

City of Charlotte

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



Zoning Committee Agenda

**Wednesday, November 1, 2017
5:30 p.m.**

Charlotte-Mecklenburg Government Center - Room 280

Zoning Committee Work Session

*John Fryday, Chairperson
Sam Spencer, Vice-Chairperson
Elizabeth McMillan
Nasif Majeed
Bolyn McClung
Dionne Nelson
Michael Sullivan*

Zoning Committee Work Session

Deferrals

1. Rezoning Petition: 2016-120 by Charter Properties, Inc.

Requesting Deferral of Zoning Committee Recommendation to December 5, 2017

Agent: John Carmichael

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

Location: Approximately 76.77 acres located on the north side of Brown-Grier Road near the intersection of Steele Creek Road and Brown-Grier Road. (Council District 3 - Mayfield)

Current Zoning: R-3 (single family residential)

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

Public Hearing Held: *October 16, 2017 - Item #38*

2. Rezoning Petition: 2017-057 by Childress Klein Properties, Inc.

Requesting Deferral of Zoning Committee Recommendation to December 5, 2017

Agents: Bridget Grant, Keith MacVean, & Jeff Brown, Moore & Van Allen, PLLC

Staff Resource: [John Kinley](#)

Location: Approximately 5.4 acres located at the southeast corner of the intersection of Pineville-Matthews Road and Providence Road. (Council District 7 - Driggs)

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

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

Public Hearing Held: *September 18, 2017 - Item #27*

3. Rezoning Petition: 2017-101 by Optimist Park Partners, LLC

***Requesting Deferral of Zoning Committee Recommendation
to December 5, 2017***

Agents: John Carmichael

Staff Resource: [Sonja Strayhorn Sanders](#)

Location: Approximately 2.17 acres located on the north and south sides of East 16th Street, and east of the intersection of East 16th Street and Parkwood Avenue. (Council District 1 - Kinsey)

Current Zoning: R-22MF (multi-family residential), R-8 (single family residential), B-2 (general business), and B-1 (neighborhood business)

Proposed Zoning: TOD-R(O) (transit oriented development-residential, optional)

Public Hearing Held: *October 16, 2017 - Item #30*

Zoning Items

4. Rezoning Petition: 2016-109 by Royal Panthera, LLC

Agent: Michael Newman

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

Location: 3.3 acres located north of interstate 85 and south of Tuckaseegee Road across from Toddville Road. (Council District 3 - Mayfield)

Current Zoning: R17MF (multi-family residential)

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

Public Hearing Held: *October 16, 2017 - Item #31*

Staff Recommendation:

Staff recommends approval of this petition.

The following items have been addressed:

Site and Building Design

1. Added the following notes to the site plan:
 - a. Building elevations shall not have expanses of blank walls greater than 20 feet in all directions, and architectural features such as but not limited to banding, medallions or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.
 - b. 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.
 - c. Multi-story buildings should have a minimum of 20% transparency on all upper stories.
2. Petitioner revised site plan to show a sidewalk from entrance drive sidewalk to covered entrance.
3. Petitioner revised shape of driveway to include sidewalk that connects covered entrance with sidewalk on Grand Lake Drive.

Environment

4. Note 7A reads: "The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Stormwater Ordinance." Development Note 7C reads: "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."

REQUESTED TECHNICAL REVISIONS

5. Added the proposed square footage of the hotel (143,700 square feet) under "Development Data."
6. Add the proposed number of hotel rooms (139) under "Development Data."
7. Add maximum building height and number of stories (75 feet, 5 floors/stories) under "Development Data."
8. Added floor area ratio (FAR) under Development Data. The O-2 zoning district allows a maximum FAR of 1.0.
9. Revised site plan (all sheets) to note 5-foot side yard, not setback. Notes that side yard will be increased one foot for each foot in proposed building height in excess of 40 feet.
10. Revised site plan (all sheets) to note 20-foot rear yard, not setback.

5. Rezoning Petition: 2017-071 by Saussy Burbank, LLC

Agents: Collin Brown and Bailey Patrick, Jr.

