



**Agenda Date:** 12/21/2020

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**Agenda #:** 4. **File #:** 15-14744 **Type:** Zoning Decision

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## **Rezoning Petition: 2019-085 by American Asset Corporation**

***Update: Petitioner has withdrawn this petition***

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

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

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



**Agenda Date:** 12/21/2020

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**Agenda #:** 5. **File #:** 15-14745 **Type:** Zoning Decision

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

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

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

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

### **Zoning Committee Recommendation:**

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

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan





## Zoning Committee Recommendation

Rezoning Petition 2019-179

August 4, 2020

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### REQUEST

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

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

### LOCATION

Approximately 1 acre located near the SE intersection of Parkwood Avenue and Hawthorne Lane in the Belmont Community.

(Council District 1 - Egleston)

### PETITIONER

Ronald Staley, Jr – Verde Homes, LLC

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### ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

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

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

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

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

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

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

Motion/Second: Kelly / Barbee

Yeas: Barbee, Blumenthal, Kelly, McMillan, Nwasike, Samuel, and Welton

Nays: None

Absent: None

Recused: None

#### **ZONING COMMITTEE DISCUSSION**

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

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

There was no further discussion of this petition.

#### **PLANNER**

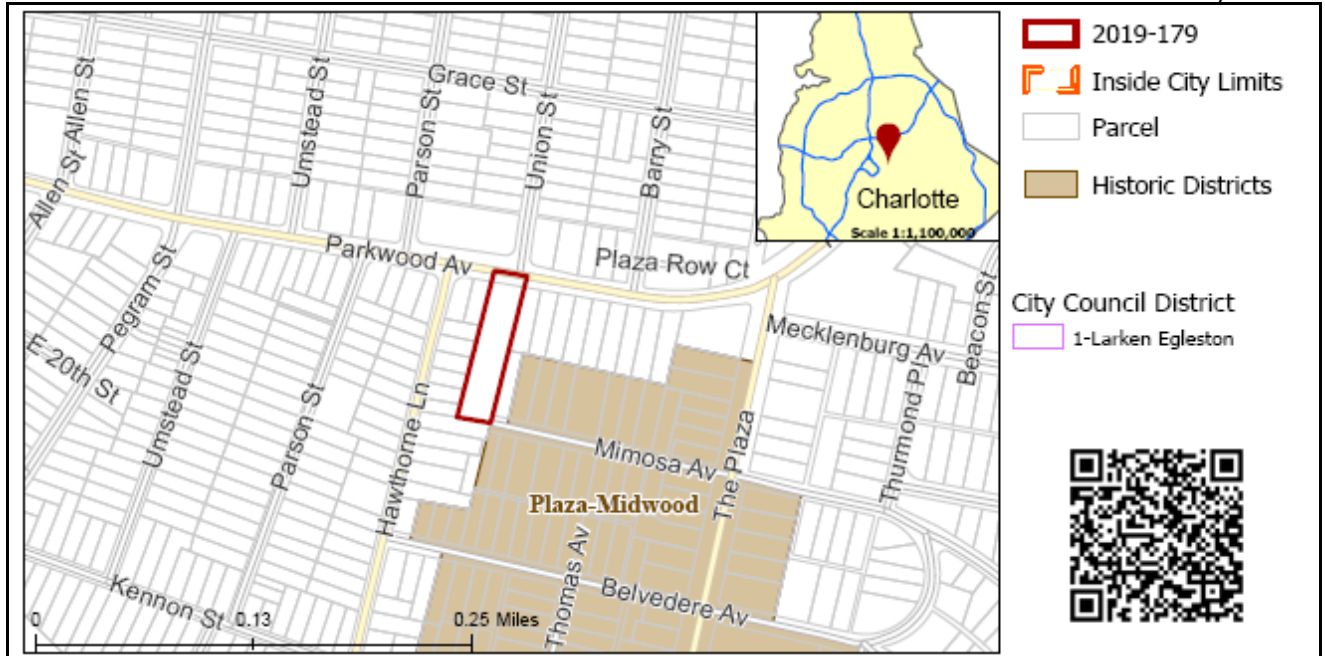
William Linville (704) 336-4090

**REQUEST**

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

**LOCATION**

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



**SUMMARY OF PETITION**

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

**PROPERTY OWNER**

Miles Boyd and Dorothy F. Barnes

**PETITIONER**

Ronald Staley, Jr. – Verde Homes, LLC

**AGENT/REPRESENTATIVE**

Paul Pennell, Urban Design Partners

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.

Number of people attending the Virtual Community Meeting: 17

Second Virtual Community Meeting has been held (07/13/20).

Number of people attending the second Virtual Community Meeting: 9

**STAFF  
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

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

Rationale for Recommendation

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

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

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

## PLANNING STAFF REVIEW

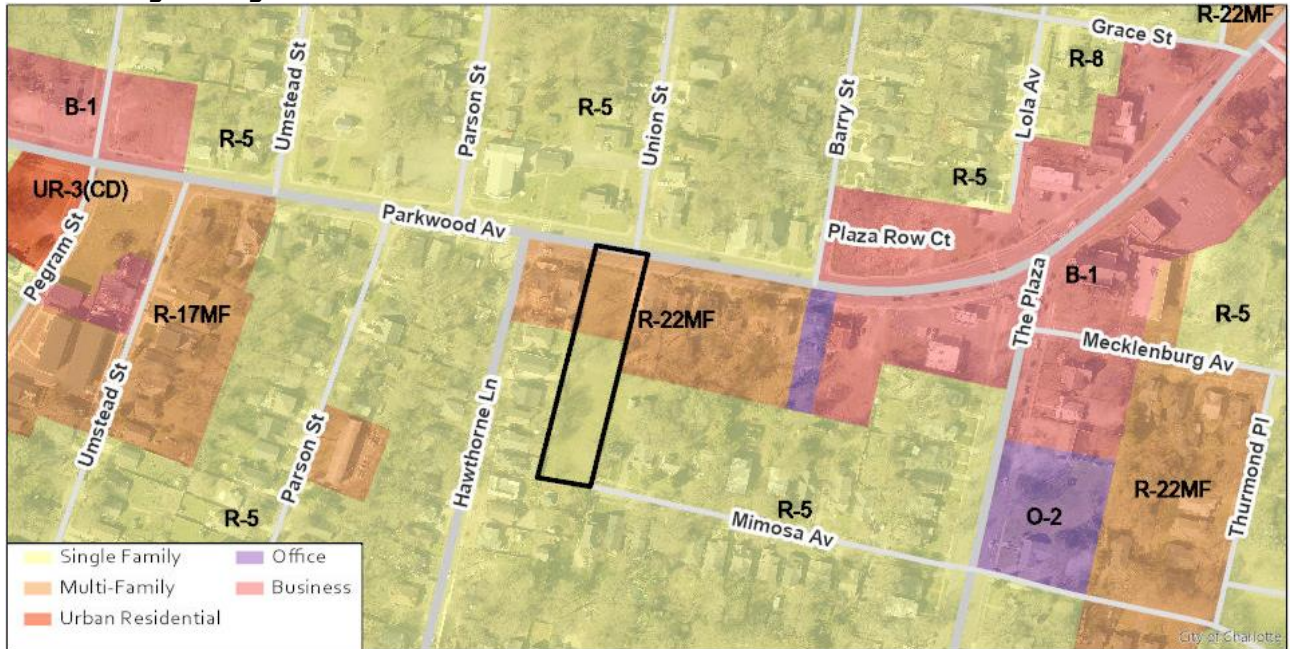
### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

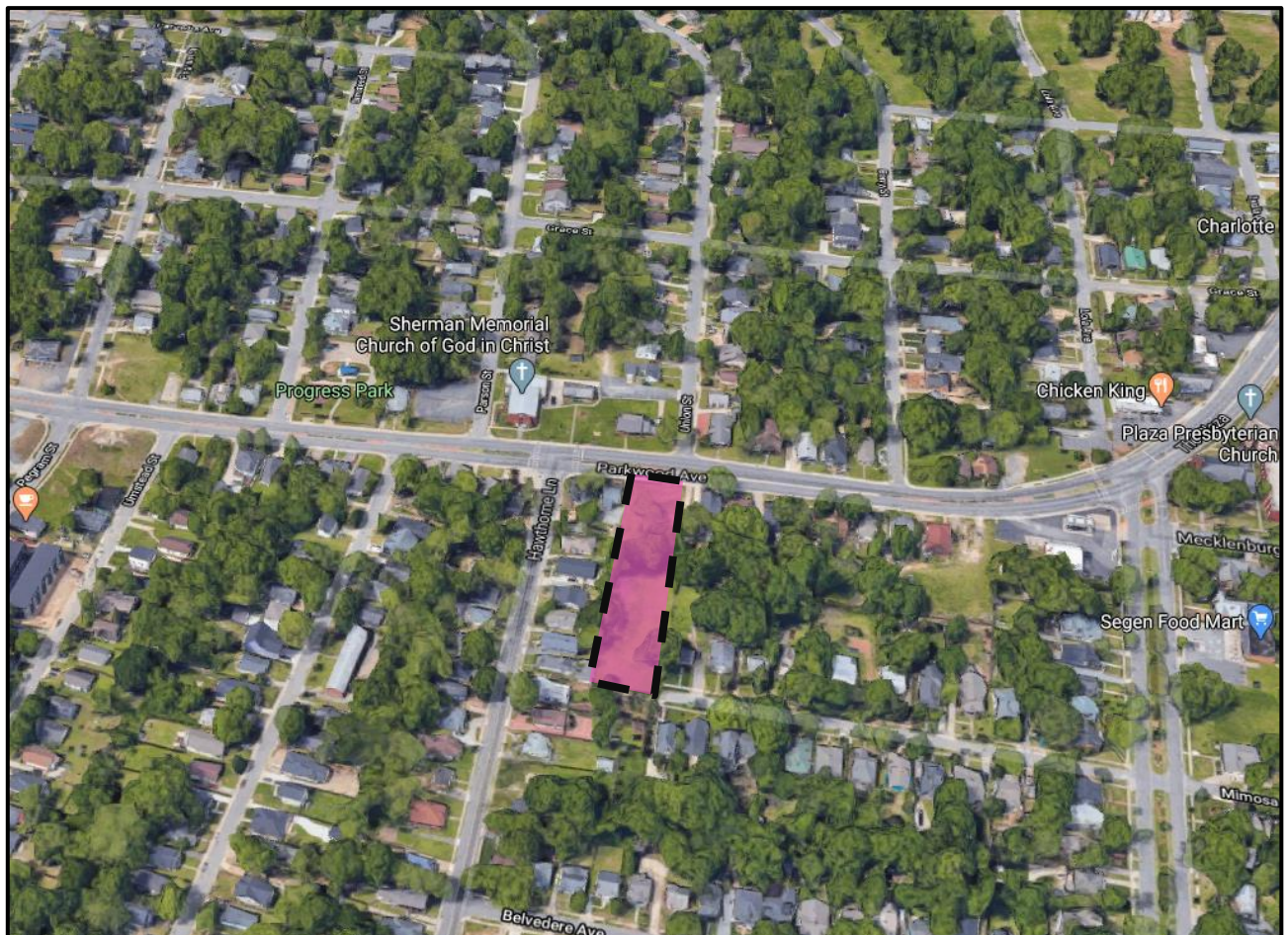
- Proposes 3 single family attached residential units and 22 multi-family residential units (25 total units/ 25 DUA).
  - Within the multi-family structure, two residential units shall be affordable units (80 percent AMI or below) for a period of 15 years.
  - Within the single family structure, one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



- Existing Zoning and Land Use



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



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





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



Context of surrounding residential located along Parkwood Ave.





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

• **Rezoning History in Area**



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



- **Public Plans and Policies**



- The *Belmont Area Revitalization Plan (2003)* recommends single family residential uses up to five dwelling units per acre for this site.
- **TRANSPORTATION SUMMARY**
  - The site is located on a major thoroughfare road. The site commits to installing the required streetscape along Parkwood Avenue. CDOT is requesting the petitioner update the site plan to construct a driveway that meets the Charlotte Land Development Standards.
- **Active Projects:**
  - Parkwood (N. Davidson – The Plaza) Improvements
    - This project will install pavement markings to create a buffered bike land on Parkwood Avenue from Belmont Avenue to The Plaza. Several new signals will be added within the project limits as well.
- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**

Current Zoning:

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

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

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

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

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

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



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

#### OUTSTANDING ISSUES

##### Transportation

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

##### Site and Building Design

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

#### REQUESTED TECHNICAL REVISIONS

##### Site and Building Design

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

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

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





**Agenda Date:** 12/21/2020

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**Agenda #:** 6. **File #:** 15-14746 **Type:** Zoning Decision

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## **Rezoning Petition: 2019-180 by Justin Adams - Maple Multi-Family Land Use SE, LP**

**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) & UR-2 (CD) (urban residential, conditional)

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

### **Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation  
Final Staff Analysis  
Site Plan



Zoning Committee

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**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.  
(Council District 5 - Newton)

**PETITIONER**

Justin Adams- Maple Multi-Family Land SE, LP

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**ZONING COMMITTEE  
ACTION/ STATEMENT  
OF CONSISTENCY**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be **inconsistent** with the *Independence Boulevard Area Plan* for the northern portion of the site and **consistent** with the Plan's recommendation for the southern portion of the site based on the information from the staff analysis and the public hearing and because:

- The plan recommends residential development up to 12 units per acre for the northern portion of the site; and
- Recommends residential development up to 22 units per acre for the southern portion of the site as amended by petition 2019-074.

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

- The subject site is 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.

Motion/Second: Nwasike / Blumenthal

Yeas: Blumenthal, Kelly, McMillan, Nwasike, Samuel, and Welton

Nays: None

Absent: Barbee

Recused: None

## **ZONING COMMITTEE DISCUSSION**

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

There was no further discussion of this petition.

## **PLANNER**

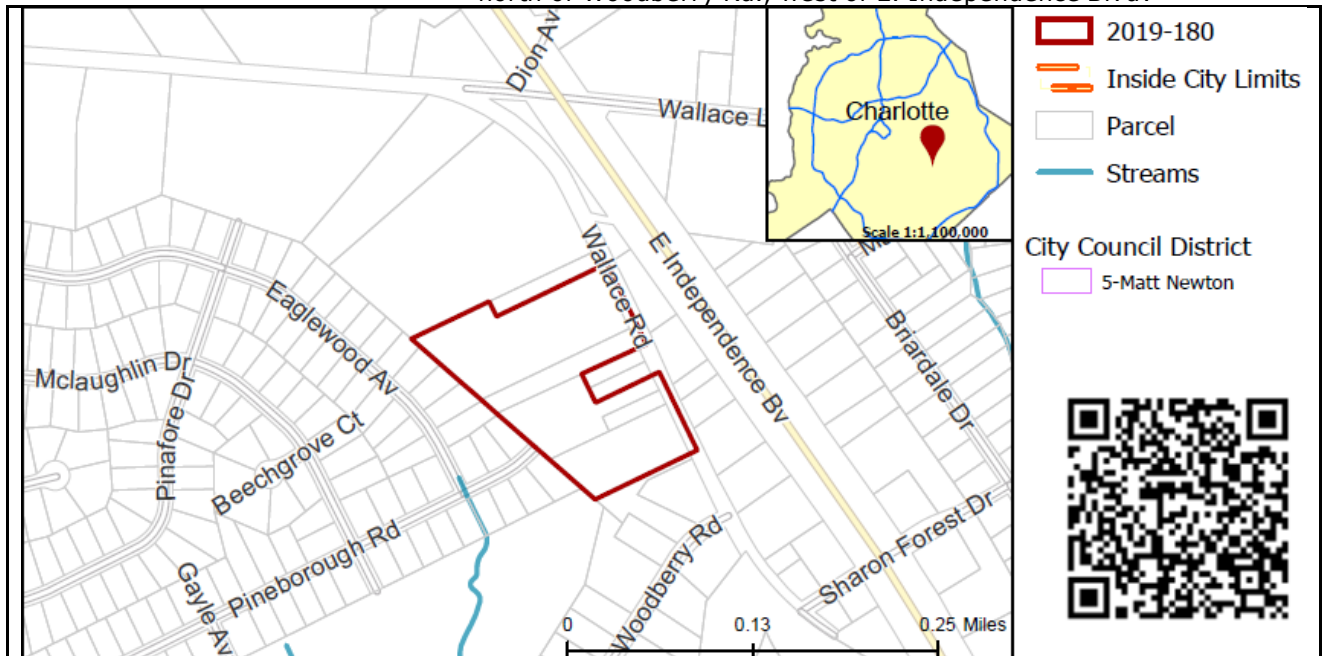
John Kinley (704) 336-8311

## 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  
Justin Adams- Maple Multi-Family Land SE, LP  
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.

### 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.

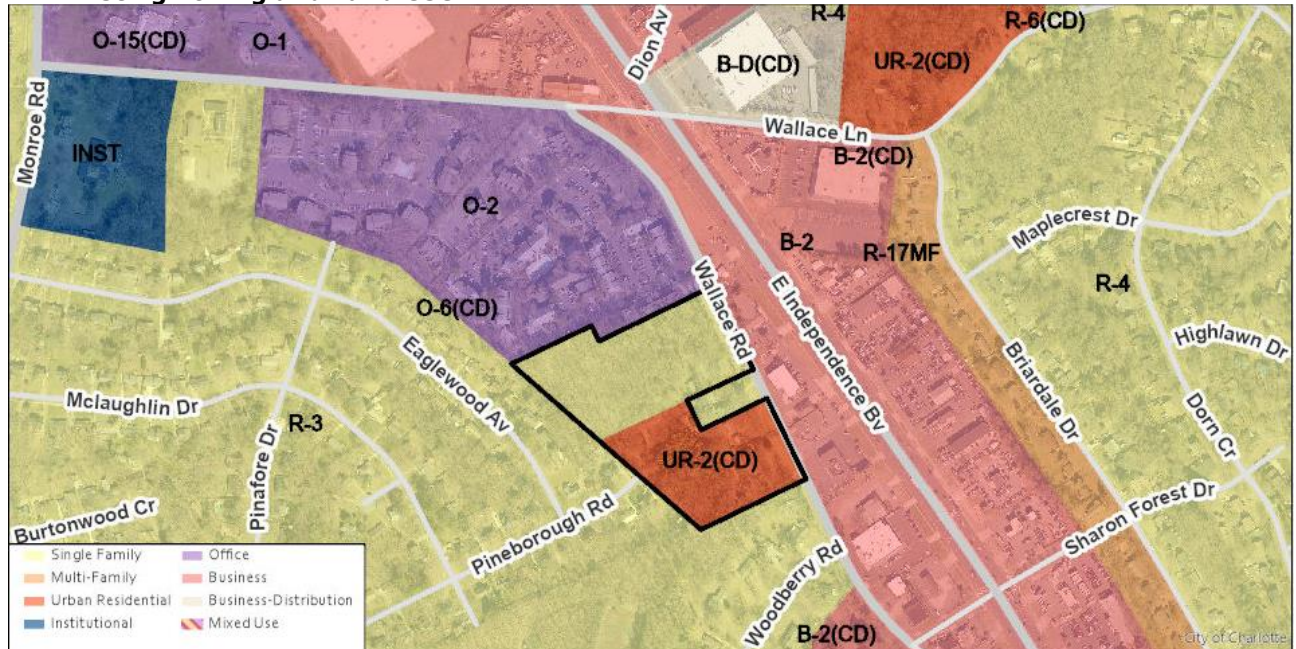
## PLANNING STAFF REVIEW

### • **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.



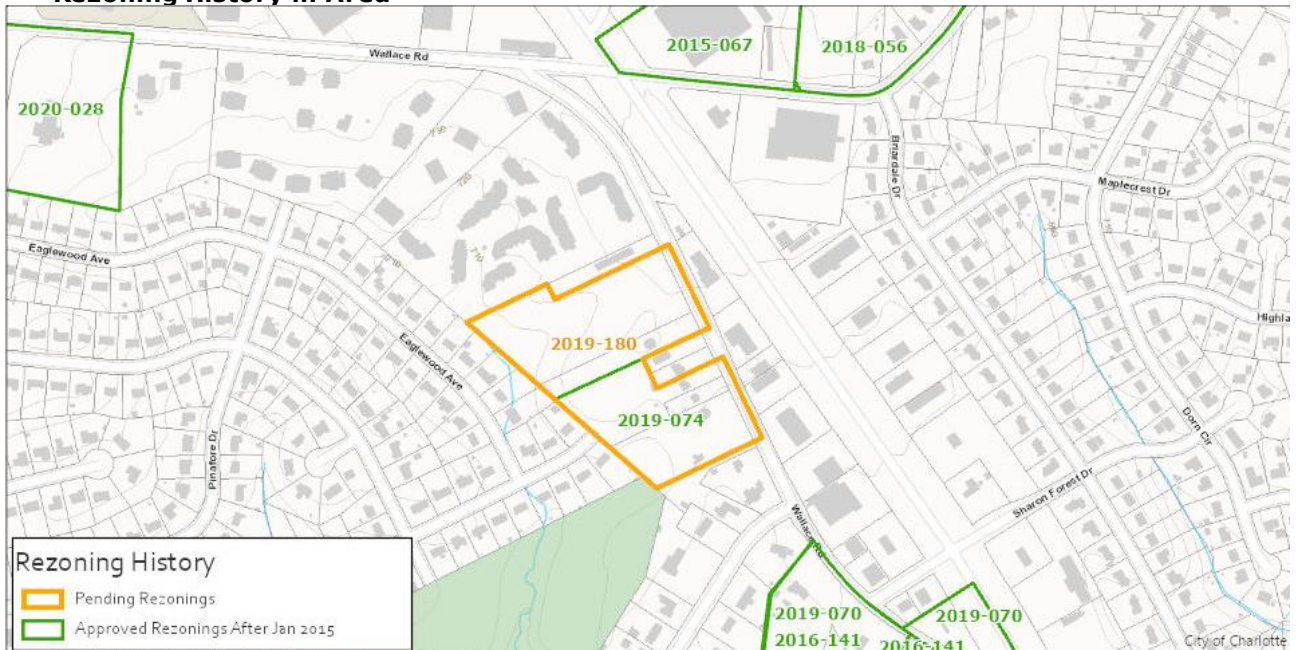


North of the site is an office use and multi-family residential uses.



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

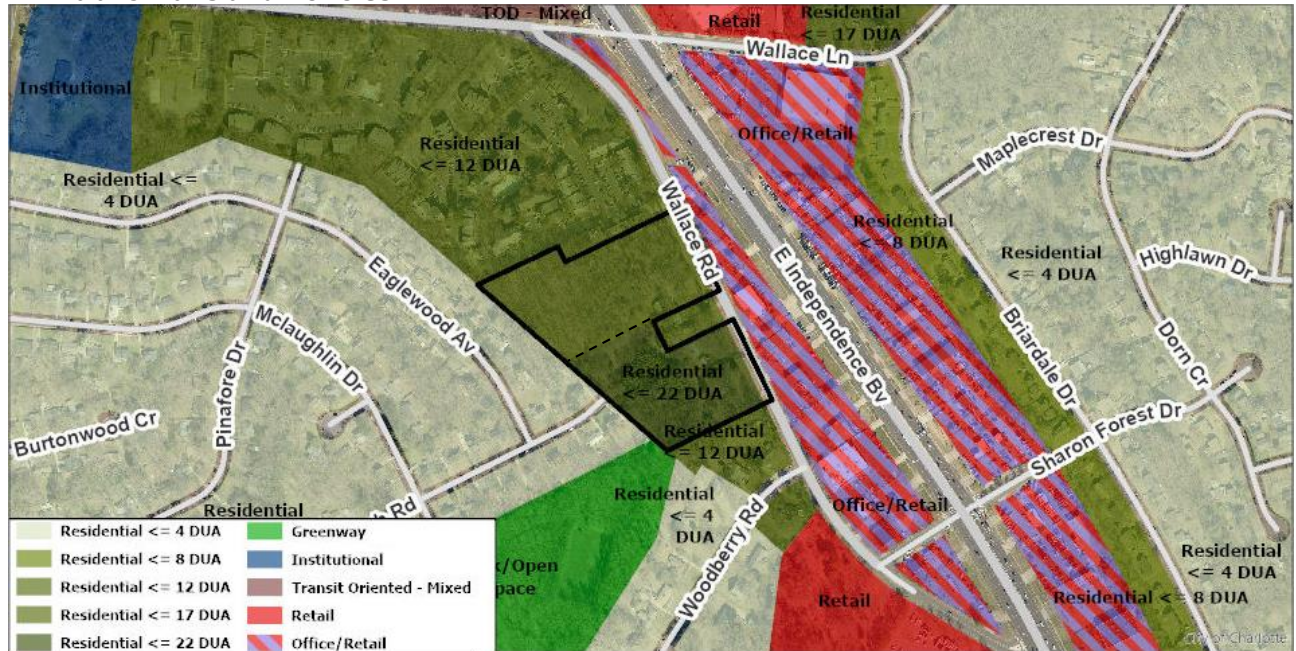
• **Rezoning History in Area**



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



## • 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 located on Wallace Road, a City-maintained minor thoroughfare. A Traffic Impact Study (TIS) is not needed for this site as the proposed land and intensity of 201 residential units will generate 1,095 daily vehicle trips. The proposed site plan will include dedication and conveyance of right-of-way and transportation improvements being completed prior to the issuance of the first certificate of occupancy. All CDOT comments have been addressed.
- **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~~ Addressed.
- **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

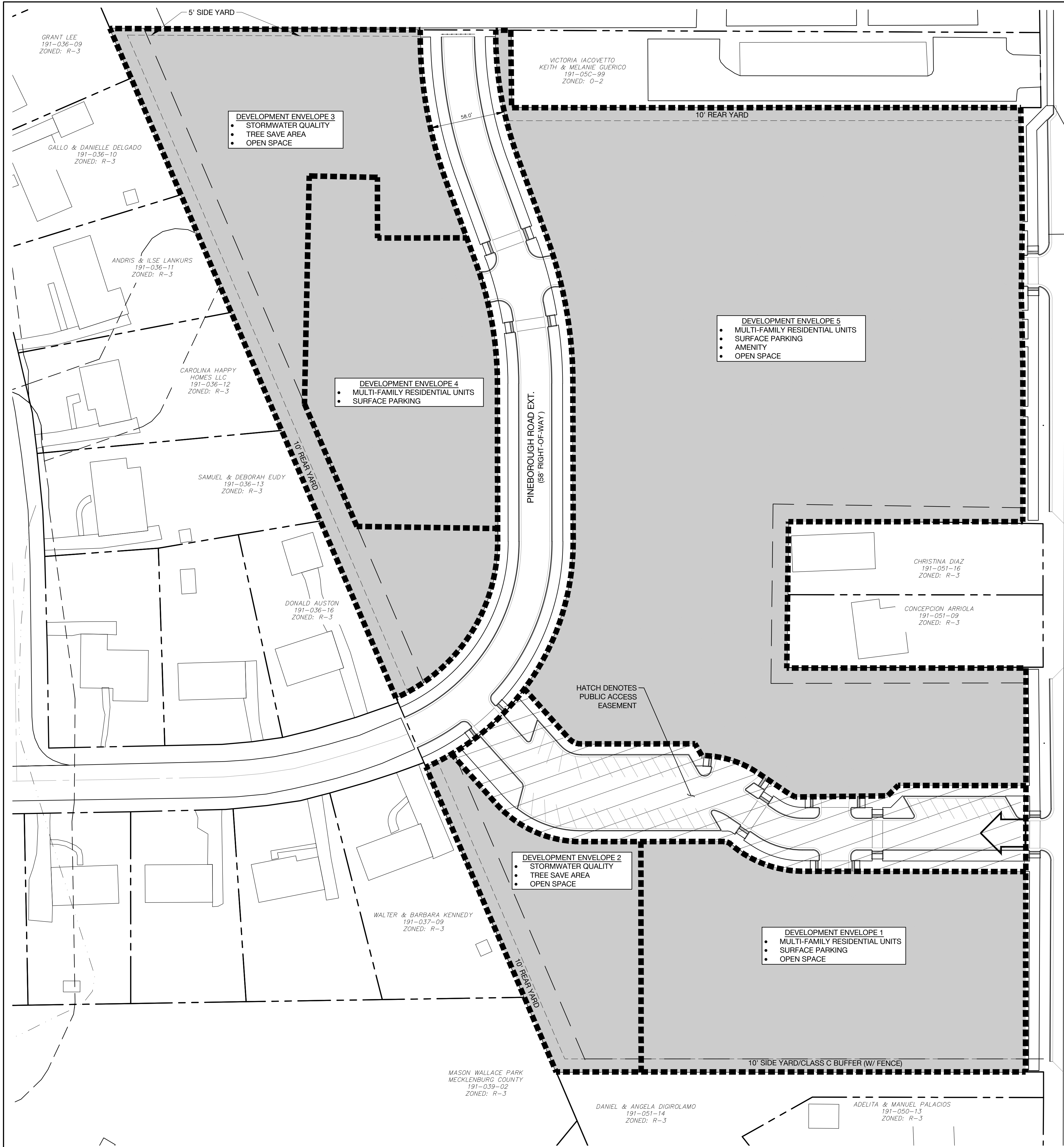
1. ~~Label section E.1 on the rezoning site plan.~~ Addressed

##### 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.~~ Addressed
  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.~~ Addressed
- 

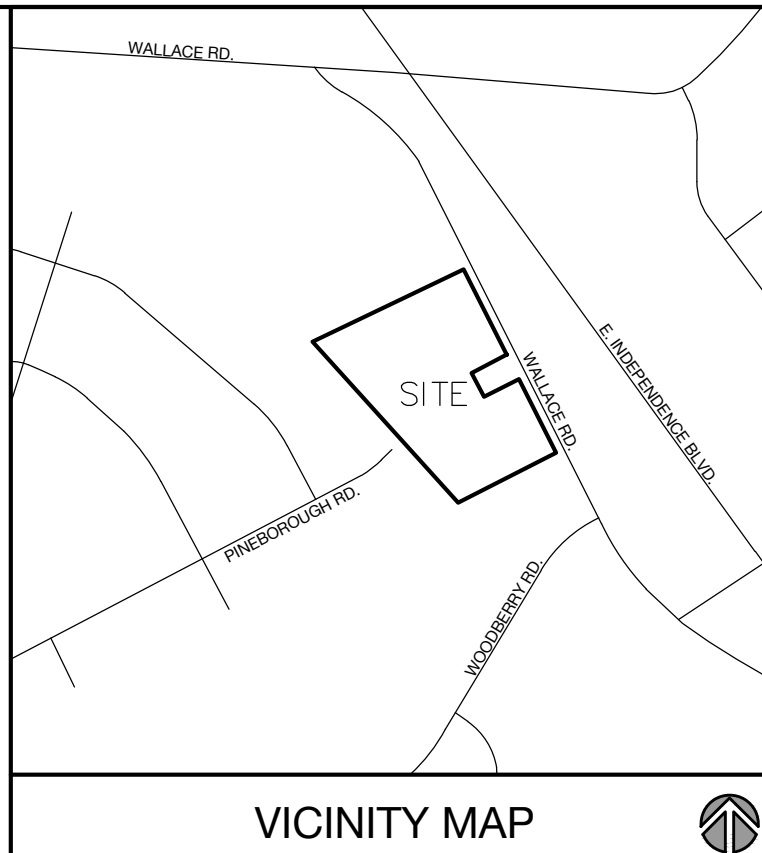
**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**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)



**URBAN  
DESIGN  
PARTNERS**

1318-s6 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

Maple Multi-Family Land SE, LP  
Justin Adams

## Pineborough Crossing Multi-Family

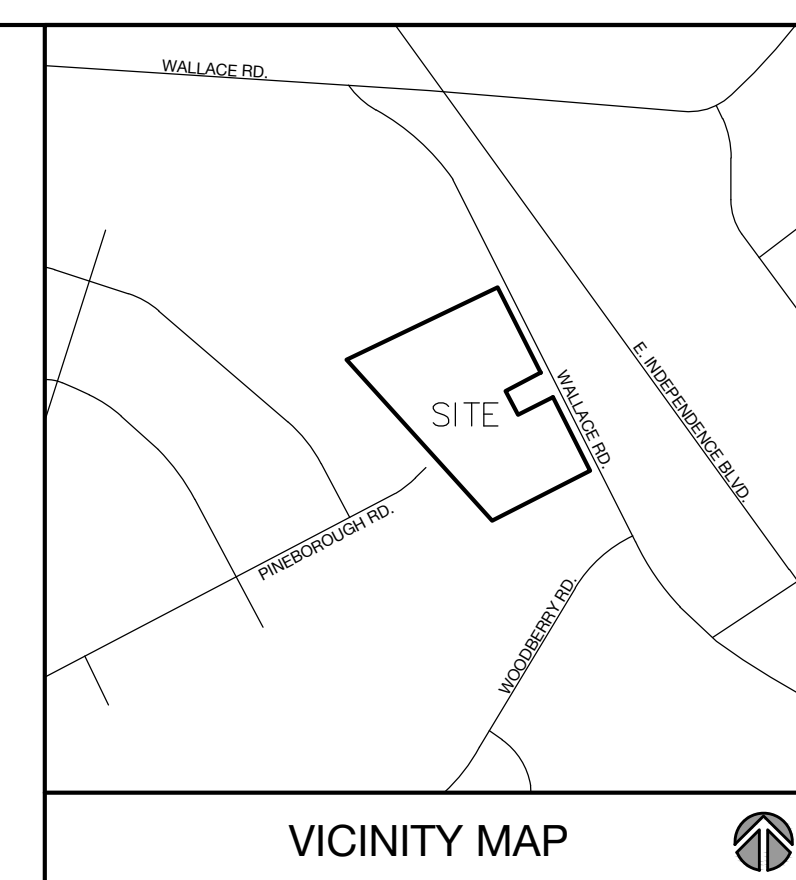
Technical Data Sheet  
7406 Wallace Road, Charlotte, NC 28212

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
04	10.15.20	UDP	SITE PLAN REVISIONS
05	11.23.20	UDP	SITE PLAN REVISIONS

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

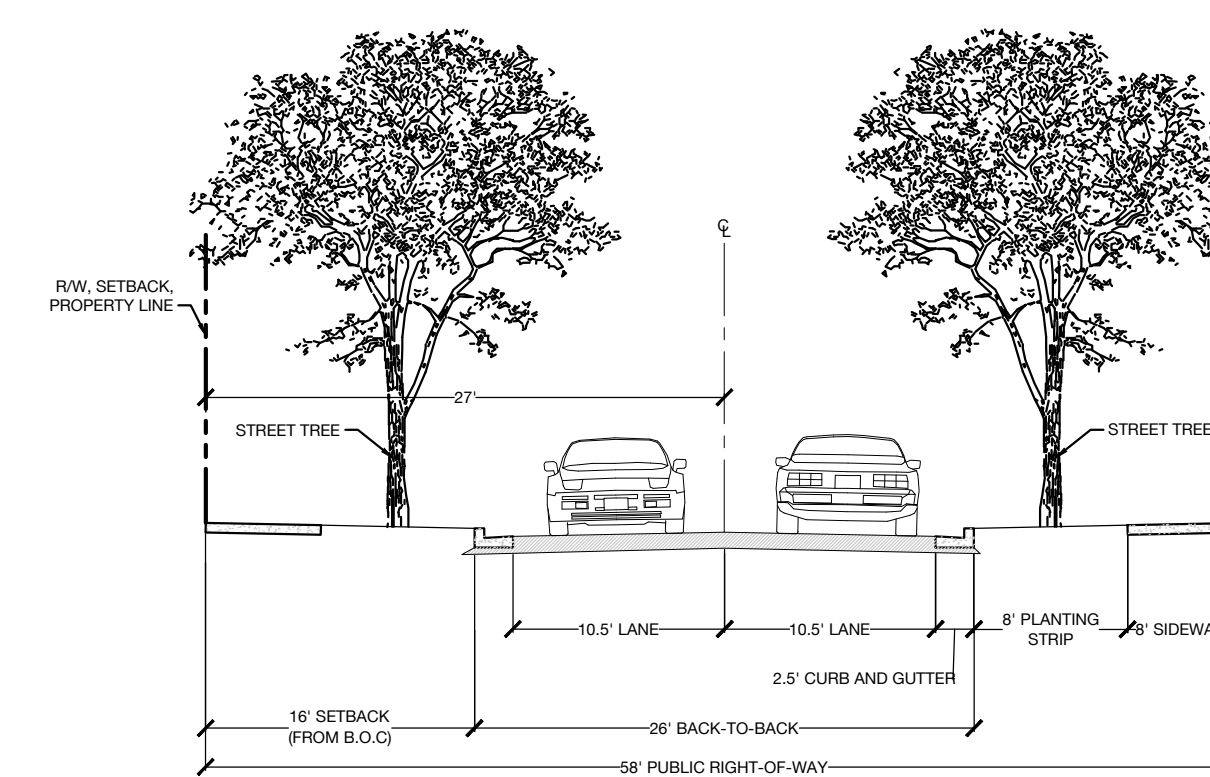
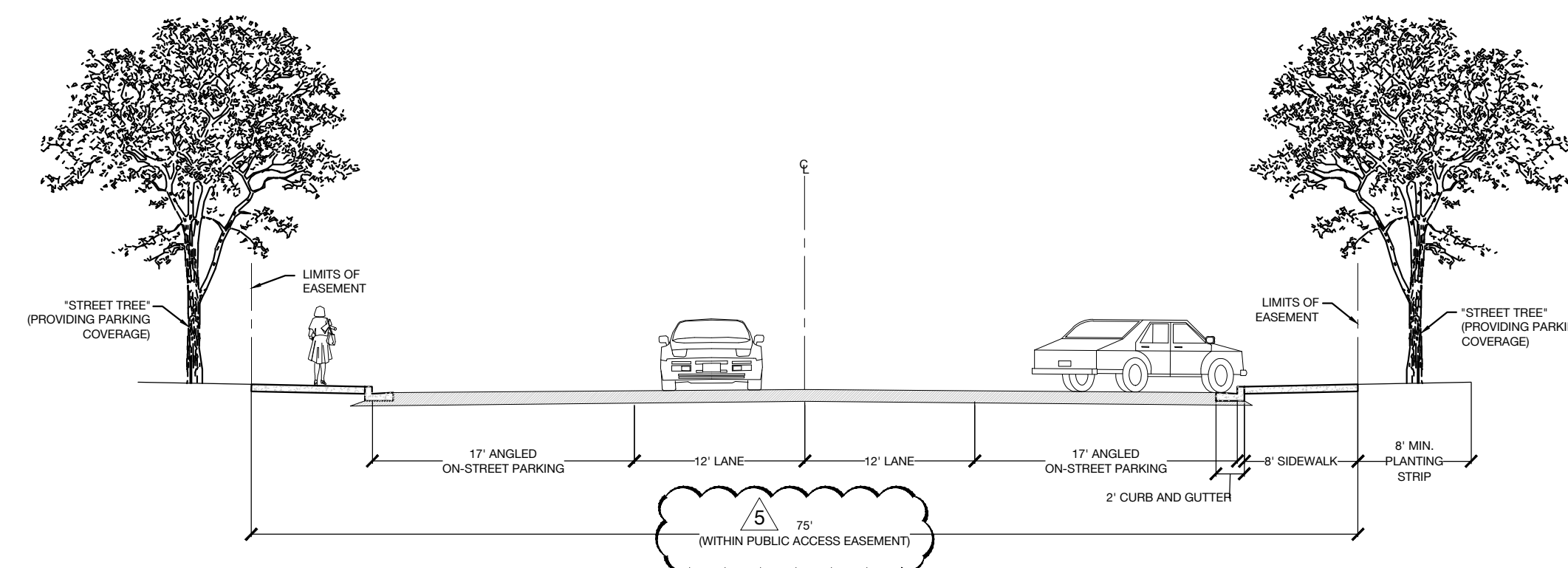
# RZ-1.0





Justin Adams

# Rezoning Site Plan



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

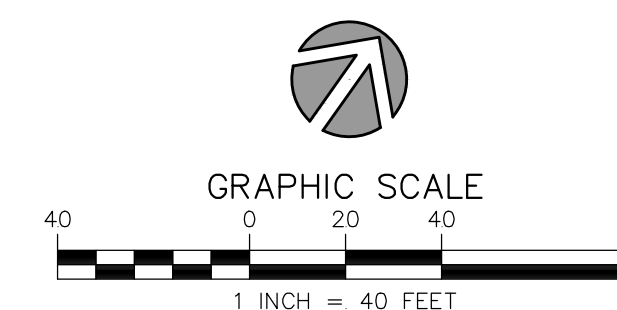
FEE SIMPLE CONVEYANCE OF ALL PROPOSED  
FUTURE RIGHTS OF WAY SHALL BE PROVIDED  
TO THE CITY, TRANSPORTATION  
IMPROVEMENTS, AS NOTED WITHIN  
DEVELOPMENT CONDITIONS, SHALL BE  
INSTALLED PRIOR TO THE SITES FIRST  
CERTIFICATE OF OCCUPANCY BEING ISSUED.

5. FEE SIMPLE CONVEYANCE OF ALL PROPOSED FUTURE RIGHTS OF WAY SHALL BE PROVIDED TO THE CITY. TRANSPORTATION IMPROVEMENTS, AS NOTED WITHIN DEVELOPMENT CONDITIONS, SHALL BE INSTALLED PRIOR TO THE SITES FIRST CERTIFICATE OF OCCUPANCY BEING ISSUED.

20' SETBACK (FROM  
FUTURE B.O.C.)

FUTURE RIGHT-OF-WAY  
MEASURED 45.5' FROM  
CENTERLINE OF WALLACE  
ROAD

REZONING PETITION #2019-180



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
04	10.15.20	UDP	SITE PLAN REVISIONS
05	11.23.20	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) Dwelling 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 25 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. The Petitioner shall dedicate and convey fee simple proposed right of way.
- 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 75' 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 owned 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.

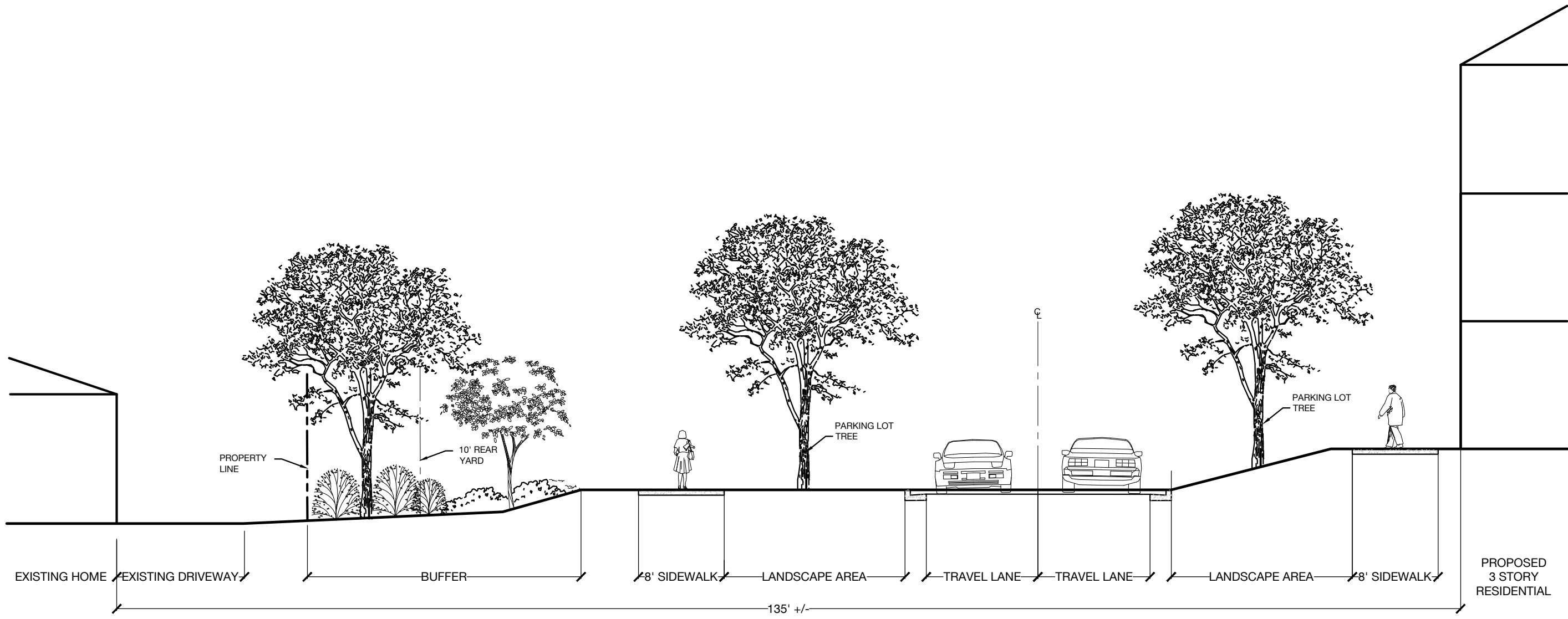
Amendments to Rezoning Plan:

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.

