



City of Charlotte

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

Agenda Date: 10/19/2020

Agenda #: 26. **File #:** 15-14427 **Type:** Zoning Hearing

Rezoning Petition: 2020-045 by Andrew Klenk

Update: Petitioner has withdrawn this petition

Location: Approximately .50 acres located along Bearwood Avenue east of Sugar Creek Road in the Howie Acres Neighborhood. (Council District 1 - Egleston)

Current Zoning: R-5 (residential) and B-2 (general business)

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



City of Charlotte

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

Agenda Date: 10/19/2020

Agenda #: 27. **File #:** 15-14397 **Type:** Zoning Hearing

Rezoning Petition: 2020-037 by Renee-Pride Dunlap

Update: Petitioner is requesting deferral to November 16, 2020

Location: Approximately 49.3 acres located on both the north and south side of Russell Avenue, west of Interstate 77, north of Oaklawn Avenue. (Council District 2 - Graham)

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

Proposed Zoning: R-5 (HDO) (single-family residential, historic district overlay)



Agenda Date: 10/19/2020

Agenda #: 28.**File #:** 15-14392 **Type:** Zoning Hearing

Rezoning Petition: 2019-085 by American Asset Corporation

Location: Approximately 23.89 acres located on the south side of W. Arrowood Road, west of Whitehall Executive Center Drive. (Council District 3 - Watlington)

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

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

Staff Recommendation:

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

Attachments:

Pre-Hearing Staff Analysis

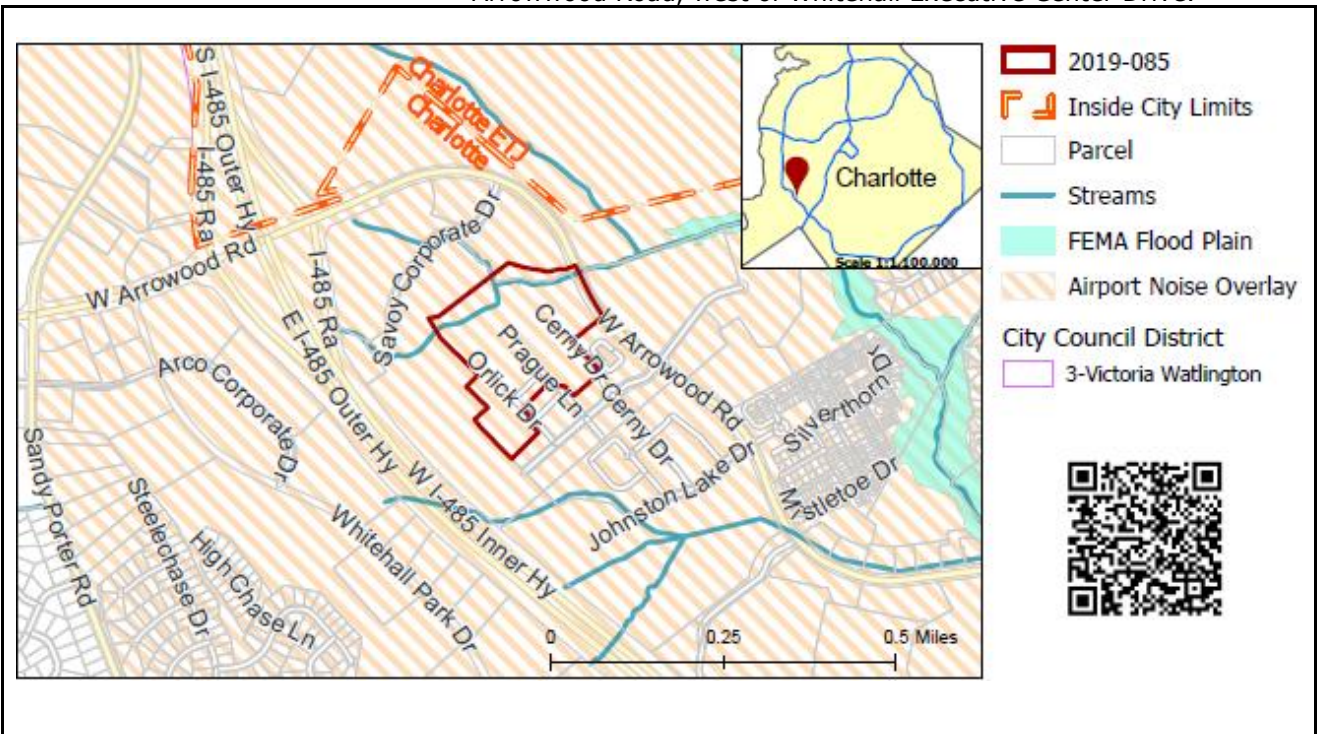
Site Plan

REQUEST

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

LOCATION

Approximately 23.89 acres located on the south side of W. Arrowwood Road, west of Whitehall Executive Center Drive.



SUMMARY OF PETITION

The petition proposes to develop the site with up to 352 multi-family residential units (14.7 dwelling units per acre) along with any incidental or accessory uses permitted within the MUDD zoning district.

PROPERTY OWNER

Whitehall Corporate Center, LLC

PETITIONER

American Asset Corporation

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: 3

**STAFF
RECOMMENDATION**

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

Plan Consistency

The petition is consistent with the **Steele Creek Area Plan** recommendation for residential/office and/or retail land uses.

Rationale for Recommendation

- The proposed site plan is consistent with the Steele Creek Area Plan recommendation for residential/office and/or retail land uses for this site and surrounding area.

- The site is within the Whitehall/Ayrsley Mixed-Use Activity Center, as per the *Centers, Corridors and Wedges Growth Framework*.
- The plan does not specify that the land use needs to be mixed, instead it allows for either residential/office and/or retail land uses to be developed in a compact pedestrian friendly form.
- Multi-family development is appropriate at this location as it already exists adjacent to the site, is near retail, and is overall well-connected from a transportation standpoint as the site is proximal to transit (bus) and interstates.

PLANNING STAFF REVIEW

• **Background**

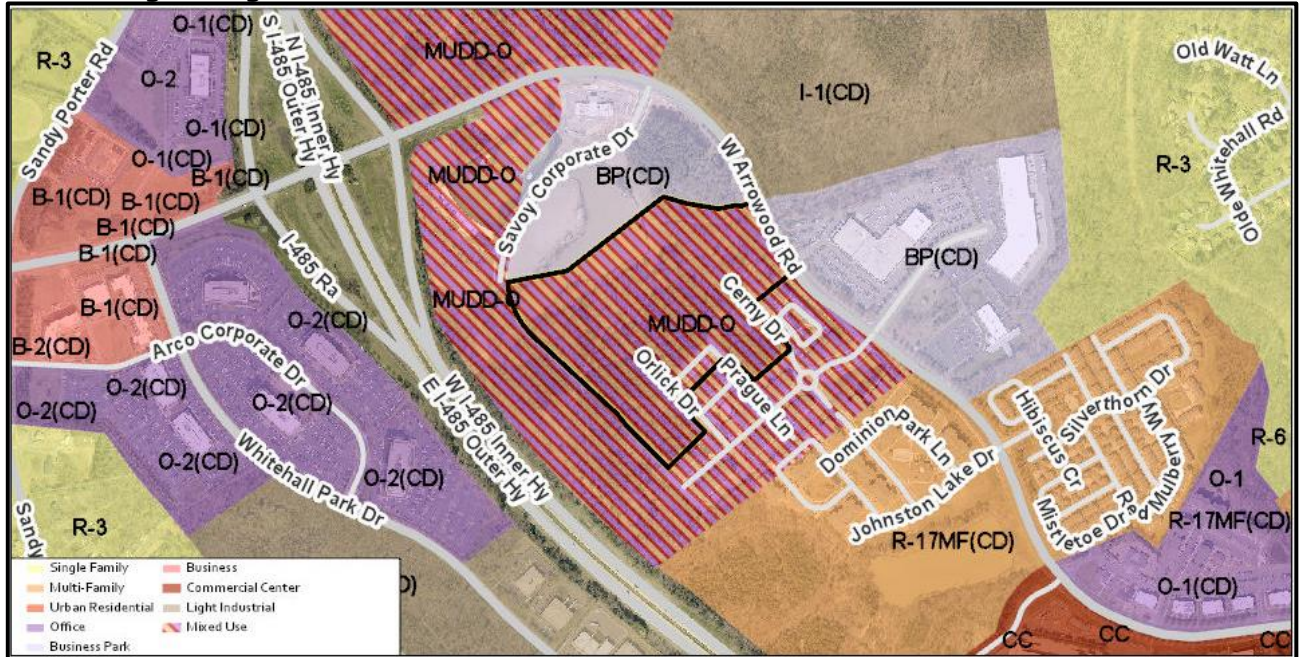
- The proposed site plan amendment will be amending a portion of the 60.3 acre approved petition 2008-053, which entitled the site to a total of 400 multi-family units/600,000 SF of total multi-family residential square footage. This portion of the rezoning petition, however, illustrated retail/hotel and office uses in addition to residential uses. That fact, paired with the site failing to develop as originally intended, are the reasons for the requested site plan amendment.

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

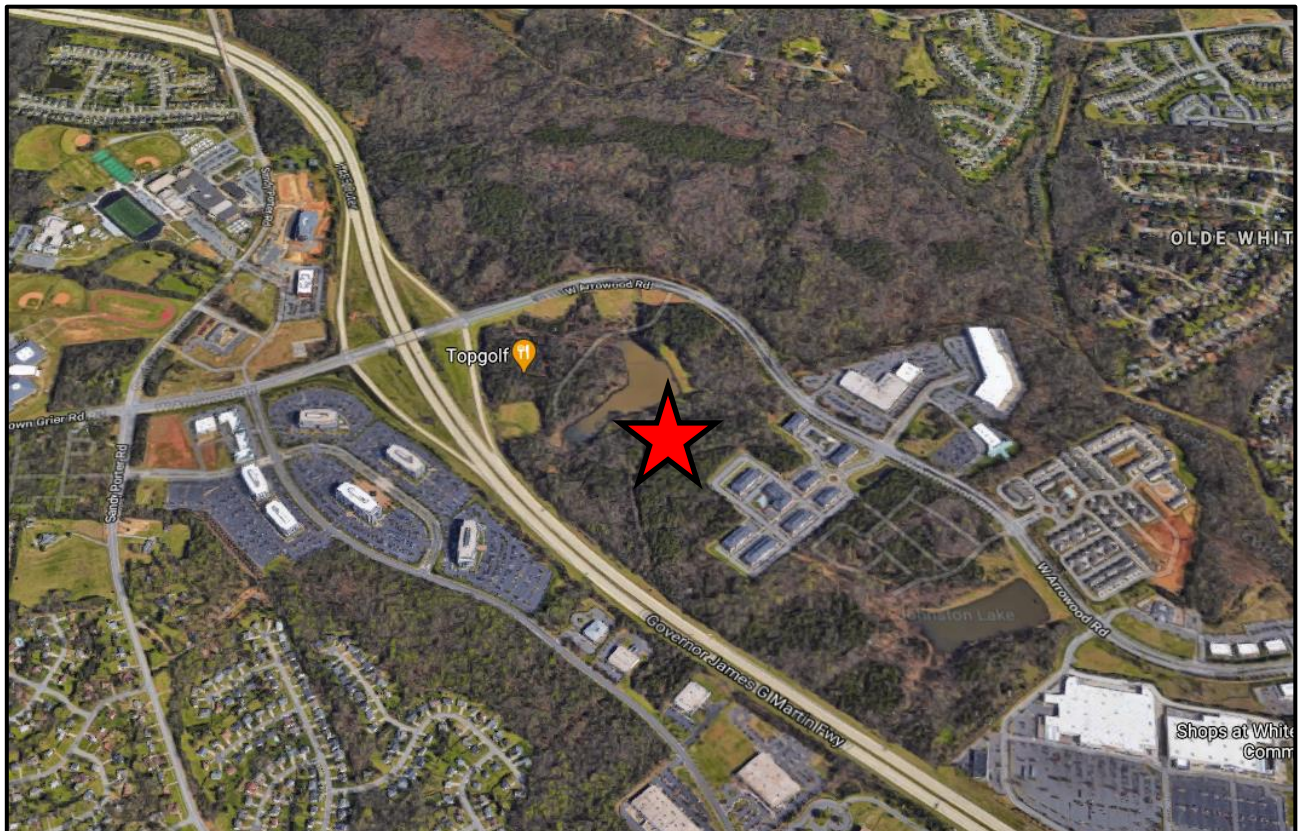
- Proposes a multi-family community with no more than 352 dwelling units while allowing any incidental or accessory uses.
- An optional provision that would permit parking, vehicular circulation and movement to be located between the buildings located on the site and the required setbacks from the adjacent public streets.
- Construction of 8-foot sidewalk and 8-foot planting strip along public street frontages within the site.
- Commits to architectural improvements including:
 - Preferred building materials while prohibiting vinyl siding and concrete masonry units not architecturally finished.
 - Buildings shall present a front or side to all network-required streets (public or private).
 - Limitation on parking lots situated between the building and public or network-required streets.
 - Elevation design including modulations in façade as well as implementing bays or articulated architectural façade features that may include offsets, projections, recesses and the like.
 - Elevations presenting a face to network streets shall not have blank wall expanses greater than 20 feet.
 - Variations in roof lines to avoid the appearance of a large monolithic roof structure.
- Commits to the construction of an amenity area including a pool and clubhouse; there will also be a trail around Moody Lake constructed by petitioner.
- Full cutoff lighting fixtures with a max. height of 21 feet.

• **Existing Zoning and Land Use**



As noted in the background bullet above, this site was most recently rezoned in 2008 (2008-053) which entitled the site (a total of 60.3 acres at the time) to 1.8 million square feet of office space, 40,000 square feet of standalone retail, and up to 400 multi-family dwelling units.

The surrounding uses and zoning are reflective of the uses allowed within the rezoning just described. This site is near Arrowood Road's I-485 interchange, and the vicinity has numerous office buildings, retail uses, and multi-family developments.



General location of the site denoted by red star (above).

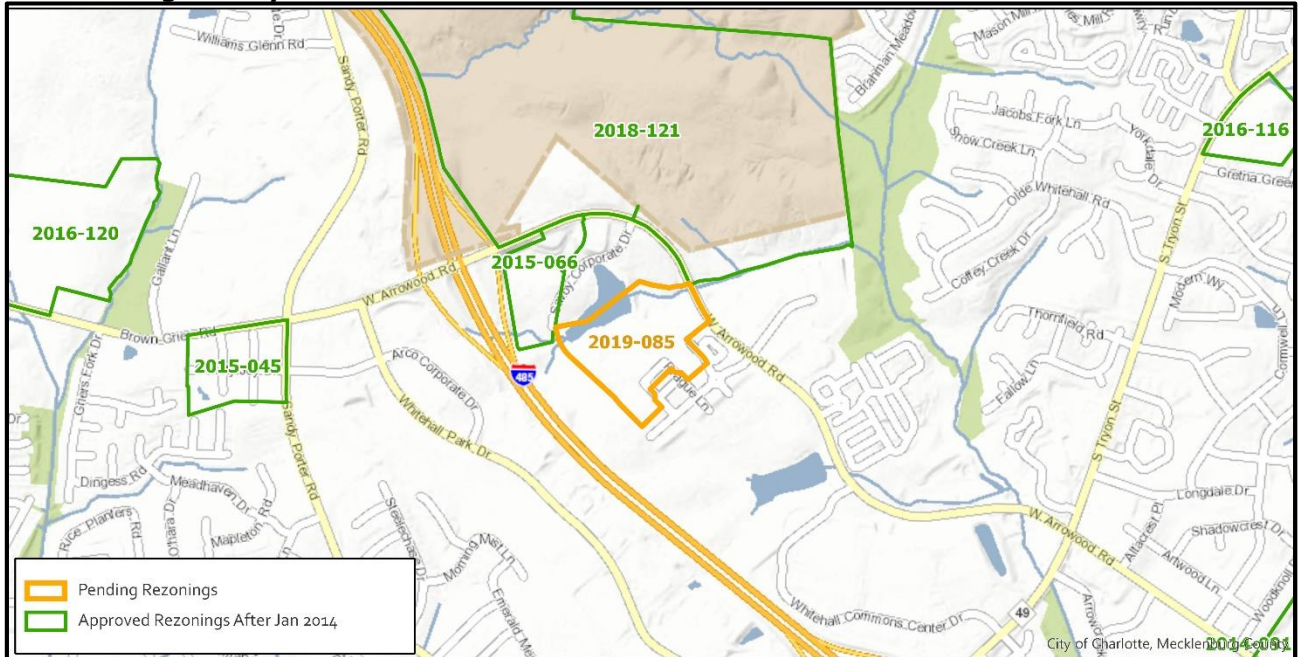


Streetview facing west along W. Arrowood Road looking toward the subject property.



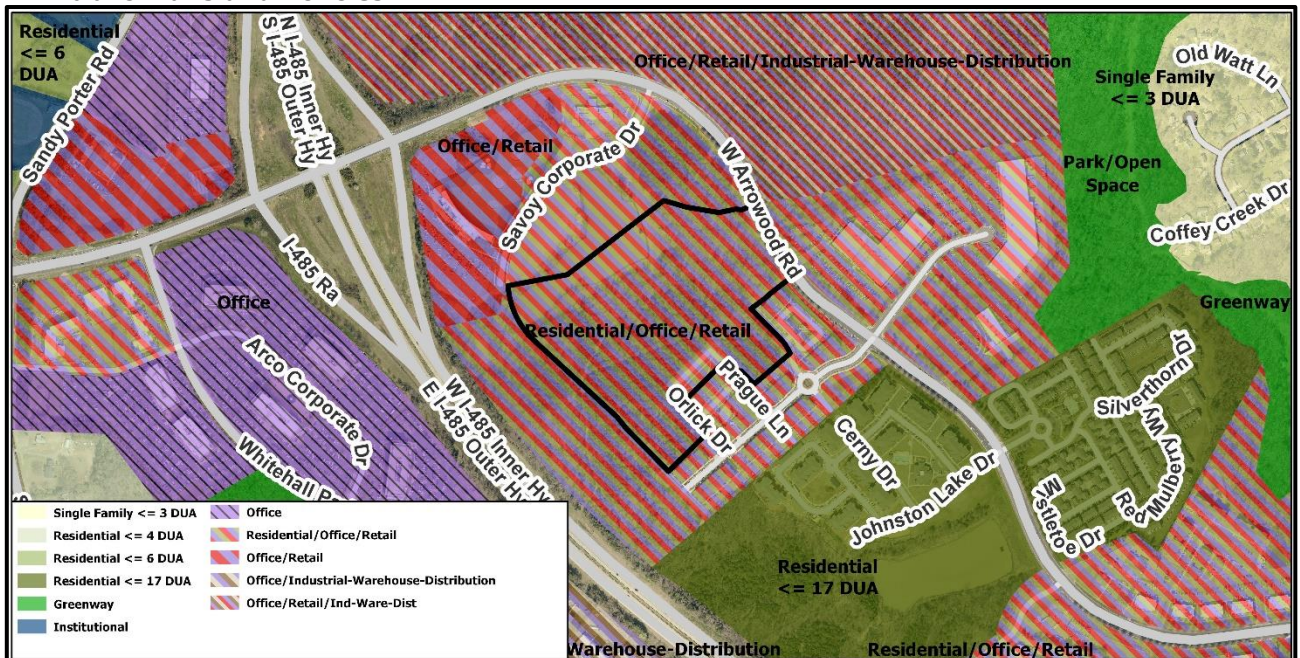
Streetview looking west down Whitehall Executive Center Drive towards the adjacent multi-family community that was constructed with rezoning petition number 2008-053.

• Rezoning History in Area



Petition Number	Summary of Petition	Status
2018-121	Proposal for a 246-acre multi-use development on previously undeveloped land.	Approved
2016-120	Petition to allow up to 597 multi-family and townhome units on 76 acres.	Approved
2016-116	Petition to allow up to 124 attached dwelling units.	Approved
2015-066	Petition to allow restaurant/entertainment center.	Approved
2015-045	Petition to allow up to 291 multi-family units.	Approved

• Public Plans and Policies



- The *Steele Creek Area Plan* (adopted 2012) recommends residential/office and/or retail land uses for this site.

- **TRANSPORTATION CONSIDERATIONS**

- The site is served by West Arrowood Road, a major thoroughfare, state-maintained road. A Traffic Impact Study was performed as a part of the original Rezoning Petition 2008-053. The site commits to constructing all the improvements from the previous approved TIS. In addition, the petitioner commits to install a bi-directional crossover at the intersection of West Arrowood Road and 'Future 2-Lane Avenue' and a right turn lane at the 'Future 2-Lane Avenue'. There is one outstanding issue, with conditional notes needing to be updated to meet the Multi-Use Path standards.
- See Outstanding Issues, Note 1.
- **Vehicle Trip Generation:**
Current Zoning:
Existing Use: 0 trips per day (based on vacant land use).
Entitlement: too many uses to determine.
Proposed Zoning: 2,620 trips per day (based on 352 multi-family dwellings).

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 0 students, while the development allowed under the proposed zoning may produce 91 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 91 students.
 - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
 - Steele Creek Elementary from 118% to 127%
 - Kennedy Middle from 126% to 128%
 - Olympic High from 126% to 127%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along West Arrowood Road. Charlotte Water has sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main running through the center of the parcel. See advisory comments at www.rezoning.org
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** See advisory comments at www.rezoning.org
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** 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 3.

OUTSTANDING ISSUES

Transportation

1. Update the multi-use path language to have the MUP constructed in accordance with City of Charlotte's multi-use path standards as shown in detail 10.42 of the CLDSM.

Site and Building Design

2. Provide clarity as to where the optional provision will be implemented in the site and denote on site plan.

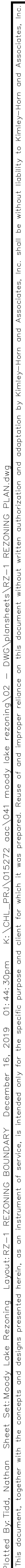
REQUESTED TECHNICAL REVISIONS

Site and Building Design

3. Request that the petitioner consider dedicating and conveying a minimum of 2 acres to Mecklenburg County for a future neighborhood park.
-

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

Planner: Joe Mangum (704) 353-1905



PROJECT NAME:	1900 MOODY LAKE REZONING UPDATE
OWNER:	WHITEHALL CORPORATE CENTER, LLC
PETITIONER NAME:	AMERICAN ASSET CORPORATION PHONE: (704) 285-4005
PLANS PREPARED BY:	KIMBERLY MORAN AND ASSOCIATES, INC. PHONE: (704) 333-5131
TAX PARCEL ID:	PORTION OF 201-151-51
EXISTING ZONING:	MUDD-O
PROPOSED ZONING:	MUDD-O S.P.A.
PROPOSED BUILDING HEIGHT:	SEE THE DEVELOPMENT STANDARDS
PROPOSED USE:	SEE DEVELOPMENT STANDARDS
SITE AREA:	APPROXIMATELY 23.89 ACRES
RESIDENTIAL UNITS:	322 UNITS
RESIDENTIAL AREA:	APPROXIMATELY 439,500 SF

[illegible]

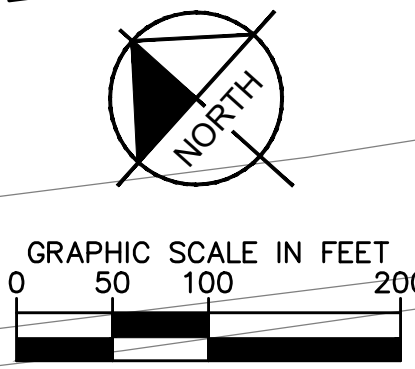
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200 SOUTH TRYON, SUITE 200, CHARLOTTE, NC 28201
PHONE: 704-333-5131
WWW.KIMLEY-HORN.COM

KHA PROJECT 015272041	DATE 09/16/19	SCALE AS SHOWN	DESIGNED BY ---	DRAWN BY ---	CHECKED BY ---
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MOODY LAKE REZONING

PREPARED FOR
AAC

SHEET NUMBER
RZ-1



DEVELOPMENT STANDARDS



A. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by American Asset Corporation (the "Petitioner") to request an amendment to the approved conditional rezoning plan associated with Rezoning Petition No. 2008-053 (the "Approved Plan"). More specifically, pursuant to this site plan amendment request, Petitioner seeks to amend the Approved Plan as it relates to an approximately 23.89 acre site located at the intersection of the North Arroyo Road - Interstate 485 interchange (the "Site"), which Site is more particularly depicted on the Rezoning Plan. The Site is a portion of Tax Parcel No. 201-451-05 and a portion of Tax Parcel No. 201-451-14.

B. In the event that this Rezoning Petition is approved by the Charlotte City Council, the development and use of the Site will be governed by the Rezoning Plan and the Development Standards associated with this Rezoning Petition and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). The Approved Plan relating to Rezoning Petition No. 2008-053 will not govern the development and use of the Site.

C. The Site is located within the Charlotte-Mecklenburg Council of Governments' (the "CMCOG") Charlotte-Mecklenburg Urban District ("CMUD") zoning district. The CMCOG has approved the Building Envelopes for the multi-family buildings proposed to be developed on the Site as each designated on the Rezoning Plan as a "Multi-Family Building Envelope." There are seven Multi-Family Building Envelopes on the Rezoning Plan for the proposed multi-family buildings. Each multi-family building developed on the Site shall be located in a Multi-Family Building Envelope. The locations of the Multi-Family Building Envelopes are subject to minor modifications during the permitting process.

D. In addition to the development to be developed on the Site as each designated on the Rezoning Plan as a "Parking Envelope." Parking facilities shall be located in a Parking Envelope. Notwithstanding the foregoing, parking facilities and vehicular maneuvering and circulation areas may also be located in a Multi-Family Building Envelope. The locations of the Parking Envelopes are subject to minor modifications during the permitting process.

E. The development and uses depicted on the Rezoning Plan are schematic in nature and are intended to depict the general arrangement of uses and improvements on the Site. Accordingly, the layout, locations and sizes of the uses, improvements and site elements depicted on the Rezoning Plan (including the building and parking envelopes) as well as internal streets, drives and parking areas 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.

G. The development of the Site proposed under this Rezoning Plan shall be a planned/unified development. Therefore, side and rear yards, building height separation requirements and other similar zoning standards shall not be required in instances where improvements, uses and other elements are located on the Site. Furthermore, the Petitioner or its successors shall be required to reserve the right to subdivide portions or parcels of the Site and to create lots within the interior of the Site without regard to any such internal subdivision standards, provided, however, that the development of the Site shall be required to meet any applicable setback, side yard and rear yard requirements with respect to the exterior boundaries of the Site.

H. Pursuant to Section 1.110 of the Ordinance and Section 160A-385.1 of the North Carolina General Statutes, the Rezoning Plan, if approved, shall be vested for a period of 5 years due to the size and phasing of the development, the level of investment and the future amendments to the Rezoning Plan and/or these Development Standards may be applied 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.

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

A. The Site may only be devoted to a residential community containing a maximum of 352 multi-family dwelling units and to any incidental or accessory uses associated therewith that are permitted under the Ordinance in the MUDD zoning district. Incidental and accessory uses may include, without limitation, a leasing and management office and amenities.

A. Vehicular access shall be as generally depicted on the Rezoning Plan. The placement and configuration of the access points are subject to any minor modifications required by the Charlotte Department of Transportation ("CDOT") and/or the North Carolina Department of Transportation ("NCDOT").

B. The alignment of the internal streets, 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.

C. Prior to the issuance of the first certificate of occupancy for a new building constructed on the Site, Petitioner shall dedicate and convey to the City of Charlotte (subject to a reservation for any necessary utility easement) those portions of the Site located immediately adjacent to West Arrowood Road as required to provide right of way measuring 55 feet from the centerline of existing West Arrowood Road, to the extent that such right of way does not already exist.

D. Petitioner shall dedicate and convey all relevant right of way to the City of Charlotte prior to the issuance of the first certificate of occupancy for a new dwelling unit constructed on the Site. The right of way shall be set back 2 feet behind the back of the sidewalk where feasible. If it is not feasible, the sidewalks, or portions thereof, may be located in a sidewalk utility easement.

E. The Future 2 - Lane Avenue to be constructed on the Site that is depicted on the Rezoning Plan shall be constructed in accordance with the Avenue - Two Lane Undivided Cross Section provided in the Steele Creek Area Plan.

F. Petitioner shall install an eastbound right turn lane with 150 feet of storage on West Arrowood Road at the intersection of West Arrowood Road and the Future 2-Lane Avenue to be constructed on the Site as depicted on the Rezoning Plan.

G. Petitioner shall install a bi-directional crosswalk with a minimum of 150 feet of storage westbound on West Arrowood Road at the intersection of West Arrowood Road and the Future 2-Lane Avenue to be constructed on the Site as depicted on the Rezoning Plan.

H. All transportation improvements will be approved and constructed prior to the issuance of the first certificate of occupancy for a new building constructed on the site except as otherwise provided below in paragraph I.

I. In connection with the future development of any undeveloped portions of that site that will continue to be subject to Rezoning Petition No. 2008-045 after the approval of this Rezoning Petition, the developer shall be required to either (1) conduct a transportation impact study required to be constructed and installed in the transportation impact analysis relating to Rezoning Petition No. 2008-045 that was approved on September 12, 2011 that have not been constructed and installed at the time of such development, or (2) prepare and submit to CDOT and NCDOT a new traffic impact analysis for the development and construct and install the transportation improvements required to be constructed and installed by the developer under the new traffic impact analysis.

J. The Site has cross access to and with Parcel No. 201-45105 pursuant to a Declaration of Easements and Restrictions recorded in Book 27132 at Page 404 of the Mecklenburg County Public Registry.

A. The maximum height of any multi-family building developed on the Site shall be 85 feet as measured under the Ordinance.

B. The architectural and design standards set out below shall apply to the Site.

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

(2) Prohibited Exterior Building Materials:

- (a) Vinyl siding (but not vinyl hand rails, windows, doors or door trim).
- (b) Concrete Masonry Units not architecturally finished.

(3) Building Placement and Site Design shall focus on and enhance the pedestrian environment through the following:

- (a) Buildings shall be placed so as to present a front or side façade to all network required streets (public or private).
- (b) Buildings shall front a minimum of 50% of the total network required street frontage on the site (exclusive of driveways, pedestrian access points, accessible open space, tree save or natural areas, tree replanting areas and storm water facilities).
- (c) Parking lots shall not be located between any building and any network required public or private street except as generally depicted on the Rezoning Plan.
- (d) Driveways intended to serve single units shall be prohibited on all network required streets.

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

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

(5) Architectural Elevation Design - elevations shall be designed to create visual interest as follows:

- (a) Building elevations shall be designed with vertical bays or articulated architectural facade features which may include but not be limited to a combination of exterior wall offsets, projections, recesses, pilasters, banding and changes in materials or colors.
- (b) Buildings shall be designed with a recognizable architectural base on all facades facing network required public or private streets. Such base may be executed through use of Preferred Exterior Building Materials or articulated architectural facade features and color changes.
- (c) Building elevations facing network required public or private streets shall not have expanses of blank walls greater than 20 feet in all directions and architectural features such as but not limited to banding, medallions or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.

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

- (a) Long pitched or flat roof lines shall avoid continuous expanses without variation by including changes in height and/or roof form, to include but not be limited to gables, hips, dormers or parapets.
- (b) For pitched roofs the minimum allowed is 4:12 excluding buildings with a flat roof and parapet walls.
- (c) Roof top HVAC and related mechanical equipment will be screened from public view at grade from the nearest street.

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

C. Building orientations are designated on the Rezoning Plan with arrows.

A. A minimum 8 foot wide planting strip and a minimum 8 foot wide sidewalk shall be installed along the Site's public street frontages.

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

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

A. An amenity area shall be provided on the Site to serve the residential community, and the amenity area shall contain, at a minimum, a clubhouse and swimming pool. The actual location of the amenity area may vary from the location depicted on the Rezoning Plan.

B. Petitioner shall install a minimum 12 foot wide pedestrian/walking trail adjacent to and around the entire perimeter of Moody Lake as generally depicted on the Rezoning Plan (the "Moody Lake Pedestrian Trail").

C. Petitioner shall install a minimum 12 foot wide pedestrian/walking trail through the Open Space Area on the Site that will provide a pedestrian connection from the Moody Lake Pedestrian Trail to the sidewalk located along the Site's frontage on West Arrowwood Road as generally depicted on the Rezoning Plan (the "West Arrowwood Road Connector Pedestrian Trail").

D. The Moody Lake Pedestrian Trail and the West Arrowwood Road Connector Pedestrian Trail shall be installed prior to the issuance of a certificate of occupancy for the second multi-family building constructed on the Site.

E. The Moody Lake Pedestrian Trail and the West Arrowwood Road Connector Pedestrian Trail shall be constructed of the following material: crushed gravel (or approved equal).

F. Petitioner shall install the following items in three locations around the perimeter of Moody Lake in proximity to the Moody Lake Pedestrian Trail: a picnic table and a minimum of three benches for seating.

A. All freestanding lighting fixtures installed on the Site (excluding street lights, landscape lighting and lower, decorative lighting that may be installed along the driveways, sidewalks and parking areas) 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 shall be 21 feet.

B. Any lighting fixtures attached to the buildings to be located on the Site shall be decorative, capped and downwardly directed.

C. Wall pack lighting fixtures are prohibited on the Site.

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

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

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

SHEET NUMBER
RZ-2



Agenda Date: 10/19/2020

Agenda #: 29. **File #:** 15-14394 **Type:** Zoning Hearing

Rezoning Petition: 2019-128 by Pulte Group, Inc.

Location: Approximately 240.32 acres located on the west side of Steele Creek Road, south of Sledge Road, east of Shopton Road. (Council District 3 - Watlington)

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

Proposed Zoning: MX-3 (mixed use) and UR-2 (CD) (urban residential, conditional)

Staff Recommendation:

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

Attachments:

Pre-Hearing Staff Analysis

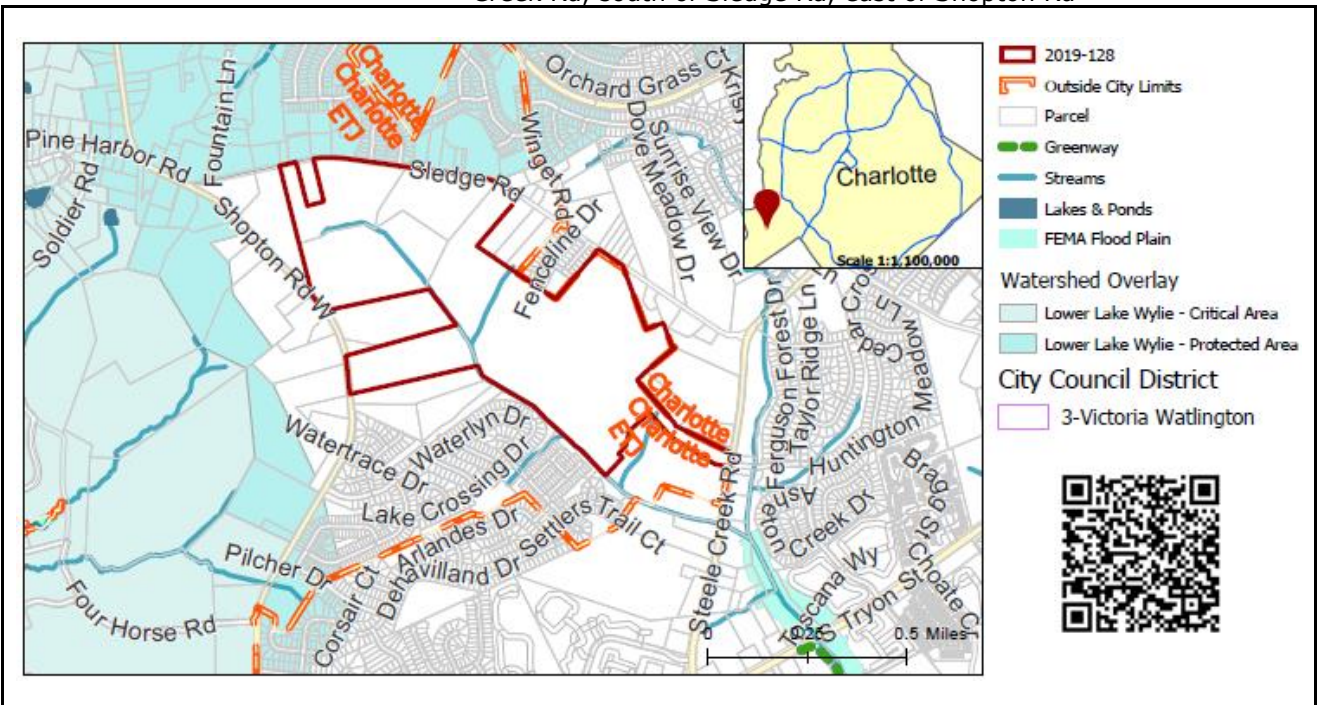
Site Plan

REQUEST

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

LOCATION

Approximately 240.32 acres located on the west side of Steele Creek Rd, south of Sledge Rd, east of Shopton Rd



SUMMARY OF PETITION

The petition proposes the development of a mixture of up to 550 single family attached and detached homes and 150 continuing care/retirement community units.

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE

Steele Creek (1997) LLC
Pulte Homes
Bridget Grant, Moore & Van Allen

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 29.

STAFF
RECOMMENDATION

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation.

Plan Consistency

The petition is **consistent** with the **Steele Creek Area Plan** recommendation for residential up to four dwelling units per acre.

Rationale for Recommendation

- The petition is consistent with the low-density residential recommendation as per the *Steele Creek* area plan and is compatible with the surrounding existing land uses.
- The proposed site plan includes a 150 unit continuing care/retirement community, which could be classified as an institutional land use, and consistent with the recommendation in

the *Steele Creek Area Plan* for institutional uses to be considered appropriate at various locations throughout the area.

- The site provides a range of housing types and options while maintaining the density recommended in the area plan.
- The project is providing a mix of active and passive open space to serve the residents and manage environmental features of the site.
- The proposed site plan commits to many transportation improvements to the area.

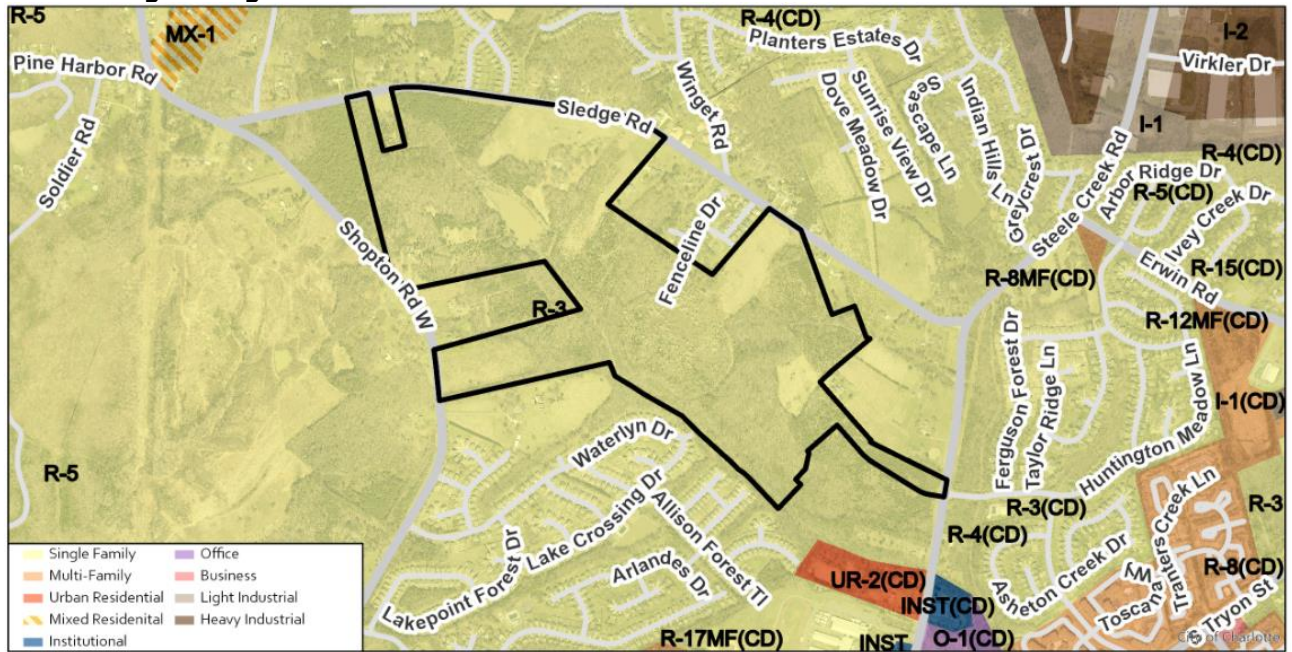
PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Permits up to 550 single family dwellings, no more than 200 of which can be attached, as well as 150 age restricted dwelling units.
- Defines two developments areas. Development Area A contains the 550 single family dwellings as well as accessory recreational uses. Development Area B contains the 150 age restricted dwelling units and accessory uses.
- Lists required transportation improvements from an approved Traffic Impact Study. Improvements are to be made in the three phases at the following intersections:
 - Steele Creek Road & Westinghouse Boulevard
 - S Tryon Street & Erwin Road
 - Steele Creek Road & S Tryon Street
 - S Tryon Street & Shopton Road West
 - Steele Creek Road & Erwin Road
 - Steele Creek Road & Sledge Road
 - Steele Creek Road & Huntington Meadow Lane
 - Sledge Road & Shopton Road West
 - Sledge Road & Winget Road
 - Sledge Road & Silvaire Farm Road
 - Sledge Road & Access "C"
 - Sledge Road & Access "D"
 - Sledge Road & Access "E"
 - Shopton Road West & Access "F"
 - Shopton Road West & Access "G"
- Provides for changes to the required roadway improvements through the administrative amendment process upon mutual agreement of petitioner, CDOT, and the Planning Director.
- Commits to right-of-way dedication, 8' planting strip, and 12' multi-use paths on Sledge Road, Shopton Road, and Steele Creek Road along the site's frontage.
- Identifies architectural standards and building materials.
- Provides a series of passive and active open space areas in Development Area A. Commits to a minimum of 10% of Development Area as passive open space and a minimum of 5% as active open space.

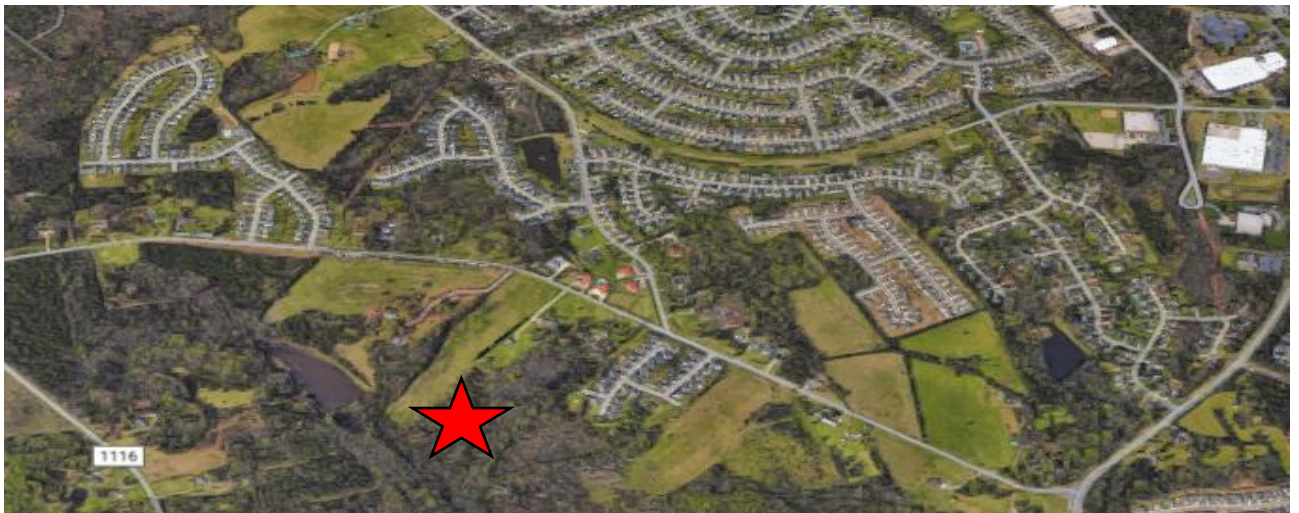
• **Existing Zoning and Land Use**



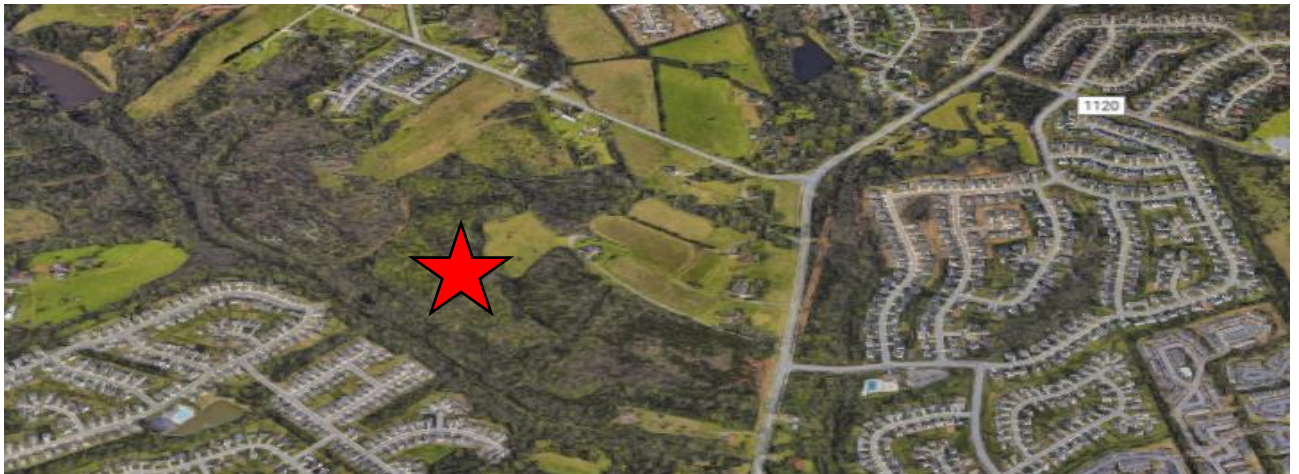
The subject property is primarily wooded vacant land with three existing single family homes. Adjacent properties are a mix of wooded vacant land, agricultural fields, large lot single family homes, and single family homes in subdivisions.