Staff Resource: [Sonja Strayhorn Sanders](#)

Location: Approximately 1.5 acres located on the north side of East 36th Street between Spencer Street and Charles Avenue. (Council District 1 - Kinsey)

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

Proposed Zoning: UR-2(CD) (urban residential, conditional), with five-year vested rights.

Public Hearing Held: *October 16, 2017 - Item #29*

Staff Recommendation:

Staff recommends approval of this petition.

The following items have been addressed:

Transportation

1. Amended Sheet RZ-2 to depict and label an eight-foot planting strip and eight-foot sidewalk behind the existing back-of-curb along the site's East 36th Street frontage, with the sidewalk located behind the curb. Added Note V(5) under "Streetscape" that references an alternative streetscape. CDOT staff will continue to work with petitioner during the permitting phase regarding streetscape requirements.
2. Revised the site plan and conditional notes to provide an two-foot planting strip, six-foot sidewalk and eight-foot planting strip along the Spencer Street frontage. Added Note V(5) under "Streetscape" that references an alternative streetscape. CDOT staff will continue to work with petitioner during the permitting phase regarding streetscape requirements.

Site and Building Design

3. Provided building elevations for townhomes depicting the front, side, and rear of buildings. Labeled the location of the two single family detached residential units.
4. Petitioner agrees to move the note under "Open Space" stating that "the Petitioner shall comply with the Post Construction Controls Ordinance and tree save requirements" to a new heading titled "Environment".
5. Revised the site plan and conditional notes to better differentiate driveways and walkways. Clarified that individual driveways shall not be provided along East 36th Street o Spencer Street, and that townhome and single family residential units shall be accessed from the proposed private drive.
6. Provided an inset depicting Development Areas "A" and "B."
7. Petitioner agrees to submit an amended rezoning application to remove the request for five-year vested rights.
8. Agreed to amend site plan to reflect the standard streetscape as requested in the adopted area plan, with reference to the alternative streetscape requested per Note V(5).

The following notes have been added or amended after the public hearing:

1. Amended Note V(5) under Streetscape and Landscaping to add that an alternative streetscape plan will be provided along East 36th Street.

6. Rezoning Petition: 2017-083 by CapRock LLC

Agents: Keith MacVean & Jeff Brown

Staff Resource: [Sonja Strayhorn Sanders](#)

Location: 1.16 acres located between Seigle Avenue and Harrill Street, west of Van Every Street. (Council District 1 - Kinsey)

Current Zoning: I-2 (general industrial)

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

Public Hearing Held: *October 16, 2017 - Item #27*

Staff Recommendation:

Staff recommends approval of this petition upon outcome of the variance.

The following items have been addressed:

Transportation

1. Petitioner agrees to properly dimension the future back-of-curb on Harrill Street as 17.5 feet.
2. Depicted on the site plan both existing and proposed right-of-way lines along each of the site's public street frontages to determine areas where right-of-way and/or sidewalk easements will be required.

Site and Building Design

3. Buildings at the corner of Van Avery Street and Harrill Street are limited to two stories and 40 feet in height. The other building along Harrill Street has a small amount of street frontage, with only the side of one unit fronting on Harrill Street. The primary frontage of this building is along the railroad right-of-way. This building is limited to a maximum of 40 feet and three stories.
4. Provided illustrative annotated building elevations with views from all streets to clarify commitments and building materials.
5. Revised elevations and site plan to propose scale, orientation, setbacks and design that are more consistent with the existing character of the neighborhood.
6. Add note that petitioner reserves right to seek a variance to allow the existing stairs on Seigle Avenue to serve as the access to the public street, as intended by Section 12.529 of the zoning ordinance.
Staff has rescinded this request because the petitioner's property does not include the existing stairs that provide access to Seigle Avenue. Existing note 2E under "Access and Transportation" states the petitioner reserves the right to seek a variance to not require a sidewalk connection to Seigle Avenue as required by Section 12.529 of the ordinance.