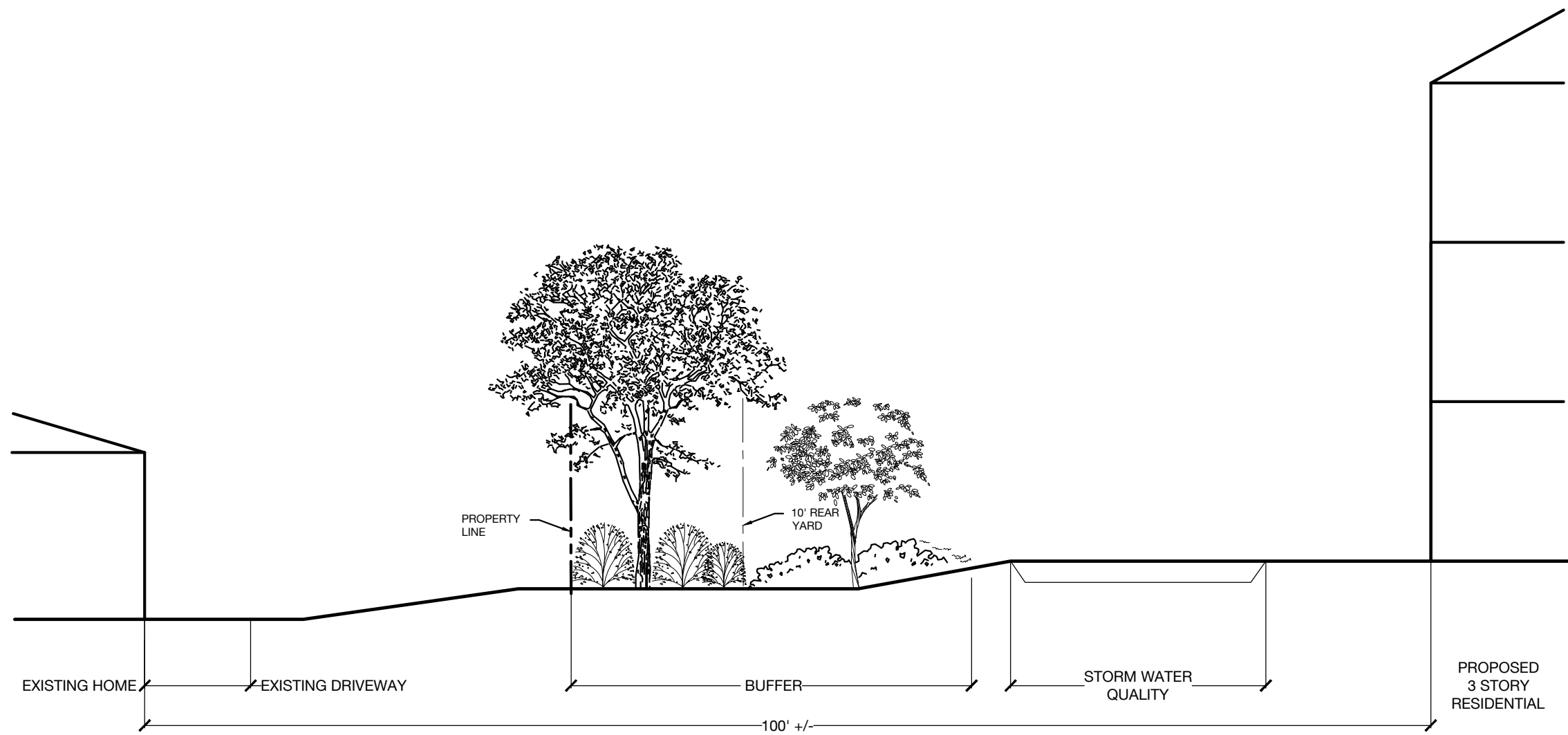
Further alterations or modifications to the Rezoning Plan which, in the opinion of the Planning Director, substantially alter the character of the development or significantly alter the approved Technical Data Sheet or any of its conditions or which increase the intensity of development shall not be 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:

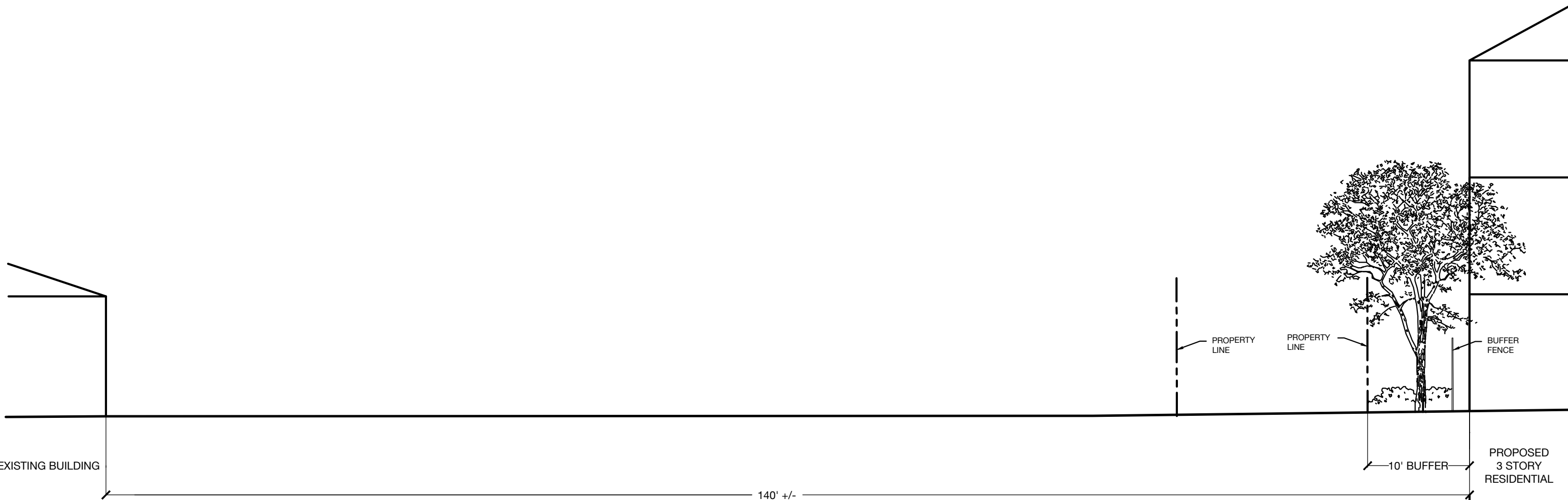
- If this Site Plan Amendment is approved, all conditions applicable to development of the Site imposed under the Technical Data Sheet will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and the current and subsequent owners of the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



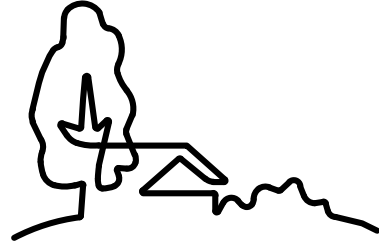
SECTION C-1



SECTION D-1



SECTION E-1



URBAN  
DESIGN  
PARTNERS

1318-s6 central ave. # 704.334.3303  
charlotte, nc 28205 # 704.334.3305  
urbandesignpartners.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
04	10.15.20	UDP	SITE PLAN REVISIONS
05	11.23.20	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:** 12/21/2020

---

**Agenda #:** 7. **File #:** 15-14747 **Type:** Zoning Decision

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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)

### **Zoning Committee Recommendation:**

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

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan





Zoning Committee

## Zoning Committee Recommendation

Rezoning Petition 2020-013

December 2, 2020

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**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.  
(Council District 3 - Watlington)

**PETITIONER**

Boulevard Real Estate Advisors, LLC

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**ZONING COMMITTEE  
ACTION/ STATEMENT  
OF CONSISTENCY**

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

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

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

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

- The majority of the site is within ½ mile walk of the Scaleybark Station on the LYNX Blue Line.
- The project will allow for infill that will provide transit supportive uses within close proximity to a station area and TOD zoning designations.
- The project provides architectural and design standards that commit to building materials, building orientation, and the pedestrian environment.
- 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.

Motion/Second: Welton / McMillan

Yeas: Barbee, Blumenthal, Kelly, McMillan, Nwasike,  
Samuel, and Welton  
Nays: None  
Absent: None  
Recused: None

**ZONING COMMITTEE  
DISCUSSION**

Staff provided a summary of the request, stating all outstanding issues were addressed by the petitioner. Staff noted that the petition is inconsistent with the adopted area plan. There was no discussion of this request.

**PLANNER**

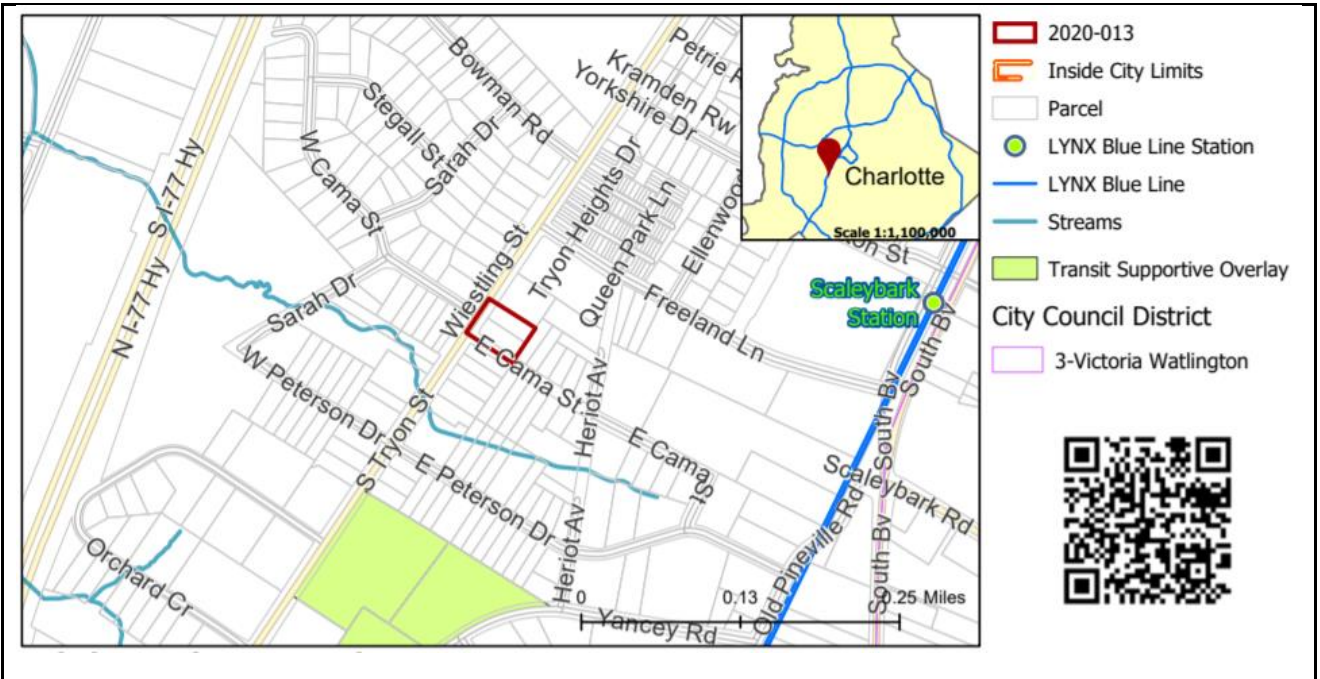
Claire Lyte-Graham (704) 336-3782

**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 currently 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.

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**

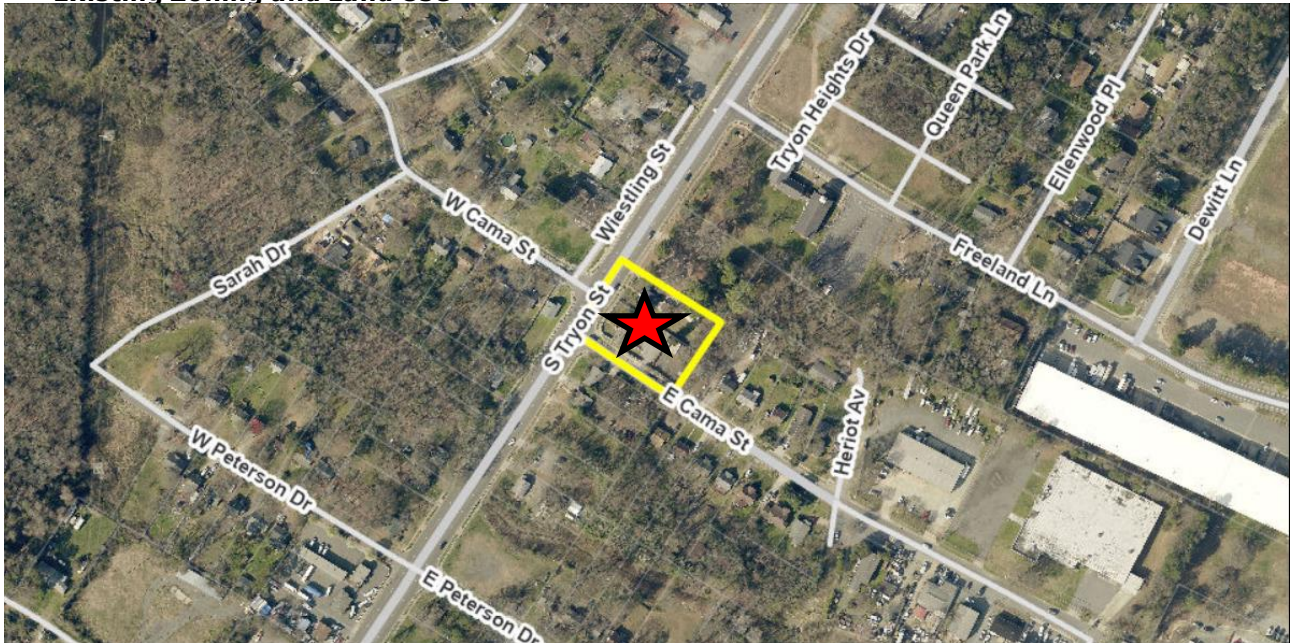
The site plan accompanying this petition contains the following provisions:

- 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.
- **Notes no structures may be placed in the existing storm drainage easement located on the site. Petitioner reserves the right to pursue the termination and abandonment of the storm drainage easement.**
- 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 northeast corner of the intersection of South Tryon Street and East Cama Street (adjacent to the site). **The locations of the curb ramps shall be determined during the permitting process.**
  - **Commits to an ADA compliant bus waiting pad along the site's frontage on South Tryon Street, with exact location to be determined during permitting.**
- 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:



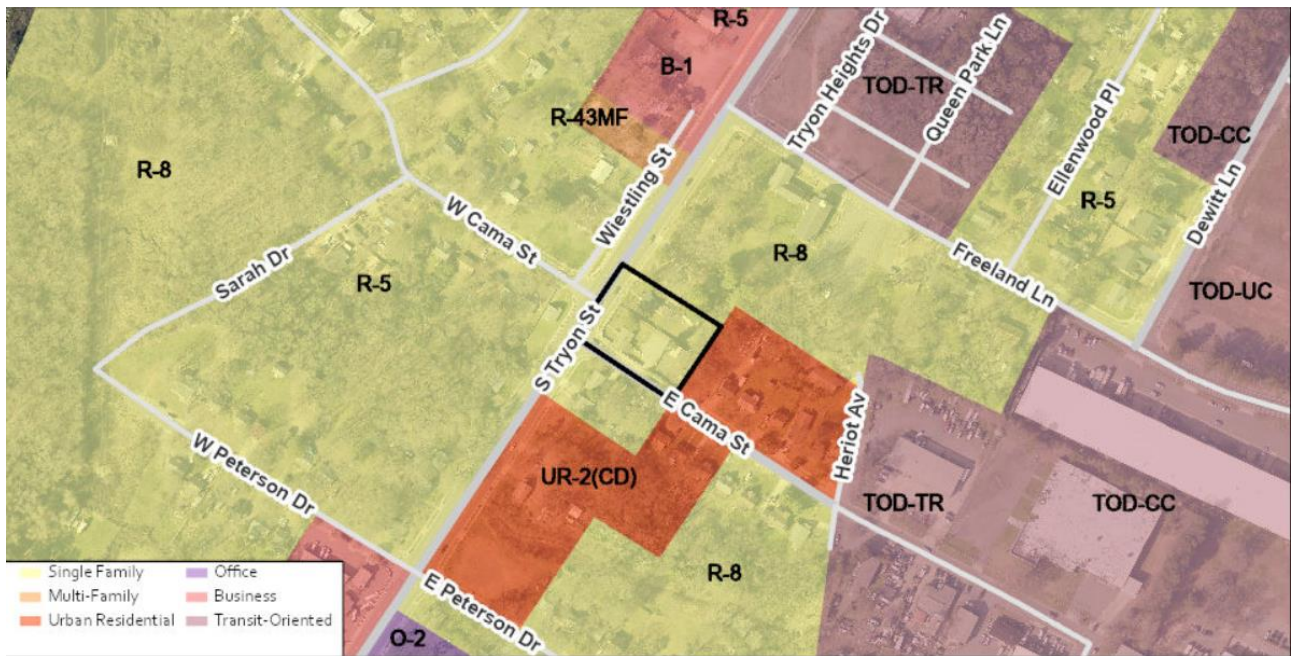
- All principal and accessory buildings abutting a network required public or private street shall comprise a minimum of 30% of that building's entire façade facing such network using brick, natural stone or synthetic equivalent, cementitious siding, stucco or other approved material.
- Prohibits vinyl 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.





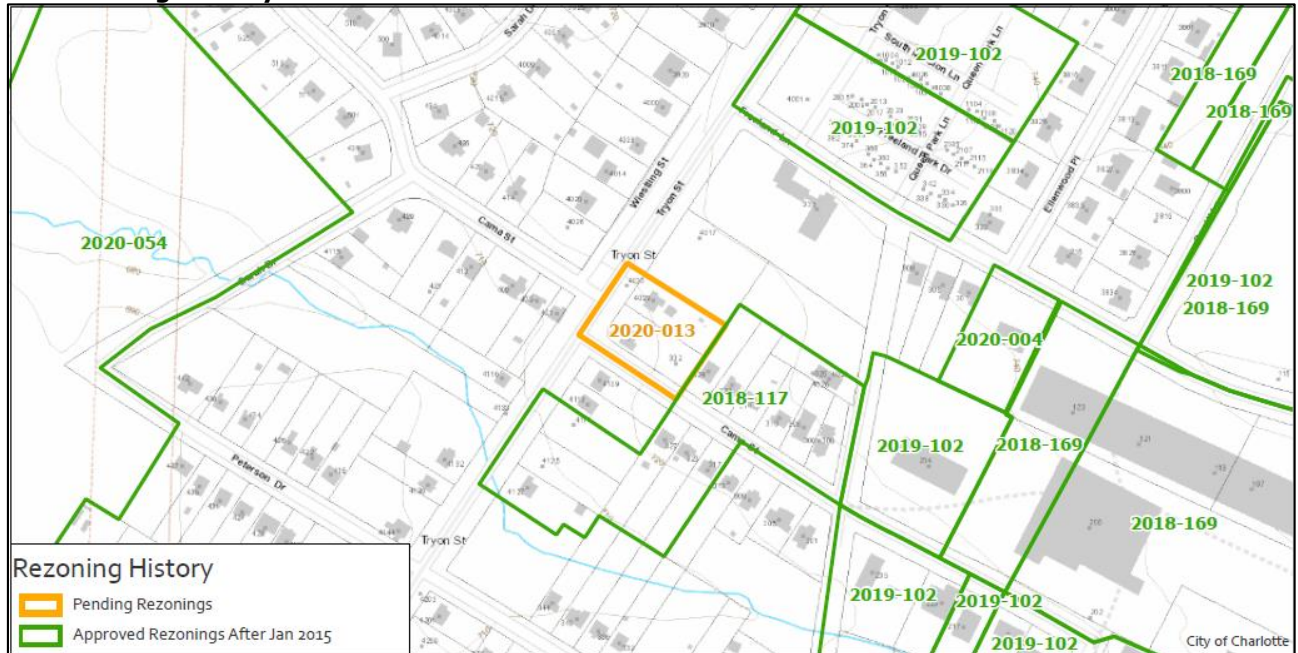
North is a religious institution.



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 and Cama Street, a State-maintained major thoroughfare and a City-maintained minor thoroughfare road, respectively. The proposed site plan includes a requested Urban Residential zoning, within the Scaleyback Transit Station Area Plan. The subject property is approximately ½ mile 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 accordance with the City's ordinances and WALKS policy. All CDOT comments have been addressed.

- **Active Projects:**

- There are no active projects in the immediate area.

- **Transportation Considerations**

- ~~See Outstanding Issues, Notes 1-6.~~ Addressed

- **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.~~ Addressed
- **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 9 students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is 6.
  - 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 65%
    - Sedgefield Middle from 73% to 74%
    - Myers Park High remains at 125%
  - 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.

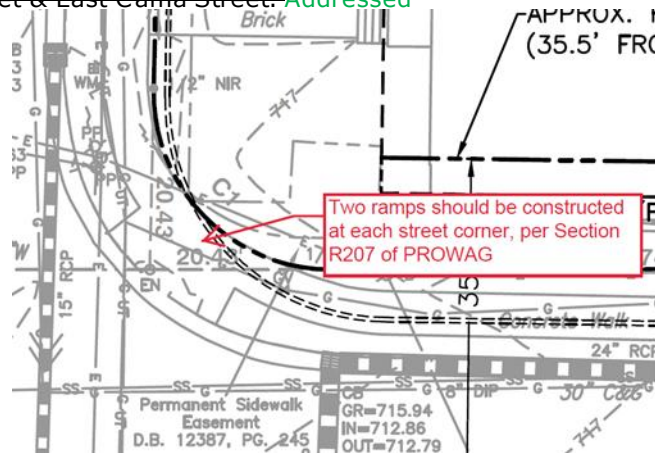
Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along East Cama Street and an 8-inch along South Tryon Street. See advisory comments at [www.rezoning.org](http://www.rezoning.org)

- **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. **Rescinded**~~
- ~~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. **Rescinded**~~
- ~~3. Revise the site plan and conditional note(s) to provide two curb ramps at the intersection of South Tryon Street & East Cama Street. **Addressed**~~



- ~~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. **Rescinded**~~
- ~~5. Revise the site plan to show/propose a location for trash receptacles/pick up. **Addressed**~~
- ~~6. For street and pedestrian lighting recommendations, please coordination with Anthony Mendez (CDOT). <https://charlottenc.gov/Transportation/Programs/Pages/StreetLighting.aspx> **Advisory**~~
- ~~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. **Addressed**~~

### Site and Building Design

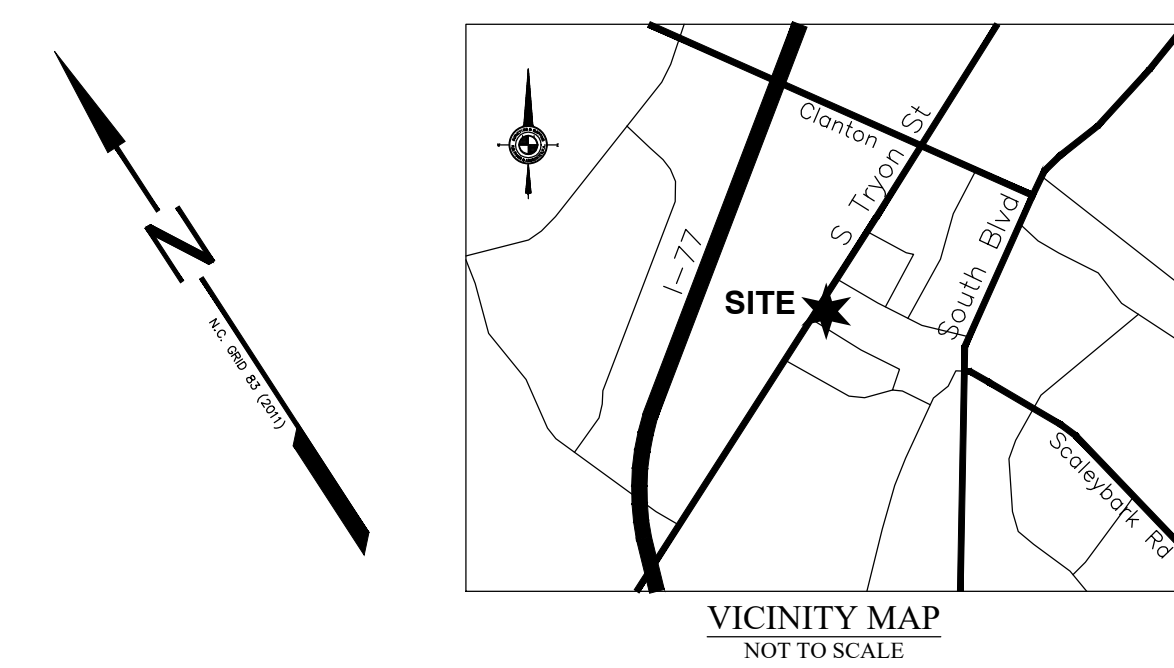
- ~~8. There is a storm drainage easement on Sheet 1 that should also be shown on Sheet 2. Confirm no structures should be placed in this area. **Addressed**~~
- ~~9. Petitioner should confirm setback along East Cama Street (ref. Scaleybark Station Area Plan). **Rescinded**~~

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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





<b>GEOSCIENCE GROUP</b>		PROJECT MANAGER		ORANGE COUNTY SALE		REV.		DATE	
500-k Canton Road		PROJECT NAME		PROJECT DATE					
Charlotte, NC 28217		ISSUED BY		11-23-20					
(704) 525-2003		APPROVED BY		PROJECT NUMBER					
NC FIRM LICENSE: F-0586(S)(C)		KMC		TASK		PHASE			
NC FIRM LICENSE: C-279(S)(C)		KMC		TASK		PHASE			
		KMC		TASK		PHASE			

4029 – 4101 SOUTH TRYON  
CHARLOTTE, NORTH CAROLINA

RZ-1

TECHNICAL DATA SHEET

**REZONING PETITION # 2020-013**  
**SUBMITTAL NOVEMBER 23, 2020**

TOPOGRAPHIC SURVEY BASE MAP TAKEN FROM AN ALTA SURVEY PREPARED BY  
 RB PHARR & ASSOCIATES, PA., DATED NOVEMBER 6, 2018.

20 0 10 20 40 60

SCALE: 1" = 20'



SUBMITTAL NOVEMBER 23, 2020

**GEOSCIENCE  
GROUP**  
Incorporated  
500-K Clanton Road  
Charlotte, NC 28217  
(704) 525-2003

# SITE PLAN

RZ-2



**Agenda Date:** 12/21/2020

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**Agenda #:** 8. **File #:** 15-14757 **Type:** Zoning Decision

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

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

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

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

### **Zoning Committee Recommendation:**

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

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan





Zoning Committee

## Zoning Committee Recommendation

Rezoning Petition 2020-014

August 4, 2020

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<b>REQUEST</b>	Current Zoning: R-8MF(CD) (multi-family residential, conditional) Proposed Zoning: UR-2(CD) (urban residential, conditional)
<b>LOCATION</b>	Approximately 3.9 acres located along the eastern side of Erwin Road, and north of Tryon Street. (Council District 3 - Watlington)
<b>PETITIONER</b>	Rama Yada for Carolina Builders, LLC

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**ZONING COMMITTEE  
ACTION/ STATEMENT  
OF CONSISTENCY**

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

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

- The plan recommends residential up to 8 DUA.

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

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

Motion/Second: Nwasike / Barbee  
Yeas: Barbee, Blumenthal, Kelly, McMillan, Nwasike, Samuel, and Welton  
Nays: None  
Absent: None  
Recused: None

**ZONING COMMITTEE  
DISCUSSION**

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

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

There was no further discussion of this petition.

**PLANNER**

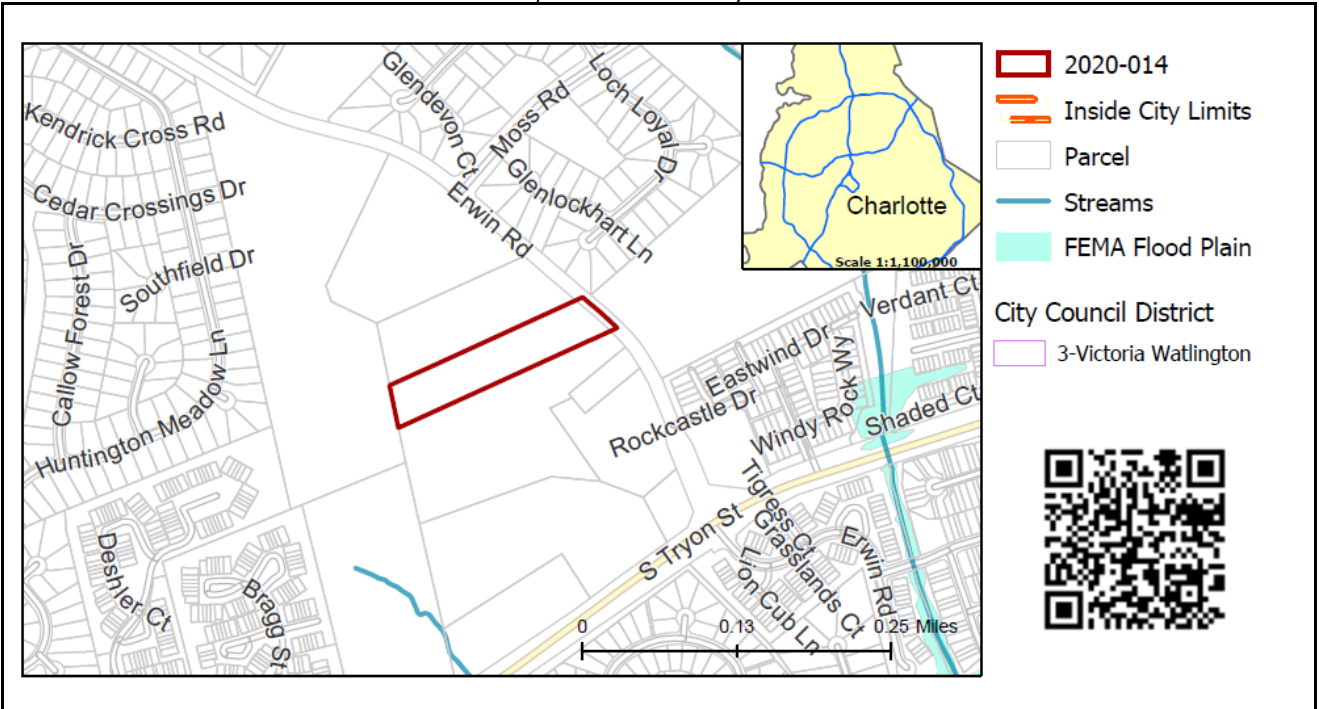
Lisa Arnold (704) 336-5967

**REQUEST**

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

**LOCATION**

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



**SUMMARY OF PETITION**

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

**PROPERTY OWNER**

Carolina Builders, LLC

**PETITIONER**

Rama Yada for Carolina Builders, LLC

**AGENT/REPRESENTATIVE**

Paul Carter, Eastlake Engineering

**COMMUNITY MEETING**

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

**STAFF  
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

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

Rationale for Recommendation

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



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

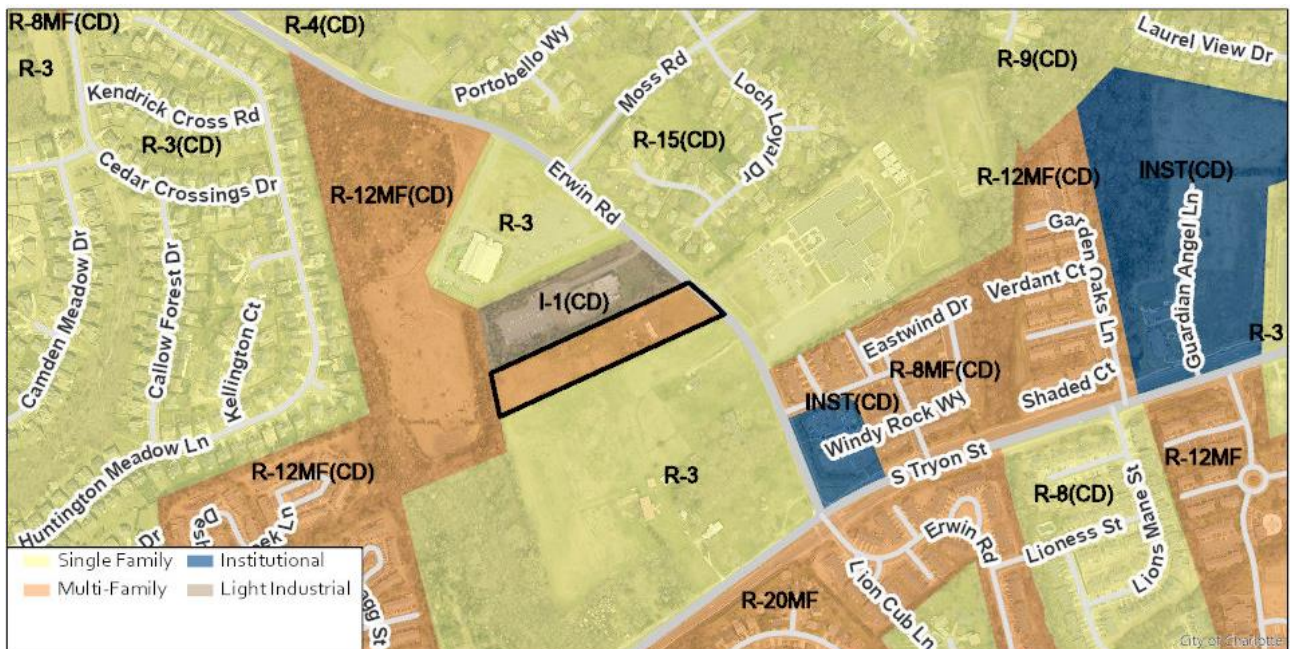
## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

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

### • Existing Zoning and Land Use



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



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



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





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



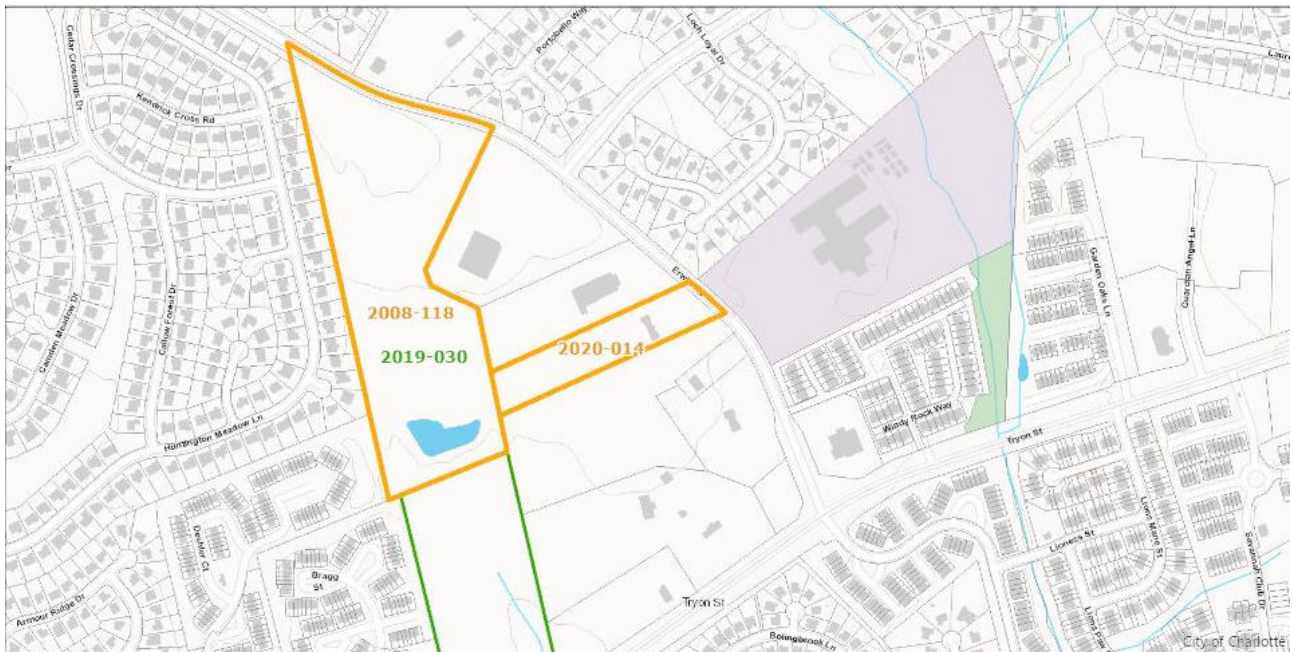
The property to the east is developed with a school.





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

- Rezoning History in Area**



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

- **Public Plans and Policies**



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

- **TRANSPORTATION SUMMARY**

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

- **Active Projects:**

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

- **Transportation Considerations**

- See Outstanding Issues, Notes 1 and 2

- **Vehicle Trip Generation:**

Current Zoning:

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

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

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

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

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



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

#### **OUTSTANDING ISSUES**

##### Transportation

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

#### **REQUESTED TECHNICAL REVISIONS**

##### Site and Building Design

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

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

**Planner:** Lisa Arnold (704) 336-5967







**Agenda Date:** 12/21/2020

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**Agenda #:** 9. **File #:** 15-14758 **Type:** Zoning Decision

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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)

**Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Zoning Committee Recommendation

Final Staff Analysis





Zoning Committee

## Zoning Committee Recommendation

Rezoning Petition 2020-037

December 2, 2020

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**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.  
(Council District 2 - Graham)

**PETITIONER**

Charlotte Planning Design and Development Department

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**ZONING COMMITTEE  
ACTION/ STATEMENT  
OF CONSISTENCY**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be **consistent** with the *Central District Plan*. The petition is also consistent with *Centers, Corridors and Wedges Growth Framework* and *General Development Policies* based on the information from the staff analysis and the public hearing and because:

- The plan recommends single family residential development and greenway use; and
- The *Centers, Corridors and Wedges Growth Framework* and the *General Development Policies* recommend 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.

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

- The petition 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.

Motion/Second: McMillan / Welton

Yeas: Blumenthal, Kelly, McMillan, Nwasike, Samuel, and Welton

Nays: None

Absent: Barbee

Recused: None

## **ZONING COMMITTEE DISCUSSION**

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

A commissioner asked if the property owners or the residents had to approve the request. Staff responded that the petition required approval of the property owners. Staff stated that City did not put forward the request, that the neighborhood had been discussion the possibility of several years prior and the City is facilitating the request of the neighborhood and property owners behalf.

There was some discussion about how the Oaklawn Park neighborhood compares to other historic districts. Staff indicated that Oaklawn is unique in that the architecture is from the 1950's and 60's and the homes are fairly uniform in design, scale and massing. While there are not square footage restrictions the design guidelines developed in conjunction with the neighborhood will require that new homes and expansions fit in with the character of the neighborhood.

A commissioner asked if the protections extended beyond the boundary of the rezoning. Staff responded that overlay only applies to the within the mapped boundary.

There was no further discussion of this petition.

## **PLANNER**

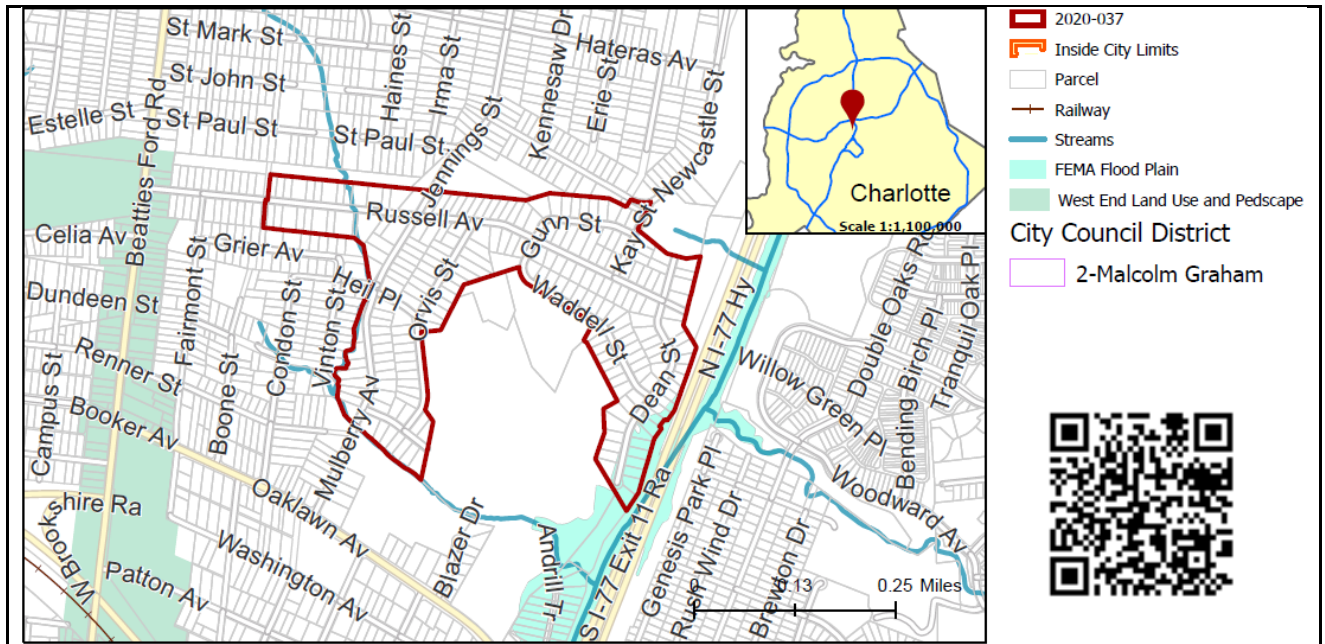
John Kinley (704) 336-8311

**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.



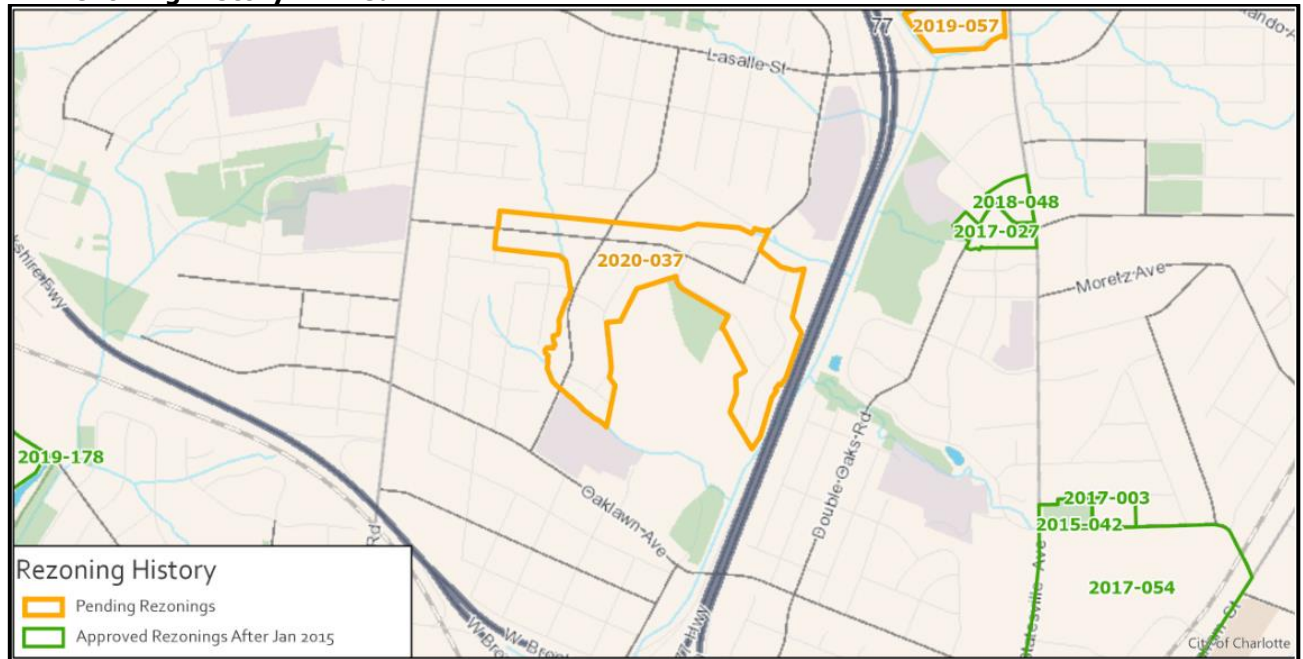
Parcels to the north and west are developed with single family homes.





