

City of Charlotte

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



Zoning Agenda

Tuesday, January 5, 2021

**Charlotte-Mecklenburg Government Center - Virtual
Meeting**

Zoning Committee Work Session

Keba Samuel - Chairperson

Erin Barbee

Andrew Blumenthal

Peter Kelly

Elizabeth McMillian

Victoria Nwasike

Douglas Welton

Zoning Committee Work Session

Zoning Items

1. Rezoning Petition: 2019-037 by Jay Kamdar

Location: Approximately 3.08 acres located on the west side of Sam Wilson Road, north of Performance Road. (Outside City Limits; Closest to District 3 - Watlington)

Current Zoning: R-17MF LWPA (multi-family residential, Lake Wylie watershed - overlay, protected area)

Proposed Zoning: B-2 LWPA (general business, Lake Wylie watershed - overlay, protected area)

Public Hearing Held: December 21, 2020 - Item #27

Staff Resource: [Joe Mangum](#)

Staff Recommendation:

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

Attachments:

Post-Hearing Staff Analysis

Site Plan

Statement of Consistency

2. Rezoning Petition: 2019-089 by Alpa Parmar

Location: Approximately 16.7 acres located on the north side of Queen City Drive, east of Little Rock Road, south of Tuckaseegee Road, north of I-85. (Council District 3 - Watlington)

Current Zoning: R-17 MF AIR (multi-family residential, airport noise overlay)

Proposed Zoning: B-2 (CD) AIR (general business, conditional, airport noise overlay)

Public Hearing Held: December 21, 2020 - Item #28

Staff Resource: [Joe Mangum](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition upon resolution of requested technical revisions related to land use and environment.

Attachments:

Post-Hearing Staff Analysis

Site Plan

Statement of Consistency

3. Rezoning Petition: 2019-173 by McCraney Property Company

Location: Approximately 150.0 acres located off Garrison Rd, west of I-485 and south of West Blvd.
(Outside City Limits - nearest Council District 3 - Watlington)

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

Proposed Zoning: I-1 (CD) (light industrial)

Public Hearing Held: December 21, 2020 - Item #29

Staff Resource: [Joe Mangum](#)

Staff Recommendation:

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

Attachments:

Post-Hearing Staff Analysis

Site Plan

Statement of Consistency

4. Rezoning Petition: 2020-038 by Clover Group, Inc.

Location: Approximately 9.96 acres located on the east side of Steele Creek Road and south of Erwin Road. (Council District 3 - Watlington)

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

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

Public Hearing Held: December 21, 2020 - Item #31

Staff Resource: [Joe Mangum](#)

Staff Recommendation:

Staff does not recommend approval of this petition in its current form.

Attachments:

Post-Hearing Staff Analysis

Site Plan

Statement of Consistency

5. Rezoning Petition: 2020-086 by Greystar GP II, LLC

Location: Approximately 71.94 acres located on the south side of University City Boulevard, west of Interstate 485, north of Mineral Springs Road. (Council District 4 -Johnson)

Current Zoning: RE-2 (research and RE-2 (CD) (research, conditional)

Proposed Zoning: R-12 MF (CD) (multi-family residential, conditional) with five-year vested rights.

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

Staff Resource: [Michael Russell](#)

Attachments:

Post-Hearing Staff Analysis

Site Plan

Statement of Consistency

6. Rezoning Petition: 2020-088 by WSB Retail Partners, LLC

Location: Approximately 49.79 acres located along the northeast side of Prosperity Church Road and the south side of Johnston Oehler Road. (Council District 4 -Johnson)

Current Zoning: MX-1 (mixed use) and R-3 (single-family residential)

Proposed Zoning: CC (commercial center) UR-2 (CD) (urban residential, conditional) with five-years vested rights.

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

Staff Resource: [Michael Russell](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Post-Hearing Staff Analysis

Site Plan

Statement of Consistency

7. Rezoning Petition: 2020-091 by Mecklenburg County

Location: Approximately 40.85 acres located east of Nations Ford Road, west of Interstate 77, and south of Sharview Circle. (Council District 3 - Watlington)

Current Zoning: R-4 (single-family residential)

Proposed Zoning: INST (CD) (institutional, conditional)

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

Staff Resource: [Joe Mangum](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Post-Hearing Staff Analysis

Site Plan

Statement of Consistency

8. Rezoning Petition: 2020-102 by J.S. & Associates, Inc.

Location: Approximately 23.369 acres located along the northwest side of Neal Road, on the southwest side of IBM Drive, west of Highway 85. (Council District 4 -Johnson)

Current Zoning: R-8 MF (CD) (multi-family residential, conditional) and R-4 (single-family residential)

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

Public Hearing Held: December 21, 2020 - Item #34

Staff Resource: [Michael Russell](#)

Staff Recommendation:

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

Attachments:

Post-Hearing Staff Analysis

Site Plan

Statement of Consistency

9. Rezoning Petition: 2020-107 by Drakeford Communities

Location: Approximately 1.3 acres located along the east side of Briar Creek Road, north of Carolyn Drive, and south of Central Avenue. (Council District 1 - Egleston)

Current Zoning: R-4 (single-family residential)

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

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

Staff Resource: [Claire Lyte-Graham](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Post-Hearing Staff Analysis

Site Plan

Statement of Consistency

10. Rezoning Petition: 2020-111 by MR3 Development, LLC

Location: Approximately 1.61 acres located north of Dixie River Road, just west of Shopton Road. (Outside City Limits; Closest to District 3 - Watlington)

Current Zoning: R-17 MF (CD) (multi-family residential, conditional)

Proposed Zoning: CC (commercial center)

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

Staff Resource: [Joe Mangum](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Post-Hearing Staff Analysis

Site Plan

Statement of Consistency

11. Rezoning Petition: 2020-121 by James Doyle - Chamberlain Townhomes, LLC

Location: Approximately 1.10 acres located along the east side of South Turner Avenue, the west side of Bacon Avenue and south of Rozzelles Ferry Road. (Council District 2 - Graham)

Current Zoning: I-1 and R-22 MF (general industrial and multi-family residential)

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

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

Staff Resource: [Joe Mangum](#)

Staff Recommendation:

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

Attachments:

Post-Hearing Staff Analysis

Site Plan

Statement of Consistency

12. Rezoning Petition: 2020-126 by Carolina Capital Real Estate Partners

Location: Approximately 4.25 acres located along the east side of Yeoman Road, southwest of Verbena Street and west of Old Pineville Road. (Council District 3 - Watlington)

Current Zoning: I-2 (general industrial)

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

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

Staff Resource: [Claire Lyte-Graham](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Post-Hearing Staff Analysis

Statement of Consistency

13. Rezoning Petition: 2020-129 by Providence Group Capital, LLC

Location: Approximately 3.264 acres located south of the intersection of Dunavant Street and Tryon Street, northeast of Remount Road. (Council District 3 - Watlington)

Current Zoning: TOD-NC (transit-oriented development - neighborhood center)

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

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

Staff Resource: [Claire Lyte-Graham](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Post-Hearing Staff Analysis

Statement of Consistency

14. Rezoning Petition: 2020-130 by US 21 Holding Company, LLC

Location: Approximately 12.769 acres located along the west side of Statesville Road, along the north side of Lakeview Road, and east of Interstate 77. (Council District 2 - Graham)

Current Zoning: I-1 (light industrial)

Proposed Zoning: I-2 (general industrial)

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

Staff Resource: [Michael Russell](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Post-Hearing Staff Analysis

Statement of Consistency

15. Rezoning Petition: 2020-131 by John Nichols

Location: Approximately 1.54 acres located along the south side of Central Avenue, the east side of Hawthorne Lane, and north of Independence Boulevard. (Council District 1 - Egleston)

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

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

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

Staff Resource: [Claire Lyte-Graham](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Post-Hearing Staff Analysis

Statement of Consistency

16. Rezoning Petition: 2020-132 by 1124 Galloway, LLC

Location: Approximately 8.04 acres located on the north side of Galloway Road, east of Interstate 85, west of Interstate 485. (Council District 4 -Johnson)

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

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

Public Hearing Held: December 21, 2020 - Item #42

Staff Resource: [Michael Russell](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Post-Hearing Staff Analysis

Site Plan

Statement of Consistency

17. Rezoning Petition: 2020-136 by Scaffolding Solutions

Location: Approximately 8.95 acres located along the south side of W.T. Harris Boulevard, east of Old Statesville Road, and south of David Cox Road. (Council District 2 - Graham)

Current Zoning: I-1 (light industrial)

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

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

Staff Resource: [Michael Russell](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Post-Hearing Staff Analysis

Site Plan

Statement of Consistency

18. Rezoning Petition: 2020-138 by Rosemary Burt

Location: Approximately 0.472 acres located along the south side of Rutgers Avenue, the east side of Ligustrum Street, and west of Sugar Creek Road. (Council District 1 - Egleston)

Current Zoning: R-4 (single-family residential)

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

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

Staff Resource: [Michael Russell](#)

Staff Recommendation:

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

Attachments:

Post-Hearing Staff Analysis

Site Plan

Statement of Consistency

19. Rezoning Petition: 2020-139 by Red Cedar Capital Partners

Location: Approximately 12.89 acres located along the west side of Browne Road, east of Sweetbriar Ridge Drive, and north of Hucks Road. (ETJ; Closest to District 4 -Johnson)

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

Proposed Zoning: R-4 (single-family residential)

Public Hearing Held: December 21, 2020 - Item #45

Staff Resource: [Michael Russel](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Post-Hearing Staff Analysis

Statement of Consistency

20. Rezoning Petition: 2020-140 by RJS Properties, Inc.

Location: Approximately 0.53 acres located in the southeast quadrant of the intersection of Zebulon Avenue and Rozzelles Ferry Road and west of Trade Street. (Council District 2 - Graham)

Current Zoning: I-2 (CD) (industrial, conditional)

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

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

Staff Resource: [Joe Mangum](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Post-Hearing Staff Analysis

Site Plan

Statement of Consistency

21. Rezoning Petition: 2020-149 by White Point Partners

Location: Approximately 1 acre located in the western quadrant of the intersection of Kingston Avenue and south Boulevard, east of Camden Road. (Council District 3 - Watlington)

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

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

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

Staff Resource: [Claire Lyte-Graham](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Post-Hearing Staff Analysis

Statement of Consistency



Agenda Date: 1/5/2021

Agenda #: 1. **File #:** 15-14852 **Type:** Zoning Item

Rezoning Petition: 2019-037 by Jay Kamdar

Location: Approximately 3.08 acres located on the west side of Sam Wilson Road, north of Performance Road. (Outside City Limits; Closest to District 3 - Watlington)

Current Zoning: R-17MF LWPA (multi-family residential, Lake Wylie watershed - overlay, protected area)

Proposed Zoning: B-2 LWPA (general business, Lake Wylie watershed - overlay, protected area)

Public Hearing Held: December 21, 2020 - Item #27

Staff Resource: [Joe Mangum](#)

Staff Recommendation:

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

Attachments:

Post-Hearing Staff Analysis

Site Plan

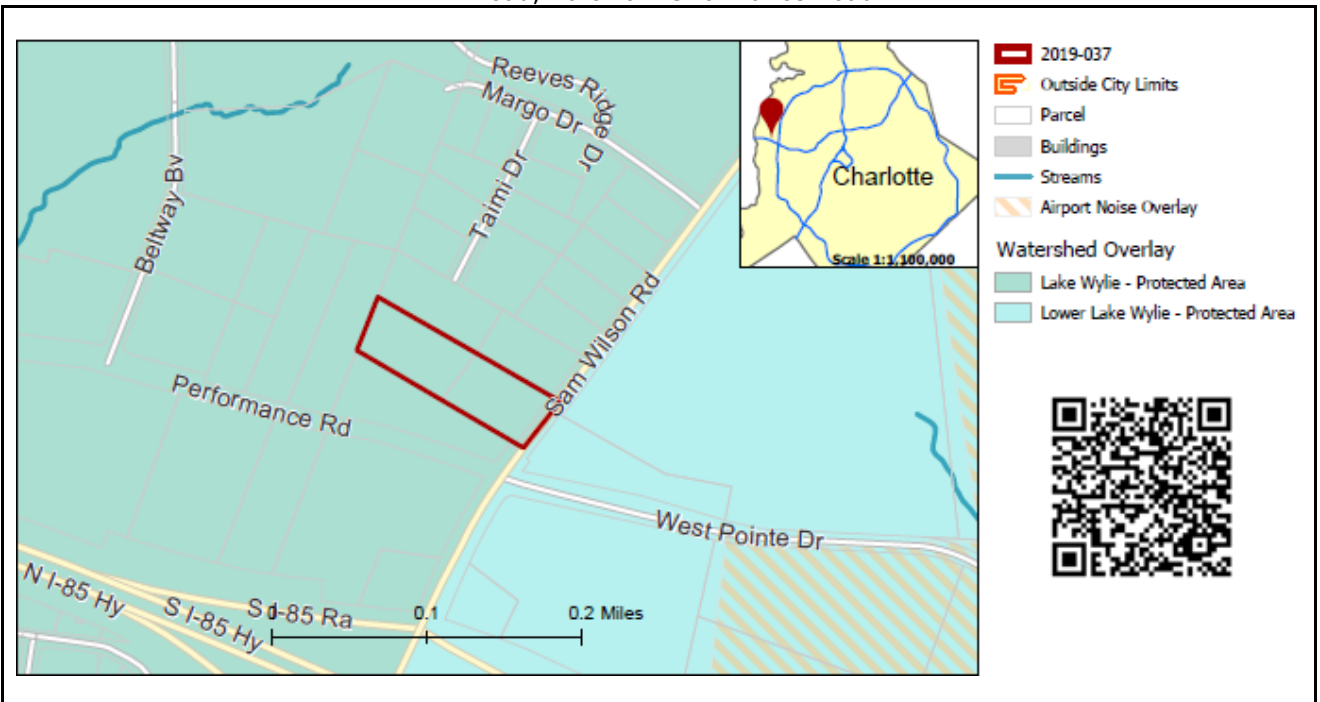
Statement of Consistency

REQUEST

Current Zoning: R-17MF LWPA (multifamily residential, Lake Wylie Protected Area)
Proposed Zoning: B-2(CD) LWPA (general business, conditional, Lake Wylie Protected Area)

LOCATION

Approximately 3.08 acres located on the west side of Sam Wilson Road, north of Performance Road.



SUMMARY OF PETITION

The petition proposes to redevelop the site to replace one single family home with uses permitted in the B-2 district.

PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE

Aryana Developers LLC
Jay Kamdar
Caren Wingate

COMMUNITY MEETING

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

STAFF RECOMMENDATION

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

Plan Consistency

The petition is **inconsistent** with the office/industrial-warehouse-distribution land use recommendation of the *Catawba Area Plan*.

Rationale for Recommendation

- The proposed uses allowed in the B-2 (general business) zoning district by this site plan, while technically inconsistent with the office/industrial-warehouse distribution land use recommendation for this site, are consistent with the non-residential land use recommendation for the surrounding area.
- The site is within the West Growth Corridor, as per the *Centers, Corridors and Wedges Growth Framework*. The *Framework* states

that areas within one mile of interstate interchanges are appropriate locations for highway-serving retail (hotels, gas stations, restaurants). The site is within ¼ mile of the Interstate 85 interchange at Sam Wilson Road.

- The petition proposes transportation improvements to mitigate the impact of the project including the addition of right and left turn lanes on Sam Wilson Road as well as a bike lane, planting strip, and sidewalk along the site's public street frontage.
- The petition proposes a buffer and fence to lessen the project's impact on adjacent single family uses.

The approval of this petition will revise the adopted future land use as specified by the *Catawba Area Plan*, from Office/Industrial-Warehouse-Distribution land uses to Retail land uses for the site.

PLANNING STAFF REVIEW

- **Background**

- The petition was originally filed as a conventional request for B-2. The petitioner has since revised the petition to B-2 conditional.

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Limits development to the following uses:
 - Health care
 - Institutions
 - Schools
 - Religious institutions
 - Retail (maximum of 10,000 square feet)
 - Car wash
 - Hotels and motels
 - Office (maximum of 40,000 square feet)
 - Banks
 - Daycares
 - Restaurants (including drive thru)
 - Neighborhood food and beverage services
- Proposes a maximum building height of 65' with an increased side yard if the building height exceeds 40'.
- Establishes a 28'6" Class B buffer with 6' high solid fence on the northern property line adjacent to single family residential uses.
- Commits to a range of transportation improvements including:
 - Left and right turn lanes into the site with appropriate tapers.
 - Provides a \$25,000 contribution to NCDOT for a future traffic signal at Sam Wilson Road & Performance Road / West Pointe Drive.
 - Dedicates 35' of right-of-way from the centerline of Sam Wilson Road.
 - Constructs the full cross section for Sam Wilson Road as noted in the Catawba Area Plan including a 7'6" bike lane, 8' planting strip, and 6' sidewalk.
- Provides site lighting standards for freestanding lighting to be fully shielded and downwardly directed.

• **Existing Zoning and Land Use**



The site is developed with one single family home. Surrounding land uses include single family residential, business, and industrial uses.



The site is developed with one single family home and is surrounded by single family residential, business, and industrial uses. The site is denoted by a red star.



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



The properties to the east of the site are developed with industrial and single family residential uses.



The property to the south of the site is vacant land.



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

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2020-049	Proposed rezoning of 156.32 acres to I-2(CD) to allow up to 1.53 million square feet gross floor area of industrial uses and outdoor storage.	Pending
2019-134	Rezoning of 1.27 acres to I-1 to permit light industrial uses.	Approved
2019-054	Rezoning of 1.93 acres to I-1 to remove conditions from a prior rezoning to I-1(CD).	Approved
2019-033	Rezoning of 9.89 acres to I-2(CD) to allow industrial uses including a contractor's office and associated parking and outdoor storage.	Approved

2019-027	Rezoning of 20.5 acres to I-2(CD) to allow up to 250,000 square feet gross floor area of industrial uses.	Approved
2017-078	Rezoning of 0.19 acres to O-1 to allow office uses in a single-family structure.	Approved
2016-049	Rezoning of 10.22 acres to I-2(CD) to permit a truck stop with fuel sales, convenience store, service shop, and fast food restaurant with drive thru.	Approved
2016-020	Rezoning of 1.92 acres to I-1(CD) to permit the display, sale, and service of vehicles, boats, and recreational vehicles.	Approved

- Public Plans and Policies**



The *Catawba Area Plan* (adopted 2010) recommends office/industrial/warehouse-distribution land uses for this site and surrounding area.

- TRANSPORTATION SUMMARY**

- This site is located on Sam Wilson Rd., a State-maintained minor thoroughfare, near the cross roads of West Pointe Dr. and Performance Rd. In coordination with NCDOT, the petitioner has agreed to make multiple transportation improvements, both vehicular and pedestrian, including a left and right turn-lane on Sam Wilson Road, and a financial contribution to NCDOT for a traffic signal at the intersection of Sam Wilson Road and West Pointe Dr./Performance Road. In accordance with City Ordinances and the City's WALKS and BIKES Policies, the petitioner has included bicycle and pedestrian improvements in the form of a 7.5-foot bike-lane, 8-foot planting strip, and 6-foot sidewalk along the site's Sam Wilson Road frontage. Site plan revisions are needed for the approval of this petition. These revisions involve labeling, and fully dimensioning the bicycle and pedestrian infrastructure and the curb and gutter.
 - Active Projects:**
 - There are no active projects in the vicinity of this site.
- Transportation Considerations**
 - See Outstanding Issues, Notes 3.
- Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 10 trips per day (based on 1 single family dwelling).
 - Entitlement: 350 trips per day (based on 52 apartments).
 - Proposed Zoning: 1,260 trips per day (based on 10,000 square feet of retail).

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

OUTSTANDING ISSUESLand Use

1. ~~Revise list of permitted uses to match names of uses found in the B-2 district of the zoning ordinance.~~ Addressed
2. ~~Clarify the distinction of the proposed land uses of institutions versus religious institutions.~~ Addressed

Transportation

3. Label and dimension each item from the existing center line of Sam Wilson Road. **Update as a result of 12-29-2020 Site Plan:** Please label and dimension these items from the existing centerline of Sam Wilson. The right-turn lane affects the dimensions shown in Exhibit A (included in the site plan), therefore, the dimensions need to be clearly identified to ensure the infrastructure is constructed in the correct location.
4. ~~Revise the site plan and conditional note(s) to include the construction of the cross section, as noted in the Catawba Area Plan, along the site's frontage on Sam Wilson Road. The bike lane, back of curb, planting strip, and sidewalk need to be labeled and dimensioned from the center line of Sam Wilson Road.~~ Addressed

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

Planner: Joe Mangum (704-353-1908)

Owner:	ARYANAN DEVELOPERS LLC
Address:	1036 SEMINOLE DR
Tax Parcel ID#:	053-142-21, 053-142-02
Total Site Acreage:	3.08 Acres
Existing Zoning:	R-17MF
Proposed Zoning:	B-2 (CD), Lake Wylie PA
Parking:	As allowed per zoning ordinance
Max. Building Height:	65' (increased side yard if over 40')

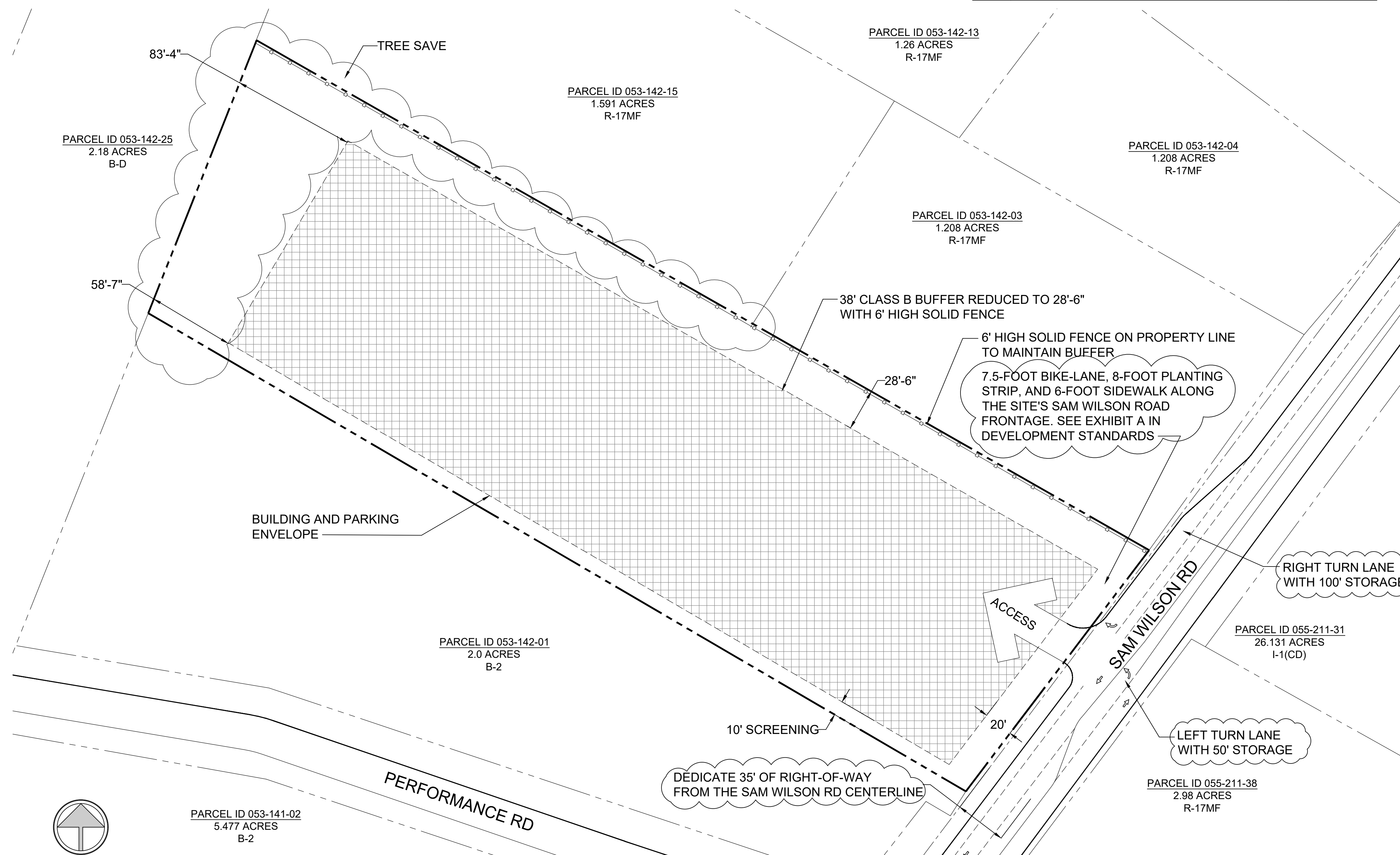


03	SITE DATA
----	-----------

scale:	NTS
--------	-----

04	VICINITY MAP
----	--------------

scale:	NTS
--------	-----



01	SITE PLAN
----	-----------

scale: 1"=40'

General Standards

General Standards

- A. Development of the site will be controlled by the standards depicted on this site plan and by the standards of the Zoning Ordinance. The development depicted on this plan is intended to reflect the arrangement of proposed uses on the site, but the exact configuration, placement, and size of individual site elements may be altered or modified within the limits prescribed by the Zoning Ordinance as provided by Section 6.207 of the Zoning Ordinance.
- B. The Petitioner acknowledges that other standard development requirements imposed by other Charlotte ordinances, such as those that regulate streets, sidewalks, trees, bicycle parking, and site development may apply to the development of the site. These are not zoning regulations, are not administered by the Zoning Administrator and are not separate zoning conditions imposed by the site plan. Unless specifically noted in the conditions for the site plan, these other standard development requirements will be applied to the development of the site as defined by those other Charlotte ordinances.
- C. Throughout this site plan, the terms "Owner" or "Petitioner" shall, with respect to the site, be deemed to include the heirs, devisees, personal representatives, successors in interest and assignees of the Owner of the site who may be involved in its development from time-to-time.
- D. Alterations to the Conditional Zoning Plan are subject to Section 6.207 of the Zoning Ordinance.

Permitted Uses

- A. The petitioner request the following uses to be allowed with the exception of Residential dwellings: Clinics (medical, dental and optical), schools, religious institutions, retail establishments (max 10,000 SF), car washes, hotels and motels, offices (max 40,000 SF) financial institutions, child care centers and eating, drinking and entertainment establishments.

Transportation

- A. Vehicular access to this site shall be limited to one driveway as depicted on the site plan.
- B. A left-turn lane, into the site, with a 50-foot taper between the site's left-turn lane and the southbound left-turn lane to turn onto West Pointe Drive.
- C. A right-turn lane into the site with 100-feet of storage and an appropriate taper.
- D. Provide a \$25,000 contribution to NCDOT for the future traffic signal at Sam Wilson Rd. and Performance Rd./West Pointe Dr.
- E. Dedicate 35-feet of right-of-way from the Sam Wilson Road centerline.
- F. Construct an 8-foot planting strip and 6-foot sidewalk along Sam Wilson Road per Chapter 19 of the City Code.
- G. Include the construction of the cross section, as noted in the Catawba Area Plan, along the site's frontage on Sam Wilson Road. The bike lane, back-of-curb, planting strip, and sidewalk will be labeled and dimensioned from the center line of Sam Wilson Road. See Exhibit A below.
- H. Dedication and fee simple conveyance of all rights of way to the NCDOT before the site's first building certificate of occupancy is issued. CDOT requests right of way set at 2' behind back of sidewalk where feasible.
- I. All transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued.

Architectural Standards

- A. Reserved

Parking

- A. Parking areas are generally depicted on this site plan.

Environmental Standards

- Environmental Standards**
- A. All requirements of the City of Charlotte Tree Ordinance shall be met with this development.
- B. All requirements of the City of Charlotte Post Construction Stormwater Ordinance (PSCO) shall be met with this development.

Streetscape/Landscaping

- A. All buffers shall meet minimum requirements.
- B. In the event that an adjacent parcel of land is either zoned to a zoning district or devoted to a use that eliminates or reduces the buffer requirements on the site, the Petitioner may reduce or eliminate, as the case may be, the relevant buffer areas set out on this site plan accordingly.

Parks, Greenways, and Open Space

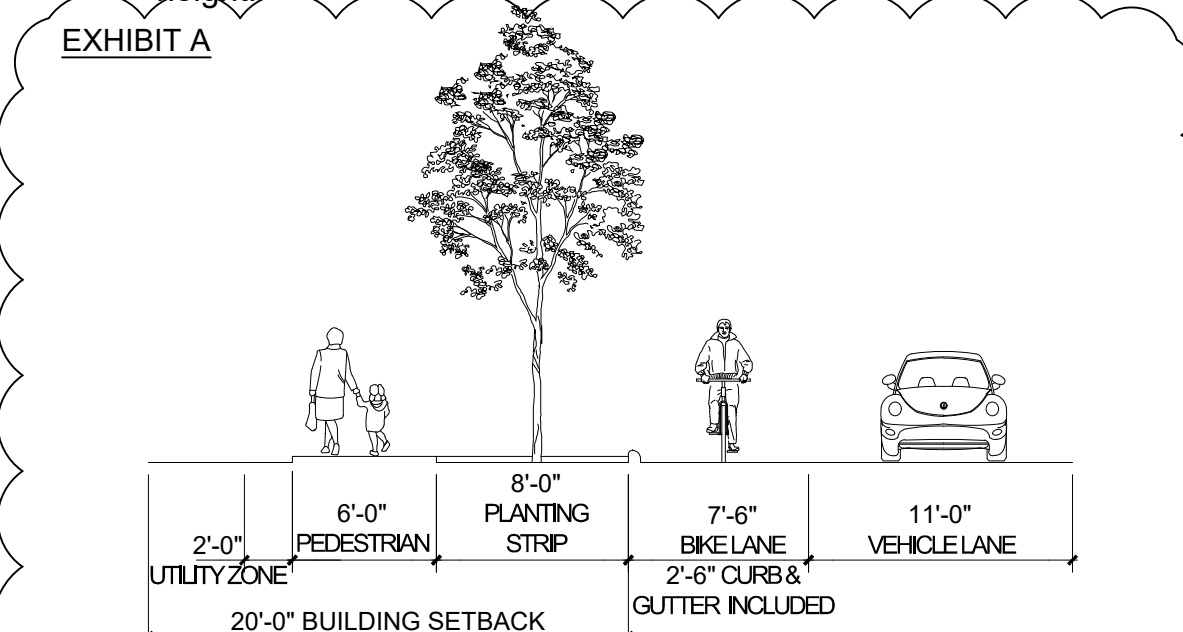
- Reserved

Fire Protection

- Reserved

Lighting

- A. Freestanding light will be fully shielded and downwardly directed. All new, detached lighting installed on the site will be limited to 21' in height.



02 | DEVELOPMENT STANDARDS



2010 south tryon st., suite 1a
charlotte, nc 28203
704.332.1615
www.oda.us.com

FOR REZONING

2528 SAM WILSON RD
CHARLOTTE, NORTH CAROLINA
ODA Project No. 203486

PETITION NO. 2019-037

06.15.2020

[illegible]

SITE PLAN

RZ-1

Copyright 2020 ODA ARCHITECTURE

Petition 2019-037 by Jay Kamdar

To Approve:

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

- The plan recommends office/industrial-warehouse-distribution

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

- The proposed uses allowed in the B-2 (general business) zoning district by this site plan, while technically inconsistent with the office/industrial-warehouse distribution land use recommendation for this site, are consistent with the non-residential land use recommendation for the surrounding area.
- The site is within the West Growth Corridor, as per the Centers, Corridors and Wedges Growth Framework. The Framework states that areas within one mile of interstate interchanges are appropriate locations for highway-serving retail (hotels, gas stations, restaurants). The site is within ¼ mile of the Interstate 85 interchange at Sam Wilson Road.
- The petition proposes transportation improvements to mitigate the impact of the project including the addition of right and left turn lanes on Sam Wilson Road as well as a bike lane, planting strip, and sidewalk along the site's public street frontage.
- The petition proposes a buffer and fence to lessen the project's impact on adjacent single family uses.

The approval of this petition will revise the adopted future land use as specified by the *Catawba Area Plan*, from Office/Industrial-Warehouse-Distribution land uses to Retail land uses for the site.

To Deny:

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

- The plan recommends office/industrial-warehouse-distribution

(Therefore, we find) this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

Motion:

Approve or Deny

Maker:

2ND:

Vote:

Dissenting:

Recused:



Agenda Date: 1/5/2021

Agenda #: 2. **File #:** 15-14853 **Type:** Zoning Item

Rezoning Petition: 2019-089 by Alpa Parmar

Location: Approximately 16.7 acres located on the north side of Queen City Drive, east of Little Rock Road, south of Tuckaseegee Road, north of I-85. (Council District 3 - Watlington)

Current Zoning: R-17 MF AIR (multi-family residential, airport noise overlay)

Proposed Zoning: B-2 (CD) AIR (general business, conditional, airport noise overlay)

Public Hearing Held: December 21, 2020 - Item #28

Staff Resource: [Joe Mangum](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition upon resolution of requested technical revisions related to land use and environment.

Attachments:

Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

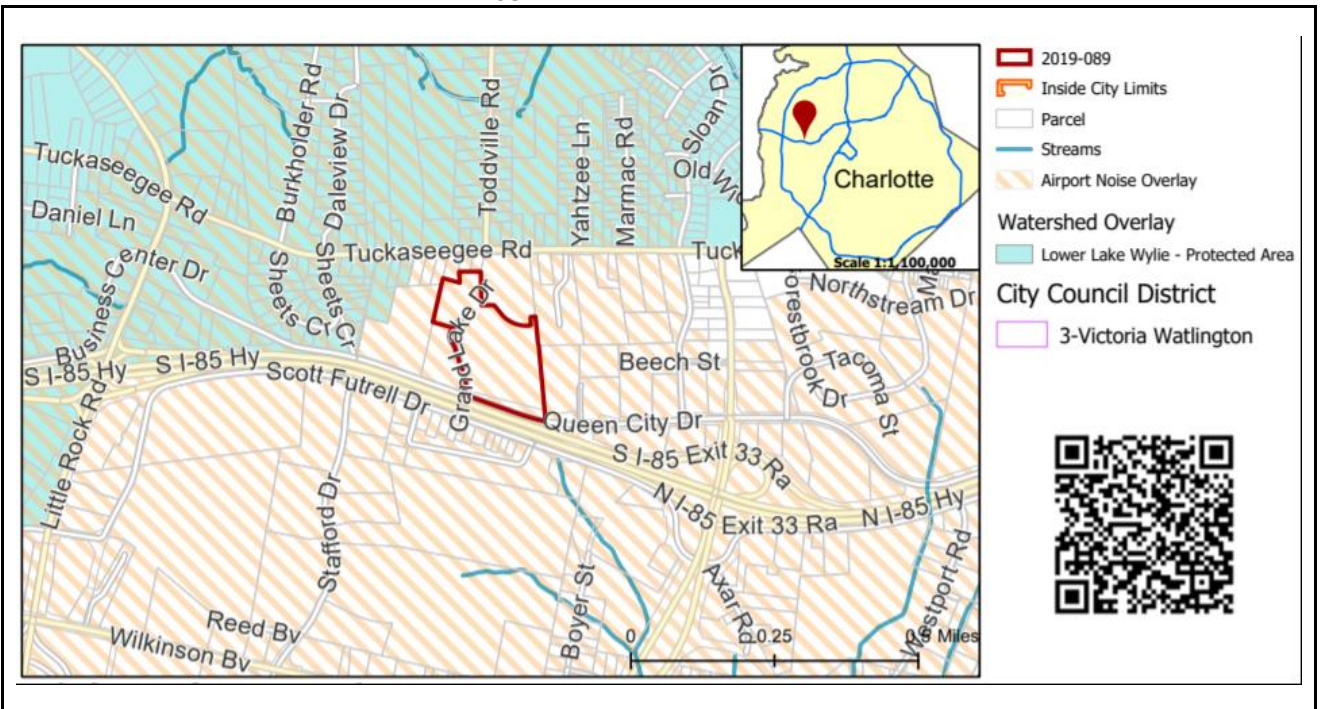
REQUEST

Current Zoning: R-17MF AIR (multifamily residential, airport noise overlay)

Proposed Zoning: B-2(CD) AIR (general business, conditional, airport noise overlay)

LOCATION

Approximately 16.7 acres located on the north side of Queen City Drive, east of Little Rock Road, south of Tuckaseegee Road, north of I-85.



SUMMARY OF PETITION

The petition proposes all uses permitted in the B-2 zoning district, including retail, hotels and restaurants on a vacant parcel of land.

PROPERTY OWNER

Royal Panthera LLC

PETITIONER

Alpa Parmar

AGENT/REPRESENTATIVE

Caren Wingate

COMMUNITY MEETING

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

Number of people attending the Community Meeting: 9

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition upon resolution of a requested technical revision related to land use and environment.

Plan Consistency

The petition is **inconsistent** with the office/business park land uses recommended for this site, as per the *Westside Strategic Plan*.

Rationale for Recommendation

- The proposed site plan is inconsistent with the office/business park land uses recommended for this site, but the retail, restaurant, and hotel uses proposed are compatible with surrounding land uses.

- The site is located along a frontage road to Interstate 85, just north of Charlotte-Douglas International Airport, where retail and hotel uses are appropriate.
- The proposed uses compliment recent hotel developments in the area.
- A 56.25' Class B buffer with 6' solid fence around the perimeter of the site will provide screening of the project from adjacent properties, including single family homes to the northwest of the site.

The approval of this petition will revise the adopted future land use as specified by the *Westside Strategic Plan*, from office/business park land uses to retail land uses for the site.

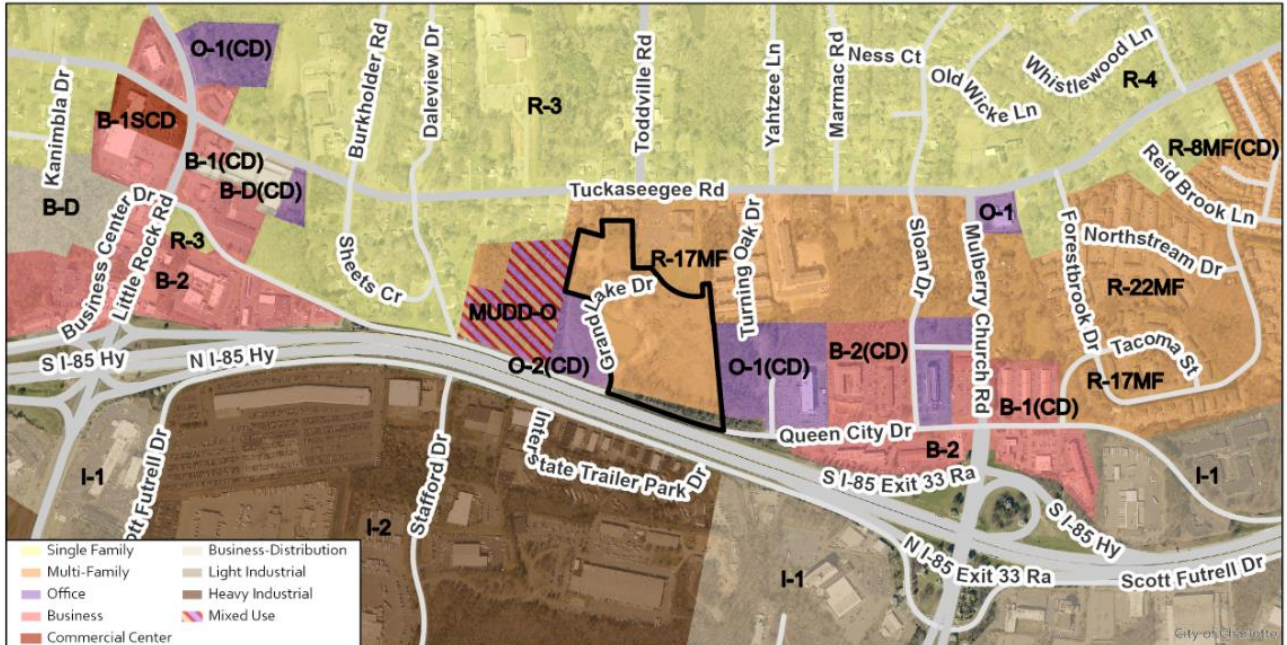
PLANNING STAFF REVIEW

• **Proposed Request Details**

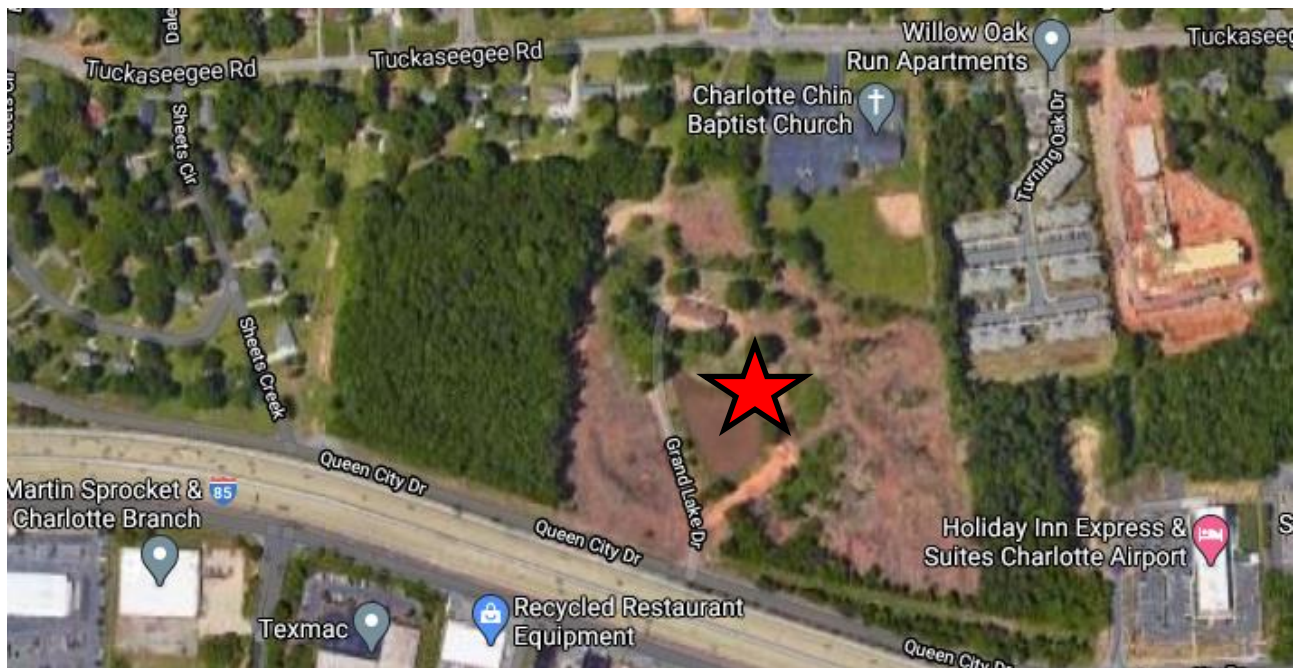
The site plan accompanying this petition contains the following provisions:

- Allows up to 25,000 square feet of uses permitted in the B-2 district.
- Permits up to 450 hotel rooms or 450,000 square feet of hotel uses.
- Establishes architectural guidelines including building materials, blank wall limitations, and minimum transparency requirements.
- Requires a lighting plan for public and private streets and specifies that all lighting will contain shut-off shields.
- Requires a master landscaping plan for the site.
- Provides a 56.25' Class B buffer with 6' high solid fence around the perimeter of the site.
- Proposes the following transportation improvements:
 - 8' planting strip and 5' sidewalk on all internal public and private streets.
 - Relocates the curb and gutter on Queen City Drive to be 19' from the street's existing centerline to accommodate three 11' travel lanes.
 - Dedicate 36' of right of way from Queen City Drive centerline.
 - Install 8' planting strip and 6' sidewalk on Queen City Drive.
 - Provide future connectivity to Tuckaseegee Road and to the parcels east and west of the site.
 - Implement a NB Queen City Drive left turn lane with 150' of storage.
 - Implement Grand Lake Drive approach at Queen City Drive that includes 3 travel lanes (13' receiving lane, 11' right turn lane, and 11' left turn lane).
 - Provide a 100' minimum driveway stem before first internal driveway on Grand Lake Drive from Queen City Drive.
 - Construct Grand Lake Drive and connector streets to adjacent parcels to local office/commercial narrow street standards.
 - Complete improvements outlined in the Traffic Impact Study at Little Rock Road & Queen City Drive, Mulberry Church Road & Queen City Drive, Billy Graham Parkway & I-85 NB Ramps, Queen City Drive & Grand Lake Drive, Queen City Drive & Access B.
 - Complete all transportation improvements and dedicate and convey rights of way to the City prior to the site first building certificate of occupancy.

- Existing Zoning and Land Use



The subject site is vacant land and is surrounded by vacant land, single family homes, apartments, a church, and a hotel.



The subject parcel is denoted by a red star.



The subject parcel is vacant land containing a pond.



The properties to the north along Tuckaseegee Road are developed with single family homes and a church.



The properties to the east of the site are developed with a hotel and apartments.

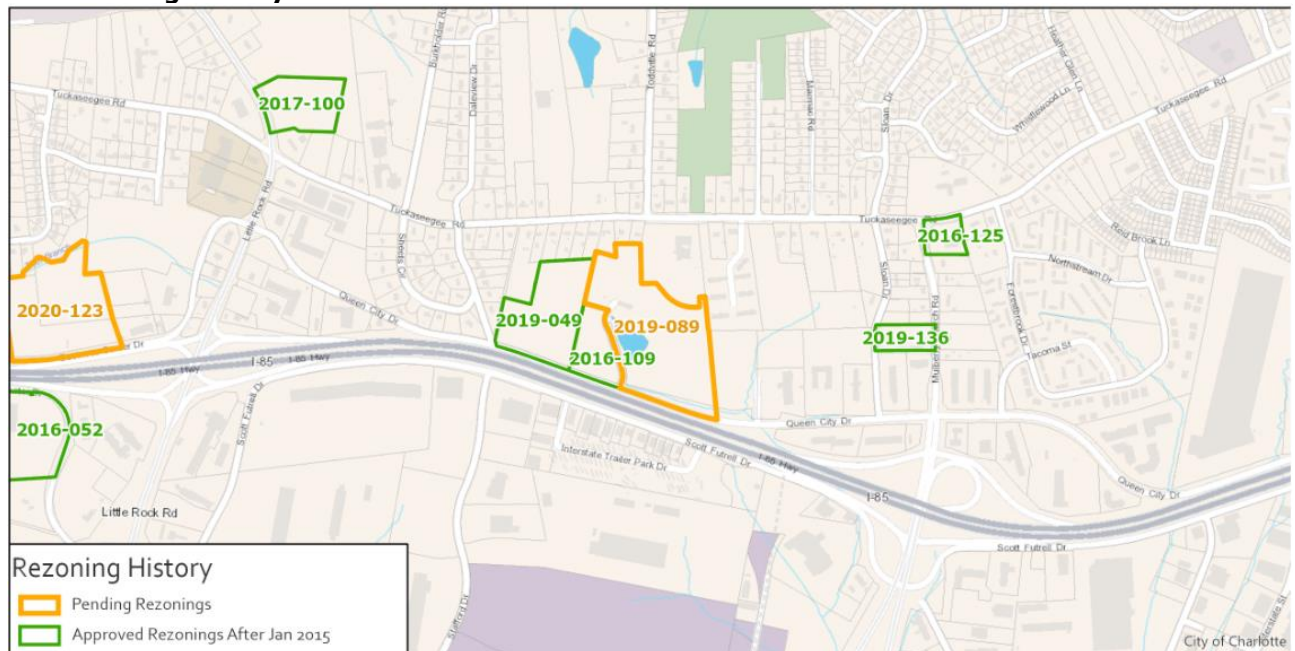


The property to the south of the site is developed with Interstate 85.



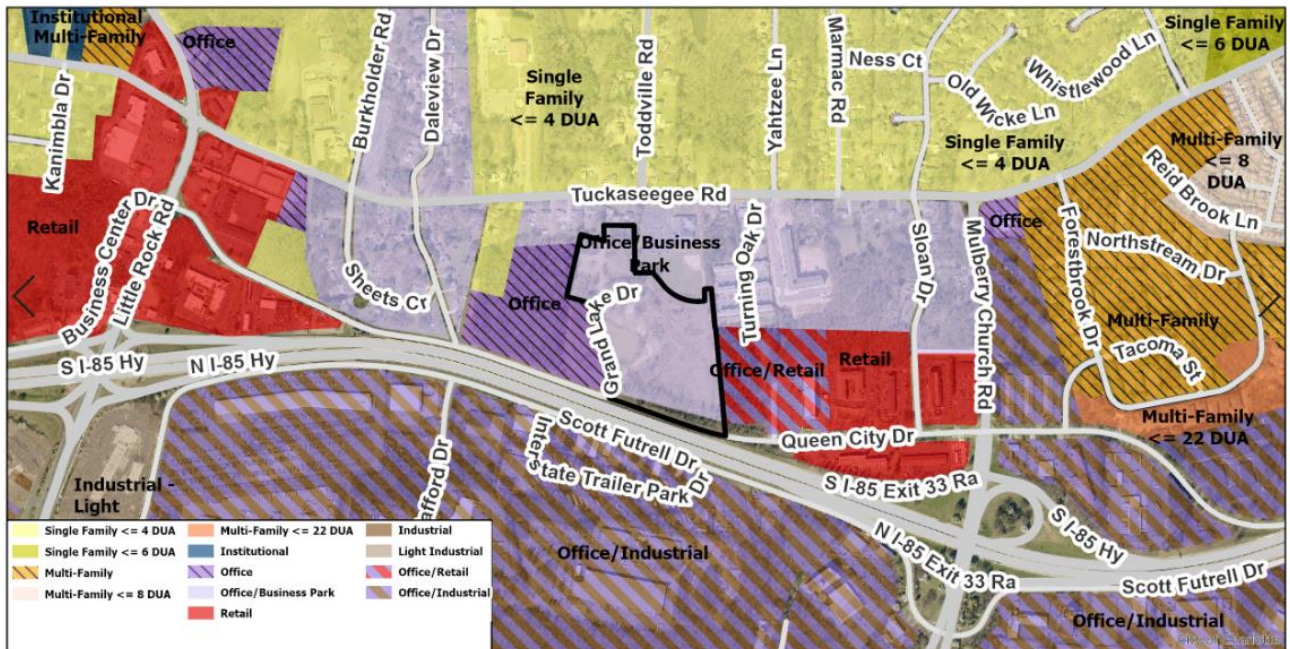
The property to the west of the site is wooded, undeveloped land.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2020-123	The petition seeks to rezone 13.22 acres to I-1(CD) to permit a 175,000 square foot building housing light industrial uses.	Pending
2019-136	The petition rezoned 1.89 acres to O-1(CD) SPA to allow the development of a hotel.	Approved
2019-049	The petition rezoned 9 acres to MUDD-O to allow the development of a hotel.	Approved
2017-100	The petition rezoned 5.4 acres to O-1(CD) to permit the development of two hotels.	Approved
2016-125	The petition rezoned 1.8 acres to O-1 to allow all uses permitted in the O-1 district.	Approved
2016-109	The petition rezoned 3.3 acres to O-2(CD) to permit development of a hotel.	Approved
2016-052	The petition rezoned 8.32 acres to I-1 to allow all uses permitted in the I-1 district.	Approved

- **Public Plans and Policies**



The *Westside Strategic Plan* (adopted 2000) recommends office/business park land uses for this site, as it's located just north of Interstate 85 and Charlotte Douglas International Airport.

- **TRANSPORTATION CONSIDERATIONS**

- The 20-acre site is located on Queens City Drive, a major collector, State-maintained road. The Traffic Impact Study (TIS) was approved on August 18, 2020. As a result of the TIS, transportation improvements will occur on the following streets and at multiple intersections along Little Rock Road, Queen City Drive, and Billy Graham Parkway, and the I-85 Northbound and Southbound Ramps. Additionally, the petitioner will construct street stubs for future connectivity and will provide an internal and external pedestrian network. There are no outstanding CDOT issues.
- No outstanding issues.
- **Vehicle Trip Generation:**
Current Zoning:
Existing Use: 0 trips per day (based on vacant land).
Entitlement: 2,540 trips per day (based on 341 apartments).
Proposed Zoning: 6,605 trips per day (based on 25,000 square feet of restaurant uses and 450 hotel rooms).

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 comments submitted.
- **Charlotte-Douglas International Airport:** No comments submitted.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Historic Landmarks:** No comments submitted.
- **Charlotte-Mecklenburg Police Department:** No comments submitted.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 161 students, while the development allowed under the proposed zoning may produce 209 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 48 students.
 - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
 - Example Elementary from 114% to 130%
 - Example Middle from 82% to 86%

- Example High from 83% to 86%.
- **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 is accessible for this rezoning boundary. See advisory comments at www.rezoning.org
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No comments submitted.
 - **Land Development:** See Requested Technical Revisions, Note 1.
 - **Storm Water Services:** See advisory comments at www.rezoning.org
 - **Urban Forestry:** No comments submitted.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments submitted.
- **Mecklenburg County Parks and Recreation Department:** No comments submitted.

REQUESTED TECHNICAL REVISIONS

Environment

1. ~~Please add the following note under an Environmental Features heading: "Development within any SWIM/PCSO Buffer shall be coordinated with and subject to approval by Charlotte-Mecklenburg Storm Water Services and mitigated if required by City ordinance. 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
2. Urban Forestry needs to have the note: "Site will comply with the City of Charlotte's Chapter 21-- Tree Ordinance." Added to the plans.

Land Use

3. Match proposed permitted uses to uses specifically mentioned in the zoning ordinance.

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

Planner: Joe Mangum (704) 353-1908

scale: 1"=40'

Petition 2019-089 by Alpa Parmar

To Approve:

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

- The plan recommends office/business park land uses.

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

- The proposed site plan is inconsistent with the office/business park land uses recommended for this site, but the retail, restaurant, and hotel uses proposed are compatible with surrounding land uses.
- The site is located along a frontage road to Interstate 85, just north of Charlotte-Douglas International Airport, where retail and hotel uses are appropriate.
- The proposed uses compliment recent hotel developments in the area.
- A 56.25' Class B buffer with 6' solid fence around the perimeter of the site will provide screening of the project from adjacent properties, including single family homes to the northwest of the site.

The approval of this petition will revise the adopted future land use as specified by the *Westside Strategic Plan*, from office/business park land uses to retail land uses for the site.

To Deny:

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

- The plan recommends office/business park land uses.

(Therefore, we find) this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

Motion:

Approve or Deny

Maker:

2ND:

Vote:

Dissenting:

Recused:



Agenda Date: 1/5/2021

Agenda #: 3.**File #:** 15-14854 **Type:** Zoning Item

Rezoning Petition: 2019-173 by McCraney Property Company

Location: Approximately 150.0 acres located off Garrison Rd, west of I-485 and south of West Blvd.
(Outside City Limits - nearest Council District 3 - Watlington)

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

Proposed Zoning: I-1 (CD) (light industrial)

Public Hearing Held: December 21, 2020 - Item #29

Staff Resource: [Joe Mangum](#)

Staff Recommendation:

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

Attachments:

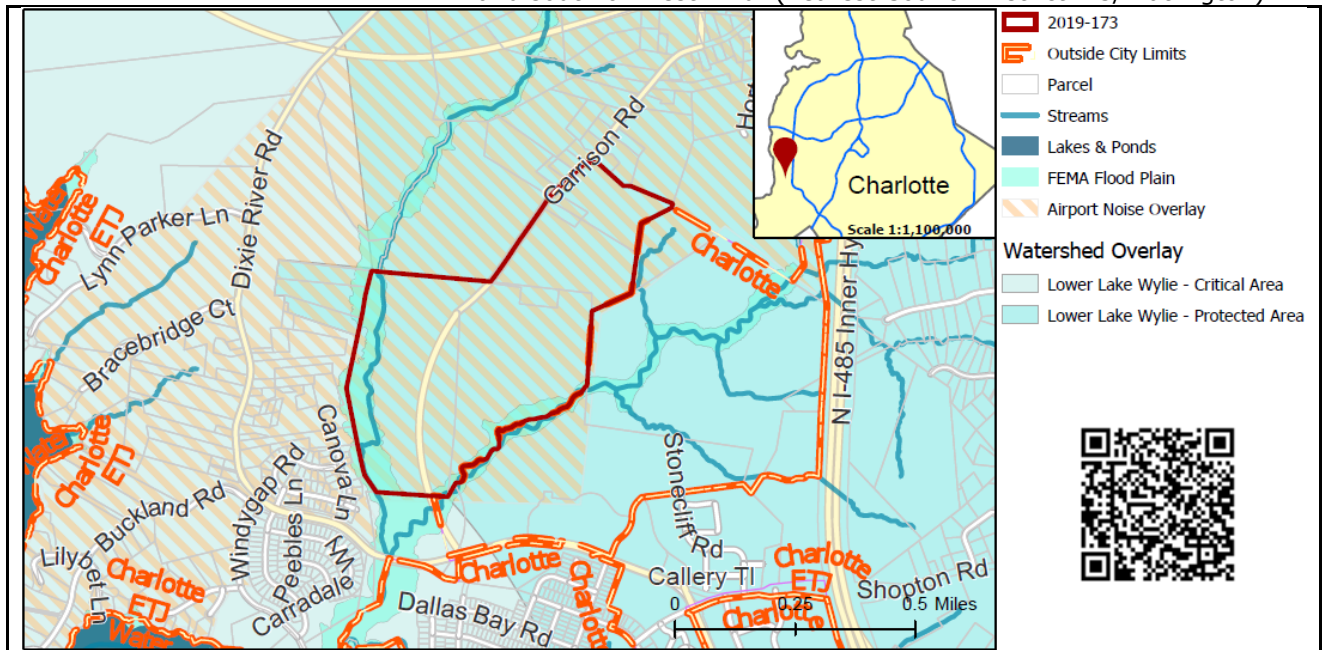
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

REQUEST

Current Zoning: R-3 AIR LLWPA (single family residential, airport noise overlay, Lower Lake Wylie Protected Area)
Proposed Zoning: I-1(CD) AIR LLWPA (light industrial, conditional, airport noise overlay, Lower Lake Wylie Protected Area)

LOCATION

Approximately 150.0 acres located off Garrison Rd, west of I-485 and south of West Blvd. (nearest Council District – 3/Watlington)



SUMMARY OF PETITION

The petition proposes to allow 1,450,000 square feet gross floor area of light industrial uses on a property currently occupied by six single family dwellings.

PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE COMMUNITY MEETING

Multiple parcel owners (see application at www.rezoning.org)
McCraney Property Company
John Carmichael, Robinson Bradshaw

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

STAFF RECOMMENDATION

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

Plan Consistency

The petition is **consistent** with the office/retail/light industrial land uses recommended for the site as per the *Dixie Berryhill Strategic Plan*.

Rationale for Recommendation

- The proposed uses are consistent with the light industrial land use recommended for the site.
- The site is in close proximity to Charlotte Douglas International Airport as well the Interstate 485 interchange with West Boulevard.
- The site is adjacent to rezoning petition 2017-189, which rezoned 46.2 acres to I-1(CD).

- The petition's site plan commits to a range of transportation improvements that will be beneficial to adjacent properties.
- The petition commits to extending Garrison Road south to Dixie River Road, which will improve mobility in the surrounding community.

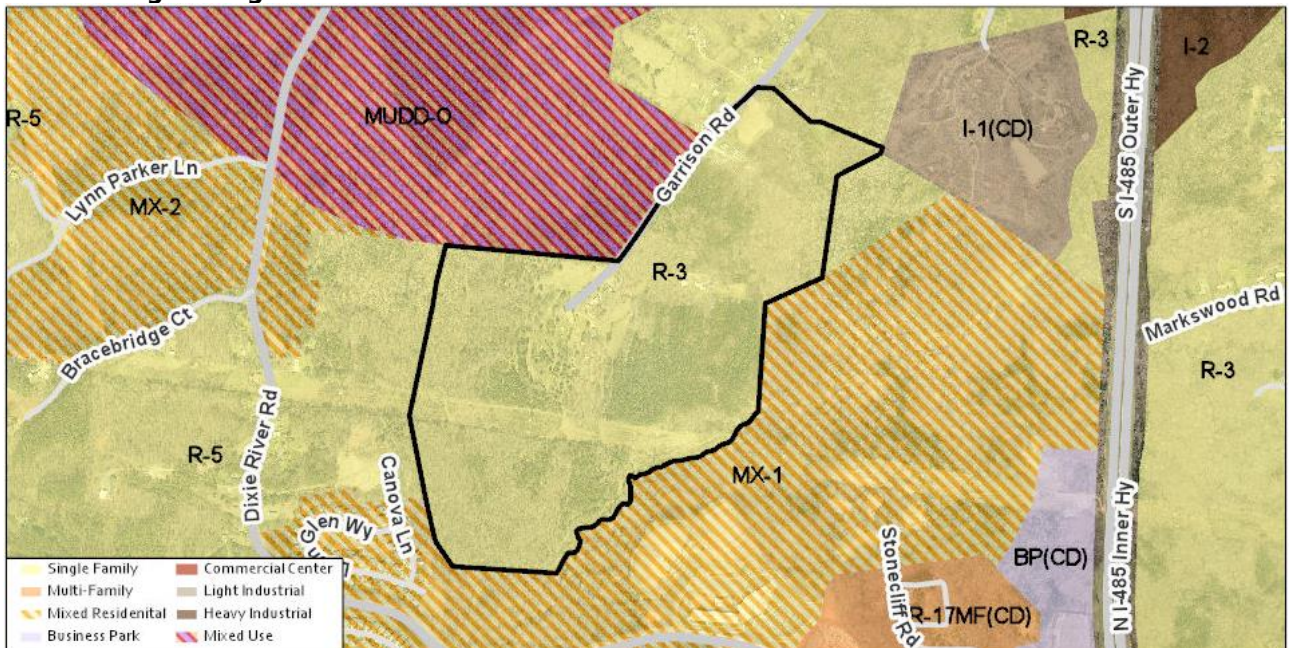
PLANNING STAFF REVIEW

• Proposed Request Details

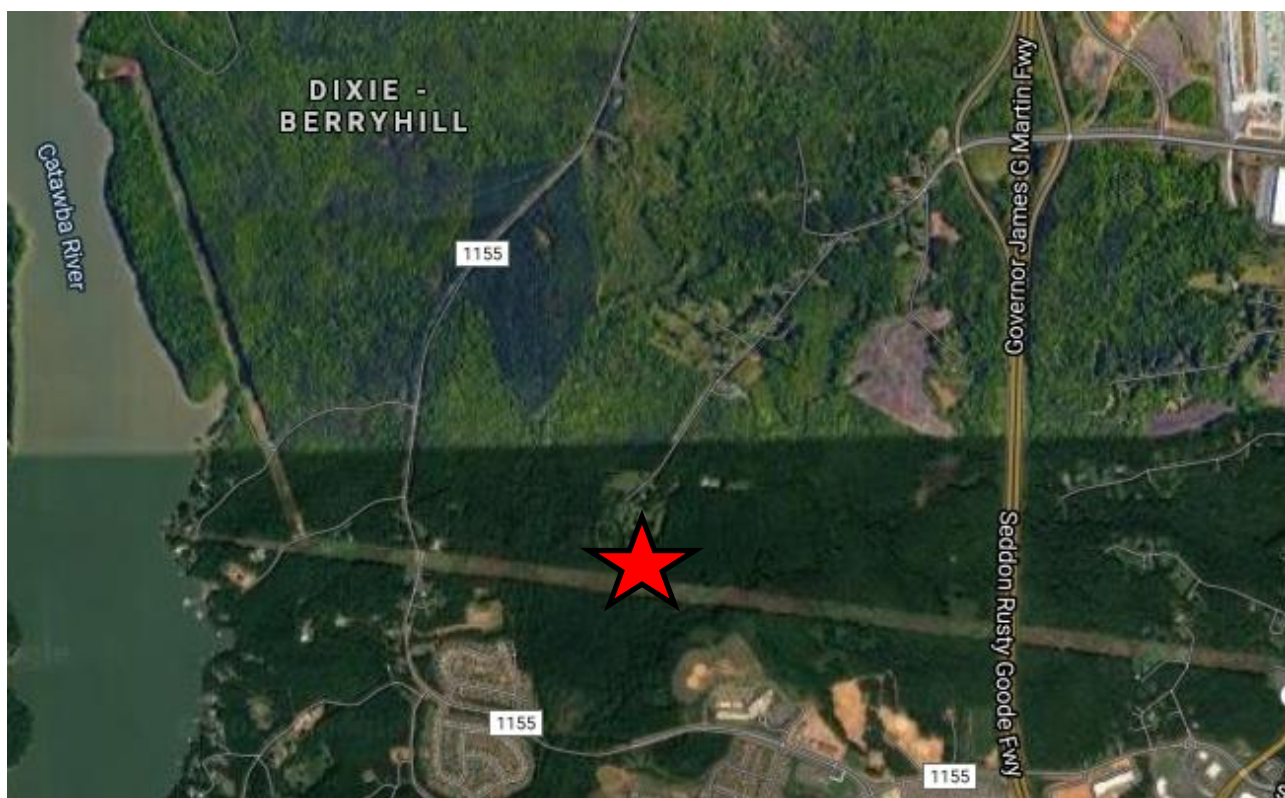
The site plan accompanying this petition contains the following provisions:

- Allows for the development of up to 1,450,000 square feet gross floor area of warehousing, warehouse distribution, manufacturing, office, and other uses permitted in the I-1 district.
- Limits the number of principal buildings to 7.
- Commits to a 20' setback along all public streets.
- Establishes a 100' Class A buffer adjacent to existing single family homes and properties zoned MX-1 designated as residential use, a 75' Class A buffer adjacent to properties zoned MX-1 designated as non-residential use, and a 50' Class A buffer where adjacent to parcels zoned MUDD-O.
- Outlines architectural standards to be used in construction.
- Commits to compliance with the Lower Lake Wylie Watershed Overlay Ordinance.
- Agrees to coordinate greenway connectivity with Mecklenburg County Park & Recreation as it relates to the adjacent Berewick Regional Park.
- Limits all new lighting to be full cut-off type.
- Commits to the following transportation improvements as outlined in a traffic impact study:
 - Petitioner to design Garrison Road as a 4 lane road and construct a 2 lane median divided section from Dixie River Road to the future intersection with Catawba Crossing.
 - Petitioner to dedicate a 120' right-of-way where the petitioner controls both sides of Garrison Road.
 - Petitioner to acquire right-of-way and widen Garrison Road to two 12' lanes with a 2' shoulder north of the subject property to West Boulevard.
 - Petitioner to increase right turn lane storage of I-485 outer exit ramp from 140' to 175'.

• Existing Zoning and Land Use



The subject property is surrounded primarily by vacant wooded land but other nearby land uses include single family homes, a park, an elementary school.



The subject property is surrounded primarily by vacant wooded land but other nearby land uses include single family homes, a park, an elementary school. The site is denoted by a red star.



View of the site looking south at the end of Garrison Road. One of the existing single family homes to be demolished is on the left.



The properties to the north of the site are a mix of undeveloped wooded land and single family homes.



The properties to the east of the site are undeveloped future park land. The subject property is denoted by a red star.

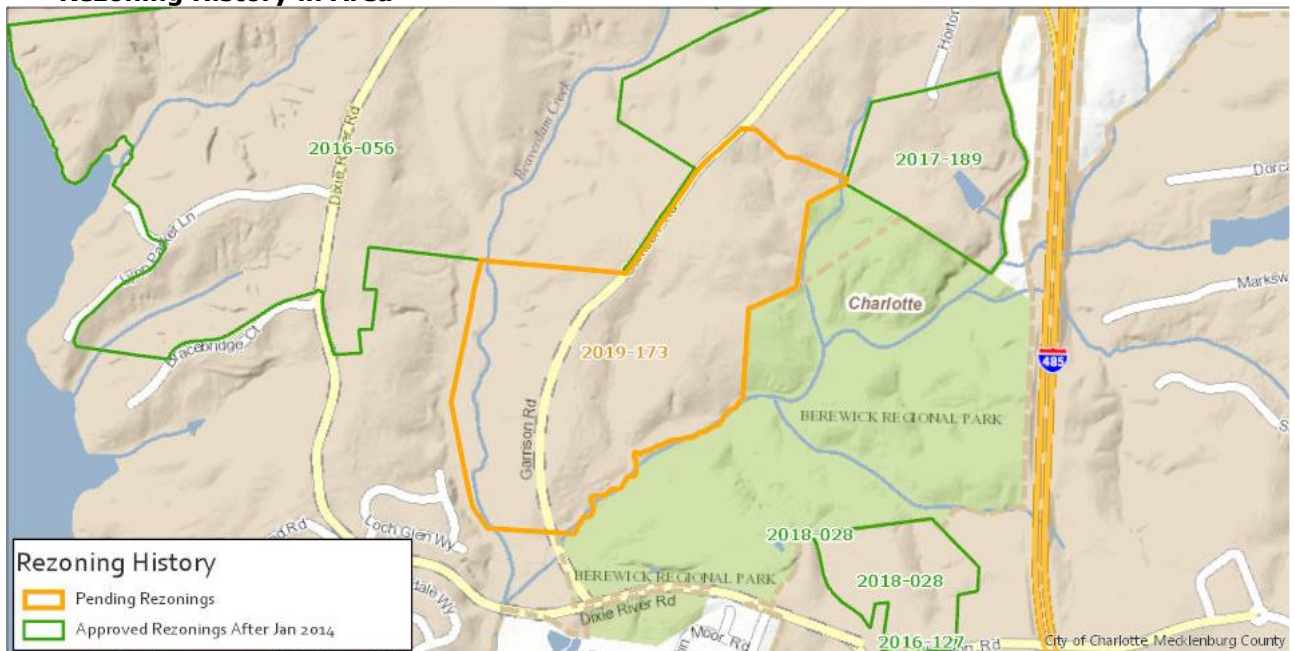


The properties to the south of the site are developed with park and school uses.



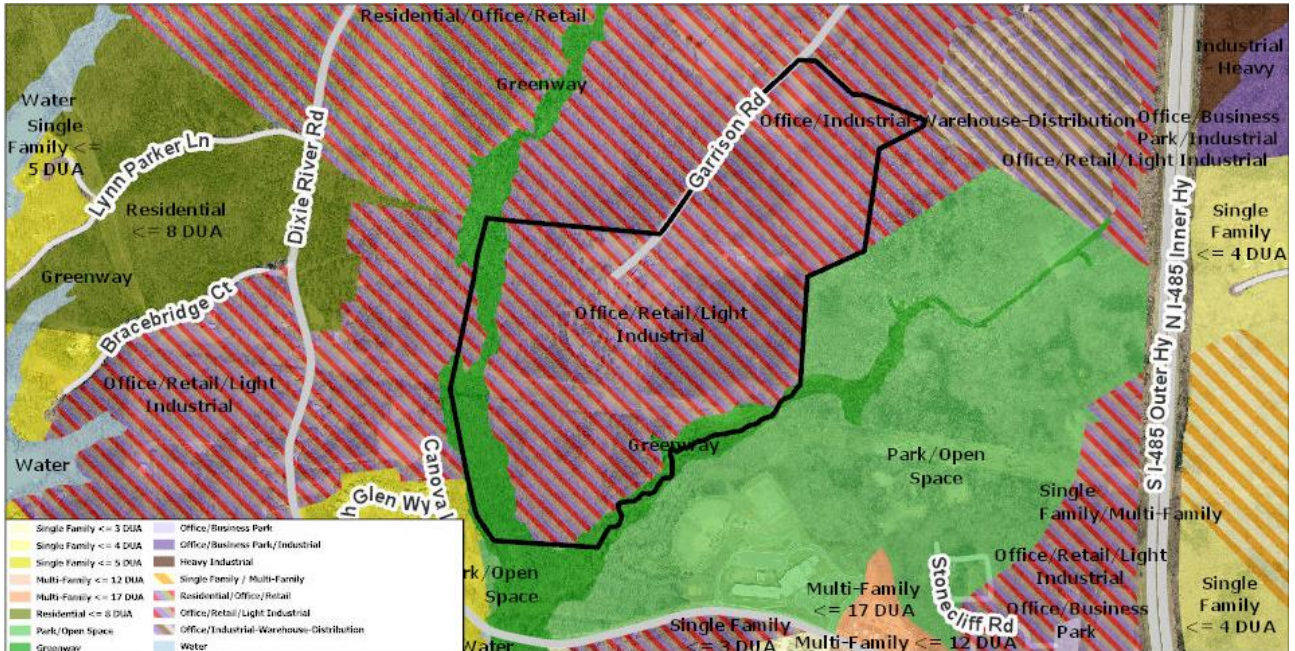
The properties to the west of the site are a mix of undeveloped wooded land and single family homes.

• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2016-056	The petition rezoned 1,377.68 acres to MUDD-O and MX-2 to allow up to 8,000,000 square feet of office, 500,000 square feet of retail, 1,000 hotel rooms, 2,350 multifamily units, 600 single family attached units, 1,700 single family detached units, and 200 continuing care retirement units.	Approved
2016-127	The petition rezoned 6.02 acres to CC SPA and MUDD-O SPA to modify the previously approved plan for Charlotte Premium Outlets to allow an accessory drive, add a second hotel with up to 125 rooms, and eliminate a gas station/convenience store.	Approved
2017-189	The petition rezoned 42.6 acres to I-1(CD) AIR LLWPA to up to 450,000 square feet of light industrial uses.	Approved
2018-028	The petition rezoned 28.05 acres to R-17MF(CD) LLWPA to allow up to 330 multifamily residential units.	Approved

- **Public Plans and Policies**



- The *Dixie Berryhill Strategic Plan* (adopted 2003) recommends office, retail, and light industrial land uses for the site.
- **TRANSPORTATION SUMMARY**
 - The site is located on Garrison Road, a minor thoroughfare, State-maintained road. The latest site plan includes various revisions, which results in several outstanding issues for transportation improvements. The outstanding issues are in accordance of meeting standards, manuals and for the consideration of alternative realignment of Garrison Road for connection to West Boulevard Improvement Design Project. The petitioner should revise the site plan to meet the outstanding items listed below.
- **Active Projects:**
- CLT Airport and River District Area Feasibility Study
 - Express Design Feasibility study being done to determine what road improvements are required to sustain recent area growth in CLT airport, River District and surrounding areas
- **Transportation Considerations**
 - See Outstanding Issues, Notes 1-9.
- **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 60 trips per day (based on 6 single family dwellings).
 - Entitlement: 4,150 trips per day (based on 450 single family dwellings).
 - Proposed Zoning: 1,715 trips per day (based on 147,000 square feet of general industrial uses and 1,096,500 square feet of warehouse).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org
- **Charlotte-Douglas International Airport:** No comments submitted.
- **Charlotte Fire Department:** No comments submitted.
- **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. The proposed rezoning has the potential to significantly impact the capacity of the local sanitary sewer collection system. It is recommended that the applicant contact the Charlotte Water New Services group for further

information and to discuss options regarding sanitary sewer system capacity. See advisory comments at www.rezoning.org

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

OUTSTANDING ISSUES

Transportation

1. ~~Add a note stating the final details will be determined during the permit review process to include input from other departments including but not limited to CDOT, General Services, Charlotte Fire Department, and NCDOT. Also include that any applicable ordinance requirements in addition to what is shown on proposed cross sections may be required.~~ **Addressed**
2. Revise Section B-B to the redlines below, reflecting the latest coordination between CDOT and NCDOT. A three-lane section with a center two-way left-turn lane will provide median space for left turns into the proposed access points for Development Area A. CDOT encourages the petitioner to consider condensing the number of access points for Development Area A on the along the Realigned Garrison Road. **(NCDOT) Outstanding from Comment Review Meeting 11-23-2020:** Revise Section B-B to relocate the proposed road crown from 9.5-feet from the proposed edge-of pavement, to 11-feet, to align with the edge of the proposed travel lane.
3. ~~Add a note stating the final details will be determined during the permit review process to include input from other departments including but not limited to CDOT, General Services, Charlotte Fire Department, and NCDOT. Also include that any applicable ordinance requirements in addition to what is shown on proposed cross sections may be required.~~ **Addressed**
4. ~~Revise the site plan and conditional note(s) to clarify the pavement sections that will be constructed by the petitioner, to be consistent with CLDSM standard detail number 11.09. The pavement schedule, as copied from the West Boulevard Extension plans for the Realigned Garrison Road typical cross sections, are provided below for reference.~~ **Addressed**
5. ~~Revise the site plan's conditional note language to specify the dedication and fee simple conveyance of rights of way within both phases, to the City before the site's first building certificate of occupancy is issued for each respective phase. CDOT requests right of way set at 2' behind back of sidewalk where feasible.~~ **Addressed**
6. ~~Revise the site plan and conditional note(s) to commit to constructing left turn lanes, with the appropriate storage and bay taper, within the center median at the proposed access points for Development Areas B, C, and D within Phase 1. CDOT encourages the petitioner to align opposing driveways and/or condense the number of proposed access points on Realigned Garrison Road, to minimize the number of left turn lane bays required.~~ **Addressed**
7. ~~Revise the site plan and conditional note(s) to update the proposed road centerline options of the West Boulevard Improvements and Alternative Garrison Road Improvements to Horton Road, per the latest West Boulevard Improvement design that is shown below.~~ **Addressed**
8. ~~Within the scope of the proposed Phase 2 improvements, revise the road centerline dimensions to comply with AASTHO Green Book minimum centerline radius standards for a major arterial.~~ **Addressed**
9. ~~Revise the site plan and conditional note (Section 3.a.(3).b.ii.) to clarify whether the public right-of-way that is required is for the temporary condition (60 ft) or future condition (120 ft).~~ **Addressed**
10. **(NCDOT) Outstanding from Comment Review Meeting 11-23-2020:** Revise the conditional note shown below, to provide a three-lane section within Section B-B.

b. Phase Two:

- i. Petitioner shall design and construct a ~~2-lane section~~, expandable to 4 lanes along the petitioner-controlled frontage north of the future "Catawba Crossing" as generally depicted on the rezoning plans.

3-lane section

11. **(CDOT and NCDOT) Outstanding from Comment Review Meeting 11-23-2020:** Revise the conditional note stating that all elements of roadway and intersection design, for each phase of

transportation improvements, will meet the standards of CDOT, NCDOT, and the Charlotte Fire Department. Relocate the proposed general notes 1 and 2 that are provided on the Sheet RZ-4, to the conditional notes under Section 3 on Sheet RZ-5.

thoroughfare roadway design

b. The transportation and pedestrian improvements described in Section 3(a)(3)a "Phase One" shall be substantially completed prior to the first upfit within a building shell on the Site, and NCDOT, and Charlotte Fire Department of the first certificate of occupancy.

c. The foregoing public roadway improvements described in Section 3 will be subject to the standards and criteria of CDOT as applicable. Reference to "substantial completion" or "substantially completed" for improvements as set forth in the provisions above shall mean completion of the roadway improvements in accordance with the above standards provided, however, in the event all such roadway improvements are not completed at the time that the Petitioner seeks to obtain a certificate of occupancy for building(s) on the Site or in connection with any development phasing, then the Petitioner will work with City Staff to determine a process to allow the issuance of certificates of occupancy for the applicable building(s), and in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements.