The following notes have been added or amended following the public hearing:

1. Added Note 9a as follows: The petitioner will work with the Belmont Neighborhood Association to commission an artist to install a mural on the existing retaining wall located along the site's frontage on Seigle Avenue. The petitioner will have the right to review and approve the mural that will be installed. The petitioner will provide up to \$5,000 to implement the installation of the proposed mural. These funds will be contributed to the Belmont Homeowners Association prior to the issuance of the last certificate of occupancy issued in the townhome community. The funds must be used to install a mural along Seigle Avenue.
2. Added Note 3L under "Access and Transportation" as follows: The petitioner will provide a sidewalk easement that will include the proposed sidewalks and two feet behind the proposed sidewalks along Van Every Street and Harrill Street.
3. Revise the site plan to show the future back of curb along Van Every and Harrill Avenue so that the width of each street will be 26 feet from face curb to face of curb. This change was based on conversation with CDOT last week and will address CDOT's comment.

4. Changed recessed on-street parking to parallel on street parking. This change is possible due to the new curb line locations.
5. Reduced the setback along Van Every by two (2) feet to accommodate the new curb line.
 - a. The setback along Van Every has changed from 30 feet from the existing back of curb to 28 feet from the future back of curb for the primary structure.
 - b. The front porch setback along Van Every was also modified to go from 24 feet from the existing back of curb to 22 feet from the back of new curb.
6. Modified the note regarding the Mural along Seigle Avenue to add the words "Community" when referring to the Belmont Neighborhood Association, and to indicate the mural will be placed on existing or "future replacement" retaining "wall" should the wall have to be replaced. Below is the note including the highlighted changes.

7. Rezoning Petition: 2017-104 by Cambridge Properties, Inc.

Agent: Cambridge Properties, Inc.

Staff Resource: [John Kinley](#)

Location: Approximately 25.6 acres located on the south side of McKee Road between Providence Hills Drive and Carrington Forest Lane. (Council District 7 - Driggs)

Current Zoning: R-3 (single family residential)

Proposed Zoning: R-5(CD) (single family residential, conditional)

Public Hearing Held: *October 16, 2017 - Item #28*

Staff Recommendation:

Staff recommends approval of this petition.

The following items have been addressed:

Site and Building Design

1. Modified the site plan and development standards to clarify that the 35-foot rear yard is measured from the internal boundary of the 20-foot common open space/ undisturbed buffer for lots abutting parcels along Providence Hills Drive. A 35-foot rear yard, measured from the property line is provided for lots abutting parcels along Nettleton Court.
2. Amended note 8d under "Features" to delete "This buffer may be included in either the rear lots or as common open space" and replaced with "A 20 ft undisturbed buffer will be maintained within Common Open Space (COS) in the area depicted on the Technical Data Sheet. This undisturbed buffer is not included in the lots and will be established as Common Open Space as part of the subdivision plat." because it will difficult to regulate individual property owners from cutting trees within their lots.
3. Increased the side setback abutting the streets for all corner lots to 10 feet to meet the requirements of the Zoning Ordinance. The Zoning Ordinance Section 12.102(7) requires the side yard abutting the street to be 50% of the front setback.
4. Added a note stating that if parking is provided on driveway pads then there will be a minimum distance of 20 feet from the back of the sidewalk to the face of the garage.

REQUESTED TECHNICAL REVISIONS

Site and Building Design

5. Staff rescinded the request to add "5-year vested rights" to the proposed zoning classification because the petitioner agreed to remove the request from the rezoning application.
6. Amended note 6a under "Architectural Standards" to say "...included as part of this Technical Data Sheet and Schematic Site Plan." The schematic site plan depicts site requirements not shown on the Technical Data sheet.

Environment

7. Deleted the words "discharge points" from the upper, right corner of sheet RZ-2.

The following items were added or amended after the public hearing:

1. Modified the site plan to show phasing lines. Phase 1 is located in the northeast portion of the site, phase 2 on the western side of the site and phase 3 the southeast portion of the site.

The following item remains outstanding as a result of the revised site plan:

Transportation

1. Revise the site plan to show a left turn lane, with 150-foot storage, on McKee Road at the proposed western entrance. Additional right-of-way dedication may be required to accommodate this facility.