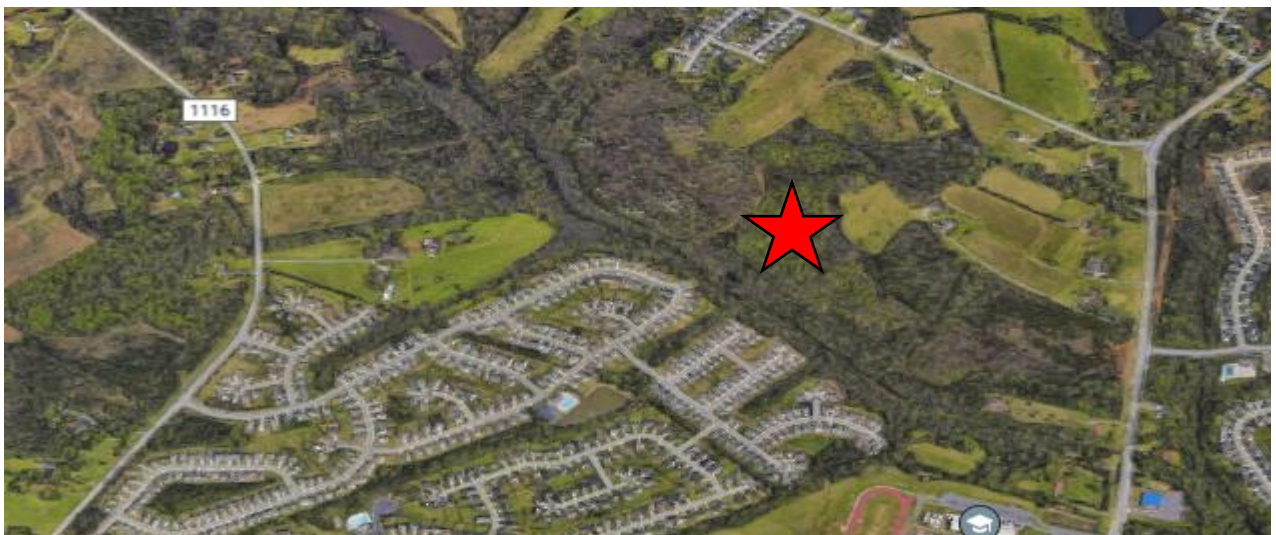
The site is denoted by a red star.



The properties to the north are a mix of agricultural fields and single family homes. The site is denoted by a red star.



The properties to the east are developed with single family homes. The site is denoted by a red star.

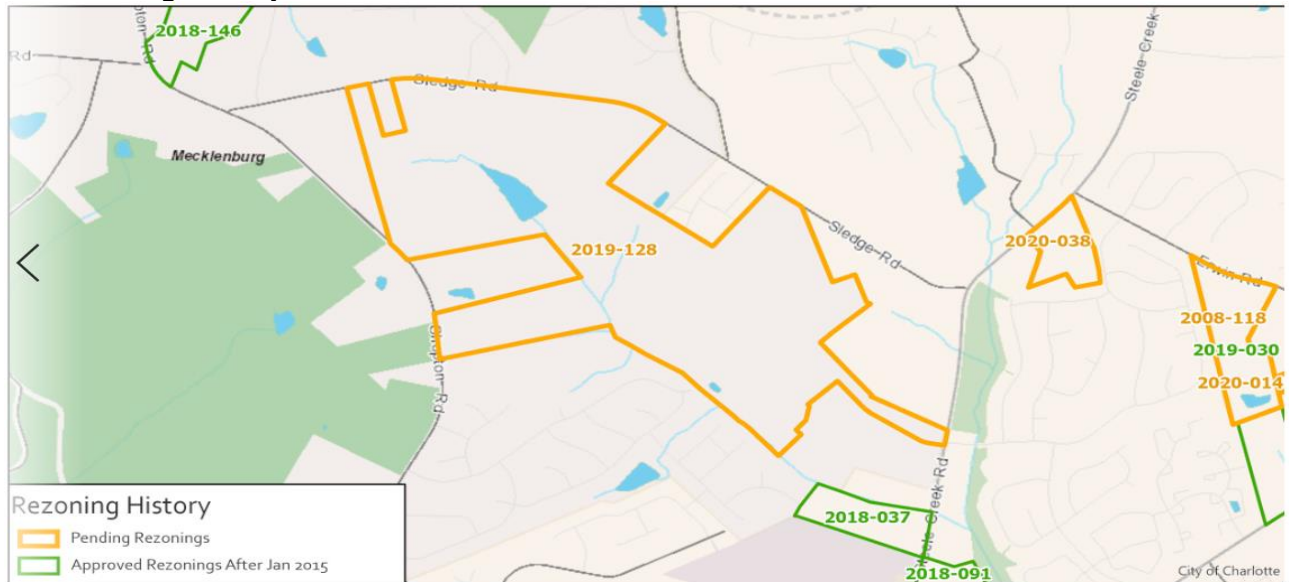


The properties to the south are developed with single family homes. The site is denoted by a red star.



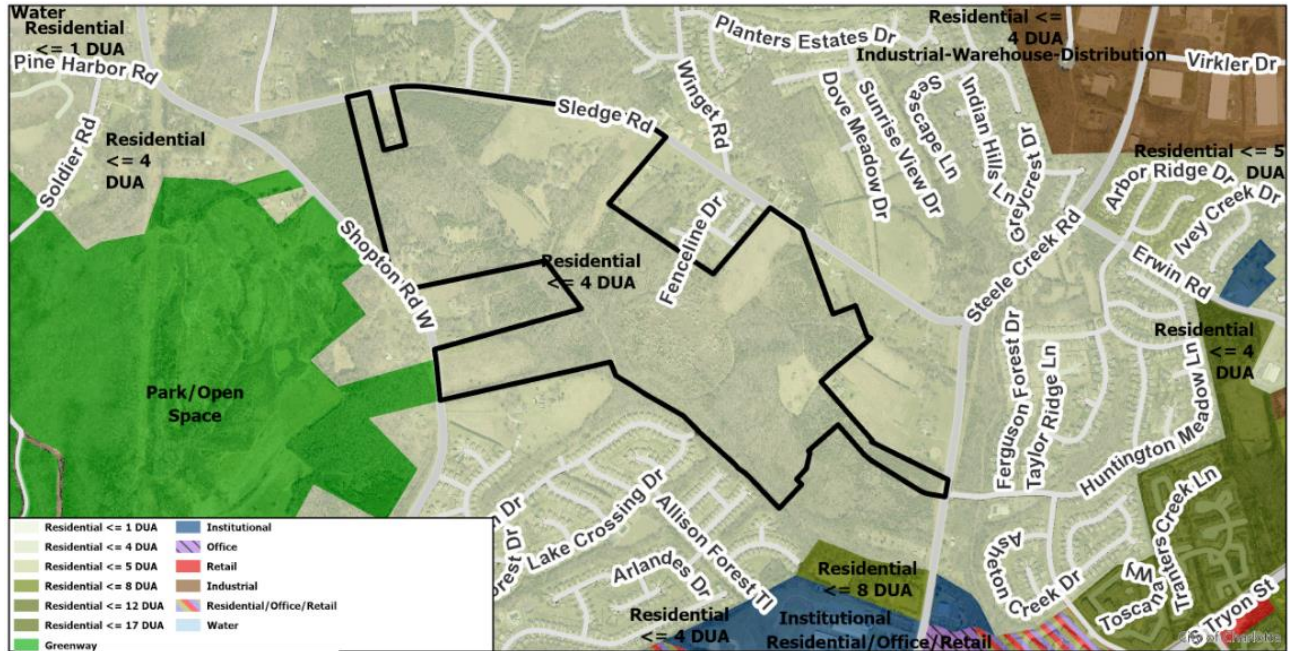
The properties to the west are a mixture of wooded vacant land, fields, and single family homes. The site is denoted by a red star.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2008-118	The petition proposes to rezone approximately 19.52 acres to INST(CD) for an active adult living community. This petition is indefinitely deferred.	Pending
2018-037	The petition rezoned 12.5 acres to UR-2(CD) to allow up to 75 townhomes.	Approved
2018-091	The petition rezoned 8.65 acres to O-1(CD) SPA to allow up to a 15,700 SF daycare building in addition to 6,900 SF of existing office buildings.	Approved
2018-146	The petition rezoned 18.39 acres to MX-1 to allow up to 55 single family dwellings.	Approved
2019-030	The petition rezoned 30.73 acres to R-12MF(CD) to allow up to 272 apartments.	Approved
2020-014	The petition proposes to rezone approximately 3.9 acres to UR-2(CD) to allow up to 30 single family attached dwellings.	Pending
2020-038	The petition proposes to rezone approximately 9.96 acres to R-12MF(CD) to allow up to 119 senior apartments.	Pending

• Public Plans and Policies



- The *Steele Creek Area Plan* (adopted 2012) recommends residential up to 4 dwelling units per acre for this site.
- The site is located within a wedge area, as per the *Centers, Corridors and Wedge Growth Framework*.

• TRANSPORTATION CONSIDERATIONS

- The site is bounded by Shopton Road and Sledge Road, two minor thoroughfares and Steele Creek Road, a major thoroughfare; all are maintained by NCDOT. The latest revision to the site plan shows updated land use and intensity with a trip generation of 6,328 daily vehicle trips for proposed residential uses and recreational community center. A Traffic Impact Study was received, and comments were submitted on September 1, 2020, with additional comments from NCDOT sent September 21, 2020. This site plan requires significant revisions including ordinance requirements such as curb line adjustments, as well as labeling the correct right-of-way and clarifying if there is a Development Area C and if that area still requires access, as well as the updated Traffic Impact Study.

Active Projects Near the Site:

- Steele Creek Road (NC 160) U-5766
 - The project will widen NC 160 to a 4-way divided street section, with shared use paths and planting strips on both sides.
- See Outstanding Issues, Notes 1-7
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 30 trips per day (based on 3 single family dwellings).
 - Entitlement: 7,150 trips per day (based on 814 single family dwellings).
 - Proposed Zoning: 6,328 trips per day (based on 15,000 SF recreational community center, 120 assisted living units, and 550 single family dwellings).

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:** No comments submitted.
- **Charlotte-Douglas International Airport:** 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 463 students, while the development allowed under the proposed zoning may produce 302 students. Therefore, the net increase in the number of students generated from existing zoning to proposed
 - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
 - Winget Park Elementary from 104% to 124%
 - Southwest Middle from 134% to 139%
 - Olympic High from 132% to 135%.

Charlotte Water: Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Fenceline Drive and via an existing 8-inch water distribution main located along Huntington Meadow Lane.

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. Charlotte Water New Services group is available at (704) 432-2854.

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

OUTSTANDING ISSUES

Transportation

1. **Curbline** The proposed zoning district has a setback measured from back of the existing or proposed future curbline. Label and dimension the curb lines from the centerline.
 - a. **Steele Creek Road:** The future location of curb and gutter will be constructed within the Steele Creek Road (NC 160) U-5766 project. The public meeting map and proposed cross section are provided below for reference.
2. Dimension the right-of-way from the centerline. Please show this dedication in front at Access L. All rights-of-way, curb lines, planting strips, and sidewalks/MUPs need to be labeled and dimensioned on **all frontages/access locations**. Typ.
3. The petitioner should revise the site plan and conditional note(s) to commit to construct a 6-foot sidewalk along of the frontage of Shopton Road and to establish a connection to the existing sidewalk stub provided by the existing Waterlyn Subdivision. The site plan should label and dimension both items from the back of curb and gutter and road centerline.
4. The petitioner should revise the site plan and conditional note(s) to commit to donating a temporary construction easement to NCDOT, when NCDOT proceeds with real estate acquisitions to construct the NC-160 (U-5766) STIP, along the development's frontage of Steele Creek Road.
5. The petitioner should revise the site plan and conditional note(s) to incorporate a proposed mini-roundabout on proposed Public Street "A."
6. The petitioner should revise the site plan and conditional note(s) to establish a street connection to "Development Area C."
7. "Development Area C" was removed and/or not labeled, however, access was provided. Please clarify.

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

Planner: Joe Mangum (704-353-1908)

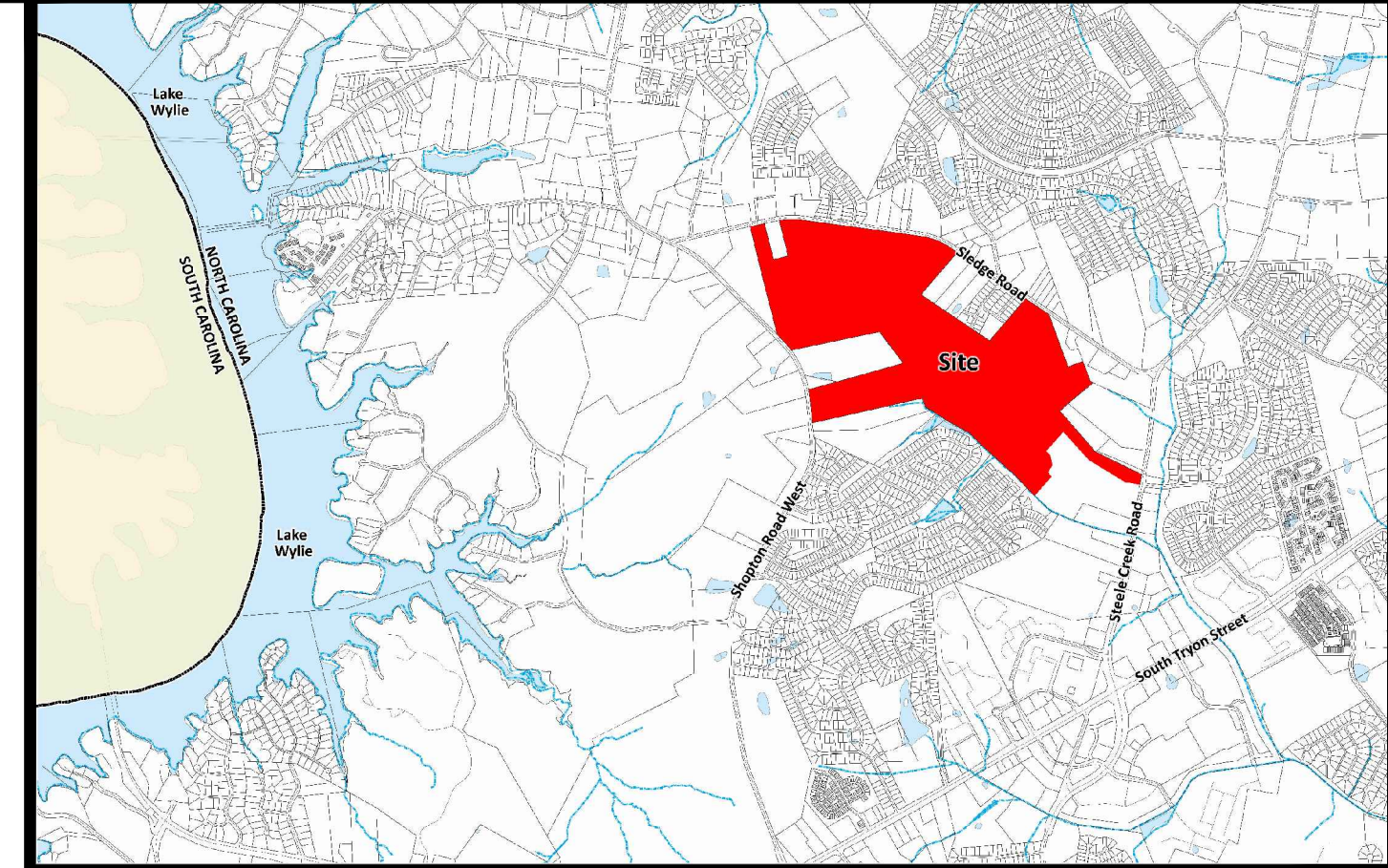
Gambrell Site

Conditional District Rezoning - Petition # 2019-128

Located In:
Mecklenburg County, North Carolina & City of Charlotte, North Carolina

Property Owners		
Parcel ID	Owner	Zoning
19907102, 19907105, 19905101, 19905102, & 19907101	Partnership Steele Creek (1997) Limited	R-3
Adjacent Property Owners		
Parcel ID	Owner	Zoning
1	19907104 JOHN G JR & BLACKMON & RICHARD & WILLIAM & A BASS	R-3
2	19949104 MECKLENBURG COUNTY	R-3
3	19949103 MARTIN FULLER ALPHIN & MICHELLE F SMITH	R-3
4	19949102 WILLIAM K WOODS	R-3
5	19907106 JEANETTE S EVANS	R-3
6	19907108 CHARLES JR HUNTER & JENNIFER HUNTER	R-3
7	19949101 WARREN OTIS DRYE & BARBARA DRYE	R-3
8	19948108 MECKLENBURG COUNTY & REAL ESTATE /FINANCE DEPT	R-3
9	19948107 MICHAEL W CLIMB	R-3
10	19905102 TRIST HILDA M THOMPSON LIVING & HILDA M THOMPSON	R-3
11	19905103 WILLIAM EDWARD THOMPSON	R-3
12	19905499 MECKLENBURG COUNTY-UNINCORPORATED	R-3
13	19905470 WATERLYN HOMEOWNERS ASSOC INC	R-3
14	19905471 WATERLYN HOMEOWNERS ASSOC INC	R-3
15	19905472 WATERLYN HOMEOWNERS ASSOC INC	R-3
16	19905181 WATERLYN HOMEOWNERS ASSOC INC	R-3
17	19905183 WATERLYN HOMEOWNERS ASSOC INC	R-3
18	19905185 WATERLYN HOMEOWNERS ASSOC INC	R-3
19	19951104 BYFORENDA SAS STEELE CREEK LLC	UR-2 (CD)
20	19951105 BYFORENDA SAS STEELE CREEK LLC	UR-2 (CD)
21	20121308 A F & M STEELE CREEK LODGE NO 737	INST (CD)
22	20121305 VALERIE ANNE TOLLEY & JOHN DAVID TOLLEY	R-3
23	20121309 WILLIAM ROONEY OSBORNE & LEE ANNE	R-3 & R-3 (CD)
24	20121304 PROVIDENCE DEVELOPMENT GROUP INC	R-3 & R-3 (CD)
25	20121308 ASSOCIATION INC HUNTINGTON FOREST COMMUNITY	R-3 (CD)
26	20121301 ASSOC INC HUNTINGTON FOREST COMMUNITY	R-3 (CD)
27	20143111 MECKLENBURG COUNTY	R-3 (CD)
28	19906118 ROBERT NICHOLAS WADDELL & ADRIENNE E WADDELL; ROBERT STEVE WADDELL & SHARON L WADDELL	R-3
29	19906109 ROBERT STEVE WADDELL & SHARON WADDELL	R-3
30	19906110A & 19906110B MARY T HAMMOND	R-3
31	19906112 TEDDY R WILSON & DAVID SCOTT SUTHER	R-3
32	19911314 LAWRENCE LOWE & ELIZABETH LOWE	R-3
33	19911313 JOHN MORRISON & NANCY MORRISON	R-3

34	19911312 JOHN MORRISON & NANCY MORRISON	R-3
35	19913131 KENNETH ALLEN PARLATO & RENEE YVONNE PARLATO	R-3
36	19913130 OCTAVIA JAMES	R-3
37	19913129 ALLEN PRESTON JR ORBISON & RACHEL SURFACE ORBISON	R-3
38	19913128 JOHN H PRESTON & LINDA P PRESTON	R-3
39	19906165 ASSOCIATION INC NEELY GLEN HOMEOWNERS	R-3
40	19906128 DARIUS WINBORN	R-3
41	19906129 ROBERT D KOLLAR & COLLEEN A KOLLER	R-3
42	19906130 JAMES COLEMAN	R-3
43	19906131 WILLIAM FORD & VIRGINIA E FORD	R-3
44	19906132 JORGE ALAMILLO & MARIA MARTHA ALAMILLO	R-3
45	19906133 JEFFREY CUNNINGHAM & MARILYN CUNNINGHAM	R-3
46	19906122 JAMES K NEELY & BARBARA W NEELY	R-3
47	19906166 ASSOCIATION INC NEELY GLEN HOMEOWNERS	R-3
48	19906167 ASSOCIATION INC NEELY GLEN HOMEOWNERS	R-3
49	19906117 JAMES K NEELY & BARBARA W NEELY	R-3
50	19906116 JOSE ORTEZ	R-3
51	19906114 FIRST CAROLINA SOUTH LLC	R-3
52	19912315 KONSTANTIN NANCY	R-3
53	19912122 MARK P JAMES & DEBORAH JAMES	R-3
54	19912191 AMH NC DEVELOPMENT LP	R-3
55	19912103 SAMUEL RICHARD JR STEWART & HAZEL ELIZABETH THOMPSON STEWART	R-3
56	19912117 SAMUEL RICHARD JR STEWART & HAZEL ELIZABETH THOMPSON STEWART	R-3
57	19912114 SAMUEL RICHARD JR STEWART & HAZEL ELIZABETH THOMPSON STEWART	R-3
58	19912110 DAVID L SURFACE & DEBRA ANN SURFACE	R-3
59	19912108 THOMAS H TAYLOR & BESSIE H TAYLOR	R-3
60	19912336 HARTWELL HOA INC	R-3
61	19912337 HARTWELL HOA INC	R-3
62	19912335 HARTWELL HOA INC	R-3
63	19912128 HARTWELL HOA INC	R-3
64	19912113 VICTORIA C PEREZ & GUADALUPE PEREZ	R-3
65	19912190 CHARLES A BEATTY & ANGELA R BEATTY	R-3
66	19912123 CHARLES A BEATTY & ANGELA R BEATTY	R-3
67	19907107 J E BLACKMON LLC	R-3
68	19912116 C J PHILLIPS & MARY W PHILLIPS	R-3
69	19912199 REAL ESTATE PROPERTIES HOLDING LLC	R-3
70	19912101 BRIAN KLINGER, JILL KLINGER, & LIVING TRUST KLINGER FAMILY REVOCABLE	R-3
71	19951106 PARTNERSHIP STEELE CREEK (1997) LIMITED	R-3
72	19905507 PARTNERSHIP STEELE CREEK (1997) LIMITED	R-3



Vicinity Map
Not to Scale



Development Data:

Tax Parcels:	19907102, 19907105, 19905101, 19907101, and a portion of 19906107
Total Acreage:	+/- 240.32 Acres (per Survey)
Development Area A - Residential:	+/- 229.43 Acres
Development Area B - CCRC:	+/- 10.89 Acres
Existing Location:	Mecklenburg County, North Carolina & City of Charlotte, North Carolina
Proposed Location:	City of Charlotte, North Carolina
Existing Zoning:	R-3 (Mecklenburg County)
Proposed Zoning:	MX-3 (Innovative) & UR-2 (CD)
Existing Use:	Vacant
Permitted # of Units:	Up to 550 Single-Family Lots Up to 150 CCRC Units
Open Space:	
Per Ordinance:	+/- 24.03 Acres (10%)
Tree Save:	
Per Ordinance:	+/- 36.05 Acres (15%)

General Notes

1. Base information provided by Mecklenburg County GIS Data. "ALTAINSPS Land Title Survey of: Steele Creek Limited Partnership & Steele Creek (1997), LLC, provided by ESP Associates, Inc., dated August 2019.
"DM20800_ALTA" with "Wetlands Prelim" provided by ESP Associates, Inc., dated 5/11/2020 and should be verified for accuracy.

Stream/Wetland Information

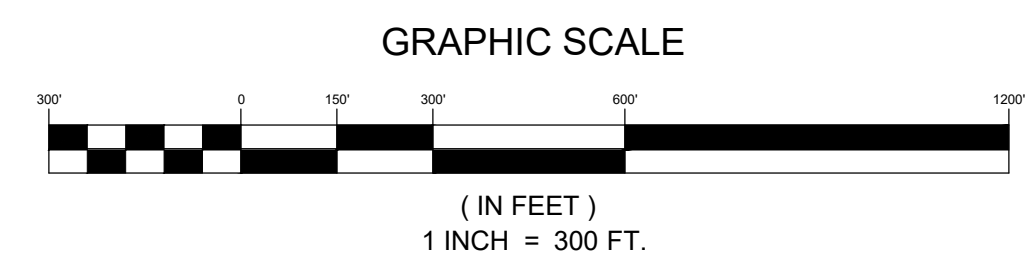
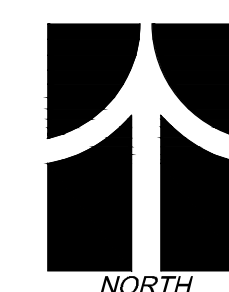
Stream/Wetland information is based on preliminary information provided to ESP by "Figure 2: Approximate Depiction of Aquatic Resources" provided by Wetlands and Waters, Inc. dated 07/23/19; "DM20800_ALTA" with "Wetlands Prelim" provided by ESP Associates, Inc., dated 5/11/2020 and Mecklenburg County GIS data and should be verified for accuracy. For purposes of preparation of this Rezoning Plan, any potential wetland areas and stream features depicted on the plan are considered to be preliminary in nature and approximate in location.

Legend

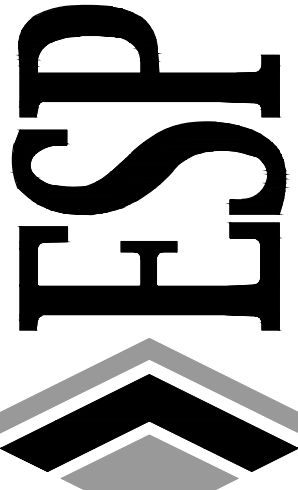
	Development Area A - Single-Family Residential (MX-3)
	Development Area B - CCRC (UR-2)
	72' Public ROW with 12' Multi-Use Path (One Side) - Public Street "A" (Local Collector)
	56' Public ROW
	Proposed Access Location
	Proposed Buffer
	Proposed Stub Street

INDEX OF SHEETS

SHEET NO.	SHEET NAME	ORIGINAL DATE	REVISED DATE
1 of 4	CONCEPTUAL SITE PLAN	8/22/2019	9/14/2020
2 of 4	TECHNICAL DATA SHEET	8/22/2019	9/14/2020
3 of 4	TECHNICAL DATA SHEET - CONTINUED	8/22/2019	9/14/2020
4 of 4	MASTER PLAN	8/22/2019	9/14/2020



ESP Associates, Inc.
P.O. Box 7030
Charlotte, NC 28241
3475 Lakemont Blvd.
Fort Mill, SC 29708
704-583-0446 (NC)
803-802-2410 (SC)
www.espaceassociates.com



BY	ZW	AB	SW
1			
2			
3			

Conceptual Site Plan
(Sheet 1 of 4)
Petition # 2019-128

GAMBRELL SITE

City of Charlotte, NC & Mecklenburg County, NC

Pulte Group

PROJECT INFORMATION	
PROJECT MANAGER:	MM
DESIGNED BY:	AB
DRAWN BY:	SW
PROJECT NUMBER:	DM20.101
ORIGINAL DATE:	08/22/2019
SHEET:	RZ - 1

Gambrell Site - Petition #2019-128
Rezoning - Development Standards - Continued 9/14/2020



III. Access, and Pedestrian Circulation,

- a. Access to the Site will be from Sledge Road, Steele Creek Road, and Shopton Road West as well as other public street extensions and connections made from the Site and into the Site from adjoining properties as generally depicted on Sheet RZ1 & Sheet RZ2.
- b. The number and location of access points to the internal public streets will be determined during the building permit process and thereafter additional or fewer driveways and/or additional private/public streets may be installed or removed with approval from appropriate governmental authorities subject to applicable statutes, ordinances and regulations.
- c. The alignment of the internal vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by CDOT in accordance with published standards.

5. Design Intent Statement:

- a. The Petitioner proposes to develop a walkable residential community where the residents of the community will have convenient and easy access to a series of passive and active open spaces that are interconnected by a network of streets, sidewalks, and trails. The emphasis of the design will be to provide alternative modes of transportation to the residents of the community which will allow them to access the community's amenity areas.

6. General Architectural Standards and Parking Location Restrictions:

- a. The principal buildings constructed on the Site (Development Areas A and B) may use a variety of building materials. The building materials used for buildings (other than structured parking facilities, if any) will be a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, precast concrete, synthetic stone, stucco, cementitious siding (such as hardy-plank), EIFS or wood. Vinyl as a building material will not be allowed except on windows and soffits.
- b. The principal entrance to buildings in Development Area B, both functionally and architecturally, shall front on the primary streets or a public open space such as a square, plaza, or courtyard.
- c. The service areas of the new buildings constructed within Development Area B will be screened from the adjoining streets with walls designed to complement the building architecture of the adjacent buildings. Architectural features such as, but not limited to, banding, medallions, changes in color or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls and to encourage pedestrian activity.
- d. Attached residential units shall adhere to the following standards:
- i. To provide privacy, all residential entrances within 15 feet of the sidewalk must be raised from the average sidewalk grade a minimum of 12 inches.
- ii. Porches and/or stoops shall form a predominant feature of the building design and be located on the front and/or side of the building. When provided, front porches should be covered and be at least four (4) feet deep. Stoops and entry-level porches may be covered but should not be enclosed.
- iii. 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.
- i. Garage doors visible from public streets should minimize the visual impact by providing a setback of 12 to 24 inches from the front wall plane or by adding additional architectural treatments such as translucent windows or projecting elements over the garage door opening.
- ii. Rear loaded townhomes shall have lead walks that connect to the sidewalk along public and/or private streets. Front loaded townhomes shall have lead walks that connect to public and/or private streets; or provide a lead walk that connects to the driveway.
- iii. Townhouse buildings fronting public or private network required streets should be limited to 7 individual units or fewer. The number of individual units per building should be varied in adjacent buildings if multiple 7 unit builds are adjacent.

7. Streetscape, Landscaping and Buffer:

- a. Setbacks and yards as required by the MX-3 (Innovative) zoning district and as allowed by the Innovative Provisions above will be provided.
- b. Along the Site's internal streets, the Petitioner will provide a sidewalk and a cross-walk network that links all of the principal buildings on the Site with one another by way of links to sidewalks along the abutting public and private streets and/or other pedestrian features. The minimum width for these internal sidewalks will be a minimum of five (5) feet except as follows:
- i. Public Street A shall have an eight (8) foot planting strip and a twelve (12) foot multi-use path on the western side of Public Street A and an eight (8) foot planting strip and a six (6) foot sidewalk on the eastern side of Public Street A from Steele Creek Road to Sledge Road as generally depicted on Sheet RZ-2.
- c. **Sledge Road.** The Petitioner shall dedicate forty-three (43) feet of right-of-way from the existing centerline of Sledge Road and shall provide an eight (8) foot planting strip and six (6) foot sidewalk along the Site's frontage.
- d. **Shopton Road.** The Petitioner shall dedicate fifty-two (52) feet of right-of-way from the existing centerline of Shopton Road and shall provide an eight (8) foot planting strip and a twelve (12) foot multi-use path along the Site's frontage.
- e. **Steele Creek Road / Highway 160.** The Petitioner shall dedicate sixty-one (61) feet of right-of-way from the existing centerline of Steele Creek Road and shall provide an eight (8) foot planting strip and twelve (12) foot multi-use path along the Site's frontage.

8. Environmental Features

- a. The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved from and engineering perspective 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 requirements of the City of Charlotte Tree Ordinance.

9. Plazas and Open Space:

- a. The Petitioner will provide a series of passive and active open space areas throughout Development Area A as generally depicted on Sheet RZ-2 (the exact location and configuration of these open space areas may vary from what is illustrated; the final locations and configuration of the open space areas will be determined/finalized during each phase of the subdivision approval process). A minimum of 10% of the Development Area A will be provided as passive open space areas and a minimum of 5% of the MX-3 area will provided and improved as active open space areas. Active open space areas will be areas improved with seating areas, trails, recreation fields, tennis courts, play grounds, swimming pools, amenitized ponds (i.e. water quality ponds/areas improved with trails, seating areas and other amenities), a club house or other amenity areas designed to be used and enjoyed by the residents and guests of the community. Passive open space areas will be environmental areas such as tree save areas, water quality buffers, slopes, tree save areas, water quality areas or other open space areas of the community.

11. Signage:

- a. Signage as allowed by the Ordinance may be provided. The Site will be viewed as a Planned/Unified Development as defined by the Ordinance; consequently uses located on the interior of the Site may be identified on the allowed signs for the use in Development Area B, and vice versa uses located on along Steele Creek Road may be identified on signs located on the interior of the Site.

12. Lighting:

- a. All new lighting shall be decorative, capped, and downwardly directed.
- b. Detached lighting on the Site, except street lights located along public streets, will be limited to 25 feet in height in the portions of the Site used for non-residential uses and 15 feet in height in the portions of the Site used for residential uses.

13. Amendments to the Rezoning Plan:

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

14. Binding Effect of the Rezoning Application:

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

ESP Associates Inc.
P.O. Box 7030
Charlotte, NC 28241
3475 Lakemont Blvd
Fort Mill, SC 29708
704-583-1949 (NC)
803-582-2440 (SC)
www.espassociates.com

Technical Data Sheet - Continued
(Sheet 3 of 4)
Petition # 2019-128

GAMBRELL SITE

City of Charlotte, NC & Mecklenburg County, NC

Pulte Group

PROJECT INFORMATION

PROJECT MANAGER:

MM

DESIGNED BY:

AB

DRAWN BY:

SW

PROJECT NUMBER:

DM20.101

ORIGINAL DATE:

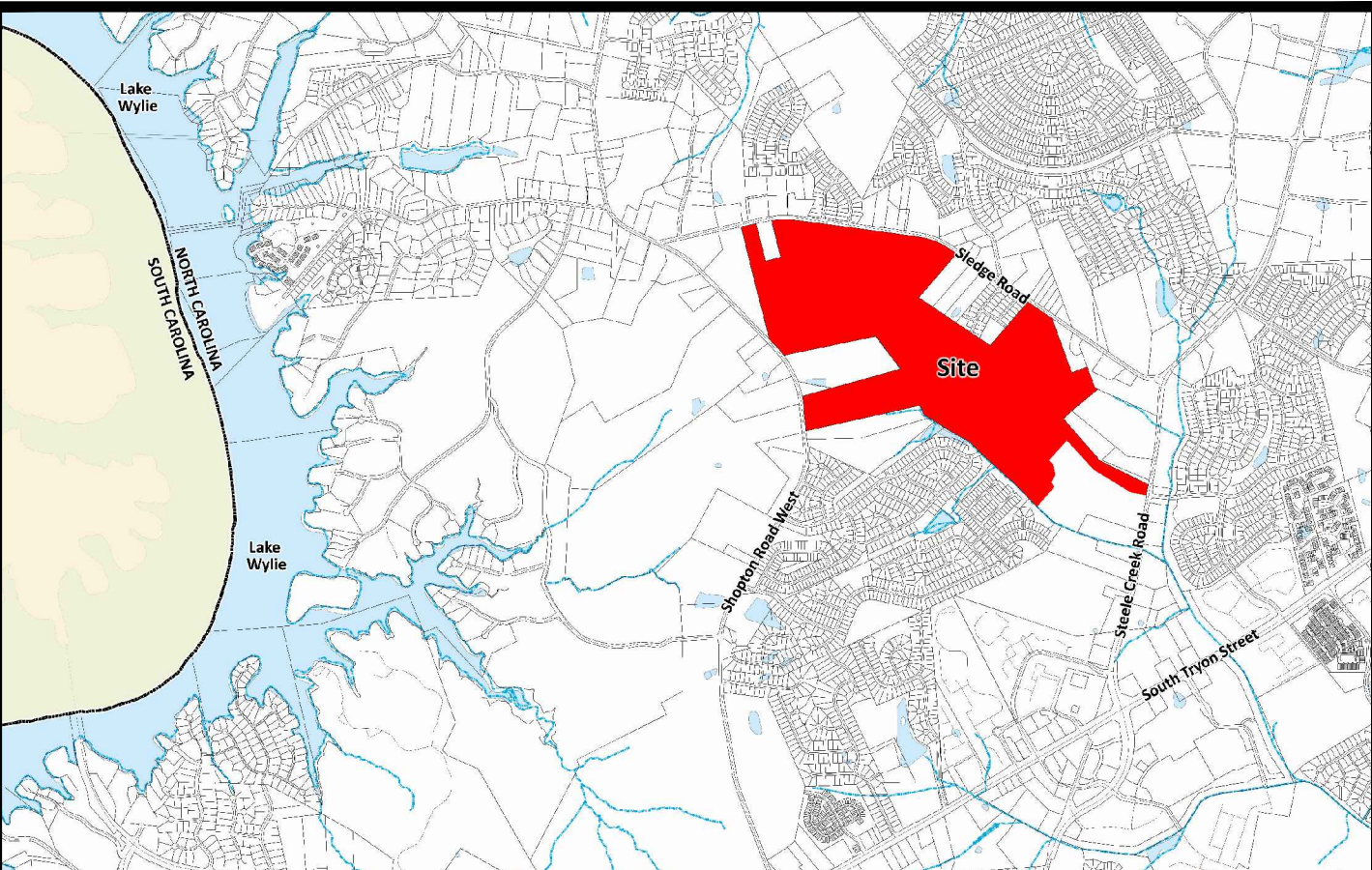
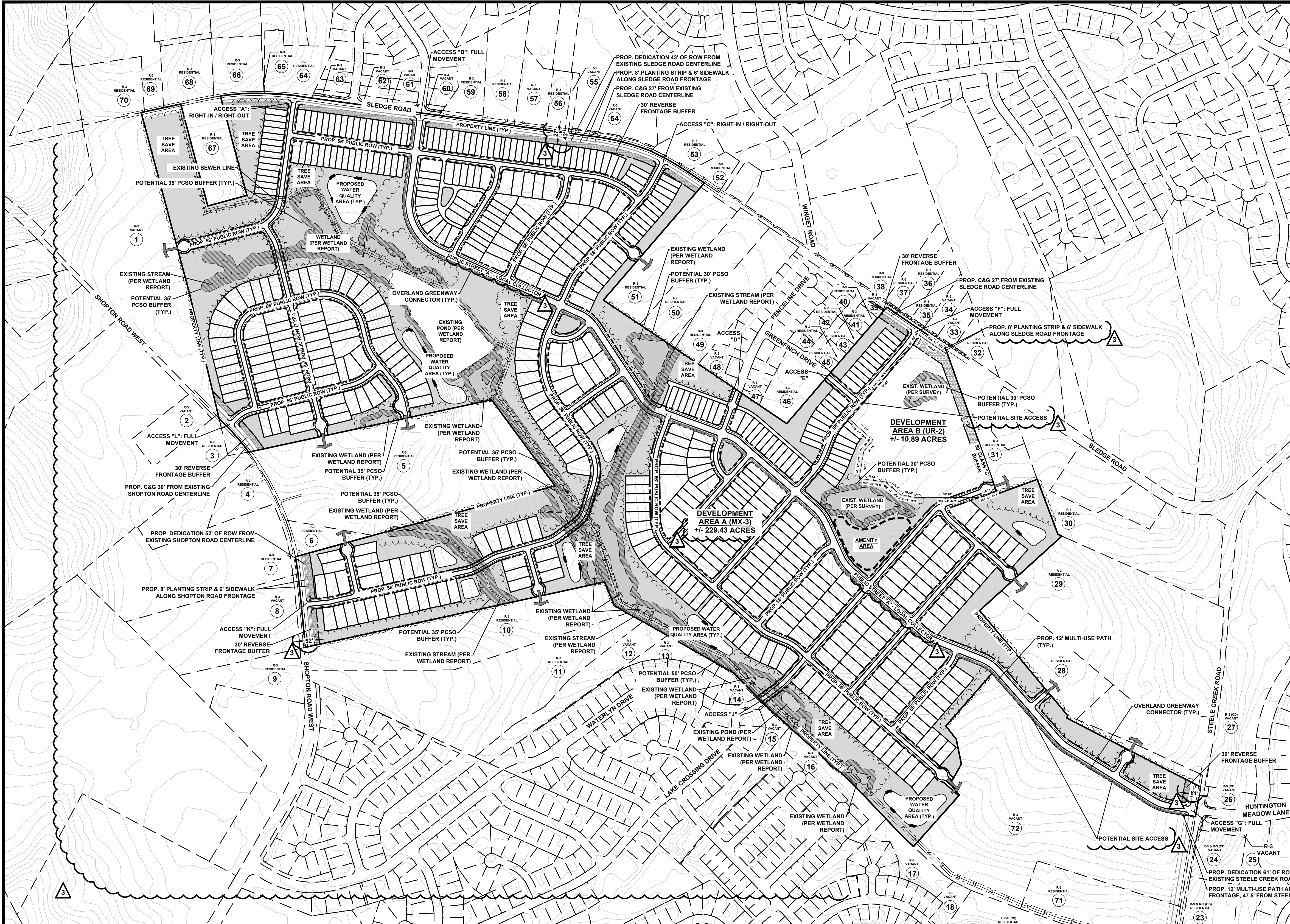
08/22/2019

SHEET:

