

Mayor Daniel Clodfelter Mayor Pro-Tem Michael D. Barnes

Al Austin John Autry
Ed Driggs Claire Fallon
David Howard Patsy Kinsey
Vi Alexander Lyles LaWana Mayfield
Greg Phipps Kenny Smith

CITY COUNCIL ZONING AGENDA
Monday, December 15, 2014

- 5:00PM – Council/Manager Dinner
Meeting Chamber Conference Room**

- 6:00PM – Zoning Meeting
Meeting Chamber**

**ALL REZONING PETITIONS MAY BE VIEWED ON THE WEB AT
www.rezoning.org**

DINNER MEETING AGENDA
Monday, December 15, 2014

1. Agenda Review – Tammie Keplinger

DEFERRAL / WITHDRAWAL REQUESTS

| Item # | Petition # | Petitioner/Description | Update |
|---------------|-------------------|---|---|
| 3 | 2014-019 | Charlotte-Mecklenburg Planning Department - west corner of the intersection of Mallard Creek Road and Salome Church Road | Decision – Defer to March Protest Sufficient |
| 4 | 2014-021 | Charlotte-Mecklenburg Planning Department for a Text Amendment related to mobile farmer's markets | Decision - Defer to January |
| 6 | 2014-068 | City of Charlotte – Statesville Avenue, Dalton Avenue, North Graham Street and Armour Drive | Decision – Defer to March |
| 9 | 2014-092 | Pavilion Development Company - northeast corner at the intersection of Nations Ford Road and Tyvola Road | Decision - Defer to January Protest Insufficient |
| 12 | 2014-101 | LGI Homes NC, LLC – east side of Reames Road between Beklla Vista Court and Lawnmeadow Drive | Decision – Defer to January |

MISCELLANIOUS REQUESTS AND INFORMATION

| Item # | Petition # | Petitioner/Description | Update |
|---------------|-------------------|--|--|
| 5 | 2014-043 | Mark Patterson – west side of Prosperity Church Road between Prosperity Point Lane and Pinewood Lane | Decision - Protest Petition - Sufficient |
| 18 | 2014-074 | Terwilger Pappas Multifamily Partners, LLC – northeast corner of the intersection of North Community House Road and Bryant Farms Road | Hearing - Protest Petition – Sufficient |
| 19 | 2014-078 | Park Selwyn, LLC – north side of East Woodlawn Road between Brandywine Road and Selwyn Avenue | Hearing - Protest Petition - TBD |
| 21 | 2014-109 | Midtown Area Partners II, LLC - northeast corner of Baxter Street and South Kings Drive | Hearing - Protest Petition - TBD |

2. Follow-Up Report – Tammie Keplinger

3. Rezoning Cases of Special Interest – Tammie Keplinger

4. Area Plan Status and Text Amendment Update – Ed McKinney

ACRONYMS

Zoning District Acronyms

- **B-1** – neighborhood business district
- **B-2** – general business district
- **B-1SCD** – business shopping center district (old district)
- **BD** – distributive business district
- **BP** – business park district
- **CC** – commercial center district
- **HW** – hazardous waste
- **I-1** – light industrial district
- **I-2** – general industrial district
- **INST** – institutional district
- **MUDD** – mixed use development district
- **MX-1** – mixed use district
- **MX-2** – mixed use district
- **MX-3** – mixed use district
- **NS** – neighborhood services district
- **O-1** – office district
- **O-2** – office district
- **O-3** – office district
- **R-3** – single-family residential – up to 3 dwelling units per acre (dua)
- **R-4** – single-family residential – up to 4 dua
- **R-5** – single-family residential – up to 5 dua
- **R-6** – single-family residential – up to 6 dua
- **R-8** – single-family residential – up to 8 dua
- **R-8MF** – multi-family residential – up to 8 dua
- **R-12MF** – multi-family residential – up to 12 dua
- **R-17MF** – multi-family residential – up to 17 dua
- **R-22MF** – multi-family residential – up to 22 dua
- **R-43MF** – multi-family residential – up to 43 dua
- **R-MH** – residential manufactured housing
- **RE-1** – research district
- **RE-2** – research district
- **RE-3** – research district
- **TOD** – transit oriented development
- **TOD-E** – transit oriented development – employment
- **TOD-M** – transit oriented development – mixed use
- **TOD-R** – transit oriented development – residential
- **U-I** – urban industrial district
- **UMUD** – uptown mixed use district
- **UR-1** – urban residential
- **UR-2** – urban residential
- **UR-3** – urban residential
- **UR-C** – urban residential – commercial

Zoning Overlay District Acronyms

- **CR/LWW** – Catawba River / Lake Wylie watershed
- **CR/LWWCA** – Catawba River / Lake Wylie watershed – critical area
- **CR/LWWPA** – Catawba River / Lake Wylie watershed – protected area
- **HD-O** – historic district overlay
- **LNW** – Lake Norman watershed overlay
- **LNWCA** – Lake Norman watershed – overlay, critical area
- **LNWPA** – Lake Norman watershed – overlay, protected area
- **LLWW** – Lower Lake Wylie watershed overlay
- **LLWWCA** – Lower Lake Wylie watershed – overlay, critical area
- **LLWWPA** – Lower Lake Wylie watershed – overlay, protected area
- **MILW** – Mountain Island Lake watershed overlay
- **MILWCA** – Mountain Island Lake watershed – overlay, critical area
- **MILWPA** – Mountain Island Lake watershed – overlay, protected area
- **MH** – manufactured home overlay
- **PED** – pedestrian overlay district
- **TS** – transit supportive overlay district

Miscellaneous Zoning Acronyms

- **CD** – conditional district
- **INNOV** – innovative standards
- **SPA** – site plan amendment
- **O** – optional provisions

Miscellaneous Other Acronyms

- **CAG** – citizen advisory group
- **CDOT** – Charlotte Department of Transportation
- **FEMA** – Federal Emergency Management Agency
- **LED** – light emitting diode
- **NCDOT** – North Carolina Department of Transportation
- **PCCO** – Post Construction Control Ordinance

ZONING DECISIONS

1. [Petition No. 2012-102](#) (Council District 1 – Kinsey) **by Eastway Holdings** for a change in zoning for approximately 21.50 acres located on the southwest corner at the intersection of Eastway Drive and Central Avenue from B-1SCD (business shopping center) to B-1SCD SPA (business shopping center, site plan amendment).

