



**Agenda Date:** 11/16/2020

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**Agenda #:** 18.**File #:** 15-14604 **Type:** Zoning Hearing

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## **Rezoning Petition: 2019-180 by John Jolley - Rosegate Holdings, LLC**

**Location:** Approximately 5.2 acres located on the west side of Wallace Road, north of Woodberry Road, west of East Independence Boulevard. (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 requested technical revisions related to site plan label and transportation notes.

**Attachments:**

Pre-Hearing Staff Analysis

Site Plan

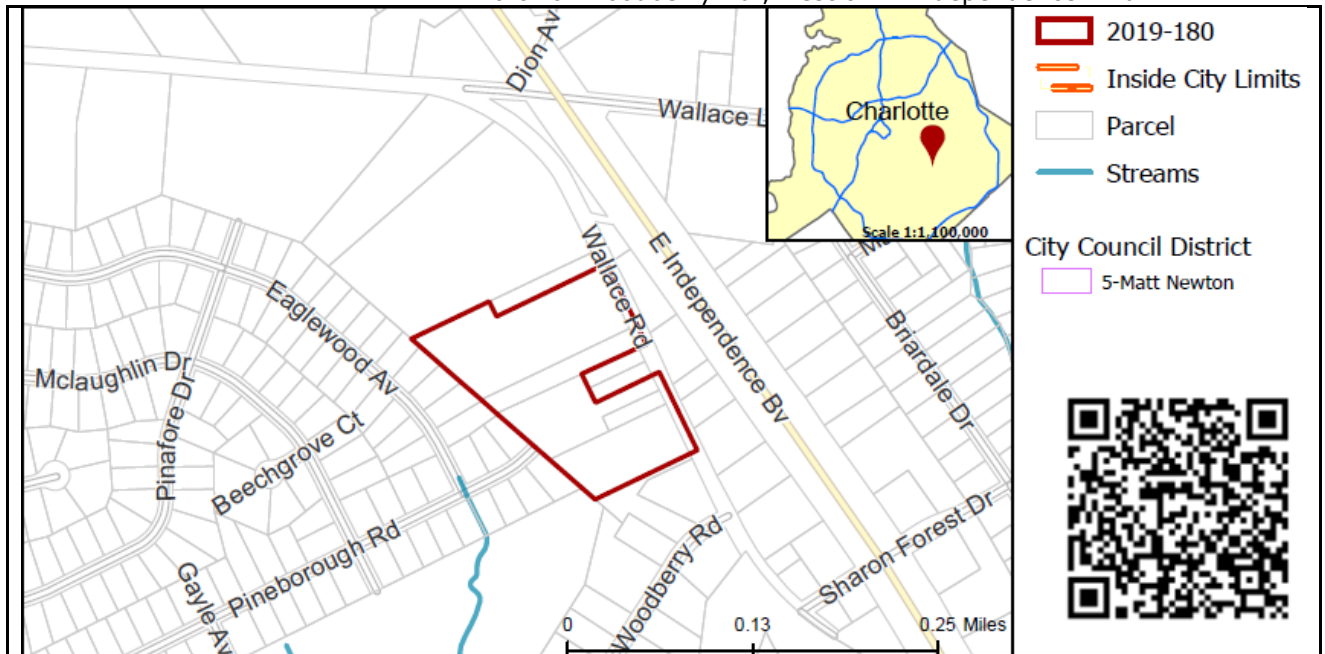
## REQUEST

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

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

## LOCATION

Approximately 9.2 acres located on the west side of Wallace Rd, north of Woodberry Rd., west of E. Independence Blvd.



## SUMMARY OF PETITION

The petition proposes to redevelop 5 single family homes and vacant land for a multi-family development with up to 201 dwelling units, for a density of 22 dwellings per acre (DUA).

## PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE

Rosegate Holdings, LLC  
Josh Jolley – Rosegate Holdings LLC  
Paul Pennell – Urban Design Partners PLLC

## COMMUNITY MEETING

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 5

## STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of requested technical revisions related to site plan label and transportation notes.

### Plan Consistency

The petition is **inconsistent** with the *Independence Boulevard Area Plan* recommendation for residential development up to 12 units per acre for the northern portion of the site and **consistent** with the Plan's recommendation for residential development up to 22 units per acre for the southern portion of the site as amended by petition 2019-074.

### Rationale for Recommendation

- The subject site is over a ½ mile walk from the nearest proposed LYNX Silver Line transit station but located within 190 feet of the

proposed transit alignment. Therefore, the site is not appropriate for transit-oriented development; but moderate density multi-family development is appropriate with the site's location along the future rail corridor.

- The site is located within the Southeast Corridor per the *Centers, Corridors, Wedges Growth Framework*. Corridors are areas recommended for moderate intensity multi-family uses.
- The site is located within a ½ mile walk to bus stops/routes along Monroe Road and Independence Boulevard.
- The proposed density of 22 units per acre is consistent with other multi-family developments north of the site on Wallace Road and Wallace Lane in office zoning that exist at comparable densities.
- The site and proposed development provide a transition in land use types and intensity from the commercial uses along Independence Boulevard and Wallace Road to the single family uses west of the site.
- The site plan combines an area previously zoned for multi-family residential with the only other large vacant parcel fronting this portion of Wallace Road for a unified multi-family development.
- The plan extends Pineborough Road and stubs to the northern most property line and provides connectivity through the site to Wallace Road with a public access easement.
- The site plan provides development conditions that reduce impacts to abutting single family homes through the limitation of building heights, provision of buffers, and provision of building envelopes that ensure building sides face single family homes and buildings are located adjacent to existing or proposed streets away from the single family homes.

The approval of this petition will revise the adopted future land use as specified by the *Independence Boulevard Area Plan*, from residential at 12 DUA to residential at 22 DUA for the northern portion of the site.

## PLANNING STAFF REVIEW

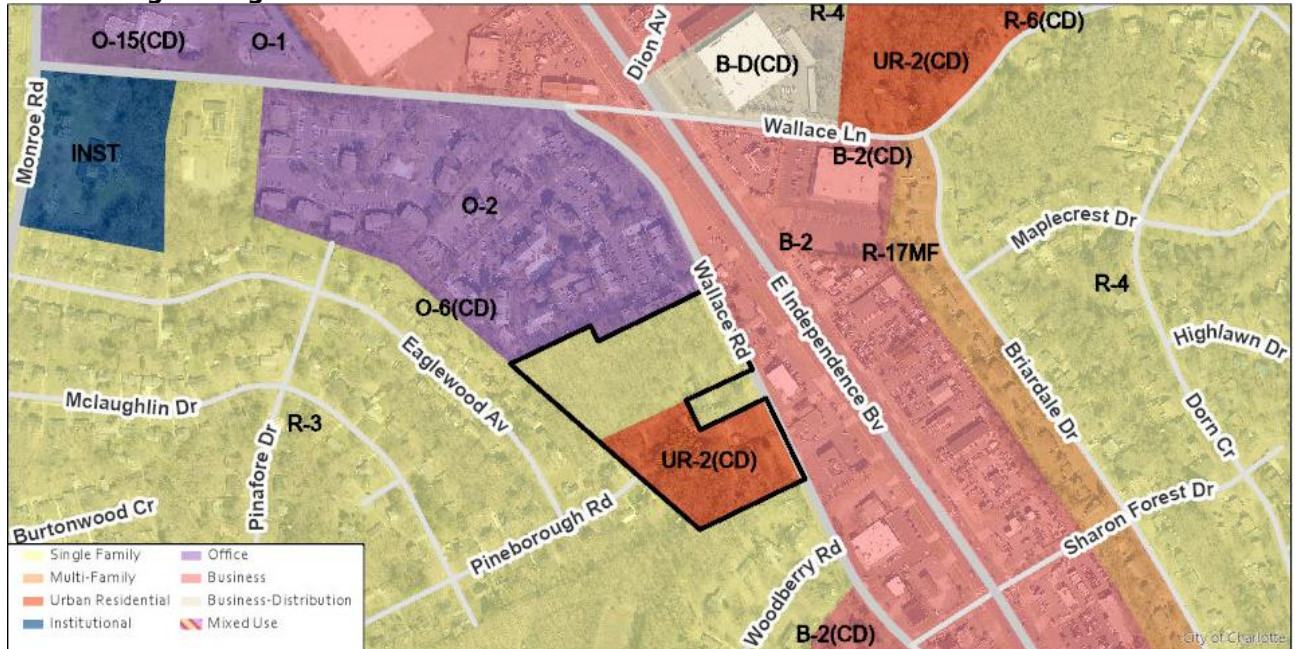
### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allows the construction of up to 201 multi-family units (22 DUA) in 8 buildings.
- Minimum of 14 units shall maintain monthly rents at or below 80% AMI levels for a period of not less than 15 years from the certificate of occupancy of the unit's associated building.
- Shows 5 development envelopes on the site. Development areas 1, 4 and 5 allow multi-family buildings, parking and open and amenity spaces. Areas 2 and 3 allows tree save, open space and/or stormwater facilities.
- Limits the maximum building height to 3 stories and a maximum of 40 feet as defined by the Ordinance.
- Provides buffers adjacent to surrounding single family dwellings.
- Provides site cross-sections illustrating the relationship to nearest abutting single family homes.
- Commits to a minimum of 50% of the frontage of Wallace Road to be composed of building walls, architectural elements, pedestrian scale masonry walls and/or open space.
- Provides a number of architectural standards related to building orientation, allowed building materials, limits on blank walls, façade articulation, raised entrances from adjacent public sidewalks, and balconies.
- Provides a minimum of 15,000 square feet of amenity/common open spaces areas distributed throughout the site.
- Commits to provide a pedestrian sidewalk connection to Mason Wallace Park, location to be determined in cooperation with Park and Recreation during permitting.
- Extends Pineborough Road as required by the Subdivision Ordinance. Provides access to the site via two drives connecting from Wallace Road to the extension of Pineborough Road. Provides public access easement along the southern drive.
- Provides transportation improvements related to dedication of right-of-way along Wallace Road, 8-foot sidewalks along the internal private street, Pineborough Road extension and Wallace Road, associated curb/gutter and 8-foot planting strips along Pineborough Road extension and the private street, a 14-foot planting strip along Wallace Road, and associated curb and gutter.



- Existing Zoning and Land Use



The area around the site (indicated by red stars below) is developed with a mixture of uses including commercial along Independence Boulevard and east side of Wallace Road, multi-family uses in office zoning along Wallace Road north of the site, and single family uses off Pineborough Road, Wallace Road, and Woodberry Road. Mason Wallace Park is located to the southwest of the site.







The subject is developed with small houses and vacant land.



East of the site, across Wallace Road are commercial uses fronting on both Wallace Road and Independence Boulevard.



South of the site are single family homes fronting Woodberry Road.



West of the site are single family homes fronting Pineborough Road and Eaglewood Road.



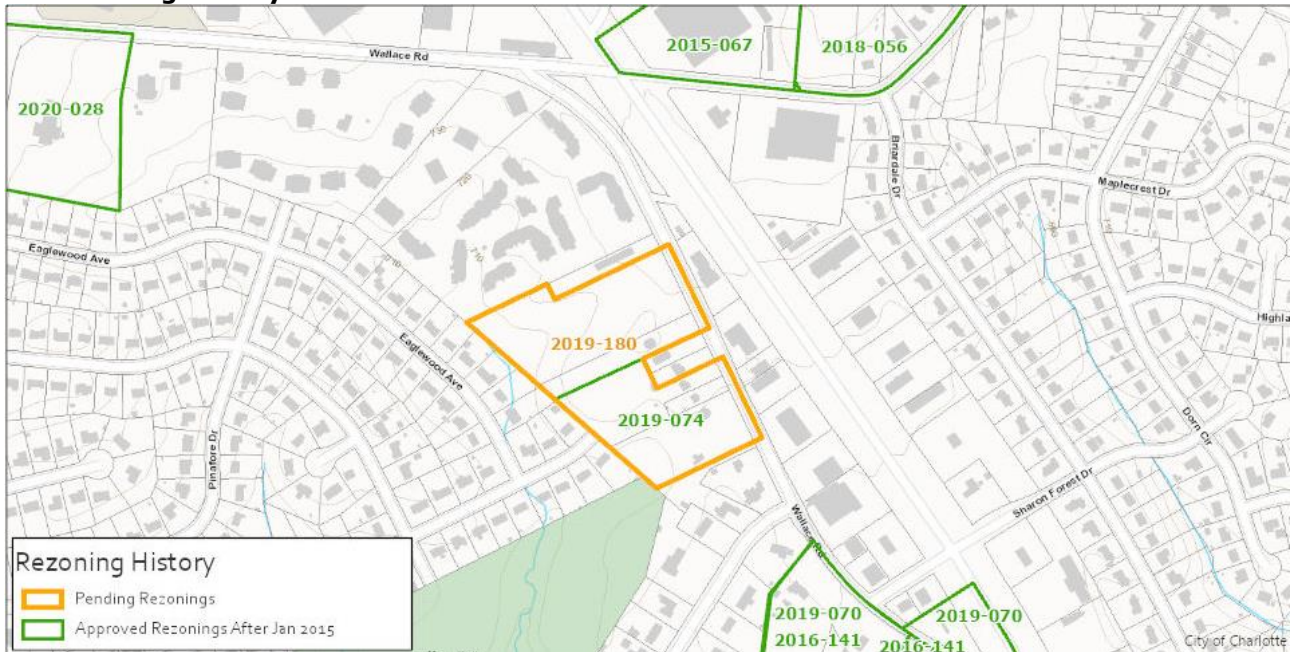


North of the site is an office use and multi-family residential uses.



In between the two larger portions of the site are two single family homes that front Wallace Road.

- **Rezoning History in Area**

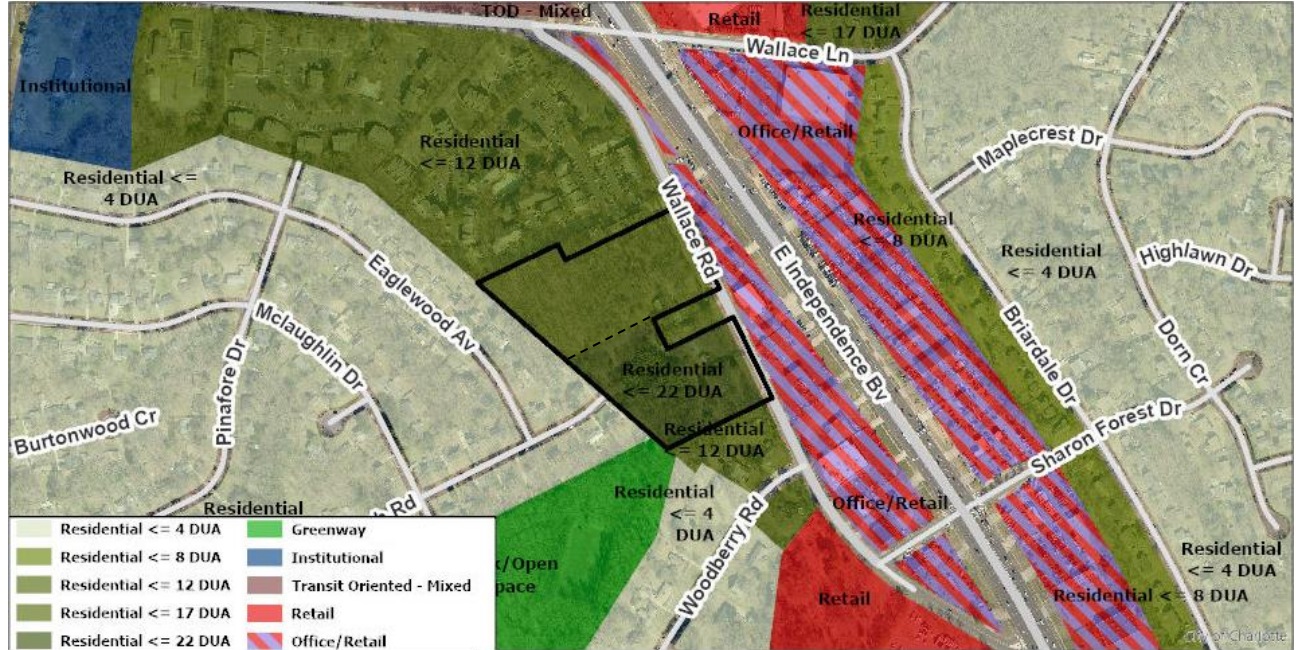


Petition Number	Summary of Petition	Status
2015-067	Rezoned 4.24 acre to BD(CD) SPA to allow expansion of an existing self-storage/ indoor warehousing facility.	Approved
2016-141	Rezoned the majority of the subject site to B-2(CD) to allow automotive sales and repair uses.	Approved
2018-056	Rezoned 9.3 acres to UR-2(CD) to allow a townhome community with up to 119 units.	Approved
2019-070	Rezoned 42.41 acres to B-2(CD) SPA to amend a previously approved plan for an automotive dealership.	Approved
2019-074	Rezoned the southern 4-acre portion of the subject site to UR-2(CD) to allow up to 88 multifamily residential dwellings	Approved



2020-028	Rezoned 5.33 acres to INST to allow institutional uses.	Approved
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- **Public Plans and Policies**



- The *Independence Boulevard Area Plan* (2011) recommends residential development up to 12 units per acre for the northern portion of the site (above the dashed line), and the plan recommends residential development up to 22 units per acre for the southern portion of the site (below the dashed line) as amended by petition 2019-074.
- The Southeast Corridor Transit Study shifted the proposed alignment of the LYNX Silver Line just south of the site from the center of Independence Boulevard to the Monroe Road corridor.
- **TRANSPORTATION SUMMARY**
  - The site is on Wallace Road (minor thoroughfare, city maintained) and is in a corridor outside Route 4. The site is within the limits of the Independence Boulevard Area Plan.
- **Active Projects:**
  - South Pedestrian/Bike Independence Boulevard
    - This project will create a multi-modal facility south of and paralleling Independence Boulevard from the Briar Creek Greenway to Mason Wallace Park.
  - Margaret Wallace Sidewalk
    - This project will construct new 6' sidewalk along the south side of Margaret Wallace Road from Campbell Creek to Old Gate Drive to improve pedestrian access along the corridor.
- **Transportation Considerations**
  - See Requested Technical Revisions, Note 2 & 3
- **Vehicle Trip Generation:**
  - Current Zoning:
    - Existing Use: 70 trips per day (based on five single family dwellings).
    - Entitlement: 790 trips per day (based on 88 apartments and 27 single family dwellings).
  - Proposed Zoning: 1,095 trips per day (based on 201 apartments).

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

- **Charlotte Area Transit System:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte Department of Housing and Neighborhood Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte Department of Solid Waste Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 30 students, while the development allowed under the proposed zoning may produce 51 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 21 students.



- The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
  - Rama Road Elementary from 95% to 99%
  - McClintock Middle from 130% to 131%
  - East Mecklenburg High from 101% to 102%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along Wallace Road. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along Wallace Road. No outstanding issues.
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

**REQUESTED TECHNICAL REVISIONS**Site and Building Design

1. Label section E.1 on the rezoning site plan.

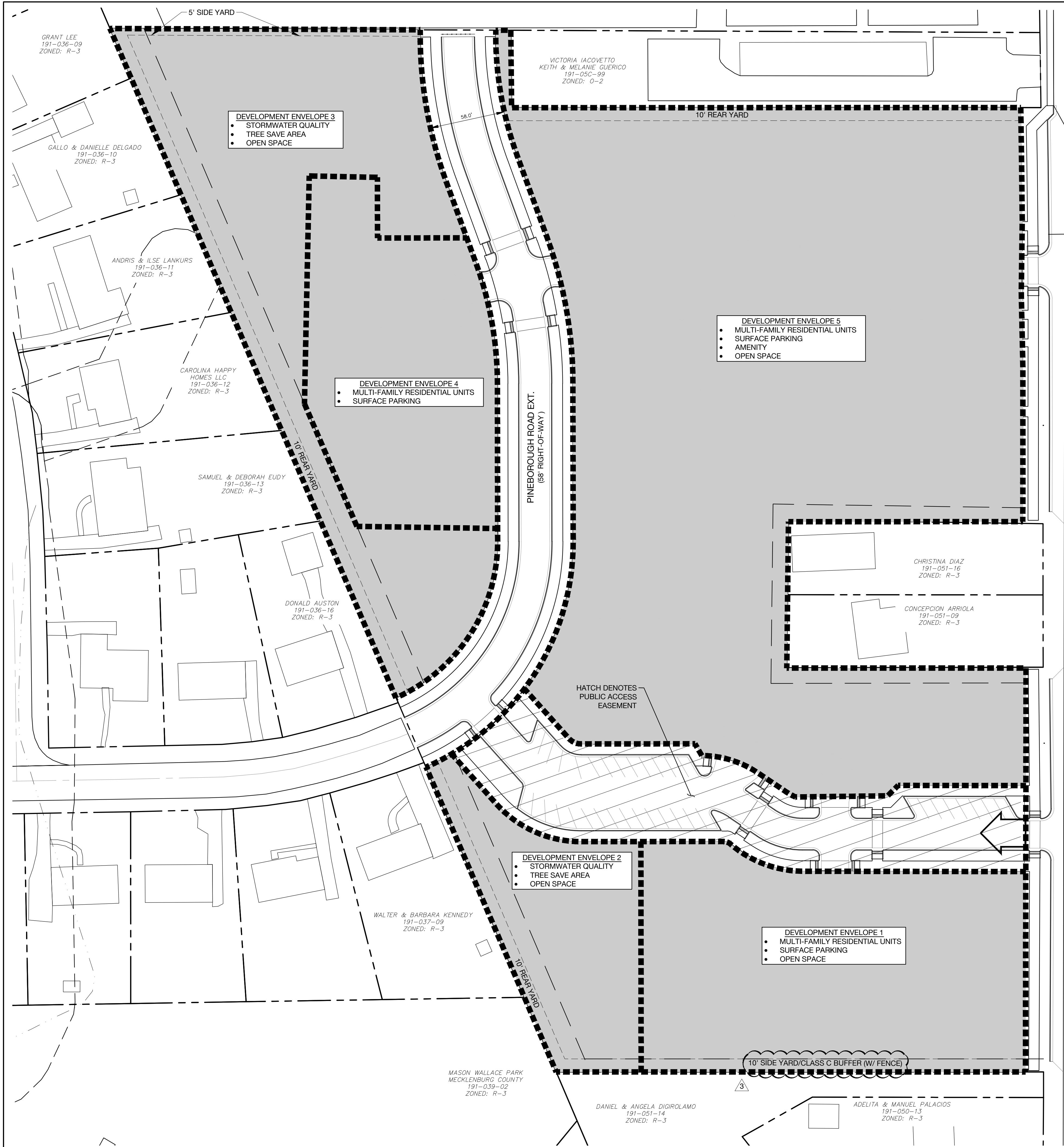
Transportation

2. Revise the site plan to add a note specifying dedication and fee simple conveyance of all rights of way to the City before the site's first building certificate of occupancy is issued.
3. 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.

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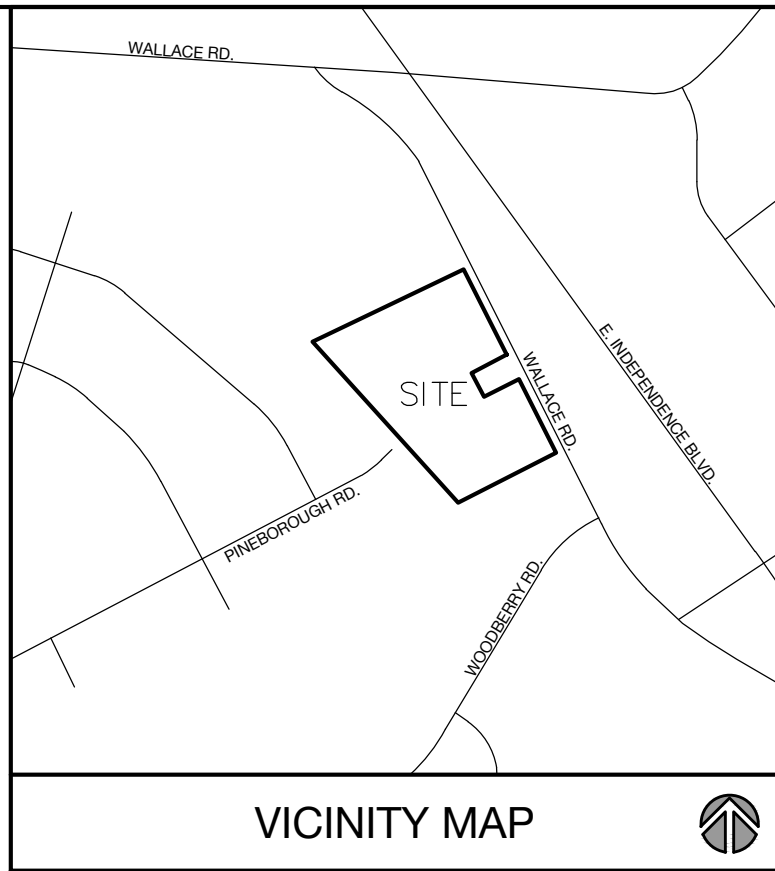
**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

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



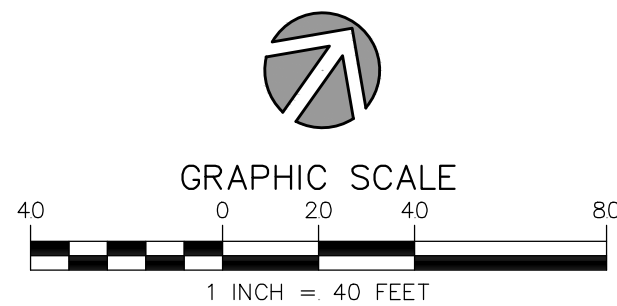
WALLACE ROAD  
(R/W VARIES)

REZONING PETITION #2019-180



Site Development Data:

Acreage:	+/- 9.2 AC
Tax Parcel:	191-051-06, 191-051-07, 191-051-08, 191-051-10 & 191-051-11
Existing Zoning:	R-3 & UR-2 (CD)
Proposed Zoning:	UR-2 (CD)
Existing Uses:	Single Family Detached
Proposed Uses:	Residential Multi-family
Max Density:	Up to (201) Dwelling Units (Approximately 22.0 DUA)



1318-s6 central ave. P 704.334.3303  
charlotte, nc 28205 F 704.334.3305  
urbanpartners.com  
nc firm no: P-0418  
sc coa no: C-03044

Maple Multi-Family Land SE, LP  
Justin Adams

# Pineborough Crossing Multi-Family

Technical Data Sheet  
7406 Wallace Road, Charlotte, NC 28212

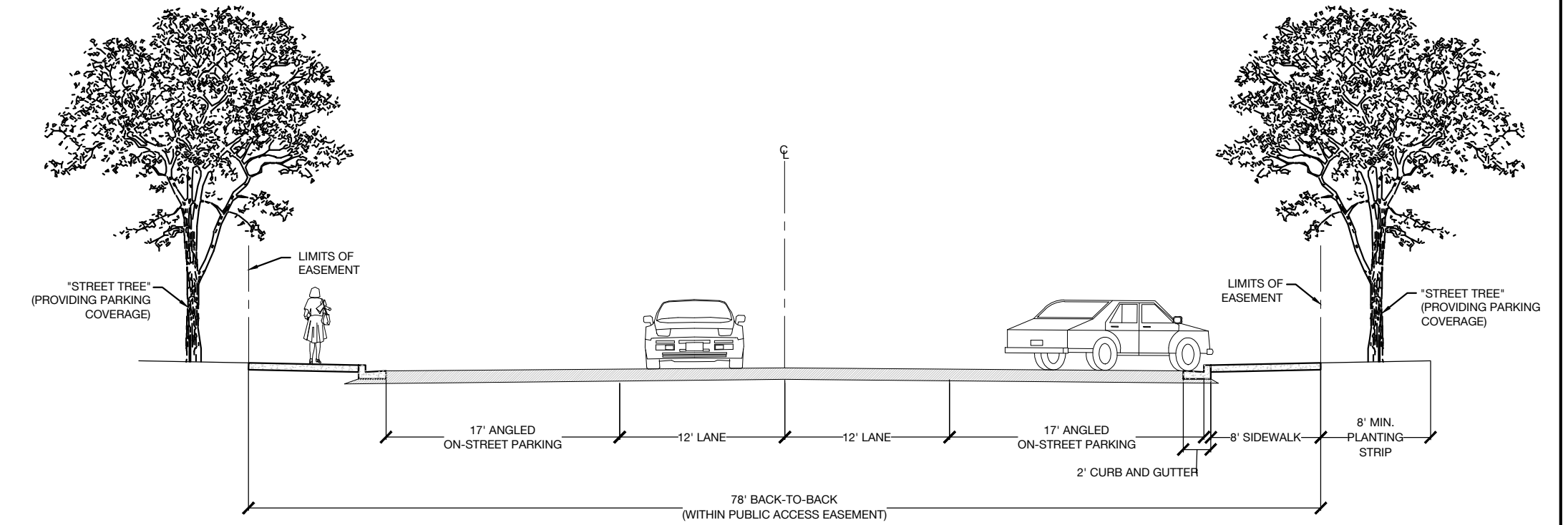
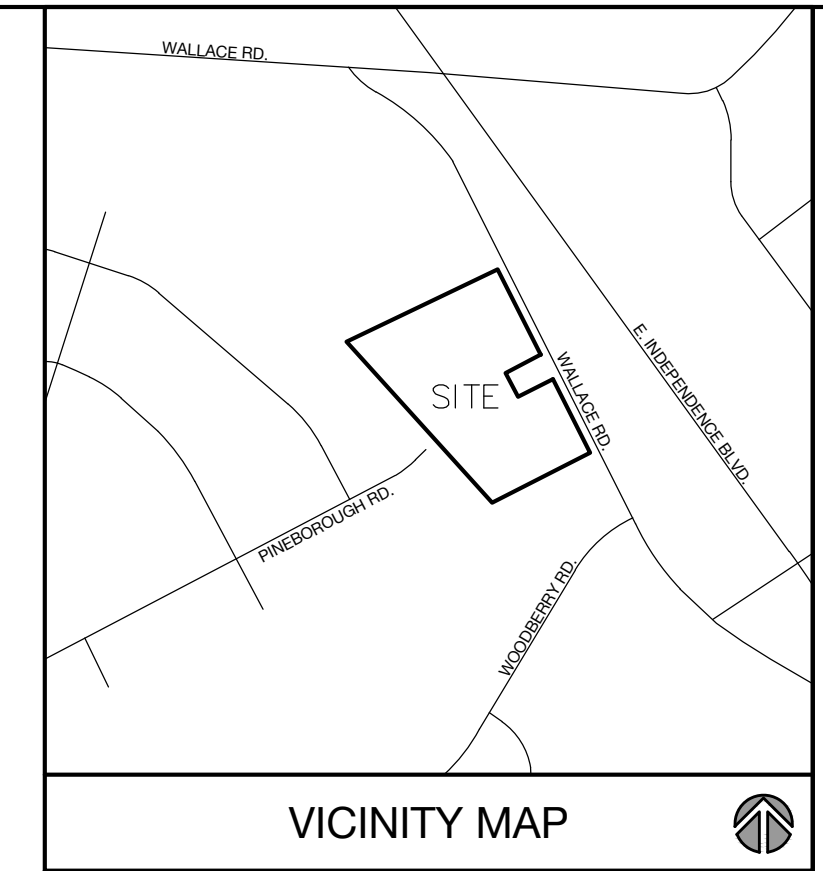
NO.	DATE	BY:	REVISIONS:
01	02.10.20	UDP	PER CITY COMMENTS
02	08.17.20	UDP	SITE PLAN REVISIONS
03	09.14.20	UDP	SITE PLAN REVISIONS

Project No: 20-082  
Date: 11.12.2019  
Designed by: UDP  
Drawn By: UDP  
Sheet No:

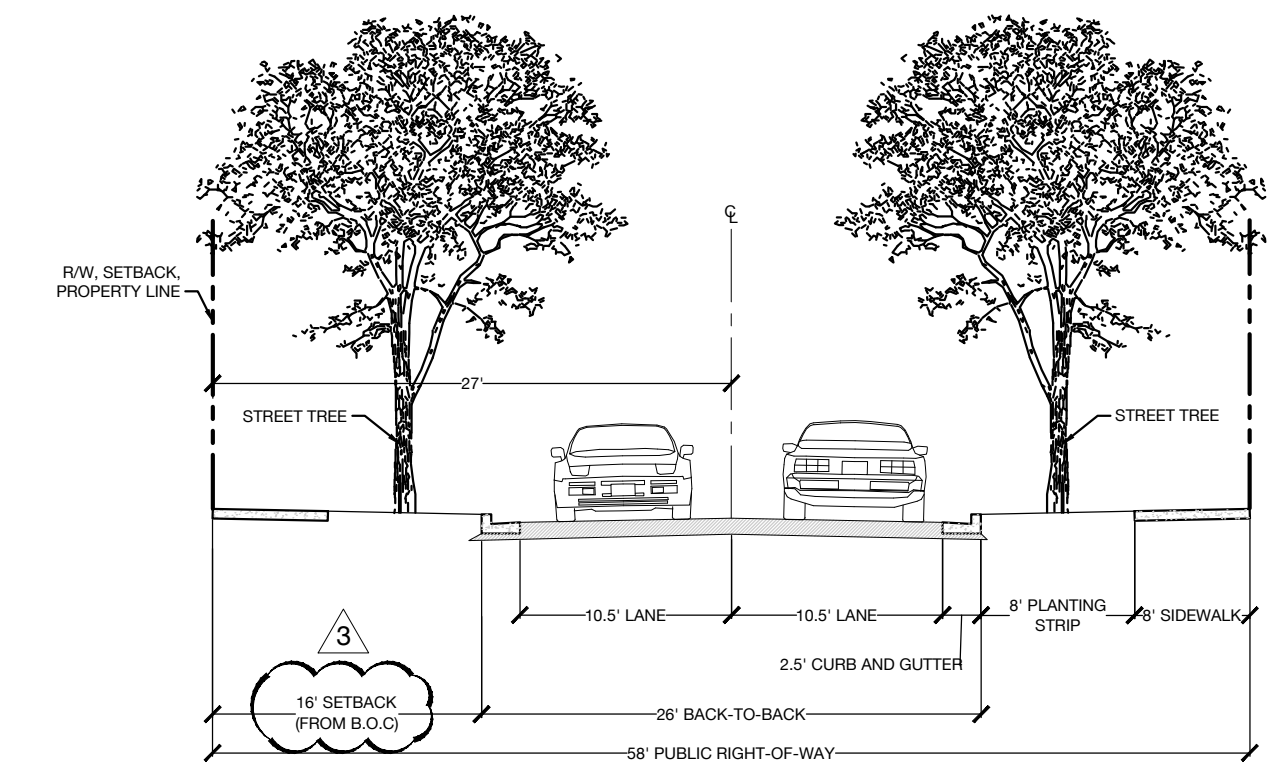
RZ-1.0



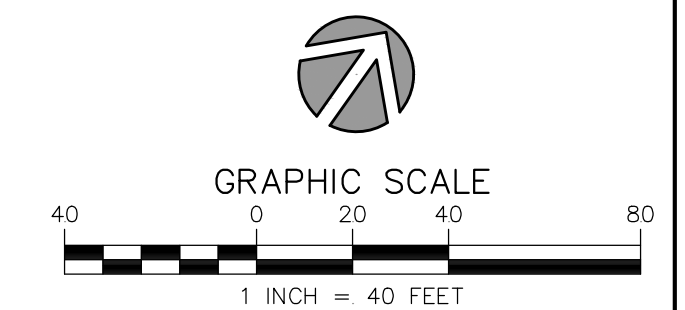
318-e6 central ave. P 704.334.3303  
charlotte, nc 28205 F 704.334.3305  
rbdesignpartners.com  
c firm no: P-0418  
c coa no: C-03044



SECTION A-1  
(PRIVATE ACCESS ROAD)



SECTION B-1  
(USDG U-02 LOCAL RESIDENTIAL MEDIUM - MODIFIED)



REZONING PETITION #2019-180

Justin Adams

# Pineborough Crossing

## Multi-Family

# Rezoning Site Plan

7406 Wallace Road, Charlotte, NC 28212

01	02.10.20	UDP	PER CITY COMMENTS
02	08.17.20	UDP	SITE PLAN REVISIONS
03	09.14.20	UDP	SITE PLAN REVISIONS

Project No: 20-082  
Date: 11.12.2019  
Designed by: UDP  
Drawn By: UDP  
Sheet No:

# RZ-2.0



Site Development Data:

Acreage: +/- 9.2 AC  
Tax Parcel: 191-051-06, 191-051-07, 191-051-08, 191-051-10 & 191-051-11  
Existing Zoning: R-3 & UR-2(CD)  
Proposed Zoning: UR-2(CD)  
Existing Uses: Single Family Detached  
Proposed Uses: Residential Multi-family  
Max Density: Up to (201) Dwellings Units (Approximately 22.0 DUA)  
General Provisions:

These Development Standards form part of the Rezoning Plan associated with the Rezoning Petition filed by Maple Multi-Family Land SE, LP (the "Petitioner") to accommodate the development of a residential multi-family community on an approximate 9.2 acre site located on Wallace Road, which is more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Tax Parcel Numbers 191-051-06, 191-051-17, 191-051-08, 191-051-10 & 191-051-11.

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

Permitted Uses:

- Uses allowed within the rezoning area included in this Petition are those uses that are permitted within the UR-2 zoning district. However, those uses shall be limited as described within the following development envelopes and as generally indicated within the petition technical data sheet.
  - Development Envelope 1: Multi-family residential, surface parking, accessory uses and open space. A minimum of 50% of frontage along Wallace Road may be composed of a combination of building walls, architectural elements, pedestrian scale masonry walls and/or open space.
  - Development Envelope 2: Area may include a single or combination of uses consisting of tree save, open space, or stormwater detention/quality facilities.
  - Development Envelope 3: Area may include a combination of uses consisting of tree save, open space, or stormwater detention/quality facilities.
  - Development Envelope 4: Multi-family residential, surface parking, accessory uses and open space.
  - Development Envelope 5: Multi-family residential, accessory uses, surface parking, open space and amenity space. A minimum of 50% of frontage along Wallace Road may be composed of a combination of building walls, architectural elements, pedestrian scale masonry walls and/or open space.
- The overall design and layout of the Site shall be designed to encourage pedestrian walkability between freestanding buildings and the adjacent Wallace Road and Pineborough public right of way.
- Building area on site shall only be utilized for residential purposes. Non-residential uses shall not be permitted, leased or sold on site with the exception of community leasing offices, community indoor gathering area, clubhouse space or ancillary accessory support uses such as storage or operational/ maintenance facilities.
- A minimum of fourteen(14) multi-family dwelling units constructed on the site shall maintain monthly rents at or below 80% average monthly income (AMI) levels for a period of not less than 15 years from the date of issuance of the certificate of occupancy of the unit's associated building.

- The petitioner agrees to provide a minimum of 15,000 square feet of amenity/common open space within the Site. This commitment may be satisfied within a single amenity area or a combination of amenity area/common open space areas distributed throughout the Site.

Transportation:

- Vehicular access to public rights of way will be as generally depicted on the Rezoning Plan. The placement and configuration of the vehicular access points shown on the Rezoning Plan is subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required by CDOT for approval.
- The petitioner/developer shall be responsible for the extension of Pineborough Road as depicted on the Site plan. The proposed right of way extension shall be a residential medium cross section as described within the City of Charlotte Standards for Urban Street Design and shall provide for a 58' total right of way width.
- Vehicular and Pedestrian cross access shall be permitted from the development envelopes and the access road as generally depicted on the site plan. The final location and alignment of the access points are subject to minor modifications as required during site permitting to accommodate the final site layout.
- Where necessary, Petitioner shall dedicate and convey fee simple all rights-of-way including 45.5' measured from the centerline of Wallace Road and a total width of 58' as associated with the Pineborough Road extension to the City of Charlotte before the Site's first building certificate of occupancy is issued.
- The two-way vehicular drive aisle with angled on street parking and pedestrian sidewalks connecting the Pineborough Road and Wallace Road right-of-way shall be located within a 74' public access easement. The cross section shall follow the provided section detail A-1 as depicted on the rezoning Site plan. The final location and alignment of the access easement is subject to minor modifications as required during site permitting to accommodate the final site layout and existing site conditions.
- The Petitioner shall have the option of utilizing raised vehicle tables as a traffic calming measure at crosswalk locations proposed within private street/public access easement as generally depicted on the Site plan.
- The petitioner agrees to provide accessible sidewalk ramps at each vehicular intersection with a public street as shown adjacent Development Envelopes 4 & 5 at Pineborough Road, adjacent Development Envelope 5 at Wallace Road and at the intersection of the private drive/public access easement at Pineborough Road and Wallace Road as illustrated on the Site plan.
- The petitioner commits to providing 2.5' curb and gutter within public rights of way along the west side of Wallace Road as depicted on the Site plan.
- All transportation improvements within the public right of way shall be approved and constructed before the site's first building certificate of occupancy is issued.

- The petitioner agrees to provide a pedestrian sidewalk connection to Mason Wallace Park. The sidewalk connection shall stub to the park property line as generally depicted on the Site plan. The final route of the sidewalk through the site shall be determined during land development permitting.

Architectural and Design Standards:

- In addition to design provisions contained within the district regulations of the Zoning Ordinance, the development of the site will be governed by the following provisions and standards produced by the Petitioner and which will be binding on the development of the site.
- The maximum building height on site shall be 40' and shall be measured as defined within the zoning ordinance.
- The following provisions and standards shall apply regarding design guidelines and the architectural design of structures proposed on site. It is the intent of these standards to provide design flexibility in design while achieving architectural continuity and visual harmony though out the proposed development.
  - Buildings shall be placed so as to present a front or side façade to all network required streets (public or private).
  - All buildings on site shall be designed to have "4-sided architecture".
  - Principal residential structures constructed on the Site may use a variety of building materials. The building materials used for buildings will be a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, pre-cast concrete, synthetic stone, cementitious siding (such as Hardi-plank), EIFS, or wood.
  - Vinyl will not be used as a primary exterior building material, but may be utilized for trim, soffits, architectural detailing, insulation
  - Concrete masonry units not architecturally finished shall be a prohibited building material on exterior finishes.
  - 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 directly located along public streets, as generally depicted on the Site plan.
  - The elevations of the buildings on site shall be designed with vertical bays or articulated architectural façade features which may include, but not limited to exterior wall offsets, projects, recess, pilaster, banding and changes in materials or colors.
  - The buildings on site shall be designed with a recognizable architectural base on all facades facing network required public or private streets. Referenced base may be executed through use of preferred exterior building materials or articulated architectural façade features and color changes.
  - Roof top HVAC and related mechanical equipment will be screened from public view from the nearest public street.
  - 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
  - Patios and entrances associated with individual units shall be elevated above adjacent public sidewalks.
  - Services areas such as dumpster, 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 of 20% preferred exterior building materials.
- Vehicular parking areas adjacent public rights of way shall be screened with evergreen plant material as described within the zoning ordinance. The petitioner may utilize additional screening options in place of evergreen plant material to screen vehicular parking areas including masonry walls, brick walls and planted green-screen fencing.

Streetscape and Landscaping:

- The Petitioner shall comply with Chapter 21 of the City of Charlotte Code of Ordinances.
- The site is located within a planning "Corridor". Tree save on site can be satisfied per City of Charlotte Ordinance Section 21.94 via providing tree save on site, providing payment in lieu or combination of both.
- The site shall provide internal tree plantings at a rate of 1 tree per 7,500 sf of proposed impervious area, excluding proposed impervious area associated with public street extensions as depicted on the Site plan.

Environmental Features:

- The Petitioner shall comply with the City of Charlotte Post Construction 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 stormwater treatment requirements and natural site discharge points.
- An investigation of potential stream and wetlands shall be conducted on site prior to submittal of land development documents to the City of Charlotte Land Development Office.

- The Petitioner shall analyze the adequacy of the existing stormwater conveyance across parcels receiving stormwater discharge from the site. Specifically, the limits of analysis shall extend from the site discharge point(s) to the nearest storm drain located within a publicly maintained street or to the drainage feature within the 35' PCSO stream buffer located on tax parcel 191-039-02. If the existing stormwater conveyance(s) within the specified limits is found to be inadequate, the Petitioner shall make a good faith effort with the property owner(s) to improve the stormwater conveyance(s) or otherwise mitigate the stormwater discharge onto the parcel(s).

Signage:

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

Lighting:

- All attached and detached lighting will be full cutoff fixtures and downwardly directed. However, upward facing architectural and landscape accent lighting shall be permitted.
- Detached lighting on the site, except street lights located along public streets, will be limited to 20' in height.

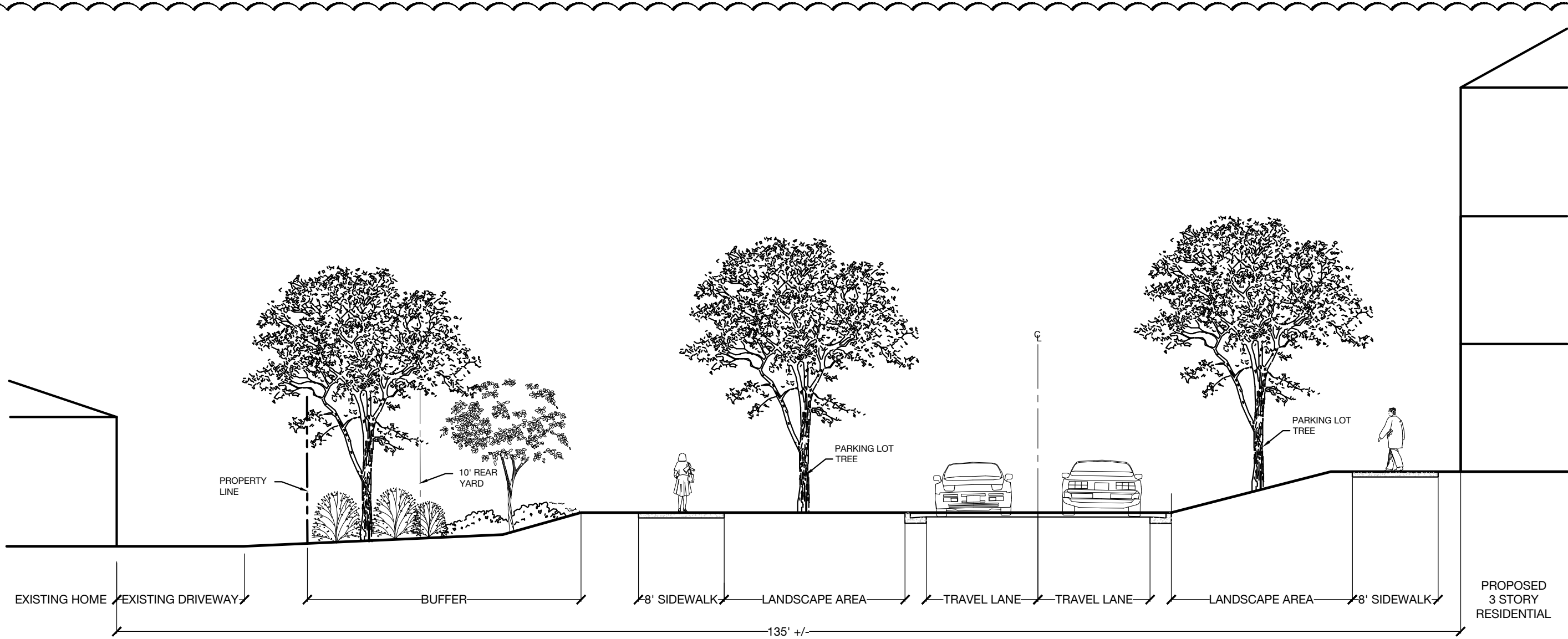
Amendments to Rezoning Plan:

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

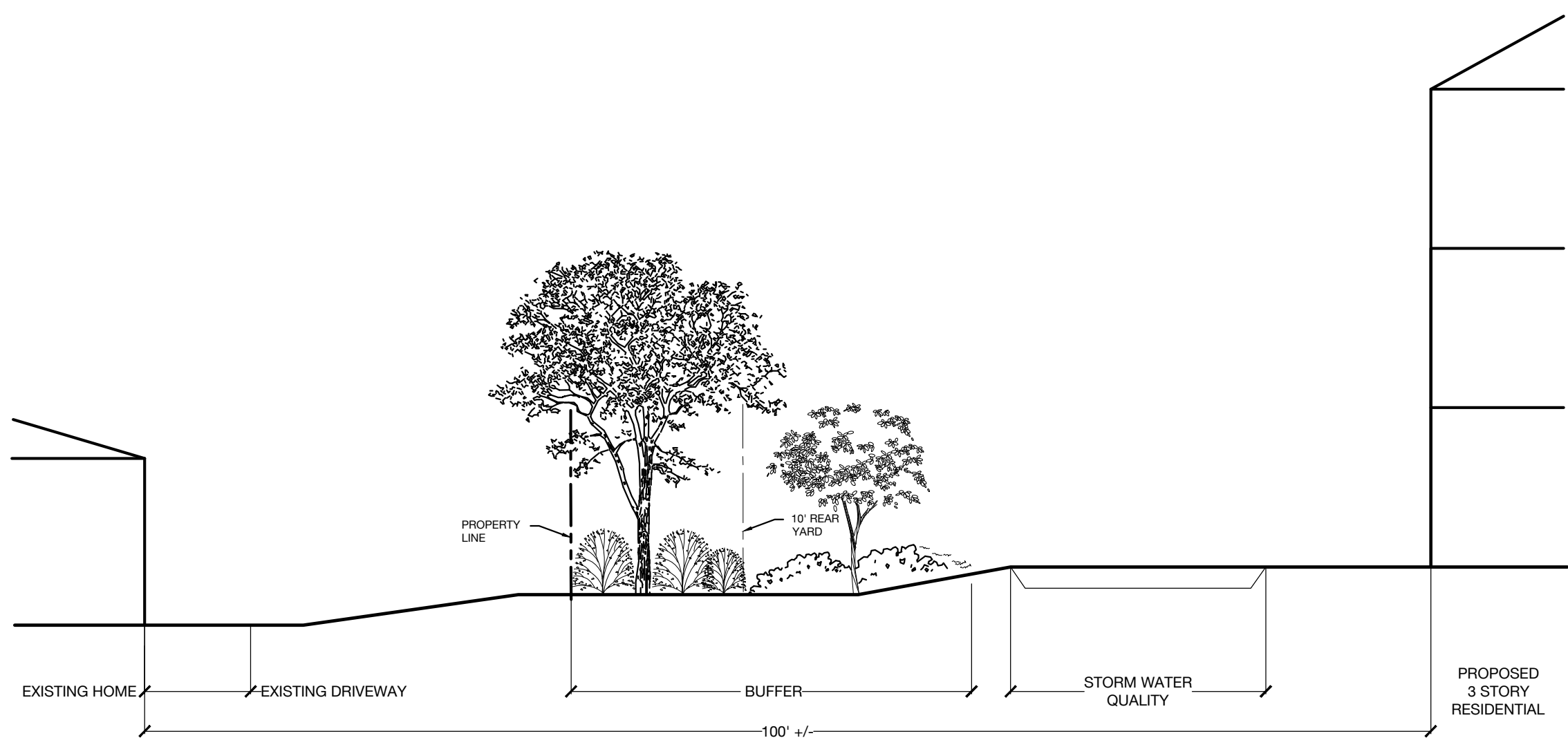
Further alterations or modifications to the Rezoning Plan which, in the opinion of the Planning Director, substantially alter the character of the development or significantly alter the approved Technical Data Sheet or any of its conditions or which increase the intensity of development shall not be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

Binding Effect of the Rezoning Documents and Definitions:

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



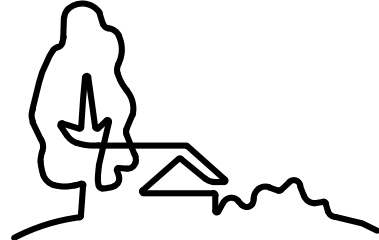
SECTION C-1



SECTION D-1



SECTION E-1



URBAN  
DESIGN  
PARTNERS

1318-e6 central ave. # 704.334.3303  
charlotte, nc 28205 # 704.334.3305  
urbanpartners.com  
nc firm no: P-0418  
sc coa no: C-03044

Maple Multi-Family Land SE, LP  
Justin Adams

# Pineborough Crossing Multi-Family

## Development Notes & Sections

7406 Wallace Road, Charlotte, NC 28212

NO.	DATE	BY:	REVISIONS:
01	02.10.20	UDP	PER CITY COMMENTS
02	08.17.20	UDP	SITE PLAN REVISIONS
03	09.14.20	UDP	SITE PLAN REVISIONS

Project No: 20-082

Date: 11.12.2019

Designed by: UDP

Drawn By: UDP

Sheet No:

# RZ-3.0



**Agenda Date:** 11/16/2020

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**Agenda #:** 19.**File #:** 15-14606 **Type:** Zoning Hearing

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## **Rezoning Petition: 2020-037 by City of Charlotte Planning, Design and Development**

**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)

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

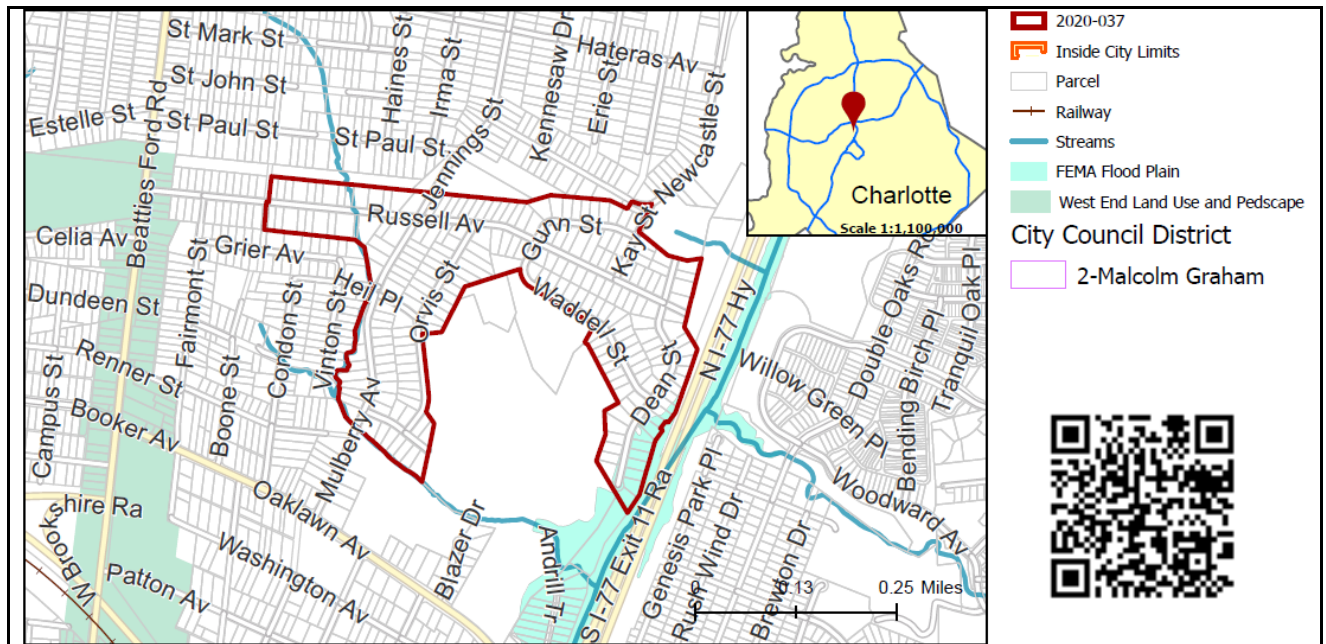
Pre-Hearing Staff Analysis

## REQUEST

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

## LOCATION

Approximately 49.3 acres located on both the north and south side of Russell Avenue, west of Interstate 77, north of Oaklawn Avenue.



