



## **City Council Follow-Up Report From the September 24, 2018 and October 1, 2018 Zoning Meetings**

**General:** How often do changes come to staff late or after a recommendation is made by the Zoning Committee? Is this an issue for staff? Do the current practices and policies around changed need to be reviewed and updated?

Staff Response: Staff typically receives changes to a few petitions each month after Zoning Committee. We have a process that accommodates these changes and do not recommend adjustments to our process at this time.

**2018-049** **Revolve Residential – bounded by Charles Avenue, Whiting Avenue, Spencer Street, and Clemson Avenue, north of Matheson Avenue. (Council District 1 – Egleston)**

What specific uses are proposed on the site?

Staff Response:

AREA A: 16 detached dwelling units.

AREA B:

- 1) Reusing existing building to allow up to 16,000 square feet of uses limited to community recreation centers, athletic facilities, libraries, museums, cultural, recreation, galleries, artist studios, event/gathering/activity, and co-working/shared office. Commercial kitchens, EDEEs including breweries and taprooms, and retail uses are prohibited.
- 2) Co-working/shared office uses defined as office use with common reception, meeting, conference, break room, and other accessory areas to the office uses. Private and/or individual offices are permitted so long as they are no larger than 2,500 square feet and utilize the common areas listed above.
- 3) Event/Gathering/Activity limited to 5,000 square feet for meetings/retreats/conferences/exhibits/civic activities/weddings/reunions/and instructional yoga, art, wellness, and fitness classes. Outdoor music performances and amplified music is prohibited for private events.

AREA C: Allows up to four attached dwelling units not to exceed two stories in height, which will be deed restricted limiting initial sale and resale of units to HouseCharlotte eligible residents

**What alternative side yard conditions would be acceptable?**

Staff Response: The revised site plan contains design commitments to address the side unit condition along Whiting Avenue. Usable porches and stoops, a minimum of seven feet deep, will form a predominant feature of the building design along Whiting Avenue and Charles Avenue. Stoeps and entry level porches may be covered and enclosed with railings or other pedestrian level architectural features. All residences fronting Whiting Avenue and Charles Avenue will have a direct connection to the public street sidewalk. Entrances (doors) provided on residential units along Whiting Avenue will be a prominent architectural feature and will be substantially similar to the entrances fronting the open space.

**What Capital Improvement Project improvements are planned near this site?**

Staff Response: There are currently no neighborhood, transportation, storm water, sidewalk or water and sewer projects in the area near the subject property listed in the Community Investment Plan (CIP).

**Provide the elevations for the four townhomes.**

Staff Response: Per the petitioner, conceptual elevations are in progress, and the petitioner has offered to meet with Council Member Ajmera to share the elevations rather than include them in the formal submittal. As of the afternoon of October 11, 2018, Council Member Ajmera has not responded to that request. The petitioner hopes to connect with her prior to Monday, October 15, 2018.

**What other building orientation options were considered that would fit with the neighborhood character?**

Staff Response: An initial site plan for Petition #2018-49 was submitted with the application, and site plan revisions were submitted June 11, 2018, August 13, 2018, September 27, 2018, and October 10, 2018:

Area A: Each version reflected up to 16 units, with 12 units configured to front open space and accessed via private alleys, and four units fronting Charles Avenue.

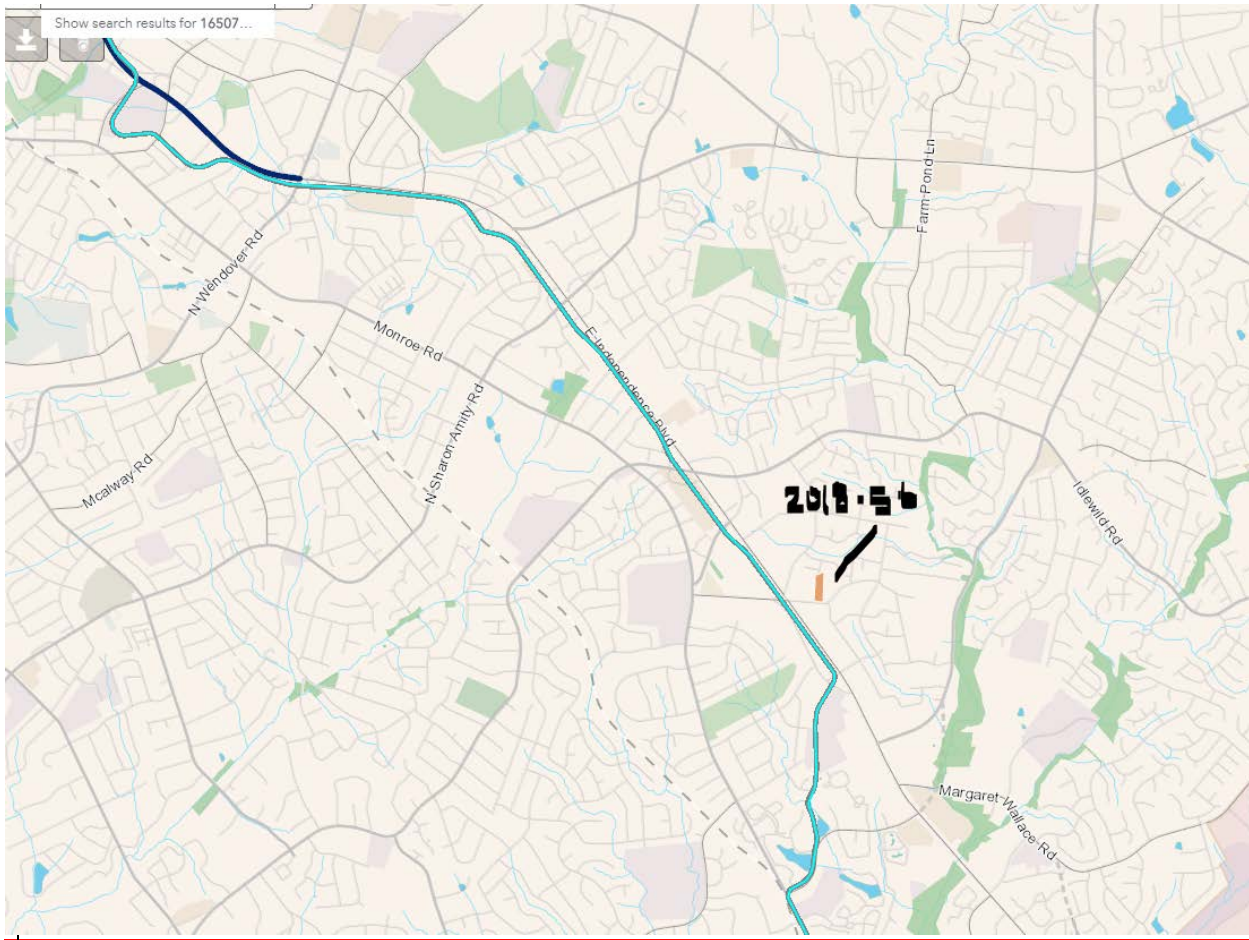
Area B: Each version reflected existing building to remain.

Area C: Each version allowed up to four attached dwelling units. The initial version did not reflect buildings. Subsequent versions showed the four units fronting Clemson Avenue, and included a rendered site plan.

**2018-056 – Wallace Lane, LLC – located on the north side of Wallace Lane, east of Independence Boulevard. (Council District 5 – Newton)**

**What side of Independence Boulevard is the future Silver Line? How far is the Silver Line from the site?**

Staff Response: The MTC approved the LYNX Silver Line Alignment on February 14, 2017, which is located on the south side of East Independence Boulevard (opposite side of East Independence Boulevard from the proposed rezoning) as reflected in the map below. The closest point of the site included in Petition measures approximately 651 feet and 0.123 miles from the proposed Silver Line located along E. Independence Boulevard



**2018-074 – Elissa Mullis - located on the west side of Hood Road south of Plaza Road Extension. (Outside City Limits)**

**Provide information to Council about cases where a business has been operating out of compliance and a rezoning is submitted for the use that is not in compliance.**

Staff Response: All businesses have the option to pursue a rezoning if they are out of zoning compliance and periodically staff has received these requests. Staff looks at each of these on a case by case basis, and makes a recommendation based on a number of factors, including compatibility with the surrounding area.

**What does the term “reception” mean in the Zoning Ordinance? What type of events would be permitted?**

Staff Response: The zoning ordinance does not define “reception.”

Section 9.502(3.1) of the zoning ordinance allows the following in the Institutional district: Conference centers, including facilities for corporate meetings, training, retreats, or other meetings.

The zoning ordinance does not define “conference centers.”

**2018-003 – Boulevard Real Estate Advisors, LLC – located on the north side of West Tremont Avenue, east of South Tryon Street. (Council District 3 – Mayfield)**

**Is there any data available on the impact of older industrial buildings and legacy industrial uses being forced to move because of new development that complains about noise, odors, etc.?**

Staff Response: Staff does not have any specific data. With the opening of the original Lynx Blue line and the extension, there have been numerous industrial properties rezoned to the TOD and TS Overlay districts to convert to transit oriented land uses.

**What is the minimum side yards required for various zoning districts, when an office use is adjacent to an industrial use?**

Staff Response: An office use proposed in a TOD district would require no minimum side yard adjacent to an industrial use. Except, if one is provided, it must be a minimum of five feet in width. The same is true of an office use proposed in the industrial districts (I-1 and I-2).

Office Use in Zoning District	Minimum Side Yard adjacent to an Industrial Use
MUDD, UMUD, PED, RE-3, and CC	None
I-1, I-2, TOD, and TS	None, except if provided, then a minimum of 5'
UR-C, B-1, B-2, and MX	None, except if provided, then a minimum of 8'
NS	None, except if provided, then a minimum of 10'
O-2 and O-3	5'
O-1, B-D, and U-I	10'
B-P	20'
RE-1	25'
RE-2	0' to 50' depending on lot size

**How is the Noise Ordinance enforced?**

Staff Response: The Charlotte Mecklenburg Police Department is responsible for enforcing the Noise Ordinance. When a complaint is filed, an Officer(s) will respond and talk with the property owner. The responding Officer(s) will use a noise meter to determine if the site is in violation of the Noise Ordinance.