



City of Charlotte

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

Agenda Date: 1/19/2021

Agenda #: 27. **File #:** 15-15030 **Type:** Zoning Hearing

Rezoning Petition: 2015-027 by Charlotte Housing Authority

Update: Petitioner is requesting deferral to February 15, 2021

Location: Approximately 3.031 acres located on the southeast corner at the intersection of Cherry Street and East 1st Street. (Council District 1 - Egleston)

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

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



City of Charlotte

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

Agenda Date: 1/19/2021

Agenda #: 28. **File #:** 15-15029 **Type:** Zoning Hearing

Rezoning Petition: 2020-155 by Go Store It South Tryon, LLC

Update: Petitioner is requesting deferral to February 15, 2021

Location: Approximately 5.39 acres located along the north side of South Tryon, east of Whitehall Park Drive, and west of Interstate 485. (Council District 3 - Watlington)

Current Zoning: I-1 (light industrial)

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



Agenda Date: 1/19/2021

Agenda #: 29. **File #:** 15-15004 **Type:** Zoning Hearing

Rezoning Petition: 2020-079 by The Sealy Group, Inc.

Location: Approximately 5.99 acres located in east Charlotte, north of Albemarle Road and east of Hollirose Drive. (Council District 5 - Newton)

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

Proposed Zoning: NS (neighborhood services) and R-12 MF (CD) (multi-family residential, conditional)

Staff Recommendation:

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

Attachments:

Pre-Hearing Staff Analysis

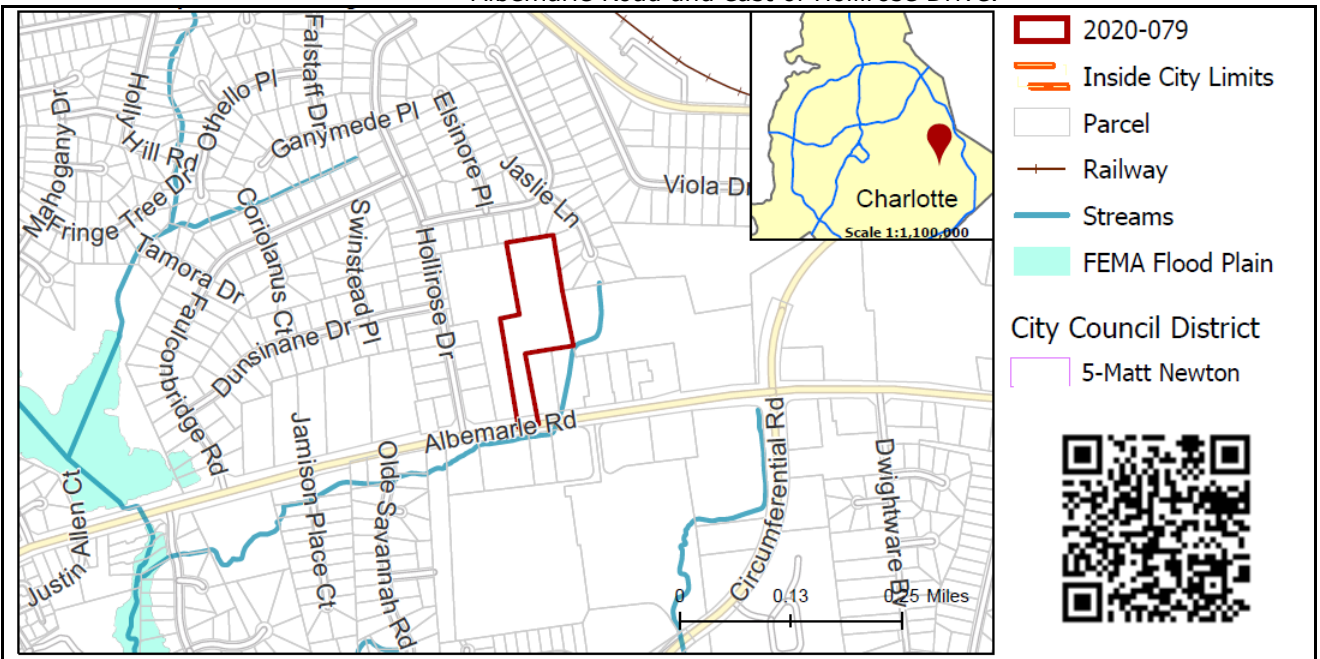
Site Plan

REQUEST

Current Zoning: R-3 (residential)
Proposed Zoning: R-12 MF(CD) (multi-family residential, conditional) and NS (neighborhood services)

LOCATION

Approximately 5.99 acres located in east Charlotte, north of Albemarle Road and east of Hollirose Drive.



SUMMARY OF PETITION

The petition proposes to redevelop a single family homesite of nearly 6 acres to create two distinct development areas; one to accommodate the development of a single family attached neighborhood with up to 51 dwelling units (10.38 dwelling units per acre (DUA)) while the other would accommodate the development of up to 10,000 SF of select retail uses.

PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE

Carol Norwood
Michael Sealy, The Sealy Group
Ed Reule

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 26

STAFF RECOMMENDATION

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

Plan Consistency

The petition is **inconsistent** with the Eastside Strategy Plan's (2001) recommendation for residential uses up to 8 DUA for the site.

Rationale for Recommendation

- The request for NS is consistent with previous approved rezonings with frontage along this portion of Albemarle Road, most recently 2019-107.

- The request for R-12MF(CD) is a reasonable transitional land use between commercial/retail uses and detached single-family homes.
- The requested density (10.38 DUA) for the single family attached component is only a 25 percent increase in the recommended density for this parcel per the *Eastside Strategy Plan*.
- This petition's retail and residential components achieves the Plan's vision of "having a wide variety of desirable and affordable housing options available..." and "are able to live in close proximity to where they work and shop".

The approval of this petition will revise the adopted future land use as specified by the *Eastside Strategy Plan*, from residential uses up to 8 DUA to residential uses up to 12 DUA for a portion of the site, and retail for the remainder of the site for the site.

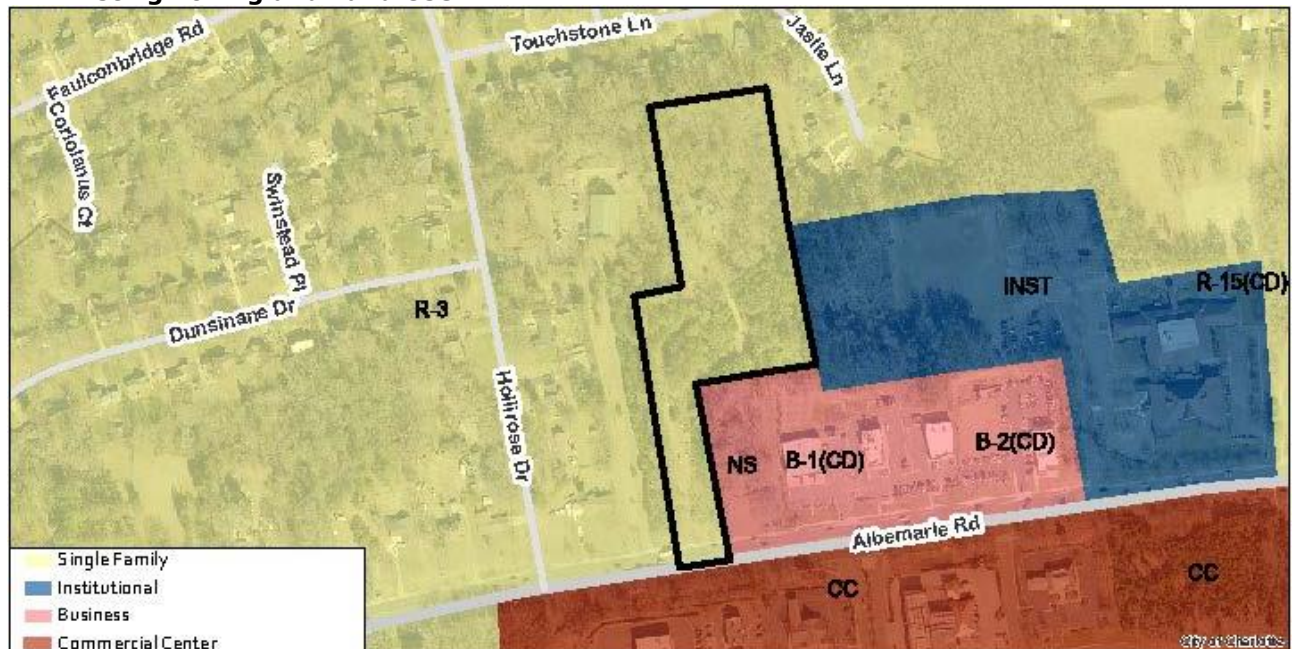
PLANNING STAFF REVIEW

• Proposed Request Details

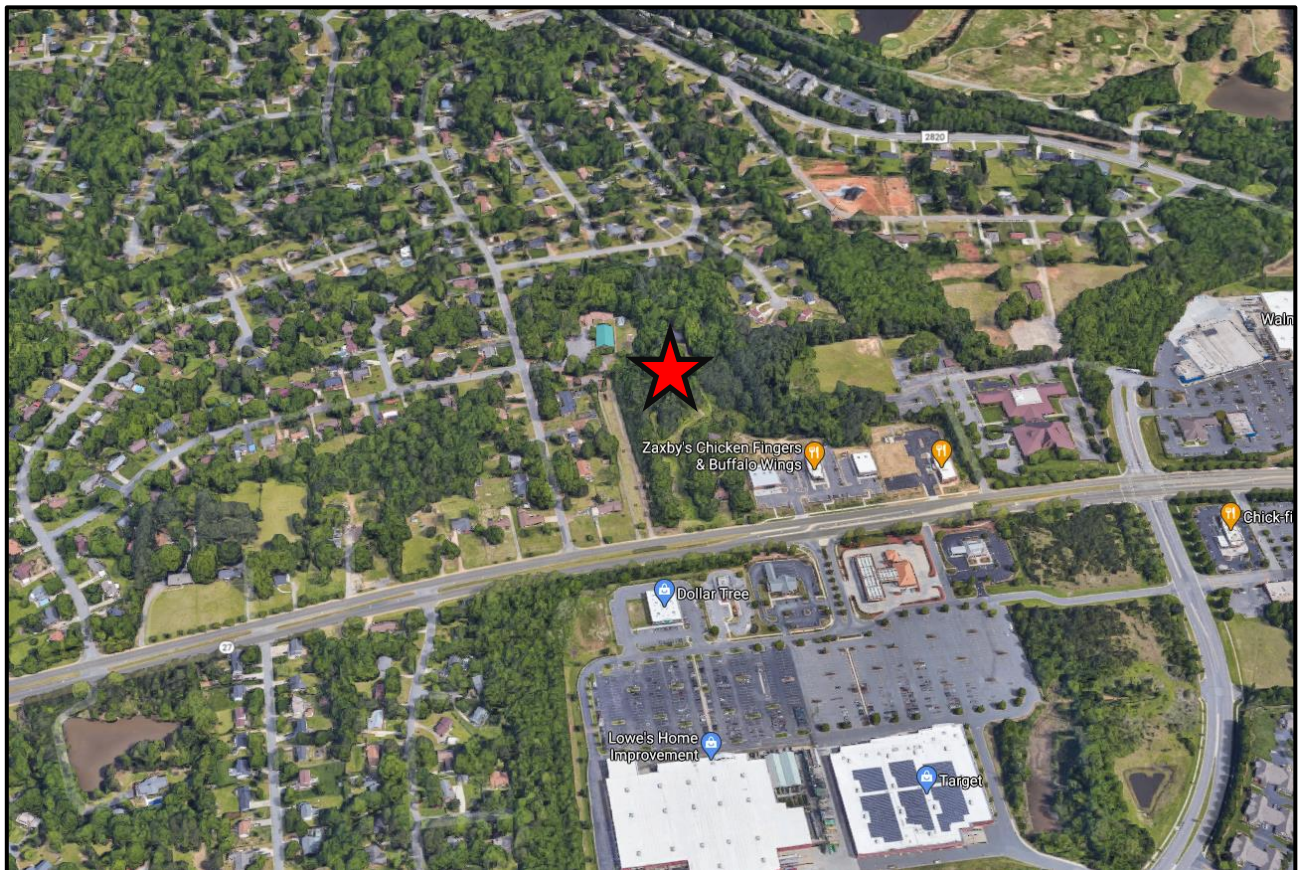
The site plan accompanying this petition contains the following provisions:

- Proposes 2 development areas: Area A requests R-12MF(CD) in order to permit up to 51 attached single family dwelling units. Area B (with frontage along Albemarle Road) would permit up to 10,000 SF of office/retail uses.
- Proposes a maximum building height of 40 feet for both development areas.
- Restricts certain auto-oriented uses in Area B including car washes, automobile maintenance services, auto sales and rental services, fueling stations, automotive service stations including repair and lubrication and accessory drive-thru uses
- Notes that only one accessory drive-thru window shall be allowed in Area B and that the window shall not face Albemarle Road.
- Provides 12-foot MUP and 8-foot planting strip along the site's frontage with Albemarle Road.
- Constructs a public street through the site that shall provide inter-parcel connectivity to existing commercial uses to the east and connect the single-family attached dwelling units to the north of the site.
- Provides architectural elements that can include garage door recesses, usable porches and stoops, walkways from residential entrances to sidewalks.

• Existing Zoning and Land Use



There have been no recent rezonings of this site. Parcels to the south and directly east of the subject property are all zoned for commercial/retail uses. Residential (primarily single family detached) and institutional (church) uses surround the site to the north and east.



Approximate location of subject property denoted by red star.

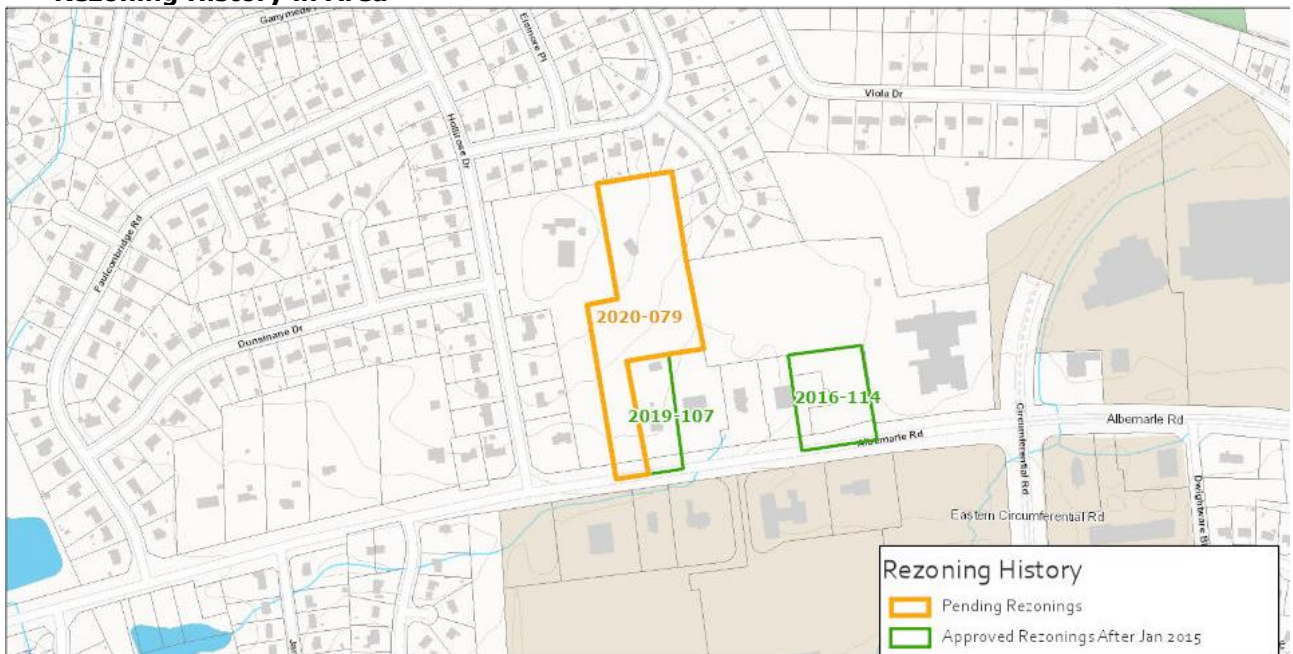


Streetview looking north along Albemarle Road toward the subject property. The site has a narrow frontage and its approximate width is illustrated in pink. The area to the right is being developed under entitlements approved with petition 2019-107.



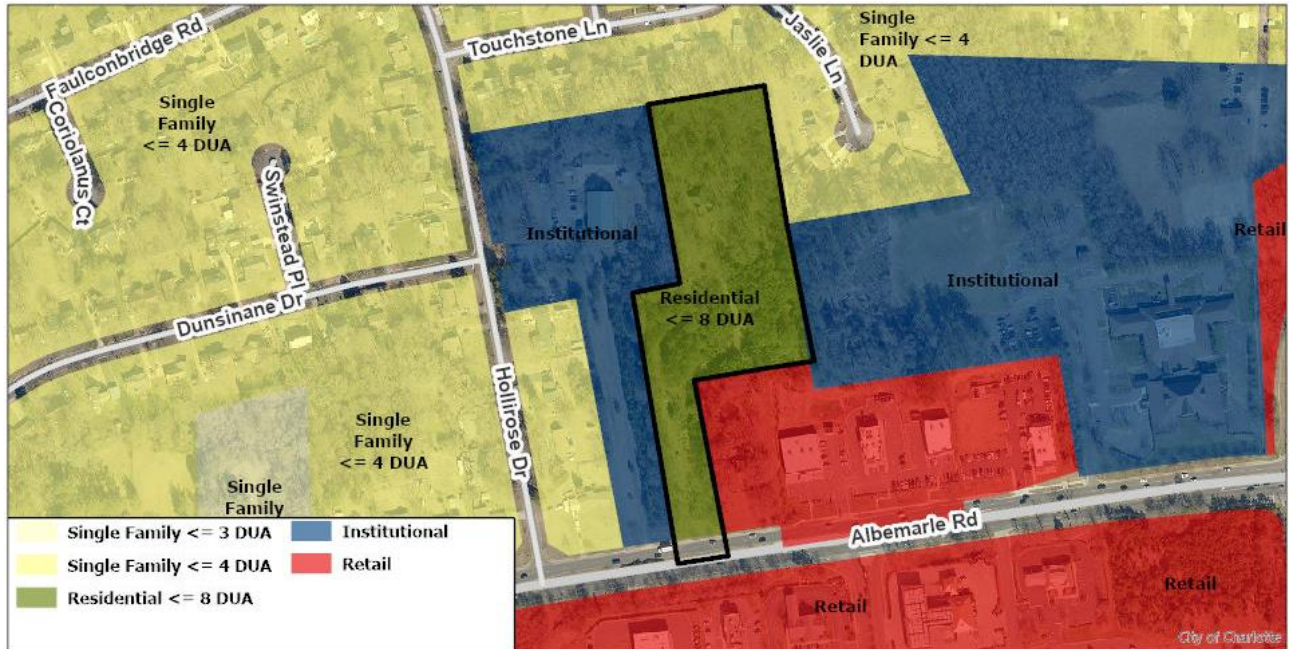
Streetview looking E along Jaslie Ln. illustrating the existing residential context that will abut the single family attached portion of this petition.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-107	Rezoning and redevelopment of existing business to accommodate EDEE with accessory drive-thru service lane/windows.	Approved
2016-114	Rezoning to develop vacant site into 15,000 SF of retail uses.	Approved

- **Public Plans and Policies**



- The *Eastside Strategy Plan* (2001) recommends residential uses up to 8 DUA for the site.
- **TRANSPORTATION SUMMARY**
 - The project site is located on Albemarle Road, a State-maintained major thoroughfare. The petitioner commits to constructing an 8-foot planting strip and a 12-foot shared-use path along Albemarle Road, providing bicycle facilities in accordance with the City Council adopted Charlotte BIKES Plan, and improving multi-modal transportation opportunities in this area of the City. The petitioner also commits to constructing public streets with east-west stubs, to accommodate future connectivity, per Chapter 20 of the City of Charlotte Ordinances. Road improvements will include a right-turn lane into the proposed north-south public street per NCDOT's standards. All of CDOT's outstanding comments have been successfully addressed.
- **Active Projects:**
 - Albemarle Rd. Widening Feasibility Study
 - Scope: To evaluate the feasibility of widening Albemarle Rd. and/or converting it to a Reduced-Conflict/U-turn Thoroughfare (RCUT, a.k.a. Superstreet)
 - Status: Study underway, no conclusions or recommendation available.
 - PM: NCDOT
 - TIP: FS-1810C
- **Transportation Considerations**
 - No outstanding issues.
- **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 10 trips per day (based on 1 dwelling).
 - Entitlement: 310 trips per day (based on 27 dwellings).
 - Proposed Zoning: 1,605 trips per day (based on 51 dwellings; 10,000 SF retail uses).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 10 students, while the development allowed under the proposed zoning may produce 10 students. Therefore, the net increase in the number of students generated from existing zoning to proposed zero students
 - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:

- J.H. Gunn Elementary remains at 115%
- Albemarle Road Middle remains at 125%
- Rocky River High remains at 81%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along Albemarle Road and a 6-inch main along Hollirose Drive. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Albemarle Road and an 8-inch main along Hollirose Drive. See advisory comments at www.rezoning.org
- **Engineering and Property Management:**
 - **Arborist:** No outstanding issues.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry:** 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 ISSUES

Site and Building Design

1. Show and label required buffer width and class per Ch. 12 of the zoning ordinance.
2. Illustrate and label setbacks from proposed public streets.
3. Item C. under Permitted Uses should be moved to the "Architectural Standards" section of the conditional notes and should be reworded as provided in the December 29th staff site plan review.
4. Review conditional notes to reflect correct zoning designation in the "Purpose" heading.
5. Complete the last sentence in item G. under Architectural Standards.
6. Remove item C from "Fire Protection" in its entirety.
7. Modify signage note to state "Signage shall comply with Zoning Ordinance".

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

Planner: Will Linville (704) 336-4090

DEVELOPMENT DATA			
PARCEL	A	B	TOTAL
1. SITE ACREAGE	4.91 AC	1.08 AC	5.99 AC
2. TAX PARCELS INCLUDED IN REZONING	10910203	10910203	
3. EXISTING ZONING	R3	R3	
4. PROPOSED ZONING	R12MF(CD)	NS	
5. EXISTING USES	SF RES	SF RES	
6. PROPOSED USES	TOWNHOMES	MIXED USE – BUS./OFF	
7. NUMBER OF RES UNITS	51 ATTACHED TNHMS	N/A	
8. RESIDENTIAL DENSITY	10.38 DUA	N/A	
9. NON-RESIDENTIAL SQ.FT.	0	10,000 SF	
10. MAXIMUM BLDG HGT	40 FT	40 FT	
11. MAXIMUM NO. BUILDINGS	TBD	TBD	
12. AMOUNT OF OPEN SPACE	MIN 40% PER ORD.	PER ORD	

PROPERTY BOUNDARIES, OWNERSHIP AND SITE INFORMATION PROVIDED BY CAROLINA SURVEYORS, INC. 3/16/2020 (PRELIMINARY).

GENERAL PROVISIONS

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

- A. THE PETITIONER ACKNOWLEDGES THAT OTHER STANDARD DEVELOPMENT REQUIREMENTS IMPOSED BY OTHER CITY ORDINANCES, SUCH AS THOSE THAT REGULATE STREETS, TREES, BICYCLE PARKING, 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 SEPERATE 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.
- B. THROUGHOUT THIS REZONING PETITION THE TERMS 'OWNER', '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.

PURPOSE

THE PURPOSE OF THIS REZONING APPLICATION IS TO ALLOW THE PROPERTY OWNERS TO REALIZE THE BEST USE OF THEIR PROPERTY TO PROVIDE APPROPRIATE HOUSING AND SERVICES DEMANDED BY THE GROWTH IN THEIR NEIGHBORHOOD. TO ACHIEVE THIS PURPOSE, THIS PETITION SEEKS THE REZONING OF THE SITE FROM R3 TO R12MF AND NS.

PERMITTED USES

- A. THE SITE MAY BE USED FOR ANY USE THAT IS ALLOWED IN THE R12MF AND NS DISTRICTS AS DEFINED IN THE ZONING ORDINANCE AND TABLE 1.1. THE FOLLOWING ARE THE PERMITTED USES: R12MF: USES SHALL BE LIMITED TO RESIDENTIAL – TOWNHOMES/SINGLE FAMILY ATTACHED UNITS OR SINGLE FAMILY HOMES.
- B. PROHIBITED USES FROM NS: COMMERCIAL CAR WASHES, AUTOMOBILE MAINTENANCE SERVICES, AUTO SALES AND RENTALS, FUELING STATIONS, AUTOMOTIVE SERVICE STATIONS INCLUDING REPAIR AND AND LUBRICATION AND ACCESSORY DRIVE THROUGH.
- C. ONLY ONE ACCESSORY DRIVE-THRU WINDOW SHALL BE ALLOWED, NOT FACING ALBEMARLE ROAD.

TRANSPORTATION

- A. THE SITE CURRENTLY HAS DRIVEWAY ACCESS TO ALBEMARLE ROAD. NEW CONNECTION SHALL BE CONTINUATION OF NEW DRIVEWAY ENTRANCE AND 100' STREET TO CITY STANDARDS. SEE NOTE "C." BELOW.
- B. A 56' U02 R/W AS DEPICTED IS PROPOSED TO ACCOMMODATE EXTENDING DUNSINANE ROAD THROUGH THE SITE IN THE FUTURE. THE ALIGNMENT SHALL BE TO ALLOW FURTHER EXTENSION BY OTHERS TO CONNECT WITH CIRCUMFERENTIAL DRIVE AS PROPOSED BY THE CITY. THE PROPOSED R/W SHALL BE DEDICATED TO THE CITY OF CHARLOTTE.
- C. A NEW U04 55' R/W IS PROPOSED TO ACCESS THE SITE FROM ALBEMARLE ROAD AS DEPICTED TO GIVE FULL ACCESS TO BOTH PROPOSED PARCELS A AND B. PROPOSED R/W TO BE CONSTRUCTED TO CDOT STANDARD U04 AND REQUIRE APPROVAL BY CDOT PERMITTING. THE ALIGNMENT SHALL ADJOIN AND CONNECT WITH THE BUSINESS BORDERING THE EASTERN EDGE OF THE PROPERTY BY ALBEMARLE ROAD PARTNERS, LLC, WHO WILL ALSO BUILD THE FIRST 100' OF THE PROPOSED ENTRY ROAD AS SHOWN. THE PROPOSED R/W WITH IMPROVEMENTS SHALL BE DEDICATED TO THE CITY OF CHARLOTTE BY FEE SIMPLE CONVEYANCE OF ALL RIGHTS OF WAY BEFORE THE SITE'S FIRST CERTIFICATE OF OCCUPANCY IS ISSUED.
- D. DRIVES ACCESSING HOUSING IN PARCEL A SHALL BE PUBLIC R/W'S CONSTRUCTED TO CDOT STANDARD U-02 AND U-01 AND SHALL BE SUBJECT TO CDOT REVIEW AND APPROVAL.
- E. ALL PROPOSED RIGHTS OF WAY SHALL BE DEDICATED TO THE CITY BY FEE SIMPLE CONVEYANCE BEFORE THE SITE'S FIRST CERTIFICATE OF OCCUPANCY IS ISSUED. CDOT REQUESTS RIGHT OF WAY TO SET 2' BEHIND BACK OF SIDEWALK WHERE FEASIBLE.
- F. ALL TRANSPORTATION IMPROVEMENTS WILL BE APPROVED AND CONSTRUCTED BEFORE THE SITE'S FIRST CERTIFICATE OF OCCUPANCY IS ISSUED. THE PETITIONER MAY PHASE TRANSPORTATION IMPROVEMENTS IF SAID IMPROVEMENTS AND PHASING ARE EXPLICITLY DESCRIBED IN THE SITE PLAN NOTES.

ARCHITECTURAL STANDARDS

- A. TO PROVIDE PRIVACY, ALL RESIDENTIAL ENTRANCES WITHIN 15 FEET OF THE SIDEWALK MUST BE RAISED FROM THE AVERAGE SIDEWALK GRADE A MINIMUM OF 24 INCHES.
- B. 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 ARCHITECTURAL STYLE IS EMPLOYED.
- C. USEABLE PORCHES AND STOOPS SHALL FORM A PREDOMINATE FEATURE OF THE BUILDING DESIGN AND BE LOCATED ON THE FRONT AND/OR SIDE OF THE BUILDING. USEABLE SHOULD BE COVERED AND AT LEAST 6 FEET DEEP. STOOPS AND ENTRY-LEVEL PORCHES MAY BE COVERED BUT SHOULD NOT BE ENCLOSED.
- D. ALL CORNER/END UNITS THAT FACE A PUBLIC OR PRIVATE STREET SHOULD PROVIDE BLANK WALL PROVISIONS THAT LIMIT THE MAXIMUM BLANK WALL EXPANSE TO 10 FEET.
- E. GARAGE DOORS VISIBLE FROM PUBLIC OR PRIVATE STREETS SHOULD MINIMIZE THE VISUAL IMPACT BY PROVIDING A SETBACK OF 12 TO 24 INCHES FROM THE FRONT WALL. TREATMENTS SUCH AS TRANSLUCENT WINDOWS OR PROJECTING ELEMENTS OVER THE GARAGE DOOR OPENING.
- F. WALKWAYS SHOULD BE PROVIDED TO CONNECT ALL RESIDENTIAL ENTRANCES TO SIDEWALKS TO SIDEWALKS ALONG PUBLIC AND PRIVATE STREETS.
- G. TOWNHOUSE BUILDINGS FRONTING PUBLIC OR PRIVATE NETWORK REQUIRED STREETS SHOULD BE LIMITED TO FIVE INDIVIDUAL UNITS OR FEWER. THE NUMBER OF INDIVIDUAL UNITS PER BUILDING.

STREETSCAPE AND LANDSCAPING

- A. THE PETITIONER WILL INSTALL, TREES AND LANDSCAPING AND THAT WILL COMPLY WITH ALL CITY ORDINANCES.
- B. SIDEWALKS, TREES AND LIGHTING SHALL BE CONSTRUCTED PER CITY STANDARDS SUBJECT TO REVIEW DURING PERMITTING.

ENVIRONMENTAL FEATURES

- A. THE PETITIONER SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION STORMWATER ORDINANCE.
- B. THE LOCATION, SIZE, AND TYPE OF STORMWATER MANAGEMENT SYSTEMS DEPICTED ON THE REZONING PLAN ARE SUBJECT TO REVIEW AND APPROVAL AS PART OF THE FULL DEVELOPMENT PLAN SUBMITTAL AND ARE NOT IMPLICITLY APPROVED WITH THIS REZONING. ADJUSTMENTS MAY BE NECESSARY IN ORDER TO ACCOMMODATE ACTUAL STORM WATER TREATMENT REQUIREMENTS AND NATURAL SITE DISCHARGE POINTS.
- C. DEVELOPMENT WITHIN ANY SWM/PCSO BUFFER SHALL BE COORDINATED WITH AND SUBJECT TO APPROVAL BY CHARLOTTE-MECKLENBURG STORM WATER SERVICES AND MITIGATED IF REQUIRED BY CITY ORDINANCE. STREAM DELINEATION REPORTS ARE SUBJECT TO REVIEW AND APPROVAL BY CHARLOTTE STORM WATER SERVICES.
- D. THE TREE SAVE ORDINANCE SHALL BE FULFILLED OR ADEQUATE TREE SAVE AREA MAINTAINED AS A REQUIREMENT OF ANY DEVELOPMENT RESULTING FROM THIS PETITION.

PARKS, GREENWAYS, AND OPEN SPACE

- A. SIDEWALK ACCESS TO THE ADJACENT BALL FIELD ON CORNERSTONE CHURCH PROPERTY SHALL BE PART OF ANY PROPOSED DEVELOPMENT.
- B. PROPOSED DEVELOPMENT SHALL MEET ALL OPEN SPACE REQUIREMENTS PER THE ZONING ORDINANCE.

FIRE PROTECTION

- A. NUMBER AND ARRANGEMENTS OF SUFFICIENT HYDRANTS SHALL BE PROVIDED SUBJECT TO REVIEW DURING PERMITTING.
- B. ADEQUATE ACCESS FOR FIRE AND EMERGENCY VEHICLES SHALL BE PROVIDED TO ALL AREAS OF THE DEVELOPMENT PER CITY ENGINEERING AND PERMITTING REVIEW.
- C. 1. FIRE DEPARTMENT ACCESS ROAD SHALL HAVE A MINIMUM OF 20' UNOBSTRUCTED CLEAR WIDTH AND SHALL BE CAPABLE OF SUPPORTING 80,000 lbs.
2. FIRE DEPARTMENT ACCESS ROAD THAT EXCEEDS 150' SHALL PROVIDE AN APPROVED TURNAROUND.
3. TURN RADIUS 30' INSIDE AND 42' OUTSIDE.
4. ALL COMMON DRIVEWAY INTERSECTIONS SHALL BE DESIGNED TO ALLOW FIRE TRUCK TURN AROUND AND MANEUVERING.
5. FOR NON-SPRINKLERED BUILDINGS, FIRE DEPARTMENT MUST BE ABLE TO REACH 150' TO ALL EXTERIOR PORTIONS OF BUILDING.
6. FOR SPRINKLERED BUILDINGS, FIRE DEPARTMENT CONNECTION SHALL BE LOCATED WITHIN 200' TO ALL EXTERIOR PORTIONS OF BUILDING.
7. FOR BUILDINGS THAT ARE EQUIPPED WITH A SPRINKLER SYSTEM, A FIRE DEPARTMENT CONNECTION SHALL BE LOCATED WITHIN 200' OF A FIRE HYDRANT FOR A NFPA 13 SPRINKLER SYSTEM AND REQUIRED FLOW IS 2000 gpm.
8. FIRE HYDRANT SHALL BE LOCATED WITHIN 750' TO THE MOST REMOTE POINT TRAVEL FOR ALL BUILDINGS.
9. SHOW THE EXISTING AND NEW WATER LINES THROUGHOUT PROPERTY.
10. PROVIDE NUMBER OF STORIES, SQUARE FOOTAGE OF EACH FLOOR, TYPE OF WATER MODEL FOR PRIVATE HYDRANTS.
11. PROVIDE A CURRENT FIRE HYDRANT TEST REPORT. CALL 704-336-2101.

SIGNAGE

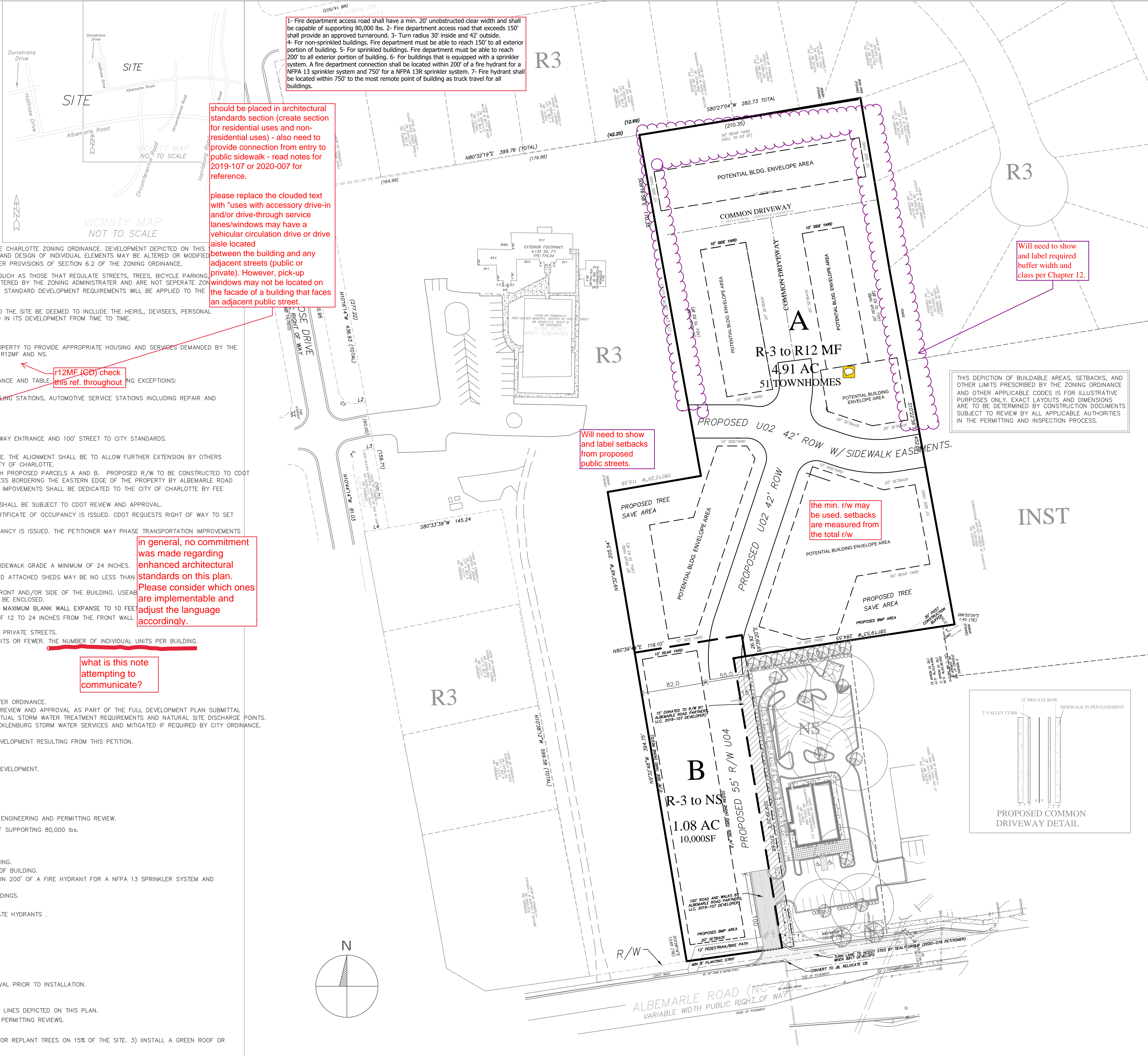
- A. NO VARIATIONS FROM THE CITY OF CHARLOTTE SIGN ORDINANCE.

LIGHTING

- A. ALL OUTDOOR LIGHTING FOR NONRESIDENTIAL USE SHALL COMPLY WITH 12.402M (1) AND (2).
- A LIGHTING PLAN OF PHOTOGRAMMETRIC PATTERNS, FULL CUT-OFF FIXTURES, AND HEIGHTS SHALL BE SUBMITTED FOR APPROVAL PRIOR TO INSTALLATION.

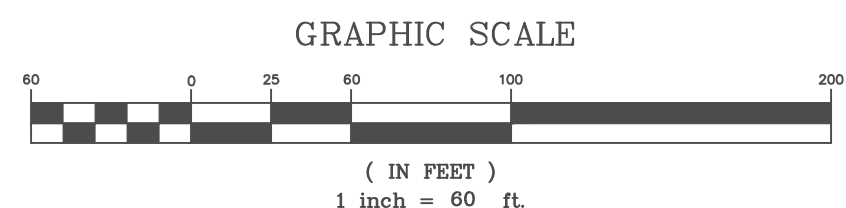
OTHER

- A. SEE SURVEY NOTED ABOVE BY CAROLINA SURVEYORS, INC FOR PROPERTY CORNER TIE POINTS AND PROPOSED NEW PROPERTY LINES DEPICTED ON THIS PLAN.
- B. PROPOSED DUMPSTER LOCATIONS TO BE PROVIDED DURING DESIGN DEVELOPMENT, SUBJECT TO APPLICABLE REGULATIONS AND PERMITTING REVIEWS.
- C. WATER, SEWER, ELECTRICAL AND COMMUNICATIONS UTILITIES SHALL BE UNDERGROUND WHERE POSSIBLE.
- D. NS PARCEL HAS OPTIONS FOR TREE SAVE COMPLIANCE. 1) MINIMUM 15% OF SITE PROTECTED AS TREE SAVE AREA. 2) PLANT OR REPLANT TREES ON 15% OF THE SITE. 3) INSTALL A GREEN ROOF OR PROVIDE PAYMENT IN LIEU PER CHARLOTTE TREE ORDINANCE.
- TREE SAVE PER CH. 21 TREE ORDINANCE FOR PORTION ZONED R12MF, MINIMUM 15% OF THE SITE PROTECTED AS TREE SAVE. IF LESS THAN 15% OF SITE HAS EXISTING TREES, ADDITIONAL TREES SHALL BE PLANTED AT 36 TREES/ACRE. IF ANY PORTION OF THE TREE SAVE AREA CANNOT BE PROTECTED, TREES MUST BE RE-PLANTED AT 150% OF THE AREA REMOVED AT A RATE OF 36 TREES/ACRE.



REZONING PLAN

1" = 60'



BEN BARRY

8621 TAMARRON DRIVE
CHARLOTTE, NORTH CAROLINA 28277
Phone 704.996.8945
email: hbarry@carolina.rr.com

THESE DRAWINGS ARE THE PROPERTY OF BEN BARRY ARCHITECT AND SHALL NOT BE USED, REPRODUCED, AND / OR MODIFIED WITHOUT WRITTEN CONSENT FROM BEN BARRY

TITLE:

NORWOOD
REZONING
2020-079

8817 ALBEMARLE ROAD
CHARLOTTE, NC 28227

REVISIONS
NO. DATE:
01 9/14/20
02 9/28/20
03 11/16/20

DRAWN BY: BLB
CHECKED: BLB
ISSUED FOR: BLB
REVIEW DATE: 04/28/20
CONSIST. DATE:

SHEET NO.

RZ 1.0

OF:



Agenda Date: 1/19/2021

Agenda #: 30. **File #:** 15-15005 **Type:** Zoning Hearing

Rezoning Petition: 2020-109 by Lewis RE Group, LLC

Location: Approximately 2.334 acres located west of Interstate 485, along the southeast side of McKee Road. (Council District 7 - Driggs)

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

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

Staff Recommendation:

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

Attachments:

Pre-Hearing Staff Analysis

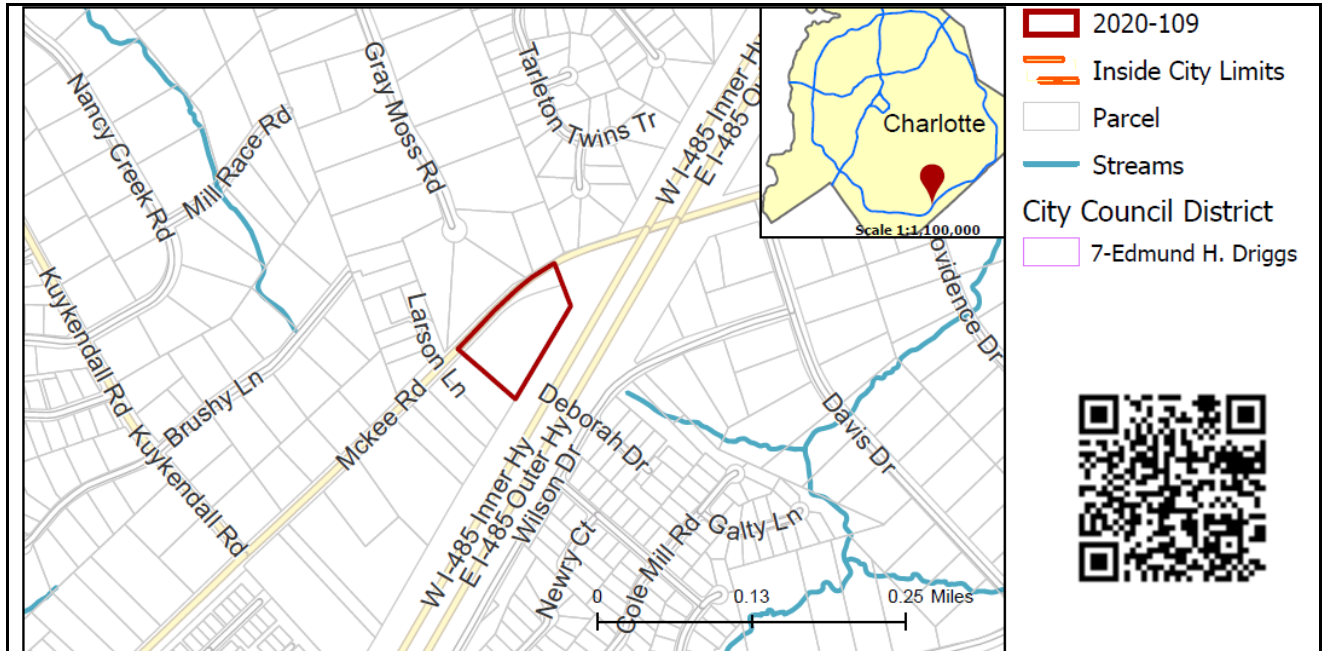
Site Plan

REQUEST

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

LOCATION

Approximately 2.334 located west of the Interstate 485, along the southeast side of McKee Road.



SUMMARY OF PETITION

The petition proposes to develop up to 18 single family attached dwelling units at a density of 7.7 DUA on the vacant parcel adjacent to I-485 in southeast Charlotte.

PROPERTY OWNER

Lewis RE Group LLC C/O Transcend Group

PETITIONER

Lewis RE Group LLC

AGENT/REPRESENTATIVE

Lewis RE Group LLC (Travis S. Gingras, PE/Henson Foley)

COMMUNITY MEETING

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

**STAFF
RECOMMENDATION**

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

Plan Consistency

The petition is **inconsistent** with the *South District Plan* recommendation for single family residential development up to 3 units per acre. The density for the petition is also **inconsistent** with the *General Development Policies* which support up to 6 units per acre.

Rationale for Recommendation

- The site is located between McKee Road and I-485 which separate the proposed development from most of the surrounding lower density single family residential.
- The petition proposes a density of 7.7 units per acre. There are existing developments zoned for attached single family

development along the south side of McKee Road adjacent to I-485.

- Moderate density residential development serves as a buffer and transition from I-485 to single family development.
- The proposed site plan provides commitments that reduce impacts and makes the project compatible with surrounding development including:
 - Left turn lane into site and Ordinance required buffers.
 - Building height limited to 40 feet, same as single family zoning.
 - Architectural standards including specified allowed façade materials, usable porches and/or stoops, and offsets or façade treatments to differentiate units.

The approval of this petition will revise the adopted future land use as specified by the *South District Plan*, from single family residential use up to 3 DUA to residential use up to 8 DUA for the site.

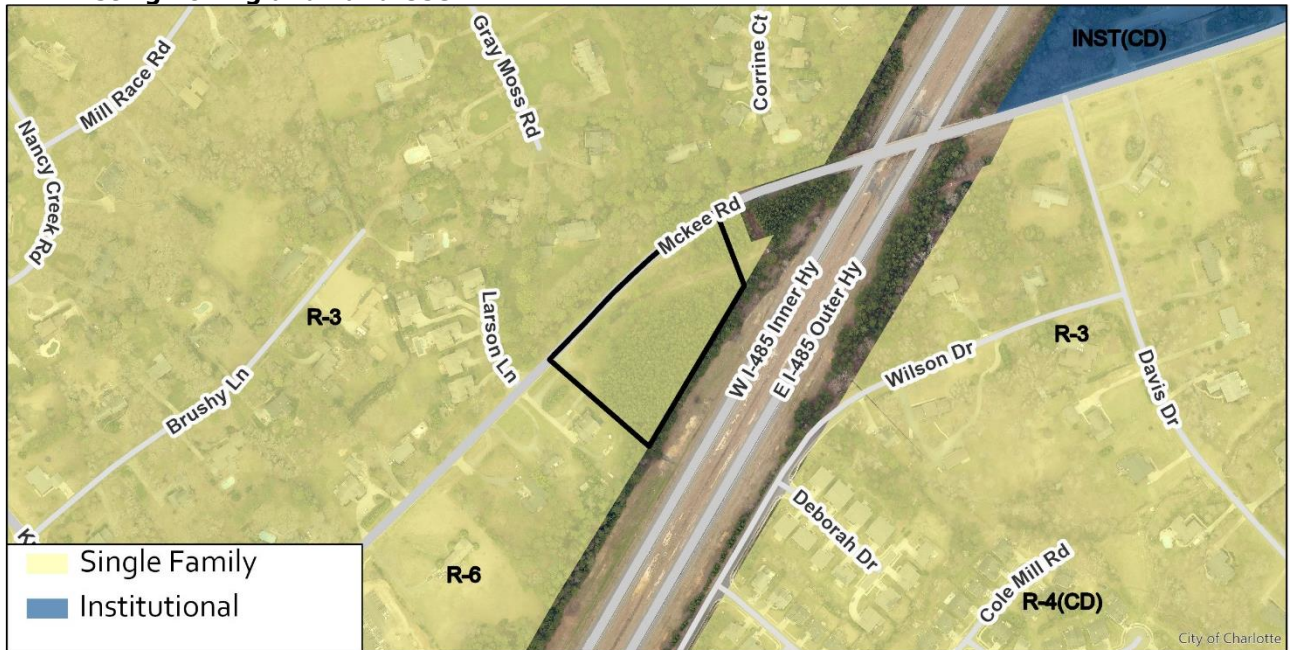
PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Up to 18 single family attached dwelling units.
- Building height limited to 40 feet.
- Vehicular access via a shared private drive from McKee Road with new left turn lane into site.
- Dedicates ROW along McKee Road and constructs curb/gutter, 8 foot planting strip and 6 foot sidewalk.
- Commits to each unit having at least a one car garage.
- Provides a minimum of 3 visitor parking spaces within the development.
- Architectural standards including specified allowed building materials, differentiation of units with offsets and/or other architectural features, and usable porches and/or stoops.
- Freestanding lighting capped, shielded and limited to 21 feet in height.

• Existing Zoning and Land Use



The area is predominately developed with single family homes. There are single family attached developments to the south along McKee Road as well as institutional uses to the south and north.



The site is indicated by the red star above.



The site is vacant, there are power line easements cutting through a portion of the frontage and eastern side of the site.



To the west are single family homes facing away from McKee Road.



To the north is a single family home setback from McKee Road and other single family homes that face away from McKee Road.

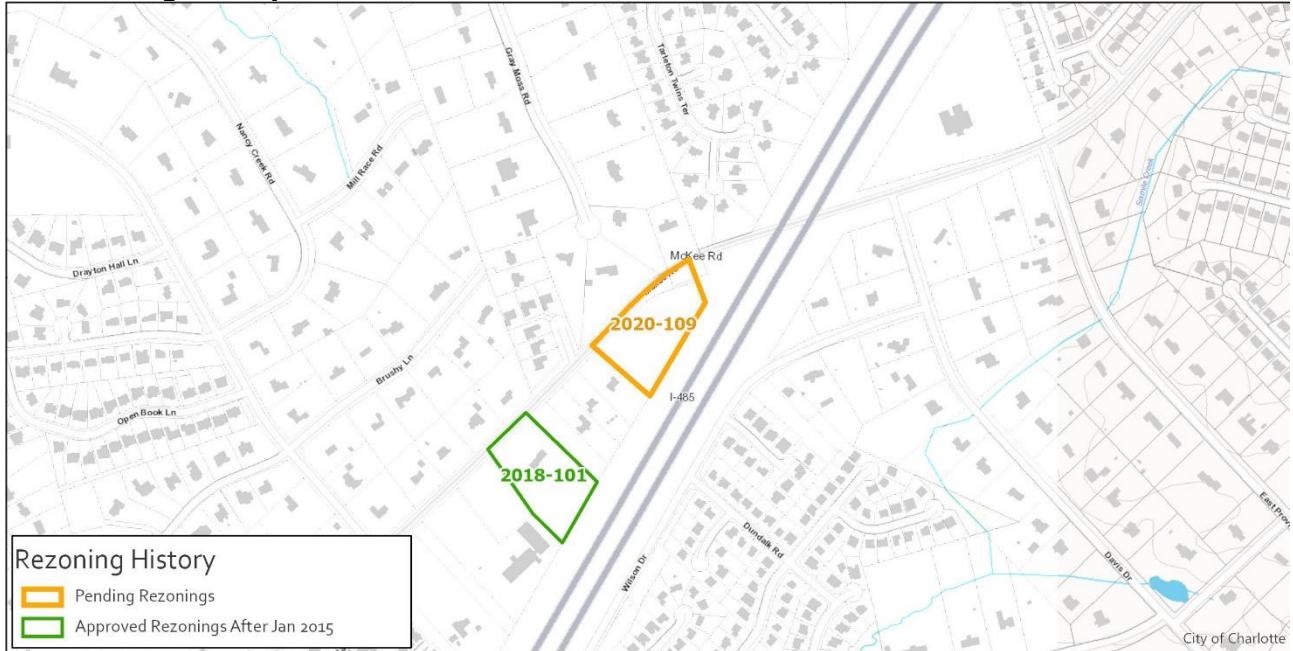


East of the site is I-485.



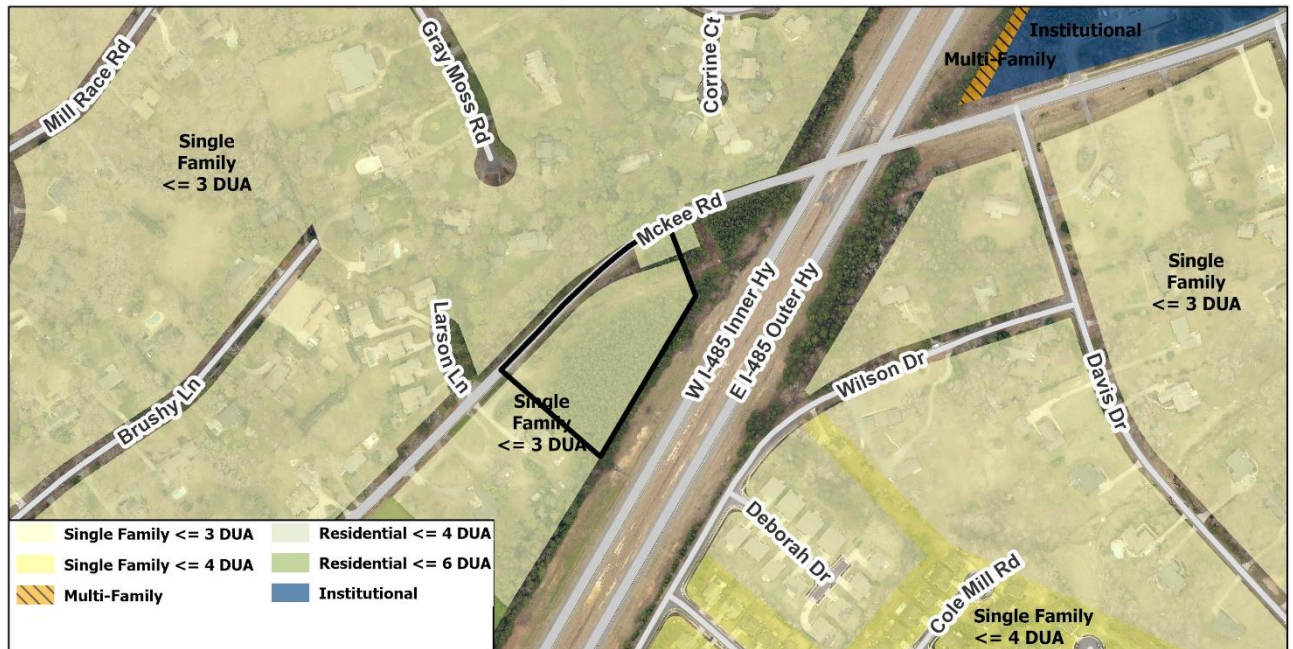
South of the site is a single family home.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2018-101	2.79 acres south of the site, on McKee Road, from R-3 to R-6 (single family residential).	Approved

- Public Plans and Policies**



- The *South District Plan* (1993) recommends single family residential at up to 3 dwelling units per acre for the site.
- The *General Development Policies* (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition does not meet the *General Development Policies* locational criteria for the requested density as illustrated in the table below.

Assessment Criteria	Density Category – >6 up to 8 dua
Meeting with Staff	1
Sewer and Water Availability	1
Land Use Accessibility	2
Connectivity Analysis	2
Road Network Evaluation	0
Design Guidelines	4
Other Opportunities or Constraints	NA
Minimum Points Needed: 11	Total Points: 10

• **TRANSPORTATION SUMMARY**

- The site is located on McKee Road, a major thoroughfare (State-maintained) road. The petitioner has committed to an 8' planting strip and 6' sidewalk; however, to further bicycle and pedestrian connectivity within the City, as per the Charlotte BIKES plan, CDOT requests a 12' multi-use path in lieu of the required 6' sidewalk. Otherwise, the site has provided a private drive for access to the residential units and provides an internal 5' sidewalk for connectivity. Aside from the multi-use path request, all other CDOT comments have been successfully resolved.
- **Active Projects:**
 - I-485 Express Lanes (NCDOT), TIP# I-5507 Project
 - The I-485 Express Lanes project will add one express lane in each direction along I-485 between I-77 and U.S. 74 (Independence Boulevard). The project will also add one general-purpose lane in each direction along I-485 between Rea Road and Providence Road.
 - Completion 2022 per following website: <https://www.ncdot.gov/projects/i-485-express-lanes/Pages/default.aspx>
- **Transportation Considerations**
 - See Outstanding Issues, Note 1.
- **Vehicle Trip Generation:**

Current Zoning:

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

Entitlement: 80 trips per day (based on 6 single family homes).

Proposed Zoning: 95 trips per day (based on 18 single family attached units).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** See advisory comments at www.rezoning.org
- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 4 students, while the development allowed under the proposed zoning may produce 6 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 2 students.
 - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
 - McKee Road Elementary at 102%
 - Jay M. Robinson Middle at 114%
 - Providence High at 107%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 16-inch water distribution main located along McKee Road. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along McKee Road. No outstanding issues.
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** See advisory comments at www.rezoning.org
 - **Urban Forestry:** No outstanding issues.

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

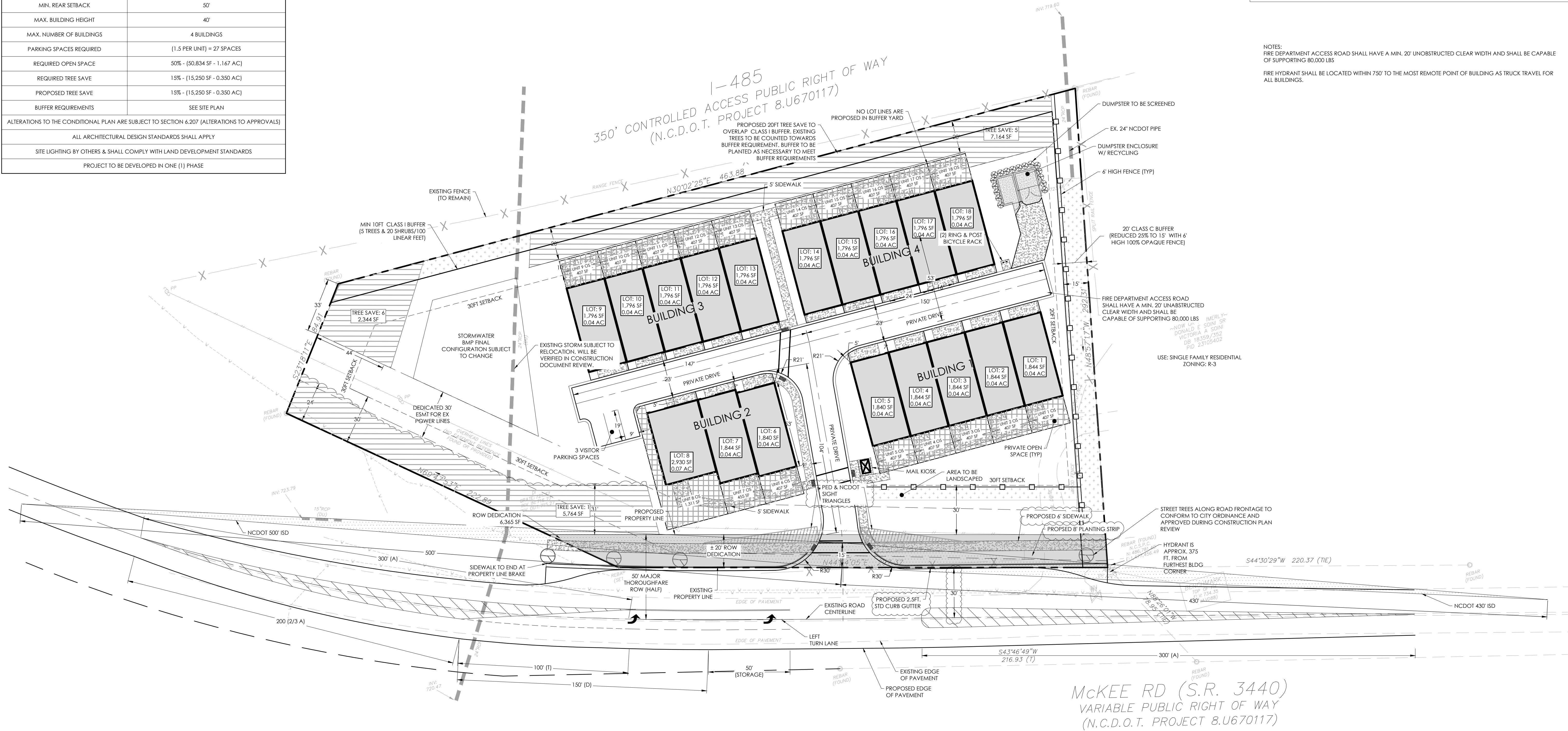
OUTSTANDING ISSUESTransportation

1. The site plan and conditional note(s) need to include an 8-foot planting strip on McKee Road per Chapter 20/Chapter 19. CDOT requests a 12-ft Multi Use Path in lieu of the required 6-foot sidewalk per the Charlotte BIKE Policy (primarily due to land use context and lack of frequent driveways). Both items need to be labeled and dimensioned from the back of curb and gutter and road centerline on the site plan.
-

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

Planner: John Kinley (704) 336-8311

SITE DATA TABLE	
PARCEL ID	23105401 (DB25576 - PG 468)
LOCATION	NO ADDRESS: MCKEE ROAD
JURISDICTION	CHARLOTTE
OWNER	LEWIS RE GROUP, LLC C/O TRANSCEND GROUP
	5960 FAIRVIEW ROAD STE 400
	CHARLOTTE, NC 28210
ZONING	EXISTING: R-3 - PROPOSED: R-8MF(CD)
TOTAL PARCEL AREA	2,334 AC - 101,672 SF
PROPOSED USE	MULTI-FAMILY RESIDENTIAL
PROPOSED BUILDING PRODUCT	3-STORY TOWNHOUSE
UNIT DENSITY	18 UNITS (8 UPA) (MAX. 18.67)
MIN. FRONT / STREET SETBACK	30'
MIN. SIDE SETBACK	20'
MIN. REAR SETBACK	50'
MAX. BUILDING HEIGHT	40'
MAX. NUMBER OF BUILDINGS	4 BUILDINGS
PARKING SPACES REQUIRED	(1.5 PER UNIT) = 27 SPACES
REQUIRED OPEN SPACE	50% - (50,834 SF - 1.167 AC)
REQUIRED TREE SAVE	15% - (15,250 SF - 0.350 AC)
PROPOSED TREE SAVE	15% - (15,250 SF - 0.350 AC)
BUFFER REQUIREMENTS	SEE SITE PLAN
ALTERATIONS TO THE CONDITIONAL PLAN ARE SUBJECT TO SECTION 6.207 (ALTERATIONS TO APPROVALS)	
ALL ARCHITECTURAL DESIGN STANDARDS SHALL APPLY	
SITE LIGHTING BY OTHERS & SHALL COMPLY WITH LAND DEVELOPMENT STANDARDS	
PROJECT TO BE DEVELOPED IN ONE (1) PHASE	



HensonFoley
Landscape Architecture
Civil Engineering
8712 Lindholm Dr Suite 202A, Huntersville, NC 28078
p: 704.875.1615 | 704.875.0959 | www.hensonfoley.com
NC ENGINEERING BOARD LICENSE #: C-3781
NC LANDSCAPE ARCHITECTURE BOARD LICENSE #: C-399

NORTH ARROW
GRAPHIC SCALE 1"=30 FT.

PROFESSIONAL ENGINEER
TRAVIS S. GIBBS
12/14/2010
46974
NORTH CAROLINA

3421 MCKEE ROAD REZONING
RZP - 2020-109
PIN #23105401
3421 MCKEE ROAD, CHARLOTTE, NC

EX01-REZONING PLAN

REVISIONS:

1 - REZONING CITY REVIEW 10/12/20

EX01-REZONING-220006 OPT 3.DWG
PROJECT NUMBER: 220006
DATE: 02/10/2020 DRAWN BY: TSG

EX01

SHEET

1. GENERAL PROVISIONS
THESE DEVELOPMENT STANDARDS FORM PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY LEWIS RE GROUP (THE "PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF A RESIDENTIAL TOWNHOME COMMUNITY ON APPROXIMATELY 2.334-ACRES SITE LOCATED ON 3421 MCKEE ROAD ROAD WHICH IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (THE "SITE"). THE SITE IS COMPRISED OF TAX PARCEL NUMBERS 23105401.

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-8MF ZONING DISTRICT SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON THE SITE.

THE DEVELOPMENT DEPICTED ON THE REZONING PLAN IS SCHEMATIC IN NATURE AND INTENDED TO DEPICT THE GENERAL ARRANGEMENT OF USES AND IMPROVEMENTS ON THE SITE. ACCORDINGLY, THE CONFIGURATIONS, PLACEMENTS AND SIZES OF THE BUILDING FOOTPRINTS AS WELL AS THE INTERNAL, PUBLIC STREETS AND THE INTERNAL PRIVATE STREETS, ALLEYS OR DRIVES DEPICTED ON THE REZONING PLAN ARE SCHEMATIC IN NATURE AND, SUBJECT TO THE TERMS OF THESE DEVELOPMENT STANDARDS AND THE ORDINANCE, ARE SUBJECT TO MINOR ALTERATIONS OR MODIFICATIONS DURING THE DESIGN DEVELOPMENT AND CONSTRUCTION DOCUMENT PHASES.

FUTURE AMENDMENTS TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE SITE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 6.207 OF THE ORDINANCE.

2. PERMITTED USES AND MAXIMUM DEVELOPMENT
THE SITE MAY BE DEVELOPED WITH UP TO 18 SINGLE-FAMILY ATTACHED DWELLING UNITS (TOWNHOMES), TOGETHER WITH ANY INCIDENTAL AND ACCESSORY USES RELATED THERETO THAT ARE ALLOWED IN THE R-8MF ZONING DISTRICT.

3. TRANSPORTATION
A) VEHICULAR ACCESS WILL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF THE VEHICULAR ACCESS POINT SHOWN ON THE REZONING PLAN IS SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE AND CONSTRUCTION PLANS AND DESIGNS AND TO ANY ADJUSTMENTS REQUIRED BY NCDOT FOR APPROVAL.

B) AS DEPICTED ON THE REZONING PLAN, THE SITE WILL BE SERVED BY PUBLIC AND/OR PRIVATE STREETS.

C) INTERNAL SIDEWALKS AND PEDESTRIAN CONNECTIONS SHALL BE PROVIDED ALONG ALL PUBLIC AND PRIVATE STREETS THROUGHOUT THE SITE. THE INTERNAL SIDEWALKS MAY MEANDER TO SAVE EXISTING TREES.

D) WHERE NECESSARY, PETITIONER SHALL DEDICATE AND CONVEY IN FEE SIMPLE ALL RIGHTS-OF-WAY TO THE CITY OF CHARLOTTE BEFORE THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED OR PHASED PER THE SITE'S DEVELOPMENT PLAN. THE RIGHT-OF-WAY SHALL BE SET AT 2 FEET BEHIND THE BACK OF SIDEWALK WHERE FEASIBLE.

E) UNLESS OTHERWISE STATED HEREIN, ALL TRANSPORTATION IMPROVEMENTS ALONG MCKEE ROAD SHALL BE APPROVED AND CONSTRUCTED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR PRINCIPAL BUILDINGS WITHIN THE SITE.

F) AS DEPICTED ON THE REZONING PLAN, PETITIONER WILL COMMIT TO CONSTRUCT AN 8-FT PLANTING STRIP AND 6-FT SIDEWALK ALONG ROAD FRONTAGE OF MCKEE ROAD. THE REZONING PLAN IS SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE AND CONSTRUCTION PLANS AND DESIGNS AND TO ANY ADJUSTMENTS REQUIRED BY NCDOT FOR APPROVAL.

G) ROAD IMPROVEMENTS ALONG MCKEE ROAD WILL BE GENERALLY DEPICTED ON THE REZONING PLAN. FINAL DESIGN AND CONFIGURATION IS SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE AND CONSTRUCTION PLANS AND DESIGNS AND TO ANY ADJUSTMENTS REQUIRED BY NCDOT FOR APPROVAL.

4. ARCHITECTURAL STANDARDS
A) THE PRINCIPAL BUILDINGS USED FOR RESIDENTIAL USES CONSTRUCTED ON THE SITE MAY USE A VARIETY OF BUILDING MATERIALS. THE BUILDING MATERIALS USED FOR BUILDINGS MAY BE A COMBINATION OF THE FOLLOWING: GLASS, BRICK, STONE, SIMULATED STONE, PRE-CAST STONE, PRE-CAST CONCRETE, SYNTHETIC STONE, STUCCO, CEMENTITIOUS SIDING (SUCH AS HARDI-PANK), VINYL, EIFS OR WOOD.

B) EACH ATTACHED RESIDENTIAL DWELLING UNIT SHALL BE PROVIDED WITH AT LEAST A 1 CAR GARAGE.

C) TOWNHOUSE BUILDINGS WILL BE LIMITED TO 6 INDIVIDUAL UNITS OR FEWER AND WILL BE DIFFERENTIATED BETWEEN UNITS, INCLUDING, BUT NOT LIMITED TO, FORWARD OFFSETS IN THE FRONT WALLS OF UNITS, VERTICAL HEIGHT DIFFERENCES, OR ARCHITECTURAL DIFFERENCES IN ELEVATIONS (SUCH AS WINDOWS, DOORS, BAYS, TRIM, OR MATERIALS).

D) USABLE PORCHES AND STOOPS SHALL FORM A PREDOMINANT FEATURE OF THE BUILDING DESIGN AND BE LOCATED ON THE FRONT AND/OR REAR OF THE BUILDING. USABLE FRONT PORCHES SHALL BE COVERED AND BE AT LEAST 6 FEET DEEP.

5. OPEN SPACE, STREETScape AND LANDSCAPING
A) THE PETITIONER SHALL COMPLY WITH THE TREE ORDINANCE AND POST CONSTRUCTION STORMWATER ORDINANCE.

B) 15% TREE SAVE TO BE PRESERVED ON SITE

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

B) THE MAXIMUM HEIGHT OF ANY FREESTANDING LIGHTING FIXTURES INSTALLED ON THE SITE, EXCLUDING STREET LIGHTS LOCATED ALONG PUBLIC STREETS, SHALL BE 21 FEET.

7. AMENDMENTS TO REZONING PLAN
FUTURE AMENDMENTS TO THE TECHNICAL DATA SHEET OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE PARCEL OR PARCELS WITHIN THE SITE INVOLVED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE.

FURTHER ALTERATIONS OR MODIFICATIONS TO THIS REZONING PLAN WHICH, IN THE OPINION OF THE PLANNING DIRECTOR, SUBSTANTIALLY ALTER THE CHARACTER OF THE DEVELOPMENT OR SIGNIFICANTLY ALTER THE TECHNICAL DATA SHEET OR ANY OF ITS CONDITIONS OR WHICH INCREASE THE INTENSITY OF DEVELOPMENT SHALL NOT BE DEEMED TO BE MINOR AND MAY ONLY BE MADE IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTIONS 6.207(1) OR (2) OF THE ORDINANCE, AS APPLICABLE.

8. ENVIRONMENTAL FEATURES
A) THE LOCATION, SIZE, AND TYPE OF STORM WATER MANAGEMENT SYSTEMS DEPICTED ON THE REZONING PLAN ARE SUBJECT TO REVIEW AND APPROVAL AS PART OF THE FULL DEVELOPMENT PLAN SUBMITTAL AND ARE NOT IMPLICITLY APPROVED WITH THIS REZONING. ADJUSTMENTS MAY BE NECESSARY IN ORDER TO ACCOMMODATE ACTUAL STORM WATER TREATMENT REQUIREMENTS AND NATURAL SITE DISCHARGE POINTS.

B) 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.

C) DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE TREE ORDINANCE.

9. BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS
A) IF THIS REZONING PLAN IS APPROVED, ALL CONDITIONS APPLICABLE TO DEVELOPMENT OF THE SITE IMPOSED UNDER THE TECHNICAL DATA SHEET WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF THE PETITIONER AND THE CURRENT AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS.

B) 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.

UNITS FOR SALE STATUS:
THE PROPOSED UNITS ARE NOT FOR SALE AT THIS TIME, BUT THE OWNER WANTS TO RESERVE THE RIGHT TO SELL THEM IN THE FUTURE DEPENDING ON MARKET CONDITIONS.

AS SUCH, THE PRIVATE OPEN SPACE REQUIREMENTS OF 400 SF HAS BEEN PROVIDED TO LEAVE THAT OPTION OPEN FOR FUTURE CONDITIONS.

1. CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO BEGINNING CONSTRUCTION.
2. CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAGMEN, ETC., AS NECESSARY TO INSURE SAFETY TO THE PUBLIC.
3. ALL PAVEMENT CUTS, CONCRETE OR ASPHALT, ARE TO BE REPLACED ACCORDING TO STANDARDS OF THE DEPARTMENT OF TRANSPORTATION.
4. SHORING WILL BE ACCORDING TO OSHA TRENCHING STANDARDS PART 1926 SUBPART F, OR AS AMENDED.



3421 MCKEE ROAD REZONING

RZP - 2020-109
PIN #23105401
3421 MCKEE ROAD, CHARLOTTE, NC

EX02-REZONING PLAN

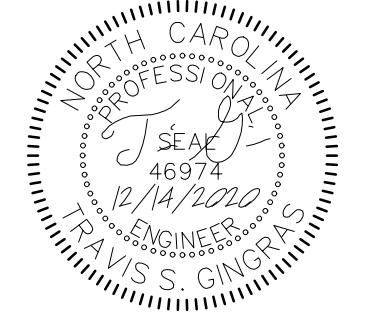
REVISIONS:

1 - REZONING CITY REVIEW 10/12/20

EX01-REZONING-220006 OPT 3.DWG
PROJECT NUMBER: 220006
DATE: 02/10/2020 DRAWN BY: TSG

SHEET
EX02

HensonFoley
Landscape Architecture Civil Engineering
8712 Lindholm Dr Suite 202A, Huntersville NC 28078
p: 704.875.1615t | 704.875.0959 | www.hensonfoley.com
NC ENGINEERING BOARD LICENSE #: C-3781
NC LANDSCAPE ARCHITECTURE BOARD LICENSE #: C-399





Agenda Date: 1/19/2021

Agenda #: 31. **File #:** 15-15006 **Type:** Zoning Hearing

Rezoning Petition: 2020-116 by Carolina Development Group NC, LLC

Location: Approximately 0.58 acres located along the east side of Pecan Avenue, north of Commonwealth Avenue, and south of Central Avenue. (Council District 1 - Egleston)

Current Zoning: MUDD-O PED (mixed-use development, optional, pedestrian overlay), B-2 PED (general business, pedestrian overlay)

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

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Pre-Hearing Staff Analysis

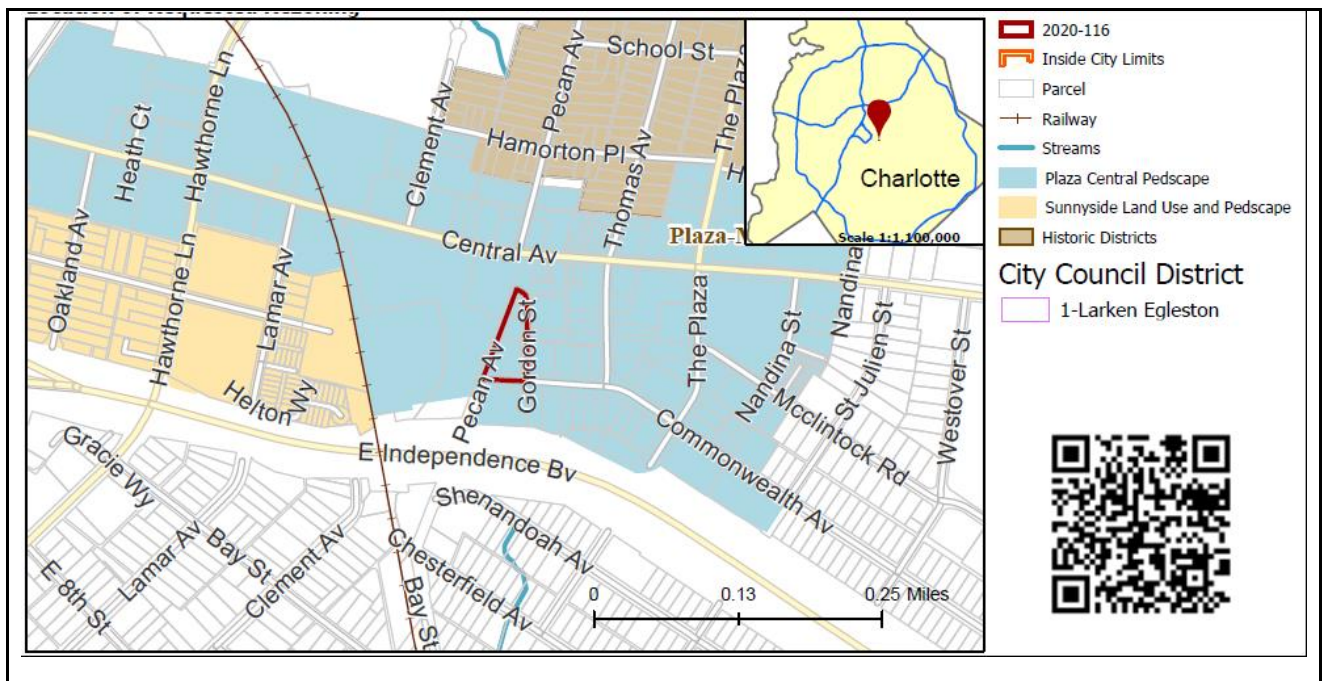
REQUEST

Current Zoning: B-2 PED (general business, pedestrian overlay) and MUDD-O PED (mixed use development, optional, pedestrian overlay)

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

LOCATION

Approximately 0.58 acres located along the east side of Pecan Avenue, north of Commonwealth Avenue, and south of Central Avenue.



SUMMARY OF PETITION

The petition proposes to allow transit oriented uses on a site developed with a restaurant and nightclub/lounge on the east side of Pecan Avenue between Central Avenue and East Independence Boulevard.

PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE COMMUNITY MEETING

1801 Commonwealth LLC; A & R Holdings 1 LLC
Carolina Development Group NC, LLC
Collin Brown and Brittany Lins/Alexander Ricks
Meeting is not required.

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

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

Rationale for Recommendation

- The request is less than 1/4 mile from the proposed Pecan Avenue Station along the LYNX Silver Line.
- The site is less than 1/4 mile from the proposed LYNX Gold Line Plaza stop at the intersection of Central Avenue and The Plaza.

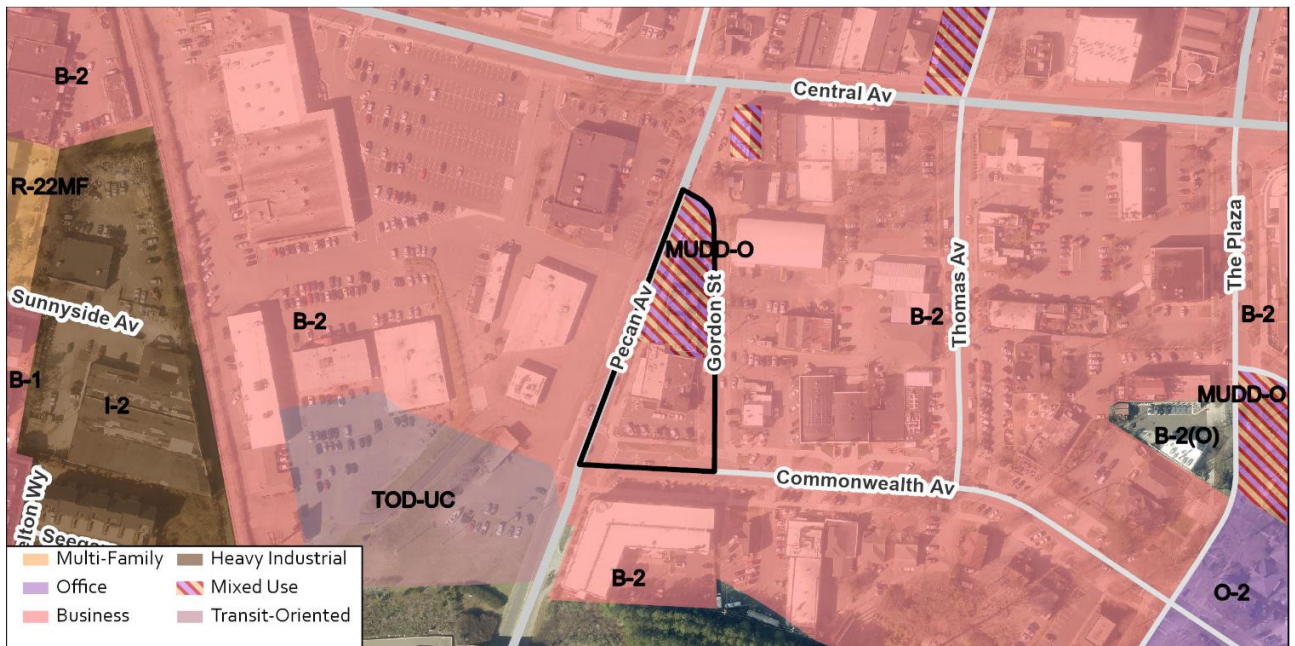
- The adopted plan recommends multi-family residential greater than 12 units per acre/office/retail which is consistent with the with the uses in areas planned for TOD.
- TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.
- This petition would allow a richer mix of uses to help this property be in keeping with the vision of the *Plaza-Central Pedscape Plan's* overall vision of "creating a vibrant, mixed use district..."

PLANNING STAFF REVIEW

• Proposed Request Details

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

• Existing Zoning and Land Use



- The site lies within the Central-Plaza pedestrian overlay and is developed with a restaurant and nightclub/lounge and is immediately surrounded by office, residential, restaurant, and retail uses.
- The MUDD-O portion of the site was rezoned via petition 2008-154 to allow optional provisions pertaining building area, setbacks, dining patio location, and off-street parking in affiliation with a proposed restaurant.



The subject site is developed with a restaurant (above) and nightclub/lounge (below).





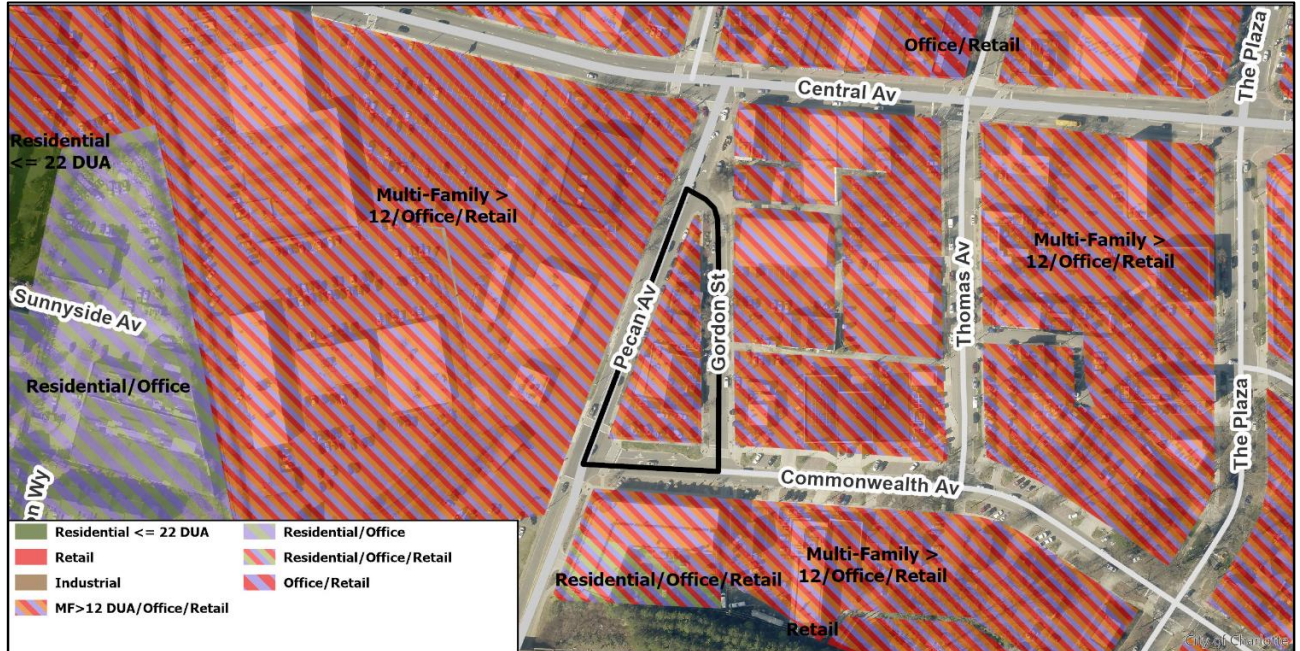
The site (denoted by red star) is immediately surrounded by office, residential, restaurant, and retail uses.



• Rezoning History in Area

Petition Number		Status
2020-191	Rezoned 0.075 acres from B-2 PED to PED-O	Pending
2020-115	Rezoned 2 acres from B-2 PED to TOD-UC PED	Approved
2020-036	Assigned B-2 PED zoning to 0.56 acres	Approved
2019-183	Rezoned 0.24 acres from B-2 PED to B-2 PED-O	Approved
2019-155	Rezoned 0.18 acres from B-2 PED to B-2 PED-O	Approved
2018-114	Rezoned 0.18 acres from R-5 HD-O to NS HD-O	Approved
2018-086	Rezoned 0.23 acres from B-2 to MUDD-O	Approved
2017-012	Rezoned 0.683 acres from R-5 to MUDD(CD)	Approved
2016-110	Rezoned 0.25 acres from B-2 to MUDD-O	Approved
2015-040	Assigned I-2 PED zoning to 0.459 acres	Approved

- **Public Plans and Policies**



- The *Plaza Central Pedscape Plan* recommends multi-family residential uses greater than 12 units per acre/office/retail uses for the site.
- **TRANSPORTATION SUMMARY**
 - The site is located on a minor thoroughfare and a local road less than 200 feet south of the nearest transit (bus) stop. The area plan tentatively identifies Independence Boulevard at Pecan Avenue as a rapid transit station for the CATS southeast transit line. The Future LINX Silver Line Station is planned to be located 500 feet south of the project site. During the Permitting Phase, the petitioner's site plan needs to meet the ordinance requirements.
 - **Active Projects:**
 - Silver Line Rail – alignment and schedule TBD
 - Silver Line Rail Trail – alignment and schedule TBD
 - Gold Line Streetcar Future Phase
 - See advisory comments at www.rezoning.org.
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: Vacant
 - Entitlement: 2,650 trips per day (based on 30,000 square foot of retail).
 - Proposed Zoning: Too many uses to determine (based on TOD-UC).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** See advisory comments at www.rezoning.org.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** 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:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along Gordon Street and a 12-inch water main along Pecan Ave. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Gordon Street. See advisory comments at www.rezoning.org.
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues. 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



Agenda Date: 1/19/2021

Agenda #: 32. **File #:** 15-15008 **Type:** Zoning Hearing

Rezoning Petition: 2020-120 by M/I Homes

Location: Approximately 24.74 acres located on the south side of Ridge Road, north of Interstate 485.
(Council District 4 -Johnson)

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

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

Staff Recommendation:

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

Attachments:

Pre-Hearing Staff Analysis

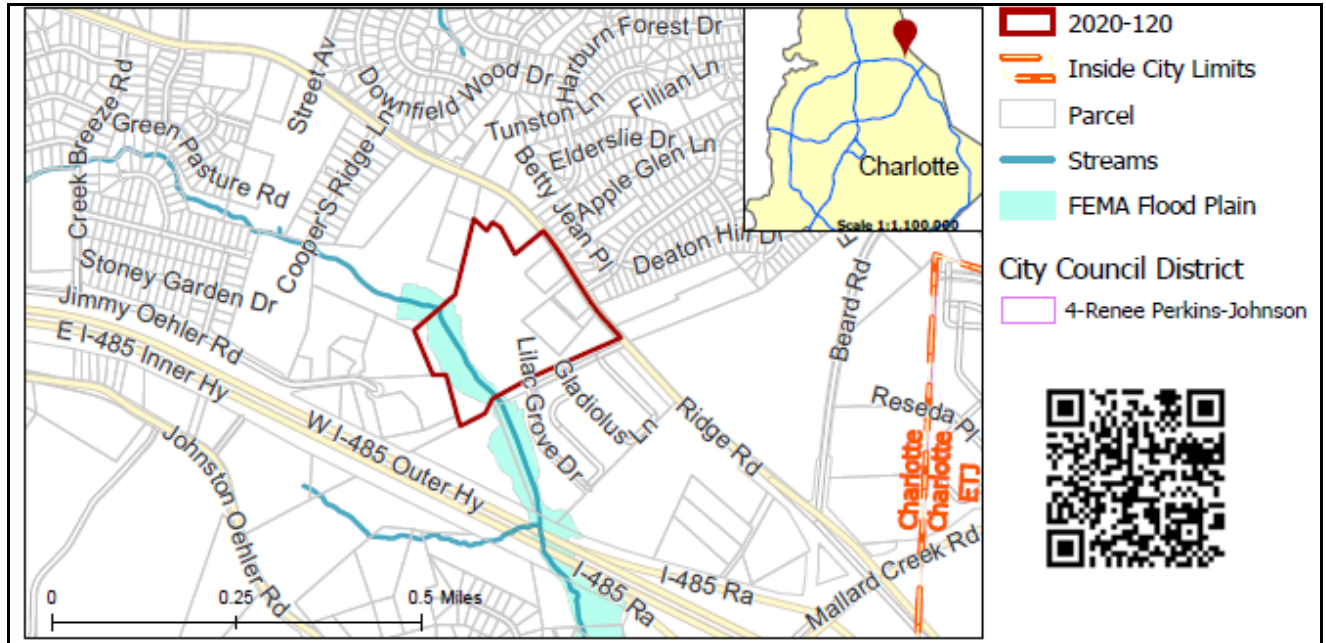
Site Plan

REQUEST

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

LOCATION

Approximately 24.74 acres located on the south side of Ridge Road, north of Interstate 485.



SUMMARY OF PETITION

The petition proposes a residential community of up to 108 single family attached townhomes, for a density of 4.36 DUA on land with 3 existing homes.

PROPERTY OWNER

Constance J. Oehler

PETITIONER

M/I Homes of Charlotte, 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: 1

**STAFF
RECOMMENDATION**

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

Plan Consistency

The petition is **inconsistent** with the *Prosperity Hucks Area Plan (2015)* recommendation of residential use up to 4 dwelling units per acre (DUA).

Rationale for Recommendation

- This petition proposes up to 108 single family attached townhomes, for a density of 4.36 DUA.
- While slightly inconsistent with the area plan recommendation of residential use up to 4 DUA, the area plan does recommend small clusters of slightly higher density residential at strategic locations as elements of a larger development, such as a small grouping of duplexes or townhouses along the edge of an open space.

- The site is situated between Rezoning 2020-051 and 2017-135, both of which were rezoned to R-8MF(CD) with a density up to 5 DUA.
- The petition commits to building street and sidewalk connections with the adjacent developments to increase street connectivity and the pedestrian experience.
- The petition proposes a 6-foot sidewalk on all internal streets and a 12-foot multi-use walking path along the site's frontage on Ridge Road.

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 4 DUA to Residential up to 5 DUA for the site.

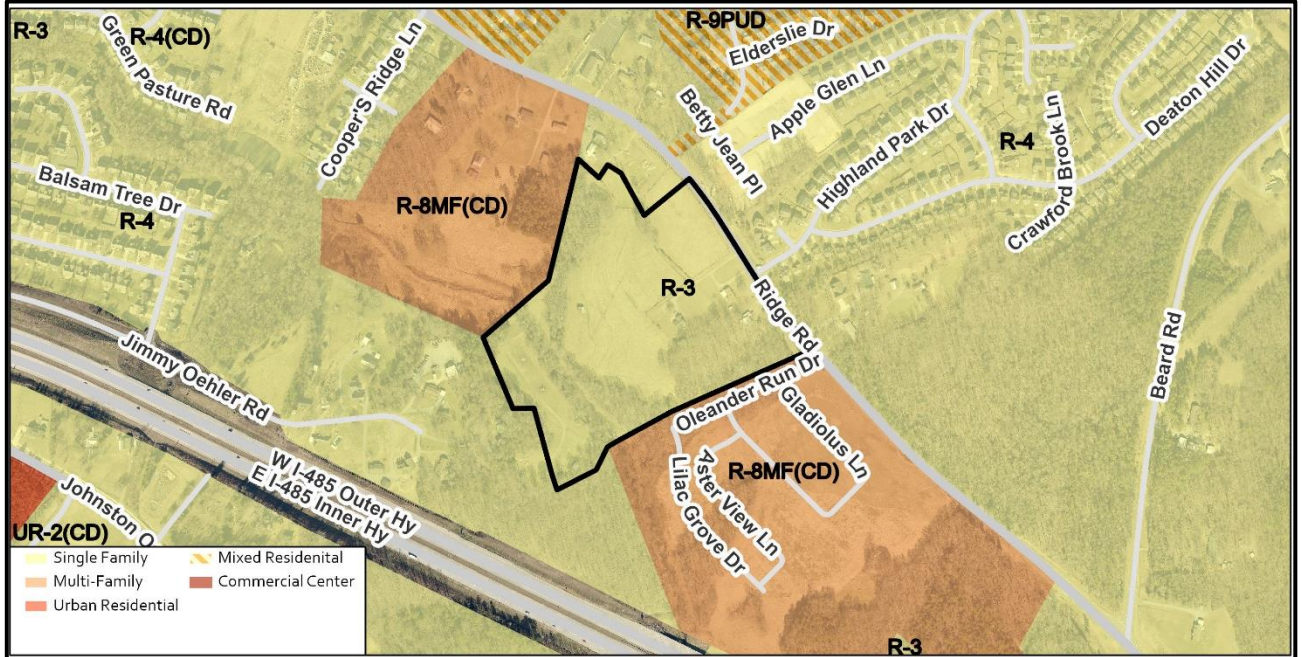
PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Commits to coordinate the proposed street network with the adjacent projects and recent rezoning petitions.
- Provides an 11-foot wide westbound left turn lane on Ridge Road at the vehicular access point into the Site (Street A).
- Commits to a 12-foot multi-use walking path along the site's frontage on Ridge Road.
- Proposes a 6-foot sidewalk on all internal streets.
- Provides curb and gutter along the Site's frontage on Ridge Road.
- Limits building height to 48-feet.
- Each dwelling unit will have a garage.
- Walkways will be provided to connect all residential entrances to sidewalks along public and private streets.
- Architectural standards include:
 - Primary exterior building materials will be a combination of portions of the following: brick veneer or similar masonry products, stone, manufactured stone, stucco and cementitious siding.
 - Pitched roofs, if provided, will 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.
 - Vinyl, EIFS or masonite may not be used as an exterior building material.
 - Each unit will have a covered front stoop. The front stoop may be covered by an awning, canopy, roof extension or other architectural feature.
 - Garage doors shall contain translucent windows and carriage style hardware.

- Existing Zoning and Land Use



The subject property is zoned R-3. The surrounding land uses include single-family and multi-family dwellings.



The subject property denoted by a red star.



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



The property to the north along Ridge Road is developed with single family dwellings.

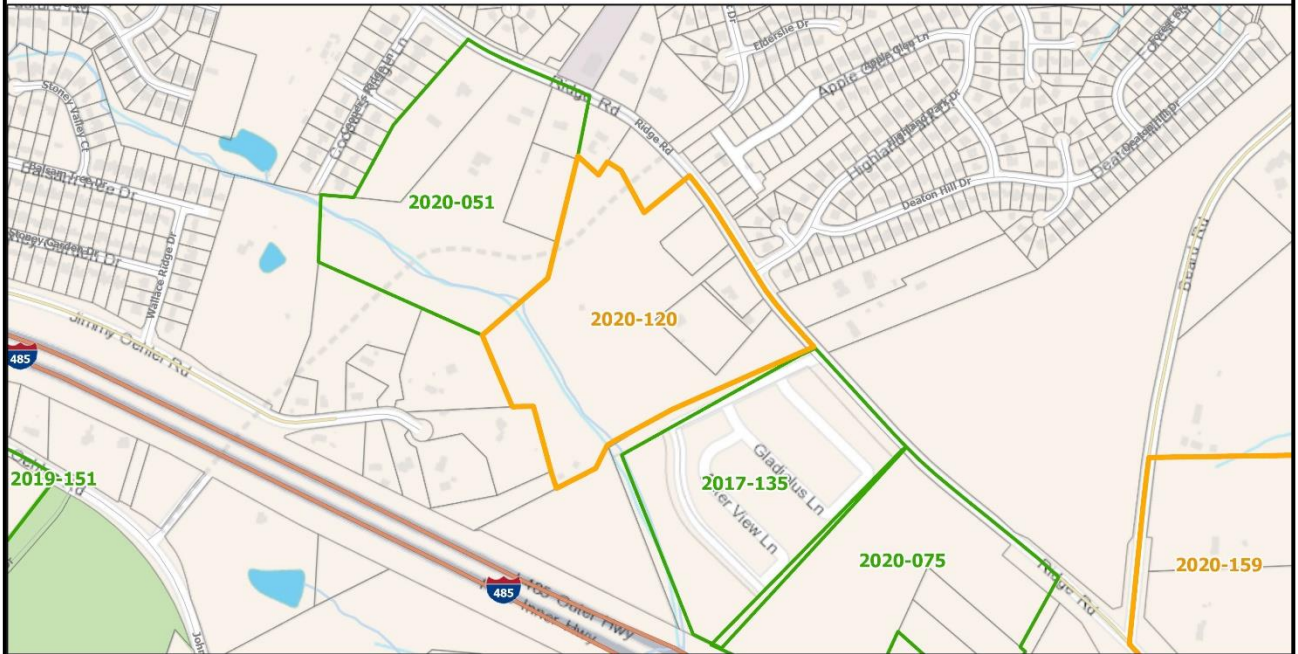


The property to the south along Ridge Road is currently vacant. Rezoning 2017-135 proposes multi-family units.



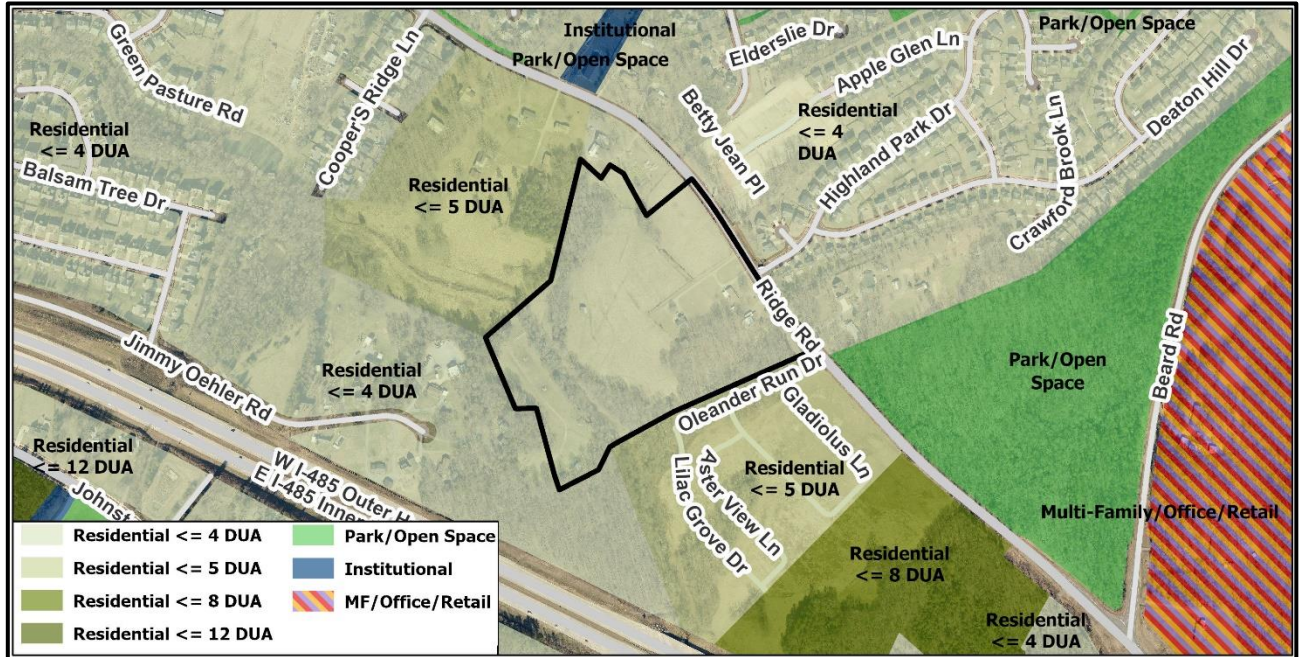
The property to the south along Jimmy Oehler Road is developed with single family dwellings.

• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-135	Rezoned 20.54 acres to allow up to 102 multi-family dwelling units.	Approved
2020-051	Rezoned 21.90 acres to allow up to 98 townhome dwelling units.	Approved
2020-075	Rezoned 19.6 acres to allow up to 139 townhome dwelling units.	Approved
2020-159	Proposes to rezone 14.6 acres to allow up to 325 multi-family dwelling units.	Pending

- **Public Plans and Policies**



- The *Prosperity Hucks Area Plan (2015)* calls for residential up to 4 DUA.
- **TRANSPORTATION SUMMARY**
 - The site is located on a major thoroughfare road. This petition is near active rezoning petitions 2020-051, 2020-075, and the recently approved by-right subdivision project: SDRMFR-2019-00041 - Redwood Ridge Road. The petitioner has coordinated the proposed street network with the adjacent projects and rezoning petitions. This rezoning site also contains a portion of a Comprehensive Transportation Plan (CTP) Thoroughfare: I-485 Northeast Crossing (western leg). Outstanding issues include but are not limited to clarifying the proposed curb line location to accommodate two travel lanes and a center-turn lane along the entire property frontage with Ridge Road. CDOT again requests that the petitioner confirm that garbage truck turning movements will occur outside of the public right-of-way, to prevent potential conflicts with pedestrians during reverse turning movements.
 - Active Projects:
 - Street Lighting - Ridge Road
This project will add new streetlights to Ridge Road from Highland Creek Parkway to Beard Road. Competition date: 2020
 - **Transportation Considerations**
 - See Outstanding Issues, Notes 1-2.
 - **Vehicle Trip Generation:**
Current Zoning:
Existing Use: 20 trips per day (based on 2 single family homes).
Entitlement: 750 trips per day (based on 79 single family homes).
Proposed Zoning: 780 trips per day (based on 108 townhome units).

DEPARTMENT COMMENTS (see full department reports online)

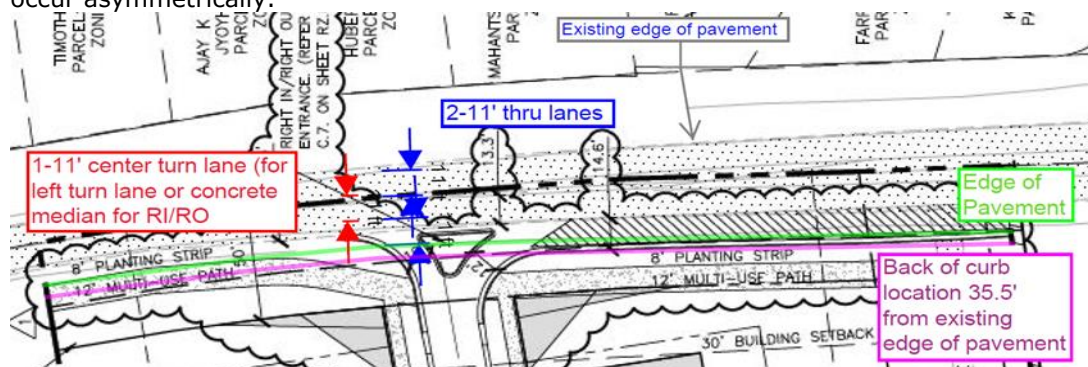
- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 38 students, while the development allowed under the proposed zoning may produce 20 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is zero students.
 - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
 - Parkside Elementary from 64% to 66%

- Ridge Road Middle remains at 126%
- Mallard Creek High from 123% to 124%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 16-inch water distribution main located along Ridge Road. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-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.

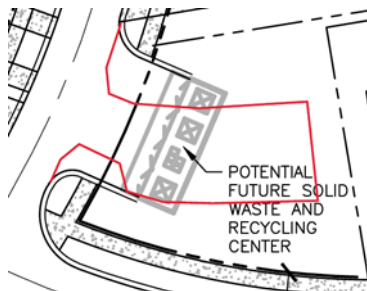
OUTSTANDING ISSUES

Transportation

1. Revise the site plan and conditional note (Section C.5) to confirm that a three (11-foot) lane section will be constructed according to CDOT standards, along the entire property frontage of Ridge Road. The updated site plan indicates widening, but a consistent three (11-foot) lane road section needs to be provided along the entire frontage. The current site plan proposes varying lane widths. This may be reviewed in detail during permitting, and the required widening will occur asymmetrically.



2. Please provide site plan note stating that garbage truck turning movements will occur outside of public right-of-way.



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

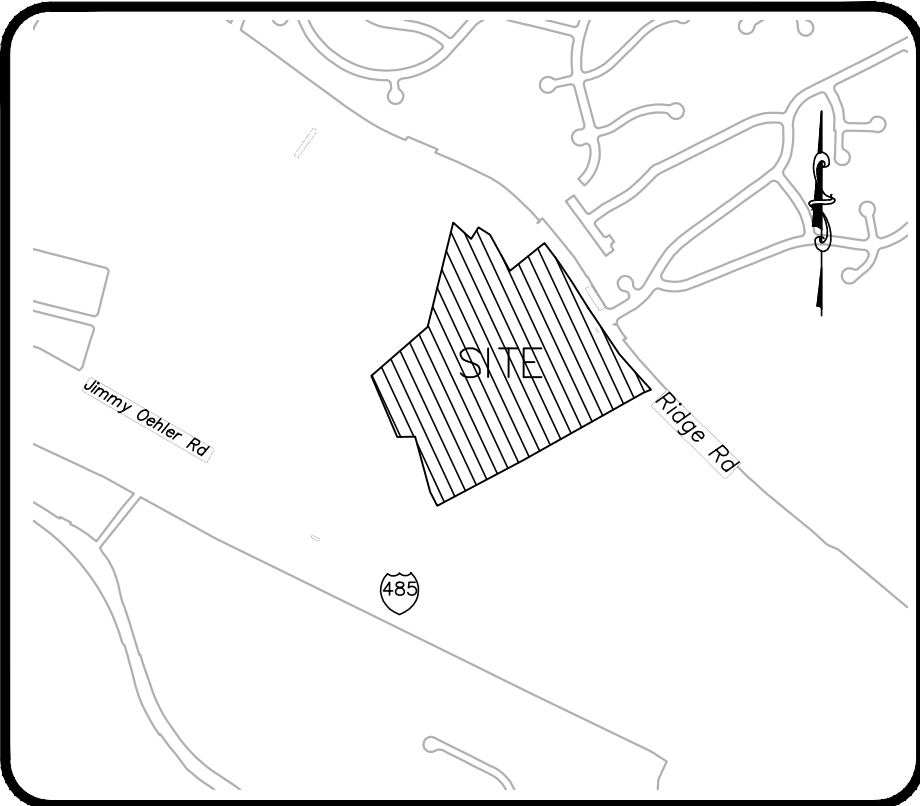
Planner: Michael Russell (704) 353-0225

SITE DATA	
DEVELOPER: MS. MORGAN RUSHNELL M/I HOMES 5350 77 CENTER DRIVE, SUITE 100 CHARLOTTE, NORTH CAROLINA 28217 704.597.4524	PREPARED BY: MCADAMS COMPANY 3430 TORINGDON WAY, SUITE 110 CHARLOTTE, NC 28277 704.527.0800
PID: 029-621-13, 029-621-14, 029-621-15, 029-621-17 & PORTION OF 029-621-06	
TOTAL SITE ACREAGE:	± 24.74 AC
EXISTING ZONING:	R-3
PROPOSED ZONING:	R-8MF(CD)
EXISTING USE:	SINGLE FAMILY & AGRICULTURE
PROPOSED USE:	SINGLE FAMILY ATTACHED TOWNHOMES
DENSITY PROPOSED:	4.36 DWELLING UNITS PER ACRE
PROPOSED NUMBER OF UNITS:	108
REQUIRED TREE SAVE AREA:	3.95 AC (15% OF TOTAL SITE AREA)
PROVIDED TREE SAVE AREA:	4.82 AC (18.30% OF TOTAL SITE AREA)
BUILDING SEPARATION:	16 FT MIN.
MAXIMUM BUILDING HEIGHT ALLOWED:	BASE MAX AVE. HEIGHT 40' MEASURED TO THE REQUIRED SIDE YARD LINE. 48' MAX AVE. HEIGHT AT THE FRONT BUILDING LINE
FRONT YARD SETBACK (RIDGE RD):	30 FT
SIDE YARD SETBACK (ABUTTING SINGLE FAMILY):	20 FT (MUST HAVE 16' BUILDING SEPARATION)
REAR YARD SETBACK (ABUTTING SINGLE FAMILY):	50 FT

DENSITY CALCULATION:
TOTAL SITE AREA = 24.74AC
NUMBER OF DWELLING UNITS: 108
DWELLING UNITS/AC = 108/24.74 = 4.36 DU/AC

SITE LEGEND

- STREAM BUFFER AREA
- TREE SAVE AREA
- PROPERTY LINE
- RIGHT-OF-WAY LINE
- LOT LINE
- BUFFER LINE
- SETBACK LINE
- STORMWATER FACILITY
- TREE PROTECTION FENCE



VICINITY MAP

SCALE: 1" = 1000'

McADAMS
The John R. McAdams Company, Inc.
3430 Toringdon Way
Suite 110
Charlotte, NC 28277
phone 704.527.0800
fax 919.361.2269
license number: C-0293, C-187
www.mcadamsco.com

CLIENT

MS. MORGAN RUSHNELL
M/I HOMES
5350 77 CENTER DRIVE, SUITE 100
CHARLOTTE, NORTH CAROLINA, 28217
704.597.4524

M/I HOMES

ABERDEEN II TOWNHOMES

REZONING PETITION 2020-120
RIDGE ROAD
CHARLOTTE, NORTH CAROLINA

REVISIONS

NO.	DATE	PER CITY AND CDOT COMMENTS
1	12.14.2020	

PLAN INFORMATION

PROJECT NO.	MIH-20020
FILENAME	MIH-20020-RZ
CHECKED BY	EM
DRAWN BY	JDS
SCALE	1"=60'
DATE	10.28.2020

SHEET

REZONING PLAN

RZ.01

N:\Projects\MIHomes\MIH-20020\04-Production\Planning and LA\Exhibits\Planning\MIH-20020-RZ.dwg, 12/4/2020 1:39:04 PM, Singleton, Drew

DEVELOPMENT STANDARDS

October 28, 2020

A. General Provisions

- These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by M/I Homes to accommodate the development of a residential community on that approximately 24.74 acre site located on the western side of Ridge Road across from Highland Park Drive, which site is more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Tax Parcel Nos. 029-621-17, 029-621-14, 029-621-15, 029-621-13 and a portion of Tax Parcel No. 029-621-06.
- The development of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance").
- Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the R-8 MF 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 depict the general arrangement of uses and improvements on the Site. Accordingly, the configurations, placements and sizes of the building footprints as well as the internal public streets and the internal private streets, alleys or drives depicted on the Rezoning Plan are schematic in nature and, subject to the terms of these Development Standards and the Ordinance, are subject to minor alterations or modifications during the design development and construction document phases.
- Future amendments to the Rezoning Plan and/or these Development Standards may be applied for by the then owner or owners of the Site in accordance with the provisions of Section 6.207 of the Ordinance.

B. Permitted Uses/Development Limitations

- The Site may be devoted only to a residential community containing a maximum of 108 single family attached dwelling units and to any incidental and accessory uses relating thereto that are allowed in the R-8 MF zoning district.

C. Transportation

- 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.

- The Site will be served by internal public streets and internal private streets, alleys or drives. Minor adjustments to the locations of the internal public streets and the internal private streets, alleys or drives shall be allowed during the construction permitting process.
- Internal sidewalks and pedestrian connections shall be provided on the Site as generally depicted on the Rezoning Plan. The internal sidewalks may meander to save existing trees.
- Petitioner shall install curb and gutter along the Site's frontage on Ridge Road as generally depicted on the Rezoning Plan.
- Petitioner shall install an 11 foot wide westbound left turn lane on Ridge Road at the vehicular access point into the Site (Street A) as generally depicted on the Rezoning Plan.
- All transportation improvements shall be constructed and approved prior to the release of the first certificate of occupancy for the Site. The petitioner may post a bond for any improvements not completed at the time a certificate of occupancy is requested.
- The Petitioner will dedicate via fee simple conveyance any additional right-of-way indicated on the Rezoning Plan as right-of-way to be dedicated, and the additional right-of-way will be dedicated prior to the issuance of the first certificate of occupancy. The Petitioner will provide a permanent sidewalk easement for any of the proposed sidewalks located along the public streets located outside of the right-of-way. The permanent sidewalk easement will be located a minimum of two (2) feet behind the sidewalk where feasible.

D. Architectural Standards

- The maximum height in feet of the single family attached dwelling units to be constructed on the Site shall be 48 feet as measured under the Ordinance.
- The primary exterior building materials for the single family attached dwelling units to be constructed on the Site will be a combination of portions of the following: brick veneer or similar masonry products, stone, manufactured stone, stucco and cementitious siding.
- Vinyl, EIFS or masonite 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.
- The actual widths of the single family attached dwelling units to be constructed on the Site may vary from the widths depicted on the Rezoning Plan.
- Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that roofs for porches and attached sheds may be no less than 2:12, unless a flat roof architectural style is employed.

- Each single family attached dwelling unit shall have a covered front stoop. The front stoop may be covered by an awning, canopy, roof extension or other architectural feature chosen by Petitioner.
- All corner 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.
- The entrance into each single family attached dwelling unit shall be located more than 15 feet from the sidewalk located along the relevant lot's frontage on a public or private street.
- Walkways shall be provided to connect all residential entrances to sidewalks along public and private streets.
- Each single family attached dwelling unit shall have a garage.
- Garage doors shall contain translucent windows and carriage style hardware. An example of carriage style hardware is set out on Sheet RZ.02 of the Rezoning Plan.
- Except for the 6 unit building located near the southerly boundary of the Site, buildings containing single family attached dwelling units fronting public or private network required streets shall be limited to 5 individual units or fewer.

E. Streetscape and Buffers

- Petitioner shall install an 8 foot wide planting strip and a 12 foot wide multi-use path along the Site's frontage on Ridge Road as depicted on the Rezoning Plan.
- Petitioner shall install planting strips and sidewalks along the Site's internal streets as depicted on the Rezoning Plan.
- 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. Notwithstanding the foregoing, pursuant to the Ordinance, Petitioner may reduce the required width of a buffer by 25% by installing a fence that meets the standards of Section 12.302(8) of the Ordinance.
- In the event that an adjacent parcel of land is either rezoned to a zoning district or devoted to a use that eliminates or reduces the buffer requirements on the Site, Petitioner may reduce or eliminate, as the case may be, the relevant buffer areas set out on the Rezoning Plan accordingly.

F. Lighting

- All freestanding lighting fixtures installed on the Site (excluding lower, decorative lighting that may be installed along the driveways and sidewalks and landscaping

lighting) shall be fully capped and shielded and the illumination downwardly directed so that direct illumination does not extend past any property line of the Site.

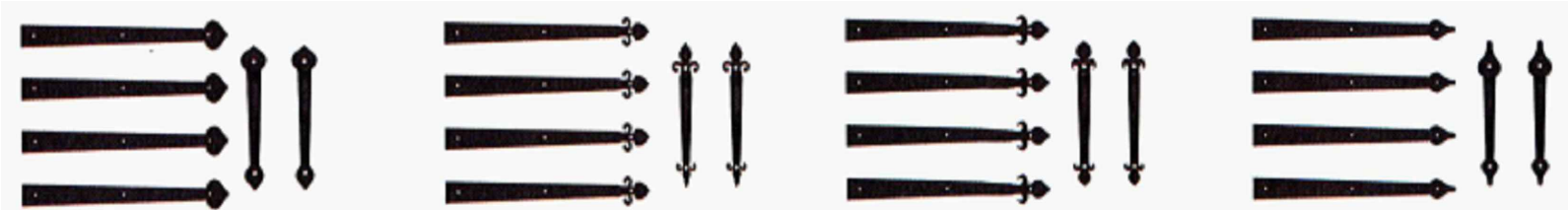
- The maximum height of any freestanding lighting fixtures installed on the Site, excluding street lights located along public streets, shall be 21 feet.

G. Environmental

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

H. Binding Effect of the Rezoning Documents and Definitions

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



McAdams

The John R. McAdams Company, Inc.
3430 Toringdon Way
Suite 110
Charlotte, NC 28277
phone 704.527.0800
fax 919.361.2269
license number: C-0293, C-187

www.mcadamsco.com

CLIENT

MS. MORGAN RUSHNELL
M/I HOMES
5350 77 CENTER DRIVE, SUITE 100
CHARLOTTE, NORTH CAROLINA, 28217
704.597.4524



M/I HOMES

ABERDEEN II TOWNHOMES

REZONING PETITION 2020-120

RIDGE ROAD

CHARLOTTE, NORTH CAROLINA

REVISIONS

NO. DATE

PLAN INFORMATION

PROJECT NO. MIH-20020
FILENAME MIH-20020-RZ
CHECKED BY EM
DRAWN BY JDS
SCALE 1"=60'
DATE 10.28.2020

SHEET

REZONING NOTES

RZ.02



Agenda Date: 1/19/2021

Agenda #: 33.**File #:** 15-15009 **Type:** Zoning Hearing

Rezoning Petition: 2020-125 by John Nicholls - Accent Homes Carolinas, Inc.

Location: Approximately 12.13 acres located along Back Creek Church Road, south of University City Boulevard, near the Cabarrus County line. (Council District 4 -Johnson)

Current Zoning: R-3 (residential)

Proposed Zoning: MX-2 (mixed residential)

Staff Recommendation:

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

Attachments:

Pre-Hearing Staff Analysis

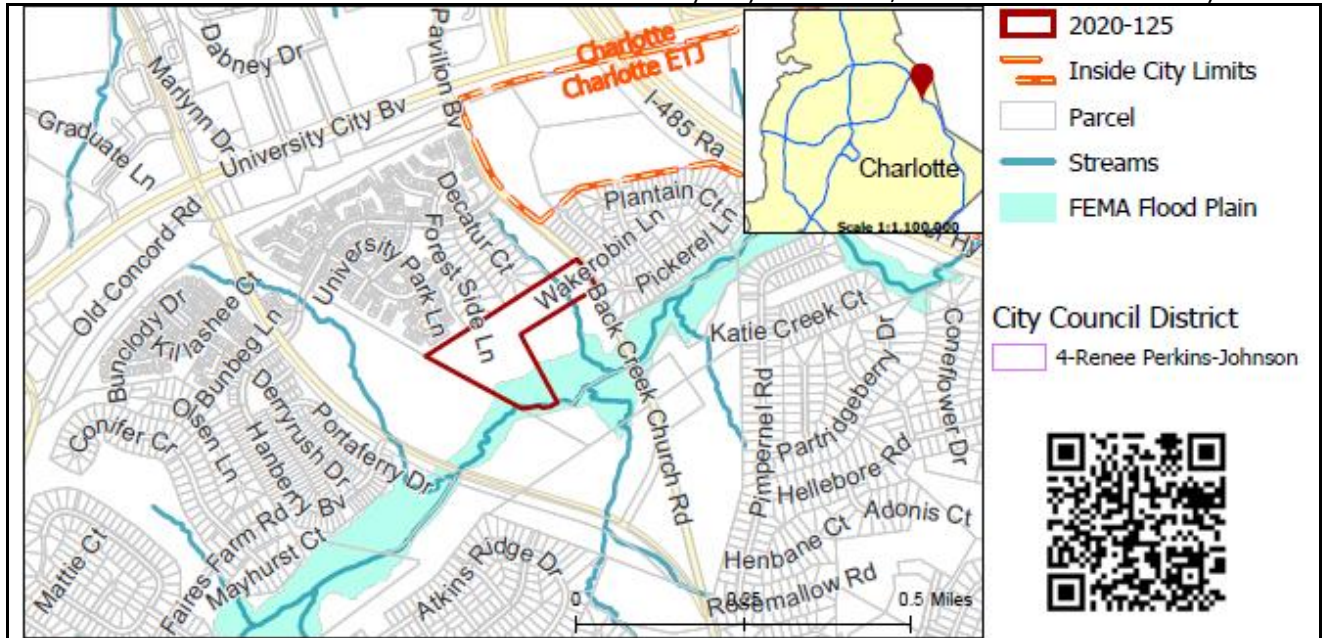
Site Plan

REQUEST

Current Zoning: R-3 (residential)
Proposed Zoning: MX-2 (mixed residential)

LOCATION

Approximately 12.13 acres located along Back Creek Church Road, south of University City Boulevard, near the Cabarrus County line.



SUMMARY OF PETITION

The petition proposes to develop the subject property into a single-family attached community of up to 97 residential units (7.99 dwelling units per acre (DUA)) and to permit any accessory uses either permitted by-right or under prescribed conditions.

PROPERTY OWNER

William Long, Jr.

PETITIONER

Jon Nicholls, Accent Homes Carolina, Inc.

AGENT/REPRESENTATIVE

Paul Pennell, Urban Design Partners

COMMUNITY MEETING

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

**STAFF
RECOMMENDATION**

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

Plan Consistency

The petition is **consistent** with the Rocky River Road Area Plan's (2006) recommendation for residential uses up to 8 DUA and greenway uses for the site.

Rationale for Recommendation

- The request is consistent with the *Rocky River Road Area Plan's* overall Vision statement in that it states that the area "should offer a balanced mix of land uses and housing opportunities that utilize high-quality design principles for new development." This project has accomplished that by implementing enhanced architectural standards for the proposed townhome units.

- The petition request for attached single family dwelling units assists in accomplishing the Plan's Land use goals for this area which encourages a mixture of housing types.
- The petition's commitment to preservation of the natural southeastern portion of the site allows for possibility of the area plan's recommendation of utilizing buffers for trail opportunities in this area.

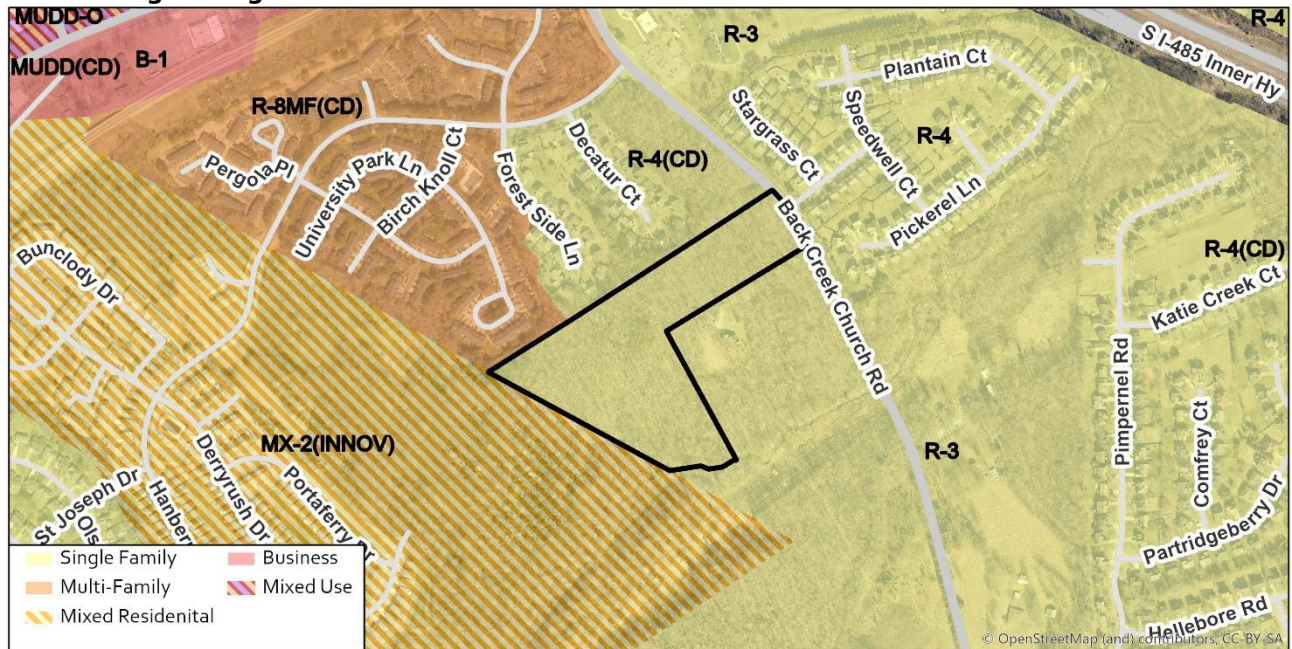
PLANNING STAFF REVIEW

• Proposed Request Details

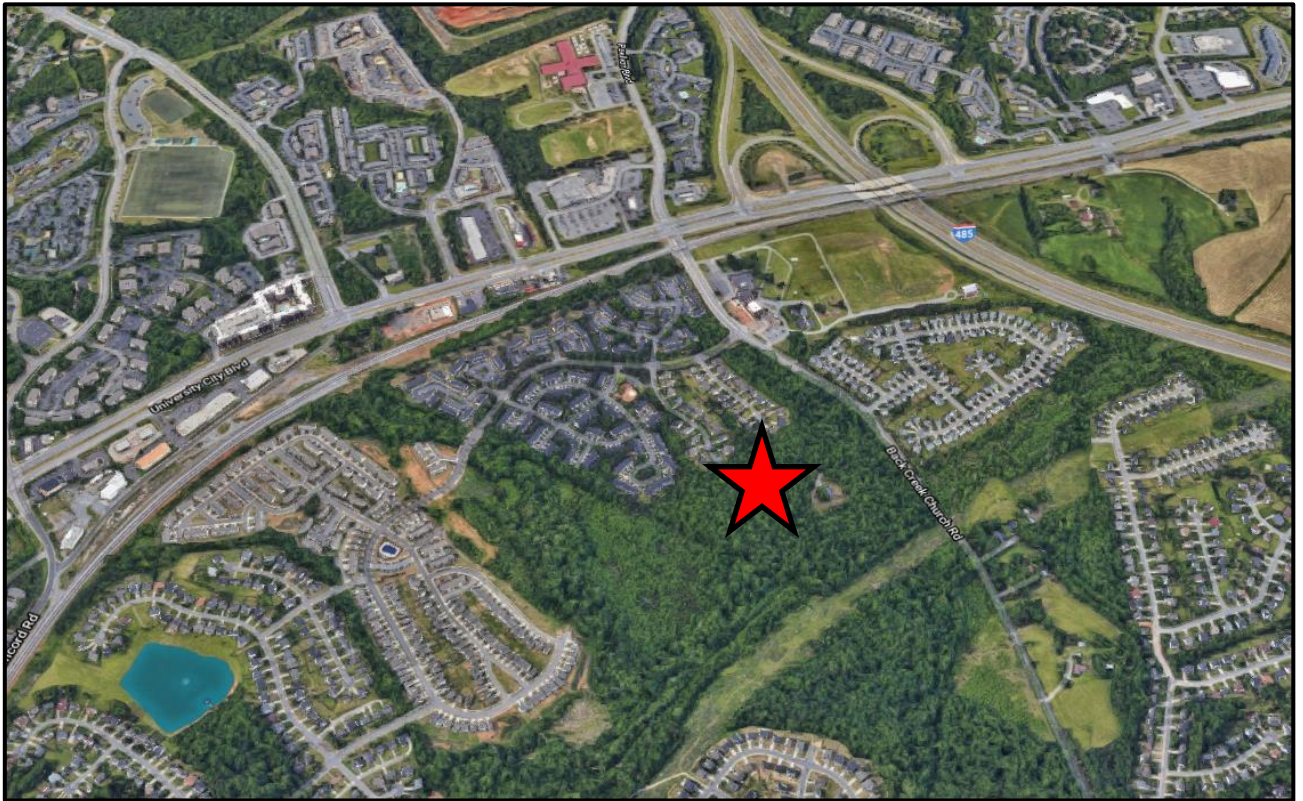
The site plan accompanying this petition contains the following provisions:

- Permits up to 97 single family attached townhome units.
- Provides a combination of internal public and private roads; public roads shall be designed with an 8-foot planting strip and 6-foot sidewalk.
- The site's frontage along Back Creek Church Road shall be improved with a 12-foot multi-use path.
- Commits to enhanced architectural design standards including recessed and translucent garage doors that face public or private streets, a maximum of five (5) units per building when adjacent to a public ROW, preferred building materials, and blank wall limitations.
- Dedicates and conveys property with MCPR within the 100' SWIM buffer adjacent to Back Creek Church Road for the construction of a greenway as depicted on the MCPR greenway master plan.

• Existing Zoning and Land Use



There have been no recent rezonings at this site. The site is surrounded by a large, single family homesite to the south, apartments and single-family residences to the east, north, and west.



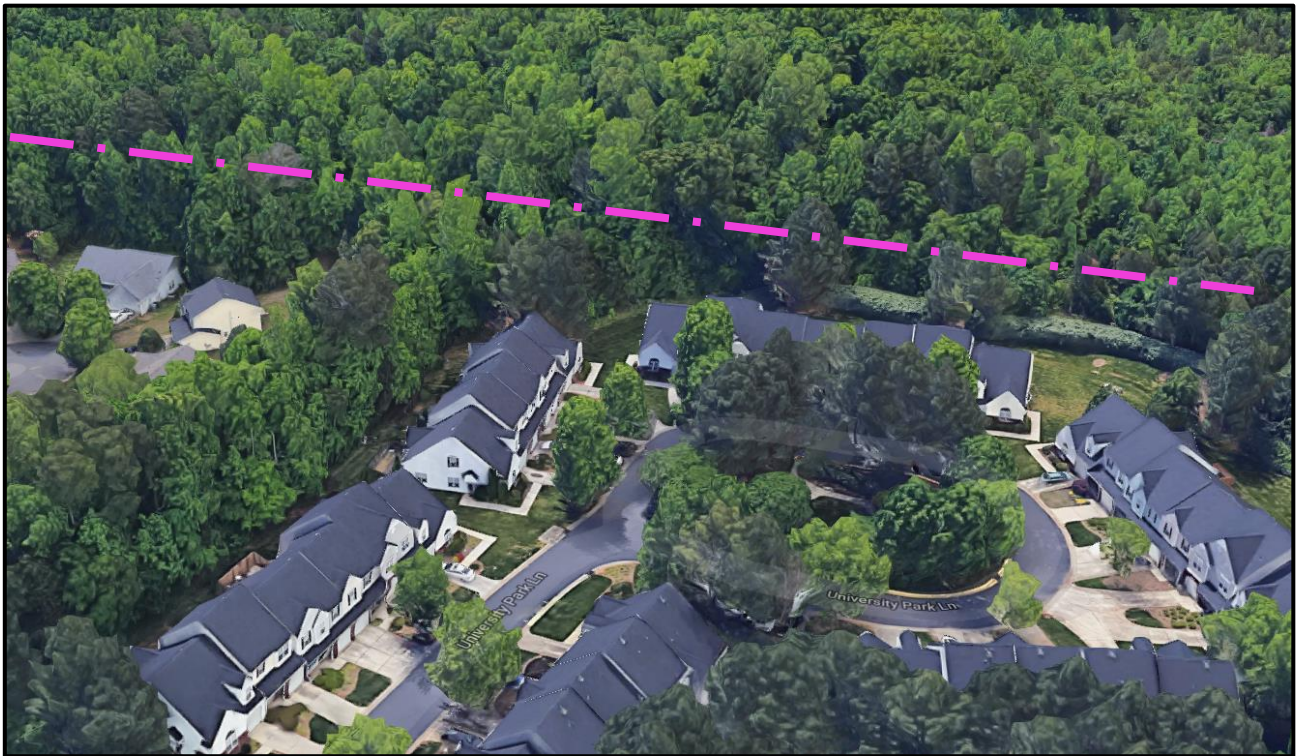
General locate of site denoted by red star.



Streetview looking west along Back Creek Church Road. The site's frontage is to the left and is currently a wooded lot.

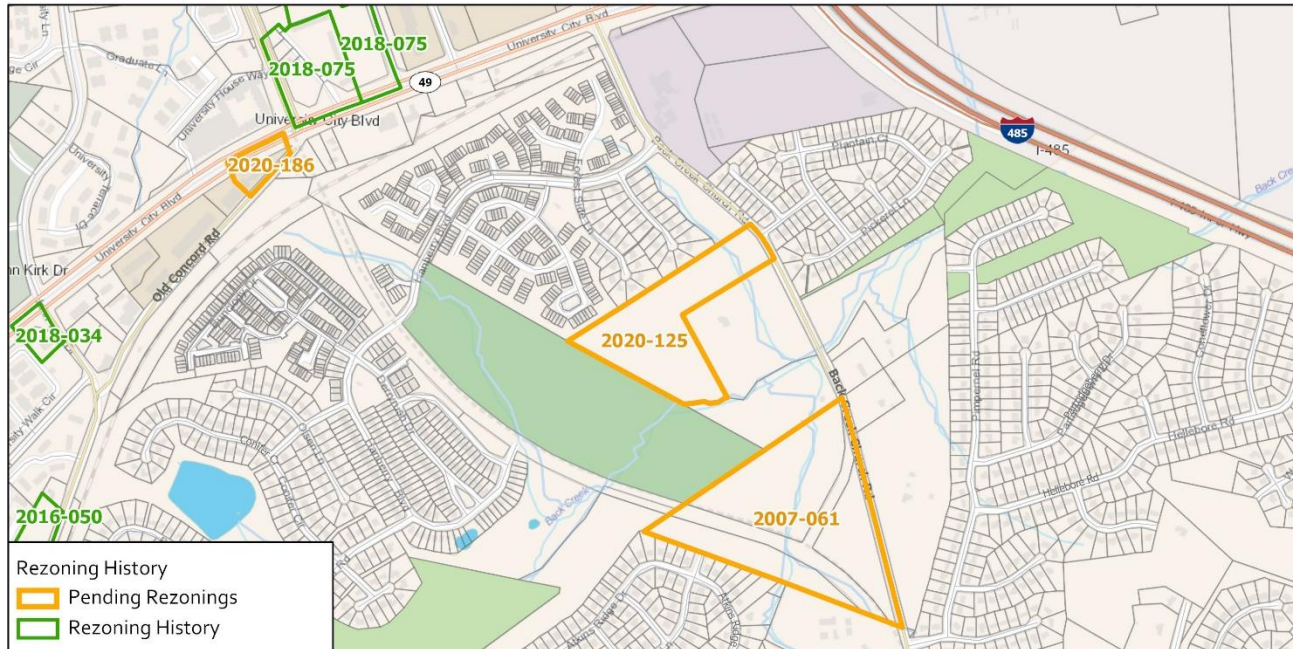


Streetview looking southeast along Forest Side Lane. This mixed residential community is located immediately north of the rezoning site.



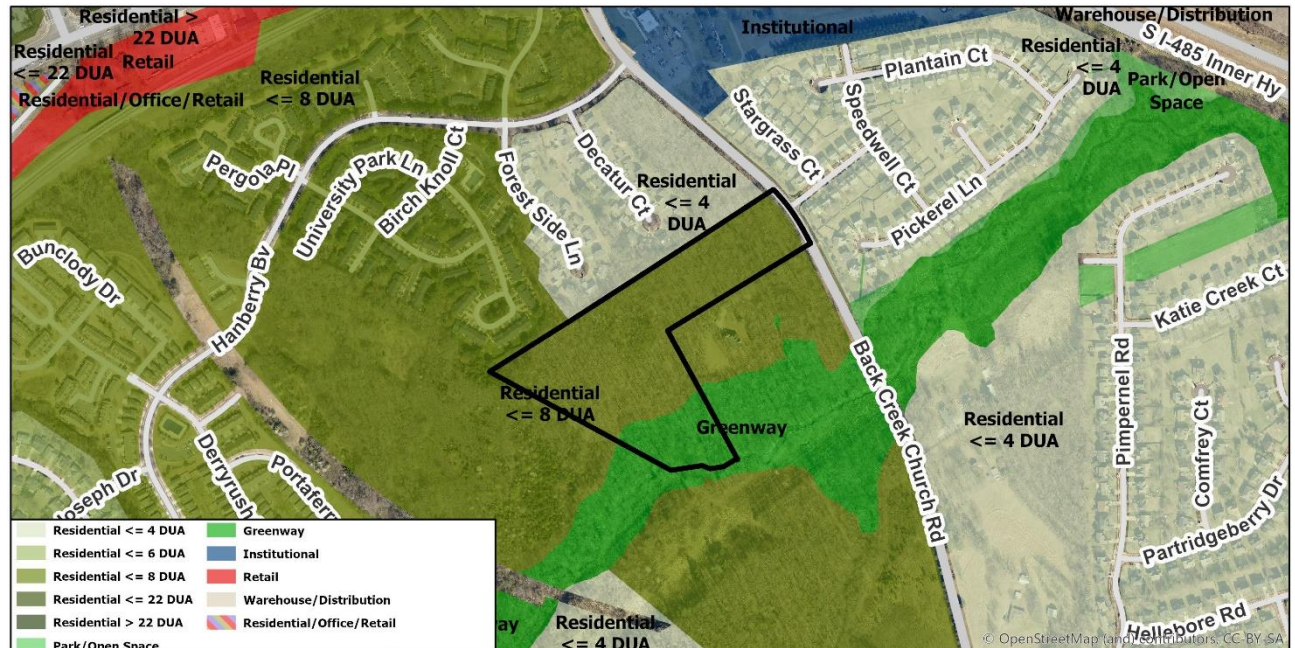
Looking southeast toward the rezoning site. Attached single family units are also immediately north of the rezoning boundary (approximate location of rezoning boundary illustrated with pink dashed line).

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2018-075	Rezoning proposal to allow up to 568 multi-family dwelling units on 10.77 acres.	Approved
2018-034	Petition to rezone former vacant college bookstore to permit additional retail uses.	Approved
2016-087	Petition to redevelop residential site into 349 multi-family units.	Approved
2020-186	Request to rezone to allow all uses within the B-2 (general business) zoning district.	Approved
2007-061	Rezoning to accommodate up to 96 condo units.	Indefinite Deferral

- Public Plans and Policies**



- The Rocky River Road Area Plan recommends residential uses up to 8 DUA for the site and greenway uses along the site's frontage with Back Creek.

- **TRANSPORTATION SUMMARY**

- The site is located on Back Creek Church Road (a State-maintained, minor thoroughfare road). The subject site is located within the vicinity of an active NCDOT STIP project (U-5768) scheduled for construction in 2024. It is anticipated that the STIP project will alleviate traffic along the existing Back Creek Church Road corridor. The project will complement the STIP project in this area and will dedicate right-of-way to Back Creek Church Rd. The petitioner commits to constructing 6-foot sidewalk with 8-foot planting strip on all local roads per Chapter 20 of the City's Ordinances, a 12' multi-use path along Back Creek Church Road to meet the City of Charlotte BIKE Policy, and a left turn lane into the development as required for developments that generate over 500 trips per day. All of CDOT's outstanding comments have been successfully addressed.
- **Active Projects:**
 - NC-49 widening and Back Creek Church Road realignment (Eastern Circumferential)
 - Widen NC-49 and realign Back Creek Church Road to a new intersection at Mallard Creek Church Road.
 - ROW 2021/Construction 2024
- **Transportation Considerations**
 - No outstanding issues.
- **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 0 trips per day (based on vacant land use).
 - Entitlement: 410 trips per day (based on 36 single-family detached dwellings).
 - Proposed Zoning: 795 trips per day (based on 110 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-Mecklenburg Schools:** The development allowed under the existing zoning could generate 8 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 15 students.
 - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
 - University Meadows Elementary remains at 119%
 - James Martin Middle remains at 74%
 - Zebulon Vance High from remains at 129%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 16-inch water distribution main located along Back Creek Church Road. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along the northern portion of the parcel. See advisory comments at www.rezoning.org
- **Engineering and Property Management:**
 - **Arborist:** No outstanding issues.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** See advisory comments at www.rezoning.org
 - **Urban Forestry:** See Requested Technical Revisions, Notes 3, 4.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Site and Building Design

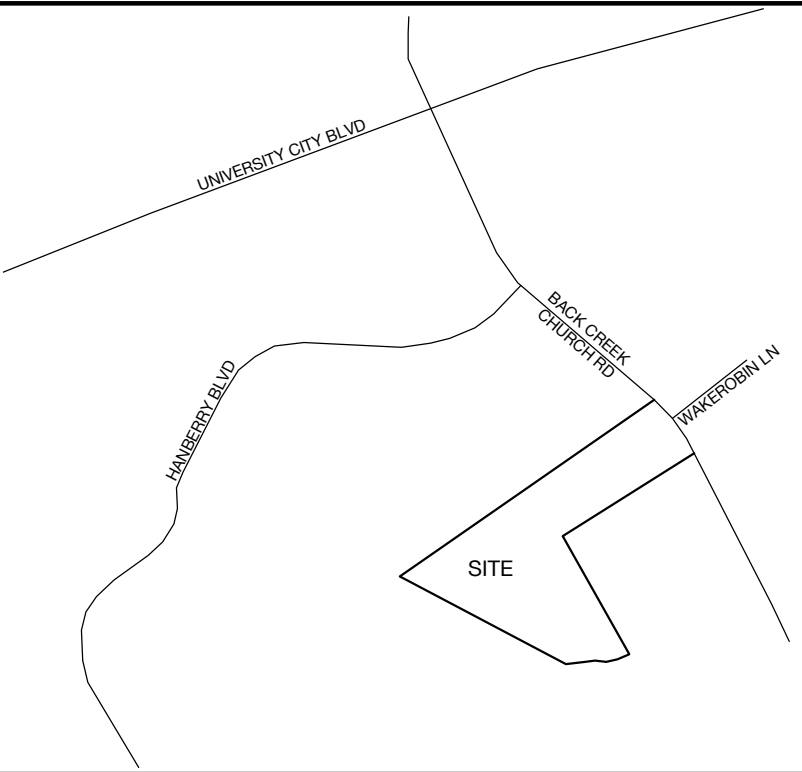
1. Please remedy Charlotte Fire note that mentions the inability to meet 150' to all exterior portions of buildings along the proposed private alley.
2. Site must meet 9.303(19)f to permit reduced setback along public street. Please note that in conditional notes and ensure all setbacks are labeled.

REQUESTED TECHNICAL REVISIONSEnvironment

3. Revise Streetscape and Landscaping section, subitem 1, to reflect compliance with the City of Charlotte Tree Ordinance.
 4. Add note to Streetscape and Landscaping section that reads as follows: "Removal of trees within the street ROW may require mitigation of those trees."
-

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

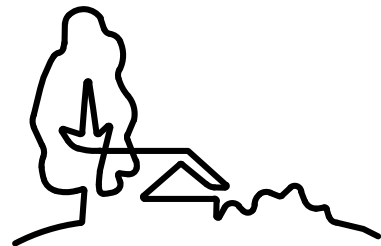
Planner: Will Linville (704) 336-4090



VICINITY MAP



Site Development Data:	
Acreage:	+/- 12.13 AC
Tax Parcel:	051-122-03
Existing Zoning:	R-3
Proposed Zoning:	MX-2
Existing Uses:	Vacant
Proposed Uses:	Single-Family Attached (Land For Sale)
Maximum Density:	Up to (97) Dwelling Units



URBAN
DESIGN
PARTNERS

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

Accent Homes Carolinas, Inc

Jon Nicholls

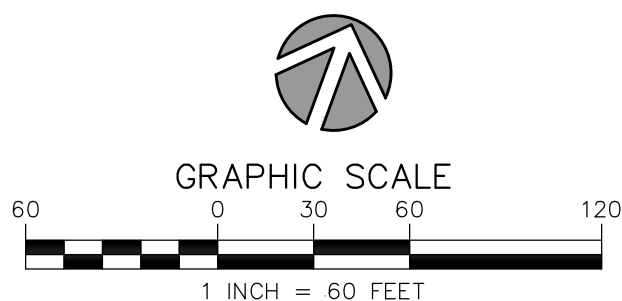
200 Foxfield Lane
Matthews, NC 28105

Back Creek Residential
Rezoning

Rezoning Site Plan
2040 Back Creek Church Rd, Charlotte, NC 28213

NO.	DATE	BY:	REVISIONS:	
			UDF	PER CITY COMMENTS
1	11.16.20	UDF		PER CITY COMMENTS
2	12.14.20	UDF		PER CITY COMMENTS

Project No: 20-CLT-039
Date: 07.13.2020
Designed By: NCG
Checked By: GPP
Sheet No:





Accent Homes Carolinas, Inc

Jon Nicholls

200 Foxfield Lane
Matthews, NC 28105

Back Creek Residential Rezoning

Development Standards

[illegible]

Project No: 20-CLT-039

Date: 07.13.2020

Designed By: NCG

Checked By: GPP

Sheet No:

RZ-2.0

ACREAGE: +/- 12.13 AC
TAX PARCEL: 051-122-03
EXISTING ZONING: R-3
PROPOSED ZONING: MX-2
EXISTING USES: VACANT
PROPOSED USES: SINGLE-FAMILY ATTACHED (LAND FOR SALE)
MAXIMUM DENSITY: UP TO (97) DWELLING UNITS

1. THESE DEVELOPMENT STANDARDS FORM PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY AGENT HOMES CAROLINAS, INC. (THE "PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF A SINGLE-FAMILY ATTACHED TOWNHOME RESIDENTIAL DEVELOPMENT ON AN APPROXIMATE 12.13 ACRE SITE LOCATED TO THE WEST OF BACK CREEK CHURCH ROAD IN THE CITY OF CHARLOTTE, WHICH IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (THE "SITE"). THE SITE IS COMPRISED OF TAX PARCEL NUMBERS 051-122-03.
2. DEVELOPMENT OF THE SITE SHALL BE GOVERNED BY THE REZONING PLAN, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE").
3. UNLESS THE REZONING PLAN OR THESE DEVELOPMENT STANDARDS ESTABLISH MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE "MX-2" ZONING DISTRICT SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON THE SITE.
4. THE DEVELOPMENT AND STREET LAYOUT DEPICTED ON THE REZONING PLAN ARE SCHEMATIC IN NATURE AND ARE INTENDED TO DEPICT THE GENERAL ARRANGEMENT OF SUCH USES AND IMPROVEMENTS ON THE SITE. ACCORDINGLY, THE FINAL LAYOUT, LOCATION AND SIZES OF THE DEVELOPMENT AND SITE ELEMENTS DEPICTED ON THE REZONING PLAN ARE GRAPHIC REPRESENTATIONS OF THE PROPOSED DEVELOPMENT AND SITE ELEMENTS, AND THEY MAY BE ALTERED OR MODIFIED IN ACCORDANCE WITH THE SETBACK, YARDS, LANDSCAPING AND TREE SAVE REQUIREMENTS SET FORTH ON THE REZONING PLAN AND THE DEVELOPMENT STANDARDS PROVIDED. HOWEVER, THAT ANY SUCH ALTERATIONS AND MODIFICATION SHALL BE MINOR IN NATURE AND NOT MATERIALLY CHANGE THE OVERALL DESIGN INTENT DEPICTED ON THE REZONING PLAN.
5. FUTURE AMENDMENTS TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER(S) OF THE SITE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ZONING ORDINANCE. MINOR ALTERATIONS TO THE REZONING PLAN ARE SUBJECT TO SECTION 6.207 OF THE ORDINANCE.

1. USES ALLOWED WITHIN THE REZONING AREA INCLUDED IN THIS PETITION ARE THOSE USES THAT ARE PERMITTED WITHIN THE MX-2 (INNOVATIVE) ZONING DISTRICT CONTAINING A MAXIMUM OF (87) SINGLE-FAMILY ATTACHED TOWNHOME UNITS ALONG WITH ANY INCIDENTAL AND ACCESSORY USES RELATING TO AND ALLOWABLE WITHIN THE ASSOCIATED ZONING DISTRICT.

2. UTILIZING SECTION 11.207(2) OF THE ORDINANCE, COMMON OPEN SPACE DENSITY BONUS PROVISIONS SHALL BE PERMISSIBLE ABOVE THE BASE MX-2 ZONING DISTRICT MAXIMUM DENSITY.

1. THE VEHICULAR ACCESS TO PUBLIC RIGHTS OF WAY WILL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. FINAL LOCATIONS, PLACEMENTS AND CONFIGURATIONS OF THE VEHICULAR ACCESS POINTS SHOWN ON THE REZONING PLAN ARE SUBJECT TO MINOR MODIFICATION REQUIRED TO ACCOMMODATE FINAL PERMITTING AND CONSTRUCTION PLAN ADJUSTMENTS AS REQUIRED BY NCDOT AND CDOT FOR APPROVAL.
2. THE SITE SHALL BE SERVED BY A COMBINATION OF PUBLIC ROADS, PRIVATE ROADS AND PRIVATE ALLEYS AS DEPICTED ON THE REZONING PLAN. FINAL LOCATIONS OF THE ACCESS POINTS ARE SUBJECT TO MINOR MODIFICATIONS AND ADJUSTMENTS TO ACCOMMODATE FINAL PERMITTING AND CONSTRUCTION PLANS AS REQUIRED TO OBTAIN FINAL APPROVAL.
3. THE PETITIONER AGREES TO PROVIDE ACCESSIBLE SIDEWALK RAMPS AT EACH CORNER OF PUBLIC ROAD 1 AND BACK CREEK CHURCH ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PETITIONER SHALL ALSO PROVIDE SIDEWALK AND PLANTING STRIP ALONG BACK CREEK CHURCH ROAD ADJACENT TO THE SITE. THE SIDEWALK MAY MEANDER ADJACENT THE PROPERTY AND FINAL LOCATION SHALL BE COORDINATED WITH NCDOT AND CDOT.
4. THE PETITIONER AGREES TO INSTALL IMPROVEMENTS ADJACENT BACK CREEK CHURCH ROAD PRIOR TO THE SITES FIRST CERTIFICATE OF OCCUPANCY BEING ISSUED.
5. THE PETITIONER AGREES TO INSTALL PUBLIC ROAD 1, 2 AND 3 PRIOR TO THE SITES FOURTH CERTIFICATE OF OCCUPANCY BEING ISSUED.
6. THE PETITIONER WILL DEDICATE VIA FEE SIMPLE CONVEYANCE ANY REQUIRED RIGHT-OF-WAY INDICATED ON THE REZONING PLAN AS RIGHT-OF-WAY TO BE DEDICATED.
7. THE PETITIONER SHALL DEDICATE FEE SIMPLE RIGHT OF WAY ALONG BACK CREEK CHURCH ROAD MEASURED 40' FROM THE EXISTING ROAD CENTERLINE AND AS GENERALLY DEPICTED ON THE SITE PLAN.
8. AN 8' PLANTING STRIP AND 6' SIDEWALK SHALL BE CONSTRUCTED ALONG ALL INTERNAL PUBLIC ROADS INCLUDING PUBLIC ROAD 1, 2 AND 3 AS GENERALLY DEPICTED ON THE SITE PLAN.
9. THE PETITIONER SHALL INSTALL A 12' MULTI-USE PATH AND 8' LANDSCAPE STRIP ALONG BACK CREEK CHURCH ROAD AS GENERALLY DEPICTED ON THE SITE PLAN.
10. THE PETITIONER SHALL INSTALL A NORTH BOUND LEFT TURN LANE ALONG BACK CREEK CHURCH ROAD AS DEPICTED ON THE SITE PLAN. FINAL COORDINATION OF LANE STORAGE AND TAPER REQUIREMENTS SHALL BE CONDUCTED WITH NCDOT.

ARCHITECTURAL AND DESIGN STANDARDS.

1. IN ADDITION TO DESIGN PROVISIONS CONTAINED WITHIN THE DISTRICT REGULATIONS OF THE ZONING ORDINANCE FOR THE MX-2 DISTRICT, THE DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE FOLLOWING PROVISIONS AND STANDARDS PRODUCED BY THE PETITIONER AND WHICH WILL BE BIDDING ON THE DEVELOPMENT OF THE SITE.
2. A VARIETY OF PRINCIPAL BUILDING MATERIALS MAY BE UTILIZED ON SITE AND WILL BE A COMBINATION OF THE FOLLOWING: MASONRY, BRICK, CONCRETE, PRE-CAST CONCRETE, STONE, PRECAST STONE, PRE-FINISHED METAL, ALUMINUM, STEEL, STUCCO, WOOD, CERAMIC TILE, CEMENTITIOUS FIBER BOARD AND GLASS FIBER REINFORCED CONCRETE, VINYL, AS A BUILDING MATERIAL, WILL ONLY BE ALLOWED ON WINDOWS, SOFFITS AND TRIM FEATURES.
3. PLACEMENT AND DESIGN OF SINGLE-FAMILY ATTACHED TOWNHOME RESIDENTIAL UNITS ON SITE SHALL ADHERE TO THE FOLLOWING GUIDELINES TO ENHANCE THE ARCHITECTURAL CHARACTER OF THE PROPOSED STRUCTURES.
 - a) PITCHED ROOFS SHALL BE SYMMETRICALLY SLOPED NO LESS THAN 5:12 EXCEPT FOR ROOFS FOR PORCHES THAT SHALL BE NO LESS THAN 2:12.
 - b) USEABLE PORCHES AND STOOPS SHALL FORM A PREDOMINANT FEATURE OF THE BUILDING DESIGN AND BE LOCATED ON THE FRONT OF THE BUILDING. USEABLE FRONT PORCHES MAY BE COVERED BUT NOT ENCLOSED.
 - c) ALL HVAC AND MECHANICAL EQUIPMENT SHALL BE SCREENED FROM PUBLIC VIEW.
 - d) BUILDINGS SHALL BE LIMITED TO A MAXIMUM OF FIVE (5) TOWNHOME UNITS PER BUILDING WHEN ADJACENT A PUBLIC RIGHT OF WAY.
4. PETITIONER SHALL PROVIDE BLANK WALL PROVISIONS THAT LIMIT THE MAXIMUM BLANK WALL EXPANSION TO 10 FEET ADJACENT PUBLIC STREETS ON ALL BUILDING LEVELS, INCLUDING BUT NOT LIMITED TO DOORS, WINDOWS, AWNINGS, AND/OR ARCHITECTURAL DESIGN ELEMENTS.
5. IN ORDER TO MINIMIZE THE IMPACT OF GARAGE DOORS, THOSE FACING PUBLIC OR PRIVATE STREETS, WILL BE RECESSED A MINIMUM OF 12" FROM THE BUILDING FACADE AND INCLUDE A COMBINATION OF TRANSLUCENT WINDOWS AND PROJECTING ELEMENTS OVER THE DOOR OPENING.
6. THE SITE SHALL COMPLY WITH SECTION 12.403 OF THE ZONING ORDINANCE. DUMPSTER AND RECYCLING SERVICE AREAS ASSOCIATED WITH RESIDENTIAL USES SHALL BE LOCATED AS GENERALLY DEPICTED ON THE SITE PLAN AND SHALL BE SCREENED FROM PUBLIC VIEW AND DESCRIBED WITHIN THE ORDINANCE.

1.THE PETITIONER SHALL COMPLY WITH CHAPTER 21 OF THE CITY OF CHARLOTTE CODE OF ORDINANCES.

2.TREES WITHIN THE RIGHT OF WAY ALONG BACK CREEK CHURCH ROAD SHALL BE PRESERVED, UNLESS ROAD IMPROVEMENTS REQUIRED BY NCDOT OR SIGHT DISTANCE REQUIREMENTS FOR SAFE TURNING MOVEMENTS DEEMS REMOVAL OF EXISTING TREES WITHIN THE RIGHT OF WAY TO BE NECESSARY.

1. THE PETITIONER SHALL COMPLY WITH THE CITY OF CHARLOTTE POST CONSTRUCTION ORDINANCE.
2. 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.
3. 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.

1.THE PETITIONER SHALL COMPLY WITH THE CITY OF CHARLOTTE SIGNAGE ORDINANCE.

1. ALL ATTACHED AND DETACHED LIGHTING WILL BE FULL CUTOFF FIXTURES AND DOWNWARDLY DIRECTED. HOWEVER, UPWARD FACING ARCHITECTURAL AND LANDSCAPE ACCENT LIGHTING SHALL BE PERMITTED.

2. DETACHED LIGHTING ON THE SITE, EXCEPT STREET LIGHTS LOCATED ALONG PUBLIC STREETS, WILL BE LIMITED TO TWENTY-ONE (21') FEET IN HEIGHT.

FUTURE AMENDMENTS TO THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE PARCEL OR PARCELS WITHIN THE SITE INVOLVED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE.

FURTHER ALTERATIONS OR MODIFICATIONS TO THE REZONING PLAN WHICH, IN THE OPINION OF THE PLANNING DIRECTOR, SUBSTANTIALLY ALTER THE CHARACTER OF THE DEVELOPMENT OR SIGNIFICANTLY ALTER THE APPROVED TECHNICAL DATA SHEET OR ANY OF ITS CONDITIONS OR WHICH INCREASE THE INTENSITY OF DEVELOPMENT SHALL NOT BE DEEMED TO BE MINOR AND MAY ONLY BE MADE IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTIONS 6.207(1) OR (2) OF THE ORDINANCE, AS APPLICABLE.

BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS:

1. IF THIS SITE PLAN AMENDMENT IS APPROVED, ALL CONDITIONS APPLICABLE TO DEVELOPMENT OF THE SITE IMPOSED UNDER THE TECHNICAL DATA SHEET WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF THE PETITIONER AND THE CURRENT AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS.

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



Agenda Date: 1/19/2021

Agenda #: 34. **File #:** 15-15010 **Type:** Zoning Hearing

Rezoning Petition: 2020-127 by RAM Realty Advisors

Location: Approximately 2.60 acres located on the south side of West Tremont Avenue, west of Tryon Street and north of Brookhill Road. (Council District 3 - Watlington)

Current Zoning: I-1 (light industrial)

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

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

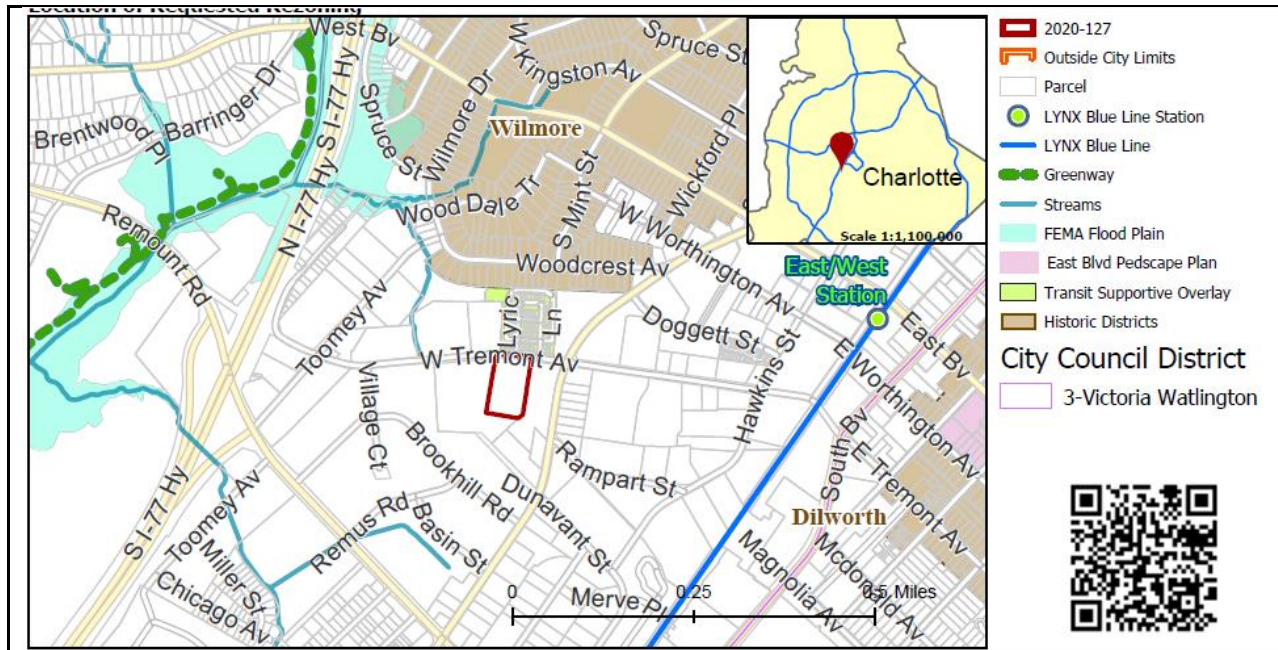
Pre-Hearing Staff Analysis

REQUEST

Current Zoning: I-1 (light industrial)
Proposed Zoning: TOD-NC (transit oriented development-transit neighborhood center)

LOCATION

Approximately 2.60 acres located on the south side of West Tremont Avenue, west of Tryon Street and north of Brookhill Road.



SUMMARY OF PETITION

The petition proposes to allow all uses in the TOD-NC (transit oriented development-transit neighborhood center) on a parcel developed with an industrial warehouse building located between South Boulevard and Interstate 77.

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE
COMMUNITY MEETING

Tremont Associates LLC
RAM Realty Advisors
Rachel Krenz, RAM Realty
Meeting is not required.

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the *New Bern Transit Station Area Plan* recommendation for residential up to or equal to 22 dwelling units per acre.

Rationale for Recommendation

- The site is within ½ mile walking distance from the East-West transit station. *The South End Station Area Plan* recommends higher density development within ½ mile of transit stations and the provision of sidewalks and other pedestrian amenities to improve access around station areas.
- The proposal allows a site previously used for industrial/office purposes to be reused or redeveloped with a transit supportive project.

- Use of conventional TOD-NC 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-NC district may be applied to parcels within 1-mile walking distance of an existing rapid transit station.

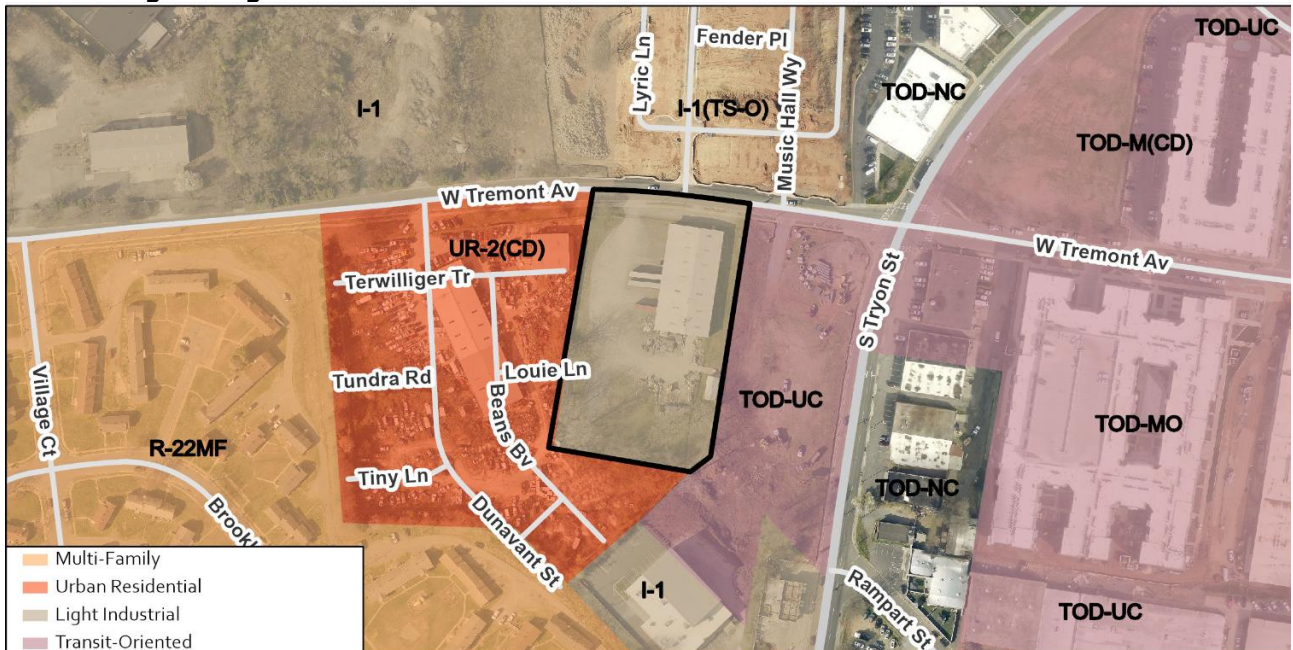
The approval of this petition will revise the adopted future land use from multifamily residential uses up to or equal 22 dwelling units per acre as specified in the *New Bern Transit Station Area Plan* to transit oriented development for the site.

PLANNING STAFF REVIEW

- **Proposed Request Details**

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

- **Existing Zoning and Land Use**



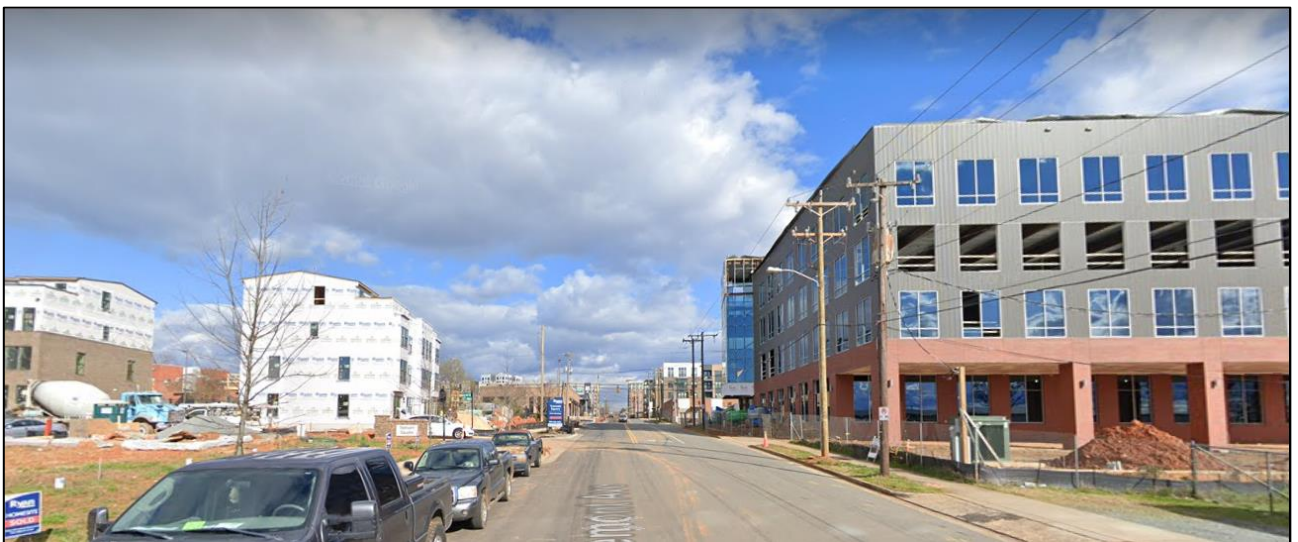
- The site is developed with an industrial warehouse building and surrounded by industrial, office, and residential uses, and vacant acreage on parcels in various zoning districts.



The subject site is developed with an industrial/warehouse and associated parking area.



North, across West Tremont Avenue, is a residential development under construction.

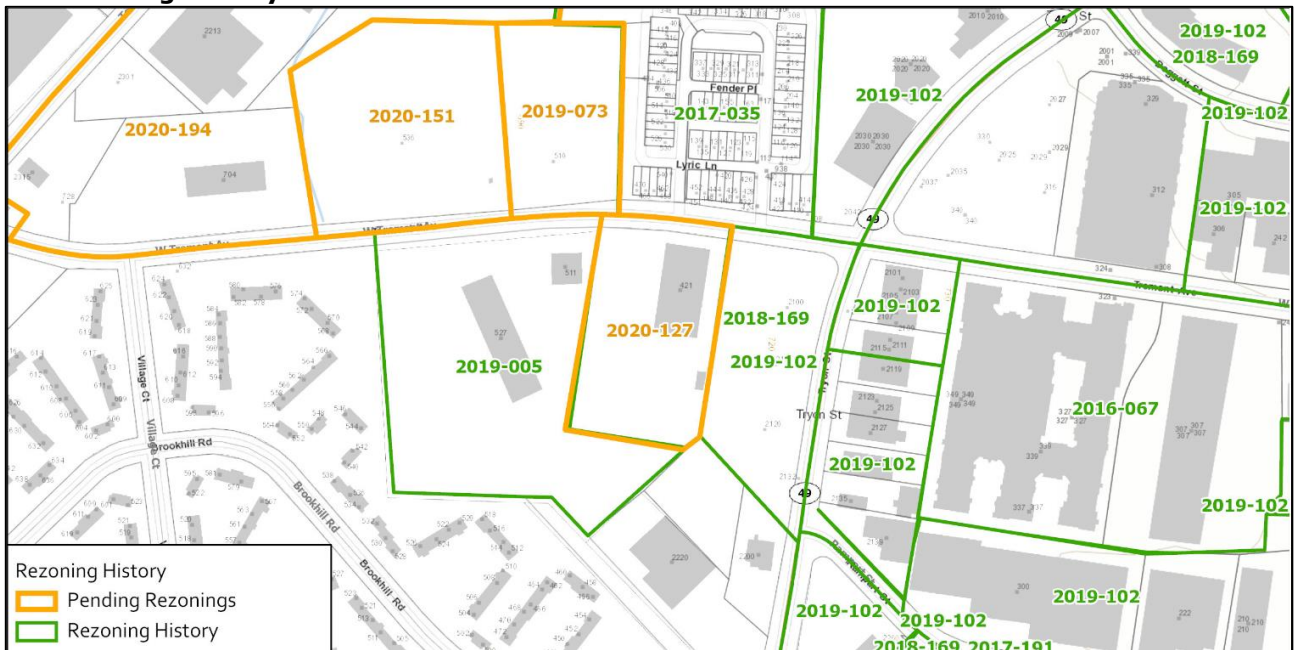


Along West Tremont Avenue is a mix of residential, office, and industrial uses and vacant acreage.



The subject site (denoted by the red star) is surrounded by a mix of residential and non-residential uses.

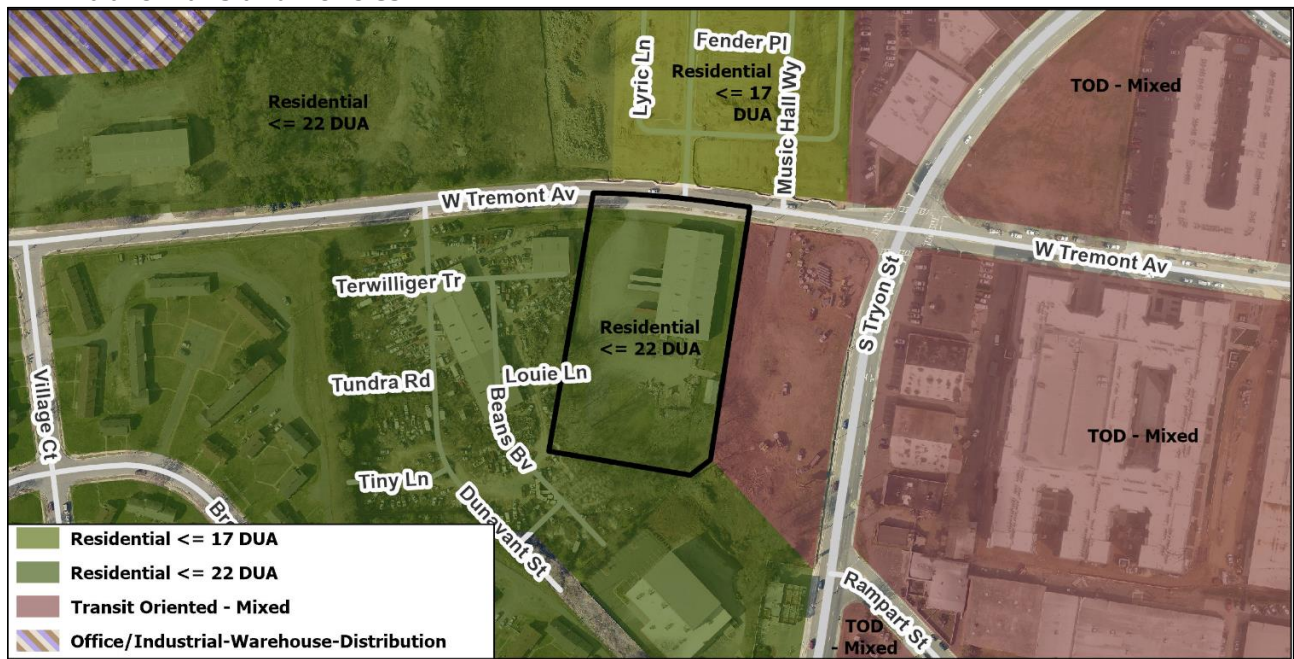
• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2020-194	Rezone 8.69 acres from R-5 and I-1 to MUDD-O.	Pending
2020-151	Rezone 3.455 acres from I-1 to MUDD-O.	Pending
2020-129	Rezone 3.264 acres from TOD-NC to TOD-UC.	Pending
2019-102	Rezoned 1,771.18 acres under a range of zoning districts to TOD-UC, TOD-NC, TOD-CC or TOD-TR.	Approved
2019-073	Rezone 1.91 acres from I-1 to MUDD(CD).	Pending
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	Approved

	transit oriented development districts and regulations.	
2018-144	Rezoned 2.21 acres from MUDD-O to TOD-M(O).	Approved
2018-003	Rezoned 0.739 acres from TOD-R(O) to TOD-M(O).	Approved
2017-203	Rezoned 0.75 acres from B-1 and R-8 to TOD-R(O).	Approved
2017-191	Rezoned 2.44 acres from I-2 to TOD-M.	Approved
2017-173	Rezoned 1.42 acres from MUDD to MUDD-O.	Approved
2017-094	Rezoned 0.35 acres from I-1 to TOD-M (transit oriented development - mixed-use) for all uses allowed in the district.	Approved
2017-035	Rezoned 4.39 acres from I-1 to I-1 TS-O.	Approved
2016-146	Rezoned 0.74 acres from I-2 to TOD-R(O).	Approved
2016-067	Rezoned 8.36 acres from I-2 to TOD-MO (transit oriented development – mixed-use, optional) to allow the development of 402 residential units and 2,500 square feet of non-residential uses.	Approved

• **Public Plans and Policies**



- The *New Bern Transit Station Area Plan* recommends residential equal to or up to 22 dwelling units per acre.
- The site is within ½ mile walking distance from the East-West transit station. *The South End Station Area Plan* recommends higher density development within ½ mile of transit stations and the provision of sidewalks and other pedestrian amenities to improve access around station areas.

- **TRANSPORTATION SUMMARY**

- This site is located on Tremont Street, a City-maintained local street, just west of Tryon Street, approximately ½ mile away from the East/West Blue Line Station. This site is requesting a TOD-NC 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 provide additional forms of connectivity, as applicable, supporting the types of development in the TOD-zoned areas.

- See advisory comments at www.rezoning.org.

- **ACTIVE PROJECTS NEAR THE SITE:**

- South Tryon Street Corridor Implementation CIP Project
 - Construction of bicycle and pedestrian facilities along South Tryon Street.
- 510 West Tremont - RZP-2019-073
 - Rezoning to MUDD (CD) with proposed retail and multi-family residential uses.

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 70 trips per day (15,480 square feet of warehouse)

Entitlement: 90 trips per day (26,000 square feet of warehouse)

Proposed Zoning: Too many uses to determine

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 Station Area Plan recommends higher density development within ½ mile of transit stations and the provision of sidewalks and other pedestrian amenities to improve access around station areas.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the proposed zoning is to be determined (too many uses to determine). See advisory comments at www.rezoning.org.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along West Tremont Road. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along West Tremont Road.
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** See advisory comments at www.rezoning.org
 - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

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

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



Agenda Date: 1/19/2021

Agenda #: 35.**File #:** 15-15011 **Type:** Zoning Hearing

Rezoning Petition: 2020-128 by MRL Holdings, LLC

Location: Approximately 0.17 acres located at the southern corner of the intersection of Alexander Street and 15th Street. (Council District 1 - Egleston)

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

Proposed Zoning: UR-3 (CD)

Staff Recommendation:

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

Attachments:

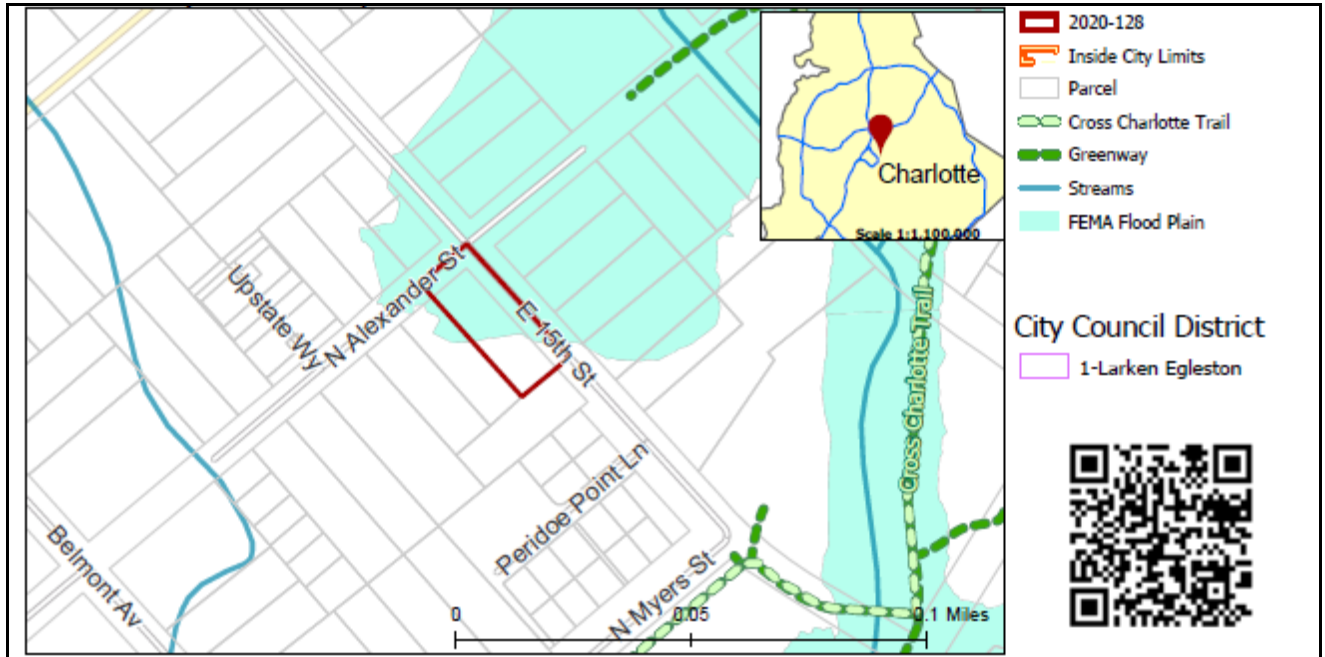
Pre-Hearing Staff Analysis
Site Plan

REQUEST

Current Zoning: R-22MF (multi-family residential)
Proposed Zoning: UR-3 (CD) (urban residential, conditional)

LOCATION

Approximately 0.17 acres located at the southern corner of the intersection of Alexander Street and 15th Street.



SUMMARY OF PETITION

The rezoning petition proposes up to four (4) single family attached residential units on an existing vacant lot at a density of 23.5 dwelling units per acre (DUA).

PROPERTY OWNER

MRL Holdings, LLC

PETITIONER

MRL Holdings, LLC

AGENT/REPRESENTATIVE

Collin Brown & Brittany Lins, Alexander Ricks PLLC

COMMUNITY MEETING

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

**STAFF
RECOMMENDATION**

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

Plan Consistency

The petition is **inconsistent** with the *Belmont Area Revitalization Plan's* (2003) recommendation for greenway uses for the site.

Rationale for Recommendation

- Prior requests for urban residential zoning districts have been approved near the existing request and are found throughout the Belmont and Optimist Park neighborhoods. The location near transit accommodates a moderate increase in residential density..
- Since the Little Sugar Creek Greenway was constructed after the plan was adopted, the greenway is now located east of this site and the land use designation could be changed to a compatible use.

- The requested density (23.5 DUA) is near the entitled density found in the current R-22MF district.
- The request for an increase in density is reasonable in that the parcel is proximal (around 2,800 feet) to the Blue Line's Parkwood Avenue Station.
- Additionally, the request provides new housing that brings added density along the Little Sugar Creek Greenway.

The approval of this petition will revise the adopted future land use as specified by the *Belmont Area Revitalization Plan*, from greenway uses to residential uses over 22 DUA for the site.

PLANNING STAFF REVIEW

- **Proposed Request Details**

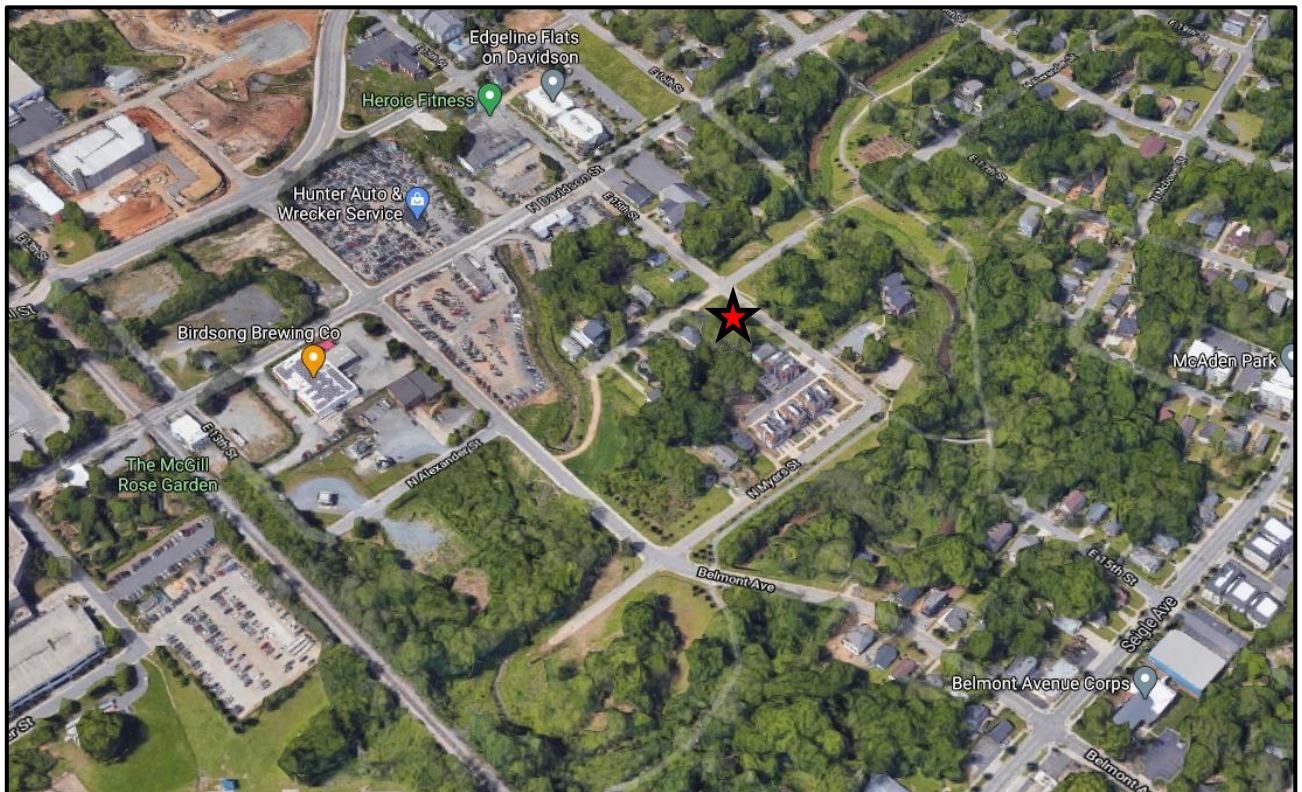
The site plan accompanying this petition contains the following provisions:

- Up to four (4) single family attached dwelling units at a max. height of 40 feet.
- Commits to improving N. Alexander Street and 15th Street with curb and gutter and include an 8-foot wide planting strip and 6-foot wide sidewalk along both frontages.
- Access to the units is provided by two shared driveways.

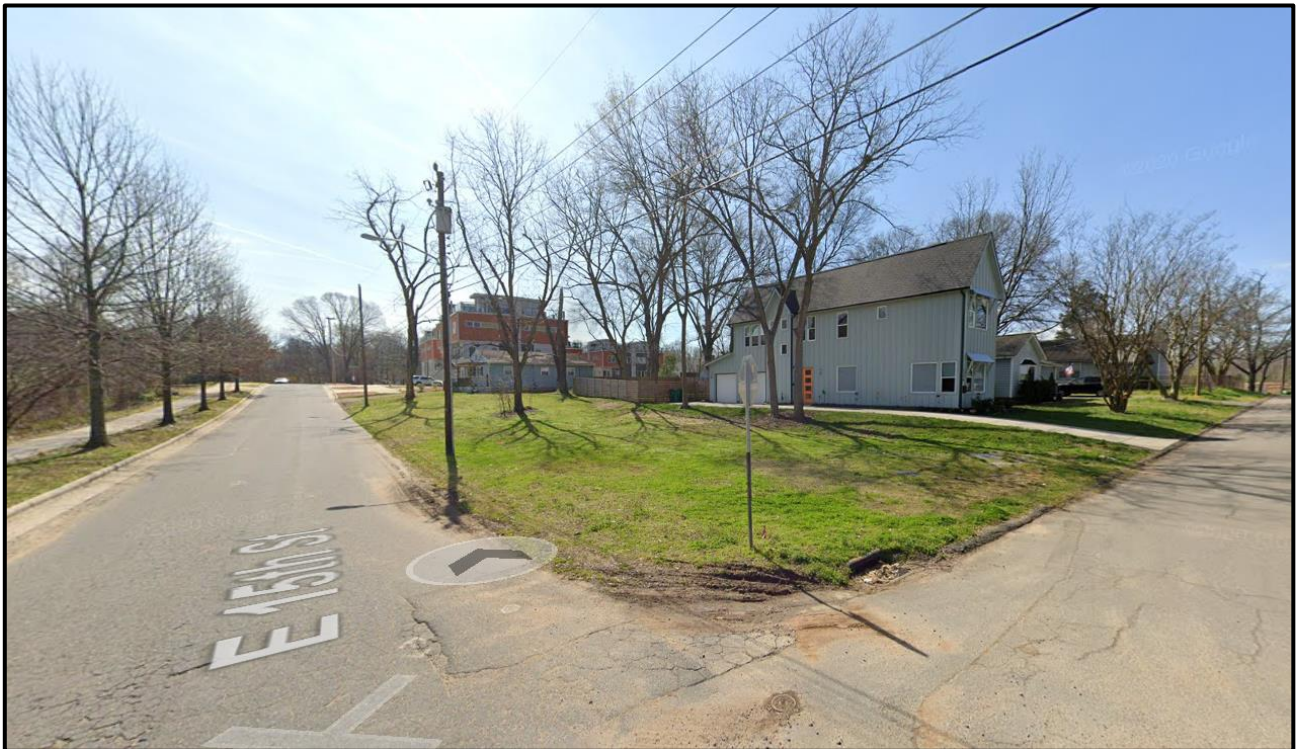
- **Existing Zoning and Land Use**



There have been no historical rezonings of this site. The area is largely zoned multi-family residential SE of N. Alexander Street and a mixture of TOD and industrial zoning is found NW of N. Alexander Street.



General location of subject property denoted by red star.



Streetview looking south along E. 15th Street toward the subject property (vacant corner lot).

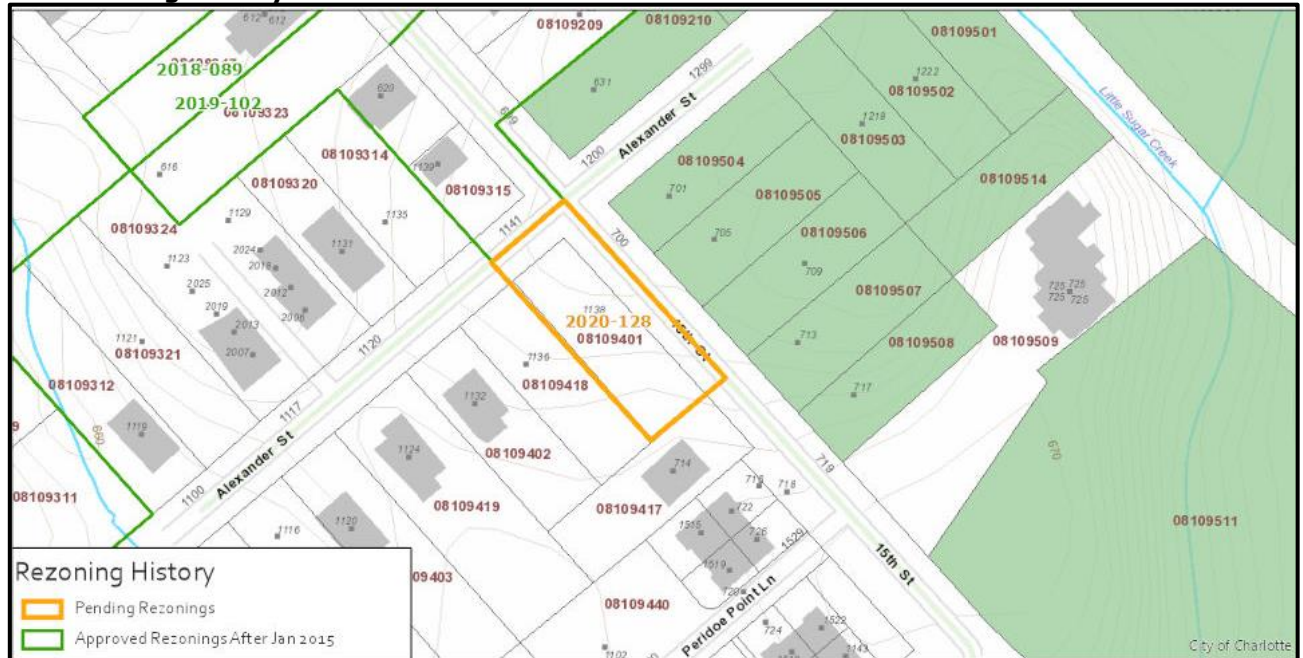


Alternate view looking east toward the subject property along N. Alexander Street. The home to the right is immediately adjacent to the subject property.



Image of single family homes along N. Alexander Street representing the general housing context surrounding the site.

• Rezoning History in Area



Petition Number	Summary of Petition	Status
2019-102	City-sponsored TOD (transit oriented development) rezoning along entirety of Blue Line.	Approved
2018-089	Request for urban residential zoning from industrial – subsequently rezoned to TOD-UC (transit oriented development, urban center).	Approved

• Public Plans and Policies



- The *Belmont Area Revitalization Plan* (2003) recommends greenway uses for the site.
- **TRANSPORTATION SUMMARY**
 - The site is located on N. Alexander Street and 15th Street, which are both City-maintained, local roads. The project allows for four townhomes with a trip generation of 30 daily trips. The petitioner commits to constructing an 8-foot planting strip and 6-foot sidewalk on N.

Alexander Street and 15th Street per Chapter 20, increasing bicycle and pedestrian connectivity within the City. All CDOT's outstanding comments have been successfully addressed.

- **Active Projects:**

- N/A

- **Transportation Considerations**

- No outstanding issues.

- **Vehicle Trip Generation:**

Current Zoning:

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

Entitlement: 15 trips per day (based on .17 acres of R-22MF).

Proposed Zoning: 30 trips per day (based on 4 TH).

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 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 zero.
 - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
 - Villa Heights Elementary remains at 67%
 - Eastway Middle remains at 118%
 - Garinger High remains at 122%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along E. 15th Street. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along E. 15th Street. See advisory comments at www.rezoning.org
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** See advisory comments at www.rezoning.org
 - **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.

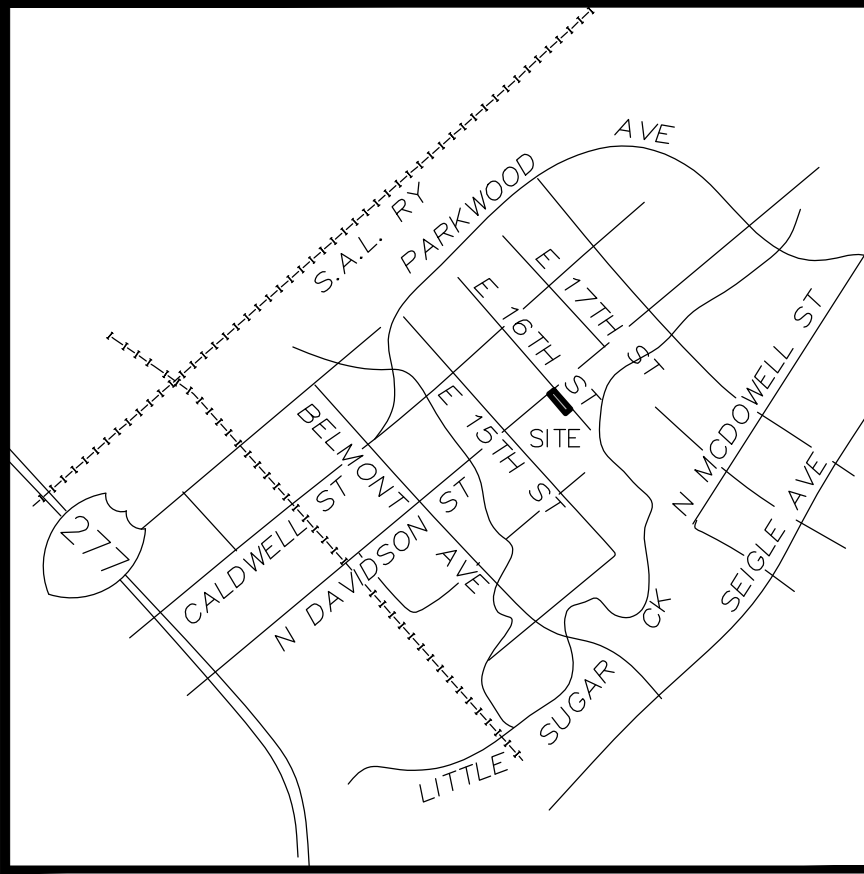
REQUESTED TECHNICAL REVISION

Site and Building Design

1. Add the petition number along the right margin of the rezoning site plan.

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

Planner: Will Linville (704) 336-4090



VICINITY MAP

NOT TO SCALE

MRL HOLDINGS LLC
REZONING PETITION NO. 2020-128
12/15/2020

Development Data Table:

Site Area:	+/- 0.17 acres
Tax Parcels:	081-094-01
Existing Zoning:	R-22MF
Proposed Zoning:	UR-3(CD)
Existing Use:	Vacant
Proposed Uses:	Up to four (4) Single-family Attached (Townhome) Dwelling Units
Maximum Building Height:	Up to Forty (40) feet, as measured per the Ordinance
Parking:	Shall meet or exceed Ordinance standards
Floor Area Ratio (FAR):	Maximum of 1.8

I. General Provisions

- These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by MRL Holdings LLC (the "Petitioner") to accommodate the development of a single-family attached (townhome) residential community on that approximately 0.17-acre site located at 1138 North Alexander Street at the intersection with East 15th Street, more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Tax Parcel Number 081-094-01.
- Development of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance").
- Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the UR-3 zoning district shall govern the development and use of the Site.
- The development and layout depicted on the Rezoning Plan are schematic in nature and are intended to depict the general arrangement of such uses and improvements on the Site. Accordingly, the ultimate layout, locations and sizes of the development and site elements depicted on the Rezoning Plan are graphic representations of the proposed development and site elements, and they may be altered or modified in accordance with the setback, yard, landscaping and tree save requirements set forth on this Rezoning Plan and the Development Standards, provided, however, that any such alterations and modifications shall be minor in nature and not materially change the overall design intent depicted on the Rezoning Plan.
- Future amendments to the Rezoning Plan and/or these Development Standards may be applied for by the then owner(s) of the Site in accordance with the provisions of Chapter 6 of the Ordinance. Minor alterations to the Rezoning Plan are subject to Section 6.207 of the Ordinance.

II. Permitted Uses

- The Site may be devoted only to a residential community containing a maximum of four (4) single-family attached dwelling units and any incidental and accessory uses relating thereto that are permitted in the UR-3 zoning district.

III. Transportation

- Vehicular access to the Site shall be as generally depicted on the Rezoning Plan. The placement and configuration of the vehicular access points are subject to any minor modifications required to accommodate final site and construction plans and designs and as required for approval by the Charlotte Department of Transportation (CDOT).
- The Petitioner shall improve the Site frontage of N Alexander Street and 15th Street with curb and gutter to the Local Residential Medium standard and include an eight (8) foot wide planting strip and six (6) foot wide sidewalk.
- Petitioner shall dedicate all rights-of-way where necessary, in fee simple conveyance to the City of Charlotte prior to the issuance of the Site's first building certificate of occupancy.
- Unless stated otherwise herein, the Petitioner shall ensure that all transportation improvements are substantially completed prior to the issuance of the Site's first building certificate of occupancy.

IV. Architectural & Landscaping Standards

- Preferred Exterior Building Materials: All principal and accessory buildings shall be comprised of a combination of portions of brick, brick veneer, natural stone (or its synthetic equivalent), stucco, cementitious siding, fiber cement ("HardiPlank") and/or other materials approved by the Planning Director.
- Prohibited Exterior Building Materials: (i) vinyl siding, excluding vinyl handrails, windows, soffits, doors, garage doors, railings, or trim, and (ii) concrete masonry units not architecturally finished.
- 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.
- Roof overhangs, eaves, cornices, chimneys, gutters, vents, bay windows, pilasters, pillars, open porches (if provided), and other architectural elements may project up to twenty-four (24) inches into the required setbacks and yards.
- The corner/end unit fronting North Alexander Street shall have enhanced side elevations to limit the maximum blank wall expanse to ten (10) feet on each level of the unit.
- For all units, Petitioner shall provide blank wall provisions that limit the maximum blank wall expanse to twenty (20) feet on all building levels, including but not limited to doors, windows, awnings, material or color changes, and/or architectural design elements.
- Rooftop terraces may be installed on any/all units on the Site, at the Petitioner's option.
- All townhome units shall be provided with a garage for a minimum of two (2) cars.
- Garage doors fronting East 15th Street shall include translucent garage door windows and other projecting architectural elements such as, but not limited to, arbors.
- The Petitioner may subdivide the Site and create lots within the Site with no side or rear yards as part of a unified development plan.
- The Petitioner requests the ability to utilize the Ordinance Section 9.406(3) footnote 4, allowing for 25% reduction in the required rear yard dimension, as generally depicted on the Rezoning Plan, as a more efficient use of the Site that does not unduly diminish the provision of light, air and privacy to abutting properties.
- Trash and recycling will be picked up by City services. Roll out containers will be placed on 15th Street for collection.
- 400 square foot private/common open space requirement shall be satisfied with a combination of rooftop and/or ground-level open space.

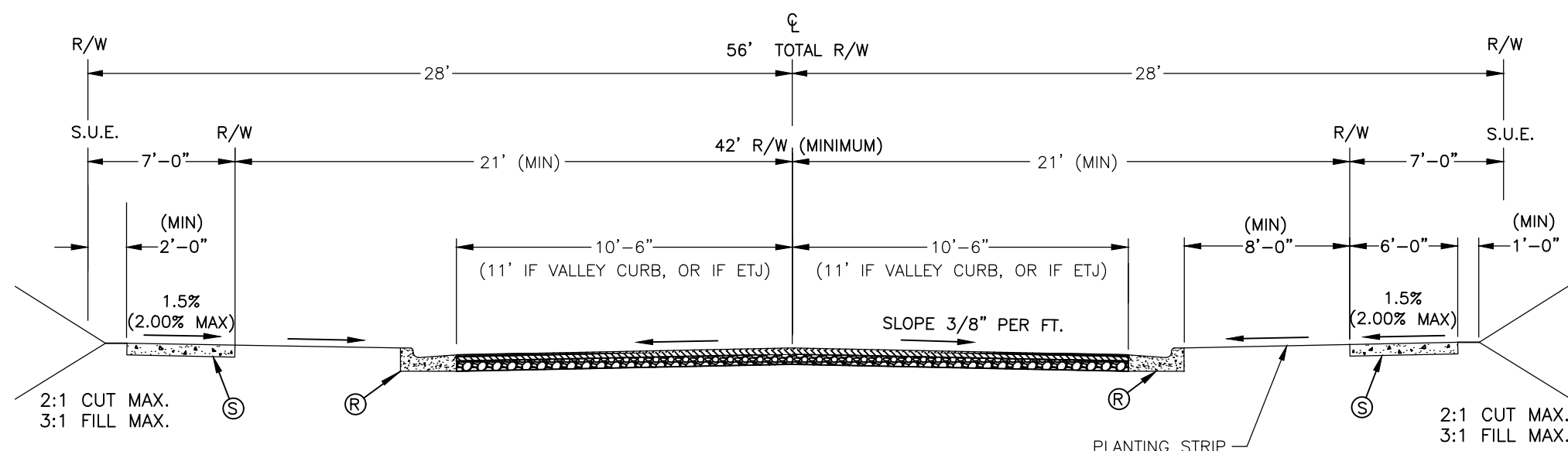
V. Environmental Features

- The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Stormwater Ordinance. The location, size, and type of 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 Petitioner shall comply with the Charlotte Tree Ordinance.

VI. Binding Effect of the Rezoning Documents and Definitions

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

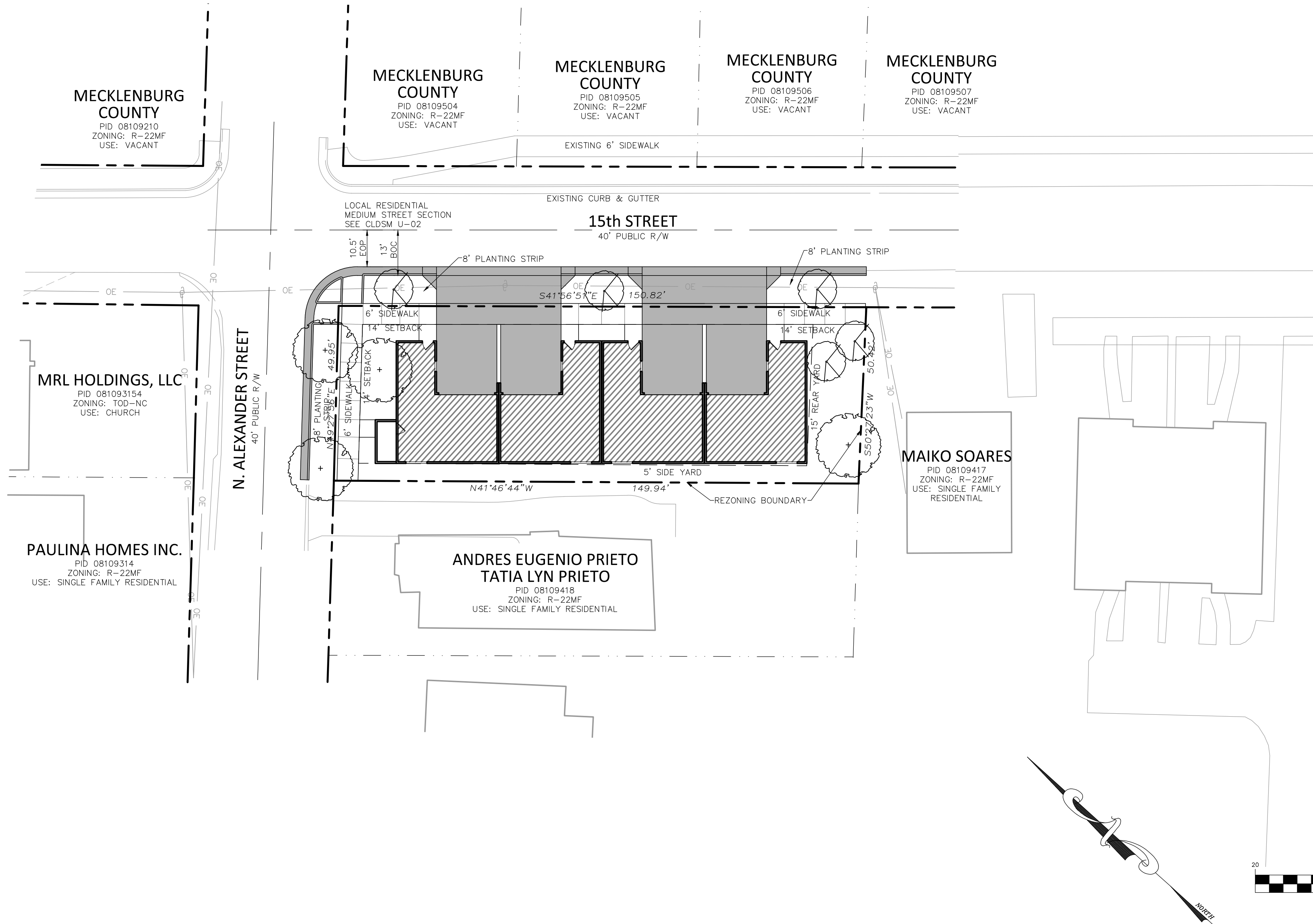
Throughout these Development Standards, the terms, "Petitioner" and "Owner" or "Owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioner or the owner or owners of any part of the Site from time to time who may be involved in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



LOCAL RESIDENTIAL MEDIUM STREET TYPICAL SECTION



CONCEPTUAL NORTH ALEXANDER STREET ELEVATION SCALE: 1" = 10'-0"



605 LEXINGTON AVENUE, SUITE 301
CHARLOTTE, NC 28203
P 704-749-1432
www.orsborn-eng.com

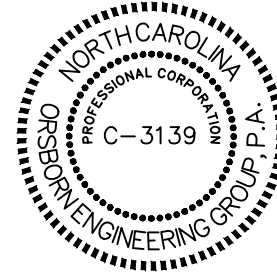
TECHNICAL SITE PLAN PETITION #2020-XX

FOR

1138 N. ALEXANDER STREET
CHARLOTTE, NORTH CAROLINA

MRL HOLDINGS, LLC

2488 CHATHAN DRIVE
FORT MILL, SC 29707



NO.	DATE	REVISIONS
1	12/15/20	DATE
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

JOB #	20010
DATE:	07/17/2020
SCALE:	1" = 20'
DRAWN BY:	JAW
APPROVED BY:	JCO

RZ-1



Agenda Date: 1/19/2021

Agenda #: 36. **File #:** 15-15012 **Type:** Zoning Hearing

Rezoning Petition: 2020-137 by John Clark, Jr.

Location: Approximately 24.35 acres located along the southern portion of W. Rocky River Road.
(Council District 4 -Johnson)

Current Zoning: R-3 (residential)

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

Staff Recommendation:

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

Attachments:

Pre-Hearing Staff Analysis

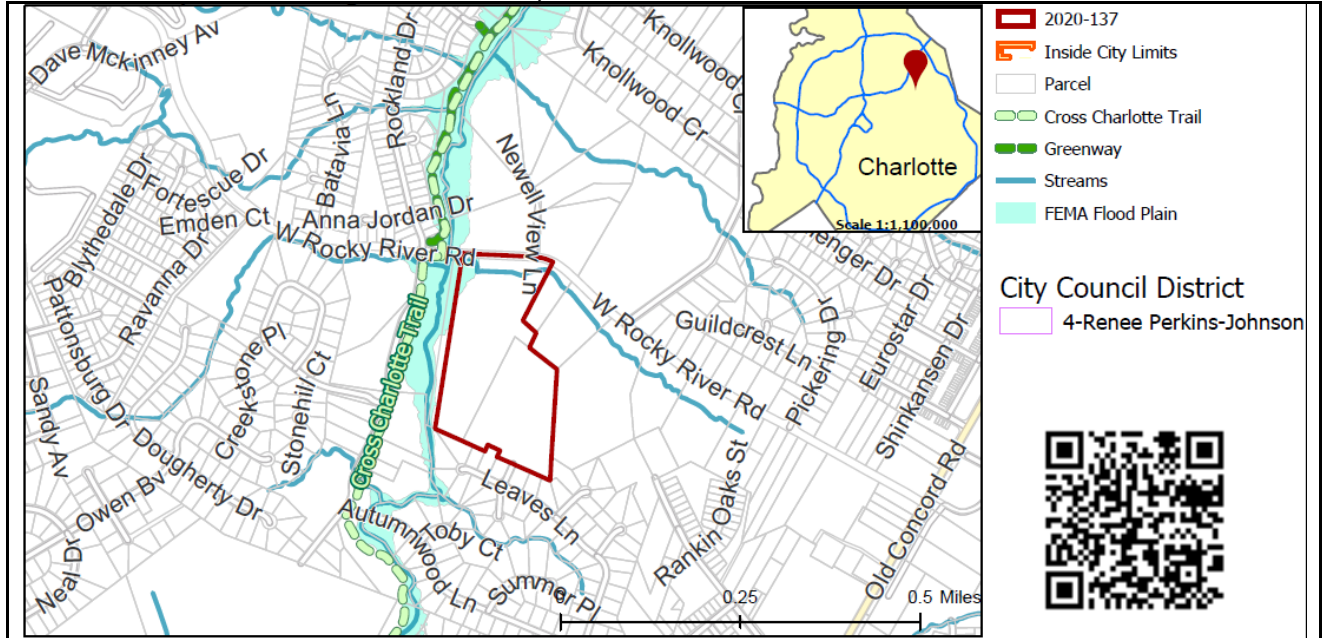
Site Plan

REQUEST

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

LOCATION

Approximately 24.35 acres located along the southern portion of W. Rocky River Road



SUMMARY OF PETITION

The petition proposes to develop two (2) parcels of vacant land into an attached single-family residential community of up to 167 units (6.86 DUA).

PROPERTY OWNER

John Clark, Jr.

PETITIONER

John Clark, Jr.

AGENT/REPRESENTATIVE

Dennis Terry, Bloc Design

COMMUNITY MEETING

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

**STAFF
RECOMMENDATION**

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

Plan Consistency

The petition is **inconsistent** with the *Newell Area Plan's* (2002) recommendation for single family uses up to four dwelling units per acre (DUA) and greenway uses for the site.

Rationale for Recommendation

- The subject property's location is in a gap area for public open space. To offset that gap, the request provides at minimum 12,000 square feet of amenitized open space.
- The requested increase in density is appropriate in this location as the Blue Line's University City Blvd. Park and Ride station is approximately 6,000 feet from the property's proposed entrance.

- The request satisfies the Plan's land use objective of "providing a broad range of housing" that will meet the needs of different types of households. The request provides a moderate increase in density in an area that is immediately adjacent to the future Toby Creek Greenway corridor
- Although inconsistent with recommended density, the requested housing type (single family attached) is consistent with the proposed land use recommendation.

The approval of this petition will revise the adopted future land use as specified by the *Newell Small Area Plan* for a portion of the site, from single family uses up to 4 DUA to residential uses up to 8 DUA for the site. The area recommended for greenway uses shall remain.

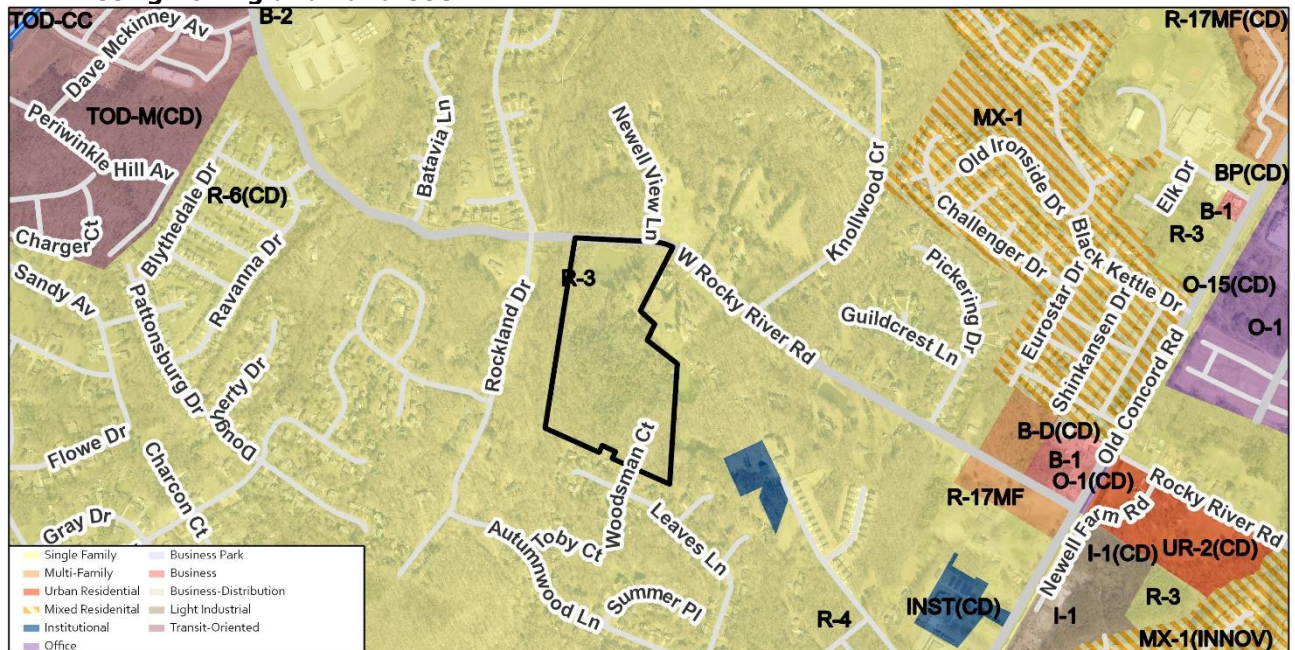
PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Up to 167 single family attached townhomes. Minimum of 20 percent of these units to be affordable to buyers at or below 80 percent AMI and deed restricted to income-eligible buyers for 15 years.
- Enhanced architectural standards including:
 - A list of potential building materials that include the allowance of vinyl siding.
 - Commitment to providing covered stoop or front porch.
 - Limitation of 7 total units in buildings fronting network required streets.
 - Corner units that either provide a wrapped stoop OR a limitation on expanses of blank walls.
 - Recessed garage doors
 - The potential for walkways to be provided to connect all residential entrances to sidewalks along all network requires streets.
- Fully capped detached lighting with a max. height of 21 feet.

• Existing Zoning and Land Use



There have been no historic rezonings of this site. It is largely surrounded by detached single-family homes. As you proceed further east and west from the subject property (toward N. Tryon and Old Concord Roads), residential uses of varying densities and non-residential uses are found.



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

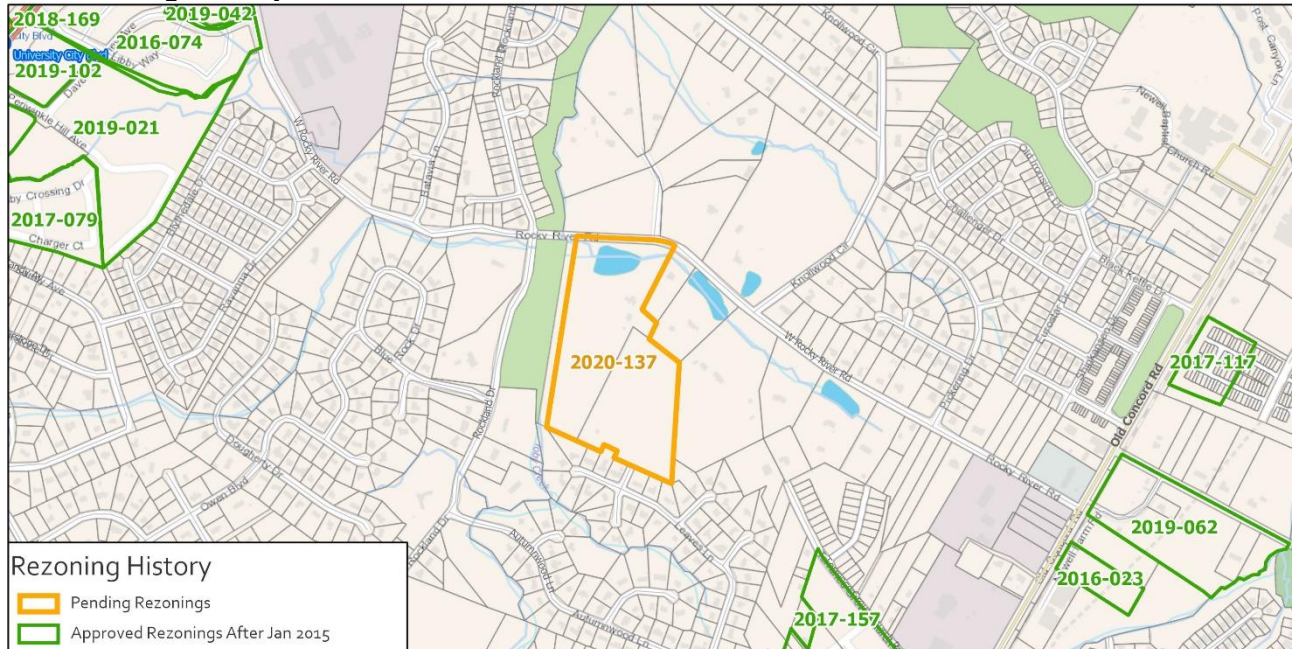


Streetview looking east toward the rezoning's frontage with Rocky River Road.



View from Leaves Lane – a street immediately south of the rezoning boundary that serves detached single family homes.

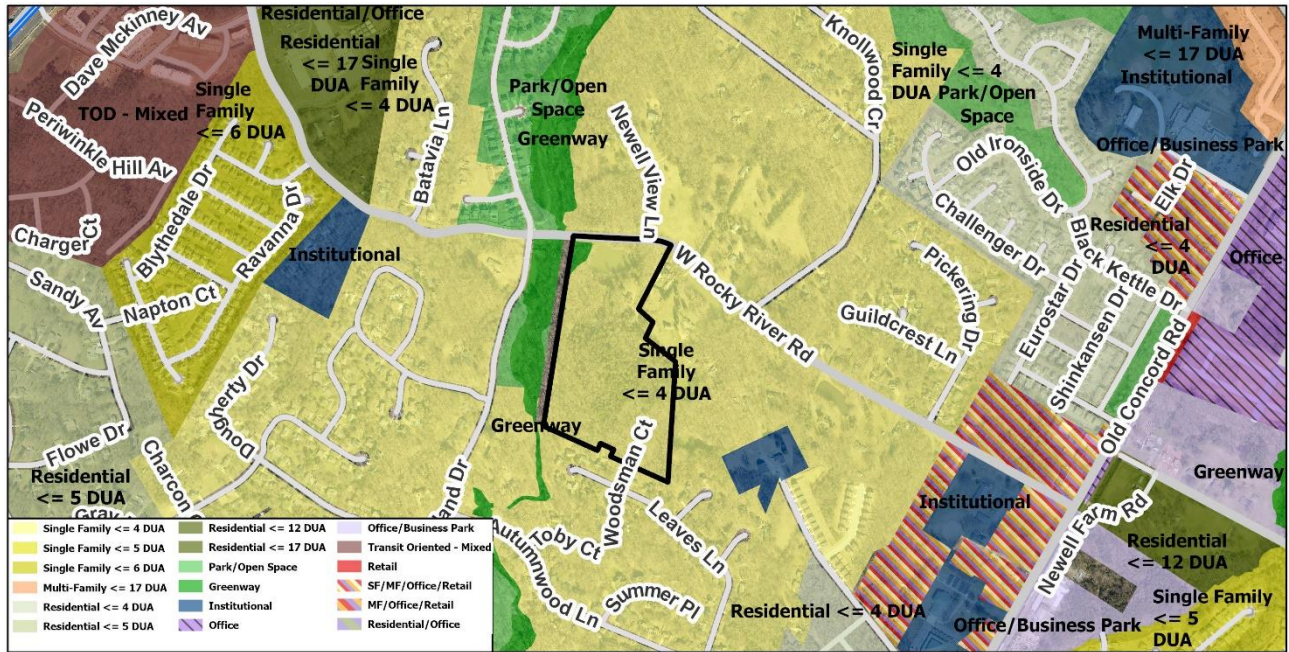
• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-102	City-sponsored TOD rezoning along entirety of Blue Line.	Approved
2019-062	Petition to accommodate the development of up to 126 duplex units at a density of 9.7 DUA.	Approved
2019-042	Conventional TOD-CC request.	Approved
2019-021	Request for TOD-M on 23.2 acres with access to N. Tryon St.	Approved
2018-169	City-sponsored text amendment to translate existing TOD districts with four new districts.	Approved

2017-157	Request for R-4 conventional on approximately 28 acres along Old Concord Road.	Approved
2017-117	Conventional request for 0-1 (office).	Approved
2017-079	Request for TOD-M on approximately 14 acres.	Approved
2016-074	Request for TOD-M on approximately 14 acres.	Approved
2016-023	SPA to existing conditional light industrial plan.	Approved

• **Public Plans and Policies**



- The *Newell Small Area Plan* (2002) recommends single family uses up to 4 DUA for a majority of the site and greenway uses for a small portion of the site to in the NW corner of the subject property.
- **TRANSPORTATION SUMMARY**
 - The site is located on Rocky River Road West (City-maintained minor thoroughfare) and Newell View Lane (City-maintained local road). The subject property is located approximately 150 feet west of the intersection of Rocky River Road and Rockland Drive. Site plan revisions are needed to commit to installing a 12' multi-use path along the property frontage to provide bicycle and pedestrian connectivity and accessibility in accordance with the City of Charlotte BIKES and Charlotte WALKS Policies. Further details are listed below.
- **Active Projects:**
 - Cross Charlotte Trail – Orr Road to Rocky River Road West
 - In design; estimated completion late 2024
 - Rocky River Road West Streetscape
 - Under Construction
 - Constructing curb and gutter, sidewalk, standard bike lanes and one multi-use path from Rockland Drive to N. Tryon Street.
- **Transportation Considerations**
 - See Outstanding Issues, Notes 1-2.
- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 10 trips per day (based on one dwelling unit).
Entitlement: 905 trips per day (based on 86 dwelling units).
Proposed Zoning: 1,225 trips per day (based on 167 dwelling units).

DEPARTMENT COMMENTS (see full department reports online)

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

- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 47 students, while the development allowed under the proposed zoning may produce 28 students. Therefore, the net decrease in the number of students generated from existing zoning to proposed is 19 students.
 - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
 - Newell Elementary from 115% to 118%
 - MLK, Jr. Middle remains at 98%
 - Vance High from 129% to 130%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 16-inch water distribution main located along W. Rocky River Road. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 15-inch gravity sewer main located along W. Rocky River Road. See advisory comments at www.rezoning.org
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** See advisory comments at www.rezoning.org
 - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Transportation

1. Revise the site plan and conditional note(s) to commit to installing a 12-foot multi-use path (MUP) along property frontage to provide connectivity and accessibility in accordance with City of Charlotte BIKES and WALKS policies. Rocky River Road West is a designated Overland Connector on the Greenway Master Plan.
2. Revised the conditional note in Section C, Transportation, to commit to dedicating 35' ROW from the West Rocky River Road centerline.

Site and Building Design

3. Correct the acreage and parcel information in the Zoning Summary section of the rezoning site plan and in Section B., Permitted Uses.
4. Dead end exceeds 150' – turnaround is required.
5. Commit to a max. height for the structures. Staff recommends capping at 40 feet.

REQUESTED TECHNICAL REVISIONS

Environment

6. Describe how the open space/amenity area may be programmed in the conditional notes.
7. Correct the acreage and parcel information in the Zoning Summary section of the rezoning site plan and in Section B., Permitted Uses.

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

Planner: Will Linville (704) 336-4090

DEVELOPMENT STANDARDS
AUGUST 11, 2020

A. GENERAL PROVISIONS

1. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY NEST COMMUNITIES, LLC. (THE "PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF A RESIDENTIAL COMMUNITY ON THAT APPROXIMATELY 28.80 ACRE SITE LOCATED ON ROCKY RIVER RD. W. AT SOUTHWEST CORNER OF ITS INTERSECTION WITH ROCKLAND DR. CONSISTING OF ALL OF TAX PARCEL NOS. 049-221-21, 049-202-24, AND 049-202-08, WHICH SITE IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (THE "SITE").
 2. DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE").
 3. UNLESS THE REZONING PLAN OR THESE DEVELOPMENT STANDARDS ESTABLISH MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE R-1MF ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT AND USE OF THE SITE.
 4. THE DEVELOPMENT DEPICTED ON THE REZONING PLAN IS SCHEMATIC IN NATURE AND INTENDED TO DEPICT THE GENERAL ARRANGEMENT OF USES AND IMPROVEMENTS ON THE SITE. ACCORDINGLY, THE CONFIGURATIONS, PLACEMENTS AND SIZES OF THE BUILDING FOOTPRINTS AS WELL AS THE INTERNAL PRIVATE 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.
 5. FUTURE AMENDMENTS TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE SITE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE. ALTERATIONS TO THE REZONING PLAN ARE SUBJECT TO SECTION 6.207 OF THE ORDINANCE.
- B. PERMITTED USES
1. THE SITE MAY BE DEVOTED ONLY TO A RESIDENTIAL COMMUNITY CONTAINING A MAXIMUM OF 187 DUPLEX AND/OR SINGLE FAMILY ATTACHED DWELLING UNITS AND TO ANY INCIDENTAL AND ACCESSORY USES RELATING THERETO THAT ARE ALLOWED IN THE R-1MF ZONING DISTRICT.
- C. 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 AND/OR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.
 2. THE SITE WILL BE SERVED BY INTERNAL PRIVATE STREETS IN THOSE LOCATIONS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN AND LABELED AS "PROPOSED PRIVATE DRIVE." MINOR ADJUSTMENTS TO THE

- LOCATIONS OF THE INTERNAL PRIVATE STREETS SHALL BE ALLOWED DURING THE CONSTRUCTION PERMITTING PROCESS.
3. PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED ON THE SITE, PETITIONER SHALL DEDICATE AND CONVEY TO THE CITY OF CHARLOTTE OR TO NDOT (AS APPLICABLE) THOSE PORTIONS OF THE SITE LOCATED IMMEDIATELY ADJACENT TO THE PROPOSED PUBLIC ROADS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN AND LABELED AS "PROPOSED 36' R.O.W. - RESIDENTIAL MEDIUM," AS REQUIRED PROVIDES RIGHT OF WAY MEASURING, WHERE FEASIBLE, TO TWO FEET BEHIND THE BACK OF SIDEWALK AS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (THE "SITE").
 4. ALL TRANSPORTATION IMPROVEMENTS WILL BE APPROVED AND CONSTRUCTED PRIOR TO THE ISSUANCE OF THE 1ST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED ON THE SITE.
 5. DEDICATION AND FEE SIMPLE CONVEYANCE OF ALL RIGHT OF WAY TO THE CITY BEFORE THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED.

- D. ARCHITECTURAL STANDARDS
1. BUILDING MATERIALS FOR THE BUILDING CONSTRUCTED ON THE SITE MAY INCLUDE THE FOLLOWING: GLASS, BRICK, STONE, SIMULATED STONE, PRECAST STONE, PRECAST CONCRETE, SYNTHETIC STONE, STUCCO, CEMENTITIOUS SIDING, VINYL, WOOD, OR WOOD.
 2. PITCHED ROOFS, IF PROVIDED, SHALL BE SYMMETRICALLY SLOPED NO LESS THAN 5:12, EXCEPT THAT ROOFS FOR PORCHES AND ATTACHED SHEDS MAY BE NO LESS THAN 2:12, UNLESS A FLAT ROOF ARCHITECTURAL STYLE IS EMPLOYED.
 3. DUMPSTER AND RECYCLING AREAS, IF PROVIDED, WILL BE ENCLOSED BY A SOLID WALL OR FENCE WITH ONE SIDE BEING A GATE. WALL OR FENCE SHALL BE COMPATIBLE WITH COLORS OF PRINCIPLE BUILDINGS.
 4. ALL HOME AND TOWNHOME SITES SHALL INCLUDE A COVERED STOOP OR FRONT PORCH.
 5. BUILDINGS CONTAINING SINGLE FAMILY ATTACHED DWELLING UNITS FRONTING PUBLIC OR PRIVATE NETWORK REQUIRED STREETS SHALL BE LIMITED TO INDIVIDUAL UNITS OR FEWER.
 6. THE PLACEMENT AND CONFIGURATION OF THE DRIVEWAYS GENERALLY DEPICTED ON THE REZONING PLAN MAY BE MODIFIED DUE TO GRADING/TOPOGRAPHY OF THE SITE AND/OR ARCHITECTURAL FEATURES OF THE BUILDINGS CONSTRUCTED ON THE SITE.
 7. ALL CONVEYING 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 PROVIDING THAT LIMIT THE MAXIMUM BLANK WALL EXPOSED TO BE TEN FEET ON ALL BUILDING LEVELS.
 8. GARAGE DOORS VISIBLE FROM PUBLIC OR PRIVATE STREETS SHOULD MINIMIZE THE VISUAL IMPACT BY PROVIDING A SETBACK OF TWELVE TO TWENTY FOUR INCHES FROM THE FRONT WALL PLANE AND ADDITIONAL ARCHITECTURAL TREATMENTS SUCH AS TRANSLUCENT WINDOWS AND PROJECTING ELEMENTS OVER THE GARAGE DOOR OPENING.
 9. WALKWAYS SHOULD BE PROVIDED TO CONNECT ALL RESIDENTIAL ENTRANCES TO SIDEWALKS ALONG PUBLIC AND PRIVATE STREETS.

E. LIGHTING

1. ALL FREESTANDING LIGHTING FIXTURES INSTALLED ON THE SITE (EXCLUDING LOWER, DECORATIVE LIGHTING THAT MAY BE INSTALLED ALONG THE DRIVEWAYS, PRIVATE STREETS/PRIVATE ALLEYS AND SIDEWALKS, WALKWAYS AND LANDSCAPING LIGHTING) SHALL BE FULLY CAPPED AND SHIELDED AND THE ILLUMINATION DOWNWARDLY DIRECTED SO THAT DIRECT ILLUMINATION DOES NOT EXTEND PAST ANY PROPERTY LINE OF THE SITE.
2. THE MAXIMUM HEIGHT OF ANY FREESTANDING LIGHTING FIXTURE INSTALLED ON THE SITE, INCLUDING ITS BASE, SHALL NOT EXCEED 21 FEET.

F. ENVIRONMENTAL FEATURES

1. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE CITY OF CHARLOTTE TREE ORDINANCE.
2. PETITIONER SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION STORMWATER ORDINANCE.
3. 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.
4. DEVELOPMENT WITHIN ANY SWIMPOSS BUFFER, INCLUDING POTENTIAL BUFFERS AROUND THE EXISTING POND ON SITE, SHALL BE COORDINATED WITH AND SUBJECT TO APPROVAL BY CHARLOTTE-MECKLENBURG STORMWATER 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 PLAN FOR PERMITTING AND ARE NOT APPROVED WITH REZONING DECISIONS.
5. 100' UNDISTURBED PCSO STREAM BUFFER MUST BE EXTENDED TO INCLUDE THE ENTIRE FLOODPLAIN PER PCSO SECTION 18-145.
6. PETITIONER WILL NEED TO PROVIDE SURVEY OF EXISTING TREES IN RIGHTS OF WAY AT THE TIME OF SITE PLAN SUBMITTAL. TREES LOCATED IN EXISTING RIGHTS OF WAY WILL BE PRESERVED; ANY TREES REMOVED FROM RIGHTS OF WAY WILL REQUIRE MITIGATION.

G. AFFORDABLE DWELLING UNITS

1. A MINIMUM OF TWENTY PERCENT OF THE UNITS CONSTRUCTED ON THE SITE WILL BE PROVIDED TO BUYERS AT OR BELOW 80% OF THE AREA MEDIAN INCOME AS PUBLISHED AND PERIODICALLY UPDATED BY THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. HOUSEHOLD INCOME WILL BE DETERMINED BY HOUSEHOLD INCOME VERIFICATION UNDER FEDERAL CODE OF REGULATIONS CITATION 24 CFR PART 5. FOR EACH SUCH UNIT, PETITIONER SHALL EXECUTE A PURCHASE AGREEMENT WITH THE CITY OF CHARLOTTE TO PROVIDE A 15 YEAR DEED RESTRICTION LIMITING THE INITIAL AND SUBSEQUENT SALES TO INCOME ELIGIBLE BUYERS AND TO PROVIDE THE CITY OF CHARLOTTE WITH A FIRST RIGHT OF REFUSAL ON SUBSEQUENT SALES.

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.

ZONING SUMMARY:

OWNER: JOHN CLARK JR.
OWNER ADDRESS: 224 ROBINLYNN ROAD, CHARLOTTE, NC 28105
BLOC DESIGN PHONE #: 704-940-2883
CIVIL ENGINEER/LANDSCAPE ARCHITECT: BLOC DESIGN, PLLC
ZONING DESIGNATION (EXISTING): R-3
ZONING DESIGNATION (PROPOSED): R-1MF(CD) PARCEL SIZE: 28.80 ACRES
JURISDICTION: CITY OF CHARLOTTE
PARCEL NUMBERS: 04922121, 04922024, & 04922028

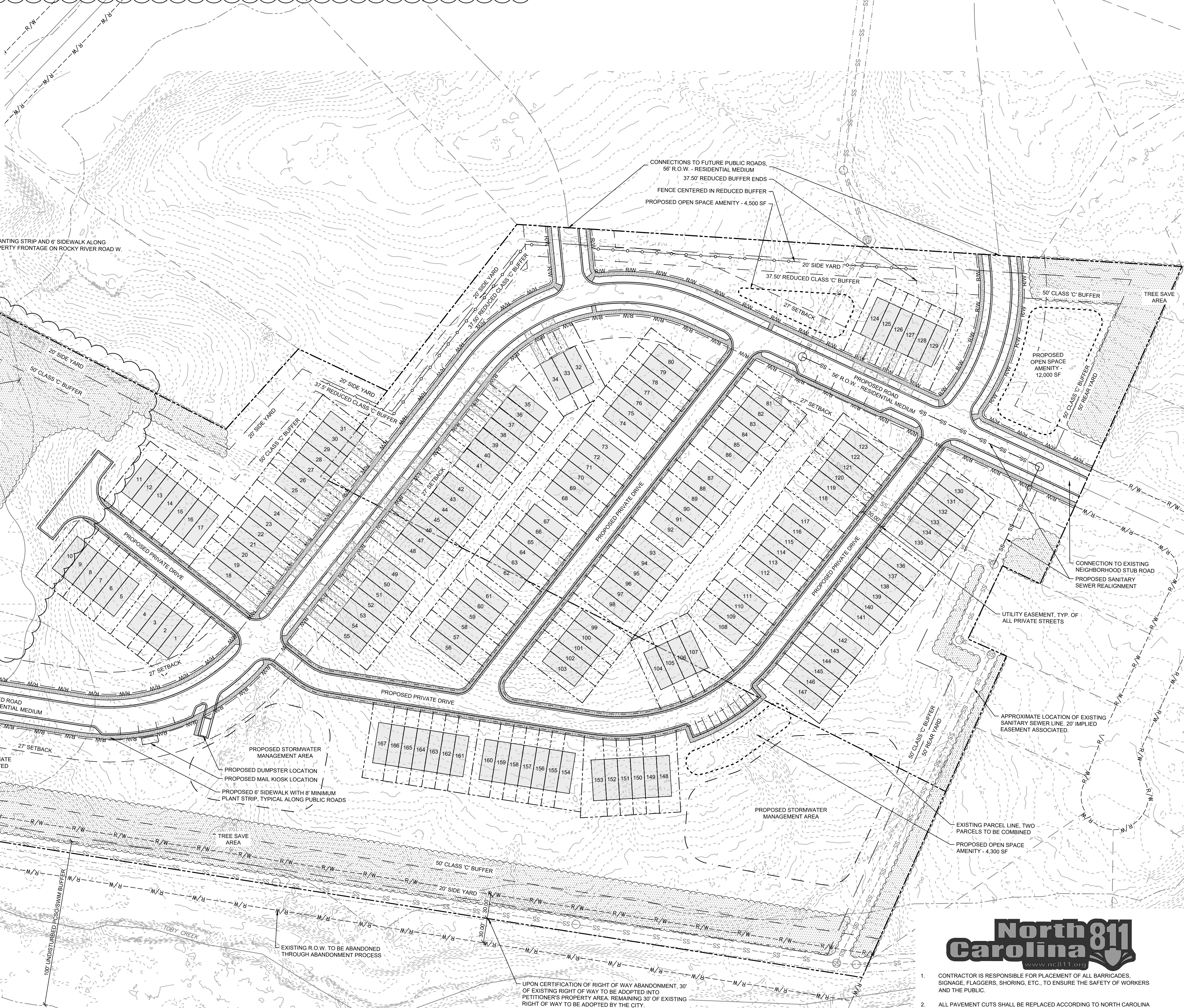
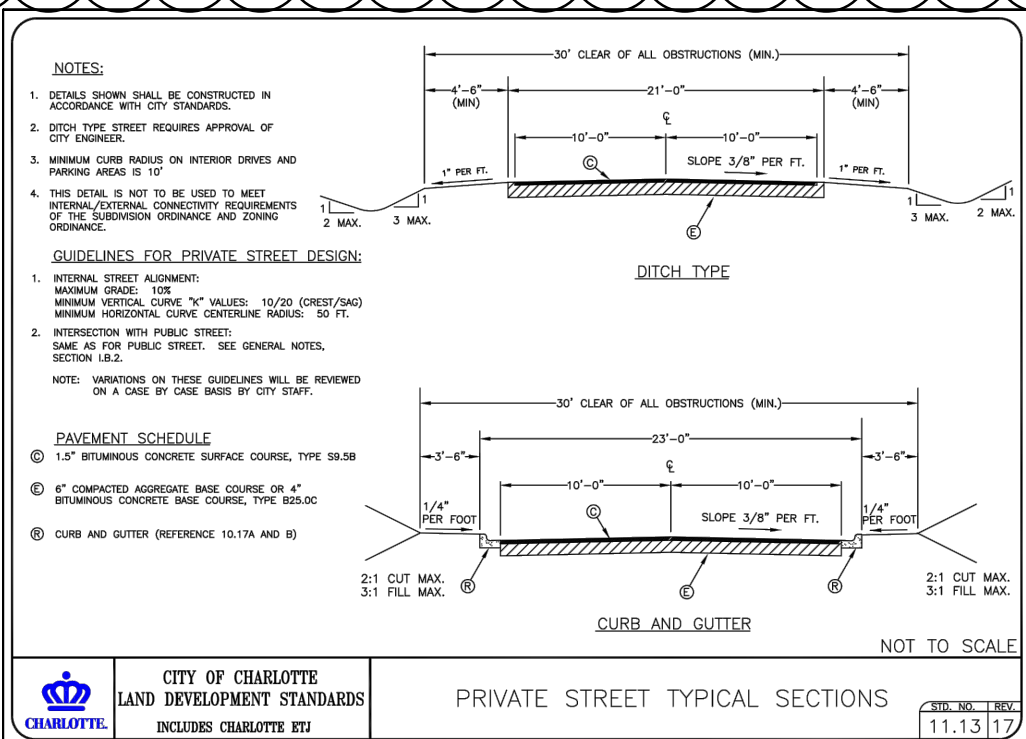
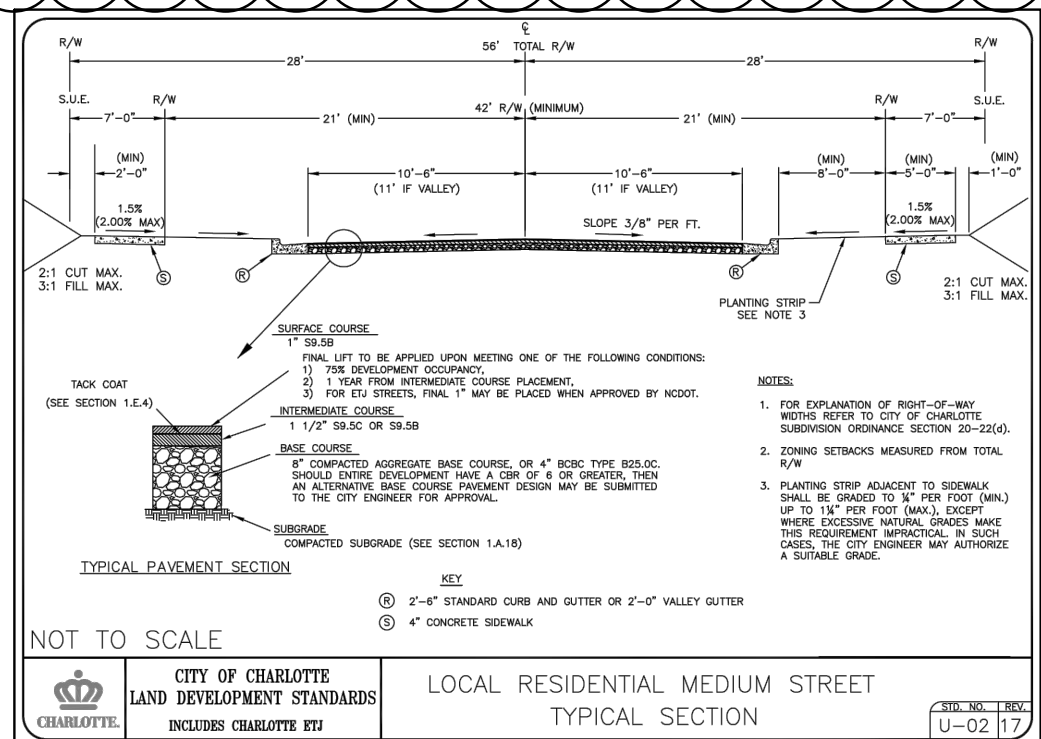
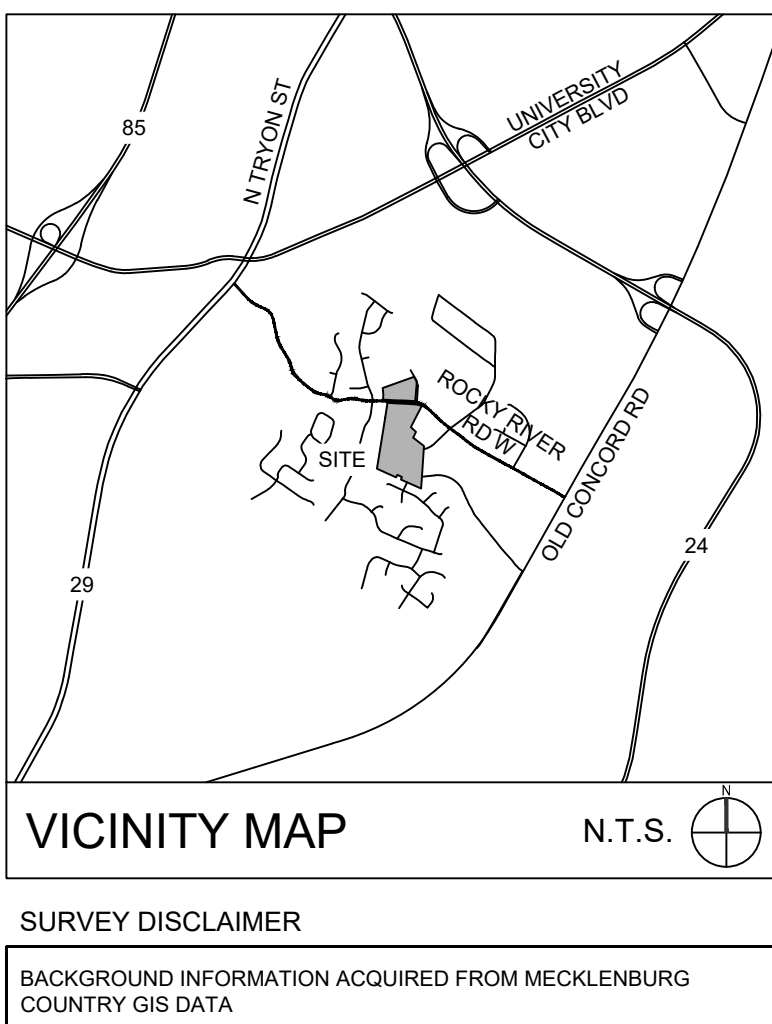
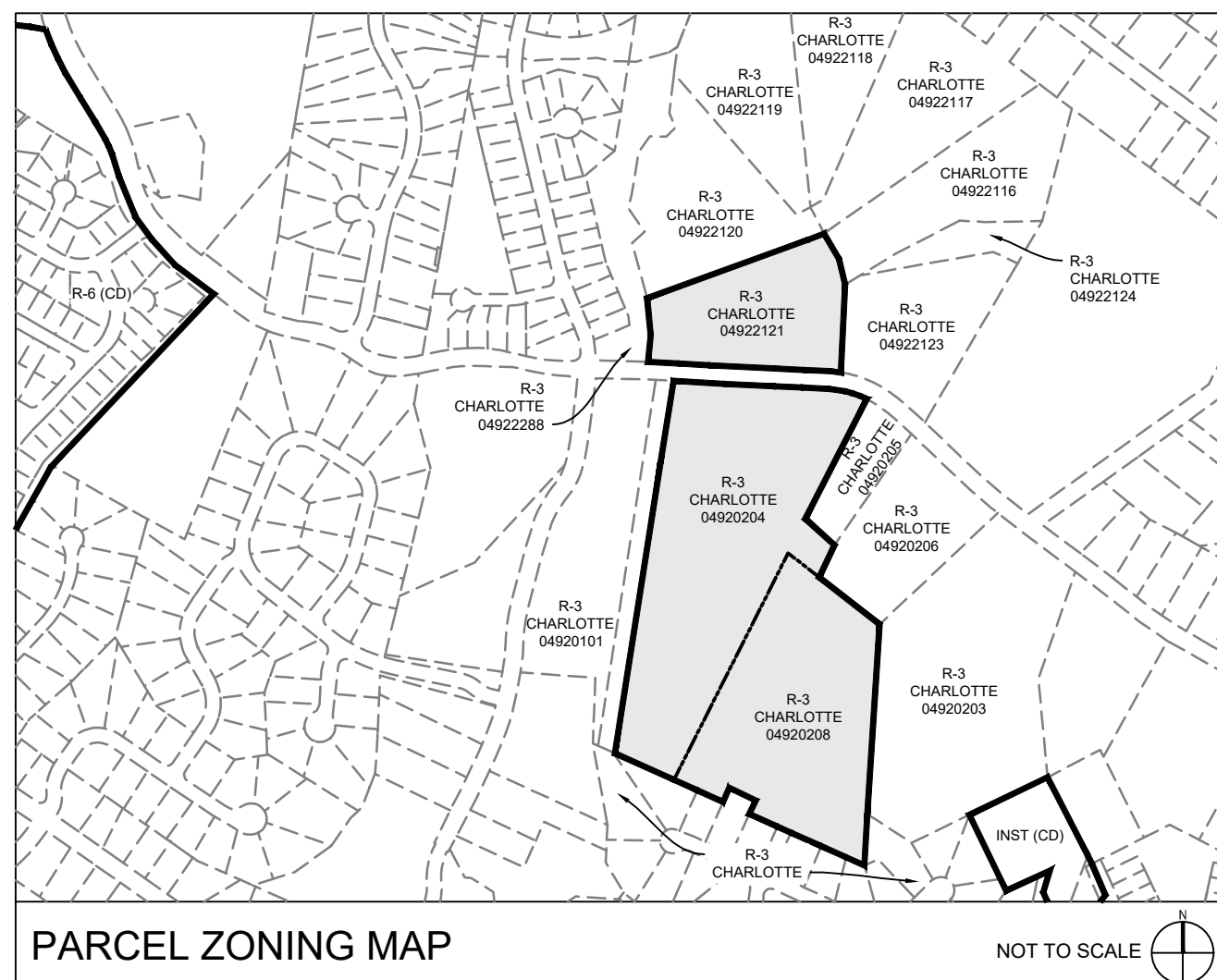
SETBACK AND YARD REQUIREMENTS
FRONT: 27' SETBACK ALONG PROPOSED R.O.W. 30' SETBACK ALONG EXISTING R.O.W.
FACE OF GARAGES MUST BE SET BACK AT LEAST 30' FROM PROPOSED SIDEWALK (5'-7' SETBACK FROM PROPOSED SIDEWALK MAY BE USED ON PRIVATE STREETS)
SIDE YARD: 20'
REAR YARD: 50'
(SIDE YARD AND REAR YARD MAY BE INTERCHANGEABLE BASED ON PLANNED MULTIFAMILY BUILDING ORIENTATION)

BUFFERS REQUIRED
NORTH PARCEL: 50' CLASS 'C' BUFFER
SOUTH PARCEL: 50' CLASS 'C' BUFFER REDUCED TO 37.5' WITH FENCE WHERE ILLUSTRATED

BUILDING SEPARATION
MINIMUM 16' BUILDING SEPARATION REQUIRED

DEVELOPMENT SUMMARY:
TOWNHOMES UNITS: 167 UNITS
PROPOSED DENSITY: 6.86 DUA

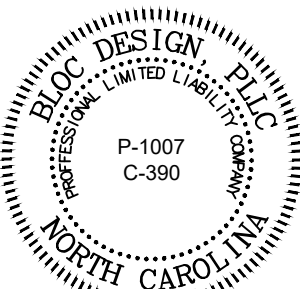
TREE SAVE AREA:
TOTAL PARCEL AREA: 24.35 ACRES
AREA IN R.O.W.: 2.82 ACRES
REMAINING PARCEL AREA: 21.74 ACRES
REQUIRED: 159A (1.63 A) 21.74 AC 4+4-16 ACRES
PROVIDED: MIN. 4.16 ACRES



REVISIONS		
NO.	DATE	DESCRIPTION
1	12/15/20	REZONING SECOND SUBMITTAL

Disclaimer ©2020:
Information contained in this document is the property of Bloc Design, PLLC and the project client listed on this document.
The reproduction, copying, and other use without written consent is prohibited and may be subject to legal action to the fullest extent possible.

stamp / seal:

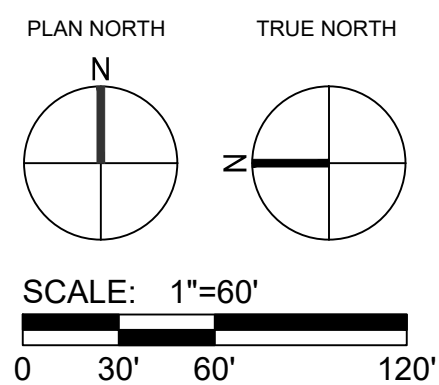


NOT FOR
CONSTRUCTION

REZONING PETITION : 2020-137

Clark Village
Duplex and Townhome
Subdivision

900 Rocky River Rd W
Charlotte, NC 28213



DATE: 08/11/20 MPIC: WILL
DRAWN BY: DSB CHECKED BY: WILL
PROJECT NUMBER: 00777.00
SCALE: 1" = 60'
TITLE:
CONCEPTUAL SITE PLAN

SHEET NO:
RZ-1



1. CONTRACTOR IS RESPONSIBLE FOR PLACEMENT OF ALL BARRICADES, SIGNAGE, FLAGGERS, SHORING, ETC., TO ENSURE THE SAFETY OF WORKERS AND THE PUBLIC.
2. ALL PAVEMENT CUTS SHALL BE REPLACED ACCORDING TO NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND CHARLOTTE WATER.



Agenda Date: 1/19/2021

Agenda #: 37. **File #:** 15-15013 **Type:** Zoning Hearing

Rezoning Petition: 2020-143 by Charlotte Water

Location: Approximately 21.34 acres located along the south side of North Tryon Street west of Circle Drive near University City and Mecklenburg/Cabarrus County line. (Council District 4 -Johnson)

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

Proposed Zoning: R-8 (residential)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

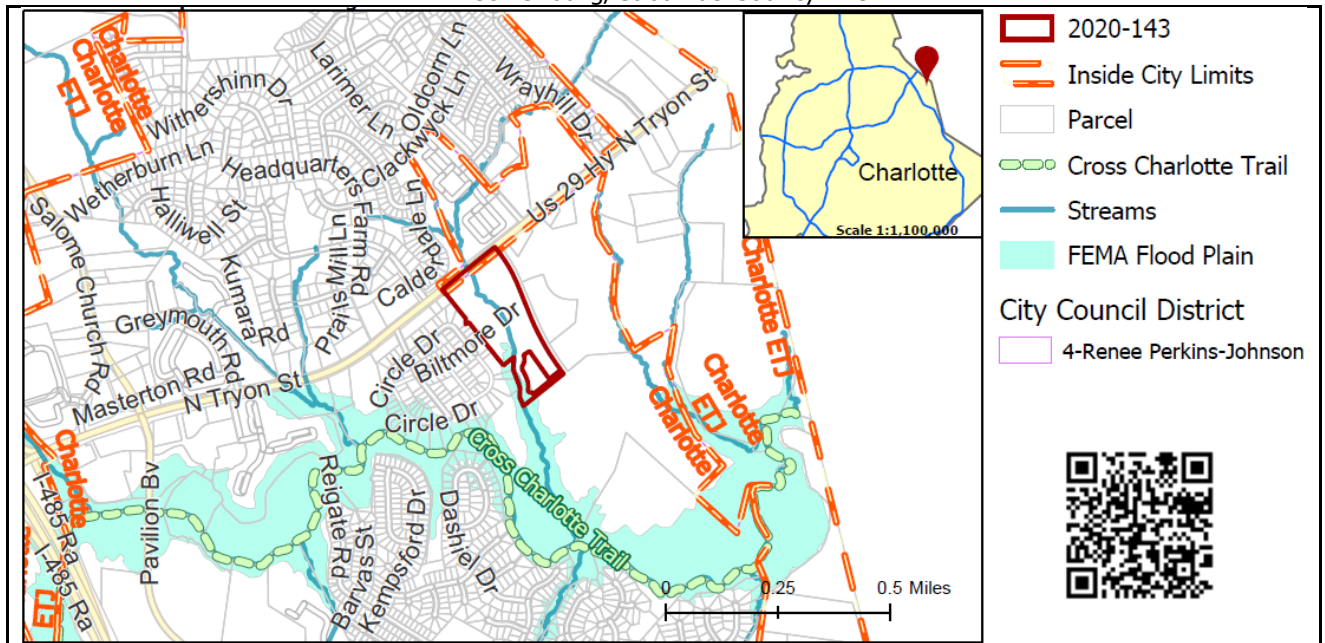
Pre-Hearing Staff Analysis

REQUEST

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

LOCATION

Approximately 21.34 acres located along the south side of North Tryon Street west of Circle Drive near University City and the Mecklenburg/Cabarrus County line.



SUMMARY OF PETITION

The petition proposes to rezone a vacant parcel of land adjacent to a Charlotte Water facility from UR-C(CD) to R-8.

PROPERTY OWNER

City of Charlotte

PETITIONER

City of Charlotte

AGENT/REPRESENTATIVE

Charlotte Water

COMMUNITY MEETING

Meeting is not required.

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the *Northeast Area Plan's* (2000) recommendation for residential uses up to 12 dwelling units per acre (DUA) for the site.

Rationale for Recommendation

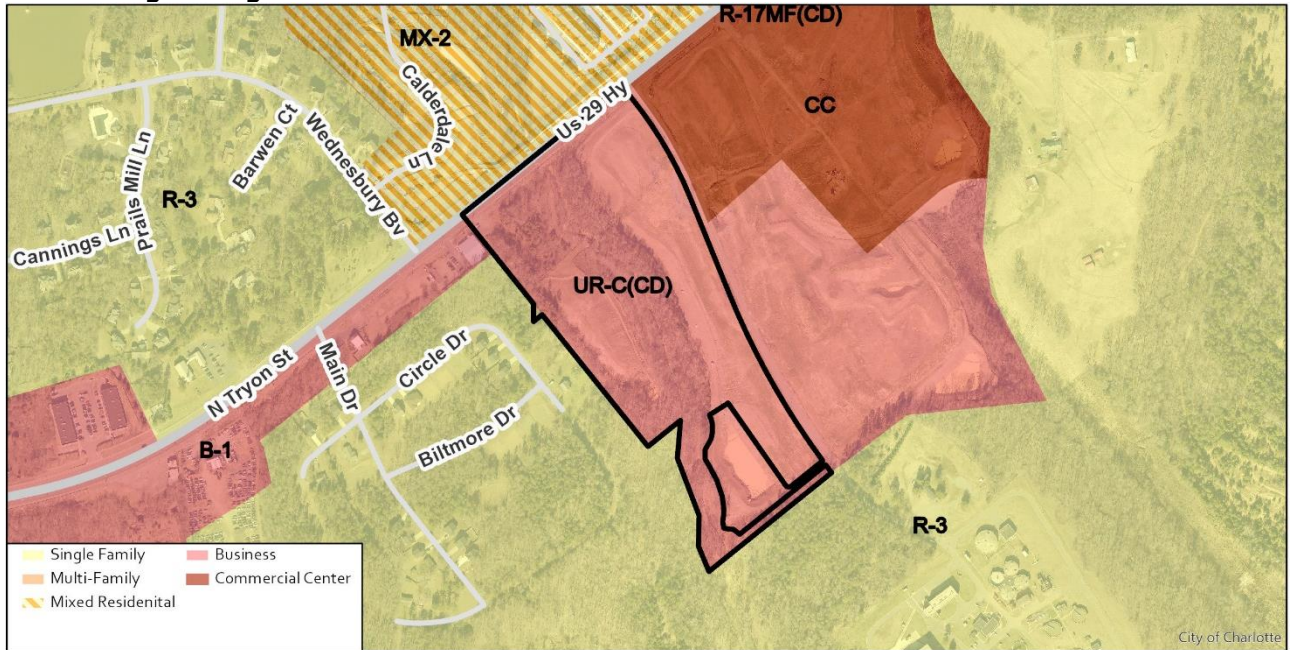
- The request is consistent with the recommended land use per the adopted land use plan for the area.
- The request creates a complimentary density between lower density residential uses to the west and non-residential zoning to the east.

PLANNING STAFF REVIEW

• **Proposed Request Details**

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

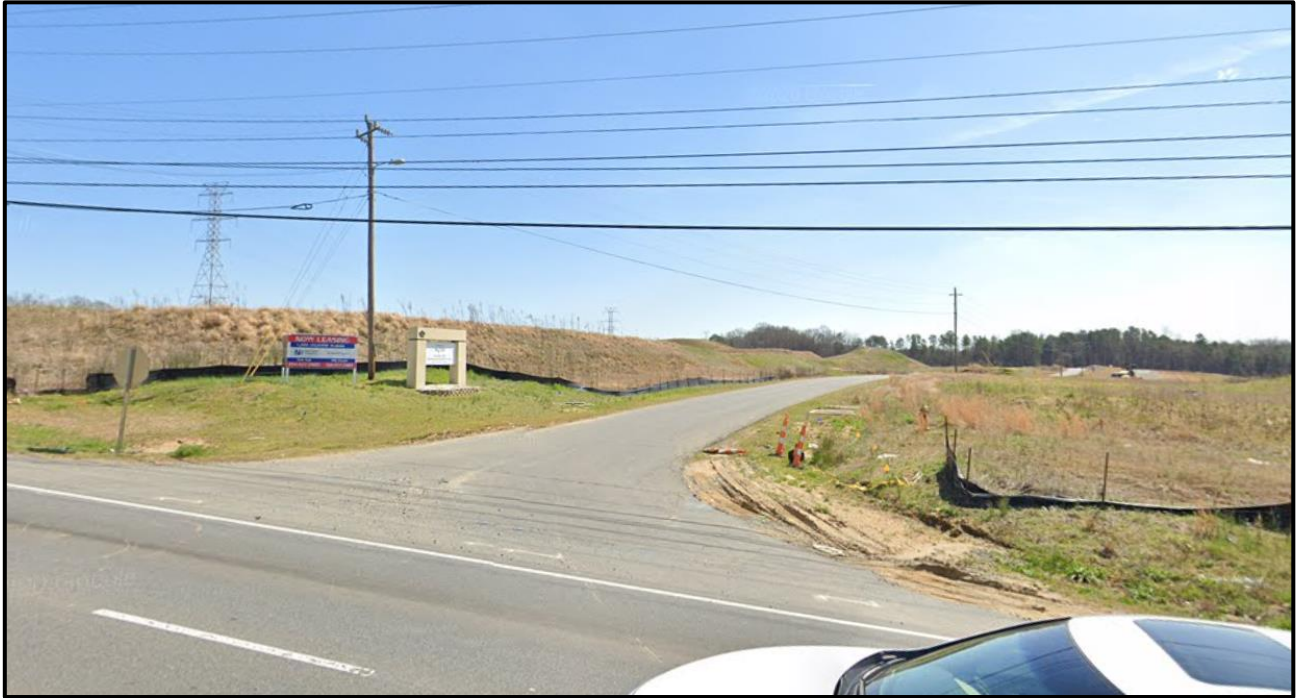
- Existing Zoning and Land Use



The subject property has been rezoned two times in the past 5 years, most recently in 2017 (2017-088) which entitled the site to up to 275 multi-family dwelling units. Residential uses of varying types surround the site while the Mallard Creek water treatment plant is directly SE of the site.

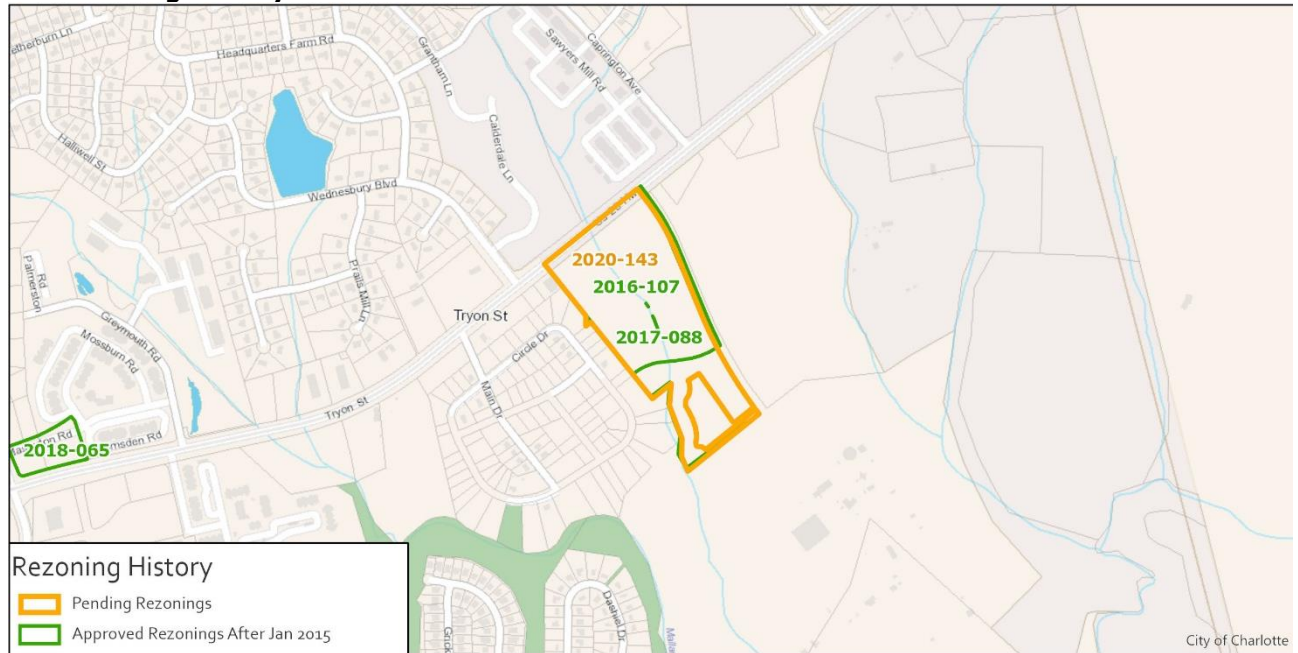


General location of subject property denoted by red star.



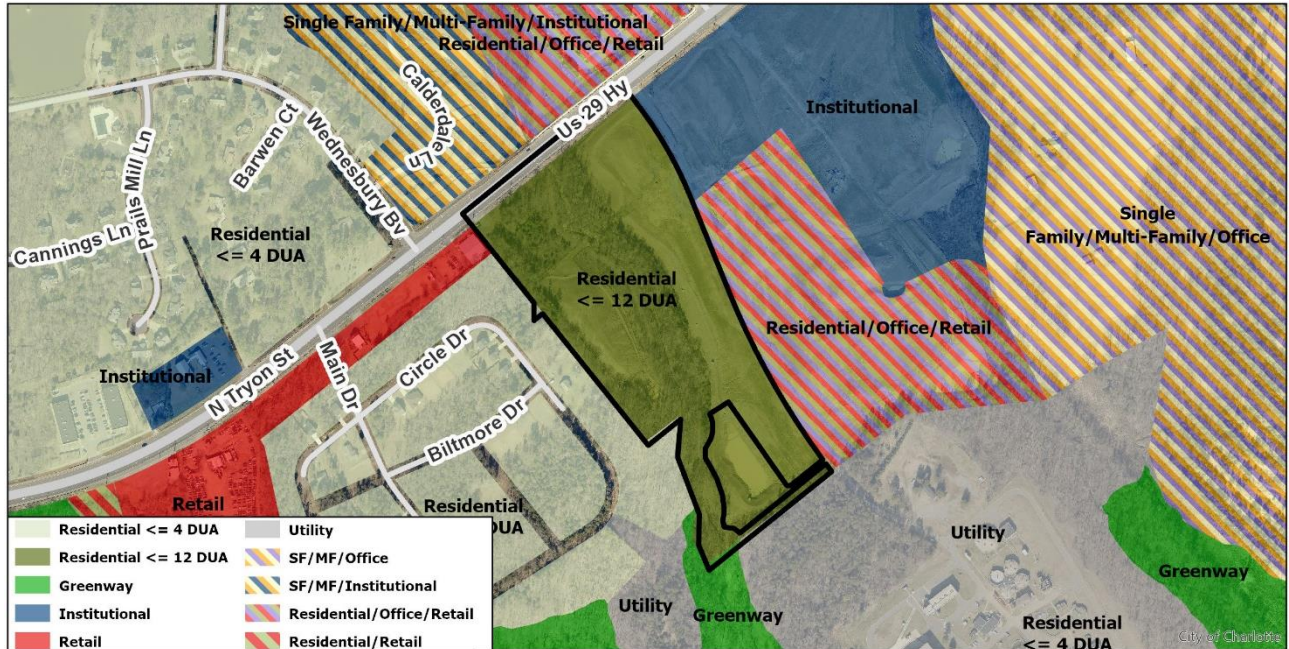
Streetview of subject property looking south along N. Tryon Street. The driveway seen in the foreground provides access to the water treatment plant.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2018-065	SPA for petition 2007-047 to allow gas stations and drive-through accessory windows.	Approved
2017-088	Request for SPA to amend site layout and eliminate non-residential uses permitted by 2016-107 (below).	Approved
2016-107	Request to permit up to 275 multi-family dwelling units.	Approved

- **Public Plans and Policies**



- The *Northeast Area Plan* (2000) recommends residential uses up to 12 DUA for the site.
- **TRANSPORTATION SUMMARY**
 - The site is located on a major thoroughfare road (Tryon Street). A Traffic Impact Study (TIS) is not needed for this site. This site was previously rezoned under petition 2017-088, which included a commitment to construct a multi-use path and trailhead for the future Cross-Charlotte Trail. General Services and Charlotte Water have coordinated a trail connection as shown below. City staff will continue coordination during the permitting process to plan the Cross-Charlotte Trail. NCDOT may require Charlotte Water to gain access at the existing gravel driveway along Tryon Street. CDOT will coordinate with Charlotte Water to consider installing a 12-ft multi-use path during permitting.
- **Active Projects:**
 - Cross-Charlotte Trail (XCLT), 485-Cabarrus County section
 - Current Phase: Planning
 - Construction: Not funded
 - Project Manager: Carlos Alzate (calzate@charlottenc.gov; 704-534-3775)
- **Transportation Considerations**
 - No outstanding issues.
- **Vehicle Trip Generation:**

Current Zoning:

 - Existing Use: 0 trips per day (based on vacant land use).
 - Entitlement: 2,040 trips per day (based on 275 dwellings).

Proposed Zoning: 1,685 trips per day (based on 169 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:** 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 75 students, while the development allowed under the proposed zoning may produce 95 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 20 students
 - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
 - Stoney Creek Elementary from 110% to 115%
 - James Martin Middle from 74% to 75%

- Zebulon B. Vance High from 129% to 131%.
 - **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 16-inch water distribution main located along N. Tryon Street. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along N. Tryon Street. See advisory comments at www.rezoning.org
 - **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** See advisory comments at www.rezoning.org
 - **Urban Forestry:** No outstanding issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
 - **Mecklenburg County Parks and Recreation Department:** No outstanding issues.
-

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

Planner: William Linville (704) 336-4090



Agenda Date: 1/19/2021

Agenda #: 38. **File #:** 15-15014 **Type:** Zoning Hearing

Rezoning Petition: 2020-145 by Crescent Communities

Location: Approximately 18.95 acres located on the north side of Marvin Road, the west side of Johnston Road, and south of Providence Road West. (Council District 7 - Driggs)

Current Zoning: O-2 (CD) (office, conditional)

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

Staff Recommendation:

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

Attachments:

Pre-Hearing Staff Analysis

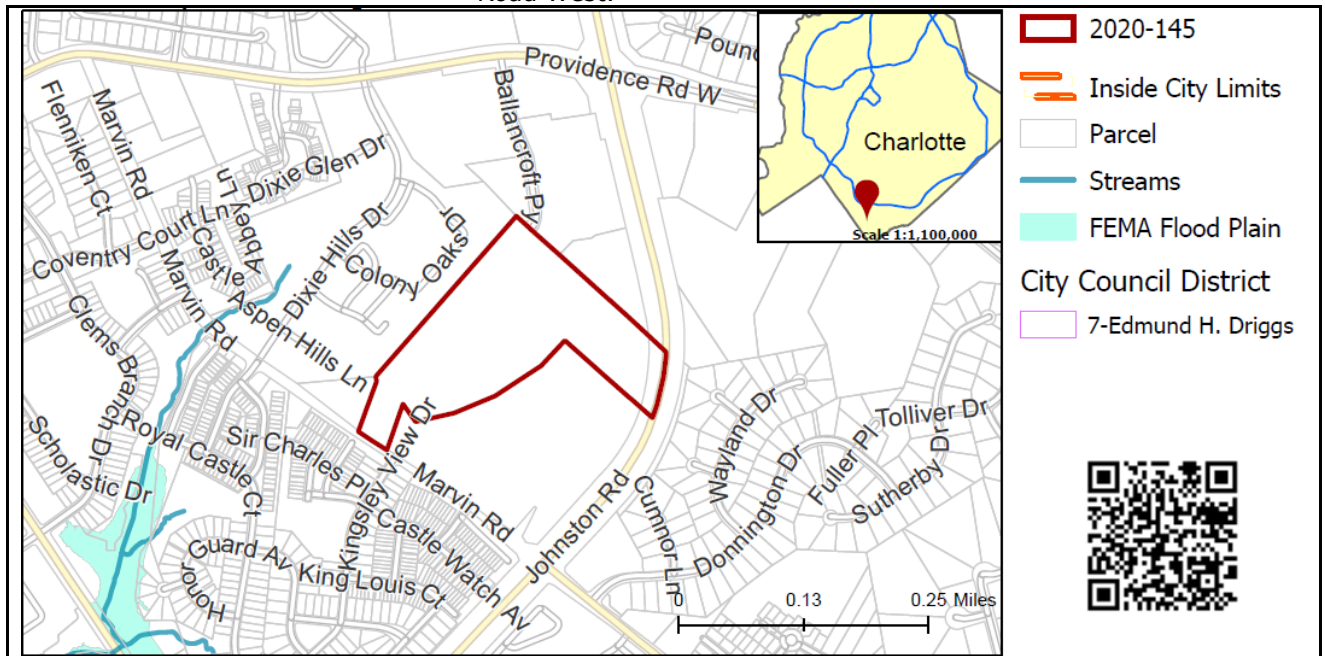
Site Plan

REQUEST

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

LOCATION

Approximately 18.95 acres located on the north side of Marvin Road, the west side of Johnston Road, and south of Providence Road West.



SUMMARY OF PETITION

The petition proposes to develop a residential community with up to 455 units including a mixture of townhomes and multi-family units and a mixture of market rate and affordable age restricted units at density of up to 24 units per acre.

**PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE**

Novant Health, Inc.
Crescent Communities
Collin Brown/Brittany Lins, Alexander Ricks

COMMUNITY MEETING

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

**STAFF
RECOMMENDATION**

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

Plan Consistency

The petition is **inconsistent** with the *South District Plan* recommendation for office use as amended by petition 2018-014. However, the *General Development Policies* support residential at a density over 17 units per acre for this site.

Rationale for Recommendation

- The previous rezoning allowed for a hospital and medical office which is now planned and approved for the east side of Johnston Road. Prior to the hospital rezoning the site was recommended for institutional use.

- While the plan does not call for residential uses on the site, the proposed residential is compatible with the surrounding multi-family and non-residential uses.
- The proposal would introduce residential dwelling units to the area along Ballancroft Parkway which includes a mixture of retail, office, hotel and institutional uses creating a mixed use node.
- The proposal completes the connection of Ballancroft Parkway between Providence Road West and Marvin Road.

The approval of this petition will revise the adopted future land use as specified by the *South District Plan*, from office use to residential use greater than 22 DUA for the site.

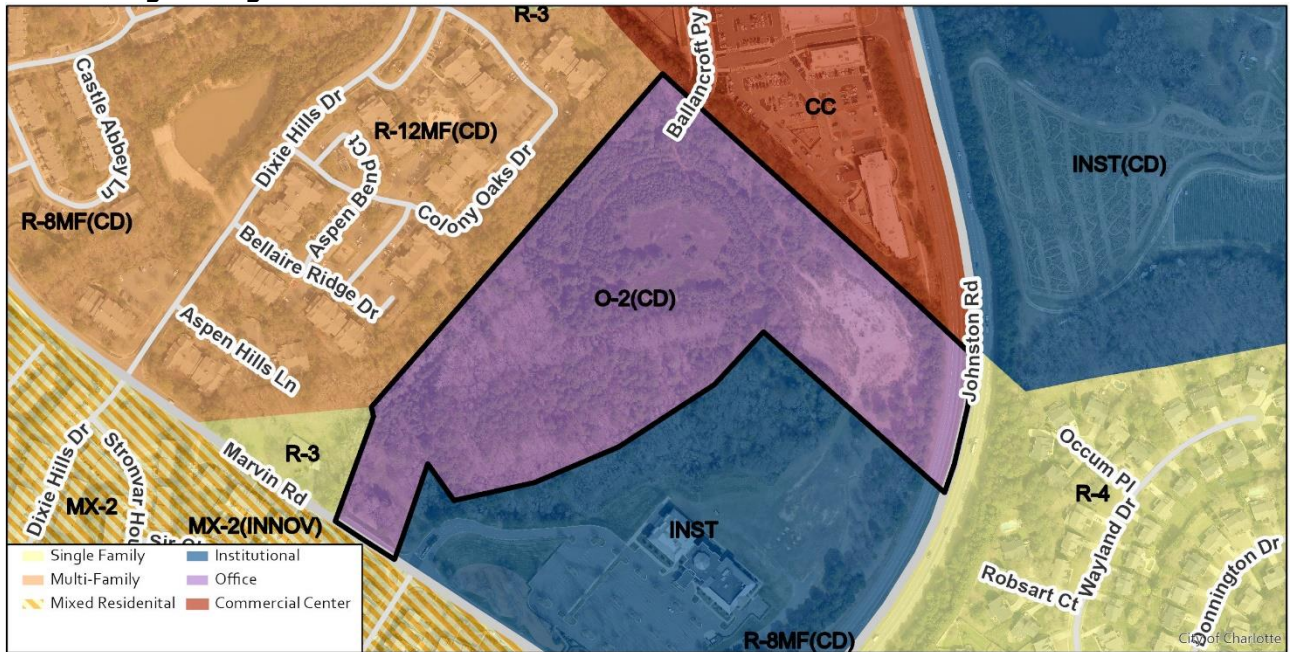
PLANNING STAFF REVIEW

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Up to 455 residential units:
 - Maximum of 60 single family attached (townhome units)
 - Up to 395 multi-family residential units. A minimum of 70 multi-family units will be dedicated as age restricted senior affordable housing units ranging from 30% to 100% AMI with an average not to exceed 80% AMI contingent upon affordable housing tax credit approval and financing. The affordable commitment may be removed if not accepted into the housing tax credit program within 2 application cycles.
- Splits the site into several development areas. Parcels A1 and A2 on the southern portion of the site allow townhomes and Parcels B1, B2 and C on the northern portion of the site allows multi-family residential uses, and Parcel D on the eastern edge of the site allows only open space.
- Limits building height to 75 feet.
- Provides transportation improvements including:
 - Extends Ballancroft Parkway and connects to Marvin Road.
 - Turn lanes on Marvin Road at Ballancroft intersection.
 - Pedestrian refuge island on Marvin Road at Ballancroft Parkway connection.
 - Proposed right-in/out access at new public street connecting to Johnston Road with deceleration lane on Johnston Road.
 - Street stub to adjacent property to the west of the site.
- Commits to architectural standards for both townhomes and multi-family units.
- Provides a minimum of 15,000 square feet of amenity space throughout the site. Proposes required tree save areas around the perimeter of the site.
- Freestanding lighting fully capped and shielded and limited to 21 feet in height.

- Existing Zoning and Land Use



The site was originally zoned for institutional use by the adjacent church. Petition 2018-014 rezoned the site for hospital and medical office use. There is a mixture of uses in the area including single family attached, detached residential, multi-family residential, institutional, hotel, and commercial uses.



The site (red star) is vacant with multi-family uses to the west, commercial uses to the north, Johnston Road to the east, and a church to the south.



The site is vacant.



Property north of the site is developed with a mixture of retail, office, financial institution and hotel uses in the Colinayre development.



The adjacent property, to the southeast, is developed with a church.

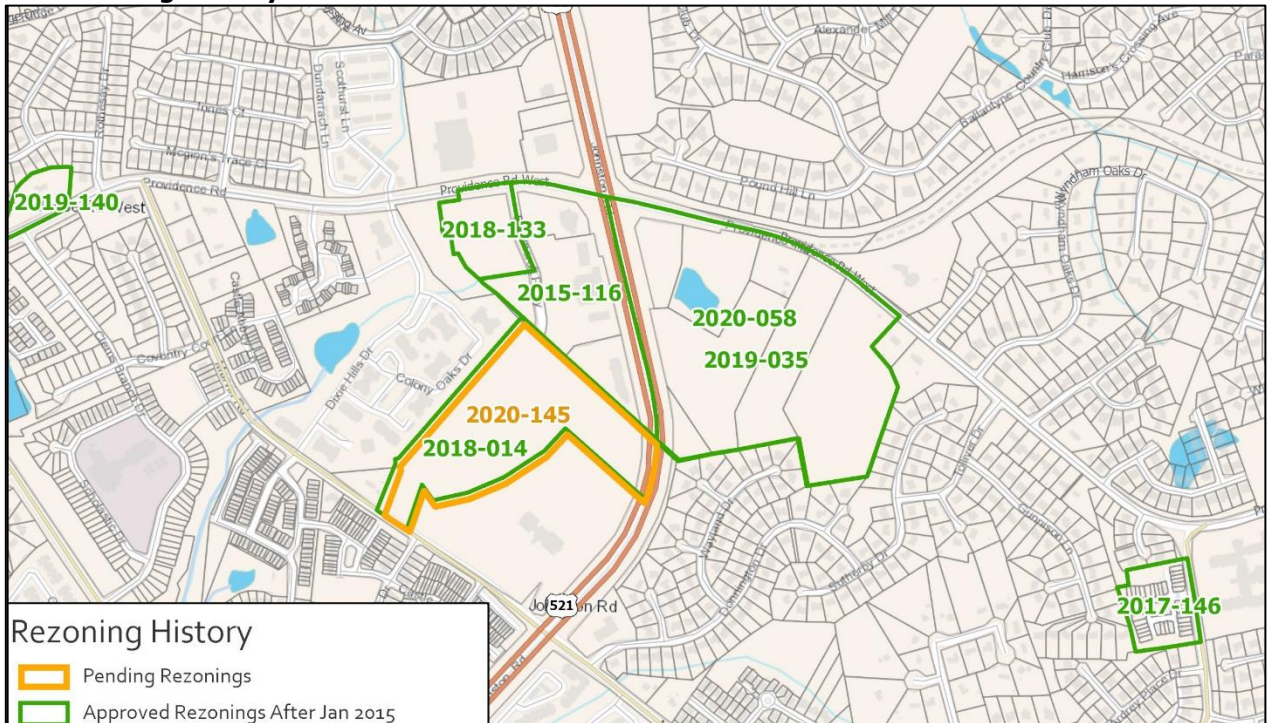


Abutting properties to the west are developed with multi-family dwellings.



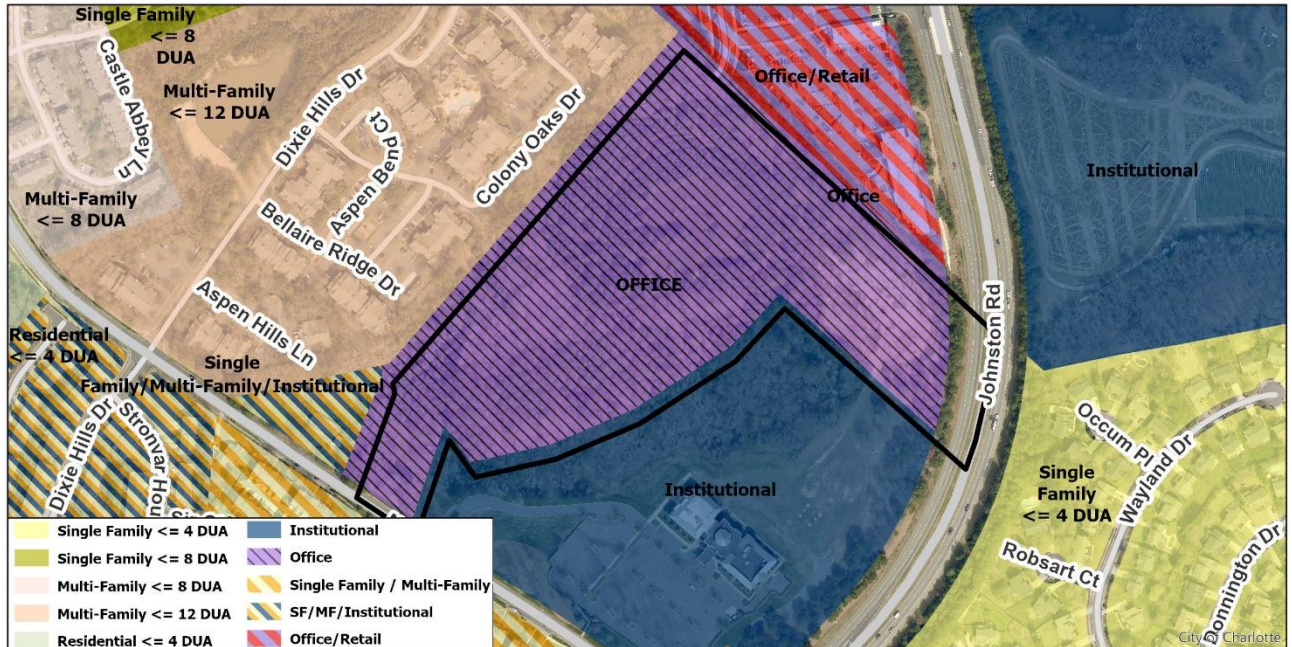
Properties to the south, across Marvin Road, are developed with a mixture of single family attached and detached dwellings.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2015-116	13.22 acres north of the site at the intersection of Providence Road West and Johnston Road to CC (commercial center) to allow a mixture of commercial uses.	Approved
2017-146	4.35 acres east of the site on Old Ardrey Kell Road, south of Providence Road West to UR-2(CD)	Approved
2018-014	Prior rezoning for the site to O-2(CD) for a hospital and medical office use.	Approved
2018-133	4.28 acres north of the site on Providence Road West, east of Ballancroft Parkway to NS (neighborhood service) to allow a police station.	Approved
2019-035	40.43 acres east of the site across Johnston Road to INST(CD) (institutional, conditional) to allow a hospital and medical office use.	Approved
2019-140	2.2 acres west of the site to UR-2(CD) to allow townhomes.	Approved
2020-058	40.43 acres east of the site across Johnston Road to INST(CD) SPA (institutional, conditional, site plan amendment) to amend the plan for a hospital and medical office use	Approved

• Public Plans and Policies



- The *South District Plan* (1993) recommends office use as amended by petition 2018-014 which proposed a hospital and medical office use.
- The *General Development Policies* (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the *General Development Policies* locational criteria for consideration of over 17 dwellings per acre as illustrated in the table below.

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

• TRANSPORTATION SUMMARY

- The site is located on Johnston Road/Hwy 521 (State-maintained, Class 2 Limited Access Thoroughfare), Marvin Road (State-maintained, minor thoroughfare), and Ballancroft

Parkway (City-maintained, local road). A Traffic Impact Study (TIS) will be required by NCDOT for the complete review of this petition in order to assess the traffic impacts to the existing corridor and evaluate the control access break along the State-maintained route. As such, this petition may progress prior to the completion of the TIS, provided all other comments are successfully addressed. However, should the outcome of NCDOT review substantially change the site plan for any reason, the petitioner will work with CDOT and other City staff to update the plan accordingly. The current site plan commits to providing public and private streets per Chapter 20 of City Code. The site plan also proposes off-site transportation improvements on the Marvin Road intersections at Johnston Road and at Dixie Hills Drive. Lastly, the site plan commits to an 8-foot planting strip, and 8-foot sidewalk along Public Roads 'A', 'B', and Private Road 'C' in accordance with Chapter 20 and the Charlotte WALKS Policy. Site plan revisions are needed to add notes related to conveyance of rights-of-way and timing of transportation improvements.

- **Active Projects:**

- NCDOT Lancaster Highway / Johnston Road (US 521), NCDOT TIP #U-6109
 - Road widening project expanding US 521 to six lanes from Ballantyne Commons Pkwy to South Carolina State Line
 - State Transportation Improvement Program (STIP) with construction scheduled for 2026
- Charlotte-Mecklenburg Police Department South Division Office
 - A Police Station constructed by the end 2021, north of the Novel Ballantyne project.
 - Includes construction of CATS bus pad, curb/gutter and sidewalk along site frontage on south side of Providence Road W. to Ballancroft Parkway.
- Marvin Road Sidewalk
 - Pedestrian and Bike project located on Marvin Road from Johnston Road to Audrey Kell Road. A 12' Shared use path is the recommended bicycle facility.
 - City of Charlotte will construct the project between 2016 and 2021.

- **Transportation Considerations**

- See Outstanding Issues, Notes 1 and 2.

- **Vehicle Trip Generation:**

Current Zoning:

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

Entitlement: 4,400 trips per day (based on 50 bed hospital and 100,000 SF of medical office).

Proposed Zoning: 2,480 trips per day (based on 455 residential units).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** See advisory comments at www.rezoning.org
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 0 students, while the development allowed under the proposed zoning may produce 132 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 132 students.
 - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
 - Ballantyne Elementary from 123% to 132%
 - Community House Middle from 154% to 157%
 - Ardrey Kell High from 161% to 162%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Marvin Road. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Marvin Road. No outstanding issues.
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** See Requested Technical Revisions, Note 4.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry:** See Requested Technical Revisions, Notes 5 and 6.

- **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 ISSUESTransportation

1. Add a 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.
2. Add a 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.

Site and Building Design

3. Ensure that parcel D created by the new Public Street C meets all lot standards for the UR-2 district or remove the parcel.

REQUESTED TECHNICAL REVISIONSEnvironment

4. Add the following note "The existing storm water detention facility serving Grace Christian Church and located in this general area, shall be preserved or replaced with an equivalent facility by the Petitioner."
5. Remove map layers within proposed tree save areas.
6. Clarify in site development data that the tree save is to be provided "**and preserved.**"

Land Use

7. Clarify in note II. Permitted Uses that age-restricted means **55+**.

Site and Building Design

8. Amend note 3d. under Architectural standards to say "wall plane **and** additional architectural treatments..."
9. Amend note 5 under Architectural standards to say "amenity areas **shall** include..."
10. Clarify in notes II under Permitted uses and 3h under Architectural standards that the petitioner will be responsible for providing documentation and calculations during permitting.

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

Planner: John Kinley (704) 336-8311

**CRESCENT COMMUNITIES
REZONING PETITION NO. 2020-145
12/15/2020**

DEVELOPMENT DATA TABLE:

SITE AREA:	+/- 18.95 ACRES
TAX PARCEL:	223-132-18
EXISTING ZONING:	O-2(CD)
PROPOSED ZONING:	UR-2(CD)
EXISTING USE:	VACANT
PROPOSED USES:	UP TO 455 RESIDENTIAL DWELLING UNITS, INCLUDING MULTI-FAMILY UNITS AND SINGLE-FAMILY ATTACHED (TOWNHOME) UNITS, AS FURTHER DESCRIBED IN SECTION II, BELOW
MAXIMUM BUILDING HEIGHT:	SEVENTY-FIVE (75) FEET AS MEASURED PER THE ORDINANCE

I. GENERAL PROVISIONS

1. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY CRESCENT COMMUNITIES (THE "PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF A MULTI-FAMILY AND SINGLE-FAMILY ATTACHED (TOWNHOME), AND SENIOR AFFORDABLE HOUSING RESIDENTIAL COMMUNITY ON THAT APPROXIMATELY 18.95-ACRE SITE LOCATED ON THE NORTH SIDE OF MARVIN ROAD, WEST SIDE OF JOHNSTON ROAD, AND SOUTH OF BALLANCROFT PARKWAY, MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (THE "SITE"). THE SITE IS COMPRISED OF TAX PARCEL NUMBER 223-132-18.
2. DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE").
3. UNLESS THE REZONING PLAN OR THESE DEVELOPMENT STANDARDS ESTABLISH MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE UR-2(CD) ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT AND USE OF THE SITE.
4. THE DEVELOPMENT AND STREET LAYOUT DEPICTED ON THE REZONING PLAN ARE SCHEMATIC IN NATURE AND ARE INTENDED TO DEPICT THE GENERAL ARRANGEMENT OF SUCH USES AND IMPROVEMENTS ON THE SITE. ACCORDINGLY, THE ULTIMATE LAYOUT, LOCATIONS AND SIZES OF THE DEVELOPMENT AND SITE ELEMENTS DEPICTED ON THE REZONING PLAN ARE GRAPHIC REPRESENTATIONS OF THE PROPOSED DEVELOPMENT AND SITE ELEMENTS, AND THEY MAY BE ALTERED OR MODIFIED IN ACCORDANCE WITH THE SETBACK, YARD, LANDSCAPING AND TREE SAVE REQUIREMENTS SET FORTH ON THIS REZONING PLAN AND THE DEVELOPMENT STANDARDS, PROVIDED, HOWEVER, THAT ANY SUCH ALTERATIONS AND MODIFICATIONS SHALL BE MINOR IN NATURE AND NOT MATERIALLY CHANGE THE OVERALL DESIGN INTENT DEPICTED ON THE REZONING PLAN.
5. FUTURE AMENDMENTS TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER(S) OF THE SITE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE. MINOR ALTERATIONS TO THE REZONING PLAN ARE SUBJECT TO SECTION 6.207 OF THE ORDINANCE.

II. PERMITTED USES

THE SITE MAY BE DEVOTED ONLY TO A RESIDENTIAL COMMUNITY CONTAINING A MAXIMUM OF 60 SINGLE-FAMILY ATTACHED (TOWNHOME) DWELLING UNITS, 395 MULTI-FAMILY RESIDENTIAL UNITS, AND ANY INCIDENTAL AND ACCESSORY USES RELATING THERETO THAT ARE ALLOWED IN THE UR-2(CD) ZONING DISTRICT. OF THE 395 MULTI-FAMILY RESIDENTIAL UNITS, A MINIMUM OF 70 UNITS SHALL BE DEDICATED AS AGE-RESTRICTED SENIOR AFFORDABLE HOUSING APARTMENT UNITS RANGING FROM 30-100% AMI, WITH AN AVERAGE NOT TO EXCEED 80% AMI, CONTINGENT UPON AFFORDABLE HOUSING TAX CREDIT APPROVAL AND FINANCING ABILITY. IF, AFTER TWO APPLICATION CYCLES, THE PROJECT IS NOT ACCEPTED INTO THE AFFORDABLE HOUSING TAX CREDIT PROGRAM, THE AFFORDABLE COMMITMENT MAY BE REMOVED AS A ZONING REQUIREMENT.

III. TRANSPORTATION

1. AS DEPICTED ON THE REZONING PLAN, THE SITE WILL BE SERVED BY INTERNAL PUBLIC AND PRIVATE DRIVES, AND MINOR ADJUSTMENTS TO THE LOCATION OF THESE DRIVES SHALL BE ALLOWED DURING THE CONSTRUCTION PERMITTING PROCESS.
2. ACCESS POINTS SHALL BE PROVIDED AS GENERALLY DEPICTED ON THE REZONING PLAN. FOR THE PROPOSED ACCESS POINT ON JOHNSTON ROAD, THE PETITIONER SHALL COORDINATE WITH NCDOT (TIP #U-6109) TO DETERMINE RIGHT-OF-WAY WIDTH. SITE ACCESS AS DEPICTED ON THE REZONING PLAN FROM JOHNSTON ROAD WILL BE PROVIDED PENDING NCDOT CONTROLLED ACCESS APPROVAL.
3. PETITIONER SHALL PROVIDE THE FOLLOWING OFF-SITE TRANSPORTATION IMPROVEMENTS, IN COORDINATION WITH CDOT:
 - a. AT THE INTERSECTION OF MARVIN ROAD AND PROPOSED FULL MOVEMENT ACCESS "B":
 - i. CONSTRUCT AN EASTBOUND LEFT TURN LANE AT PROPOSED FULL ACCESS "B" WITH 300 FEET OF STORAGE. EXTEND THE WESTBOUND LEFT TURN LANE STORAGE ON MARVIN ROAD AT DIXIE HILLS DRIVE FROM 125 FEET TO 260 FEET OF STORAGE (TO THE END OF THE EASTBOUND LEFT TURN LANE STORAGE LANE AT PROPOSED FULL ACCESS "B") TO CREATE BACK TO BACK LEFT TURN LANES WITH A MINIMAL TAPER TO MAXIMIZE THE LEFT TURN LANE STORAGE LENGTHS ON MARVIN ROAD.
 - ii. CONSTRUCT PROPOSED FULL MOVEMENT ACCESS "B" WITH ONE INGRESS LANE AND TWO EGRESS LANES (SEPARATE LEFT (TERMINATION OF THE THROUGH LANE) AND RIGHT (100 FEET OF STORAGE) TURN LANES).
 - iii. CONSTRUCT A PEDESTRIAN REFUGE ISLAND ALONG MARVIN ROAD AT ACCESS B. DESIGN AND LOCATION TO BE DETERMINED DURING THE LAND DEVELOPMENT PROCESS.
 - b. AT THE PROPOSED RIGHT-IN/RIGHT-OUT ACCESS POINT AT THE SITE ALONG JOHNSTON ROAD, LABELED AS ACCESS A ON THE REZONING PLAN, THE PETITIONER SHALL PROVIDE A 100-FOOT DECELERATION LANE ON JOHNSTON ROAD.
 - c. THE PETITIONER SHALL CONNECT TO THE EXISTING STREET STUB AT BALLANCROFT PARKWAY, AS GENERALLY DEPICTED ON THE REZONING PLAN AS ACCESS C.

4. PETITIONER SHALL DEDICATE ALL RIGHTS-OF-WAY IN FEE SIMPLE CONVEYANCE TO THE CITY OF CHARLOTTE BEFORE PARCEL B2'S FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED. CERTIFICATES OF OCCUPANCY FOR PARCELS A1, A2, B1 AND C ARE NOT SUBJECT TO THE DEDICATION OF RIGHTS-OF-WAY.
5. THE PROPOSED CONNECTION TO JOHNSTON ROAD, IF THE CONTROLLED ACCESS BREAK IS APPROVED BY NCDOT, SHALL BE SUBSTANTIALLY COMPLETED PRIOR TO THE ISSUANCE OF THE FINAL CERTIFICATE OF OCCUPANCY FOR PARCEL B1 OR B2, WHICHEVER IS LATER. IF THE JOHNSTON ROAD CONNECTION IS NOT APPROVED AT THE TIME INSPECTIONS FOR THE FINAL CERTIFICATE OF OCCUPANCY ARE REQUESTED, THE ROAD WILL BE STUBBED APPROXIMATELY FIVE (5) FEET FROM THE CONTROLLED ACCESS AREA LIMIT. THE REQUIRED STREETScape FOR EACH DEVELOPMENT AREA SHALL BE PROVIDED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR THE ASSOCIATED DEVELOPMENT AREA. UNLESS STATED OTHERWISE HEREIN, THE PETITIONER SHALL ENSURE THAT ALL TRANSPORTATION IMPROVEMENTS ARE SUBSTANTIALLY COMPLETED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR PARCEL B2. CERTIFICATES OF OCCUPANCY FOR PARCELS A1, A2, B1 AND C ARE NOT SUBJECT TO THE COMPLETION OF THE ROAD IMPROVEMENTS.

- a. REFERENCE TO "SUBSTANTIALLY COMPLETE" SHALL MEAN COMPLETION OF THE ROADWAY IMPROVEMENTS IN ACCORDANCE WITH THE REZONING PLAN PROVIDED, HOWEVER, IN THE EVENT CERTAIN NON-ESSENTIAL ROADWAY IMPROVEMENTS (AS REASONABLY DETERMINED BY CDOT) ARE NOT COMPLETED AT THE TIME THAT THE PETITIONER SEEKS TO OBTAIN THE FIRST CERTIFICATE OF OCCUPANCY FOR BUILDING(S) ON PARCEL B2, THEN CDOT WILL INSTRUCT APPLICABLE AUTHORITIES TO ALLOW THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR THE APPLICABLE BUILDINGS, AND IN SUCH EVENT THE PETITIONER MAY BE ASKED TO POST A LETTER OF CREDIT OR BOND FOR ANY IMPROVEMENTS NOT IN PLACE AT THE TIME SUCH CERTIFICATE OF OCCUPANCY IS ISSUED TO SECURE COMPLETION OF THE APPLICABLE IMPROVEMENTS.
- b. TEMPORARY CERTIFICATES OF OCCUPANCY CAN BE ISSUED PRIOR TO THE SUBSTANTIAL COMPLETION OF ALL TRANSPORTATION IMPROVEMENTS WITHOUT THE PETITIONER BEING REQUIRED TO POST A BOND OR LETTER OF CREDIT FOR ANY IMPROVEMENTS NOT SUBSTANTIALLY COMPLETE AT THE TIME.

IV. ARCHITECTURAL STANDARDS

1. PREFERRED EXTERIOR BUILDING MATERIALS: THE MAJORITY OF ALL PRINCIPAL AND ACCESSORY BUILDINGS SHALL BE COMPRISED OF A COMBINATION OF PORTIONS OF BRICK, NATURAL STONE (OR ITS SYNTHETIC EQUIVALENT), STUCCO, CEMENTITIOUS SIDING, FIBER CEMENT (SUCH AS "HARDIPLANK"), GLASS AND/OR OTHER MATERIALS APPROVED BY THE PLANNING DIRECTOR.
2. PROHIBITED EXTERIOR BUILDING MATERIALS: (I) VINYL SIDING, (EXCLUDING VINYL HANDRAILS, WINDOWS, SOFFITS, DOORS, GARAGE DOORS, RAILINGS, OR TRIM), AND (II) CONCRETE MASONRY UNITS NOT ARCHITECTURALLY FINISHED.
3. THE FOLLOWING ADDITIONAL ARCHITECTURAL STANDARDS SHALL APPLY TO SINGLE-FAMILY RESIDENTIAL ATTACHED (TOWNHOME) UNITS ON THE SITE:
 - a. PITCHED ROOFS, IF PROVIDED, SHALL BE SYMMETRICALLY SLOPED NO LESS THAN 5:12, EXCEPT THAT ROOFS FOR PORCHES AND ATTACHED SHEDS MAY BE NO LESS THAN 2:12, UNLESS A FLAT ROOF ARCHITECTURAL STYLE IS EMPLOYED OR ROOFTOP TERRACES ARE INCLUDED.
 - b. WALKWAYS SHALL BE PROVIDED TO CONNECT THE PRIMARY ENTRANCE TO ALL RESIDENTIAL HOMES TO SIDEWALKS ALONG PUBLIC OR PRIVATE STREETS.
 - c. TO PROVIDE PRIVACY, ALL RESIDENTIAL TOWNHOME ENTRANCES WITHIN TEN (10) TO FIFTEEN (15) FEET OF THE SIDEWALK SHALL BE EITHER RAISED OR LOWERED FROM THE AVERAGE SIDEWALK GRADE A MINIMUM OF TEN (10) INCHES OR, IF WITHIN LESS THAN TEN (10) FEET PROVIDE A VISUAL SCREEN THROUGH THE USE OF LANDSCAPING OR RAISED STOOPS. (THIS STANDARD MAY NOT APPLY TO TOWNHOMES DESIGNED TO ACCOMMODATE WHEELCHAIR AND ADA ACCESSIBILITY, AS WELL AS FHA REQUIREMENTS.)
 - d. GARAGE DOORS FACING PUBLIC STREETS SHALL MINIMIZE THE VISUAL IMPACT BY PROVIDING A SETBACK OF TWELVE (12) TO TWENTY-FOUR (24) INCHES FROM THE FRONT WALL PLANE OR ADDITIONAL ARCHITECTURAL TREATMENTS SUCH AS TRANSLUCENT WINDOWS OR PROJECTING ELEMENTS OVER THE GARAGE DOOR OPENING.
 - e. ALL TOWNHOME UNITS SHALL BE PROVIDED WITH A GARAGE FOR A MINIMUM OF ONE (1) CAR. DRIVEWAY LENGTHS SHALL EITHER BE BETWEEN FIVE (5) AND SEVEN (7) FEET IN LENGTH OR A MINIMUM OF TWENTY (20) FEET IN LENGTH.
 - f. A MAXIMUM OF THREE (3) BUILDINGS FRONTING PUBLIC NETWORK-REQUIRED STREETS MAY CONTAIN SIX (6) INDIVIDUAL UNITS PER BUILDING. SIX-UNIT BUILDINGS SHALL NOT BE ADJACENT TO EACH OTHER ON THE SAME SIDE OF THE PUBLIC NETWORK-REQUIRED STREET. ALL OTHER BUILDINGS FRONTING PUBLIC NETWORK-REQUIRED STREETS SHALL BE LIMITED TO A MAXIMUM OF FIVE (5) INDIVIDUAL UNITS PER BUILDING, OR FEWER.
 - g. EACH END UNIT FRONTING THE EXTENSION OF BALLANCROFT PARKWAY (PUBLIC ROAD 'A'), AS GENERALLY SHOWN ON THE REZONING PLAN, SHALL HAVE EITHER A PORCH OR STOOP THAT WRAPS A PORTION OF THE FRONT AND SIDE OF THE UNIT OR PROVIDE DESIGN FEATURES SUCH AS WINDOWS, BUILDING ARTICULATION, OR CHANGE IN FINISH MATERIAL TO LIMIT THE MAXIMUM BLANK WALL EXPANSE TO FIFTEEN (15) FEET ON EACH LEVEL OF THE UNIT.
 - h. USABLE PORCHES AND STOOPS SHALL FORM A PREDOMINANT FEATURE OF THE BUILDING DESIGN AND BE LOCATED ON THE FRONT AND/OR SIDE OF THE BUILDING. A MINIMUM OF 50% OF THE USABLE FRONT PORCHES, IF PROVIDED, SHALL BE COVERED AND AT LEAST SIX (6) FEET DEEP. STOOPS AND PORCHES MAY BE COVERED BUT SHALL NOT BE FULLY ENCLOSED.
4. THE FOLLOWING ADDITIONAL ARCHITECTURAL STANDARDS SHALL APPLY TO MULTI-FAMILY RESIDENTIAL UNITS ON THE SITE:
 - a. BUILDING ELEVATIONS SHALL BE DESIGNED WITH VERTICAL BAYS OR ARTICULATED ARCHITECTURAL FACADE FEATURES WHICH SHALL INCLUDE A MINIMUM OF THREE (3) OF THE FOLLOWING: A COMBINATION OF EXTERIOR WALL OFFSETS (PROJECTIONS OR RECESSES), COLUMNS, PILASTERS, BANDING, BALCONIES, WINDOWS OR CHANGE IN MATERIALS/COLORS.

- b. BUILDING ELEVATIONS FACING NETWORK-REQUIRED PUBLIC OR PRIVATE STREETS SHALL NOT HAVE BLANK WALLS GREATER THAN TWENTY (20) FEET IN ALL DIRECTIONS AND SHALL HAVE ARCHITECTURAL FEATURES SUCH AS, BUT NOT LIMITED TO, BANDING, COURSING, WALL OFFSETS, WINDOWS AND MEDALLIONS OR DESIGN FEATURES OR CHANGES IN MATERIALS OR COLORS TO AVOID A STERILE, UNARTICULATED BLANK TREATMENT OF SUCH WALLS.
- c. BUILDING MASSING SHALL BE DESIGNED TO BREAK UP LONG MONOLITHIC BUILDING FORMS AS FOLLOWS: BUILDING EXCEEDING 120 FEET IN LENGTH SHALL INCLUDE MODULATIONS OF THE BUILDING MASSING/FACADE PLANE (SUCH AS RECESSES, PROJECTIONS, AND ARCHITECTURAL DETAILS). MODULATIONS SHALL BE A MINIMUM OF TEN (10) FEET WIDE AND SHALL PROJECT OR RECESS A MINIMUM OF TWO (2) FEET EXTENDING THROUGH AT LEAST A FULL FLOOR.
- d. ROOF FORM AND ARTICULATION - ROOF FORM AND LINES SHALL BE DESIGNED TO AVOID THE APPEARANCE OF A LARGE MONOLITHIC ROOF STRUCTURE AS FOLLOWS:
 - i. LONG PITCHED OR FLAT ROOF LINES SHALL AVOID CONTINUOUS EXPANSES WITHOUT VARIATION BY INCLUDING CHANGES IN HEIGHT AND/OR ROOF FORM, TO INCLUDE BUT NOT BE LIMITED TO GABLES, HIPS, DORMERS OR PARAPETS.
 - ii. ROOFTOP HVAC AND RELATED MECHANICAL EQUIPMENT WILL BE SCREENED FROM PUBLIC VIEW AT GRADE FROM THE NEAREST NETWORK-REQUIRED STREET.

5. AMENITY AREAS MAY INCLUDE, BUT NOT BE LIMITED TO: MAIL KIOSK(S), BICYCLE RACKS, GRILLS, CLUB HOUSES, POOLS, CABANAS, PICNIC SHELTERS, GAZEBOs, BENCHES, COMMUNITY GARDENS, RAISED GARDEN BEDS, OPEN GREEN SPACE, DOG PARKS, WALKING TRAILS, PLAYGROUNDS, SPORT COURTS OR OTHER ACTIVE OR PASSIVE RECREATION, OR OTHER SIMILAR AMENITIES AND MAY BE RELOCATED THROUGHOUT THE SITE AS LONG AS THE LOCATIONS ARE CONSISTENT WITH THE GENERAL INTENT OF THE REZONING PLAN. THE TOTAL AMOUNT OF AMENITIZED AREA SHALL BE A MINIMUM OF 15,000 SQUARE FEET THROUGHOUT THE SITE, AS GENERALLY DEPICTED ON THE REZONING PLAN.

V.PARKING

1. PARKING FOR THE SITE SHALL BE CALCULATED AS PART OF A UNIFIED DEVELOPMENT ACROSS ALL PARCELS TO MEET MINIMUM AND MAXIMUM STANDARDS PER THE ORDINANCE. IN ADDITION, FOR THE SAKE OF CLARITY, ON-STREET PARKING SHALL NOT COUNT TOWARDS OFF-STREET PARKING MAXIMUMS AS CONTAINED IN SECTION 9.408 THE UR-2 ZONING DISTRICT.

VI. ENVIRONMENTAL FEATURES

1. THE PETITIONER SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION STORMWATER ORDINANCE. THE LOCATION, SIZE, AND TYPE OF STORMWATER MANAGEMENT SYSTEMS DEPICTED ON THE REZONING PLAN ARE SUBJECT TO REVIEW AND APPROVAL AS PART OF THE FULL DEVELOPMENT PLAN SUBMITTAL AND ARE NOT IMPLICITLY APPROVED WITH THIS REZONING. ADJUSTMENTS MAY BE NECESSARY IN ORDER TO ACCOMMODATE ACTUAL STORM WATER TREATMENT REQUIREMENTS AND NATURAL SITE DISCHARGE POINTS.
2. DEVELOPMENT WITHIN ANY SWIM/PCSO BUFFER SHALL BE COORDINATED WITH AND SUBJECT TO APPROVAL BY CHARLOTTE-MECKLENBURG STORM WATER SERVICES AND MITIGATED IF REQUIRED BY CITY ORDINANCE. 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.
3. THE PETITIONER SHALL COMPLY WITH THE TREE ORDINANCE.

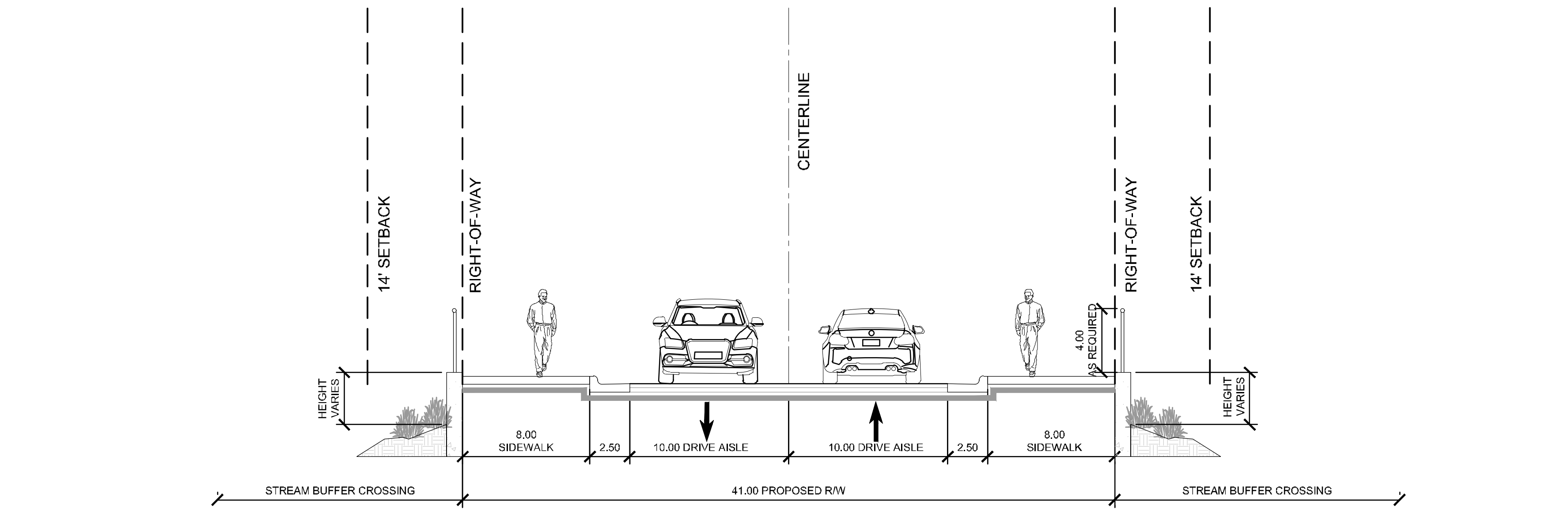
VII. LIGHTING

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

VIII.BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

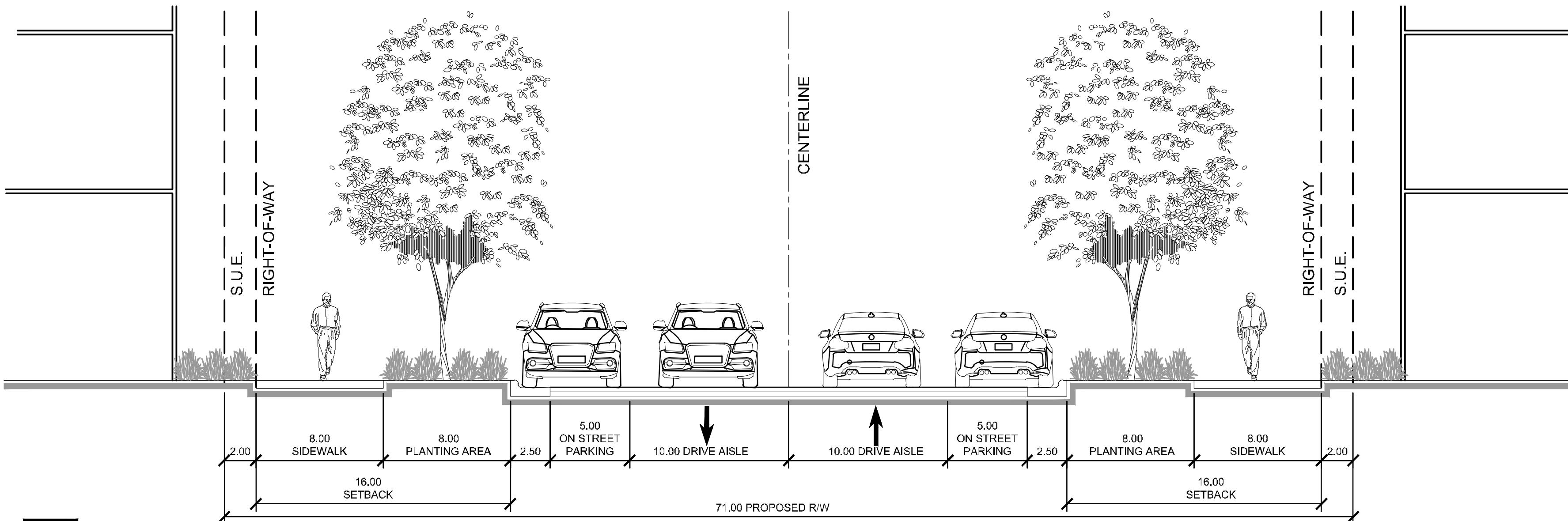
IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO DEVELOPMENT OF THE SITE IMPOSED UNDER THE REZONING PLAN AND THESE DEVELOPMENT STANDARDS WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF THE PETITIONER AND SUBSEQUENT OWNERS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

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



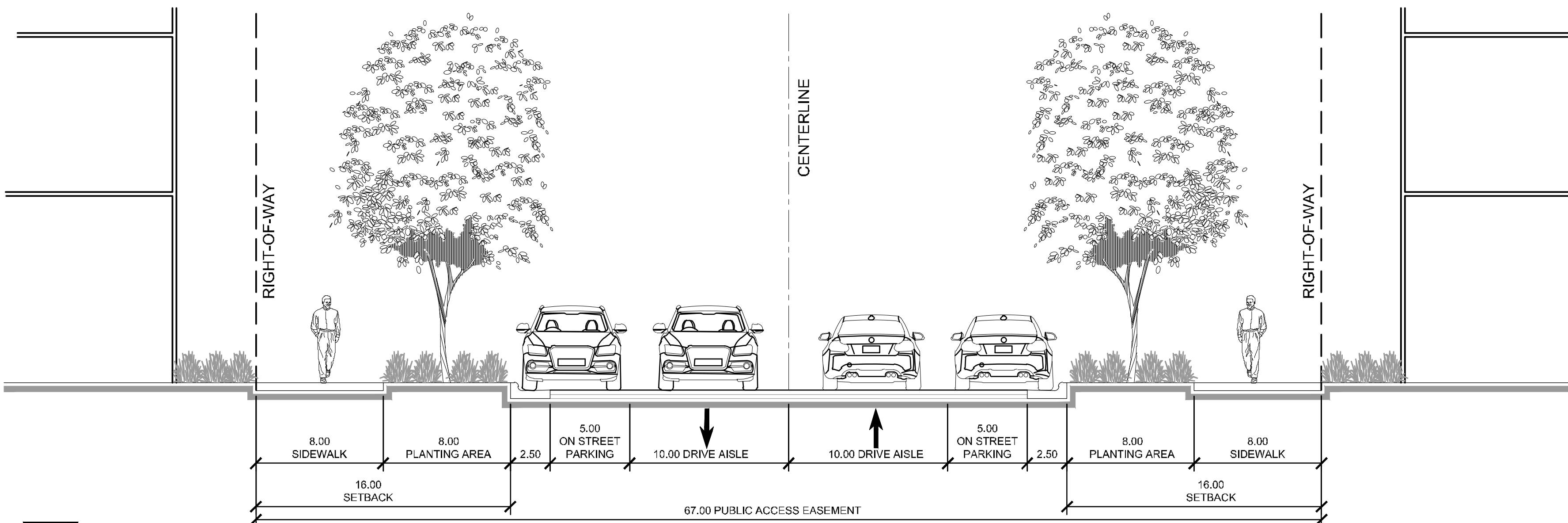
A1 PUBLIC STREET 'A' - BRIDGE CONDITION
PROPOSED STREET 'A' TYPICAL SECTION

3/16" = 1'-0"



A2 PUBLIC STREET 'A' & 'B' TYPICAL CONDITION
PROPOSED STREET TYPICAL SECTION

3/16" = 1'-0"



A3 PRIVATE STREET 'C' TYPICAL CONDITION
PRIVATE STREET BUILT TO PUBLIC STANDARDS TYPICAL SECTION

3/16" = 1'-0"

KEY MAP

SEAL

PRELIMINARY
-FOR REVIEW ONLY-

THESE DOCUMENTS ARE FOR DESIGN
REVIEW ONLY AND NOT INTENDED FOR
CONSTRUCTION, BIDDING, OR PERMIT
PURPOSE. THEY ARE PREPARED BY, OR
UNDER THE SUPERVISION OF:

XXXXX XXXXXXXX 0000 12/15/20
ENGINEER REG. # DATE

**NOT FOR
CONSTRUCTION**

PROJECT

**REZONING
PETITION NO.
2020-145**

CRESCENT COMMUNITIES

JOHNSTON RD.
CHARLOTTE, NC

LANDDESIGN PROJ # 1018532

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
01	1ST SUBMITTAL	08/25/2020
02	2ND SUBMITTAL	12/15/2020

DESIGNED BY: XX
DRAWN BY: XX
CHECKED BY: XX

SCALE NORTH

VERT: N/A
HORZ: AS NOTED

SHEET TITLE

REZONING SECTIONS

SHEET NUMBER

RZ-3

KEY MAP

SEAL

PRELIMINARY
-FOR REVIEW ONLY-

THESE DOCUMENTS ARE FOR DESIGN
REVIEW ONLY AND NOT INTENDED FOR
CONSTRUCTION, BIDDING, OR PERMIT
PURPOSE. THEY ARE PREPARED BY
UNDER THE SUPERVISION OF:

XXXXX XXXXXXXX	###	12/15/
ENGINEER	REG #	DATE

**NOT FOR
CONSTRUCTION**

PROJECT

**REZONING
PETITION NO.
2020-145**

CRESCENT COMMUNITIES

JOHNSTON RD

CHARLOTTE, NC

LANDDESIGN PROJ. #

1018532

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
01	1ST SUBMITTAL	08/21/2018
02	2ND SUBMITTAL	12/11/2018

DESIGNED BY: RP
DRAWN BY: BF
CHECKED BY: ND

SCALE NORTH

VERT: N/A

0 20 60

SHEET TITLE

EXISTING CONDITIONS P

SHEET NUMBER

RZ-4



Agenda Date: 1/19/2021

Agenda #: 39.**File #:** 15-15015 **Type:** Zoning Hearing

Rezoning Petition: 2020-146 by Elmington Capital

Location: Approximately 7.23 acres located on the west side of Regal Oaks Drive, east of Winterhaven Drive, and north of Albemarle Road. (Council District 5 - Newton)

Current Zoning: O-15 (CD) (office, conditional)

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

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

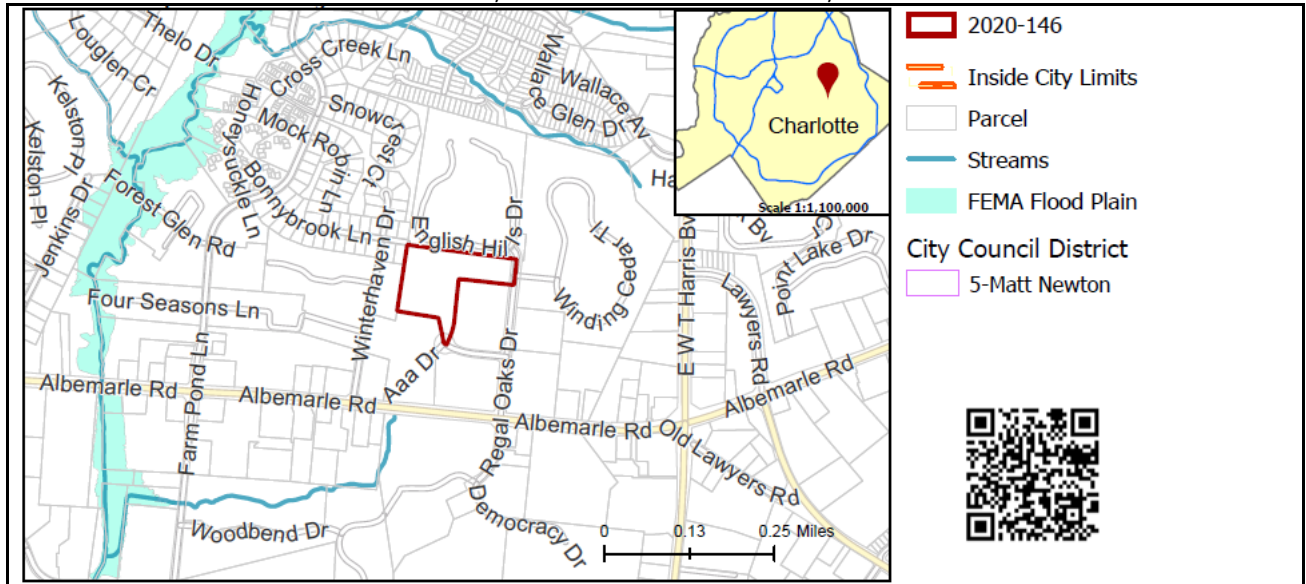
Pre-Hearing Staff Analysis

REQUEST

Current Zoning: O-15(CD) (office, conditional)
Proposed Zoning: R-22 MF (multi-family residential)

LOCATION

Approximately 7.23 acres located on the west side of Regal Oaks Drive, east of Winterhaven Drive, and north of Albemarle Road.



SUMMARY OF PETITION

The petition proposes to rezone a vacant site in east Charlotte to allow all uses permitted in the R-22MF (multi-family) zoning district either by right or under prescribed conditions.

PROPERTY OWNER

CMC Acquisition Company D LLC

PETITIONER

Elmington Capital Group

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 **inconsistent** with the *Eastland Area Plan's* (2003) recommendation for single-family/multi-family/office/retail uses at the site with a residential density of up to 12 dwelling units per acre (DUA).

Rationale for Recommendation

- The requested residential density at this location is an appropriate buffer between non-residential uses against Albemarle Road to the south and lower density multi-family and single family uses to the north.
- The residential uses to the north include R-17MF and R-22MF, while only a small portion of the site abuts single family zoning.
- The proposed rezoning district helps achieve a portion of the vision for the Eastland area in that it provides a "variety of housing types".

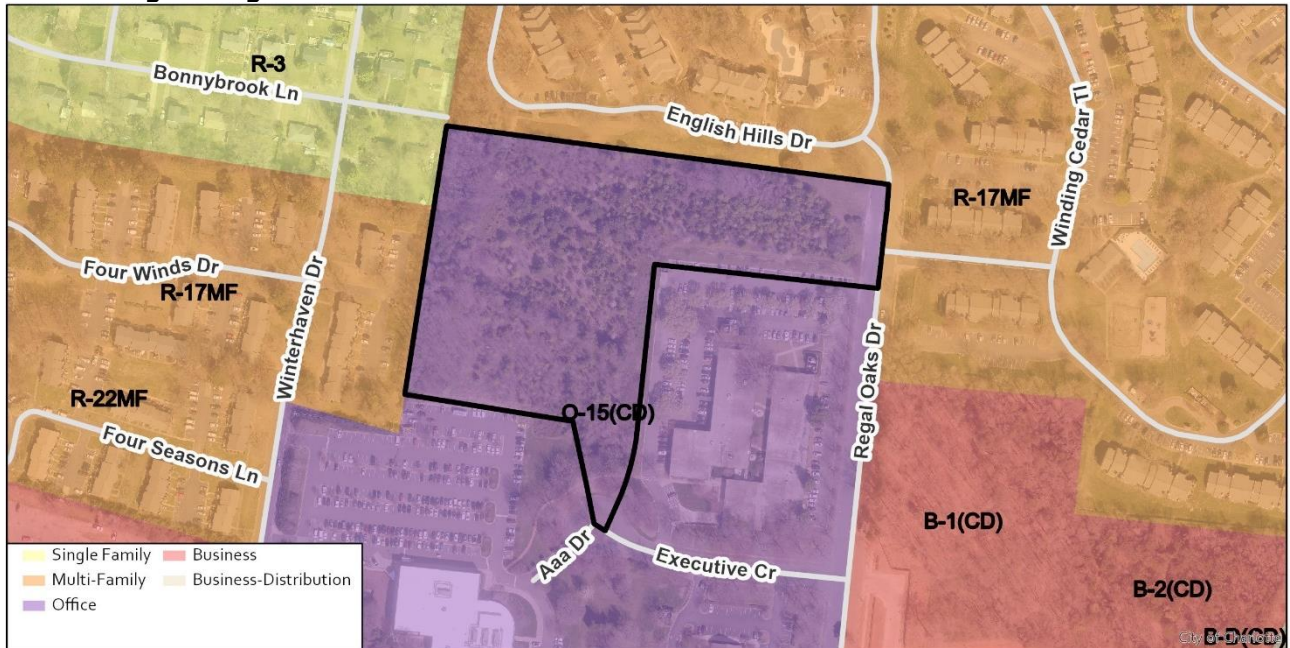
The approval of this petition will revise the adopted future land use as specified by the *Eastland Area Plan*, from single-family/multi-family/office/retail uses to residential uses up to 22 DUA for the site.

PLANNING STAFF REVIEW

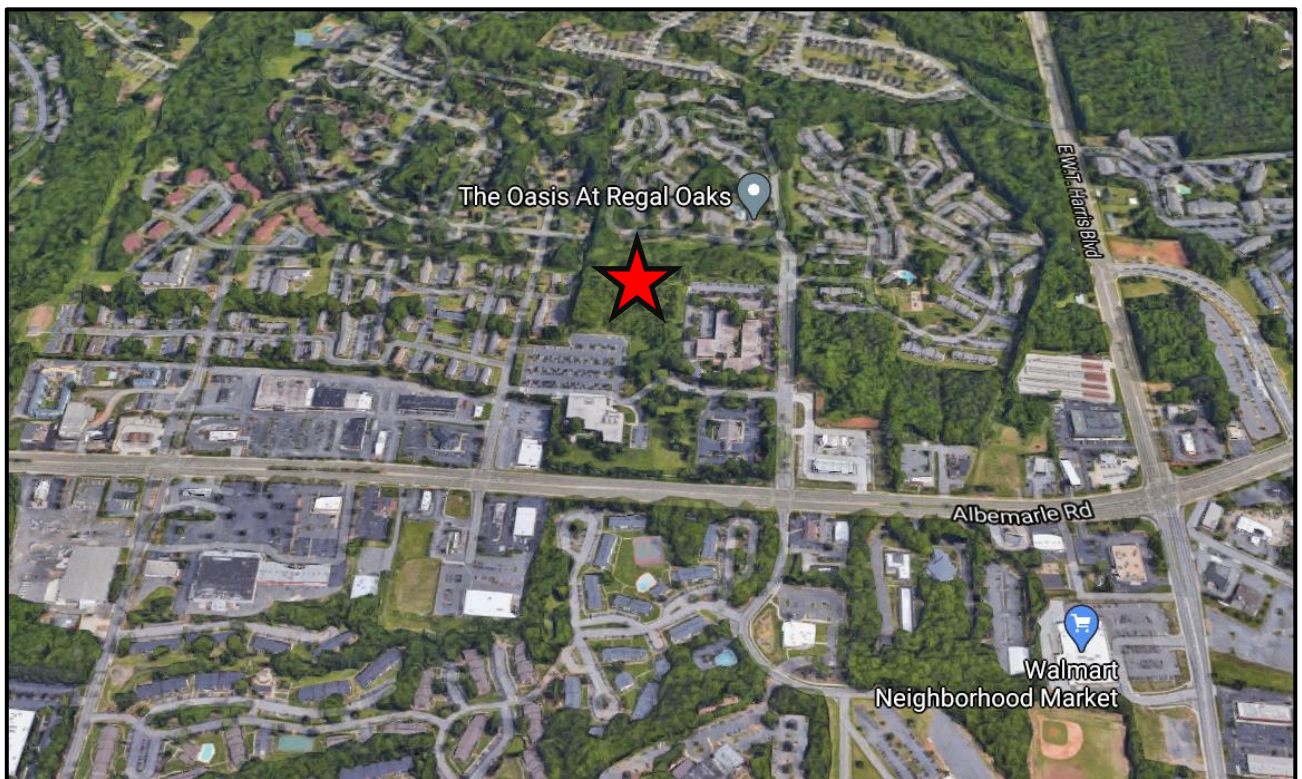
- **Proposed Request Details**

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

- **Existing Zoning and Land Use**



There have been no recent rezonings of the subject property; the most recent rezoning of the site was in 1979 (1979-026) which entitled the site and surrounding parcels to an office park. This portion of the original site plan was never constructed. Surrounding land uses include office and other non-residential uses along Albemarle Road and multi-family and single family residential uses to the north.



General location of subject property denoted by red star.

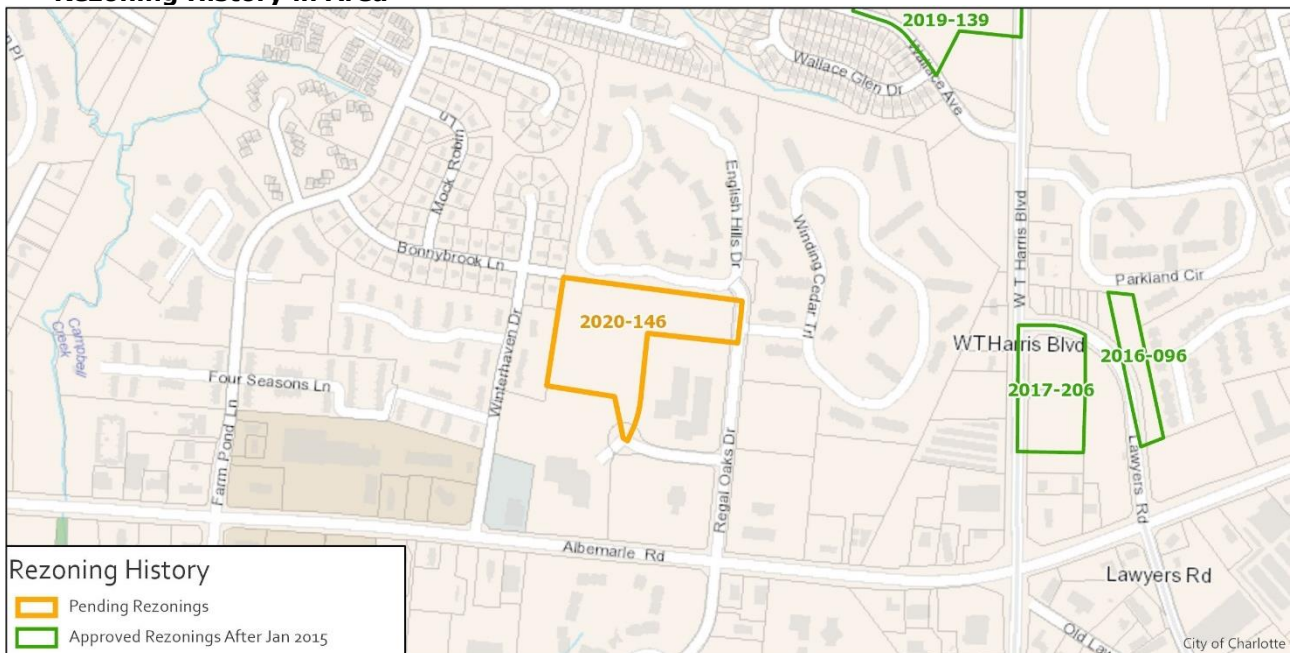


Streetview from Executive Circle looking NW toward the subject property. NCDMV offices are to the right of this view, while AAA offices are to the left.



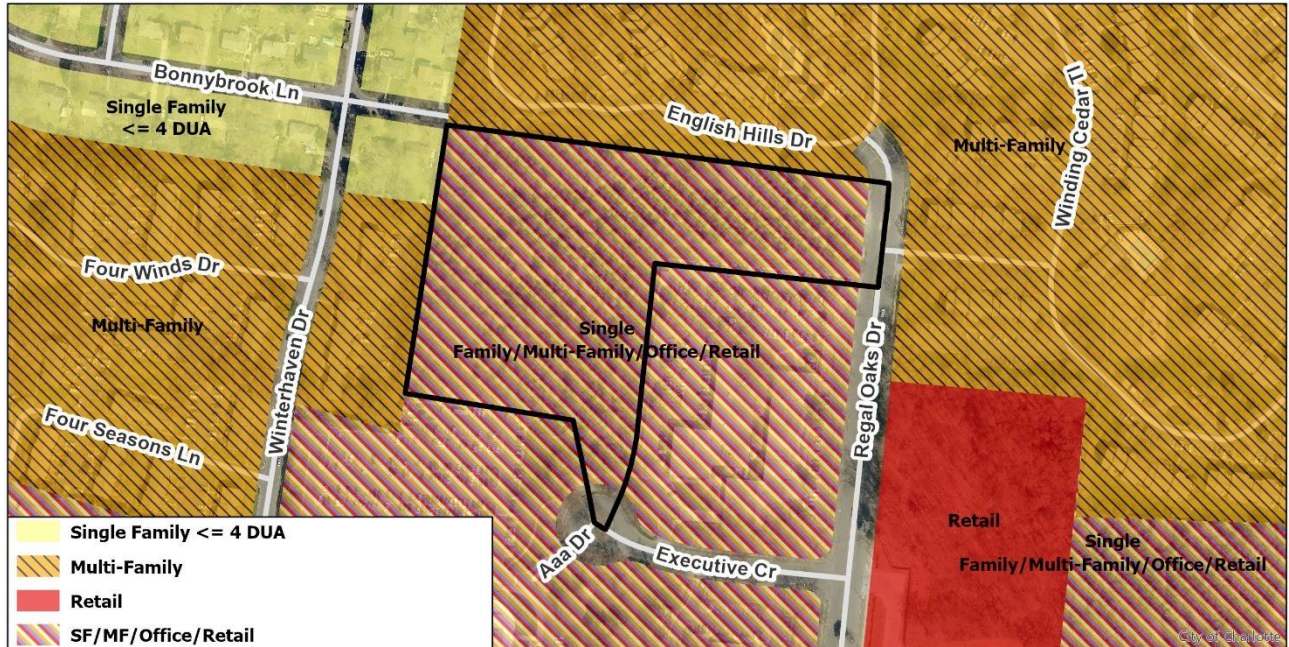
View looking NE along Regal Oaks Drive across from the site. Multiple multi-family communities are located along this street.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-139	Conventional petition to rezone 5.3 acres to R-8.	Approved
2017-206	Petition to allow development of car wash and fueling station alongside an EDEE with accessory drive in service windows.	Approved
2016-096	City-sponsored conventional rezoning to O-2 (office).	Approved

- **Public Plans and Policies**



- The *Eastland Area Plan* (2003) recommends single-family/multi-family/office/retail uses for the site with a residential density of up to 12 DUA.
- **TRANSPORTATION SUMMARY**
 - The site is located on a Regal Oaks Drive (minor collector) and Executive Circle (local street). A Traffic Impact Study (TIS) is not required with conventional rezoning petition review. Chapter 19 of the City Code may apply, requiring the developer to provide street improvements along their frontage and will be determined during the permitting process. Further advisory details are listed in the staff memo located on the rezoning webpage.
 - **Active Projects:**
 - N/A
 - **Transportation Considerations**
 - No outstanding issues.
 - **Vehicle Trip Generation:**

Current Zoning:

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

Entitlement: 650 trips per day (based on 60,000 SF office).

Proposed Zoning: 865 trips per day (based on 159 multi-family dwelling 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 zero students, while the development allowed under the proposed zoning may produce 43 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 43 students.
 - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
 - Charlotte East Language Academy K-8 from 85% to 89%
 - Independence High remains at 121%
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Executive Circle. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Executive Circle. See advisory comments at www.rezoning.org

- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** 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: William Linville (704) 336-4090



Agenda Date: 1/19/2021

Agenda #: 40. **File #:** 15-15016 **Type:** Zoning Hearing

Rezoning Petition: 2020-147 by Beacon Partners

Location: Approximately 1.93 acres located along the northwest side of Old Statesville Road. (Council District 2 - Graham)

Current Zoning: B-2 (general business) and I-1 (CD) (light industrial, conditional)

Proposed Zoning: I-1 (light industrial)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

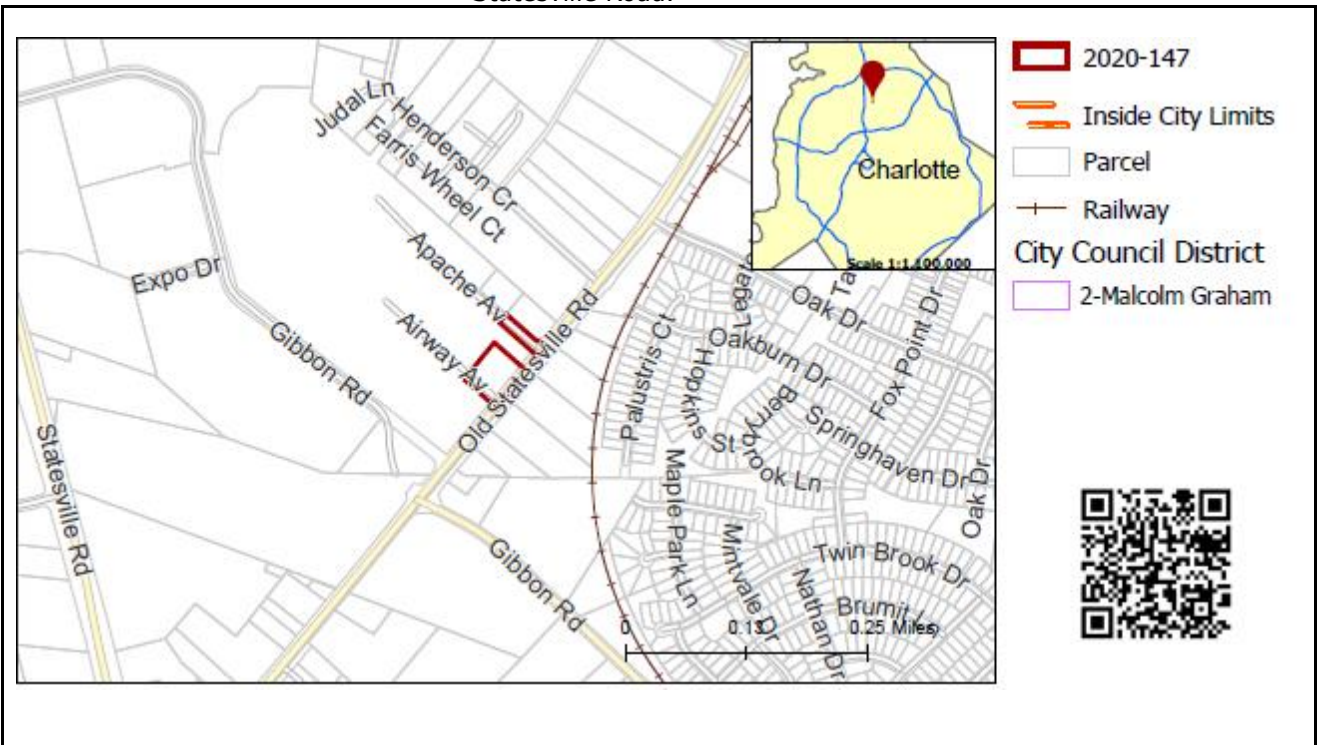
Pre-Hearing Staff Analysis

REQUEST

Current Zoning: B-2 (general business) and I-1 (CD) (light industrial, conditional)
 Proposed Zoning: I-1 (light industrial)

LOCATION

Approximately 1.93 acres located along the northwest side of Old Statesville Road.



SUMMARY OF PETITION

The petition proposes to allow all uses in the I-1 zoning district.

PROPERTY OWNER

BIN-OSR, LLC

PETITIONER

Beacon Partners

AGENT/REPRESENTATIVE

Colin Brown & Brittany Lins, 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 *Northeast District Plan (1996)* recommendation of an industrial-warehouse-distribution use.

Rationale for Recommendation

- By rezoning these sites to I-1, the entire parcel will have a consistent zoning.
- This petition is consistent with the *Northeast District Plan (1996)* recommendation of industrial use for this parcel.
- This petition's request for an industrial zoning will maintain consistency with the surrounding industrial land uses on the western side of Old Statesville Road.

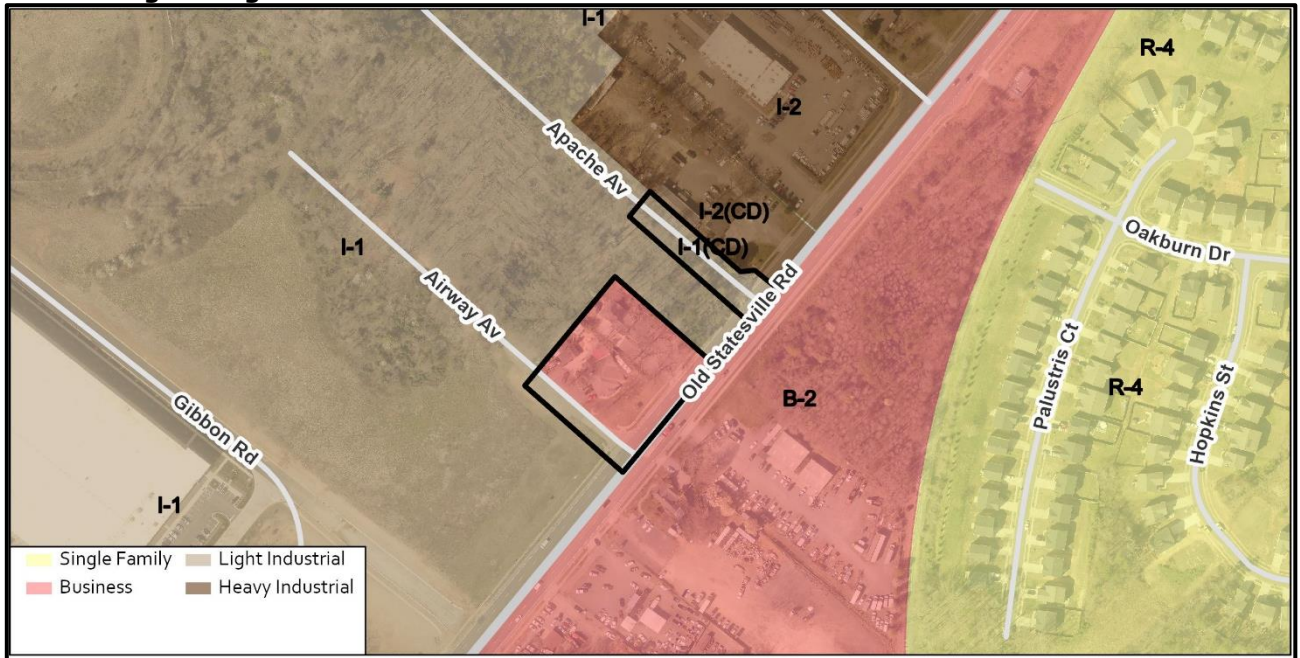
PLANNING STAFF REVIEW

- **Proposed Request Details**

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

- The proposal would allow all uses in the I-1 zoning district.

- **Existing Zoning and Land Use**



The subject property is zoned B-2 and I-1(CD). The surrounding land uses are industrial, small businesses, and a manufactured home park. It is adjacent to Metrolina Industrial Park.



The subject property (denoted by red star) is developed with retail uses.



The property to the northeast along Old Statesville Road is developed with a contractor's office.

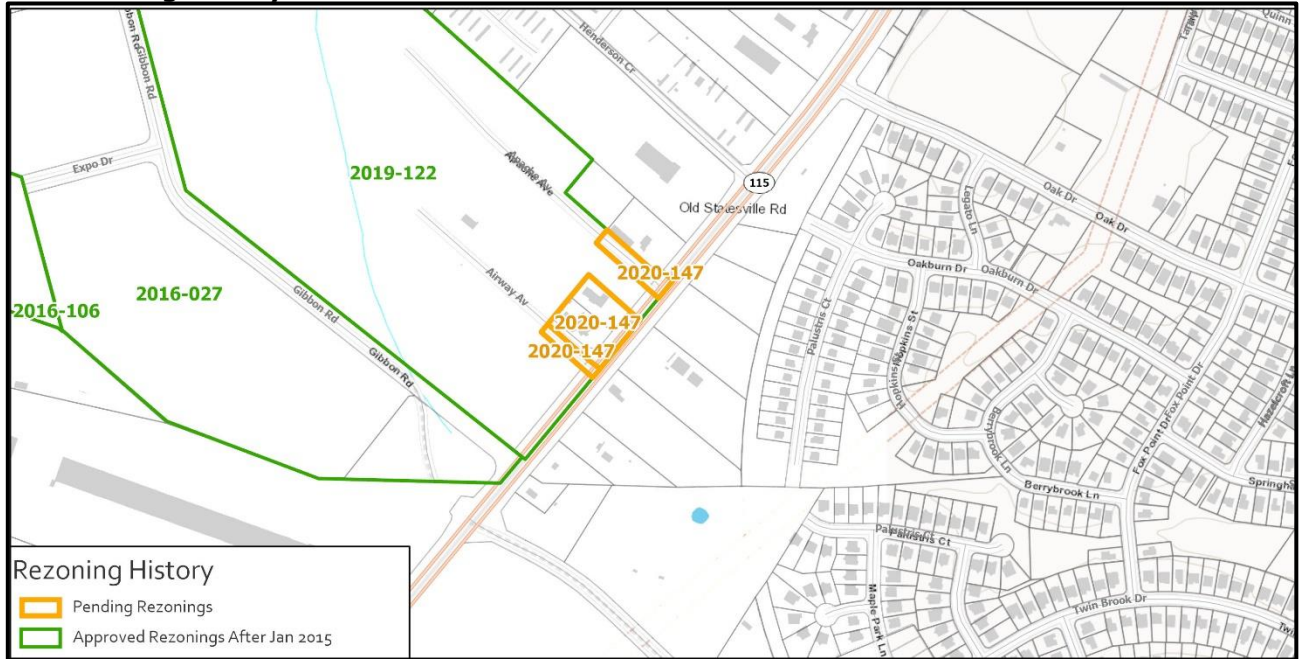


The property to the south along Old Statesville Road is developed with commercial uses.



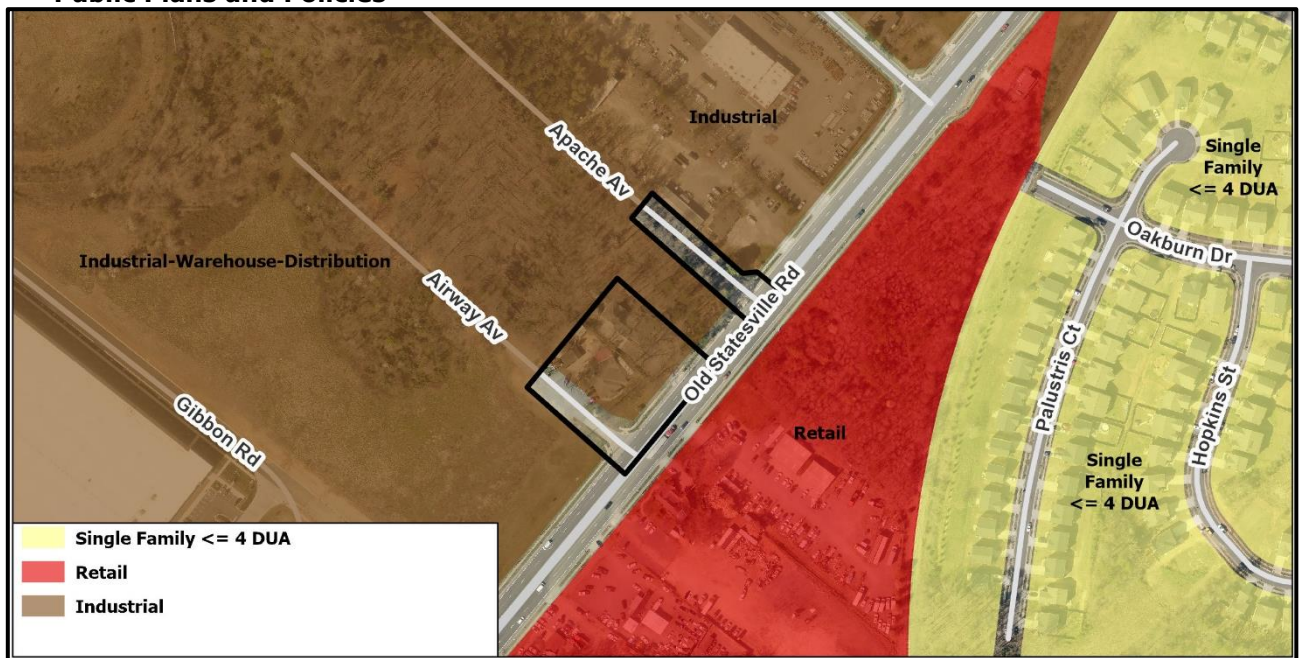
The property to the west along Fairground Road is developed with warehouse uses.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2016-027	Rezoned 95.67 acres to allow all uses permitted in the I-1 zoning district.	Approved
2016-106	Rezoned 8.60 acres to allow a monopole tower within an enclosed fence with parking area.	Approved
2019-122	Rezoned 39.7 acres to allow all uses permitted in the I-1 zoning district.	Approved

- Public Plans and Policies**



- The *Northeast District Plan* (1996) calls for industrial-warehouse-distribution.

- **TRANSPORTATION SUMMARY**

- The site is located on a major thoroughfare road (Old Statesville Road). A Traffic Impact Study (TIS) is not needed for this site as this is a conventional rezoning petition. In accordance with Charlotte BIKES and WALKS, CDOT will request the petitioner to install an 8-foot planting strip and 6-foot sidewalk along Gibbon Road/Fairground Road, in addition to constructing a 12-foot multi-use path along the Old Statesville Road frontage, during plan permitting. This site is adjacent to the Gibbon Road Extension Comprehensive Transportation Plan (CTP) alignment, at the Gibbon Road & Old Statesville Road intersection. A CTP amendment was proposed to realign Gibbon Road/Fairground Road (through Parcel 03720349) to create a fourth leg of the existing signalized intersection at Old Statesville Road and Gibbon Road.
- **Active Projects:**
 - There are no active City projects within the immediate vicinity.
- **Transportation Considerations**
 - No outstanding issues.
- **Vehicle Trip Generation:**

Current Zoning:
Existing Use: 0 trips per day (based on vacant land).
Entitlement: 760 trips per day (based on 18,600 square-feet of retail uses and 6,900 square-feet of warehouse uses.).
Proposed Zoning: 80 trips per day (based on 19,300 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 6-inch water distribution main located along Airway Avenue. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Airway Avenue. See advisory comments at www.rezoning.org
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

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

Planner: Michael Russell (704) 353-0225



Agenda Date: 1/19/2021

Agenda #: 41. **File #:** 15-15017 **Type:** Zoning Hearing

Rezoning Petition: 2020-151 by Range Water Real Estate

Location: Approximately 3.455 acres located along the north side of West Tremont Avenue, west of Tryon Street, and south of Woodcrest Avenue. (Council District 3 - Watlington)

Current Zoning: I-1 (light industrial)

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

Staff Recommendation:

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

Attachments:

Pre-Hearing Staff Analysis

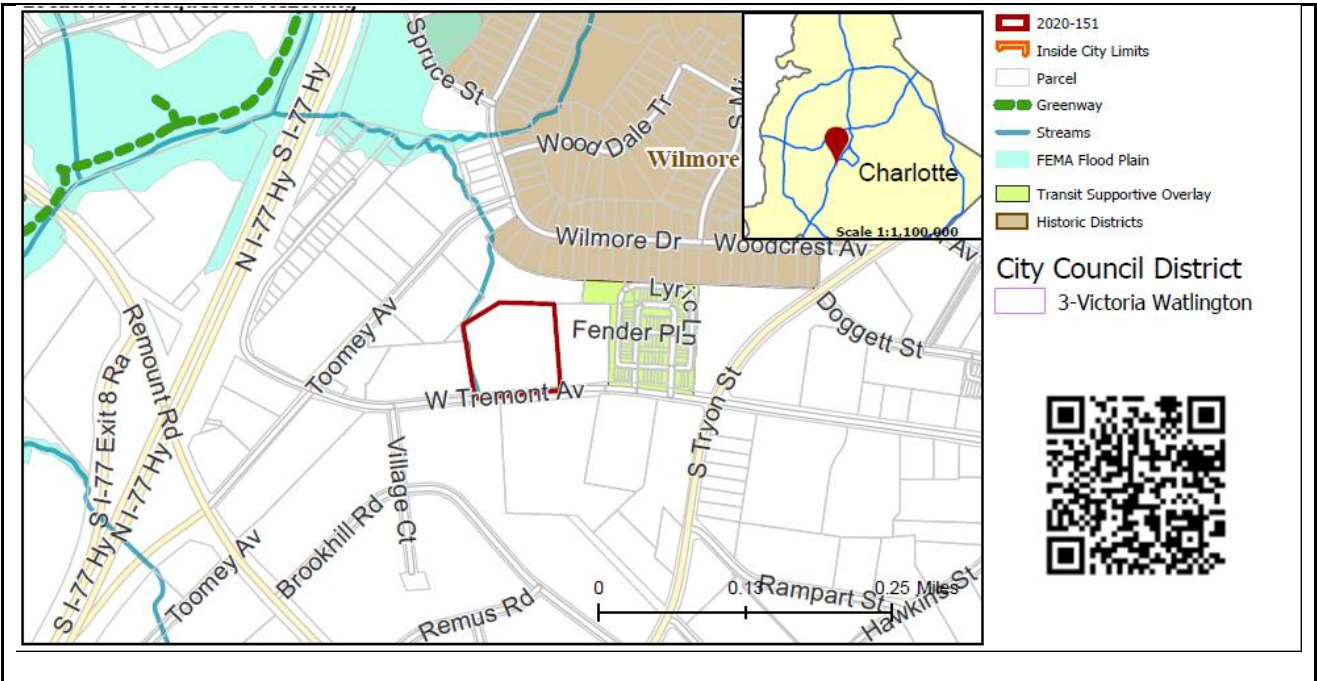
Site Plan

REQUEST

Current Zoning: I-1 (light industrial)
Proposed Zoning: MUDD-O (mixed use development, optional)

LOCATION

Approximately 3.455 acres located along the north side of West Tremont Avenue, west of Tryon Street, and south of Woodcrest Avenue.



SUMMARY OF PETITION

The petition proposes to allow up to 300 residential units and up to 5,000 square feet of non-residential uses on a vacant parcel located between Interstate 77 and South Tryon Street.

**PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE**

SC7 LLC
Range Water Real Estate
Dujuana Keys, Moore & Van Allen

COMMUNITY MEETING

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

**STAFF
RECOMMENDATION**

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

Plan Consistency

The petition is *consistent* with the *New Bern Transit Station Area Plan* recommended residential land use, but *inconsistent* with the recommended density of up to 22 units per acre.

Rationale for Recommendation

- The project site abuts a townhome project under construction to the east, and is directly north of a parcel recently rezoned to accommodate townhomes.
- The project is an infill development that will contribute to a mix of housing types.

- The proposed site plan will enhance the connectivity and walkability of the emerging mixed-use neighborhood.
- The request limits the building height to 75 feet. The site is located within 1 mile of the East/West Boulevard Transit Station along the LYNX Blue Line. TOD-NC is permitted within 1 mile of the station and allows a building height up to 75 feet.
- The parcels surrounding this site are being redeveloped from former industrial and vacant sites into a mixed-use area with office, residential and retail uses.
- The development commits to streetscape improvements and on street parking.

The approval of this petition will revise the adopted future land use as specified by the *New Bern Transit Station Area Plan* from residential up to 22 dwelling units to acre to residential greater than 22 dwelling units per acre.

PLANNING STAFF REVIEW

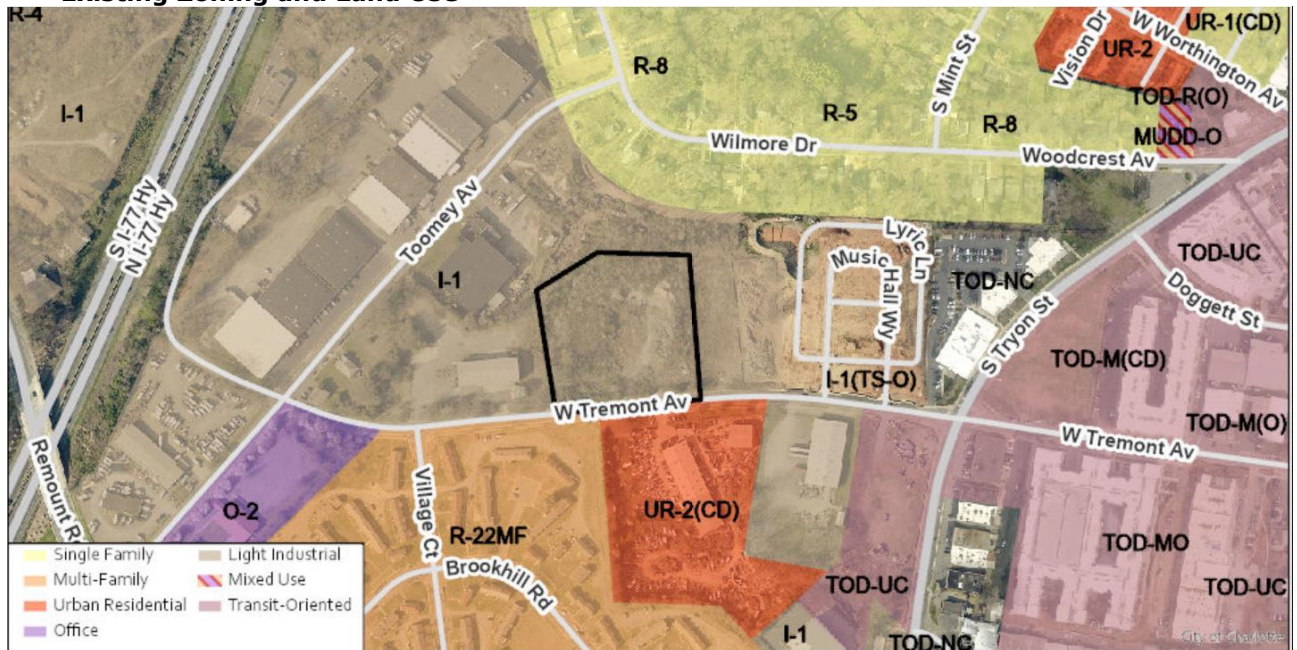
• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Up to 300 residential dwelling units and up to 5,000 square feet of gross floor area of non-residential uses as allowed by right, and under prescribed conditions together with accessory uses, as allowed in the MUDD zoning district.
- Limits building height to 75 feet.
- Notes Mobile Food Vending and Outdoor Fresh Produce Stands are also allowed uses per ordinance.
- A minimum of 2,500 square feet of non-residential square footage other than accessory amenity areas for the residential community) as allowed by the MUDD zoning district will be constructed on the ground floor of the proposed building. The proposed non-residential area will be oriented toward and have frontage on W. Tremont Avenue.
- Notes that open space area will contain a minimum of 10,000 square feet. Events, mobile food vending and outdoor fresh produce stands may be placed/occur in the open space area.
- On-site amenities for the residents of the residential community may include but are not limited to: clubhouse area, business center, fitness area, swimming pool, dog park, and an improved open space area.
- Proposes a 22-foot building setback as measured from proposed back of curb along W. Tremont Avenue (the proposed back of curb will be located to allow recessed on-street parking).
- Requests the following optional provision:
 - Allow accessory parking and maneuvering to be located along one side of the internal entry drive and between the proposed building and W Tremont Avenue as generally depicted on the Rezoning Plan.
- Proposes the following transportation improvements:
 - Proposes access to the site from W. Tremont Avenue as shown on the site plan.
 - Dedicates and conveys 36.5 feet of right-of-way from the center line of W. Tremont Avenue.
 - Proposes an 8-foot amenity zone with an 8-foot sidewalk along the site's frontage.
 - Proposes on-street parking along W. Tremont Avenue.
- Proposes the following design guidelines:
 - Proposes building materials to be used on the principal buildings will be a combination of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood, defined as the "Preferred Building Materials", Notes vinyl or aluminum as a building material may only be used on windows, soffits and on handrails/railings, concrete masonry units not architecturally finished will not be allowed. The railings utilized on balconies and patios must be metal railings.
 - Proposed building will be designed and constructed so that each building elevation(s) that abut/face an existing or proposed public street will have at least 20% masonry materials exclusive of windows, doors and roofs.
 - Buildings shall be placed to present a front or side façade to all network required streets (public or private).
 - Buildings shall front a minimum of 40% of the total network required street frontage on the site.
 - Breaks up massing through use of recesses, projections, and architectural details. Modulations shall be a minimum of 10 feet wide and project or recess a minimum of 6 feet extending through the building.

- Notes the maximum contiguous area without windows or doors on any floor shall not exceed 20 feet in length.
- Residential building entrances shall be at or slightly above grade and shall be highly visible and architecturally treated as prominent pedestrian entrances.
- The exposed portions of multi-level parking decks shall provide screening so that interior cars are not visible from the public street on which the parking deck has frontage. The screening along a public street will be primarily accomplished using architectural louvers or decorative screens on all levels.
- The exposed portions of the multi-level parking decks shall provide screening so that interior cars are not visible to the adjoining existing single-family residential uses.

• **Existing Zoning and Land Use**



- The site is currently vacant and surrounded by a mix of industrial, residential, retail uses on parcels in various zoning districts.



The site is currently vacant.



North is a single family residential neighborhood.



An automotive repair shop is located to the south, across West Tremont Avenue.

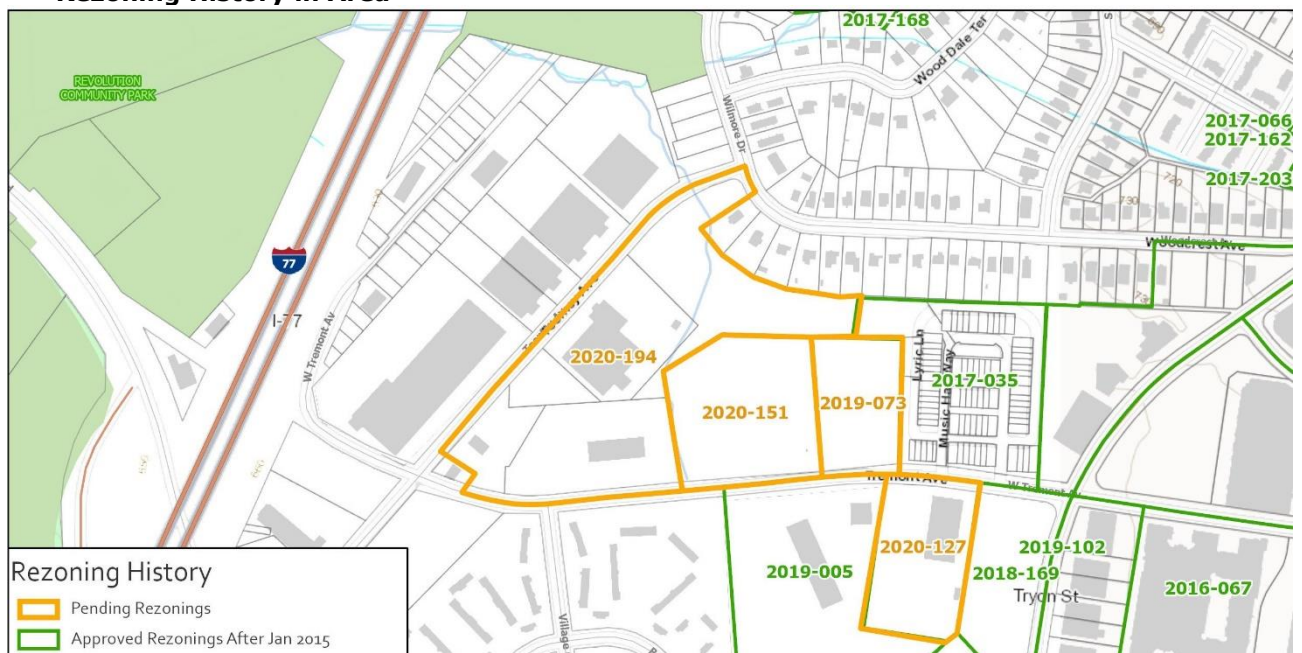


East are townhomes, apartments, office and retail uses.



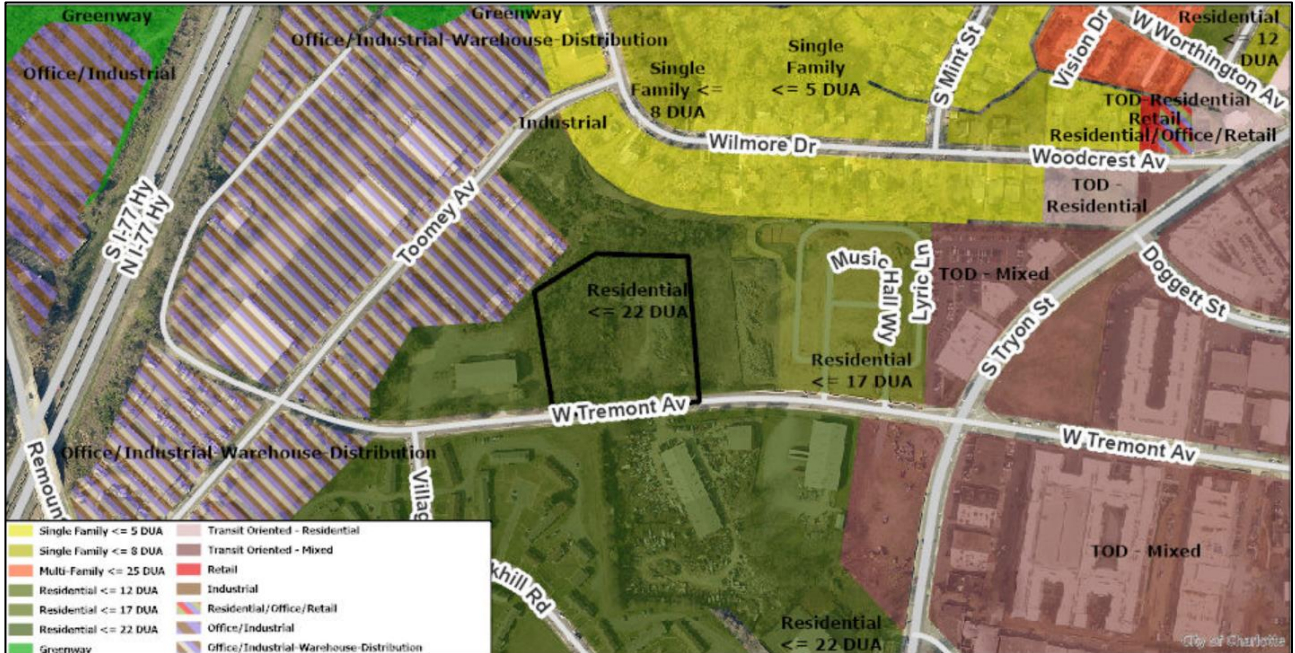
West are warehouse/distribution uses.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2020-194	Rezone 8.69 acres from I-1 and R-5 to MUDD-O	Pending
2020-127	Rezone 2.60 acres from I-1 to TOD-NC.	Pending
2019-102	Rezoned 1,771.18 acres under a range of zoning districts to TOD-UC, TOD-NC, TOD-CC or TOD-TR.	Approved
2019-073	Rezone 1,91 acres from I-1 to MUDD(CD).	Pending
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
2017-203	Rezoned 0.75 acres from B-1 and R-8 to TOD-R(O).	Approved
2017-035	Rezoned 4.39 acres from I-1 to I-1 TS-O.	Approved
2016-067	Rezoned 8.36 acres from I-2 to TOD-M(O).	Approved

- **Public Plans and Policies**



- The *New Bern Transit Station Area Plan* (2008) recommends residential up to 22 dwelling units per acre.
- **TRANSPORTATION SUMMARY**
 - The site is located on Tremont Avenue, a City-maintained local road, just west of Tryon Street. In accordance with the City's ordinances and WALKS Policy, this site will provide a 16-foot pedestrian zone in the form of an 8-foot sidewalk and 8-foot amenity zone. Site plan revisions are needed to meet ordinance requirements and the outstanding items including, but not limited to, committing to completing all the transportation improvements before the site's first certificate of occupancy. All other CDOT comments have been successfully addressed.
 - **Active Projects:**
 - 510 West Tremont - RZP-2019-073
 - Rezoning to MUDD (CD) with proposed retail and multi-family residential uses.
 - South Tryon Street Corridor Implementation CIP Project
 - Construction of bicycle and pedestrian facilities along South Tryon Street.
 - **Transportation Considerations**
 - See Outstanding Issues, Note 1.
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: Vacant
 - Entitlement: 100 trips per day (based on 34,600 square feet of warehouse).
 - Proposed Zoning: 2,125 trips per day (based on 300 apartments, 2,500 square feet of retail).

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:** In an effort to increase the supply of Affordable Housing units in the City of Charlotte, developers are encouraged to assist in providing homes at diverse price points to meet increased housing demand.
- **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 could generate 55 students. Therefore, the net increase allowed under the proposed zoning is 55 students.
 - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
 - Barringer Elementary from 92% to 96%
 - Sedgfield Middle from 73% to 75%
 - Harding University High from 132% to 133%.

- See advisory comments at www.rezoning.org.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along W Tremont Ave. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along W Tremont Ave. See advisory comments at www.rezoning.org.
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** See Outstanding Issues, Note 2.
 - **Storm Water Services:** See advisory comments at www.rezoning.org.
 - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Transportation

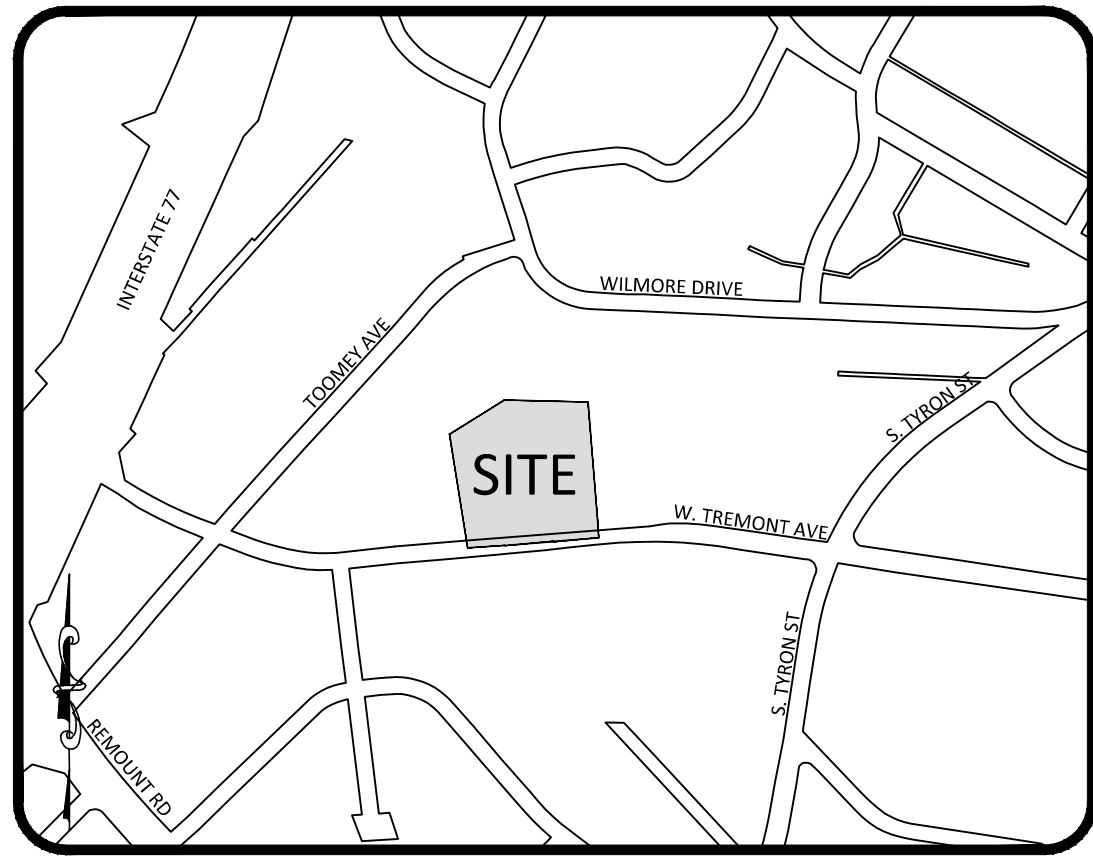
1. A site plan specifying that all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued is needed. The petitioner may phase transportation improvements if said improvements and phasing are explicitly described in site plan notes.

Site and Building Design

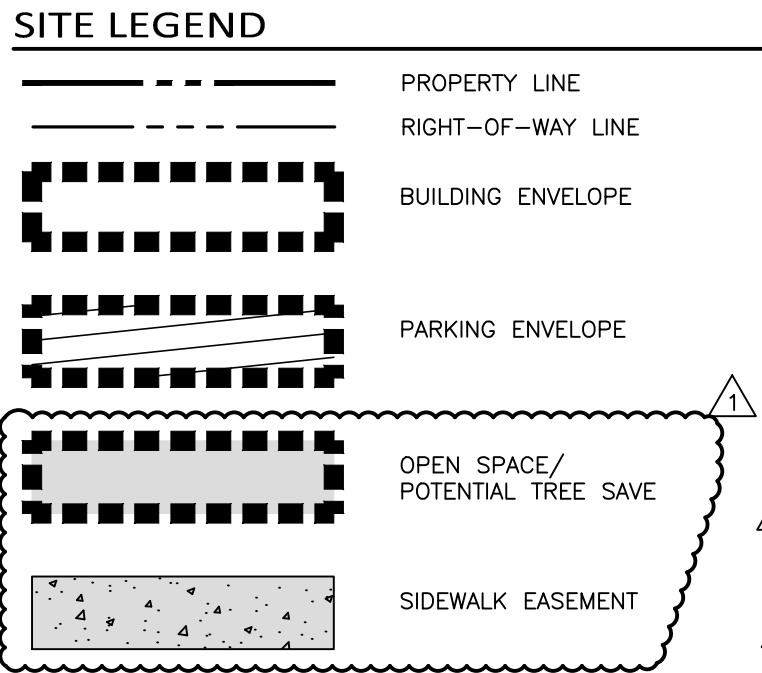
2. Clearly show and label proposed optional request on site plan. Please clarify what is accessory parking.
3. For maximum building height please remove the number of stories.
4. Label the building setback on West Tremont Avenue (from back of existing or proposed back of curb).
5. The site plan labels a 16-foot pedestrian zone along West Tremont Avenue and the development notes specify an 8-foot amenity zone and an 8-foot sidewalk. Adopted plan calls for an 8-foot pedestrian zone and 8-foot planting strip. Please ensure improvements are correctly labeled on the site plan. Ensure development notes match what is shown.

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

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



VICINITY MAP NTS



SITE DATA

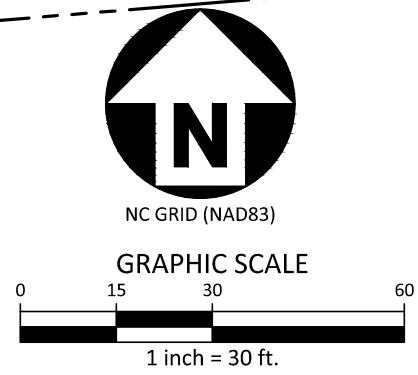
PREPARED BY:	MCADAMS COMPANY (BRANDON PLUNKETT) 3430 TORINGDON WAY, SUITE 110 CHARLOTTE, NC 28277 704.527.0800 PLUNKETT@MCADAMSCO.COM
PARCEL PIN: 11906427	
TOTAL SITE ACREAGE:	3.46 AC
CURRENT ZONING:	I-1
PROPOSED ZONING:	MUDD(O)
UNIT TYPE:	RESIDENTIAL & NON-RESIDENTIAL
PROPOSED USES:	- 300 RESIDENTIAL DWELLING UNITS - UP TO 5,000 SF OF GROSS FLOOR AREA OF NON-RESIDENTIAL USES AS ALLOWED BY RIGHT AND UNDER PRESCRIBED CONDITIONS IN THE MUDD ZONING DISTRICT.
DENSITY:	+/- 86.70 UNITS/AC
LOT SETBACKS:	FRONT YARD = 2' FROM BACK OF CURB SIDE YARD = 0' BUT 10' BUILDING SEPARATION REQUIRED ADJACENT TO RESIDENTIAL USE REAR YARD = 0' BUT 10' BUILDING SEPARATION REQUIRED ADJACENT TO RESIDENTIAL USE
POTENTIAL TREE SAVE AREA (PER SECTION 21-94(2)):	+/- 0.518 AC (15% OF SITE)
POTENTIAL TREE SAVE AREA PROVIDED (PER SECTION 21-94(2)):	+/- 0.524 AC (15.17% OF SITE)

SUMMIT AVENUE, TREMONT LLC
PID: 11906424
DB: 27, PG: 530
ZONING: I-1
USE: VACANT

TREMONT CAPITAL, LLC
JOHN ADAMS JR.
PID: 11906421
DB: 44, PG: 371
ZONING: I-1
USE: VACANT

SUMMIT AVENUE, TREMONT LLC
PID: 11906420
DB: N/A, PG: N/A
ZONING: I-1
USE: OFFICE/WAREHOUSE

WEST TREMONT AVENUE
60' PUBLIC RIGHT-OF-WAY
(M.B. 44, PG. 371)



- Site Development Data:
--Acreage: = 3.46 acres
--Tax Parcel #: 119064-27
--Existing Zoning: I-1
--Proposed Zoning: MUDD(O)
--Existing Uses: Vacant
--Proposed Uses: Residential dwellings units and non-residential uses as permitted by right, and under prescribed conditions together with accessory uses, as allowed in the MUDD zoning district (all as more specifically described and restricted below in Section 3).
--Maximum Number of Residential Dwelling Units: Up to 300 residential dwelling units and up to 5,000 square feet of gross floor area of non-residential uses as allowed by right and under prescribed conditions in the MUDD zoning district.
--Maximum Building Height: Up to six (6) stories and 60 feet. Building height to be measured per the Ordinance.
--Parking: As required by the Ordinance.
- General Provisions:
 - Site Location. These Development Standards, the Technical Data Sheet, Schematic Site Plan and other site plan sheets form this rezoning plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by Range Water Real Estate, ("Petitioner") to accommodate the development of a high-quality residential community on an approximately 3.45-acre site located at 536 W. Tremont Avenue (the "Site").
 - Zoning Districts/Ordinance. Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the MUDD zoning classification shall govern all development taking place on the Site.
 - Graphics and Alterations. The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, building elevations, driveways, streets, Permissible Building Areas (as defined below) and other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance. Since the project has not undergone the design development and construction phases, it is intended that this Rezoning Plan provide for flexibility in allowing some alterations or modifications from the graphic representations of the Development/Site Elements. Therefore, there may be instances where minor modifications will be allowed without requiring the Administrative Amendment Process per Section 6.207 of the Ordinance. These instances would include changes to graphics if they are:
 - minor and don't materially change the overall design intent depicted on the Rezoning Plan.
 - The Planning Director will determine if such minor modifications are allowed per this amended process, and if it is determined that the alteration does not meet the criteria described above, the Petitioner shall then follow the Administrative Amendment Process per Section 6.207 of the Ordinance; in each instance, however, subject to the Petitioner's appeal rights set forth in the Ordinance.
 - Number of Buildings Principal and Accessory. The total number of principal buildings to be developed on the Site will be limited to one (1). Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal building(s) located within the same Development Area as the accessory structure/building.
 - Permitted Uses, Development Area Limitations:
 - The principal building constructed on the Site may be developed with up to 300 multi-family residential dwellings units and up to 5,000 square feet of gross floor area of non-residential uses as permitted by right, and under prescribed conditions together with accessory uses allowed in the MUDD zoning district. Mobile Food Vending and Outdoor Food Production are also allowed uses as permitted by the Ordinance.
 - A minimum of 2,500 square feet of non-residential square footage (other than accessory amenity areas for the residential community) as allowed by the MUDD zoning district will be constructed on the ground floor of the proposed building. The proposed non-residential area will be oriented toward and have frontage on W. Tremont Avenue.
 - On-site amenities for the residents of the residential community may include but are not limited to: clubhouse area, business center, fitness area, swimming pool, dog park, and an improved open space area.
 - Optional Provisions:
 - An optional provision to allow accessory parking and maneuvering to be located along one side of the internal entry drive and between the proposed building and W. Tremont Avenue as generally depicted on the Rezoning Plan.
 - Transportation Improvements and Access:
 - Access to the Site will be from W. Tremont Avenue as generally depicted on the Rezoning Plan.
 - The Petitioner will improve the Site's frontage on W. Tremont Avenue to comply with the Local Residential Wide street section contained in the New Bern Transit Station Area Plan.
 - The Petitioner will dedicate and convey 30.5 feet of right-of-way from the center line of Tremont Avenue as generally depicted on the Rezoning Plan.
 - The Petitioner will construct required roadway improvements and provide any required sidewalk and utility easements needed for these improvements prior to the issuance of the final certificate of occupancy, subject to the Petitioner's ability to request that CDOT allow a bond to be posted for any roadway improvements not finalized at the time of the issuance of the certificate of occupancy, as allowed by City regulations.
 - The Petitioner will dedicate via fee simple conveyance any right-of-way indicated on the Rezoning Plan as right-of-way to be dedicated. The additional right-of-way will be dedicated prior to the issuance of the last certificate of occupancy. The Petitioner will provide a permanent sidewalk easement for any of the proposed sidewalks located along the public streets located outside of the right-of-way. The permanent sidewalk easement will be located a minimum of two (2) feet behind the sidewalk where feasible.
 - CDOT/CDOT Standards. All of the foregoing public roadway improvements will be subject to the standards and criteria of CDOT as applicable. It is understood that such improvements may be undertaken by the Petitioner on its own or in conjunction with other development or roadway projects taking place within the area, by way of a private/public partnership effort or other public sector project support.
 - The alignment of the vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by the Charlotte Department of Transportation (CDOT) in accordance with published standards so long as the street network set forth on the Rezoning Plan is not materially altered.
 - The Petitioner may design the vehicular entrances to the proposed parking structure with gates and other access control measures to limit and control access to the parking structure to residents and their guests. Visitor parking spaces or spaces associated with the leasing office may be located outside gates.
 - Streetscape, Landscaping Open Space and Screening:
 - A 22-foot building setback as measured from the proposed back of curb along W. Tremont Avenue (the proposed back of curb will be located to allow recessed on-street parking along W. Tremont) will be provided as generally depicted on the Rezoning Plan.
 - An eight (8) foot amenity zone with an eight (8) foot sidewalk will be established along the Site's frontage of W. Tremont Avenue as generally depicted on the Rezoning.
 - Recessed on-street parking will be provided along W. Tremont Avenue.
 - The open space area will contain a minimum of 10,000 square feet. Fences, Mobile Food Vending and Outdoor Food Production are also allowed uses as permitted by the Ordinance.
 - Meter banks will be screened where visible from public view at grade level.
 - The site's sidewalk and curb and gutter will tie into the sidewalk and curb and gutter that is proposed within rezoning petition 2019-073.
 - General Design Guidelines:
 - The building materials used on the principal buildings constructed on Site will be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and or wood, defined as the "Preferred Building Materials". Vinyl or aluminum as a building material may only be used on windows, soffits and on handrails/railings, concrete masonry units not architecturally finished will not be allowed. The railings utilized on balconies and patios must be metal railings.
 - The proposed building will be designed and constructed so that the each building elevation(s) that adjoins an existing or proposed Public Street will have at least 20% masonry materials (e.g. brick, natural stone, (or its synthetic equivalent) precast stone, precast concrete), exclusive of windows, doors and roofs.
 - Building Placement and Site Design shall focus on and enhance the pedestrian environment through the following:
 - Buildings shall be placed to present a front or side facade to all network required streets (public or private).
 - Buildings shall front a minimum of 40% of the total network required street frontage on the site (exclusive of driveways, pedestrian access, points, accessible open space, tree save or natural areas, tree replanting areas and storm water facilities).
 - Except for parking spaces located along one side of the Site entry drive, parking lots shall not be located between the proposed building and W. Tremont Avenue.
 - Building massing and height shall be designed to break up long monolithic building forms as follows: Buildings exceeding 120 feet in length shall include modulations of the building massing/facade plane (such as recesses, projections, and architectural details). Modulations shall be a minimum of 10 feet wide and shall project or recess a minimum of 6 feet extending through the building.
 - Architectural Elevation Design – elevations shall be designed to create visual interest as follows:
 - Building elevations shall be designed with vertical bays or articulated architectural facade features which may include but not be limited to a combination of exterior wall offsets, projections, recesses, pilasters, banding and change in materials or colors.
 - Buildings shall be designed with a recognizable architectural base on all facades facing network required public or private streets. Such base may be executed through use of Preferred Exterior Building Materials or articulated architectural facade features and color changes.
 - The maximum contiguous areas without windows or doors on any floor shall not exceed 20 feet in length. Where blank or unarticulated walls 20' or greater cannot be addressed principally with doors or windows, they shall be treated with a combination of the following options: (i) a higher level of transparency on the ground floor (exaggerated or larger windows indicative of living areas); and (ii) horizontal and vertical variations in wall planes. If the final architectural design cannot meet the design standards for blank wall articulation, alternative innovative design solutions may be considered for approval by the Planning Director.
 - Residential building entrances shall be at or slightly above grade and shall be highly visible and architecturally treated as prominent pedestrian entrances through a combination of at least five (5) of the following features: (i) decorative pedestrian lighting/scenes; (ii) architectural details carried through to upper stories; (iii) covered porches, canopies, awnings or sunshades; (iv) archways; (v) transom windows; (vi) terraced or raised planters that can be utilized as seat walls; (vii) common outdoor seating enhanced with specialty details, paving, landscaping or water features; (viii) double doors; (ix) stoops or stairs; and/or (x) contrasting pavement from primary sidewalk.
 - Where ground floor connection to units is not possible and a shared or common entry is used, transition from the street to the entry itself is provided to create a unique sense of entry for pedestrians. The ground level transitions are thoughtfully designed and incorporated into the overall character of the building and include any/all the following: changes in grade or setbacks; stairs; low masonry walls; ornamental railing; changes in paving material; additional landscaping or other methods.
 - Except for parking on one side of the entry drive, parking lot areas are will not be located between any building and any network required public or private street however, parking lot areas may be located to the side of the proposed building.
 - The exposed portions of multi-level parking decks shall provide screening so that interior cars are not visible from the public street on which the parking deck has frontage. The screening along a public street will be primarily accomplished using architectural features or decorative screens on all levels.
 - The exposed portions of the multi-level parking decks shall provide screening so that interior cars are not visible to the adjoining existing single-family residential use.
 - The pedestrian entrances of Site will be designed to be clearly visible and distinct from other parking or service entrances and lighting to that these entrances are clearly visible to driving vehicles during day light and nighttime hours.
 - Internal sidewalk connections shall be provided between buildings and from buildings to all publicly accessible on-site facilities (parking areas, bicycle facilities, open space, etc.) and abutting or adjacent parks, greenways, bikeways, trails, developments and transit stops. Internal sidewalks shall be hard surfaced and at least 6 feet in width unless connecting to four units or less.
 - Fences or walls used for screening shall be constructed in a durable fashion of brick, stone, other finished masonry materials, metal or other materials specifically designed as fencing materials.
 - Service equipment such as dumpsters, refuse areas, recycling and storage areas, or equipment located between the building and the public street shall be screened from the public street with materials and design to be compatible with principal structures. Such design includes a minimum 20% Preferred Exterior Building Materials. On-site dumpster and refuse areas will be located within the building.
 - Rooftop Form and Articulation – roof form and height shall be designed to be compatible with the building structure as follows:
 - Long pitched or flat roof lines shall avoid continuous expanses without variation by including changes in height and roof form, to include but not be limited to gables, hips, dormers or parapets.
 - For pitched roofs (not including details that may include crickets, towers or other elements that slope back to the primary roof) the minimum (4:12), excluding buildings with a flat roof and parapet.
 - All rooftop mechanical equipment on buildings shall be screened from public view from below by integrating the equipment into the building and roof design to the maximum extent feasible, using parapet walls or similar architectural treatments.
 - For flat roofs, a parapet extends above the roof plane and include an element that provides a visual termination of the facade.
 - Ventilation grates or emergency exit doors located at the first-floor level in the building facade oriented to any public street must be decorative.
 - Environmental Features:
 - The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Stormwater Ordinance.
 - The Site will comply with the Tree Ordinance.
 - Lighting:
 - All new attached and detached lighting shall be fully shielded downwardly directed and full cut off fixture type lighting excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.
 - Detached lighting on the Site, except streetlights located along public streets, will be limited to 22 feet in height.
 - The on-site pedestrian circulation system shall be lighted to a level where employees, residents, and visitors can safely use the system at night.
 - Amendments to the Rezoning Plan:
 - Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable development area or portion of the Site affected by such amendment in accordance with the provisions herein and of Chapter 6 of the Ordinance.
 - Binding Effect of the Rezoning Application:
 - If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided herein and under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site or Development Areas, as applicable, and their respective heirs, devisees, personal representatives, successors in interest or assigns.

McAdams
The John R. McAdams Company, Inc.
3430 Toringdon Way
Suite 110
Charlotte, NC 28277
phone 704. 527. 0800
fax 919. 361. 2269
license number: C-0293, C-187
www.mcadamsco.com

CLIENT
RANGEWATER REAL ESTATE
5605 GLENRIDGE DR. NE, SUITE 775
ATLANTA, GA 30342

536 W. TREMONT AVE
REZONING PETITION #2020-151
536 W. TREMONT AVE
CHARLOTTE, NORTH CAROLINA 28203

REVISIONS

NO.	DATE	PER CITY AND CDOT COMMENTS
1	12.14.2020	

PLAN INFORMATION

PROJECT NO. RWR-20000
FILENAME RWR-20000RZ1
CHECKED BY BGP
DRAWN BY JDS
SCALE 1"=30'
DATE 09.11.2020
SHEET

REZONING PLAN

RZ-1



Agenda Date: 1/19/2021

Agenda #: 42. **File #:** 15-15018 **Type:** Zoning Hearing

Rezoning Petition: 2020-152 by Shreeji Hospitality UNCC, LLC

Location: Approximately 2.99 acres located at the eastern terminus of E. McCullough Drive, east of N. Tryon Street in the University City community. (Council District 4 -Johnson)

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

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

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

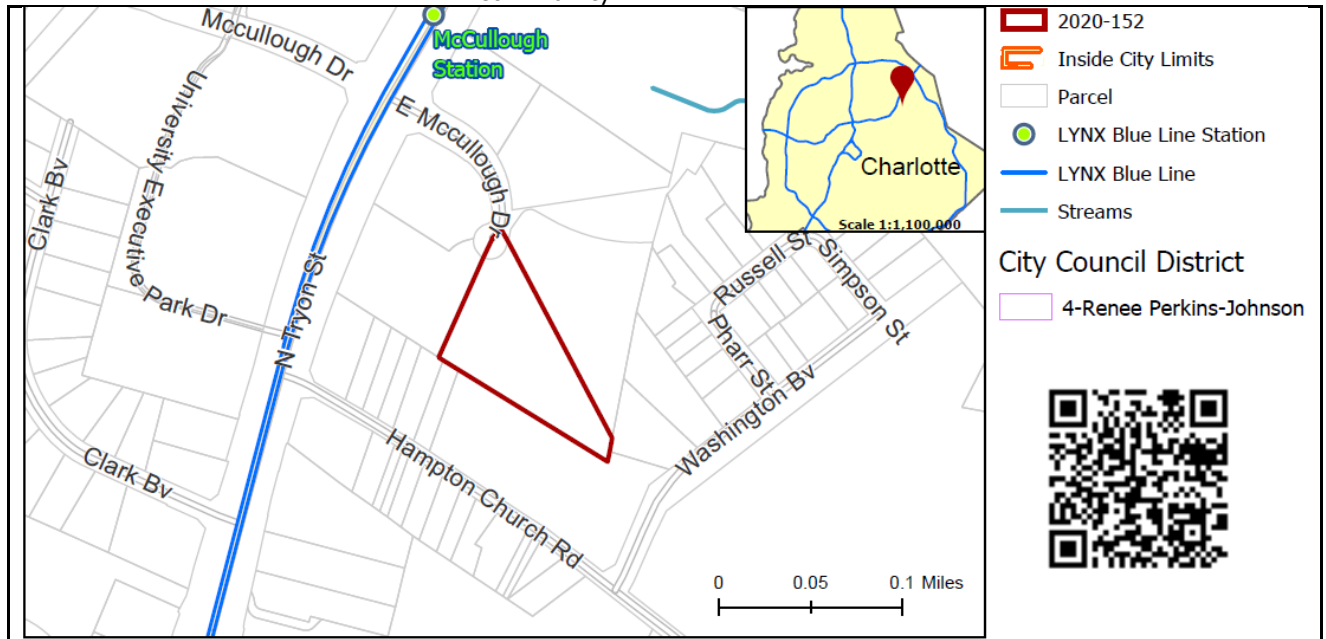
Pre-Hearing Staff Analysis

REQUEST

Current Zoning: O-1(CD) (office, conditional)
Proposed Zoning: TOD-CC (transit-oriented development, community center)

LOCATION

Approximately 2.99 acres located at the eastern terminus of E. McCullough Drive, east of N. Tryon Street in the University City community.



SUMMARY OF PETITION

The petition proposes to rezone approximately 3 acres to a conventional transit-oriented development district that would permit all uses allowed by-right or under prescribed conditions to be developed at the site.

PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE COMMUNITY MEETING

Shreeji Hospitality UNCC, LLC
Shreeji Hospitality UNCC, LLC
Shreeji Hospitality UNCC, LLC

Meeting is not required.

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the *Blue Line Extension – University City Area Plan’s* (2015) recommendation for TOD-Mixed uses for the site.

Rationale for Recommendation

- The request for TOD at this location is consistent with the adopted land use plan for the area.
- The site is less than 1,000 feet from the Blue Line’s McCullough Station.
- The requested district is appropriate considering adjacent zoning districts in this location.
- As this location is within 200 feet of single-family residential, the request for TOD-CC will limit the height of the structure to the

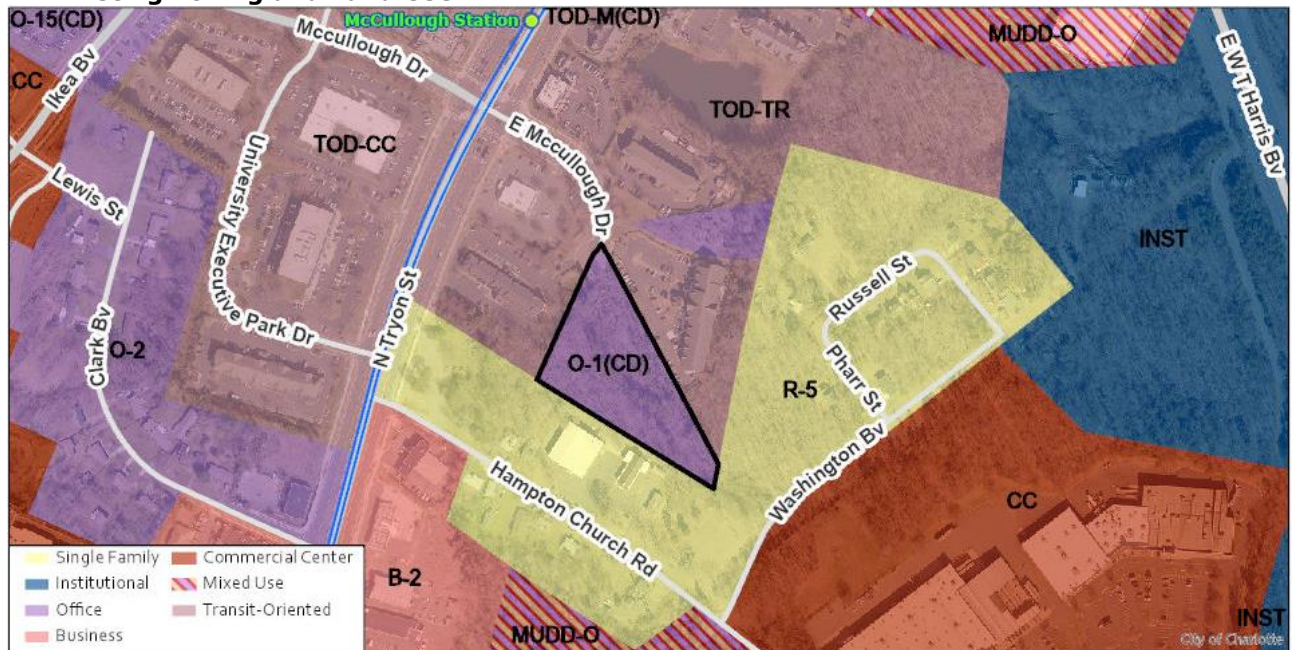
same maximum height of the TOD-TR district – the prevailing TOD district on the eastern side of N. Tryon Street – thus creating no greater visual impact than a request for TOD-TR.

PLANNING STAFF REVIEW

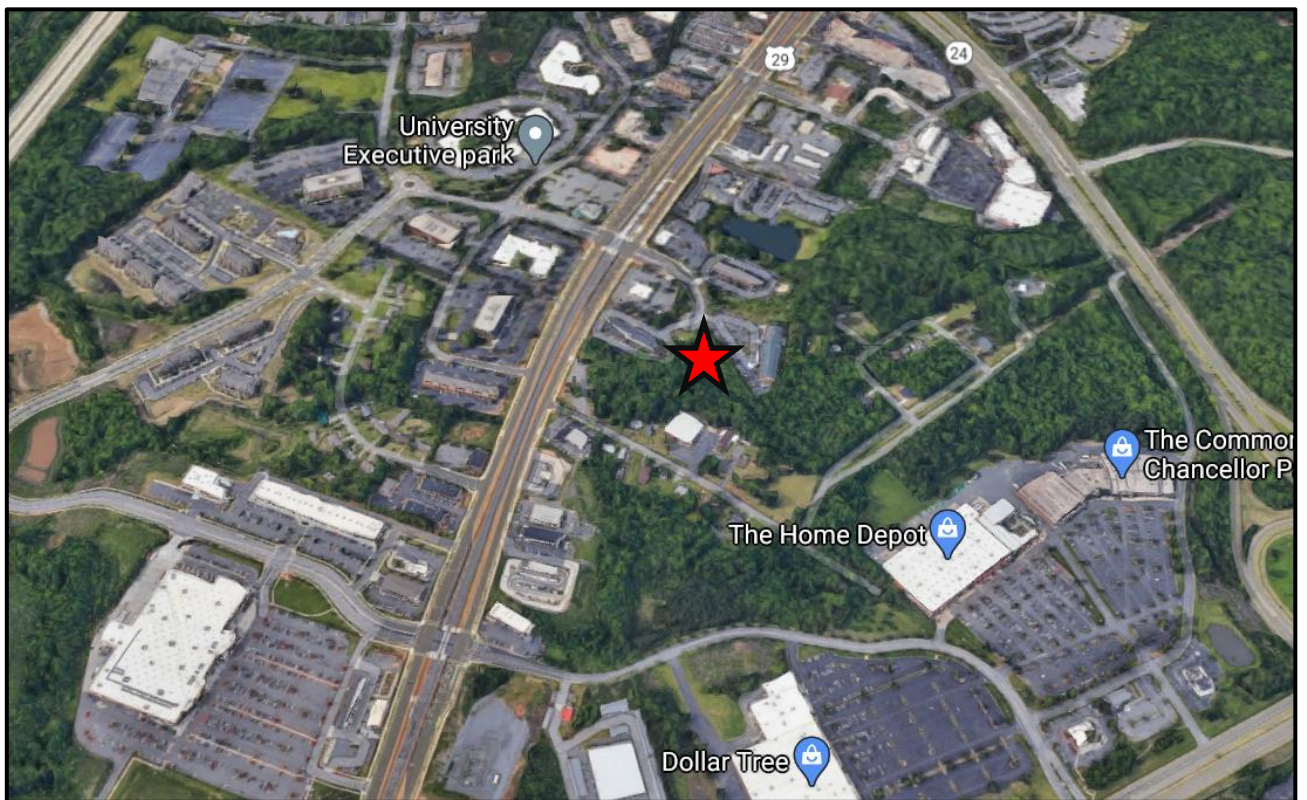
- **Proposed Request Details**

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

- **Existing Zoning and Land Use**



The site was most recently rezoned in 1997 (1997-076) which entitled the site to a three-story office building or 100-key hotel. The subject property was part of a larger master plan that built out most of the land surrounding this portion of E. McCullough Drive and is one of two parcels that was not built upon. The surrounding area is comprised of surface-parked hotels and other non-residential uses along with some detached residential uses along Hampton Church Road.

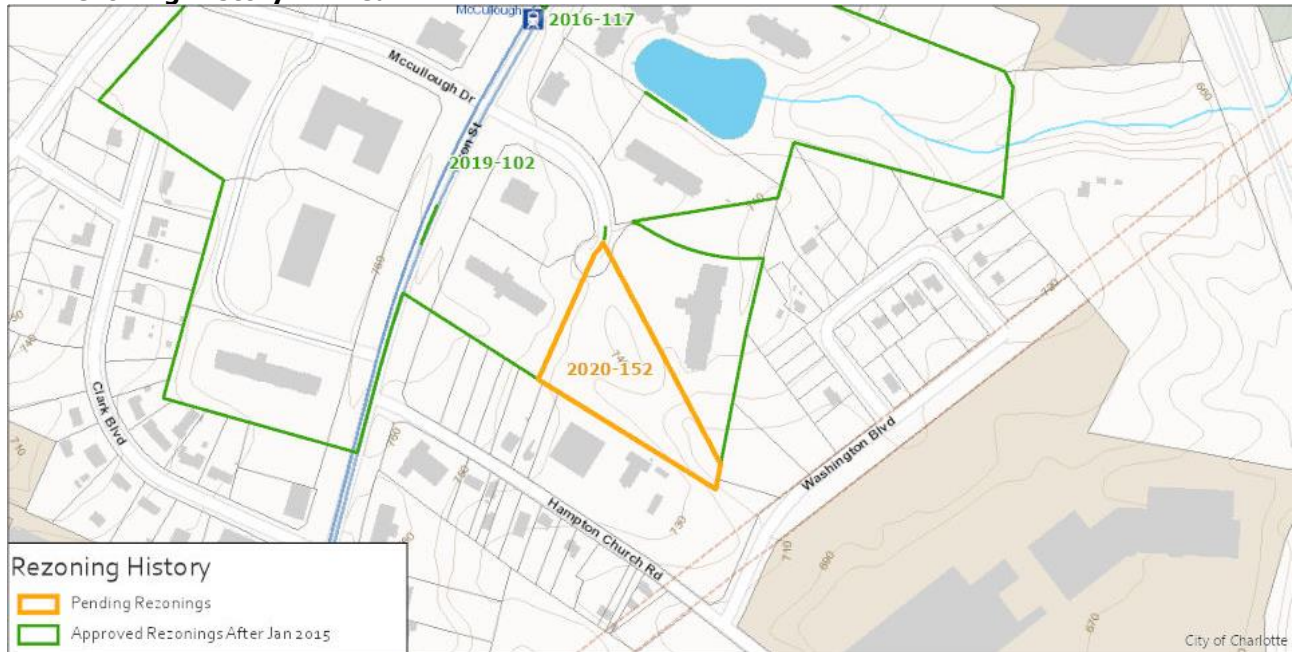


General location of subject property denoted by red star.



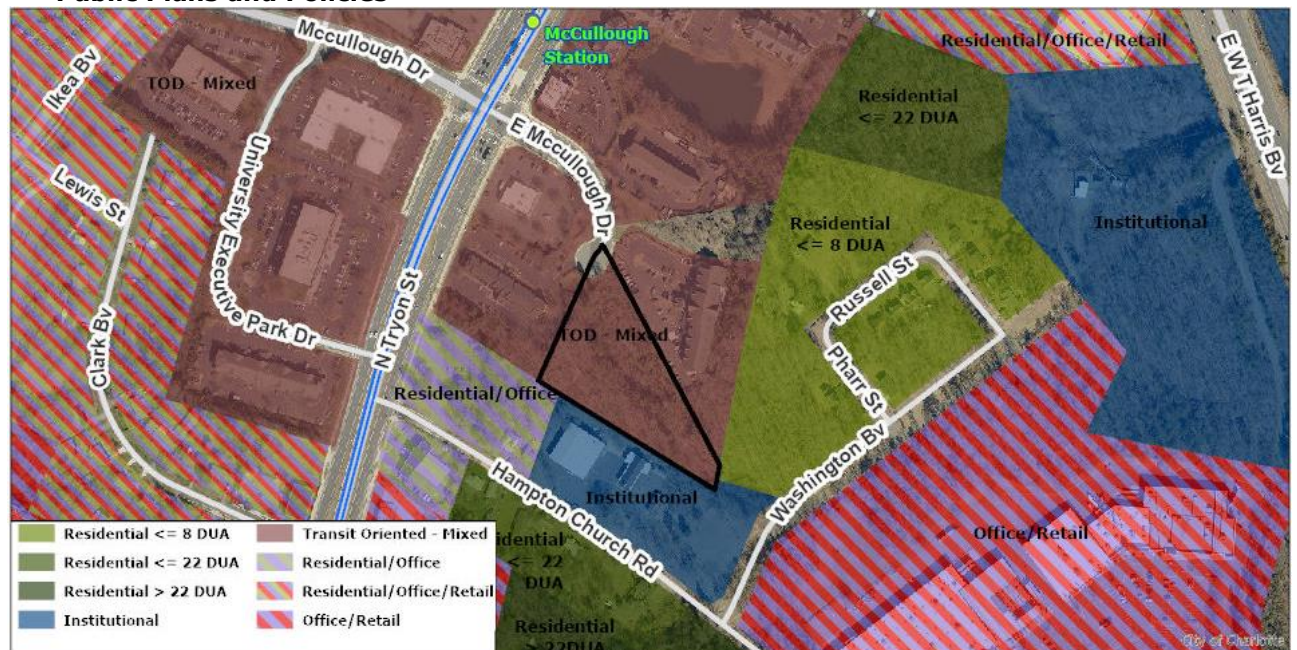
Streetview looking south at the cul-de-sac of E. McCullough Drive. The property is bounded on both sides by two hotel/motels.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-102	City-sponsored rezoning of parcels along the Blue Line.	Approved
2016-117	Petition to rezone to TOD-M(CD) district to permit redevelopment of parcel into a multi-family community and 5,000 SF of non-residential uses.	Approved

- Public Plans and Policies**



- The *Blue Line Extension – University City Area Plan’s* (2015) recommends TOD uses for the site.

- **TRANSPORTATION SUMMARY**

- The site is located on a minor collector road [McCullough Drive]. A Traffic Impact Study (TIS) is not needed for this site. The University City Area Plan calls for a southern extension of McCullough Drive that encroaches over the southeast corner of this rezoning petition. This southern extension is part of a longer collector street/avenue that runs parallel to Tryon Street, between W.T. Harris Boulevard and Sandy Avenue, including Dave McKinney Boulevard and Carolyn Lane Extension.

- **Active Projects:**

- McCullough Drive Extension/Streetscape
 - Project Scope
 - Streetscape: widen McCullough Drive to provide separated bike lanes, planting strips, sidewalks, etc. (generally west of Tryon Street)
 - Extension: extend McCullough Drive to connect to the street stub of McCullough Drive near Ken Hoffman Drive (generally east of Tryon Street)
 - The cul-de-sac serving this property would be reconfigured to be the stem of a new T-intersection with McCullough Drive Extension
 - Status: Finalizing design and real estate
 - Construction: 2022-2023
 - Project Manager: Sharon Buchanan (sdbuchanan@charlottenc.gov; 980-214-7299)

- **Transportation Considerations**

- No outstanding issues.

- **Vehicle Trip Generation:**

Current Zoning:

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

Entitlement: 330 trips per day (based on 30,000 SF office).

Proposed Zoning: Too many uses to determine.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** See advisory comments at www.rezoning.org
- **Charlotte Department of Housing and Neighborhood Services:** No 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 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 E. McCullough Drive. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along E. McCullough Drive. See advisory comments at www.rezoning.org
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** See advisory comments at www.rezoning.org
 - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

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

Planner: William Linville (704) 336-4090



Agenda Date: 1/19/2021

Agenda #: 43.**File #:** 15-15019 **Type:** Zoning Hearing

Rezoning Petition: 2020-154 by Carolina Urban Properties, LTD

Location: Approximately 1.11 acres located along the west and east sides of Beatties Ford Road, along the south side of French Street, and north of Mill Road. (Council District 2 - Graham)

Current Zoning: B-1 PED (neighborhood business, pedestrian overlay) and R-22MF PED (multi-family, pedestrian overlay)

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

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

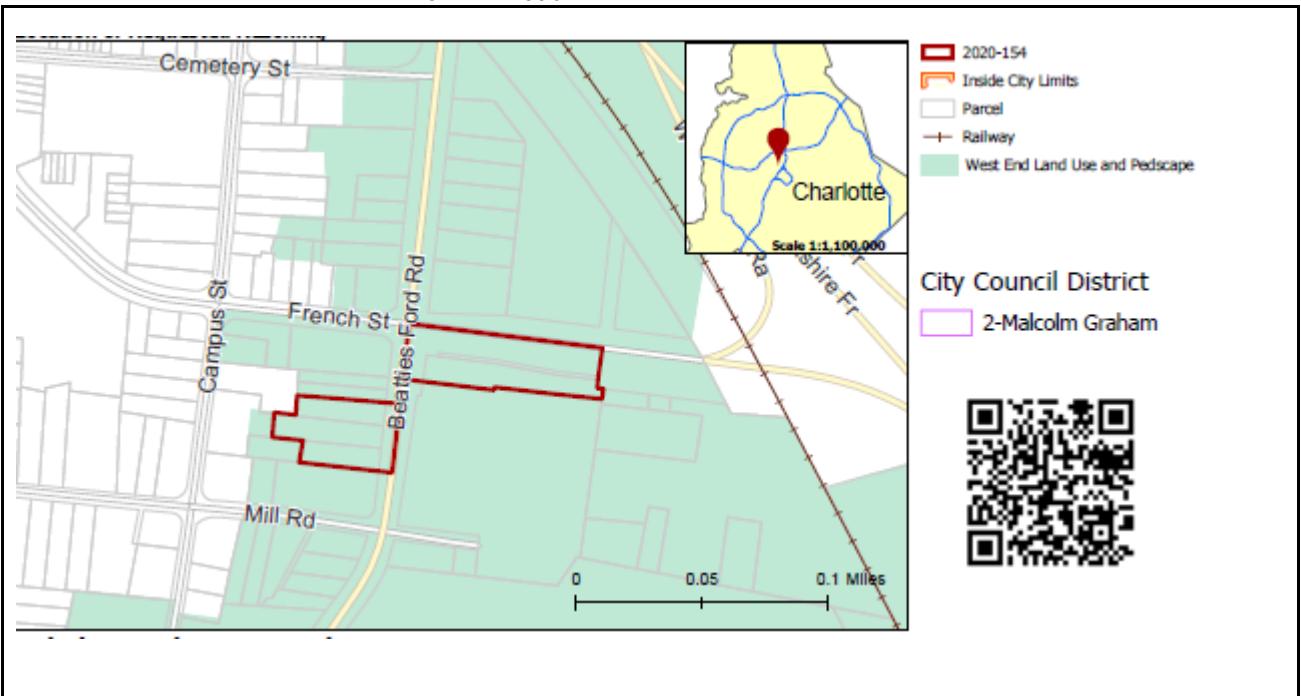
Pre-Hearing Staff Analysis

REQUEST

Current Zoning: B-1 PED (neighborhood business, pedestrian overlay) and R-22MF PED (multi-family, pedestrian overlay)
Proposed Zoning: TOD-CC PED (transit oriented development, community center, pedestrian overlay)

LOCATION

Approximately 1.11 acres located along the west and east sides of Beatties Ford Road, along the south side of French Street, and north of Mill Road



SUMMARY OF PETITION

The petition proposes to all uses within the TOD-CC zoning district.

PROPERTY OWNER

Michael Hopkins

PETITIONER

Carolina Urban Properties LTD

AGENT/REPRESENTATIVE

Michael Doney, Carolina Urban Properties LTD

COMMUNITY MEETING

Meeting is not required.

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the Institutional land use recommendation for the site and **consistent** with the multi-family/office/retail recommendation for the site as per the *West End Land Use and Pedscape Plan*.

Rationale for Recommendation

- The petition consists of two sites located on opposite sides of Beatties Ford Road and are located within 1/4 of a mile from the proposed CATS Lynx Gold Line transit stop at French Street and Beatties Ford Road.

- The site is an appropriate location for transit-oriented development, adjacent to Johnson C. Smith University and other mixed-use developments in the area.
- Transit oriented mixed-use development is consistent with the overall vision of the *West End Land Use and Pedscape Plan*.

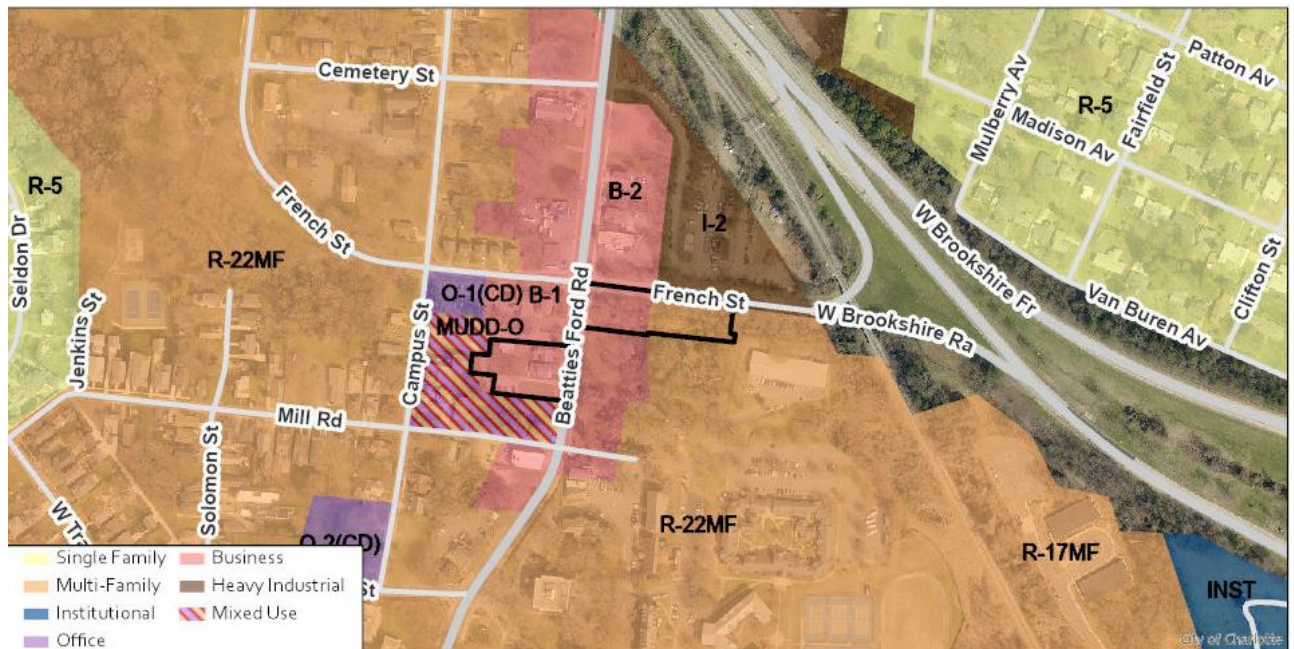
The approval of this petition will revise the adopted future land use as specified by the *West End Land Use and Pedscape Plan*, from Institutional land use to transit oriented development Use for the site.

PLANNING STAFF REVIEW

- **Proposed Request Details**

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

- **Existing Zoning and Land Use**



The subject property consists of undeveloped vacant land, a residential building converted to an office, and a single family dwelling. The adjacent land uses include vacant land, industrial uses, business uses, and institutional uses.



The site (marked with two red stars) is located along Beatties Ford Road. The surrounding properties include vacant land, industrial uses, business uses, and institutional uses.



The properties to the north are developed with business and industrial uses.



The properties to the east are undeveloped vacant land and a business use. The subject property is marked with two red stars.

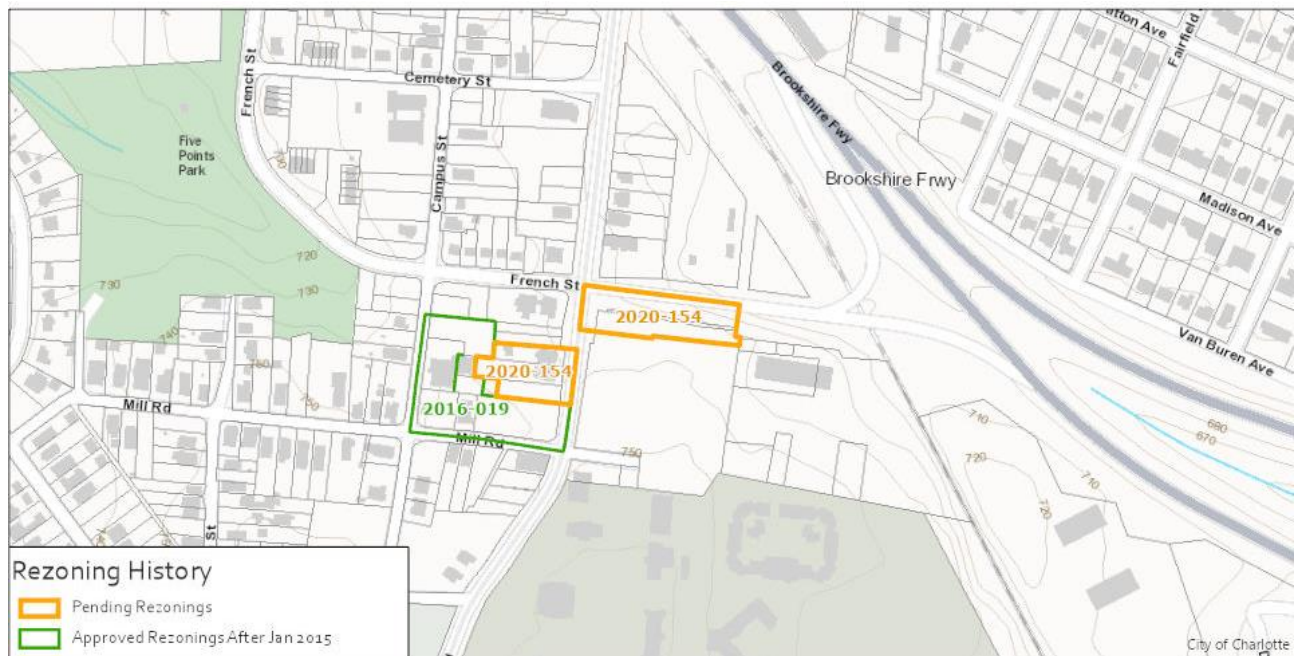


The properties to the south are undeveloped vacant land.



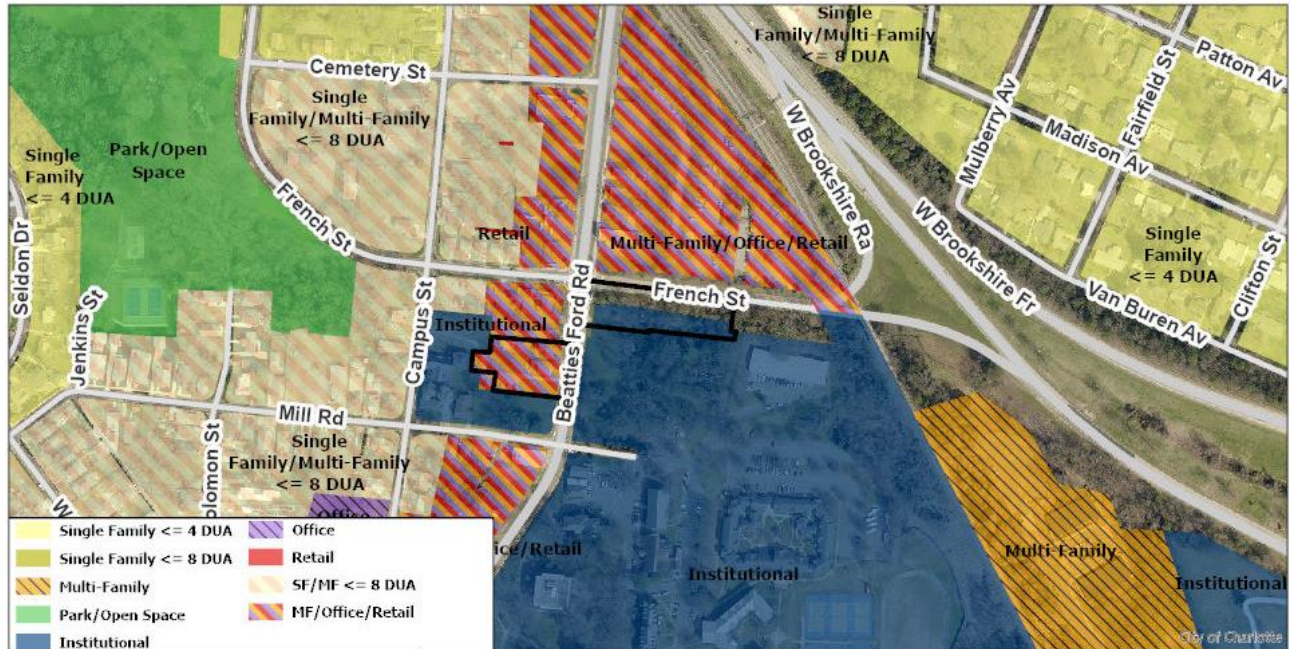
The properties to the west are developed with business and institutional uses. The subject property is marked with two red stars.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2016-019	The petition rezoned property to MUDD-O (mixed use development, optional) and MUDD-O(PED) (mixed use development, optional, pedestrian overlay) for institutional uses associated with Johnson C. Smith University.	Approved

- **Public Plans and Policies**



- The West End Land Use and Pedscape Plan (adopted 2005) recommends Institutional and multi-family/office/ retail land use for this site and the adjoining campus for Johnson C. Smith University.
- **TRANSPORTATION SUMMARY**
 - The site is located adjacent to French Street (State-maintained, local street) and Beatties Ford Road (City-maintained, major thoroughfare). The petition is in a wedge and is inside Route 4. The applicable plan for the area is the Westside Strategy Plan.
- **Active Projects:**
 - City Lynx Gold Line – Phase II
 - This phase extends the current streetcar line from the Charlotte Transportation Center west to French Street in the Historic West End and east from Novant Hospital to Sunnyside Avenue in Elizabeth.
 - Estimated completion mid-2021
 - Tonia Wimberly is project contact (twimberly@charlottenc.gov ; 704-353-1931)
- **Transportation Considerations**
 - No outstanding issues.
- **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 35 trips per day (based on 2804 SF office).
 - Entitlement: 1530 trips per day (based on 11 apartment units and 12,500 SF shopping center).
 - Proposed Zoning: Too many uses to determine

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:** 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 6-inch water distribution main located along Mill Road.

Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Mill Road. No outstanding issues.

- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** 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: Lisa Arnold (704) 336-5967



Agenda Date: 1/19/2021

Agenda #: 44.**File #:** 15-15020 **Type:** Zoning Hearing

Rezoning Petition: 2020-157 by Specialty Properties, LLC

Location: Approximately 0.76 acres located on the western side of Tuckaseegee Road between Camp Green Street and Berryhill Road. (Council District 3 - Watlington)

Current Zoning: B-1 (neighborhood business) and R-5 (single-family residential)

Proposed Zoning: NS (neighborhood services)

Staff Recommendation:

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

Attachments:

Pre-Hearing Staff Analysis

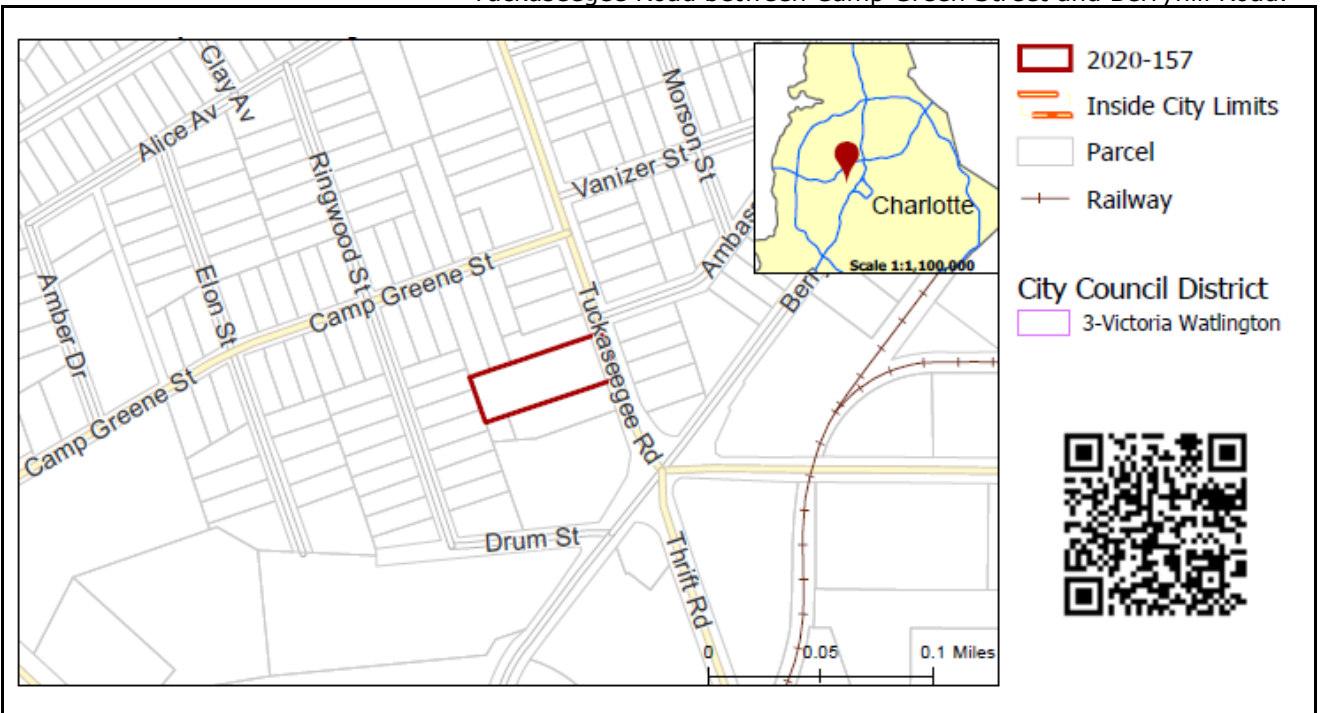
Site Plan

REQUEST

Current Zoning: B-1 (neighborhood business) and
R-5 (single family residential)
Proposed Zoning: NS (neighborhood services)

LOCATION

Approximately 0.76 acres located on the western side of
Tuckaseegee Road between Camp Green Street and Berryhill Road.



SUMMARY OF PETITION

The petition proposes to redevelop the site to allow all uses in the NS district in up to 16,000 square feet of building area.

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE

Specialty Properties LLC
Specialty Properties LLC
Russell Fergusson

COMMUNITY MEETING

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

STAFF
RECOMMENDATION

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

Plan Consistency

The petition is **consistent** with the retail land use recommendation for a portion of the site, and **inconsistent** with single family up to 5 dwelling units per acre for the remaining portion of the site, as per the Central District Plan.

Rationale for Recommendation

- The proposed neighborhood serving land use, while inconsistent with the back portion of the site, is consistent with most of the site, and the context of the existing land uses on Tuckaseegee Road.

- The proposed site plan commits to improving the streetscape by providing an 8' planting strip and 6' sidewalk.
- The proposed neighborhood services uses will support the existing neighborhood as well as new residences being developed in the vicinity of the site.
- The site is within close proximity to bus stops for CATS routes 8 and 34, offering an alternative form of transportation for citizens to reach the proposed neighborhood services.

The approval of this petition will revise the adopted future land use by the *Central District Plan*, from single family up to 5 DUA to retail land use for the portion of the site zoned R-5.

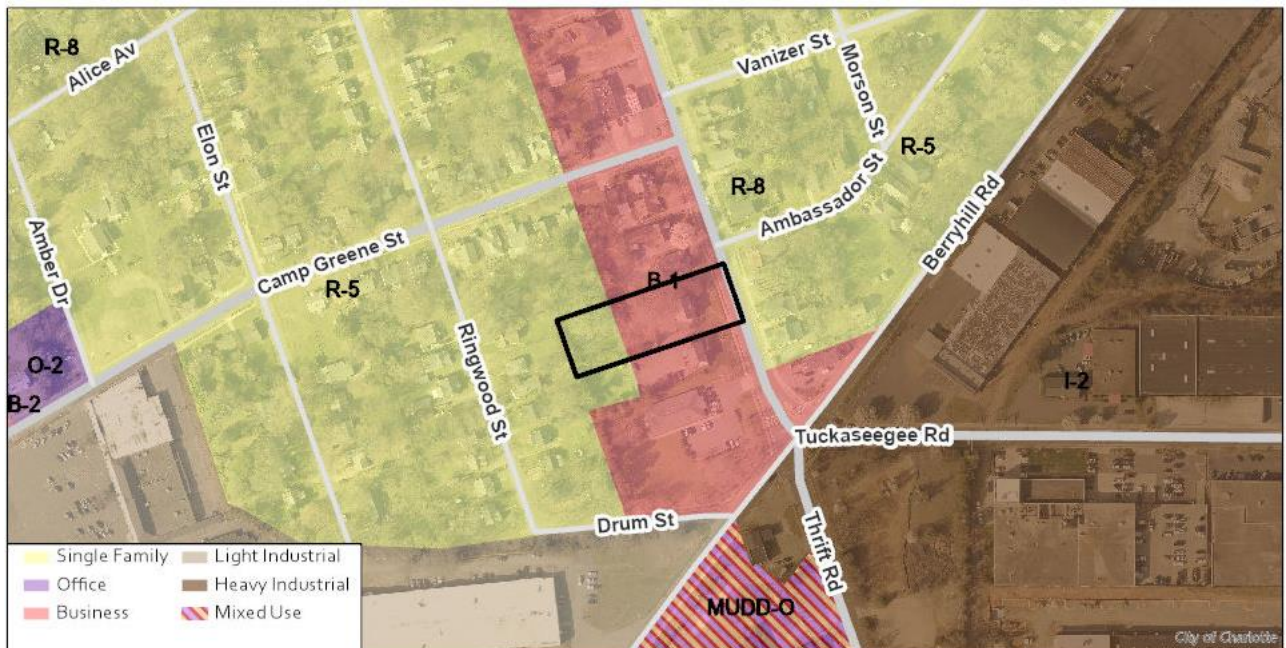
PLANNING STAFF REVIEW

• Proposed Request Details

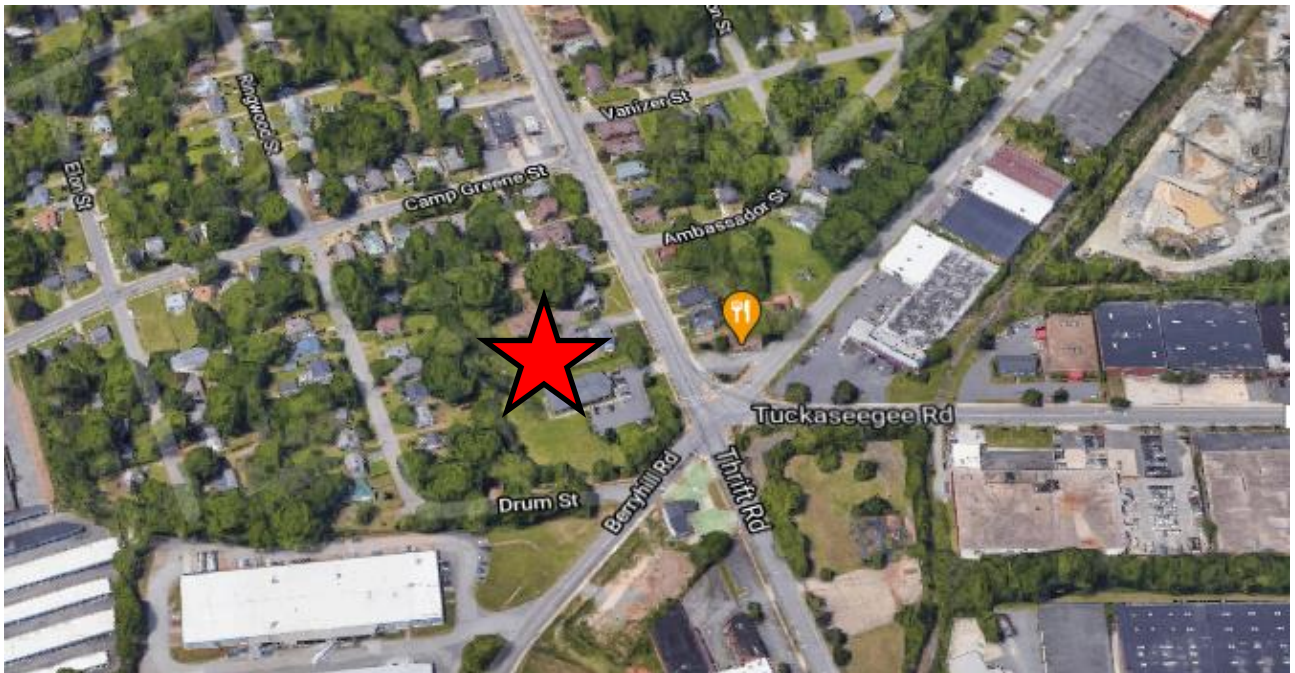
The site plan accompanying this petition contains the following provisions:

- Allows for all uses in the NS district.
- Permits a maximum of 16,000 square feet of uses in one or more buildings.
- Limits building height to 40'.
- Permits one driveway from Tuckaseegee Road, the exact location and configuration of which to be determined in consultation with CDOT during permitting.
- Provides off street parking at a minimum rate of one space per 600 square feet of gross floor area.
- Maintains shared internal drive access to adjacent parcels.
- Commits to providing an 8' planting strip and 6' sidewalk along Tuckaseegee Road with an option that the sidewalk may be located at back of curb.
- Commits to dedicating right-of-way to 2' behind the future back of sidewalk.
- Provides a list of building materials to be used in construction.
- Affirms that all new lighting shall be full cut-off fixtures excluding lower decorative lighting that may be installed along the internal drive aisles, sidewalks, courtyards, and landscaping.

• Existing Zoning and Land Use



The site is located on Tuckaseegee Road, which has a mix of retail, personal service, and residential uses.



General location of subject property denoted by red star.



View of the site from Tuckaseegee Road.



The properties to the north are developed with residential and institutional uses.



The properties to the east are developed with residential and restaurant uses.



The properties to the south are developed with personal service and medical uses.



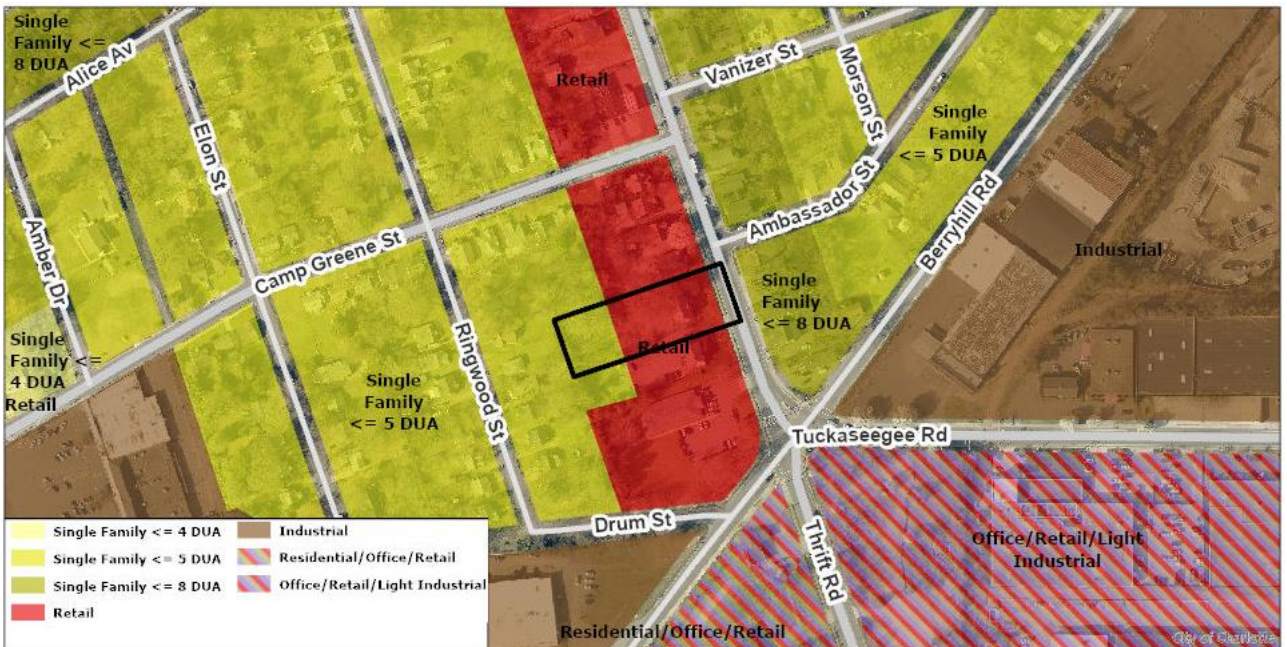
The properties to the west are developed with residential uses.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-156	The petition rezoned 3.81 acres to MUDD-O to allow a mixed use development in two existing buildings.	Approved

- Public Plans and Policies**



- The *Central District Plan* (adopted 1993), recommends retail land use for the front portion of the parcel fronting Tuckaseegee Road, and single family up to 5 DUA for the remaining back portion of the site.

- **TRANSPORTATION SUMMARY**

- The site is located on a City-maintained, minor thoroughfare road [Tuckaseegee Road]. The petitioner has coordinated the proposed streetscape improvements along Tuckaseegee Road with CDOT's active CIP project: Tuckaseegee/Berryhill/Thrift Roundabout, by including the proposed curbline of the associated roundabout. The petitioner needs to reorient the proposed sidewalk from back of curb to behind the proposed planting strip, as shown in the Charlotte Land Development Standards Manual (CLDSM), where the two are flipped on the current site plan.

- **Active Projects:**

- Tuckaseegee/Berryhill/Thrift Roundabout

- The project will replace the signalized intersection with a roundabout. Additional project components include crosswalks, sidewalks, planting strips, landscaping, decorative lighting and utility relocation.
 - Project in Bid phase, anticipated Construction mid-2021 (completion mid-2022)
 - General Service Project Manager: Allison Brickey (abrickey@charlottenc.gov ; (704) 621-5916)
 - CDOT Project Manager: Alfred Oyoyo (Alfred.Oyoyo@ci.charlotte.nc.us)
 - <https://charlottenc.gov/Projects/Pages/TuckaseegeeBerryhill.aspx>

- **Transportation Considerations**

- See Outstanding Issues, Notes 1-2.

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 40 trips per day (based on 3,385 square feet of office).

Entitlement: 1,055 trips per day (based on 7,700 square feet of retail and one single family dwelling).

Proposed Zoning: 1,730 trips per day (based on 16,000 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 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 comments submitted.
 - **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.

OUTSTANDING ISSUES

Transportation

1. Label and dimension the curb and gutter from the centerline for each road on the site plan.
2. Revisions are needed on the site plan and conditional note (Section 7.B) to relocate the proposed 8-foot planting strip to the Tuckaseegee Road back of curb, separating the proposed 6-foot sidewalk from the roadway, as required within Chapter 19-174 of the City Code, to allow the planting strip to function as necessary.

Site and Building Design

3. The proposed building setback should be roughly the same as the predominant setback on the block and adjacent buildings. Please revise proposed building envelope accordingly.
4. Provide a minimum 10' vegetative buffer where abutting single family residential zoning or use.
5. Add the following urban design notes as listed in staff comments to the site plan:
 - a. Facades fronting streets shall include a combination of windows and operable doors for a minimum of 60% of each frontage elevation 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.
 - b. The facades of first/ground floor of the buildings along streets shall incorporate a minimum of 30% masonry materials such as brick or stone.
 - c. Building elevations shall not have expanses of blank walls greater than 20 feet in all directions and architectural features such as but to limited to banding, medallions or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.
 - d. 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. Buildings should be a minimum height of 22'.
 - f. Multi-story buildings should have a minimum of 20% transparency on all upper stories.

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

Planner: Joe Mangum (704) 353-1908

SECTION 1 - DEVELOPMENT DATA

TOTAL SITE AREA: 0.766
TAX PARCEL #: 07106117
EXISTING ZONING: B-1 & R-5
PROPOSED REZONING: NS
EXISTING USE: COMMERCIAL OFFICE
PROPOSED USES: AS ALLOWED BY RIGHT OR UNDER PRESCRIBED CONDITIONS IN THE NS ZONING DISTRICT
PROPOSED MAX. BUILDING SIZE IN SQUARE FEET: 16,000 SF
FLOOR TO AREA RATIO (FAR): AS REQUIRED BY THE ORDINANCE
PARKING: AS REQUIRED BY THE ORDINANCE
TREE SAVE: AS REQUIRED BY THE ORDINANCE

SECTION 2 - GENERAL PROVISIONS

- A. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY SPECIALTY PROPERTIES, LLC ("PETITIONER") TO ACCOMMODATE NEW CONSTRUCTION OF A MIXED-USE BUILDING ON AN APPROXIMATE 0.766 ACRE SITE LOCATED ON THE WEST SIDE OF TUCKASEEGEE RD. (THE "SITE"). THE SITE IS COMPRISED OF TAX PARCEL 07106117.
- B. 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 NEIGHBORHOOD SERVICES NS ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT AND USE OF THE SITE.
- C. THROUGHOUT THIS REZONING PETITION, THE TERMS "OWNER" AND "PETITIONER" 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.
- D. THE DEVELOPMENT AND USES DEPICTED ON THE REZONING PLAN ARE SCHEMATIC IN NATURE AND ARE INTENDED TO DEPICT THE GENERAL ARRANGEMENT OF USES AND IMPROVEMENTS ON THE SITE. ACCORDINGLY, THE ULTIMATE LAYOUT, LOCATIONS AND SIZES OF THE DEVELOPMENT AND SITE ELEMENTS DEPICTED ON THE REZONING PLAN ARE GRAPHIC REPRESENTATIONS OF THE PROPOSED DEVELOPMENT AND SITE ELEMENTS, AND THEY MAY BE ALTERED OR MODIFIED IN ACCORDANCE WITH THE SETBACK AND YARD REQUIREMENTS SET FORTH ON THIS REZONING PLAN AND THE DEVELOPMENT STANDARDS, PROVIDED, HOWEVER THAT ANY SUCH ALTERATIONS AND MODIFICATIONS SHALL NOT MATERIALLY CHANGES THE OVERALL DESIGN INTENT DEPICTED ON THE REZONING PLAN.
- E. THIS REZONING PLAN ILLUSTRATES SCHEMATIC DEPICTIONS OF THE USES, PARKING AREAS, SIDEWALKS, STRUCTURES AND BUILDINGS, ACCESS DRIVEWAYS, OPEN SPACE, STREETSCAPE AND OTHER DEVELOPMENT MATTERS AND SITE ELEMENTS (COLLECTIVELY THE "DEVELOPMENT/SITE ELEMENTS") SET FORTH ON THE REZONING PLAN SHOULD BE REVIEWED IN CONJUNCTION WITH THE PROVISIONS OF THESE DEVELOPMENT STANDARDS. THE LAYOUT, LOCATIONS, SIZES AND FORMULATIONS OF THE DEVELOPMENT/SITE ELEMENTS DEPICTED ON THE REZONING PLAN ARE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT/SITE ELEMENTS PROPOSED MAY BE ALTERED OR MODIFIED WITHIN THE LIMITS PRESCRIBED BY THE ZONING ORDINANCE. FUTURE AMENDMENTS TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE. ALTERATIONS ARE SUBJECT TO SECTION 6.207 OF THE ORDINANCE.

SECTION 4 - PERMITTED USES

- A. SUBJECT TO THE LIMITATIONS SET OUT BELOW, THE SITE MAY BE DEVOTED TO ANY USE OR USES ALLOWED BY RIGHT OR UNDER PRESCRIBED CONDITIONS IN THE NS ZONING DISTRICT, TOGETHER WITH AN INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH THAT ARE PERMITTED UNDER THE ORDINANCE IN THE NS ZONING DISTRICT.
- B. THE SITE MAY CONTAIN AND BE DEVELOPED WITH A TOTAL MAXIMUM OF 16,000 SQUARE FEET OF GROSS FLOOR AREA WITH A STRUCTURE(S) OF UP TO THREE (3) STORIES AND A MAXIMUM HEIGHT OF FORTY (40') LOCATED ADJACENT TUCKASEEGEE RD. AS GENERALLY ILLUSTRATED ON THE SITE PLAN. HEIGHTS ASSOCIATED WITH THE PROPOSED BUILDING SHALL FOLLOW ZONING ORDINANCE STANDARDS.
- I. UP TO 16,000 SQUARE FEET OF NON-RESIDENTIAL USES AS ALLOWABLE WITHIN THE NS DISTRICT.
- II. A MAXIMUM HEIGHT OF FORTY (40') SHALL BE PERMISSIBLE AND SHALL BE MEASURED AS DEFINED WITHIN THE ZONING ORDINANCE.
- III. THE ENTIRE BUILDING ENVELOPE AREA IS NOT REQUIRED TO BE BUILT UPON AND MAY ONE OR MORE BUILDINGS SUBJECT TO THE ABOVE RESTRICTIONS AND THE ORDINANCE REQUIREMENTS FOR THE NS ZONING DISTRICT.

SECTION 5 - TRANSPORTATION

- A. THE SITE WILL HAVE VEHICULAR ACCESS VIA DRIVEWAY CONNECTION TO TUCKASEEGEE RD. AS GENERALLY IDENTIFIED ON THE SITE PLAN. THE FINAL PLACEMENT AND CONFIGURATION OF THE VEHICULAR ACCESS POINT SHOWN ON THE REZONING PLAN ARE SUBJECT TO MINOR MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE AND CONSTRUCTION PLANS AND DESIGNS AND TO ANY ADJUSTMENTS REQUIRED BY CDOT FOR FINAL APPROVAL.
- B. OFF STREET PARKING SHALL BE PROVIDED ON SITE TO SATISFY MINIMUM PARKING REQUIREMENTS AT A RATE OF AT LEAST ONE PARKING SPACE PER 600 SQUARE FEET OF GROSS FLOOR AREA.
- C. THE PETITIONER SHALL HAVE THE OPTION TO PROVIDE VEHICULAR CROSS PARCEL ACCESS TO ADJACENT PARCELS.
- D. THE PETITIONER MAY CONTINUE TO SHARE THE ACCESS WITH THE ADJACENT PARCEL.
- E. ALL PUBLIC RELATED TRANSPORTATION IMPROVEMENTS SHALL BE APPROVED AND CONSTRUCTED BEFORE THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED.
- F. PETITIONER SHALL PROVIDE A SIDEWALK EASEMENT SET AT TWO FEET BEHIND BACK OF SIDEWALK WHERE FEASIBLE, PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY.
- G. ALL TRANSPORTATION IMPROVEMENTS WILL BE APPROVED AND CONSTRUCTED BEFORE THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED.

SECTION 6 - ARCHITECTURAL STANDARDS

- A. A VARIETY OF PRINCIPAL BUILDING MATERIALS MAY BE UTILIZED ON SITE AND WILL BE A COMBINATION OF THE FOLLOWING: MASONRY, BRICK, CONCRETE, PRE-CAST CONCRETE, STONE, PRECAST STONE, PRE-FINISHED METAL, ALUMINUM, STEEL, STUCCO, WOOD, CERAMIC TILE, CEMENTITIOUS FIBER BOARD AND GLASS FIBER REINFORCED CONCRETE. VINYL, AS A BUILDING MATERIAL, WILL ONLY BE ALLOWED ON WINDOWS, SOFFITS AND TRIM FEATURES.
- B. BUILDING PLACEMENT AND SITE DESIGN SHALL FOCUS ON AND ENHANCE THE PEDESTRIAN ENVIRONMENT ON PUBLIC OR PRIVATE NETWORK REQUIRED STREETS, THROUGH THE FOLLOWING:
- I. BUILDINGS SHALL BE PLACED SO AS TO PRESENT A FRONT OR SIDE FAÇADE TO ALL STREETS.
- II. DIRECT PEDESTRIAN CONNECTION SHOULD BE PROVIDED BETWEEN STREET FACING DOORS, CORNER ENTRANCE FEATURES TO SIDEWALKS ON ADJACENT STREETS.

SECTION 7 - STREETSCAPE, SCREENING & LANDSCAPING

- A. A SIDEWALK AND PLANTING STRIP SHALL BE PROVIDED ALONG THE SITE'S FRONTAGE ON TUCKASEEGEE RD. AS GENERALLY DEPICTED ON THE REZONING PLAN.
- B. A SETBACK OF 14' MEASURED FROM THE FUTURE BACK OF CURB, SHALL BE PROVIDED ALONG TUCKASEEGEE RD. THE SETBACK SHALL INCLUDE A 6' SIDEWALK AND AN 8' PLANTING STRIP. THE 8' PLANTING STRIP MAY BE LOCATED BEHIND THE SIDEWALK.
- C. A BUFFER SHALL BE PROVIDED ALONG PROPERTY LINES ADJACENT EXISTING SINGLE FAMILY USES AS REQUIRED BY THE ORDINANCE.
- D. THE SITE SHALL COMPLY WITH SECTION 12.403 OF THE ZONING ORDINANCE. DUMPSTER AND RECYCLING SERVICE AREAS SHALL BE LOCATED AS GENERALLY DEPICTED ON THE SITE PLAN AND SHALL BE SCREENED FROM PUBLIC VIEW AND DESCRIBED WITHIN THE ORDINANCE.

SECTION 8 - ENVIRONMENTAL FEATURES

- A. THE SITE SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION CONTROLS ORDINANCE.
- B. THE SITE SHALL COMPLY WITH THE CITY OF CHARLOTTE TREE ORDINANCE, INCLUDING A PAYMENT IN LIEU OPTION AS PERMITTED UNDER THE ORDINANCE.

SECTION 9 - PARKS, GREENWAYS AND OPEN SPACE - N/A

SECTION 10 - FIRE PROTECTION

- A. ADEQUATE FIRE PROTECTION IN THE FORM OF FIRE HYDRANTS WILL BE PROVIDED TO THE CHARLOTTE FIRE MARSHAL'S SPECIFICATIONS. PLANS FOR EACH BUILDING WILL BE SUBMITTED TO THE FIRE MARSHAL'S OFFICE FOR APPROVAL BEFORE THE CONSTRUCTION.
- B. FIRE HYDRANTS SHALL BE INSTALLED SO THAT A FIRE TRUCK DOES NOT HAVE TO TRAVEL MORE THAN 750 FEET TO THE MOST REMOTELY ACCESSIBLE POINT OF ALL BUILDINGS.

SECTION 11 - SIGNAGE - N/A

- A. SIGNAGE SHALL BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ORDINANCE.

SECTION 12 - LIGHTING

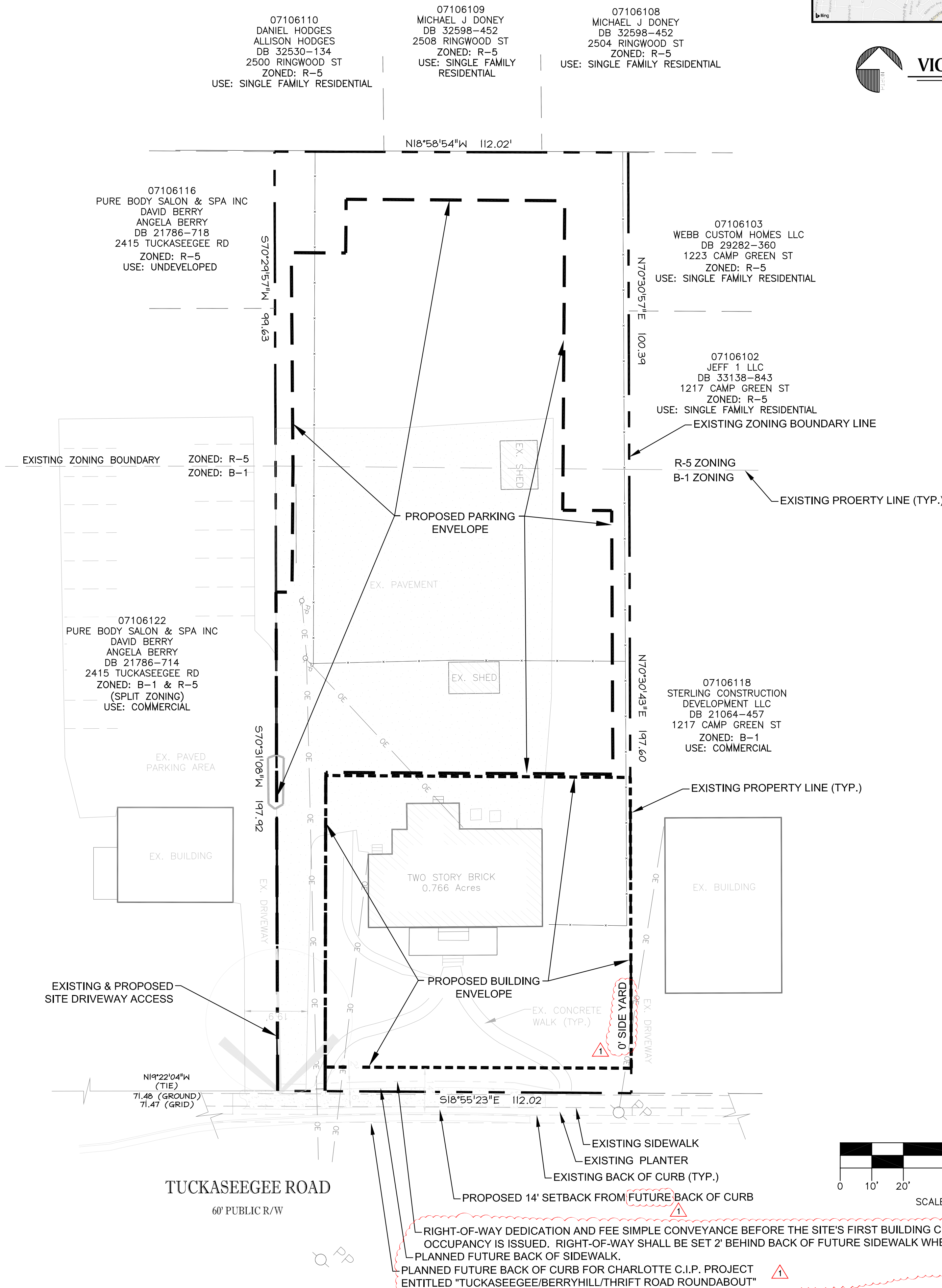
- A. ALL NEW LIGHTING SHALL BE FULL CUT-OFF TYPE FIXTURES; EXCLUDING, LOWER DECORATIVE LIGHTING THAT MAY BE INSTALLED ALONG THE INTERNAL DRIVE AISLES, SIDEWALK, COURTYARDS, AND LANDSCAPE ACCENT LIGHTING.
- B. DECORATIVE PEDESTRIAN SCALED LIGHTS MAY BE PROVIDED WITHIN THE SITE.

SECTION 13 - AMENDMENTS TO THE REZONING PLAN

- A. FUTURE AMENDMENTS TO THE REZONING PLAN (WHICH INCLUDES THESE DEVELOPMENT STANDARDS) MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE APPLICABLE DEVELOPMENT AREA PORTION OF THE SITE AFFECTED BY SUCH AMENDMENT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE.

SECTION 14 - BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

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



VICINITY MAP
NOT TO SCALE

REZONING PETITION
#2020-157

PROJECT:
2427
TUCKASEEGEE
ROAD
REDEVELOPMENT

FOR:
SPECIALTY PROPERTIES, LLC
1242 EBENEZER ROAD
ROCK HILL, SC 29732

REVISIONS
12.15.20 CITY COMMENTS

JOB NO.: 2020-105
DRAWN BY : MDN
DATE : 9.21.20
SCALE: 1"=20'
TECHNICAL
DATA SHEET &
EXISTING
CONDITIONS
RZ.1



Agenda Date: 1/19/2021

Agenda #: 45.**File #:** 15-15021 **Type:** Zoning Hearing

Rezoning Petition: 2020-158 by Revolve Residential

Location: Approximately .618 acre located at the northern intersection of Spencer Street and E. 36th Street in the NoDa community. (Council District 1 - Egleston)

Current Zoning: R-5 (residential)

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

Staff Recommendation:

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

Attachments:

Pre-Hearing Staff Analysis

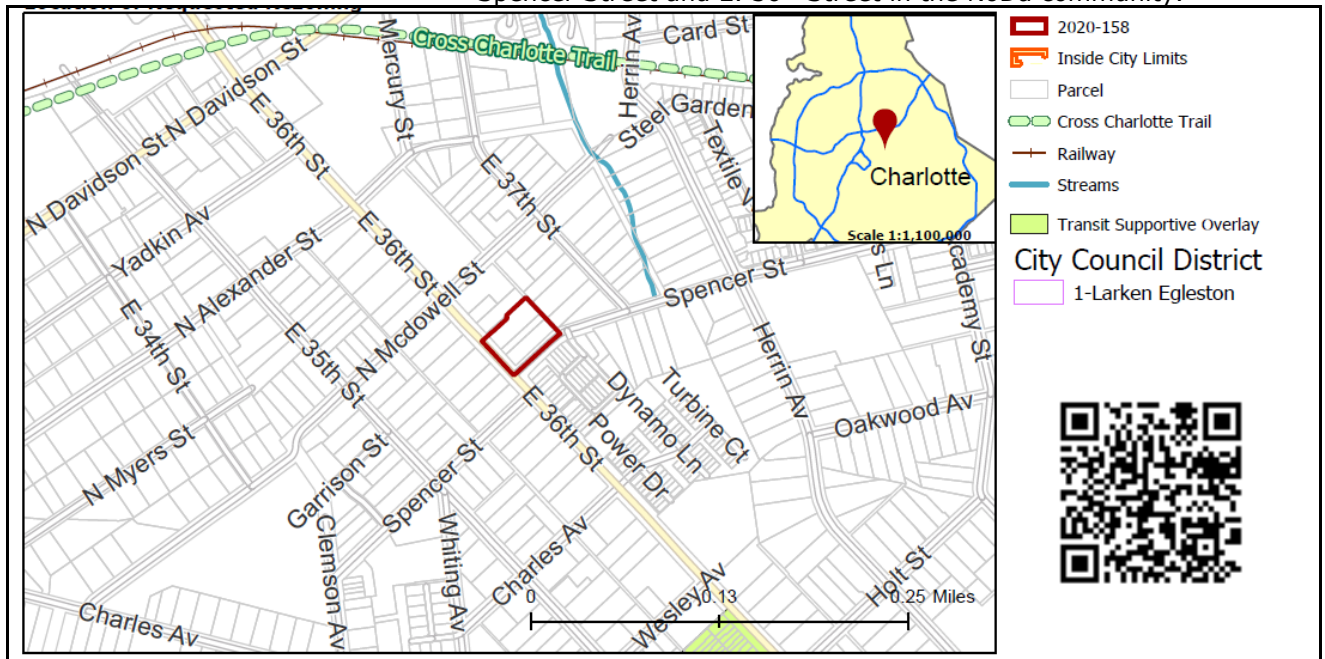
Site Plan

REQUEST

Current Zoning: R-5 (residential)
Proposed Zoning: MUDD(CD) (mixed-use development, conditional)

LOCATION

Approximately .618 acres located at the northern intersection of Spencer Street and E. 36th Street in the NoDa community.



SUMMARY OF PETITION

The petition proposes to rezone a three-parcel assemblage to conditional mixed-use development district to permit the construction of a townhome community consisting of up to 16 dwelling units at a density of 25.8 DUA (dwelling units per acre).

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE
COMMUNITY MEETING

Robert J. Christian and Jo Ella Mullins Kelley
Revolve Residential
Bridget Grant, Moore & Van Allen

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 26

STAFF
RECOMMENDATION

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

Plan Consistency

The petition is **inconsistent** with the 36th Street Transit Station Area Plan's recommendation for residential uses up to five DUA.

Rationale for Recommendation

- The request is similar to previously approved projects within the vicinity of the proposed rezoning, particularly projects that have significant frontage along this portion of E. 36th Street. Petition 2018-041, directly across Spencer Street, requested the same building type (attached single family), a similar density (21.2 DUA), and maximum height (50 feet).

- The petition's commitment to improvements such as widened sidewalks, planting strips, and public art aid in achieving the transit station area plan's recommendation for a development pattern supported by infrastructure improvements to enhance accessibility and safety for all users.
- The request for an increase in residential density is appropriate at this location due to the subject property's proximity to the 36th Street Blue Line Station (approximately 2,200 feet/.4 mi.).

The approval of this petition will revise the adopted future land use as specified by the 36th Street Transit Station Area Plan from residential uses up to five DUA to residential uses over 22 DUA for the site.

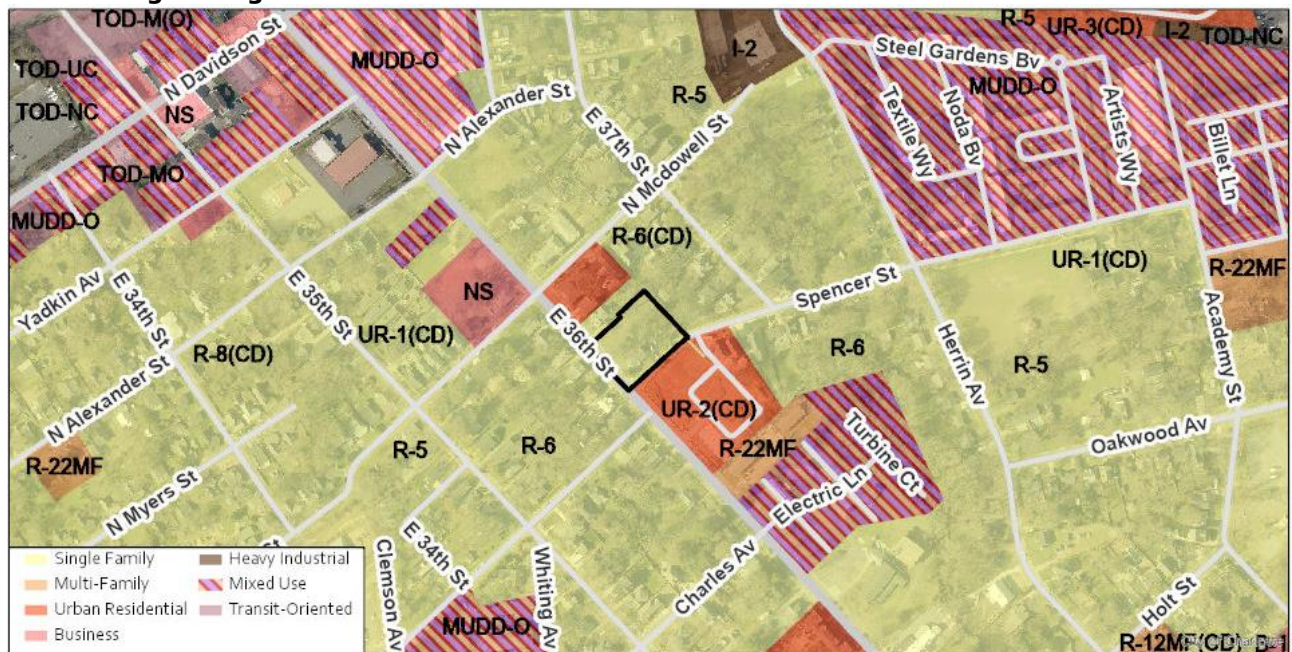
PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

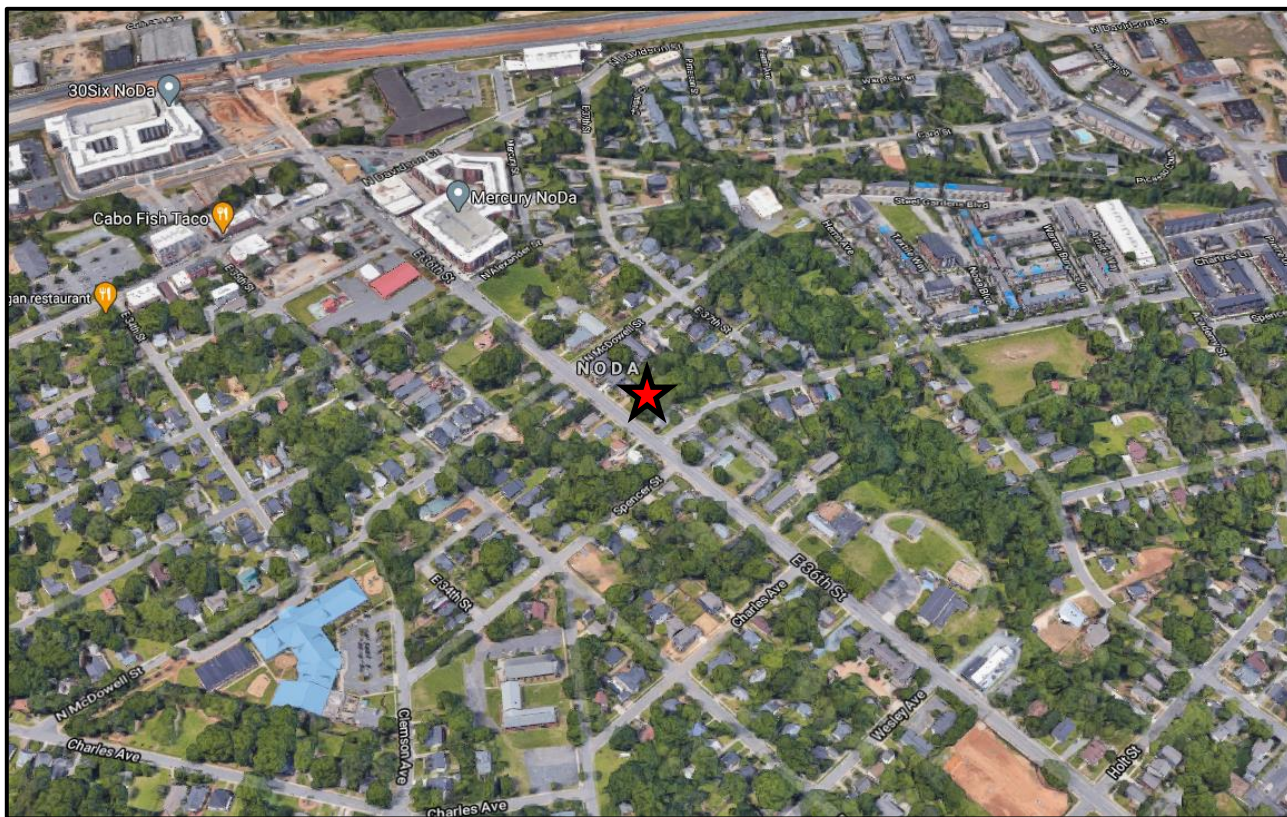
- Up to 16 single family attached dwelling units with a maximum height of 50 feet constructed within no more than three primary buildings.
- Architectural design standards including:
 - A commitment to raise entryways a minimum of 16 inches in the event that the residential entrance is within 15 feet of a sidewalk.
 - Details regarding the usefulness and design of stoops and porches in the event that a stoop or porch is constructed.
 - Walkways provided from entryways to sidewalks along public or private streets.
 - Blank wall provisions for only the ground floor.
- Transportation improvements including:
 - A 9-foot sidewalk and 8-foot planting strip along the site's frontage with E. 36th Street and an 8-foot planting strip and 8-foot sidewalk along the site's frontage along Spencer Street. Additionally, two on-street parking spots are shown along the site's frontage with Spencer street, north of the property's driveway. This may be alternatively constructed as an 8-foot planting strip and 8-foot sidewalk.
- Commitment to invest \$7,500 in public art on site or in connection with pedestrian crosswalks/amenities.
- Fully capped detached lighting.
- Provision of ADA-compliant bus waiting pad along E. 36th Street.

• Existing Zoning and Land Use



There have been no recent or historic rezonings at the subject property. The area is located a few blocks SE of the intersection of N. Davidson Street and E. 36th Street where many properties are zoned for

transit-supportive uses and a mixture of residential/non-residential uses. Immediately surrounding the site is detached single family homes, attached single family townhomes, and a recently entitled multi-family project at the intersection of N. McDowell and E. 36th.



General location of subject property denoted by red star.



Streetview looking east toward the subject property along E. 36th Street. The house in the background is the only existing structure.

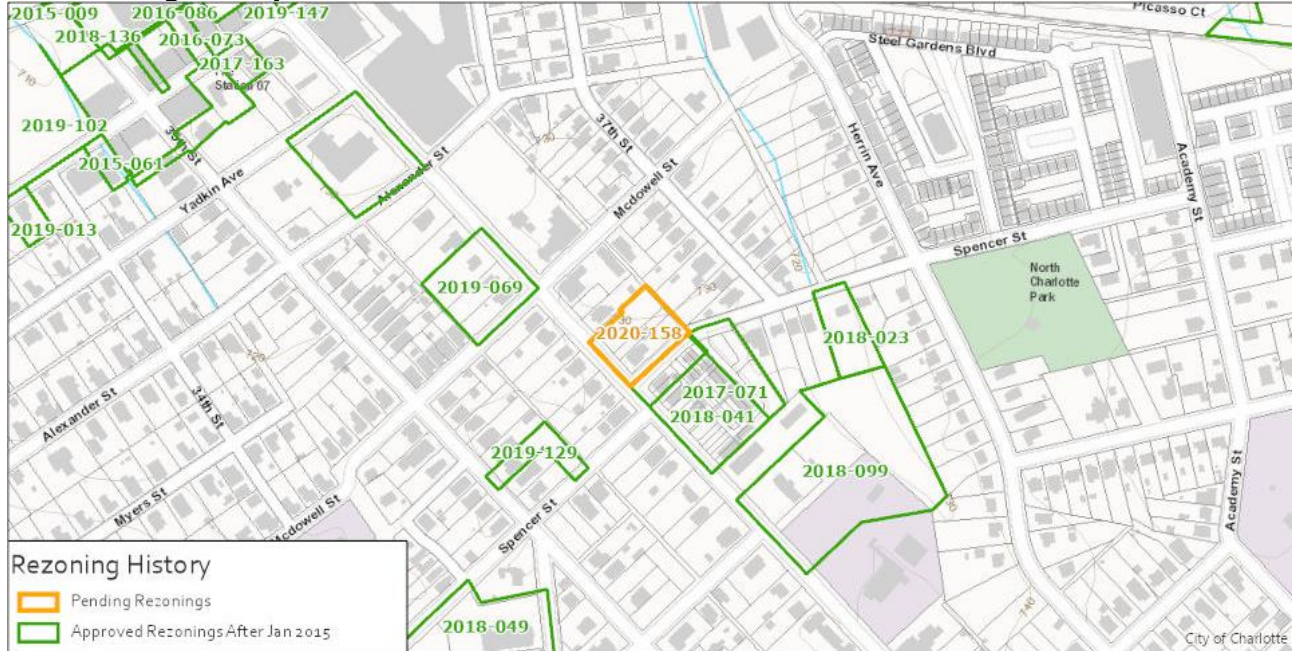


Additional streetview looking east along E. 36th Street, south of Spencer Street and immediately adjacent to the subject property.



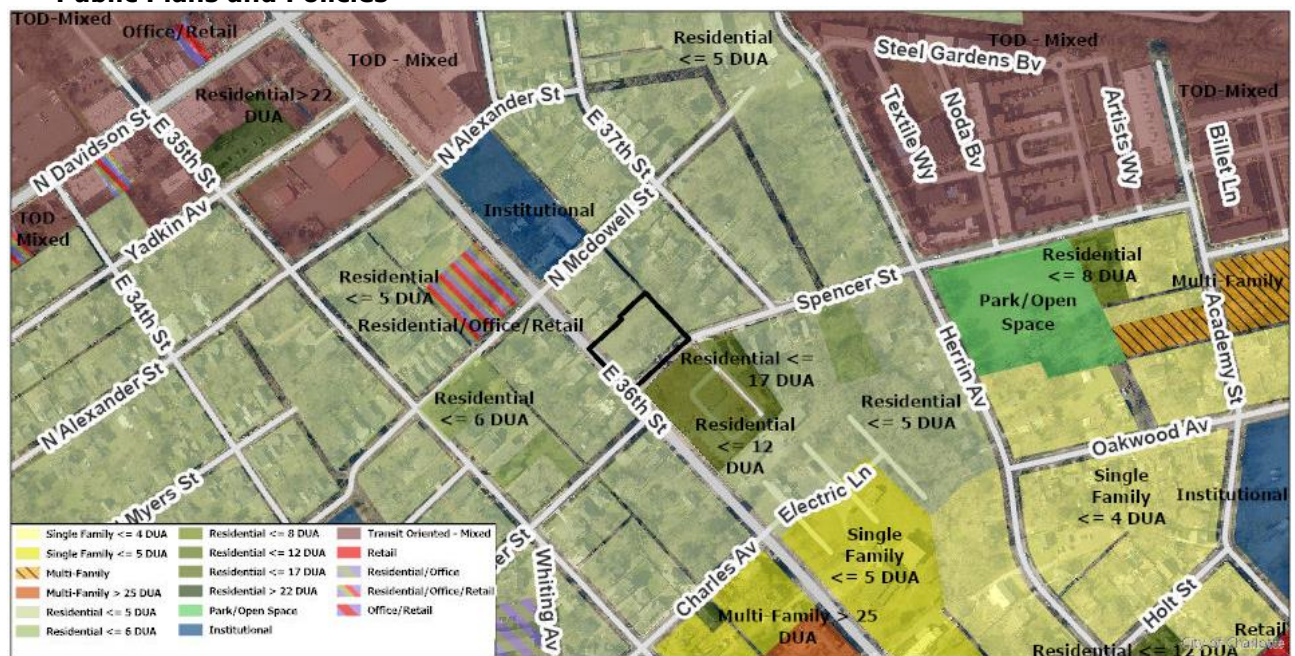
Looking west along E. 37th Street to provide existing residential context.

• Rezoning History in Area



Petition Number	Summary of Petition	Status
2019-102; 2019-147; 2018-136; 2017-163; 2015-009;	Multiple TOD rezonings to accommodate transit-supportive development proximal to the 36th Street Station.	Approved
2019-013; 2018-049; 2018-099; 2016-073	Multiple MUDD rezoning requests to accommodate residential uses of varying densities or to accommodate non-residential uses.	Approved
2019-069	Request for NS to accommodate multi-family dwelling units and retail in a single building.	Approved
2018-023; 2019-129	Conditional request for R-6.	Approved
2018-071; 2017-071	Request for UR district to accommodate residential development of varying densities.	Approved

• Public Plans and Policies



- The 36th Street Station Area Plan (2013) recommends residential uses up to 5 DUA for the site.

- **TRANSPORTATION SUMMARY**

- The site is located on 36th Street (City-maintained, minor thoroughfare) and Spencer Street (local street). A TIS is not required; however this site falls within the limits of the previously approved Herrin TIS, completed in June 2020 by Grubb Properties. The site plan commits to constructing an 8-foot minimum sidewalk along the site's frontage as the proposed dwelling unit density exceeds 12 per acre (per Chapter 20 of City Code). The wider sidewalk also meets Charlotte WALKS policy. CDOT has coordinated with the petitioner, but still requests the constriction of one directional curb ramp at the Spencer Street intersection per ADA and PROWAG. Further details listed below.
- **Active Projects:**
 - N/A
- **Transportation Considerations**
 - See Outstanding Issues, Note 1.
- **Vehicle Trip Generation:**

Current Zoning:
Existing Use: 10 trips per day (based on one dwelling).
Entitlement: 30 trips per day (based on three dwellings).
Proposed Zoning: 85 trips per day (based on 16 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 1 student, while the development allowed under the proposed zoning may produce 1 student. Therefore, there is no net increase in the number of students generated from existing zoning to proposed zoning.
 - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
 - Villa Heights Elementary remains at 67%
 - Eastway Middle remains at 118%
 - Garinger High remains at 122%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along Spencer Street. Charlotte Water has sanitary system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along E. 36th Street. See advisory comments at www.rezoning.org
- **Engineering and Property Management:**
 - **Arborist:** See advisory comments at www.rezoning.org
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** See advisory comments at www.rezoning.org
 - **Urban Forestry:** See advisory comments at www.rezoning.org
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Transportation

1. Revise site plan to label and commit to constructing one directional ADA curb ramp to cross Spencer Street per ADA and PROWAG.

REQUESTED TECHNICAL REVISIONS

Transportation

2. Correct conditional note that mentions width of sidewalk along E. 36th Street.

Planner: William Linville (704) 336-4090



ACREAGE: ± 0.618 ACRES

TAX PARCEL #: 091-105-05, 091-105-16, AND 091-105-04

EXISTING ZONING: R-5

PROPOSED ZONING: MUDD (CD)

EXISTING USES: VACANT/RESIDENTIAL

PROPOSED USES: UP TO SIXTEEN (16) SINGLE-FAMILY ATTACHED DWELLING UNITS AS PERMITTED BY RIGHT, UNDER PRESCRIBED CONDITIONS, AND BY THE OPTIONAL PROVISIONS BELOW AS ALLOWED IN THE MUDD ZONING DISTRICT (AS MORE SPECIFICALLY DESCRIBED AND RESTRICTED BELOW IN SECTION 3).

MAXIMUM BUILDING HEIGHT: A MAXIMUM BUILDING HEIGHT OF FIFTY (50) SHALL BE PERMITTED.

PARKING: PARKING SHALL BE PROVIDED PER ORDINANCE

KEY MAP

SEAL

PROJECT

REVOLVE RESIDENTIAL
CHARLOTTE, NC
RZ #2020-158

LANDDESIGN PROJ.# 1020183

[illegible]


DESIGNED BY: JRY
DRAWN BY: SFC
CHECKED BY: KST

SCALE

VERT: N/A
HORZ: 1"=20'

0 10' 20'

NORTH



SCHEMATIC SITE PLANS

SHEET NUMBER

RZ-1

Rezoning Petition No. 2020-158

--Acreage: ± 0.618 acres
--Tax Parcel #: 091-105-05, 091-105-16, and 091-105-04

1. General Provisions:

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

- i. minor and don't materially change the overall design intent depicted on the Rezoning Plan; such as minor modifications to the configurations of the Development Areas (as defined below), street 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; or
- ii. modifications to move structures graphically depicted on the Rezoning Plan closer to adjacent properties but no closer than the "external building line" (in this case the external setbacks, side or rear yards) indicated on Sheet RZ-01; or
- iii. modifications to allow minor increases or decreases in the mass of the buildings that do not materially change the design intent depicted on or described in the Rezoning Plan.

d. Number of Buildings Principal and Accessory. Notwithstanding the number of buildings shown on the Rezoning Plan, the total number of principal buildings to be developed on the Site will be limited to three (3) buildings. Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site.

a. The Site may be developed with up to sixteen (16) single-family attached residential dwelling units as permitted by right, under prescribed conditions above together with accessory uses allowed in the MUDD zoning district.

a. Access to the Site shall be from Spencer Street as generally depicted on the Rezoning Plan. The placement and configuration of the access points are subject to any minor modifications required by CDOT in accordance with applicable published standards.

c. The Petitioner shall dedicate and fee simple convey all rights-of-way to the City prior to the issuance of the first certificate of occupancy for the Site. The Petitioner shall provide an additional two (2) feet of right-of-way behind the sidewalk where feasible.

- #### 4. Architectural Standards:

5. Streetscape, Landscaping, Sidewalks & Art:

- b. A ten (10) foot side/rear yard shall be provided along the Site's perimeter adjacent to single-family as generally depicted on the Rezoning Plan.

- ## 6. Environmental Features:

7. Lighting:

8. CATS:

9. Amendments to the Rezoning Plan:

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

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

KEY MAP

SEAL

PROJECT

SPENCER WEST

REVOLVE RESIDENTIAL
CHARLOTTE, NC
RZ #2020-158

LANDDESIGN PROJ.#

1020183

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	INITIAL SUBMITTAL	09.23.2020
2	PER STAFF COMMENTS	12.15.2020

DESIGNED BY: JRY
DRAWN BY: SFC
CHECKED BY: KST

SCALE

VERT: N/A
HORZ: 1"=20'

SHEET TITLE

EXISTING CONDITIONS

SHEET NUMBER

RZ-3



Agenda Date: 1/19/2021

Agenda #: 46.**File #:** 15-15022 **Type:** Zoning Hearing

Rezoning Petition: 2020-166 by C4 Investments, LLC

Location: Approximately 8.73 acres located along the east side of Statesville Road, north of Keith Drive, and south of Sunset Road. (Council District 2 - Graham)

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

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

Staff Recommendation:

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

Attachments:

Pre-Hearing Staff Analysis

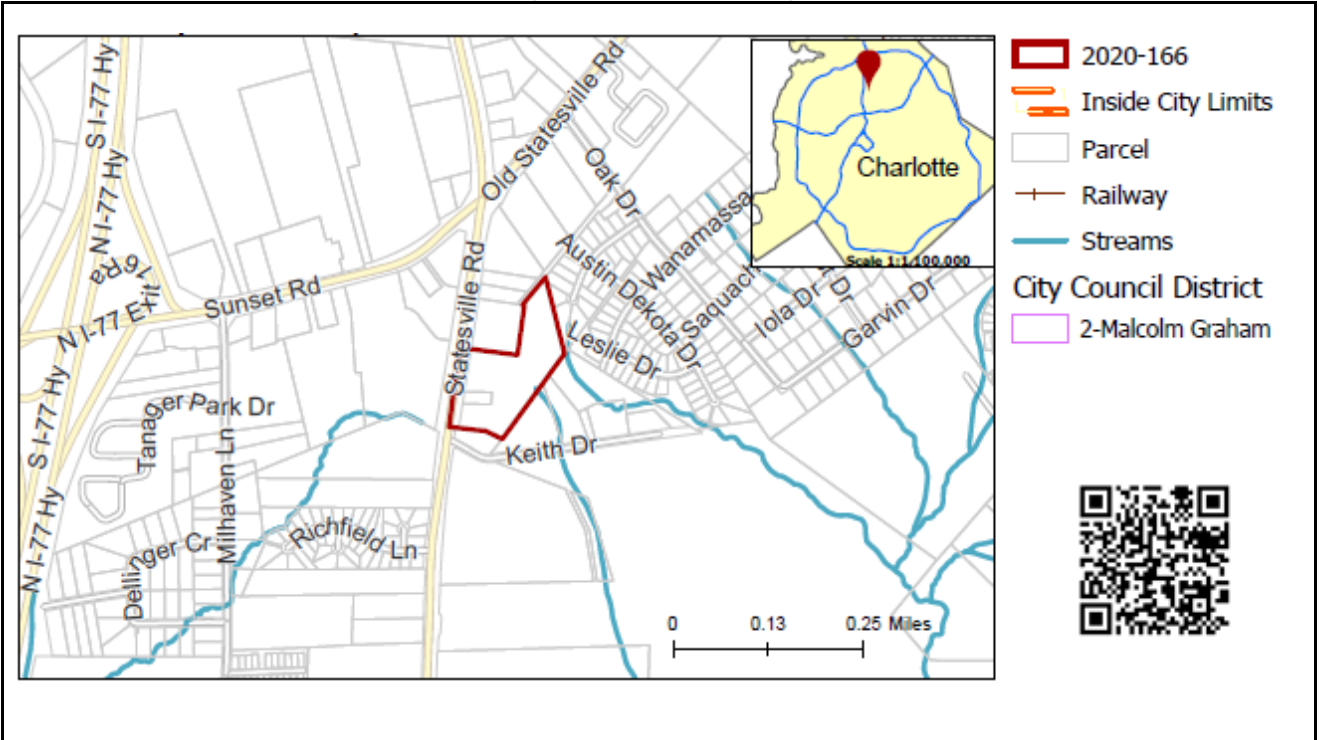
Site Plan

REQUEST

Current Zoning: O-1 (CD) (office, conditional)
Proposed Zoning: UR-2(CD) (urban residential, conditional)

LOCATION

Approximately 8.73 acres located along the east side of Statesville Road, north of Keith Drive, and south of Sunset Road.



SUMMARY OF PETITION

The petition proposes up to 156 multi-family dwelling units with accessory uses on vacant land with a density of 17.8 dwelling units per acre.

PROPERTY OWNER

BV Belk Jr.

PETITIONER

C4 Investments, LLC

AGENT/REPRESENTATIVE

Bridget Grant, Moore & Van Allen

COMMUNITY MEETING

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

**STAFF
RECOMMENDATION**

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

Plan Consistency

The petition is **inconsistent** with the *Northeast District Plan (1996)* recommendation of office uses.

Rationale for Recommendation

- This petition proposes up to 156 multi-family dwelling units for a density of 17.8 dwelling units per acre (DUA).
- At a density of 17.8 DUA, the petition is slightly denser than the General Development Policies recommendation of between twelve to seventeen dwelling units per acre.

- The introduction of 156 new dwelling units will contribute to increased diversity in housing options in this area.
- The petition proposes to enhance the pedestrian environment by providing a minimum of a 5-foot sidewalk along the Site's internal parking area that will link to the proposed buildings on the Site and to the sidewalks along Statesville Road.
- The site commits to a 30-foot class C buffer where the Site abuts existing single-family homes, insuring an appropriate transition from the proposed multi-family use to the single-family neighborhood behind it.

The approval of this petition will revise the adopted future land use as specified by the *Northeast District Plan (1996)* from Office use to Residential up to 22 DUA for the site.

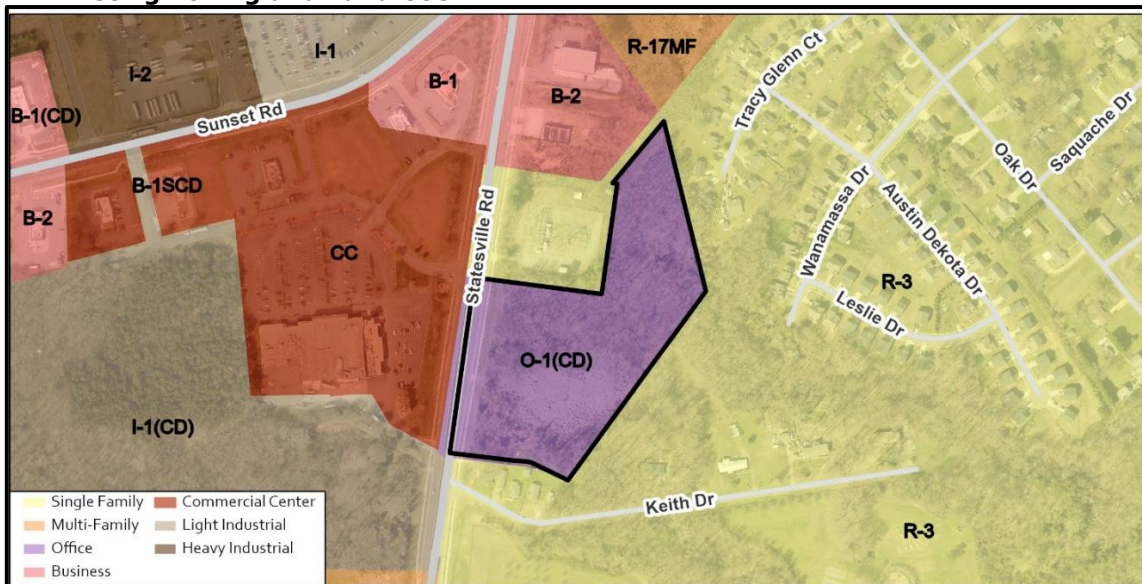
PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allows up to 156 multi-family dwelling units with a maximum of 10 buildings.
- Commits that all multi-family apartments will maintain monthly rents that are income restricted for households that earn up to 80% of the area median income for a period of 30-years.
- Access to the Site will be from Statesville Road.
- Provides a 5-foot sidewalk along the Site's internal parking area that will link to the proposed buildings on the Site and to the sidewalks along Statesville Road.
- Provides a 30-foot Class B buffer where it abuts single family homes.
- Proposes an amenity area and clubhouse.
- Architectural details include:
 - Buildings exceeding 135-feet in length will include modulations of the building massing/facade plane (such as recesses, projections, and architectural details). Modulations shall be a minimum of 10-feet wide and shall project or recess a minimum of 4-feet extending through the building.
 - The building materials will be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood. Vinyl or aluminum as a building material may only be used on windows, soffits, canopies, and on handrails/railings; concrete masonry units not architecturally finished are prohibited as a building material.
 - Building elevations will be designed with vertical bays or articulated architectural façade features which may include but not be limited to a combination of exterior wall offsets, projections, recesses, pilasters, banding and change in materials or colors.

• Existing Zoning and Land Use



The subject property is vacant. The surrounding land uses include single family homes, retail and commercial uses.



The subject property is denoted by a red star.



The property to the south along Keith Drive is developed with single family homes.



The property to the west across Statesville Road is developed with Sunset Crossing shopping center.

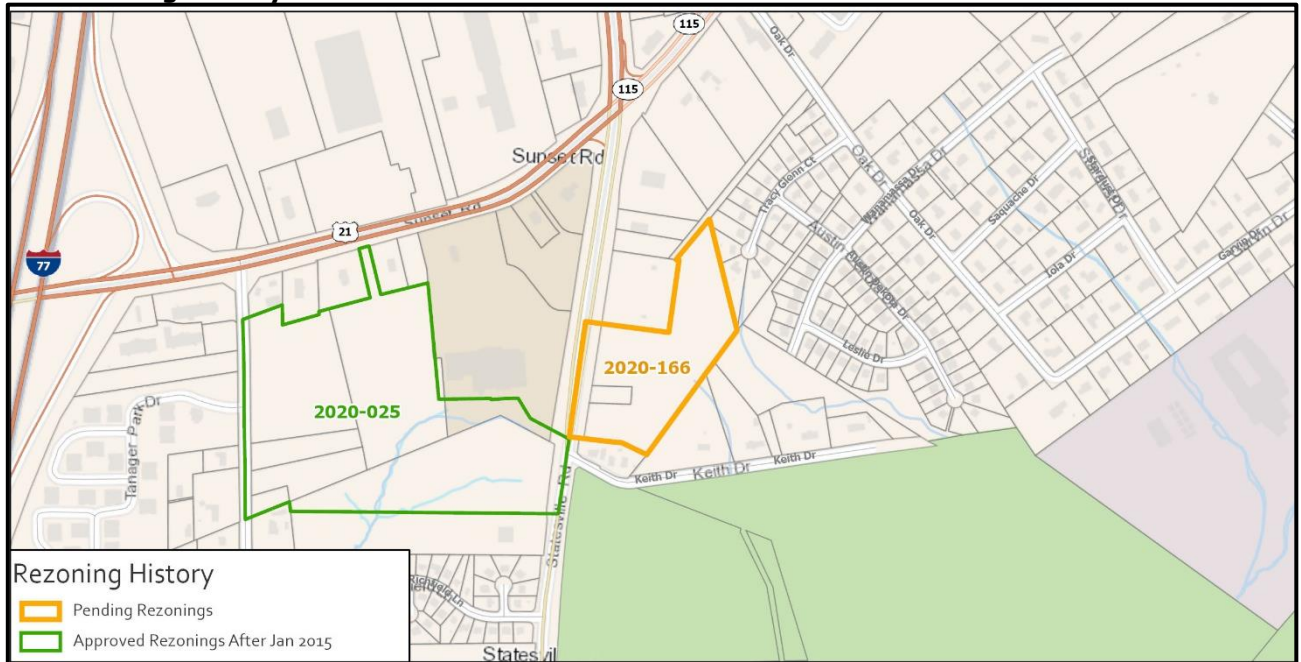


The property to the west along Wanamassa Drive is developed with single family homes.



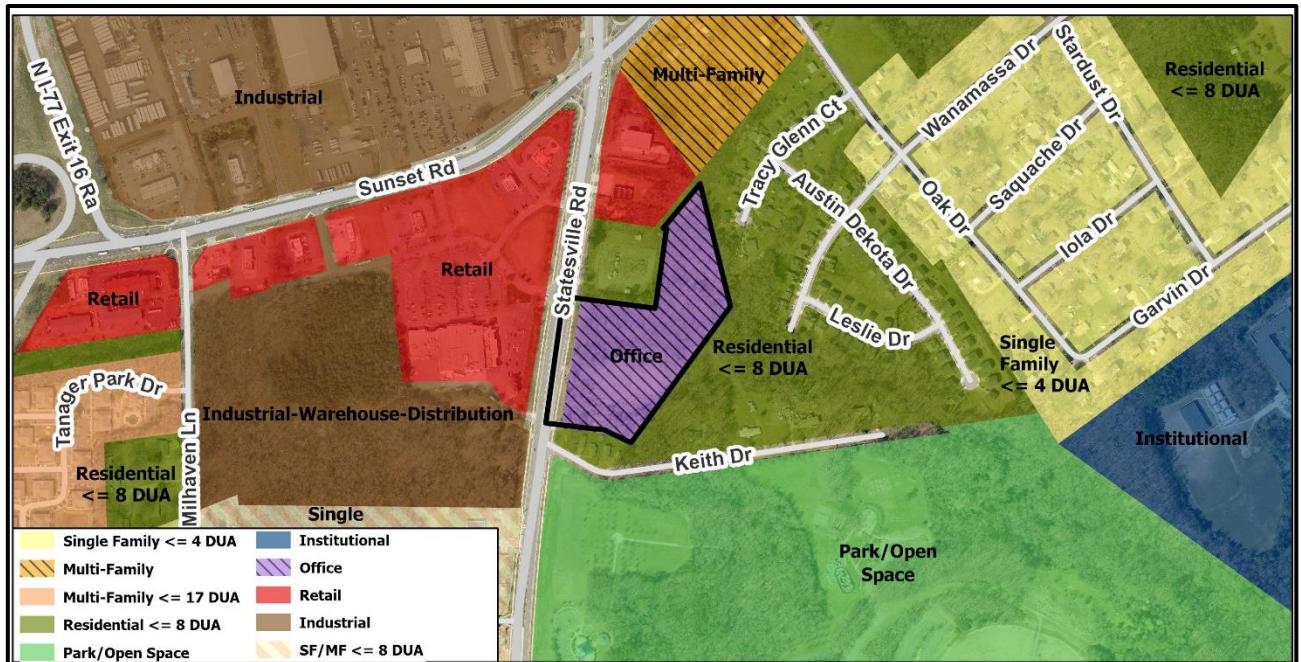
The property to the north along Statesville Road is developed with a power substation.

• Rezoning History in Area



Petition Number	Summary of Petition	Status
2020-025	Rezoned 26.32 acres to allow up to 450,000 square-feet of warehousing, warehouse distribution, manufacturing, and office uses.	Approved

• Public Plans and Policies



- The *Northeast District Plan* (1996) calls for office uses for the site.
- The *General Development Policies* (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre.
- After running the General Development Policies analysis, the petition's density of 17.8 dwellings per acre was slightly higher than the General Development Policies locational criteria for consideration of up to 17 DUA as illustrated in the table below. However, the petition meets the next highest category, which would consider over 17 dwellings per acre to be appropriate.

Assessment Criteria	Density Category – up to 17 dua
Meeting with Staff	1
Sewer and Water Availability	2
Land Use Accessibility	3
Connectivity Analysis	2
Road Network Evaluation	1
Design Guidelines	4
Other Opportunities or Constraints	NA
Minimum Points Needed: 13	Total Points: 13

- **TRANSPORTATION SUMMARY**

- The site is located on a State-maintained major thoroughfare road (Statesville Road). Site plan revisions are needed to meet ordinance requirements and the outstanding items including, but not limited to, adding clarifying language associated with the right-of-way and including the right-turn lane design features on the site plan and in conditional note(s).

- **Active Projects:**

- There are no active projects within the immediate vicinity.

- **Transportation Considerations**

- See Outstanding Issues, Notes 1-2.

- **Vehicle Trip Generation:**

Current Zoning:

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

Entitlement: 930 trips per day (based on 87,300 square-feet of office use).

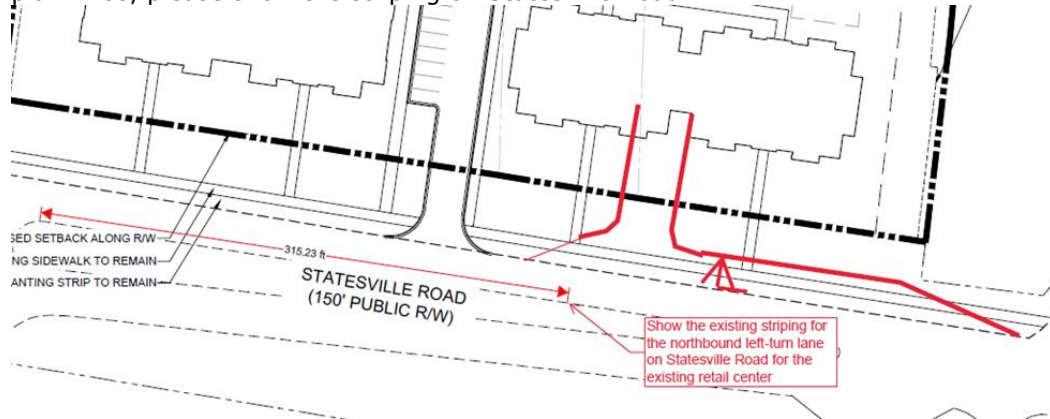
Proposed Zoning: 850 trips per day (based on 156 multi-family units).

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 zero students, while the development allowed under the proposed zoning may produce 19 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 19 students.
 - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
 - Winding Springs Elementary remains at 131%.
 - James Martin Middle remains at 74%.
 - North Mecklenburg High remains at 114%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along Statesville Road. Charlotte Water currently does not have sewer system accessible for the rezoning boundary under review. The closest available sewer main is approximately 400-feet north of the rezoning boundary on Statesville 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:** See advisory comments at www.rezoning.org
 - **Storm Water Services:** See Outstanding Issues, Note 5.
 - **Urban Forestry:** See Outstanding Issues, Notes 3-4.
- **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 ISSUESTransportation

1. Please include the taper and storage lengths of the turn lane within a conditional note and on the site plan. Also, please show the striping on Statesville Road.



2. Revise conditional note (Section 3.d.) to commit to establish the setback at the dedicated right-of-way limits, to match the call-outs included within the proposed site plan.

Environment

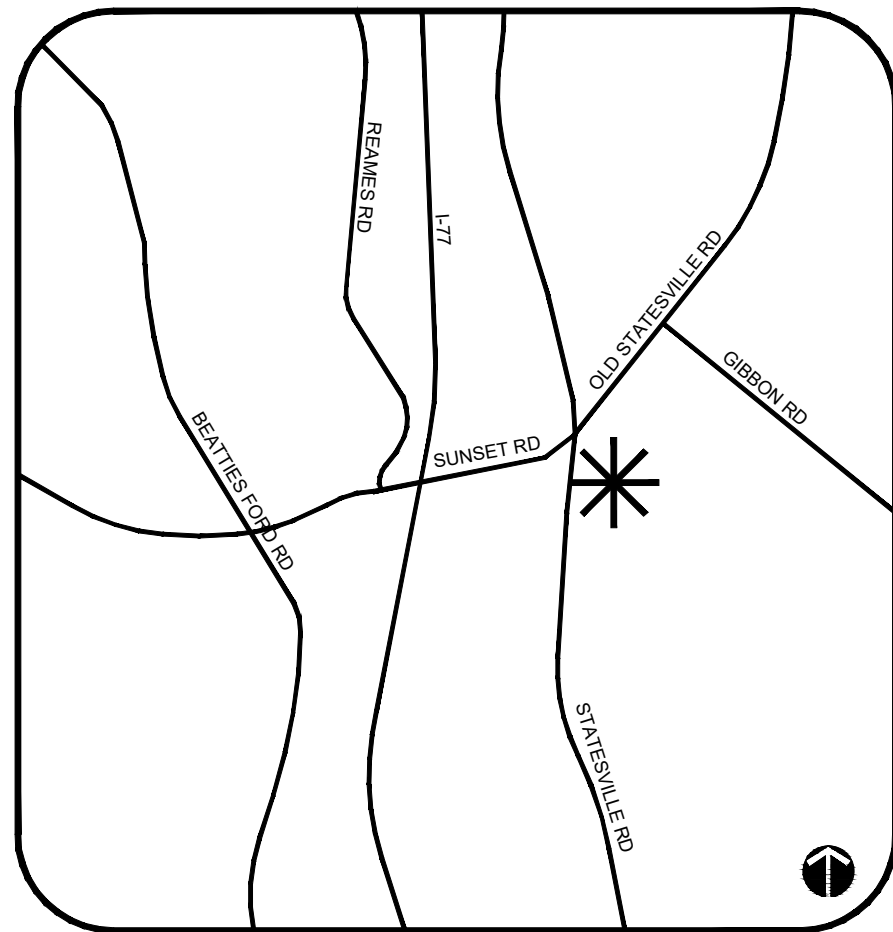
3. Adjust tree save location outside of Duke right-of-way.
4. Adjust tree save areas to insure adequate tree coverage.
5. Please add the following note under Environmental features: For parcels receiving storm water discharge from the site, the petitioner shall analyze the adequacy of the existing storm water conveyance between the site discharge point to and including Keith Drive. If an existing storm water conveyance within the specified analysis limits 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 parcel(s).

Site and Building Design

6. Please provide the minimum area and amenities that will be provided for the amenity area.

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

Planner: Michael Russell (704) 353-0225



VICINITY MAP

NTS

SITE DEVELOPMENT DATA

ACREAGE: ± 8.73 ACRES

TAX PARCEL #: 045-431-37 AND 045-431-22

EXISTING ZONING: O-1(CD)

PROPOSED ZONING: UR-2(CD)

EXISTING USES: VACANT

PROPOSED USES: UP TO 156 MULTI-FAMILY RESIDENTIAL DWELLING UNITS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE UR-2 ZONING DISTRICT.

PROPOSED FLOOR AREA RATIO: AS ALLOWED BY THE UR-2 ZONING DISTRICT.

MAXIMUM BUILDING HEIGHT: THE PROPOSED BUILDINGS WILL BE A MAXIMUM OF THREE (3) STORY BUILDINGS. THE ALLOWED BUILDING HEIGHT WILL BE MEASURED AS REQUIRED BY THE ORDINANCE.

PARKING: PARKING AS REQUIRED BY THE ORDINANCE WILL BE PROVIDED.

KEY MAP

SEAL

PROJECT

STATESVILLE ROAD

CHARLOTTE, NC

REZONING #2020-166

LANDDESIGN PROJ.# 1020214

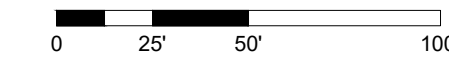
REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
0	FIRST SUBMITTAL	10.12.2020
1	PER STAFF COMMENTS	12.15.2020

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

SCALE

VERT: N/A
HORZ: 1"=50'



SHEET TITLE

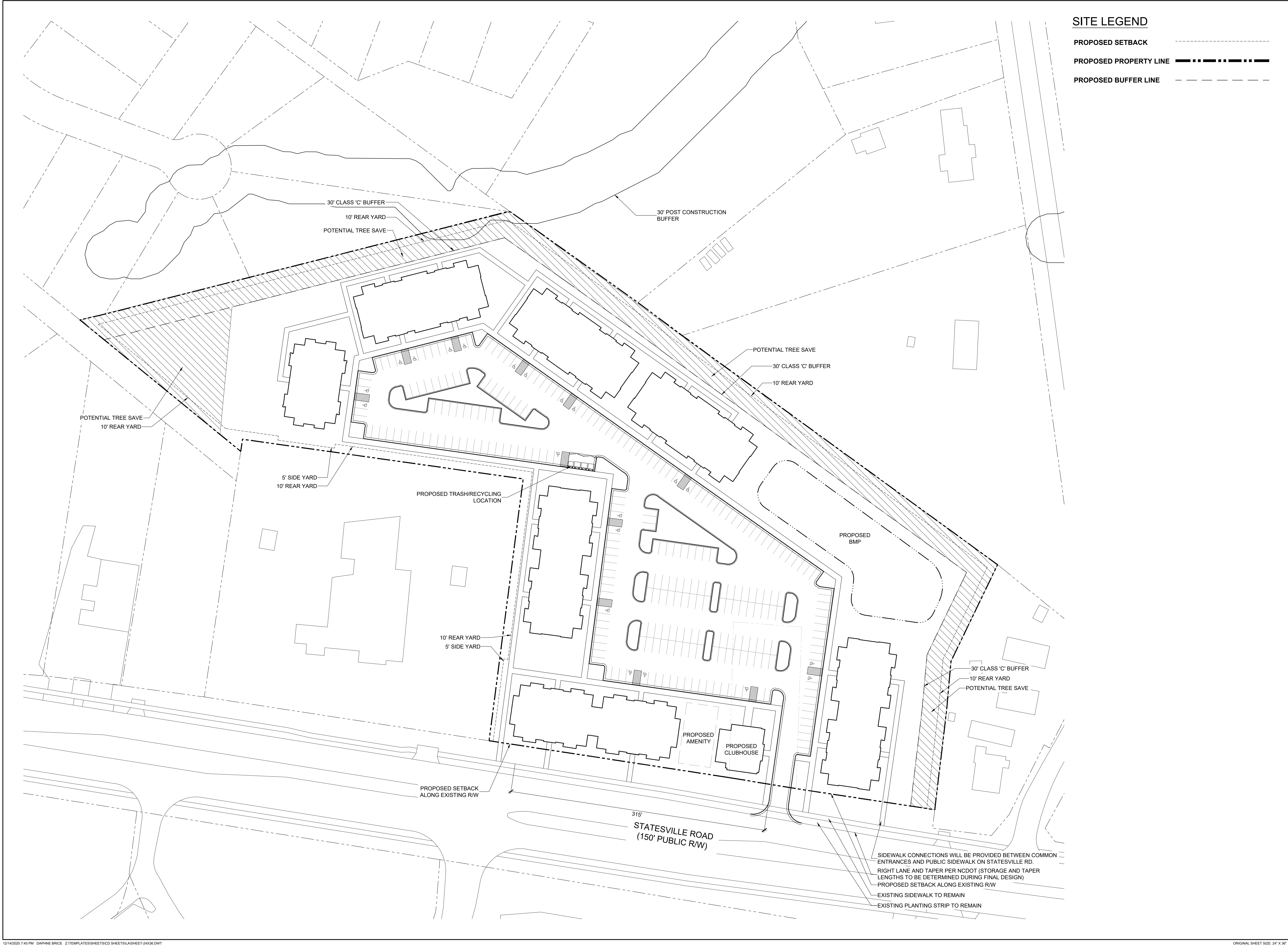
TECHNICAL DATA

SHEET NUMBER

RZ-1

SITE LEGEND

- PROPOSED SETBACK - - - - -
- PROPOSED PROPERTY LINE - - - - -
- PROPOSED BUFFER LINE - - - - -



KEY MAP

SEAL

PROJECT

STATESVILLE ROAD

CHARLOTTE, NC

REZONING #2020-166

LANDDESIGN PROJ.# 1020214

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
0	FIRST SUBMITTAL	10.12.2020
1	PER STAFF COMMENTS	12.15.2020

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

SCALE NORTH
VERT: N/A
HORZ: 1"=50'
0 25' 50' 100'

SHEET TITLE

SCHEMATIC SITE PLAN

SHEET NUMBER

RZ-2



CROSLAND
SOUTHEAST



HORIZON
DEVELOPMENT PROPERTIES

EVOKE LIVING RENDERING

SGA | NarmourWright
DESIGN

NOTES:

1. THE RENDERING IS CONCEPTUAL IN NATURE ONLY AND IS INTENDED TO REFLECT THE OVERALL SCALE OF THE BUILDING AND VARIOUS BUILDING EXPRESSIONS ALONG THE PUBLIC STREET. HEIGHT SHALL BE PERMITTED AS SET FORTH IN SECTION 5 OF THESE DEVELOPMENT STANDARDS. THE ACTUAL BUILDINGS TO BE CONSTRUCTED ON THE SITE MAY VARY.

2. REFER TO SHEETS AND NOTES AS PART OF THIS SET FOR ADDITIONAL INFORMATION

KEY MAP

SEAL

PROJECT

STATESVILLE
ROAD

CHARLOTTE, NC

REZONING #2020-166

LANDDESIGN PROJ.# 1020214

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
0	FIRST SUBMITTAL	10.12.2020
1	PER STAFF COMMENTS	12.15.2020

DESIGNED BY: XX
DRAWN BY: XX
CHECKED BY: XX

SCALE

VERT: N/A
HORZ: NTS

(NOT TO SCALE)

SHEET TITLE

ARCHITECTURAL ELEVATION

SHEET NUMBER

RZ-3

C4 Investments, LLC - Statesville Road
Development Standards
12/10/2020
Rezoning Petition No. 2020-166

Site Development Data:

- Acreage: ± 8.73 acres
--Tax Parcel #: 045-431-.37 and 045-431-.12
--Existing Zoning: O-1(CD)
--Proposed Zoning: UR-2(CD)
--Existing Uses: vacant
--Proposed Uses: Up to 156 multi-family residential dwelling units together with accessory uses, as allowed in the UR-2 zoning district.
--Proposed Floor Area Ratio: As allowed by the UR-2 Zoning District.
--Maximum Building Height: The proposed buildings will be a maximum of three (3) story buildings. The allowed building height will be measured as required by the Ordinance.
--Parking: Parking as required by the Ordinance will be provided.

1. General Provisions:

- a. **Site Location.** These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by C4 Investments, LLC ("Petitioner") to accommodate the development of a 156 multi-family residential dwelling unit community on approximately 8.73-acre site located at 6230 Statesville Road (the "Site").
- b. **Zoning Districts/Ordinance.** Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards the regulations established under the Ordinance for the UR-2 zoning classification shall govern.
- c. **Graphics and Alterations.** The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, building elevations, driveways, streets and other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance.

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

- i. minor and don't materially change the overall design intent depicted on the Rezoning Plan.

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

- d. **Number of Buildings Principal and Accessory.** The total number of principal buildings to be developed on the Site shall not exceed ten (10). Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal building located on the Site.

2. Permitted Uses & Development Area Limitation:

- a. The Site may be developed with up to 156 multi-family residential dwelling units together with accessory uses as allowed by the UR-2 zoning district.
- b. Petitioner commits that the permitted residential units are developed for rental housing units that shall maintain monthly rents that are income restricted for households earning up to and including 80% of Area Median Income for at least a period of thirty (30) years from issuance of certificates of occupancy for such units, subject to receipt of applicable low income tax credits, Housing Trust Fund dollars and/or any other required funding in the manner described below (the "Affordable Housing Commitment"). Area Median Income shall mean the then-existing Area Median Income of Mecklenburg County, North Carolina, Metropolitan Statistical Area, as determined using guidelines, definitions and pricing adopted by the U.S. Department of Housing and Urban Development (HUD) or such other metric mutually acceptable to Petitioner and the City. Petitioner shall use diligent good faith efforts to obtain applicable low income tax credits during the applicable application periods over the one (1) year period after approval of this Rezoning. In the event that after the exercise of such good faith efforts, Petitioner is unable to obtain applicable low income tax credits or other required funding within such one-year period, the Site may be developed without regard to the Affordable Housing Commitment.

3. Access and Transportation:

- a. Access to the Site will be from Statesville Road in the manner generally depicted on the Rezoning Plan.
- b. The placement and configuration of the vehicular access points is subject to any minor modifications required to accommodate final site development and construction plans and to any adjustments required for approval by the CDOT in accordance with applicable published standards.
- c. The Petitioner will measure the proposed setback along Statesville Road from the future back of curb; the future back of curb is to be located eight (8) feet behind the existing back of curb along Statesville Road as generally depicted on the Rezoning Plan.
- d. The Petitioner will dedicate and convey via a fee simple deed any additional right-of-way indicated on the proposed site plan prior to the issuance of the first certificate of occupancy. Right-of-way conveyance to be located two feet behind the sidewalk.
- e. Any required roadway improvement will be approved and constructed prior to the issuance of the first certificate of occupancy subject to the petitioner ability to post a bond for any improvements not in place at the time of the issuance of the first certificate of occupancy.
4. **Streetscape, Buffers, Yards, and Landscaping:**
- a. A fourteen (14) foot setback as measured from the future back of curb will be provided along Statesville Road as generally depicted on the Rezoning Plan.
- b. Along the Site's internal parking area, the Petitioner will provide a sidewalk and cross-walk network that links to the proposed buildings on the Site and to the sidewalks along Statesville Road in the manner depicted on the Rezoning Plan. The minimum width for this internal sidewalk will be five (5) feet.
- c. A 30-foot class C buffer will be provided where the Site abuts existing single-family homes as generally depicted on the Rezoning Plan. If the zoning on the adjoining property changes to a use or zoning no longer requiring a buffer as outlined in the Ordinance the buffer may be eliminated.
- d. A five (5) foot side yard and a ten (10) foot rear yard will be provided as generally depicted on the Rezoning Plan.
- e. Screening requirements of the Ordinance will be met.
- f. Above ground backflow preventers will be screened from public view and will be located outside of the proposed setback.

5. General Design Guidelines:

- a. The building materials used on the principal buildings constructed on Site will be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood. Vinyl or aluminum as a building material may only be used on windows, soffits, canopies, and on handrails/railings; concrete masonry units not architecturally finished are prohibited as a building material.
- b. Preferred Exterior Building Materials: All principal and accessory buildings abutting Statesville Road shall comprise a minimum of 20% of that building's entire façade facing such network street using brick, natural stone (or its synthetic equivalent), stucco or other material approved by the Planning Director.
- c. Building Placement and Site Design shall focus on and enhance the pedestrian environment through the following:
- i. Buildings shall be placed so as to present a front or side façade to Statesville Road.
- ii. Buildings shall front a minimum of 50% of the total Statesville Road frontage on the site (exclusive of driveways, pedestrian access, points, accessible open space, tree save or natural areas, tree replanting areas and storm water facilities).
- iii. Parking lots shall not be located between any building and Statesville Road.

- d. Building Massing and Height shall be designed to break up long monolithic building forms as follows:
- i. Buildings exceeding 135 feet in length shall include modulations of the building massing/façade plane (such as recesses, projections, and architectural details). Modulations shall be a minimum of 10 feet wide and shall project or recess a minimum of 4 feet extending through the building.

- e. Architectural Elevation Design - elevations shall be designed to create visual interest as follows:
- i. Building elevations shall be designed with vertical bays or articulated architectural façade features which may include but not be limited to a combination of exterior wall offsets, projections, recesses, pilasters, banding and change in materials or colors.

- ii. Buildings shall be designed with a recognizable architectural base on all façades facing Statesville Road. Such base may be executed through use of Preferred Exterior Building Materials or articulated architectural façade features and color changes.

- iii. Building elevations facing Statesville Road shall not have expanses of blank walls greater than 20 feet in all directions and architectural features such as but to limited to banding, medallions or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.

- f. Roof Form and Articulation - roof form and lines shall be designed to avoid the appearance of a large monolithic roof structure as follows:
- i. Long pitched or flat roof lines shall avoid continuous expanses without variation by including changes in height and/or roof form, to include but not be limited to gables, hips, dormers or parapets.

- ii. For pitched roofs the minimum allowed is 4:12 excluding buildings with a flat roof and parapet walls.

- iii. Roof top HVAC and related mechanical equipment will be screened from public view at grade from the nearest street.

- g. Service Area Screening - service areas such as dumpsters, refuse areas, recycling and storage shall be screened from view with materials and design to be compatible with principal structures. Such design shall include a minimum 20 percent Preferred Exterior Building Materials or a Class B buffer not less than 10' in depth at all above grade perimeter not paved for access. The location of the proposed dumpster and recycling areas is generally depicted on the Rezoning Plan.

6. Environmental Features:

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

accommodate actual storm water management requirements, and natural site discharge points.

- c. The Site will comply with the City of Charlotte Tree Ordinance.

7. Signage:

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

8. Lighting:

- a. All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, parking areas and courtyards.
- b. Detached lighting on the Site will be limited to 26 feet in height. Street lights new and existing along Statesville Road are not subject to this standard.

9. Amendments to the Rezoning Plan:

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

10. Binding Effect of the Rezoning Application:

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

KEY MAP

SEAL

PROJECT

STATESVILLE
ROAD

CHARLOTTE, NC

REZONING #2020-166

LANDDESIGN PROJ.#
1020214

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
0	FIRST SUBMITTAL	10.12.2020
1	PER STAFF COMMENTS	12.15.2020

DESIGNED BY: XX
DRAWN BY: XX
CHECKED BY: XX

SCALE

NORTH

VERT: N/A
HORZ: NTS

(NOT TO SCALE)

SHEET TITLE

DEVELOPMENT STANDARDS

SHEET NUMBER

RZ-4



Agenda Date: 1/19/2021

Agenda #: 47. **File #:** 15-15024 **Type:** Zoning Hearing

Rezoning Petition: 2020-169 by Charlotte-Mecklenburg Housing Partnership

Location: Approximately 3.556 acres located along the south side of Billingsley Road, on the west side of Marvin Road, east of Ellington Street. (Council District 1 - Egleston)

Current Zoning: R-22MF (multi-family residential, up to 8 units per acre)

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

Staff Recommendation:

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

Attachments:

Pre-Hearing Staff Analysis

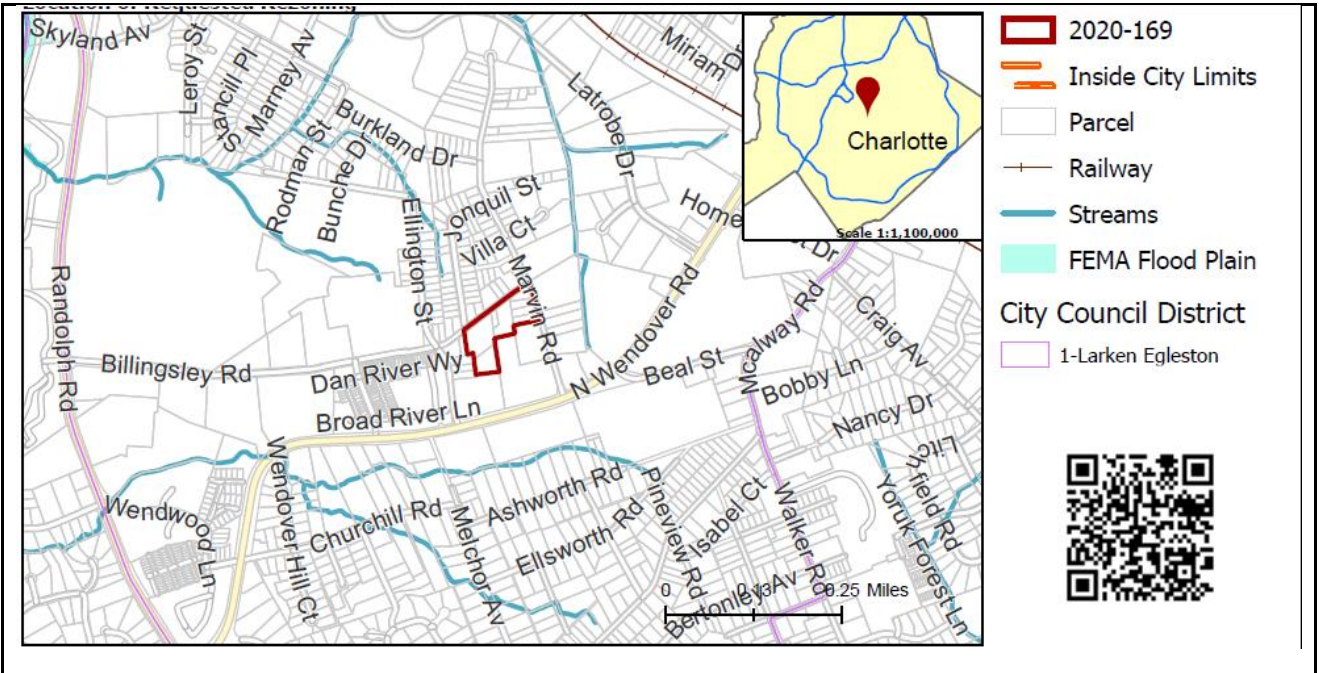
Site Plan

REQUEST

Current Zoning: R-22MF (multi-family residential, up to 8 units per acre)
Proposed Zoning: UR-2(CD) (urban residential, conditional)

LOCATION

Approximately 3.556 acres located along the south side of Billingsley Road, on the west side of Marvin Road, east of Ellington Street.



SUMMARY OF PETITION

The petition proposes to allow an age restricted residential development on a vacant parcel located at the southwest corner of Billingsley and Marvin Roads.

**PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE**

Billingsley Road LLC; Charlotte-Mecklenburg Housing Partnership, Inc
Charlotte-Mecklenburg Housing Partnership
Dujuana Keys, Moore & Van Allen

COMMUNITY MEETING

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

**STAFF
RECOMMENDATION**

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

Plan Consistency

The petition is consistent with the *Central District Plan* (1993) recommendation for multi-family residential with no specified density.

Rationale for Recommendation

- The adopted plan supports multifamily residential development.
- The proposal development supports the need for variety in housing types and housing needs.
- The request commits to 8-foot sidewalk and 8-foot planting strip along Billingsley and Marvin Roads.

- The request commits to provision of an ADA compliant bus waiting pad with location to be coordinated during the Land Development permitting process.
- The request provides a Class C buffer along all property lines abutting single family residential zoning or in single family residential use.
- The site is surrounded by a mix of single family, multifamily, institutional, office, and retail uses.

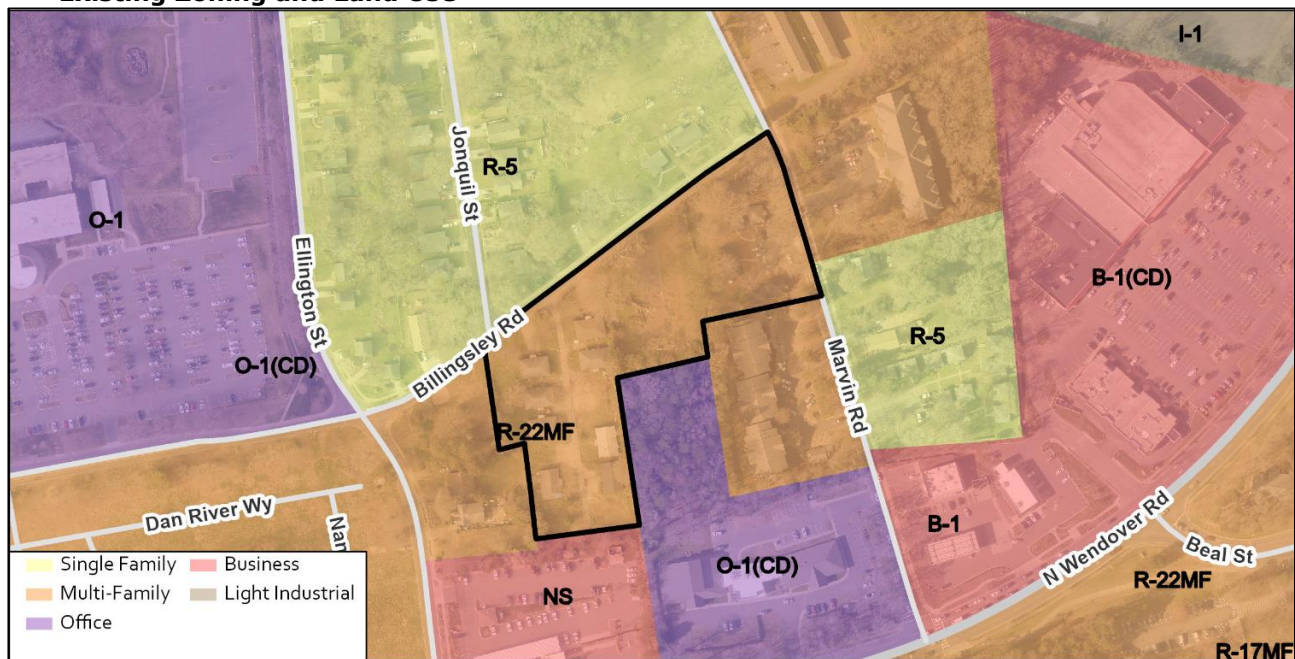
PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Up to 100 age-restricted multi-family residential dwelling units in 1 building (28.12 units per acre).
- Provides a note regarding Affordable Housing & Age-Restricted Commitment. Petitioner commits that the permitted residential units are developed for rental housing units that shall maintain monthly rents that are income-restricted for households earning up to and including 80% of Area Median Income for at least a period of thirty (30) years from the issuance of certificates of occupancy for such units. Area Median Income shall mean the then-existing Area Median Income of Mecklenburg County, North Carolina, Metropolitan Statistical Area, as determined using guidelines, definitions, and pricing adopted by the U.S. Department of Housing and Urban Development (HUD) or such other metric mutually acceptable to Petitioner and the City. Petitioner shall use diligent good faith efforts to obtain applicable low income tax credits during the applicable application periods over the one (1) year period after approval of this Rezoning. In the event that after the exercise of such good faith efforts, Petitioner is unable to obtain applicable low income tax credits or other required funding within such one-year period, the Site may be developed without regard to the Affordable Housing or Age-Restricted Commitment.
- Proposes a 24-foot Class C buffer along parcels zoned single family residential and/or single family residential use. May be reduced 25% with a wall or fence.
- Illustrates potential tree save areas.
- Proposes access via Billingsley and Marvin Roads.
- Proposes an 8-foot sidewalk and 8-foot planting strip along Billingsley Road and Marvin Road.
- Commits to provision of an ADA compliant bus waiting pad per Land Development Standard 60.01B. The final pad location will be coordinated during the Land Development permitting process.
- Proposes the following design guidelines:
 - Proposes building materials used on the principal building(s) constructed on Site will be a combination of portions of the following preferred building materials: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block, and/or wood.
 - Vinyl or aluminum as a building material may only be used on windows, soffits, canopies, and on handrails/railings; concrete masonry units not architecturally finished are prohibited as a building material.
 - Prohibits location of parking lots between building and Billingsley Road and/or Marvin Road.
 - Notes building massing and height shall be designed to break up long monolithic building forms using recesses, projections, and architectural details.
 - Notes elevations shall be designed to create visual interest through a combination of exterior wall offsets, projections, recesses, pilasters, banding, and change in materials or colors.
 - Notes buildings shall be designed with a recognizable architectural base on all facades facing Billingsley Road and Marvin Road.
 - Building elevations facing Billingsley Road and Marvin Road shall have a minimum transparency of 20% on the ground floor between 3 feet and 10 feet as measured from the base of the facade.

- Existing Zoning and Land Use



The site is currently vacant and is surrounded by a mix of single family and multi-family residential developments, institutional, office, and retail uses on parcels in various zoning districts.



The rezoning site is vacant.



The rezoning site is vacant.



The rezoning site is now vacant (view from 2007).



North are single family residential homes.



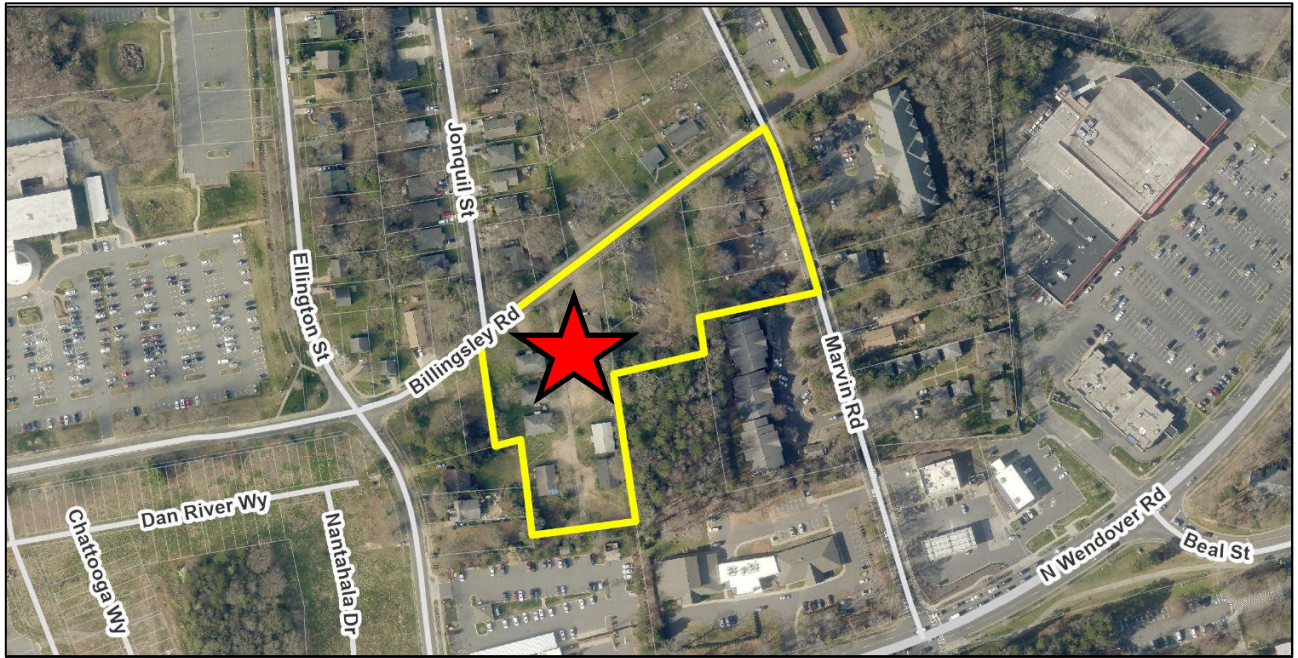
East are single family homes and multifamily residential developments.



North and west are an institutional facility and multifamily residential units under construction.

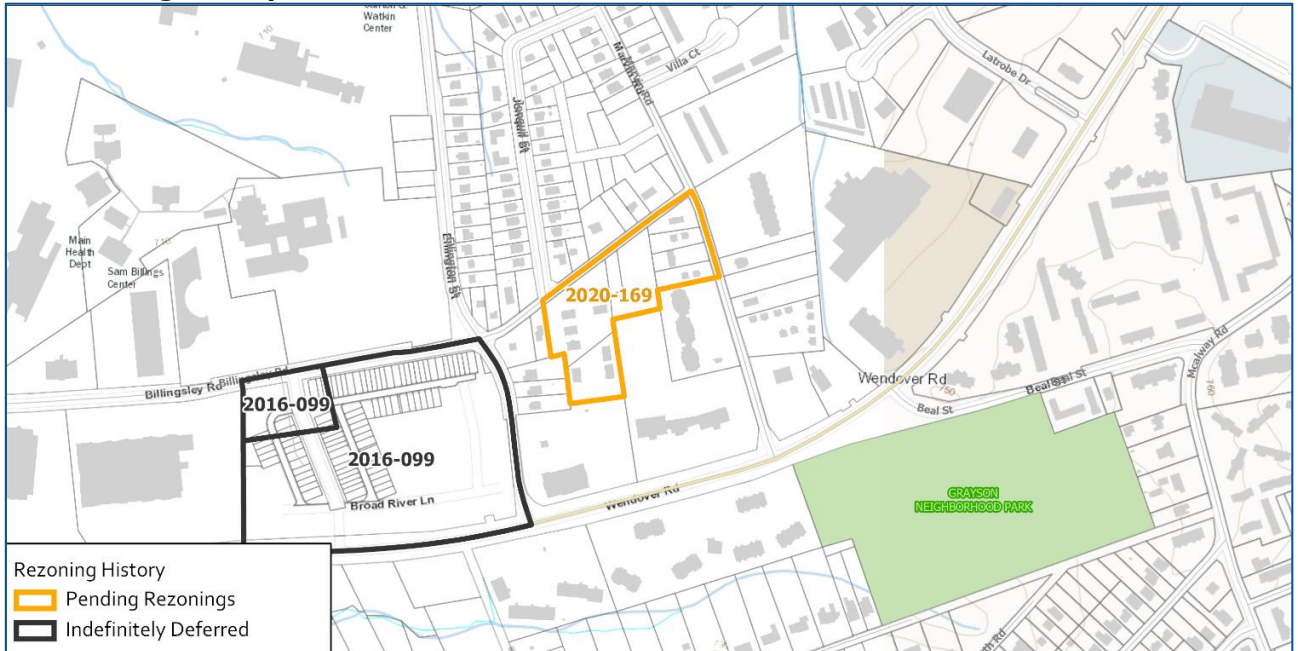


South are apartments, offices, and institutional uses.



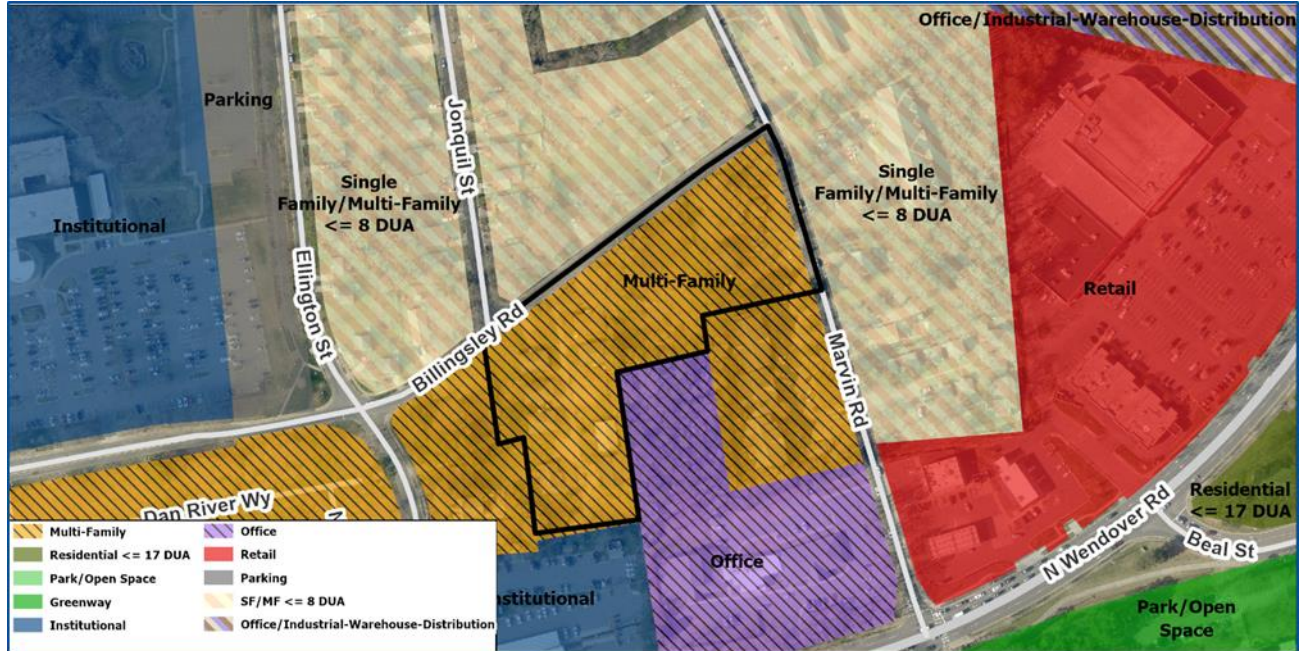
The site (denoted by red star) is surrounded by a mix of residential and non-residential uses.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2016-099	Rezone 10 acres from R-22MF to NS and BD(CD)	Indefinite Deferral

- **Public Plans and Policies**



- The *Central District Plan* recommends multi-family residential for the parcel with no specified density.
- 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 x dwellings per acre as illustrated in the table below.
- **TRANSPORTATION SUMMARY**
 - The site is located on two City-maintained, major collector roads, Billingsley Road and Marvin Road. The petitioner commits to constructing an 8-foot planting strip and 8-foot sidewalk along Billingsley Road and Marvin Road. The wider sidewalk meets the Charlotte WALKS Policy. All CDOT comments have been successfully addressed.
 - **Transportation Considerations**
 - No outstanding issues.
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 240 trips per day (based on 20 townhomes).
 - Entitlement: 425 trips per day (based on 78 apartments).
 - Proposed Zoning: 715 trips per day (based on 100 townhomes).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** The proposed development is aligned with the Housing Charlotte Framework and will help achieve City Council's goal to increase the supply of affordable and workforce housing
- **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 14 students, while the development allowed under the proposed zoning will generate 0 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:
 - Billingsley Elementary (K-2) remains at 87%
 - Cotswold Elementary (3-5) remains at 81%
 - Alexander Graham Middle remains at 111%
 - Myers Park High remains at 125%.

- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along Billingsley Rd. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Billingsley Rd. See advisory comments at www.rezoning.org.
- **Engineering and Property Management:**
 - **Arborist:** No outstanding issues.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** See Outstanding Issues, Note 3.
 - **Storm Water Services:** See advisory comments at www.rezoning.org
 - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUESSite and Building Design

1. Increase the setback along Billingsley and Marvin Roads to 20 feet. Specify from back of existing or proposed curb.
2. Improved urban open space has not been provided as previous comment noted.
3. Under Note 5.f the referenced buffer is not permitted screening.

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

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



PARKING: PARKING AS REQUIRED BY THE ORDINANCE
WILL BE PROVIDED.

SEAL

#2020-169

RZ-1

SITE LEGEND

PROPOSED SETBACK/YARD

PROPERTY LINE

PROPOSED BUFFER

POTENTIAL REPLANTED
TREE SAVE AREA TO BE
DETERMINED DURING FINAL
DESIGN

POTENTIAL TREE SAVE
AREA TO BE DETERMINED
DURING FINAL DESIGN

TREE SAVE:

TREE SAVE REQUIRED: 154,899 SF X 15% = 23,235 SF
TREE SAVE PROVIDED: 3,956 SF***

REPLANTED TREE SAVE REQUIRED:
23,235 SF - 3,956 SF = 19,279 SF
19,279 SF X 150% = 28,919 SF
28,919 SF (0.66 AC) X 36 TREES/AC = 24 TREE
REPLANTED TREE SAVE PROVIDED: 28,946 SF***

***UNDISTURBED AND REPLANTED TREE SAVE TO BE
DETERMINED DURING FINAL ENGINEERING

KEY MAP

REAL

PROJECT

GRIER HEIGHTS

CHARLOTTE, NC

REZONING

#2020-169

LANDDESIGN PROJ.# 1020311

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	SUBMITTAL	10.14.2020
2	PER STAFF COMMENTS	12.15.2020

DESIGNED BY: JRY/CKS
DRAWN BY: CKS
CHECKED BY: FJM

SCALE

VERT: N/A
HORZ: 1"=40'

SHEET TITLE

SCHEMATIC SITE PLAN

SHEET NUMBER

RZ-2

- Acreage: ± 3.556 acres
- Tax Parcel #: 15705427, 15705426, 15705425, 15705424, 15705423, 15705422, 15705421, and 15705410
- Existing Zoning: R-22MF
- Proposed Zoning: UR-2(CD)
- Existing Uses: vacant
- Proposed Uses: Up to 100 multi-family residential dwelling units together with accessory uses, as allowed in the UR-2 zoning district
- Proposed Floor Area Ratio: As allowed by the UR-2 Zoning District
- Maximum Building Height: The proposed building will be as allowed by Ordinance. The allowed building height will be measured as required by the Ordinance.
- Parking: Parking as required by the Ordinance will be provided.

- a. Site Location. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Charlotte-Mecklenburg Housing Partnership, Inc. ("Petitioner") to accommodate the development of one hundred (100) fully-served residential dwelling unit community on approximately 3.556-acre site located at the northwest intersection of Billingsley Road and Marvin Road (the "Site").
- b. Zoning Districts/Ordinance. Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the UR-2 zoning classification shall govern.
- c. Graphics and Alterations. The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, building elevations, driveways, streets, and other development matters and site elements (collectively the "Development/ Site Elements") set forth in the Rezoning Plan shall be reviewed in conjunction with the provisions of the Development Standards. The layout, locations, sizes, and formulations of the Development/ Site Elements depicted on the Rezoning Plan are graphic representations of the Development/ Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance.

i. minor and don't materially change the overall design intent depicted on the Rezoning Plan.

d. **Number of Buildings Principal and Accessory.** The total number of principal buildings to be developed on the Site shall not exceed one (1). Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements, and designs as the principal building located on the Site.

a. Permitted Uses. The Site may be developed with up to one hundred (100) age-restricted multi-family residential dwelling units together with accessory uses as allowed by the UR-2 zoning district.

b. Affordable Housing & Age-Restricted Commitment. Petitioner commits that the permitted residential units are developed for rental housing units that shall maintain monthly rents that are income-restricted for households earning up to and including 80% of the Area Median Income for at least a period of thirty (30) years from the issuance of certificates of occupancy for such units. Areas within the City of Merced that are designated as the Merced County Area of Economic Development, the Merced County Stanislaus Area, as determined using guidelines, definitions, and pricing adopted by the U.S. Department of Housing and Urban Development (HUD) or such other metric mutually acceptable to Petitioner and the City. Petitioner shall use diligent good faith efforts to obtain applicable low income tax credits during the applicable application periods over the one (1) year period after approval of this application. In the event that the City fails to obtain applicable low income tax credits, Petitioner is unable to obtain applicable low income tax credits or other required funding within such one-year period, the Site may be developed without regard to the Affordable Housing or Age-Restricted Commitment.

3. Access and Transportation:

- a. Access to the Site will be from Marvin Road and Billingsley Road in the manner generally depicted on the Rezoning Plan.
- b. The placement and configuration of the vehicular access points is subject to any minor modifications required to accommodate final site development and construction plans and to any adjustments required for approval by the CDOT in accordance with applicable published standards.
- c. The Petitioner will dedicate and convey via a fee simple deed any additional right-of-way indicated on the proposed site plan prior to the issuance of the first certificate of occupancy. Right-of-way conveyance to be located two feet behind the sidewalk or a two (2) utility easement to be provided behind the sidewalk if two (2) feet right-of-way cannot be conveyed behind the sidewalk.
- d. Any required roadway and/or streetscape improvement(s) will be approved and constructed prior to the issuance of the first certificate of occupancy subject to the petitioner's ability to post a bond for any improvements not in place at the time of the issuance of the first certificate of occupancy.
- e. The alignment of the internal vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts, and any adjustments required for approval by CDOT in accordance with published standards.

- a. A 14-foot setback as measured from the future back of curb will be provided along Billingsley Road and Marvin Road as generally depicted on the Rezoning Plan.
- b. An eight (8) foot planting strip and an eight (8) foot sidewalk will be provided along Billingsley Road and Marvin Road as generally depicted on the Rezoning Plan.
- c. Screening requirements of the Ordinance will be met.
- d. Above ground backflow preventers will be screened from public view and will be located outside of the proposed setback.

- a. The building materials used in the principal building(s) constructed on Site will be a combination of portions of the following preferred building materials: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block, and/or wood. Vinyl or aluminum as a building material may only be used on windows, soffits, canopies, and on handrails/railings; concrete masonry units not architecturally finished are prohibited as a building material.
- b. Building Placement and Site Design shall focus on and enhance the pedestrian environment through the following:
 - i. Parking lots shall not be located between any building and Billingsley Road and/or Marvin Road.

- c. Building Massing and Height shall be designed to break up long monolithic building forms as follows:
- i. Buildings exceeding 135 feet in length shall include modulations of the building massing/facade plane (such as recesses, projections, and architectural details). Modulations shall be a minimum of 10 feet wide and shall project or recess a minimum of 4 feet extending through the building.

- d. Architectural Elevation Design - elevations shall be designed to create visual interest as follows:
 - i. Building elevations shall be designed with vertical bays or articulated architectural 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.
 - ii. Buildings shall be designed with a recognizable architectural base on all facades facing Billingsley Road and Marvin Road. Such base may be executed through use of preferred building materials or articulated architectural facade features and color changes.
 - iii. Building elevations facing Billingsley Road and Marvin Road 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.

- iv. Building elevations facing Billingsley Road and Marvin Road shall have a minimum transparency of 20% on the ground floor between 3' and 10' as measured from the base of the facade.
- e. Roof Form and Articulation - roof form and lines shall be designed to avoid the appearance of a large monolithic roof structure as follows:
 - i. Long pitched or flat rooflines shall avoid continuous expanses without variation by including changes in height and/or roof form, to include but not be limited to gables, hips, dormers, or parapets.
 - ii. For pitched roofs the minimum allowed is 4:12 excluding buildings with a flat roof and parapet walls.
- f. Service Area Screening - service areas such as dumpsters, refuse areas, recycling and storage shall be screened from view

g. Sidewalk extensions should be provided between all street trees on all public and private streets when parking is adjacent.

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

- b. The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.

7. Signage:

- a. Signage, as allowed by the Ordinance, will be provided.
8. Lighting:
 - a. All new lighting shall be full cut-off type lighting fixtures, excluding lower, decorative lighting that may be installed along the driveways, sidewalks, parking areas and courtyards.
 - b. Detached lighting on the Site will be limited to 26 feet in height. Street lights, new and existing, along Billingsley Road and Marvin Road are not subject to this standard.

a. The Petitioner shall provide an ADA compliant bus waiting pad per Land Development Standard 60.01B. The final pad location will be coordinated during the Land Development permitting process.

10. Amendments to the Rezoning Plan:

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

11. Binding Effect of the Rezoning Application

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