The Zoning Committee found this petition to be consistent with the *Eastside Strategy Plan*, based on information from the staff analysis and the public hearing, and because:

- The plan identifies this area for redevelopment and revitalization.

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

- The proposed site plan allows the redevelopment of a portion of the existing shopping center; and
- The proposed site plan does not exceed the maximum square footage allowed by the previous petition.

The Zoning Committee voted 7-0 to recommend **APPROVAL** of this petition with the following modifications:

1. Amended Proposed Development Summary to reflect total square footage for the B-1SCD SPA (business shopping center, site plan amendment) as 225,753 square feet, which aligns with Note 3 under Development Limitations.
2. Addressed CATS comment by adding a note committing to provide a bus shelter pad, at a location to **be determined with CATS along the site's frontage on Central Avenue.**
3. Addressed CDOT comments as follows:
 - (a) Added a note that prior to the issuance of a certificate of occupancy for the new building, petitioner shall dedicate and convey to the City of Charlotte right-of-way in the northwest quadrant of the intersection of Central Avenue and Eastway Drive as follows:
 - (i) an area in size of 12 feet by 115 feet on Central Avenue; and
 - (ii) an area in size of 19 feet by 125 feet on Eastway Drive.
 - (b) Added a note that before the proposed Building A certificate of occupancy is issued, only one driveway will be permitted between Central Avenue and existing Building F. The location of Driveway #5 will be determined in the construction permitting phase and approved by CDOT and NCDOT.
4. Amended Proposed Development Area Summary to reduce the portion of existing building demolition from 4,501 square feet to 3,401 square feet.
5. Amended Proposed Development Area Summary to reduce the proposed building addition from 17,500 square feet to 16,500 square feet.
6. Amended Note 3 under Development Limitations to reflect a new maximum of 16,500 square feet for the freestanding building.
7. Added the following notes under the heading of Lighting:
 - a. All direct lighting will be designed in a manner that minimizes glare toward adjacent streets and properties.
 - b. All site lighting installed on the site after the approval of the site plan amendment **shall be "full-cut off" type fixtures. Light trespass shields shall be used on site** lighting installed after the approval of this site plan amendment to avoid light spill across property lines. No new floodlights or unshielded wall-pak lighting may be installed on the site after the approval of this site plan amendment.
8. Added note under heading of Signs that no more than two project identification signs may be erected on the site.

Staff recommends approval of this petition.

[Attachment 1](#)

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| | <p>2. <u>Petition No. 2014-001 SUB</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Subdivision Ordinance to: 1) modify the definition of planned development; 2) clarify existing regulations and update references, formatting and tables; 3) relocate regulations into the proper section; 4) correct the dimension of the right-of-way requirements for local residential wide streets; 5) remove the requirement for delivery of final plats to the Planning Department and remove references to the County and Board of Commissioners; 6) clarify street spacing requirements; 7) clarify the standards for required streets when lots or building sites are part of a multi-family development; 8) update the notice and hearing requirements for variances and appeals; the standards for granting a variance; and the standards for making decisions; and 9) update the appeal regulations.</p> <p>The Zoning Committee found this petition to be consistent with the <i>Centers, Corridors, and Wedges Growth Framework</i> and consistent with the <i>North Carolina General Statutes</i>, based on information from the staff analysis and the public hearing, and because the text amendment:</p> <ul style="list-style-type: none"> • Provides clarifications to the existing regulations; and, • Updates the notice and hearing requirements for variances and appeals; the standards for granting a variance; the standards for making decisions; and the appeal regulations; and, • Preserves and enhances existing neighborhoods. <p>Therefore, the Zoning Committee found this petition to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • It makes the regulations consistent with the North Carolina General Statutes. <p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p><u>Attachment 2</u></p> |
| <p>Deferral (to March)</p> <p>Protest Sufficient</p> | <p>3. <u>Petition No. 2014-019</u> (Outside City Limits) by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 26.47 acres located on the west corner of the intersection at Mallard Creek Road and Salome Church Road from CC (commercial center) to R-4 (single family residential).</p> <p>The Zoning Committee voted 7-0 to DEFER this petition to their February 25, 2015 meeting.</p> <p><u>Attachment 3</u></p> |
| <p>Deferral (to January)</p> | <p>4. <u>Petition No. 2014-021</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to: 1) create a new definition for mobile farmer's market; 2) allow mobile farmer's markets in all zoning districts; and 3) create new prescribed conditions for mobile farmer's markets.</p> <p>The Zoning Committee voted 7-0 to DEFER this petition to their January 5, 2015 meeting.</p> <p><u>Attachment 4</u></p> |
| <p>Sufficient Protest</p> | <p>5. <u>Petition No. 2014-043</u> (Council District 4 - Phipps) by Mark Patterson for a change in zoning for approximately 2.71 acres located on the west side of Prosperity Church Road between Prosperity Point Lane and Pinewood Lane from R-3 (single family residential) to INST(CD) (institutional, conditional).</p> <p>The Zoning Committee found this petition to be inconsistent with the <i>Northeast District Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The Plan recommends single family residential up to four dwelling units per acre for this site. <p>However, the Zoning Committee found this petition to be reasonable and in the public</p> |