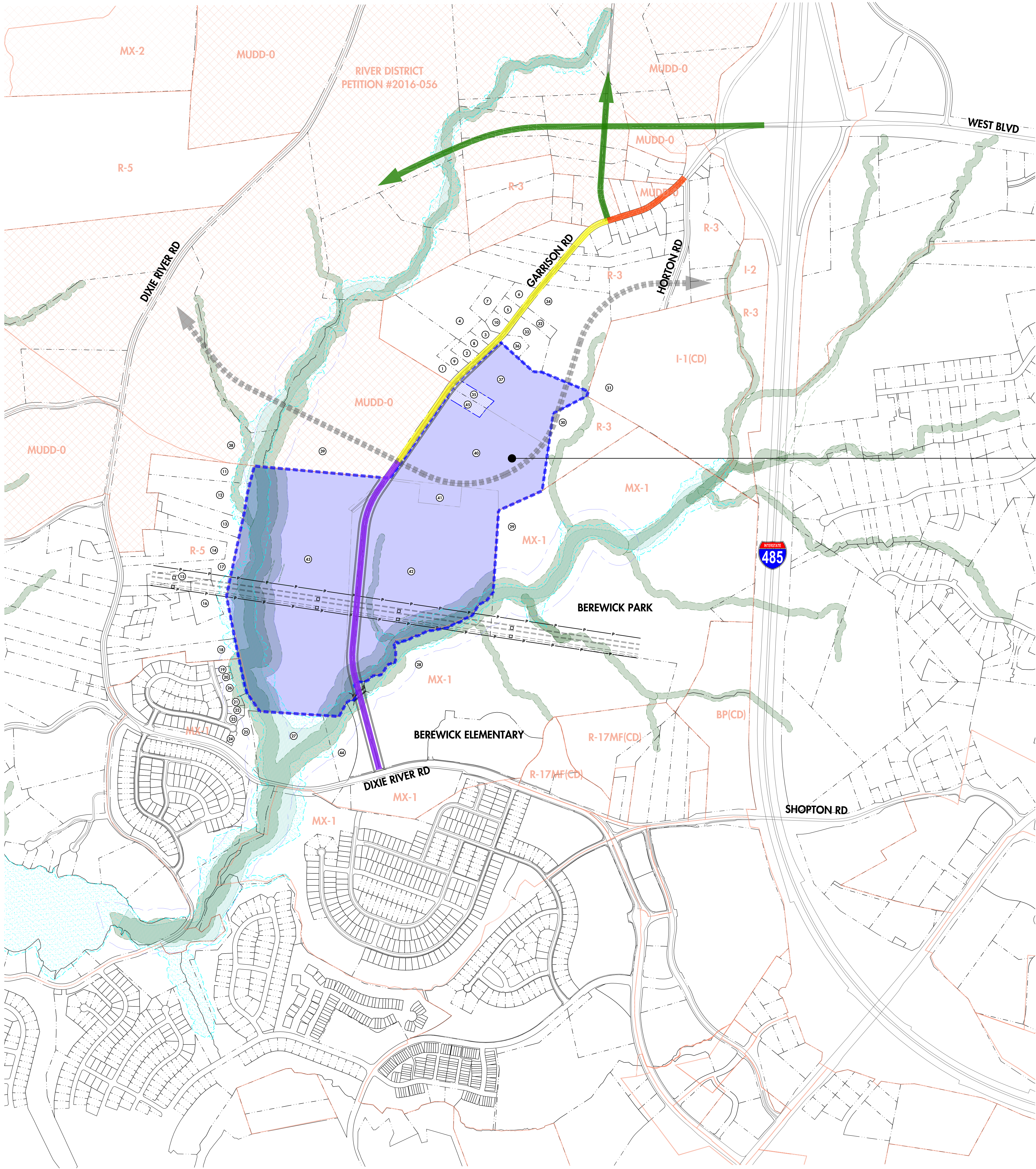
3

NOTES:

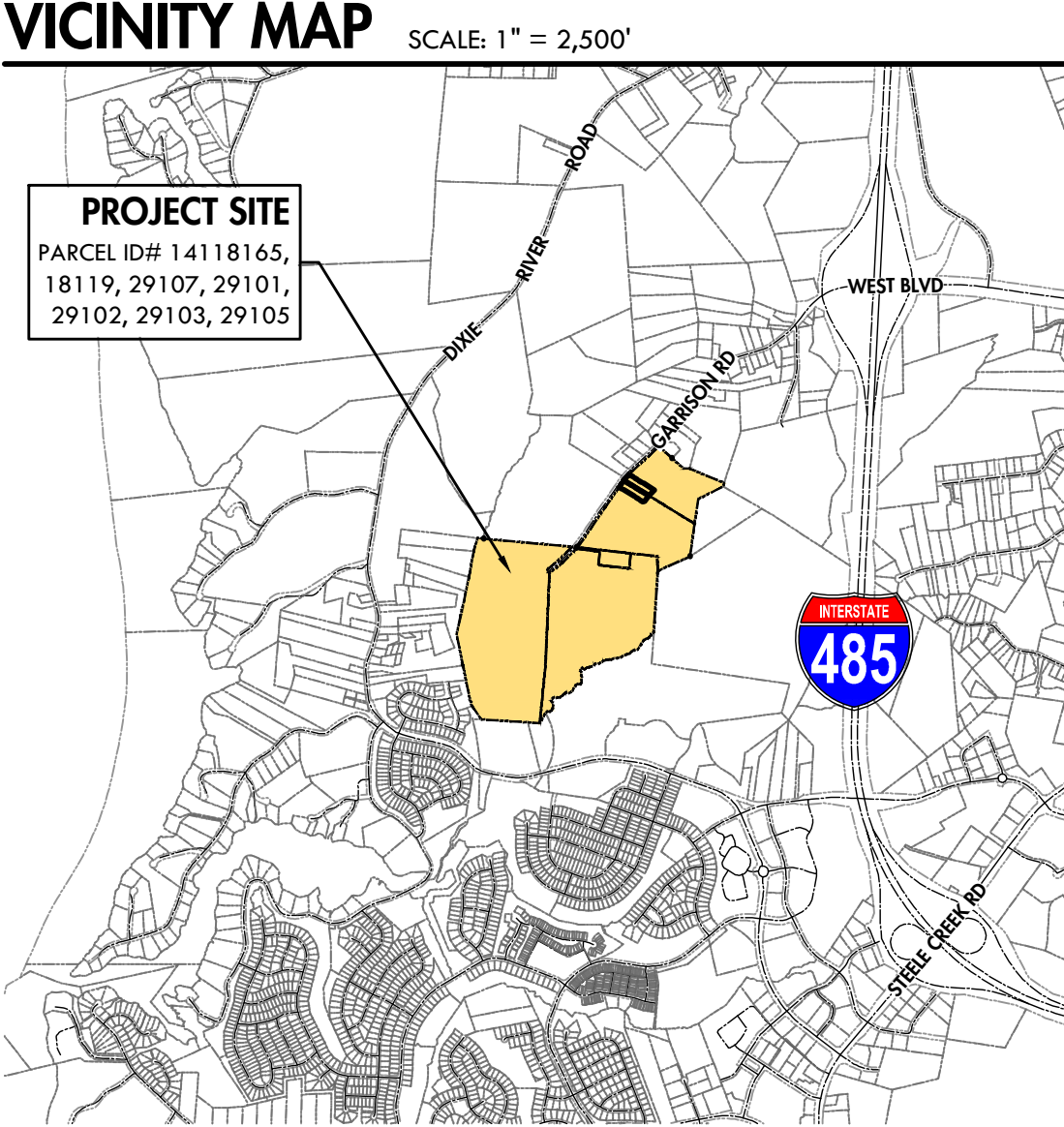
1. FINAL DETAILS WILL BE DETERMINED DURING THE PERMIT REVIEW PROCESS AND WILL INCLUDE INPUT FROM OTHER DEPARTMENTS INCLUDING BUT NOT LIMITED TO CDOT, GENERAL SERVICES, CHARLOTTE FIRE DEPARTMENT, AND NCDOT.
2. THE PROPOSED CROSS SECTIONS SHOWN SHALL COMPLY WITH ALL APPLICABLE ORDINANCE REQUIREMENTS IN ADDITION TO WHAT IS SHOWN.

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

Planner: Joe Mangum



PROPOSED REZONING
EXISTING ZONING: R-3
PROPOSED ZONING: I-1(CD)

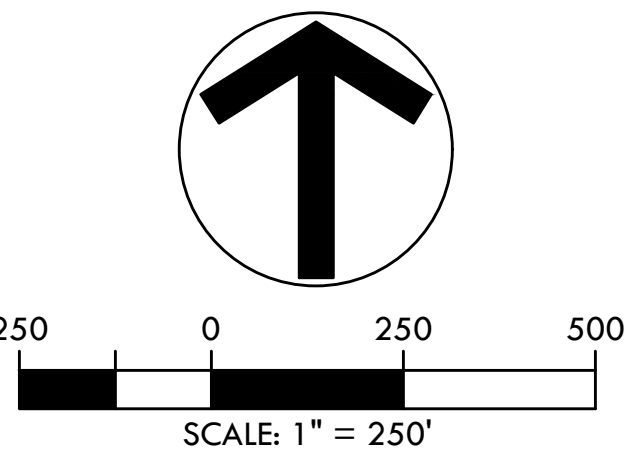


SITE DEVELOPMENT TABLE	
PROJECT NAME:	GARRISON ROAD INDUSTRIAL
PETITION NO:	# 2019-173
PETITIONER:	MCCRANEY PROPERTY COMPANY
PLANS PREPARED BY:	OAK ENGINEERING, PLLC
ACREAGE:	±150.0 ACRES
TAX PARCEL NUMBERS:	14118165, 14118119, 14129107, 14129101, 14129102, 14129103, 14129105
CURRENT ZONING:	R-3
PROPOSED ZONING:	I-1 (CD)
OVERLAY DISTRICT:	LOWER LAKE WYLIE PROTECTED AREA OVERLAY
EXISTING USE:	VACANT / RESIDENTIAL
PROPOSED LAND USE:	OFFICE / WAREHOUSING / INDUSTRIAL (ALL USES ALLOWED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, ALL AS ALLOWED IN THE I-1 ZONING DISTRICT (AS MORE SPECIFICALLY DESCRIBED IN THE DEVELOPMENT STANDARDS.)
MAXIMUM GFA:	1,450,000 SF
MAXIMUM HEIGHT:	HEIGHT AS PERMITTED BY ORDINANCE AND WILL BE MEASURED AS DEFINED BY THE ORDINANCE.
PARKING:	AS REQUIRED BY THE ORDINANCE FOR THE PERMITTED USES
JURISDICTION:	CITY OF CHARLOTTE
PCSO WATERSHED DISTRICT:	WESTERN CATAWBA
FEMA INFORMATION:	MAP NO. 3710450200L MAP DATES: 9/2/2015 FLOOD ZONE: AE / X

ROAD IMPROVEMENTS	
	WEST BOULEVARD IMPROVEMENTS (PUBLIC PRIVATE PARTNERSHIP - BY OTHERS)
	GARRISON ROAD IMPROVEMENTS
	PHASE ONE
	PHASE TWO
	ALTERNATE GARRISON ROAD IMPROVEMENTS (EXTEND IMPROVEMENTS TO HORTON ROAD DEPENDING ON TIMING OF WEST BOULEVARD PROJECT)
	FUTURE CATAWBA CROSSING (RIGHT-OF-WAY RESERVATION)

ADJACENT PROPERTY OWNERS					
#	PID	LAST NAME	FIRST NAME	DB	DP SITE ADDRESS
1	14114101	RUSHING	RONNIE DUCE	28678	312 GARRISON RD
2	14114102	RUSHING	JAMES WARREN	18308	943 10428 GARRISON RD
3	14114103	SWANEY	ROBERT L SR	6348	835 10406 GARRISON RD
4	14114104	RUSHING	RONNIE DUCE	28678	312 10408 GARRISON RD
5	14114105	SWANEY	EVA C	29641	693 10308 GARRISON RD
6	14114106	RUSHING	GRADY S L/E	18376	745 10300 GARRISON RD
7	14114110	RUSHING	RONNIE DUCE	28678	312 GARRISON RD
8	14114113	SWANEY	ROBERT L SR	4846	302 10412 GARRISON RD
9	14114114	RUSHING	RONNIE D	5208	798 10502 GARRISON RD
10	14114115	RUSHING	RONNIE DUCE JR	27979	329 10338 GARRISON RD
11	14116102	CROSBY	LACHELLE M	31340	5 7242 DIXIE RIVER RD
12	14116103	SHORT	KYLE	31692	83 7052 DIXIE RIVER RD
13	14116104	WOODARD	HENRIETTA	1604	593 7048 DIXIE RIVER RD
14	14116111	BROWN	CARRIETTA A	31458	779 7006 DIXIE RIVER RD
15	14116114	HALL	LEE	1632	469 DIXIE RIVER RD
16	14116115	POTTS	KERMIT	33946	161 DIXIE RIVER RD
17	14116120	GRIER	BERNIE WALLACE	1154	397 6820 DIXIE RIVER RD
18	14116123	ONSITE HOLDINGS LLC		27099	305 6810 DIXIE RIVER RD
19	14116175	BYRUM JR	ROBERT F	32516	586 7504 CANOVA LN
20	14116176	PETERSON	TAD	32226	384 7428 CANOVA LN
21	14116177	SUMNER	ERIN NICOLE STARNES	31894	350 7412 CANOVA LN
22	14116178	PATIL	SADANAND SANJEEVKUMAR	32659	370 7408 CANOVA LN
23	14116179	BARTLETT	NICOLE L	30828	922 7404 CANOVA LN
24	14116180	FINAN	JEFFREY D	30589	465 9238 LOCH GLEN WY
25	14116193	BEREWICK HOMEOWNERS ASSOC. INC		33446	264 LOCH GLEN WY
26	14116196	BEREWICK HOMEOWNERS ASSOC. INC		33446	264 CANOVA LN
27	14117101	DIXIE RIVER LAND COMPANY LLC		12722	642 6332 DIXIE RIVER RD
28	14117111	MECKLENBURG COUNTY		14350	402 5910 DIXIE RIVER RD
29	14117112	MECKLENBURG COUNTY		14350	408 DIXIE RIVER RD
30	14118101	MECKLENBURG COUNTY		23229	795 GARRISON RD
31	14118102	SL HORTON ROAD LLC		32765	3 10137 HORTON RD
32	14118116	SWANEY	ROBERT L	3328	259 10301 GARRISON RD
33	14118117	SWANEY	ROBERT L	3620	925 10309 GARRISON RD
34	14118118	HIGGINS	SHERI S	27004	414 GARRISON RD
35	14118119	MOBLEY	CHARLES DOUGLAS	27536	198 10515 GARRISON RD
36	14118128	SWANEY	ROBERT L	5744	479 10315 GARRISON RD
37	14118165	TSC GARRISON LLC		32652	372 GARRISON RD
38	14128101	CRESCENT COMMUNITIES II LLC		32809	788 DIXIE RIVER RD
39	14128102	CRESCENT COMMUNITIES II LLC		32809	788 DIXIE RIVER RD
40	14129101	SHAW	WILLIAM A JR	28338	394 GARRISON RD
41	14129102	BURRIS	DWIGHT D	5446	563 10731 GARRISON RD
42	14129103	SHAW	WILLIAM A JR	N/A	N/A 10813 GARRISON RD
43	14129105	BURRIS HOLDINGS LLC		12002	826 GARRISON RD
44	14129106	MECKLENBURG COUNTY		24799	269 GARRISON RD
45	14129107	MOBLEY	CHARLES DOUGLAS	27536	198 GARRISON RD

SHADED PARCELS INCLUDED IN REZONING PETITION



4929 MONROE ROAD, CHARLOTTE, NC 28205
NORTH CAROLINA LICENSE #17142
oak-engineering.com

PE SEAL:

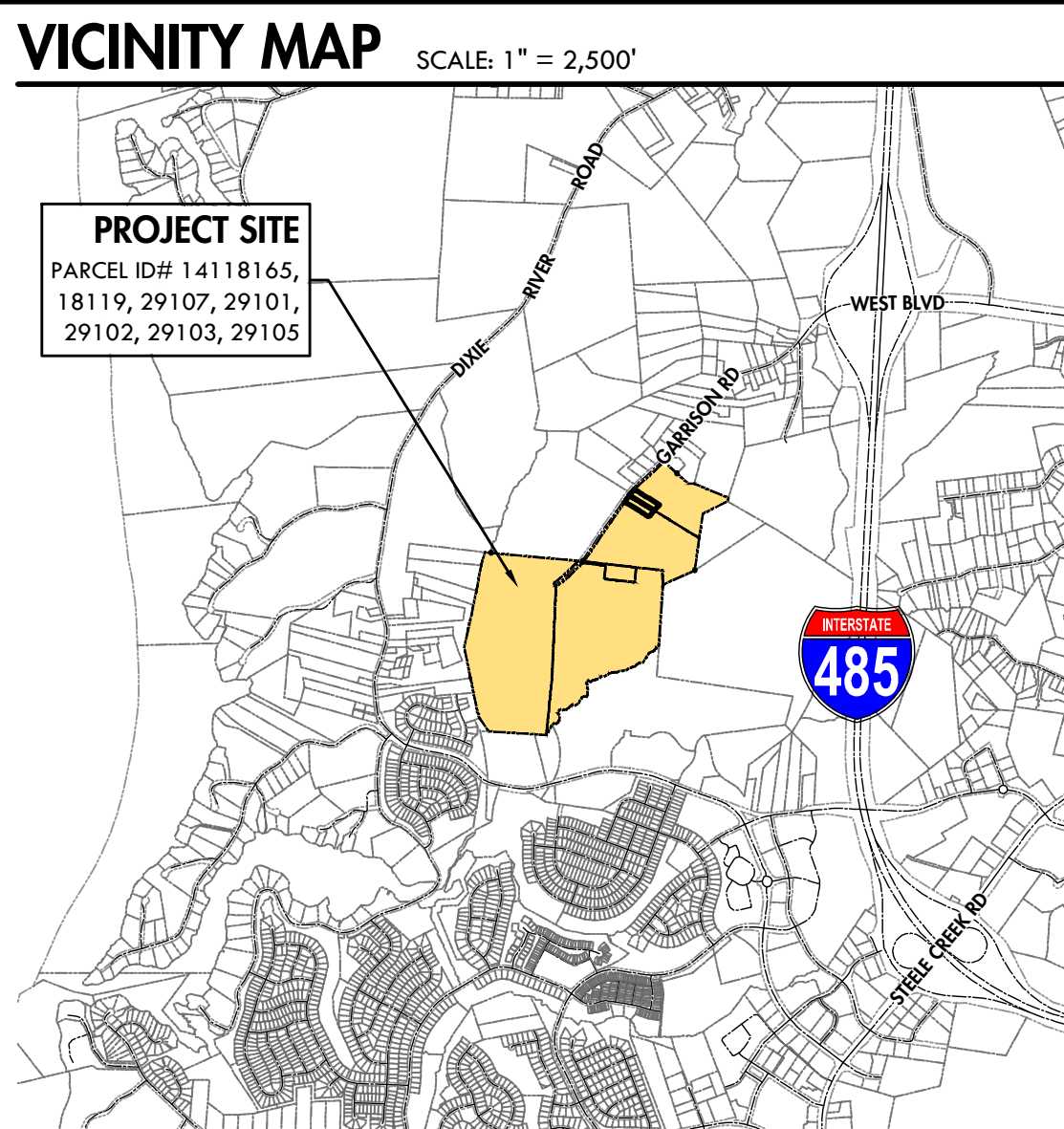
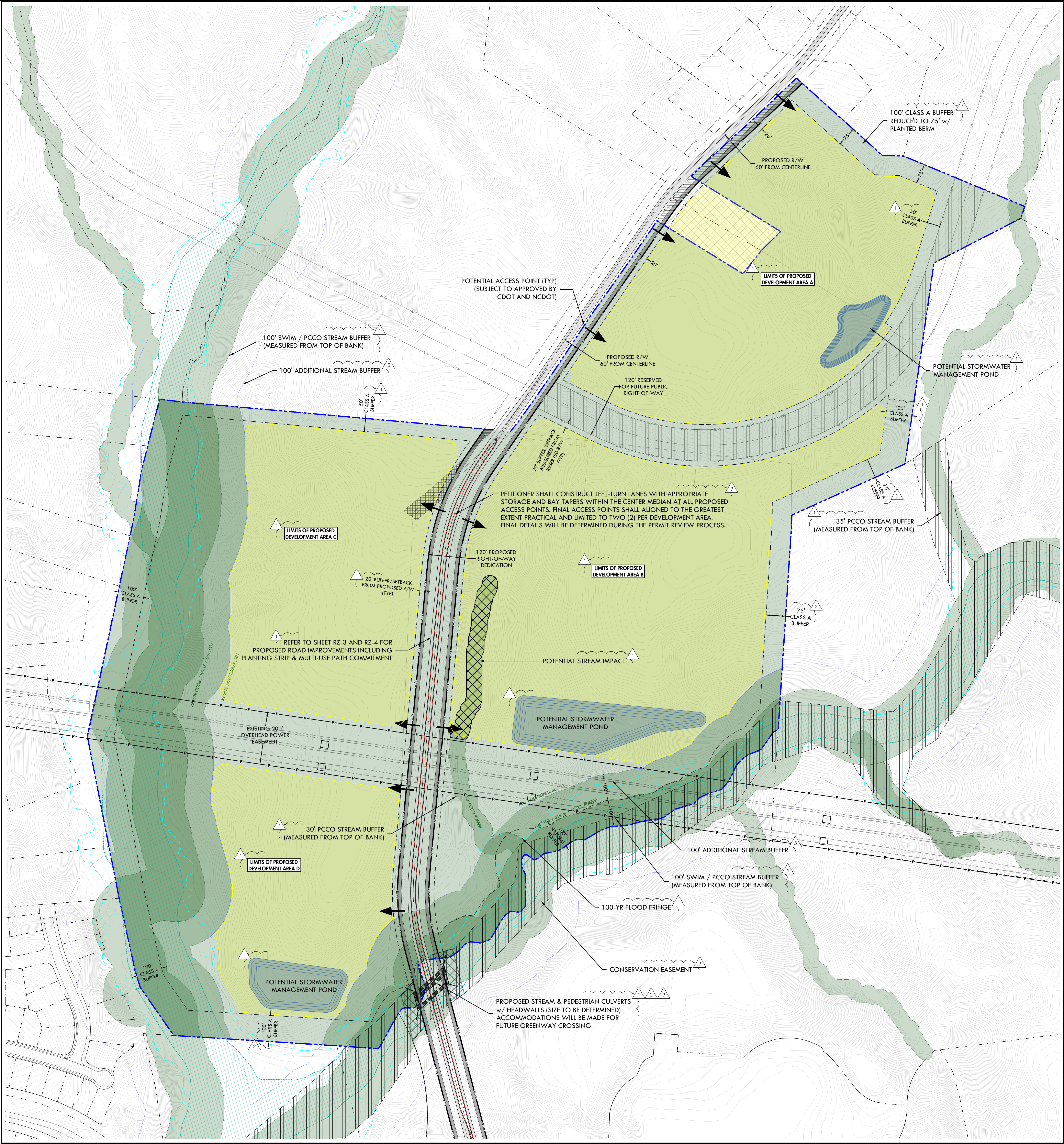
GARRISON ROAD INDUSTRIAL
REZONING PETITION NUMBER 2019-173
CHARLOTTE, NORTH CAROLINA
MCCRANEY PROPERTY COMPANY

REVISIONS:

- 1. 5/11/20 - CITY STAFF COMMENTS
- 2. 8/24/20 - CITY STAFF COMMENTS
- 3. 12/23/20 - CITY STAFF COMMENTS

ENGINEER: GTW
DRAWN BY: ERT
CHECKED BY: LJB
PROJECT #: 019.039

SHEET
RZ-1
SHEET 1 OF 5

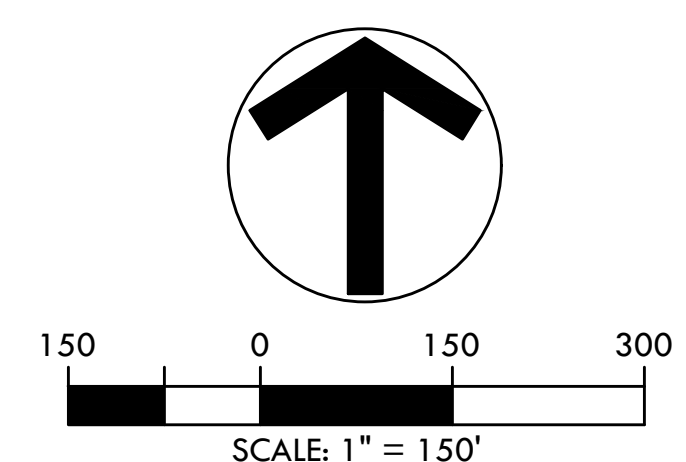


SITE DEVELOPMENT TABLE	
PROJECT NAME:	GARRISON ROAD INDUSTRIAL
PETITION NO:	# 2019-173
PETITIONER:	MCCRANEY PROPERTY COMPANY
PLANS PREPARED BY:	OAK ENGINEERING, PLLC
ACREAGE:	±150.0 ACRES
TAX PARCEL NUMBERS:	14118165, 14118119, 14129107, 14129101, 14129102, 14129103, 14129105
CURRENT ZONING:	R-3
PROPOSED ZONING:	I-1 (CD)
OVERLAY DISTRICT:	LOWER LAKE WYLIE PROTECTED AREA OVERLAY
EXISTING USE:	VACANT / RESIDENTIAL
PROPOSED LAND USE:	OFFICE / WAREHOUSING / INDUSTRIAL (ALL USES ALLOWED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, ALL AS ALLOWED IN THE I-1 ZONING DISTRICT (AS MORE SPECIFICALLY DESCRIBED IN THE DEVELOPMENT STANDARDS.)
MAXIMUM GFA:	1,450,000 SF
MAXIMUM HEIGHT:	HEIGHT AS PERMITTED BY ORDINANCE AND WILL BE MEASURED AS DEFINED BY THE ORDINANCE.
PARKING:	AS REQUIRED BY THE ORDINANCE FOR THE PERMITTED USES
JURISDICTION:	CITY OF CHARLOTTE
PCSO WATERSHED DISTRICT:	WESTERN CATAWBA
FEMA INFORMATION:	MAP NO. 3710450200L MAP DATES: 9/2/2015 FLOOD ZONE: AE / X

DRIVEWAY NOTE:

THE FOLLOWING ARE REQUIREMENTS OF THE DEVELOPER THAT MUST BE SATISFIED PRIOR TO DRIVEWAY PERMIT APPROVAL.

1. ACCORDING TO THE CITY OF CHARLOTTE'S DRIVEWAY REGULATIONS, CDOT HAS THE AUTHORITY TO REGULATE/APPROVE ALL PRIVATE STREET/DRIVEWAY AND PUBLIC STREET CONNECTIONS TO THE RIGHT-OF-WAY OF A STREET UNDER THE REGULATORY JURISDICTION OF THE CITY OF CHARLOTTE.
2. ADEQUATE RIGHT TRIANGLES MUST BE RESERVED AT THE EXISTING/PROPOSED STREET ENTRANCE(S). TWO 30' X 35' SIGHT TRIANGLES (AND TWO 10' X 70' SIGHT TRIANGLES ON NORTH CAROLINA DEPARTMENT OF TRANSPORTATION ON NCDOT MAINTAINED STREETS) ARE REQUIRED FOR THE ENTRANCE(S) TO MEET REQUIREMENTS. ALL PROPOSED TREES, BERMS, WALLS, FENCES, AND/OR IDENTIFICATION SIGNS MUST NOT INTERFERE WITH SIGHT DISTANCE AT THE ENTRANCE(S). SUCH ITEMS SHOULD BE IDENTIFIED ON THE SITE PLAN.
3. THE PROPOSED DRIVEWAY CONNECTION(S) TO PUBLIC STREETS WILL REQUIRE A DRIVEWAY PERMIT(S) TO BE SUBMITTED TO CDOT (AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION ON NCDOT MAINTAINED STREETS) FOR REVIEW AND APPROVAL. THE EXACT DRIVEWAY LOCATION(S) AND TYPE/WIDTH OF THE DRIVEWAY(S) WILL BE DETERMINED BY CDOT DURING THE DRIVEWAY PERMIT PROCESS. THE LOCATION(S) OF THE DRIVEWAY(S) SHOWN ON THE SITE PLAN ARE SUBJECT TO CHANGE IN ORDER TO ALIGN WITH DRIVEWAY(S) ON THE OPPOSITE SIDE OF THE STREET AND COMPLY WITH CITY DRIVEWAY REGULATIONS AND THE CITY TREE ORDINANCE.
4. ALL PROPOSED COMMERCIAL DRIVEWAY CONNECTIONS TO A FUTURE PUBLIC STREET WILL REQUIRE A DRIVEWAY PERMIT TO BE SUBMITTED TO CDOT FOR REVIEW AND APPROVAL.
5. ANY FENCE OR WALL CONSTRUCTED ALONG OR ADJACENT TO ANY SIDEWALK OR STREET RIGHT-OF-WAY REQUIRES A CERTIFICATE ISSUED BY CDOT.
6. A RIGHT-OF-WAY ENCROACHMENT AGREEMENT IS REQUIRED FOR THE INSTALLATION OF ANY NON-STANDARD ITEM(S) (IRRIGATION SYSTEMS, DECORATIVE CONCRETE PAVEMENT, BRICK PAVERS, ETC.) WITHIN A PROPOSED/EXISTING CITY MAINTAINED STREET RIGHT-OF-WAY BY A PRIVATE INDIVIDUAL, GROUP, BUSINESS, OR HOMEOWNERS/BUSINESS ASSOCIATION. AN ENCROACHMENT AGREEMENT MUST BE APPROVED BY CDOT PRIOR TO THE CONSTRUCTION/INSTALLATION OF THE NON-STANDARD ITEM(S). CONTACT CDOT FOR ADDITIONAL INFORMATION CONCERNING COST, SUBMITTAL, AND LIABILITY INSURANCE COVERAGE REQUIREMENTS.



4929 MONROE ROAD, CHARLOTTE, NC 28205
NORTH CAROLINA LICENSE #17142
oak-engineering.com

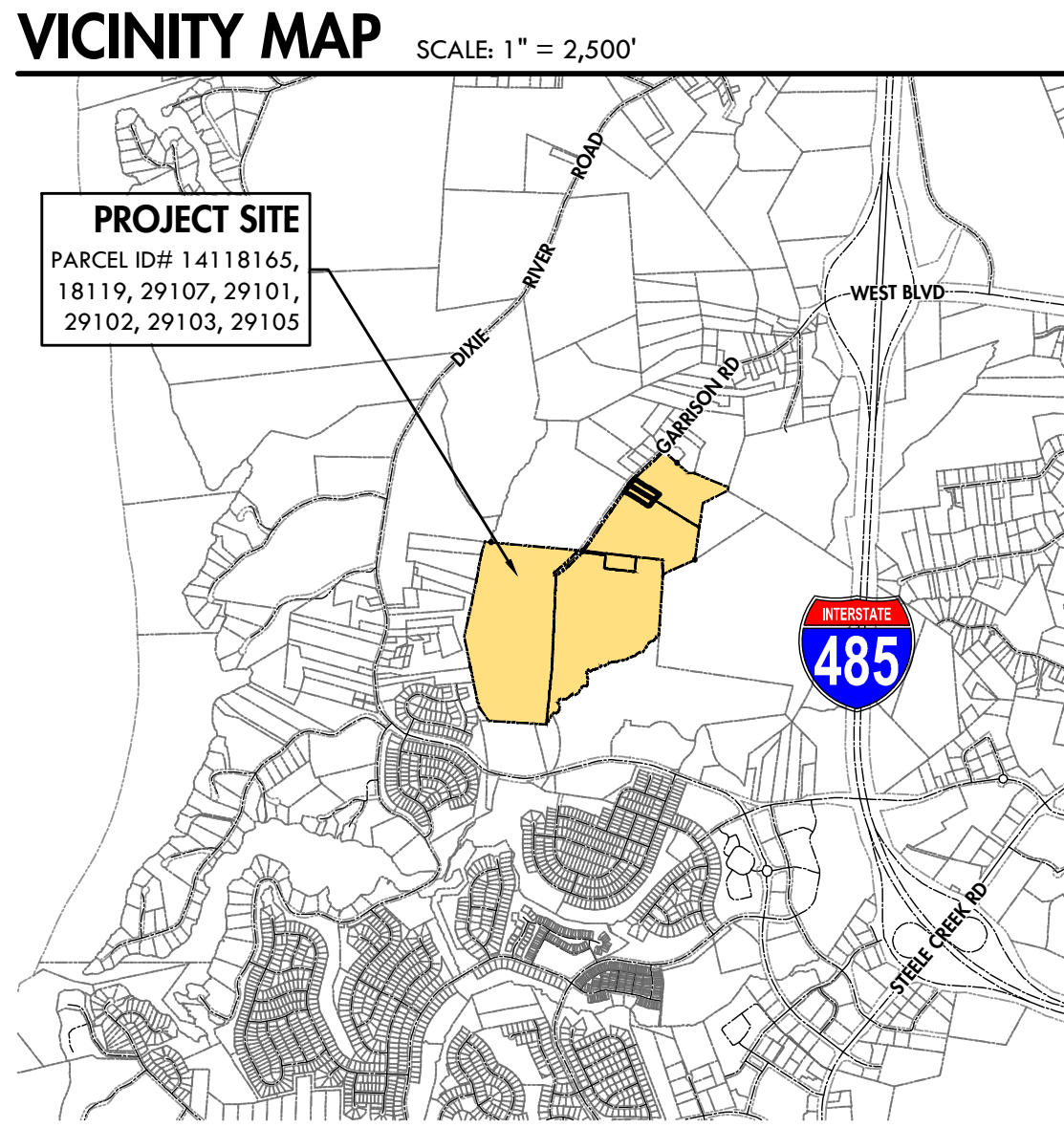
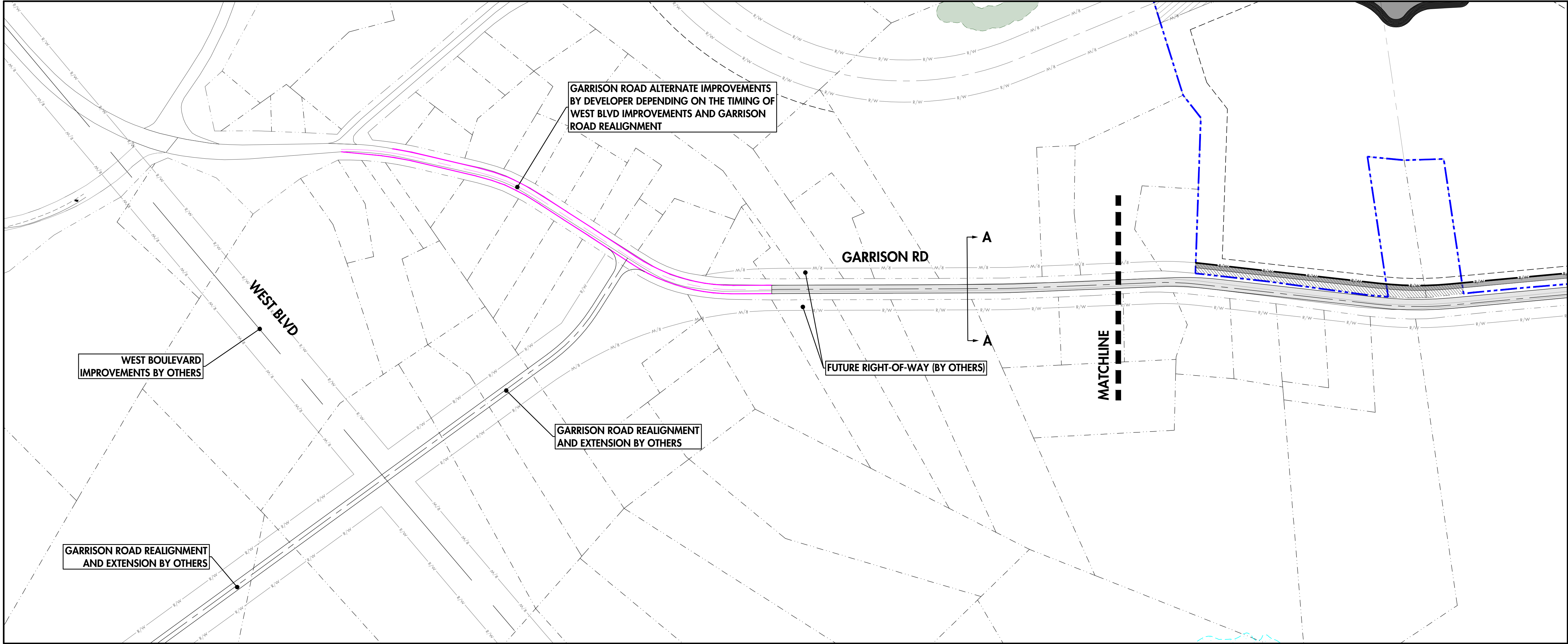
PE SEAL:

GARRISON ROAD INDUSTRIAL
REZONING PETITION NUMBER 2019-173
CHARLOTTE, NORTH CAROLINA
MCCRANEY PROPERTY COMPANY

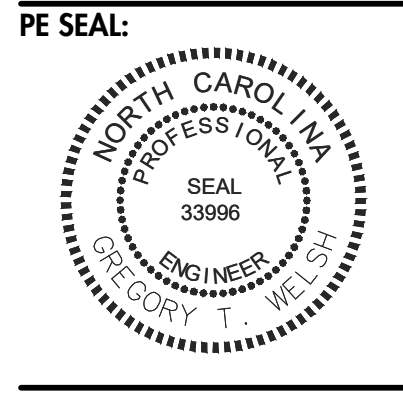
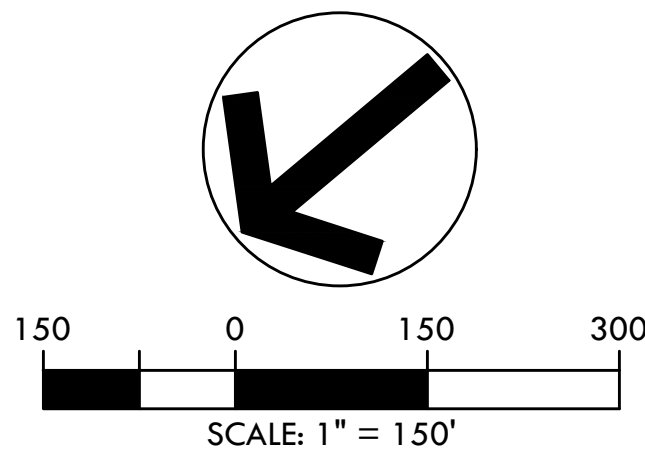
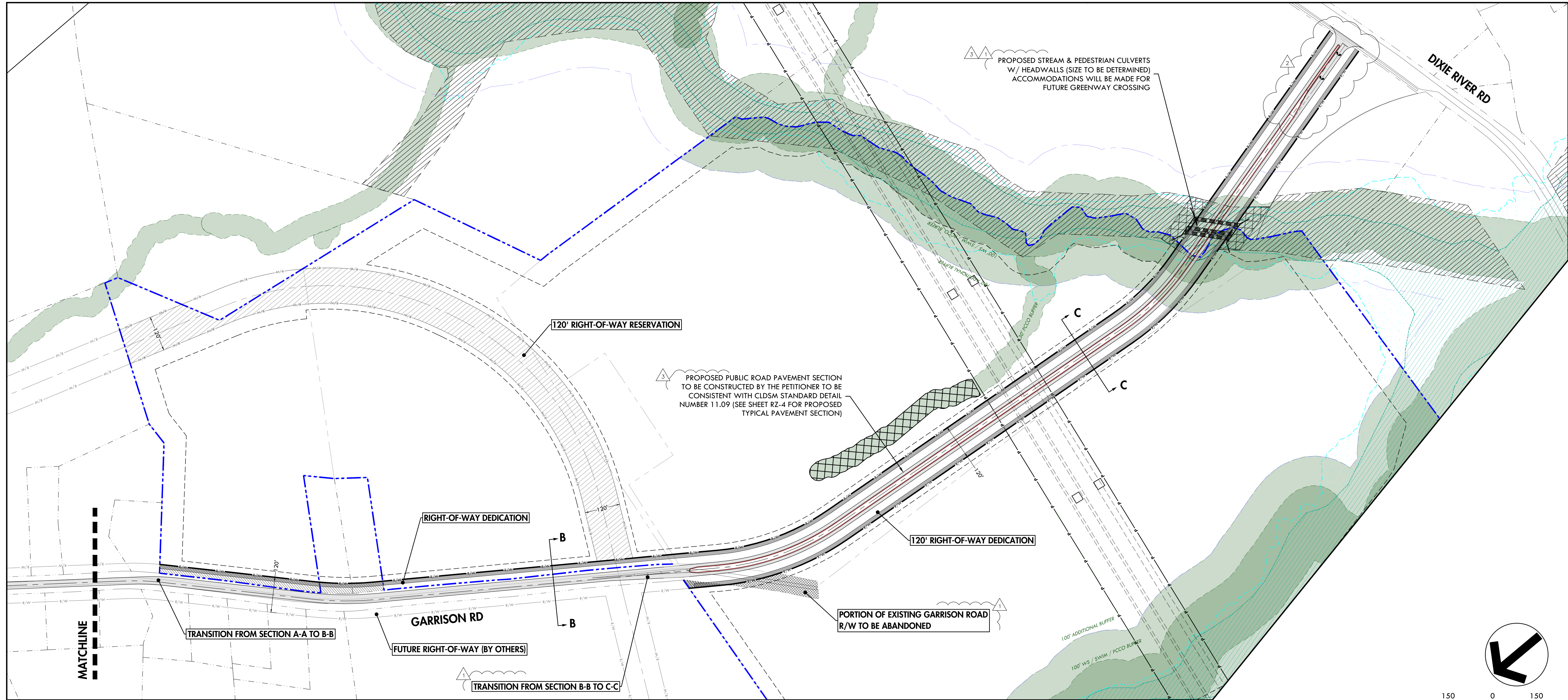
REZONING PLAN

ENGINEER: GTW
DRAWN BY: ERT
CHECKED BY: LJB
PROJECT #: 019.039

SHEET
RZ-2
SHEET 2 OF 5

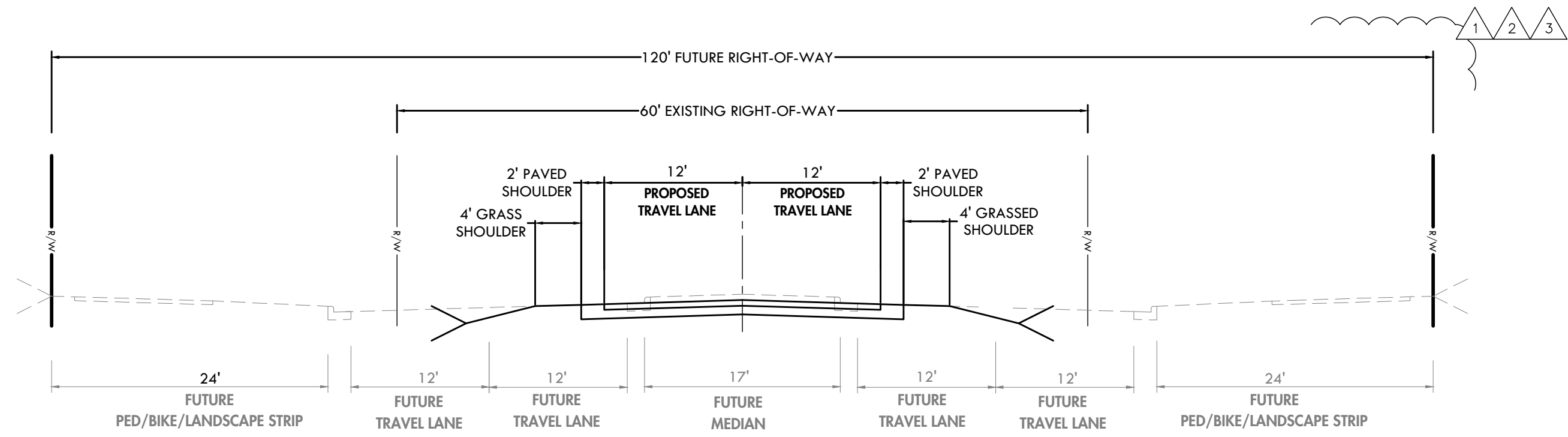


SITE DEVELOPMENT TABLE	
PROJECT NAME:	GARRISON ROAD INDUSTRIAL
PETITION NO:	# 2019-173
PETITIONER:	MCCRANEY PROPERTY COMPANY
PLANS PREPARED BY:	OAK ENGINEERING, PLLC
ACREAGE:	±150.0 ACRES
TAX PARCEL NUMBERS:	14118165, 14118119, 14129107, 14129101, 14129102, 14129103, 14129105
CURRENT ZONING:	R-3
PROPOSED ZONING:	I-1 (CD)
OVERLAY DISTRICT:	LOWER LAKE WYLIE PROTECTED AREA OVERLAY
EXISTING USE:	VACANT / RESIDENTIAL
PROPOSED LAND USE:	OFFICE / WAREHOUSING / INDUSTRIAL (ALL USES ALLOWED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, ALL AS ALLOWED IN THE I-1 ZONING DISTRICT (AS MORE SPECIFICALLY DESCRIBED IN THE DEVELOPMENT STANDARDS).)
MAXIMUM GFA:	1,450,000 SF
MAXIMUM HEIGHT:	HEIGHT AS PERMITTED BY ORDINANCE AND WILL BE MEASURED AS DEFINED BY THE ORDINANCE.
PARKING:	AS REQUIRED BY THE ORDINANCE FOR THE PERMITTED USES
JURISDICTION:	CITY OF CHARLOTTE
PCSO WATERSHED DISTRICT:	WESTERN CATAWBA
FEMA INFORMATION:	MAP NO. 3710450200L MAP DATES: 9/2/2015 FLOOD ZONE: AE / X

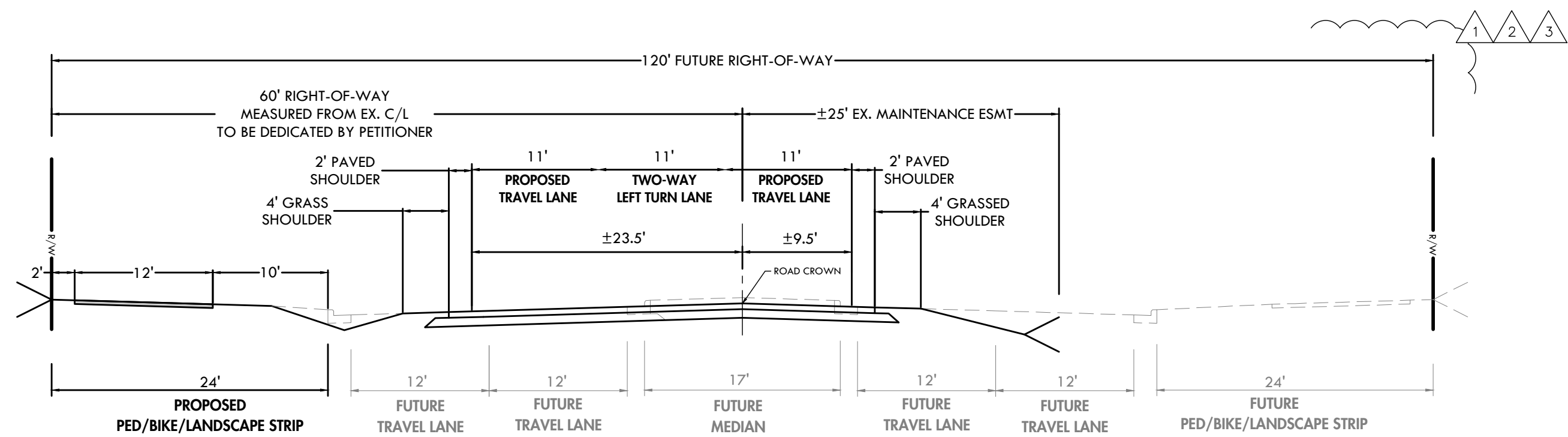


GARRISON ROAD INDUSTRIAL
REZONING PETITION NUMBER 2019-173
CHARLOTTE, NORTH CAROLINA
MCCRANEY PROPERTY COMPANY

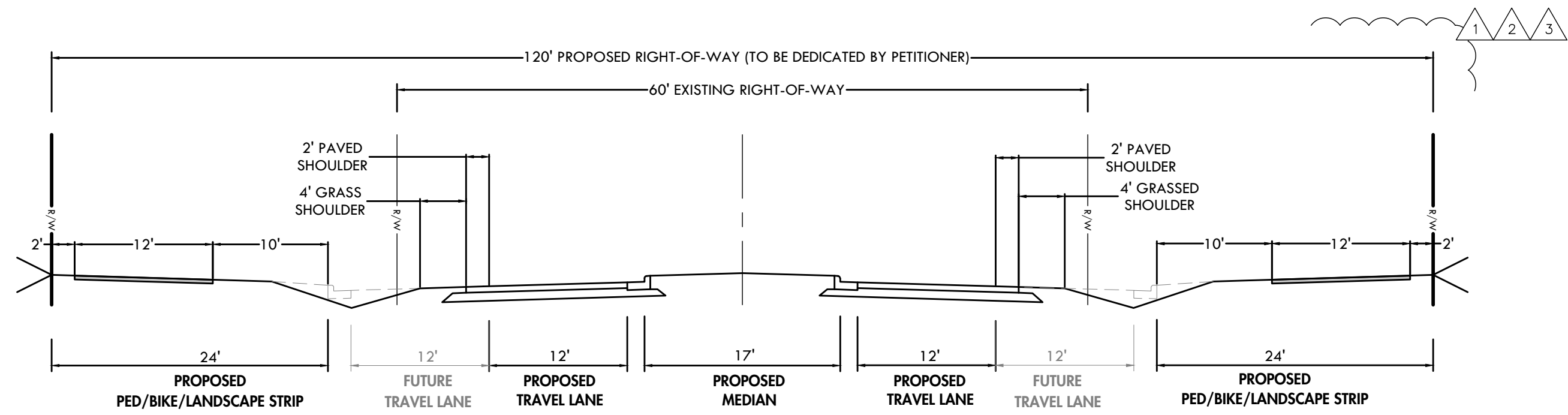
TRANSPORTATION IMPROVEMENT PLAN



SECTION A - A
PROPOSED ROAD IMPROVEMENTS
(FUTURE BY OTHERS)



SECTION B - B
PROPOSED ROAD IMPROVEMENTS
(FUTURE BY OTHERS)



SECTION C - C
PROPOSED ROAD IMPROVEMENTS
(FUTURE BY OTHERS)

NOTES:

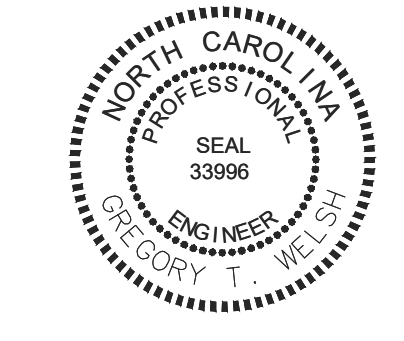
- FINAL DETAILS WILL BE DETERMINED DURING THE PERMIT REVIEW PROCESS AND WILL INCLUDE INPUT FROM OTHER DEPARTMENTS INCLUDING BUT NOT LIMITED TO CDOT, GENERAL SERVICES, CHARLOTTE FIRE DEPARTMENT, AND NCDOT.
- THE PROPOSED CROSS SECTIONS SHOWN SHALL COMPLY WITH ALL APPLICABLE ORDINANCE REQUIREMENTS IN ADDITION TO WHAT IS SHOWN.

TYPICAL PAVEMENT SECTION FOR PROPOSED PUBLIC ROAD:

SURFACE COURSE:	PROPOSED 3.0 INCHES ASPHALT CONCRETE SURFACE COURSE, TYPE S9.5C, AT AN AVERAGE RATE OF 168 LB/SY IN EACH OF TWO 1.5-INCH LIFTS
INTERMEDIATE COURSE:	PROPOSED 4.0 INCHES (MIN) ASPHALT CONCRETE INTERMEDIATE COURSE, TYPE I19.0C, AT AN AVERAGE RATE OF 456 LB/SY
BASE COURSE:	PROPOSED 8.0 INCHES ASPHALT CONCRETE BASE COURSE, TYPE B25.0C, AT AN AVERAGE RATE OF 399 LB/SY IN EACH OF TWO EQUAL LIFTS

NOTE: FOR ALL PUBLIC ROAD PAVEMENT SECTIONS TO BE CONSTRUCTED BY PETITIONER. CONSISTENT WITH CLDSM STANDARD DETAIL NUMBER 11.09.

PE SEAL:



GARRISON ROAD INDUSTRIAL
REZONING PETITION NUMBER 2019-173
CHARLOTTE, NORTH CAROLINA
MCCRANEY PROPERTY COMPANY
PROPOSED GARRISON ROAD CROSS SECTIONS

REVISIONS:
1. 5/11/20 - CITY STAFF COMMENTS
2. 8/24/20 - CITY STAFF COMMENTS
3. 12/23/20 - CITY STAFF COMMENTS

ENGINEER: GTW
DRAWN BY: ERT
CHECKED BY: LJB
PROJECT #: 019.039

Site Development Data:

--Acreage: ± 153 acres
--Tax Parcel #: 14129102, 14129105, 14118165, 14129101, 14129107, 14118119 and 14129103
--Existing Zoning: R-3
--Proposed Zoning: I-1(CD)
--Existing Uses: Vacant/Residential
--Permitted Uses: Warehousing, warehouse distribution, manufacturing, office, and all other industrial uses as permitted by right and under prescribed conditions together with accessory uses, all as allowed in the I-1 zoning district (as more specifically described in the Development Standards below).
--Maximum Gross Square feet of Development: Up to 1,450,000 square feet of gross floor area
--Maximum Building Height: Height as permitted by Ordinance and will be measured as defined by the Ordinance.
--Parking: As required by the Ordinance for the permitted uses.

1. General Provisions:

a. **Site Location.** These Development Standards, Schematic Site Plan and other graphics set forth on Sheet RZ-1 and any other Sheets form this rezoning plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by McCraney Property Company ("Petitioner") to accommodate the development of the requested permitted uses on the approximately 150 acre site located on Garrison Road (the "Site").

b. **Zoning Districts/Ordinance.** Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the I-1 zoning classification shall govern all development taking place on the Site.

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

Since the project has not undergone the design development and construction phases, and the final roadway alignment for the future Garrison Road Extension and Catawba connector have not been finalized, it is intended that this Rezoning Plan provide for flexibility in allowing some alterations or modifications from the graphic representations of the Development/Site Elements.

CHAR23197012v1

2

1 2
e. A seventy-five (75) foot Class A Buffer that can be reduced per Ordinance will be provided adjacent to those properties zoned MX-1 and designated as non-residential use as generally depicted on the Rezoning Plan.

5. Architectural Standards and Design Guidelines.

a. **Building Materials.** The principal building(s) 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, precast concrete, synthetic stone, stucco, cementitious siding (such as hardi-plank), metal panels (on north and west elevations only), EIFS, cast on site concrete panel or wood. Vinyl as a building material will not be allowed except on windows and soffits.

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

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

d. **Pedestrian Entrances.** There shall be a minimum of one street facing entrance to each public street. Corner entrances shall meet this requirement for both streets. All pedestrian entrances, excluding emergency exits, will be architecturally defined with glazing, awnings, canopies and/or other architectural element, and have a connection to adjacent Public Streets.

6. Environmental Features:

a. The Site shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.

b. The Site will comply with Tree Ordinance.

c. Stream Buffers shall comply with the Lower Lake Wylie Watershed Overlay Ordinance.

d. 100' SWIM/PCSO Stream Buffers shall be increased to include 50% of the flood fringe area as additional stream buffer. Delineation of the additional stream buffer area will be deferred to the permitting process.

e. 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.

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

5

Therefore, there may be instances where minor modifications will be allowed without requiring the Administrative Amendment Process per Section 6.207 of the Ordinance. These instances would include changes to graphics if they are:

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

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

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

e. **Number of Buildings Principal and Accessory.** Notwithstanding the number of building(s) shown on the Rezoning Plan, the total number of principal buildings to be developed on the Site will be limited to seven (7). Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal building(s). In the event more than one principal building is developed on the Site, the Site shall adhere to the Subdivision Ordinance.

2. Permitted Uses, Development Area Limitations:

a. The Site may be developed with up to **1,450,000** square feet gross floor area of warehousing, warehouse distribution, manufacturing, office, and all other industrial uses as permitted by right and under prescribed conditions together with accessory uses, as allowed in the I-1 zoning district.

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

2

1
g. Prior to submission of any civil site plan for development, the developer agrees to survey all identified jurisdictional wetlands and streams within the assemblage. Stream buffers will be accurately shown, measured from the surveyed tops of banks.

h. With regard to temporary sediment basin design, the Petitioner commits to basin sizing on storm events detaining the 2-year storm for five (5) days and the 25 year storm for three (3) days while routing the 50 year storm through the water quality skimmer outlet

i. Additional specific measures to be employed in concert with the increased basin capacity will include that all plans follow the requirements of the Critical and Protected Area Enhanced Erosion Control Measures Checklist, including polyacrylamide (PAM) plans. PAM shall be specified for use with seeding mixtures and to treat sheet flow runoff to basins including type, amount, and frequency of application.

j. The Petitioner shall work with the City Water Quality Administrator or designee to provide increased temporary basin capacity and to implement other erosion control measures based on earthwork cut/fill analysis.

k. Good faith efforts will be made to follow the additional Design and Site Management Considerations included in the Critical and Protected Area Enhanced Erosion Control Measures Checklist.

l. A qualified individual will be dedicated solely to the protection of surface water resources with duties to include the periodic inspection of erosion control measures and land disturbing activities, the routine inspection of surface waters, and activities necessary to ensure the compliance with water quality regulations and rezoning conditions.

m. A copy of the EEP easement for the Beaverdam Creek Restoration Project will be provided at the time of construction plan submission and all provisions of the EEP easement will be followed as it pertains to the assemblage.

n. The Petitioner agrees to coordinate Greenway Connectivity to the adjacent Berewick Regional Park with the River District and Mecklenburg County Parks and Recreation.

2
o. The Petitioner agrees to provide continuous monitoring devices downstream to monitor turbidity 24 hours/day during construction and provide alerts to erosion control inspectors if exceedances occur.

p. The Petitioner agrees to participate in annual bathymetric monitoring of Browns' Cover (currently being led by the River District).

7. Lighting:

a. All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.

6

1 2
3. Transportation Improvements and Access:

a. The transportation improvements, pedestrian improvements and right of way dedication described below in paragraphs 3.a(1), 3.a(2) and 3.a(3) shall be constructed, installed, and dedicated by the Petitioner.

(1) The Petitioner will provide access to the Site as generally depicted on the Rezoning Plan, via extending Garrison and subject to the provisions below; provided that the exact alignment, dimensions and location of the access point to the Site and the driveway on the Site may be modified from the elements shown on the Rezoning Plan as long as the overall design intent is not materially altered and requirements described in this Section 3 are met.

(2) Planting strips and sidewalks shall be constructed in accordance with the final construction plans associated with the Extension of Garrison Road.

(3) Transportation improvements will be phased by the Petitioner to support the build out of the Site. The Petitioner shall install the following transportation improvements as generally depicted on the rezoning plan:

a. Phase One:

i. Petitioner shall grant to CDOT a 120-foot right-of-way where the petitioner controls both sides of Garrison Road (or 60-feet of right-of-way measured from the centerline where the petitioner only controls one side of Garrison Road), as generally depicted on the attached rezoning plan.

ii. Petitioner shall design a 4 lane and construct a 2 lane, median-divided section of Garrison Road from Dixie River Road and extending north to the intersection of Garrison Road and the future "Catawba Crossing".

b. Phase Two:

3
i. Petitioner shall design and construct a 2-lane section, expandable to 4 lanes along the petitioner-controlled frontage north of the future "Catawba Crossing" as generally depicted on the rezoning plans.

ii. Upon successful acquisition of 60' right-of-way, that portion of Garrison Road located north of the subject property shall be widened to two 12-foot lanes with a 2-foot shoulder from the subject property to West Boulevard as shown on the attached Rezoning Plan.

iii. Petitioner shall have the option to widen that portion of Garrison Road to Horton Road as described above IF the West Boulevard / Garrison Road improvements to be constructed by the developer of the River District are not completed prior to issuance of the final building's Certificate of Occupancy.

iv. Prior to receiving the Certificate of Occupancy for 50% of the allotted square-footage, the petitioner shall increase the storage capacity of the right turnlane of the I-485 Outer Exit Ramp from 140' to 175' as described in the Traffic Impact Study. **This improvement shall be waived IF the River District's Garrison Road / West Boulevard Improvements are completed.**

3

8. Amendments to the Rezoning Plan:

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

9. Binding Effect of the Rezoning Application:

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

1
b. The transportation and pedestrian improvements described in Section 3(a)(3)a "Phase One" shall be substantially completed prior to the issuance of the first certificate of occupancy for the first upfit within a building shell on the Site.

c. The foregoing public roadway improvements described in Section 3 will be subject to the standards and criteria of CDOT as applicable. Reference to "substantial completion" or "substantially completed" for improvements as set forth in the provisions above shall mean completion of the roadway improvements in accordance with the above standards provided, however, in the event all such roadway improvements are not completed at the time that the Petitioner seeks to obtain a certificate of occupancy for building(s) on the Site or in connection with any development phasing, then the Petitioner will work with City Staff to determine a process to allow the issuance of certificates of occupancy for the applicable building(s), and in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements.

d. Changes to the above referenced roadway improvements in this Section 3 can be approved through the Administrative Amendment process upon the determination and mutual agreement of Petitioner, CDOT, and the Planning Director as applicable, provided, however, the proposed alternate transportation improvements provide (in the aggregate) comparable transportation network benefits to the improvements identified in this Petition.

1
2
e. The Petition shall dedicate and convey (fee simple) to the City the rights of way within both phases described in Paragraph (3) before the site's first building certificate of occupancy is issued for each respective phase. Rights of way shall be set 2' behind back of sidewalk where feasible.

f. The pavement sections for the public roads that will be constructed by the petitioner shall be consistent with CLDSM Standard Detail Number 11.09.

g. The Petitioner shall construct left-turn lanes, with appropriate storage and bay tapers, within the center median at the proposed access points for Development Areas B, C, and D within Phase 1. Where feasible and as approved by CDOT during the plan review, the Petitioner shall align opposing driveways and/or condense the number of proposed access points on Garrison Road, to minimize the number of required left-turn lane bays.

4. Setbacks, Buffers and Screening.

a. A twenty (20) foot setback shall be provided as defined by Ordinance from public streets.

1
b. A one hundred (100) foot Class A Buffer that can be reduced per Ordinance will be provided adjacent to the single-family homes as generally depicted on the Rezoning Plan.

1
2
c. A fifty (50) foot Class A Buffer that can be reduced per Ordinance will be provided adjacent to those properties zoned MUDD-O as generally depicted on the Rezoning Plan.

d. A one hundred (100) foot Class A Buffer that can be reduced per Ordinance will be provided adjacent to those properties zoned MX-1 and designated as residential use as generally depicted on the Rezoning Plan.

4

GARRISON ROAD INDUSTRIAL

REZONING PETITION NUMBER 2019-173

CHARLOTTE, NORTH CAROLINA

MCCRANEY PROPERTY COMPANY

DEVELOPMENT STANDARDS

REVISIONS:
1. 5/11/20 - CITY STAFF COMMENTS
2. 8/24/20 - CITY STAFF COMMENTS
3. 12/23/20 - CITY STAFF COMMENTS

PROJECT #: 019.039

ENGINEER: GTW

DRAWN BY: ERT

CHECKED BY: LJB

SHEET

RZ-5

SHEET 5 OF 5



PE SEAL:



Petition 2019-173 by McCraney Property Company

To Approve:

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

- The plan recommends office/retail/light industrial land uses.

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

- The proposed uses are consistent with the light industrial land use recommended for the site.
- The site is in close proximity to Charlotte Douglas International Airport as well the Interstate 485 interchange with West Boulevard.
- The site is adjacent to rezoning petition 2017-189, which rezoned 46.2 acres to I-1(CD).
- The petition's site plan commits to a range of transportation improvements that will be beneficial to adjacent properties.
- The petition commits to extending Garrison Road south to Dixie River Road, which will improve mobility in the surrounding community.

To Deny:

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

- The plan recommends office/retail/light industrial land uses

(However, we find) this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

Motion:

Approve or Deny

Maker:

2ND:

Vote:

Dissenting:

Recused:



Agenda Date: 1/5/2021

Agenda #: 4. **File #:** 15-14855 **Type:** Zoning Item

Rezoning Petition: 2020-038 by Clover Group, Inc.

Location: Approximately 9.96 acres located on the east side of Steele Creek Road and south of Erwin Road. (Council District 3 - Watlington)

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

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

Public Hearing Held: December 21, 2020 - Item #31

Staff Resource: [Joe Mangum](#)

Staff Recommendation:

Staff does not recommend approval of this petition in its current form.

Attachments:

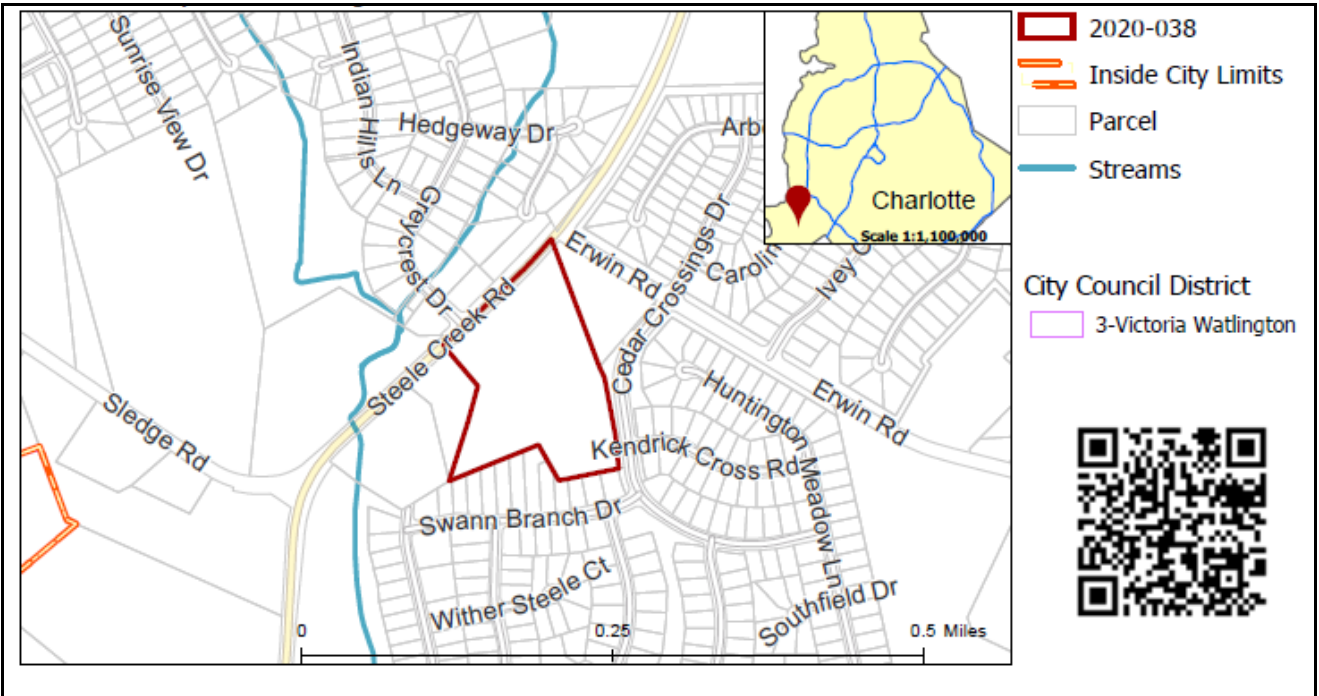
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

REQUEST

Current Zoning: R-3 (single family residential)
Proposed Zoning: R-12MF(CD) (multifamily residential, conditional)

LOCATION

Approximately 9.96 acres located on the east side of Steele Creek Road and south of Erwin Road.



SUMMARY OF PETITION

The petition proposes to rezone a property currently occupied by one single family home to R-12MF(CD) to allow the development of a 119 unit senior independent living community at a density of 11.95 dwelling units per acre.

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE
COMMUNITY MEETING

Wendy Bubp
Michael L. Joseph
Chris Clifton

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

STAFF
RECOMMENDATION

Staff does not recommend approval of this petition in its current form. Staff recommends a density reduction to four dwelling units per acre, as specified by the *Steele Creek Area Plan*.

Plan Consistency

The petition is **inconsistent** with the residential up to four dwelling units per acre land use recommendation for this site, as per the *Steele Creek Area Plan*.

Rationale for Recommendation

- The petition is inconsistent with the low-density residential land use recommended for this site and surrounding area.
- The continued increase in higher density development without the adequate public facilities and infrastructure of roads, schools and

parks to serve that new population, will have a detrimental impact on the quality of life of area residents.

- The Steele Creek Road (NC 160) road widening project has been put on hold by the NC Department of Transportation, pushing this critical transportation project further out into the future.
- Reducing the density to be more in line with the recommended 4 DUA in the plan would better facilitate the long term land use goals in the area.

The approval of this petition will revise the adopted future land use as specified by the *Steele Creek Area Plan*, from residential up to four dwelling units per acre, to residential up to 12 dwelling units per acre for the site.

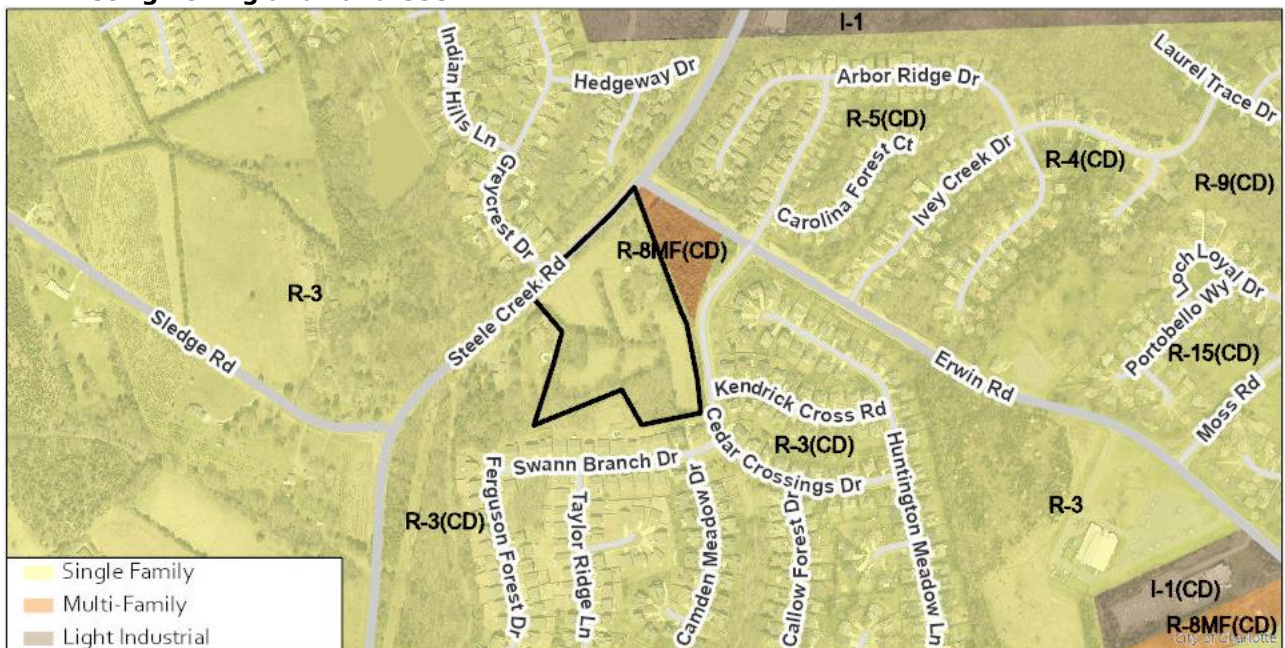
PLANNING STAFF REVIEW

• Proposed Request Details

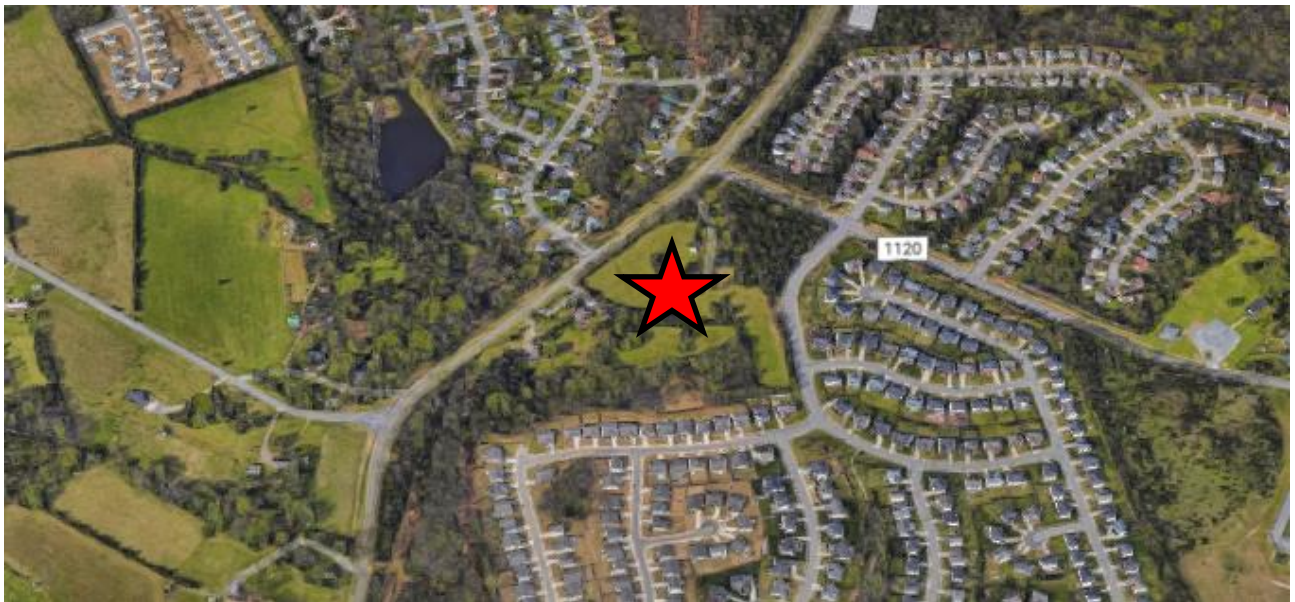
The site plan accompanying this petition contains the following provisions:

- Allows for the development of up to 119 independent living senior apartments at a density of 11.6 units per acre.
- Permits a maximum of one multifamily building and four garages.
- Commits to a minimum of 50% open space.
- Outlines a land swap with the owner of parcel 201431010 to accommodate a driveway connection to Cedar Crossings Drive.
- Agrees to a right of way dedication along Steele Creek Road to NCDOT for a future roadway widening project.
- Commits to implementing an 8' planting strip and 12' multi-use path along Steele Creek Road.
- Proposes a 50' Class C buffer adjacent to single family residential uses and zoning.
- States that all site lighting will be full cut off and downwardly directed.
- Commits to a range of architectural standards.

• Existing Zoning and Land Use



The site, near the intersection of Steele Creek Road and Erwin Road, is currently occupied by one single family home. Surrounding land uses are primarily single family residential.



The site, denoted by a red star, is surrounded by single family residential uses and vacant land.



The properties to the north, across Steele Creek Road, are developed with single family homes.



There is a wooded, vacant lot the east of the property as well as single family homes.

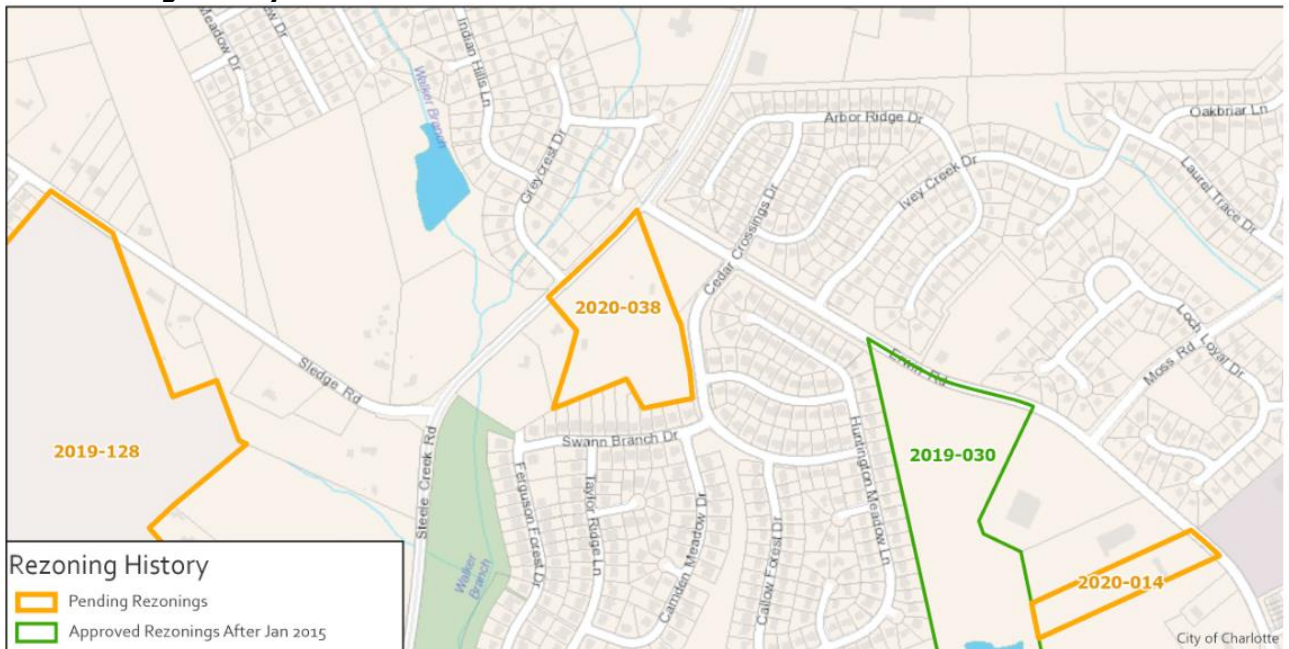


The properties to the south of the site are developed with single family homes.



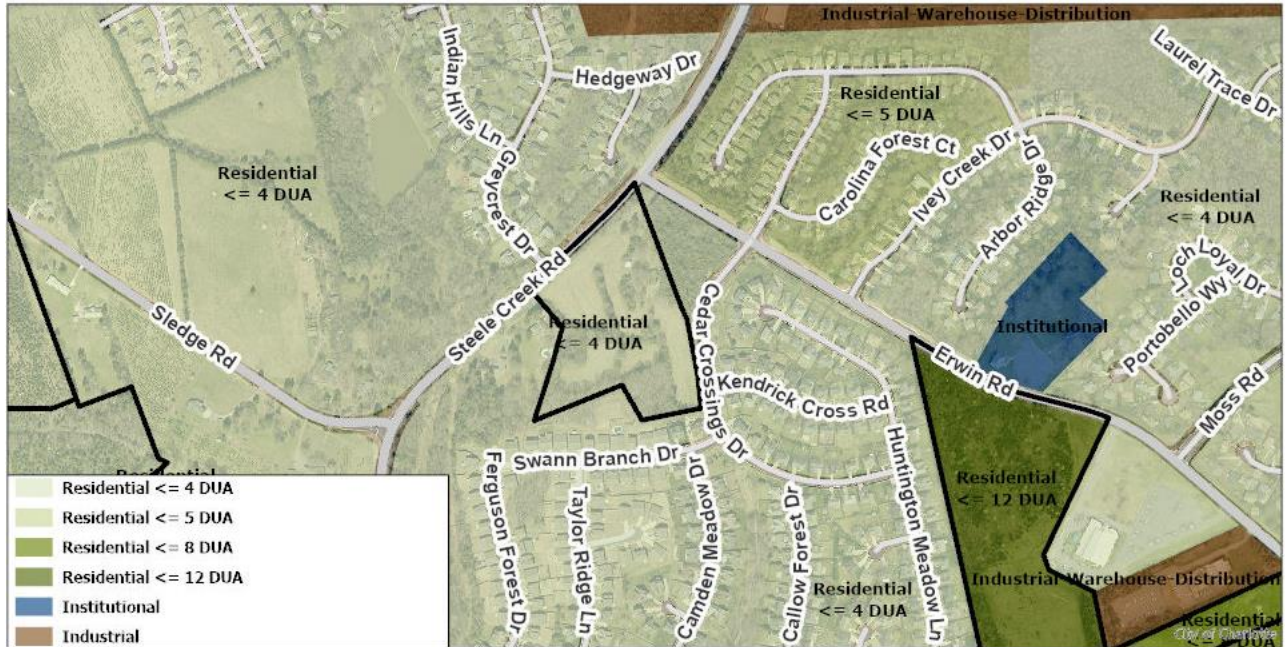
The properties to the west are developed with single family homes on large parcels.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2020-014	Petition to rezone 3.9 acres to UR-2(CD) to allow up to 30 townhomes.	Pending
2019-128	Petition to rezone 271.6 acres to MX-3 and UR-2(CD) to allow a mixture of up to 550 single family attached and detached homes and 150 continuing care units.	Pending
2019-030	The petition rezoned 30.73 acres to R-12MF(CD) to allow up to 272 multifamily residential dwelling units.	Approved

- **Public Plans and Policies**



- The *Steele Creek Area Plan* (adopted 2012) recommends residential uses at no more than 4 dwelling units per acre.

- **TRANSPORTATION SUMMARY**

The site is located within the Cedar Ridge Subdivision, off of Steele Creek Road, with access off of Cedar Crossings Drive. The petitioner has agreed to install a 12-ft multi-use path along the site's frontage of Steele Creek Road in accordance with the City's BIKES plan. Additionally, the petitioner has agreed to construct left and right turn lanes on Steele Creek Road, to mitigate the additional traffic impacts as a result of this development. In all, with the pedestrian and vehicular improvements, the overall transportation network will improve in the area.

A new site plan with access off of Cedar Crossings was provided on 08-17-2020, requiring a substantial review. This site plan needs revision to address updated comments, outstanding comments, and new comments based off of the new site plan. These include labeling and dimensioning a right-turn lane. Please note that all CDOT reviews have included a comment to add a left-turn lane onto Erwin Rd to help ease congestion in the area, however, this is not a requirement for approval and has not been agreed to by the petitioner.

- **Active Projects:**

- Steele Creek Rd. Widening (NC 160) – I-485 to South Carolina line
 - Project scope: Widen existing NC 160 to a 4-lane superstreet with multi-use paths (6 lanes in some areas)
 - ROW Year 2021 (project is currently on-hold)
 - Construction Year 2024 (project is currently on-hold)
 - PM: NCDOT
 - TIP #: U-5766

- **Transportation Considerations**

- ~~See Outstanding Issues, Notes 1-3~~ Addressed

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 9 trips per day (based on 1 single family dwelling).

Entitlement: 335 trips per day (based on 29 single family dwellings).

Proposed Zoning: 450 trips per day (based on 119 senior apartments).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments submitted.
- **Charlotte Department of Housing and Neighborhood Services:** See advisory comments at www.rezoning.org
- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org
- **Charlotte-Douglas International Airport:** No comments submitted.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Historic Landmarks:** No comments submitted.
- **Charlotte-Mecklenburg Police Department:** No comments submitted.
- **Charlotte-Mecklenburg Schools:** Not applicable
- **Charlotte Water:** No comments submitted.
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No comments submitted.
 - **Land Development:** No comments submitted.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry:** See Outstanding Issues, Note 4. [Addressed](#)
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No comments submitted.

OUTSTANDING ISSUESTransportation

1. ~~The petitioner should revise the site plan and conditional note (Section Transportation.7.) to commit to a north-eastbound 100' right turn lane into the from NC 160 into Erwin Drive. Please clearly label and dimension the right turn lane.~~
~~Updated Comment from 09-14-2020 Site Plan: It appears this right turn lane is there, however, it is not labeled nor dimensioned.~~ [Addressed](#)
2. ~~The petitioner should revise the site plan and conditional note (Section Transportation.7.) to commit to construct a south-westbound left turn lane with 150' of storage and appropriate left-turn lane tapers based on the speed limit from NC 160 into Erwin Drive.~~
~~Updated Comment with 09-14-2020 Site Plan: This left turn lane has been requested during every previous review phase and in multiple resubmittal meetings. Both NCDOT and CDOT cannot require this left turn lane and, as a result, the petitioner has opted to not include this left turn lane in their site plan and scope of work. This note is not meant to deter approval of this petition; rather, this note serves to provide transparency of information from previous reviews and discussions between all parties.~~ [Addressed](#)
3. ~~Include language in the notes that validation of this easement will be provided to CDOT before final permitting.~~ [Addressed](#)

Environment

4. ~~Site is still not showing enough protected tree save. Tree save is required to be 15% of total area made up of existing trees. Replanted tree save is not an option for this site.~~ [Addressed](#)

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

Planner: Joe Mangum (704) 353-1908

DEVELOPMENT DATA:
SITE ACREAGE: 10.29+/- ACRES
TAX PARCEL INCLUDED IN REZONING: 20143102
EXISTING ZONING: R-3
PROPOSED ZONING: R-12MF(CD)
EXISTING USE: SINGLE FAMILY RESIDENTIAL
PROPOSED USE: INDEPENDENT SENIOR APARTMENTS (MULTI-FAMILY)
NUMBER OF RESIDENTIAL UNITS BY HOUSING TYPE: MULTI-FAMILY (SENIOR) 119-UNITS
RESIDENTIAL DENSITY: 11.6 UNITS PER ACRE
SQUARE FOOTAGE OF NON-RESIDENTIAL USES BY TYPE: NA
MAXIMUM BUILDING HEIGHT: PER ZONING ORDINANCE
PROPOSED PARKING SPACES: 1 SPACE PER UNIT INCLUDING 40 GARAGES
AMOUNT OF OPEN SPACE: 50% MINIMUM.