## SUMMARY OF PETITION

The petition proposes to establish a local historic district for the Oaklawn Park neighborhood.

## PROPERTY OWNER

Numerous, see [www.rezoning.org](http://www.rezoning.org) for a complete list.

## PETITIONER

Charlotte Planning, Design and Development

## AGENT/REPRESENTATIVE

City of Charlotte Planning Design and Development, Historic District staff

## COMMUNITY MEETING

Report available online.

Number of people attending the Community Meeting: 9 names attendees plus a number of call-in attendees who did not identify themselves and tablet users who were identified only as iPad1, iPad 2, etc.

## STAFF RECOMMENDATION

Staff recommends approval of this petition.

### Plan Consistency

The petition is **consistent** with the *Central District Plan* recommendation for single family residential development and greenway use. The petition is also consistent with *Centers, Corridors and Wedges Growth Framework* and *General Development Policies* recommendations that new development should respect and preserve the City's historic character, integrating existing historic buildings, artifacts and landscapes into the modern urban fabric; to protect and enhance the character of existing neighborhoods; and to discourage tearing down historic or architecturally significant structures.



Rationale for Recommendation

- The petition establishes a local historic district overlay.
- The underlying zoning requirements and entitlements remain.
- One of the goals of the *Central District Plan* is to pursue measures to protect historic resources in the Central District.
- Local historic districts protect the unique and vibrant character of each designated historic neighborhood; maintain the historic human scale, pedestrian orientation, and visual variety of the streetscape; preserve areas of green space and the tree canopy, and manage changes to accommodate modern living.

**PLANNING STAFF REVIEW**

- **Background**

- Currently there are 6 local historic districts within the City of Charlotte with 3000 plus properties.
- Projects within historic districts are reviewed by the Historic District Commission (HDC) and Historic District staff within the Planning, Design and Development Department
- Various types of exterior work require approval by either HDC staff or the full HDC, including new construction, additions, demolition, painting brick, fences, windows/doors, front porches, shed/carport/garages, walkway/driveways, retaining walls, decks/patios and tree removal.
- The historic district designation does not restrict use beyond the underlying zoning. Interior changes do not require HDC approval. The designation does not require specific paint colors, improvements or changes, and it would not qualify owners for grants or tax incentives.

- **Oaklawn Park**

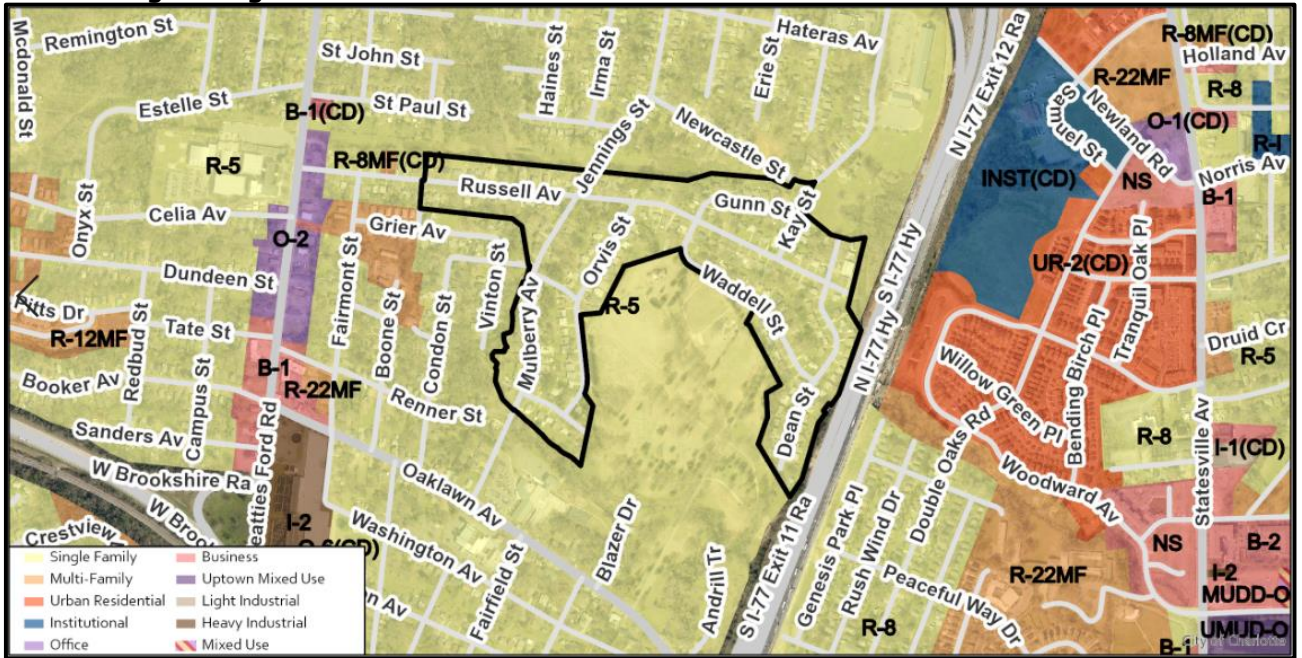
- A kick-off community meeting, site visits, house surveys, history interviews, and a neighborhood petition of support have all been part of the designation process.
- The Charlotte Historic District Commission voted to approve the submission of the Oaklawn Park Local Historic District designation report to the North Carolina Department of Natural Resources State Historic Preservation Office (SHPO). The project met the SHPO review requirements, and SHPO staff provided comments in accordance with North Carolina General Statute 106A-400.6.
- Oaklawn Park is a well-preserved post World War II suburb in Charlotte. It was created by Charles Ervin, a prolific suburban developer, for African American families in the latter days of racial segregation. The brick ranch houses and split levels that line the streets look much as they did when built in the late 1950's – early 1960's.
- A house by house survey was completed, some of the significant features identified include brick construction, stone accents, gabled roofs, and front stoops.
- The proposed district boundary map was developed as result taking this information into consideration as well as input from neighborhood residents.

- **Proposed Request Details**

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

- This petition establishes a local historic district. All Zoning requirements and entitlements of the underlying R-5 (single-family, residential) zoning remain in place.

• **Existing Zoning and Land Use**



There have not been any rezonings within the subject area in the last five years. The surrounding area is predominately developed with single family residential use. There are institutional uses to the south and multi-family, office and other commercial uses to the west along Beatties Ford Road. The I-77 corridor is to the east with residential uses across the interstate.



The area (outlined above) is developed with single family homes.





Images above show examples of the homes in Oaklawn Park and the proposed historic district.



South of the majority of the area is Waddell Park, Oaklawn Cemetery and Oaklawn Language Academy.



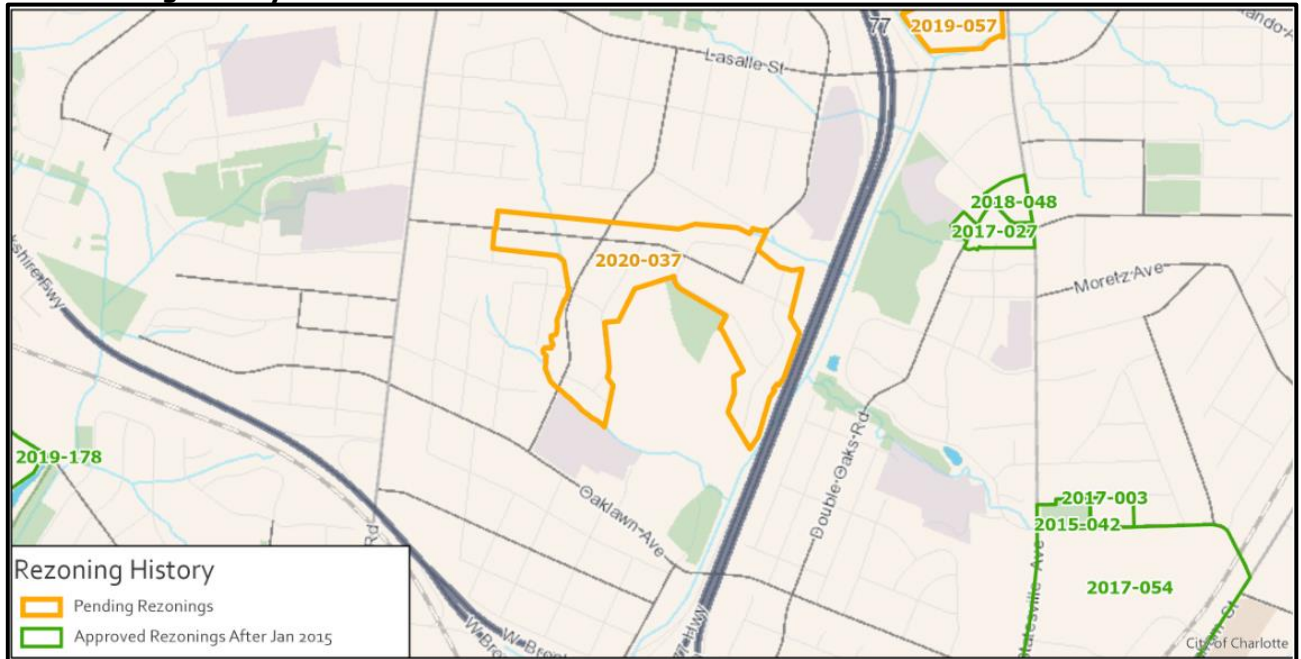
Parcels to the north and west are developed with single family homes.





The I-77 corridor is to the east.

• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2015-042	2.51 acres east of the area, across I-77 to NS (neighborhood service) for a Mecklenburg County Park and Rec. swimming pool.	Approved
2017-003	2.27 acres east of the area, across I-77 to MUDD-O (mixed use development, optional) for a brewery.	Approved
2017-027	3.8 acres east of the area, across I-77 to NS and UR-2(CD) (urban residential, conditional) for non-residential and residential uses.	Approved
2017-054	72 acres southeast of the area, across I-77 to UMUD-O (uptown mixed use, optional) for adaptive reuse and redevelopment of a large industrial complex to allow a mixture of uses. (aka Camp North End)	Approved
2018-048	1.5 acres east of the area, across I-77 to O-1(CD) (office, conditional) for a Novant health clinic.	Approved
2019-057	9.95 acres northeast of the area, across I-77 to I-2(CD) proposing contractors office and accessory outdoor storage.	Pending
2019-178	11.48 acres west of the area, across Brookshire Freeway to UR-C(CD) (urban residential commercial, conditional) for townhome development.	Approved

- **Public Plans and Policies**



- The *Central District Plan* (1993) recommends single family use up to 4 dwelling units per acre for the majority of the area. A small portion of the area next to the I-77 corridor is recommended for greenway use.
- **TRANSPORTATION SUMMARY**
  - The proposed Oaklawn Park Historic District Overlay is within a wedge, immediately west of I-77 Highway (state-maintained road). The overlay also is within the *Central District Plan*.
- **Active Projects:**
  - There are no active projects within this area.
- **Transportation Considerations**
  - The intent of this Rezoning Petition is to establish a local historic district (HDO) for the Oaklawn Park Community. There are no active projects within the proposed HDO. Transportation review of parcels within the HDO will be conducted during the permitting process for compliance with regulations and ordinance requirements. No outstanding issues.
- **Vehicle Trip Generation:**
  - There is no impact to trip generation for this rezoning petition. CDOT will assess future traffic impacts during proposed development rezoning petitions and by-right project submittals.

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

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Historic Landmarks:** No comments submitted.
- **Charlotte-Mecklenburg Schools:** The conventional rezoning proposes to establish an overlay and would not change school impacts.
- **Charlotte Water:** No comments submitted.
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.



- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.
- 

**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

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



**Agenda Date:** 11/16/2020

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**Agenda #:** 20.**File #:** 15-14609 **Type:** Zoning Hearing

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## **Rezoning Petition: 2020-073 by Blue Azalea**

**Location:** Approximately 4.8 acres located along both the north and south sides of Sharon View Road, west of Colony Road and east of Sharon Road. (Council District 6 - Bokhari)

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

**Proposed Zoning:** UR-2(CD) 5-year vested rights (urban residential, conditional, with 5-year vest rights).

**Staff Recommendation:**

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

**Attachments:**

Pre-Hearing Staff Analysis  
Site Plan

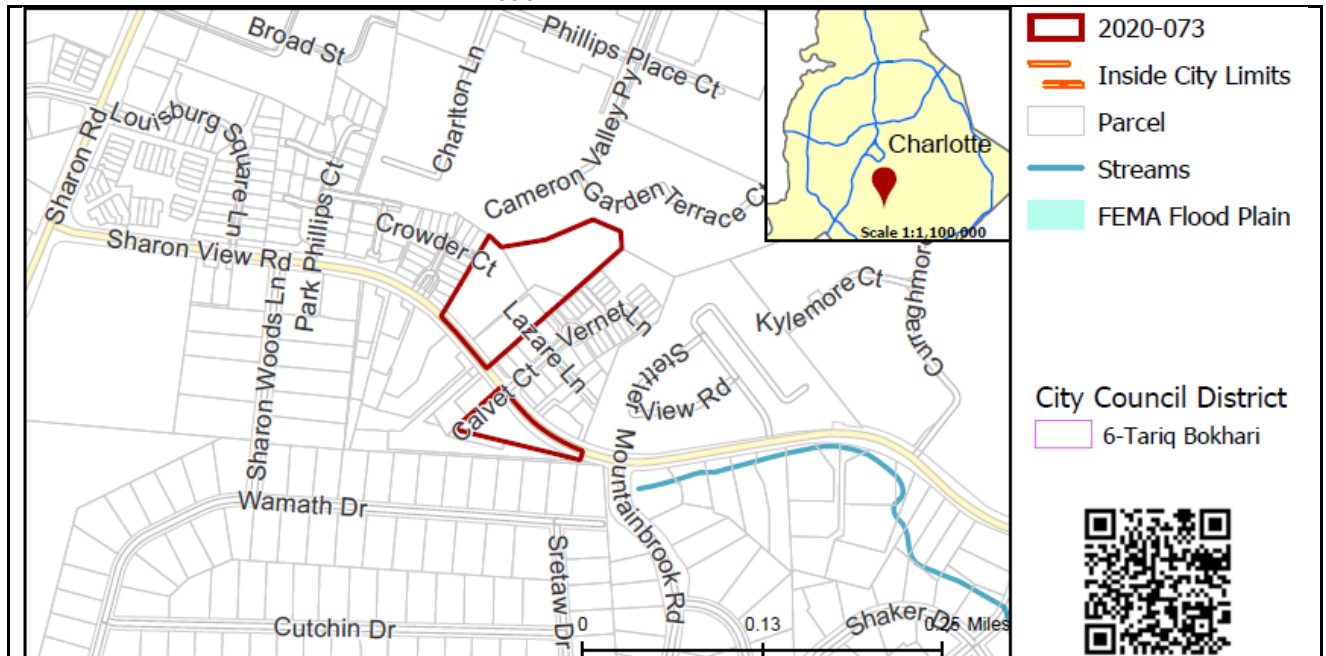


## REQUEST

Current Zoning: R-3 (single family residential)  
Proposed Zoning: UR-2(CD) 5 year vested rights (urban residential, conditional, with 5 year vested rights)

## LOCATION

Approximately 4.8 acres located along both the north and south sides of Sharon View Road, west of Colony Road and east of Sharon Road.



## SUMMARY OF PETITION

The petition proposes the redevelopment of 2 single family homes and development of vacant land for a townhome community with up to 31 units for an overall density of 6.6 units per acre in the South Park area.

## PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE

Peggy P Crowder Rev Trust; Mary Claire and Michael Wylie McGarity  
Blue Azalea  
Walter Fields, Walter Fields Group

## COMMUNITY MEETING

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 35.

## STAFF RECOMMENDATION

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

### Plan Consistency

The petition is **consistent** with the *South Park Small Area Plan* recommendation for residential development at 12 units per acre on the north side of Sharon View Road and **inconsistent** with the *South District Plan* recommendation for up to 3 DUA on the south side of Sharon View Road. However, the *General Development Policies* support the requested density of less than or equal to 5 DUA for the southern portion of the site.

The site is also located within a mixed-use activity center as designated by the *Centers, Corridors, and Wedges Growth Framework*.

Rationale for Recommendation

- The majority of the site is consistent with land use plan recommendations and the proposed density of 7.0 DUA is less than the recommended density in the *South Park Small Area Plan* for the northern portion of the site.
- The 4.1 DUA proposed for the southern portion is less than the density supported by the *General Development Policies*.
- The proposed development is similar in scale and density to other townhome developments along the north side of Sharon View Road and the 3 unit building on the south side of Sharon View has a limited impact on nearby single family homes due orientation of the building on the parcel and limited building height of 40 feet.
- There is limited opportunity to increase connectivity in the South Park area. Connectivity policies and recommendations in *Centers Corridors & Wedges*, *The General Development Policies*, *Urban Street Design Guidelines*, and the South Park CNIP Playbook each recommend additional connections within the designated activity center area, and this block is one of the only remaining locations which can help improve connectivity in the South Park area.
- The petitioner has committed to providing public bicycle and pedestrian connectivity through the site from Sharon View Road to the rear of the northern portion of the site, which has the potential to be extended to Philips Place in the future.

The approval of this petition will revise the adopted future land use for the parcels south of Sharon View Road as specified by the *South District Plan*, from single family residential at 3 units per acre to Residential at less than 5 units per acre for the site.

## PLANNING STAFF REVIEW

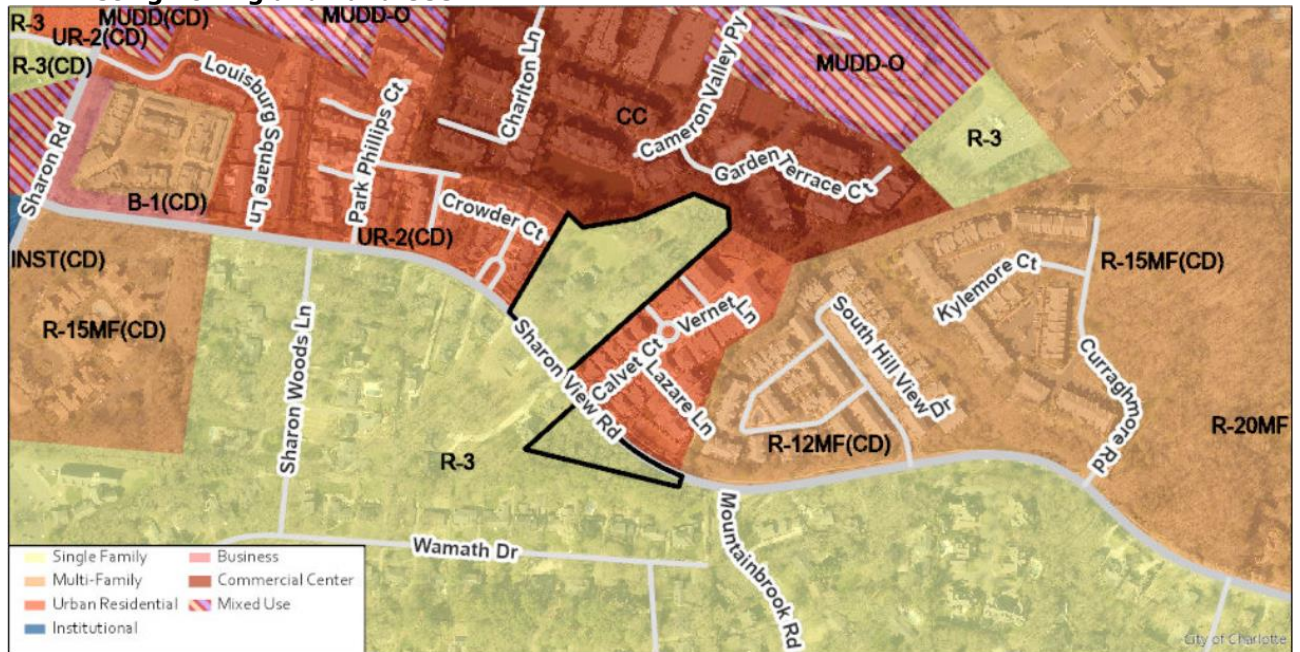
### • **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

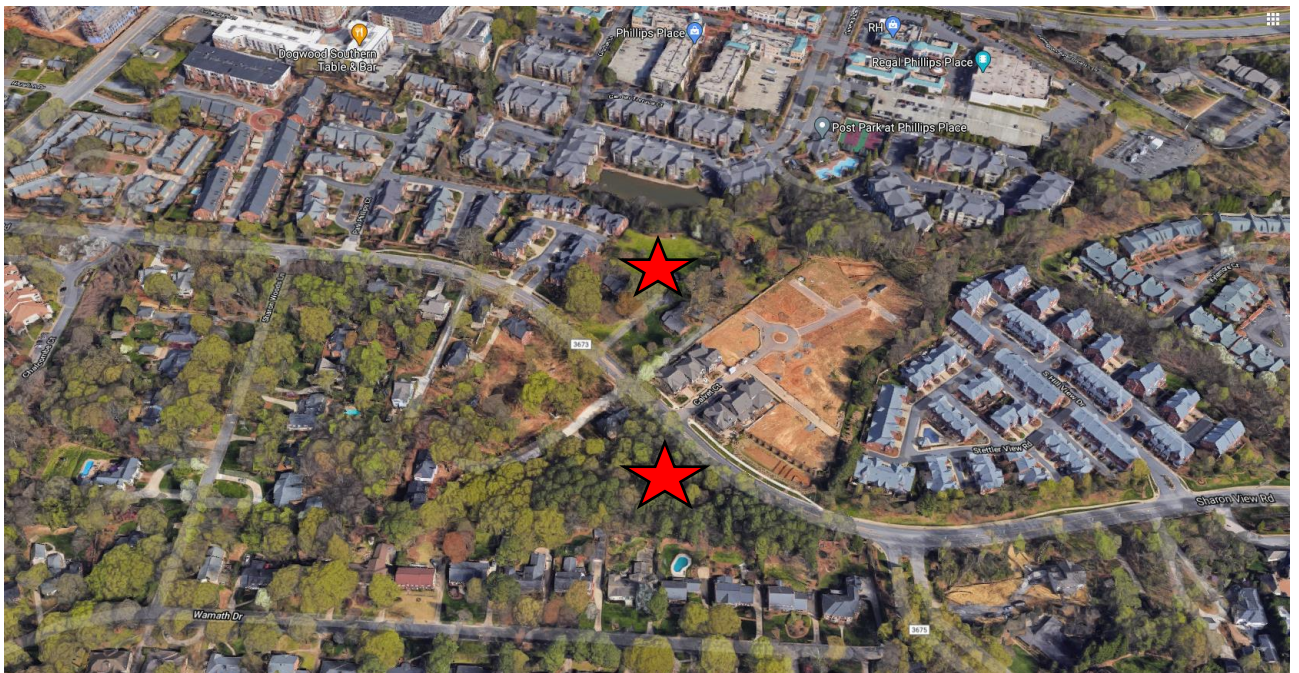
- Up to 31 single family attached dwelling units for a overall density of 6.6 units per acre. Proposes 28 units on the north side of Sharon View Road and 3 units on the south side of Sharon View Road.
- Limits maximum building height to 40 feet.
- Maximum of 4 units per building.
- Extends Beauclaire Lane, a public street, from the east into the northern portion of site.
- Access from Sharon View Road via a new public street connecting from Sharon View Road to the extension of Beauclaire Lane.
- Proposed parallel on-street parking on Beauclaire Lane and several visitor parking spaces at the rear of the site in addition to the Ordinance minimum of 1 space per unit/3 max per unit.
- Commits to provide a pedestrian/bicycle connection from Sharon View Road to the rear of the northern portion of the site in anticipation of possible future extension to adjoining property to the north. Reserves the area at the rear of the site for future public dedication when the pedestrian/bicycle facility is extended beyond the petitioner's site.
- Provides architectural standards related to raised entrances, pitched roofs (if provided) blank walls, visible garage doors, exterior building materials and minimum depth of porch or stoop.



• **Existing Zoning and Land Use**



The site (indicated by red star below) is located in a residential area of South Park. There is a mixture of small lot single family homes, townhomes, and apartments on the north side of Sharon View Road. South of Sharon View Road are single family homes. More intense residential and commercial uses are location to the north and west along Fairview and Sharon Roads.







The site is developed with two single family homes on the portion of the site north of Sharon View Road. The portion of the site on the south side of Sharon View Road is vacant.



East of the site along Calvet Ct. are small lot single family detached homes and attached homes on Vernet Lane.

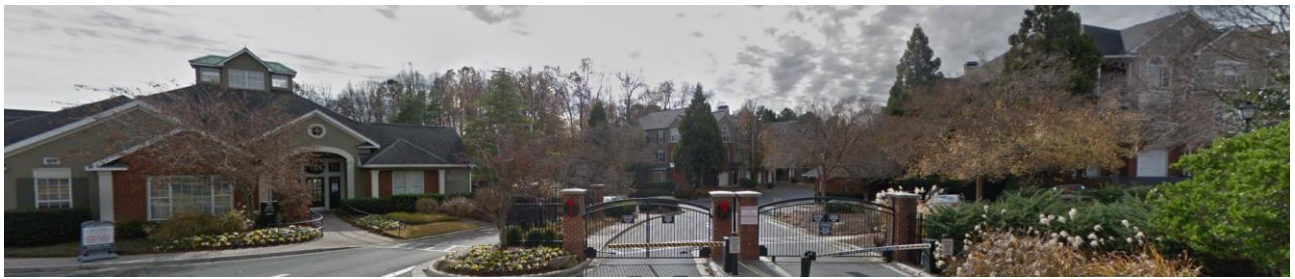


South of the site on Sharon View Road are single family detached homes.



West of the site off Sharon View Road is a townhome community.





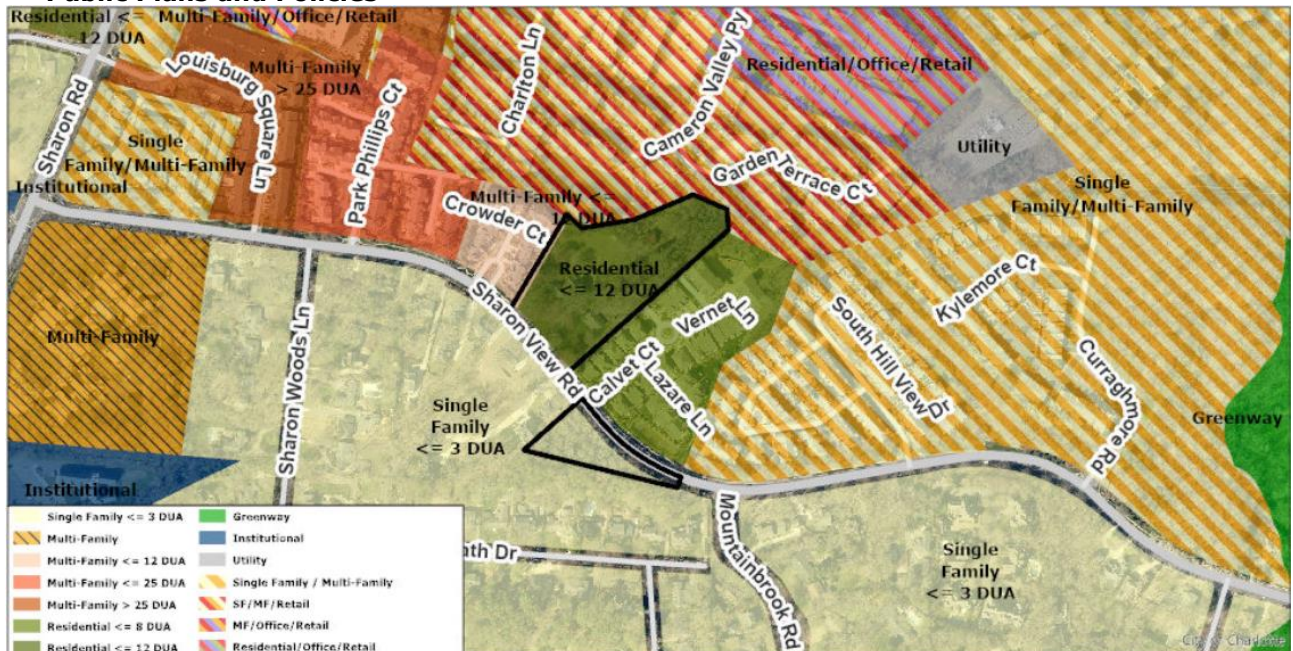
North of the site is a multi-family development accessed through Phillips Place on Fairview Road.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-110	16.07 acres north of the site on Fairview Road for the Philips Place shopping center to MUDD-0 to allow commercial uses.	Approved
2017-131	0.07 acres west of the site on Sharon Road to UR-2(CD) for townhomes.	Approved
2018-027	8.025 acres west of the site on Sharon Road for Sharon Towers to R-3(CD), MUDD-O & INST(CD) SPA	Approved

- **Public Plans and Policies**



- The *South Park Small Area Plan (2000)* recommends residential at  $\leq 12$  DUA for the site north of Sharon View Road.
- The *South District Plan (1993)* recommends single family residential at 3 DUA for the portion of the site south of Sharon View Road.
- The *General Development Policies (GDP)* provides policy guidance for evaluating proposed residential densities greater than four units per acre for the area within the district plan. The southern portion of the site meets the *General Development Policies* locational criteria for density requested as illustrated in the table below. The petitioner is requesting 4.1 units per acre for the southern portion of the site.

Assessment Criteria	Density Category – up to 5 dua
Meeting with Staff	1
Sewer and Water Availability	2
Land Use Accessibility	2
Connectivity Analysis	2
Road Network Evaluation	0
Design Guidelines	4
Other Opportunities or Constraints	NA
<b>Minimum Points Needed: 10</b>	<b>Total Points: 11</b>

- **TRANSPORTATION SUMMARY**

- The site is located on Sharon View Rd., a minor thoroughfare (City-maintained Road), located outside Route 4. The site is mostly located inside the Southpark Mixed Use Activity Center, although the portion of the site south of Sharon View Rd. is located in a Wedge. The 2000 Southpark Small Area Plan provides context about street network/connectivity comments in this review. CDOT has met with the petitioner, residents and community stakeholders to review street connectivity as related with the proposed site plan. The petitioner shows a pedestrian/bicycle area in the northwest portion of the site for potential connection to the property located to north, upon future development. The petitioner commits to constructing an 8-foot planting strip and a 6-foot sidewalk on all public streets per Chapter 20 Subdivision ordinance and Charlotte WALKS. CDOT is coordinating with the petitioner to review shared apron driveways to minimize curb cuts along the public street. The shared driveways will promote pedestrian-oriented access management in accordance with the City of Charlotte Driveway Regulations and Charlotte WALKS.
- **Active Projects:**
  - None identified.
- **Transportation Considerations**
  - See Outstanding Issues, Note 2-5 and 14-16.
- **Vehicle Trip Generation:**  
Current Zoning:



Existing Use: 20 trips per day (based on 2 dwellings).  
Entitlement: 140 trips per day (based on 14 dwellings).  
Proposed Zoning: 195 trips per day (based on 31 dwellings).

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

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte Department of Solid Waste Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte Fire Department:** See Requested Technical Revisions, Note 6.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 8 students, while the development allowed under the proposed zoning may produce 6 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 0 students.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Sharon Elementary at 177%
    - Alexander Graham Middle at 111%
    - Myers Park High at 125%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 20-inch water distribution main located along Calvet Court. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 10-inch gravity sewer main located along Sharon View. No outstanding issues.
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** See Requested Technical Revisions, Note
  - **Storm Water Services:** See Requested Technical Revisions, Note 13
  - **Urban Forestry:** See Requested Technical Revisions, Note 11-12
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

**OUTSTANDING ISSUES**Site and Building Design

1. Amend the data table and setback line/label to increase the setback to 18 feet from the future back of curb to match the site plan drawing and to ensure buildings are setback similar to neighboring existing dwelling east of the site. Or add a commitment to the rezoning plan to provide entry/landscape areas along the site frontage between the back of sidewalk and the units similar to the neighboring existing development to the east.

Transportation

2. Amend transportation note c. to say "The petitioner will construct a bicycle and pedestrian connection from Sharon View Road to the rear of the site."
3. Update Site Conditional Note, Transportation F, to state that a minimum of twenty feet (20') shall be maintained between driveways in accordance with the City of Charlotte Driveway Standards. Where practical, the petitioner should construct shared driveway access between the individual properties to help produce a more organized and pedestrian oriented form of access management in accordance with the City of Charlotte Driveway Regulations and Charlotte WALKS.
4. Remove the site conditional note for Transportation G.
5. Update the site conditional note for Transportation H as follows, "Per Chapter 19, the developer shall construct sidewalk and curb and gutter along the site's frontage along Sharon View Road. The City engineer will determine the future back of curb along public streets as planned for improvement by the City in accordance with Chapter 19-173 of the City's Ordinance."

**REQUESTED TECHNICAL REVISIONS**Site and Building Design

6. Amend what is shown on the rezoning site plan drawing to ensure Fire access can be made to the 150-foot exterior of all buildings.
7. Clarify note 5 under Architectural Standards to explain how the commitment will be made or amend the site plan to show the walkways described.

8. Separate the Streetscape and Landscaping note so that one deals with the entrance feature/fencing and the other deals with the landscape easement area along the eastern property line.
9. Amend note 8 under Architectural Standards to remove the words "that adjoin single-family zoning." All buildings should be limited to 40 feet.
10. Remove requested 5-year vested rights from the petition.

Environment

11. Amend what is shown on the rezoning site plan drawing to ensure it is compliant with the Tree Ordinance.
12. Amend construction note 2 to replace the words "too narrow" with "less than 30' width."
13. Revise notes under Environmental Features section to include the two requested notes related to water quality treatment and volume and peak control on the north side of Sharon View Road and the note related to stormwater controls collection from all impervious surfaces to Sharon View Road system described on the Stormwater memo and as agreed upon in the 10/22 meeting with Storm Water Services staff.

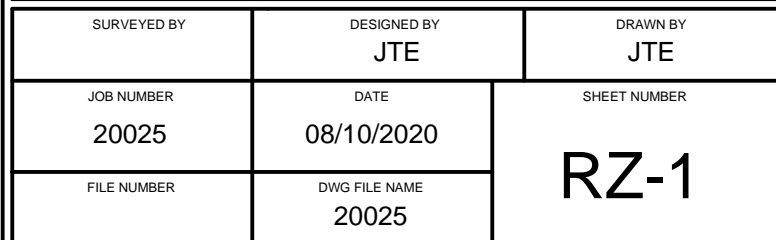
Transportation

14. Provide the following technical correction as reviewed by Planning and CDOT staff, revise Conditional Note D under Transportation as follows, "The Petitioner will extend the proposed 54-foot public right-of-way from the cul-de-sac to the northmost property line as generally depicted on the site plan."
  15. Reconcile the site plan callout with the revised Conditional Note for Transportation D.
  16. Label and dimension curb and gutter at 27-ft from the Sharon View Road centerline.
- 

**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

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









**Agenda Date:** 11/16/2020

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**Agenda #:** 21. **File #:** 15-14608 **Type:** Zoning Decision

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## **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 building design.

### **Attachments:**

Pre-Hearing Staff Analysis  
Site Plan



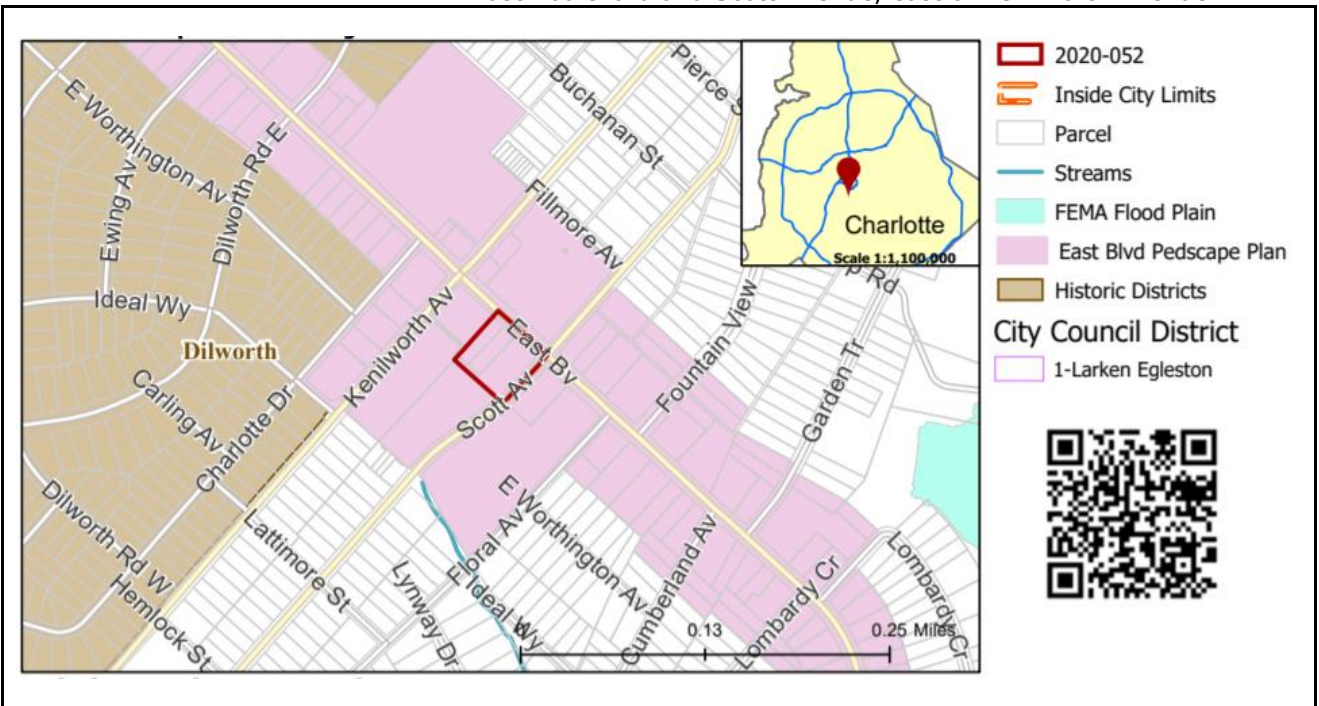
## REQUEST

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 building design.

### Plan Consistency

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

### 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.
- Encourages commercial revitalization by establishing a mixed use project on an infill lot.

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

## PLANNING STAFF REVIEW

### • **Proposed Request Details**

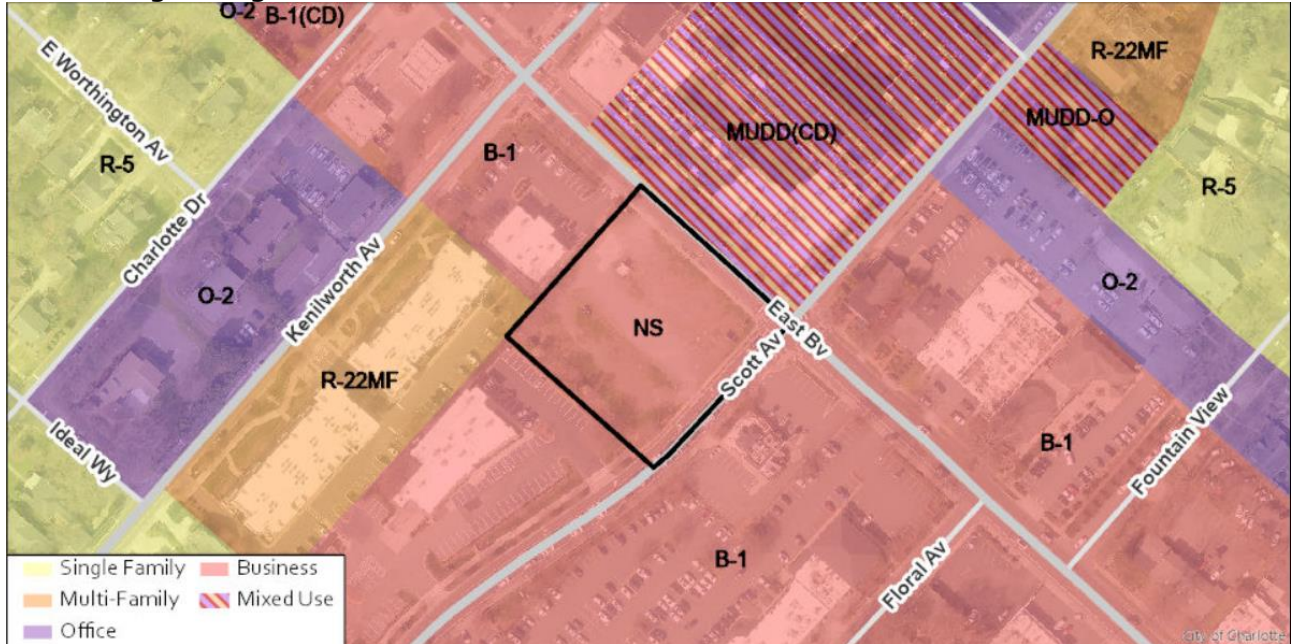
The site plan accompanying this petition contains the following provisions:

- 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 petition 2010-046 that proposed construction of an 85-space parking lot on the subject parcel.



The site is currently vacant.

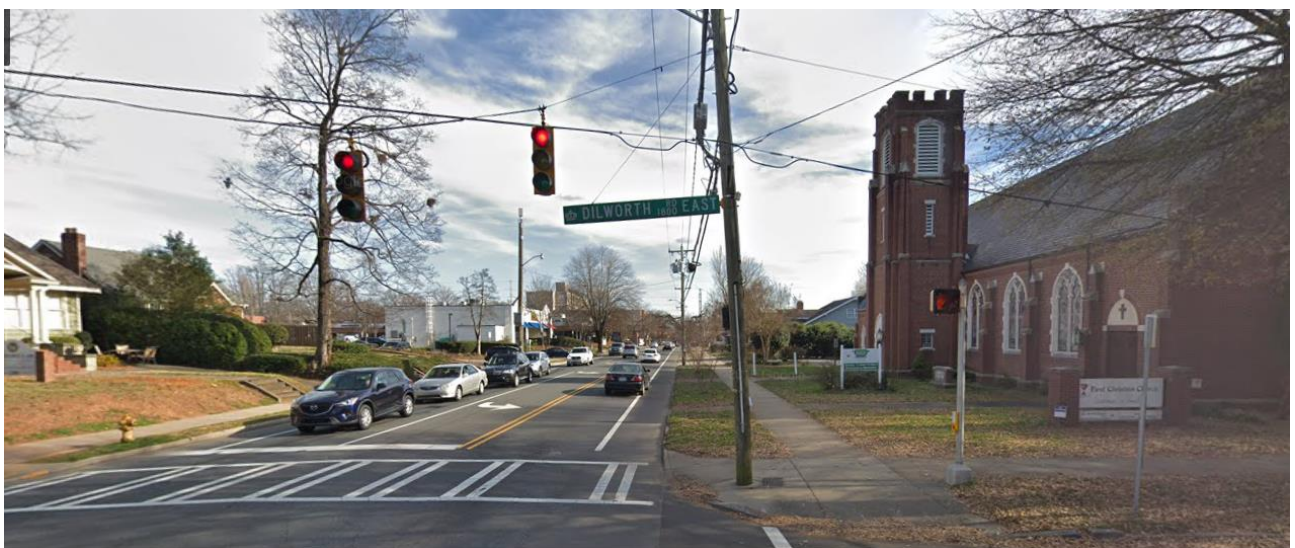




Mixed use development, commercial, and residential uses are located north of the rezoning site.



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



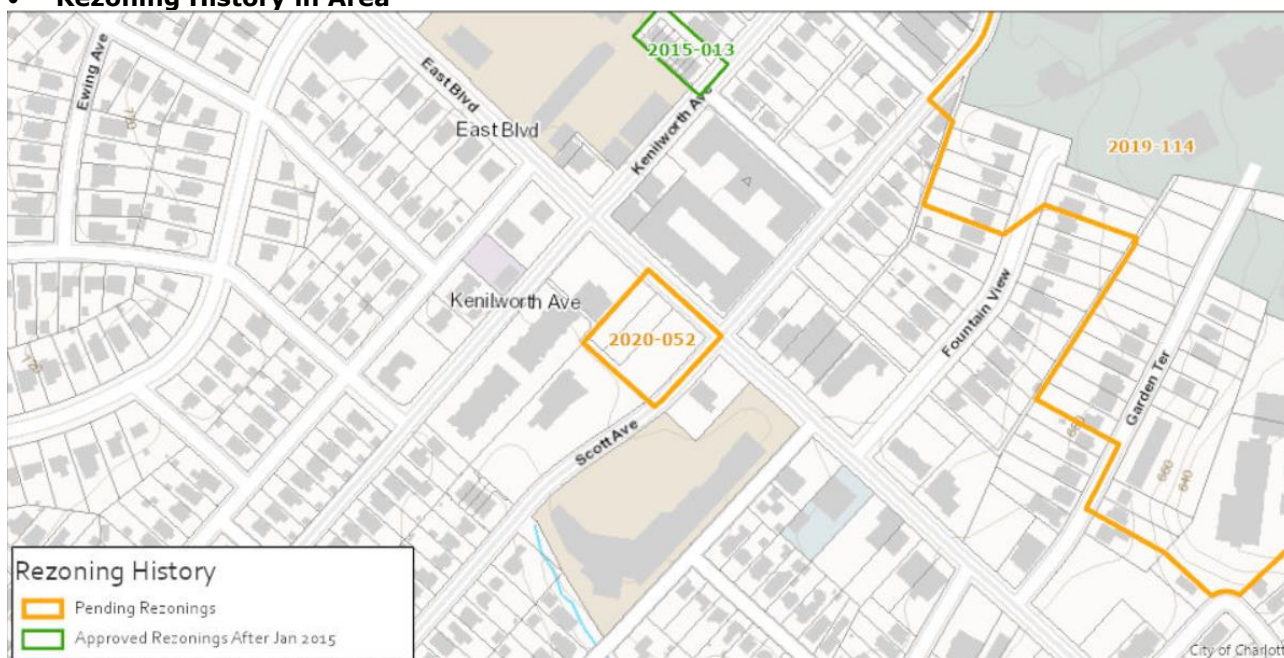
Along East Boulevard are institutional, office, residential and retail uses.





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. The proposed 85 feet is inconsistent with the adopted plan recommendation.

- **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](http://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](http://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](http://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](http://www.rezoning.org)
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://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 curblineline and setback need to be revised from what is shown on the site plan.

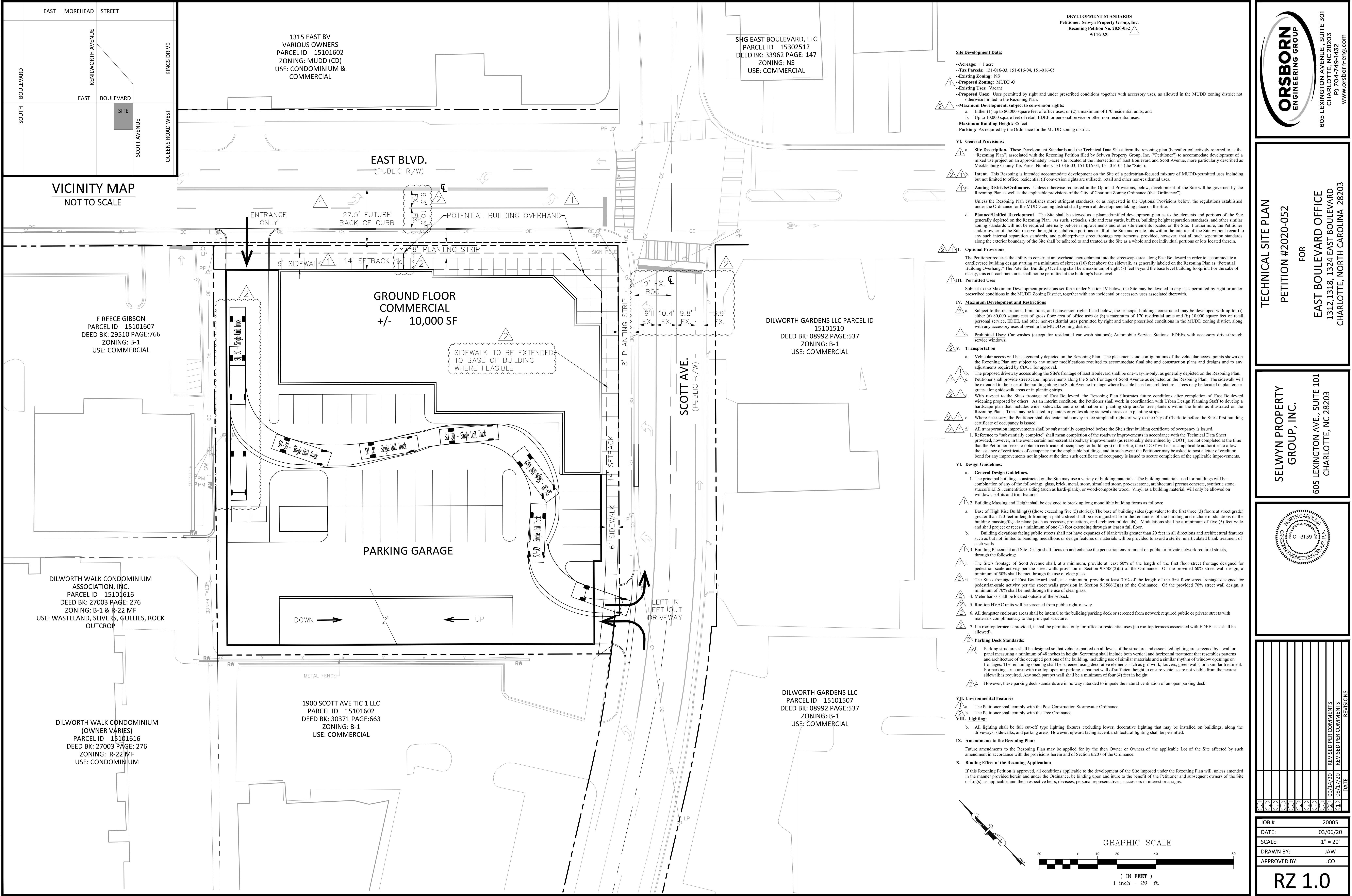
### Site and Building Design

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.
4. Clarify that accessory drive-through windows are prohibited for all uses and not just EDEE uses.
5. Clarify that proposed interim street plantings will meet Tree Ordinance requirements.

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**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

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



September 14, 2020 2:28pm By: JAW  
P:\2000B East Blvd Office\Drawings\2000B RZ 1.dwg

THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY ORSBORN ENGINEERING GROUP, PA SHALL BE WITHOUT LIABILITY TO ORSBORN ENGINEERING GROUP, PA.





**Agenda Date:** 11/16/2020

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**Agenda #:** 22.**File #:** 15-14605 **Type:** Zoning Hearing

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## **Rezoning Petition: 2020-013 by Boulevard Real Estate Advisors, LLC**

**Location:** Approximately 0.613 acres located on the eastern side of the intersection of Tryon Street and Cama Street, and south of Freeland Lane. (Council District 3 - Watlington)

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

**Proposed Zoning:** UR-C (CD) (urban residential commercial, 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

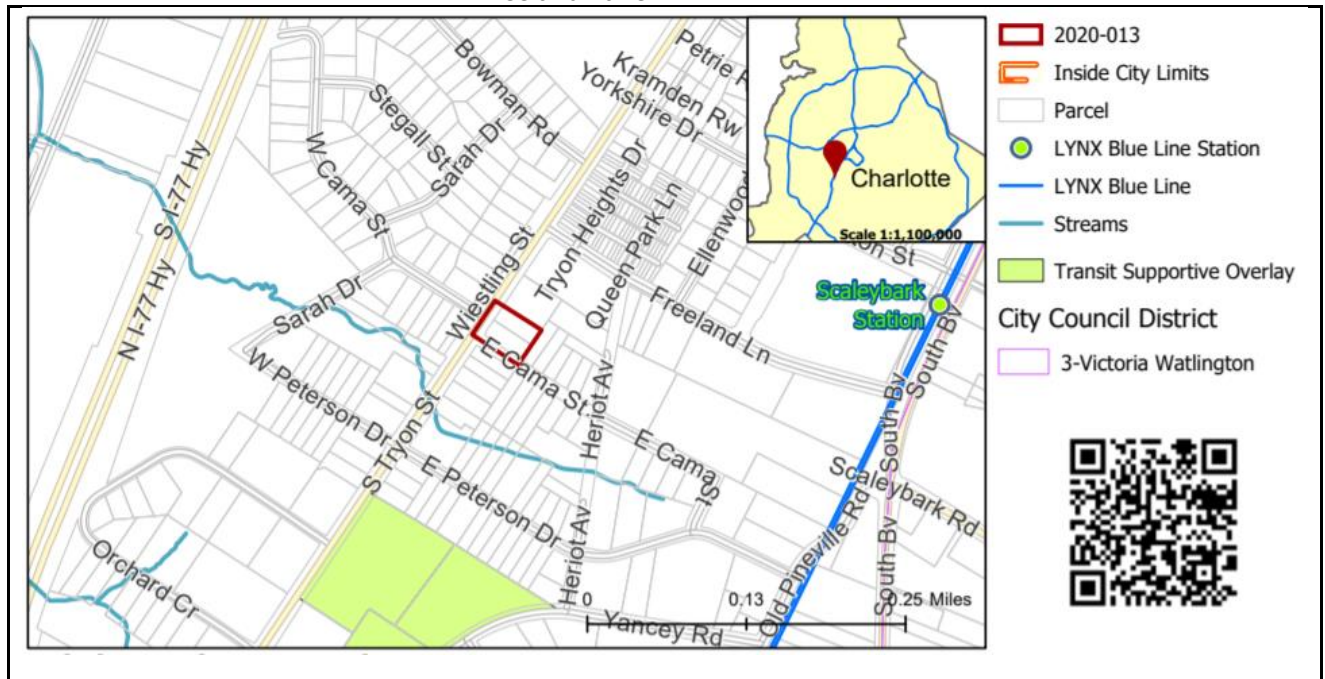
Site Plan

**REQUEST**

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

**LOCATION**

Approximately 0.613 acres located on the eastern side of the intersection of South Tryon Street and Cama Street, and south of Freeland Lane.



