compatible with the existing single family development.
- The site plan provides screening and tree save areas around the site and larger setbacks that are similar to traditional single family zoning.
- The proposal develops vacant land rather than redeveloping existing single family homes.
- The site design and layout limits the number of driveways curb cuts connecting to Sunnywood Lane and Sardis Road North thus limiting potential vehicular and pedestrian conflict points.

  The approval of this petition will revise the adopted future land use as specified by the *South District Plan*, from single family at 3 DUA to residential at 5 DUA for the site.

To Deny:

This petition is found to be **consistent** with the *South District Plan*, but inconsistent with the plan density. However, the increased density is supported by the *General Development Policies* based on the information from the staff analysis and the public hearing, and because:

- The plan recommends single family residential development use; and
- The plan recommends a density of up to 3 dwelling units per acre; and
- The *General Development Policies* support 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:

City of Charlotte

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

Agenda Date: 10/6/2020

Agenda #: 13.**File #:** 15-14299 **Type:** Zoning Item

Rezoning Petition: 2020-067 by Terranova Group, LLC

Location: Approximately 2.96 acres located at the 2400 block of Mecklenburg Avenue, just east of its intersection with Matheson Avenue near the Charlotte Country Club. (Council District 1 - Egleston)

Current Zoning: R-3 (residential)
Proposed Zoning: UR-1 (CD) (urban residential, conditional)

Public Hearing Held: September 21, 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

Petition 2020-067 by Terranova Group, LLC

To Approve:

This petition is found to **inconsistent** with the *Central District Plan* (1993) with respect to land use, but **consistent** with the plan's recommended density, based on the information from the staff analysis and the public hearing, and because:

- The plan recommends detached single-family residential uses up to four 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:

- Although the request for a mix of single family detached and duplex units is inconsistent with the plan recommendation for single family detached, the requested density is under the recommended density for the subject property.
- The proposal achieves the Central District Plan's policy of promoting opportunities for residential density infill in the interior of neighborhoods to preserve the existing neighborhood character. This petition accomplishes that preservation of character by rehabilitating the historic Shaw House and providing two other detached homes along the frontage of Mecklenburg Avenue while positioning the planned multi-family portion in the rear of the property.
- In order to preserve the character of neighborhoods in the area, the Plan recommends the preservation of "the unique historical and architectural quality of these neighborhoods." The preservation of a historic home is a key element of this rezoning proposal.
- The Central District Plan recommends consistency with existing land uses. While the immediate area surrounding this petition lacks residential infill activity seen in adjacent neighborhoods, there are several concentrations of single family housing, multi-family housing, and infill development in the general area. Consistency with the existing neighborhood and surrounding residential context is maintained by fronting Mecklenburg Avenue with two additional single family detached homes.

The approval of this petition will revise the adopted future land use as specified by the *Central District Plan* from single family detached residential up to four DUA to residential uses up to four DUA for the site.

To Deny:

This petition is found to **inconsistent** with the *Central District Plan* (1993) with respect to land use, but **consistent** with the plan's recommended density, based on the information from the staff analysis and the public hearing, and because:

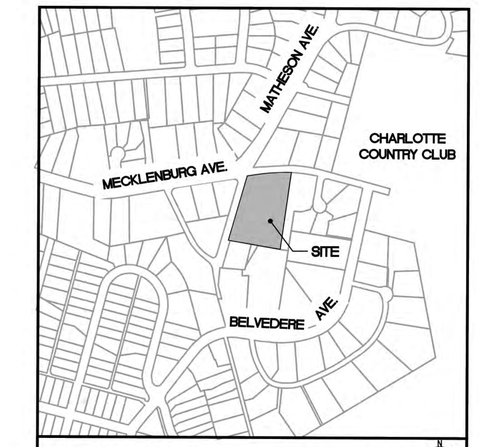
- The plan recommends detached single-family residential uses up to four dwelling units per acre (DUA).

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:



VICINITY MAP N.T.S.

LEGEND

SYMBOL

- PROPERTY LINE/RIGHT-OF-WAY
- EXISTING BUILDING
- CONTOUR (1' INTERVAL INSIDE PROPERTY BOUNDARY)
- CONTOUR (2' INTERVAL OUTSIDE PROPERTY BOUNDARY)

REZONING SUMMARY

PETITIONER:	TERRANOVA GROUP, LLC 93 CLEVELAND STREET GREENVILLE, SC 29601
PROPERTY OWNER:	MECKLENBURG PARK, LLC 93 CLEVELAND STREET GREENVILLE, SC 29601 TERRANOVA GROUP, LLC 93 CLEVELAND STREET GREENVILLE, SC 29601
TAX PARCEL:	09505544
EXISTING ZONING:	R-3
PROPOSED ZONING:	UR-2 (CD)
GIS ACREAGE:	2.963 ACRES

REZONING PLAN SHEETS

RZ1.0	EXISTING CONDITIONS
RZ2.0	REZONING SITE PLAN
RZ3.0	SCHEMATIC ILLUSTRATIVE SITE PLAN
RZ4.0	DEVELOPMENT NOTES

NOTE:

1. EXISTING MAIN HOUSE TO REMAIN AS A PART OF THIS PETITION.

ColeJenest & Stone

Shaping the Environment
Realizing the Possibilities

Land Planning
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Landscape Architecture
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Civil Engineering
+
Urban Design

200 South Tryon Street, Suite 1400
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urls www.colejeneststone.com

TERRANOVA GROUP, LLC

93 CLEVELAND STREET
GREENVILLE, SC 29601

SHAW HOUSE REZONING 2020-067

2400 MECKLENBURG AVENUE
CHARLOTTE, NC 28205

EXISTING CONDITIONS

Project No.
4696

Issued
03/25/20

Revised

06/15/2020 – REVISIONS PER CITY OF CHARLOTTE COMMENTS
08/17/2020 – REVISIONS PER CITY OF CHARLOTTE COMMENTS
09/28/2020 – REVISIONS PER CITY OF CHARLOTTE COMMENTS

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

N

RZ-1

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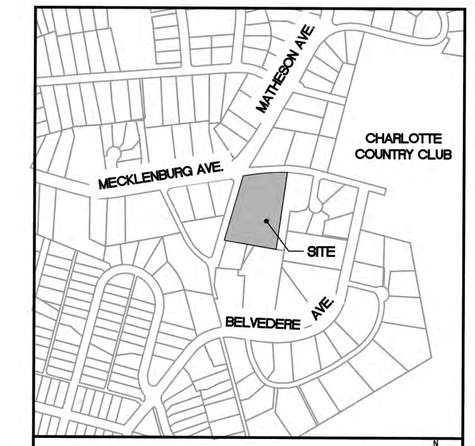

VICINITY MAP N.T.S.

LEGEND

SYMBOL

- PROPERTY LINE/RIGHT-OF-WAY
- CONTOUR (1' INTERVAL INSIDE PROPERTY BOUNDARY)
- CONTOUR (2' INTERVAL OUTSIDE PROPERTY BOUNDARY)
- RESIDENTIAL/PARKING ENVELOPE
- PROPOSED STREET NETWORK
- BUILDING TO BE REMOVED
- EXISTING TREE (MAY BE REMOVED)
- POTENTIAL TREE SAVE AREA

REZONING SUMMARY:

PETITIONER:	TERRANOVA GROUP, LLC.
PROPERTY OWNER:	MECKLENBURG PARK, LLC.
REZONING SITE AREA:	2.9683 ± AC
TAX PARCEL#:	095-055-44
EXISTING ZONING:	R-3
PROPOSED ZONING:	UR-2 (CD)
PREVIOUS PETITION NO:	N/A
EXISTING USE:	SINGLE FAMILY RESIDENTIAL
PROPOSED USE:	SINGLE FAMILY AND DUPLEX
BUILDING SETBACK:	14' FROM BACK OF EXISTING OR PROPOSED CURB WHICHEVER IS GREATER
MIN. SIDE YARD*:	5'
MIN. REAR YARD*:	10'
MAX. HEIGHT:	UP TO 40'
REQUIRED PARKING:	PER ORDINANCE
OPEN SPACE PROVIDED:	SHALL MEET ORDINANCE REQUIREMENTS

POTENTIAL TREE SAVE AREA (TYP.)
15% MIN (±0.45 ACRES) OF 2.97 ACRE SITE TO BE PRESERVE. FINAL LIMITS OF 15% MAY VARY FROM WHAT IS DEPICTED ON REZONING PLAN. FINAL LIMITS WILL BE ESTABLISHED DURING PERMITTING.

*NOTE EXISTING HOUSE TO REMAIN AS PART OF THIS PETITION.

**FINAL BUILDING ORIENTATION AND PLANNED MULTI-FAMILY DESIGNATION WILL DETERMINE SETBACKS ASSOCIATED WITH PARCEL(S).

***EXISTING TREES TO REMAIN WILL BE DETERMINED UPON FINAL BUILDING FOOTPRINTS AND ORIENTATION NOTED AND APPROVED DURING THE PERMITTING PHASE OF DEVELOPMENT.

****ALL BUILDING FOOTPRINTS AND ACCESS POINTS TO THE PROPOSED ALLEY ARE CONCEPTUAL IN NATURE. FINAL BUILDING FOOTPRINTS AND ACCESS ORIENTATION WILL BE NOTED AND APPROVED DURING THE PERMITTING PHASE OF DEVELOPMENT.

ColeJenest & Stone

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Civil Engineering
+
Urban Design

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urls www.colejeneststone.com

TERRANOVA GROUP, LLC

93 CLEVELAND STREET
GREENVILLE, SC 29601

SHAW HOUSE REZONING 2020-067

2400 MECKLENBURG AVENUE
CHARLOTTE, NC 28205

TECHNICAL DATA SHEET

Project No.
4696

Issued
03/25/20

Revised

06/15/2020 – REVISIONS PER CITY OF CHARLOTTE COMMENTS
08/17/2020 – REVISIONS PER CITY OF CHARLOTTE COMMENTS
09/28/2020 – REVISIONS PER CITY OF CHARLOTTE COMMENTS

SCALE: 1"=20'
0 10' 20' 40'
N

RZ-2

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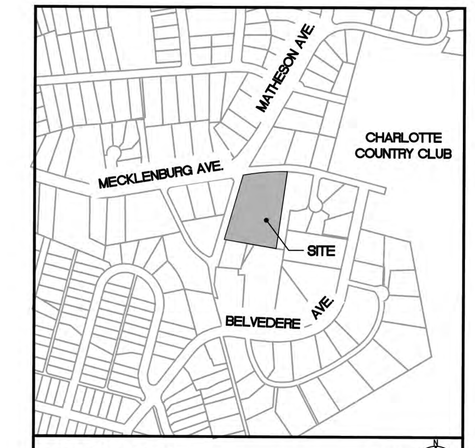

VICINITY MAP N.T.S.

LEGEND

SYMBOL

- PROPERTY LINE/RIGHT-OF-WAY
- GRASS PAVING
- POTENTIAL TREE SAVE AREA

NOTE:

1. EXISTING MAIN HOUSE TO REMAIN AS A PART OF THIS PETITION.
2. BUILDING FOOTPRINTS ARE SCHEMATIC AND NATURE AND SUBJECT TO CHANGE.
3. FINAL BUILDING ORIENTATION AND PLANNED MULTI-FAMILY DESIGNATION WILL DETERMINE SETBACKS ASSOCIATED WITH PARCEL(S).
4. TRASH AND RECYCLING TO BE HANDLED BY ROLL OUT CONTAINERS SERVICED UTILIZING THE PROPOSED ONE WAY ALLEY. NO ON-STREET PARKING WILL BE ALLOWED ON COLLECTION DAY. THE PRIVATE ALLEY WILL HAVE HEAVY-DUTY ASPHALT THAT CAN HANDLE THE WEIGHT OF FIRE AND WASTE SERVICES TRUCKS.
5. FIRE ACCESS LANE WILL BE UNOBSTRUCTED 20' WIDE ASPHALT AND GRASS PAVEMENT ALLEY SECTION WHICH WILL SUPPORT A 80,000 LB TRUCK AND ALLOW FOR ALL UNITS TO BE WITHIN A 150 LF HOSE PULL LENGTH. ALL UNITS WILL ALSO BE WITHIN 750 LF OF A FIRE HYDRANT.
6. EXISTING TREES TO REMAIN WILL BE DETERMINED UPON FINAL BUILDING FOOTPRINTS AND ORIENTATION NOTED AND APPROVED DURING THE PERMITTING PHASE OF DEVELOPMENT.
7. ALL BUILDING FOOTPRINTS AND ACCESS POINTS TO THE PROPOSED ALLEY ARE CONCEPTUAL IN NATURE. FINAL BUILDING FOOTPRINTS AND ACCESS ORIENTATION WILL BE NOTED AND APPROVED DURING THE PERMITTING PHASE OF DEVELOPMENT.

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TERRANOVA GROUP, LLC

93 CLEVELAND STREET
GREENVILLE, SC 29601

SHAW HOUSE REZONING 2020-067

2400 MECKLENBURG AVENUE
CHARLOTTE, NC 28205

SCHEMATIC ILLUSTRATIVE SITE PLAN

Project No.
4696

Issued
03/25/20

Revised

06/15/2020 – REVISIONS PER CITY OF CHARLOTTE COMMENTS
08/17/2020 – REVISIONS PER CITY OF CHARLOTTE COMMENTS
09/28/2020 – REVISIONS PER CITY OF CHARLOTTE COMMENTS

SCALE: 1"=20'
0 10' 20' 40'

N

RZ-3

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DEVELOPMENT STANDARDS

September 28, 2020

A. General Provisions

1. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Terranova Group, LLC (the "Petitioner") to accommodate the development of a residential community on that approximately 2.97 acre site located on the south side of Mecklenburg Avenue, which site is more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Tax Parcel No. 095-055-44.

2. The development and use of the Site will be governed by the Technical Data Sheet, Schematic Site 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 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 private street, internal drives and parking areas 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 11 dwelling units and to any incidental and accessory uses relating thereto that are allowed in the UR-2 zoning district. Incidental and accessory uses and structures may include, without limitation, detached garages and amenities such as a tot lot or playground.

2. The dwelling units shall be comprised of single family deattached and duplex-style attached dwelling units.

3. The Petitioner shall maintain the existing residential dwelling on site as a part of this development. However, the Petitioner reserves the right to remove or construct additions to portions of the existing Historic dwelling unit as long as those modifications are in compliance with City of Charlotte and Historic District Commission standards and approved by the appropriate agencies.

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 construction plans and designs and to any adjustments required for approval by the Charlotte Department of Transportation ("CDOT").

2. As depicted on the Rezoning Plan, the Site will be served by an internal private street/alley (designated as private alley on the Rezoning Plan) and internal private drives, and minor adjustments to the locations of the internal private access and the internal private drives shall be allowed during the construction permitting process.

3. Internal sidewalks and pedestrian connections shall be provided on the Site as generally depicted on the Rezoning Plan. The internal sidewalks may meander to save existing trees.

4. The internal private alley and the internal private drives may, at the option of Petitioner, be gated. If the private becomes gated, the gates and gate access will be designed to meet all the necessary City of Charlotte Fire Department standards.

5. The internal private alley will be designed to comply with the City of Charlotte Land Development Standards Residential Alley - Single Loaded with Two-way Movement. A portion of the alley may be located off-site with an access easement provided during the permitting process.

6. Petitioner shall dedicate and convey all relevant Mecklenburg Avenue right of way to the City of Charlotte as applicable prior to the issuance of the first certificate of occupancy for a new dwelling unit constructed on the Site. CDOT requests right of way set at 2' behind back of sidewalk where feasible.

7. The existing right-of-way located along the western boundary of the site will be abandoned per the filing of Abandonment Petition No. 2020-10A. 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.

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

D. Transportation Advisory Notes

1. The setback for this district is measured from the back of the existing or future curbline as determined by CDOT and Planning during the permitting process.

2. According to the City of Charlotte's Driveway Regulations, CDOT has the authority to regulate/approve all private street/driveway and public street connections to the right-of-way of a street under the regulatory jurisdiction of the City of Charlotte.

3. Adequate sight triangles must be reserved at the existing/proposed street entrance(s). Two 35' x 35' sight triangles (and two 10' x 70' sight triangles on North Carolina Department of Transportation on NCDOT maintained streets) are required for the entrance(s) to meet requirements. All proposed trees, berms, walls, fences, and/or identification signs must not interfere with sight distance at the entrance(s). Such items should be identified on the site plan.

4. The proposed driveway connection(s) to public streets will require a driveway permit(s) to be submitted to CDOT (and the North Carolina Department of Transportation on NCDOT maintained streets) for review and approval. The exact driveway location(s) and type/width of the driveway(s) will be determined by CDOT during the driveway permit process. The locations of the driveway(s) shown on the site plan are subject to change in order to align with driveway(s) on the opposite side of the street and comply with City Driveway Regulations and the City Tree Ordinance.

5. All proposed commercial driveway connections to a future public street will require a driveway permit to be submitted to CDOT for review and approval.

6. Any fence or wall constructed along or adjacent to any sidewalk or street right-of-way requires **a** certificate issued by CDOT.

7. A Right-of-Way Encroachment Agreement is required for the installation of any non-standard item(s)(irrigation systems, decorative concrete pavement, brick pavers, etc.) within a proposed/existing City maintained street right-of-way by a private individual, group, business, or homeowner's/business association. An encroachment agreement must be approved by CDOT prior to the construction/installation of the non-standard item(s). Contact CDOT for additional information concerning cost, submittal, and liability insurance coverage requirements.

E. Architectural Standards

1. The maximum height in stories of the dwelling units constructed on the Site shall be within the allowable standards set forth in the UR-2 zoning district. The maximum height in feet of the dwelling units constructed on the Site shall be up to 40 feet as measured under the Ordinance.

2. The actual widths and depths of the dwelling units constructed on the Site may vary from the widths and depths depicted on the Rezoning Plan.

3. Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that roofs for porches and attached sheds may be no less than 2:12, unless a flat roof architectural style is employed.

4. To provide privacy, all residential entrances located within 15 feet of a sidewalk located adjacent to a public street shall be raised from the average grade of such sidewalk a minimum of 12 inches.

5. Usable porches and stoops shall from 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 shall be covered and be at least 6 feet deep. Usable front porches shall not be enclosed.

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 10 feet on all building levels.

7. Walkways shall be provided to connect all residential entrances to sidewalks on public and private street.

F. Streetscape and Landscaping

1. The proposed development will provide an 8' planting strip and a 6' sidewalk along the property frontage of Mecklenburg Avenue.

G. Environmental Features

1. 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. Storm Water Quality Treatment
For defined watersheds greater than 24% built-upon area (BUA), construct water quality stormwater control measures (SCMs) designed for the runoff generated from the first 1-inch of rainfall for all new and redeveloped BUA associated with the project. SCMs must be designed and constructed in accordance with the Charlotte-Mecklenburg BMP Design Manual.

3. Volume and Peak Control
For defined watersheds greater than 24% built-upon area, control the entire volume for the 1-year, 24-hour storm for all new and redeveloped BUA associated with the project. Runoff volume drawdown time shall be in accordance with the Charlotte-Mecklenburg BMP Design Manual.

4. 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 downstream channel (identified by the SWIM/PCSO buffer west of Peppercorn Ln). 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.

5. This petition shall comply with the City of Charlotte Tree Ordinance.

H. Project Phasing and Subdividing

1. The proposed development reserves the right to subdivide the property into multiple parcels.

2. Setbacks and parcel lines will be subject to the final building layout and orientation.

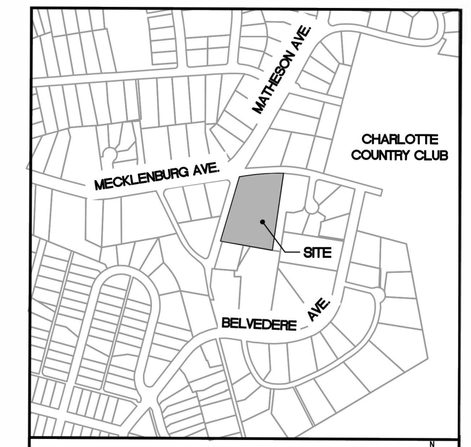
3. The proposed development may include single family detached lots as well as planned multi-family lots that front along designated open space/ tree save area.

I. 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.



VICINITY MAP N.T.S.

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TERRANOVA GROUP, LLC
93 CLEVELAND STREET
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SHAW HOUSE REZONING 2020-067

2400 MECKLENBURG AVENUE
CHARLOTTE, NC 28205

DEVELOPMENT STANDARDS

Project No.
4696

Issued
03/25/20

Revised
06/15/2020 – REVISIONS PER CITY OF CHARLOTTE COMMENTS
08/17/2020 – REVISIONS PER CITY OF CHARLOTTE COMMENTS
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RZ-4

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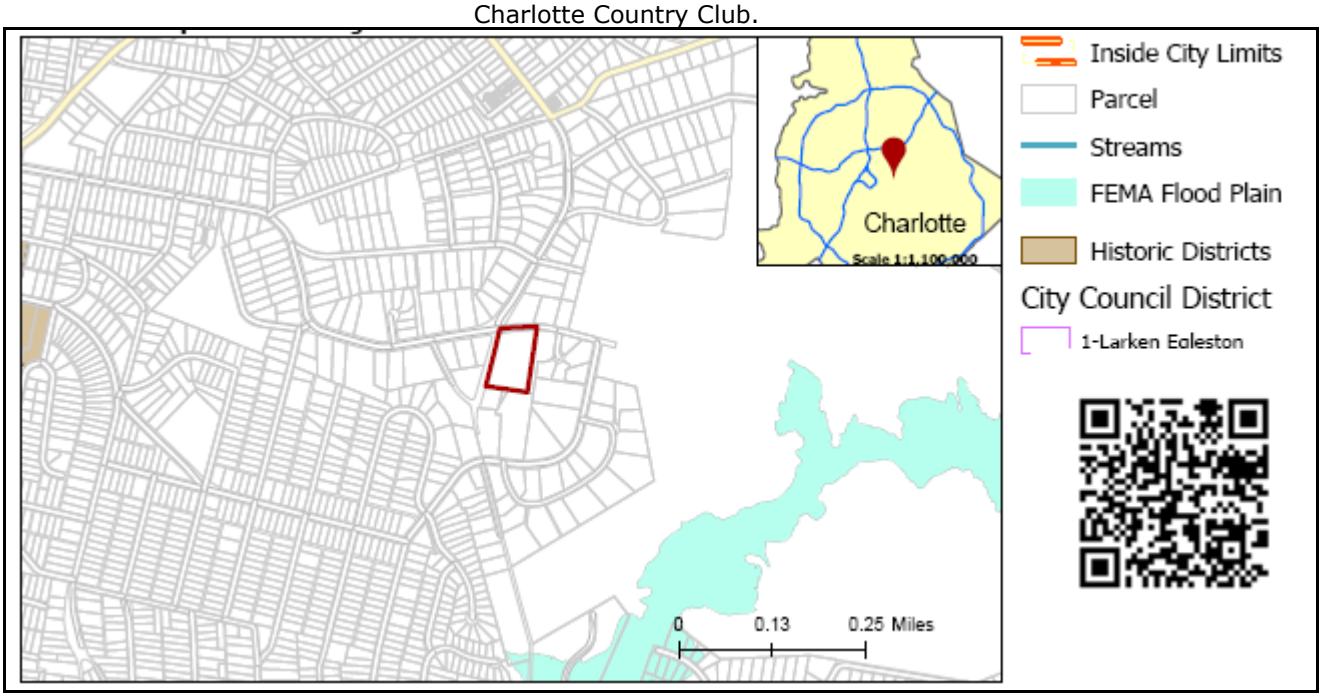
CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-067
Post Hearing Staff Analysis
October 6, 2020

REQUEST	Current Zoning: R-3 (residential) Proposed Zoning: UR-2 (CD) (urban residential, conditional)
LOCATION	Approximately 2.96 acres located at the 2400 block of Mecklenburg Avenue, just east of its intersection with Matheson Avenue near the Charlotte Country Club.



SUMMARY OF PETITION	The petition proposes to rezone and redevelop a residential lot currently occupied by a historic home (Shaw House) to create a cottage community of 11 single family detached and duplex housing units while preserving the historic residential structure. The proposal represents an overall density of 3.71 dwelling units per acre (DUA).
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Terranova Group, LLC Terranova Group, LLC Sean Paone, ColeJenest & Stone
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Virtual Community Meeting: 10

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the *Central District Plan's* (1993) recommendation for single family detached housing but **consistent** with recommended residential density of up to four dwelling units per acre.

Rationale for Recommendation

- Although the request for a mix of single family detached and duplex units is inconsistent with the plan recommendation for single family detached, the requested density is under the recommended density for the subject property.

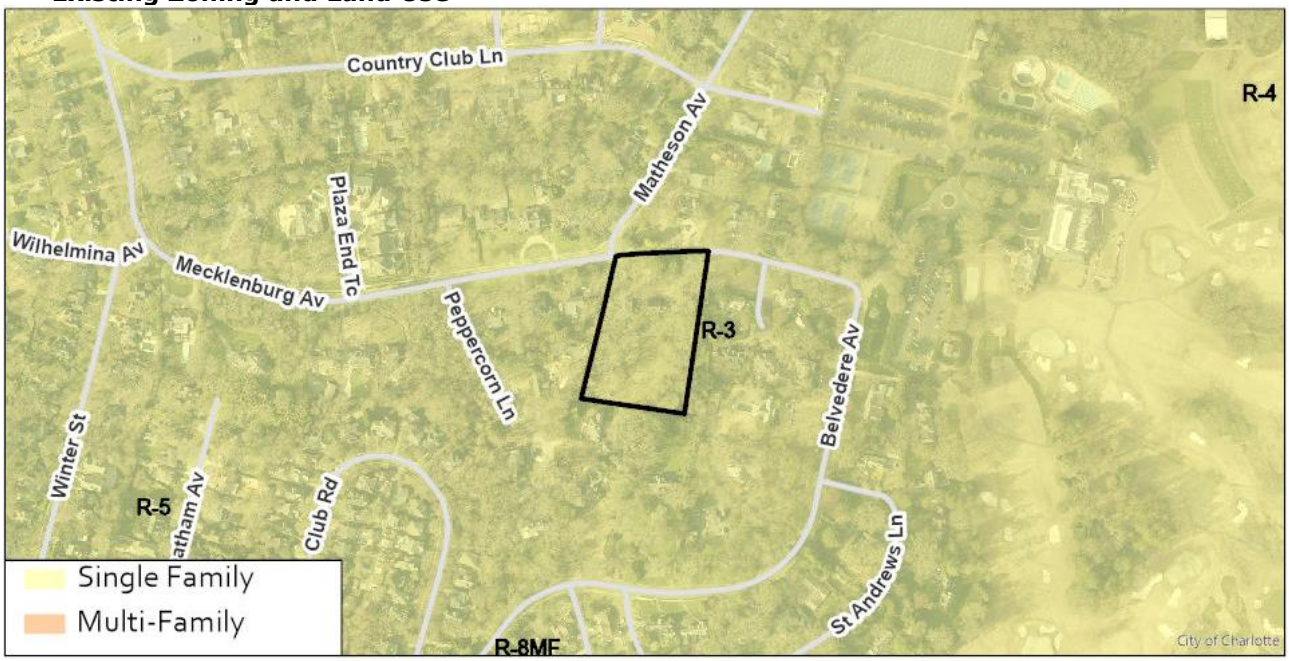
- The proposal achieves the *Central District Plan's* policy of promoting opportunities for residential density infill in the interior of neighborhoods to preserve the existing neighborhood character. This petition accomplishes that preservation of character by rehabilitating the historic Shaw House and providing two other detached homes along the frontage of Mecklenburg Avenue while positioning the planned multi-family portion in the rear of the property.
- In order to preserve the character of neighborhoods in the area, the Plan recommends the preservation of "the unique historical and architectural quality of these neighborhoods." The preservation of a historic home is a key element of this rezoning proposal.
- The *Central District Plan* recommends consistency with existing land uses. While the immediate area surrounding this petition lacks residential infill activity seen in adjacent neighborhoods, there are several concentrations of single family housing, multi-family housing, and infill development in the general area. Consistency with the existing neighborhood and surrounding residential context is maintained by fronting Mecklenburg Avenue with two additional single family detached homes.

The approval of this petition will revise the adopted future land use as specified by the *Central District Plan*, from single family detached uses up to four DUA to residential uses up to 4 DUA for the site.

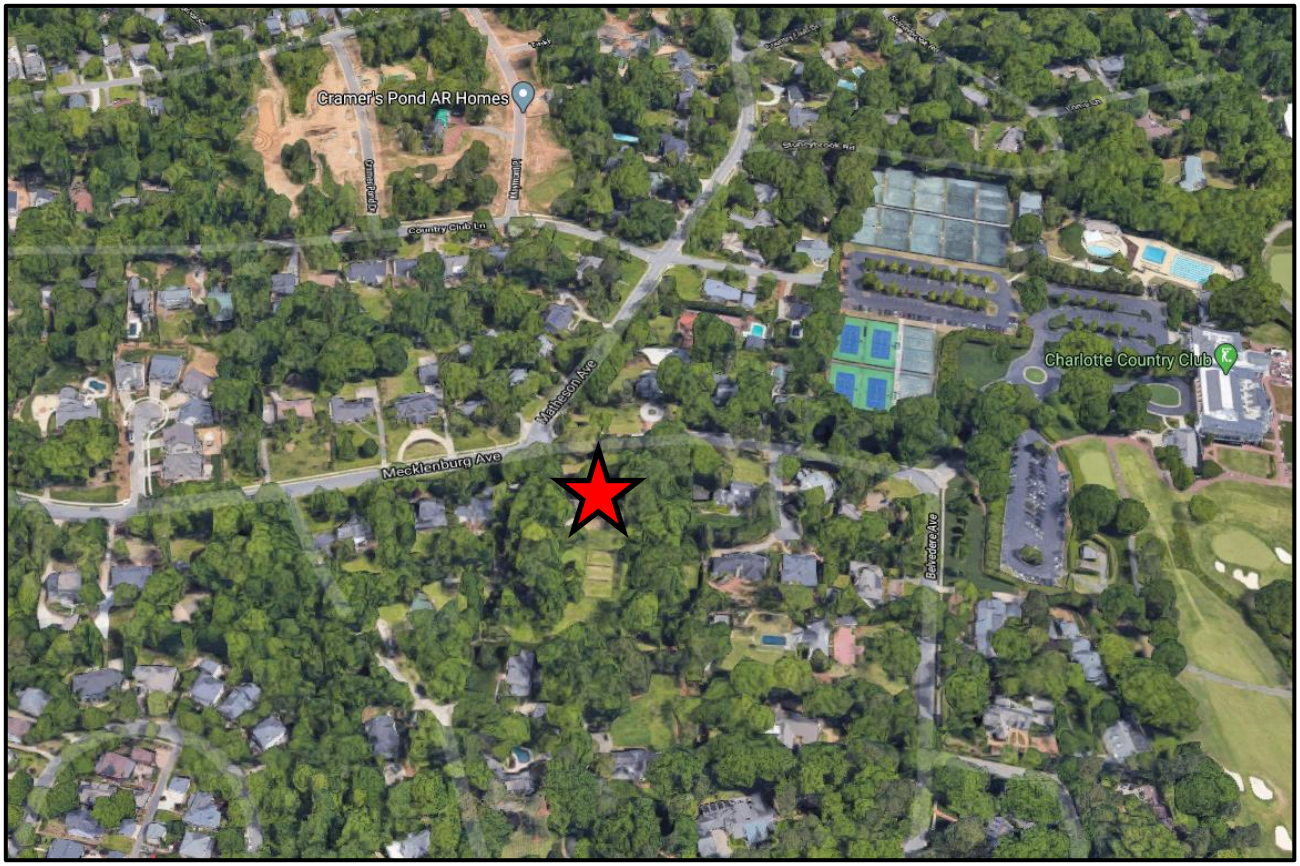
PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Commits the site to a residential community containing a maximum of 11 residential units – the dwelling units shall contain a mixture of 3 single family detached units (including the existing structure) and 8 units housed within 4 duplex structures.
  - Provides access around the edge of the site by way of a private alley/drive.
  - Commits to an 8-foot planting strip and 6-foot sidewalk along the property's frontage with Mecklenburg Avenue.
  - Reserves the right to make the private drive gated.
  - Commits to architectural standards including:
    - Maximum height of 40'
    - Provisions for pitched roofs
    - Raised entrances for increased privacy
    - Providing usable front porches and stoops
    - Limitations on expanses of blank walls

- **Existing Zoning and Land Use**



There is no rezoning history for the site. The residence located on the subject property is the Victor Shaw house, constructed in 1928, and is located in a residential neighborhood surrounding the Charlotte Country Club.

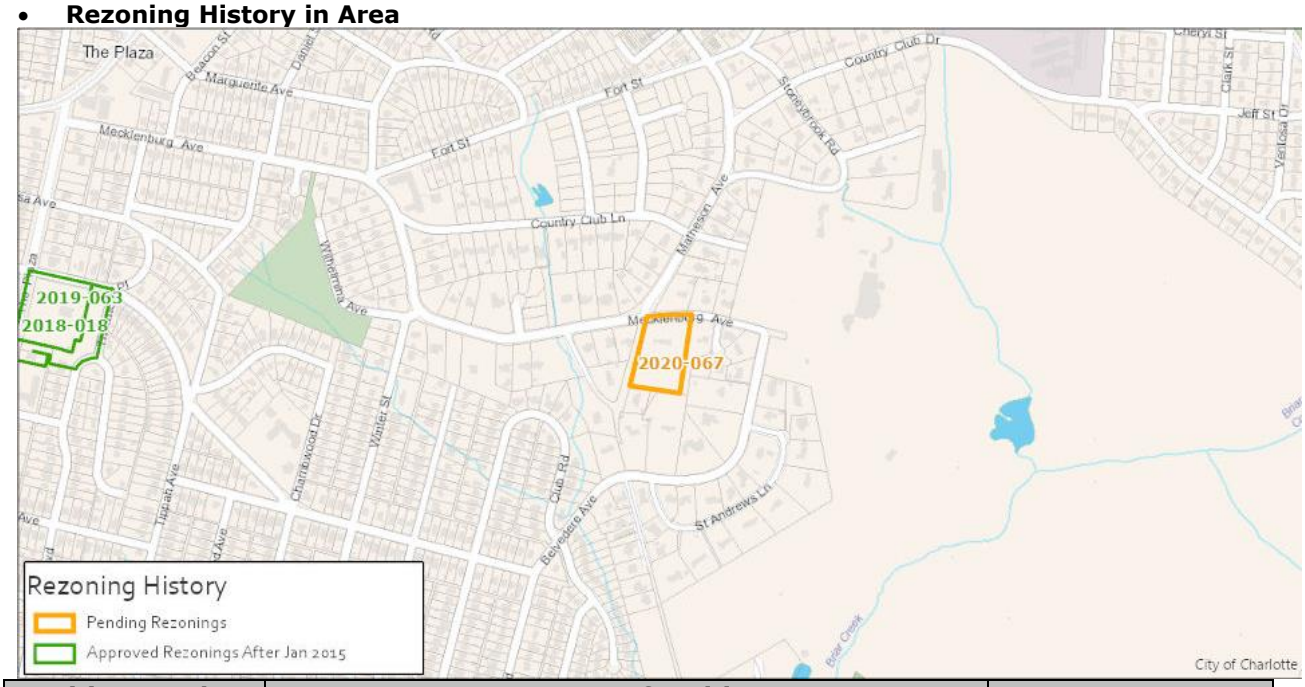


General location of site denoted by red star.

Streetview from Mecklenburg Avenue looking southeast toward the subject property. The Shaw House can be seen in the background and would be rehabbed with this petition.