TREE SAVE CALCULATIONS:
PROTECTED TREE SAVE AREA REQUIRED: 15% UNDISTURBED
10.29 ACRES X 15% = 1.54 ACRES PROTECTED TREE SAVE REQUIRED
TREE SAVE AREA PROVIDED:
TREE SAVE AREA #1: 0.496 ACRES
TREE SAVE AREA #2: 0.882 ACRES
TREE SAVE AREA #3: 0.180 ACRES
TOTAL: 1.558 ACRES

TURNING LANE TO BE INSTALLED
AS PART OF FUTURE NC160
WIDENING PROJECT

12' MULT-USE PATH
(CONSTRUCTED AT EXISTING GRADE)
TO NC & C DOT APPROVALS

8.5' PLANTING STRIP SUBJECT
TO NC & C DOT APPROVALS

GREYCREST DRIVE

R3
PARCEL ID
19943292

R3
PARCEL ID
19943101

R3
PARCEL ID
19913104

Petition 2020-038 by Michael L. Joseph

To Approve:

This petition is found to be **inconsistent** 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 four dwelling units per acre.

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

- (To be explained by the Zoning Committee)

The approval of this petition will revise the adopted future land use as specified by the *Steele Creek Area Plan*, from residential up to four dwelling units per acre, to residential up to 12 dwelling units per acre for the site.

To Deny:

This petition is found to be **inconsistent** 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 four dwelling units per acre.

(Therefore, we find) this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- The petition is inconsistent with the low-density residential land use recommended for this site and surrounding area.
- The continued increase in higher density development without the adequate public facilities and infrastructure of roads, schools and parks to serve that new population, will have a detrimental impact on the quality of life of area residents.
- The Steele Creek Road (NC 160) road widening project has been put on hold by the NC Department of Transportation, pushing this critical transportation project further out into the future.
- Reducing the density to be more in line with the recommended 4 DUA in the plan would better facilitate the long term land use goals in the area.

Motion:

Approve or Deny

Maker:

2ND:

Vote:

Dissenting:

Recused:



Agenda Date: 1/5/2021

Agenda #: 5. **File #:** 15-14856 **Type:** Zoning Item

Rezoning Petition: 2020-086 by Greystar GP II, LLC

Location: Approximately 71.94 acres located on the south side of University City Boulevard, west of Interstate 485, north of Mineral Springs Road. (Council District 4 -Johnson)

Current Zoning: RE-2 (research and RE-2 (CD) (research, conditional)

Proposed Zoning: R-12 MF (CD) (multi-family residential, conditional) with five-year vested rights.

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

Staff Resource: [Michael Russell](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

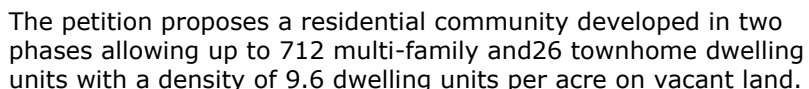
Attachments:

Post-Hearing Staff Analysis
Site Plan
Statement of Consistency



Current Zoning: RE-2 (research) and RE-2(CD) (research, conditional)
Proposed Zoning: R-12MF(CD) (multi-family residential, conditional) with five-year vested rights.

Approximately 71.94 acres located on the south side of University City Boulevard, west of Interstate 485, north of Mineral Springs Road.



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

- This petition proposes up to 712 multi-family and 26 multi-family attached dwelling units to be developed in two phases.
- This petition aligns with the *University Research Area Plan* (2008) future land use recommendation of residential, office, or retail at

this site. At 9.6 DUA, this petition is much less dense than the maximum recommended density of 22+ DUA.

- This petition commits to increasing pedestrian mobility by establishing a minimum 8-foot wide planting strip and a minimum 12-foot wide multi-use path along the Site's frontage on University City Boulevard.
- Prior to the issuance of a certificate of occupancy for the one hundred and seventy-fifth (175th) multi-family dwelling unit constructed on the Site, the Petitioner proposes to dedicate and convey to Mecklenburg County for future greenway purposes the entire 100-year floodplain of Doby Creek. The petitioner also commits to constructing a minimum 12-foot wide multi-use path that will connect the Greenway Area to the western boundary line of the Site.

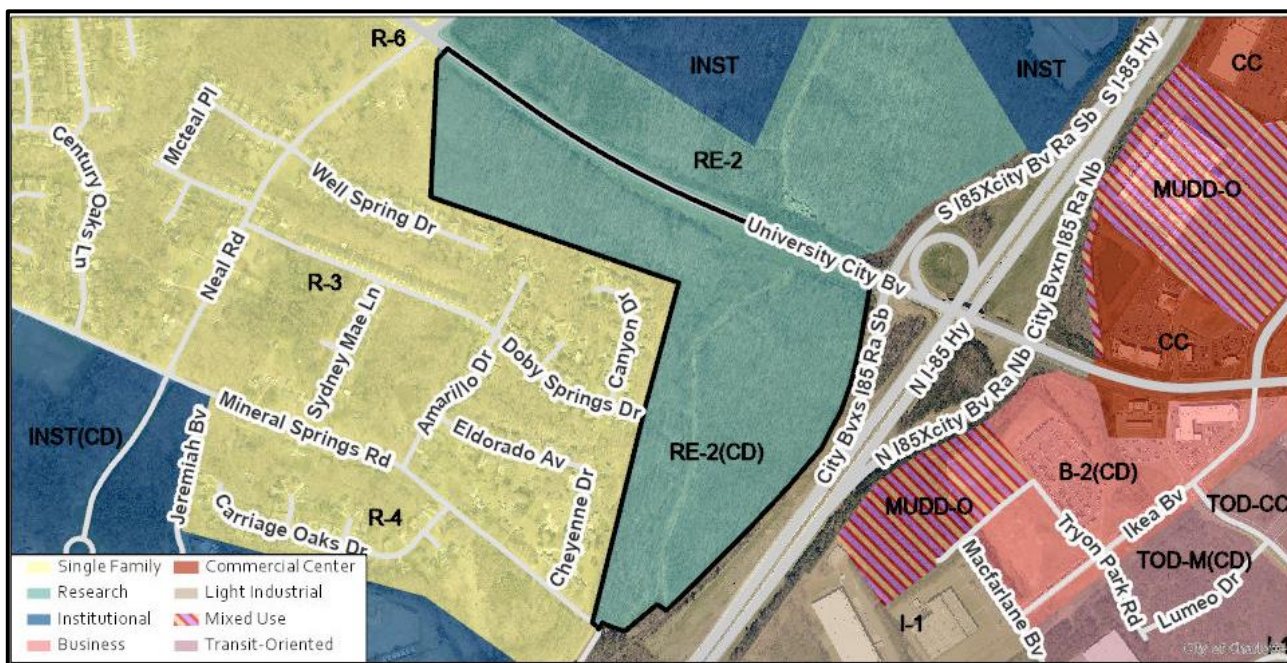
PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allows up to 712 multi-family units in two phases.
- Allows Phase 1 to contain 348 multi-family units with a minimum of 10 townhomes.
- Allows Phase 2 to contain 364 multi-family units with a minimum of 16 townhomes.
- Commits to an 8-foot wide planting strip and a minimum 12-foot wide multi-use path along the Site's frontage on University City Boulevard.
- Commits to a 12-foot-wide multi-use path that will connect the greenway Area to the western boundary line of the Site.
- Commits to dedicate and convey to Mecklenburg County for future greenway purposes the entire 100-year floodplain of Doby Creek.
- Commits to providing an internal private street network, with two roundabouts to support internal traffic circulation.
- Provides internal sidewalks and pedestrian connections within the Site.
- Provides turn lane improvements at access locations on University City Boulevard.
- Provides turn lane improvements at the following existing signalized intersections: University City Boulevard & Neal Road and University City Boulevard & I-85 Northbound Off-ramp.
- Provides walkways to connect all residential entrances to sidewalks along public and private streets.
- Provides an amenity area within each phase to contain a clubhouse, swimming pool and fitness center.
- Architectural standards include:
 - Buildings exceeding 120 feet in length shall include one or more modulations of the building massing/facade plane such as recesses, projections, and architectural details.
 - Prohibits Vinyl siding (but not vinyl hand rails, windows, doors, garage doors or door trim) and concrete masonry not architecturally finished.
 - Building elevations designed with vertical bays or articulated architectural facade features which may include but not be limited to a combination of exterior wall offsets, projections, recesses, pilasters, banding and change in materials or colors.
 - Long pitched or flat roof lines will 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.
 - Buildings will be placed to present a front or side facade to all network required streets.

• **Existing Zoning and Land Use**



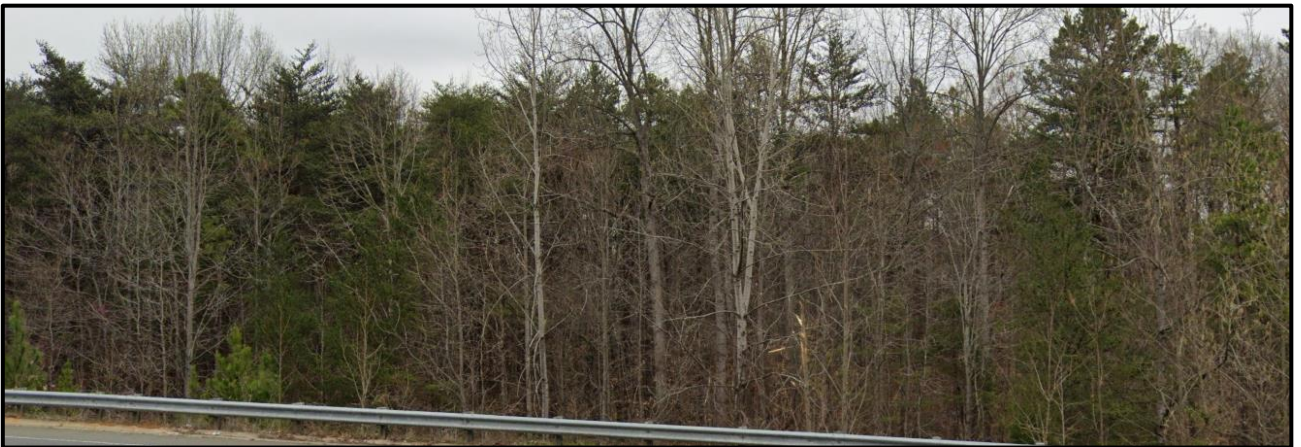
The subject property is vacant. The surrounding land uses include single-family homes and a school.



The subject property denoted by red star.



The property to the south and west of the site along Doby Springs Drive is developed with single-family homes.



The property to the north across University City Boulevard is undeveloped.



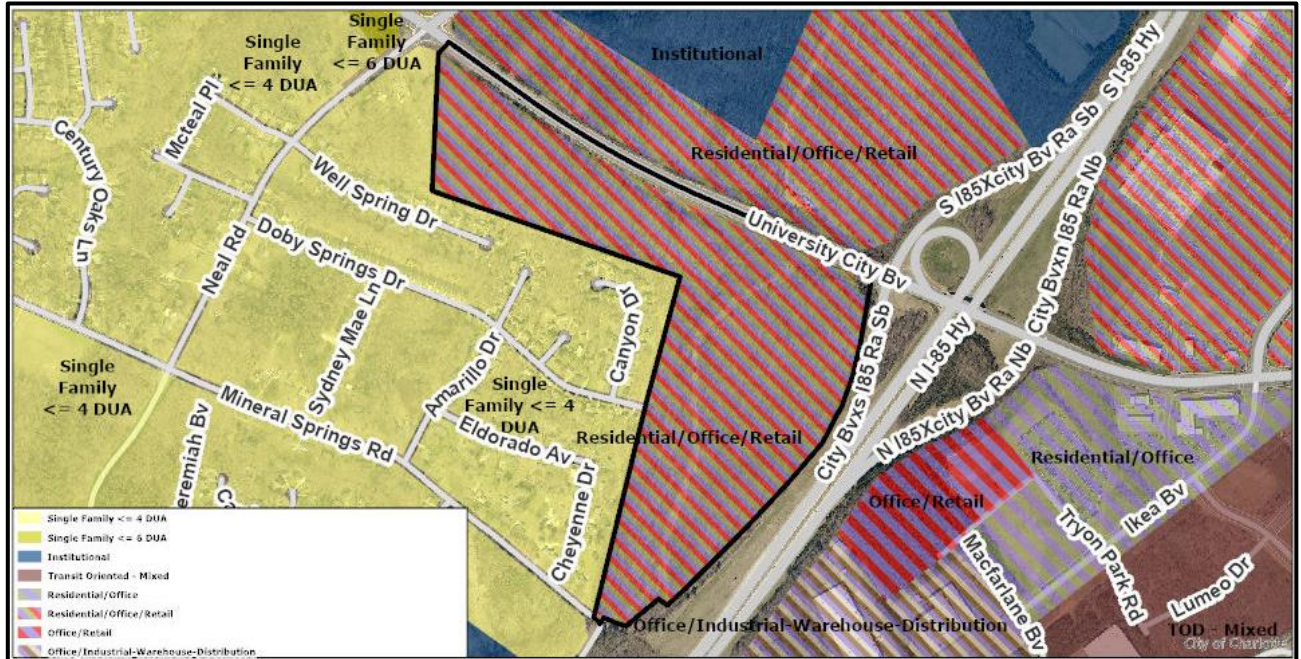
The site borders Interstate 85 to the east.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2015-047	Rezoned 22 acres to allow all the uses in the TOD-M zoning district.	Approved
2017-108	Rezoned 14.2 acres to allow up to 80,000 square-feet of EDEE's with golf-related outdoor entertainment uses.	Approved
2018-123	A site plan amendment to allow two additional ground mounted signs not exceeding 3,000 square-feet in area and 30-feet in height.	Approved
2018-169	Text amendment to replace three existing transit-oriented development districts with four new districts in accordance with the Unified Development Ordinance.	Approved
2019-102	Alignment rezoning to rezone parcels under a range of zoning districts to one of four transit-oriented development districts.	Approved

- **Public Plans and Policies**



- The *University Research Park Area Plan (2010)* recommends residential/office/retail for this site.

- **TRANSPORTATION SUMMARY**

- The site is located on University City Boulevard, which is a State-maintained major thoroughfare. A TIS was required for the review of this petition and was approved 10/27/20 by CDOT and NCDOT. The latest TIS improvements include turn lane improvements at the proposed site access locations on University City Boulevard. Additional turn lane improvements will also be incorporated at the following existing signalized intersections: University City Boulevard & Neal Road and University City Boulevard & I-85 Northbound Off-ramp. The petitioner has committed to providing an internal private street network, with two roundabouts to support internal traffic circulation. In accordance with Charlotte BIKES, the petitioner has committed to constructing a 12-ft shared use path along the site frontage along University City Boulevard. CDOT is coordinating with the petitioner to construct a shared use path connection to Mineral Springs Road to improve connectivity by providing a north south connection to University City Boulevard. In support of Charlotte WALKS, Charlotte BIKES, and the Greenway Masterplan, the petitioner has committed to constructing a shared use path from the rezoning site to Doby Springs Drive, over Doby Creek, to provide pedestrian and bicycle access to the adjacent subdivision.

- **Active Projects:**

- None identified

- **Transportation Considerations**

- See Outstanding Issues, Note 1

- **Vehicle Trip Generation:**

Current Zoning:

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

Entitlement: 6,020 trips per day (based on 598,600 square feet of Research uses).

Proposed Zoning: 3,895 trips per day (based on 686 multi-family units and 26 townhomes).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** See advisory comments at www.rezoning.org
- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate zero students, while the development allowed under the proposed zoning may produce 87

students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 87 students.

- The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
 - Governor's Village K-8 from 104% to 107%
 - Zebulon Vance High from 129% to 130%.
- **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 proposed rezoning has the potential to significantly impact the capacity of the local sanitary sewer collection system. It is recommended that the applicant contact the Charlotte Water New Services group for further information. See advisory comments at www.rezoning.org
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Transportation

- ~~1. Revise the site plan and conditional note(s) to commit to constructing a shared use path connection to Mineral Springs Road~~ Addressed

REQUESTED TECHNICAL REVISIONS

Environment

- ~~2. Add an evergreen tree and shrub species to the buffer planting schedule.~~ Addressed

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

Planner: Michael Russell (704) 353-0225

REZONING PETITION 2020-086

ELAN UNIVERSITY CITY

MULTI-FAMILY RESIDENTIAL

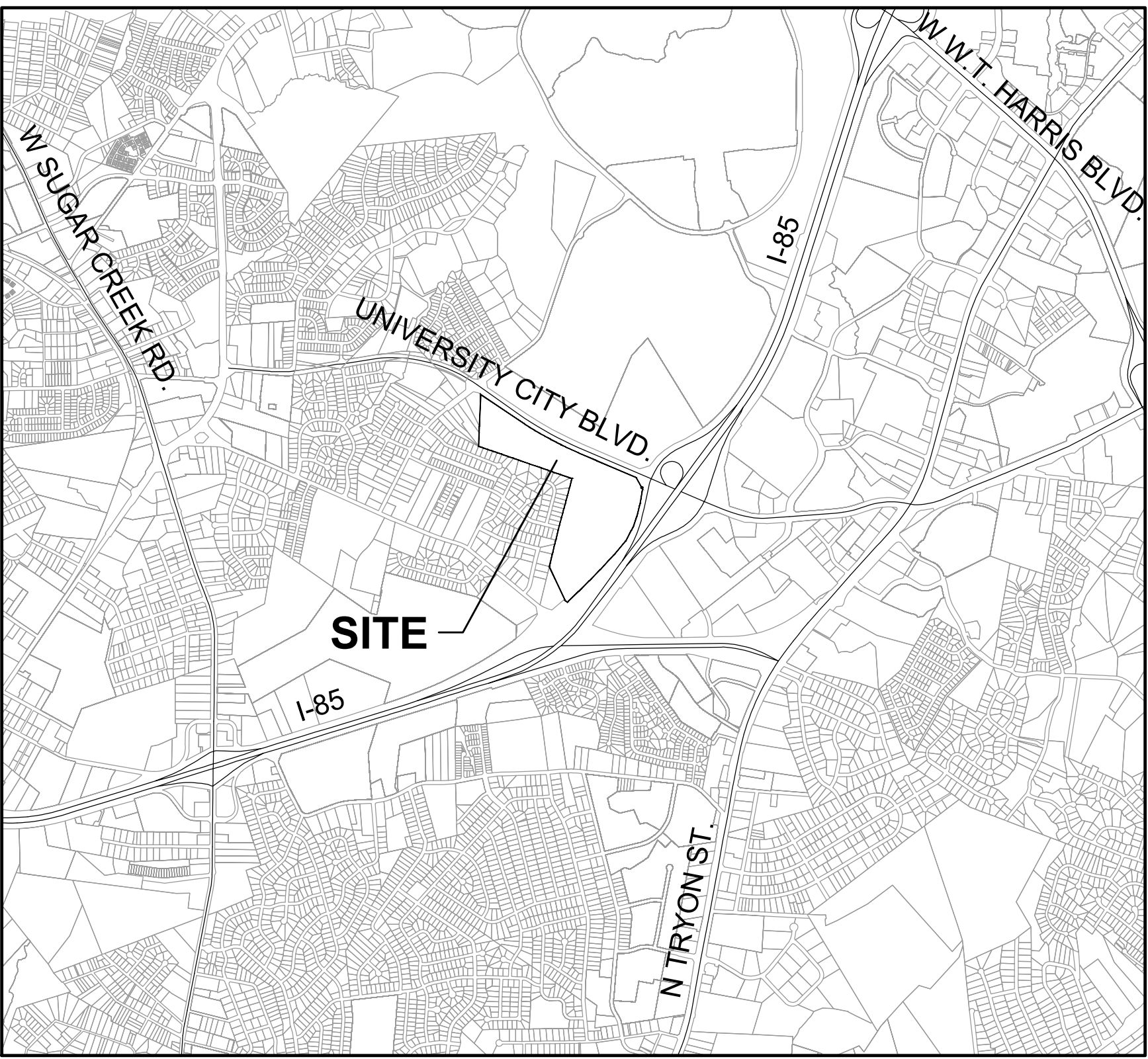
CHARLOTTE, NORTH CAROLINA

DATE: 12/28/2020

SHEET INDEX

Sheet List Table	
Sheet Number	Sheet Title
RZ-1.0	COVER SHEET
RZ-1.1	SURVEY
RZ-2.0	TECHNICAL DATA SHEET
RZ-3.0	OVERALL SITE PLAN
RZ-3.1	DETAILED SITE PLAN
RZ-3.2	DETAILED SITE PLAN
RZ-4.0	DEVELOPMENT NOTES

VICINITY MAP



PROJECT TEAM

OWNER/DEVELOPER
GREYSTAR GP II, LLC
521 E MOREHEAD ST, SUITE 400
CHARLOTTE, NC, 28202
704.379.1868
CONTACT NAME: ZACH SPENCER

LANDSCAPE ARCHITECT
LANDDESIGN
223 NORTH GRAHAM STREET
CHARLOTTE, NC 28202
704.333.0325
CONTACT NAME: MARK KIME, PLA

CIVIL ENGINEER
LANDDESIGN
223 NORTH GRAHAM STREET
CHARLOTTE, NC 28202
704.333.0325
CONTACT NAME: MASON GREESON, PE

SURVEYOR
LDSI, INC.
201 W 29TH ST
CHARLOTTE, NC 28026
704.309.8216
CONTACT NAME: SETH MARTIN

Point Legend:
Symbol Abbr Description

- Monumentation-
 - EIP Existing Iron Pin
 - IPS Iron Pin Set (#5 Rebar)
 - CM Concrete Monument
 - PT Calculated Point
- Utilities-
 - UP Utility Pole
 - SSMH Sanitary Sewer Manhole
 - TPED Telephone Pedestal
- Miscellaneous-
 - Sign
 - NF Now or Formerly
 - CGF Combined Grid Factor
 - BOC Back of Curb
 - EOP Edge of Pavement

Line Legend:
Symbol Description

- x — Fence Line
- SS — Sanitary Sewer Line
- SSS — Storm Sewer Easement

Legal Description Tract One

blah blah blah

Legal Description Tract Two

blah blah blah

Legal Description Tract Three

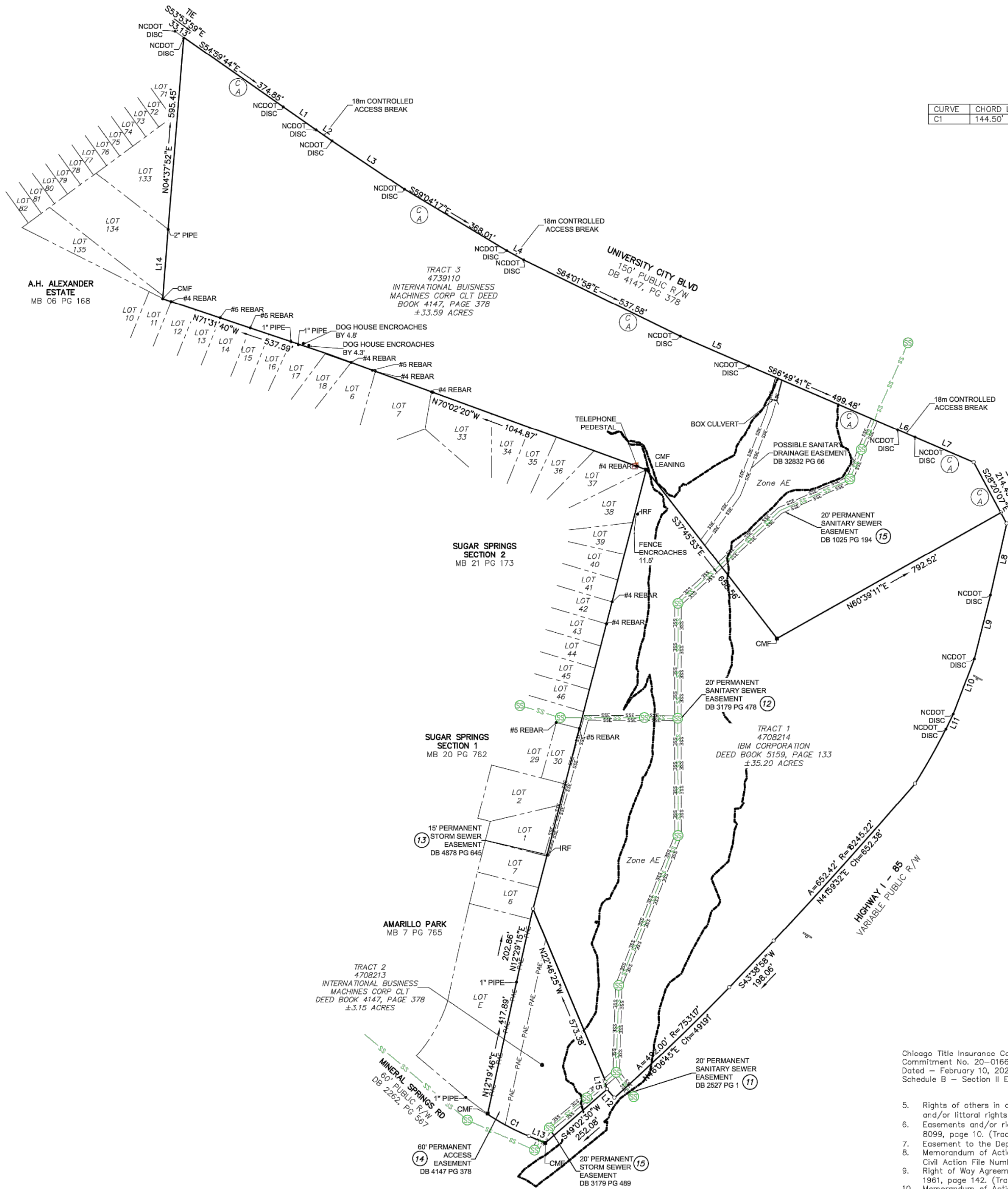
blah blah blah

To: Greystar GP II, LLC, Chicago Title Insurance Company, LLC

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(a), 8, 11, 13, 14, 15, 16, 17 and 230 of Table A thereof.

Date:

Seth F. Martin L-4719

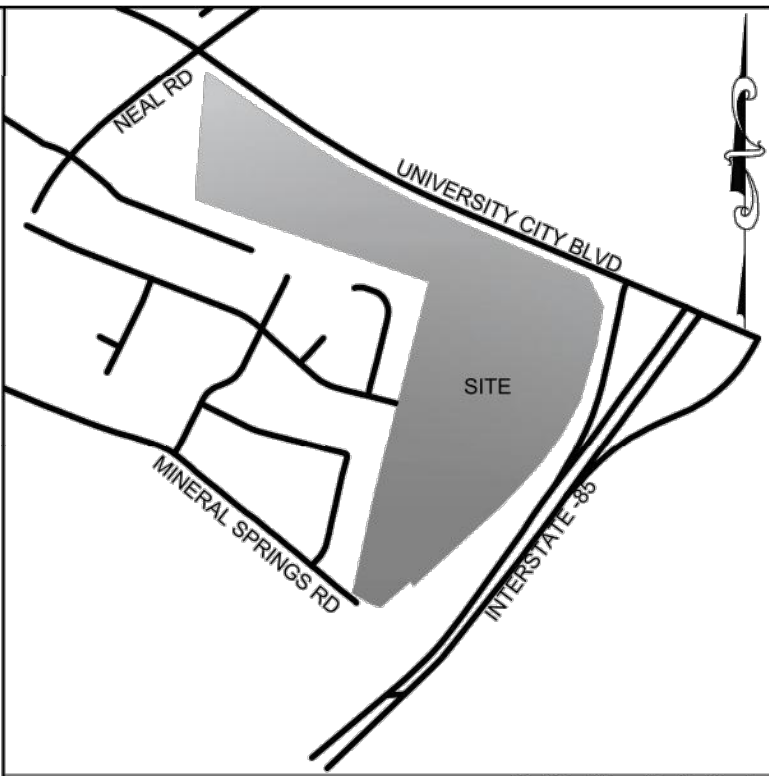


CURVE	CHORD LENGTH	CHORD BEARING	ARC LENGTH	RADIUS
C1	144.50'	S62°05'40\"E	144.75'	704.64'

LINE	BEARING	DISTANCE
L1	S55°05'18\"E	124.11'
L2	S55°17'27\"E	59.25'
L3	S56°09'17\"E	269.05'
L4	S61°10'55\"E	59.77'
L5	S66°34'29\"E	229.58'
L6	S66°48'32\"E	59.07'
L7	S66°48'32\"E	196.86'
L8	S12°49'00\"W	226.73'
L9	S14°11'23\"W	202.73'
L10	S20°48'17\"W	182.70'
L11	S25°56'50\"W	51.95'
L12	N40°57'49\"W	35.00'
L13	N67°58'05\"W	54.37'
L14	N04°31'52\"E	214.62'
L15	N09°54'26\"W	29.82'

Chicago Title Insurance Company, LLC
Commitment No. 20-01663RA
Dated - February 10, 2020 7:00AM
Schedule B - Section II Exceptions

5. Rights of others in and to the continuous and uninterrupted flow of the waters bounding or crossing the Land and riparian and/or littoral rights incident to the Land. (Tracts One, Two & Three) [Not a matter of survey]
6. Easements and/or rights of way to Duke Power Company recorded in Book 4581, page 602; Book 7823, page 28; and Book 8099, page 10. (Tracts One, Two & Three)
7. Easement to the Department of Transportation recorded in Book 9452, page 18. (Tracts One, Two & Three)
8. Memorandum of Action by the City of Charlotte recorded in Book 32832, page 61, and related condemnation proceedings in Civil Action File Number 18-CVS-13237. (Tracts One, Two & Three) [Not a matter of survey]
9. Right of Way Agreements with the State Highway and Public Works Commission recorded in Book 1882, page 345 and Book 1961, page 142. (Tract One)
10. Memorandum of Action recorded in Book 2742, page 263 and related Consent Judgment recorded in Book 2987, page 94. (Tract One) [Not a matter of Survey]
11. Easements and/or rights of way to Duke Power Company recorded in Book 2526, page 457 and Book 2527, page 1. (Tract One) [As shown on Survey]
12. Right of Way Agreements to the County of Mecklenburg recorded in Book 3179, page 478 and Book 3207, page 194. (Tract One) [As shown on Survey]
13. Easement in favor of First Colony Corporation recorded in Book 4878, page 645. (Tract One) [As shown on survey]
14. Right of way reserved in instrument recorded in Book 4147, page 378. (Tract Two) [As shown on survey]
15. Easements in favor of Duke Power Company recorded in Book 1025, page 194; Book 3179, page 469; and Book 3179, page 489. (Tract Three) [As shown on Survey]
16. Right of Way Agreements to the State Highway Commission recorded in Book 2092, page 549; Book 2092, page 572; and Book 2684, page 286. (Tracts Two & Three)
17. Consent Judgment (City of Charlotte Annexation) recorded in Book 5529, page 226. (Tracts Two & Three) [Not a matter of survey]
18. Covenants, conditions, restrictions, easements and liens provided for in instrument(s) filed for record in Book 5704, page 554, and any related maps, plans, bylaws and other document(s) and amendment(s), but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law. (Tracts Two & Three) [Not a matter of survey]



General Notes:

1. Deed References - DB 4147-378, 5159-133
2. Tax Parcel ID - 04739110, 04708214, 04708213
3. Current Owner - See Map
4. All bearings are NC Grid bearings.
5. All distances are shown horizontal.
6. Grid distance = Horizontal distance x Combined Grid Factor (0.00000000)
7. Area - Tract 1 - 35.20 acres
Tract 2 - 3.15 acres
Tract 3 - 33.59 acres
Total: 71.94 acres surveyed
8. Areas have been determined by coordinate computation.
9. Iron pins (#5 Rebar) or other monumentation (as shown) found or set at all property corners.
10. Zoning - RE-2 (CD) Research district - minimum lot area 4.0 acres
11. This property is partially located in a special Flood Hazard Area as determined by FEMA and the State of North Carolina. Reference Community Panel Number: 3710456600K Dated: 11/16/2018 and is reflected graphically on survey.
12. The location of underground utilities shown on this map are approximate, based on information provided by others or by field location. Utility locations as shown hereon are intended for planning only. Actual location, size or depth of line should be verified with the individual utility company before construction.
13. The North Carolina Grid Coordinates shown on this map were derived by real-time kinematic GPS observations using Trimble R8 Receivers and processed using North Carolina Geodetic Survey Virtual Reference System.
14. All monuments are #5 Rebar unless stated otherwise.
15. No parking locations were observed during survey.
16. Subject property has site access from University City Boulevard.
17. No observable evidence of site use as a solid waste dump, sump or sanitary landfill at time of survey.
18. No observable evidence of earth moving work, building construction, or building additions at time of survey.
19. Portion of the property lies within a public right-of-way and is shown graphically on survey.
20. No evidence of archeological site was located on property
21. Subject Properties are contiguous, there are no gaps or overlaps in surveyed areas.

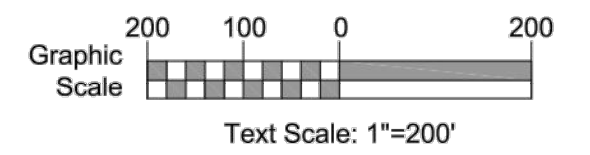
ALTA/NSPS Survey of
UNIVERSITY CITY
University City Boulevard
City of Charlotte
Mecklenburg County
North Carolina

prepared for:
Greystar GP II, LLC

1			
2			
3			
4			
No.	Revision	By	Date



201 West 29th Street
Charlotte, NC 28206
Phone: (704) 337-8329
Fax: (704) 308-3153
License No.: C-1925
www.ldsi-inc.com



Date: 04/01/2020	Plot Date: 04/01/2020
Project Number: 4120033	
Drawn By: JMC	
Reviewed By: SFM	
Sealed By: SFM	Sheet 1 of 1

1. PID: 04708212
ABERNETHY GLENDA
840 MINERAL SPRINGS RD
CHARLOTTE NC 28262
DB 02262 PG 567

2. PID: 04708234
ROLAND BRENT K & JEANETTE A
7016 CHEYENNE DR
CHARLOTTE NC 28262
DB 08692 PG 608

3. PID: 04708211
HUNTER BETTY OVERCASH
7020 CHEYENNE DR
CHARLOTTE NC 28213
DB 23964 PG 960

4. PID: 04708210
LAYMAN MARY SUE CADIEU
20520 LAGOONA DR
CORNELIUS NC 28031
DB 02315 PG 133

5. PID: 04708231
NURSE ALICIA J
7048 CHEYENNE DR
CHARLOTTE NC 28262
DB 30552 PG 81

6. PID: 04708230
TAH M5 BORROWER LLC
C/O TRICON AMERICAN HOMES LLC
1508 BROOKHOLLOW DR
SANTA ANA CA 92705
DB 32065 PG 101

7. PID: 04708278
CPJ/AMHERST SFR
PROGRAM OWNER LLC
5001 PLAZA ON THE LAKE STE 200
AUSTIN TX 78746
DB 34417 PG 56

8. PID: 04708277
CPJ/AMHERST SFR PROGRAM OWNER LLC
5001 PLAZA ON THE LAKE STE 200
AUSTIN TX 78746
DB 34417 PG 56

9. PID: 04708276
B STIKELATHER LLC
4915 MONROE RD
CHARLOTTE NC 28205
DB 28929 PG 132

10. PID: 04708275
MEEKS SHIRLEY Y
7212 CANYON DR
CHARLOTTE NC 28215
DB 06628 PG 259

11. PID: 04708274
CROWDER WILLIAM S & SARAH C
7218 CANYON DR
CHARLOTTE NC 28262
DB 05383 PG 211

12. PID: 04708273
HOLT HILARY A
DOUGLAS ANNA L
7224 CANYON DR
CHARLOTTE NC 28262
DB 32617 PG 708

13. PID: 04708272
WASHINGTON STEVEN KEVIN
HIGHSMITH EVA MARIE
7300 CANYON DR
CHARLOTTE NC 28262
DB 05727 PG 528

14. PID: 04708271
NEWMAN JOAN L
7306 CANYON DR
CHARLOTTE NC 28262
DB 05396 PG 598

15. PID: 04708270
DOUGLAS BYRON EVAN &
MARICA ABIGAIL M
7310 CANYON DR
CHARLOTTE NC 28262
DB 17388 PG 214

16. PID: 04708269
KANEV PETAR V
7314 CANYON DR
CHARLOTTE NC 28262
DB 33048 PG 296

17. PID: 04708268
ORR DUAN B &
POSEY-ORR DAWN E
7318 CANYON DR
CHARLOTTE NC 28262
DB 07312 PG 263

18. PID: 04708267
DANIS CHARLOTTE Z
& JIMMIE W
7322 CANYON DR
CHARLOTTE NC 28262
DB 19916 PG 576

19. PID: 04708266
CERBERUS SFR HOLDINGS LP
C/O COLD RIVER LAND LLC
1850 PARKWAY PLACE SUITE 900
MARIETTA GA 30067
DB 32387 PG 823

20. PID: 04708265
GONZALEZ OSCAR U
7332 CANYON DR
CHARLOTTE NC 28269
DB 20947 PG 88

21. PID: 04708264
WHITESIDE BROADUS J
7334 CANYON DR
CHARLOTTE NC 28262
DB 05318 PG 178

22. PID: 04708238
SFR JV I 2019-1 BORROWER LLC
C/O TRICON AMERICAN HOMES LLC
1508 BROOKHOLLOW DR
SANTA ANA CA 92705
DB 33886 PG 651

23. PID: 04708237
GILCHRIST ANTHONY &
VERGIE G
7225 AMARILLO DR
CHARLOTTE NC 28262
DB 05528 PG 692

24. PID: 04708524
MCLENDON JR TERRY
1100 WELLS SPRING DR
CHARLOTTE NC 28262
DB 32070 PG 821

25. PID: 04708523
BORDUS XAVIER & VICKIE
1106 WELLS SPRING DR
CHARLOTTE NC 28262
DB 32073 PG 919

26. PID: 04708522
NICO YREUSE
1112 WELLS SPRING DR
CHARLOTTE NC 28262
DB 26238 PG 134

27. PID: 04708521
LOWE ELMER L JR & TERESA
1118 WELLS SPRING DR
CHARLOTTE NC 28216
DB 10402 PG 215

28. PID: 04708520
DAUGHERTY DONALD A
& ANGELA M
11235 SAM FURR RD UNIT 101
HUNTSVILLE NC 28078
DB 11406 PG 946

29. PID: 04708519
Y-WOO HWING & NIE NGOUUM H
1130 WELLS SPRING DR
CHARLOTTE NC 28262
DB 25598 PG 89

30. PID: 04708518
JOHNSON ERIC L
1136 WELLS SPRING DR
CHARLOTTE NC 28262
DB 32114 PG 569

31. PID: 04708517
BDAP HDRIN
1142 WELLS SPRING DR
CHARLOTTE NC 28262
DB 31652 PG 748

32. PID: 04739137
MARTIN SARAH H
C/O MARTIN JR JAMES A
7316 NEAL RD
CHARLOTTE NC 28262
DB 35511 PG 468

33. PID: 04739107
MARTIN HEATHER
7300 NEAL RD
CHARLOTTE NC 28262
DB 29412 PG 236

34. PID: 04739106
BUI TACH THI
7308 NEAL RD
CHARLOTTE NC 28262
DB 07905 PG 065

35. PID: 04739104
CARTER BENJAMIN VANCEY
7316 NEAL RD
CHARLOTTE NC 28262
DB 33883 PG 876

36. PID: 04739103
MOREIRA JOSE & SANTOS ELLENNI
7318 NEAL RD
CHARLOTTE NC 28262
DB 10059 PG 641

37. PID: 04739102
BALL KRISHAN GRUPTA
10613 TAVERNAY PV
CHARLOTTE NC 28262
DB 20242 PG 728

38. PID: 04739101
INTERNATIONAL BUSINESS
MACHINES CORP CLT 703/002
ATTN: RONNIE THOMAS
10925 DAVID TAYLOR DR
CHARLOTTE NC 28262
DB 04147 PG 308

39. PID: 04739163
SOUTHCRAFT DEVELOPMENT LLC
2116 CROWN CENTRE DR STE 200
CHARLOTTE NC 28227
DB 34508 PG 469



PROJECT

GREYSTAR GP II, LLC

UNIVERSITY CITY BOULEVARD
CHARLOTTE, NC 28262

LANDDESIGN PROJ.#

1019525

REVISION / ISSUANCE

[illegible]

DESIGNED BY: MEK
DRAWN BY: MEK
CHECKED BY: LDI

SCALE

VERT: N/A
HORZ: 1"=150'

SHEET TITLE

TECHNICAL DATA SHEET

SHEET NUMBER

RZ-2.0

12/22/2020 2:19 PM DAPHNE BRICE 7:\TEMPLATES\SHEETS\CD SHEETS\1\1\SHEET-24X36.DWG

ORIGINAL SHEET SIZE: 24" X 36"

GENERAL NOTES:

1. WETLAND PERMITTING WILL BE REQUIRED FOR LAND DEVELOPMENT SUBMITTAL.
2. NCDOT ENCROACHMENT AND DRIVEWAY PERMITS WILL BE REQUIRED FOR LAND DEVELOPMENT SUBMITTAL.
3. SIDEWALKS MUST BE A MINIMUM 6' WIDE IF THEY CONNECT TO THE BACK OF CURB OF A ROADWAY, AND A MINIMUM OF 7' WIDE ALONG THE BACK OF CURB ADJACENT TO A PARKING LOT.
4. PLANS SHALL STATE THE DEVELOPMENT WILL COMPLY TO ALL CITY OF CHARLOTTE ORDINANCES (EMBANKMENT, BLASTING, DUST CONTROL, AND POST-CONSTRUCTION), EMBANKMENT REQUIREMENTS NEED TO BE FULLY STATED ON DETAIL SHEETS.
5. EXISTING GROUNDWATER ELEVATION SHOULD BE VERIFIED BEFORE STORM WATER CONTROL MEASURES ARE CONSTRUCTED. THE GROUND WATER LEVEL SHOULD BE 1.0 FOOT BELOW THE PROPOSED BOTTOM CHAMBER FOR ALL WATER QUALITY FEATURES. WET PONDS WILL HAVE TO SHOW THAT SOILS WILL BE ABLE TO RETAIN STORM WATER.
6. TRASH HANDLING FOR MULTI-FAMILY COMPONENT TO BE ADDRESSED IN LAND DEVELOPMENT SUBMITTAL PACKAGE.
7. AN OPERATION AND MAINTENANCE AGREEMENT FOR THE WATER QUALITY FEATURE WILL BE REQUIRED BEFORE A CERTIFICATE OF OCCUPANCY CAN BE GIVEN.
8. A DECLARATION OF COVENANTS WILL BE NEEDED FOR THE WATER QUALITY FEATURE BEFORE A CERTIFICATE OF OCCUPANCY CAN BE GIVEN.
9. A PLAT SHOWING THE PUBLIC STORM DRAINAGE EASEMENT MUST BE RECORDED FOR THE WATER QUALITY FEATURE.
10. AS-BUILT DRAWINGS NEED TO BE SUBMITTED BEFORE A CERTIFICATE OF OCCUPANCY CAN BE ISSUED. ADDITIONALLY, ALL AUTOCAD AS-BUILT FILES FOR ANY MAJOR RESIDENTIAL DEVELOPMENT MUST CONTAIN THE PROPER GEO-SPATIAL REFERENCING INFORMATION BEFORE A CERTIFICATE OF OCCUPANCY CAN BE ISSUED.
11. SITE PLAN WILL NEED TO INCLUDE A PHOTOMETRIC PLAN SHOWING LIGHT MEASUREMENTS ALL THE WAY UP TO THE PROPERTY LINES.
12. OPEN SPACE WILL MEET REQUIREMENTS PER ORDINANCE.
13. TREE SAVE WILL MEET REQUIREMENTS PER ORDINANCE.

FIRE DEPARTMENT NOTES:

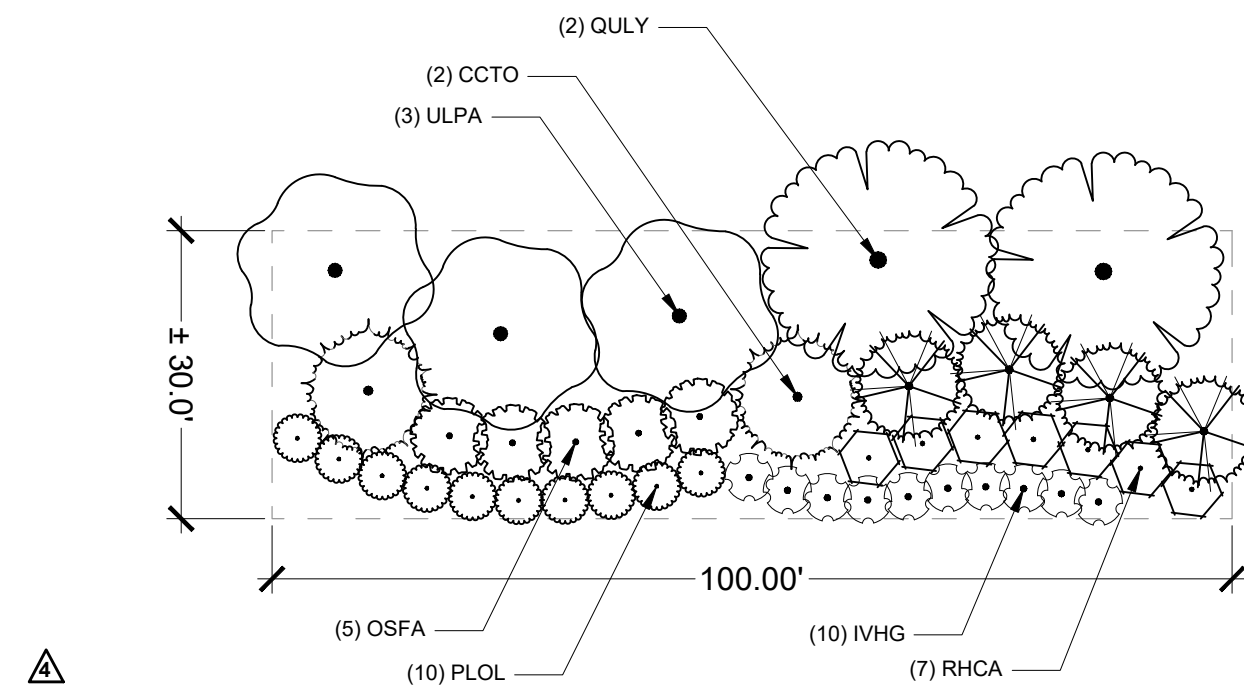
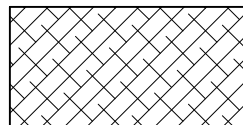
1. FIRE DEPARTMENT ACCESS ROAD SHALL HAVE A MIN. 20' UNOBSTRUCTED CLEAR WIDTH INCLUDING ROUNDABOUT AND SHALL BE CAPABLE OF SUPPORTING 80,000 LBS.
2. TURN RADIUS 30' INSIDE AND 42' OUTSIDE.
3. FOR NON-SPRINKLED BUILDINGS, FIRE DEPARTMENT MUST BE ABLE TO REACH 150' TO ALL EXTERIOR PORTION OF BUILDING.
4. FOR SPRINKLED BUILDINGS, FIRE DEPARTMENT MUST BE ABLE TO REACH 200' TO ALL EXTERIOR PORTION OF BUILDING.
5. FOR BUILDINGS THAT IS EQUIPPED WITH A SPRINKLER SYSTEM, A FIRE DEPARTMENT CONNECTION SHALL BE LOCATED WITHIN 200' OF A FIRE HYDRANT FOR A NFPA 13 SPRINKLER SYSTEM, NFPA 14 STANDPIPE SYSTEM AND 750' FOR A NFPA 13R SPRINKLER SYSTEM.
6. FIRE HYDRANT SHALL BE LOCATED WITHIN 750' TO THE MOST REMOTE POINT OF BUILDING AS TRUCK TRAVEL FOR ALL BUILDINGS.
7. SHOW EXISTING AND NEW WATER LINES THROUGHOUT PROPERTY.
8. PROVIDE NUMBER OF STORIES, SQUARE FOOTAGE OF EACH FLOOR, TYPE OF CONSTRUCTION AND WATER MODEL FOR PRIVATE HYDRANTS. 9- PROVIDE A CURRENT FIRE HYDRANT TEST REPORT CALL 704-336-2101

LEGEND

COMMON OPEN SPACE



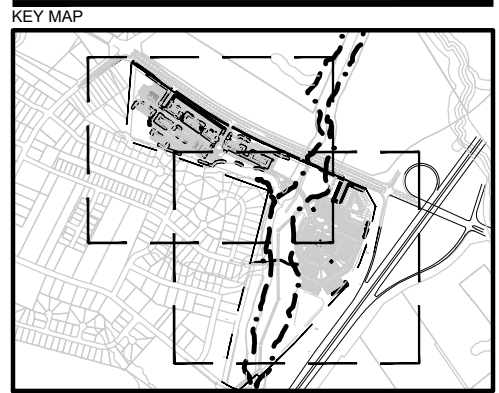
PROPOSED TREE SAVE



TYPICAL 100' SECTION OF LANDSCAPE SCREENING ALONG UNIVERSITY CITY BOULEVARD

PLANT SCHEDULE BUFFER PLANTING

TREES	CODE	BOTANICAL NAME	COMMON NAME	MIN. CONT.	MIN. CAL.	MIN. HT.	REMARKS
	CCTO	Cercis canadensis texensis 'Oklahoma'	Oklahoma Texas Redbud	B & B	AS SHOWN	8'-10' ht.	Match Specimen
	ILAS	Ilex x attenuata 'Savannah'	Savannah Holly	B&B		6'-8' ht.	
	QULY	Quercus lyrata	Overcup Oak	B & B	3" Cal.	14'-16' ht.	MATCH SPECIMEN, STRAIGHT LEADER
	ULPA	Ulmus parvifolia 'Allee'	Allee Lacebark Elm	B & B	3" Cal.	14'-16' ht.	MATCH SPECIMEN, STRAIGHT LEADER
SHRUBS	CODE	BOTANICAL NAME	COMMON NAME	MIN. CONT.	SPACING	MIN. HT.	REMARKS
	IVHG	Itea virginica 'Henry's Garnet'	Henry's Garnet Sweetspire	3 gal	5' o.c.	24"-30" ht.	Match Specimen, Full to Ground
	OSFA	Osmanthus fragrans	Sweet Olive	5 gal	As Shown	36-48"	Match Specimen, Full to Ground
	PLOL	Prunus laurocerasus 'Otto Luyken'	Luykens Laurel	#3	5' o.c.	30"-36" ht.	MATCH SPECIMEN, FULL TO GROUND
	RHCA	Rhododendron catawbiense 'Album'	White Catawba Rhododendron	5 gal	6' o.c.	24"-36" ht.	Match Specimen, Full to Ground



NOT FOR
CONSTRUCTION

ELAN UNIVERSITY
CITY

GREYSTAR GP II, LLC
UNIVERSITY CITY BOULEVARD
CHARLOTTE, NC 28262

REVISION / ISSUANCE		
NO.	DESCRIPTION	DATE
1	REZONING SUBMITTAL	05/15/2020
2	REZONING SUBMITTAL	10/12/2020
3	REZONING SUBMITTAL	11/16/2020
4	REZONING SUBMITTAL	12/28/2020

DESIGNED BY:
DRAWN BY:
CHECKED BY:

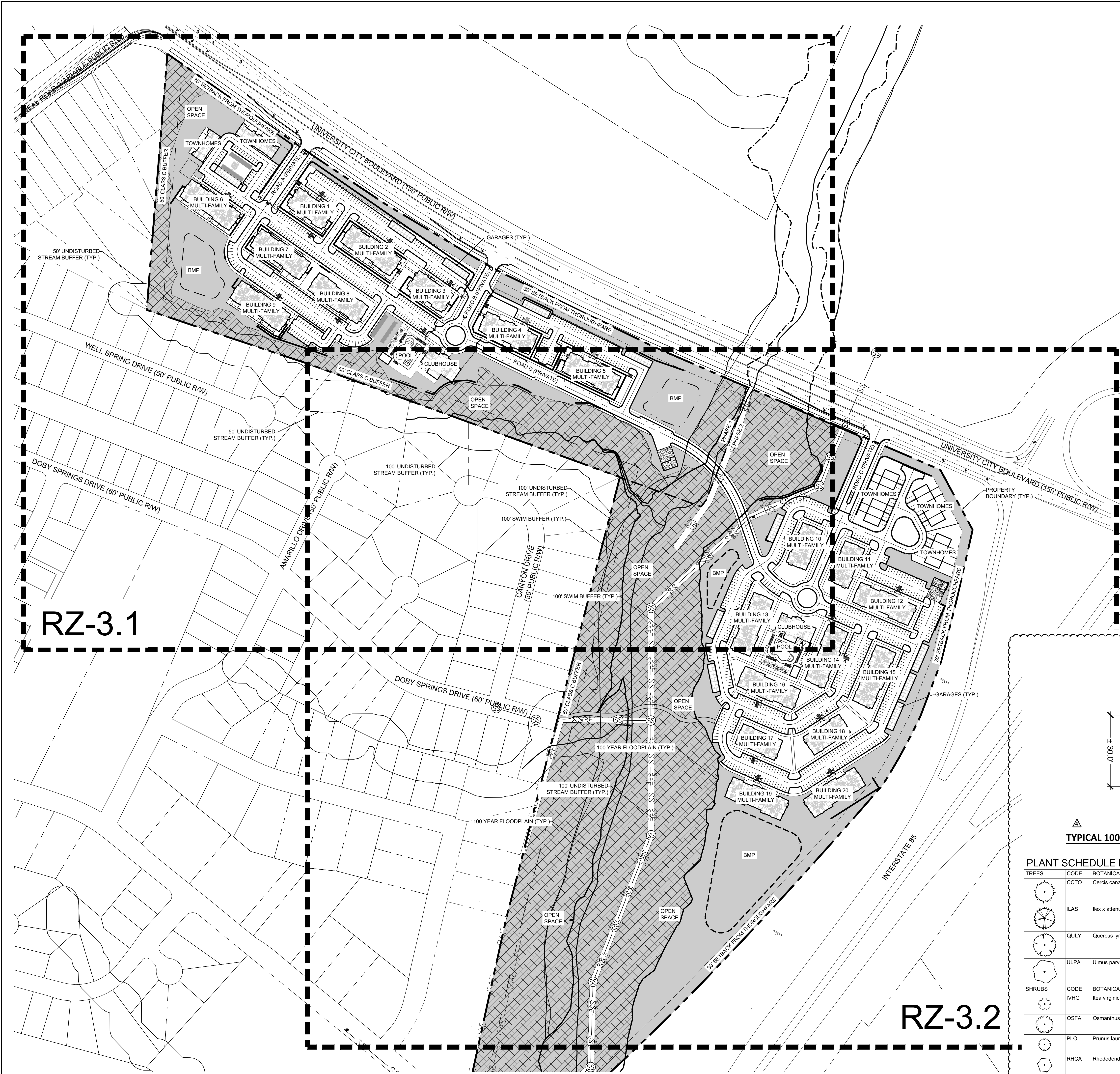
SCALE: 1"=150'

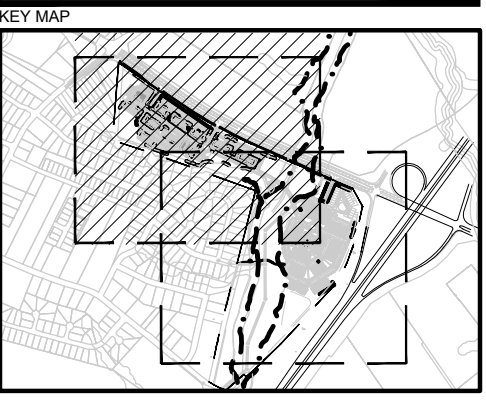
VERT: N/A
HORZ: 1"=150'

SHEET TITLE

OVERALL SITE PLAN

SHEET NUMBER
RZ-3.0





NOT FOR
CONSTRUCTION

PROJECT

**ELAN UNIVERSITY
CITY**

GREYSTAR GP II, LLC
UNIVERSITY CITY BOULEVARD
CHARLOTTE, NC 28262

LANDDESIGN PROJ.# 1019525

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	REZONING SUBMITTAL	05/15/2020
2	REZONING SUBMITTAL	10/12/2020
3	REZONING SUBMITTAL	11/16/2020
4	REZONING SUBMITTAL	12/28/2020

DESIGNED BY:
DRAWN BY:
CHECKED BY:

SCALE

VERT: N/A
HORZ: NTS

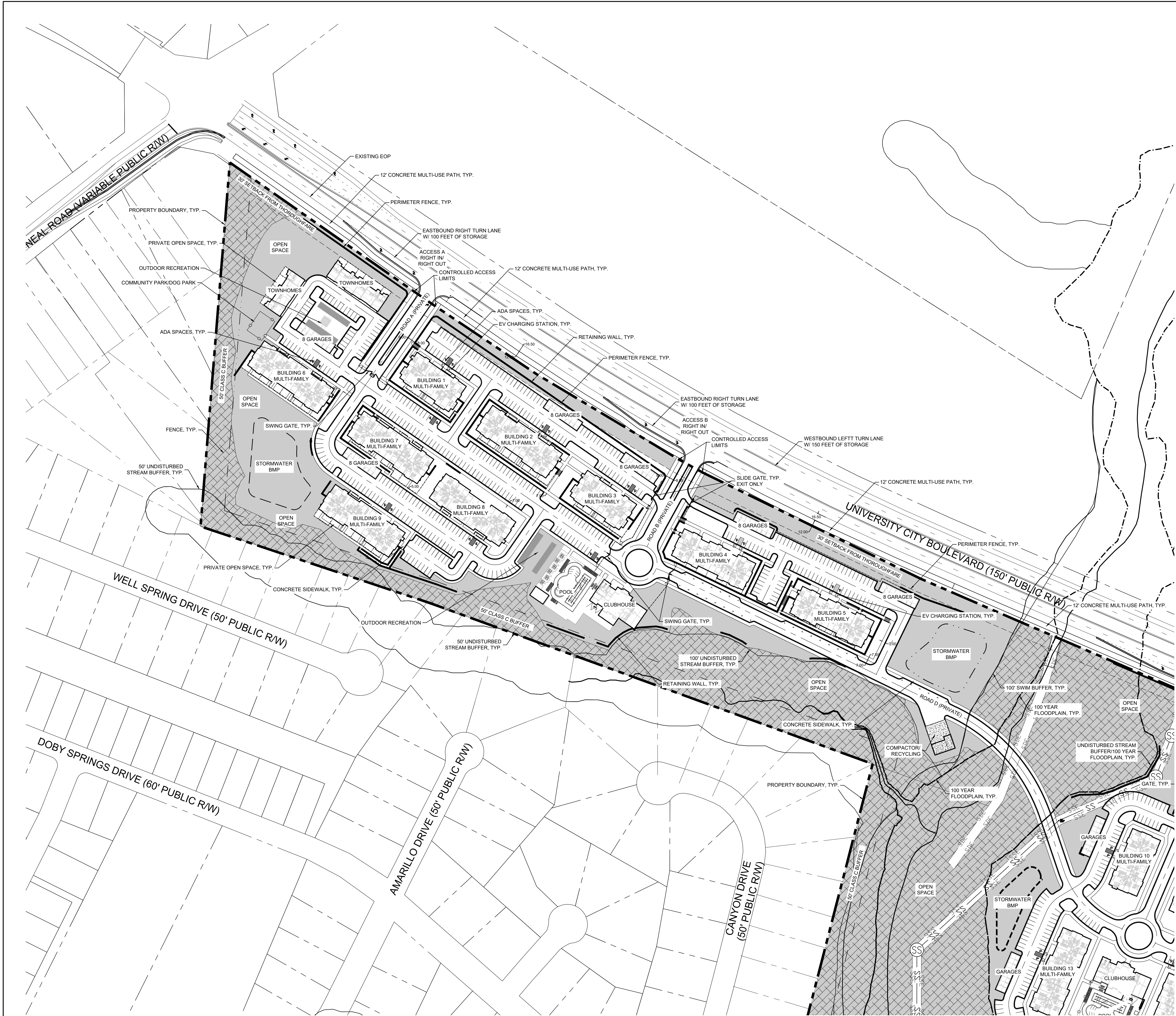
(NOT TO SCALE)

SHEET TITLE

DETAILED SITE PLAN

SHEET NUMBER

RZ-3.1

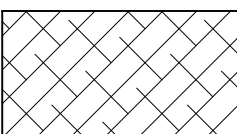


LEGEND

COMMON OPEN SPACE



PROPOSED TREE SAVE





PROJECT

**ELAN UNIVERSITY
CITY**

LANDDESIGN PROJ.# 1019525

[illegible]

SCALE NORTH

VERT: N/A
HORZ: NTS

(NOT TO SCALE)

SHEET NUMBER

RZ-3.2



Petition 2020-086 by Greystar GP II, LLC

To Approve:

This petition is found to be **consistent** with the *University Research Area Plan* (2008) based on the information from the staff analysis and the public hearing, and because:

- The plan recommends residential/office/retail up to 22 dwelling units per acre.

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

- This petition proposes up to 712 multi-family and 26 multi-family attached dwelling units to be developed in two phases.
- This petition aligns with the *University Research Area Plan* (2008) future land use recommendation of residential, office, or retail at this site. At 9.6 DUA, this petition is much less dense than the maximum recommended density of 22+ DUA.
- This petition commits to increasing pedestrian mobility by establishing a minimum 8-foot wide planting strip and a minimum 12-foot wide multi-use path along the Site's frontage on University City Boulevard.
- Prior to the issuance of a certificate of occupancy for the one hundred and seventy-fifth (175th) multi-family dwelling unit constructed on the Site, the Petitioner proposes to dedicate and convey to Mecklenburg County for future greenway purposes the entire 100-year floodplain of Doby Creek. The petitioner also commits to constructing a minimum 12-foot wide multi-use path that will connect the Greenway Area to the western boundary line of the Site.

To Deny:

This petition is found to be **consistent** with the *University Research Area Plan* (2008) based on the information from the staff analysis and the public hearing, and because:

- The plan recommends residential/office/retail up to 22 dwelling units per acre.

Therefore, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

Motion:

Approve or Deny

Maker:

2ND:

Vote:

Dissenting:

Recused:



Agenda Date: 1/5/2021

Agenda #: 6. **File #:** 15-14857 **Type:** Zoning Item

Rezoning Petition: 2020-088 by WSB Retail Partners, LLC

Location: Approximately 49.79 acres located along the northeast side of Prosperity Church Road and the south side of Johnston Oehler Road. (Council District 4 -Johnson)

Current Zoning: MX-1 (mixed use) and R-3 (single-family residential)

Proposed Zoning: CC (commercial center) UR-2 (CD) (urban residential, conditional) with five-years vested rights.

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

Staff Resource: [Michael Russell](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

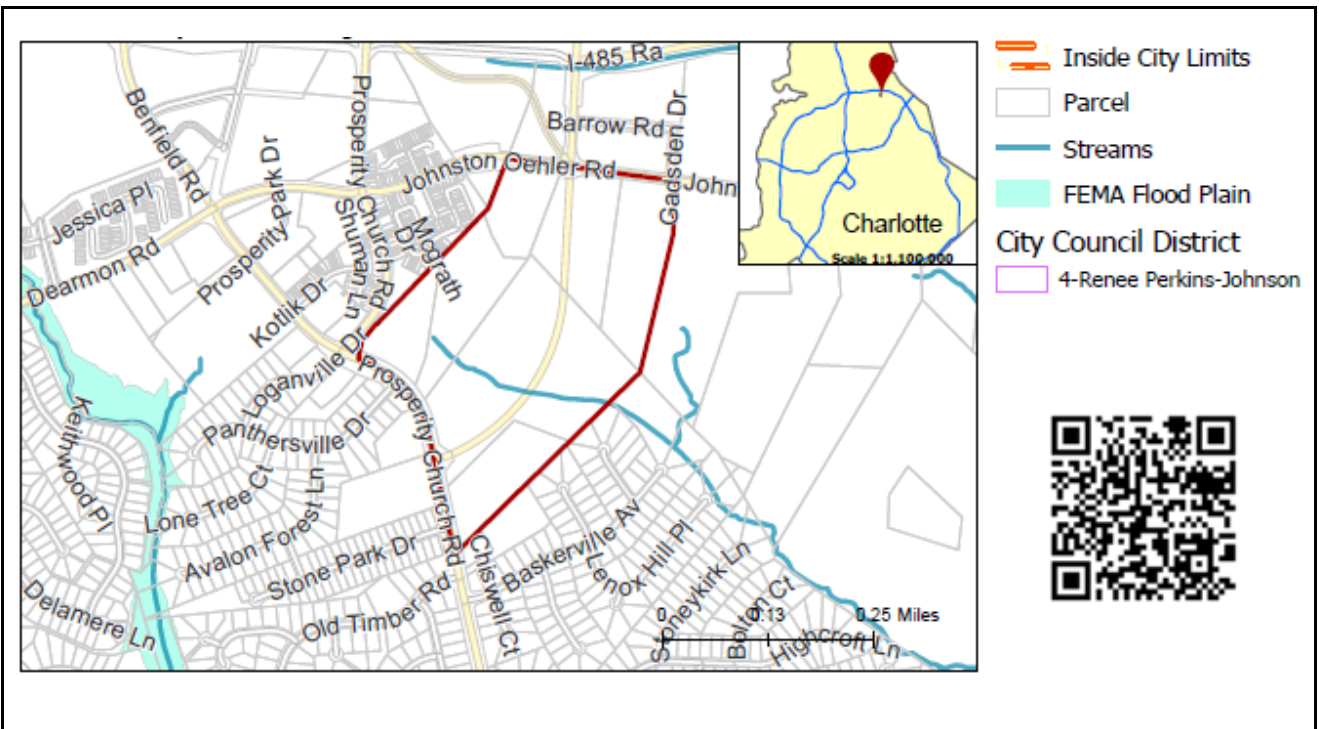
REQUEST

Current Zoning: MX-1 (mixed use) and R-3 (single family residential)

Proposed Zoning: CC (commercial center) and UR-2(CD) (urban residential, conditional) with five-years vested rights.

LOCATION

Approximately 58.04 acres located along the northeast side of Prosperity Church Road and the south side of Johnston Oehler Road.



SUMMARY OF PETITION

The petition proposes a multi-use development that includes up to 300 multi-family dwelling units and 132 single-family dwelling units (townhomes), and a maximum 145,000 square feet of commercial and retail uses.

PROPERTY OWNER

Linda P. Smith

PETITIONER

WSB Retail Partners, LLC

AGENT/REPRESENTATIVE

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

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 19

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

In this petition Development Areas B, D, and E are **consistent** with the *Prosperity Hucks Area Plan (2015)* recommendation of residential uses, but **inconsistent** with the recommendation of up to 8 dwelling units per acre (DUA).

Development areas A and C are **inconsistent** with the area plan's recommendation of residential uses up to 8 DUA for this site.

Rationale for Recommendation

- This petition proposes up to 432 multi-family and single family attached dwelling units on development areas B and D, and a variety of multi-family residential, commercial, and retail uses on development areas A and C. Development area E is dedicated to open space, tree save, and parks, greenways, and trails.
- The overall residential density for this site is 7.46 DUA, but the residential density for development areas B and D is 15.66 DUA, making the proposed density inconsistent with the area plan recommendation of residential density up to 8 DUA.
- The increased density in development areas B and D are appropriate because of the site's adjacency to the Prosperity Hucks Activity Center, where higher densities are recommended, and because of the site's commitment to connectivity between existing neighborhoods.
- The proposed commercial and retail uses, while not consistent with the future land use recommendation, are appropriate due to this site's adjacency to the Prosperity Hucks Activity Center, as indicated in the area plan.
- This petition helps fulfill the area plan's goals to build a network of local streets in this location, by committing to construct an extension of Prosperity Ridge Road throughout the development which will connect to Johnston-Oehler road.
- This petition proposes a minimum of a 6-foot sidewalk and 8-foot planting strip on both sides of the Prosperity Road Extension, which will secure a safe pedestrian experience when walking on this road.
- The petition commits to providing internal sidewalks and pedestrian connections as generally depicted on the rezoning plan.
- Prior to the issuance of the certificate of occupancy for the sixth new building constructed on the site and subject to the approval of Mecklenburg County, the petitioner commits to conveying a 2-acre portion of the site to Mecklenburg County for a future passive public park.

The approval of this petition will revise the adopted future land use as specified by the *Prosperity Hucks Area Plan (2015)* from Residential up to 8 DUA to Residential up to 17 DUA for Development Areas B and D, and from Residential up to 8 DUA to Residential/Office/Retail for Development Areas A, C, and E.

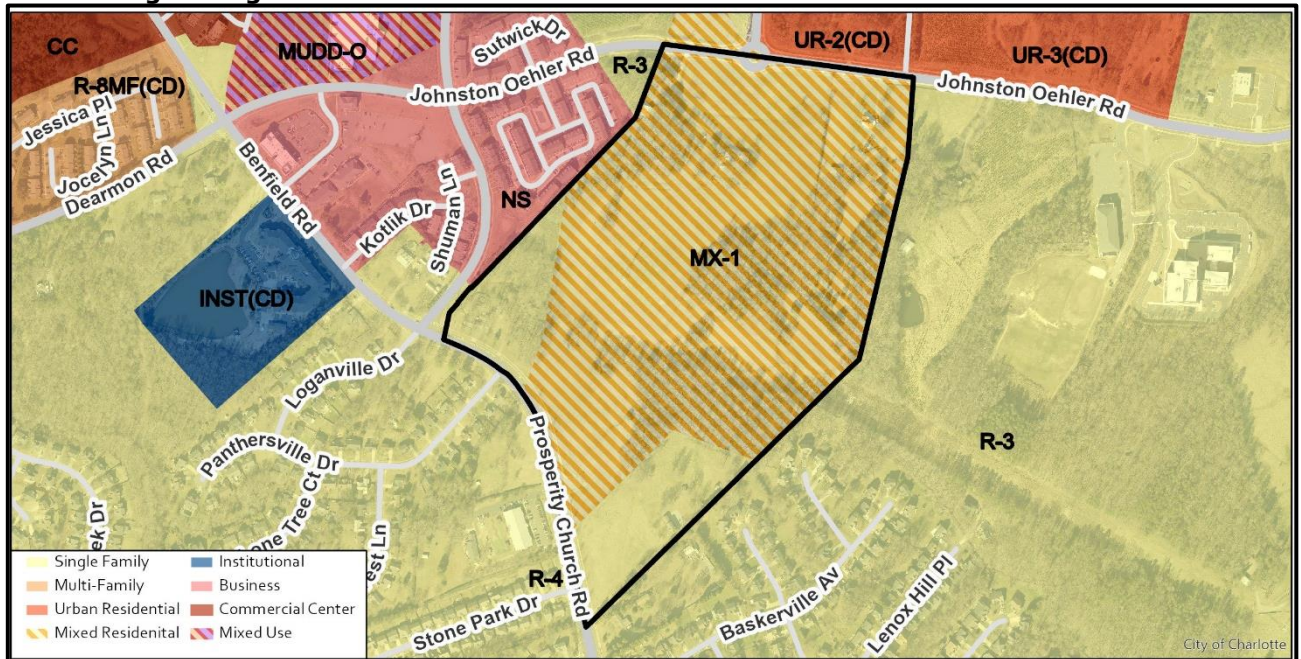
PLANNING STAFF REVIEW

- **Proposed Request Details**

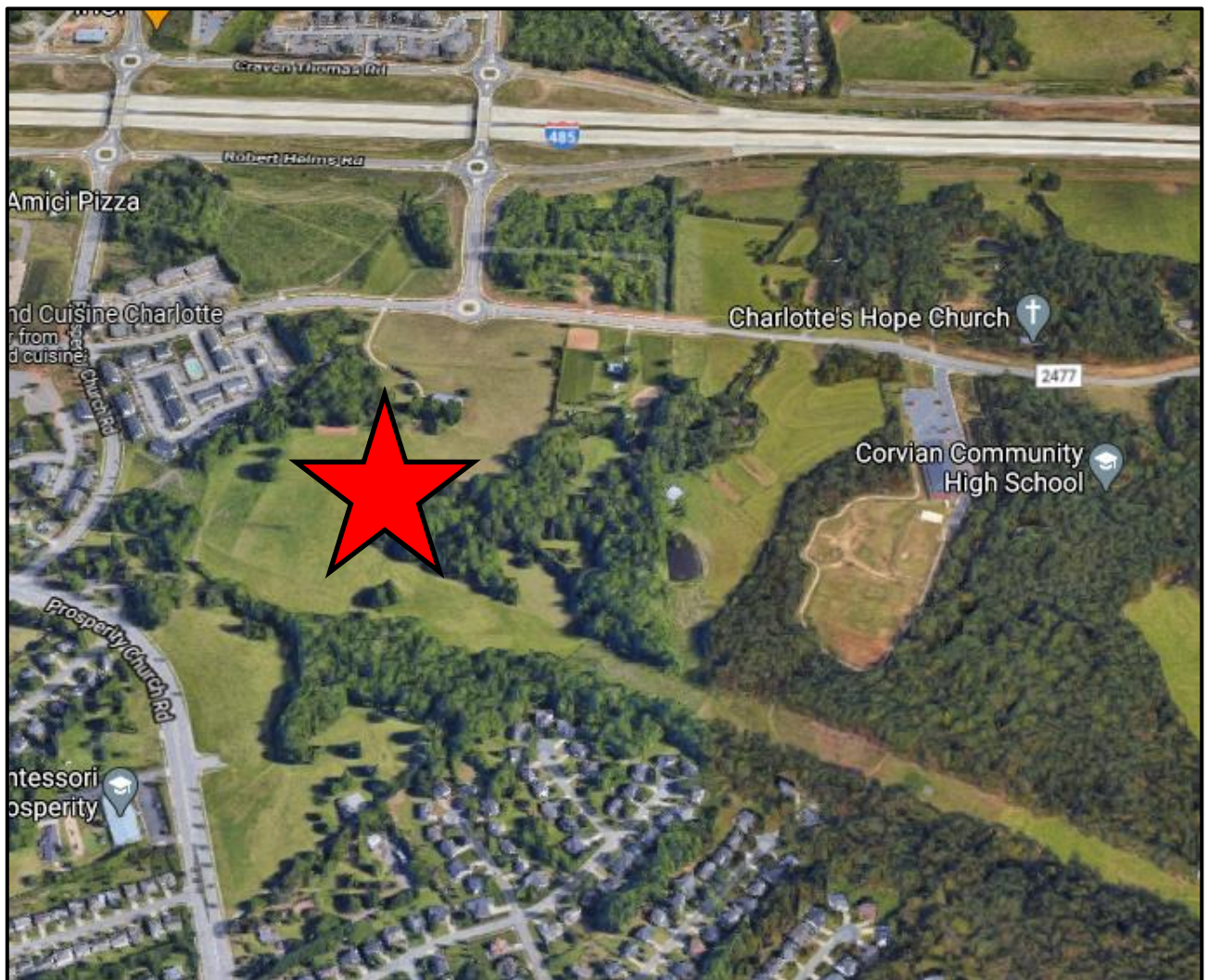
The site plan accompanying this petition contains the following provisions:

- Allows up to 300 multi-family units and 132 townhomes.
- Allows up to 145,000-square feet of commercial and retail uses.
- Divided into five development areas.
- Development Area A and C:
 - Allows a maximum 145,000 square-feet of commercial uses which 125,000 square-feet can be devoted to retail uses.
 - Prohibits the following uses: dwellings, funeral homes, hotels and motels, locksmith and gunsmiths, outdoor recreation, and pet services indoor/outdoor.
 - Allows a maximum of one automotive service station.
 - Allows a maximum of one convenience store with or without gasoline sales.
 - Allows a maximum of 4 uses to have drive-in and drive-through service windows.
 - Limits a maximum of 2 of the 4 uses that have accessory drive-in and drive-through service windows to Prosperity Church Road.
 - Limits a maximum of 1 of the 2 EDEE's that have accessory drive-in and drive-through service windows to Prosperity Church Road.
 - Limits EDEE's to two with drive-through service windows.
- Development Area B:

- Allows up to 300 multi-family dwelling units.
- Limits height to 3 stories.
- Provides a 15,000 square-foot urban open space with landscaping and seating.
- Provides a clubhouse and swimming pool.
- Development Area D:
 - Allows up to 132 single-family attached dwelling units (townhomes).
 - Provides an 18,000 square-foot central green/urban open space with landscaping and seating.
- Development Area E:
 - Allows only passive and active open space areas, parks, and tree save.
 - Conveys a minimum two acres to Mecklenburg County for a passive public park.
- Transportation:
 - Provides an 8-foot wide planting strip and 6-foot wide sidewalk along the site's frontages on Prosperity Church Road and Johnson Oehler Road.
 - Provides an 8-foot planting strip and 12-foot wide multi-use path along Prosperity Ridge Road Extension.
 - Commits to construct Prosperity Ridge Road Extension.
 - Commits to construct an ADA bus waiting pad along Prosperity Church Road.
 - Provides a southbound right-turn lane with 300-feet of storage on Benfield Road at Johnston Oehler Road.
 - Extends the eastbound right-turn lane to 250-feet of storage at Benfield Road.
 - Commits to contribute to CDOT towards the cost of improvements to the roundabout at Johnston Oehler Road and Prosperity Ridge Road.
 - Construct a southbound left-turn lane with 150-feet of storage on Prosperity Church Road at access A.
 - Construct a southbound right-turn lane with 100-feet of storage on Prosperity Church Road at access B.
 - Construct a northbound right-turn lane with 10-feet of storage on Prosperity Church Road at access D.
 - Construct an eastbound right-turn lane at Prosperity Church Road and Old Timber Road.
- **Existing Zoning and Land Use**



The site is zoned R-3 and MX-1. The surrounding land uses include single-family homes, townhomes, multi-family units, and retail uses.



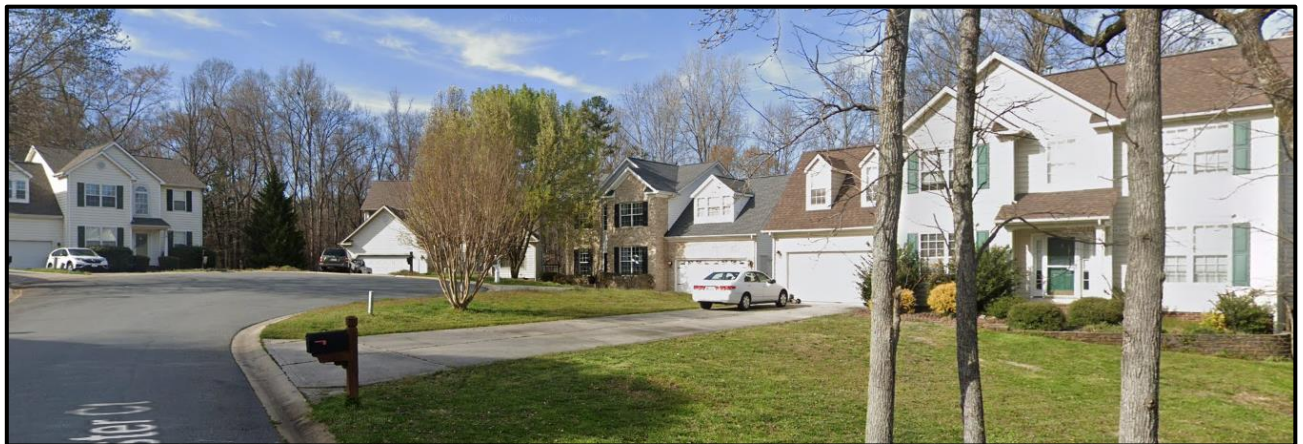
The subject property is denoted with a red star.



The property to the north along Johnston Oehler Road is developed with multi-family units.



The property to the east along Johnston Oehler Road is developed with large lot single family home and the Corvian School. Subject property denoted by red star.

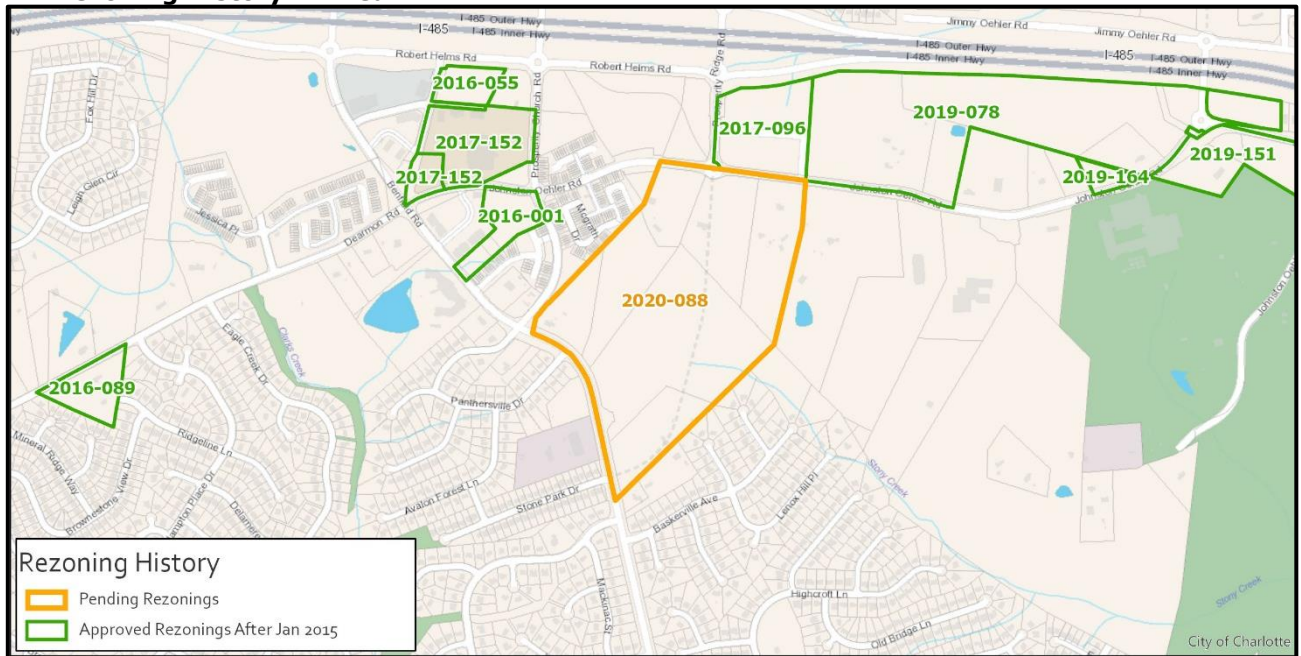


The property to the south along Buckminster Court is developed with single-family homes.