**SUMMARY OF PETITION**

The petition proposes to allow non-residential and residential uses in the UR-C zoning district with limitation on a site developed with 2 single family homes.

**PROPERTY OWNER**  
**PETITIONER**  
**AGENT/REPRESENTATIVE**

Carl W. Gregory, Jr.; Donna G. Ward; Alan B. Griffin  
Boulevard Real Estate Advisors, LLC  
John Carmichael (Robinson Bradshaw)

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the (Second) Community Meeting: 0

**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 **inconsistent** with the *Scaleybark Transit Station Area Plan* recommendation for residential uses up to 12 dwelling units per acre.

Rationale for Recommendation

1. The majority of the site is within ½ mile walk of the Scaleybark Station on the LYNX Blue Line.



2. The project will allow for infill that will provide transit supportive uses within close proximity to a station area and TOD zoning designations.
3. The project provides architectural and design standards that commit to building materials, building orientation, and the pedestrian environment.
4. The development will improve the streetscape treatment along East Cama Street and South Tryon Street.

The approval of this petition will revise the adopted future land use as specified by the *Scaleybark Transit Station Area Plan*, from current recommended residential uses up to 12 dwelling units per acre to new recommended office/retail/residential over 17 units per acre for the site.

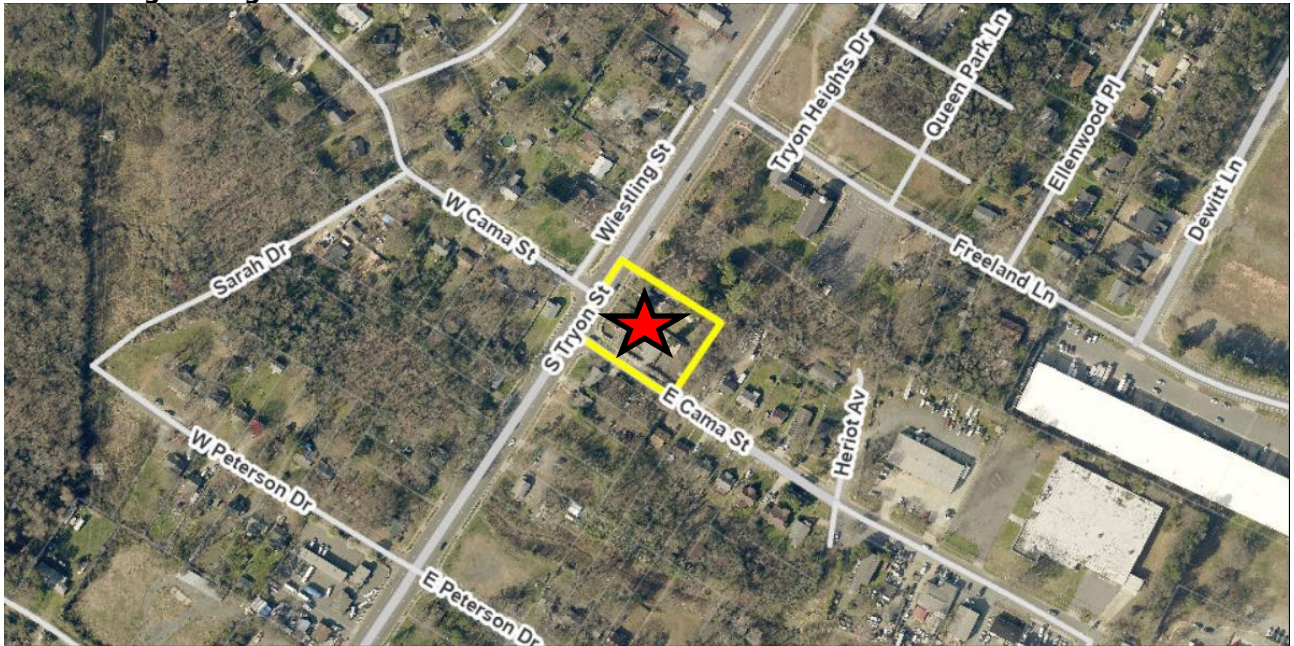
## PLANNING STAFF REVIEW

### • **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

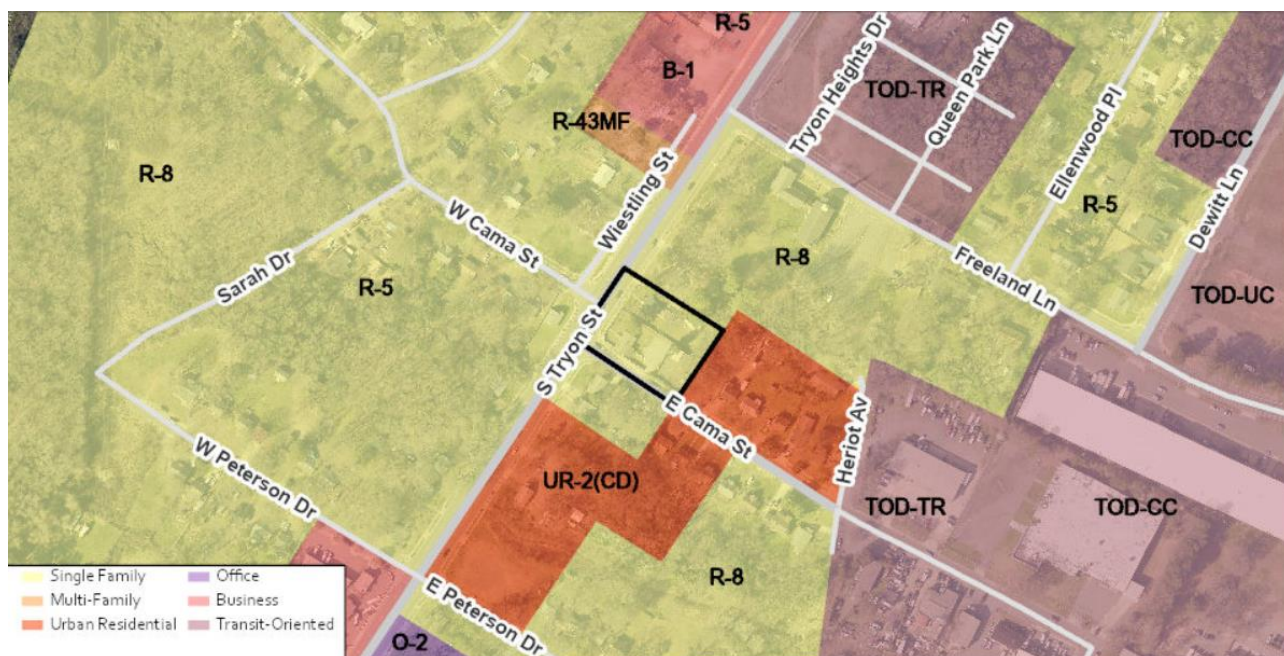
- Allows a maximum of 18 single family attached dwelling units in the event that single family attached dwelling units are developed on the site (approximately 11.034 dwelling units per acre).
- Allows a maximum of 50 multi-family dwelling units in the event multi-family dwelling units are developed on the site (approximately 30.65 dwelling units per acre).
- Allows a maximum of 50,000 square feet of gross floor area devoted to non-residential uses in the event non-residential uses are developed on the site.
- Limit uses to non-residential uses permitted in the B-1 zoning district, except that drive-in windows, automotive sales, service or repair and fuel sales will not be permitted on the site.
- Prohibits the following uses allowed under prescribed conditions in the UR-C zoning district: shelters; active adult retirement communities; beneficial fill sites; buildings for dramatic, musical, or cultural activities with less than 1,000 seats and stadiums and coliseums with less than 5,000 seats; childcare centers; childcare centers in a residence; donation drop-off facility; family childcare homes; land clearing and inert debris landfills (LCID); off-site; off-street parking as a separate use; outdoor fresh produce stands; and mobile produce market; bicycle-sharing station; religious institutions; single room occupancy (SRO) residences.
- Notes building height of residential and non-residential buildings will be per ordinance. Specifies the maximum height of any building on the site (or portion of building) located within 20 feet of the eastern boundary line of the site will be 50 feet.
- Proposes the following transportation improvements:
  - Proposes vehicular access from East Cama Street.
  - Proposes internal sidewalks and pedestrian connections on the site.
  - Dedicates and conveys portions of the site immediately adjacent to East Cama Street and South Tryon Street.
  - Installs and constructs 2 curb ramps on the northwest corner of the intersection of South Tryon Street and East Cama Street (adjacent to the site).
- Proposes the following architectural standards: single family attached dwelling units
  - Allows rooftop terrace.
  - Proposes following materials or a combination: brick veneer or similar masonry products, stone, manufactured stone, stucco and cementitious siding.
  - Prohibits vinyl, EIFS or Masonite as an exterior building material. Allows use of vinyl on windows, doors, garage doors, soffits, trim and railings. Allows aluminum to be used on trim and garage doors.
  - Proposes each unit fronting a public street will be rear loaded.
  - Notes each unit will have a usable front porch or a front stoop.
  - Notes all corner/end units facing a public or private street will have a porch that wraps a portion of the front and side of the unit or provide blank wall provisions limiting the maximum blank wall expanse to 10 feet on all building levels.
  - Limits the number of individual units in a building to 5.
- Proposes the following architectural standards: multi-family residential building:
  - 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 using brick, natural stone or synthetic equivalent, cementitious siding, stucco or other approved material.
  - Prohibits vinyl siding, hand rails, windows, doors or door trim; concrete masonry units not architecturally finished.

- Places buildings so present a front or side façade to all network required public or private streets.
- Requires buildings to front a minimum of 40% of the total network required street frontage of the site.
- Prohibits placement of parking lots between any building and any network required public or private street.
- Addresses building massing and height via modulations; vertical bays or articulation; recognizable architectural base; limiting expanses of blank walls.
- Proposes the following architectural standards: non-residential uses
  - Buildings will be placed to present a front or side façade to all streets.
  - Notes facades fronting streets will include a combination of windows and operable doors for a minimum of 60% of each frontage elevation with transparent glass between 2 feet and 10 feet on the first floor. Up to 20% of this requirement may be comprised of display windows.
  - Notes the facades of the first/ground floor of the buildings along streets will incorporate a minimum of 30% masonry materials such as brick or stone.
  - Prohibits building elevations from having expanses of blank walls greater than 20 feet in all directions.
  - Designs building elevations by utilizing architectural features such as banding, projections and recesses, columns, pilasters, change in materials or colors, awnings.
  - Notes multi-story buildings will have a minimum of 20% transparency on all upper stories.
- **Existing Zoning and Land Use**



The rezoning site is denoted by the red star.





- The rezoning site is developed with single family detached homes, and surrounded by single family residential homes, religious institution, retail uses, and office/warehouse/distribution activities in various zoning districts.



The site is developed with single family homes with frontage on South Tryon Street.





West, across South Tryon Street, are single family homes.



Along South Tryon Street are residential, religious, retail, and warehouse/office/distribution uses.



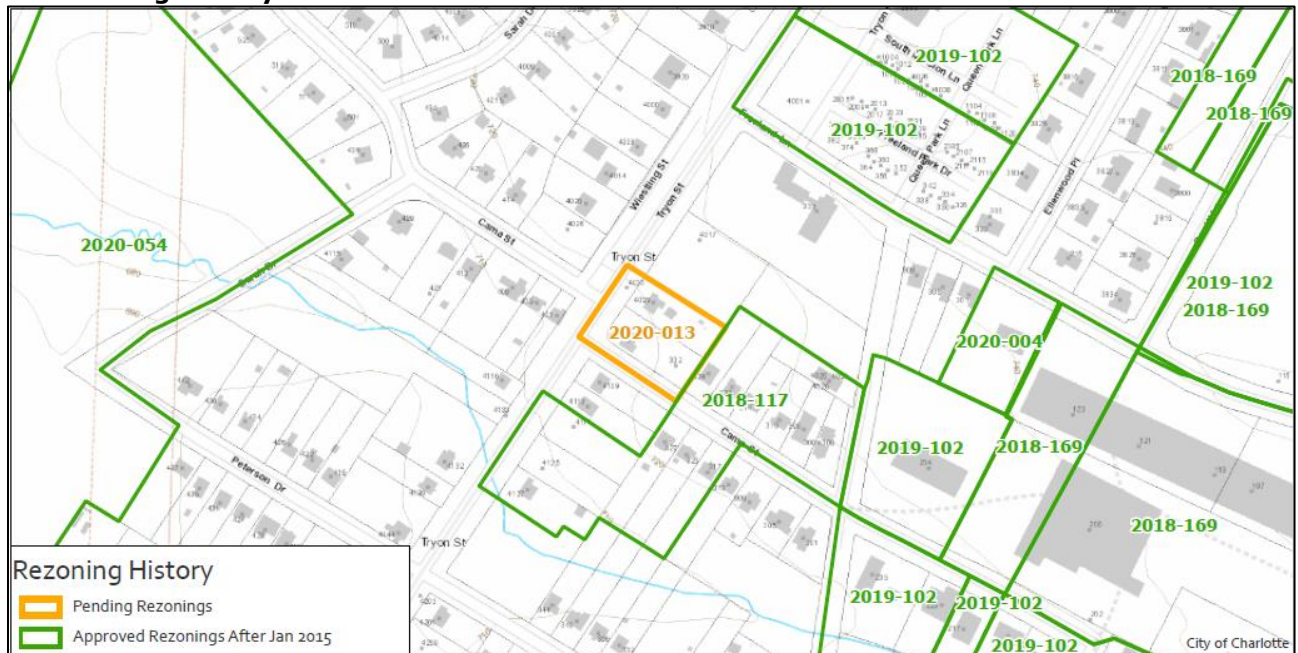


North is a religious institution.



East are residential homes.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2020-004	Rezoned 0.76 acres to TOD-TR.	Approved
2019-077	MUDD-O site plan amendment to allow up to 334,000 square feet of permitted uses in the MUDD.	Pending
2019-026	Rezoned 3.0 acres to TOD-CC and TOD-TR.	Approved
2019-024	Rezoned 1.74 acres to TOD-CC.	Approved
2018-169	TOD text amendment - translated zoning of properties conventionally zoned TOD (transit oriented development) (TOD-M, TOD-R, TOD-E) to TOD-CC.	Approved
2018-117	Rezoned 4.02 acres from R-8 to UR-2(CD) to allow up to 86 single family attached homes.	Approved
2018-053	Rezoned 3.169 acres to TOD-M(CD).	Approved
2016-102	Rezoned 9.52 acres to I-2 (TS-O) to allow the expansion of the existing uses associated with the Olde Mecklenburg Brewery.	Approved
2016-098	Rezoned 5.1 acres to MUDD-O to allow the reuse of 3 existing industrial warehouse buildings with a total of 74,877 square feet near for all uses allowed in the MUDD district.	Approved
2016-036	Rezoned 0.45 acres to TOD-M.	Approved
2016-011	Rezoned 1.18 acres to MUDD-O to reuse a warehouse for uses in MUDD.	Approved



- **Public Plans and Policies**



- The *Scaleyback Transit Station Area Plan* recommends residential uses up to 12 dwelling units per acre.

- **TRANSPORTATION SUMMARY**

- The site is located on South Tryon Street (a state-maintained major thoroughfare) and Cama Street (a city-maintained minor thoroughfare road). The proposed site plan includes a requested Urban Residential zoning, which includes development standards for streetscape improvements. The site is located within the Scaleyback Transit Station Area Plan. The subject property is approximately ½ mile distance from the Scaleyback Light Rail station. As a part of this development, an 8-foot planting strip and 8-foot sidewalk will be constructed along the site's frontage of Cama Street and S. Tryon St., in-line with the City's WALKS policy. Outstanding items include correcting the future curb line on Cama Street, including the driveway type associated with the access off Cama Street, showing the two curb ramps at the intersection of Cama and Tryon, and showing a proposed location for waste collection. The petitioner shall update the conditional site plan to address the following outstanding issues below.

- **Active Projects:**

- There are no active projects in the immediate area.

- **Transportation Considerations**

- See Outstanding Issues, Notes 1-6.

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 20 trips per day (based on 2 dwellings).

Entitlement: 40 trips per day (based on 4 dwellings).

Proposed Zoning: 275 trips per day (based on 50 multifamily residential units).

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

- **Charlotte Area Transit System:** See Outstanding Issues, Note 7.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 3 students, while the development allowed under the proposed zoning may produce 27 students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is 24.
  - The proposed development is projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Dilworth (Sedgefield Campus K-2) remains at 66%
    - Dilworth (Latta Campus 3-5) from 64% to 67%

- Sedgfield Middle from 73% to 74%
- Myers Park High from 125% to 126%.
- See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte Water:** The proposed rezoning is located in an area that Charlotte Water has determined to have limited sanitary sewer system capacity. Sanitary sewer service will be dependent on the completion of a public infrastructure project—Charlotte Water's Scaleybark Project. This project was identified to support current and future customers, and any proposed sanitary sewer flow shall be coordinated to discharge after completion of said project.

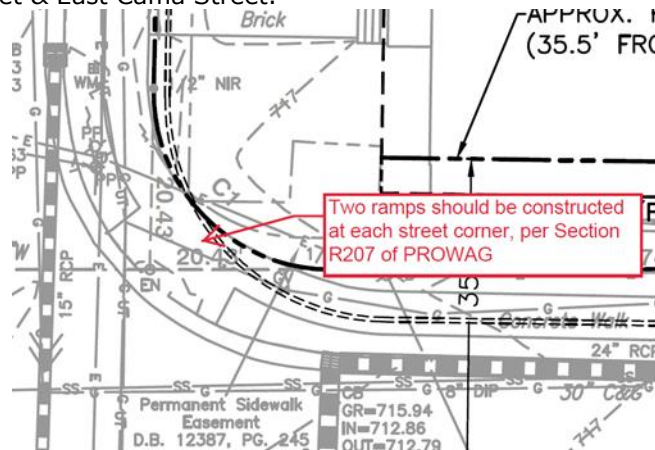
Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along East Cama Street and an 8-inch along South Tryon Street. See advisory comments at [www.rezoning.org](http://www.rezoning.org)

- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** This property drains to Irwin Creek, which is an impaired/degraded stream, and may contribute to downstream flooding. See advisory comments at [www.rezoning.org](http://www.rezoning.org).
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

## OUTSTANDING ISSUES

### Transportation

1. East Cama Street: The future location of curb and gutter is 21.5 feet from road centerline, per the council adopted CDOT Streets Map. 20.5-feet is shown, please show 21.5-feet. Label and dimension the curb and gutter from the centerline for each road.
2. Revise the site plan and conditional note(s) to commit to construct an 8-foot planting strip and 8-foot sidewalk, per the Scaleybark Transit Station Area Plan, with respect to the future curbline, along both South Tryon Street and East Cama Street. The Scaleybark Transit Station Area Plan remains as the reference for the streetscape requirements for this proposed rezoning.
3. Revise the site plan and conditional note(s) to provide two curb ramps at the intersection of South Tryon Street & East Cama Street.



4. Revise the site plan and conditional note of Section (C.Transportation.1.) to provide one access off of East Cama Street, via a CLDSM standard detail 1025.E - Type II Modified Driveway. NCDOT will not permit access off South Tryon Street. **Updated Comment:** Driveway type should be included in the site plan and conditional notes.
5. Revise the site plan to show/propose a location for trash receptacles/pick-up.
6. For street and pedestrian lighting recommendations, please coordination with Anthony Mendez (CDOT). <https://charlottenc.gov/Transportation/Programs/Pages/StreetLighting.aspx>
7. Commit to constructing an ADA compliant bus waiting pad per Land Development Standard 60.01B in the same general location as the existing stop. The final location of the pad will be coordinated with the developer through the permitting process.

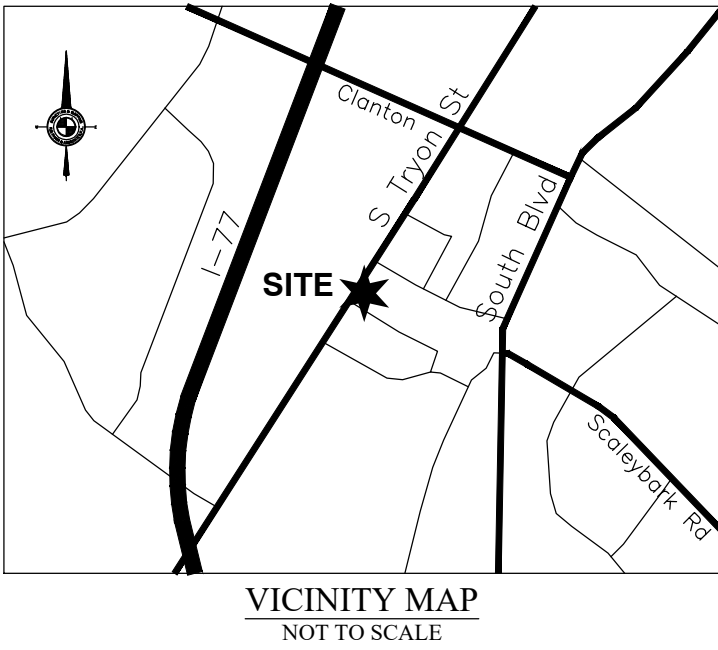
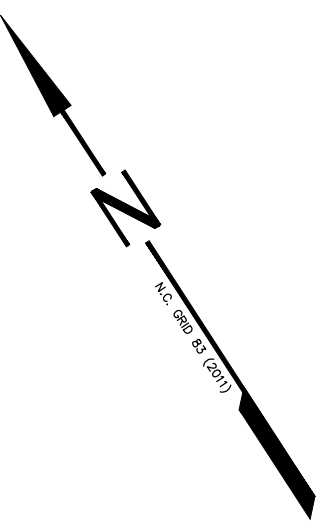
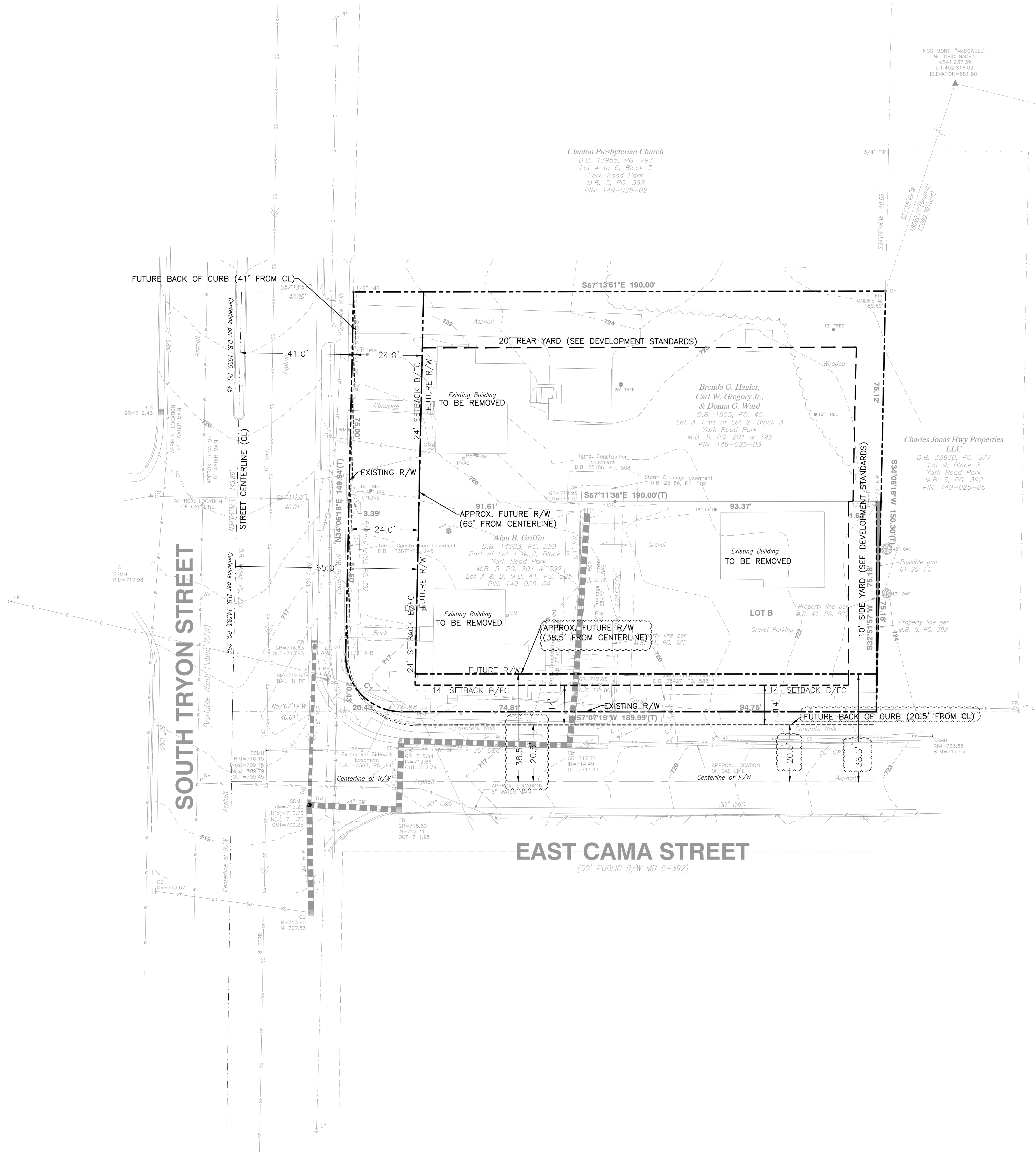
### Site and Building Design



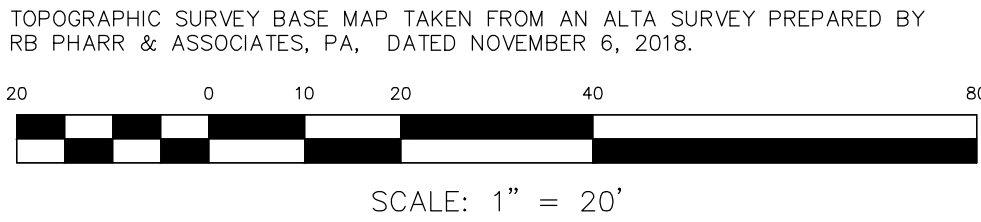
8. There is a storm drainage easement on Sheet 1 that should also be shown on Sheet 2. Confirm no structures should be placed in this area.
  9. Petitioner should confirm setback along East Cama Street (ref. Scaleybark Station Area Plan).
- 

**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

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



REZONING PETITION # 2020-013  
SUBMITTAL OCTOBER 12, 2020



PROJECT NUMBER	DATE
2020-013	10-12-20
2020-013	10-12-20
2020-013	10-12-20
2020-013	10-12-20
2020-013	10-12-20
2020-013	10-12-20
2020-013	10-12-20
2020-013	10-12-20
2020-013	10-12-20
2020-013	10-12-20

PROJECT MANAGER  
DESIGNED BY  
CHECKED BY  
DATE  
PROJECT NUMBER  
TASK  
DATE  
PROJECT NAME

4029 — 4101 SOUTH TRYON  
CHARLOTTE, NORTH CAROLINA

TECHNICAL DATA SHEET

RZ-1





**DEVELOPMENT DATA:**  
 SITE AREA : 0.6525 AC  
 SITE ADDRESS: 4029 - 4101 S. TRYON STREET  
 TAX ID: 14902504, 14902503  
 CURRENT ZONING: R-8  
 PROPOSED ZONING: UR-C(CD)  
 EXISTING USE: SINGLE FAMILY RESIDENTIAL  
 PROPOSED USE: SEE PERMITTED USES IN DEVELOPMENT STANDARDS NOTES  
 NUMBER OF RESIDENTIAL UNITS: SEE DEVELOPMENT STANDARDS NOTES  
 MAXIMUM BUILDING HEIGHT : SEE DEVELOPMENT STANDARDS NOTES  
 PARKING REQUIREMENTS: PER THE ORDINANCE

REZONING PETITION # 2020-013  
SUBMITTAL OCTOBER 12, 2020

	DEVELOPMENT STANDARDS
	October 12, 2020
<b>A. General Provisions</b>	
1.	These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Boulevard Real Estate Advisors, LLC (the "Petitioner") to accommodate the development of an approximately 0.6253 acre site located on the northeast corner of the intersection of South Tryon Street and East Camia Street, which will be known as the "Site". The Site is bounded by the following lot numbers: 14B-05-03 and 14B-05-04.
2.	Development and use of the Site will be governed by the Rezoning Plan, the Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance").
3.	Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the UR-C zoning district shall govern the development and use of the Site.
4.	The development and uses depicted on the Rezoning Plan are schematic in nature and are intended to depict the general arrangement of uses and improvements on the Site. Accordingly, the ultimate layout, locations and sizes of the development and site elements depicted on the Rezoning Plan are graphic representations of the proposed development and alterations, and they may be modified or modified in accordance with the setback and yard requirements set forth on this Rezoning Plan and the development standards provided; however, that any such alterations and modifications shall not materially change the overall design intent depicted on the Rezoning Plan.
5.	A building envelope is depicted on the Rezoning Plan. All principal and accessory buildings located on the Site shall be located within the building envelope. Parking areas may be located within the building envelope and as permitted under the Ordinance. Notwithstanding anything contained herein to the contrary, parking areas shall be setback a minimum of 10 feet from the eastern boundary line of the Site.
6.	Future amendments to the Rezoning Plan and/or these Development Standards may be applied for by the then owner or owners of the Site in accordance with the provisions of Chapter 6 of the Ordinance. Alterations to the Rezoning Plan are subject to Section 6.207 of the Ordinance.
<b>B. Permitted Use/Development Limitations</b>	
1.	The Site may be developed to any use as permitted by right or over prescribed conditions in the UR-C zoning district and to any incidental and accessory uses relating to the primary use as they are allowed in the UR-C zoning district.
2.	Notwithstanding anything contained herein to the contrary, non-residential uses shall be limited to non-residential uses that are permitted in the B-1 zoning district, except that drive-in windows, automotive sales, service or repair and fuel sales shall not be permitted on the Site.
3.	Notwithstanding anything contained herein to the contrary, the uses set out below that are permitted under prescribed conditions in the UR-C zoning district shall be:
(A)	Sellers;
(B)	Active adult retirement communities;
(C)	Beneficial life uses;
(D)	Buildings for dramatic, musical, or cultural activities with less than 1,000 seats and stadiums and coliseums with less than 5,000 seats;
(E)	Childcare centers;
(F)	Childcare centers in a residence;
(G)	Donation drop-off facility;
(H)	Family childcare homes;
(I)	Land clearing and inert debris landfills (ODT off-site);
(J)	Off-street parking at a separate use;
(K)	Outdoor Fresh Produce Stands, and Mobile Produce Market;
(L)	Boys/girls' clubs;
(M)	Religious institutions;
(N)	Single Room Occupancy (SRO) residences;
(O)	In the event that single family attached dwelling units are developed on the Site, a maximum of 18 single family attached dwelling units may be developed on the Site;
5.	In the event that multi-family dwelling units are developed on the Site, a maximum of 50 multi-family dwelling units may be developed on the Site.
6.	In the event that non-residential uses are developed on the Site, a maximum of 50,000 square feet of gross floor area devoted to non-residential uses may be developed on the Site.
<b>C. Transportation</b>	
1.	Vehicular access to the Site shall be from East Camia Street, and the location of the vehicular access point shall be determined during the permitting process. A potential access point from East Camia Street is designated with an arrow on the Rezoning Plan.
2.	Internal sidewalks and pedestrian connections shall be provided on the Site as required under the Ordinance.
3.	The location of parking on the Site shall be governed by the terms of the Ordinance.
4.	Prior to the issuance of the first certificate of occupancy for a new building constructed on the Site, the Petitioner shall dedicate and convey to the City (subject to a reservation of the right of first refusal) all of the easement rights to the Site, to the extent that such right of way does not already exist.
5.	Prior to the issuance of the first certificate of occupancy for a new building constructed on the Site, the Petitioner shall dedicate and convey to the City or to the North Carolina Department of Transportation (subject to a reservation for any necessary utility easements) those portions of the Site located immediately adjacent to South Tryon Street and East Camia Street, up to the right-of-way line of each street, to the extent that such right of way does not already exist.
6.	Petitioner shall install and construct two curb ramps on the northeast corner of the intersection of South Tryon Street and East Camia Street (adjacent to the Site).
7.	All transportation improvements set out in this Section C shall be constructed and approved prior to the issuance of the first certificate of occupancy for a new building constructed on the Site.
<b>D. Architectural Standards</b>	
1.	Required side and rear yards shall be based on the orientation(s) of any building(s) developed on the Site and shall be determined during the permitting process. Notwithstanding the foregoing, no side or rear yard setbacks shall be required to the contrary, building and parking areas shall be setback from the eastern boundary line of the Site as required by the Ordinance but in no case shall the building and parking setback from the eastern boundary line of the Site be less than 10 feet.
2.	Architectural standards set out below shall apply to any single family attached dwelling unit constructed on the Site.
(A)	The maximum height of any single family attached dwelling unit constructed on the Site shall be governed by the terms of the Ordinance. Notwithstanding the foregoing, the maximum height of any single family attached dwelling unit (or a portion of any single family attached dwelling unit) located within 20 feet of the eastern boundary line of the Site shall be 50 feet measured under the Ordinance.
(B)	Roofline treatments may be installed on the single family attached dwelling units constructed on the Site at the option of Petitioner.
(C)	The primary exterior building materials for any single family attached dwelling units constructed on the Site will be a combination of portions of the following: brick veneer or similar masonry products, stone, manufactured stone, stucco and cementitious siding.
(D)	Vinyl, EPS or masscrete may not be used as an exterior building material on any single family attached dwelling unit constructed on the Site. Notwithstanding the foregoing, vinyl may be utilized on windows, doors, garage doors, soffits, trim and railings. Additionally, aluminum may be used on trim and non-garage doors.
(E)	Each single family attached dwelling unit constructed on the Site shall have a porch or front stoop that wraps a portion of the front facade of the unit.
(F)	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.
(G)	Signage shall be placed on the entrances within 15 feet of a public sidewalk that be raised from the average sidewalk grade of the public sidewalk a minimum of 12 inches.
(H)	Each single family attached dwelling unit constructed on the Site shall have a suitable front porch or a front stoop. Usable front porches shall be covered and be at least 6 feet deep. Front stoops shall be covered and front stoops may be covered by an awning, canopy, roof extension or other structural feature chosen by Petitioner. Front porches shall be finished with a durable material and shall be finished with a finish that matches the finish of the main entrance door.
(I)	All corner/entry units that face a public or private street shall have a porch or stoop that wraps a portion of the front and side of the unit or provide back wall provisions that limit the maximum depth of a porch to wrap up to 10 feet on all building levels.
(J)	Garage doors visible from public streets shall minimize the visual impact by providing a setback of 6 to 12 inches from the front wall plane and additional architectural treatments such as transoms, windows or projecting elements above the garage opening.
(K)	Walkways shall be provided to connect all residential entrances to sidewalks along public streets.
(L)	Townhome buildings that are adjacent to and front a public street shall not contain more than 5 individual single family attached dwelling units. This requirement shall not apply to buildings that do not front a public street or buildings that are adjacent and perpendicular to a public street.
(M)	The architectural standards set out below shall apply to any non-residential building constructed on the Site.
(N)	The maximum height of any non-residential building constructed on the Site shall be governed by the terms of the Ordinance. Notwithstanding the foregoing, the maximum height of any building on the Site (or a portion of any building) located within 20 feet of the eastern boundary line of the Site shall be 50 feet measured under the Ordinance.
(O)	Building Placement and Site Design shall focus on and enhance the pedestrian environment on public or private network required streets through the following:
(P)	Buildings shall be placed so as to present a front or side facade to all streets.
(Q)	Facades facing streets shall include a combination of windows and operable doors for a minimum of 60% of each facade elevation with transparent glass between 2' and 10' on the first floor. Up to 20% of this requirement may be comprised of display windows.
(R)	Display windows must maintain a minimum of 3'-0" clear depth between window frames and adjacent vertical features or horizontal features such as cornices, moldings or decorative elements. The maximum air flow required transparency shall not exceed 4'-0" above adjacent street sidewalk.
(S)	The facades of the first/fourth floor of the buildings along streets shall incorporate a minimum of 30% masonry materials such as brick or stone.
(T)	A direct pedestrian connection shall be provided between street facing doors and corner entrance features to sidewalks on adjacent streets.
(U)	Exterior wall treatments shall include a combination of textures and colors. Building features or ornaments that are decorative, ornate, unarticulated blank treatment of such walls.
(V)	Building elevations shall be designed with vertical bays or articulated architectural features which shall include a combination of at least three of the following: a combination of exterior wall treatments and textures; recessed, pilasters, banding and changes in materials or colors.
(W)	Buildings shall have a minimum height of 22 feet.
(X)	Multi-story buildings shall have a minimum of 20% transparency on all upper stories.
4.	The architectural standards set out below shall apply to any multi-family residential building constructed on the Site.
(A)	The maximum height of any multi-family residential building constructed on the Site shall be governed by the terms of the Ordinance. Notwithstanding the foregoing, the maximum height of any multi-family residential building on the Site (or a portion of any building) located within 20 feet of the eastern boundary line of the Site shall be 50 feet measured under the Ordinance.
(B)	Preferred Exterior Building Materials: All principal and accessory buildings requiring a network required public or private street shall comprise a minimum of 30% of that building's exterior facade facing such network street using brick, natural stone (or its synthetic equivalent), cementitious siding, stucco or other material approved by the Planning Director.
(C)	Prohibited Exterior Building Materials:
(D)	Vinyl siding (not vinyl hard hat lids, windows, doors or door trim).
(E)	Concrete Masonry Units not architecturally finished.
(F)	Building Placement and Site Design shall focus on and enhance the pedestrian environment through the following:
(G)	Buildings shall be placed so as to present a front or side facade to all network required streets/public or private.
(H)	Buildings shall be placed so as to present a front or side facade to all network required streets/public or private.
(I)	Buildings shall be placed so as to present a front or side facade to all network required streets/public or private.
(J)	Buildings shall be placed so as to present a front or side facade to all network required streets/public or private.
(K)	Buildings shall be placed so as to present a front or side facade to all network required streets/public or private.
(L)	Buildings shall be placed so as to present a front or side facade to all network required streets/public or private.
(M)	Buildings shall be placed so as to present a front or side facade to all network required streets/public or private.
(N)	Buildings shall be placed so as to present a front or side facade to all network required streets/public or private.
(O)	Buildings shall be placed so as to present a front or side facade to all network required streets/public or private.
(P)	Buildings shall be placed so as to present a front or side facade to all network required streets/public or private.
(Q)	Buildings shall be placed so as to present a front or side facade to all network required streets/public or private.
(R)	Buildings shall be placed so as to present a front or side facade to all network required streets/public or private.
(S)	Buildings shall be placed so as to present a front or side facade to all network required streets/public or private.
(T)	Buildings shall be placed so as to present a front or side facade to all network required streets/public or private.
(U)	Buildings shall be placed so as to present a front or side facade to all network required streets/public or private.
(V)	Buildings shall be placed so as to present a front or side facade to all network required streets/public or private

# SITE PLAN

RZ-2

## 4029 – 4101 SOUTH TRYON

## CHARLOTTE, NORTH CAROLINA

**GEOSCIENCE GROUP**  
Incorporated  
500-K Clinton Road  
Charlotte, NC 28217  
(704) 525-1000  
N.C. REG. LICENSE C-2796(A)

PROJECT MANAGER	DRAWING SCALE	REV.	DATE
OWNER REF:	1"=20'		
PROJECT NUMBER	10-12-20		
DESIGN APPROVED BY:			
DATE			
FILE NAME			
ASUT DATE			



**Agenda Date:** 11/16/2020

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**Agenda #:** 23.**File #:** 15-14607 **Type:** Zoning Hearing

---

## **Rezoning Petition: 2020-042 by Boulevard Real Estate Advisors, LLC**

**Location:** Approximately 0.236 acres located east of South Tryon Street, south of Tryclan Drive, and west of Dewitt Lane. (Council District 1 - Egleston)

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

**Proposed Zoning:** O-1(CD) (office, 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

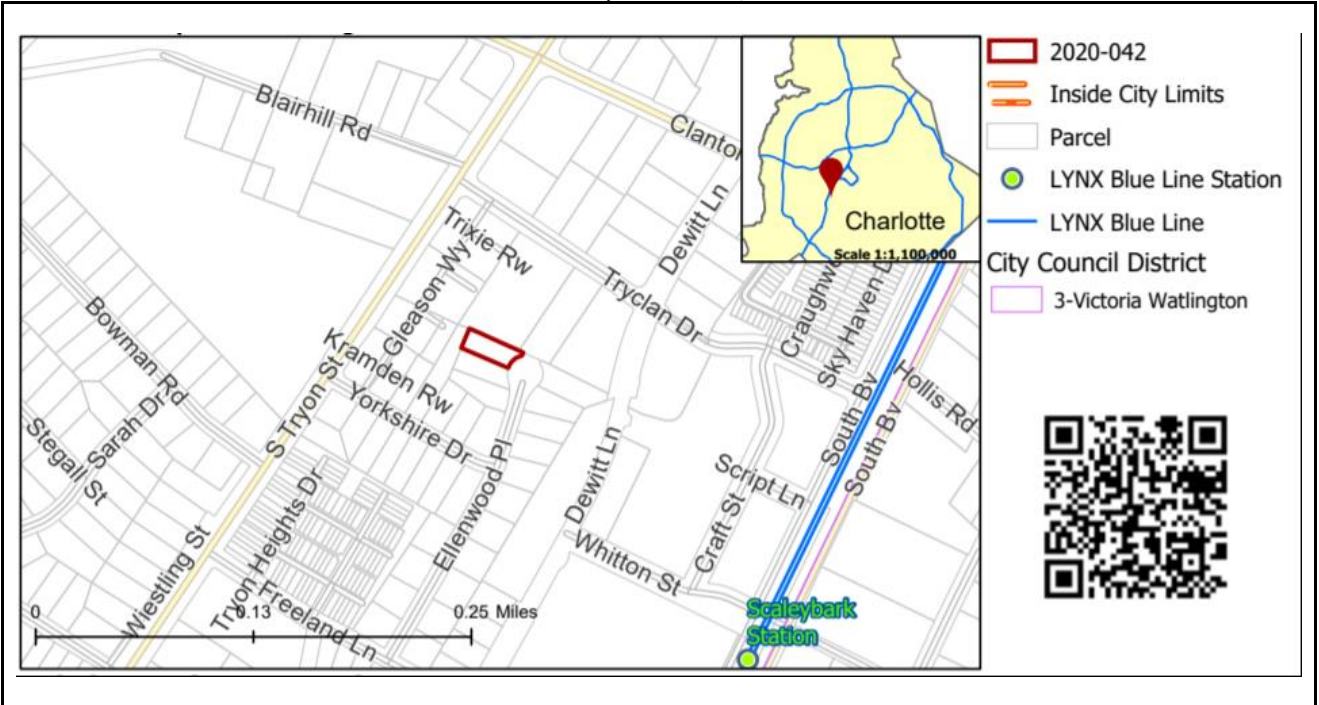


**REQUEST**

Current Zoning: R-5 (single family residential)  
Proposed Zoning: O-1(CD) (office, conditional)

**LOCATION**

Approximately 0.236 acres located east of South Tryon Street, south of Tryclan Drive, and west of Dewitt Lane.



**SUMMARY OF PETITION**

The petition proposes to allow off-street surface parking on a parcel used for parking and storage of materials by the adjacent business operators.

**PROPERTY OWNER**

Preston Properties, LLC; SCP Property Holdings, LLC; and Revocable Trust of Melinda Ann Presson

**PETITIONER**

Chris Branch/Boulevard Real Estate Advisors, LLC

**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: 4

**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 **inconsistent** with the the *Scaleybark Transit Station Area Plan* recommendation of residential up to 5 units per acre with the following note: "Similarly, the single family properties on Ellenwood Place and Yorkshire Drive are recommended for residential at 4 du/a. However, if all property owners agree and the land is consolidated, redevelopment for TOD-Mixed would be appropriate. If redevelopment occurs, street connections to Dewitt Lane and Tryclan should be provided."

Rationale for Recommendation

- The parcel is located at the end of the street and will serve as an interim buffer between TOD zoning and single family residential uses.
- The project will be required to buffer all property lines abutting residential uses and/or zoning per ordinance.
- The proposed rezoning plan has included language restricting use of the proposed vehicular access point to and from Ellenwood Place.
- The proposed rezoning plan incorporates possible amenities on the parcel, prohibiting dwelling units or habitable structures.

The approval of this petition will revise the adopted future land use as specified by the *Scaleybark Transit Station Area Plan*, from current recommended residential up to 5 units per acre to the new recommended office use for the site.

**PLANNING STAFF REVIEW**

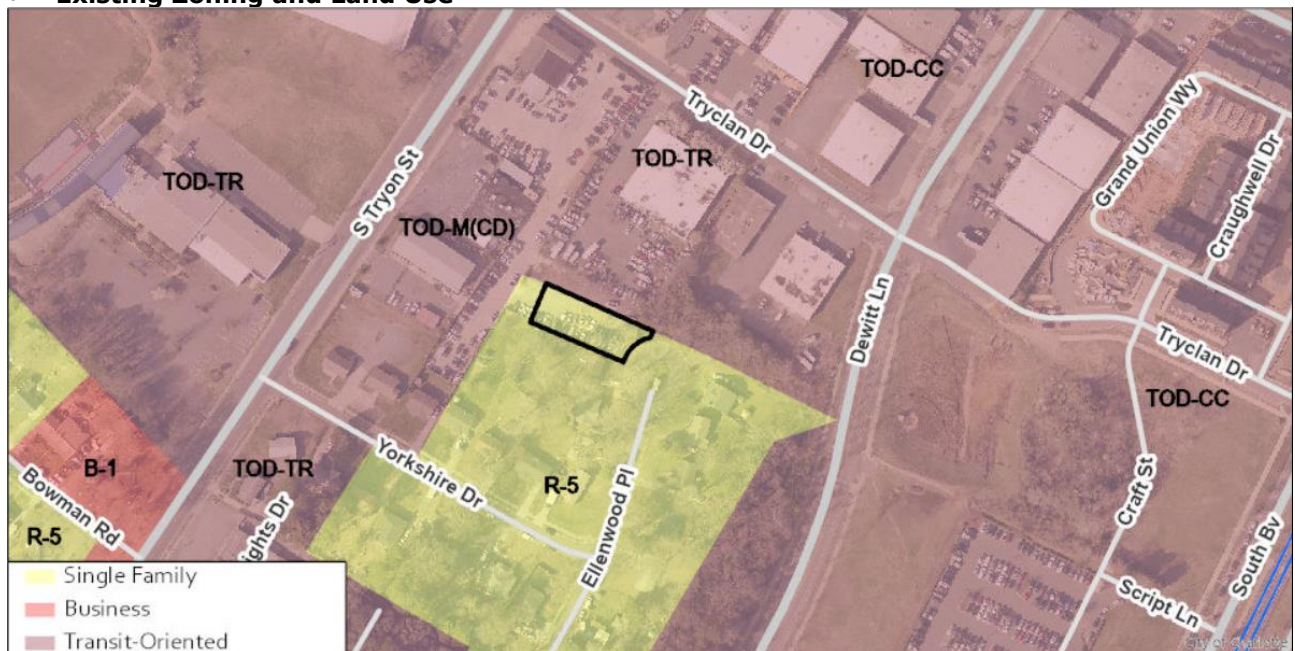
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Off-street surface parking that will be utilized as accessory off-street parking for improvements and uses located on adjacent parcels.
- Amenities (such as a swimming pool and house; a dog walk area; a park or open space area; seating, pergolas and shade screens; and similar uses) and structures related to any such amenities, which amenities shall serve and be accessory to improvements and uses located on adjacent parcels; provided, however that amenities shall not include dwelling units or habitable structures.
- Uses and any structures constructed on the site shall not be located in any buffers or setbacks required by the ordinance.
- No buildings or structures shall be located in the storm drainage easements more particularly depicted on the rezoning plan. Notwithstanding the foregoing, off-street surface parking and vehicular access will be allowed in the storm drainage easements more particularly depicted on the rezoning plan.
- Use of vehicular access point to and from Ellenwood Place shall be restricted to emergency vehicles and to service and delivery vehicles. Service and delivery vehicles may only utilize the Ellenwood Place access point between the hours of 7:00 a.m. and 7:00 p.m. The petitioner shall post in a conspicuous location a sign stating that the use of the Ellenwood Place access point is limited to emergency vehicles and to service and delivery vehicles.



- **Existing Zoning and Land Use**



The subject site has been used for parking and storage of materials by the adjacent business operators. The site is surrounded by single family residential homes, office/warehouse/distribution uses, and retail on acreage in R-5, B-1, and TOD zoning districts.



The subject site has been used for parking and storage of materials by the adjacent business operators.





South are single family homes.



Along Trylan Drive are office/warehouse/distribution uses.



Along South Tryon Street are retail, office, office/warehouse/distribution uses.



- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-102	Rezoned 1,771.18 acres under a range of zoning districts to TOD-UC, TOD-NC, TOD-CC or TOD-TR	Approved
2019-097	Rezoned 17.02 acres to TOD-TR.	Approved
2019-026	Rezoned 3.0 acres to TOD-CC and TOD-TR.	Approved
2018-169	Amendment to the Zoning Ordinance to replace 3 existing transit oriented development districts with 4 new transit oriented development districts and regulations. These 4 new districts are the first phase of the City's Unified Development Ordinance (UDO).	Approved
2018-053	Rezone 0.83 acres to TOD-M(O) to allow the reuse of existing 30,000 square foot building with a possible outdoor expansion area.	Withdrawn
2016-036	Rezoned 0.45 acres to TOD-M.	Approved

- Public Plans and Policies**



- The *Scaleybark Transit Station Area Plan* recommends residential up to 5 units per acre with the following Note. 15: "Similarly, the single family properties on Ellenwood Place and Yorkshire Drive are recommended for residential at 4 du. However, if all property owners agree and the land is consolidated, redevelopment for TOD-Mixed would be appropriate. If redevelopment occurs, street connections to Dewitt Lane and Tryclan should be provided."
- **TRANSPORTATION SUMMARY**
  - The site is within ¼ mile of Scaleybark Transit Station. There is existing curb and gutter on Ellenwood Place, but no sidewalk. CDOT will work with the petitioner during the permitting to upgrade the streetscape in accordance with city ordinances and to develop a street network that accommodates the surrounding TOD and residential zoning districts. CDOT has one outstanding item that involves the addition of a conditional note requesting turning movements will be provided for the access drive on Ellenwood Place.
  - **Active Projects:**
    - There are no active projects in the immediate vicinity.
  - **Transportation Considerations**
    - See Outstanding Issues, Note 6
  - **Vehicle Trip Generation:**
    - Current Zoning:
    - Existing Use: vacant
    - Entitlement: 9 trips per day (based on 1 single family dwelling).
    - Proposed Zoning: 28 trips per day (based on 2,400 square feet office; revised site plan 10/9/2020)

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

- **Charlotte Area Transit System:** No comments submitted.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
- **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 Scaleybark Project. This project was identified to support current and future customers, and any proposed sanitary sewer flow shall be coordinated to discharge after completion of said project. Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 2-inch water distribution main located along Ellenwood Road. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No comments submitted.
  - **Land Development:** See Outstanding Issues, Notes 2-3
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** No comments submitted.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No comments submitted.

#### OUTSTANDING ISSUES

##### Site and Building Design

1. Add a note stating that parking on the subject rezoning site will not be used to exceed the maximum parking requirement on the adjacent TOD parcel. If so, the spaces on the subject rezoning site will be considered a zoning violation.
2. Show building and development envelope.
3. Per Transportation Note 3.B. petitioner will need to provide gate access or another ideal for this location.
4. Modify Buffers and Screening Note 4.C. to state "Uses on the site shall be screened to the extent and as required by the ordinance."