RZ - 3

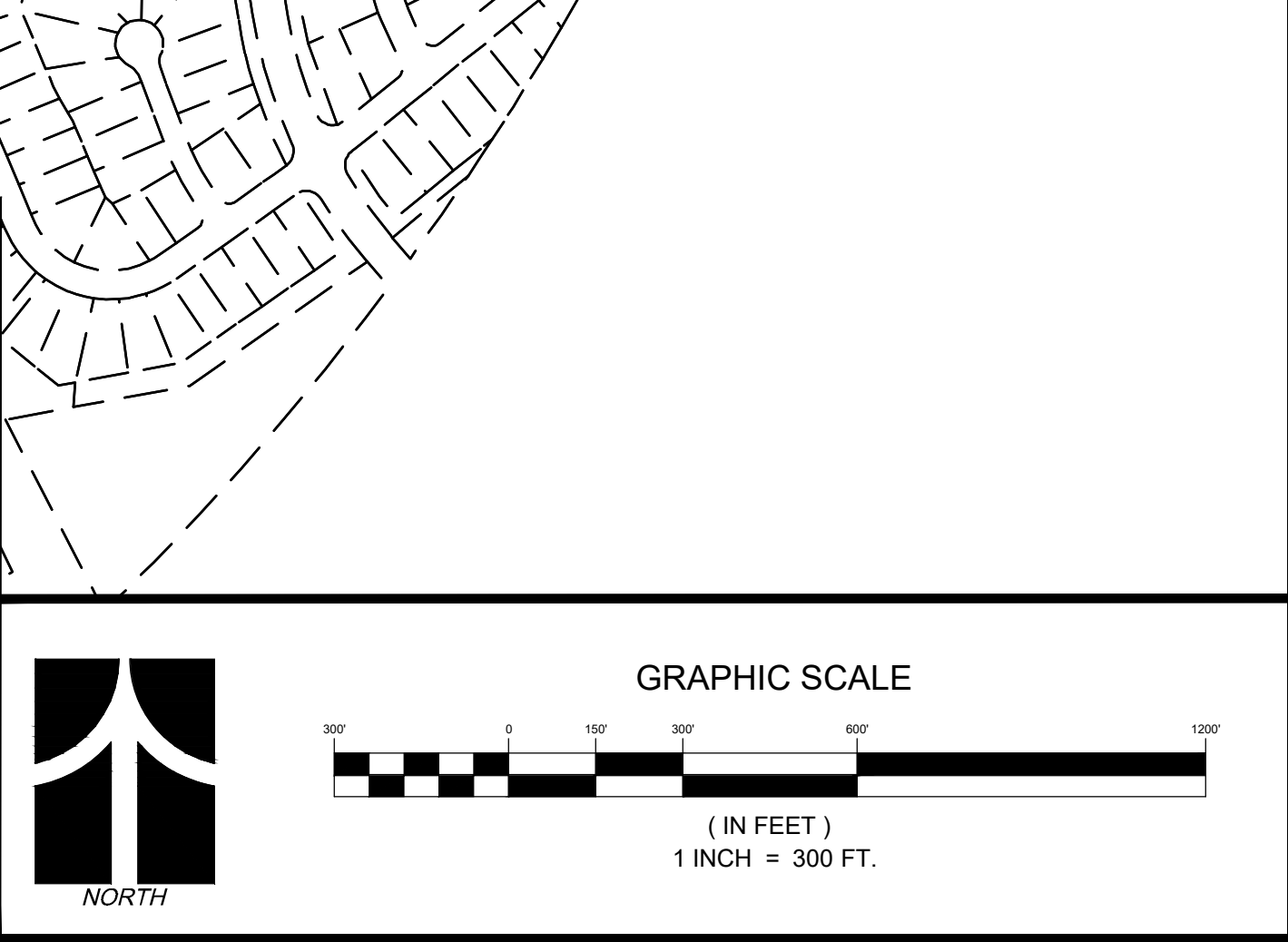
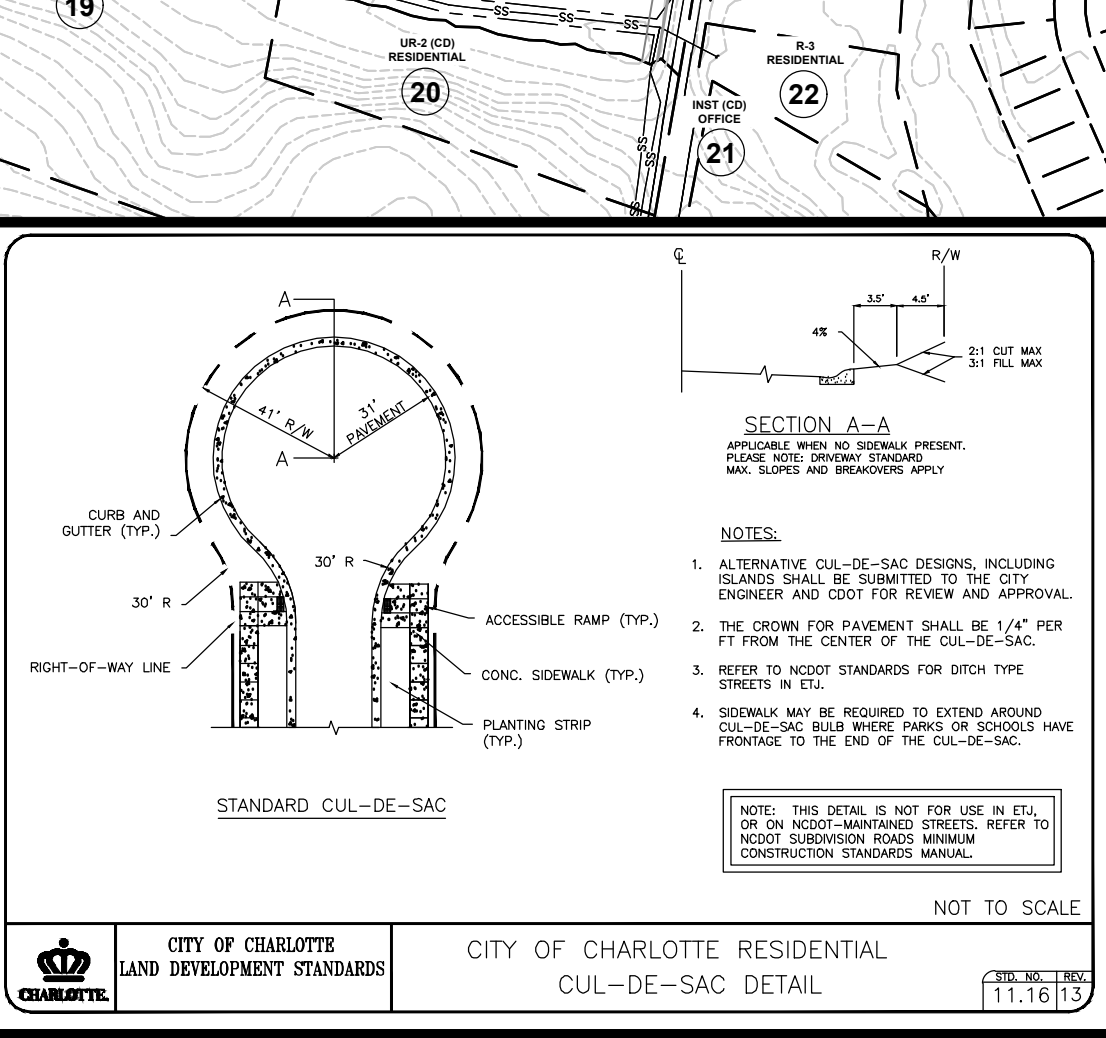
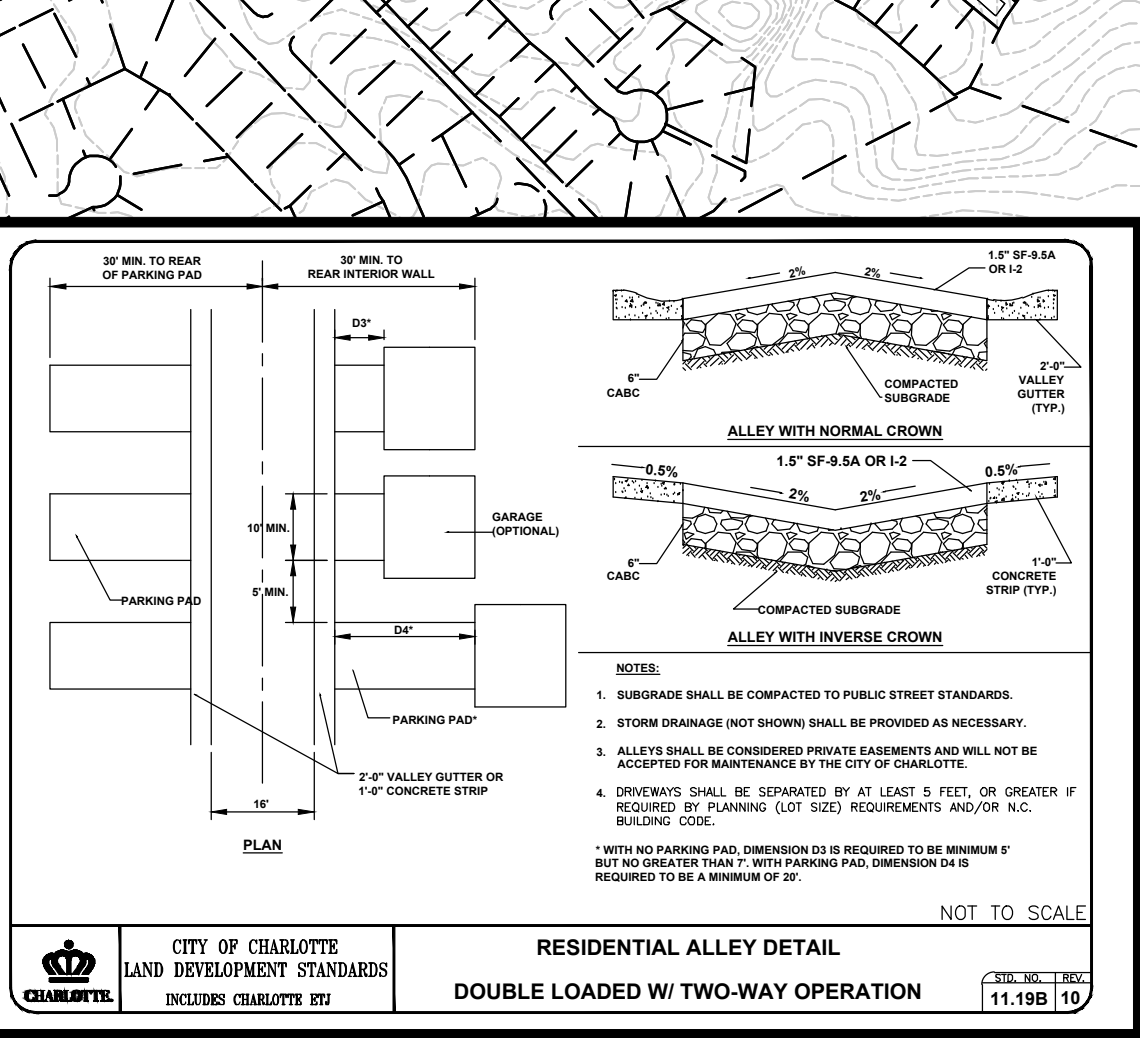
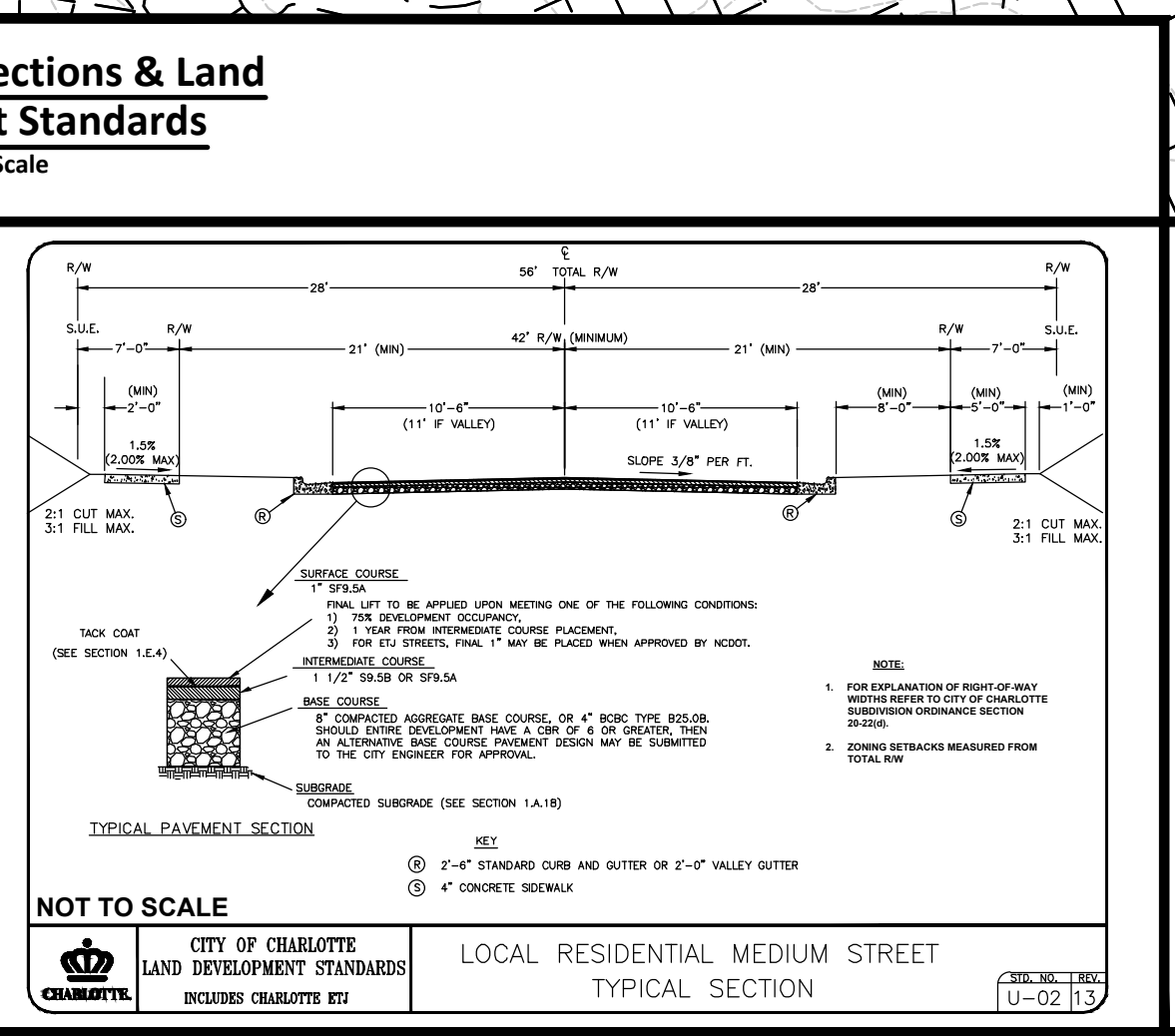
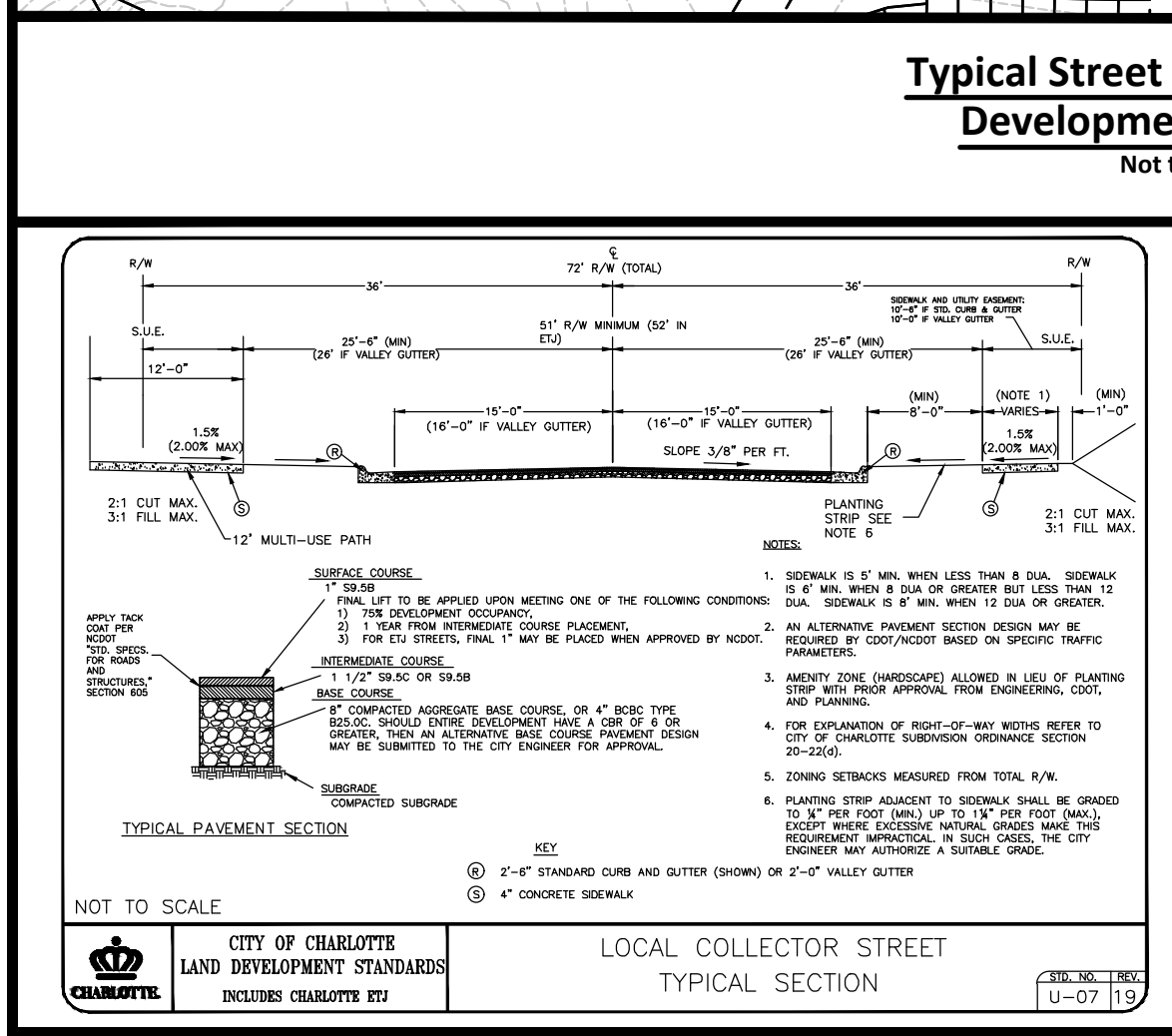
NO.	DATE	REVISION	BY
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2	8/17/2020	REVISED PER STAFF COMMENTS	AB
3	9/14/2020	REVISED PER STAFF COMMENTS	SW

U:\2015 Projects (D)\DM20 - Gambrell Creek Site (Pulte)\Submittal Working Drawings\2020-05-14_4th Rezoning Submittal\Streets\DM20 - Gambrell Creek Site (Pulte) - Technical Data Sheet.dwg, Sheet 3 of 5, white



Vicinity Map
Not to Scale

Development Data:	
Tax Parcels:	19907102, 19907105, 19905101, 19907101 & a portion of 19906107
Total Acreage:	+/- 240.32 Acres (per Survey)
Development Area A - Residential:	+/- 229.43 Acres
Development Area B - CCRC:	+/- 10.89 Acres
Existing Location:	Mecklenburg County, North Carolina & City of Charlotte, North Carolina
Proposed Location:	City of Charlotte, North Carolina
Existing Zoning:	R-3 (Mecklenburg County)
Proposed Zoning:	MX-3 (Innovative) & UR-2 (CD)
Existing Use:	Vacant
Permitted # of Units:	Up to 550 Single-Family Lots Up to 150 CCRC Units
Open Space:	
Per Ordinance:	+/- 24.03 Acres (10%)
Tree Save:	
Per Ordinance:	+/- 36.05 Acres (15%)
General Notes	
1. Base Information provided by Mecklenburg County GIS Data, "ALTA/NSPS Land Title Survey of Steele Creek Limited Partnership & Steele Creek (1997), LLC, provided by ESP Associates, Inc., dated August 2019, "DM20800_ALTA with Wetlands Prelim" provided by ESP Associates, Inc., dated 5/11/2020 and should be verified for accuracy.	
Stream/Wetland Information	
Stream/Wetland information is based on preliminary information provided to ESP by "Figure 2: Approximate Depiction of Aquatic Resources" provided by Wetlands and Waters, Inc. dated 07/23/19, "DM20800_ALTA with Wetlands Prelim" provided by ESP Associates, Inc., dated 5/11/2020 and Mecklenburg County GIS data and should be verified for accuracy. For purposes of preparation of this Rezoning Plan, any potential wetland areas and stream features depicted on the plan are considered to be preliminary in nature and approximate in location.	



ESP Associates, Inc.
P.O. Box 7030
Charlotte, NC 28241
3475 Lakemont Blvd.
Fort Mill, SC 29708
704-583-9446 (NC)
803-582-2440 (SC)
www.espassociates.com

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Master Plan
(Sheet 4 of 4)
Petition # 2019- 128

GAMBRELL SITE

City of Charlotte, NC & Mecklenburg County, NC

Pulte Group

PROJECT INFORMATION	
PROJECT MANAGER:	MM
DESIGNED BY:	AB
DRAWN BY:	SW
PROJECT NUMBER:	DM20.100
ORIGINAL DATE:	08/22/19
SHEET:	RZ - 4



Agenda Date: 10/19/2020

Agenda #: 30. **File #:** 15-14399 **Type:** Zoning Hearing

Rezoning Petition: 2020-052 by Selwyn Property Group, Inc.

Location: Approximately 1 acre located on the west side of the intersection of East Boulevard and Scott Avenue, east of Kenilworth Avenue. (Council District 1 - Egleston)

Current Zoning: NS PED (neighborhood services, pedestrian overlay)

Proposed Zoning: MUDD (CD) PED (mixed-use development, conditional, pedestrian overlay)

Staff Recommendation:

Staff recommends APPROVAL of this petition upon resolution of outstanding issues related to transportation, site and urban design.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

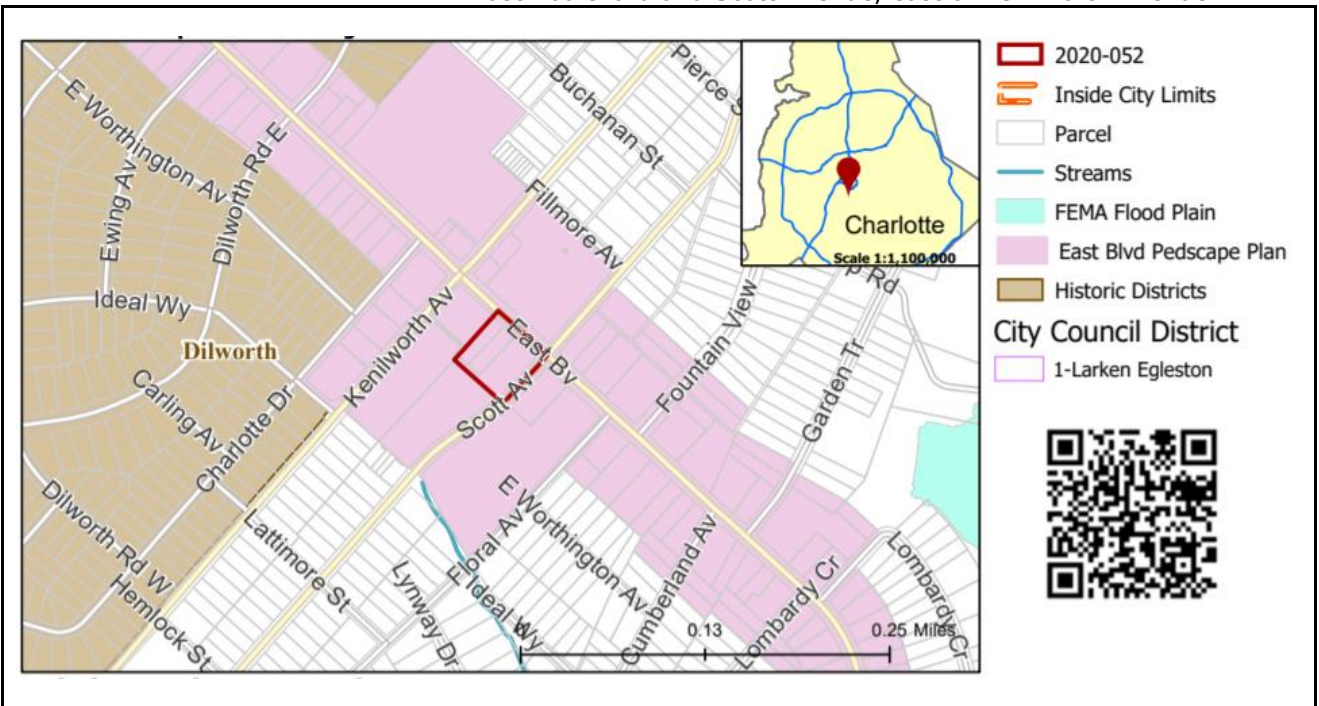
REQUEST

Current Zoning: NS PED (neighborhood services, pedestrian overlay)

Proposed Zoning: MUDD(O) PED (mixed use development, optional, pedestrian overlay)

LOCATION

Approximately 1 acre located on the west side of the intersection of East Boulevard and Scott Avenue, east of Kenilworth Avenue.



SUMMARY OF PETITION

The petition proposes to allow a mix of uses and structured parking on a vacant parcel located at the corner of East Boulevard and Scott Avenue. The subject lot has been utilized in the past for seasonal sales of pumpkins and Christmas trees.

PROPERTY OWNER

JNC Properties LLC

PETITIONER

Selwyn Property Group, Inc.

AGENT/REPRESENTATIVE

Collin Brown and Brittany Lins/Alexander Ricks

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 44

STAFF RECOMMENDATION

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

Plan Consistency

The petition is **consistent** with the *East Boulevard Pedscape Plan* recommendation for multi-family/retail, but **inconsistent** for proposed office uses.

Rationale for Recommendation

- The current entitlements under rezoning petition 1997-88 allow restaurant, retail and office uses.

- The design guidelines encourage utilization of architectural elements that are attractive, functional, and will help to achieve a cohesive composition on all elevations.
- Places focus on the street level and pedestrian enhancement through design features.
- Minimizes the presence of driveways and parking areas by limiting number of entrances to 2 and utilization of a parking structure.
- Prohibits drive through windows and service areas that compromise pedestrian accessibility.
- Encourages commercial revitalization by establishing a mixed use project on an infill lot.
- The proposed 85-foot building height is under the maximum 120-foot height allowed under the MUDD zoning district.

The approval of this petition will revise the adopted future land use from multifamily/retail as specified in the *East Boulevard Pedscape Plan* multifamily/office/retail.

PLANNING STAFF REVIEW

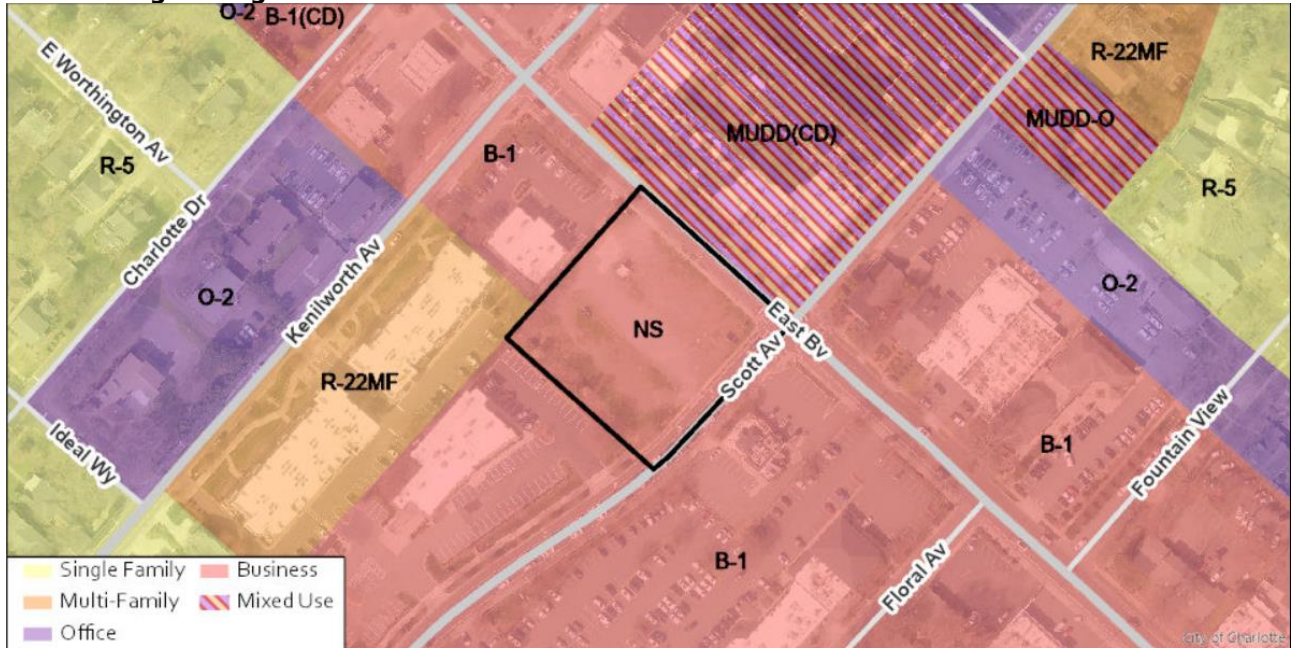
• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Up to 80,000 square feet of offices or up to 170 residential units.
- Up to 10,000 square feet of retail, EDEE or personal service or other non-residential uses.
- Prohibits car washes (except for residential car wash stations); automobile service stations; and EDEEs with accessory drive-through service windows.
- Requests the following optional provision:
 - The ability to construct an overhead encroachment into the streetscape area along East Boulevard in order to accommodate a cantilevered building design starting a minimum of 16 feet above the sidewalk. The Potential Building Overhang shall be a maximum of 8 feet beyond the base level building footprint. For the sake of clarity, this encroachment area shall not be permitted at the building's base level.
- Limits building height to 85 feet.
- Proposes the following transportation improvements:
 - Proposes entrance only access from East Boulevard and left in/left out access onto Scott Avenue.
 - Provides streetscape improvements along the Site's frontage of Scott Avenue as depicted on the Rezoning Plan. The sidewalk will be extended to the base of the building along the Scott Avenue frontage where feasible based on architecture. Trees may be located in planters or grates along sidewalk areas or in planting strips.
 - Illustrates future conditions after completion of East Boulevard widening proposed by others. As an interim condition, the Petitioner shall work in coordination with Urban Design Planning Staff to develop a hardscape plan that includes wider sidewalks and a combination of planting strip and/or tree planters within the limits as illustrated on the Rezoning Plan. Trees may be located in planters or grates along sidewalk areas or in planting strips.
- Proposes the following design guidelines:
 - Building materials used for buildings will be a combination of any of the following: glass, brick, metal, stone, simulated stone, pre-cast stone, architectural precast concrete, synthetic stone, stucco/E.I.F.S., cementitious siding (such as hardi-plank), or wood/composite wood.
 - Vinyl, as a building material, will only be allowed on windows, soffits and trim features.
 - Building Massing and Height shall be designed to break up long monolithic building forms via use of recesses, projections, and architectural details.
 - Modulations shall be a minimum of five (5) feet wide and shall project or recess a minimum of one (1) foot extending through at least a full floor.
 - Prohibits building elevations facing public streets from having expanses of blank walls greater than 20 feet in all directions using 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.
 - Notes the site's frontage of Scott Avenue shall, at a minimum, provide at least 60% of the length of the first floor street frontage designed for pedestrian-scale activity. Of the provided 60% street wall design, a minimum of 50% shall be met through the use of clear glass.

- The Site's frontage of East Boulevard shall, at a minimum, provide at least 70% of the length of the first floor street frontage designed for pedestrian-scale activity. Of the provided 70% street wall design, a minimum of 70% shall be met through the use of clear glass.
- If a rooftop terrace is provided, it shall be permitted only for office or residential uses (no rooftop terraces associated with EDEE uses shall be allowed).
- Notes parking structures shall be designed so that vehicles parked on all levels of the structure and associated lighting are screened by a wall or panel measuring a minimum of 48 inches in height. Screening shall include both vertical and horizontal treatment that resembles patterns and architecture of the occupied portions of the building, including use of similar materials and a similar rhythm of window openings on frontages. The remaining opening shall be screened using decorative elements such as grillwork, louvers, green walls, or a similar treatment. For parking structures with rooftop open-air parking, a parapet wall of sufficient height to ensure vehicles are not visible from the nearest sidewalk is required. Any such parapet wall shall be a minimum of four (4) feet in height.

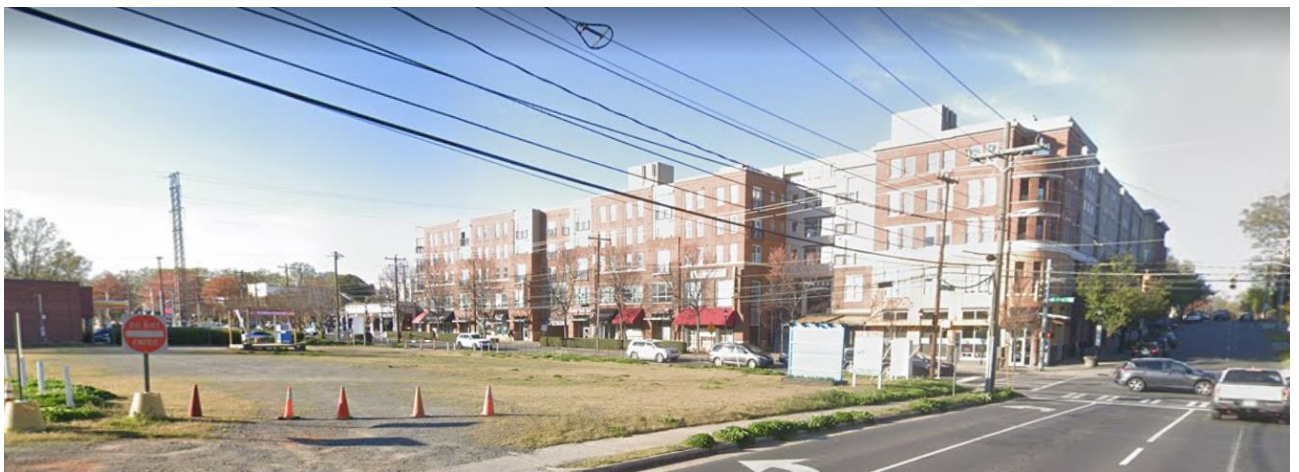
• **Existing Zoning and Land Use**



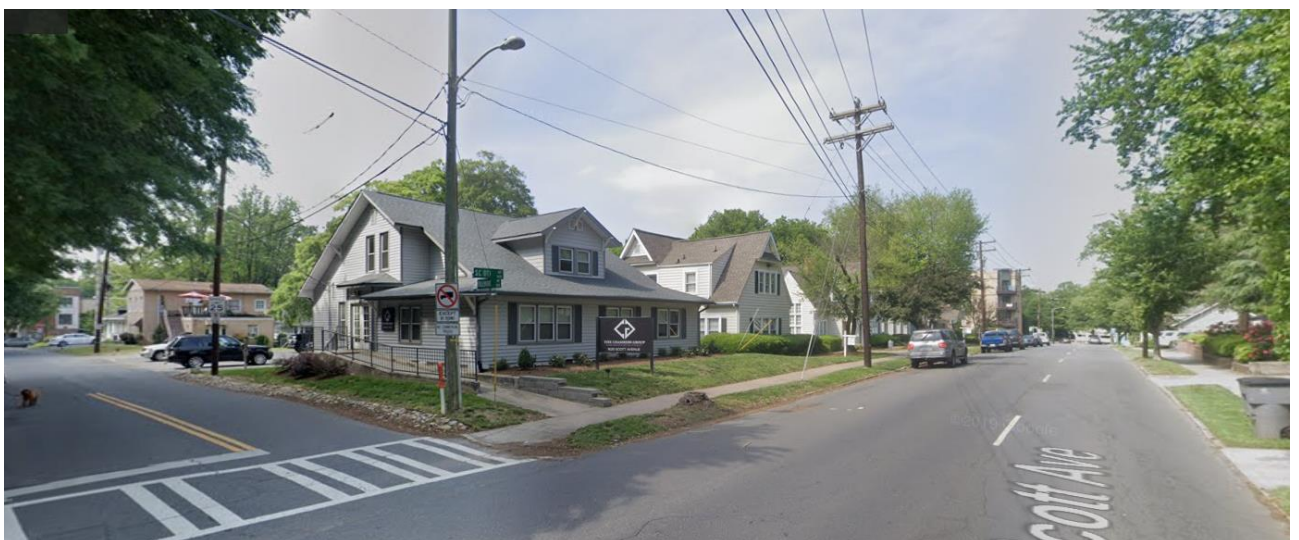
- The rezoning site is currently vacant but has been utilized for temporary sales, and is surrounded by a mix of residential, commercial, and institutional uses in various zoning districts. The subject site was rezoned from B-1 to NS via petition 1997-88 to allow 27,750 square feet of restaurant, retail and office uses. City Council denied rezoning petition 2010-046 that proposed construction of an 85-space parking lot on the subject parcel.



The site is currently vacant.



Mixed use development, commercial, and residential uses are located north of the rezoning site.



North, along Scot Avenue, are residential and nonresidential uses.



Along East Boulevard are institutional, office, residential and retail uses.



West and south are residential neighborhoods.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-114	Rezoned 69.27 acres to MUDD-O PED with 5-year vested rights to accommodate the future renovation and expansion of Atrium Health.	Approved
2015-013	Rezoned 0.42 acres to MUDD(CD) to allow development of up to 9 single family attached dwelling units.	Approved

- Public Plans and Policies**



- The *East Boulevard Pedscape Plan* recommends multi-family/retail on the subject site. The plan supports a maximum building height of 75 feet at locations closest to East Boulevard and furthest away from residential uses.

- TRANSPORTATION SUMMARY**

- The petition is located at the intersection of Scott Ave. and East Blvd. in the commercial core of Dilworth. Both streets are major thoroughfares that are City-maintained. The petition is in a Wedge area inside Route 4, with an applicable pedestrian overlay district (East Blvd. Pedscape, 2002). Comments from the previous rezoning on this site, 1997-88, indicated the need to have 5 vehicle lanes and bike lanes on East Blvd.

- Active Projects:**

- No active project near the site.

- Transportation Considerations**

- See Outstanding Issues, Note 1.

- Vehicle Trip Generation:**

Current Zoning:

Existing Use: 0 trips per day (based on vacant land; sales of seasonal items like pumpkins and Christmas trees occur).

Entitlement: 1,400 trips per day (based on 8,000 square feet restaurant, 11,000 square feet office, 8,800 square feet retail; petition 1997-88).

Proposed Zoning: 1,240 trips per day (based on 80,000 square feet office, 10,000 square feet retail).

Proposed Zoning: 1,305 trips per day (based on 80,000 square feet office, 170 multifamily residential units).

DEPARTMENT COMMENTS (see full department reports online)

- Charlotte Area Transit System:** No outstanding issues.
- Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- Charlotte 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 34 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 34.
 - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
 - Dilworth (Sedgefield Campus K-2) Elementary remains at 66%
 - Dilworth (Latta Campus 3-5) from 64% to 68%
 - Sedgefield Middle from 73% to 75%
 - Myers Park High from 125% to 126%
 - See advisory comments at www.rezoning.org
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along East Boulevard. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along East Boulevard. See advisory comments at www.rezoning.org
- **Engineering and Property Management:**
 - **Arborist:** No outstanding issues.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** See Outstanding Issues, Note 3.
 - **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 proposed zoning district has a setback measured from back of the existing or proposed future curb. Scott Avenue: The future location of curb and gutter is in its existing location. East Boulevard: The proposed curbline and setback need to be revised from what is shown on the site plan.

Site and Building Design

2. The rezoning site is subject to the East Boulevard Pedscape Plan and cross section for East Boulevard between Kenilworth and Scott Avenues. Petitioner needs to meet the adopted streetscape or request an optional provision specifying deviations. Petitioner needs to clarify Transportation Note V.c.
3. Petitioner needs to clarify Transportation Note V.d., provide dimensions of the proposed sidewalk, planting strip, and other items agreed upon.

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

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



RZ 1.0



Agenda Date: 10/19/2020

Agenda #: 31. **File #:** 15-14401 **Type:** Zoning Hearing

Rezoning Petition: 2020-089 by Pulte Group, Inc.

Location: Approximately 3.42 acres located on the west side of Briar Creek Road, north of Green Oaks Lane, and east of Wembley Drive. (Council District 1 - Egleston)

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

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

Staff Recommendation:

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

Attachments:

Pre-Hearing Staff Analysis

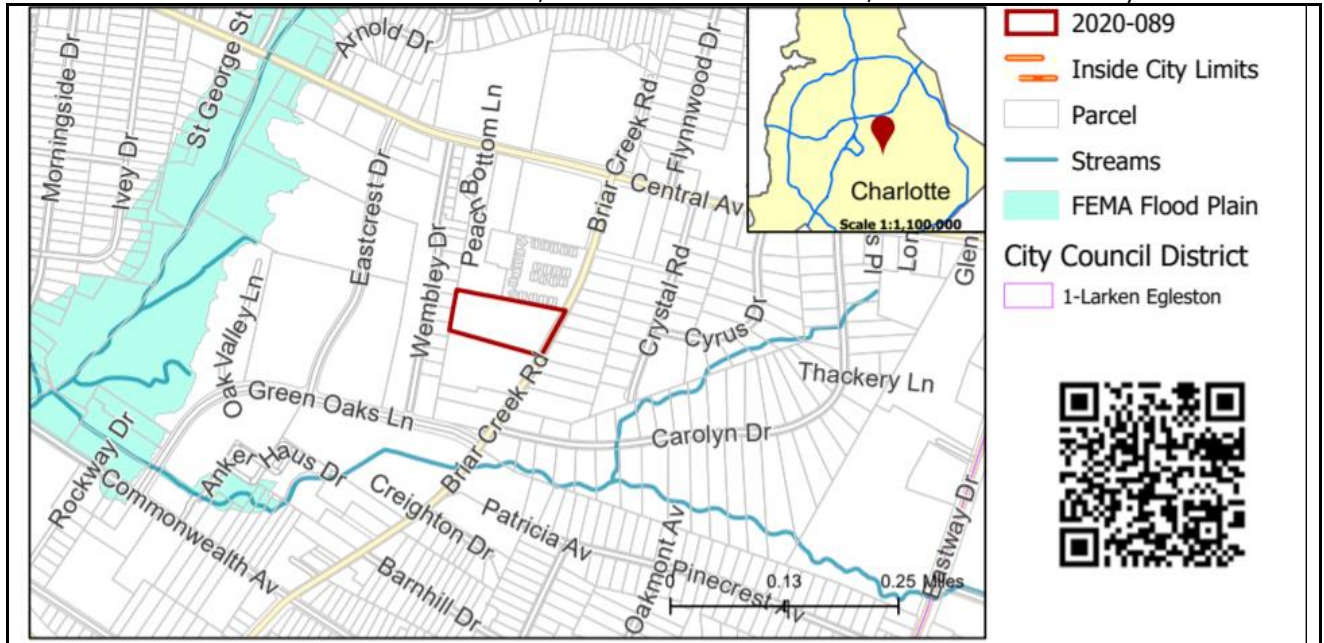
Site Plan

REQUEST

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

LOCATION

Approximately 3.42 acres located on the west side of Briar Creek Road, north of Green Oaks Lane, and east of Wembley Drive.



SUMMARY OF PETITION

The petition proposes to allow a townhome community on a parcel currently developed with a religious facility on the west side of Briar Creek Road.

PROPERTY OWNER

Commonwealth Baptist Church Inc.

PETITIONER

PulteGroup Inc.

AGENT/REPRESENTATIVE

Collin Brown and Brittany Lins/Alexander Ricks

COMMUNITY MEETING

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

**STAFF
RECOMMENDATION**

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

Plan Consistency

The petition is **consistent** with the *Central District Plan* recommendation for multifamily residential, and with the *General Development Policies* recommended residential density of over 17 units per acre.

Rationale for Recommendation

- The proposed density of 18.4 units per acre is less than the maximum 22 units per acre permitted under the current R-22MF zoning is R-22MF zoning district.
- The site is compatible with the abutting multifamily residential developments to the north, west, and south.
- The proposal commits to a 12-foot multi-use path along Briar Creek Road.

- The project provides usable common open space throughout the site.
- The request proposes a CATS bus waiting pad on Briar Creek Road.

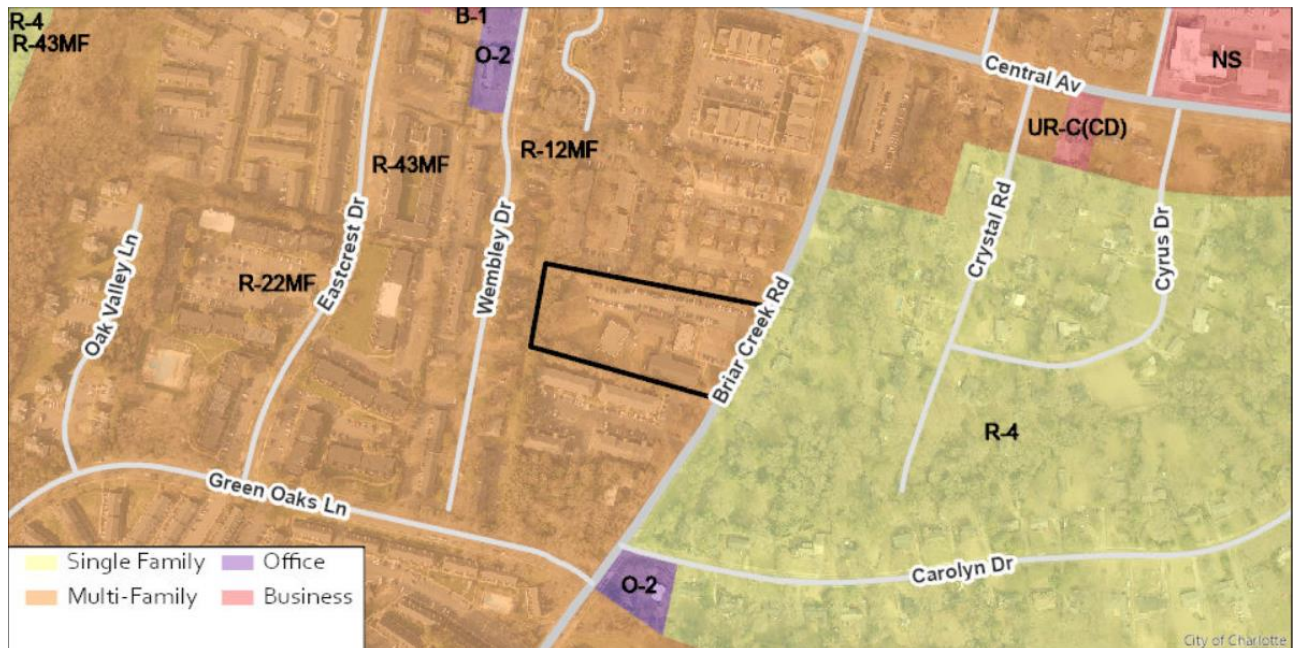
PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Up to 66 single family attached (townhomes) dwelling units for sale having a maximum building height of 48 feet.
- Private street connecting to Briar Creek Road along with internal system of private alleys and sidewalks/walkways throughout development.
- Proposed 12-foot multi-use path and 8-foot planting strip along Briar Creek Road frontage.
- Proposed CATS bus waiting pad on Briar Creek Road.
- Use of the following building materials: combinations of portions of brick, natural stone (or its synthetic equivalent), stucco, cementitious siding, fiber cement ("hardiplank") and/or other approved materials.
- Prohibits vinyl siding (excluding vinyl handrails, windows, soffits, doors or door trim) and concrete masonry units not architectural finished.
- Notes all corner/end units facing Briar Creek Road will either have a porch/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 a maximum of 10 feet on all building levels.
- Limits attached dwelling units to a maximum of 5 units per building or fewer when fronting Briar Creek Road.
- Illustrates possible tree save and usable common open space. Notes open space areas may be amenitized with elements such as but not limited to landscaping, benches or seating areas, gardens, pet areas, tables, passive or active recreation uses, and other similar amenities.