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:** 12/21/2020

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**Agenda #:** 10. **File #:** 15-14759 **Type:** Zoning Decision

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## **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 3 - Watlington)

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

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

### **Zoning Committee Recommendation:**

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

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan





Zoning Committee

## Zoning Committee Recommendation

Rezoning Petition 2020-042

December 2, 2020

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**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.  
(Council District 3 - Watlington)

**PETITIONER**

Chris Branch/Boulevard Real Estate Advisors, LLC

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**ZONING COMMITTEE  
ACTION/ STATEMENT  
OF CONSISTENCY**

The Zoning Committee voted 7-0 to Choose an item. this petition and adopt the consistency statement as follows:

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

- The *Scaleybark Transit Station Area Plan* recommends 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."

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

- The 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.

Motion/Second: Welton / Blumenthal  
Yeas: Barbee, Blumenthal, Kelly, McMillan, Nwasike, Samuel, and Welton  
Nays: None  
Absent: None  
Recused: None

## **ZONING COMMITTEE DISCUSSION**

Staff provided a summary of the request noting the petitioner agreed that the access drive will be restricted only to emergency vehicles, and gated. Staff mentioned the petitioner also agreed to install a 6' wooden fence on the buffer side of the parcel's southern and western property lines. Staff stated the language in the rezoning plan was further modified to reflect the parcel will not be used for parking in excess of the requirements of the adjacent parcel.

Staff read the following statement provided to staff regarding follow up with neighbors: *the Petitioner held a second meeting with neighbors, via telephone, on Tuesday November 24. In response to that discussion, the Petitioner has agreed that it will add additional language to the development standards (1) clarifying that the gate across the access drive will be locked in order to ensure that only emergency vehicles are able to use it, and (2) stipulating that the primary access point (i.e. the "front door") to the development on Tryclan Drive will be on Tryclan Drive, and not through the Ellenwood Place parcel.*

Staff noted that it is inconsistent with the adopted area plan.

There was no discussion of this petition.

## **PLANNER**

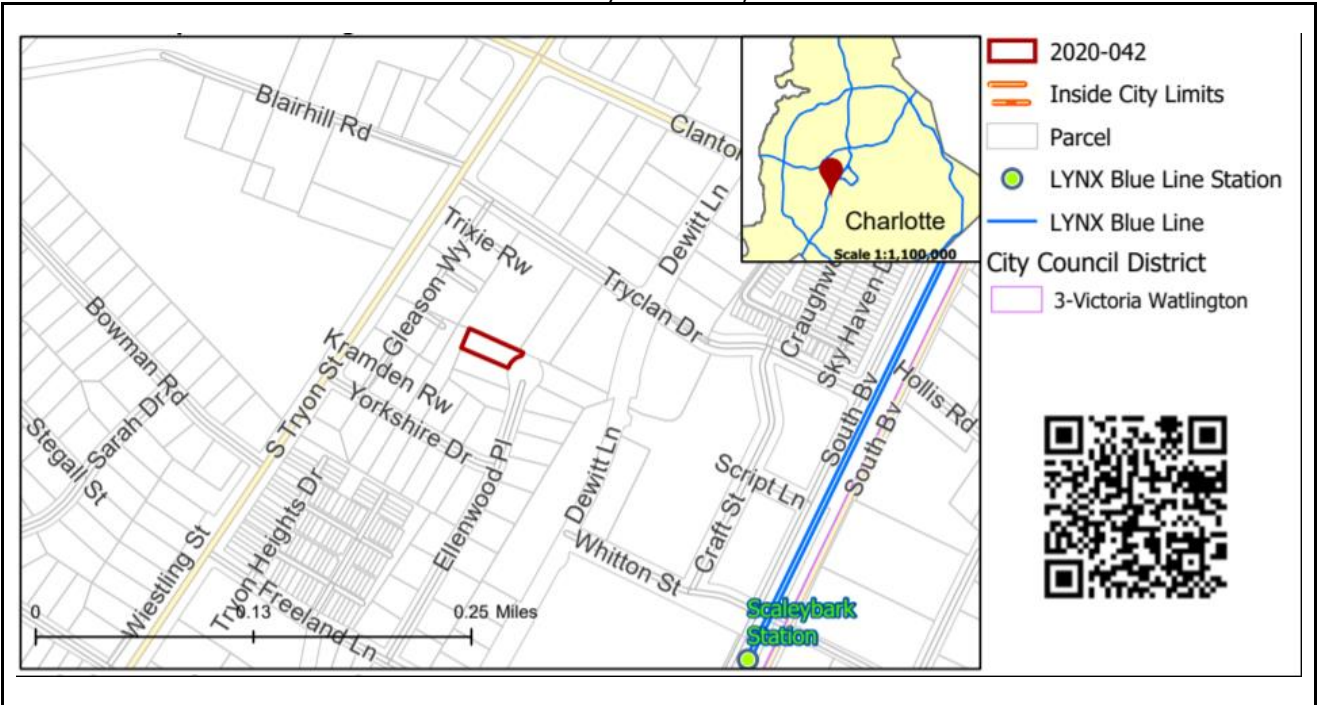
Claire Lyte-Graham (704) 336-3782

**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.

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 dua. 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.

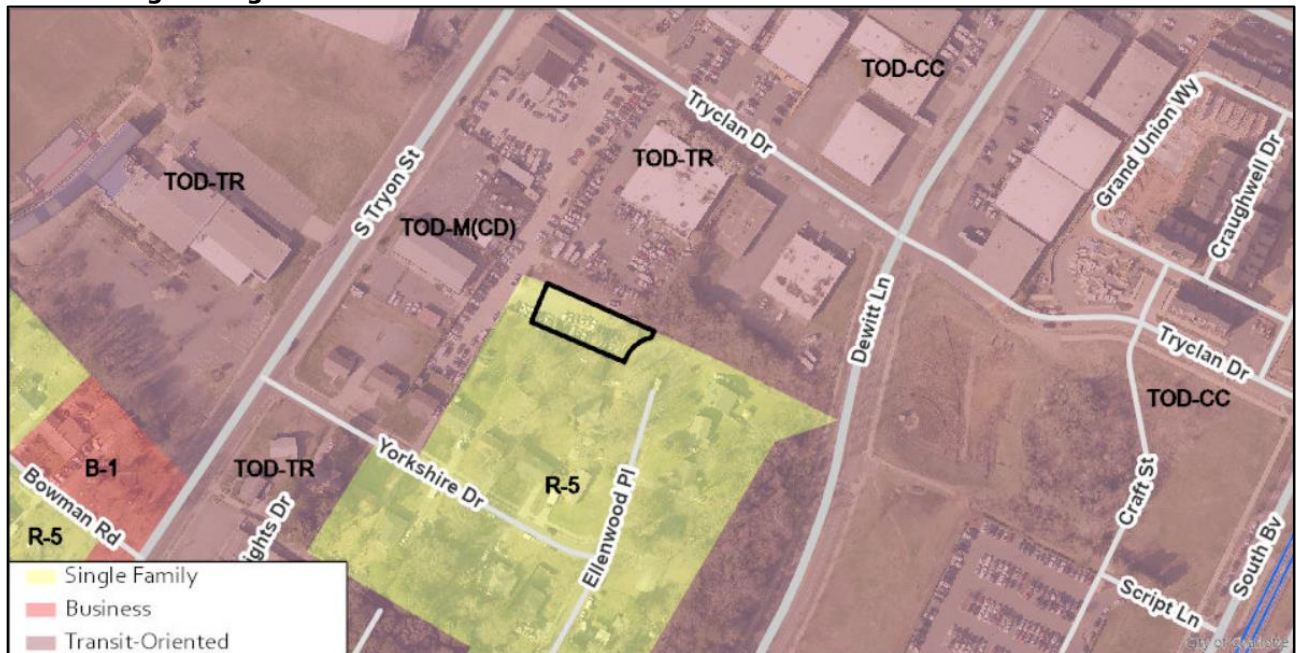
## PLANNING STAFF REVIEW

### • 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 only, and petitioner will install a gate across the site's access point in order to restrict access to emergency vehicles only and petitioner shall install a gate across the site's access point, which gate shall be locked, in order to restrict access to emergency access only.~~ 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.
- States the site, and any vehicular access point to and from Ellenwood Place shall not be used as the primary vehicular access point to or from any development on the adjacent parcels fronting Tryclan Drive; provided, however, that nothing in this note shall restrict the ability of emergency vehicles to utilize the vehicular access point to and from Ellenwood Place as set forth in above note.
- Proposes a 6-foot tall wooden fence with gate at access point for emergency vehicles.
- Notes if the site is used for off-street parking that will be utilized as accessory off-street parking for improvements and uses located on adjacent parcels, as provided in specified note, then the number of parking spaces on the site shall not be of a number that would cause the total number of parking spaces on the adjacent parcels and the site, together, to exceed the maximum number of parking spaces permitted for the use(s) located on the adjacent parcels served by the off-street parking on the site. For clarity and for example only, if the adjacent parcel served by the off-street parking on the site is zoned TOD-TR, then the total number of parking spaces on the adjacent parcel and the site, combined, shall not exceed the maximum number of parking spaces permitted for the use under the ordinance applicable to the TOD-TR zoning district.
- Notes that during the permitting process, the petitioner shall provide turning movements for the access drive on Ellenwood Place to CDOT.

- **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 Tryclan Drive are office/warehouse/distribution uses.



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

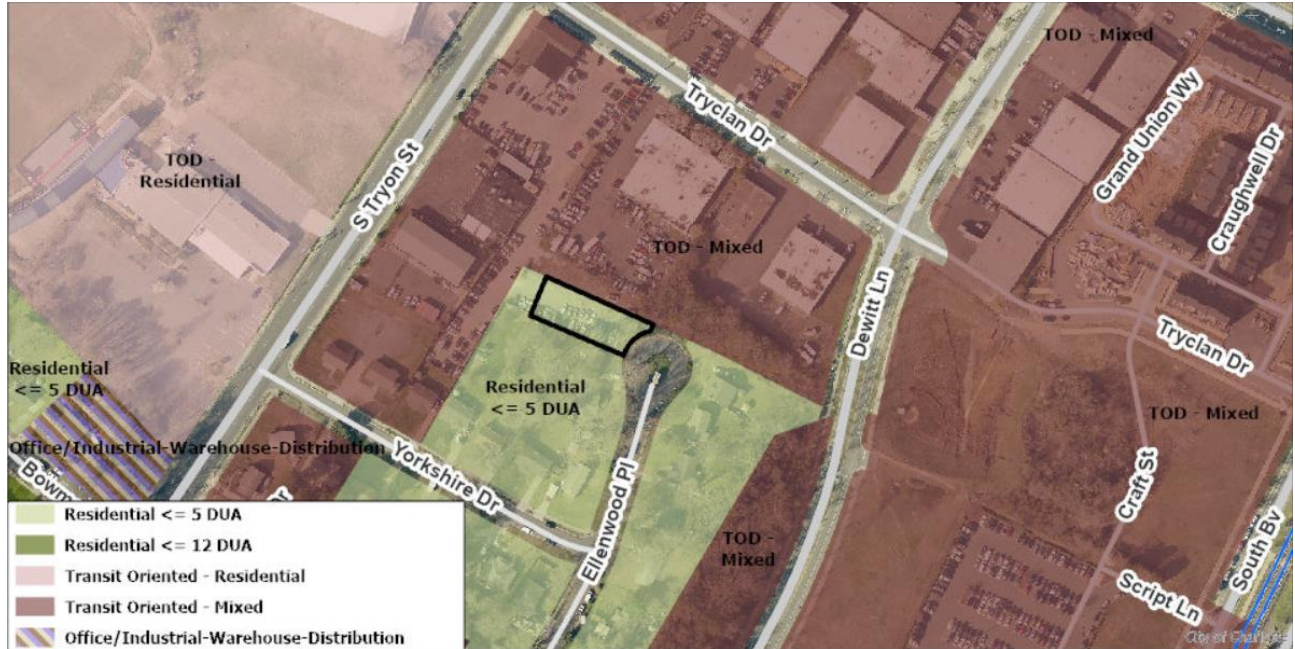


• **Rezoning History in Area**



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 dua. 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.
- **Active Projects:**
  - There are no active projects in the immediate vicinity.
- **Transportation Considerations**
  - ~~See Outstanding Issues, Note 6~~ Addressed
- **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 Addressed
  - **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.~~ Addressed
2. ~~Show building and development envelope.~~ Addressed. Petitioner's Response: As discussed with Land Development staff, the Petitioner is unable to depict a building and development envelope on the rezoning plan because, until the use is determined, the exact buffers and setbacks cannot be depicted. The petitioner believes this comment is addressed by Note 3.B, which provides that no uses or structures can be located in any buffers or setbacks required under the ordinance.
3. ~~Per Transportation Note 3.B, petitioner will need to provide gate access or another ideal for this location.~~ Addressed.
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."~~ Addressed
5. ~~Ensure the setback is similar to that of the other residences along Ellenwood Place.~~ Addressed

##### Transportation

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

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

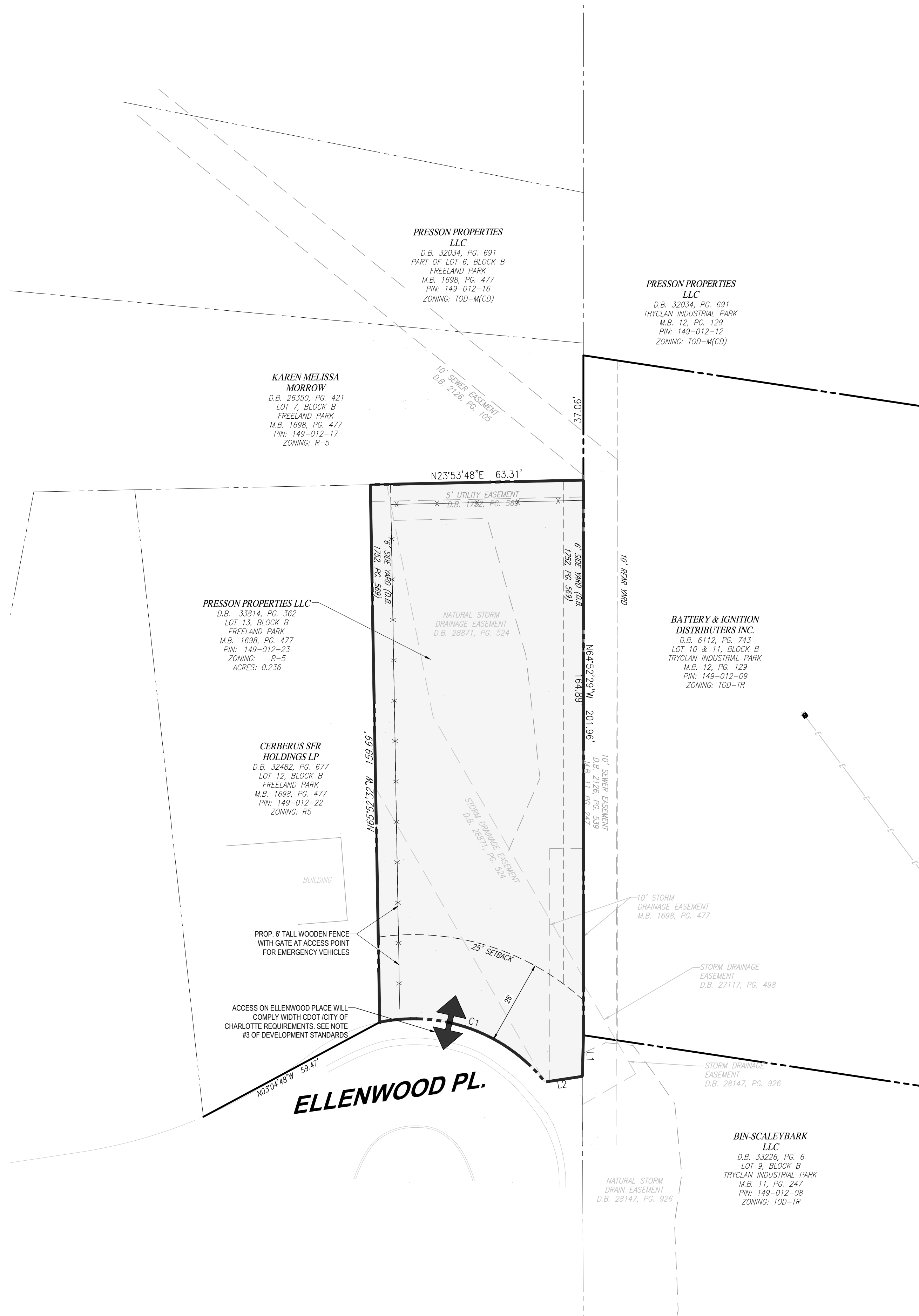
**Planner:** Claire Lyte-Graham (704) 336-3782



EXISTING PROPERTY BOUNDARY \_\_\_\_\_

EXISTING SANITARY SEWER EASEMENT \_\_\_\_\_

EXISTING STORM EASEMENT \_\_\_\_\_



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'					

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 CLAYDALE DRIVE, AND WEST OF CHARLOTTE LANE. WHEREAS THE SITE IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (HEREINAFTER REFERRED TO AS THE "SITE"), THE SITE IS ALSO IDENTIFIED AS TAX 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 O-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, USES 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.

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.

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 ELENWOOD PLACE SHALL BE RESTRICTED TO EMERGENCY VEHICLES ONLY, AND PETITIONER SHALL INSTALL A GATE ACROSS THE SITE'S ACCESS POINT, WHICH GATE SHALL BE LOCKED, IN ORDER TO RESTRICT ACCESS TO EMERGENCY VEHICLES ONLY.

C. THE SITE, AND ANY VEHICULAR ACCESS POINT TO AND FROM ELENWOOD PLACE LOCATED THEREON, SHALL NOT BE USED AS THE PRIMARY VEHICULAR ACCESS POINT TO OR FROM ANY DEVELOPMENT ON THE ADJACENT PARCELS FRONTING TRYCLAN DRIVE; PROVIDED, HOWEVER, THAT NOTHING IN THIS NOTE 3.C SHALL RESTRICT THE ABILITY OF EMERGENCY VEHICLES TO UTILIZE THE VEHICULAR ACCESS POINT TO AND FROM ELENWOOD PLACE AS SET FORTH IN NOTE 3.B.

D. IF THE SITE IS USED FOR OFF-STREET PARKING THAT WILL BE UTILIZED AS ACCESSORY OFF-STREET PARKING FOR IMPROVEMENTS AND USES LOCATED ON ADJACENT PARCELS, AS PROVIDED IN NOTE 2.A(1), THEN THE NUMBER OF PARKING SPACES ON THE SITE SHALL NOT BE OF A NUMBER THAT WOULD CAUSE THE TOTAL NUMBER OF PARKING SPACES SERVED BY THE OFF-STREET PARKING ON THE SITE TO EXCEED THE MAXIMUM NUMBER OF PARKING SPACES PERMITTED FOR THE USE(S) LOCATED ON THE ADJACENT PARCELS SERVED BY THE OFF-STREET PARKING ON THE SITE. FOR CLARITY AND FOR EXAMPLE ONLY, IF THE ADJACENT PARCEL SERVED BY THE OFF-STREET PARKING ON THE SITE IS ZONED TDD-TR, THEN THE TOTAL NUMBER OF PARKING SPACES ON THE ADJACENT PARCEL AND THE SITE, COMBINED, SHALL NOT EXCEED THE MAXIMUM NUMBER OF PARKING SPACES PERMITTED FOR THE USE UNDER THE ORDINANCE APPLICABLE TO THE TDD-TR ZONING DISTRICT.

E. DURING THE PERMITTING PROCESS, THE PETITIONER SHALL PROVIDE TURNING MOVEMENTS FOR THE ACCESS DRIVE ON ELENWOOD PLACE TO CDOT.

- 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. 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(b) 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. A MINIMUM 6 FOOT TALL WOODEN FENCE SHALL BE INSTALLED ALONG THE WESTERN AND SOUTHERN BOUNDARY LINES OF THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN.
- D. USES ON THE SITE SHALL BE SCREENED AS REQUIRED BY THE ORDINANCE.

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.

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.

1. APPLICANT: BOULEVARD REAL ESTATE ADVISORS, LLC  
121 WEST TRADE STREET, SUITE 2800  
CHARLOTTE, NC 28202  
CONTACT: CHRIS BRANCH  
PHONE: (704) 604-8357
2. OWNER: PRESSON PROPERTIES, LLC  
102 FARM KNOW WAY  
TOWN OF MOORESVILLE  
IREDELL COUNTY, NC 28117
3. PARCEL: 0.236AC OR 10.293 SQ. FT.  
3700 ELLENWOOD PLACE  
CITY OF CHARLOTTE  
MECKLENBURG COUNTY, NC 28217

EXISTING: R-5 (SINGLE FAMILY RESIDENTIAL)

PROPOSED: O1-CD

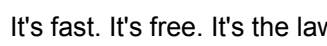
5. USES:

EXISTING: R-5 ZONING - SINGLE FAMILY RESIDENTIAL - VACANT

PROPOSED: O1 - CD - SEE PERMITTED USES ABOVE



LOCATION MAP

[illegible]

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

# REZONING PLAN

REVISION 3 - 12/3/20





**Agenda Date:** 12/21/2020

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**Agenda #:** 11. **File #:** 15-14760 **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)

### **Zoning Committee Recommendation:**

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

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation  
Final Staff Analysis  
Site Plan



**Zoning Committee**

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**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.

(Council District 1 - Egleston)

**PETITIONER**

Selwyn Property Group, Inc.

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**ZONING COMMITTEE  
ACTION/ STATEMENT  
OF CONSISTENCY**

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

This petition is found to be *consistent* with the *East Boulevard Pedscape Plan* recommendation for proposed uses, but *inconsistent* with recommended height and proposed office uses, based on the information from the staff analysis and the public hearing.

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

- The 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.

Motion/Second: Welton / Kelly



Yeas: Barbee, Blumenthal, Kelly, McMillan, Nwasike, Samuel, and Welton  
Nays: None  
Absent: None  
Recused: None

## **ZONING COMMITTEE DISCUSSION**

Staff provided a summary of the request, noting petitioner added two optional requests to allow the streetscape as shown and to allow balconies to encroach up to 8 feet into the setbacks from all adjacent streets. Balconies will maintain a minimum vertical clearance of 12 feet above grade. Staff mentioned the petitioner has also added language regarding building materials in the event the use is office or residential, exterior building materials for building elevations fronting East Boulevard and Scott Avenue, and decorative screening relating to the parking structure. Staff stated most of the outstanding issues have been addressed but there is still an outstanding issue related to the curb line and bike lane and that the positioning of the curb line could affect the optional provision for the cantilever. Staff stated 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.

A Commissioner asked about the outstanding issue pertaining to the width of the sidewalk and the incorporation of a bike lane. Staff responded that the petitioner is working with CDOT, Planning and the neighborhood to look at potential options. A Commissioner noted that the neighborhood is concerned about the sidewalk condition. A Commissioner asked if the road is to be widened and **CDOT responded it is unknown at this time**<sup>[1]</sup>. Another Commissioner asked if there is no resolution will staff change recommendation? Staff responded if design issues are significant enough may need to revisit. A Commissioner asked if there is a threshold that will determine if the request needs to come back to the Zoning Committee for review. Staff responded as long as it does not change the size or scope probably does not need to come back. If alternative design increases the intensity or function then there may need to be further consideration.

There was no further discussion of this petition.

## **PLANNER**

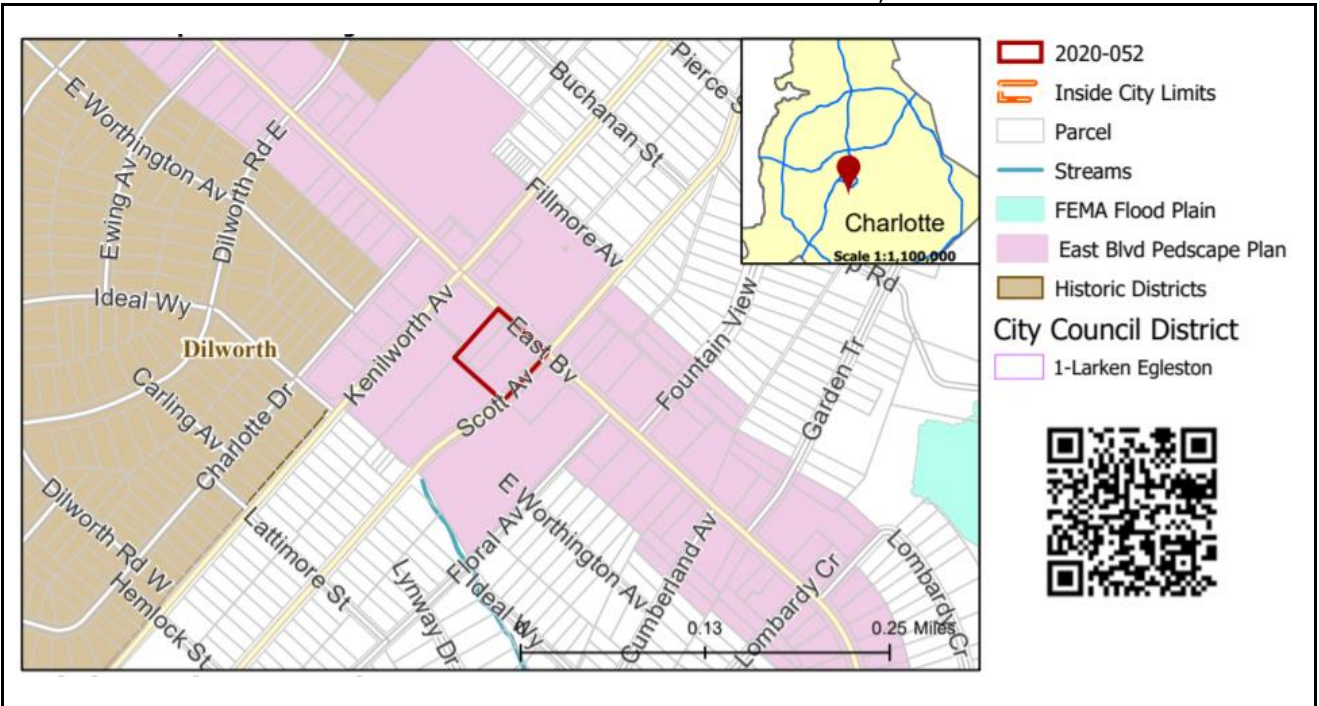
Claire Lyte-Graham (704) 336-3782

## 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 PETITIONER AGENT/REPRESENTATIVE

JNC Properties LLC  
Selwyn Property Group, Inc.  
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.

### 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:

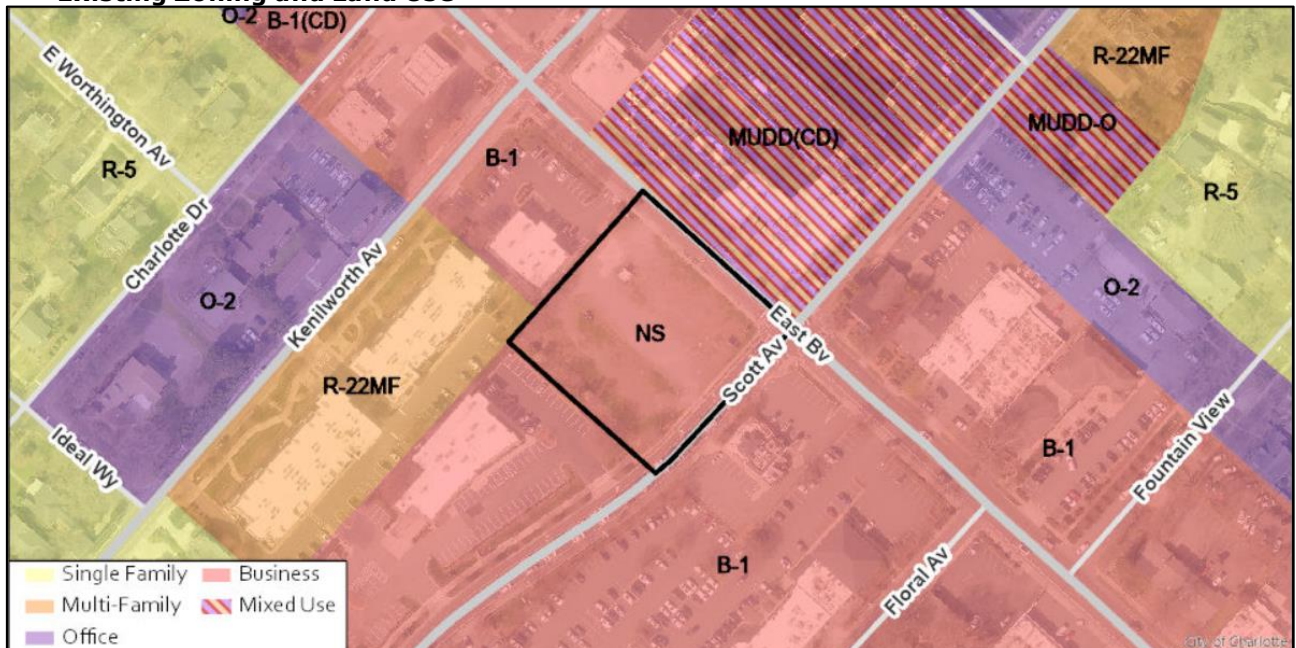
- Up to 80,000 square feet of offices or up to 170 residential units.
- Up to 10,000 square feet of retail, EDEE or personal service or other non-residential uses.
- Prohibits car washes (except for residential car wash stations); automobile service stations; and ~~EDEEs with~~ accessory drive-through 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~~ 26 feet above the sidewalk. The Potential Building Overhang shall be a maximum of ~~8~~ 11 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.
  - Requests a deviation from the adopted streetscape along the Site's frontage of East Boulevard as reflected in the Rezoning Plan.
  - Allow balconies to encroach up to 8 feet into the setbacks from all adjacent streets. Balconies shall maintain a minimum vertical clearance of 12 feet above grade.
- 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:
  - Preferred Exterior building materials used for buildings will be a combination of any of the following shall be comprised of a minimum percentage of the following materials on the applicable building facade along public rights-of-way (excluding windows and door areas): 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~~ other materials approved by the Planning Director:
    - Preferred Exterior Building Materials shall comprise a minimum of 60% of the East Boulevard frontage and a minimum of 50% of the Scott Avenue frontage.
    - Vinyl, as a building material, will only be allowed on windows, soffits and trim features.
    - Cementitious siding (such as hardi-plank) shall be excluded from office buildings, if office uses are provided on the site, but shall be permitted for residential buildings, if provided. The maximum amount of exterior cementitious siding for residential buildings along the site's frontage of East Boulevard and Scott Avenue shall be 50% of the building face for that frontage.
    - Stucco and EIFS shall not comprise more than 25% of the exterior building materials for building elevations fronting East Boulevard and Scott Avenue.
  - Notes building massing and height shall be designed to break up monolithic building forms:
    - Base of high rise building(s) (those exceeding five(5) stories): The base of building sides (equivalent to the first three (3) floors at street grade for buildings containing office uses or first two (2) floors at street grade for buildings containing residential uses)



greater than 120 feet in length fronting a public street shall be distinguished from the remainder of the building and include modulations of the building massing/façade plane (such as 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.

- Building elevations facing public streets shall not have expanses of blank walls greater than 20 feet in all directions and architectural features such as but not limited to banding, medallions or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.
- 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. *Any such decorative screens shall be set back from the plane of the street facades and affixed in line with the internal face of walls to parking levels so as to be minimally intrusive when seen in perspective.* 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.
- *Notes interim street tree plantings, if provided, will meet the Tree Ordinance requirements.*

• **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 on the southwest corner of the signalized intersection of East Blvd. and Scott Ave. in the commercial core of Dilworth. Both streets are major thoroughfares that are City-maintained. The petitioner has committed to constructing an 8-ft planting strip and 6-ft sidewalk along East Blvd to promote safety and connectivity in accordance with Charlotte WALKS. The petitioner site plan needs to be revised to reflect the construction on a 5-foot bike lane on East Blvd in-line with the Charlotte BIKES enhancing multimodal safety and connectivity.

- Active Projects:**

- No active project near the site.

- Transportation Considerations**

- ~~See Outstanding Issues, Note 1.~~ Addressed

- 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.~~ Addressed
  - **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.~~
  - ~~a. Scott Avenue: The future location of curb and gutter is in its existing location.~~
  - ~~b. East Boulevard: The proposed curblane and setback need to be revised from what is shown on the site plan.~~ Addressed

### Site and Building Design

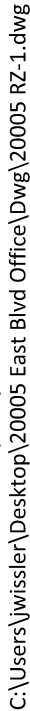
- ~~2. The rezoning site is subject to the East Boulevard Pedscape Plan and cross section for East Boulevard between Kenilworth and Scott Avenues. Petitioner needs to meet the adopted streetscape or request an optional provision specifying deviations. Petitioner needs to clarify Transportation Note V.c.~~ Addressed
- ~~3. Petitioner needs to clarify Transportation Note V.d., provide dimensions of the proposed sidewalk, planting strip, and other items agreed upon.~~ Addressed
- ~~4. Clarify that accessory drive through windows are prohibited for all uses and not just EDEE uses.~~ Addressed
- ~~5. Clarify that proposed interim street plantings will meet Tree Ordinance requirements.~~ Addressed

## REQUESTED TECHNICAL REVISIONS

- ~~6. **Technical Clarification based on revised site plan (11/24/2020)** The petitioner shall revise the site plan to show the proposed curb and gutter at its future location. The site plan should also reflect the extension of bike lane on the south side of East Blvd, per Charlotte BIKES.~~ Rescinded







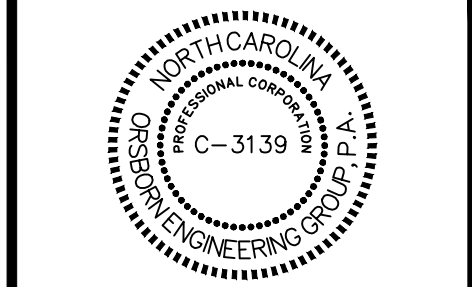
**ORSBORN**  
ENGINEERING GROUP

605 LEXINGTON AVENUE, SUITE 301  
CHARLOTTE, NC 28203  
P) 704-749-1432  
[www.orsborn-eng.com](http://www.orsborn-eng.com)

TECHNICAL SITE PLAN  
PETITION #2020-052  
FOR  
EAST BOULEVARD OFFICE  
1312,1318, 1324 EAST BOULEVARD  
CHARLOTTE, NORTH CAROLINA 28203

**SELWYN PROPERTY  
GROUP, INC.**

**605 LEXINGTON AVE., SUITE 101  
CHARLOTTE, NC 28203**

[illegible]

JOB #	20005
DATE:	03/06/20
SCALE:	1" = 20'
DRAWN BY:	JAW
APPROVED BY:	JCO

# RZ-1

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GRAPHIC SCALE



( IN FEET )

$$1 \text{ inch} = 20 \text{ ft.}$$





**Agenda Date:** 12/21/2020

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**Agenda #:** 12. **File #:** 15-14761 **Type:** Zoning Decision

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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) (urban residential, conditional)

### **Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan





Zoning Committee

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**REQUEST**

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

**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)

**PETITIONER**

Blue Azalea

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**ZONING COMMITTEE  
ACTION/ STATEMENT  
OF CONSISTENCY**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be **consistent** with the *South Park Small Area Plan* for the part of the site on the north side of Sharon View Road and **inconsistent** with the *South District Plan* for the part of the site on the south side of Sharon View Road. However, the *General Development Policies* support the requested density for the southern portion of the site. The site northern portion of the site is located within a mixed-use activity center as designated by the *Centers, Corridors, and Wedges Growth Framework*

Therefore we find this petition to Choose an item. public interest based on information from the staff analysis and the public hearing and because:

- 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.

Motion/Second: Blumenthal / Welton

Yeas: Blumenthal, Kelly, McMillan, Nwasike, Samuel, and Welton

Nays: None

Absent: Barbee

Recused: None

## **ZONING COMMITTEE DISCUSSION**

Staff provided a summary of the petition and noted that the north portion is consistent with the plan, the southern part is inconsistent with the plan, but the density is supported by the general development policies.

A commissioner asked about the inconsistency for the southern portion. Staff explained that the parcels on the south side of Sharon View Road had been built out with single family homes and this odd shape parcel is undeveloped and not part of any of the surrounding neighborhoods. The scale of the proposed 3 unit building fits in with neighboring single family homes and since the area along Sharon View Road is already built out staff did not have concerns about this rezoning triggering future desires for rezoning south of Sharon View Road.

A commissioner asked where the access for the southern portion is with Sharon View. Staff noted that access aligned with Calvet Court north of the site.

There was no further discussion of this petition.

## **PLANNER**

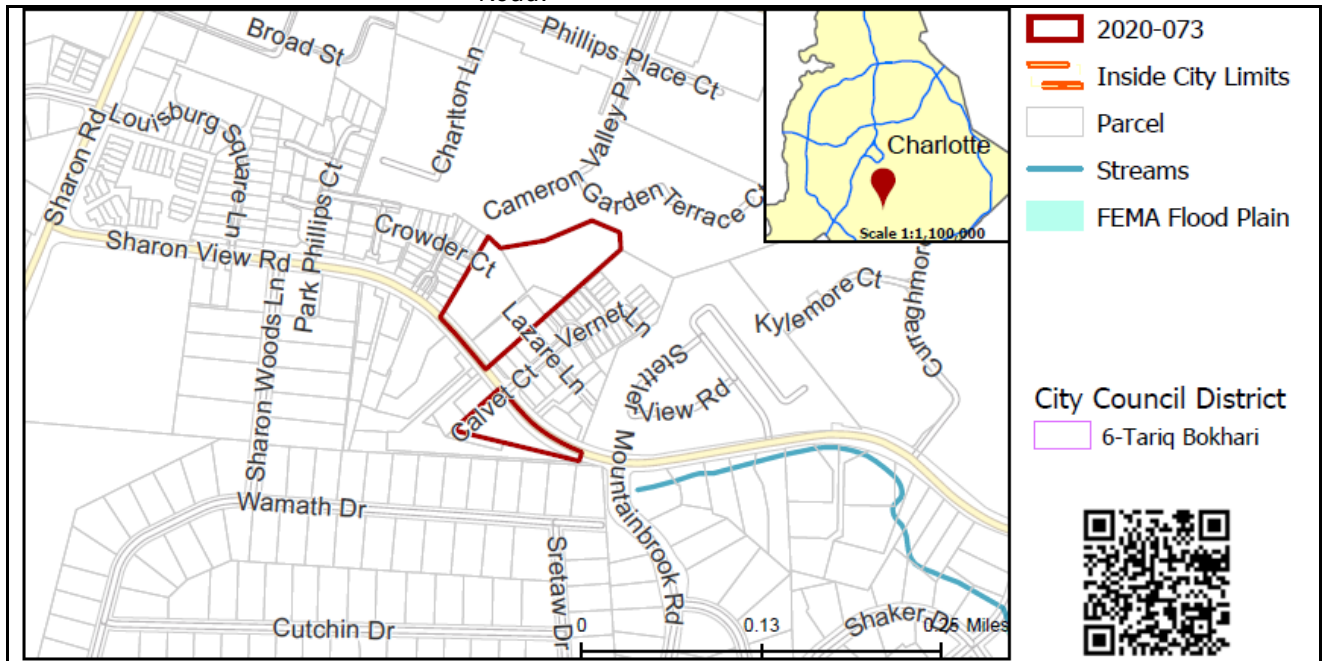
John Kinley (704) 336-8311

**REQUEST**

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

**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.

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 northern portion of 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.

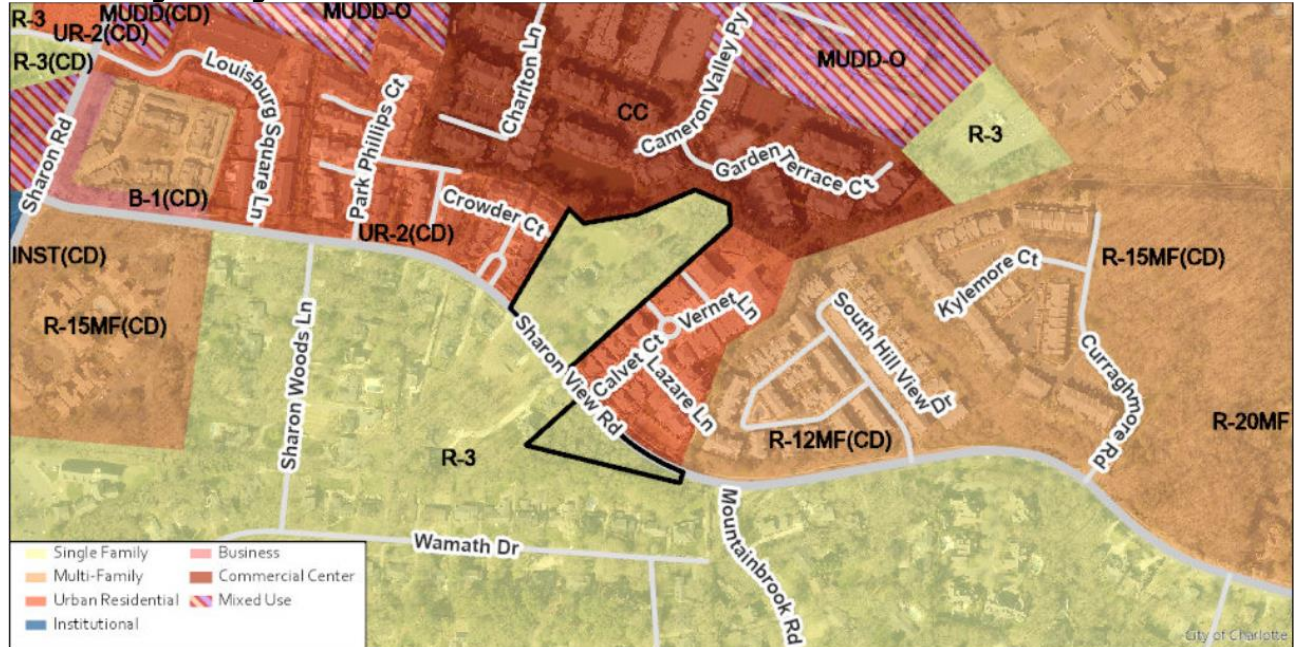
## PLANNING STAFF REVIEW

### • 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.
- Commits to areas of landscaping between the back of sidewalk and buildings along Sharon View Road.
- 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 with a public access easement 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.