5. Ensure the setback is similar to that of the other residences along Ellenwood Place.

Transportation

6. Add a conditional note requesting turning movements will be provided for the access drive on Ellenwood Place.

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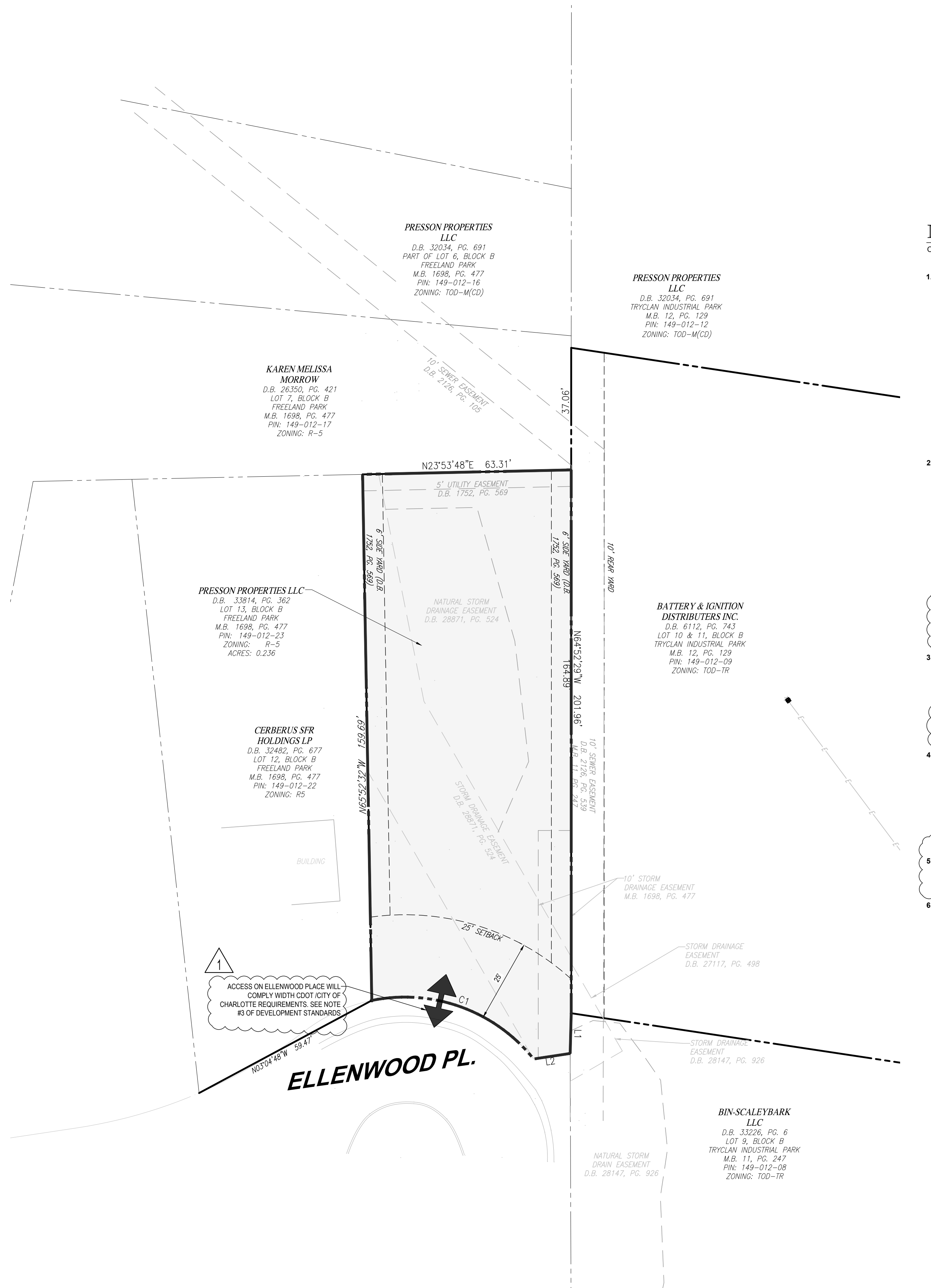
**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

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



## LEGEND

EXISTING PROPERTY BOUNDARY  
EXISTING SANITARY SEWER EASEMENT  
EXISTING STORM EASEMENT



## DEVELOPMENT STANDARDS

OCTOBER 12, 2020

## 1. GENERAL PROVISIONS

- A. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY BOULEVARD REAL ESTATE ADVISORS, LLC (HEREINAFTER REFERRED TO AS THE "PETITIONER") FOR AN APPROXIMATELY 0.236 ACRE SITE LOCATED ON ELLENWOOD PLACE EAST OF TRYON STREET, SOUTH OF TRYCLAN DRIVE, AND WEST OF DEWITT LANE, WHICH SITE IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (HEREINAFTER REFERRED TO AS THE "SITE"). THE SITE IS ALSO IDENTIFIED AS PAX PARCEL NO. 149-012-19.
- B. THE DEVELOPMENT AND USE OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE").
- C. UNLESS THE REZONING PLAN OR THESE DEVELOPMENT STANDARDS ESTABLISH MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE 0-1 ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT AND USE OF THE SITE.
- D. AT THE OPTION OF THE PETITIONER, THE SITE MAY BE COMBINED WITH ONE OR MORE ADJACENT OR NEARBY PARCELS. IN SUCH EVENT, INTERNAL BUFFER, SIDE AND REAR YARD, AND SIMILAR ZONING STANDARDS OR REQUIREMENTS SHALL NOT BE REQUIRED INTERNALLY BETWEEN IMPROVEMENTS AND OTHER ELEMENTS LOCATED ON THE SITE AND THE ADJACENT OR NEARBY PARCELS.
- E. FUTURE AMENDMENTS TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE SITE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE. ALTERATIONS TO THE REZONING PLAN ARE SUBJECT TO SECTION 6.207 OF THE ORDINANCE.

## 2. PERMITTED USES/DEVELOPMENT LIMITATIONS

- A. THE SITE MAY ONLY BE DEVOTED TO THE USES SET OUT BELOW, TOGETHER WITH ANY INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH, THAT ARE PERMITTED UNDER THE ORDINANCE IN THE O-1 ZONING DISTRICT:
- (1) OFF-STREET SURFACE PARKING THAT WILL BE UTILIZED AS ACCESSORY OFF-STREET PARKING FOR IMPROVEMENTS AND USES LOCATED ON ADJACENT PARCELS.
- (2) AMENITIES (SUCH AS A SWIMMING POOL AND POOL HOUSE; A DOG WALK AREA; A PARK OR OPEN SPACE AREA; SEATING, PERGOLAS AND SHADE SCREENS; AND SIMILAR USES) AND STRUCTURES RELATED TO ANY SUCH AMENITIES, WHICH AMENITIES SHALL SERVE AND BE ACCESSORY TO IMPROVEMENTS AND USES LOCATED ON ADJACENT PARCELS; PROVIDED, HOWEVER THAT AMENITIES SHALL NOT INCLUDE DWELLING UNITS OR HABITABLE STRUCTURES.
- (3) DUMPSTERS, TRASH AND RECYCLING HANDLING AREAS, AND SERVICE ENTRANCES AND AREAS, WHICH SHALL BE ACCESSORIES TO IMPROVEMENTS AND USES LOCATED ON ADJACENT PARCELS.
- B. THE USES AND ANY STRUCTURES CONSTRUCTED ON THE SITE SHALL NOT BE LOCATED IN ANY BUFFERS OR SETBACKS REQUIRED BY THE ORDINANCE.
- C. NO BUILDINGS OR STRUCTURES SHALL BE LOCATED IN THE STORM DRAINAGE EASEMENTS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN. NOTWITHSTANDING THE FOREGOING, OFF-STREET SURFACE PARKING AND VEHICULAR ACCESS WILL BE ALLOWED IN THE STORM DRAINAGE EASEMENTS MORE PARTICULARLY 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"). DRIVEWAYS SHALL BE CONSTRUCTED TO CDOT DRIVEWAY REGULATIONS.
- B. USE OF THE VEHICULAR ACCESS POINT TO AND FROM ELLENWOOD PLACE SHALL BE RESTRICTED TO EMERGENCY VEHICLES AND TO SERVICE AND DELIVERY VEHICLES. SERVICE AND DELIVERY VEHICLES MAY ONLY UTILIZE THE ELLENWOOD PLACE ACCESS POINT BETWEEN THE HOURS OF 7:00 A.M. AND 6:00 P.M. PETITIONERS SHALL POST A SIGN STATING THAT USE OF THE ELLENWOOD PLACE ACCESS POINT IS LIMITED TO EMERGENCY VEHICLES AND TO SERVICE AND DELIVERY VEHICLES.

#### 4. BUFFERS AND SCREENING

- A. BUFFERS SHALL BE ESTABLISHED THE SITE AS REQUIRED BY THE ORDINANCE, AND SUCH BUFFERS SHALL CONFORM TO THE STANDARDS OF SECTION 12.302 OF THE ORDINANCE. THE WIDTH OF ANY REQUIRED BUFFER MAY BE REDUCED BY 25% IF A WALL, FENCE OR BERM IS PROVIDED THAT MEETS THE REQUIREMENTS OF SECTION 12.302(8) OF THE ORDINANCE.
- B. IN THE EVENT THAT AN ADJACENT PARCEL OF LAND IS EITHER REZONED TO A ZONING DISTRICT OR DEVOTED TO A USE THAT ELIMINATES OR REDUCES THE BUFFER REQUIREMENTS ON THE SITE, PETITIONER MAY REDUCE OR ELIMINATE, AS THE CASE MAY BE, THE RELEVANT BUFFER AREAS ACCORDINGLY.
- C. USES ON THE SITE SHALL BE SCREENED TO THE EXTENT AND AS REQUIRED BY THE ORDINANCE.

## 5. ENVIRONMENTAL FEATURES

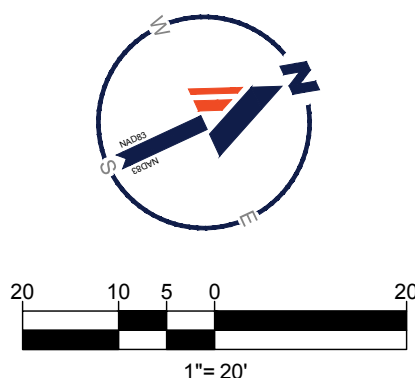
- A. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE CITY OF CHARLOTTE TREE ORDINANCE. TREE SAVE AREAS MAY BE LOCATED INSIDE THE BUFFERS ESTABLISHED ON THE SITE.

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

- A. IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE USE AND DEVELOPMENT OF THE SITE IMPOSED UNDER THESE DEVELOPMENT STANDARDS AND THE REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF PETITIONER AND THE CURRENT AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS.
- B. THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERM "PETITIONER" SHALL BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNS OF PETITIONER OR THE OWNER OR OWNERS OF THE SITE FROM TIME TO TIME WHO MAY BE INVOLVED IN ANY FUTURE DEVELOPMENT THEREOF.
- C. ANY REFERENCE TO THE ORDINANCE HEREIN SHALL BE DEEMED TO REFER TO THE REQUIREMENTS OF THE ORDINANCE IN EFFECT AS OF THE DATE THIS REZONING PETITION IS APPROVED.

## LAND USE AND ZONING INFORMATION

1. APPLICANT: BOULEVARD REAL ESTATE ADVISORS, LLC  
121 WEST TRADE STREET, SUITE 2800  
CHARLOTTE, NC 28202  
CONTACT: CHRIS BRANCH  
PHONE: (704) 604-5357
2. OWNER: PRESSON PROPERTIES, LLC  
102 FARM KNOW WAY  
TOWN OF MOORESVILLE  
IREDELL COUNTY, NC 28117
3. PARCEL: 0.236AC OR 10,299 SQ. FT.  
3700 ELLENWOOD PLACE  
CITY OF CHARLOTTE  
MECKLENBURG COUNTY, NC 28217
4. ZONING:  
  
EXISTING: R-5 (SINGLE FAMILY RESIDENTIAL)  
  
PROPOSED: O1-CD
5. USES:  
  
EXISTING: R-5 ZONING - SINGLE FAMILY RESIDENTIAL - VACANT  
  
PROPOSED: O1 - CD - SEE PERMITTED USES ABOVE



MEASURED			CALCULATED				
LINE	BEARING	DISTANCE	CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
L1	S63°24'18"E	12.23'	C1	50.00'	54.95'	52.22'	S45°00'56"W
L2	S16°33'56"W	11.21'					



LOCATION MAP

## REVISIONS

[illegible]

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

ALWAYS CALL 811

It's fast. It's free. It's the law.

# REZONING PETITION

THIS DRAWING IS INTENDED FOR MUNICIPAL AND/OR AGENCY  
REVIEW AND APPROVAL. IT IS NOT INTENDED AS A CONSTRUCTION  
DOCUMENT UNLESS INDICATED OTHERWISE.

PROJECT No.:	NCC192093
DRAWN BY:	JME
CHECKED BY:	BM
DATE:	08/20/2020
CAD I.D.:	RZO

PROJECT:


**PROP.  
REZONING  
DOCUMENTS**

FOR

BOULEVARD REAL  
ESTATE ADVISORS, LLC

LOCATION

3700 ELLENWOOD PLACE  
CHARLOTTE, NC 28217

**BOHLER**   
BOHLER ENGINEERING NC, PLLC  
NCBELS P-1132

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

REZONING PETITION  
#2020-042

SHEET TITLE:

# REZONING PLAN

SHEET NUMBER

# RZ-1

REVISION 1 - 10/1/20





**Agenda Date:** 11/16/2020

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**Agenda #:** 24. **File #:** 15-14610 **Type:** Zoning Hearing

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## **Rezoning Petition: 2020-076 by Green Bird Properties, LLC**

**Location:** Approximately 0.51 acres located at the NE intersection of Parkwood Avenue and Allen Street in the Belmont community. (Council District 1 - Egleston)

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

**Proposed Zoning:** NS (neighborhood services)

**Staff Recommendation:**

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

**Attachments:**

Pre-Hearing Staff Analysis

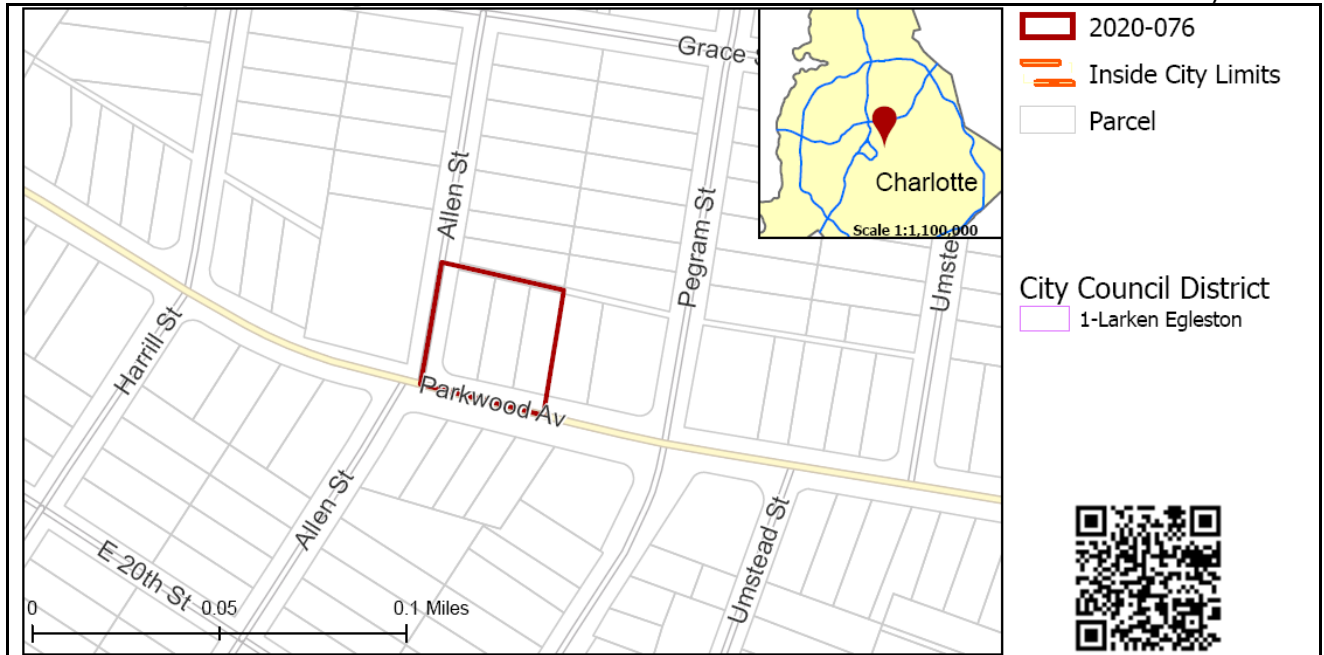
Site Plan

**REQUEST**

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

**LOCATION**

Approximately 0.51 acres located at the NE intersection of Parkwood Avenue and Allen Street in the Belmont community.



**SUMMARY OF PETITION**

The petition proposes to redevelop a three-parcel assemblage into 10,000 SF of retail uses and up to 22 multi-family units (43 dwelling units per acre) in a single structure.

**PROPERTY OWNER**

Green Bird Properties LLC

**PETITIONER**

Green Bird Properties LLC

**AGENT/REPRESENTATIVE**

Paul Pennell, UDP

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Virtual Community Meeting: 3

**STAFF  
RECOMMENDATION**

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

Plan Consistency

The petition is **consistent** with the *Belmont Area Revitalization Plan's* (2003) recommendation for multi-family/office/retail uses for the site.

Rationale for Recommendation

- The request is similar in use, height, and scale to two adjacent approved rezoning petitions along Parkwood Avenue (2020-005 & 2019-156).
- The retail component of this project (up to 10,000 SF) satisfies the Plan's economic development goal of increasing retail services within the Belmont neighborhood.
- The request is consistent with current entitled uses within the existing B-1 district.



- The request aligns with the plan's recommendation of a neighborhood-scale mixed-use node (retail and residential) at the intersection of Pegram Street and Parkwood Avenue.
- The request helps Belmont achieve its land use goal of "preserving its single-family character" while developing a "mixed use plan to enhance the quality of life" for its residents. Orienting residential density and mixed uses along major thoroughfares, as this project proposes, preserves the character of the surrounding single family neighborhood while providing proximal neighborhood services.

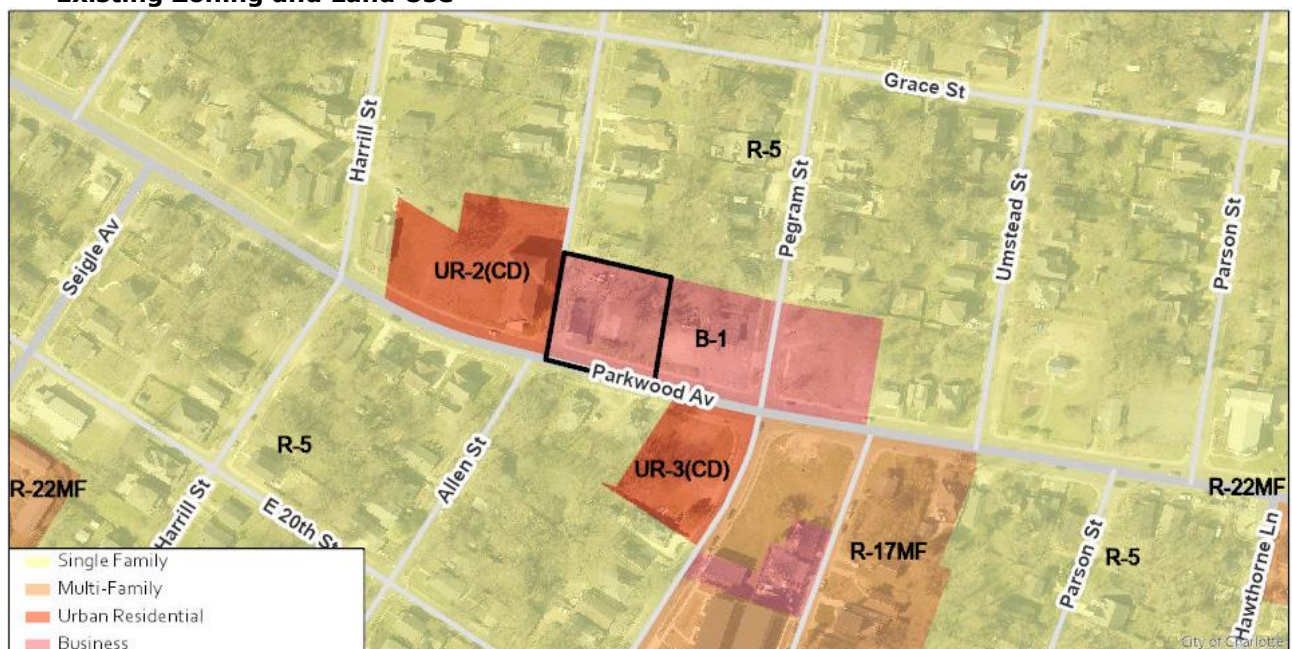
## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Proposes up to 22 multi-family dwelling units and up to 10,000 SF of retail at ground level and rooftop terrace.
- Single structure up to four stories in height.
- Restricts auto-oriented uses permitted within the NS district on the site including accessory drive-thru windows, automotive service stations, automotive maintenance services, auto sales and rental, fueling, and commercial car washes.
- Transportation improvements including:
  - 8-foot sidewalk and planting strip along the site's frontage with both Allen Street and Parkwood Avenue.
  - Off-street parking provided through a blend of surface, podium, and hydraulic lift spaces totaling 48 parking spaces.
  - Proposes access for residential units via improved adjacent alley from Allen Street.
- Architectural standards including:
  - A commitment to preferred building materials with a limitation on the use of vinyl on the site.
  - Commitment to first floor transparency standards as well as a minimum 30 percent brick or other masonry materials for ground floor building faces adjacent to public streets.
  - Limitations on blank wall expanses.
  - Building elevations designed with bays or other articulated architectural features.
  - 20 percent transparency minimum on all floors above ground level.
  - Full cutoff lighting.

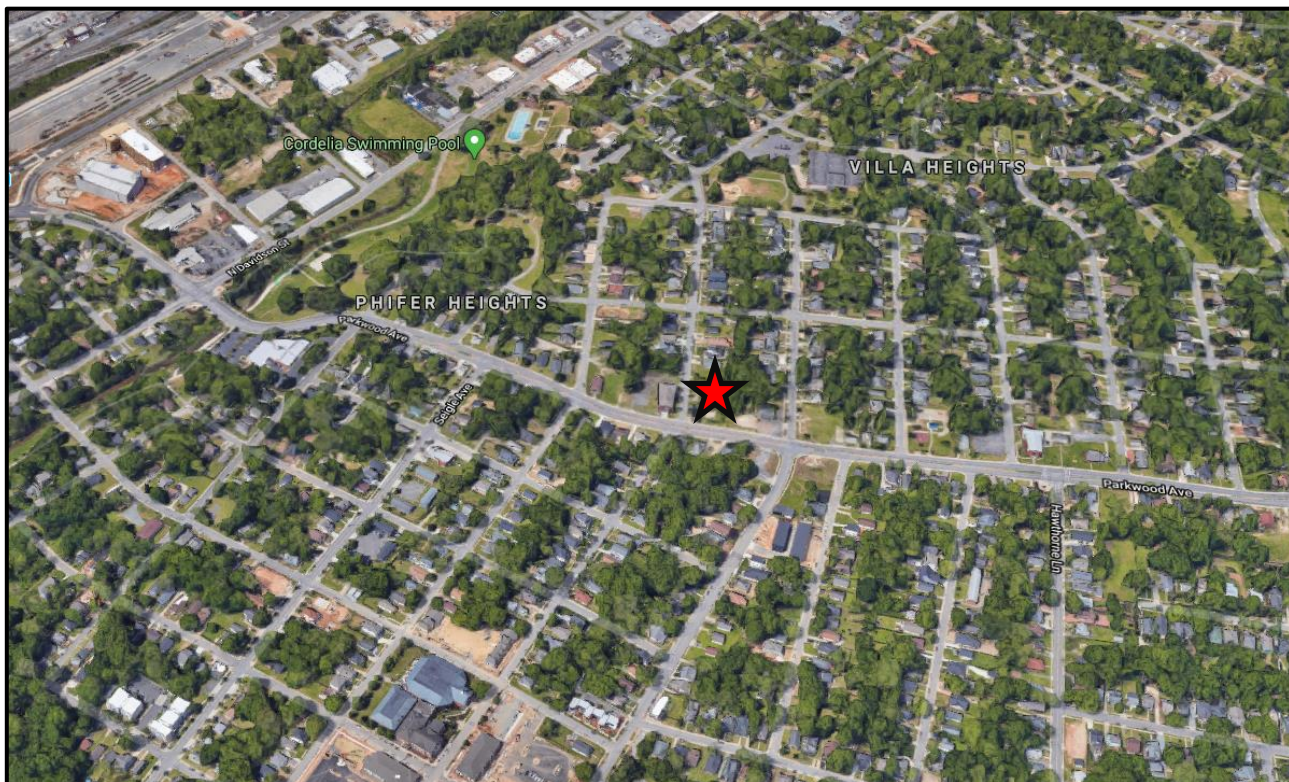
### • Existing Zoning and Land Use



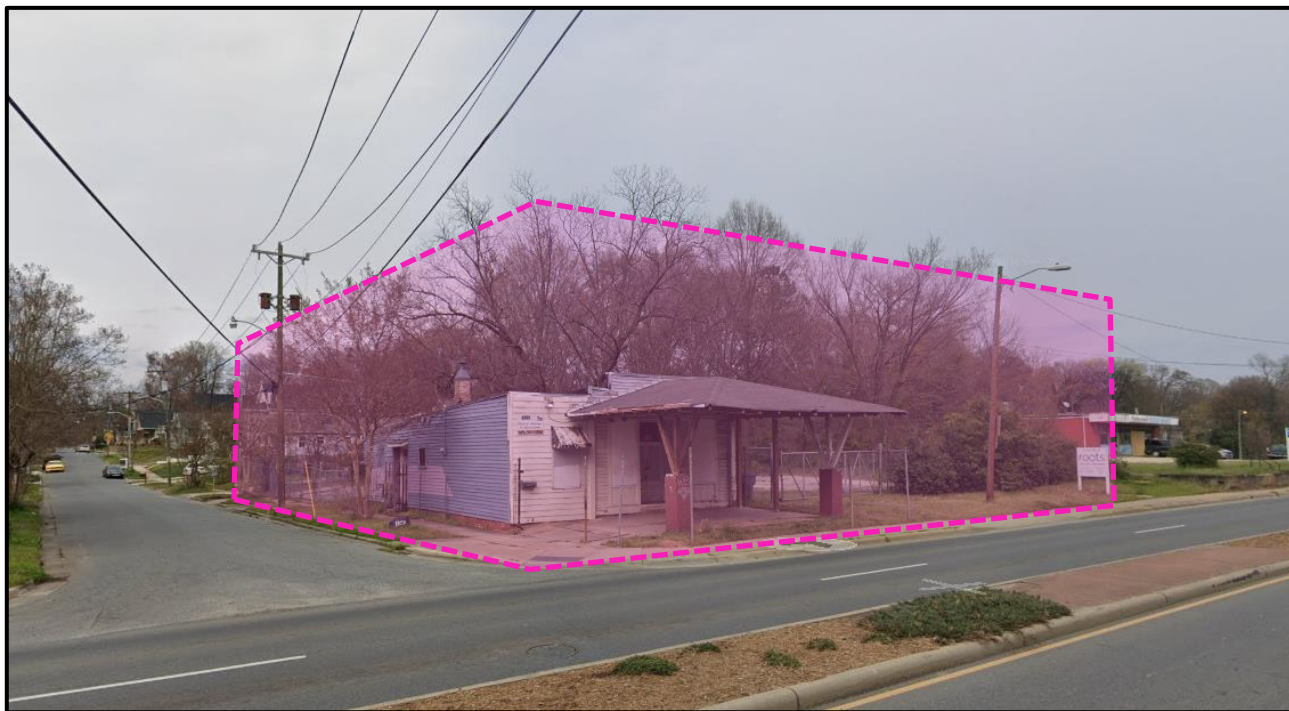
There have been no historic rezonings of the subject property. The area is largely surrounded by residential uses of varying density but the typical housing typology is detached single family residences. Recently, there have been two rezonings immediately adjacent to the subject property (2020-005 –



approved and 2019-156 – approved) that have sought to approve additional residential density along this portion of Parkwood Ave.



General location of subject property denoted by red star.



Streetview along Parkwood Avenue looking north toward the subject property. The extent of the site is illustrated by the bounding box.





Context of surrounding residential homes located along Allen Street. These homes are located directly behind the Parkwood Church multi-family redevelopment.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2020-005	Petition to rezone to allow multi-family, single-family and retail uses at the site.	Approved
2018-060	Adaptive reuse of existing church into condos with single-family attached product.	Approved



- **Public Plans and Policies**



- The *Belmont Area Revitalization Plan* (2003) recommends multi-family/office/retail uses for the site

- **TRANSPORTATION SUMMARY**

- The site is located on Parkwood Avenue (city-maintained, major thoroughfare) and Allen Street (City-maintained local road). The petitioner has committed to constructing an 8-foot planting strip and an 8-foot sidewalk on Allen Street and Parkwood Avenue per Chapter 19 and in accordance with the Charlotte WALKS plan. The petitioner has also committed to providing an accessible curb ramp per ADA and PROWAG requirements. There are no outstanding CDOT issues.

- **Active Projects:**

- Parkwood Ave. Road Diet (Parkwood Ave. Improvements)
  - Scope: Convert Parkwood Ave. from 4-lane divided to 2-lane divided with separated bike lanes between N. Davidson St. and The Plaza. The section between Hawthorne Ln. and The Plaza will be a transition section and will remain 4 lanes.
- Status: Bid (bid opening was 7/9/20; Council approval scheduled for 8/10/20)
- Schedule: Construction Fall 2020 through Fall 2021
- Project Manager:
  - Chandler Crofts
  - ccrofts@charlottenc.gov
  - 980-214-7291

- **Transportation Considerations**

- No outstanding issues.

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 20 trips per day (based on 2,020 SF office).

Entitlement: 800 trips per day (based on 5,100 SF B-1retail).

Proposed Zoning: 1,380 trips per day (based on 10,000 SF retail; 22 dwellings).

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

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



- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 2 students, while the development allowed under the proposed zoning may produce 4 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 4 students.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Villa Heights Elementary remains at 67%.
    - Eastway Middle remains at 118%.
    - Garinger High remains at 122%.
- **Charlotte Water:** Insert location information from memo. See advisory comments at [www.rezoning.org](http://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](http://www.rezoning.org)
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

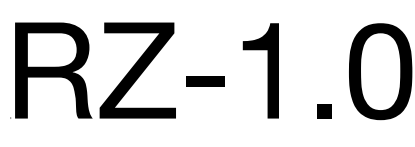
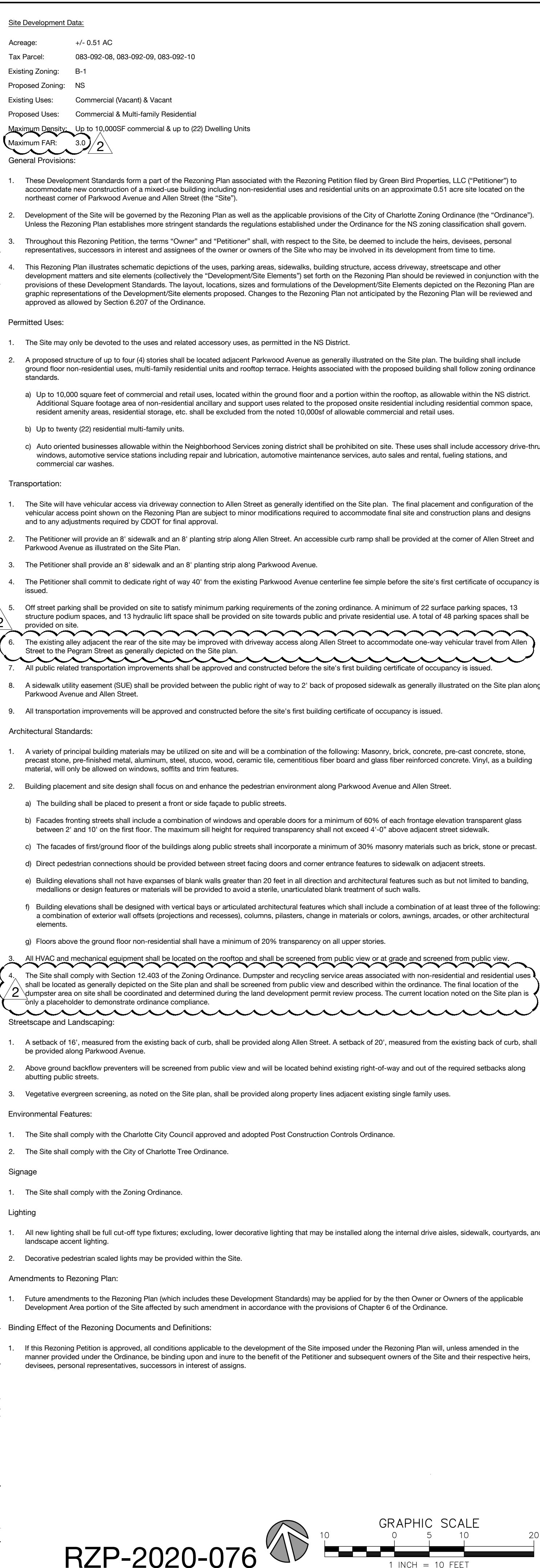
**OUTSTANDING ISSUES**Site and Building Design

1. Establish maximum height in feet for structure and list in conditional notes.
2. Illustrate vegetative screening as noted in conditional notes unless fence has replaced that design option because of improved alley.
3. Clarify if the intent is to improve the entire alleyway to connect Allen to Pegram or only a portion that is immediately adjacent to the site.

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**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** Will Linville (704) 336-4090







**Agenda Date:** 11/16/2020

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**Agenda #:** 25.**File #:** 15-14611 **Type:** Zoning Hearing

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## **Rezoning Petition: 2020-105 by Saratoga Asset Management, LLC**

**Location:** Approximately .95 acres located at the eastern corner of the intersection of Seigle Avenue and Van Every Street. (Council District 1 - Egleston)

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

**Proposed Zoning:** UR-C (CD) (urban residential-commercial, 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

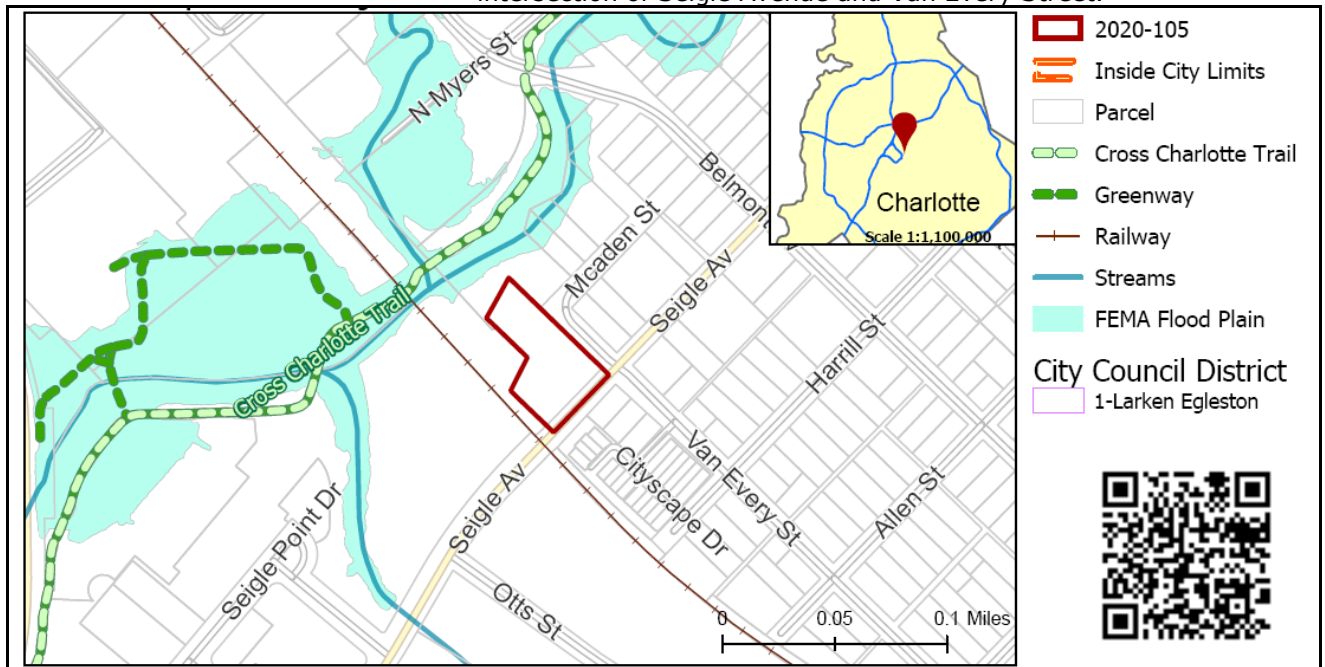
Site Plan

## REQUEST

Current Zoning: MUDD-O (mixed-use development, optional)  
Proposed Zoning: UR-C(CD) (urban residential-commercial, conditional)

## LOCATION

Approximately .95 acres located at the eastern corner of the intersection of Seigle Avenue and Van Every Street.



## SUMMARY OF PETITION

The petition proposes to establish a residential community of 24 attached units within four total buildings with office/retail uses through the adaptive reuse of an existing building.

## PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE COMMUNITY MEETING

White Zombie, LLC  
Matt Connolly, White Zombie, LLC  
Paul Pennell, Urban Design Partners

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

## STAFF RECOMMENDATION

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

### Plan Consistency

The petition is **consistent** with the *Belmont Area Revitalization Plan's* (2003) recommendation for residential/office/retail uses for the site.

### Rationale for Recommendation

- Per the area plan, development in this location would have a significant impact on the future of the larger Belmont community. It would help stabilize the neighborhood and create an environment attractive to new investment.
- The petition's proposed adaptive reuse of a portion of one of the existing structures at the site accomplishes the plan's



recommendation of taking a preservation-oriented approach to development.

- The petition's proposed uses (residential, retail, and/or office) do not differ from those approved in petition 2019-100.
- The petition's proposed uses are compatible with surrounding residential and non-residential uses.
- The petition's commitment to improving and extending Van Every Street while make pedestrian improvements along this site's frontage contributes to the plan's recommendation of making the Belmont neighborhood more pedestrian-friendly.

## PLANNING STAFF REVIEW

### • Background

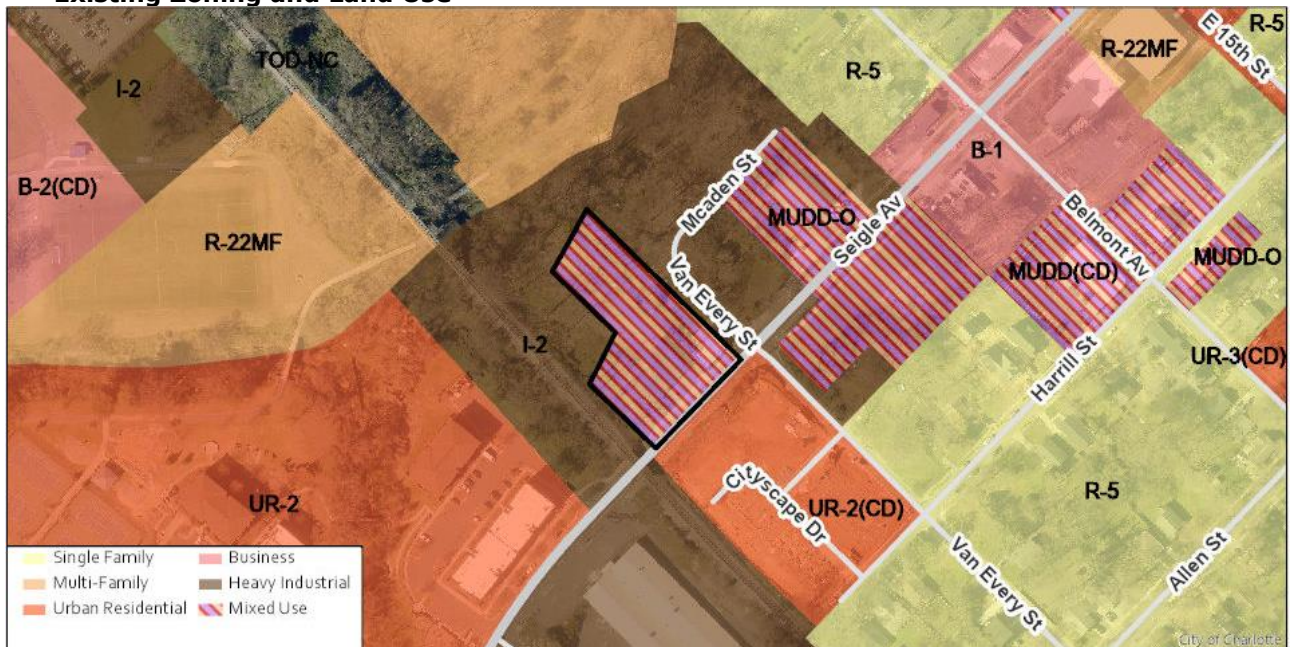
- This parcel was most recently rezoned in 2019. After receiving entitlements from 2019-100, a structural survey of the existing structures on site revealed that one building could not be saved. The current rezoning request stems from that revelation.

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

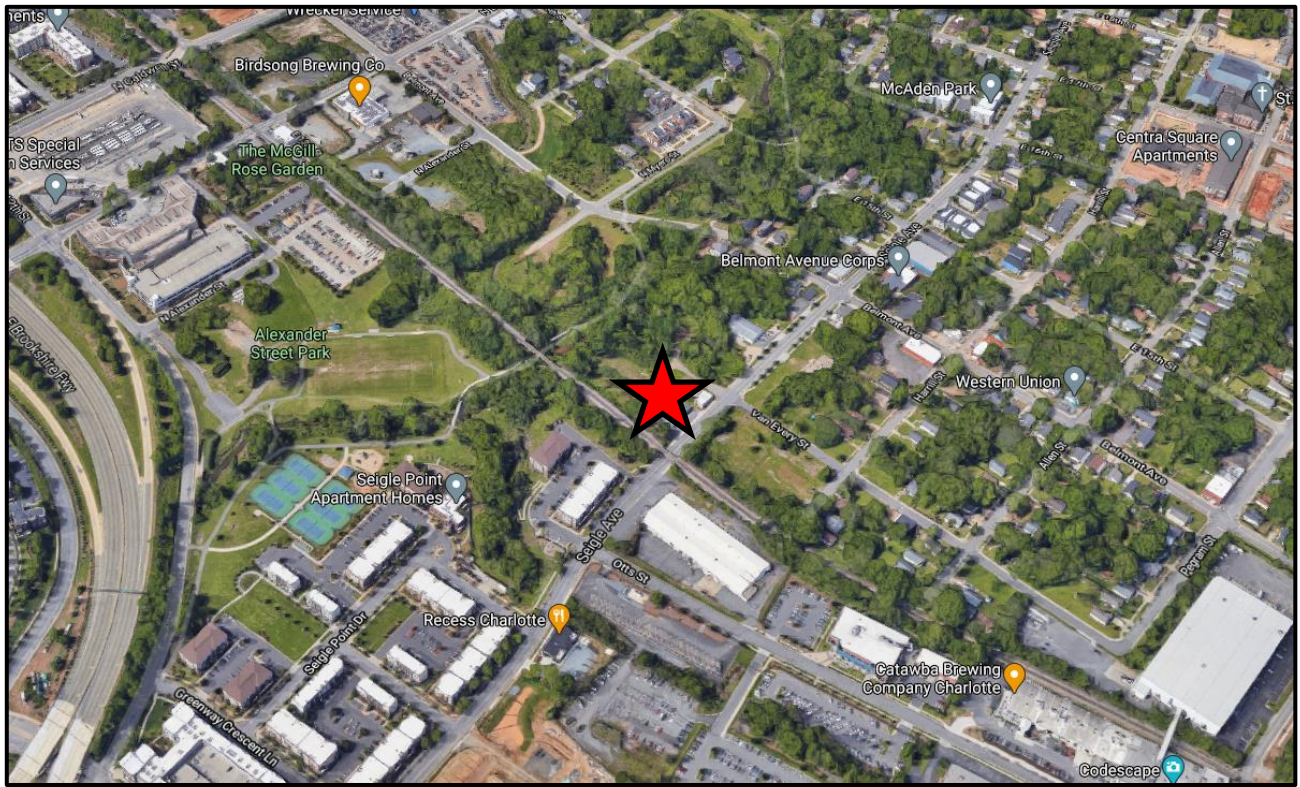
- Proposes up to 24 attached residential units within four buildings.
- Maximum height of 40'/3 stories.
- Commits to one affordable for sale unit at 50% AMI or lower for a period of 15 years.
- Transportation improvements including:
  - 8-foot planting strip and 8-foot sidewalk along the site's frontage with Seigle Avenue and Van Every street.
  - Improving sidewalk ramps at the corner of Seigle Avenue and Van Every Street.
- Architectural design standards including:
  - Commitment to rehabilitate an approximate 1,300 SF portion of an existing building for adaptive reuse while allowing for expansion and accommodation for rooftop elements.
  - Potential façade improvements to the existing structure.
  - Prohibition of vinyl as a primary building material.
  - Blank wall provisions that limit blank wall expanse to 20 feet adjacent to public streets on all building levels.
  - Walkways connected to public rights-of-way (sidewalks).
  - Residential units directly adjacent to Seigle Avenue treated with a porch, patio, or stoop adjacent to the ROW.
  - On-site detached lighting limited to 20' in height.

### • Existing Zoning and Land Use

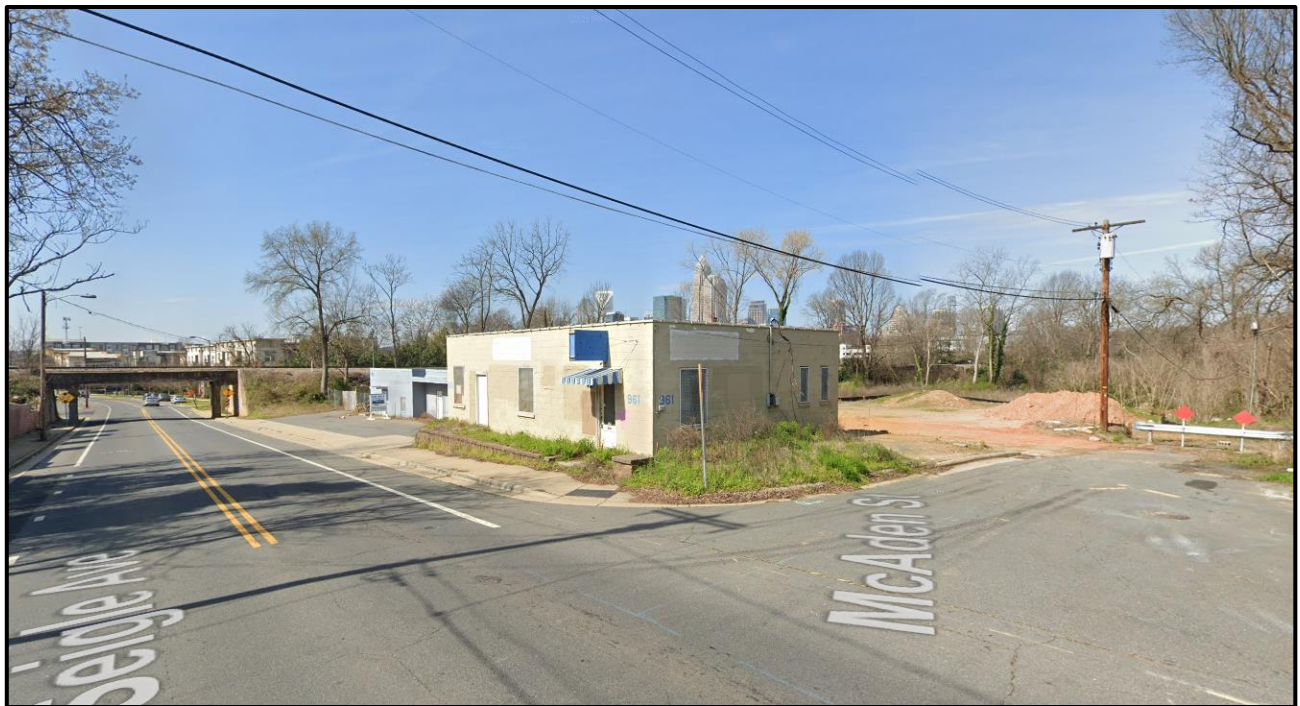




The site was most recently rezoned in 2019 (2019-100) which updated the site's zoning district to mixed-use development from general industrial. It entitled the site to residential/office/retail uses. Surrounding land uses include detached single family residences, attached single family, and retail.



General location of site denoted by red star.



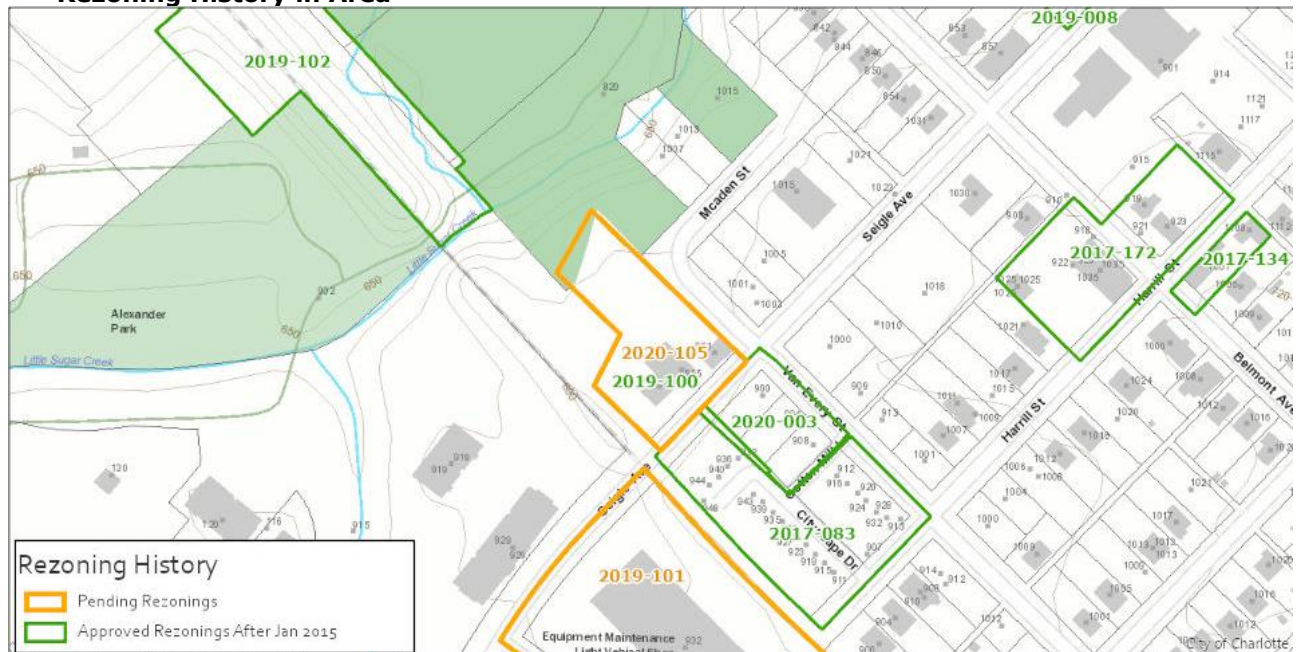
Streetview along Seigle Avenue looking west toward the subject property. A portion of the blue building in the background will be repurposed for retail/office uses.





Streetview along Seigle Avenue looking southeast across the street from the subject property. Recent rezoning at this site has resulted in the construction of a new townhome community at this location.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2020-003	Petition to develop vacant parcel into single-family attached residential units.	Approved
2019-008	Petition to redevelop site to accommodate 35 multi-family residential units.	Approved
2019-102	City-sponsored petition to rezone multiple parcels along the LYNX Blue Line to transit-supportive zoning districts.	Approved
2019-101	City-sponsored petition to rezone a former industrial parcel to mixed-use development (optional).	Pending
2019-100	Previous rezoning petition for this parcel that would have preserved the existing structures on the site to provide retail/office uses while adding attached residential units.	Approved



2017-172	City-sponsored petition to reuse existing commercial buildings to allow EDEEs and other uses.	Approved
2017-134	Petition to reuse existing buildings to allow EDEEs and other uses.	Approved

- **Public Plans and Policies**



- The *Belmont Area Revitalization Plan* (2003) recommends residential/office/retail for this site.
- **TRANSPORTATION SUMMARY**
  - The site is located on a minor thoroughfare and a local road. The petitioner commits to constructing an 8-foot planting strip and an 8-foot sidewalk along Seigle Avenue and Van Every Street in accordance with the Charlotte WALKS Plan. The petitioner also commits to reconstructing two curb ramps on the north quadrant of the Seigle Avenue/Van Every Street Intersection in accordance with PROWAG and the ADA law. There are no outstanding CDOT issues.
- **Active Projects:**
  - N/A
- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**

Current Zoning:

  - Existing Use: 0 trips per day (based on vacant land use).
  - Entitlement: 1,630 trips per day (based on 13,800 SF retail; 12 townhomes).
  - Proposed Zoning: 280 trips per day (based on 3,900 SF retail; 24 townhomes).

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

- **Charlotte Area Transit System:** See Outstanding Issues, Note 1.
- **Charlotte Department of Housing and Neighborhood Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte Department of Solid Waste Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate one student, while the development allowed under the proposed zoning may produce two students. Therefore, the net increase in the number of students generated from existing zoning to proposed is one student.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Villa Heights Elementary remains at 67%
    - Eastway Middle remains at 118%



- Garinger High remains at 122%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along Seigle Avenue. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Seigle Avenue. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Engineering and Property Management:**
  - **Arborist:** No outstanding issues.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

**OUTSTANDING ISSUES**Transportation

1. Per CATS request, remove 60-foot operating/active corridor from the rezoning.

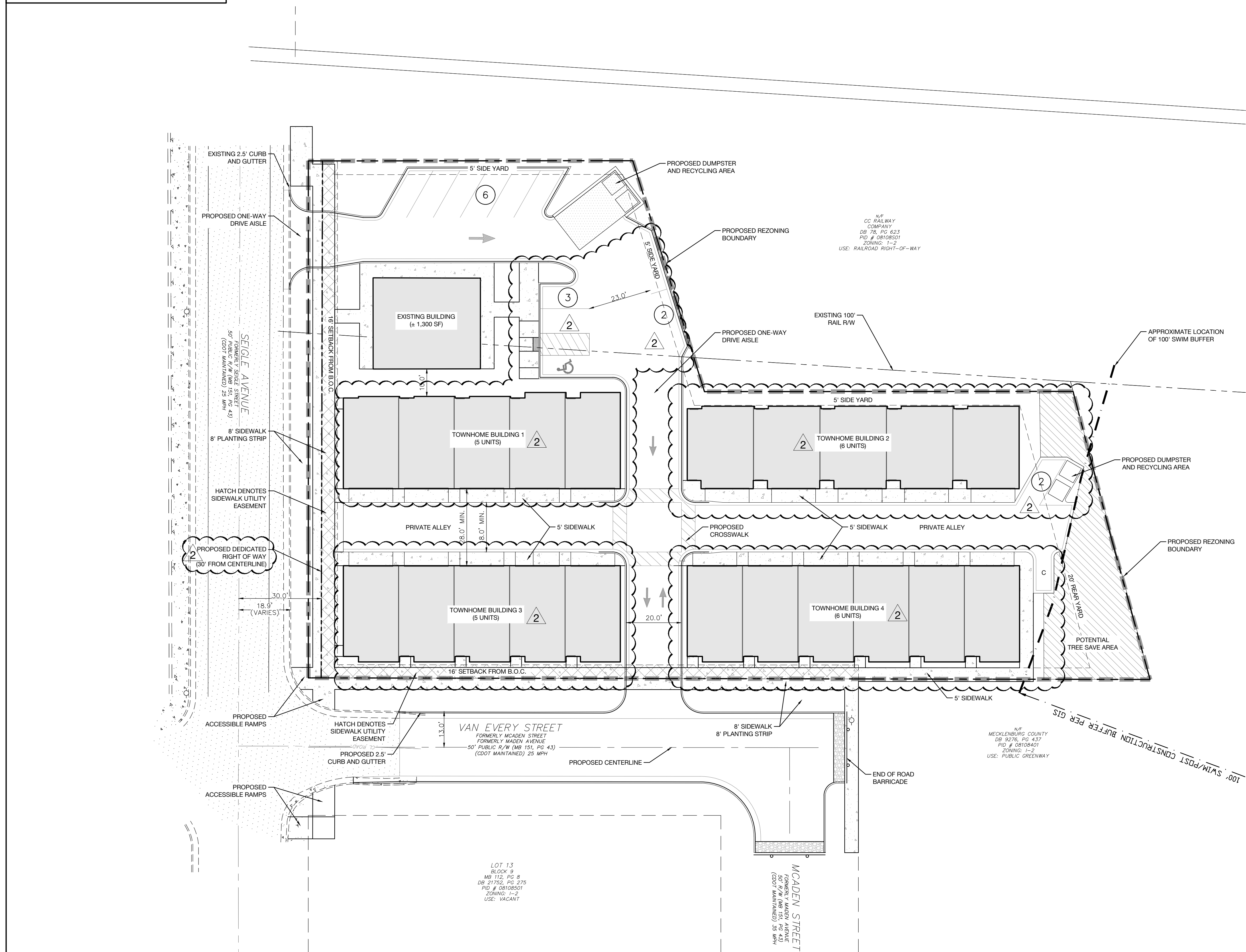
Site and Building Design



2. Please add note describing mitigation techniques used to prevent view of garage doors from Seigle Avenue.
3. Provided minimum depth of usable stoops from back of sidewalk.