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| | <p>interest based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • Area plans typically do not specify locations for institutional uses; and • The site has frontage along a major thoroughfare; and • The proposed use would serve the needs of the surrounding neighborhoods. <p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Reduced the length of the new internal walkway by eliminating the portion that runs along the inside of the driveway and instead locating it along the guest parking area to connect to the sidewalk along Prosperity Church Road. This walkway may meander to preserve any existing trees. 2. Removed the sign from the site plan. 3. Added the heading "Signage" and a note stating that signage is permitted per the ordinance. <p>Staff recommends approval of this petition.</p> <p><u>Attachment 5</u></p> |
| <p>Deferral (to March)</p> | <p>6. <u>Petition No. 2014-068</u> (Council District 2- Austin) by City of Charlotte for a change in zoning for approximately 5.59 acres generally bounded by Statesville Avenue, Dalton Avenue, North Graham Street and Armour Drive from I-2 (general industrial) to MUDD-O (mixed use development, optional).</p> <p>The Zoning Committee voted 7-0 to DEFER this petition to their January 5, 2015 meeting.</p> <p><u>Attachment 6</u></p> |
| | <p>7. <u>Petition No. 2014-075</u> (Council District 6 - Smith) by Crossroads Realty Group, LLC for a change in zoning for approximately 2.6 acres located on the southwest corner of Fairview Road and Closeburn Road between Park Road and Park South Drive from R-3 (single family residential) to UR-2(CD) (urban residential, conditional).</p> <p>The Zoning Committee found this petition to be consistent with the <i>South District Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The proposed single family attached use is consistent with the residential use called for in the adopted area plan; and • The proposed site qualifies for an increase in density up to 17 dwelling units per acre. <p>Therefore, the Zoning Committee found this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • Units along Closeburn Road will be oriented so that front doors of units front the street; and, • Units along Fairview Road will be oriented so that either front doors or sides of units will be oriented toward the street and the rear of units and garages may not be oriented toward either street; and • A 15-foot wide landscaped area will be provided abutting existing residential zoning and/or land use to the side and rear of the site; and • A pedestrian pocket park that will be improved with landscaping and seating areas will be provided; and • Construction traffic is limited to Fairview Road. <p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Specified minimum plantings within the 15-foot landscaped areas as four trees per 100 linear feet and a variety of evergreen and deciduous shrubs at a rate of 10 shrubs per 100 linear feet. 2. Specified that the proposed pocket park will be improved with landscaping and seating areas. 3. Addressed Engineering comment by adding the following note: The petitioner will |

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| | <p>provide peak flow control for the 100-year, six-hour storm run-off from the developed site to the predevelopment peak flow rate. The petitioner reserves the right to perform a 100-year storm no rise analysis of the site to demonstrate that the additional peak control for the 100-year storm event is not needed.</p> <p>4. Added the following notes under the heading of Construction Traffic and Construction Staging:</p> <ol style="list-style-type: none"> a. The petitioner will direct construction traffic from and to the site and deliveries of construction materials to use Fairview Road to access the site. b. Staging for the development of the site will occur on site. <p>Staff recommends approval of this petition.</p> <p><u>Attachment 7</u></p> |
| | <p>8. <u>Petition No. 2014-79</u> (Council District 1 – Kinsey) by Crescent Communities, LLC for a change in zoning for approximately 3.0 acres located on the southwest corner at the intersection of South Tryon Street and East Stonewall Street from UMUD (uptown mixed use) to UMUD-O (uptown mixed use, optional).</p> <p>The Zoning Committee found this petition to be consistent with the <i>Charlotte Center City 2020 Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • <i>Charlotte Center City 2020 Plan</i> recognizes Center City as the central economic engine and diversified employment hub of the region, and encourages enhancement of the pedestrian environment through use of visual improvements as one means to identify, support, and retain retail and business activities; and • The subject property will complete the Tryon Mall on the southern side of Tryon Street. <p>Therefore, the Zoning Committee found this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The subject property will complete the Tryon Mall on the southern side of Tryon Street; and • The subject property will comply with the majority of the Tryon streetscape elements designed to provide uniformity through the area and tie together the various architectural styles and unique urban spaces. <p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Amended optional requests under Notes 2A and 2B to specify the need for and proposed use of the signage options requested, as follows: <ol style="list-style-type: none"> a. This signage shall be limited to building identification, tenant identification, and artistic/civic/cultural displays or messages. Off-premises signs and outdoor advertising signs shall not be permitted. 2. Deleted optional request under Note 2C to allow deviations from the paving system requirements established under Section 9.906(2) (a) of the Ordinance. 3. Amended Notes 2A and 2B to specify that off-premises signs and outdoor advertising signage shall not be permitted. 4. Deleted optional request under Note 2D to allow deviations from the street tree standards established under Section 9.906(2) (g) of the Ordinance. 5. Amended optional request Note 2C to delete the following: “unless otherwise approved by the Planning Director, the temporary retail vendor zones may accommodate, but shall not be limited to push-carts, tents, stands, tables, wagons and trailers.” 6. Amended optional request Note 2C to state any vendors within the retail vendor zone must comply with any applicable street vendor ordinances or policies. 7. Deleted vendor structures shown on Sheet RZ-09. 8. Amended optional request Note 2F to specify the following: <ol style="list-style-type: none"> a. This reduced setback shall only apply to an approximately 270 foot portion of the site’s Stonewall Street frontage measured from the back of curb on the south side of Tryon Street and extending in a southerly direction down Stonewall Street. Portions of the site’s Stonewall Street frontage beyond this area must comply with standard Ordinance provisions. |