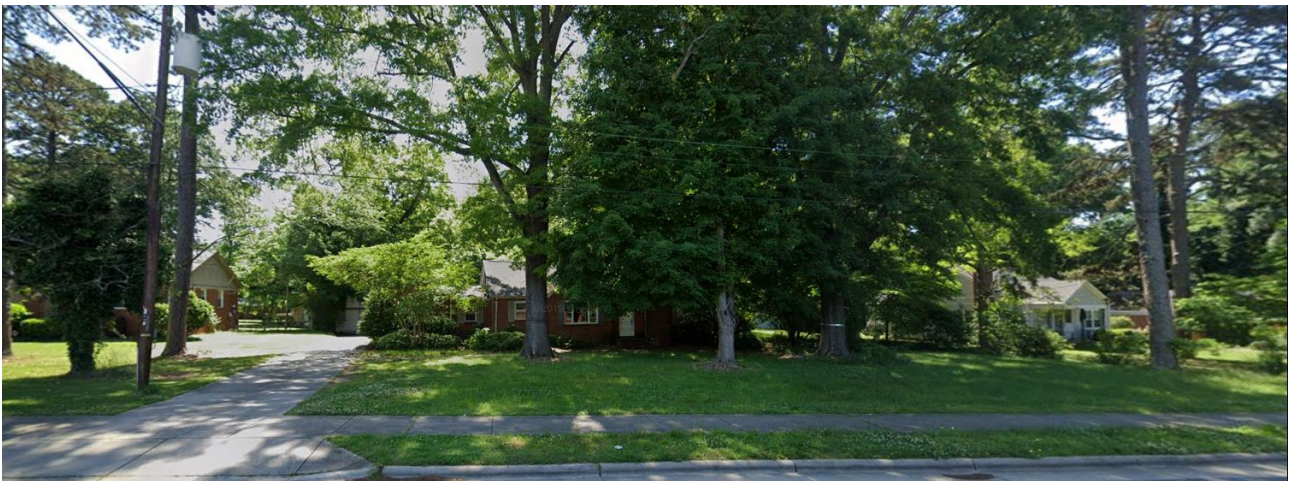
• Existing Zoning and Land Use



The rezoning site is developed with a religious facility (Commonwealth Baptist Church) and surrounded by single family residential neighborhoods, duplexes and triplexes, apartment communities, and townhomes in various residential zoning districts.



The site is developed with a religious facility.



West, across Briar Creek Road, are single family homes.



North of the site are townhomes.

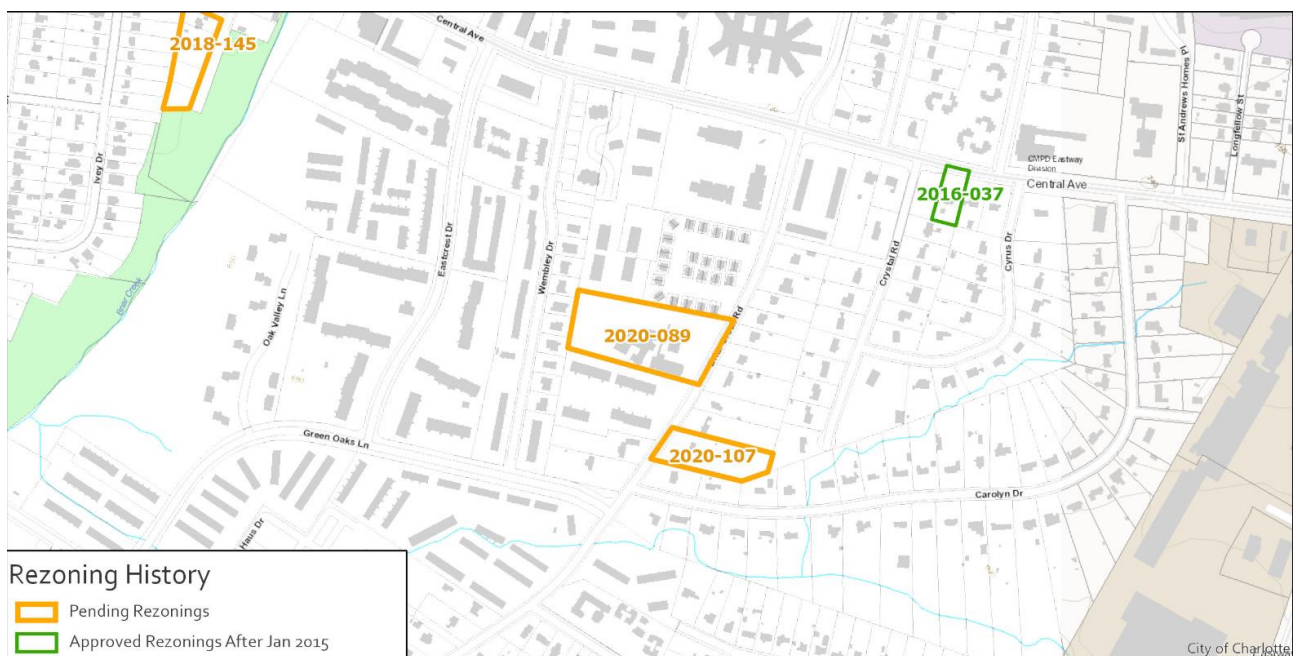


South is an apartment community.



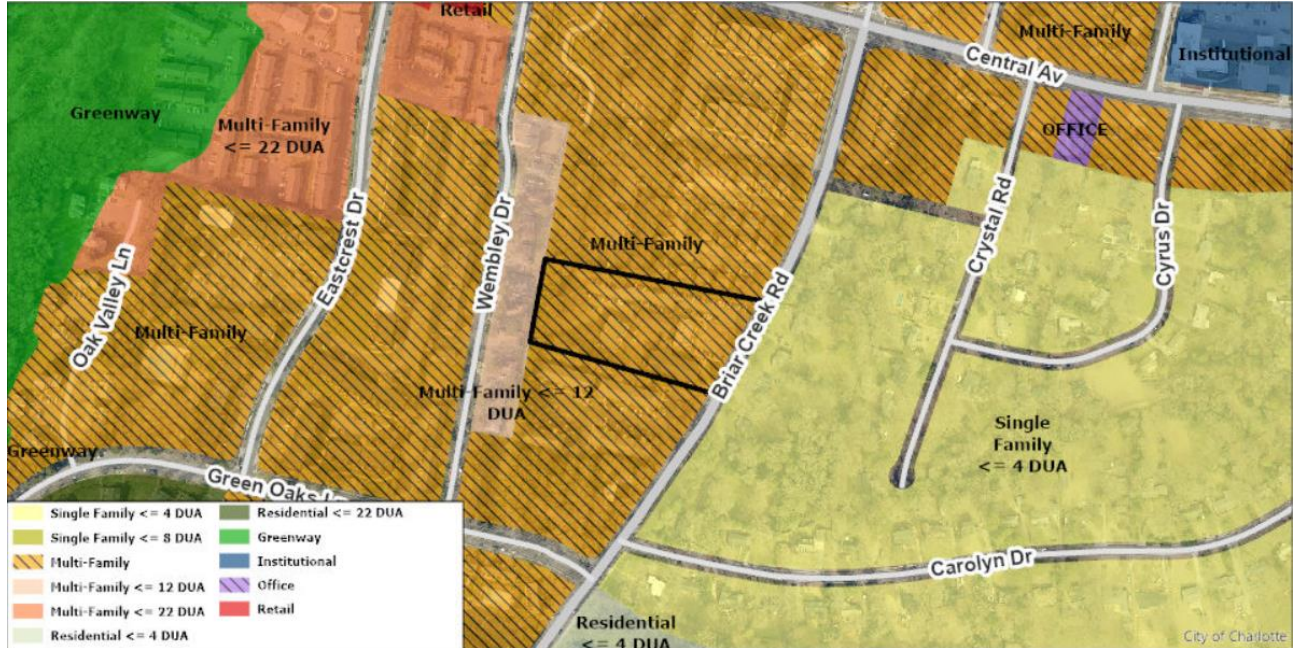
West are duplex/triplex residences and apartments.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2020-107	Rezone 1.30 acres to R-8(CD).	Pending
2018-145	Rezone 1.25 acres to R-8(CD).	Withdrawn
2016-037	Rezoned 0.44 acres to NS.	Approved

• **Public Plans and Policies**



- The *Central District Plan* recommends multifamily residential with no specified density for the subject parcel.
- 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 over 17 dwellings per acre as illustrated in the table below.

Assessment Criteria	Density Category – over 17 dua
Meeting with Staff	1
Sewer and Water Availability	3
Land Use Accessibility	3
Connectivity Analysis	2
Road Network Evaluation	1
Design Guidelines	4
Other Opportunities or Constraints	NA
Minimum Points Needed: 14	Total Points: 14

• **TRANSPORTATION SUMMARY**

- The site is located on a minor thoroughfare. The petitioner commits to constructing a 12' multiuse path with an 8' planting strip to meet the Charlotte BIKES Plan. The petitioner needs to revise the site plan to correctly label and dimension the curb and gutter as well as dedicated right-of-way.
- **Active Projects:**
 - None identified near the site.
- **Transportation Considerations**
 - See Outstanding Issues, Notes 1-2.
- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 255 trips per day (based on 36,600 square foot church).

Entitlement: 410 trips per day (based on 75 apartment units).

Proposed Zoning: 435 trips per day (based on 63 townhouse units; site plan dated 09/14/2020).

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 15 students, while the development allowed under the proposed zoning may produce 4 students.
 - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
 - Merry Oaks Elementary remains at 76%
 - Eastway Middle remains at 118%
 - Garinger High remains at 122%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along Briar Creek Road. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Briar Creek Road.
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Transportation

1. Label and dimension curb and gutter from the centerline for each road.
2. Revise the site plan to label and dimension the dedicated right-of-way along Briar Creek Road at 40' from the road centerline.

Site and Building Design

3. Under Development Data confirm if the proposed number of units is 63 or 66. Amend density based upon number proposed.
4. Specify type of existing easement along south property line.

TECHNICAL REVISIONS

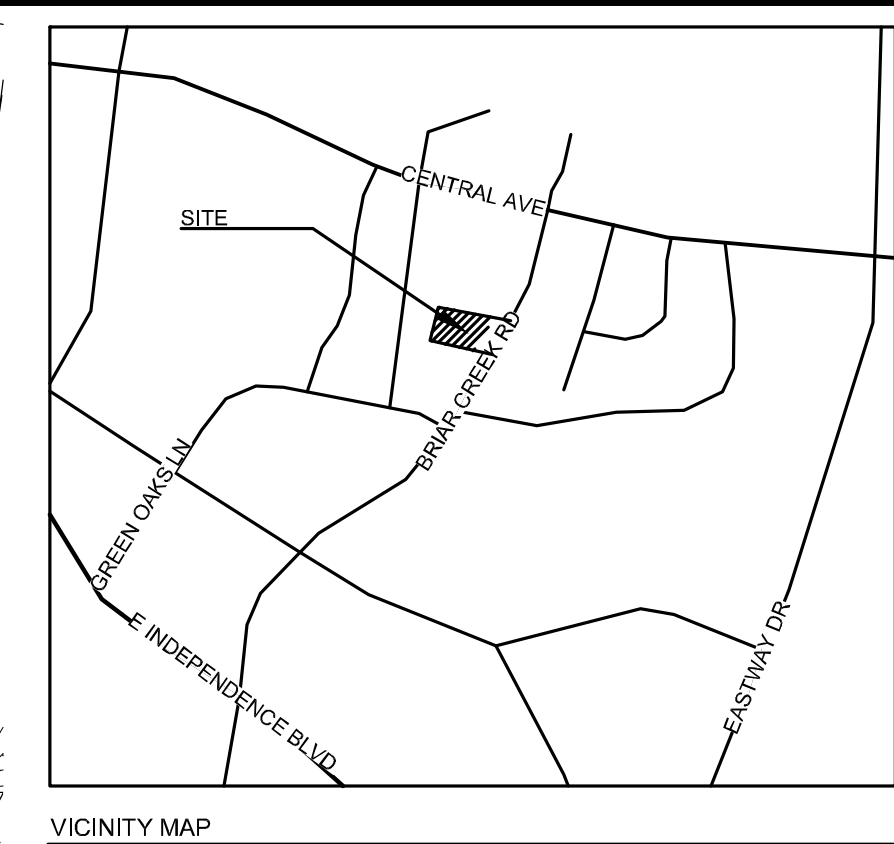
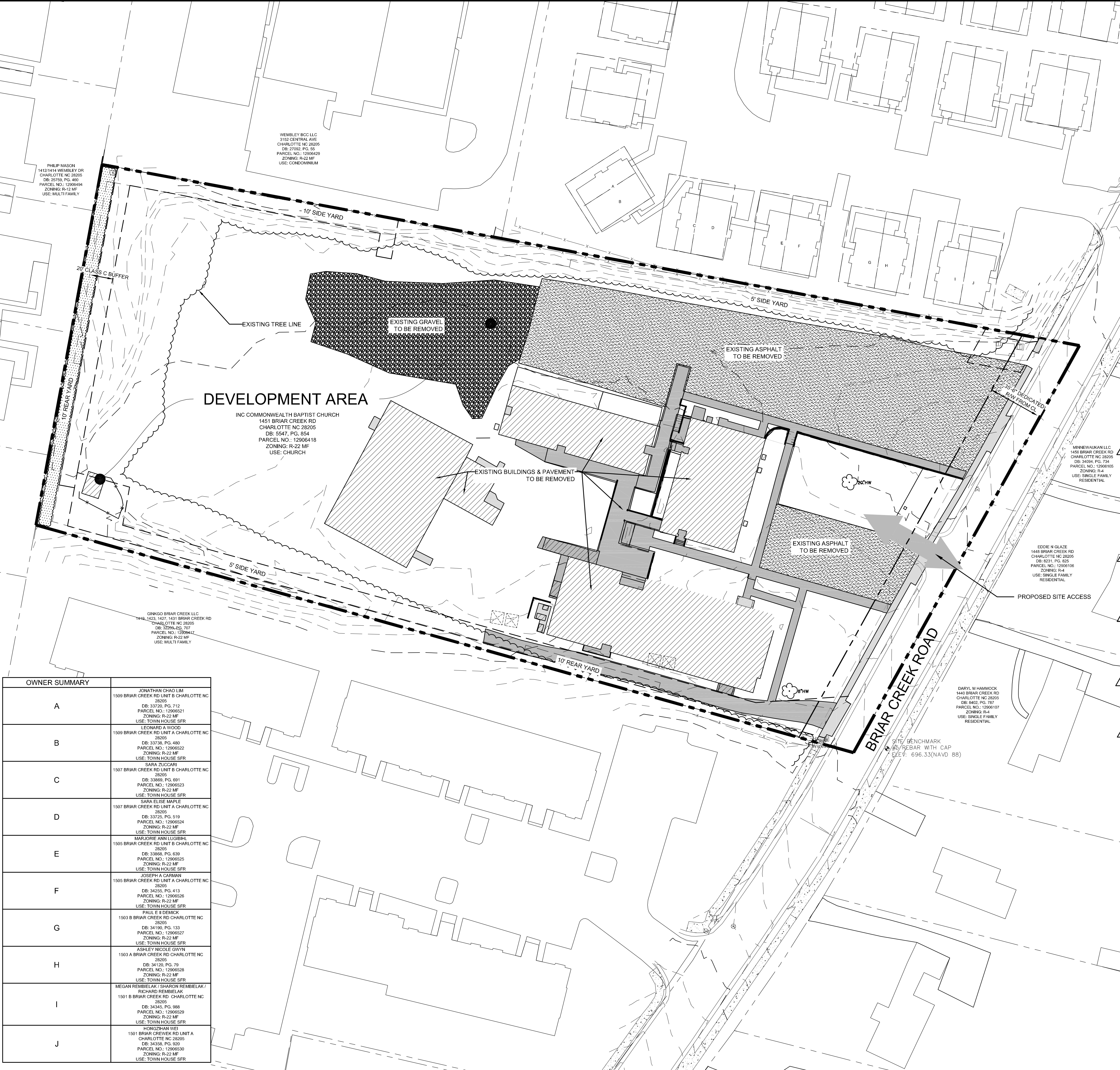
5. Site plan shows a private street while Transportation Note III.1. references an internal public and/or private drive. Please clarify.

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

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

P:\2019 Jobs\19052 - Briar Creek\19052 - Briar Creek\19052 - Briar Creek\19052 - RZ BASE.dwg

OWNER SUMMARY	
A	JONATHAN CHAO LIM 1509 BRIAR CREEK RD UNIT B CHARLOTTE NC 28205 DB: 33720, PG. 712 PARCEL NO.: 12060521 ZONING: R-22 MF USE: TOWNHOUSE SFR
B	LEONARD A WOOD 1509 BRIAR CREEK RD UNIT A CHARLOTTE NC 28205 DB: 33738, PG. 480 PARCEL NO.: 12060522 ZONING: R-22 MF USE: TOWNHOUSE SFR
C	SARA ZUCCARI 1507 BRIAR CREEK RD UNIT B CHARLOTTE NC 28205 DB: 33669, PG. 691 PARCEL NO.: 12060523 ZONING: R-22 MF USE: TOWNHOUSE SFR
D	SARA ELISE MAPLE 1507 BRIAR CREEK RD UNIT A CHARLOTTE NC 28205 DB: 33725, PG. 519 PARCEL NO.: 12060524 ZONING: R-22 MF USE: TOWNHOUSE SFR
E	MARJORIE ANN LUGIBHL 1505 BRIAR CREEK RD UNIT B CHARLOTTE NC 28205 DB: 33688, PG. 639 PARCEL NO.: 12060525 ZONING: R-22 MF USE: TOWNHOUSE SFR
F	JOSEPH A CARMAN 1505 BRIAR CREEK RD UNIT A CHARLOTTE NC 28205 DB: 34255, PG. 413 PARCEL NO.: 12060526 ZONING: R-22 MF USE: TOWNHOUSE SFR
G	PAUL E J DEMACK 1503 B BRIAR CREEK RD CHARLOTTE NC 28205 DB: 34190, PG. 133 PARCEL NO.: 12060527 ZONING: R-22 MF USE: TOWNHOUSE SFR
H	ASHLEY NICOLE GWYN 1503 A BRIAR CREEK RD CHARLOTTE NC 28205 DB: 34120, PG. 79 PARCEL NO.: 12060528 ZONING: R-22 MF USE: TOWNHOUSE SFR
I	MEGAN REMBELAK / SHARON REMBELAK / RICHARD REMBELAK 1501 B BRIAR CREEK RD CHARLOTTE NC 28205 DB: 34043, PG. 989 PARCEL NO.: 12060529 ZONING: R-22 MF USE: TOWNHOUSE SFR
J	HONGZHAN WEI 1501 BRIAR CREEK RD UNIT A CHARLOTTE NC 28205 DB: 34338, PG. 600 PARCEL NO.: 12060530 ZONING: R-22 MF USE: TOWNHOUSE SFR



DEVELOPMENT DATA

I. General Provisions

- These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by PulteGroup, Inc. (the "Petitioner") to accommodate the development of a single-family attached (townhome) residential community on that approximately 3.42-acre site located on the west side of Briar Creek Road, as more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Tax Parcel Number 128-064-18.
- 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 UR-2 zoning district shall govern the development and use of the Site.
- 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.
- 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 sixty-three (63) single-family attached dwelling units and any incidental and accessory uses relating thereto that are permitted by-right or under prescribed conditions in the UR-2 zoning district.

III. Transportation

- As depicted on the Rezoning Plan, the Site will be served by an internal public and/or private drive and alleys, and minor adjustments to the location of the internal drive and/or alleys shall be allowed during the construction permitting process.
- A maximum of one (1) access point shall be provided along Briar Creek Road, as generally depicted on the Rezoning Plan.
- Petitioner shall provide a CATS bus waiting pad along the Site's frontage of Briar Creek Road, location of which to be determined in coordination with CATS during the permitting phase of development.
- The Petitioner shall dedicate all necessary rights-of-way in fee simple conveyance to the City of Charlotte before the Site's first building certificate of occupancy is issued.
- 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

- Preferred Exterior Building Materials: All principal and accessory buildings shall be comprised of a combination of portions of brick, natural stone (or its synthetic equivalent), stucco, cementitious siding, fiber cement ("HardiPlank") and/or other materials approved by the Planning Director.
- Prohibited Exterior Building Materials: (i) vinyl siding, excluding vinyl hand rails, windows, soffits, doors or door trim, and (ii) concrete masonry units not architecturally finished.
- To provide privacy, all residential entrances within fifteen (15) feet of the sidewalk along the Site's frontage of Briar Creek Road shall be raised or lowered twelve (12) to twenty-four (24) inches from the average sidewalk grade.
- Pitched roofs, if provided, shall be symmetrically sloped no less than 4:12, except that roofs for porches and attached sheds may be no less than 2:12, unless a flat roof architectural style is employed.
- Usable stoops shall form a predominant feature of the building design for units fronting Briar Creek Road, and shall be located on the front and/or side of the building. Stoops may be covered but shall not be enclosed. There shall be no minimum stoop dimension.
- All corner/end units that face Briar Creek Road shall either have a porch/stoop that wraps a portion of the front and side of the unit or provide blank wall provisions that limit the maximum blank wall exposure to a maximum of ten (10) feet on all building levels.
- Walkways shall be provided to connect all residential entrances to sidewalks along public or private streets.
- Attached dwelling units shall be limited to a maximum of five (5) units per building or fewer when fronting Briar Creek Road.
- Driveway lengths shall either be between five (5) and seven (7) feet in length or a minimum of twenty (20) feet in length.

V. Streetscape, Landscaping & Amenities

- The Petitioner shall construct a minimum twelve (12) foot wide multi-use path (except where narrower sidewalk is required to accommodate existing utilities, as generally depicted on the Rezoning Plan) and eight (8) foot wide planting strip along the Site's frontage of Briar Creek Road a minimum six (6) foot wide sidewalk and eight (8) foot wide planting strip internal to the Site, in the locations as generally depicted on the Rezoning Plan.
- 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.
- Petitioner shall provide a minimum square feet of usable common open space, as generally depicted in areas indicated on the Rezoning Plan. The open space areas may be amenitized with elements such as but not limited to, landscaping, benches or seating areas, gardens, pet areas, tables, passive or active recreation uses, and or other similar amenities.

VI. Environmental Features

- 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.
- 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.

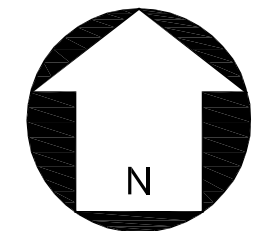
VIII. Amendments to Rezoning Plan

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.

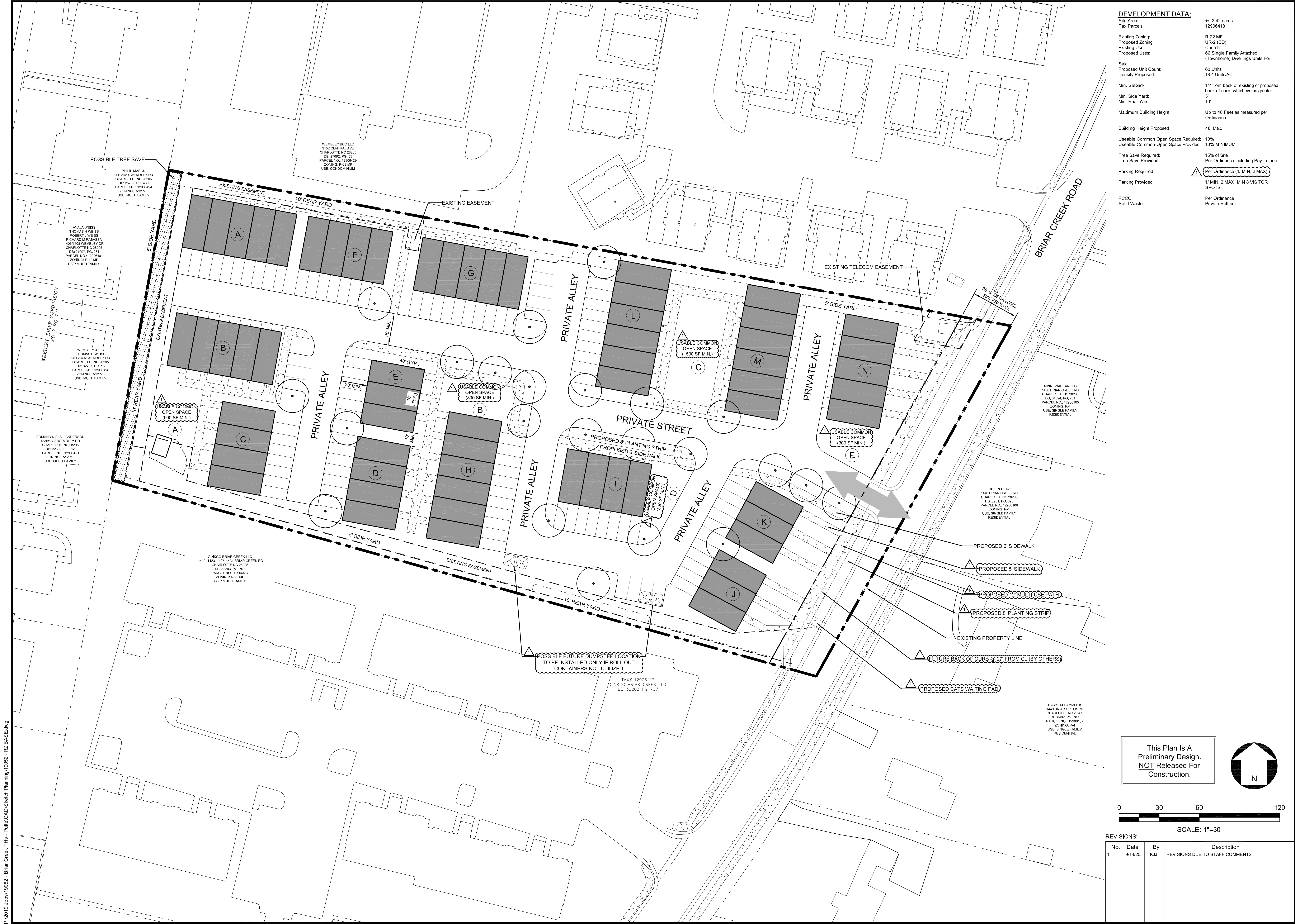
Throughout these Development Standards, the terms, "Petitioner" and "Owner" or "Owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioner or the owner or owners of any part of the Site from time to time who may be involved in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



This Plan Is A
Preliminary Design.
NOT Released For
Construction.

REVISIONS:			
No.	Date	By	Description
1	9/14/20	KJJ	REVISIONS DUE TO STAFF COMMENTS

P:\2019 Jobs\19052 - Briar Creek\Tb's - Pulte\CAD\Sketch Planning\19052 - RZ BASE.dwg



DEVELOPMENT DATA:	
Site Area:	+/- 3.42 acres
Tax Parcels:	12906418
Existing Zoning:	R-22 MF
Proposed Zoning:	UR-2 (CD)
Existing Use:	Church
Proposed Uses:	66 Single Family Attached (Townhome) Dwellings Units For
Sale:	
Proposed Unit Count:	63 Units
Density Proposed:	18.4 Units/AC
Min. Setback:	14' from back of existing or proposed back of curb, whichever is greater
Min. Side Yard:	5'
Min. Rear Yard:	10'
Maximum Building Height:	Up to 48 Feet as measured per Ordinance
Building Height Proposed:	48' Max.
Useable Common Open Space Required:	10%
Useable Common Open Space Provided:	10% MINIMUM
Tree Save Required:	15% of Site
Tree Save Provided:	Per Ordinance including Pay-in-Lieu
Parking Required:	Per Ordinance (1/ MIN, 2 MAX)
Parking Provided:	1/ MIN, 2 MAX, MIN 8 VISITOR SPOTS
PCCO:	Per Ordinance
Solid Waste:	Private Roll-out

BRIAR CREEK TOWNHOMES
1445 BRIAR CREEK ROAD
CHARLOTTE, NC
PULTE HOME COMPANY, LLC
CHARLOTTE, NC

**REZONING
SITE PLAN**
PETITION #:
RZP - 2020 - 089

CORPORATE CERTIFICATIONS
NC PE : C-2930 NC LA : C-253
SC ENG : NO. 3599 SC LA : NO. 211

Project Manager: MDL

Drawn By: MMS

Checked By: MDL

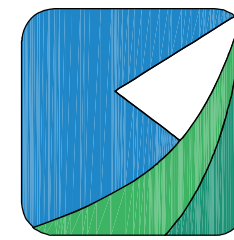
Date: 7/28/2020

Project Number: 19052

Sheet Number:

RZ-2

SHEET # 2 OF 2

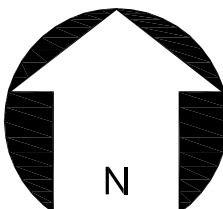


Landworks
Design Group, PA
CREATING SPACES TO LIVE, WORK AND PLAY

7621 Little Avenue, Suite 111
Charlotte, NC 28226

tel: 704-941-1604
fax: 704-941-1604

This Plan Is A
Preliminary Design.
NOT Released For
Construction.



SCALE: 1"=30'

REVISIONS:

No.	Date	By	Description
1	9/14/20	KJJ	REVISIONS DUE TO STAFF COMMENTS



Agenda Date: 10/19/2020

Agenda #: 32. **File #:** 15-14403 **Type:** Zoning Hearing

Rezoning Petition: 2020-090 by Remount, LLC

Location: Approximately 1.566 acres located along the south side of Watson Drive, the west of Remount Road, and north of West Boulevard. (Council District 3 - Watlington)

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

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

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

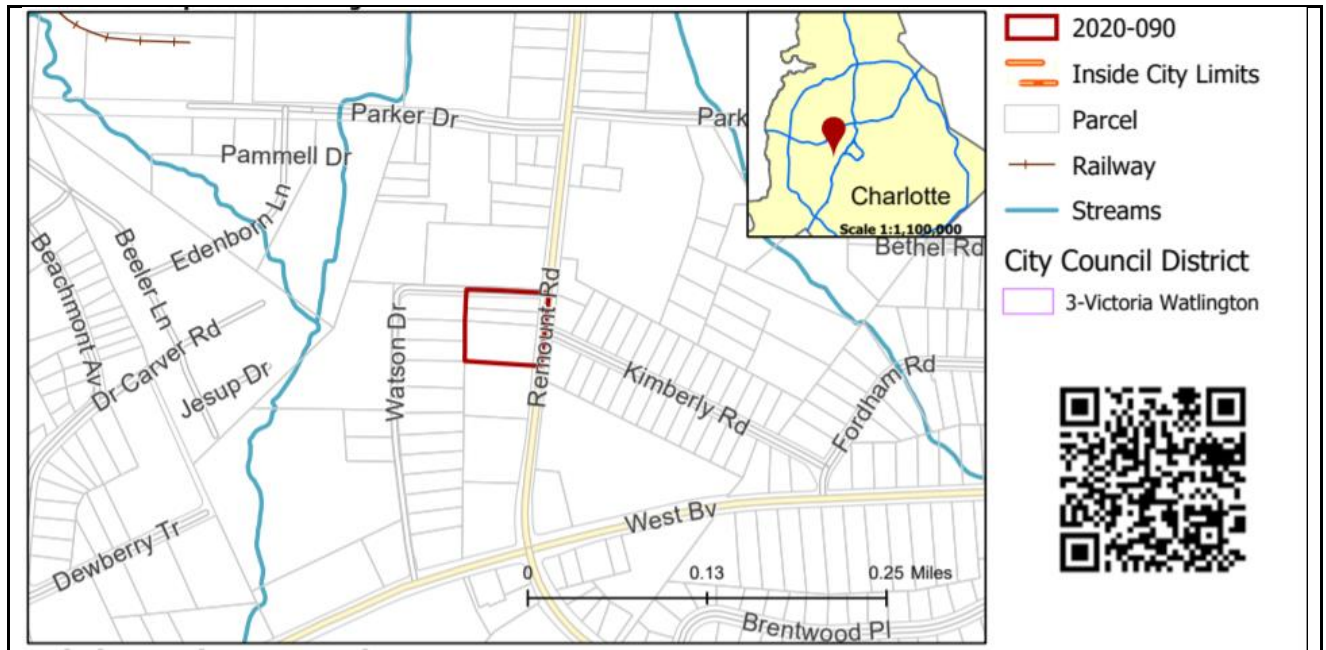
Pre-Hearing Staff Analysis

REQUEST

Current Zoning: R-22MF (multifamily residential)
Proposed Zoning: TOD-TR (transit oriented development - transit transition)

LOCATION

Approximately 1.566 acres located along the south side of Watson Drive, the west of Remount Road, and north of West Boulevard.



SUMMARY OF PETITION

The petition proposes to allow all uses in the TOD-TR (transit oriented development-transit transition) on a parcel developed with single family dwellings located between Parker Drive and West Boulevard. The parcel is located less than ½ mile from the [proposed](#) Remount Transit Station [on the LYNX Silver Line](#).

PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE COMMUNITY MEETING

Remount, LLC
Remount, LLC
Fred Guin, Anthony Fox
Meeting is not required.

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the *Central District Plan* recommendation for multifamily residential uses up to 22 units per acre.

Rationale for Recommendation

- The subject site is approximately .35 mile walk of the [proposed](#) Remount Road Transit Station on the LYNX Silver Line.
- Use of conventional TOD-TR (transit oriented development-neighborhood center) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary.

- TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.
- CATS staff is in the process of refining the LPA and will begin station area planning in 2021 which will include urban design, land use and infrastructure recommendations. CATS is supportive of zoning districts that allow transit-oriented development form and density within 1 mile of transit stations.

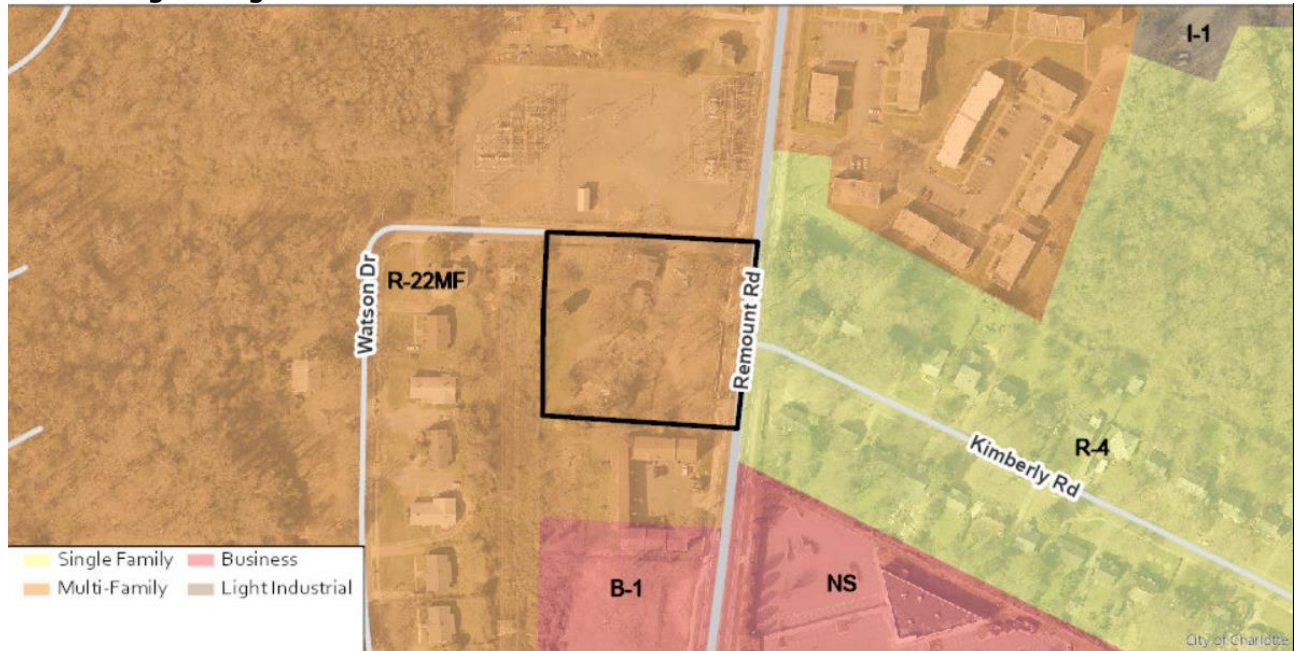
The approval of this petition will revise the adopted future land use from multifamily residential uses up to 22 dwelling units per acre as specified in the *Central District Plan* to transit oriented development for the site.

PLANNING STAFF REVIEW

- **Proposed Request Details**

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

- **Existing Zoning and Land Use**



The site is developed with single family residential homes and is surrounded by a mix of single family homes, commercial uses, warehouse/distribution, and institutional in various zoning districts.



The site is developed with single family residential homes.



East are single family homes



West are single family homes and vacant land.

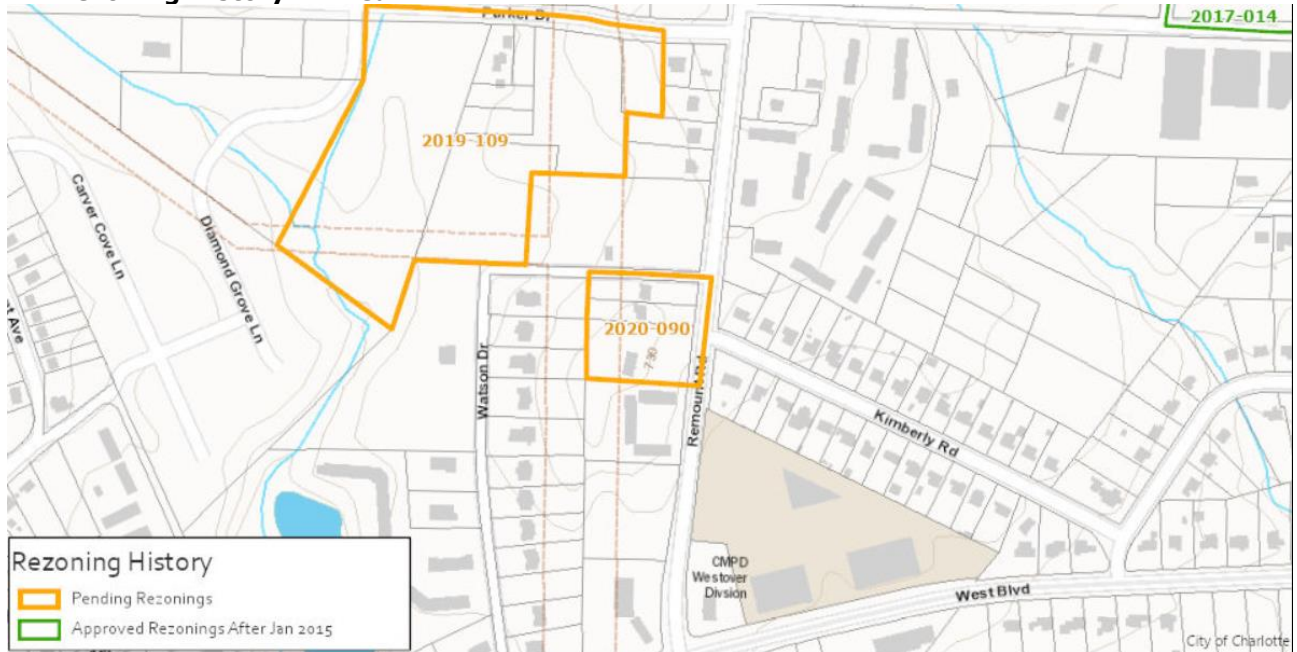


North is a transmission station.



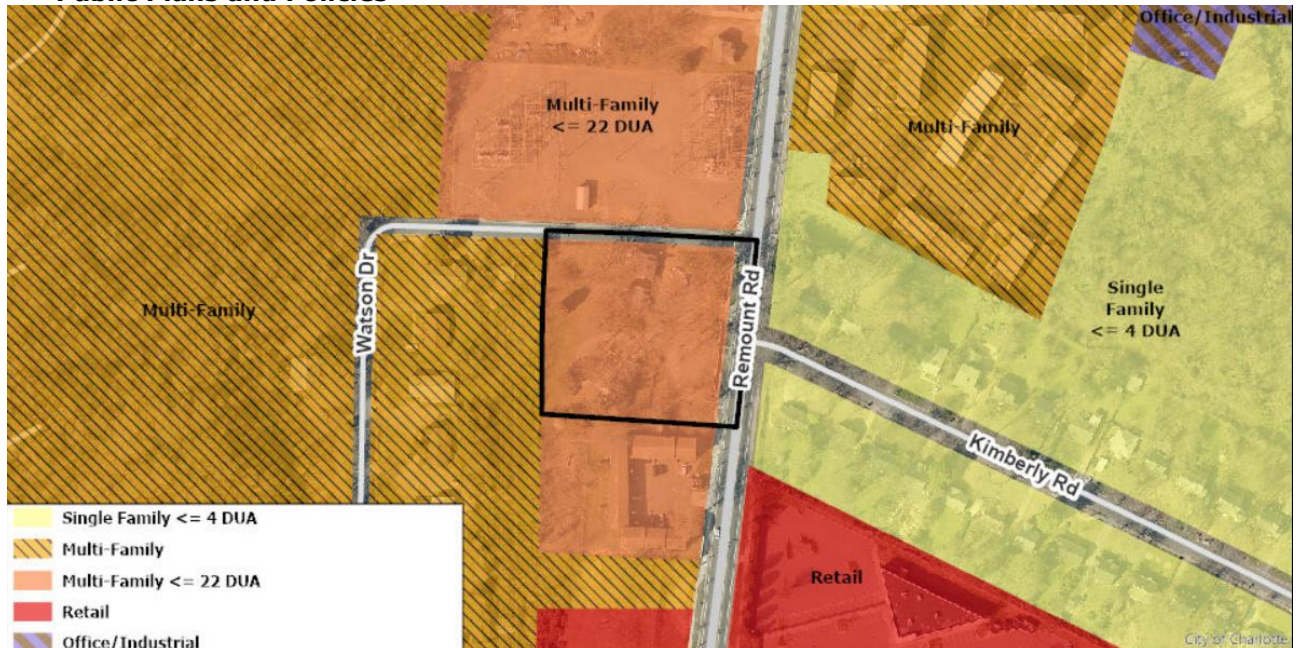
South, along Remount Road, are residential and retail uses.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-109	Rezone 8.15 acres from R-22MF to I-2.	Pending
2017-014	Rezoned 17.57 acres from R-4 and I-1 to MUDD-O.	Approved

- Public Plans and Policies**



- The Central District Plan (1993) recommends multifamily residential up to 22 dwelling units per acre.
- For over 20 years the Charlotte Area Transit System (CATS) has identified Independence Blvd as a rapid transit corridor. Various transit stations and vehicle technology have been studied during that time. In 2016, a 13 mile LYNX Silver light rail Locally Preferred Alternative (LPA) from Uptown Charlotte to the Town of Matthews was adopted by the Metropolitan Transit Commission (MTC). In November 2017, CATS staff began identifying alternative Silver Line light rail corridor alignments from Center City to Gaston County. with the goal of completing the complete east - west Silver Line system by the year 2030. In January 2019, CATS staff recommended that the Southeast LYNX Silver Line continue through Uptown Charlotte to

Wilkinson Blvd with a terminus in the City of Belmont in Gaston County. The MTC adopted that recommendation, formally creating a continuous LYNX Silver Line light rail project from the Matthews to Belmont. In 2020 CATS and its partners have started transit oriented development planning and design services in order to advance the project. It is CATS stated goal to complete the LYNX Silver Line by 2030. The subject parcel is within the East Independence Boulevard segment of the Silver Line LPA. The site associated with Petition #2020-090 is located within .5 mile of the proposed LYNX Silver Line light rail transit corridor and light rail station at Remount Road and Wilkinson Boulevard. CATS staff is in the process of refining the LPA and will begin station area planning in 2021 which will include urban design, land use and infrastructure recommendations. CATS is supportive of zoning districts that allow transit-oriented development form and density within 1 mile of transit stations.