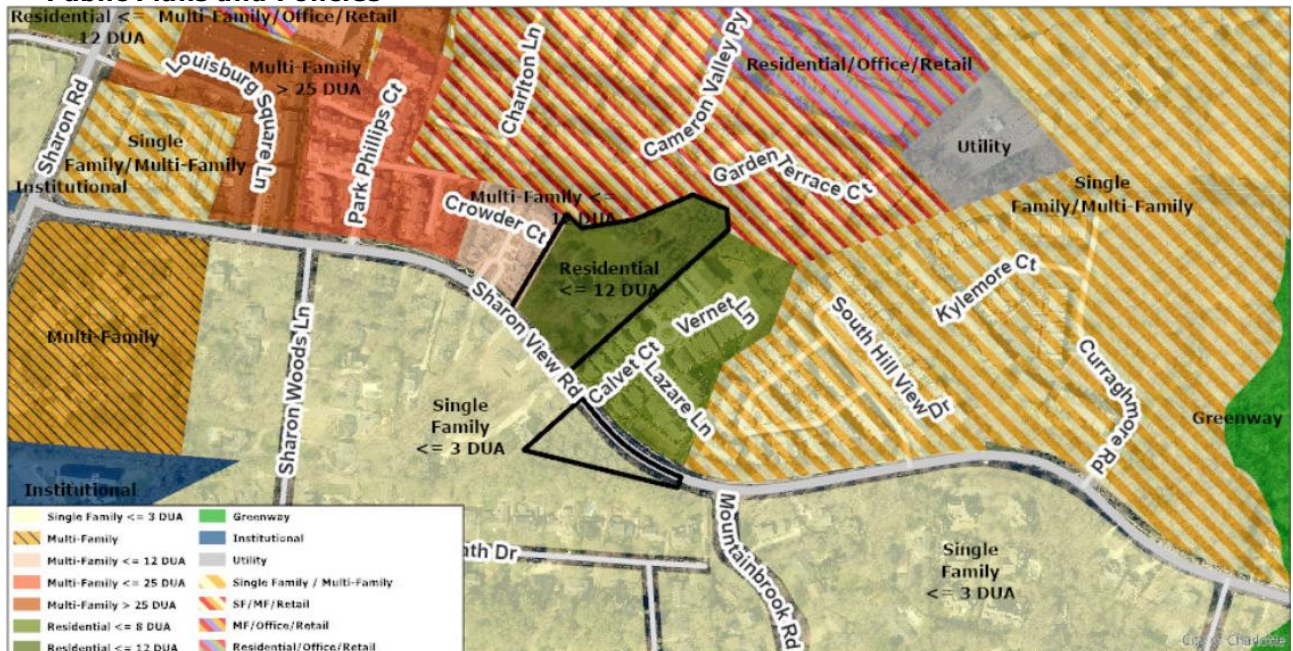
North of the site is a multi-family development accessed through Phillips Place on Fairview Road.

- 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 Road, a City-maintained minor thoroughfare. CDOT has met with the petitioner, residents and community stakeholders to review the street connectivity as it relates to the proposed site plan. The Petitioner proposes to dedicate an access easement for potential connection to the property located to north, upon future development. The site plan 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. The site plan also commits to providing shared driveways to 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.~~ Addressed.
- **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. Addressed.
- **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 Addressed
  - **Urban Forestry:** See Requested Technical Revisions, Note 11-12 Addressed
- **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

- ~~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.~~ Addressed, the petitioner added a commitment to provide landscaped areas between the back of sidewalk and the buildings along Sharon View Road.

Transportation

1. ~~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."~~ Addressed.
2. ~~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.~~ Addressed.
3. ~~Remove the site conditional note for Transportation G.~~ Addressed.
4. ~~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."~~ Addressed.

**REQUESTED TECHNICAL REVISIONS**Site and Building Design

5. ~~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.~~ Addressed, the petitioner added a note stating the development will comply with Fire Code access requirements for non-sprinkled buildings and that the method of compliance would be determined during permitting.
6. Clarify note 5 under Architectural Standards to explain how the commitment will be made or amend the site plan to show the walkways described. Addressed.



7. ~~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.~~ Addressed.
8. ~~Amend note 8 under Architectural Standards to remove the words "that adjoin single family zoning." All buildings should be limited to 40 feet.~~ Addressed.
9. ~~Remove requested 5 year vested rights from the petition.~~ Addressed.

#### Environment

10. ~~Amend what is shown on the rezoning site plan drawing to ensure it is compliant with the Tree Ordinance.~~ Addressed.
11. ~~Amend construction note 2 to replace the words "too narrow" with "less than 30' width.~~ Addressed, the petitioner amended the note to state that tree saves areas will comply with dimensional standards in the Tree Ordinance.
12. ~~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.~~ Addressed.

#### Transportation

13. ~~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."~~ Addressed, the petitioner changed the label for the area to say 54-ft wide public access easement for future bicycle and pedestrian access.
14. ~~Reconcile the site plan callout with the revised Conditional Note for Transportation D.~~ Addressed.
15. ~~Label and dimension curb and gutter at 27 ft from the Sharon View Road centerline.~~ Addressed.

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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









**Agenda Date:** 12/21/2020

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**Agenda #:** 13. **File #:** 15-14762 **Type:** Zoning Decision

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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 Villa Heights community. (Council District 1 - Egleston)

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

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

### **Zoning Committee Recommendation:**

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

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan





## Zoning Committee Recommendation

Rezoning Petition 2020-079

December 2, 2020

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### 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.  
(Council District 1 - Egleston)

### PETITIONER

Green Bird Properties, LLC

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### ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

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

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

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

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

- 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.

Motion/Second: Welton / Kelly  
Yeas: Barbee, Blumenthal, Kelly, McMillan, Nwasike, Samuel, and Welton  
Nays: None  
Absent: None  
Recused: None

**ZONING COMMITTEE  
DISCUSSION**

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

There was no further discussion of this petition.

**PLANNER**

William Linville (704) 336-4090

**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 Villa Heights 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.

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.

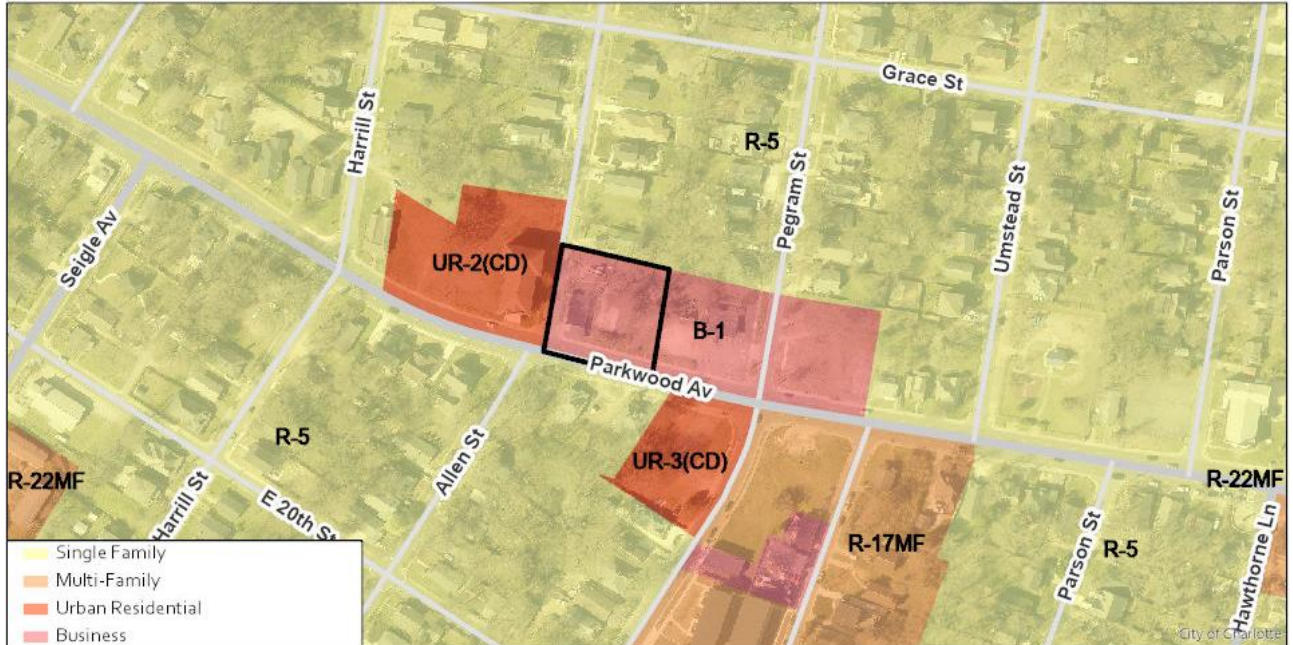
## PLANNING STAFF REVIEW

### • Proposed Request Details

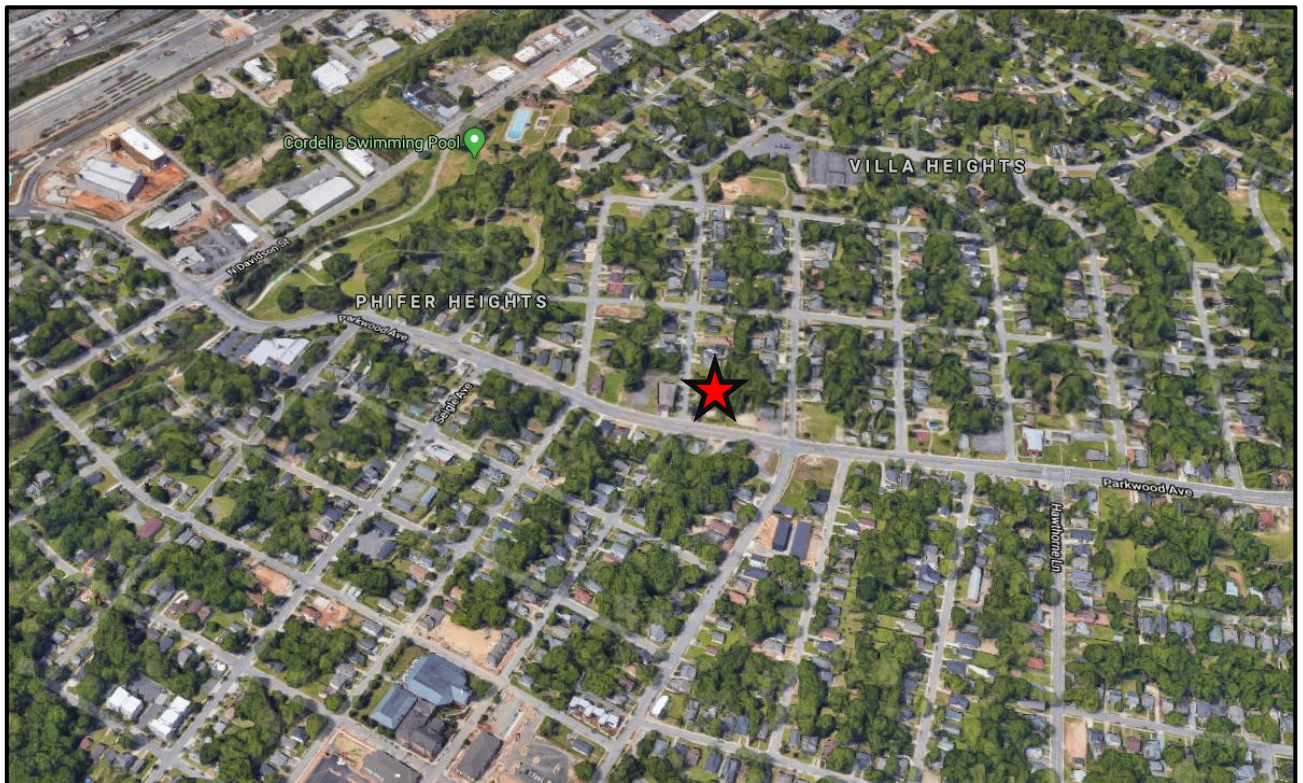
The site plan accompanying this petition contains the following provisions:

- 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/50 feet.
- 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.
- Commits to a portion of ground-floor retail (min. 120 SF) reserved as affordable and leased at a maximum of 50 percent of current commercial space market at time of leasing.
- 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 with the intent being to improve the Alley from Allen Street to Pegram Street.
- Architectural standards including:
  - A commitment to preferred building materials with a limitation on the use of vinyl on the site.
  - Screens adjacent SFR uses with 6-foot screening fence.
  - 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

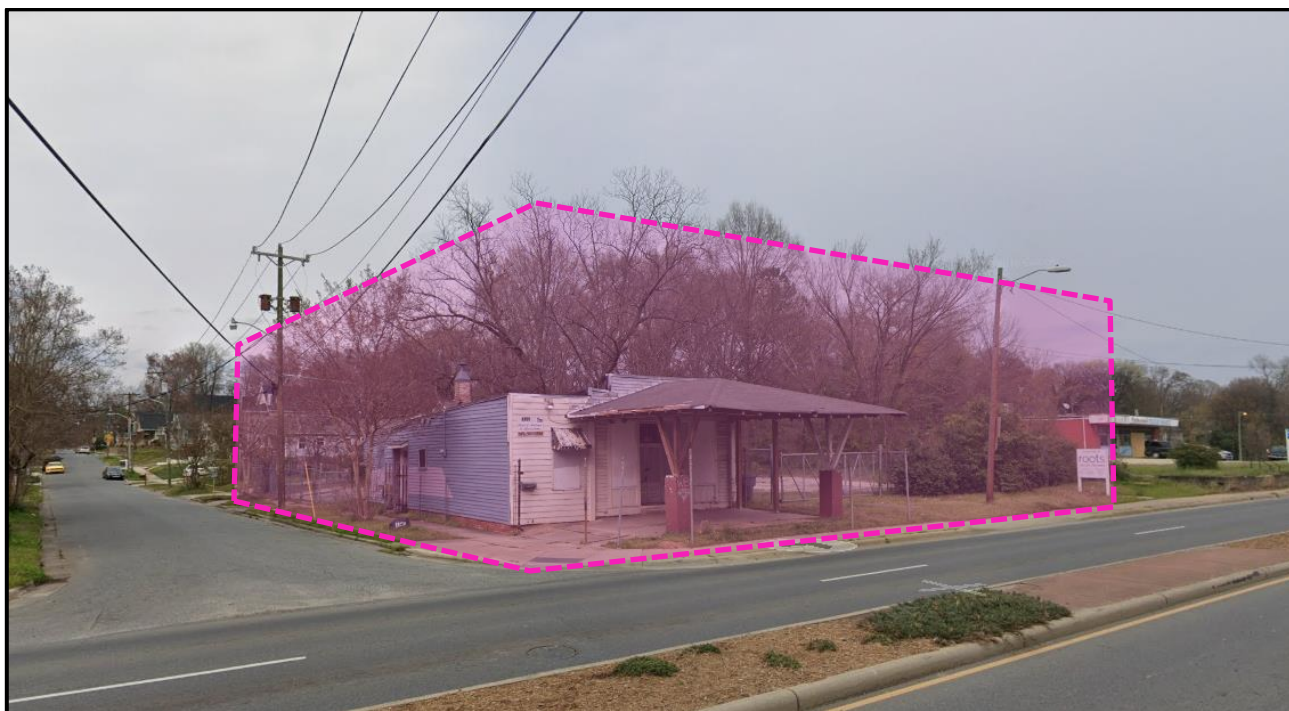


There have been no historic rezonings of the subject property. The area is largely surrounded by residential uses of varying density but the typical housing typology is detached single family residences. Recently, there have been two rezonings immediately adjacent to the subject property (2020-005 –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

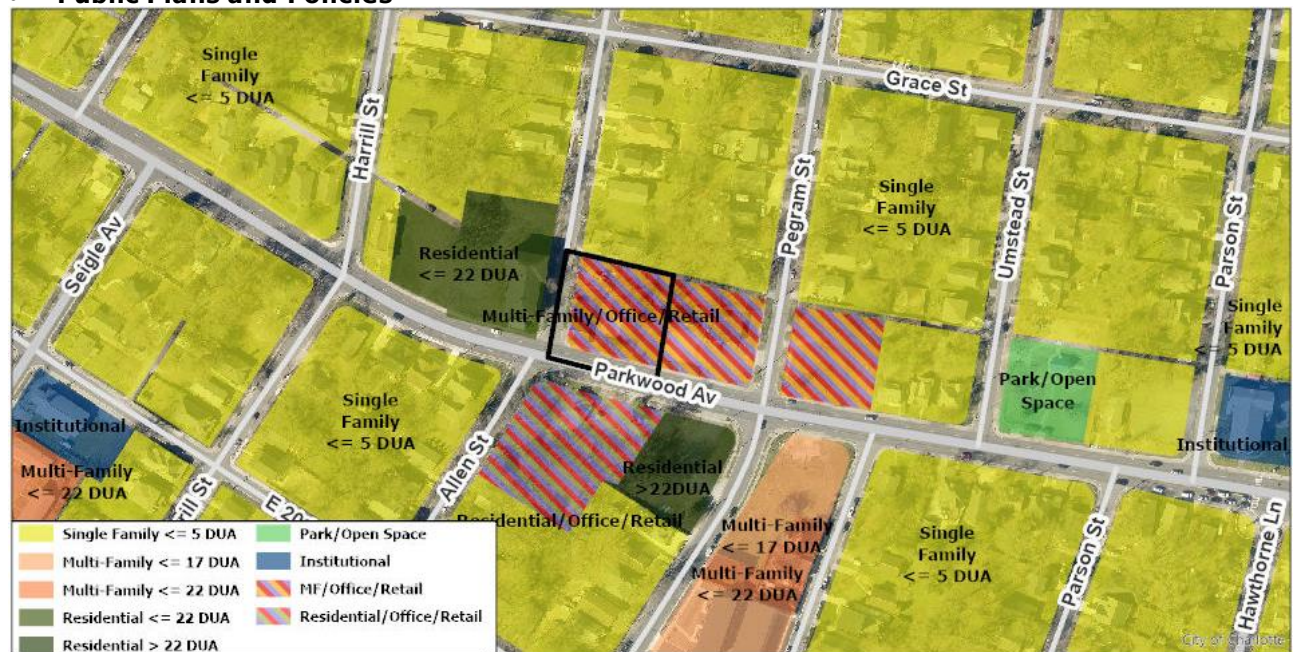


- Rezoning History in Area**



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**

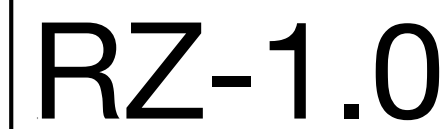
##### Site and Building Design

- ~~1. Establish maximum height in feet for structure and list in conditional notes.~~ **ADDRESSED**
- ~~2. Illustrate vegetative screening as noted in conditional notes unless fence has replaced that design option because of improved alley.~~ **ADDRESSED**
- ~~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.~~ **ADDRESSED**

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

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







**Agenda Date:** 12/21/2020

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**Agenda #:** 14. **File #:** 15-14763 **Type:** Zoning Decision

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## **Rezoning Petition: 2020-090 by Remount, LLC**

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

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

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

### **Zoning Committee Recommendation:**

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

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation

Final Staff Analysis



Zoning Committee

## Zoning Committee Recommendation

Rezoning Petition 2020-090

November 4, 2020

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**REQUEST**

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

**LOCATION**

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

**PETITIONER**

Remount, LLC

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**ZONING COMMITTEE  
ACTION/ STATEMENT  
OF CONSISTENCY**

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

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

- The *Central District Plan* recommends multifamily residential uses up to 22 units per acre.

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

- The subject site is approximately .35 mile walk of the proposed Remount Road Transit Station on the LYNX Silver Line.
- Use of conventional TOD-TR (transit oriented development-neighborhood center) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary.
- TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.
- CATS staff is in the process of refining the LPA and will begin station area planning in 2021 which will include urban design, land use and infrastructure recommendations. CATS is supportive of zoning districts that allow transit-oriented development form and density within 1 mile of transit stations.



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

Motion/Second: Barbee / Nwasike  
Yeas: Barbee, Blumenthal, Kelly, McMillan, Nwasike, Samuel, and Welton  
Nays: None  
Absent: None  
Recused: None

## **ZONING COMMITTEE DISCUSSION**

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

A Commissioner asked from a comprehensive perspective if TOD-TR is appropriate at this location. Staff responded that the TOD-TR serves as a transitional district and that it appropriate next to residential zoning. Staff further stated there is not yet a huge market for true TOD in this immediate area. Staff explained that while there are some uses allowed in TOD-TR of concern, TOD-NC allows for more intensified development and more height.

The Commissioner responded that Silver Line yet to be funded and that potential realization of this line is 5-10 years down the road. The Commissioner stated that placing TOD along this line seems premature with the market will change in the meantime. Staff responded upzoning would be a possibility in the event the market changes, but for the time being TOD-TR is the more appropriate district under the current conditions.

Another Commissioner as if more TOD-TR could be expected in the area. Staff responded that it depends upon certain conditions, including proximity to single family uses and context. Staff added that another TOD zoning district might be considered for sites closer to Wilkinson Boulevard.

There was no further discussion of this petition.

## **PLANNER**

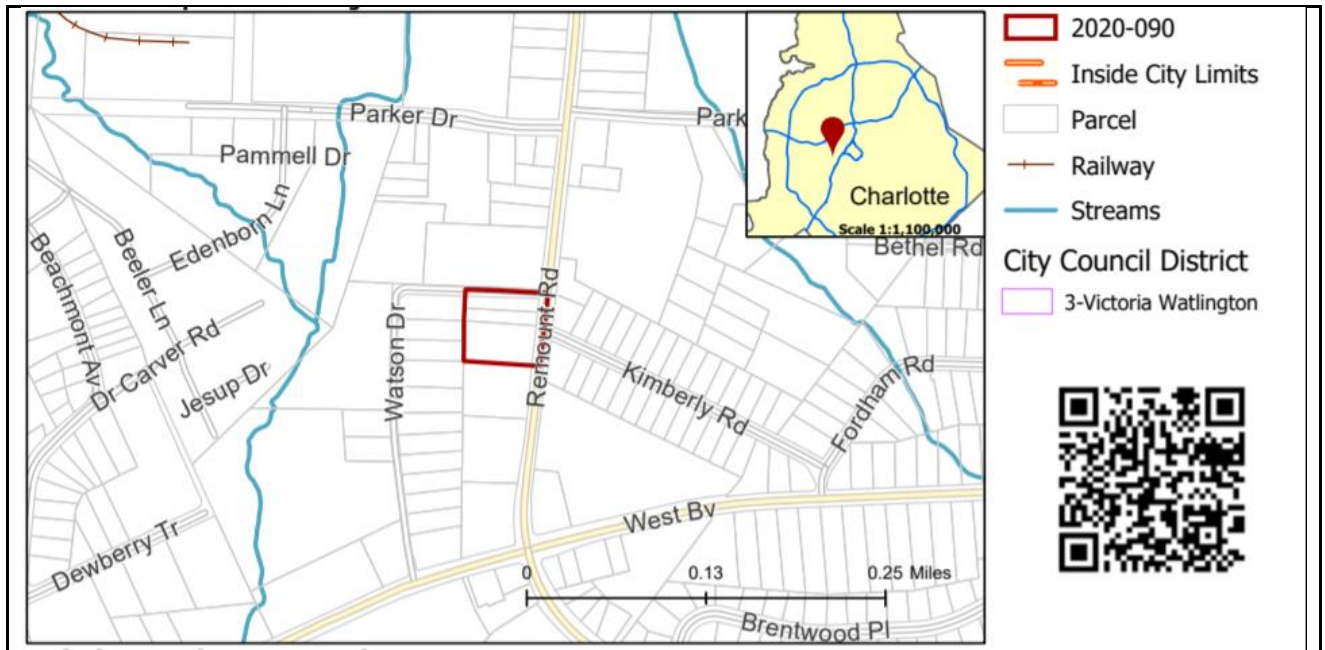
Claire Lyte-Graham (704) 336-3782

**REQUEST**

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

**LOCATION**

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



**SUMMARY OF PETITION**

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

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

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

**STAFF**  
**RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

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

Rationale for Recommendation

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

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

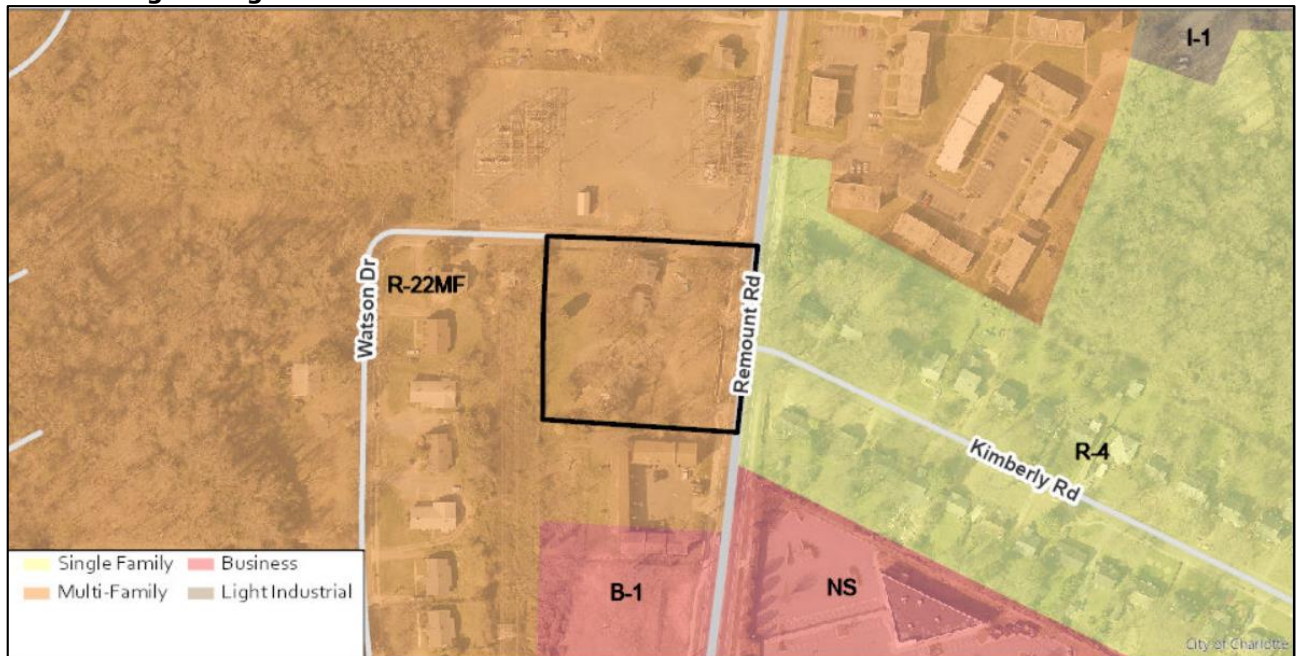
The approval of this petition will revise the adopted future land use from multifamily residential uses up to 22 dwelling units per acre as specified in the *Central District Plan* to transit oriented development for the site.

#### PLANNING STAFF REVIEW

- **Proposed Request Details**

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

- **Existing Zoning and Land Use**



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





The site is developed with single family residential homes.



East are single family homes



West are single family homes and vacant land.





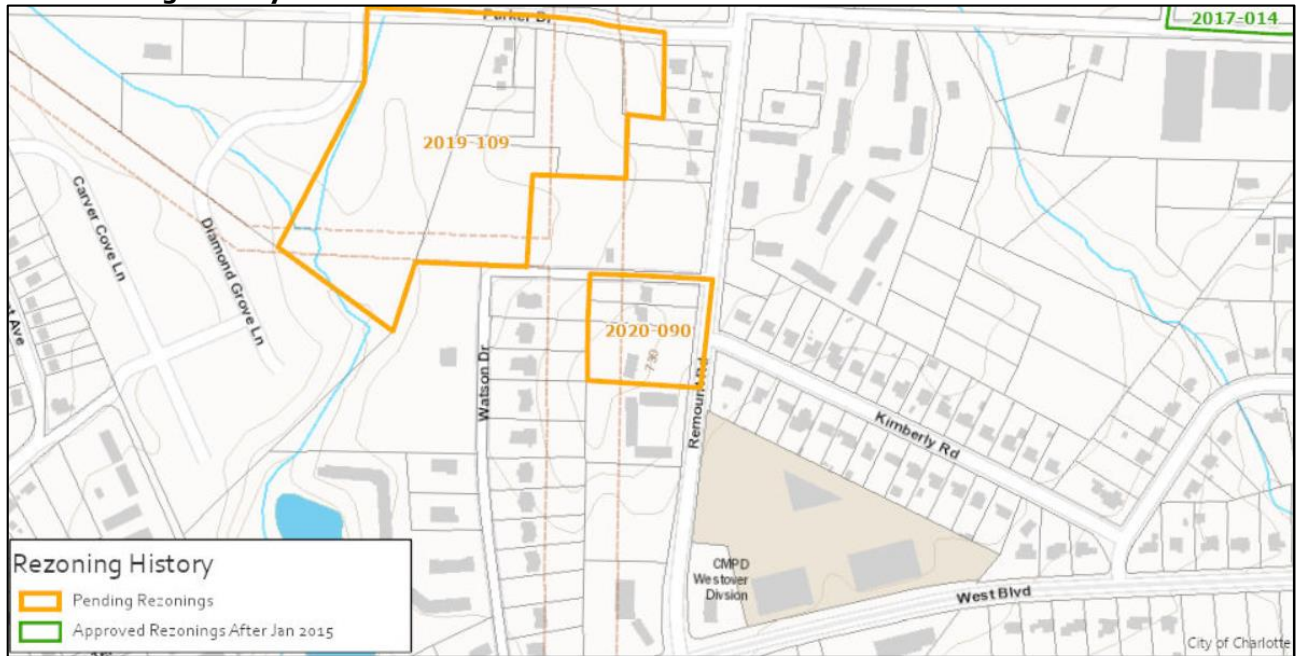
North is a transmission station.



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

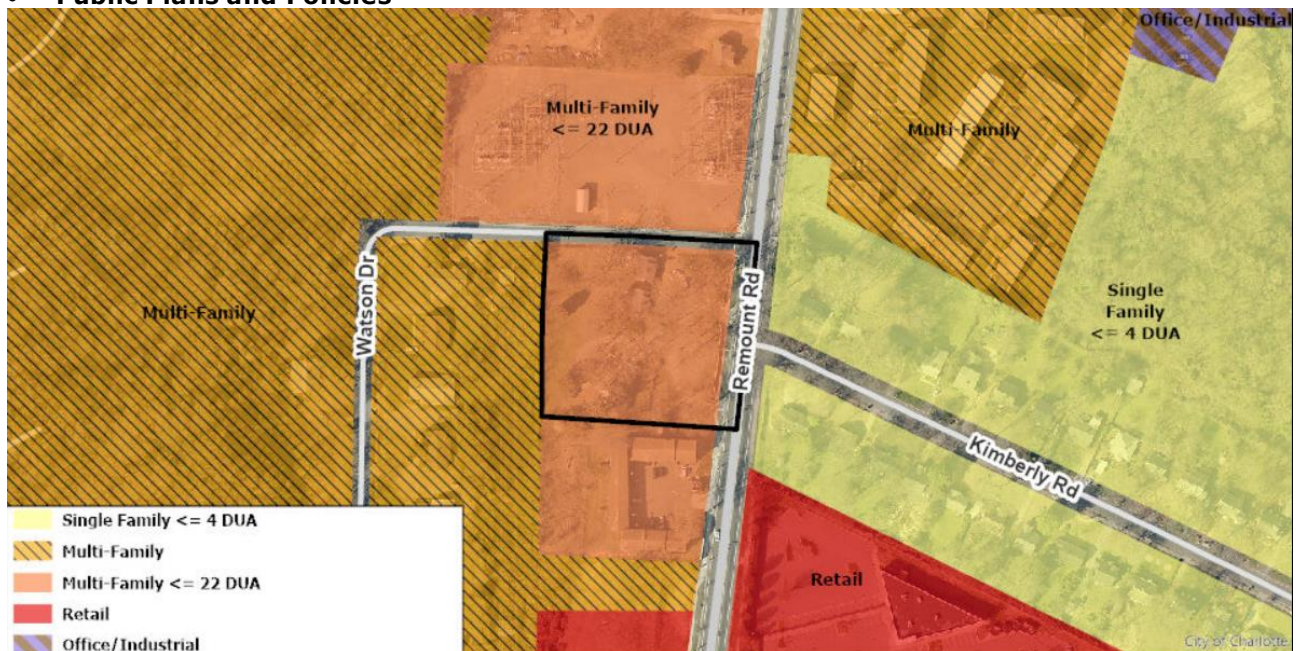


### • Rezoning History in Area



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

### • Public Plans and Policies



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



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

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

- **TRANSPORTATION CONSIDERATIONS**

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

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

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

- **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** No outstanding issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org) regarding ground water services.
  - **Mecklenburg County Parks and Recreation Department:** No outstanding issues.
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**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

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



**Agenda Date:** 12/21/2020

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**Agenda #:** 15. **File #:** 15-14764 **Type:** Zoning Decision

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## **Rezoning Petition: 2020-105 by Matt Connolly - White Zombie, 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)

### **Zoning Committee Recommendation:**

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

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan





Zoning Committee

## Zoning Committee Recommendation

Rezoning Petition 2020- 105

December 2, 2020

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**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.  
(Council District 1 - Egleston)

**PETITIONER**

Matt Connolly, White Zombie, LLC

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**ZONING COMMITTEE  
ACTION/ STATEMENT  
OF CONSISTENCY**

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

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

- The plan recommends residential/office/retail uses for the site.

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

- 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.

Motion/Second: Blumenthal / Kelly  
Yeas: Barbee, Blumenthal, Kelly, McMillan, Nwasike,  
Samuel, and Welton  
Nays: None  
Absent: None  
Recused: None

**ZONING COMMITTEE  
DISCUSSION**

Staff provided a summary of the petition and noted that it is consistent with the adopted area plan. The remaining outstanding issue was also briefly discussed.

There was no further discussion of this petition.

**PLANNER**

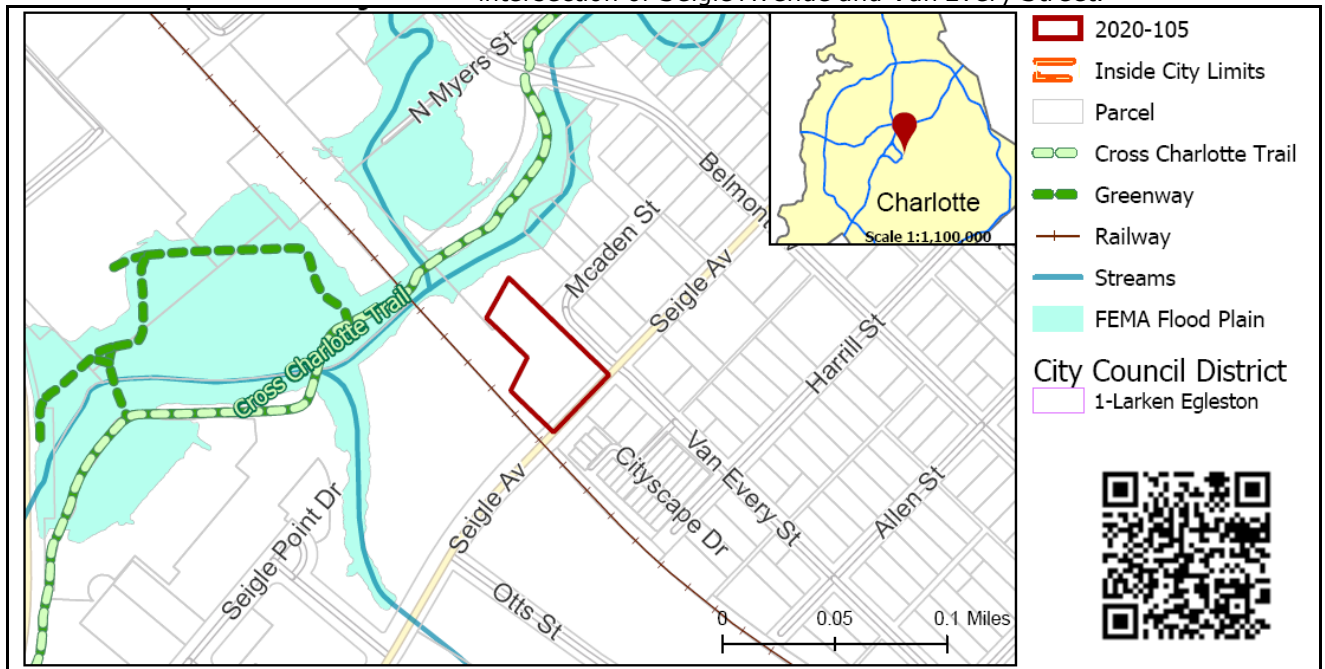
William Linville (704) 336-4090

**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**

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

**COMMUNITY MEETING**

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

**STAFF**  
**RECOMMENDATION**

Staff recommends approval of this petition.

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**

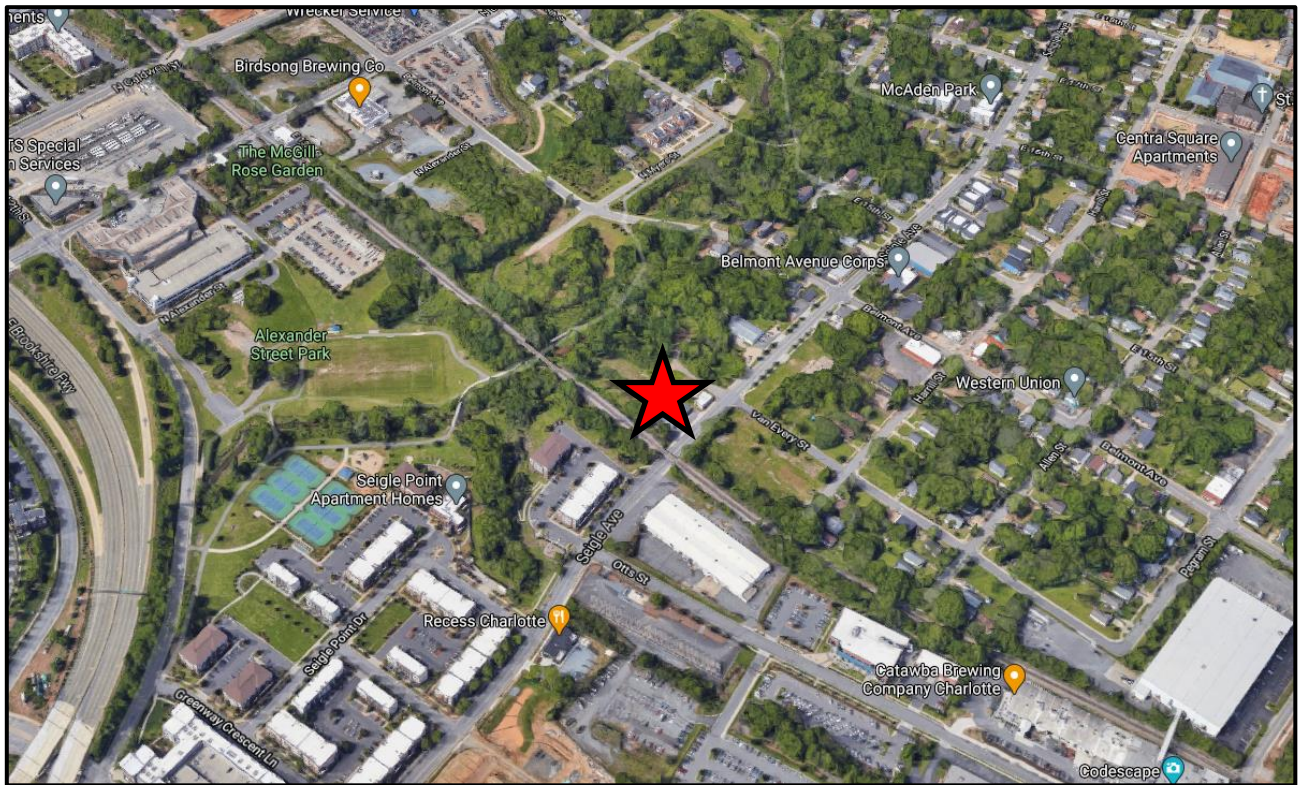
The site plan accompanying this petition contains the following provisions:

- 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~~ reserved for the City of Charlotte Community Heroes Homeownership Program for a period of 20 years. In the event that the CHHP program is no longer available, the unit shall be deed restricted for a period of 20 years from the date of the initial CO to buyers earning at or below 80% AMI.
- 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.
- Addresses development within the 100-foot rail corridor by noting that "The Petitioner shall coordinate with CSX in regards to proposed improvements within the 100' Rail Corridor claimed by CSX and delineated on the Site Plan as "Existing 100' Rail R/W" (the "Rail Corridor"). Petitioner may not enter or use, or install or construct any new improvements of any nature, including changing the grade or drainage pattern, within, the Rail Corridor without prior written approval from CSX."
- 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 and Van Every Street 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:** 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 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.~~ **RESCINDED**
2. ~~Please add the following note: Petitioner may not enter or use the Rail Corridor at any time without written approval from CSX. Petitioner may not install or construct any improvements of any nature, including changing the grade or drainage pattern, within the Rail Corridor without written approval from CSX. Unauthorized entry/use of the Rail Corridor is a Class 3 Misdemeanor.~~

##### **ADDRESSED**

##### Site and Building Design

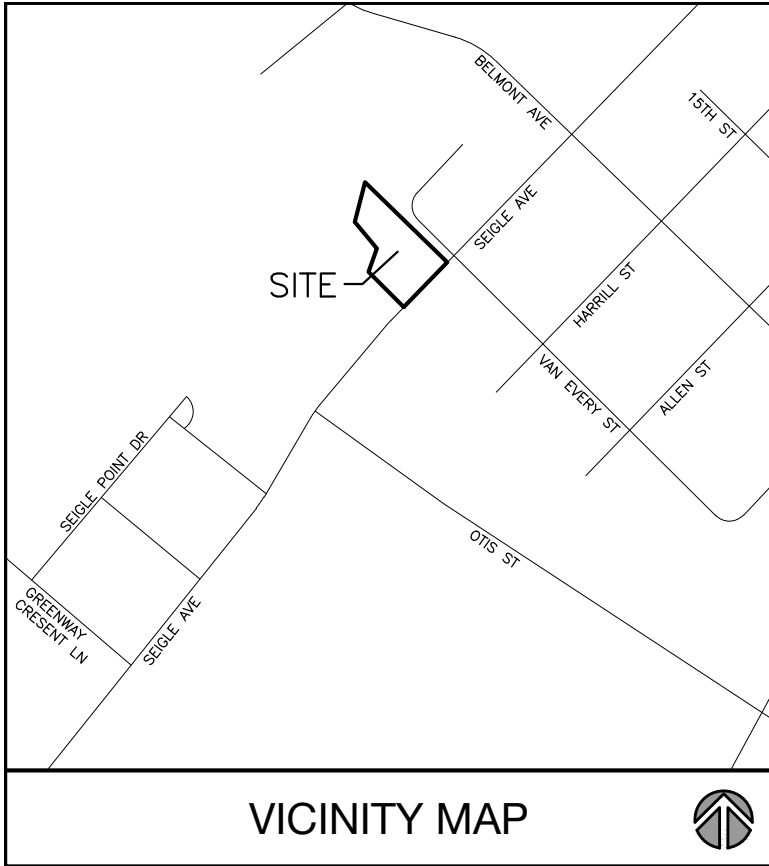
3. ~~Please add note describing mitigation techniques used to prevent view of garage doors from Seigle Avenue.~~ **ADDRESSED**
4. ~~Provided minimum depth of usable stoops from back of sidewalk.~~ **ADDRESSED**

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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





Site Development Data:

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:

- These Development Standards form part of the Rezoning Plan associated with the Rezoning Petition filed by White Zombie, 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.
- 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-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.

Permitted Uses:

- 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.
  - 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 and not be demolished, additions and renovations shall be allowable.
  - 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'.
  - One (1) residential unit located within the proposed development shall be reserved for sale utilizing the City of Charlotte Community Heroes Homeownership Program (CHHP). For a period of 20 years, subsequent sale of this property shall be reserved for buyers utilizing the City of Charlotte CHHP. In the event the CHHP program is no longer available, the home shall be deed restricted for a period of 20 years from the date of the initial certificate of occupancy being issued to for sale buyers earning at or below 80% the Charlotte Area Median Income (AMI). Terms of this restrictive covenant shall be incorporated into the deed of sale.

Transportation:

- 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.
- 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.
- 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.
- The petitioner agrees to extend Van Every Street within the existing Van Every Street right of way as generally depicted on the site plan.
- 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.
- 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.
- 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.
- The Petitioner shall coordinate with CSX in regards to proposed improvements within the 100' Rail Corridor claimed by CSX and delineated on the Site Plan as "Existing 100' Rail R/W" (the "Rail Corridor"). Petitioner may not enter or use, or install or construct any new improvements of any nature, including changing the grade or drainage pattern, within the Rail Corridor without prior written approval from CSX.