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| | <p>b. Walls within the reduced setback area shall incorporate plantings, integrated seating, or other features to stimulate pedestrian interest; all as generally depicted on RZ-03 through RZ-05 and RZ-09. Additionally, such walls shall be made of decorative architectural precast or stone or other natural materials, or a combination thereof.</p> <p>9. Addressed CDOT comments by amending optional requests.</p> <p>10. Added Note 2E as follows: Deviations from the street right-of-way and streetscape requirements established under Section 9.906(i2) (f) of the Ordinance to remove the requirement to provide furniture or benches within the right-of-way along the site's Tryon Street frontage.</p> <p>Staff recommends approval of this petition.</p> <p><u>Attachment 8</u></p> |
| <p>Deferral (to January)</p> <p>Protest Insufficient</p> | <p>9. <u>Petition No. 2014-092</u> (Council District 3 - Mayfield) by Pavilion Development Company for a change in zoning for approximately 1.79 acres located on the northeast corner at the intersection of Nations Ford Road and Tyvola Road from CC (commercial center) to CC SPA (commercial center, site plan amendment).</p> <p>The Zoning Committee voted 7-0 to DEFER this petition until their January 5, 2015 meeting.</p> <p><u>Attachment 9</u></p> |
| | <p>10. <u>Petition No. 2014-095</u> (Council District 4 - Phipps) by QuikTrip Corporation for a change in zoning for approximately 5.08 acres located on the north side of North Tryon Street between West Pavilion Boulevard and Salome Church Road from R-3 (single-family residential) and NS (neighborhood services) to B-1(CD) (neighborhood business, conditional).</p> <p>This petition is found to be inconsistent with the <i>Northeast Area Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The <i>Northeast District Plan</i> recommends residential land uses for the site; and • The adopted plan limits most of the retail uses to the opposite side of North Tryon Street where a large amount of undeveloped land zoned appropriately for the proposed use exists; and • The proposed site design and layout is inconsistent with the adopted policies. <p>Therefore, this petition is found not to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The petition is inconsistent with the adopted area plan; and • The proposed site design and layout is inconsistency with adopted policies. <p>The Zoning Committee voted 5-2 to recommend DENIAL of this petition. The following modifications have been made:</p> <ol style="list-style-type: none"> 1. A note has been added that accessory service windows will not be allowed on the site. 2. The proposed parking has been removed from the 30-foot setback along Salome Church Road. 3. 0.57 acres has been labelled to be dedicated for the future West Pavilion Boulevard Extension. 4. A note has been added that "The maximum gross square footage allowed on site shall be 8,000 square feet. The area under the canopy over the gas pumps associated with a convenience store shall not be included in the calculation of the maximum gross floor area." 5. Possible tree save areas have been labeled and shown on the site plan. 6. The note has been modified under Architectural Standards that "changes will be allowed per section 6.207 of the City of Charlotte Zoning Ordinance." 7. The proposed building materials on the proposed elevations have been labeled. 8. A note has been added that large expanses of wall exceeding 20 feet in length will be avoided through the introduction of articulated facades, using various materials such |

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| | <p>as brick and other masonry products, stone, glass windows, water table, and/or soldier course.</p> <ol style="list-style-type: none"> 9. A note has been added that pole signs will not be allowed. 10. References to the proposed signage have been removed from the site plan. 11. Amended Note 4 under Architectural Standards to include "above ground backflow preventer assemblies." 12. A note has been added that a northbound right-turn lane with a minimum of 100 feet of storage will be constructed on Salome Church Road and extend the storage for the existing westbound directional crossover on North Tryon Street at Salome Church Road from 260 feet to 475 feet. 13. A note has been added that the petitioner shall dedicate and convey to the City of Charlotte right-of-way necessary for the future construction by others of a southbound right-turn lane with a minimum of 100 feet of storage on West Pavilion Boulevard at its intersection with North Tryon Street. 14. A wetlands letter has been submitted for the petition as requested by Engineering and Property Management. 15. Identification signage will be limited to 50 square feet and a height of seven feet. <p>Staff recommends denial of this petition.</p> <p><u>Attachment 10</u></p> |
| | <ol style="list-style-type: none"> 11. <u>Petition No. 2014-096</u> (Council District 7 - Driggs) by Lenox Development Group, LLC for a change in zoning for approximately 6.09 acres located on the north side of Ardrey Kell Road and between Blakeney Heath Road and Community House Road across from Carson Whitley Avenue from R-3 (single family residential) to NS (neighborhood services). <p>The Zoning Committee found this petition to be inconsistent with the <i>South District Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The <i>South District Plan</i> recommends residential land uses at up to three dwelling units per acre; and • The <i>General Development Policies</i> support residential densities up to eight dwelling units per acre for this site. <p>However, the Zoning Committee found this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The proposed retail uses have not been objected to by the neighborhood; and • It connects well to the existing retail development along Ardrey Kell Road. <p>The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Provided a cross-section and elevations for the proposed six-foot wooden fence to be located in a portion of the 44-foot Class "B" buffer. 2. Committed to a minimum office square footage of 25 percent. 3. Eliminated reductions to buffers abutting residential zoning and/or use. 4. Updated the site plan to reflect the approved variance for a 100-foot PCCO (Post Construction Controls Ordinance) buffer (approved October 16, 2014) and eliminated the architectural site plan page reflecting a 200-foot PCCO buffer. 5. Amended Note 2b under Permitted uses and Development Area Limitations to add the following as prohibited uses: animal crematorium, bus and train terminals, civic/social/fraternal facilities, equipment rental and leasing firms including retail sale of products grown on premises, fences and fence material sales within an enclosed building, funeral homes & embalming, gunsmiths, active adult retirement communities, adult care centers, adult care homes, bed and breakfasts, beneficial fill sites, boarding houses, car washes, cemeteries, child care center in a residence/family childcare homes, rooming houses, construction & demolition landfills, dormitories, dwellings mixed use, jails & prisons, land clearing and inert debris landfills offsite, nursing homes/rest homes/homes for the aged, off-street parking as a principal use, open space recreational uses, orphanages/children's homes and similar nonprofit institutions providing domiciliary care for children, outdoor fresh produce stands, |