- The site associated with Petition #2020-090 is located within .5 mile of the proposed LYNX Silver Line light rail transit corridor and light rail station at Remount Road and Wilkinson Boulevard. CATS staff is in the process of refining the LPA and will begin station area planning in 2021 which will include urban design, land use and infrastructure recommendations. CATS is supportive of zoning districts that allow transit-oriented development form and density within 1 mile of transit stations.

- **TRANSPORTATION CONSIDERATIONS**

- The site is located on Remount Road, a major thoroughfare, in between Wilkinson Blvd. and West Blvd. Currently, there are several CATS BUS facilities and routes located within ¼ mile of the site. Sidewalks and curb and gutter exist along Remount Road, however, CDOT will work with the petitioner during permitting to upgrade the streetscape in accordance with city ordinances and to develop a street network to serve the TOD zoning requested.
- There are no active projects in this site.
- See advisory comments at www.rezoning.org.
- **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 30 trips per day (based on 3 single family homes).
 - Entitlement: 185 trips per day (based on 34 apartment units).
 - Proposed Zoning: Too many uses to determine.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** The site associated with Petition #2020-090 is located within .5 mile of the proposed LYNX Silver Line light rail transit corridor and light rail station at Remount Road and Wilkinson Boulevard. CATS staff is in the process of refining the LPA and will begin station area planning in 2021 which will include urban design, land use and infrastructure recommendations. CATS is supportive of zoning districts that allow transit-oriented development form and density within 1 mile of transit stations. See advisory comments at www.rezoning.org.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 3 students, while the development allowed under the proposed zoning may produce 0 students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is 0 students. The development allowed under the existing zoning could generate 7 students, while the development allowed under the proposed zoning is to be determined (too many uses to determine).
 - The following data is as of the 2019-20 school year:
 - Barringer Academic Center: from 92% to TBD
 - Sedgefield Middle: from 73% to TBD
 - Harding University High: 132% to TBD
 - See advisory comments at www.rezoning.org.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Watson Street and an 8-inch water distribution main along Remount Road. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Remount 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 regarding ground water services.
 - **Mecklenburg County Parks and Recreation Department:** No outstanding issues.
-

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

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



Agenda Date: 10/19/2020

Agenda #: 33.**File #:** 15-14404 **Type:** Zoning Hearing

Rezoning Petition: 2020-093 by Griffman Investments, LLC

Location: Approximately 1.41 acres located along the east side of Griffith Street, the west side of LYNX Blue Line, and south of Poindexter Drive. (Council District 3 - Watlington)

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

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

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

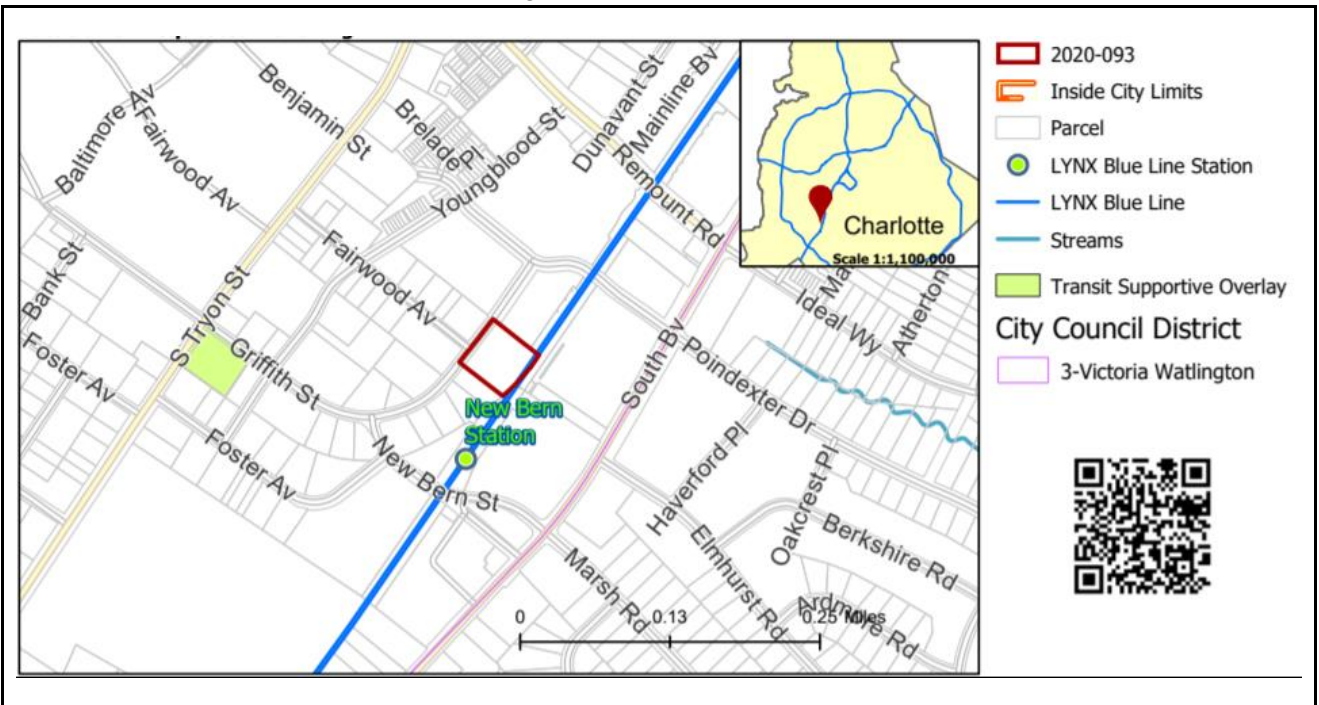
Pre-Hearing Staff Analysis

REQUEST

Current Zoning: TOD-M(O) (transit oriented development, mixed, optional)
Proposed Zoning: TOD-UC (transit oriented development, urban center)

LOCATION

Approximately 1.41 acres located along the east side of Griffith Street, the west side of the LYNX Blue Line, and south of Poindexter Drive.



SUMMARY OF PETITION

The petition proposes to allow all the uses permitted in the TOD-UC zoning district.

PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE COMMUNITY MEETING

Griffman Investments LLC
Griffman Investments LLC
Griffman Investments LLC
Meeting is not required.

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the *New Bern Transit Station Area Plan* land use recommendation for transit oriented development, and as amended via petition 2008-101.

Rationale for Recommendation

- The subject site is approximately 280 feet from the New Bern Station on the LYNX Blue Line.
- The proposal permits a site previously used for industrial uses to convert to transit supportive land uses.
- Use of conventional TOD-UC (transit oriented development – urban center) zoning applies standards and regulations to create

the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary.

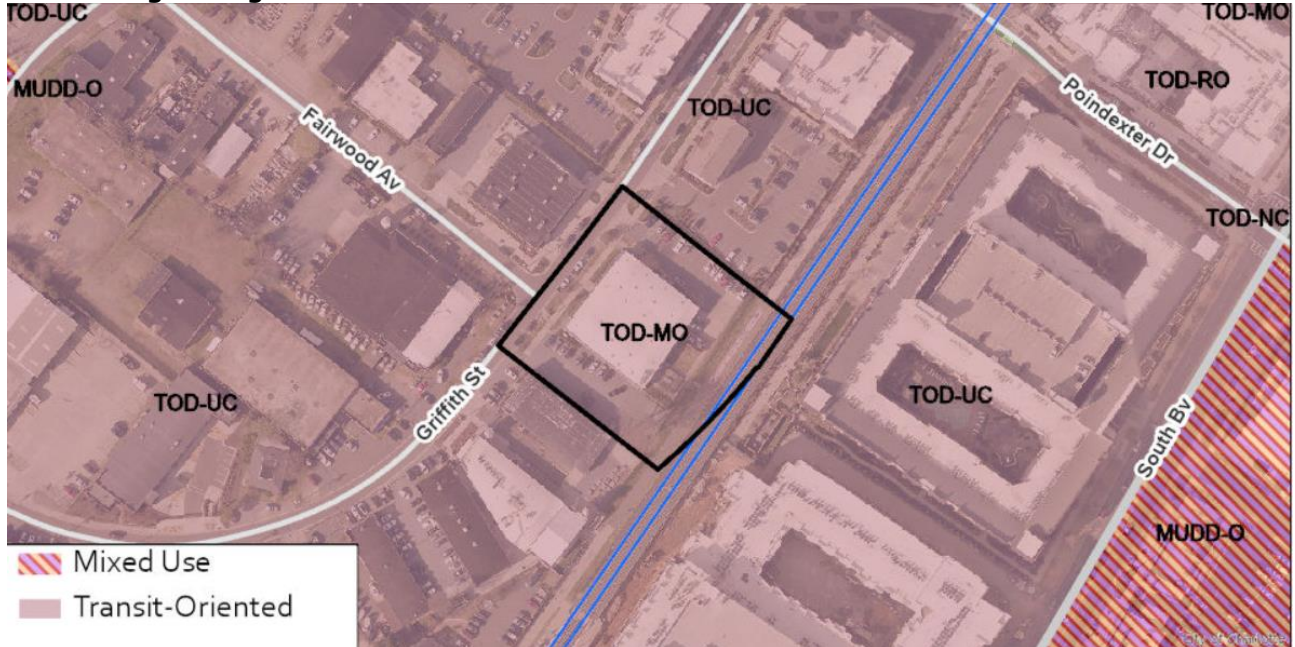
- TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

PLANNING STAFF REVIEW

- **Proposed Request Details**

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

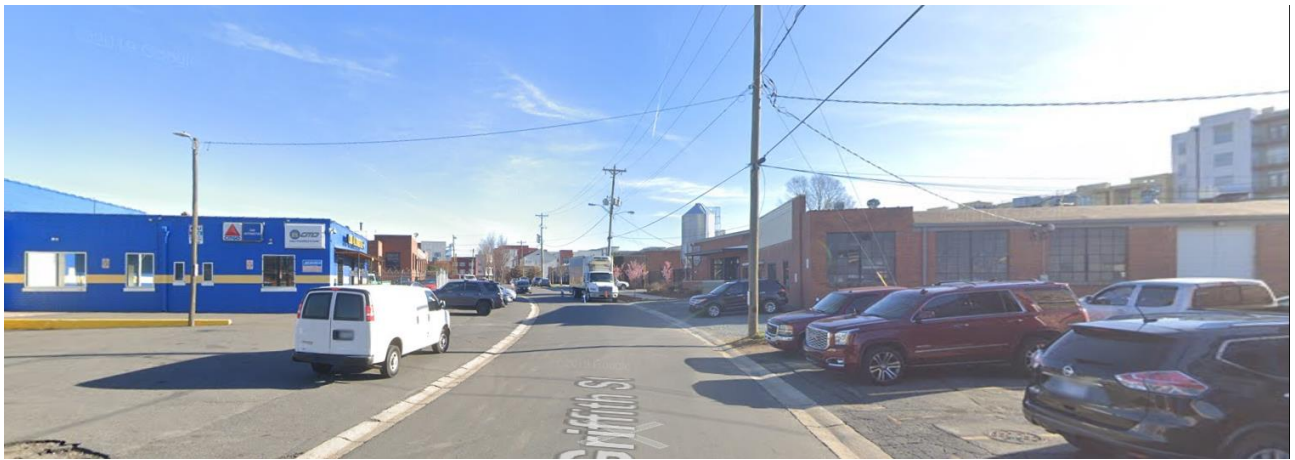
- **Existing Zoning and Land Use**



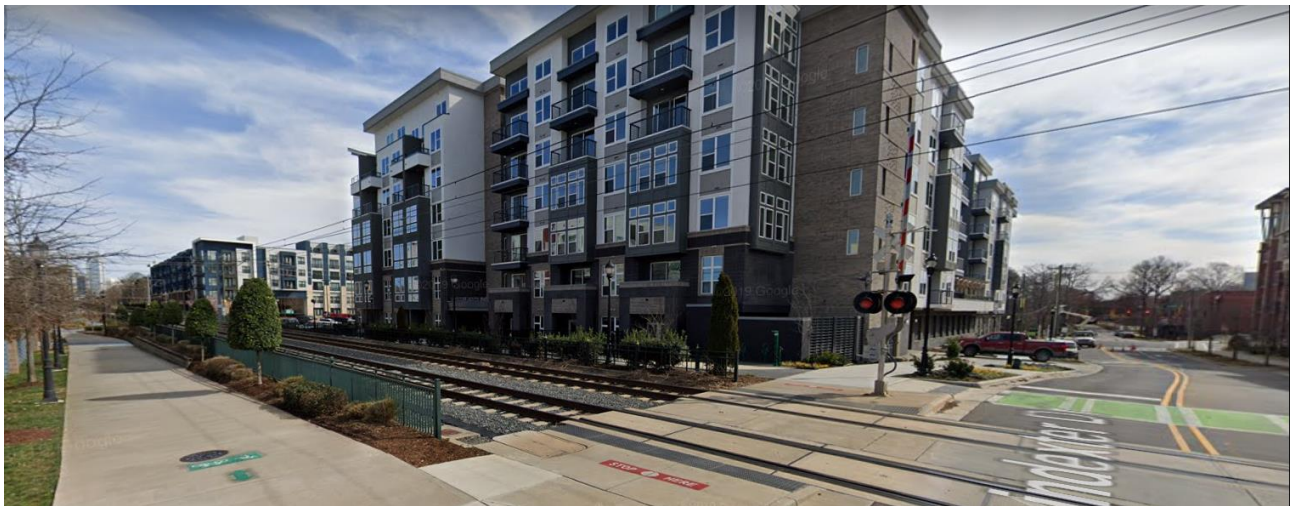
- The subject property is zoned TOD-M(O) and is developed with an office and surrounded by office, retail, warehouse, and multifamily residential development with predominantly TOD zoning.
- The subject site was part of petition 2008-101 (The Silos) that rezoned 2.95 acres to TOD-MO to allow transit oriented development. The request committed to a minimum of 20 percent of the development being devoted to office uses such as retail, office, restaurants, and personal services, with an optional provision to allow an increase in maximum allowable height from 120 feet to 200 feet.



The subject property is developed with an office. The building is also adjacent to the Lynx Blue Line.

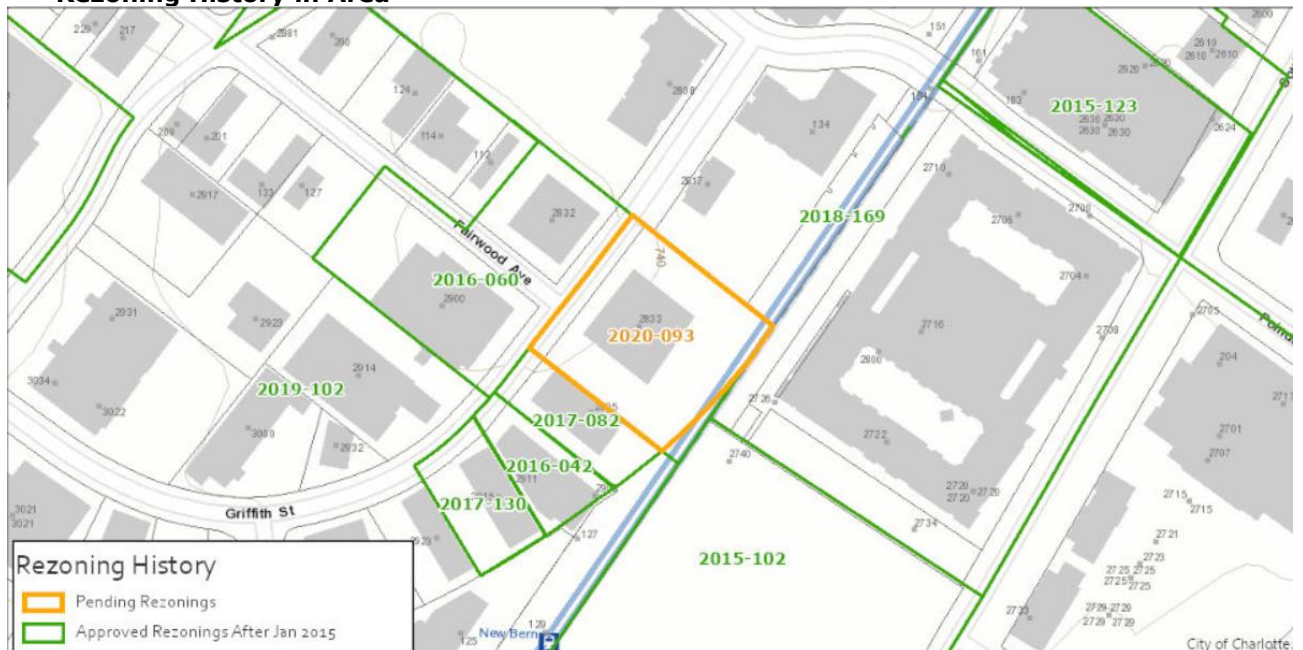


The rezoning site is surrounded by a mix of office/warehouse, residential, and retail uses.



The site lies adjacent to the LYNX Blue Line.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-102	Rezoned 1,771 acres under a range of zoning districts to one of four TOD districts.	Approved
2018-169	Text amendment replacing 3 existing TOD districts with 4 new TOD districts and regulations.	Approved
2017-130	Rezoned 0.42 acres to TOD-M.	Approved
2017-082	Rezoned 0.39 acres to TOD-M.	Approved
2016-060	Rezoned 1.5 acres to TOD-M.	Approved
2015-123	Rezoned 1.6 acres to TOD-R(O).	Approved

- Public Plans and Policies**



- The *New Bern Station Area Plan* (2008) recommends a mixed-use transit supportive uses and design guidelines for the subject site, and as modified by petition 2008-101.

- TRANSPORTATION CONSIDERATIONS**

- The site is located on a Griffith Street, a local road, in between New Bern Street and Poindexter Drive. Additionally, this site is located within 500 feet of LYNX Blue Line's New Bern Station with the Rail Trail running through the southeast section of the site. Currently, Griffith Street has wide sidewalks and planting strips, however, an additional 12-ft multi-use path, that may also serve as Fire/EMS access, should be installed by the petitioner to connect Griffith Street to the rail. This connection will increase the bicycle and pedestrian connectivity, in accordance with Charlotte's BIKES and WALKS plans.
- CDOT supports this proposed rezoning of parcels along the LYNX Blue Line and will work with the developer to upgrade the street network and streetscape in accordance with TOD standards.
- Vehicle Trip Generation:**
 Current Zoning:
 Existing Use: 150 trips per day (based on 13,328 square foot office).
 Entitlement: Too many uses to determine (based on current TOD-MO zoning; general guidance from planning).
 Proposed Zoning: Too many uses to determine (based on proposed TOD-UC zoning; general guidance from planning).

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

- **Charlotte-Mecklenburg Schools: Charlotte-Mecklenburg Schools:** The subject property is zoned TOD-M(O) and the current use is office. The number of students potentially generated under current zoning: TBD. The TOD-UC zoning has too many possible uses to calculate student impact. Number of students this development may add to the schools in this area: TBD.
 - The following data is as of the 2019-20 school year:
 - Dilworth (Sedgefield Campus K-2): 66% - TBD
 - Dilworth (Latta Campus 3-5): 64% - TBD
 - Sedgefield Middle: 73% - TBD
 - Myers Park High: 125% - TBD
 - See advisory comments at www.rezoning.org.
- **Charlotte Water:** Water service is accessible for this rezoning boundary. The proposed rezoning is located in an area that Charlotte Water has determined to have limited sanitary sewer system capacity. Sanitary sewer service will be dependent on the completion of a public infrastructure project—Charlotte Water’s Remount Project. This project was identified to support current and future customers, and any proposed sanitary sewer flow shall be coordinated to discharge after completion of said project. Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along Griffith Street.
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

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

Planner: Claire Lyte-Graham



Agenda Date: 10/19/2020

Agenda #: 34. **File #:** 15-14405 **Type:** Zoning Hearing

Rezoning Petition: 2020-094 by Childress Klein

Location: Approximately 9.54 acres located north of Perimeter Pointe Parkway, west of Rebecca Avenue, and south of West Boulevard. (Council District 3 - Watlington)

Current Zoning: I-1 (CD) (light industrial, conditional) and R-22 MF (multi-family residential)

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

Staff Recommendation:

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

Attachments:

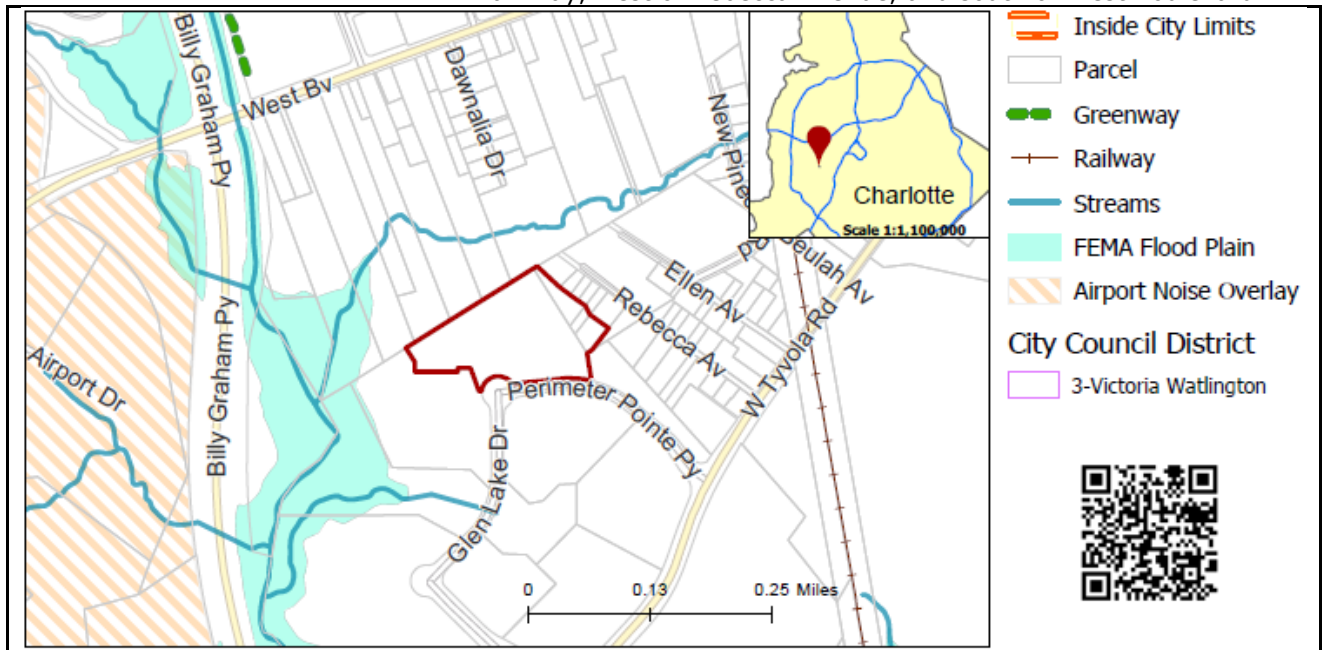
Pre-Hearing Staff Analysis
Site Plan

REQUEST

Current Zoning: I-1(CD) (light industrial, conditional) and R-22MF (multifamily residential)
Proposed Zoning: I-1(CD) (light industrial, conditional) and I-1(CD) SPA (light industrial, conditional, site plan amendment)

LOCATION

Approximately 9.54 acres located north of Perimeter Pointe Parkway, west of Rebecca Avenue, and south of West Boulevard.



SUMMARY OF PETITION

The petition proposes to allow all uses permitted in the I-1 zoning district with the exception of Eating, Drinking, and Entertainment Establishments (EDEE) with accessory drive-through uses. The petition would allow a portion of the entitlements remaining from Rezoning Petition 1998-125 to be developed.

PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE COMMUNITY MEETING

Lakepointe Corp Center Association, LLC
Childress Klein
Keith MacVean, Moore & Van Allen, PLLC

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 1

STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation.

Plan Consistency

The petition is **consistent** for a majority of the site recommended for light industrial uses, and **inconsistent** for the remaining portion of the site recommended for multi-family use, as per the **Southwest District Plan**.

Rationale for Recommendation

- The proposed site plan while inconsistent with the portion of the site that is recommended for multi-family use, proposes to maintain that area as a buffer.

- The portion of the site that is consistent with the adopted light industrial land use for the site, is within an existing office park.
- The site is located within the Old Coliseum mixed use activity center, as per the *Centers Corridors and Wedges Growth Framework*.

The approval of this petition will revise the adopted future land use as specified by the *Southwest District Plan*, from current recommended multi-family use to light industrial land use for a portion of the site, and remain light industrial for the majority of the site.

PLANNING STAFF REVIEW

• Background

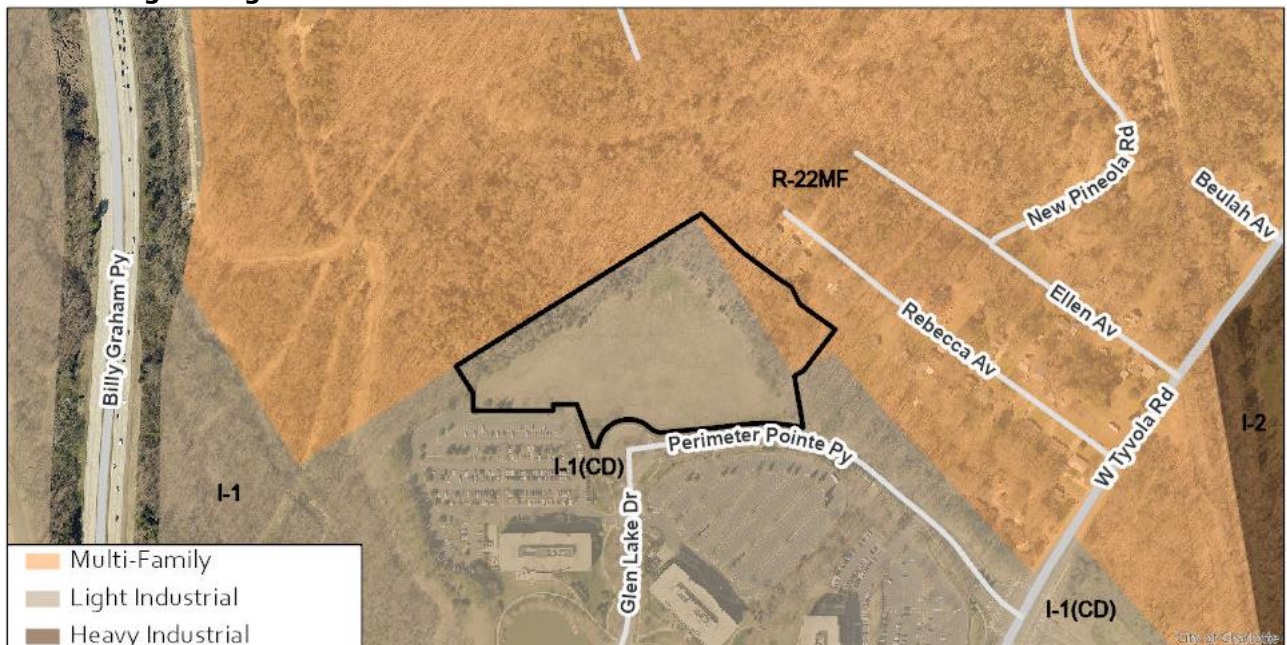
- Rezoning Petition 1998-125 established I-1(CD) zoning for the site and implied that an office building and associated parking would be developed on the site.

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allows for all uses permitted in the I-1 district except for EDEE with accessory drive-thrus.
- Limits retail and EDEE uses to the ground floor of the building(s).
- Allows for a portion of the remaining entitlements from Rezoning Petition 1998-125 to be developed. A total of 1,065,619 of 1,900,000 has been developed thus far.
- Establishes that access to the site will be from Perimeter Pointe Parkway only. There will be no access to the site from Rebecca Avenue.
- Commits to providing an 8' planting strip and 6' sidewalk along Perimeter Pointe Parkway and a permanent sidewalk easement located 2' behind the back of sidewalk for any sidewalk located outside of right-of-way.
- Provides a 20' building and parking setback along Perimeter Pointe Parkway and Glen Lake Drive.
- States that the type of buffer, either Class A or Class B, will be determined based on the use constructed on the site.
- Provides for the reduction or removal of the buffer if the adjacent zoning districts change and are no longer required on the site by ordinance.
- Prohibits billboards on the site.
- Commits to lighting standards including full cut-off type fixtures and capped, downwardly directed decorative lighting.
- Commits to constructing an ADA compliant bus waiting pad on Perimeter Pointe Parkway.

• Existing Zoning and Land Use



The site was rezoned in 1998 (petition 1998-125) as a part of the Lakepointe Corporate Center. The subject property is undeveloped, vacant land and is surrounded by office, single family, and vacant wooded properties.



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



The properties to the north are wooded, undeveloped land. The site is marked with a red star.



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

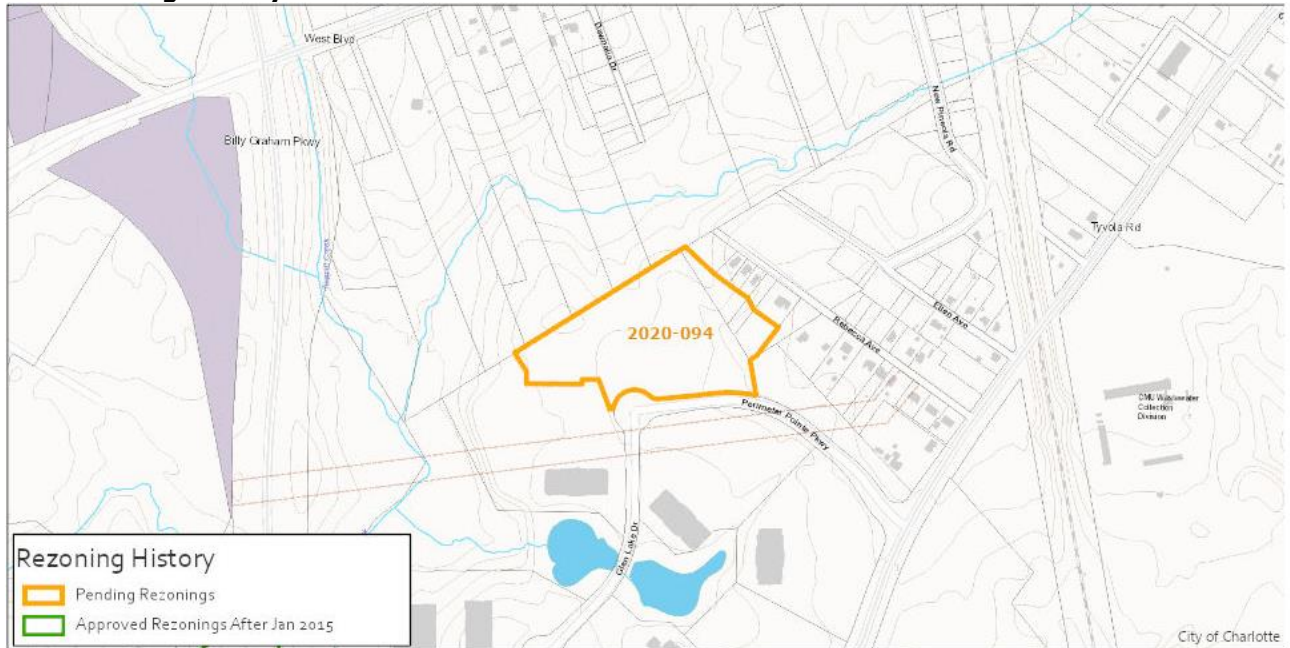


The properties to the south are developed with office uses.



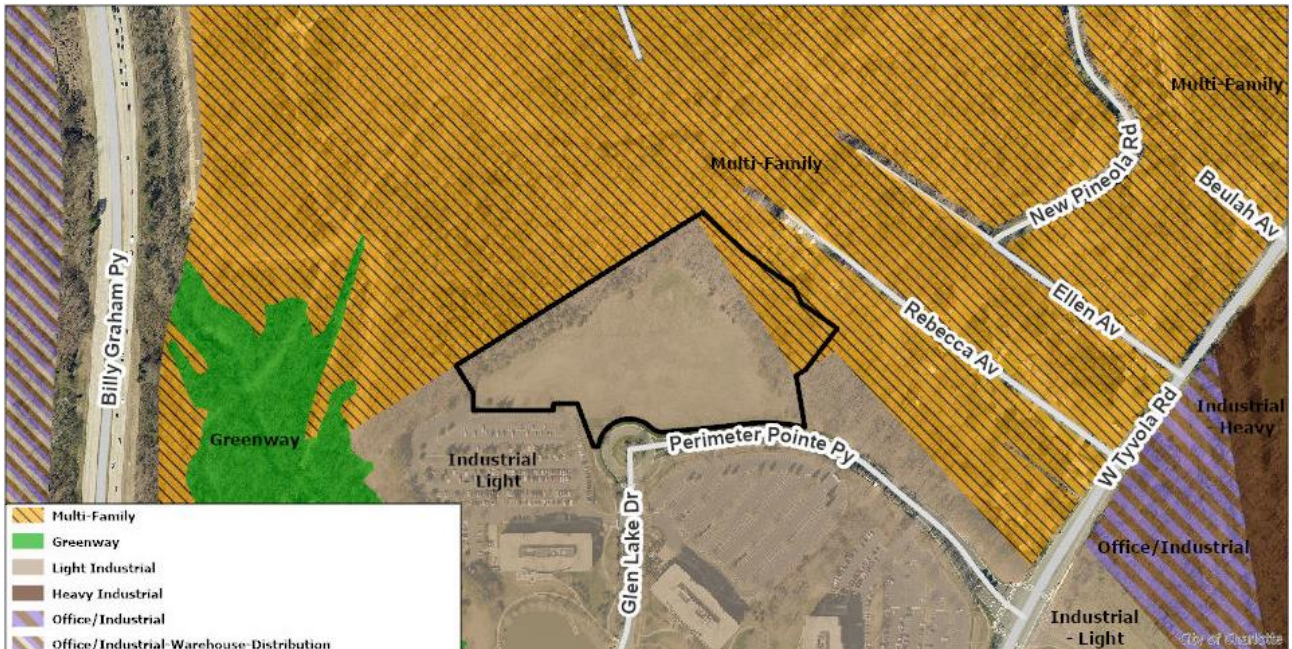
The property to the west is developed with office uses.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
There are no recently approved rezonings in the vicinity.		

- Public Plans and Policies**



- The *Southwest District Plan* (1991) recommends light industrial for the majority of the site (shaded in brown) and multi-family residential for the remainder of the site (shaded in orange).

- TRANSPORTATION SUMMARY**

- This site is located within Route 4, at the corner of Glen Lake Drive and Perimeter Pointe Parkway, both of which are city-maintained local streets. Additionally, this site is located inside a The Old Coliseum Mixed-Use Activity Center within the limits of Westside Strategy Plan Study Area.
 - Active Projects:**
 - There are no active projects within the immediate project vicinity.

- **Transportation Considerations**
 - See Outstanding Issues, Notes 1-4
- **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 0 trips per day (based on vacant land).
 - Entitlement: 325 trips per day (based on 82,500 SF warehouse and 28 apartments).
 - Proposed Zoning: 200 trips per day (based on 95,400 SF warehouse).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** See advisory comments at www.rezoning.org
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org
- **Charlotte-Douglas International Airport:** No comments submitted.
- **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 Perimeter Point Place. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located Perimeter Point Place. See advisory comments at www.rezoning.org
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No comments submitted.
 - **Land Development:** No comments submitted.
 - **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 comments submitted.

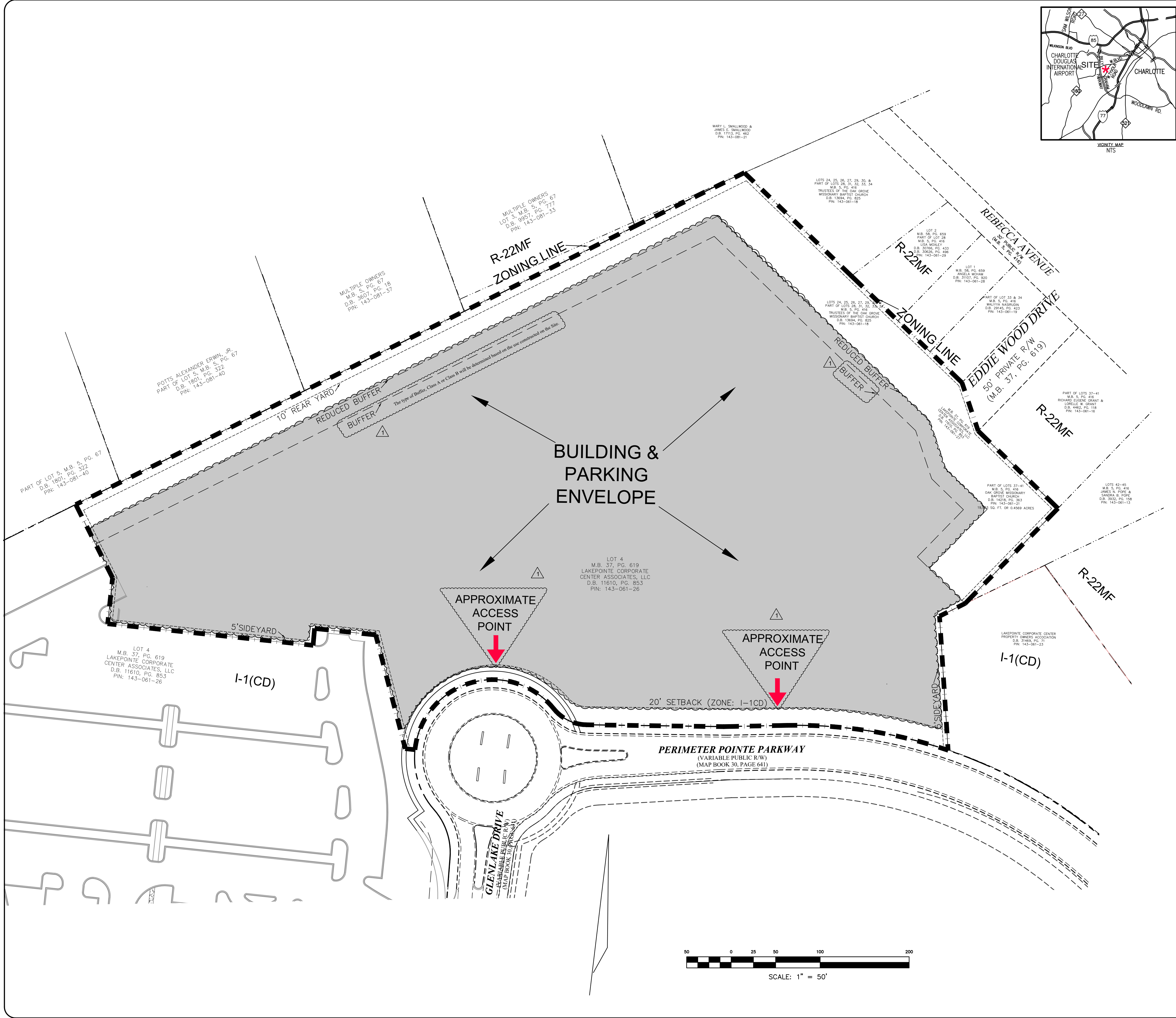
OUTSTANDING ISSUES

Transportation

1. Revise the site plan and conditional note(s) to commit to construct an 8-ft planting strip, and 6-ft sidewalk on Perimeter Pointe Parkway as per Charlotte WALKS. This sidewalk need to tie into the existing network at the adjacent parcel, 14306125, and extend to the curb ramp at Tyvola Road. Label and dimension both items from the back of curb and gutter and road centerline.
2. Revise the site plan and conditional note(s) to clarify access point(s). The petitioner should have at least one access point that stems off the roundabout, creating the third leg. Turning movements should be performed to ensure the roundabout may function for the petitioner's design vehicles.
3. Add a conditional note to clarify these turning movements will be shown during the permitting process.
4. 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.

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

Planner: Joe Mangum (704-353-1908)



Childress - Klein
Development Standards
Rezoning Petition No. 2020-094

Site Development Data:

- Average: ± 9.54 acres
- Tax Parcel No: 143-081-26, 143-061-21, and Portions of 143-061-18 and 27
- Existing Zoning: I-1(CD) and R-22MF
- Proposed Zoning: I-1(CD) SPA and I-1(CD)
- Existing Uses: Vacant
- Proposed Uses: The Site may be developed with uses allowed by right and under prescribed conditions in the I-1 zoning district together with accessory uses including parking structures as allowed in the I-1 zoning district and as restricted by the previously approved rezoning petition for the Site 1998-125 (list of restricted uses listed below in the Development Standards)
- Maximum Gross Square Feet of Development: A portion of the remaining square footage previously approved by Rezoning Petition No. 1998-125 (of the total 1,900,000 square feet were approved for rezoning petition no. 1998-125. A total of ±1,065,619 of the allowed square footage has been constructed on the other portions of LakePointe Corporate Center) of uses allowed by right and under prescribed conditions in the I-1 zoning district (as more specifically described and restricted in the Development Standards below)
- Maximum Building Height: As allowed and required by the Ordinance
- Parking: As allowed and required by the Ordinance for the proposed use.

1. General Provisions:

- a. Site Location:** These Development Standards, the Technical Data Sheet, and other graphics set forth on attached Sheet RZ-1 form this rezoning plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by Childress Klein ("Petitioner") to accommodate the development of the Site with uses allowed in the I-1 zoning district on an approximately 9.54-acre site located at 3737 Glen Lake Drive (the "Site").
- b. Zoning District/Ordinance:** Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the I-1 zoning classifications shall govern all development taking place on the Site.
- c. Graphics and Alterations:** The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, driveways, streets, and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance. Since the project has not undergone the design development and construction phases, it is intended that this Rezoning Plan provide for flexibility in allowing some alterations or modifications from the graphic representations of the Development/Site Elements. Therefore, there may be instances where minor modifications will be allowed without requiring the Administrative Amendment Process per Section 6.207 of the Ordinance. These instances would include changes to graphics if they are:
 - minor and don't materially change the overall design intent depicted on the Rezoning Plan.

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

2. Permitted Uses, Development Area Limitations:

- a. The Site may be developed with a portion of the remaining 1,900,000 square feet of gross floor area originally approved under rezoning petition no. 1998-125 (a total of ±1,065,619 square feet allowed by rezoning petition no. 1998-125 have been developed) of uses allowed by right and under prescribed conditions in the I-1 zoning district, together with accessory uses including parking structures, as allowed in the I-1 zoning district, except for the following uses:**
 - EDEE with accessory drive-through uses.
- b. Retail and EDEE uses will be limited to the ground floor of the building(s) constructed on the Site.**

For purposes of the development limitations set forth in these Development Standards (that not to be construed as a limitation on FAR requirements), the following items will not be counted as part of the allowed gross floor area (floor area as defined by the Ordinance) for the Site: surface or structured parking facilities, and all loading dock areas (open or enclosed).