Architectural and Design Standards:

- 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.
- The petitioner shall limit the maximum height of each residential structure on site to 40' and (3) three stories.
- 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.
- 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.
  - Facade improvements allowable to 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.
  - 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.
  - Vinyl will not be used as a primary exterior building material, but may be utilized for trim, soffits, architectural detailing, insulation
  - Petitioner shall provide blank wall provisions that limit the maximum blank wall expanse to 20 feet adjacent public streets on all building levels, including but not limited to doors, windows, awnings, and/or architectural design elements.
  - 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. Sidewalk connection from residential structures to public right of way may be a shared path to public right of way.
  - The residential units directly adjacent Seigle Avenue and fronting Van Every Street shall incorporate a porch, patio or stoop adjacent the right of way. A minimum 5' door recess, measured from back of public sidewalk, shall be provided at each entry location and shall be covered with a canopy above. Stoops adjacent the ten (10) residential units fronting Van Every Street shall be elevated above the adjacent public/common use sidewalk.
  - To minimize visual impact of garage doors on site, garage doors may utilize a combination of translucent windows and building facade elements projecting over the door opening.

Streetscape and Landscaping:

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

Environmental Features:

- The Petitioner shall comply with the City of Charlotte Post Construction Ordinance.
- 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.
- 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 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.
- 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:

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

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.

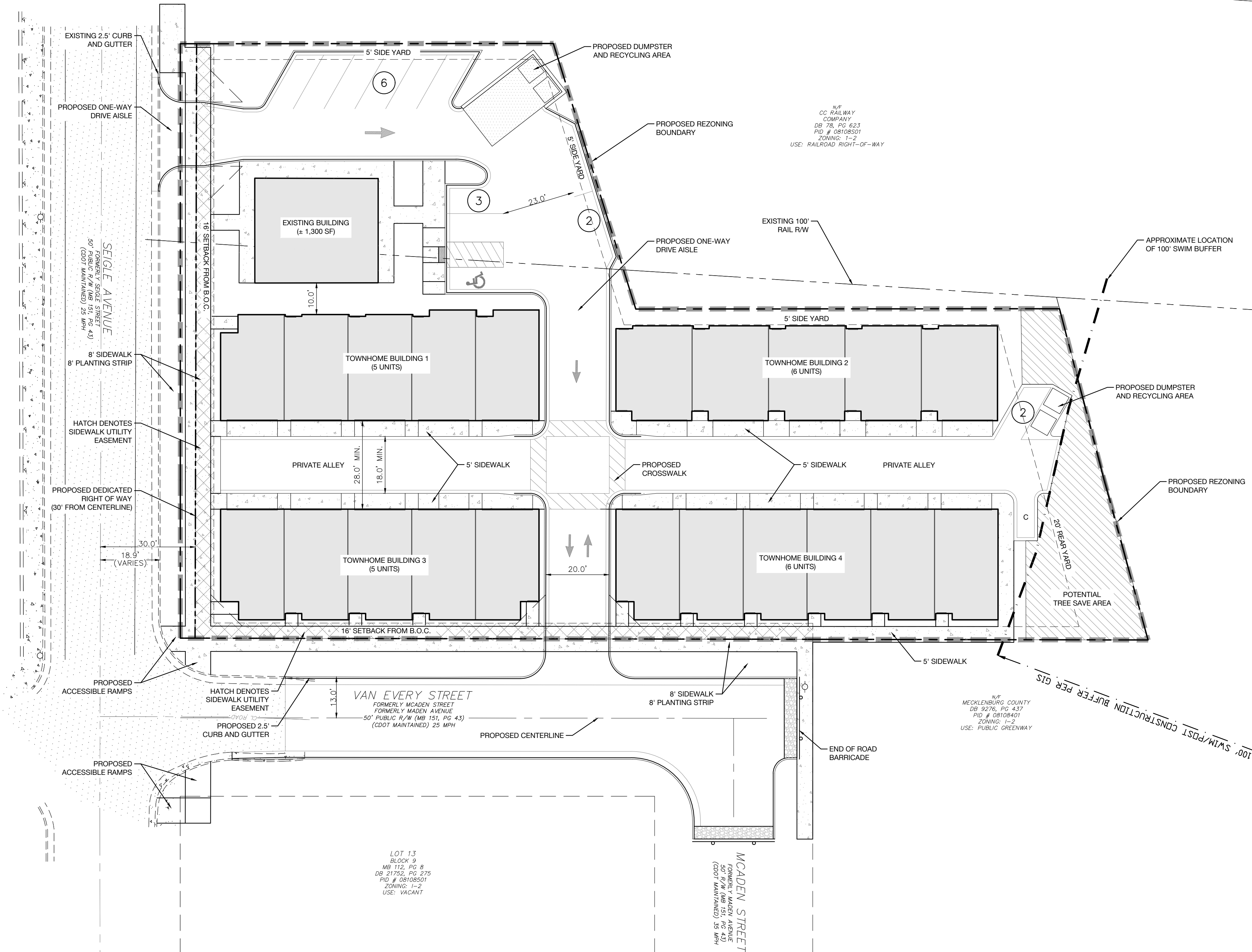
Amendments to Rezoning Plan:

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.

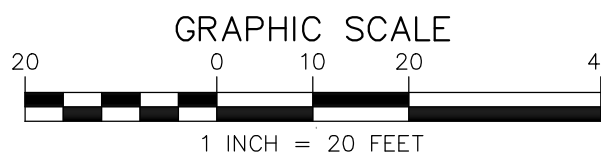
Further alterations or modifications to the Rezoning Plan which, in the opinion of the Planning Director, substantially alter the character of the development or significantly alter the approved Technical Data Sheet or any of its conditions or which increase the intensity of development shall not be 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.



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

Seigle Mixed Use

Rezoning Site Plan

955 Seigle Avenue Charlotte, North Carolina

NO.	DATE	BY:	REVISIONS:
01	09.14.2020	UDP	PER PLANNING COMMENTS
02	10.12.2020	UDP	PER PLANNING COMMENTS
03	11.23.2020	UDP	PER PLANNING & COMM. COMMENTS
04	12.15.2020	UDP	PER RAIL R/W COORDINATION

Project No: 20-034  
Date: 06.16.2020  
Designed By: UDP  
Checked By: UDP  
Sheet No:

RZ-1.0



**Agenda Date:** 12/21/2020

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**Agenda #:** 16. **File #:** 15-14765 **Type:** Zoning Decision

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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)

### **Zoning Committee Recommendation:**

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

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation

Final Staff Analysis



Zoning Committee

## Zoning Committee Recommendation

Rezoning Petition 2020- 113

December 2, 2020

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**REQUEST**

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

**LOCATION**

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

**PETITIONER**

Catalyst Partners

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**ZONING COMMITTEE  
ACTION/ STATEMENT  
OF CONSISTENCY**

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

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

- The *Bryant Park Land Use and Streetscape Plan* recommends warehouse/distribution uses.

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

- The subject site 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.

Motion/Second: Welton / Kelly

Yeas: Barbee, Blumenthal, Kelly, McMillan, Nwasike, Samuel, and Welton

Nays: None

Absent: None

Recused: None

**ZONING COMMITTEE  
DISCUSSION**

Staff provided a summary of the conventional request and noted that it is inconsistent with the adopted area plan. There was no discussion of this petition.

**PLANNER**

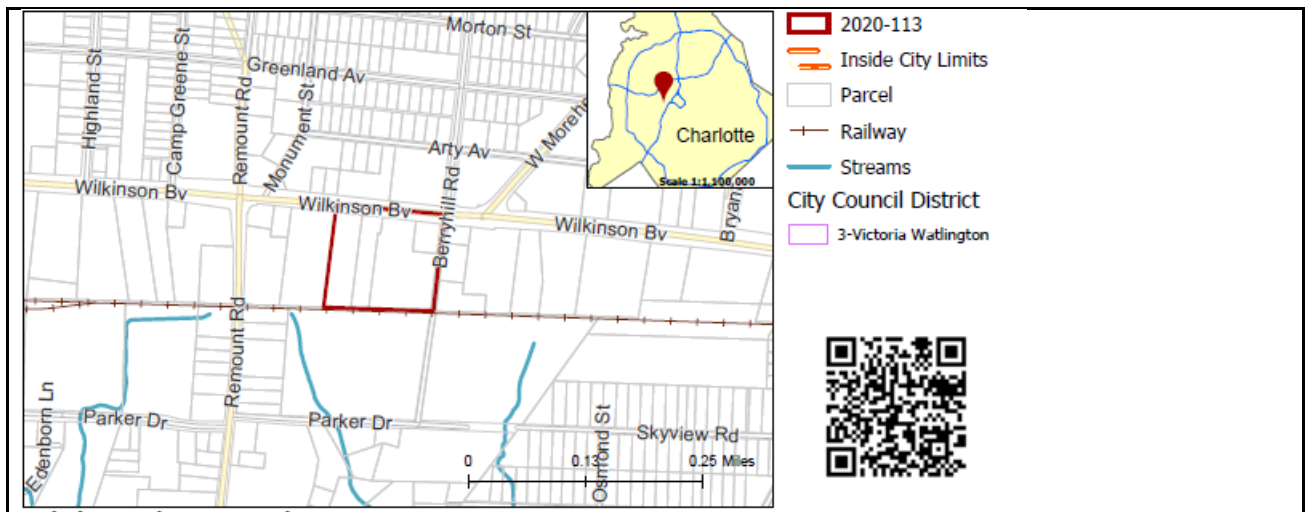
Claire Lyte-Graham (704) 336-3782

## 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.

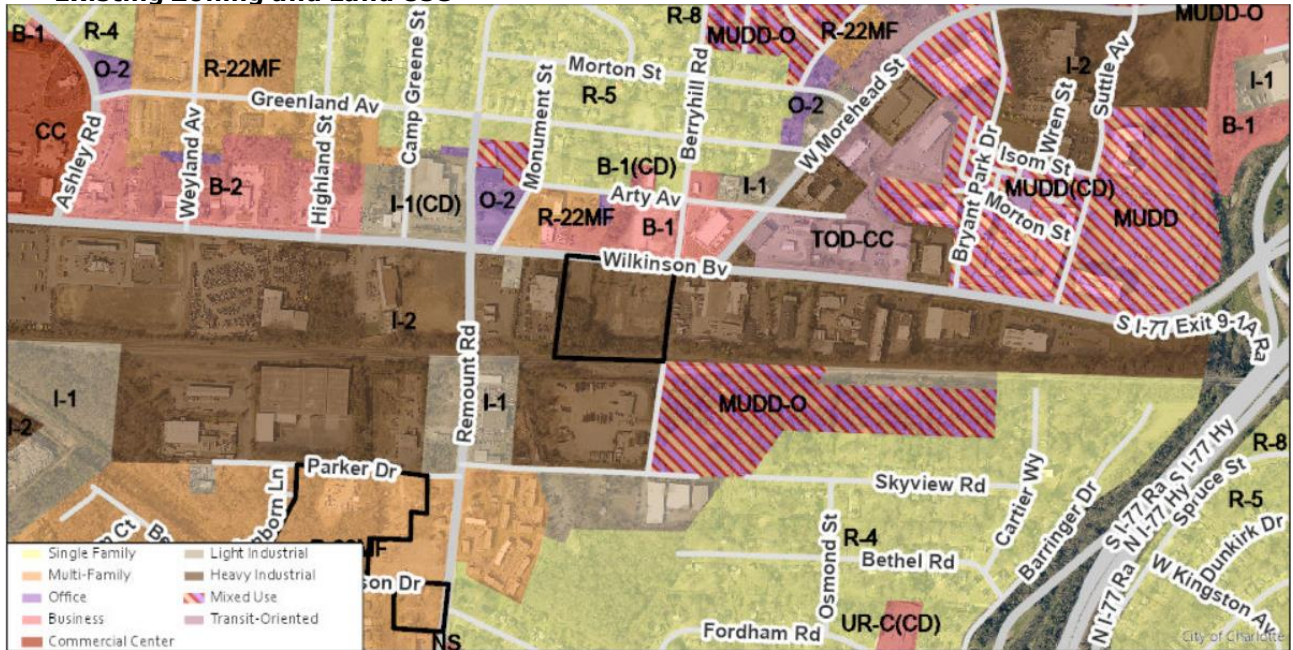
The approval of this petition will revise the adopted future land use from warehouse/distribution as specified in the *Bryant Park Land Use and Streetscape Plan* to transit oriented development for the site.

### PLANNING STAFF REVIEW

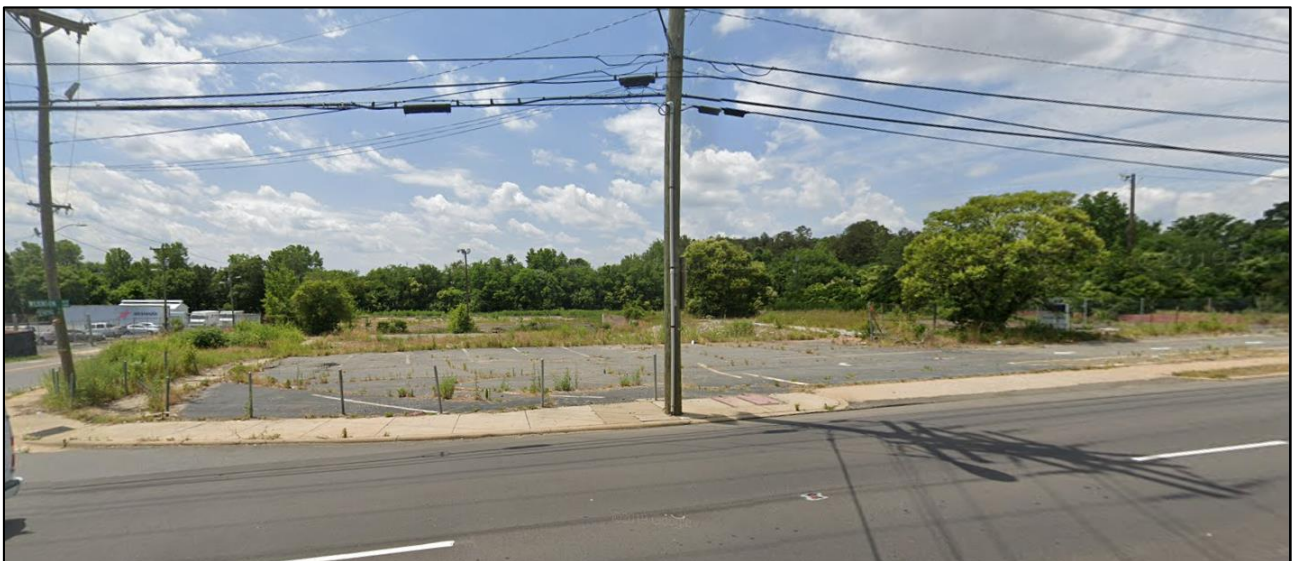
- **Proposed Request Details**

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.



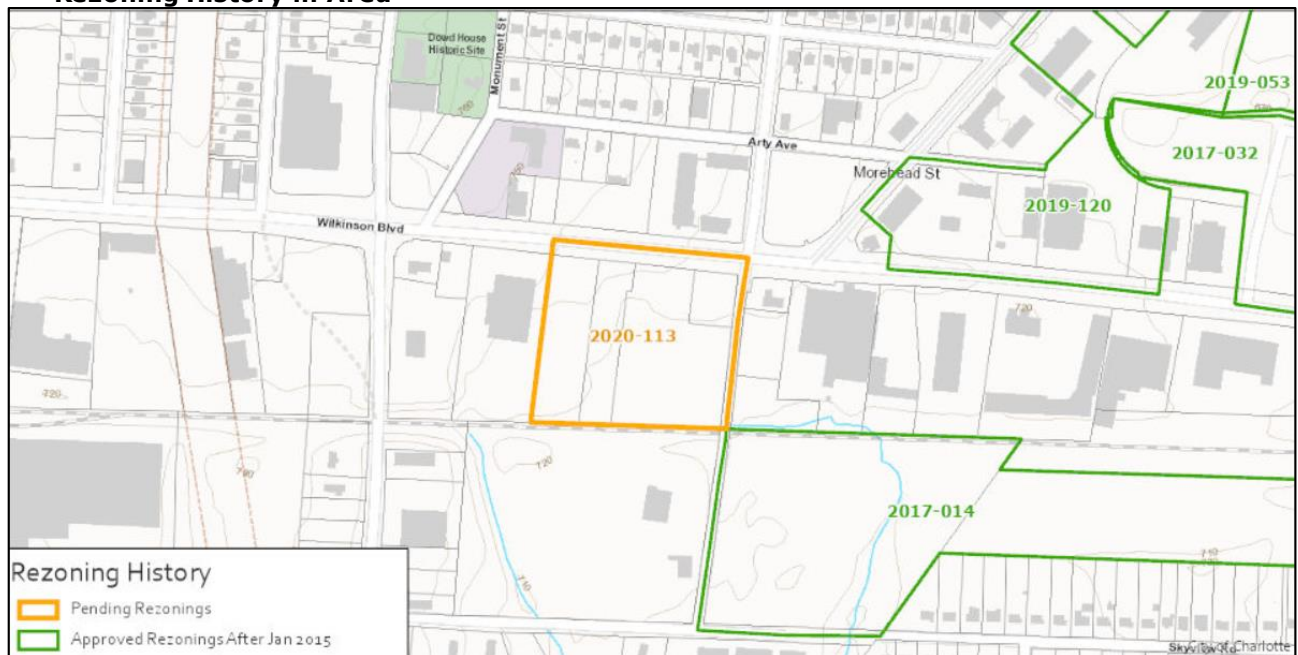
North of Wilkinson Boulevard are residential neighborhoods and institutional uses.





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

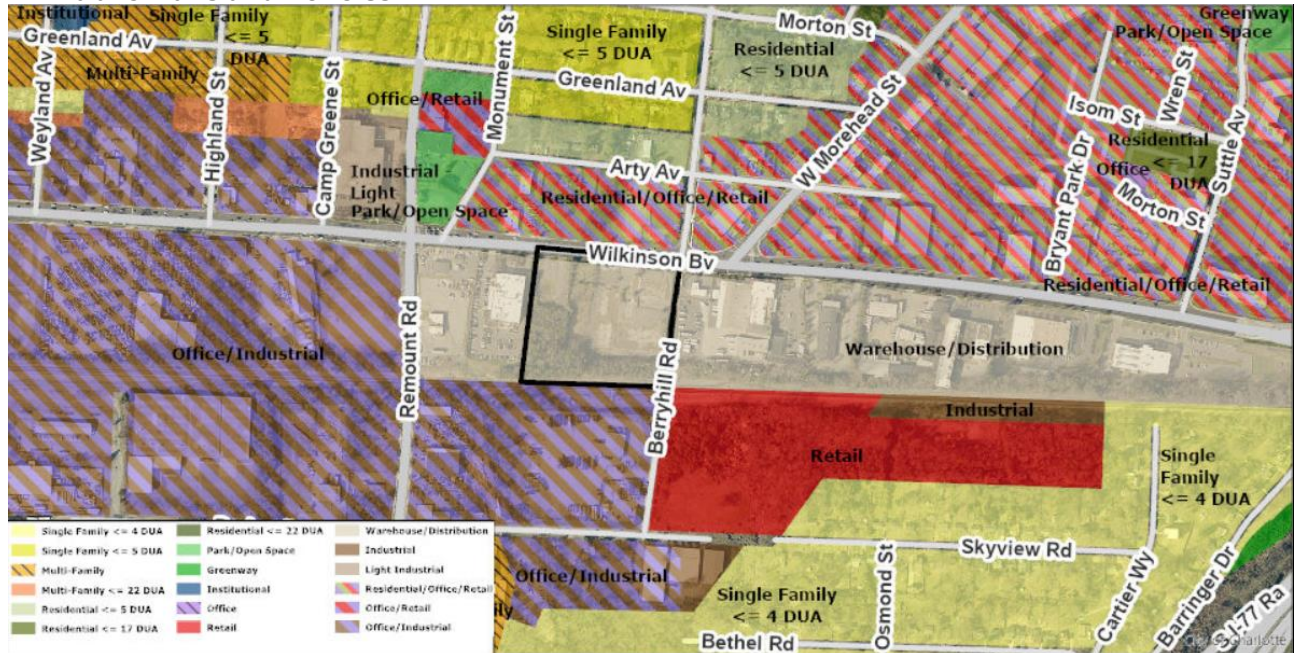
- Rezoning History in Area**



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 curblane 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:** 12/21/2020

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**Agenda #:** 17. **File #:** 15-14766 **Type:** Zoning Decision

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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)

### **Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation  
Final Staff Analysis



Zoning Committee

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**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.  
(Council District 3 - Watlington)

**PETITIONER**

Freedom Drive Terminal, LLC

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**ZONING COMMITTEE  
ACTION/ STATEMENT  
OF CONSISTENCY**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

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

- The plan recommends single family residential up to four dwelling units per acre for the eastern portion of the site and multi-family residential for the western portion of the site.

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

- 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.
- There are Duke Energy power lines on the southern portion of the site.
- 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 residential and multi-family residential use to light industrial use for the site.

Motion/Second: Nwasike / Blumenthal

Yeas: Blumenthal, Kelly, McMillan, Nwasike, Samuel, and Welton

Nays: None

Absent: Barbee

Recused: None

#### **ZONING COMMITTEE DISCUSSION**

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

There was no further discussion of this petition.

#### **PLANNER**

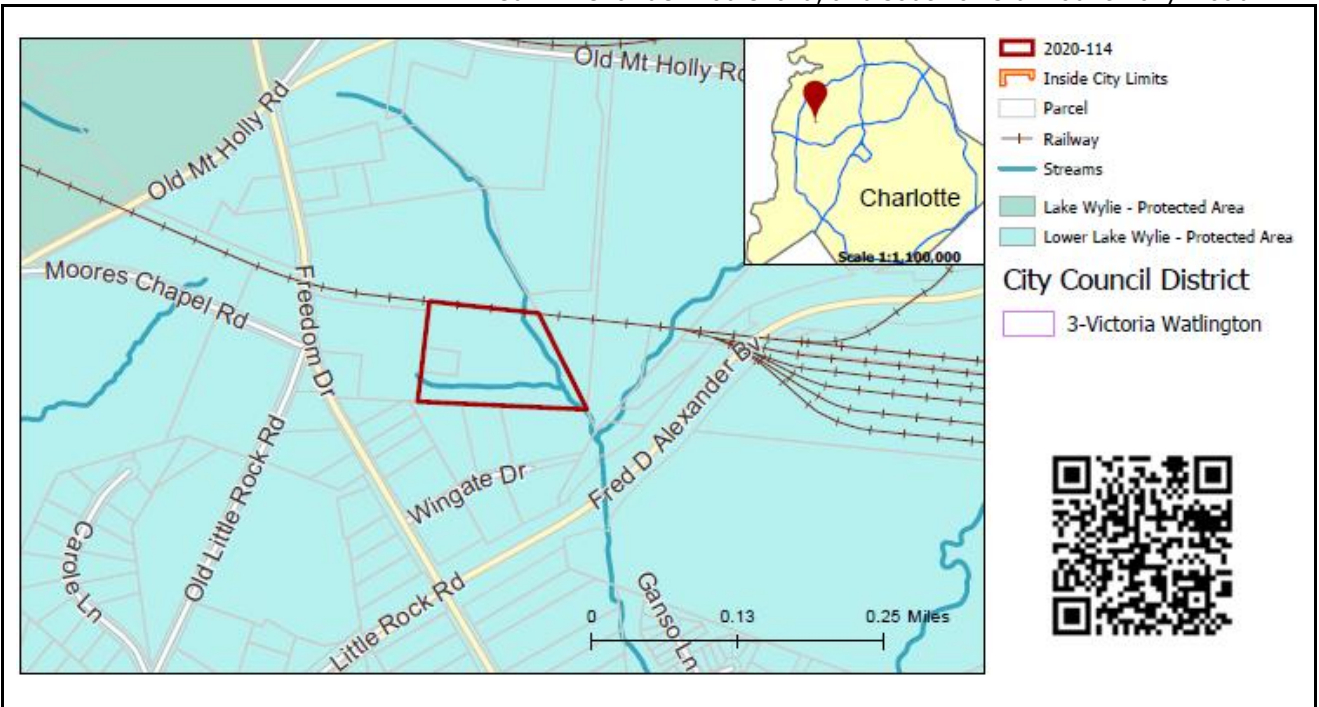
Joe Mangum (704) 353-1908

**REQUEST**

Current Zoning: 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**

Freedom Drive Terminal LLC  
Freedom Drive Terminal LLC  
John Riordan

**COMMUNITY MEETING**

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.

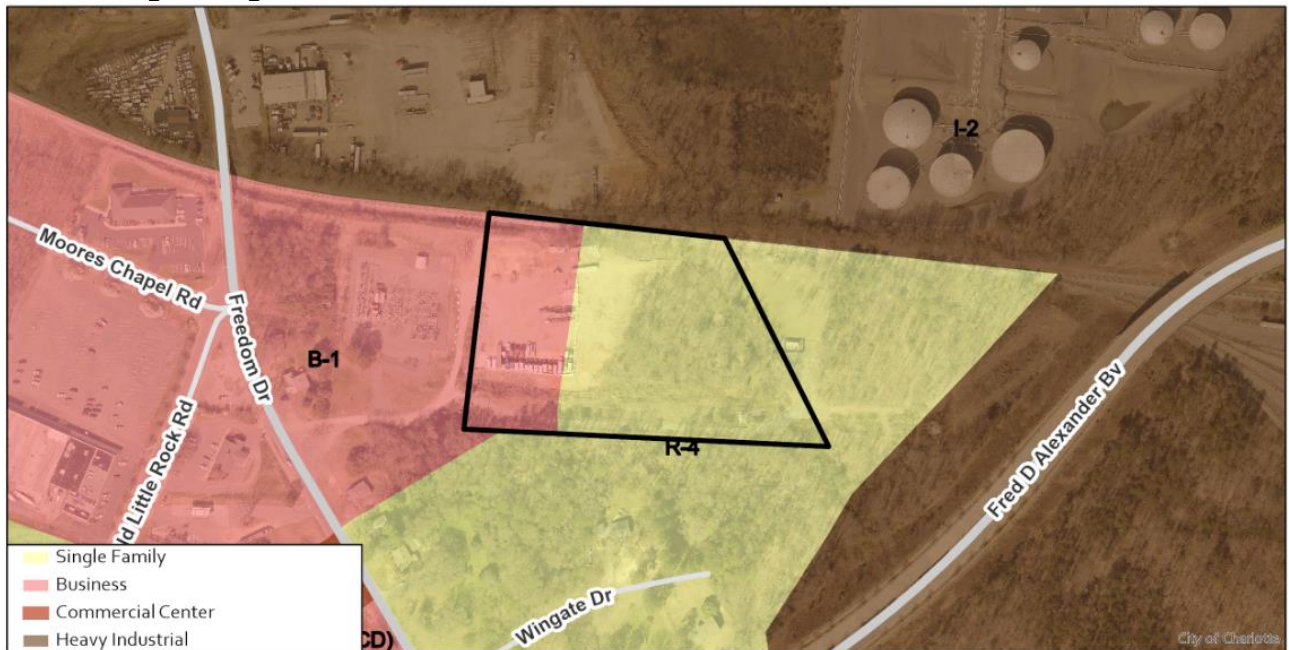
The approval of this petition will revise the adopted future land use as specified by the *Northwest District Plan*, from single family up to four dwelling units per acre and multi-family uses to industrial use for this site.

#### PLANNING STAFF REVIEW

- **Proposed Request Details**

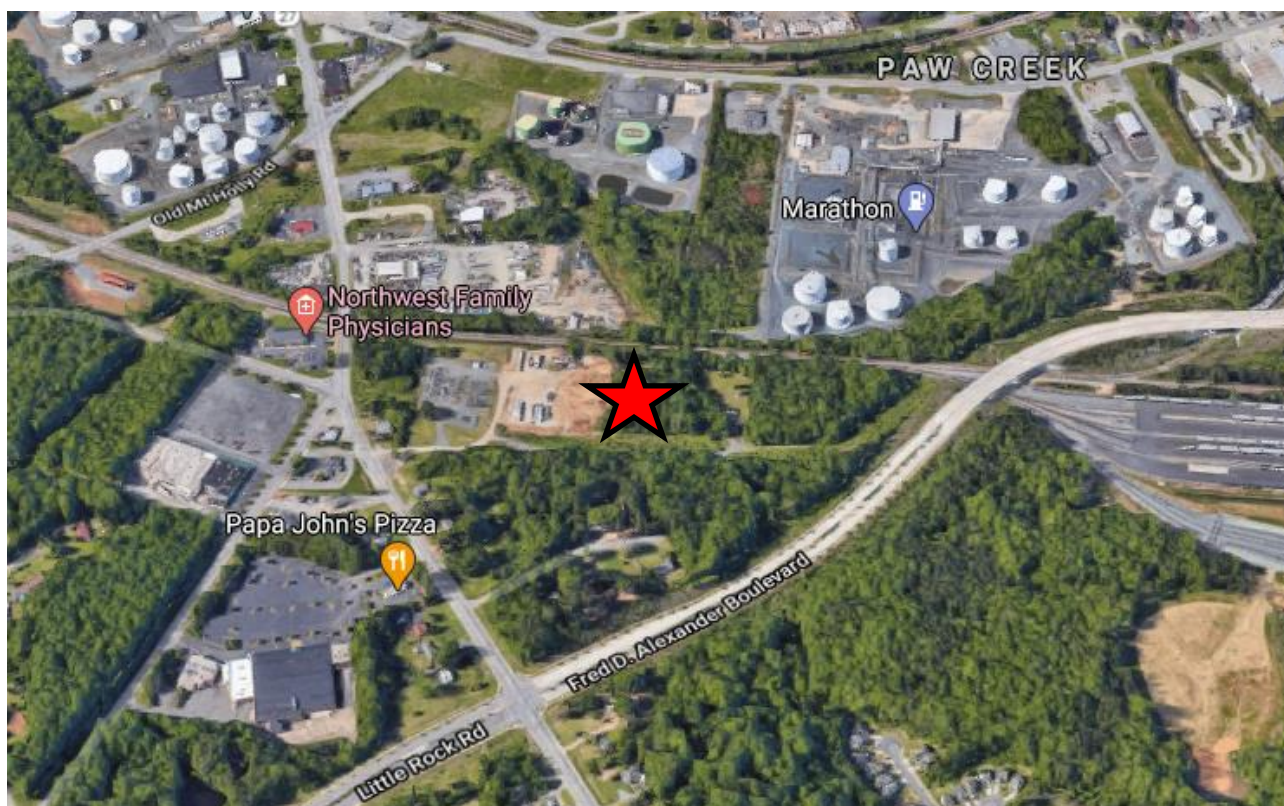
This is a conventional rezoning petition with no associated site plan.

- **Existing Zoning and Land Use**



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





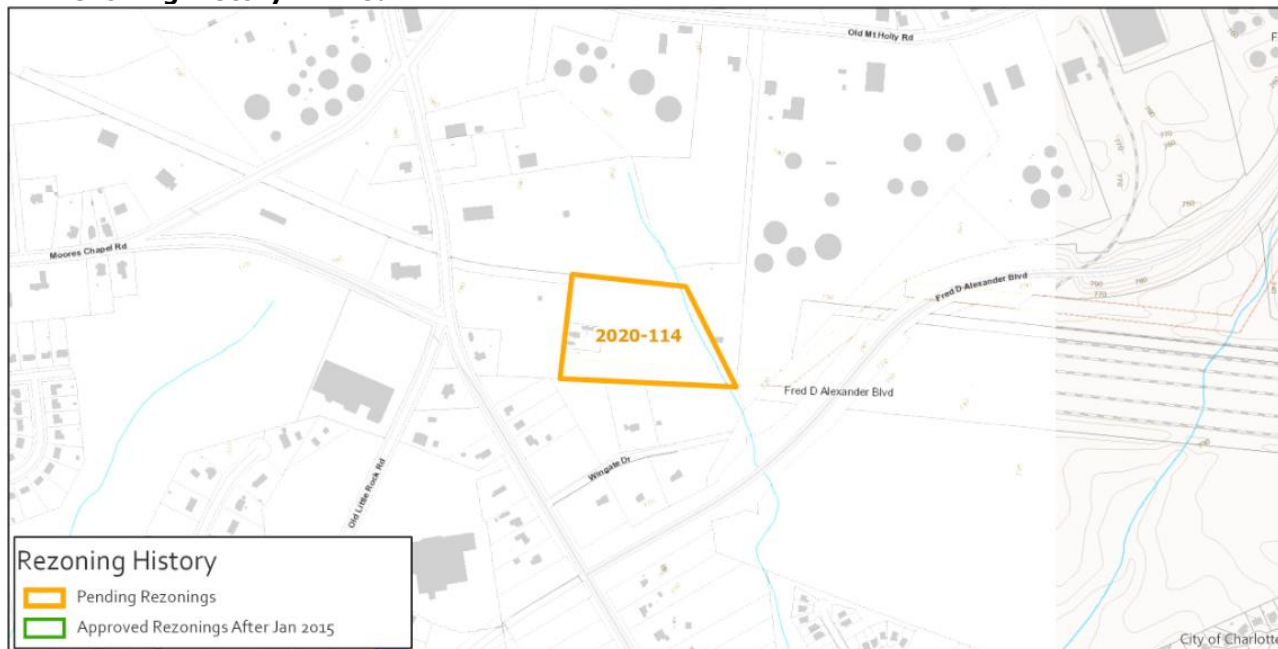
The subject property is denoted by a red star. Surrounding land uses include industrial outdoor storage, fuel storage tanks, an electric power substation, and a few single family homes.



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

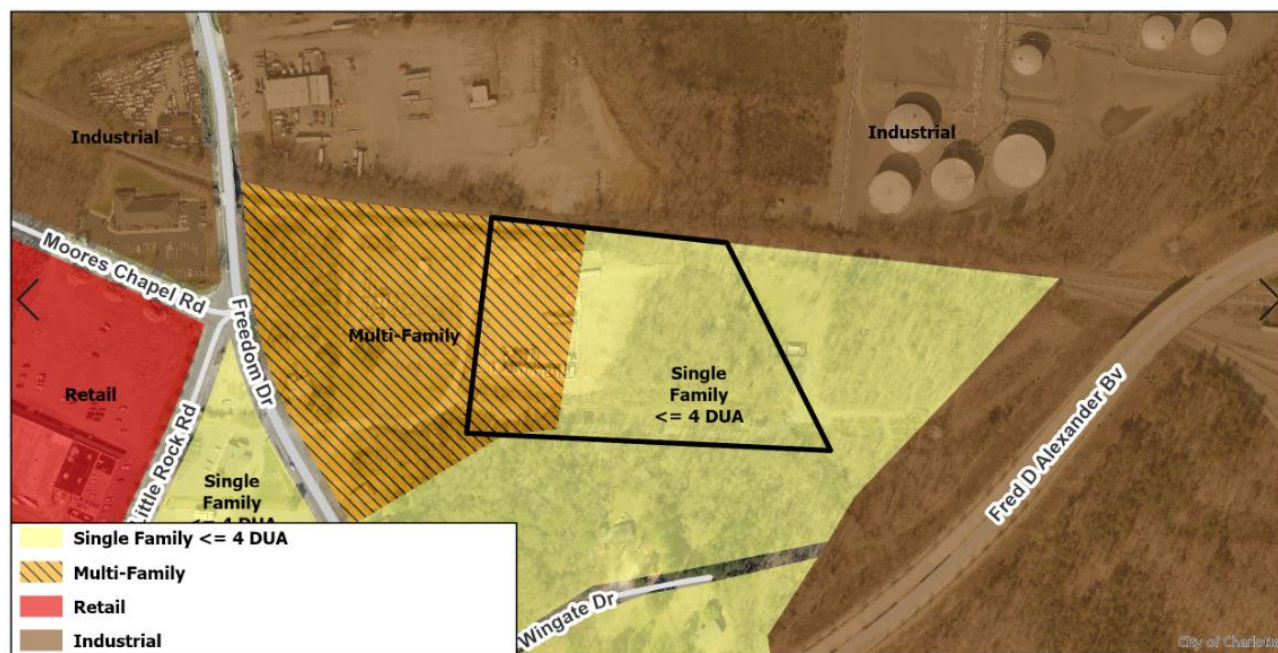


- **Rezoning History in Area**



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:** 12/21/2020

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**Agenda #:** 18. **File #:** 15-14767 **Type:** Zoning Decision

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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)

### **Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation

Final Staff Analysis



Zoning Committee

## Zoning Committee Recommendation

Rezoning Petition 2020- 115

December 2, 2020

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**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.  
(Council District 1 - Egleston)

**PETITIONER**

Crosland Southeast

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**ZONING COMMITTEE  
ACTION/ STATEMENT  
OF CONSISTENCY**

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

This petition is found to be consistent with the *Plaza Central Pedscape Plan*, based on the information from the staff analysis and the public hearing and because:

- The *Plaza Central Pedscape Plan* recommends multi-family residential uses greater than 12 units per acre/office/retail.

Therefore we find this petition to Choose an item. public interest based on information from the staff analysis and the public hearing and because:

- 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...".

Motion/Second: Kelly / Welton  
Yeas: Barbee, Blumenthal, Kelly, McMillan, Nwasike,  
Samuel, and Welton  
Nays: None  
Absent: None  
Recused: None

**ZONING COMMITTEE  
DISCUSSION**

Staff provided a summary of the conventional request and noted that it is consistent with the adopted area plan. There was no discussion of this petition.

**PLANNER**

Claire Lyte-Graham (704) 336-3782

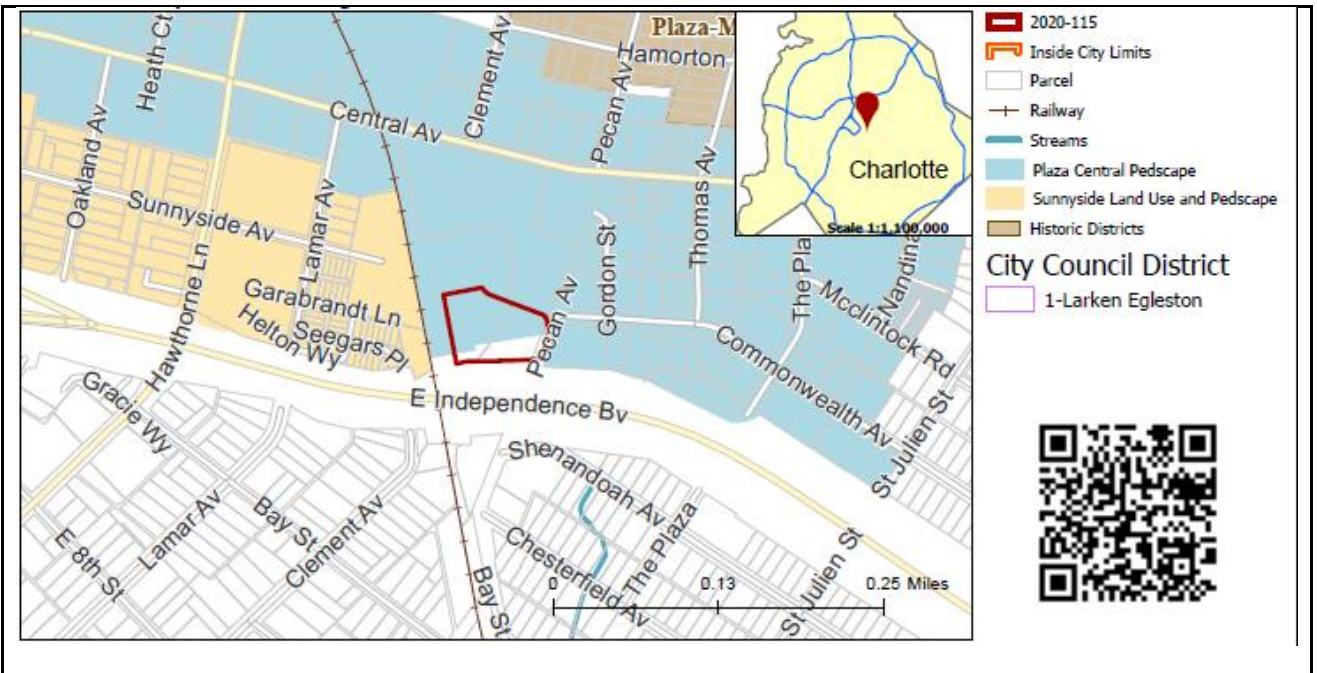


**REQUEST**

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.

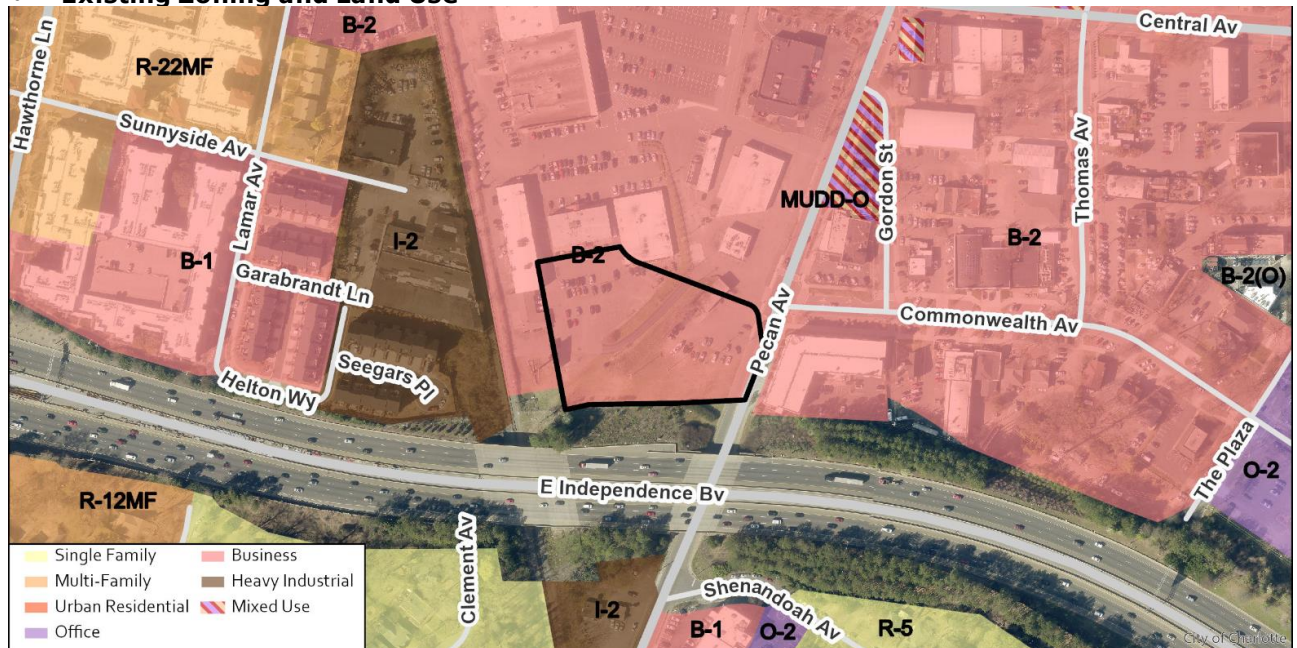
- A portion of the subject parcel was rezoned to B-2 PED via petition 2020-036 in order to establish zoning for acreage that was previously part of Independence Boulevard right-of-way.
- TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building 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.