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| | <p>single room occupancy residences, eating/drinking/entertainment establishments Type 1&2 with more than 5,000 square feet of gross floor area, drive-in windows as an accessory to the principal use, helistops, land clearing and inert landfill onsite, outdoor storage of any materials/stocks/equipment, and satellite dish farm in conjunction with a telecommunications and data storage facility/radio station/television station.</p> <ol style="list-style-type: none"> 6. Replaced "restaurants" with "eating, drinking, entertainment establishments Type 1 and Type 2." 7. Amended Note 2b under Access and Transportation to state that a left-turn lane and right-turn lane along Ardrey Kell Road will be installed along Ardrey Kell Road to serve the site subject to CDOT and NCDOT requirements. 8. Amended Note 5a under Streetscape, Buffers, Yards, and Landscaping to specify the portion of the site's frontage along Ardrey Kell road where the existing sidewalk and planting strip will be preserved. 9. Amended Note 5b under Streetscape, Buffers, Yards and Landscaping to specify three different treatments along portions of the 44-foot Class "B" buffer, which include the addition of a six-foot wooden fence, existing berm and new vegetation, and existing vegetation supplemented with trees. <p>The following staff identified issues are outstanding:</p> <ol style="list-style-type: none"> 1. Limit permitted uses to "personal services" as listed in Note 2(a), and/or office uses. 2. Reduce overall square footage from 30,000 to 20,000 square feet. 3. Add note committing building design to be residential in character. <p>Staff recommends denial of this petition.</p> <p><u>Attachment 11</u></p> |
| <p>Deferral (to January)</p> | <ol style="list-style-type: none"> 12. <u>Petition No. 2014-101</u> (Council District 2 - Austin) by LGI Homes NC, LLC for a change in zoning for approximately 14.30 acres located on the east side of Reames Road between Bella Vista Court and Lawnmeadow Drive from UR-1(CD) (urban residential, conditional) to R-5 (single-family residential). <p>The Zoning Committee voted 7-0 to DEFER this petition to their January 5, 2015 meeting.</p> <p><u>Attachment 12</u></p> |
| | <ol style="list-style-type: none"> 13. <u>Petition No. 2014-102</u> (Council District 1 - Kinsey) by Charlotte-Mecklenburg Planning Department to establish zoning for approximately 0.59 acres located on the west side of East Stonewall Street between South College Street and South Caldwell Street from no current zoning to UMUD (uptown mixed use). <p>The Zoning Committee found this petition to be consistent with the <i>Center City 2020 Vision Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The Plan recommends mixed residential and non-residential uses. <p>Therefore, the Zoning Committee found this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The petition establishes the zoning for property that was former I-277 right-of-way; and • The petition allows all uses in the UMUD (uptown mixed use) district. <p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p><u>Attachment 13</u></p> |

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| | <p>14. Petition No. 2014-103 (Council District 7 – Driggs) by Weekley Homes, LP for a change in zoning for approximately 5.5 acres located on the north side of Endhaven Lane between North Community House Road and Misty Ridge Lane from R-3 (single-family residential) to UR-2(CD) (urban residential, conditional).</p> <p>The Zoning Committee found this petition to be consistent with the <i>South District Plan and the General Development Policies</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The <i>South District Plan</i> recommends residential land uses for the site and the proposed density is slightly higher than the eight dwelling units per acre recommended by the <i>General Development Policies</i>. <p>Therefore, the Zoning Committee found this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The petition is consistent with the <i>South District Plan</i> and the <i>General Development Policies</i>. <p>The Zoning Committee voted 6-1 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. A note has been added that a pedestrian refuge will be provided along Endhaven Lane. 2. Freestanding lighting has been limited to 20 feet. 3. Possible on-street parking has been labeled and shown on the site plan 4. Elevations have been provided for the facades facing Endhaven Lane. Staff recommends approval of this petition. <p>Staff recommends approval of this petition.</p> <p>Attachment 14</p> |
| | <p>15. Petition No. 2014-106 (Council District 6 - Smith) by Quail Hollow Village, c/o Harris Land Company for a change in zoning for approximately 19.13 acres located at the southeast corner of the intersection between Park Road and Gleneagles Road from CC (commercial center) to CC SPA (commercial center, site plan amendment).</p> <p>The Zoning Committee found this petition to be consistent with the <i>South District Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The <i>South District Plan</i> recommends a mixture of retail, office and residential uses as amended by a previous rezoning. <p>Therefore, the Zoning Committee found this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The proposed uses are largely unchanged from the prior plan except for the addition of by-right multi-family residential. <p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Amended Note E under permitted uses to read as follows: "Residential units may be converted to retail, eating/drinking/entertainment or office space at the rate of one residential unit for 300 square feet of retail, eating/drinking/entertainment or office floor area up to a limit of 30,000 square feet of retail, eating/drinking/entertainment or office floor area so converted." 2. Replaced "restaurant" with "eating/drinking and entertainment establishments." 3. Deleted the following note under Permitted Uses: "For the purposes of determining individual development restrictions that may apply, the term 'restaurant' will be deemed to include both 'eating, drinking and entertainment establishments'. Specified that Type I and Type II eating/drinking and entertainment establishments are permitted." 4. Noted that parking is not permitted as a ground floor use along Glen Eagles Road or Park Road, with the exception of a portion of the Park Road frontage. |