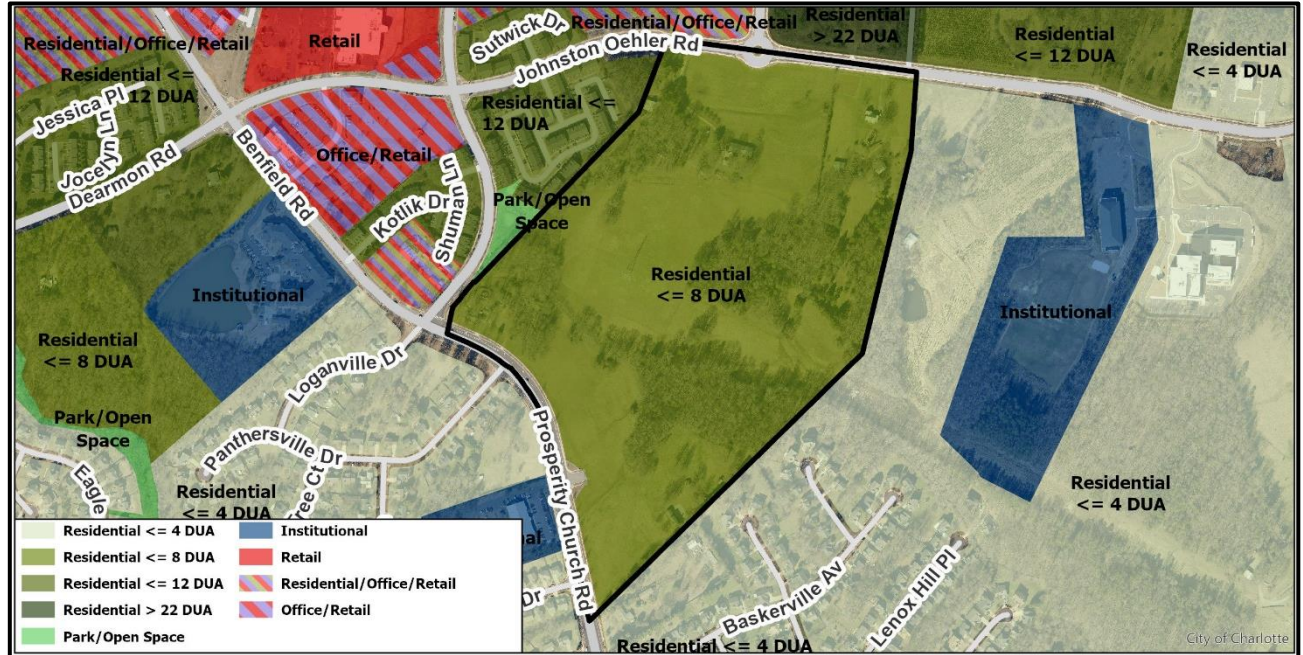
The property to the west along Johnston Oehler Road is developed with townhomes.

• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2016-001	Rezoned 3.65 acres to allow up to 70,000 square-feet of retail or office uses.	Approved
2016-055	Rezoned 2.52 acres to allow up to 17,400 square-feet of commercial uses.	Approved
2016-089	Rezoned 4.35 acres to allow a 5,600 square-foot masonic lodge.	Approved
2017-096	Rezoned 8.96 acres to allow up to 260 multi-family dwelling units.	Approved
2017-152	Rezoned 8.91 acres to allow the reuse of an existing shopping center up to 110,000 square-feet of uses allowed in the MUDD district.	Approved
2019-078	Rezoned 41.91 acres to allow up to 440 multifamily units.	Approved
2019-151	Rezoned 11.63 acres to allow up to 124 townhome units.	Approved
2019-164	Rezoned 1.1 acres to allow up to 8 townhome units.	Approved

- **Public Plans and Policies**



- The *Prosperity Hucks Area Plan (2015)* recommends residential uses up to 8 DUA.

- **TRANSPORTATION SUMMARY**

- The site is located on two thoroughfare roads: Prosperity Church Road (City-maintained) and Johnston Oehler Road (City-maintained). The adjusted TIS was resubmitted for review 11-12-2020, as an addendum was needed to account for development areas included within the 8-28-2020 revised site plan. CDOT requests clarification on minor commitments to relocate the curb line to accommodate on-street parking on Prosperity Church Road for the portion that is located within the Activity Center, in accordance with the Prosperity Hucks Area Plan. The petitioner has committed to construct Prosperity Ridge Road Extension, which is a thoroughfare identified within the Comprehensive Transportation Plan (CTP); CDOT and the petitioner are actively coordinating road design for this extension. The petitioner is constructing over 1,600 linear feet of the Prosperity Ridge Road Extension, including a cross-section up to 80 feet of public right-of-way, which will connect to the existing roundabout at Johnston Oehler Road. The petitioner will construct bike lanes, in accordance with Charlotte BIKES, within the Prosperity Ridge Road Extension.

- **Active Projects:**

- There are no active projects within the immediate project area.

- **Transportation Considerations**

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

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 30 trips per day (based on 3 single family dwellings).

Entitlement: 2,500 trips per day (based on 260 single family dwellings).

Proposed Zoning: 13,753 trips per day (based on 26,900 square-foot shopping center, 5,300 square-foot restaurant, 2,500 square-foot fast food restaurant, convenience store, 10,000 square-foot medical office building, 70,000 square-foot health/fitness club, 5,300 square-foot day care center, 300 multi-family dwelling units, and 132 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
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 43 students, while the development allowed under the proposed zoning may produce 57 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 14 students.

- The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
 - Croft Community School from 79% to 84%
 - Ridge Road Middle from 126% to 127%
 - Mallard Creek High from 123% to 124%.
- Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along Johnston Oehler Road.
The proposed rezoning has the potential to significantly impact the capacity of the local sanitary sewer collection system. It is recommended that the applicant contact the Charlotte Water New Services group for further information and to discuss options regarding sanitary sewer system capacity. See advisory comments at www.rezoning.org
- Engineering and Property Management:**
 - Arborist:** No comments submitted.
 - Erosion Control:** No outstanding issues.
 - Land Development:** No outstanding issues.
 - Storm Water Services:** No outstanding issues.
 - Urban Forestry:** No outstanding issues.
- Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Transportation

- ~~Prosperity Church Road: Location of curb and gutter should be placed per A1 below:~~

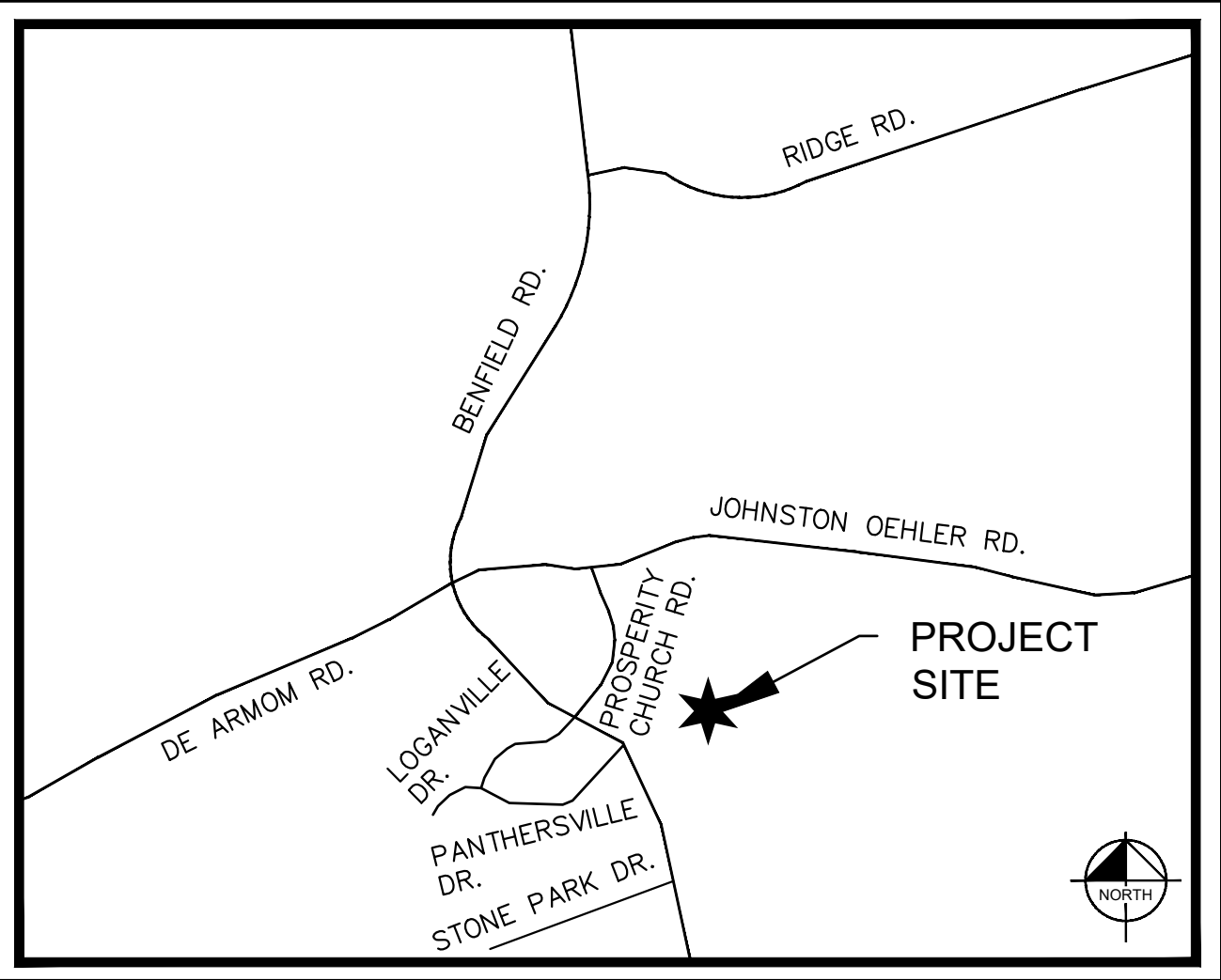
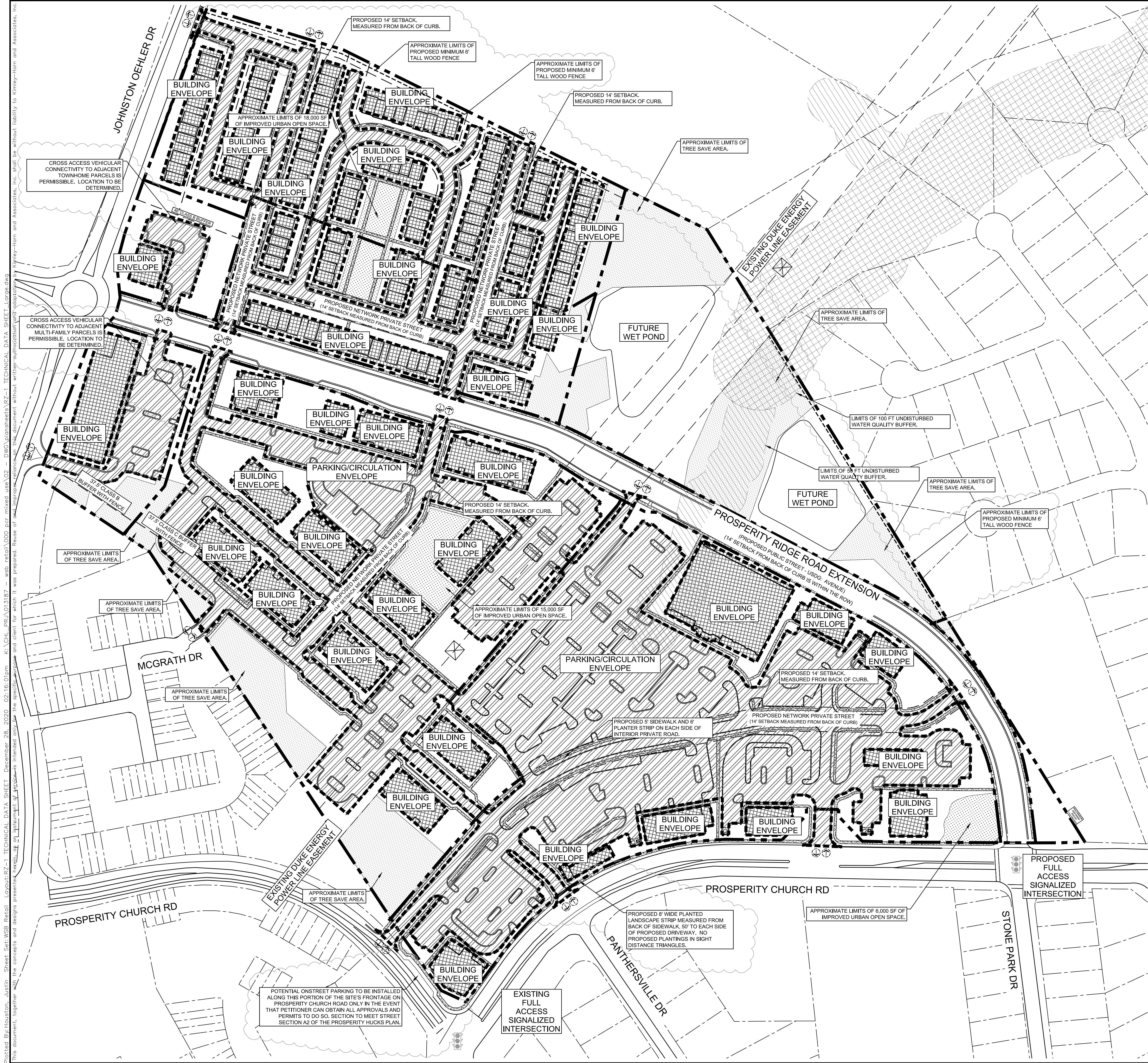


	Sidewalk	Planting Strip	Parking	Bike Lane	Travel Lane	Median	Travel Lane	Bike Lane	Parking	Planting Strip	Sidewalk
A1 Benfield Road; Prosperity Ridge Road	6'	8'	6'	6'	11'	n/a	11'	4'	n/a	8'	6'
* Parking only on inner side of Activity Center loop streets: East side of Benfield Road; West side of Prosperity Ridge Road											
A2 Prosperity Church Road (within Activity Center, Prosperity Church Road at north to Prosperity Ridge Road at south)	6'	8'	7'	6'	10'	n/a	10'	6'	7'	8'	6'
A3 Craven Thomas Road (N); Robert Helms Road (S) (I-485 frontage roads within Activity Center, with 1-way operation)	n/a	n/a	n/a	n/a	n/a	n/a	12'	6'	7'	8'	6'
A4 DeArmon Road (East of Clark's Creek)	6'	8'	n/a	5'	11'	10'	11'	5'	n/a	8'	6'
A5 Johnston-Oehler Road (Benfield Road to Prosperity Ridge Road)	6'	8'	7'	6'	11'	n/a	11'	6'	7'	8'	6'
Left-turn lanes allowed when needed											

The site plan should show the curb and gutter labeled and dimensioned from the centerline.
Addressed

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

Planner: Michael Russell (704) 353-0225



VICINITY MAP
NOT TO SCALE

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



Plotted By: Houston, Justin Sheet Set: WSB Retail Layout: RZ-1 TECHNICAL DATA SHEET December 28, 2020 02:16:03pm K:\CHL\PRJ\013187 web retail\000 per mixed use 02 - DWG\plan\retail\013187.dwg
This document, together with the concepts and designs presented herein, is the property of Kimley-Horn and Associates, Inc. and is intended only for the use and client for which it was prepared. Reuse of any portion of this document without written authorization and violation of Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

Kimley»Horn

© 2020 KIMLEY-HORN AND ASSOCIATES, INC.
200 SOUTH TRYON, SUITE 200, CHARLOTTE, NC 28202
PHONE: 704-333-5131
WWW.KIMLEY-HORN.COM

PCRMIXED USE
PREPARED FOR
WSB RETAIL

REZONING PETITION NO. 2020-088

TECHNICAL DATA
SHEET

SHEET NUMBER
RZ-1

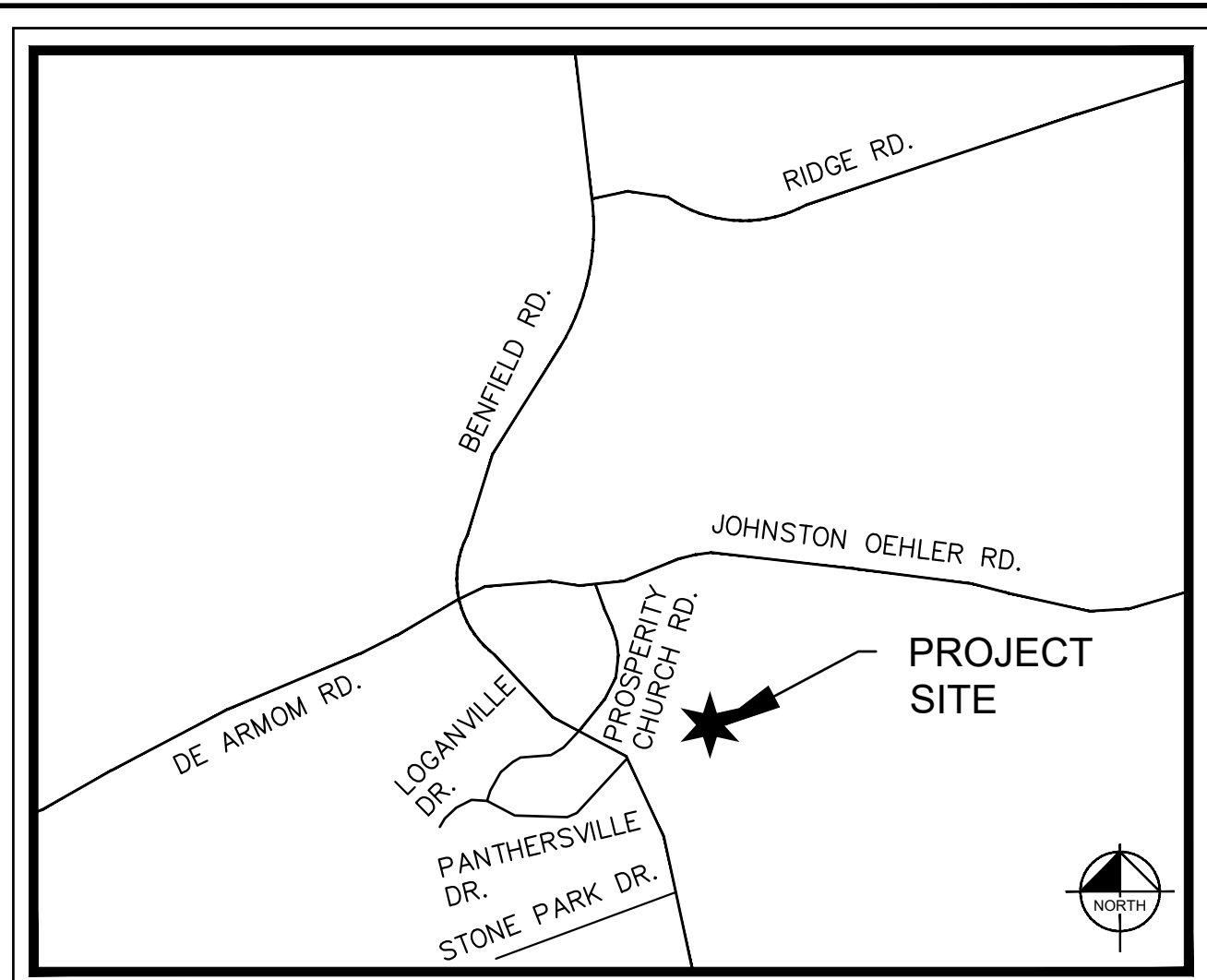
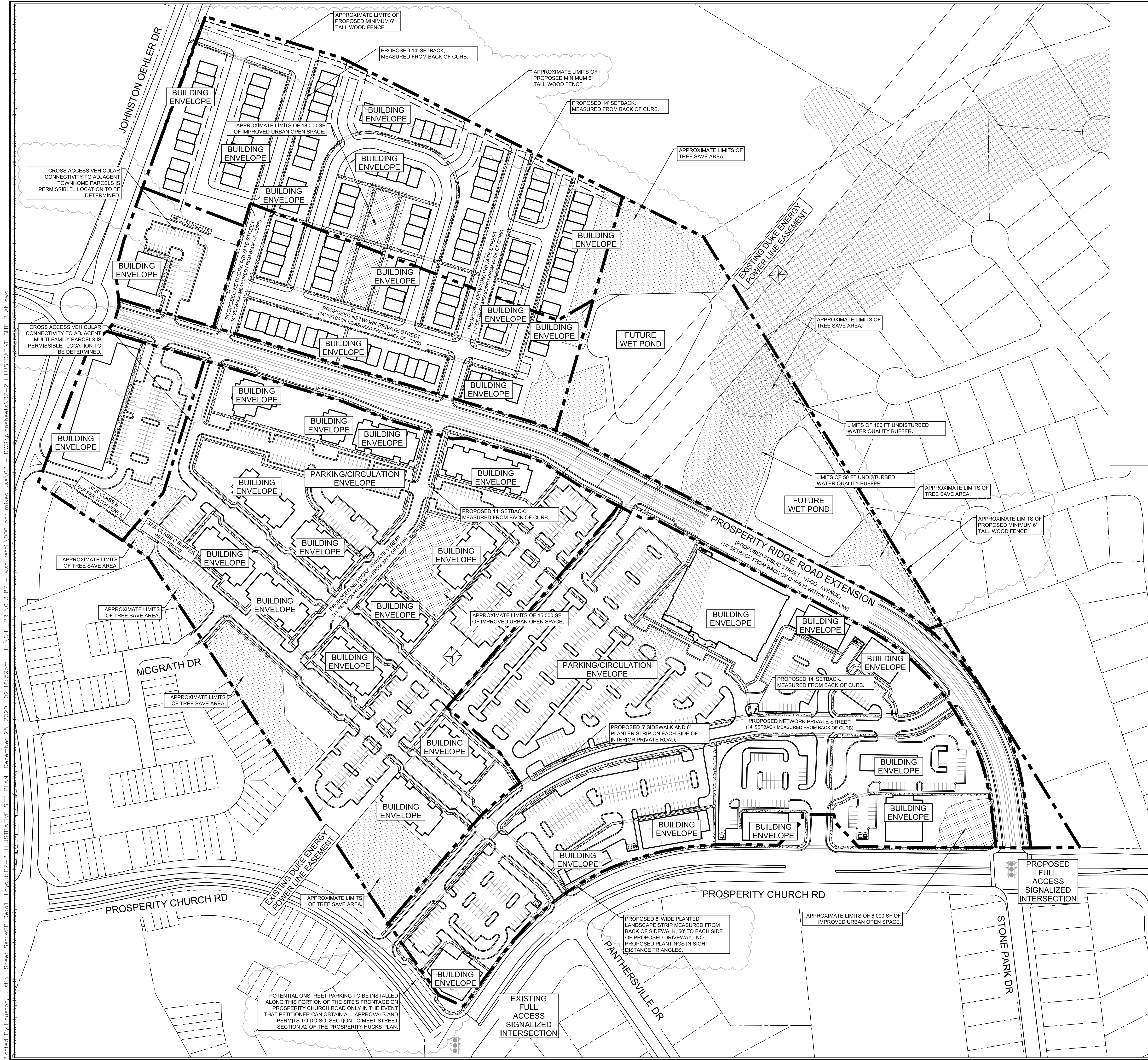
CITY OF CHARLOTTE

NC

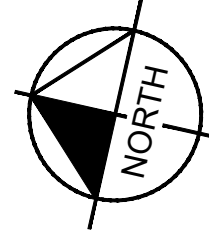
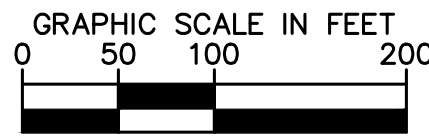
REVISIONS

DATE

BY

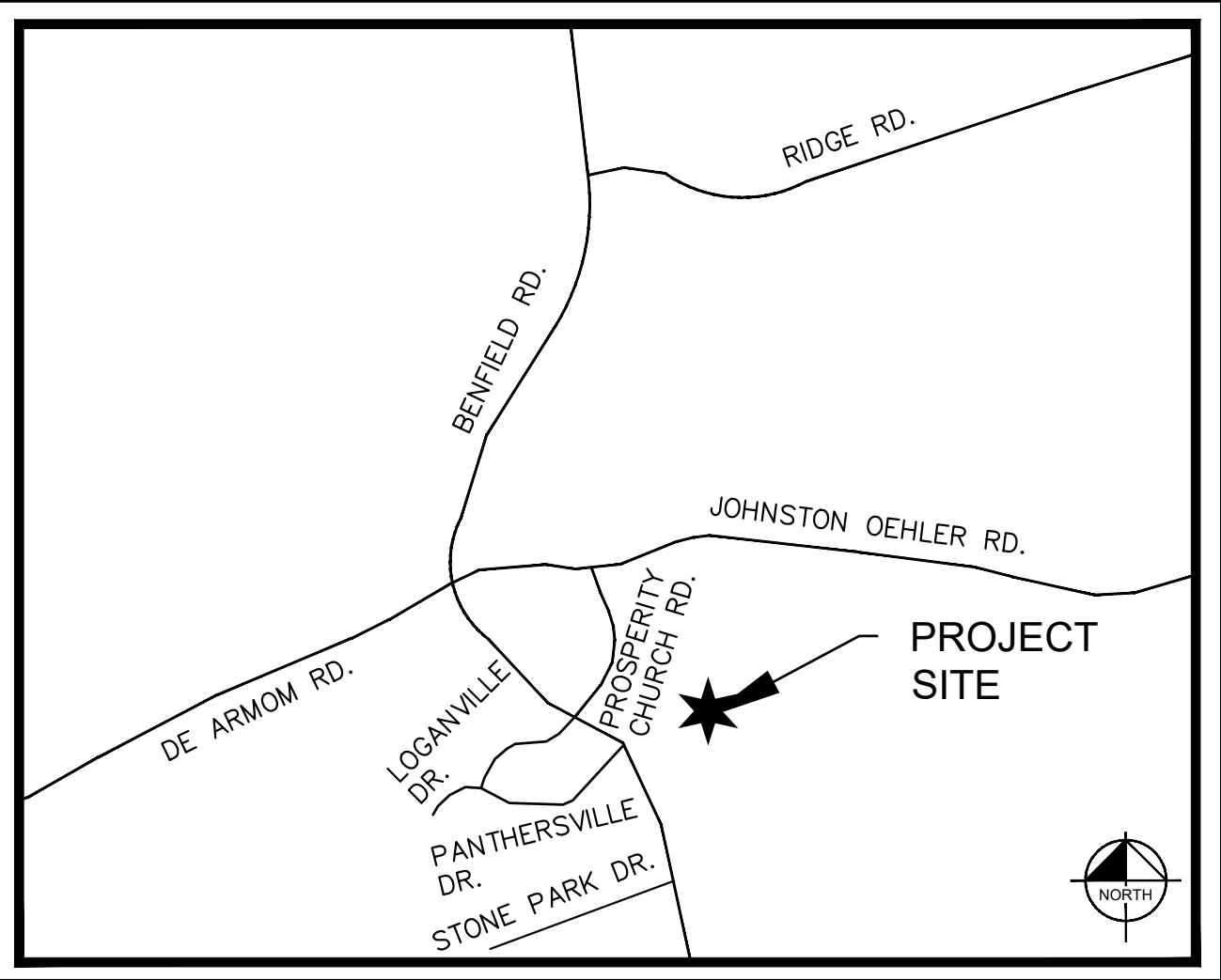
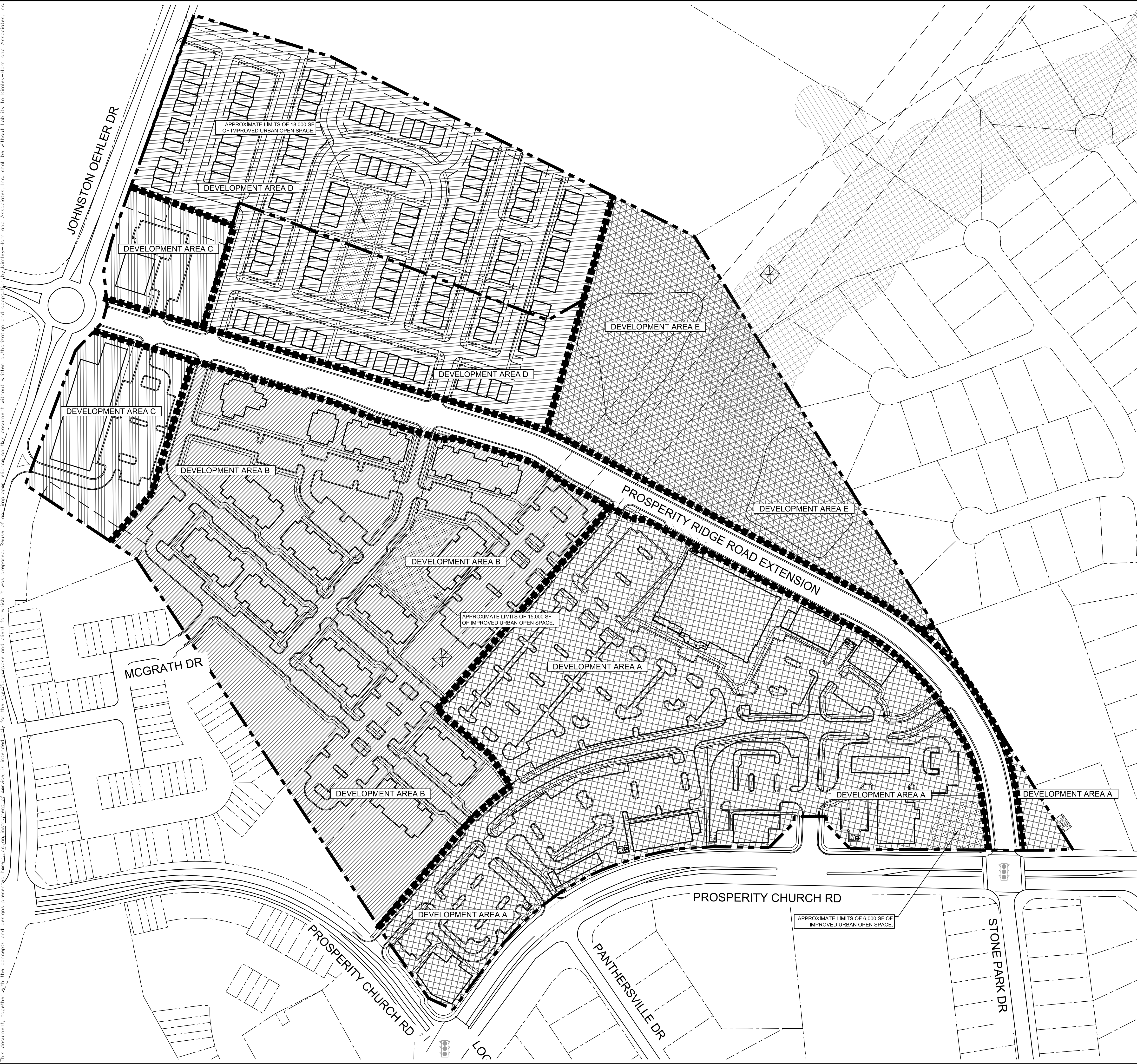


VICINITY MAP
NOT TO SCALE



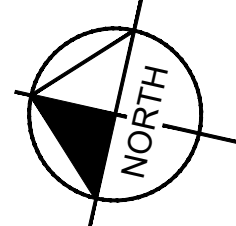
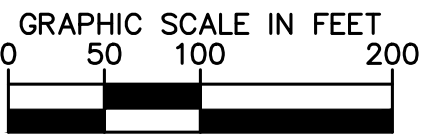
KHA PROJECT 013187000 DATE 05/15/2020 SCALE AS SHOWN DESIGNED BY DRAWN BY CHECKED BY	ILLUSTRATIVE SITE PLAN	NC	CITY OF CHARLOTTE	REZONING PETITION NO. 2020-088	BY DATE
Kimley»Horn					
© 2020 KIMLEY-HORN AND ASSOCIATES, INC. 200 SOUTH TRYON, SUITE 200, CHARLOTTE, NC 28202 PHONE: 704-333-5131 WWW.KIMLEY-HORN.COM					
PCR MIXED USE PREPARED FOR WSB RETAIL					
SHEET NUMBER RZ-2					

Plotted By: Houston, Justin Sheet Set: WSB Regoal Layout: RZ-3 Development Area Plan December 28, 2020 02:18:18pm K:\CHL\PRN\013187 web regoal\000 per mixed use 02 - DWG\plan\area\013187 This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of any portion of this document without written authorization and approval by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



VICINITY MAP
NOT TO SCALE

LEGEND	
	AREA OUTLINE / PROPERTY LINE
	DEVELOPMENT AREA A
	DEVELOPMENT AREA B
	DEVELOPMENT AREA C
	DEVELOPMENT AREA D
	DEVELOPMENT AREA E



CITY OF CHARLOTTE	REZONING PETITION NO. 2020-088	NC	PCR MIXED USE PREPARED FOR WSB RETAIL	RZ-3	SHEET NUMBER	Kimley»Horn	© 2020 KIMLEY-HORN AND ASSOCIATES, INC. 200 SOUTH TRYON, SUITE 200, CHARLOTTE, NC 28202 PHONE: 704-333-5131 WWW.KIMLEY-HORN.COM	No.	REVISIONS	BY	DATE

This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kinney-Horn and Associates, Inc. shall be without liability to Kinney-Horn and Associates, Inc.

C. DEVELOPMENT AREA D

(1) THE ARCHITECTURAL AND DESIGN STANDARDS SET OUT BELOW SHALL APPLY TO DEVELOPMENT AREA D.

- (a) THE PRIMARY EXTERIOR BUILDING MATERIALS FOR THE SINGLE FAMILY ATTACHED DWELLING UNITS TO BE DEVELOPED ON DEVELOPMENT AREA D WILL BE A COMBINATION OF PORTIONS OF THE FOLLOWING: BRICK VENEER OR SIMILAR MASONRY PRODUCTS, STONE, MANUFACTURED STONE, STUCCO AND CEMENTITIOUS SIDING.
- (b) VINYL, EIFS OR MASONITE MAY NOT BE USED AS AN EXTERIOR BUILDING MATERIAL ON SINGLE FAMILY ATTACHED DWELLING UNITS DEVELOPED ON DEVELOPMENT AREA D. NOTWITHSTANDING THE FOREGOING, VINYL MAY BE UTILIZED ON WINDOWS, DOORS, GARAGE DOORS, SOFFITS, TRIM AND RAILINGS.
- (c) THE ACTUAL WIDTHS OF THE SINGLE FAMILY ATTACHED DWELLING UNITS TO BE DEVELOPED ON DEVELOPMENT AREA D MAY VARY FROM THE WIDTHS DEPICTED ON THE REZONING PLAN.
- (d) PITCHED ROOFS, IF PROVIDED, SHALL BE SYMMETRICALLY SLOPED NO LESS THAN 5:12, EXCEPT THAT ROOFS FOR PORCHES AND ATTACHED SHEDS MAY BE NO LESS THAN 2:12, UNLESS A FLAT ROOF ARCHITECTURAL STYLE IS EMPLOYED.
- (e) EACH SINGLE FAMILY ATTACHED DWELLING UNIT SHALL HAVE A COVERED FRONT STOOP. THE FRONT STOOP MAY BE COVERED BY AN AWNING, CANOPY, ROOF EXTENSION OR OTHER ARCHITECTURAL FEATURE CHOSEN BY PETITIONER.
- (f) ALL CORNER OR END SINGLE FAMILY ATTACHED DWELLING UNITS THAT FACE A PUBLIC OR PRIVATE STREET SHALL HAVE A PORCH OR STOOP THAT WRAPS A PORTION OF THE FRONT AND SIDE OF THE UNIT OR PROVIDE BLANK WALL PROVISIONS THAT LIMIT THE MAXIMUM BLANK WALL EXPANSE TO 10 FEET ON ALL BUILDING LEVELS.
- (g) TO PROVIDE PRIVACY, ALL RESIDENTIAL ENTRANCES WITHIN 15 FEET OF THE SIDEWALK LOCATED ALONG DEVELOPMENT AREA D'S FRONTAGE ON PROSPERITY RIDGE ROAD EXTENSION OR DEVELOPMENT AREA D'S FRONTAGE ON JOHNSTON OEHLER ROAD MUST BE RAISED FROM THE AVERAGE SIDEWALK GRADE A MINIMUM OF 12 INCHES.
- (h) WALKWAYS SHALL BE PROVIDED TO CONNECT ALL RESIDENTIAL ENTRANCES TO SIDEWALKS ALONG PUBLIC AND PRIVATE STREETS.
- (i) EACH SINGLE FAMILY ATTACHED DWELLING UNIT SHALL HAVE A GARAGE.
- (j) THE SINGLE FAMILY ATTACHED DWELLING UNITS THAT FRONT PROSPERITY RIDGE ROAD EXTENSION OR JOHNSTON OEHLER ROAD SHALL BE ALLEY LOADED DWELLING UNITS. THIS REQUIREMENT SHALL NOT APPLY TO A SINGLE FAMILY ATTACHED DWELLING UNIT THAT HAS A SIDE FACADE THAT IS ADJACENT TO PROSPERITY RIDGE ROAD EXTENSION OR JOHNSTON OEHLER ROAD. EXCEPT AS PROVIDED ABOVE, ALL SINGLE FAMILY ATTACHED DWELLING UNITS ON DEVELOPMENT AREA D MAY BE FRONT LOADED OR ALLEY LOADED DWELLING UNITS.

D. DESIGN STANDARDS APPLICABLE TO THE ENTIRE SITE

- (1) THE MINIMUM BUILDING AND PARKING SETBACK SHALL BE 14 FEET FROM THE BACK OF CURB (EXISTING OR PROPOSED). IF THE RIGHT OF WAY IS GREATER THAN THE MINIMUM SETBACK FROM THE BACK OF CURB, THE RIGHT OF WAY LINE WILL BECOME THE MINIMUM SETBACK.
 - (2) NO SURFACE PARKING OR MANEUVERING SPACE SHALL BE LOCATED BETWEEN ANY BUILDING LINE AND THE STREET, EXCEPT THAT DRIVEWAYS PROVIDING ACCESS TO THE PARKING AREA MAY BE INSTALLED ACROSS THESE AREAS. IT IS THE INTENT THAT THESE DRIVEWAYS BE AS NEARLY PERPENDICULAR TO THE STREET RIGHT OF WAY AS POSSIBLE.
 - (3) PARKING AREAS MUST REMAIN BEHIND THE ESTABLISHED BUILDING SETBACK.
 - (4) NO SERVICE OR LOADING AREAS MAY BE ORIENTED TOWARDS THE STREET OR WITHIN THE AREA BETWEEN ANY BUILDING LINE AND THE STREET.
5. **STREETScape/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 WALL, FENCE OR BERM THAT MEETS THE STANDARDS OF SECTION 12.302(8) OF THE ORDINANCE.

C. PURSUANT TO SECTION 11.405(5) OF THE ORDINANCE, INTERIOR BUFFERS BETWEEN USES LOCATED ON THE SITE ARE WAIVED AND SHALL NOT BE REQUIRED.

D. PETITIONER SHALL INSTALL A MINIMUM 6 FOOT TALL, SOLID WOODEN FENCE ALONG THAT PORTION OF THE SITE'S EASTERN BOUNDARY LINE LOCATED IN DEVELOPMENT AREA E SOUTH OF THE DUKE ENERGY EASEMENT THAT IS GENERALLY DEPICTED ON THE REZONING PLAN. THIS FENCE MAY MEANDER TO SAVE EXISTING TREES AND TO ACCOMMODATE TOPOGRAPHY. THIS FENCE MAY BE REMOVED BY PETITIONER IF THE FENCE IS ULTIMATELY LOCATED ON THE PARK SITE (AS DEFINED BELOW) AND THE REMOVAL OF THE FENCE IS REQUIRED BY MECKLENBURG COUNTY.

E. PETITIONER SHALL INSTALL A MINIMUM 6 FOOT TALL, SOLID WOODEN FENCE ALONG THE EASTERN BOUNDARY LINE OF DEVELOPMENT AREA D AS GENERALLY DEPICTED ON THE REZONING PLAN. THIS FENCE MAY MEANDER TO SAVE EXISTING TREES AND TO ACCOMMODATE TOPOGRAPHY.

F. PETITIONER SHALL INSTALL ENHANCED LANDSCAPING IN THE FORM OF SHRUBS ON EACH SIDE OF THE ACCESS DRIVEWAY INTO THE SITE ON PROSPERITY CHURCH ROAD ACROSS FROM PANTHERSVILLE DRIVE. THIS ENHANCED LANDSCAPING AREA SHALL BE LOCATED BEHIND THE BACK OF SIDEWALK AND OUTSIDE OF THE RIGHT OF WAY AND IT SHALL HAVE A MINIMUM DEPTH OF 8 FEET AND A MINIMUM LENGTH ON EACH SIDE OF THE ACCESS DRIVEWAY OF 50 FEET. THE ENHANCED LANDSCAPING AREA IS GENERALLY DEPICTED ON THE REZONING PLAN. SHRUBS SHALL NOT BE PLANTED IN THE SIGHT DISTANCE TRIANGLES.

6. ENVIRONMENTAL FEATURES

- A. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE REQUIREMENTS OF THE CITY OF CHARLOTTE TREE ORDINANCE ("TREE ORDINANCE").
- B. AS NOTED ABOVE IN PARAGRAPH 1.E., THE DEVELOPMENT OF THE SITE SHALL BE CONSIDERED TO BE A PLANNED/UNIFIED DEVELOPMENT. ACCORDINGLY, THE TREE SAVE REQUIREMENTS OF THE TREE ORDINANCE SHALL BE CALCULATED AND SATISFIED OVER THE ENTIRE SITE, RATHER THAN WITHIN EACH INDIVIDUAL DEVELOPMENT AREA. AS A RESULT, EACH INDIVIDUAL DEVELOPMENT AREA SHALL NOT BE REQUIRED TO MEET THE TREE SAVE REQUIREMENTS OF THE TREE ORDINANCE PROVIDED THAT THE SITE AS A WHOLE MEETS SUCH TREE SAVE REQUIREMENTS. NOTWITHSTANDING THE FOREGOING, THE AREA OF THE SITE LOCATED WITHIN THE DUKE ENERGY EASEMENT AND THE AREA OF THE SITE LOCATED WITHIN THE TO BE DEDICATED RIGHT OF WAY FOR PROSPERITY RIDGE ROAD EXTENSION SHALL NOT BE CONSIDERED TO BE PART OF THE SITE WHEN CALCULATING THE REQUIRED TREE SAVE AREA FOR THE SITE.
- C. THE TREE SAVE AREAS DEPICTED ON THE REZONING PLAN ARE CONCEPTUAL AND THE ACTUAL TREE SAVE AREAS PROVIDED ON THE SITE MAY DIFFER FROM WHAT IS DEPICTED ON THE REZONING PLAN PROVIDED THAT THE SITE COMPLIES WITH THE REQUIREMENTS OF THE TREE ORDINANCE.
- D. PETITIONER ACKNOWLEDGES THAT THE PARKING AREAS LOCATED WITHIN THE DUKE ENERGY EASEMENT SHALL BE REQUIRED TO MEET THE REQUIREMENTS OF THE CITY OF CHARLOTTE TREE ORDINANCE AND THE REQUIREMENTS OF DUKE ENERGY. AS A RESULT, THE FINAL DESIGN OF THESE PARKING AREAS SHALL BE DETERMINED DURING THE PERMITTING PROCESS AND MAY VARY FROM WHAT IS DEPICTED ON THE REZONING PLAN.
- E. THE SITE SHALL COMPLY WITH THE REQUIREMENTS OF THE POST CONSTRUCTION CONTROLS ORDINANCE.
- F. 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.
- G. DEVELOPMENT WITHIN ANY SWIM/PCSO BUFFER SHALL BE COORDINATED WITH AND SUBJECT TO APPROVAL BY CHARLOTTE-MECKLENBURG STORM WATER SERVICES AND MITIGATED IF REQUIRED BY CITY ORDINANCE.
7. PARK SITE
- A. PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY FOR THE SIXTH NEW BUILDING CONSTRUCTED ON THE SITE AND SUBJECT TO THE APPROVAL OF MECKLENBURG COUNTY, PETITIONER SHALL CONVEY A MINIMUM 2 ACRE PORTION OF DEVELOPMENT AREA E (THE "PARK SITE") TO MECKLENBURG COUNTY FOR A FUTURE PASSIVE PUBLIC PARK (THE "PUBLIC PARK"). THE SITE'S STORM WATER DETENTION PONDS SHALL NOT BE LOCATED WITHIN THE PARK SITE. PRIOR TO THE CONVEYANCE OF THE PARK SITE TO MECKLENBURG COUNTY, PETITIONER SHALL HAVE THE RIGHT TO INSTALL AND LOCATE A STORM WATER PIPE OR PIPES THROUGH THE PARK SITE AND TO RESERVE SUCH EASEMENTS OVER THE PARK SITE THAT ARE NECESSARY TO MAINTAIN, REPAIR AND REPLACE SUCH STORM WATER PIPE OR PIPES.

- B. THE PUBLIC PARK SHALL BE A PASSIVE PARK.
- C. THE PARK SITE SHALL COUNT TOWARDS THE SITE'S MINIMUM TREE SAVE REQUIREMENTS.
- D. THE PARK SITE SHALL COUNT TOWARDS THE SITE'S REQUIRED OPEN SPACE.
- E. IN THE EVENT THAT MECKLENBURG COUNTY DOES NOT APPROVE AND ACCEPT THE CONVEYANCE OF THE PARK SITE, THEN THE PARK SITE SHALL BE A PART OF THE SITE'S TREE SAVE AND OPEN SPACE AREA, AND THE PARK SITE SHALL BE OWNED AND MAINTAINED BY THE DEVELOPER OR A PROPERTY OWNERS ASSOCIATION.
8. LIGHTING

- A. ALL FREESTANDING LIGHTING FIXTURES INSTALLED ON THE SITE (EXCLUDING STREET LIGHTS AND LOWER, DECORATIVE LIGHTING THAT MAY BE INSTALLED ALONG THE DRIVEWAYS, SIDEWALKS AND PARKING AREAS AND IN THE LANDSCAPED AREAS) SHALL BE FULLY CAPPED AND SHIELDED AND THE ILLUMINATION DOWNWARDLY DIRECTED SO THAT DIRECT ILLUMINATION DOES NOT EXTEND PAST ANY PROPERTY LINE OF THE SITE.

9. OPEN SPACE/AMENITY AREAS

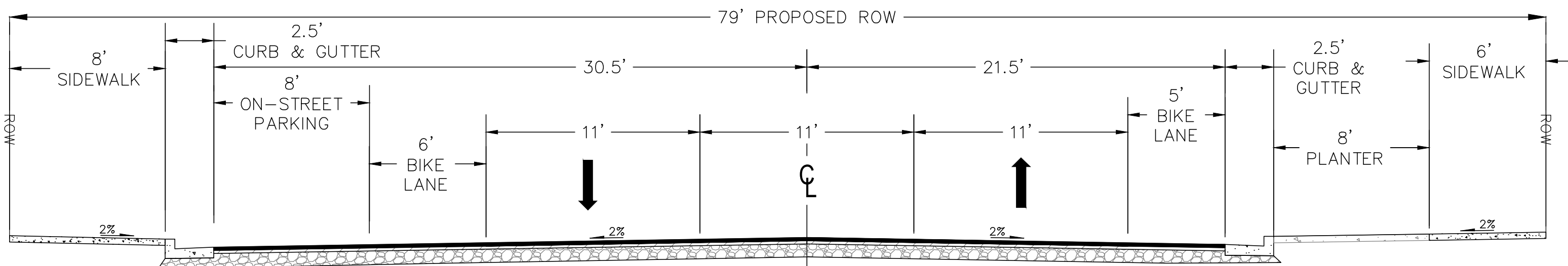
AN URBAN OPEN SPACE AREA SHALL BE LOCATED ON THE SITE ON THE CORNER OF THE INTERSECTION OF PROSPERITY CHURCH ROAD AND PROSPERITY RIDGE ROAD EXTENSION AS GENERALLY DEPICTED ON THE REZONING PLAN. THIS URBAN OPEN SPACE AREA SHALL HAVE A MINIMUM SIZE OF 6,000 SQUARE FEET AND IT SHALL CONTAIN, AT A MINIMUM, LANDSCAPING, HARDSCAPE AND SEATING ELEMENTS.

B. AN AMENITY AREA SHALL BE PROVIDED ON DEVELOPMENT AREA B AND AT A MINIMUM, THE AMENITY AREA SHALL CONTAIN A CLUBHOUSE WITH A FITNESS CENTER AND A SWIMMING POOL.

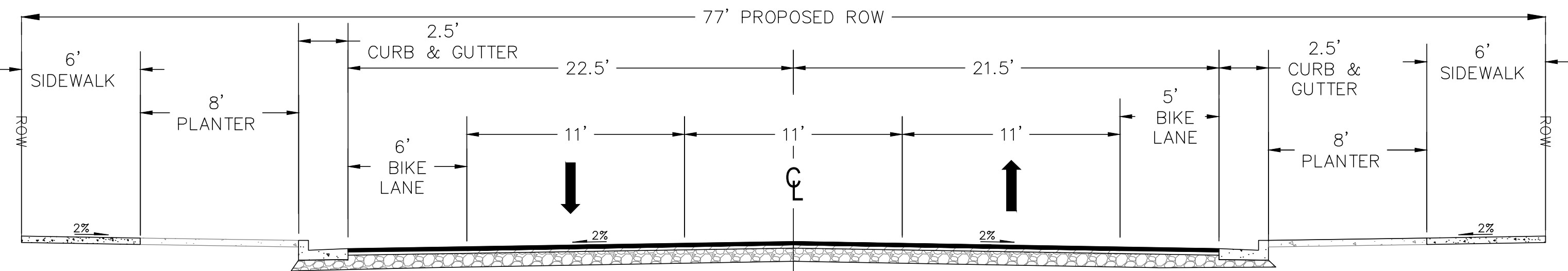
C. THE MINIMUM 15,000 SQUARE FOOT URBAN OPEN SPACE ON DEVELOPMENT AREA B SHALL CONTAIN, AT A MINIMUM, PEDESTRIAN WALKWAYS, LANDSCAPING AND SEATING.

D. THE MINIMUM SIZE OF THE CENTRAL GREEN/URBAN OPEN SPACE ON DEVELOPMENT AREA D SHALL BE 18,000 SQUARE FEET AND THE CENTRAL GREEN/OPEN SPACE SHALL CONTAIN, AT A MINIMUM, PEDESTRIAN WALKWAYS, LANDSCAPING AND SEATING.

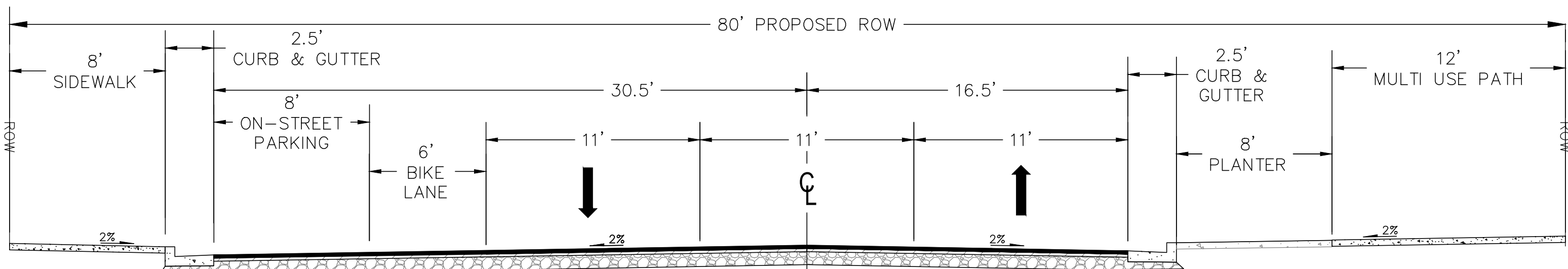
1. BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS
- A. IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE USE AND DEVELOPMENT OF THE SITE IMPOSED UNDER THESE DEVELOPMENT STANDARDS AND THE REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE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



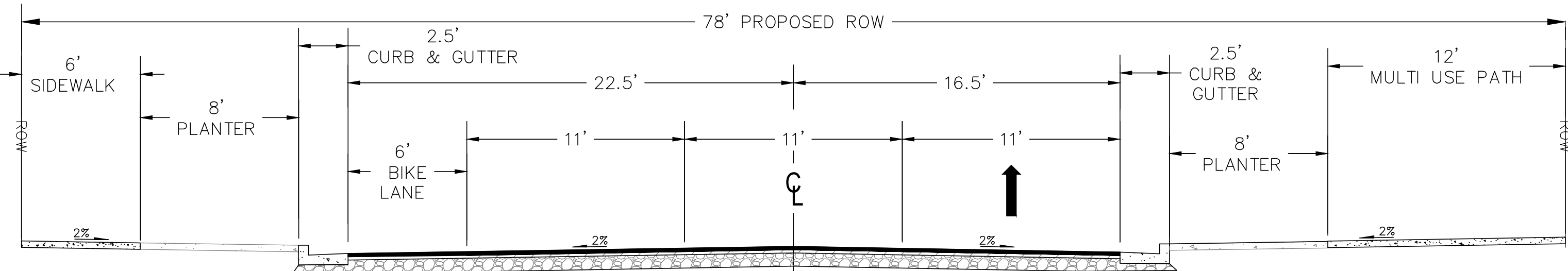
OPTION 1A:
PROSPERITY RIDGE ROAD EXTENSION SECTION WITH BICYCLE LANES (SHOWN WITH ON STREET PARKING WHERE APPLICABLE)



OPTION 1B:
PROSPERITY RIDGE ROAD EXTENSION SECTION WITH BICYCLE LANES (WITHOUT ON STREET PARKING)



OPTION 2A:
PROSPERITY RIDGE ROAD EXTENSION SECTION WITH MULTI-USE PATH (SHOWN WITH ON STREET PARKING WHERE APPLICABLE)

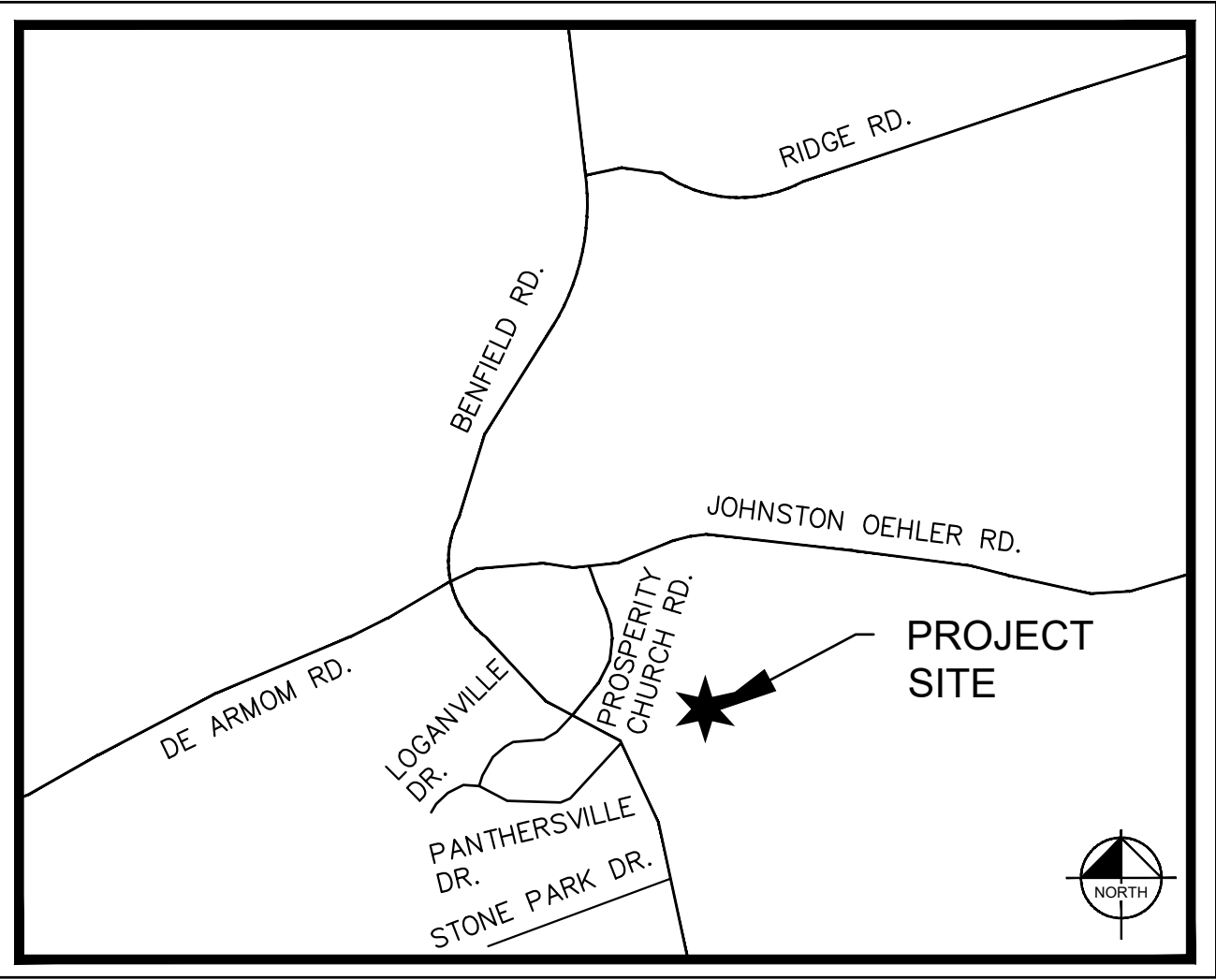
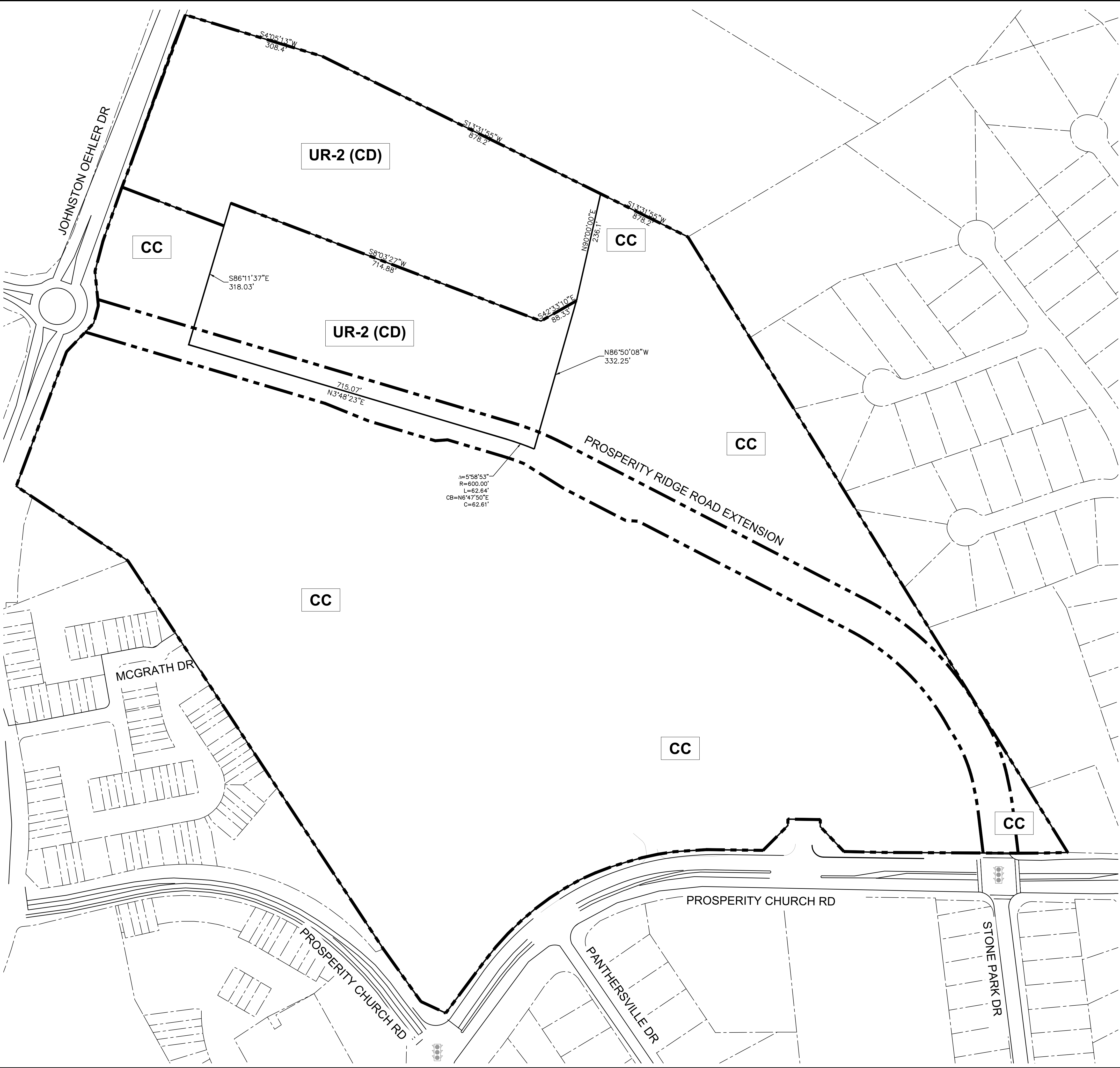


OPTION 2B:
PROSPERITY RIDGE ROAD EXTENSION SECTION WITH MULTI-USE PATH (WITHOUT ON STREET PARKING)

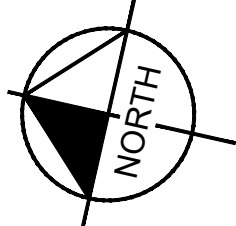
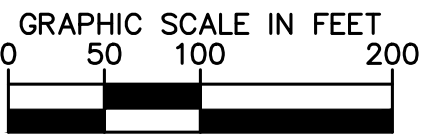
[illegible]

Plotted By: Houston, Justin Sheet Set: WSB Retail Layout: RZ-5 PROPOSED ZONING MAP December 28, 2020 02:20:33pm K:\CHL-PRJ\013187 - wsb retail\000 pcr mixed use\02 - DWG\plansheets\RZ-5 PROPOSED ZONING KEY MAP.dwg

This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



VICINITY MAP
NOT TO SCALE



PCR MIXED USE PREPARED FOR WSB RETAIL	CITY OF CHARLOTTE	NC	REZONING PETITION NO. 2020-088	PROPOSED ZONING KEY MAP					KHA PROJECT 013187000					
				DATE 05/15/2020					SCALE AS SHOWN					
				DESIGNED BY					DRAWN BY					
SHEET NUMBER RZ-6					REVISIONS					No.				
BY					DATE									

© 2020 KIMLEY-HORN AND ASSOCIATES, INC.
200 SOUTH TRYON, SUITE 200, CHARLOTTE, NC 28202
PHONE: 704-333-5131
WWW.KIMLEY-HORN.COM

Petition 2020-088 by WSB Retail Partners, LLC

To Approve:

In this petition Development Areas B, D, and E are **consistent** with the *Prosperity Hucks Area Plan* (2015) recommendation of residential uses, but **inconsistent** with the recommendation of up to 8 dwelling units per acre. The proposed commercial and retail uses (Development Areas A and C) are **inconsistent** with the land use recommendation of the *Prosperity Hucks Area Plan* for residential uses based on the information from the staff analysis and the public hearing, and because:

- The plan recommends residential uses up to 8 dwelling units per acre.

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

- This petition proposes up to 432 multi-family and single family attached dwelling units on development areas B and D, and a variety of multi-family residential, commercial, and retail uses on development areas A and C. Development area E is dedicated to open space, tree save, and parks, greenways, and trails.
- The overall residential density for this site is 7.46 DUA, but the residential density for development areas B and D is 15.66 DUA, making the proposed density inconsistent with the area plan recommendation of residential density up to 8 DUA.
- The increased density in development areas B and D are appropriate because of the site's adjacency to the Prosperity Hucks Activity Center, where higher densities are recommended, and because of the site's commitment to connectivity between existing neighborhoods.
- The proposed commercial and retail uses, while not consistent with the future land use recommendation, are appropriate due to this site's adjacency to the Prosperity Hucks Activity Center, as indicated in the area plan.
- This petition helps fulfill the area plan's goals to build a network of local streets in this location, by committing to construct an extension of Prosperity Ridge Road throughout the development which will connect to Johnston-Oehler road.
- This petition proposes a minimum of a 6-foot sidewalk and 8-foot planting strip on both sides of the Prosperity Road Extension, which will secure a safe pedestrian experience when walking on this road.
- The petition commits to providing internal sidewalks and pedestrian connections as generally depicted on the rezoning plan.
- Prior to the issuance of the certificate of occupancy for the sixth new building constructed on the site and subject to the approval of Mecklenburg County, the petitioner commits to conveying a 2-acre portion of the site to Mecklenburg County for a future passive public park.

The approval of this petition will revise the adopted future land use as specified by the *Prosperity Hucks Area Plan* (2015) from Residential up to 8 DUA to Residential up to 17 DUA for Development Areas B and D, and from Residential up to 8 DUA to Residential/Office/Retail for Development Areas A, C, and E.

To Deny:

In this petition Development Areas B, D, and E are **consistent** with the *Prosperity Hucks Area Plan* (2015) recommendation of residential uses, but **inconsistent** with the recommendation of up to 8 dwelling units per acre. The proposed commercial and retail uses (Development Areas A and C) are **inconsistent** with the land use recommendation of the *Prosperity Hucks Area Plan* for residential uses based on the information from the staff analysis and the public hearing, and because:

- The plan recommends residential uses up to 8 dwelling units per acre.

However, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

Motion:**Approve or Deny****Maker:****2ND:****Vote:****Dissenting:****Recused:**



Agenda Date: 1/5/2021

Agenda #: 7. **File #:** 15-14858 **Type:** Zoning Item

Rezoning Petition: 2020-091 by Mecklenburg County

Location: Approximately 40.85 acres located east of Nations Ford Road, west of Interstate 77, and south of Sharview Circle. (Council District 3 - Watlington)

Current Zoning: R-4 (single-family residential)

Proposed Zoning: INST (CD) (institutional, conditional)

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

Staff Resource: [Joe Mangum](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Post-Hearing Staff Analysis

Site Plan

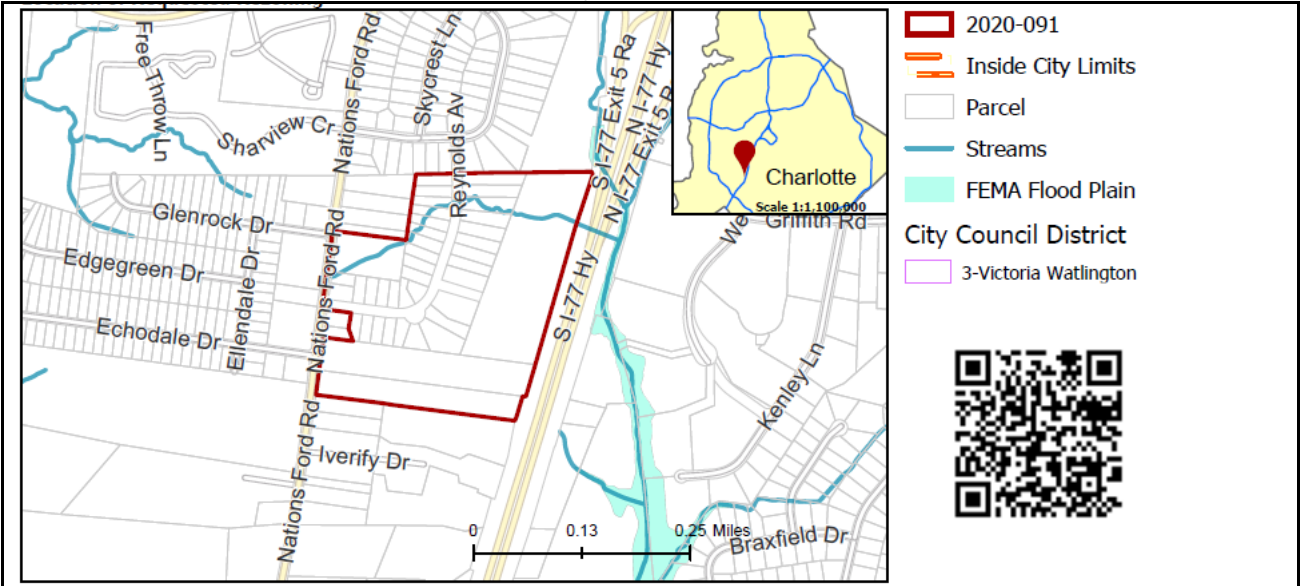
Statement of Consistency

REQUEST

Current Zoning: R-4 (single family residential)
Proposed Zoning: INST(CD) (institutional, conditional)

LOCATION

Approximately 40.85 acres located east of Nations Ford Road, west of Interstate 77, and south of Sharview Circle.



SUMMARY OF PETITION

The petition proposes to develop vacant land with up to 300,000 square feet of government clinics, offices, and civic facilities.

PROPERTY OWNER

Mary Funderburk Langford, et al.

PETITIONER

Mecklenburg County

AGENT/REPRESENTATIVE

Shaun Hicks

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 8

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

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

Rationale for Recommendation

- Institutional land uses are considered compatible land uses with single family uses, as they provide needed public services to area residents.
- The proposed Mecklenburg County community resource center would provide health and social services to the surrounding community, bringing services closer to residents in the southwestern part of the county.
- The proposed site plan includes buffer areas between the institutional uses and the adjacent single-family neighborhood.
- The site is located across from B-1 uses, and Waddell Language Academy.
- The petition commits to a range of transportation improvements that will benefit the surrounding area including a multi-use path

along Nations Ford Road, multi-use path connection to Reynolds Avenue, and enhancements to several intersections.

The approval of this petition will revise the adopted future land use as specified by the *Southwest District Plan*, from current single family land uses to institutional land use for the site.

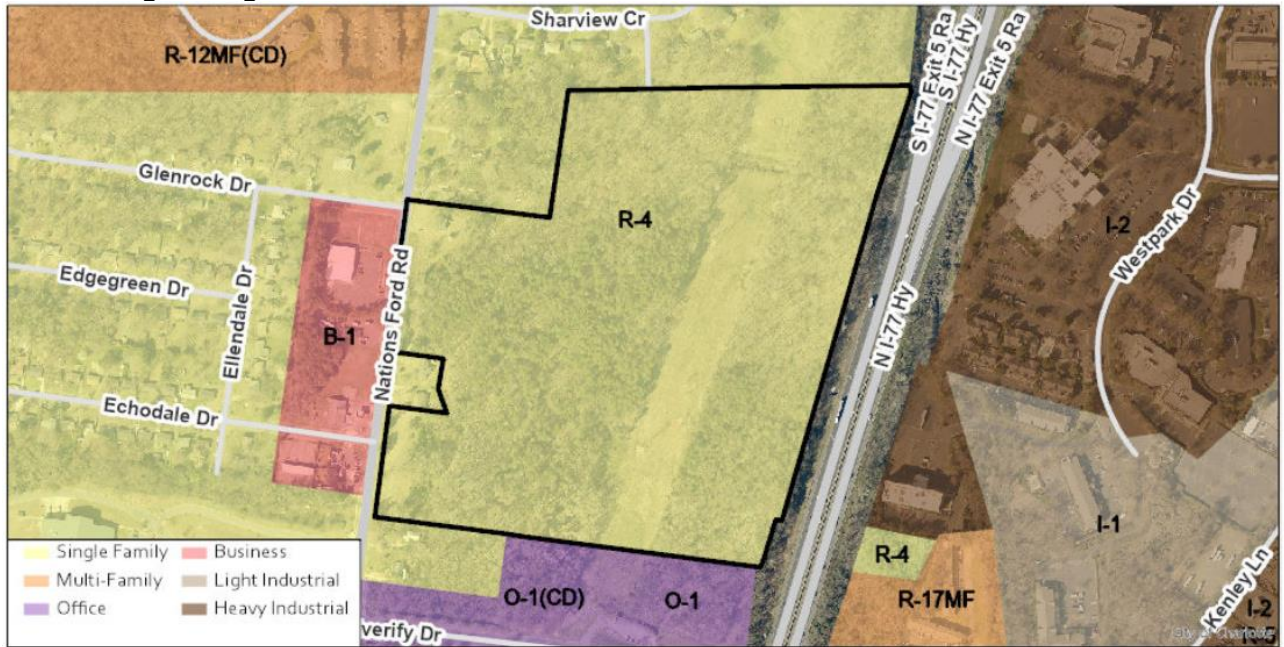
PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Proposes the development of up to 300,000 square feet of government clinics, offices, and civic facilities in a maximum of three buildings.
- Prohibits the following primary uses:
 - Cemeteries
 - Dormitories
 - Jails and Prisons
 - Land Clearing and Inert Debris Landfills (LCID)
 - Stadiums and Arenas
- Prohibits the following accessory uses:
 - Crematory Facilities
 - Drive-in Service Windows
 - Land Clearing and Inert Debris Landfills (LCID)
 - Petroleum Storage
 - Satellite Dish Farms
- Proposes unsignalized, full movement driveways at Glenrock Drive and Echodale Drive.
- States that all internal streets will be private and built to USDG local office/commercial wide cross section.
- Proposes parallel parking on some internal streets.
- Provides for a 10' wide multi-use trail connection to Reynolds Avenue.
- Proposes dedication of right-of-way to CDOT or NCDOT 41' from centerline on Nations Ford Road.
- Commits to installing a minimum 8' planting strip and 12' multi-use path along site's frontage of Nations Ford Road.
- In accordance with a traffic impact study, commits to improvements at the following intersections:
 - Nations Ford Road & West Tyvola Road
 - Nations Ford Road & Glenrock Drive/Proposed Access "A"
 - Nations Ford Road & Echodale Drive/Proposed Access "B"
 - Nations Ford Road & I-77 Southbound Ramps
 - Nations Ford Road & I-77 Northbound Off Ramp/Archdale Drive
 - Archdale Drive & I-77 Northbound On-Ramp
- Proposes a 75' Class B buffer, with the option to reduce in accordance with the zoning ordinance, and a 20' side yard where the property's boundaries abut single family uses or zoning along the Site's north, south, and west property lines.
- Provides a 20' side yard along the Site's south and west property line and a 20' rear yard along the Site's eastern property line.
- Establishes architectural standards for the principal buildings.
- Provides standards that all lighting must be full cut-off type fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, plazas, and parking areas.

- Existing Zoning and Land Use



The subject property is vacant land that was subdivided for a single family neighborhood that was never built. It is surrounded by a mix of different land uses including single family homes, retail, office, and schools.



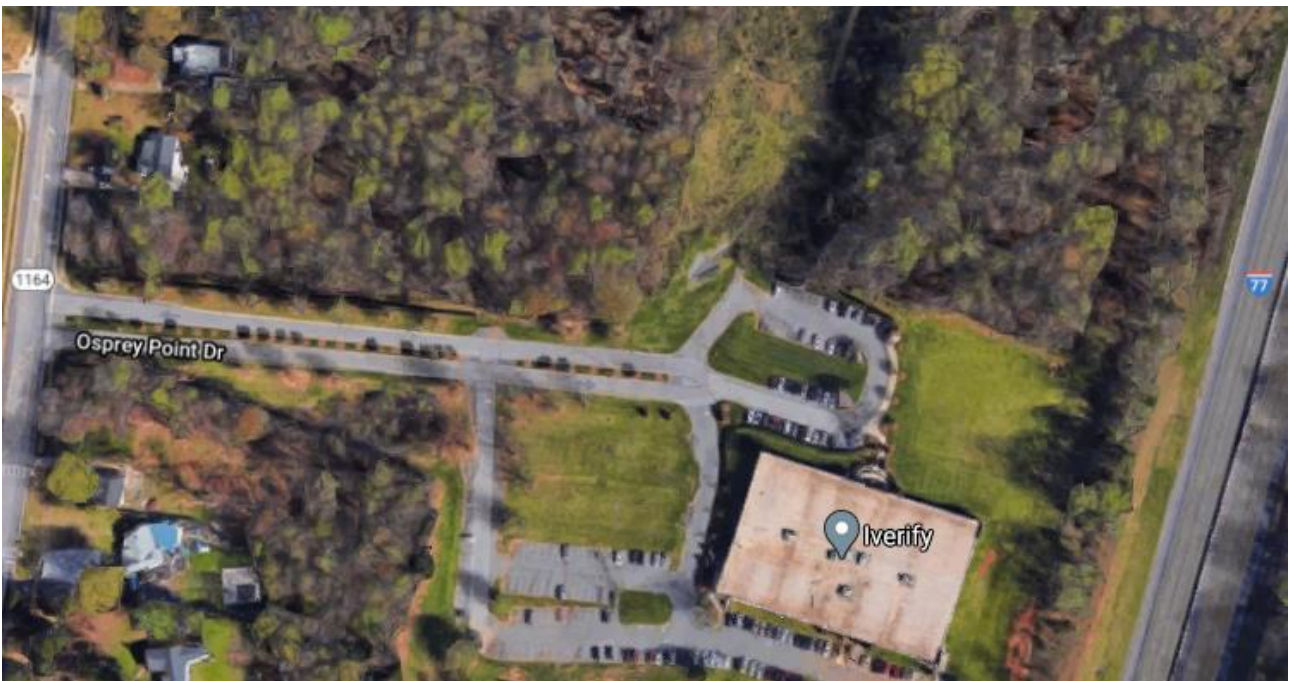
The site is vacant, undeveloped land with the exception of one single family home fronting on Nations Ford Road.



The properties to the north and northwest of the site are developed with single family homes.



The property to the east is developed with Interstate 77.



The properties to the south are developed with single family homes and office uses.



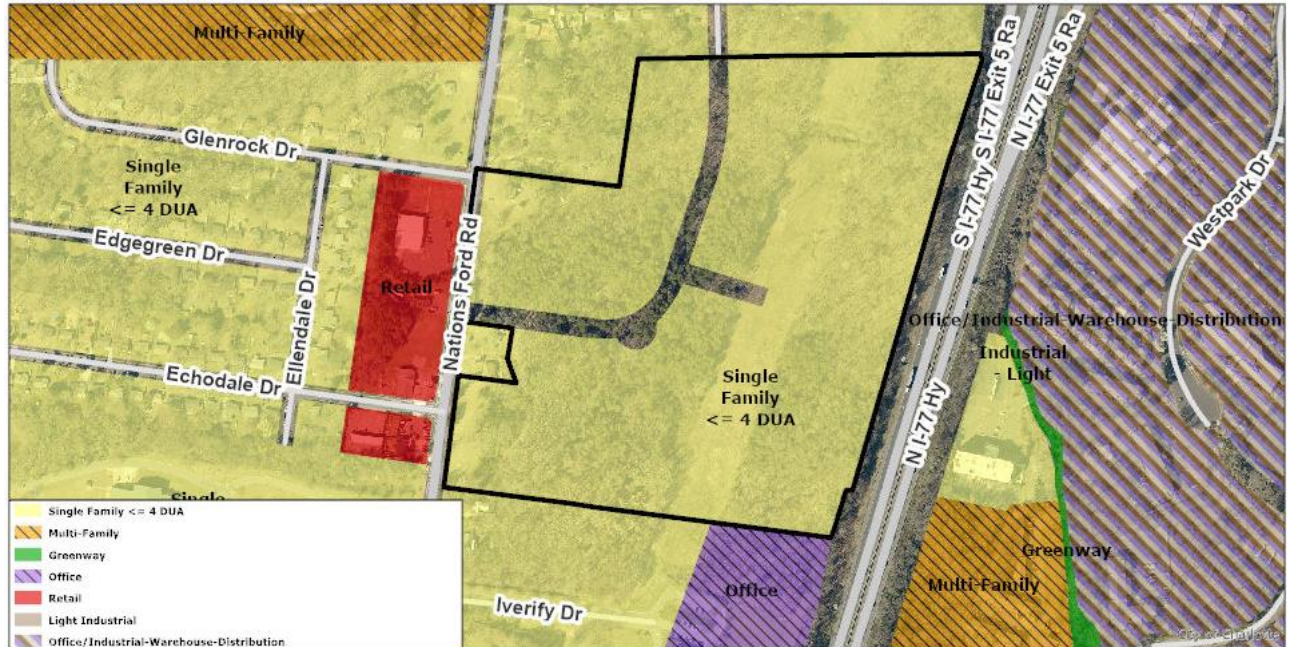
The properties to the west of the site are developed with commercial uses.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-047	Petition to rezone approximately 7 acres occupied by a car dealership to B-2.	Approved

- **Public Plans and Policies**



- The *Southwest District Plan* (adopted 1991) recommends single family residential at up to 4 dwelling units per acre.

- **TRANSPORTATION SUMMARY**

- The site is located on Nations Ford Road, a City-maintained minor thoroughfare, approximately a ¼ mile south of Tyvola Road. A TIS is required for this site, and was approved 11-30-2020, which includes various transportation improvements such as constructing turn lanes at Nations Ford and West Tyvola Roads, striping and ingress/egress lanes on Echodale Drive and Glenrock Drive at Nations Ford Road, among other improvements. Additionally, the petitioner has committed to an 8-foot planting strip and 12-foot shared use path along the site's Nations Ford Road frontage as well as a 10-foot shared use path from Nations Ford Road to Reynolds Dr. Lastly, Crosswalks will be included, and the petitioner will work with CDOT and CATS to construct an ADA compliant bus waiting pad on Nations Ford Road. This bus pad will coincide with the crosswalk locations. All CDOT comments have been addressed.