3. Access & Transportation:

- a. Access to the Site will be from Glen Lake Drive and Perimeter Pointe Parkway. The number of access points will be determined during the land development approval process for the Site. Access to the Site from Rebecca Avenue will not be allowed.**
- b. The Petitioner shall provide an eight (8) foot planting strip and six (6) foot sidewalk along the Site's frontage on Perimeter Pointe Parkway.**
- c. All required roadway improvements will be approved and constructed prior to the issuance of the certificate of occupancy for the first building on the Site.**
- d. The exact alignment, dimensions and location of the access points to the Site, the driveways on the Site may be modified from the elements shown on the Rezoning Plan.**
- e. The Petitioner will dedicate via fee simple conveyance any additional right-of-way indicated on the Rezoning Plan as right-of-way to be dedicated; the additional right-of-way will be dedicated prior to the issuance of the first certificate of occupancy. The Petitioner will provide a permanent sidewalk easement for any of the proposed sidewalks located along the public streets located outside of the right-of-way where ROW dedication is not provided. The permanent sidewalk easement will be located a minimum of two (2) feet behind the sidewalk where feasible.**

4. Setbacks, Buffers and Screening:

- a. A 20-foot building and parking setback will be provided along Perimeter Pointe Parkway and Glen Lake Drive as generally depicted on the Rezoning Plan.**
- b. Buffers will be provided in the locations generally indicated on the Rezoning Plan. The proposed buffers may be reduced as allowed by the Ordinance. The type of Buffer, Class A or Class B will be determined based on the use constructed on the Site. The Petitioner reserves the right to provide the full buffer width and not reduce the required buffer width as allowed by the ordinance. All buffer requirements will be met as required by the Ordinance.**
- c. If in the future adjoining zoning districts are changed to zoning districts which do not require a buffer or which require a reduced buffer, then the buffer provided at the applicable edge depicted on the technical data sheet may be adjusted or eliminated as allowed by the Ordinance.**

5. Design Guidelines:

- a. HVAC and related mechanical equipment will be screened from public view and from view of adjacent properties at grade.**
- b. Dumpster areas and recycling areas will be enclosed by a solid wall or fence with one side being a decorative gate. The wall or fence used to enclose the dumpster will be architecturally compatible with the building materials and colors used on the principal building.**
- c. The Site shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance. The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.**
- d. The Site will comply with Tree Ordinance.**
- e. Signs as allowed by the Ordinance may be provided.**
- f. Billboards (outdoor advertising signs) will not be allowed on Site.**
- g. Lighting:**
 - 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.
 - Lighting fixtures that are decorative, capped and downwardly directed will be allowed on the proposed building walls.
 - No wall pack lighting shall be permitted on the building.
- h. CATS:**
 - The Petitioner shall provide an ADA compliant bus waiting pad on Perimeter Pointe Parkway subject to CATS approval. The exact location shall be determined during the City's Land Development permitting process.

10. Amendments to the Rezoning Plan:

- a. Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners in accordance with the provisions herein and of Chapter 6 of the Ordinance.**

11. Binding Effect of the Rezoning Application:

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

REZONING PLAN (2020-094)
LAKEPOINTE CORPORATE CENTER
CHILDRESS KLEIN PROPERTIES

SITE PLAN

RZ1

DATE	3.14.20
REVISION	1
PROJECT NAME	LAKEPOINTE CORPORATE CENTER
PROJECT NUMBER	
DESIGN BY	
APPROVED BY	
FILE NAME	
FILE DATE	

CHILDRRESS KLEIN GROUP
500-K Canton Road
Charlotte, NC 28217
(704) 525-2003
www.childrressklein.com



Agenda Date: 10/19/2020

Agenda #: 35.**File #:** 15-14406 **Type:** Zoning Hearing

Rezoning Petition: 2020-097 by 6800 Solectron Owner, L.P.

Location: Approximately 12.40 acres located along the south side of Mallard Creek Road and along the east side of Penninger Circle. (Council District 3 - Watlington)

Current Zoning: RE-1 (CD) (research, conditional) and INST (CD) (institutional, conditional)

Proposed Zoning: RE-1 (CD) (research, conditional) and RE-1 (CD) SPA (research, conditional, site plan amendment)

Staff Recommendation:

Staff recommends APPROVAL of this petition upon resolution of outstanding issues related to transportation and environment.

Attachments:

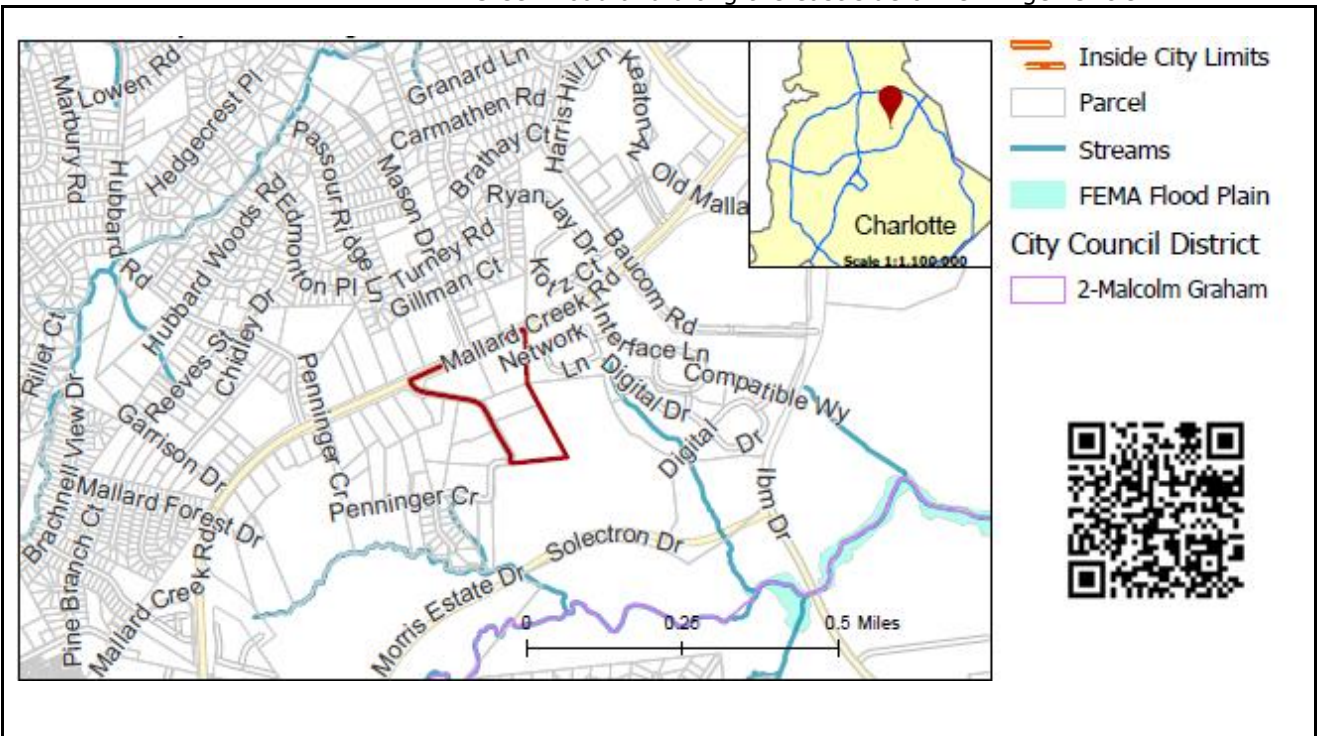
Pre-Hearing Staff Analysis
Site Plan

REQUEST

Current Zoning: RE-1(CD) (research, conditional) and INST(CD) (institutional, conditional)
Proposed Zoning: RE-1(CD) (research, conditional) and RE-1(CD) SPA (research, conditional, site plan amendment)

LOCATION

Approximately 12.40 acres located along the south side of Mallard Creek Road and along the east side of Penninger Circle.



SUMMARY OF PETITION

The petition proposes up to 50,000 square feet of facilities to accommodate uses including medical health clinics, offices, financial institutions, laboratories, and research uses on land that is developed with single family homes.

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE
COMMUNITY MEETING

6800 Solelectron Owner, LP
6800 Solelectron Owner, LP
John Carmichael, Robinson, Bradshaw & Hinson

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 upon resolution of outstanding issues related to transportation and environment.

Plan Consistency

The petition is **consistent** with the *Northeast District Plan* (1996) recommendation of institutional and office uses for this site.

Rationale for Recommendation

- This site proposes up to 50,000 square feet of facilities to accommodate uses including health clinics, offices, financial institutions, and laboratories.

- These uses are in accordance with the *Northeast District Plan* (1996) goal of providing a variety of job types to retain a strong employment base in this area.
- This proposal will increase access to health care access for surrounding residents.
- The proposal commits to pedestrian access and connectivity by proposing a 12-foot multi-use path on Mallard Creek Road and a minimum 6-foot sidewalk along Penninger Circle.

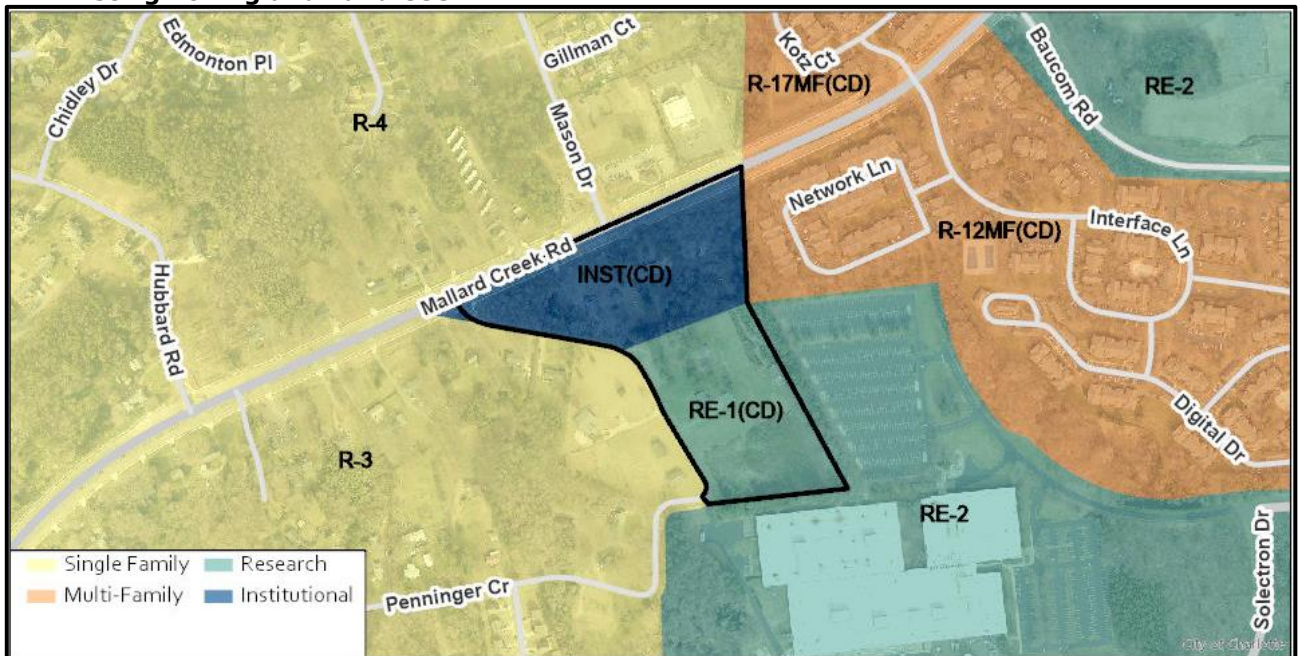
PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allows up to 50,000 gross square-feet to accommodate uses including medical health clinics, offices, financial institutions, laboratories, and research uses.
- Limits principle buildings to two.
- Commits to installing left-over and right-turn lanes at the proposed site access to Mallard Creek Road.
- Commits to an 8-foot planting strip and a 12-foot multi-use path along the frontage of Mallard Creek Road.
- Provides an 8-foot planting strip and 6-foot sidewalk along the Penninger Circle frontage.
- Commits to an ADA bus waiting pad along Mallard Creek Road.
- Provides a 75-foot Class B buffer along the Penninger Circle frontage.
- Provides a 75-foot Class B buffer along the abutting multi-family district to the east of the property.
- Architectural standards that include:
 - Buildings oriented to present a front or side façade to Mallard Creek Road.
 - Building materials to include masonry materials along the 1st floor of buildings.
 - Elevations will not have expanses of blank walls greater than 20-feet
 - Massing designed to break up long, monolithic building forms through modulations/articulations of facades.
 - Pedestrian connections provided from buildings to adjacent streets.
- Full capped freestanding light fixtures not to exceed 30-feet in height.

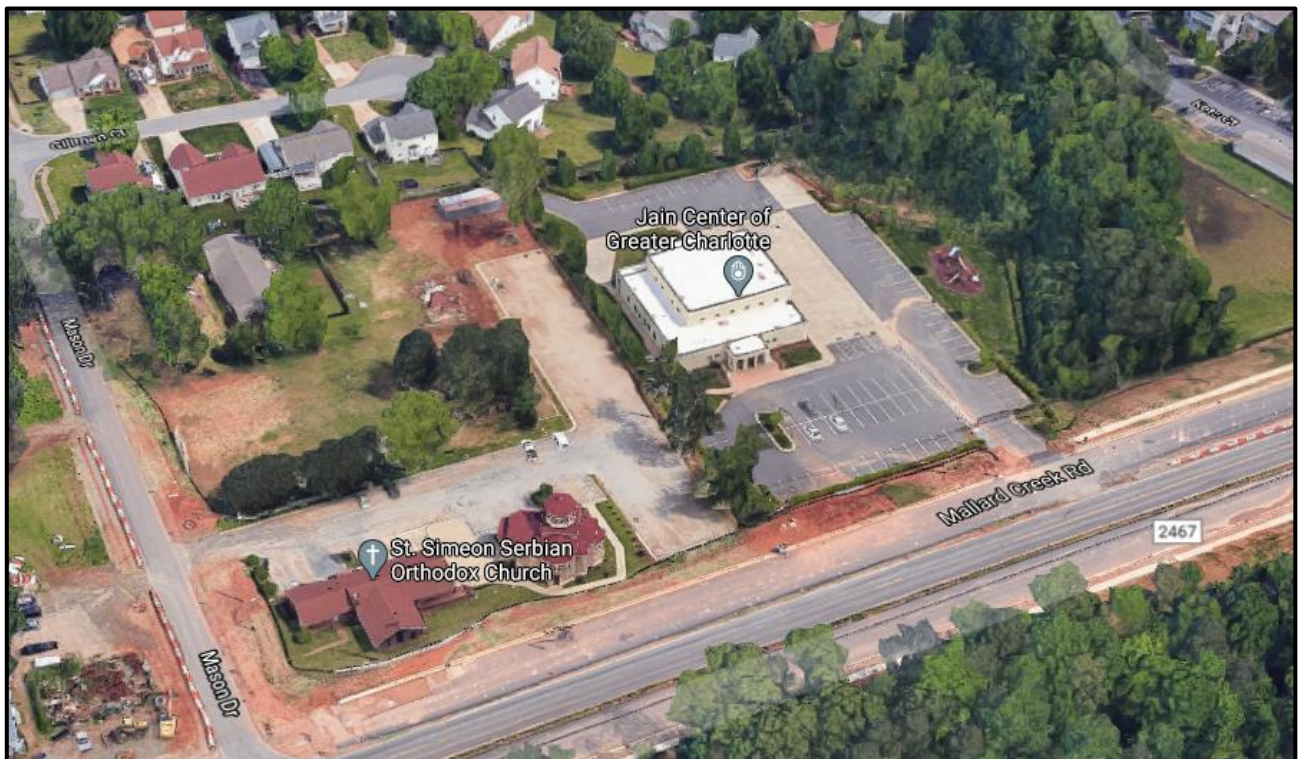
• Existing Zoning and Land Use



The southern half of the property was rezoned in 2018 (2018-013) to allow a surface parking lot to serve as accessory parking for an adjacent office building in the Research Park. The northern half of the property was rezoned in 2010 (2010-069) to allow a 236-unit nursing home. Neither was built. The surrounding land uses include single-family homes, multi-family apartments and research uses.



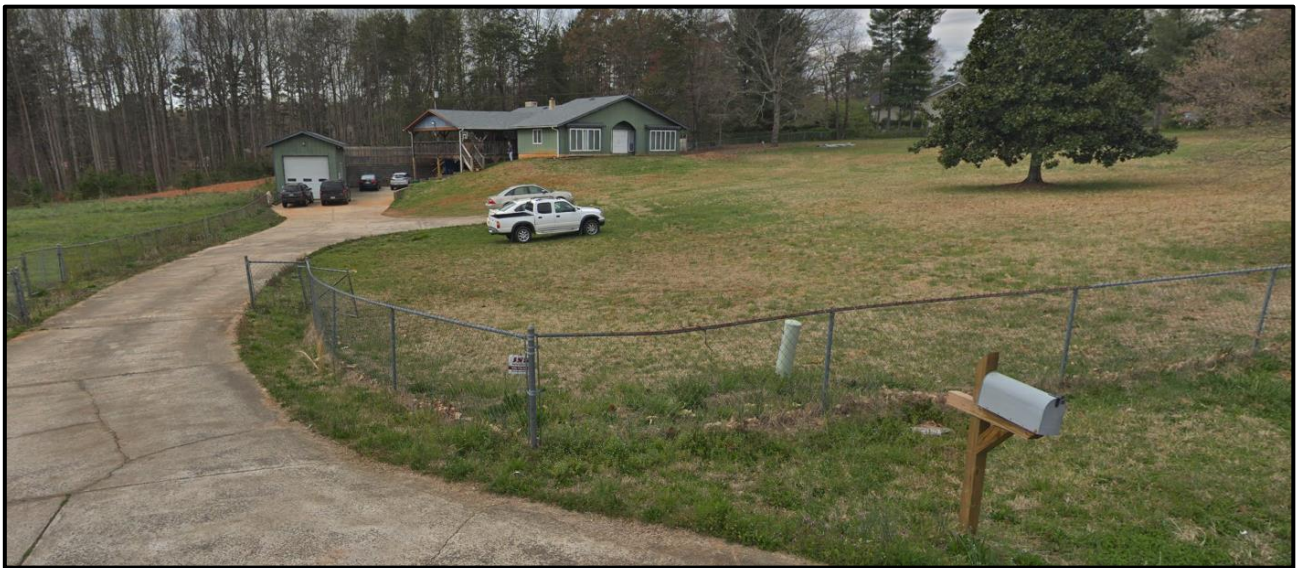
The subject property (denoted by red star) is developed with single family homes.



The property to the north across Mallard Creek Road is developed with religious institutions and single-family homes.



The property to the south along Morris Estate Drive is developed with a security training/office facility. Red star denotes subject property.



The property to the west along Penninger Circle is developed with large lot single family homes.



The property to the east is developed with a surface parking lot and multi-family apartments. Red star denotes subject property.

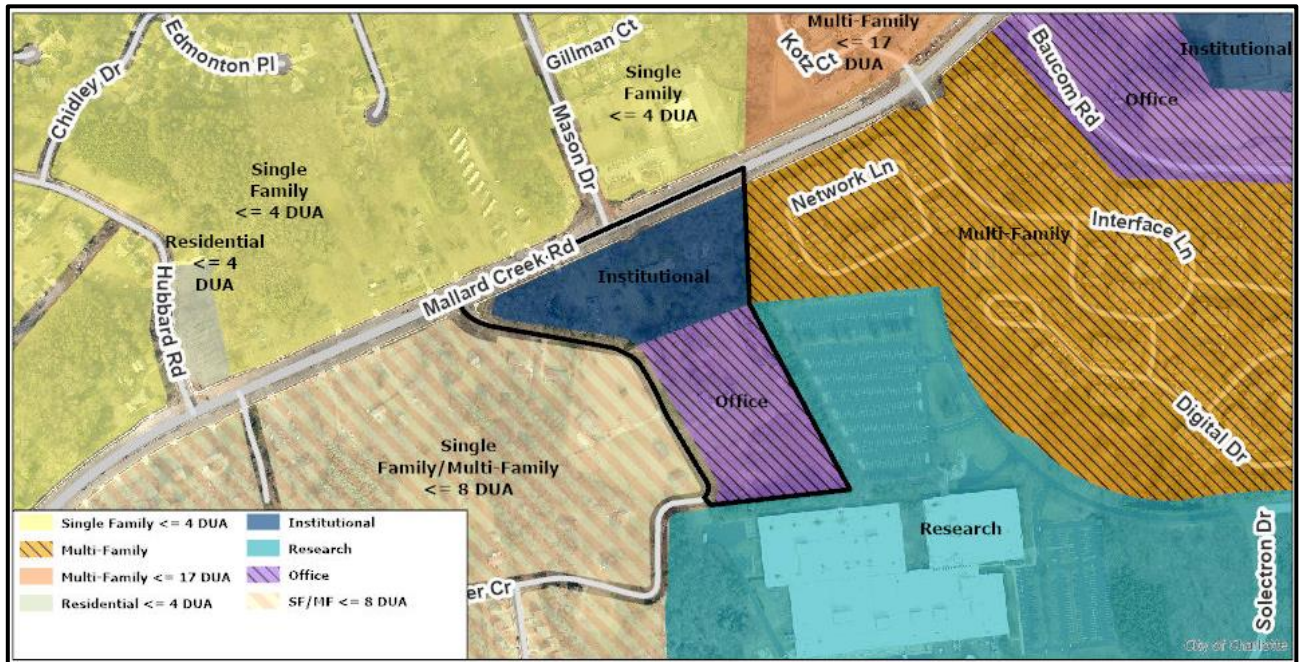
- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2018-013	Rezoned 6.27 acres to allow a surface parking lot to serve as accessory parking for an adjacent office building in the Research Park.	Approved
2018-116	Rezoned 1.34 acres to allow all uses permitted in the R-4 zoning district.	Approved

2020-035	Proposes to rezone 49 acres to allow up to 250 townhomes and 50 multi-family dwelling units.	Pending
2020-099	Proposes to rezone 20.88 acres to allow up to 130 multi-family dwelling units.	Pending

• **Public Plans and Policies**



- The *Northeast District Plan (1996)* calls for Institutional (parcels 04733104, 04733105) and Office (parcels 04733106, 04733107) for this site.
- **TRANSPORTATION SUMMARY**
 - The site is located on a major thoroughfare road. There is an active TIS related to the existing Sollectron building on PID 04711203. If the development levels in the TIS are exceeded due to additional development levels constructed by this rezoning petitioner, the petitioner has committed to revising the TIS, to determine if additional off-site transportation improvements are warranted. CDOT is continuing to coordinate with the petitioner to confirm the location of the proposed curb line and pavement widening along the site's frontage of existing Penninger Circle. The petitioner has also committed to installing left-over and right-turn lanes at the proposed site access to Mallard Creek Road, in collaboration with CDOT and NCDOT. Finally, a 12-foot multi-use path will be implemented by the petitioner along the frontage of Mallard Creek Road, in accordance with Charlotte BIKES.
- **Active Projects:**
 - NCDOT STIP (#U-2507A) – Mallard Creek Road Widening and Extension. The project will widen Mallard Creek Road to a 4-lane divided roadway section. Status: under construction
- **Transportation Considerations**
 - See Outstanding Issues, Note 1
- **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 40 trips per day (based on 4 single family homes).
 - Entitlement: Too many uses to determine
 - Proposed Zoning: 545 trips per day (based on 50,000 square-feet of office uses).

DEPARTMENT COMMENTS (see full department reports online)

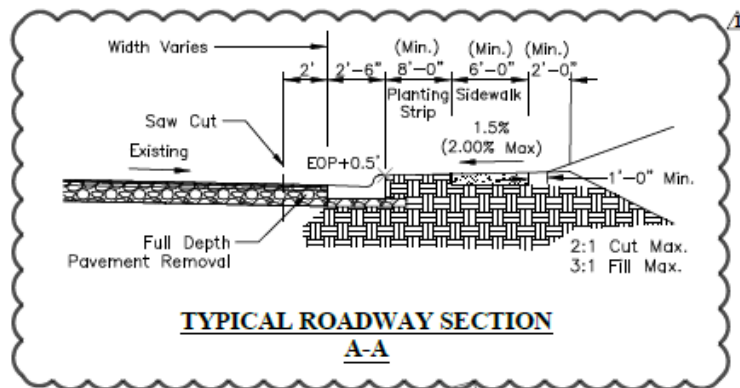
- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org

- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along Mallard Creek Road and an 8-inch water distribution main along Penninger Circle. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Mallard Creek Road. See advisory comments at www.rezoning.org
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry:** See Outstanding Issues, Note 2
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Transportation

1. The petitioner should revise the site plan and conditional note(s) to commit to construct curb and gutter along Penninger Circle per Chapter 19 of the City Ordinance. Please refer to the CLDSM USDG cross sections to determine the appropriate cross section for the curb line location. If only passenger vehicles will be using Penninger Circle, please refer to the Residential Wide cross section. The site plan should label and dimension both items from the back-of-curb and gutter and road centerline.
 - a. Technical Clarification (site plan dated September 14, 2020): CDOT clarifies this request to revise proposed cross section A-A, to widen the existing roadway to the cross section provided for either USDG – U-03A – Local Residential Wide (if on-street parking is desired), or at a minimum, U-02 – Local Residential Medium from the existing Penninger Circle Road centerline. This widening would improve the existing condition to properly handle two-way directional traffic, with the consideration to added traffic volume for this subject rezoning site. If larger design vehicles are planned to be routed to Penninger Circle, CDOT advises the petitioner to implement the USDG – U-05A – Local Office/Commercial Wide cross section.



Environment

2. Add note; Trees in right-of-way must be preserved. Will require tree survey of trees in right-of-way at time of plan review. Certain areas marked as tree save do not have adequate existing tree canopy to count as tree save.

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

Planner: Michael Russell (704) 353-0225

DEVELOPMENT STANDARD

1. GENERAL PROVISIONS

A. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by 6800 Solectron Owner, L.P. (hereinafter referred to as the "Petitioner") for an approximately 12.40 acre site located at the southeast corner of the intersection of Mallard Creek Road and Penninger Circle, which site is more particularly depicted on the Rezoning Plan (hereinafter referred to as the "Site"). The Site is comprised of Tax Parcel Nos. 047-331-04, 047-331-05, 047-331-06 and 047-331-07.

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

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

D. The Site and those parcels of land designated as Tax Parcel Nos. 047-112-03 and 047-112-04 (the "Related Parcels") are owned and controlled by Petitioner. The Site and the Related Parcels will be planned and developed as a whole, as a single development project or a definitely programmed series of development operations or phases, and all of the improvements and uses on the Site will be related to the character and purpose of the uses and improvements located on the Related Parcels. Accordingly, the Site and the Related Parcels shall be considered to be a "planned development" under the Ordinance. The individual parcels that comprise the Site may, at the option of Petitioner, be combined into a one or more parcels. Likewise, at the option of Petitioner, the Site and the Related Parcels may be combined into one or more parcels.

E. As a planned development, side and rear yards, buffers, building height separation requirements and other similar zoning standards shall not be required internally between improvements, uses and other elements located on the Site and the Related Parcels. Furthermore, the Petitioner and/or the owner(s) of the Site reserve the right to subdivide portions or all of the Site and to create lots within the interior of the Site without regard to any such internal separation standards, provided, however, that the development of the Site shall be required to meet any applicable setback, side yard, rear yard and buffer requirements with respect to the exterior boundaries of the Site.

F. 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 layout, locations and sizes of the uses, improvements and site elements 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.

G. 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 in paragraphs 2.B through 2.D, the Site may only be devoted to the uses set out below, together with any incidental or accessory uses associated therewith that are permitted under the Ordinance in the RE-1 zoning district.

(1) Off-street parking that will be utilized as accessory off-street parking for the improvements and uses located on the Related Parcels.

(2) Accessory off-street parking for any improvements and uses located on the Site.

(3) Office uses.

(4) Clinics, medical, dental and optical.

(5) Financial institutions.

(6) Laboratories, applied and basic research.

(7) Laboratories, optical, medical and dental.

(8) Laboratories for testing products and materials.

(9) Research uses.

(10) The total number of principal buildings to be developed on the Site shall not exceed two. Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of principal buildings on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal building or buildings located on the Site. If more than one principal building is constructed on the Site, each building shall be located on a separate parcel of land so that no portion of the Site is considered to be a multi-building site.

B. A maximum of 50,000 square feet of gross floor area may be developed on the Site.

C. Off-street parking areas and any building constructed on the Site shall be located within the building and parking envelope depicted on the Rezoning Plan.

3. TRANSPORTATION

A. Vehicular access shall be as generally depicted on the Rezoning Plan. The placement and configuration of the access points are subject to any minor modifications required by the Charlotte Department of Transportation ("CDOT") and/or the North Carolina Department of Transportation ("NCDOT"). All vehicular access points shall meet the required site distance standards.

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

C. Vehicular cross access between the Site and the Related Parcels shall be provided as generally shown on the Rezoning Plan, as the parking areas to be located on the Site shall serve the improvements located on the Related Parcels. The actual locations of the vehicular cross access points shall be determined during the site plan approval and permitting process, and the actual locations may vary from what is depicted on the Rezoning Plan.

D. Two vehicular access points to and from the Site from and to Penninger Circle in the general locations depicted on the Rezoning Plan shall be allowed to be constructed and opened at such time that three of the following five parcels of land located on the west side of Penninger Circle are redeveloped for multi-family and/or non-residential uses: Tax Parcel No. 047-052-15, Tax Parcel No. 047-052-19, Tax Parcel No. 047-052-14, Tax Parcel No. 047-052-03 and Tax Parcel No. 047-052-10. For purposes of this paragraph 3.D, "redeveloped" shall mean construction activities for the multi-family and/or non-residential uses have commenced on the relevant parcel(s).

E. Petitioner shall install a minimum 8 foot wide planting strip and a minimum 6 foot wide sidewalk along the Site's frontage on Penninger Circle. The minimum 8 foot wide planting strip and minimum 6 foot wide sidewalk to be installed along the Site's frontage on Penninger Circle (or portions thereof) may be located in a sidewalk utility easement.

F. Subject to the approval of CDOT, NCDOT and any other governmental agencies, Petitioner shall, prior to the issuance of a certificate of occupancy for a building constructed on the Site, install a minimum 8 foot wide planting strip and a minimum 12 foot wide multi-use path along the Site's frontage on Mallard Creek Road. The minimum 8 foot wide planting strip and the 12 foot wide multi-use path (or portions thereof) may be located in a sidewalk utility easement. In the event that Petitioner cannot obtain all approvals and permits required to construct the minimum 12 foot wide multi-use path, then Petitioner shall have no obligation to construct the minimum 12 foot wide multi-use path.

G. Subject to the approval of CDOT, NCDOT and any other governmental agencies, Petitioner shall, prior to the issuance of a certificate of occupancy for a building constructed on the Site, construct an ADA compliant bus waiting pad per land development standard 60.01A within the required planting strip along the Site's frontage on Mallard Creek Road. The exact location of the waiting pad shall be determined during the site design and permitting process, and the waiting pad shall be located entirely within right of way. In the event that Petitioner cannot obtain all approvals and permits required to construct the waiting pad, then Petitioner shall have no obligation to construct the waiting pad. CATS shall be responsible for the installation and maintenance of a bench or shelter on the waiting pad.

H. Petitioner has submitted a Traffic Impact Study to CDOT and NCDOT in connection with improvements to and the use of the existing building located on Tax Parcel No. 047-112-03. Tax Parcel No. 047-112-03 is one of the Related Parcels. At such time that the total combined gross floor area of a building or buildings located on the Site and a building or buildings located on the Related Parcels shall exceed 430,000 square feet of gross floor area, Petitioner shall submit a revised Traffic Impact Study or a Technical Memorandum as determined by CDOT and NCDOT for the planned development comprised of the Site and the Related Parcels to CDOT and NCDOT to determine if any additional transportation improvements shall be required for the total combined gross floor area in excess of 430,000 square feet.

I. Subject to the approval of CDOT, NCDOT and any other governmental agencies, Petitioner shall, prior to the issuance of a certificate of occupancy for a parking lot constructed on the Site or a building constructed on the Site, install a northbound right turn lane on Mallard Creek Road with 100 feet of storage and the appropriate taper.

J. The vehicular access point for the Site on Mallard Creek Road shall be constructed with one ingress lane and one egress lane (left-in/right-in/right-out).

K. Petitioner shall install curb and gutter along the Site's frontage on Penninger Circle.

L. The improvements set out in this Section 3 of the Development Standards shall be approved and constructed prior to the issuance of a certificate of occupancy for a parking lot constructed on the Site or a building constructed on the Site.

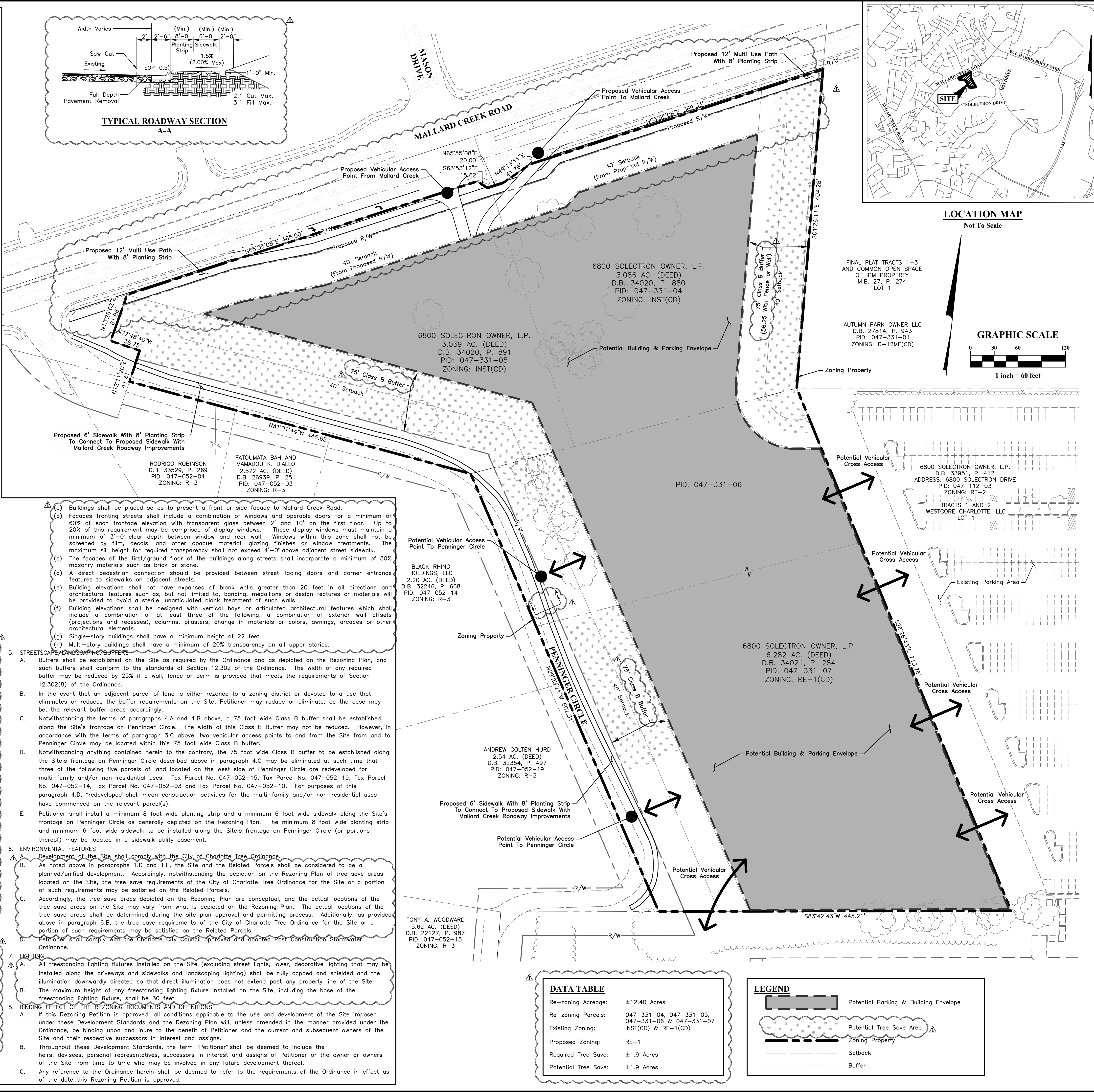
M. Prior to the issuance of a certificate of occupancy for a parking lot constructed on the Site or a building constructed on the Site, Petitioner shall dedicate right-of-way along the Site's frontage on Mallard Creek Road to that point that is located 2 feet behind the multi-use path that is referenced in paragraph 3.F above. If it is not feasible to do so, the 12 foot wide multi-use path (or portions thereof) may be located in a sidewalk utility easement.

N. Petitioner shall dedicate and convey all relevant right of way to the City of Charlotte prior to the issuance of a certificate of occupancy for a parking lot constructed on the Site or a building constructed on the Site. The right of way shall be setback 2 feet behind the back of sidewalk where feasible. If it is not feasible, the sidewalks, or portions thereof, may be located in a sidewalk utility easement.

4. ARCHITECTURAL AND DESIGN STANDARDS

A. The architectural and design standards set out below shall apply to any buildings constructed on the Site.

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





Agenda Date: 10/19/2020

Agenda #: 36. **File #:** 15-14407 **Type:** Zoning Hearing

Rezoning Petition: 2020-098 by AHI 3100, LLC

Location: Approximately 4.18 acres located south of N. Tryon Street and its intersection with E. 36th Street in the NoDa community. (Council District 1 - Egleston)

Current Zoning: B-2 (general business), I-1 (industrial)

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

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Pre-Hearing Staff Analysis

REQUEST

Current Zoning: B-2 (general business), I-1 (industrial)
Proposed Zoning: TOD-CC (transit-oriented development, community center)

LOCATION

Approximately 3.48 acres located south of N. Tryon Street at its intersection with E. 36th Street in the NoDa community.



SUMMARY OF PETITION

The petition proposes to rezone a jointly-owned two-parcel assemblage from a general business district to a conventional, transit-oriented development district that would permit the site to be redeveloped with any singular use or a mixture of transit-supported uses permitted either by-right or under prescribed conditions.

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE
COMMUNITY MEETING

NODA Project 2, LLC; NODA Project 3 LLC
AHI 3100 LLC
Collin Brown/Brittany Lins, Alexander Ricks, LLC
Meeting is not required.

STAFF
RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with *North Tryon Area Plan's* (2010) recommendation for office/retail and park/greenway uses for the site.

Rationale for Recommendation

- The site meets the applicability requirements of the TOD-CC district as the site is less than a half mile walking distance from the Blue Line's 36th Street Station.
- Requesting TOD zoning in this location realizes one of the listed land use goals by capitalizing on the location's proximity to the Blue Line.
- The petition's request for TOD will likely, once constructed, address many of the *North Tryon Area Plan's* other goals regarding transportation and community design.

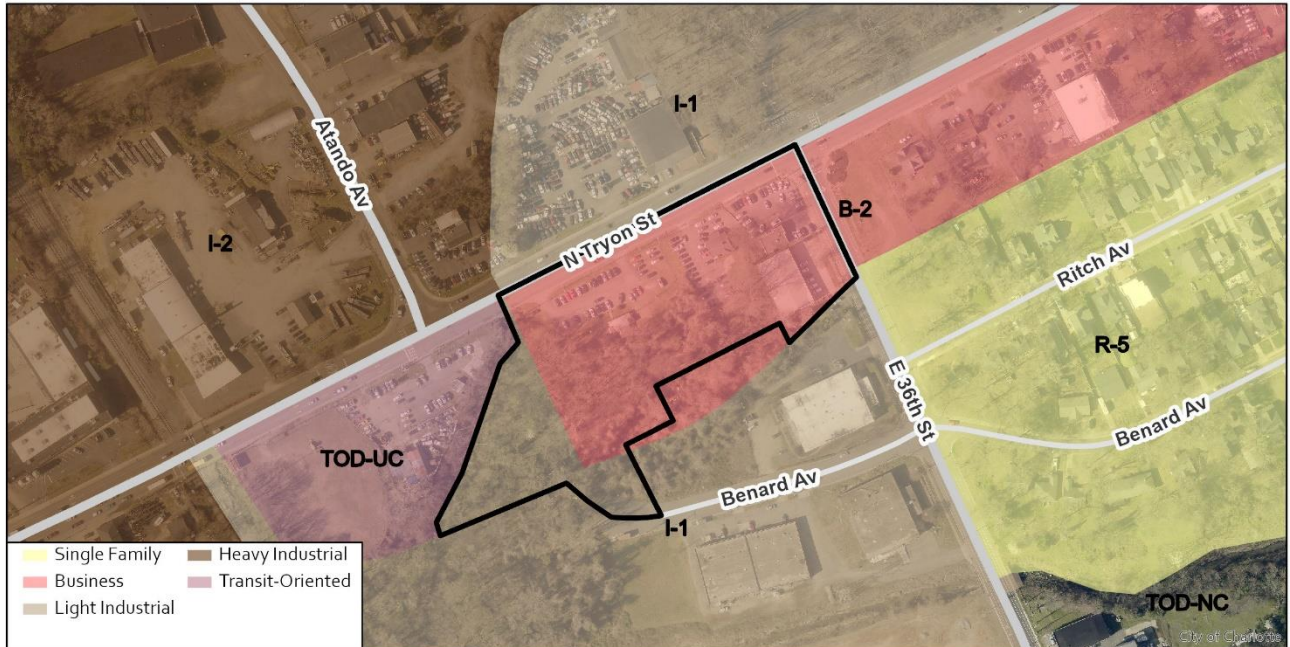
The approval of this petition will revise the adopted future land use as specified by the *North Tryon Area Plan* from office/retail and park/greenway uses to transit-oriented development for the site.

PLANNING STAFF REVIEW

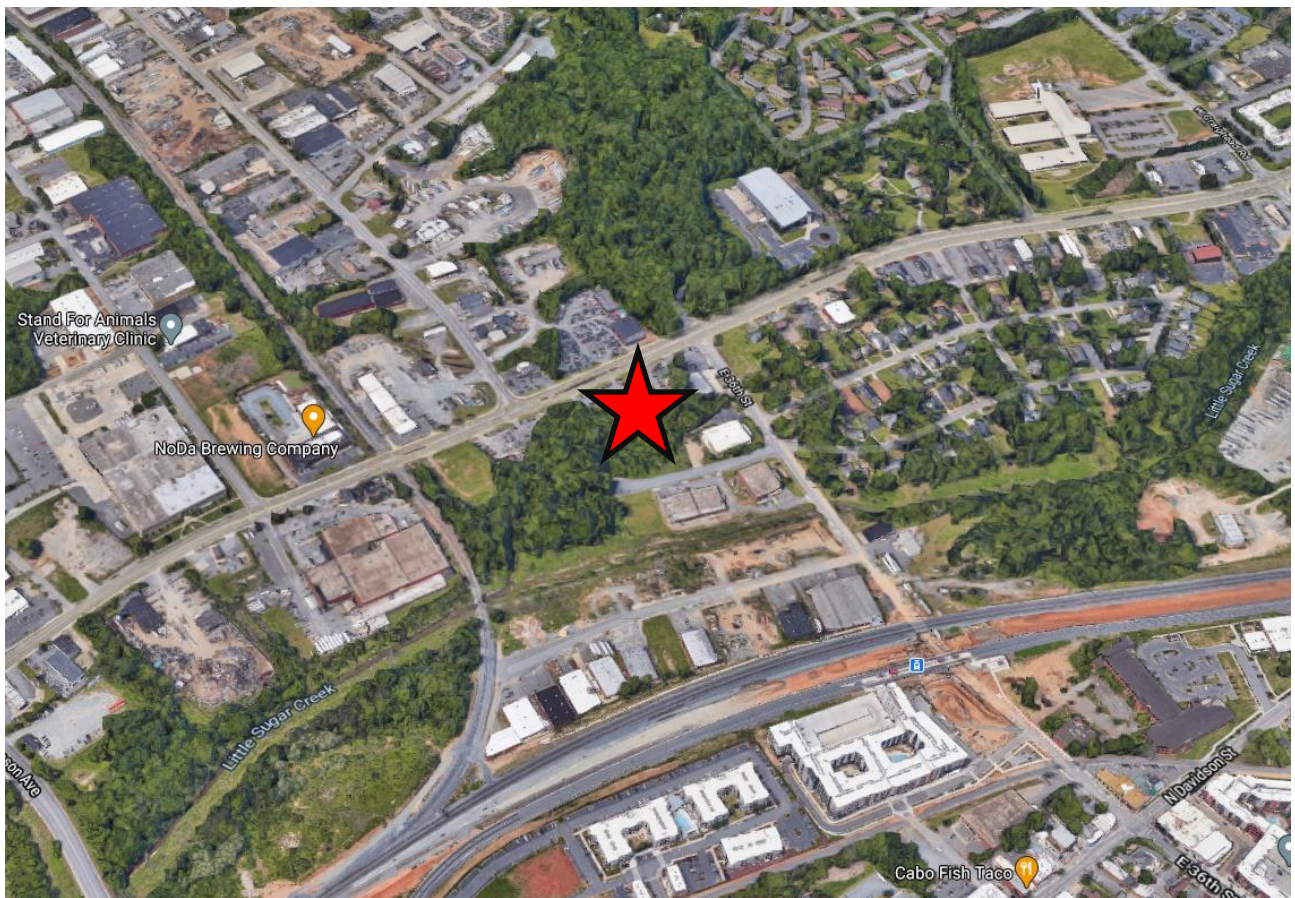
- **Proposed Request Details**

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

- **Existing Zoning and Land Use**



The majority of this parcel was rezoned from industrial to business in 1993 (1993-105A), a petition that rezoned numerous parcels along this area of N. Tryon Street. The TOD-UC parcel to the west of this petition was rezoned in 2019 (2019-171) and remains undeveloped. The site is generally surrounded by industrial zoning, however the surrounding uses include used car lots, industrial uses, open space, and single-family detached residential to the east.