5. Retained the existing elevations and added and/or amended notes under the heading of Architectural Standards as follows:

General Character

- (a) The elevations associated with the building to be located within the building envelopes are included to reflect the spirit of the architectural style only and may change in location and massing as the plan evolves further.
- (b) The architectural character throughout the project will take inspiration from a neo-classical interpretation of elements found in Southeast American resorts. Primarily **this will mimic design elements of what is called "Italianate" Mediterranean.** All sides of the buildings are to be constructed using four sided architecture using brick, stone, synthetic stone, stucco, synthetic stucco, wood, synthetic wood, and similar materials for primary walls. Vinyl siding will not be used as a building material for exterior walls but may be used for trim, soffits, and architectural detail.
- (c) Meter banks will be hidden from public view. Mechanical equipment located on the roof of the buildings shall be screened from public view at grade and will include screen walls of architectural quality and material comparable to the primary buildings walls.
- (d) Uses shall not primarily orient the service side of buildings to Park Road or Glen Eagles Road. Solid waste/recycling areas will not be allowed to abut either street unless such areas are enclosed by a wall treatment similar to the architecture of the building and that incorporates a combination of complimentary details. Service areas, dumpster areas and recycling areas will be enclosed by a solid wall with one side being a decorative gate. The wall used to enclose the dumpster will be architecturally compatible with the building materials and colors used on the buildings. If one or more sides of a dumpster area adjoin a side or rear wall of a building then the side or rear wall may be substituted for a side.
- (e) Above ground backflow preventer will be screened from public view and will be located outside of the required setbacks.
- (f) Uses on the site that may include the use of a drive through service window will be integrated into the overall building massing and architectural design and not be located as freestanding uses on out parcels.
- (g) Open spaces on the site can include combinations of landscaping and hardscape, urban gardens, seating and gathering spaces, ornamental architecture that could, but are not required to include, structures, fountains, performance spaces, and similar amenities to be developed as each part of the site that the open space is associated with is developed. The minimum size of the main urban open space area on the site will include a minimum of 15,000 square feet of area.

Buildings along Park Road

- (a) The arrival circle from Park Road is now an urban-style courtyard framed by buildings that will sweep traffic arriving midblock to the small arc of parking to the south, and into the upper parking level.
- (b) The row of commercial buildings to the corner of Gleneagles Road now front directly on Park Road. Although the functional address faces the internal side, these structures will be built with four sided architecture and streetscape along the Park Road frontages as generally depicted on the illustrative concept plan.
- (c) The small gathering space between the buildings along Park Road closest to Gleneagles Road is meant to accommodate outdoor seasonal seating, streetscape features and become a primary visual focus for that main portion of the site.
- (d) The building massing at the corner of Park and Gleneagles Roads may take on a multi-story character, up to four levels with architectural elements and roofline elements that reinforce the classical architectural character outlined.

Buildings along Gleneagles Road

- (a) Where the site slopes dramatically close to Park Road the structure will allow for a **'base' that accommodates street facing display windows, options for tenant and project identity,** and extensive landscaping to soften the base edges.
- (b) Along Gleneagles Road the building footprint is angled to create a strong view corridor into the village plaza level allowing for tenants to take advantage of outdoor seating, display, and storefront potentials.
- (c) A small retail/commercial pavilion sitting in the apex of the two internal drives from Gleneagles will break down the scale of the taller elements beyond and feature four-sided architecture, external gathering and seasonal seating spaces, and a roofline that will be crafted to highlight its key location.
- (d) The building massing along Gleneagles next to Seven Eagles will have a base

retail/commercial and upper level residential units. This creates a distinct street wall **along the project's internal drive** setback off of Gleneagles Road accommodating unit features such as terraces allowing for interplay of visual variety along this façade.