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**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** Will Linville (704) 336-4090



Acreage: +/- 0.95 AC  
 Tax Parcel: 081-084-15  
 Existing Zoning: MUDD(O)  
 Proposed Zoning: UR-C(CD)  
 Maximum FAR: 3.0   
 Existing Uses: Commercial (Vacant)  
 Proposed Uses: Residential & Non-Residential uses allowable within UR-C  
 Max Density: 3.900sf of Non-Residential uses & up to (22) Residential Units   
 General Provisions:

1. These Development Standards form part of the Rezoning Plan associated with the Rezoning Petition filed by White Zomba, LLC (the "Petitioner") to accommodate the development of a mixed-use development on an approximate 0.95 acre site located at the corner of Seigle Avenue and Van Every Street, which is more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Tax Parcel Numbers 081-084-15.
2. 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 Development Standards establish more stringent standards, the regulations established under the Ordinance for the "UR-C" Zoning District shall govern all development taking place on the Site. The configurations, placements and sizes of the buildings, parking areas, open space and public road improvements depicted on the Rezoning Plan are schematic in nature and therefore are subject to refinements as part of the total design process.

1. Uses allowed within the rezoning area included in this Petition are those uses that are permitted within the UR-C zoning district. However, those uses shall be limited as described within the following development conditions and as generally indicated within this petition.
  - a. Existing Building: Allowable non-residential uses (Office/Retail) as described in Chapter 9 Section 9.403(4) in the Zoning Ordinance. Approximately 1,300sf of the existing structure to remain but not demolished, additions and renovations shall be allowable.
  - b. Residential Units: Four (4) single-family attached townhome buildings providing up to twenty-four (24) residential units on site. Each building to be a maximum of 3-stories and at a height of no more than 40'.
  - c. One (1) residential unit located within the proposed development shall be restricted for a period of 15 years for sale to buyers earning at or below 50% the Charlotte Area Median Income (AMI). Terms of this restrictive covenant shall be incorporated into the deed of sale for each affordable unit.

1. Vehicular access to public rights of way will be as generally depicted on the Rezoning Plan. The site shall provide two-way vehicular access at Van Every Street and one-way In access from Seigle Avenue as depicted on the site plan.
2. The petitioner agrees to dedicate a minimum of 30' of right-of-way as measured from the Seigle Avenue centerline. Dedication of Seigle Avenue right-of-way shall be conveyed fee simple prior to the sites first certificate of occupancy being issued.
3. The petitioner agrees to provide accessible sidewalk ramps at the corner of Van Every Street and Seigle Avenue as illustrated on the Site plan to accommodate an accessible connection across Seigle Avenue and Van Every Street.
4. The petitioner agrees to extend Van Every Street within the existing Van Every Street right of way as generally depicted on the site plan.

5. All transportation improvements, including sidewalk and accessible ramps, within the public right of way shall be approved and constructed prior to the sites first certificate of occupancy is issued.
6. An 8'-0" sidewalk and 8' landscape strip shall be provided on site within the public rights of way at Seigle Avenue and Van Every Street as generally depicted on the site plan.
7. A sidewalk utility easement (SUE) shall be provided between the existing public right of way to 1' behind proposed sidewalk along Seigle Avenue and Van Every Street as generally illustrated on the Site plan.

1. In addition to design provisions contained within the district regulations of the Zoning Ordinance for the UR-C district, the development of the site will be governed by the following provisions and standards produced by the Petitioner and which will be binding on the development of the site. +
2. The petitioner shall limit the maximum height of each residential structure on site to 40' and (3) three stories.

3. An approximate 1,300 square foot portion of an existing structure, noted as "Existing Building" on the Site plan, shall be renovated and adaptively re-used while complying with current building codes. Building additions and expansions, including roof top patios, to the existing structure on site shall be permissible. All other remaining existing structures and portions of existing structures on site shall be demolished.
4. The following provisions and standards shall apply regarding design guidelines and the architectural design of structures proposed on the site. It is the intent of these standards to provide design flexibility in design while achieving architectural continuity and visual harmony throughout the proposed development.

- a. Façade improvements allowable: existing structure on site shall include improved fenestration of existing exterior walls, replacement of windows and expansion of window areas, replacement and expansion of existing doorways, addition of pedestrian entrances and egress points, covered and uncovered patio areas, exterior stairs, architectural accents & signage.
  - b. Proposed residential structures constructed on the Site may use a variety of building materials. The building materials utilized will be a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, pre-cast concrete, synthetic stone, cementitious siding (such as Hardi-plank), EIFS, metal or wood.
  - c. Vinyl will not be used as a primary exterior building material, but may be utilized for trim, soffits, architectural detailing, insulation
  - d. Petitioner shall provide blank wall provisions that limit the maximum blank wall expense to 20 feet adjacent public streets on all building levels, including but not limited to doors, windows, awnings, and/or architectural design elements.
  - e. Residential units shall be provided walkways to connect to public rights of way, as generally depicted on the Site plan.
- Units fronting Seigle Avenue and Van Every Street shall provide entrances facing the street with a sidewalk connection to a public right of way. A sidewalk connection from residential structures to public right of way may be a shared right of way, or a shared right of way to public right of way.

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

**Environmental Features:**

1. The Petitioner shall comply with the City of Charlotte Post Construction Ordinance.
2. The approximate location of a 100' Surface Water Improvement & Management (SWIM) Buffer is generally depicted on the site plan. The final location of the buffer shall be determined prior to construction.
3. An investigation of potential stream and wetlands shall be conducted on site prior to submittal of land development documents to the City of Charlotte Land Development Office.
4. The Site shall comply with Section 12.403 of the Zoning Ordinance and reserve area, as generally depicted on the Site plan, to comply with dumpster/compactor and recycling container placement as required.
5. Prior to any renovation or demolition occurring on site, Mecklenburg County Land Use & Environmental Services Agency shall be contacted regarding the potential removal of any hazardous materials. Submission of a Notifications of Demolition and Renovations to Mecklenburg County Air Quality may be required prior to any work or construction commencing.

Signage:

1. The Petitioner shall comply with the City of Charlotte Signage Ordinance.

Lighting:

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

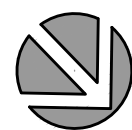
Amendments to Rezoning Plan:

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

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

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

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

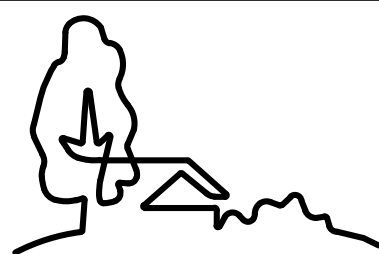


GRAPHIC SCALE

20 0 10 20 40

1 INCH = 20 FEET

# REZONING PETITION #2020-105



URBAN  
DESIGN  
PARTNERS

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

White Zombie, LLC

# Rezoning Site Plan

1401 Central Ave. Suite 200-G

# Seigle Mixed Use

[illegible]

Project No: 20-054  
Date: 06.16.2020  
Designed By: UDP  
Checked By: UDP  
Sheet No:

# RZ-1.0





**Agenda Date:** 11/16/2020

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**Agenda #:** 26. **File #:** 15-14612 **Type:** Zoning Hearing

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## **Rezoning Petition: 2020-113 by Catalyst Capital**

**Location:** Approximately 6.95 acres located along the south side of Wilkinson Boulevard and along the west side of Berryhill Road. (Council District 3 - Watlington)

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

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

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

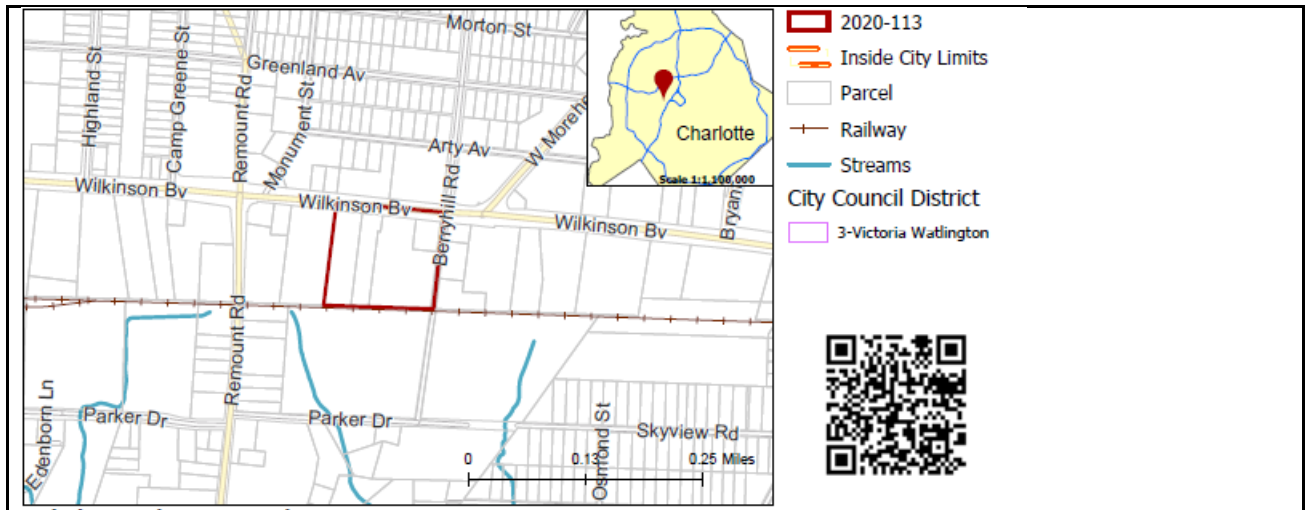
Pre-Hearing Staff Analysis

## REQUEST

Current Zoning: I-1 (light industrial)  
 Proposed Zoning: TOD-CC (transit oriented development – community center)

## LOCATION

Approximately 6.95 acres located along the south side of Wilkinson Boulevard and along the west side of Berryhill Road.



## SUMMARY OF PETITION

The petition proposes to allow all uses in the TOD-CC (transit oriented development-community center) district on a vacant parcel located less than ½ mile from the [proposed](#) Remount Transit Station [on the LYNX Silver Line](#) in West Charlotte.

## PROPERTY OWNER

SP-Charlotte LLC; Vekash Holdings II LLC

## PETITIONER

Catalyst Partners

## AGENT/REPRESENTATIVE

Collin Brown and Brittany Lins/Alexander Ricks

## COMMUNITY MEETING

Meeting is not required.

## STAFF RECOMMENDATION

Staff recommends approval of this petition.

### Plan Consistency

The petition is **inconsistent** with the *Bryant Park Land Use and Streetscape Plan* recommendation for warehouse/distribution uses.

### Rationale for Recommendation

- The subject site is less than .15 mile from the [proposed](#) Remount Road Transit Station on the LYNX Silver Line.
- Use of conventional TOD-CC (transit oriented development-community 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 .50 mile of transit stations.

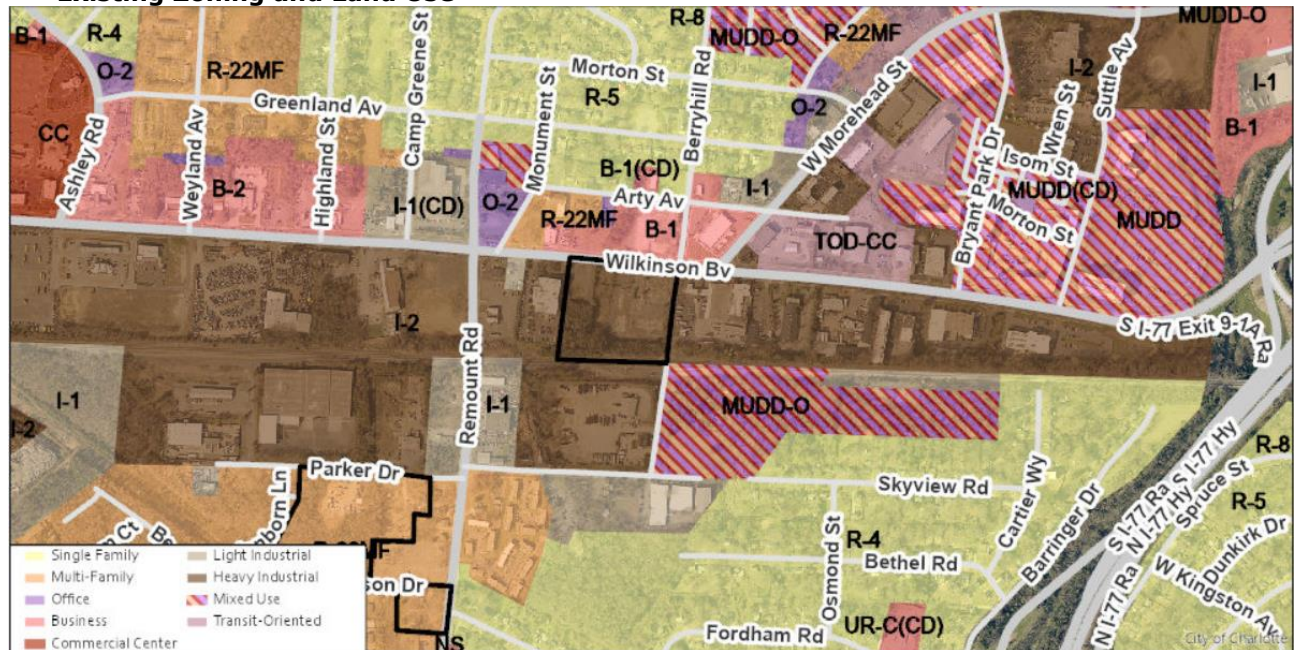
The approval of this petition will revise the adopted future land use from warehouse/distribution as specified in the *Bryant Park Land Use and Streetscape Plan* to transit oriented development for the site.

### PLANNING STAFF REVIEW

- **Proposed Request Details**

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

- **Existing Zoning and Land Use**



The site is currently vacant and surrounded by industrial, office, retail, warehouse/distribution uses along Wilkinson Boulevard. North and south of Wilkinson Boulevard are industrial, warehouse/distribution, residential, and institutional uses.



The site is currently vacant.





The Southern Railway abuts the site to the south.



Along Wilkinson Boulevard are industrial, office, retail, and warehouse/distribution uses.



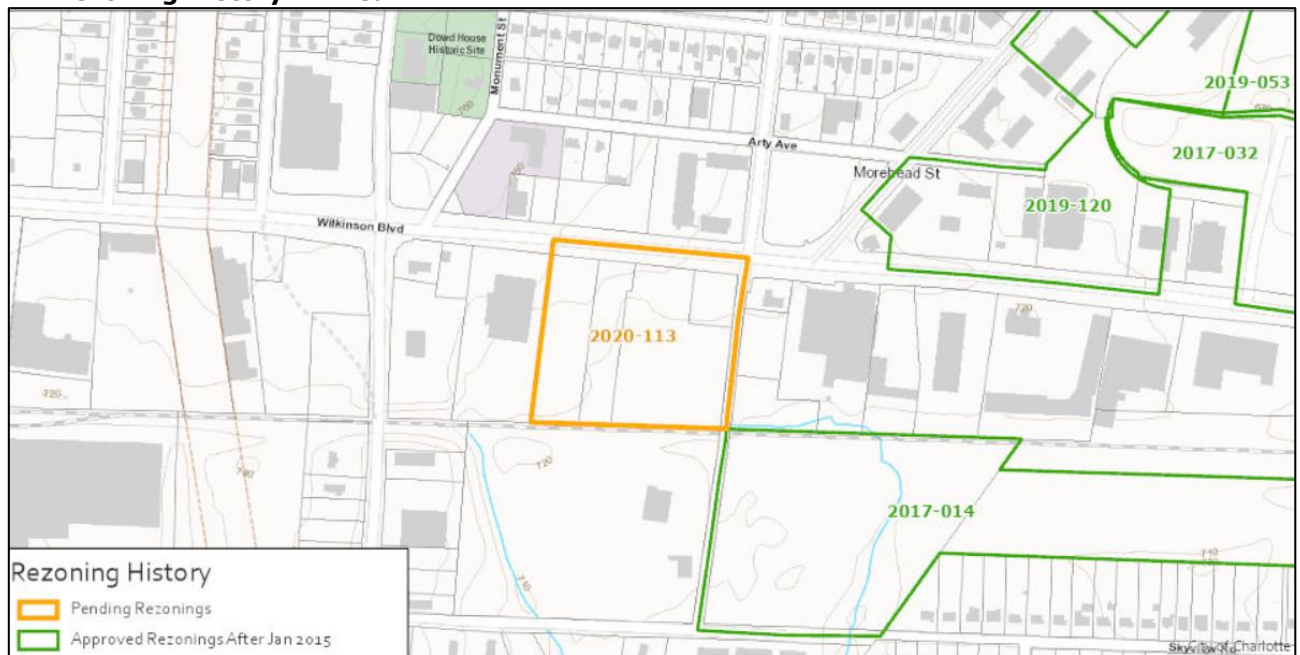
North of Wilkinson Boulevard are residential neighborhoods and institutional uses.





The site is immediately surrounded by a mix of industrial, office, retail, warehouse distribution uses.

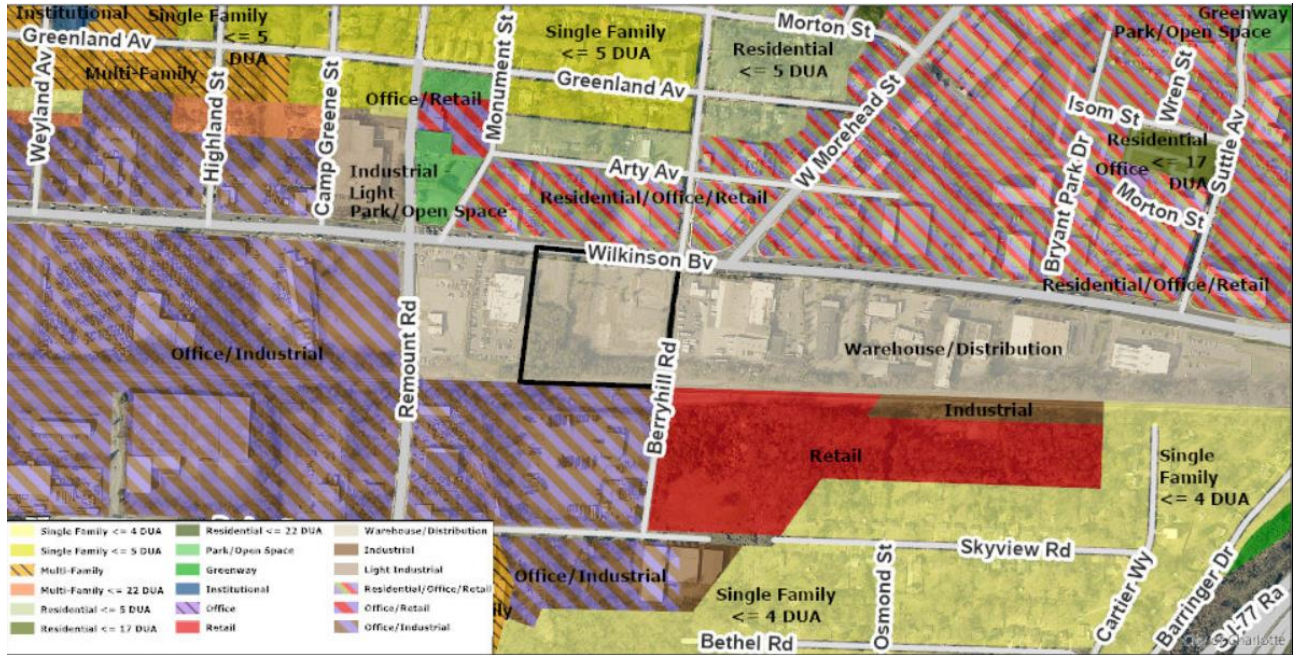
- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-120	Rezoned 8.5 acres from I-2 to TOD-CC.	Approved
2019-056	Rezoned 4.95 acres from I-2 to MUDD-O.	Approved
2019-053	Rezoned 2.65 acres from O-1 and I-2 to MUDD-O.	Approved
2017-034	Rezoned 1.6 acres from O-1 to MUDD(CD).	Approved
2017-032	Rezoned 10 acres from I-2 to MUDD-O.	Approved
2017-014	Rezoned 17.57 acres from R-4 and I-1 to MUDD-O.	Approved



### • Public Plans and Policies



- The *Bryant Park Land Use & Streetscape Plan* (adopted 2007) recommends warehouse/distribution for this site and surrounding parcels on this side of Wilkinson Boulevard, in a pedestrian oriented form that anticipated a future transit line.
- The site is within 0.15 miles from a proposed future transit station stop for the CATS Silver Line. The *Bryant Park Land Use & Streetscape Plan* anticipated the West Transit Corridor as a proposed streetcar line, running along West Morehead Street and then Wilkinson Boulevard.
- The site associated with Petition #2020-113 is located along the western segment of the proposed Silver Line Light Rail Transit (LRT) corridor and within a ¼ mile of the proposed Remount Road LRT station. The adopted alignment is in the center of Wilkinson Boulevard. CATS is currently re-evaluating the alignment which may impact parcels along Wilkinson Boulevard. In this general location an alternate alignment adjacent to the Norfolk Southern freight rail corridor on the northern side is being evaluated. A final LPA decision is expected early 2021.
- CATS supports zoning districts that allow transit-oriented development form and density within a ½ mile distance of transit stations.

### • TRANSPORTATION CONSIDERATIONS

- The site is located at the corner of Wilkinson Boulevard and Berryhill Road, a state-maintained major thoroughfare and a city-maintained local road, near the intersection of Wilkinson and Morehead. This site is encouraged to provide transportation networks to complement better pedestrian and bicycle facilities, per Charlotte BIKES and WALKS policies. Additionally, this site will be immediately adjacent to the future LYNX Silver Line, ultimately providing multi-modal transportation options in this area to promote first-mile/last-mile initiatives. The cross-sections and curbline location(s) of Wilkinson Boulevard are to be determined based on active Silver Line Light Rail and Rail Trail planning. The petitioner is to coordinate with CATS regarding right-of-way locations, infrastructure placement, and any additional items pertinent to this development and Silver Line Light Rail and Rail Trail Planning.
- Active projects near the site:
  - CIP Project: LYNX Silver Line
    - Proposed Light Rail project from Central Piedmont Community College in the Town of Matthews to Monroe Road and Independence Boulevard through Uptown Charlotte then along Wilkinson Boulevard to the City of Belmont.
    - Schedule: TBD
- See advisory comments at [www.rezoning.org](http://www.rezoning.org).
- **Vehicle Trip Generation:**
  - Current Zoning:
  - Existing Use: Vacant
  - Entitlement: 170 trips per day (based on 76,500 sq ft warehouse; 5.1 acres zoned I-2).
  - Proposed Zoning: Too many uses to determine.



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

- **Charlotte Area Transit System:** The site associated with Petition #2020-113 is located along the western segment of the proposed Silver Line Light Rail Transit (LRT) corridor and within a ¼ mile of the proposed Remount Road LRT station. The adopted alignment is in the center of Wilkinson Boulevard. CATS is currently re-evaluating the alignment which may impact parcels along Wilkinson Boulevard. In this general location an alternate alignment adjacent to the Norfolk Southern freight rail corridor on the northern side is being evaluated. A final LPA decision is expected early 2021. CATS supports zoning districts that allow transit-oriented development form and density within a ½ mile distance of transit stations.
    - See advisory comments at [www.rezoning.org](http://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 proposed zoning is to be determined (too many uses to determine). See advisory comments at [www.rezoning.org](http://www.rezoning.org).
  - **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along Wilkinson Road. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Berryhill 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](http://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](http://www.rezoning.org)**

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



**Agenda Date:** 11/16/2020

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**Agenda #:** 27. **File #:** 15-14613 **Type:** Zoning Hearing

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## **Rezoning Petition: 2020-114 by Freedom Drive Terminal, LLC**

**Location:** Approximately 6.01 acres located east of Little Rock Road, north of Fred D. Alexander Boulevard, and south of Old Mount Holly Road. (Council District 3 - Watlington)

**Current Zoning:** B-1 LLWPA (neighborhood business, Lower Lake Wylie Protected Area), R-4 LLWPA (single-family residential, Lower Lake Wylie Protected Area)

**Proposed Zoning:** I-1 LLWPA (light industrial, Lower Lake Wylie Protected Area)

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Pre-Hearing Staff Analysis

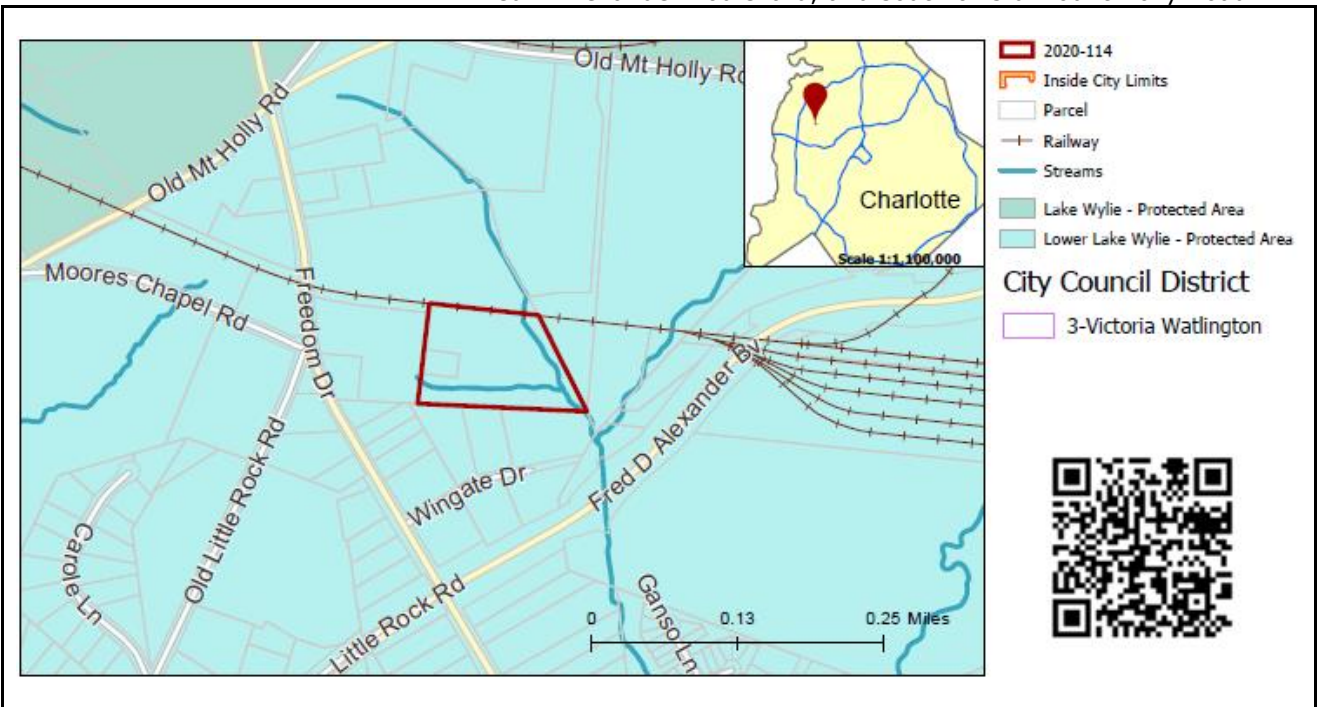


**REQUEST**

Current Zoning: B-1 LLWPA (neighborhood business, Lower Lake Wylie Protected Area), R-4 LLWPA (single family residential, Lower Lake Wylie Protected Area)  
Proposed Zoning: I-1 LLWPA (light industrial, Lower Lake Wylie Protected Area)

**LOCATION**

Approximately 6.01 acres located east of Little Rock Road, north of Fred D Alexander Boulevard, and south of Old Mount Holly Road.



**SUMMARY OF PETITION**

The petition proposes to rezone the site to I-1 to allow development of an automobile repair and inspection shop and other future projects consistent with I-1.

**PROPERTY OWNER  
PETITIONER  
AGENT/REPRESENTATIVE  
COMMUNITY MEETING**

Freedom Drive Terminal LLC  
Freedom Drive Terminal LLC  
John Riordan  
Meeting is not required.

**STAFF  
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the *Northwest District Plan* (1990) recommendation for single family up to four dwelling units per acre, and multi-family residential.

Rationale for Recommendation

- The site is adjacent to heavy industrial uses and a Duke Energy sub-station.
- The site is just south of the heavy industrial tank farm uses along Freedom Drive and Old Mt. Holly Road.
- On the southern portion of the site are Duke Energy power lines.

- The site may not be best suited or compatible for residential uses given the industrial uses and zoning around it.

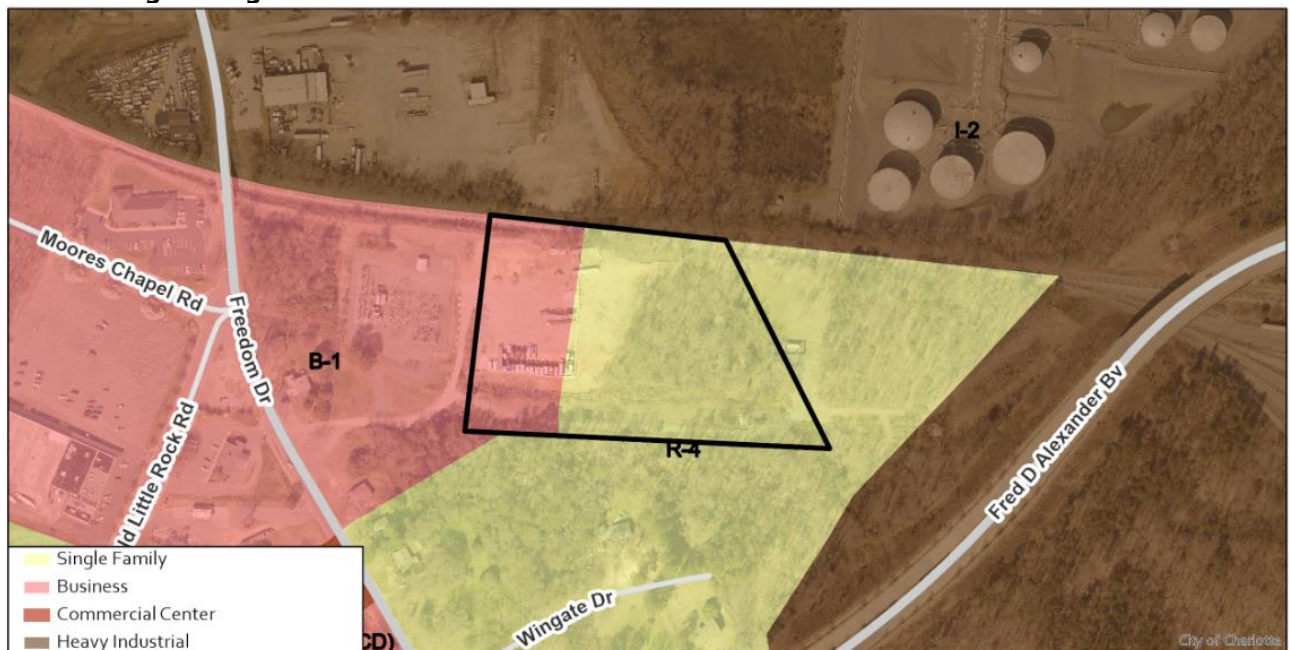
The approval of this petition will revise the adopted future land use as specified by the *Northwest District Plan*, from single family up to four dwelling units per acre and multi-family uses to industrial use for this site.

#### PLANNING STAFF REVIEW

- **Proposed Request Details**

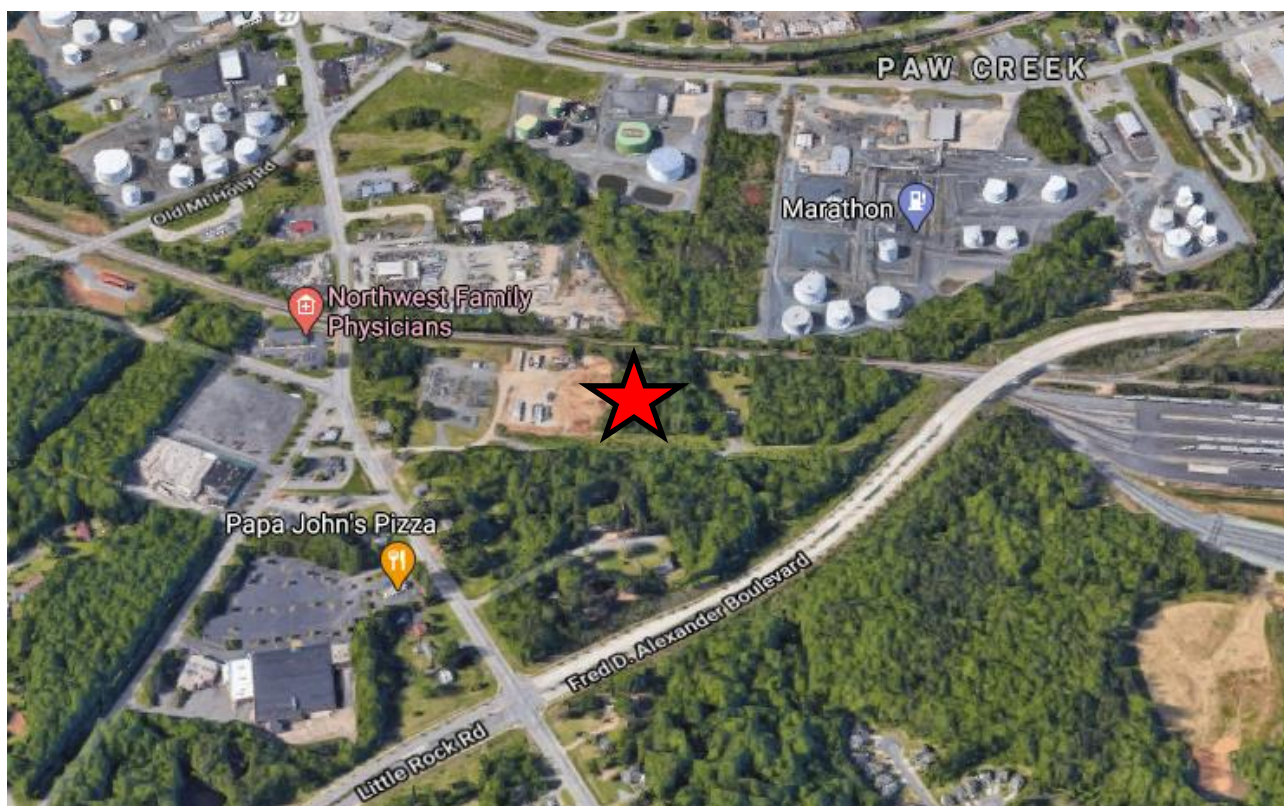
This is a conventional rezoning petition with no associated site plan.

- **Existing Zoning and Land Use**



A portion of the subject property is currently used for outdoor storage while the remainder is vacant, wooded land.





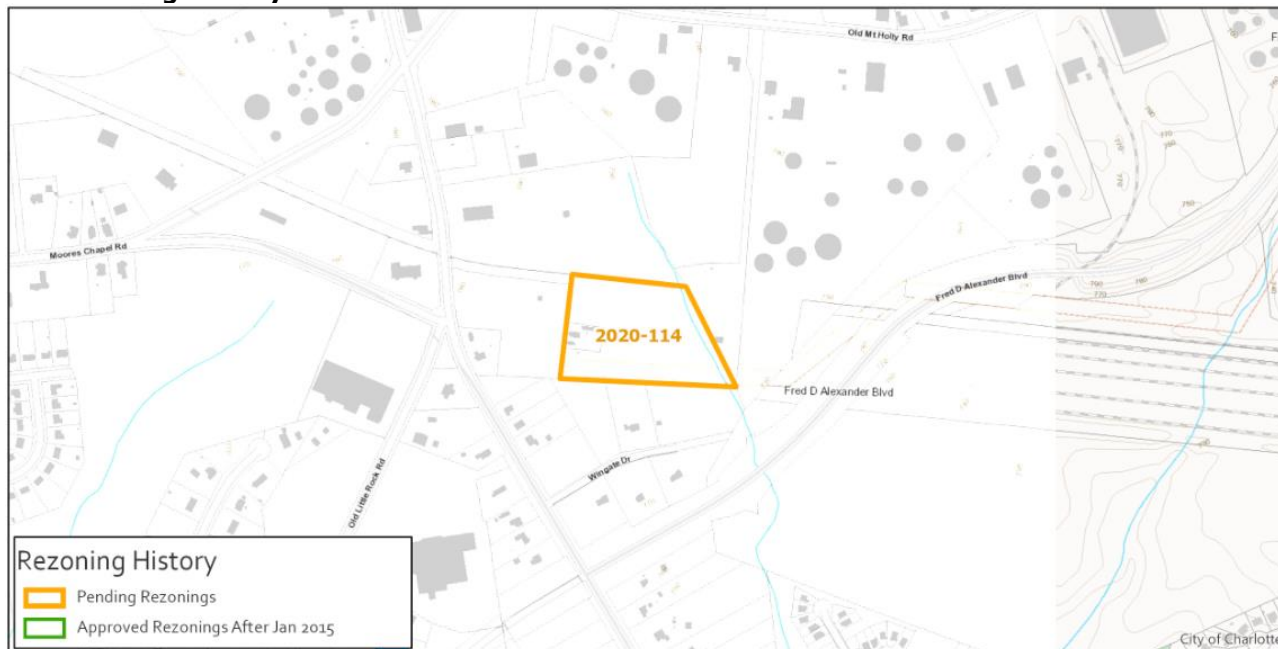
The subject property is denoted by a red star. Surrounding land uses include industrial outdoor storage, fuel storage tanks, an electric power substation, and a few single family homes.



View towards the site from Freedom Drive. The site is located behind the power substation and outdoor storage area.

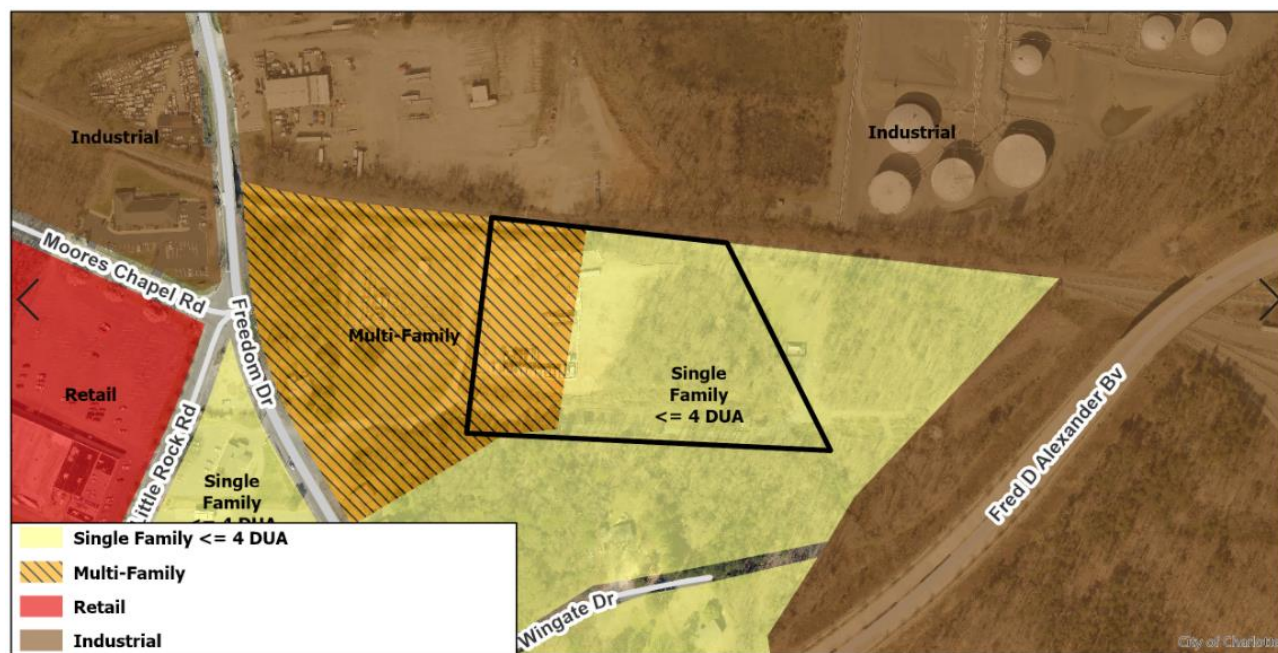


- **Rezoning History in Area**



There are no recent rezonings in the vicinity of the site.

- **Public Plans and Policies**



- The *Northwest District Plan* (adopted 1990) recommends multi-family for the B-1 zoned portion of the site and single family at less than or equal to four dwelling units per acre for the R-4 zoned portion of the site.



- **TRANSPORTATION SUMMARY**

- The site is not located along an existing public road. No TIS is required at this time, unless the future roadway network has impacts. CDOT recommends the petitioner establish a cross access easement to gain access to the subject site, since it is landlocked.

- **Active Projects:**

- Freedom Drive (NC-27) Widening
  - The project will implement pedestrian and bike facilities along Freedom Drive between Toddville Road and Moores Chapel Road
  - Construction start date: 2023

- **Transportation Considerations**

- No outstanding issues.

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 0 trips per day (based on 6.01 acres of vehicle storage).

Entitlement: 950 trips per day (based on 16 single family homes and 20,000 square feet of retail).

Proposed Zoning: 140 trips per day (based on 60,100 square feet of warehouse).

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

- **Charlotte Area Transit System:** No comments submitted.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No comments submitted.
- **Charlotte-Douglas International Airport:** No comments submitted.
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Historic Landmarks:** No comments submitted.
- **Charlotte-Mecklenburg Police Department:** No comments submitted.
- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
- **Charlotte Water:** Charlotte Water currently does not have water system accessible for the rezoning boundary under review. The development will need to donate pipeline infrastructure to CLTWATER to serve this parcel. The applicant should contact Charlotte Water's New Services at (704) 432-2854 for more information regarding access to water system connections. Sewer service is accessible for this rezoning boundary. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
  - **Land Development:** No comments submitted.
  - **Storm Water Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
  - **Urban Forestry:** No comments submitted.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)

**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

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



**Agenda Date:** 11/16/2020

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**Agenda #:** 28.**File #:** 15-14614 **Type:** Zoning Hearing

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## **Rezoning Petition: 2020-115 by Crosland Southeast**

**Location:** Approximately 2 acres located on the west side of Pecan Avenue, north of Independence Boulevard, south of Central Avenue. (Council District 1 - Egleston)

**Current Zoning:** B-2 PED (general business, pedestrian overlay)

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

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Pre-Hearing Staff Analysis

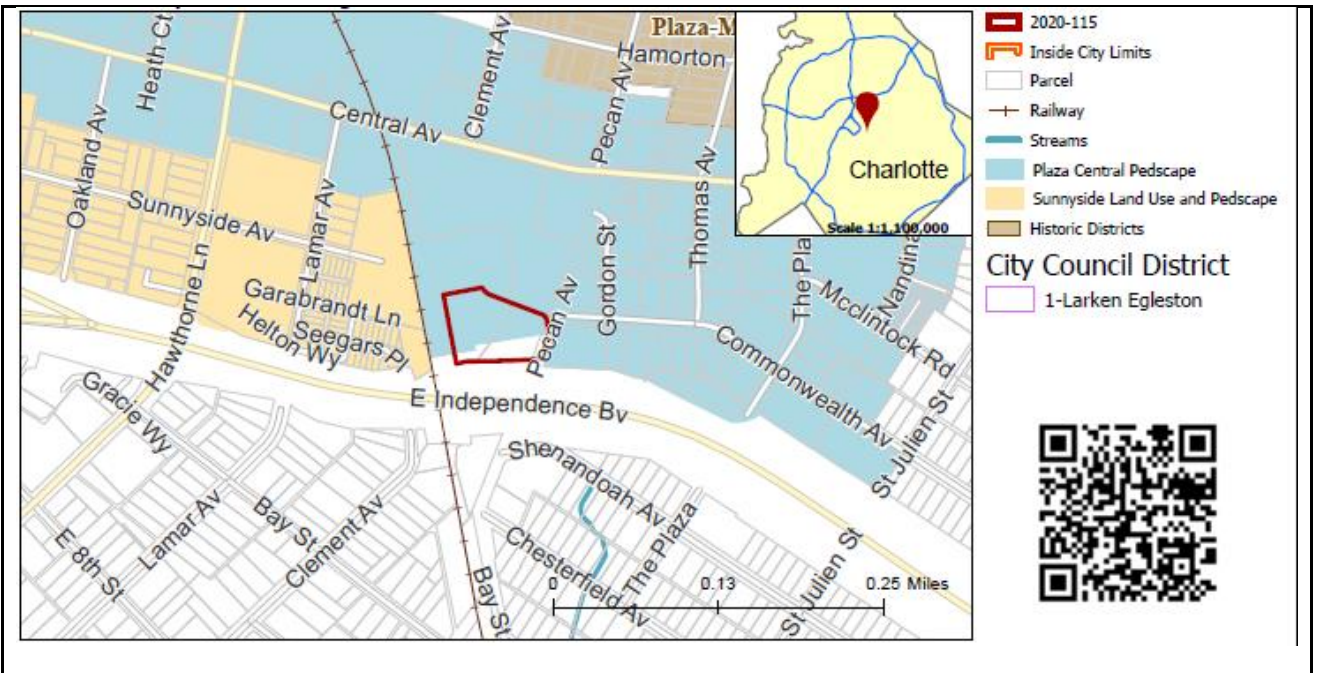


**REQUEST**

Current Zoning: B-2 PED (general business, pedestrian overlay)  
Proposed Zoning: TOD-UC PED (transit oriented development - urban center, pedestrian overlay)

**LOCATION**

Approximately 2 acres located on the west side of Pecan Avenue, north of Independence Boulevard, south of Central Avenue.



**SUMMARY OF PETITION**

The petition proposes to allow transit oriented uses on a parcel of land primarily used as a parking lot and vacant land on the west side of Pecan Avenue between Central Avenue and East Independence Boulevard.

**PROPERTY OWNER**  
**PETITIONER**  
**AGENT/REPRESENTATIVE**  
**COMMUNITY MEETING**

TGASCE Central Square LLC c/o Crosland Southeast  
Crosland Southeast  
Collin Brown and Brittany Lins/Alexander Ricks  
Meeting is not required.

**STAFF**  
**RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the *Plaza Central Pedscape Plan* recommendation for multi-family residential uses greater than 12 units per acre/office/retail.

Rationale for Recommendation

- The request is less than 1/4 mile from the proposed Pecan Avenue Station along the LYNX Silver Line.
- The site is just over a 1/4 mile from the proposed LYNX Gold Line Plaza stop at the intersection of Central Avenue and The Plaza.
- The adopted plan recommends multi-family residential greater than 12 units per acre/office/retail for surrounding parcels. The

adopted plan recommendation is consistent with the with the uses in areas planned for TOD.

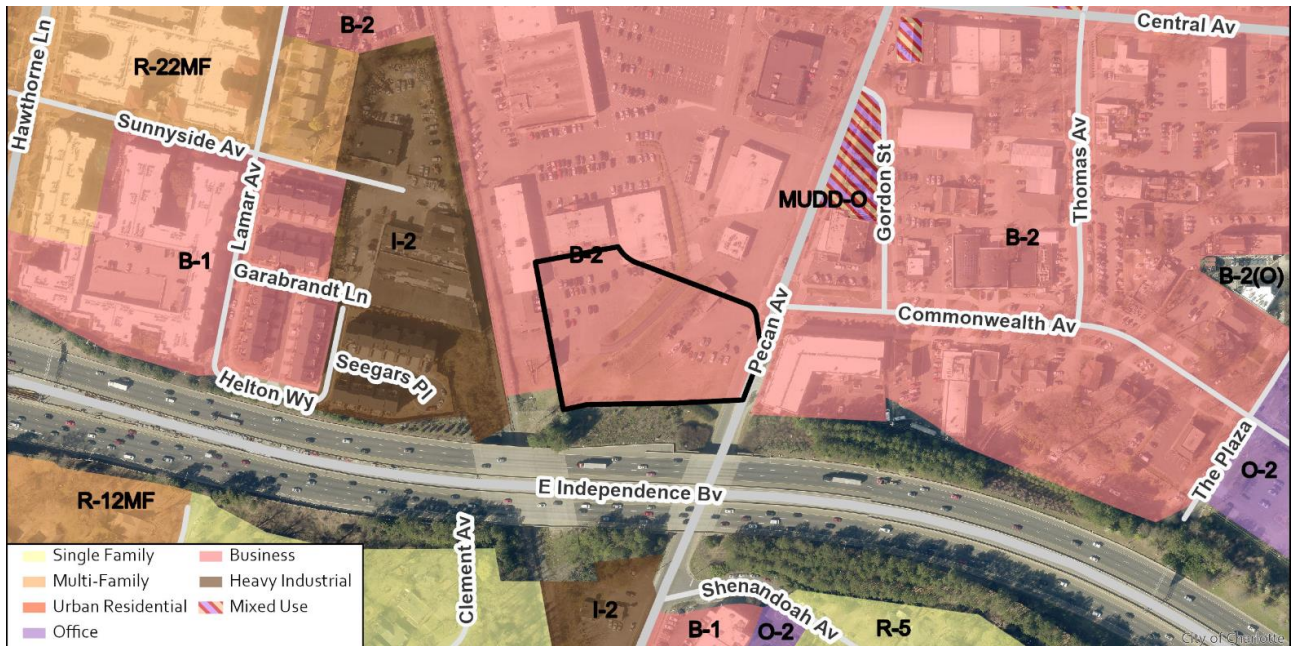
- A portion of the subject parcel was rezoned to B-2 PED via petition 2020-036 in order to establish zoning for acreage that was previously part of Independence Boulevard right-of-way.
- TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.
- This petition would allow a richer mix of uses to help this property be in keeping with the vision of the *Plaza-Central Pedscape Plan's* overall vision of "creating a vibrant, mixed use district..."

## PLANNING STAFF REVIEW

### • Proposed Request Details

This is a conventional rezoning petition with no associated site plan, which applies all the standards, regulations and uses in the TOD-UC zoning district. Uses permitted in the TOD-UC zoning district include residential, commercial, institutional and governmental.

### • Existing Zoning and Land Use



- The site is primarily parking lot and vacant with a small area of a Meineke building's car lifts. The site is surrounded by residential, commercial, and industrial uses in various zoning districts. A portion of the site was rezoned via 2020-026 to assign zoning to unnecessary right-of-way acreage.





The subject site is primarily parking lot and vacant with a small area of a Meineke building's car lifts.

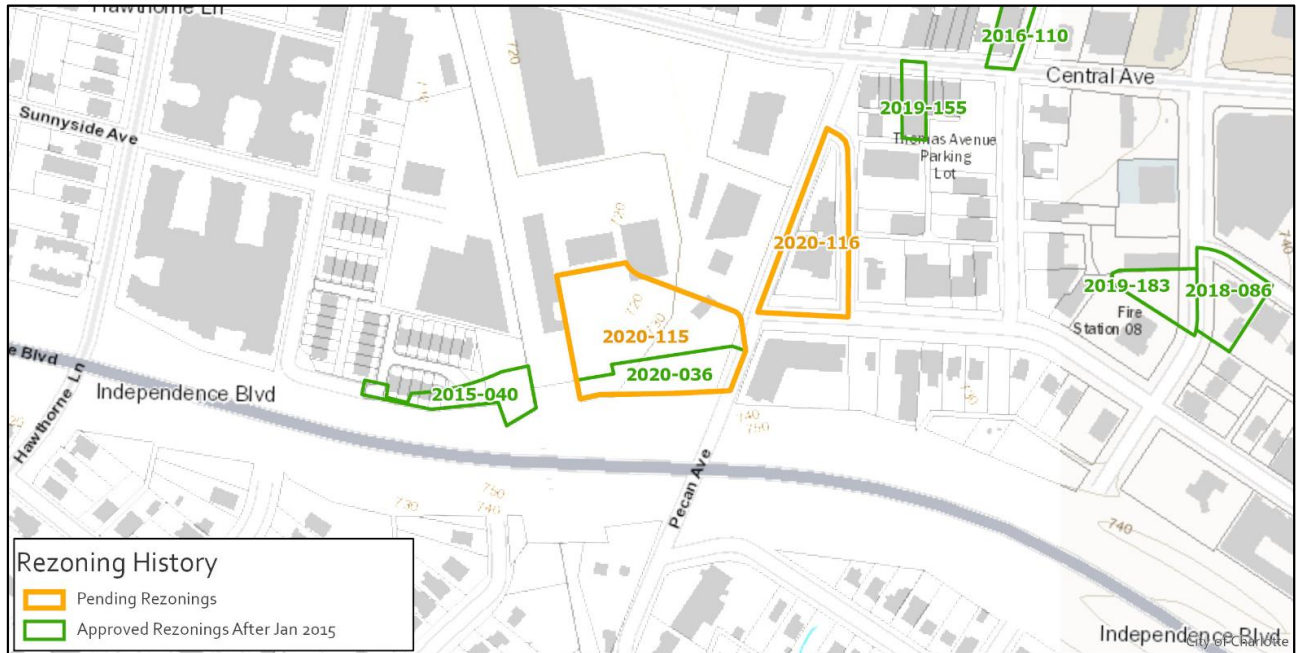


The site is adjacent to commercial and residential uses to the north along Pecan Avenue.