- **Active Projects:**

- There are no active projects near the site.

- **Transportation Considerations**

- No outstanding issues.

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 10 trips per day (based on one single family dwelling).

Entitlement: 890 trips per day (based on 163 single family dwellings).

Proposed Zoning: 5,987 trips per day (based on 225,000 square feet of office, 50,000 square feet of medical clinic, and 25,000 square feet of library).

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

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

Planner: Joe Mangum (704) 353-1908

KEY MAP

SEAL

NOT FOR
CONSTRUCTION

PROJECT

COMMUNITY
RESOURCE
CENTER -

SOUTHWEST LOCATION

MECKLENBURG COUNTY -

ASSET & FACILITY MANAGEMENT
DEPARTMENT

CHARLOTTE, NC

REZONING PETITION # 2020-091

LANDDESIGN PROJ.#

1019419

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	1ST REZONING SUBMITTAL	05.26.2020
2	2ND REZONING SUBMITTAL	10.12.2020
3	3RD REZONING SUBMITTAL	11.16.2020
4	4TH REZONING SUBMITTAL	12.22.2020

DESIGNED BY: RJP/SAH
DRAWN BY: SAH
CHECKED BY: RJP/SAH

SCALE

VERT: N/A
HORZ: 1"=100'

SHEET TITLE

EXISTING CONDITIONS

SHEET NUMBER

RZ-EC



NOTES:

- EXISTING CONDITION PLAN DERIVED FROM VARYING SOURCES (I.E. GIS, SURVEY, AERIAL RECONNAISSANCE AND SITE OBSERVATIONS). ACTUAL SITE AND/OR CONTEXT CONDITIONS MAY VARY. TO THE FULL KNOWLEDGE OF THE PETITIONER, ALL KNOWN EXISTING EASEMENTS AND ROW RESERVATIONS ARE SHOWN.

KEY MAP

SEAL

NOT FOR
CONSTRUCTION

PROJECT

COMMUNITY
RESOURCE
CENTER -

SOUTHWEST LOCATION

MECKLENBURG COUNTY -

ASSET & FACILITY MANAGEMENT
DEPARTMENT

CHARLOTTE, NC

REZONING PETITION # 2020-091

LANDDESIGN PROJ.# 1019419

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	1ST REZONING SUBMITTAL	05.26.2020
2	2ND REZONING SUBMITTAL	10.12.2020
3	3RD REZONING SUBMITTAL	11.16.2020
4	4TH REZONING SUBMITTAL	12.22.2020

DESIGNED BY: RJP/SAH
DRAWN BY: SAH
CHECKED BY: RJP/SAH

SCALE

VERT: N/A
HORZ: 1"=100'

SHEET TITLE

TECHNICAL DATA

SHEET NUMBER

RZ-01



DEVELOPMENT DATA TABLE

SITE AREA: ±40.85 ACRES

TAX PARCELS: 16915117, 16915116, 16915115, 16915114, 16915113, 16915112, 16915111, 16915110, 16915109, 16915108, 16915107, 16915106, 16915105, 16915104, 16915103, 16915102, 16915101, 16915132, 16915131, 16915515, 16915516, 16915517, 16915518, 16915519, 16915520, 16915521, 16915522, 16915523, 16915524, 16915525, 16915526, 16915527, 16915528, 16915529, 16915530, 16915531, 16915532, 16915535, 16915536, 16915537

EXISTING ZONING: R-4 (SINGLE FAMILY RESIDENTIAL)

PROPOSED ZONING: INST (CD)

EXISTING USE: ONE (1) SINGLE FAMILY HOME, FORESTED

PROPOSED USE(S): CLINIC AND OFFICES, CIVIC FACILITY, AND GOVERNMENT BUILDING AS PERMITTED BY RIGHT. *REFER TO NOTE 2 (B) AND 2 (C) IN THE DEVELOPMENT STANDARDS FOR LAND USE EXCLUSIONS.

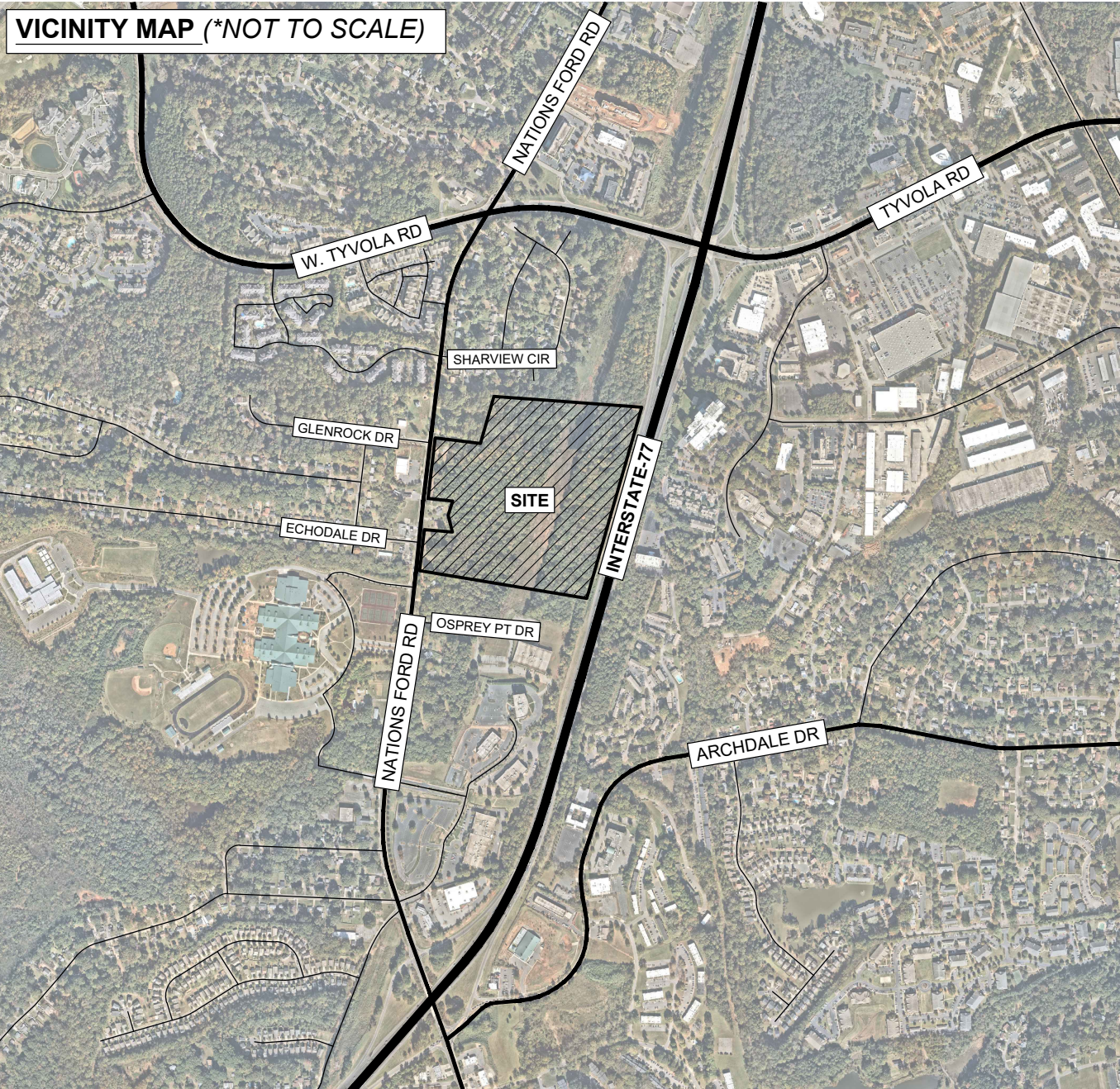
MAXIMUM BUILDING HEIGHT: HEIGHT AS PERMITTED BY ORDINANCE AND WILL BE MEASURED AS DEFINED BY THE ORDINANCE.

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

NOTES:

- THE IMAGES ARE ILLUSTRATIVE TO SHOW GENERAL INTENT, CHARACTER, RELATIONSHIPS OF USES, CIRCULATION, AND BUILDING CONFIGURATION FOR THE PURPOSES OF REZONING. FINAL CONSTRUCTION MAY VARY BASED ON PERMITTING AND UNFORESEEN CONDITIONS.
- REFER TO SHEETS AND NOTES AS PART OF THIS SET FOR ADDITIONAL INFORMATION.

VICINITY MAP (*NOT TO SCALE)



Community Resource Center
Development Standards

12/22/2020

Rezoning Petition No. 2020-091

Site Development Data:

- **Site Acreage:** +/-40.85 Acres
- **Tax Parcels:**
16915117, 16915116, 16915115, 16915114, 16915113, 16915112, 16915111, 16915110, 16915109, 16915108, 16915107, 16915106, 16915105, 16915104, 16915103, 16915102, 16915101, 16915132, 16915131, 16915515, 16915516, 16915517, 16915518, 16915519, 16915520, 16915521, 16915522, 16915523, 16915524, 16915525, 16915526, 16915527, 16915528, 16915529, 16915530, 16915531, 16915532, 16915535, 16915536, 16915537
- **Existing Zoning:** R-4
- **Proposed Zoning:** INST (CD)
- **Existing Uses:** One (1) Single family home, forested
- **Proposed Uses:** Clinic and Offices, Civic facility, and Government Building as permitted by right.
- **Maximum Gross Square Feet of Development:** Up to 300,000 square feet of gross floor area
- **Maximum Building Height:** Height as permitted by Ordinance and will be measured as defined by the Ordinance.
- **Parking:** As required by the Ordinance for the proposed uses.

General Provisions:

- a. **Site Location:** These Development Standards, Schematic Site Plan and other graphics set forth on Sheet RZ-01 form this rezoning plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by Mecklenburg County ("Petitioner") to accommodate the development of institutional uses on an approximately 40.85 acre site located along Nations Ford Road (the "Site"). The existing plat including the unopened portion of Reynolds Ave., unopened Tocoma Drive, and single family lots will go through the ROW abandonment/recombination process.
- b. **Zoning Districts/Ordinance:** Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the INST zoning classification shall govern all development taking place on the Site.
- c. **Graphics and Alterations:** Any schematic depictions of the building envelopes, parking areas, sidewalks, driveways, streets, and other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. Any layouts, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance.

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

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

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

- d. **Planned/Unified Development:** The Site shall be viewed in the aggregate as a planned/unified development plan as to the elements and portions of the Site generally depicted on the Rezoning Plan. As such, side and rear yards, buffers, building height separation standards, and other similar zoning standards will not be required internally between improvements and other site elements located on the Site.

- e. **Number of Buildings Principal and Accessory:** Notwithstanding the number of building(s) shown on the Rezoning Plan, the total number of principal buildings to be developed on the Site will be limited to three (3). Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal building(s).

Permitted Uses, Development Area Limitations:

- a. The Site may be developed with up to 300,000 square feet gross floor area of Clinic and Offices, Civic facility, and Government Building as permitted by right.
- b. Uses permitted under prescribed conditions as listed in the Institutional District ordinance are to exclude:
 - b.a. Section 9.503 (3) Cemeteries
 - b.b. Section 9.503 (6) Dormitories
 - b.c. Section 9.503 (7) Funeral homes
 - b.d. Section 9.503 (9) Jails and prisons uses
 - b.e. Section 9.503 (9.1) Land clearing and inert debris landfills (LCID): offsite
 - b.f. Section 9.503 (20.5) (c) Shelters - Homeless Shelter
 - b.g. Section 9.503 (21) Stadiums and arenas
- c. Permitted accessory uses and structures as listed in the Institutional District ordinance are to exclude:
 - c.a. Section 9.504 (1.5) Crematory facilities, within a cemetery
 - c.b. Section 9.504 (2) Drive-n service windows as an accessory tot he principal use.
 - c.c. Section 9.504 (6) Land clearing and inert landfill (LCID)
 - c.d. Section 9.504 (8) Petroleum storage
 - c.e. Section 9.504 (8.5) Satellite dish farm, used in conjunction with telecommunications and data storage facility

Transportation:

- a. The Petitioner will provide access to the Site as generally depicted on the Rezoning Plan.
- b. Provide for unsignalized, full movement intersection for Main Private Drive connection to Nations Ford Road to be coordinated with CDOT.
- c. Provide for unsignalized, full movement intersection aligned with Echodale Drive to be coordinated with CDOT.
- d. Internal streets will be private streets built per the USDG local office/commercial wide cross section.
- e. Parallel parking to provided on South side of main private drive. Final location to be coordinated with final plan, parking access, and coordination with CDOT/Planning.
- f. Parallel parking to provided on West and East sides of secondary private drive. Final location to be coordinated with final plan, parking access, and coordination with CDOT/Planning.
- g. Provide a 10' wide pedestrian/bike multi use path connection to Reynolds Avenue as depicted on the Rezoning Plan. This path is to be limited to pedestrians/bikers and will not include vehicular traffic.
- h. Subject to the approval of CDOT and any other governmental agencies, Petitioner shall construct an ADA compliant bus waiting pad 60.03A within the required planting strip along the Site's frontage on Nations Ford Road. The exact location of the waiting pad shall be determined during the site design and permitting process, and the waiting pad shall be located entirely within right of way. In the event that Petitioner cannot obtain all approvals and permits required to construct the waiting pad, then Petitioner shall have no obligation to construct the waiting pad. CATS shall be responsible for the installation and maintenance of a bench or shelter on the waiting pad.
- i. Prior to the issuance of the first certificate of occupancy for a new building constructed on the Site, Petitioner shall dedicate and convey to the City or to NCDOT (subject to a reservation for any necessary utility easements) those portions of the Site located immediately adjacent to Nations Ford Road as required to provide right of way measuring 41 feet (2 feet behind the back of the multi-use path) from the existing centerline of Nations Ford Road, to the extent that such right of way does not already exist.
- j. A minimum 8 foot wide planting strip and a minimum 12 foot wide multi-use path shall be installed along the Site's frontage on Nations Ford Road.
- k. Petitioner shall submit a Petition to the City requesting the abandonment of that portion of the right of way for Reynolds Avenue that is located on the Site and generally depicted on the Rezoning Plan and any other right of way located on the Site.
- l. Subject to the approval of CDOT and any other governmental agencies and the availability of existing right of way to accommodate accessible ramps on the west side of Nations Ford Road for the pedestrian crossings, Petitioner shall stripe two pedestrian crossings within Nations Ford Road along the Site's frontage on Nations Ford Road to provide pedestrian connections from the 12 foot wide multi-use path along the Site's frontage on Nations Ford Road to the sidewalk located across from the Site on the west side of Nations Ford Road. The locations of these pedestrian crossings shall be determined during the permitting process. In the event that Petitioner cannot obtain all approvals and permits required to stripe the pedestrian crossings, or in the event that there is not existing right of way to accommodate accessible ramps on the west side of Nations Ford Road for the pedestrian crossings, then Petitioner shall have no obligation to stripe the pedestrian crossings.
- m. Any reference to the term "substantially complete" in this Section 3 of the Development Standards shall mean a determination by CDOT and/or NCDOT that the applicable roadway improvements are deemed "substantially complete" for the purpose of the issuance of certificates of occupancy for building(s) on the Site. However, in the event that certain non-essential roadway improvements (as reasonably determined by CDOT) are not completed at the time that Petitioner seeks to obtain a certificate of occupancy for building(s) on the Site, then CDOT will instruct applicable authorities to allow the issuance of certificates of occupancy for the applicable buildings, and in such event Petitioner may be required to post a letter of credit or a bond for any improvements not in place at the time such certificates of occupancy are issued to secure the completion of the relevant improvements.
- n. The transportation improvements set out below shall be substantially complete prior to the issuance of the first certificate of occupancy for a new building constructed on the Site.
 - (1) **Intersection of Nations Ford Road & W. Tyvola Road (Signalized)**
 - (a) Construct an eastbound right turn lane with 200 feet of storage utilizing the existing channelized slip lane on W. Tyvola Road.
 - (b) Construct a westbound right turn lane with 200 feet of storage utilizing the existing channelized slip lane on W. Tyvola Road.
 - (c) Install additional pedestrian improvements at this intersection such as pedestrian signal heads and leading pedestrian intervals.
 - (2) **Intersection of Nations Ford Road & Glenrock Drive/Proposed Access "A" (Unsignalized)**

The following access configuration is proposed:

 - (a) One ingress lane and two egress lanes (a westbound left turn lane with 200 feet of storage and a terminating right turn lane on Proposed Access "A").
 - (b) Remark to ensure a two-way-left-turn lane on Nations Ford Road between Glenrock Drive and Proposed Access "A".
 - (c) Minimum internal protected stem of 200 feet.
 - (3) **Intersection of Nations Ford Road & Echodale Drive/Proposed Access "B" (Unsignalized)**

The following access configuration is proposed:

 - (a) One ingress lane and two egress lanes (a westbound right turn lane with 200 feet of storage and left-thru lane on Proposed Access "B").
 - (b) Remark a southbound left turn lane with 100 feet of storage from existing two-way-left-turn-lane on Nations Ford Road.
 - (c) Minimum internal protected stem of 200 feet.
 - (d) Results of a Signal Warrant Analysis indicate that a traffic signal is not warranted at this location.
 - (4) **Intersection of Nations Ford Road & I-77 Southbound Ramps (Signalized)**
 - (a) Construct a southbound right turn lane with 200 feet of storage utilizing the existing channelized slip lane on Nations Ford Road.
 - (5) **Intersection of Nations Ford Road & I-77 Northbound Off-Ramp/Archdale Drive (Signalized)**
 - (a) Extend eastbound left turn lane from 150 feet to 500 feet of storage on I-77 Northbound Off-Ramp.
 - (6) **Intersection of Archdale Drive & I-77 Northbound On-Ramp (Signalized)**
 - (a) Extend existing channelized northbound right turn lane from 200 feet to 300 feet of storage on Nations Ford Road.
- o. Petitioner shall dedicate and convey all relevant right of way to the City of Charlotte prior to the issuance of the first certificate of occupancy for a new building constructed on the Site. The right of way shall be setback 2 feet behind the back of sidewalk where feasible. If it is not feasible, the sidewalks, or portions thereof, may be located in a sidewalk utility easement.
- p. Petitioner has committed to install a minimum 8 foot wide planting strip and a minimum 12 foot wide multi-use path along the Site's frontage on Nations Ford Road. Additionally, Petitioner will exert reasonable and good faith efforts to obtain right of way or easements from the owners of Tax Parcel Nos. 169-155-34 and 169-155-33 (the "Adjacent Parcels") prior to the issuance of the first building permit for the Site for the purpose of extending the minimum 8 foot wide planting strip and minimum 12 foot wide multi-use path along the Adjacent Parcels' frontages on Nations Ford Road. Reasonable and good faith efforts will not require Petitioner to pay to the owners of the Adjacent Parcels more than the appraised values of the right of way or easements necessary for the extension of the minimum 8 foot wide

planting strip and minimum 12 foot wide multi-use path along the Adjacent Parcels' frontages on Nations Ford Road and in no event will Petitioner be required to pay more than the appraised values. If Petitioner is unable to acquire the right of way or easements necessary for the extension of the minimum 8 foot wide planting strip and minimum 12 foot wide multi-use path along the Adjacent Parcels' frontages on Nations Ford Road prior to the issuance of the first building permit for the Site, Petitioner shall have no obligation to extend the minimum 8 foot wide planting strip and minimum 12 foot wide multi-use path along the Adjacent Parcels' frontages on Nations Ford Road. If Petitioner acquires title to the Adjacent Parcels, Petitioner shall extend the minimum 8 foot wide planting strip and minimum 12 foot wide multi-use path along the Adjacent Parcels' frontages on Nations Ford Road.

Setbacks, Buffers and Screening:

- a. A forty (40) foot setback shall be provided as defined by the Ordinance from public streets.
- b. A seventy-five (75) foot Class B Buffer that can be reduced per ordinance, and a twenty (20) foot side yard will be provided along the site's property boundaries that abut single family uses or zoning along the Site's north, south, and west property lines as generally depicted on the Rezoning Plan.
 - b.a. Buffer along the north property line abutting parcel 16915130 will need to be reduced in order to accommodate the private drive full movement intersection connection to Glenrock Drive. To be coordinated with with CDOT, planning, and final site plan.
 - b.b. Buffers to be implemented per ordinance standards. The width of any required buffer may be reduced per ordinance.
- c. A twenty (20) foot side yard shall be provided along the Site's North and South property boundary.

Architectural Standards:

- a. **Building Materials:** The principal building(s) 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, precast concrete, synthetic stone, stucco, cementitious siding (such as hardi-plank), metal panels, EIFS, cast on site concrete panel or wood. Vinyl as a building material will not be allowed except on windows and soffits.

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

- c. **Dumpster Screening:** Dumpster areas and recycling areas will be enclosed by a solid wall or fence.

- d. **Pedestrian Entrances:** All pedestrian entrances, excluding emergency exits, will be architecturally defined with glazing, awnings, canopies and/or other architectural element.

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

- e.a. Building Placement and Site Design shall focus on and enhance the pedestrian environment on public or private network required streets through the following:
 - e.a.a. Buildings shall be placed so as to present a front or side facade to all streets.
 - e.a.b. First floor facades fronting streets shall include a combination of windows and operable doors for a minimum of 60% of each frontage elevation with transparent glass between 2' and 10' on the first floor. Up to 20% of this requirement may be comprised of display windows. These display windows must maintain a minimum of 3'-0" clear depth between window and rear wall. Windows within this zone shall not be screened by film, decals, and other opaque material, glazing finishes or window treatments. The maximum sill height for required transparency shall not exceed 4'-0" above adjacent street sidewalk.
 - e.a.c. A direct pedestrian connection should be provided between street facing doors and corner entrance features to sidewalks on adjacent streets.
 - e.a.d. Building elevations shall not have expanses of blank walls greater than 20 feet in all directions and architectural features such as, but not limited to, banding, medallions or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.
 - e.a.e. Building elevations shall be designed with vertical bays or articulated architectural features which shall include a combination of at least three of the following: a combination of exterior wall offsets (projections and recesses), columns, pilasters, change in materials or colors, awnings, arcades or other architectural elements.
 - e.a.f. Buildings shall have a minimum height of 22 feet.
 - e.a.g. Multi-story buildings shall have a minimum of 15% transparency on all upper stories.

Environmental Features:

- a. The Site shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.
- b. The site will comply with the City of Charlotte Tree 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.

Signage:

- a. Signage as allowed by the ordinance.

Lighting:

- a. All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, plazas, and parking areas.

Amendments to the Rezoning Plan:

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

Binding Effect of the Rezoning Application:

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

Open Space

- a. Open space areas designated on the Rezoning Plan shall be improved with benches or other seating elements, landscaping, hardscape and decorative lighting.

KEY MAP

SEAL

NOT FOR
CONSTRUCTION

PROJECT

COMMUNITY
RESOURCE
CENTER -

SOUTHWEST LOCATION

MECKLENBURG COUNTY -


ASSET & FACILITY MANAGEMENT
DEPARTMENT

CHARLOTTE, NC

REZONING PETITION # 2020-091

LANDDESIGN PROJ.# 1019419

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	1ST REZONING SUBMITTAL	05.26.2020
2	2ND REZONING SUBMITTAL	10.12.2020
3	3RD REZONING SUBMITTAL	11.16.2020
	4TH REZONING SUBMITTAL	12.22.2020

DESIGNED BY: RJP/SAH
DRAWN BY: SAH
CHECKED BY: RJP/SAH

SCALE NORTH

VERT: N/A
HORZ: N/A

SHEET TITLE

DEVELOPMENT STANDARDS

SHEET NUMBER

RZ-N1

Petition 2020-091 by Mecklenburg County

To Approve:

This petition is found to be **inconsistent** with the *Southwest 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 at up to four dwelling units per acre.

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

- Institutional land uses are considered compatible land uses with single family uses, as they provide needed public services to area residents.
- The proposed Mecklenburg County community resource center would provide health and social services to the surrounding community, bringing services closer to residents in the southwestern part of the county.
- The proposed site plan includes buffer areas between the institutional uses and the adjacent single-family neighborhood.
- The site is located across from B-1 uses, and Waddell Language Academy.
- The petition commits to a range of transportation improvements that will benefit the surrounding area including a multi-use path along Nations Ford Road, multi-use path connection to Reynolds Avenue, and enhancements to several intersections.

The approval of this petition will revise the adopted future land use as specified by the *Southwest District Plan*, from single family residential at up to four dwelling units per acre to institutional use for the site.

To Deny:

This petition is found to be **inconsistent** with the *Southwest 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 at up to four dwelling units per acre.

Therefore, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

Motion:

Approve or Deny

Maker:

2ND:

Vote:

Dissenting:

Recused:



Agenda Date: 1/5/2021

Agenda #: 8. **File #:** 15-14859 **Type:** Zoning Item

Rezoning Petition: 2020-102 by J.S. & Associates, Inc.

Location: Approximately 23.369 acres located along the northwest side of Neal Road, on the southwest side of IBM Drive, west of Highway 85. (Council District 4 -Johnson)

Current Zoning: R-8 MF (CD) (multi-family residential, conditional) and R-4 (single-family residential)

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

Public Hearing Held: December 21, 2020 - Item #34

Staff Resource: [Michael Russell](#)

Staff Recommendation:

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

Attachments:

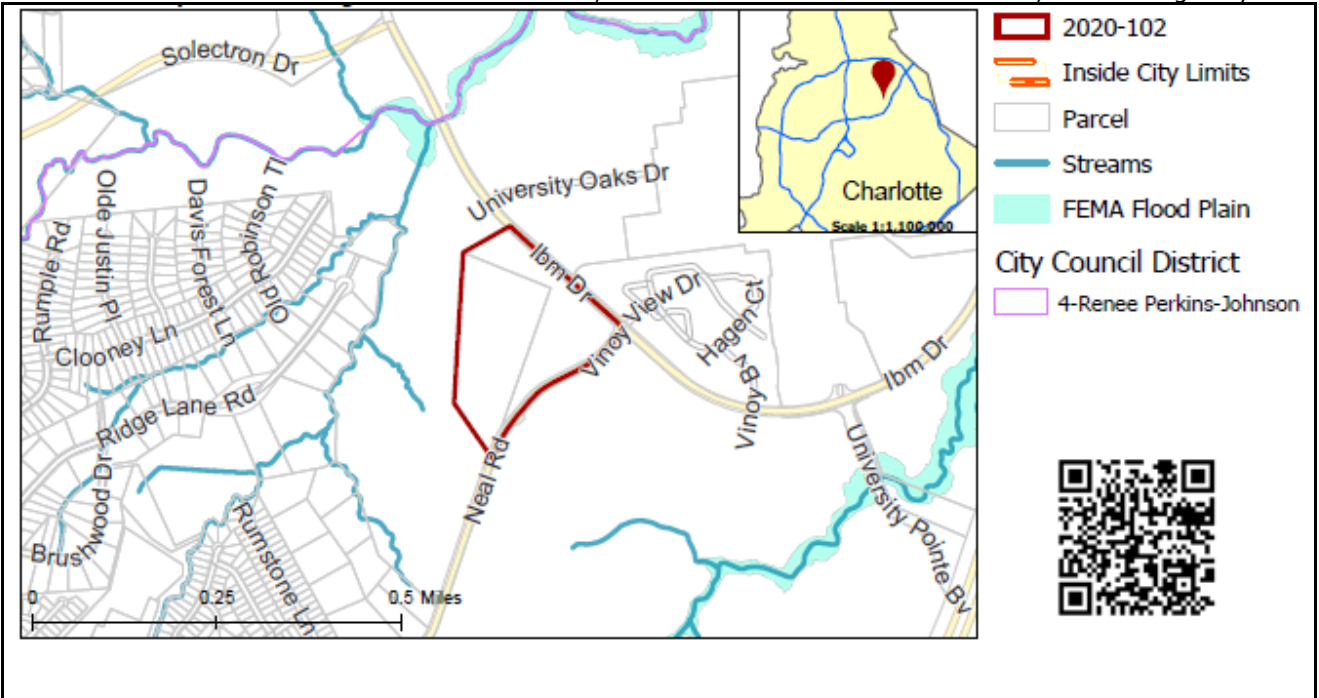
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

REQUEST

Current Zoning: R-8MF(CD) (multi-family residential, conditional) and R-4 (single family residential)
Proposed Zoning: R-8MF(CD) (multi-family residential, conditional)

LOCATION

Approximately 23.369 acres located along the northwest side of Neal Road, on the southwest side of IBM Drive, west of Highway 85.



SUMMARY OF PETITION

The petition proposes up to 157 duplex, triplex and/or single-family attached dwelling units with a density of 6.72 dwelling unit per acre on a vacant parcel.

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE
COMMUNITY MEETING

IBM Corporation
J.S. & Associates, Inc.
Ty Shaffer, Robinson Bradshaw & Hinson, P.A.

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

STAFF
RECOMMENDATION

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

Plan Consistency

The southeast portion of this petition is **inconsistent** with the *Northeast District Plan's* (1996) recommendation of single family residential up to 4 DUA, but **consistent** with the *General Development Policies* recommendation of residential use up to 17 dwelling units per acre. The rest of this petition is **consistent** with the *University Research Park Area Plan's* (2010) recommendation of office/residential/retail up to 22+ DUA and the *Northeast District Plan's* (1996) recommendation of residential up to 4 DUA.

Rationale for Recommendation

- This petition proposes up to 157 duplex, triplex, or single-family attached dwelling units with a density of 6.72 DUA.
- While a portion of this proposed development is inconsistent with the *Northeast District Plan* (1996) recommendation of single family residential up to 4 DUA, its 6.72 DUA is well within the density limits of the other land use recommendations present on the site. Additionally, the site is proximate to R-17MF zoning to the north and R-8MF(CD) zoning to the west, making the slightly higher density appropriate for the surrounding areas.
- The General Development Policies (GDP) provide policy guidance for evaluating proposed residential densities greater than four units per acre. The petition's request for multi-family residential up to 8 DUA meets the General Development Policies locational criteria for consideration of up to the seventeen dwellings per acre requested.
- The petition commits to enhancing the pedestrian environment through site design elements which include an 8-foot planting strip and 6-foot to 12-foot sidewalk or multi-use path along the site's frontages on Neal Road and IBM Drive.

The approval of this petition will revise the adopted future land use as specified by the *Northeast District Plan* (1996), from Single Family Residential up to 4 DUA, Residential up to 8 DUA, and Residential/Office/Retail to Residential up to 8 DUA for the site.

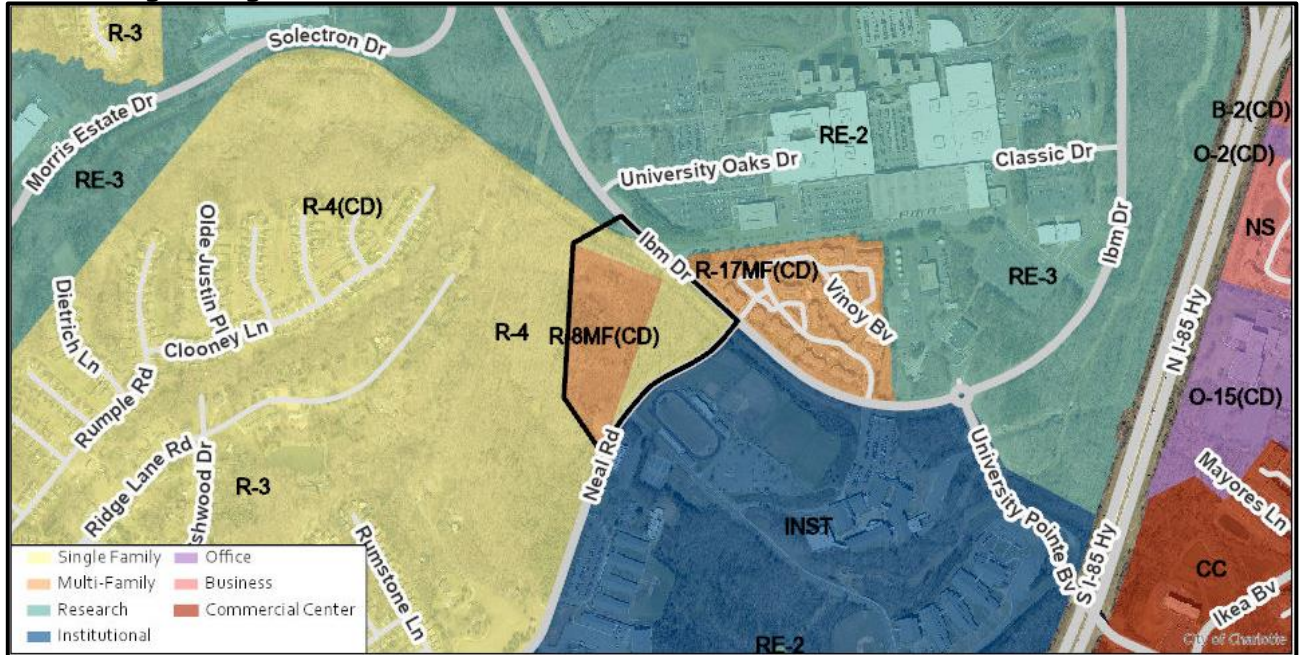
PLANNING STAFF REVIEW

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allows up to 157 duplex, triplex and/or single-family attached dwelling units.
- Commits to an 8-foot wide planting strip and a 12-foot wide multi-use path along the Neal Road frontage.
- Commits to an 8-foot wide planting strip and a 6-foot wide sidewalk along the IBM Drive frontage.
- Provides a left turn lane into the site from IBM Drive.
- Commits to a new bus waiting pad along Neal Road and a new bus waiting pad at the intersection of Neal Road and IBM Drive.
- Provides street connectivity to approved rezoning 2020-035.
- Provides .68 acre of open space with amenity area.
- Walkways will be provided to connect all residential entrances to sidewalks along the street.
- All residential entrances within 15-feet of the sidewalk will be raised from the sidewalk grade minimum of 24-inches.
- Architectural standards include:
 - Usable porches and stoops to form a predominant feature of building design and be located on the front of the building.
 - Pitched roofs if provided shall be sloped no less than 5:12.
 - Garage doors visible from the street shall be setback 12 to 24 inches with additional architectural elements over the garage door.

- Existing Zoning and Land Use



A portion of the current site was approved (rezoning 2019-108) to allow up to 92 duplex and or single-family attached dwelling units. It was never built. The subject property is vacant. The surrounding land uses include single-family homes, multi-family apartments, four schools, office and research institutions.



The subject property (denoted by the red star) is vacant.



The property to the east along Neal Road is developed with the Governor's Village STEM Academy.



The properties to the north along Hewitt Associates Drive are developed with a large office/research park.

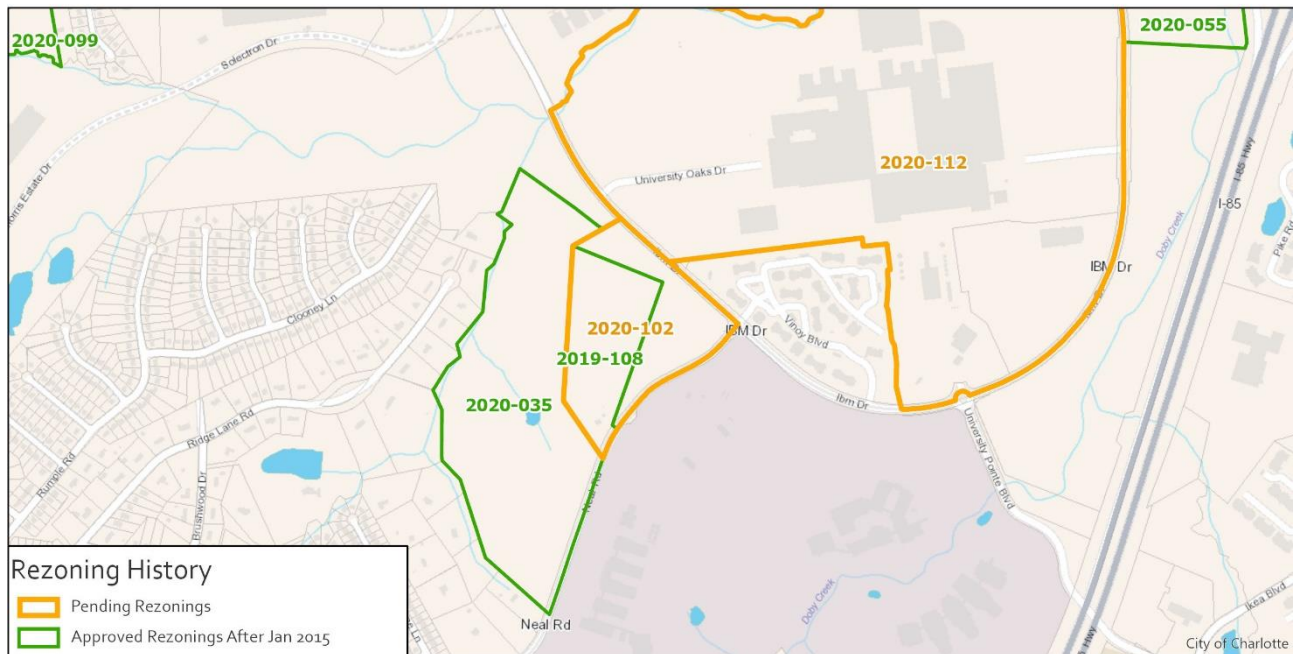


The property to the south along Rumstone Lane is developed with single-family homes.



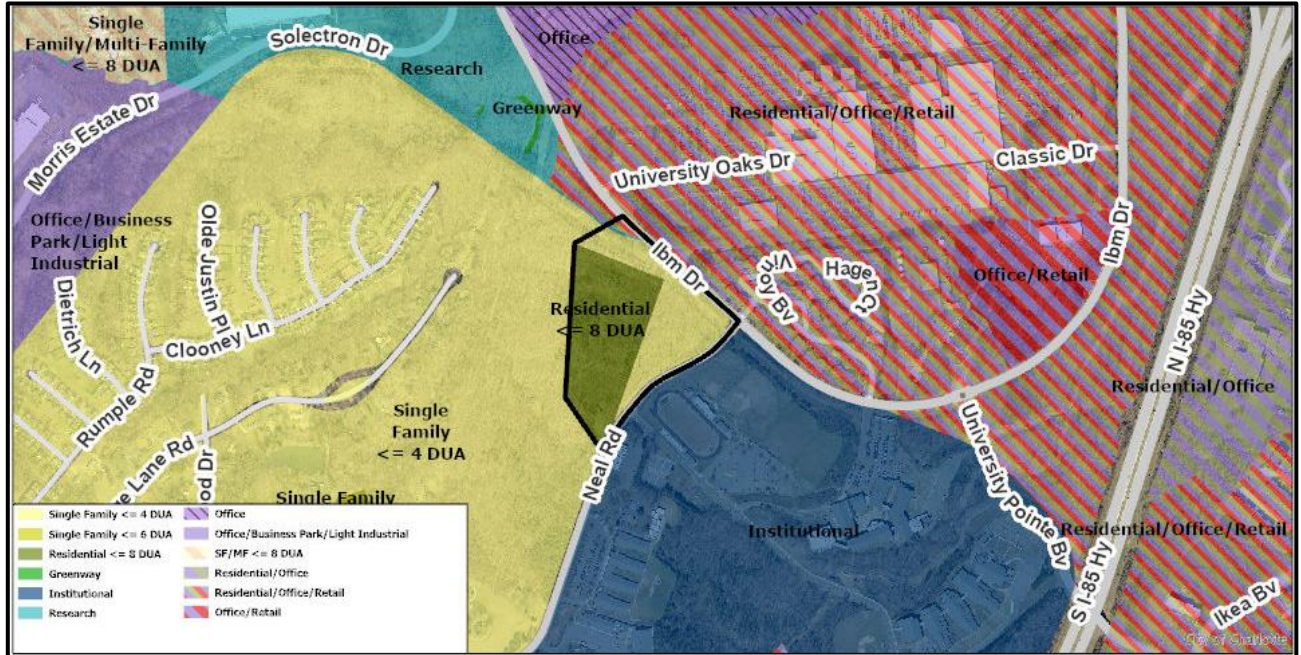
The property to the west along Ridge Lane Road is developed with single-family homes.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-108	Rezoned 13.21 acres to allow up to 92 duplex and or single-family attached dwelling units.	Approved
2020-035	Rezoned 49 acres to allow up to 250 townhomes and 50 multi-family units.	Approved
2020-055	Rezoned 27.97 acres to allow up to 300 multi-family dwelling units.	Approved
2020-099	Rezoned 20.88 acres to allow up to 130 townhome units.	Approved
2020-112	Proposes to rezone 201.5 acres to create a unified development up to 3,405,000 square-feet to non-residential uses, up to 1,450 multi-family dwelling units, and 175 hotel rooms.	Pending

• Public Plans and Policies



- The *Northeast District Plan (1996)* calls for Residential up to 8 DUA, Single Family Residential up to 4 DUA, and Residential/Office/Retail for this site.
- The *General Development Policies (GDP)* provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the General Development Policies locational criteria for consideration of up to 8 dwellings per acre as illustrated in the table below.

Assessment Criteria	Density Category – up to 8 dua
Meeting with Staff	1
Sewer and Water Availability	3
Land Use Accessibility	3
Connectivity Analysis	2
Road Network Evaluation	1
Design Guidelines	4
Other Opportunities or Constraints	NA
Minimum Points Needed: 11	Total Points: 15

• TRANSPORTATION SUMMARY

- The site is located on two minor thoroughfare roads. The petitioner is providing multiple transportation improvements to ensure that connectivity and access to an abutting rezoning petition meets the intent of the policies for safe pedestrian, bicyclist, and vehicular accesses as provided in the Charlotte BIKES, Charlotte WALKS, and Vision Zero plans. The petitioner is providing a fourth leg to the existing intersection along Neal Road and Public Road "A." In addition, the plan includes a 12-foot multi-use path and 8-foot planting strip along Neal Road and a 6-foot sidewalk and 8-foot planting strip along IBM Drive. A left turn lane into the site from IBM Drive is included in the plans. Outstanding issues include a conditional note that signal heads will be included at the intersection of Neal Road and Public Road "A" and updated clarification on the restriping at Neal Road and Public Road "B."
- **Active Projects:**
- There are no active projects within the immediate project vicinity.
- **Transportation Considerations**
- See Outstanding Issues, Note 1.
- **Vehicle Trip Generation:**
- Current Zoning:
 - Existing Use: 0 trips per day (based on vacant land).
 - Entitlement: 1,205 trips per day (based on 39 single-family units and 107 townhome units).
- Proposed Zoning: 1,150 trips per day (based on 157 townhome, duplex, and triplex 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 Department of Solid Waste Services:** See advisory comments at www.rezoning.org
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 31 students, while the development allowed under the proposed zoning may produce 25 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is zero students.
 - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
 - Governor's Village (K-8) from 104% to 105%
 - Vance High to remain at 129%
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Neal Road. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 12-inch gravity sewer main located along the center of the rezoning boundary. See advisory comments at www.rezoning.org
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry:** See advisory comments at www.rezoning.org
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUESTransportation

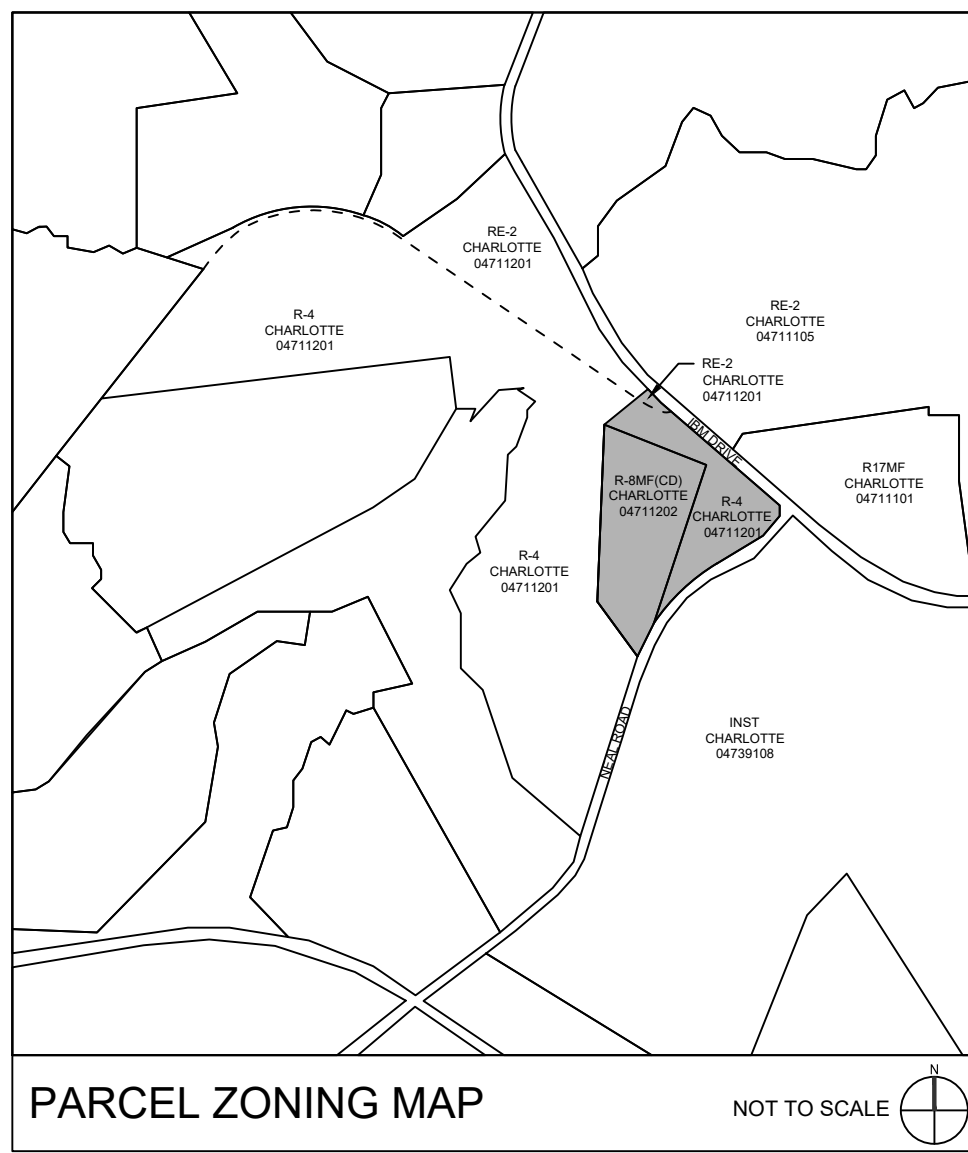
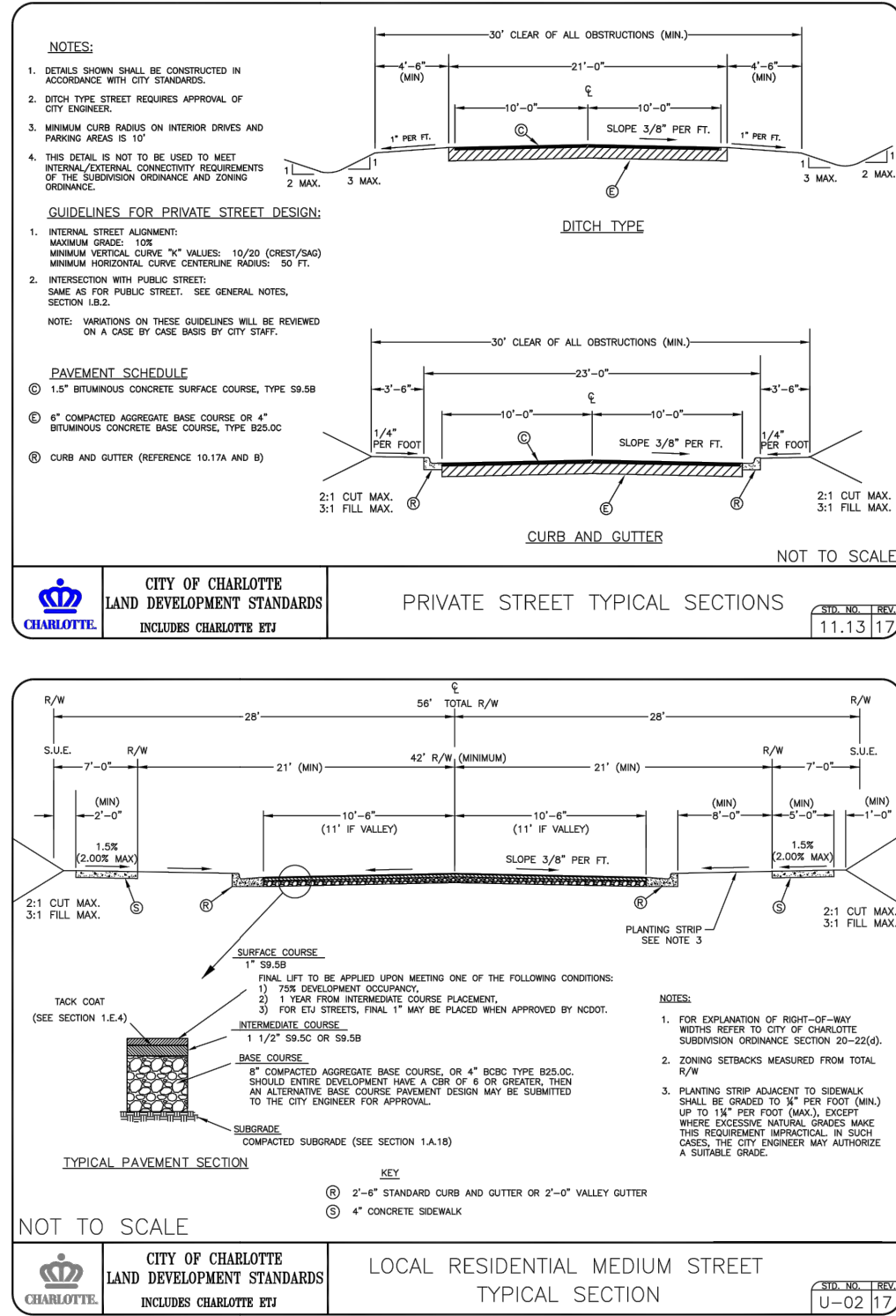
1. The 12-foot MUP and 8-foot planting strip should extend **along the entire frontage of Neal Road** to the intersection of Neal Rd. and IBM Drive.
2. ~~Update to Comment as a result of 11-16-2020 Site Plan: Add a conditional note that the signal heads will be included at the Neal Road intersection.~~ **Addressed**
3. ~~New Comment (revised site plan dated 09/14/20) Revise the site plan and conditional notes to re-strip the existing center lane gore striping on Neal Road to accommodate a two way left turn lane, per CDOT's Pavement Marking Guidelines. This re-striping to will provide adequate striping for the proposed full movement intersection at Proposed Road 'B' and Neal Road.~~ **Addressed**
4. ~~Technical Clarification: The petitioner should revise the site plan to include the site plan linework and proposed roadway improvements on Neal Road and IBM Drive for rezoning petition 2020-035 and label as "for reference only." Please continue to coordinate with this rezoning petitioner to ensure the overall street network and both petition's off-site roadway improvements tie into each other.~~ **Addressed**

REQUESTED TECHNICAL REVISIONSSite and Building Design

5. ~~Add note to clarify the minimum amenities that will be provided in all open spaces.~~ **Addressed**
6. ~~Clarify notes 6 and 7 in the architectural standards section to show intent and limit blank wall expanse to 10 feet in all directions.~~ **Addressed**
7. ~~Clarify note 8 in the architectural section as to how all entrances will connect to sidewalks.~~ **Addressed**

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

Planner: Michael Russell (704) 353-0225



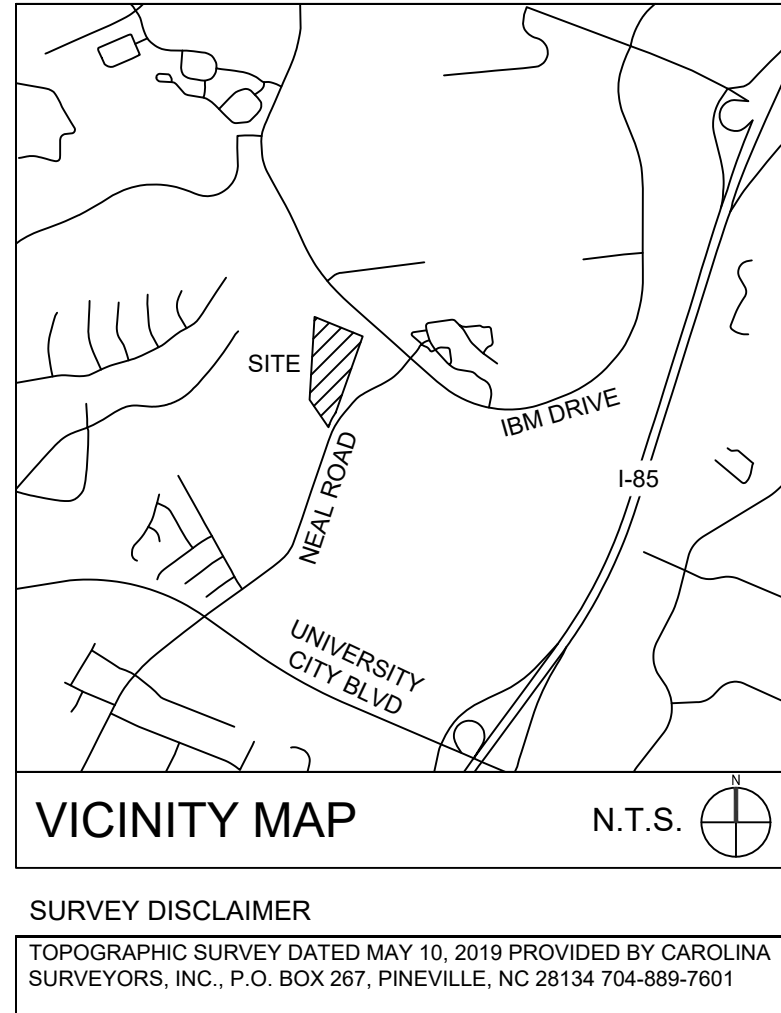
R-4 AND RE-2 PARCEL LEGAL DESCRIPTION

BEGINNING AT AN EXISTING PIPE, BEING THE NORTHWESTERLY CORNER OF THE PROPERTY OF J. S. & ASSOCIATES INC. (NOW OR FORMERLY) RECORDED IN DEED BOOK 3334, PAGE 316; THENCE WITH A NEW LINE WITH A BEARING OF S 89°28'54" E AND A DISTANCE OF 346.71' TO A POINT ON THE SOUTHWESTERLY MARGIN OF THE RIGHT-OF-WAY OF BM DR; THENCE FOLLOWING THE MARGIN THEREOF TWO (2) CALLS: (1) WITH A CURVE TO THE LEFT HAVING A RADIUS OF 184.86' AND AN ARC LENGTH OF 88.66'; AND BEING CHORDED BY A BEARING OF S 46°58'11" E AND A DISTANCE OF 88.65' TO A POINT; (2) WITH A BEARING OF S 48°16'52" E AND A DISTANCE OF 97.68' TO A POINT AT THE INTERSECTION OF THE NORTHWESTERLY MARGIN OF THE RIGHT-OF-WAY OF NEAL RD; THENCE FOLLOWING THE MARGIN THEREOF NINE (9) CALLS: (1) WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 30.00' AND AN ARC LENGTH OF 47.15'; AND BEING CHORDED BY A BEARING OF S 03°18'32" E AND A DISTANCE OF 42.43' TO A POINT; (2) WITH A BEARING OF S 41°42'29" W AND A DISTANCE OF 38.00' TO A POINT; (3) WITH A BEARING OF S 48°18'52" E AND A DISTANCE OF 10.00' TO A POINT; (4) WITH A BEARING OF S 41°42'29" W AND A DISTANCE OF 73.48' TO A POINT; (5) WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 560.00' AND AN ARC LENGTH OF 245.39'; AND BEING CHORDED BY A BEARING OF S 42°43'11" W AND A DISTANCE OF 245.89' TO A POINT; (6) WITH A BEARING OF S 63°41'34" W AND A DISTANCE OF 22.60' TO A POINT; (7) WITH A CURVE TO THE LEFT HAVING A RADIUS OF 580.00' AND AN ARC LENGTH OF 246.56'; AND BEING CHORDED BY A BEARING OF S 51°39'51" W AND A DISTANCE OF 244.71' TO A POINT; (8) WITH A BEARING OF S 30°20'00" W AND A DISTANCE OF 204.65' TO A POINT; (9) WITH A CURVE TO THE LEFT HAVING A RADIUS OF 713.41' AND AN ARC LENGTH OF 63.95'; AND BEING CHORDED BY A BEARING OF S 38°45'59" W AND A DISTANCE OF 574.40' TO AN EXISTING PIPE, BEING THE POINT OF BEGINNING, HAVING AN AREA OF 154 ACRES, MORE OR LESS, AS SHOWN ON A SURVEY BY CAROLINA SURVEYORS, INC.

DEVELOPMENT STANDARDS

A. GENERAL PROVISIONS

- THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY KINGDOM DEVELOPMENT PARTNERS, LLC (THE "PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF A RESIDENTIAL COMMUNITY ADJACENT TO NEAL ROAD AND THE RIGHT-OF-WAY OF NEAL ROAD AT THE INTERSECTION OF NEAL ROAD AND THE RIGHT-OF-WAY OF NEAL ROAD. THE PETITIONER SHALL COMPLY WITH THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE") AND THE CITY OF CHARLOTTE ZONING DISTRICT (THE "DISTRICT") AND THE CITY OF CHARLOTTE ZONING DISTRICT (THE "DISTRICT") AND THE CITY OF CHARLOTTE ZONING DISTRICT (THE "DISTRICT").
- THE 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 R-4M ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT AND USE OF THE SITE.
- THE DEVELOPMENT DEPICTED ON THE REZONING PLAN IS SCHEMATIC IN NATURE AND INTENDED TO DEFINE THE GENERAL ARRANGEMENT OF USES AND IMPROVEMENTS ON THE SITE. ACCORDINGLY, THE CONFIGURATIONS, PLACEMENTS AND SIZES OF THE BUILDING FOOTPRINTS AS WELL AS THE INTERNAL PRIVATE STREETS/PRIVATE ALLEYS DEPICTED ON THE REZONING PLAN ARE SCHEMATIC IN NATURE AND, SUBJECT TO THE TERMS OF THESE DEVELOPMENT STANDARDS AND THE ORDINANCE, ARE SUBJECT TO MINOR ALTERATIONS OR MODIFICATIONS DURING THE DESIGN DEVELOPMENT AND CONSTRUCTION DOCUMENT PHASES.
- FUTURE AMENDMENTS TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE SITE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 8 OF THE ORDINANCE. ALTERATIONS TO THE REZONING PLAN ARE SUBJECT TO SECTION 8.207 OF THE ORDINANCE.



ZONING SUMMARY:

OWNER: J. S. & ASSOC., INC.
OWNER ADDRESS: 5209 ADDISON DR., CHARLOTTE, NC 28211
CIVIL ENGINEER/LANDSCAPE ARCHITECT: BLOC DESIGN, PLLC
BLOC DESIGN PHONE # 704-940-2883
ZONING DESIGNATION (EXISTING): R-4, RE-2, AND R-8M(CD)
ZONING DESIGNATION (PROPOSED): R-8M(CD) PARCEL SIZE: 23.369 ACRES
JURISDICTION: CITY OF CHARLOTTE
PARCEL NUMBER: 04711202
SETBACK AND YARD REQUIREMENTS
FRONT: 27' SETBACK ALONG PROPOSED R.O.W. 30' SETBACK ALONG EXISTING R.O.W.
FAÇADE OF GARAGES MUST BE SET BACK AT LEAST 20' OR 5'-7" FROM PROPOSED SIDEWALK.
SIDE YARD: 20' AGAINST SINGLE FAMILY
10' AGAINST MULTI-FAMILY
REAR YARD: 50'
BUFFERS REQUIRED
CLASS C BUFFER: 50' (REDUCE TO 37.5' WITH FENCE)
BUILDING SEPARATION
MINIMUM 10' BUILDING SEPARATION REQUIRED
PARKING SUMMARY
DUPLEX: REQUIRED: 2 SPACES PER UNIT TRIPLEX AND TOWNHOMES
REQUIRED: 1.5 SPACES PER UNIT
PROVIDED: 2 SPACES PER UNIT
DEVELOPMENT SUMMARY:
DUPLEX UNITS: 18 UNITS
TRIPLEX UNITS: 9 UNITS
TOWNHOMES UNITS: 13 UNITS
PROPOSED DENSITY: 6.72 DUA
LOT MIN. REQUIRED: 400 SF
LOT MIN. PROVIDED: 347 SF
MINIMUM 2.34 AC (10% X 23.369 AC) COMMON OPEN SPACE PROVIDED
50% REQUIRED OPEN SPACE = 508,977 SF (11.68 AC)
508,977 SF + 4,452 SF = 513,429 SF REQUIRED
MIN. PROVIDED: 513,429 SF
TREE SAVE AREA:
REQUIRED: 15% (15 X 23.369 AC) = 3.51 ACRES
PROVIDED: 3.51 ACRES MINIMUM

REVISIONS

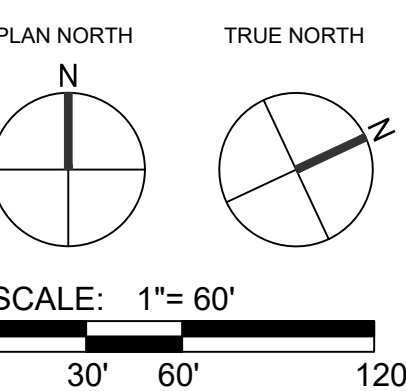
NO.	DATE	DESCRIPTION
1	09/14/20	REZONING COMMENTS
2	11/16/20	REZONING COMMENTS
3	12/28/20	REZONING COMMENTS

Stamp/Seal: BLOC DESIGN, PLLC
P-1007
C-390
NORTH CAROLINA
FOR REVIEW ONLY

REZONING PETITION 2020-102

The Vision at Neal Duplex, Triplex, and Townhome Subdivision

8001 Neal Road
Charlotte, NC 28262



DATE: 06/12/20 MPIC: WLL

DRAWN BY: LWH CHECKED BY: WLL

PROJECT NUMBER: 00627.01

SCALE: 1" = 60'

TITLE: CONCEPTUAL SITE PLAN

SHEET NO:
RZ-1

Petition 2020-102 by J.S. & Associates, Inc.

To Approve:

The southeast portion of this petition is **inconsistent** with the *Northeast District Plan's* (1996) recommendation of single family residential up to 4 DUA, but **consistent** with the *General Development Policies* recommendation of residential use up to 17 dwelling units per acre. The rest of this petition is **consistent** with the *University Research Park Area Plan's* (2010) recommendation of office/residential/retail up to 22+ DUA and the *Northeast District Plan's* (1996) recommendation of residential up to 4 DUA based on the information from the staff analysis and the public hearing, and because:

- The *Northeast District Plan* recommends single family residential up to 4 dwelling units per acre.
- The *University Research Park Area Plan* recommends office/residential/retail up to 22+ dwelling units per acre.
- The *General Development Policies* recommends residential use up to 17 dwelling units per acre.

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

- This petition proposes up to 157 duplex, triplex, or single-family attached dwelling units with a density of 6.72 DUA.
- While a portion of this proposed development is inconsistent with the *Northeast District Plan* (1996) recommendation of single family residential up to 4 DUA, its 6.72 DUA is well within the density limits of the other land use recommendations present on the site. Additionally, the site is proximate to R-17MF zoning to the north and R-8MF(CD) zoning to the west, making the slightly higher density appropriate for the surrounding areas.
- The *General Development Policies* (GDP) provide policy guidance for evaluating proposed residential densities greater than four units per acre. The petition's request for multi-family residential up to 8 DUA meets the *General Development Policies* locational criteria for consideration of up to the seventeen dwellings per acre requested.
- The petition commits to enhancing the pedestrian environment through site design elements which include an 8-foot planting strip and 6-foot to 12-foot sidewalk or multi-use path along the site's frontages on Neal Road and IBM Drive.

The approval of this petition will revise the adopted future land use as specified by the *Northeast District Plan* (1996), from Single Family Residential up to 4 DUA, Residential up to 8 DUA, and Residential/Office/Retail to Residential up to 8 DUA for the site.

To Deny:

The southeast portion of this petition is **inconsistent** with the *Northeast District Plan's* (1996) recommendation of single family residential up to 4 DUA, but **consistent** with the *General Development Policies* recommendation of residential use up to 17 dwelling units per acre. The rest of this petition is **consistent** with the *University Research Park Area Plan's* (2010) recommendation of office/residential/retail up to 22+ DUA and the *Northeast District Plan's* (1996) recommendation of residential up to 4 DUA based on the information from the staff analysis and the public hearing, and because:

- The *Northeast District Plan* recommends single family residential up to 4 dwelling units per acre.
- The *University Research Park Area Plan* recommends office/residential/retail up to 22+ dwelling units per acre.
- The *General Development Policies* recommends residential use up to 17 dwelling units per acre.

However, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

Motion:**Approve or Deny****Maker:****2ND:****Vote:****Dissenting:****Recused:**



Agenda Date: 1/5/2021

Agenda #: 9.**File #:** 15-14860 **Type:** Zoning Item

Rezoning Petition: 2020-107 by Drakeford Communities

Location: Approximately 1.3 acres located along the east side of Briar Creek Road, north of Carolyn Drive, and south of Central Avenue. (Council District 1 - Egleston)

Current Zoning: R-4 (single-family residential)

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

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

Staff Resource: [Claire Lyte-Graham](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

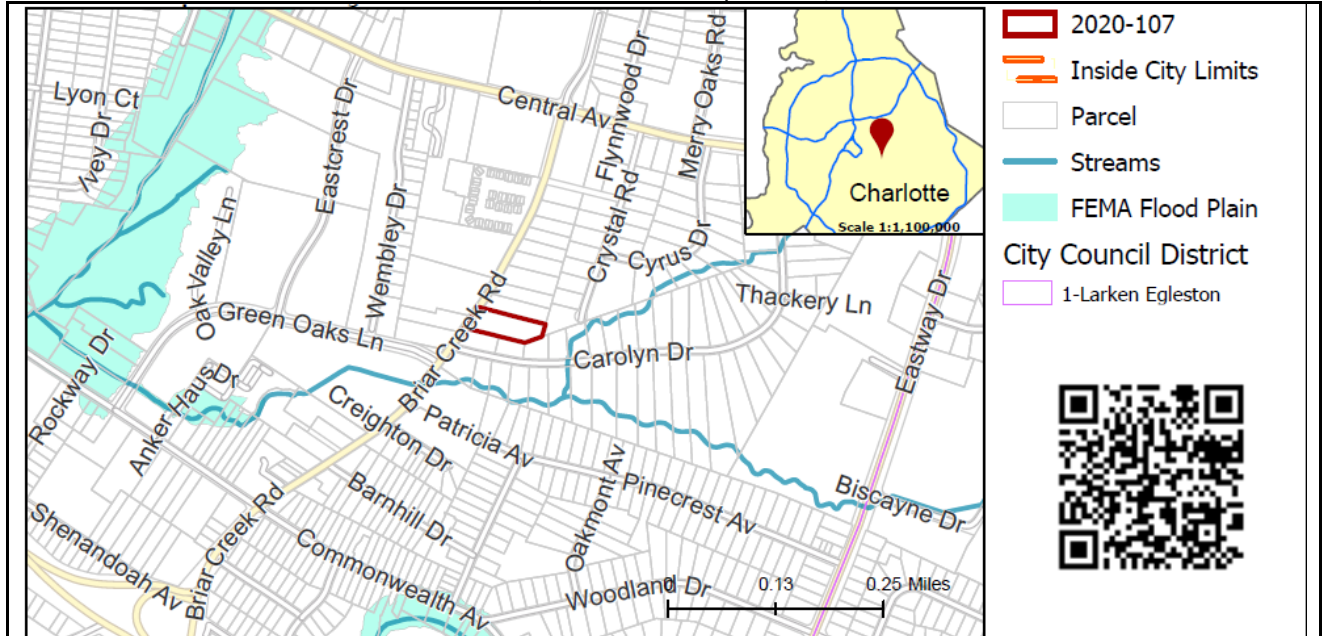
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

REQUEST

Current Zoning: R-4 (single family residential)
Proposed Zoning: R-8(CD) (single family residential, conditional)

LOCATION

Approximately 1.3 acres located along the east side of Briar Creek Road, north of Carolyn Drive, and south of Central Avenue.



SUMMARY OF PETITION

The petition proposes to allow 3 single family detached units on a parcel currently developed with a 1 single family home on the east side of Briar Creek Road between Central Avenue and Commonwealth Avenue.

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE

William H. and Cynthia D. Turner
Drakeford Communities
Bobby Drakeford

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 8 (second community meeting held – number of people in attendance: 8)

STAFF
RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition consistent with the *Central District Plan* recommendation for single family residential up to 4 units per acre.

Rationale for Recommendation

- The proposal is consistent with the land uses immediately north, south and east.
- The proposed density of 2.30 units per acre is less than the recommended 4 units per acre.
- The request will establish a building setback consistent with existing single family detached homes along Briar Creek Road.
- Transportation improvements will accommodate a 6-foot sidewalk, 8-foot planting strip, and bike lane with 3-foot buffer.

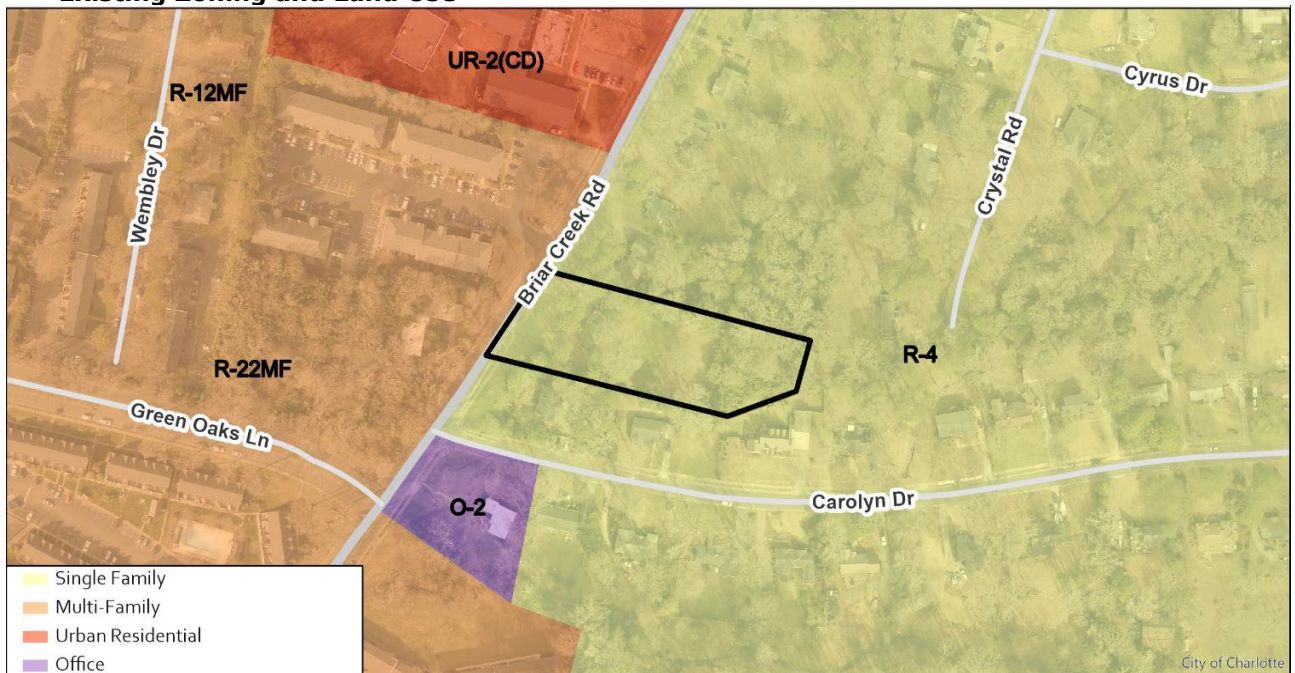
PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Up to 3 single family detached dwelling at a density of 2.30 units per acre.
- Proposes home placement to have a 42-foot minimum setback from future right-of-way (existing 50-foot setback minimum from existing right-of-way per existing homes on block) so as to be consistent with existing homes along Briar Creek Road.
- Installs a 6-foot sidewalk and 8-foot planting strip along Briar Creek Road.
- Proposes a 5-foot bike lane with 3-foot buffer along the site's frontage.
- Added note that all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued.
- Added note stating site shall meet the requirements of the Charlotte Fire Department during permitting.
- Notes pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that roofs for porches and attached sheds, if provided, may be no less than 2:12, unless a flat roof architectural style is employed. Notes shingles will be architectural grade.
- Restricts exterior materials to the following: glass, brick, stone, simulated stone, pre-cast stone, pre-cast concrete, synthetic stone, stucco, cementitious siding (such as hardi-plank), or wood.
- Notes vinyl may not be used as an exterior building material on any building to be constructed on the site. Vinyl may be utilized on windows, doors, garage doors, soffits, trim and railings.
- Illustrates possible tree save areas.

• Existing Zoning and Land Use



The rezoning site is developed with 1 single family residence and is immediately surrounded by single family homes, apartments, townhomes, a religious facility, and an office on parcels zoned R-4, R-12MF, R-22MF, UR-2(CD), and O-2.



The subject site is developed with a single family home.



West, across Briar Creek Road, are apartments and a religious facility.



North, along Briar Creek Road, are single family homes.

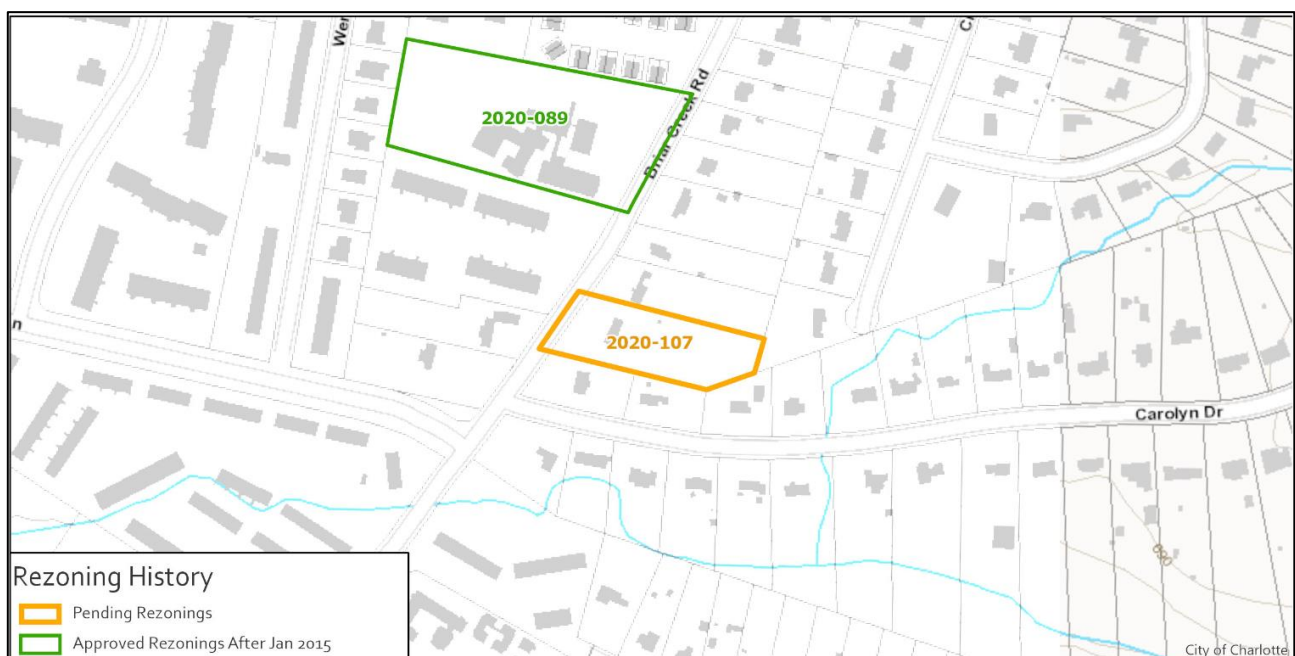


East are single family homes.



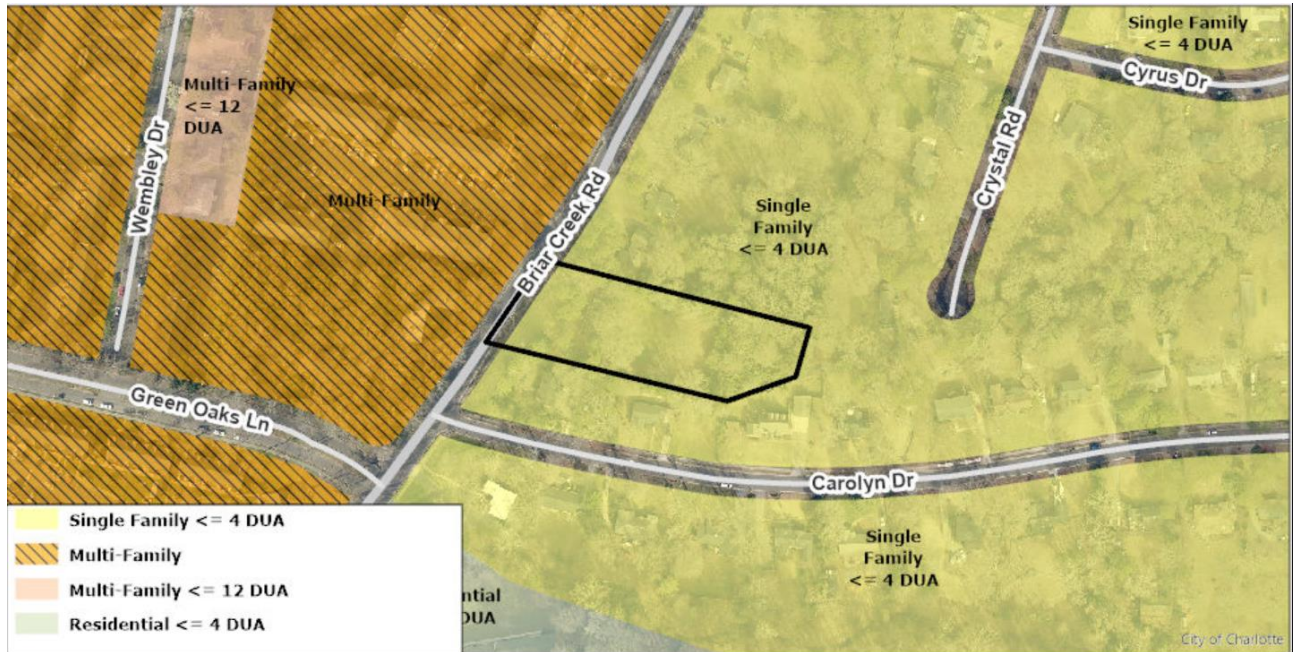
South are single family homes, townhomes, and an office.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2020-107	Rezoned 1.30 acres to R-8(CD).	Pending
2020-089	Rezoned 3.42 acres to UR-2(CD)	Approved

- Public Plans and Policies**



- The *Central District Plan* recommends single family residential up to 4 dwelling units per acre.

- TRANSPORTATION SUMMARY**

- The site is located on Briar Creek Road (minor thoroughfare, City-maintained). The petitioner commits to constructing an 8-foot planting strip and a 6-foot sidewalk on Briar Creek Road in accordance with City Ordinances and the Charlotte Walks Plan. As the proposed units for this site were reduced to 3 single-family units, the trip generation was also reduced to 30 daily vehicle trips. All outstanding CDOT issues have been addressed.
- Active Projects:**
 - CityLynx Gold Line Future Phase – Central Avenue
 - Briar Creek Road Connector (sidewalk and bicycle facility improvements south of this site from Commonwealth Ave to Monroe Road)
 - Construction late 2020
 - <https://charlottenc.gov/Projects/Pages/BriarCreekRdConnector.aspx>
- Transportation Considerations**
 - No outstanding issues.
- Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 10 trips per day (based on 1 single family unit).
 - Entitlement: 50 trips per day (based on 5 single family units).
 - Proposed Zoning: 30 trips per day (based on 3 single family units; site plan).

DEPARTMENT COMMENTS (see full department reports online)

- Charlotte Area Transit System:** No outstanding issues.
- Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org
- Charlotte Fire Department:** See advisory comments at www.rezoning.org
- Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 3 students, while the development allowed under the proposed zoning may produce 2 students.