6. Provided a definition for specialty retail as follows: **"Specialty Retail is a term used as part of the trip calculation process and are generally small strip shopping centers that contain a variety of retail shops and specialized in quality apparel, hard goods and services such as real estate offices, dance studios, florists and small restaurants."**
7. Provided a note that any drive through window service lane along Gleneagles Road will be screened with a combination of landscaping and low masonry wall.
8. Added the following note related to conversion allowances:
Based on the conversion allowances listed above, and with full recognition that the maximum numbers presented below are theoretical and would include concomitant reductions in the amounts of other development types, the following list is intended to **provide a 'maximum' development amount for each of the development types** allowed on the site subject to the total trip generation limitation below:
 - a. Total maximum retail space including all retail types: 290,000 sq. ft.
 - b. Total maximum office space including all office types: 205,000 sq. ft.
 - c. Total maximum hotel rooms: 200
 - d. Total maximum residential units at 22 du/ac: 420
9. Added note that square footage/use conversions will be documented through the Administrative Approval Process to verify that the conversion proposed complies with the provisions of this site plan.
10. Added notes committing to construct a minimum of 10,000 square feet of office floor area, and a minimum of 80 residential units as part of the overall development.
11. Specified open space to be provided as a total of 184,000 square feet consisting of 60,000 square feet of urban open space and gardens, and 124,000 square feet of additional open space that includes buffers and utility easements. Also specified the minimum amount, location and amenities on the site plan.
12. Amended Note E under Transportation to specify that sidewalks may meander to add variety to the streetscape.
13. Added a note indicating that exterior corridors will not be utilized as part of the hotel building.
14. Amended note under Permitted Uses as follows: All of the foregoing development types and amounts listed and the conversion rights reserved above are subject to a total trip generation of 13,250 trips per day as specified in the Transportation Memorandum that accompanies this plan amendment. A cumulative total trip generation count will be provided by the petitioner as part of building permitting submittals to ensure that the total trip generation for the site does not exceed 13,250 trips per day.
15. Addressed Transportation comments by providing a technical memorandum to update the original traffic study, and revising Note D under Transportation to remove the last sentence as follows: Construct an additional westbound left turn lane on Glen Eagles Road with 440 feet of combined storage and a 15:1 taper. ~~It is anticipated that this lane can be developed within the existing median.~~
16. Amended the arrangement of building envelopes and eliminated Building Envelope D.
17. Amended the following notes under Architectural Standards General Character:
 - a. Note D: Uses shall not primarily orient the service side of buildings to Park Road or Glen Eagles Road. Solid waste/recycling areas will not be allowed to abut either street unless such areas are enclosed by a wall treatment similar to the architecture of the building and that incorporates a combination of complimentary details. Service areas, dumpster areas, and recycling areas will be enclosed by a solid wall with one side being a decorative gate.
 - b. Note G: The minimum size of the main open space area on the site will include a minimum of 15,000 square feet of area.
18. Added the following notes under Architectural Standards General Character:
 - a. Note H: Underground or structured parking will not be exposed along Park Road or Glen Eagles Road.
 - b. Note I: Streetscape treatment will be a unifying element through the use of consistent paving, lighting, landscaping and, when provided, site furnishings throughout the site.
 - c. Note J: Specialty pavers, stained and patterned concrete/paving or other similar means will be used to call attention to amenity areas, gathering spaces, plazas and as a method of way finding.
 - d. Note K: Facades over 200 feet in length along Park Road and Glen Eagles Road shall

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| | <p>incorporate wall projections or recesses a minimum of five feet in depth. The combined length of said recesses and projections shall constitute at least 20% of the total façade length.</p> <ul style="list-style-type: none"> e. Note L: Facades greater than 20 feet in length and over five feet in height shall be treated with a combination of display windows, building step backs, change in materials, landscaping or other pedestrian oriented architectural features. f. Note M: Ground floor facades facing Park Road and Gleneagles Road shall have windows or doors for at least 50% of a vertical zone 2.5 feet to 8 feet above finished floor of the buildings. Windows can be display/showcase windows, poster cases, closed shuttered windows or real windows into the store but it is not mandatory to actually see into the store. Tenants can also have signage for each individual space facing Park Road and Gleneagles Road that comply with City of Charlotte Signage Ordinance. Ground floor facades located in front of parking spaces along Park Road are required to have clear vision glass. <p>19. Added the following notes under Architectural Standards Buildings along Park Road:</p> <ul style="list-style-type: none"> a. Note E: The petitioner will provide landscaping or a complimentary wall to screen the grocery service areas from Park Road. <p>20. Amended Sheet RZ-2 to clarify that plaza areas and part of extra wide sidewalks beyond eight feet will count toward open space.</p> <p>Staff recommends approval of the petition.</p> <p><u>Attachment 15</u></p> |
| | <p>16. <u>Petition No. 2014-111</u> (Council District 5 - Autry) by Cambridge Properties, Inc. for a change in zoning for approximately 3.31 acres located on the north side of Albemarle Road between Hollirose Drive and Circumferential Road from B-1(CD) (neighborhood business, conditional) and R-3 (single-family residential) to B-1(CD) (neighborhood business, conditional) and B-1(CD) SPA (neighborhood business, conditional, site plan amendment).</p> <p>The Zoning Committee found a portion of this petition to be inconsistent with <i>the Eastside Strategy Plan</i> and found a portion of this petition to be consistent with the <i>Eastside Strategy Plan</i>, based on information from the staff analysis and the public hearing, because:</p> <ul style="list-style-type: none"> • A portion of the property is recommended for retail and a portion of the property is recommended for institutional. <p>However, the Zoning Committee found this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The proposed request will allow for a more consistent development pattern with similar development requirements. <p>The Zoning Committee voted 6-1 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Petitioner has amended site plan to add language and note that total maximum building square footage for all three buildings combined will not exceed 20,000 square feet. The petitioner has replaced "restricted" with "prohibited" in the first sentence under Permitted Uses. 2. Reduce parking between the building and the street and design the parking in a pattern consistent with other new development along this segment of Albemarle Road. Staff is rescinding this request and agrees with the petitioner's rationale for allowing the parking layout to remain as proposed on the site plan. Justification provided by the petitioner is as follow: <ol style="list-style-type: none"> a. Provides parking on the sides of each building to limit the number of parking spaces in front of the building. b. Commitment to a 2'-8" brick knee wall (to match the brick of the buildings) at the back of the 30-foot setback, which will also include a hedgerow. c. Each building has a dedicated five-foot pedestrian walk connecting the building to the new six-foot sidewalk along Albemarle Road. 3. The petitioner has labeled all elevations as shown on Sheet RZ3.1. 4. The petitioner has included revised elevations for each proposed building including |