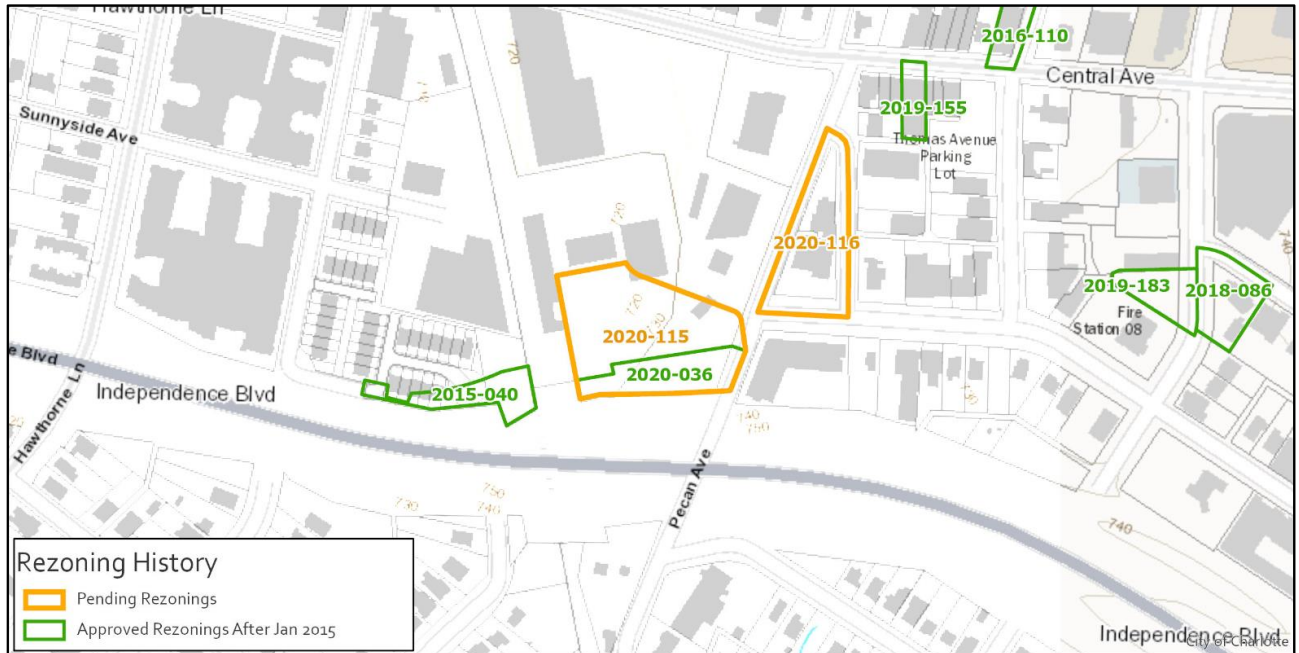


The site is adjacent to commercial and residential uses to the north along Pecan Avenue.





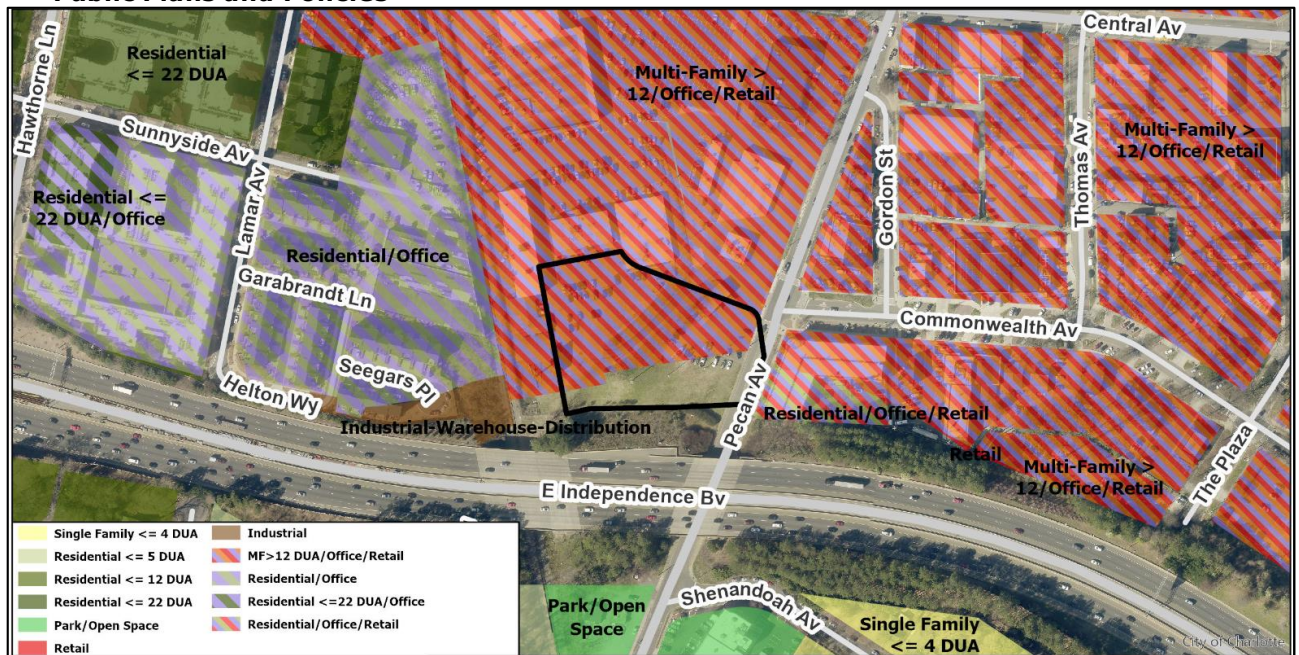
North and west are commercial uses and residential developments.



#### • 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.

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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





**Agenda Date:** 12/21/2020

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**Agenda #:** 19.**File #:** 15-14768 **Type:** Zoning Decision

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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)

### **Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation

Final Staff Analysis



Zoning Committee

## Zoning Committee Recommendation

Rezoning Petition 2020- 117

December 2, 2020

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**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.  
(Council District 3 - Watlington)

**PETITIONER**

Vulcan Materials Company

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**ZONING COMMITTEE  
ACTION/ STATEMENT  
OF CONSISTENCY**

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

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

- The plan recommends industrial uses for the eastern portion of the site; and
- The plan recommends multi- family/greenway use for the western portion of the site.

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

- The 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.

Motion/Second: McMillan / Welton

Yeas: Blumenthal, Kelly, McMillan, Nwasike, Samuel, and Welton

Nays: None  
Absent: Barbee  
Recused: None

**ZONING COMMITTEE  
DISCUSSION**

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

There was no further discussion of this petition.

**PLANNER**

John Kinley (704) 336-8311

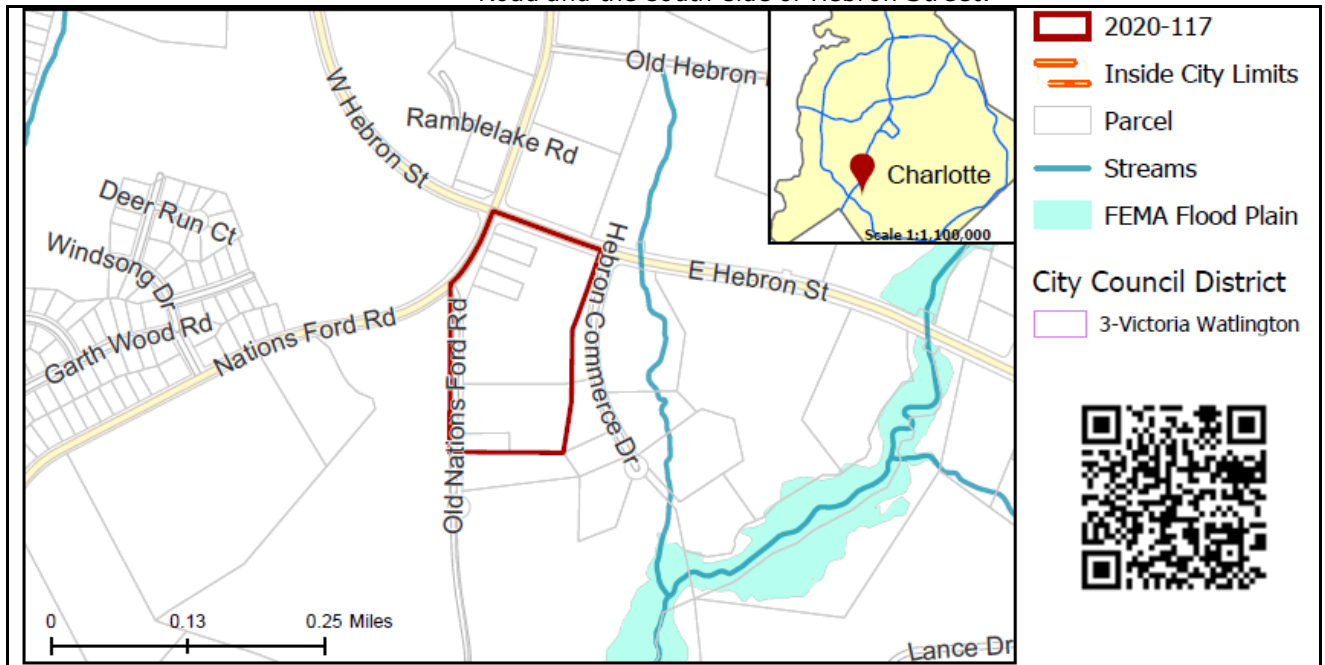


**REQUEST**

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.

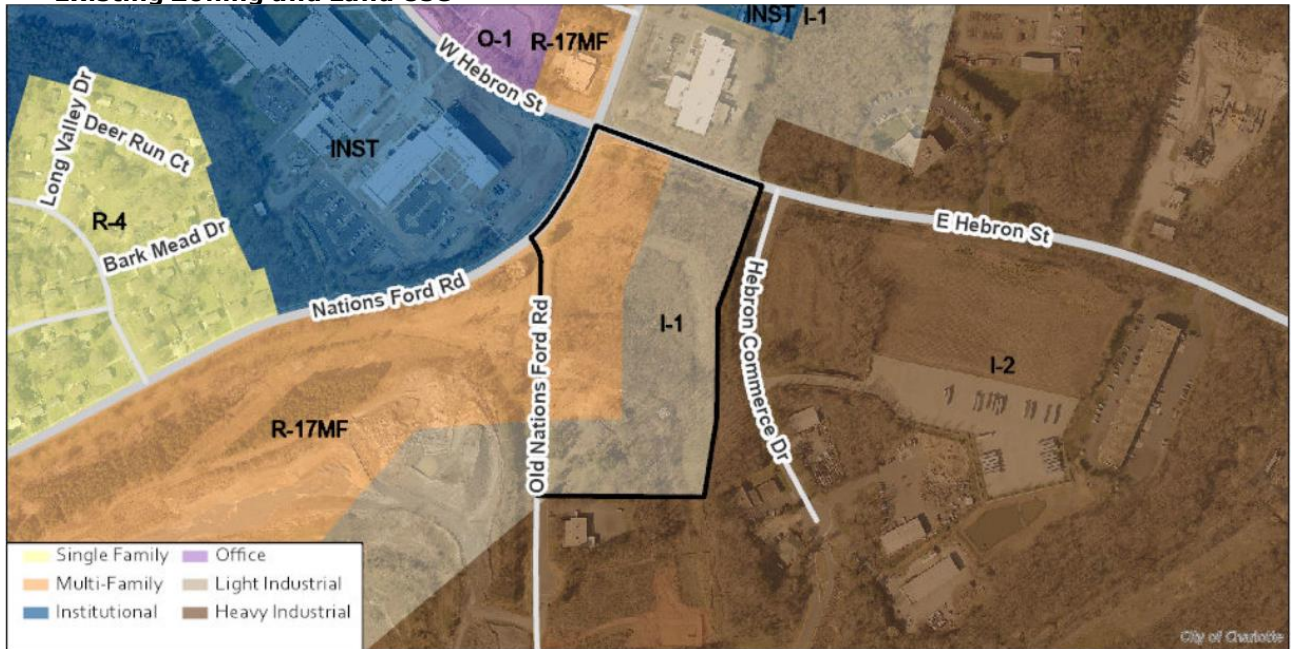
The approval of this petition will revise the adopted future land use as specified by the *Southwest District Plan*, for the western portion of the site from multi-family/greenway use to industrial use.

### PLANNING STAFF REVIEW

- Proposed Request Details**

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

- Existing Zoning and Land Use**



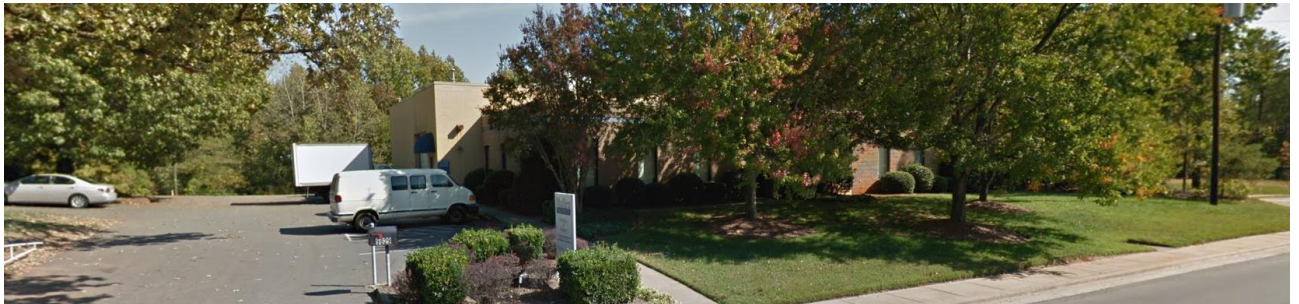
The site (indicated by red star below) is in an area developed with a mixture of single family, multi-family, institutional and industrial uses.







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



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



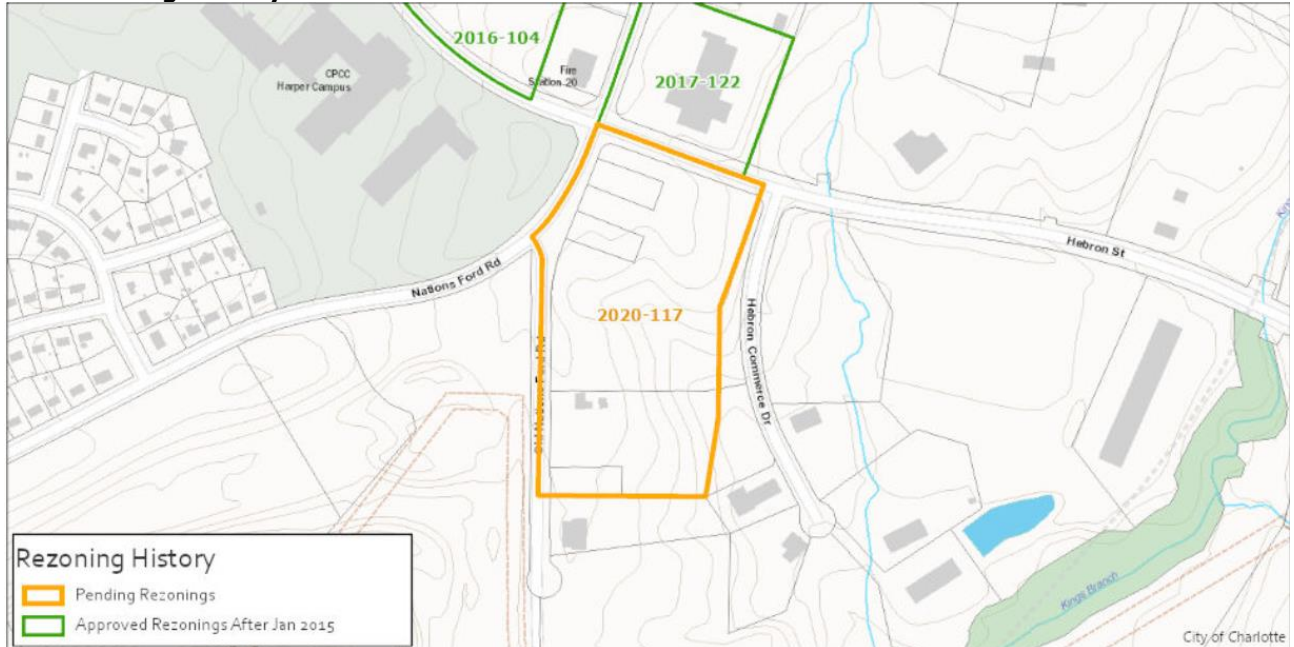
West of the site is a quarry.



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

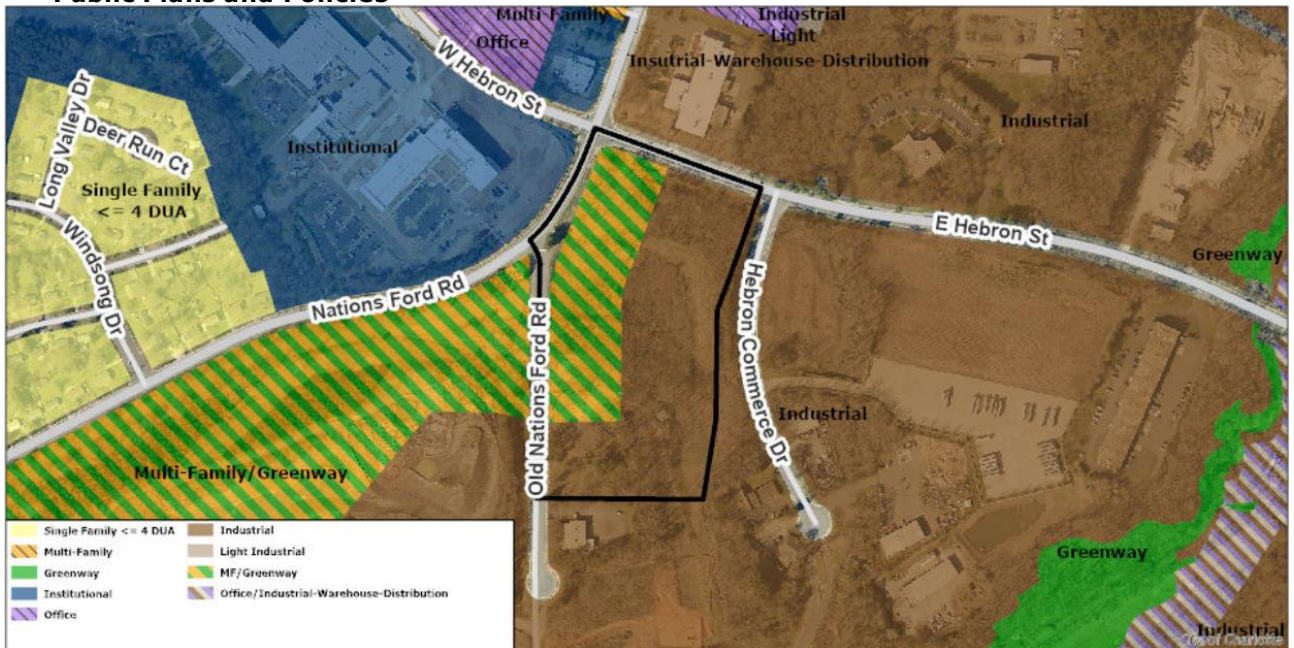


- **Rezoning History in Area**



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:** 12/21/2020

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**Agenda #:** 20.**File #:** 15-14769 **Type:** Zoning Decision

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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. (Council District 4 - Johnson)

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

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

### **Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation

Final Staff Analysis





Zoning Committee

## Zoning Committee Recommendation

Rezoning Petition 2020- 118

December 21, 2020

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**REQUEST**

Current Zoning: O-1(CD) (office, conditional)  
Proposed Zoning: R-12MF (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.  
(Council District 4 - Johnson)

**PETITIONER**

TWG Development

---

**ZONING COMMITTEE  
ACTION/ STATEMENT  
OF CONSISTENCY**

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

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

- The plan (as amended by rezoning petition 2005-024) recommends offices uses at the site.

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

- 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.

Motion/Second: Welton / Kelly  
Yeas: Barbee, Blumenthal, Kelly, McMillan, Nwasike,  
Samuel, and Welton  
Nays: None  
Absent: None  
Recused: None

**ZONING COMMITTEE  
DISCUSSION**

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

There was no further discussion of this petition.

**PLANNER**

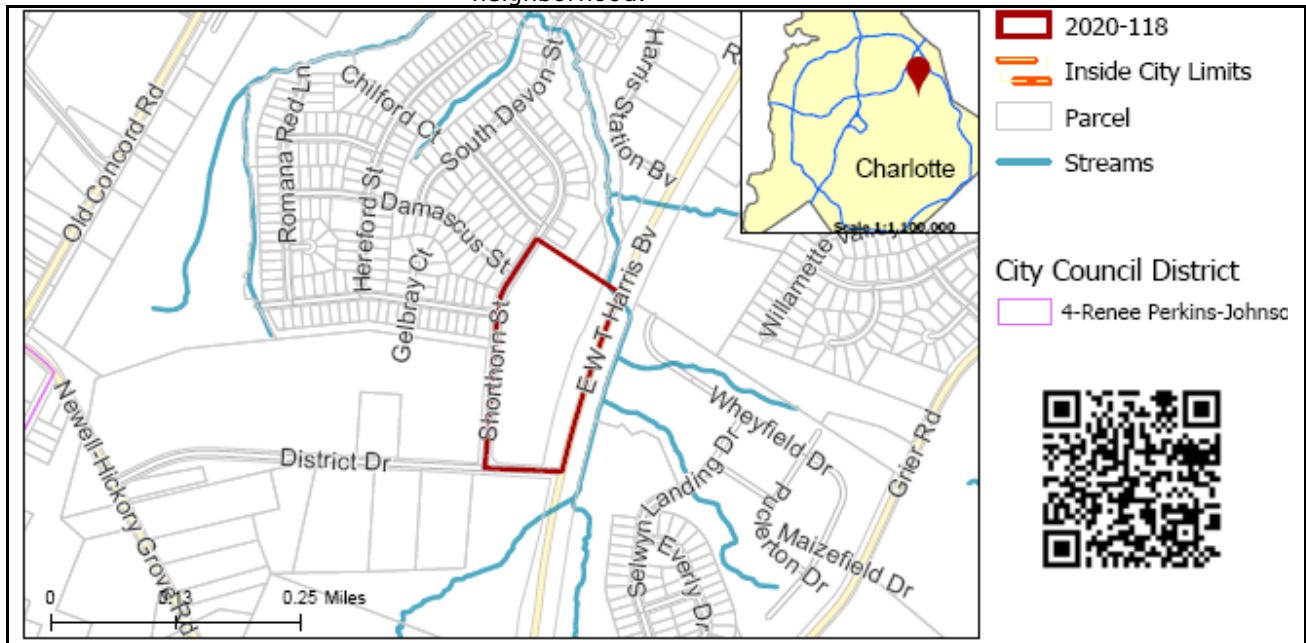
William Linville (704) 336-4090

**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**

Grier Newell Properties

**PETITIONER**

TWG Development

**AGENT/REPRESENTATIVE**

Travis Vencel, TWG Development

**COMMUNITY MEETING**

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."

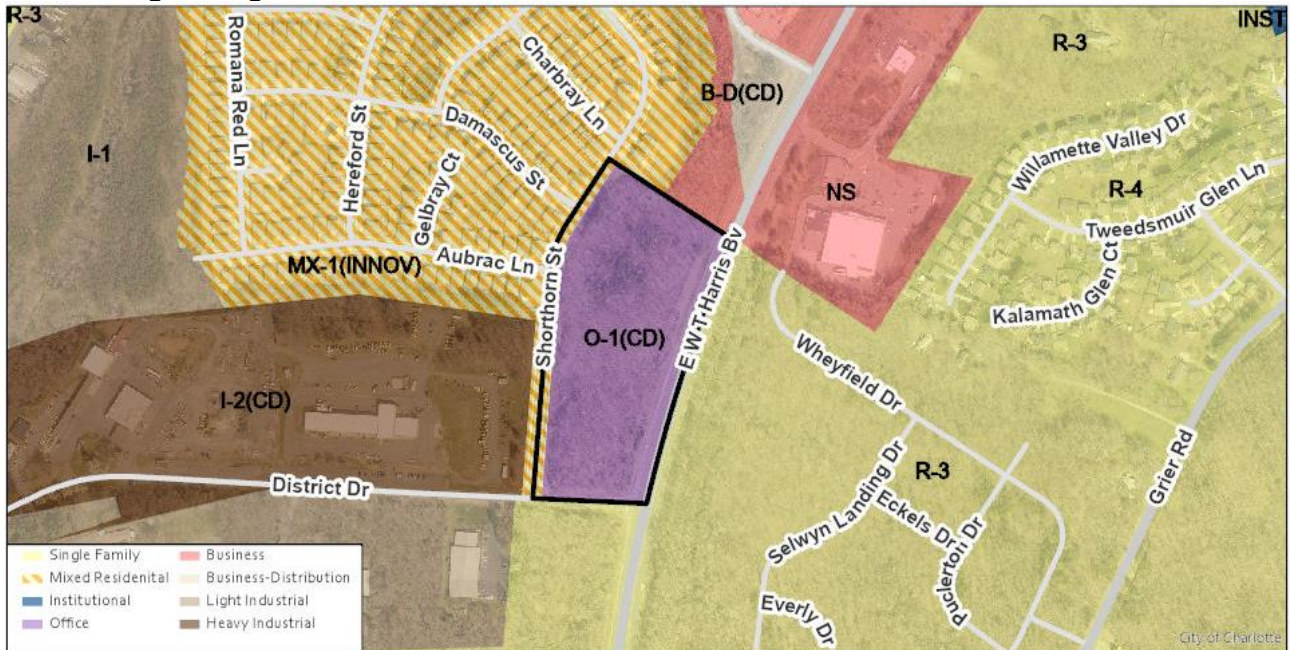
The approval of this petition will revise the adopted future land use as specified by the *Newell Small Area Plan* from office uses to residential uses up to 12 dwelling units per acre (DUA) for the site.

## PLANNING STAFF REVIEW

- Proposed Request Details**

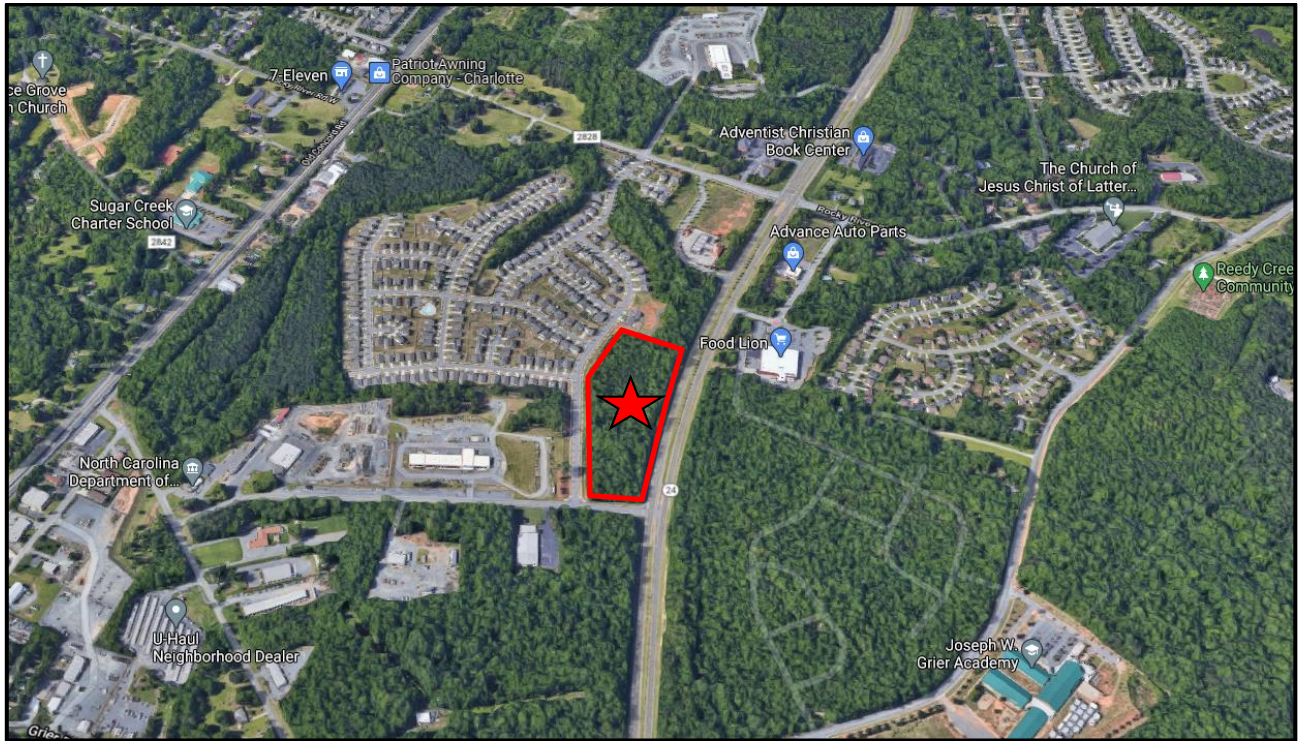
This is a conventional rezoning petition with no associated site plan.

- 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.



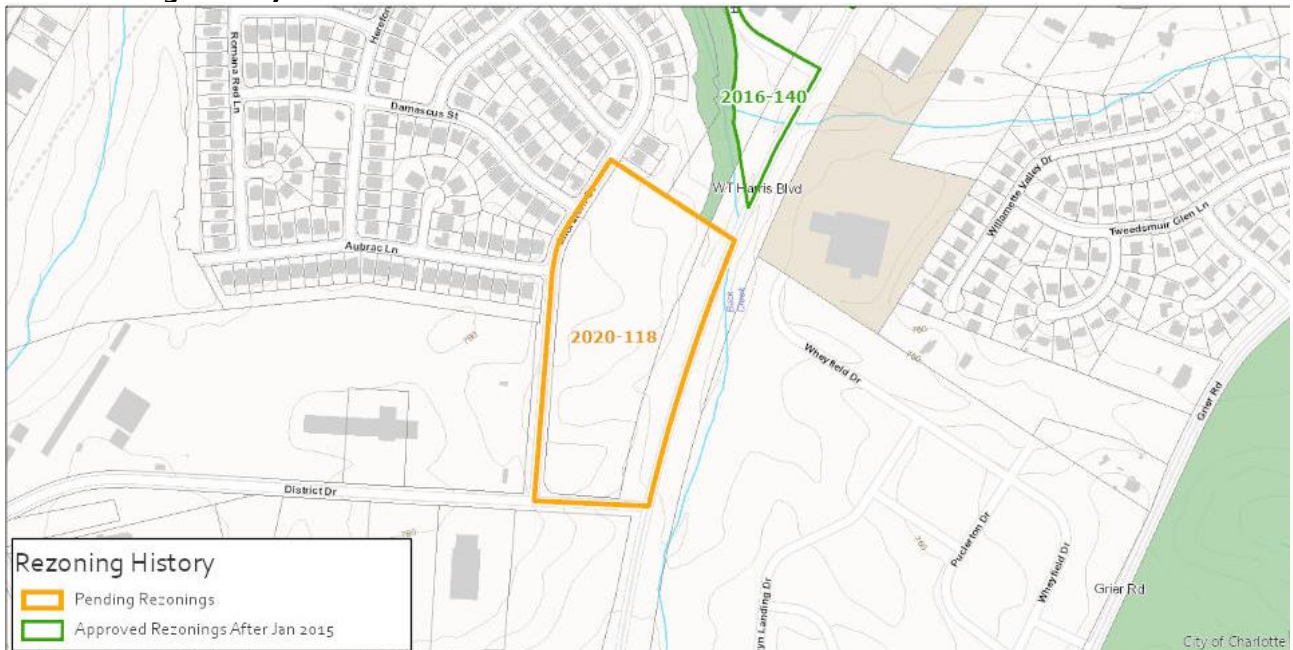
Streetview looking NW towards the corner of the subject property from W.T. Harris Boulevard at District Drive.





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:** 12/21/2020

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**Agenda #:** 21. **File #:** 15-14770 **Type:** Zoning Decision

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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)

### **Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation  
Final Staff Analysis  
Site Plan





Zoning Committee

## Zoning Committee Recommendation

Rezoning Petition 2020-119

December 2, 2020

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**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.

(Outside City Limits). Closest to District 3 – Watlington.

**PETITIONER**

The Maintenance Team, Inc.

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**ZONING COMMITTEE  
ACTION/ STATEMENT  
OF CONSISTENCY**

This petition is found to be **consistent** with the *Westside Strategy Plan* with respect to proposed land use, based on the information from the staff analysis and the public hearing, and because:

- The plan recommends office, business park, and industrial uses for the site.

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

- 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.

Motion/Second: Kelly / Welton

Yeas: Blumenthal, Kelly, McMillan, Nwasike, Samuel, and Welton

Nays: None  
Absent: Barbee  
Recused: None

**ZONING COMMITTEE  
DISCUSSION**

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

There was no further discussion of this petition.

**PLANNER**

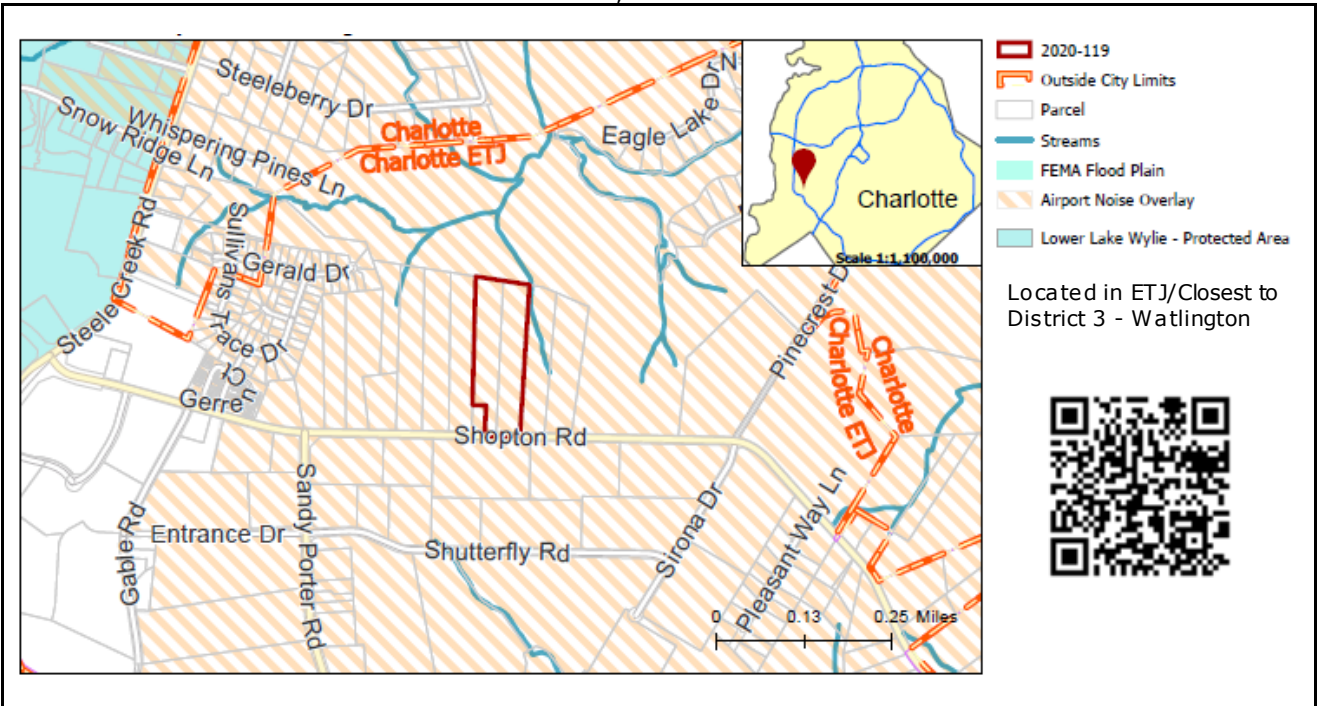
Joe Mangum (704) 353-1908

**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**

The Maintenance Team Inc  
The Maintenance Team Inc  
John Carmichael

**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 *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.

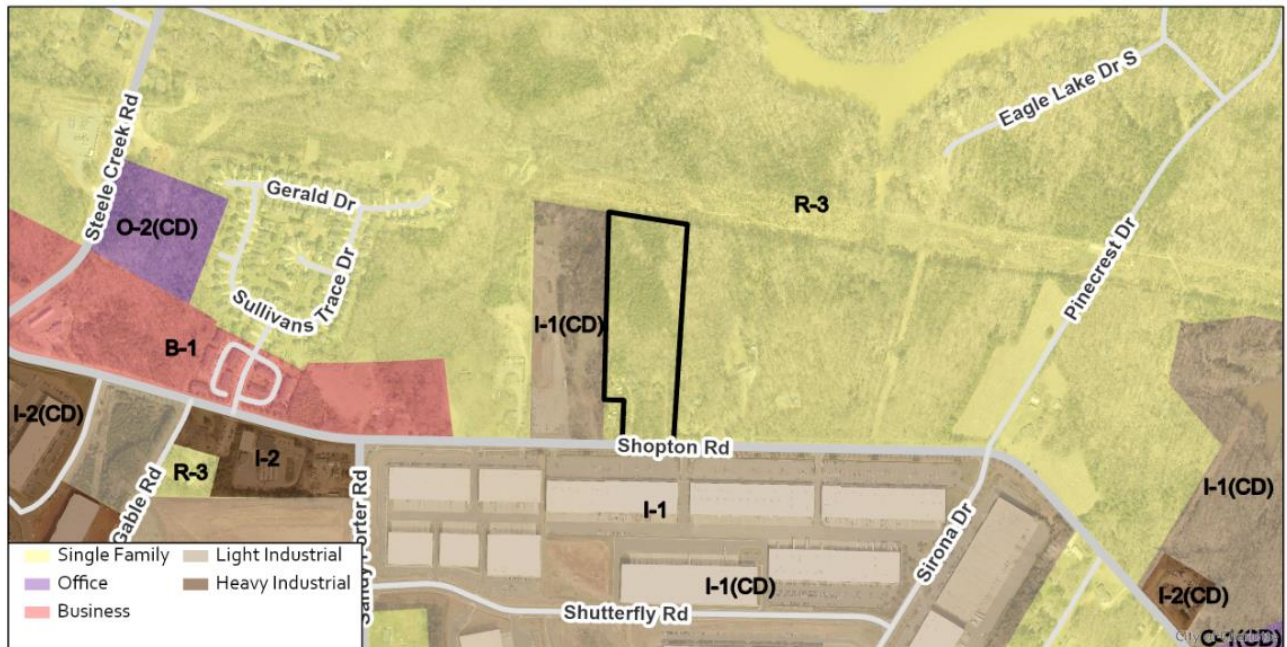
## PLANNING STAFF REVIEW

### • 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.



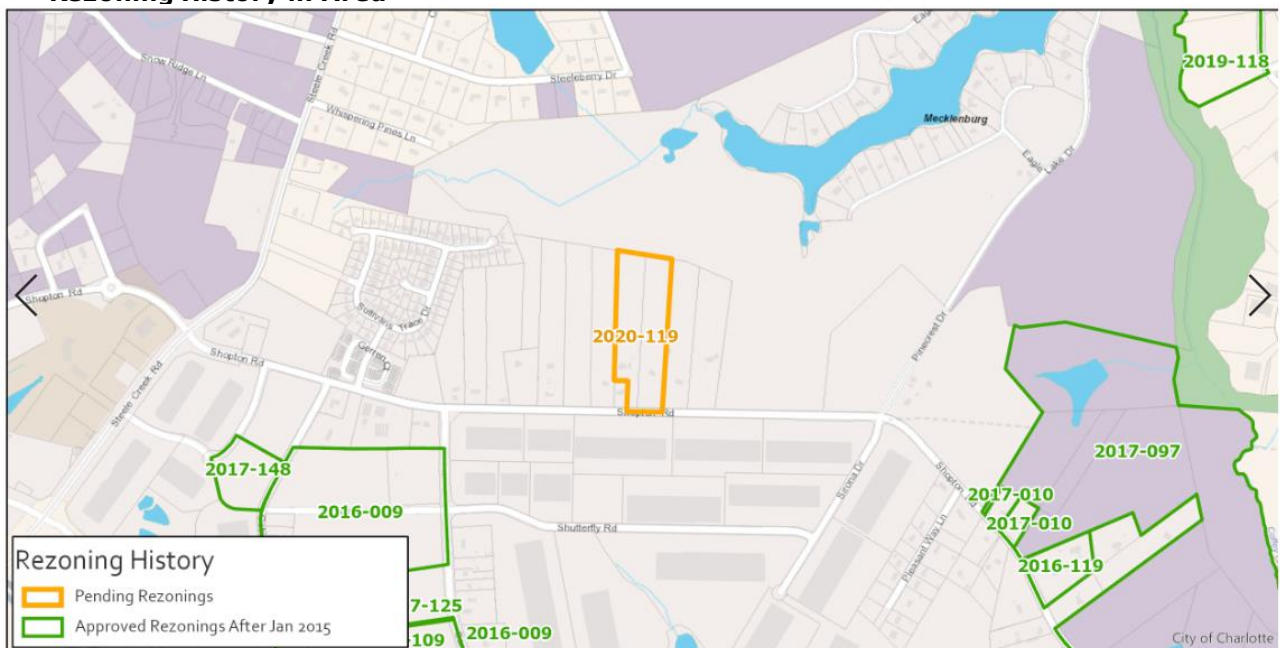
The property to the west is under construction for industrial uses.





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

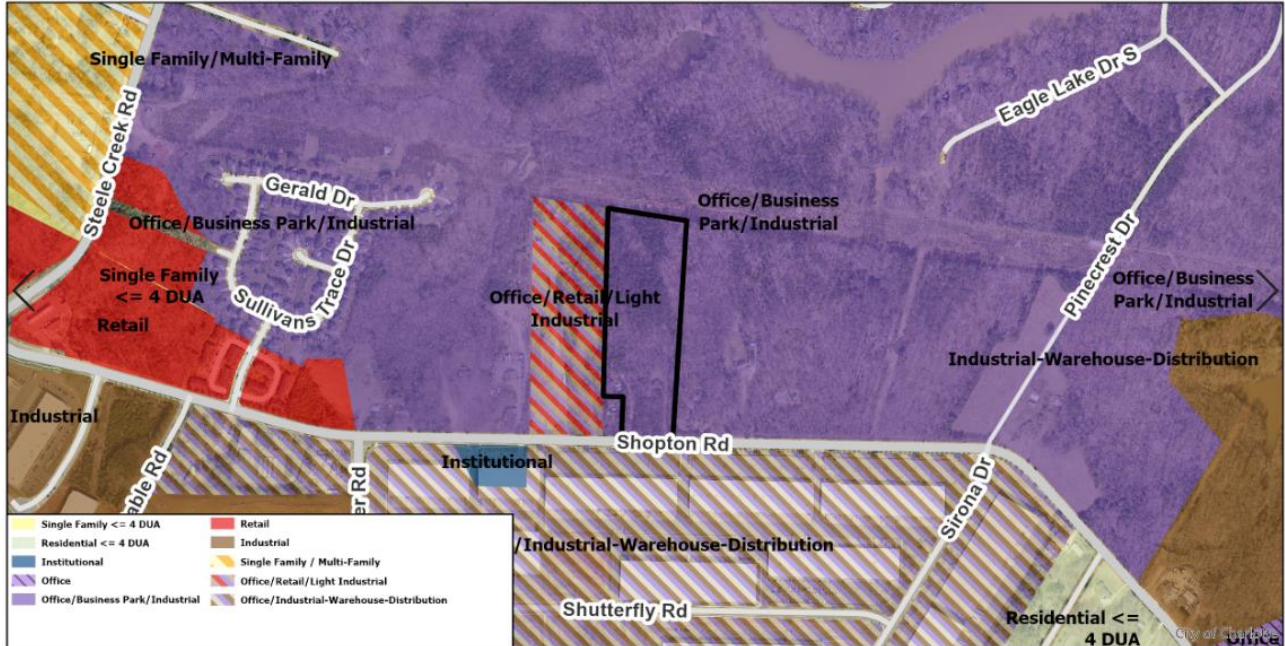
- Rezoning History in Area**



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

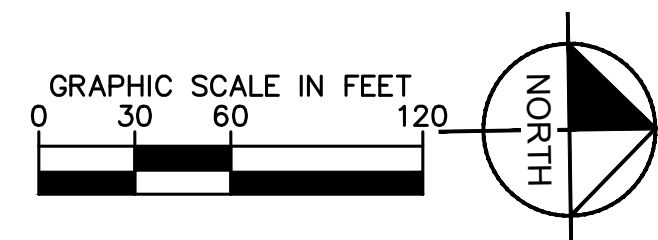
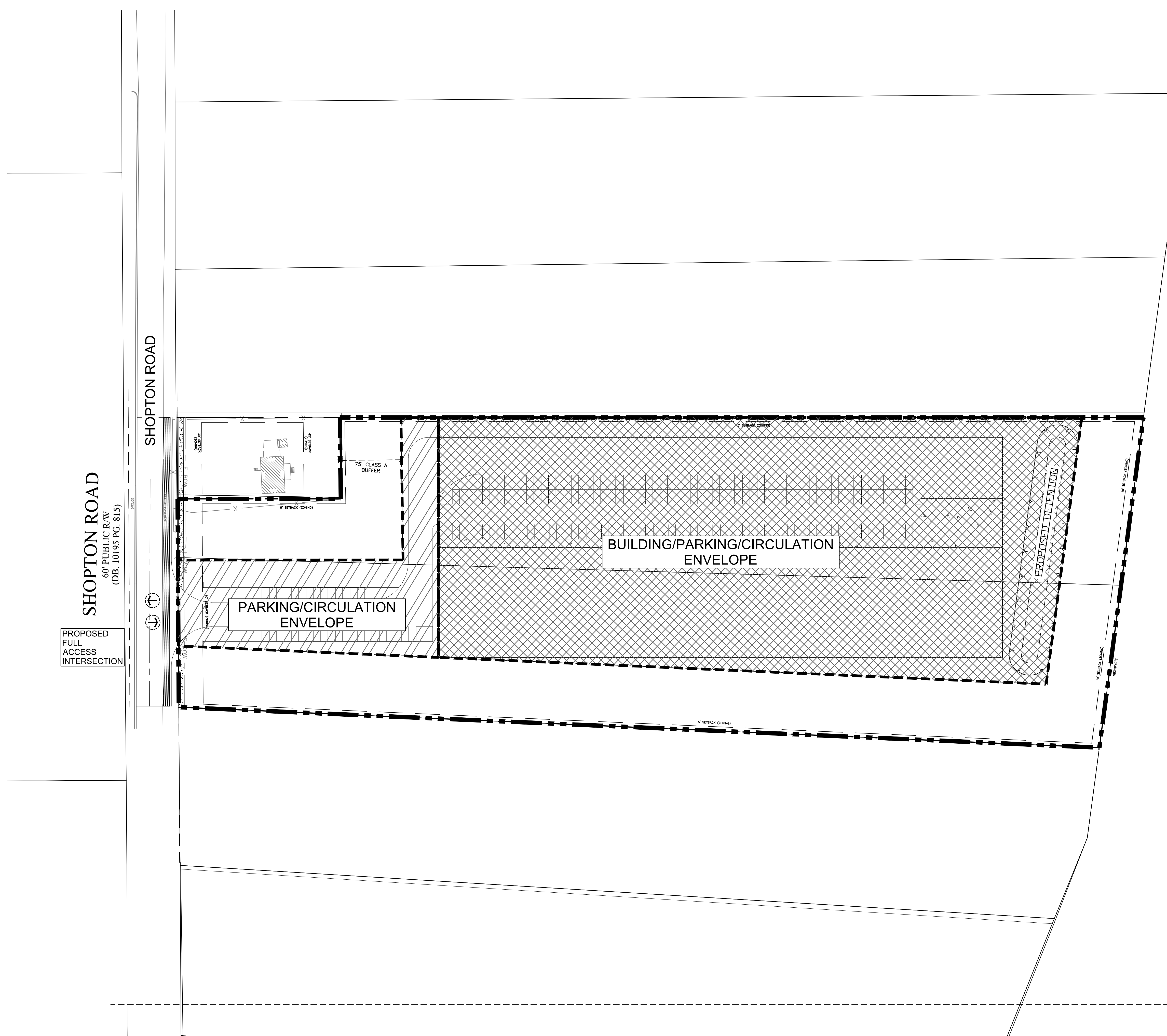
- ~~1. Please correct Note 4.A regarding maximum building height. The maximum height is governed by the airport overlay height restrictions.~~ **ADDRESSED**

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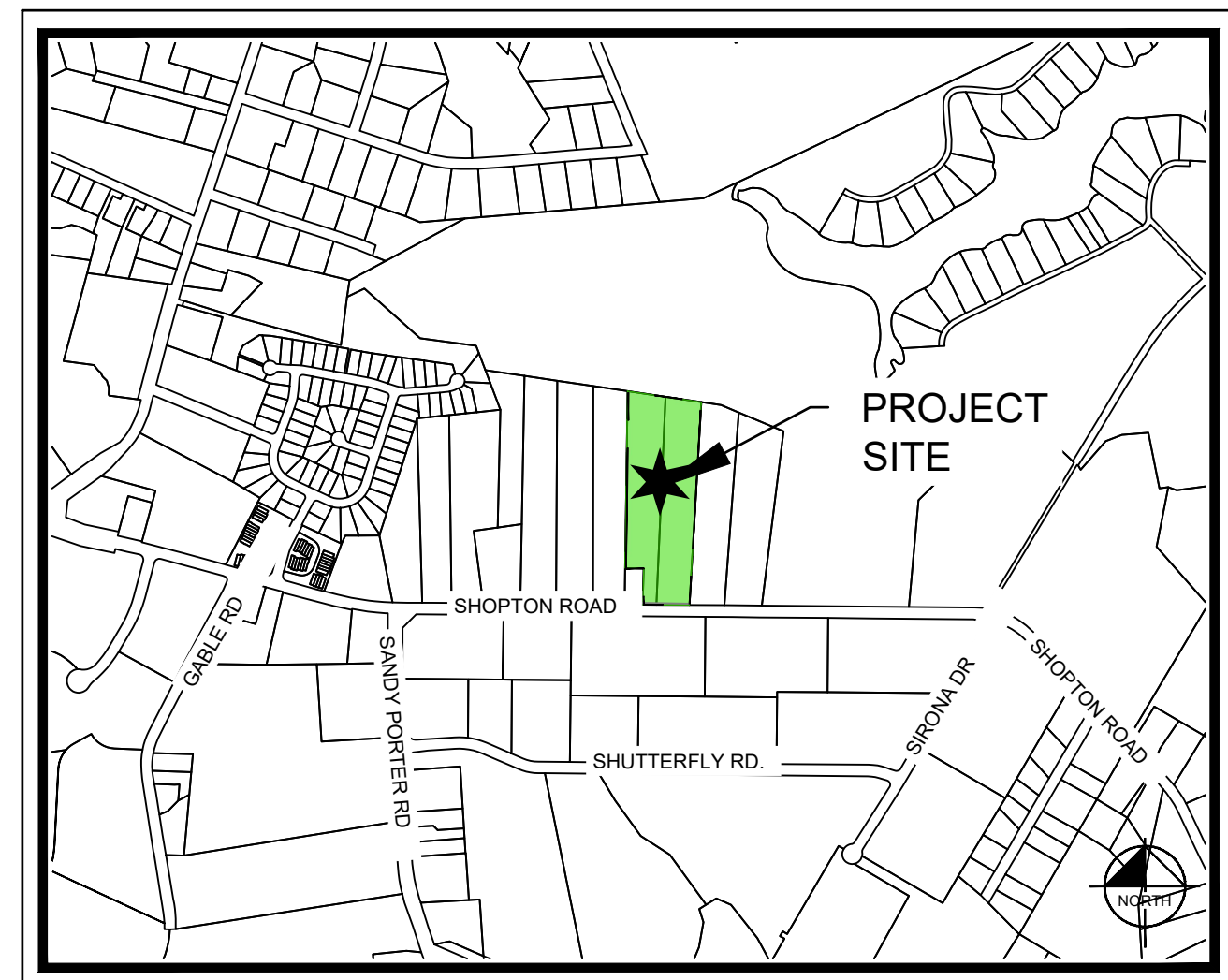
**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

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




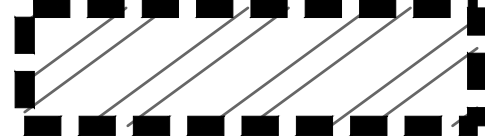
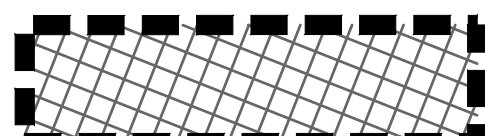



Know what's below.  
Call before you dig.



## 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  
COOPERATION  
F. CHARLOTTE NORTH CAROLINA

SHEET NUMBER  
**RZ-1**

# TECHNICAL DATA SHEET

REZONING PETITION NO. 2020-

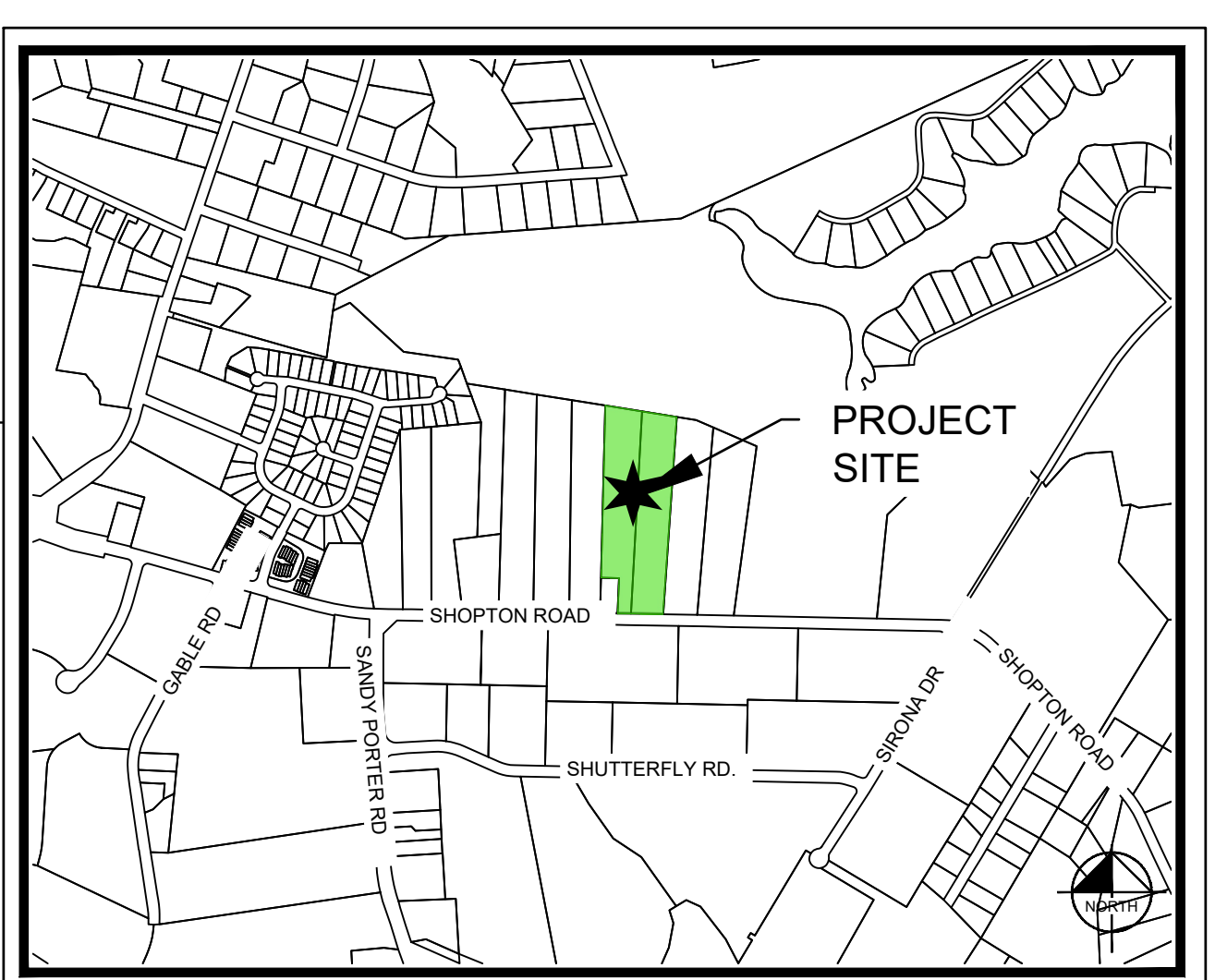
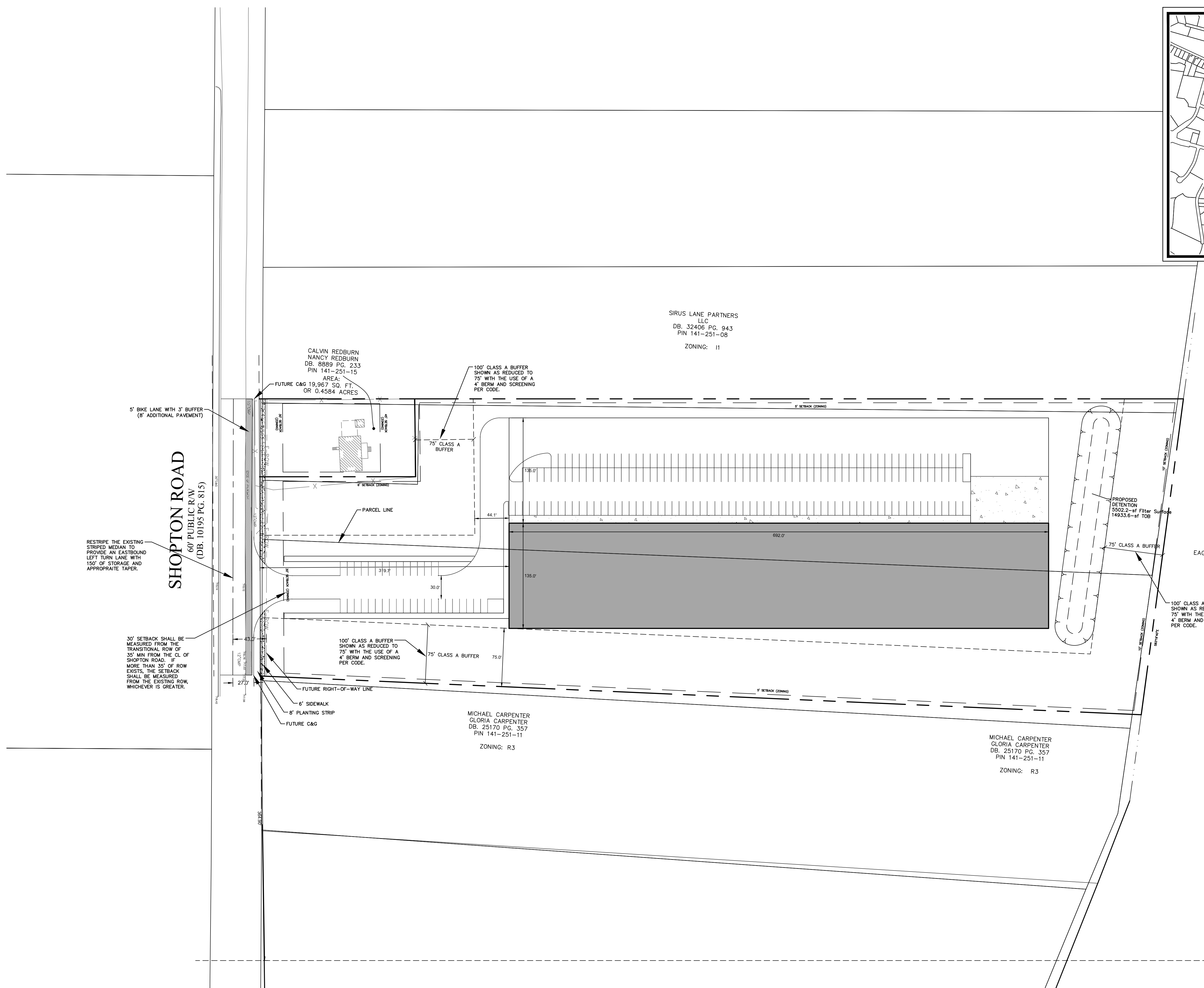
KH PROJECT	015272048
DATE	06/12/2020
SCALE	AS SHOWN
DESIGNED BY	---
DRAWN BY	---
CHECKED BY	---



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200 SOUTH TRYON ST, SUITE 200, CHARLOTTE, NC 28202  
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WWW.KIMLEY-HORN.COM  
NC LICENSE #F-Q102

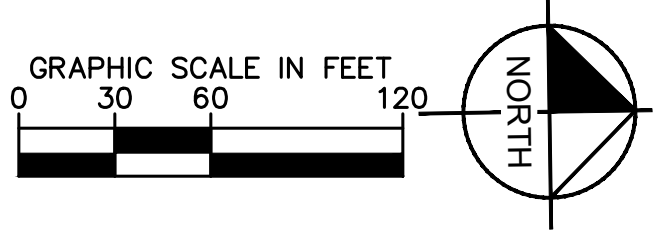
No.	Revisions	Date	By
2	2ND RESUBMITTAL	11/18/2020	
1	1ST RESUBMITTAL	10/12/2020	
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SITE DATA TABLE	
PROJECT AREA:	± 9.7 AC
PARCEL TAX ID:	141-251-09 141-251-10
STREET ADDRESS:	4016 & 4032 SHOPTON RD
EXISTING ZONING:	R-3
PROPOSED ZONING:	I-2 CD
PROPOSED USE:	OFFICE / LIGHT INDUSTRIAL / INDOOR WAREHOUSE
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 SPRINKLING 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 DEPARTMENT 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 ENCUMBER AND EASTBOUND LEFT TURN LANE WITH 150' OF STORAGE AND APPROPRIATE BAY TAPER.
7. DEDICATION AND FEE SIMPLE CONVEYANCE OF ALL RIGHTS OF WAY TO NCDOT SHALL 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 STANDARDS

NOVEMBER 17, 2020

## 1. 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 9.8 ACRE SITE LOCATED ON THE NORTH SIDE OF SHOPTON ROAD, BETWEEN SANDY PORTER ROAD AND SIRONA DRIVE, WHICH IS SHOWN PARTIALLY ON THE MAP DEPICTED ON THE REZONING PLAN (THE "SITE"). THE SITE IS COMPRISED OF TAX PARCELS NOS. 141-251-00 AND 141-251-10.
- B. THE DEVELOPMENT AND USE 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").
- C. UNLESS THE REZONING PLAN OR THESE DEVELOPMENT STANDARDS ESTABLISH MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE I-20 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. ACCORDING TO THE ULTIMATE LAYOUT, THE FINAL DEVELOPMENT SIZES AND 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 BE SUCH THAT 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 CREMATORIALS.
- (5) AUTOMOBILES, TRUCK AND UTILITY TRAILER RENTAL.

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

- (8) BARBER AND BEAUTY SHOPS.

- (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.

- REZONING PLAN. PARKING AND VEHICULAR CIRCULATION AREAS MAY BE LOCATED IN THE BUILDING, PARKING AND CIRCULATION ENVELOPE AND THE PARKING AND

- F. OUTDOOR STORAGE AREAS SHALL ALSO BE LOCATED WITHIN THE BUILDING, PARKING AND CIRCULATION ENVELOPE.
- 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 GOVERNED BY THE TERMS OF THE ORDINANCE, INCLUDING THE AIRPORT HEIGHT RESTRICTION ZONE AS APPLICABLE.

## 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 OR 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.  
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**Agenda Date:** 12/21/2020

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**Agenda #:** 22. **File #:** 15-14771 **Type:** Zoning Decision

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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).

### **Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation  
Final Staff Analysis  
Site Plan



Zoning Committee

## Zoning Committee Recommendation

Rezoning Petition 2020- 123

December 2, 2020

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**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.  
(Council District 3 - Watlington)

**PETITIONER**

Collett Properties, Inc.

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**ZONING COMMITTEE  
ACTION/ STATEMENT  
OF CONSISTENCY**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

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

- The plan recommends retail for the southern portion of the site and single family residential at up to four dwelling units per acre for the northern portion of the site.

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

- 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 residential to light industrial.

Motion/Second: Welton / Blumenthal

Yeas: Blumenthal, Kelly, McMillan, Nwasike, Samuel, and Welton

Nays: None

Absent: Barbee

Recused: None

#### **ZONING COMMITTEE DISCUSSION**

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

There was no further discussion of this petition.

#### **PLANNER**

Joe Mangum (704) 353-1908



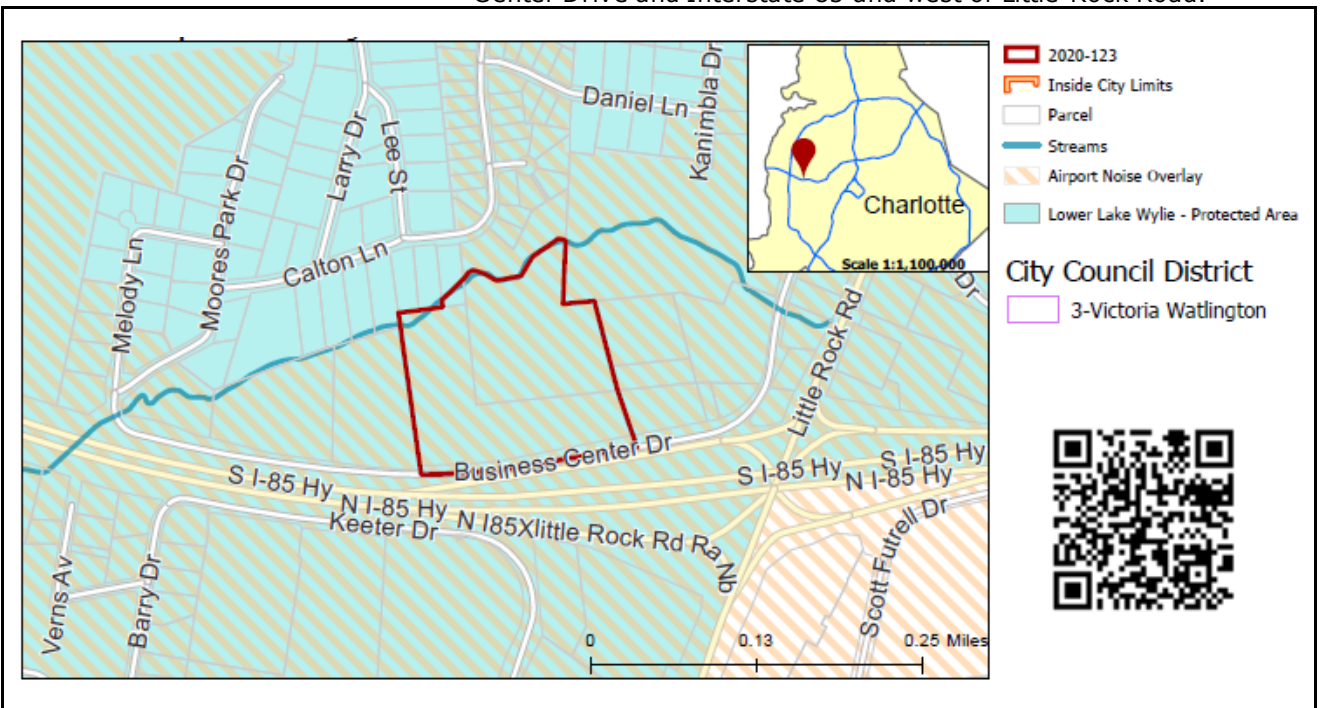
## REQUEST

Current Zoning: 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.

### 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.

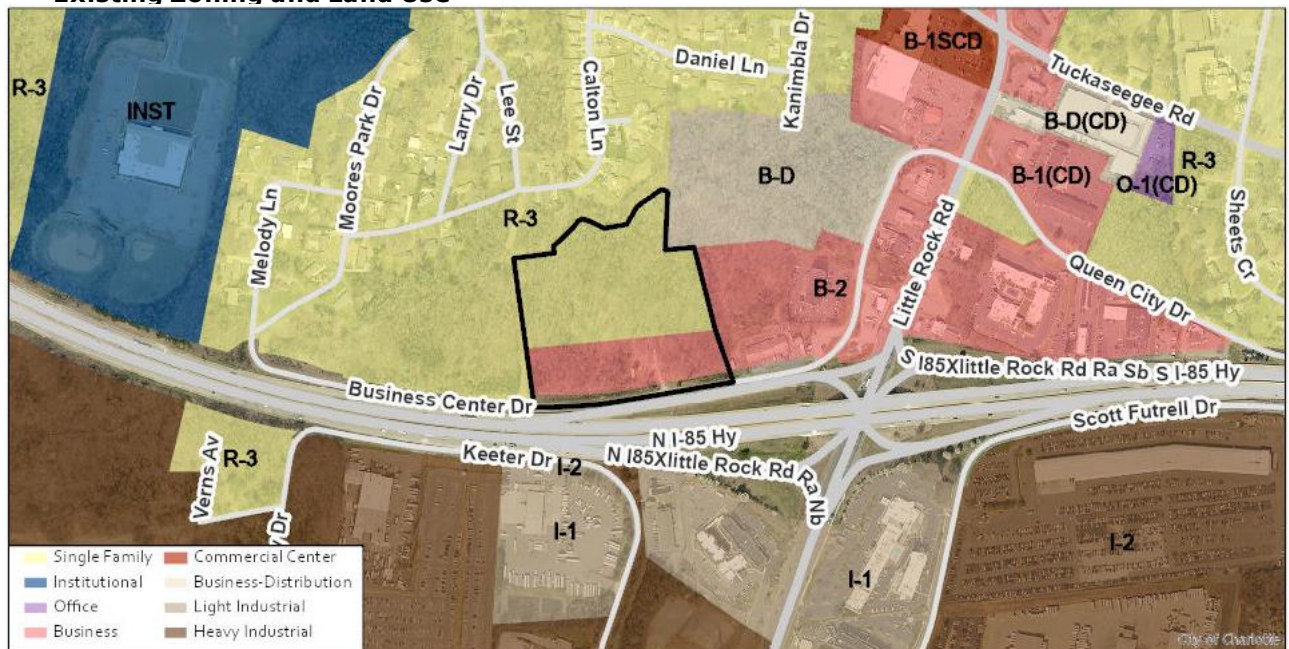
## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

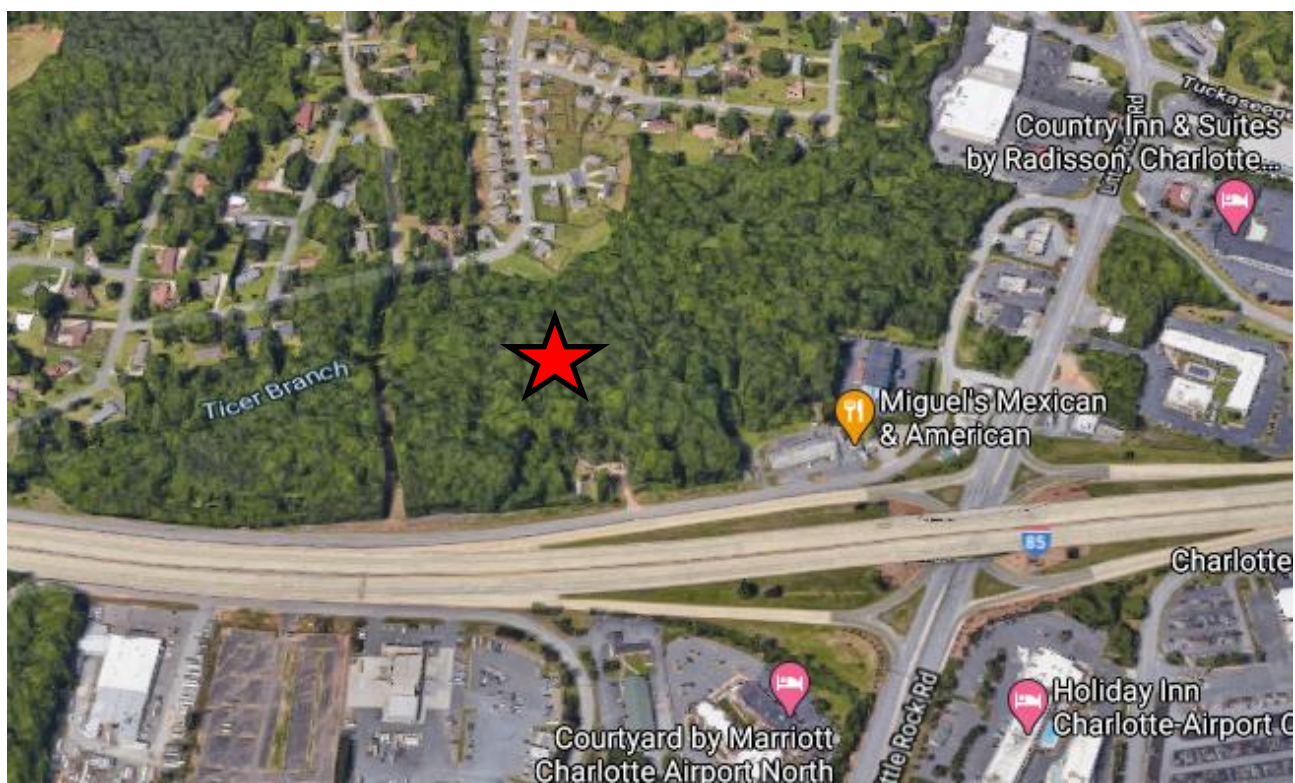
- Allows for a maximum of a 175,000 square feet principal building for uses allowed in the I-1 zoning district as well as accessory uses as permitted by ordinance.
- Prohibits the following uses:
  - Adult establishments
  - Automobile rental, repair, service, or sales
  - Barber and beauty shops
  - 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.



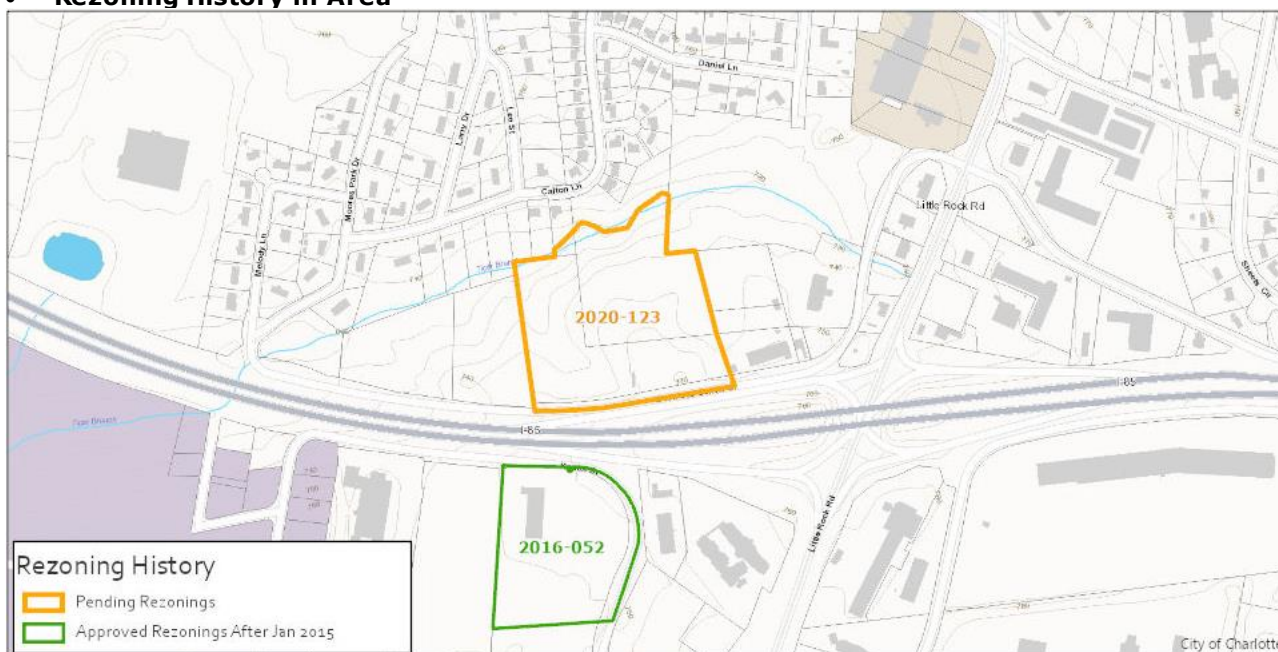
View of the site looking north from Business Center Drive.





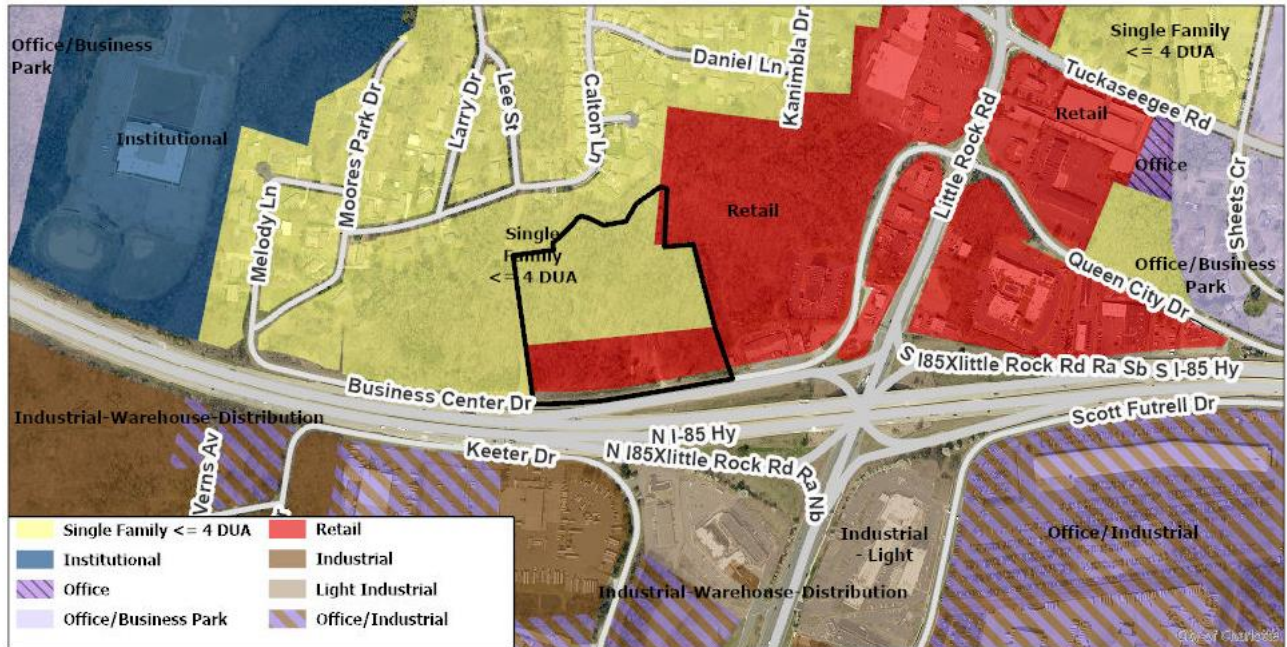
View of the site looking south from Calton Lane.

- 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.~~ **ADDRESSED**

### • 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.~~ ADDRESSED
- ~~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.~~ ADDRESSED

## 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).~~ ADDRESSED
- ~~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."~~ ADDRESSED

### Site and Building Design

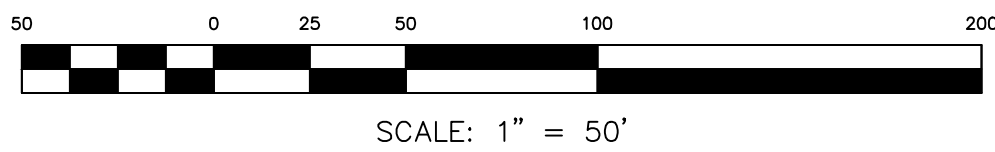
- ~~5. Label zoning of all adjacent parcels.~~ ADDRESSED
- ~~6. Relocate the berm on the western property line to be outside of the reserved right of way. If future right of way is dedicated, a half buffer (50') is required and can be reduced 25% per ordinance with a berm.~~ ADDRESSED

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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)





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%)

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.

RZ  
1





**Agenda Date:** 12/21/2020

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**Agenda #:** 23.**File #:** 15-14772 **Type:** Zoning Decision

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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)

### **Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation  
Final Staff Analysis  
Site Plan



Zoning Committee

## Zoning Committee Recommendation

Rezoning Petition 2020- 124

December 2, 2020

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**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 North Tryon Street.  
(Council District 1 - Egleston)

**PETITIONER**

Mission Properties

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**ZONING COMMITTEE  
ACTION/ STATEMENT  
OF CONSISTENCY**

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

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

- The plan recommends office/retail/residential land uses up to 22 DUA.

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

- The 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.

Motion/Second: McMillan / Kelly



Yeas: Barbee, Blumenthal, Kelly, McMillan, Nwasike,  
Samuel, and Welton  
Nays: None  
Absent: None  
Recused: None

**ZONING COMMITTEE  
DISCUSSION**

Staff provided a summary of the petition and noted that it is consistent with the future land use designation, but inconsistent with the dwelling units per acre of the adopted area plan.

There was no further discussion of this petition.

**PLANNER**

Michael Russell (704) 353-0225

**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**  
**PETITIONER**  
**AGENT/REPRESENTATIVE**

Sylvania QOZ Business, LLC  
Mission Properties  
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.

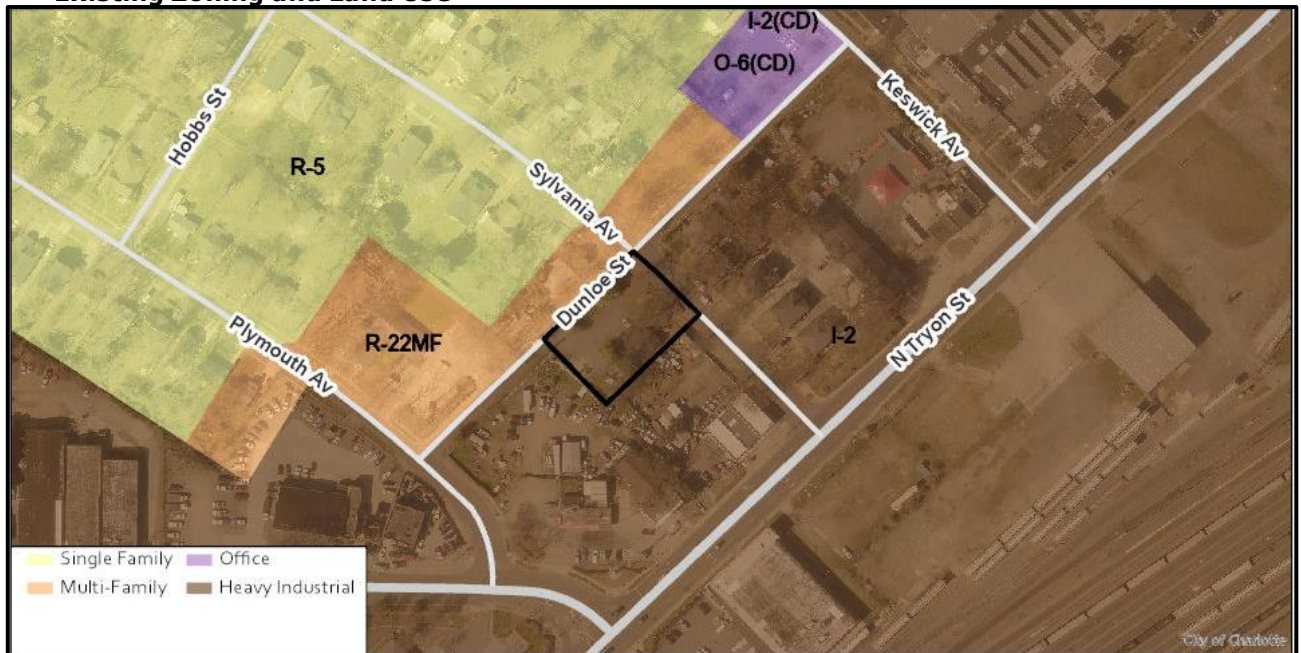
## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

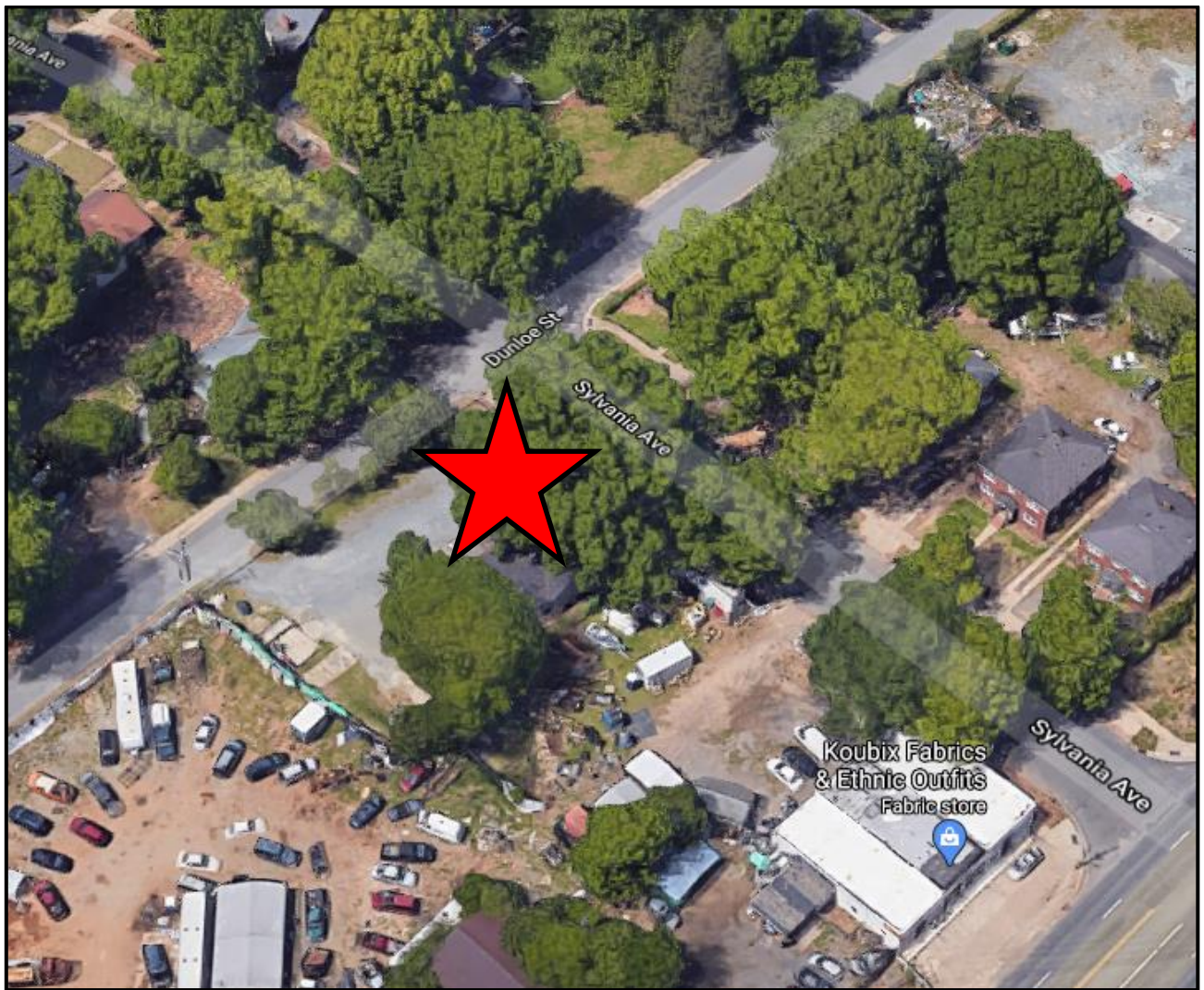
- Allows up to 21 multifamily units in one building.
- Allows a maximum building height of 45-feet.
- Access is provided from Sylvania Avenue and Dunloe Street.
- Commits to construct two accessible ramps and improve the streetscape along Sylvania Avenue and Dunloe Street.
- Walkway connections from 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

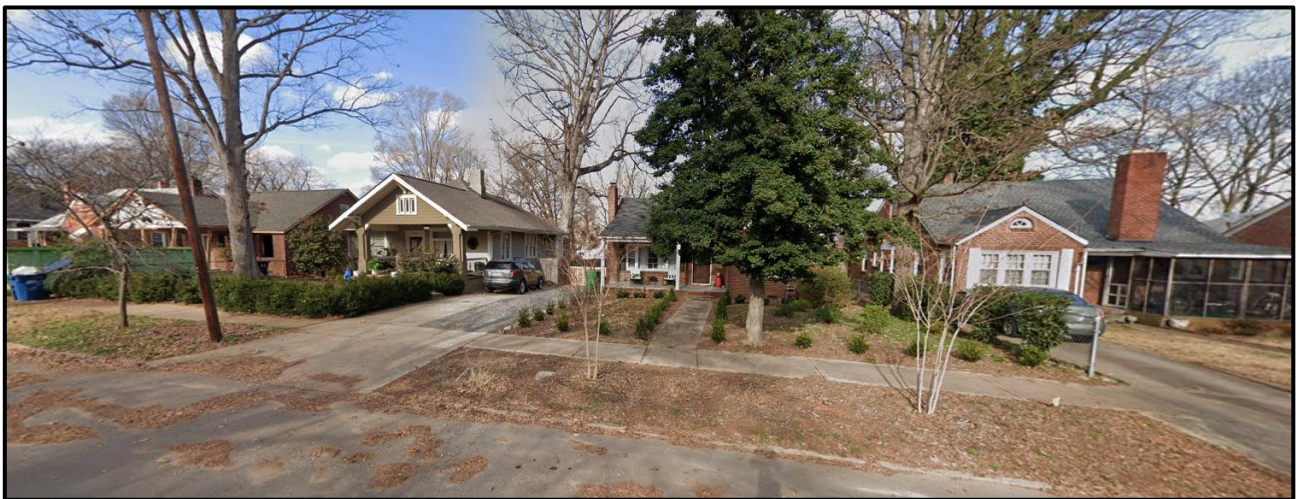


The subject property is zoned general industrial. The surrounding land uses include multi-family, single family, commercial, and retail uses.





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.



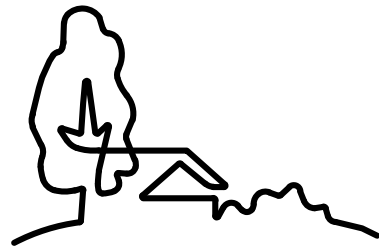
- North Tryon Street Business Corridor  
This project will provide a safer pedestrian environment by installing traffic calming features, crosswalks, sidewalks, planting strips, decorative lighting, bike lanes, and reducing the number/size of driveway openings.  
Completion date: 2020
- Tryon Street 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



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

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

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, SHED 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.

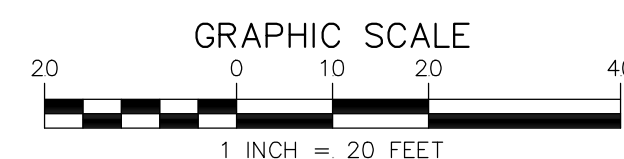
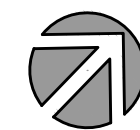
VII. AMENDMENTS TO REZONING PLAN

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.

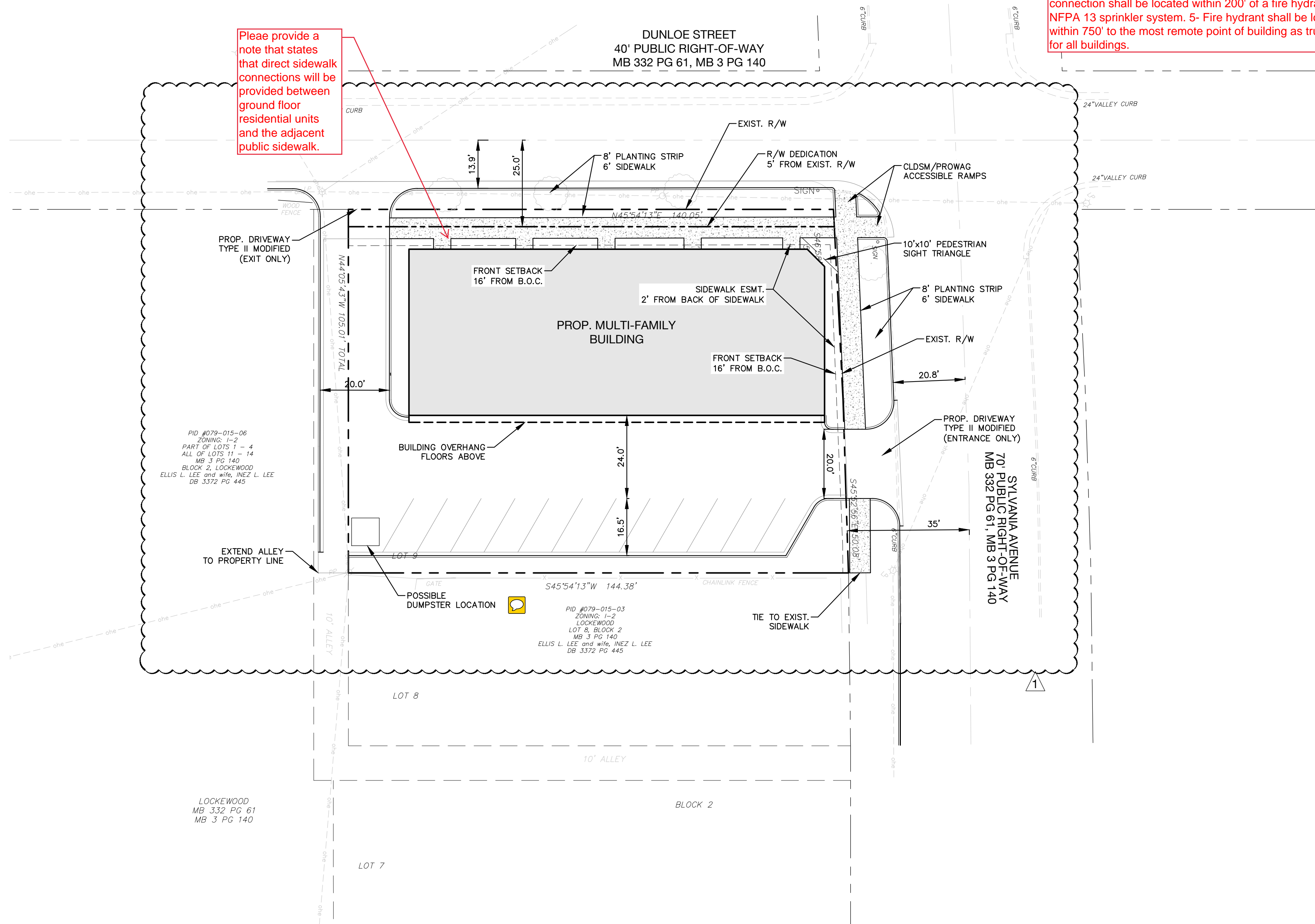


REZONING PETITION #2020-124

Remove the number of stories and just provide the maximum feet in height.

1- Fire department access road shall have a min. 20' unobstructed clear width and shall be capable of supporting 80,000 lbs. 2- Turn radius 30' inside and 42' outside. 3- For sprinkled buildings. Fire department must be able to reach 200' to all exterior portion of building. 4- 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. 5- Fire hydrant shall be located within 750' to the most remote point of building as truck travel for all buildings.

Please provide a note that states that direct sidewalk connections will be provided between ground floor residential units and the adjacent public sidewalk.





**Agenda Date:** 12/21/2020

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**Agenda #:** 24. **File #:** 15-14773 **Type:** Zoning Decision

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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)

### **Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan





Zoning Committee

## Zoning Committee Recommendation

Rezoning Petition 2020- 148

December 2, 2020

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**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.  
(Outside City Limits/Adjacent to District 4-Johnson)

**PETITIONER**

Bowman Sumner, LLC

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**ZONING COMMITTEE  
ACTION/ STATEMENT  
OF CONSISTENCY**

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

This petition is found to be consistent with the *Prosperity Hucks Area Plan* (2015), based on the information from the staff analysis and the public hearing and because:

- The plan recommends residential uses up to 6 dwelling units per acre.

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

- 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.

Motion/Second: Welton / Blumenthal  
Yeas: Barbee, Blumenthal, Kelly, McMillan, Nwasike, Samuel, and Welton  
Nays: None  
Absent: None  
Recused: None

**ZONING COMMITTEE  
DISCUSSION**

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

There was no further discussion of this petition.

**PLANNER**

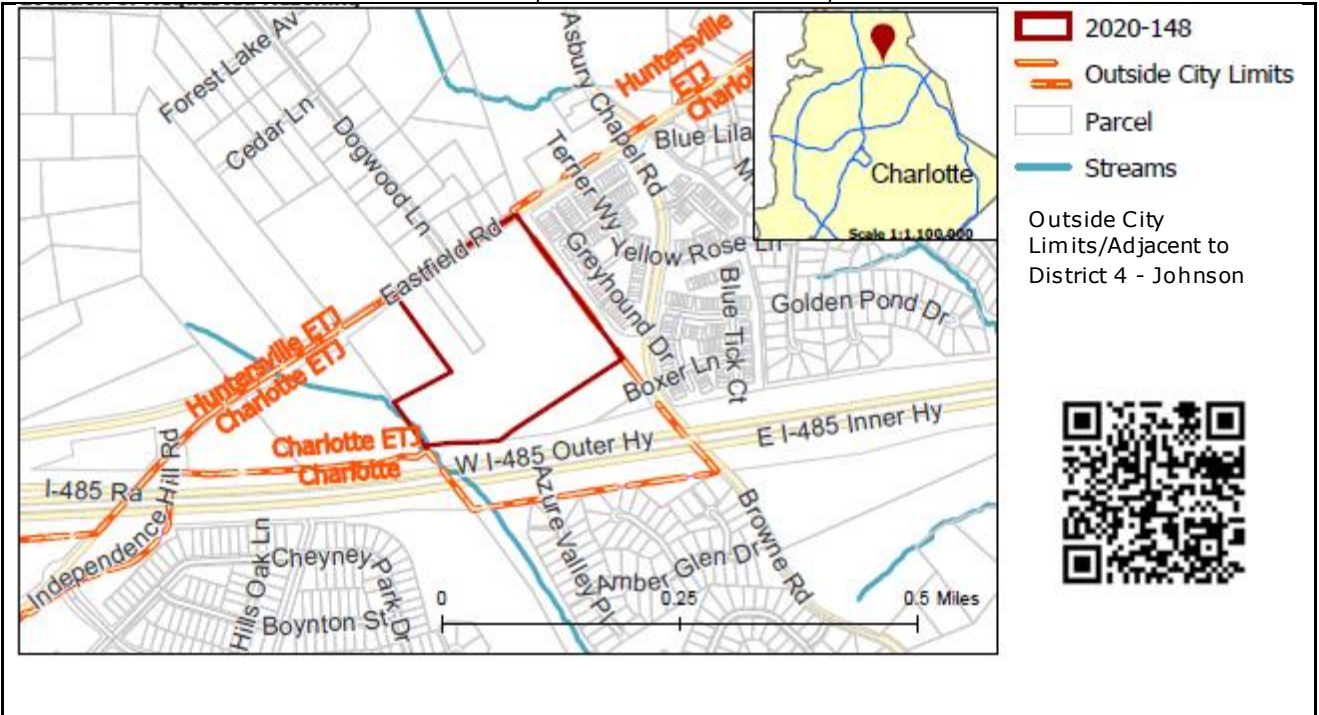
Michael Russell (704) 353-0225

**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**  
**PETITIONER**  
**AGENT/REPRESENTATIVE**

Margaret Darden McLeod  
Bowman Sumner, LLC  
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.

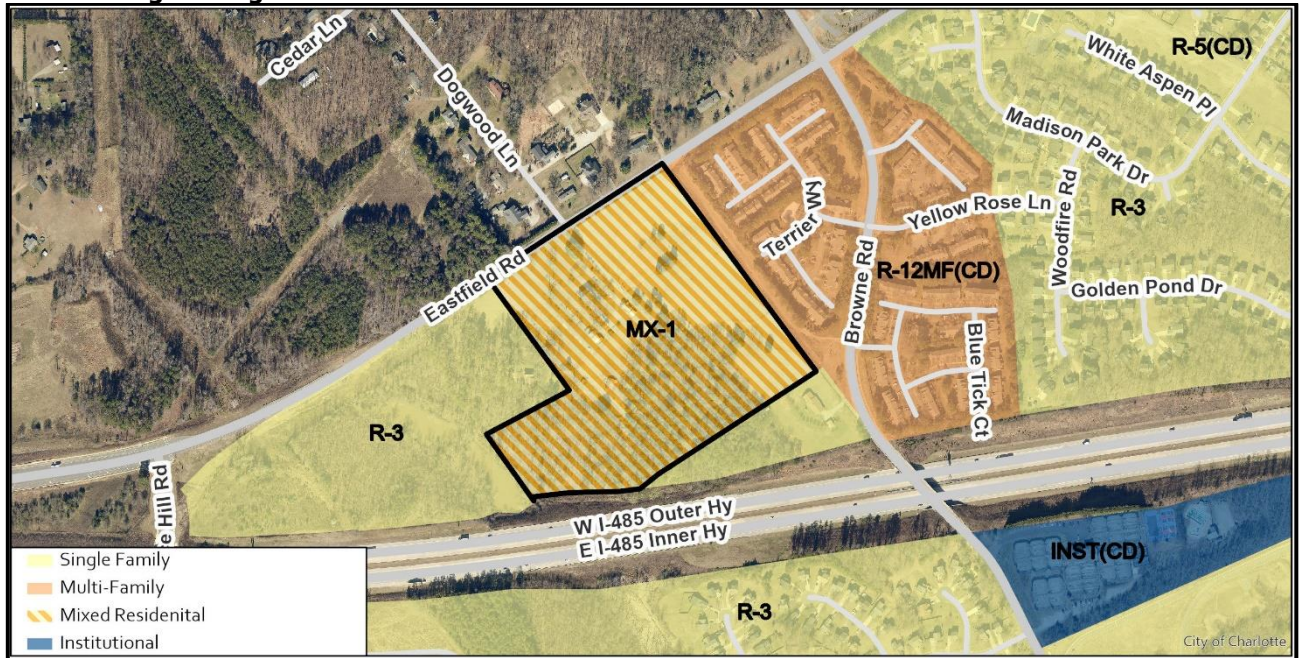
## PLANNING STAFF REVIEW

### • 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.

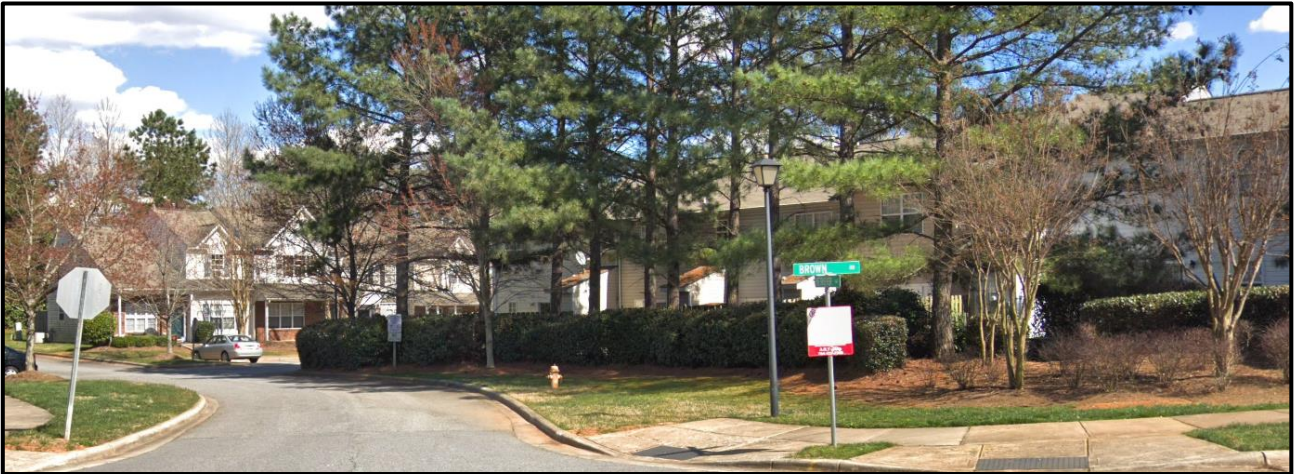


The historic home.





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



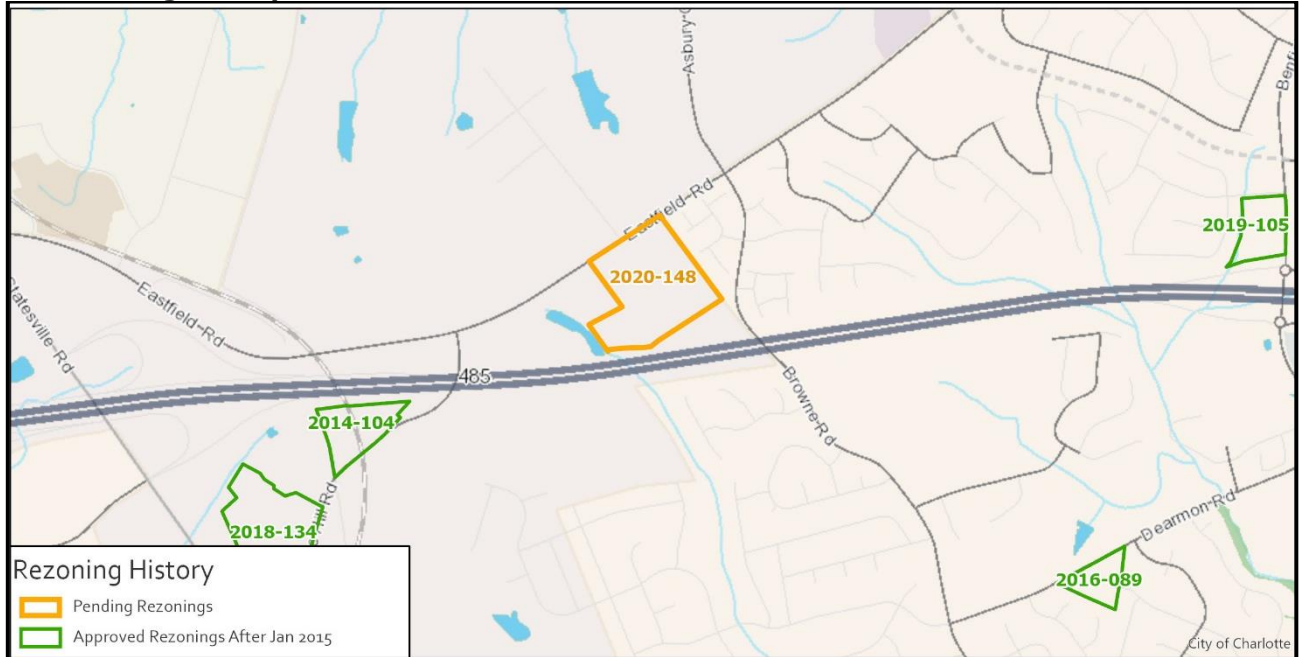
The property to the east is developed with multi-family apartments.



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).

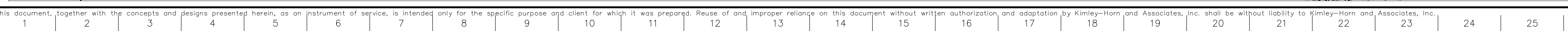
**DEPARTMENT COMMENTS** (see full department reports online)

- **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





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TE PLAN NOTES:

- GRAPHIC SCALE IN FEET



— 100 —


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# City of Charlotte

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

**Agenda Date:** 12/21/2020

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**Agenda #:** 25. **File #:** 15-14774 **Type:** Zoning Item

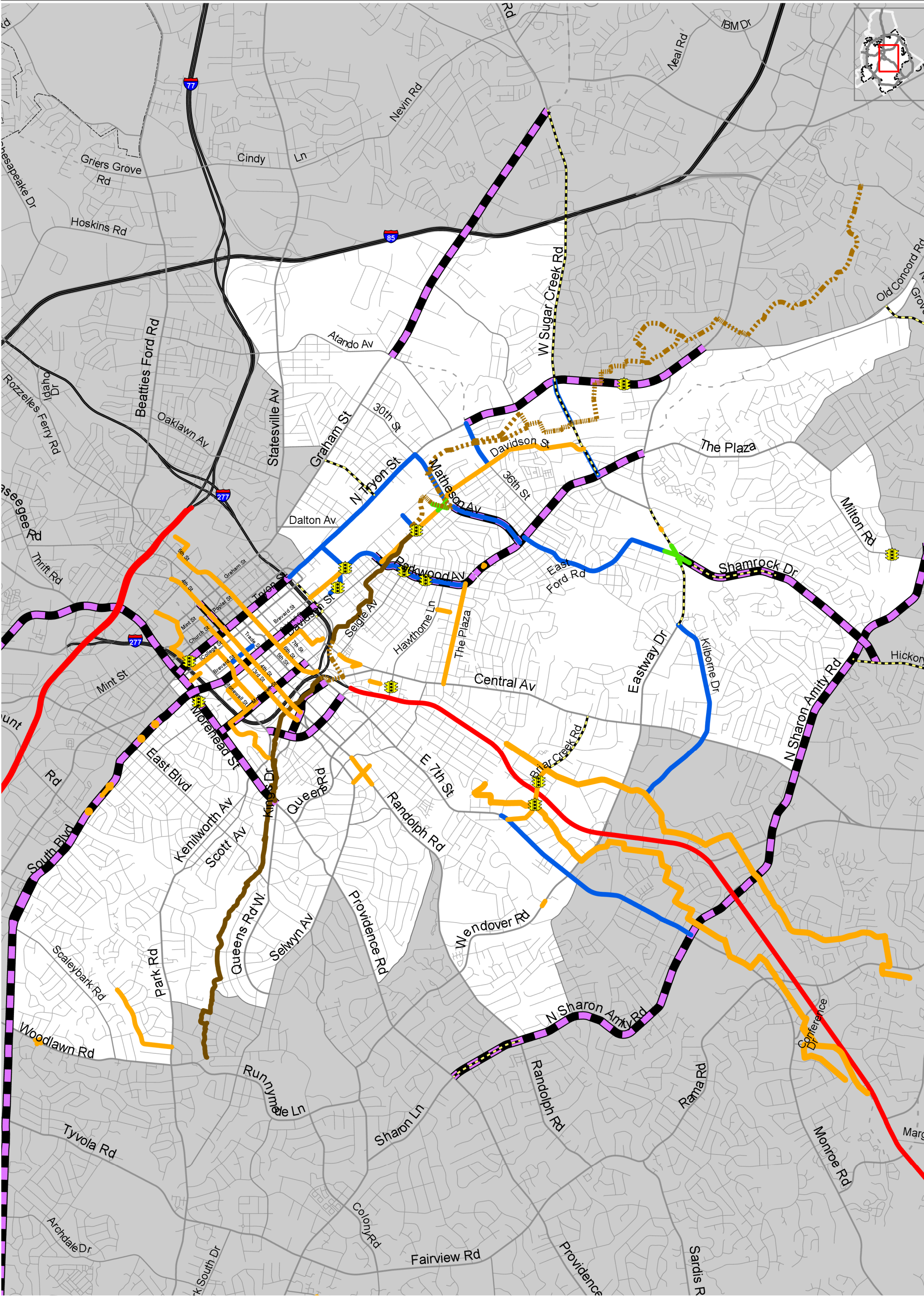
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## Active Transportation Projects





# Active Transportation Projects in District 1



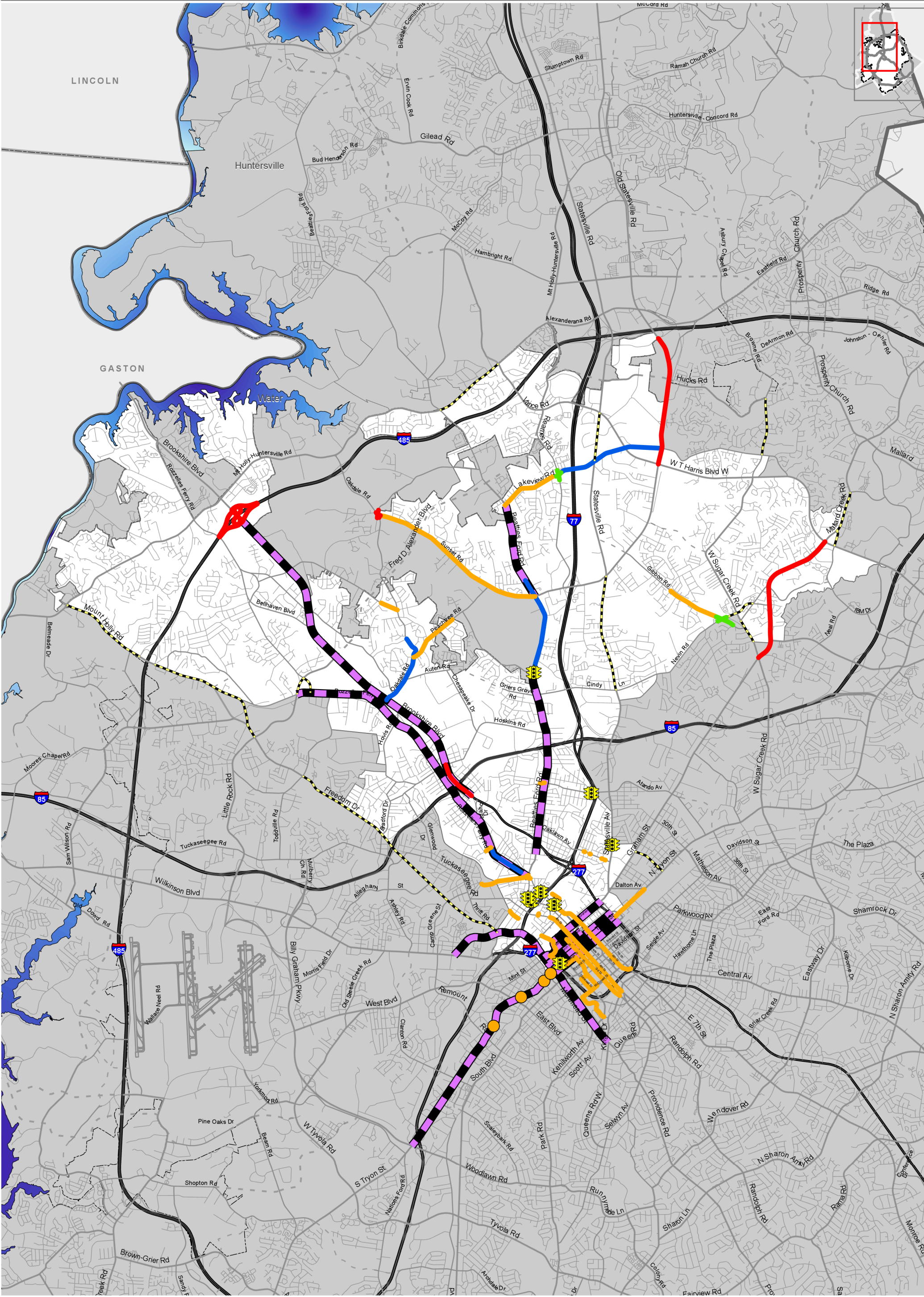
- |                                 |                            |                                |
|---------------------------------|----------------------------|--------------------------------|
| New Traffic Signal              | Intersection Projects      | Cross Charlotte Trail          |
| Traffic Communications Upgrades | NCDOT Projects             | Existing Cross Charlotte Trail |
| City Street Projects            | Bike & Pedestrian Projects | Street Lighting Improvements   |

Although every effort has been made to ensure the accuracy of information, errors and conditions originating from physical sources used to develop the corporate database may be reflected in the data supplied. Users of this data must be aware of data conditions and bear responsibility for the appropriate use of the information with respect to possible errors, original map scale, collection methodology, currency of data, and other conditions specific to certain data. The City of Charlotte makes no warranty, either expressed or implied, as to the accuracy or completeness of and information archived and distributed.





# Active Transportation Projects in District 2



- New Traffic Signal
- Bike & Pedestrian Projects
- Traffic Communications Upgrades
- NCDOT Projects
- City Street Projects
- Street Lighting Improvements
- Intersection Projects

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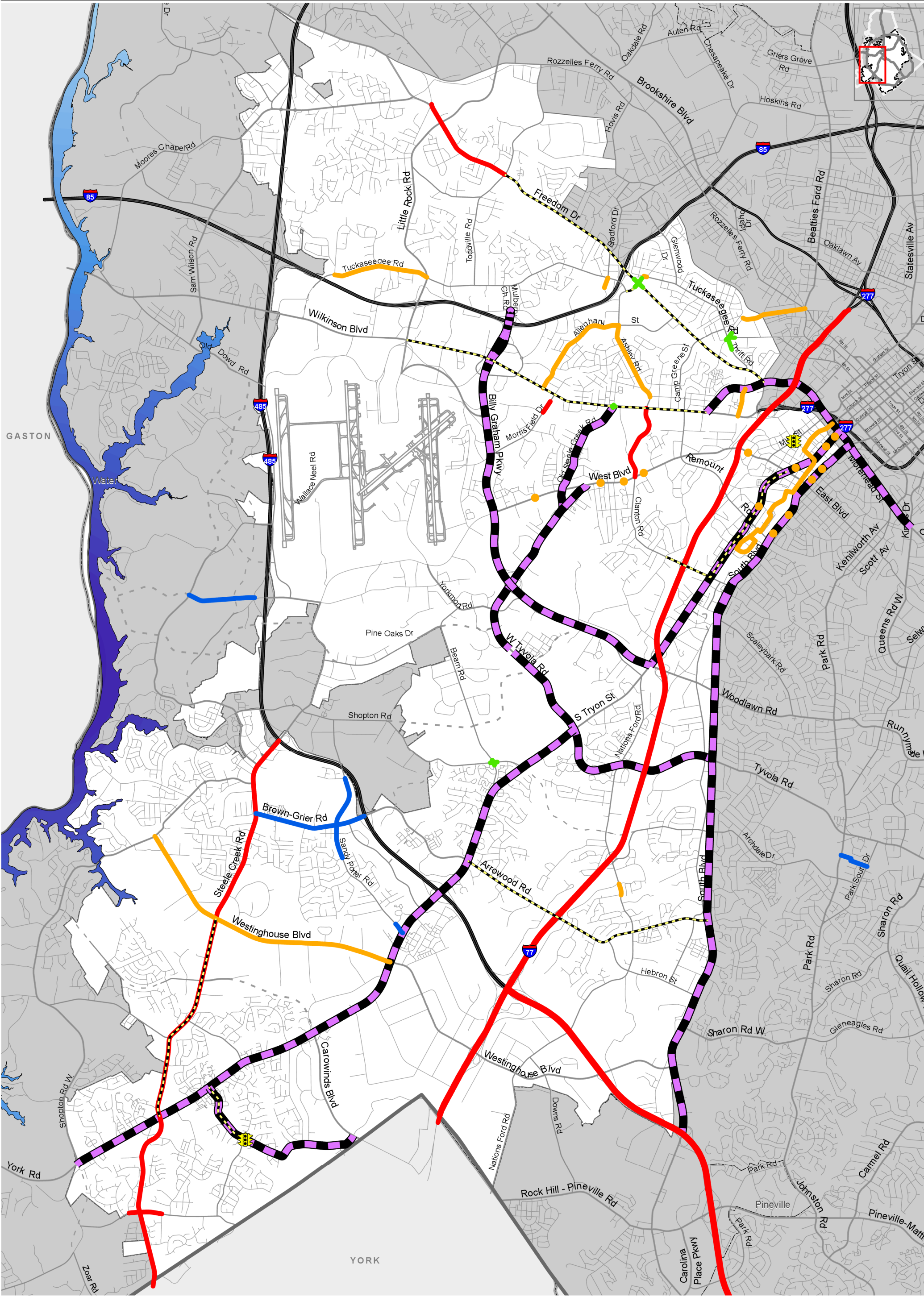
Charlotte Department of Transportation  
January 13, 2020  
GIS\CDOTProjects\ProjectFiles\District2\_ActivePlannedProjects.aprx







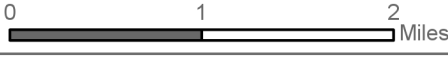
# Active Transportation Projects in District 3



- New Traffic Signal
- Bike & Pedestrian Projects
- Traffic Communications Upgrades
- NCDOT Projects
- City Street Projects
- Street Lighting Improvements
- Intersection Projects

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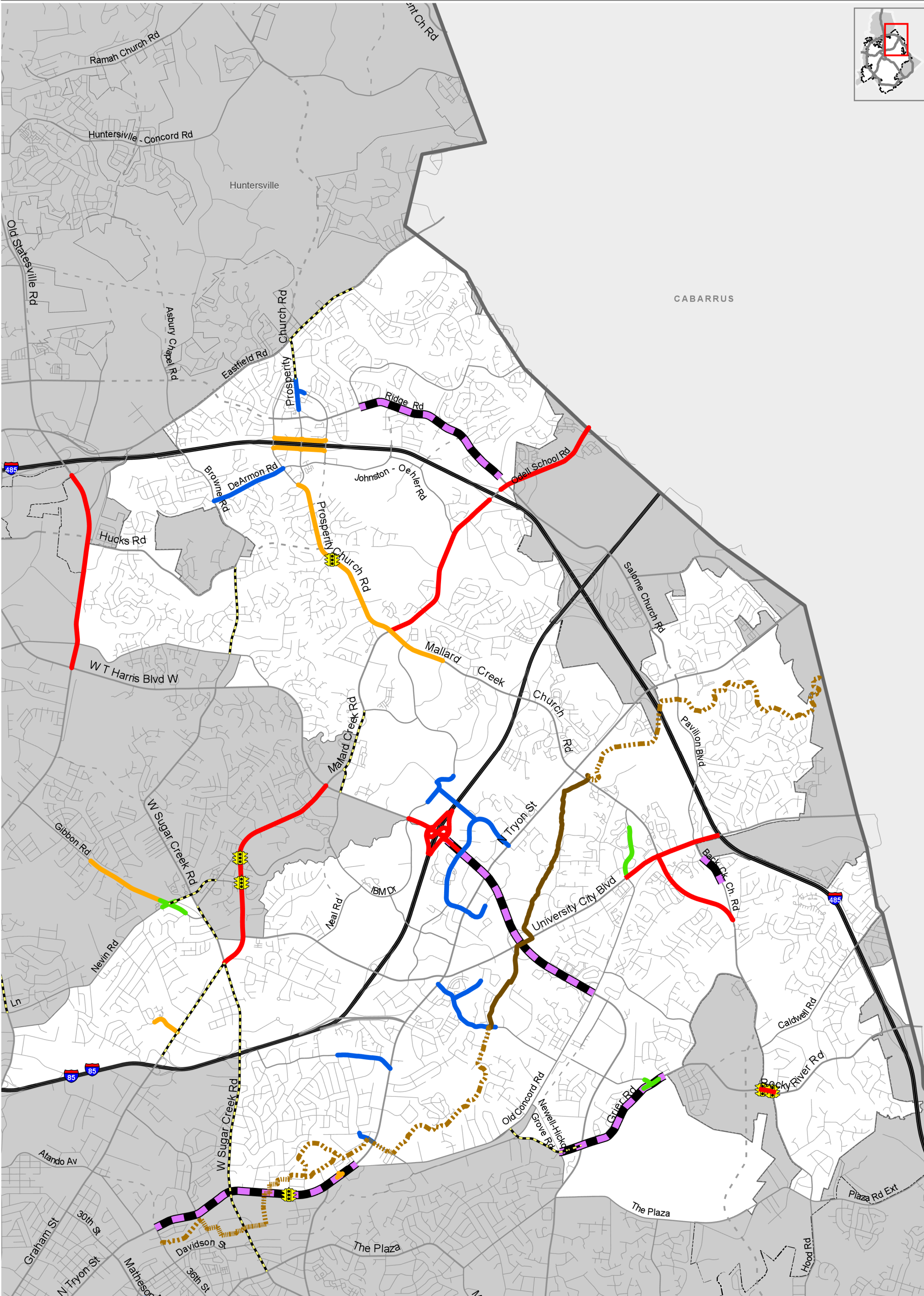
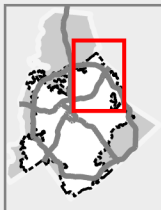
Charlotte Department of Transportation  
January 10, 2020  
GIS\CDOTProjects\ProjectFiles\District3\_ActivePlannedProjects.aprx





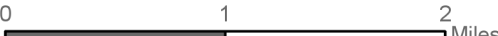


# Active Transportation Projects in District 4



- |                                 |                            |                                |
|---------------------------------|----------------------------|--------------------------------|
| New Traffic Signal              | Intersection Projects      | Cross Charlotte Trail          |
| Traffic Communications Upgrades | NCDOT Projects             | Existing Cross Charlotte Trail |
| City Street Projects            | Bike & Pedestrian Projects | Street Lighting Improvements   |

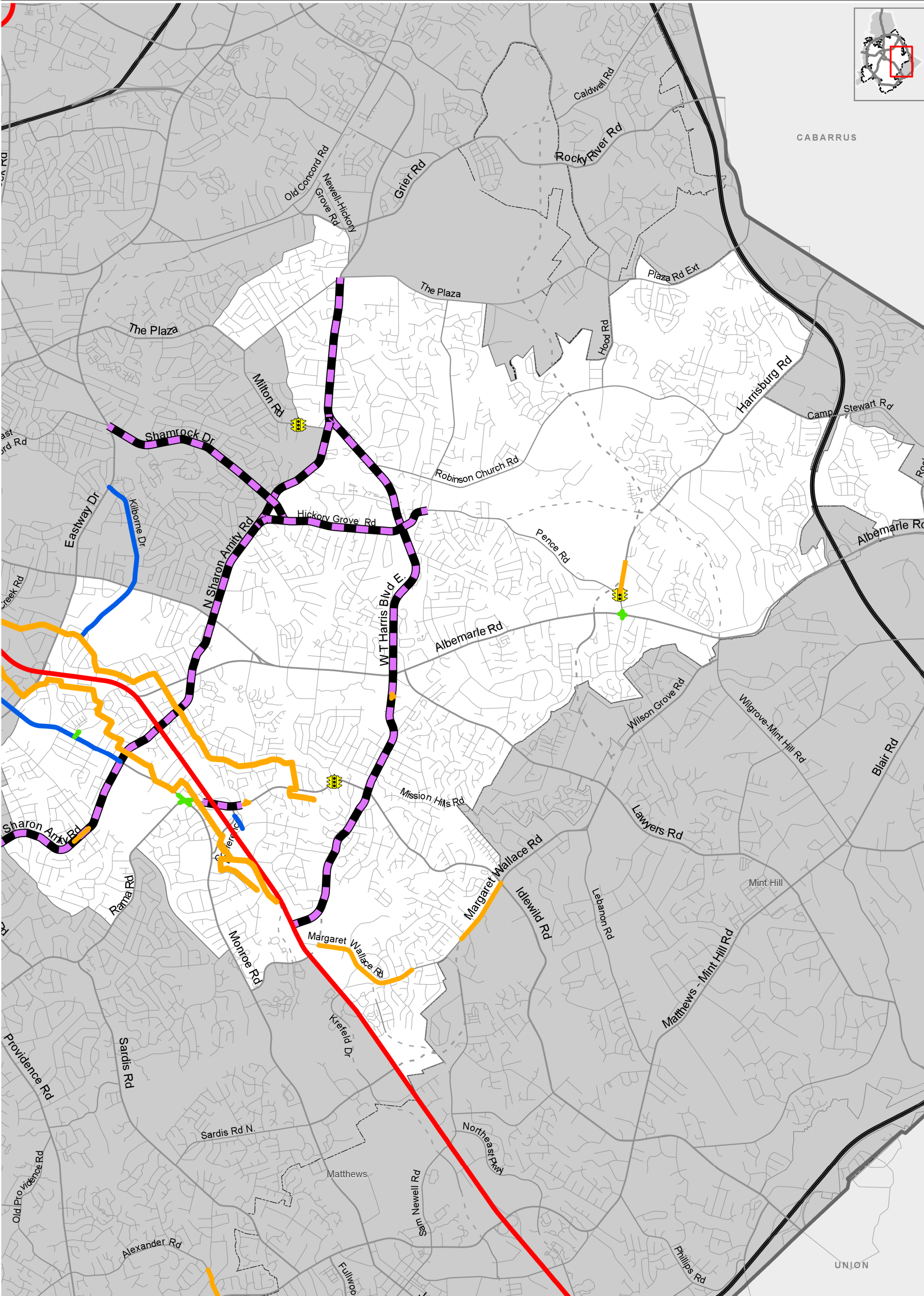
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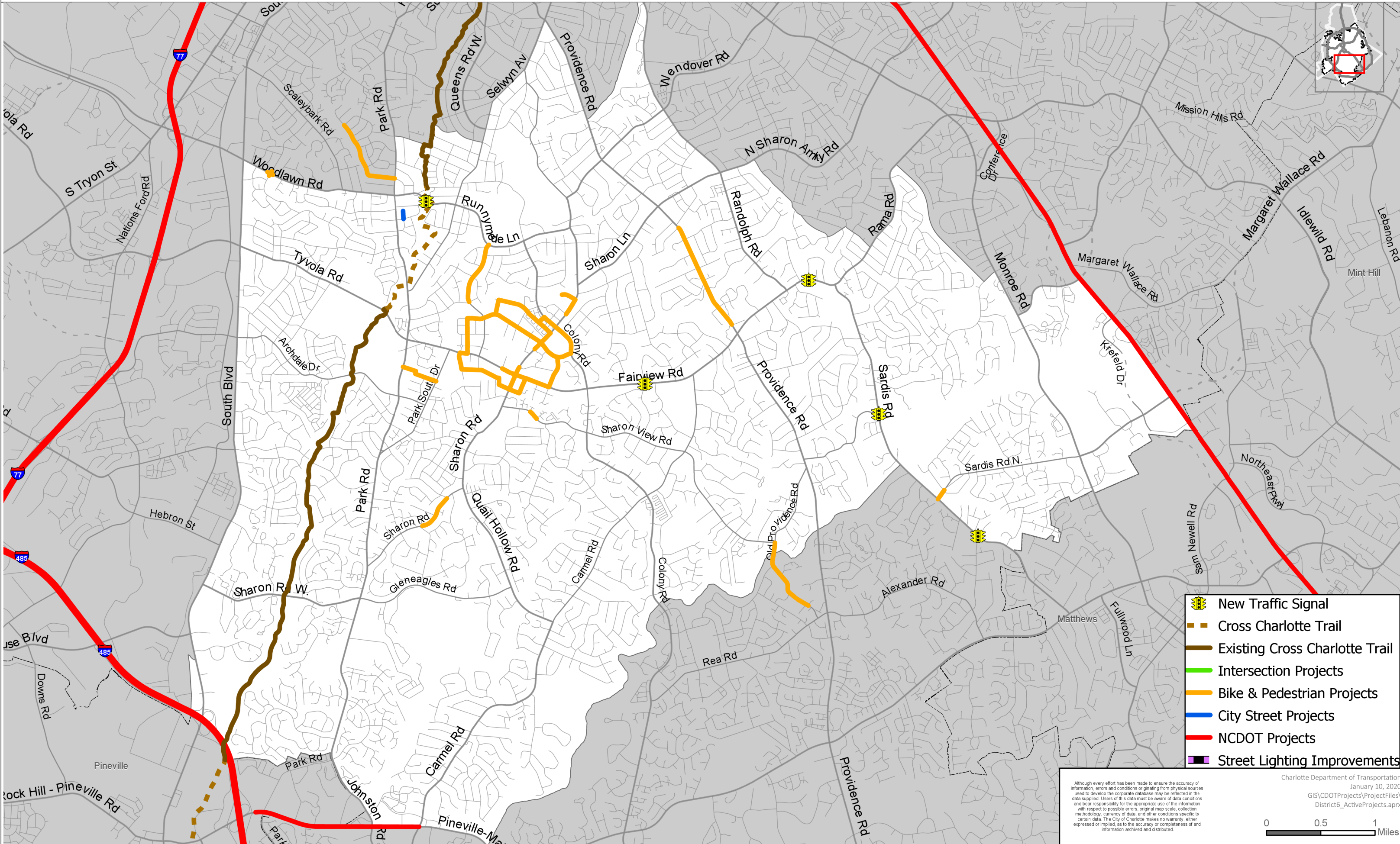
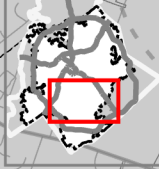
# Active Transportation Projects in District 5







# Active Transportation Projects in District 6



-  New Traffic Signal
-  Cross Charlotte Trail
-  Existing Cross Charlotte Trail
-  Intersection Projects
-  Bike & Pedestrian Projects
-  City Street Projects
-  NCDOT Projects
-  Street Lighting Improvements

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Charlotte Department of Transportation  
January 10, 2020  
GIS\CDOTProjects\ProjectFiles\  
District6\_ActiveProjects.aprx







# Active Transportation Projects in District 7