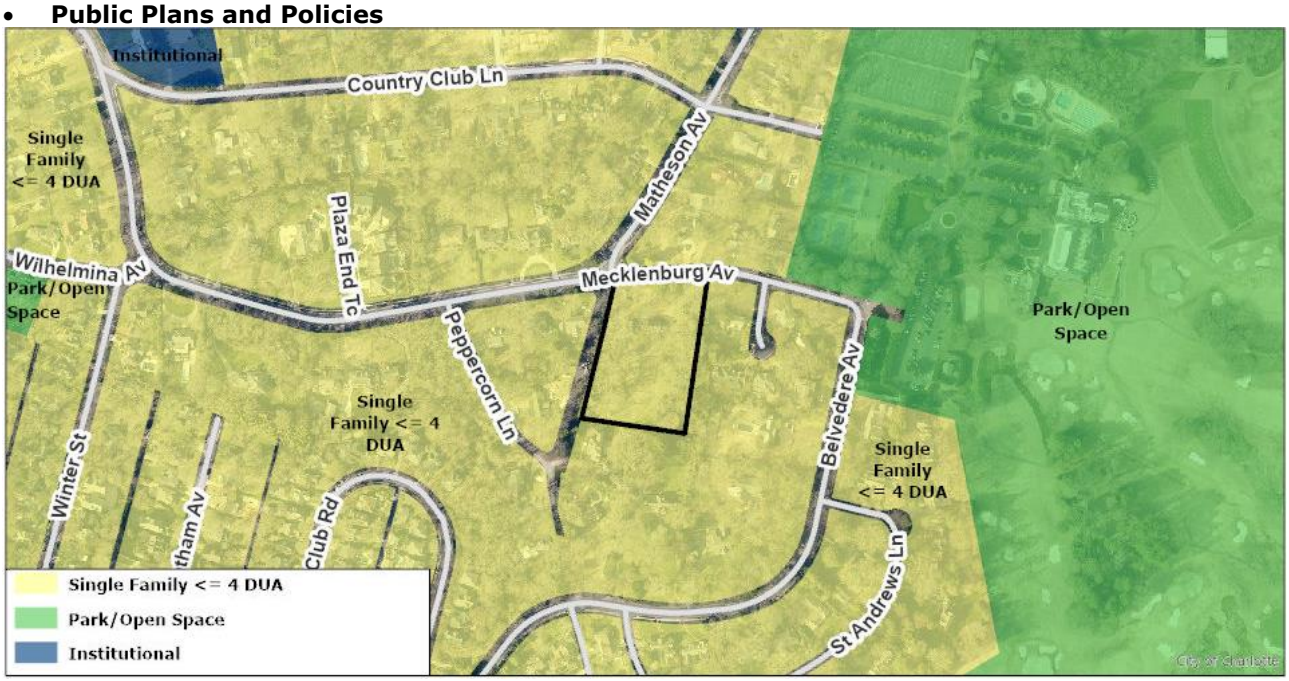
Streetview along Rhododendron Court to illustrate neighborhood context.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-063	Site plan amendment to a previously approved petition (2018-018).	Approved
2018-018	Petition to adaptively reuse the Van Landingham Estate.	Approved

- **Public Plans and Policies**



  - The *Central District Plan* (1993) recommends single family detached residential uses up to 4 DUA.

- **TRANSPORTATION SUMMARY**
  - The site is located on a minor collector.
- **Active Projects:**
  - No Active Transportation Projects
- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**

  Current Zoning:

  Existing Use: 10 trips per day (based on 1 single family detached dwelling).
  Entitlement: 80 trips per day (based on 8 single family detached dwellings).

Proposed Zoning: 110 trips per day (based on 3 single family detached dwellings and 8 dwellings housed within 4 duplex units).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Historic Landmarks:** The HLC has approved a development concept plan that is generally in accord with the Site Plan submitted for rezoning petition 2020-067. The HLC has also adopted a motion to de-designate the rear eight lots of the property once the lots are subdivided, keeping designated the historic house and the two planned adjacent lots and infill houses. With the result that the historic house and the two planned adjacent lots and infill houses would be subject to design review by the HLC. No outstanding issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 4 students, while the development allowed under the proposed zoning may produce 2 students. Therefore, the net decrease in the number of students generated from existing zoning to proposed use is 2 students.
  - 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:** 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 Mecklenburg Avenue. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Mecklenburg 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:** 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

Environment

~~1. Remove notes 4 and 5 under Environmental Features section and replace with the following: 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 downstream channel (identified by the SWIM/PCSO buffer west of Peppercorn Ln). 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.~~ ADDRESSED

REQUESTED TECHNICAL REVISIONS

Site and Building Design

~~2. Revise numbering for Section E.~~ ADDRESSED

~~3. On Page 2, revise proposed zoning to UR-2 (CD).~~ ADDRESSED

4. ~~Illustrate side and rear yards on site plan.~~ ADDRESSED

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

Planner: Will Linville (704) 336-4090

City of Charlotte

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

Agenda Date: 10/6/2020

Agenda #: 14.**File #:** 15-14300 **Type:** Zoning Item

Rezoning Petition: 2020-072 by Freemore, LLC

Location: Approximately 0.48 acres located north of Freedom Drive, south of Thrift Road, and east of Berryhill Road. (Council District 3 - Watlington)

Current Zoning: I-1 (industrial)
Proposed Zoning: MUDD-O (mixed-se development district - optional)

Public Hearing Held: September 21, 2020 - Item #43

Staff Resource: Lisa Arnold

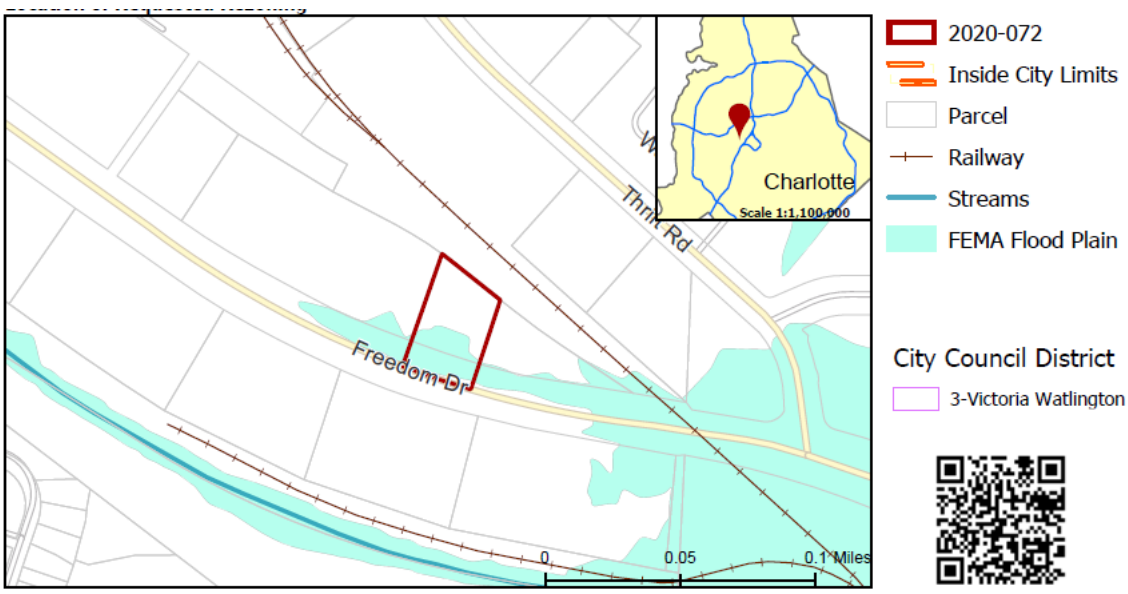
Staff Recommendation:
Staff recommends APPROVAL of this petition upon resolution of outstanding issues related to transportation.

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

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-072
Post-Hearing Staff Analysis
October 6, 2020

REQUEST	Current Zoning: I-1 (Industrial) Proposed Zoning: MUDD-O (Mixed-Use Development District-Optional)
LOCATION	Approximately 0.48 acres located north of Freedom Drive, south of Thrift Road, and east of Berryhill Road.



SUMMARY OF PETITION	The petition proposes to rezone the site to MUDD-O to adaptively reuse the site for residential and non-residential uses.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Freemore LLC Michael Moulton Michael Moulton
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 10

STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues related to transportation. <u>Plan Consistency</u> The petition is **inconsistent** with the *Bryant Park Land Use & Streetscape Plan's* (2007) recommendation for a mix of office, retail, and industrial uses. <u>Rationale for Recommendation</u> • The Bryant Park Land Use & Streetscape Plan supports retail use on the site. • While the land use plan doesn't account for residential use on the site, recent developments, including the approved rezoning 2017-080, have brought residential uses closer to the site.

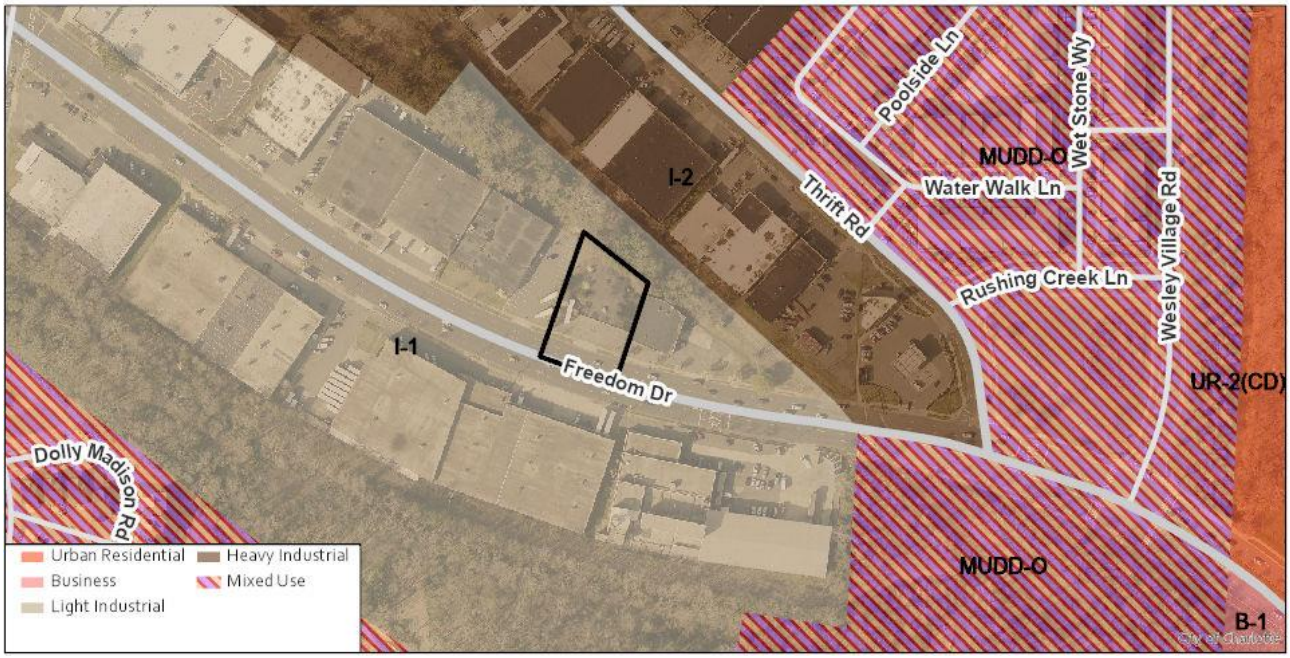
- The proposed retail at the site would support the growing number of residential units that have been developed in the vicinity of the site in recent years.
- The petitioner is proposing to preserve the form of the existing structure, which was built in 1954.

The approval of this petition will revise the adopted future land use as specified by the *Bryant Park Land Use & Streetscape Plan*, from a mix of office, retail, and industrial uses to a mix of residential, office, and retail for the site.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Allows for most uses permitted in the MUDD-O district except for the following:
    - Active adult retirement communities
    - Auction sales or auction houses
    - Automotive service stations
    - Repair or servicing of any vehicle
    - Shopping Centers
    - Structured parking as a principal use
    - Telecommunications and storage facilities
    - Temporary buildings and storage of materials
    - Transit stations (bus or rail) and associated parking facilities
    - Utility and related facilities
    - Adult establishments
    - Childcare centers in a residence
    - Electric and gas substations
    - Nursing homes, rest homes, and homes for the aged
    - Radio, telephone, cellular telephone, and television masts, towers, antennae, and similar structures
    - Short term care facilities
    - Stadiums, coliseums, and arenas
    - Warehousing within an enclosed building for self storage facility only
  - Proposes up to 10 residential units.
  - Limits non-residential uses to 4,000 square feet.
  - Proposes to maintain the existing building while allowing for the addition of a second floor above the existing building.
  - Requests the following optional provisions:
    - To allow parking and maneuvering between the building and the Freedom Drive setback.
    - To allow a modified sidewalk and planting strip width and quantity of street trees along Freedom Drive as practical due to existing site conditions. The existing Freedom Drive streetscape will remain.
  - Permits a maximum building height of 40’.
  - Requires all new lighting to be full cut-off lighting fixtures.
  - Commits to the architectural standards required in the MUDD zoning district.

- **Existing Zoning and Land Use**



The site is developed with a warehouse. Adjacent properties along Freedom Drive are developed with warehouses and occupied by industrial and commercial businesses. Some similar warehouses on Thrift Road have been renovated to accommodate office and commercial uses.

The site, marked with a red star, is developed with a vacant warehouse.

The site to the north is developed with industrial uses.

The site to the east is developed commercial uses.

The site to the south is developed with commercial and industrial uses.

The site to the west is developed with commercial and industrial uses.

- **Rezoning History in Area**

Petition Number	Summary of Petition	Status
2017-080	The petition rezoned property to MUDD-O to accommodate the development of a residential community of 280 multi-family units.	Approved
2016-124	The petition rezoned the site to MUDD-O SPA (mixed use development, optional, site plan amendment) to permit the development of a mixed-use building containing 10,000 SF of retail and 66,000 SF of office uses.	Approved

- **Public Plans and Policies**

- The *Bryant Park Land Use & Streetscape Plan* (2007) recommends a mix of office, retail, and industrial uses for the site.

- **TRANSPORTATION SUMMARY**
  - The site is located on Freedom Drive (major thoroughfare, state-maintained). The petitioner has committed to dedicating additional right-of-way and will close a median break on Freedom Drive to restrict the existing full-movement access to right-in/right-out. CDOT continues to request the petitioner to revise the site plan and conditional notes to reserve right-of-way for a future 12-ft multi-use path along Freedom Drive, in accordance with the Charlotte BIKES policy.
- **Active Projects:**
  - There are no active projects in the immediate vicinity of the site.
- **Transportation Considerations**
  - See Outstanding Issues, Note 1
- **Vehicle Trip Generation:**

  Current Zoning:

  Existing Use: 60 trips per day (based on 10,250 sf of warehouse).

  Entitlement: 60 trips per day (based on 10,250 sf of warehouse).

  Proposed Zoning: 790 trips per day (based on 4,000 sf of retail and 10 apartments).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments submitted.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 0 students, while the development allowed under the proposed zoning may produce 2 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 2 students.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Ashley Park Pre-K-8 Elementary remains at 123%
    - West Charlotte High remains at 94%.

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

OUTSTANDING ISSUES

Transportation

1. The petitioner should revise the site plan right-of-way dedication and to add a note specifying dedication of additional right-of-way of sidewalk utility easement to accommodate a future 12-ft multi-use path, in accordance with Charlotte BIKES. OUTSTANDING

REQUESTED TECHNICAL REVISIONS

Site and Building Design

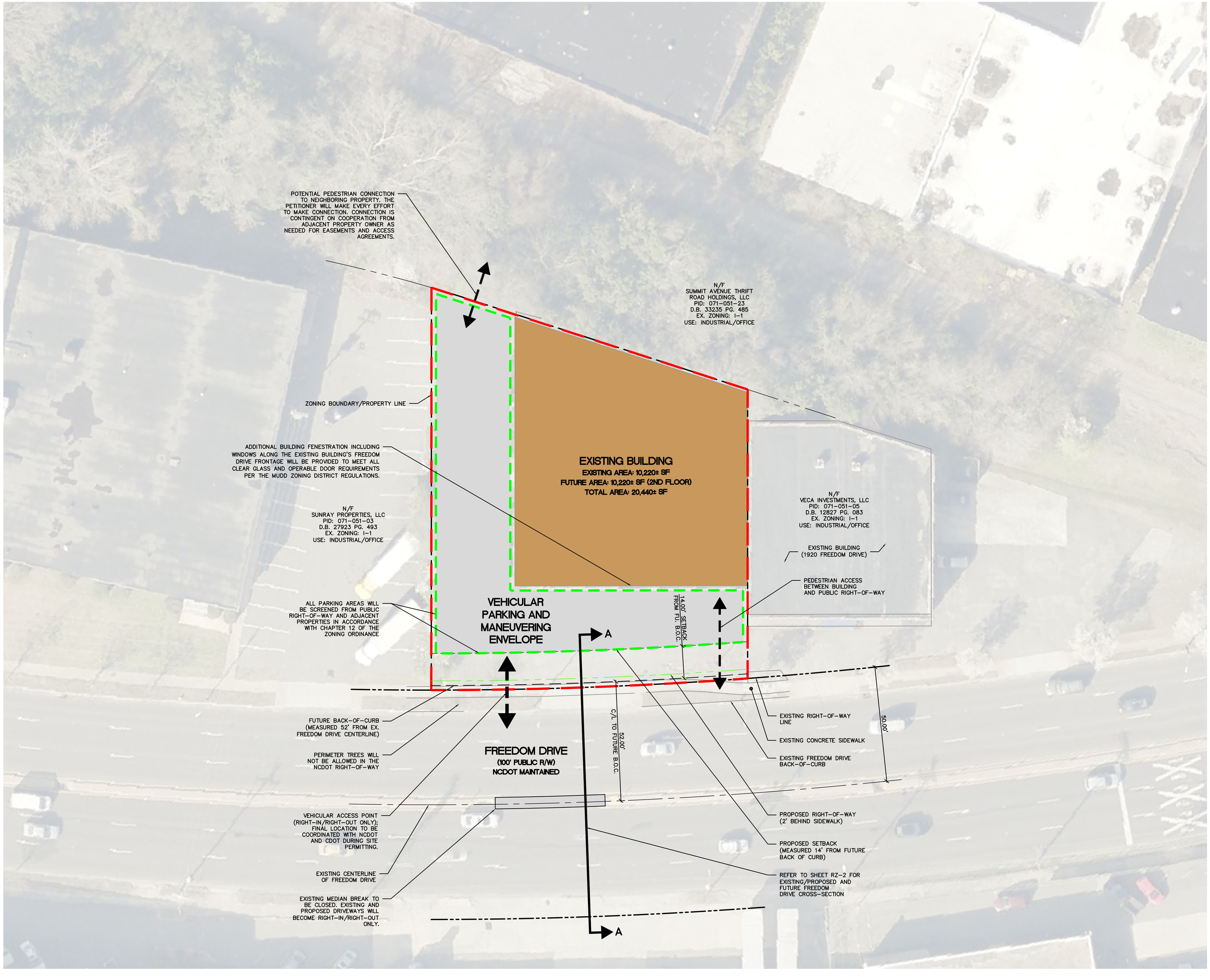
~~2. On the development table, specify that the number of residential units and non-residential is the maximum.~~ ADDRESSED

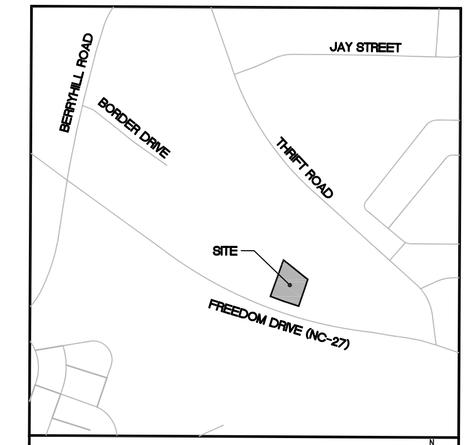
~~3. Add to note 2b that developer will work with CDOT and Urban Forestry staff during permitting on modifications to street scape.~~ ADDRESSED

~~4. Provide dimensions for existing sidewalk and planting strip on cross section and in notes.~~ ADDRESSED

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

Planner: Lisa Arnold (704) 336-5967





VICINITY MAP N.T.S.

LEGEND

SYMBOL

- ZONING BOUNDARY
- PROPERTY LINE/RIGHT-OF-WAY
- PARKING ENVELOPE
- EXISTING BUILDING

REZONING SUMMARY:

PETITIONER:	FREEMORE, LLC
PROPERTY OWNER:	FREEMORE, LLC
REZONING SITE AREA:	0.48± AC
TAX PARCEL#:	071-051-04
EXISTING ZONING:	I-1
PROPOSED ZONING:	MUDD-O
PREVIOUS PETITION NO:	N/A
EXISTING USE:	VACANT INDUSTRIAL BUILDING
PROPOSED USE:	RESIDENTIAL AND COMMERCIAL
BUILDING SETBACK:	14' FROM FUTURE BACK-OF-CURB
MIN. SIDE YARD:	NONE
MIN. REAR YARD:	NONE
MAX. HEIGHT:	40' (INCLUDES FUTURE 2ND FLOOR)
MAX. NO. OF RESIDENTIAL UNITS:	10
RESIDENTIAL DENSITY:	21 DUA
MAX. AREA OF NON-RESIDENTIAL USES:	4,000 SQ. FT.
MAX. NO. OF BUILDINGS:	1
REQUIRED PARKING:	PER ORDINANCE
REQUIRED OPEN SPACE:	PER ORDINANCE
REQUIRED SCREENING:	PER ORDINANCE

GENERAL REZONING NOTES:

1. SEE SHEET RZ-2 FOR DEVELOPMENT STANDARDS

ColeJenest & Stone

Shaping the Environment
Realizing the Possibilities

Land Planning
+
Landscape Architecture
+
Civil Engineering
+
Urban Design

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FREEMORE, LLC

1101 SOUTH BOULEVARD
SUITE 205
CHARLOTTE, NC 28203

1930 FREEDOM DRIVE

1930 FREEDOM DRIVE
CHARLOTTE, NC 28208

TECHNICAL DATA SHEET

Project No.
4704

Issued
04/10/2020

Revised
08/17/20 - STAFF REVIEW COMMENTS
09/28/20 - STAFF REVIEW COMMENTS

SCALE: 1"=20'
0 10' 20' 40'

RZ-1

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2020-072

SITE DEVELOPMENT DATA:

-- **ACREAGE:** 0.48 ACRES ±

-- **TAX PARCEL #:** 071-051-04

-- **EXISTING ZONING:** I-1

-- **PROPOSED ZONING:** MUDD-O

-- **EXISTING USES:** VACANT INDUSTRIAL BUILDING (EXISTING BUILDING FORM TO REMAIN)

-- **PROPOSED USES:** REFER TO SECTION 3 - PERMITTED USES AND DEVELOPMENT AREA LIMITATIONS

-- **MAXIMUM BUILDING HEIGHT:** 40 FEET (INCLUDES FUTURE 2ND FLOOR)

-- **MAXIMUM NO. OF RESIDENTIAL UNITS:** 10

-- **RESIDENTIAL DENSITY:** 21 DUA

-- **MAXIMUM AREA OF NON-RESIDENTIAL USES:** 4,000 SQ. FT.

-- **MAXIMUM NO. OF BUILDINGS:** 1

-- **PARKING:** PER ORDINANCE

-- **OPEN SPACE:** PER ORDINANCE

-- **SCREENING:** PER ORDINANCE

1. GENERAL PROVISIONS:

a. **SITE LOCATION**. THESE DEVELOPMENT STANDARDS, THE TECHNICAL DATA SHEET AND OTHER GRAPHICS SET FORTH ON ATTACHED RZ SHEETS FORM THIS REZONING PLAN (COLLECTIVELY REFERRED TO AS THE "REZONING PLAN") ASSOCIATED WITH THE REZONING PETITION FILED BY FREEMORE, LLC ("PETITIONER") TO ACCOMMODATE DEVELOPMENT OF AN EDEE DEVELOPMENT ON AN APPROXIMATELY 0.48 ACRE SITE LOCATED AT 1930 FREEDOM 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 MUDD-O ZONING CLASSIFICATION SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON THE SITE, SUBJECT TO THE OPTIONAL PROVISIONS PROVIDED BELOW.

c. **GRAPHICS AND ALTERATIONS/MODIFICATIONS**. THE SCHEMATIC DEPICTIONS OF THE USES, PARKING AREAS, SIDEWALKS, STRUCTURES AND BUILDINGS, BUILDING ELEVATIONS, BUILDING MATERIALS, STREETSCAPE PERSPECTIVES, 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.

d. NUMBER OF BUILDINGS PRINCIPAL AND ACCESSORY. NOTWITHSTANDING THE NUMBER OF BUILDINGS SHOWN ON THE REZONING PLAN, THE TOTAL NUMBER OF PRINCIPAL BUILDINGS TO BE DEVELOPED ON THE SITE SHALL NOT EXCEED ONE (1). THE EXISTING COMMERCIAL BUILDING WILL REMAIN. 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 ON THE SITE AS THE ACCESSORY STRUCTURE/BUILDING.

e. **GROSS FLOOR AREA.** WHEN DETERMINING THE MAXIMUM DEVELOPMENT LEVELS SET FORTH IN THIS REZONING PLAN, GROSS FLOOR AREA AS DEFINED IN THE ORDINANCE SHALL EXCLUDE ANY SURFACE OR STRUCTURED PARKING FACILITIES (INCLUDING, WITHOUT LIMITATION, CORRIDORS AND ELEVATORS WITHIN SUCH FACILITIES), ENCLOSED LOADING DOCK/SERVICE AREAS, AND OUTDOOR DINING AND GATHERING AREAS WHETHER ON THE ROOF OF THE BUILDING OR AT STREET LEVEL.

2. OPTIONAL PROVISIONS.

THE FOLLOWING OPTIONAL PROVISIONS SHALL APPLY TO THE SITE:

a. TO ALLOW VEHICULAR PARKING AND MANEUVERING BETWEEN THE BUILDING AND FREEDOM DRIVE SETBACK.

b. TO ALLOW A MODIFIED SIDEWALK AND PLANTING STRIP WIDTH AND QUANTITY OF STREET TREES ALONG FREEDOM DRIVE AS PRACTICAL DUE TO EXISTING SITE CONDITIONS. THE EXISTING FREEDOM DRIVE STREETSCAPE [SIX FOOT (6') PLANTING STRIP AND FIVE FOOT (5') SIDEWALK] WILL REMAIN. THE PETITIONER WILL WORK WITH CDOT AND URBAN FORESTRY STAFF ON MODIFICATIONS DURING PERMITTING.

3. PERMITTED USES & DEVELOPMENT AREA LIMITATIONS:

a. THE SITE MAY BE DEVELOPED WITH ALL USES ALONG WITH ACCESSORY USES AS ALLOWED IN THE MUDD-O ZONING DISTRICT EXCEPT FOR THOSE LISTED BELOW. THESE PROHIBITED USES INCLUDE:

- ACTIVE ADULT RETIREMENT COMMUNITIES
- AUCTION SALES OR AUCTION HOUSES
- AUTOMOTIVE SERVICE STATIONS
- REPAIR OR SERVICING OF ANY ARTICLE
- SHOPPING CENTERS
- STRUCTURED PARKING DECKS AS A PRINCIPAL USE
- TELECOMMUNICATIONS AND DATA STORAGE FACILITY
- TEMPORARY BUILDINGS AND STORAGE OF MATERIALS
- TRANSIT STATIONS (BUS OR RAIL) AND ASSOCIATED PARKING FACILITIES
- UTILITY AND RELATED FACILITIES
- ADULT ESTABLISHMENTS
- CHILDCARE CENTERS IN A RESIDENCE
- ELECTRIC AND GAS SUB STATIONS
- NURSING HOMES, REST HOMES, AND HOMES FOR THE AGED
- RADIO, TELEPHONE, CELLULAR TELEPHONE AND TELEVISION MASTS, TOWERS, ANTENNAE, AND SIMILAR STRUCTURES
- SHORT TERM CARE FACILITIES
- STADIUMS, COLISEUMS, AND ARENAS
- WAREHOUSING WITHIN AN ENCLOSED BUILDING FOR SELF-STORAGE FACILITY ONLY

4. TRANSPORTATION IMPROVEMENTS AND ACCESS:

I. PROPOSED IMPROVEMENTS:

a. VEHICULAR ACCESS TO THE SITE WILL BE PROVIDED FROM FREEDOM DRIVE AS GENERALLY DEPICTED ON THE REZONING PLAN. THIS ACCESS WILL BE RIGHT-IN, RIGHT-OUT ONLY.

b. THE PETITIONER WILL CLOSE THE FREEDOM DRIVE MEDIAN BREAK AS GENERALLY DEPICTED ON THE REZONING PLAN.

c. MINOR ADJUSTMENTS IN THE LOCATION OF THE POSSIBLE CONNECTIONS CAN BE MADE IN CONSULTATION WITH THE PLANNING DEPARTMENT, CHARLOTTE DEPARTMENT OF TRANSPORTATION (CDOT), AND NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) DURING THE URBAN REVIEW AND APPROVAL PROCESS.

d. SUBJECT TO THE PROVISIONS AND DESIGN DESCRIBED IN THE SECTION ABOVE, THE PLACEMENTS AND CONFIGURATIONS OF VEHICULAR ACCESS POINTS ARE SUBJECT TO MINOR MODIFICATIONS, AS APPROVED BY CDOT AND NCDOT, REQUIRED TO ACCOMMODATE THE FINAL SITE DEVELOPMENT AND CONSTRUCTION PLANS AND ANY ADJUSTMENTS REQUIRED TO FOR APPROVAL BY CDOT AND NCDOT IN ACCORDANCE WITH THE PUBLISHED STANDARDS.

II. STANDARDS, PHASING AND OTHER PROVISIONS.

a. ALL NEW RIGHTS-OF-WAY WILL BE DEDICATED AND CONVEYED FEE SIMPLE TO THE CITY OF CHARLOTTE BEFORE THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED.

b. ALL PUBLIC TRANSPORTATION IMPROVEMENTS SHALL BE APPROVED AND CONSTRUCTED BEFORE THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED.

5. PEDESTRIAN ACCESS AND CIRCULATION DESIGN

a. PEDESTRIAN ACCESS WILL BE PROVIDED FROM FREEDOM DRIVE TO THE MAIN ENTRANCE OF THE BUILDING.

b. THE PETITIONER WILL MAKE EVERY EFFORT TO MAKE A PEDESTRIAN CONNECTION TO PARCEL NO. 071-051-23 AS GENERALLY DEPICTED ON SHEET RZ-1. THIS CONNECTION IS CONTINGENT ON COOPERATION FROM ADJACENT PROPERTY OWNER AS NEEDED FOR EASEMENTS AND ACCESS AGREEMENTS.

6. ARCHITECTURAL STANDARDS

a. THE PETITIONER WILL PROVIDE ADDITIONAL BUILDING FENESTRATION INCLUDING WINDOWS ALONG THE EXISTING BUILDING'S FREEDOM DRIVE FRONTAGE TO MEET ALL CLEAR GLASS AND OPERABLE DOOR REQUIREMENTS PER THE MUDD ZONING DISTRICT REGULATIONS.

b. SERVICE AREA SCREENING - ANY SITE SERVICE AREAS (DUMPSTERS, REFUSE AREAS, RECYCLING AREAS, STORAGE) SHALL BE SCREENED FROM PUBLIC VIEW IN ACCORDANCE WITH THE ZONING REGULATIONS.

7. SIGNAGE:

a. SIGNAGE AS ALLOWED BY THE ORDINANCE MAY BE PROVIDED IN ACCORDANCE WITH THE ZONING REGULATIONS.

8. LIGHTING:

a. LIGHTING AS ALLOWED BY THE ORDINANCE MAY BE PROVIDED IN ADDITION TO THE LIGHTING OTHERWISE ALLOWED IN THIS SECTION.

b. 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.

c. DETACHED LIGHTING ON THE SITE, EXCEPT DECORATIVE LIGHTING OR ART WORK THAT UTILIZES LIGHTING ELEMENTS WHEN LOCATED IN THE PUBLIC OPEN SPACE AREAS AND STREET LIGHTS LOCATED ALONG PUBLIC STREETS, WILL BE LIMITED TO 20 FEET IN HEIGHT.

9. ENVIRONMENTAL FEATURES

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

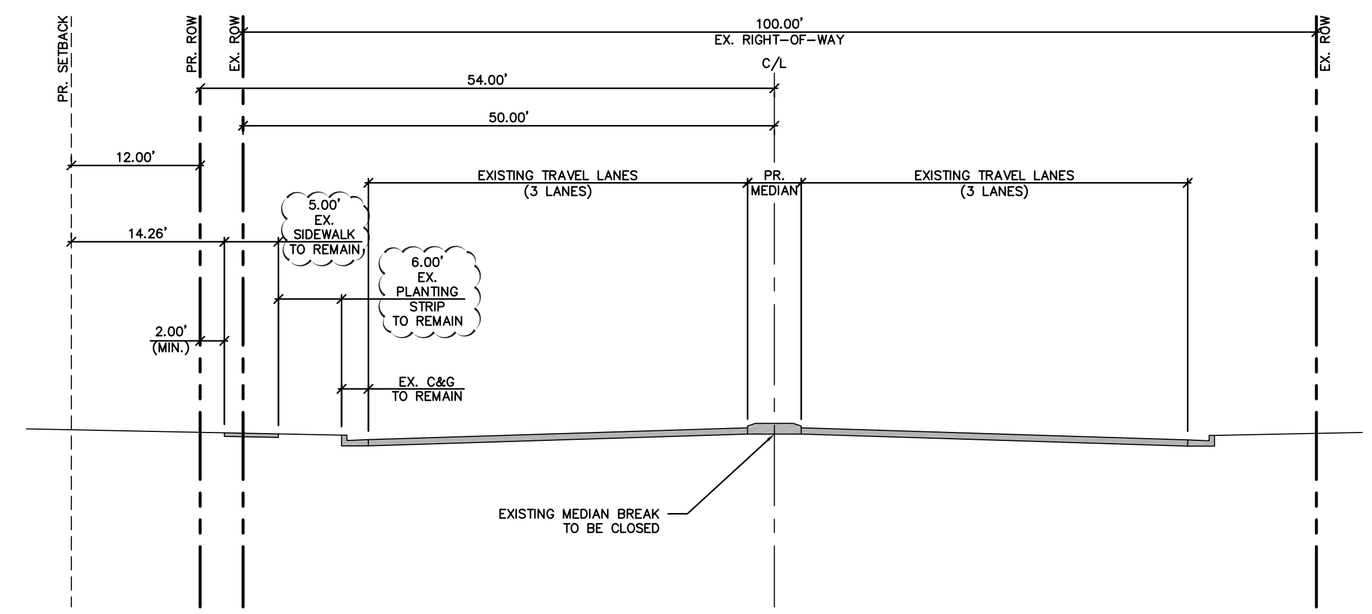
b. THE SITE SHALL COMPLY WITH THE CITY OF CHARLOTTE TREE ORDINANCE, CHAPTER 21 OF THE CITY CODE.