8. Rezoning Petition: 2017-106 by Charlotte Rescue Mission

Agent: Timmons Group

Staff Resource: [Solomon Fortune](#)

Location: Approximately 1.37 acres located at the northwest intersection of West 1st Street and South Cedar Street, north of West Morehead Street. (Council District 2 - Ivory)

Current Zoning: MUDD (mixed use development)

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

Public Hearing Held: *October 16, 2017 - Item #32*

Staff Recommendation:

Staff recommends approval of this petition.

The following items have been addressed:

Site and Building Design

1. Optional request "C" has been modified to read, "the existing building will be allowed to remain at 4.7 foot setback along a portion of West First Street."
2. The square footage of (7,570) has been labeled on the site plan for the existing building.
3. The height of the existing building has been limited to 50 feet.
4. The height of the proposed wall has been modified to 48 inches.

9. Rezoning Petition: 2017-111 by Lincoln Harris, LLC

Agents: Collin Brown and Bailey Patrick, Jr.

Staff Resource: [Solomon Fortune](#)

Location: Approximately 2.13 acres located on South Church Street, north of John Belk Freeway and south of East Stonewall Street. (Council District 2 - Ivory)

Current Zoning: UMUD (uptown mixed use)

Proposed Zoning: UMUD-O (uptown mixed use, optional)

Public Hearing Held: *October 16, 2017 - Item #33*

Staff Recommendation:

Staff recommends approval of this petition.

The following items have been addressed:

Site and Building Design

1. A note has been added that no single sign may be larger than 250 square feet except for the requested 600 square foot sign along Hill Street.
2. The request for five-year vested rights has been removed from the application and site plan.

10. Rezoning Petition: 2017-113 by Kolter Homes, LLC

Agents: Keith MacVean and Jeff Brown

Staff Resource: [Sonja Strayhorn Sanders](#)

Location: Approximately 8.3 acres located on the east side of Cresswind Boulevard, north of Albemarle Road, east of I-485 and west of Rocky River Church Road. (Council District 5 - Ajmera)

Current Zoning: MX-1(INNOV) (mixed use, innovative standards)

Proposed Zoning: NS (neighborhood services)

Public Hearing Held: *October 16, 2017 - Item #34*

Staff Recommendation:

Staff recommends approval of this petition.

The following items have been addressed:

Environment

1. Added the following note under Section 5 Environmental Features: "If the petitioner utilizes the existing BMP adjacent to the site for storm water management requirements of the proposed development, the Petitioner shall include documentation in the formal plan submittal for permitting confirming the proper easements have been established per City standards and that the BMP was properly designed and constructed to manage storm water runoff from all parcels served by it."
2. Showed and labeled the 100-foot Undisturbed Post Construction Stormwater Ordinance buffer on the site plan and adjusted expansion envelope to comply with buffer requirements.

Site and Building Design

3. Added a note that the proposed outdoor/indoor recreation and amenity area may be used to meet the active open space commitment set forth in Petition 2015-101.

Land Use

4. Amended permitted uses to include outdoor recreation.
5. Clarified the proposed location of the indoor and outdoor pools.

11. Rezoning Petition: 2017-114 by Bainbridge Companies

Agents: Keith MacVean and Jeff Brown

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

Location: Approximately 26.26 acres located on J.N. Pease Place, north of Ben Craig Drive and east of Mallard Creek Road. (Council District 4 - Phipps)

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

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

Public Hearing Held: *October 16, 2017 - Item #35*

Staff Recommendation:

Staff recommends approval of this petition.

The following items have been addressed:

Transportation

1. The petitioner revised site plan and conditional notes to indicate that the extension of Ben Craig Drive will be constructed to meet the standards for a local collector with provision of a 51-foot right-of-way for this extension, except that on the western edge of the road the right of way will extend to the limits of the existing property line.
2. The petitioner revised the site plan by adding a note specifying dedication and fee simple conveyance of all rights-of-way to the City before the site's first building certificate of occupancy is issued. Permanent sidewalk easement will be provided and located a minimum of two (2) feet behind the sidewalk where feasible.
3. The petitioner revised conditional note "d" under Section 3 by removing the "plus statutory interest" from the note.

Site and Building Design

4. Site plan now refers to 15-foot separation as per Section 9.303(19)(f)."
5. Building adjacent to Mallard Creek Road has been shifted to ensure a portion is not located within the setback.
6. Labeled minimum five-foot wide sidewalk between J.N. Pease Place and Mallard Creek Road. The sidewalk connection will be constructed and tied to the certificate of occupancy of the clubhouse leasing center.

The petitioner has added the following item since the public hearing:

1. Added note stating at least 40% of the exterior building facades, exclusive of windows, doors, balconies and roofs shall be constructed of brick, stone, pre-cast stone or pre-cast concrete.

12. Rezoning Petition: 2017-115 by CapRock, LLC

Agent: CapRock, LLC

Staff Resource: [Sonja Strayhorn Sanders](#)

Location: Approximately 4.64 acres located on the east side of Eastway Drive, south of North Tryon Street and north of the Blue Line Extension. (Council District 1 - Kinsey)

Current Zoning: B-2 (general business)

Proposed Zoning: TOD-R(CD) (transit oriented development-residential, conditional)

Public Hearing Held: *October 16, 2017 - Item #36*

Staff Recommendation:

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

The following items have been addressed:

Site and Building Design

1. Specified the minimum size of private open space and amenities to be provided as 1,390 square feet (0.03 acres).
2. Specified maximum building height of four stories not to exceed 50 feet.
3. Amended Sheet RZ-1 to reference rear yard requirements abutting the railroad right-of-way.
4. Added Note 2 under "Architectural & Site Design Standards" to specify building materials for the principal building as a combination of portions of 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 and handrails/railings.

Requested Technical Revisions

5. Added Note 6 under "Transportation" specifying that roadway improvements required by the development must be substantially completed prior to the issuance of the first certificate of occupancy for the first building on the site, subject to the ability of the petitioner to post a letter of credit or a bond for any improvements not in place at the time the first certificate of occupancy is issued.
6. The petitioner should be aware and potentially revise the site plan and conditional note(s) to add a left turn lane from into the site from Eastway Drive. NCDOT has indicated this will be required during permitting review. **Staff is satisfied that the petitioner is currently in ongoing discussions with NCDOT, with regards to access and requirements for improvements, and the plan will be updated as necessary during the permitting process.**

The following items are outstanding:

1. CDOT requests right-of-way set at two feet behind back-of-sidewalk where feasible.
2. Increase proposed set back to match building edge along Eastway Boulevard.

13. Rezoning Petition: 2017-116 by JKS Management 1600 Montford, LLC

Agent: Russell W. Fergusson

Staff Resource: [John Kinley](#)

Location: Approximately 0.82 acres located on the south side of Montford Drive, east of Park Road.
(Council District 6 - Smith)

Current Zoning: B-1 (neighborhood business)

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

Public Hearing Held: *October 16, 2017 - Item #37*

Staff Recommendation:

Staff recommends approval of this petition.

The following items have been addressed:

Land Use

1. Added a note prohibiting residential uses on the ground floor.

Transportation

2. Revised the site plan and conditional notes to provide an 16-foot setback as measured from the back of curb along the unnamed street. The setback shall include an eight-foot planting strip with hardscape sections covering portions of the planting strip and connecting the curb to the sidewalk. The setback also includes an eight-foot wide sidewalk which may extend to the building façade. CDOT rescinded the request for two-foot buffer between back of sidewalk and building envelope because there will be both sidewalk and hardscape from the curb to building face. Moved trees between the buildings and the side street toward the curb away from the building, placed in a planting strip with hardscape sections, so that the trees have room to grow away from the building.
3. Staff rescinded the request to provide cross access drive stub to the adjacent parcel (PID 17514501) because the petitioner declined to provide the stub because the adjacent parcel is not under the petitioner's control and a cross access stub would eliminate parking for the project.
4. Staff rescinded the request to include a \$25,000 contribution (prior to the issuance of the first certificate of occupancy) for the Montford Drive Streetscape Project being developed by the City because the petitioner declined to include a contribution because they are improving the street frontages abutting their site according to the plan recommendations along both Montford Drive and the unnamed street.

REQUESTED TECHNICAL REVISIONS

Transportation

5. Staff rescinded the request to revise the site plan to add a note specifying dedication and fee simple conveyance of all rights-of-way to the City before the site's first building certificate of occupancy is issued because the existing right-of-way includes the on street parking and most of the planting strip/ hardscape amenity zone and the petitioner has added a note committing to achieving CDOT approval before placing benches within the hardscape amenity zone and the sidewalk, located on the site, would extend from the hardscape zone to the edge of the building envelope.

The following items were added or amended after the public hearing:

1. Removed the loading space as it is not required in MUDD for the size of the building proposed. The removal of the loading space provided room for two additional parking spaces.
2. Increased the maximum building square footage by 1,000 square feet from 26,500 square feet to 27,500 square feet because of the provision of the two additional parking spaces.

14. Rezoning Petition: 2017-120 by Flywheel Group

Agents: Brant Grant, Keith MacVean and Jeff Brown

Staff Resource: [Sonja Strayhorn Sanders](#)

Location: Approximately 8.3 acres located on the west side of East Sugar Creek Road at the intersection of Raleigh Street, north the Blue Line Extension. (Council District 1 - Kinsey)

Current Zoning: I-2 (general industrial)

Proposed Zoning: TOD-M(O) (transit oriented development - mixed, optional), with five-year vested rights.

Public Hearing Held: October 16, 2017 - Item #38

Staff Recommendation:

Staff recommends approval of this petition.

The following items have been addressed:

Transportation:

1. The proposed zoning district has a setback measured from back of the existing or proposed future curblineline that has been reflected as listed below. ***The petitioner has generally addressed the CDOT comments but the future curblineline dimensions as have not been shown as requested. However, there is enough information there to proceed with the intent during permitting***
 - a. Raleigh Street - The location of future back-of-curb is 20.5 feet as measured for the street's existing centerline to accommodate a 10-foot travel lane and an eight-foot buffered bike lane. Should the petitioner desire on-street public parking along the site's frontage the above back-of-curb location will need to be increased by six-foot.
 - b. East Sugar Creek Street - The location of future back-of-curb is 32.5 feet to accommodate two 11-foot travel lanes and an eight-foot buffered bike lane.
2. Revised the site plan and conditional note(s) to show preservation for a local commercial street connection along the west property line and construction of the sidewalk for this street on the site's side.
3. Added a note specifying that all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued or phased per the site's development plan.
4. Amend site plan to depict and dimension the layout and typical street section along the site's Raleigh and Sugar Creek street frontage. The street sections should include elements as described above and in conditional notes including proposed building setback lines, future back-of-curb, proposed street right-of-way, XCLT, buffered bike lanes, travel lanes, planting strips and sidewalks. CDOT requests a conditional transportation note be added to the revised site plan committing the petitioner to construct the future Raleigh street section along the site's frontage as development occurs. ***Petitioner has not shown the future cross section elements and features as requested. However, there is enough information there to proceed with the intent during permitting.***
5. Showed the access points for both tracts in the proposed development.

Site and Building Design

6. Petitioner has agreed to specify whether public streets are included in proposed street network during the development process.
7. Amended Note 5C under "Streetscape, Landscaping, Open Space and Screening" to add the following: All intersection and driveway crossings will be appropriately designed to mitigate the increased risk of a two-way cycle track on a two-way street. In addition, specified that the approved cross-section of the Cross Charlotte Trail will be provided by the City of Charlotte.
8. Amended Note 5D under "Streetscape, Landscaping, Open Space and Screening" to reflect an eight-foot planting strip and eight-foot sidewalk along the south side of Raleigh Street as required per

the TOD (transit oriented development) district.

Land Use

9. Deleted Note 2B under "optional provisions" and ensure that all optional requests are listed under the heading.
10. Petitioner agrees to amend the rezoning application to eliminate the request for five-year vested rights.

The following notes have been added or amended after the public hearing:

1. Added Notes 4(I)(e) as follows: The petitioner shall preserve a local commercial street connection along the west property line and construct a sidewalk for this street as generally depicted on the technical data sheet at such time that the adjacent site is redeveloped.
2. Added Notes 4(I)(e) as follows: All transportation improvements will be approved and constructed prior to the issuance of the first certificate of occupancy. The petitioner reserves the right to post a bond or letter of credit for any improvements not completed at the time of the issuance of the first certificate of occupancy, and as further described in 5a.

15. Rezoning Petition: 2017-123 by Harris Teeter, LLC

Agent: John Carmichael

Staff Resource: [Sonja Strayhorn Sanders](#)

Location: Approximately 0.53 acres located on the south side of University City Boulevard, east of East W.T. Harris Boulevard. (Council District 4 - Phipps)

Current Zoning: B-1SCD (business shopping center (old shopping district))

Proposed Zoning: B-2(CD) (general business, conditional)

Public Hearing Held: *October 23, 2017 - Item #40*

Staff Recommendation:

Staff recommends approval of this petition.

Transportation

1. The petitioner has agreed to pay \$25,000 to CDOT to be used by CDOT to apply to the cost to construct and install certain pedestrian crossing improvements on University City Boulevard adjacent to the subject property.

Infrastructure

2. Improved the landing located along University City Boulevard by installing evergreen shrubs that will have a minimum height of three feet at the time of installation, and be installed in a manner to provide a minimum 65% opacity.

Land Use

3. Agreed to amend the Parking Summary on Sheet RZ-1 to reflect the correct required parking ratios of one space 250 instead of one space per 300 square feet for the proposed automotive fuel/gasoline center and accessory retail use.
4. Labeled the parking requirements so it is clear that after the removal of existing parking spaces to allow for the new development, the site will comply with the parking requirement per the B-1SCD.

16. Rezoning Petition: 2017-124 by Stockbridge 77 Corporate Park, LLC

Agent: John Carmichael

Staff Resource: [Solomon Fortune](#)

Location: Approximately 2.77 acres located off Saint Vardell Lane, north of Clanton Road, east of Interstate. (Council District 3 - Mayfield)

Current Zoning: B-D (distributive business)

Proposed Zoning: B-2(CD) (general business, conditional)

Public Hearing Held: *October 23, 2017 - Item #41*

Staff Recommendation:

Staff recommends approval of this petition.

The following item have been addressed:

[Site and Building Design](#)

1. A note has been added that accessory service windows will not be allowed on the site.

17. Rezoning Petition: 2017-125 by Eastgroup Properties

Agent: John Carmichael

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

Location: Approximately 24.23 acres located on the west side of Sandy Porter Road, north of Interstate 485. (Outside City Limits)

Current Zoning: R-3(AIR) (single family residential, airport noise overlay) and I-1(CD)(AIR) (light industrial, conditional, airport noise overlay)

Proposed Zoning: I-1(CD)(AIR) (light industrial, conditional, airport noise overlay) and I-1(CD)(SPA)(AIR) (light industrial, conditional, site plan amendment, airport noise overlay)

Public Hearing Held: October 23, 2017 - Item #42

Staff Recommendation:

Staff recommends approval of this petition.

The following items have been addressed:

Site and Building Design

1. Added a note stating that the eastern elevation of that building designated on the Rezoning Plan as Building 1 (the elevation facing Sandy Porter Road) will have a minimum transparency or glazing of 14%.
2. Shows sidewalks connecting entrances to public sidewalk along Sandy Porter Road. Added a note stating that proposed building entrances along the eastern elevation of Building 1 (the elevation facing Sandy Porter Road) are labelled or designated on the Building 1 footprint set out on the Rezoning Plan. However, Building 1 may be a multi-tenant building and as a result, the actual locations of the building entrances may be modified during the design development and permitting process.
3. With respect to Note 4.C. describe architectural elements. *Staff has rescinded this request. Note 4.C indicates that the buildings to be constructed on the site will be compatible and complementary and consistent with the buildings constructed on the Steele Creek Commerce Park site in terms of architectural style and character, types and colors of exterior building materials and fenestration.*
4. Provides development notes committing to filing a request for two administrative amendments to the approved conditional rezoning plan for rezoning petition 2016-009 in order to adjust the square footage and to remove a note and replace with another as relates to Gable Road. The administrative amendments will be filed prior to City Council's decision on the subject request.