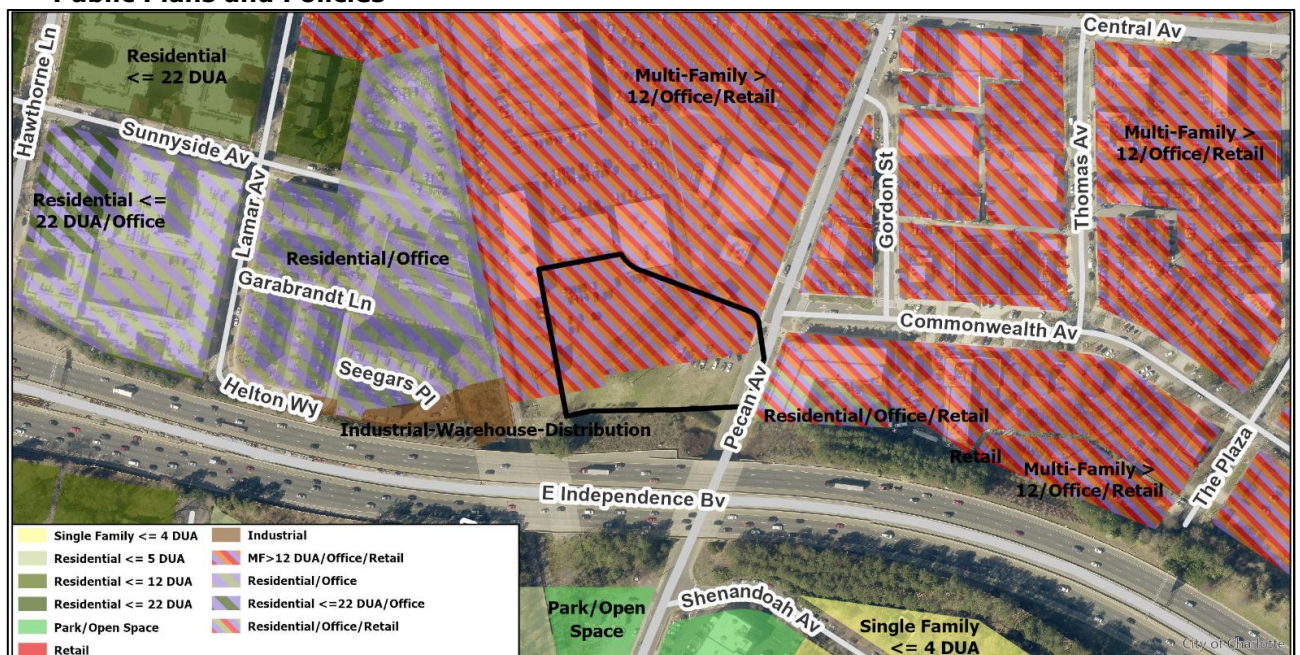
North and west are commercial uses and residential developments.



#### • Rezoning History in Area

Petition Number	Summary of Petition	Status
2020-116	Rezone 0.58 acres from MUDD-O PED to TOD-UC PED	Pending
2020-036	Assigned B-2 PED zoning to 0.56 acres	Approved
2019-183	Rezoned 0.24 acres from B-2 PED to B-2 PED-O	Approved
2019-155	Rezoned 0.18 acres from B-2 PED to B-2 PED-O	Approved
2018-168	Rezone 0.68 acres from MUDD(CD) to MUDD(CD) SPA	Withdrawn
2018-086	Rezoned 0.23 acres from B-2 to MUDD-O	Approved
2016-110	Rezoned 0.25 acres from B-2 to MUDD-O	Approved
2015-040	Assigned I-2 PED zoning to 0.459 acres	Approved

#### • Public Plans and Policies



- The *Plaza Central Pedscape Plan* recommends multi-family greater than 12 units per acre/office/retail uses for the majority of the site. The adopted plan does not recommend land uses for the portion of the site rezoned per petition 2020-036.



- **TRANSPORTATION SUMMARY**

- The site is located on a minor thoroughfare within a Transit Oriented Development District. It is less than 1/8 mile from the nearest transit (bus) stop. The Area Plan tentatively identifies Independence Boulevard at Pecan Avenue as a rapid transit station for the CATS southeast transit line. The Future LINX Silver Line Station is planned to be located 80 feet south of the project site. Coordination with CATS is strongly recommended prior to and during the permitting process. During the Permitting Phase, the petitioner's site plan needs to meet the ordinance requirements. Please note that this rezoning falls within an ongoing Central-Pecan Traffic Impact Study (TIS).
- **Active Projects:**
  - Silver Line Rail – alignment and schedule TBD
  - Silver Line Rail Trail – alignment and schedule TBD
  - Gold Line Streetcar Future Phase
- **Transportation Considerations**
  - Traffic Study This site falls within the limits of the ongoing Central-Pecan Traffic Impact Study (TIS). A separate TIS has not been requested for the complete review of this petition; however, a separate traffic study may be required during the permitting process if the site plan generates more than 2,500 trips or more trips than currently reflected in the referenced TIS.



- See advisory comments at [www.rezoning.org](http://www.rezoning.org).
- **Vehicle Trip Generation:**
  - Current Zoning:
  - Existing Use: Vacant
  - Entitlement: 2,650 trips per day (based on 30,000 square foot of retail).
  - Proposed Zoning: Too many uses to determine (based on TOD-UC).

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

- **Charlotte Area Transit System:** For over 20 years the Charlotte Area Transit System (CATS) has identified Independence Boulevard as a rapid transit corridor. Various transit stations and vehicle technology have been studied during that time. In 2016, a 13-mile LYNX Silver Line 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 Boulevard 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 Town of Matthews to the City of Belmont. In 2020, CATS and its partners have started transit oriented development planning and design services in order to advance the project.

The site associated with #2020-115 is located adjacent to the proposed Pecan Avenue LYNX Silver Line light rail transit (LRT) station which is planned to be at grade with East Independence Boulevard. The site is also near the CityLYNX Gold Line Streetcar corridor (Phase 3) on Central Avenue and the existing CATS local bus route #9. CATS is in the process of re-evaluating the Silver Line LPA which may or may not impact properties in this rezoning petition. A final LPA decision is expected early 2021. CATS supports direct pedestrian connections to the Pecan Station and zoning districts that allow transit-oriented development form and density within a ½ mile distance of transit stations. See advisory comments at [www.rezoning.org](http://www.rezoning.org).

- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the proposed zoning is to be determined (too many uses to determine). See advisory comments at [www.rezoning.org](http://www.rezoning.org).
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along Central Ave. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Central Ave. See advisory comments at [www.rezoning.org](http://www.rezoning.org).
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

#### **OUTSTANDING ISSUES**

- **None**
- 

**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

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





**Agenda Date:** 11/16/2020

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**Agenda #:** 29.**File #:** 15-14615 **Type:** Zoning Hearing

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## **Rezoning Petition: 2020-117 by Vulcan Materials Company**

**Location:** Approximately 15 acres located on the east side of Old Nations Ford Road and the south side of Hebron Street. (Council District 3 - Watlington)

**Current Zoning:** R-17 MF (multi-family residential) and I-1 (light industrial)

**Proposed Zoning:** I-2 (general industrial)

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

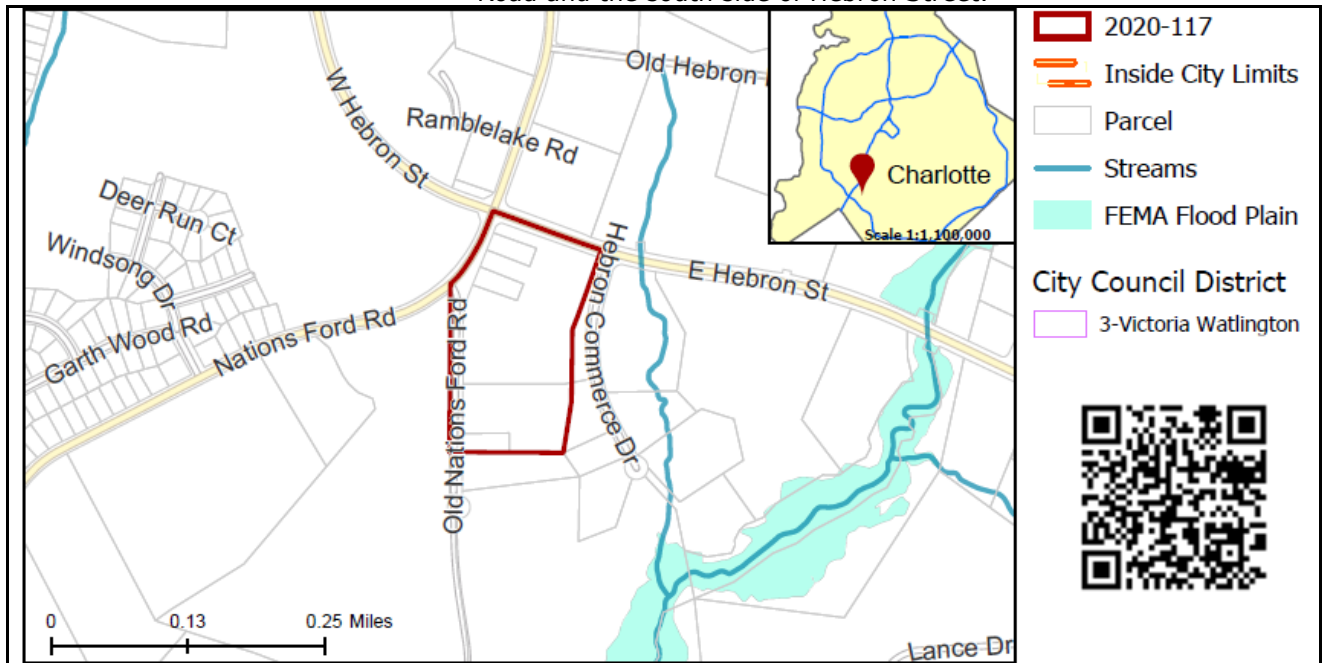
Pre-Hearing Staff Analysis

## REQUEST

Current Zoning: R-17MF (multi-family residential) and I-1 (light industrial)  
Proposed Zoning: I-2 (general industrial)

## LOCATION

Approximately 15 acres located on the east side of Old Nations Ford Road and the south side of Hebron Street.



## SUMMARY OF PETITION

The petition proposes to allow all uses permitted in the I-2 (general industrial) district.

## PROPERTY OWNER

Vulcan Lands Inc

## PETITIONER

Vulcan Materials Company

## AGENT/REPRESENTATIVE

Susanne Todd, Johnston Allison and Hord

## COMMUNITY MEETING

Meeting is not required. Although a meeting is not required the petitioner chose to hold a community meeting.  
Number of people attending the Community Meeting: 1.

## STAFF RECOMMENDATION

Staff recommends approval of this petition.

### Plan Consistency

The petition is **consistent** with the *Southwest District Plan* recommendation for industrial uses for the eastern portion of the site and **inconsistent** with the plan's recommendation for multi-family/greenway use for the western portion of the site.

### Rationale for Recommendation

- The site is in an area with industrial uses west of Nations Ford Road.
- The area currently zoned multifamily is not suitable for residential development due to its close proximity to the existing quarry to the east and south of the site.



- The petition aligns the zoning designation with other industrial operations and zoning to the east of south of Old Nations Ford Road and East Hebron Street.

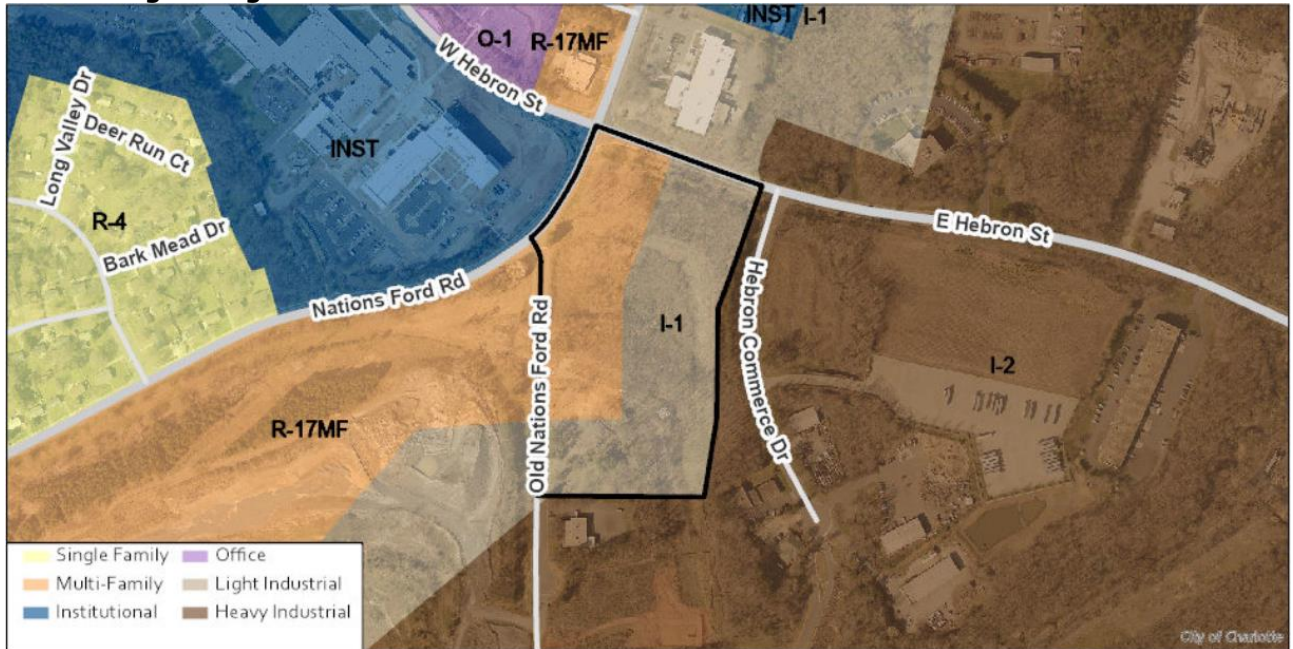
The approval of this petition will revise the adopted future land use as specified by the *Southwest District Plan*, for the western portion of the site from multi-family/greenway use to industrial use.

### PLANNING STAFF REVIEW

- Proposed Request Details**

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

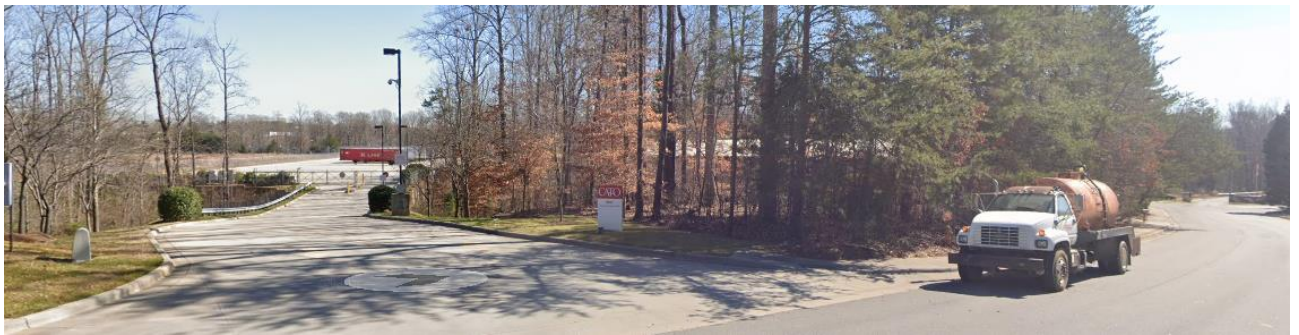
- Existing Zoning and Land Use**



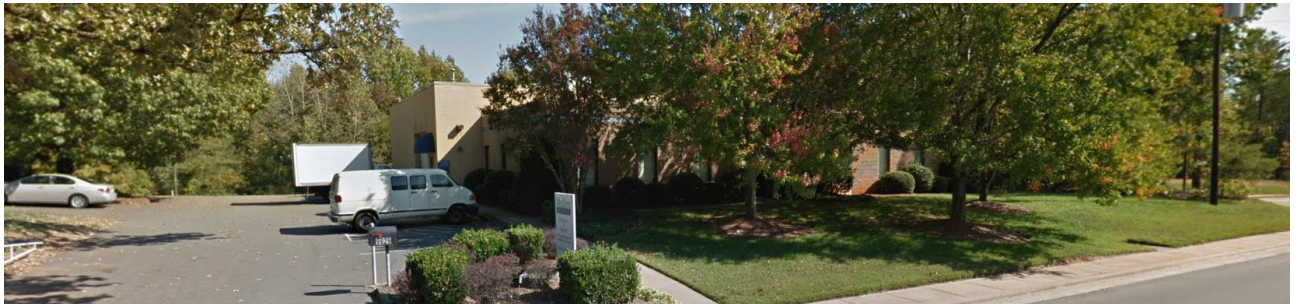
The site (indicated by red star below) is in an area developed with a mixture of single family, multi-family, institutional and industrial uses.







East of the site, along Hebron Commerce Drive are industrial uses.



South of the site, along Old Nations Ford Road is industrial use.



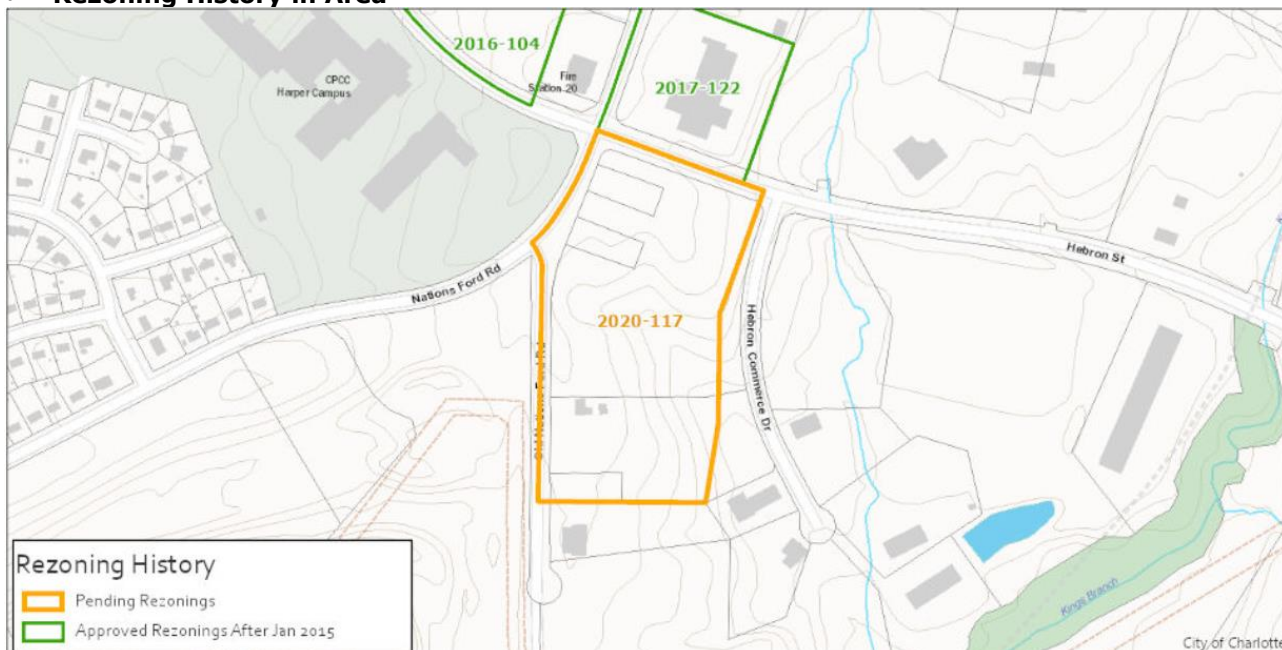
West of the site is a quarry.



North of the site, across E. Hebron Street is industrial use.

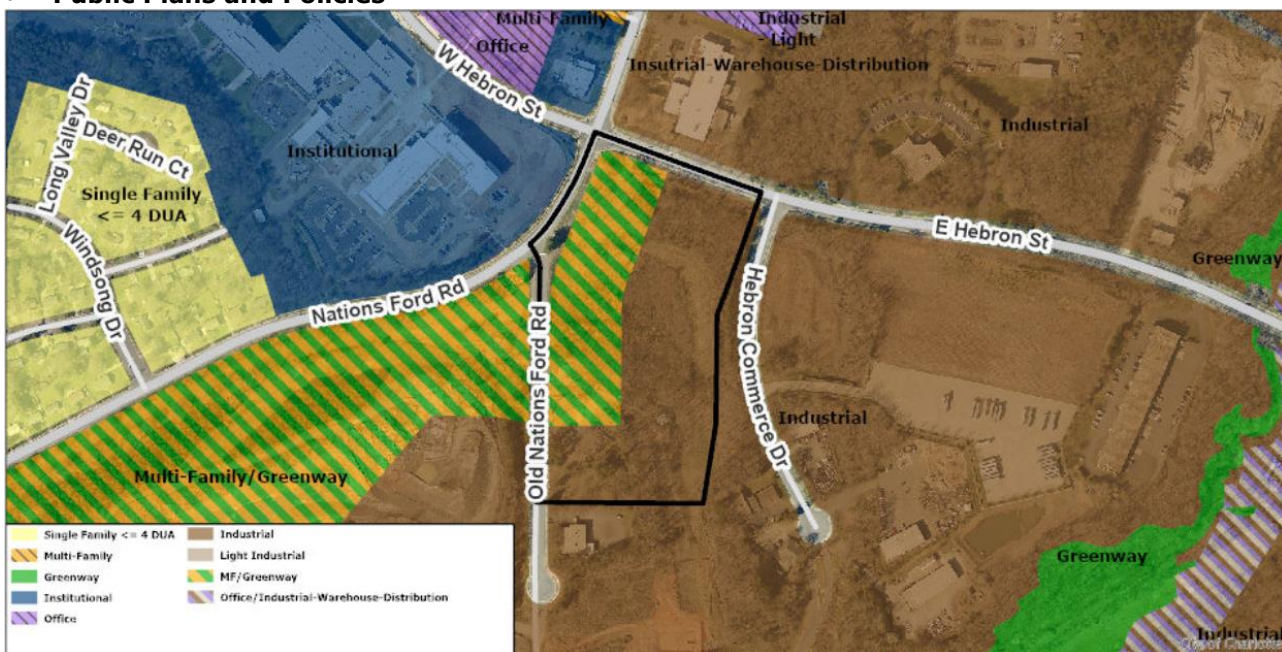


- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2016-104	18.7 acres northwest of the site to INST (institutional) and O-1 (office) to allow uses permitted in those districts.	Approved
2017-122	4.2 acres north of the site to I-1 to allow all uses permitted in the light industrial district.	Approved

- Public Plans and Policies**



- The *Southwest District Plan* (1991) recommends industrial uses for the eastern portion of the site and recommends multi-family/greenway uses for the western portion of the site.

- TRANSPORTATION SUMMARY**

- The site is on Nations Ford Road (Minor Thoroughfare, City-maintained), Old Nations Ford Road (Local Road, City-maintained), Hebron Street (Minor Thoroughfare, City-maintained), and Hebron Commerce Drive (Local Drive, City maintained) and location in Corridor outside Route 4

- Active Projects:**

- There are no active projects at this time.

- **Transportation Considerations**

- No outstanding issues.

- **Vehicle Trip Generation:**

Current Zoning:

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

Entitlement: 735 trips per day (based on 102 multi-family units, and 82,300 square feet of warehouse uses).

Proposed Zoning: 385 trips per day (based on 213,450 square feet of warehouse use).

**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](http://www.rezoning.org)
  - **Charlotte Department of Solid Waste Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
  - **Charlotte Fire Department:** No outstanding issues.
  - **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
  - **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Hebron Commerce Drive and a 6-inch water main along Old Nations Ford Road. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Hebron Commerce Drive. No outstanding issues.
  - **Engineering and Property Management:**
    - **Arborist:** No comments submitted.
    - **Erosion Control:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
    - **Land Development:** No outstanding issues.
    - **Storm Water Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
    - **Urban Forestry:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
  - **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
  - **Mecklenburg County Parks and Recreation Department:** No outstanding issues.
- 

**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

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





**Agenda Date:** 11/16/2020

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**Agenda #:** 30. **File #:** 15-14616 **Type:** Zoning Hearing

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## **Rezoning Petition: 2020-118 by TWG Development**

**Location:** Approximately 9.042 acres located off District Drive between W.T. Harris Boulevard and Shorthorn Street in the University City neighborhood.

**Current Zoning:** O-1 (CD) (office, conditional)

**Proposed Zoning:** R-12 MF (multi-family residential)

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

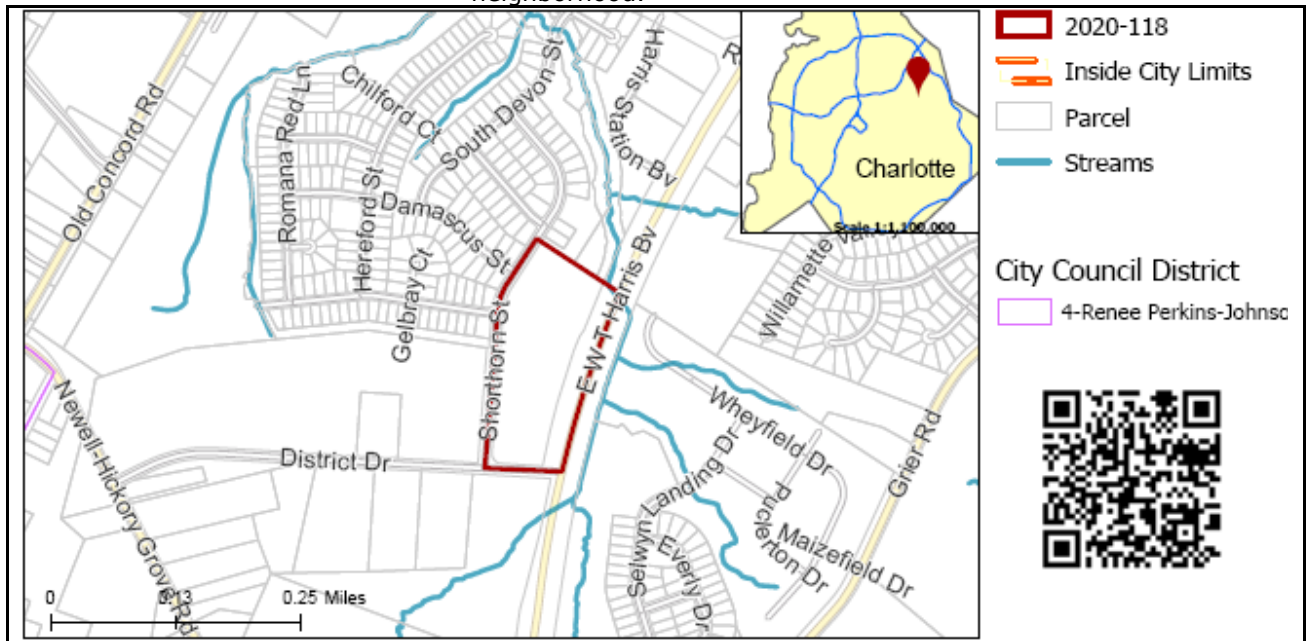
Pre-Hearing Staff Analysis

**REQUEST**

Current Zoning: O-1 (CD) (office, conditional)  
Proposed Zoning: R-12 MF (multi-family residential)

**LOCATION**

Approximately 9.042 acres located off District Drive between W.T. Harris Boulevard and Shorthorn Street in the University City neighborhood.



**SUMMARY OF PETITION**

The petition proposes to develop a greenfield site in the University City area to allow for all uses, both by right and under prescribed conditions, permitted within the R-12 MF zoning district.

**PROPERTY OWNER**  
**PETITIONER**  
**AGENT/REPRESENTATIVE**  
**COMMUNITY MEETING**

Grier Newell Properties  
TWG Development  
Travis Vencel, TWG Development  
Meeting is not required.

**STAFF**  
**RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the *Newell Area Plan's* (2002) recommendation (as amended by rezoning petition 2005-024) for office uses at the site.

Rationale for Recommendation

- Multi-family housing is an appropriate transitional land use between the established single family neighborhood to the northwest and W.T. Harris Boulevard.
- The request for residential uses in this location is reasonable as the site is proximal to existing neighborhood services and may be accessed through the adjacent single-family neighborhood's pedestrian infrastructure by means of a .75 mi. walk. Building community around neighborhood services is an overall objective of the *Newell Area Plan*.



- The petition achieved the Plan's land use objective of "encouraging a range of housing types and densities that will meet the need of different types of households."

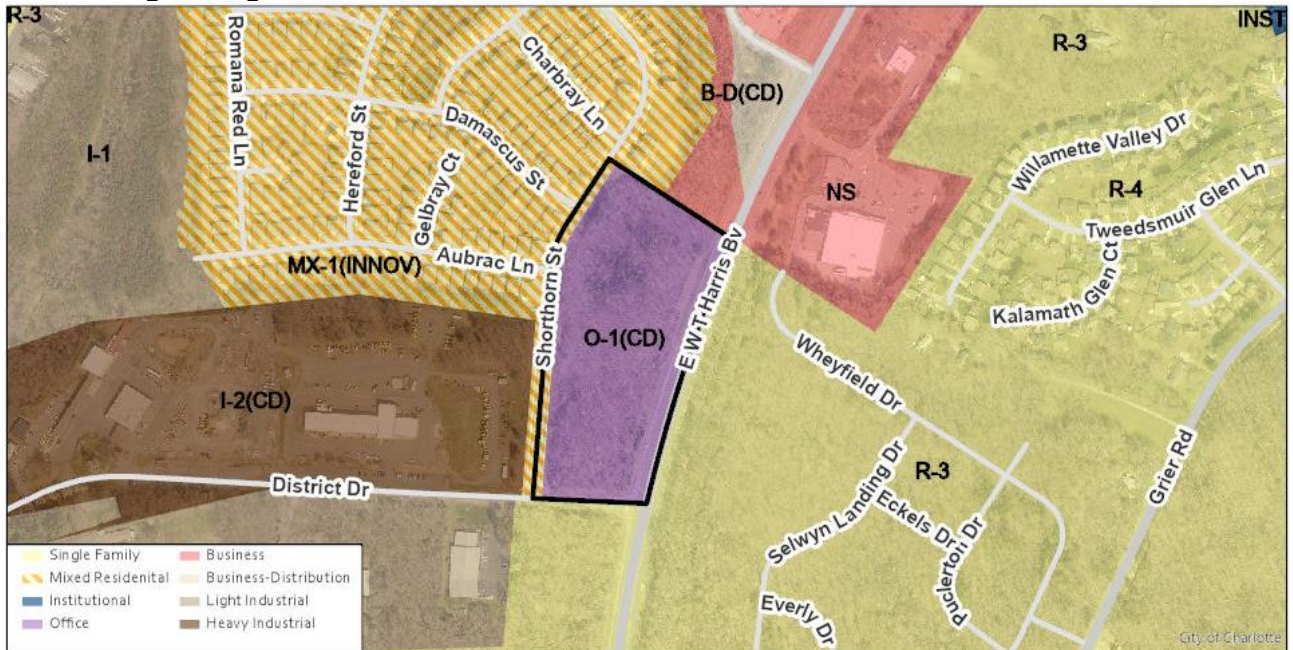
The approval of this petition will revise the adopted future land use as specified by the *Newell Small Area Plan* from office uses to residential uses up to 12 dwelling units per acre (DUA) for the site.

## PLANNING STAFF REVIEW

- Proposed Request Details**

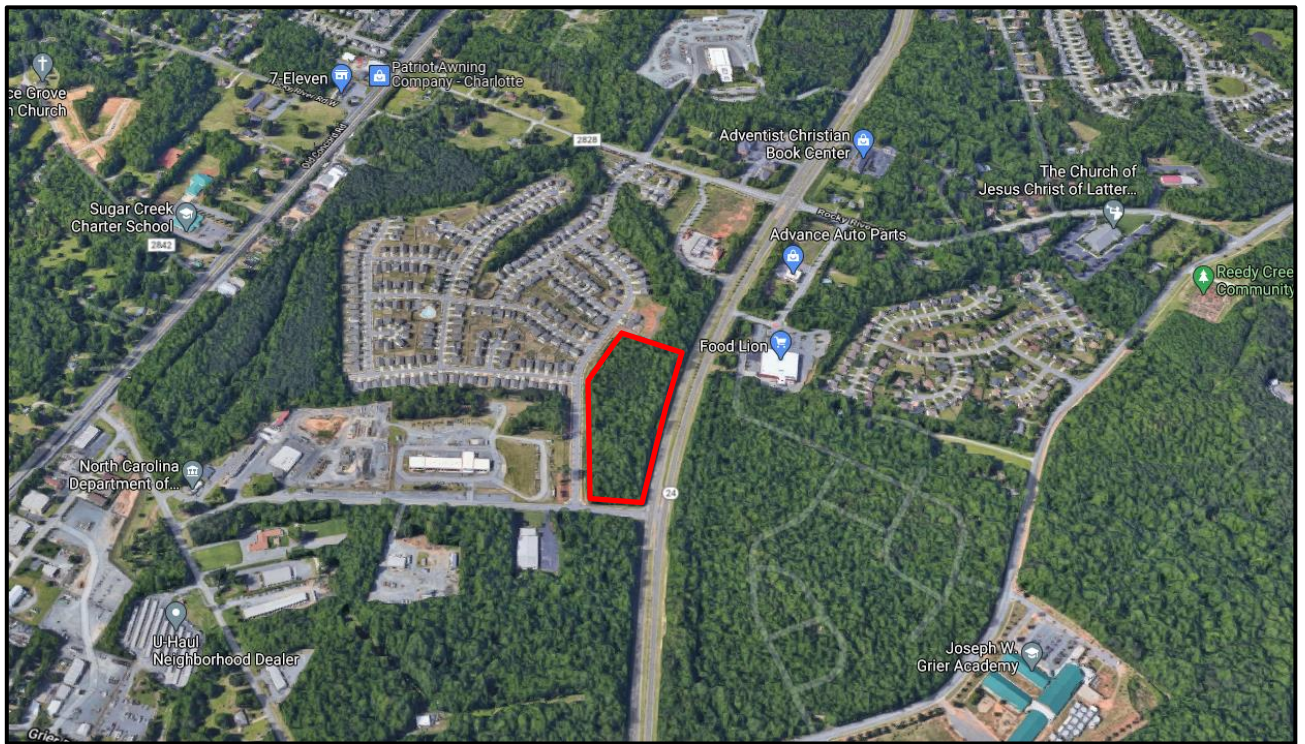
This is a conventional rezoning petition with no associated site plan.

- Existing Zoning and Land Use**



This parcel was most recently rezoned in 2005 (2005-024) which entitled the land for within this parcel for office uses up to 99,000 SF. The residential portion of this planned development was constructed and is the area zoned MX-1(INNOV) to the northwest of the site. The area surrounding the development is a mixture of retail, industrial, and single family residential uses.





General location of subject property outlined with red boundary.



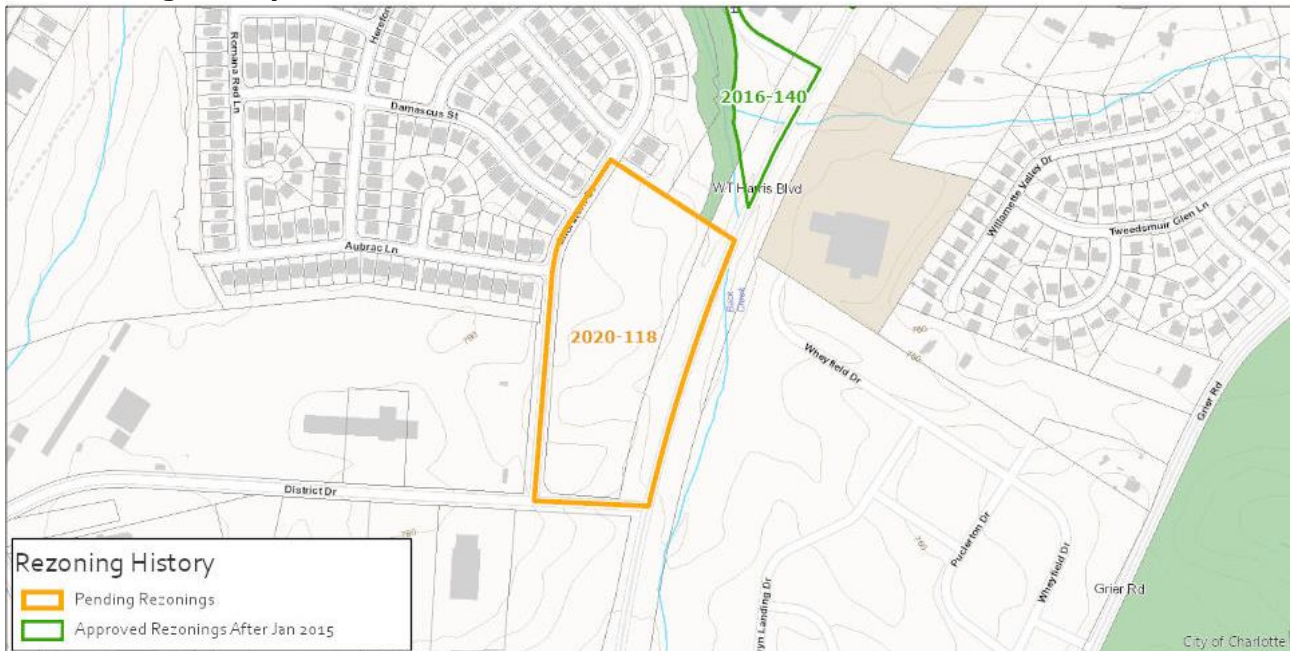
Streetview looking NW towards the corner of the subject property from W.T. Harris Boulevard at District Drive.





Streetview looking NW from Shorthorn Street towards existing SFH community. The subject is immediately SE from this viewpoint.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2016-140	Site plan amendment to allow a mixture of uses including retail, restaurant, office, and self-storage uses.	Approved

- **Public Plans and Policies**



- The *Newell Area Plan* (2002) recommends office uses for the site.
- **TRANSPORTATION SUMMARY**
  - The site is located on local roads and a Class 2 Thoroughfare. CDOT supports recommendation from the *Newell Area Plan* described in the CDOT memo dated 9/3/2020. During the permitting phase, the petitioner's site plan needs to meet ordinance requirements.
- **Active Projects:**
  - N/A
- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 0 trips per day (based on vacant land use).  
Entitlement: 965 trips per day (based on 90,400 SF office).

Proposed Zoning: 780 trips per day (based on 108 housing units).

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

- **Charlotte Area Transit System:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte Department of Housing and Neighborhood Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte Department of Solid Waste Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 0 students, while the development allowed under the proposed zoning may produce 27 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 27 students.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Newell Elementary from 115% to 118%
    - MLK, Jr. Middle from 98% to 98%
    - Vance High from 129% to 129%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Shorthorn Street. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Shorthorn Street. See advisory comments at [www.rezoning.org](http://www.rezoning.org)



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

**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** Will Linville (704) 336-4090



**Agenda Date:** 11/16/2020

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**Agenda #:** 31. **File #:** 15-14617 **Type:** Zoning Hearing

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## **Rezoning Petition: 2020-119 by The Maintenance Team, Inc.**

**Location:** Approximately 9.78 acres north of Shopton Road, east of Steele Creek Road, and west of Pinecrest Drive. (Outside City Limits - Closest to District 3 - Watlington)

**Current Zoning:** R-3 AIR (single-family residential, airport noise overlay)

**Proposed Zoning:** I-2 (CD) AIR (general industrial, conditional, airport noise overlay)

**Staff Recommendation:**

Staff recommends approval of this petition upon resolution of a requested technical revision related to site and building design.

**Attachments:**

Pre-Hearing Staff Analysis

Site Plan



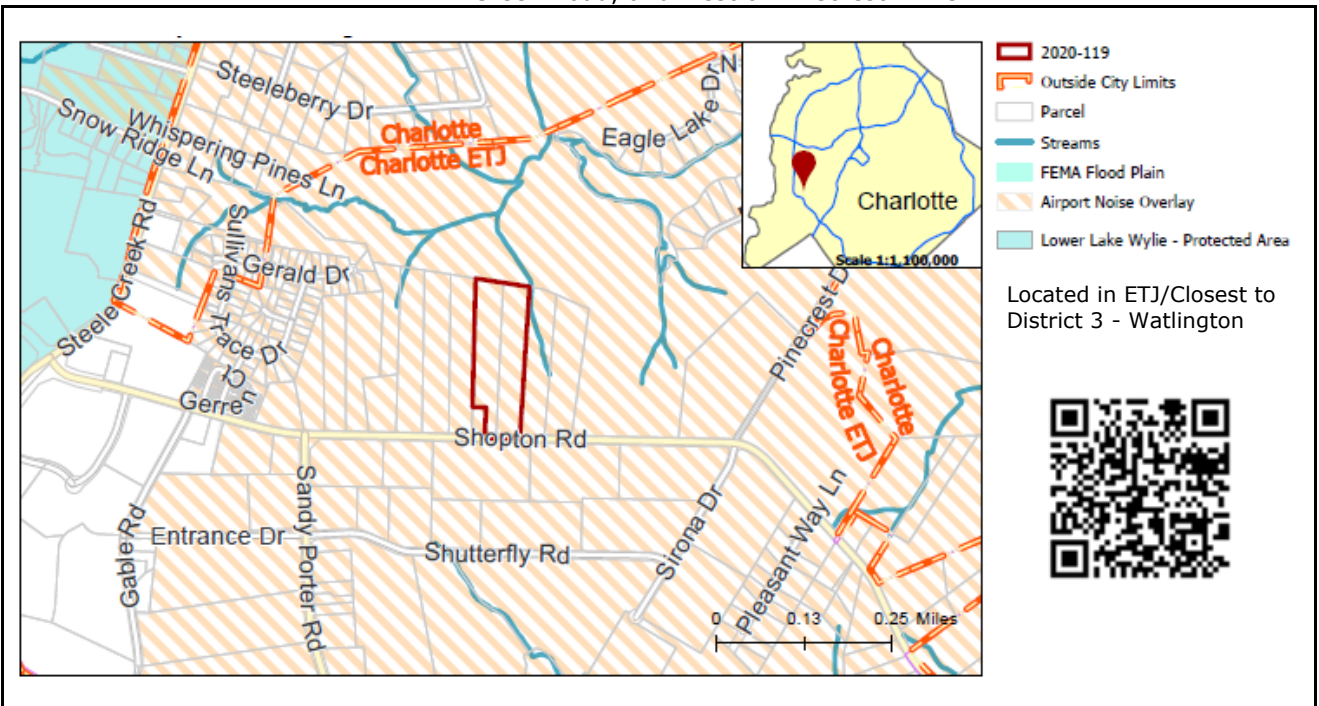
## REQUEST

Current Zoning: R-3 AIR (single family residential, airport noise overlay)

Proposed Zoning: I-2 (CD) AIR (general industrial, conditional, airport noise overlay)

## LOCATION

Approximately 9.78 acres north of Shopton Road, east of Steele Creek Road, and west of Pinecrest Drive.



## SUMMARY OF PETITION

The petition proposes to [rezone a 9.78-acre parcel to](#) I-2 (CD) AIR to accommodate office, warehouse, and distribution uses with outdoor storage.

## PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE COMMUNITY MEETING

The Maintenance Team Inc  
The Maintenance Team Inc  
John Carmichael

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 a requested technical revision related to site and building design.

### Plan Consistency

The petition is **consistent** with the *Westside Strategy Plan* (2000) recommendation for office/business park/industrial uses for this site.

### Rationale for Recommendation

- The proposed use is consistent with the office/business park/industrial uses recommended for this site and surrounding area.
- Industrial uses are prevalent in the surrounding area, which is part of the Shopton Road Industrial Activity Center as part of the *Centers, Corridors and Wedges Growth Framework*.

- The petition commits to transportation improvements along Shopton Road including a 5' bicycle lane, 8' planting strip, and 6' sidewalk.
- The proposed industrial uses will be screened from adjacent residential zoning and uses by a minimum 75' buffer with a berm.

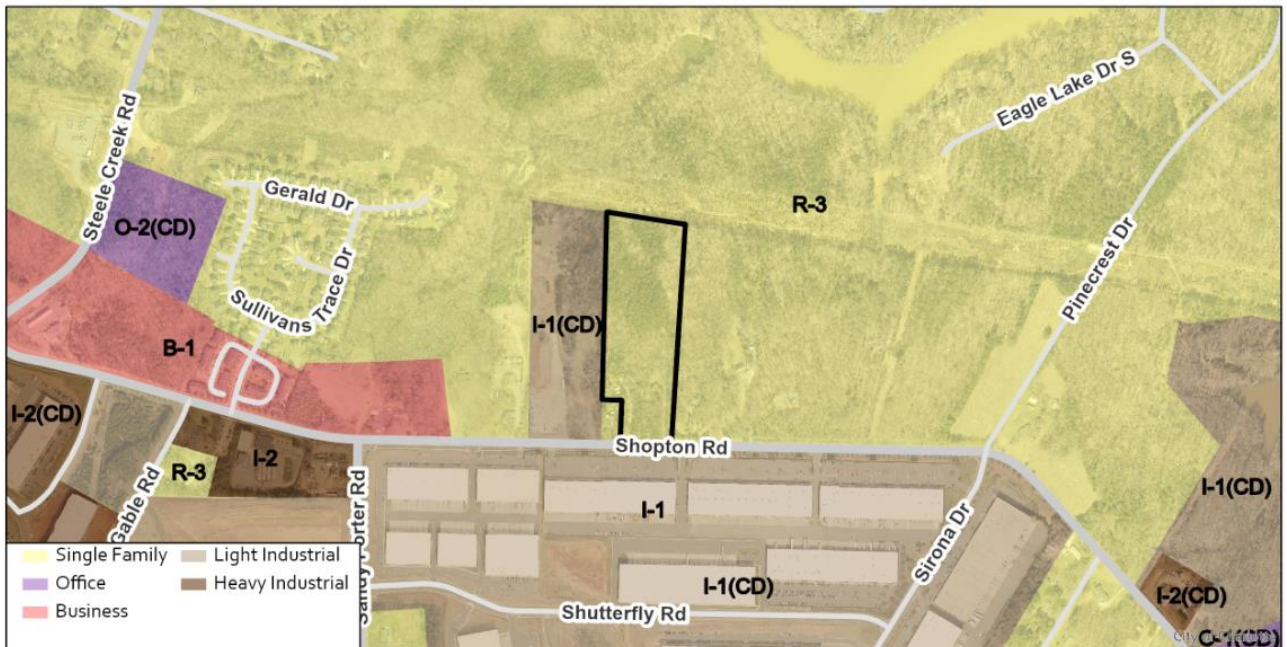
## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allows for office, light industrial, contractor offices, warehousing, and outdoor storage uses along with other uses permitted in the I-2 zoning district in a 100,000 square foot maximum building.
- Prohibits the following uses:
  - Abattoirs
  - Adult establishment
  - Amusement, commercial outdoors
  - Animal crematoriums
  - Automobile rentals
  - Automotive service and repair
  - Barber and beauty shops
  - Car washes
  - Crematory facilities
  - Financial institutions
  - Government buildings
  - Eating, Drinking, & Entertainment Establishments (Type 1 and Type 2)
  - Retail establishments and business, personal, and recreational services
- Allows for one principal building as well as accessory buildings and structures.
- Permits the principal building to be constructed in phases to a maximum of 100,000 square feet.
- Commits to the construction of a 5' bicycle lane, 3' buffer, curb and gutter, 8' planting strip, and 6' sidewalk along the site's Shopton Road frontage.
- Commits to constructing an eastbound left turn lane to the site's driveway with 150' feet of storage.
- Establishes a maximum building height of 55'.
- Commits to a 100' Class A buffer, reduced to 75' with use of a berm as allowed by ordinance, at the property lines adjacent to R-3 zoned parcels.

### • Existing Zoning and Land Use



The portion of the site closest to Shopton Road is developed with two single family homes while the majority of the property in the rear is wooded, undeveloped land. The surrounding land uses include industrial, single family residential, and wooded, vacant land.





The subject property is primarily wooded land with two single family homes near Shopton Road.



The property to the north of the site is wooded, undeveloped land. The site is denoted by a red star.





The properties to the south of the site are developed with industrial uses. The site is denoted by a red star.



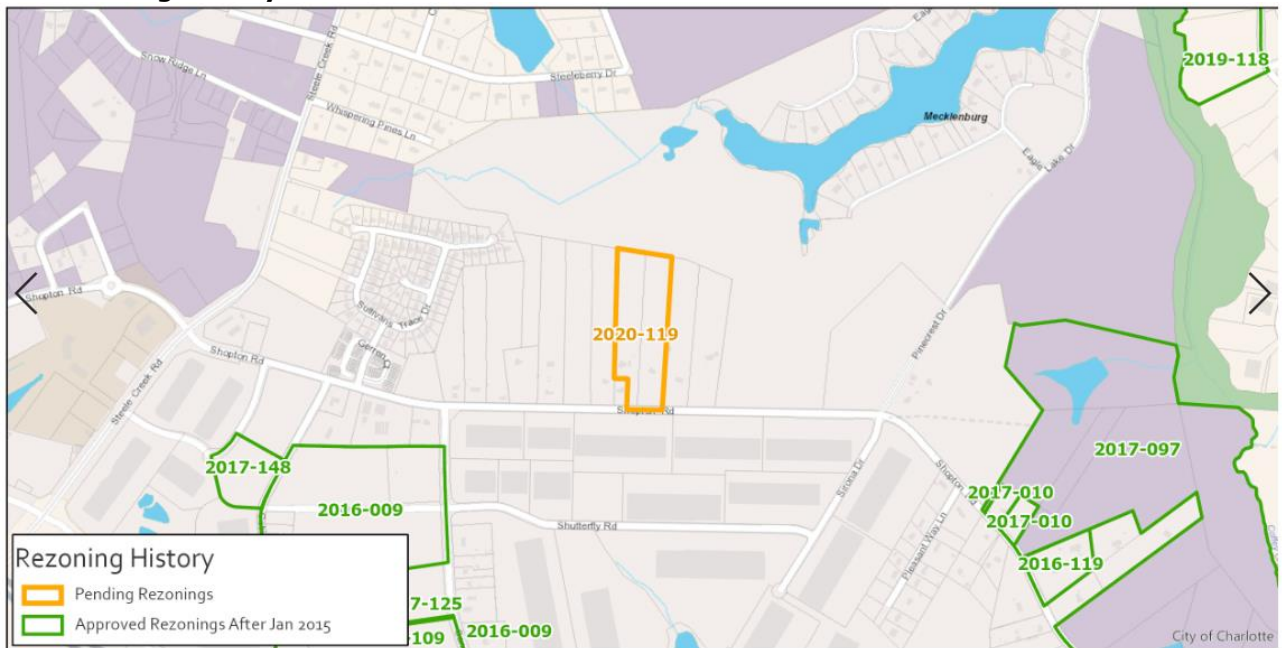
The property to the west is under construction for industrial uses.





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

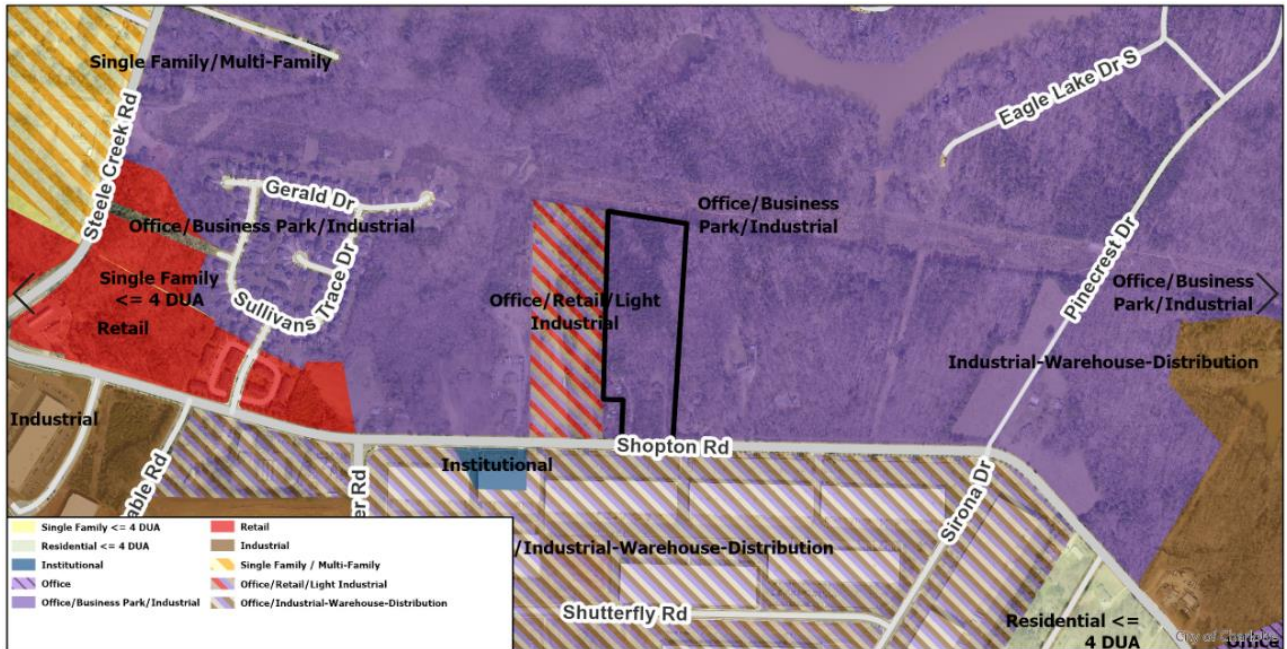
- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2016-009	The petition rezoned 48.8 acres to I-1(CD) to allow up to 525,000 square feet of office, industrial, and distribution uses.	Approved
2016-119	The petition rezoned 3.62 acres to O-1(CD) SPA to accommodate general and professional office uses.	Approved
2017-010	The petition rezoned 2.18 acres to I-2(CD) & I-2(CD) SPA to allow the expansion of a sanitation business.	Approved
2017-097	The petition rezoned 117.16 acres to I-1(CD) to allow construction of a commercial/industrial/warehouse park.	Approved

2017-148	The petition rezoned 3.96 acres to I-2(CD) SPA to revise the orientation and layout of a proposed building in an existing industrial business park.	Approved
2019-118	The petition rezoned 90.47 acres to I-1 to allow industrial uses.	Approved

• **Public Plans and Policies**



- The *Westside Strategy Plan* recommends office/business park/industrial uses on this site.
- **TRANSPORTATION SUMMARY**
  - The site is located on Shopton Road, a state-maintained minor thoroughfare, approximately ¾ of a mile east of Steele Creek Road. As a part of this development, in-line with the City's WALKS and BIKES policies, the petitioner has agreed to construct an 8-foot planting strip and a 6-foot sidewalk as well as a 5-foot buffered bike lane along the site's Shopton Road frontage.
  - **Active Projects:**
    - There are no active projects in the vicinity of the site.
  - **Transportation Considerations**
    - No outstanding issues.
  - **Vehicle Trip Generation:**

Current Zoning:

    - Existing Use: 20 trips per day (based on 2 single family homes).
    - Entitlement: 335 trips per day (based on 29 single family homes).

Proposed Zoning: 205 trips per day (based on 100,000 square feet of warehouse).

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

- **Charlotte Area Transit System:** No comments submitted.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No comments submitted.
- **Charlotte-Douglas International Airport:** No comments submitted.
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Historic Landmarks:** No comments submitted.
- **Charlotte-Mecklenburg Police Department:** No comments submitted.
- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.



- **Charlotte Water:** Water service is accessible for this rezoning boundary. Charlotte Water currently does not have sewer system accessible for the rezoning boundary under review. The development will need to donate pipeline infrastructure to CLTWATER to serve this parcel. The applicant should contact Charlotte Water's New Services at (704) 432-2854 for more information regarding accessibility to sewer system connections. See advisory comments at [www.rezoning.org](http://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](http://www.rezoning.org)
  - **Urban Forestry:** No comments submitted.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No comments submitted.

**REQUESTED TECHNICAL REVISIONS**Site and Building Design

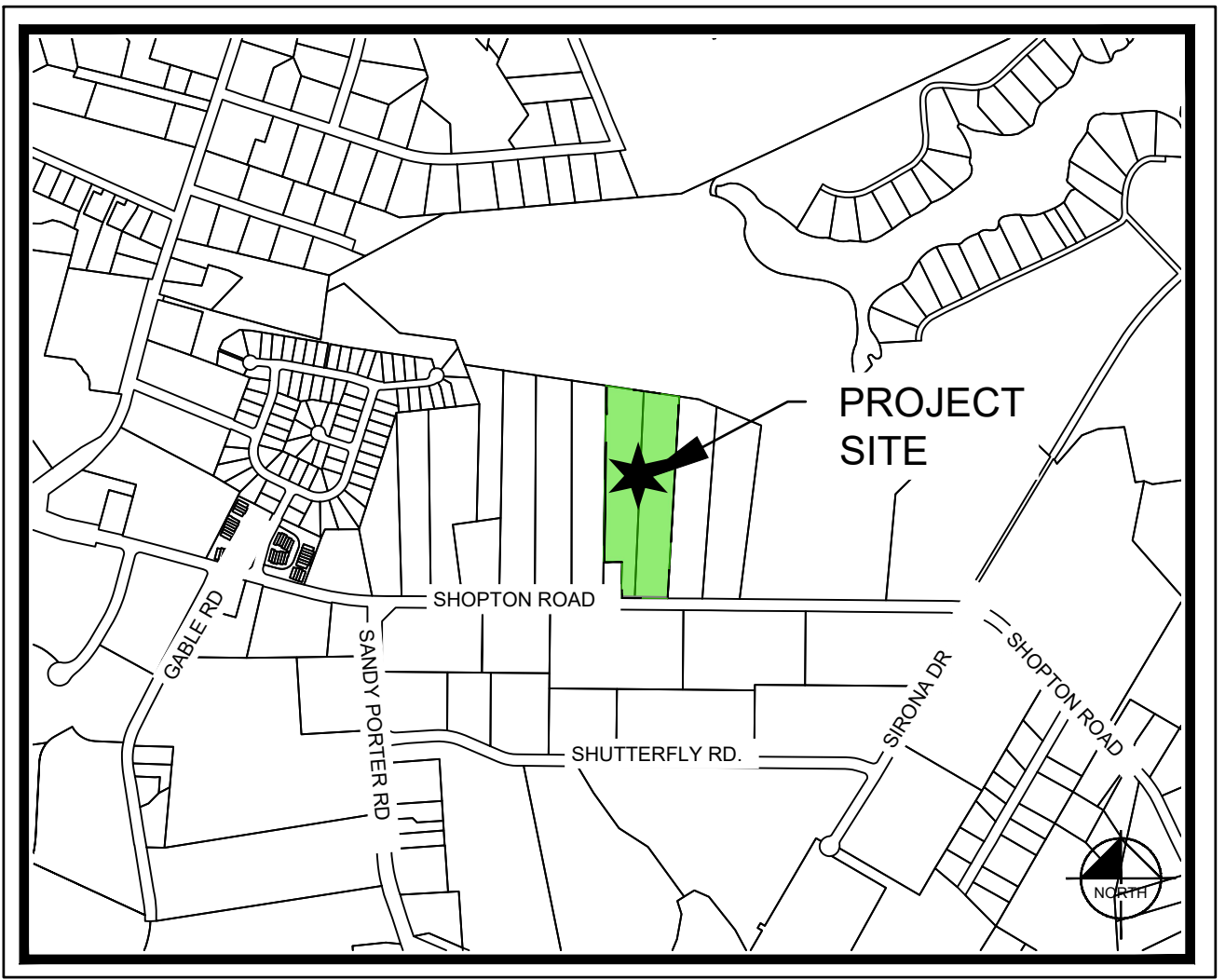
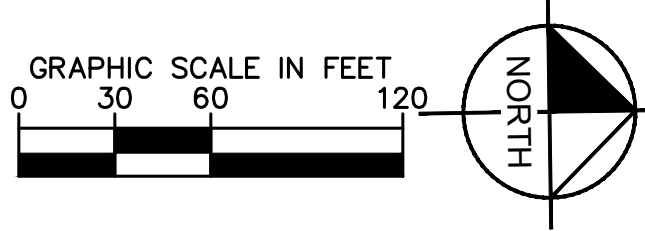
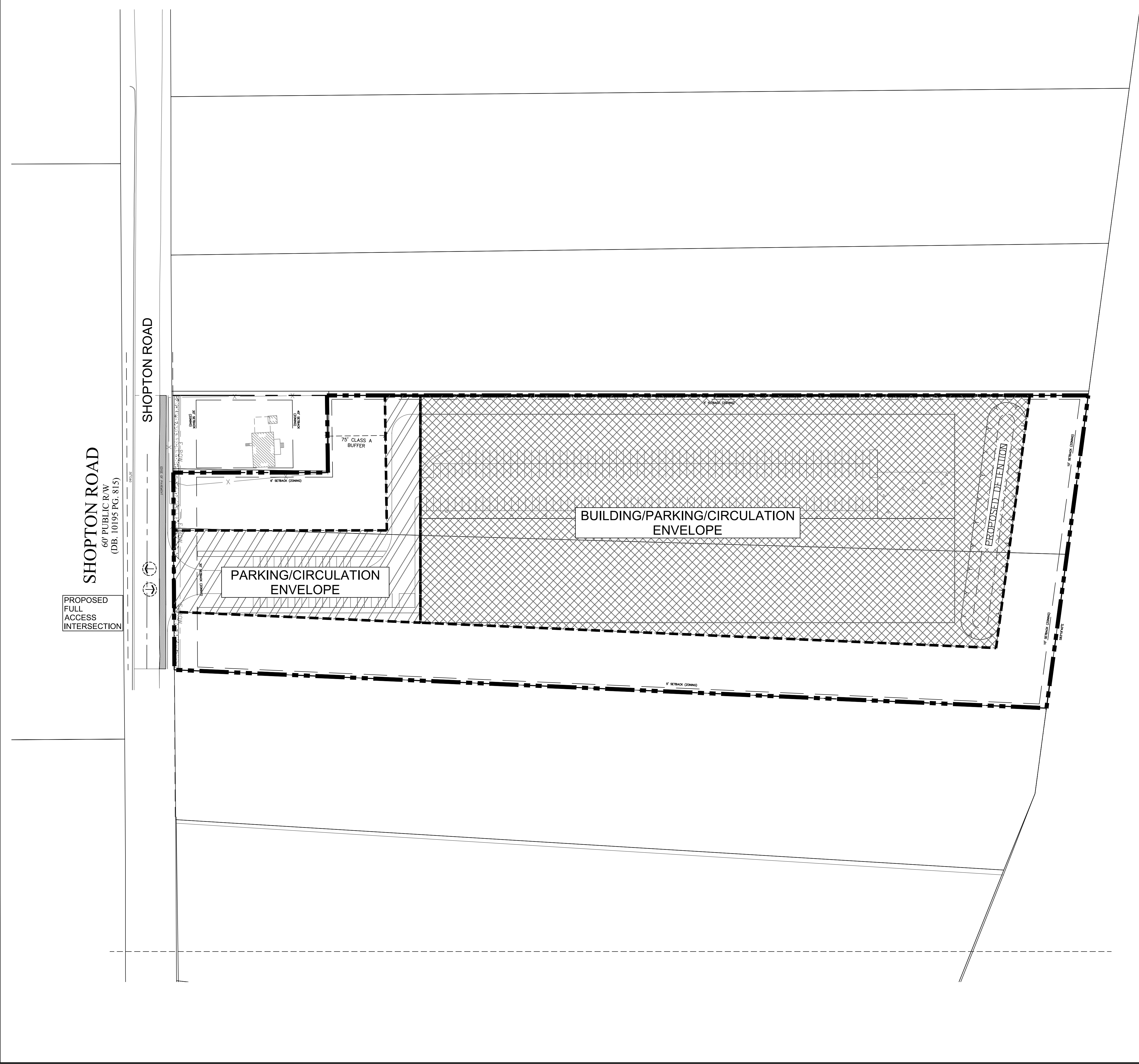
1. Please correct Note 4.A regarding maximum building height. The maximum height is governed by the airport overlay height restrictions.

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**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

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

Plotted By: Watts, Austin    Sheet: Set:Shopton Rezoning    Layout:RZ-1    TECHNICAL DATA SHEET    October 12, 2020    03:53:39pm    C:\Users\vaue\th.watts\KHA\AAC-SHOPTON ROAD - General\02 - DWG\PlanSheets\Rezoning\RZ-1    TECHNICAL DATA SHEET.dwg



VICINITY MAP  
NOT TO SCALE

LEGEND	
	AREA OUTLINE / PROPERTY LINE
	POTENTIAL PARKING AND CIRCULATION ENVELOPE
	POTENTIAL BUILDING, PARKING, AND CIRCULATION ENVELOPE
	POTENTIAL MOVEMENT ACCESS POINTS

PCR MIXED USE  
PREPARED FOR  
AMERICAN ASSET  
CORPORATION  
CITY OF CHARLOTTE NORTH CAROLINA

TECHNICAL DATA  
SHEET

REZONING PETITION NO. 2020-\_\_\_\_\_

811  
Know what's below.  
Call before you dig.

GRAPHIC SCALE IN FEET  
0 30 60 120  
NORTH

PROPOSED FULL ACCESS INTERSECTION

SHOPTON ROAD  
60' PUBLIC R/W  
(DB. 10/95 PG. 815)

Kimley»Horn  
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200 SOUTH TRYON ST. SUITE 200, CHARLOTTE, NC 28202  
P.O. BOX 10000  
WWW.KIMLEY-HORN.COM  
NC LICENSE #F-0102

10/12/2020

1ST RESUBMITTAL

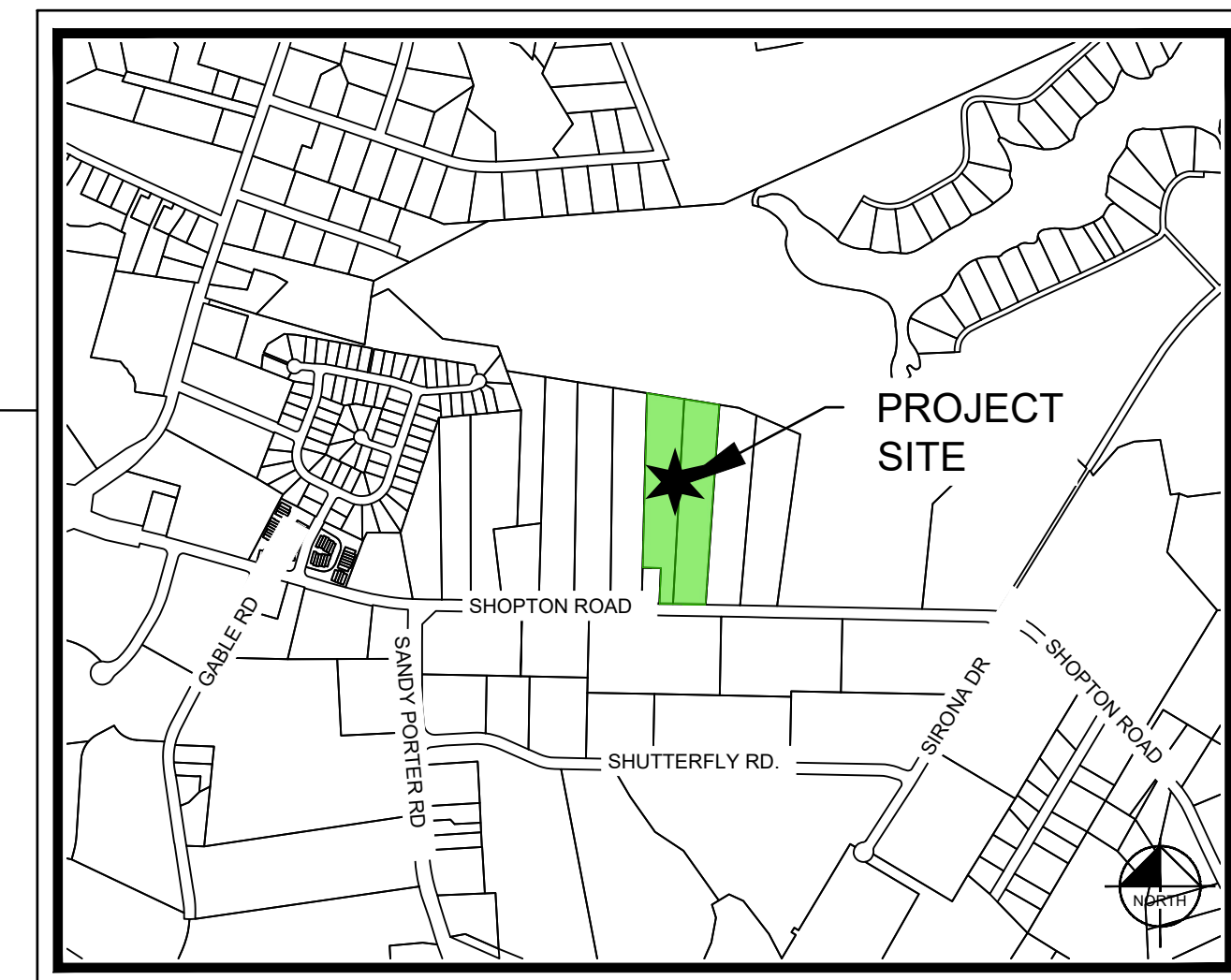
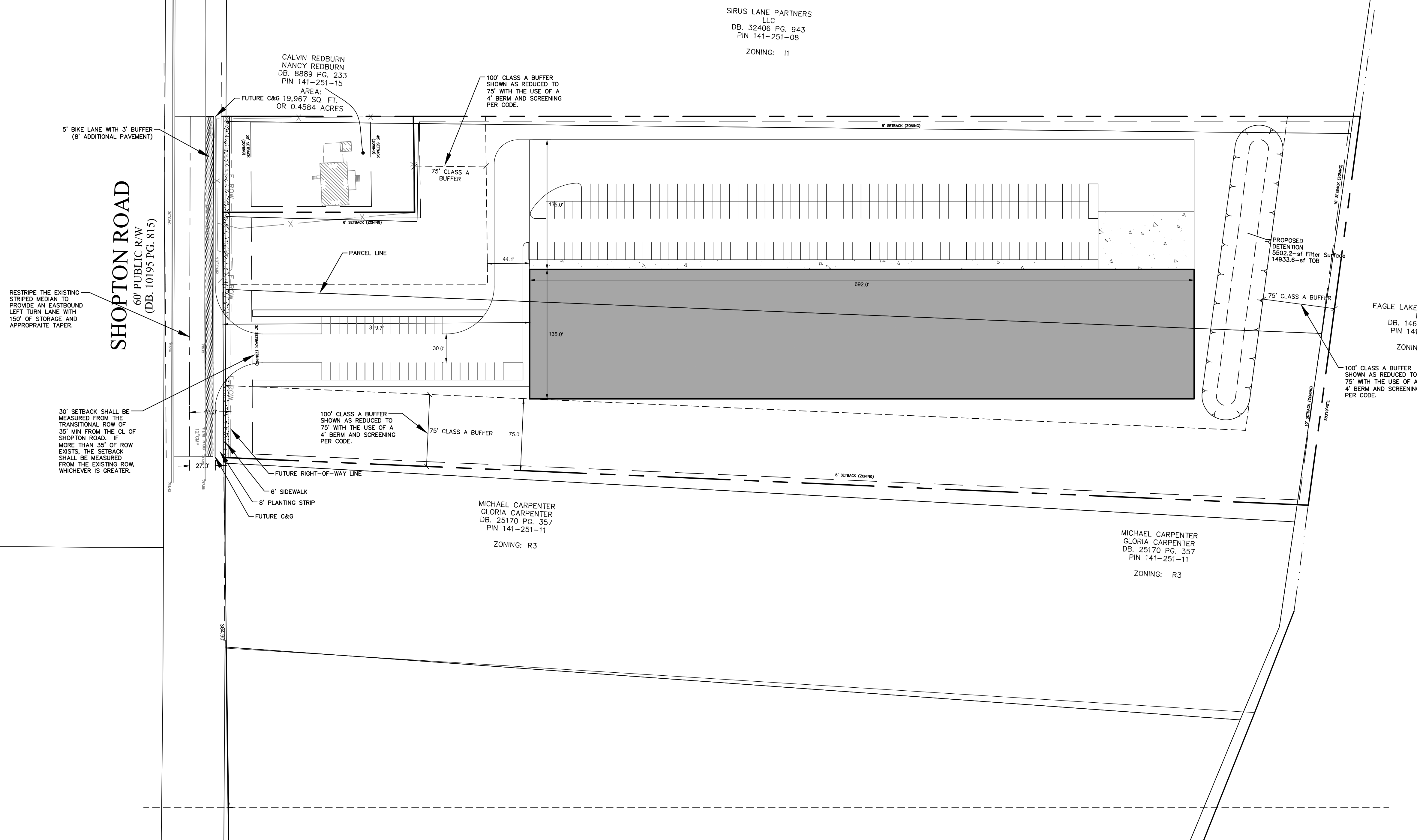
REVISIONS

No.

DATE

BY



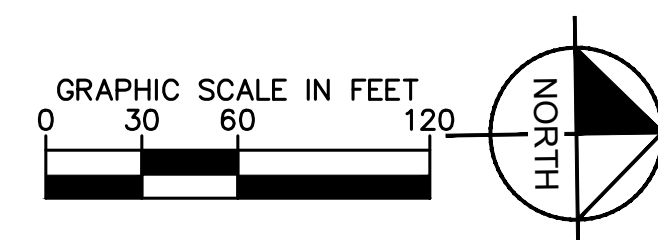


### VICINITY MAP

NOT TO SCALE

SITE DATA TABLE	
PROJECT AREA:	± 9.7 AC
PARCEL TAX ID:	141-251-09 141-251-10
STREET ADDRESS:	4016 & 4032 SHOPTON RD
EXISTING ZONING:	R-3
PROPOSED ZONING:	I-2 CD
PROPOSED USE:	OFFICE / LIGHT INDUSTRIAL / INDOOR WAREHOUSING
MAXIMUM ALLOWED GROSS FLOOR AREA	100,000 SF
MAX BUILDING HEIGHT	PER TECHNICAL NOTES
PARKING	PER ORDINANCE
LANDSCAPE SCREENS	PER ORDINANCE

1. FIRE DEPARTMENT ACCESS ROAD SHALL HAVE A MIN. 20' UNOBSTRUCTED CLEAR WIDTH AND SHALL BE CAPABLE OF SUPPORTING 80,000 LBS. 2- FIRE DEPARTMENT ACCESS ROAD THAT EXCEEDS 150' SHALL PROVIDE AN APPROVED TURNAROUND, 3- TURN RADIUS 30' INSIDE AND 42' OUTSIDE. 4- FOR SPRINKLED BUILDINGS, FIRE DEPARTMENT MUST BE ABLE TO REACH 200' TO ALL EXTERIOR PORTION OF BUILDING. 5- FOR BUILDINGS THAT IS EQUIPPED WITH A SPRINKLER SYSTEM, A FIRE DEPARTMENT CONNECTION SHALL BE LOCATED WITHIN 200' OF A FIRE HYDRANT FOR A NFPA 13 SPRINKLER SYSTEM. 6- FIRE HYDRANT SHALL BE LOCATED WITHIN 750' TO THE MOST REMOTE POINT OF BUILDING AS TRUCK TRAVEL FOR ALL BUILDINGS.
2. IF MORE THAN ONE BUILDING IS DEVELOPED, THE SUBDIVISION ORDINANCE MAY REQUIRE THIS PARCEL TO DEVELOP A PUBLIC STREET.
3. THIS SITE IS SUBJECT TO THE TREE ORDINANCE.
4. DEVELOPMENT SHALL COMPLY WITH ANY ADDITIONAL RESTRICTIONS AS PART OF THE AIRPORT NOISE OVERLAY.
5. DEVELOPER SHALL COMMIT TO CONSTRUCT AN 8' PLANTING STRIP AND 6' SIDEWALK ALONG THE EAST SIDE SHOPTON ROAD FRONTAGE.
6. DEVELOPER SHALL RESTRIPE THE EXISTING MEDIAN TO ENCOMPASS AND EASTBOUND TURN LANE WITH 150' OF STORAGE AND APPROPRIATE BAY TAPER.
7. DEDICATION AND FEE SIMPLE CONVEYANCE OF ALL RIGHTS OF WAY AND NOT ONLY BE REQUIRED PRIOR TO THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY ISSUANCE.
8. ALL TRANSPORTATION IMPROVEMENTS SHALL BE APPROVED AND CONSTRUCTED BEFORE THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED.





**DEVELOPMENT STAND**  
**OCTOBER 12, 2020**

## 1. GENERAL PROVISIONS

- DEVELOPMENT STANDARDS**
- OCTOBER 12, 2020**
- I. GENERAL PROVISIONS**
- A. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY THE MAINTENANCE TEAM, INC. (THE "PETITIONER") FOR AN APPROXIMATELY 0.8 ACRE SITE LOCATED ON THE NORTH SIDE OF SHOPTON ROAD, BETWEEN SANDY PORTER ROAD AND SIRONA DRIVE, WHICH SITE IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (THE "SITE"). THE SITE IS COMPRISED OF TAX PARCEL NOS. 141-251-00 AND 141-251-10.
- B. THE DEVELOPMENT AND USE OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE").
- C. UNLESS THE REZONING PLAN OR THESE DEVELOPMENT STANDARDS ESTABLISH MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE I-2 ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT AND USE OF THE SITE.
- D. THE DEVELOPMENT AND USE OF THE SITE SHALL COMPLY WITH THE AIRPORT NOISE OVERLAY DISTRICT.
- E. THE DEVELOPMENT AND USES DEPICTED ON THE REZONING PLAN ARE SCHEMATIC IN NATURE AND ARE INTENDED TO DEPICT THE GENERAL ARRANGEMENT OF USES AND IMPROVEMENTS ON THE SITE. ACCORDINGLY, THE ULTIMATE LAYOUT, LOCATIONS AND SIZES OF THE DEVELOPMENT AND SITE ELEMENTS DEPICTED ON THE REZONING PLAN ARE GRAPHIC REPRESENTATIONS OF THE PROPOSED DEVELOPMENT AND SITE ELEMENTS, AND THEY MAY BE ALTERED OR MODIFIED IN ACCORDANCE WITH THE SITEBACK, YARD AND BUFFER REQUIREMENTS SET FORTH ON THIS REZONING PLAN AND THE DEVELOPMENT STANDARDS, PROVIDED, HOWEVER, THAT ANY SUCH ALTERATIONS AND MODIFICATIONS SHALL NOT MATERIALLY CHANGE THE OVERALL DESIGN INTENT DEPICTED ON THE REZONING PLAN. ALTERATIONS AND MODIFICATIONS SHALL BE IN ACCORDANCE WITH SECTION 6.207 OF THE ORDINANCE.
- F. FUTURE AMENDMENTS TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE SITE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE. ALTERATIONS TO THE REZONING PLAN ARE SUBJECT TO SECTION 6.207 OF THE ORDINANCE.

## 2. PERMITTED USES/DEVELOPMENT LIMITATIONS

- A. SUBJECT TO THE TERMS OF PARAGRAPHS 2.B THROUGH 2.H BELOW, THE SITE MAY BE DEVOTED ONLY TO THOSE USES THAT ARE PERMITTED BY RIGHT OR UNDER PRESCRIBED CONDITIONS IN THE I-2 ZONING DISTRICT THAT ARE ALSO PERMITTED BY RIGHT OR UNDER PRESCRIBED CONDITIONS IN THE I-1 ZONING DISTRICT, TOGETHER WITH ANY INCIDENTAL OR ACCESSORY USES RELATING THERETO.

- B. NOTWITHSTANDING THE TERMS OF PARAGRAPH 2.A ABOVE, THE FOLLOWING USES ARE PROHIBITED ON THE SITE:

- (1) ABATTOIRS.
- (2) ADULT ESTABLISHMENTS.
- (3) AMUSEMENT, COMMERCIAL OUTDOORS.
- (4) ANIMAL CREMATORIUMS.
- (5) AUTOMOBILES, TRUCK AND UTILITY TRAILER RENTAL.

- (6) AUTOMOTIVE REPAIR GARAGES.
- (7) AUTOMOTIVE SERVICE STATIONS

- (9) CAR WASHES.

- #### (10) CREMATORY FACILITIES

- (11) FINANCIAL INSTITUTIONS

- (12) GOVERNMENT BUILDINGS.

- (13) EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS (TYPE 1 AND TYPE 2)

- (14) RETAIL ESTABLISHMENTS, SHOPPING CENTERS AND BUSINESS, PERSONAL AND RECREATIONAL SERVICES

- C. NOTWITHSTANDING THE TERMS OF PARAGRAPH 2.A ABOVE, THE SITE MAY ALSO BE DEVOTED TO THE USES SET OUT BELOW THAT ARE PERMITTED BY RIGHT OR UNDER PRESCRIBED CONDITIONS IN THE I-2 ZONING DISTRICT.
- (1) CONTRACTOR OFFICES AND ACCESSORY USES.

- (2) THE OUTDOOR STORAGE OF GOODS AND MATERIALS IN EXCESS OF 25% OF THE FLOOR AREA OF THE PRINCIPAL BUILDING LOCATED ON THE SITE.
- (3) WAREHOUSING.

- D. THE TOTAL NUMBER OF PRINCIPAL BUILDINGS TO BE DEVELOPED ON THE SITE SHALL NOT EXCEED ONE. ACCESSORY BUILDINGS AND STRUCTURES LOCATED ON THE SITE SHALL NOT BE CONSIDERED IN ANY LIMITATION ON THE NUMBER OF PRINCIPAL BUILDINGS ON THE SITE.

- E. THE PRINCIPAL BUILDING AND ANY ACCESSORY BUILDING(S) SHALL BE LOCATED WITHIN THE BUILDING, PARKING AND CIRCULATION ENVELOPE DEPICTED ON THE REZONING PLAN. PARKING AND VEHICULAR CIRCULATION AREAS MAY BE LOCATED IN THE BUILDING, PARKING AND CIRCULATION ENVELOPE AND THE PARKING AND CIRCULATION ENVELOPE THAT ARE DEPICTED ON THE REZONING PLAN.

- G. A MAXIMUM OF 100,000 SQUARE FEET OF GROSS FLOOR AREA MAY BE DEVELOPED ON THE SITE.

- H. THE PRINCIPAL BUILDING TO BE CONSTRUCTED ON THE SITE MAY BE CONSTRUCTED IN PHASES, SUCH THAT THE PRINCIPAL BUILDING INITIALLY CONTAINS LESS THAN 100,000 SQUARE FEET OF GROSS FLOOR AREA. THE MINIMUM SIZE OF THE FIRST PHASE OF THE BUILDING SHALL BE 10,000 SQUARE FEET OF GROSS FLOOR AREA. THE PRINCIPAL BUILDING MAY BE EXPANDED ONE OR MORE TIMES UP TO A MAXIMUM OF 100,000 SQUARE FEET OF GROSS FLOOR AREA, AND THE EXPANSION AREA(S) OF THE PRINCIPAL BUILDING SHALL NOT BE CONSIDERED TO BE SEPARATE BUILDINGS AND SHALL BE CONSIDERED TO BE PART OF THE PRINCIPAL BUILDING.

### 3. TRANSPORTATION

- A. VEHICULAR ACCESS SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF THE ACCESS POINT 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 ALIGNMENTS OF THE INTERNAL PRIVATE DRIVES AND DRIVEWAYS AND THE VEHICULAR CIRCULATION AREAS MAY BE MODIFIED BY PETITIONER TO ACCOMMODATE CHANGES IN TRAFFIC PATTERNS, PARKING LAYOUTS AND ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY CDOT AND/OR NCDOT IN ACCORDANCE WITH APPLICABLE PUBLISHED STANDARDS.

- C. INTERNAL SIDEWALKS AND PEDESTRIAN CONNECTIONS SHALL BE PROVIDED ON THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN

- D. PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR THE BUILDING TO BE CONSTRUCTED ON THE SITE, PETITIONER SHALL DEDICATE AND CONVEY TO THE CITY OR TO NCDOT (SUBJECT TO A RESERVATION FOR ANY NECESSARY UTILITY EASEMENTS) THOSE PORTIONS OF THE SITE LOCATED IMMEDIATELY ADJACENT TO SHOPTON ROAD AS REQUIRED TO PROVIDE RIGHT OF WAY MEASURING 43 FEET FROM THE EXISTING CENTERLINE OF SHOPTON ROAD, TO THE EXTENT THAT SUCH RIGHT OF WAY DOES NOT ALREADY EXIST.

- E. PETITIONER SHALL CONSTRUCT A 5 FOOT BICYCLE LANE WITH A 3 FOOT BUFFER ON SHOPTON ROAD ALONG THE SITE'S FRONTAGE ON SHOPTON ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN.

- F. PETITIONER SHALL RE-STRIPE THE EXISTING STRIPED MEDIAN ON SHOPTON ROAD TO CREATE AN EASTBOUND LEFT TURN LANE ON SHOPTON ROAD AT THE VEHICULAR ENTRANCE INTO THE SITE. THIS EASTBOUND LEFT TURN LANE SHALL HAVE 150 FEET OF STORAGE AND AN APPROPRIATE BAY TAPER.

- G. ALL TRANSPORTATION IMPROVEMENTS WILL BE APPROVED AND CONSTRUCTED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR THE BUILDING CONSTRUCTED ON THE SITE.

#### 4. ARCHITECTURAL STANDARDS

- A. THE MAXIMUM HEIGHT IN FEET OF ANY BUILDING CONSTRUCTED ON THE SITE SHALL BE 55 FEET AS MEASURED UNDER THE ORDINANCE.

## 5. STREETSCAPE, LANDSCAPING AND BUFFERS

- A. BUFFERS SHALL BE ESTABLISHED ON THE SITE AS REQUIRED BY THE ORDINANCE AND AS DEPICTED ON THE REZONING PLAN, AND SUCH BUFFERS SHALL CONFORM TO THE STANDARDS OF SECTION 12.302 OF THE ORDINANCE. PURSUANT TO THE ORDINANCE, PETITIONER MAY REDUCE THE REQUIRED WIDTH OF A BUFFER BY 25% BY INSTALLING A BERM THAT MEETS THE STANDARDS OF SECTION 12.302(8A) OF THE ORDINANCE OR A FENCE THAT MEETS THE STANDARDS OF SECTION 12.302(8) OF THE ORDINANCE AS APPLICABLE.

- B. IN THE EVENT THAT AN ADJACENT PARCEL OF LAND IS EITHER REZONED TO A ZONING DISTRICT OR DEVOTED TO A USE THAT ELIMINATES OR REDUCES THE BUFFER REQUIREMENTS ON THE SITE, PETITIONER MAY REDUCE OR ELIMINATE, AS THE CASE MAY BE, THE RELEVANT BUFFER AREAS ACCORDINGLY.

- C. A MINIMUM 8 FOOT WIDE PLANTING STRIP AND A MINIMUM 6 FOOT WIDE SIDEWALK SHALL BE INSTALLED ALONG THE SITE'S FRONTAGE ON SHOPTON ROAD.

## 6. ENVIRONMENTAL FEATURES

- 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

- 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.

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

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

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

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



Know what's below.  
Call before you dig.

[illegible]





**Agenda Date:** 11/16/2020

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**Agenda #:** 32. **File #:** 15-14618 **Type:** Zoning Hearing

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## **Rezoning Petition: 2020-123 by Collett Properties, Inc.**

**Location:** Approximately 13.22 acres located on the north side of Business Center Drive and Interstate 85 and west of Little Rock Road. (Council District 3 - Watlington)

**Current Zoning:** R-3 AIR LLWPA (single-family residential, airport noise overlay, Lower Lake Wylie Protected Area) and B-2 AIR LLWPA (general business, airport noise overlay, Lower Lake Wylie Protected Area)

**Proposed Zoning:** I-1 (CD) AIR LLWPA (light industrial, airport overlay, Lower Lake Wylie Protected Area).

### **Staff Recommendation:**

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

### **Attachments:**

Pre-Hearing Staff Analysis  
Site Plan

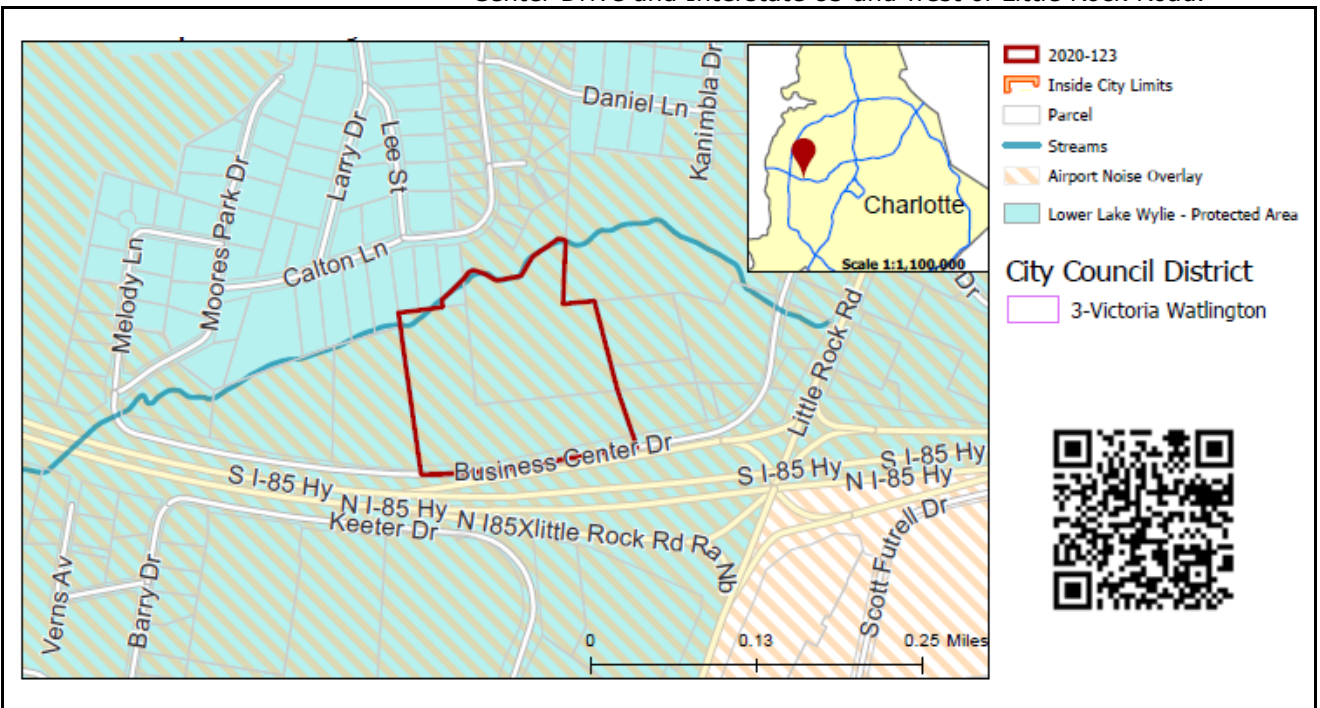
## REQUEST

Current Zoning: R-3 AIR LLWPA (single family residential, airport noise overlay, Lower Lake Wylie Protected Area) and B-2 AIR LLWPA (general business, airport noise overlay, Lower Lake Wylie Protected Area)

Proposed Zoning: I-1(CD) AIR LLWPA (light industrial, airport overlay, Lower Lake Wylie Protected Area)

## LOCATION

Approximately 13.22 acres located on the north side of Business Center Drive and Interstate 85 and west of Little Rock Road.



## SUMMARY OF PETITION

The petition proposes to rezone a vacant site to accommodate a maximum 175,000 square foot building that could be devoted to office, warehouse, distribution, outdoor storage, and other light industrial uses.

## PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE

Park'N Go of Charlotte-2 LLC  
Collett Properties, Inc.  
John Carmichael

## COMMUNITY MEETING

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 5

## STAFF RECOMMENDATION

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

### Plan Consistency

The petition is **inconsistent** with the retail and single family up to four dwelling units per acre land use recommendation for this site as per the *Northwest District Plan*.



Rationale for Recommendation

- The site is along a frontage road to Interstate 85 and Little Rock Road at the entrance to Charlotte Douglas International Airport, where a number of airport supporting uses such as hotels as well as park and ride lots are located.
- The proposed site plan includes a Class A buffer (a minimum of 75' with a berm) to provide transition between the proposed industrial uses and the adjacent existing single-family neighborhood.
- The site may not best suited for residential uses within the Airport Noise Overlay Zoning District.

The approval of this petition will revise the adopted future land use as specified by the *Northwest District Plan*, from retail and single-family land uses to industrial uses for the site.

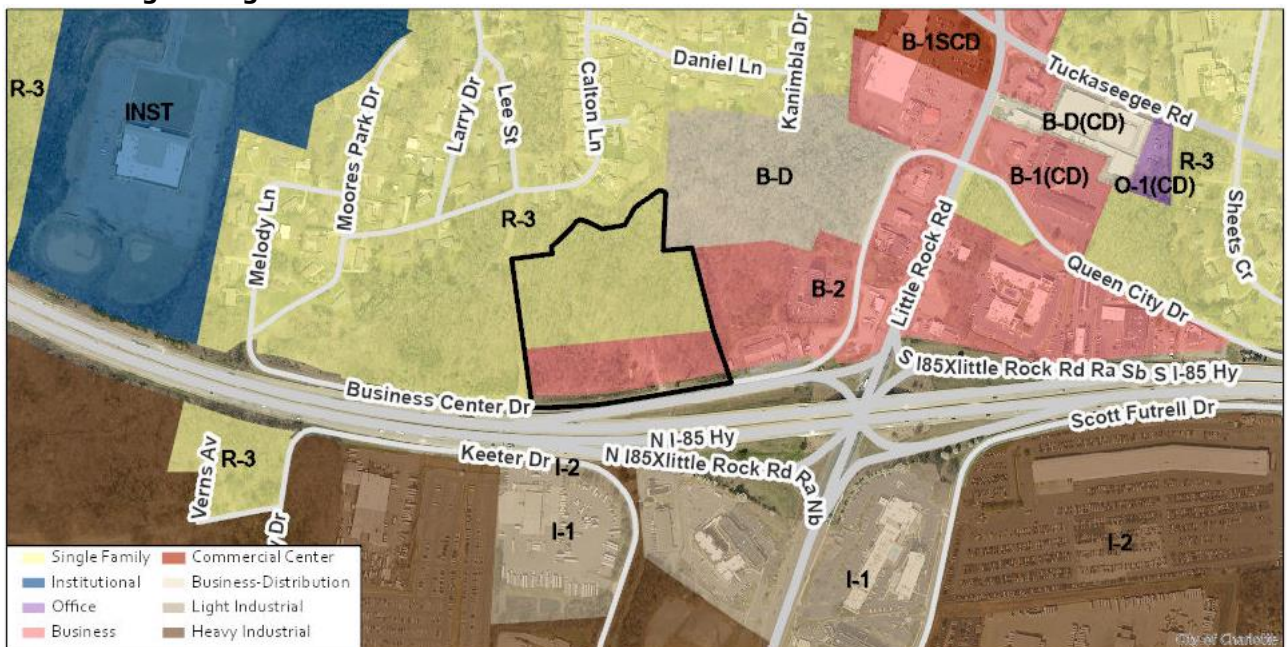
**PLANNING STAFF REVIEW**

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

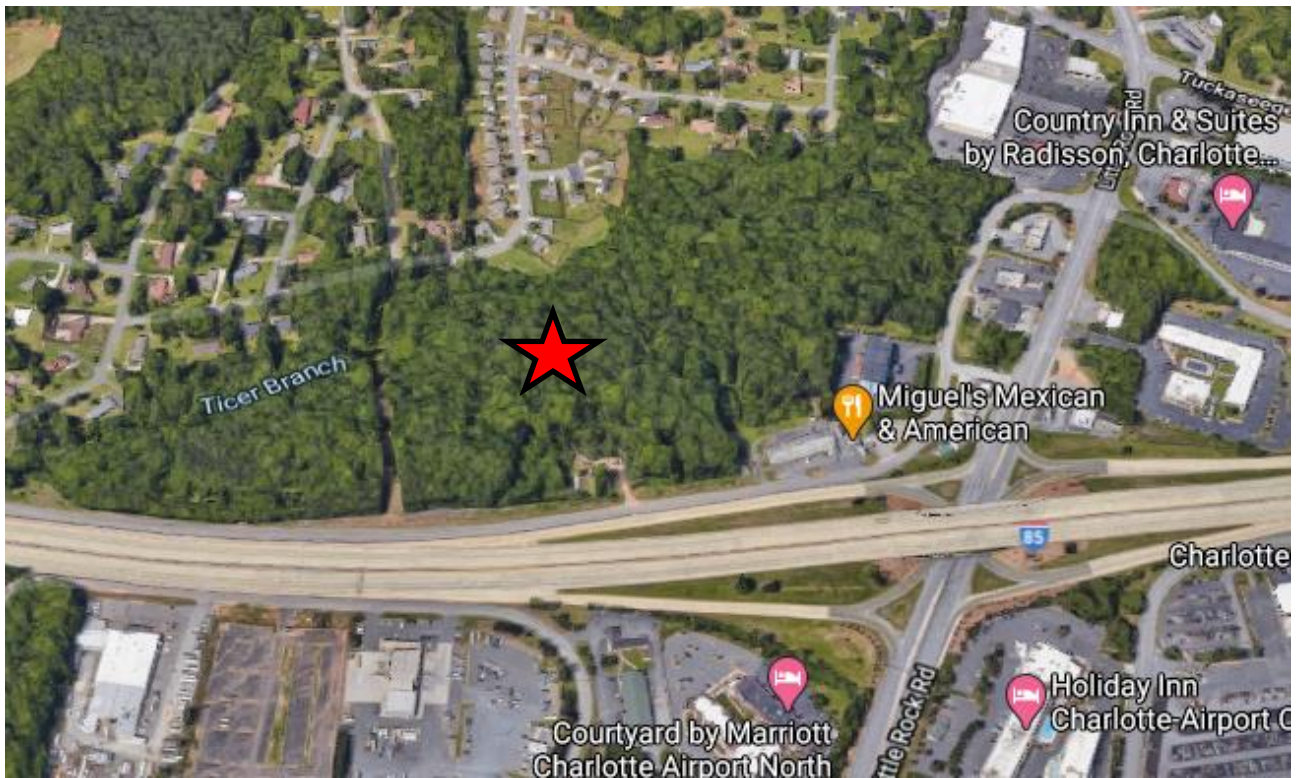
- Allows for a maximum of a 175,000 square feet principal building for uses allowed in the I-1 zoning district as well as accessory uses as permitted by ordinance.
- Prohibits the following uses:
  - Adult establishments
  - Automobile rental, repair, service, or sales
  - Barber and beauty shops
  - Car washes
  - Financial institutions
  - Hotels and motels
  - Eating, Drinking, and Entertainment Establishments (Type 1 and Type 2)
  - Retail establishments and business, personal, and recreational services
- Limits outdoor storage areas to the parking envelope and/or building envelope.
- Reserves right-of-way along the western property line for a future public street.
- Commits to constructing an 8' planting strip and 6' sidewalk along Business Center Drive.
- Limits building height to a maximum of 50'.
- Commits to providing a Class C buffer along the eastern property line and Class A buffer along the northern and western property lines.

- **Existing Zoning and Land Use**





The subject property is vacant land near the interchange of Interstate 85 and Little Rock Road. The properties to the east are a mixture of developed business uses and undeveloped business zoned land, while the properties to the north and west are a mixture of single family residential uses and single family residential zoned land.



The subject property is denoted by a red star.



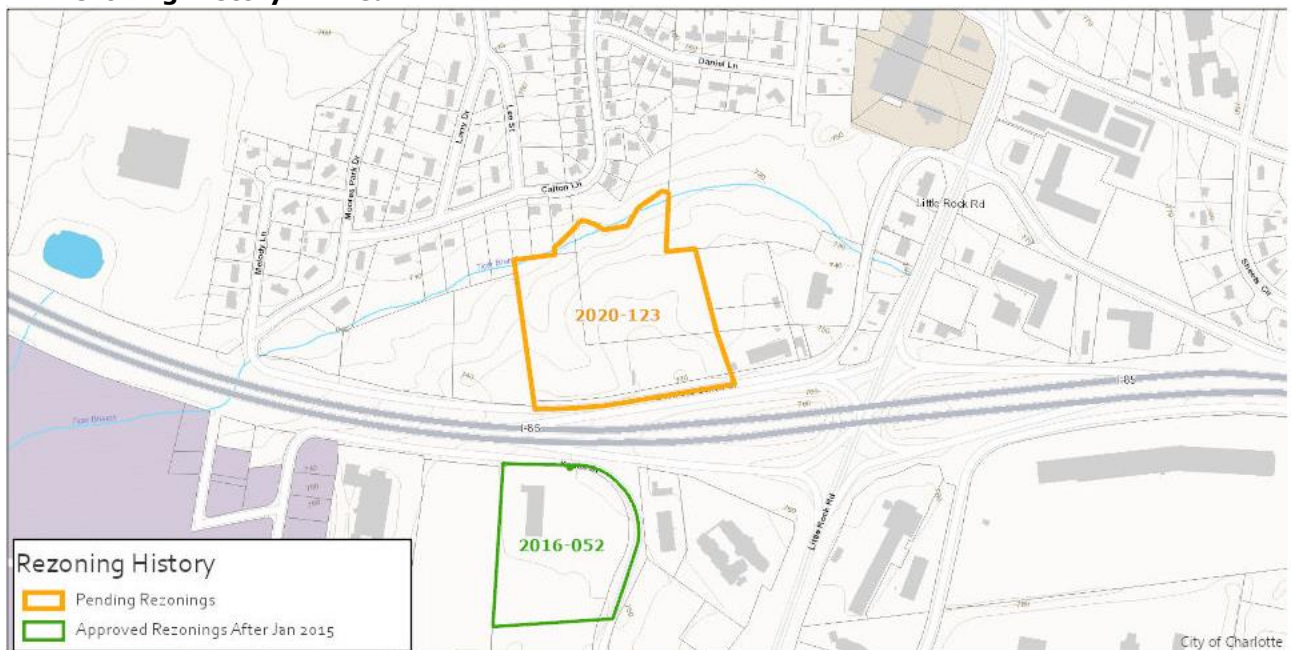
View of the site looking north from Business Center Drive.





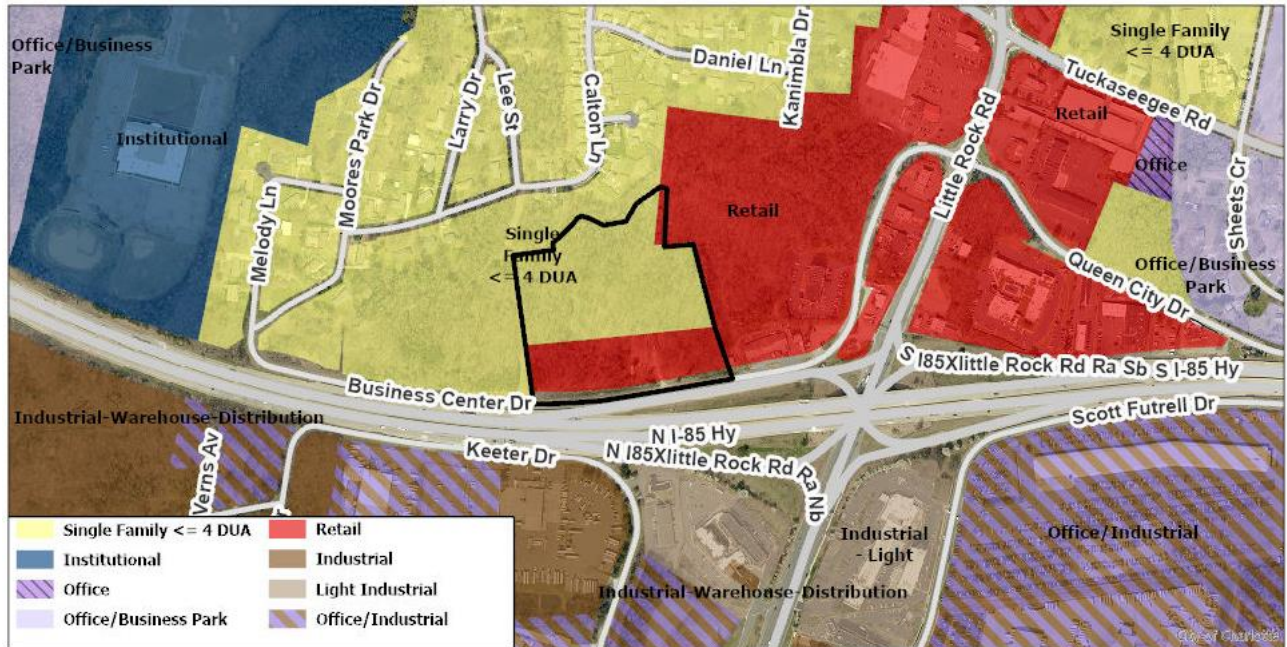
View of the site looking south from Calton Lane.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2016-052	The petition rezoned 8.32 acres to I-1 on parcel occupied by a truck leasing company.	Approved

- **Public Plans and Policies**



- The *Northwest District Plan* (1990) recommends retail on the portion of the site fronting Business Center Drive and single family residential at no more than 4 dwelling units per acre on the rear portion of the site. Those recommendations reflect the current split-zoning of the property: B-2 and R-3, respectively.
- **TRANSPORTATION SUMMARY**
  - The site is located on Business Center Drive, a state-maintained local road. As a part of this development, in-line with the City's WALKS policy, the petitioner has agreed to construct an 8-foot planting strip and 6-foot sidewalk along Business Center Drive. Additionally, the petitioner has reserved right-of-way, to the west of their parcel, for a future street connection. Outstanding items include showing the 8-foot planting strip and sidewalk along Business Center Dr. and the 2-foot right-of-way behind the sidewalk, along Business Center Drive, on the site plan with dimensions.
- **Active Projects:**
  - There are no active projects in the vicinity of the site.
- **Transportation Considerations**
  - See Outstanding Issues, Notes 1-2.
- **Vehicle Trip Generation:**
  - Current Zoning:
    - Existing Use: 0 trips per day (based on vacant land).
    - Entitlement: 5,045 trips per day (based on 25 single family units and 70,800 square feet of retail).
  - Proposed Zoning: 255 trips per day (based on 175,000 square feet of warehouse).

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

- **Charlotte Area Transit System:** No comments submitted.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No comments submitted.
- **Charlotte-Douglas International Airport:** No comments submitted.
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Historic Landmarks:** No comments submitted.
- **Charlotte-Mecklenburg Police Department:** No comments submitted.
- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.



- **Charlotte Water:** Water and sewer service is accessible for this rezoning boundary. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No comments submitted.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** See Requested Technical Revisions, Notes 3-4.
  - **Urban Forestry:** No comments submitted.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://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 dedicate right-of-way 2-ft back-of-sidewalk on Business Center Drive, labeled and dimensioned from the road centerline.
2. Revise the site plan and conditional note(s) to commit to construct an 8-foot planting strip and a 6-foot sidewalk along the site's Business Center Drive frontage, per Charlotte WALKS, labeled and dimensioned from the road centerline.

## REQUESTED TECHNICAL REVISIONS

### Environment

3. Stream buffers are incorrectly labeled. Applicability of stream buffer requirements will depend upon stream classification ("intermittent" stream will require 35' PCSO Buffer; "perennial" stream will require 100' watershed buffer). For purposes of advancing the rezoning process, show and label "Potential 35' PCSO Stream Buffer" and "Potential 100' Undisturbed Lower Lake Wylie Watershed Protection Stream Buffer" on the rezoning plan OR provide stream delineation report confirming no intermittent or perennial stream exists (report subject to review and approval by City).
4. Add the following note under the ENVIRONMENTAL FEATURES heading:  
"Development within any PCSO/Watershed Protection Stream Buffer shall be coordinated with and subject to approval by Charlotte-Mecklenburg Storm Water Services and mitigated if required by City ordinance. Petitioner acknowledges intermittent/perennial stream delineation reports are subject to review and approval upon submission of development plans for permitting and are not approved with rezoning decisions."

### Site and Building Design

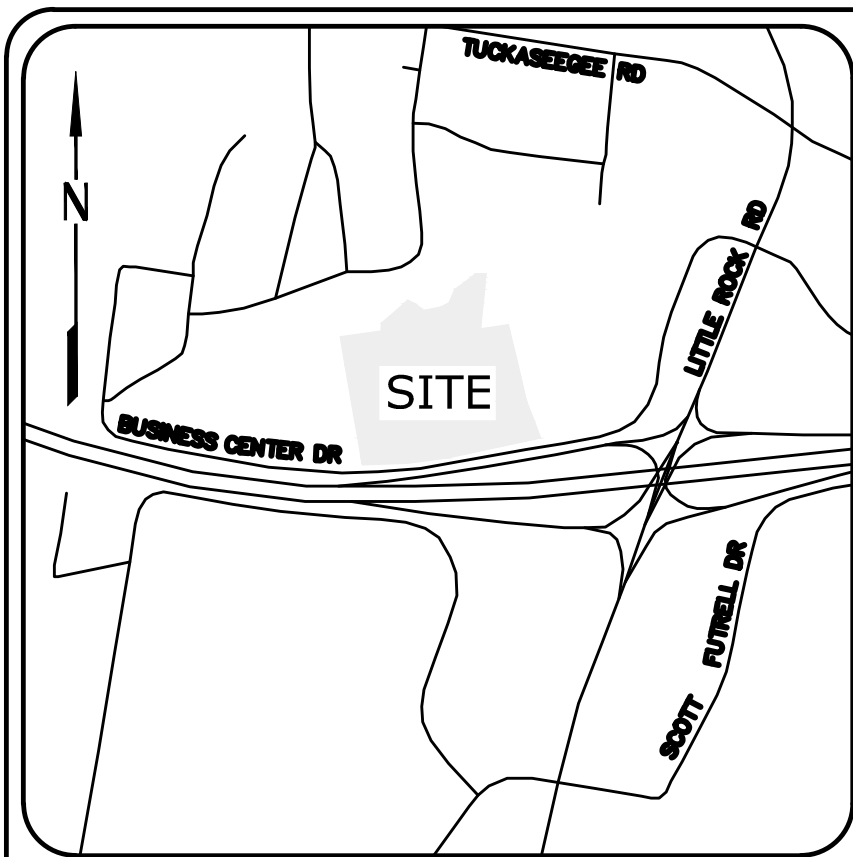
5. Label zoning of all adjacent parcels.
6. Relocate the berm on the western property line to be outside of the reserved right-of-way. If future right-of-way is dedicated, a half buffer (50') is required and can be reduced 25% per ordinance with a berm.

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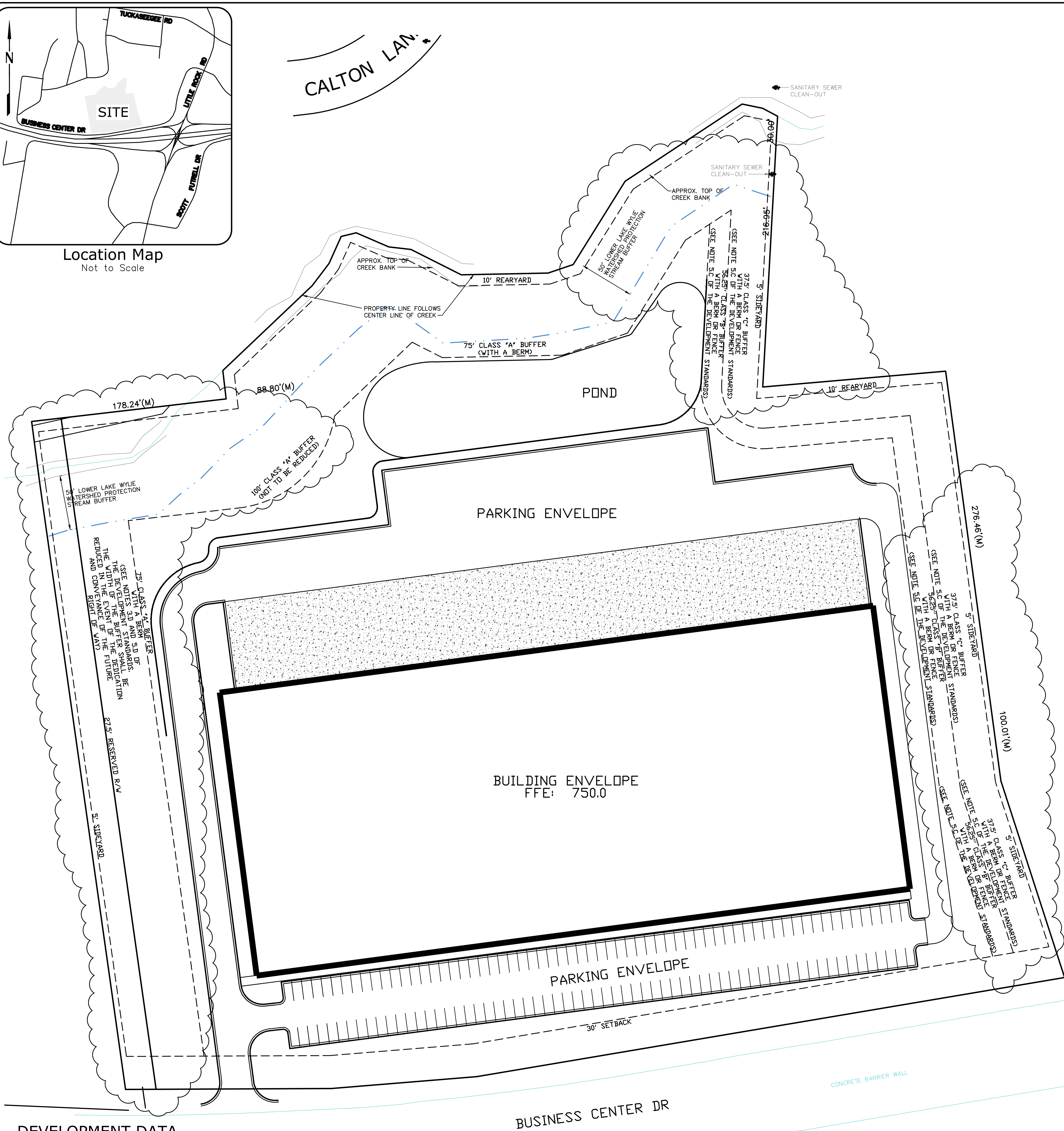
**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

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



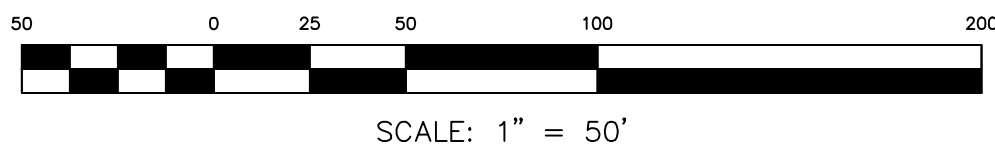


Location Map  
Not to Scale



#### DEVELOPMENT DATA

SITE AREA: 13.22 acres  
TAX PARCEL NOS.: 055-351-01, 055-351-31 and 055-353-34.  
CURRENT ZONING: R-3 & B-2  
CURRENT USE: UNDEVELOPED  
PROPOSED ZONING: I-1 (CD)  
IMPERVIOUS AREA: 7.22 AC (55%)



October 12, 2020

#### 1. GENERAL PROVISIONS

- A. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Collett Properties, Inc. (the "Petitioner") for an approximately 13.22 acre site located on the north side of Business Center Drive between Little Rock Road and Moores Park Drive, which site is more particularly depicted on the Rezoning Plan (hereinafter referred to as the "Site"). The Site is comprised of Tax Parcel Nos. 055-351-01, 055-351-31 and 055-353-34.
- B. Development of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance").
- C. Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the I-1 zoning district shall govern all development taking place on the Site.
- D. The development and uses depicted on the Rezoning Plan are schematic in nature and are intended to depict the general arrangement of uses and improvements on the Site. Accordingly, the ultimate layout, locations and sizes of the development and site elements depicted on the Rezoning Plan are graphic representations of the proposed development and site elements, and they may be altered or modified in accordance with the setback, yard and buffer requirements set forth on this Rezoning Plan and the development standards, provided, however, that any such alterations and modifications shall not materially change the overall design intent depicted on the Rezoning Plan. Alterations and modifications shall be in accordance with Section 6.207 of the Ordinance.

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

#### 2. PERMITTED USES/DEVELOPMENT LIMITATIONS

- A. Subject to the limitations set out below, the Site may be devoted to any use or uses allowed by right or under prescribed conditions in the I-1 zoning district, together with any incidental or accessory uses associated therewith that are permitted under the Ordinance in the I-1 zoning district.
- B. Notwithstanding the terms of paragraph 2.A above, the following uses shall be prohibited on the Site:

- (1) Adult establishments.
- (2) Automobiles, truck and utility trailer rental.
- (3) Automotive repair garages.
- (4) Automotive sales and repair, including tractor-trucks and accompanying trailer units.
- (5) Automotive service stations.
- (6) Barber and beauty shops.
- (7) Car washes.
- (8) Financial institutions.
- (9) Hotels and motels.
- (10) Eating, Drinking and Entertainment Establishments (Type 1 and Type 2).
- (11) Retail establishments, shopping centers and business, personal and recreational services.

- C. A maximum of one principal building may be constructed on the Site. Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of principal buildings on the Site.
- D. A total maximum of 175,000 square feet of gross floor area may be developed on the Site.

- E. The principal building and any accessory buildings and structures shall be located within the Building Envelope depicted on the Rezoning Plan.
- F. Parking areas shall be located within the Parking Envelope depicted on the Rezoning Plan. Parking areas may also be located within the Building Envelope.
- G. Outdoor storage areas, to the extent permitted by the Ordinance, shall only be located within the Parking Envelope and/or the Building Envelope.

#### 3. TRANSPORTATION

- A. Vehicular access shall be as generally depicted on the Rezoning Plan. The placement and configuration of the vehicular access points are subject to any minor modifications required by the Charlotte Department of Transportation ("CDOT") and/or the North Carolina Department of Transportation ("NCDOT").
- B. The alignments of the internal private drives and driveways and the vehicular circulation areas may be modified by Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by CDOT and/or NCDOT in accordance with applicable published standards.
- C. Internal sidewalks and pedestrian connections shall be provided on the Site as generally depicted on the Rezoning Plan.
- D. Petitioner shall reserve for future right of way for a new public street to be constructed by others (and not Petitioner) that portion of the Site located along the western boundary line of the Site and measuring 27.5 feet from the western boundary line of the Site as generally depicted on the Rezoning Plan (the "Future Right of Way"). The Future Right of Way shall be dedicated and conveyed to the City or to NCDOT by Petitioner upon the request of the City or NCDOT when the new public street is to be constructed by others. The Future Right of Way shall be a portion of the 75 foot wide Class A buffer located along the western boundary of the Site and a portion of the 100 foot Class A buffer located along a portion of the northern boundary of the Site until such time that it is dedicated and conveyed to the City or NCDOT.
- E. Prior to the issuance of a certificate of occupancy for the building to be constructed on the Site, Petitioner shall dedicate and convey to the City of Charlotte or to the North Carolina Department of Transportation as applicable (subject to a reservation for any necessary utility easements) those portions of the Site located immediately adjacent to Business Center Drive that are necessary to extend the existing right of way for Business Center Drive to that point that is located 2 feet behind the 6 foot sidewalk to be constructed along the Site's frontage on Business Center Drive to the extent that such right of way does not already exist.
- F. All transportation improvements required to be constructed by Petitioner under this Section 3 of the Development Standards will be approved and constructed prior to the issuance of a certificate of occupancy for a new building constructed on the Site

#### 4. ARCHITECTURAL STANDARDS

- A. The maximum height in feet of any building constructed on the Site shall be 50 feet as measured under the Ordinance. Any increase in the height of the building over 40 feet must comply with the requirements of Section 9.1105(1) of the Ordinance.

#### 5. STREETSCAPE, LANDSCAPING AND BUFFERS

- A. Buffers shall be established on the Site as required by the Ordinance, and such buffers shall conform to the standards of Section 12.302 of the Ordinance. Pursuant to the Ordinance, Petitioner may reduce the required width of the buffers up to 25% by installing a berm that meets the standards of Section 12.302(8A) of the Ordinance or a fence that meets the standards of Section 12.302(8) of the Ordinance as applicable.
- B. Notwithstanding the terms of paragraph 5.A above, the width of the 100 foot Class A buffer to be established along a portion of the northern boundary line of the Site as depicted on the Rezoning Plan may not be reduced. Notwithstanding the foregoing, at such time that the Future Right of Way referenced above in paragraph 3.D is dedicated and conveyed, the relevant portion of the 100 foot Class A buffer shall be eliminated.
- C. A Class C buffer reduced in width by 25% to 37.5 feet through the installation of a berm or a fence is depicted on the Rezoning Plan as being established along the eastern boundary line of the Site. If a use or uses are located on the Site that require a Class B buffer rather than a Class C buffer along the eastern boundary line of the Site, then a Class B buffer shall be required to be established along the eastern boundary line of the Site, and the width of this buffer may be reduced accordingly as allowed under the Ordinance.
- D. In the event that an adjacent parcel of land is either rezoned to a zoning district or devoted to a use that eliminates or reduces the buffer requirements on the Site, or in the event that the Future Right of Way along the western boundary line of the Site is dedicated and conveyed, Petitioner may reduce or eliminate, as the case may be, the relevant buffer areas accordingly.
- E. A minimum 8 foot wide planting strip and a minimum 6 foot wide sidewalk shall be installed along the Site's frontage on Business Center Drive as generally depicted on the Rezoning Plan. Portions of the 6 foot wide sidewalk may be located in a sidewalk utility easement if necessary.

#### 6. ENVIRONMENTAL FEATURES

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

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

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

DATE	10/12/20
PROJECT COMMENTS	
REV.	
DRAWING SCALE	
PROJECT DATE	
PROJECT NAME	
PROJECT NUMBER	
APPROVED BY	
FILE NAME	

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- ☐ ISSUED FOR BIDDING
- ☐ ISSUED FOR PERMIT
- ☐ ISSUED FOR CONSTRUCTION

Drawing Status

BUSINESS CENTER DR  
CHARLOTTE, NORTH CAROLINA

REZONING

RZ  
1





**Agenda Date:** 11/16/2020

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**Agenda #:** 33.**File #:** 15-14619 **Type:** Zoning Hearing

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## **Rezoning Petition: 2020-124 by Mission Properties**

**Location:** Approximately 0.33 acres located along the southeast side of Dunloe Street, the southwest side of Sylvania Avenue, west of Tryon Street. (Council District 1 - Egleston)

**Current Zoning:** I-2 (general industrial)

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

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Pre-Hearing Staff Analysis  
Site Plan

**REQUEST**

Current Zoning: I-2 (general industrial)  
Proposed Zoning: UR-2(CD) (urban residential, conditional)

**LOCATION**

Approximately 0.33 acres located along the southeast side of Dunloe Street, the southwest side of Sylvania Avenue, west of Tryon Street.



**SUMMARY OF PETITION**

The petition proposes a residential building containing a maximum of 21 multifamily dwelling units with a density of 63 dwelling units per acre.

**PROPERTY OWNER**

Sylvania QOZ Business, LLC

**PETITIONER**

Mission Properties

**AGENT/REPRESENTATIVE**

Collin W. Brown, Alexander Ricks, PLLC

**COMMUNITY MEETING**

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

**STAFF  
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the *North Tryon Area Plan* (2010) future land use designation of office/retail/residential, but at 63 dwelling units per acre (DUA), it is **inconsistent** with the area plan's recommendation of residential uses up to 22 DUA.

Rationale for Recommendation

- The petition proposes one building with up to 21 multi-family units.
- The multi-family development fulfills the area plan's recommendation of encouraging a mix of office, retail and residential uses and serves as an appropriate transition between



the Lockwood neighborhood and the commercial and industrial uses on Dunloe Street and North Tryon Street.

- The petition commits to a building design that is not monolithic and will include various architectural features to improve the pedestrian experience.

The approval of this petition will revise the adopted future land use as specified by the *North Tryon Area Plan (2010)*, from Office/Retail/Residential to Residential >22 DUA for the site.

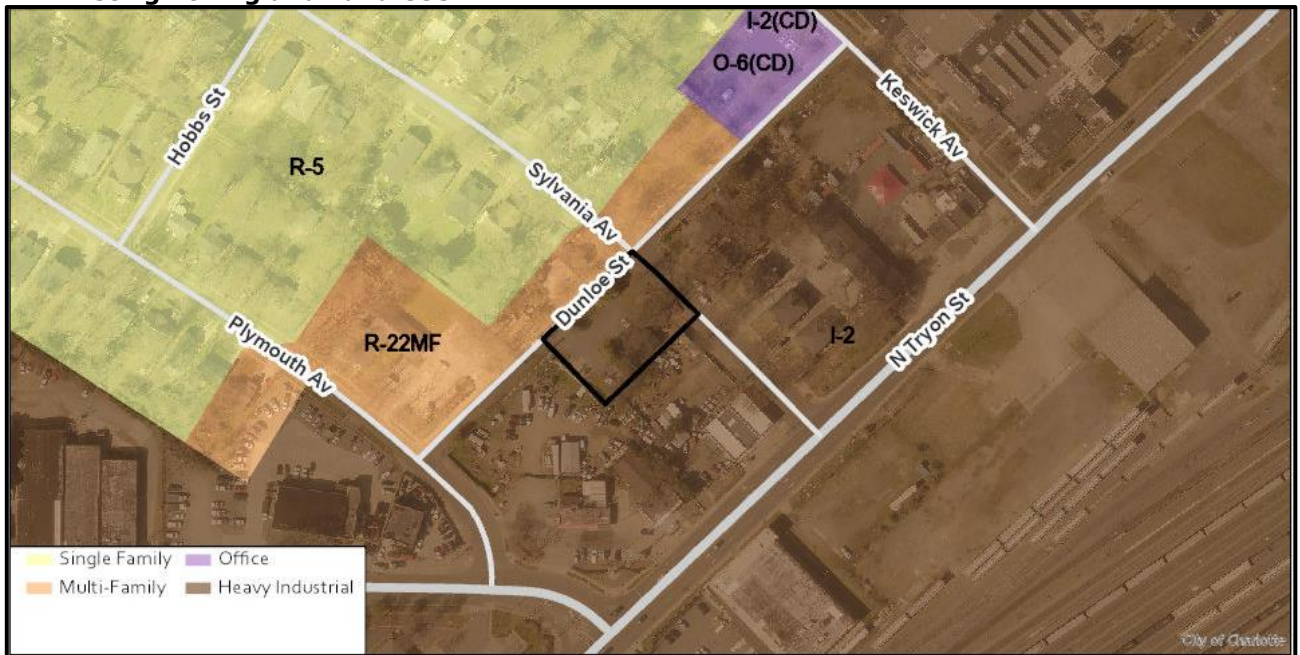
## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

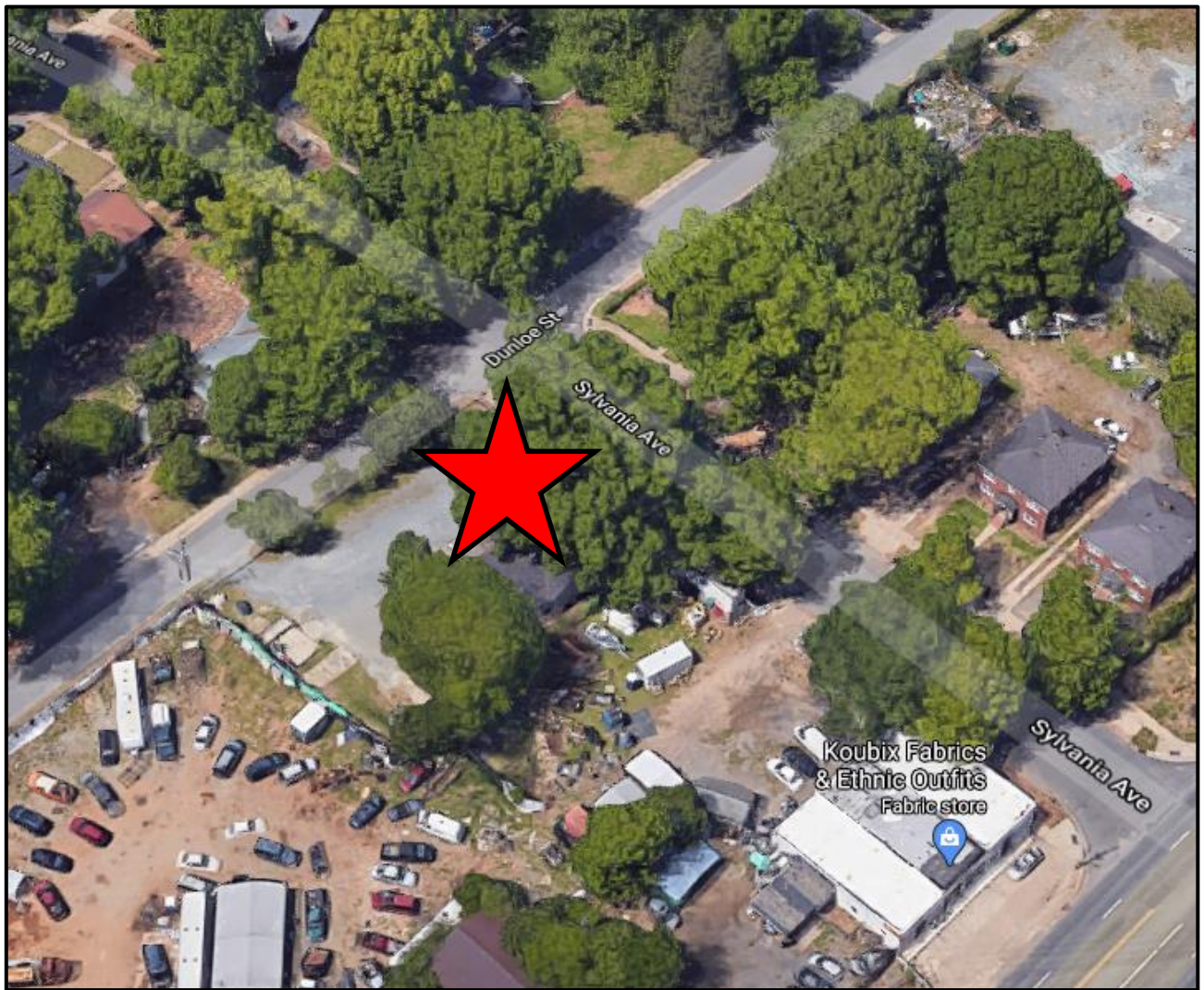
- Allows up to 21 multifamily units in one building.
- Allows a maximum building height of 45-feet.
- Access is provided from Sylvania Avenue and Dunloe Street.
- Commits to construct two accessible ramps and improve the streetscape along Sylvania Avenue and Dunloe Street.
- Walkway connections from residential entrances to sidewalks.
- Provides an 8-foot planting strip and a 6-foot sidewalk along the street frontages.
- The building materials used on the principal buildings will be a combination of portions of some of the following: brick, stone, synthetic stone, cementitious fiber board, stucco, EIFS. Vinyl or aluminum as a building material may only be used on windows, soffits and on handrails/railings.
- Massing designed to break up long, monolithic building forms through modulations/articulations of facades.
- Long pitched or flat roofs lines will avoid continuous expanses without variation including changes in height and roof form.

### • Existing Zoning and Land Use

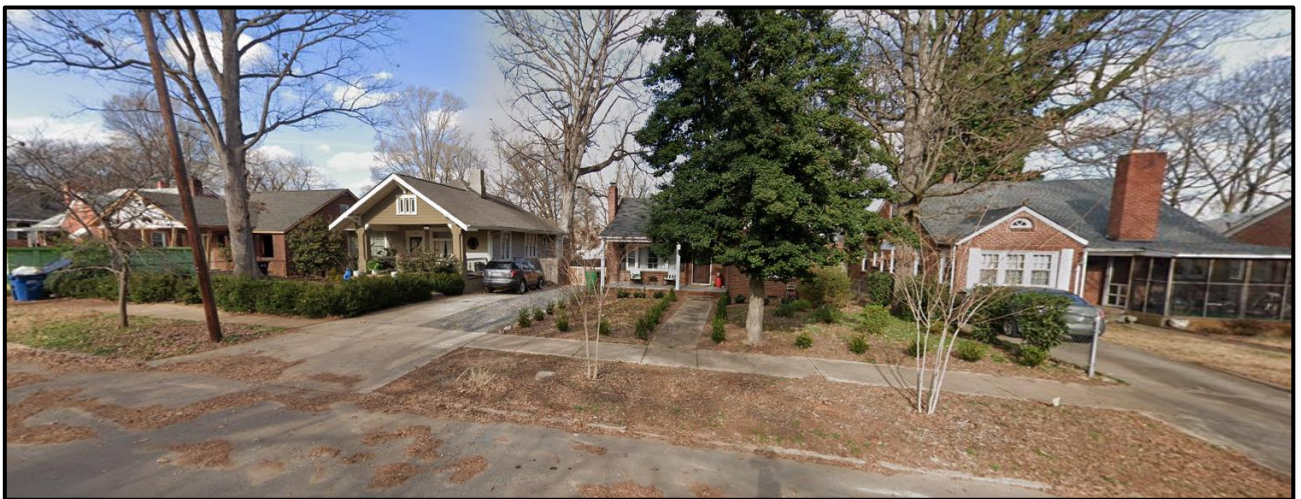


The subject property is zoned general industrial. The surrounding land uses include multi-family, single family, commercial, and retail uses.





The subject property denoted by red star.



The property to the north along Sylvania Avenue is developed with single family homes.





The property to the south along North Tryon Street is developed with commercial uses.



The property to the east along Sylvania Avenue is developed with multifamily dwellings.



The property to the west along Plymouth Avenue is developed with a commercial use.

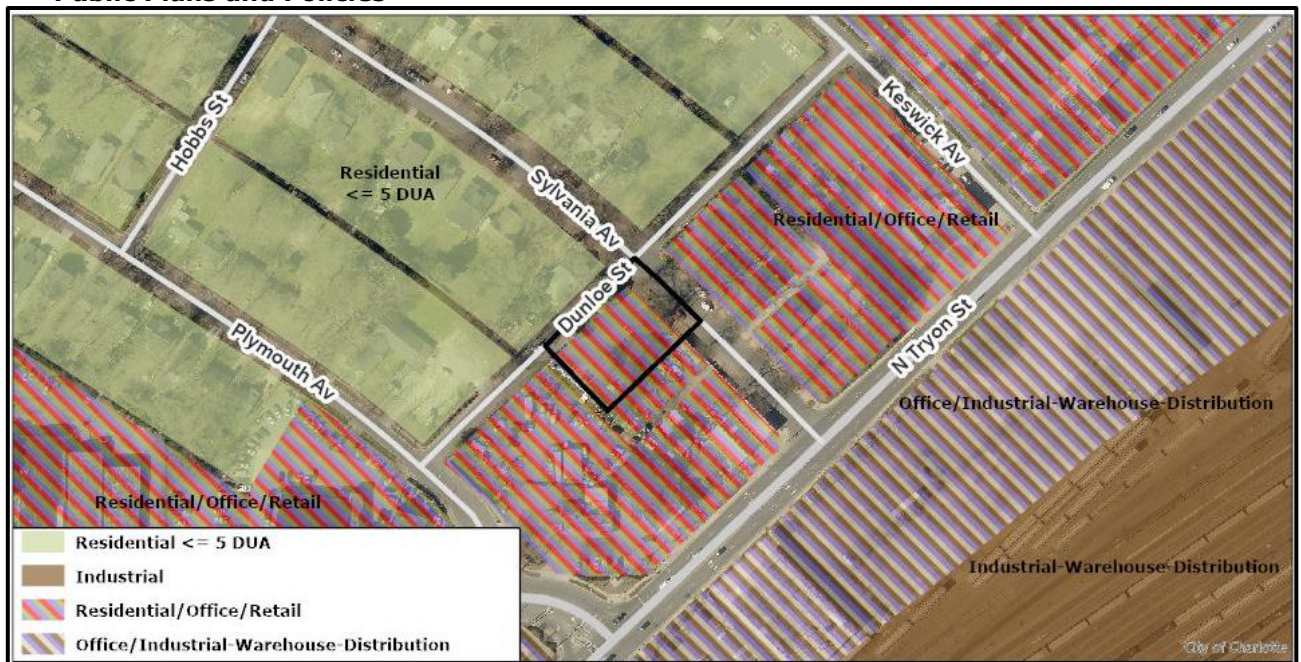


- **Rezoning History in Area**



There have been no recent rezonings in the area.

- **Public Plans and Policies**



- The *North Tryon Area Plan (2010)* calls for office/retail/residential uses for this site, with residential uses having a density of up to 22DUA.
- **TRANSPORTATION SUMMARY**
  - The site is located on Sylvania Avenue on a collector road. The petitioner will construct two accessible ramps and improve the streetscape along Sylvania Avenue and Dunloe Street. CDOT has coordinated with the petitioner to ensure that one-way traffic will circulate in the correct direction, occurring from the higher volume road to provide clear turning movement decisions.
- **Active Projects:**
  - LDC-2018-00278 – General Assembly  
This land development project will implement a left-turn lane on North Tryon Street into the proposed access for a mixed-use commercial and retail development.



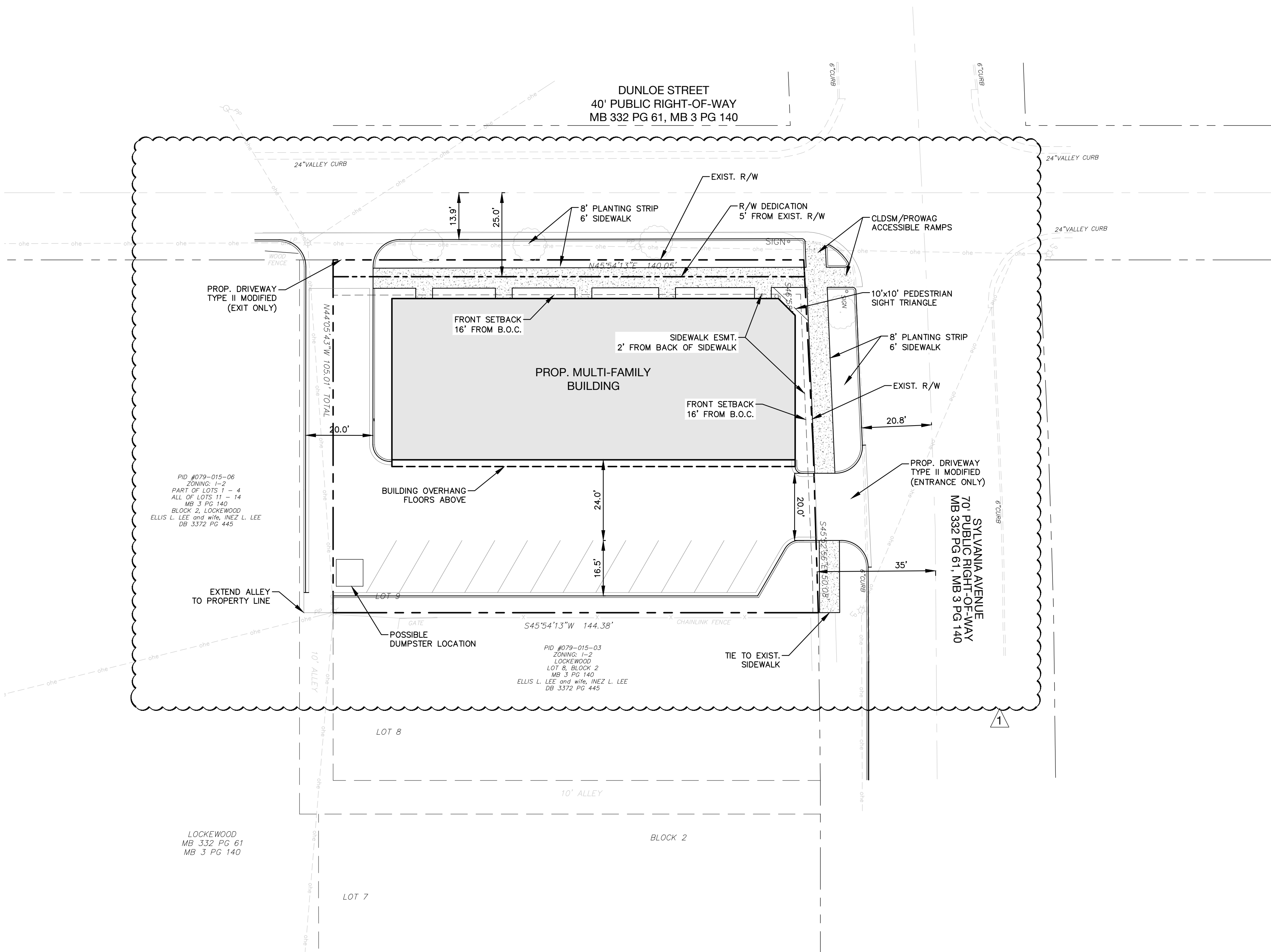
- North Tryon Street Business Corridor  
This project will provide a safer pedestrian environment by installing traffic calming features, crosswalks, sidewalks, planting strips, decorative lighting, bike lanes, and reducing the number/size of driveway openings.  
Completion date: 2020
- Tryon Street Gateway  
This project will create a gateway between Uptown and the North End through streetscape enhancements along North Tryon Street from 11th Street to Dalton Avenue, with aesthetic improvements at the railroad overcrossings such as street trees, landscaping, and lighting.  
Completion date: TBD
- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**  
Current Zoning:  
Existing Use: 20 trips per day (based on 1,450 square-feet of office use).  
Entitlement: 55 trips per day (based on 4,950 square-feet of warehouse uses).  
Proposed Zoning: 115 trips per day (based on 21 apartments).

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

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte Department of Solid Waste Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate zero students, while the development allowed under the proposed zoning may produce 4 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 4 students.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Highland Renaissance Elementary at 74%
    - Martin Luther King, Jr. Middle at 98%
    - Garinger High 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 Sylvania Avenue. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Sylvania Avenue. See advisory comments at [www.rezoning.org](http://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](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)

**Planner:** Michael Russell (704) 353-0225



DEVELOPMENT DATA TABLE:

SITE AREA: +/- 0.33 ACRES  
TAX PARCELS: 079-015-04 AND 079-015-05  
EXISTING ZONING: I-2  
PROPOSED ZONING: UR-2(CD)  
EXISTING USE: RESIDENTIAL  
PROPOSED USES: UP TO TWENTY-ONE (21) MULTIFAMILY DWELLING UNITS  
MAXIMUM BUILDING HEIGHT: THREE (3) STORIES, 45 FEET

I. GENERAL PROVISIONS

- THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY MISSION PROPERTIES (THE "PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF A MULTI-FAMILY RESIDENTIAL COMMUNITY ON THAT APPROXIMATELY 0.33-ACRE SITE LOCATED AT THE SOUTHWEST INTERSECTION OF SYLVANIA AVENUE AND DUNLOE STREET, AS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (THE "SITE"). THE SITE IS COMPRISED OF TAX PARCEL NUMBERS 079-015-04 AND 079-015-05.
- 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 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 TWENTY ONE (21) MULTI-FAMILY 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

- SITE ACCESS SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN, AND MINOR ADJUSTMENTS TO THE LOCATION OF THE ACCESS POINT(S) SHALL BE ALLOWED DURING THE CONSTRUCTION PERMITTING PROCESS.
- THE PETITIONER SHALL CONSTRUCT TWO (2) PROWAG STANDARD ACCESSIBLE RAMPS AT THE DUNLOE STREET AND SYLVANIA AVENUE INTERSECTION LOCATION, AS GENERALLY DEPICTED ON THE REZONING PLAN.
- 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 STRUCTURES SHALL BE COMPRISED OF EITHER OR A COMBINATION OF BRICK, NATURAL STONE (OR ITS SYNTHETIC EQUIVALENT), STUCCO, CEMENTITIOUS SIDING, FIBER CEMENT ("HARDIPLANK") AND/OR OTHER MATERIALS APPROVED BY THE PLANNING DIRECTOR SUCH AS WOOD SHUTTERS AND ARCHITECTURAL BRACKETS.
- PROHIBITED EXTERIOR BUILDING MATERIALS: (I) VINYL SIDING (EXCLUDING: (A) VINYL HAND RAILS, (B) VINYL WINDOWS, (C) VINYL SOFFITS, DOORS OR DOOR TRIM), AND (II) CONCRETE MASONRY UNITS NOT ARCHITECTURALLY FINISHED.
- BUILDING ELEVATIONS SHALL BE DESIGNED WITH VERTICAL BAYS OR ARTICULATED ARCHITECTURAL FAÇADE FEATURES WHICH SHALL INCLUDE A MINIMUM OF THREE (3) OF THE FOLLOWING: (A) A COMBINATION OF EXTERIOR WALL MATERIALS, (B) EXTERIOR WALL OFFSETS (PROJECTIONS OR RECESSES), (C) DORMERS, (D) BAY WINDOWS, (E) ARCHITECTURAL FEATURES SUCH AS MEDALLIONS, BRACKETS AND SHUTTERS, (F) COLUMNS, (G) PILASTERS, (H) BANDING, OR (I) CHANGE IN COLORS.
- BUILDINGS SHALL BE DESIGNED WITH A RECOGNIZABLE ARCHITECTURAL BASE ON ALL FAÇADES FACING DUNLOE STREET AND SYLVANIA AVENUE. SUCH BASES MAY BE EXECUTED THROUGH THE USE OF PREFERRED EXTERIOR BUILDING MATERIALS OR ARTICULATED ARCHITECTURAL FAÇADE FEATURES AND COLOR CHANGES.
- BUILDING ELEVATIONS FACING DUNLOE STREET AND SYLVANIA AVENUE SHALL NOT HAVE BLANK WALLS GREATER THAN TWENTY (20) FEET IN ALL DIRECTIONS AND SHALL HAVE ARCHITECTURAL FEATURES SUCH AS, BUT NOT LIMITED TO, BANDING, MEDALLIONS, BRACKETS, SHUTTERS, OR DESIGN FEATURES OR MATERIALS TO AVOID A STERILE, UNARTICULATED BLANK TREATMENT OF SUCH WALLS.
- BUILDING MASSING SHALL BE DESIGNED TO BREAK UP LONG MONOLITHIC BUILDING FORMS AS FOLLOWS: BUILDING EXCEEDING 125 FEET IN LENGTH SHALL INCLUDE MODULATIONS OF THE BUILDING MASSING/FAÇADE PLANE (SUCH AS RECESSES, PROJECTIONS, AND ARCHITECTURAL DETAILS). MODULATIONS SHALL BE A MINIMUM OF TEN (10) FEET WIDE AND SHALL PROJECT OR RECESS A MINIMUM OF TWO (2) FEET EXTENDING THROUGH AT LEAST A FULL FLOOR.

- ROOF FORM AND ARTICULATION - ROOF FORM AND LINES SHALL BE DESIGNED TO AVOID THE APPEARANCE OF A LARGE MONOLITHIC ROOF STRUCTURE AS FOLLOWS:
  - LONG PITCHED OR FLAT ROOF LINES SHALL AVOID CONTINUOUS EXPANSES WITHOUT VARIATION BY INCLUDING CHANGES IN HEIGHT AND/OR ROOF FORM TO INCLUDE BUT NOT BE LIMITED TO GABLES, HIPs, SHER ROOFS, DORMERS OR PARAPETS.
  - ROOFTOP HVAC AND RELATED MECHANICAL EQUIPMENT WILL BE SCREENED FROM PUBLIC VIEW AT GRADE FROM THE EXISTING PUBLIC STREET.

V. 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.

VI. LIGHTING

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

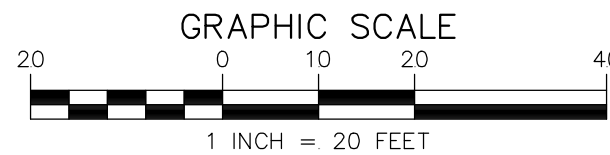
VII. AMENDMENTS TO REZONING PLAN

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

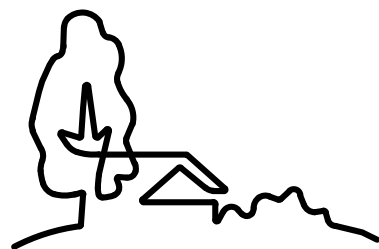
VIII. BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

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.



REZONING PETITION #2020-124



URBAN  
DESIGN  
PARTNERS

1318-e6 central ave. # 704.334.3303  
charlotte, nc 28205 # 704.334.3305  
urbanesignpartners.com  
nc firm no: P-0418  
sc coa no: C-03044

Dunloe Apartments

Rezoning Plan  
117 & 121 Sylvania Avenue Charlotte, NC 28206

NO. DATE: BY: REVISIONS:  
1 10.12.20 BDS PER CITY COMMENTS

Project No: 20-CLT-046

Date: 07.08.2020

Designed by: UDP

Drawn By: UDP

Sheet No:

RZ-1.0





**Agenda Date:** 11/16/2020

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**Agenda #:** 34. **File #:** 15-14620 **Type:** Zoning Hearing

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## **Rezoning Petition: 2020-148 by Bowman Sumner, LLC**

**Location:** Approximately 21.92 acres located on the south side of Eastfield Road, north of Interstate 485, and west of Browne Road. (Outside City Limits/Adjacent to District 4 - Johnson)

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

**Proposed Zoning:** MX-2 INNOV (mixed use, innovative)

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

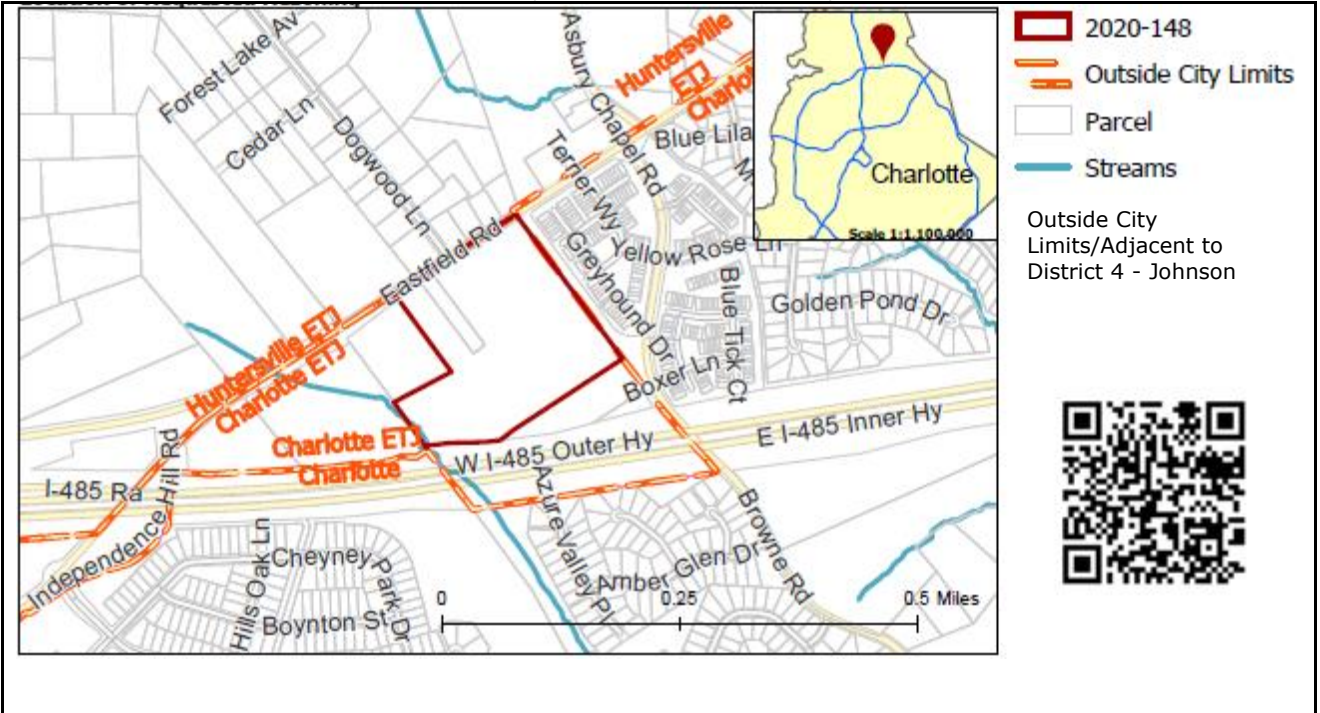
Pre-Hearing Staff Analysis  
Site Plan

**REQUEST**

Current Zoning: MX-1 INNOV (mixed use, innovative)  
Proposed Zoning: MX-2 INNOV (mixed use, innovative)

**LOCATION**

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



**SUMMARY OF PETITION**

The petition proposes to allow a residential community of single-family attached and detached dwellings with a density of 4.2 dwelling units per acre on land developed with an historic house and out buildings.

**PROPERTY OWNER**

Margaret Darden McLeod

**PETITIONER**

Bowman Sumner, LLC

**AGENT/REPRESENTATIVE**

John Holcomb, Kimley-Horn and Associates

**COMMUNITY MEETING**

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

**STAFF  
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the *Prosperity Hucks Area Plan (2015)* recommendation of residential uses up to 6 dwelling units per acre (DUA).

Rationale for Recommendation

- This site was rezoned in July 2020 to MX-1, proposing up to 48 townhomes and 38 single family homes with at DUA of 4.2. The petitioner of this site requests MX-2 zoning because it allows for reduced front yard setbacks. Reduced yard setbacks will preserve the aesthetics of the historic farmhouse located on the property and will create a community that compliments the historic preservation of the farmhouse.



- This proposal carries out the area plan's recommendation of including a mixture of thoughtfully arranged housing types in the Prosperity Hucks area, such as single-family detached homes and single-family attached homes.

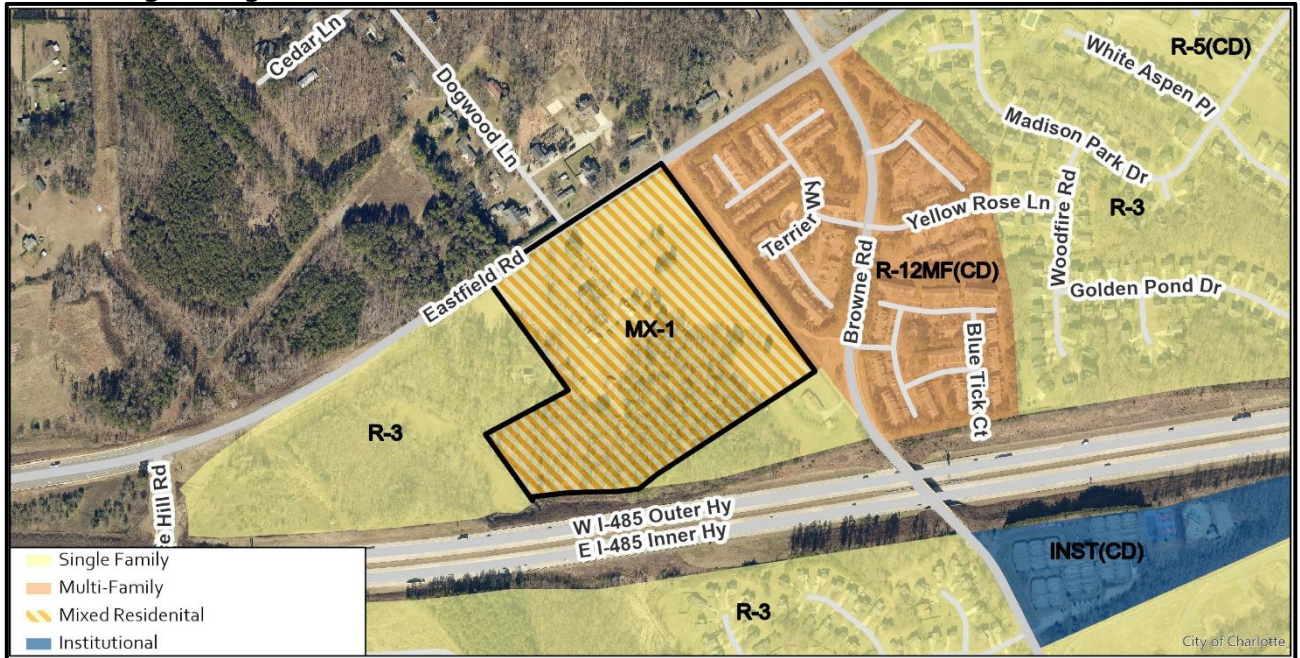
## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

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

### • Existing Zoning and Land Use



This site was rezoned in July 2020 (Petition 2020-012) to MX-1, proposing up to 48 townhomes and 38 single family homes. The subject property is developed with an historic home and outbuildings. The surrounding land use is developed with single family homes and multi-family apartments.





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

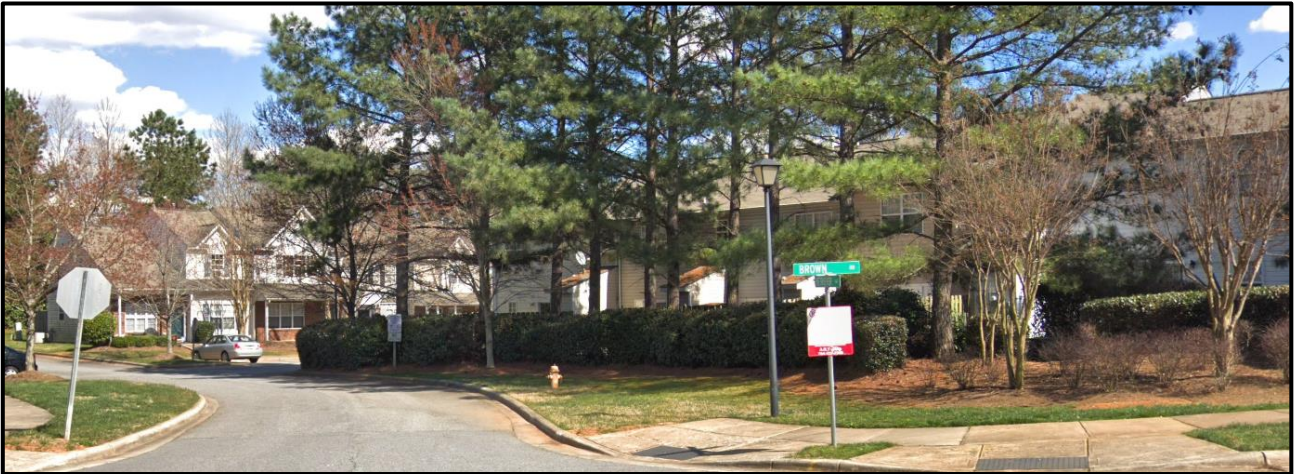


The historic home.





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



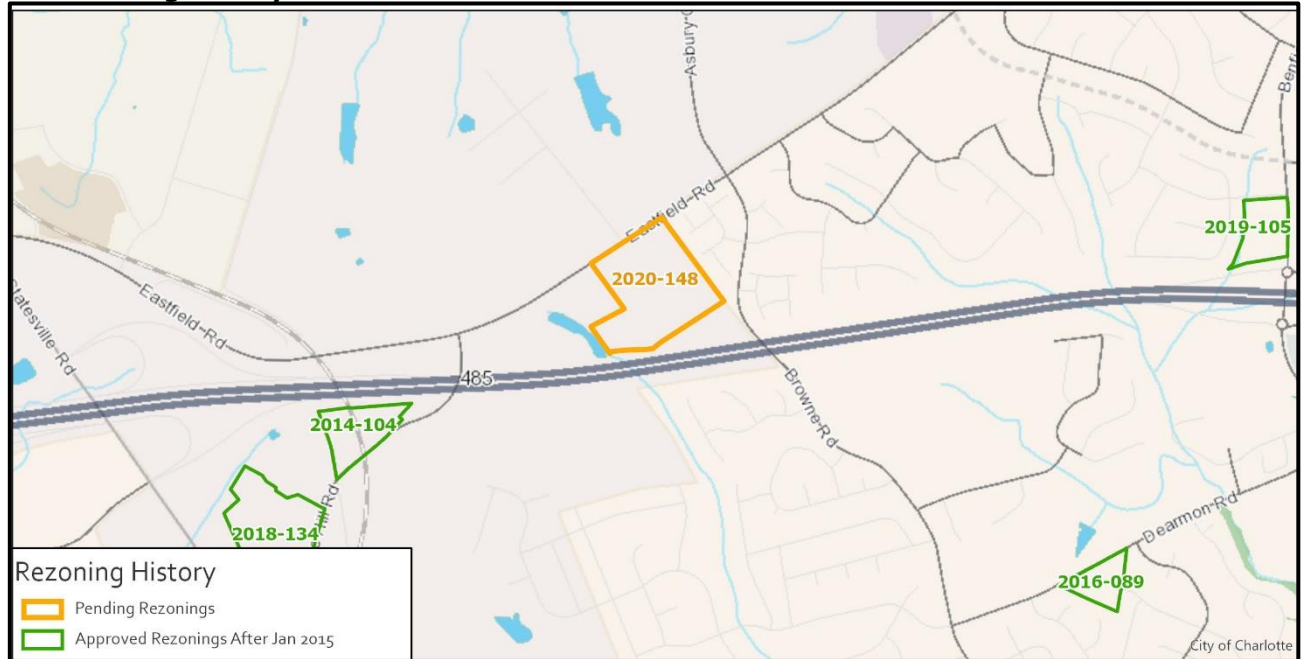
The property to the east is developed with multi-family apartments.



The property to the south is bordered by Interstate 485.



### • Rezoning History in Area



Petition Number	Summary of Petition	Status
2014-104	Rezoned 6.77 acres to establish City of Charlotte zoning for parcels that were previously in the zoning jurisdiction of the Town of Huntersville.	Approved
2016-089	Rezoned 4.35 acres to allow a 5,600-square foot building for an institutional use.	Approved
2018-134	Rezoned 20.03 acres to allow up to 335 multi-family units.	Approved
2019-105	Rezoned 5.14 acres to allow up to 84 multi-family units, 15,000 square feet of office uses and 12,607 square feet of commercial uses.	Approved

### • Public Plans and Policies





- The *Prosperity Hucks Area Plan (2015)* calls for residential uses up to 6 DUA on the site.
- **TRANSPORTATION SUMMARY**
  - This rezoning petition is an update to approved Rezoning Petition 2020-012, and there are no changes to proposed development density. The site has access to minor thoroughfares. The petitioner commits to providing local street network connecting Eastfield Road and Browne Road. The petitioner also commits to providing curb and gutter and sidewalk along Eastfield Road and commits to providing left-turn lanes on Eastfield Road and Browne Road to mitigate for traffic added by the development. CDOT will work with the petitioner during the permitting process to provide two accessible ramps per intersection corner, in accordance with PROWAG federal accessibility guidelines. During the permitting process, CDOT will also continue to work with the petitioner to identify 25 mph speed limit and stop sign locations, as well as improving the approved offset intersection design at the proposed access and Eastfield Road, across existing Dogwood Lane.
  - **Active Projects:** There are no Active Transportation Projects near the site.
- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**
  - Current Zoning:
    - Existing Use: 10 trips per day (based on 1 single family dwelling).
    - Entitlement: 750 trips per day (based on 38 single family dwellings and 48 townhomes).
  - Proposed Zoning: 750 trips per day (based on 38 single family dwellings and 48 townhomes).

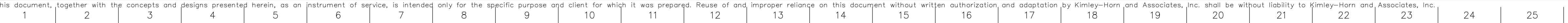
**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** 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](http://www.rezoning.org)
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 30 students, while the development allowed under the proposed zoning may produce 34 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 4 students.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Blythe Elementary from 110% to 112%.
    - J.M. Alexander Middle at 87% (no projected increase in capacity).
    - North Mecklenburg High at 114% (no projected increase in capacity).
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 24-inch water distribution main located along Eastfield Road. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 12-inch gravity sewer main located through the southern part of the rezoning boundary. See advisory comments at [www.rezoning.org](http://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](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)

**Planner:** Michael Russell (704) 353-0225





TE PLAN NOTES:

- GRAPHIC SCALE IN FEET



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[illegible]

			-	-	-	-

SHEET NUMBER  
**B7.1**