10. AMENDMENTS TO THE REZONING PLAN:

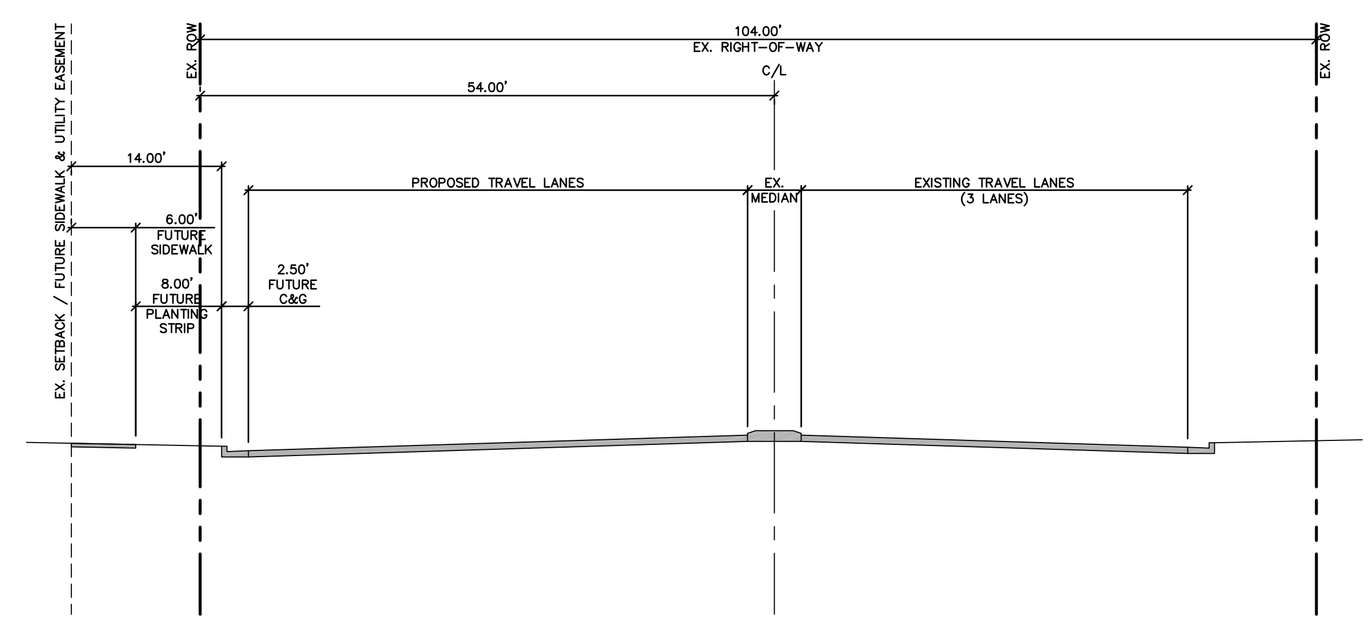
a. FUTURE AMENDMENTS TO THE REZONING PLAN (WHICH INCLUDES THESE DEVELOPMENT STANDARDS) MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE APPLICABLE DEVELOPMENT AREA OR PORTION OF THE SITE AFFECTED BY SUCH AMENDMENT IN ACCORDANCE WITH THE PROVISIONS HEREIN AND OF CHAPTER 6 OF THE ORDINANCE.

11. BINDING EFFECT OF THE REZONING APPLICATION:

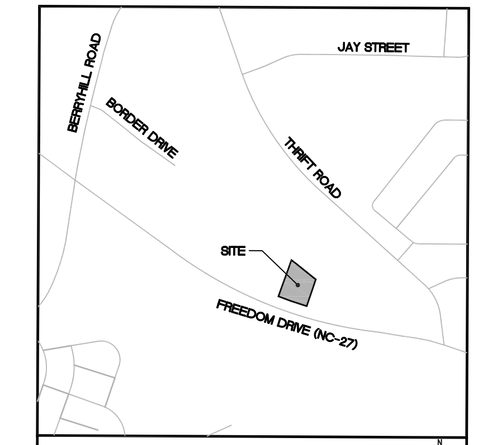
a. IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE DEVELOPMENT OF THE SITE IMPOSED UNDER THE REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED HEREIN AND UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF THE PETITIONER AND SUBSEQUENT OWNERS OF THE SITE OR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



EXISTING/PROPOSED FREEDOM DRIVE CROSS-SECTION
SECTION A-A
N.T.S.



FUTURE FREEDOM DRIVE CROSS-SECTION
SECTION A-A
N.T.S.



VICINITY MAP N.T.S.

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FREEMORE, LLC

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1930 FREEDOM DRIVE

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DEVELOPMENT STANDARDS

Project No.
4704

Issued
04/10/2020

Revised
08/17/20 – STAFF REVIEW COMMENTS
09/28/20 – STAFF REVIEW COMMENTS

RZ-2

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2020-072

Petition 2020-072 by Michael Moulton

To Approve:

This petition is found to be **inconsistent** with the *Bryant Park Land Use & Streetscape Plan* with respect to proposed land use, based on the information from the staff analysis and the public hearing, and because:

- The plan recommends a mix of office, retail, and industrial 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:

- The Bryant Park Land Use & Streetscape Plan supports retail use on the site.
- While the land use plan doesn't account for residential use on the site, recent developments, including the approved rezoning 2017-080, have brought residential uses closer to the site.
- The proposed retail at the site would support the growing number of residential units that have been developed in the vicinity of the site in recent years.
- The petitioner is proposing to preserve the form of the existing structure, which was built in 1954.

  The approval of this petition will revise the adopted future land use as specified by the *Bryant Park Land Use & Streetscape Plan*, from a mix of office, retail, and industrial uses to a mix of residential, office, and retail for the site.

To Deny:

This petition is found to be **inconsistent** with the *Bryant Park Land Use & Streetscape* Plan with respect to proposed land use, based on the information from the staff analysis and the public hearing, and because:

- The plan recommends a mix of office, retail, and industrial 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:

City of Charlotte

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

Agenda Date: 10/6/2020

Agenda #: 15.**File #:** 15-14301 **Type:** Zoning Item

Rezoning Petition: 2020-074 by Redwood USA, LLC

Location: Approximately 21.08 acres located off Harris Houston Road in the University City area. (Council District 4 - Johnson)

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

Public Hearing Held: September 21, 2020 - Item #44

Staff Resource: William Linville

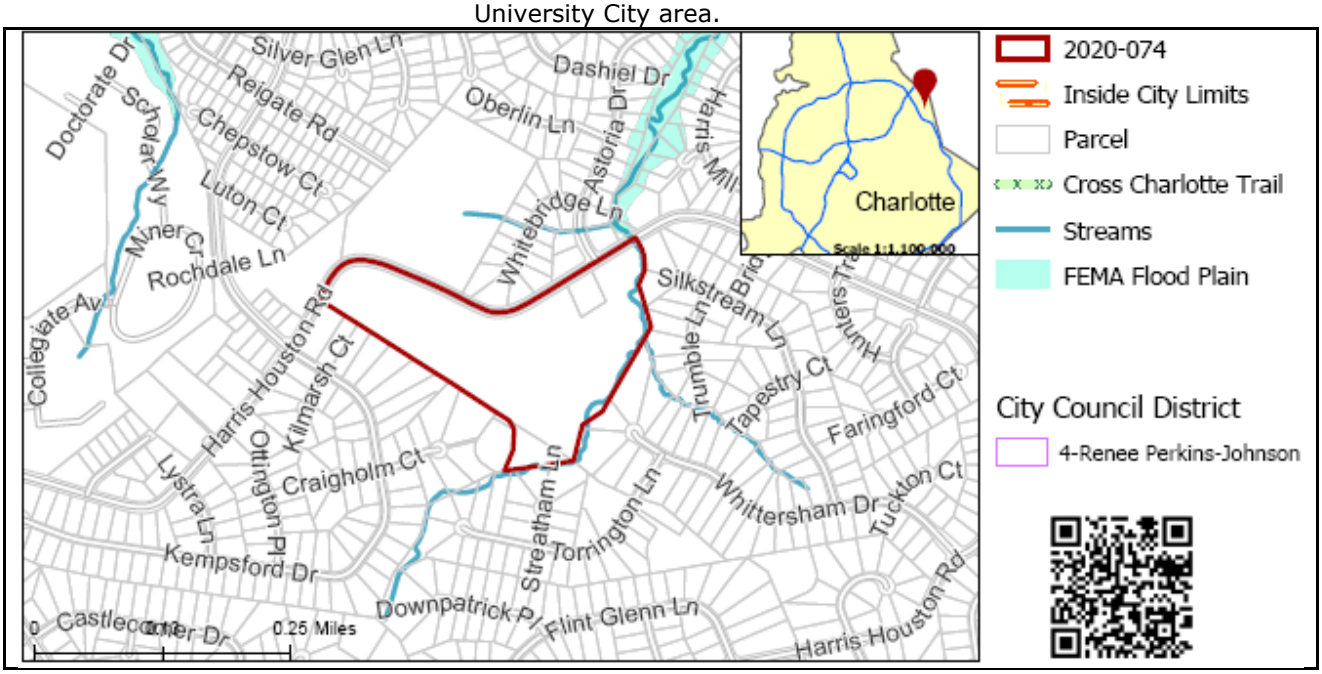
Staff Recommendation:
Staff recommends APPROVAL of this petition.

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

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-074
Post Hearing Staff Analysis
October 6, 2020

REQUEST	Current Zoning: R-3 (single family) Proposed Zoning: R-8 MF(CD) (multi-family residential, conditional)
LOCATION	Approximately 21.08 acres located off Harris Houston Road in the University City area.



SUMMARY OF PETITION	The petition proposes to rezone the subject property to R-8MF(CD) with the intention of developing the site into a multi-family residential community consisting of up to 83 dwelling units (3.93 dwelling units per acre (DUA)).
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	James W. Harris, Jr. Bob Dyer, Redwood USA Bob Dyer, Redwood USA
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Virtual Community Meeting: 26

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition's proposed multi-family housing type is **inconsistent** with the *Northeast District Plan's* (1996) recommendation for single family residential but **consistent** with the Plan's density recommendation of up to four DUA.

Rationale for Recommendation

- Although the petition proposes multi-family dwelling units, the DUA for this project does not exceed the recommended land use density of four DUA.
- The petition assists in achieving the *Northeast District Plan's* goal of attractive and diverse neighborhoods by offering a type of housing not currently found in the area. Additionally, the proposal enhances mobility by committing to the construction of a 12' multi-use path to accommodate bike and pedestrian travel.

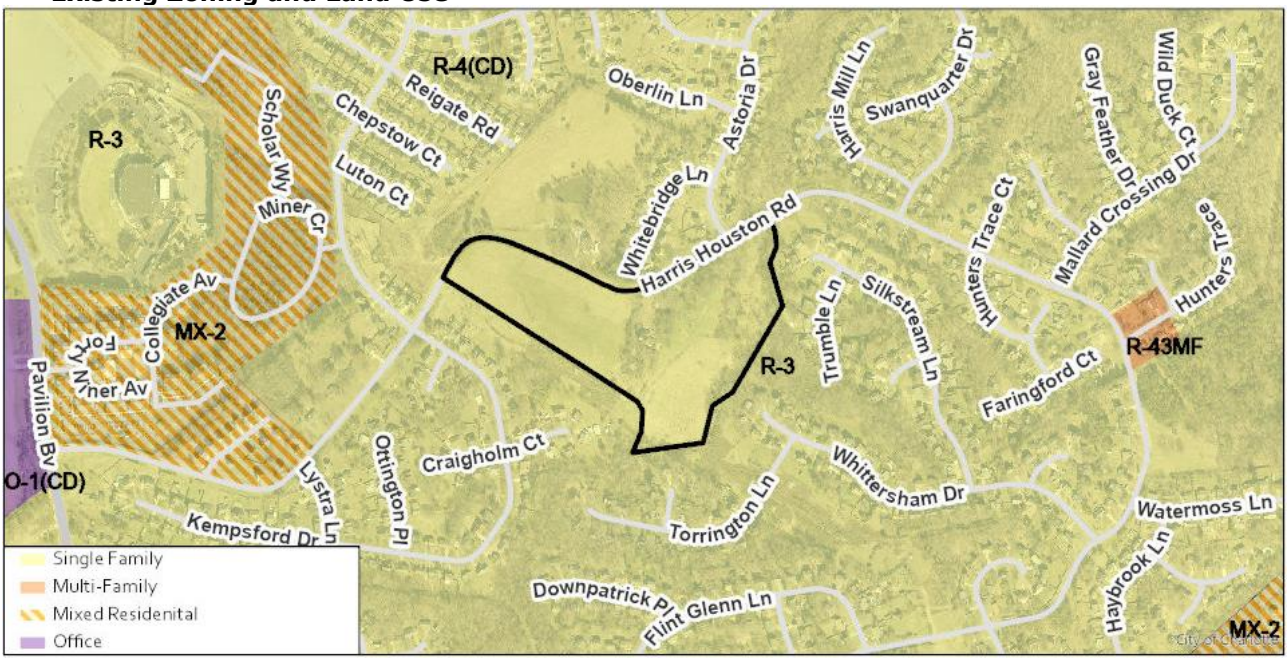
- The petitioner commits to provide accessible public open space by dedicating a 50-foot easement along the eastern property boundary for future greenway use.

The approval of this petition will revise the adopted future land use as specified by the *Northeast District Plan*, from single family residential up to four DUA to residential up to four DUA for the site.

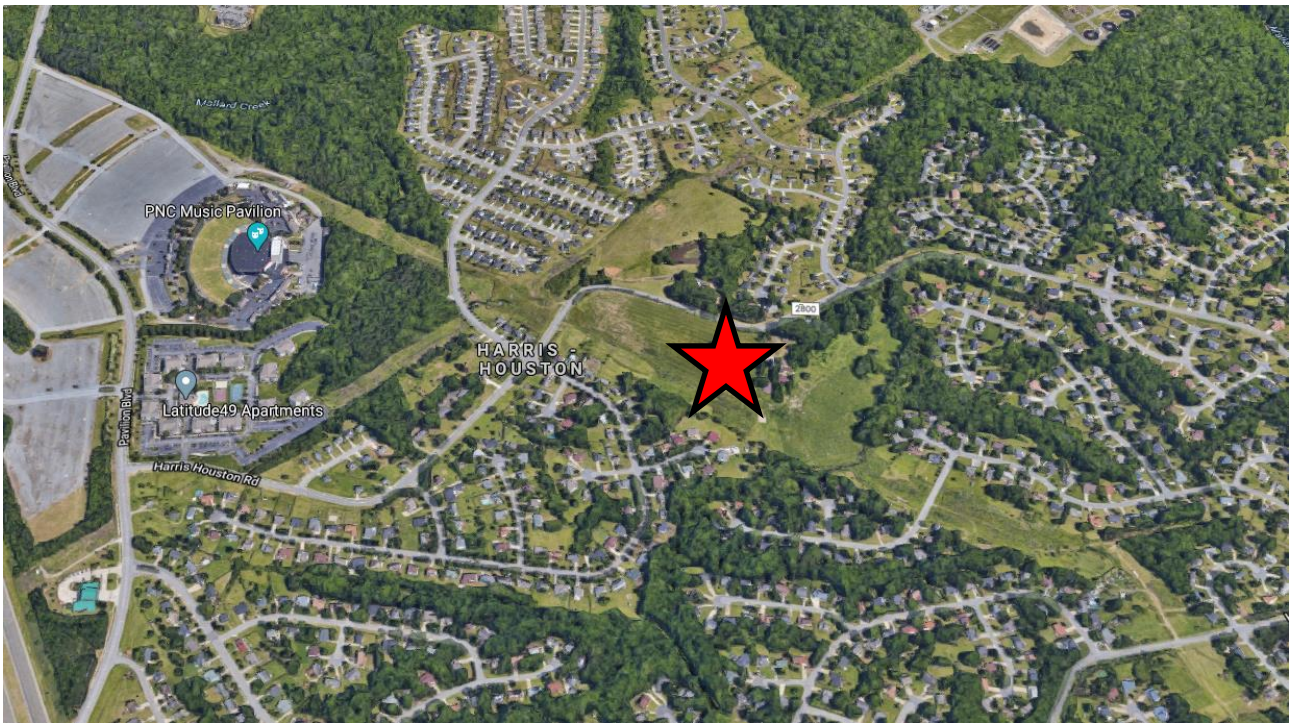
PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Proposes the construction of a multi-family residential community with up to 83 single family attached dwelling units as well as one leasing office/maintenance building and any accessory uses allowed in the R-8 MF zoning district.
  - Caps maximum height of principal structures at one story/40 feet.
  - Proposes a network of private internal streets and private driveway connection to Harris Houston Rd.
  - Parking provided by provision of a two-car garage with each residential dwelling unit and an additional two spaces provided within the driveway area along with guest parking spaces near the leasing office.
  - Proposed transportation improvements including:
    - Widening a portion of Harris Houston Rd. along property frontage and providing an 8-foot planting strip and 12-foot multi-use path along the property's frontage in lieu of a 5-foot bike lane.
    - Internal network of sidewalks that connect to entryways and to the proposed 12-foot multi-use path.
  - Commits to architectural standards including:
    - Raised residential entrances for any residence within 15-feet of the sidewalk.
    - Wrapped porches/stoops for any corner unit or a limit of blank wall expanses to 10 feet.
    - Translucent windows or projecting elements over the garage door opening to minimize the visual impact of forward facing garages.
    - Limit the massing of residential units within a primary structure to no more than 5 when fronting required public or private network streets.
  - Dedicates 50' PCCO buffer to Mecklenburg County Parks and Recreation for construction of future greenway.
  - Fully capped attached and detached lighting.

- **Existing Zoning and Land Use**



There have been no historic rezonings at this site. The parcel is a former or current pasture and farmhouse with associated outbuildings. The area is surrounded by farmland and detached single family homes on all sides. Moving further away from the property to the west and closer to N. Tryon Street, multi-family housing and retail uses can be found.



General location of site denoted by red star.

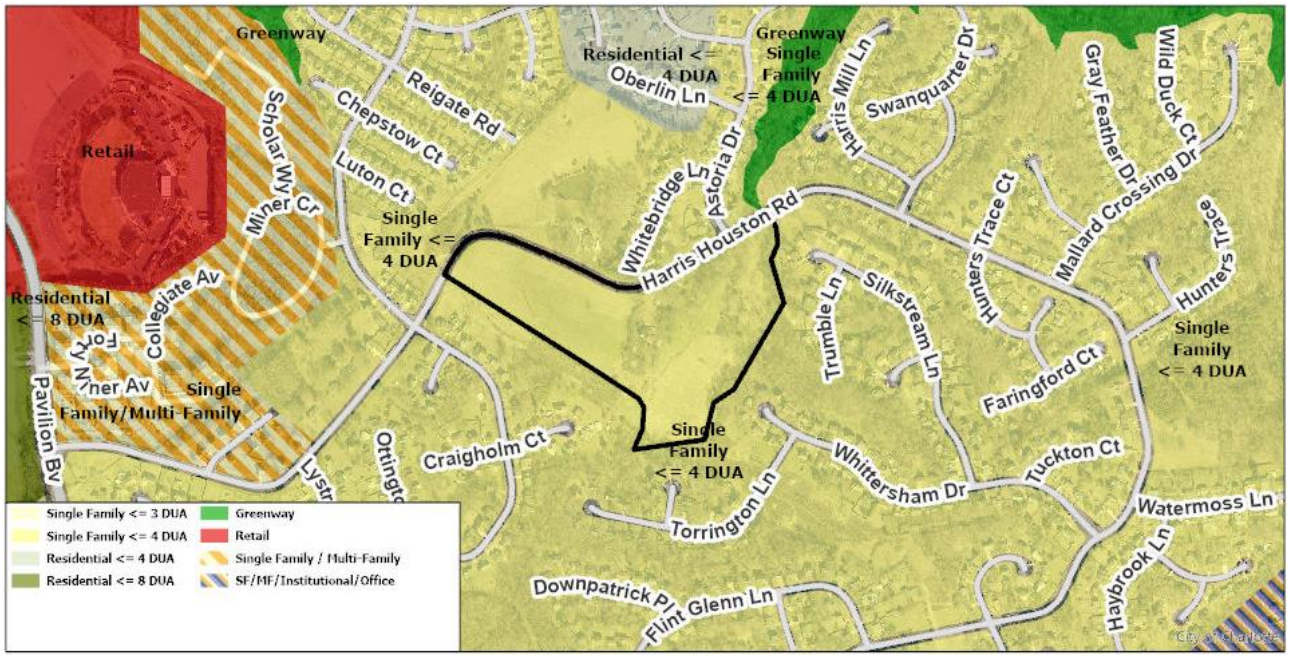
Looking east toward the site from Harris Houston Road. The site is currently pastureland.

The surrounding housing typology is largely detached single family homes. This view is looking north (immediately adjacent to the subject property) along Harris Houston Road in the vicinity of Whitebridge Lane.

- **Rezoning History in Area**

There have been no rezonings in the immediate area of this petition over the last 5 years.

- **Public Plans and Policies**



- The *Northeast District Plan* (1996) recommends single family residential up to four DUA for the site.

- **TRANSPORTATION SUMMARY**
  - The site is located on Harris Houston Road (city-maintained, collector road). The petitioner has committed to widen Harris Houston Road to Charlotte Land Development Standards Manual (CLDSM)'s collector street standards, along the petitioner's site frontage. This street widening also includes streetscape improvements, including an 8-ft planting strip and 12-ft multi-use path, in accordance with Charlotte BIKES and Chapter 19 ordinance requirements.
- **Active Projects:**
  - There are no active projects in the immediate area.
- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**

  Current Zoning:

  Existing Use: 20 trips per day (based on 2 SFR dwellings).

  Entitlement: 680 trips per day (based on 63 SFR dwellings).

  Proposed Zoning: 590 trips per day (based on 83 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 35 students, while the development allowed under the proposed zoning may produce 23 students. Therefore, the net decrease in the number of students generated from existing zoning to proposed is 12 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 112%
    - James Martin Middle remains at 74%
    - Vance High remains 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 Houston Road. Sanitary sewer system infrastructure is also accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Houston Road and through the eastern portion of the parcel. See advisory comments at www.rezoning.org
- **Engineering and Property Management:**
  - **Arborist:** No outstanding issues.
  - **Erosion Control:** See advisory comments at www.rezoning.org
  - **Land Development:** See advisory comments at www.rezoning.org
  - **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:** See advisory comments at www.rezoning.org

OUTSTANDING ISSUES

Transportation

1. ~~Add dimensions on the site plan. The site plan should show the curb and gutter labeled and dimensioned from the centerline of each road.~~ ADDRESSED
2. ~~Include the following language within the rezoning conditional notes: The petitioner should revise the site plan to add a note specifying the dedication and fee simple conveyance of all rights-of-way to the City before the site's first building certificate of occupancy is issued. CDOT requests right-of-way set at 2' behind back of sidewalk where feasible.~~ ADDRESSED
3. ~~The petitioner should revise the site plan and conditional note(s) references to "12' asphalt MUP" to CLDSM standard detail number 10.42 – Multi-use Path.~~ ADDRESSED

Environment

4. ~~If planting tree save or using other mitigation options for tree save, you must calculate area at 1.5 times 15 percent. Only preserved tree save is calculated at 15 percent. Clearly show tree save areas to be preserved on plans.~~ ADDRESSED
5. ~~Add note in Section 5 that tree survey of existing R/W trees will be required at first submittal of plan review. Trees in R/W must be preserved or will require mitigation~~. ADDRESSED

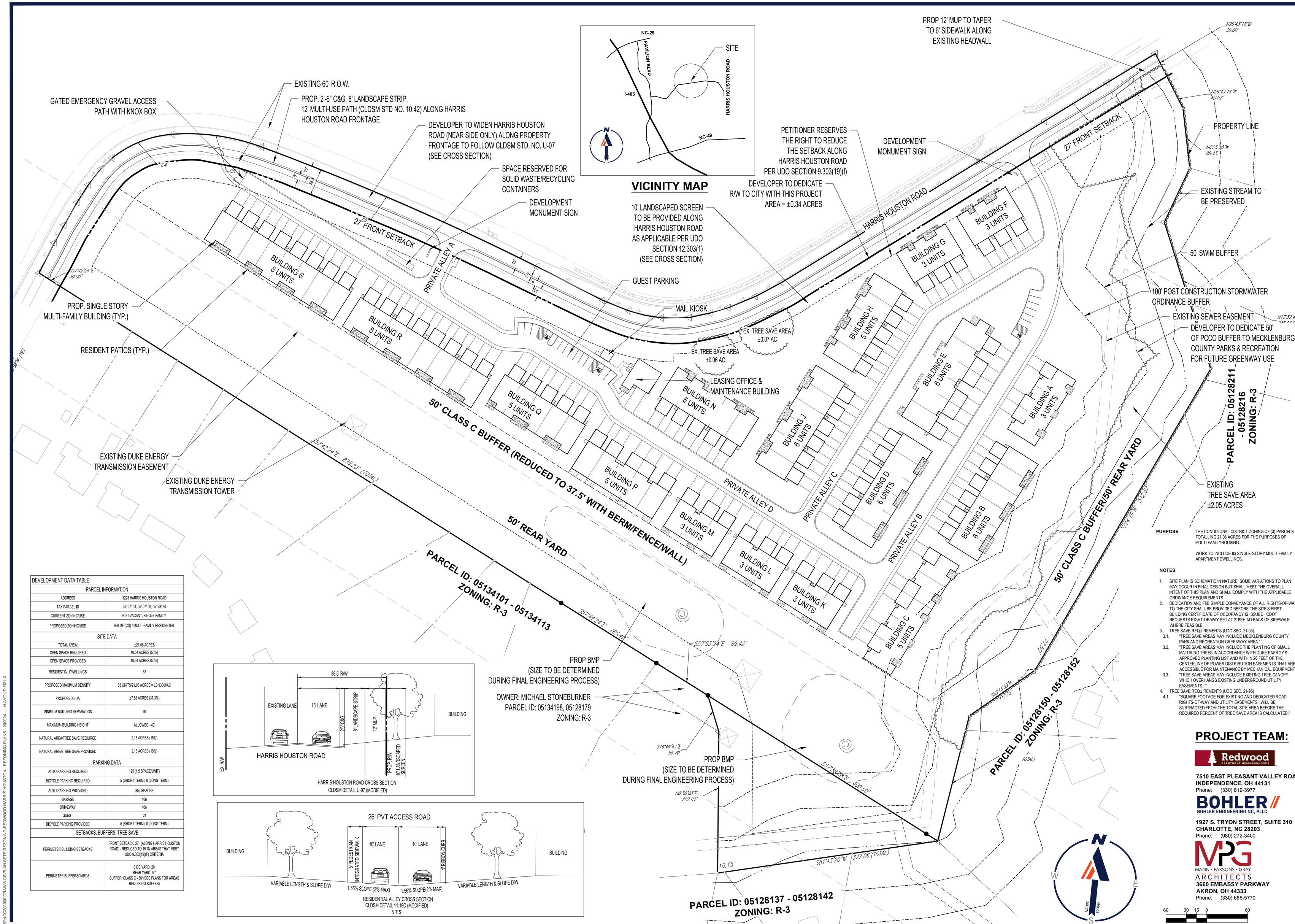
REQUESTED TECHNICAL REVISIONS

Site and Building Design

6. ~~Rectify the differing height/story notes in the development data table and Section 4.~~ ADDRESSED
7. ~~Remove note 2.b~~. ADDRESSED
8. ~~Remove note 4.c.~~ ADDRESSED

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

Planner: Will Linville (704) 336-4090



DEVELOPMENT DATA TABLE:	
PARCEL INFORMATION	
ADDRESS	3223 HARRIS HOUSTON ROAD
TAX PARCEL ID	05107104, 05107109, 05128180
CURRENT ZONING/USE	R-3 / VACANT, SINGLE FAMILY
PROPOSED ZONING/USE	R-8 MF (CD) / MULTI-FAMILY RESIDENTIAL
SITE DATA	
TOTAL AREA:	±21.08 ACRES
OPEN SPACE REQUIRED	10.54 ACRES (50%)
OPEN SPACE PROVIDED	10.54 ACRES (50%)
RESIDENTIAL DWELLINGS	83
PROPOSED/MAXIMUM DENSITY	83 UNITS/21.08 ACRES = ±3.93DU/AC
PROPOSED BUA	±7.88 ACRES (37.3%)
MINIMUM BUILDING SEPARATION	16'
MAXIMUM BUILDING HEIGHT	ALLOWED - 40'
NATURAL AREA/TREE SAVE REQUIRED	2.16 ACRES (15%)
NATURAL AREA/TREE SAVE PROVIDED	2.18 ACRES (15%)
PARKING DATA	
AUTO PARKING REQUIRED	125 (1.5 SPACE/UNIT)
BICYCLE PARKING REQUIRED	5 (SHORT TERM), 0 (LONG TERM)
AUTO PARKING PROVIDED	353 SPACES
GARAGE	166
DRIVEWAY	166
GUEST	21
BICYCLE PARKING PROVIDED	5 (SHORT TERM), 0 (LONG TERM)
SETBACKS, BUFFERS, TREE SAVE	
PERIMETER BUILDING SETBACKS	FRONT SETBACK: 27' (ALONG HARRIS HOUSTON ROAD) - REDUCED TO 15' IN AREAS THAT MEET UDO 9.303(19)(F) CRITERIA
PERIMETER BUFFERS/YARDS	SIDE YARD: 20' REAR YARD: 50' BUFFER: CLASS C - 50' (SEE PLANS FOR AREAS REQUIRING BUFFER)

PURPOSE:

THE CONDITIONAL DISTRICT ZONING OF (3) PARCELS TOTALLING 21.08 ACRES FOR THE PURPOSES OF MULTI-FAMILYHOUSING.

WORK TO INCLUDE 83 SINGLE-STORY MULTI-FAMILY APARTMENT DWELLINGS.

NOTES:

1. SITE PLAN IS SCHEMATIC IN NATURE, SOME VARIATIONS TO PLAN MAY OCCUR IN FINAL DESIGN BUT SHALL MEET THE OVERALL INTENT OF THIS PLAN AND SHALL COMPLY WITH THE APPLICABLE ORDINANCE REQUIREMENTS.
2. DEDICATION AND FEE SIMPLE CONVEYANCE OF ALL RIGHTS-OF-WAY TO THE CITY SHALL BE PROVIDED 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.
3. TREE SAVE REQUIREMENTS (UDO SEC. 21-93)
   - 3.1. "TREE SAVE AREAS MAY INCLUDE MECKLENBURG COUNTY PARK AND RECREATION GREENWAY AREA."
   - 3.2. "TREE SAVE AREAS MAY INCLUDE THE PLANTING OF SMALL MATURING TREES IN ACCORDANCE WITH DUKE ENERGY'S APPROVED PLANTING LIST AND WITHIN 20 FEET OF THE CENTERLINE OF POWER DISTRIBUTION EASEMENTS THAT ARE ACCESSIBLE FOR MAINTENANCE BY MECHANICAL EQUIPMENT."
   - 3.3. "TREE SAVE AREAS MAY INCLUDE EXISTING TREE CANOPY WHICH OVERHANGS EXISTING UNDERGROUND UTILITY EASEMENTS..."
4. TREE SAVE REQUIREMENTS (UDO SEC. 21-95)
   - 4.1. "SQUARE FOOTAGE FOR EXISTING AND DEDICATED ROAD RIGHTS-OF-WAY AND UTILITY EASEMENTS...WILL BE SUBTRACTED FROM THE TOTAL SITE AREA BEFORE THE REQUIRED PERCENT OF TREE SAVE AREA IS CALCULATED."

PROJECT TEAM:

Redwood APARTMENT NEIGHBORHOODS
7510 EAST PLEASANT VALLEY ROAD
INDEPENDENCE, OH 44131
Phone: (330) 819-3977

BOHLER ENGINEERING NC, PLLC
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MPG MANN • PARSONS • GRAY ARCHITECTS
3660 EMBASSY PARKWAY
AKRON, OH 44333
Phone: (330) 666-5770

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

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PROJECT No.:	NCC203000
DRAWN BY:	ATZ
CHECKED BY:	DR
DATE:	4/9/20
CAD I.D.:	

PROJECT:

REZONING PLANS

FOR

Redwood APARTMENT NEIGHBORHOODS

REDWOOD HARRIS HOUSTON

3223 HARRIS HOUSTON ROAD
CITY OF CHARLOTTE
CHARLOTTE, NC 28262

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SHEET TITLE:

CONDITIONAL REZONING: CONCEPTUAL SITE PLAN

SHEET NUMBER:

RZ1.0

REVISION 1 - 8/13/20

CONDITIONAL REZONING REQUEST - DEVELOPMENT STANDARDS

1. GENERAL PROVISIONS

a) THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY REDWOOD USA TO ACCOMMODATE THE DEVELOPMENT OF A MULTI-FAMILY RESIDENTIAL COMMUNITY ON THAT APPROXIMATELY 21.08 ACRE SITE LOCATED ON HARRIS HOUSTON ROAD, WHICH SITE IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (THE "SITE"). THE SITE IS COMPRISED OF TAX PARCEL NOS. 05107104, 05107109, 05128180.

b) DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE ''ORDINANCE'). UNLESS THE REZONING PLAN OR THESE DEVELOPMENT STANDARDS ESTABLISH MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE R-8MF ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT AND USE OF THE SITE.

c) THE DEVELOPMENT DEPICTED ON THE REZONING PLAN IS SCHEMATIC IN NATURE AND INTENDED TO DEPICT THE GENERAL ARRANGEMENT OF USES AND IMPROVEMENTS ON THE SITE. ACCORDINGLY, THE CONFIGURATION, PLACEMENT AND SIZE OF THE PRINCIPAL BUILDING FOOTPRINT AS WELL AS THE INTERNAL DRIVES AND PARKING AREAS DEPICTED ON THE REZONING PLAN ARE SCHEMATIC IN NATURE AND, SUBJECT TO THE TERMS OF THESE DEVELOPMENT STANDARDS AND THE ORDINANCE, ARE SUBJECT TO MINOR ALTERATIONS OR MODIFICATIONS DURING THE DESIGN DEVELOPMENT AND CONSTRUCTION DOCUMENT PHASES.

d) 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.

e) DEDICATION AND FEE SIMPLE CONVEYANCE OF ALL RIGHTS OF WAY (IF APPLICABLE) TO THE CITY SHALL OCCUR BEFORE THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED.

2. PERMITTED USES

a) THE SITE MAY ONLY BE DEVOTED TO A MULTI-FAMILY RESIDENTIAL COMMUNITY CONTAINING A MAXIMUM OF 83 ATTACHED DWELLING UNITS, 1 DETACHED LEASING OFFICE/MAINTENANCE BUILDING AND TO ANY INCIDENTAL AND ACCESSORY USES RELATING THERETO THAT ARE ALLOWED IN THE R-8MF ZONING DISTRICT.

3. TRANSPORTATION

a) VEHICULAR ACCESS TO THE SITE WILL BE FROM HARRIS HOUSTON ROAD AS GENERALLY DEPICTED ON 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) IN ACCORDANCE WITH APPLICABLE PUBLISHED STANDARDS.

b) PETITIONER SHALL INSTALL PRIVATE ALLEY STREETS A - D IN THE LOCATIONS GENERALLY DEPICTED ON REZONING PLAN. NO PUBLIC STREETS ARE REQUIRED TO BE CONSTRUCTED ON SITE AS CONFIRMED BY THE CITY. PRIVATE ALLEYS SHALL BE MAINTAINED AND OWNED BY THE SITE DEVELOPER.

c) PETITIONER SHALL WIDEN HARRIS HOUSTON ROAD (NEAR SIDE ONLY) TO FOLLOW CLDSM STD. NO. U-07 ALONG PROPERTY FRONTAGE. IN LIEU OF PROVIDING A 5' BIKE LANE, PETITIONER TO PROVIDE 12' MULTI-USE PATH.

d) ALL TRANSPORTATION IMPROVEMENTS WILL BE APPROVED AND CONSTRUCTED BEFORE THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED.

e) THE SITE WILL UTILIZE SAID PRIVATE STREETS AND PRIVATE DRIVEWAY CONNECTIONS THAT WILL CONNECT TO HARRIS HOUSTON ROAD. DUE TO SITE FEATURES, NO FUTURE CONNECTIVITY TO ADJACENT PROPERTIES WILL BE REQUIRED, AS CONFIRMED BY THE CITY.

PARKING FOR EACH INDIVIDUAL UNIT IS PROVIDED IN A TWO CAR GARAGE WITH AN ADDITIONAL TWO SPACES WITHIN THE DRIVEWAY AREA.

f) THE ALIGNMENT OF THE INTERNAL DRIVEWAYS AND VEHICULAR CIRCULATION AREAS MAY BE MODIFIED BY THE PETITIONER TO ACCOMMODATE CHANGES FOR THE FINAL LAYOUT, TRAFFIC PATTERNS AND ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY CDOT OR NCDOT IN ACCORDANCE WITH APPLICABLE PUBLISHED STANDARDS, MODIFICATIONS SHALL BE MINOR.

g) ALL TRANSPORTATION IMPROVEMENTS WILL BE APPROVED AND CONSTRUCTED BEFORE THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED

4. ARCHITECTURAL STANDARDS

a) THE MAXIMUM ALLOWED HEIGHT IN FEET OF THE PRINCIPAL BUILDINGS TO BE CONSTRUCTED ON THE SITE SHALL BE 40'. BUILDING HEIGHT SHALL BE MEASURED AS PROVIDED IN THE ORDINANCE.

b) TO PROVIDE PRIVACY, ALL RESIDENTIAL ENTRANCES WITHIN 15 FEET OF THE SIDEWALK MUST BE RAISED FROM THE AVERAGE SIDEWALK GRADE A MINIMUM OF 24 INCHES.

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, UNLESS A FLAT ROOF ARCHITECTURAL STYLE IS EMPLOYED.

d) ALL CORNER/END UNITS THAT FACE A PUBLIC OR PRIVATE STREET SHOULD HAVE A PORCH OR STOOP THAT WRAPS A PORTION OF THE FRONT AND SIDE OF THE UNIT OR PROVIDE BLANK WALL PROVISIONS THAT LIMIT THE MAXIMUM BLANK WALL EXPANSE TO 10 FEET ON ALL BUILDING LEVELS.

e) GARAGE DOORS VISIBLE FROM PUBLIC OR PRIVATE STREETS SHOULD MINIMIZE THE VISUAL IMPACT BY PROVIDING ADDITIONAL ARCHITECTURAL TREATMENTS SUCH AS TRANSLUCENT WINDOWS OR PROJECTING ELEMENTS OVER THE GARAGE DOOR OPENING.

f) WALKWAYS SHOULD BE PROVIDED TO CONNECT ALL RESIDENTIAL ENTRANCES TO SIDEWALKS ALONG PUBLIC AND PRIVATE STREETS.

g) TOWNHOUSE BUILDINGS FRONTING PUBLIC OR PRIVATE NETWORK REQUIRED STREETS SHOULD BE LIMITED TO 5 INDIVIDUAL UNITS OR FEWER. THE NUMBER OF INDIVIDUAL UNITS PER BUILDING SHOULD BE VARIED IN ADJACENT BUILDINGS IF MULTIPLE 5 UNITS BUILDINGS ARE ADJACENT.

5. STREETSCAPE AND LANDSCAPING

a) THE PETITIONER WILL PROVIDE AN 8' PLANTING STRIP AND A 12' MULTI-USE PATH (CLDSM STD NO. 10.42) FOR HARRIS HOUSTON ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN.

b) ENTRY FEATURES WITH LANDSCAPING AND PROJECT IDENTITY SIGNAGE WILL BE PROVIDED AT MAIN ENTRY POINTS ALONG HARRIS HOUSTON ROAD AT THE DEVELOPER'S DISCRETION.

c) BUFFER PLANTINGS INSIDE AREA NOTED AS "100' PCCO BUFFER" CAN BE POTENTIALLY WAIVED WITH THIS DEVELOPMENT PROVIDED THAT THE PETITIONER DEDICATES THE FULL WIDTH OF PERIMETER BUFFER AREA TO MECKLENBURG COUNTY PARKS AND RECREATION FOR FUTURE GREENWAY USE.

d) TREE SURVEY OF EXISTING R/W TREES WILL BE REQUIRED AT FIRST SUBMITTAL OF PLAN REVIEW. ALL TREES 8" DBH OR GREATER IN R/W MUST BE PRESERVED OR WILL REQUIRE MITIGATION.

6. ENVIRONMENTAL FEATURES

a) THE PETITIONER SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION STORMWATER ORDINANCE.

b) THE LOCATION, SIZE AND TYPE OF STORM WATER MANAGEMENT SYSTEMS DEPICTED ON THE REZONING PLAN ARE SUBJECT TO REVIEW AND APPROVAL AS PART OF THE FULL DEVELOPMENT PLAN SUBMITTAL AND ARE NOT IMPLICITLY APPROVED WITH THIS REZONING. ADJUSTMENTS MAY BE NECESSARY IN ORDER TO ACCOMMODATE ACTUAL STORM WATER TREATMENT REQUIREMENTS AND ACTUAL SITE DISCHARGE POINTS.

c) THE DEVELOPMENT OF THIS SITE WILL COMPLY WITH THE CITY OF CHARLOTTE TREE ORDINANCE.

d) IT IS ANTICIPATED THAT SOLID WASTE AND RECYCLING COLLECTION SERVICES ARE TO BE PROVIDED BY A PRIVATE COLLECTION SERVICE AND IN THIS EVENT, ROLL-OUT BINS WILL BE PROVIDED FOR EACH DWELLING UNIT.

e) 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.

f) STREAM DELINEATION REPORTS ARE SUBJECT TO REVIEW AND APPROVAL BY CHARLOTTE STORMWATER SERVICES.

7. SIGNAGE

a) PRINCIPAL SIGNAGE FOR THE SITE SHALL CONSIST OF A MONUMENT STYLE SIGN TO BE LOCATED AT PROJECT ENTRY POINTS AND WILL BE IN ACCORDANCE WITH THE CHARLOTTE LAND DEVELOPMENT STANDARDS MANUAL AND PER ORDINANCE.

8. 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 FIXTURE INSTALLED ON THE SITE SHALL BE 21 FEET FROM GRADE.

c) ANY LIGHTING FIXTURES ATTACHED TO PRINCIPAL BUILDINGS TO BE CONSTRUCTED ON THE SITE SHALL BE DECORATIVE, CAPPED AND DOWNWARDLY DIRECTED.

9. BINDING EFFECT OF THE REZONING APPLICATION

i) 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.

TM

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

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CHECKED BY: DR
DATE: 4/9/20
CAD I.D.:

PROJECT:

REZONING PLANS

FOR

Redwood APARTMENT NEIGHBORHOODS

REDWOOD HARRIS HOUSTON

3223 HARRIS HOUSTON ROAD
CITY OF CHARLOTTE
CHARLOTTE, NC 28262

BOHLER
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Phone: (980) 272-3400
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NC@BohlerEng.com

SHEET TITLE:
CONDITIONAL REZONING: DEVELOPMENT STANDARDS

SHEET NUMBER:
RZ2.0

REVISION 1 - 8/13/20

C:\PROGRAMDATA\BOHLER\C3D2020\TEMP\ACPUBLISH_7268\REDWOOD HARRIS HOUSTON - REZONING PLANS - 200916----LAYOUT: RZ2.0

Petition 2020-074 by Bob Dyer, Redwood USA

To Approve:

This petition is found to be **inconsistent** with the *Northeast District Plan* with respect to proposed land use but **consistent** with recommended density, based on the information from the staff analysis and the public hearing, and because:

- The plan recommends single family residential uses of up to four 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:

- Although the petition proposes multi-family dwelling units, the DUA for this project does not exceed the recommended land use density of four DUA.
- The petition assists in achieving the Northeast District Plan's goal of attractive and diverse neighborhoods by offering a type of housing not currently found in the area. Additionally, the proposal enhances mobility by committing to the construction of a 12' multi-use path to accommodate bike and pedestrian travel.
- The petitioner commits to provide accessible public open space by dedicating a 50-foot easement along the eastern property boundary for future greenway use.

The approval of this petition will revise the adopted future land use as specified by the *Northeast District Plan*, from single family residential up to four DUA to residential up to four DUA for the site.

To Deny:

This petition is found to be **inconsistent** with the *Northeast District Plan* with respect to proposed land use but **consistent** with recommended density, based on the information from the staff analysis and the public hearing, and because:

- The plan recommends single family residential uses of up to four dwelling units per acre (DUA)

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:

City of Charlotte

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

Agenda Date: 10/6/2020

Agenda #: 16.**File #:** 15-14302 **Type:** Zoning Item

Rezoning Petition: 2020-075 by Mattamy Homes

Location: Approximately 19.6 acres located along the south side of Ridge Road, north of Interstate 485, and west of Mallard Creek Road. (Council District 4 - Johnson)

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

Public Hearing Held: September 21, 2020 - Item #45

Staff Resource: Michael Russell

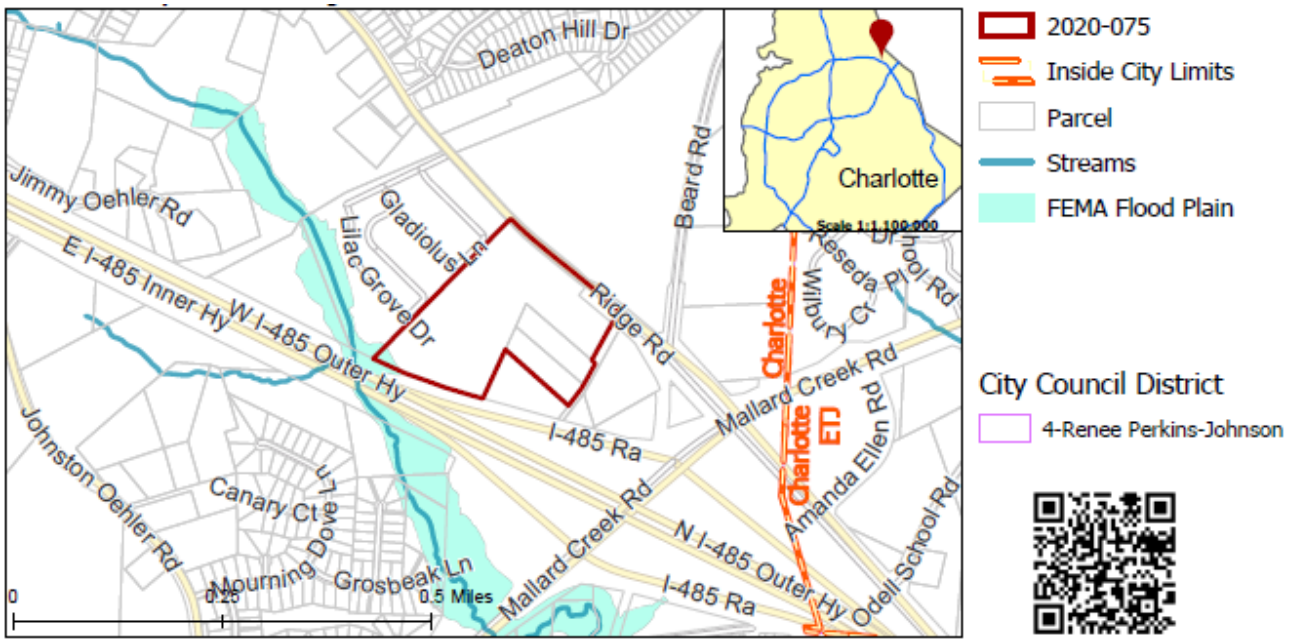
Staff Recommendation:
Staff recommends APPROVAL of this petition.

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

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-075
Post Hearing Staff Analysis
October 6, 2020

REQUEST	Current Zoning: R-3 (single family residential) Proposed Zoning: R-8MF(CD) (multi-family residential, conditional)
LOCATION	Approximately 19.6 acres located along the south side of Ridge Road, north of Interstate 485, and west of Mallard Creek Road.



SUMMARY OF PETITION	The petition proposes a residential community of up to 139 single family attached dwelling (townhome) units on vacant land with a density of 7.1 dwelling units per acre.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Martin Oehler, Jr. Mattamy Homes Collin Brown, Rick Alexander, PLLC
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 *Prosperity Hucks Area Plan's (2015)* recommendation of residential use, but at 7.1 dwelling units per acre (DUA), it is **inconsistent** with the recommended density of 4 DUA.

Rationale for Recommendation

- This petition proposes up to 139 single family attached dwelling units for a density of 7.1 dwelling units per acre (DUA).
- While a DUA of 7.1 is higher than the *Prosperity Hucks Area Plan* recommendation of residential uses up to 4 DUA, the plan also states that "small clusters of slightly higher density residential are

appropriate at strategic locations as elements of a larger development" This petition can be considered to be in a strategic location, as it is in close proximity to the I-485 outer ring, and is adjacent to petition 2017-135, which was rezoned to R-8MF(CD) in 2018.

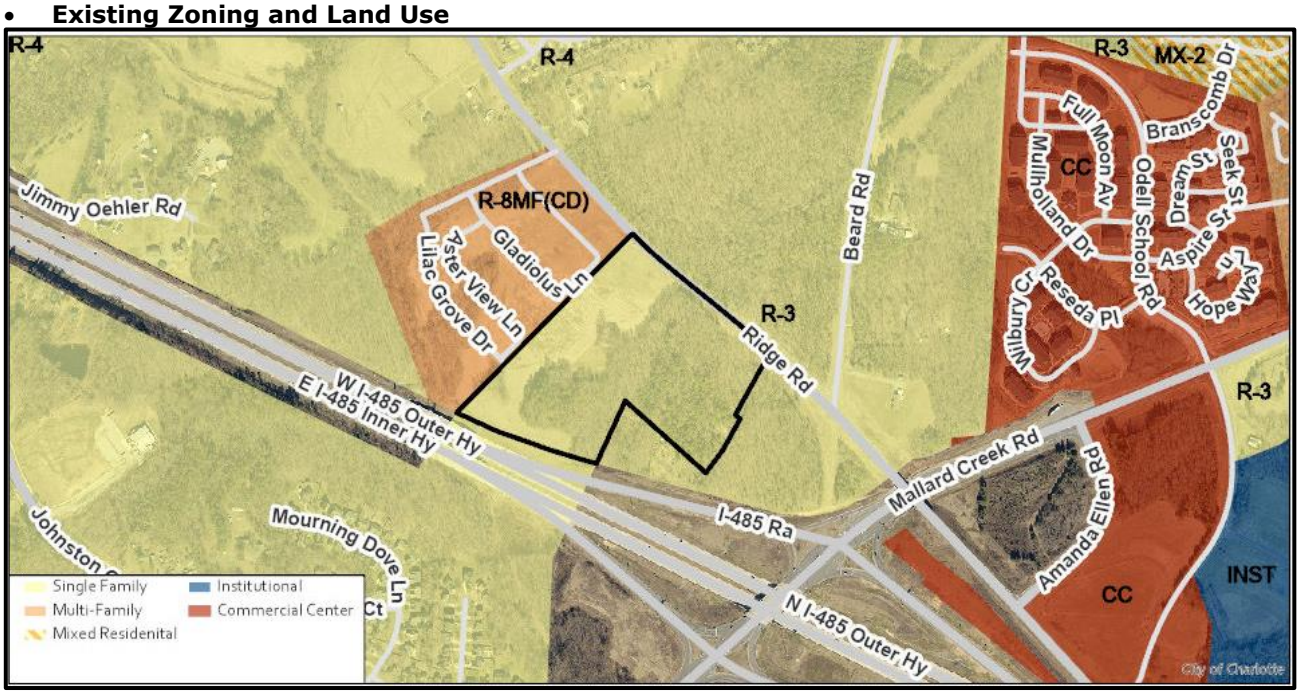
- To the east of the parcel is the commercial activity center which focuses its activity around the northern end of Mallard Creek Road. Typically, higher density developments are appropriate in areas proximate to commercial centers.
- The petition proposes one connection to an adjacent development (approved Petition 2017-135) and commits to building three stub connections for future developments that may be constructed to the east of the parcel. These stub connections for concurrent and future housing developments will establish connectivity throughout the neighborhoods, provide safer routes for pedestrians walking, and give alternate routes to neighborhood drivers other than Ridge road.

The approval of this petition will revise the adopted future land use as specified by the *Prosperity Hucks Area Plan (2015)*, residential uses up to 4 DUA to residential uses up to 8 DUA.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Allows up to 139 townhome units with a density of 7.1 dwelling units per acre.
  - Commits to a 10-foot sidewalk and 8-foot planting strip along the site's frontage along Ridge Road and streetscape requirements according to the *Prosperity Hucks Area Plan.*
  - Commits to provide a left-turn lane into the site on Ridge Road.
  - Commits to building three stub connections for future developments and one connection to an adjacent development.
  - Provides internal sidewalks and pedestrian connections through the site.
  - Dedicates all rights-of-way where necessary, in fee simple conveyance to the City.
  - Provides a Class C buffer where it abuts single-family zoning.
  - Exterior building materials will be comprised of a combination of portions of brick, brick veneer, natural stone (or its synthetic equivalent), and/or vinyl siding.
  - All townhome units shall be provided with a garage for a minimum of one car.
  - Sidewalks will be provided to connect drives with streets.

- **Existing Zoning and Land Use**



The subject property is undeveloped vacant land. The surrounding land uses include single-family homes, multi-family apartments and commercial uses.

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

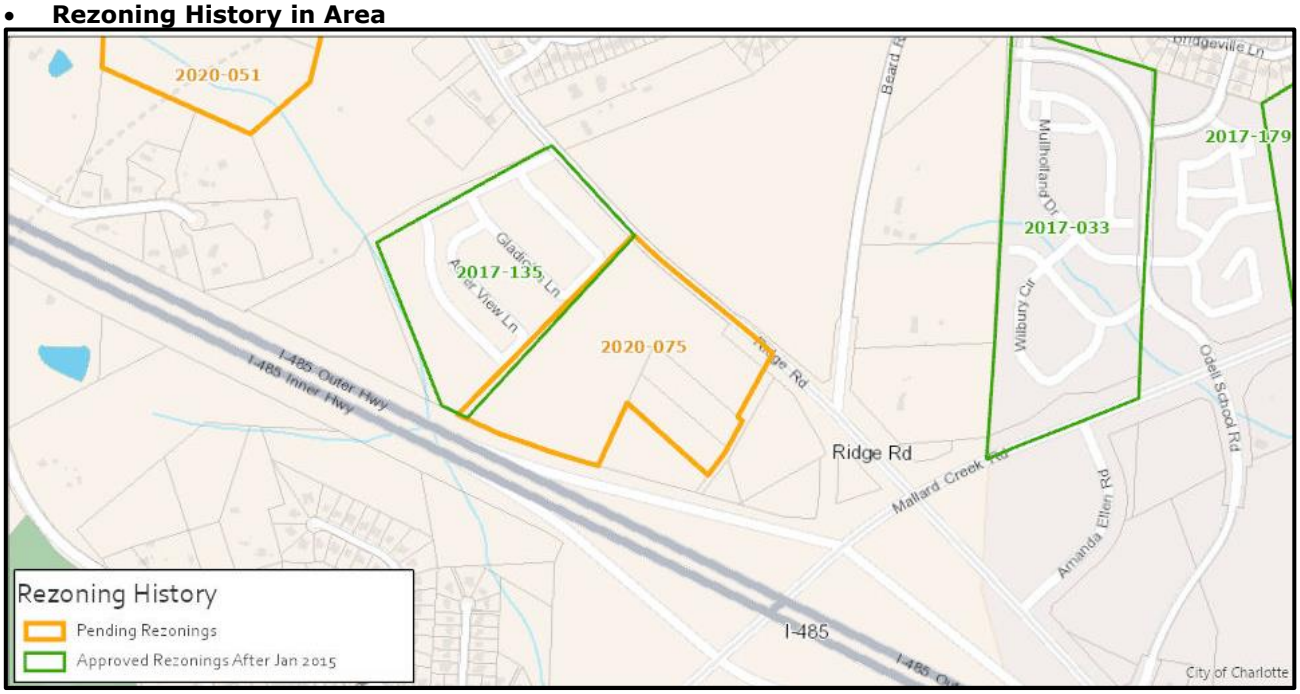
The property to the north along Ridge Road is undeveloped.

The property to the east along Ridge Road is undeveloped.

The property to the south is bordered by Interstate 485.

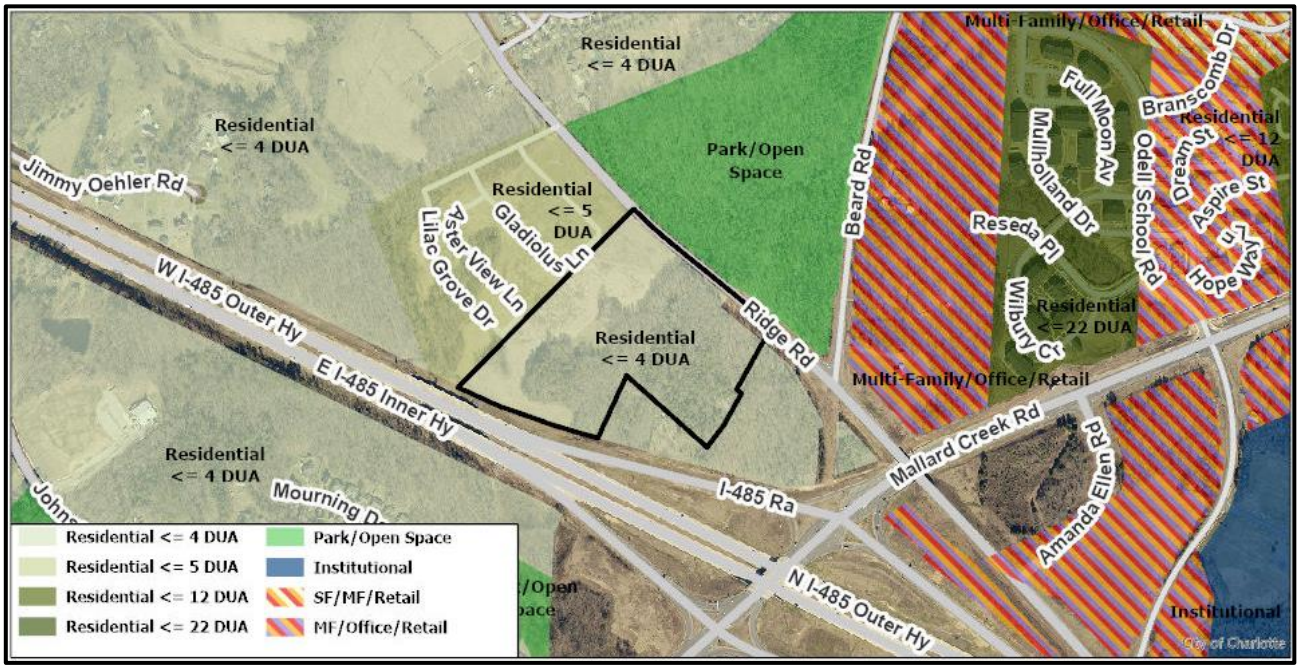
The property to the west along Ridge Road is currently undeveloped but was rezoned in 2017 to allow single family attached units.

- **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
2017-179	Rezoned 19.52 acres to allow up to 234 multi-family units.	Approved
2020-051	Proposes to rezone 21.90 acres to allow up to 98 townhome units.	Pending

- **Public Plans and Policies**



- The *Prosperity Hucks Area Plan (2015)* calls for residential uses up to 4 DUA.

- **TRANSPORTATION SUMMARY**
  - The site is located on a major thoroughfare road. The petitioner has committed to provide a left-turn lane into the site on Ridge Road, in addition to incorporating the streetscape improvements that are recommended within the Prosperity Hucks Area Plan. CDOT and the petitioner are continuing to coordinate roadway widening and curb placement with the recently approved by-right subdivision project: SDRMFR-2019-00041 - Redwood Ridge Road.
- **Active Projects:**
  - There are no active projects within the immediate area.
- **Transportation Considerations**
  - ~~See Outstanding Issues, Note 1~~. ADDRESSED
- **Vehicle Trip Generation:**

  Current Zoning:

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

  Entitlement: 630 trips per day (based on 58 single family dwellings).

  Proposed Zoning: 1,010 trips per day (based on 139 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 9 students, while the development allowed under the proposed zoning may produce 22 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 13 students.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Parkside Elementary from 64% to 67%
    - Ridge Road Middle at 126%
    - Mallard Creek High at 123%
  - **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 24-inch gravity sewer main located along the southern portion 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:** ~~See Outstanding Issues, Note 2.~~ ADDRESSED
- **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. Ridge Road: The future location of curb and gutter should be reflected to match the *Prosperity Hucks Area Plan* cross section, as shown below. Pavement widening should occur asymmetrically to the south of the proposed petitioner's site, since the parcel across Ridge Road to the north is a mitigation site for I-485 construction and is protected by a conversation easement. Please refer to SDRMFR-2019-00041 - Redwood Ridge Road to tie-in the proposed streetscape into the approved Redwood Ridge Road subdivision plans. The site plan should show the curb and gutter labeled and dimensioned from the centerline for each road.~~ ADDRESSED

Environment

~~2. Need to show existing tree canopy accurately on plans.~~ ADDRESSED

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

Planner: Michael Russell (704) 353-0225

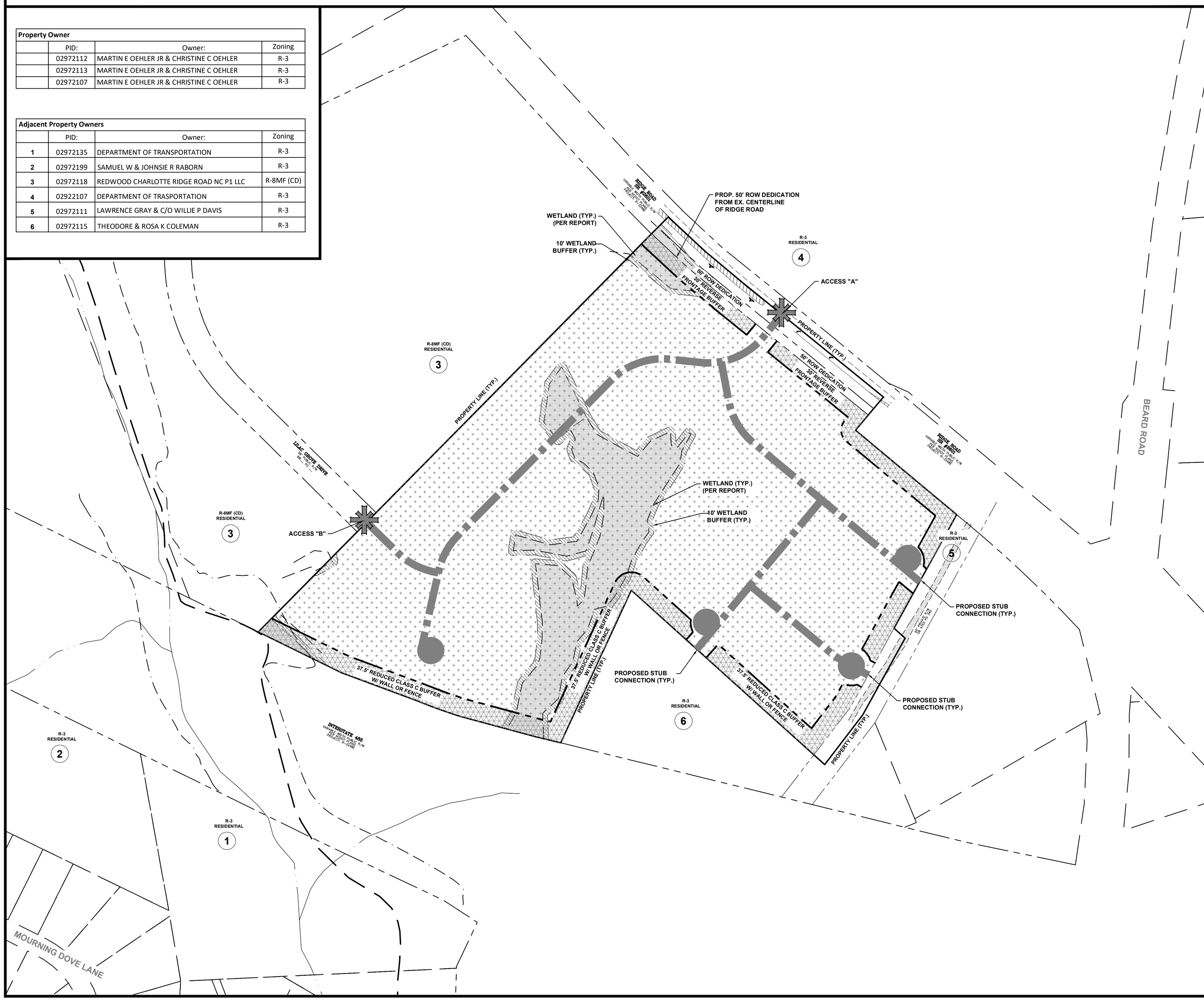
Ridge Road Hunter Townhomes

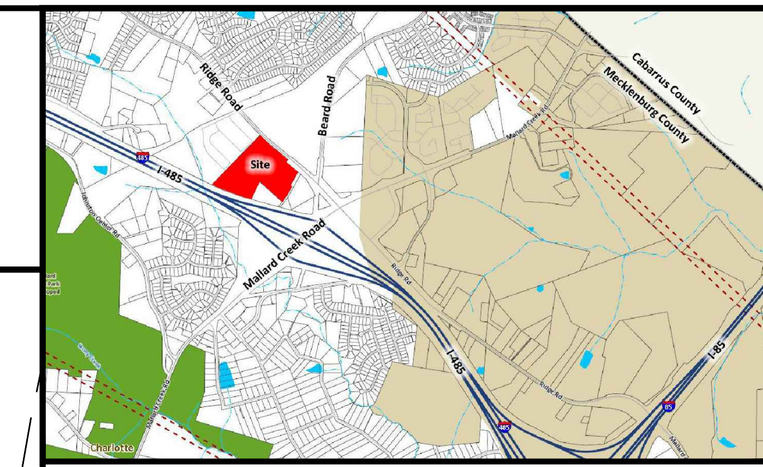
Conditional District Rezoning - Petition # 2020-075

Located In:
City of Charlotte / Mecklenburg County, North Carolina

Property Owner			
	PID:	Owner:	Zoning
	02972112	MARTIN E OEHLER JR & CHRISTINE C OEHLER	R-3
	02972113	MARTIN E OEHLER JR & CHRISTINE C OEHLER	R-3
	02972107	MARTIN E OEHLER JR & CHRISTINE C OEHLER	R-3

Adjacent Property Owners			
	PID:	Owner:	Zoning
1	02972135	DEPARTMENT OF TRANSPORTATION	R-3
2	02972199	SAMUEL W & JOHNSIE R RABORN	R-3
3	02972118	REDWOOD CHARLOTTE RIDGE ROAD NC P1 LLC	R-8MF (CD)
4	02922107	DEPARTMENT OF TRASPORTATION	R-3
5	02972111	LAWRENCE GRAY & C/O WILLIE P DAVIS	R-3
6	02972115	THEODORE & ROSA K COLEMAN	R-3





Vicinity Map

Not to Scale

NORTH

Site Data

Tax Parcel:	02972112, 02972113 & 02972107
Total Acreage:	+/- 19.6 Acres
Location:	City of Charlotte ETJ Mecklenburg County
Existing Zoning:	R-3
Proposed Zoning:	R-8MF (CD)
Existing Use:	Vacant
Proposed Use:	Single Family Residential (Attached)
Permitted # of Units:	Up to 139 Single Family Attached (Townhome) Units
Proposed Density:	7.1 Dwelling Units Per Acre (DUA)
Parking:	Shall meet or exceed Ordinance Standards
Amenitized Open Space:	+/- 0.3 Acres
Open Space: Required: Proposed:	 400 SF per Unit or 10% Site Area Common Open Space 400 SF per Unit or 10% Site Area Common Open Space
Natural Area: Required: Provided:	 +/- 1.96 Acres (10%) +/- 1.96 Acres (10%) Minimum
Tree Save: Required: Provided:	 +/- 2.94 Acres (15%) +/- 2.94 Acres (15%) Minimum*

* Note: Base on Gross Site Acreage.

General Notes

1. Base information obtained from Mecklenburg County GIS and "Topographic Survey of Parcels 02972112, 02972113 & 02972107" provided by ESP Associates Inc., dated April 2020 for Mattamy Homes, and should be verified for accuracy.

2. Stream / Wetland Information is based on "Topographic Survey of Parcels 02972112, 02972113 & 02972107" provided by ESP Associates Inc., dated April 2020 for Mattamy Homes

Legend

- Residential Development Area - Building & Parking Envelope
- 56' Public ROW
- Proposed Access Location
- Proposed Buffer

INDEX OF SHEETS			
SHEET NO.	SHEET NAME	ORIGINAL DATE	REVISED DATE
1 of 4	CONCEPTUAL SITE PLAN	4/16/2020	9/28/2020
2 of 4	TECHNICAL DATA	4/16/2020	9/28/2020
3 of 4	MASTER PLAN	4/16/2020	9/28/2020
4 of 4	CONCEPTUAL MASTER PLAN	4/16/2020	9/28/2020

NORTH

GRAPHIC SCALE

100' 0 50' 100' 200' 400'

(IN FEET)
1 INCH = 100 FT.

ESP Associates, Inc.
P.O. Box 7030
Charlotte, NC 28241
3475 Lakemont Blvd.
Fort Mill, SC 29708
704-583-4949 (NC)
803-802-2440 (SC)
www.espassociates.com

NO.	DATE	REVISION	BY
1	08/17/2020	REVISED PER STAFF COMMENTS	AB
2	09/28/2020	REVISED PER STAFF COMMENTS	SW

CONCEPTUAL SITE PLAN
REZONING PETITION #2020-075

RIDGE ROAD HUNTER TOWNHOMES

CITY OF CHARLOTTE

MATTAMY HOMES

PROJECT INFORMATION	
PROJECT MANAGER:	MM
DESIGNED BY:	AB
DRAWN BY:	ZW
PROJECT NUMBER:	IM06.100
ORIGINAL DATE:	4/16/2020

SHEET:
1 OF 4

U:\2020 Projects (I)\IM06 - Oehler Property (Mattamy)\Submittal Working Drawings\2020-8-17_3rd Rezoning Submittal\Sheets\IM06 - RRH - Conceptual Site Plan.dwg, Conceptual Site Plan, swhite

Ridge Road Hunter Townhomes - Petition # 2020-075
Conditional District Rezoning - Development Standards

I. General Provisions

1. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Mattamy Homes (the "Petitioner") to accommodate the development of a single-family attached (townhome) residential community on that approximately 19.6-acre site located on the southern side of Ridge Road near the intersection with Beard Road, more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Tax Parcel Numbers 029-721-12, 029-721-13, and 029-721-07.

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 R-8MF 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 139 single-family attached dwelling units and any incidental and accessory uses relating thereto that are permitted in the R-8MF 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 public and/or private streets, and minor adjustments to the location of these streets shall be allowed during the construction permitting process in coordination with CDOT.

3. Petitioner shall construct a ten (10) foot sidewalk in accordance with the Ridge Road cross section along the Site's Ridge Road frontage, as included within the Prosperity Hucks Area Plan.

4. Petitioner shall provide a three (3)-lane driveway section at proposed Access A, to provide one thru lane (ingress) and a right and left-turn lane (egress), as generally depicted on the Rezoning Plan.

5. Petitioner shall provide a three-lane cross section along the Site's frontage of Ridge Road, as generally depicted on the Rezoning Plan.

6. Petitioner shall install curb and gutter along the Site's frontage of Ridge Road, in the location as generally depicted on the Rezoning Plan.

2. 7. 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.

8. 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.

9. 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 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), and/or vinyl siding.

2. Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that roofs for porches and attached sheds may be no less than 2:12, unless a flat roof architectural style is employed.

3. 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.

4. For all units, Petitioner shall provide blank wall provisions that limit the maximum blank wall expanse to twenty (20) feet on all building levels, provisions may include but not be limited to doors, windows, shutters, awnings, material or color changes, brick or stone foundation water-tables, trim bands, and/or enhancements. Porches or stoops and overhangs that extend beyond the walls of the main building footprint shall not be used in calculating the twenty (20) foot expanses for blank wall purposes. For townhomes entering the front door on the side of the home, front door area porches or stoops shall be used in calculating the twenty (20) foot expanses for blank wall purposes. Side entry porches or stoops shall be considered to be provisions or enhancements.

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

6. Refuse collection throughout the Site shall be in the form of roll-out containers. Service dumpster locations are reserved on the Rezoning Plan, however, construction of such dumpster pads shall not be required in the event that private trash collection is utilized for the entire Site.

7. Attached dwelling units shall be limited to a maximum of six (6) townhome units per building. Six (6) unit buildings shall not be located directly adjacent to each other on the same side of the street

8. Garage doors visible from public or private streets should minimize the visual impact by either providing a setback of twelve (12) to twenty-four (twenty four) inches from the front wall plane or include additional architectural treatments such as translucent windows or projecting elements over the garage door opening.

9. Lead walks shall be provided to connect to drives or public/private streets.

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.

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.

ESP Associates, Inc.
P.O. Box 7030
Charlotte, NC 28241
5475 Lawyers Row
Fort Mill, SC 29708
704-583-4949 (NC)
803-802-2440 (SC)
www.espassociates.com

NO.	DATE	REVISION
1	08/17/2020	REVISED PER STAFF COMMENTS
2	09/28/2020	REVISED PER STAFF COMMENTS

BY: AB, SW

TECHNICAL DATA
REZONING PETITION #2020-075

RIDGE ROAD HUNTER TOWNHOMES
CITY OF CHARLOTTE
MATTAMY HOMES

PROJECT INFORMATION	
PROJECT MANAGER:	MM
DESIGNED BY:	AB
DRAWN BY:	ZW
PROJECT NUMBER:	IM06.100
ORIGINAL DATE:	4/16/2020

SHEET:
2 OF 4

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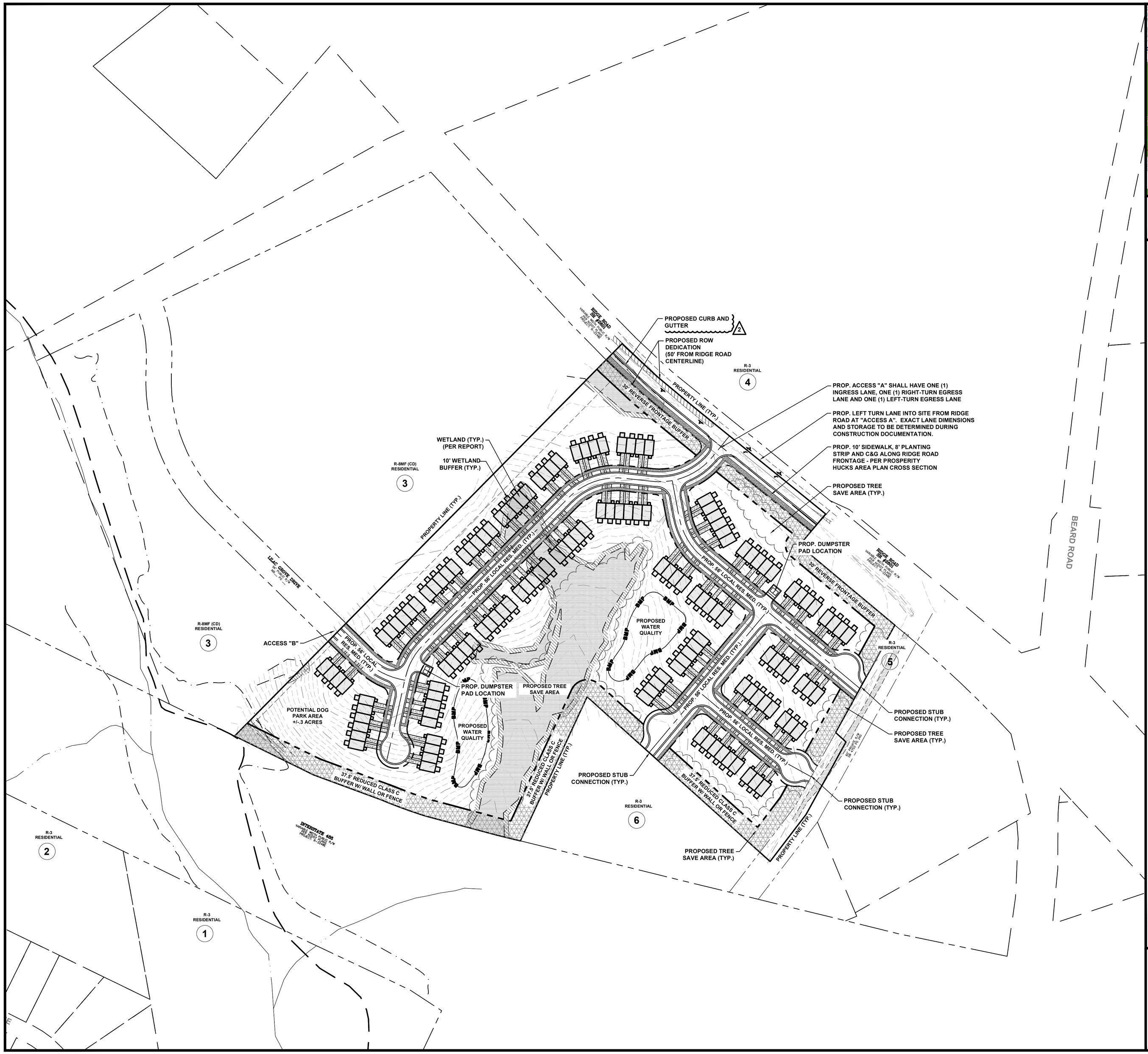

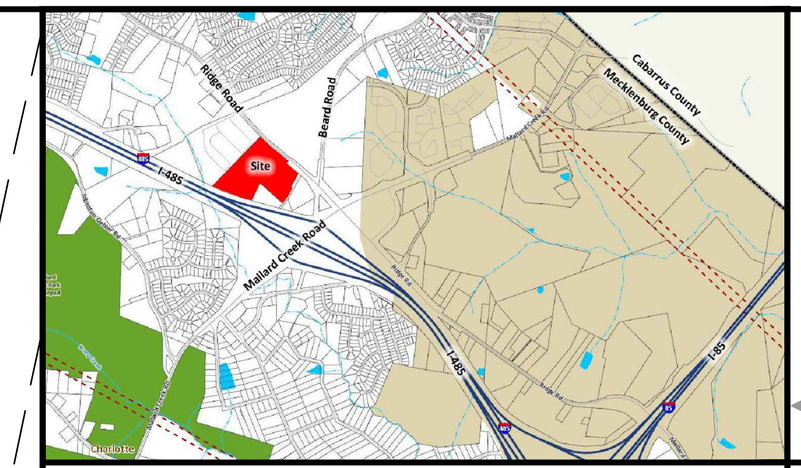

Vicinity Map

Not to Scale

NORTH

Site Data

Tax Parcel:	02972112, 02972113 & 02972107
Total Acreage:	+/- 19.6 Acres
Location:	City of Charlotte ETJ Mecklenburg County
Existing Zoning:	R-3
Proposed Zoning:	R-8MF (CD)
Existing Use:	Vacant
Proposed Use:	Single Family Residential (Attached)
Permitted # of Units:	Up to 139 Single Family Attached (Townhome) Units
Proposed Density:	7.1 Dwelling Units Per Acre (DUA)
Parking:	Shall meet or exceed Ordinance Standards
Amenitized Open Space:	+/- 0.3 Acres
Open Space:	
Required:	400 SF per Unit or 10% Site Area Common Open Space
Proposed:	400 SF per Unit or 10% Site Area Common Open Space
Natural Area:	
Required:	+/- 1.96 Acres (10%)
Provided:	+/- 1.96 Acres (10%) Minimum
Tree Save:	
Required:	+/- 2.94 Acres (15%)
Provided:	+/- 2.94 Acres (15%) Minimum*

* Note: Base on Gross Site Acreage.

General Notes

1. Base information obtained from Mecklenburg County GIS and "Topographic Survey of Parcels 02972112, 02972113 & 02972107" provided by ESP Associates Inc., dated April 2020 for Mattamy Homes, and should be verified for accuracy.

2. Stream / Wetland Information is based on "Topographic Survey of Parcels 02972112, 02972113 & 02972107" provided by ESP Associates Inc., dated April 2020 for Mattamy Homes

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NO.	DATE	REVISION	BY
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2	09/28/2020	REVISED PER STAFF COMMENTS	SW

MASTER PLAN - REZONING PETITION #2020-075

RIDGE ROAD HUNTER TOWNHOMES

CITY OF CHARLOTTE

MATTAMY HOMES

NORTH

GRAPHIC SCALE

100' 0 50' 100' 200' 400'

(IN FEET)
1 INCH = 100 FT.

PROJECT INFORMATION	
PROJECT MANAGER:	MM
DESIGNED BY:	AB
DRAWN BY:	ZW
PROJECT NUMBER:	IM06.100
ORIGINAL DATE:	4/16/2020

SHEET:
3 OF 4

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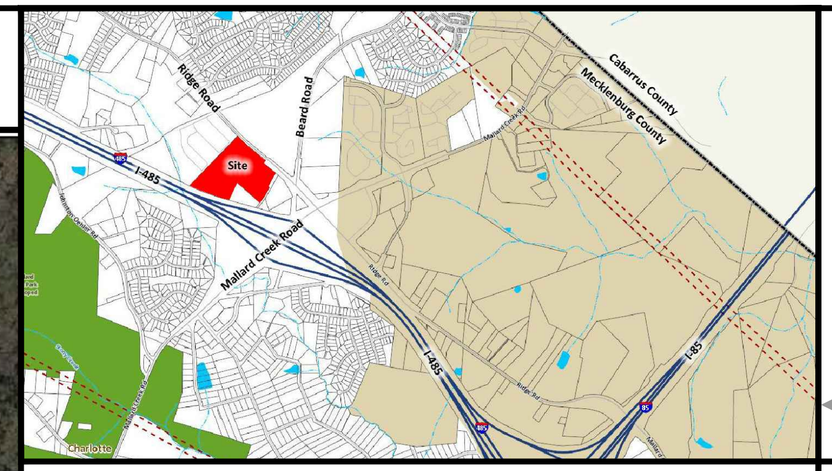
Conceptual Master Plan



Vicinity Map
Not to Scale

NORTH

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2	09/28/2020	REVISED PER STAFF COMMENTS	SW

CONCEPTUAL MASTER PLAN
REZONING PETITION #2020-075

RIDGE ROAD HUNTER TOWNHOMES

MATTAMY HOMES

CITY OF CHARLOTTE

NORTH

GRAPHIC SCALE

100' 0 50' 100' 200' 400'

(IN FEET)
1 INCH = 100 FT.

PROJECT INFORMATION	
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DESIGNED BY:	AB
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PROJECT NUMBER:	IM06.100
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SHEET:
4 OF 4

U:\2020 Projects (I)\IM06 - Oehler Property (Mattamy)\Submittal Working Drawings\2020-9-17_3rd Rezoning Submittal\Sheets\IM06 - RRH - Concept Master Plan.dwg, Concept Master Plan, swhite

Petition 2020-075 by Mattamy Homes

To Approve:

This petition is found to be **consistent** with the *Prosperity Hucks Area Plan* (2015) recommendation of residential use, but at 7.1 dwelling units per acre (DUA), it is **inconsistent** with the recommended density of 4 DUA based on the information from the staff analysis and the public hearing, and because:

- The plan recommends residential uses at a density of 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 petition proposes up to 139 single family attached dwelling units for a density of 7.1 dwelling units per acre (DUA).
- While a DUA of 7.1 is higher than the *Prosperity Hucks Area Plan* recommendation of residential uses up to 4 DUA, the plan also states that "small clusters of slightly higher density residential are appropriate at strategic locations as elements of a larger development" This petition can be considered to be in a strategic location, as it is in close proximity to the I-485 outer ring, and is adjacent to petition 2017-135, which was rezoned to R-8MF(CD) in 2018.
- To the east of the parcel is the commercial activity center which focuses its activity around the northern end of Mallard Creek Road. Typically, higher density developments are appropriate in areas proximate to commercial centers.
- The petition proposes one connection to an adjacent development (approved Petition 2017-135) and commits to building three stub connections for future developments that may be constructed to the east of the parcel. These stub connections for concurrent and future housing developments will establish connectivity throughout the neighborhoods, provide safer routes for pedestrians walking, and give alternate routes to neighborhood drivers other than Ridge road.

  The approval of this petition will revise the adopted future land use as specified by the *Prosperity Hucks Area Plan* (2015), residential uses up to 4 DUA to residential uses up to 8 DUA.

To Deny:

This petition is found to be **consistent** with the *Prosperity Hucks Area Plan* (2015) recommendation of residential use, but at 7.1 dwelling units per acre (DUA), it is **inconsistent** with the recommended density of 4 DUA based on the information from the staff analysis and the public hearing, and because:

- The plan recommends residential uses at a density of 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:

City of Charlotte

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

Agenda Date: 10/6/2020

Agenda #: 17.**File #:** 15-14303 **Type:** Zoning Item

Rezoning Petition: 2020-078 by City of Charlotte, Aviation

Location: Approximately 19.5 acres located to the north and south of Old Dowd Road, just west of Interstate 485. (Outside City Limits)

Current Zoning: I-1 LLWPA (light industrial, Lower Lake Wylie Protected Area), R-3 LLWPA (single-fail residential, Lower Lake Wylie Protected Area)
Proposed Zoning: I-2 LLWPA (general industrial, Lower Lake Wylie Protected Area)

Public Hearing Held: September 21, 2020 - Item #46

Staff Resource: Lisa Arnold

Staff Recommendation:
Staff recommends APPROVAL of this petition.

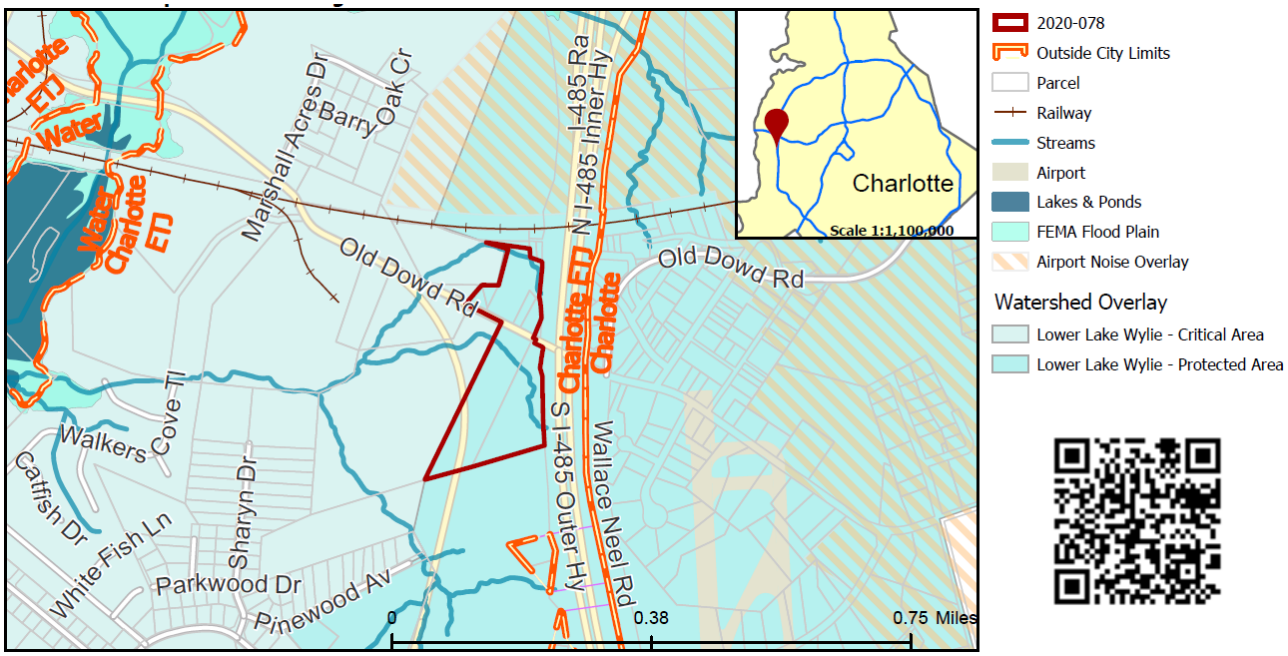
Attachments:
Post-Hearing Staff Analysis
Statement of Consistency

powered by Legistar™

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-078
Post-Hearing Staff Analysis
October 6, 2020

REQUEST	Current Zoning: I-1 LLWPA (light industrial, Lower Lake Wylie Protected Area), R-3 LLWPA (single family residential, Lower Lake Wylie Protected Area) Proposed Zoning: I-2 LLWPA (general industrial, Lower Lake Wylie Protected Area)
LOCATION	Approximately 19.5 acres located to the north and south of Old Dowd Road, just west of Interstate 485.



SUMMARY OF PETITION	The petition proposes to allow all uses in the I-2 zoning district.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	City of Charlotte Stuart Hair, Charlotte Douglas International Airport Stuart Hair, Charlotte Douglas International Airport
COMMUNITY MEETING	Meeting is not required.

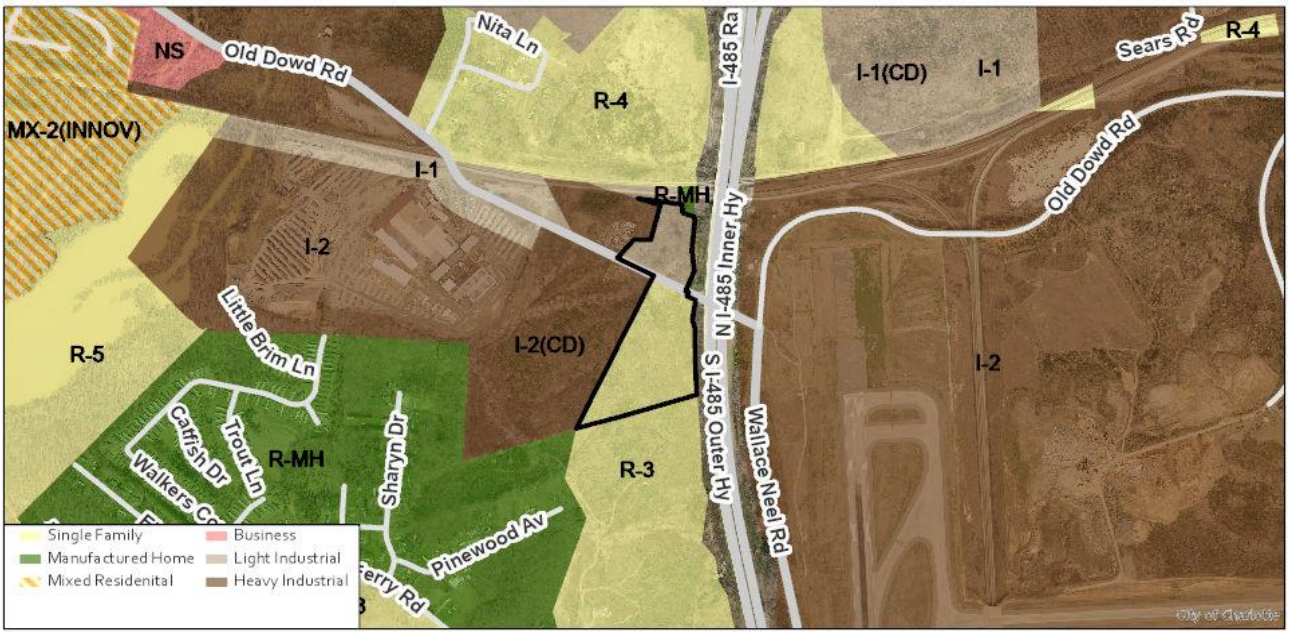
STAFF RECOMMENDATION	Staff recommends approval of this petition. <u>Plan Consistency</u> The petition is **inconsistent** with the Dixie Berryhill Strategic Plan's (2003) recommendation for a mix of office, retail, light industrial uses on the site. <u>Rationale for Recommendation</u> • The site is adjacent to property zoned I-2(CD) to the west and I-1 to the east on the other side of Interstate 485. • While there is property zoned R-3 and R-MH to the north and south of the site, there is no current residential use on those properties. The future land use plan calls for a mix of office, retail, and light industrial on the adjacent parcels with residential zoning.

- The rezoning would support the growth of the airport, one of the largest economic engines of the city and region.

The approval of this petition will revise the adopted future land use as specified by the *Dixie Berryhill Strategic Plan*, from office, retail, light industrial uses to industrial use for the site.

PLANNING STAFF REVIEW

- **Background**
  - The City's Aviation Department requests this rezoning to accommodate property transaction required to complete the North End Around Taxiway Project.
- **Proposed Request Details**
  This is a conventional rezoning petition with no associated site plan.
  - The proposal would allow all uses in the I-2 zoning district.
- **Existing Zoning and Land Use**



The site is currently vacant and is surrounded mostly by vacant land, some of which is zoned industrial and some zoned residential.

The site, denoted by stars and located on both the north and south sides of Old Dowd Rd, is vacant land.

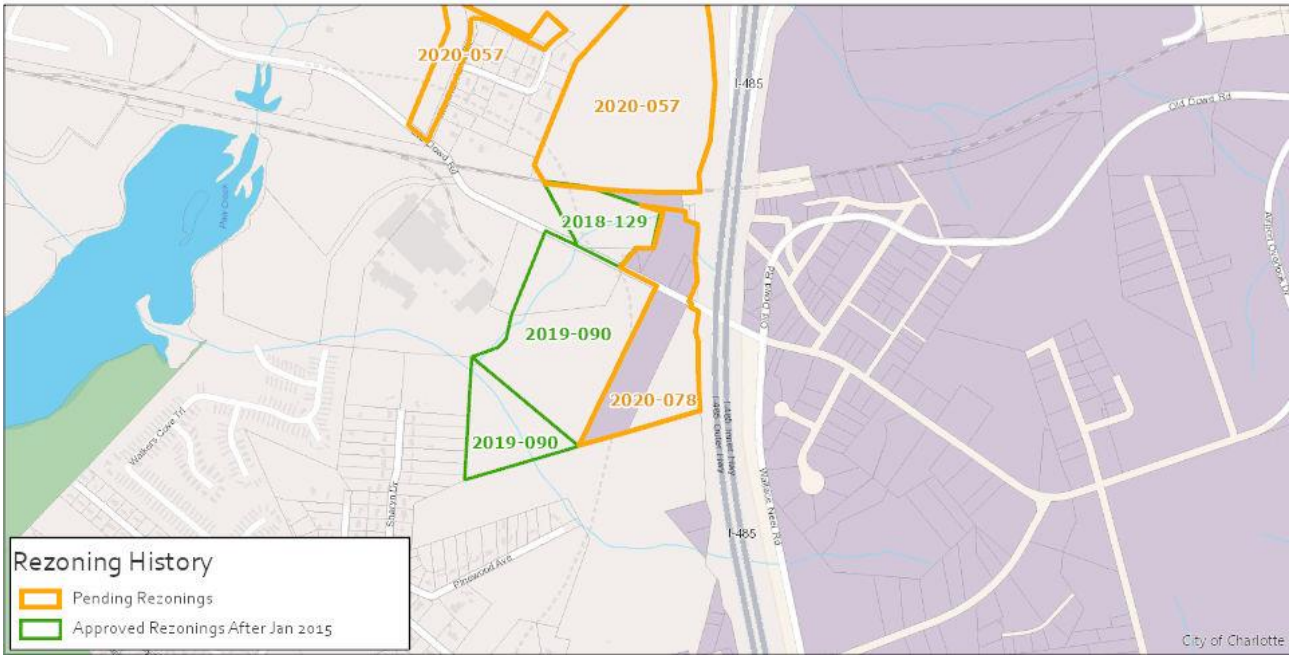
The properties to the north are railroad right-of-way and vacant land.

The properties to the east of the site are developed with Interstate 485 and Charlotte Douglas International Airport. The site is denoted by a red star.

The property to the south of the site is vacant. There are some single family residences in the vicinity of the site, which is denoted by a red star.

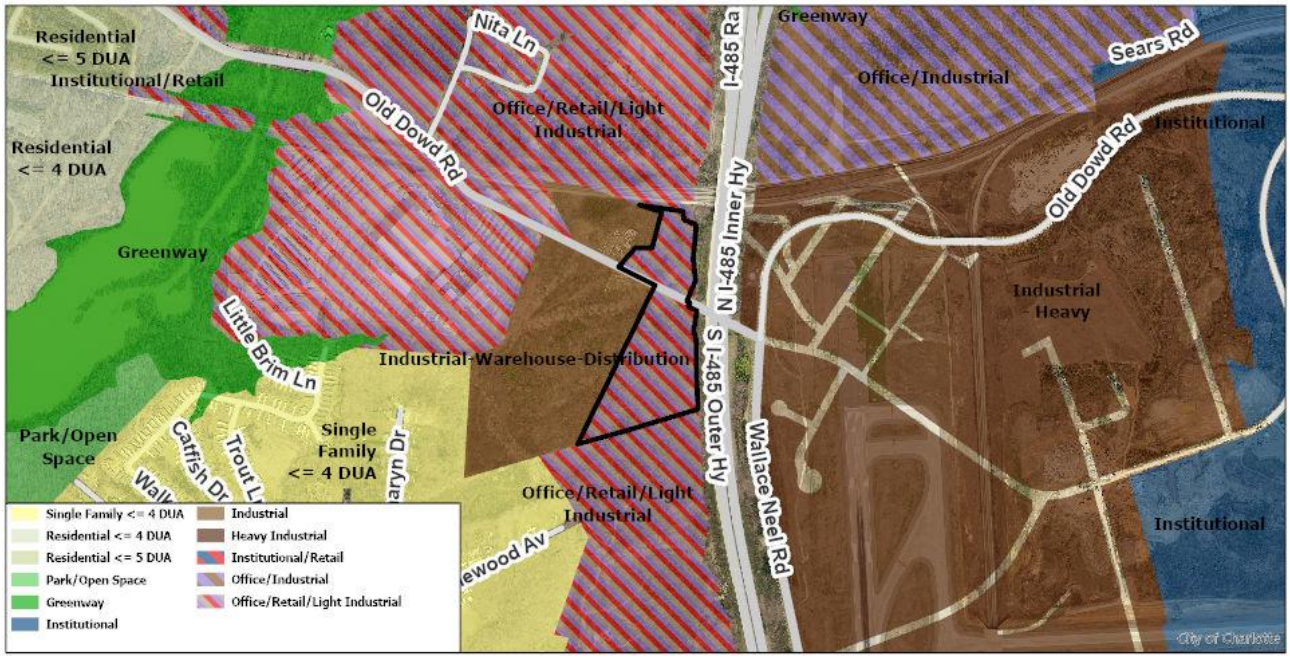
The property to the west is vacant land.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2020-057	The petition proposes to rezone vacant property to I-2(CD) LLWPA LLWCA AIR (general industrial, conditional, Lower Lake Wylie Protected Area, Lower Lake Wylie Critical Area, Airport Noise Overlay) to allow up to 600,000 square feet of industrial uses.	Pending
2019-090	The petition rezoned the property to I-2(CD) LLWCA (general industrial, conditional, Lower Lake Wylie watershed overlay, critical area) with five-year vested rights to allow a contractor office with accessory storage and other limited industrial uses including a truck terminal.	Approved
2018-129	The petition rezoned the property to I-2(CD) LLWCA to permit a concrete manufacturing facility.	Approved

- **Public Plans and Policies**



- The Dixie Berryhill Strategic Plan (2003) calls for a mix of office, retail, light industrial uses on the site.

- **TRANSPORTATION SUMMARY**
  - The site is located on a major thoroughfare road. CDOT is coordinating with the petitioner to reserve future right-of-way for the Old Dowd Road Realignment and Dixie River Road Relocation Comprehensive Transportation Plan (CTP) major thoroughfares.

  Active Projects:
  - Old Dowd Road Realignment/Grade Separation (TIP #P-5602JA)
    - Feasibility study about realigning and grade-separating Old Dowd Road as it crosses the Norfolk-Southern Railroad tracks
    - Schedule/Phasing N/A
    - NCDOT project

  Transportation Considerations
  - No outstanding issues.
- **Vehicle Trip Generation:**

  Current Zoning:

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

  Entitlement: 600 trips per day (based on 13.35 acres of R-3 and 6.51 acres of I-1).

  Proposed Zoning: 510 trips per day (based on 19.5 acres of I-2).

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:** See advisory comments at www.rezoning.org
  - **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 outstanding issues.

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

Planner: Lisa Arnold (704) 336-5967

Petition 2020-078 by Stuart Hair, Charlotte Douglas International Airport

To Approve:

This petition is found to be **inconsistent** with the *Dixie Berryhill Strategic Plan* based on the information from the staff analysis and the public hearing, and because:

- The plan recommends a mix of office, retail, and light 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:

- The site is adjacent to property zoned I-2(CD) to the west and I-1 to the east on the other side of Interstate 485.
- While there is property zoned R-3 and R-MH to the north and south of the site, there is no current residential use on those properties. The future land use plan calls for a mix of office, retail, and light industrial on the adjacent parcels with residential zoning.
- The rezoning would support the growth of the airport, one of the largest economic engines of the city and region.

  The approval of this petition will revise the adopted future land use as specified by the *Dixie Berryhill Strategic Plan*, from office, retail, light industrial uses to industrial use for the site.

To Deny:

This petition is found to be **inconsistent** with the Dixie Berryhill Strategic Plan based on the information from the staff analysis and the public hearing, and because:

The plan recommends a mix of office, retail, and light 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:

City of Charlotte

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

Agenda Date: 10/6/2020

Agenda #: 18.**File #:** 15-14304 **Type:** Zoning Item

Rezoning Petition: 2020-080 by The Courtyard at Park Road, LLC

Location: Approximately 2.376 acres located along the west side of Park Road, east of McDonald Avenue, and south of Ideal Way. (Council District 1 - Egleston)

Current Zoning: B-1 (neighborhood business)
Proposed Zoning: NS (neighborhood services)

Public Hearing Held: September 21, 2020 - Item #47

Staff Resource: Claire Lyte-Graham

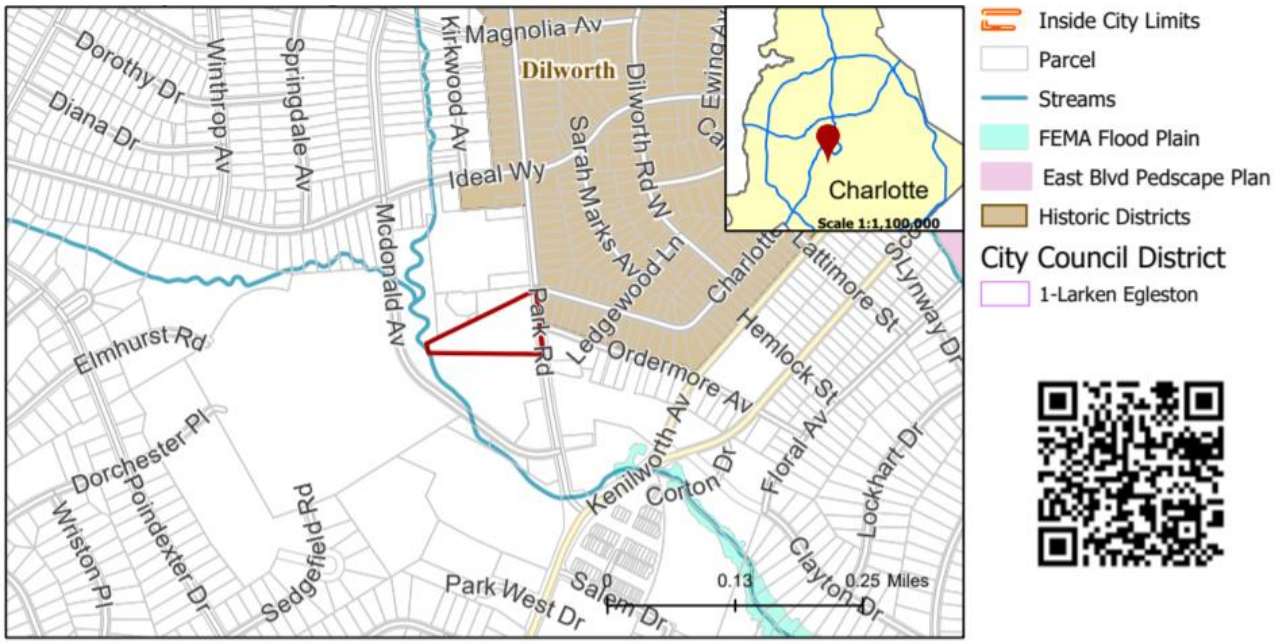
Staff Recommendation:
Staff recommends APPROVAL of this petition.

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

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-080
Post Hearing Staff Analysis
October 6, 2020

REQUEST	Current Zoning: B-1 (neighborhood business) Proposed Zoning: NS (neighborhood services)
LOCATION	Approximately 2.376 acres located along the west side of Park Road, east of McDonald Avenue, and south of Ideal Way.



SUMMARY OF PETITION	The petition proposes is to allow all uses in the NS district and adjust parking requirements for an existing shopping center constructed in 1984, as The Courtyard on Park Road.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	The Courtyard at Park Road, LLC The Courtyard at Park Road, LLC John Carmichael/Robinson Bradshaw & Hinton
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. <u>Plan Consistency</u> The petition is **consistent** with the *Dilworth Land Use and Streetscape Plan* (2006) recommendation of residential/office/retail uses. <u>Rationale for Recommendation</u> • The rezoning request is consistent with the adopted land use plan recommendation and with the current mix of uses in the shopping center. • The proposed NS district allows all uses in the B-1 zoning district. • The request will provide more parking than required under the proposed NS district. • The request does not involve expansion of the existing building.

PLANNING STAFF REVIEW

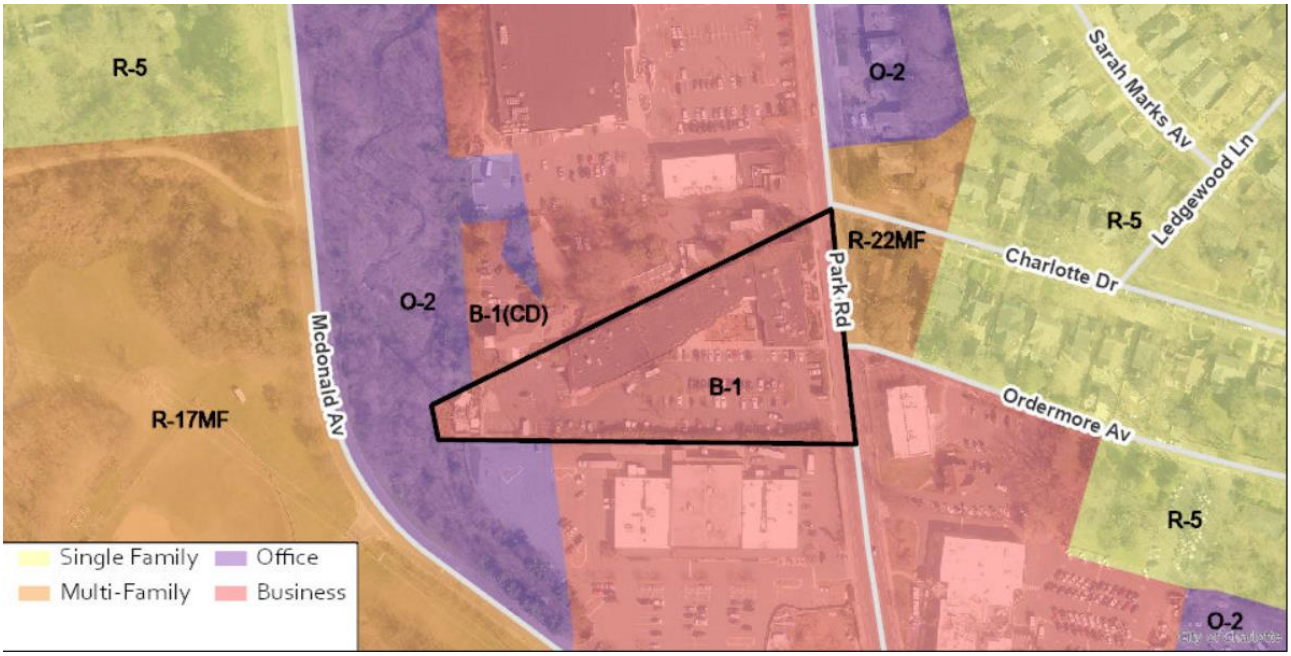
- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Rezone an existing 34,000 square foot shopping center (The Courtyard at Park Road) from B-1 (neighborhood business) to NS (neighborhood services) to allow all uses in the NS district. The NS district allows by right and under prescribed conditions all uses in the B-1 district.
  - Allows a maximum of 8,550 square feet to be devoted to eating drinking and entertainment establishments.
  - Allows the maximum size of the outdoor dining patios to be 4,100 square feet. Notes the outdoor dining patios would not count towards the 34,000 square feet or the 8,500 square feet devoted to eating drinking and entertainment establishments.
  - Prohibits through service lanes/windows on the site.
  - Proposes no expansions to the existing building.
  - Notes the site is currently improved with a commercial development known as The Courtyard. To the extent that the existing building, any existing improvements or any existing signs located on the site do not meet the requirements of the NS zoning district or any other provisions of the ordinance, the existing building, the existing improvements and/or existing signs shall be considered to be legally nonconforming and shall not be required to comply with such ordinance requirements and provisions.
  - Proposes following parking standards:

Use	Parking Ratios (Spaces Per Square Feet)		
	Zoning District		
	B-1 (Required)	NS (Required)	Proposed
Non EDEE Uses			
Office	1/300	1/600	1/375
Retail	1/250	1/600	1/375
EDEE	1/75	1/600	1/225

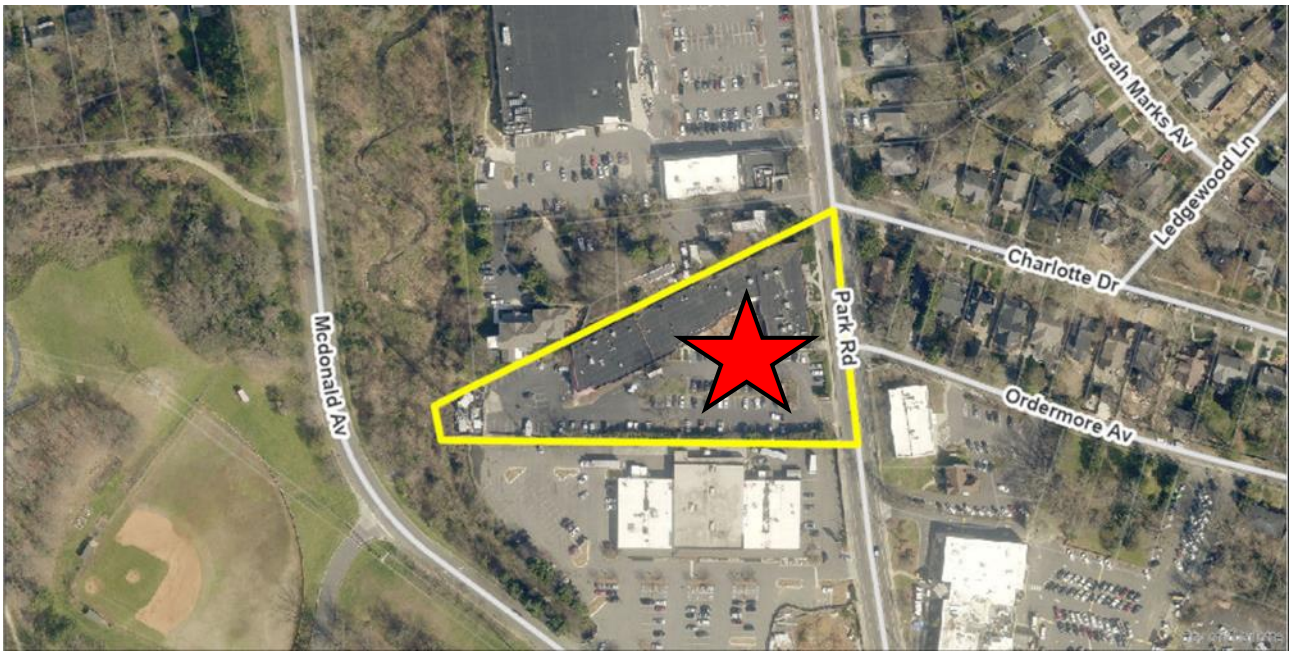
    - Provides required 129 parking spaces (124 spaces required). Notes that 4 spaces may be removed by the petitioner.
  - Proposes a 10-foot sidewalk along Park Road.
  - Notes that in the event any building located on the site is expanded or any building on the site is demolished and replaced with a new building the site will be required to comply with the adopted streetscape plan applicable to the site.

- **Existing Zoning and Land Use**

Rezoning site from Park Road.



- The site is currently zoned B-1 and developed with a shopping center built in 1984. The site is surrounded by a mix of institutional, office, residential neighborhoods, retail uses in various zoning districts.



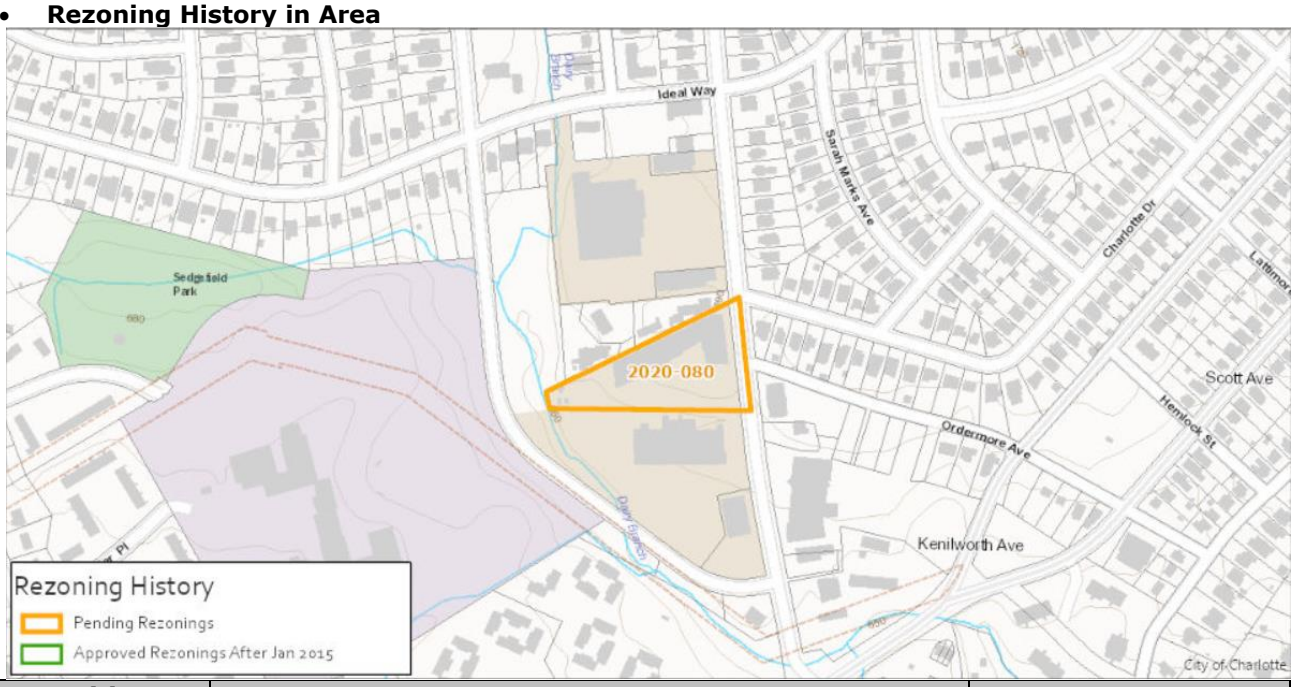
- The rezoning site (denoted by blue star) is surrounded by a mix of residential and non-residential uses.

Along Park Road are a mix of office, residential, and retail uses.

East of the rezoning site are single family residential neighborhoods.

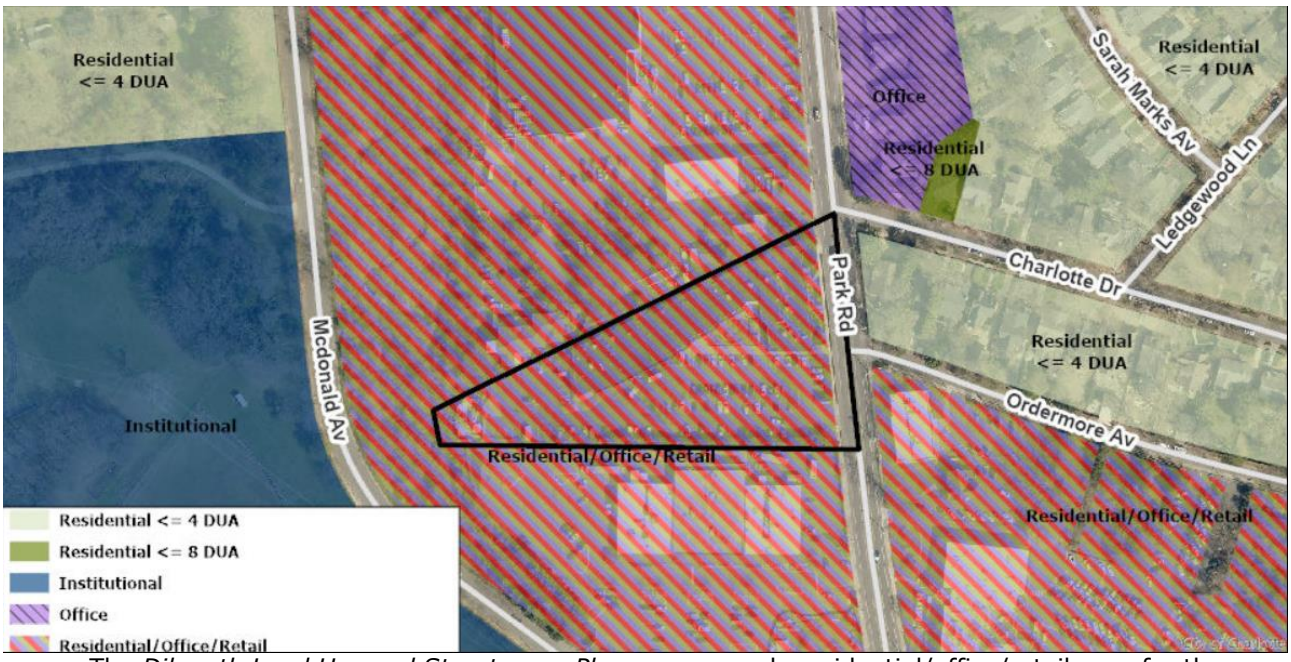
West, across McDonald Avenue, is Sedgefield Middle School.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
	There have been no recent rezonings in the immediate area.	

- **Public Plans and Policies**



- The *Dilworth Land Use and Streetscape Plan* recommends residential/office/retail uses for the subject site.

- **TRANSPORTATION SUMMARY**
  - This 2.34-acre site is located on Park Road, a Major Collector Road, in between McDonald Avenue (Local Road) and Ideal Way (Major Collector). The petitioner has committed to construct an 8-foot planting strip, and 8-foot sidewalk on Park Road in conformance with the Dilworth Land Use and Streetscape Plan. The site plan labels and dimensions both items from the back of curb and gutter and road centerline. Petitioner commits to widen the existing sidewalk to 10' along the frontage of Park Road, as shown in the site plan.
  - **Active Projects:**
    - N/A

- **Transportation Considerations**
  - ~~See Outstanding Issues, Note 1.~~ ADDRESSED
- **Vehicle Trip Generation:**
  Current Zoning:
  Existing Use: 2,710 trips per day (based on 34,000 square foot shopping center).
  Entitlement: 2,710 trips per day (based on 34,000 square foot shopping center).
  Proposed Zoning: 2,890 trips per day (based on 34,000 square foot shopping 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:** 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 8-inch water distribution main located along Park Road. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 10-inch gravity sewer main located along Park Road.
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Transportation

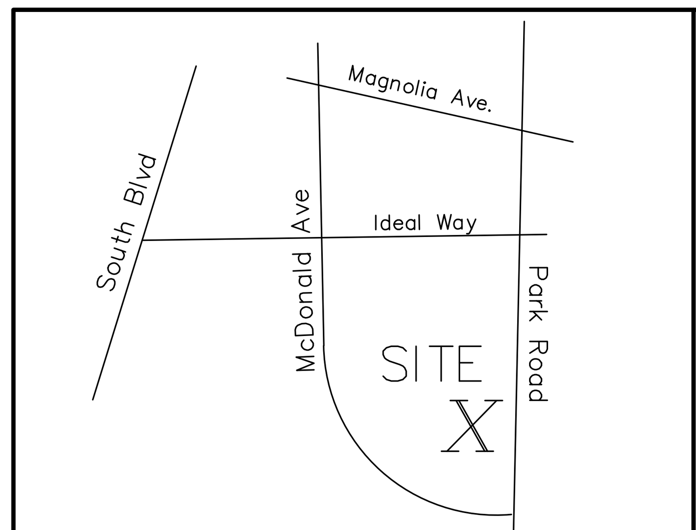
1. The site plan should show the curb and gutter labeled and dimensioned from the centerline along Park Road. ADDRESSED

REQUESTED TECHNICAL REVISIONS

2. ~~Correct language under Development Note 2.c. regarding Accessory Drive throughs~~. RESCINDED
3. ~~Petitioner should add language noting that in the event the building is expanded, torn down and constructed with a new building, the site must abide by the adopted streetscape plan.~~ ADDRESSED

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

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



VICINITY MAP: N.T.S.

DEVELOPMENT DATA:

PROJECT NAME: THE COURTYARD
OWNER/AGENT: LAT PURSER AND ASSOCIATES PHONE #: 704-519-4200
OWNER ADDRESS: 4530 PARK RD. STE 410
CHARLOTTE, NC 28209

PLANS PREPARED BY: THE ISAACS GROUP PHONE #: 704-527-3440
DESIGNER ADDRESS: 8720 RED OAK BLVD, STE 420
CHARLOTTE, NC 28217

TAX PARCEL #: 121-101-10
EXIST. ZONING: B-1 JURISDICTION: CITY OF CHARLOTTE
PROP. ZONING: NS
EXISITNG USE: RETAIL AND RESTAURANT
PROPOSED USE: RETAIL AND RESTAURANT
LOT SIZE: 103530/2.376 SQ. FEET/ACRES
EXISTING BUILDING: 34,000 SQ. FEET
EXISTING PARKING: 129 SPACES
MAX. EDEE S.F.: ±8,550 SQ. FEET
MAX. OUTDOOR DINING PATIO AREA: ±4,100 SQ. FEET
REQUIRED PARKING (NON EDEE USES): 1 SPACE PER 375 S.F.
REQUIRED EDEE PARKING: 1 SPACE PER 225 S.F.
TOTAL PARKING REQUIRED:
EDEE USES 8550/225= 38 SPACES
OUTDOOR DINING 4,100/225= 18 SPACES
NON EDEE USES 25450/375= 68 SPACES
TOTAL PARKING REQUIRED= 124 SPACES
TOTAL PARKING PROVIDED= 129 SPACES (HOWEVER, 4 SPACES MAY BE REMOVER BY PETITIONER)

PATIO AREA

1. GENERAL PROVISIONS

A. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY THE COURTYARD AT PARK ROAD, LLC (THE "PETITIONER") FOR AN APPROXIMATELY 2.376 ACRE SITE LOCATED ON THE WEST SIDE OF PARK ROAD, ACROSS FROM THE INTERSECTION OF PARK ROAD AND ORDERMORE AVENUE, WHICH SITE IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (HEREINAFTER REFERRED TO AS THE "SITE"). THE SITE IS COMPRISED OF TAX PARCEL NO. 121-101-10.

B. 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").
C. UNLESS THE REZONING PLAN OR THESE DEVELOPMENT STANDARDS ESTABLISH MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE NEIGHBORHOOD SERVICES ("NS") ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT AND USE OF THE SITE.
D. 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 AND YARD 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.
E. THE SITE IS CURRENTLY IMPROVED WITH A COMMERCIAL DEVELOPMENT KNOWN AS THE COURTYARD. TO THE EXTENT THAT THE EXISTING BUILDING, ANY EXISTING IMPROVEMENTS OR ANY EXISTING SIGNS LOCATED ON THE SITE DO NOT MEET THE REQUIREMENTS OF THE NS ZONING DISTRICT OR ANY OTHER PROVISIONS OF THE ORDINANCE, THE EXISTING BUILDING, THE EXISTING IMPROVEMENTS AND/OR THE EXISTING SIGNS SHALL BE CONSIDERED TO BE LEGALLY NON-CONFORMING AND SHALL NOT BE REQUIRED TO COMPLY WITH SUCH ORDINANCE REQUIREMENTS AND PROVISIONS.
F. FUTURE AMENDMENTS TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE SITE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE. ALTERATIONS TO THE REZONING PLAN ARE SUBJECT TO SECTION 6.207 OF THE ORDINANCE.

2. PERMITTED USES/DEVELOPMENT LIMITATIONS

A. SUBJECT TO THE LIMITATIONS SET OUT BELOW, THE SITE MAY BE DEVOTED TO ANY USE OR USES ALLOWED BY RIGHT OR UNDER PRESCRIBED CONDITIONS IN THE NS ZONING DISTRICT, TOGETHER WITH ANY INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH THAT ARE PERMITTED UNDER THE ORDINANCE IN THE NS ZONING DISTRICT. ACCESSORY USES MAY INCLUDE OUTDOOR DINING.
B. THE SITE MAY CONTAIN AND BE DEVELOPED WITH A TOTAL MAXIMUM OF 34,000 SQUARE FEET OF GROSS FLOOR AREA. THE AREA OF OUTDOOR DINING PATIOS SHALL NOT COUNT TOWARDS THE MAXIMUM 34,000 SQUARE FEET OF ALLOWABLE GROSS FLOOR AREA.
C. A MAXIMUM OF 8,550 SQUARE FEET OF THE ALLOWABLE 34,000 SQUARE FEET OF GROSS FLOOR AREA MAY BE DEVOTED TO EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS (TYPE 1 AND/OR TYPE 2). THE AREA OF OUTDOOR DINING PATIOS SHALL NOT COUNT TOWARDS THE MAXIMUM 8,550 SQUARE FEET OF GROSS FLOOR AREA THAT MAY BE DEVOTED TO EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS (TYPE 1 AND/OR TYPE 2).
ACCESSORY DRIVuirements of the Ordinance in effect as of the date this Rezoning Petition is approved.E-THROUGH SERVICE LANES/WINDOWS SHALL NOT BE PERMITTED ON THE SITE.
E. THE TOTAL MAXIMUM SIZE OF OUTDOOR DINING PATIOS LOCATED ON THE SITE SHALL BE 4,100 SQUARE FEET.

3. TRANSPORTATION

A. VEHICULAR ACCESS SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF THE VEHICULAR ACCESS POINT ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION.

B. THE ALIGNMENTS OF THE INTERNAL DRIVES AND CIRCULATION AREAS LOCATED ON THE SITE ARE SUBJECT TO MINOR MODIFICATIONS OR ALTERATIONS.
C. INTERNAL SIDEWALKS AND PEDESTRIAN CONNECTIONS SHALL BE PROVIDED ON THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN.

D. SUBJECT TO THE TERMS OF PARAGRAPH 3.E BELOW, OFF-STREET VEHICULAR PARKING SHALL BE PROVIDED AT THE RATE OF 1 PARKING SPACE PER 375 SQUARE FEET OF GROSS FLOOR AREA.
E. OFF-STREET VEHICULAR PARKING SHALL BE PROVIDED AT THE RATE OF 1 PARKING SPACE PER 225 SQUARE FEET OF GROSS FLOOR AREA FOR EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS (TYPE 1 AND/OR TYPE 2) AND FOR OUTDOOR DINING PATIOS.
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, AND THE ADDITIONAL RIGHT-OF-WAY WILL BE DEDICATED PRIOR TO THE ISSUANCE OF THE FIRST NEW CERTIFICATE OF OCCUPANCY FOR THE SITE. THE PETITIONER WILL PROVIDE A PERMANENT SIDEWALK EASEMENT FOR ANY SIDEWALK (OR PORTIONS THEREOF) LOCATED ALONG THE SITE'S PUBLIC STREET FRONTAGE THAT 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.
G. ALL TRANSPORTATION IMPROVEMENTS SET OUT IN SECTION 3 OF THE DEVELOPMENT STANDARDS SHALL BE CONSTRUCTED AND APPROVED PRIOR TO THE ISSUANCE OF THE FIRST NEW CERTIFICATE OF OCCUPANCY FOR THE SITE.

4. STREETSCAPE AND LANDSCAPING

A. A SIDEWALK AND PLANTING STRIP SHALL BE PROVIDED ALONG THE SITE'S FRONTAGE ON PARK ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN.

B. IN THE EVENT THAT ANY BUILDING LOCATED ON THE SITE IS EXPANDED OR ANY BUILDING LOCATED ON THE SITE IS DEMOLISHED AND REPLACED WITH A NEW BUILDING, THE SITE WILL BE REQUIRED TO COMPLY WITH THE ADOPTED STREETSCAPE PLAN APPLICABLE TO THE SITE.

5. LIGHTING

A. ANY FREESTANDING LIGHTING FIXTURES INSTALLED ON THE SITE AFTER THE APPROVAL OF THIS REZONING PETITION (EXCLUDING STREET LIGHTS, 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.

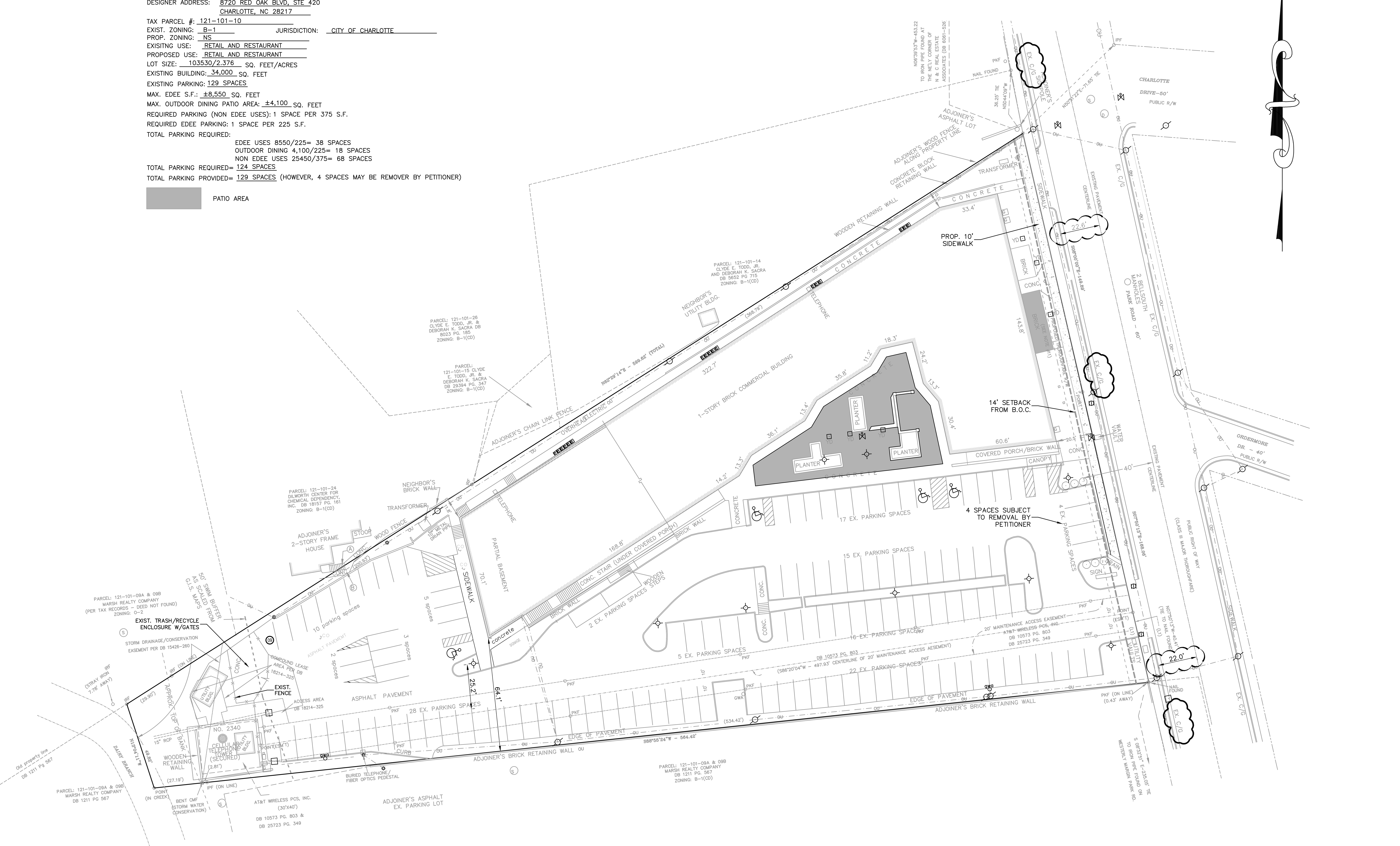
B. THE MAXIMUM HEIGHT OF ANY FREESTANDING LIGHTING FIXTURE INSTALLED ON THE SITE AFTER THE APPROVAL OF THIS REZONING PETITION SHALL BE 21 FEET.

6. BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

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

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

C. ANY REFERENCE TO THE ORDINANCE HEREIN SHALL BE DEEMED TO REFER TO THE REQ



GRAPHIC SCALE
30 0 15 30 60
1 INCH = 30 FEET

PRELIMINARY
FOR REVIEW PURPOSES ONLY

NO.	BY	DATE	REVISION
1	CBH	8/17/20	PER STAFF COMMENTS
2	CBH	9/23/20	PER STAFF COMMENTS

REZONING PETITION #:2020-080

Project: THE COURTYARD
PARK ROAD, CHARLOTTE, NORTH CAROLINA

Title: REZONING PLAN

File #: 18167-SK.DWG Date: 04/27/2020
Project Egr: BTU
Design By: BTU
Drawn By: CBH
Scale: 1"=30'

THE ISAACS GROUP
CIVIL ENGINEERING DESIGN AND SURVEYING
8720 RED OAK BOULEVARD, SUITE 420
CHARLOTTE, N.C. 28217
PHONE (704) 527-3440 FAX (704) 527-8335

RZ1.0

Petition 2020-080 by The Courtyard at Park Road, LLC

To Approve:

The petition is found to be **consistent** with the *Dilworth Land Use and Streetscape Plan*, based on information from the staff analysis and the public hearing, and because:

- The plan recommends residential/office/retail uses.

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

- The rezoning request is consistent with the adopted land use plan recommendation and with the current mix of uses in the shopping center.
- The proposed NS district allows all uses in the B-1 zoning district.
- The request will provide more parking than required under the proposed NS district.
- The request does not involve expansion of the existing building.

To Deny:

The petition is found to be **consistent** with the *Dilworth Land Use and Streetscape Plan*, based on information from the staff analysis and the public hearing, and because, and because:

- The plan recommends residential/retail/office 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 Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:

City of Charlotte

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

Agenda Date: 10/6/2020

Agenda #: 19.**File #:** 15-14305 **Type:** Zoning Item

Rezoning Petition: 2020-084 by D. R. Horton

Location: Approximately 9.09 acres located along the west side of Reames Road, north of Sunset Road, and south of Lawnmeadow Drive. (Council District 2 - Graham)

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

Public Hearing Held: September 21, 2020 - Item #48

Staff Resource: Michael Russell

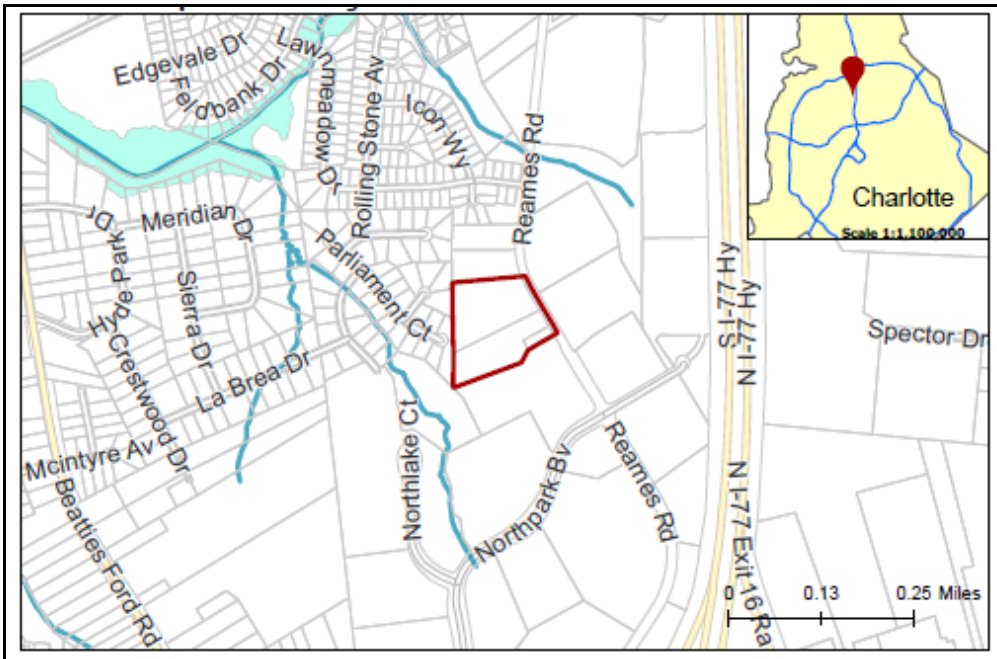
Staff Recommendation:
Staff recommends APPROVAL of this petition.

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

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-084
Post Hearing Staff Analysis
October 6, 2020

REQUEST	Current Zoning: R-3 (single family residential) Proposed Zoning: R-8MF(CD) (multi-family residential, conditional)
LOCATION	Approximately 9.09 acres located along the west side of Reames Road, north of Sunset Road, and south of Lawnmeadow Drive.



SUMMARY OF PETITION	The petition proposes a residential community allowing up to 72 single family attached townhomes with a density of 8 dwelling units per acre on vacant land.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Ross Stuart D.R. Horton Andrew P. Grant
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. <u>Plan Consistency</u> The petition is **inconsistent** with the *Northwest District Plan* (1990) land use recommendation of single-family residential use up to 4 dwelling units per acre, but **consistent** with the *General Development Policies,* which support a density of up to 8 dwellings per acre. <u>Rationale for Recommendation</u> • This petition proposes up to 72 for-sale townhome units for a density of 8 dwelling units per acre (DUA). • The General Development Policies (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. While the petition is inconsistent with the future

land use recommended density of 4 DUA, it meets the General Development Policies locational criteria for consideration of up to 8 DUA.

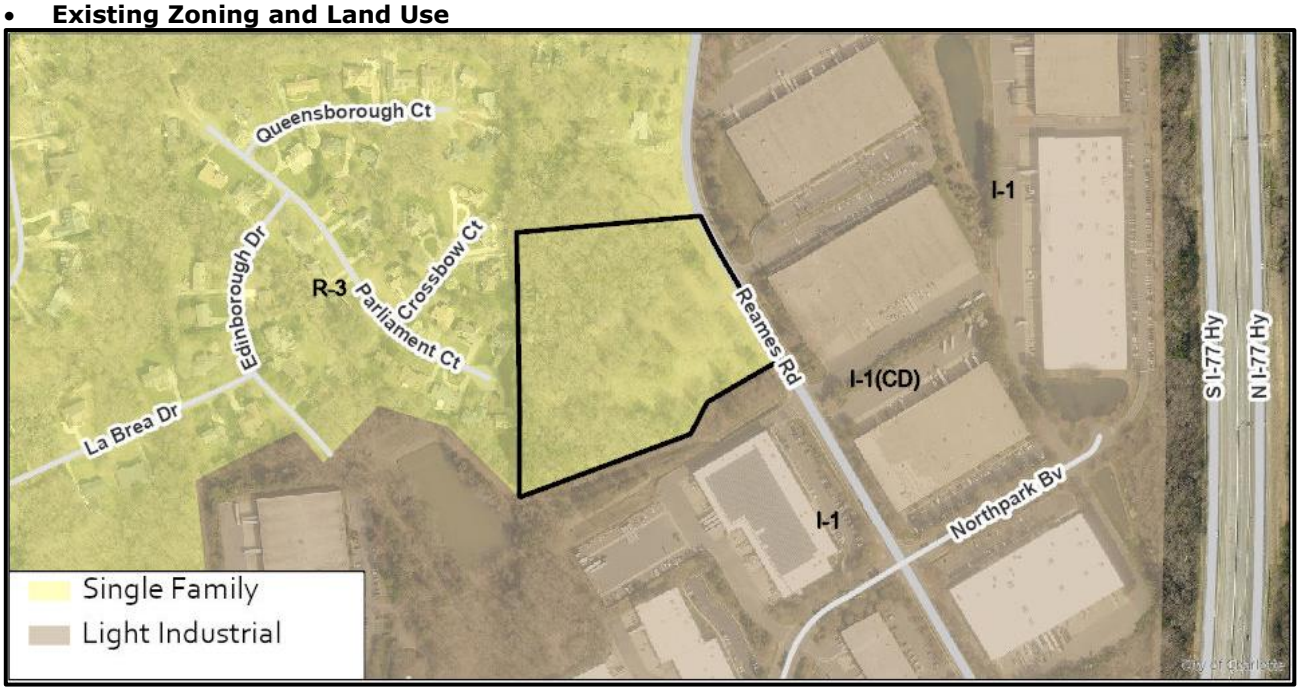
- The *Northwest District Plan (1990)* has a goal of encouraging a wide range of housing opportunities with an emphasis upon quality of development. This petition will provide increased housing opportunities in this area of Charlotte.
- This petition commits to connectivity between future developments by proposing to construct a street stub on the northeastern part of the development.

The approval of this petition will revise the adopted future land use as specified by the *Northwest District Plan (1990)*, from Single Family up to 4 DUA to Residential up to 8 DUA for the site.

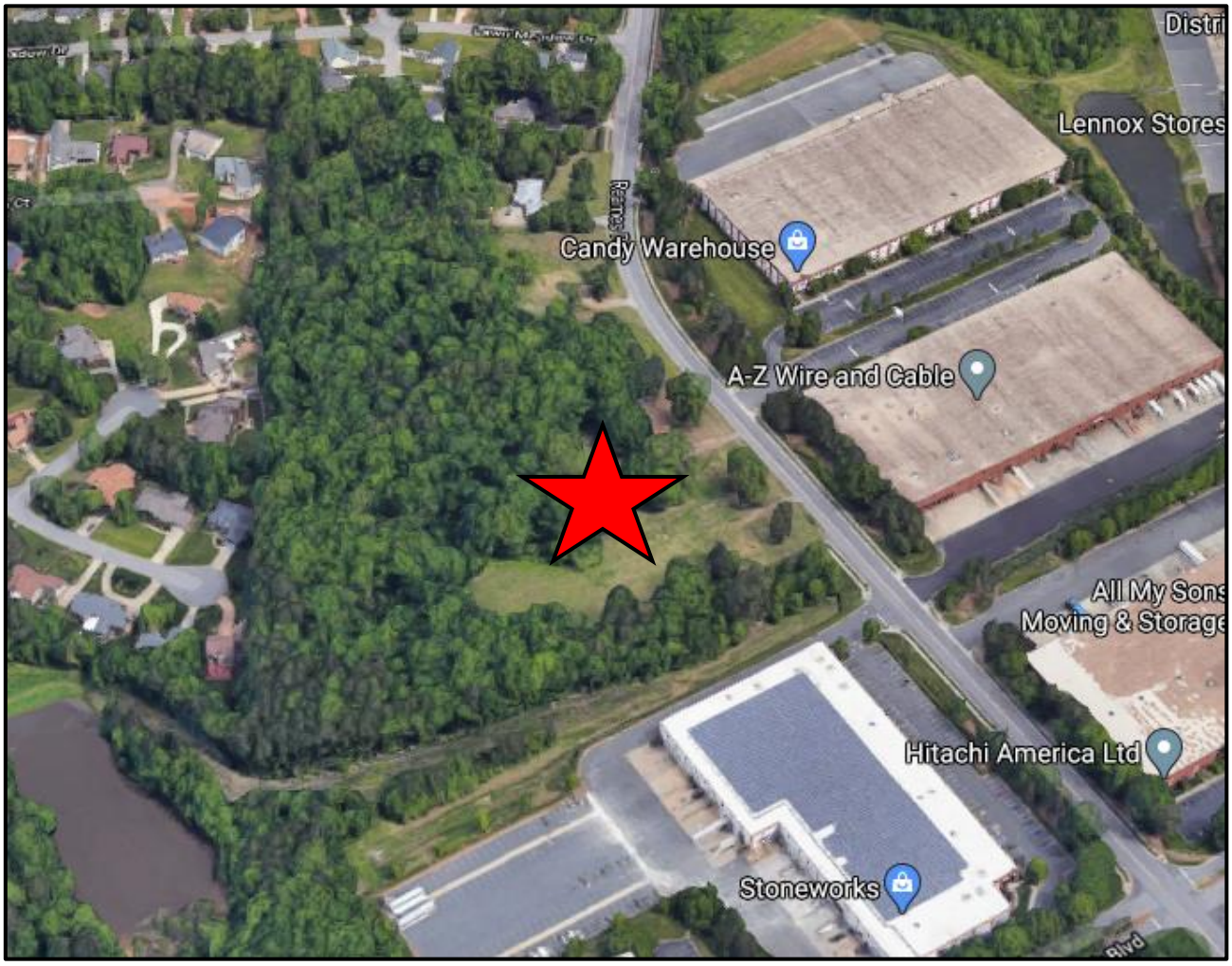
PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Allows up to 72 for-sale townhome units for a density of 8 dwelling units per acre.
  - Access will be provided off Reames Road.
  - Provides an 8-foot planting strip and a 6-foot sidewalk on Reames Road frontage.
  - Provides a 5-foot bike lane and an 11-foot center lane along Reames Road frontage.
  - Dedicates all rights-of-way in fee simple conveyance to the City.
  - Provides sidewalks along all streets.
  - Proposes to construct a street stub on the northeastern part of the development.
  - Provides a small park with landscaping and hardscaping.
  - Provides a Class C buffer next to abutting residentially zoned land and a Class A buffer to abutting industrially zoned land.
  - No street or pedestrian connection is proposed to existing Parliament Court.
  - Provides a one car garage for each unit.
  - Exterior building materials include: brick veneer, stone, manufactured stone, cementitious siding, and vinyl.
  - Limits blank wall expanse to 20-feet.

- **Existing Zoning and Land Use**



The subject property is undeveloped. The surrounding land uses include single family, warehouse and industrial uses.



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

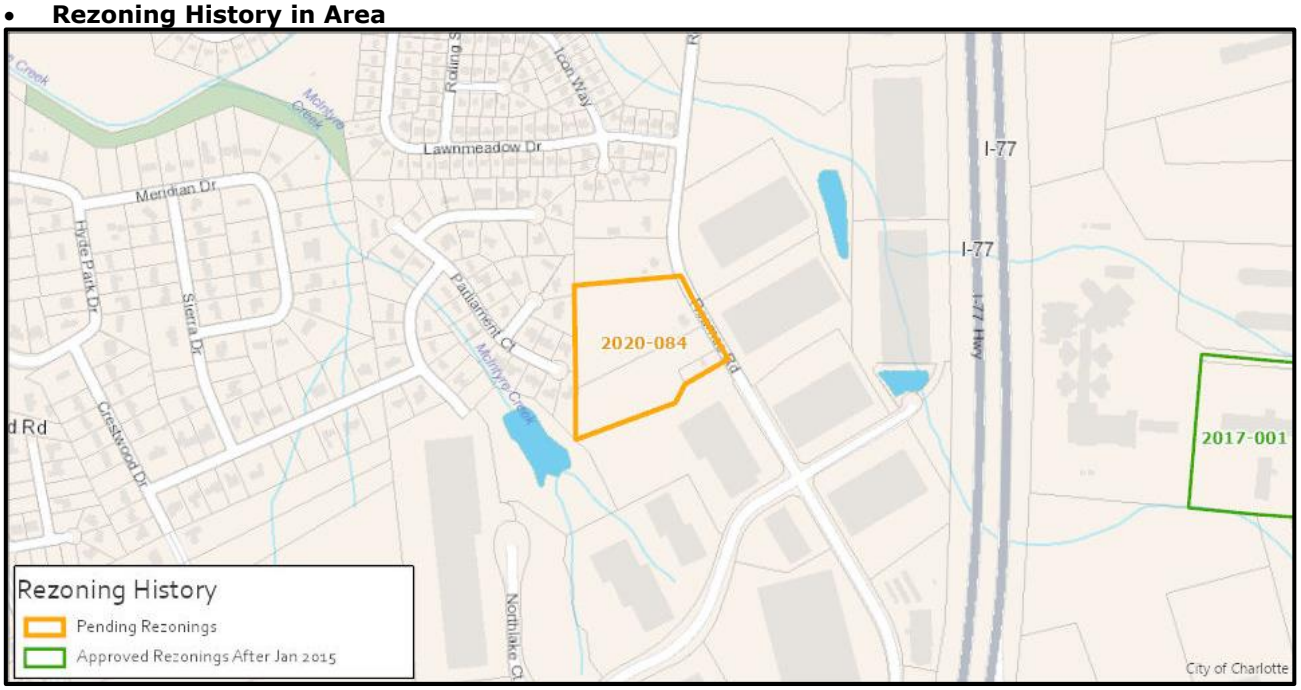
The property to the east along Reames Road is developed with a warehouse use.

The property to the south along Reames Road is developed with warehouse uses.

The property to the east along Parliament Court is developed with single family homes.

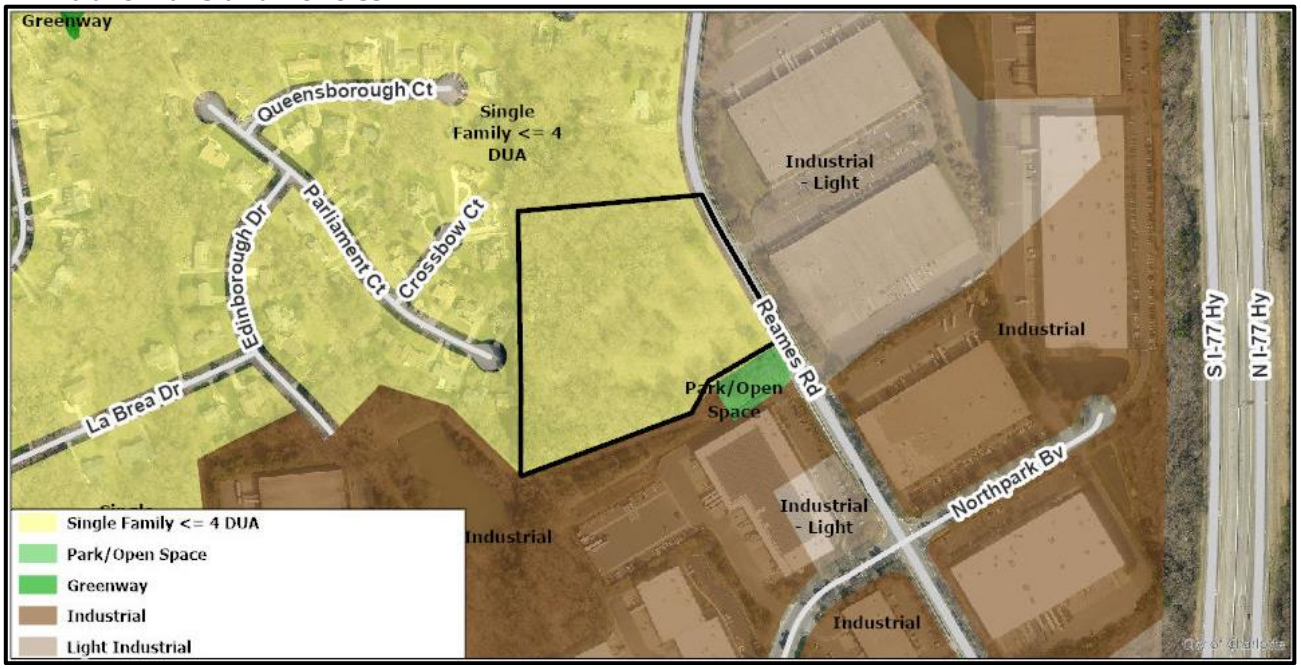
The property to the north along Reames Road is developed with single family homes.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-001	Rezoned 11.9 acres to allow all uses in the I-2 zoning district.	Approved

- **Public Plans and Policies**



- The *Northwest District Plan (1990)* calls for single family residential use up to 4 DUA.
- 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 8 dwellings per acre as illustrated in the table below.

Assessment Criteria	Density Category – up to 8 dua
Meeting with Staff	1
Sewer and Water Availability	2
Land Use Accessibility	1
Connectivity Analysis	2

Road Network Evaluation	1
Design Guidelines	4
Other Opportunities or Constraints	NA
Minimum Points Needed: 8	**Total Points: 11**

- **TRANSPORTATION SUMMARY**
  - The site is located on Reams Road just North of Sunset Road in between two collector roads, Northpark Boulevard and Lawnmeadow Drive. Currently, Reams Road and the proposed street network within the site do not meet City standards. The proposed multi-family development will not increase connectivity throughout the area, however, it should not have a large impact on the existing roadway network. Additionally, a 5-foot bike lane is being proposed conforming with the City's BIKES Plan as well as a sidewalk connection to the surrounding pedestrian network.
- **Active Projects:**
  - There are no active projects within the immediate vicinity.
- **Transportation Considerations**
  - ~~See Outstanding Issues, Note 1.~~ ADDRESSED
- **Vehicle Trip Generation:**

  Current Zoning:

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

  Entitlement: 310 trips per day (based on 27 single family dwellings).

  Proposed Zoning: 500 trips per day (based on 72 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 12 students, while the development allowed under the proposed zoning may produce 11 students.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Hornets' Nest Elementary remains at 100%.
    - Ranson Middle remains at 120%.
    - Hopewell High remains at 93%
- **Charlotte Water:** Water service is accessible for this rezoning boundary. Charlotte Water currently does not have sewer system accessible for the rezoning boundary under review. The development will need to donate pipeline infrastructure to CLTWATER to serve this parcel. 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.

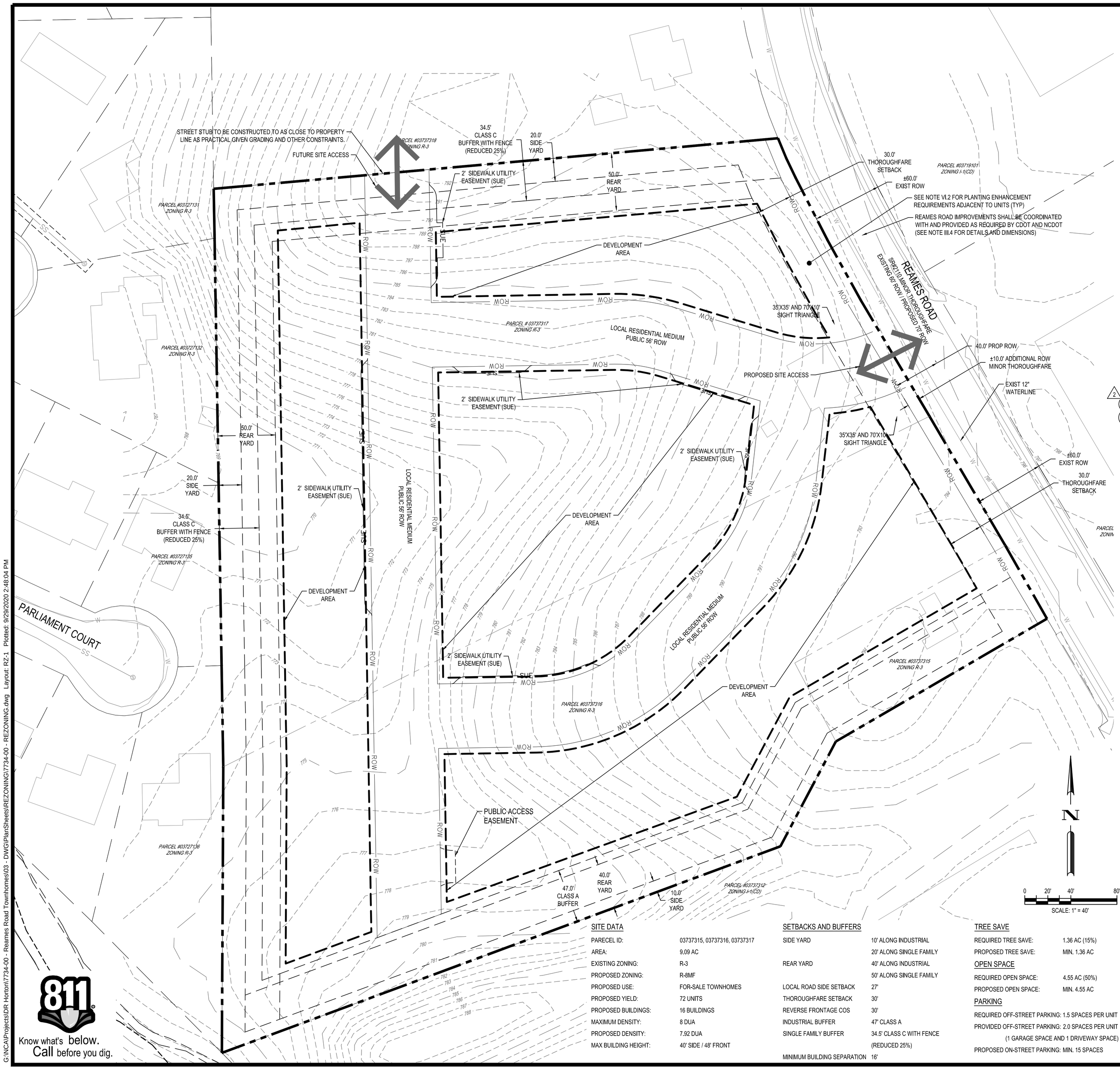
OUTSTANDING ISSUES

Transportation

1. ~~Reams Road: The future location of back of curb and gutter is located 24 feet from the centerline of the road. The site plan should show the curb and gutter labeled and dimensioned from the centerline for each road.~~ ADDRESSED

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

Planner: Michael Russell (704) 353-0225



TECHNICAL DATA NOTES

I. GENERAL PROVISIONS

1. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY D.R. HORTON, INC. (THE "PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF A SINGLE-FAMILY ATTACHED (TOWNHOME) RESIDENTIAL COMMUNITY ON THAT APPROXIMATELY 9.09-ACRE SITE LOCATED ALONG REAMES ROAD BETWEEN NORTHPARK BOULEVARD AND LAWNMEADOW DRIVE, MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (THE "SITE"). THE SITE IS COMPRISED OF THREE TAX PARCELS, ID NUMBERS 037-373-15, 037-373-16 AND 037-373-17.

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 R-8MF 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.

6. PER CITY ORDINANCE, MULTIFAMILY PROPERTIES WITH OVER 11 UNITS ARE NOT ELIGIBLE FOR CITY-ISSUED INDIVIDUAL ROLL OUT CART GARBAGE / RECYCLING SERVICES. THE CITY PROVIDES SERVICES TO THE MULTIFAMILY PROPERTIES ON THE CITY'S CONTRACT, THE PROPERTY MUST PROVIDE ITS OWN DUMPSTER / COMPACTOR FOR SERVICE. THIS PROJECT WILL NOT USE CITY OF CHARLOTTE WASTE OR RECYCLING SERVICES. THESE WILL BE PROVIDED PRIVATELY THROUGH THE HOME OWNER'S ASSOCIATION. FUTURE DUMPSTER / COMPACTOR & RECYCLING LOCATION HAS BEEN ALLOCATED ON PLAN IF HOA DECIDES IN THE FUTURE TO CONSTRUCT THE DUMPSTER / COMPACTOR FACILITIES AND UTILIZE THE CITY OF CHARLOTTE WASTE AND RECYCLING.

II. PERMITTED USES

THE SITE MAY BE DEVOTED ONLY TO A RESIDENTIAL COMMUNITY CONTAINING A MAXIMUM OF SEVENTY-TWO (72) SINGLE-FAMILY ATTACHED DWELLING UNITS AND ANY INCIDENTAL AND ACCESSORY USES RELATING THERETO THAT ARE PERMITTED IN THE R-8MF 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 NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) AND CHARLOTTE DEPARTMENT OF TRANSPORTATION (CDOT).

2. AS DEPICTED ON THE REZONING PLAN, THE SITE WILL BE SERVED BY INTERNAL PUBLIC STREETS, 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.

2

4. PETITIONER SHALL IMPROVE THE HALF OF REAMES ROAD ADJACENT TO THE SITE IN ACCORDANCE WITH CDOT AND NCDOT REQUIREMENTS. IMPROVEMENTS SHALL INCLUDE HALF OF AN 11' CENTER LANE, AN 11' TRAVEL LANE, A 5' BIKE LANE, A 2'-6" CURB & GUTTER, AN 8' PLANTING STRIP, AND A 6' SIDEWALK. CDOT REQUESTS RIGHT OF WAY SET AT 2' BEHIND BACK OF SIDEWALK WHERE FEASIBLE. BACK OF CURB AND GUTTER SHALL BE 24' FROM CENTERLINE OF REAMES ROAD.

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 DEDICATED SHALL BE 2' BEHIND SIDEWALK WHERE FEASIBLE. IN LOCATIONS WITH PARALLEL PARKING, A SIDEWALK UTILITY EASEMENT WILL BE PROVIDED 2' BEHIND SIDEWALK.

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. PARKING FOR EACH UNIT, AT A MINIMUM, WILL BE PROVIDED WITH AN INTERNAL ONE-CAR GARAGE AND A DRIVEWAY CAPABLE OF FITTING ONE CAR.

8. ON STREET PARKING WILL BE PROVIDED AS GENERALLY DEPICTED ON THE SITE PLAN. A MINIMUM OF 15 ON STREET PARKING SPACE WILL BE PROVIDED.

9. NO PEDESTRIAN OR STREET CONNECTION IS PROPOSED FROM THE DEVELOPMENT TO EXISTING PARLIAMENT COURT.

IV. ARCHITECTURAL STANDARDS

1. THE PRIMARY EXTERIOR BUILDING MATERIALS WILL BE OF AT LEAST ONE OR MORE OF THE FOLLOWING MATERIALS: BRICK VENEER OR SIMILAR MASONRY PRODUCTS, STONE, MANUFACTURED STONE, CEMENTITIOUS SIDING, AND VINYL. IF VINYL IS USED, IT WILL BE 0.042 INCHES MINIMUM THICKNESS.

2. EIFS OR MASONITE MAY NOT BE USED AS AN EXTERIOR BUILDING MATERIAL.

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 THIRTY-SIX (36) INCHES INTO THE REQUIRED SETBACKS OR YARDS.

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. ALL TOWNHOME UNITS SHALL BE PROVIDED WITH A GARAGE FOR A MINIMUM OF ONE (1) CAR.

7. GARAGE DOORS VISIBLE FROM PUBLIC OR PRIVATE STREETS SHALL MINIMIZE THE VISUAL IMPACT BY PROVIDING TRANSLUCENT WINDOWS IN GARAGE DOOR AND ARCHITECTURAL ELEMENT PROJECTING OVER THE GARAGE DOOR.

8. COVERED STOOP LESS THAN 6' IN DEPTH SHALL BE PROVIDED FOR EACH FRONT DOOR FACING A PUBLIC OR PRIVATE STREET.

9. WALKWAYS SHALL BE PROVIDED TO CONNECT THE FRONT STOOP TO DRIVEWAY OR SIDEWALK.

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.

3. THE EXISTING TREES LOCATED WITHIN THOSE PORTIONS OF THE REZONING SITE THAT ARE DESIGNATED AS TREE PRESERVATION AREAS ON THE REZONING PLAN SHALL BE PRESERVED. NOTWITHSTANDING THE FOREGOING, DEAD AND DISEASED TREES MAY BE REMOVED FROM THESE TREE PRESERVATION AREAS. SUPPLEMENTAL TREES AND SHRUBS MAY BE PLANTED IN THESE TREE PRESERVATION AREAS.

4. 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 CITY MAINTAINED RIGHT-OF WAY. 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.

VI. STREETSCAPE AND LANDSCAPING

1. CLASS 'A' OR 'C' BUFFERS AS MEASURED FROM THE PROPERTY LINE WILL BE PROVIDED AS GENERALLY DEPICTED ON THE REZONING PLAN. CLASS 'C' BUFFERS CAN BE REDUCED BY 25% IN AREAS WHERE FENCING IS PROVIDED.

2. PORTIONS OF THE 30' THOROUGHFARE SETBACK ADJACENT TO THE SIDE OR REAR OF UNITS SHALL BE ENHANCED WITH PLANTINGS. THESE ENHANCED PLANTINGS SHALL BE A MINIMUM OF 4 TREES AND 15 SHRUBS PER 100 LF.

3. POCKET PARK AREA SHALL INCLUDE LANDSCAPING AND / OR HARDSCAPE FEATURES AS AMENITY FOR COMMUNITY.

VII. LIGHTING

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

VIII. BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

1. IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO DEVELOPMENT OF THE SITE IMPOSED UNDER THE REZONING PLAN AND THESE DEVELOPMENT STANDARDS WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND 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.

SITE DATA

PARECEL ID:	03737315, 03737316, 03737317
AREA:	9.09 AC
EXISTING ZONING:	R-3
PROPOSED ZONING:	R-8MF
PROPOSED USE:	FOR-SALE TOWNHOMES
PROPOSED YIELD:	72 UNITS
PROPOSED BUILDINGS:	16 BUILDINGS
MAXIMUM DENSITY:	8 DUA
PROPOSED DENSITY:	7.92 DUA
MAX BUILDING HEIGHT:	40' SIDE / 48' FRONT

SETBACKS AND BUFFERS

SIDE YARD	10' ALONG INDUSTRIAL
	20' ALONG SINGLE FAMILY
REAR YARD	40' ALONG INDUSTRIAL
	50' ALONG SINGLE FAMILY
LOCAL ROAD SIDE SETBACK	27'
THOROUGHFARE SETBACK	30'
REVERSE FRONTAGE COS	30'
INDUSTRIAL BUFFER	47' CLASS A
SINGLE FAMILY BUFFER	34.5' CLASS C WITH FENCE (REDUCED 25%)
MINIMUM BUILDING SEPARATION	16'

TREE SAVE

REQUIRED TREE SAVE:	1.36 AC (15%)
PROPOSED TREE SAVE:	MIN. 1.36 AC

OPEN SPACE

REQUIRED OPEN SPACE:	4.55 AC (50%)
PROPOSED OPEN SPACE:	MIN. 4.55 AC

PARKING

REQUIRED OFF-STREET PARKING: 1.5 SPACES PER UNIT

PROVIDED OFF-STREET PARKING: 2.0 SPACES PER UNIT (1 GARAGE SPACE AND 1 DRIVEWAY SPACE)

PROPOSED ON-STREET PARKING: MIN. 15 SPACES

Know what's below. Call before you dig.

G:\NCA\Projects\DR Horton\7734-00 - Reames Road Townhomes\03 - DWG\PlanSheets\REZONING\7734-00 - REZONING.dwg Layout: RZ-1 Plotted: 9/29/2020 2:48:04 PM

REV	DATE	DESCRIPTION
2	09/29/2020	CITY COMMENTS
1	08/17/2020	CITY & COMMUNITY MEETING COMMENTS

DESIGNED BY: LMK
DRAWN BY: LMK
REVIEWED BY: APG

BGE
121 W. TRADE STREET, SUITE 1030
CHARLOTTE, NC 28202
www.bgeinc.com
NC LICENSE #C-4397
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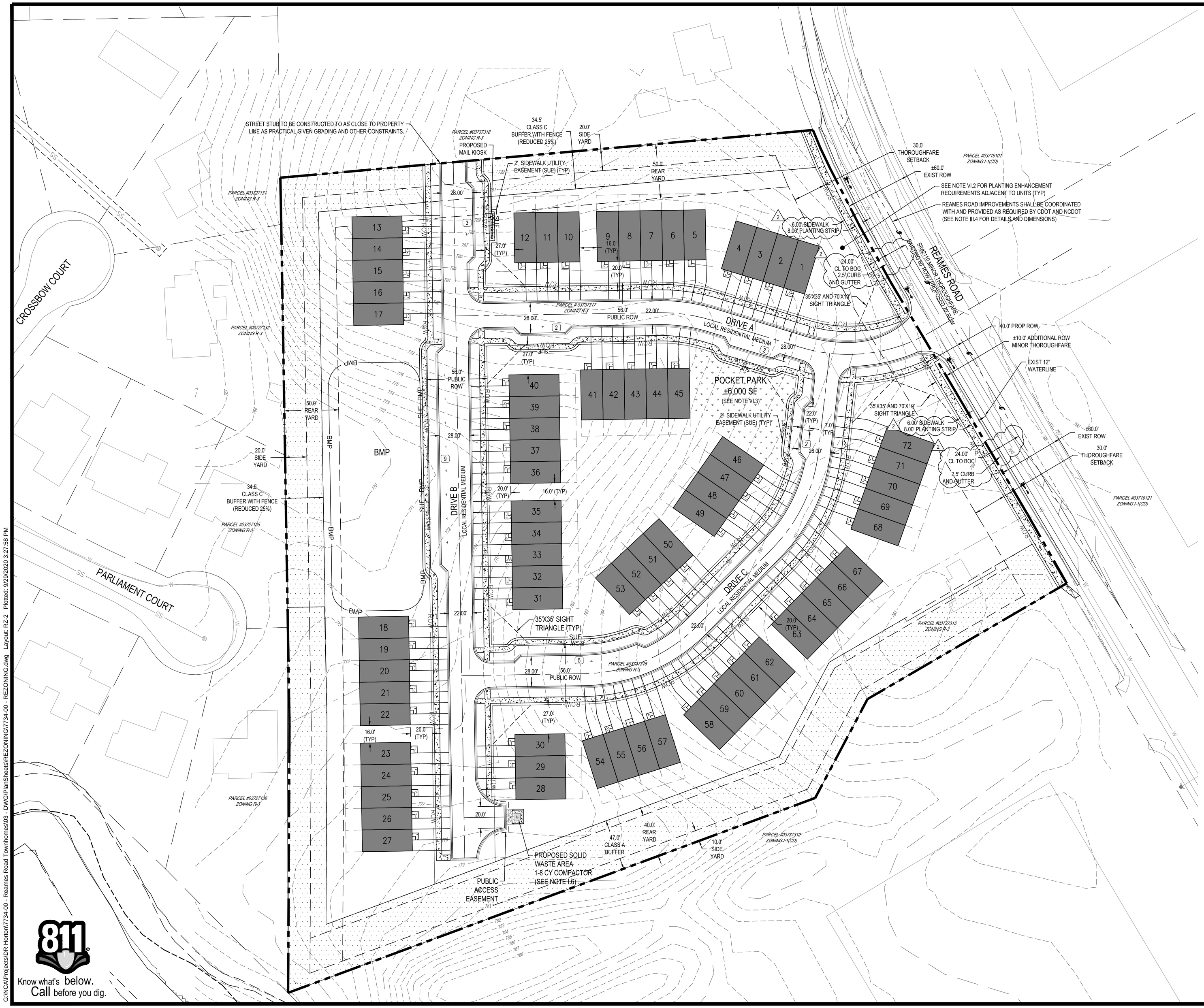
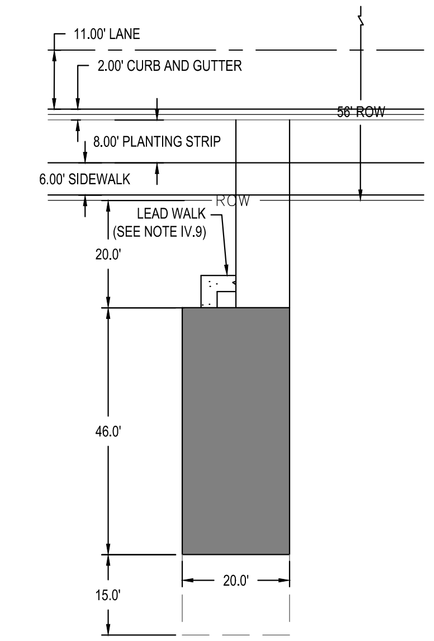
D.R. HORTON, INC.
8001 ARROWRIDGE BOULEVARD
CHARLOTTE, NC 28273

REAMES ROAD TOWNHOMES
REAMES RD BETWEEN NORTHPARK BLVD AND LAWNMEADOW DR
CHARLOTTE, NC 28216

REZONING PETITION #2020-084
REZONING PLAN AND
TECHNICAL DATA SHEET

FILE NUMBER: 7734-00
DATE: 05/04/2020
RZ-1





SCALE: 1" = 20'

SITE DATA

PARECEL ID:	03737315, 03737316, 03737317
AREA:	9.09 AC
EXISTING ZONING:	R-3
PROPOSED ZONING:	R-8MF
PROPOSED USE:	FOR-SALE TOWNHOMES
PROPOSED YIELD:	72 UNITS
PROPOSED BUILDINGS:	16 BUILDINGS
MAXIMUM DENSITY:	8 DUA
PROPOSED DENSITY:	7.92 DUA
MAX BUILDING HEIGHT:	40' SIDE / 48' FRONT

SETBACKS AND BUFFERS

SIDE YARD	10' ALONG INDUSTRIAL
	20' ALONG SINGLE FAMILY
REAR YARD	40' ALONG INDUSTRIAL
	50' ALONG SINGLE FAMILY
LOCAL ROAD SIDE SETBACK	27'
THOROUGHFARE SETBACK	30'
REVERSE FRONTAGE COS	30'
INDUSTRIAL BUFFER	47' CLASS A
SINGLE FAMILY BUFFER	34.5' CLASS C WITH FENCE (REDUCED 25%)
MINIMUM BUILDING SEPARATION	16'

TREE SAVE

REQUIRED TREE SAVE:	1.36 AC (15%)
PROPOSED TREE SAVE:	MIN. 1.36 AC

OPEN SPACE

REQUIRED OPEN SPACE:	4.55 AC (50%)
PROPOSED OPEN SPACE:	MIN. 4.55 AC

PARKING

REQUIRED OFF-STREET PARKING: 1.5 SPACES PER UNIT

PROVIDED OFF-STREET PARKING: 2.0 SPACES PER UNIT (1 GARAGE SPACE AND 1 DRIVEWAY SPACE)

PROPOSED ON-STREET PARKING: MIN. 15 SPACES

REV	DATE	DESCRIPTION
	09/29/2020	CITY COMMENTS
	08/17/2020	CITY & COMMUNITY MEETING COMMENTS

DESIGNED BY: LMK
DRAWN BY: LMK
REVIEWED BY: APG

BGE
121 W. TRADE STREET, SUITE 1030
CHARLOTTE, NC 28202
www.bgeinc.com
NC LICENSE #C-4397
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D.R. HORTON, INC.
8001 ARROWRIDGE BOULEVARD
CHARLOTTE, NC 28273

REAMES ROAD TOWNHOMES
REAMES RD BETWEEN NORTHPARK BLVD AND LAWNMEADOW DR
CHARLOTTE, NC 28216

REZONING PETITION #2020-084
SCHEMATIC SITE PLAN

FILE NUMBER: 7734-00
DATE: 05/04/2020
RZ-2

G:\NCA\Projects\DR Horton\7734-00 - Reames Road Townhomes\03 - DWG\PlanSheets\REZONING\7734-00 - REZONING.dwg Layout: RZ-2 Plotted: 9/29/2020 3:27:58 PM

Petition 2020-084 by insert Petitioner

To Approve:

This petition is found to be **inconsistent** with the *Northwest District Plan* (1990) land use recommendation of single-family residential use up to 4 dwelling units per acre, but **consistent** with the *General Development Policies*, which support a density of up to 8 dwellings per acre, based on the information from the staff analysis and the public hearing, and because:

- The plan recommends single family residential use 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 petition proposes up to 72 for-sale townhome units for a density of 8 dwelling units per acre (DUA).
- The *General Development Policies* (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. While the petition is inconsistent with the future land use recommended density of 4 DUA, it meets the General Development Policies locational criteria for consideration of up to 8 DUA.
- The *Northwest District Plan* (1990) has a goal of encouraging a wide range of housing opportunities with an emphasis upon quality of development. This petition will provide increased housing opportunities in this area of Charlotte.
- This petition commits to connectivity between future developments by proposing to construct a street stub on the northeastern part of the development.

  The approval of this petition will revise the adopted future land use as specified by the *Northwest District Plan* (1990), from Single Family up to 4 DUA to Residential up to 8 DUA for the site.

To Deny:

This petition is found to be inconsistent with the *Northwest District Plan* (1990) land use recommendation of single-family residential use up to 4 dwelling units per acre, but consistent with the *General Development Policies*, which support a density of up to 8 dwellings per acre, based on the information from the staff analysis and the public hearing, and because:

- The plan recommends single family residential use 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:

City of Charlotte

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

Agenda Date: 10/6/2020

Agenda #: 20.**File #:** 15-14306 **Type:** Zoning Item

Rezoning Petition: 2020-087 by Plainwood, LLC

Location: Approximately 7.81 acres located on the east side of Brookshire Boulevard, north of Dakota Street, west of Tennessee Avenue. (Council District 2 - Graham)

Current Zoning: R-5 (single-family residential)
Proposed Zoning: R-12 MF (CD) (multi-family residential, conditional)

Public Hearing Held: September 21, 2020 - Item #49

Staff Resource: Michael Russell

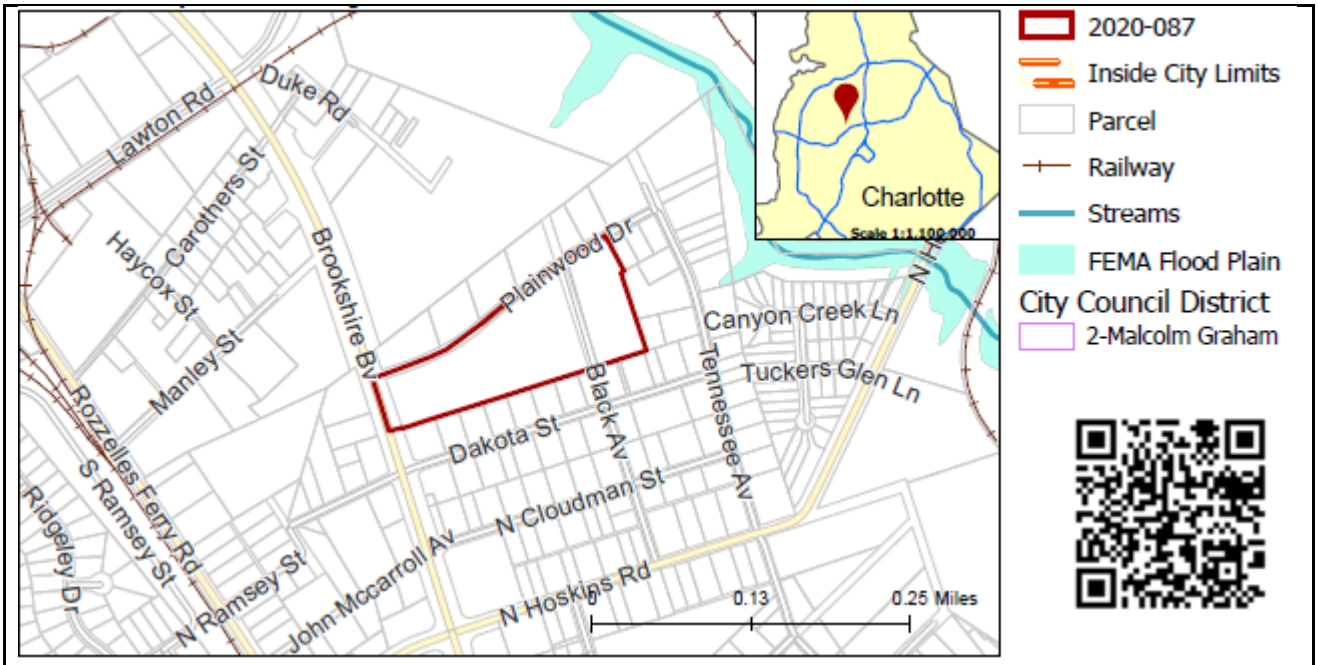
Staff Recommendation:
Staff recommends APPROVAL of this petition.

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

CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-087
Post Hearing Staff Analysis
October 6, 2020

REQUEST	Current Zoning: R-5 (single family residential) Proposed Zoning: R-12MF(CD) (multi-family residential, conditional)
LOCATION	Approximately 7.81 acres located on the east side of Brookshire Boulevard, north of Dakota Street, west of Tennessee Avenue.



SUMMARY OF PETITION	The petition proposes to allow up to 93 single family attached dwelling units (townhomes) with a density of 11.9 dwelling units per acre on vacant land.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Plainwood, LLC Plainwood, 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: 2

STAFF RECOMMENDATION	Staff recommends approval of this petition. <u>Plan Consistency</u> The western portion of this petition is **inconsistent** with the *Thomasboro-Hoskins Area Plan (2002)* recommendation of single family residential up to 5 dwelling units per acre. The eastern portion of this petition is **inconsistent** with the *Northwest District Plan (1990)* recommendation of single family residential up to 6 dwelling units per acre. The petition is **consistent** with the General Development Policies (GDP) recommendation for residential uses at up to 17 dwelling units per acre

Rationale for Recommendation

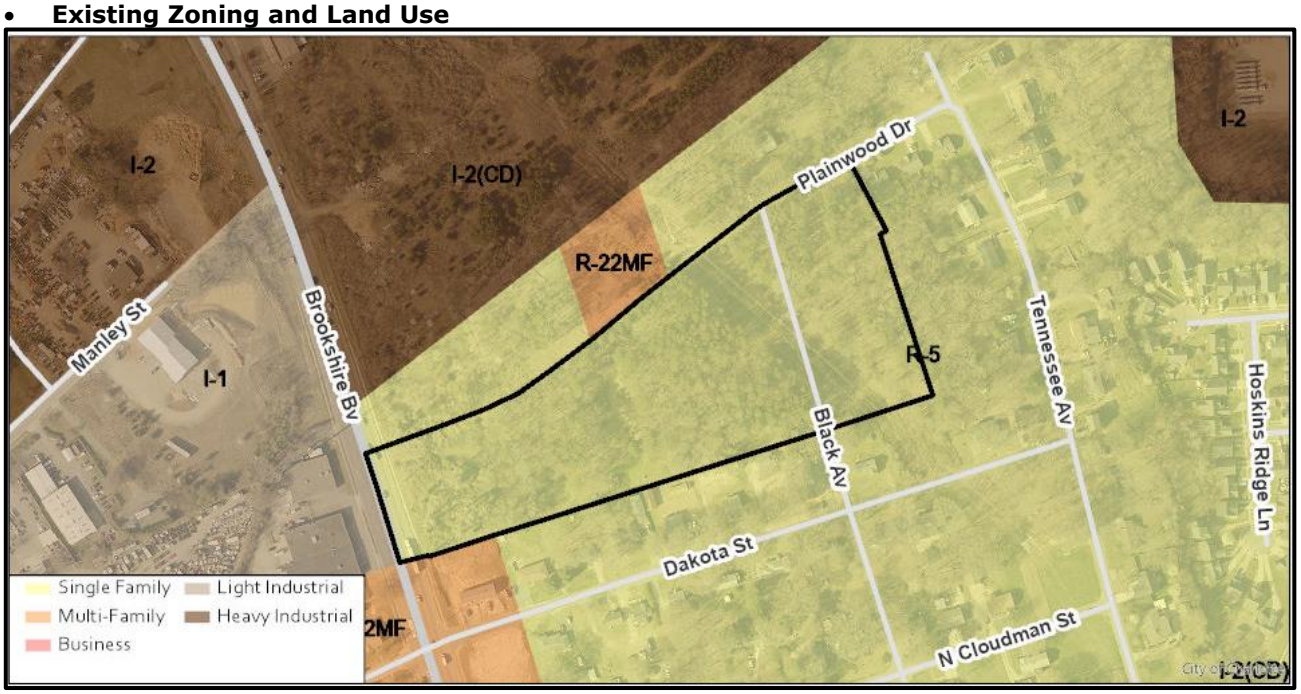
- This petition proposes up to 93 townhome dwelling units on this site for a density of 11.9 dwelling units per acre.
- The General Development Policies (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the General Development Policies locational criteria for consideration of up to 12 dwellings per acre.
- The petition commits to increased pedestrian connectivity by committing to install an 8-foot-wide planting strip and a 6-foot wide sidewalk along the Site's frontages on Plainwood Drive and Black Avenue.
- This petition proposes to complete the street network along Plainwood Drive and Black Avenue. These streets will be for public use.
- The *Thomasboro-Hoskins Area Plan* (2002) has a goal to prioritize infill development to stabilize the neighborhood's housing stock. This petition will increase housing options in this area and establish valuable street infrastructure for future development to the north of the site.
- This petition's proposal of townhome uses with a density of 11.9 DUA are an appropriate good transition to the non-residential uses along Brookshire Boulevard to the north of the parcel.

The approval of this petition will revise the adopted future land use as specified by the *Thomasboro-Hoskins Area Plan (2002)* and the *Northwest District Plan (1990)* from single family residential up to 5 DUA and single family residential up to 6 DUA to residential up to 12 DUA.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Proposes up to 93 attached townhome dwelling units and accessory uses allowed in the R-12MF zoning district.
  - Commits to include a right-turn lane on Brookshire Boulevard into the proposed site.
  - Commits to construct an internal public and private street network.
  - Constructs a 12-foot multi-use path along Brookshire Boulevard.
  - Commits to install an 8-foot-wide planting strip and a 6-foot wide sidewalk along the site's frontages on Plainwood Drive and Black Avenue.
  - Provides a landscaped buffer next to single family zoning and the site.
  - Provides walkways to connect entrances to driveways.
  - Limits individual units per building to 5 or fewer units.
  - Provides each unit with a garage.
  - Provides each unit with a covered front stoop.

- **Existing Zoning and Land Use**



The property is currently zoned R-5. The surrounding land uses include single family residential and industrial/warehouse uses.

The subject property (denoted with red star) is vacant

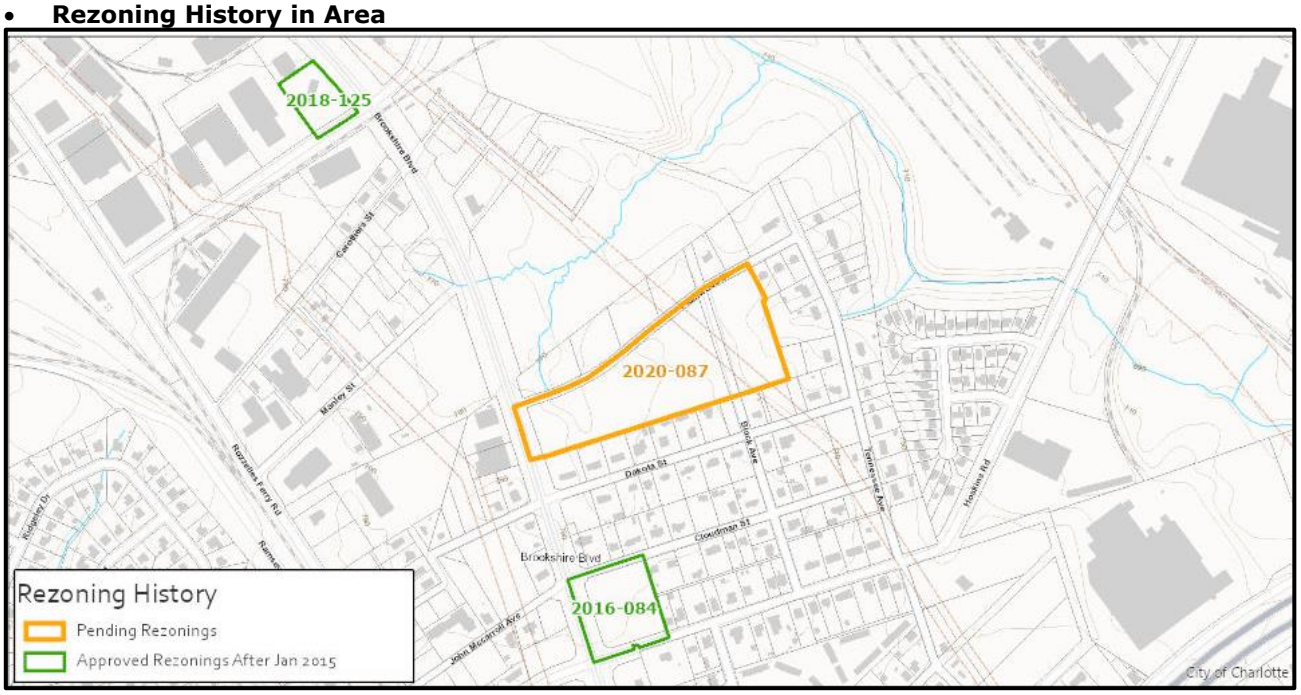
The property to the south along North Dakota Street is developed with single family homes.

The property to the north of Plainwood Drive is vacant.

The property to the east along Tennessee Avenue is developed with single family homes.

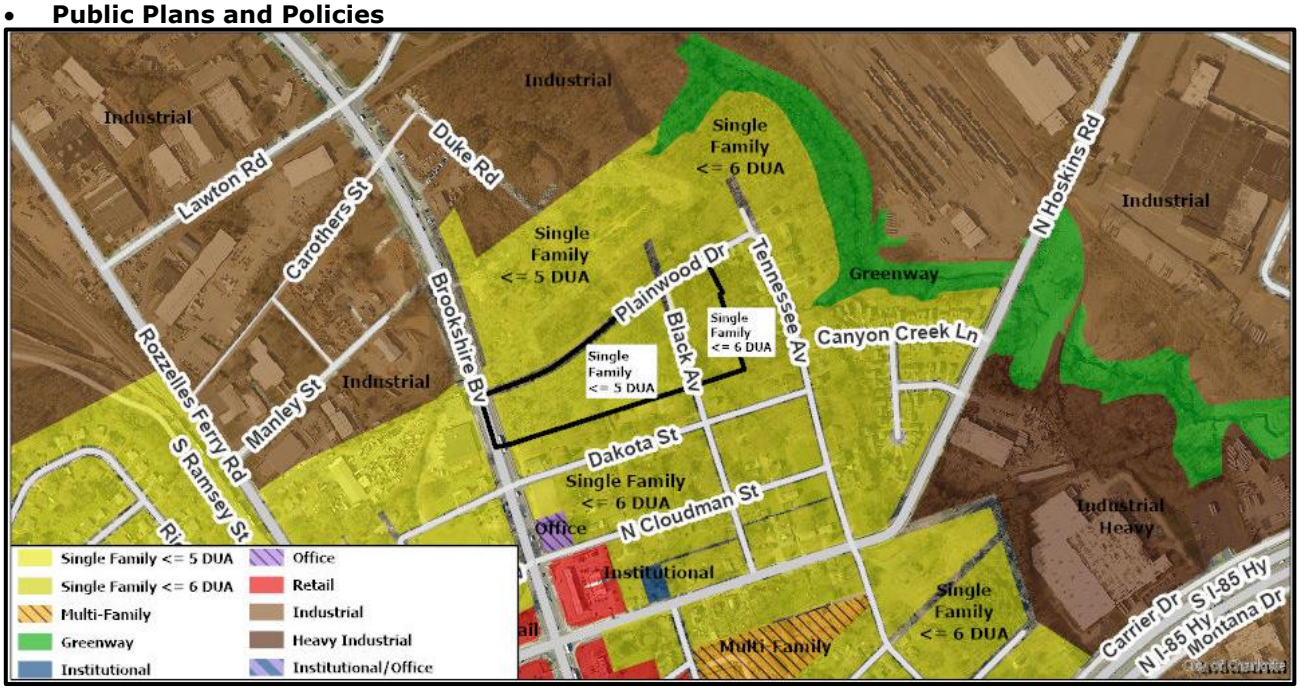
The property to the west across Brookshire Boulevard is developed with warehouse uses.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2016-084	Rezoned 1.85 acres to redevelop a convenience store with gas sales to a QuikTrip store.	Approved
2018-125	Rezoned 1.06 acres to allow all uses in the I-1 zoning district.	Approved

- **Public Plans and Policies**



- The *Thomasboro-Hoskins Area Plan (2002)* calls for single family residential up to 5 DUA.
- The *Northwest District Plan (1990)* calls for single family residential up to 6 DUA.
- 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 12 dua**
Meeting with Staff	1
Sewer and Water Availability	2
Land Use Accessibility	2
Connectivity Analysis	4
Road Network Evaluation	1
Design Guidelines	4
Other Opportunities or Constraints	NA
Minimum Points Needed: 12	**Total Points: 14**

- **TRANSPORTATION SUMMARY**
  - The site is located on a major thoroughfare and a local street. The petitioner has committed to including a right-turn lane on Brookshire Boulevard into the proposed site, in addition to constructing an internal public and private street network. The petitioner has also committed to incorporating a 12-foot multi-use path, in accordance with Charlotte BIKES. CDOT and petitioner are continuing to clarify minor technical clarifications, for the rezoning site plan to match the conditional notes.
- **Active Projects:**
  - No active projects
- **Transportation Considerations**
  - ~~See Requested Technical Revisions, Notes 1-5.~~ ADDRESSED
- **Vehicle Trip Generation:**

  Current Zoning:

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

  Entitlement: 440 trips per day (based on 39 single family dwellings).

  Proposed Zoning: 660 trips per day (based on 93 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 18 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 0 students.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Thomasboro K-8 from 128% to 130%
    - West Charlotte High remains at 94%
  - **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Dakota Street. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Dakota 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 Requested Technical Revisions, Note 6~~ ADDRESSED
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

REQUESTED TECHNICAL REVISIONS

Transportation

~~1. The petitioner should clarify which streets are proposed to be private streets on the revised site plan.~~ ADDRESSED

~~2. The petitioner should revise the site plan to condense the number of front-loaded driveways along Black Avenue, and please clarify that this street will be public.~~ ADDRESSED

~~3. The petitioner should revise the site plan to show and call-out the 8-foot planting strip and 6-foot sidewalk, in reference to conditional note (Section E.1.)~~ ADDRESSED

~~4. The petitioner should revise the site plan to show and call-out the 12-foot multi-use path along Brookshire Boulevard, in reference to conditional note (Section E.2.); please remove the following language: "if not approved by NCDOT or any other applicable governmental authorities..."~~ ADDRESSED

~~5. The petitioner should revise the site plan to show the northbound drop right-turn lane in the proposed Brookshire Boulevard access, in reference to conditional note (Section C.5.); please remove the following language: "if not approved by NCDOT or any other applicable governmental authorities..."~~ ADDRESSED

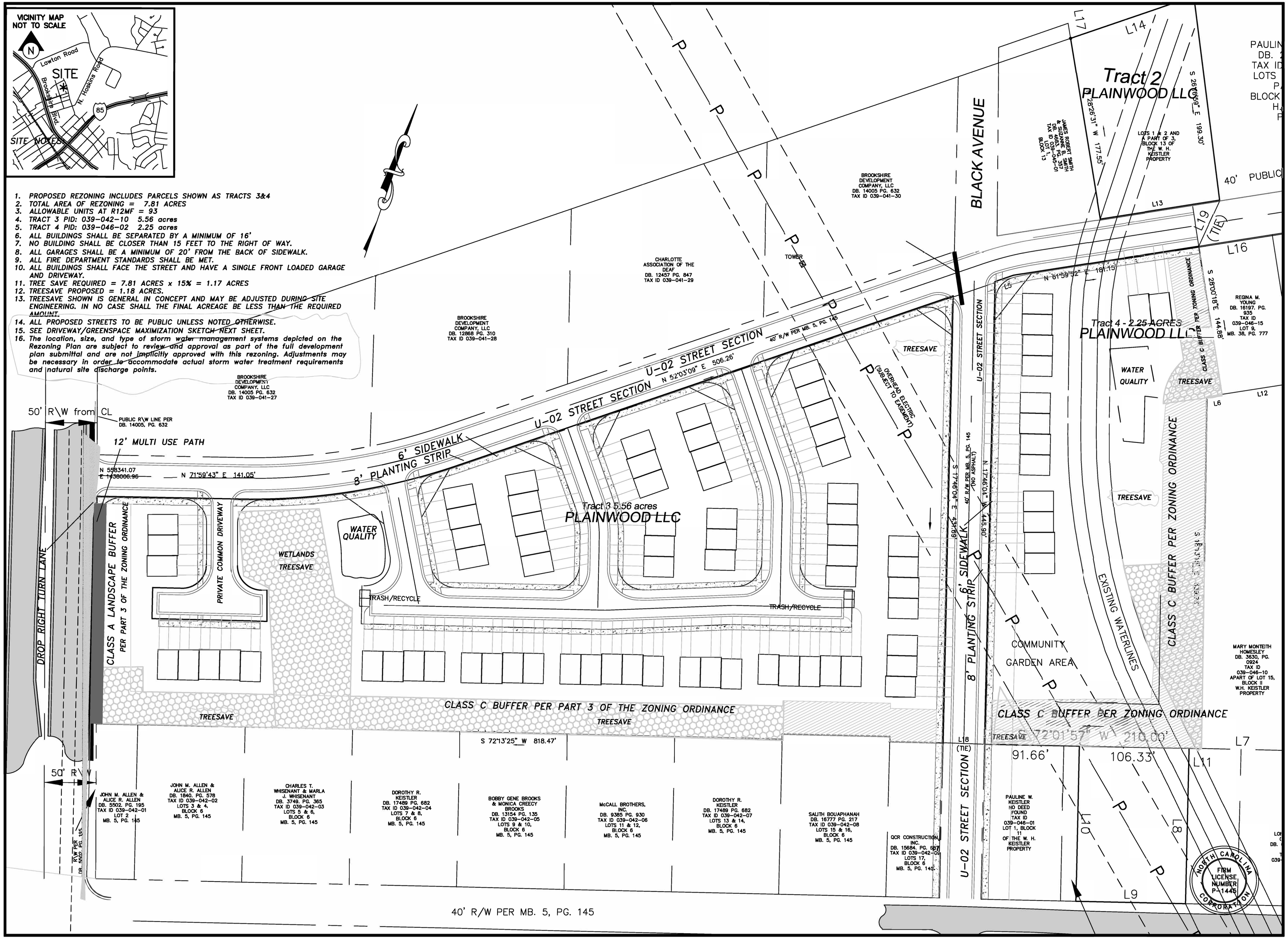
Environment

~~6. Please include the following note under Environmental Features:~~

~~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.~~ ADDRESSED

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

Planner: Michael Russell (704) 353-0225



RDAVIS ENGINEERING, PLLC
P.O. Box 470085 Charlotte, NC 28247-0085 (704) 651-5752

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Project: PLAINWOOD LLC

Sheet Title: PLAINWOOD TOWNHOMES CHARLOTTE — REZONING_PLAN R12MF

RDD
Project Engineer
RDD
Drawn By
4-8-2020
Date Drawn
–
Sht. Set / Subset
BASELAYOUT.DWG
Dwg. Name
LAYOUT
Layout:
Horiz. Scale: 1" = 40
0 40 80
Vert. Scale: 1" = VERT
0

Revisions
No. 1 Date 8-16-20
No. 2 Date 9-28-20
No. Date
No. Date
Issue Date 4-13-20

Project Number
132.018

Sheet 1 Of 2

DEVELOPMENT STANDARDS

September 28, 2020

A. General Provisions

1. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Plainwood, LLC to accommodate the development of a residential community on that approximately 7.81 acre site located on the south side of Plainwood Drive, east of Brookshire Boulevard, which site is more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Tax Parcel Nos. 039-042-10 and 039-046-02.

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

3. Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the R-12 MF 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 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 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 93 single family attached dwelling units and to any incidental and accessory uses relating thereto that are allowed in the R-12 MF 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 and/or the North Carolina Department of Transportation.

4. 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.

5. Each single family attached dwelling unit shall have a covered front stoop. The front stoop may be covered by an awning, canopy, roof extension or other architectural feature chosen by Petitioner.

6. All corner/end units that face a public or private street shall have provisions that limit the maximum blank wall expanse to 10 feet on all building levels.

7. Each single family attached dwelling unit shall have a garage.

8. Garage doors visible from public streets shall minimize the visual impact by providing a minimum setback of 12 inches from the front stoop protrusion (the street edge of the front stoop protrusion) and shall have an additional architectural treatment such as translucent windows.

9. Walkways shall be provided to connect all residential entrances to the driveways.

10. Buildings containing single family attached dwelling units fronting public or private network required streets shall be limited to 5 individual units or fewer. The number of individual units per building should be varied in adjacent buildings if multiple 5 unit buildings are adjacent.

E. Streetscape and Buffers

1. Petitioner shall install a minimum 8 foot wide planting strip and a minimum 6 foot wide sidewalk along the Site's frontages on Plainwood Drive and Black Avenue as depicted on the Rezoning Plan. The minimum 8 foot wide planting strip and the minimum 6 foot wide sidewalk (or portions thereof) may be located in a sidewalk utility easement.

2. Subject to the approval of the North Carolina Department of Transportation and any other applicable governmental authorities, Petitioner shall install a 12 foot wide multi-use path along the Site's frontage on Brookshire Boulevard. If this improvement is not approved by the North Carolina Department of Transportation or any other applicable governmental authorities, Petitioner shall not be required to construct this improvement.

3. Buffers shall be established on the Site as required by the Ordinance and as depicted on the Rezoning Plan, and such buffers shall conform to the standards of Section 12.302 of the Ordinance. Pursuant to the Ordinance, Petitioner may reduce the required width of a buffer by 25% by installing a berm that meets the standards of Section 12.302(8A) of the Ordinance or a fence that meets the standards of Section 12.302(8) of the Ordinance as applicable.

4. 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.

2. The Site will be served by internal public streets and private drives. Minor adjustments to the locations of the internal public streets and private drives shall be allowed during the construction permitting process.

3. Internal sidewalks and pedestrian connections shall be provided on the Site as generally depicted on the Rezoning Plan. The internal sidewalks may meander to save existing trees.

4. 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 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 Brookshire Boulevard as required to provide right of way measuring 50 feet from the centerline of existing Brookshire Boulevard, to the extent that such right of way does not already exist.

5. Subject to the approval of the North Carolina Department of Transportation and any other applicable governmental authorities, Petitioner shall construct a drop right-turn lane (northbound) on Brookshire Boulevard onto Plainwood Drive. If this drop right-turn lane is not approved by the North Carolina Department of Transportation or any other applicable governmental authorities, Petitioner shall not be required to construct this improvement.

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 new single family attached dwelling unit constructed on the Site. The Petitioner will provide a permanent sidewalk easement for any sidewalk (or portions thereof) located along the Site's public street frontages that 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.

7. All transportation improvements set out in Section C of the Development Standards shall be constructed and approved prior to the issuance of the first certificate of occupancy for a new single family attached dwelling unit constructed on the Site.

D. Architectural Standards

1. The maximum height of the single family attached dwelling units to be constructed on the Site shall be governed by the Ordinance.

2. The actual widths of the single family attached dwelling units to be constructed on the Site may vary from the widths depicted on the Rezoning Plan.

3. All residential entrances within 15 feet of a public sidewalk shall be raised a minimum of 12 inches from the average grade of the public sidewalk.

F. 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 extend past any property line of the Site.

2. The maximum height of any freestanding lighting fixtures installed on the Site, excluding street lights located along public streets, shall be 21 feet.

G. Environmental

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

2. 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.

3. For adjoining parcels receiving storm water discharge along the eastern boundary of the Site, Petitioner shall analyze the adequacy of the existing storm water conveyance on the adjoining parcels to the nearest City maintained right of way (Tennessee Avenue). If the existing storm water conveyance on the adjoining parcels is found to be inadequate, 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.

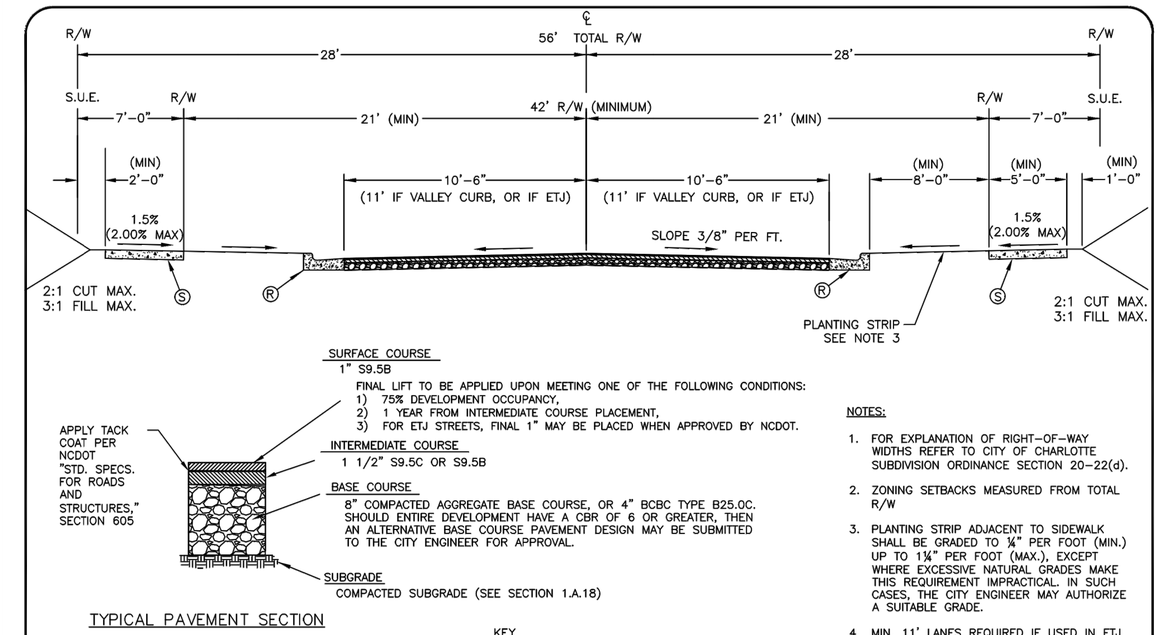
4. Development of the Site shall comply with the Tree Ordinance.

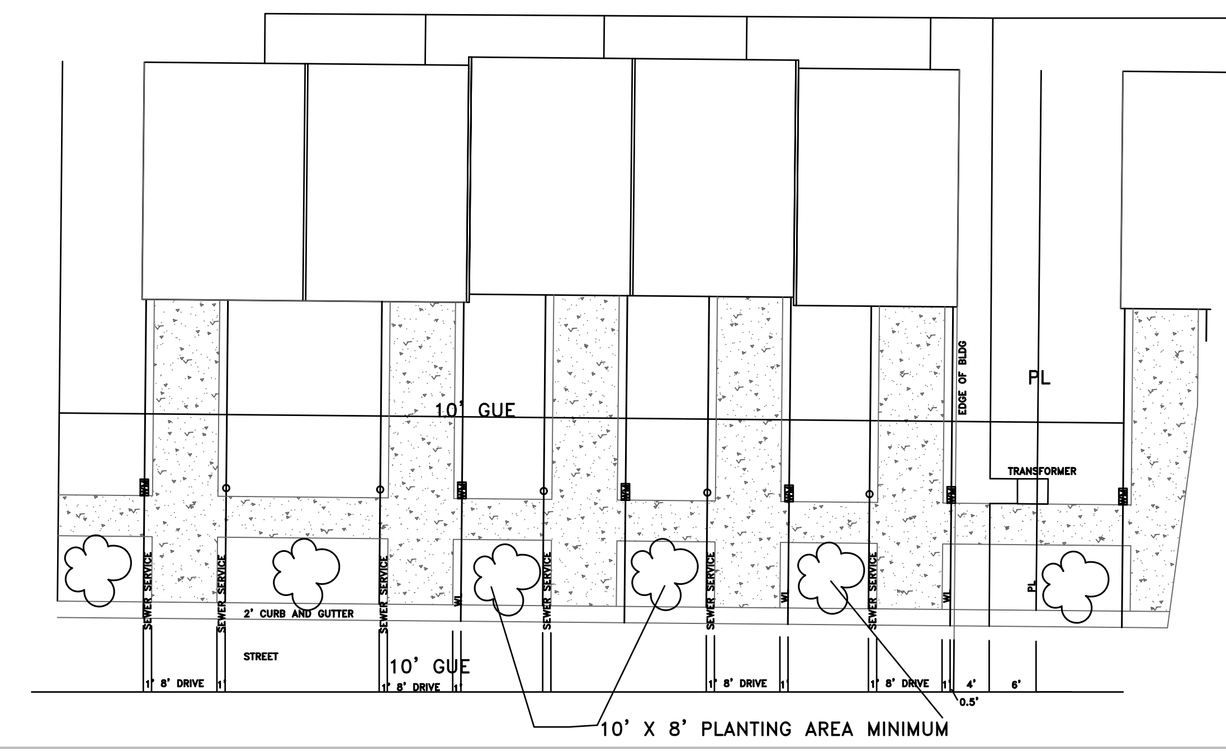
H. Binding Effect of the Rezoning Documents and Definitions

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.





DRIVEWAY/TREE PLANTING/GREENSPACE SKETCH

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S64°51'09"W	63.18
L2	N32°27'30"W	75.13
L3	S69°27'20"E	104.13
L4	S64°51'09"W	12.02
L5	N52°03'09"E	19.02
L6	S62°01'41"W	14.79
L7	N72°16'57"E	79.44
L8	S17°45'22"E	150.15
L9	S72°08'58"W	106.09
L10	N17°50'59"W	149.94
L11	S72°01'57"W	12.01
L12	N62°01'41"E	65.20
L13	S61°59'52"W	116.50
L14	N52°04'25"E	125.72
L15	S72°13'18"W	150.80
L16	N61°59'52"E	71.70
L17	S28°26'31"E	14.74
L18	N72°57'18"E	40.00
L19	N05°38'02"E	48.04
L20	S52°04'25"W	133.82
L21	S52°48'34"W	111.19
L22	N17°43'31"W	210.00
L23	N72°20'51"E	150.06

CURVE TABLE				
CURVE	LENGTH	RADIUS	CH. BEARING	CH. DIST.
C1	210.94	606.02	N62°01'26"E	209.87

NORTH CAROLINA FIRM LICENSE NUMBER P-1445 CORPORATION

RDAVIS ENGINEERING PLLC
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PLAINWOOD LLC

Project: PLAINWOOD TOWNHOMES CHARLOTTE

Sheet Title: REZONING_PLAN R12MF

RDD
Project Engineer

RDD
Drawn By

4-8-2020
Date Drawn

–
Sht. Set / Subset

BASELAYOUT.DWG
Dwg. Name

LAYOUT
Layout:

Horiz. Scale: 1" = 40
0 40 80

Vert. Scale: 1" = VERT
0 VSCALE

Revisions
No. 1 Date 8-17-20
No. 2 Date 9-28-20
No. Date
No. Date

Issue Date 4-13-20

Project Number 132.018

Sheet 2 Of 2

Petition 2020-087 by Plainwood, LLC

To Approve:

The western portion of this petition is **inconsistent** with the *Thomasboro-Hoskins Area Plan* (2002) recommendation of single family residential up to 5 dwelling units per acre. The eastern portion of this petition is **inconsistent** with the *Northwest District Plan* (1990) recommendation of single family residential up to 6 dwelling units per acre. The petition is **consistent** with the *General Development Policies* (GDP) recommendation for residential uses at up to 17 dwelling units per acre, based on the information from the staff analysis and the public hearing, and because:

- The *Thomasboro-Hoskins Area Plan* recommends single family residential up to 5 dwelling units per acre.
- The *Northwest District Plan* recommends single family residential up to 6 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 93 townhome dwelling units on this site for a density of 11.9 dwelling units per acre.
- The *General Development Policies* (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the *General Development Policies* locational criteria for consideration of up to 12 dwellings per acre.
- The petition commits to increased pedestrian connectivity by committing to install an 8-foot-wide planting strip and a 6-foot wide sidewalk along the Site's frontages on Plainwood Drive and Black Avenue.
- This petition proposes to complete the street network along Plainwood Drive and Black Avenue. These streets will be for public use.
- The *Thomasboro-Hoskins Area Plan* (2002) has a goal to prioritize infill development to stabilize the neighborhood's housing stock. This petition will increase housing options in this area and establish valuable street infrastructure for future development to the north of the site.
- This petition's proposal of townhome uses with a density of 11.9 DUA are an appropriate transition to the non-residential uses along Brookshire Boulevard to the north of the parcel.

  The approval of this petition will revise the adopted future land use as specified by the *Thomasboro-Hoskins Area Plan* (2002) and the *Northwest District Plan* (1990) from single family residential up to 5 DUA and single family residential up to 6 DUA to residential up to 12 DUA.

To Deny:

The western portion of this petition is **inconsistent** with the *Thomasboro-Hoskins Area Plan* (2002) recommendation of single family residential up to 5 dwelling units per acre. The eastern portion of this petition is **inconsistent** with the *Northwest District Plan* (1990) recommendation of single family residential up to 6 dwelling units per acre. The petition is **consistent** with the *General Development Policies* (GDP) recommendation for residential uses at up to 17 dwelling units per acre, based on the information from the

staff analysis and the public hearing, and because:

- The Thomasboro-Hoskins Area Plan recommends single family residential up to 5 dwelling units per acre.
- The Northwest District Plan recommends single family residential up to 6 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: