

# City of Charlotte

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

**Agenda Date: 10/19/2020** 

Agenda #: 3.File #: 15-14379 Type: Zoning Decision

Rezoning Petition: 2020-062 by i3i Ventures, LP

# Update: Petitioner has withdrawn this petition

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

**Current Zoning:** I-2 (CD) (general industrial, conditional), R-3 (single-family residential)

Proposed Zoning: R-8 MF (CD) (multi-family residential, conditional) and B-2 (CD) (general business,

conditional)



# City of Charlotte

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

**Agenda Date: 10/19/2020** 

Agenda #: 4.File #: 15-14391 Type: Zoning Decision

# 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.

## **Zoning Committee Recommendation:**

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

#### **Staff Recommendation:**

Staff Recommends APPROVAL of this text amendment.

#### **Attachments:**

Zoning Committee Recommendation Text Amendment Annotated Signs Final Staff Analysis

# **Charlotte-Mecklenburg Planning Commission**

# **Zoning Committee Recommendation**

**ZC**Zoning Committee

Rezoning Petition 2020-104
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

#### **PETITIONER**

Charlotte Planning, Design, and Development

# ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with a staff recommended modification to delete Section 13.10.A.1.e in its entirety, and re-letter subsequent sections in alphabetical order, and adopt the consistency statement as follows:

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:

- 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 Choose an item. public interest based on information from the staff analysis and the public hearing and because:

- Clarifies the enforcement process by specifying notice procedures, making it easier to understand.
- Updates, adds, and deletes definitions and graphics adding further clarity.

Motion/Second: Kelly / Blumenthal

Yeas: Barbee, Blumenthal, Kelly, McMillan, Nwasike,

Samuel, and Welton

Nays: None Absent: None Recused: None

# ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and noted that it is consistent with *Centers, Corridors and Wedges Growth Framework.* 

A question was asked about A-frame signs and if they are prohibited. Staff explained these signs are the "sandwich board" signs typically seen in the front of stores. A-frame signs are not prohibited.

What impact will this text amendment have on previous sign applications? Staff responded there will be no impact.

A commissioner expressed appreciation for flexibility and updates to the regulations. This is good example of flexibility built into the processes.

There was no further discussion of this petition.

**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 Citymaintained 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.
- 56. 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, <u>including but not limited to Historic District Commission Design Guidelines</u>, 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 <u>and/or be supported by</u> the ground <u>for support</u> and can be moved and reused. Portable sign structures include, but are not limited to, <u>signs those that</u> mount<u>ed signs</u> upon a trailer, wheeled carrier, or other non-motorized mobile structure, with wheels or with<u>out</u> wheels. <u>removed</u>. Portable sign structures do not include A-frame <u>signs</u>, or temporary off-premises advertising signs.

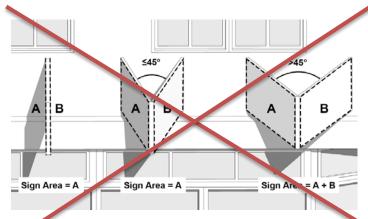
**Sign Face.** The area of a sign on which copy is intended to be placed.

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:

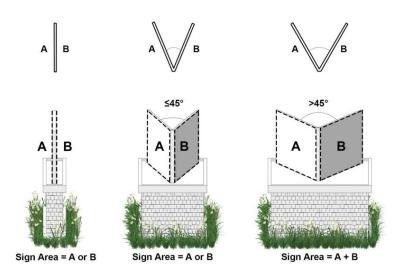
## D. Determination of Number of Sign Faces

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.

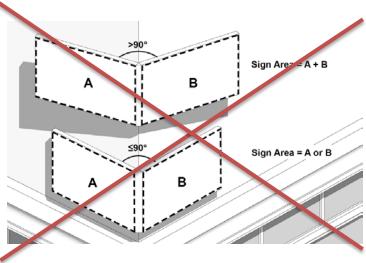
6. Amend Section 13.6, "Measurement Methodologies", by replacing two graphics with new graphics. The deleted and new graphics are as follows:



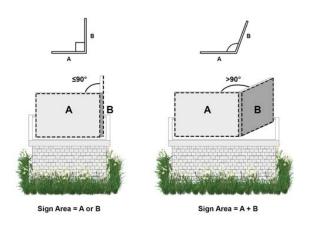
Measurement of Sign Faces (Angled Sign) - Interior Lot



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 <del>24</del> <u>25' feet</u>	24 square feet	48 square feet
25 <u>' up</u> to <del>39</del> <u>40'</u> <del>feet</del>	40 square feet	80 square feet
40 <u>' up</u> to <del>49</del> <u>50'</u> <del>feet</del>	60 square feet	120 square feet
50 <u>' up</u> to 60' <del>feet</del>	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<u>3</u>. Light pole banners are limited to a maximum area of 15 square feet.
- 34. Light pole banners shall maintain a minimum vertical clearance of 12 feet from grade to the bottom of the banner.

- 4<u>5</u>. 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.
  - <u>a.</u> For multi-family uses, window signs are permitted on the ground floor only.
  - <u>b.</u> 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** 

	PERMISSIONS		
SIGN TYPES	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
- L. 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

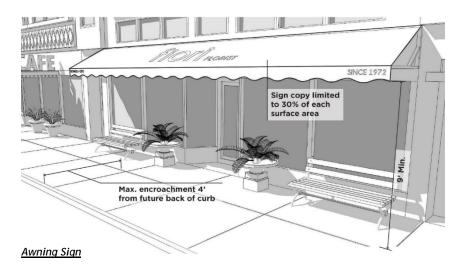
The following on-premise signs require a sign permit and are subject to all applicable standards of this Chapter. Additionally, the following sign types shall only operate as on-premise signs. Outdoor advertising signs are regulated separately in Section 13.11.

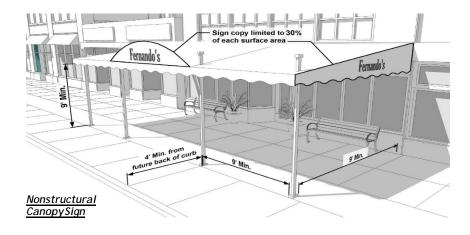
# A. Awning and Canopy Signs

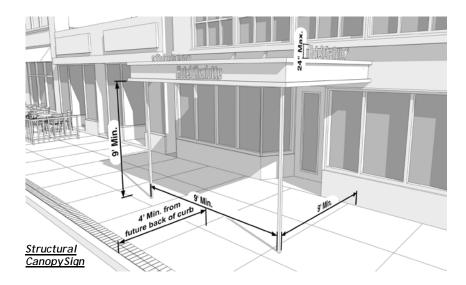
- 1. The following standards apply to Awning and Canopy Signs:
  - a. Awning and canopy signs shall be mounted within the first story of the structure.
  - b. Awning and canopy signs shall maintain a minimum vertical clearance of nine feet.
  - One awning or canopy sign is permitted per tenant with a
     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.
  - 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.







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 lot and are limited to 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.
- 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 <u>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:</u>
  - i. In TOD <u>Urban</u> Districts, ground signs shall be located <u>out of</u> 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

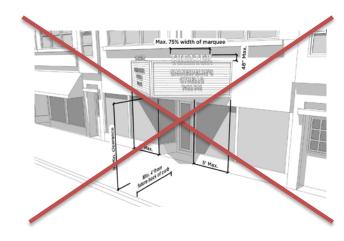
ZONING DISTRICT	MAXIMUM SIGN AREA	MAXIMUM SIGN HEIGHT
General Commercial	42sf However, in the B-2 District a permitted pole sign may be 84sf	7' However, in the B-2 District a permitted pole sign may be 30' in height
Industrial	42sf  However, in the I-I and I-2  Districts a permitted pole  sign may be 84sf	7' However, in the I-I 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 <u>or to support a vertically-oriented extension of the sign extending upward and mounted perpendicular to the wall on which the marquee is mounted.</u>
  - 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 <u>vertically-oriented extension sign face</u> area-attached to and located above the roof of a marquee <u>sign</u> structure and perpendicular to the building wall. The height of the <u>vertically-oriented extension is limited to a maximum of 24 inches</u> above the building parapet. Such vertically-oriented extension is <u>limited to a maximum projection of 75% of the depth of the marquee</u>, 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:

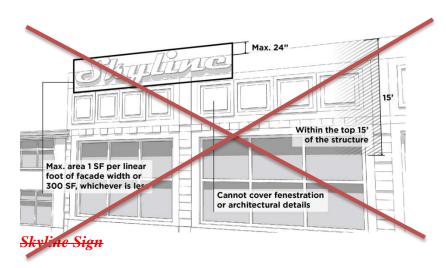


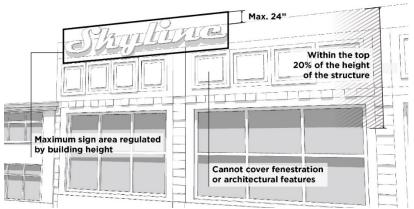
Marquee Sign



- 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 buildings 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

- 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 <u>as follows:</u> 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

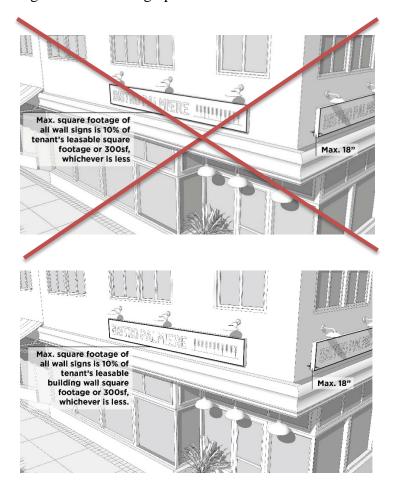
- d. Building height of greater than 200' 500': 720sf
- e. Building height of greater than 500': 850sf
- 3. One skyline sign is permitted per facade.
- 4. Skyline signs shall be placed within the top 15 20% feet of the height of the structure and cannot cover any fenestration or architectural features.
- 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  $\cancel{E} F$  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:

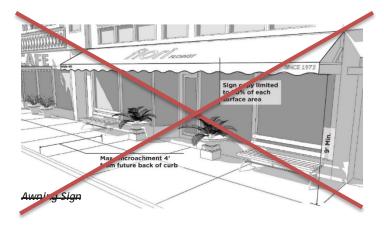


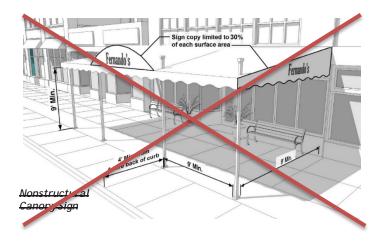
27. Amend Section 13.10, "Signs Requiring Permit", new subsection I, "Wall-Mounted Signs", subsection 3 by deleting the entire subsection along with three graphics. This subsection is being relocated to a new Section13.10.A. The deleted subsection 3 is as follows:

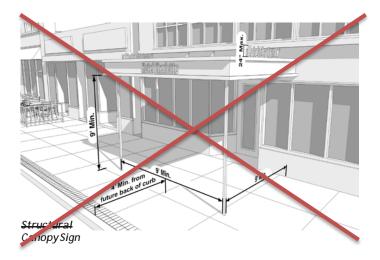
# 3. Awning and Canopy Signs

- 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.







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

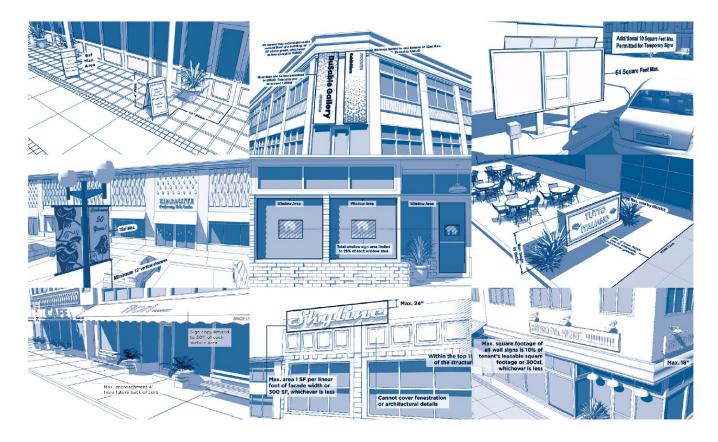
For providing flexibility and incentives for coordinated, well\_designed sign systems for large scale development, special provisions varying the standards of these regulations may be approved by the Planning, Design and Development Director or their designee subject to the following:

- 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. <u>Citations Notices of Violations and Citations</u>

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 wWarning eCitation 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	
City Clerk (	of the City of Charlotte, North Carolina, DO HEREBY CERTIFY
that the foregoing is a true and exact co	opy of an Ordinance adopted by the City Council of the City of ession convened on theday of, 20, the reference
	and recorded in full in Ordinance Book,
	seal of the City of Charlotte, North Carolina, this day of
	sear of the City of Charlotte, North Carollia, this day of



# 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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# **CHAPTER 13. SIGNS**

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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
  - 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.
  - 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.
  - 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 rightsof-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.

56. 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

- 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 singleor 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 singlefamily, 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-I, I-2, B-D, HW
  - g. Institutional districts: INST

#### C. Noncommercial Messages

 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

- 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.
- 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.
- 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:

- Awning Sign Non-Structural. Anawning sign, as defined above, constructed of fabric or similar material mounted on a frame.
- 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:

- Canopy-Non-Structural. A canopy sign, as defined above, constructed of fabric or similar material mounted on a frame.
- 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.

- 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.
- 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 onsite 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.

- 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. Anattention-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 signarea.



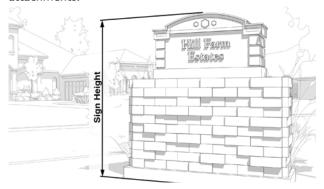
- For calculating maximum area of window signs, the window area is calculated as a continuous surface until divided by an architectural or structural element. Mullions are not considered an element that divides window area. The area of a window sign is calculated by the same method as for other sign areas, per item I 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 arealimitation.
  - 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

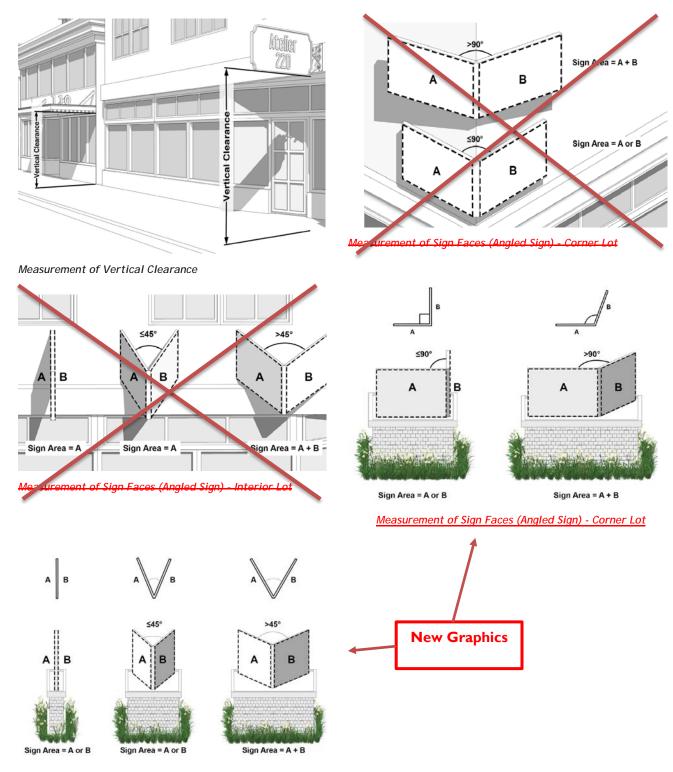
For building-mounted signs, vertical clearance is measured as the vertical distance measured from the ground directly below the sign to the lowest point of the sign.

#### 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 Sign Faces (Angled Sign) - Interior Lot

## 13.7 StandardsforSignsExempt 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

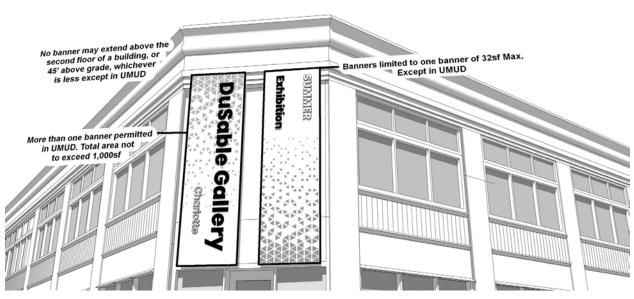
- A-frame signs are permitted for nonresidential all commercial, institutional, multi-family, and temporary outdoor sales uses. uses in the B-1 and B-2 Districts and the urbandistricts.
- 2. One A-frame sign is permitted per establishment, including one for each tenant in a multi-tenant development.
- 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.
- 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.
- 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:

- Signs shall be constructed as wall signs. Only one sign is permitted.
- 2. Signs are limited to four square feet in area.
- Illumination of signs for accessory uses is prohibited.



Banner

#### C. Banner

- 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.
- 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.
- 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.

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

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

- Commercial flags are permitted for nonresidential uses in the urban and general commercial districts.
- 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-ofway.
- 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.

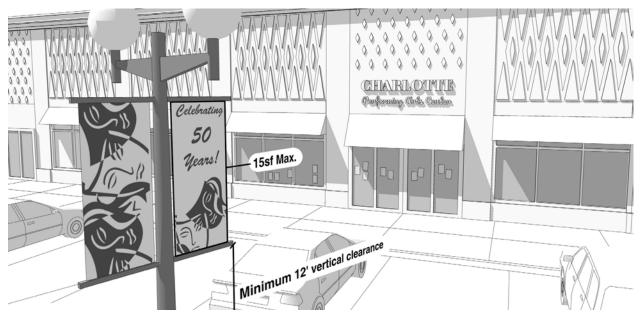
- a. References to flagpole height in this section refers to vertical flagpoles. References to the number of noncommercial flags, flagpoles, and noncommercial flag dimensions refer to both vertical flagpoles and mast arm flagpoles that may extend at an angle from a building.
- b. Unless otherwise permitted 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 <del>24</del> <u>25' feet</u>	24 square feet	48 square feet
25 <u>' up</u> to <del>39</del> <u>40'</u> feet	40 square feet	80 square feet
40 <u>' up</u> to <del>49</del> <u>50'</u> feet	60 square feet	120 square feet
50 <u>' up</u> to 60 <u>'</u> feet	96 square feet	192 square feet

- d. There shall be no more than three noncommercial flags allowed perstreet 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

- 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.
- 23. Light pole banners are limited to a maximum area of 15 square feet.
- 34. Light pole banners shall maintain a minimum vertical clearance of 12 feet from grade to the bottom of the banner.
- 45. 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:

- Noncommercial message signs are permitted in all districts.
- Noncommercial message signs are ground or wall signs. There is no limit on the number of noncommercial message signs permitted.

- 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 II 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.
- Noncommercial message signs cannot be used for on-premise or off-premise advertising.
- H. Parking Lot, Parking Structure, and Site Circulation Point Signs
  - 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.
  - Circulation points include, butare 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 transitstops.
- 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.
- A ground sign shall not be located so as to obstruct any pedestrian or vehicular traffic, or within any public rights-of-way.

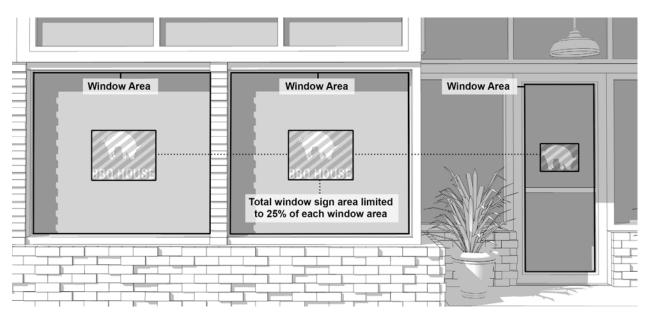
#### I. Real Estate Activity

- Temporary ground signs are permitted for lots or structures currently for sale, lease, or rent.
- 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.
- 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.
- Signs shall be removed within seven days after the sale is closed or rent or lease transaction is finalized.
- J. Temporary Off-Premise AdvertisingSign
  - Temporary off-premise advertising signs are limited to four square feet in area.
  - Temporary off-premise advertising signs are limited to four feet in height.

- 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.
- 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.
- 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.
- 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-frame signs shall not interfere with or obstruct motor vehicle traffic.
  - 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.
- The following standards apply to temporary outdoor sales signs attached to sales displays:
  - 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
  - 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.

 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.
  - For multi-family uses, window signs are permitted on the ground floor only.
  - <u>b.</u> 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.
- 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

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

- Permanent sign structures shall be constructed of brick, wood or simulated wood, stone, concrete, metal, plastic, or highdensity urethane (HDU) foam board or similar durable foam construction.
- Awning, canopy, projecting, light pole banner, banners, and wall signs may also be constructed of durable weather resistant material such as canvas, nylon, or vinylcoated fabric.
- Wall, awning, canopy, projecting, and light pole banners constructed of non-rigid material such as canvas, nylon, or vinylcoated fabric shall be mounted within a frame so that they are held taut between all support posts.

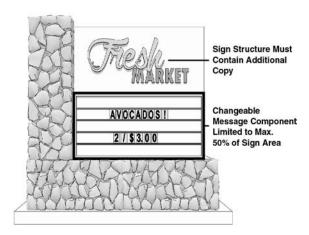
#### G. Audio Components

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

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

#### H. Changeable Message

- 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.
- 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.
- 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

- 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.
- 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.
- All external illumination of a sign shall concentrate the illumination upon the printed area of the sign face.
- Sign illumination shall not be combined with reflective materials, such as mirrors, polished metal, or highly-glazed tiles, which would increase glare.
- Strobe lights, moving or fixed searchlights, and floodlights/spotlights are prohibited, except in the UMUD, where such lighting is permitted.
- 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 overthe 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

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

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

Noncommercial Message Sign

Temporary Outdoor Sales Sign

Vehicle Dealership Temporary Sign

Circulation Point Signs
Real Estate Activity

Window Sign

Parking Lot, Parking Structure, and Site

Temporary Off-Premise Advertising Sign

Table 13-2. Sulfillary of Sign I errifissions		
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

Parking lot and parking structure

Real estate activity

Non-residential uses

Multi-family dwellings

Vehicle dealership

Non-residential uses

All districts

**Table 13-2: Summary of Sign Permissions** 

OLON TURES	PERMISSIONS		
SIGN TYPES	BY USE/ACTIVITY	BY DISTRICT	
SIGNS REQUIRING PERMIT (SECTION 13.10	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	

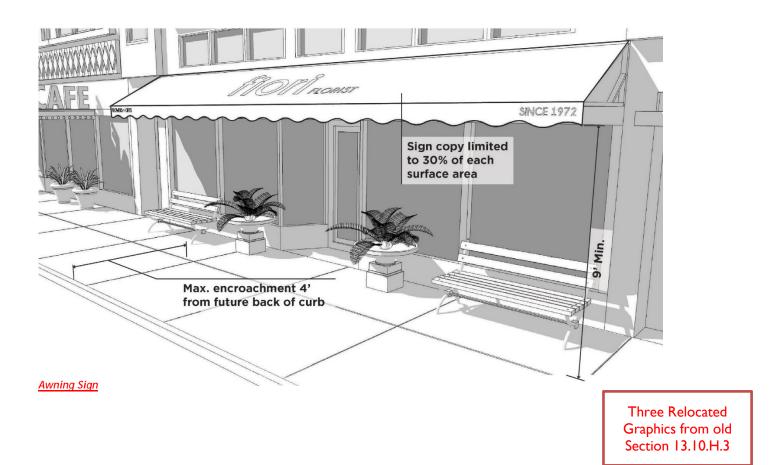
#### 13.10 Signs Requiring Permit

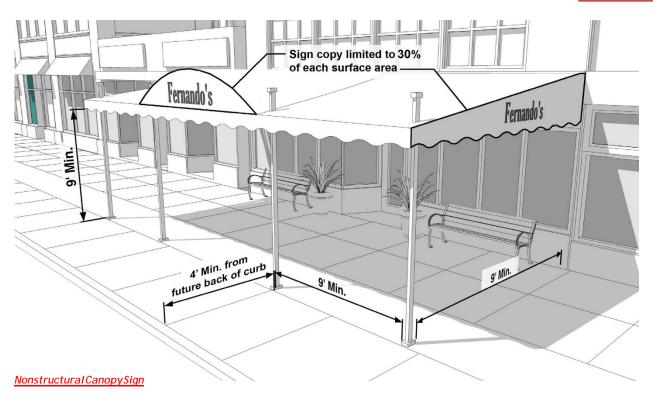
The following on-premise signs require a sign permit and are subject to all applicable standards of this Chapter. Additionally, the following sign types shall only operate as on-premise signs. Outdoor advertising signs are regulated separately in Section 13.11.

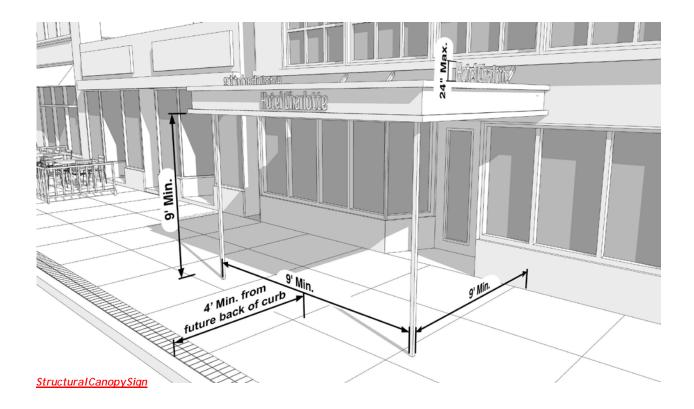
## A. Awning and Canopy Signs

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

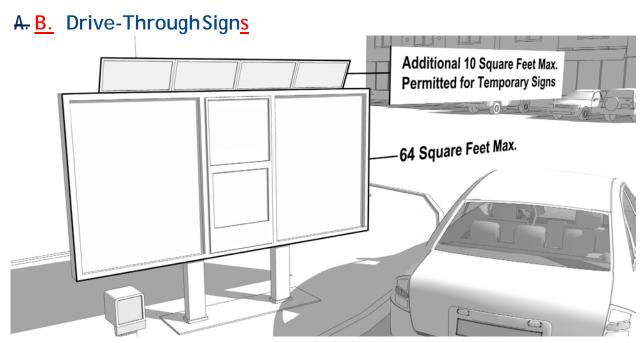
Relocated Text from old Section 13.10.H.3 except original "i" was deleted, and "e" was amended.







Relocated Graphic from old Section 13.10.H.3



- 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 I 5 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.
  - 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-1residential 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.
- 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 2. 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:

- Ground signs are permitted for multifamily dwellings and non-residential uses in the districts indicated in item 3 below.
- Retail center ground signs are permitted for multi-tenant retail centers in any district except the TOD-UC or TOD-NC Districts.
- Multi-tenant planned non-residential development ground signs are permitted inany district except the TOD-UC or TOD-NC Districts.
- 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 exceptthe 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.
  - 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:

- In TOD Urban Districts, ground signs shall be located out of the right-of-way or setback, whichever is greater. aminimum of five feet from either the setback line, build—to line, ormaximum dimension of a build—tozone, asapplicable.
- c. Ground signs shall not project into, over, or otherwise encroach on a public right-ofway, 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 signface.
- 3. Ground Signs

Ground signs are subject to the following:

 Ground signs are permitted for multifamily and non-residential uses in the districts listed in Table 13-3: Ground

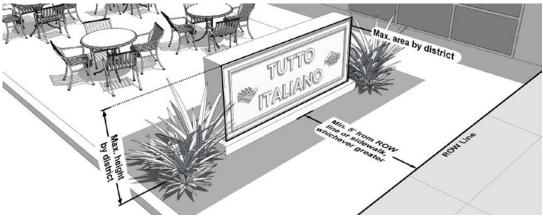
- Signs. Table 13-3 also contains the maximum sign areas and maximum heights.
- One ground sign is permitted along street frontage of a lot measuring less than 400 feet. Additional signs are allowed as follows:
  - Each street frontage of a lot measuring 400 feet or more, is permitted one additional 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.
  - 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		
ВР	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-I and I-2  Districts a permitted pole sign may  be 84sf	7' However, in the I-I 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 perstreetfrontage. 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.
- Retail center ground signs are limited to the following maximum sign areas and heights:
  - Development site area of less than 25,000sf: 48 square feet in area and eight feet inheight.

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

- One ground sign of 50 square feet in area maximum and a maximum height of seven feet.
- 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 nonresidential developments located in a TOD-UC or TOD-NC Districtare prohibited.

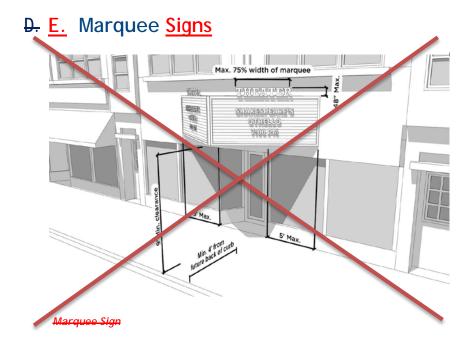
#### Multi-Use Planned Development Ground Signs

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

- One ground sign of 50 square feet in area maximum and a maximum height of seven feet.
- 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.
- 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.
- Ground signs for residential planned developments located in a TOD-UC or TOD-NC District are prohibited.





New Graphic

#### Marquee Sign

- Marquee signs are permitted for nonresidential uses only in the urban districts.
- Marquee signs shall be supported solely by the building to which they are attached. No exterior columns or posts are permitted as supports.
- 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.
- 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.

## F. Roof Signs

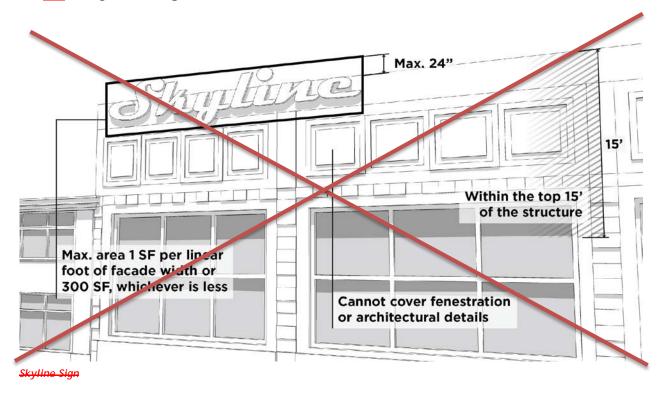


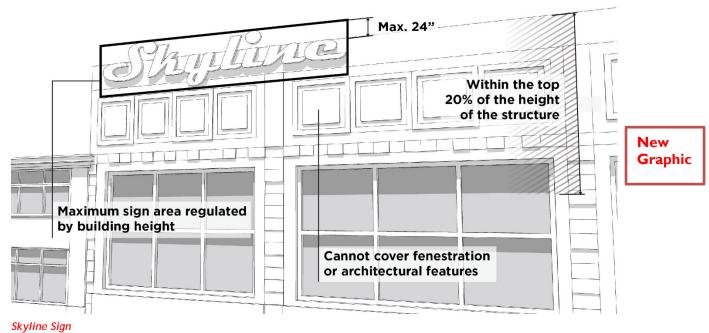
Roof Sign

- Roof signs are permitted only for nonresidential structures buildings and multifamily 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.
- 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.
- If a roof sign is erected on a building, a skyline sign (item F below) is prohibited.
- 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 signs are permitted only for nonresidential structures buildings and multifamily dwellings of 80 50 feet or more in height in all urban, general commercial, research/office, industrial, and institutional districts.
- The size of the skyline sign is limited <u>as follows:</u> 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.
- 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.
- If a skyline sign is erected on a building, a roof sign (item <u>E</u> <u>F</u> above) is prohibited.
- 7. Skyline signs shall only be internally illuminated.

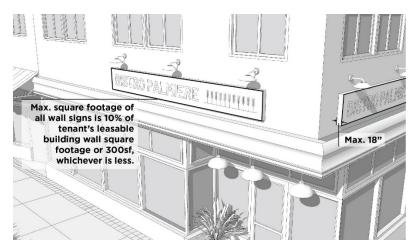
# G. H. Temporary Signs for Planned Developments

- Planned developments under construction are permitted temporary ground signs.
- 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.
- The maximum sign area of a primary sign is limited to 48 square feet in residential districts, and 64 square feet in nonresidential districts. The maximum sign area of a secondary sign is limited to 12 square feet.
- The maximum height of the primary sign is limited to ten feet, and six feet for a secondary sign.
- 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 multifamily 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

#### 2. Wall Sign

(Painted wall signs and projected wall signs are not regulated by this section and are regulated separately in items-land-land-land-below.)

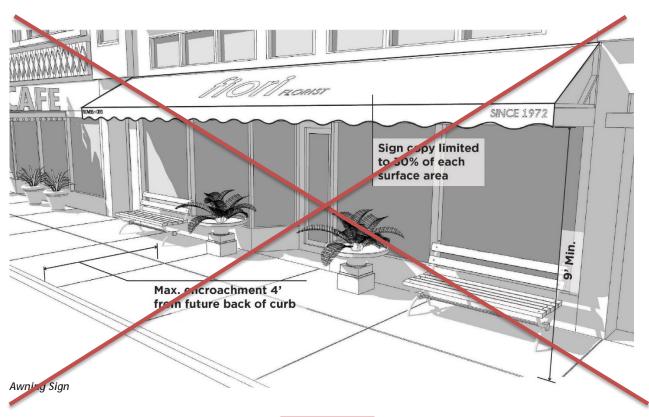
- a. Wall signs are permitted on each facade of a structure. On a site consisting of multiple structures, each structure is permitted wall signs per the regulations of this Section.
- b. Wall signs may be internally or externally illuminated. If externally illuminated, all light shall be directed onto 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 buildingwall.

- No wall sign affixed to a building, including sign support structure, shall project beyond the ends or top of the wall or higher thanthe 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

d.

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, orarchitectural feature, such as cornices, of the structure.



This text has

relocated to

new Section

13.10.A

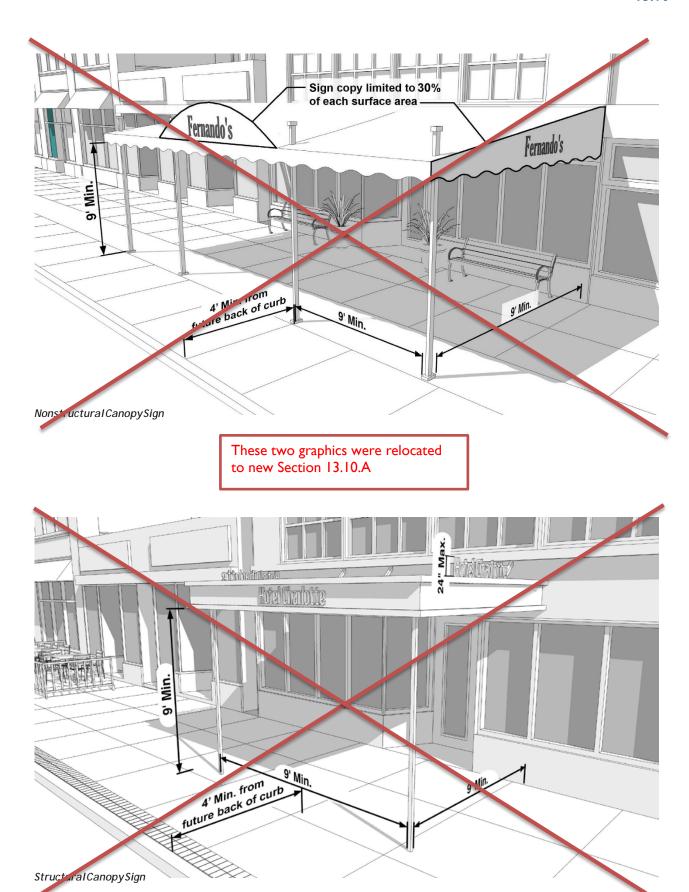
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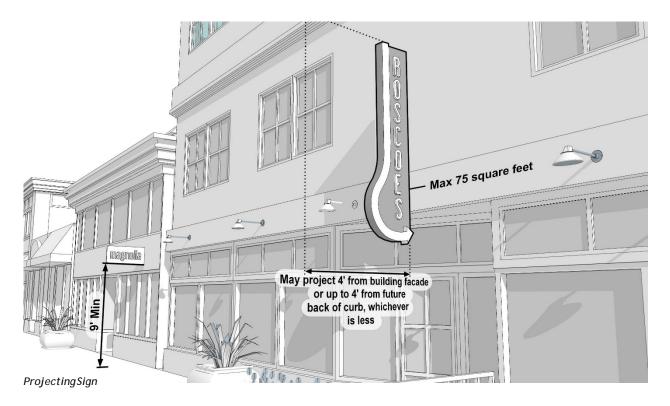
#### 3. Awning and Canopy Signs

- Awning and canopy signs shall bemounted 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 ninefeet shall be maintained betweencanopy supports and between canopysupports 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. Sign copy is counted toward themaximum sign area of all wall-mounted signs plus any additional sign area peritem habove.
- j. Awning and canopy signs may be illuminated but lighting shall be installed as external downlighting or back-lighting.





#### 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.
- Projecting signs shall be mounted within the first four stories of the structure.
- Projecting signs are limited to a
  maximum sign area of 75 square feet.
   Sign area is counted toward the
  maximum sign area of all wallmounted 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.

## L. J. Wall Signs, Painted

- Painted wall signs are permitted for all nonresidential uses in any district. Painted wall signs are regulated separately and do not count toward the maximum sign area of wallmounted signs of item H above.
- Painted wall signs are permitted on each facade of a structure. There is no size limit for a painted wall sign.
- 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.
- Painted wall signs shall not project more than
   0.25 inches from a building wall.
- 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

- 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.
- Projected wall signs shall not be projected overanyotherpermanentortemporarysign, 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:

- Present and perpetuate uncluttered and natural views for the enjoyment and environmental enrichment of the citizens of Charlotte, as well asvisitors.
- 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 I 3-4: Static Outdoor Advertising Signs. This excludes electronic changeable face outdoor advertising signs, trivision outdoor advertising signs, and other similar technologies.

Table 13-4: Static Outdoor Advertising Signs

Zoning Districts Permitted	I-I 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	I 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-I 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	I 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 thestreet  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

- 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-I 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-I and I-2 Districts 300sf in B-2 District
Maximum Height	Class I Roads in I-I 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-I 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	I 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 I 2:00 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
  - The maximum sign area for a sign on passenger rail pathways and platforms is 30 square feet.
  - 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.
  - All signs shall be oriented to make the sign content not readily visible from any public street.
  - 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.
  - 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:

- 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.
- A master sign program that includes the following information is submitted:
  - Detailed designs of all proposed signs, including the size, height, and materials of such signs.
  - Proposed locations and number of proposed signs.

- c. Sign illumination plan.
- Plans for landscape or architectural features to be used in conjunction with such plans.
- 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:
  - The maximum size of individual detached signs may be varied by up to 25%.
  - 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:
    - Each sign shall be located a minimum of 400 feet from any public street.
    - ii. Each sign shall be located within150 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:

- 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
  - 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.
  - 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
  - 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.
- 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:
    - Need for relocation due to the government sponsored project.
    - Loss of visibility from the adjacent lane of travel.
    - iii. Impact of relocated utilitylines.
    - iv. Purpose and intent of sign restrictions on conditional site plan.
    - 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.
- 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:

- 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.
- 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 onpremise, 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:

- 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 streets cape 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
  - Relocated historic signs that are nonconforming based on their size, height, or lighting do not have to be broughtinto 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 districtare 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 treecutting 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:
  - 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.
  - 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:
  - 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:
    - Necessitated by routine maintenance or by repairs.
    - 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.
  - 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

- 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.
- 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 (I) a wWarning cCitation 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.





**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 AGENT/REPRESENTATIVE

Charlotte Planning, Design, and Development Charlotte Planning, Design, and Development

**COMMUNITY MEETING** 

Meeting is not required.

### STAFF RECOMMENDATION

Staff recommends approval of this text amendment.

### Plan Consistency

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

### Rationale for Recommendation

- 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.

Petition 2020-104 (Page 2 of 3) Final Staff Analysis

### 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
  marguee 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.

Petition 2020-104 (Page 3 of 3) Final Staff Analysis

### • 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



# City of Charlotte

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

**Agenda Date: 10/19/2020** 

Agenda #: 5.File #: 15-14369 Type: Zoning Decision

# 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)

### **Zoning Committee Recommendation:**

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

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation Final Staff Analysis Site Plan

# **Charlotte-Mecklenburg Planning Commission**

# **Zoning Committee Recommendation**

ZC

Rezoning Petition 2018-034
October 6, 2020

### **Zoning Committee**

**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.

(Council District 4 - Johnson)

**PETITIONER** Charles Gray

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

This petition is found to be **inconsistent** with the *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.

Motion/Second: Welton / Kelly

Yeas: Barbee, Blumenthal, Kelly, McMillan, Nwasike,

Samuel, and Welton

Nays: None Absent: None Recused: None

# ZONING COMMITTEE DISCUSSION

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

Councilman Kelly asked a question regarding an email received by University City Partners asking that this petition not be recommended for approval to Council as the request would allow drive-through establishments to potentially locate at the site. Mr. Pettine updated the committee by stating that he has spoken to the petitioner's agent and that an accommodation would likely be made, along with an updated site plan, before City Council makes a final decision on the matter.

The zoning committee agreed that the issues between the petitioner and UCP should be resolved before proceeding to council before a decision is made.

There was no further discussion of this petition.

**PLANNER** 

William Linville (704) 336-4090





**REQUEST** 

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

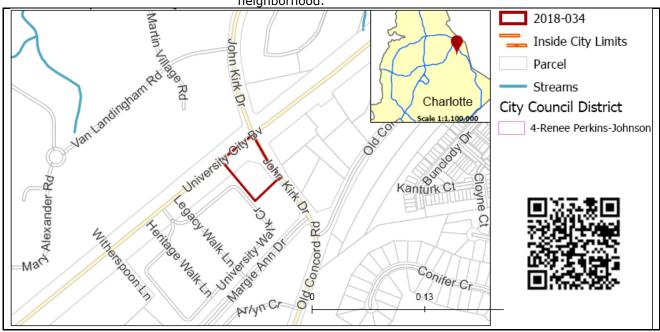
Proposed Zoning: B-1 (CD) SPA (neighborhood business,

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

Charles Gray Charles Gray

AGENT/REPRESENTATIVE

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	
RECOMMENDATIO	Ν

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.

Petition 2018-034 (Page 2 of 6) Final Staff Analysis

- 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

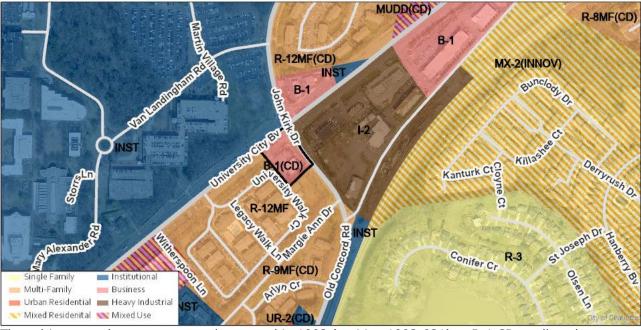
The approved site plan from rezoning petition 1993-031 limited the site's permitted uses to a bookstore and all uses allowed within the O-1 district. It also placed limitations to the building area (5,000 SF max.)

### • 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.
  - Accessory drive-thru windows
- 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.

Petition 2018-034 (Page 6 of 6) Final Staff Analysis

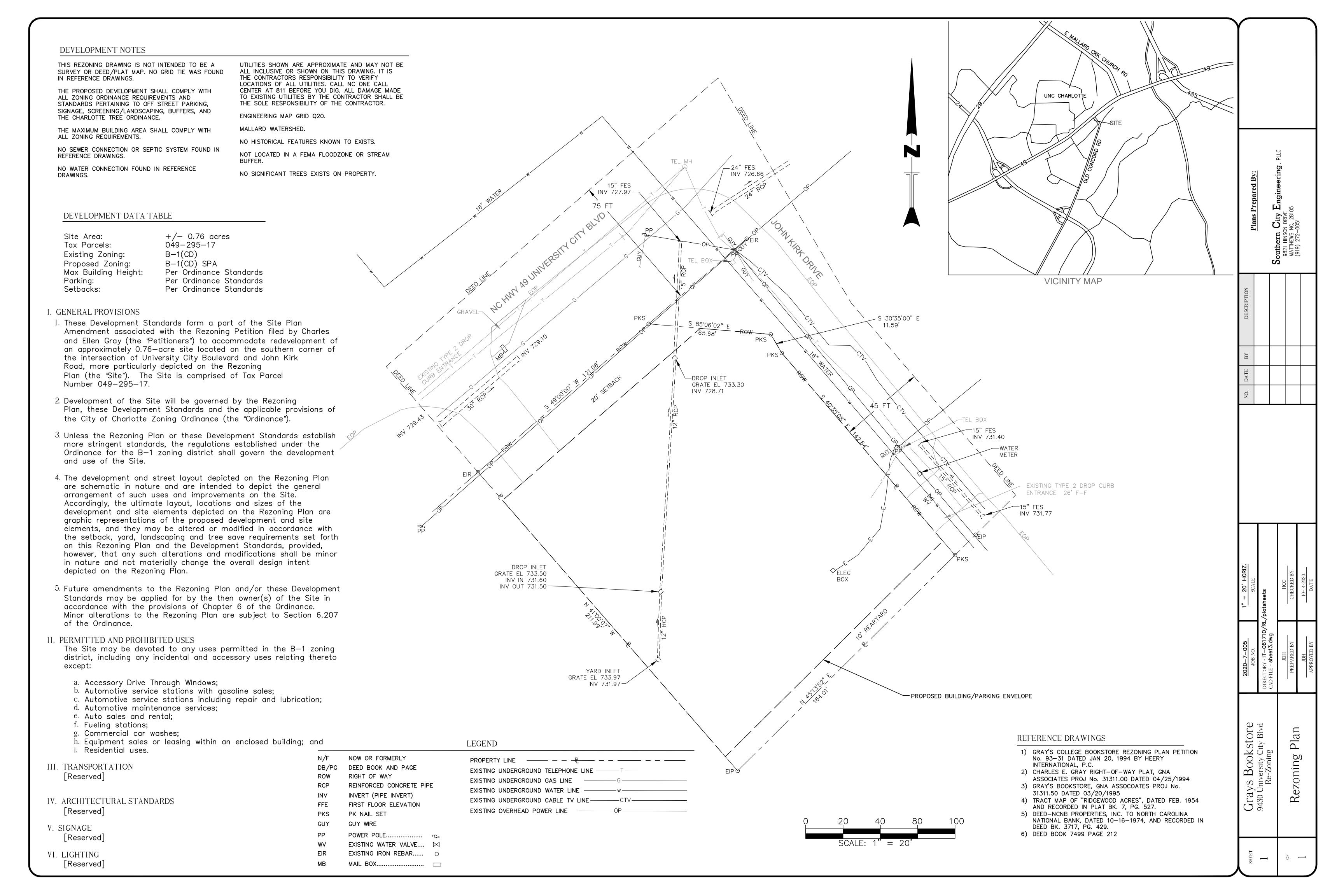
### **OUTSTANDING ISSUES**

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





# City of Charlotte

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

**Agenda Date: 10/19/2020** 

Agenda #: 6.File #: 15-14370 Type: Zoning Decision

### 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)

### **Zoning Committee Recommendation:**

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

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation Final Staff Analysis Site Plan

# **Charlotte-Mecklenburg Planning Commission**

# **Zoning Committee Recommendation**

ZC

Rezoning Petition 2019-163
October 6, 2020

**Zoning Committee** 

**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.

(Council District 4 - Johnson)

**PETITIONER** Novant Health

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

This petition is found to be **consistent** with the *Northeast Area Plan* (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 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.

Motion/Second: Barbee / Kelly

Yeas: Barbee, Blumenthal, Kelly, McMillan, Nwasike,

Samuel, and Welton

(Page 2 of 2) Petition 2019-163 Zoning Committee Recommendation

> None Nays: Absent: None Recused: None

**ZONING COMMITTEE DISCUSSION** 

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

There was no further discussion of this petition.

Michael Russell (704) 353-0225 **PLANNER** 





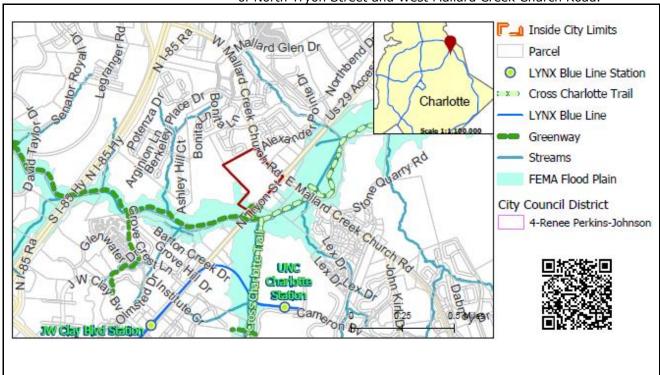
**REQUEST** 

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

SIAFF	
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 Petition 2019-163 (Page 2 of 8) Final Staff Analysis

	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.

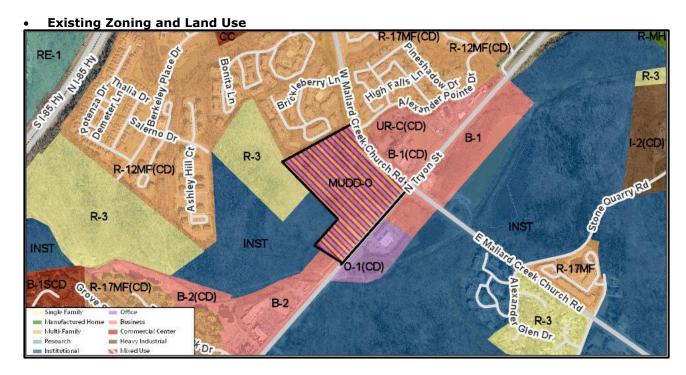
### **PLANNING STAFF REVIEW**

### 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.

Petition 2019-163 (Page 3 of 8) Final Staff Analysis



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.

Petition 2019-163 (Page 4 of 8) Final Staff Analysis



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.

Petition 2019-163 (Page 5 of 8) Final Staff Analysis



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.

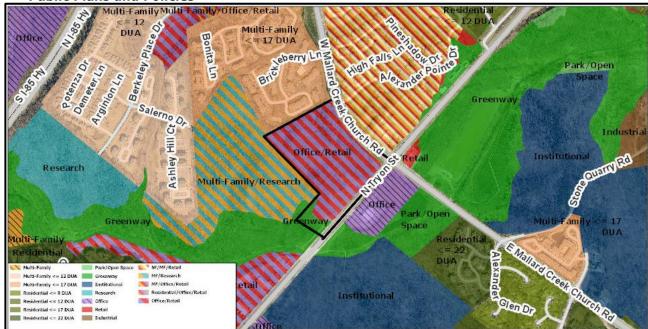
Petition 2019-163 (Page 6 of 8) Final Staff Analysis



Petition Number	Summary of Petition	Status
2019-144	Rezoned 23.57 acres to R-12MF(CD) to allow 194 multifamily 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

Petition 2019-163 (Page 7 of 8) Final Staff Analysis

### • 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.

Petition 2019-163 (Page 8 of 8) Final Staff Analysis

- 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

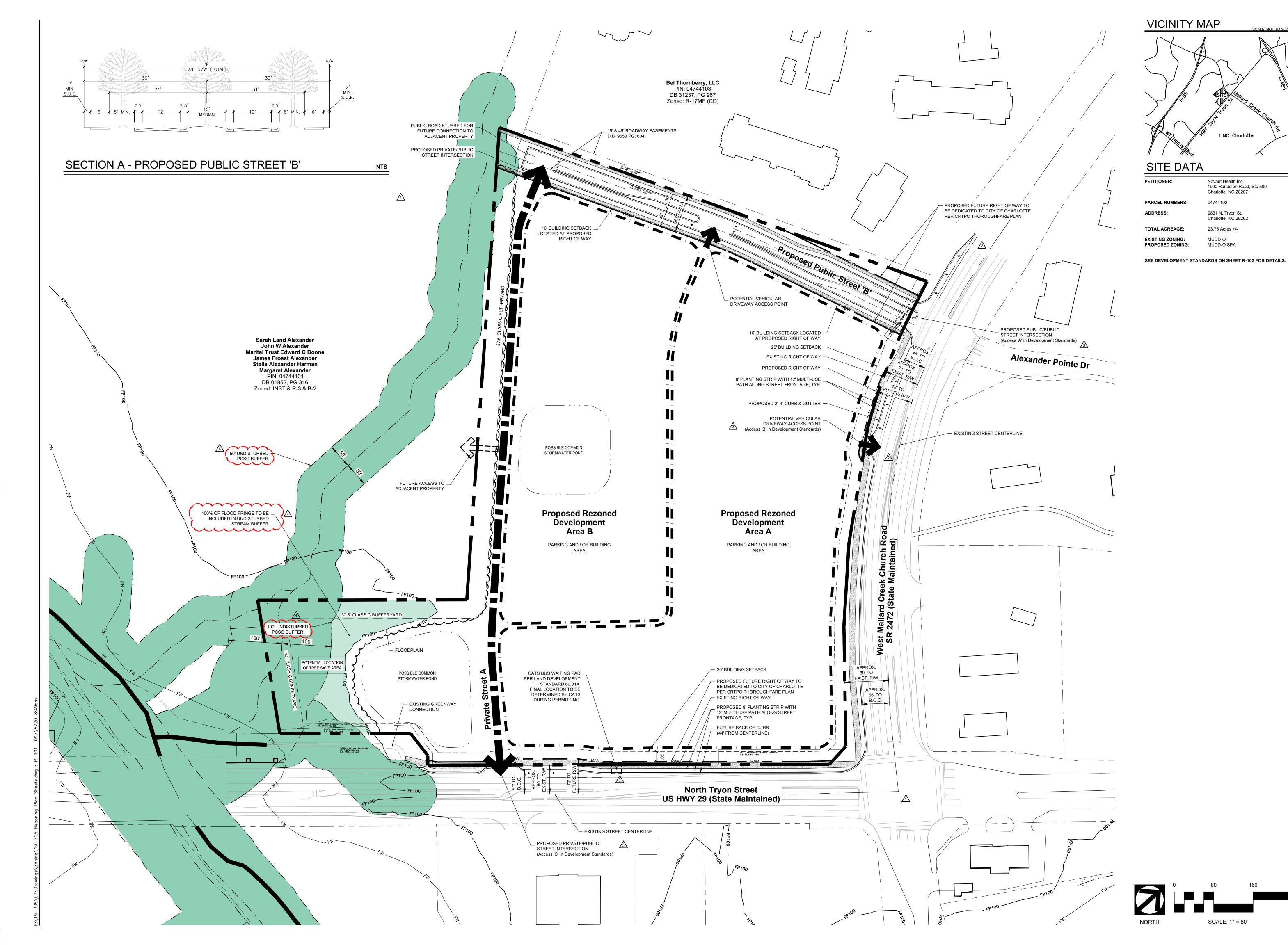
- Clarify optional provision notes 2 a. and b. with the percentage of surface parking and maneuvering to be located between the buildings and streets in each development area. ADDRESSED
- Clarify optional provision note 2c. Only allow doorways to not be recessed when the door is 4 or more feet behind 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





PROJECT:

# ON & MALLARD CREEK

CLIENT:

NOVANT HEALTH 1900 RANDOLPH ROAD SUITE 500 CHARLOTTE, NC 28207 (704) 316-4351

DRAWN:	ESB
DATE:	10/28/19
REVISION	IS:
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

SCHEMATIC SITE PLAN

SCALE: 1"=80 SHEET NO.:

R-101

© STIMMEL ASSOCIATES, P.A.

SHEET TITLE:

# Site Development Data:

 $\pm$  23.75 acres --Tax Parcel #: 047-441-02 -- Existing Zoning: MUDD-O MUDD-O SPA --Proposed Zoning:

--Existing Uses: --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.

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, institutions, surgery centers, emergency rooms, and related uses as allowed in the MUDD zoning district on an approximately  $\pm 23.75$  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 Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic Elements proposed. Changes to the Rezoning Plan not anticipated by the representations of the Development/Site 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:

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 within such facilities) and enclosed loading dock/service areas.

# Optional Provisions.

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 naneuvering 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 

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 Optional provisions above together with accessory uses allowed in the MUDD-O zoning district.

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

# 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

# f. North Tryon Street & I-485 Inner Off-Ramp (Signalized)

2025 Build with Improvements Conditions

No suggested improvements.

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 Mallard Creek Church Road & Access "B"

North Tryon Street & Access "C'

II. Standards, Phasing and Other Provisions.

sector project support.

2025 Build with Improvements Conditions

• Minimum internal protected stem of 100 feet

completion of the applicable improvements.

benefits to the improvements identified in this Petition.

access easement will be provided for private street A.

network required streets, through the following:

masonry material such as brick or stone.

g. Buildings should be a minimum height of 22 feet.

viewed from grade.

Streetscape, Landscaping, Sidewalks:

appropriate for the urban open space.

c. The Site will comply with the Tree Ordinance.

a. Signage as allowed by the Ordinance will be allowed.

**Environmental Features:** 

3 10. <u>Lighting:</u>

Creek Church Road, to the sidewalks along each respective street.

in materials or colors, awnings, arcades, or other architectural elements.

h. Multi-story buildings should have a minimum of 20% transparency on upper stories.

B described below.

sidewalk where feasible.

**Architectural Guidelines:** 

• Construct an eastbound right turn lane with 100 feet of storage on Mallard Creek Church Road

• 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

time such a certificate of occupancy is issued to secure completion of the applicable improvements.

• Construct proposed Access "B" with one ingress and one egress lane; a terminating right turn lane Minimum internal protected stem of 100 feet

a. CDOT/NCDOT Standards. All of the foregoing public roadway improvements will be subject to the standards and criteria of

b. Substantial Completion. Reference to "substantial completion" for certain improvements as set forth in the provisions of Section

3.I. above shall mean completion of the roadway improvements in accordance with the standards set forth in Section 3.IIa above provided, however, in the event all roadway improvements are not completed at the time that the Petitioner seeks to obtain a

certificate of occupancy for building(s) on the Site 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

Right-of-way Availability. It is understood that some of the public roadway improvements referenced above may not be possible

Charlotte right-of-way acquisition process as administered by the City of Charlotte's Engineering Department, the Petitioner is unable

prices, then CDOT, the City of Charlotte Engineering Department or other applicable agency, department or governmental body agree

department or governmental body for any such land and the expenses of such proceedings. Furthermore, in the event public roadway

building(s) on the Site in connection with related development phasing described above, then the Petitioner will work with City Staff

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

to determine a process to allow the issuance of certificates of occupancy for the applicable buildings; provided, however, Petitioner

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

Access to the Site will be from W. Mallard Creek Church Road, and N. Tryon Street as generally depicted on the Rezoning Plan. The

b. The Petitioner will construct a new public street (public street B) extending from W. Mallard Creek Church Road to northwestern

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

The alignment of the internal vehicular circulation areas and driveways may be modified by Petitioner to accommodate changes in

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

The Petitioner will dedicate via fee simple conveyance any required right-of-way indicated on the Rezoning Plan as right-of-way to

Building Placement and Site Design shall focus on and enhance the Pedestrian environment on the existing and proposed Public

a. The proposed buildings shall be placed to present an interesting and well-articulated façade to N. Tryon Street and public street

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

c. The facade of first/ground floor of the building along N. Tryon Street and public street B shall incorporate a minimum of 30%

d. Direct pedestrian connection shall be provided between the buildings and N. Tryon Street, public street B, and W. Mallard

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

2. All roof mounted mechanical equipment will be screened from view from adjoining public rights-of-way and abutting properties as

a. The Site shall comply with the applicable setback, side yard and rear yard requirements. As depicted on the Rezoning Plan, the

b. Along public street B and private street A, a 16 foot setback as measured form the back of curb will provided.

required by the USDG standards will be provided for public street B and private street A.

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

b. The maximum height of any freestanding lighting fixture installed on the Site shall be 31 feet.

c. The development of the Site shall comply with the applicable landscaping and screening requirements of the Ordinance.

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

All freestanding lighting fixtures installed on the Site (excluding street lights, lower, decorative lighting that may be installed along

and the illumination downwardly directed so that direct illumination does not extend past any property line of the Site.

the driveways, sidewalks and parking areas and landscaping lighting and building accent lighting) shall be fully capped and shielded

setbacks along N. Tryon Street, and W. Mallard Creek Church Road shall be 20 feet as measured from the existing right-of-way line

Urban open space will be provided on the Site as required by the Ordinance. The Petitioner will provide an improved urban open

with landscaping, walking paths and other hardscape elements, seating areas, pedestrian scale lighting and other amenities as

space area at the intersection of N. Tryon Street and W. Mallard Creek Church Road. This urban open space area will be improved

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

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

be dedicated, the additional right-of-way will be dedicated prior to the issuance of the first certificate of occupancy.

traffic patterns, parking layouts and any adjustments required for approval by CDOT in accordance with applicable published

property line as generally depicted on the rezoning plan. Public street B will be constructed per USDG standards.

placement and configuration of the access points are subject to any minor modifications required by CDOT.

without the acquisition of additional right of way. If after the exercise of diligent good faith efforts, as specified in the City of

to acquire any land necessary to provide for any such additional right of way upon commercially reasonable terms and at market

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,

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

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

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:

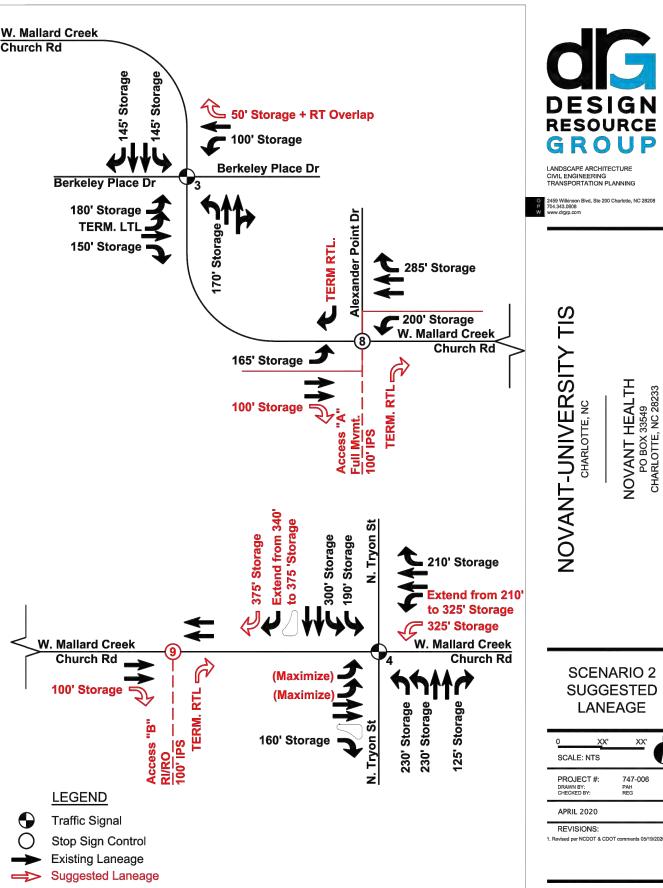
The Petitioner will provide an ADA compliant bus waiting pad per Land Development Standard 60.01A. The exact location will be determined with CATS staff during the permitting process.

# **Amendments to the Rezoning Plan:**

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.





PROJECT:

CLIENT: NOVANT HEALTH 1900 RANDOLPH ROAD SUITE 500 CHARLOTTE, NC 28207 (704) 316-4351

DRAWN: 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

19-305 JOB. NO: SHEET TITLE:

DEVELOPMENT **STANDARDS** 

Figure 11 © STIMMEL ASSOCIATES, P.A.



# City of Charlotte

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

**Agenda Date: 10/19/2020** 

Agenda #: 7.File #: 15-14371 Type: Zoning Decision

# Rezoning Petition: 2019-167 by Grubb Management, LLC

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

**Current Zoning:** I-2 (General Industrial) and R-8 (Single Family Residential)

**Proposed Zoning:** MUDD-O (Mixed Use Development, Optional)

### **Zoning Committee Recommendation:**

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

### Staff Recommendation:

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

### Attachments:

Zoning Committee Recommendation Final Staff Analysis Site Plan

## **Charlotte-Mecklenburg Planning Commission**

## **Zoning Committee Recommendation**

ZC

Rezoning Petition 2019-167

August 4, 2020

**Zoning Committee** 

**REQUEST** Current Zoning: I-2 (general industrial) and R-8 (single family

residential)

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

**LOCATION** Approximately 0.7 acres (two lots) located on the south side of

State Street and north side of Katonah Avenue

(Council District 2 - Graham)

PETITIONER Grubb Management, LLC

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

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

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

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

 Given the consistency to the Central District Plan and its proximity to the Lynx Gold Line, this is an appropriate use of that space.

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

Motion/Second: Kelly / Blumenthal

Yeas: Blumenthal, Kelly, McMillan, and Welton

Nays: Samuel, Nwasike, and Barbee

Absent: None Recused: None

## ZONING COMMITTEE DISCUSSION

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

One of the committee members asked a question on why staff does not support this petition. Is it height? Staff stated that the height and scale of the building is a concern along with the lack of a plan for parking vehicles. Staff would need more answers on how the project will function.

One of the committee members commented on gold line and change of market conditions in the neighborhood and added that it seems like it is consistent with the transportation plan and other city plans.

One of the committee members asked whether the greenway is considered a mode of transportation. Staff stated that the greenway would be considered as mode of transportation. Staff added that a bus stop is preferred but not guaranteed by this petition and there is no enforcement of vehicle parking.

One of the committee members asked what the timeframe for a new bus stop along State street would be. Staff responded that they were unsure and would need to follow up with CATS staff for a response.

One of the committee members asked when the gold line would be finished. Another committee member added that it would be finished prior to construction of this petition.

One of the committee members commented that he understands why the petition needs a little more work. He appreciated the innovated approach plus the affordable housing element. Another one of the committee members commented that most of the Zoning Committee was not on the committee when this petition took place and there was a lengthy discussion on this project at the public hearing with the majority of the Council asking questions. The committee member feels that we need more innovative solutions for transportation and affordable housing and questioned providing affordability at what cost. The committee member added that Council is not totally supportive of this petition and there are no basic services nearby (grocery stores, drug stores, etc.).

One of the committee members struggles with the scale of the building in this location compared to neighboring homes and asked if it would benefit the petitioner to assemble more parcels. Staff reminded the Zoning Committee that affordability is not a deciding factor for zoning decisions based on state law. The location of the building in regard to height and parking was a concern and adding more parcels would allow a larger area to transition the height but could not determine if that would be enough to provide support.

One of the committee members asked about seeing a rendering of the project. Staff stated that the rendering at public hearing was likely from the petitioner's presentation.

One of the committee members stated that there were potential residents that might be willing to live without a car. Another committee member commented about adding bus line connecting to JCU and Aldi and asked if CATS adds a bus stop to this location, will petitioner have to build? Staff stated that there is no firm commitment to build a line in this location from CATS but the bus stop would be built as a part of this rezoning if CATS brings the line.

One of the committee members thinks that is project is over four (4) years away and asked for clarification on the timeline of the CATS bus stop commitment. Staff confirmed that the commitment for the construction of a bus stop would be for five (5) years after approval.

There was no further discussion of this petition.

#### **MINORITY OPINION**

The committee members appreciate the affordability and innovation of this petition however without the resolution of the burden of parking, creating the transfer of cars to the neighborhood, the scale of the building, not having the infrastructure to support, and lack of community support, they cannot support this petition. In addition, the lack of amenities (grocery, childcare, education) is a concern and it is not the right location for this type of development.

#### **PLANNER**

Lisa Arnold (704) 336-5967





LOCATION

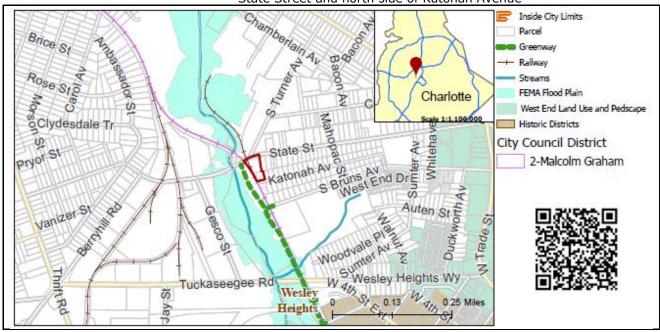
**REQUEST** I-2 (general industrial) and R-8 (single family Current Zoning:

residential)

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

Approximately 0.7 acres (two lots) located on the south side of

State Street and north side of Katonah Avenue



**SUMMARY OF PETITION** 

The petition proposes to rezone property to MUDD-O to construct a 104-unit multifamily development at a density of 148 dwelling units per acre.

**PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE** 

Community Building Investments LLC; Michael T. Whitehead Grubb Management, LLC Collin Brown and Brittany Lins

**COMMUNITY MEETING** 

Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 15

#### **STAFF RECOMMENDATION**

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

#### Plan Consistency

The petition is **consistent** with the *Central District Plan* recommendation for multi-family land uses for most of the site, including portions recommending greater than 25 DUA, but **inconsistent** with the recommendation for single family residential up to 8 DUA for a portion of the site.

#### Rationale for Recommendation

- The scale of the proposed building does not adequately provide a height transition toward the adjacent single family homes.
- While the site is within ½ mile of a future Lynx Gold Line stop and bus routes, and adjacent to the Stewart Creek Greenway, it is anticipated that majority of the residents will own automobiles. The site plan requests an optional provision to only require a total

Petition 2019-167 (Page 2 of 9) Final Staff Analysis

of 6 parking spaces for 104 apartments. At this time, there is no plan for additional offsite parking spaces for the building's residents.

- While the site provides 50% of units that will be affordable up to 80% AMI, the size and scale of the building, as well as the lack of available parking, may provide land use incompatibilities and parking strain on the existing adjacent single-family homes.
- The petitioner has continued to make revisions to the plan to better accommodate bikes, rideshare service, and other amenities that promote a car-free lifestyle.
- The project

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

#### **PLANNING STAFF REVIEW**

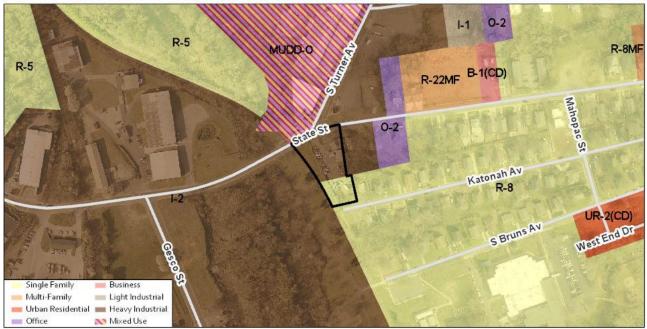
#### Proposed Request Details

The site plan accompanying this petition contains the following provisions:

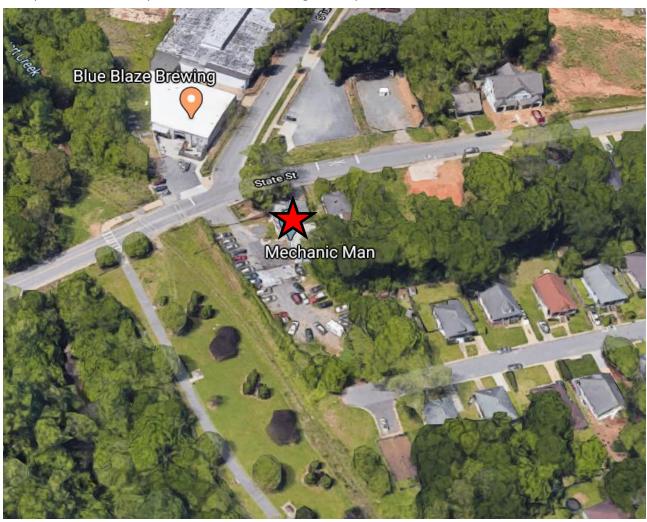
- Calls for up to 104 multifamily residential units, with a density of 148 DUA
- Requests optional provision to reduce parking requirement to a total of 6 parking spaces on site.
- Limits building height to a maximum of 65 feet and uses to multi-family development.
- Provides a workforce housing program to ensure that 50% of residential units for a period not less than 15 years to maintain monthly rents that affordable for persons earning not more than 80% of the area median income.
- Constructs a 6-foot sidewalk and an 8-foot planting strip.
- Extends the proposed sidewalk beyond the site's frontage on State Street to connect to the Stewart Creek Greenway.
- Provides design standards related to building materials, massing, and roof form and articulation.
- Commits to constructing a CATS bus station if a bus route is added within five (5) years.
- Provides a range of amenities to encourage multimodal transportation and a car-free lifestyle including:
  - o A minimum of one bike rack space per bedroom in a climate-controlled area.
  - A minimum of two ride-share parking and loading spaces.
  - A minimum of three visitor parking spaces including one ADA space.
  - A minimum of seven spaces reserved for cargo/e-bike or similar multimodal transportation aids.
  - o A minimum of one electronic multimodal transportation aid charging station.
  - o Bicycle maintenance program available to residents.
  - Approximately 60 oversized refrigeration and package system lockers to allow for grocery and food delivery.

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#### Existing Zoning and Land Use



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



Petition 2019-167 (Page 4 of 9) Final Staff Analysis

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



The subject property is developed with an automotive repair garage.

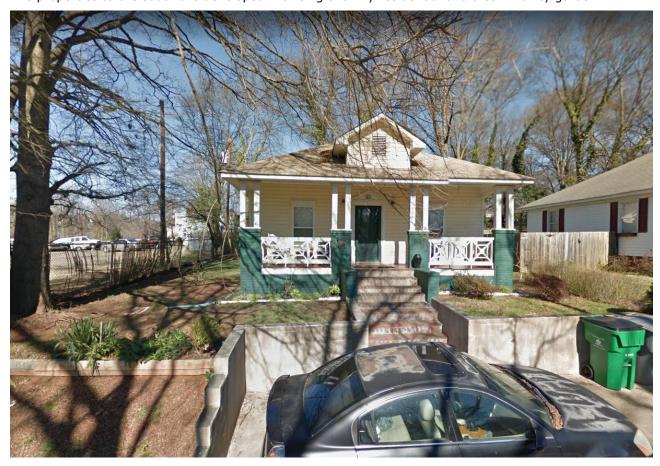


The property to the north is developed with a brewery.

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



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

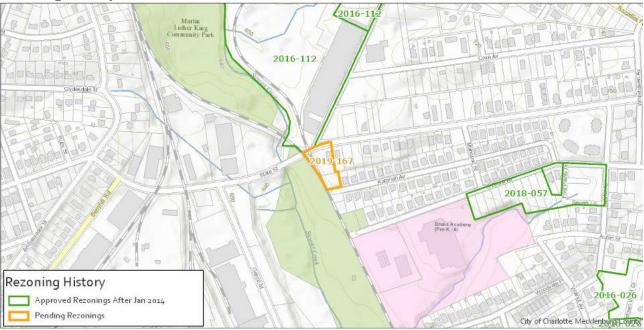
Petition 2019-167 (Page 6 of 9) Final Staff Analysis



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

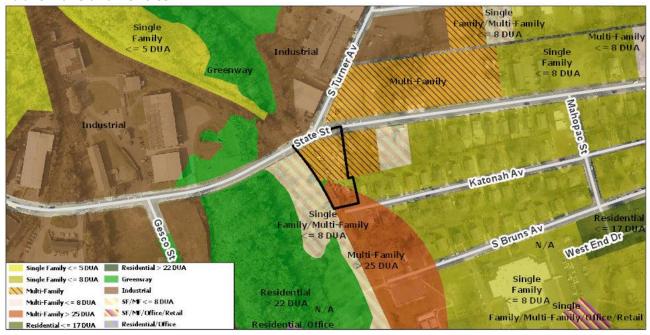
Petition 2019-167 (Page 7 of 9) Final Staff Analysis

#### • Rezoning History in Area



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

#### Public Plans and Policies



Petition 2019-167 (Page 8 of 9) Final Staff Analysis

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

#### TRANSPORTATION SUMMARY

• The site is at the unsignalized intersection of State Street (minor collector, city maintained) and Turner Avenue (minor collector, city maintained). The site is in a wedge inside Route 4.

#### ACTIVE PROJECTS NEAR THE SITE:

#### • State Street Pedestrian Improvements

• This project will transform State Street into a pedestrian-friendly street. It will be a connection between major trip generators at each end of the corridor, as well as Johnson C. Smith University and the private development of Old Savona Mills.

#### State Street Pedestrian Crossing

• This project will connect the current greenway within the Wesley Heights neighborhood and the proposed Stewart Creek greenway managed by County Parks and Recreation.

#### West Trade Street and Rozzelles Ferry Connectivity Project

• The West Trade/Rozzelles Ferry Community Neighborhood Investment Plan (CNIP) area includes the neighborhoods northwest of Uptown Charlotte. The area, bounded by Beatties Ford Road, Morehead Street, Wilkinson Boulevard, Ashley Road and I-85 has a unique blend of historic landmarks, commercial nodes, residential wedges, schools, universities, parks and a greenway system.

#### CityLYNX Gold Line Phase 2

• Gold Line Phase 2 extends the current streetcar segment by 2.5 miles on the east and west ends of the line, creating an interim system of 4 miles. CityLYNX Gold Line Phase 2 will extend west 2 miles from the Charlotte Transportation Center to French Street, and east one-half mile along Hawthorne Lane from Novant Presbyterian Hospital to Sunnyside Avenue.

#### TRANSPORTATION CONSIDERATIONS

No outstanding issues.

#### Vehicle Trip Generation:

Current Zoning:

Existing Use: 20 trips per day (based on 1,170 SF office and 1,340 SF Auto Care Center).

Entitlement: 70 trips per day (based on 7,200 SF warehouse and 1 dwelling).

Proposed Zoning: 570 trips per day (based on 104 dwellings).

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

- Charlotte Area Transit System: No outstanding issues.
- Charlotte Department of Housing and Neighborhood Services: See advisory comments at www.rezoning.org
- Charlotte Department of Solid Waste Services: See advisory comments at www.rezoning.org
- Charlotte Fire Department: See advisory comments at www.rezoning.org
- Charlotte-Mecklenburg Schools: The development allowed under the existing zoning could generate 3 students, while the development allowed under the proposed zoning may produce 17 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 14.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Bruns Avenue Elementary from 72% to 73%
    - Ranson Middle remains at 109%
    - West Charlotte High remains at 85%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along State Street. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along State Street and an existing 8-inch gravity sewer main running through the center of the rezoning boundary.
- See advisory comments at www.rezoning.org

#### Engineering and Property Management:

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

Petition 2019-167 (Page 9 of 9) Final Staff Analysis

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

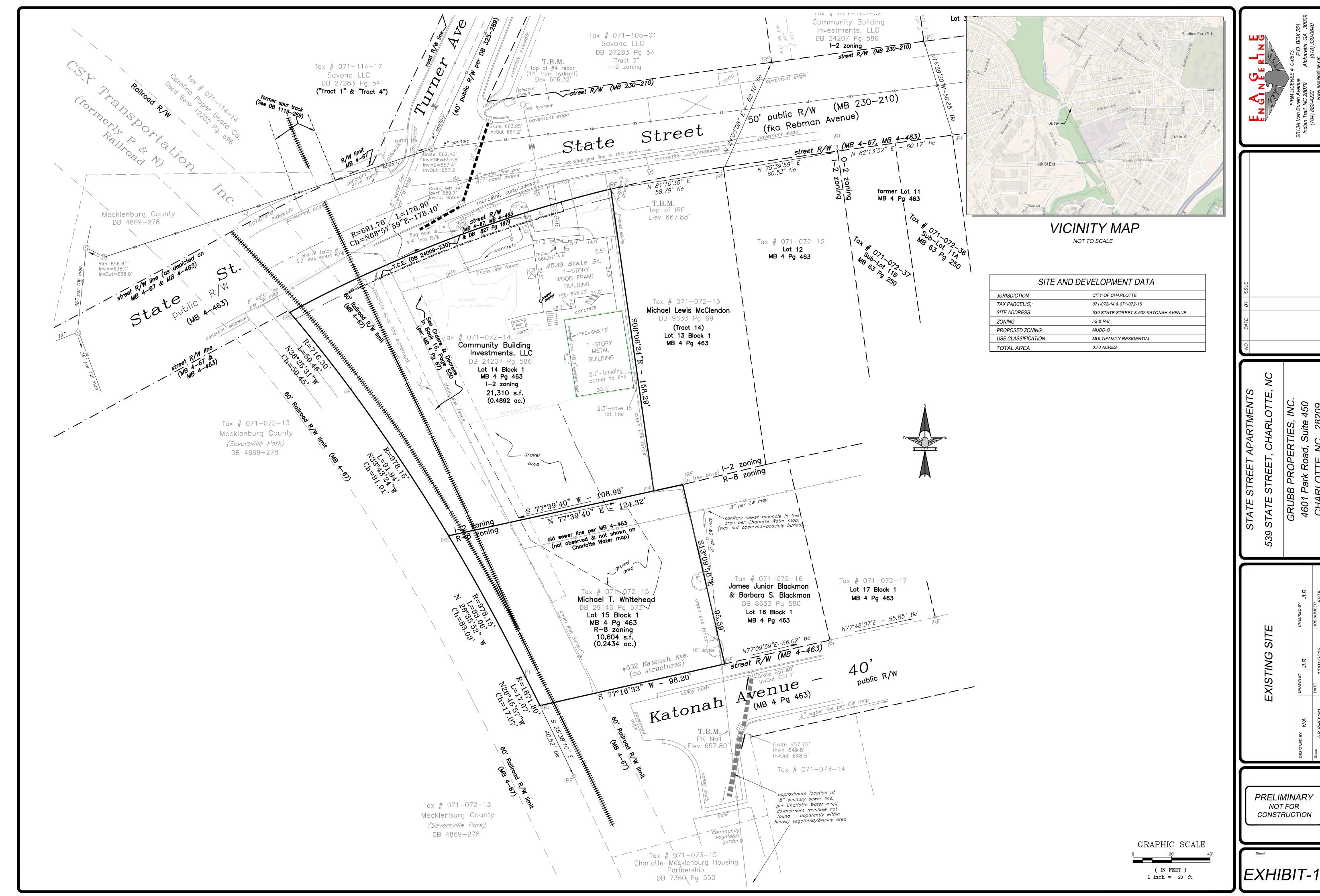
#### **OUTSTANDING ISSUES**

Site and Building Design

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

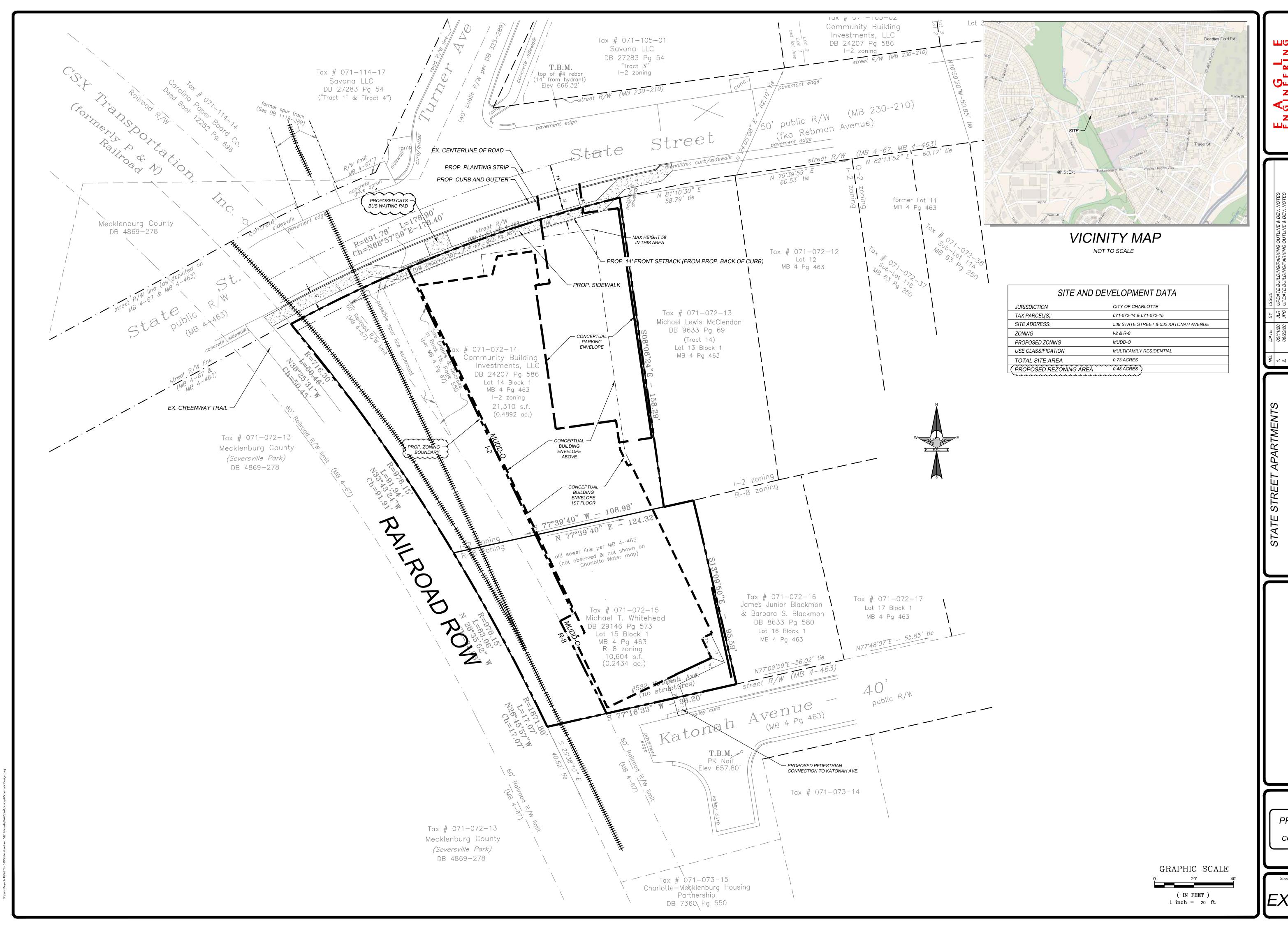
See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org

**Planner:** Joe Mangum (704-353-1908)



GRUBB I 4601 Pa CHARL

PRELIMINARY CONSTRUCTION



E A G L E R I N G E N G L E R I N G E N G I N E E R I N G E N G I

BY ISSUE

JLR UPDATE BUILDING/PARKING OUTLINE & DEV. NOTES

J20 JPC UPDATE BUILDING/PARKING OUTLINE & DEV. NOTES

7/20 JLR ADD BUS STOP & UPDATE DEV. NOTES

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

SCHEMATIC SITE PLAN

CHECKED BY JLR

DATE

CHECKED BY JLR

DATE

CHECKED BY JLR

PRELIMINARY

NOT FOR

CONSTRUCTION

EXHIBIT 2

### GRUBB MANAGEMENT, LLC **REZONING PETITION NO. 2019-167** 10/14/2020

## **Development Data Table:**

+/- 0.7 acres Site Area: 07107214 and 07107215 Tax Parcels: Existing Zoning: I-2, R-8

Proposed Zoning: *MUDD-O* Existing Use: Industrial, residential and vacant

Proposed Uses: Up to 104 Multifamily Residential Units Maximum Building Height: Up to 65 feet, as further restricted below and measured per MUDD Ordinance standards

Parking: Per the Optional Provision below in Section II.

### I. General Provisions

- 1. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Grubb Management, LLC (the "Petitioner") to accommodate the development of a privately-funded workforce housing community on that approximately 0.7-acre site located on the south side of State Street and north side of Katonah Avenue, more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Tax Parcel Numbers 071-072-14 and 071-072-15.
- 2. Development of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance").
- 3. Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the MUDD zoning district shall govern the development and use of the Site.
- 4. The development depicted on the Rezoning Plan are schematic in nature and are intended to depict the general arrangement of such uses and improvements on the Site. Accordingly, the ultimate layout, locations and sizes of the development and site elements depicted on the Rezoning Plan are graphic representations of the proposed development and site elements, and they may be altered or modified in accordance with the setback, yard, landscaping and tree save requirements set forth on this Rezoning Plan and the Development Standards, provided, however, that any such alterations and modifications shall be minor in nature and not materially change the overall design intent depicted on the Rezoning Plan.
- 5. Future amendments to the Rezoning Plan and/or these Development Standards may be applied for by the then owner(s) of the Site in accordance with the provisions of Chapter 6 of the Ordinance. Minor alterations to the Rezoning Plan are subject to Section 6.207 of the Ordinance.

### II. Optional Provisions

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

### III. Permitted Uses

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

## IV. Transportation

- 1. Vehicular access to the Site shall be as generally depicted on the Rezoning Plan. The placement and configuration of the vehicular access points are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required by CDOT
- 2. The Petitioner shall construct a six (6) foot wide sidewalk and eight (8) foot wide planting strip along the Site's frontage of State Street.
- 3. Assuming right-of-way availability and coordination with Mecklenburg County, the Petitioner shall extend the proposed sidewalk beyond the Site's frontage of State Street to connect to the Stewart Creek Greenway within the existing right-of-way (sidewalk dimensions to be coordinated during the permitting phase of development). No planting strip shall be required for the extension area beyond the Site
- 4. Petitioner shall construct a CATS bus waiting pad along the Site's frontage of State Street if a bus route is developed to the Site within five (5) years of this Rezoning approval.
- 5. Where applicable, the Petitioner shall dedicate all rights-of-way in fee simple conveyance to the City of Charlotte before the Site's first building certificate of occupancy is issued.
- 6. All transportation improvements shall be completed prior to the issuance of the Site's first building certificate of occupancy unless otherwise stated

## V. Architectural Standards

- 1. The principal building(s) on the Site may use a variety of building materials. The building materials will be a combination of the following: brick, glass, natural stone (or its synthetic equivalent), stucco, cementitious siding, fiber cement ("HardiPlank") and/or other materials approved by the Planning Director.
- 2. Prohibited Exterior Building Materials: (i) vinyl siding, excluding vinyl hand rails, windows, soffits or door trim, and (ii) concrete masonry units not architecturally finished.
- 3. Building massing shall be designed to break up long monolithic building forms as follows: Buildings exceeding 120 feet in length shall include modulations of the building massing/façade plane (such as recesses, projections, wall offsets, pilasters, and other architectural details). Modulations shall be a minimum of ten (10) feet wide and shall project or recess a minimum of one (1) foot extending through hat least a full floor.
- 4. Architectural elevations shall be designed to create visual interest as follows:
- a. Buildings shall be designed with a recognizable architectural base on all facades facing network required streets and the greenway. Such base may be executed through the use of articulated architectural façade features, changes in building materials, or color changes; and
- b. Building elevations facing network required streets or the greenway shall not have expanses of blank walls greater than twenty (20) feet in all
- directions and architectural features such as but not limited to banding, medallions or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.
- 5. Roof form and articulation -- roof form lines shall be designed to avoid the appearance of a large monolithic roof structure as follows:
- a. Long pitched or flat roof lines shall avoid continuous expanses without variation by including changes in height and/or roof form, to include but not be limited to gables, hips, dormers, or parapets.
- b. Roof top HVAC and related mechanical equipment will be screened from public view at grade from network required streets and the greenway.
- 6. The ground floor of the building frontage facing the greenway shall comprise of 100% active uses, such as but not limited to residential units, leasing, fitness, and/or cycle facilities (exclusive of stairways, mechanical, storage and other similar uses).
- 7. Building height shall not exceed sixty-five (65) feet. Building height at the eastern edge of the proposed building envelope shall be a maximum of fifty-eight (58) feet, transitioning upwards to a maximum of sixty-five (65) feet towards the center of the proposed building envelope, as generally depicted on the Rezoning Plan.

## VI. Workforce Housing

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

## VII. Alternative Transportation Commitments:

## a. <u>Bicycle</u>:

- i. Each Unit will be given a minimum of one (1) bike rack space per bedroom in climate-controlled area;
- ii. The community bicycle center will have a minimum of 116 bicycle rack spaces; and iii. Optional additional ceiling-mounted rack in individual units, if desired.

## b. Ride Share:

- i. A minimum of two (2) ride-share (e.g., Uber, Lyft) parking and loading space will be provided; and
- ii. A minimum of three (3) visitor parking spaces will be provided (one ADA).

## c. Other Multi-modal amenities:

- i. A minimum of seven (7) spaces to be reserved for cargo/e-bike or other similar styled multi-modal transportation aids; and
- ii. A minimum of one (1) electronic multi-modal transportation aid charging station, as applicable based on current technology.

## VIII. Amenities Intended to Encourage Car-Free Lifestyle:

- a. Bicycle maintenance program ("Spoke Easy Program") available to residents.
- b. Oversized refrigeration and package system lockers of multiple sizes and dimensions of approximately 60 lockers, to allow for grocery and food delivery.

### IX. Greenway Access

The Petitioner will use good faith efforts to provide a public pedestrian pathway from Katonah Avenue to the Stewart Creek Greenway, assuming

## authorization is granted by the necessary parties for crossing the adjacent railway spur.

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

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

### XI.. Environmental Features

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

### XII. 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.

### XIII. 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.



NC

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539

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ARD TAND/ S **OPMENT** 

PRELIMINARY NOT FOR CONSTRUCTION

EXHIBIT-3



## City of Charlotte

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

**Agenda Date: 10/19/2020** 

Agenda #: 8.File #: 15-14428 Type: Zoning Decision

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

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

**Current Zoning:** R-5 (single family residential) & R-22MF (multi-family residential)

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

### **Zoning Committee Recommendation:**

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

#### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

#### Attachments:

Zoning Committee Recommendation Final Staff Analysis Site Plan

## **Charlotte-Mecklenburg Planning Commission**

## **Zoning Committee Recommendation**

**ZC**Zoning Committee

Rezoning Petition 2019-179

August 4, 2020

REQUEST Current Zoning:

Current Zoning: R-5 (single family residential) & R-22MF (multi-

family residential)

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

**LOCATION** Approximately 1 acre located near the SE intersection of

Parkwood Avenue and Hawthorne Lane in the Belmont

Community.

(Council District 1 - Egleston)

**PETITIONER** Ronald Staley, Jr – Verde Homes, LLC

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

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

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

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

- The proposal helps achieve the Plan's vision of a "familyoriented community diverse in age, culture, and income" by
  committing to three affordable dwelling units (12 percent of
  total). This provision of affordability also addresses the Plan's
  housing goal that seeks to increase and facilitate home
  ownership.
- The proposal addresses a goal of the Plan to create a more pedestrian friendly community by improving the pedestrian realm through the provision of an 8-foot planting strip and 8foot sidewalk along Parkwood Ave.
- The site considers the environment by orienting parking in such a way that preserves two existing, mature trees that will reduce any heat island created by the surface parking lot. It also commits to installing pervious pavers to help treat runoff and allow water infiltration to benefit existing trees.
- While not a specific goal or objective, the Plan references, in numerous places, the need for rehabilitated and new single family infill homes. This rezoning provides that infill through the provision of three single family attached homes

- The Belmont Area Revitalization Plan speaks to the opportunity for single family infill development on this vacant site and states that new homes should be compatible in design character with the existing adjacent housing stock. The plan's conditional notes commit to architectural and design features for both the attached single family units and the multi-family units facing Parkwood Ave.
- The proposed density of 25 DUA is just over the entitled density (R-22 MF) for the portion of the site fronting Parkwood Avenue and is a reasonable increase in density for a site that is addressing its context through architectural design standards.

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

Motion/Second: Kelly / Barbee

Yeas: Barbee, Blumenthal, Kelly, McMillan, Nwasike,

Samuel, and Welton

Nays: None Absent: None Recused: None

## ZONING COMMITTEE DISCUSSION

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

A brief discussion was had regarding the proposed pervious pavers on site and the benefits provided by such. The rules were suspended, and Paul Pennell from Urban Design Partners noted that the pavers were added to decrease runoff and assist in the preservation of on-site trees and that the petitioner was agreeable to increasing the amount of pervious pavers.

There was no further discussion of this petition.

**PLANNER** 

William Linville (704) 336-4090





**REQUEST** 

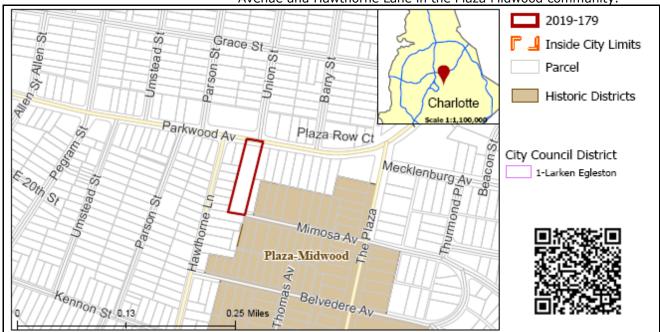
Current Zoning: R-5 (single family residential) & R-22MF (multi-

family residential)

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

LOCATION

Approximately 1 acre located near the SE intersection of Parkwood Avenue and Hawthorne Lane in the Plaza Midwood community.



**SUMMARY OF PETITION** 

The petition proposes to rezone a currently vacant parcel in the Plaza Midwood neighborhood to allow for construction of 3 single family attached triplex residential units and 22 multi-family residential units (25 total units representing approximately 25 DUA).

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE

**COMMUNITY MEETING** 

Miles Boyd and Dorothy F. Barnes Ronald Staley, Jr. – Verde Homes, LLC Paul Pennell, Urban Design Partners

Meeting is required and has been held. Report available online. Number of people attending the Virtual Community Meeting: 17

Second Virtual Community Meeting has been held (07/13/20). Number of people attending the second Virtual Community Meeting: 9

#### STAFF RECOMMENDATION

Staff recommends approval of this petition.

#### Plan Consistency

The petition is **inconsistent** with the *Belmont Area Revitalization Plan's* (2003) recommendation for single family residential uses up to five dwelling units per acre (DUA).

#### Rationale for Recommendation

The proposal helps achieve the Plan's vision of a "family-oriented community diverse in age, culture, and income" by committing to three affordable dwelling units (12 percent of total). This provision of affordability also addresses the Plan's housing goal that seeks to increase and facilitate home ownership.

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

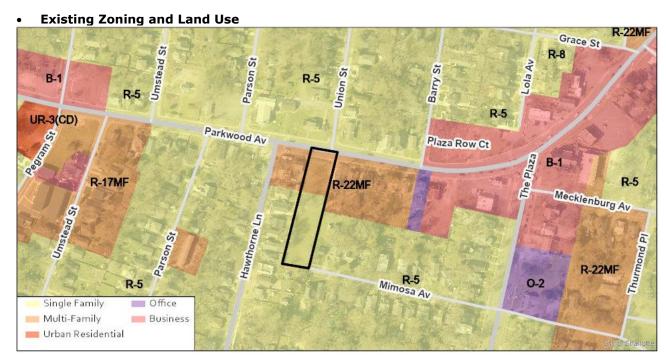
The approval of this petition will revise the adopted future land use as specified by the *Belmont Area Revitalization Plan* (2003) from single family residential uses up to five dwelling units per acre to residential uses over 22 dwelling units per acre.

#### **PLANNING STAFF REVIEW**

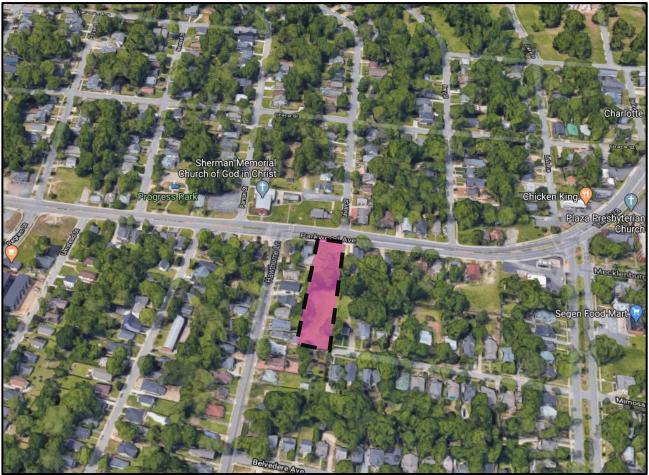
#### Proposed Request Details

The site plan accompanying this petition contains the following provisions:

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



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



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

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



Context of surrounding residential located along Parkwood Ave.



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

### Rezoning History in Area



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



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

#### TRANSPORTATION SUMMARY

The site is located on a major thoroughfare road. The site commits to installing the required streetscape along Parkwood Avenue. CDOT is requesting the petitioner update the site plan to construct a driveway that meets the Charlotte Land Development Standards.

#### Active Projects:

- o Parkwood (N. Davidson The Plaza) Improvements
  - This project will install pavement markings to create a buffered bike land on Parkwood Avenue from Belmont Avenue to The Plaza. Several new signals will be added within the project limits as well.
- Transportation Considerations
  - $\circ \quad \text{No outstanding issues.} \\$
- Vehicle Trip Generation:

Current Zoning:

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

Entitlement: 50 trips per day (based on 5 dwellings).

Proposed Zoning: 140 trips per day (based on 20 dwellings (3 single family; 22 multi-family).

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

- Charlotte Area Transit System: See advisory comments at www.rezoning.org
- Charlotte Department of Housing and Neighborhood Services: See advisory comments at www.rezoning.org
- Charlotte Department of Solid Waste Services: See advisory comments at www.rezoning.org
- Charlotte Fire Department: See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 3 students, while the development allowed under the proposed zoning may produce 1 student. Therefore, the net decrease in the number of students generated from existing zoning to proposed is 1 student.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Shamrock Gardens Elementary remains at 107%
    - Eastway Middle remains at 118%
    - Garinger High remains at 122%.

**Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Parkwood Avenue. Charlotte

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

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

#### **OUTSTANDING ISSUES**

**Transportation** 

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

#### Site and Building Design

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

#### REQUESTED TECHNICAL REVISIONS

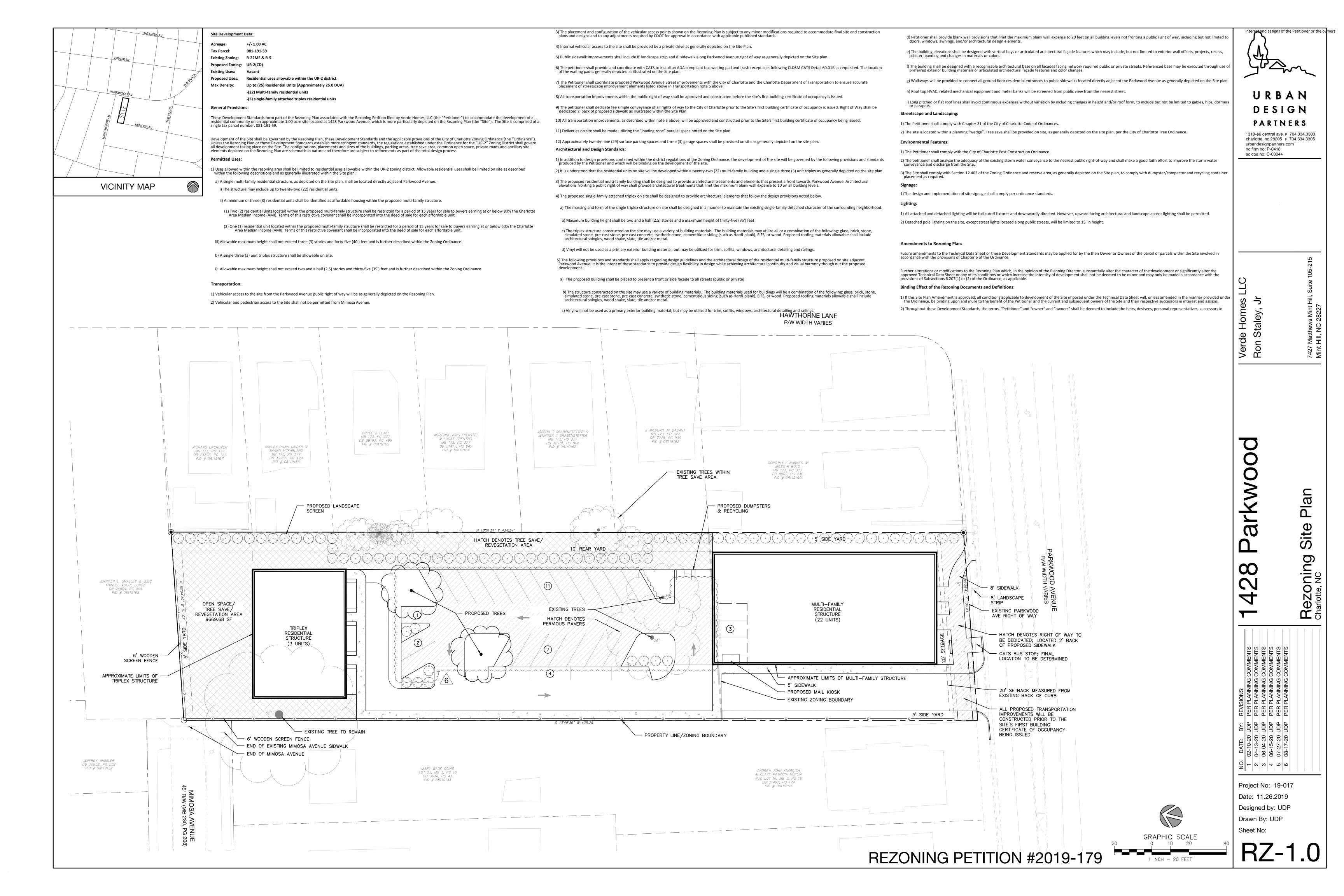
Site and Building Design

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

ADDRESSED

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

Planner: William Linville (704) 336-4090





## City of Charlotte

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

**Agenda Date:** 10/19/2020

Agenda #: 9.File #: 15-14431 Type: Zoning Decision

### Rezoning Petition: 2020-014 by Carolina Builders, LLC

**Location:** Approximately 3.9 acres located along the eastern side of Erwin Road and north of Tryon

Street. (Council District 3 - Watlington)

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

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

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

#### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

#### **Attachments:**

Zoning Committee Recommendation Final Staff Analysis Site Plan

# **Charlotte-Mecklenburg Planning Commission**

## **Zoning Committee Recommendation**

ZC

Rezoning Petition 2020-014

August 4, 2020

Zoning Committee

**REQUEST** Current Zoning: R-8MF(CD) (multi-family residential, conditional)

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

**LOCATION** Approximately 3.9 acres located along the eastern side of Erwin

Road, and north of Tryon Street. (Council District 3 - Watlington)

PETITIONER Rama Yada for Carolina Builders, LLC

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

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

• The plan recommends residential up to 8 DUA.

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

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

Motion/Second: Nwasike / Barbee

Yeas: Barbee, Blumenthal, Kelly, McMillan, Nwasike,

Samuel, and Welton

Nays: None Absent: None Recused: None

## ZONING COMMITTEE DISCUSSION

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

One of the committee members asked about the status of the adjacent parcel regarding the indefinite deferral. Staff stated that there is an approved rezoning of the property that supersedes the prior proposed change. The road that would connect to this petition was committed to through the approved plan. Any changes to that plan in regard to the road would require a rezoning of the property.

There was no further discussion of this petition.

**PLANNER** 

Lisa Arnold (704) 336-5967



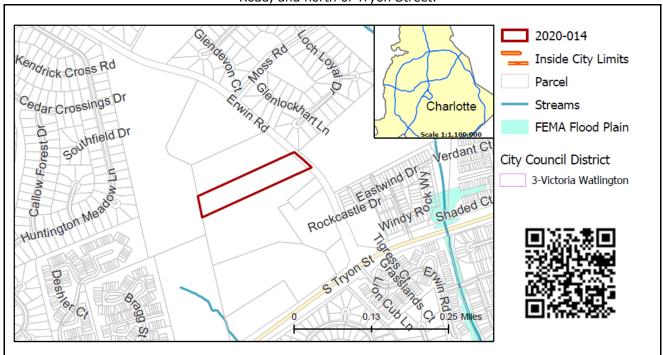


**REQUEST** 

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

**LOCATION** 

Approximately 3.9 acres located along the eastern side of Erwin Road, and north of Tryon Street.



**SUMMARY OF PETITION** 

The petition proposes to rezone property to allow up to 30 townhouse units with a density of 7.7 dwelling units per acre.

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE

Rama Yada for Carolina Builders, LLC Paul Carter, Eastlake Engineering

**COMMUNITY MEETING** 

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

STAFF	
RECOMMENDATION	

Staff recommends approval of this petition.

#### Plan Consistency

Carolina Builders, LLC

The petition is **consistent** with the adopted land use of residential up to 8 DUA, as per the *Steele Creek Area Plan*.

#### Rationale for Recommendation

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

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

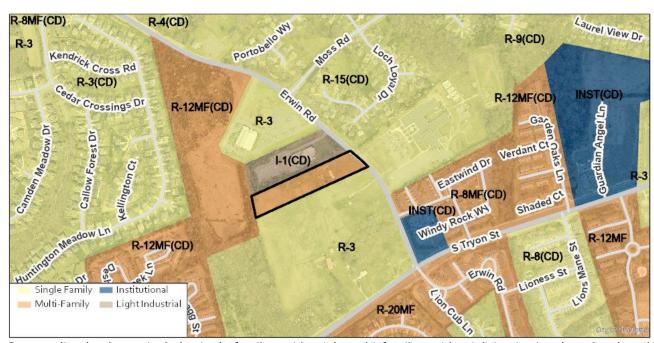
#### **PLANNING STAFF REVIEW**

#### Proposed Request Details

The site plan accompanying this petition contains the following provisions:

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

#### Existing Zoning and Land Use



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

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



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

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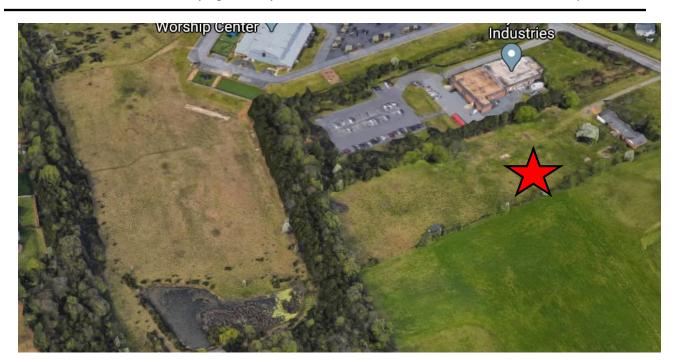


The property to the south is developed with a single family residence.



The property to the east is developed with a school.

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

### Rezoning History in Area



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

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#### Public Plans and Policies



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

#### TRANSPORTATION SUMMARY

 The site on Erwin Road (minor thoroughfare, city maintained) and is in a wedge outside Route 4. The site is located within the Steele Creek Area Plan.

#### Active Projects:

- NC 160 STIP (U-5766)
  - This project will widen NC 160 (Steele Creek Road) from South Tryon to I-485.
  - Status: construction will start 2024
- Carowinds Boulevard Extension STIP (U-6158)
  - This project will construct a two-lane divided roadway to extend Carowinds Blvd.
  - Status: construction is TBD, right-of-way acquisition is scheduled for 2029.

#### Transportation Considerations

See Outstanding Issues, Notes 1 and 2

#### • Vehicle Trip Generation:

Current Zoning:

Existing Use: 10 trips per day (based on 1 dwelling unit). Entitlement: 250 trips per day (based on 5,310 SF daycare). Proposed Zoning: 190 trips per day (based on 30 dwellings).

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

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

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

#### **OUTSTANDING ISSUES**

#### **Transportation**

- 1.—Erwin Road: The future location of curb and gutter is 24 feet from centerline of the road. The petitioner should revise the site plan and commit to construct the curb and gutter at its ultimate location. The site plan should revise the site plan to label and dimension the curb and gutter from the road centerline. Technical Clarification. 24 feet is measured from existing centerline to proposed back of curb. Please incorporate 24 feet into the proposed site plan. Addressed
- 2.—The petitioner should revise the site plan and conditional notes(s) to include a stop bar and stop sign at the proposed intersection of the "new" street & Erwin Road intersection. Addressed

#### **REQUESTED TECHNICAL REVISIONS**

Site and Building Design

- 3.—Under site development data, change the proposed uses to "as allowed in UR-2(CD)" instead of R-8MF. Addressed
- 4. On the site development table, limit the total units allowed to 30. Addressed

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

Planner: Lisa Arnold (704) 336-5967

#### The location, size and type of storm water management systems depicted on the Rezoning Plan Carolina Builders LLC Development Standards 3/11/20 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 Site Development Data: PROPOSED LAND USE IS actual storm water treatment requirements and natural site discharge points. The two storm --Acreage: ± 3.90 acres water management facility locations labeled as "potential" if not utilized for storm water **CONSISTENT WITH THE** --Tax Parcel #: 20122113 management will be improved as open space areas or tree save areas. STEEL CREEK AREA PLAN --Existing Zoning: R8-MF(CD) The Site will comply with the Tree Ordinance. --Proposed Zoning: UR-2(CD) <sup>a</sup> All utilities within the Site will be placed underground. --Existing Uses: One detached residential dwelling. --Proposed Uses: Up to 30 attached dwelling units together with accessory uses, as allowed in the All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting UR-2(CD) zoning district. that may be installed along the driveways, sidewalks, parking areas and courtyards. --Proposed Floor Area Ratio: As allowed by the UR-2(CD) Zoning District. Detached lighting on the Site will be limited to 15 feet in height. --Maximum Building Height: Building height as required by the Ordinance. No exterior "wall pack" lighting will be allowed, however architectural lighting on building facades, such as but not limited to scones, will be permitted. **--Parking:** Parking as required by the Ordinance will be provided. --Open Space: A minimum of 15% of the site will be established as a tree/save/open (to include 8. <u>Signage</u>: TAX ID: 201-35-521 the on-site open storm water retention area) space areas as defined by the Ordinance. a. Signage as allowed by Ordinance. LUIS & OLINDA ( FLOREN DB: 13927 PG: 697 9. Home Owners Association: MB: 22 PG: 575 The Petitioner will provide a copy of the CC & R's for the Site to the HOA presidents of the LOT 21 ZONED R-15(CD) adjoining neighborhoods prior the issuance of the first certificate of occupancy. . Site Location. These Development Standards form a part of the Rezoning Plan associated with 10. Amendments to the Rezoning Plan: the Rezoning Petition filed by Carolina Builders, LLC ("Petitioner") to accommodate the development of a townhome community on approximately 3.90 acre site located on the west Future amendments to the Rezoning Plan (which includes these Development Standards) TAX ID: 201-35-520 side of Erwin Road across from Lake Wylie Elementary School (the "Site"). may be applied for by the then Owner or Owners of the applicable Development Area portion of GLADYS ALLENE BROWN TAX ID: 201-35-519 CATHERINE E FORESTIERI DB: 6263 PG: 561 **Lang Districts/Ordinance**. Development of the Site will be governed by the Rezoning Plan as the Site affected by such amendment in accordance with the provisions of Chapter 6 of the well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). VICINITY MAP MB: 22 PG: 575 Unless the Rezoning Plan establishes more stringent standards the regulations established under 11. Binding Effect of the Rezoning Application: the Ordinance for the UR-2(CD) zoning classification shall govern. a. If this Rezoning Petition is approved, all conditions applicable to the development of the ZONED R-15(CD) N.T.S. a Graphics and Alterations. The schematic depictions of the uses, parking areas, sidewalks, Site imposed under the Rezoning Plan will, unless amended in the manner provided under the structures and buildings, building elevations, driveways, streets and other development matters Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan the Site and their respective heirs, devisees, personal representatives, successors in interest or 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, FOUR BOARD FENCE WITH **PRELIMINARY** there may be instances where minor modifications will be allowed without requiring the STONE COLUMN TERMINATORS -TAX ID: 201-35-180 Administrative Amendment Process per Section 6.207 of the Ordinance. These instances would include changes to graphics if they are: ADDITIONAL SHRUBS TO SCREEN BOARD OF EDUCATION DB: 6290 PG: 63 BMP AREA and VIEW OF UNITS FOR CONSTRUCTION FROM ERWIN ROAD minor and don't materially change the overall design intent depicted on the Rezoning Plan; PLANTINGS TO BE INSTALLED AS REQUIRED BY THE modifications to move structures graphically depicted on the Rezoning Plan closer to adjacent CHARLOTTE TREE properties in a residential district or abutting residential use but no closer than the "external building line" (in this case the external setbacks, rear yards or buffer areas) indicated on Sheet **ENTRY FEATURE DETAL** The Planning Director will determine if such minor modifications are allowed per this amended TAX ID: 201-22-107 BELLSOUTH TELECOMMUNICATIONS INC 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 ZONED I-1(CD) Ordinance. a Number of Buildings Principal and Accessory. The total number of principal buildings to be 400 SF. PRIVATE OPEN developed on the Site shall not exceed 6. Accessory buildings and structures located on the Site SPACE AREA WITH shall not be considered in any limitation on the number of buildings on the Site. Accessory "PUBLIC" ACCESS buildings and structures will be constructed utilizing similar building materials, colors, EASEMENT AND architectural elements and designs as the principal building located on the Site. Accessory PATHWAY TO PUBLIC structures and buildings include structures and buildings such as but not limited to; a mail kiosk, R/W, (TYPICAL) gazebos, trellises, storage buildings, and other structures associated with the on-site open space. . Parking layouts for surface parking may be modified to accommodate final building locations 30' PRIVATE STREET, and parking spaces may be located within the development area boundaries to the extent permitted by the Ordinance. Sidewalks depicted on the Rezoning Plan are intended to reflect the general pedestrian circulation for the development on Site but specific locations of sidewalks maybe subject to variations that do not materially change the design intent depicted on the Rezoning Plan. Permitted Uses & Development Area Limitation: STOP BAR AND STOP SIGN WITH -The Site may be developed with up to 30 attached dwelling units, together with A 10'x70' SIGHT TRIANGLE & accessory uses allowed in the UR-2(CD) zoning district. A 35'x35' SIGHT TRIANGLE Access and Transportation BUILDING BOTH SIDES OF NEW DRIVE Access to the Site will be from Erwin Road in the manner generally depicted on the Rezoning 39' DEDICATION TO CITY OF CHARLOTTE FOR FRWIN ROAD WIDENING AND Let The Petitioner shall construct improvements to Erwin Road in the manner generally depicted on FUTURE IMPROVEMENT (SEE ACCESS AND TRANSPORTATION SECTION OF The Petitioner will provide a SIX (6) foot planting strip and a EIGHT (8) foot sidewalk along Erwin - SIDEWALK WILL BE 10'x20' DRIVEWAY, TYP Road Road. The Petitioner will dedicate fee simple right-of-way (mi. 39') along Erwin Road to CONSTRUCTED ALONG accommodate the existing road, proposed planting strip and sidewalk with the approval of PROPERTY LINE. Planning and CDOT. Along the Site's internal public road a eight (8) foot planting strip with a five (5) foot sidewalk - FOUR BOARD will be provided on at least one side of the proposed street as generally depicted on the Rezoning Plan. Street trees will also be provided along the private street as generally depicted TAX ID: 201-22-116 FRANCES ELLEN NEELY on the Rezoning Plan. Decorative pedestrian scale lights will be provided along the internal street DB: 19713 PG: 863 per Charlotte Zoning Ordinance. E. The Petitioner shall post 25 mph speed limit signes as part of the Charlotte WALKS and Vision The placement and configuration of the vehicular access point(s) is subject to any minor modifications required to accommodate final site development and construction plans and to any adjustments required for approval by the CDOT in accordance with applicable published standards. . The alignment of the internal vehicular circulation and driveways may be modified by the PROP. DUMPSTER Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments WITH RECYCLING required for approval by CDOT in accordance with published standards. Vertical curb and gutter shall extend from Erwin Road throughout the proposed development on both sides of the "New" Public Road. The Petitioner will modify the existing road striping to meet CDOT request. The Petitioner shall add a stop bar and "signalized pedestrian crossing" across Erwin Road per SELLPROPS CAROLINA WALTER H JR & LINDA R The Petitioner agrees to construct all improvements to Erwin Road (as depicted) before the first DB: 25183 PG: 306 building certificate of occupancy is to be issued. **Architectural Standards, Court Yards/Amenity Areas:** The building materials used on the principal buildings constructed on Site will be a combination of portions of the following: brick, synthetic stone, cementitious fiber board, EIFS, decorative block and vinyl siding and trim (siding may not exceed 25% of the wall surface per unit elevation per street side - Erwin and the New Public Road). The proposed roofing materials will be architectural asphalt shingles, metal type roofing materials may be used on portions of the roofs that cover porches and/or stoops or on bay windows. Left The attached illustrative building elevations (typical unit front elevations and side elevations) are included to reflect an architectural style and a quality of the buildings that may be constructed on the Site (the actual buildings constructed on the Site may vary from these PETITIONER WILL CONSTRUCT STREET illustrations provided that the design intent is preserved). CONNECTION The side elevations of the building along Erwin Road will contain windows so that blank walls **SITE DEVELOPMENT TABLE:** WITH PROPOSED ROAD. over 20 feet in length will not occur. INCLUDING 35X35 SIGHT TRIANGLE EASEMENTS The units in the building shall have a one (1) car garage. To provide privacy, any residential entrances within 15 feet of the public sidewalk shall be raised COMPLETE AN "END OF MAINTENANCE" TYPE 3 TAX MAP NUMBER: 20122113 AT THE PROPERTY LINE UNTIL NEIGHBORING from the average sidewalk grade a minimum of 6 inches. CONSTRUCTION IS COMPLETE EPitched roofs, if provided, shall be symmetrical sloped no less than 5:12, except that roofs for CURRENT ZONING: R8-MF(CD) INTERNAL SETBACKS: porches and attached sheds may be no less than 2:12. PROPOSED DEVELOPMENT RPZ-2019-030 Usable porches or stoops shall form an element of the building design and be located on the PROPOSED ZONING: UR-2(CD) FRONT: 14 FT EXACT CONSTRUCTION PLANS front and/or side of the building. Stoops and entry level porches may be covered but not be CORNER: 5 FT. NOT AVAILABLE AT THE TIME OF THIS REZONING SITE AREA: 3.9 SIDE: 5 FT. Townhome buildings shall be limited to five units or less. The Petitioner will provide along Erwin Road a five (5) foot decorative metal ornamental fence DEED INFORMATION: DB 33741 PG 717857 REAR: 10 FT. and landscaping as generally depicted on the Rezoning Plan. <sup>1</sup> Meter banks will be screened from adjoining properties and from Erwin Road. MAX HEIGHT OF BUILDING: 40 FT. L HVAC and related mechanical equipment will be screened from public view and from view of F.A.R. 1.0 MAX - 0.96 AS DESIGNED adjacent properties at grade. Garbage pickup for the Site will be through roll out containers from each unit. MIN. LOT WIDTH: 20 FT. 5. <u>Streetscape, Buffers, Yards, and Landscaping:</u> Public and Private streets shall comply with the Subdivision Ordinance. WATER: CHARLOTTE WATER (PUBLIC) HORIZONTAL 1 inch = 50 ft. Private drive and driveways for individual units will be allowed in the 20' foot building setback as generally depicted on the Rezoning Plan. PROPOSED USE: SINGLE FAMILY ATTACHED SEWER: CHARLOTTE WATER (PUBLIC) ε A 400 s.f. open space shall be provided in the and front yard areas as generally depicted on the PROPOSED UNITS: 30 Rezoning Plan. DENSITY: 7.69 U/A UTILITIES: ALL UTILITIES WILL BE UNDERGROUND AS <sup>a</sup> Screening requirements of the Ordinance will be met. TOTAL UNITS ALLOWED: 30 REQUIRED BY CURRENT LAND DEVELOPMENT Above ground backflow preventers will be screened from public view and will be located behind DATE: 3-16-2020 the existing right-of-way of Erwin Road. DRAWN BY: JB CHECKED BY: PC A detail landscape plan for the proposed planting in tree save areas whether along Erwin Road or internal will be provided with final construction drawings. Any of the plant material or species AVERAGE LOT SIZE 11,227 SF that does not live or becomes diseased, will be replaced by the next planting season. The WATERSHED: LONG SITE PLAN Petitioner reserves the right to substitute plant material listed on the detailed landscape plan FLOOD DATA: ZONE 'X' PER COMMUNITY PANEL with plant material of a similar type and quality if the plant material specified is not available or TREE SAVE REQUIRED: 15% 371045-4700K, EFF. 9/2/2015 has become diseased. The proposed landscaping along Erwin Road will be installed prior to the issuance of the first TREE SAVE PROVIDED: 15.2% DENSITY: HIGH SHEET NO. certificate of occupancy. MAX IMPERVIOUS %: 70% RZ-1 **Environmental Features:** OPEN SPACE REQUIRED: 400 SF PRIVATE PER LOT SITE IMPERVIOUS: 1.92 Ac The Petitioner shall comply with the Charlotte City Council approved and adopted Post OPEN SPACE PROVIDED: 400 SF PRIVATE PER LOT SITE IMPERVIOUS %: 49.30% Construction Controls Ordinance.



### City of Charlotte

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

**Agenda Date: 10/19/2020** 

Agenda #: 10.File #: 15-14372 Type: Zoning Decision

#### 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)

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

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

#### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

#### **Attachments:**

Zoning Committee Recommendation Final Staff Analysis Site Plan

### **Charlotte-Mecklenburg Planning Commission**

### **Zoning Committee Recommendation**

**ZC**Zoning Committee

Rezoning Petition 2020-023
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

(Outside City Limits)

#### **PETITIONER**

# ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

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.

Motion/Second: Barbee / Welton

Yeas: Barbee, Blumenthal, Kelly, McMillan, Nwasike,

Samuel, and Welton

Nays: None Absent: None Recused: None

ZONING COMMITTEE DISCUSSION

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

inconsistent with the adopted area plan.

There was no further discussion of this petition.

MINORITY OPINION

**PLANNER** Joe Mangum (704) 353-1908





**REQUEST** Current Zoning: R-MH LWPA LLWPA (residential manufactured

housing, Lake Wylie Protected Area, Lower Lake Wylie Protected Area)

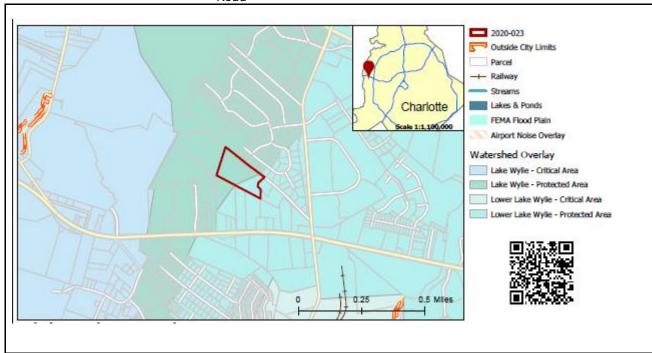
Proposed Zoning: I-2(CD) LWPA LLWPA (general industrial,

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

Phillip Neal Sparrow
Phillip Neal Sparrow

AGENT/REPRESENTATIVE

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.

#### Plan Consistency

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).

#### Rationale for Recommendation

- 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.





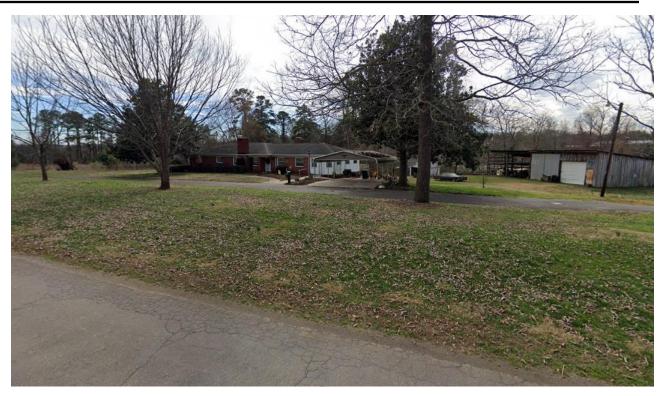
The properties to the north are developed with single family homes.



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.



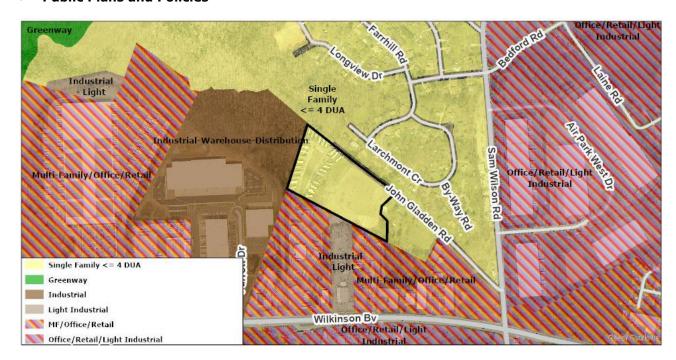
The property to the east is developed with a single family house.

### 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:
  - o 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

Petition 2020-023 (Page 7 of 7) Final Staff Analysis

• 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 DEVELOPMENT SUMMARY GENERAL PROVISIONS** TAX PARCEL ID #: 053-211-19 These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Phillip Neal TOTAL SITE AREA: 10.92 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 EXIST. ZONING: R-MH (hereinafter referred to as the "Site"). The Site is comprised of Tax Parcel No. 053-211-19. URBAN PROPOSED ZONING: I-2 (CD) The development and use of the Site will be governed by the Rezoning Plan, these Development Standards and the LAKE WYLIE WATERSHED PA applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). DESIGN LOWER LAKE WYLIE WATERSHED PA Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established SETBACKS: under the Ordinance for the I-2 zoning district shall govern the development and use of the Site. PARTNERS FRONT: 0 OR 5' SIDE: For entitlement purposes, the Site is divided into two development areas that are designated on the Rezoning Plan as 1318-e6 central ave. P 704.334.3303 REAR: Development Area A and Development Area B. Any reference herein to the Site shall be deemed to include Development charlotte, nc 28205 F 704.334.3305 Area A and Development Area B. urbandesignpartners.com PROPOSED USE: SEE DEVELOPMENT STDS nc firm no: P-0418 sc coa no: C-03044 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. 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 PID: 053—152—30 ZONING: R—3 WENDY G. COLEMAN & WENDY B. STOCKMAN PID: 053-152-32 ZONING: R-3 LYNDA ANTHONY & subject to Section 6.207 of the Ordinance. PID: 053-152-36 ZONING: R-3 ROBERT C. OSBORNE & ANGELA D. OSBORNE PERMITTED USES/DEVELOPMENT LIMITATIONS PID: 053-152-35 ZONING: R-3 JOHN WALKER & W MOORE SUSAN JENKINS BYRD 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. JOHN GLADDEN ROAD (1) The off-street parking of motor vehicles, including, without limitation, trucks, tractor trailers and vans. PRIVATELY MAINTAINED (2) Outdoor storage. 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. 50' CLASS A BUFFER 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 -PROPERTY LINE ZONING BOUNDARY 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. FUTURE BUFFER — **TRANSPORTATION** SEE NOTE 4.C . 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. ZONING: I-2 (CD) WILKINSON COMMERCE PARK a Vehicular ingress to and vehicular egress from Development Area A shall be provided by way of John Gladden Road as long **DEVELOPMENT AREA A** as Development Area A is devoted to the legal, non-conforming residential uses that are currently in place. Upon the **DEVELOPMENT AREA B** +/- 5.01 AC discontinuance of the legal, non-conforming residential uses on Development Area A described above in paragraph 2.B, +/- 6.02 AC 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. . 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 PROPERTY LINE and across Tax Parcel Nos. 053-211-07 and 053-211-10. Pursuant to this access agreement, the uses on the Site may utilize ZONING BOUNDARY Tax Parcel Nos. 053-211-07 and 053-211-10 for vehicular ingress to and vehicular egress from the Site from and to Wilkinson 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. TREE SAVE AREA Plan Road Cr All transportation improvements shall be constructed and approved prior to the release of the first certificate of occupancy for 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 PID: 053-211-12 ZONING: I-1 YAKIM PROPERTIES, LLC 4. STREETSCAPE, LANDSCAPING AND BUFFERS 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. 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. 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. 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 PROPERTY LINE ZONING BOUNDARY PID: 053-211-10 ZONING: I—2 (CD) PHILLIP NEAL SPARROW the buffer requirements on the Site, Petitioner may reduce or eliminate, as the case may be, the relevant buffer areas 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. DRIVEWAY CONNECTION-TO PARCEL NO: 053-211-10 **ENVIRONMENTAL FEATURES** . Development of Development Area B shall comply with the requirements of the City of Charlotte Tree Ordinance. . 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 . Petitioner shall comply with the Charlotte City Council approved and adopted Post-Construction Stormwater Ordinance. BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS . If this Rezoning Petition is approved, all conditions applicable to the use and development of the Site imposed under these Project No: 19-119 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 Date: 01.13.2020 in interest and assigns. Designed by: UDP 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 Drawn By: UDP be involved in any future development thereof. Sheet No: 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.



### City of Charlotte

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

**Agenda Date: 10/19/2020** 

Agenda #: 11.File #: 15-14373 Type: Zoning Decision

#### 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)

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

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

#### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

#### **Attachments:**

Zoning Committee Recommendation Final Staff Analysis Site Plan

### Charlotte-Mecklenburg Planning Commission

### **Zoning Committee Recommendation**

**ZC**Zoning Committee

Rezoning Petition 2020-035
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.

(Council District 4 - Johnson)

**PETITIONER** CCP University, LLC

# ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

This petition is found to be **inconsistent** with the *Northeast District Plan* (1996) 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 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.

Motion/Second: Welton / Kelly

Yeas: Barbee, Blumenthal, Kelly, McMillan, Nwasike,

Samuel, and Welton

Nays: None Absent: None Recused: None

ZONING COMMITTEE DISCUSSION

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

inconsistent with the adopted area plan.

There was no further discussion of this petition.

PLANNER Michael Russell (704) 353-0225





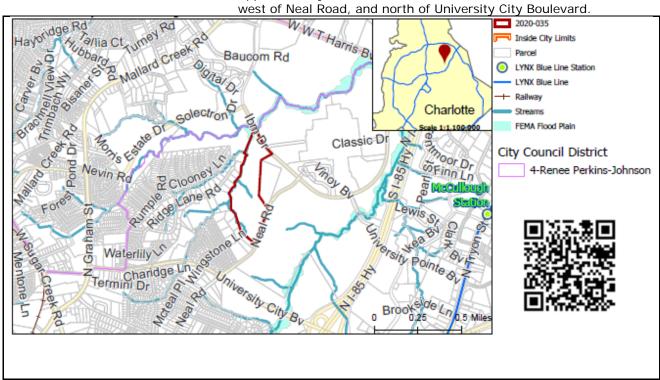
REQUEST Current Zoning: R-4 (single family residential) and RE-2

(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,



**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

IBM Corporation CCP University, LLC

AGENT/REPRESENTATIVE

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	NC

Staff recommends approval of this petition.

Plan Consistency

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

Petition 2020-035 (Page 2 of 8) Final Staff Analysis

- 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.

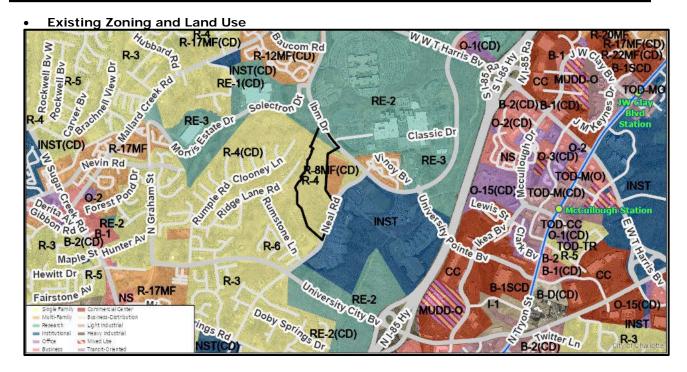
The approval of this petition will revise the adopted future land use as specified by the *Northeast District Plan (1996)*, from single family residential up to 4 DUA to residential up to 8 DUA for the site.

#### **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.



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.

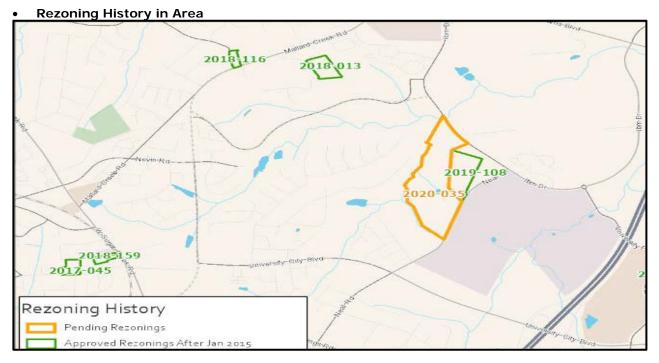
Petition 2020-035 (Page 4 of 8) Final Staff Analysis



Streetview from IBM Drive looking west toward the site.

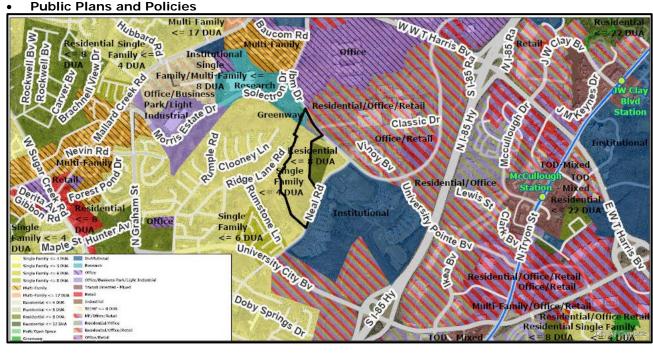


The property to the west of the site along IBM Drive is developed with multi-family apartments.



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 triggered a traffic impact study under CDOT Traffic Impact Study Guidelines. CDOT originally 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. As requested by CDOT 9/30/20, the petitioner is making final revisions to the TIS to update the street network and transportation improvement commitments at revised intersection locations. Conditional notes need to be updated to accurately reflect the updated TIS. CDOT continues to request the petitioner to coordinate the street network design with the adjacent rezoning petition 2020-102, specifically concerning stub roads. The petitioner provided CDOT with a queuing analysis for the existing school driveways on Neal Road, to fully understand the traffic situation and to adequately locate the driveways and determine turn-lane improvements. As a result, roadway improvements will be made on Neal Road to increase the storage capacity for vehicle queuing for pick-ups and drop-off times. CDOT is continuing to request the petitioner to support a 12-foot multi-use path, with dedication of right-of-way along IBM Drive, in accordance with Charlotte BIKES, to tie-into the requested bike facility issued within rezoning petition 2020-102. Within the most recent site plan dated 9-28-20, the petitioner has committed to constructing a 12-foot multi-use path, along the site's Neal Road frontage.

#### 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 ADDRESSED

#### Vehicle Trip Generation:

Current Zoning:

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

Entitlement: 1,935 trips per day (based on 196 single family 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%

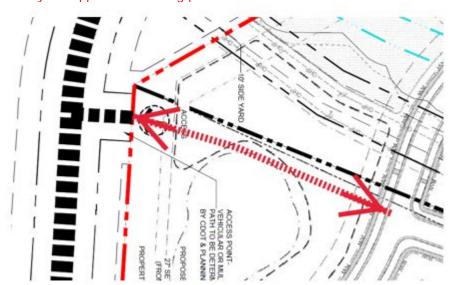
- Zebulon Vance High remains at 129%.
- Charlotte Water: Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Neal Drive and 12-inch water distribution main located along IBM Drive. The proposed rezoning has 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." ADDRESSED



- 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

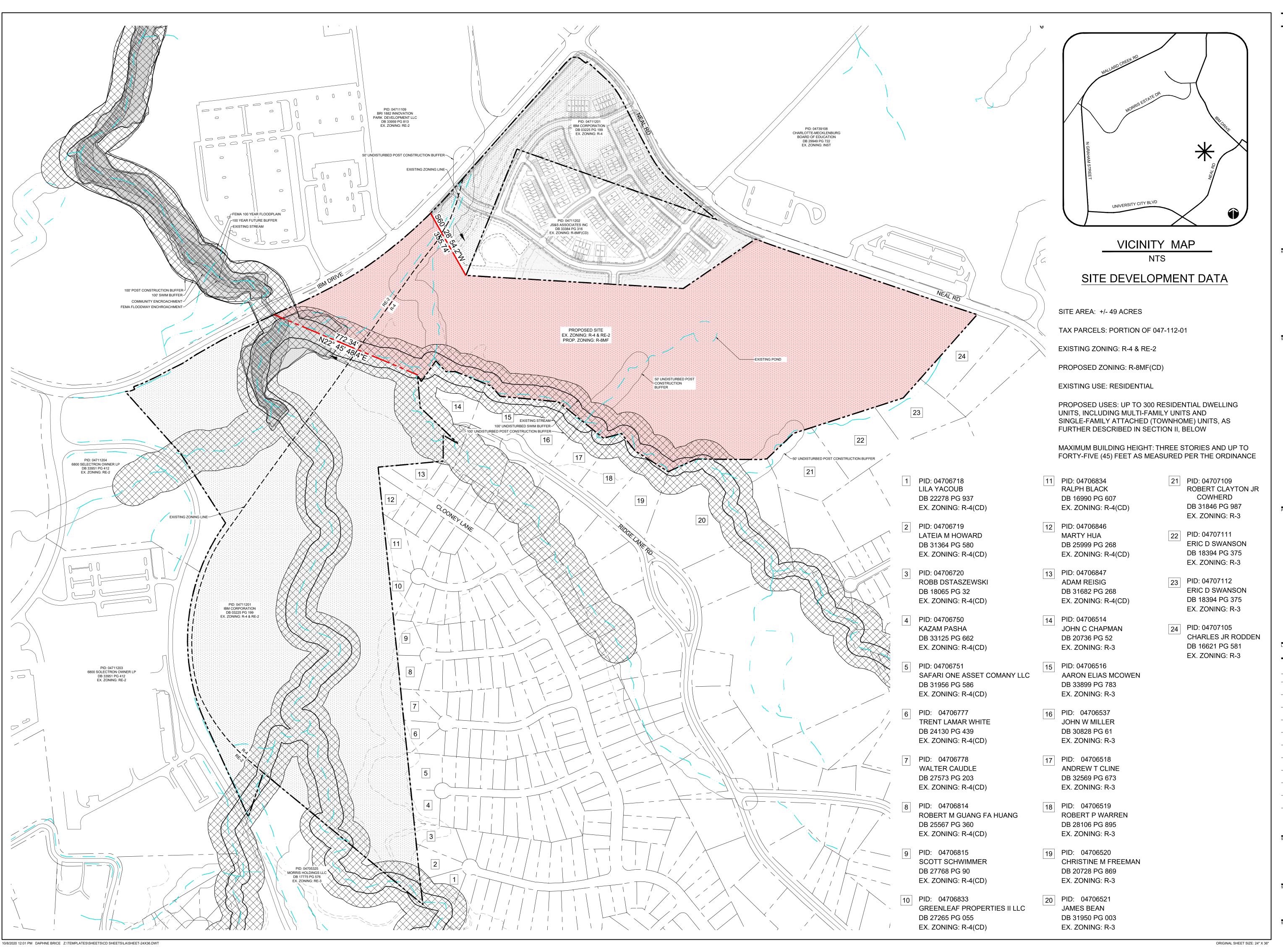
New comment (site plan dated 9-28-20) The revised site plan should commit to dedicating right-of-way for a future 8-ft planting strip and 12-ft multi-use path, along the site's IBM Drive frontage. ADDRESSED

Petition 2020-035 (Page 8 of 8) Final Staff Analysis

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



LandDesign.

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

NOT FOR CONSTRUCTION

WAYFORD RESIDENTIAL

CHARLOTTE, NC
REZONING #2020-035

RODDEN
581
R-3

REVISION / ISSUANCE

NO. DESCRIPTION DATE

INITIAL REZONING
SUBMITTAL

1 SUBMITTAL

1 02.04.2020

 
 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
 10.08.2020

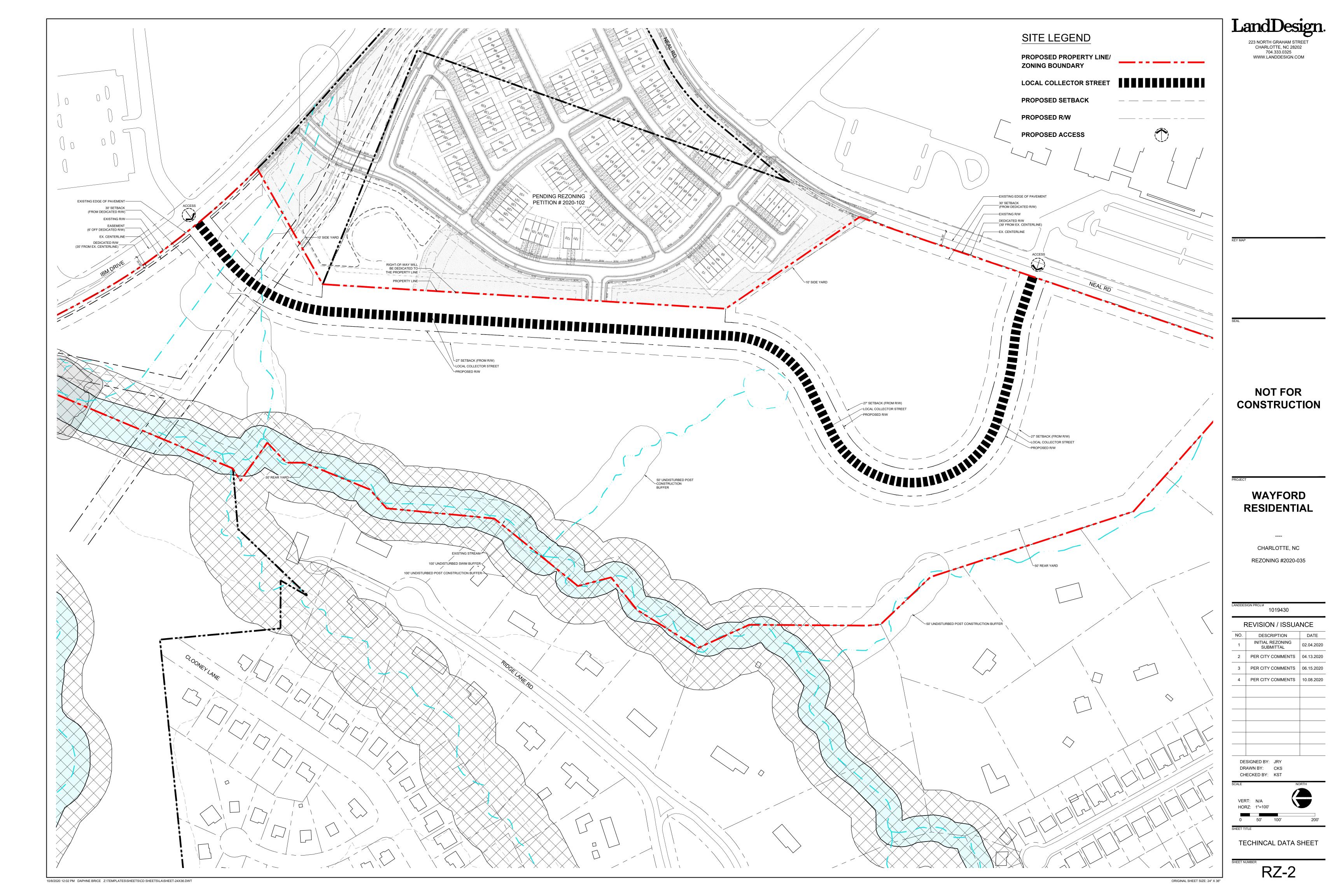
DESIGNED BY: JRY
DRAWN BY: CKS
CHECKED BY: KST

VERT: N/A HORZ: 1"=200' 0 100' 20

TECHNICAL DATA SHEET

JMBER \_\_\_\_\_\_

\_\_\_\_ RZ-1





#### CCP UNIVERSITY, LLC REZONING PETITION NO. 2020-035 (10/08/2020)

#### 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

#### 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 & 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. Petitioner shall reserve an easement for the future construction of a twelve (12) foot wide multi-use path along the Site's frontage of IBM Drive, to be constructed by others.
- 6. Petitioner shall dedicate all rights-of-way in fee simple conveyance to the City of Charlotte before the Site's first building certificate of occupancy is issued.
- 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

### 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.

certificate of occupancy is issued to secure completion of the applicable improvements.

- 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.

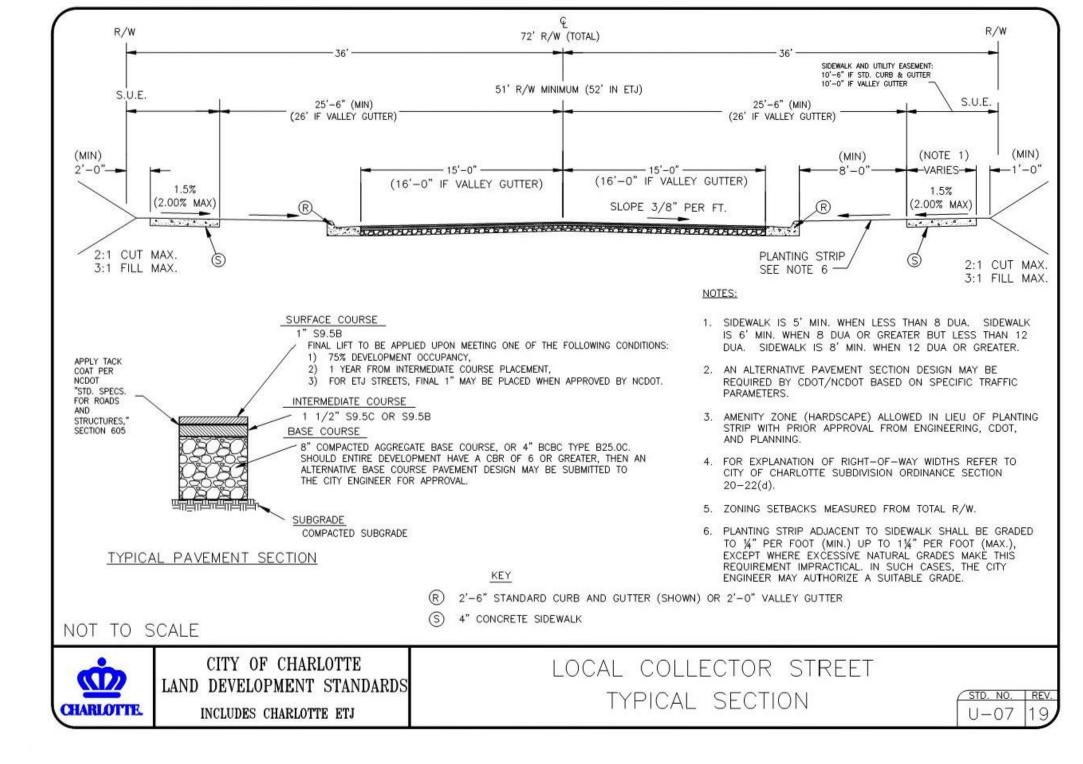
#### VIII. Amendments to Rezoning Plan

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.



# LandDesign.

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

NOT FOR CONSTRUCTION

WAYFORD RESIDENTIAL

CHARLOTTE, NC REZONING #2020-035

1019430

REVISION / ISSUANCE

NO. DESCRIPTION DATE

1 INITIAL REZONING SUBMITTAL 02.04.2020

2 PER CITY COMMENTS 04.13.2020

2 PER CITY COMMENTS 04.13.2020
3 PER CITY COMMENTS 06.15.2020
4 PER CITY COMMENTS 10.08.2020

DESIGNED BY: JRY
DRAWN BY: CKS
CHECKED BY: KST

VERT: N/A

HORZ:

ORIGINAL SHEET SIZE: 24" X 36"

HEET TITLE

DEVELOPMENT STANDARDS

RZ-4



### City of Charlotte

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

**Agenda Date: 10/19/2020** 

Agenda #: 12.File #: 15-14375 Type: Zoning Decision

#### 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)

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

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

#### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

#### **Attachments:**

Zoning Committee Recommendation Final Staff Analysis Site Plan

### **Charlotte-Mecklenburg Planning Commission**

### **Zoning Committee Recommendation**

ZC

Rezoning Petition 2020-055
October 6, 2020

#### **Zoning Committee**

**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.

(Council District 4 - Johnson)

**PETITIONER** RangeWater Real Estate

# ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

This petition is found to be **consistent** with *the 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 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

Petition

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.

Motion/Second: Blumenthal / Kelly

Barbee, Blumenthal, Kelly, McMillan, Nwasike, Yeas:

Samuel, and Welton

Nays: None Absent: None Recused: None

**ZONING COMMITTEE DISCUSSION** 

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

consistent with the adopted area plan.

There was no further discussion of this petition.

Michael Russell (704) 353-0225 **PLANNER** 





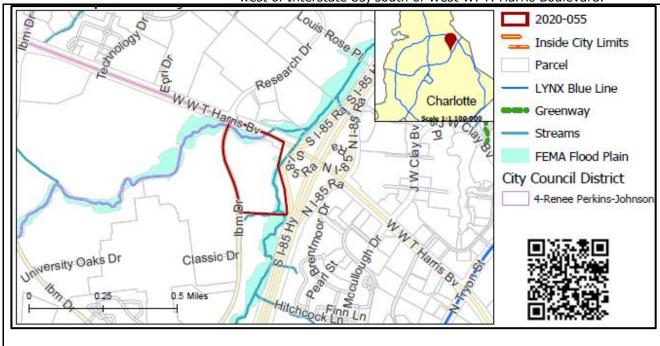
**REQUEST** Current Zoning: RE-2 (research)

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

RangeWater Real Estate

AGENT/REPRESENTATIVE Keith MacVean, Moore & Van Allen, PLLC

**IBM** Corporation

**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 *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.

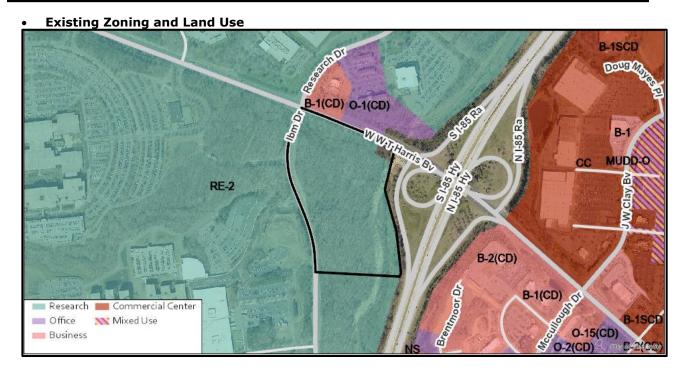
- The addition of multi-family uses in this area will increase the mix of uses in the University Research Park area.
- The petition proposes an open space area improved with landscaping, seating areas, hardscape elements and shade structures as applicable and appropriate to the proposed amenity area.
- 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**

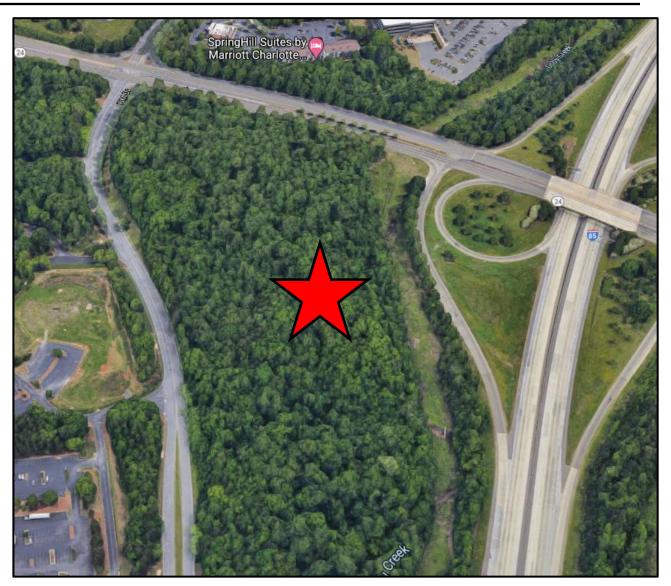
#### Proposed Request Details

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.



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).

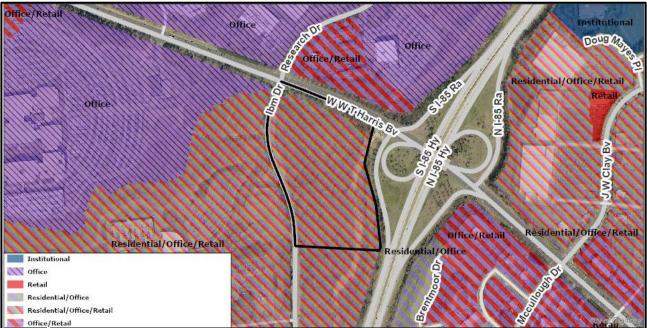


Interstate 85 borders the property to the east.



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





 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:

- o 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 ADDRESSED

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%

Petition 2020-055 (Page 8 of 8) Final Staff Analysis

- 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.

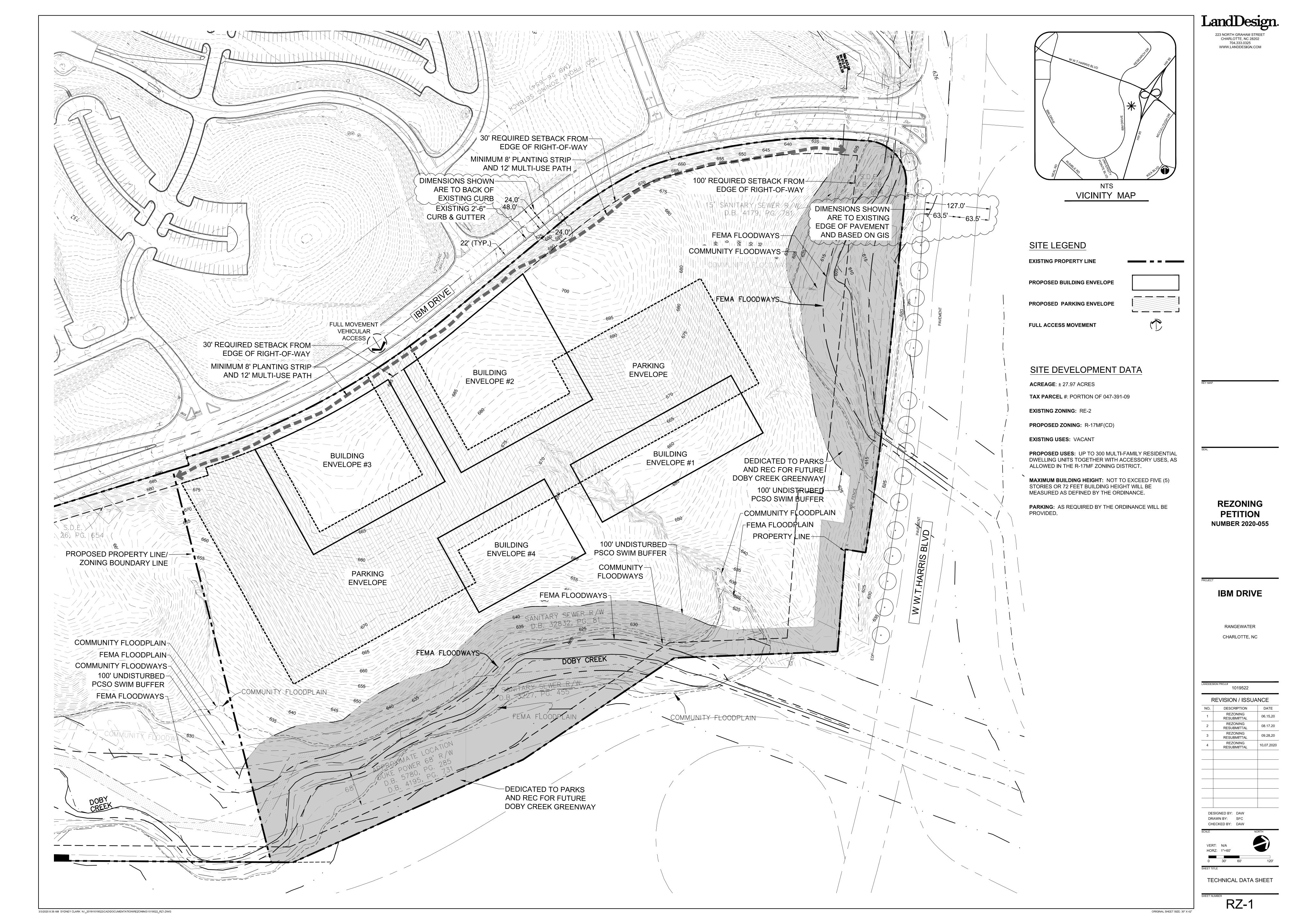
### **OUTSTANDING ISSUES**

#### <u>Transportation</u>

- 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. ADDRESSED
- 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
- 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. —ADDRESSED

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

Planner: Michael Russell (704) 353-0225



### Site Development Data:

**–Acreage**:  $\pm$  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

-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

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
- 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. The Site will comply with the requirements of Chapter 19 of the City of Charlotte. Any improvements required by Chapter 19 along W. T. Harris will be determined during the land development permitting process for the Site and will be subject to approval by NCDOT.
- 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 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.
- 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 and convey 35 feet of right-of-way from the center line of IBM Drive.
- h. 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

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

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

- 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.

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

### **Environmental Features:**

proposed amenity area.

- 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.
- 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.

- 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.
- 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.

223 NORTH GRAHAM STREET 704.333.0325

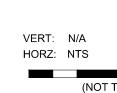
WWW.LANDDESIGN.COM

REZONING **PETITION** 

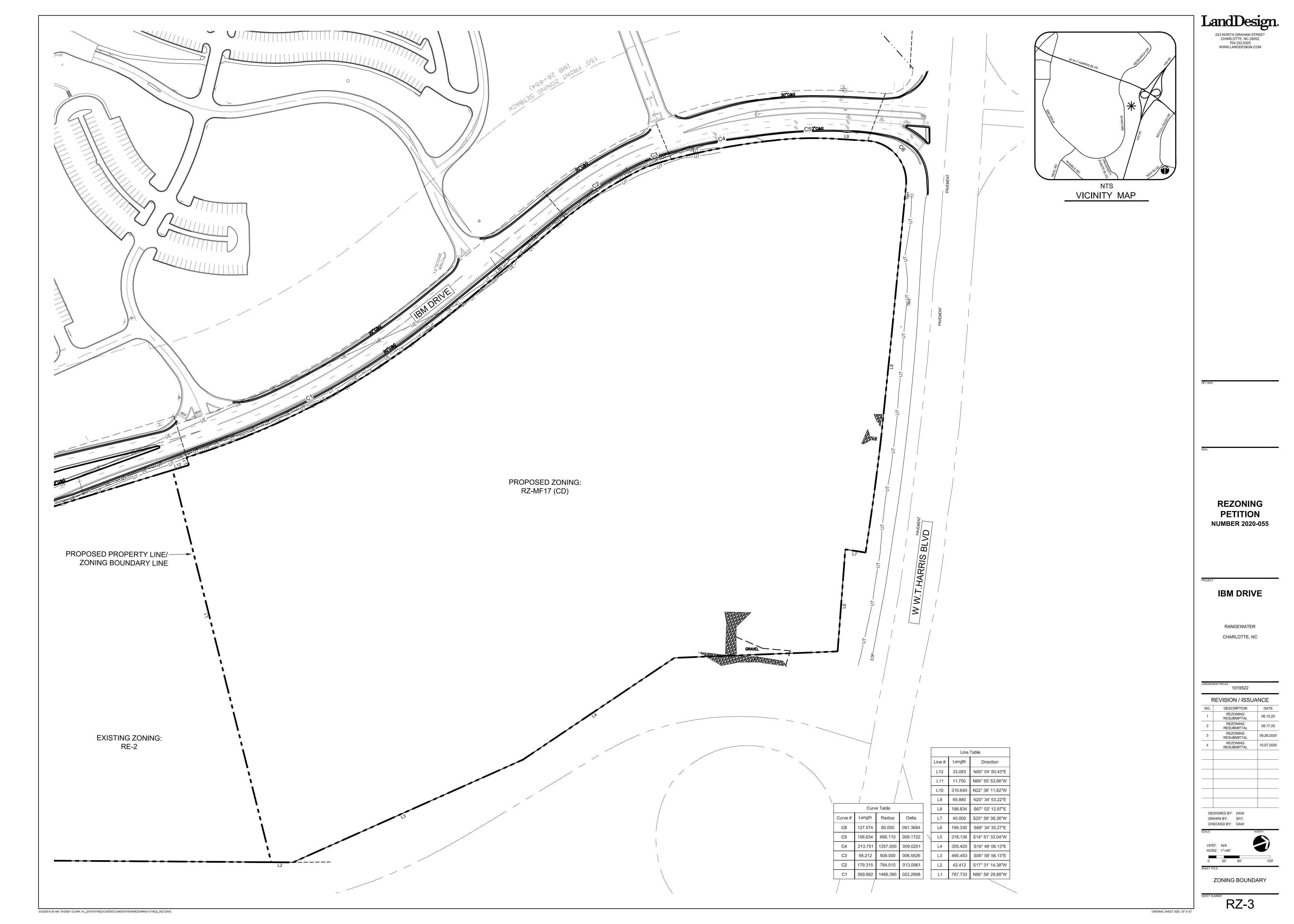
**RANGEWATER** CHARLOTTE, NC

REVISION / ISSUANCE DESCRIPTION REZONING RESUBMITTAL REZONING 08.17.20 RESUBMITTAL REZONING 09.28.2020 RESUBMITTAL REZONING 10.07.2020 RESUBMITTAL

DESIGNED BY: DAW DRAWN BY: SFC CHECKED BY: DAW



DEVELOPMENT STANDARDS







### City of Charlotte

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

**Agenda Date:** 10/19/2020

Agenda #: 13.File #: 15-14376 Type: Zoning Decision

### 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)

### **Zoning Committee Recommendation:**

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

### Staff Recommendation:

Staff recommends APPROVAL of this petition.

### **Attachment:**

Zoning Committee Recommendation Final Staff Analysis Site Plan

## **Charlotte-Mecklenburg Planning Commission**

### **Zoning Committee Recommendation**

**ZC**Zoning Committee

Rezoning Petition 2020-057
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

(Outside City Limits)

#### **PETITIONER**

# ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

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.

Motion/Second: Nwasike / Welton

Yeas: Barbee, Blumenthal, Kelly, McMillan, Nwasike,

Samuel, and Welton

Nays: None Absent: None Recused: None

### ZONING COMMITTEE DISCUSSION

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

Commissioner Kelly asked if I-2 zoning was appropriate given that the site is within the Lower Lake Wylie Protected Area and Lower Lake Wylie Critical Area. Staff responded that there is industrial zoning and industrial uses in the vicinity of the site and therefore there is precedent for industrial zoning within the Lower Lake Wylie Protected Area and Lower Lake Wylie Critical Area.

### MINORITY OPINION

**PLANNER** Joe Mangum (704) 353-1908





**REQUEST** 

Current Zoning: R-4 LLWPA LLWCA AIR (single family residential, Lower Lake Wylie Protected Area, Lower Lake Wylie Critical Area,

Airport Noise Overlay)

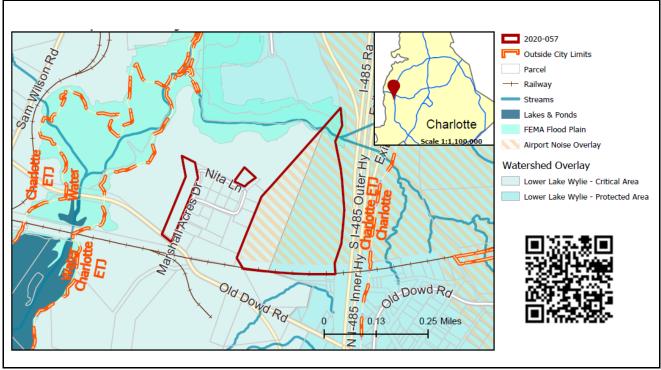
Proposed Zoning: I-2(CD) LLWPA LLWCA AIR (general industrial, conditional, Lower Lake Wylie Protected Area, Lower Lake Wylie

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

COMMUNITY MEETING Meeting is required

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.

Collin Brown and Brittany Lins, Alexander Ricks

Plan Consistency

The petition is **inconsistent** with the *Dixie Berryhill Strategic Plan's* recommendation for office/retail/light industrial uses.

### Rationale for Recommendation

• 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

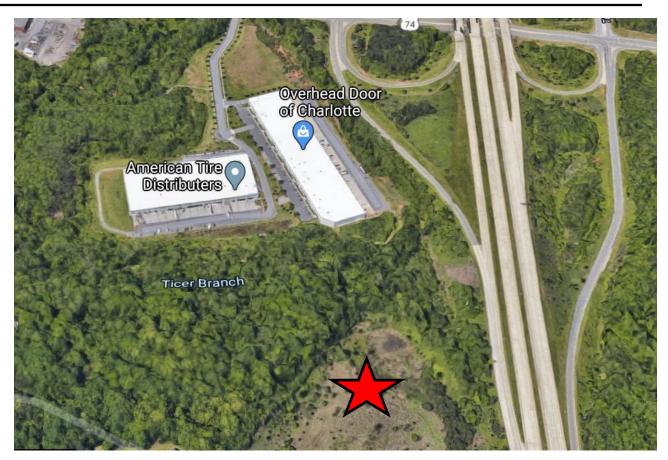


The subject property is undeveloped vacant land. The surrounding land uses include single family residential and industrial uses.



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.

Petition 2020-057 (Page 4 of 9) Final Staff Analysis



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

Petition 2020-057 (Page 7 of 9) Final Staff Analysis

### 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
  - o 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).

Petition 2020-057 (Page 8 of 9) Final Staff Analysis

### **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

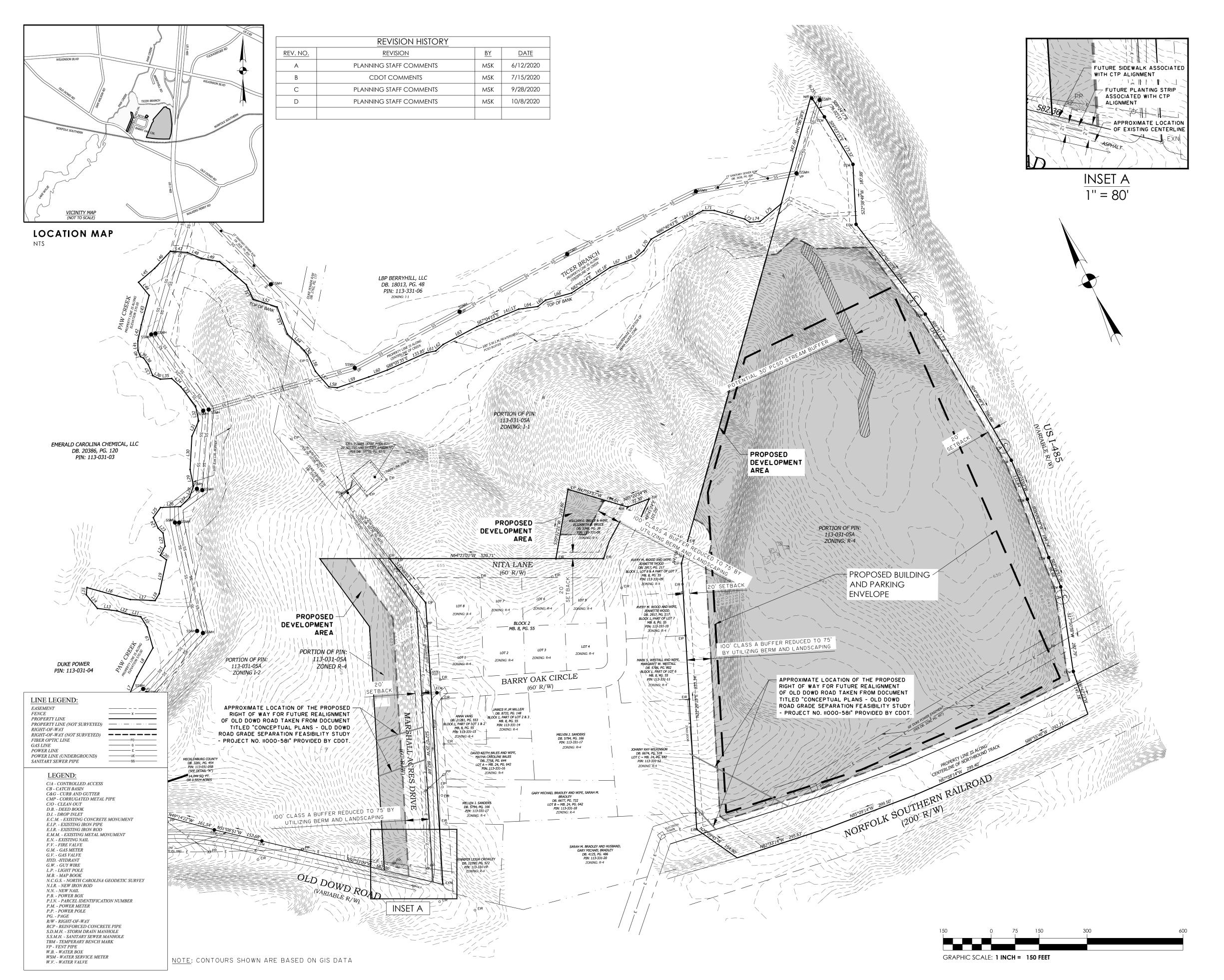
- 6. Increase the size of buffer along the residential properties that front Barry Oak Circle.

  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
- $\hbox{$10$.-Please revise location map on site plan to reflect the actual zoning boundaries included in this } {\hbox{$\sf petition.}} \ {\hbox{$\sf 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:** Joe Mangum (704-353-1908)



PETITION NO. 2020-057

DEVELOPMENT STANDARDS

Lakement Property Investors 11.0

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

: 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: Vaca
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

# 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

Datualarum at

- Petroleum storage facilities

- Landfills

- Cemeteries

- Quarries

- Raceway and dragstrips

Truck stops

# - Truck terminals

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

- 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
- 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.

### V. Architectural Standard

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.

### 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.

### VI. <u>Environmental Features</u>

- 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.

### 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.



Schematic Site Plan
Rezoning Petition #2020-057

Charlotte, NC October 8, 2020



1020 Euclid Avenue Charlotte, NC 28202 • 980.201.5505

www.thomasandhutton.com



### City of Charlotte

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

**Agenda Date:** 10/19/2020

Agenda #: 14.File #: 15-14377 Type: Zoning Decision

### 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)

### **Zoning Committee Recommendation:**

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

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

#### **Attachments:**

Zoning Committee Recommendation Final Staff Analysis Site Plan

## **Charlotte-Mecklenburg Planning Commission**

### **Zoning Committee Recommendation**

ZC

Rezoning Petition 2020-059
October 6, 2020

**Zoning Committee** 

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

overlay) and MUDD PED (mixed use development, pedestrian

overlay)

Proposed Zoning: MUDD-O PED (mixed use development,

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.

(Council District 1 - Egleston)

**PETITIONER** Hanover R.S. Limited Partnership

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

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

 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.

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

- The petition is consistent with the current mix of uses in the area and the adopted plan recommendation.
- The petition proposes a project that supports a desired mix of housing types.
- The 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.

Motion/Second: Blumenthal / Barbee

Yeas: Barbee, Blumenthal, Kelly, McMillan, Nwasike,

Samuel, and Welton

Nays: None Absent: None Recused: None

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and noted modifications made since the public hearing, including additional design guidelines to further address building massing, and the addition of a small EDEE on the first floor. Staff noted the changes were a result of the petitioner receiving input from the community along with staff suggestions. A Commissioner asked about existing offices on the rezoning site, and staff responded that the entire site was part of the proposed project. There was additional discussion regarding preservation of existing trees, and staff responded there was commitment to preserve the existing trees along Morehead. There was no further discussion. Staff noted that it is consistent with the adopted area plan.

**PLANNER** 

Claire Lyte-Graham (704) 336-3782





**REQUEST** 

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

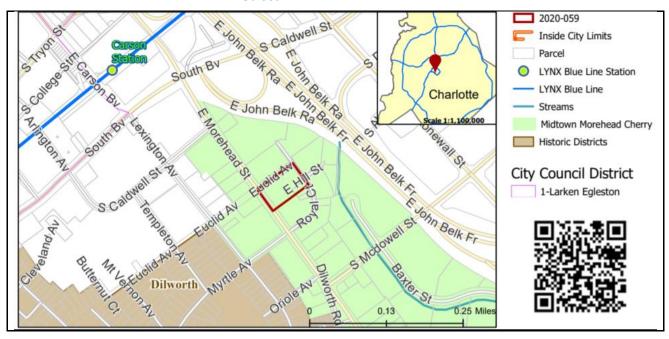
overlay)

Proposed Zoning: MUDD-O PED (mixed use development, 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

Hanover R.S. Limited Partnership

Roll Triple Sevens 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: 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

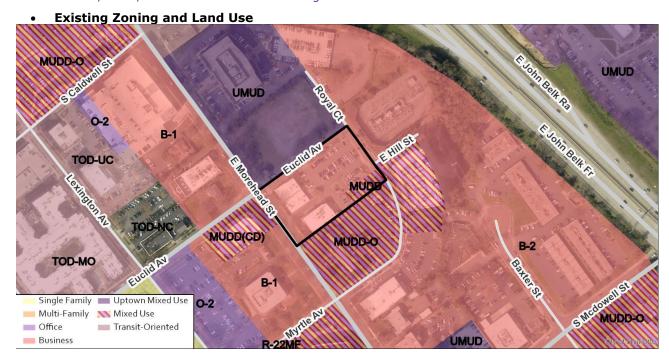
The site plan accompanying this petition contains the following provisions:

- 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.
  - Parking, vehicular circulation and vehicular maneuvering space may be located between the building and the required setback from Euclid Avenue, and a valet parking service area may be located between the building and Euclid Avenue. The area within which these items may occur is generally designated with a rectangular box on the Rezoning Plan. Minor adjustments to the rectangular box may be made during the permitting process.
  - Subject to the approval of the Urban Forester and any other applicable governmental agencies, and the absence of any below ground or above ground utilities that would prohibit the installation of minimum 4 inch caliper street trees along the Site's frontage on Euclid Avenue, the street trees to be installed along the Site's frontage on Euclid Avenue shall have a minimum caliper of 4 inches at the time of installation. In the event that Petitioner cannot obtain all approvals and permits required to install minimum 4 inch caliper street trees along the Site's frontage on Euclid Avenue or if underground or above ground utilities prohibit the installation of minimum 4 inch caliper street trees, then the street trees to be installed along the Site's frontage on Euclid Avenue shall only be required to meet the minimum caliper specifications of the Ordinance.
  - 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 Stepbackit 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.



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.



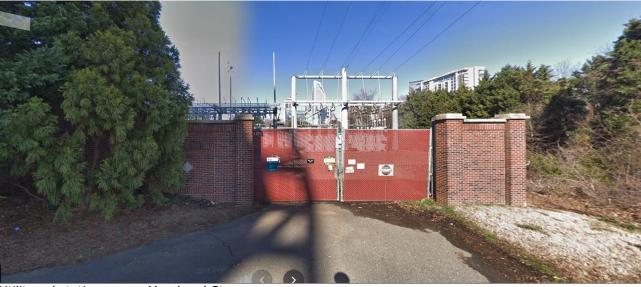
A view of the site (developed with offices and associated parking) from E. Morehead Street.



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.

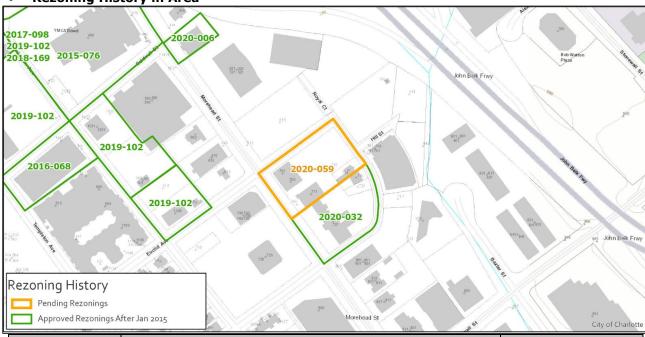


Along East Morehead Street are office, residential, and retail uses.



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 <a href="https://www.rezoning.org">www.rezoning.org</a> regarding storm water quality treatment and volume and peak control.
  - **Urban Forestry:** No outstanding issues.
- Mecklenburg County Land Use and Environmental Services Agency: See advisory comments
  at www.rezoning.org pertaining to air quality and ground water services.
- Mecklenburg County Parks and Recreation Department: No outstanding issues.

#### **OUTSTANDING ISSUES**

Site and Building Design

- 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

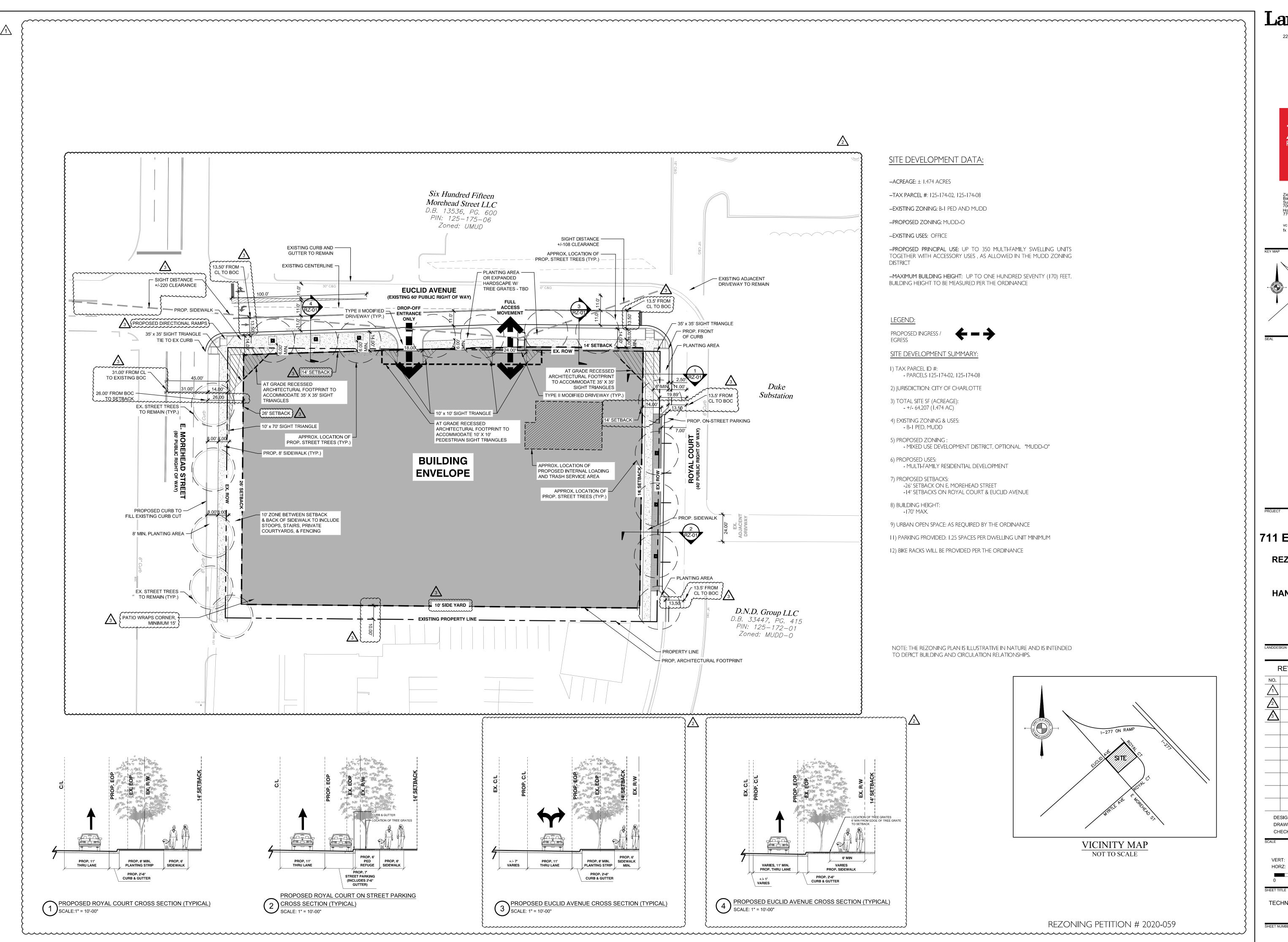
#### **REQUESTED TECHNICAL REVISIONS**

**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



LandDesign.

223 NORTH GRAHAM STREE<sup>\*</sup> CHARLOTTE, NC 28202 704.333.0325 WWW.LANDDESIGN.COM



Ziegler Cooper Architects Bank of America Center Suite 350 700 Louisiana Street Houston, Texas 77002

vc 713|374|0000 fx 713|374|0001



711 EAST MOREHEAD

**REZONING - SITE PLAN** 

HANOVER R.S. LIMITED
PARTNERSHIP

HOUSTON, TEXAS 77056

1780 S POST OAK LN

LANDDES	IGN PROJ.# 1020025	
F	REVISION / ISSU	ANCE
NO.	DESCRIPTION	DATE
$\triangle$	REVISIONS PER COMMENTS	06-15-2020
2	REVISIONS PER COMMENTS	08-17-2020
3	REVISIONS PER COMMENTS	09-28-2020
DES	SIGNED BY:	
	AWN BY: ECKED BY:	
SCALE		NORTH

VERT:
HORZ: 1"=30'
0 15' 30' 60'

TECHNICAL DATA SHEET

RZ-1

### Hanover R.S. Limited Partnership **Development Standards** 9/28/2020

### **Site Development Data**

**--Acreage**:  $\pm 1.474$ 

- **--Tax Parcel Nos:** 125-174-02 and 125-174-08
- --Existing Zoning: B-1 PED and MUDD --Proposed Zoning: MUDD-O
- -- Existing Use: Office
- --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.

### **General Provisions**

- **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.
- 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.
- **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.

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.

### **Optional Provisions**

### The optional provisions set out below shall apply to the development of the Site.

The maximum height of the building to be constructed on the Site shall be 170 feet as measured under the Ordinance.



- 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.
- Encroachments into the setbacks from adjacent streets shall be permitted as set out below.
- 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.
- 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.
- 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.

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.

The streetscape along the Site's frontage on Royal Court may modified by Petitioner to allow and accommodate on street parking.

The streetscape along the Site's frontage on Euclid Avenue may modified by Petitioner as generally depicted on the Rezoning Plan.

The minimum setback along the Site's frontages on Euclid Avenue and Royal Court shall be 14 feet. ......

### Permitted Uses/Development Limitations

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.

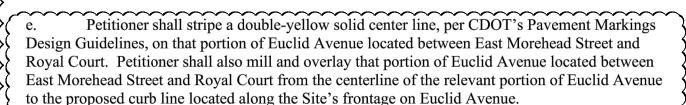
Notwithstanding the terms of paragraph 3.a. above, a maximum 500 square foot area of the ground floor of the building may contain a kiosk or countertops devoted to an eating, drinking and entertainment establishment (Type 1). 

### Access, and Transportation Improvements

- 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.
- 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.



- 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
- (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
- 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.



- 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.
- 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.

### **Architectural Standards**

- The maximum height of the building to be constructed on the Site shall be 170 feet.
- Building Placement and Site Design shall focus on and enhance the pedestrian environment on public or private network required streets, through the following:



The building shall be placed so as to present a front or side facade to all streets.

- (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 (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.
- Direct pedestrian connections shall be provided between street facing doors and corner entrance features to sidewalks on adjacent streets.

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.

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.

The building shall have a minimum of 20% transparency on the aggregate of all upper floors.

Set out on the Rezoning Plan are 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. 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.

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

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.

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. 

Avenue building facade.

Streetscape improvements shall be provided as depicted on the Rezoning Plan.

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.

### **Environmental Features:**

Development of the Site shall comply with the City of Charlotte Tree Ordinance.

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

### **Amendments to the Rezoning Plan**

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.

# **Binding Effect of the Rezoning Application**

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.

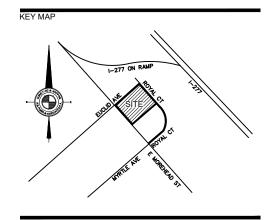


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711 EAST MOREHEAD

**REZONING - SITE PLAN** 

HANOVER R.S. LIMITED **PARTNERSHIP** 

1780 S POST OAK LN **HOUSTON, TEXAS 77056** 

LANDBLON	1020025		
R	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	
DES	SIGNED BY:	I	
	WN BY:		
CHE	ECKED BY:		
SCALE		NORTH	

REZONING PETITION # 2020-059

**DEVELOPMENT STANDARDS** 

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

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

LMP - LAMP POST LP - LIGHT POLE

(M) - MEASURED MBX - MAILBOX

M.B. - MAP BOOK MW - MONITORING WELL N.G.S. - NATIONAL GEODETIC SURVEY

JBX - JUNCTION BOX

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 MANHOL

(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** FENCEGUARD RAIL PROPERTY LINE PROPERTY LINE (NOT SURVEYED) RIGHT-OF-WAY RIGHT-OF-WAY (NOT SURVEYED) -----SETBACK\_\_\_\_\_ CABLE TV LINE \_\_\_c\_\_\_c\_\_\_c\_\_ FIBER OPTIC LINE GAS LINE \_\_\_\_ GAS \_\_\_\_\_ GAS \_\_\_\_\_ GAS \_\_\_\_\_ GAS \_\_\_\_ POWER LINE OUH OUH OUH OUH OUH \_\_\_\_\_UE\_\_\_\_\_UE\_\_\_\_\_UE\_\_\_\_

POWER LINE (UNDERGROUND) SANITARY SEWER PIPE — ss — ss — ss — ss — STORM DRAIN PIPE STORM DRAIN PIPE > 12" TELEPHONE LINE 

 $\textcolor{red}{ \color{red} - \tt v -$ 

WATER LINE **WOOD FENCE** 

**UTILITIES:** 

*TELEPHONE* 

POWERDUKE POWER ENERGY 1-800-777-9898

BELL SOUTH TELECOMMUNICATIONS 1-888-757-6500 WATER & SEWER CHAR.-MECK. UTILITY DEPT. (CMUD)

(704) 357-6064 SEWER GASPIEDMONT NATURAL GAS CO. 1-800-752-7504

CABLE TELEVISION TIME WARNER CABLE 1-800-892-2253

(704) 336-2564 WATER

Know what's below. Call before you dig.

### **ZONING:**

SUBJECT PROPERTY ZONED: B-1

ZONING RESTRICTIONS AS PER ZONING ORDINANCE:

MINIMUM SETBACK: MINIMUM SIDE YARD: NONEMINIMUM REAR YARD:

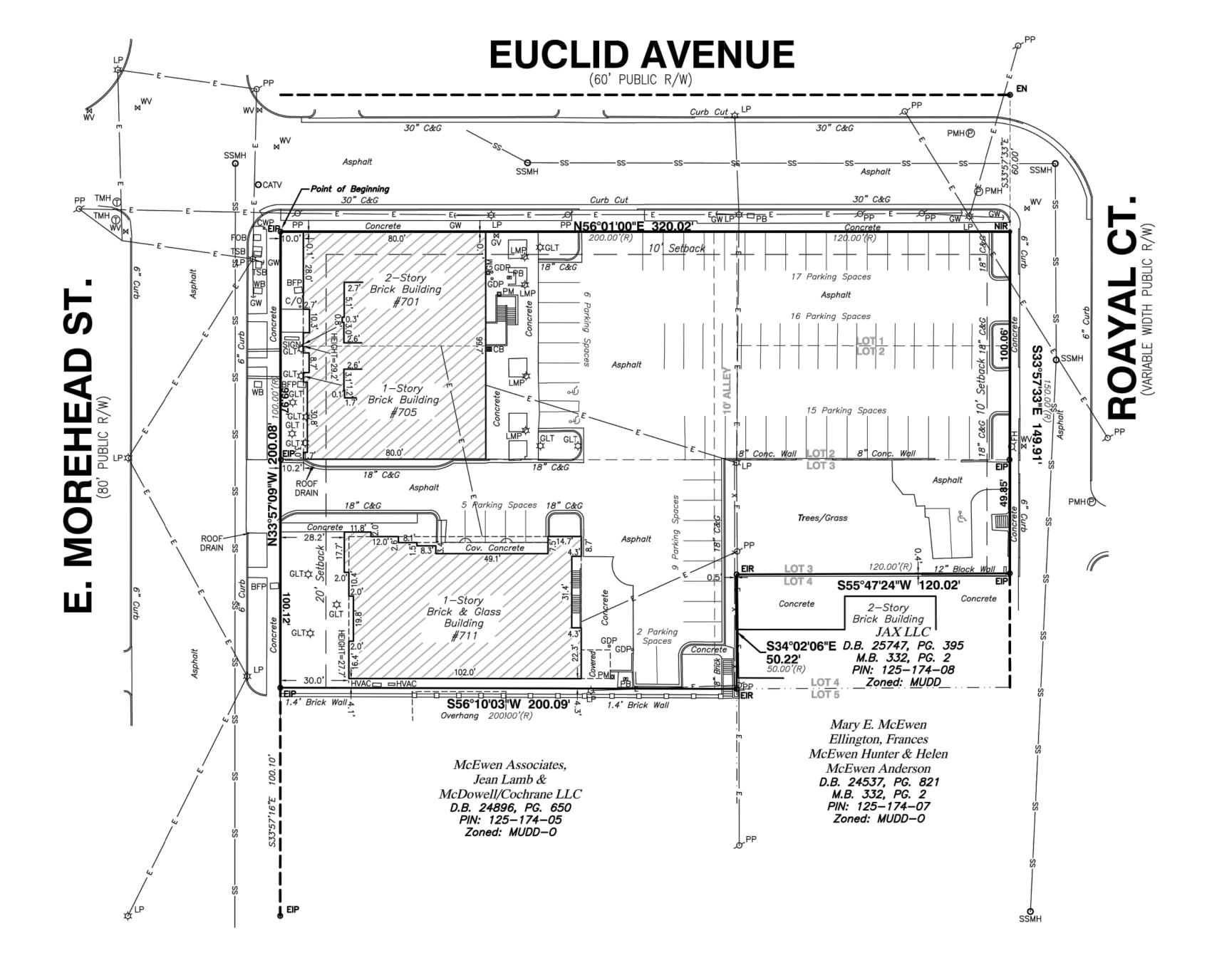
MAX. BUILDING HEIGHT:

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



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 SOUARE ROOT OF THE NUMBER OF

# 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;

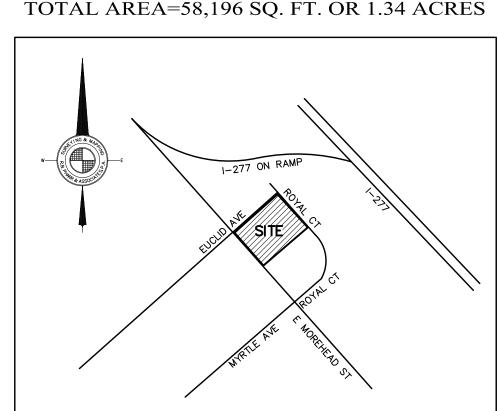
having an area of 58,093 square feet or 1.3336 acres, as shown on a survey prepared by R. B. Pharr & Associates, p.a. dated March 16, 2015 (map file XX-4088).

### ALTA/ACSM CERTIFICATION:

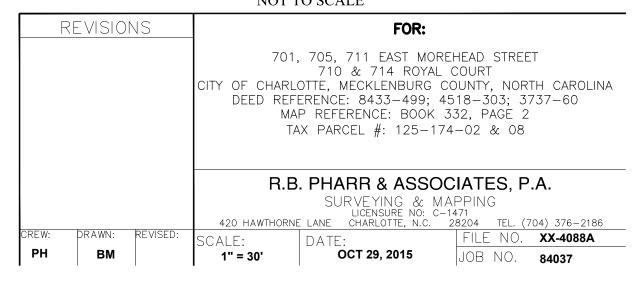
TO: L.C. STEPHENS & COMPANY; CHICAGO TITLE INSURANCE COMPANY:

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

C. CLARK NEILSON PROFESSIONAL LAND SURVEYOR 3/26/15



VICINITY MAP NOT TO SCALE

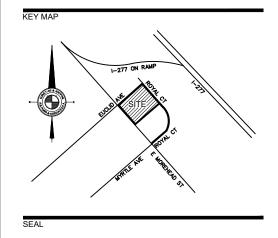


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711 EAST MOREHEAD

**REZONING - SITE PLAN** 

HANOVER R.S. LIMITED **PARTNERSHIP** 

1780 S POST OAK LN **HOUSTON, TEXAS 77056** 

LANDDES	IGN PROJ.# 1020025	
F	REVISION / ISSU	ANCE
NO.	DESCRIPTION	DATE
1	REVISIONS PER COMMENTS	06-15-2020
2	REVISIONS PER COMMENTS	08-17-2020
3	REVISIONS PER COMMENTS	09-28-2020
DR	SIGNED BY: AWN BY: ECKED BY:	
SCALE	,	NORTH

**EXISTING CONDITIONS** 

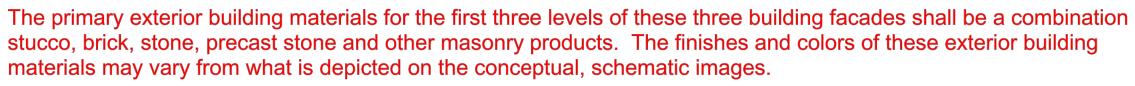
RZ-3

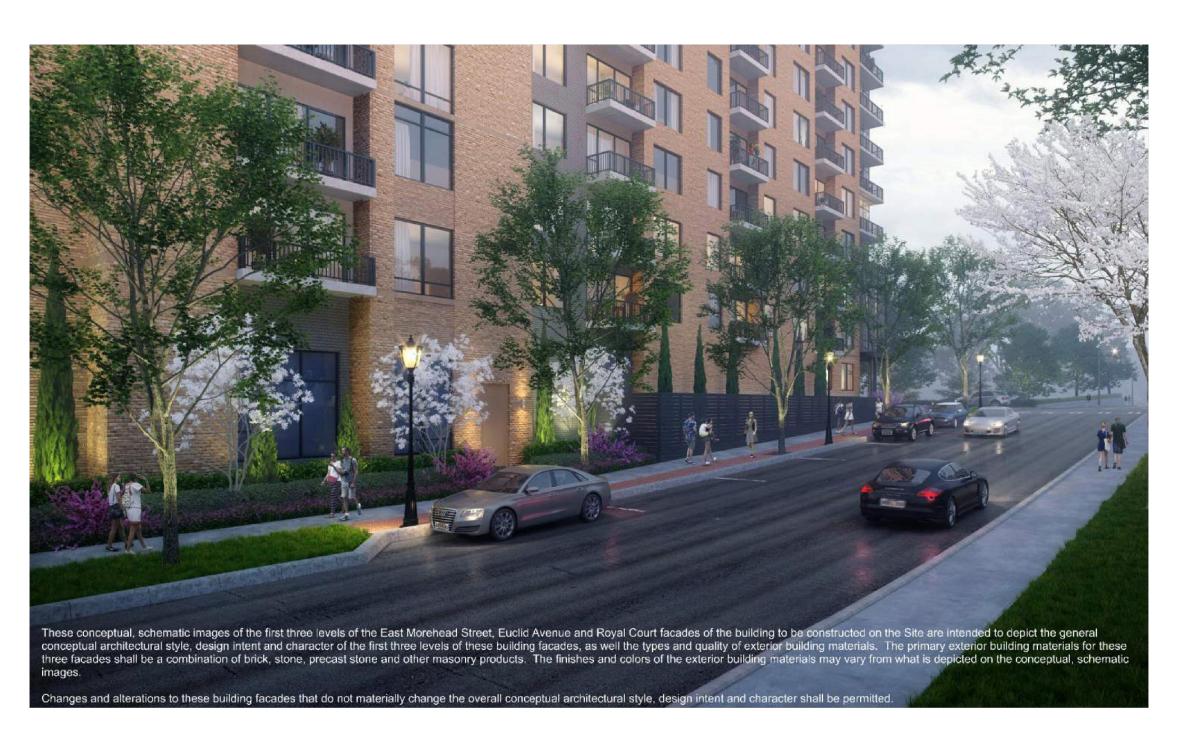
The primary exterior building materials for the first three levels of these three building facades shall be a combination of stucco, brick, stone, precast stone and other masonry products. The finishes and colors of these exterior building materials may vary from what is depicted on the conceptual, schematic images.

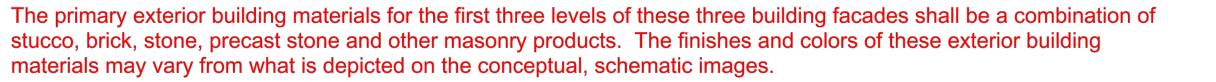
ese conceptual, schematic images of the first three levels of the East Morehead Street, Euclid Avenue and Royal Court facades of the building to be constructed on the Site are intended to depict the general conceptual chitectural style, design intent and character of the first three levels of these building facades, as well the types and quality of exterior building materials. The primary exterior building materials for these three facades shall be a mbination of brick, stone, precast stone and other masonry products. The finishes and colors of the exterior building materials may vary from what is depicted on the conceptual, schematic images.

Changes and alterations to these building facades that do not materially change the overall conceptual architectural style, design intent and character shall be permitted









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.





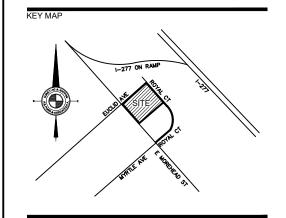
THE PRIMARY EXTERIOR BUILDING MATERIALS FOR THE FIRST THREE LEVELS OF THESE THREE BUILDING FACADES SHALL BE A COMBINATION OF STUCCO, BRICK, STONE, PRECAST STONE AND OTHER MASONRY PRODUCTS. THE FINISHES AND COLORS OF THESE EXTERIOR BUILDING MATERIALS MAY VARY FROM WHAT IS DEPICTED ON THE CONCEPTUAL, SCHEMATIC IMAGES.

REZONING PETITION # 2020-059





vc 713|374|0000 fx 713|374|0001



711 EAST MOREHEAD

**REZONING - SITE PLAN** 

HANOVER R.S. LIMITED **PARTNERSHIP** 

> 1780 S POST OAK LN **HOUSTON, TEXAS 77056**

LANDDES	SIGN PROJ.# 1020025	1
F	REVISION / ISS	UANCE
NO.	DESCRIPTION	DATE
1	REVISIONS PER COMMENTS	06-15-2020
2	REVISIONS PER COMMENTS	08-17-2020
3	REVISIONS PER COMMENTS	09-28-2020
DR CH	SIGNED BY: AWN BY: ECKED BY:	,
SCALE		NORTH
VER HOF	RT: RZ: 1"=30'	
0	15' 30'	60'

PERSPECTIVE IMAGES



### City of Charlotte

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

**Agenda Date: 10/19/2020** 

Agenda #: 15.File #: 15-14378 Type: Zoning Decision

### 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)

### **Zoning Committee Recommendation:**

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

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation Final Staff Analysis Site Plan

# **Charlotte-Mecklenburg Planning Commission**

### **Zoning Committee Recommendation**

**ZC**Zoning Committee

Rezoning Petition 2020-060
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.

(Council District 4 - Johnson)

**PETITIONER** Westplan Investors

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

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

 The plan recommends Office/Retail and Office/Retail/Industrial-Warehouse-Distribution uses.

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

- The 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.

Motion/Second: Barbee / Blumenthal

Yeas: Barbee, Blumenthal, Kelly, McMillan, Nwasike,

Samuel, and Welton

Nays: None Absent: None Recused: None

ZONING COMMITTEE DISCUSSION

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

inconsistent with the adopted area plan.

There was no further discussion of this petition.

**PLANNER** 

Michael Russell (704) 353-0225





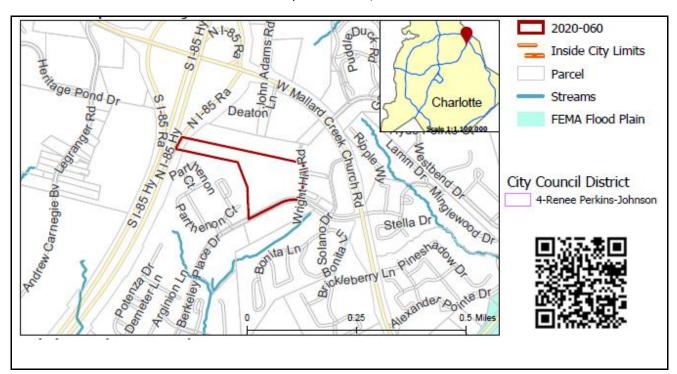
**REQUEST** 

Current Zoning: 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** 

Westplan Investors **AGENT/REPRESENTATIVE** 

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

SIAFF
<b>RECOMMENDATION</b>

Staff recommends approval of this petititon.

### Plan Consistency

Meck-Pinnacle LLC

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.

### Rationale for Recommendation

- The subject site sits on the corner of Berkelev 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
- Before the approval of rezoning petitions 2008-087 and 2015-015. which changed the land use to office/retail and

Petition 2020-060 (Page 2 of 7) Final Staff Analysis

- 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.

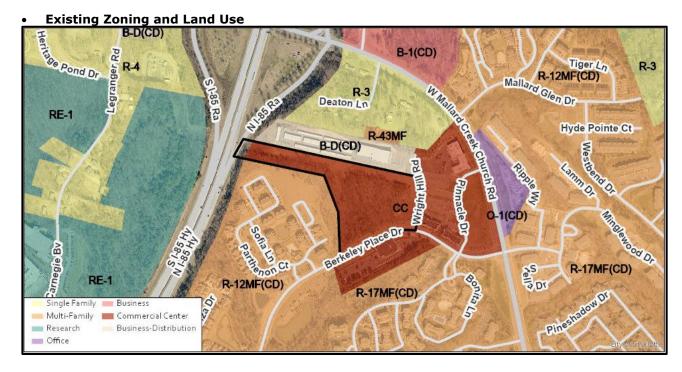
The approval of this petition will revise the adopted future land use from office/retail and office/retail/industrial-warehouse-distribution to residential use up to 17 DUA for the site.

### **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.



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.



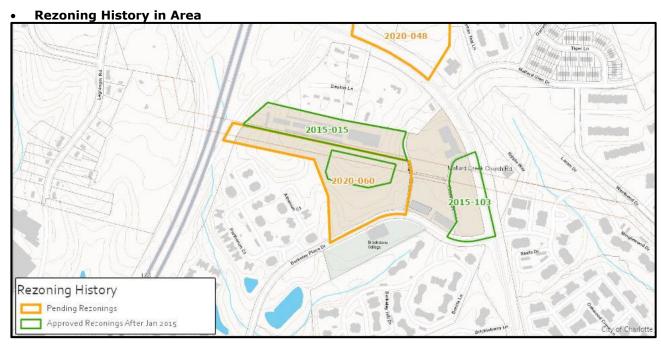
The property to the west along Berkeley Place Drive is developed with apartments.



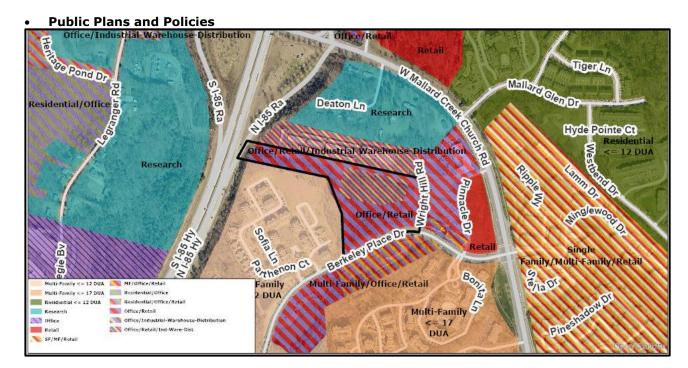
The property to the south along Berkeley Place Drive is developed with an office use.



The property to the east along Wright Hill Drive is developed with retail and office uses.



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 square self-storage facility with the development rights and zoning for a 258,000 square foot retail/office component.	Approved



• 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:

o Mallard Creek Church Rd. interchange reconfiguration

Scope: Not yet identified

o Phase: Not started

o ROW year: 2029 or later

Construction year: 2030 or later

PM: NCDOTTIP #: 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.

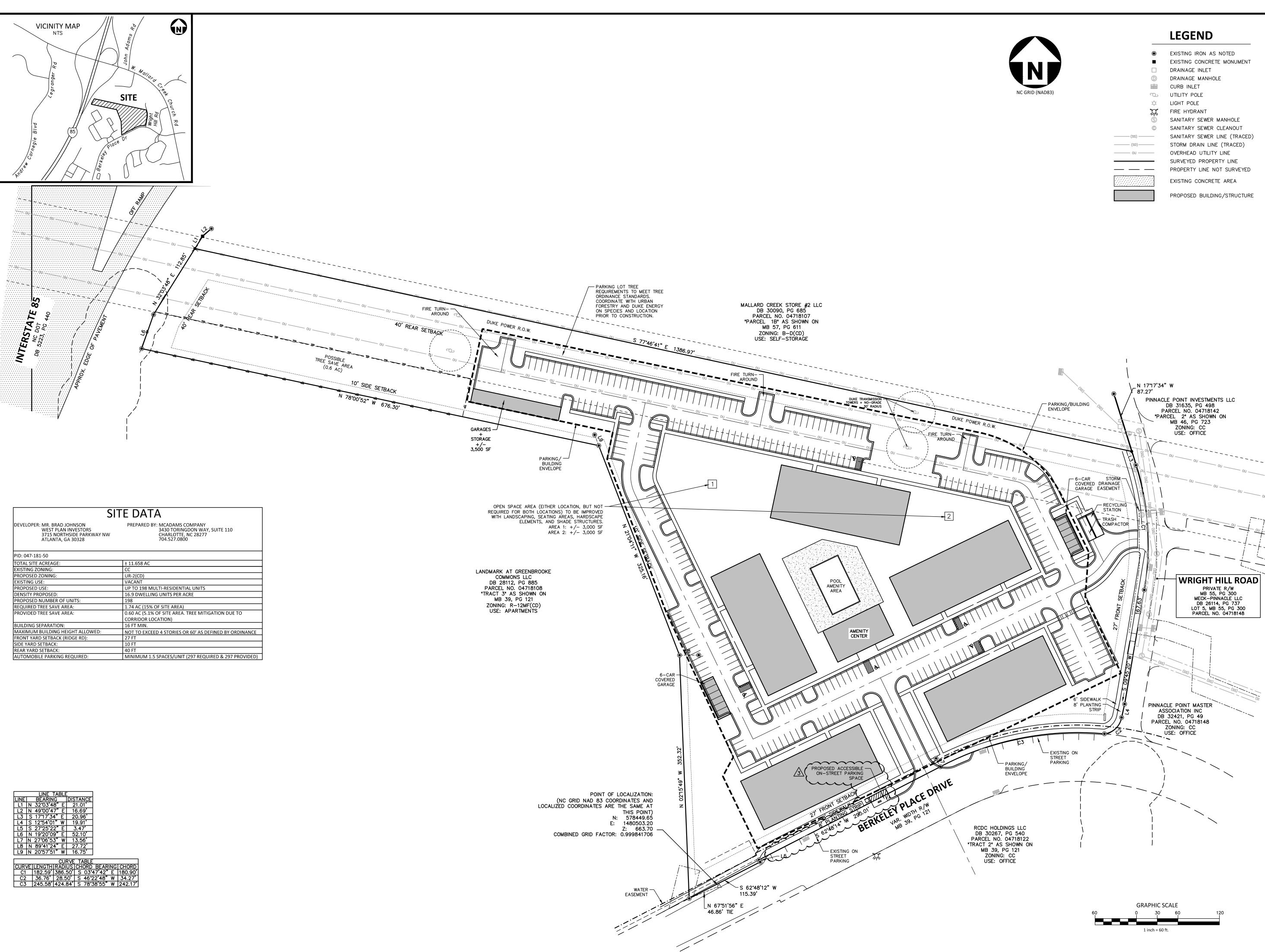
### REQUESTED TECHNICAL REVISIONS

**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





# **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



REZONING PLAN
PETITION 2020-060
BERKELEY PLACE DRIVE



# REVISIONS

NO. DATE

1 06. 17. 2020 CITY OF CHARLOTTE COMMENTS
2 08. 14. 2020 CITY OF CHARLOTTE COMMENTS

09. 25. 2020 CDOT COMMENTS

PROJECT NO. WPI-20000
FILENAME WPI20000-RZ1
CHECKED BY ANL
DRAWN BY KML
SCALE 1"=60'

PLAN INFORMATION

DATE SHEET

**REZONING PLAN** 

03. 18. 2020

RZ-1

# Westplan Investors Development Standards 2 08/14/2020 Rezoning Petition No. 2020-060

**Site Development Data:** 

- --Acreage: ±11.658
- --Tax Parcel #: 047-181-50
- --Existing Zoning: CC
  --Proposed Zoning: UR-2(CD)
- --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.
- 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.

### 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 arreight (8) foot sidewalk as generally depicted on the Rezoning Petition.
- 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 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

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).
- 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)
- 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
- 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.



# 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

ATLANTA, GA 30328

WESTPLAN INVESTORS
3715 NORTHSIDE PARKWAY NW



# → >20 years WESTPLAN INVESTORS

# CENT BERKELEY PLA REZONING PLAN PETITION 2020-060 RERKELEY PLAN



### REVISIONS

DATE 06. 17. 2020 CITY OF CHA

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



### City of Charlotte

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

**Agenda Date: 10/19/2020** 

Agenda #: 16.File #: 15-14381 Type: Zoning Decision

### 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)

### **Zoning Committee Recommendation:**

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

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### Attachments:

Zoning Committee Recommendation Final Staff Analysis Site Plan

# Charlotte-Mecklenburg Planning Commission

### **Zoning Committee Recommendation**

ZC

Rezoning Petition 2020-066
October 19, 2020

**Zoning Committee** 

**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.

Choose an item.

**PETITIONER** 

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

This petition is found to be consistent with **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 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.

Motion/Second: Kelly / Blumenthal

Yeas: Barbee, Blumenthal, Kelly, McMillan, Nwasike,

Samuel, and Welton

Nays: None Absent: None Recused: None

# ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and noted that it is consistent with the adopted area plan recommendation for single family residential use and inconsistent with the Plan's recommend density. However, the density is supported by the *General Development Policies* which supersedes the density in the district plan.

A commissioner asked staff to verify that Fire had reviewed the plans and had no issues. Staff stated that Fire staff were contacted, and they confirmed they were ok with the rezoning plan as proposed and shared in the Zoning Committee Work Session PowerPoint.

There was no further discussion of this petition.

**PLANNER** 

John Kinley (704) 336-8311



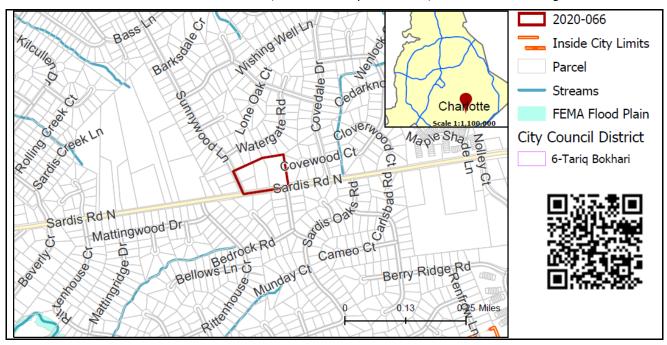
**REQUEST** 

LOCATION

Current Zoning: R-3 (single family residential)

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

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.

### Plan Consistency

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.

### Rationale for Recommendation

- 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.

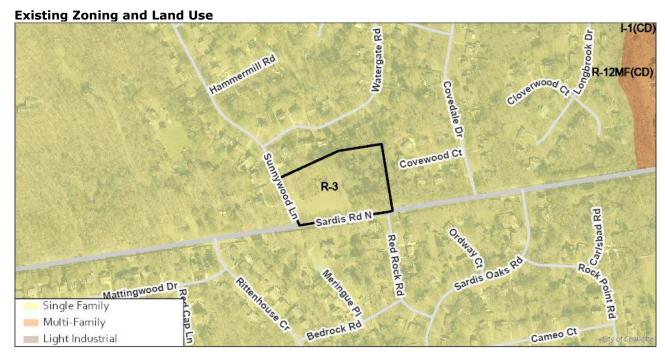
The approval of this petition will revise the adopted future land use as specified by the *South District Plan*, from single family at 3 DUA to residential at 5 DUA for the site.

### **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.



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.

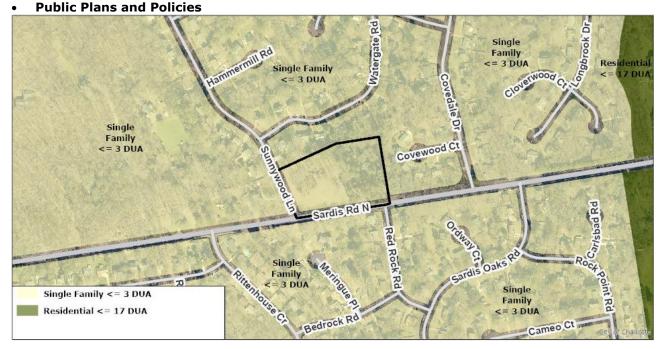


East of the site are single family homes, well screened from Sardis Road North that front Covewood Court



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

Petition 2020-066



- 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

o 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

- 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 <a href="Transportation">Transportation</a>
- 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

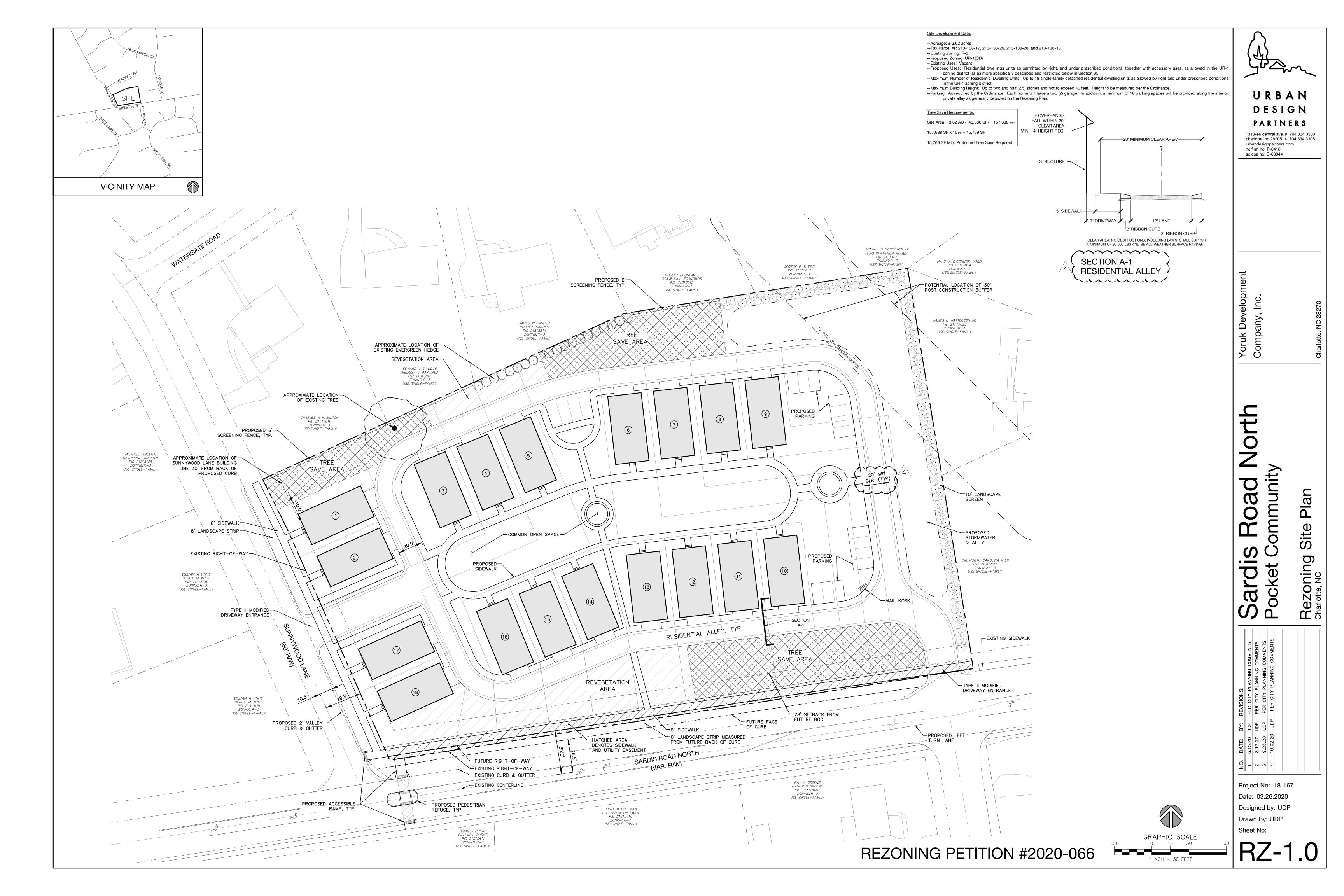
Correct the typographical error in note 3.g changing "re-strip" to "re-stripe" ADDRESSED Environment

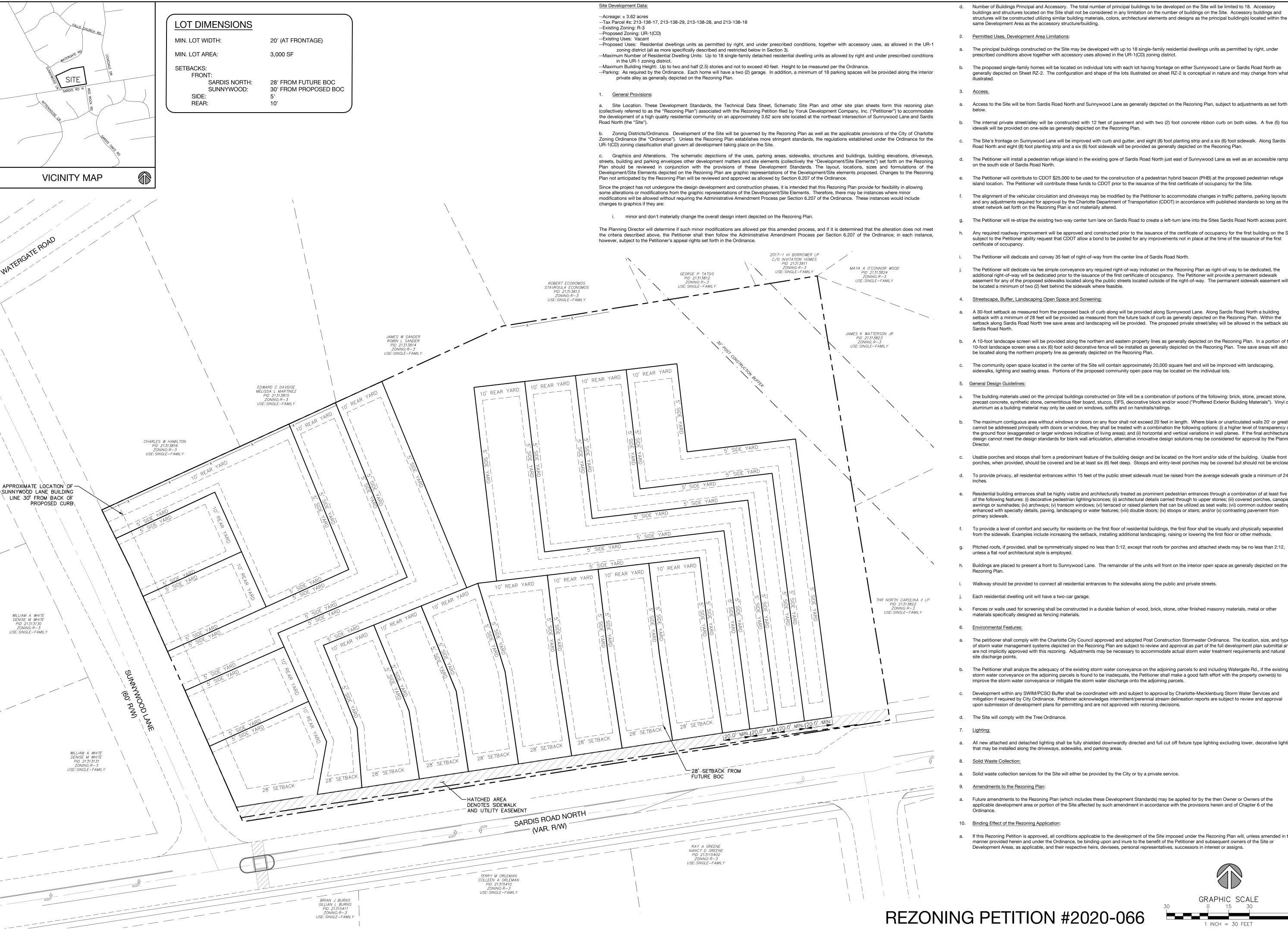
- 8. Remove the words "or a tree save area" from note 4.b. because preserved tree save area must have a minimum width of 30 feet. You may add another sentence to say that as generally depicted a tree save area may be provided. ADDRESSED
- 9.—Amend the site plan to clarify compliance with Fire Marshal's 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. All items addressed

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

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





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

The principal buildings constructed on the Site may be developed with up to 18 single-family residential dwellings units as permitted by right, under

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

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

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

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

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

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

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.

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

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

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

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

The community open space located in the center of the Site will contain approximately 20,000 square feet and will be improved with landscaping,

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

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

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.

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

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

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

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,

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

Fences or walls used for screening shall be constructed in a durable fashion of wood, brick, stone, other finished masonry materials, metal or other

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

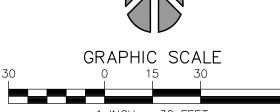
The Petitioner shall analyze the adequacy of the existing storm water conveyance on the adjoining parcels to and including Watergate Rd., if the existing storm water conveyance on the adjoining parcels is found to be inadequate, the Petitioner shall make a good faith effort with the property owner(s) to

Development within any SWIM/PCSO Buffer shall be coordinated with and subject to approval by Charlotte-Mecklenburg Storm Water Services and itigation if required by City Ordinance. Petitioner acknowledges intermittent/perennial stream delineation reports are subject to review and approval

All new attached and detached lighting shall be fully shielded downwardly directed and full cut off fixture type lighting excluding lower, decorative lighting

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

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



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

Project No: 18-167 Date: 03.26.2020 Designed by: UDP Drawn By: UDP Sheet No:



### City of Charlotte

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

**Agenda Date: 10/19/2020** 

Agenda #: 17.File #: 15-14382 Type: Zoning Decision

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-2 (CD) (urban residential, conditional)

### **Zoning Committee Recommendation:**

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

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation Final Staff Analysis Site Plan

# **Charlotte-Mecklenburg Planning Commission**

### **Zoning Committee Recommendation**

**ZC**Zoning Committee

Rezoning Petition 2020-067
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.

(Council District 1 - Egleston)

**PETITIONER** Terranova Group, LLC

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

This petition is found to **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.

Motion/Second: Blumenthal / Barbee

Yeas: Barbee, Blumenthal, Kelly, McMillan, Nwasike,

Samuel, and Welton

Nays: None Absent: None Recused: None

ZONING COMMITTEE DISCUSSION

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

consistent with the adopted area plan.

There was no further discussion of this petition.

**PLANNER** 

William Linville (704) 336-4090





**REQUEST** 

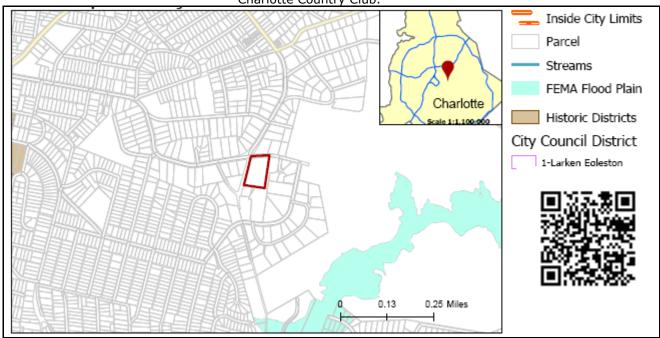
Current Zoning: R-3 (residential)

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

SIAFF
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, multifamily 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

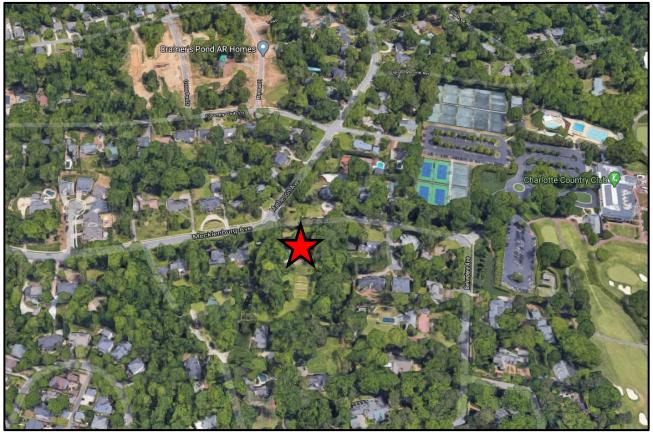
The site plan accompanying this petition contains the following provisions:

- 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.

Petition 2020-067 (Page 4 of 7) Final Staff Analysis



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.



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.

Petition 2020-067 (Page 6 of 7) Final Staff Analysis

### 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

Petition 2020-067 (Page 7 of 7) Final Staff Analysis

property owner(s) to improve the storm water conveyance or mitigate the storm water discharge onto the adjoining parcels. ADDRESSED

### **REQUESTED TECHNICAL REVISIONS**

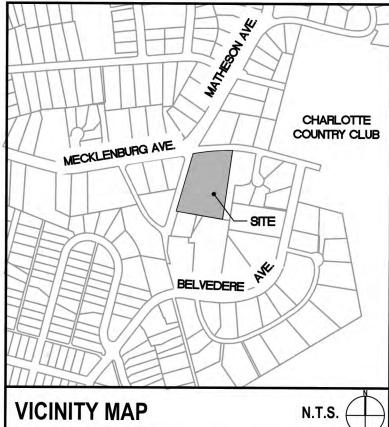
Site and Building Design

- 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





PROPERTY LINE/RIGHT-OF-WAY

CONTOUR (1' INTERVAL INSIDE PROPERTY BOUNDARY)

CONTOUR (2' INTERVAL OUTSIDE PROPERTY BOUNDARY)

TERRANOVA GROUP, LLC 93 CLEVELAND STREET GREENVILLE, SC 29601

MECKLENBURG PARK, LLC

93 CLEVELAND STREET GREENVILLE, SC 29601

GREENVILLE, SC 29601

09505544

UR-2 (CD)

2.963 ACRES

TERRANOVA GROUP, LLC 93 CLEVELAND STREET

EXISTING BUILDING

SYMBOL

# ColeJenest & Stone

Shaping the Environment Realizing the Possibilities

Land Planning Landscape Architecture Civil Engineering Urban Design

200 South Tryon Street, Suite 1400 Charlotte, North Carolina 28202 p+ 704 376 1555 f+ 704 376 7851 url+ 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.

Issued

03/25/20

**REZONING SITE PLAN** 

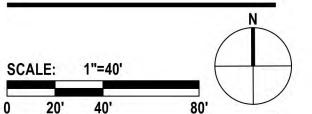
DEVELOPMENT NOTES

1. EXISTING MAIN HOUSE TO REMAIN AS A PART OF THIS

SCHEMATIC ILLUSTRATIVE SITE PLAN

### Revised

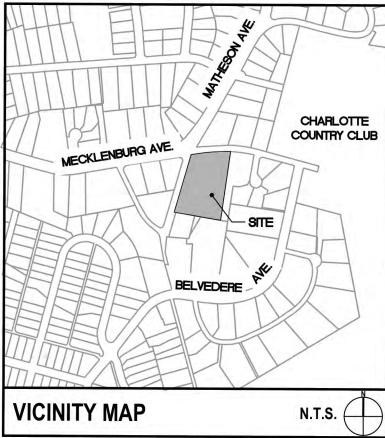
06/15/2020 - REVISIONS PER CITY OF CHARLOTTE COMMENTS 08/17/2020 - REVISIONS PER CITY OF CHARLOTTE COMMENTS 09/28/2020 - REVISIONS PER CITY OF CHARLOTTE COMMENTS



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PROPERTY LINE/RIGHT-OF-WAY

CONTOUR (1' INTERVAL INSIDE PROPERTY BOUNDARY)

RESIDENTIAL/PARKING ENVELOPE

PROPOSED STREET NETWORK

EXISTING TREE (MAY BE REMOVED)

TERRANOVA GROUP, LLC.

MECKLENBURG PARK, LLC.

SINGLE FAMILY RESIDENTIAL

14' FROM BACK OF EXISTING

SINGLE FAMILY AND

OR PROPOSED CURB

WHICHEVER IS GREATER

SHALL MEET ORDINANCE

 $2.9683 \pm AC$ 

095-055-44

UR-2 (CD)

DUPLEX

R-3

N/A

10'

UP TO 40'

PER ORDINANCE

REQUIREMENTS

POTENTIAL TREE SAVE AREA

**REZONING SUMMARY:** 

PETITIONER:

TAX PARCEL#:

EXISTING USE:

PROPOSED USE:

BUILDING SETBACK:

MIN. SIDE YARD\*:

MIN. REAR YARD\*:

REQUIRED PARKING:

OPEN SPACE PROVIDED:

POTENTIAL TREE SAVE AREA (TYP.)

ESTABLISHED DURING PERMITTING.

MAX. HEIGHT:

**EXISTING ZONING:** 

PROPOSED ZONING:

PREVIOUS PETITION NO:

PROPERTY OWNER:

REZONING SITE AREA:

CONTOUR (2' INTERVAL OUTSIDE -/PROPERTY BOUNDARY)

SYMBOL

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# **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.

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

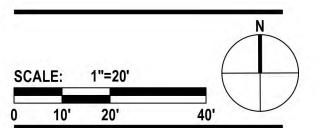
\*NOTE EXISTING HOUSE TO REMAIN AS PART OF THIS

15% MIN (±0.45 ACRES) OF 2.97 ACRE SITE TO BE

\*\*FINAL BUILDING ORIENTATION AND PLANNED MULTI-FAMILY DESIGNATION WILL DETERMINE SETBACKS ASSOCIATED WITH PARCEL(S).

PRESERVE. FINAL LIMITS OF 15% MAY VARY FROM WHAT IS DEPICTED ON REZONING PLAN. FINAL LIMITS WILL BE

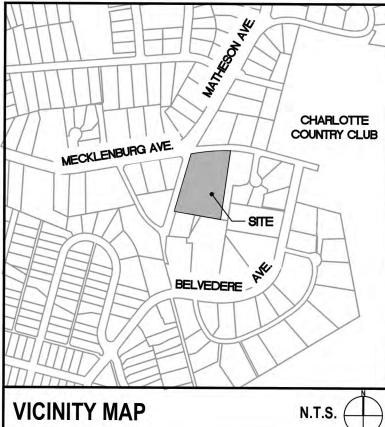
\*\*\*EXISTING TREES TO REMAIN WILL BE DETERMINED UPON FINAL BUILDING FOOTPRINTS AND ORIENTATION NOTED AND APPROVED DURING THE PERMITTING PHASE OF DEVELOPMENT. \*\*\*\*ALL BUILDING FOOTPRINTS AND ACCESS POINTS TO THE PROPOSED ALLEY ARE CONCEPTUAL IN NATURE. FINAL BUILDING FOOTPRINTS AND ACCESS ORIENTATION WILL BE NOTED AND APPROVED DURING THE PERMITTING PHASE OF DEVELOPMENT.



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## LEGEND

SYMBOL

PROPERTY LINE/RIGHT-OF-WAY

POTENTIAL TREE SAVE AREA



GRASS PAVING



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

93 CLEVELAND STREET GREENVILLE, SC 29601

# SHAW HOUSE REZONING 2020-067

2400 MECKLENBURG AVENUE CHARLOTTE, NC 28205

# SCHEMATIC ILLUSTRATIVE SITE PLAN

Project No.

4030

**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'

**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. <u>Transportation</u>

- 1. Vehicular access to the Site shall be as generally depicted on the Rezoning Plan. The placement and configuration of the vehicular access points are subject to any minor modifications required to accommodate final site 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. <u>Transportation Advisory Notes</u>

- 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

## 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

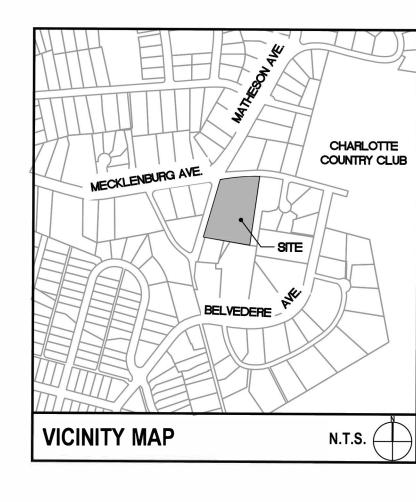
- For defined watersheds greater than 24% built-upon area, control the entire volume for the 1-year, 24-hour storm for all new and redeveloped BUA associated with the project. Runoff volume drawdown time shall be in accordance with the Charlotte-Mecklenburg BMP Design Manual.
- 4. For adjoining parcels 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.

## **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.





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# TERRANOVA GROUP, LLC 93 CLEVELAND STREET GREENVILLE, SC 29601

# SHAW HOUSE REZONING 2020-067

2400 MECKLENBURG AVENUE CHARLOTTE, NC 28205

# DEVELOPMENT STANDARDS

Project No.

Issued

03/25/20

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

RZ-4

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## City of Charlotte

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

**Agenda Date: 10/19/2020** 

Agenda #: 18.File #: 15-14383 Type: Zoning Decision

## 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)

## **Zoning Committee Recommendation:**

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

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

#### Attachments:

Zoning Committee Recommendation Final Staff Analysis Site Plan

## **Charlotte-Mecklenburg Planning Commission**

## **Zoning Committee Recommendation**

ZC

Rezoning Petition 2020-072
October 6, 2020

## **Zoning Committee**

**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.

(Council District 3 - Watlington)

#### **PETITIONER**

# ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

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.

Motion/Second: Welton / Barbee

Yeas: Barbee, Blumenthal, Kelly, McMillan, Nwasike,

Samuel, and Welton

Nays: None Absent: None Recused: None

ZONING COMMITTEE DISCUSSION

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

inconsistent with the adopted area plan.

There was no further discussion of this petition.

**PLANNER** Joe Mangum (704) 353-1908





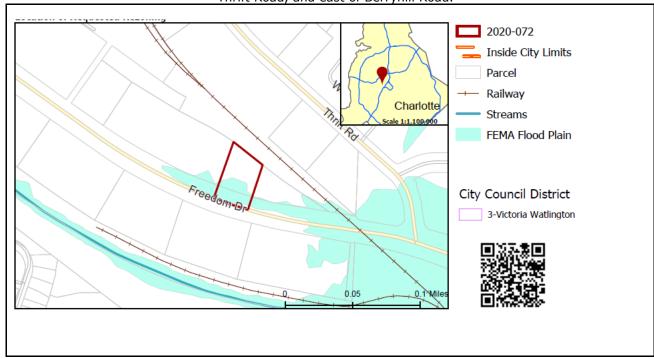
**REQUEST** Current Zoning: I-1 (Industrial)

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

**COMMUNITY MEETING** 

Freemore LLC Michael Moulton Michael Moulton

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.

#### Plan Consistency

The petition is **inconsistent** with the *Bryant Park Land Use* & *Streetscape Plan's* (2007) recommendation for a mix of office, retail, and industrial uses.

#### Rationale for Recommendation

- 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.

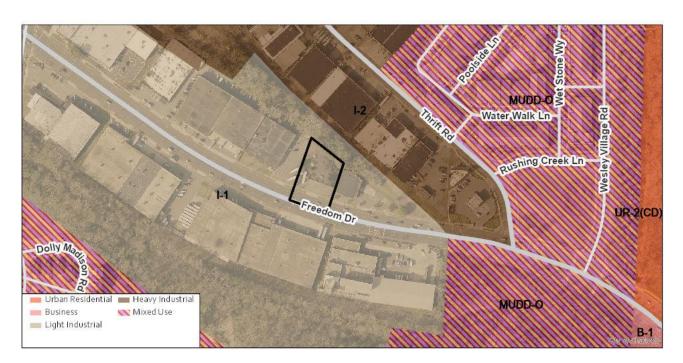
The approval of this petition will revise the adopted future land use as specified by the *Bryant Park Land Use & Streetscape Plan*, from a mix of office, retail, and industrial uses to a mix of residential, office, and retail for the site.

#### **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.
- Reguests 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.



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 multifamily 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:

- o 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.

Petition 2020-072 (Page 7 of 7) Final Staff Analysis

- 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. ADDRESSED [PD1]

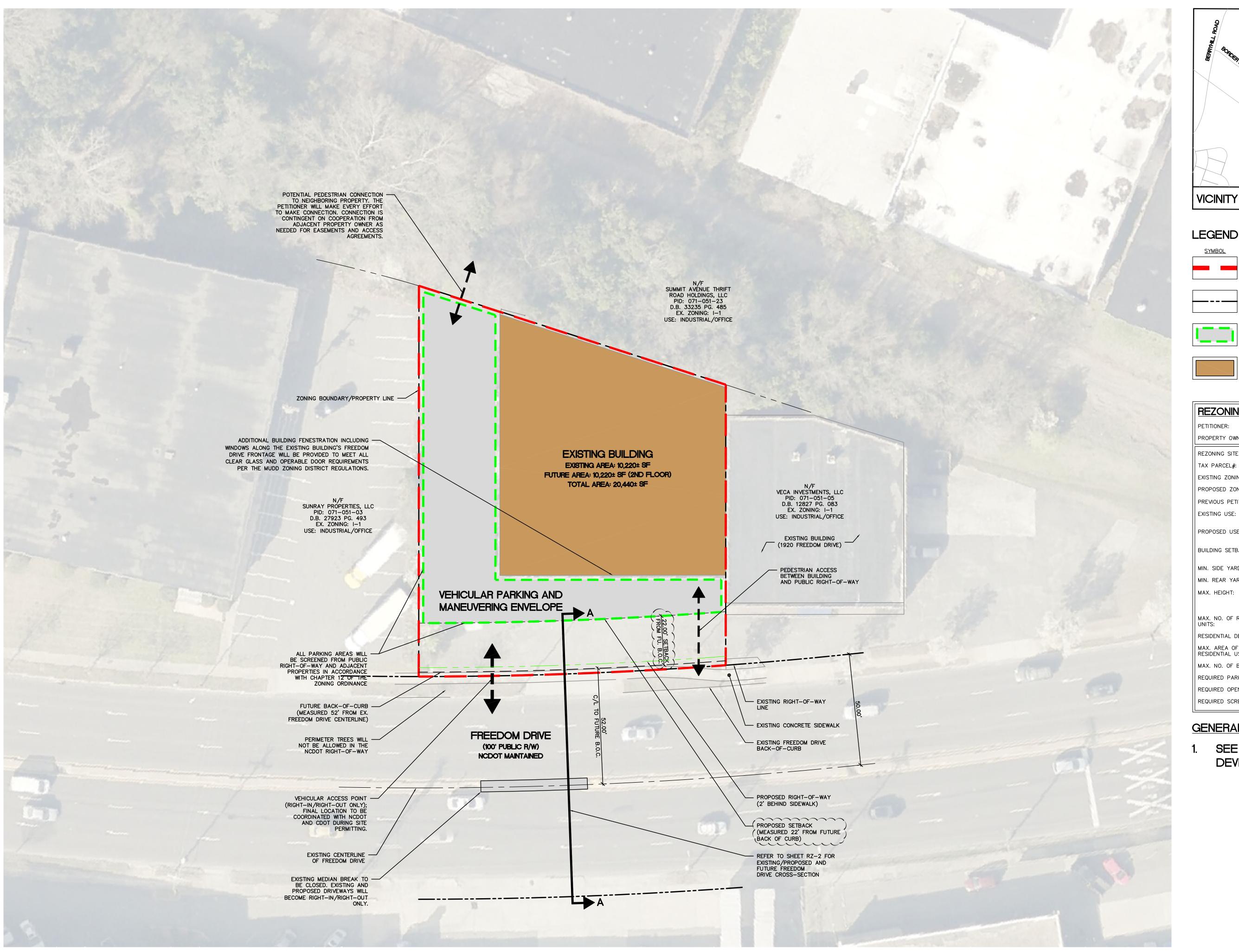
#### **REQUESTED TECHNICAL REVISIONS**

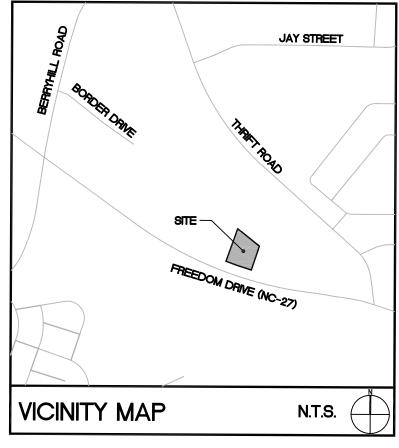
Site and Building Design

- 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:** Joe Mangum (704-353-1908)





ZONING BOUNDARY

PARKING ENVELOPE

EXISTING BUILDING

**REZONING SUMMARY:** 

PROPERTY LINE/RIGHT-OF-WAY

FREEMORE, LLC

FREEMORE, LLC

0.48± AC

I**-**1

N/A

 $\mathsf{MUDD} - \mathsf{O}$ 

BUILDING

NONE

NONE

21 DUA

4,000 SQ. FT.

PER ORDINANCE

PER ORDINANCE

PER ORDINANCE

COMMERCIAL

071-051-04

VACANT INDUSTRIAL

RESIDENTIAL AND

22' FROM FUTURE BACK-OF-CURB

(INCLUDES FUTURE 2ND FLOOR)

<u>SYMBOL</u>

PETITIONER:

PROPERTY OWNER:

TAX PARCEL#:

EXISTING USE:

PROPOSED USE:

MIN. SIDE YARD:

MIN. REAR YARD:

MAX. NO. OF RESIDENTIAL

RESIDENTIAL DENSITY: MAX. AREA OF NON-

MAX. NO. OF BUILDINGS:

REQUIRED OPEN SPACE:

REQUIRED SCREENING:

RESIDENTIAL USES:

REQUIRED PARKING:

MAX. HEIGHT:

UNITS:

BUILDING SETBACK:

EXISTING ZONING:

PROPOSED ZONING:

PREVIOUS PETITION NO:

REZONING SITE AREA:



200 South Tryon Street, Suite 1400

**ColeJenest** 

& Stone

Land Planning

Civil Engineering Urban Design

Landscape Architecture

Shaping the Environment Realizing the Possibilities

1101 SOUTH BOULEVARD **SUITE 205 CHARLOTTE, NC 28203** 

# 1930 FREEDOM **DRIVE**

1930 FREEDOM DRIVE **CHARLOTTE, NC 28208** 



Project No.

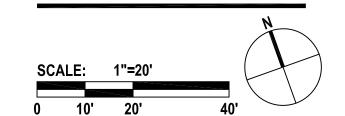
Issued 04/10/2020

Revised

08/17/20 - STAFF REVIEW COMMENTS 09/28/20 - STAFF REVIEW COMMENTS 10/08/20 - STAFF REVIEW COMMENTS

## **GENERAL REZONING NOTES:**

SEE SHEET RZ-2 FOR DEVELOPMENT STANDARDS



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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:

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").

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.

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.

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

b. TO ALLOW A MODIFIED SIDEWALK AND PLANTING STRIP WIDTH AND OUANTITY 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 COOT AND URBAN FORESTRY STAFF ON MODIFICATIONS DURING PERMITTING.

## 3. PERMITTED USES & DEVELOPMENT AREA LIMITATIONS:

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

- SHORT TERM CARE FACILITIES
- STADIUMS, COLISEUMS, AND ARENAS
- WAREHOUSING WITHIN AN ENCLOSED BUILDING FOR SELF-STORAGE FACILITY ONLY

## 4. TRANSPORTATION IMPROVEMENTS AND ACCESS:

## PROPOSED IMPROVEMENTS:

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. THE PETITIONER WILL DEDICATE A SIDEWALK AND UTILITY EASEMENT TO THE CITY OF CHARLOTTE TO ' ACCOMMODATE A FUTURE TWELVE (12) FOOT MULTI-USE PATH, IN ACCORDANCE WITH CHARLOTTE BIKES. 

d. 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.

e. 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 (AND EASEMENTS) 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.

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

## 8. LIGHTING:

a. LIGHTING AS ALLOWED BY THE ORDINANCE MAY BE PROVIDED IN ADDITION TO THE LIGHTING OTHERWISE

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

THE SITE SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION CONTROLS ORDINANCE.

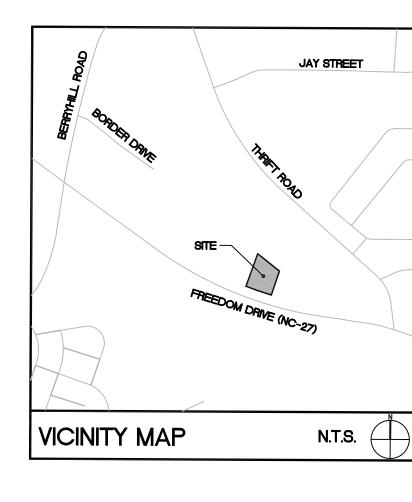
b. THE SITE SHALL COMPLY WITH THE CITY OF CHARLOTTE TREE ORDINANCE, CHAPTER 21 OF THE CITY CODE.

## 10. AMENDMENTS TO THE REZONING PLAN:

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:

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.





Shaping the Environment Realizing the Possibilities

Land Planning Landscape Architecture Civil Engineering

Urban Design

200 South Tryon Street, Suite 1400 Charlotte, North Carolina 28202 p+ 704 376 1555 f+ 704 376 7851 url+ www.colejeneststone.com

## FREEMORE, LLC

1101 SOUTH BOULEVARD SUITE 205 CHARLOTTE, NC 28203

# **1930 FREEDOM DRIVE**

1930 FREEDOM DRIVE **CHARLOTTE, NC 28208** 

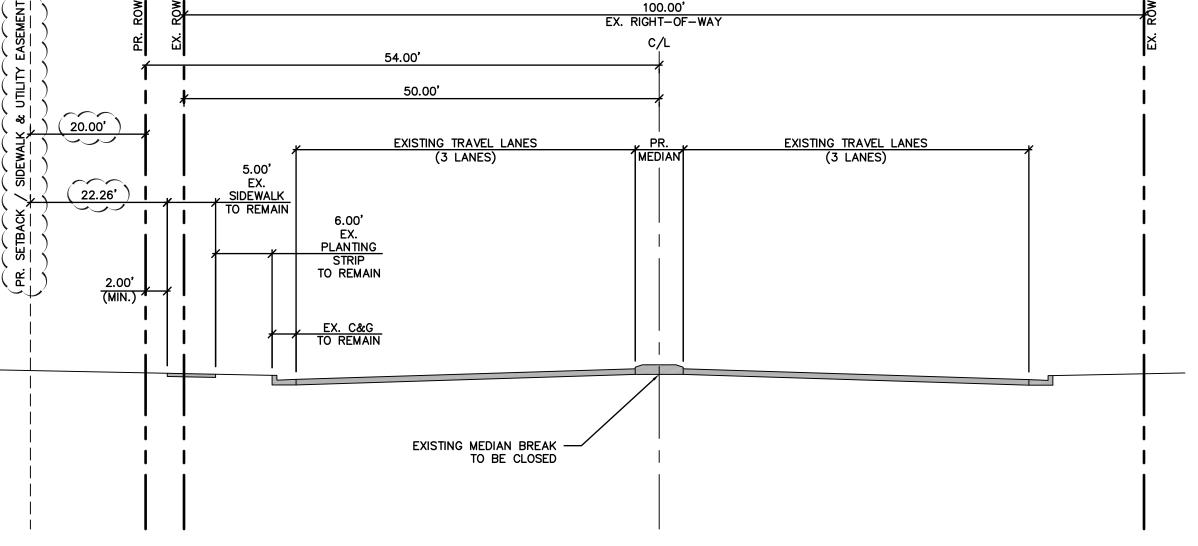
# DEVELOPMENT **STANDARDS**

Project No.

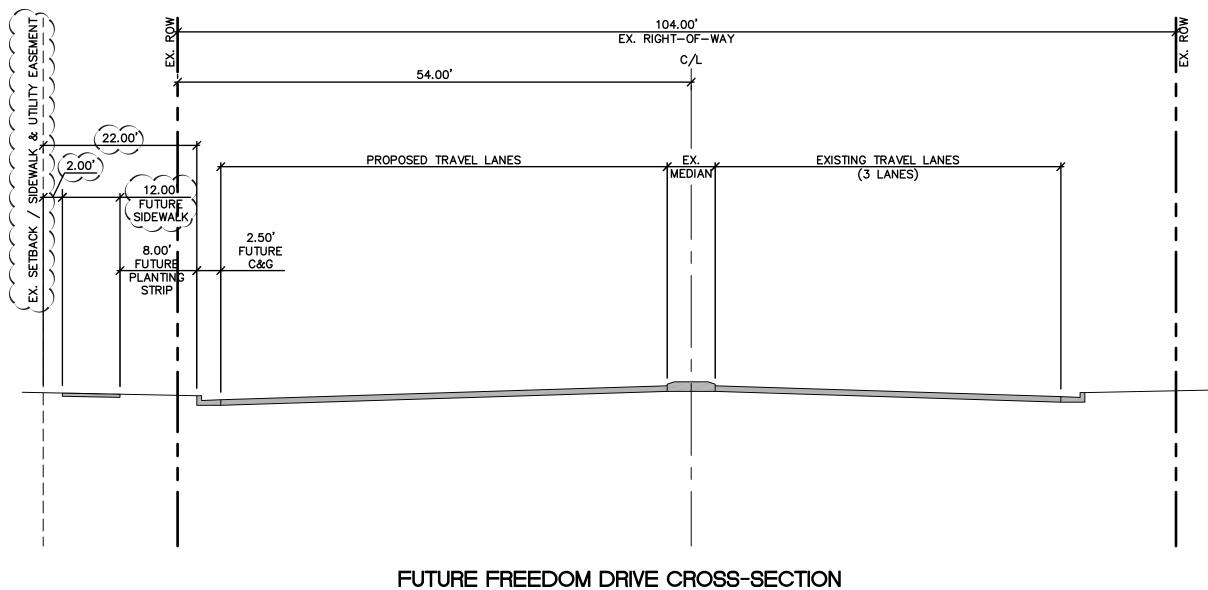
Issued 04/10/2020

Revised 08/17/20 - STAFF REVIEW COMMENTS 09/28/20 - STAFF REVIEW COMMENTS

10/08/20 - STAFF REVIEW COMMENTS



EXISTING/PROPOSED FREEDOM DRIVE CROSS-SECTION SECTION A-A N.T.S.



SECTION A-A N.T.S.

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## City of Charlotte

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

**Agenda Date:** 10/19/2020

Agenda #: 19.File #: 15-14384 Type: Zoning Decision

## 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)

## **Zoning Committee Recommendation:**

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

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

#### **Attachments:**

Zoning Committee Recommendation Final Staff Analysis Site Plan

## **Charlotte-Mecklenburg Planning Commission**

## **Zoning Committee Recommendation**

**ZC**Zoning Committee

Rezoning Petition 2020-074
October 6, 2020

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

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.

(Council District 4 - Johnson)

PETITIONER Bob Dyer, Redwood USA

# ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

This petition is found to be **inconsistent** with the *Northeast District Plan* 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.

Petition 2020-074 (Page 2 of 2)

Zoning Committee Recommendation

Motion/Second: Barbee / Welton

Yeas: Barbee, Blumenthal, Kelly, McMillan, Nwasike,

Samuel, and Welton

Nays: None Absent: None Recused: None

ZONING COMMITTEE DISCUSSION

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

Choose an item. with the adopted area plan.

There was no further discussion of this petition.

**PLANNER** William Linville (704) 336-4090

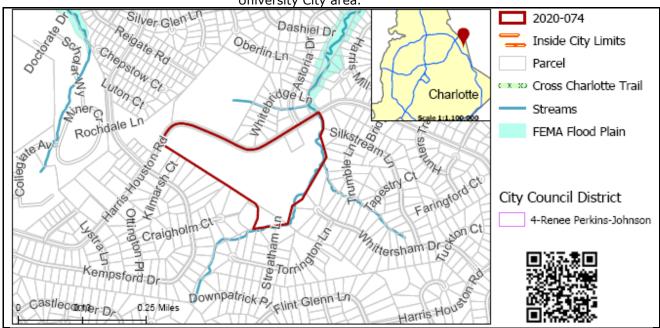


**REQUEST** Current Zoning: R-3 (single family)

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.

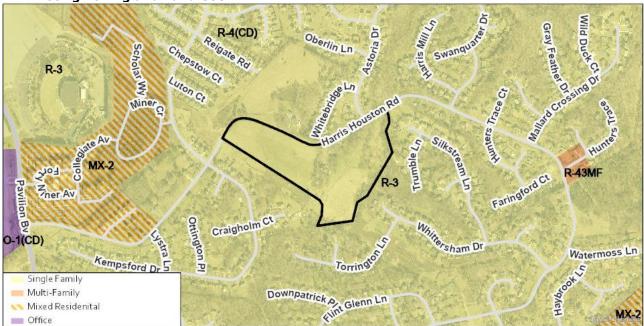
#### **PLANNING STAFF REVIEW**

#### 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.

Petition 2020-074 (Page 4 of 7) Final Staff Analysis



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.

Petition 2020-074 (Page 6 of 7) Final Staff Analysis

#### 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:

- o 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

Petition 2020-074 (Page 7 of 7) Final Staff Analysis

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

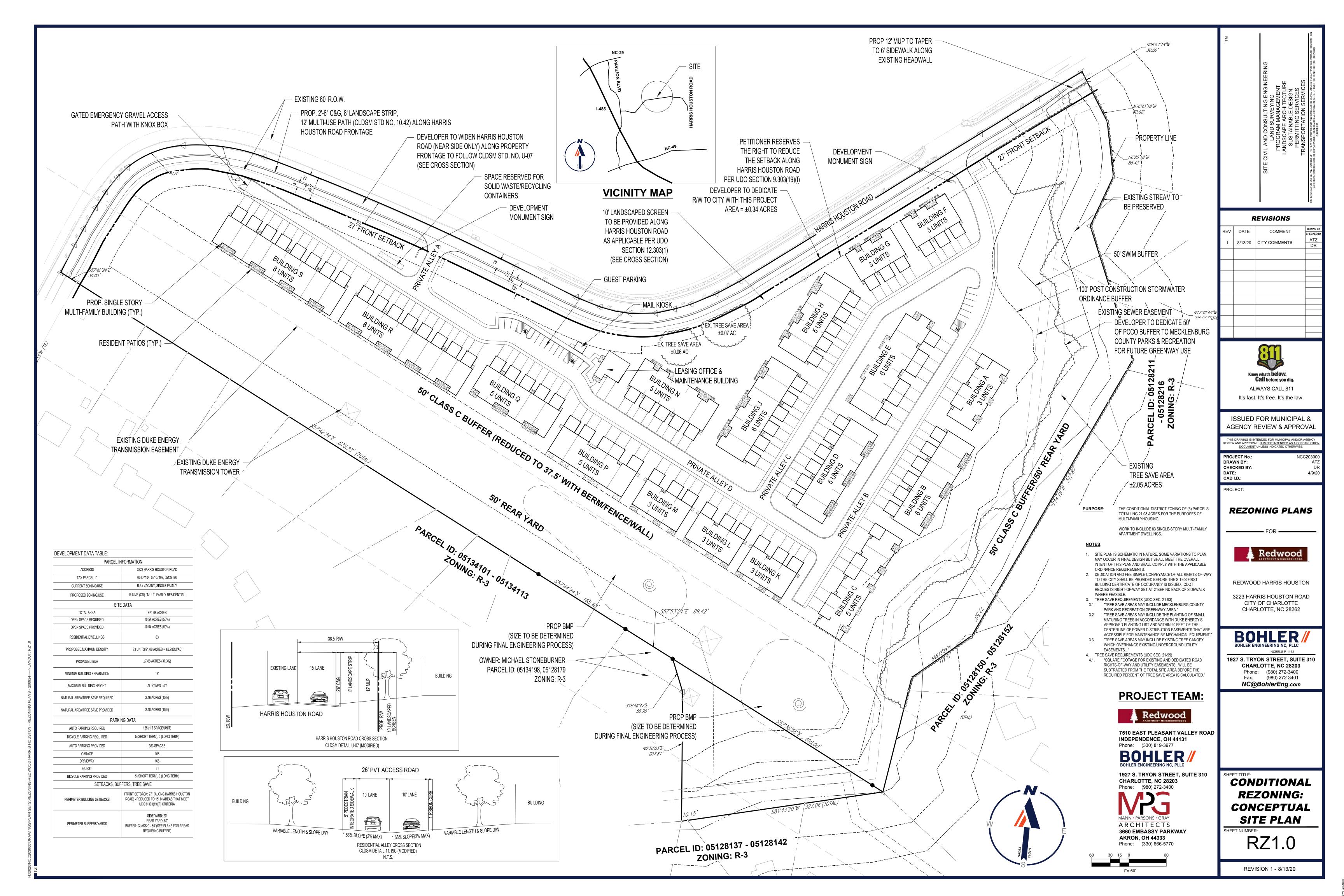
#### REQUESTED TECHNICAL REVISIONS

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



## 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 5. STREETSCAPE AND LANDSCAPING (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.
- 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 6. ENVIRONMENTAL FEATURES 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.

- 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.

- 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.

REVISIONS						
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ALWAYS CALL 811 It's fast. It's free. It's the law **ISSUED FOR MUNICIPAL &** 

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

GENCY REVIEW & APPROVAL

CAD I.D.: PROJECT:

**REZONING PLANS** 

—— FOR ——



REDWOOD HARRIS HOUSTON

3223 HARRIS HOUSTON ROAD CITY OF CHARLOTTE CHARLOTTE, NC 28262

**BOHLER**//

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

CONDITIONAL **REZONING: DEVELOPMENT** 

RZ2.0

REVISION 1 - 8/13/20

**STANDARDS** 



## City of Charlotte

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

**Agenda Date: 10/19/2020** 

Agenda #: 20.File #: 15-14385 Type: Zoning Decision

## 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)

## **Zoning Committee Recommendation:**

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

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

#### Attachments:

Zoning Committee Recommendation Final Staff Analysis Site Plan

## Charlotte-Mecklenburg Planning Commission

## **Zoning Committee Recommendation**

**ZC**Zoning Committee

Rezoning Petition 2020-075
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.

(Council District 4 - Johnson)

**PETITIONER** Mattamy Homes

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

This petition is found to be **consistent** with the *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 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.

Motion/Second: McMillan / Welton

Yeas: Barbee, Blumenthal, Kelly, McMillan, Nwasike,

Samuel, and Welton

Nays: None Absent: None Recused: None

ZONING COMMITTEE DISCUSSION

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

inconsistent with the adopted area plan.

There was no further discussion of this petition.

**PLANNER** 

Michael Russell (704) 353-0225





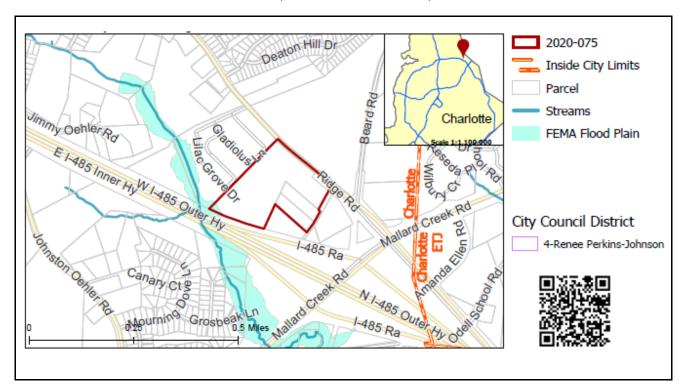
**REQUEST** 

LOCATION

Current Zoning: R-3 (single family residential)

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

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.

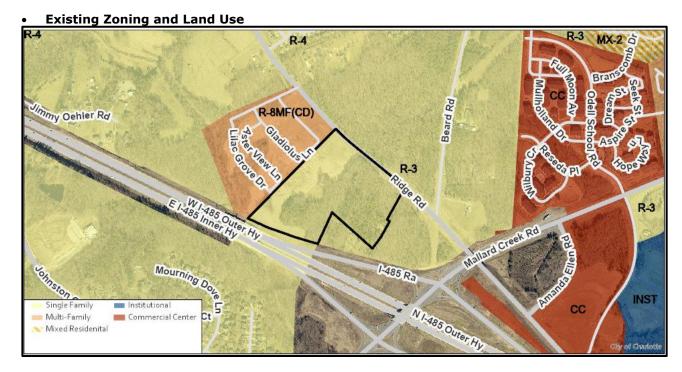
The approval of this petition will revise the adopted future land use as specified by the *Prosperity Hucks Area Plan (2015)*, residential uses up to 4 DUA to residential uses up to 8 DUA.

#### **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.



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.



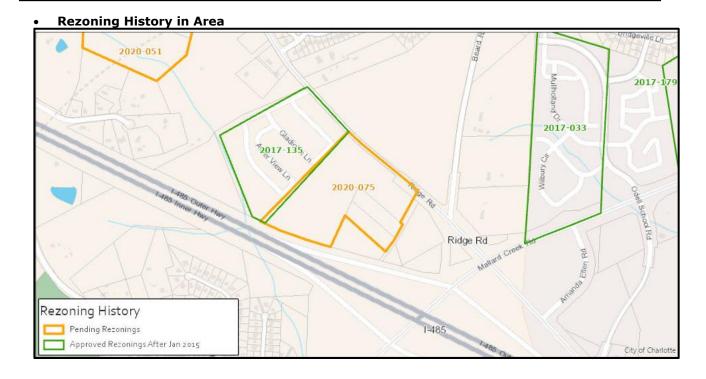
The property to the east along Ridge Road is undeveloped.



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.



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** Residential <= 4 DUA Residential <= 4 DUA Park/Open Jimmy Oehler Rd Space Residential DUA Residential E 1485 Inner Hy = 4 DUA Multi-Family/Office/Retail Residential Mourning D 1-485 Ra Residential <= 4 DUA Park/Open Space N I-485 Outer Hy Residential <= 5 DUA Residential <= 12 DUA 🚫 SF/MF/Retail Residential <= 22 DUA NF/Office/Retail

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

Petition 2020-075 (Page 7 of 8) Final Staff Analysis

#### 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:

- o 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

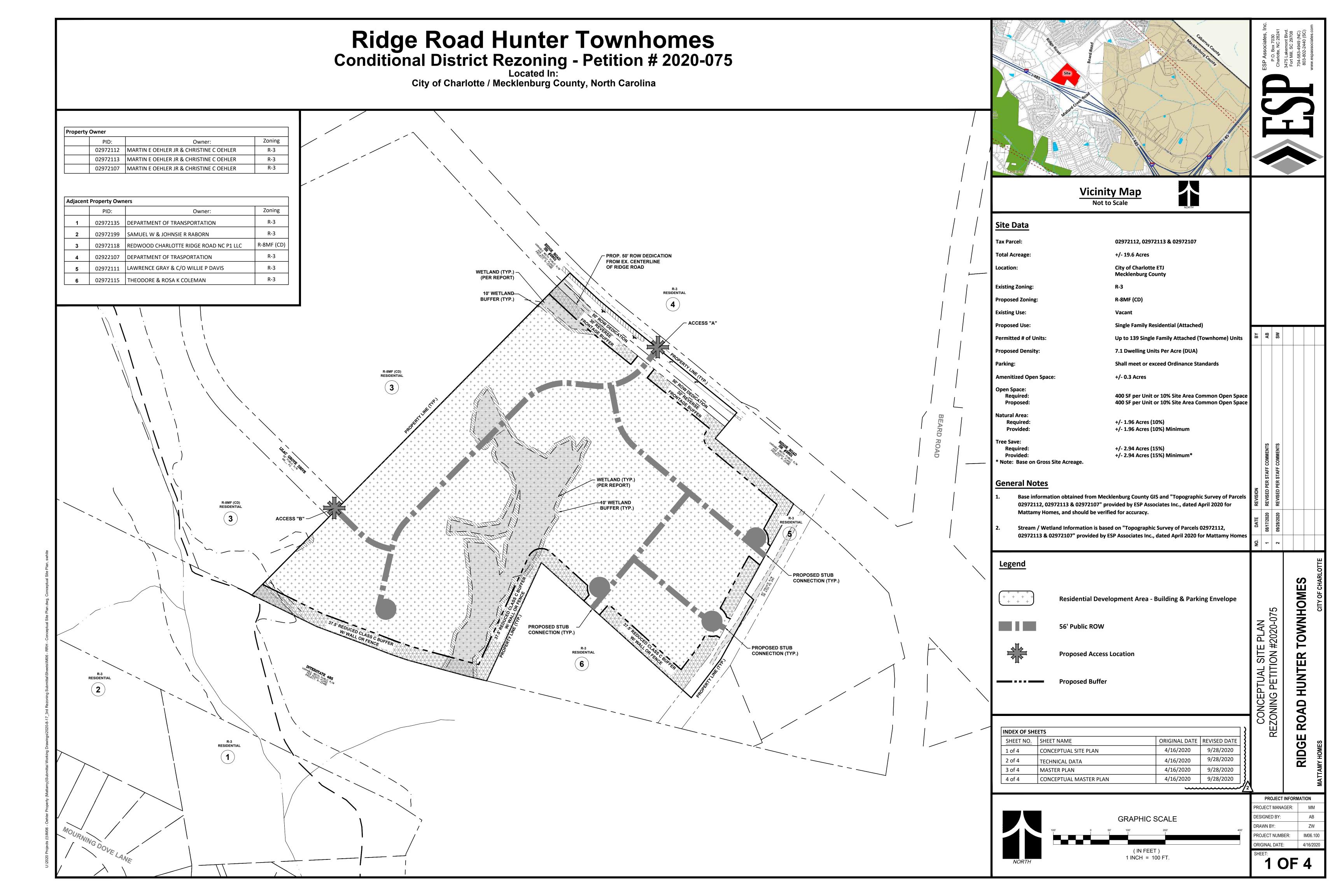
1. Ridge Road: The future location of curb and gutter should be reflected to match the *Prosperity Hucks Area Plan* cross section, as shown below. Pavement widening should occur asymmetrically to the south of the proposed petitioner's site, since the parcel across Ridge Road to the north is a mitigation 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**

Petition 2020-075 (Page 8 of 8) Final Staff Analysis

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

Planner: Michael Russell (704) 353-0225



# 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
- (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.
- 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.

P.O. Box 7030 Charlotte, NC 28241 3475 Lakemont Blvd. Fort Mill, SC 29708 704-583-4949 (NC) 803-802-2440 (SC) www.espassociates.cc



V	NO.	DATE	REVISION	ВУ
717 11000000000000000000000000000000000	1	08/17/2020	REVISED PER STAFF COMMENTS	AB
0/0-07/7 #Z0Z0-0/3	2	0202/82/60	REVISED PER STAFF COMMENTS	SW
SHMCHNMCL				
CITY OF CHARLOTTE				

PROJECT MANAGER: MM

DESIGNED BY: AB

DRAWN BY: ZW

PROJECT NUMBER: IM06.100

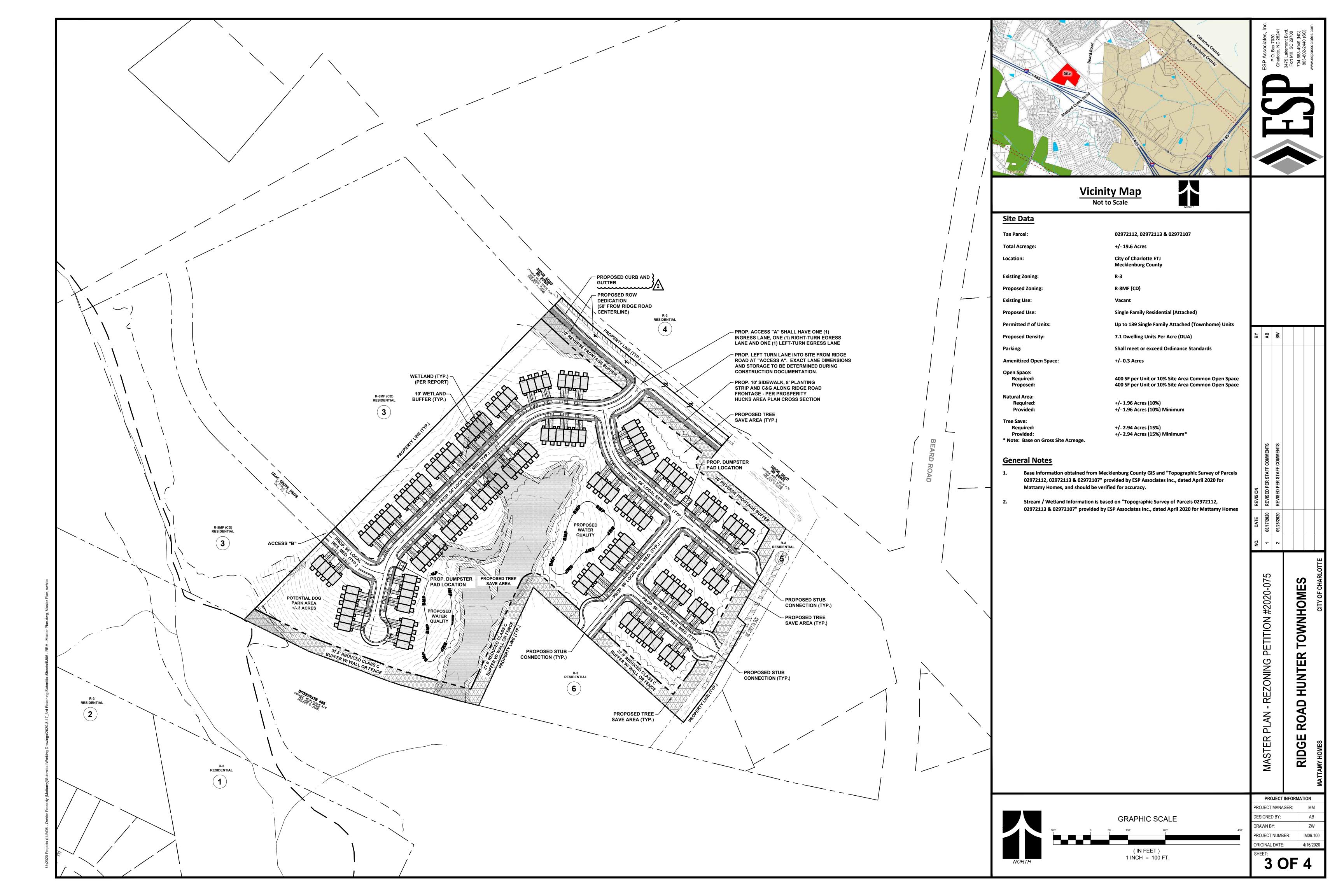
ORIGINAL DATE: 4/16/2020

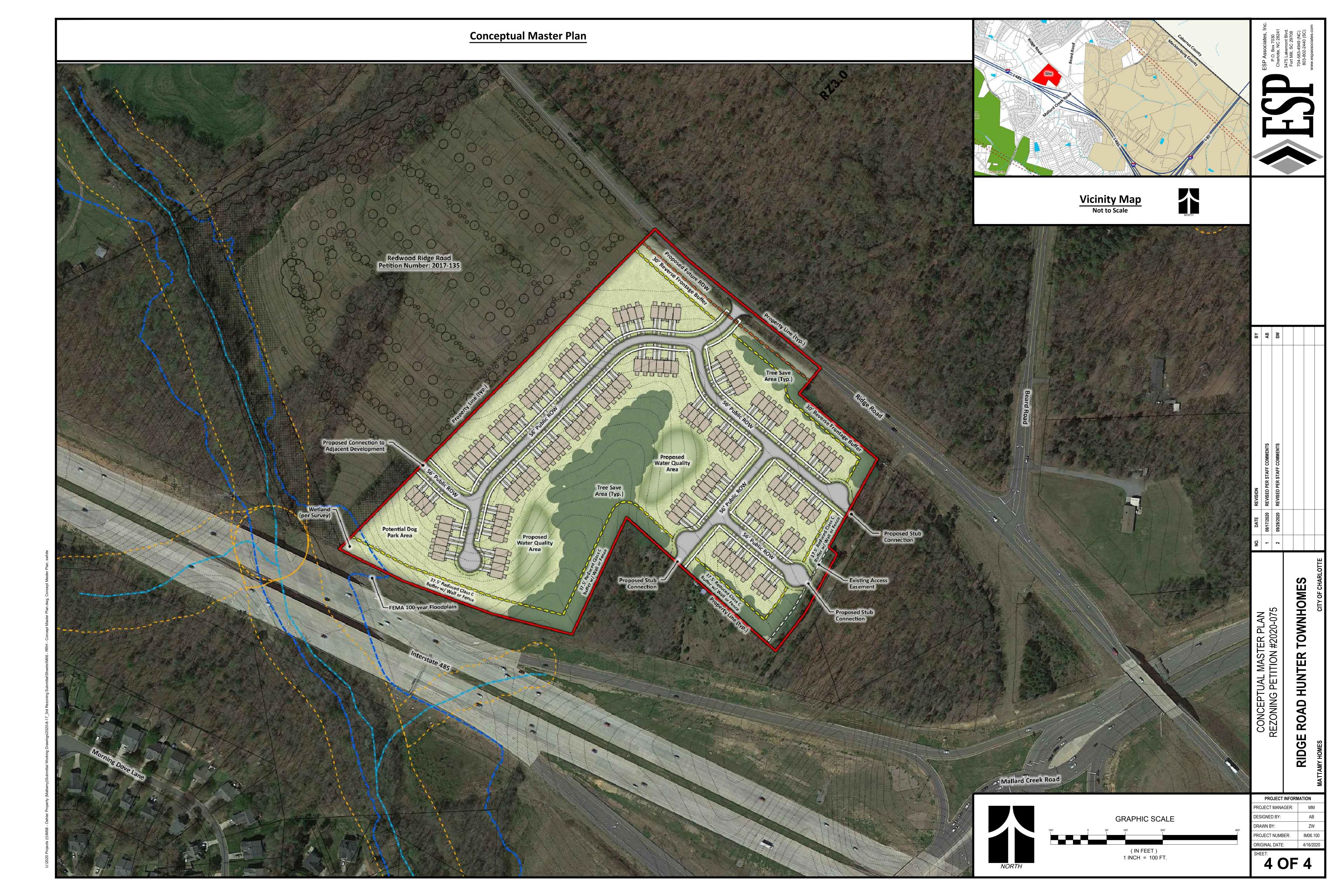
SHEET:

PROJECT INFORMATION

RIDG

2 OF 4







# City of Charlotte

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

**Agenda Date: 10/19/2020** 

Agenda #: 21.File #: 15-14387 Type: Zoning Decision

### 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)

### **Zoning Committee Recommendation:**

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

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation Final Staff Analysis

# **Charlotte-Mecklenburg Planning Commission**

# **Zoning Committee Recommendation**

**ZC**Zoning Committee

Rezoning Petition 2020-078
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.

(Outside City Limits)

### **PETITIONER**

# ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

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.

Motion/Second: Welton / Blumenthal

Yeas: Barbee, Blumenthal, Kelly, McMillan, Nwasike,

Samuel, and Welton

Petition

Nays: None Absent: None Recused: None

**ZONING COMMITTEE DISCUSSION** 

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

There was no further discussion of this petition.

Joe Mangum (704) 353-1908 **PLANNER** 





**REQUEST** 

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

Wylie Protected Area)

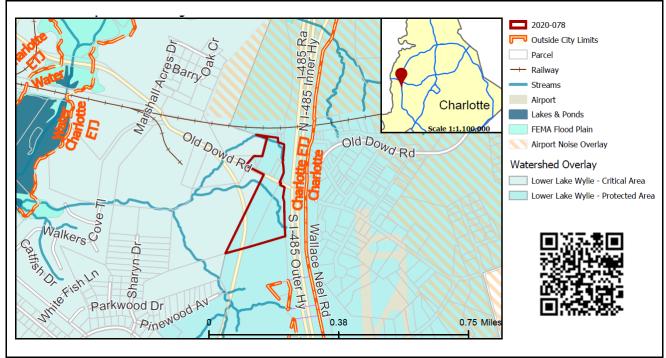
Proposed Zoning: I-2 LLWPA (general industrial, Lower Lake Wylie

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

Meeting is not required.

STAFF	
<b>RECOMMENDATION</b>	

**COMMUNITY MEETING** 

Staff recommends approval of this petition.

### Plan Consistency

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.

### Rationale for Recommendation

- 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

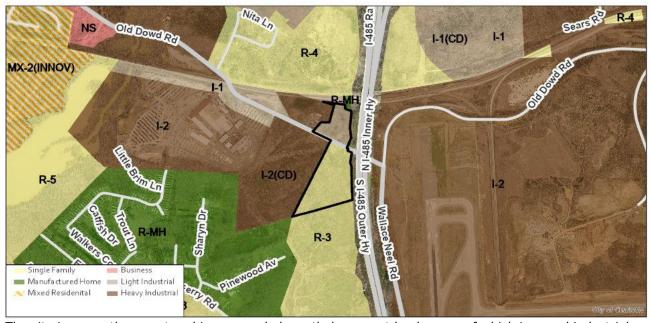
• The City's Aviation Department requests this rezoning to accommodate property transaction required to complete the North End Around Taxiway Project.

### 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.



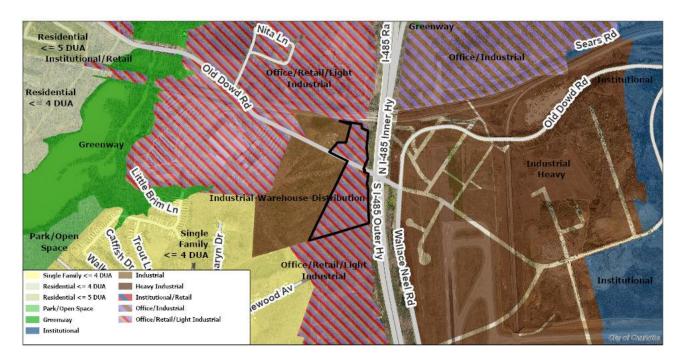
The property to the west is vacant land.

### • 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.	
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:** Joe Mangum (704-353-1908)



# City of Charlotte

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

**Agenda Date: 10/19/2020** 

Agenda #: 22.File #: 15-14388 Type: Zoning Decision

### 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)

### **Zoning Committee Recommendation:**

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

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### Attachments:

Zoning Committee Recommendation Final Staff Analysis Site Plan

# Charlotte-Mecklenburg Planning Commission

# **Zoning Committee Recommendation**

ZC

Rezoning Petition 2020-080
October 6, 2020

Zoning Committee

**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.

(Council District 1 - Egleston)

**PETITIONER** The Courtyard at Park Road, LLC

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

This petition is found to be consistent with the *Dilworth Land Use* and *Streetscape Plan*, based on the information from the staff analysis and the public hearing and because:

• The petition is consistent with the *Dilworth Land Use and Streetscape Plan* (2006) recommendation of residential/office/retail uses.

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

- 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.

Motion/Second: Barbee / Kelly

Yeas: Barbee, Blumenthal, Kelly, McMillan, Nwasike,

Samuel, and Welton

Nays: None Absent: None Recused: None

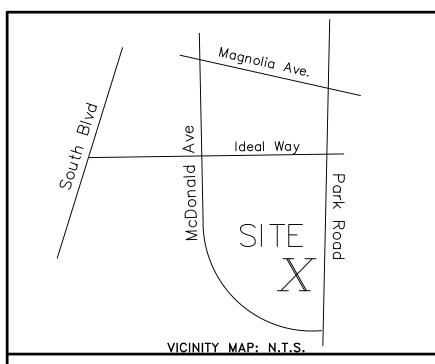
ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition, revisiting the purpose of the request to modify parking ratios to accommodate adjustments in proposed uses in an existing building. Staff noted

the change since public hearing was the addition of a note committing to installing the required streetscape in the event the existing building is expanded or demolished. A Commissioner asked if the existing building would remain, and staff responded that the proposal did not involve any expansions to the existing building. There was no further discussion of the request. Staff noted that it is consistent with the adopted area plan.

**PLANNER** 

Claire Lyte-Graham (704) 336-3782



### 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
- 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.

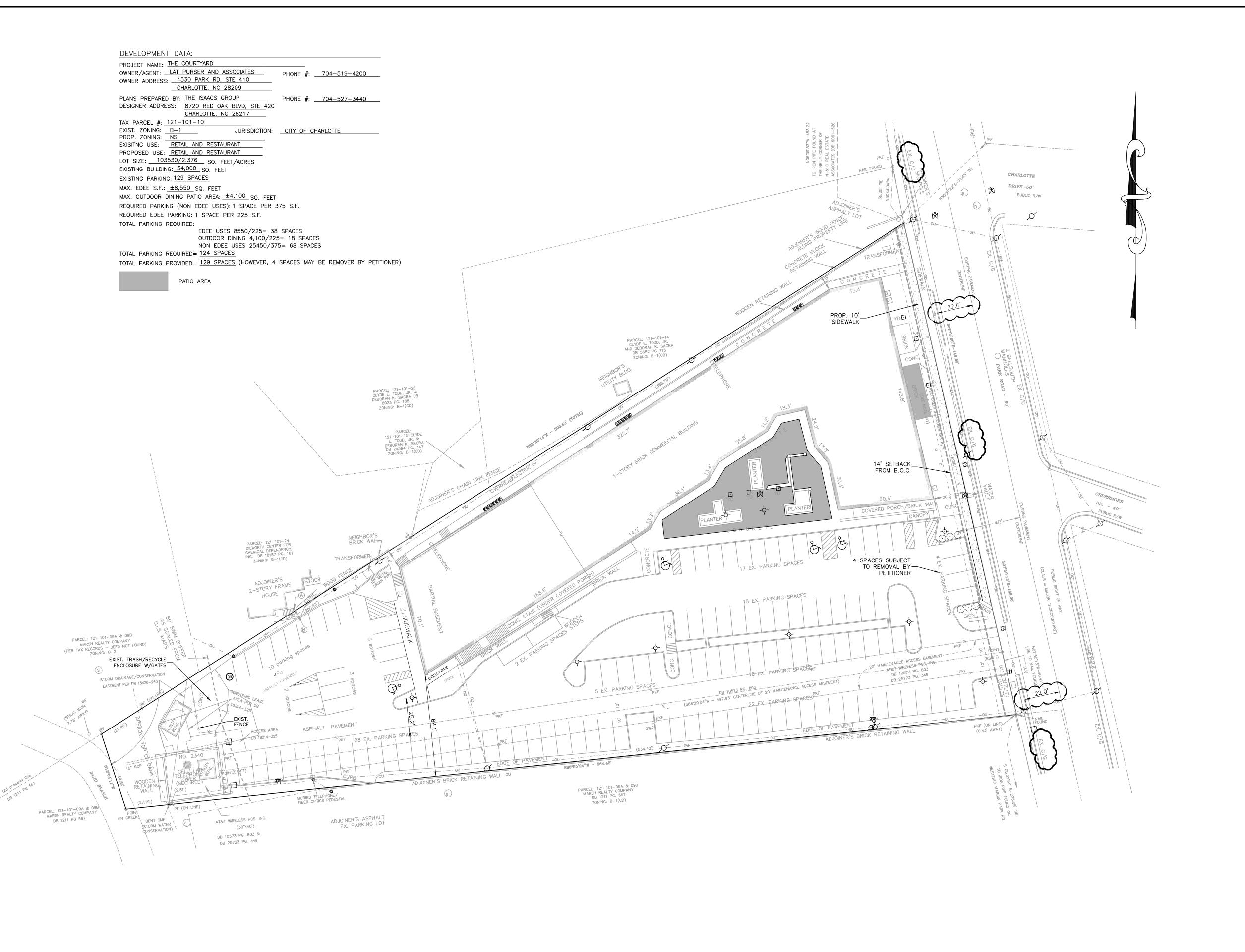
  F. FUTURE AMENDMENTS TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE SITE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE. ALTERATIONS TO THE REZONING PLAN ARE SUBJECT TO SECTION 6.207 OF THE ORDINANCE.
- 2. PERMITTED USES/DEVELOPMENT 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

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.

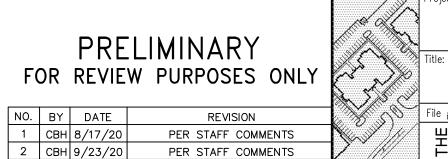
E. THE TOTAL MAXIMUM SIZE OF OUTDOOR DINING PATIOS LOCATED ON THE SITE SHALL BE

- 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
- 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

1 INCH = 30 FEET

THE COURTYARD
PARK ROAD, CHARLOTTE, NORTH CAROLINA

Title:

REZONING PLAN

File #: 18167-SK.DWG Date: 04/27/2020 Project Egr: BTU

8720 RED OAK BOULEVARD, SUITE 420 CHARLOTTE, N.C. 28217 PHONE (704) 527-3440 FAX (704) 527-8335

CIVIL ENGINEERING DESIGN AND SURVEYING



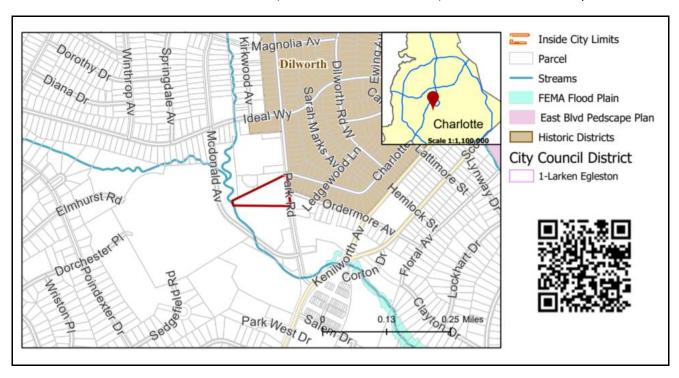


**REQUEST** Current Zoning: B-1 (neighborhood business)

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

**ENT/REPRESENTATIVE** John Carmichael/Robinson Bradshaw & Hinton

Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 12

# STAFF RECOMMENDATION

**COMMUNITY MEETING** 

Staff recommends approval of this petition.

### Plan Consistency

The petition is **consistent** with the *Dilworth Land Use and Streetscape Plan* (2006) recommendation of residential/office/retail uses.

### Rationale for Recommendation

- 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:

	Parking Ratios (Spaces Per Square Feet)		
	Zoning District		
Use	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.

R-17MF

Single Family Office
Multi-Family Business

• 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.



Rezoning site from Park Road.

Petition 2020-080



Along Park Road are a mix of office, residential, and retail uses.

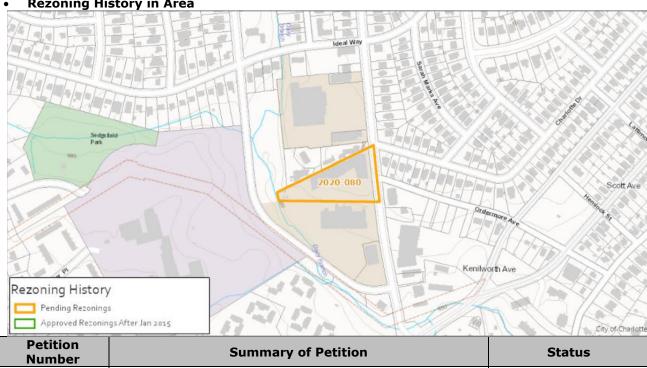


East of the rezoning site are single family residential neighborhoods.



West, across McDonald Avenue, is Sedgefield Middle School.





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:
  - o 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**

 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



# City of Charlotte

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

**Agenda Date: 10/19/2020** 

Agenda #: 23.File #: 15-14389 Type: Zoning Decision

### 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)

### **Zoning Committee Recommendation:**

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

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### Attachments:

Zoning Committee Recommendation Final Staff Analysis Site Plan

# Charlotte-Mecklenburg Planning Commission

# **Zoning Committee Recommendation**

**ZC**Zoning Committee

Rezoning Petition 2020-084
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.

(Council District 2 - Graham)

**PETITIONER** D.R. Horton

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

This petition is found to be **inconsistent** with the *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 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.

Motion/Second: McMillan / Welton

Yeas: Barbee, Blumenthal, Kelly, McMillan, Nwasike,

Samuel, and Welton

Nays: None Absent: None Recused: None

ZONING COMMITTEE DISCUSSION

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

inconsistent with the adopted area plan.

There was no further discussion of this petition.

PLANNER Michael Russell (704) 353-0225





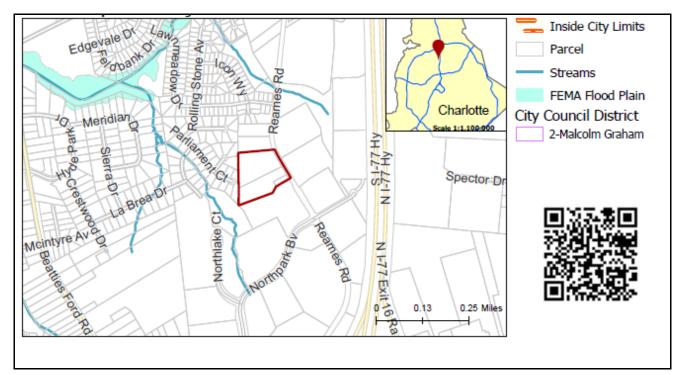
**REQUEST** 

Current Zoning: R-3 (single family residential)

Proposed Zoning: 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.

### Plan Consistency

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.

### Rationale for Recommendation

- 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**

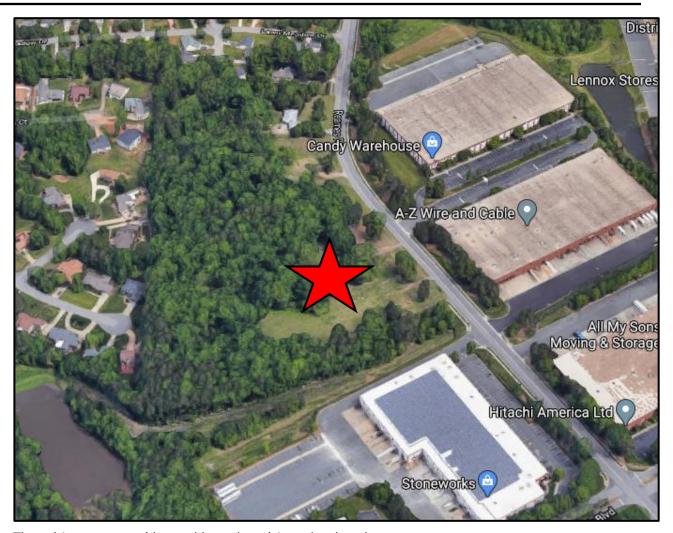
### Proposed Request Details

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.

Single Family
Light Industrial

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.

Petition 2020-084 (Page 4 of 6) Final Staff Analysis



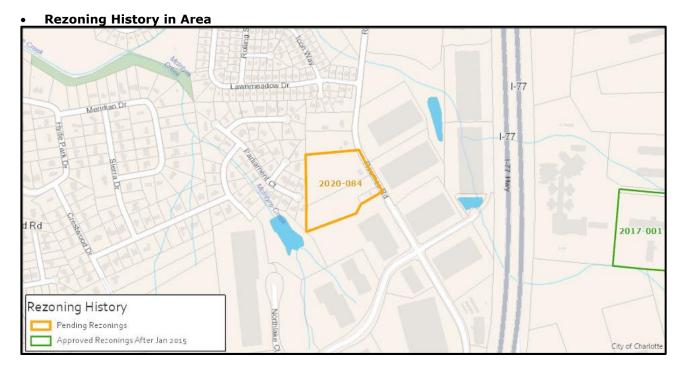
The property to the south along Reames Road is developed with warehouse uses.



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.



Petition Number	Summary of Petition	Status
2017-001	Rezoned 11.9 acres to allow all uses in the I-2 zoning district.	Approved





- 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

Petition 2020-084 (Page 6 of 6) Final Staff Analysis

Road Network Evaluation	1
Design Guidelines	4
Other Opportunities or Constraints	NA
Minimum Points Needed: 8	Total Points: 11

#### TRANSPORTATION SUMMARY

o 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 multifamily 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:

o There are no active projects within the immediate vicinity.

### • Transportation Considerations

### 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:

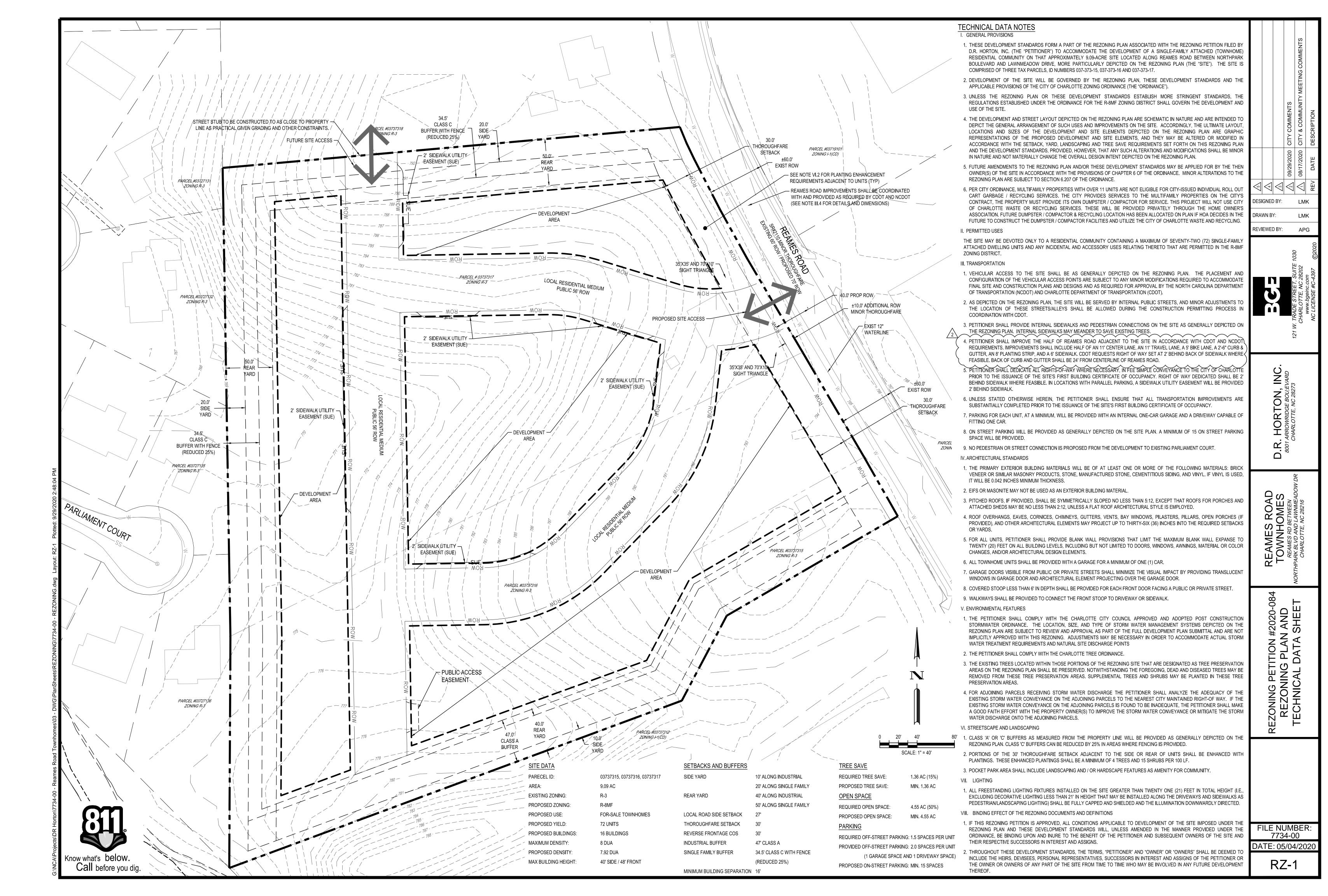
- Arborist: No comments submitted.
- Erosion Control: No outstanding issues.
- Land Development: No outstanding issues.
- Storm Water Services: See advisory comments at www.rezoning.org
- **Urban Forestry:** No outstanding issues.
- Mecklenburg County Land Use and Environmental Services Agency: See advisory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

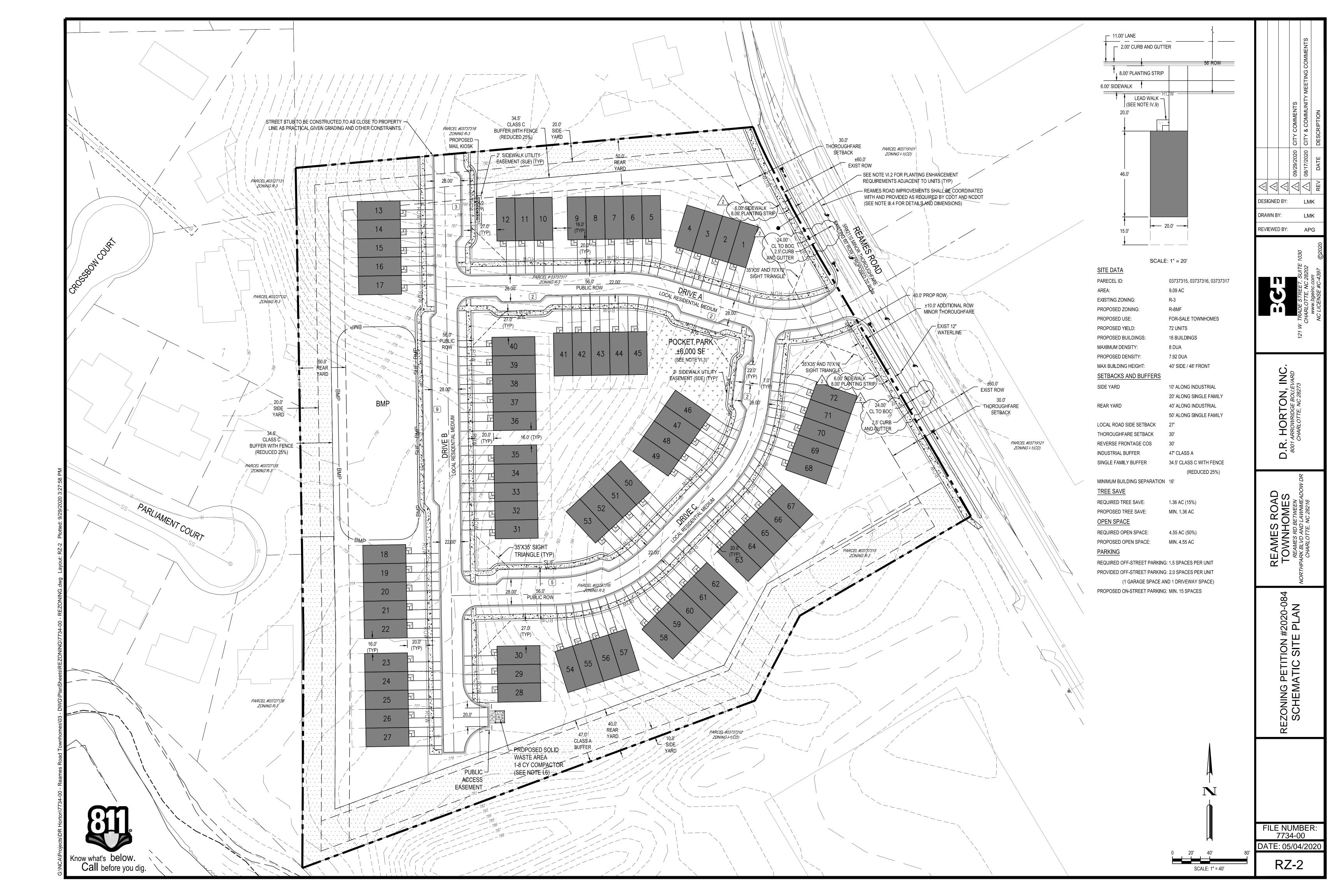
### **Transportation**

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







# City of Charlotte

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

**Agenda Date: 10/19/2020** 

Agenda #: 24.File #: 15-14390 Type: Zoning Decision

### 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)

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

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

#### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

#### Attachments:

Zoning Committee Recommendation Final Staff Analysis Site Plan

# **Charlotte-Mecklenburg Planning Commission**

### **Zoning Committee Recommendation**

ZC

Rezoning Petition 2020-087
October 6, 2020

#### **Zoning Committee**

**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.

(Council District 2 - Graham)

**PETITIONER** Plainwood, LLC

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

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 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.

Motion/Second: Barbee / Blumenthal

Yeas: Barbee, Blumenthal, Kelly, McMillan, Nwasike,

Samuel, and Welton

Nays: None Absent: None Recused: None

ZONING COMMITTEE DISCUSSION

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

inconsistent with the adopted area plan.

There was no further discussion of this petition.

**PLANNER** 

Michael Russell (704) 353-0225



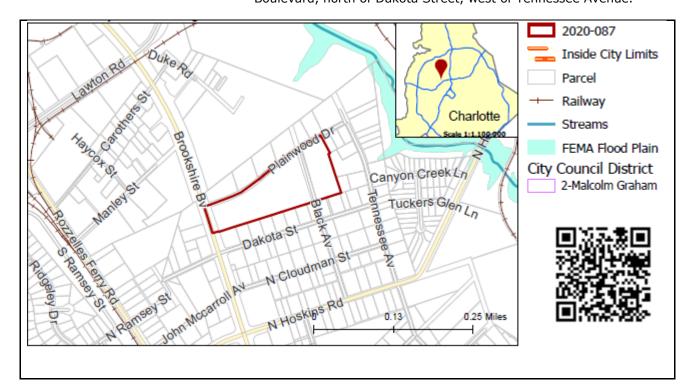


**REQUEST** Current Zoning: R-5 (single family residential)

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.

Plainwood, LLC

**PROPERTY OWNER** 

**PETITIONER** 

**AGENT/REPRESENTATIVE** 

Plainwood, LLC

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

Meeting is required and has been held. Report available online. **COMMUNITY MEETING** 

Number of people attending the Community Meeting: 2

STAFF **RECOMMENDATION**  Staff recommends approval of this petition.

#### Plan Consistency

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.

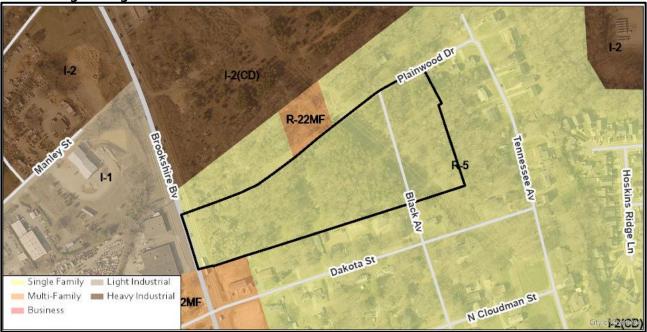
#### **PLANNING STAFF REVIEW**

#### 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

Petition 2020-087 (Page 4 of 7) Final Staff Analysis



The property to the south along North Dakota Street is developed with single family homes.



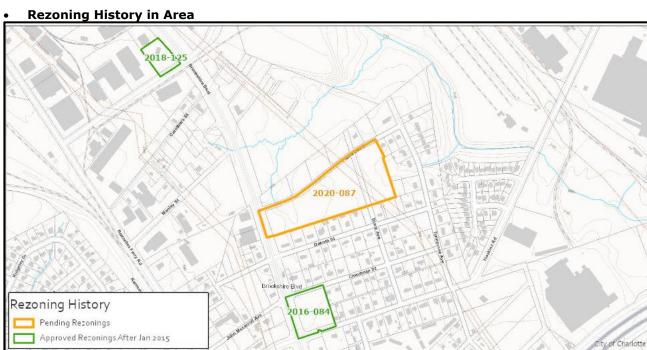
The property to the north of Plainwood Drive is vacant.



The property to the east along Tennessee Avenue is developed with single family homes.

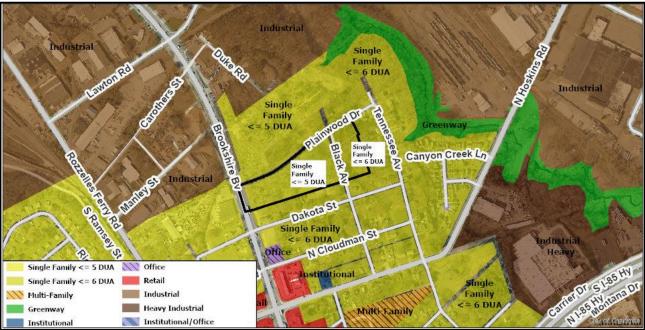


The property to the west across Brookshire Boulevard is developed with warehouse uses.



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





- 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

Petition 2020-087 (Page 7 of 7) Final Staff Analysis

- 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

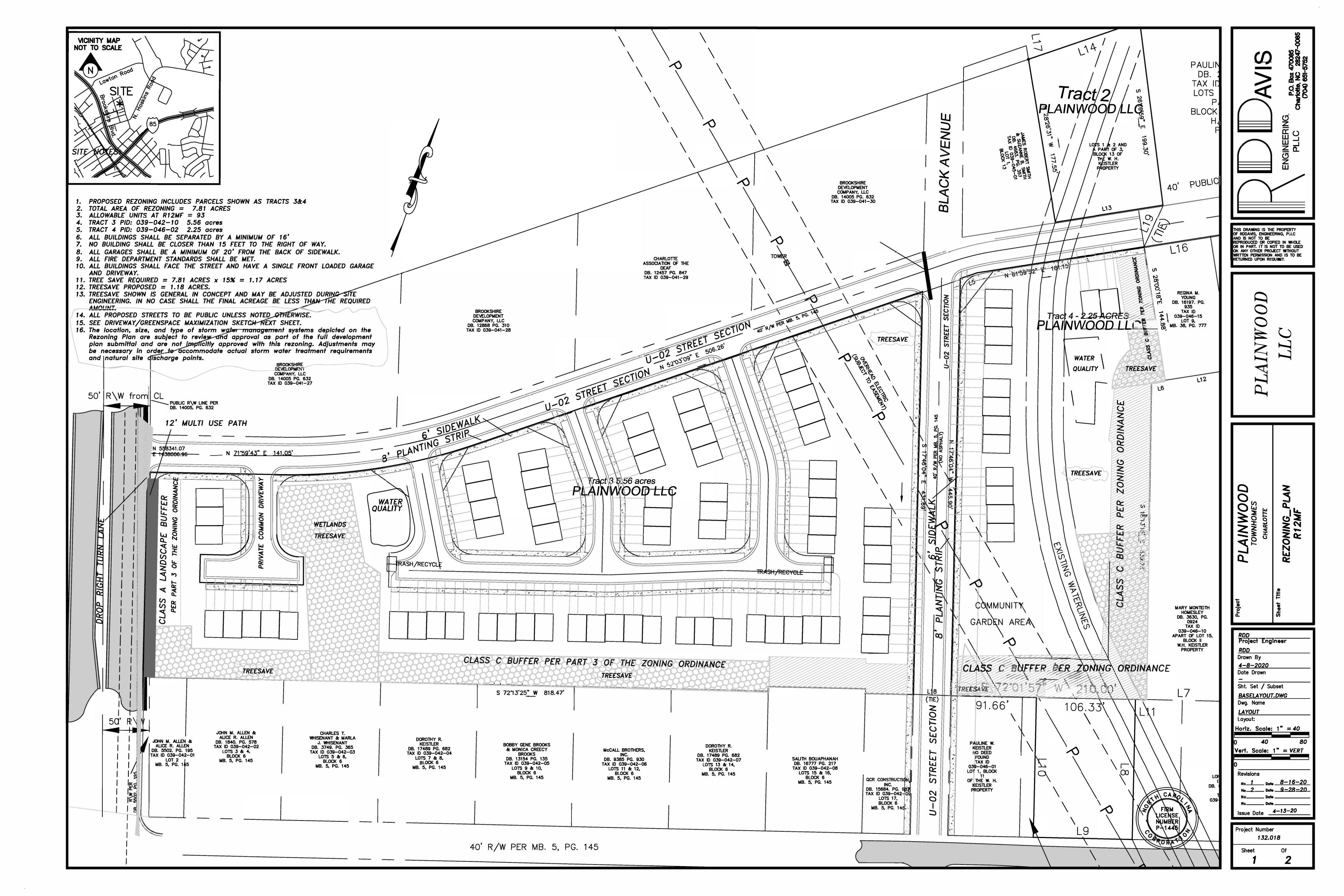
#### Environment

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



### **DEVELOPMENT STANDARDS**

September 28, 2020

## **General Provisions**

- 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.
- 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").
- 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.
- 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.

### Permitted Uses/Development Limitations

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. <u>Transportation</u>

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.

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- 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.
- 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.
- 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.
- Each single family attached dwelling unit shall have a garage.
- 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.
- Walkways shall be provided to connect all residential entrances to the driveways.
- 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.

## Streetscape and Buffers

- 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.
- 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.
- 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.
- 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.

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- 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.
- 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
- 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.
- 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.
- 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
- 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.

# **Architectural Standards**

- 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.

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# F. <u>Lighting</u>

- 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.
- The maximum height of any freestanding lighting fixtures installed on the Site, excluding street lights located along public streets, shall be 21 feet.

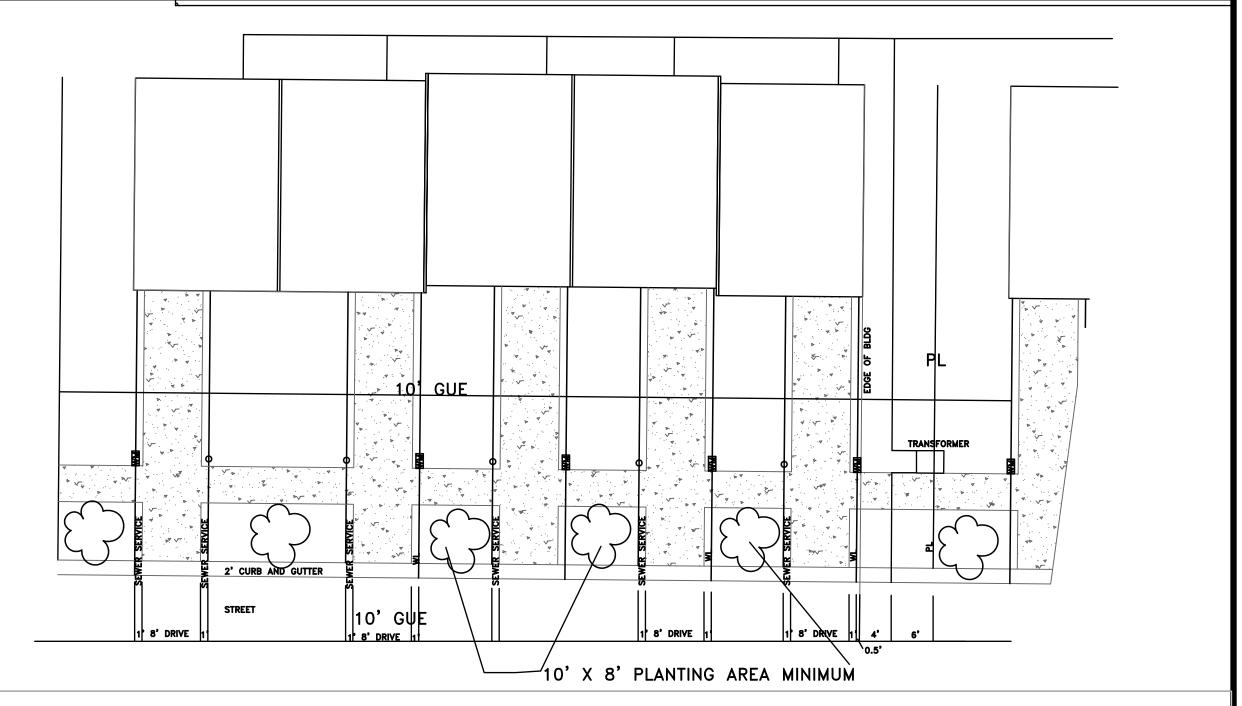
# **Environmental**

- Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.
- The location, size and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.
- 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.
- Development of the Site shall comply with the Tree Ordinance.

# **Binding Effect of the Rezoning Documents and Definitions**

- If this Rezoning Petition is approved, all conditions applicable to the use and development of the Site imposed under these Development Standards and the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.
- Throughout these Development Standards, the term "Petitioner" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of Petitioner or the owner or owners of the Site from time to time who may be involved in any future development thereof.
- Any reference to the Ordinance herein shall be deemed to refer to the requirements of the Ordinance in effect as of the date this Rezoning Petition is approved.

56' TOTAL R/W S.U.E. 42' R/W<sub>1</sub> (MINIMUM) 2'-0" (11' IF VALLEY CURB, OR IF ETJ) (11' IF VALLEY CURB, OR IF ETJ) 1.5% 2.00% MAX) (2.00% MAX SLOPE 3/8" PER FT. 2:1 CUT MAX. 2:1 CUT MAX 3:1 FILL MAX. 3:1 FILL MAX. PLANTING STRIP -SEE NOTE 3 SURFACE COURSE FINAL LIFT TO BE APPLIED UPON MEETING ONE OF THE FOLLOWING CONDITIONS: 75% DEVELOPMENT OCCUPANCY, 1) 1 YEAR FROM INTERMEDIATE COURSE PLACEMENT, 3) FOR ETJ STREETS, FINAL 1" MAY BE PLACED WHEN APPROVED BY NCDOT. APPLY TACK COAT PER FOR EXPLANATION OF RIGHT-OF-WAY INTERMEDIATE COURSE WIDTHS REFER TO CITY OF CHARLOTTE NCDOT 1 1/2" S9.5C OR S9.5B SUBDIVISION ORDINANCE SECTION 20-22(d). "STD. SPECS. FOR ROADS 2. ZONING SETBACKS MEASURED FROM TOTAL 8" COMPACTED AGGREGATE BASE COURSE, OR 4" BCBC TYPE B25.OC. SHOULD ENTIRE DEVELOPMENT HAVE A CBR OF 6 OR GREATER, THEN AN ALTERNATIVE BASE COURSE PAVEMENT DESIGN MAY BE SUBMITTED STRUCTURES," SECTION 605 3. PLANTING STRIP ADJACENT TO SIDEWALK SHALL BE GRADED TO 1/4" PER FOOT (MIN.) TO THE CITY ENGINEER FOR APPROVAL. UP TO 11/4" PER FOOT (MAX.), EXCEPT WHERE EXCESSIVE NATURAL GRADES MAKE THIS REQUIREMENT IMPRACTICAL. IN SUCH COMPACTED SUBGRADE (SEE SECTION 1.A.18) CASES, THE CITY ENGINEER MAY AUTHORIZE A SUITABLE GRADE. TYPICAL PAVEMENT SECTION 4. MIN. 11' LANES REQUIRED IF USED IN ETJ. (R) 2'-6" STANDARD CURB AND GUTTER OR 2'-0" VALLEY GUTTER (S) 4" CONCRETE SIDEWALK NOT TO SCALE CITY OF CHARLOTTE LOCAL RESIDENTIAL MEDIUM STREET LAND DEVELOPMENT STANDARDS TYPICAL SECTION CHARLOTTE | U-02 |19 INCLUDES CHARLOTTE ETJ



# 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	N7216'57"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



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> 0 M

PLAINWOOD REZONING\_PL R12MF

Drawn By 4-8-2020 Date Drawn Sht. Set / Subset BASELAYOUT.DWG

Dwg. Name **LAYOUT** Layout: Horiz. Scale: 1" = *40* 

Vert. Scale: 1" = VERT **VSCALE** \_ Date 9-28-20

Project Number 132.018 Of Sheet

Issue Date <u>4-13-20</u>

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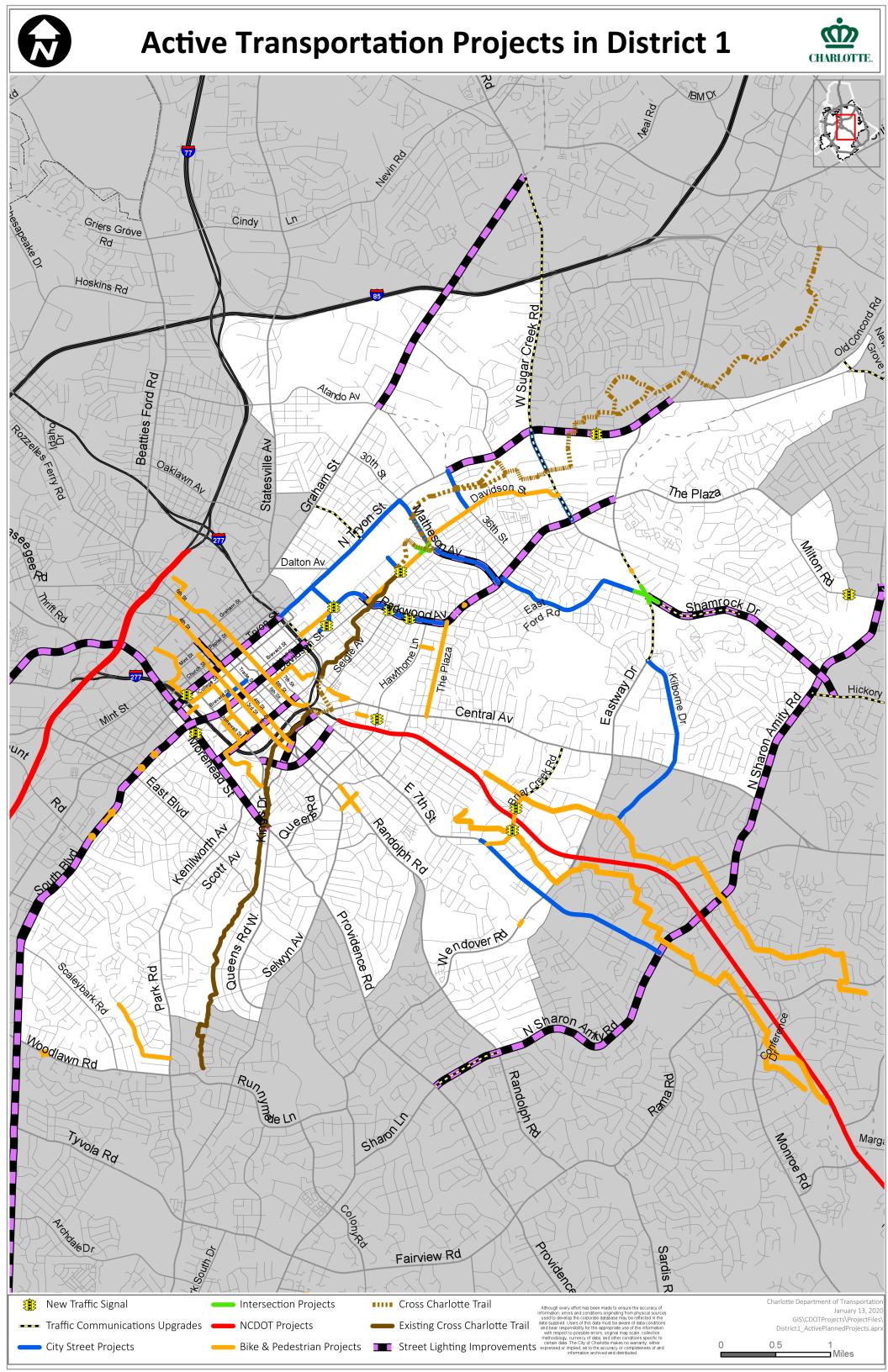
# City of Charlotte

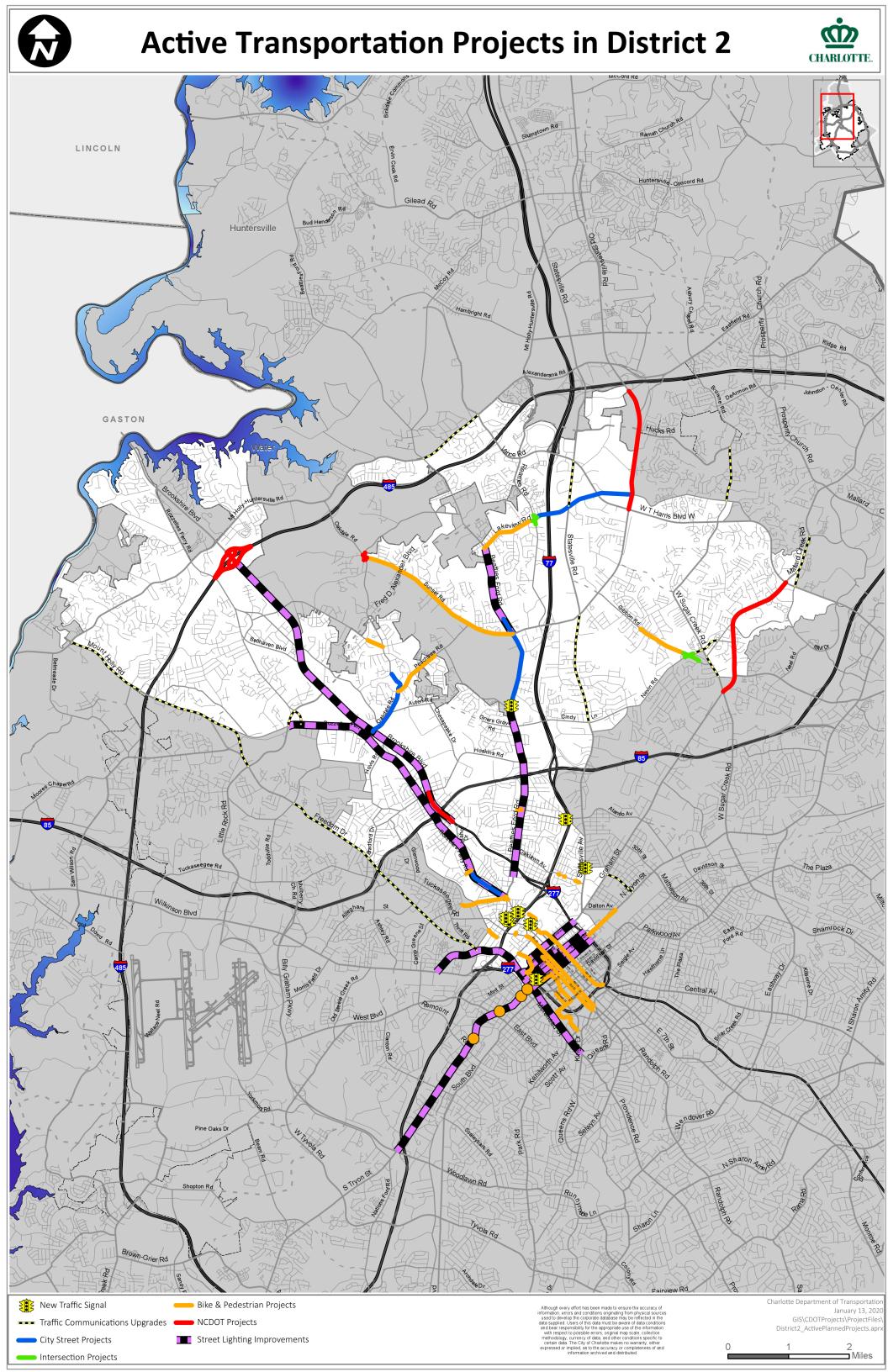
Charlotte-Mecklenburg Government Center 600 East 4th Street Charlotte, NC 28202

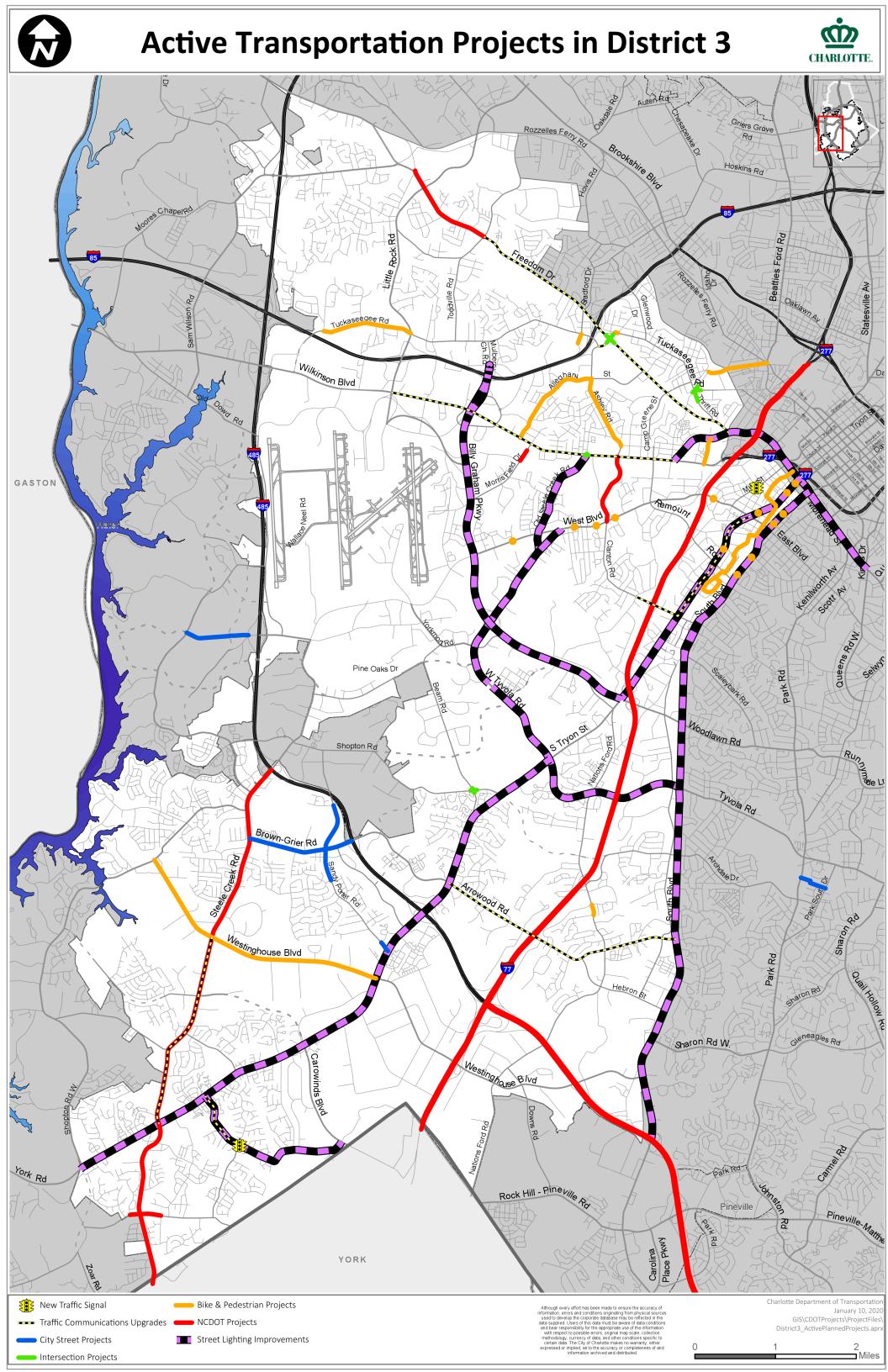
**Agenda Date:** 10/19/2020

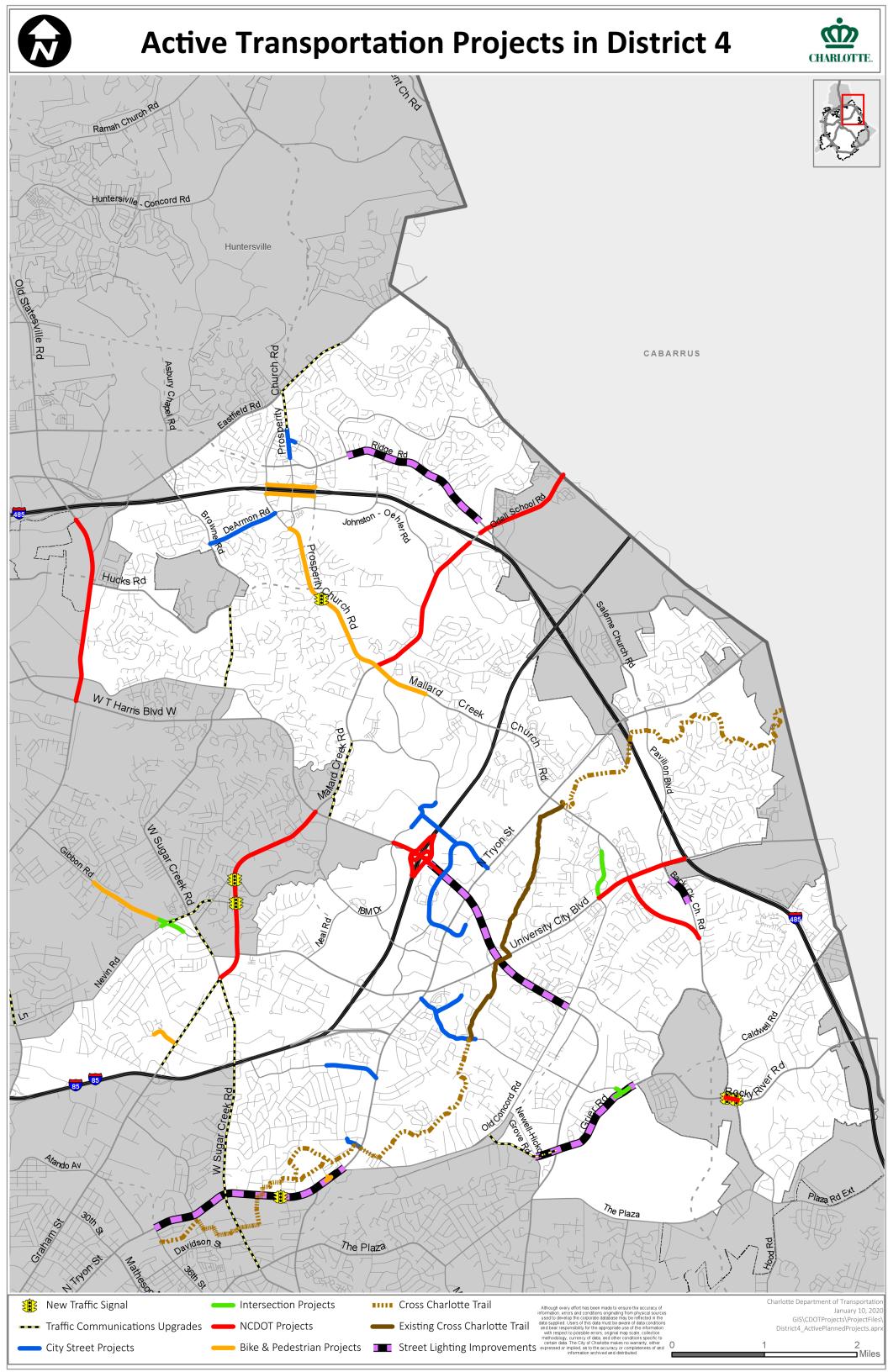
Agenda #: 25.File #: 15-14368 Type: Zoning Item

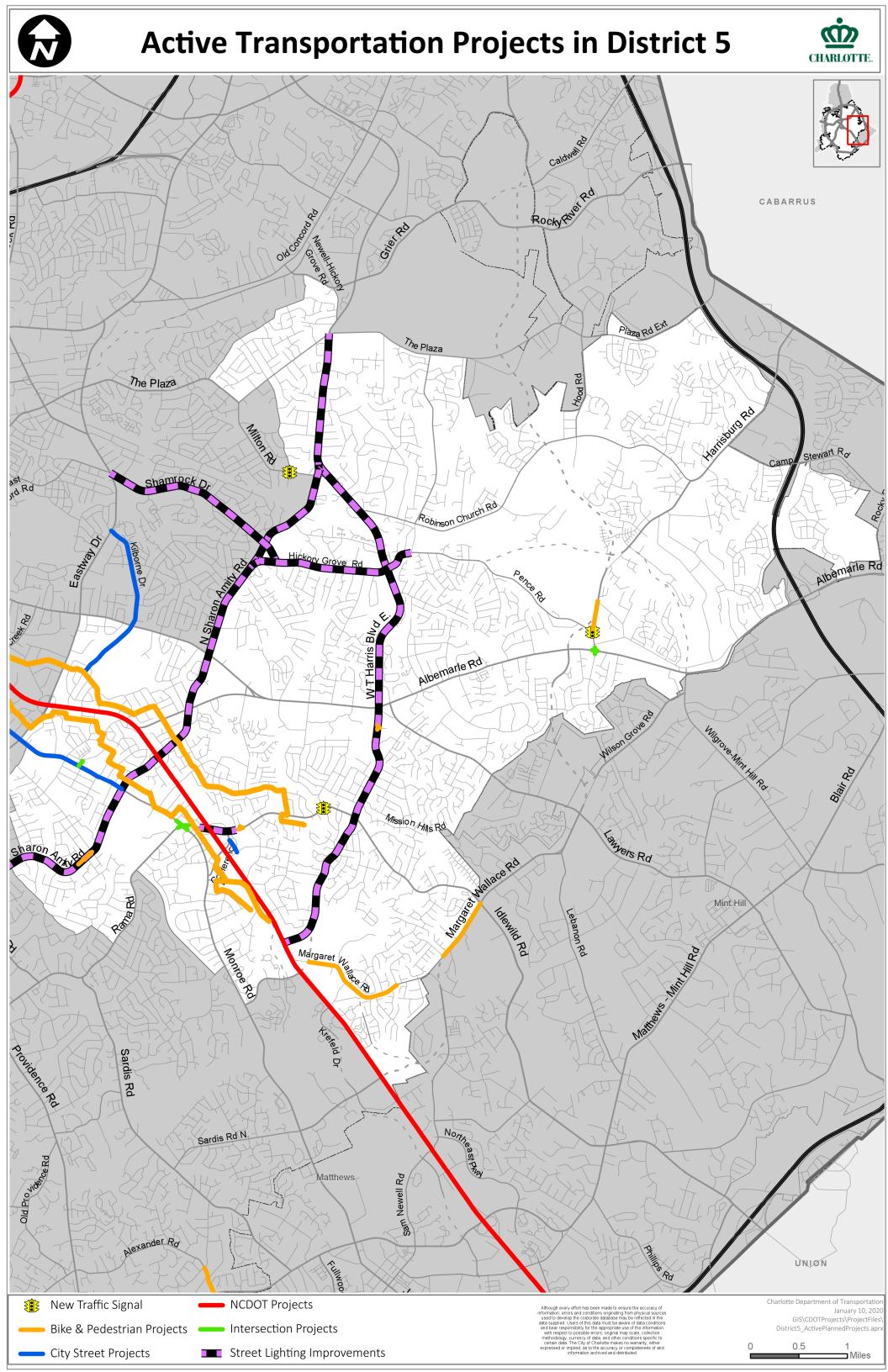
**Active Transportation Projects** 





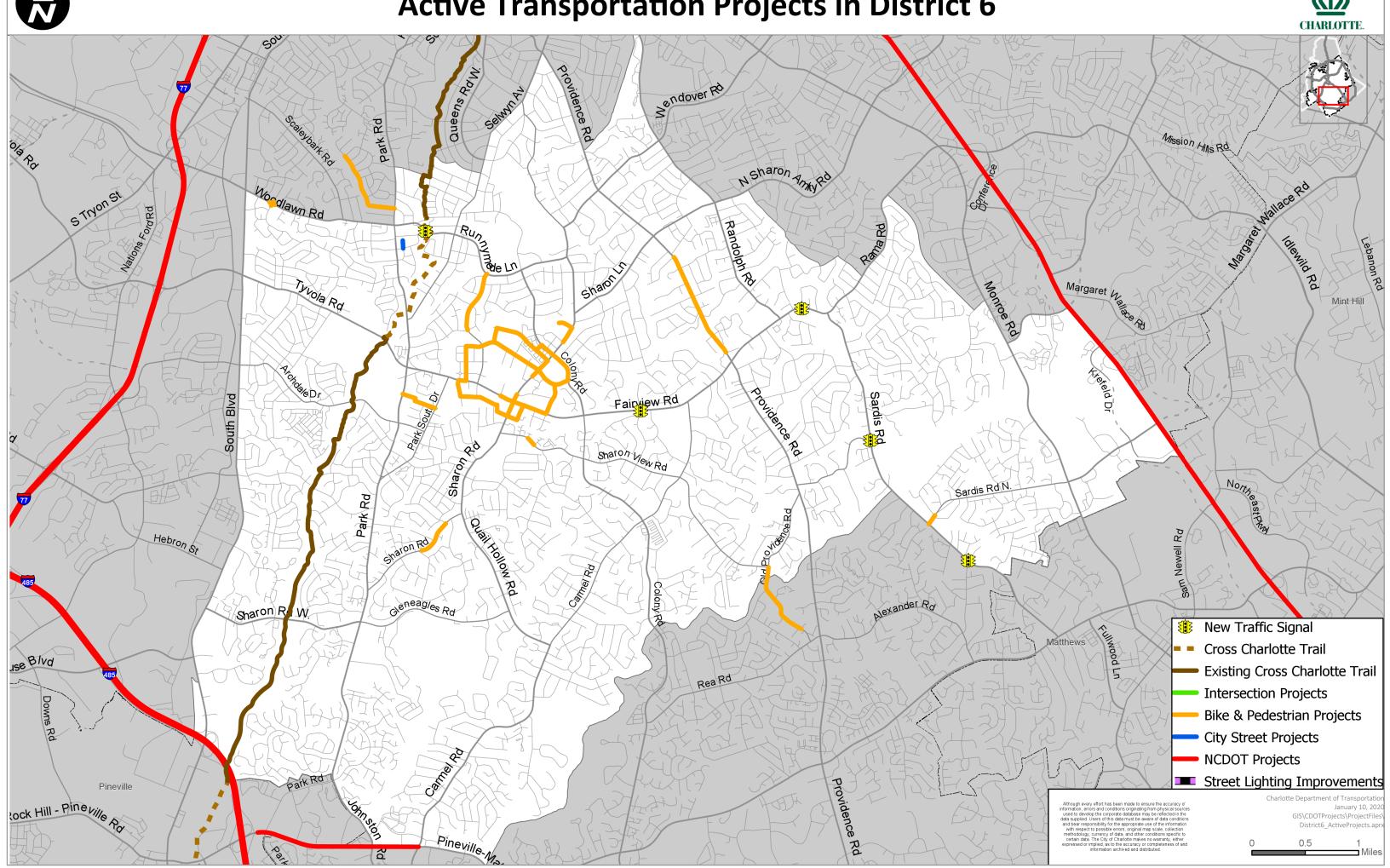






# **Active Transportation Projects in District 6**







# **Active Transportation Projects in District 7**