- The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
 - Merry Oaks Elementary remains at 76%
 - Eastway Middle remains at 118%
 - Garinger High remains at 122%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along Briar Creek Road. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Briar Creek Road.
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** See Outstanding Issues, Note 1. Addressed
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Environment

- ~~1. Please include the following note under the ENVIRONMENTAL FEATURES heading: *For adjoining parcels receiving storm water discharge the petitioner shall analyze the adequacy of the existing storm water conveyance on the adjoining parcels to the nearest City maintained right of way. If the existing storm water conveyance on the adjoining parcels is found to be inadequate, the Petitioner shall make a good faith effort with the property owner(s) to improve the storm water conveyance or mitigate the storm water discharge onto the adjoining parcels.*~~ Addressed

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

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



O 2459 Wilkinson Blvd, Ste 200 Charlotte, NC 28208
P 704.343.0608
W www.drgrp.com



FOR PUBLIC HEARING

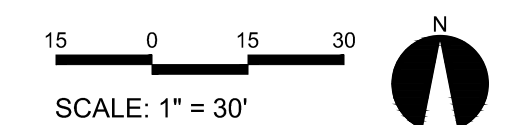
2020-107

REZONING DOCUMENT

BRIAR CREEK
CHARLOTTE, NORTH CAROLINA

THE DRAKEFORD COMPANY
1914 BRUNSWICK AVENUE SUITE 1A
CHARLOTTE, NORTH CAROLINA 28207

SCHEMATIC SITE PLAN



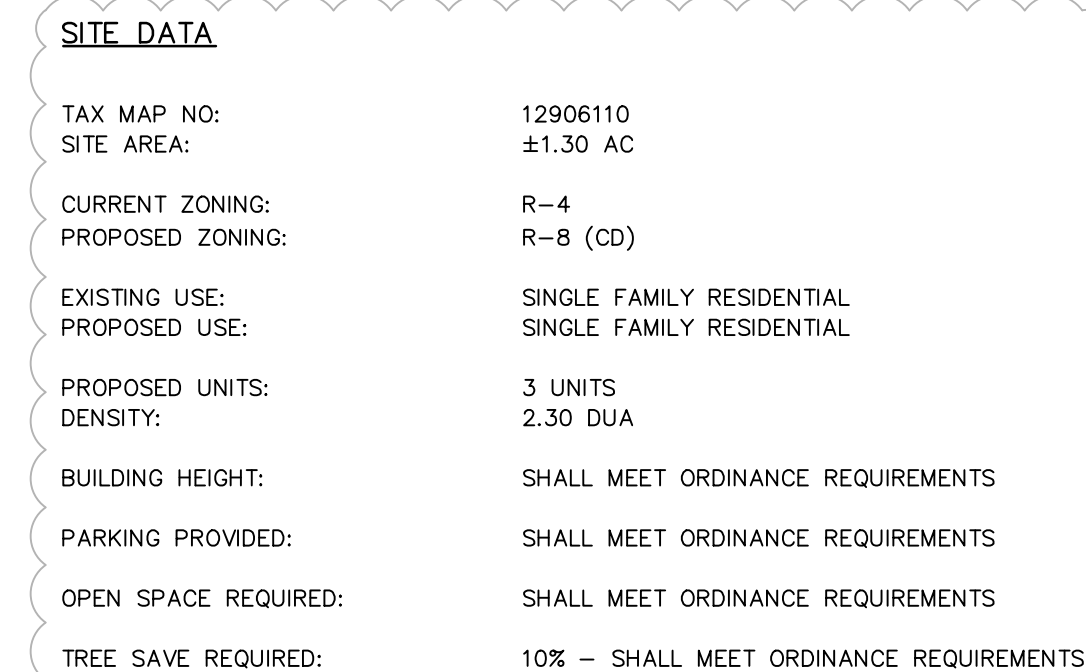
PROJECT #: 090-037
DRAWN BY: JO
CHECKED BY: NB

JULY 31, 2020

REVISIONS:

1. 09/25/20 - PER REVIEW COMMENTS
2. 12/28/20 - PER REVIEW COMMENTS

RZ1.0



DEVELOPMENT STANDARDS

A. GENERAL PROVISIONS

DEVELOPMENT OF THE SITE WILL BE CONTROLLED BY THE STANDARDS DEPICTED ON THIS SITE PLAN AND BY THE STANDARDS OF THE CHARLOTTE ZONING ORDINANCE. THE DEVELOPMENT DEPICTED ON THIS PLAN IS INTENDED TO REFLECT THE ARRANGEMENT OF PROPOSED USES ON THE SITE, BUT THE EXACT CONFIGURATION, PLACEMENT, AND SIZE OF INDIVIDUAL SITE ELEMENTS MAY BE ALTERED OR MODIFIED WITHIN THE LIMITS PRESCRIBED BY THE ORDINANCE DURING THE DESIGN DEVELOPMENT AND CONSTRUCTION PHASES AS ALLOWED UNDER THE PROVISIONS OF SECTION 6.2 OF THE ZONING ORDINANCE.

THE PETITIONER ACKNOWLEDGES THAT OTHER STANDARD DEVELOPMENT REQUIREMENTS IMPOSED BY OTHER CITY ORDINANCES, SUCH AS THOSE THAT REGULATE STREETS, SIDEWALKS, TREES, BICYCLE PARKING, AND SITE DEVELOPMENT, MAY APPLY TO THE DEVELOPMENT OF THIS SITE. THESE ARE NOT ZONING REGULATIONS, ARE NOT ADMINISTERED BY THE ZONING ADMINISTRATOR, AND ARE NOT SEPARATE ZONING CONDITIONS IMPOSED BY THIS SITE PLAN. UNLESS SPECIFICALLY NOTED IN THE CONDITIONS FOR THIS SITE PLAN, THESE OTHER STANDARD DEVELOPMENT REQUIREMENTS WILL BE APPLIED TO THE DEVELOPMENT OF THIS SITE AS DEFINED BY THOSE OTHER CITY ORDINANCES.

THROUGHOUT THIS REZONING PETION, THE TERMS "OWNER", "OWNERS", "PETITIONER" OR "PETITIONERS," SHALL, WITH RESPECT TO THE SITE, BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNEES OF THE OWNER OR OWNERS OF THE SITE WHO MAY BE INVOLVED IN ITS DEVELOPMENT FROM TIME TO TIME.

B. PURPOSE

THE PURPOSE OF THIS REZONING APPLICATION IS TO PROVIDE FOR THE DEVELOPMENT OF A SINGLE FAMILY DETACHED COMMUNITY. TO ACHIEVE THIS PURPOSE, THE APPLICATION SEEKS THE REZONING OF THE SITE TO THE R-8 DISTRICT.

C. PERMITTED USES

USES ALLOWED ON THE PROPERTY INCLUDED IN THIS PETITION WILL BE SINGLE FAMILY DETACHED HOMES AND RELATED ACCESSORY USES AS ARE PERMITTED IN THE R-8 (CD) DISTRICT.

D. TRANSPORTATION

1. VEHICULAR ACCESS TO THE SITE SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF THE VEHICULAR ACCESS POINTS ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE AND CONSTRUCTION PLANS AND DESIGNS AND TO ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION.
2. PARKING AREAS ARE GENERALLY INDICATED ON THE REZONING PLAN BY INTERNAL HOME GARAGES SURFACE DRIVEWAY PARKING.
3. THE PETITIONER WILL INSTALL AN 8' PLANTING STRIP AND 6' SIDEWALK ALONG BRIAR CREEK ROAD AS APART OF THE DEVELOPMENT OF THE SITE.
4. PETITIONER SHALL DEDICATE ALL RIGHT-OF-WAY IN FEE SIMPLE CONVEYANCE TO THE CITY OF CHARLOTTE BEFORE THE SITES' FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED. IF IT IS NOT FEASIBLE TO EXTEND THE RIGHT OF WAY TO THAT POINT THAT IS LOCATED 2 FEET BEHIND THE SIDEWALKS TO BE INSTALLED ALONG THE SITE'S FRONTAGE ON BRIAR CREEK ROAD, THEN THE SIDEWALKS MAY BE LOCATED IN A SIDEWALK UTILITY EASEMENT.

5. ALL TRANSPORTATION IMPROVEMENTS WILL BE APPROVED AND CONSTRUCTED BEFORE THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED.

E. ARCHITECTURAL STANDARDS

1. THE DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE DISTRICT REGULATIONS OF THE ZONING ORDINANCE FOR THE R-8 (CD) DISTRICT AND BY THE FOLLOWING STANDARDS.
2. PITCHED ROOFS, IF PROVIDED, SHALL BE UNSYMMETRICALLY SLOPED NO LESS THAN 5:12, EXCEPT THAT ROOFS FOR PORCHES AND ATTACHED SHEEDS, IF PROVIDED, MAY BE NO LESS THAN 2:12, UNLESS A FLAT ROOF ARCHITECTURAL STYLE IS EMPLOYED. SHINGLES WILL BE ARCHITECTURAL GRADE
3. EXTERIOR MATERIALS WILL BE RESTRICTED TO THE FOLLOWING: GLASS, BRICK, STONE, SIMULATED STONE, PRE-CAST STONE, PRE-CAST CONCRETE, SYNTHETIC STONE, STUCCO, CEMENTITIOUS SIDING (SUCH AS HARD-PLANK), OR WOOD.
4. VINYL MAY NOT BE USED AS AN EXTERIOR BUILDING MATERIAL ON ANY BUILDING TO BE CONSTRUCTED ON THE SITE. NOTWITHSTANDING THE FOREGOING, VINYL MAY BE UTILIZED ON WINDOWS, DOORS, GARAGE DOORS, SOFFITS, TRIM AND RAILINGS.

F. STREETSCAPE AND LANDSCAPING

1. A MINIMUM 8 FOOT WIDE PLANTING STRIP AND A MINIMUM 6 FOOT WIDE SIDEWALK SHALL BE INSTALLED ALONG THE SITE'S PUBLIC STREET FRONTAGE OF BRIAR CREEK ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN.

2. THE SIDEWALKS DESCRIBED ABOVE IN PARAGRAPH 1 MAY BE LOCATED IN A SIDEWALK UTILITY EASEMENT.
3. FUTURE CURB AND GUTTER WILL BE LOCATED 21.5' FROM THE EXISTING BRIAR CREEK CENTER LINE ALONG THE SITE FRONTAGE AS SHOWN ON THE REZONING PLAN. A 5' BIKE LANE WITH 3' BUFFER WILL BE INCORPORATED ALONG THE SITE FRONTAGE AS SHOWN ON THE REZONING PLAN.

G. ENVIRONMENTAL FEATURES

1. THE SITE SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION STORMWATER ORDINANCE.
2. THE PETITIONER SHALL COMPLY WITH THE TREE ORDINANCE REQUIREMENTS.

3. FOR ADJOINING PARCELS RECEIVING STORM WATER DISCHARGE THE PETITIONER SHALL ANALYZE THE ADEQUACY OF THE EXISTING STORM WATER CONVEYANCE ON THE ADJOINING PARCELS TO THE NEAREST CITY MAINTAINED RIGHT-OF WAY. IF THE EXISTING STORM WATER CONVEYANCE ON THE ADJOINING PARCELS IS FOUND TO BE INADEQUATE, THE PETITIONER SHALL MAKE A GOOD FAITH EFFORT WITH THE PROPERTY OWNER(S) TO IMPROVE THE STORM WATER CONVEYANCE OR MITIGATE THE STORM WATER DISCHARGE ONTO THE ADJOINING PARCELS.

H. BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

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

Petition 2020-107 by Drakeford Communities

To Approve:

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

- The *Central District Plan* recommends single family residential up to 4 units per acre.

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

- The proposal is consistent with the land uses immediately north, south and east.
- The proposed density of 2.30 units per acre is less than the recommended 4 units per acre.
- The request will establish a building setback consistent with existing single family detached homes along Briar Creek Road.
- Transportation improvements will accommodate a 6-foot sidewalk, 8-foot planting strip, and bike lane with 3-foot buffer.

To Deny:

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

- The *Central District Plan* recommends single family residential up to 4 units per acre.

However, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:



Agenda Date: 1/5/2021

Agenda #: 10. **File #:** 15-14861 **Type:** Zoning Item

Rezoning Petition: 2020-111 by MR3 Development, LLC

Location: Approximately 1.61 acres located north of Dixie River Road, just west of Shopton Road.
(Outside City Limits; Closest to District 3 - Watlington)

Current Zoning: R-17 MF (CD) (multi-family residential, conditional)

Proposed Zoning: CC (commercial center)

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

Staff Resource: [Joe Mangum](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Post-Hearing Staff Analysis

Site Plan

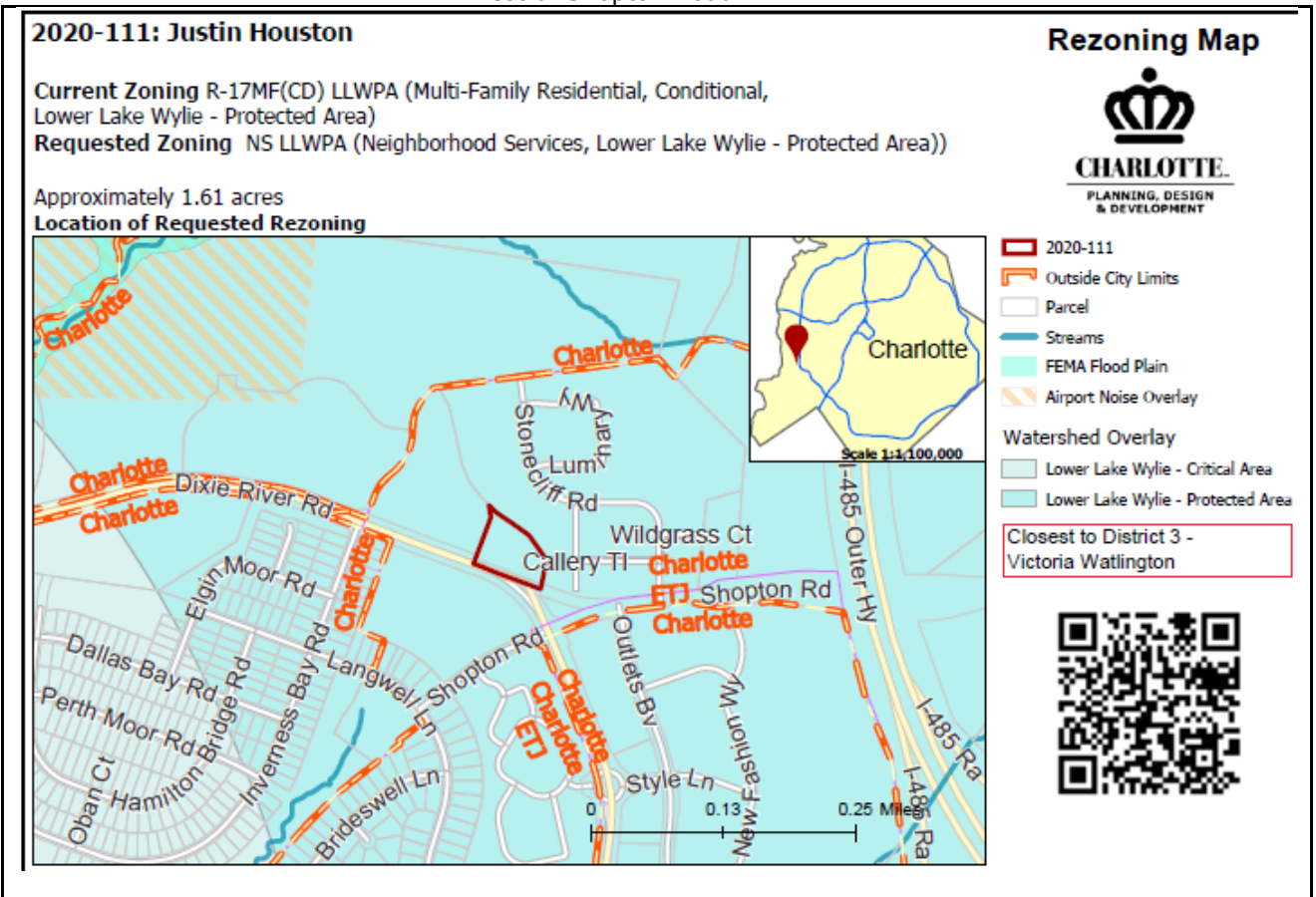
Statement of Consistency

REQUEST

Current Zoning: R-17MF(CD) LLWPA (multifamily residential, conditional, Lower Lake Wylie Protected Area)
Proposed Zoning: NS LLWPA (neighborhood services, Lower Lake Wylie Protected Area)

LOCATION

Approximately 1.61 acres located north of Dixie River Road, just west of Shopton Road.



SUMMARY OF PETITION

The petition proposes to rezone a vacant parcel to allow for a daycare facility with associated parking and playground area.

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE

Dixie River Land Company, LLC
MR3 Development, LLC
Justin Houston

COMMUNITY MEETING

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

STAFF
RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the *Dixie Berryhill Strategic Plan's* recommendation for this site for multifamily residential at no more than 17 dwelling units per acre.

Rationale for Recommendation

- The proposed site plan limits the uses allowed in the NS (neighborhood services) zoning district to childcare center.
- Childcare centers are considered institutional land uses and are compatible in residential areas, at appropriate locations.
- The site is located on Dixie River Road, an existing major thoroughfare, one parcel away from Berewick Elementary School.

The approval of this petition will revise the adopted future land use as specified by the *Dixie Berryhill Strategic Plan*, from multi-family land use to institutional land use for the site.

PLANNING STAFF REVIEW

- **Background**

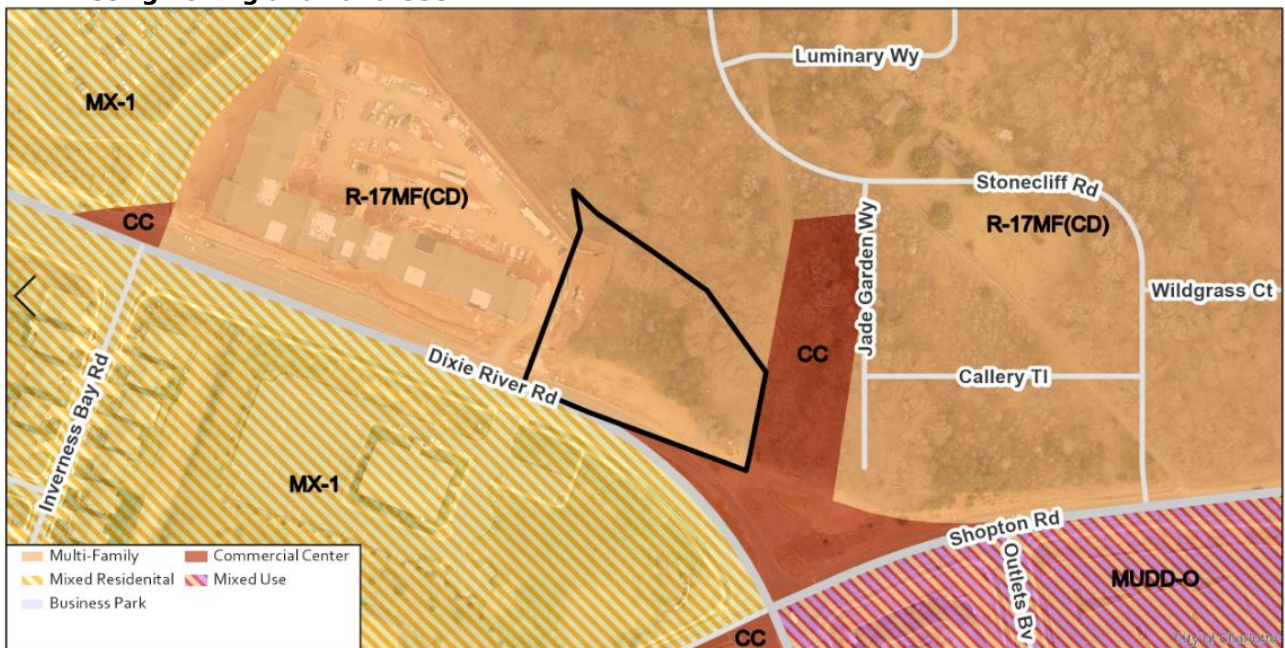
- The site was rezoned by petition 2006-078 to CC as part of the larger Berewick rezoning. It was subsequently rezoned by petition 2009-037 to R-17MF(CD) by the Charlotte-Mecklenburg Housing Partnership with plans for development of up to 108 multifamily units. Those plans never materialized and the property has remained vacant.

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allows all uses in the NS district and specifically permits childcare centers.
- Permits a maximum of one building on the site.
- Commits to dedication of 52' of right-of-way from the centerline of Dixie River Road along the site's frontage.
- Commits to implementing a 3' buffer, 5' bike lane, 8' planting strip and 6' sidewalk along Dixie River Road.
- Proposes a 16' Class C buffer around the perimeter of the site.
- Limits all freestanding light fixtures to be fully shielded and downwardly directed.
- States that all vehicular pick up and drop off will utilize parking spaces.

- **Existing Zoning and Land Use**



The property is undeveloped vacant land. Surrounding land uses include apartments, senior apartments, retail, an elementary school, and a church.



The site, denoted by a red star, is in the Berewick community and near the Charlotte Premium Outlets mall.



The property to the north and east of the site is currently being developed with apartments. The site is denoted by a red star.

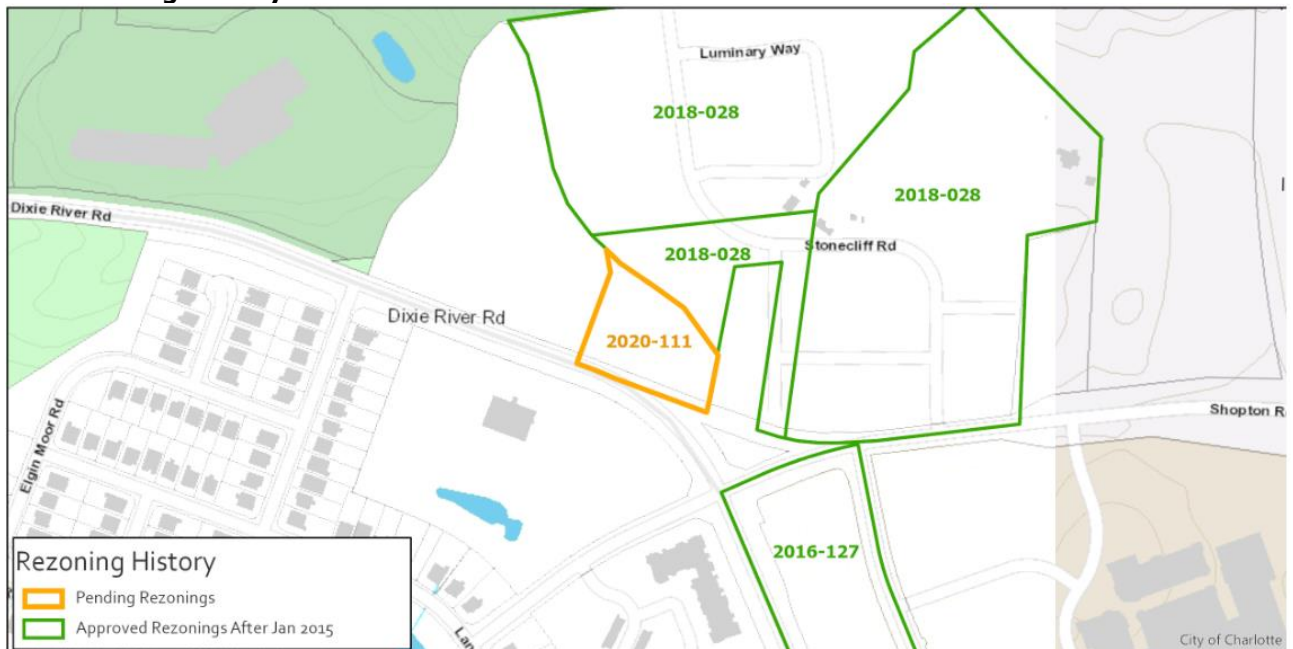


The properties to the south are developed with a church and single family homes.



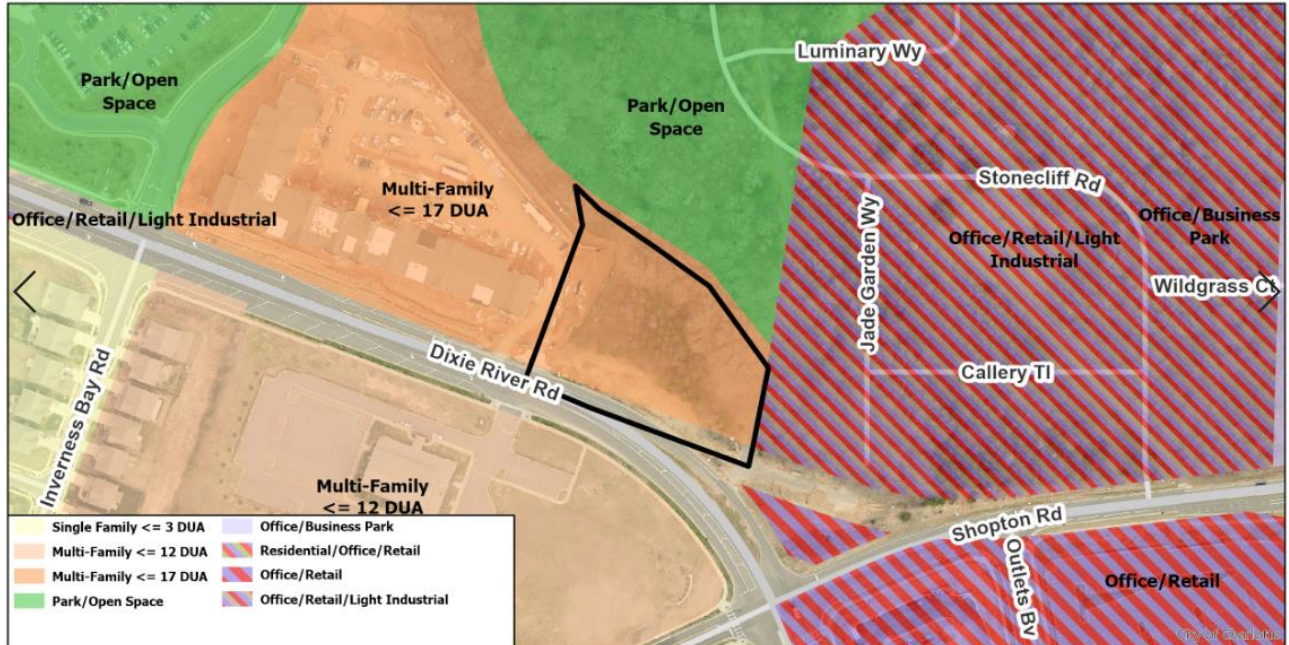
The property to the west is developed with senior apartments.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2018-028	The petition rezoned 28.05 acres to R-17MF(CD) LLWPA to allow up to 330 multifamily dwelling units.	Approved
2016-127	The petition rezoned 6.02 acres to CC SPA & MUDD-O SPA to permit an accessory drive, add a second hotel with up to 125 rooms, and eliminate a gas station/convenience store.	Approved

- **Public Plans and Policies**



- The *Dixie Berryhill Strategic Plan (adopted 2003)* recommends multi-family dwelling units at up to 17 dwelling units per acre for the site.
- **TRANSPORTATION SUMMARY**
 - The site is located on Dixie River Road, a State-maintained major thoroughfare, just north of the Shopton Road intersection. Although a TIS was not triggered, the petitioner will be dedicating right-of-way on Dixie River Road to remove obsolete driveways. In accordance with Charlotte BIKES and WALKS, this site will provide both pedestrian and bicycle infrastructure that will tie into the adjacent Berewick Senior Apartments and Shopton Road Apartments, adding onto the existing bicycle and pedestrian network in the area. All CDOT comments have been addressed.
- **Active Projects:**
 - There are no active projects near the site.
- **Transportation Considerations**
 - No outstanding issues.
- **Vehicle Trip Generation:**

Current Zoning:

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

Entitlement: 145 trips per day (based on 27 multifamily dwelling units).

Proposed Zoning: 300 trips per day (based on 6,237 square foot daycare center).

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
- **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

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

REQUESTED TECHNICAL REVISIONSLand Use

1. ~~Add LLWPA (Lower Lake Wylie Protected Area) to both the existing zoning and proposed zoning on the site plan.~~ **ADDRESSED**
 2. ~~Remove notes 3.1 and 3.2 relating to NS uses. They are in conflict with note 3.2.1 and the labeling of the building on the site plan as "proposed two-story childcare".~~ **ADDRESSED**
-

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

Planner: Joe Mangum (704) 353-1908

Petition 2020-111 by MR3 Development, LLC

To Approve:

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

- The plan recommends multifamily residential at no more than 17 dwelling units per acre for the site.

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

- The proposed site plan limits the uses allowed in the NS (neighborhood services) zoning district to childcare center.
- Childcare centers are considered institutional land uses and are compatible in residential areas, at appropriate locations.
- The site is located on Dixie River Road, an existing major thoroughfare, one parcel away from Berewick Elementary School.

The approval of this petition will revise the adopted future land use as specified by the *Dixie Berryhill Strategic Plan* from multifamily residential at no more than 17 dwelling units per acre to institutional use for the site.

To Deny:

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

- The plan recommends multifamily residential at no more than 17 dwelling units per acre for the site.

Therefore, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

Motion:

Approve or Deny

Maker:

2ND:

Vote:

Dissenting:

Recused:



Agenda Date: 1/5/2021

Agenda #: 11. **File #:** 15-14862 **Type:** Zoning Item

Rezoning Petition: 2020-121 by James Doyle - Chamberlain Townhomes, LLC

Location: Approximately 1.10 acres located along the east side of South Turner Avenue, the west side of Bacon Avenue and south of Rozzelles Ferry Road. (Council District 2 - Graham)

Current Zoning: I-1 and R-22 MF (general industrial and multi-family residential)

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

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

Staff Resource: [Joe Mangum](#)

Staff Recommendation:

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

Attachments:

Post-Hearing Staff Analysis

Site Plan

Statement of Consistency

REQUEST

Current Zoning: I-1 and R-22MF (general industrial and multifamily residential)
Proposed Zoning: UR-2(CD) (urban residential, conditional)

LOCATION

Approximately 1.1 acres located east of Turner Avenue, west of Bacon Avenue, and south of Rozzelles Ferry Road.



SUMMARY OF PETITION

The petition proposes to develop vacant property in the Seversville neighborhood with up to 15 single family attached units at a density of 13 units per acre.

**PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE**

Chamberlain Townhomes, LLC
James Doyle
Paul Pennell

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 4

**STAFF
RECOMMENDATION**

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

Plan Consistency

The petition is **inconsistent** with the portion of the site recommended for industrial land use, and **inconsistent** with the portion recommended for multi-family and single-family land uses, as per the *Central District Plan*, based on the *Plan's* recommendation for density not to exceed 8 dwelling units per acre. However, the proposed density of up to 17 dwelling units per acre is **consistent** with the *General Development Policies* (GDP).

Rationale for Recommendation

- The proposed site plan, while inconsistent with land use plan recommendations, is consistent with existing surrounding residential development.

- The property across Turner Avenue from the site, was rezoned in 2019 to MUDD-O to allow single family attached residential uses at a density of 19 dwelling units per acre.
- Residential uses are more appropriate in this area of the Seversville neighborhood, rather than the industrial uses that were recommended in the past. The adjacent Savona Mill property was rezoned in 2019 to support redevelopment and conversion of the property to commercial, office, and residential uses.
- The site is one block from a pair of CATS bus stops for Route 1, providing an alternative transportation option for future residents.

The approval of this petition will revise the adopted future land use as specified by the *Central District Plan*, from industrial and multi-family land use at up to 8 dwelling units per acre to residential land use at up to 17 dwelling units per acre for the site.

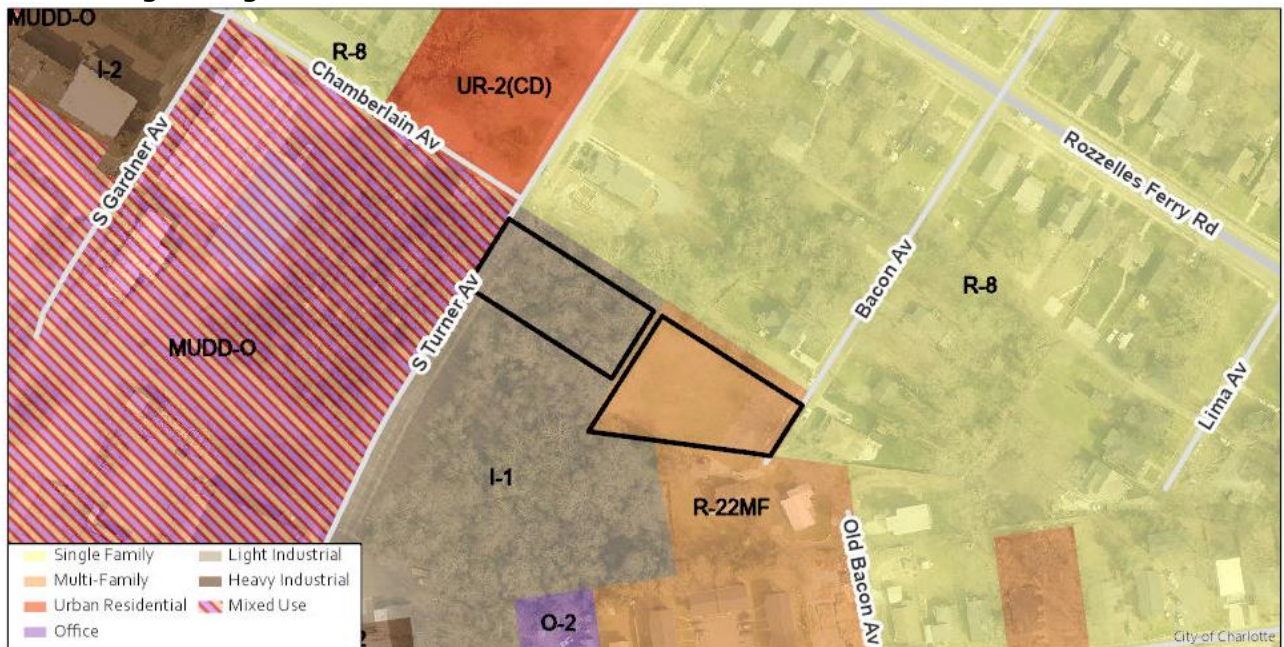
PLANNING STAFF REVIEW

• Proposed Request Details

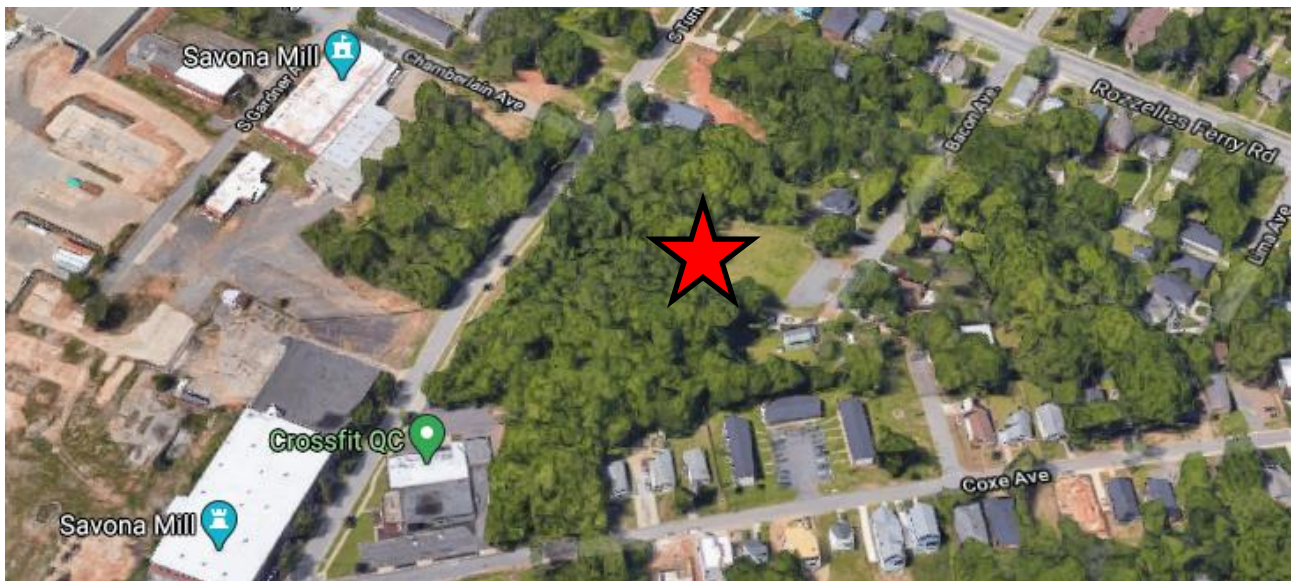
The site plan accompanying this petition contains the following provisions:

- Proposes 15 single family attached units in 3 buildings.
- Limits base maximum building height to 40'.
- Commits to architectural and design standards including usable porches and stoops, sidewalks to public rights-of-way, and blank wall limitations.
- Proposes all units to be rear loaded and accessed via private alleys.
- Limits most lighting to be full cutoff and downwardly directed. Allows for upward facing architectural and landscape accent lighting.
- Commits to dedication of right-of-way along South Turner Avenue to 36' from centerline.
- Provides an 8' planting strip and 8' sidewalk on Bacon Avenue and 8' planting strip and 12' multi-use path along Chamberlain Avenue right-of-way.

• Existing Zoning and Land Use



The site is vacant land and is surrounded by single family residential, multifamily residential, warehouse, and brewery uses.



The site, denoted by a red star, is near Savona Mill in the Seversville neighborhood.



View of the site looking west from Bacon Avenue.



The properties north of the site are developed with single family homes.



The properties east of the site are developed with single family homes.

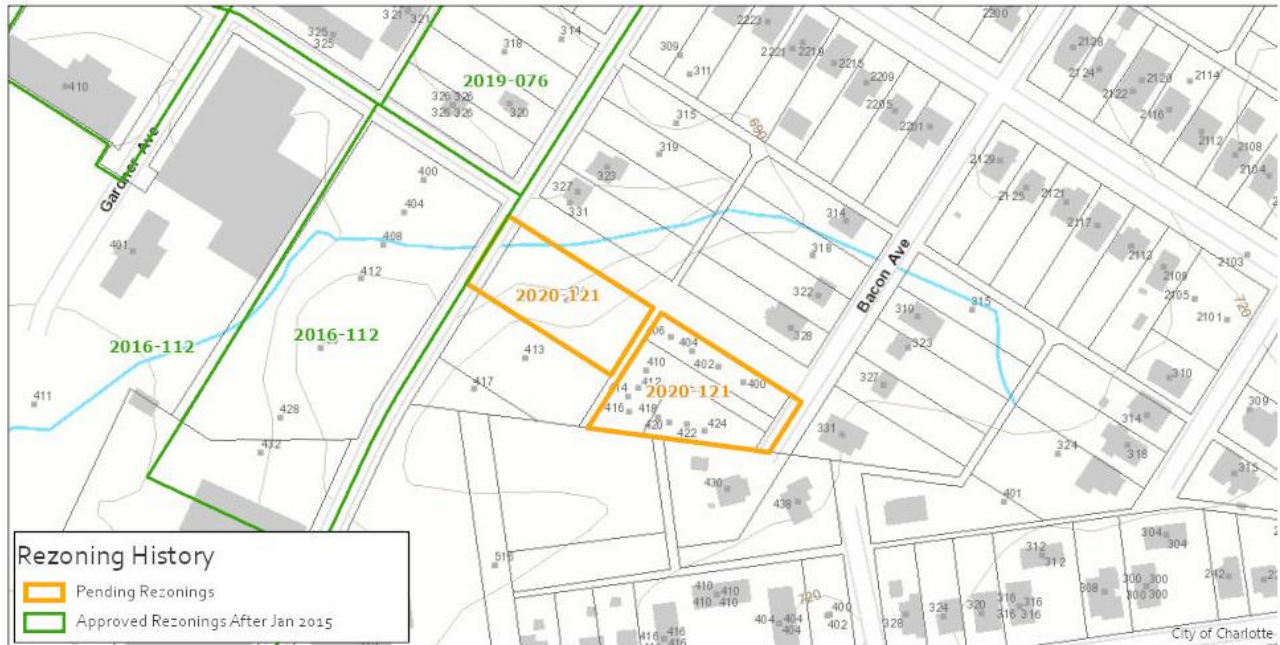


The properties to the south include single family residential, multifamily residential, and wooded undeveloped land.



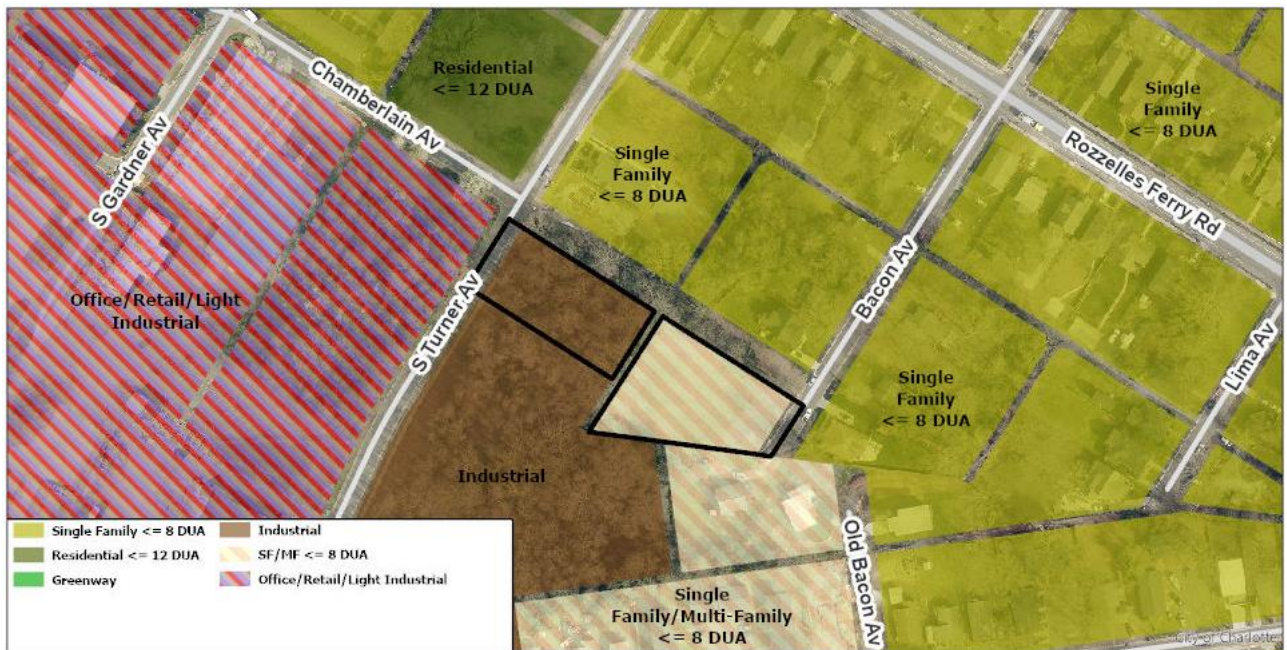
Savona Mill occupies much of the land to the west of the site. It is planned to be redeveloped with retail, office, and residential uses.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2016-112	The petition rezoned 28 acres to MUDD-O allow reuse of the Savona Mill and other industrial buildings for a mix of residential and non-residential uses.	Approved
2019-076	The petition rezoned 2.39 acres to UR-2(CD) to allow the development of up to 47 single family attached units.	Approved

- Public Plans and Policies**



- The *Central District Plan* (adopted 1993) recommends industrial for the portion of the site currently zoned I-1 and single family or multifamily at no more than 8 dwelling units per acre for the portion currently zoned R-22MF.
- The *General Development Policies* (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the General Development Policies locational criteria for consideration of over 17 dwellings per acre as illustrated in the table below.

Assessment Criteria	Density Category – up to 17 dua
Meeting with Staff	1
Sewer and Water Availability	2
Land Use Accessibility	3
Connectivity Analysis	5
Road Network Evaluation	0
Design Guidelines	4
Other Opportunities or Constraints	NA
Minimum Points Needed: 14	Total Points: 15

- **TRANSPORTATION SUMMARY**

- The site is located on Turner Avenue, a collector road. The petitioner is providing a 12' shared use path and an 8-ft planting strip and 6-ft sidewalk along Bacon Avenue, with accessible ramps. The existing sidewalk along South Turner Avenue will remain. The petitioner will also dedicate additional right-of-way along South Turner Avenue. All CDOT comments have been addressed.
- **Active Projects:**
- Savona Mill Rezoning Petition 2016-112 Transportation Requirements
 - The petitioner committed to implement a 3-travel lane Rozzelles Ferry street section between Turner Ave. and Gardner Ave., including a Rozzelles Ferry pedestrian refuge island to enhance pedestrian crossings.
 - Construction date: TBD
 - Rozzelles Ferry Road Pedscape (West Trade/Rozzelles Ferry CNIP)
 - This project will provide new pedestrian refuge medians, new wheelchair ramps, street resurfacing, landscaping, street trees and drainage improvements along Rozzelles Ferry Road. Project Length is 0.7 Miles
 - Completion date: 2020
 - Yellowstone - Zebulon Street Connectivity (West Trade/Rozzelles Ferry CNIP)
 - The project will construct a new street and bridge connecting Coronet Way and Rozzelles Ferry Road. The street will include a wide planting strip, sidewalk and multi-use path connecting the future greenway.
 - Completion date: 2021
 - Five Points Public Plaza (West Trade/Rozzelles Ferry CNIP)
 - This project will provide a new public plaza at the Five Points intersection: Landscaping, seating, band shelter, artwork and drainage improvements.
 - Completion date: 2021
- **Transportation Considerations**
 - No outstanding issues.
- **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 0 trips per day (based on vacant land).
 - Entitlement: 65 trips per day (based on 11,000 square feet of warehouse).
 - Proposed Zoning: 75 trips per day (based on 15 townhome units).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments submitted.
- **Charlotte Department of Housing and Neighborhood Services:** See advisory comments at www.rezoning.org
- **Charlotte Department of Solid Waste Services:** See Requested Technical Revisions, Note 2.
- **Charlotte-Douglas International Airport:** No comments submitted.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Historic Landmarks:** No comments submitted.
- **Charlotte-Mecklenburg Police Department:** No comments submitted.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 2 students, while the development allowed under the proposed zoning may produce 1

students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 0.

- The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
 - Bruns Avenue Elementary remains at 60%
 - Ranson Middle remains at 120%
 - West Charlotte High remains at 94%.
- **Charlotte Water:** Water and sewer service is accessible for this rezoning boundary. See advisory comments at www.rezoning.org
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** See advisory comments at www.rezoning.org
 - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No comments submitted.

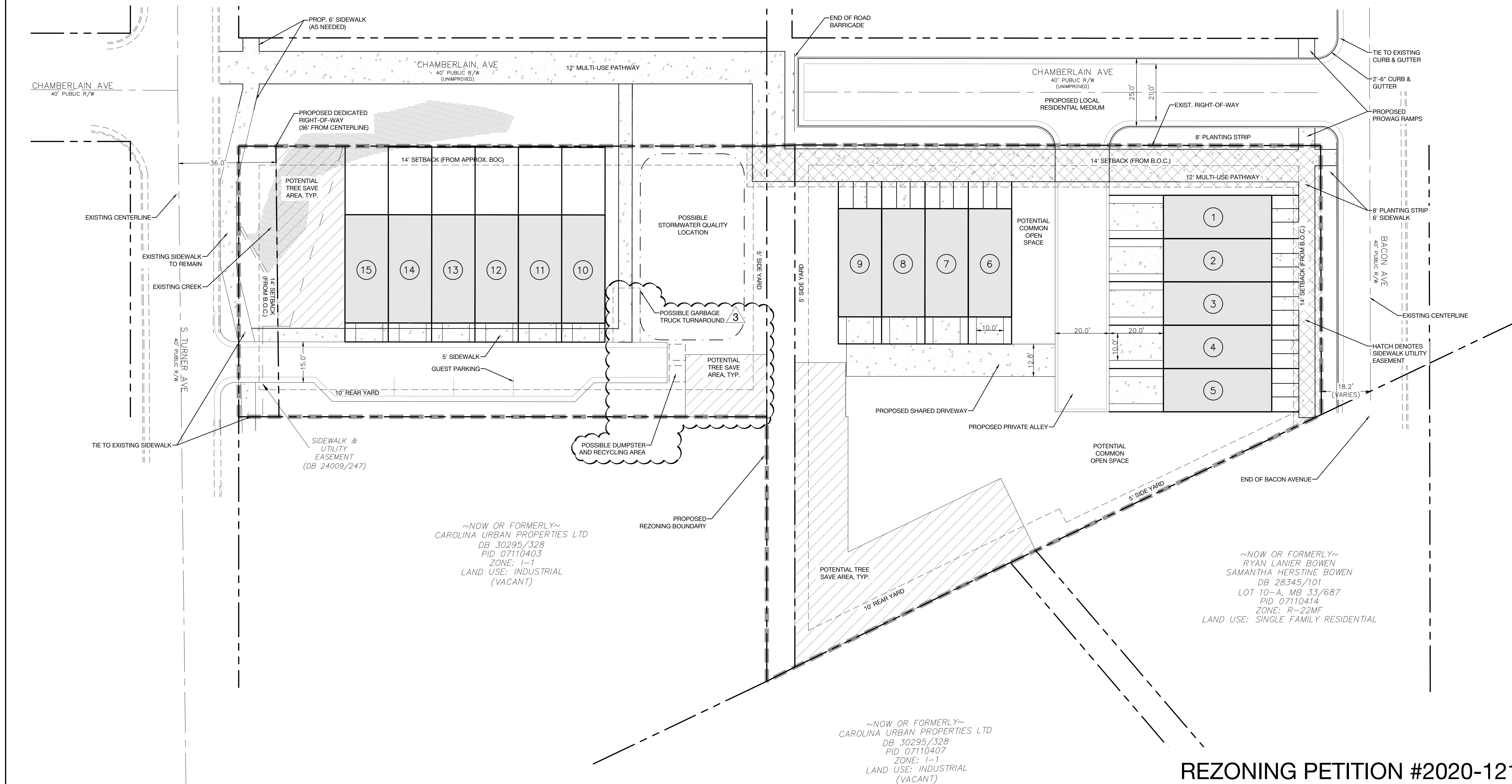
REQUESTED TECHNICAL REVISIONS

Site and Building Design

1. ~~Add floor area ratio allowed and proposed to site plan.~~ Addressed
2. ~~Address how trash and recycling will be handled. Trucks cannot back out onto a public street. Either add a turnaround or use smaller dumpsters on wheels that can be rolled to S Turner Avenue for staging on a dumpster pad.~~ Addressed
3. ~~Clarify max building height for structures is capped at 40'.~~ Addressed
4. Clarify that the proposed floor area is the maximum allowed onsite, reword proposed to maximum floor area on the Site Development Data table.

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

Planner: Joe Mangum (704) 353-1908



5. Final location of the proposed 12' multiuse pathway is subject to change during land development. The proposed multi-use path shall extend from the proposed public sidewalk along Bacon Avenue to the back of curb adjacent South Turner Avenue.

- k. Townhomes buildings fronting public or private network required streets should be limited to 6 individual units or fewer. The number of individual units per building should be varied in adjacent buildings if multiple 6 unit buildings are adjacent.

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.

Sheet No:

RZ-1.0

Petition 2020-121 by James Doyle

To Approve:

This petition is found to be **inconsistent** with the *Central District Plan* (1993) land use recommendation but **consistent** with the *General Development Policies*, which supports the requested residential density up to 17 dwelling units per acre based on the information from the staff analysis and the public hearing, and because:

- The plan recommends industrial use for part of the site and multi-family and single family residential uses for the remainder of the site.
- The petition meets the General Development Policies locational criteria for consideration of up to 17 dwellings per acre.

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

- The proposed site plan, while inconsistent with land use plan recommendations, is consistent with existing surrounding residential development.
- The property across Turner Avenue from the site, was rezoned in 2019 to MUDD-O to allow single family attached residential uses at a density of 19 dwelling units per acre.
- Residential uses are more appropriate in this area of the Seversville neighborhood, rather than the industrial uses that were recommended in the past. The adjacent Savona Mill property was rezoned in 2019 to support redevelopment and conversion of the property to commercial, office, and residential uses.
- The site is one block from a pair of CATS bus stops for Route 1, providing an alternative transportation option for future residents.

The approval of this petition will revise the adopted future land use as specified by the *Central District Plan*, from industrial, multi-family residential, and single family residential to multi-family residential.

To Deny:

This petition is found to be **inconsistent** with the *Central District Plan* (1993) land use recommendation but **consistent** with the *General Development Policies*, which supports the requested residential density up to 17 dwelling units per acre based on the information from the staff analysis and the public hearing, and because:

- The plan recommends industrial use for part of the site and multi-family and single family residential uses for the remainder of the site.
- The petition meets the General Development Policies locational criteria for consideration of up to 17 dwellings per acre.

Therefore, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

Motion:

Approve or Deny

Maker:

2ND:

Vote:

Dissenting:

Recused:



Agenda Date: 1/5/2021

Agenda #: 12. **File #:** 15-14863 **Type:** Zoning Item

Rezoning Petition: 2020-126 by Carolina Capital Real Estate Partners

Location: Approximately 4.25 acres located along the east side of Yeoman Road, southwest of Verbena Street and west of Old Pineville Road. (Council District 3 - Watlington)

Current Zoning: I-2 (general industrial)

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

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

Staff Resource: [Claire Lyte-Graham](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

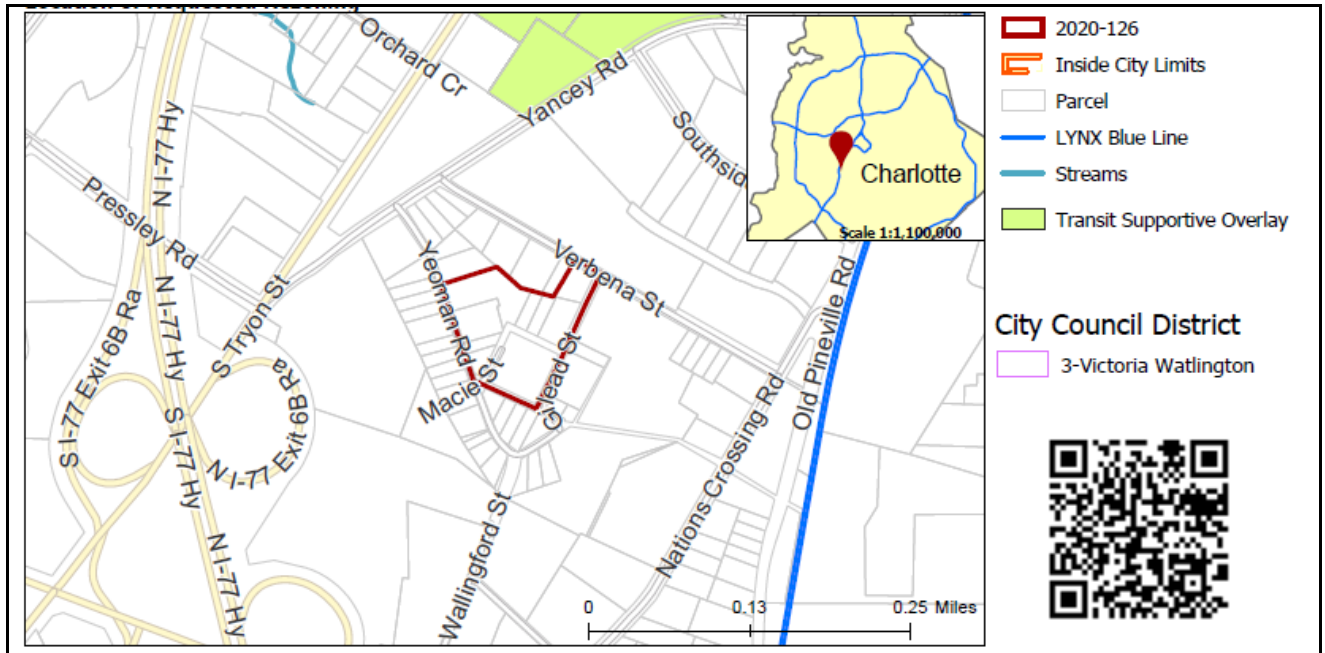
Post-Hearing Staff Analysis
Statement of Consistency

REQUEST

Current Zoning: I-2 (general industrial)
Proposed Zoning: TOD-TR (transit oriented development-transition)

LOCATION

Approximately 4.25 acres located along the east side of Yeoman Road, southwest of Verbena Street and west of Old Pineville Road.



SUMMARY OF PETITION

The petition proposes to allow all uses in the TOD-TR (transit oriented development-transition) on a parcel developed with warehouse buildings located between Old Pineville Road and South Tryon Street.

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE
COMMUNITY MEETING

W. Harry Page & Paula R. Page; Nanapop LLC; John R. Williams
Carolina Capital Real Estate Partners
Collin Brown and Brittany Lins/Alexander Ricks
Meeting is not required.

STAFF
RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the *Woodlawn Station Area Plan (2008)* recommendation for office/industrial warehouse distribution.

Rationale for Recommendation

- The site is just under one mile from Woodlawn Station on the LYNX Blue Line.
- Since the adoption of the plan, TOD and mixed use development has advanced in the Lower South End area in the direction of this parcel significantly.
- The proposal allows a site previously used for industrial/office/warehouse to convert to transit supportive land uses.
- Use of conventional TOD-TR 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.
- The TOD-TR district may be applied to parcels within 1-mile walking distance of an existing rapid transit station.

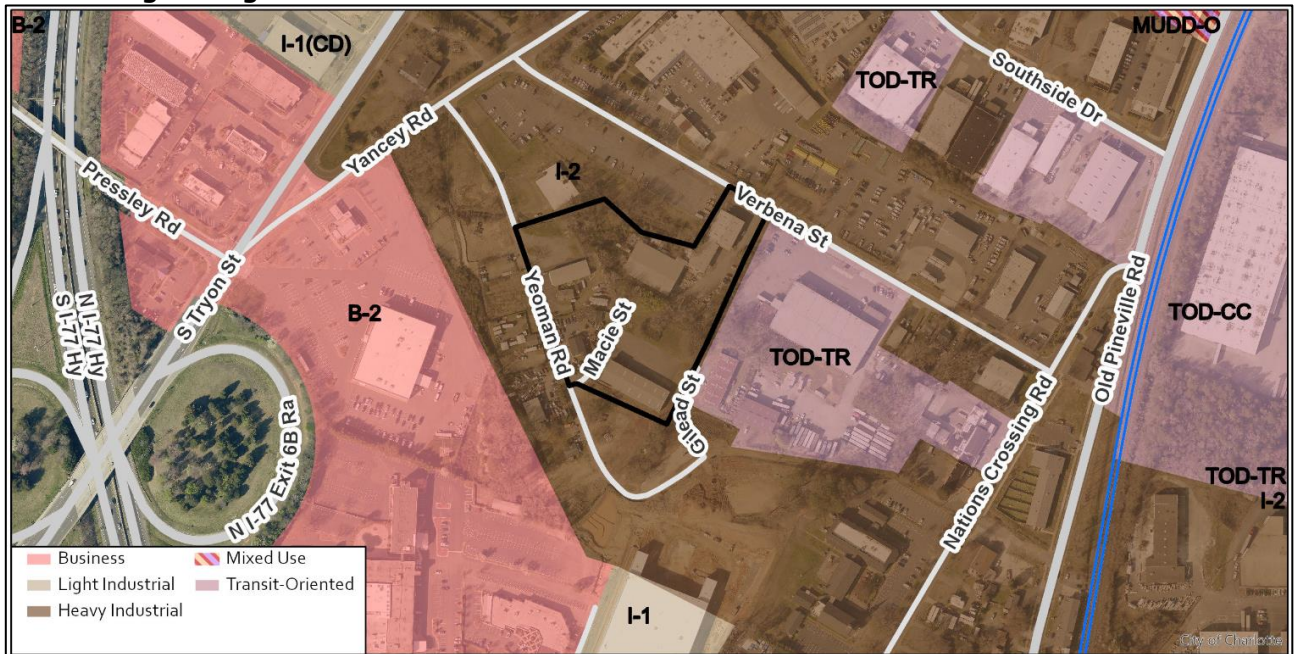
The approval of this petition will revise the adopted future land use as specified by the *Woodlawn Station Area Plan*, from the current recommended office/industrial warehouse distribution uses to transit oriented development uses for the site.

PLANNING STAFF REVIEW

• Proposed Request Details

This is a conventional rezoning petition, which applies to all the standards, regulations and uses in the TOD-TR (transit oriented development-transition) 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 industrial/warehouse buildings and immediately surrounded by industrial/office/warehouse and microbreweries in various zoning districts.



The subject site is developed with office/industrial/warehouse buildings (above and below)

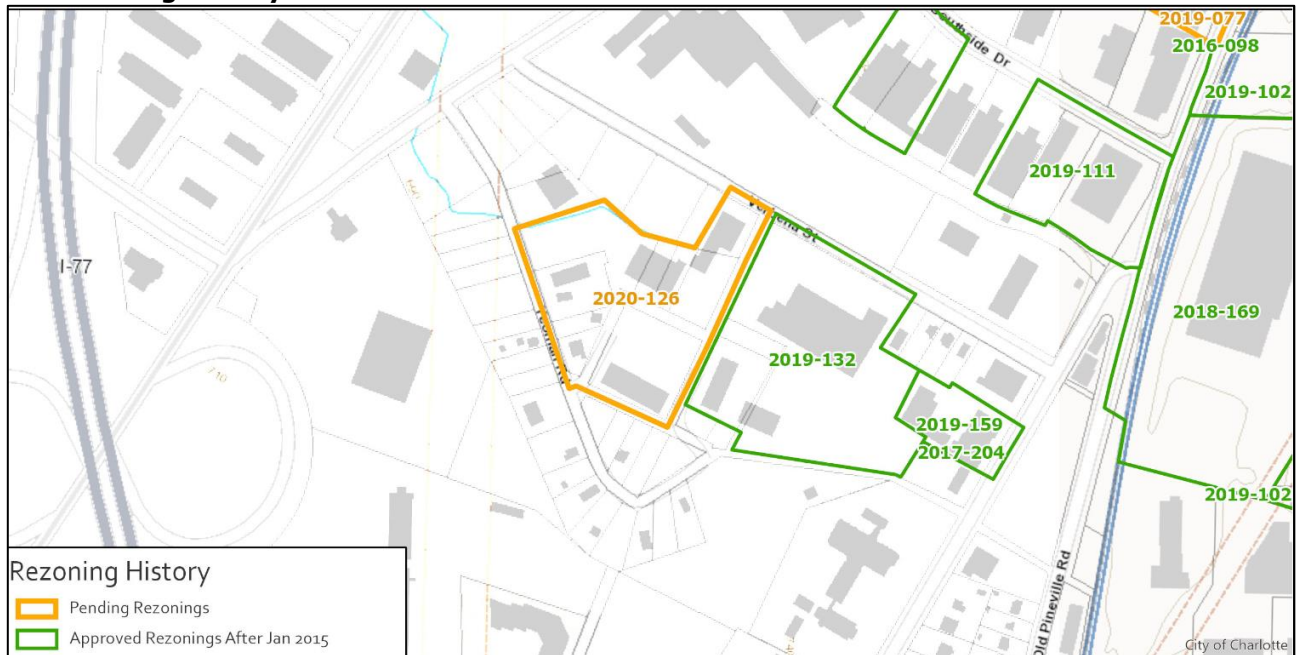


North are office/distribution/warehouse activities.



East are office/industrial/warehouse uses and single family homes.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-132	Rezoned 5.90 acres from I-2 to TOD-TR.	Approved
2019-111	Rezone 4.1 acres from I-2 to TOD-TR.	Approved
2019-102	Rezoned 1,771.18 acres under a range of zoning districts to TOD-UC, TOD-NC, TOD-CC or TOD-TR.	Approved
2019-077	MUDD-O SPA to allow up to 334,000 square feet of permitted uses.	Pending
2018-169	Amendment to zoning ordinance to replace 3 existing transit oriented development districts with 4 new transit oriented development districts and regulations.	Approved

2017-204	Rezoned 0.95 acres from I-2 to MUDD(CD) to allow reuse of an existing building and allow the development of a new 3 story building with 29,390 square feet to allow a mix of residential and non-residential uses.	Approved
2016-098	Rezoned 5.1 acres from I-2 to MUDD-O to allow reuse of 3 existing industrial warehouse buildings with 74,877 square feet near the Scaleybark Station for all uses allowed in the MUDD.	Approved

• **Public Plans and Policies**



- The *Woodlawn Station Area Plan (2008)* recommends Office/Industrial Warehouse Distribution for the subject site. The plan also references these parcels in Note 6 stating, "Maintain locations for low to moderate intensity office and industrial/warehouse distribution uses. The properties just south of Verbena Street and west of Nations Crossing Road currently have a mixture of office and light industrial uses. The area west of Old Pineville Road and south of the Duke Energy facility has a similar mix of uses. The plan supports maintaining a mixture of office and industrial/warehouse uses at low densities, typically 0.25 floor area ratio (FAR) or less. "

• **TRANSPORTATION CONSIDERATIONS**

- The site is located on two local city-maintained streets, Verbena Street and Yeoman Street. Additionally, Gilead Street, a local city-maintained road, will be extended and improved as a result of the Verbena Multifamily development adjacent to this site. Currently, paper right-of-way exists in, and surrounding, this site and CDOT suggests investigating opportunities for additional pedestrian and vehicular connections. These connections could include, but are not limited to, Gilead Street connection and improvements, improvements within the Macie/Yeoman/Chalmers Street, etc. CDOT will work with the petitioner during the permitting process to pursue all options to provide additional forms of connectivity that reflect the types of development associated in the TOD-zoned areas.
- A Traffic Impact Study is not necessary for the complete review of this petition. If during the permitting process the site generates more than 2,500 daily trips, then a traffic study will be required.
- Active Projects Near the Site:
 - Verbena Multifamily - LDUTOD-2020-00038
 - 273-unit apartment complex.
 - This development has included improvements to adjacent Gilead Street as well as a 12-foot pedestrian connection in the Chalmers Street right-of-way. This development is still in the permitting phase.
- No outstanding issues.

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 105 trips per day (based on 35,012 square feet warehouse/industrial).

Entitlement: 150 trips per day (based on 63,750 square foot warehouse).

Proposed Zoning: Too many uses to determine.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** See advisory comments at www.rezoning.org
 - **Charlotte Department of Housing and Neighborhood Services:** See advisory comments at www.rezoning.org regarding the need for affordable housing units in Charlotte.
 - **Charlotte Fire Department:** No outstanding issues.
 - **Charlotte-Mecklenburg Schools:** The conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined.
 - **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 6-inch water distribution main located along Verbena Street. See advisory comments www.rezoning.org.
 - **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** See advisory comments at www.rezoning.org
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry:** No outstanding issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org.
 - **Mecklenburg County Parks and Recreation Department:** No outstanding issues.
-

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

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

Petition 2020-126 by Carolina Capital Real Estate Partners

To Approve:

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

- The *Woodlawn Station Area Plan* recommends office/industrial warehouse distribution.

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 just under one mile from Woodlawn Station on the LYNX Blue Line.
- Since the adoption of the plan, TOD and mixed use development has advanced in the Lower South End area in the direction of this parcel significantly.
- The proposal allows a site previously used for industrial/office/warehouse to convert to transit supportive land uses.
- Use of conventional TOD-TR 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.
- The TOD-TR district may be applied to parcels within 1-mile walking distance of an existing rapid transit station.

The approval of this petition will revise the adopted future land use as specified by the *Woodlawn Station Area Plan*, from the current recommended office/industrial warehouse distribution uses to transit oriented development uses for the site.

To Deny:

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

- The *Woodlawn Station Area Plan* recommends office/industrial warehouse distribution.

Therefore, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:



Agenda Date: 1/5/2021

Agenda #: 13. **File #:** 15-14864 **Type:** Zoning Item

Rezoning Petition: 2020-129 by Providence Group Capital, LLC

Location: Approximately 3.264 acres located south of the intersection of Dunavant Street and Tryon Street, northeast of Remount Road. (Council District 3 - Watlington)

Current Zoning: TOD-NC (transit-oriented development - neighborhood center)

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

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

Staff Resource: [Claire Lyte-Graham](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

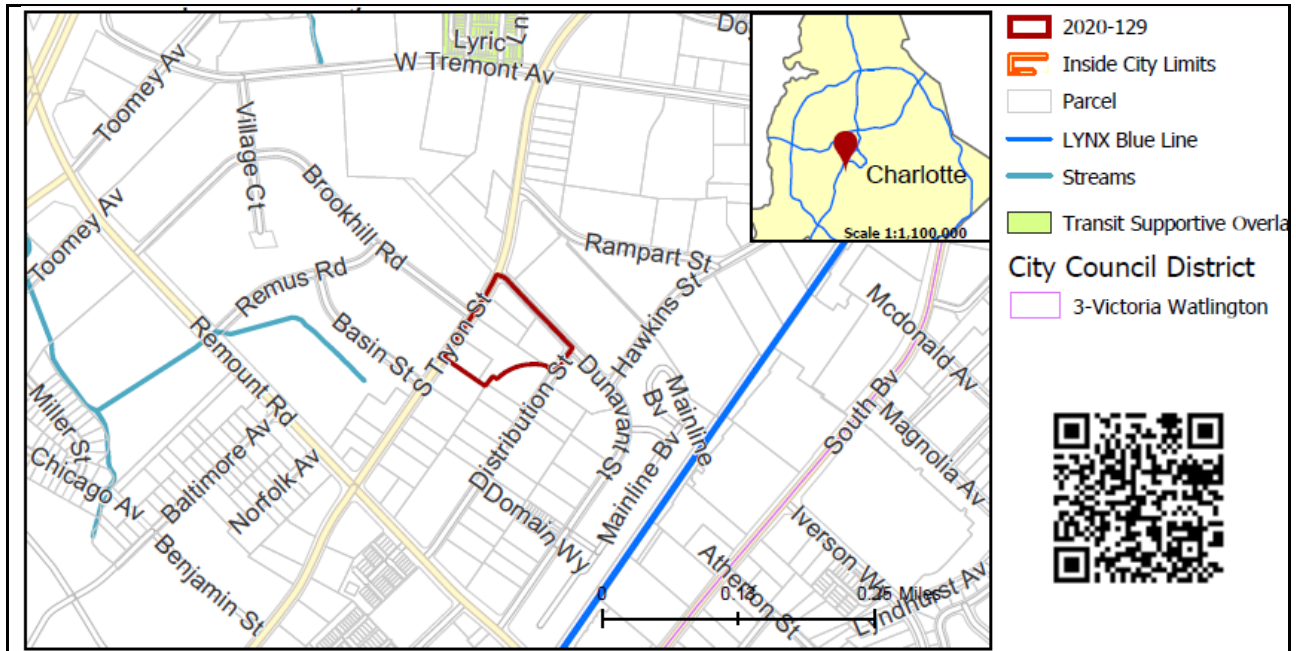
Post-Hearing Staff Analysis
Statement of Consistency

REQUEST

Current Zoning: TOD-NC (transit oriented development – neighborhood center)
Proposed Zoning: TOD-UC (transit oriented development – urban center)

LOCATION

Approximately 3.264 acres located south of the intersection of Dunavant Street and Tryon Street, northeast of Remount Road.



SUMMARY OF PETITION

The petition proposes to allow all uses in the TOD-UC (transit oriented development-urban center) on parcels developed with industrial/office/warehouse buildings located between South Boulevard and South Tryon Street.

PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE COMMUNITY MEETING

FHN 2301 South Tryon, LLC
Providence Group Capital, LLC
Keith MacVean, Moore & Van Allen
Meeting is not required.

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the *New Bern Transit Station Area Plan* recommendation for transit-mixed use.

Rationale for Recommendation

- The subject site is within a ¼ mile walk of the proposed Rampart Station and a little over ½ mile of the East/West Boulevard Station.
- The proposal allows a site previously used for industrial/office purposes to be reused or redeveloped with a transit supportive project.
- The parcels were rezoned from I-2 to TOD-NC via petition 2019-102.

- Use of conventional TOD-UC zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary.
- TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.
- The TOD-UC district may be applied to parcels within ½-mile walking distance of an existing rapid transit station, or within ½ mile walking distance of a funded and adopted Metropolitan Transit Commission alignment station location.

PLANNING STAFF REVIEW

• Proposed Request Details

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

• Existing Zoning and Land Use



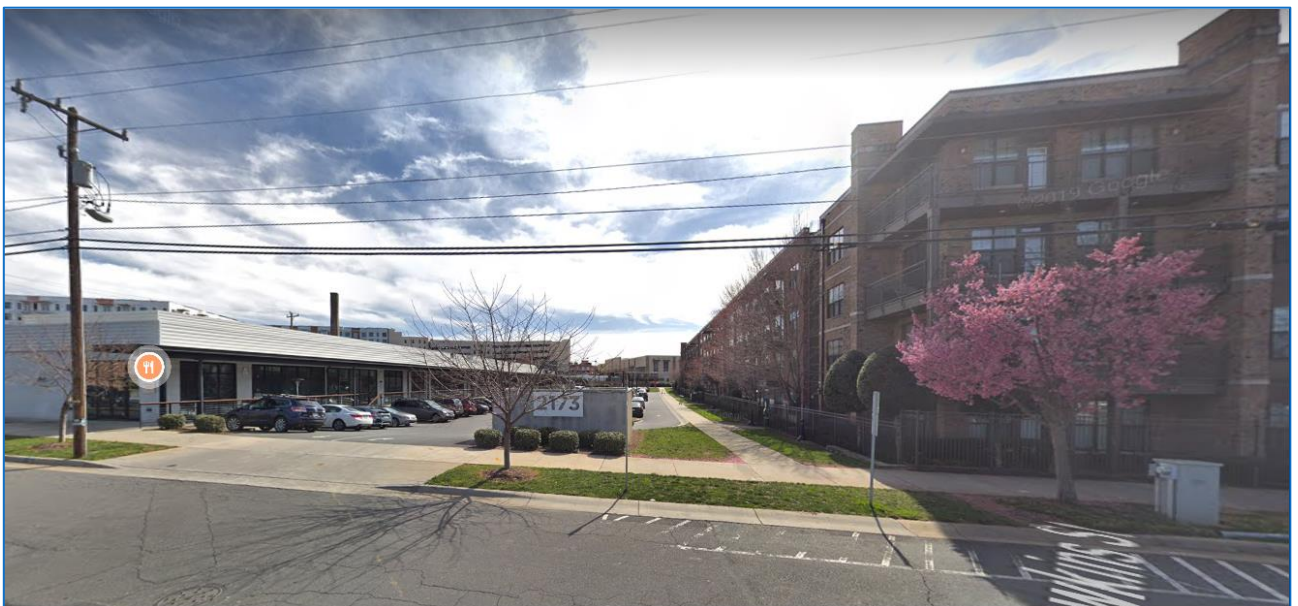
- The site is developed with office/warehouse/industrial buildings and surrounded by residential, office/industrial/warehouse, and retail uses zoned R-22MF, UR-2(CD), TOD-NC, TOD-UC, TOD-M(O), UMUD, and I-1.
- The site was part of 1,771.18 acres rezoned from a range of zoning districts to TOD-UC, TOD-NC, TOD-CC or TOD-TR per rezoning petition 2019-102.



The subject site is developed with office/industrial/warehouse uses.



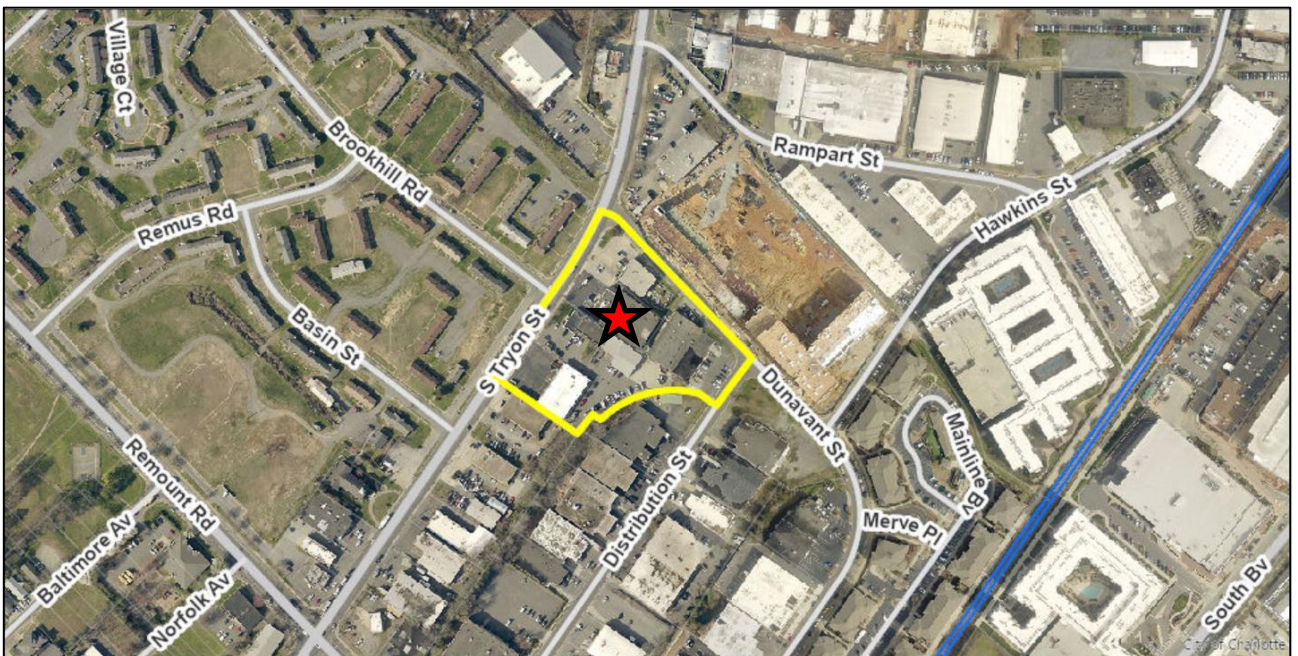
West, across South Tryon Street, is a residential development.



North are a mix of residential and non-residential uses.

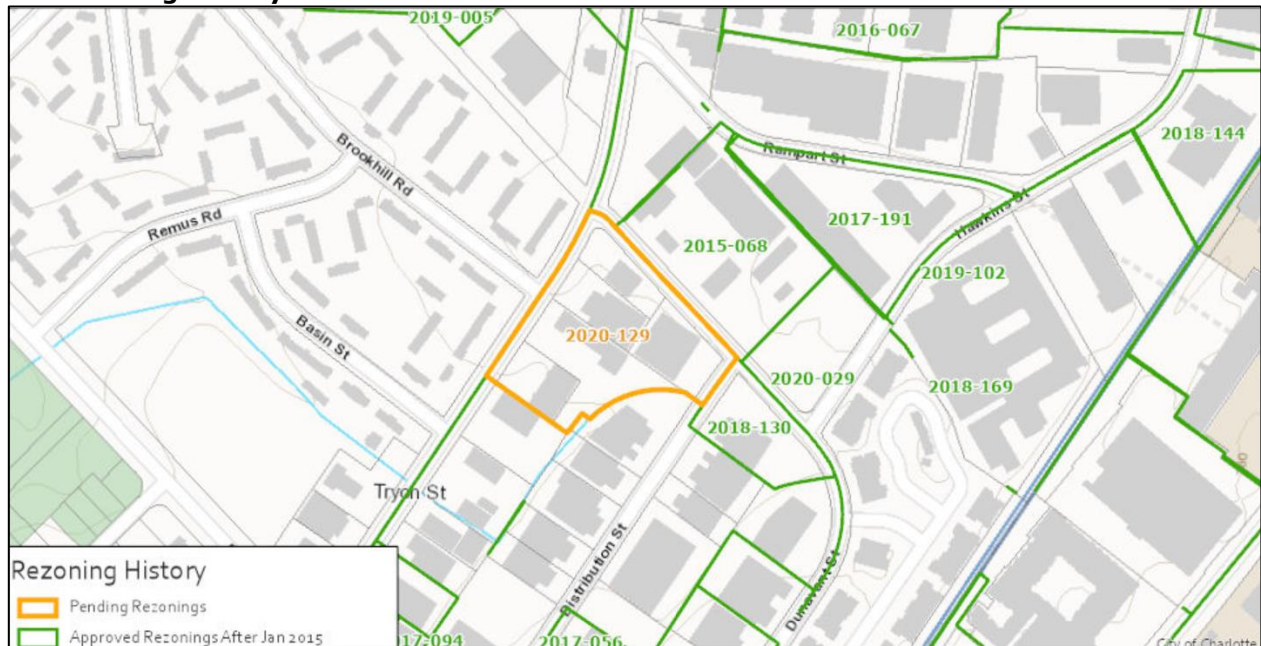


South, along South Tryon Street, are a mix of residential and non-residential uses.