- typical side elevations and brick detail.
5. The heading PCCO Treatment has been renamed Environmental Features.
 6. The note pertaining to the required 30-foot setback (formerly Note 9a) has been removed since the setback is shown. Notes pertaining to buffers are now under Streetscape and Landscape.
 7. The heading Sideyards/Buffers has been removed from the site plan.
 8. The site plan has been modified to state signage will be per ordinance.
 9. Addressed CDOT and Storm Water comments as follows:
 - a. **Addressed CDOT's request to place maximum building square footage on site plan (maximum 20,000 square feet for all three buildings combined).**
 - b. Addressed Storm Water comment by removing notes 7a and 7b and replacing language as requested: **"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."**
 10. Modified the height of the proposed screen wall along Albemarle Road to read as **2'-8"**, which was previously noted as 2.5 ft.
 11. Added the following to the list of prohibited uses: tattoo parlors, smoke shops, liquor stores, pawn shops, check cashing stores.
 12. Added a detail on Sheet RZ2.0 that depicts the improvements between Albemarle Road and the proposed parking area (8-foot planting strip, 6-foot sidewalk, **lawn/setback, shrub hedgerow with 2'-8" brick wall**).

Staff recommends approval of this petition.

[Attachment 16](#)

ZONING HEARINGS

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| | <p>17. <u>Petition No. 2014-042</u> (Council District 3 - Mayfield) by Moss Road Development Partners, LLC for a change in zoning for approximately 2.84 acres located on the southwest corner at the intersection of South Tryon Street and Moss Road from NS (neighborhood services) to NS SPA (neighborhood services, site plan amendment).</p> <p>Staff does not support this petition in its current form.</p> <p style="text-align: center;"><u>Attachment 17</u></p> |
| <p>Protest Sufficient</p> | <p>18. <u>Petition No. 2014-074</u> (Council District 6 – Driggs) by Terwilliger Pappas Multifamily Partners, LLC for a change in zoning for approximately 10 acres located on the northeast corner at the intersection of North Community House Road and Bryant Farms Road from B-1(CD) (neighborhood business, conditional) to NS (neighborhood services).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p style="text-align: center;"><u>Attachment 18</u></p> |
| <p>Protest Petition TBD</p> | <p>19. <u>Petition No. 2014-078</u> (Council District 6 –Smith) by Park Selwyn, LLC for a change in zoning for approximately 1.21 acres located on the north side of East Woodlawn Road between Brandywine Road and Selwyn Avenue from UR-2(CD) (urban residential, conditional) to UR-2(CD) SPA (urban residential, conditional, site plan amendment).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p style="text-align: center;"><u>Attachment 19</u></p> |
| | <p>20. <u>Petition No. 2014-108</u> (Council District 5 – Autry) by U-Haul Company of Charlotte for a change in zoning for 1.4 acres generally located at the southwest corner of the intersection between Albemarle Road and Farm Pond Lane from B-2 (general business) to B-D(CD) (distributive business, conditional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p style="text-align: center;"><u>Attachment 20</u></p> |
| <p>Protest Petition TBD</p> | <p>21. <u>Petition No. 2014-109</u> (Council District 1 - Kinsey) by Midtown Area Partners II, LLC for a change in zoning for approximately 1.99 acres located on the northeast corner of the intersection of Baxter Street and South Kings Drive and the south side of Luther Street between Cecil Street and Cherry Street from R-8 (single-family residential), UR-C(CD)(PED) (urban residential – commercial, conditional, pedestrian overlay), and B-1(PED) (neighborhood business, pedestrian overlay) to MUDD-O (mixed use development, optional) and MUDD-O(PED) (mixed use development, optional pedestrian overlay).</p> <p>Staff does not recommend approval of this petition in its current form.</p> <p style="text-align: center;"><u>Attachment 21</u></p> |
| | <p>22. <u>Petition No. 2014-112</u> (Council District 6 – Smith) by Mohammad R. Bolouri for a change in zoning for approximately 1.23 acres located on the east side of Sardis Road across from Wilby Drive from INST(CD) (institutional, conditional) to INST(CD) SPA (institutional, conditional, site plan amendment).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p style="text-align: center;"><u>Attachment 22</u></p> |

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| | <p>23. <u>Petition No. 2014-116</u> (Council District 6 – Smith) by Spectrum Properties Residential, Inc. for a change in zoning for approximately 9.07 acres located on the north and south sides of Abbey Place near the intersection of Park Road and Abbey Place from R-17MF (multi-family residential) to UR-2(CD) (urban residential, conditional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><u>Attachment 23</u></p> |
| | <p>24. <u>Petition No. 2014-118</u> (Council District 1 – Kinsey) by Cotswold Partners, LLC for a change in zoning for approximately 2.21 acres located on the east side of Randolph Road between Greenwich Road and North Sharon Amity Road from B-1 (neighborhood business) to MUDD-O (mixed use development, optional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><u>Attachment 24</u></p> |
| | <p>25. <u>Petition No. 2015-010</u> (Council District 2 – Austin) by The Salvation Army for a change in zoning for approximately 2.68 acres located on the west side of Statesville Avenue south of Oliver Street and east of Spratt Street from O-6(CD) (office, conditional) to MUDD-O (mixed use development, optional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><u>Attachment 25</u></p> |
| | <p>26. <u>Petition No. 2014-114</u> by Stor-All Storage for a Text Amendment to the City of Charlotte Zoning Ordinance to allow an increase in the maximum FAR for “warehousing, within a completely enclosed building” when the building is multi-story.</p> <p>Staff recommends approval of this petition.</p> <p><u>Attachment 26</u></p> |