General location of site denoted by red star.



Streetview looking south from N. Tryon Street. The petitions approximate frontage is outlined in pink. N. Tryon Street's intersection with E. 36th Street is just to the left of this image and is included in this rezoning petition.

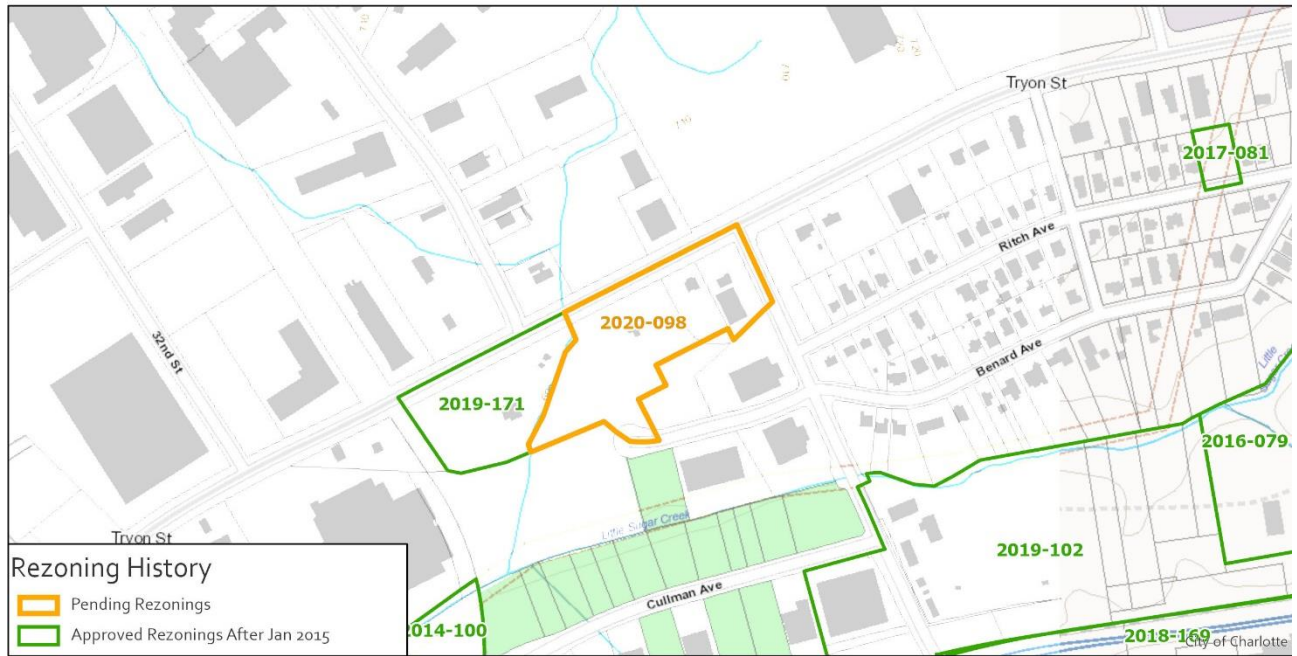


Looking north from the site along N. Tryon. The immediate area is surrounded by many used car dealerships.



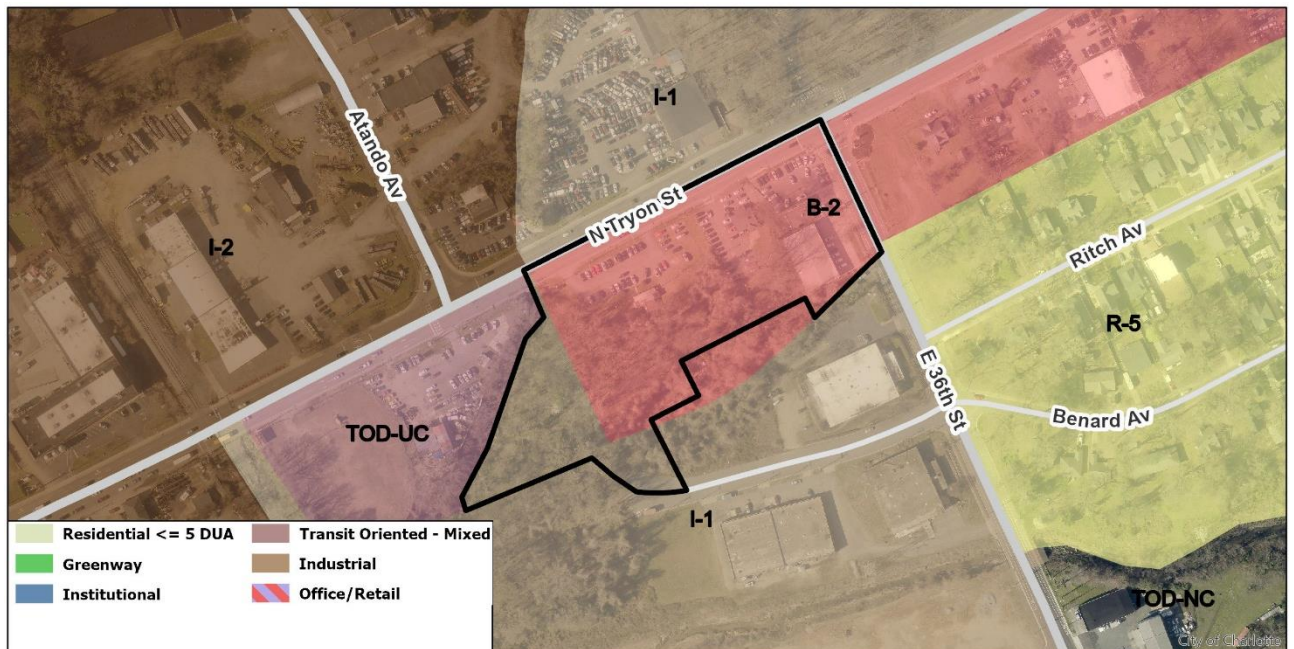
View of the property's frontage along Benard Avenue, a dead end street that historically served light industrial-type uses. Amelie's new location is located just outside the frame to the right.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-171	Rezoning of 2.55 acres from heavy industrial to TOD-UC.	Approved
2019-102	City-wide rezoning of multiple parcels to appropriate transit-oriented districts along the city's Blue Line.	Approved
2018-169	City-sponsored text amendment to modify TOD requirements.	Approved
2017-081	Rezoning of .38 acres from single family residential to general business conditional.	Approved
2016-079	Request to rezone former industrial land to TOD-M(CD).	Approved
2015-009	Request to rezone 6.9 acres of former industrial land to MUDD-O.	Approved
2014-100	Request to rezone 15.50 acres from urban residential to TOD-M.	Approved

• Public Plans and Policies



- **TRANSPORTATION SUMMARY**
 - The site is located on a major thoroughfare.
- **Active Projects:**
 - CIP Project
 - North Tryon Street to 36th Street Streetscape Project.
- **Transportation Considerations**
 - No outstanding issues.
- **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 0 trips per day (based on vacant land use).
 - Entitlement: 3865 trips per day (based on 52,000 SF B-2 uses).
 - Proposed Zoning: Too many uses to determine

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** See advisory comments at www.rezoning.org
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via a 12-inch water distribution main located N. Tryon Street. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 15-inch gravity sewer main located along the center of the rezoning boundary. See advisory comments at www.rezoning.org
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** See advisory comments at www.rezoning.org
 - **Urban Forestry:** See advisory comments at www.rezoning.org
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

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

Planner: Will Linville (704) 336-4090



Agenda Date: 10/19/2020

Agenda #: 37. **File #:** 15-14408 **Type:** Zoning Hearing

Rezoning Petition: 2020-099 by D. R. Horton

Location: Approximately 20.88 acres located along the southeast side of Mallard Creek Road and north of Morris Estate Drive. (Council District 2 - Graham)

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

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

Staff Recommendation:

Staff recommends APPROVAL of this petition upon resolution of outstanding issues related to transportation and requested technical revisions.

Attachments:

Pre-Hearing Staff Analysis

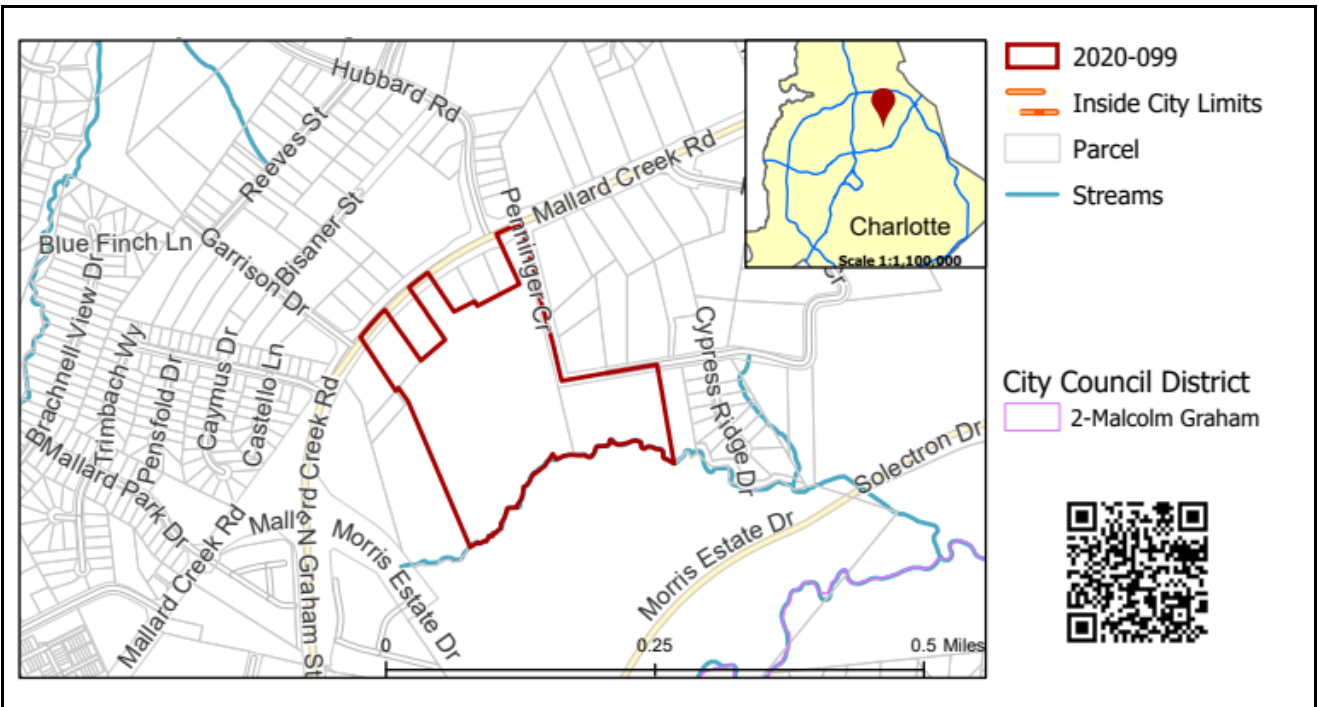
Site Plan

REQUEST

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

LOCATION

Approximately 20.88 acres located along the southeast side of Mallard Creek Road and north of Morris Estate Drive.



SUMMARY OF PETITION

The petition proposes to allow up to 130 townhouse style dwelling units for a density of 5.7 dwelling units per acre on vacant land.

PROPERTY OWNER

James W. Garrison

PETITIONER

D.R. Horton

AGENT/REPRESENTATIVE

Jonathan Crowder, Merrick Engineering

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 10

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and requested technical revisions.

Plan Consistency

The petition is **consistent** with the *Northeast District Plan (1996)* recommendation of single-family/multi-family use up to 8 dwelling units per acre.

Rationale for Recommendation

- This petition proposes up to 130 for sale townhome units with a density of 5.7 dwelling units per acre (DUA). This density is consistent with the *Northeast District Plan (1996)* recommendation of single-family/multi-family uses up to 8 DUA.

- The petition will help fulfill the *Northeast District Plan* goal of having a variety of housing types which are accessible to amenities.
- This petition proposes to improve Penninger Circle to meet city roadway standards and to build a sidewalk on the project side of the street.

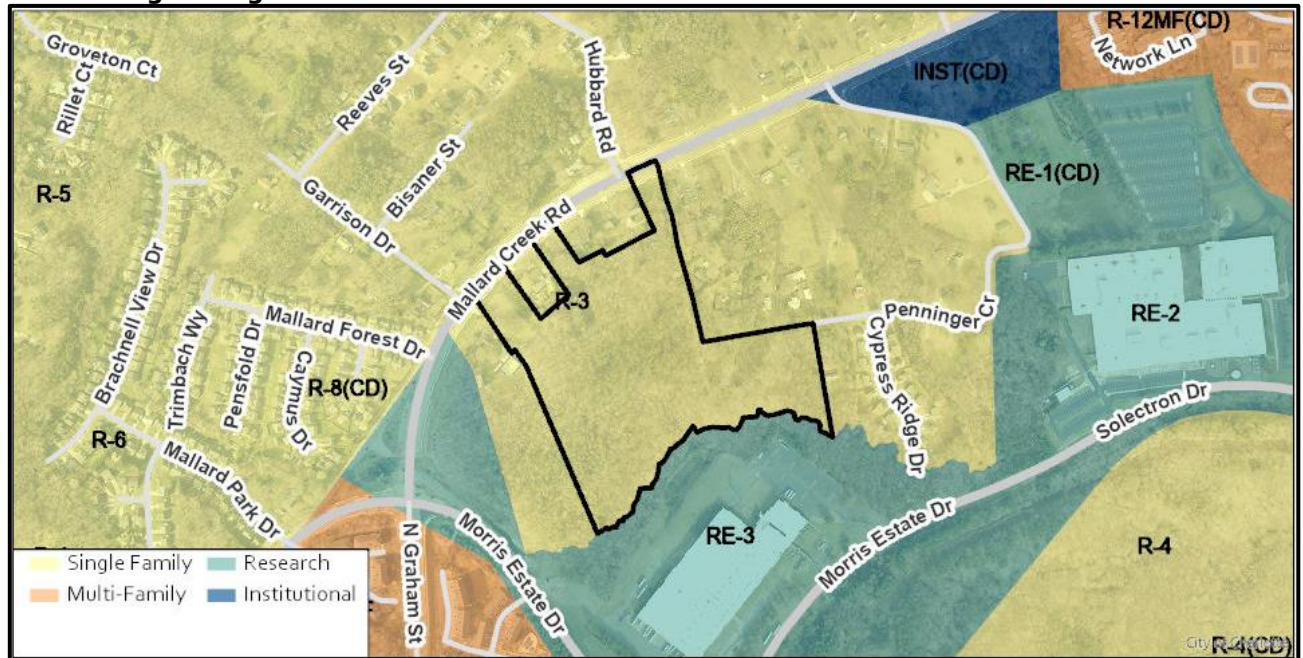
PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allows up to 130 for sale townhome units.
- Commits to constructing road improvements within the existing unmaintained Penninger Circle public right-of-way.
- Commits to not extending Penninger Circle to Mallard Creek and is shown as a street stub.
- Provides a right-in and right-out only on Mallard Creek Road with 100-feet of storage.
- Provides a planting strip and sidewalk along all streets.
- Provides a 50-foot Class C buffer to abutting single family residential areas.
- Architectural standards include:
 - primary exterior building materials include one or more of the following: brick veneer or similar masonry products, stone, manufactured stone, cementitious siding, and vinyl.
 - all residential entrances within 15 feet of the sidewalk must be raised from the average sidewalk grade a minimum of 12 inches.
 - Usable porches and stoops shall form a predominant feature of the building design and be located on the front of the building. Usable front porches should be covered and be at least 4-feet deep.
 - All corner/end units that face a public or private street should have windows on 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.

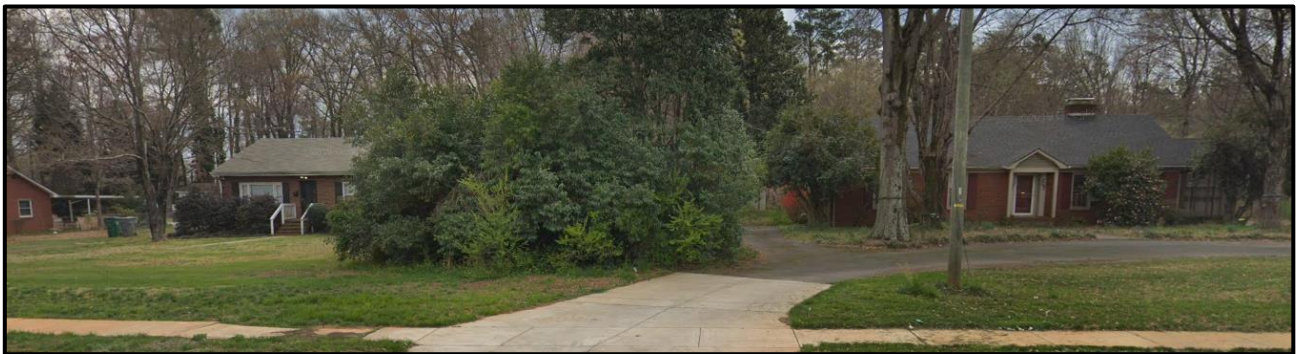
• Existing Zoning and Land Use



The subject property is zoned R-3. The surrounding land uses include single-family homes, multi-family apartments, institutional, and research uses.



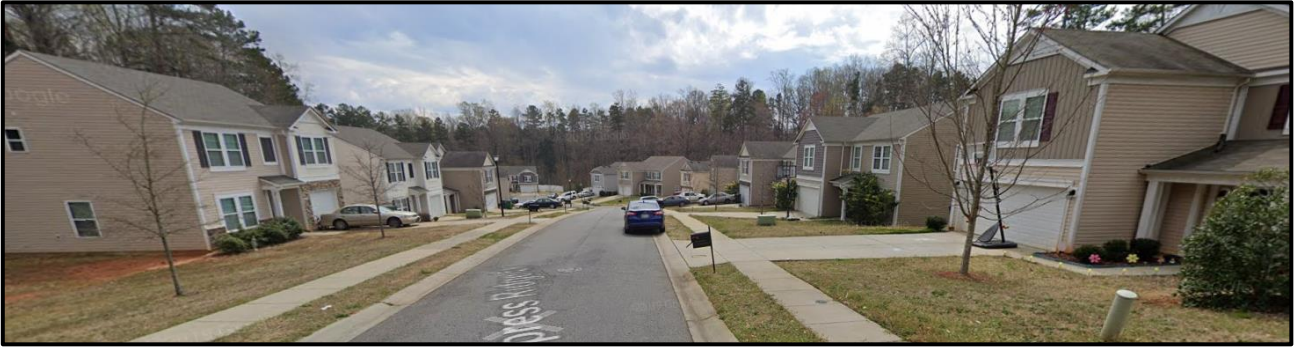
The subject property (denoted by red star) is undeveloped.



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



The property to the south along Morris Estate Drive is developed with a warehouse use.

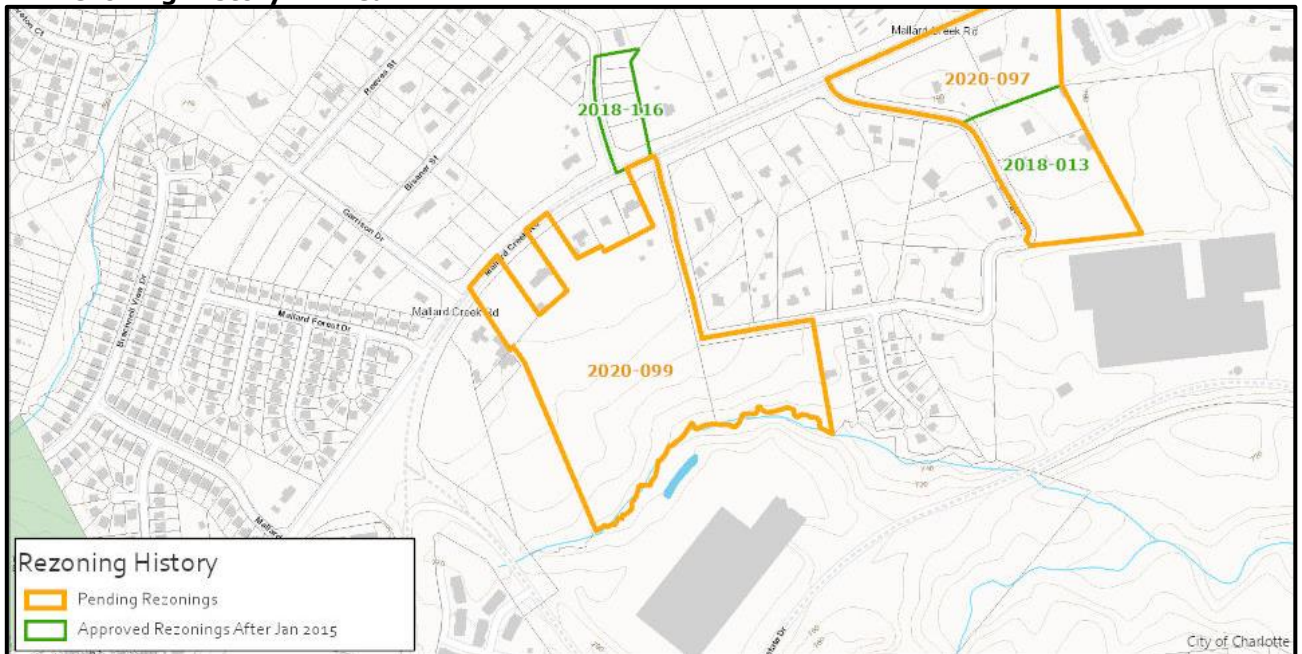


The property to the east along Cypress Ridge Road is developed with single family homes.



The property to the west along Mallard Creek Road is developed with a single-family home.

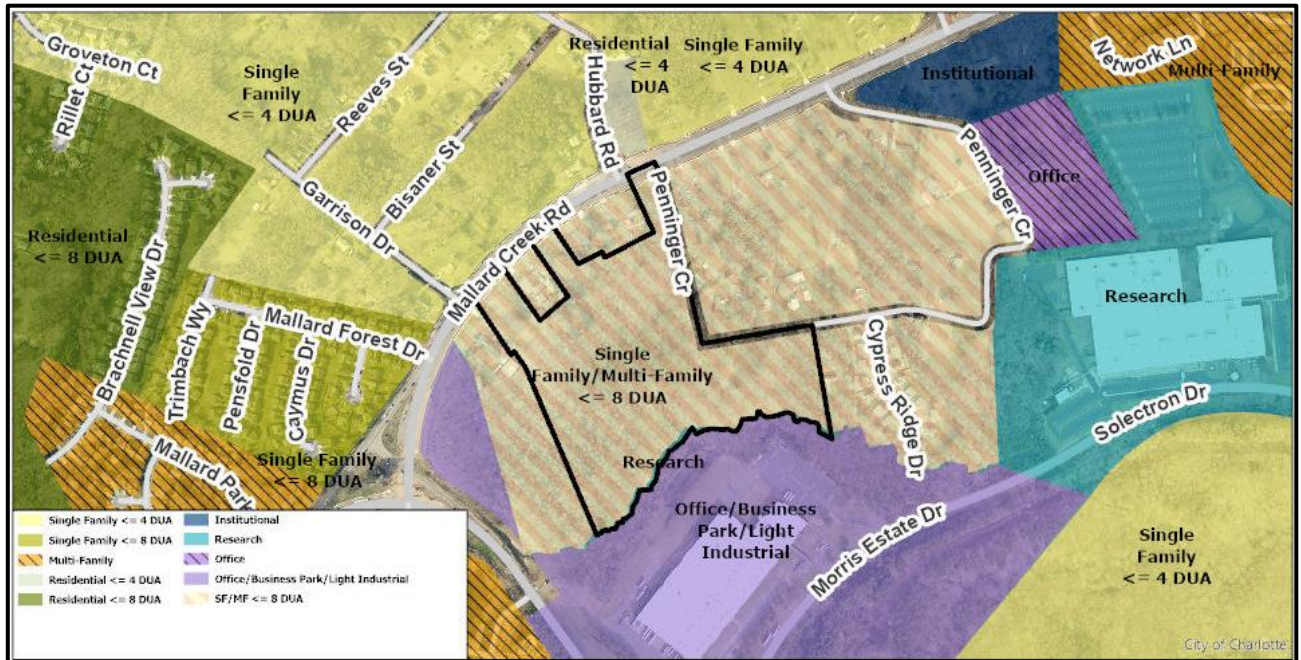
- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2018-013	Rezoned 6.27 acres to allow a surface parking lot to serve as accessory parking for and adjacent office building in the Research Park.	Approved
2018-116	Rezoned 1.34 acres to allow all uses permitted in the R-4 zoning district.	Approved

2020-097	Proposes to rezone 12.40 acres to allow up to 50,000 square feet of office uses.	Pending
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• **Public Plans and Policies**



- The *Northeast District Plan* (1996) calls for single-family/multi-family uses up to 8 dwelling units per acre on this site.
- **TRANSPORTATION SUMMARY**
 - The site is located on a major thoroughfare road. The petitioner has committed to constructing road improvements within the existing unmaintained Penninger Circle public right-of-way along the project frontage. However, CDOT requests the petitioner to construct the full cross section width necessary to accommodate two-way traffic within the existing right-of-way, in conformance with current land development design standards. CDOT continues to request the petitioner to clarify that a proposed right-turn lane will be constructed on Mallard Creek Road, at the proposed Mallard Creek Road access. CDOT also continues to request the petitioner to provide CDOT with an Intersection Sight Distance (ISD) exhibit, to address NCDOT's concerns of sight limitations for drivers exiting the site. Additional technical clarifications that have been requested of the petitioner include widening the existing sidewalk to accommodate a 12-ft multi-use path, showing the existing gravel driveway by the Mallard Creek Road access on existing Penninger Circle, and clarifying the proposed driveway locations for the residential units, in order to preserve a quality streetscape.
 - **Active Projects:**
 - NCDOT STIP (#U-2507A) – Mallard Creek Road Widening and Extension.
 - The project will widen Mallard Creek Road to a 4-lane divided roadway section.
 - Status: under construction.
 - **Transportation Considerations**
 - See Outstanding Issues, Notes 1-6
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 0 trips per day (based on vacant land).
 - Entitlement: 670 trips per day (based on 62 single family homes).
 - Proposed Zoning: 945 trips per day (based on 130 townhomes).

DEPARTMENT COMMENTS (see full department reports online)

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

- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 29 students, while the development allowed under the proposed zoning may produce 20 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is zero students.
 - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
 - Governor's Village from 104% to 105%
 - Vance High at 129%
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along Mallard Creek Road and a 6-inch main along Penninger Circle. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Penninger Circle. See advisory comments at www.rezoning.org
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

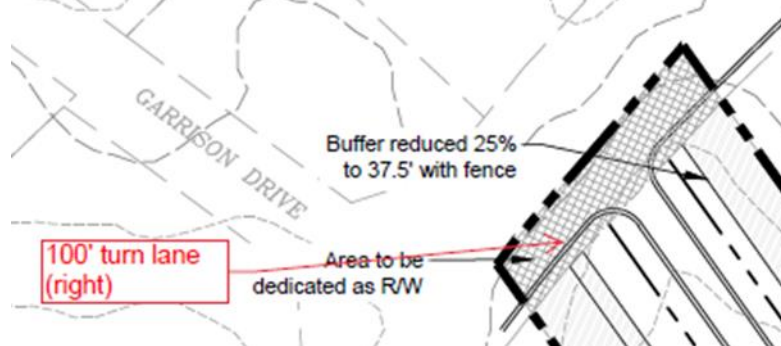
Transportation

1. The petitioner should revise the site plan to include the roadway improvements that will be constructed within NCDOT's STIP (#U-2507A). In accordance with Charlotte BIKES, please provide an 8-foot planting strip and a 12-foot multi-use path, if sidewalk is not constructed within the STIP.
2. The petitioner should revise the site plan and conditional note(s) to confirm adequate intersection sight distance, according to CDOT's Sight Distance Policy, for access proposed on Mallard Creek Road.

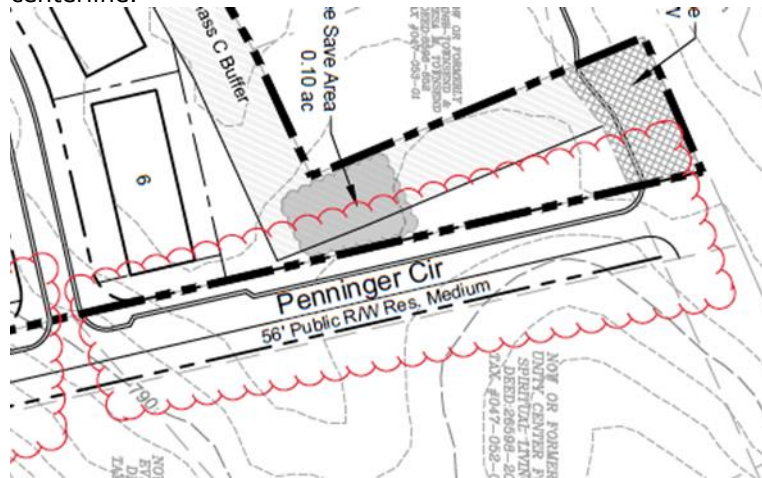
REQUESTED TECHNICAL REVISIONS

Transportation

3. Technical Clarification (site plan dated 09/14/20) The petitioner should clarify conditional note (Section 3.G.) that 2-ft of additional right-of-way should be dedicated from back of the 12-ft multi-use path. The petitioner should construct a 12-ft multi-use path where the existing sidewalk is removed for the proposed right-turn lane. Where the existing sidewalk remains undisturbed along the property frontage, CDOT requests for the existing sidewalk to be widened to 12-ft, in accordance with Charlotte BIKES.
4. Technical Clarification (site plan dated 09/14/20) The petitioner should clarify whether front-loaded or rear-loaded units are proposed. If front-loaded, the petitioner should commit to pair shared driveway aprons with every two units, to preserve the proposed planting strip and sidewalk within the public right of way. This request limits the number of curb cuts, and promotes walkability, and preserves a quality streetscape.
5. Technical Clarification (site plan dated 09/14/20) The petitioner should clarify conditional note (Section 3.D.) that a proposed right-turn lane will be constructed at the proposed Mallard Creek Road right-in/right-out access. The proposed right-turn lane should have 100 linear feet of storage with the appropriate bay taper length, according to NCDOT design standards.



6. Technical Clarification (site plan dated 09/14/20) The petitioner should clarify the site plan to show and call-out the existing Penninger Circle private drive that ties into existing Mallard Creek Road. CDOT requests the petitioner to clarify that the existing Penninger Circle road improvements will be constructed in accordance with CLDSM U-02 - Local Residential Medium Section cross section design standards, on both sides of the existing Penninger Circle road centerline.



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

Planner: Michael Russell (704) 353-0225



Vicinity Map
Scale: 1" = 1,000'

DEVELOPMENT STANDARDS

1. GENERAL PROVISIONS

A. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Application filed by DR Horton ("Applicant") for an approximately 21.4 ac. site located along Mallard Creek Road and Penninger Road. This site is depicted on the Rezoning Plan (hereinafter referred to as the "Rezoning Site"). The Rezoning Site is comprised of Tax Parcel No. 04705303, 04705313, and 04705323.

B. The development and use of the Rezoning 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 establishes more stringent standards the regulations established under the Ordinance for the R-8 MF CD zoning classification shall govern.

C. The development and uses depicted on the Rezoning Plan are schematic in nature and are intended to depict the general arrangement of the uses and improvements on the Rezoning 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, 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. All changes to the approved site plan will be in accordance with Section 6.207 of the Ordinance.

2. PERMITTED USES/DEVELOPMENT LIMITATIONS

A. The Rezoning Site may only be devoted to a residential community containing a maximum of 130 dwelling units and to any incidental or accessory uses relating thereto that are permitted in the R-8 MF CD zoning district.

B. Development of the Rezoning Site shall generally comply with the dimensional standards of the R-8 MF CD zoning district set out in the Ordinance and the dimensional standards set out in the Site Data table.

3. TRANSPORTATION

A. Vehicular access shall be as generally depicted on the Rezoning Plan. The placement and configuration of the access point is subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required for approval by the City of Charlotte.

B. All transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued.

C. Penninger Circle will be improved to meet the City of Charlotte Land Development Standards Detail U-02. Curb and gutter, Sidewalks and street trees will only be provided on the project side of the street.

D. The entrance to the site off of Mallard Creek Road shall be a right-in right-out design with 100 LF of storage per NCDOT recommendation.

E. For areas that accommodate on-street parking, a U-03A Residential Wide cross section shall be used, while retaining the pavement width as the U-02 Residential Medium standard. The additional space within the 71' R/W will be applied to the planting strip to maintain 8' between the sidewalk and back of curb.

F. Dedication and fee simple conveyance of all rights-of-way to the City must occur 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.

G. Additional right-of-way shall be dedicated along Mallard Creek Road to accommodate 2' behind the future multi-use trail.

4. ARCHITECTURAL STANDARDS

A. The primary exterior building materials for the one-family attached dwelling units to be constructed on the Rezoning Site will include one or more of the following: brick veneer or similar masonry products, stone, manufactured stone, cementitious siding, and vinyl.

B. EIFS or masonite may not be used as an exterior building material on the one-family attached dwelling units to be constructed on the Rezoning Site.

C. To provide privacy, all residential entrances within 15 feet of the sidewalk must be raised from the average sidewalk grade a minimum of 12 inches.

D. 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.

E. Usable porches and stoops shall form a predominant feature of the building design and be located on 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.

F. All corner/end units that face a public or private street should have windows, a bay window, etc. on 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.

G. Sidewalks will be provided as depicted on the site plan as required by the City of Charlotte.

H. All units will use roll out carts. However, this plan will still show room for solid waste containers per code section 12.402.

5. ENVIRONMENTAL FEATURES

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

B. Development within the SWIM/PCSO Buffer shall be coordinated with and subject to approval by Charlotte-Mecklenburg Storm Water Services and mitigated if required by City ordinance.

C. The 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.

D. This site will comply with the Tree Ordinance.

E. The existing trees located within those portions of the Rezoning Site that are designated as "Tree Preservation Areas" on the Rezoning Plan shall be preserved. Notwithstanding the foregoing, dead and diseased trees may be removed from these "Tree Preservation Areas."

F. The Tree Preservation Areas shall be designated as such on the plat(s) to be recorded for this residential community.

G. Dedication and fee simple conveyance of all ROW before site's first building certificate of occupancy is issued.

6. BINDING EFFECT OF THE REZONING APPLICATION

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

B. These conditional notes will govern the future development of this site. If there is a standard established in these conditional notes that is in conflict with City of Charlotte ordinances, these conditional notes will govern.

SITE DATA

Existing Site Area: 20.88 ac
Dedicated ROW Area: 0.90 ac
Proposed Site Area: 19.98 ac
Wedge/Corridor: Wedge
Tax Parcel ID: 04705303, 04705313 & 04705323
Current Zoning: R-3
Proposed Zoning: R-8 MF CD

Existing Use: Existing Residential
Proposed Use: Attached townhomes with land for sale

Unit Size: 22'x50' Townhome Product
Total Units: 42-114
DUA: 5.7 du/ac
Max DUA: 8.0 du/ac
Max. Building Height: 40' at setbacks, 100' center (1:2)

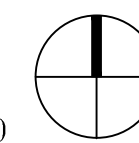
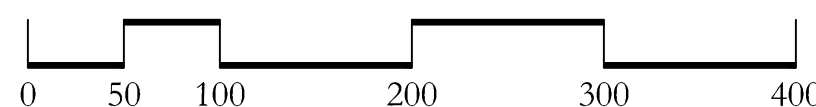
Min. Private OPS: 400 SF per lot, or 10% of site as COS
Front Setback from ROW: 27' (local/collector)
Side Property Setback: 20' (adjacent to R-3), 10' (adjacent to ROW)
Rear Property Setback: 50' (adjacent to R-3)
Min. Dim. Between Buildings: 16'
Proposed Floor Area Ratio: As allowed in the R-8 MF zoning district

Required Off-Street Parking: 1.5 spaces per unit (attached dwellings)
Provided Off-Street Parking: 2 spaces per unit
Required Tree Save (Commercial): 3.13 ac (15% overall site)
Provided Tree Save: 5.68 ac (27%)

LEGEND

Project Boundary
Property Line
BMP
Undisturbed PCSO Buffer
Setback Line
Tree Save Area
Class C Buffer
Dedicated ROW

Scale: 1" = 100'



Mallard Creek Townhomes
Charlotte, NC

Rezoning Plan
Petition # 2020-099

JOB NO: 651032401

DATE: 09/14/20

SHEET
RZ-1

REVISIONS:

DATE:

DESIGN BY:

DRAWN BY:

CHECKED BY:

APPROVED BY:

REV

REVISION DESCRIPTION

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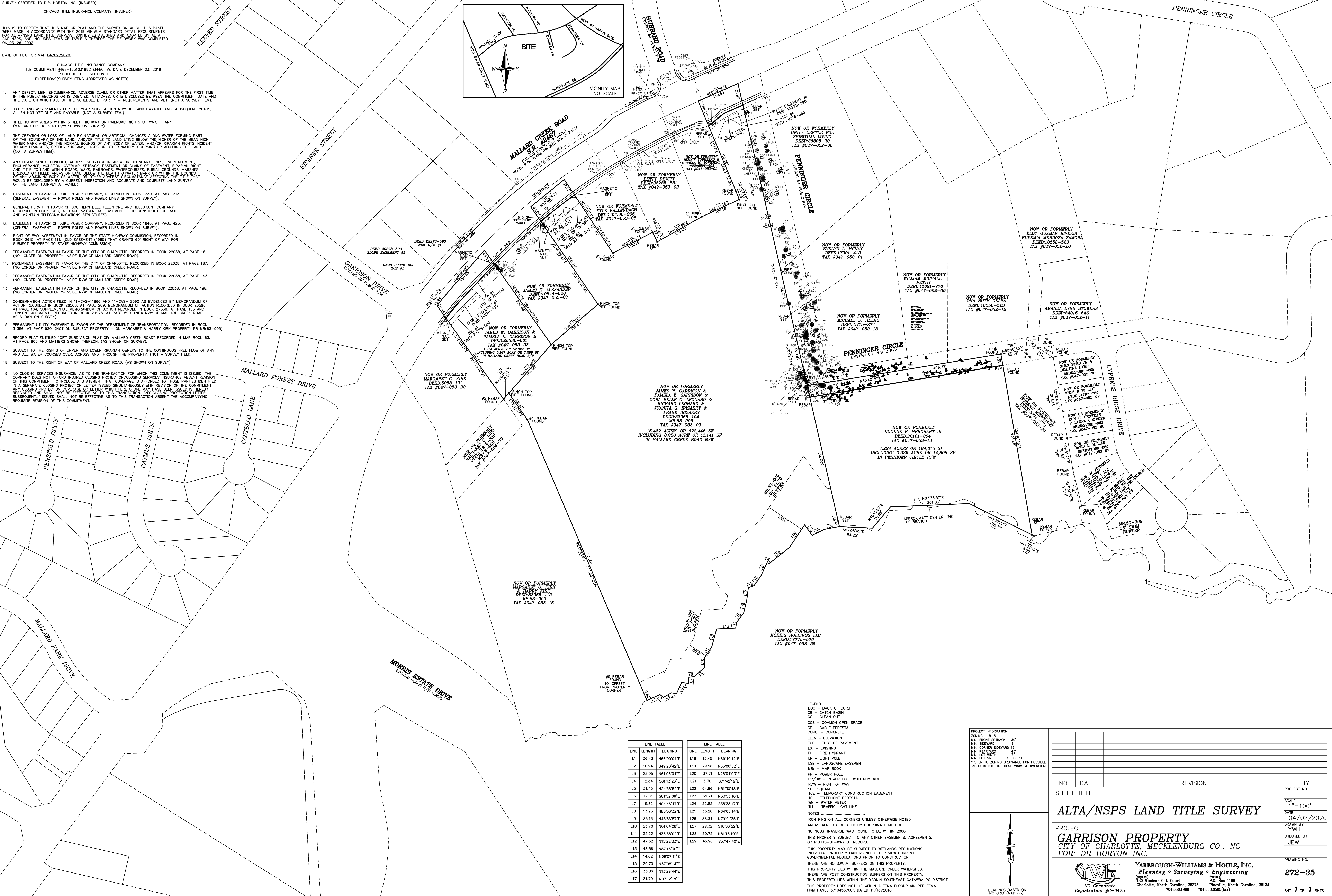
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Agenda Date: 10/19/2020

Agenda #: 38.**File #:** 15-14409 **Type:** Zoning Hearing

Rezoning Petition: 2020-100 by Delray Ventures, LLC

Location: Approximately 4.9 acres located along the south side of Sharon Amity Road, east of Addison Drive, and west of Water Oak Road. (Council District 5 - Newton)

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

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

Staff Recommendation:

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

Attachments:

Pre-Hearing Staff Analysis

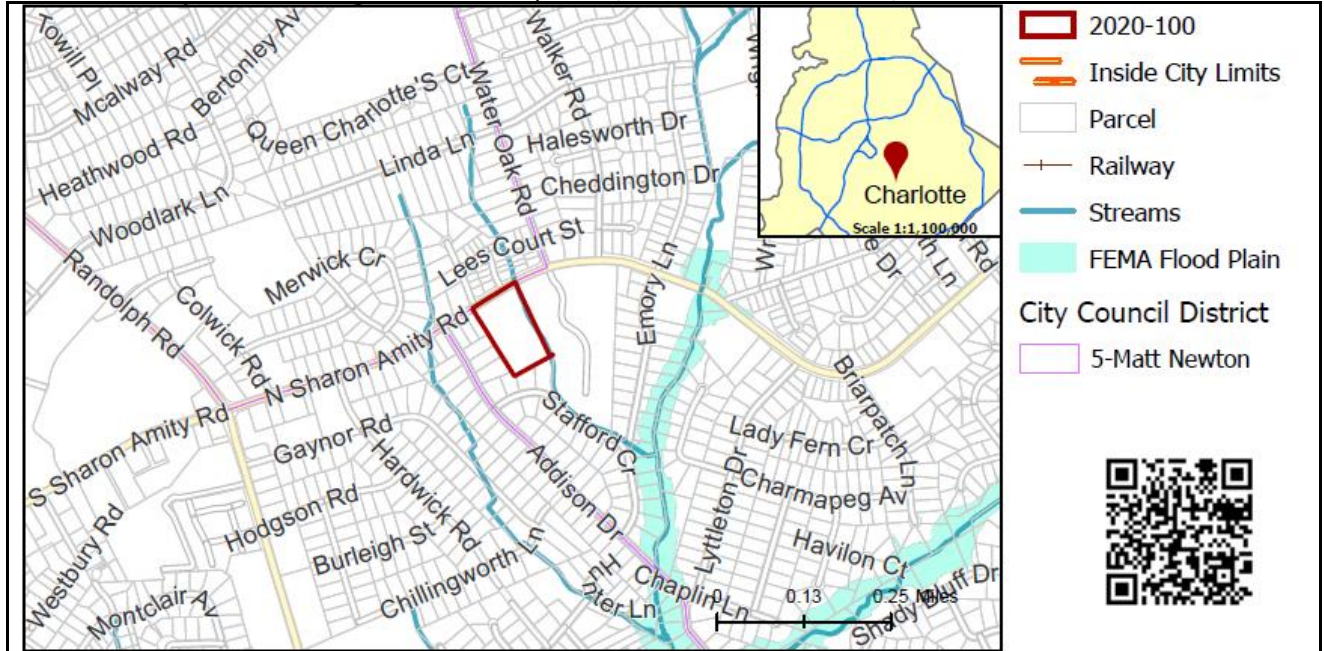
Site Plan

REQUEST

Current Zoning: R-3 (single family residential)
Proposed Zoning: UR-2(CD) (urban residential, conditional)

LOCATION

Approximately 4.9 acres located along the south side of Sharon Amity Road, east of Addison Drive, and west of Water Oak Road.



SUMMARY OF PETITION

The petition proposes to redevelop the site with a townhome community with a density of 9.68 dwelling units per acre.

PROPERTY OWNER

Charlotte Masonic Temple Association

PETITIONER

Delray Ventures, LLC

AGENT/REPRESENTATIVE

Collin Brown & Brittany Lins, Alexander Ricks

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: Please delete if not needed.

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition upon resolution of outstanding issues and technical revisions related to site and building design, transportation and environment.

Plan Consistency

The petition is **inconsistent** with the *South District Plan* land use policy recommendation for institutional development for this parcel. However, the *General Development Policies* support the requested density of less than or equal to 12 DUA.

Rationale for Recommendation

- The proposal redevelops a parcel with an institutional use (Masonic Lodge) and would not result in the removal of existing homes.
- The *General Development Policies* would support over 17 DUA for the site. However, the petition proposes single family residential attached use with a density limited to 9.68 units per acre.

- The site is located adjacent to existing multi-family residential to the east, developed at 11.74 dwelling units per acre.
- The plan provides buffers adjacent to single family homes, larger than Ordinance minimum setback along the public street, and architectural design requirements that mitigate the projects impact on surrounding single family homes.
- Provides a transition of development intensity between the single family homes to the west and the adjacent multi-family development east of the site.

The approval of this petition will revise the adopted future land use as specified by the *South District Plan*, from single family use to Residential <= 12 DUA for the site.

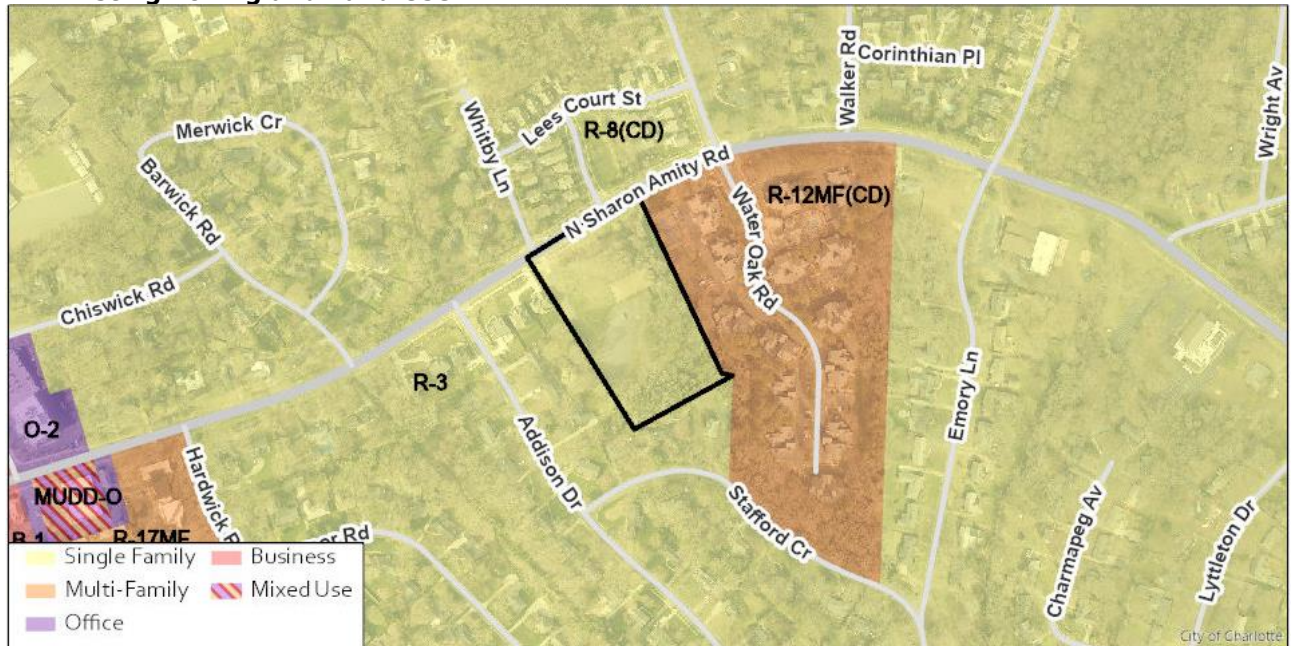
PLANNING STAFF REVIEW

• Proposed Request Details

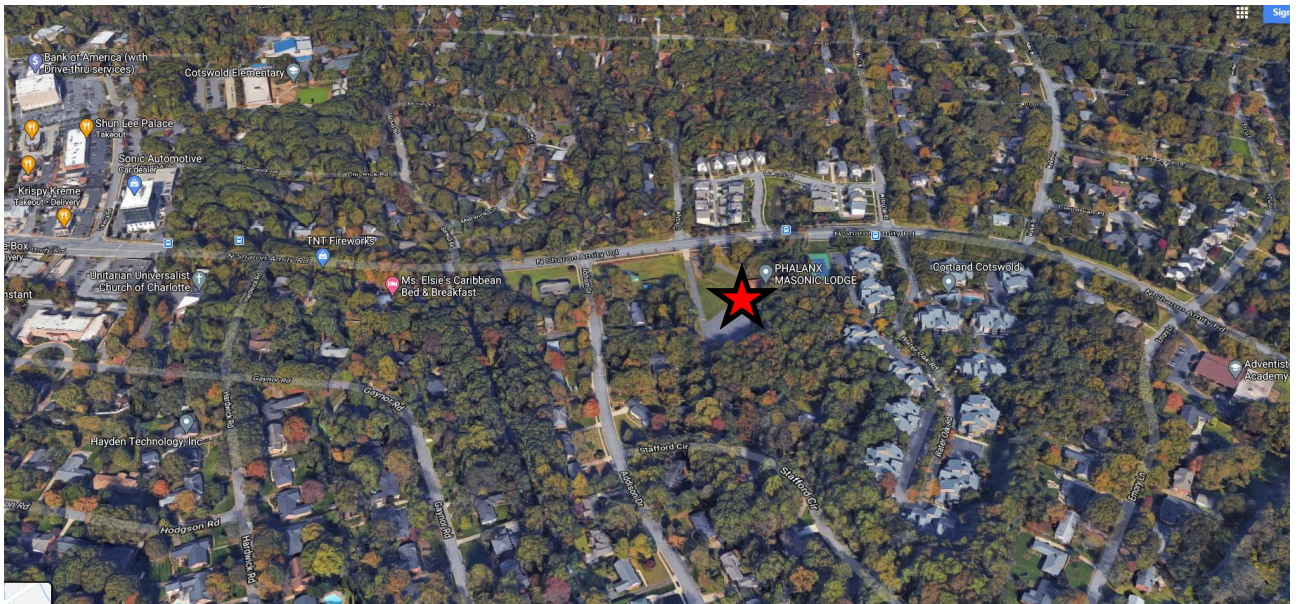
The site plan accompanying this petition contains the following provisions:

- Up to 48 single family attached dwelling units.
- Vehicular access from a private street connecting to North Sharon Amity Road at Whitby Lane.
- Units serviced by internal private streets.
- Provides a CATs bus waiting pad, a 12 foot wide multi-use path and 6-foot wide planting strip along the North Sharon Amity Road frontage of the site.
- Provides a number of architectural building design commitments including but not limited to allowed building materials, raised entrances, pitched roofs, blank walls, and maximum number of units per building.
- Provides a 30 ft class C buffer adjacent to single family properties on the west side of the site.
- Proposes undisturbed tree save area on the south side of the site and commits to the provision of a 30 ft class C buffer if tree save is not provided in that location.
- Commits to a minimum of 5000 square feet in a central common open space are improved with such as but not limited to benches, gardens, pet areas, tables, and other similar amenities.
- Limits pedestrian scale lighting to a height of less than 15 feet.

• Existing Zoning and Land Use



The area is primarily developed with single family detached homes. There is a multi-family development to the east. West of the site at Randolph Road is the Cotswold shopping center.



The site, indicated by the red star above and shown in the street view (below), is developed with a Masonic Lodge.



There are single family homes to the north across North Sharon Amity Road, to the south along Stafford Circle and to the west on Addison Drive.



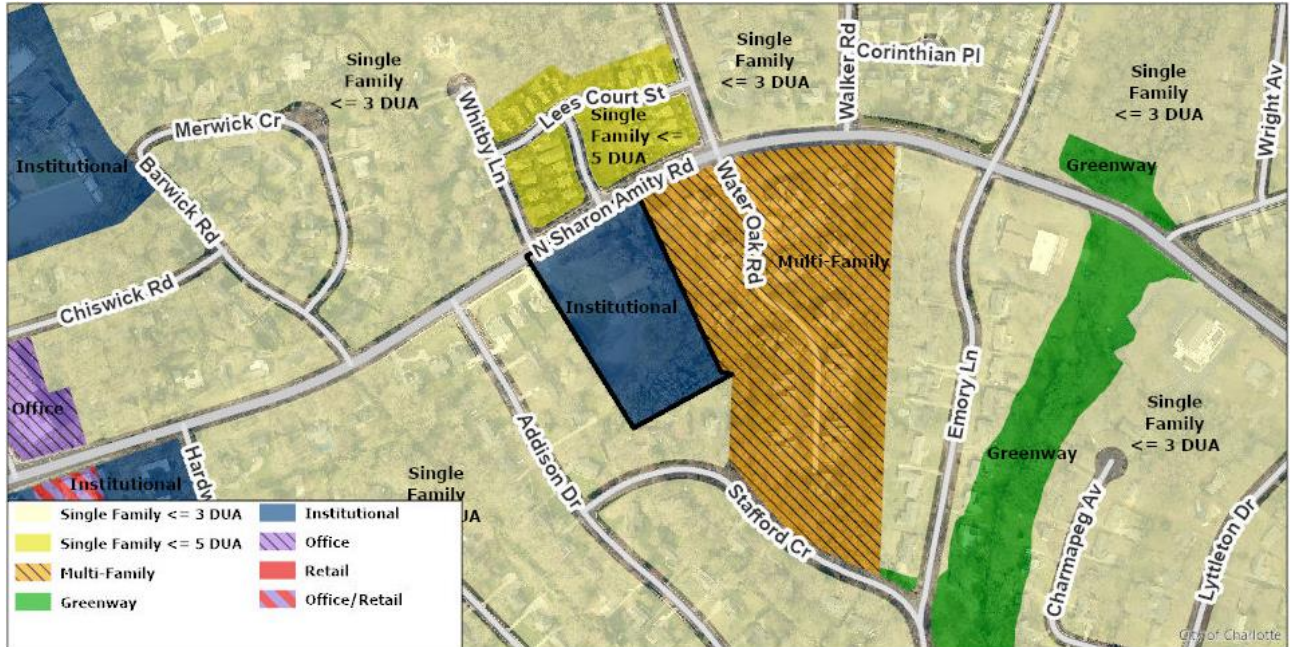
There is a multi-family development to the east along Water Oak Drive. Provide caption for street view/birds eye (surrounding land use).

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2018-152	.56 acres to UR-1(CD) to allow up to four single family detached dwelling units, at a density of 7.1 units per acre	Denied

- **Public Plans and Policies**



- The South District Plan recommends Institutional land uses on this site.
- The *General Development Policies* (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the *General Development Policies* locational criteria for the density requested as illustrated in the table below. The petitioner is requesting 9.68 units per acre.

Assessment Criteria	Density Category – up to 12 dua
Meeting with Staff	1
Sewer and Water Availability	3
Land Use Accessibility	4
Connectivity Analysis	2
Road Network Evaluation	0
Design Guidelines	4
Other Opportunities or Constraints	0
Minimum Points Needed: 12	Total Points: 14

- **TRANSPORTATION SUMMARY**

- This site is on Sharon Amity Road (major thoroughfare, City maintained) and is in the South Wedge and is outside Route 4
- **Active Projects:**
 - No active projects
- **Transportation Considerations**
 - See Requested Technical Revisions, Note 5 and 6.
- **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: No data (based on 8,832 square foot Club).
 - Entitlement: 170 trips per day (based on 14 single family dwelling units in R-3 zoning).
 - Proposed Zoning: 325 trips per day (based on 48 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 8 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 2 students.

- The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
 - Billingsville Elementary at 87%
 - Cotswold Elementary at 81%
 - Alexander Graham Middle at 111%
 - Myers Park High* at 125%.

* CMS 2017 approved Bond Projects list includes construction of a new high school; relieves crowding at South Mecklenburg, Ardrey Kell and Myers Park High schools
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along N Sharon Amity Road. 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. No outstanding issues.
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** See Requested Technical Revisions, Note 8 and 9
 - **Storm Water Services:** See Requested Technical Revision, Note 8
 - **Urban Forestry:** See Requested Technical Revisions, Note 7
- **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. Confirm that each unit will have 400 square feet of private open space per subplot or that 10% of the site will be useable common open space. This may be done by either showing it on the plan or by providing a note acknowledging compliance with this requirement.
2. Amend the Development Data table to limit the maximum building height to 40 feet as measured by the Ordinance.

REQUESTED TECHNICAL REVISIONS

Site and Building Design

3. Amend the setback listed in the development data table to match the proposed setback of 30 feet shown on the site plan.
4. Amend site plan label for the rear buffer to reference note 5.d.

Transportation

5. 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.
6. Remove the words "Where necessary" from Note 3.f.

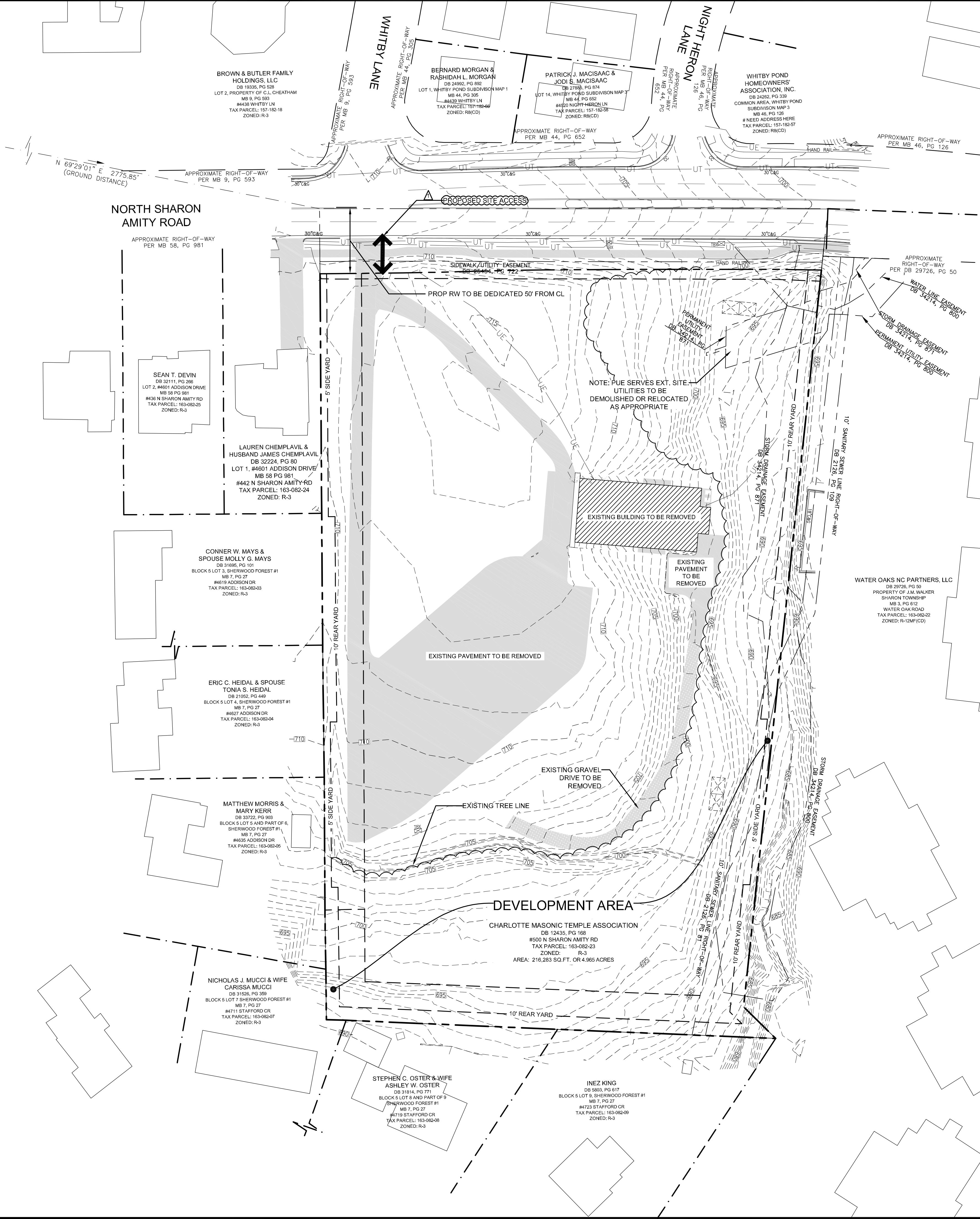
Environment

7. Amend the label for "Possible Replanted Tree Save" because it must be preserved tree save area.
8. Add the following note under Environmental Features. *For adjoining parcels receiving storm water discharge the petitioner shall analyze the adequacy of the existing storm water conveyance on the adjoining parcels to Stafford Circle. 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.*

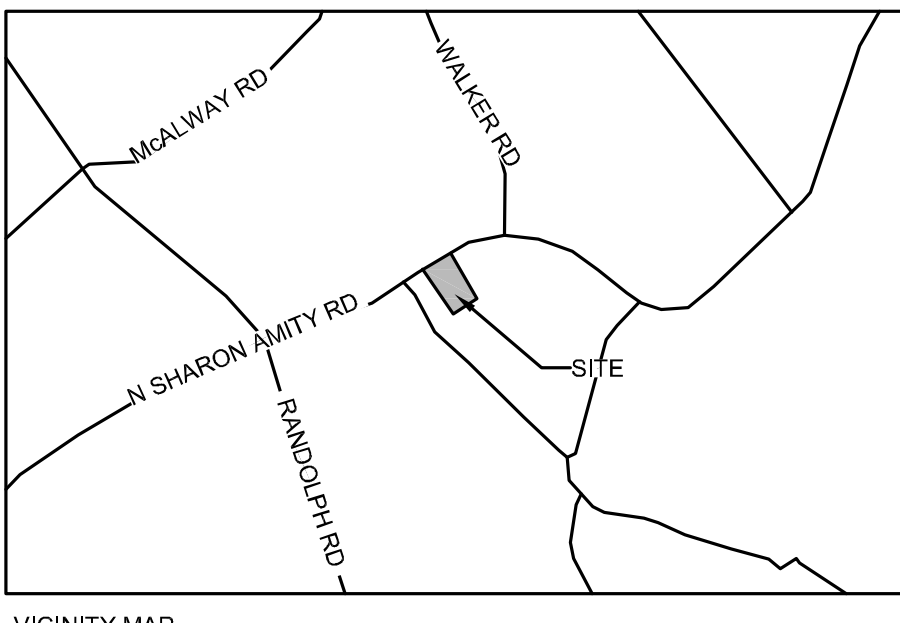
See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org

Planner: John Kinley (704) 336-8311

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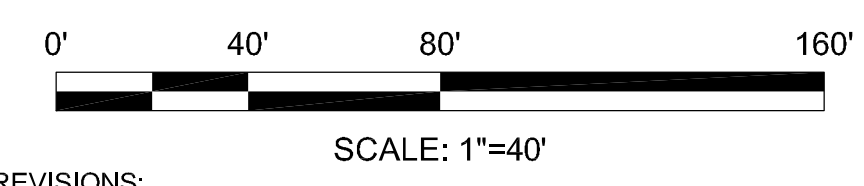
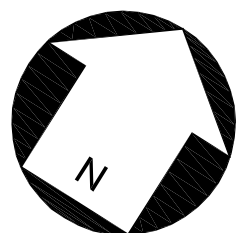


- LEGEND:
- ROAD CENTERLINE: _____
- EXISTING PAVEMENT: _____
- EXISTING BUILDINGS: _____
- PROPERTY BOUNDARY: _____
- PROPOSED RW: _____
- EXISTING LOT LINE: _____
- CONTOUR LINE: _____



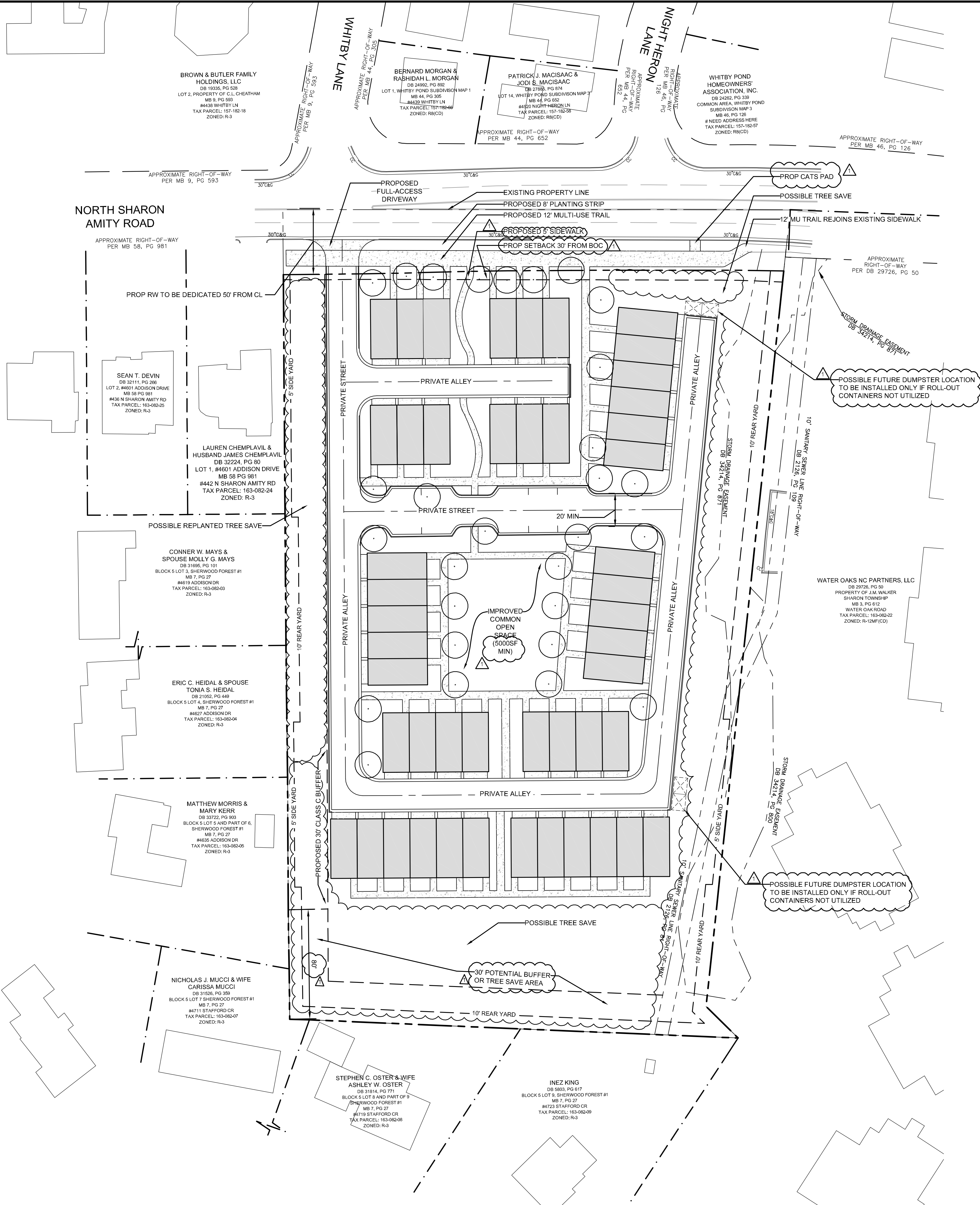
- Development Standards**
- General Provisions**
 - These Development Standards form part of the Rezoning Plan associated with the Rezoning Petition filed by Delray Ventures, LLC (the "Petitioner") to accommodate the development of a residential townhome community on that approximately five-acre site located on the south side of North Sharon Amity Road between Addison Drive and Water Oak Road, which is more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Tax Parcel Number 163-082-23.
 - Development of the Site shall be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the UR-2 Zoning District shall govern all development taking place on the Site.
 - In as much as planning for the proposed redevelopment of the Site has not yet advanced beyond the formative stage, the ultimate layouts of the development proposed, the exact alignments of streets and points of access, the configurations and placements of parking areas and the heights and masses of buildings have not yet been determined. As a consequence, the configurations, placements and sizes of the buildings and parking areas depicted on the Rezoning Plan are schematic in nature and therefore are subject to refinements as part of the total design process. They may, therefore, be altered or modified during design development and construction document phases so long as the maximum parking and building envelope lines established on the Rezoning Plan are not violated and the proposed alterations or modifications do not exceed the parameters established under these Development Standards and under the Ordinance for the UR-2 District.
 - Permitted Uses and Maximum Development**
 - The Site may be developed with up to forty-eight (48) for-sale single-family attached dwelling units (townhomes), together with any incidental and accessory uses related there to that are allowed in the UR-2 zoning district.
 - Transportation**
 - Vehicular access will be as generally depicted on the Rezoning Plan. The placement and configuration of the vehicular access points shown on the Rezoning Plan are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required by CDOT for approval.
 - As depicted on the Rezoning Plan, the Site will be served by private streets.
 - The Petitioner shall provide a minimum twelve (12) foot wide multi-use path and six (6) foot wide planting strip along the Site's frontage of Sharon Amity Road, as generally depicted on the Rezoning Plan.
 - Internal sidewalks and pedestrian connections shall generally be provided per the site plan along all public and private streets throughout the Site. The internal sidewalks may meander to save existing trees.
 - The Petitioner shall provide a CATS bus waiting pad along the Site's frontage of N. Sharon Amity Road, as generally depicted on the Rezoning Plan, location of which to be determined during the permitting phase of development.
 - Where necessary, Petitioner shall dedicate and convey in fee simple all rights-of-way to the City of Charlotte before the Site's first building certificate of occupancy is issued or phased per the Site's development plan. The right-of-way shall be set at two (2) feet behind the back of sidewalk where feasible.
 - Unless otherwise stated herein, all transportation improvements shall be approved and constructed prior to the issuance of the first certificate of occupancy for principal buildings within the Site.
 - Architectural Standards**
 - The principal buildings used for residential uses constructed on the Site may use a variety of building materials. The building materials used for buildings will be a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, pre-cast concrete, synthetic stone, stucco, cementitious siding (such as Hard-plank), vinyl, EIFS or wood.
 - All residential entrances within 15 feet of the public sidewalk must be raised from the average sidewalk grade twelve (12) to twenty-four (24) inches.
 - 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.
 - Petitioner shall provide blank wall provisions that limit the maximum blank wall expanse to 20 feet on all building levels, including but not limited to doors, windows, awnings, and/or architectural design elements.
 - Walkways will be provided to connect all residential entrances to sidewalks along public and private streets, as generally depicted on the Rezoning Plan.
 - Townhouse buildings will be limited to six (6) individual units or fewer or will otherwise be meaningfully differentiated between units, including, but not limited to, forward offsets in the front walls of units, vertical height differences, or architectural differences in elevations (such as windows, doors, bays, trim, or materials).
 - All corner/end units that face a public or private street shall have an architectural detail that limit the maximum blank wall expanse to 10 feet on all building levels.
 - Garage doors shall not be visible from Sharon Amity Road.
 - Garage setbacks along proposed alleyways shall be either a minimum of five (5) to seven (7) feet or greater than twenty (20) feet in length.
 - Open Space, Streetscape and Landscaping**
 - The Petitioner may subdivide the Site and create sublots within the Site with no side or rear yards as part of a unified development plan.
 - The Petitioner shall comply with the Tree Ordinance and Post Construction Stormwater Ordinance.
 - The Petitioner shall provide a minimum 30-foot Class C buffer including site fencing adjacent to the existing single-family properties to the west of the Site, in the location as generally depicted on the Rezoning Plan.
 - If tree save area is not provided in the southern portion of the Site as generally depicted on the Rezoning Plan, in the area adjacent to existing single-family residential zoned property, the Petitioner shall provide a minimum thirty (30) foot Class C buffer in that area in addition to the properties to the west of the Site. For the sake of clarity, this confirms that the southern boundary of the Site shall either be undisturbed area or planted buffer area.
 - The Petitioner shall provide a minimum 5,000 square feet of common open space, as generally depicted on the Rezoning Plan, which shall be improved with elements such as, but not limited to, landscaping, benches or seating areas, gardens, pet areas, tables, passive or active recreation uses, and/or other similar amenities.
 - Lighting**
 - Proposed pedestrian scale lighting will be provided within the Site along public and private streets <15' in height.
 - Amendments to Rezoning Plan**
 - Future amendments to the Technical Data Sheet or these Development Standards may be applied for by the then Owner or Owners of the parcel or parcels within the Site involved in accordance with the provisions of Chapter 5 of the Ordinance.
 - Further alterations or modifications to this Rezoning Plan which, in the opinion of the Planning Director, substantially alter the character of the development or significantly alter the Technical Data Sheet or any of its conditions or which increase the intensity of development shall not be deemed to be minor and may only be made in accordance with the provisions of Subsections 6.207(1) or (2) of the Ordinance, as applicable.
 - Binding Effect of the Rezoning Documents and Definitions**
 - If this Rezoning Plan is approved, all conditions applicable to development of the Site imposed under the Technical Data Sheet will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.
 - Throughout these Development Standards, the terms, "Petitioner" and "owner" and "owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioner or the owners of the Site from time to time who may be involved in any future development thereof.

This Plan Is A
Preliminary Design.
NOT Released For
Construction.



REVISIONS:					
No.	Date	By	Description		
1	9/14/20	KJJ	REVISIONS DUE TO STAFF COMMENTS		

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LEGEND:

ROAD CENTERLINE: _____

EXISTING PAVEMENT: _____

EXISTING BUILDINGS: _____

PROPERTY BOUNDARY: _____

PROPOSED R/W: _____

EXISTING LOT LINE: _____

CONTOUR LINE: _____

DEVELOPMENT DATA:

Site Area: 11.496 acres

Tax Parcels: 16308223

Existing Zoning: R-3

Proposed Zoning: UR-2 (CD)

Existing Use: Lodge

Proposed Uses: Up to 48 Single-Family Townhomes

Density Proposed: 4.08 Units/Ac

Min. Setback: 14' from BOC

Min. Side Yard: 5'

Min. Rear Yard: 10'

Maximum Building Height: Per Ordinance

Parking Required: 1 Sp per unit minimum, 2 Sp per unit maximum

Parking Provided: 50 min/2 max per unit (min. 6 visitor spaces)

PCCO: Per Ordinance

500 N. SHARON AMITY
TOWNHOMES
DELRAY VENTURES
CHARLOTTE, NC

REZONING
SITE PLAN

PETITION #:
RZP - 2020 - 100

CORPORATE CERTIFICATIONS
NC PE: C-2930 NC LA: C-253
SC ENG: NO. 35099 SC LA: NO. 211

Project Manager: MDL

Drawn By: ENL

Checked By: MDL

Date: 9/10/20

Project Number: 20015

Sheet Number:

RZ-2



Agenda Date: 10/19/2020

Agenda #: 39.**File #:** 15-14411 **Type:** Zoning Hearing

Rezoning Petition: 2020-101 by White Point Paces Partners, LLC

Location: Approximately 4.005 non-contiguous acres between three parcels, both located in the Optimist Park community in the vicinity of Optimist Hall. (Council District 1 - Egleston)

Current Zoning: TOD-M (O) & I-2 (transit-oriented development, mixed, optional; heavy industrial)

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

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

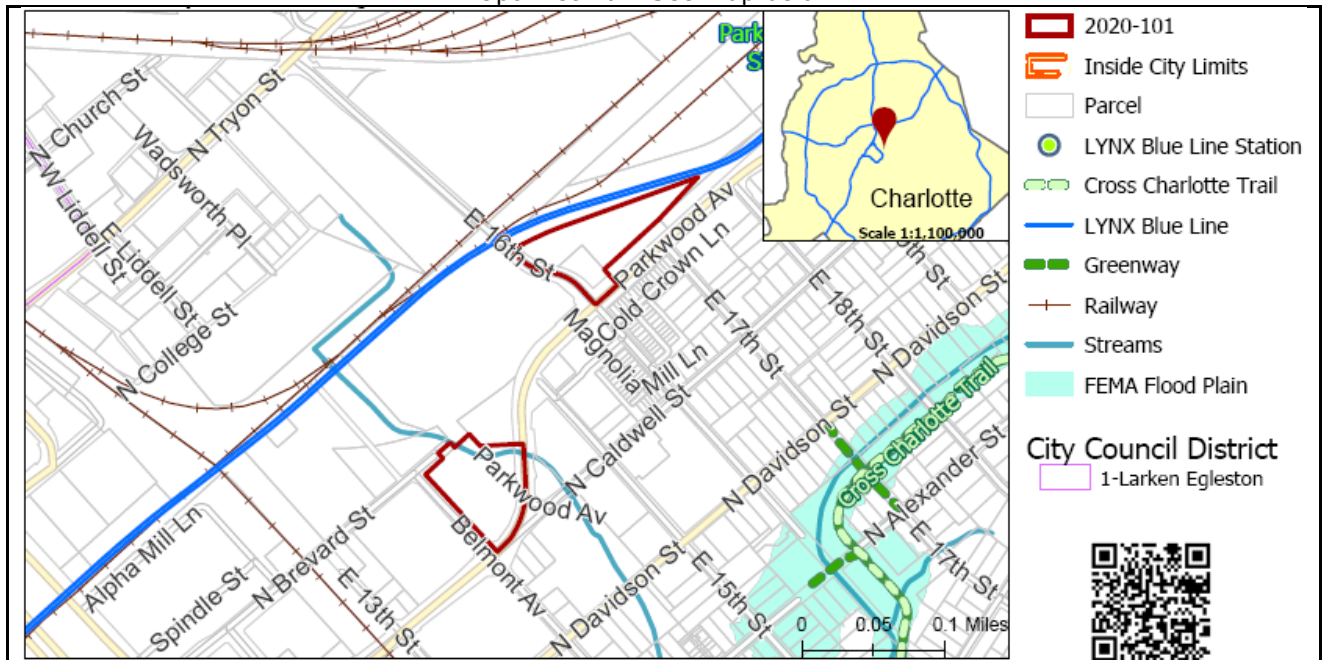
Pre-Hearing Staff Analysis

REQUEST

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

LOCATION

Approximately 4.005 non-contiguous acres between three parcels, both located in the Optimist Park community in the vicinity of Optimist Hall. See map below.



SUMMARY OF PETITION

The petition proposes to rezone three jointly owned parcels from heavy industrial and transit-supportive districts to a conventional, transit-supportive zoning district that would permit the site to be developed with any singular use or mixture of transit-supported uses permitted either by-right or under prescribed conditions.

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE
COMMUNITY MEETING

White Point Paces Partners, LLC; WPP Block Owner II, LLC
White Point Paces Partners, LLC
John Carmichael, Robinson Bradshaw
Meeting is not required.

STAFF
RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the *Parkwood Station Area Plan's* (2016) recommendation for transit-oriented uses but **inconsistent** with recommended office/retail/industrial-warehouse-distribution uses for one of the three parcels.

Rationale for Recommendation

- This petition's request for transit-oriented development zoning achieves the Plan's land use policy of promoting a mix of transit-supportive land uses through new development and redevelopment.

- The request is consistent with adjacent zoning and land uses around the southwestern portion of the intersection of Parkwood Avenue and E. 16th Street.
- The TOD-UC district may be used in any transit station area or near a streetcar stop where high intensity transit-oriented development is appropriate.
- The TOD-UC district is not appropriate for sites adjacent to single-family zoning districts or uses. These parcels are not adjacent to any single family uses.
- The area plan recommends employment-based land uses, such as industrial, office and retail uses on the parcels north of North Brevard Street and adjacent to the rail yard between East 13th and East 24th streets. A proposed TOD-UC district would likely generate office and retail uses on the parcel that falls within this area.

The approval of this petition will revise the adopted future land use for one parcel as specified by the *Parkwood Transit Station Area Plan* office/retail/industrial-warehouse-distribution to TOD for the site.

PLANNING STAFF REVIEW

- **Proposed Request Details**

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

- **Existing Zoning and Land Use**



The majority of Area 2, outlined in the map below, was part of the Optimist Hall rezoning (2016-029) while a small portion of the parcel was rezoned to TOD-M(O) with petition 2016-130. A portion of Area 1 closest to the intersection of E. 16th Street and Parkwood Avenue was also included in 2016-130. Above the Blue Line are mostly industrially zoned with uses complimentary or supporting the rail yard to the northeast of this petition. Below the Blue Line is a more diverse mixture of uses including transit supportive uses around Optimist Hall, single family residential, and multi-family.



General location of site(s) illustrated above.

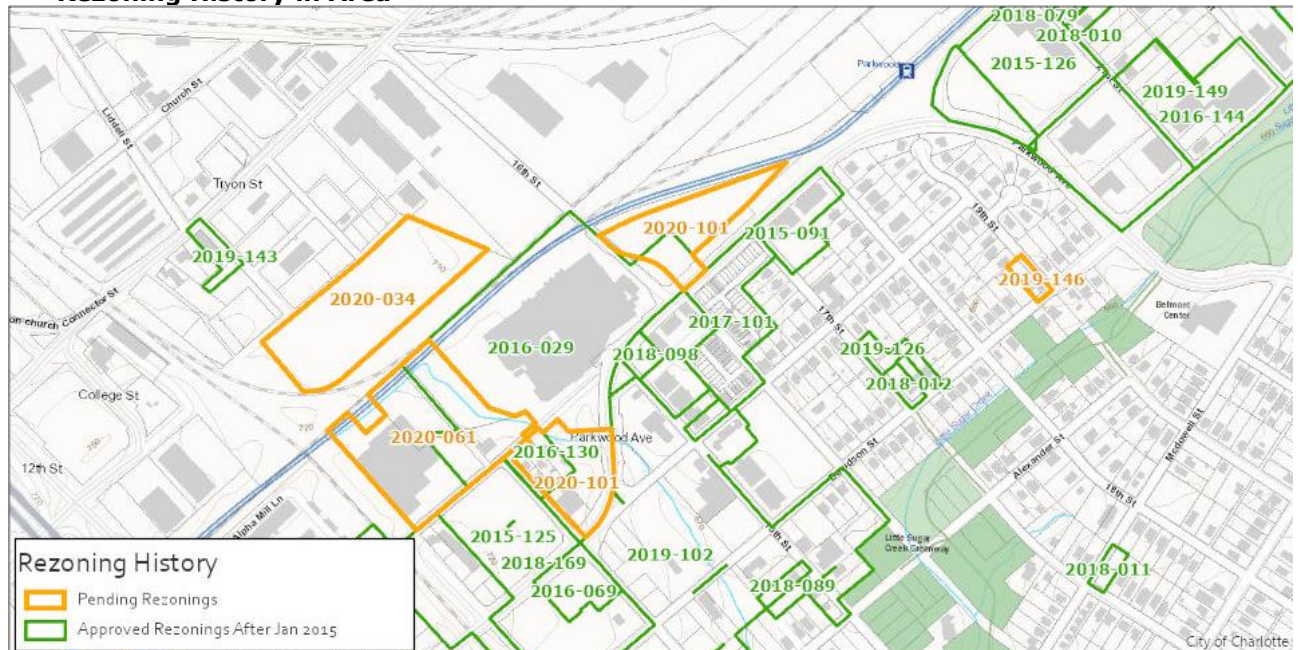


Area 1 as seen from E. 16th Street looking north toward the Parkwood Station. This area is currently operating as a surface parking lot for Optimist Hall.



Area 2 as seen from N. Brevard Street looking east. This photo does not reflect existing conditions, as the site is currently operating as surface parking for Optimist Hall.

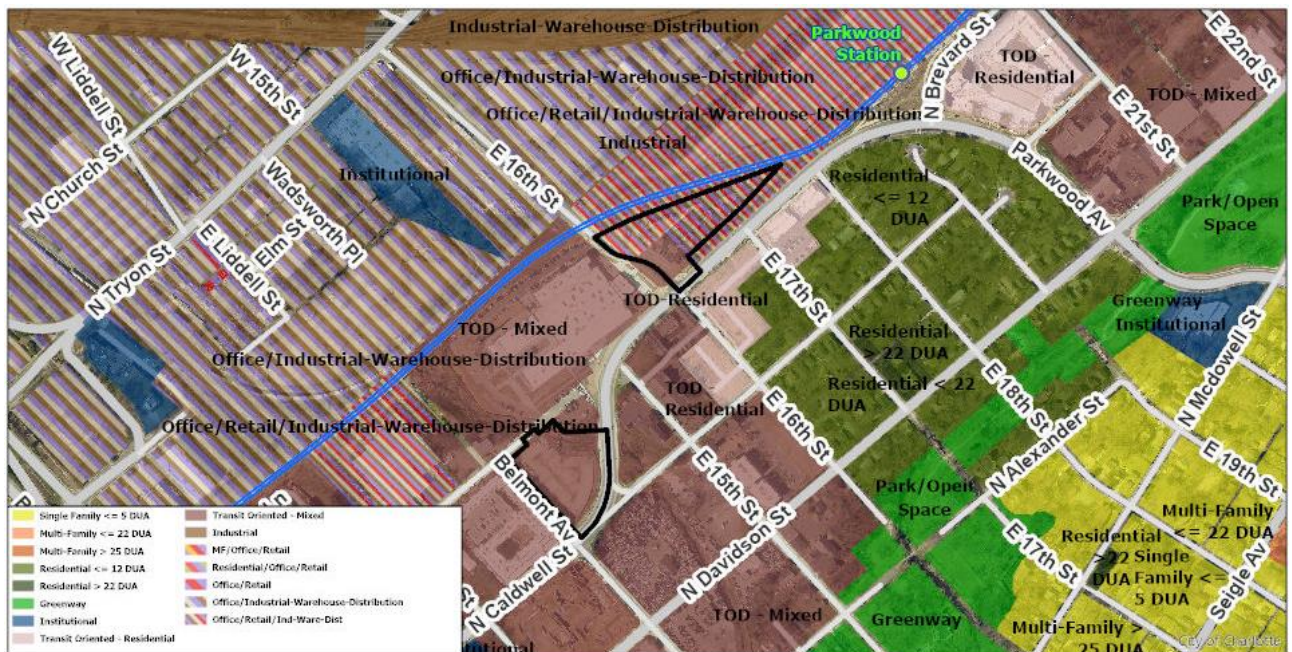
- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2020-061	Request to rezone from industrial to transit-oriented districts.	Pending
2020-034	Request to rezone parcel to MUDD to entitle multi-family project.	Pending
2019-146	Request to rezone parcel into two urban residential districts and to adaptively reuse historic corner store.	Approved
2019-143	Request to rezone in order to adaptively reuse a historic structure for office and retail uses.	Approved
2019-126	Request for urban residential district to provide multi-family units with an affordability component.	Approved

2019-102	City-sponsored TOD rezoning for parcels along Blue Line.	Approved
2019-149, 2018-169, 2018-098, 2018-079, 2018-010, 2017-101, 2016-069, 2016-029, 2016-130, 2016-144, 2016-144, 2015-125, 2015-126, 2015-091	Petitions all requesting transit-oriented development zoning districts	Approved
2018-089	Request from single-family residential to UR-C district.	Approved
2018-011	Request from single-family zoning district to urban residential.	Approved
2015-024	Request to light industrial transit-supportive overlay.	Approved

- **Public Plans and Policies**



- The *Parkwood Transit Station Area Plan* (2016) recommends TOD-mixed and office/retail/industrial-warehouse-distribution uses for the site.
- **TRANSPORTATION SUMMARY**
 - The petition is located on E 16th Street (Minor collector) and Parkwood Avenue (major thoroughfare) and inside Route 4. East 16th Street and Parkwood Avenue are maintained by the City of Charlotte. The site is located within the Northeast Corridor Wedge in the Optimist Park Neighborhood Plan Study area. The project is also within the Transit Oriented Development Districts and the Streets Map
 - **Active Projects:**
 - Parkwood Avenue Streetscape
 - Project page: <https://charlottenc.gov/Projects/Pages/ParkwoodStreetscape.aspx>
 - General Services PM: Sharon Buchanan – sdbuchanan@charlottenc.gov
 - **Transportation Considerations**
 - No outstanding issues.
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 0 trips per day (based on vacant land use).
 - Entitlement: Too many uses to determine.
 - Proposed Zoning: Too many uses to determine.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** See advisory comments at www.rezoning.org

- **Charlotte Department of Housing and Neighborhood Services:** 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 conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined.
 - **Charlotte Water:** Water and sewer service is accessible for this rezoning boundary. Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along Parkwood Avenue. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Parkwood Avenue. See advisory comments at www.rezoning.org
 - **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** 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.
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See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org

Planner: Will Linville (704) 336-4090