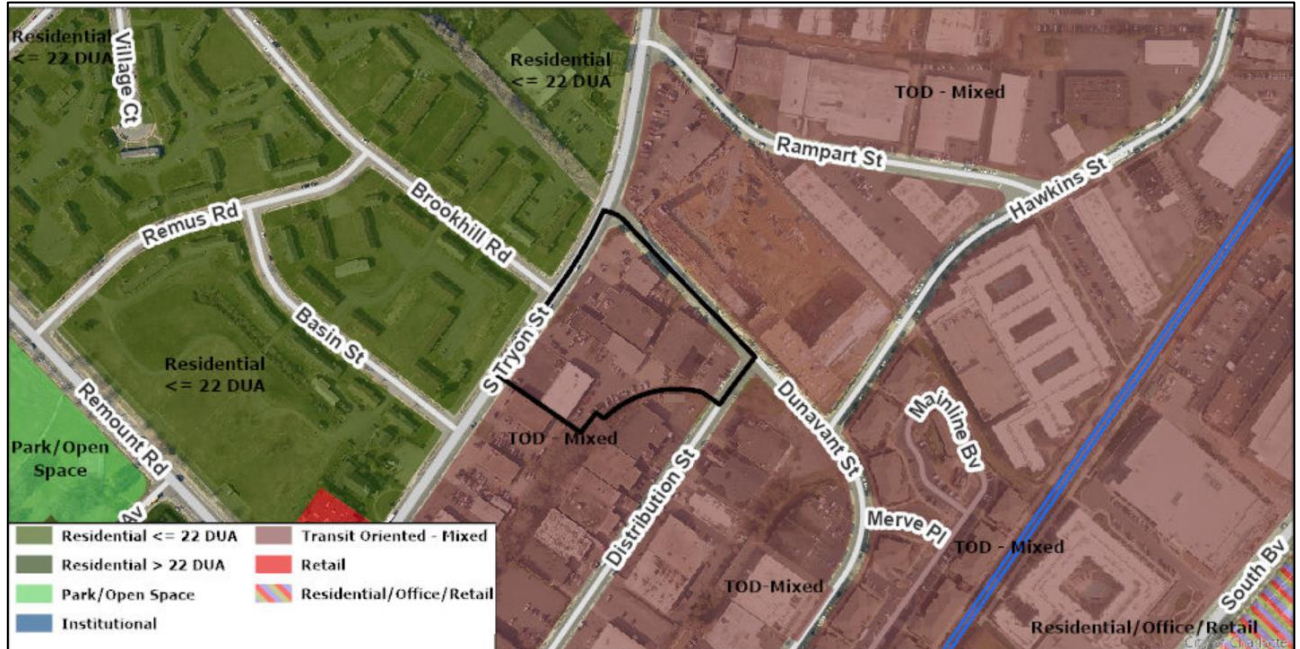
The subject site (denoted by the red star) is surrounded by a mix of residential and non-residential uses.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2020-029	Rezoned 1 acre from TOD-M(O) to TOD-NC.	Approved
2019-102	Rezoned 1,771.18 acres under a range of zoning districts to TOD-UC, TOD-NC, TOD-CC or TOD-TR.	Approved
2019-005	Rezoned 5.58 acres from I-2(CD) to UR-2(CD).	Approved
2018-169	Amendment to zoning ordinance to replace 3 existing transit oriented development districts with 4 new transit oriented development districts and regulations.	Approved
2018-144	Rezoned 2.21 acres from MUDD-O to TOD-M(O).	Approved
2017-191	Rezoned 2.44 acres from I-2 to TOD-M (transit oriented development - mixed-use).	Approved
2017-094	Rezoned 0.35 acres from I-1 to TOD-M (transit oriented development - mixed-use).	Approved
2017-056	Rezoned 1.33 acres from I-2 to TOD-M (transit oriented development - mixed-use).	Approved
2016-067	Rezoned 8.36 acres from I-2 to TOD-MO (transit oriented development - mixed-use, optional).	Approved
2016-017	Rezoned 2.71 acres from R-5 and B-2 to UR-3(CD).	Approved

- **Public Plans and Policies**



- The *New Bern Transit Station Area Plan (2008)* recommends transit oriented mixed use.
- **TRANSPORTATION SUMMARY**
 - This site is located at the corner of Tryon Street, a State-maintained, major thoroughfare, and Dunavant Street, a City-maintained local street. This site is requesting a TOD-UC zoning and will be subject to transportation improvements in accordance with the TOD Ordinance and the adopted CDOT Streets Map. CDOT will work with the petitioner during the permitting process to pursue all options to provide additional forms of connectivity that reflect the types of development associated in the TOD-zoned areas.
- **ACTIVE PROJECTS NEAR THE SITE:**
 - 2250 Dunavant – LDUTOD-2017-00017
 - This is a mixed-used development that includes (approximately) 29,000 square feet of office, 7,000 square feet of retail, and 264 residential units. This development will provide on-street parking and a pedestrian network along Dunavant Street and Hawkins Street
 - This project is nearing completion.
 - South Tryon Corridor Implementation
 - The project will implement pedestrian hybrid beacons, bulb-outs, and pavement markings at various locations along South Tryon Street between Clanton Road and Carson Boulevard.
 - Dunavant/Brookhill Hybrid Beacon currently under construction.
 - Construction: A crosswalk and hybrid beacon are currently being constructed at Dunavant Street and South Tryon Street.
 - South End Ped/Bicycle Connector
 - This planning study will determine the cost and feasibility of constructing a new transit station, between Tremont Avenue and Remount Road, and a pedestrian/bicycle crossing within the same area.
 - Construction: TBD; planning to finish end Q1 2020
- **TRANSPORTATION CONSIDERATIONS**
 - A Traffic Impact Study is not necessary for the complete review of this petition. If during the permitting process the site generates more than 2,500 daily trips, then a traffic study will be required.
 - No outstanding issues.
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 130 trips per day (50,905 square feet of warehouse/light industrial)
 - Entitlement: Too many uses to determine (TOD-NC)
 - Proposed Zoning: Too many uses to determine (TOD-UC).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** The site is within ½ mile walking distance from the East-West transit station. The South End Plan recommends higher density development within ½ mile of

transit stations and the provisions of sidewalks and other pedestrian amenities to improve access around station areas. The site is also within ¼ mile from the proposed Rampart station infill light rail station. See advisory comments at www.rezoning.org.

- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
 - **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org
 - **Charlotte Fire Department:** 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.
 - **Charlotte Water:** Water service is accessible for this rezoning boundary. Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Dunavant Street. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Dunavant Street.
 - **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** See advisory comments at www.rezoning.org
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** See advisory comments at www.rezoning.org
 - **Urban Forestry:** No outstanding issues..
 - **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org.
 - **Mecklenburg County Parks and Recreation Department:** No outstanding issues.
-

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

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

Petition 2020-129 by Providence Group Capital, LLC

To Approve:

The petition is found to be **consistent** with the *New Bern Transit Station Area Plan*, based on information from the staff analysis and the public hearing, and because:

- The *New Bern Transit Station Area Plan* recommends transit-mixed use.

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

- The subject site is within a ¼ mile walk of the proposed Rampart Station and a little over ½ mile of the East/West Boulevard Station.
- The proposal allows a site previously used for industrial/office purposes to be reused or redeveloped with a transit supportive project.
- The parcels were rezoned from I-2 to TOD-NC via petition 2019-102.
- Use of conventional TOD-UC zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary.
- TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.
- The TOD-UC district may be applied to parcels within ½-mile walking distance of an existing rapid transit station, or within ½ mile walking distance of a funded and adopted Metropolitan Transit Commission alignment station location.

To Deny:

The petition is found to be **consistent** with the *New Bern Station Area Plan*, based on information from the staff analysis and the public hearing, and because:

- The *New Bern Transit Station Area Plan* recommends transit-mixed use.

However, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:



Agenda Date: 1/5/2021

Agenda #: 14. **File #:** 15-14865 **Type:** Zoning Item

Rezoning Petition: 2020-130 by US 21 Holding Company, LLC

Location: Approximately 12.769 acres located along the west side of Statesville Road, along the north side of Lakeview Road, and east of Interstate 77. (Council District 2 - Graham)

Current Zoning: I-1 (light industrial)

Proposed Zoning: I-2 (general industrial)

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

Staff Resource: [Michael Russell](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

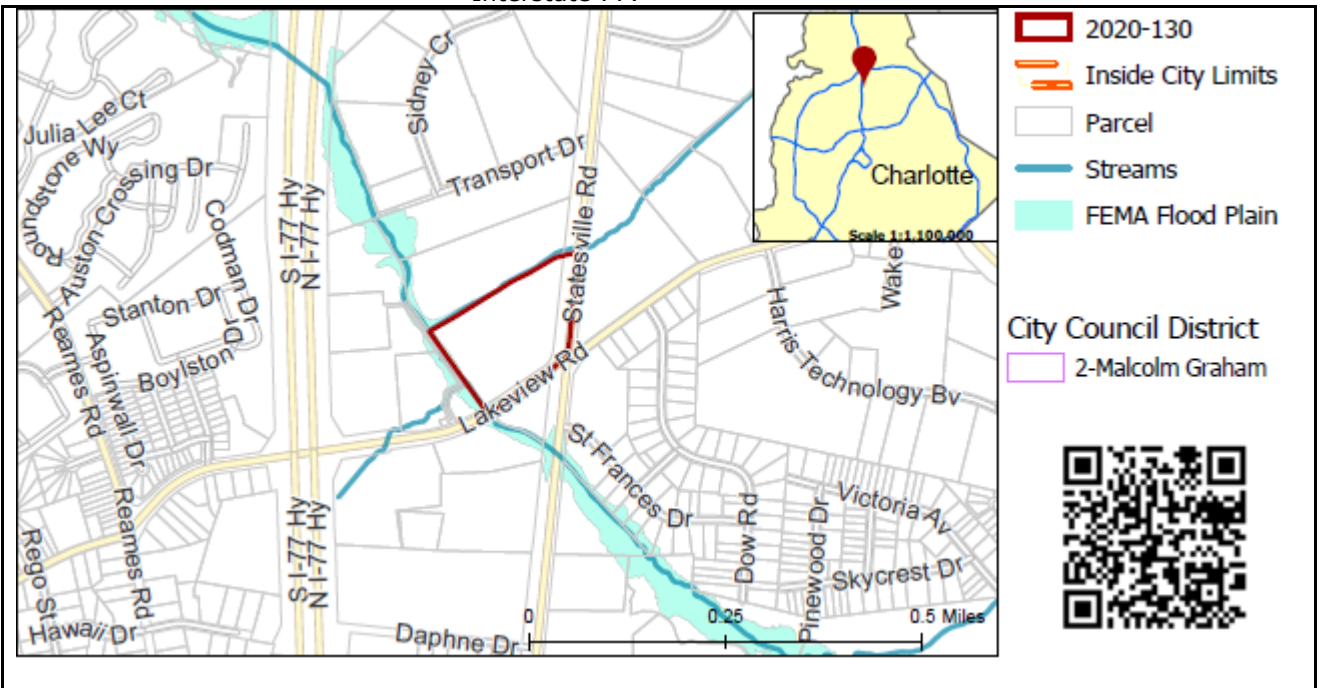
Post-Hearing Staff Analysis
Statement of Consistency

REQUEST

Current Zoning: I-1 (light industrial)
Proposed Zoning: I-2 (general industrial)

LOCATION

Approximately 12.769 acres located along the west side of Statesville Road, along the north side of Lakeview Road, and east of Interstate 77.



SUMMARY OF PETITION

The petition proposes to allow all uses in the I-2 zoning district.

PROPERTY OWNER

US 21 Holding Company, LLC

PETITIONER

US 21 Holding Company, LLC

AGENT/REPRESENTATIVE

Keith MacVean, Moore & Van Allen

COMMUNITY MEETING

Meeting is not required.

STAFF

RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the *Northlake Area Plan (2008)* recommendation of Warehouse/Distribution.

Rationale for Recommendation

- The *Northlake Area Plan (2008)* recommends preserving the existing industrial-warehouse-distribution uses east of Interstate 77 which have been the prevalent existing uses in this area.
- While this site is recommended for warehouse or distribution according to the area plan, changing this site to an industrial use would be in keeping with the strong industrial character of the area, as there are several general industrial and heavy industrial land uses to the south of the site.
- Rezoning this site to conventional I-2 zoning will allow the current existing truck yard at this location to keep functioning in compliance with the zoning ordinance and would allow for other

manufacturing and heavy industrial uses allowed in I-2. These uses would be appropriate as the site is surrounded by light and general industrial uses.

The approval of this petition will revise the adopted future land use as specified by the *Northlake Area Plan (2008)*, Warehouse/Distribution to Industrial for the site.

PLANNING STAFF REVIEW

- **Proposed Request Details**

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

- The proposal would allow all uses in the I-2 zoning district.

- **Existing Zoning and Land Use**



The site is zoned light industrial. The surrounding land uses include vehicle storage yards, contractor offices, and warehousing.



The subject property (denoted with red star).



The property to the south along Lakeview Road is developed with a vehicle storage/leasing yard.



The property to the east along Statesville Road is developed with a plumbing contractor.



The property to the West along Lakeview Road is developed by office/warehousing uses.



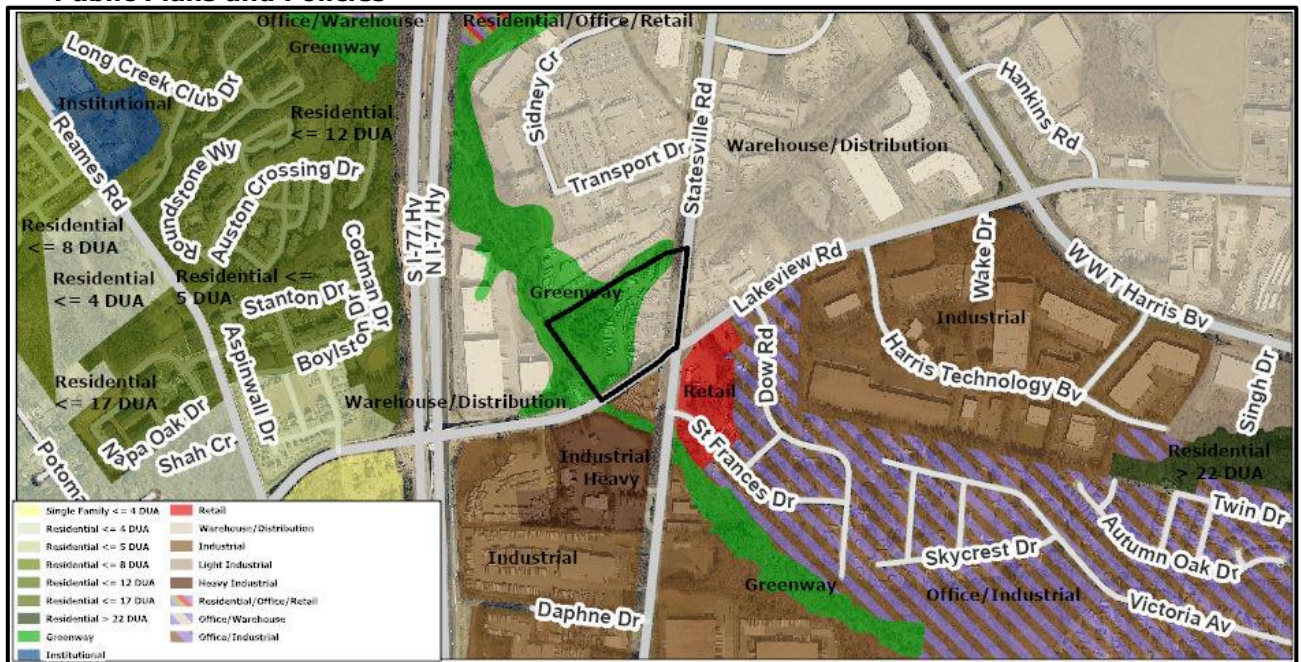
The property to the north along Statesville Road is developed with a trailer dealership.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2016-053	Rezoned 14.21 acres to allow up to 260 multi-family units.	Approved
2018-092	Rezoned 14.47 acres to allow up to 280 multi-family units.	Approved
2020-008	Rezoned 4.97 acres to allow up to 84 multi-family units.	Approved

- Public Plans and Policies**



- The Northlake Area Plan (2008) calls for Warehouse-Distribution uses for this site.

- **TRANSPORTATION SUMMARY**

- The site is located on two major thoroughfare roads. Site plan review of ordinance requirements will occur during the land development permitting process, since this is a conventional rezoning request. Chapter 19 of the City Code may apply to require streetscape improvements along the site frontage. There is an active project planned along this site's frontage: Lakeview Road Farm-To-Market (NCDOT TIP#U-5905), which includes intersection improvements at Lakeview Road and Statesville Road.
- **Active Projects:**
 - Lakeview Rd. Farm-to-Market (Reames Rd to NC 115)
 - State project number: NCDOT TIP # U-5905
 - The project will upgrade the roadway, add turn lanes and pedestrian facilities, and include intersection improvements.
 - Right of way acquisition is in progress / Construction expected FY 2020
- **Transportation Considerations**
 - No outstanding issues.
- **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: No data on trips per day (based on vehicle storage).
 - Entitlement: 250 trips per day (based on 127,700 square-feet of warehouse uses).
 - Proposed Zoning: 350 trips per day (based on 191,550 square-feet of warehouse uses).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **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 Lakeview Road. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 15-inch gravity sewer main located along the western portion of the parcel. See advisory comments at www.rezoning.org
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** See advisory comments at www.rezoning.org
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** See advisory comments at www.rezoning.org
 - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

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

Planner: Michael Russell (704) 353-0225

Petition 2020-130 by US 21 Holding Company, LLC

To Approve:

This petition is found to be inconsistent with the *Northlake Area Plan* (2008) recommendation of Warehouse/Distribution based on the information from the staff analysis and the public hearing, and because:

- The plan recommends warehouse/distribution uses.

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

- The *Northlake Area Plan* (2008) recommends preserving the existing industrial-warehouse-distribution uses east of Interstate 77 which have been the prevalent existing uses in this area.
- While this site is recommended for warehouse or distribution according to the area plan, changing this site to an industrial use would be in keeping with the strong industrial character of the area, as there are several general industrial and heavy industrial land uses to the south of the site.
- Rezoning this site to conventional I-2 zoning will allow the current existing truck yard at this location to keep functioning in compliance with the zoning ordinance and would allow for other manufacturing and heavy industrial uses allowed in I-2. These uses would be appropriate as the site is surrounded by light and general industrial uses.

The approval of this petition will revise the adopted future land use as specified by the *Northlake Area Plan* (2008), Warehouse/Distribution to Industrial for the site.

To Deny:

This petition is found to be inconsistent with the *Northlake Area Plan* (2008) recommendation of Warehouse/Distribution based on the information from the staff analysis and the public hearing, and because:

- The plan recommends warehouse/distribution uses.

Therefore, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

Motion:

Approve or Deny

Maker:

2ND:

Vote:

Dissenting:

Recused:



Agenda Date: 1/5/2021

Agenda #: 15. **File #:** 15-14866 **Type:** Zoning Item

Rezoning Petition: 2020-131 by John Nichols

Location: Approximately 1.54 acres located along the south side of Central Avenue, the east side of Hawthorne Lane, and north of Independence Boulevard. (Council District 1 - Egleston)

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

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

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

Staff Resource: [Claire Lyte-Graham](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

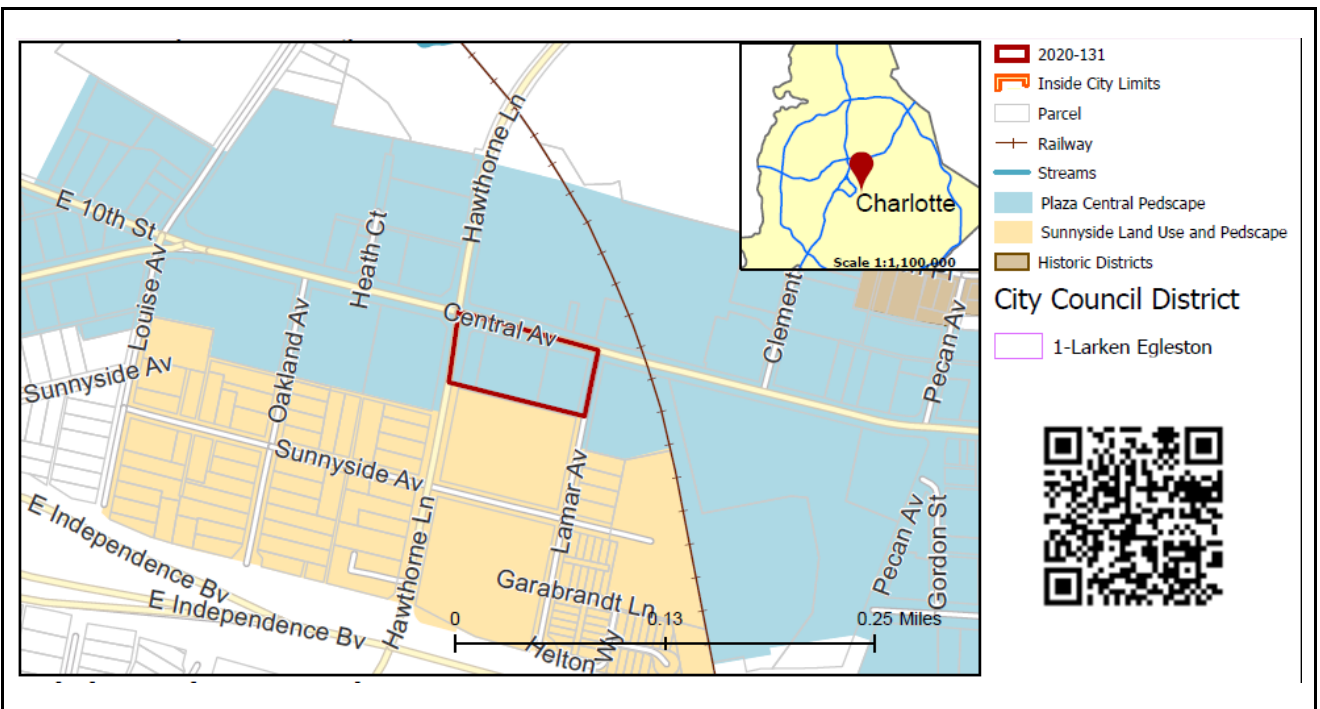
Post-Hearing Staff Analysis
Statement of Consistency

REQUEST

Current Zoning: B-2 (PED) (general business, pedestrian overlay)
Proposed Zoning: TOC-CC (PED) (transit oriented development, community center, pedestrian overlay)

LOCATION

Approximately 1.54 acres located along the south side of Central Avenue, the east side of Hawthorne Lane, and north of Independence Boulevard.



SUMMARY OF PETITION

The petition proposes to rezone the subject site in order to permit all uses allowed in the TOD-CC district.

PROPERTY OWNER

1204 Central LLC

PETITIONER

John Nichols, The John Nichols Company

AGENT/REPRESENTATIVE

Jeffrey Alexander, The John Nichols Company

COMMUNITY MEETING

Meeting is not required.

STAFF

RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is consistent with the *Plaza-Central Pedscape Plan* (2003) recommendation for Office Mixed-Use (office/multi-family greater than 12 units per acre/limited retail).

Rationale for Recommendation

- The request is within .08 mile of the adopted LYNX Gold Line Sunnyside stop on Hawthorne Lane.
- The TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

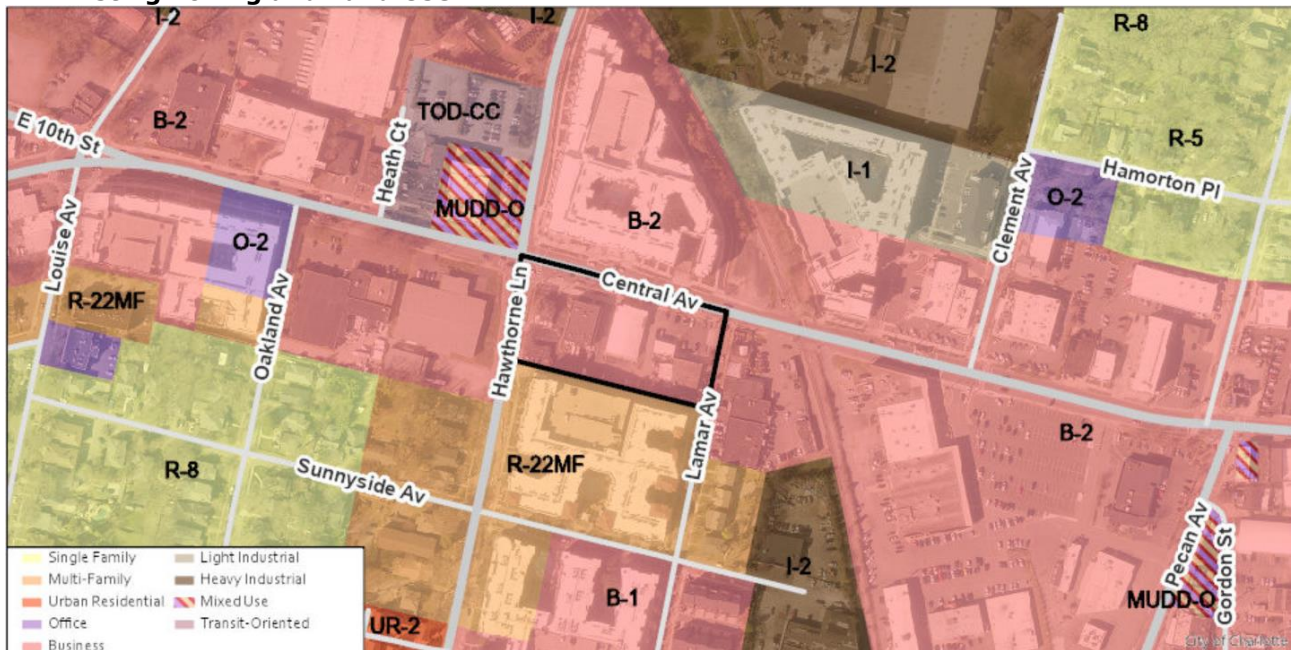
- This petition would allow a richer mix of uses to help this property be in keeping with the vision of the *Plaza-Central Pedscape Plan*'s overall vision of "creating a vibrant, mixed use district..."

PLANNING STAFF REVIEW

- **Proposed Request Details**

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

- **Existing Zoning and Land Use**



The rezoning site is developed with EDEE, retail, and office uses and are surrounded by a mix of residential (single family and multi-family) developments, retail, office, and industrial uses.



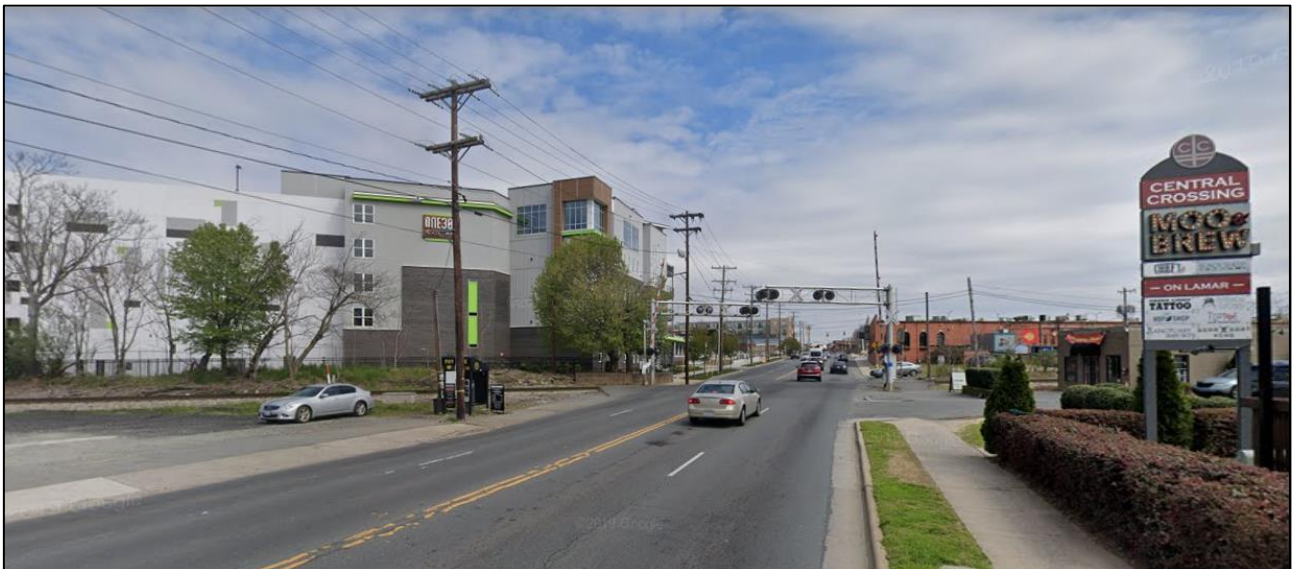
Rezoning site along Central Avenue



Rezoning site along Central Avenue.



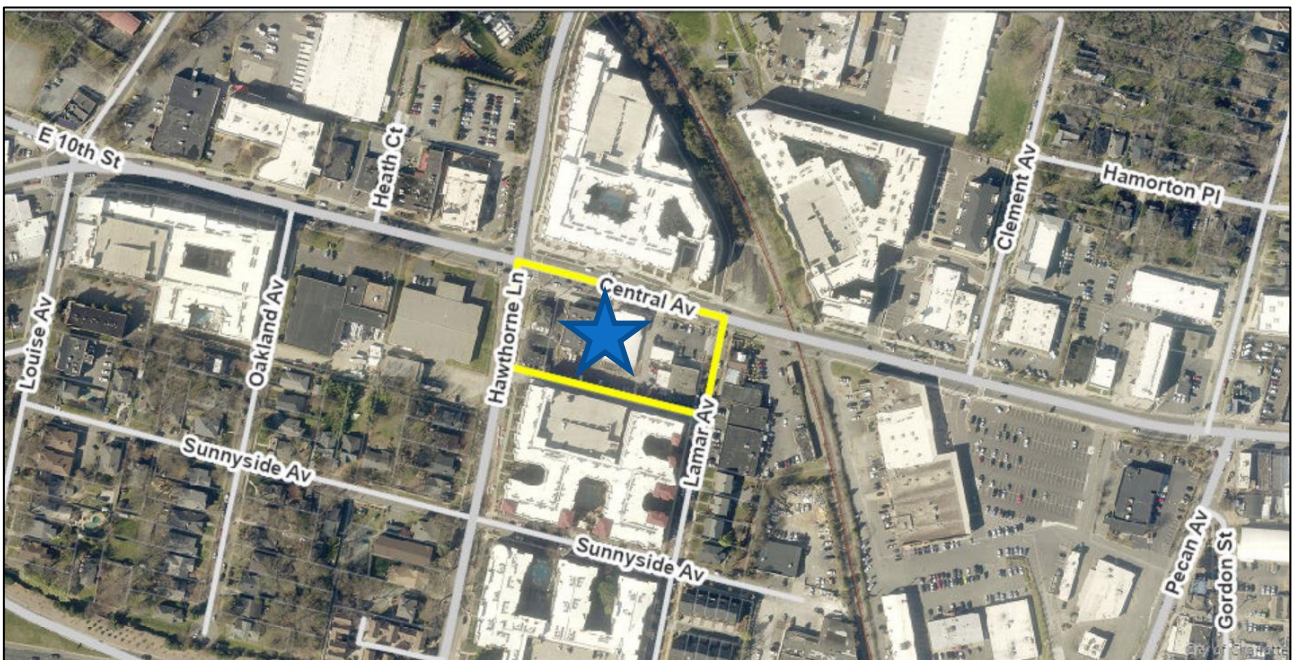
North, across Central Avenue, is a multi-family residential development.



East, along Central Avenue, are office, retail, and residential uses.

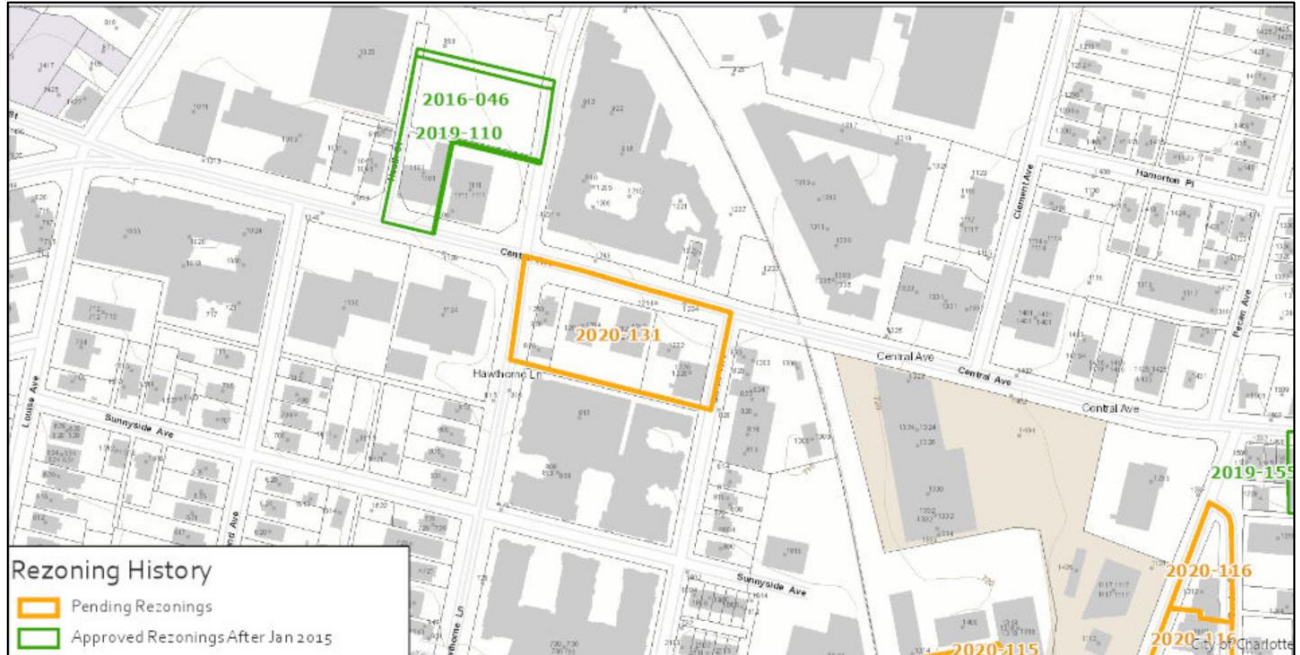


South are single family homes and multi-family residential development.



The rezoning site (denoted by blue star) is surrounded by a mix of residential and non-residential uses.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2020-116	Rezone 0.58 acres from MUDD-O PED and B-2 PED to TOD-UC.	Pending
2020-115	Rezone 2 acres from B-2 PED to TOD-UC PED.	Pending
2019-155	Rezoned 0.18 acres from B-2 PED to B-2 PED(O).	Approved
2019-110	Rezoned 1.24 acres from MUDD-O PED to TOD-CC PED.	Approved
2016-046	Rezoned 1.24 acres from B-2 PED to MUDD-O PED.	Approved

- Public Plans and Policies**



- The *Plaza-Central Pedscape Plan* (2003) recommends Office Mixed-Use (office/multi-family greater than 12 units per acre/limited retail) for the subject parcels.
- TRANSPORTATION CONSIDERATIONS**
 - The site is located on two major thoroughfare roads. Site plan review of ordinance requirements will occur during the land development permitting process since this is a conventional rezoning

request. Chapter 19 of the City Code may apply, requiring the developer to provide street improvements for their frontage.

- **Active Projects:**

- LYNX Silver Line Light Rail
 - 26-mile light rail from Town of Matthews, Uptown Charlotte, to City of Belmont/Gaston County
 - A shared use bicycle/pedestrian path adjacent to this alignment is also being planned as the Silver Line Rail Trail
 - This rezoning site is approximately 0.4 miles from the proposed Pecan Ave station and 0.5 miles from the proposed Central Ave station
 - Currently in Pre-Project Development/Early Scoping, proposed opening in 2030
- LYNX Gold Line – Phase Two – Sunnyside Extension
 - This project will extend the Gold Line street car to a stop at Sunnyside Ave (approximately 350 feet from this rezoning site)
 - Currently under construction – Estimated completion mid 2021
 - A future unfunded phase is proposed to extend further from Sunnyside Ave, crossing Central Ave along Hawthorne Ave and then turning south to Clement Ave to Central Ave where it would run east to Eastland Transit Center
- Cross Charlotte Trail – 7th to 10th Street
 - This project will close a gap in the Little Sugar Creek Greenway along the I-277/US-74 interchange. A two-way cycle-track will also be constructed across the Central Ave bridge from 7th St. to/along Prospect St to Jackson Ave.
 - Currently under construction – Estimated completion late 2021
- New traffic signal at Hawthorne Lane and Sunnyside Avenue – Under Construction – Estimated Completion late 2020
- Sunnyside Avenue Sidewalk – install sidewalk on Sunnyside Ave from Louise Ave to Hawthorne Ln – Under Construction – Estimated Completion early 2020

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 2,160 trips per day (based on 22,134 square feet of retail).

Entitlement: 1,770 trips per day (based on 16,500 SF of retail).

Proposed Zoning: too many uses to determine (based on proposed TOD-CC)

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** See advisory comments at www.rezoning.org
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined. See advisory comments at 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 Avenue. See advisory comments at www.rezoning.org.
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** See advisory comments at www.rezoning.org
 - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No comments submitted.

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

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

Petition 2020-131 by John Nichols, The John Nichols Company

To Approve:

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

- The *Plaza-Central Pedscape Plan* recommends Office Mixed-Use (office/multi-family greater than 12 units per acre/limited retail).

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 within .08 mile of the adopted LYNX Gold Line Sunnyside stop on Hawthorne Lane.
- The 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...".

To Deny:

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

- The *Plaza-Central Pedscape Plan* recommends Office Mixed-Use (office/multi-family greater than 12 units per acre/limited retail).

However, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused:



Agenda Date: 1/5/2021

Agenda #: 16. **File #:** 15-14867 **Type:** Zoning Item

Rezoning Petition: 2020-132 by 1124 Galloway, LLC

Location: Approximately 8.04 acres located on the north side of Galloway Road, east of Interstate 85, west of Interstate 485. (Council District 4 -Johnson)

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

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

Public Hearing Held: December 21, 2020 - Item #42

Staff Resource: [Michael Russell](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Post-Hearing Staff Analysis

Site Plan

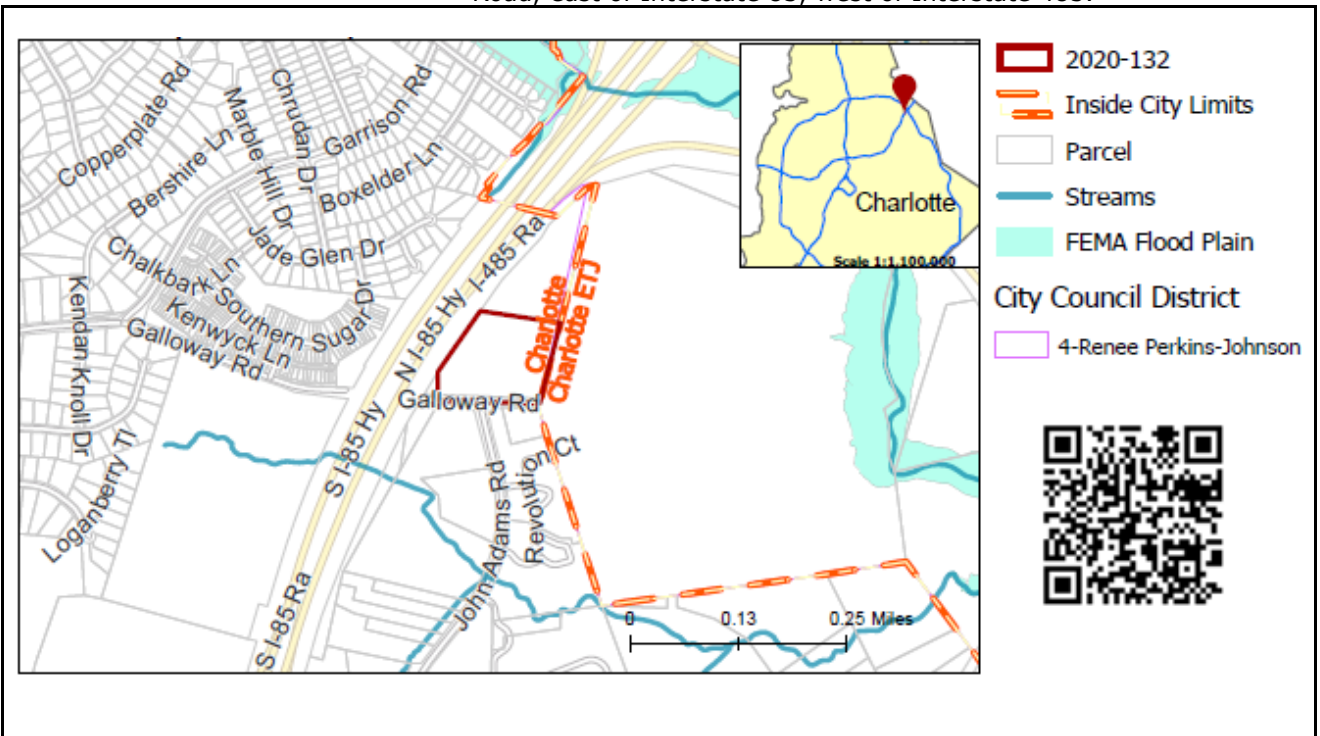
Statement of Consistency

REQUEST

Current Zoning: R-3 (single family residential)
Proposed Zoning: R-12MF(CD) (multi-family residential, conditional)

LOCATION

Approximately 8.04 acres located on the north side of Galloway Road, east of Interstate 85, west of Interstate 485.



SUMMARY OF PETITION

The petition proposes to develop a residential community with up to 63 single-family attached dwelling units (townhomes) with a density of 7.8 dwelling units per acre.

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE
COMMUNITY MEETING

Ellen Julian Bayne
1124 Galloway, LLC
Collin Brown, Alexander Ricks PLLC

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

STAFF
RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the *Northeast Area Plan (2000)* recommendation of Office use.

Rationale for Recommendation

- This petition proposes up to 63 single family attached dwelling units, with a density of 7.8 dwelling units per acre (DUA).
- Even though this proposal is inconsistent with the *Northeast Area Plan (2008)* recommendation for Office use, it fulfills the area plan's recommendation of providing a mixture of land uses and a pedestrian-oriented environment.

- The petition will enhance the pedestrian environment by committing to orient the houses located on Galloway Road to face the street, establish a minimum 8-foot sidewalk and 8-foot planting strip, and providing internal sidewalks and pedestrian connections as depicted on the site plan.

The approval of this petition will revise the adopted future land use as specified by the *Northeast Area Plan (2008)*, from Office use to Residential up to 8 DUA for the site.

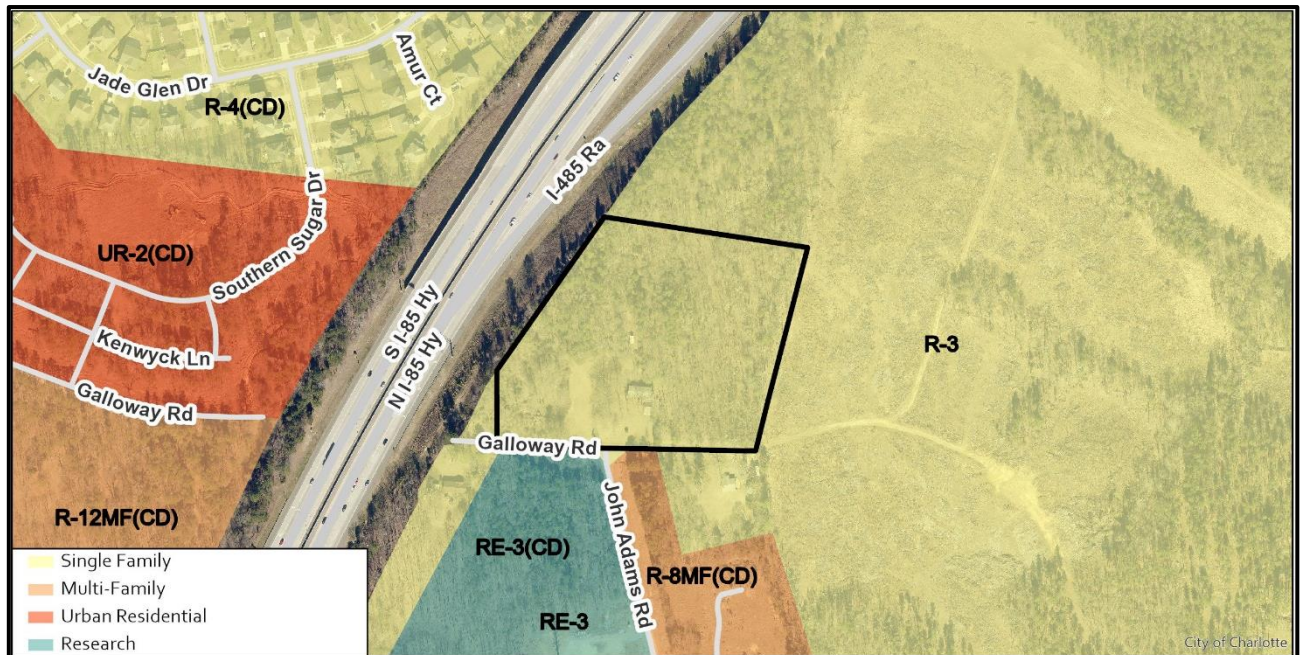
PLANNING STAFF REVIEW

Proposed Request Details

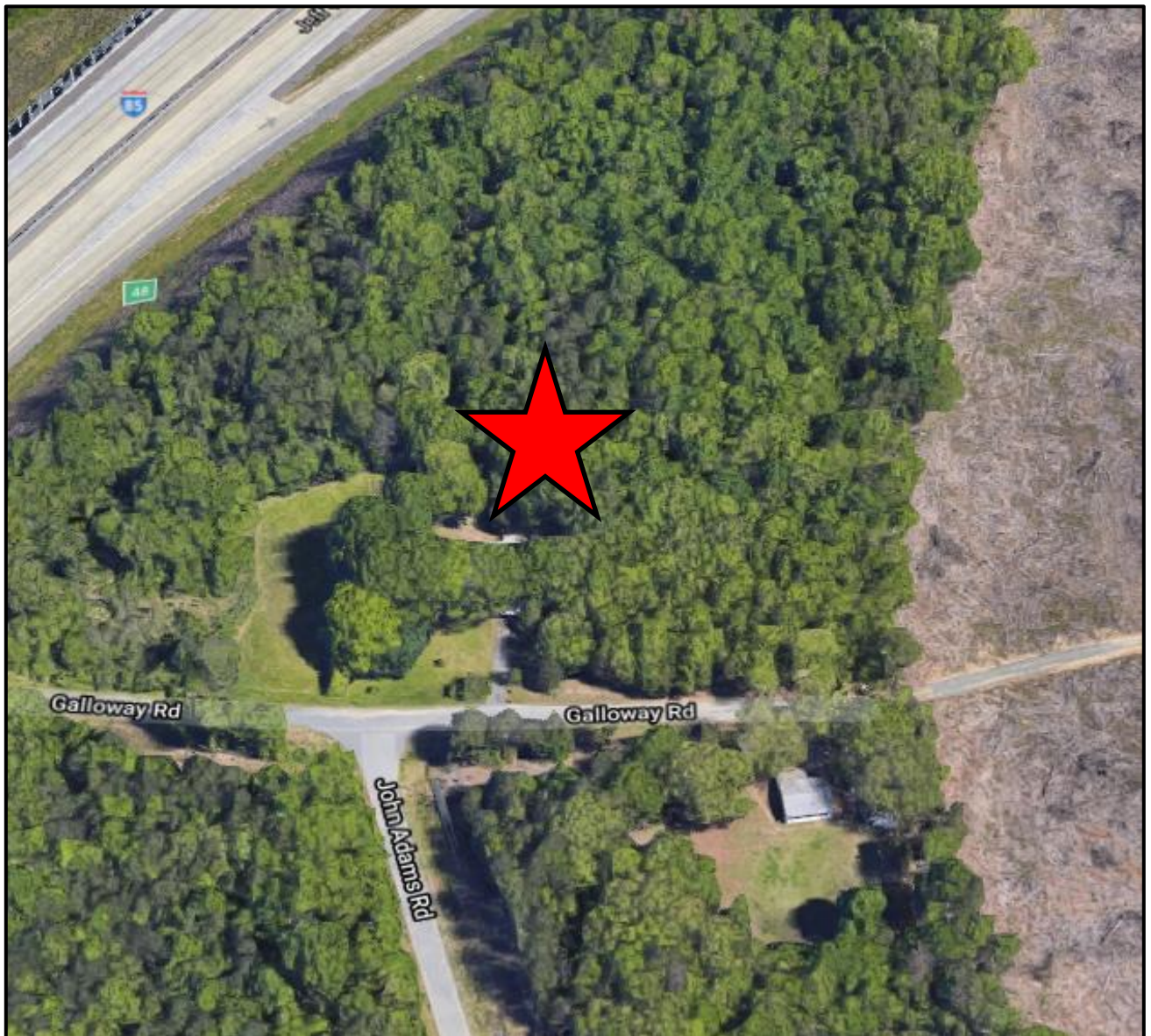
The site plan accompanying this petition contains the following provisions:

- Allows up to 63 townhomes.
- Provides an 8-foot sidewalk and 8-foot planting strip along Galloway Road.
- Provides internal sidewalks through the site.
- Commits to reserving 100-feet along I-85 and 75 feet along Galloway Road for a future I-85 bridge crossing.
- Commits to installing curb and gutter along Galloway Road frontage.
- Dedicates 36-feet of right-of-way from the centerline of Galloway Road.
- Provides a minimum 2,000 square-foot amenity area.
- Provides a 1-car garage for each unit.
- Architectural elements including:
 - Limits the maximum blank wall expanse to 20-feet on all buildings facing public streets.
 - Minimize the visual impact of garage doors by providing a set back 12 to 24-inches from the front wall or other architectural treatments.

Existing Zoning and Land Use



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



The subject property denoted with red star.



The property to the south along John Adams Road is developed with a single-family home and vacant land.



The property to the east along Galloway Road is undeveloped.

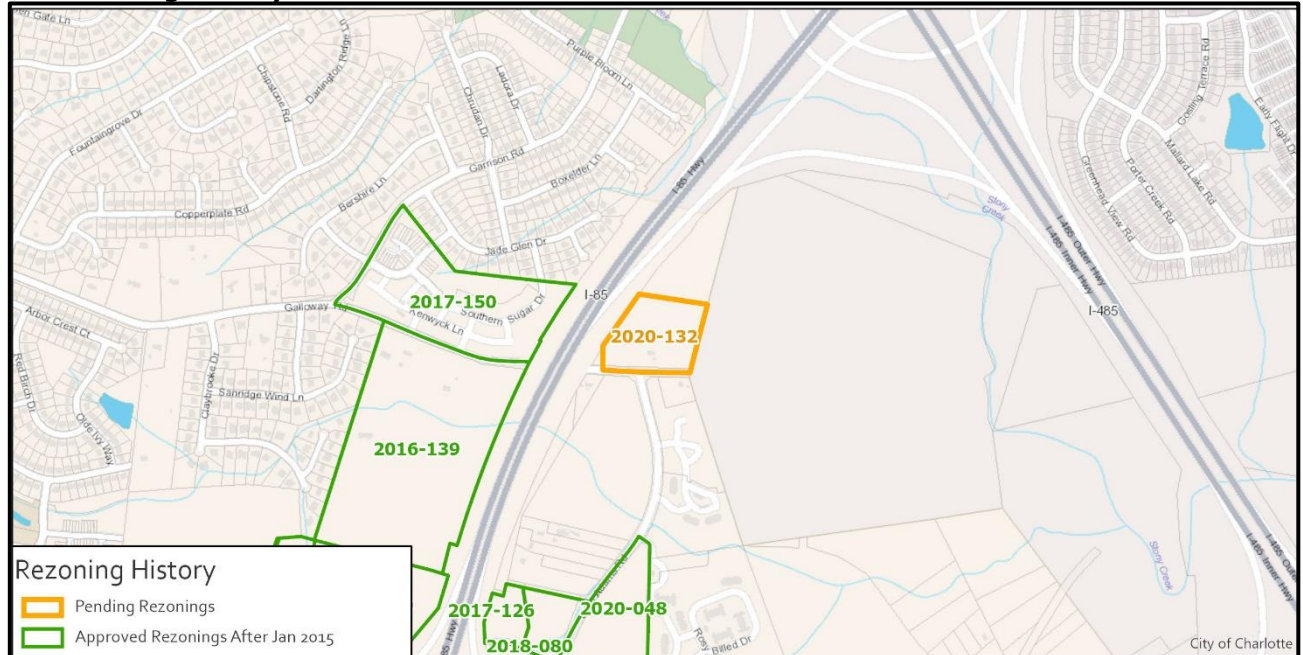


The property is bordered by Interstate 85 to the west.



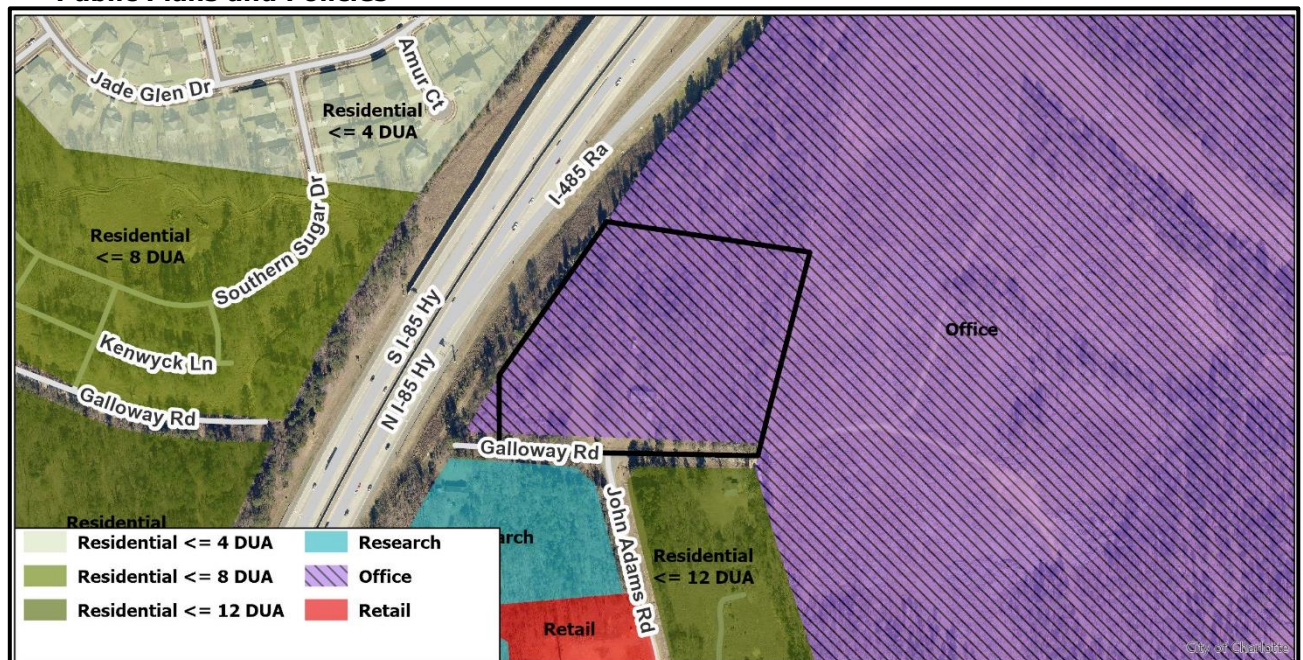
The property to the north is undeveloped.

• Rezoning History in Area



Petition Number	Summary of Petition	Status
2016-139	Rezoned 65.7 acres to allow up to 395 multi-family units and up to 160,000 square-feet of uses as allowed in the MUDD zoning district.	Approved
2017-126	Rezoned 2.50 acres to allow all uses permitted in the B-1 Zoning district.	Approved
2017-150	Rezoned 20.6 acres to allow 137 for-sale townhomes.	Approved
2018-080	Rezoned 3.22 acres to allow all uses permitted in the office zoning district.	Approved
2020-048	Rezoned 24.6 acres to allow up to 366 multi-family dwelling units, 56 townhomes, and up to 10,000 square-feet of office and commercial uses.	Approved

• Public Plans and Policies



- The Northeast Area Plan (2008) calls for Office uses.

- **TRANSPORTATION SUMMARY**

- The site is located on Galloway Road, a City-maintained local road, near the I-485 and I-85 Interchange. The project proposes 63 townhome units and the petitioner is proposing multiple transportation improvements, including reserving 100 feet along I-85 and 75 feet along Galloway Road for a future I-85 bridge crossing. This reservation is in alignment with other rezoning petitions (2016-139 and 2017-150). The petitioner has agreed to bring existing Galloway Road up to City standards, along the site's frontage, and provide a pedestrian network that complies with the Charlotte WALKS Policy.
- **Active Projects:**
 - I-485 Northeast Interchange Improvements
 - State project number: NCDOT TIP # I-6012
 - Interchange improvements include ramp widening and merge enhancements
 - Right-of-way acquisition is scheduled for 2025 / Construction 2026
- Transportation Considerations
 - No outstanding issues.
- **Vehicle Trip Generation:**

Current Zoning:
Existing Use: 1 trip per day (based on 1 single family swelling unit).
Entitlement: 280 trips per day (based on 24 single family homes).
Proposed Zoning: 440 trips per day (based on 63 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
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 11 students, while the development allowed under the proposed zoning may produce 12 students. Therefore, the net increase 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:
 - Stoney Creek Elementary remains at 110%
 - James Martin Middle remains at 74%
 - Zebulon Vance High remains at 129%
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 2-inch water distribution main located along Galloway Road. Charlotte Water currently does not have sewer system accessible for the rezoning boundary under review. The closest available sewer main is approximately 600 feet south of the rezoning boundary on John Adams Road. A developer donated project will be required in cases there is not direct service. See advisory comments at www.rezoning.org
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

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

Planner: Michael Russell (704) 353-0225



PARCEL ID#: 02911104

SITE ACREAGE: 8.04 AC

EXISTING ZONING: R-3

PROPOSED ZONING: R- 12MF

EXISTING USES: SINGLE FAMILY RESIDENTIAL.

PROPOSED USE: RESIDENTIAL DWELLINGS (TOWNHOMES)

OPEN SPACE: 50% MIN. (4.02 AC) REQUIRED

DENSITY:
ALLOWED: 12 UNITS PER ACRE MAX.
(96 UNITS MAX.)

PROPOSED: 63 UNITS (7.84 UNITS/AC)

TREE SAVE AREA: 15% (1.21 AC, 52,707.6 SF) REQUIRED
52,708 SF PROVIDED

MINIMUM SETBACK: 30' SETBACK ALONG I-85 &
GALLOWAY RD.

MINIMUM SIDE YARD: 20' (BASED ON BUILDING
ORIENTATION)

MINIMUM REAR YARD: 50' ALONG SINGLE FAMILY ZONING
(BASED ON BUILDING ORIENTATION)

MAXIMUM HEIGHT: 40' MAX. HEIGHT

REQUIRED PARKING: 1.5 PARK. SPACES/UNIT MIN.
- 95 PARKING SPACES MIN.

LARGE WASTE CONTAINERS: 8 CUBIC YARDS/30 UNITS (PER SEC. 12.40
63 UNITS/30 = 2.1 (2 (8CY) CONTAINERS)

RECYCLING STATION: 1 x 144 SF (144 SF TOTAL) FOR 12-80 UNIT
(PER SECTION 12.403 ORDINANCE)

BUFFER REQUIREMENTS: CLASS C BUFFER
(44' FOR 8.04 AC SITE)
MAY BE REDUCED BY 25% W/FENCE



SITE ACCESS

KEY MAP

SEA

PROJECT

1124 GALLOWAY LLC

REZONING 2020-132

LANDDESIGN PROJ.# 1020118


REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	REVISIONS PER CITY COMMENTS	11.16.20

DESIGNED BY: AWM
DRAWN BY: NYG
CHECKED BY: AWM

SCALE

VERT:
HORZ: 1"=40'



0 20' 40' 80'

TECHNICAL DATA SHEET

SHEET NUMBER

RZ-1.0

Petition 2020-132 by 1124 Galloway, LLC

To Approve:

This petition is found to be **inconsistent** with the *Northeast Area Plan* (2000) recommendation of Office use based on the information from the staff analysis and the public hearing, and because:

- The plan recommends office uses.

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

- This petition proposes up to 63 single family attached dwelling units, with a density of 7.8 dwelling units per acre (DUA).
- Even though this proposal is inconsistent with the *Northeast Area Plan* (2008) recommendation for Office use, it fulfills the area plan's recommendation of providing a mixture of land uses and a pedestrian-oriented environment.
- The petition will enhance the pedestrian environment by committing to orient the houses located on Galloway Road to face the street, establish a minimum 8-foot sidewalk and 8-foot planting strip, and providing internal sidewalks and pedestrian connections as depicted on the site plan.

The approval of this petition will revise the adopted future land use as specified by the *Northeast Area Plan* (2008), from Office use to Residential up to 8 DUA for the site.

To Deny:

This petition is found to be **inconsistent** with the *Northeast Area Plan* (2000) recommendation of Office use based on the information from the staff analysis and the public hearing, and because:

- The plan recommends office uses.

However, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

Motion:

Approve or Deny

Maker:

2ND:

Vote:

Dissenting:

Recused:



Agenda Date: 1/5/2021

Agenda #: 17. **File #:** 15-14868 **Type:** Zoning Item

Rezoning Petition: 2020-136 by Scaffolding Solutions

Location: Approximately 8.95 acres located along the south side of W.T. Harris Boulevard, east of Old Statesville Road, and south of David Cox Road. (Council District 2 - Graham)

Current Zoning: I-1 (light industrial)

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

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

Staff Resource: [Michael Russell](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Post-Hearing Staff Analysis

Site Plan

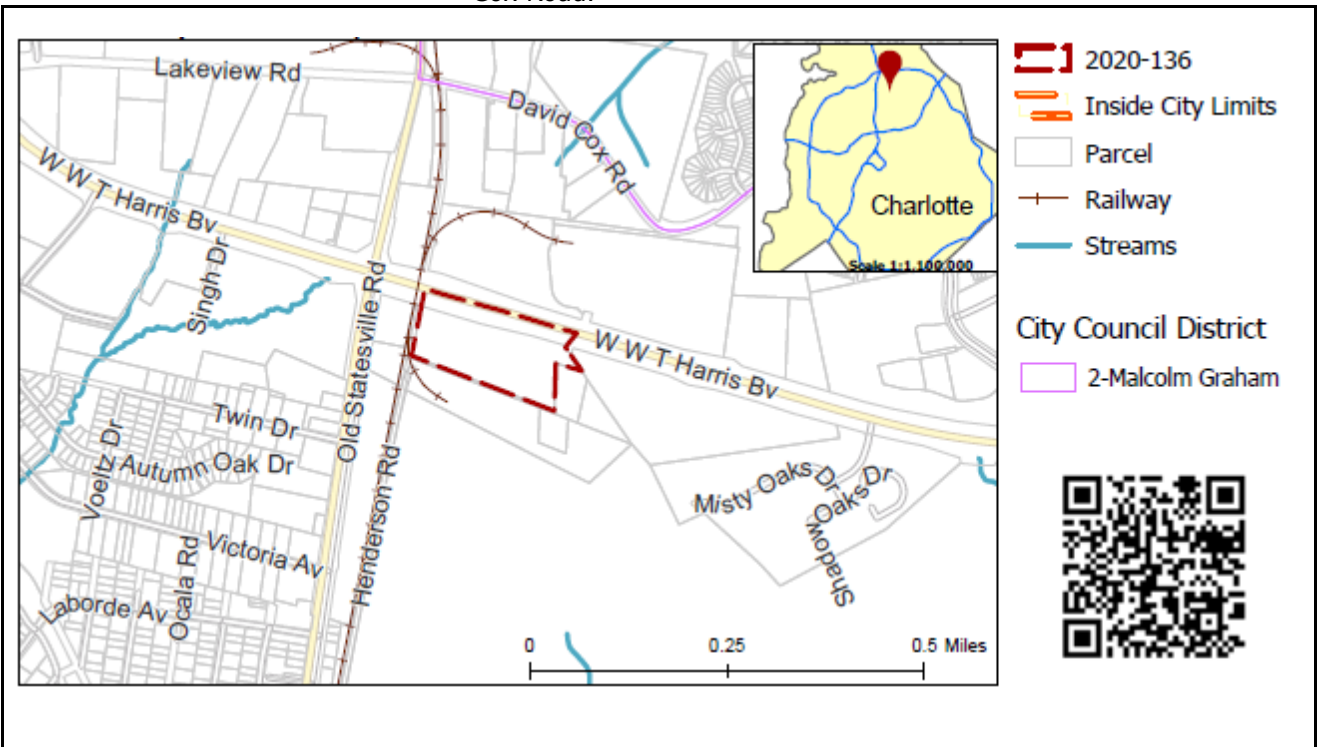
Statement of Consistency

REQUEST

Current Zoning: I-1 (light industrial)
Proposed Zoning: I-2(CD) (general industrial)

LOCATION

Approximately 8.95 acres located along the south side of W.T. Harris Boulevard, east of Old Statesville Road, and south of David Cox Road.



SUMMARY OF PETITION

The petition proposes to allow development of an equipment rental business and for a contractor's office and storage yard.

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE

Scaffolding Solutions
Holly Springs Realty, LLC
Walter Fields, Walter Fields Group

COMMUNITY MEETING

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

STAFF
RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

This petition is **consistent** with the *Northeast District Plan (2000)* recommendation of industrial use.

Rationale for Recommendation

- The area plan recommends industrial uses for this site.
- This site is surrounded by industrially-zoned land, meaning the proposed use of an equipment rental business for this site would be compatible with the adjacent uses.
- This petition commits to complying with all city ordinance requirements and to installing or preserving a landscape screen along the front of the site to screen outdoor storage.

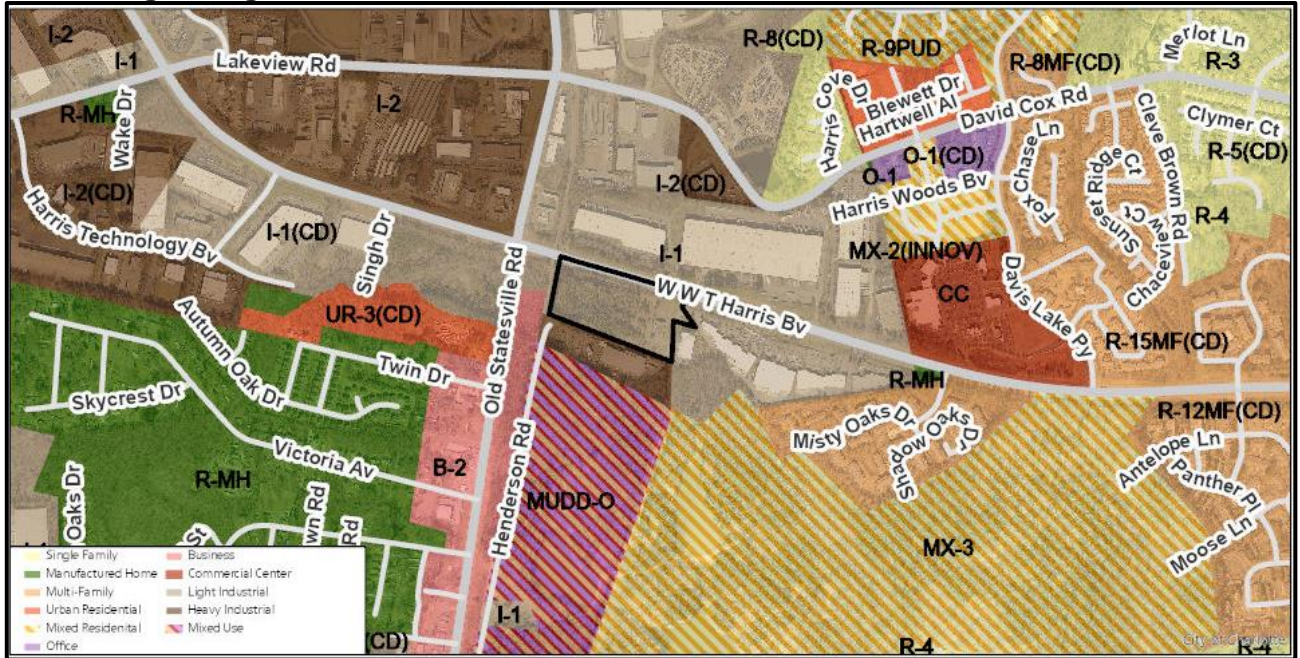
PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Limits uses to those allowed in the I-1 zoning district as well as a contractor's office and outdoor storage.
- Commits to maintain the landscape screening along West W.T. Harris.
- Provides an eastbound right turn lane on W.T. Harris Boulevard.
- Access is provided by an existing private drive off W.T. Harris Boulevard.

• Existing Zoning and Land Use



The site is currently zoned for light industrial. The surrounding land uses include warehouses, offices, and retail uses.



The subject property denoted by red star.



The property to the north along W.T. Harris Boulevard is developed with warehouse and office uses.



The property to the south along Henderson Road is developed with a building materials warehouse and storage yard.

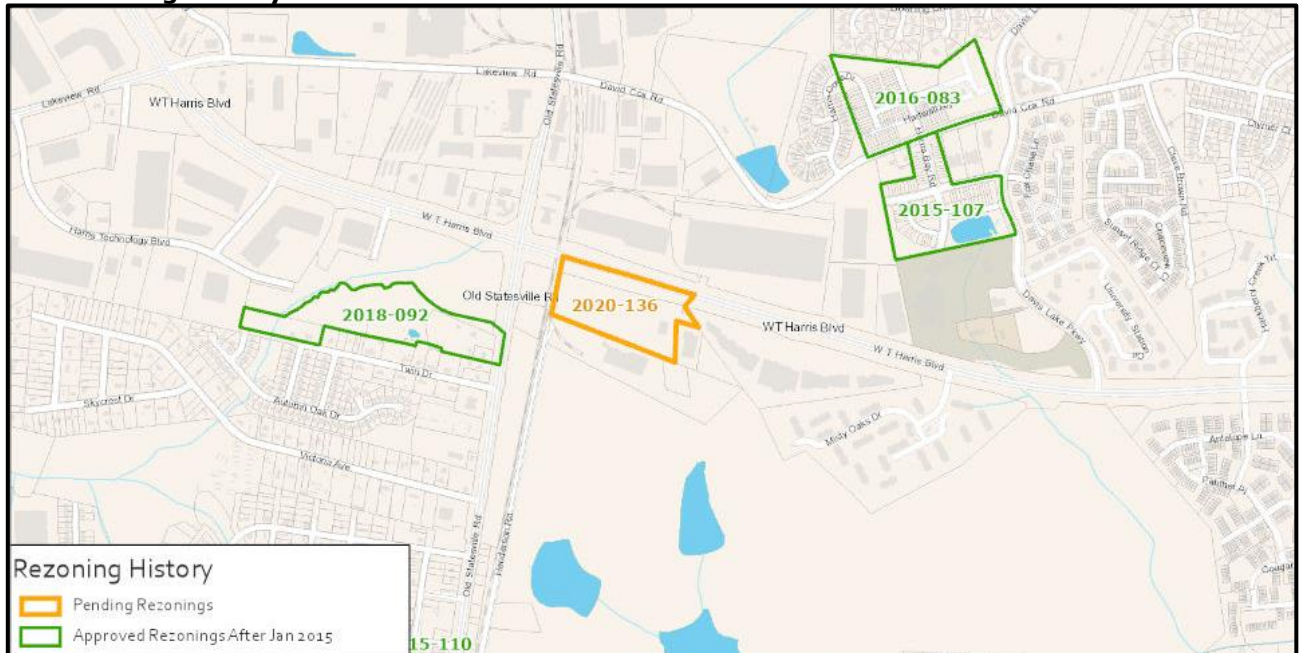


The property to the east along W.T. Harris Boulevard is developed with office uses.



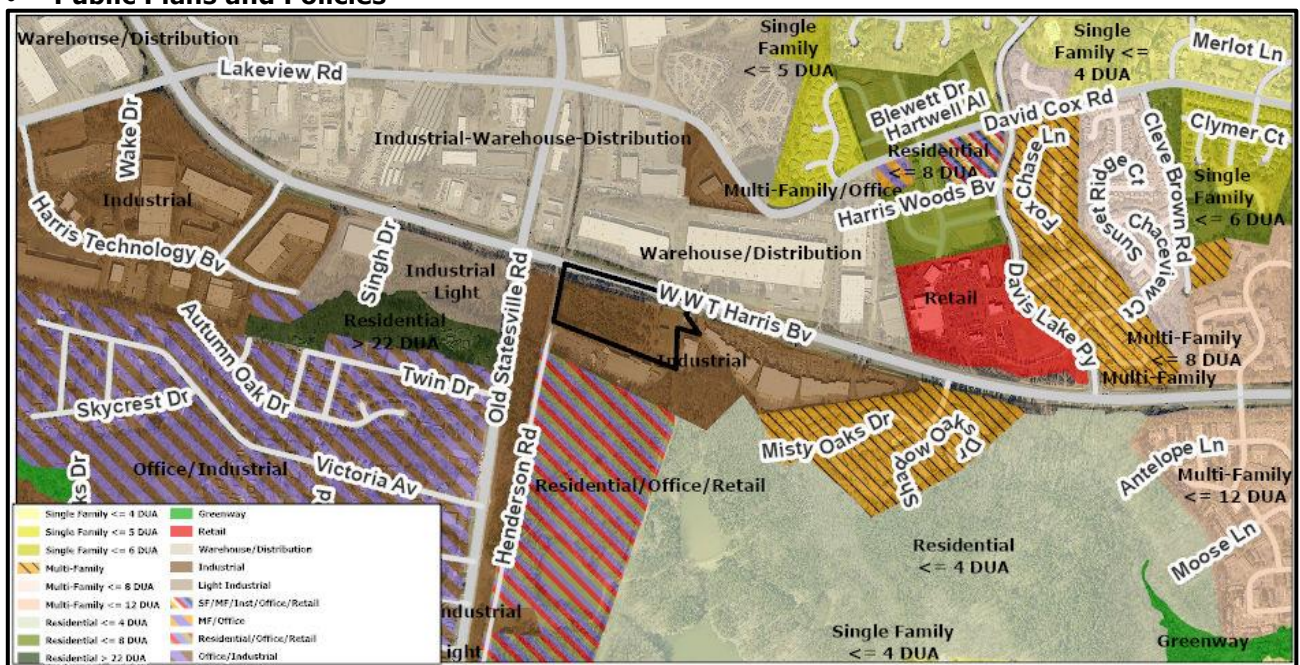
The property to the west along Old Statesville Road is undeveloped.

• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2015-107	Rezoned 12.99 acres to allow up to 103 townhomes.	Approved
2016-083	Rezoned 15.38 acres to allow up to 120 townhomes.	Approved
2018-092	Rezoned 14.5 acres to allow up to 280 apartments.	Approved

- **Public Plans and Policies**



- The *Northeast District Plan (1996)* calls for industrial uses on this site.

- **TRANSPORTATION SUMMARY**

- The site is located on a State-maintained, limited access arterial road. Site plan revisions are needed to meet ordinance requirements and the outstanding items including, but not limited to clarifying the commitment to construct a right-turn lane on WT Harris Boulevard and reserving an easement for a future a 12-foot shared-use path. The petitioner has committed to construct a right-turn lane on WT Harris Boulevard and relocate the proposed vehicular access to accommodate NCDOT driveway stem length requirements.
- **Active Projects:**
 - Old Statesville Rd (NC 115) Widening
 - State project number: NCDOT TIP # U-5772
 - This project will widen NC 115's travel lanes from WT Harris Boulevard to I-485.
 - Right-of-way acquisition is scheduled 2029 / construction 2031
- **Transportation Considerations**
 - ~~See Outstanding Issues, Notes 1-2.~~ Addressed
- **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 60 trips per day (based on 6,720 square-feet of warehouse uses).
 - Entitlement: 175 trips per day (based on 80,950 square-feet of warehouse uses).
 - Proposed Zoning: 260 trips per day (based on 134,250 square-feet of warehouse uses).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** 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 16-inch water distribution main located along WT Harris Boulevard. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along WT Harris Boulevard. See advisory comments at www.rezoning.org
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry:** ~~See Outstanding Issues, Note 3.~~ Addressed
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Transportation

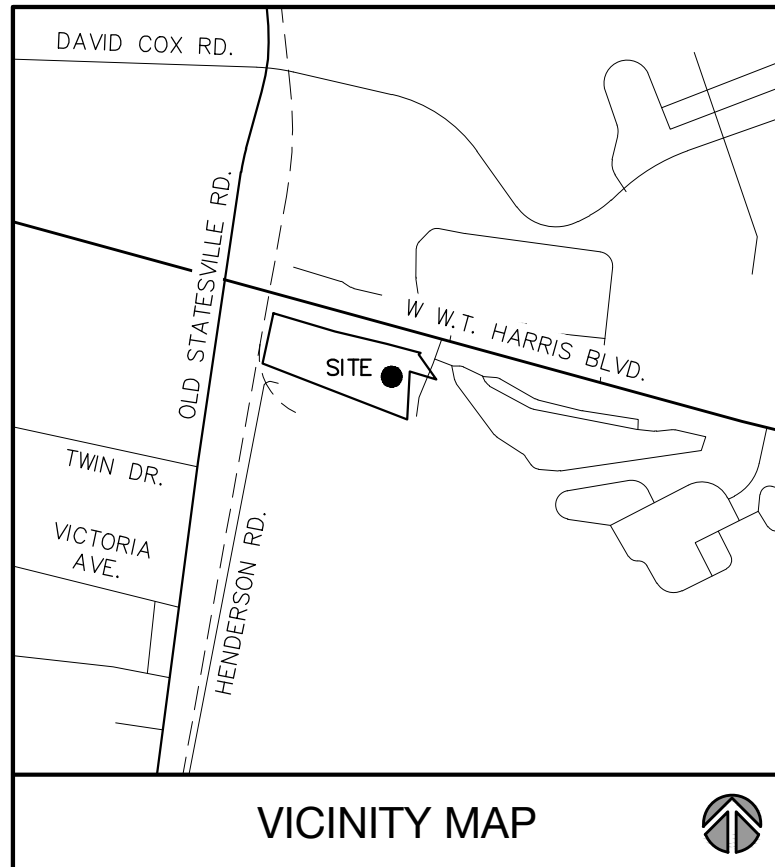
- ~~1. Site plan and conditional note(s) revisions are needed to plan for future bicycle facilities by reserving an easement for a future 12-foot shared-use path to meet the City of Charlotte BIKES Policy. The shared-use path needs to be installed outside of the WT Harris-controlled access limits, per NCDOT, and contained within a sidewalk utility easement, installed 2 feet back of shared-use path.~~ Addressed
- ~~2. Conditional note Section 4.f. needs to be revised to remove "If required to do so by NCDOT."~~ Addressed

Environment

- ~~3. Add note: Site will comply with the City of Charlotte Tree Ordinance.~~ Addressed

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

Planner: Michael Russell (704) 353-0225



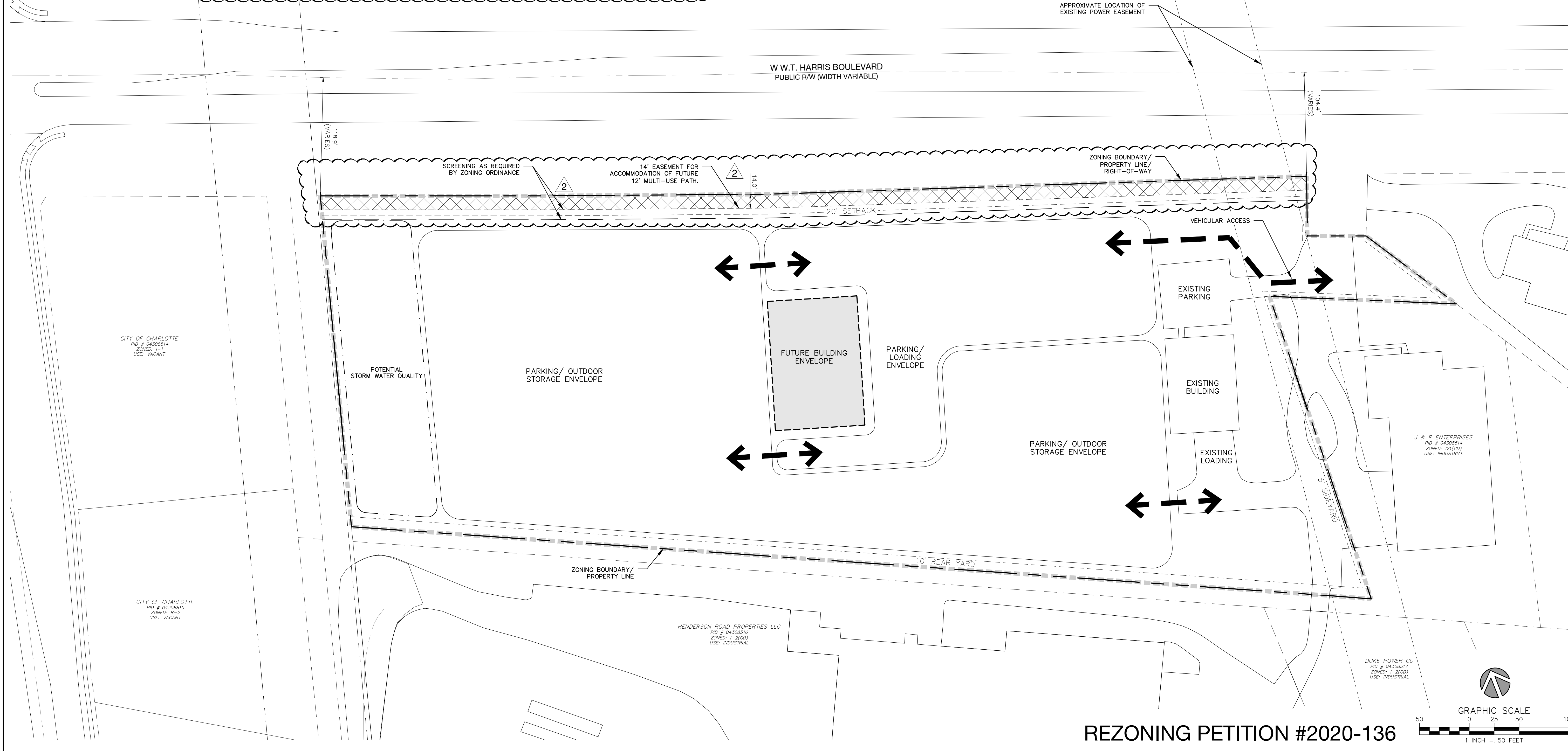
Site Development Data:

Acreage: +/- 8.95 AC
Tax Parcel: 043-085-15
Existing Zoning: I-1
Proposed Zoning: I-2(CD)
Existing Uses: Industrial Use
Proposed Uses: Industrial uses allowable within the I-2 (CD) district

1. General Provisions.
- a. Development of the site will be controlled by the standards depicted on this site plan and by the standards of the Charlotte Zoning Ordinance. The development depicted on this plan is intended to reflect the arrangement of proposed uses on the site, but the exact configuration, placement, and size of individual site elements may be altered or modified within the limits prescribed by the ordinance during the design development and construction phases as allowed under the provisions of Section 6.2 of the Zoning Ordinance.
- b. The Petitioner acknowledges that other standard development requirements imposed by other city ordinances, such as those that regulate streets, sidewalks, trees, and site development, may apply to the development of this site as well as building and fire codes. These are not zoning regulations, are not administered by the Zoning Administrator, and are not separate zoning conditions imposed by this site plan. Unless specifically noted in the conditions for this site plan, these other standard development and code requirements will be applied to the development of this site as defined by those other city ordinances through the development review and permitting process.
- c. Throughout this Rezoning Petition, the terms "Owner", "Owners", "Petitioner" or "Petitioners," shall, with respect to the Site, be deemed to include the heirs, devisees, personal representatives, successors in interest and assignees of the owner or owners of the Site who may be involved in its development from time to time.
2. Purpose
- The purpose of this Rezoning application is to provide for the continued use of an industrial tract of land adjoining West W.T.Harris Blvd. The site would be used for any use that is allowed in the I-1 district and for limited uses in the I-2 district including a contractor's office and storage yard. To achieve this purpose, the application seeks the rezoning of the site to the I-2 district as a conditional district (I-2 (CD)).
3. Permitted Uses
- Uses allowed on the property included in this Petition are those uses that are permitted in the I-1 district, for an equipment rental business, and for a contractor's office and storage yard as permitted in the I-2 district.
4. Transportation
- a. The site will have access to an existing private driveway that serves the site and other sites in the area.
- b. Parking areas are allowed anywhere within the building and parking envelop as generally depicted on the concept plan for the site.
- c. The Petitioner will dedicate and convey the fee simple interest any right-of-way along the property frontage of W. T. Harris Blvd. that does not already comply with adopted City standards before the site's first new building certificate of occupancy is issued.
- d. The Petitioner will commit to dedicate a minimum of 100-feet of right-of-way from the WT Harris Boulevard road centerline if such right-of-way is not already provided. The site plan shall label and dimension the right-of-way from the road centerline.
- e. The Petitioner will commit to construct the proposed vehicular access at the existing parking lot driveway, to meet NCDOT driveway stem length requirements, as noted within NCDOT's Driveway Access manual.
- f. The Petitioner will commit to construct an eastbound right-turn lane on WT Harris Boulevard, as required by NCDOT, to mitigate traffic generated by the proposed rezoning site..

- g. The Petitioner will agree that all transportation improvements, will be approved and constructed before the site's first building certificate of occupancy is issued for any new buildings on the site.
- h. The Petitioner will reserve an area across the front of the site to accommodate the location of a future 12' multi-use path. An easement for this land will be dedicated to the City of Charlotte at such time as a public improvement project that includes the construction of a 12' multi-use path is funded. The multi-use path will be located outside of the WT Harris controlled access limits, per NCDOT, and contained within the 12' multi-use path and utility easement, installed 2-feet behind the multi-use path.
5. Architectural Standards
- Reserved
6. Streetscape and Landscaping
- 2 The Petitioner will install or preserve a landscape screen along the front of the site to screen outdoor storage. In accordance with Section 12.303 of the Ordinance. This landscaped area may include existing trees and vegetation as well as new trees and evergreen shrubbery. The site will comply with the provisions of the Charlotte Tree Ordinance which will be applied during the design review and permitting process. This is not a zoning ordinance or a condition on this site plan enforced by the Zoning Administrator.
7. Environmental Features
- The Petitioner will submit a tree survey for all trees two-inches or larger located in the rights of way of all streets that adjoin the site if any are present.
- 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.
- The exact areas and dimensions of the tree save areas on the site will be determined and reviewed during the design development and permit review process.
8. Parks, Greenways, and Open Space
- Reserved
9. Fire Protection
- Reserved
10. Signage
- Reserved
11. Lighting
- New freestanding lighting will be limited to 30' in height and must be inwardly directed. Architectural lighting on the exterior of buildings is permitted provided it is capped and downwardly directed.
12. Phasing
- Reserved

Initial Submission- 9-21-20, 1.0
Revised per staff comments- 11-16-20, 2.0
Revised per staff analysis- 12-28-20, 2.2



REZONING PETITION #2020-136

**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

Scaffolding Solutions

5311 W.W.T. Harris

Rezoning Plan
5311 W.W.T. Harris Blvd. Charlotte, NC 28269

NO.	DATE	BY:	REVISIONS:
1	11-16-20	UDP	PER CITY PLANNING COMMENTS
2	12-28-20	UDP	PER CITY PLANNING COMMENTS

Project No: 20-093
Date: 09.09.2020
Designed By: UDP
Checked By: UDP
Sheet No:

RZ-1.0

Petition 2020-136 by Scaffolding Solutions

To Approve:

This petition is found to be **consistent** with the *Northeast District Plan* (2000) recommendation of industrial use based on the information from the staff analysis and the public hearing, and because:

- The plan recommends industrial uses.

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

- The area plan recommends industrial uses for this site.
- This site is surrounded by industrially-zoned land, meaning the proposed use of an equipment rental business for this site would be compatible with the adjacent uses.
- This petition commits to complying with all city ordinance requirements and to installing or preserving a landscape screen along the front of the site to screen outdoor storage.

To Deny:

This petition is found to be **consistent** with the *Northeast District Plan* (2000) recommendation of industrial use based on the information from the staff analysis and the public hearing, and because:

- The plan recommends industrial uses.

Therefore, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

Motion:

Approve or Deny

Maker:

2ND:

Vote:

Dissenting:

Recused:



Agenda Date: 1/5/2021

Agenda #: 18. **File #:** 15-14869 **Type:** Zoning Item

Rezoning Petition: 2020-138 by Rosemary Burt

Location: Approximately 0.472 acres located along the south side of Rutgers Avenue, the east side of Ligustrum Street, and west of Sugar Creek Road. (Council District 1 - Egleston)

Current Zoning: R-4 (single-family residential)

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

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

Staff Resource: [Michael Russell](#)

Staff Recommendation:

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

Attachments:

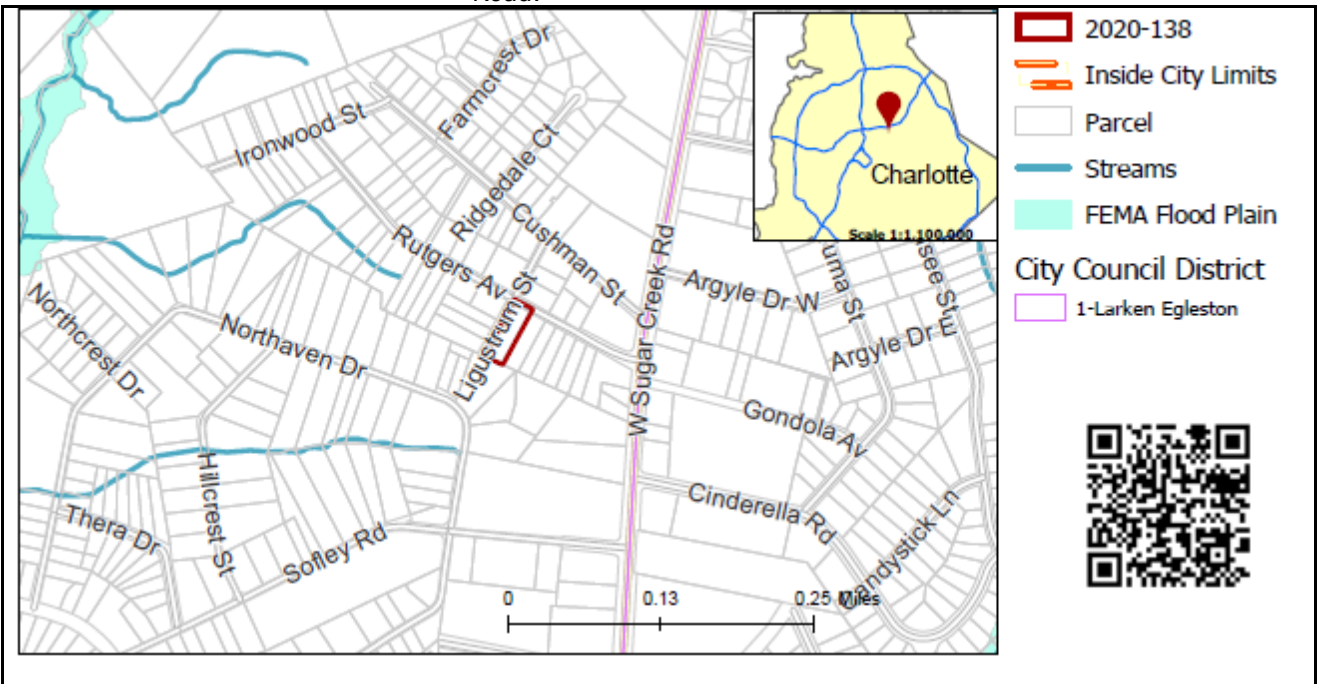
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

REQUEST

Current Zoning: R-4 (single family residential)
Proposed Zoning: UR-2(CD) (urban residential, conditional)

LOCATION

Approximately 0.472 acres located along the south side of Rutgers Avenue, the east side of Ligustrum Street, and west of Sugar Creek Road.



SUMMARY OF PETITION

The petition proposes redevelopment of the site to allow a new duplex and the retention of an existing duplex with a density of 8.4 dwelling units per acre.

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE

Nevins Holdings Group, LC
Rosemary Burt
Rosemary Burt

COMMUNITY MEETING

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

STAFF
RECOMMENDATION

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

Plan Consistency

The petition is **inconsistent** with the *Central District Plan (1993)* land use designation of single family residential up to 4 dwelling units per acre, but **consistent** with the *General Development Policies*, which supports the requested residential density up to 12 dwelling units per acre.

Rationale for Recommendation

- This petition proposes to construct an additional duplex on the site, for a total of four dwelling units and a density of 8.4 dwelling units per acre (DUA).

- The General Development Policies (GDP) provide policy guidance for evaluating proposed residential densities greater than four units per acre. The petition's request for residential up to 12 DUA is much less dense than the General Development Policies support of up to 17 dwelling units per acre.
- The construction of an additional duplex in this area is appropriate for the character of the neighborhood, as several other duplexes are present along Ligustrum street.
- While inconsistent with the *Central Area Plan* recommendation of single-family residential up to 4 DUA, this petition is appropriate in fulfilling the area plan's goals to increase the supply compatible infill housing, especially in vacant and underutilized properties.

The approval of this petition will revise the adopted future land use as specified by the *Central District Plan*, from Single Family Residential up to 4 DUA to Residential up to 12 DUA for the site.

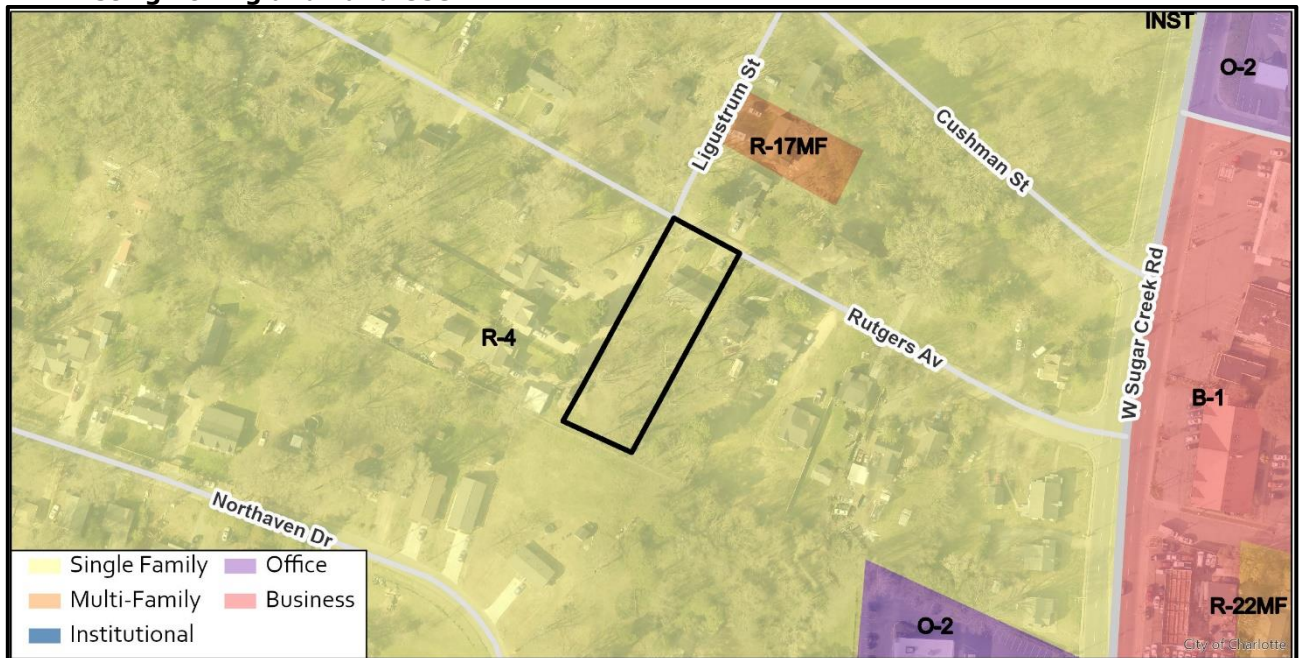
PLANNING STAFF REVIEW

- **Proposed Request Details**

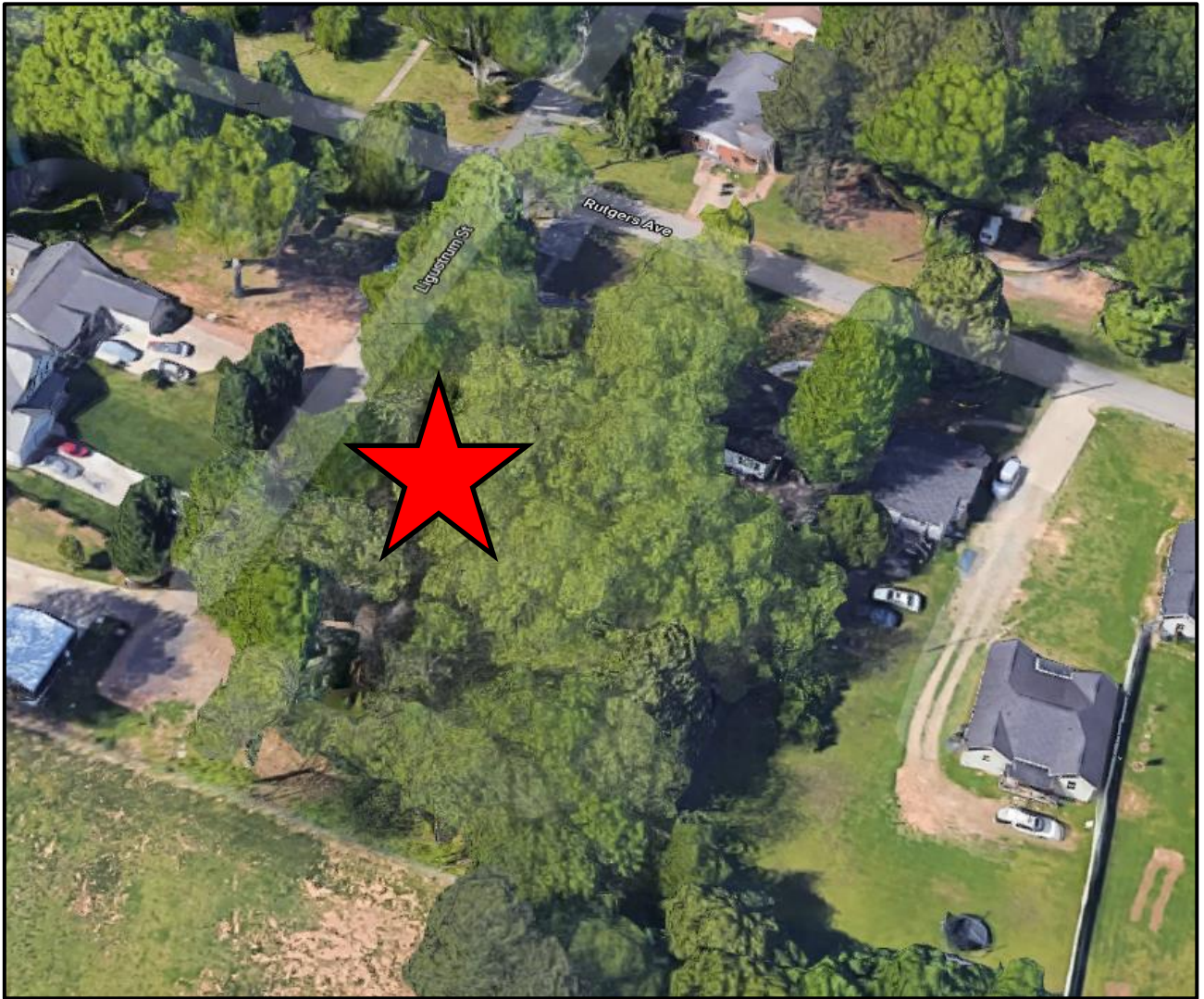
The site plan accompanying this petition contains the following provisions:

- Allows construction of a new duplex and retains the existing duplex for a total of 4 units.
- Commits to a 6-foot side walk along Ligustrum Street and Rutgers Avenue.
- Dedicates right-of-way along Ligustrum Street.
- Provides a privacy fence for a portion of the eastern property line.
- Provides a vegetative screen between the two duplexes.

- **Existing Zoning and Land Use**



The subject property contains an existing duplex. The surrounding land uses include single family dwelling units and multi-family dwelling units.



The subject property denoted with a red star.



The existing duplex.



The property to the west along Ligustrum Street is developed with single-family homes.



The property to the east along Rutgers Avenue is developed with a single-family home.



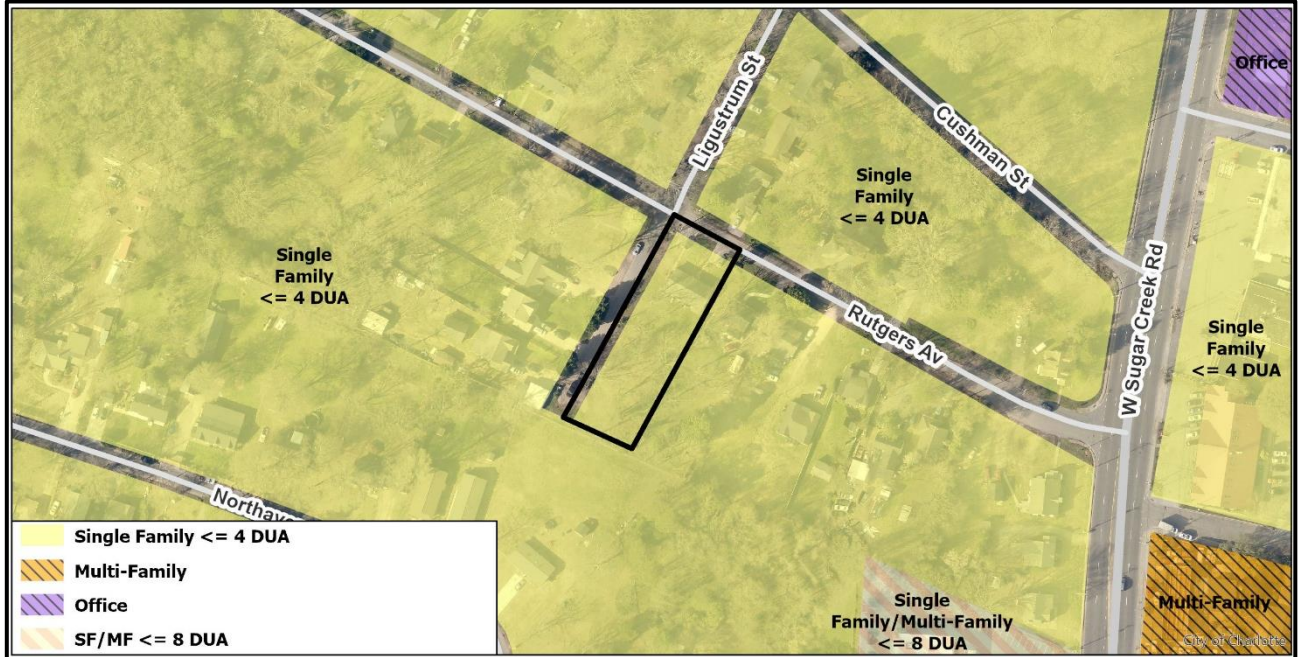
The property to the north along Rutgers Avenue is developed with a duplex.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2018-154	Rezoned 4.48 acres to allow up to 50 multi-family dwelling units and retention of an existing single-family dwelling unit for reuse as a civic facility.	Approved
2020-031	Rezoned 3.1 acres to allow all uses permitted in the Institutional zoning district.	Approved

- **Public Plans and Policies**



- The *Central District Plan (1993)* calls for Single Family Residential up to 4 DUA for this site.
- The *General Development Policies (GDP)* provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the General Development Policies locational criteria for consideration of up to 12 dwellings per acre as illustrated in the table below.

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

- **TRANSPORTATION SUMMARY**

- The site is located adjacent to Rutgers Avenue (City-maintained, local street) and Ligustrum Street (City-maintained, local street). Site plan revisions are needed to meet ordinance requirements and the outstanding items including, but not limited to providing an 8-foot minimum planting strip along Rutgers Avenue and Ligustrum Street and providing two accessible ramps at the intersection of Rutgers Avenue and Ligustrum Street to meet accessibility requirements.
- **Active Projects:**
 - There are no active projects in the immediate area.
- **Transportation Considerations**
 - See Outstanding Issues, Notes 1-4.
- **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 15 trips per day (based on 1 duplex).
 - Entitlement: 15 trips per day (based on 1 duplex).
 - Proposed Zoning: 30 trips per day (based on 2 duplexes).

DEPARTMENT COMMENTS (see full department reports online)

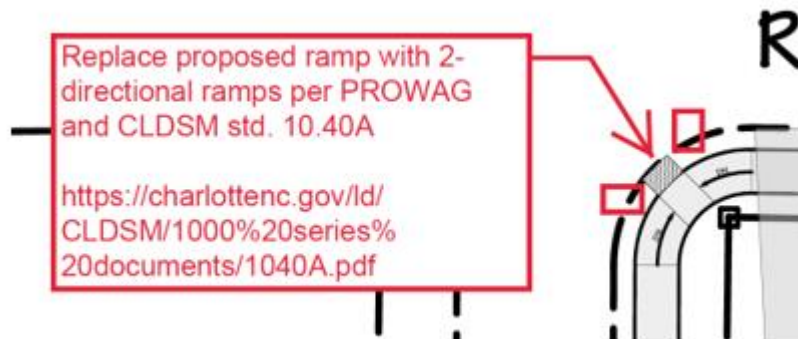
- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.

- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate zero students, while the development allowed under the proposed zoning may produce zero students. Therefore, the net increase in the number of students generated from existing zoning to proposed is zero students.
 - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
 - Highland Renaissance Academy remains at 74%.
 - Martin Luther King, Jr. remains at 98%.
 - 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 Rutgers Ave. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Rutgers Ave. See advisory comments at www.rezoning.org
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** See advisory comments at www.rezoning.org
 - **Urban Forestry:** See Outstanding Issues, Note 5. Addressed
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Transportation

1. Revise site plan and conditional note(s) to commit to construct an 8-foot planting strip, on Rutgers Avenue and Ligustrum Street, per Chapter 19 of the City Code and required within Chapter 9 of the Zoning Ordinance.
2. Add site plan note(s) 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. CDOT requests rights of way set at 2 feet behind back of sidewalk where feasible. Addressed
3. Add site plan note specifying that 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
4. Revise site plan and conditional note(s) to commit to providing two accessible ramps at the intersection corner of Rutgers Avenue and Ligustrum Street. Addressed



REQUESTED TECHNICAL REVISIONS

Environment

5. Add note that site must comply with the City of Charlotte tree Ordinance. Addressed

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

Planner: Michael Russell (704) 353-0225

VICINITY



RUTGERS AVENUE

EDGE OF PAVEMENT

S 60°54'26" E 77.57' FUTURE SIDEWALK

N 60°54'34" W 72.91'

ADJACENT PROPERTY ZONING = R-4

In lieu of curb and gutter petitioner is dedicating the ROW on the E side of the 500-600 Blocks of Ligustrum Street.

LIGUSTRUM STREET

FUTURE SIDEWALK
N 28°59'24" E 269.20'

14' SETBACK

PRIVACY FENCE

S 28°57'02" W 260.43'

EDGE OF PAVEMENT

19'-0"

38'-0"

5' SIDE SETBACK

N 67°20'23" W 78.22'

6' CHAIN LINK FENCE

REZONING PETITION 2020-138-ADD

DEVELOPMENT DATA

- 0.472 ACRE (20,565 SF)
- TAX PARCEL 08705510
- EXISTING ZONING R-4
- PROPOSED ZONING UR-2(CD)
- 4 RESIDENTIAL UNITS
- AS PER UR-2(CD)
- FLOOR AREA RATIO PER THE ORDINANCE
- BUILDING HEIGHT WILL BE PER THE ORDINANCE
- 2 BUILDINGS
- PARKING WILL BE PER THE ORDINANCE
- OPEN SPACE WILL BE PER THE ORDINANCE
- 8' WIDE PLANTING STRIP WILL BE CONSTRUCTED ON RUTGERS AVE AND LIGUSTRUM ST, PER CHAPTER 19 OF THE CITY CODE AND REQUIRED WITHIN CHAPTER 9 OF THE ZONING ORDINANCE
- DEDICATION AND FEE SIMPLE CONVEYANCE OF ALL RIGHT-OF-WAYS TO THE CITY BEFORE THE CERTIFICATE OF OCCUPANCY IS ISSUED.
- ALL TRANSPORTATION IMPROVEMENTS WILL BE APPROVED AND CONSTRUCTED BEFORE THE FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED.
- SITE WILL COMPLY WITH THE CITY OF CHARLOTTE TREE ORDINANCE

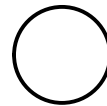
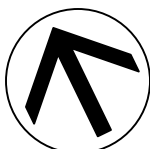
PURPOSE

THE PURPOSE OF THIS REZONING APPLICATION IS TO ADD PERMITTED USES - TO ALLOW AN ADDITIONAL DUPLEX ON LOT FOR A TOTAL OF 4 UNITS

SURVEY INFORMATION PROVIDED BY:
J. ERIC CLEMMER, P.L.S.

SITE PLAN

Scale: 1" = 40'-0"



A SITE PLAN for
NEVINS HOLDINGS GROUP LLC
4200 RUTGERS AV, CHARLOTTE, NC 28206

12.23.2020

**GLEN STANCIK
DESIGN/BUILD**
5582 FIVE KNOLLS DR.
CHARLOTTE, NC 28226
910.528.5908 • 704.771.1989
gstancik@gmail.com

Petition 2020-138 by Rosemary Bert

To Approve:

This petition is found to be **inconsistent** with the *Central District Plan* (1993) land use designation of single family residential up to 4 dwelling units per acre, but **consistent** with the *General Development Policies*, which supports the requested residential density up to 12 dwelling units per acre based on the information from the staff analysis and the public hearing, and because:

- The plan recommends single family residential up to 4 dwelling units per acre.
- The petition meets the *General Development Policies* locational criteria for consideration of up to 12 dwellings per acre.

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

- This petition proposes to construct an additional duplex on the site, for a total of four dwelling units and a density of 8.4 dwelling units per acre (DUA).
- The *General Development Policies* (GDP) provide policy guidance for evaluating proposed residential densities greater than four units per acre. The petition's request for residential up to 12 DUA is much less dense than the General Development Policies support of up to 17 dwelling units per acre.
- The construction of an additional duplex in this area is appropriate for the character of the neighborhood, as several other duplexes are present along Ligustrum street.
- While inconsistent with the *Central Area Plan* recommendation of single-family residential up to 4 DUA, this petition is appropriate in fulfilling the area plan's goals to increase the supply compatible infill housing, especially in vacant and underutilized properties.

The approval of this petition will revise the adopted future land use as specified by the *Central District Plan*, from Single Family Residential up to 4 DUA to Residential up to 12 DUA for the site.

To Deny:

This petition is found to be **inconsistent** with the *Central District Plan* (1993) land use designation of single family residential up to 4 dwelling units per acre, but **consistent** with the *General Development Policies*, which supports the requested residential density up to 12 dwelling units per acre based on the information from the staff analysis and the public hearing, and because:

- The plan recommends single family residential up to 4 dwelling units per acre.
- The petition meets the *General Development Policies* locational criteria for consideration of up to 12 dwellings per acre.

However, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

Motion:

Approve or Deny

Maker:

2ND:

Vote:

Dissenting:

Recused:



Agenda Date: 1/5/2021

Agenda #: 19. **File #:** 15-14870 **Type:** Zoning Item

Rezoning Petition: 2020-139 by Red Cedar Capital Partners

Location: Approximately 12.89 acres located along the west side of Browne Road, east of Sweetbriar Ridge Drive, and north of Hucks Road. (ETJ; Closest to District 4 -Johnson)

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

Proposed Zoning: R-4 (single-family residential)

Public Hearing Held: December 21, 2020 - Item #45

Staff Resource: [Michael Russel](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

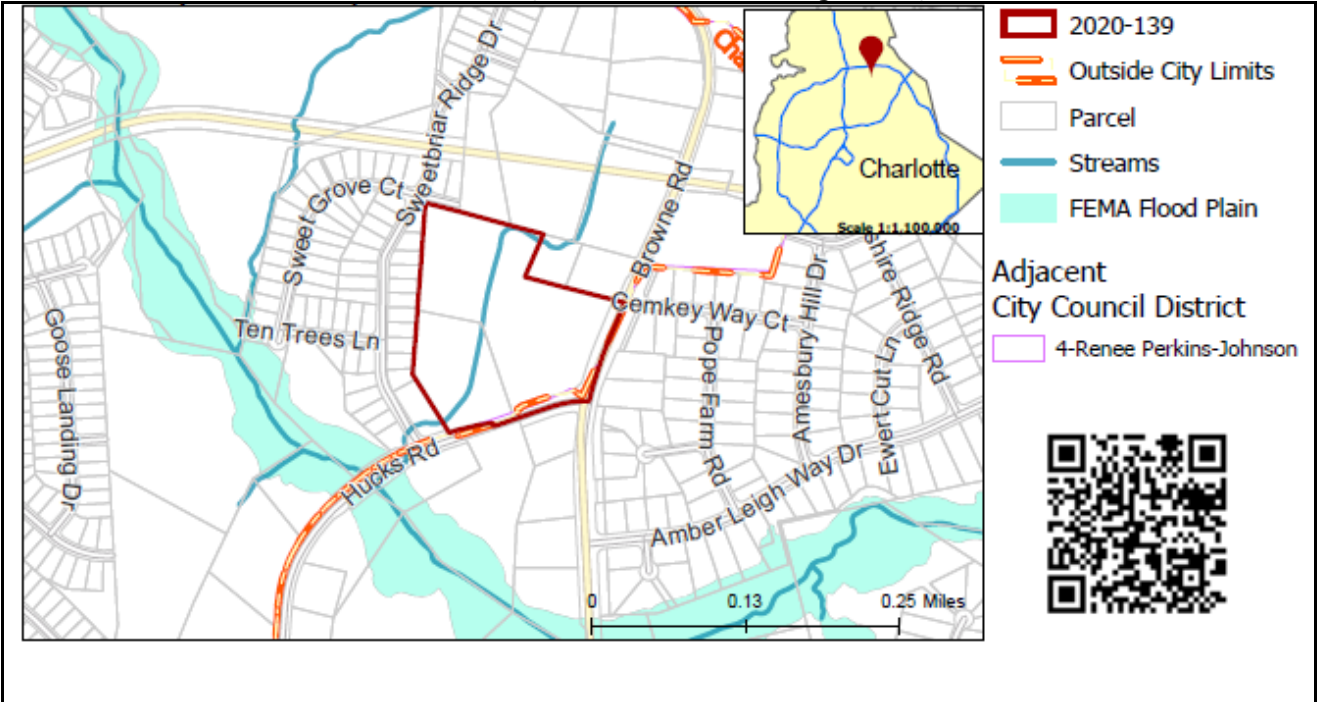
Post-Hearing Staff Analysis
Statement of Consistency

REQUEST

Current Zoning: R-3 (single family residential)
Proposed Zoning: R-4 (single family residential)

LOCATION

Approximately 12.89 acres located along the west side of Browne Road, east of Sweetbriar Ridge Drive, and north of Hucks Road.



SUMMARY OF PETITION

The petition proposes to allow all uses in the R-4 zoning district.

PROPERTY OWNER

Marcia L. Allen, Kenneth and Jean Helms

PETITIONER

Red Cedar Capital Partners

AGENT/REPRESENTATIVE

Collin Brown, Alexander Ricks, PLLC

COMMUNITY MEETING

Meeting is not required.

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the *Prosperity Hucks Area Plan (2015)* recommendation of residential up to 4 dwelling units per acre (DUA).

Rationale for Recommendation

- This plan recommends residential uses up to 4 dwelling units per acre (DUA) on this site.
- The parcels to west of the site are zoned R-4(CD) with single-family homes.
- Zoning this site to R-4 is in keeping with the intended lower-density residential character for this area.

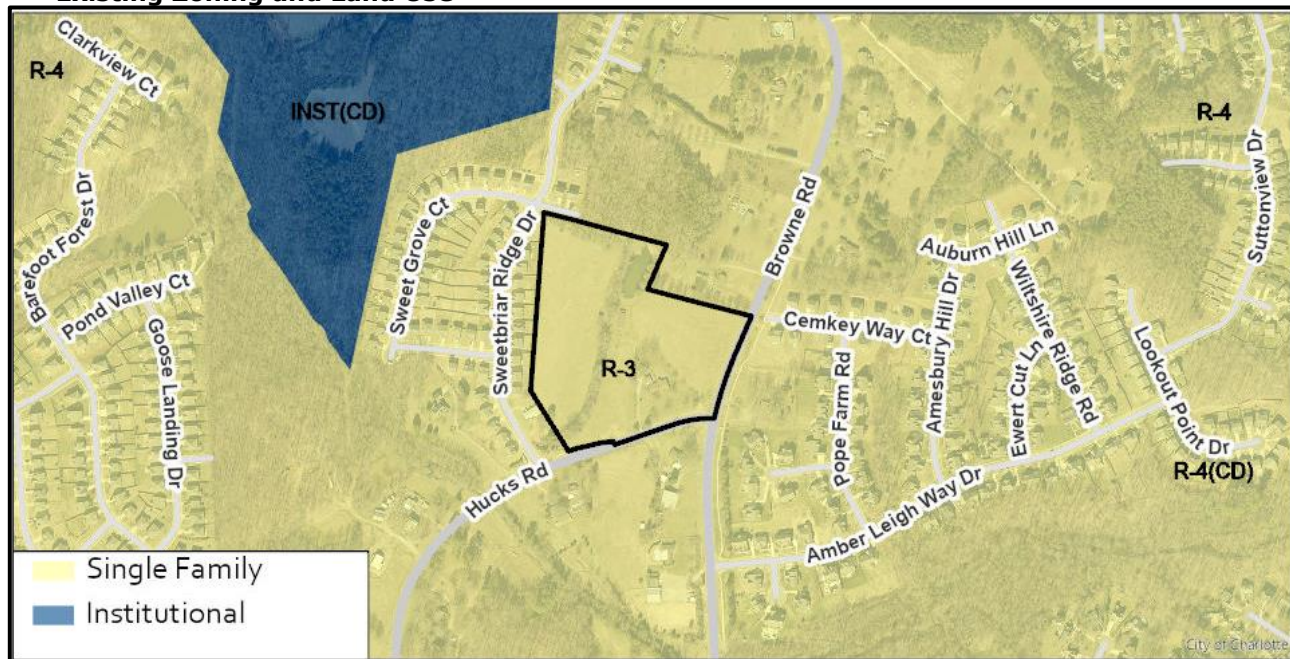
PLANNING STAFF REVIEW

• **Proposed Request Details**

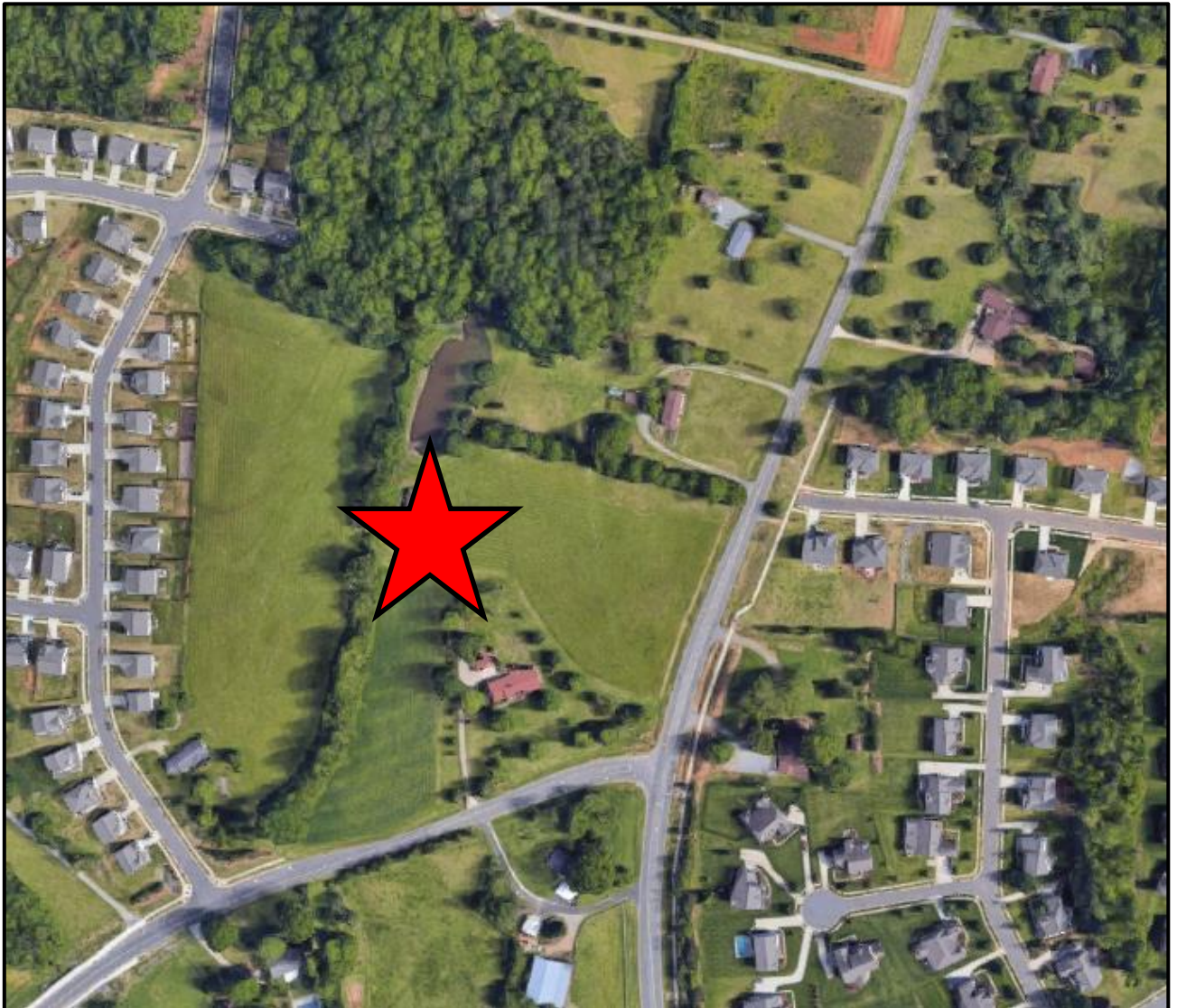
This is a conventional rezoning petition with no associated site plan.

- The proposal would allow all uses in the R-4 zoning district.

- Existing Zoning and Land Use



The site is zoned R-3. The surrounding land use is single-family residential.



The subject property denoted by red star.



The property to the north along Browne Road is developed with large lot single family residential homes.



The property to the south along Hucks Road is developed with large lot single family residential homes.

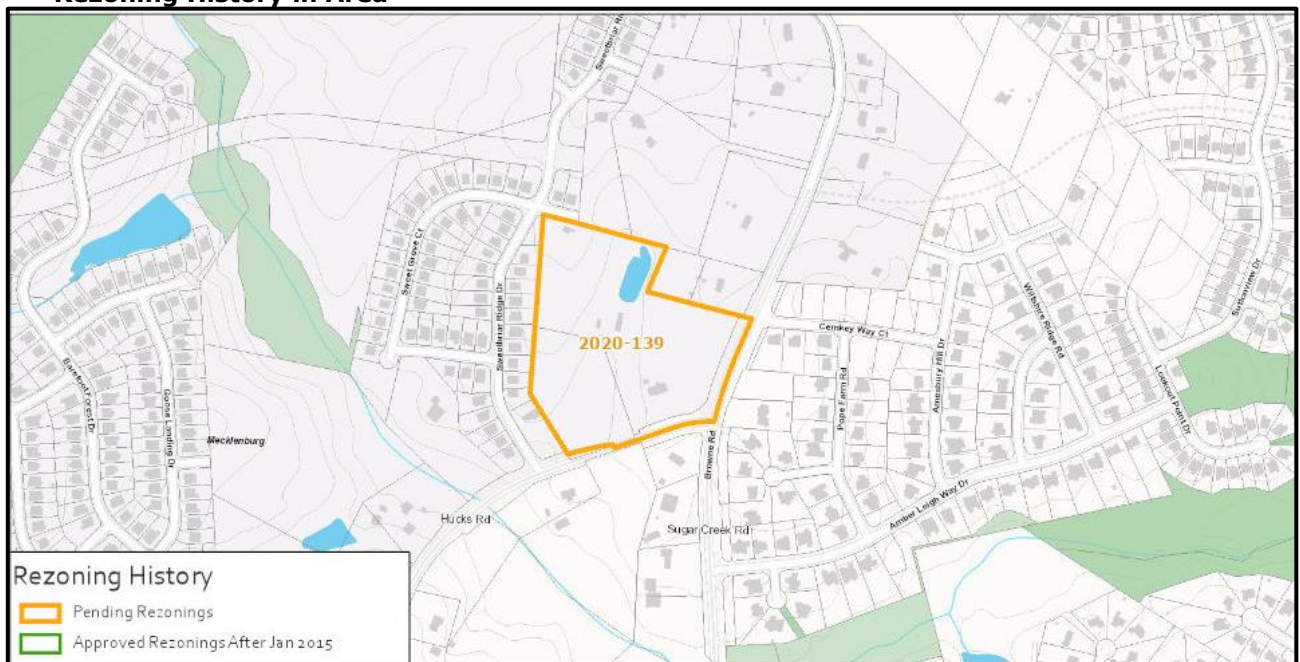


The property to the west along Sweetbriar Ridge Drive is developed with single family homes.



The property to the east along Cemkey Way Court is developed with single family homes.

- **Rezoning History in Area**



There have been no recent rezonings in this area.

- **Public Plans and Policies**



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

- **TRANSPORTATION SUMMARY**

- The site is located adjacent to Hucks Road (City-maintained, major thoroughfare) and Browne Road (State-maintained, major thoroughfare). Site plan review of ordinance requirements will occur during the land development permitting process, since this is a conventional rezoning request. Chapter 19 of the City Code may apply and require the developer to construct the curb at the future location: 30-feet from the centerlines of Hucks Road and Browne Road. During permitting, CDOT will also request multi-use paths to be constructed along both streets, in accordance with Charlotte BIKES.
- **Active Projects:**
 - There are no active projects near this petition.
- **Transportation Considerations**
 - No outstanding issues.
- **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 10 trips per day (based on 10 single family dwellings).
 - Entitlement: 430 trips per day (based on 38 single family dwellings).
 - Proposed Zoning: 560 trips per day (based on 51 single family dwellings).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 17 students, while the development allowed under the proposed zoning may produce 23 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 6 students.
 - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
 - Croft Community School from 79% to 82%
 - J.M. Alexander Middle remains at 87%
 - North Mecklenburg High remains at 114%
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Hucks Road. Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Hucks Road. See advisory comments at www.rezoning.org
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** See advisory comments at www.rezoning.org
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

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

Planner: Michael Russell (704) 353-0225

Petition 2020-139 by Red Cedar Capital Partners

To Approve:

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 4 dwelling units per acre.

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

- This plan recommends residential uses up to 4 dwelling units per acre (DUA) on this site.
- The parcels to west of the site are zoned R-4(CD) with single-family homes.
- Zoning this site to R-4 is in keeping with the intended lower-density residential character for this area.

To Deny:

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 4 dwelling units per acre.

Therefore, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

Motion:

Approve or Deny

Maker:

2ND:

Vote:

Dissenting:

Recused:



Agenda Date: 1/5/2021

Agenda #: 20.**File #:** 15-14871 **Type:** Zoning Item

Rezoning Petition: 2020-140 by RJS Properties, Inc.

Location: Approximately 0.53 acres located in the southeast quadrant of the intersection of Zebulon Avenue and Rozzelles Ferry Road and west of Trade Street. (Council District 2 - Graham)

Current Zoning: I-2 (CD) (industrial, conditional)

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

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

Staff Resource: [Joe Mangum](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

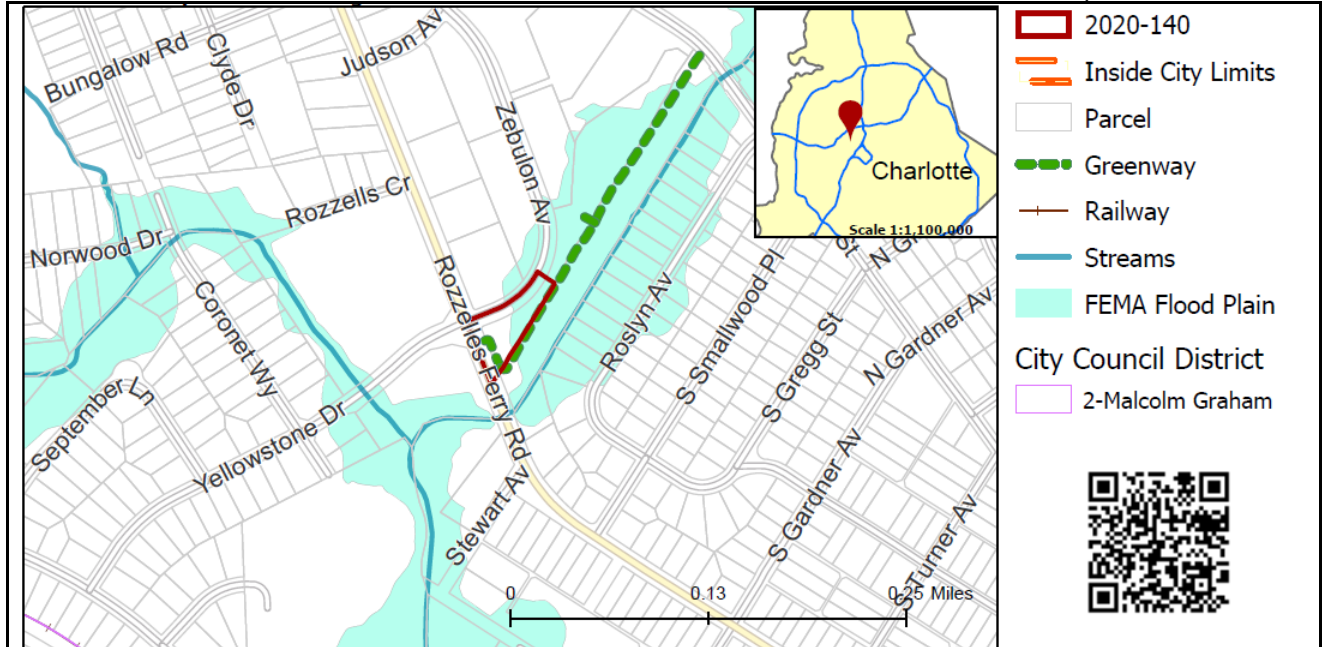
Post-Hearing Staff Analysis
Site Plan
Statement of Consistency

REQUEST

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

LOCATION

Approximately 0.53 acres located at the SE corner of the intersection of Zebulon Avenue and Rozzelles Ferry Road.



SUMMARY OF PETITION

The petition proposes to rezone .53 acres of land to permit the development of up to eight single family attached residential units at a density of approximately 15 DUA (dwelling units per acre).

PROPERTY OWNER

RJS Properties, Inc.

PETITIONER

Leslie Hunter Miller, Miller & Hall PA

AGENT/REPRESENTATIVE

Leslie Hunter Miller, Miller & Hall PA

COMMUNITY MEETING

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

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the *Central District Plan's* (1993) recommendation for heavy industrial and greenway uses for the site, but is **consistent** with the *General Development Policies* (GDP) that support up to 17 dwelling units per acre on the site.

Rationale for Recommendation

- The proposed residential uses, while inconsistent with the adopted land use, are compatible with the existing residential development pattern in the area.
- Recent rezoning adjacent to this site rezoned the property from industrial to residential uses, making the petition more compatible with development on surrounding properties.
- The proposed residential density is supported by the General Development Policies.

- The petition would maintain recently installed streetscape improvements on Rozzelles Ferry Road.
- The site has direct access to a pair of CATS bus stops on Route 1. The petitioner has committed to improving the stop adjacent to the site with a waiting pad.

The approval of this petition will revise the adopted future land use as specified by the *Central District Plan*, from heavy industrial uses to residential uses up to 17 dwelling uses per acre for a portion of the site not recommended for greenway uses.

PLANNING STAFF REVIEW

• Background

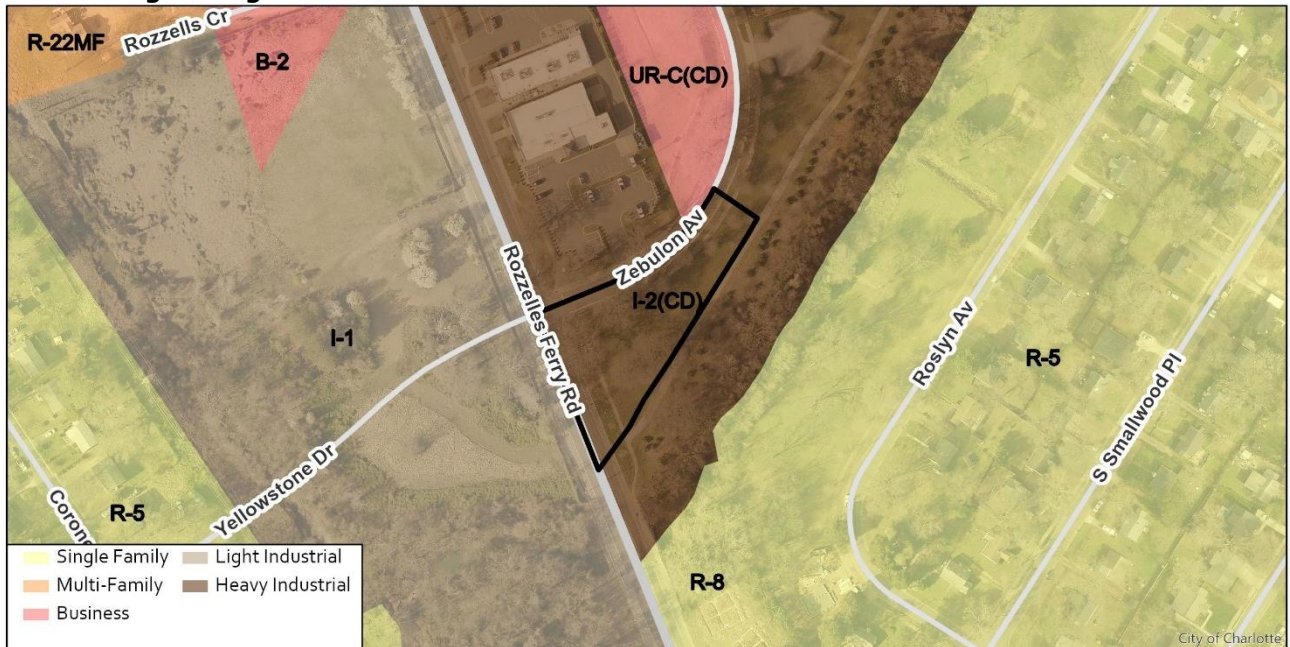
- The site, as part of a 28 acre assemblage, was rezoned via petition 2007-106 to accommodate uses permitted in the I-2 zoning district.

• Proposed Request Details

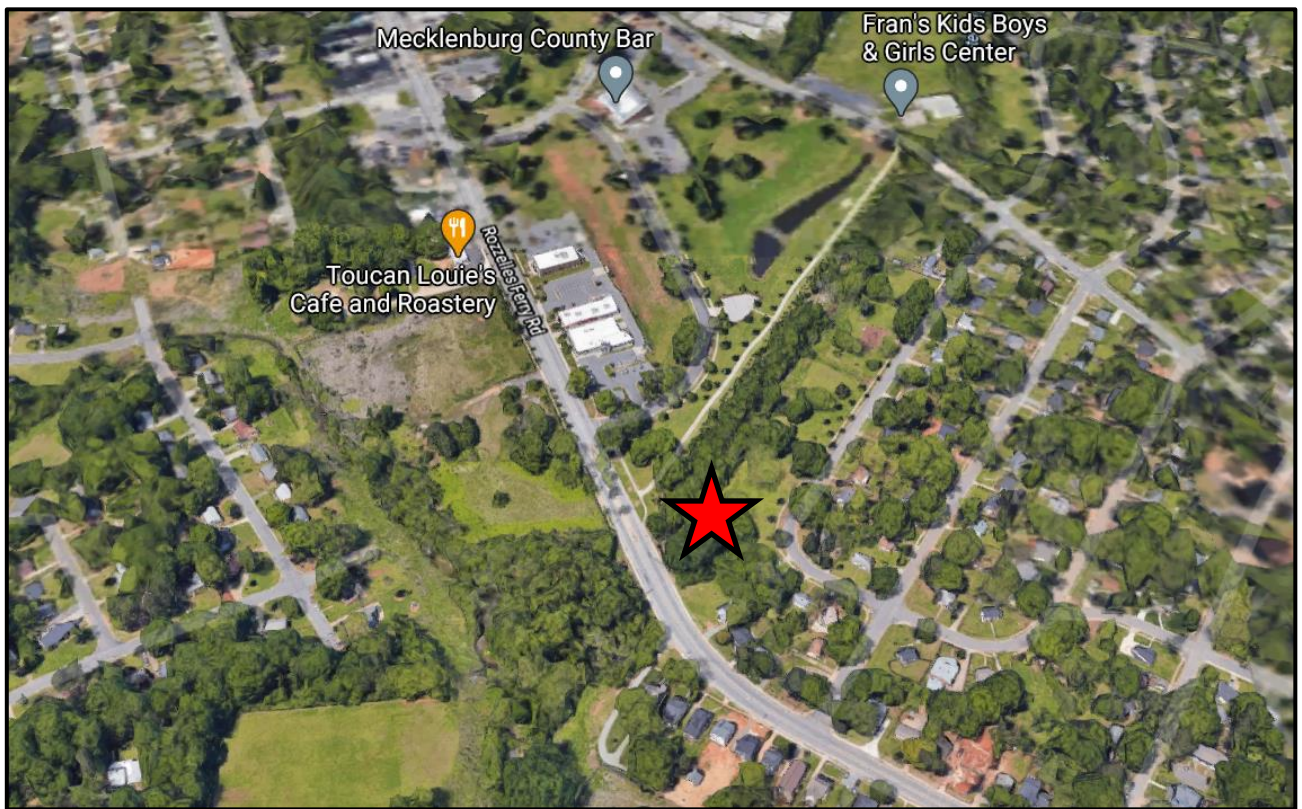
The site plan accompanying this petition contains the following provisions:

- Limits the site to only a maximum of 8 single family attached dwelling units and any other incidental or accessory uses allowed within the UR-2 district.
- Limits height of the structures to 60 feet.
- Commits to preferred building materials while limiting the use of vinyl and aluminum.
- Limitations of blank wall expanses to 15 feet for the front elevation only.
- Usable porches and stoops to be at least 5 feet deep if provided.
- Recessed garage doors with translucent windows
- Sidewalks provided to connect between residential entryways public and private sidewalks.
- Limits total width of attached dwelling units fronting a public or private network street to 100 feet.
- Fully capped detached lighting.

• Existing Zoning and Land Use



The site was most recently rezoned in 2007. An approved rezoning request by the Charlotte Mecklenburg Development Corporation (2007-106) updated the site's current zoning (I-2(CD)) from R-22MF. The site is nestled in between industrially-zoned parcels and another UR-2(CD) project (referenced in the rezoning history notes below). Single family detached residential units are located east of the subject site. The site is also proximal to multi-family uses.



General location of subject property denoted by red star.

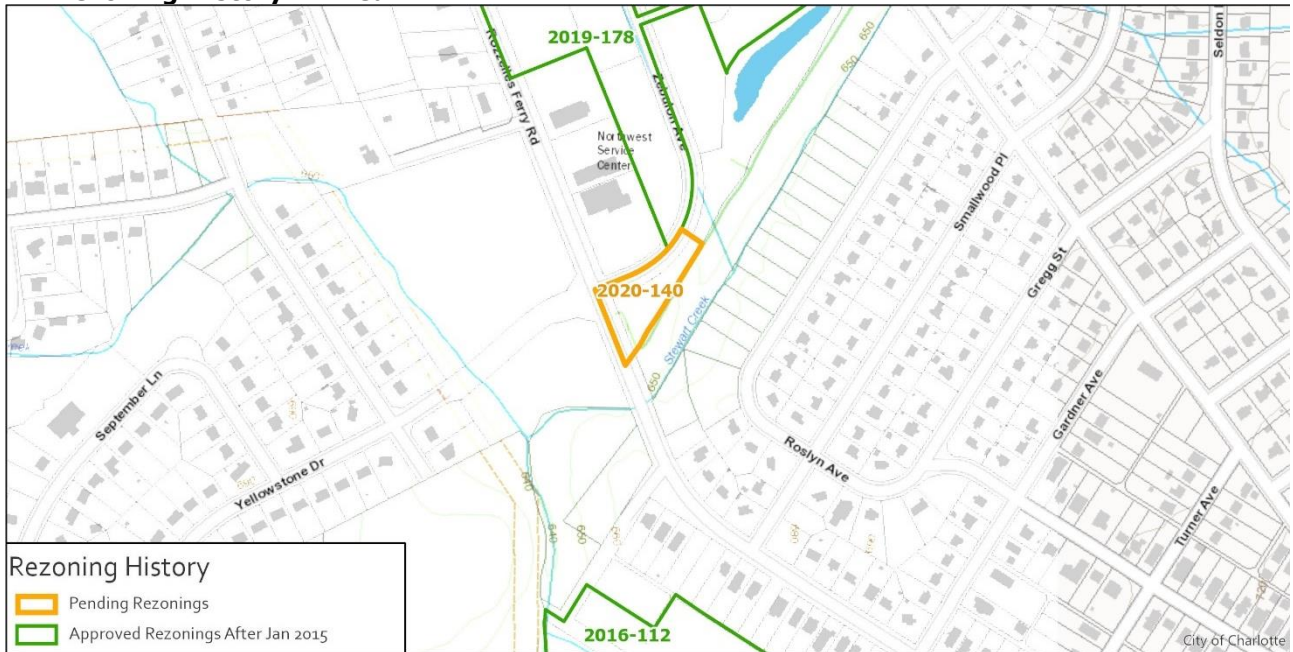


Looking east along Rozzelles Ferry Road toward the subject property.



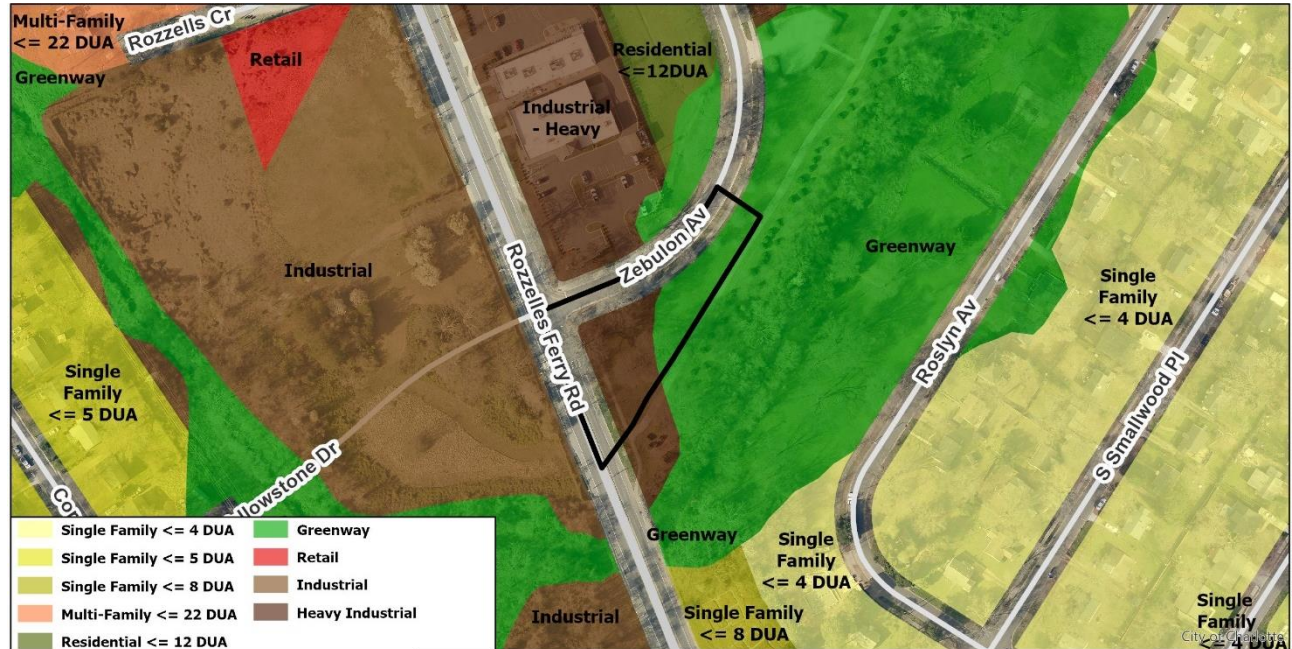
Streetview from Zebulon Avenue looking north away from the subject property.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-178	Request to rezone from I-2(CD) urban residential, commercial.	Approved
2016-112	Request to rezone 28 acres of land from industrial and office zoning to a mixed use development district (MUDD) zoning district.	Approved

• Public Plans and Policies



- The *Central District Plan* (1993) as amended by rezoning petition 2007-106 recommends industrial and greenway uses for the subject property.
- The *General Development Policies* (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the General Development Policies locational criteria for consideration of up to 17 dwellings per acre as illustrated in the table below.

Assessment Criteria	Density Category – up to 17 dua
Meeting with Staff	1
Sewer and Water Availability	2
Land Use Accessibility	3
Connectivity Analysis	4
Road Network Evaluation	0
Design Guidelines	4
Other Opportunities or Constraints	NA
Minimum Points Needed: 13	Total Points: 14

• TRANSPORTATION SUMMARY

- The site is located adjacent to Rozzelles Ferry Road (City-maintained, minor thoroughfare) and Statesville Road (City-maintained, local street). Site plan revisions are needed to meet ordinance requirements and the outstanding items including, but not limited to adding clarifying conditional note language for dedication of right-of-way and construction of transportation improvements prior to first CO. The City recently constructed a project, named Yellowstone Drive and Zebulon Drive Street Connectivity, within the Comprehensive Neighborhood Improvement Program (CNIP), that installed streetscape improvements along the site's frontage. Further details are listed below.

• Active Projects:

- Rozzelles Ferry Pedscape
 - This project provided refuge medians at key locations along Rozzelles Ferry Road from South Garner Avenue to the intersection of Rozzelles Ferry, 5th Street, Beatties Ford Road and West Trade Street. Wheelchair ramp improvements and street resurfacing will also be implemented, and sidewalk repair in key locations will take place during construction.
 - Construction just completed.
- Yellowstone Drive and Zebulon Drive Street Connectivity
 - This project included a bridge, street resurfacing, sidewalks, and pedestrian lighting from the Rozzelles Ferry Road & Zebulon Avenue intersection to the Yellowstone Drive & Coronet Way intersection.
 - Construction just completed.

- **Transportation Considerations**
 - ~~See Outstanding Issues, Notes 1-3.~~ Addressed
- **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 0 trips per day (based on vacant land use).
 - Entitlement: 55 trips per day (based on 5,300 SF warehouse use).
 - Proposed Zoning: 60 trips per day (based on 8 townhomes).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** See advisory comments at www.rezoning.org
- **Charlotte Department of Housing and Neighborhood Services:** See advisory comments at www.rezoning.org
- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 0 students, while the development allowed under the proposed zoning may produce 0 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:
 - Bruns Avenue Academy remains at 60%
 - Ranson Middle remains at 120%
 - West Charlotte High remains at 94%
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along Zebulon Ave. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along the center of the parcel. No outstanding issues.
- **Engineering and Property Management:**
 - **Arborist:** No outstanding issues.
 - **Erosion Control:** See advisory comments at www.rezoning.org
 - **Land Development:** See advisory comments at www.rezoning.org
 - **Storm Water Services:** See advisory comments at www.rezoning.org
 - **Urban Forestry:** See advisory comments at www.rezoning.org
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Transportation

- ~~1. Add site plan note(s) 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. CDOT requests rights of way set at 2' behind back of sidewalk where feasible.~~ Addressed
- ~~2. Add site plan note specifying that 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
- ~~3. Label and dimension curb and gutter from the centerline of the road.~~ Addressed

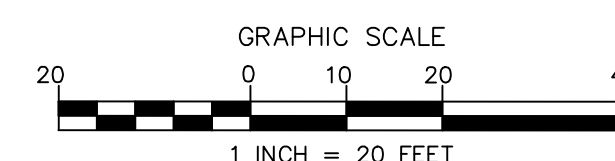
REQUESTED TECHNICAL REVISIONS

Site and Building Design

- ~~4. Proposed zoning district is labeled as existing. Please revise.~~ Addressed
- ~~5. Revise maximum proposed building height to be a maximum of 45' to be compatible with single family residential building heights.~~ Addressed
- ~~6. Reword architectural standard note stating "The front elevation of each single family attached dwelling unit shall have windows or other architectural details that limit the maximum blank wall expanse to 15 feet on each level of the single family attached dwelling unit" to apply to any elevation fronting a public right of way.~~ Addressed

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

Planner: Joe Mangum (704) 353-1908



Petition 2020-140 by Leslie Hunter Miller, Miller & Hall PA

To Approve:

This petition is found to be **inconsistent** with the *Central District Plan* (1993) land use recommendation but **consistent** with the *General Development Policies*, which supports the requested residential density up to 17 dwelling units per acre based on the information from the staff analysis and the public hearing, and because:

- The plan recommends heavy industrial and greenway uses for the site.
- The petition meets the General Development Policies locational criteria for consideration of up to 17 dwellings per acre.

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

- The proposed residential uses, while inconsistent with the adopted land use, are compatible with the existing residential development pattern in the area.
- Recent rezoning adjacent to this site rezoned the property from industrial to residential uses, making the petition more compatible with development on surrounding properties.
- The proposed residential density is supported by the General Development Policies.
- The petition would maintain recently installed streetscape improvements on Rozzelles Ferry Road.
- The site has direct access to a pair of CATS bus stops on Route 1. The petitioner has committed to improving the stop adjacent to the site with a waiting pad.

The approval of this petition will revise the adopted future land use as specified by the *Central District Plan*, from heavy industrial uses to residential uses up to 17 dwelling uses per acre for a portion of the site not recommended for greenway uses.

To Deny:

This petition is found to be **inconsistent** with the *Central District Plan* (1993) land use recommendation but **consistent** with the *General Development Policies*, which supports the requested residential density up to 17 dwelling units per acre based on the information from the staff analysis and the public hearing, and because:

- The plan recommends heavy industrial and greenway uses for the site.
- The petition meets the General Development Policies locational criteria for consideration of up to 17 dwellings per acre.

Therefore, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

Motion:

Approve or Deny

Maker:

2ND:

Vote:

Dissenting:

Recused:



Agenda Date: 1/5/2021

Agenda #: 21. **File #:** 15-14872 **Type:** Zoning Item

Rezoning Petition: 2020-149 by White Point Partners

Location: Approximately 1 acre located in the western quadrant of the intersection of Kingston Avenue and south Boulevard, east of Camden Road. (Council District 3 - Watlington)

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

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

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

Staff Resource: [Claire Lyte-Graham](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

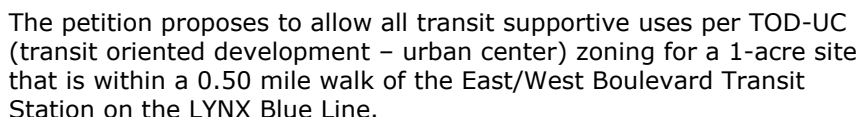
Attachments:

Post-Hearing Staff Analysis
Statement of Consistency



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

Approximately 1 acre located in the western quadrant of the intersection of Kingston Avenue and South Boulevard, east of Camden Road.



Meeting is not required.

- The subject site is within 0.50-mile walk of the East/West Boulevard Station on the LYNX Blue Line.
- The proposal permits a site previously used for commercial uses to convert to transit supportive land uses.
- Use of conventional TOD-UC (transit oriented development – urban center) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary.

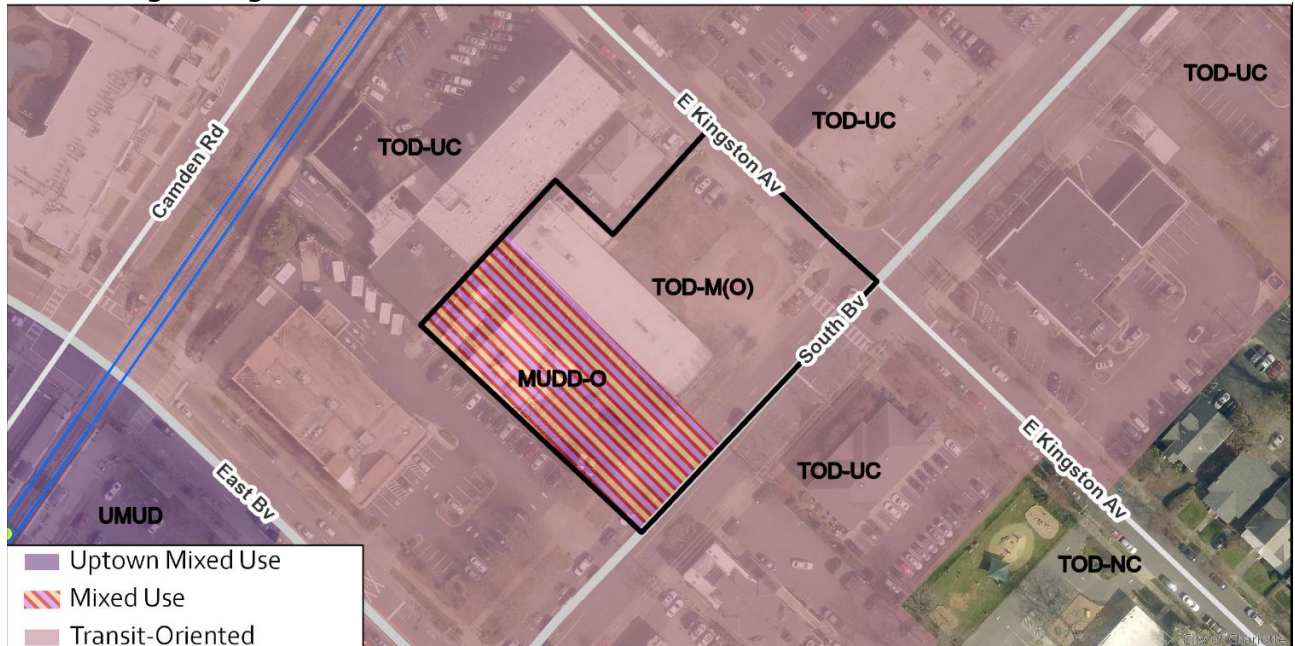
- TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

PLANNING STAFF REVIEW

• Proposed Request Details

- This is a conventional rezoning petition, which applies all the standards, regulations and uses in the TOD-UC (transit oriented development – urban center) zoning district. Uses allowed in the TOD-UC district include residential, retail, and civic uses.

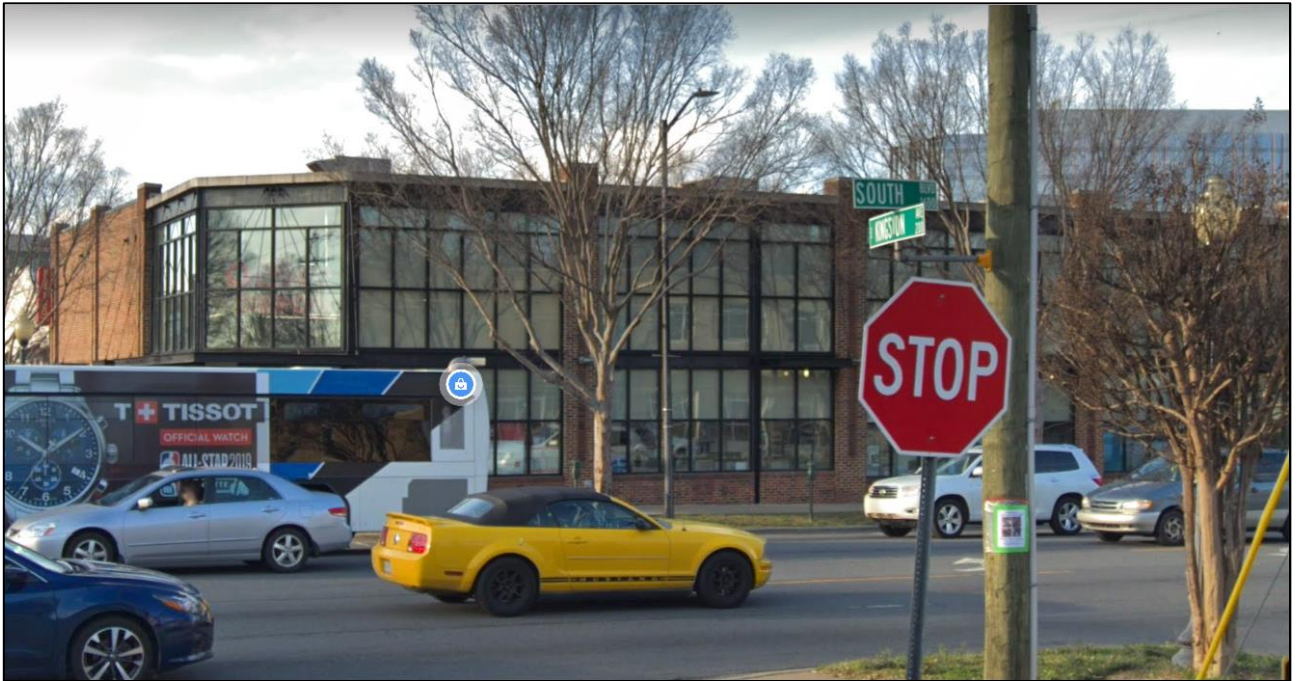
• Existing Zoning and Land Use



- The rezoning site is surrounded by TOD and UMUD zoning districts and uses. A 0.52-acre portion of the site was rezoned to TOD-M(O) via petition 2017-149 to allow the reuse of existing 18,946 square foot building and vacant lot to allow all uses in the TOD-M district and 10,700 square feet for a patio and outdoor entertainment space. A 0.26-acre portion was rezoned from B-1 to TOD-M via petition 2015-074 to allow all uses in that zoning district. A 0.45-acre portion was rezoned to MUDD-O via petition 2013-081 to allow the reuse and expansion of an existing building and site in a more urban form.



The subject property is developed with commercial and retail uses.



North, across Kingston Avenue, is a commercial building.



East, along South Boulevard, are commercial and retail uses.

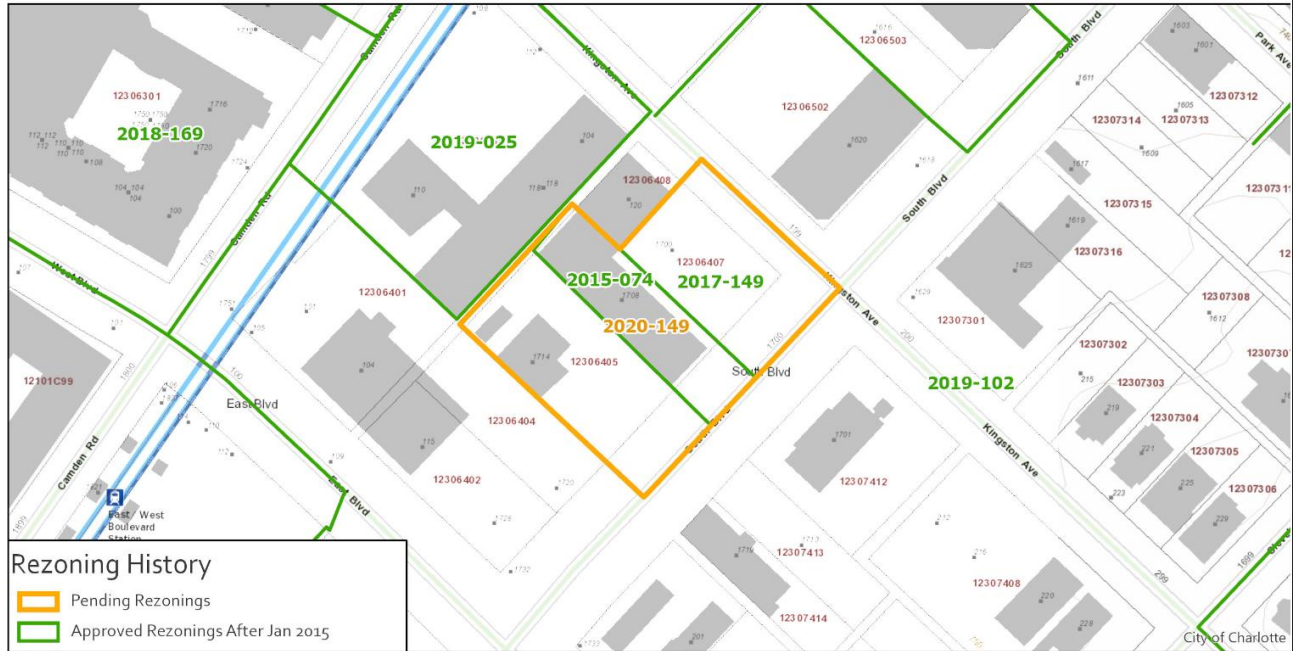


West are commercial and warehouse uses, apartments, condominiums, and the Lynx Blue Line.



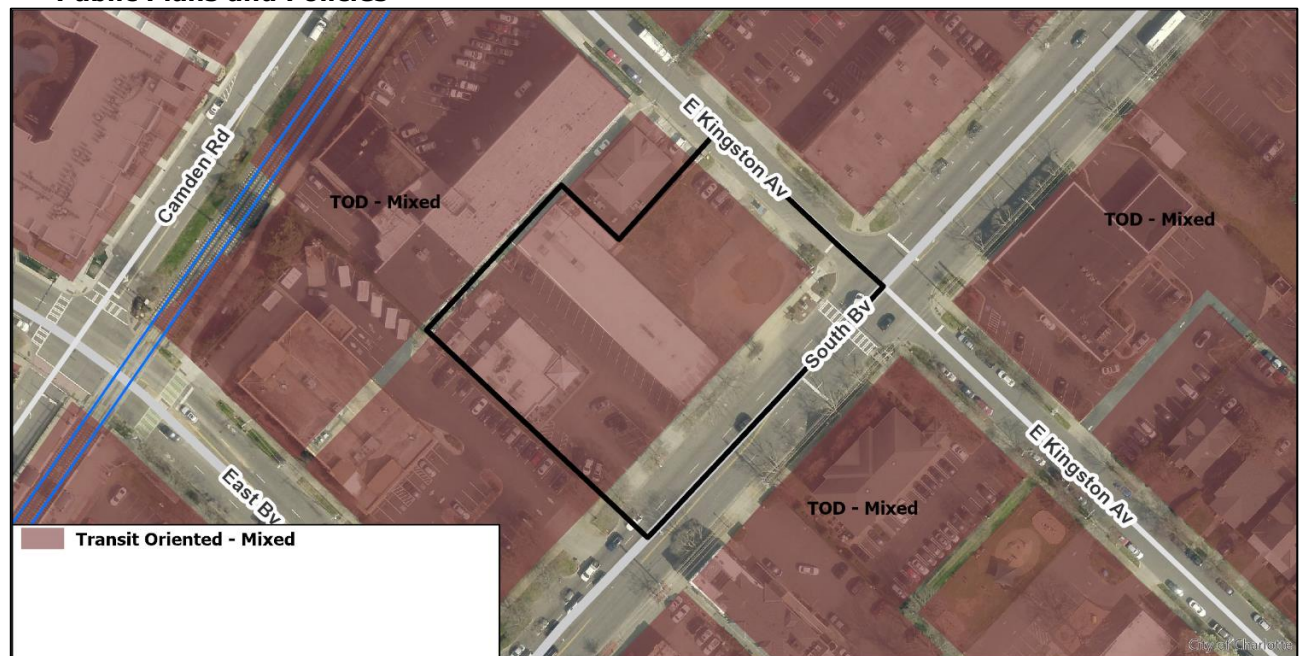
South is a retail drug store.

- 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
2019-025	Rezoned 1.20 acres from B-1 to TOD-UC.	Approved
2018-169	Text amendment to modify TOD requirements	Approved

- Public Plans and Policies**



- The *South End Transit Station Area Plan* (2005) recommends mixed-use transit supportive development for the subject site.

- TRANSPORTATION CONSIDERATIONS**

- The site is located on a major thoroughfare road, [South Boulevard] and a local road [Kingston Avenue]. A Traffic Impact Study (TIS) is not required for this review as this is a conventional rezoning petition. CDOT will work with petitioner during permitting to review how this project

may affect the South Boulevard Corridor Implementation project, which includes a HAWK signal at South Blvd and Kingston Ave.

- **Active Projects Near the Site:**

- South Boulevard Corridor Implementation.
 - Pedestrian and Bikes project, which provide a HAWK signal at South Blvd and Kingston Ave.
 - Construction was completed in early 2019. However, there are potential cross-section requirements to relocate the signal controller.
 - Valerie Hanes, Project Manager, vhanes@charlottenc.gov, (980) 214-7624.
- Charlotte City Pedestrian and Bike project along South Blvd and East Blvd.
 - Chapter 15 – Transit Oriented Development Districts. South End Vision Plan.
 - Construction is estimated for 2018 to 2020 for completion.
 - Monica Holmes with the City of Charlotte; Monica.Holmes@charlottenc.gov
- No outstanding issues. See advisory comments at www.rezoning.org.

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 702 trips per day (based on 4,423 square feet of office use and 18,112 square feet of restaurant).

Entitlement: 1,575 trips per day (based on 14,000 square feet of MUDD uses).

Proposed Zoning: Too many uses to determine with TOD-UC zoning.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** See advisory comments at www.rezoning.org.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues. See advisory comments at www.rezoning.org.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** The conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Kingston Ave. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along South Blvd. See advisory comments at www.rezoning.org.
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues. See advisory comments at www.rezoning.org.
 - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues. See advisory comments at www.rezoning.org.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

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

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

Petition 2020-149 by White Point Partners, LLC

To Approve:

The petition is found to be **consistent** with the *South End Transit Station Area Plan*, based on information from the staff analysis and the public hearing, and because:

- The *South End Transit Station Area Plan* recommends transit supportive development.

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

- The subject site is within 0.50-mile walk of the East/West Boulevard Station on the LYNX Blue Line.
- The proposal permits a site previously used for commercial uses to convert to transit supportive land uses.
- Use of conventional TOD-UC (transit oriented development – urban center) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary.
- TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

To Deny:

The petition is found to be **consistent** with the *South End Transit Station Area Plan*, based on information from the staff analysis and the public hearing, and because:

- The *South End Transit Station Area Plan* recommends transit supportive development.

However, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by Zoning Committee)

Motion:
Approve or Deny
Maker:
2ND:

Vote:
Dissenting:
Recused: