

City of Charlotte

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



Zoning Committee Agenda

**Tuesday, December 5, 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

Zoning Items

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

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)

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

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

3. Rezoning Petition: 2017-095 by Lincoln Harris, LLC

Location: Approximately 75 acres located between Ardrey Kell Road and Golf Links Drive, west of Providence Road. (Council District 7 - Driggs)

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

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)

5. Rezoning Petition: 2017-102 by David Weekley Homes

Location: Approximately 3.63 located on the north side of Rea Road between Colony Road and Chadwyck Farms Drive. (Council District 7 - Driggs)

6. Rezoning Petition: 2017-108 by Arden Group, LLC

Location: Approximately 14.2 acres located along McFarlane Boulevard, and south of University City Boulevard. (Council District 4 - Phipps)

7. Rezoning Petition: 2017-127 by Craig Smith

Location: Approximately 1.49 acres located on the north side of Raleigh Street, east of Sugar Creek Road. (Council District 1 - Kinsey)

8. Rezoning Petition: 2017-130 by TwentyNine Fifteen Operations, LLC

Location: Approximately 0.42 acres located on the south side of Griffith Street, east of New Bern Street. (Council District 3 - Mayfield)

9. Rezoning Petition: 2017-131 by Saussy Burbank, LLC

Location: Approximately 0.70 acres located on the west side of Sharon Road, north of Hazleton Drive. (Council District 6 - Smith)

10. Rezoning Petition: 2017-134 by 813 Belmont, LLC

Location: Approximately 0.16 acres located at the intersection of the Harrill Street and Belmont Avenue. (Council District 1 - Kinsey)

11. Rezoning Petition: 2017-140 by Midwood-Overlook, LLC

Location: Approximately 0.50 acres located at the southwest corner of Central Avenue and Iris Drive.
(Council District 1 - Kinsey)

**12. Rezoning Petition: 2001-016 (C) by Marc Houle-Yarbrough
Williams - Innovative Request**



Agenda Date: 12/5/2017

Agenda #: 1. **File #:** 15-6910 **Type:** Zoning Item

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

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)

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

Public Hearing Held: *November 20, 2017*

Staff Recommendation:

Staff recommends approval of this petition.

Attachments:

Post Hearing Staff Analysis

Statement of Consistency

Map

Site Plan

December 5, 2017

REQUEST	Current Zoning: R-3 (single family residential) Proposed Zoning: R-12MF(CD) (multi-family residential, conditional)
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)
SUMMARY OF PETITION	The petition proposes to allow up to 597 multi-family and townhome units at a density of 7.78 units per acre on acreage that is partially vacant and partially developed with low density residential housing and agricultural uses in the Steele Creek Area.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Various Charter Properties, Inc. John Carmichael, Robinson, Bradshaw & Hinson, P.A.
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 19

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The proposed use is consistent with the residential land use recommendation, but inconsistent with the density of up to six dwelling units per acre, as per the *Steele Creek Area Plan*.

Rationale for Recommendation

- The proposed rezoning is located in the Steele Creek area, near Interstate 485 and between the Whitehall and Berewick developments. The site is in the southern portion of a 370-acre pocket of undeveloped land, in a high growth area.
- The proposed density is inconsistent with the adopted *Steele Creek Area Plan*. However, staff has performed a recent study, the *Steele Creek Development Response Study*, to relook at the area in which this site is located due to changing conditions, an increase in development pressure, and a significant opportunity due to the amount of contiguous vacant property.
- The development response indicates that the area in which the site is located is appropriate for primarily lower intensity residential development, generally at an overall density of up to six dwelling units per acre. In addition, the study further indicates that sites closer to Brown-Grier Road, such as the subject site, may be appropriate for somewhat higher density.
- The average density for the proposed development is eight units per acre, consistent with the development response study's consideration for higher density along Brown-Grier Road.
- The petition provides an on-site street network that is consistent with the development response study recommendations. The proposed street network connects to abutting vacant land, setting up for an extensive local street network for the larger area and supporting the City's street connectivity goals.
- The proposal also accommodates a future greenway that will provide green space and, when constructed, a bicycle and pedestrian amenity for area residents.

PLANNING STAFF REVIEW**• Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Proposes up to 597 multi-family and single family attached (for sale townhomes) residential units at a density 7.88 dwelling units per acre.
- Proposes a maximum height of 48 feet or three stories.
- Divides rezoning site into Development Area A and Development Area B.

Development Area A

- Up to 292 multi-family units on approximately 24.5 acres of the rezoning site, at 11.92 dwelling units per acre.
- Incidental and accessory uses may include, without limitation, a leasing and management office and amenities such as a clubhouse and fitness center, swimming pool, dog park, and outdoor grilling and gathering areas.

Development Area B

- Up to 305 townhomes on approximately 51.24 acres of the rezoning site, at 5.95 dwelling units per acre.
- The townhomes will include both front loaded units and alley loaded units.
- Incidental and accessory uses may include, without limitation, amenities such as a shade structure, swimming pool and playground.

Transportation Improvements

- Reserves as future right-of-way for future Dixie River Road (to be constructed by others and not Petitioner) a 100-foot wide portion of the Site located at the northeasterly corner of the Site generally depicted on the Rezoning Plan (the "Future Dixie River Road Right-of-Way").
- Dedicates and conveys to the City of Charlotte (the "City") or to NCDOT those portions of the Site located immediately adjacent to Brown-Grier Road as required to provide right-of-way measuring 61.5 feet from the existing centerline of Brown Grier Road.
- Provides a network of new streets throughout the site connecting to Brown-Grier Road and providing stub connections to the north and west.
- **Brown-Grier Road and Cedar Hill Drive/Proposed Access "A" (unsignalized)**
 - Construct an eastbound left-turn lane on Brown-Grier Road.
 - Construct westbound left-turn and right-turn lanes on Brown-Grier Road.
 - Construct Proposed Access "A."
- **Steele Creek Road and Brown-Grier Road (signalized)**
 - Extension of the existing southbound left-turn lane on Steele Creek Road.
 - Complete the extension of the westbound right-turn lane on Brown-Grier Road.
- **Brown-Grier Road and Proposed Access "B" (unsignalized)**
 - Construct an eastbound left-turn lane on Brown-Grier Road.
 - Construct a westbound right-turn lane on Brown-Grier Road.
 - Construct Proposed Access "B."
- **Brown-Grier Road and Proposed Cross-over Access "C" (unsignalized)**
 - Construct a westbound right-turn lane on Brown-Grier Road.
 - Construct an eastbound directional crossover.
 - Construct Proposed Access "C."
- **Brown-Grier Road and Proposed right in/out Access "D" (unsignalized)**
 - Construct a westbound right-turn lane on Brown-Grier Road.
 - Construct Proposed Access "D."
- The above roadway improvements must fit within the City of Charlotte's future planned widening project for Brown-Grier Road (slated to begin construction in 2020) that will improve the roadway corridor between Steele Creek Road and Sandy Porter Road. The improvements will include an additional thru lane in each direction and appropriate left-turn lanes or median island, buffered bike lanes, curb/gutter, planting strip, and sidewalk on both sides of the roadway.
- **Architectural Standards- Development Area A (multi-family)**
 - Proposes maximum building height of 48 feet or three (3) stories.
 - Proposes that the facade of a building that faces network streets shall contain a minimum of 20% brick, natural stone (or its synthetic equivalent), stucco or other material approved by the Planning Director.
 - Prohibits the following exterior building materials:
 - Vinyl siding (but not vinyl hand rails, windows, soffits, garage doors, doors or door trim).
 - Concrete masonry units not architecturally finished.
 - Focuses building placement and site design on enhancing the pedestrian environment through the following:
 - Buildings shall be placed so as to present a front or side facade to all network required streets (public or private).

- Buildings shall front a minimum of 50% of the total network required street frontage.
 - Parking lots shall not be located between any network required public or private street and a building.
- Building massing and height shall be designed to break up long monolithic building forms as follows:
 - Buildings exceeding 120 feet in length shall include modulations of the building.
 - Modulations shall be a minimum of 10 feet wide and shall project or recess a minimum of two (2) feet extending through at least a full floor.
 - Balconets (a railing in front of a window giving the effect of a balcony) shall not be used at the street level along network required public or private streets. Patios and porches, if any, shall make a connection to the sidewalk.
- Elevations, including the elevations of any garage carriage units that abut a network required public or private street, shall be designed to create visual interest as follows:
 - Building elevations shall be designed with vertical bays or articulated architectural facade features.
 - Buildings shall be designed with a recognizable architectural base on all facades facing network required public or private streets.
 - Building elevations facing network required public or private streets shall not have expanses of blank walls greater than 20 feet in all directions.
- Architectural Standards – Development Area B (townhomes)
 - Proposes maximum height of two (2) stories.
 - Proposes maximum height of 40 feet as measured from the average grade at the base of the building.
 - Provides conceptual architectural perspectives of the front elevations of the front loaded single family attached dwelling units to be constructed on the Site.
 - Proposes the primary exterior building materials for the single family attached dwelling units to be located on the Site be face brick, cementitious siding, manufactured stone ~~and~~ or stucco.
 - Prohibits use of vinyl, EIFS or masonite as an exterior building material on the single family attached dwelling units to be constructed on the Site. Notwithstanding the foregoing, vinyl may be utilized on windows, doors, garage doors, soffits, trim and railings.
 - Proposes all corner or end dwelling units that face a public or private street shall have windows or other architectural details that limit the maximum blank wall expanse to 10 feet on each level of the dwelling unit.
 - Provides walkways to connect each single family attached dwelling unit to the sidewalk located along the adjacent public or private street.
- Proposes a 50-foot Class C buffer along portions of the site's boundary lines. Class C buffer may be reduced by 25% with the installation of a wall, fence or berm per ordinance.
- Dedicates and conveys those portions of Development Area B that are depicted on the Rezoning Plan as Proposed 80' Greenway Area-Dedication From Top of Bank (the Greenway Area) to Mecklenburg County for future greenway purposes, prior to the issuance of a certificate of occupancy for the fiftieth (50th) single family attached dwelling unit constructed on that portion of the Site designated as Development Area B.
- Provides within the Greenway Area a 30-foot wide graded area to accommodate a 12-foot wide greenway trail to be constructed by Mecklenburg County and appropriate shoulders and drainage for the greenway trail.
- Limits height of freestanding lighting to 21 feet.
- **Existing Zoning and Land Use**
 - The site is developed with low density residential housing, agricultural use, and vacant/undeveloped land. The site immediately is surrounded by single family residential neighborhoods, educational institutions and office/retail uses.
 - North are undeveloped acreage, vacant land, low density single family residential homes, and retail uses zoned R-3 (single family residential), R-3 LLWPA (single family residential, Lower Lake Wylie Protected Area), R-4(CD) (single family residential, conditional), NS (neighborhood services), and CC LLWPA (commercial center, Lower Lake Wylie Protected Area).
 - East are single family homes, Kennedy Middle School, Steele Creek Elementary School, and vacant land zoned R-3 (single family residential) and UR-2(CD) (urban residential, conditional).
 - South are single family neighborhoods zoned R-3 (single family residential), R-4 (single family residential), R-4(CD) (single family residential, conditional), and multi-family residential homes zoned R-17MF (multi-family residential).
 - To the west are vacant land and single family neighborhoods zoned R-3 (single family residential) and R-3 LLWPA (single family residential, Lower Lake Wylie Protected Area).
 - See "Rezoning Map" for existing zoning in the area.

- **Rezoning History in Area**

- There have been rezonings in the immediate area to accommodate residential and retail/office uses.
 - Petition 2017-065 proposes to rezone approximately 11.98 acres located at the end of Rigsby Road, south of Interstate 485 and east of Paragon Drive, to R-22MF(CD) (multi-family residential, conditional) with five-year vested rights, in order to allow up to 240 residential dwelling units (multi-family, duplex, triplex, and quadraplex), not to exceed four stories in height. This petition is in inactive status.
 - Petition 2017-023 proposes to rezone approximately 16.23 acres on the east side of Steele Creek Road and south of Rigsby Road, across from Shopton Road West and Dixie Road, to MUDD-O (mixed use development, optional) with five-year vested rights in order to allow up to 50,000 square feet of non-residential uses and up to 210 multi-family residential units. This request has been deferred to a tentative January public hearing.
 - Petition 2015-045 approved UR-2(CD) (urban residential, conditional) zoning for up to 271 multi-family units on 16.98 acres located on the southwest corner at the intersection of Brown-Grier Road, West Arrowood Road and Sandy Porter Road.
 - Petition 2012-101 approved CC (commercial center) zoning for up to 35,000 square feet of retail and office uses on approximately 4.63 acres located on the west side of Steele Creek Road between Dixie River Road and Shopton Road West.

- **Public Plans and Policies**

- The *Steele Creek Area Plan* (2012) recommends residential land uses up to six dwelling units per acres for this site.
- In March of this year, City staff initiated the *Steele Creek Development Response Study* to address development opportunities and pressures in the area bounded by Interstate 485 on the north, Steele Creek Road on the west, Brown Grier Road on the south and Sandy Porter Road on the west. The subject property is located within the study boundaries. The findings of the study were that there have been a number of factors impacting development pressures in the study area, and these factors were unforeseen by the *Steele Creek Area Plan*. These include development of the Charlotte Premium Outlet Mall and changes in flight patterns at Charlotte Douglas International Airport. As a result of these factors and shifting market dynamics, the staff produced development study recommends that a variety of development types be recommended for the study area, instead of only low density residential as recommended by the adopted area plan. (Note: A summary document (not adopted by City Council) of the development response has been drafted and can be found at www.charlotteplanning.org)
- The development response depicted the subject property as appropriate for primarily lower intensity residential development, generally at an overall density of up to six dwelling units per acre. However, the study also indicated that sites closer to Brown-Grier Road, such as the subject site, or adjacent to office uses may be appropriate for increased density.
- The development response also recommended a preferred future street network and greenway system in order to increase connectivity in the area, and to establish the beginning of a transportation network for the 370 acres of undeveloped land in which this site is located.
- The site is also within the Whitehall/Ayrsley CNIP (Comprehensive Neighborhood Improvement Program) area, which is a program under the City's Community Investment Plan (CIP). The Whitehall / Ayrsley CNIP area includes a number of infrastructure improvement projects such as the Brown-Grier Road widening project, which is adjacent to this proposed rezoning petition.

- **TRANSPORTATION CONSIDERATIONS**

- The site is located along a major thoroughfare within the project limit of a City street improvement project. The current site plan creates a street network and preserves right-of-way that is consistent with the street network envisioned by the *Steele Creek Development Response Study* and also commits to mitigation measures identified in the traffic impact study. CDOT is working with the petitioner to coordinate with the City's Brown-Grier Road street improvement project.
- See Requested Technical Revisions, Note 10.
- **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 20 trips per day (based on two single family dwellings).
 - Entitlement: 3,600 trips per day (based on 381 single family dwellings).
 - Proposed Zoning: 3,590 trips per day (based on 292 apartments and 305 townhomes).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Housing and Neighborhood Services:** No issues.
- **Charlotte Fire Department:** No on-street parking for roads having less than 26-foot clear width.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning may generate 226 students, while the development allowed under the proposed zoning may produce 110 students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is 0 students.
 - The proposed development is projected to increase the school utilization (without mobile classroom units) over existing conditions as follows:
 - Berewick Elementary from 108% to 116%;
 - Kennedy Middle from 113% to 115%; and
 - Olympic High from 163% to 165%.
 - **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing 12-inch water distribution main located along Brown-Grier Road. Charlotte Water has sewer system availability for the rezoning boundary via existing eight-inch gravity sewer mains located along Brown-Grier Road and along Steele Creek Road (passing through parcels 201-48-101, 201-48-102, and 201-10-104). There is also a 12-inch gravity sewer main located along the eastern boundary of parcel 201-48-105.
- **Engineering and Property Management:**
 - **Arborist:** Trees in the right-of-way of Brown-Grier Road are protected by the Tree Ordinance. No trees can be removed from the right-of-way without permission of the City Arborist's office. No trees can be planted in the right-of-way of Brown-Grier Road without permission of NC Department of Transportation and the City Arborist's office. Contact Laurie Reid (704-336-5753) at the City Arborist's office for a tree planting permit before planting trees in the NCDOT right-of-way once plans have been approved by the City. The petitioner must submit a tree survey for all trees two inches or larger located in the right-of-way. In addition, the survey shall include all trees eight inches or larger in the setback.
 - **Erosion Control:** No issues.
 - **Land Development:** See Outstanding Issues, Notes 1 and 2.
 - **Storm Water Services:** No issues.
 - **Urban Forestry:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
- **Mecklenburg County Parks and Recreation Department:** Please note that Mecklenburg County Park and Recreation (MCPR) will not allow a road intersecting Park property from development site to Gallant Lane per the proposed stub connection shown to Mecklenburg County property line. MCPR recommends sidewalks on the proposed local residential wide road for a connection to the future greenway. **Addressed.**

OUTSTANDING ISSUESEnvironment

1. ~~Please show and label stream buffers on rezoning plan.~~ **Addressed**
2. ~~Please either delete Note D under the Environmental Features heading or revise note to read as follows: "The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Stormwater Ordinance."~~ **Addressed**
3. **Change Note 6.C. to read: The tree save areas depicted on the Rezoning Plan are conceptual, and the actual locations of the tree save areas on the Site may vary from what is depicted on the Rezoning Plan. The actual locations of the tree save areas shall be determined prior to the first plan approval during the permitting process. New issue based on revised site plan. The petitioner addressed this issue.**
4. ~~Parcel #201-481-01, 201-481-02, 201-481-03, 201-481-05, 201-105-09 and 201-101-04 A & B are adjacent to the Steele Creek Greenway corridor as indicated on the 2015 Greenway Master Plan Update. MCPR would like to request the following revisions from the petitioner to Revised Site Plan dated 9/18/2017:~~
 - ~~"Proposed 80 foot Greenway Area Dedication from Top of Bank" on both sides of Steele Creek Tributary.~~ **Addressed as noted under "Proposed Request Details".**
 - ~~For Development Standard 7. Parks, Greenway and Open Space — A: "Prior to the dedication and conveyance of the Greenway Area to Mecklenburg County, Petitioner shall have the right to install and locate utility lines through the Greenway Area and to reserve such easements over the Greenway Area that are necessary to maintain, repair and replace such utility lines;~~

~~and to reserve such other easements as may be reasonably necessary in connection with the development of the Site" as long as these easements and utility lines do not interfere with the construction and maintenance of the greenway. Any Easements must be reviewed prior to the greenway dedication.~~ **Addressed**

Site and Building Design

5. ~~Show trail along both sides of open space/tree save area. Connect units to trail and proposed amenity areas.~~ **Addressed**
6. ~~No alley loaded elevations have been provided, and should be included in the submittal.~~ **Addressed**
7. ~~Provide windows in all front loaded garage doors.~~ **Addressed**
8. ~~Increase porch/entrance architectural element to be more prominent.~~ **Staff rescinded this request.**
9. ~~For front loaded units, either change the setback of garage door so it is located behind the front door or change to rear loaded.~~ **Addressed by providing a minimum of 66% or 201 units that will be rear loaded units.**
10. ~~Revise Architectural Standards Note A(3)(d)(ii) language "Patios and porches, if any, shall make a connection to the sidewalk." Petitioner needs to commit to providing this element.~~ **Addressed**

REQUESTED TECHNICAL REVISIONS

Transportation

11. ~~The petitioner should remove Note 3H as it conflicts with Note 3I.~~ **Addressed**

Site and Building Design

12. ~~Note 2A.1 includes a playground to be located in Area A, but Note 7.F does not make mention of a playground in Area A.~~ **Addressed**
13. ~~Clarify if roll out carts are to be method of refuse/recycling for acreage to be developed with single family attached dwelling units.~~ **Addressed**

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Housing and Neighborhood Services Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Schools Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - City Arborist
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

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

Petition 2016-120 by Charter Properties, Inc.

To Approve:

([I move that the](#)) Zoning Committee finds the proposed use to be **consistent** with the *Steele Creek Area Plan* and the density **inconsistent** with the adopted plan based on information from the staff analysis and the public hearing, and because:

- The proposed use is consistent with the residential land use recommendation, but inconsistent with the density of up to six dwelling units per acre, as per the *Steele Creek Area Plan*.

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

- The proposed rezoning is located in the Steele Creek area, near Interstate 485 and between the Whitehall and Berewick developments. The site is in the southern portion of a 370-acre pocket of undeveloped land, in a high growth area; and
- The proposed density is inconsistent with the adopted *Steele Creek Area Plan*. However, staff has performed a recent study, the *Steele Creek Development Response Study*, to relook at the area in which this site is located due to changing conditions, an increase in development pressure, and a significant opportunity due to the amount of contiguous vacant property; and
- The development response indicates that the area in which the site is located is appropriate for primarily lower intensity residential development, generally at an overall density of up to six dwelling units per acre. In addition, the study further indicates that sites closer to Brown-Grier Road, such as the subject site, may be appropriate for somewhat higher density; and
- The average density for the proposed development is eight units per acre, consistent with the development response study's consideration for higher density along Brown-Grier Road; and
- The petition provides an on-site street network that is consistent with the development response study recommendations. The proposed street network connects to abutting vacant land, setting up for an extensive local street network for the larger area and supporting the City's street connectivity goals; and
- The proposal also accommodates a future greenway that will provide green space and, when constructed, a bicycle and pedestrian amenity for area residents.

Consistency:

Maker:

2ND:

Approve or Deny

Vote:

Dissenting:

Recused:

Recommendation:

Maker:

2ND:

Approve or Deny

Vote:

Dissenting:

Recused:

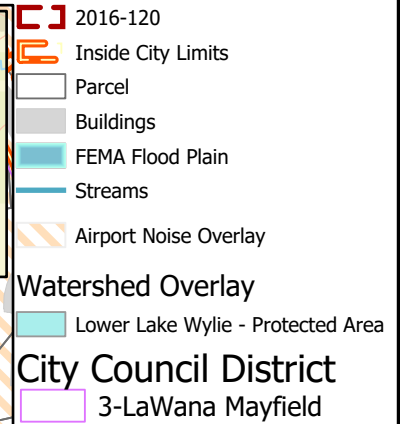
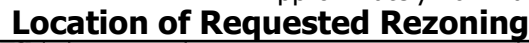
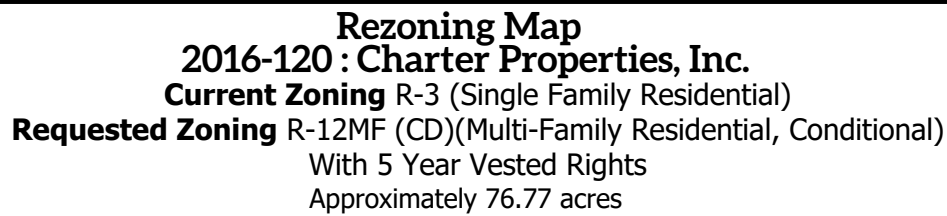
To Deny:

([I move that the](#)) Zoning Committee finds the proposed use to be **consistent** with the *Steele Creek Area Plan* and the density **inconsistent** with the adopted plan based on information from the staff analysis and the public hearing, and because:

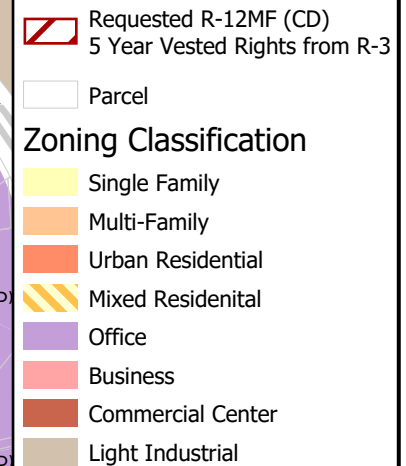
- The proposed use is consistent with the residential land use recommendation, but inconsistent with the density of up to six dwelling units per acre, as per the *Steele Creek Area Plan*.

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

- (To be explained by the Zoning Committee)

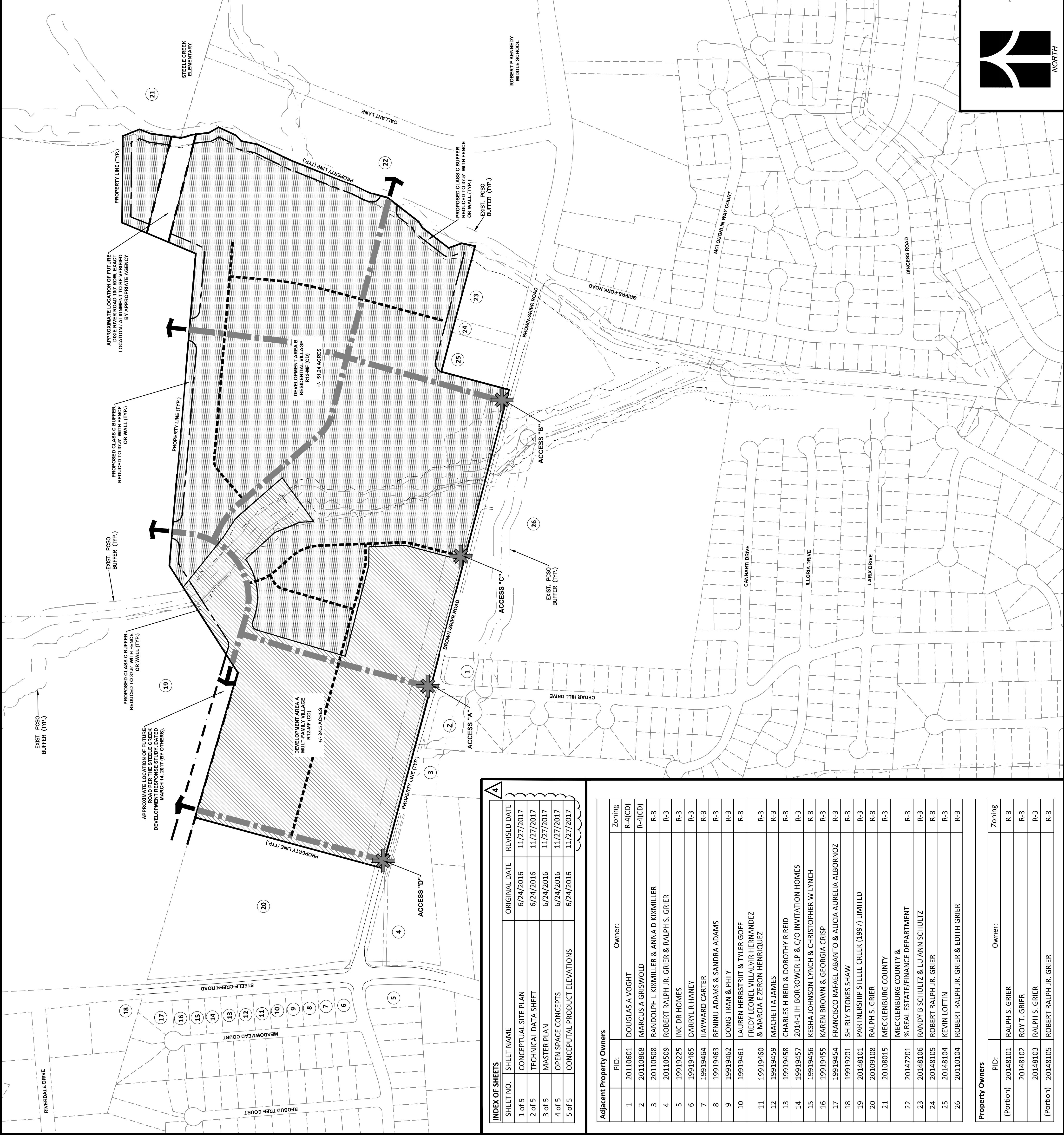


Existing Zoning & Rezoning Request



0 300 600 1,200 Feet

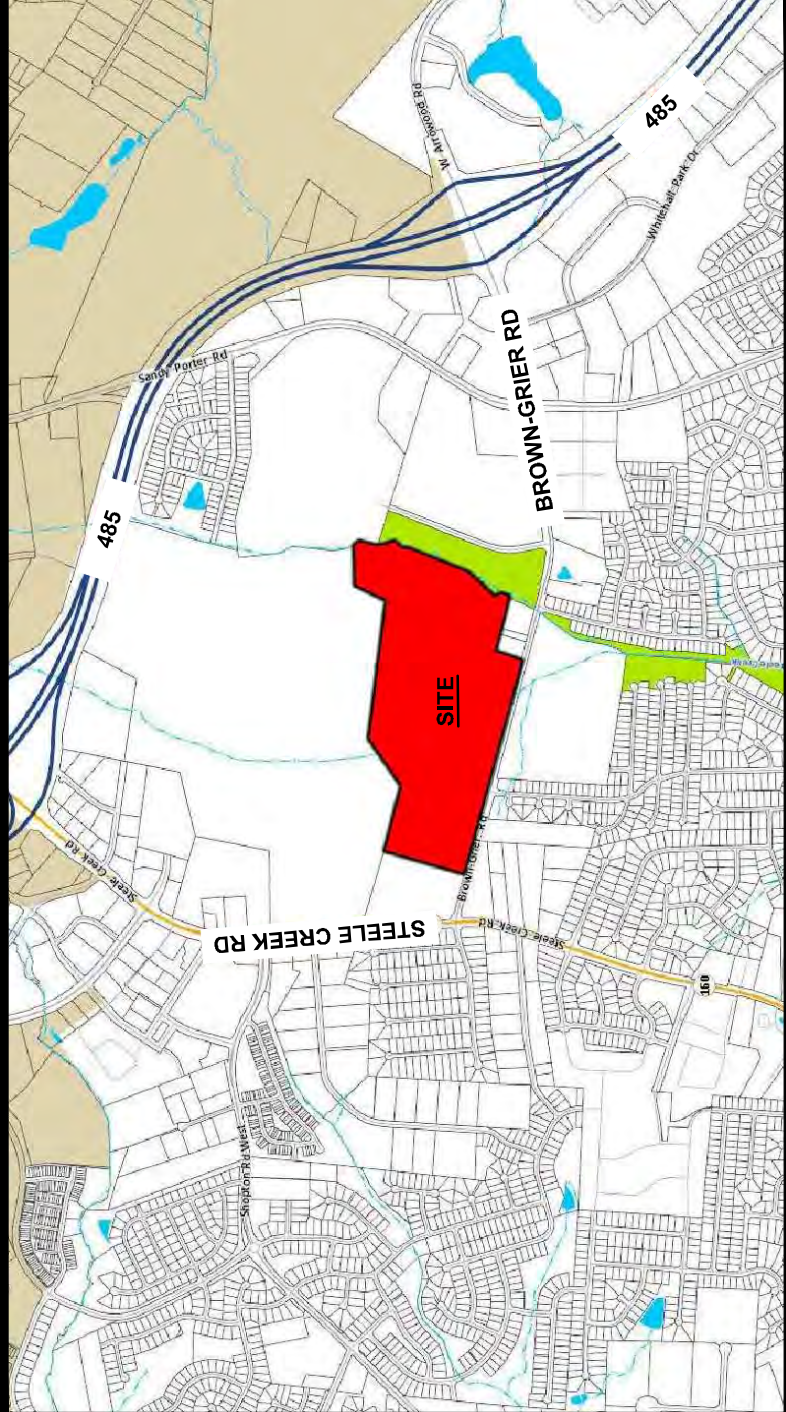
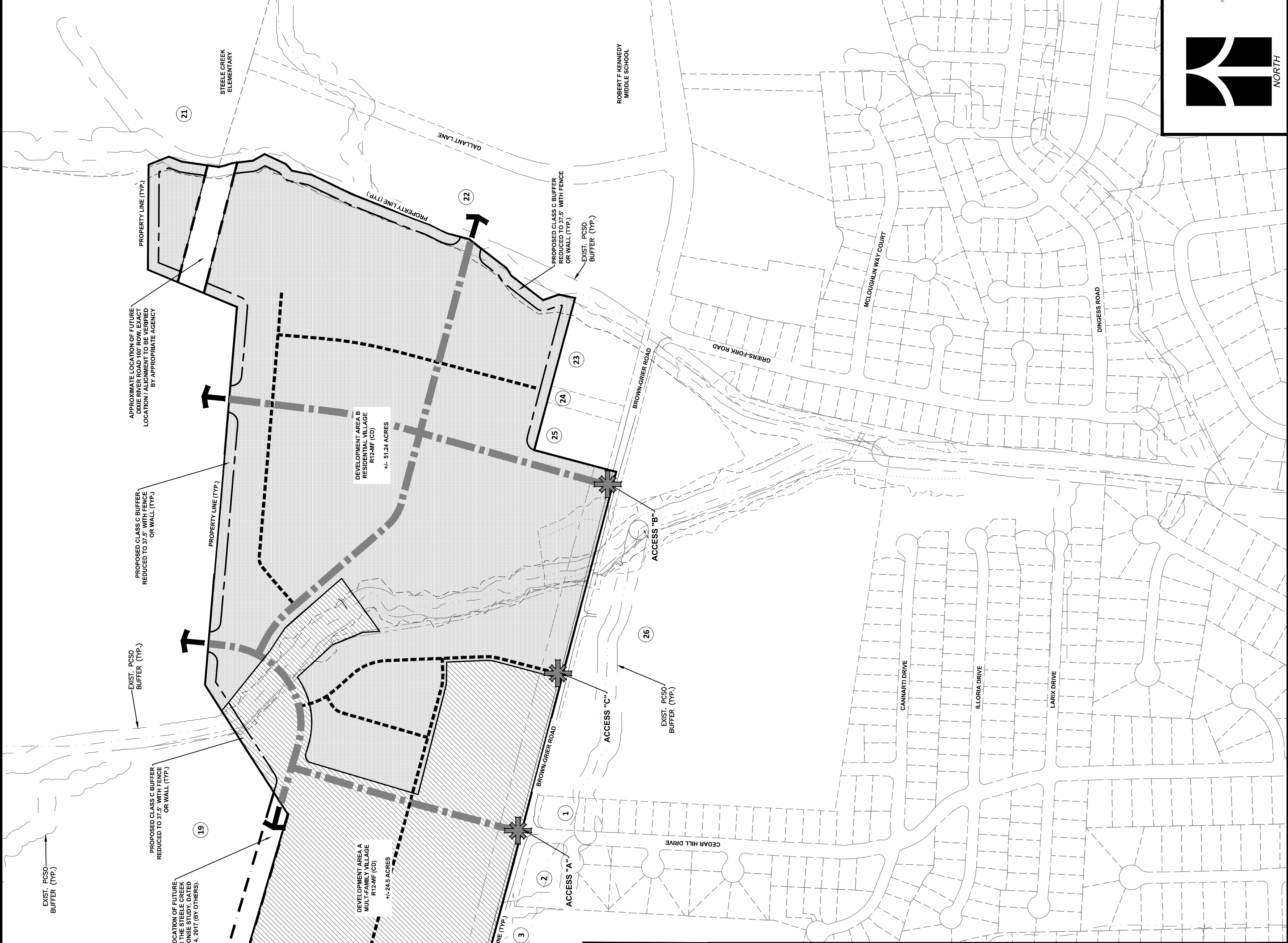
Map Created 9/27/2017



INDEX OF SHEETS			
SHEET NO.	SHEET NAME	ORIGINAL DATE	REVISED DATE
1 of 5	CONCEPTUAL SITE PLAN	6/24/2016	11/27/2017
2 of 5	TECHNICAL DATA SHEET	6/24/2016	11/27/2017
3 of 5	MASTER PLAN	6/24/2016	11/27/2017
4 of 5	OPEN SPACE CONCEPTS	6/24/2016	11/27/2017
5 of 5	CONCEPTUAL PRODUCT ELEVATIONS	6/24/2016	11/27/2017

Adjacent Property Owners		
PID:	Owner:	Zoning
1 20110601	DOUGLAS A VOGHT	R-4(CD)
2 20110868	MARCUS A GRISWOLD	R-4(CD)
3 20110508	RANDOLPH L KIXMILLER & ANNA D KIXMILLER	R-3
4 20110509	ROBERT RALPH JR. GRIER & RALPH S. GRIER	R-3
5 19919225	INC DR HOMES	R-3
6 19919465	DARRYL R HANEY	R-3
7 19919464	IIAYWARD CARTER	R-3
8 19919463	BENINU ADAMS & SANDRA ADAMS	R-3
9 19919462	DONG TRAN & PHI Y	R-3
10 19919461	LAUREN HERBSTTRUIT & TYLER GOFF	R-3
11 19919460	FREDY LEONEL VILLALVIR HERNANDEZ & MARCIA E ZERON HENRIQUEZ	R-3
12 19919459	MACHETTA JAMES	R-3
13 19919458	CHARLES H REID & DOROTHY R REID	R-3
14 19919457	2014-1 IH BORROWER LP & C/O INVITATION HOMES	R-3
15 19919456	KESHA JOHNSON LYNCH & CHRISTOPHER W LYNCH	R-3
16 19919455	KAREN BROWN & GEORGIA CRISP	R-3
17 19919454	FRANCISCO RAFAEL ABANTO & ALICIA AURELIA ALBORNOZ	R-3
18 19919201	SHIRLY STOKES SHAW	R-3
19 20148101	PARTNERSHIP STEELE CREEK (1997) LIMITED	R-3
20 20109108	RALPH S. GRIER	R-3
21 20108015	MECKLENBURG COUNTY	R-3
22 20147201	MECKLENBURG COUNTY & % REAL ESTATE/FINANCE DEPARTMENT	R-3
23 20148106	RANDY B SCHULTZ & LU ANN SCHULTZ	R-3
24 20148105	ROBERT RALPH JR. GRIER	R-3
25 20148104	KEVIN LOFTIN	R-3
26 20110104	ROBERT RALPH JR. GRIER & EDITH GRIER	R-3

Property Owners		
PID:	Owner:	Zoning
(Portion) 20148101	RALPH S. GRIER	R-3
20148102	ROY T. GRIER	R-3
20148103	RALPH S. GRIER	R-3
(Portion) 20148105	ROBERT RALPH JR. GRIER	R-3



Vicinity Map

Not to Scale

Site Data

Tax Parcels:	20148101 (Portion), 20148102, 20148103 & 20148105 (Portion)
Total Site Acreage:	+/- 76.77 Acres
Future ROW	+/- 1.03 Acre
Remaining Site Acreage	+/- 75.74 Acres*
Location:	City of Charlotte, NC
Existing Zoning:	R-3
Proposed Zoning:	R12-MF(CD) with 5 year vested rights
Existing Use:	Single-Family Residential / Vacant Land
Proposed Use:	Multi-Family dwellings, "for sale" single family attached dwellings
Permitted # of Units:	Up to 597 Units
Development Area A	Up to 292 Apartments
Development Area B	Up to 305 Townhomes
	Note: Minimum of 66% of townhomes to be alley-loaded
Density*:	Up to 7.88 DU/AC
Maximum Building Height:	See Development Standards
Parking:	On-Street Parking Provided: Min. 125 Spaces Off Street Parking Provided: Min. 35 Spaces
Trees Save*:	Required: +/- 11.36 Acres (15%) Provided: +/- 11.36 Acres (15%) Minimum
Natural Area*:	Required: +/- 7.67 Acres (10%) Provided: +/- 7.67 Acres (10%) Minimum

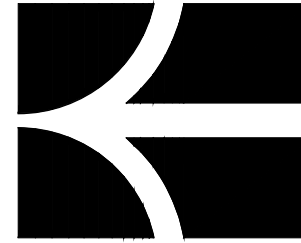
General Notes

1. Base information obtained from preliminary site survey prepared by ESP Associates dated January 28, 2016
2. See Sheet 2 of 5 - Technical Data Sheet for Conditional Rezoning Notes


Legend

- Development Area A - Multi-Family Village Building & Parking Envelope
- Development Area B - Residential Village Building & Parking Envelope
- Class C Buffer (Reduced to 37.5' with Fence/Wall)
- Local Residential Wide - 71' Public ROW
- Private Street (30' Clear Zone)
- Proposed Stub Location
- Proposed Access Location


Conditional Site Plan - Petition # 2016 - 120 (Sheet 1 of 5)	
Grier Property	
City of Charlotte	
NO.	DATE
1	08/10/2017
2	09/18/2017
3	10/22/2017
4	11/27/2017
REVISION	
ZW	REVISOR PER STAFF COMMENTS
ZW	REVISOR PER STAFF COMMENTS
ZW	REVISOR PER STAFF COMMENTS
ADH	REVISOR PER STAFF COMMENTS
ZW	REVISOR PER STAFF COMMENTS
BY	



NORTH




GRAPHIC SCALE
(IN FEET)
1 INCH = 200 FT.

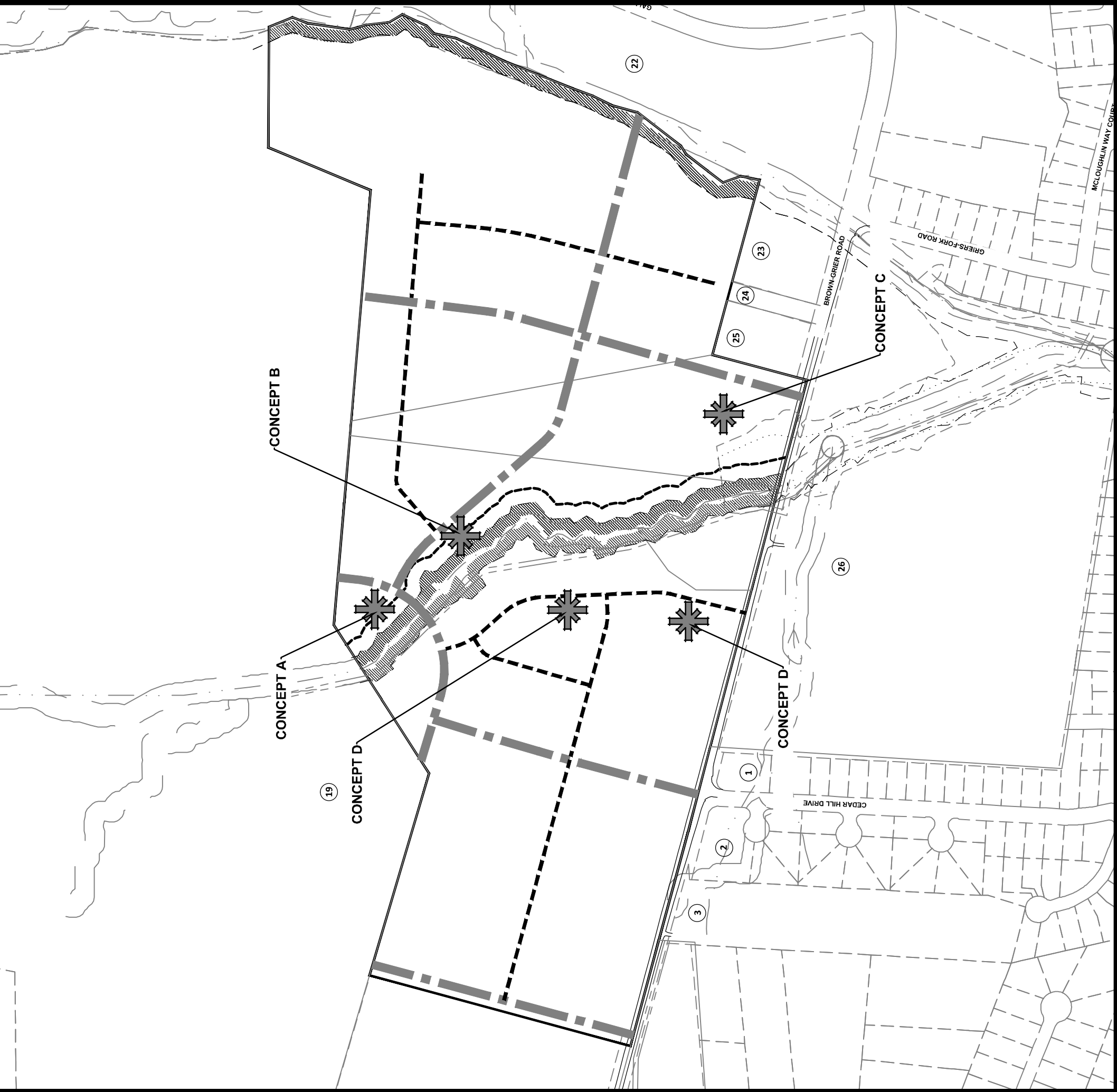


Know what's below.
Call before you dig.

PROJECT INFORMATION	
PROJECT MANAGER:	AM
DESIGNED BY:	AB
DRAWN BY:	ZW
PROJECT NUMBER:	DO05 100
ORIGINAL DATE:	06/24/2016
SHEET:	1 of 5



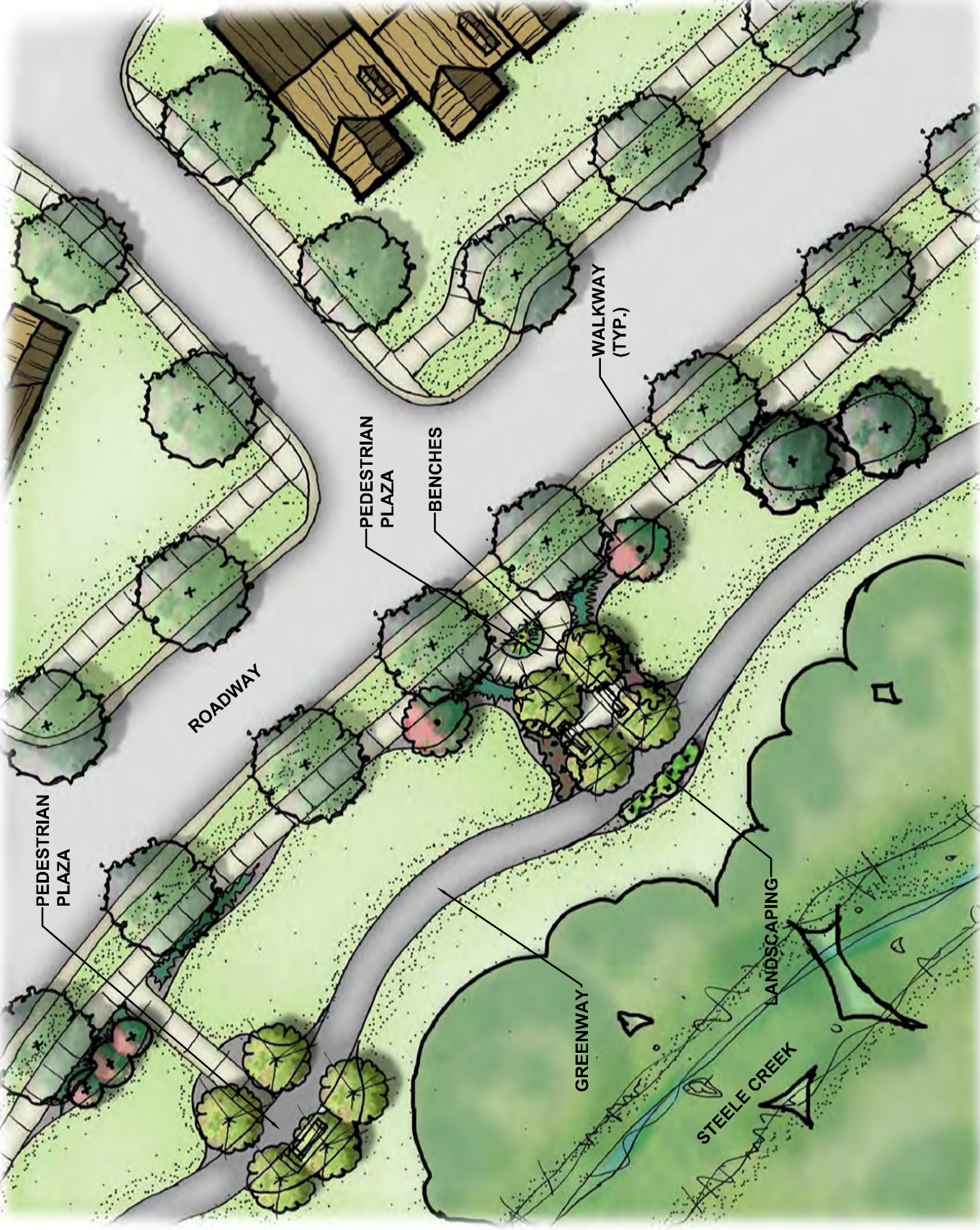
ESP Associates, P.A.
P.O. Box 7030
Charlotte, NC 28241
3475 Lakemont Blvd.
Fort Mill, SC 29708
803-802-2440 (SC)
704-583-1949 (NC)
www.espaceassociates.com



CONCEPT A
Pocket Park Concept



CONCEPT B
Pedestrian Plaza Concept



CONCEPT C
Amenity Concept



CONCEPT D
Linear Park Concept



NO.	DATE	REVISION
1	08/10/2017	REVISED PER STAFF COMMENTS
2	09/18/2017	REVISED PER STAFF COMMENTS
3	10/23/2017	REVISED PER STAFF COMMENTS
4	11/27/2017	REVISED PER STAFF COMMENTS
ADH		
ZW		
ZW		
BY		



PROJECT INFORMATION	
PROJECT MANAGER:	MM
DESIGNED BY:	AB
DRAWN BY:	ZW
PROJECT NUMBER:	DO05.100
ORIGINAL DATE:	06/24/17

Conceptual Product

NO.	DATE	REVISION	
3	08/10/2017	REVISED PER STAFF COMMENTS	ZW
2	09/18/2017	REVISED PER STAFF COMMENTS	ZW
3	10/23/2017	REVISED PER STAFF COMMENTS	ADH
4	11/27/2017	REVISED PER STAFF COMMENTS	ZW





Agenda Date: 12/5/2017

Agenda #: 2. **File #:** 15-6911 **Type:** Zoning Item

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

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

Staff Resource: [John Kinley](#)

Public Hearing Held: *September 18, 2017*

Staff Recommendation:

Staff recommends approval of this petition.

Attachments:

Post Hearing Staff Analysis

Statement of Consistency

Map

Site Plan

Previously approved site plan

REQUEST	Current Zoning: O-15(CD) (office, conditional) Proposed Zoning: MUDD-O (mixed use development, optional)
LOCATION	Approximately 5.4 acres located on the southeast corner of Pineville-Matthews Road and Providence Road. (Council District 7 - Driggs)
SUMMARY OF PETITION	The petition proposes to redevelop two bank branches and an office building with a commercial mixed use development containing a new bank branch building, a mixed use building, a grocery store, and a structured parking facility in the Arboretum activity center.
PROPERTY OWNER	Arboretum Office #1, LLC Bank of America, National Association Wells Fargo Bank, N.A.
PETITIONER AGENT/REPRESENTATIVE	Childress Klein Properties, Inc. Bridget Grant, Keith MacVean, & Jeff Brown, Moore & Van Allen, PLLC
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 103.

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is inconsistent with the *South District Plan* recommendation for office use of the subject property.

Rationale for Recommendation

- The subject property is located within the Arboretum Mixed Use Activity Center, as identified by the *Centers, Corridors and Wedges Growth Framework*.
- Activity centers are priority areas to accommodate future growth in an urban, pedestrian-oriented development form.
- The petition meets the objectives for a designated activity center, as well as the adopted *General Development Policies* design guidelines for retail/mixed use, as follows:
 - Mix of uses: The proposed retail and office uses replace the existing auto-oriented office/bank branch environment with a more walkable mixed use form of development.
 - Walkability and urban open spaces: The proposed site plan includes two urban plazas, providing public gathering spaces for the development. The open spaces and on-site sidewalks link principal entrances of the office and retail uses. They also provide a walkable connection with the property to the east, and a sidewalk connection along Arboretum Shopping Center Drive.
 - Shared parking: The petition converts the surface parking to structured parking shared by all uses on the site, resulting in a more efficient use of the property.
 - Landscaping: The proposed site plan maintains a wide setback with preservation of landscaping elements and trees along Providence Road and Pineville Matthews Road.
- The plan provides for transportation mitigation measures and, in addition, improved pedestrian facilities to alleviate an increase in traffic volume.

PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

Land Use and Development Limitations:

- Allows the construction up to three buildings on the site and a maximum of 85,400 square feet

of retail, EDEE (eating/drinking/entertainment establishments), general and medical office uses, and personal service uses of which no more than 76,860 square feet may be devoted to retail, EDEE and/or personal service uses, all served by a two-level structured parking facility.

- A minimum of 1,200 square feet of ground floor leasable space shall be provided in the mixed use building oriented to the south and abutting the urban open space.
- Prohibits gasoline service stations with or without a convenience store, automotive services stations, and accessory drive-through facilities associated with an EDEE or limited service restaurants.
- Limits the maximum building height of building envelope A (southern/grocery building) to 45 feet, building envelope B (western/mixed use building) to 55 feet, and building envelope C (northern/bank building) to 30 feet.

Setback/ Streetscape and Pedestrian Improvements:

- Provides the following setback and streetscape improvements along the public and private streets:
 - A 30-foot setback for buildings in Building Envelope A and a 45-foot setback for buildings in Building Envelope B, each as measured from the future back of curb along Providence Road and a 35-foot setback as measured from the future back of curb along Pineville-Matthews Road.
 - Efforts to preserve existing trees fronting Providence Road and at the intersection with Pineville-Matthews Road through the use of meandering sidewalks.
 - Screening of parking and vehicular circulation with a combination of landscaping and a three-foot low wall along Pineville-Matthews Road.
 - An eight-foot planting strip and a minimum twelve-foot multi-use path along Pineville-Matthews Road.
 - An eight-foot planting strip and a minimum six-foot sidewalk along one side of Arboretum Shopping Center Drive connecting Providence Road and Pineville-Matthews Road. Minor modifications of the planting strip and/or sidewalk widths along Arboretum Shopping Center are permitted for limited distances so long as the sidewalk is a minimum of five feet when buffered by a planting strip or eight feet when at back of curb.
 - An eight-foot planting strip and a twelve-foot multi-use path along Providence Road between Arboretum Shopping Center Drive and Pineville-Matthews Road; the width of the trail may be reduced to a minimum of eight feet in segments to preserve existing trees.
- Specifies that an internal network of sidewalks with a minimum six feet of clear width will be provided connecting the buildings and parking to one another and where internal crosswalks are required they will be designed with pavers or stamped asphalt.

Transportation:

- Provides vehicular access to the site via two driveways connecting to Arboretum Shopping Center Drive.
- Proposes the following transportation improvements prior to the issuance of the first certificate of occupancy for the first new building in area A or B:
 - Construction of a southbound right-turn lane on Providence Road;
 - Modification of the westbound laneage on Arboretum Shopping Center Drive to provide dual left-turn lanes, a right-turn lane, conversion of existing through-right lane to a through only lane, and median to separate westbound and eastbound movements; and
 - Construction of an eight-foot sidewalk at the back of curb south of Arboretum Shopping Center Drive to Winding Oak Drive.
- ~~Petitioner commits to provide and install a traffic signal at the intersection of Pineville-Matthews Road and Beckmore Place contingent upon written approval of CDOT and NCDOT. The petitioner shall be relieved of this commitment after exercise of good faith efforts for a reasonable duration of time, no less than 18 months from approval of the rezoning.~~
- Commits to a contribution of \$150,000 for additional improvements to be used to provide for the installation by CDOT or designee of additional roadway improvements to the nearby transportation network. The additional improvements may include installation of a traffic signal at the intersection of Pineville-Matthews Road and Beckmore Place or such other improvements as determined by CDOT within 18 months of the issuance of the first land development permit. If CDOT fails to identify additional improvements within 18 months of the first land development permit or commencement of the additional improvements for which the funds are to be used does not occur within three years of the issuance of the first land development permit CDOT shall return the funds to the petitioner within one month of such event.

Open space, Building Design and other conditions:

- Commits to a minimum of 7,000 square feet of urban open space on the site improved with amenities such as seating, landscaping and hardscape areas. A minimum of 3,000 square feet of the urban open space will be located at the corner of the site at the intersection of Providence Road and Pineville-Matthews Road, and a minimum of 4,000 square feet will be provided

between the mixed use building and the grocery store. The urban open space will not include any private outdoor dining areas.

- Provides a number of general design guidelines related to allowed building materials, percentage of certain building materials, blank walls, use of clear windows and operable doors, building articulation, minimum building height, screening of the grocery use loading area adjacent to Arboretum Shopping Center Drive, pedestrian arcade along Providence Road for direct public entry into the grocery store, open air stairways between the open space and grocery store to the upper level of the parking structure, and a pedestrian connection from the site to the adjacent parcel east of the site.
- Limits the hours of operations for all principal uses from 6:00 am to 11:00 pm.
- Prohibits outdoor live music performances. Outdoor speakers providing background music audible only on-site are permitted.
- Limits trash removal to a period between 7:00 am to 9:00 pm.
- Prohibits internally illuminated signs on the portions of the building fronting Arboretum Shopping Center Drive.
- Specifies all new lighting will be fully shielded and downwardly directed. Limits the height of detached lighting to 26 feet.

Requests the following optional provisions:

- Allow wall signs to have up to 200 square feet of sign surface area per wall or 10% of the wall area to which they are attached, whichever is less.
 - Allow one detached ground mounted sign per street front with a maximum height of 15 feet and containing up to 150 square feet of sign area.
 - Allow free-standing single-use buildings to have a detached sign up to four feet high with up to 32 square feet of sign area.
 - Allow up to one use with accessory drive-through window(s) associated with a financial institution in the configuration and with vehicular storage as generally depicted on the rezoning site plan. The drive-through will be designed so that it does not circulate between the proposed building and Pineville-Matthews Road.
 - To not require doorways to be recessed into the face of the building(s) when the width of the sidewalk is at least 10 feet and/or when it is an emergency exit.
 - Allow alternative "blank wall" standards, including but not limited to the use of opaque and spandrel glass as further specified in the Development Standards.
- **Existing Zoning and Land Use**
 - The subject property is located within the Arboretum Mixed Use Activity Center. It is an element of a master plan zoned by Petition 1986-112 for all four quadrants of the intersection of Providence Road and Pineville-Matthews Road. Each quadrant had a specific land use intention and zoning designation. Single family neighborhoods generally surrounded the Mixed Use Activity Center.
 - The rezoning site is within the southeast quadrant of the 1986 rezoning petition. The quadrant is zoned O-15(CD) (office, conditional). The subject site is currently occupied by two branch bank facilities and a medical office building. Other portions of this quadrant, not a part of this rezoning, are medical and general office uses and an additional branch bank. The 1986 rezoning plan includes significant landscaped buffer areas along Pineville-Matthews Road and Providence Road, and adjacent to the surrounding neighborhoods. Single family homes in R-3 (single family residential) zoning surround the larger office development in this quadrant, but do not have street or pedestrian connections, and do not directly abut the proposed rezoning.
 - The southwest quadrant is the Arboretum Shopping Center, mainly zoned B-1SCD (business shopping center development) and CC (commercial center) with and a small element zoned B-1(CD) (neighborhood business, conditional).
 - The northeast quadrant is the Arboretum Apartments, zoned R-15MF(CD) (multi-family residential, conditional), with a small branch bank component zoned O-15(CD), office, conditional.
 - The northwest quadrant originally had office and multi-family residential components, now entirely office use including a branch bank. This quadrant is zoned O-15(CD) (office, conditional) and O-1(CD) (office, conditional). It is surrounded by more recent townhome and multi-family residential development zoned R-8MF(CD) and R-17MF(CD) (multi-family residential, conditional).
 - See "Rezoning Map" for existing zoning in the area.
 - **Rezoning History in Area**
 - There have been no rezonings in the immediate area in recent years.
 - **Public Plans and Policies**
 - The *South District Plan* (1993) recommends office use for the subject property, reflecting the

original 1986 master plan for the larger development.

- The *Centers, Corridors and Wedges Growth Framework* (2010) maps the area as an element of the Arboretum Mixed Use Activity Center.

- **TRANSPORTATION CONSIDERATIONS**

- The site is located at the signalized intersection of two major thoroughfares, Providence Road and Pineville-Matthews Road.
- The proposal increases development intensity on the subject site. The initial traffic study identified traffic mitigation approaches and the revised traffic study identified alternative mitigation as follows:
 - *Initially identified:* Dedicated dual left-turn lanes out of the Arboretum Shopping Center to north bound Providence Road. This mitigation would be within property outside of the control of the petitioner and would impact recently installed pillar monuments for the Arboretum Shopping Center. A right-turn lane from the rezoning site on Arboretum Shopping Center Drive to northbound Providence Road was also initially identified and will be provided.
Alternative: Dedicated dual left-turn lanes from the rezoning site on Arboretum Shopping Center Drive to south bound Providence Road, and a right-turn lane from the rezoning site on Arboretum Shopping Center Drive to north bound Providence Road. The signalization at the intersection would be modified resulting in a dedicated left signal out of Arboretum Shopping Center.
 - *Initially identified:* A 300-foot south bound, right-turn lane on Providence Road into the Arboretum Shopping Center. This mitigation would have an impact on existing trees along Providence Road.
Alternative: A 200-foot south bound, right-turn lane on Providence Road into the Arboretum Shopping Center. The 200 feet provides a similar level of mitigation while preserving trees along Providence Road.
 - *Initially identified:* North bound right-turn lane on Providence Road to Arboretum Shopping Center Drive into the rezoning site. This mitigation would impact single family home(s) at the intersection of Providence Road and Winding Oak Drive as well as the existing privacy wall, mature trees, and utilities between Winding Oak Drive and Arboretum Shopping Center Drive.
Alternative: The mitigation efforts provided, as listed above, increase the level of service of the Arboretum Shopping Center Drive and Providence Road intersection. In addition the petitioner is committing to provide a multi-use path from Arboretum Shopping Center Drive along the site's frontage of Providence Road to Pineville-Matthews Road.
 - *Additional transportation commitments:* Reservation of right-of-way for future widening along Providence Road. The petitioner is also offering the installation of a traffic signal at the intersection of Pineville-Matthews Road and Beckmore Place.
- The site plan commits to turn lanes as identified in the traffic impact study and provides a multiuse path to accommodate bicycle and pedestrian traffic along the site frontage on Providence Road and Pineville-Matthews Road/Hwy51.
- See Outstanding Issues, Notes 3 through 5.
- **Vehicle Trip Generation:**
Current Zoning:
Existing Use: 2,410 trips per day (based on 14,390 square feet of drive-in bank(s) and 13,200 square feet of office).
Entitlement: 2,410 trips per day (based on 14,390 square feet of drive-in bank(s) and 13,200 square feet of office)
Proposed Zoning: 8,225 trips per day (based on 14,500 square feet of office; 15,100 square feet of retail; 50,800 square feet of grocery; and 5,000 square feet of bank with drive-through).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Housing and Neighborhood Services:** No issues.
- **Charlotte Fire Department:** No on-street parking on streets less than 26 feet clear width.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte Water:** Charlotte Water has water system availability via an existing 24-inch water transmission main along Pineville-Matthews Road and an existing 16-inch water transmission main located along Providence Road. Charlotte Water has sewer system availability for the rezoning boundary via existing eight-inch gravity sewer mains located along Pineville-Matthews Road,

Providence Road, and Arboretum Shopping Center Drive.

- **Engineering and Property Management:**

- **Arborist:** No trees can be removed from or planted in the right-of-way of all State maintained streets (Providence Road and Pineville-Mathews Road) without permission of NC Department of Transportation and the City Arborist's office. Trees must be planted to meet NCDOT planting guidelines. Contact the City Arborist's office for a tree planting permit before planting trees in the NCDOT right of way once plans have been approved by the City. The petitioner must submit a tree survey for all trees two inches or larger located in the rights of way. In addition, the survey shall include all trees eight inches or larger in the setback.
- **Erosion Control:** No issues.
- **Land Development:** No issues.
- **Storm Water Services:** See Requested Technical Revisions, Note 13.
- **Urban Forestry:** No issues.

- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.

- **Mecklenburg County Park and Recreation Department:** No issues.

OUTSTANDING ISSUES

Site and Building Design

1. ~~Change the setback from 20 feet from the future right-of-way to 35 feet from the future back of curb along Pineville-Mathews Road on the site plan and legend on RZ-01, the technical data sheet on RZ-2, Note 5.b, and the enlarged frontage plan of RZ-05. Addressed~~
2. ~~Provide additional annotations on the building renderings and elevations including:~~
 - ~~Change of materials and insets in the loading view;~~
 - ~~Change of materials of the façade, as shown on the following elevations: mixed use building, mixed use building Providence, internal street, main entry, and Providence Road;~~
 - ~~Corner architectural building feature in the views showing the corner of the building at the internal street and Providence Road; and~~
 - ~~Store front entry and glass for the retail space and stairs to the upper level in internal parking deck elevation. Addressed~~

Transportation

3. ~~In lieu of a 200-foot north bound turn lane at Providence Road and Arboretum Shopping Center Drive, extend the proposed 12-foot multi-use path from the intersection of Providence Road and Pineville-Mathews Road along the site's frontage along Pineville-Mathews Road. Addressed~~
4. ~~Show the extension of the right-of-way across Arboretum Shopping Center Drive for the future widening of Providence Road. Addressed, the petitioner made the change in two of three places in the plans and committed to making the change on the third location.~~
5. ~~Amend Note g under Streetscape, Buffer, Landscaping, Open Space and Screening to remove the portion of the note that states that the 12-foot multi-use path may be narrowed to preserve trees. The path may meander to help preserve trees but should not be reduced in width. Addressed, the petitioner has committed to add language that the first option will be to meander and the second to narrow the width to be determined during permitting.~~

REQUESTED TECHNICAL REVISIONS

Land Use

6. ~~Clarify/ confirm that the overall allowed square footage includes the proposed financial institution in Notes 3.a and b under Permitted Uses, Development Area Limitations. Addressed~~

Site and Building Design

7. ~~Delete the setbacks listed in the legend of RZ-01 as they are more clearly depicted on the site plan and further specified in the development standards. Addressed~~
8. ~~Amend the technical data sheet to show the 45-foot setback from building envelope B to match what is shown on the conceptual site plan, enlarged frontage plan and specified in the development standards. Addressed~~
9. ~~Confirm/ clarify the location of the future back of curb along Pineville-Mathews Road. If the existing curb line remains confirm with a note or label and amend RZ-01, RZ-02 and the enlarged plan on RZ-05 accordingly. Addressed~~
10. ~~Delete Note 1.iv as Section 6.207 expressly prohibits increasing the mass of buildings through the administrative amendment process. Addressed~~
11. ~~Clarify in Note 5.f that the sidewalk provided along Arboretum Shopping Center Drive will connect to Providence Road and Pineville-Mathews Road. Addressed~~
12. ~~Delete ", areas located in buffers or the building setbacks/yards as generally indicated on the rezoning plan." from Note 5.i related to outdoor dining space as areas for private outdoor dining are not depicted on the site plan. Addressed~~
13. ~~Provide a height standard for the proposed low wall to screen parking. Addressed~~

Environment

14. ~~Add the following note to Note 8 Under Environmental Features: "If the petitioner utilizes the existing detention pond on an adjacent 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 pond was properly designed and constructed to manage storm water runoff from all parcels served by the pond to meet the Post Construction Stormwater Ordinance requirements."~~
Addressed, the last part of the sentence stating the the pond is properly designed and constructed to manage runoff from all parcels served by the pond was not added and is acceptable to Stormwater as submitted.
-

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Pre-hearing staff analysis
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Housing and Neighborhood Services Review
 - Charlotte Fire Department Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - City Arborist Review
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Park and Recreation Review
 - Transportation Review

Planner: John Kinley (704) 336-8311

2017-057 by Childress Klein Properties, Inc.

To Approve:

([I move that the](#)) Zoning Committee finds this petition to be **inconsistent** with the *South District Plan* based on the information from the staff analysis and the public hearing, and because:

- The plan recommends office use for subject site.

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

- The subject property is located within the Arboretum Mixed Use Activity Center, as identified by the *Centers, Corridors and Wedges Growth Framework*; and
- Activity centers are priority areas to accommodate future growth in an urban, pedestrian-oriented development form:
 - Mix of uses: The proposed retail and office uses replace the existing auto-oriented office/bank branch environment with a more walkable mixed use form of development; and
 - Walkability and urban open spaces: The proposed site plan includes two urban plazas, providing public gathering spaces for the development. The open spaces and on-site sidewalks link principal entrances of the office and retail uses. They also provide a walkable connection with the property to the east, and a sidewalk connection along Arboretum Shopping Center Drive; and
 - Shared parking: The petition converts the surface parking to structured parking shared by all uses on the site, resulting in a more efficient use of the property, and
 - Landscaping: The proposed site plan maintains a wide setback with preservation of landscaping elements and trees along Providence Road and Pineville Matthews Road.
- The plan provides for transportation mitigation measures and, in addition, improved pedestrian facilities to alleviate an increase in traffic volume.

To Deny:

([I move that the](#)) Zoning Committee finds this petition to be **inconsistent** with the *South District Plan* based on the information from the staff analysis and the public hearing, and because:

- The plan recommends office use for subject site.

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

- (To be explained by the Zoning Committee)



ROBERT JOHNSON
architects
1808 West Morehead St.
Charlotte, NC 28208
T 704 / 342.1058
F 704 / 342.3043

PETITION 2017-057



ARBORETUM
MIXED USE
DEVELOPMENT

CHARLOTTE, NC

PROJECT NUMBER	SP 731
ISSUE	DATE
REZONING SUBMITTAL	02.27.17
REZONING SUBMITTAL	05.15.17
REZONING SUBMITTAL	06.12.17
REZONING SUBMITTAL	07.17.17
REZONING SUBMITTAL	08.14.17
REZONING SUBMITTAL	11.27.17

DRAWING DATA
DRAWN BY: GW
CHECKED BY: RJ
FILE NUMBER:

SHEET TITLE
CONCEPTUAL
SITE PLAN

SHEET NUMBER
RZ-01

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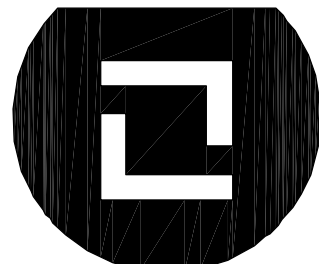
1
CONCEPTUAL SITE PLAN
SCALE: 1" = 50'

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GE - SCIENCE
GROUP
Incorporated
500-K Clanton Road
Charlotte, NC 28217
(704) 525-2003

NC FIRM LICENSE: F-0585(ENG)
NC FIRM LICENSE: C-279(LA)

PETITION 2017-057

**ARBORETUM
MIXED USE
DEVELOPMENT**
CHARLOTTE, NC

PROJECT NUMBER	I S S U E	D A T E
	REZONING SUBMITTAL	02.27.17
	REZONING SUBMITTAL	05.15.17
	REZONING SUBMITTAL	06.12.17
	REZONING SUBMITTAL	07.17.17
	REZONING SUBMITTAL	08.14.17
	REZONING SUBMITTAL	11.27.17

DRAWING DATA

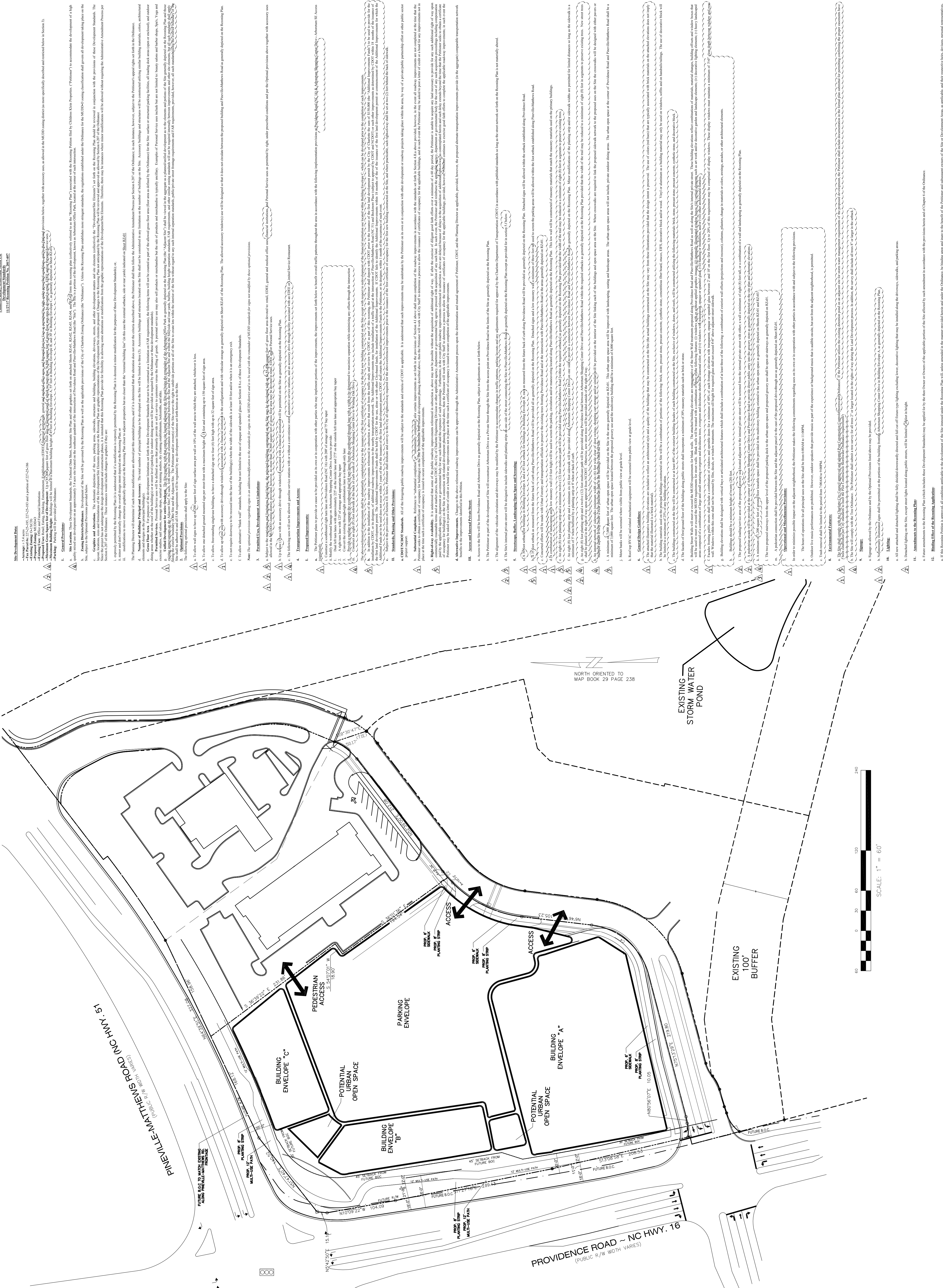
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CHECKED BY:	RJ
FILE NUMBER:	

SHEET TITLE
TECHNICAL
DATA SHEET

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SHEET NUMBER

RZ-02





1 SCHEMATIC INTERSECTION VIEW

RZ-03 SCALE: NTS



2 SCHEMATIC INTERSECTION VIEW

RZ-03 SCALE: NTS



3 SCHEMATIC GROCERY PLAZA VIEW

RZ-03 SCALE: NTS

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NOTE

THESE SCHEMATIC ELEVATIONS ARE ILLUSTRATIVE FOR THE PROPOSED BUILDINGS AND ARE INCLUDED TO REFLECT AN ARCHITECTURAL STYLE AND QUALITY OF THE BUILDINGS THAT WILL BE CONSTRUCTED ON THE SITE. THESE SCHEMATIC ELEVATIONS ARE ILLUSTRATING THE USE OF VARIED MATERIALS AND ROOFLINES: GLASS (EITHER OPAQUE OR CLEAR), WALL PLANE VARIATION, AND MASSING. THE ACTUAL BUILDINGS CONSTRUCTED ON THE SITE MAY VARY FROM THESE ILLUSTRATIONS PROVIDED THAT THE DESIGN INTENT IS PRESERVED.



ROBERT JOHNSON
architects
1808 West Morehead St.
Charlotte, NC 28208
T 704 / 342.1058
F 704 / 342.3043

PETITION 2017-057



ARBORETUM MIXED USE DEVELOPMENT

CHARLOTTE, NC

PROJECT NUMBER	SP 731
ISSUE	DATE
REZONING SUBMITTAL	02.27.17
REZONING SUBMITTAL	05.15.17
REZONING SUBMITTAL	06.12.17
REZONING SUBMITTAL	07.17.17
REZONING SUBMITTAL	08.14.17
REZONING SUBMITTAL	11.27.17

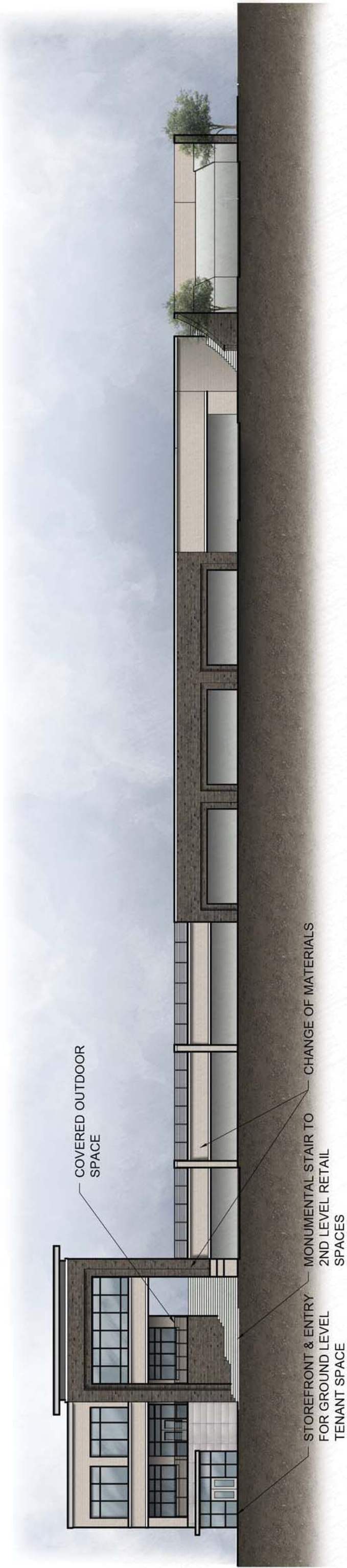
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DRAWN BY: GW
CHECKED BY: RJ
FILE NUMBER:

SHEET TITLE SCHEMATIC MIXED USE BUILDING & PARKING ELEVATIONS

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SHEET NUMBER

RZ-03



4 SCHEMATIC INTERNAL PARKING DECK ELEVATION

RZ-03 SCALE: 3/32" = 1'-0"



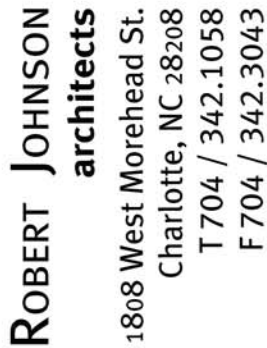
5 SCHEMATIC MIXED USE BUILDING ELEVATION

RZ-03 SCALE: 1/16" = 1'-0"



6 SCHEMATIC MIXED USE BUILDING PROVIDENCE ELEVATION

RZ-03 SCALE: 1/16" = 1'-0"



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PETITION 2017-057



**ARBORETUM
MIXED USE
DEVELOPMENT**
CHARLOTTE, NC

PROJECT NUMBER	ISSUE DATE		SP 731
REZONING SUBMITTAL		02.27.17	
REZONING SUBMITTAL	1	05.15.17	
REZONING SUBMITTAL	2	06.12.17	
REZONING SUBMITTAL	3	07.17.17	
REZONING SUBMITTAL	4	08.14.17	
REZONING SUBMITTAL	5	11.27.17	

DRAWING DATA

DRAWN BY:	GW
CHECKED BY:	RJ
FILE NUMBER:	

SHEET TITLE

SCHEMATIC
GROCERY
ELEVATIONS

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SHEET NUMBER

RZ-04



NOTE: DOES NOT REFLECT ROADWAY IMPROVEMENTS
OR FUTURE STREETSCAPE CONDITIONS



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PETITION 2017-057

**ARBORETUM
MIXED USE
DEVELOPMENT**
CHARLOTTE, NC

PROJECT NUMBER	ISSUE	DATE	SP 731
	REZONING SUBMITTAL	02.27.17	
	REZONING SUBMITTAL	05.15.17	
	REZONING SUBMITTAL	06.12.17	
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	REZONING SUBMITTAL	08.14.17	
	REZONING SUBMITTAL	11.27.17	

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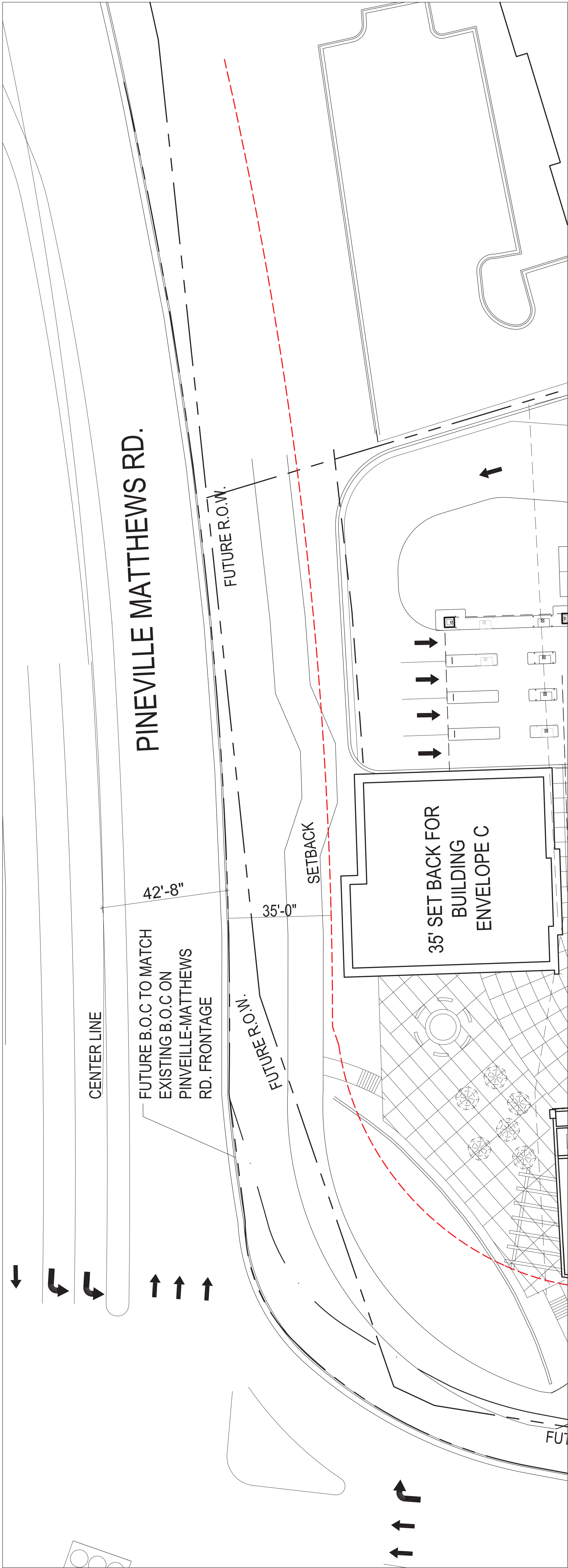
SHEET TITLE

ENLARGED
FRONTAGE
PLAN

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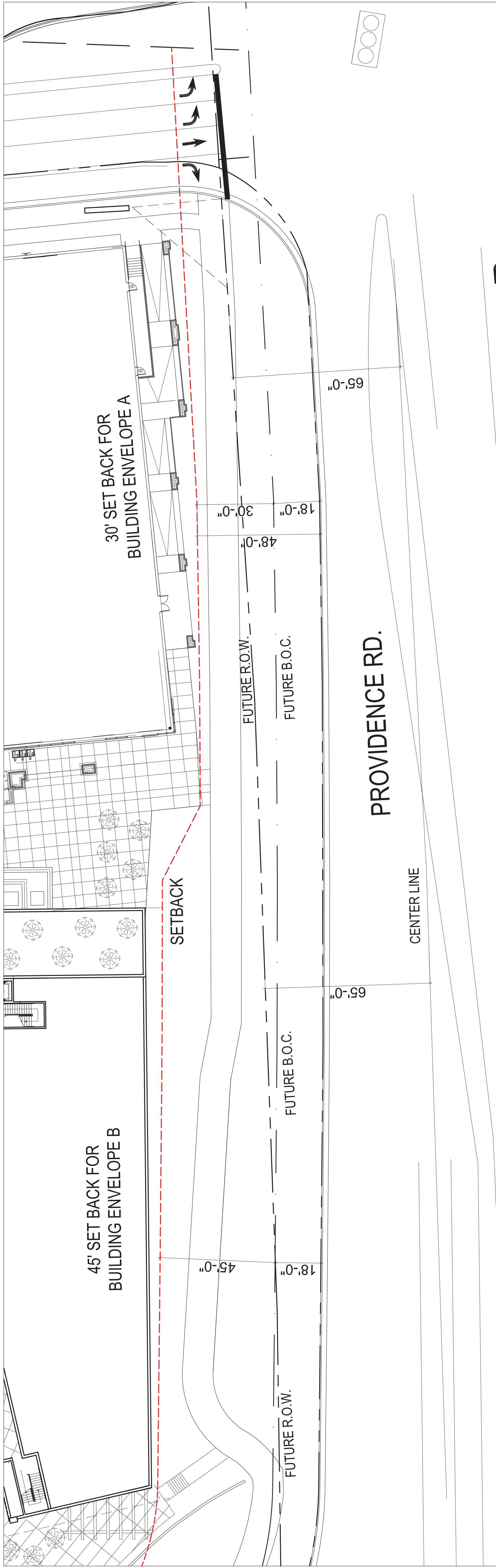
SHEET NUMBER

RZ-05



PINEVILLE MATTHEWS RD. ENLARGED FRONTAGE PLAN

EXISTING B.O.C AND FUTURE BACK OF CURB ARE THE SAME



PROVIDENCE RD. ENLARGED FRONTAGE PLAN

SCALE: 1" = 20'

Previously Approved Site Plan

the 1970s, the 1980s, and the 1990s. The 1970s were a time of great change for the world, and the 1980s were a time of great change for the United States. The 1990s were a time of great change for the world, and the 2000s were a time of great change for the United States. The 2010s were a time of great change for the world, and the 2020s were a time of great change for the United States. The 2030s were a time of great change for the world, and the 2040s were a time of great change for the United States. The 2050s were a time of great change for the world, and the 2060s were a time of great change for the United States. The 2070s were a time of great change for the world, and the 2080s were a time of great change for the United States. The 2090s were a time of great change for the world, and the 2100s were a time of great change for the United States.

	PULLEY TITE SURFACES
	SEMI-GLASS FIBRE REINFORCED
	LUGGED ROPS
	3 STIFF 3% IN.
	1 STIFF 5% IN.
	1 STIFF 5% IN.
	UNFINISHED CHANNELS, ETC.
	BILLBOARD AREA UNITS

1. ON 22 AUGUST, NO BUILDING WAS PLACED CLOSER THAN 15' TO LEONARD RESIDENTIAL LANE.
2. ON 22, 24 & 25 AUGUST, CONTACT BUILDING WAS NOT IN CONTACT WITH ANY OTHER BUILDING, OR IN CONTACT WITH ANY PLACED WITHIN 15' TO RESIDENTIAL LANE, OR IN CONTACT WITH 15' TO RESIDENTIAL LANE.
3. SOURCE MAKING IS NOT PRESENTLY CLOSER THAN 50' TO NEIGHBORHOOD.
4. NO LABORERS WERE IN REQUIRED ADJACENT TO ANY NEIGHBORHOOD.
5. NO MATERIALS WERE PLACED IN REQUIRED ADJACENT TO ANY NEIGHBORHOOD.

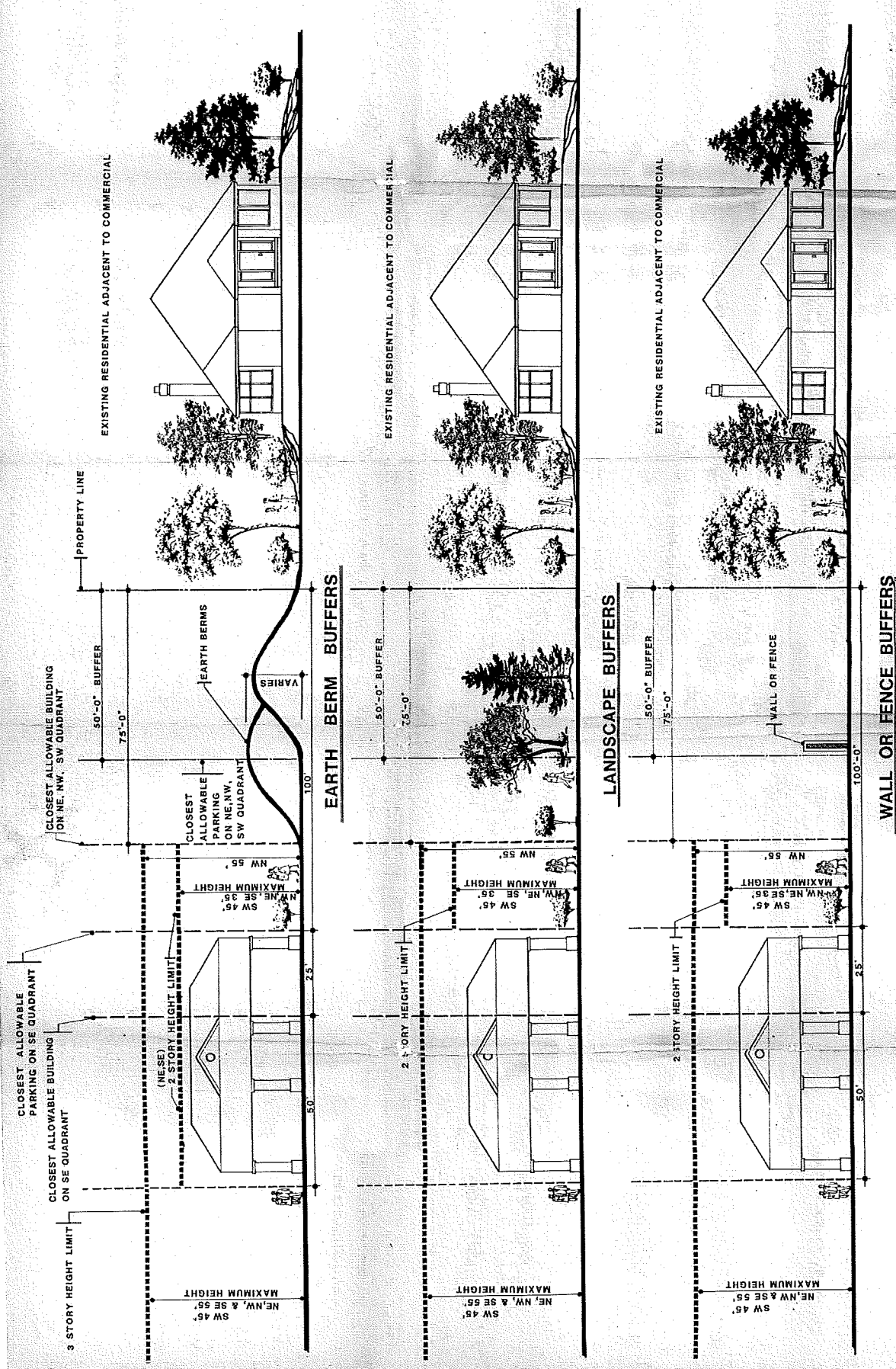
SUBURBAN	MAXIMUM USAGE		RESIDENTIAL
	OFFICE	RETAIL	
SE	114,000 SF	—	—
NE	8,000 SF	—	377 UNITS
NW	4,000 SF	—	87 UNITS
SW	—	400,000 SF	—

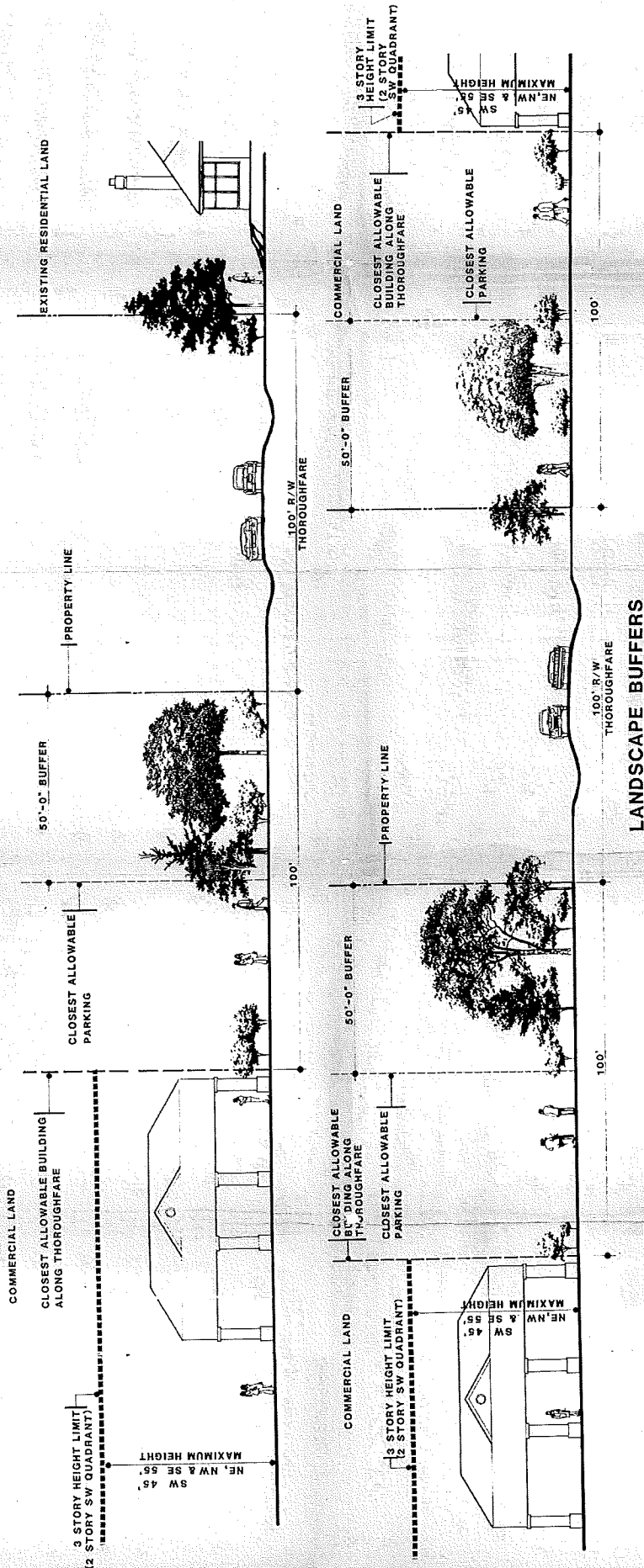
* 400,000 SF OF PLANTMENTS IN PHASE I, WITH THE ABILITY TO ADD 100,000 SF FOR THE FINANCIAL SECTION OF THE DEVELOPMENT PROGRAM

PROVIDENCE & N.O. HIGHWAY 51

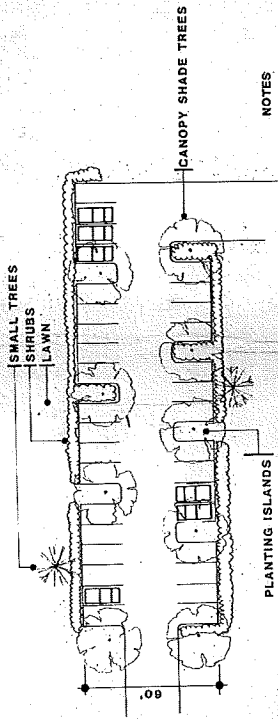
Trammel Crow Company

Hodges & Associates
structural
architects



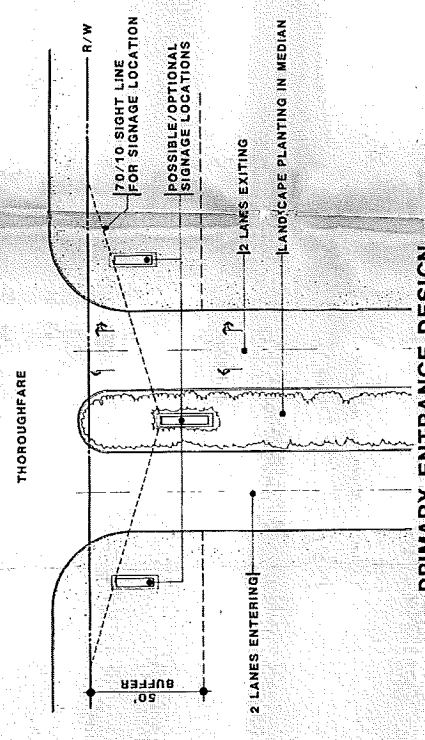
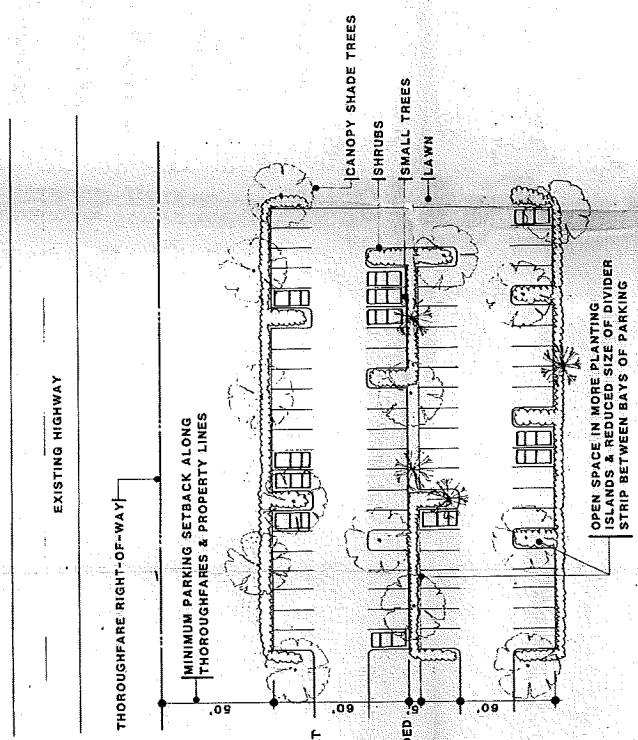
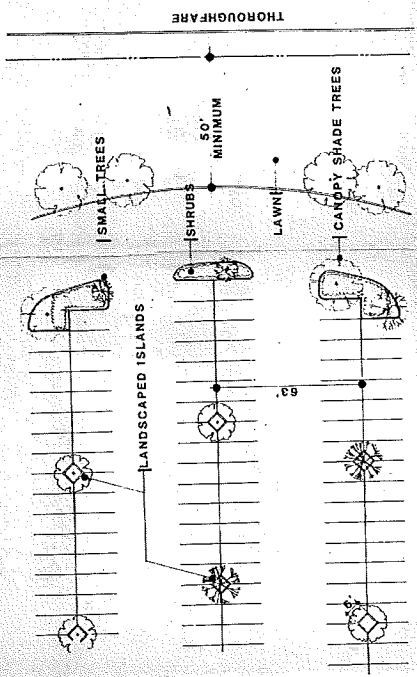


- NOTES:
1. NO STREET LIGHTING IS INTENDED TO BE INSTALLED ON THOROUGHFARES BY THE APPLICANTS.
 2. PROJECT I.D. AND DIRECTORY SIGNS WILL BE LOCATED WITHIN PERIMETER BUFFER AREAS.



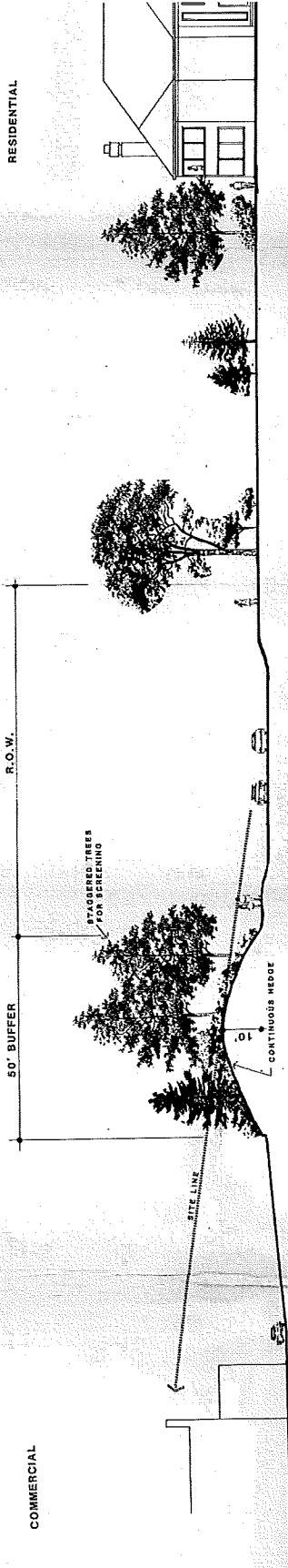
NOTES

1. ANY OF THE METHODS DEPICTED ON THIS SHEET ARE ACCEPTABLE LANDSCAPING TREATMENTS OF PARKING LOT AREAS.
2. DIMENSIONS SHOWN ARE FOR ILLUSTRATIVE PURPOSES ONLY.
3. INTERNAL TRAFFIC SIGNAGE WILL BE PROVIDED AS NEEDED TO INSURE THAT ALL TRAFFIC ENTERING THE SITE WILL HAVE THE RIGHT-OF-WAY.

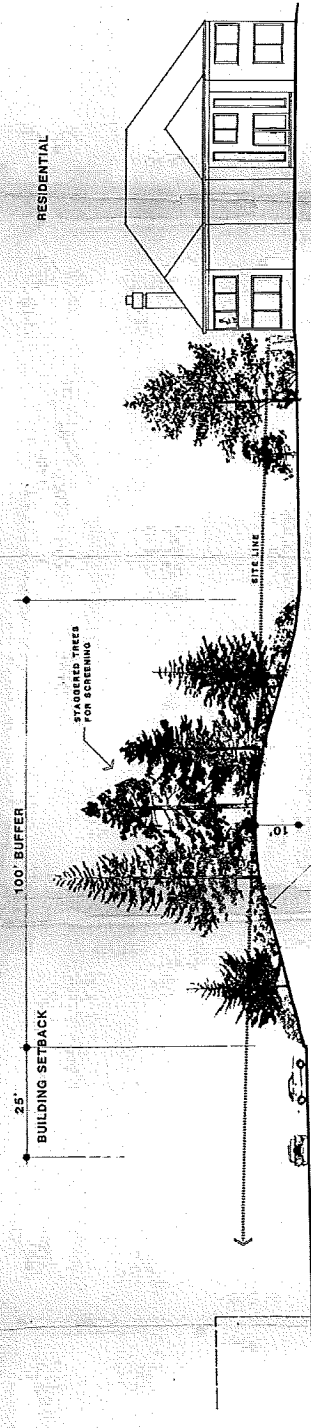


PRIMARY ENTRANCE DESIGN

PARKING LOT DETAILS	PROVIDENCE & N.C. HIGHWAY 51 MASTER PLAN	 Hodges & Associates planners architects 135-12 UNIV. BLVD. / ALEXANDRIA, VA 22304-4270 / 703-700-1000	<div style="font-size: 2em; font-weight: bold;">4</div> <div style="font-size: 0.8em;">REV. 1/2/87 11/1/85</div>
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SECTION A-A LANDSCAPE TREATMENT



SECTION B-B LANDSCAPE TREATMENT

LANDSCAPE CONDITIONS ADJOINING RESIDENTIAL PROPERTY	PROVIDENCE & N.C. HIGHWAY 51 MASTER PLAN Tammell Crow Company	Hodges architects 13442 Highway 7, Dallas, Texas 75244-4787-0000 & Associates planners 1/12/87
--------------------------------------------------------	---------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------



Agenda Date: 12/5/2017

Agenda #: 3. **File #:** 15-7003 **Type:** Zoning Item

Rezoning Petition: 2017-095 by Lincoln Harris, LLC

Location: Approximately 75 acres located between Ardrey Kell Road and Golf Links Drive, west of Providence Road. (Council District 7 - Driggs)

Staff Resource: [John Kinley](#)

Public Hearing Held: *November 20, 2017*

Staff Recommendation:

Staff recommends approval of this petition.

Attachments:

Post Hearing Staff Analysis

Statement of Consistency

Map

Site Plan

Previously approved site plan

REQUEST	Current Zoning: MUDD-O (mixed use development, optional) and B-2 (CD) (general business, conditional) Proposed Zoning: MUDD-O SPA (mixed use development, optional, site plan amendment) and MUDD-O (mixed use development, optional) with five-year vested rights.
LOCATION	Approximately 75 acres located between Ardrey Kell Road and Golf Links Drive, West of Providence Road. (Council District 7 - Driggs)
SUMMARY OF PETITION	The petition proposes several minor changes to the previously approved site plan for the Rea Farms mixed use development currently under construction. Changes include the relocation of the proposed hotel, allowance for a video screen internal to the site, revision to the layout of some retail buildings, shifting of the location of the village green, as well of some other minor modifications.
PROPERTY OWNER	RFR, LLC; CVR Associates, LP; Rea Farms Construction LLC; Simpson Woodfield Rea Farms, LLC; CalAtlantic Group, Inc.; CRP-GREP Overture Providence Owner, LLC
PETITIONER AGENT/REPRESENTATIVE	Lincoln Harris, LLC Collin Brown and Bailey Patrick, Jr., K&L Gates LLP
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 12.

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is consistent with the *Providence Road/I-485 Area Plan Update* recommendation as updated by Rezoning Petition 2015-022 for a mixture of residential, office, retail uses for the site and the surrounding area included in the Rea Farms Development.

Rationale for Recommendation

- The proposal does not increase the land use entitlements approved with the original rezoning plan for the Rea Farms development.
- The site plan amendment makes minor changes to the plan to accommodate a different hotel location, video screen within the site, clarification of building elevation elements, and standalone buildings within the site.
- The proposed changes are primarily internal to the site or along Ardrey Kell Road and no changes are being made to the areas that abut existing single family detached homes.

PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan amendment contains the following changes:

- Proposes to amend a 75 acre portion of the previously approved plan for the Rea Farms development including development areas A, B, and G all zoned MUDD-O (mixed use development, optional).
- ~~Adds a small, vacant portion of the adjacent shopping center property zoned B-2(CD) (general business, conditional) also owned by the petitioner, to the Rea Farms development plan. This portion was previously a required buffer for the shopping center but due to the Rea Farms rezoning it is no longer needed. The proposal would remove the buffer in order to connect Rea Farms to the shopping center, allow Rea Farms to utilize an existing drive alignment and expand an outparcel in development area G to the east towards the existing drive.~~
- Revises the retail building layout in development area B by increasing the number of freestanding single tenant buildings from two to three. The maximum square footage of

900,000 square feet and types of uses have not changed.

- Updates the number of residential units allowed in the MUDD-O (mixed use development, optional) area from 505 units to 527 units based on allowed development entitlement transfers. This does not result in an increase in the total number of units allowed overall because the original rezoning allowed units not constructed the MX-1 (mixed use) area to be transferred to the MUDD-O (mixed use development, optional) area.
- Adds a sub-area of Development Area G called G-1, located at the northwest corner of the intersection of Sandy Rock Place and Ardrey Kell Road to clarify the possible location of the hotel.
- Modifies the height limitations for area G by adding that a hotel building located within area G-1 shall not exceed six-stories in height on the frontage along Sandy Rock Place, other than at the corner of Sandy Rock Place and Ardrey Kell Road, and shall not exceed five stories in height on the frontage along Ardrey Kell Road. ~~adding that a hotel in area G may be up to 6 stories.~~ All other uses in area G remain limited to three stories. This modification allows the hotel location to be within area A, as originally planned, or within area G along Ardrey Kell Road.
- Provides a note that within area G-1, at least 75% of the exterior façade square footage of the first four stories of the building elevation facing Ardrey Kell Road and Sandy Rock Place shall be comprised of brick, glass or stone (or synthetic equivalent). Any floors above the first four stories may also include stucco, fiber cement, metal accents or roofing, architectural shingles. On any floor, architectural elements such as lintels, cornices or trim may consist of alternative materials other than those listed above.
- Provides a note that for uses within Development area G-1, delivery and service areas, including dumpster and garbage pickup, shall only be provided in the areas designated on the plan. Garbage and recycling areas shall be enclosed on all sides by opaque walls with one side being an opaque hinged gate.
- Specifies that the petitioner shall provide an architectural element, such as a fountain, on the corner of Sandy Rock Place and Ardrey Kell Road and no tables or outdoor umbrellas shall be permitted in this area.
- Provides a note that states within area G-1, roof top terraces, if provided, shall only be permitted in the location depicted on the plan, fronting Sandy Rock Place and not fronting Ardrey Kell Road.
- Specifies that with respect to area G-1 the petitioner will provide enhanced landscaping and/or a berm along Ardrey Kell Road. If otherwise visible, surface parking areas along the frontage of Ardrey Kell Road shall be screened from view from Ardrey Kell Road through the use of intermittent brick or masonry walls with a maximum height of four feet.
- Specifies that in area G-1 free standing lighting fixtures shall be a maximum of 21 feet tall and shielded with full cut-off fixtures.
- Adds a note specifying that gas stations will not be allowed as a stand-alone use or as an accessory use.
- Adds an optional provision to allow a video screen at eastern end of the village green. The site plan contains size and design limitations as well as an elevation of the video screen. The sign will not be visible from Ardrey Kell Road.
- Updates the statement of overall design intent in the design guidelines to clarify "the site" as proposed in the rezoning refers to the office, retail, service, residential and open space portions of the Rea Farms Development.
- Modifies a label on the rear elevation of the grocery building to remove the restriction that the artwork panels or graphic cannot relate to or show items sold in the store. This reflects changes to the North Carolina state law that prohibits local governments from controlling the content of signage.
- Shifts the location of the village green, to the west, to accommodate the parking area for the proposed EDEE (eating, drinking, entertainment establishment) at the eastern end of the green. The required minimum size of three acres for the village green has not changed. The previous plan contemplated a larger area without buildings in the center of the site than the required village green size.
- Updates transportation notes and commitments to reflect the current status of the project.
- **Existing Zoning and Land Use**
 - The subject property is a former golf course under redevelopment as a very large mixed use development. Petition 2015-022 rezoned most of the subject property, 194 acres, from R-3 (single family residential) and NS (neighborhood services) to MUDD-O (mixed use development, optional) and MX-1(INNOV) (mixed use, innovative) to allow a mixed-use development that would permit up to 954,000 square feet of office and retail uses, 265,000 square feet of institutional uses, 250,000 square feet of outdoor and indoor recreational uses, 700 residential units and 300 age restricted residential units.
 - The properties to the north, south, and west are zoned R-3 (single family residential), R-8MF

(CD) (multi-family residential), MX-1 (mixed use) and UR-2(CD) (urban residential, conditional) and are vacant or developed with residential structures. Properties to the east are zoned B-2(CD) (general business, conditional) and developed with commercial structures.

- See "Rezoning Map" for existing zoning in the area.

- **Rezoning History in Area**

- Petitions 2016-040 and 2015-055 were site modifications to Petition 2013-085 for the Waverly development, east of the subject, which rezoned 89.5 acres from R-3 (single family residential) to MUDD-O (mixed use development, optional) for a mixed use development with up to 560,000 square feet of office and commercial land uses, a 150-room hotel and 561 dwelling units.
- Petition 2015-087 for the Providence Farms development, rezoned 38.3 acres located east of the subject property, from R-3 (single family residential) to MUDD-O (mixed use development, optional) and MX-2 (mixed use) to allow a multi-use development with up to 30,000 square feet of office and retail uses, 180 hotel rooms, and 425 residential units.
- Petition 2011-064 rezoned approximately 12 acres located on the southwest corner of Providence Road and Ardrey Kell Road. This petition was a site plan amendment to a previously approved UR-2(CD) (urban residential conditional) rezoning from 2006 to increase the maximum number of townhome buildings while maintaining the number of dwelling units at 53.

- **Public Plans and Policies**

- The *Providence Road/I-485 Area Plan Update* (2000), as amended by petition 2015-022, recommends residential, office, and retail for most of the subject site. It recommends retail use for a small sliver of additional land at the southeast corner of the property.

- **TRANSPORTATION CONSIDERATIONS**

- The petition is a site plan amendment to the prior Rea Farms rezoning 2015-022. The proposed changes do not affect trips generated. ~~However, CDOT continues to request the resolution of numerous transportation note discrepancies between this site plan amendment, the approved traffic study, and the approved administrative amendment.~~ **The petitioner has resolved the transportation note discrepancies between this plan, the approved traffic study, and the administrative amendment.**
- ~~See Outstanding Issues, Note 1.~~ **Addressed**
- **Vehicle Trip Generation:**
Current Zoning:
Existing Use: Not determined; the site is currently under construction.
Entitlement: 35,600 trips per day (based on 500 apartments, 200 single family dwellings, 300 age restricted dwellings, 250,000 square feet retail, 250,000 square feet health club, 650,000 square feet of office, 17.8 acres institutional, 26,000 square feet institutional).
Proposed Zoning: No change from entitlement.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Housing and Neighborhood Services:** No issues.
- **Charlotte Fire Department:** No on-street parking on roads less than 26 feet clear width.
- **Charlotte-Mecklenburg Schools:** This site plan amendment will not impact the number of students attending local schools.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via existing 16-inch water transmission mains located along Providence Road and Ardrey Kell Road. Charlotte Water has sewer system availability for the rezoning boundary via an existing 8-inch gravity sewer main located along Providence Road.
- **Engineering and Property Management:**
 - **Arborist:** No issues.
 - **Erosion Control:** No issues.
 - **Land Development:** No issues.
 - **Storm Water Services:** No issues.
 - **Urban Forestry:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

OUTSTANDING ISSUESTransportation

1. ~~Modify transportation notes to reflect the addition of notes shown and described in the Transportation memo dated 9-18-17.~~ Addressed

REQUESTED TECHNICAL REVISIONSSite and Building Design

2. ~~Remove clouding from notes that were part of the administratively approved plan (for example H. I under optional provisions related to construction signage).~~ Addressed
 3. ~~Cloud notes that have been amended or added since the administratively approved plan.~~ Addressed
 4. ~~Remove the metes and bounds description for the portion of the B-2(CD) zoned parcel that was removed from the proposed rezoning on Sheet RZ-1.~~ Addressed. The petitioner has committed to make this change.
-

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Pre-hearing staff analysis
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Housing & Neighborhood Services Review
 - Charlotte Fire Department Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - City Arborist Review
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

Planner: John Kinley (704) 336-8311

2017-095 by Lincoln Harris, LLC

To Approve:

([I move that the](#)) Zoning Committee finds this petition to be **consistent** with the *Providence Road/ I-485 Area Plan Update* based on the information from the staff analysis and the public hearing, and because:

- The plan recommends a mixture of residential, office, and retail uses for the site and the surrounding area included in the Rea Farms Development.

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

- The proposal does not increase the land use entitlements approved under the original plan for the Rea Farms development; and
- The site plan amendment makes minor changes to the plan to accommodate a different hotel location, video screen within the site, clarification of building elevation elements, and standalone buildings within the site; and
- The proposed changes are primarily internal to the site or along Ardrey Kell Road and no changes are being made to the areas that abut existing single family homes.

To Deny:

([I move that the](#)) Zoning Committee finds this petition to be **consistent** with the *Providence Road/ I-485 Area Plan Update* based on the information from the staff analysis and the public hearing, and because:

- The plan recommends a mixture of residential, office, retail uses for the site and the surrounding area included in the Rea Farms Development.

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

- (To be explained by the Zoning Committee)

Rezoning Map 2017-095 : Lincoln Harris

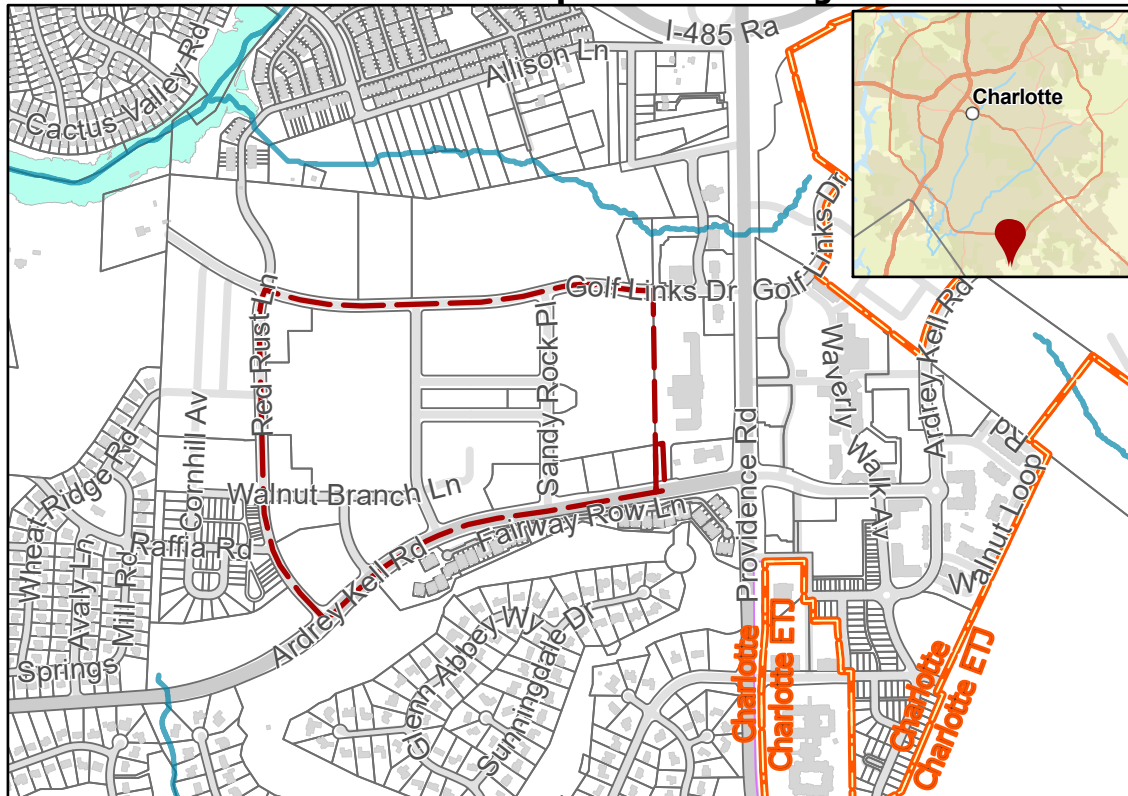
Current Zoning B-2 (CD) (General Business, Conditional), MUDD-O (Mixed Use Development District, Optional)

Requested Zoning MUDD-O (Mixed Use Development District, Optional with 5 Year Vested Rights), MUDD-O SPA (Mixed Use Development District, Optional, Site Plan Amendment with 5 Year Vested Rights)

Approximately 75 acres

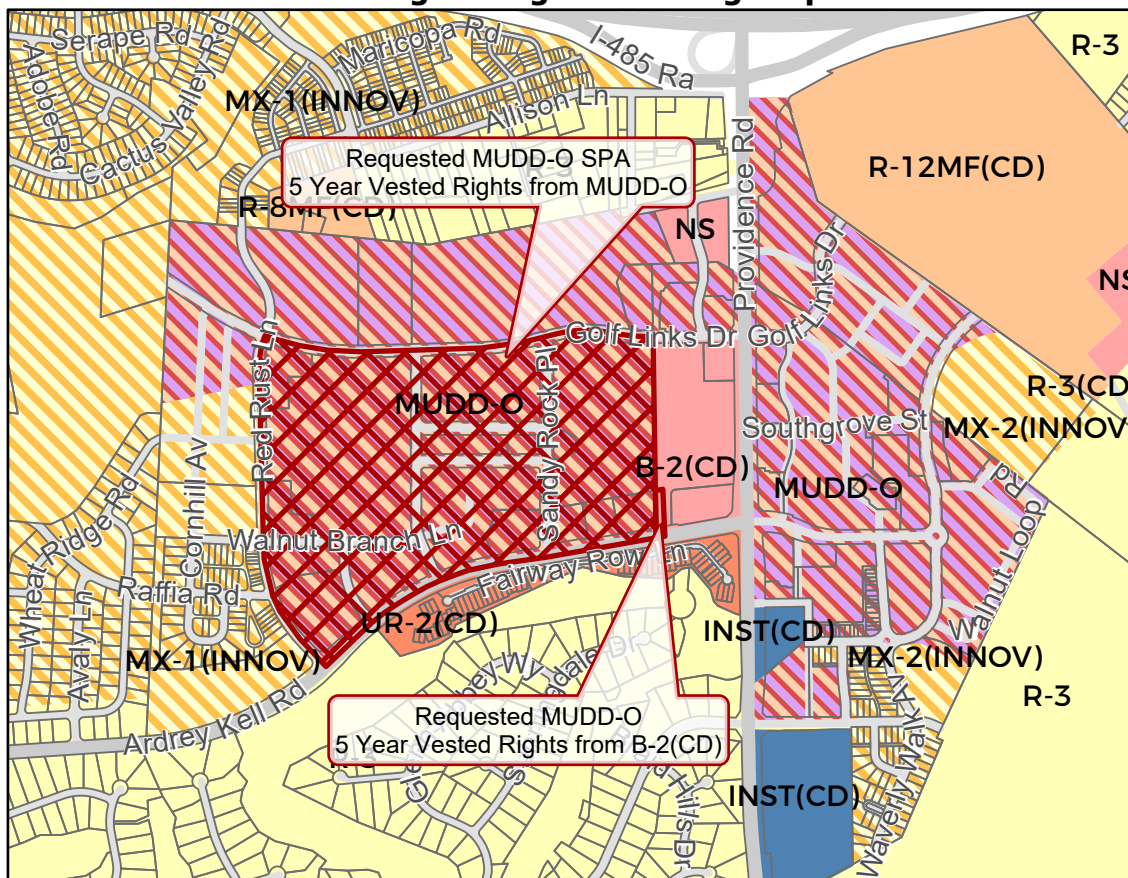


Location of Requested Rezoning



- 2017-095
- Inside City Limits
- Parcel
- Buildings
- FEMA Flood Plain
- Streams
- City Council District**
- 7-Edmund H. Driggs

Existing Zoning & Rezoning Request



- Requested MUDD-O SPA
5 Year Vested Rights from MUDD-O
- Requested MUDD-O
5 Year Vested Rights from B-2(CD)
- Parcel
- Zoning Classification**
- Single Family
- Multi-Family
- Urban Residential
- Mixed Residential
- Institutional
- Business
- Mixed Use



0 500 1,000 2,000 Feet

Map Created 10/30/2017

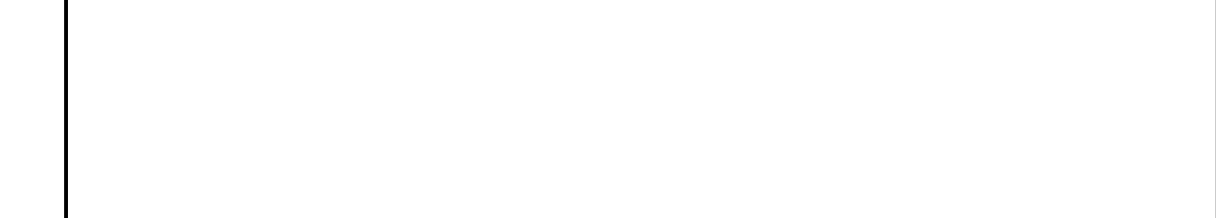
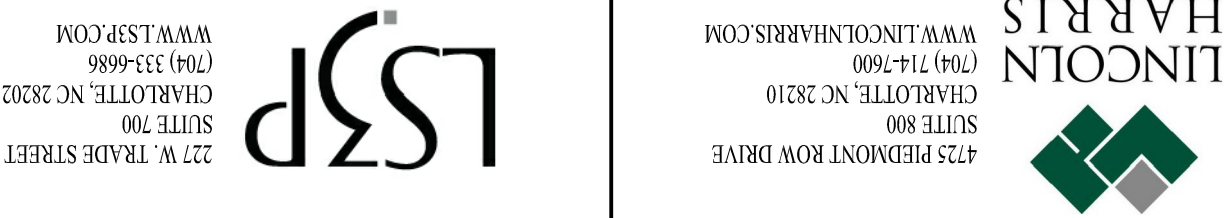
Site Development Data:	
--Tax Parcels:	299-171-25, 299-171-26, 299-171-27, 299-171-28, 299-171-29, 299-171-30, 299-171-31, 299-171-32, 299-171-33, 299-171-34, 299-171-35, 299-171-36, 299-171-37, 299-171-38, 299-171-39, and 299-171-40
--Acreage:	± 75 acres
--Existing Zoning:	MUDD-O, B-2(CD)
--Proposed Zoning:	MUDD-O,(SPA) and MUDD-O
--Existing Uses:	Commercial; vacant
--Proposed Uses:	As permitted by right and under prescribed conditions together with accessory uses, as allowed in the MUDD-O, zoning district (as more specifically described below).
--Maximum Building Height:	Building height will be limited to 95 feet (for the purposes of this height limit, architectural features, (such as parapets, spires, mansards, domes and dormers), roof top mechanical equipment, and screens or devices used to screen roof top structures or equipment will not be considered for the calculation of allowed building height when located on a multi-story office building), or as more particularly described below.
--Parking:	Will meet or exceed the standards as required by the Ordinance for the MUDD-O zoning district.
I. General Provisions:	
a.	<p>The Development Standards set forth herein are an amendment to the Development Standards submitted and approved in a 2016 Administrative Amendment to Rezoning Petition No. 2015-022. This Site Plan Amendment is intended to modify certain provisions of Rezoning Petition 2015-022 and approved Amendments thereto. For the most part, the development standards set forth below are identical to the Development Standards in Rezoning Petition 2015-022. It is understood that this Site Plan Amendment does not increase maximum development rights set forth in Rezoning Petition 2015-022 and approved Amendments thereto. To be clear, provisions of Rezoning Petition 2015-022 are set forth below for ease of recognition. They do not create new entitlements in addition to those in Rezoning Petition 2015-022 and approved Amendments thereto.</p>
b.	<p>Site Description. These Development Standards and the Technical Data Sheet form the rezoning plan (hereafter collectively referred to as the “Rezoning Plan”) associated with the Rezoning Petition filed by Lincoln Harris (“Petitioner”) to amend the site plan related to the development of a mixed use commercial and residential community on an approximately 193.73 acre site located south of I-485 in the northwest quadrant of the intersection between Providence Road and Ardrey Kell Road (the “Rea Farms Development”). As more particularly described below, this rezoning relates to Development Areas A, B and G of the Rea Farms Development, encompassing approximately 75 acres surrounded by Providence Road, Ardrey Kell Road and Midway Park Drive (the “Site”).</p>
c.	<p>Zoning Districts/Ordinance. Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the “Ordinance”). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the MUDD-O zoning classification shall govern all development taking place on the Site, subject to the Optional Provisions provided below.</p>
d.	<p>Conceptual Master Plan. The Technical Data Sheet is also accompanied by a Conceptual Master Plan. Petitioner shall develop the Site in a manner generally consistent with the Conceptual Master Plan, with the understanding that the configurations, placements and sizes of buildings, parking areas and opens spaces may be altered or modified as long as the ultimate design is consistent with the spirit and intent of the Conceptual Master Plan. The Conceptual Master Plan and any building designs depicted are conceptual in nature and therefore are subject to refinements as part of the total design process. They may, therefore, be altered or modified, in accordance with Section 6.207 of the Ordinance, during design development and construction document phases so long as the maximum building envelope lines and intensity limitations established on the Technical Data Sheet are not violated and the proposed alterations or modifications do not exceed the parameters established under these Development Standards and under the Ordinance for the MUDD District.</p>
e.	<p>Planned/Unified Development. The Site shall be viewed as a planned/unified development plan as to the elements and portions of the Site generally depicted on the Rezoning Plan. As such, setbacks, side and rear yards, buffers, building height separation standards, FAR requirements, and other similar zoning standards will not be required internally between improvements and other site elements located on the Site. Furthermore, the Petitioner and/or owner of the Site reserve the right to subdivide portions or all of the Site and create lots within the interior of the Site without regard to any such internal separation standards, public/private street frontage requirements and FAR requirements, provided, however, that all such separation standards along the exterior boundary of the Site shall be adhered to and all FAR requirements will be regulated by any development limitations set forth in Section IV below as to the Site as a whole and not individual portions or lots located therein. Setbacks along private streets shall be at least 16 feet.</p>
f.	<p>Five Year-Vested Rights. Pursuant to the provisions of Section 1.110 of the Ordinance and N.C.G.S. Section 160A-385.1, due to the master planned large scale nature of the development and/or redevelopment, the level of investment, the timing of development and/or redevelopment and certain infrastructure improvements, economic cycles and market conditions, this Petition includes vesting of the approved Rezoning Plan and conditional zoning districts associated with the Petition for a five (5) year period.</p>
II. Optional Provisions for the MUDD-O Area (these provisions are restated from Rezoning Petition 2015-022 and as such do not create entitlements in excess of Rezoning Petition 2015-022 and approved Amendments thereto).	
The following optional provisions shall apply to Development Areas A, B, and G.	
a.	To allow vehicular parking, maneuvering and service areas between the proposed buildings and: (i) Ardrey Kell Road; (ii) Golf Links Drive; and (iii) the interior public and private streets. Additional detail on where and how parking and maneuvering is allowed to occur between the buildings and streets is contained in Sections V and VI below.
b.	To allow up to four (4) uses with accessory drive-through windows to be located within Development Areas B and G.
c.	To allow along Providence Road, two (2) ground mounted shopping center/development identification signs up to 24 feet in height and containing up to 150 square feet of sign area. These signs may be used to identify any of the uses located on the Site.
d.	To allow along Ardrey Kell Road, two (2) ground mounted shopping center/development identification signs up to 24 feet in height and containing up to 150 square feet of sign area. These signs may be used to identify any of the uses located on the Site.
e.	To allow one (1) detached ground mounted identification sign for each nonresidential building located within Development Areas A, B, and G. In the event that a residential use fronts Ardrey Kell Road, it shall be permitted one (1) detached ground mounted identification sign. These detached identification signs may be up to five (5) feet in height and contain up to 36 square feet of sign area.
f.	To allow wall signs having up to 200 square feet of sign surface area per wall or 10% of the wall area to which they are attached, whichever is less, within Development Areas A, B, and G.
g.	To allow special event signs and banners not to exceed 100 square feet in sign area, at the intersection of Ardrey Kell and the Site's main north/south street connection. Any banners located at these intersections will be well-designed, professionally fabricated banners made of fabric or plastic of any type. Paper banners will not be allowed; and no more than two (2) banners will be allowed at a time at these intersections.
h.	To allow any of the detached signs permitted by the Ordinance or these Optional Provisions to be placed within the setback provided along Ardrey Kell Road or Providence Road, including within landscape areas indicated on the Rezoning Plan, as long as signage is no closer than fourteen (14) feet from back of curb.
i.	To allow, at the Petitioner's discretion, the ability to have one unified construction sign on Ardrey Kell Road up to 200 square feet in sign area in lieu of multiple construction signs as permitted by the Ordinance.
Note: <i>The optional provisions regarding certain signs are additions/modifications to the standards for signs in the MUDD zoning district and are to be used with the remainder of MUDD standards for signs not modified by these optional provisions.</i>	
j.	To not require doorways to be recessed into the face of buildings when the abutting sidewalk width is greater than twelve (12) feet.
k.	To allow required long term bike parking spaces to be located within parking structure.
l.	To allow deviations from typical streetscape standards. However, any changes to dimensional requirements are allowable only in cases of hardship, such as, but not limited to, topographical constraints, parcel size constraints, and uniformity with existing structures.
m.	To allow a video screen at the Terminus Pavilion, as generally depicted in the conceptual rendering of this Rezoning Plan, not to exceed twenty-five (25) feet wide and fourteen (14) feet tall.

III. Permitted Uses, Development Area Limitations, Transfer and Conversion Rights (these provisions are restated from Rezoning Petition 2015-022 and as such do not create entitlements in excess of Rezoning Petition 2015-022 and approved Amendments thereto):

- The Rezoning Plan sets forth three (3) development areas as generally depicted on the Technical Data Sheet as Development Areas A, B, and G (each a “Development Area” and collectively the “Development Areas”).
- Subject to the restrictions, limitations, and transfer/conversion rights listed below, the principal buildings constructed within Development Areas on the Site may be developed: (i) with up to 900,000 square feet of gross floor area of commercial non-residential uses permitted by right and under prescribed conditions, (ii) up to 265,000 square feet gross floor area of Institutional Uses; (iii) 527 residential dwelling units of all types together; and (iv) up to 300 Nursing Home or Adult Care Center units, along with any accessory uses allowed in the MUDD zoning district.
- In order to encourage the integration of retail uses into the ground floor levels of office or multi-family buildings with Development Areas A and B, the square footages of any such retail spaces shall not be counted towards the maximum amount of commercial or retail square footage allowed within the Site. Additionally, any uses developed within a structure constructed within Development Area B's plaza along Public Street A shall not be counted towards the maximum amount of commercial or retail square footage allowed within the Site.
- For purposes of the development limitations set forth in these Development Standards (the term “gross floor area” or “GFA”) shall mean and refer to the sum of the gross horizontal areas of each floor of a principal building on the Site measured from the outside of the exterior walls or from the center line of party walls: provided, however, such term shall exclude any surface or structured parking facilities, areas used for building and equipment access (such as stairs, elevator shafts, vestibules, roof top equipment rooms and maintenance crawl spaces), all loading dock areas (open or enclosed), outdoor coolers and outdoor dining areas whether on the roof of the building(s) or at street level (parking for outdoor dining areas will be provided as required by the Ordinance or these development standards).
- Convenience Stores with gasoline sales shall not be permitted on the Site. Gasoline sales shall also not be allowed as an accessory use to any permitted use on the Site.
- The total square feet of gross floor area devoted to office uses and other commercial uses such as retail, restaurant and personal service uses shall be interchangeable provided that:
 - The total square feet of gross floor area of all such office and other commercial uses does not exceed 900,000 square feet of gross floor area;
 - The total square feet of gross floor area of all office uses does not exceed 650,000 square feet of gross floor area;
 - In the event that a hotel use is developed, the total allowable square footage for office and other commercial uses shall be reduced by 1,000 square feet for each hotel room that is developed; and
 - The total square feet of gross floor area for non-office commercial uses such as retail, restaurant and personal service uses shall not exceed 250,000 square feet of gross floor area in purposes of these Development Standards (Personal Service uses are defined as uses that primarily provide or sell a service to customers versus the selling of goods. A personal service use may also sell products or merchandise but the sale of products and merchandise is typically ancillary. Examples of Personal Service uses include but are not limited to: beauty salons and barber shops, spas, yoga and exercise studios, nail salons, massage shops, martial art training studios, laundries and dry cleaning establishments, locksmiths, and alike).
 - Office uses may exceed the limitations described in Paragraph III.f.2. and non-office commercial uses may exceed the limitations described in Paragraph III.f.4. up to an amount not to exceed 10% of the stated amounts by converting office uses into non-office commercial uses such as retail, restaurant and personal services at a ratio of 1 square foot of gross floor area of office uses for every 1 square foot of gross floor area of such non-office uses so converted and vice-versa, subject to the limitation described in item (1) above.
- Subject to the limitations set forth below, up to four (4) uses with accessory drive-through windows may be developed within Development Areas B and G, subject to the following restrictions and the design guidelines set forth in Section V below:
 - No more than three (3) restaurants with accessory drive-through windows may be located within Development Areas B and G;
 - No more than two (2) banks/financial institutions with accessory drive-through windows may be located within Development Areas B and G.
 - One (1) retail pharmacy with accessory drive-through windows may be located within Development Areas B or G.

Transportation

- All public roadway improvements will be subject to the standards and criteria of CDOT and NCDOT, as applicable, to the roadway improvements within their respective road system authority. It is understood that such improvements may be undertaken by the Petitioner on its own or in conjunction with other development or roadway projects taking place within the broad south Mecklenburg area, by way of a private/public partnership effort or other public sector project support.
- Access and Internal Streets:**
 - Access to the Rea Farms Development will be from Ardrey Kell Road, the proposed extension of Golf Links Drive and future streets as generally depicted on the Rezoning Plan, subject to adjustments as set forth below.
 - Within the Rea Farms Development, the total number of access points to Ardrey Kell Road has been limited to four (4). As related to the Site, the maximum number of access points are generally depicted on the Rezoning Plan.
 - The proposed street connections to adjoining properties along the western boundary of the property shall be provided at the locations specified on the Technical Data Sheet in order to ensure that connections align with existing stub streets or proposed streets on adjoining properties. These street connections along the western property boundary shall be designed with careful consideration of existing and future single family neighborhoods. The design and layout of street connections from those external access points to the internal street network will be determined during the design process and efforts will be made to discourage through traffic on Raffia Road and Wheat Road.
 - “Choker” road shall be installed connecting the Site to Wheat Road and Raffia Road in order to discourage and slow traffic through the adjacent Stone Creek Ranch neighborhood. A Conceptual Cross-Section of the proposed choker connections is illustrated on Sheet RZ-4.
 - The street connection to Raffia Road shall not be completed until Certificates of Occupancy have been issued for homes on at least 50% of the single-family lots proposed within Development Area C or until a Certificate of Occupancy is issued for a public school within the Site.
 - The street connection to Wheat Road shall not be completed before Certificates of Occupancy have been issued for homes on at least 85% of the single-family lots proposed within Development Area C.
 - Two driveway access points from Golf Links drive to Development Area B shall be permitted in the locations generally depicted on the Technical Data Sheet. The eastern most of these driveways shall be limited to right-in-right-out vehicular movements only. In the event a vehicular connection between Development Area B and the abutting property to the east is created, as provided for in the preceding paragraph, it is understood that CDOT may evaluate the function a viability of the easternmost driveway access point between Golf Links Drive and Development Area B. If the easternmost driveway access point is deemed to be unsafe, CDOT and Petitioner will work together to identify a mutually acceptable resolution.
 - The number and location of internal streets not depicted on the Rezoning Plan will be determined during the design process and thereafter with approval from appropriate governmental authorities, subject to applicable statutes, ordinances and regulations such as subdivision and driveway regulations. While some individual blocks may be longer, the average block length for all blocks within Development Areas A, B and G, shall not exceed 650 feet.
 - The Petitioner reserves the right to request the installation of pavers and/or stamped or colored asphalt within the Site's public streets in order to designate and define pedestrian cross-walks. The Petitioner will coordinate the design of any decorative pavement elements proposed within the public right-of-way with CDOT during the driveway permit process. Furthermore, the Petitioner understands that an encroachment and maintenance agreement must be obtained from CDOT before any decorative pavers and/or stamped pavement proposed in the public right-of-way may be installed.
 - The alignment of the internal public and private streets, vehicular circulation and driveways may be modified by the Petitioner, subject to CDOT's final approval, to accommodate minor changes in traffic patterns, parking layouts and any adjustments required for approval by the Charlotte Department of Transportation (CDOT) in accordance with published standards and industry best practices so long as the street network set forth on the Rezoning Plan is not materially altered.
 - Substantial Completion.** Reference to “substantially complete” for certain improvements as set forth in the provisions of Section IV.d below shall mean completion of the roadway improvements in accordance with the standards set forth in Section IV.a. above provided, however, in the event certain non-essential roadway improvements (as reasonably determined by CDOT) are not completed at the time that the Petitioner seeks to obtain a certificate of occupancy for building(s) on the Site in connection with related development phasing described above, then CDOT will instruct applicable authorities to allow the issuance of certificates of occupancy for the applicable buildings, and in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements.
 - Roadway Improvements and Phasing.** Petitioner shall provide or cause to be provided on its own or in cooperation with other parties who may implement portions of the improvements, the improvements set forth below to benefit overall traffic patterns throughout the area in accordance with the following implementation provisions:



- Phase 1 Improvements.** The following improvements shall be substantially completed prior to the issuance of a Certificate of Occupancy for the first building developed on the Site:
- Public Street B (Golf Links Drive Extension) shall be extended from the existing Golf Links Drive to the proposed Public Street C. Public Street B will be designed for at least an Office/Commercial wide cross-section with right-of-way width of at least 77 feet, subject to alterations that may be approved by CDOT. Petitioner shall comply with planting strip and sidewalk standards effective at the time of construction as long as the total width of sidewalk and planting strip area does not exceed sixteen (16) feet
 - A public street connection from Public Street B extending north through Development Area D to connect to Red Rust Lane.
 - Public Street C shall be extended from Ardrey Kell Road through the Site to Public Street B.
 - Providence Road (NC 16) and Reconfigured Golf Links Drive/Waverly Offsite Access (reconfigured signalized intersection):

- Construct a second eastbound left turn lane on Golf Links Drive with 525 feet of storage, appropriate bay taper, along with a median within Golf Links Drive extending from Providence Road to a point at least fifty (50) feet west of Golf Links Drive North. Thus providing dual left turn and with appropriate design.
- With the installation of the traffic signal (upon approval by CDOT and NCDOT), install high-visibility crosswalks with pedestrian signal heads and pushbuttons across all four legs of the intersection.
- Install 425 feet of storage and a southbound right turn lane on Providence Road with appropriate bay taper.
- Reserve ROW for 3rd southbound lane on Public Road "C" with 200' of storage.
- Install southbound left turn from Public Road "C" to Ardrey Kell with 400' of storage.
- Construct westbound right turn lane on Ardrey Kell at Public Road "C" with 150' of storage and an appropriate bay taper.

Ardrey Kell Road and Proposed Access "D" (future signal)

- Construct an eastbound left turn lane on Ardrey Kell Road with 400 feet of storage and an appropriate bay taper.
- With the installation of the traffic signal (upon approval by CDOT and NCDOT), install a high-visibility crosswalk with pedestrian signal heads and pushbuttons across the Proposed Access "D" leg of the intersection.

Phase 2 Improvements. The following improvements shall be substantially completed prior to the development of more than 50,000 square feet of office or retail uses within Development Area A or Development Area B:

- Public Street A, located between Development Area A and Development Area B, connecting Public Street B and Ardrey Kell Road.
- Ardrey Kell Road and Providence Row Lane/Proposed Access "A" (future signal):
 - Construct dual eastbound left turn lanes on Ardrey Kell Road with 325 feet of storage each and an appropriate bay taper.
 - Construct a second westbound combined thru-right turn lane on Ardrey Kell Road that commences at the existing drop right turn lane located approximately 500 feet west of Providence Road and terminates at the existing right turn lane at Avaly Road (along the entire site frontage - a length of approximately ¼ of a mile). The Ardrey Kell Road curbline shall be set in a location that will accommodate one half of a future median and a westbound bike lane.
 - Construct westbound right turn lane on Ardrey Kell with 150; storage and appropriate bay taper.
 - Construct eastbound combined thru-right on Ardrey Kell with 500' storage and appropriate bay taper.
 - On Access "A" construct the following:
 - Dual northbound receiving lanes.
 - Dual southbound left turn lanes where the outside left turn lane is a termination of the southbound through lane and the inside left turn lane provides 400 feet of storage.
 - Combination southbound through right turn lane.
 - With the installation of the traffic signal (upon approval by CDOT and NCDOT), install a high-visibility crosswalk with pedestrian signal heads and pushbuttons across the Proposed Access "A" leg of the intersection.

- Ardrey Kell Road and Proposed Right-In/Right-Out Only Access "B" (unsignalized):
 - The Proposed Right-In/Right-Out Only Access "B" should include one ingress lane and one egress lane that terminates as a right turn exit lane.
 - A raised median (minimum four-foot width) should be installed at Ardrey Kell Road a minimum of 50 feet on either side of the access to restrict left entering and exiting movements.
 - The additional westbound through lane along the site frontage (discussed above) will create a westbound combined through-right turn lane (which terminates at the existing right turn lane at Avaly Road).

- Ardrey Kell Road and Proposed Right-In/Right-Out Only Access "C" (unsignalized):

- The Proposed Right-In/Right-Out Only Access "C" should include one ingress lane and one egress lane that terminates as a right turn exit lane.
- A raised median (minimum four-foot width) should be installed in Ardrey Kell Road a minimum of 50 feet on either side of the access to restrict left entering and exiting movements.
- The additional westbound through lane along the site frontage (discussed previously) will create a westbound combined through-right turn lane (which terminates at the existing right turn lane at Avaly Road).

Phase 3 Improvements. The following improvements shall be substantially completed prior to the development of more than 225,000 square feet of office or retail uses within the Site:

- Providence Road (NC 16) and I-485 Inner Loop Ramps:
 - Install new westbound left turn lane with 800 feet of storage.
 - Extend the existing westbound left turn lane from 225' of storage to 800' of storage
 - Extend the existing right turn lane from 215' of storage to 800' of storage.
 - Construct a westbound right turn lane on the Inner Loop Exit Ramp with 800' of storage and appropriate bay taper.
 - Install new pedestrian refuge island between combined left turn and through lane and the existing westbound right turn lane.
- Providence Road (NC 16) and I-485 Outer Loop Ramps:

Modify the existing southbound right turn lane on Providence Road to a combined thru-right turn lane. This will also require a minor amount of widening on the west side south of the intersection to receive this 3rd lane of traffic.

- Providence Road (NC 16) and Ardrey Kell Road/Future Ardrey Kell Road Extension (reconfigured signalized intersection):

- Construct a second eastbound right turn lane on Ardrey Kell Road with 400 feet of storage and appropriate bay taper.
 - Extend eastbound left turn on Ardrey Kell from 275' of storage to 900' of storage.
 - Extend second eastbound left turn lane on Ardrey Kell from 775' of storage to 800' of storage.
 - Extend and modify the existing median within Ardrey Kell Road west of Providence Road to provide a directional-crossover to allow left-in/right-in/right-out movements to the existing retail on the north side of Ardrey Kell Road while providing dual left turn lanes with appropriate design.
 - Construct a third southbound through-lane on Providence Road extending from Ardrey Kell Road to Providence Country Club Drive in accordance with the most recent design plan provided to CDOT by the Petitioner. In the event that the proposed design of the improvements is not approved by NCDOT, the Petitioner shall contribute to the City of Charlotte a monetary amount equivalent to the estimated cost of the design and construction of the proposed improvements (as mutually agreed upon by Petitioner and CDOT).
 - Construct a southbound right turn lane on Providence Road with 185 feet of storage and appropriate bay taper.
- Tom Short Road and Ardrey Kell Road (CDOT, at its discretion, may allow the Petitioner to contribute to the City of Charlotte a monetary amount equivalent to the estimated cost of the design and construction of the following improvements (as mutually agreed upon by Petitioner and CDOT) in lieu of constructing the improvements):
- Construct an extension of the existing westbound left-turn lane on Ardrey Kell Road (turning onto Tom Short Road) to include 350 feet of storage.

Right-of-way Availability. It is understood that some of the public roadway improvements referenced herein may not be possible without the acquisition of additional right-of-way. If after the exercise of diligent good faith efforts, as specified by the City of Charlotte right-of-way acquisition process as administered by the City of Charlotte's Engineering and Property Management Department, the Petitioner is unable to acquire any land necessary to provide for any such additional right-of-way upon commercially reasonable terms and at market prices, then CDOT, the City of Charlotte Engineering Division or other applicable agency, department or governmental body agree to proceed with acquisition of any such land. In such event, the Petitioner shall reimburse the applicable agency, department or governmental body for the cost of any such acquisition proceedings including compensation paid by the applicable agency, department or governmental body for any such land and the expenses of such proceedings. Furthermore, in the event public roadway improvements referenced in subsection a. above are delayed because of delays in the acquisition of additional right-of-way as contemplated herein above, then the Petitioner will contact the Planning Department and CDOT regarding an appropriate infrastructure phasing plan that appropriately matches the scale of the development proposed to the public infrastructure mitigations. If after contacting the Planning Department and CDOT to determine the appropriate infrastructure phasing plan, delays in the acquisition of additional right-of-way extends beyond the time that the Petitioner seeks to obtain a Certificate of Occupancy for building(s) on the Site in connection with related development phasing described above, then CDOT will instruct applicable authorities to allow the issuance of certificates of occupancy for the applicable buildings; provided, however, Petitioner continues to exercise good faith efforts to complete the applicable road-way improvements; in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a Certificate of Occupancy is issued to secure completion of the applicable improvements.

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

Traffic Signals. Petitioner, on its own or in cooperation with other parties, shall be responsible for the cost of the traffic signals proposed herein, unless certain traffic signals are installed by others prior to the time that they are required to be provided by the Petitioner

Institutional and Recreational Uses. Institutional and recreational uses (indoor or outdoor), and any accessory uses thereto, shall not be considered office or retail uses when calculating square footages for the purpose of determining when certain transportation improvements are required.

Alternative Compliance. While it is understood that the improvements set forth above, unless otherwise specified, are the responsibility of the Petitioner or other private sector entity, in event that it is necessary or advantageous, CDOT may, at its discretion, accept a fee in lieu of construction of certain improvements, as long as such fee is equal to the full cost of said improvements (including design, acquisition and construction).

VI. Design Guidelines:

a. **Statement of Overall Design Intent.**

- Land Use:** The Rea Farms Development as a whole contemplates an integrated, pedestrian friendly development through a horizontal mixture of uses including office, retail, service, civic, recreational, and open space as well as a variety of residential uses. The Site, as contemplated in this rezoning petition, shall relate to the development of office, retail, service, residential and open space portions of the Rea Farms Development.
- Open Space:** The Site will incorporate a system of public and private open spaces throughout that will be interconnected by sidewalks and walking trails and linked to an active amenitized open space area at the core of the Site. At least 5 acres of publically accessible open space (including both green spaces and hardscape areas) shall be provided within Development Areas A and B. Smaller open space areas and pocket parks dispersed throughout Development Areas A and B shall be included in the total open space acreage requirement.
- Community Design:** The site plan for the Site will seek to emphasize pedestrian connections between uses and create a strong link between the commercial core of the development and adjacent uses throughout the Rea Farms Development. Additionally, streetscapes, landscaping and high-quality building materials will be used in a manner that creates a unified development pattern throughout the Rea Farms Development. Where opportunities exist, a vertical mix of uses will be encouraged but not required. Buildings will orient and provide prominent entrances along frontages on Public Street A and the Public Green.
- Transportation and Mobility:** The Site's internal street network will establish new connections between existing developments on adjoining properties providing multiple route options and creating new opportunities for non-automobile travel while also incorporating traffic calming devices in order to mitigate adverse impacts on adjacent residential neighborhoods.

b. **General Design Guidelines.**

- The principal buildings constructed on the Site may use a variety of building materials. The building materials used for buildings (other than structured parking facilities) will be a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, architectural precast concrete, synthetic stone, stucco, cementitious siding (such as hard-plank), or wood. EIFS as a building material will not be allowed, except as back-up for architectural trim on stucco clad buildings. Vinyl, as a building material, will only be allowed on windows, soffits and trim features.
- The Site will include a series of publicly accessible open spaces and plazas as focal points. These focal points will include some combination of landscaping, monumentation, water feature, seating areas and/or art work features.
- Streetscape treatment will be a unifying element through the use of consistent paving, lighting, landscaping, and, when provided, site furnishings, throughout the Site.
- 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.
- Circulation paths will be provided along the Site's Public and Private Streets from parking areas and decks to building entries and areas of interest.
- Meter banks will be screened where visible from public view at grade from public or private streets.
- Rooftop HVAC and related mechanical equipment will be screened from public view at grade from public or private streets.
- All dumpster areas shall be enclosed by walls and opaque gates utilizing materials similar in nature and complimentary in design to adjacent buildings.
- All service areas for non-residential uses shall be screened from residential structure.
- Each Development Area shall include sufficient open space to satisfy the minimum MUDD open space requirements.

c. **Development Area A Design Guidelines.**

- Per the Optional Provision of Section II.n. above, the Petitioner shall be permitted to include a video screen at the Terminus Pavilion, as generally depicted on the conceptual rendering and further described on RZ-7.2 of the Rezoning Plan.
- Freestanding retail uses shall be limited to one building (without a drive-through) along the Site's Ardrey Kell Road frontage that does not exceed 24,000 square feet.
- During the initial phases of development, uses within Development Area A may be served by surface parking areas. Structured parking facilities shall be required when/if office square footage within Development Area A exceeds 240,000 square feet.
- Buildings shall not exceed six (6) stories.
- The Rezoning Plan provides for a signature Public Green with significant building frontage in order to create a well-defined edge for that public open space. Off-street parking areas shall be screened from view from the Public Green and shall not front the Public Green or be located to the sides of buildings that front the Public Green, except as generally depicted on the Conceptual Master Plan.

b. **Development Area B Design Guidelines.**

- Individual retail uses shall not exceed 60,000 square feet. However, in the event that a grocery store use is developed, that use may occupy up to 85,000 square feet.
- Up to three free-standing single tenant uses shall be permitted. Only one freestanding retail use may exceed 24,000 square feet. This provision shall not prohibit non-retail uses, including but not limited to offices or studios, within free-standing buildings.
- Buildings shall not exceed three (3) stories in height
- Service areas shall be designed to face existing service areas within the adjacent Rea Village Shopping Center as generally depicted on the Conceptual Master Plan.
- Any drive-through uses within Development Area B shall be internally oriented and drive-through facilities and associated maneuvering areas shall be screened with a low wall and/or landscaping when visible from Public Street A or Public Street B.
- Retail areas in buildings fronting Public Street A shall provide a ground floor Fenestration Zone having a minimum of 60% fenestration of the ground floor façade area measured between 2' and 10' above the sidewalk along Public Street A. Up to 40% of the required fenestration may be comprised of display windows. These display windows must maintain a minimum of 3'-0" clear depth between window and rear wall. Windows within the Fenestration Zone shall not be screened by film, decals or other opaque material, glazing finishes or window treatments. The maximum sill height for required fenestration shall not exceed 4'-0" above the sidewalk.

7. The primary entrance to buildings along Public Street A shall be on the Public Street A facade of those buildings. These entries shall be recessed a minimum of 3'-0" deep with a minimum width of 5'-0" unless fronting a sidewalk with a minimum width of 12'-0".

8. Parking Areas for the retail buildings along Public Street A shall be located behind the buildings fronting Public Street A and shall be screened by the buildings, except at pedestrian ways providing access from parking areas to the street.

9. The facades of the retail buildings along the Public Street A fronting the parking areas shall provide a Ground Floor Fenestration Zone of 30% of the ground facade area as defined in Paragraph 6 above unless a particular facade directly abuts a required service area. Up to 40% of the required Fenestration Zone may be display windows as defined in Paragraph 6 of this Section.

10. With regard to the main retail anchor, enhanced fenestration zones shall be provided in the areas indicated on RZ-7.1. Within the highlighted areas, at least 40% of the ground floor facade area measured between 3' and 10' above the sidewalk shall be fenestrated. Fenestration requirements for the western elevation area may be satisfied entirely through the use of display windows with a minimum of 3'-0" clear depth between window and rear wall. The southern elevation of this building shall be generally consistent with the conceptual elevation on Sheet RZ-7.1. The clear vision glass will be provided along the facade and no signage film or blackout film will be placed in the clear vision windows. All other portions of this building will only be required to meet facade design standards for the MUDD District per the Zoning Ordinance.

11. Required service areas within Development Area B shall be screened per requirements of the Zoning Ordinance. Those service areas directly abutting retail buildings along Public Street A shall be located to the rear facades of these buildings, away from the street and within the parking areas. These service areas shall have screen walls constructed to match the building's exterior finish materials and, with the exception of the main retail anchor, be accessed through opaque gates.

12. Petitioner acknowledges the benefit of vehicular connectivity between Development Area B and the abutting property to the east in the event that that property is redeveloped in a compatible manner. Although it is not possible to commit to such a connection at this time, due to the number of uncertainties related to the adjacent property, Petitioner has designed Development Area B so that a vehicular connection to the adjacent property could be made if development plans and physical conditions on the abutting site can accommodate such a connection. Potential locations for this connection are identified on the Technical Data Sheet.

13. The plaza area adjacent to Public Street A shall contain a structure with heated square footage. This structure may be used for retail or office purposes and any such square footage shall not be counted towards the maximum amount of commercial or retail square footage allowed within the Site.

Development Area G Design Guidelines.

1. Hotel building, as generally depicted in Development Area G-1 on the Rezoning Plan, shall not exceed six (6) stories in height on the frontage along Sandy Rock Place, other than at the corner of Sandy Rock Place and Ardrey Kell Road, and shall not exceed five (5) stories in height on the frontage along Ardrey Kell Road. All other buildings within Development Area G shall not exceed three (3) stories in height.

2. Within Development Area G-1, at least 75% of the exterior facade square footage of the first four (4) stories of the building elevation facing Ardrey Kell Road and Sandy Rock Place shall be comprised of brick, glass, or stone (or its synthetic equivalent). Any floors above the first four (4) stories may also include stucco, fiber cement, metal accents or roofing, architectural shingles. On any floor, architectural elements such as lintels, cornices or trim may consist of alternative materials other than those listed above.

3. Drive-through uses shall only be allowed immediately adjacent to Public Street A and within the portion of Development Area G lying east of Public Street A.

4. Drive-through uses shall be designed to facilitate safe pedestrian crossings.

5. Drive-through uses shall be oriented internally to the Site. No drive-through circulation shall be permitted between Public Street A and the proposed use.

6. Site design shall encourage pedestrian travel between Development Area G and the remainder of the Site.

7. If drive-through lanes are installed between the buildings and the adjacent streets, low walls and low accent plantings will be provided between the drive through lanes and the adjacent streets, such walls may be intermittent but shall be constructed of building materials generally compatible with the buildings to which they relate.

8. Off-street parking areas may not be located between Ardrey Kell Road and proposed buildings, but vehicular parking may be located to the side or behind such buildings, behind the established setback. In areas adjacent to and lying east of Public Street A, vehicle circulation and maneuvering areas may be located between Ardrey Kell Road and the proposed buildings.

9. A sidewalk shall be provided along the south side of the driveway running between the Development Area B and Development Area G.

10. For uses within Development Area G-1, delivery and service areas, including dumpster and garbage pickup, shall only be provided in the areas designated as such on the Rezoning Plan. Garbage and recycling areas shall be enclosed on all sides by opaque walls with one side being an opaque hinged gate.

11. The Petitioner shall provide an architectural element, such as a fountain, on the corner of Sandy Rock Place and Ardrey Kell Road, as generally depicted on the Rezoning Plan. No tables or outdoor umbrellas shall be permitted in this area.

12. Within Development Area G-1, roof top terraces, if provided, shall only be permitted in the location as generally depicted on the Rezoning Plan, fronting Sandy Rock Place, and not fronting Ardrey Kell Road.
- II. Parking Areas, Access and Circulation Design Guidelines.
1. Building materials associated with facades on parking structures shall be generally compatible in character and quality with materials used on nearby buildings, plazas and streetscapes, taking into consideration differences associated with parking structures.

2. Parking structures shall be designed to materially screen the view of parked cars from adjacent public or private streets or publicly accessible open spaces or plazas. Screening of cars on the ground level will be accomplished primarily through the use of landscaping, and screening of cars parked on the upper level will be accomplished by a wall, at least 36 inches in height, designed as part of the parking deck structure. Parking structures shall be screened with decorative louvers and landscaped as required by the Ordinance.

3. On-site loading docks and waste areas shall be separated and or screened from view at ground level from primary building entrances.

Pedestrian Access and Circulation Design Guidelines.

1. Along the Site's internal streets, the Petitioner will provide a sidewalk and a cross-walk network that links the buildings, parking areas and areas of interest on the Site with one another by way of links to sidewalks along the abutting public and private streets and/or other pedestrian features. Street trees will also be provided within planting strips along the Site's internal public and private streets.

2. Walkways through plazas or publicly accessible open space areas will be at least six (6) feet in width and shall be appropriately designed for the intended use and type of open space area in which they are located.

3. Where walkways occur along building walls, a walkway width of at least six (6) feet must be maintained clear of door swings, shopping cart storage, and temporary trash or similar impediments.

4. Subject to the optional provision set forth in Section II.1. above, deviations from typical sidewalk and planting strip requirements are allowable upon approval by CDOT and the Planning Director. Any changes to dimensional requirements are allowable only in cases of hardship.
- IV. Open Space, Public Green and Amenity Areas.
1. The Petitioner will provide at least five (5) acres of publicly accessible open space (including both green spaces and hardscape areas) within Development Areas A and B. Smaller open space areas and pocket parks dispersed throughout Development Areas A and B shall be included in the total acreage requirement. Portions of the open space may be used for outdoor dining associated with restaurants.

2. Petitioner shall provide a "Public Green," at least three (3) acres in size, located within Development Area A and Development Area B in the location generally depicted on the Technical Data Sheet. The Public Green will be designed as a significant pedestrian focal point and an amenity for that portion of the development. The Public Green will include elements such as: water features, specialty graphics, landscaping, specialty paving, seating areas, signage (e.g. way-finding, directional, special event) art work and/or other site elements that help create a vibrant Public Green area.

3. Portions of the Public Green shall be completed in conjunction with adjacent development. Portions of the Public Green within Development Area B shall be completed prior to the issuance of a Certificate of Occupancy for the retail anchor within Development Area B. Portions of the Public Green adjacent to multi-family uses shall be substantially completed prior to the issuance of a Certificate of Occupancy for those multi-family uses and portions of the Public Green adjacent to offices uses shall be substantially completed prior to the issuance of a Certificate of Occupancy for those office uses.

4. Open spaces associated with water quality/storm water detention ponds may be improved as amenity areas with seating areas, naturalized paths and landscaping.
- V. Buffers and Screening:
1. Petitioner shall provide a twenty five (25) foot building setback along Ardrey Kell Road, as measured from the back of the future curb line. This setback area off of Ardrey Kell Road will be
1. With respect to Area G-1, Petitioner shall provide enhanced landscaping and/or a berm along Ardrey Kell Road. If otherwise visible, surface parking areas along the frontage of Ardrey Kell Road shall be screened from view from Ardrey Kell Road through the use of intermittent brick or masonry walls, with a maximum height of four (4) feet.
- VI. Environmental Feature:
1. 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.

2. In accordance with Section 21-126 of the Charlotte Tree Ordinance, the Senior Urban Forester has approved a variance from the requirements of the Tree Ordinance to allow the Petitioner to satisfy Commercial Tree Save requirements through a combination of on-site tree save areas, on-site tree enhancement areas and off-site mitigation or payment in lieu.
- VII. Signage
1. Signage as allowed by the Ordinance and by the Optional Provisions set forth under Section II above may be provided. Because the Site will be viewed as a Planned/Unified-Development as defined by the Ordinance, shopping center signs may be located throughout that portion of the Rea Farms Development zoned MUDD-O as allowed by the Ordinance and the Optional Provisions. In addition, uses located on the interior of the Site may be identified on the allowed shopping center/development signs (by way of example, the multi-family developments and single-family developments may be identified on the signs allowed along Ardrey Kell Road and Providence Road). The allowed signs may contain identification signage for any of the uses located on the Site.

2. Master signage and graphics systems may be adopted.

3. Information and Advertising Pillar Signs as defined by the Ordinance may be provided on the Site.

4. On premises directional and instructional signs may be located throughout the Site per the standards of the Ordinance.

5. Temporary Banners as allowed by the Ordinance may be provided.

6. With respect to Development Area G-1 only, no neon signage or building signage exceeding twenty five (25) feet above grade level shall be permitted along Ardrey Kell Road. Monument signs, if provided at the corner of Ardrey Kell Road, shall be illuminated only with low-level, indirect lighting.
- VIII. Lighting:
1. All new lighting shall be full cut-off-type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.

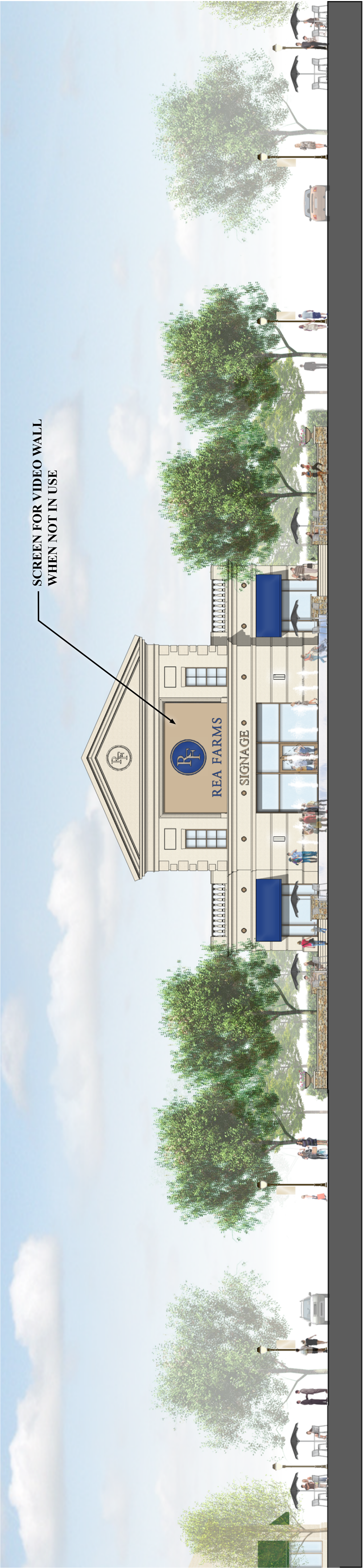
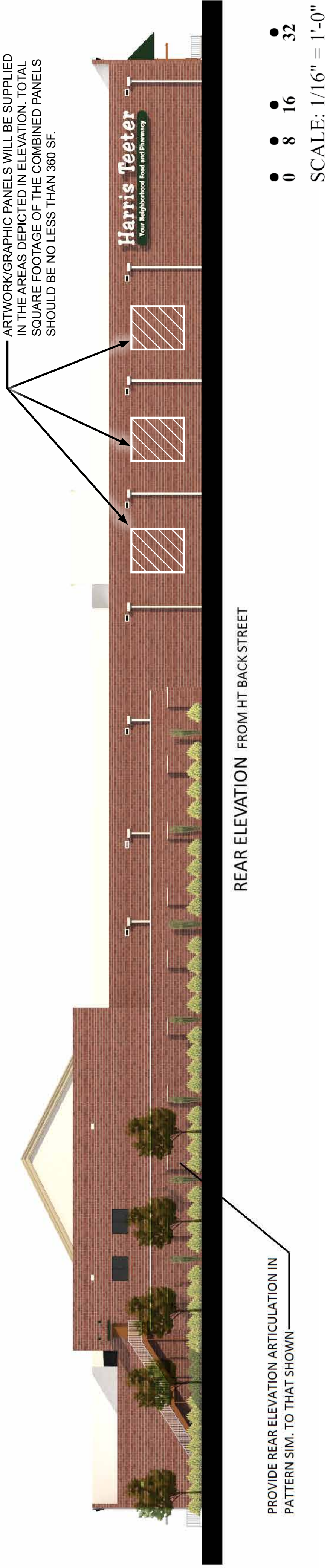
2. Detached lighting on the Site, except street lights located along public and private streets, will be limited to 30 feet in height in the portions of the Site used for non-residential uses and 25 feet in height in the portions of the Site used for residential uses. In Development Area G-1 only, free-standing lighting fixtures shall be a maximum of twenty-one (21) feet tall and shielded with full cut-off fixtures.

3. Attached and detached lighting shall be downwardly directed. However, upward facing accent lighting shall be permitted.
- IX. Amendments to the Rezoning Plan:
- Future amendments to the Rezoning Plan may be applied for by the then Owner or Owners of the applicable Development Area portion of the Site affected by such amendment in accordance with the provisions herein and of Chapter 6 of the Ordinance.
- X. Binding Effect of the Rezoning Application:
- If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided herein and under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site or Development Areas, as applicable, and their respective heirs, devisees, personal representatives, successors in interest or assigns.
- SHEETS RZ-5 & RZ-6 OMITTED FROM THIS SUBMISSION
- The diagram illustrates the proposed development for Area G-1, showing the building envelope, parking envelope, and various site features. Key elements include: a 'Roof Terrace Location' indicated by a dashed line and arrow; an 'Access' point marked with a large arrow; 'dumpster location' markers; a 'Low masonry screen wall' along the boundary; and 'Landscaping Element on corner of Ardrey and Sandy Rock'. The diagram also shows the intersection with 'Ardrey Kell Rd' and an arrow pointing 'To Providence'. A scale bar at the bottom right indicates 0, 20', 40', and 80' feet, with a scale of 1" = 40'-0".
- DEVELOPMENT AREA G-1
ENVELOPE DIAGRAMS
- 227 W. TRYON STREET
SUITE 800
CHARLOTTE, NC 28202
TEL: 336-6965
WWW.LINCOLNHARRIS.COM
- 4325 REDMOND ROW DRIVE
SUITE 800
CHARLOTTE, NC 28210
TEL: 714-7400
WWW.LINCOLNHARRIS.COM
- 4 AUGUST, 2017
- REZONING PETITION NO. 2017-095
DEVELOPMENT STANDARDS
- REVISIONS:
01/01/17 - REVISION PER STAFF REVIEW COMMENTS
06/14/17 - REVISION PER STAFF REVIEW COMMENTS
11/01/17 - REVISION PER STAFF REVIEW COMMENTS
- SHEET #:
RZ-4



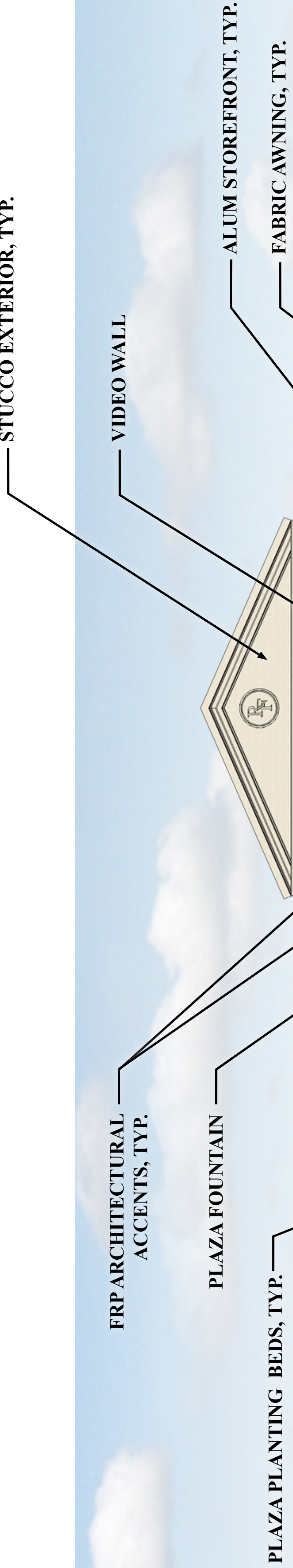
Petitioner shall develop the Site in a manner generally consistent with the Conceptual Master Plan, with the understanding that the configurations, placements and sizes of buildings, parking areas and open spaces may be altered or modified as long as the ultimate design is consistent with the spirit and intent of the Conceptual Master Plan. The configurations, placements, number and sizes of the buildings and treatment of open space areas depicted on the Conceptual Master Plan and any building designs depicted are conceptual in nature and therefore are subject to refinements as part of the total design process. They may, therefore, be altered or modified, in accordance with Section 6.207 of the Ordinance, during design development and construction phases so long as the maximum building envelope lines and intensity limitations established on the Technical Data Sheet are not violated and the proposed alterations or modifications do not exceed the parameters established under these Development Standards and under the Ordinance for the MUDD District.





0 6 12 24

SCALE: 3/32" = 1'-0"



0 6 12 24

SCALE: 3/32" = 1'-0"

VILLAGE MAIN STREET ZONE

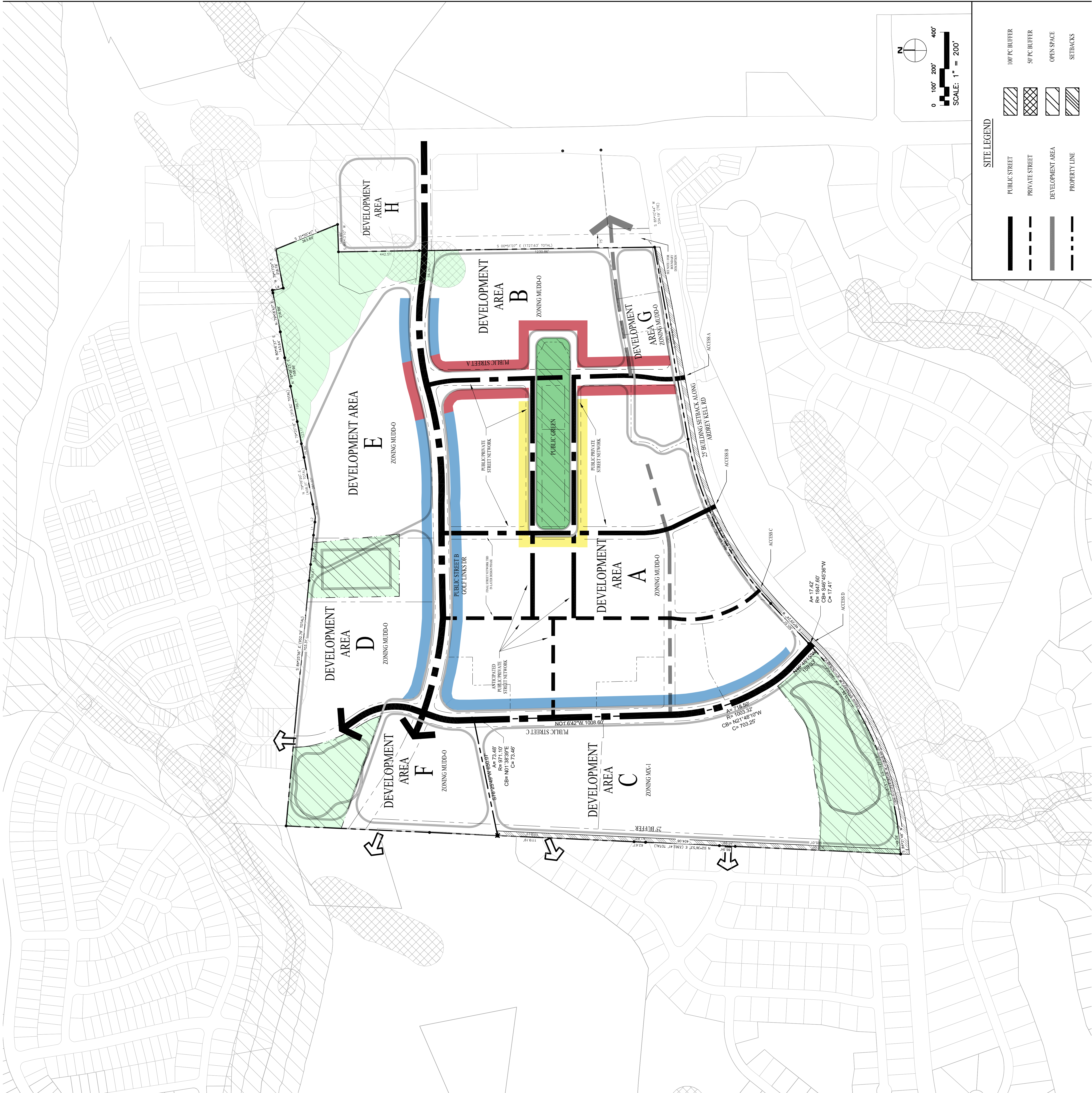
- Off street parking areas shall not be permitted between buildings and Public Street A.
- Buildings fronting Public Street A that house street level retail uses shall provide a ground floor Fenestration Zone having a minimum of 60% fenestration of the ground floor fenestration area measured between 2' and 10' above the sidewalk along Public Street A. Up to 40% of the required Fenestration Zone may be comprised of display windows. These display windows must maintain a minimum of 3'-0" clear depth between window and rear wall. Windows within the Fenestration Zone shall not be screened by film, decals and other opaque material, glazing finishes or window treatments. The maximum sill height for required fenestration shall not exceed 4'-0" above the Public Street A sidewalk.
- Entries into individual retail spaces fronting Public Street A shall be recessed 3'-0" for a minimum width of 5'-0" in those locations with sidewalks less than 12'-0" in width.
- Parking Areas for the retail buildings along Public Street A shall be located behind the buildings fronting Public Street A and shall be screened by the buildings, except at pedestrian ways providing access from parking areas to the street.
- Multifamily buildings with facades in excess of 250 linear feet that front on public or private streets shall be articulated in one or more of the following methods to visually break down the buildings potentially monolithic mass and achieve an appropriate pedestrian scale along the street wall.
- The primary entrance to buildings along Public Street A shall be on the Public Street A façade of those buildings, unless the primary entrance fronts the Public Green. These entries shall be recessed a minimum of 3' deep with a minimum width of 5' unless fronting a sidewalk with a minimum width of 12'.
- Any non-residential building located across Public Street B from the northern terminus of Public Street A shall have a Ground Floor Fenestration Zone that shall represent 30% of the ground floor façade fronting Public Street B and a primary building entrance fronting on Public Street B to enhance pedestrian activity. The entrance shall be connected to the sidewalk along Public Street B by a sidewalk that terminates at the axis of Public Street A.

VILLAGE GREEN ZONE

- The Rezoning Plan provides for a signature Public Green with significant building frontage in order to create a well-defined edge for that public open space.
- Off-street parking areas shall be screened from view from the Public Green and shall not front the Public Green or be located to the sides of buildings that front the Public Green, except as generally depicted on the Conceptual Master Plan.
- Multifamily buildings with facades in excess of 250 linear feet that front on public or private streets shall be articulated in one or more of the following methods to visually break down the buildings potentially monolithic mass and achieve an appropriate pedestrian scale.
- Any buildings fronting the Public Green shall include primary entrances that open to the Public Green and all such entrances for non-residential uses shall be open and operable during business hours.

GOLF LINKS DRIVE ZONE

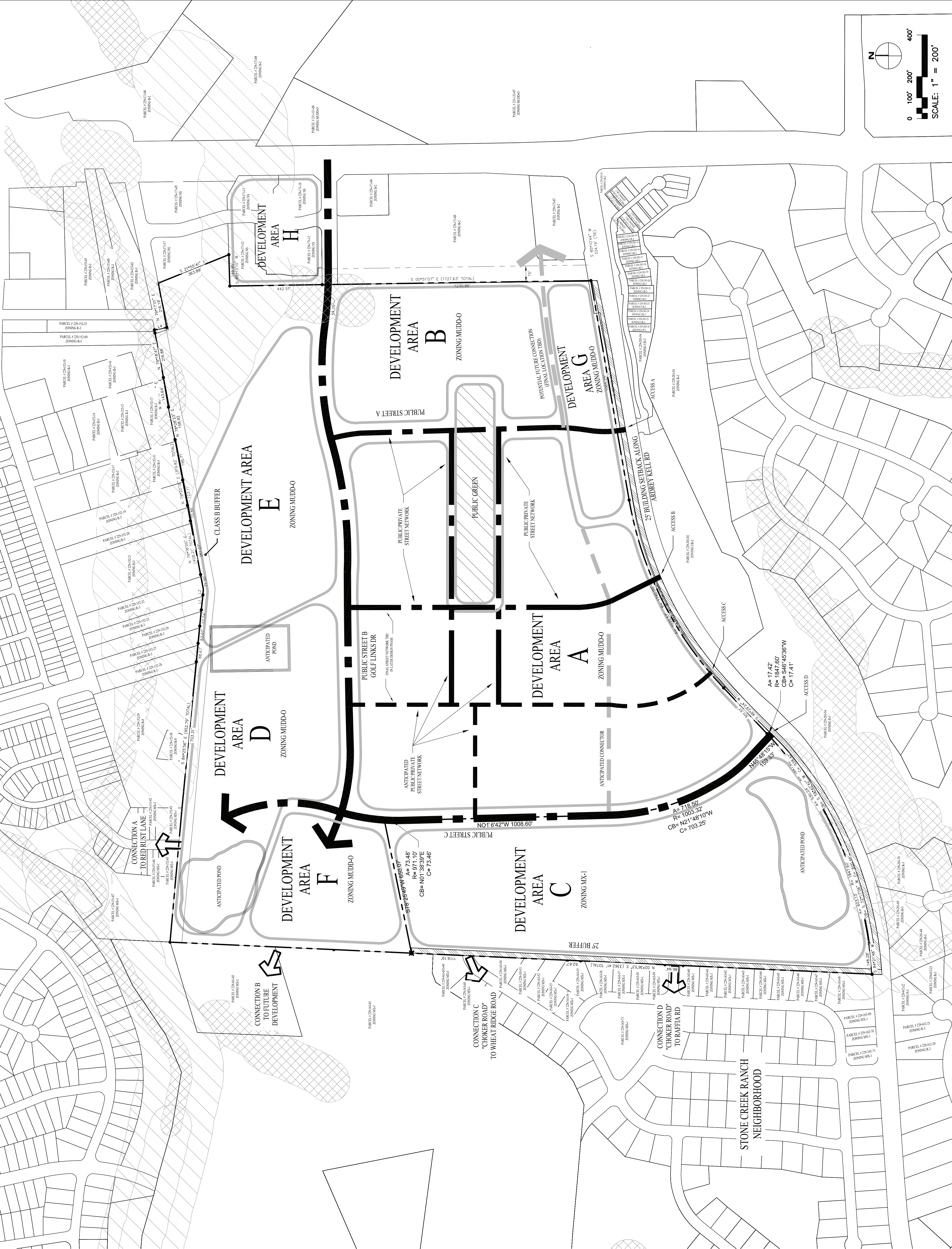
- Parking structures shall be designed to materially screen the view of parked cars from adjacent public or private streets or publicly accessible open spaces or plazas. Screening of cars on the ground level will be accomplished primarily through the use of landscaping; and screening of cars parked on the upper level will be accomplished by a wall, at least 36 inches in height, designed as part of the parking deck structure. Parking structures shall be screened with decorative louvers and landscaped as required by the Ordinance.
- Multifamily buildings with facades in excess of 250 linear feet that front on public or private streets shall be articulated in one or more of the following methods to visually break down the buildings potentially monolithic mass and achieve an appropriate pedestrian scale along the street wall.
- Off-street parking and maneuvering areas may not be located between public streets and buildings, except as generally depicted on the Conceptual Master Plan.



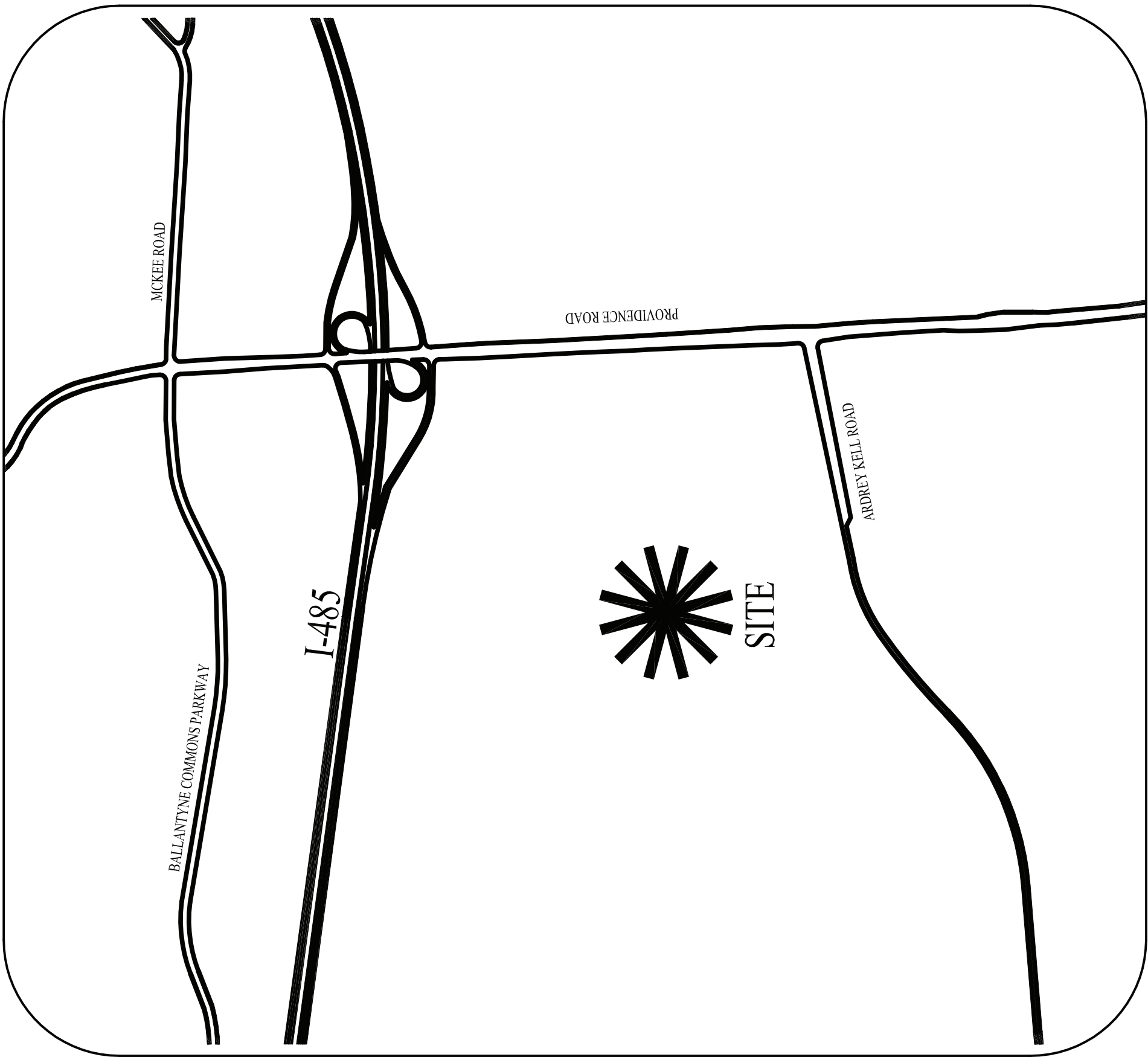
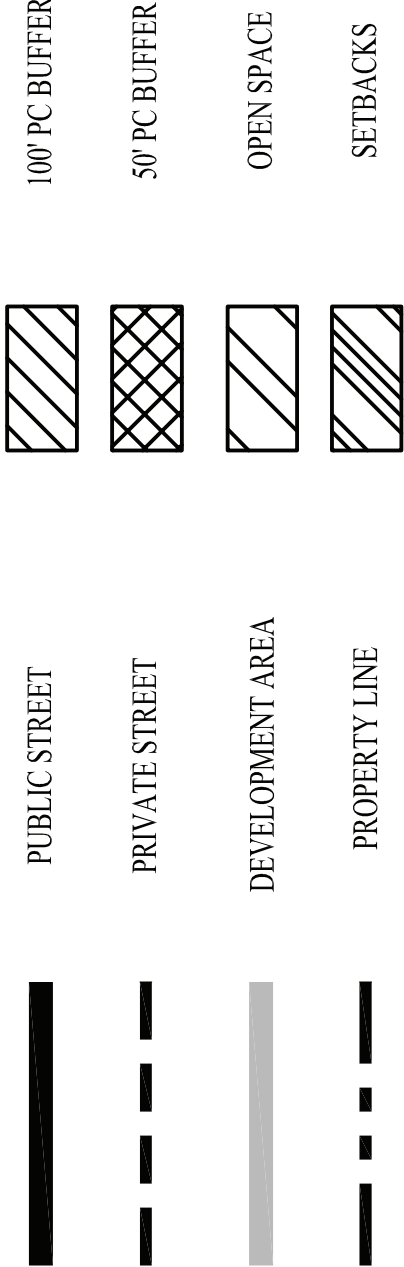
Previously Approved Site Plan

Attached to Administrative
Approval

Solomon A. Fortune
Solomon A. Fortune



SITE LEGEND



VICINITY MAP
NTS

SITE DEVELOPMENT DATA

SITE ACREAGE: ±193.73 AC

TAX PARCELS:

- 229-171-01
- 229-171-10
- 229-171-11
- 229-171-12
- 229-171-13

PROPOSED ZONING: MUDD-O, AND MX-1 Innovative with five (5) year vested rights

EXISTING ZONING: R-3 and NS

EXISTING USES: Abandoned Golf Course

PROPOSED USES: Uses permitted by right and under prescribed conditions together with accessory uses, as allowed in the MUDD-O zoning district and the MX-1 innovative zoning district (as more specifically on the following pages).

MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT:

- (a) Within the MUDD-O zoning district
 - up to 900,000 square feet of gross floor area of office, retail, restaurant, daycare, personal services, and other commercial uses (as more specifically described below in on the following pages);
 - up to 265,000 square feet of Institutional uses;
 - up to 350,000 square feet of Indoor and Outdoor Recreational uses;
 - up to 305,000 square feet of residential dwelling units of all types;
 - up to 300 dwelling units within an Adult Care Center or Nursing Home; and
 - up to 54,000 square feet of commercial floor area within Development Area H only.
- (b) Within the MX-1 Innovative zoning district:
 - up to 200 detached or attached dwelling units

MAXIMUM BUILDING HEIGHT:

As allowed by the Ordinance in the area zoned MX-Innovative. In the area zoned MUDD-O, building height will be limited to 95 feet (for the purposes of this height limit, architectural features, (such as parapets, spires, mansards, domes and dormers), roof top mechanical equipment, and screens or devices used to screen roof top structures or equipment will not be considered for the calculation of allowed building height when located on a multi-story office building).

PARKING:

- (a) As required by the Ordinance for the MX-1 Innovative portion of the Site; and
- (b) as required by the Ordinance for the portion of the Site zoned MUDD-O.

TOTAL OPEN SPACE:

33.5 AC (includes buffers and public open space)

Site Development Data:

--Average: 193.33 acres

--Tax Parcel: 229-171-01, 229-171-10, 229-171-11, 229-171-12, 229-171-13

--Existing Zoning: R-3 and NS

--Proposed Zoning: MUDD-O; and MX-1 Innovative with five (5) year vested rights.

--Existing Uses: Abandoned golf course, office.
--Proposed Uses: Uses permitted by right and under prescribed conditions together with accessory uses, as allowed in the MUDD-O zoning district and the MX-1 innovative zoning district (as more specifically described below).

--Maximum Gross Square Feet of Development:

- a. Within the MUDD-O zoning district
 - up to 900,000 square feet of gross floor area of office, retail, restaurant, personal services, and other commercial uses (as more specifically described below);
 - up to 265,000 square feet of institutional uses;
 - up to 250,000 square feet of Indoor and Outdoor Recreational uses;
 - up to 305 residential dwelling units of all types;
 - up to 700 dwelling units within an Adult Care Center or Nursing Home; and
- b. Within the MX-1 Innovative zoning district:
 - up to 54,000 square feet of commercial floor area within Development Area H only.
 - up to 200 detached or attached dwelling units

--Maximum Building Height: As allowed by the Ordinance in the area zoned MX-Innovative. In the area zoned MUDD-O, building height will be limited to 95 feet (for the purposes of this height limit, architectural features, (such as parapets, spires, mansards, domes and dormers), roof top mechanical equipment, and screens or devices used to screen roof top structures or equipment will not be considered for the calculation of allowed building height when located on a multi-story office building).

--Parking:

- a. As required by the Ordinance for the MX-1 Innovative portion of the Site; and
- b. as required by the Ordinance for the portion of the Site zoned MUDD-O.

I. General Provisions:

a. **Site Description.** These Development Standards and the Technical Data Sheet form the rezoning plan (hereafter collectively referred to as the “Rezoning Plan”) associated with the Rezoning Petition filed by Lincoln Harris (“Petitioner”) to accommodate development of a mixed use commercial and residential community on an approximately 193.73 acre site located south of I-485 in the northwest quadrant of the intersection between Providence Road and Ardrey Kell Road (the “Site”).

On February 13, 2015, the Petitioner filed an Amended Rezoning Application to add three parcels on the north side of Golf Links Drive (Tax Parcels 229-171-10, 229-171-12 and 229-171-13) totaling approximately 3.85 acres to the Rezoning Plan (referred to herein as Development Area H). The purpose of incorporating Development Area H is to allow the Site to have signage on Providence Road. Development activity within Development Area H shall be governed by the site plan and development conditions on RZ-5.

b. **Zoning Districts/Ordinance.** Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the “Ordinance”).

Unless the Rezoning Plan establishes more stringent standards,

- 1. the regulations established under the Ordinance for the MUDD-O zoning classification for the portion of the Site so designated on the Rezoning Plan shall govern all development taking place on such portion of the Site, subject to the Optional Provisions provided below; and
- 2. the regulations established under the Ordinance for the MX-1 Innovative zoning classification for the portion of the Site so designated on the Rezoning Plan shall govern all development taking place on such portion of the Site, subject to the Innovative Provisions provided below.

c. **Conceptual Master Plan.** The Technical Data Sheet is also accompanied by: a Conceptual Master Plan. Petitioner shall develop the Site in a manner generally consistent with the Conceptual Master Plan, with the understanding that the configurations, placements and sizes of buildings, parking areas and opens spaces may be altered or modified as long as the ultimate design is consistent with the spirit and intent of the Conceptual Master Plan. The configurations, placements, number and sizes of the buildings and treatment of open space areas depicted on the Conceptual Master Plan and any building designs depicted are conceptual in nature and therefore are subject to refinements as part of the total design process. They may, therefore, be altered or modified, in accordance with Section 6.207 of the Ordinance, during design development and construction document phases so long as the maximum building envelope lines and intensity limitations established on the Technical Data Sheet are not violated and the proposed alterations or modifications do not exceed the parameters established under these Development Standards and under the Ordinance for the MUDD District.

d. **Planned/Unified Development.** The Site shall be viewed as a planned/unified development plan as to the elements and portions of the Site generally depicted on the Rezoning Plan. As such, setbacks, side and rear yards, buffers, building height separation standards, FAR requirements, and other similar zoning standards will not be required internally between improvements and other site elements located on the Site nor between the areas zoned MUDD-O and MX-Innovative. Furthermore, the Petitioner and/or owner of the Site reserve the right to subdivide portions or all of the Site and create lots within the interior of the Site without regard to any such internal separation standards, public/private street frontage requirements and FAR requirements, provided, however, that all such separation standards along the exterior boundary of the Site shall be adhered to and all FAR requirements will be regulated by any development limitations set forth in Section IV below as to the Site as a whole and not individual portions or lots located therein. Setbacks along private streets shall be at least 16 feet.

e. **Five Year-Vested Rights.** Pursuant to the provisions of Section 1.110 of the Ordinance and N.C.G.S. Section 160A-385.1, due to the master planned large scale nature of the development and/or redevelopment, the level of investment, the timing of development and/or redevelopment and certain infrastructure improvements, economic cycles and market conditions, this Petition includes vesting of the approved Rezoning Plan and conditional zoning districts associated with the Petition for a five (5) year period.

II. Optional Provisions for the MUDD-O Area.

The following optional provisions shall apply to Development Areas A, B, D, E, F and G. Optional provisions related to Development Area H are provided on Sheet RZ-5.

- a. To allow vehicular parking, maneuvering and service areas between the proposed buildings and: (i) Ardrey Kell Road; (ii) Golf Links Drive; and (iii) the interior public and private streets. Additional detail on where and how parking and maneuvering is allowed to occur between the buildings and streets is contained in Sections VI and VII below.
- b. To allow up to four (4) uses with accessory drive-through windows to be located within Development Areas B and G.
- c. To allow the existing cellular telephone tower within Development Area E to remain.
- d. To allow along Providence Road, two (2) ground mounted shopping center/development identification signs up to 24 feet in height and containing up to 150 square feet of sign area. These signs may be used to identify any of the uses located on the Site.
- e. To allow along Ardrey Kell Road, two (2) ground mounted shopping center/development identification signs up to 24 feet in height and containing up to 150 square feet of sign area. These signs may be used to identify any of the uses located on the Site.
- f. To allow one (1) detached ground mounted identification sign for each nonresidential building located within Development Areas A, B, D, E and G. In the event that a residential use fronts Ardrey Kell Road, it shall be permitted one (1) detached ground mounted identification sign. These detached identification signs may be up to five (5) feet in height and contain up to 36 square feet of sign area.
- g. To allow wall signs having up to 200 square feet of sign surface area per wall or 10% of the wall area to which they are attached, whichever is less, within Development Areas A, B, D, E, and G.
- h. To allow special event signs and banners not to exceed 100 square feet in sign area, at the intersection of Providence Road and Golf Links Drive and at the intersection of Ardrey Kell and the Site's main north/south street connection. Any banners located at these intersections will be well-designed, professionally fabricated banners made of fabric or plastic of any type. Paper banners will not be allowed; and no more than two (2) banners will be allowed at a time at these intersections.
- i. To allow any of the detached signs permitted by the Ordinance or these Optional Provisions to be placed within the setback provided along Ardrey Kell Road or Providence Road, including

within landscape areas indicated on the Rezoning Plan, as long as signage is no closer than fourteen feet from back of curb.

To allow, at the Petitioner's discretion, the ability to have one unified construction sign on Ardrey Kell Road up to 200 square feet in sign area in lieu of multiple construction signs as permitted by the Ordinance.

Note: The optional provisions regarding certain signs are additions/modifications to the standards for signs in the MUDD zoning district and are to be used with the remainder of MUDD standards for signs not modified by these optional provisions.

To not require doorways to be recessed into the face of buildings when the abutting sidewalk width is greater than twelve (12) feet.

To allow required long term bike parking spaces to be located within parking structure.

To allow deviations from typical streetscape standards. However, any changes to dimensional requirements are allowable only in cases of hardship.

III. Innovative Development Standards for the MX-1 Area.

The following provisions shall apply to the portions of the Site designated MX-1 on the Technical Data Sheet:

a. The Petitioner hereby seeks the following Innovative Development Standards in connection with development taking place within MX-1 areas, to accommodate a variety of setback and yard widths and other development elements so as to allow for a pedestrian friendly residential development:

- 1. Minimum lot size for detached dwellings shall be 3,800 square feet, however lots abutting Stone Creek Ranch shall exceed 9,000 square feet;
- 2. Minimum lot widths for detached dwellings shall be 35 feet; however lots abutting Stone Creek Ranch shall be at least 60 feet in width;
- 3. Minimum side yards for detached dwellings shall be 5 (five) feet;
- 4. Minimum rear yards for detached dwellings shall be 20 (twenty) feet, however lots abutting Stone Creek Ranch shall provide rear yards of at least 35 feet;
- 5. Minimum front setbacks for detached dwellings shall be 14 (fourteen) feet as measured from proposed right-of-way or back of sidewalk (whichever is greater);
- 6. Minimum lot widths for attached dwellings shall be 22 (twenty two) feet; however attached dwellings shall only be permitted adjacent to Public Street C and along the extension of Public Street B; and
- 7. Residential uses may front on private streets as long as they are publicly accessible.

In addition, the Petitioner reserves the right to modify the innovative development standards described above or seek other innovative development standards in the future pursuant to the applicable process set forth in the Ordinance.

IV. Permitted Uses, Development Area Limitations, Transfer and Conversion Rights:

a. The Rezoning Plan sets forth seven (7) development areas as generally depicted on the Technical Data Sheet as Development Areas A, B, C, D, E, F, G and H (each a “Development Area” and collectively the “Development Areas”).

b. Subject to the restrictions, limitations, and transfer/conversion rights listed below, the principal buildings constructed within Development Areas A, B, D, E, F and G on the Site may be developed: (i) with up to 900,000 square feet of gross floor area of commercial non-residential uses permitted by right and under prescribed conditions, (ii) up to 265,000 square feet gross floor area of Institutional Uses; (iii) up to 250,000 square feet of gross floor area of Indoor and Outdoor Recreational uses; (iv) 505 residential dwelling units of all types together; and (v) up to 300 Nursing Home or Adult Care Center units, along with any accessory uses allowed in the MUDD zoning district.

c. In order to encourage the integration of retail uses into the ground floor levels of office or multi-family buildings with Development Areas A and B, the square footages of any such retail spaces shall not be counted towards the maximum amount of commercial or retail square footage allowed within the Site. Additionally, any uses developed within a structure constructed within Development Area B's plaza along Public Street A shall not be counted towards the maximum amount of commercial or retail square footage allowed within the Site.

d. Permitted uses within Development Area C shall be limited to detached or attached dwelling units. No more than 200 dwelling units may be developed within Development Area C. However, if less than 200 dwelling units are developed within Development Area C, then one additional detached or attached dwelling may be developed within Development Areas A, D, E and F for each dwelling unit not developed within Development Area C.

e. For purposes of the development limitations set forth in these Development Standards (the term “gross floor area” or “GFA” shall mean and refer to the sum of the gross horizontal areas of each floor of a principal building on the Site measured from the outside of the exterior walls or from the center line of party walls; provided, however, such term shall exclude any surface or structured parking facilities, areas used for building and equipment access (such as stairs, elevator shafts, vestibules, roof top equipment rooms and maintenance crawl spaces), all loading dock areas (open or enclosed), outdoor coolers and outdoor dining areas whether on the roof of the building(s) or at street level (parking for outdoor dining areas will be provided as required by the Ordinance or these development standards).

f. Permitted uses within Development Area D shall be limited to institutional uses and detached or attached dwelling units not to exceed four (4) dwelling units per acre based on the overall gross acreage (subject to the overall limit on residential dwellings within the Site), together with any accessory uses typically associated with residential development.

g. Permitted uses within Development Area E shall be limited to indoor recreation, outdoor recreation, nursing homes, adult care centers, and detached or attached dwelling units not to exceed four (4) dwelling units per acre based on the overall gross acreage (subject to the overall limit on residential dwellings within the Site), together with any accessory uses typically associated with residential development.

h. Permitted uses within Development Area F shall be limited to nursing homes, adult care centers, and detached or attached dwelling units not to exceed four (4) dwelling units per acre based on the overall gross acreage (subject to the overall limit on residential dwellings within the Site), together with any accessory uses typically associated with residential development.

i. Convenience Stores with gasoline sales shall not be permitted on the Site.

j. The total square feet of gross floor area devoted to office uses and other commercial uses such as retail, restaurant and personal service uses shall be interchangeable provided that:

- 1. The total square feet of gross floor area of all such office and other commercial uses does not exceed 900,000 square feet of gross floor area;
- 2. The total square feet of gross floor area of all office uses does not exceed 650,000 square feet of gross floor area;
- 3. In the event that a hotel use is developed, the total allowable square footage for office and other commercial uses shall be reduced by 1,000 square feet for each hotel room that is developed; and
- 4. The total square feet of gross floor area for non-office commercial uses such as retail, restaurant and personal service uses shall not exceed 250,000 square feet of gross floor area in purposes of these Development Standards (Personal Service uses are defined as uses that primarily provide or sell a service to customers versus the selling of goods. A personal service use may also sell products or merchandise but the sale of products and merchandise is typically ancillary. Examples of Personal Service uses include but are not limited to: beauty salons and barber shops, spas, yoga and exercise studios, nail salons, massage shops, martial art training studios, laundries and dry cleaning establishments, locksmiths, and alike).

5. Office uses may exceed the limitations described in Paragraph IV.j.2. and non-office commercial uses may exceed the limitations described in Paragraph IV.j.4. up to an amount not to exceed 10% of the stated amounts by converting office uses into non-office commercial uses such as retail, restaurant and personal services at a ratio of 1 square foot of gross floor area of office uses for every 1 square foot of gross floor area of such non-office uses so converted and vice-versa, subject to the limitation described in item (i) above.

Subject to the limitations set forth below, up to four (4) uses with accessory drive-through windows may be developed within Development Areas B and G, subject to the following restrictions and the design guidelines set forth in Section VI below:

- 1. No more than three (3) restaurants with accessory drive-through windows may be located within Development Areas B and G;
- 2. No more than two (2) banks/financial institutions with accessory drive-through windows may be located within Development Areas B and G.
- 3. One (1) retail pharmacy with accessory drive-through windows may be located within Development Areas B or G.

Transportation

- a. All public roadway improvements will be subject to the standards and criteria of CDOT and NCDOT, as applicable, to the roadway improvements within their respective road system authority. It is understood that such improvements may be undertaken by the Petitioner on its own or in conjunction with other development or roadway projects taking place within the broad south Mecklenburg area, by way of a private/public partnership effort or other public sector project support.
- b. Access and Internal Streets:
 - 1. Access to the Site will be from Ardrey Kell Road, the proposed extension of Golf Links Drive and future streets as generally depicted on the Rezoning Plan, subject to adjustments as set forth below.
 - 2. The total number of access points to Ardrey Kell Road will be limited to four (4).

- 3. The proposed street connections to adjoining properties along the western boundary of the property shall be provided at the locations specified on the Technical Data Sheet in order to ensure that connections align with existing sub streets or proposed streets on adjoining properties. These street connections along the western property boundary shall be designed with careful consideration of existing and future single family neighborhoods. The design and layout of street connections from those external access points to the internal street network will be determined during the design process and efforts will be made to discourage through traffic on Raffia Road and Wheat Road.

- 4. “Choker” road shall be installed connecting the Site to Wheat Road and Raffia Road in order to discourage and slow traffic through the adjacent Stone Creek Ranch neighborhood. A Conceptual Cross-Section of the proposed choker connections is illustrated on Sheet RZ-4.
- 5. The street connection to Raffia Road shall not be completed until Certificates of Occupancy have been issued for homes on at least 50% of the single-family lots proposed within Development Area C or until a Certificate of Occupancy is issued for a public school within the Site.

- 6. The street connection to Wheat Road shall not be completed before Certificates of Occupancy have been issued for homes on at least 85% of the single-family lots proposed within Development Area C.

- 7. Two driveway access points from Golf Links drive to Development Area B shall be permitted in the locations generally depicted on the Technical Data Sheet. The eastern most of these driveways shall be limited to right-in-right-out vehicular movements only. In the event a vehicular connection between Development Area B and the abutting property to the east is created, as provided for in the preceding paragraph, it is understood that CDOT may evaluate the function a viability of the easternmost driveway access point between Golf Links Drive and Development Area B. If the easternmost driveway access point is deemed to be unsafe, CDOT and Petitioner will work together to identify a resolution.

- 8. The number and location of internal streets not depicted on the Rezoning Plan will be determined during the design process and thereafter with approval from appropriate governmental authorities, subject to applicable statutes, ordinances and regulations such as subdivision and driveway regulations. While some individual blocks may be longer, the average block length for all blocks within Development Areas A, B and G, shall not exceed 650 feet.

- 9. Vehicular access to the residential dwellings located within Development Area C may be from private alleys or private streets.

- 10. The Petitioner reserves the right to request the installation of pavers and/or stamped or colored asphalt within the Site's public streets in order to designate and define pedestrian cross-walks. The Petitioner will coordinate the design of any decorative pavement elements proposed within the public right-of-way with CDOT during the driveway permit process. Furthermore, the Petitioner understands that an encroachment and maintenance agreement must be obtained from CDOT before any decorative pavers and/or stamped pavement proposed in the public right-of-way may be installed.

- 11. The alignment of the internal public and private streets, vehicular circulation and driveways may be modified by the Petitioner, subject to CDOT's final approval, to accommodate minor changes in traffic patterns, parking layouts and any adjustments required for approval by the Charlotte Department of Transportation (CDOT) in accordance with published standards and industry best practices so long as the street network set forth on the Rezoning Plan is not materially altered.

- c. Substantial Completion. Reference to “substantially complete” for certain improvements as set forth in the provisions of Section V.b above and Section V.d below shall mean completion of the roadway improvements in accordance with the standards set forth in Section V.a. above provided, however, in the event certain non-essential roadway improvements (as reasonably determined by CDOT) are not completed at the time that the Petitioner seeks to obtain a certificate of occupancy for building(s) on the Site in connection with related development phasing described above, then CDOT will instruct applicable authorities to allow the issuance of certificates of occupancy for the applicable buildings, and in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements.

- d. Roadway Improvements and Phasing. Petitioner shall provide or cause to be provided on its own or in cooperation with other parties who may implement portions of the improvements, the improvements set forth below to benefit overall traffic patterns throughout the area in accordance with the following implementation provisions:

Phase 1 Improvements. The following improvements shall be substantially completed prior to the issuance of a Certificate of Occupancy for the first building developed on the Site:

- 1. Public Street B (Golf Links Drive Extension) shall be extended from the existing Golf Links Drive to the proposed Public Street C. Public Street B will be designed for at least an Office/Commercial wide cross-section with right-of-way width of at least 77 feet, subject to alterations that may be approved by CDOT. Petitioner shall comply with planting strip and sidewalk standards effective at the time of construction as long as the total width of sidewalk and planting strip area does not exceed sixteen (16) feet
- 2. A public street connection from Public Street B extending north through Development Area D to connect to Red Rust Lane..
- 3. Public Street C shall be extended from Ardrey Kell Road through the Site to Public Street B.
- 4. Providence Road (NC 16) and Reconfigured Golf Links Drive/Waverly Offsite Access (reconfigured signalized intersection):
 - i. Construct a second eastbound left turn lane on Golf Links Drive with 525 feet of storage, appropriate bay taper, along with a median within Golf Links Drive extending from Providence Road to a point at least fifty (50) feet west of Golf Links Drive North. Thus providing dual left turn and with appropriate design.
 - ii. With the installation of the traffic signal (upon approval by CDOT and NCDOT), install high-visibility crosswalks with pedestrian signal heads and pushbuttons across all four legs of the intersection.
 - iii. Install 425 feet of storage and a southbound right turn lane on Providence Road with appropriate bay taper.
- 5. Ardrey Kell Road and Proposed Access “D” (future signal)
 - i. Construct an eastbound left turn lane on Ardrey Kell Road with 400 feet of storage and an appropriate bay taper.
 - ii. With the installation of the traffic signal (upon approval by CDOT and NCDOT), install a high-visibility crosswalk with pedestrian signal heads and pushbuttons across the Proposed Access “D” leg of the intersection.

Phase 2 Improvements. The following improvements shall be substantially completed prior to the development of more that 50,000 square feet of office or retail uses within Development Area A or Development Area B:

- 1. Public Street A, located between Development Area A and Development Area B, connecting Public Street B and Ardrey Kell Road.
- 2. Ardrey Kell Road and Providence Row Lane/Proposed Access “A” (future signal):
 - i. Construct dual eastbound left turn lanes on Ardrey Kell Road with 325 feet of storage each and an appropriate bay taper.
 - ii. Construct a second westbound combined thru-right turn lane on Ardrey Kell Road that commences at the existing drop right turn lane located approximately 500 feet west of Providence Road and terminates at the existing right turn lane at Avaly Road (along the entire site frontage - a length of approximately ⅓ of a mile). The Ardrey Kell Road curbline shall be set in a location that will accommodate one half of a future median and a westbound bike lane.

- iii. On Access “A” construct the following:
 - iv. Dual northbound receiving lanes.
 - v. Dual southbound left turn lanes where the outside left turn lane is a termination of the southbound through lane and the inside left turn lane provides 400 feet of storage.
 - vi. Combination southbound through/right turn lane.
- vii. With the installation of the traffic signal (upon approval by CDOT and NCDOT), install a high-visibility crosswalk with pedestrian signal heads and pushbuttons across the Proposed Access “A” leg of the intersection. In addition, construct a pedestrian refuge island within the painted-out median on the east side of the intersection.

- 3. Ardrey Kell Road and Proposed Right-In/Right-Out Only Access “B” (unsignalized):

- i. The Proposed Right-in/Right-Out Only Access “B” should include one ingress lane and one egress lane that terminates as a right turn exit lane.
- ii. A raised median (minimum four-foot width) should be installed in Ardrey Kell Road a minimum of 50 feet on either side of the access to restrict left entering and exiting movements.
- iii. The additional westbound through lane along the site frontage (discussed above) will create a westbound combined through-right turn lane (which terminates at the existing right turn lane at Avaly Road).
- 4. Ardrey Kell Road and Proposed Right-In/Right-Out Only Access “C” (unsignalized):
 - i. The Proposed Right-in/Right-Out Only Access “C” should include one ingress lane and one egress lane that terminates as a right turn exit lane.
 - ii. A raised median (minimum four-foot width) should be installed in Ardrey Kell Road a minimum of 50 feet on either side of the access to restrict left entering and exiting movements.
 - iii. The additional westbound through lane along the site frontage (discussed previously) will create a westbound combined through-right turn lane (which terminates at the existing right turn lane at Avaly Road).

Phase 3 Improvements. The following improvements shall be substantially completed prior to the development of more than 225,000 square feet of office or retail uses within the Site:

- 1. Providence Road (NC 16) and I-485 Inner Loop Ramps:
 - i. Re-mark the existing westbound combined left-thru lane on the Inner Loop Exit Ramp to a left turn lane.
 - ii. Re-mark the existing westbound right turn lane on the Inner Loop Exit Ramp to a combined left-through-right turn lane and ensure proper through lane alignment.
 - iii. Construct a westbound right turn lane on the Inner Loop Exit Ramp with 525 feet of storage and appropriate bay taper.
- 2. Providence Road (NC 16) and I-485 Outer Loop Ramps:

Modify the existing southbound right turn lane on Providence Road to a combined thru-right turn lane. This will also require a minor amount of widening on the west side south of the intersection to receive this 3rd lane of traffic.

- 3. Providence Road (NC 16) and Ardrey Kell Road/Future Ardrey Kell Road Extension (reconfigured signalized intersection):

- i. Construct a second eastbound right turn lane on Ardrey Kell Road with 350 feet of storage and appropriate bay taper.
- ii. Extend and modify the existing median within Ardrey Kell Road west of Providence Road to provide a directional-crossover to allow left-in/right-in/right-out movements to the existing retail on the north side of Ardrey Kell Road while providing dual left turn lanes with appropriate design.
- iii. Construct a third southbound through-lane on Providence Road extending from Ardrey Kell Road to Providence Country Club Drive in accordance with the most recent design plan provided to CDOT by the Petitioner. In the event that the proposed design of the improvements is not approved by NCDOT, the Petitioner shall contribute to the City of Charlotte a monetary amount equivalent to the estimated cost of the design and construction of the proposed improvements (as mutually agreed upon by Petitioner and CDOT).

- iv. Construct a southbound right turn lane on Providence Road with 200 feet of storage and appropriate bay taper.

- 4. Tom Short Road and Ardrey Kell Road (CDOT, at its discretion, may allow the Petitioner to contribute to the City of Charlotte a monetary amount equivalent to the estimated cost of the design and construction of the following improvements (as mutually agreed upon by Petitioner and CDOT) in lieu of constructing the improvements):

- i. Construct a northbound right-turn lane on Tom Short Road with 275 feet of storage and an appropriate bay taper.
- ii. Construct an extension of the existing westbound left-turn lane on Ardrey Kell Road (turning onto Tom Short Road) to include 400 feet of storage.

Phase 4 Improvements. The following roadway improvements shall be substantially completed by the Petitioner or other party prior to the development of more than 400,000 square feet of office or retail uses within the Site. However, should the undeveloped properties with frontage on the east side of Providence Road south of I-485 in close proximity to the proposed improvements seek development approvals prior to the development of over 400,000 square feet of office or retail uses within the Site, the proposed improvements shall not be considered an obligation of the Petitioner for purposes of any traffic impact analysis related to potential development on those adjacent properties.

- 1. Providence Road (NC 16) and I-485 Outer Loop Ramps:
 - i. Construct a northbound right turn lane on Providence Road with 900 feet of storage and an appropriate bay taper.

- e. **Right-of-way Availability.** It is understood that some of the public roadway improvements referenced herein may not be possible without the acquisition of additional right-of-way. If after the exercise of diligent good faith efforts, as specified by the City of Charlotte right-of-way acquisition process as administered by the City of Charlotte's Engineering and Property Management Department, the Petitioner is unable to acquire any land necessary to provide for any such additional right-of-way upon commercially reasonable terms and at market prices, then CDOT, the City of Charlotte Engineering Division or other applicable agency, department or governmental body agree to proceed with acquisition of any such land. In such event, the Petitioner shall reimburse the applicable agency, department or governmental body for the cost of any such acquisition proceedings including compensation paid by the applicable agency, department or governmental body for any such land and the expenses of such proceedings. Furthermore, in the event public roadway improvements referenced in subsection a. above are delayed because of delays in the acquisition of additional right-of-way as contemplated herein above, then the Petitioner will contact the Planning Department and CDOT regarding an appropriate infrastructure phasing plan that appropriately matches the scale of the development proposed to the public infrastructure mitigations. If after contacting the Planning Department and CDOT to determine the appropriate infrastructure phasing plan, delays in the acquisition of additional right-of-way extends beyond the time that the Petitioner seeks to obtain a Certificate of Occupancy for building(s) on the Site in connection with related development phasing described above, then CDOT will instruct applicable authorities to allow the issuance of certificates of occupancy for the applicable buildings; provided, however, Petitioner continues to exercise good faith efforts to complete the applicable road-way improvements; in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a Certificate of Occupancy is issued to secure completion of the applicable improvements.

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

Attached to Administrative

Approval


Solomon A. Fortune

- g. **Traffic Signals.** Petitioner, on its own or in cooperation with other parties, shall be responsible for the cost of the traffic signals proposed herein, unless certain traffic signals are installed by others prior to the time that they are required to be provided by the Petitioner
- h. **Institutional and Recreational Uses.** Institutional and recreational uses (indoor or outdoor), and any accessory uses thereto, shall not be considered office or retail uses when calculating square footages for the purpose of determining when certain transportation improvements are required.
- i. **Alternative Compliance.** While it is understood that the improvements set forth above, unless otherwise specified, are the responsibility of the Petitioner or other private sector entity, in event that it is necessary or advantageous, CDOT may, at its discretion, accept a fee in lieu of construction of certain improvements, as long as such fee is equal to the full cost of said improvements (including design, acquisition and construction).

VI. **Design Guidelines:**

a. **Statement of Overall Design Intent.**

1. Land Use: The site plan for the Site contemplates an integrated, pedestrian friendly development through a horizontal mixture of uses including office, retail, service, civic, recreational, and open space as well as a variety of residential uses.
2. Open Space: The Site will incorporate a system of public and private open spaces throughout that will be interconnected by sidewalks and walking trails and linked to an active amenitized open space area at the core of the Site. At least 5 acres of publically accessible open space (including both green spaces and hardscape areas) shall be provided within Development Areas A and B. Smaller open space areas and pocket parks dispersed throughout Development Areas A and B shall be included in the total open space acreage requirement.
3. Community Design: The site plan for the Site will seek to emphasize pedestrian connections between uses and create a strong link between the commercial core of the development and adjacent uses. Additionally, streetscapes, landscaping and high-quality building materials will be used in a manner that creates a unified development pattern. Where opportunities exist, a vertical mix of uses will be encouraged but not required. Buildings will orient and provide prominent entrances along frontages on Public Street A and the Public Green.
4. Transportation and Mobility: The Site's internal street network will establish new connections between existing developments on adjoining properties providing multiple route options and creating new opportunities for non-automobile travel while also incorporating traffic calming devices in order to mitigate adverse impacts on adjacent residential neighborhoods.

b. **General Design Guidelines.**

1. The principal buildings constructed on the Site may use a variety of building materials. The building materials used for buildings (other than structured parking facilities) will be a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, architectural precast concrete, synthetic stone, stucco, cementitious siding (such as hardi-plank), or wood. EIFS as a building material will not be allowed, except as back-up for architectural trim on stucco clad buildings. Vinyl, as a building material, will only be allowed on windows, soffits and trim features.
2. The Site will include a series of publicly accessible open spaces and plazas as focal points. These focal points will include some combination of landscaping, monumentation, water feature, seating areas and/or art work features.
3. Streetscape treatment will be a unifying element through the use of consistent paving, lighting, landscaping, and, when provided, site furnishings, throughout Development Areas A, B and G.
4. 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.
5. Circulation paths will be provided along the Site's Public and Private Streets from parking areas and decks to building entries and areas of interest.
6. Meter banks will be screened where visible from public view at grade from public or private streets.
7. Rooftop HVAC and related mechanical equipment will be screened from public view at grade from public or private streets.
8. All dumpster areas shall be enclosed by walls and opaque gates utilizing materials similar in nature and complimentary in design to adjacent buildings.
9. All service areas for non-residential uses shall be screened from residential structure.
10. Each Development Area shall include sufficient open space to satisfy the minimum MUDD open space requirements.

c. **Development Area A Design Guidelines.**

1. Freestanding retail uses shall be limited to one building (without a drive-through) along the Site's Ardrey Kell Road frontage that does not exceed 24,000 square feet.
2. During the initial phases of development, uses within Development Area A may be served by surface parking areas. Structured parking facilities shall be required when/if office square footage within Development Area A exceeds 240,000 square feet.

3. Buildings shall not exceed six (6) stories.

4. The Rezoning Plan provides for a signature Public Green with significant building frontage in order to create a well-defined edge for that public open space. Off-street parking areas shall be screened from view from the Public Green and shall not front the Public Green or be located to the sides of buildings that front the Public Green, except as generally depicted on the Conceptual Master Plan.

5. Off-street parking may be located along Ardrey Kell Road, Public Street B or other internal streets if adequately screened from those streets by landscaping. However, off-street parking and maneuvering areas may not be located between Ardrey Kell Road and proposed buildings, except as generally depicted on the Conceptual Master Plan.

6. Multifamily buildings with facades in excess of 250 linear feet that front on public or private streets shall be articulated in one or more of the following methods to visually break down the buildings potentially monolithic mass and achieve an appropriate pedestrian scale along the street wall:

- i. Façade Modulation varying the plane of the building street wall to break up the mass of the building

- Minimum width of 15'-0" and a minimum depth of 5'-0"
- No single section of the façade shall exceed 150'-0" in length
- May be achieved through multiple modulations

- ii. Building Mass Separation at a depth of at least 25'-0" from the street wall and a width of at least 25'-0" open to the sky.

- No single section of the façade shall exceed 150'-0" in length

- iii. Architectural Façade Variations along the street wall to visually break down the building's mass with intervals not exceeding 150'-0". These façade variations shall include at least two of the following techniques:

- Varied Architectural Styles
- Varied Roof Pitches
- Varied Window Arrangement and Sizes
- Significant Exterior Façade Materials Changes
- Offset Wall Planes

7. Buildings fronting Public Street A that house street level retail uses shall provide a ground floor Fenestration Zone having a minimum of 60% fenestration of the ground floor fenestration area measured between 2' and 10' above the sidewalk along Public Street A. Up to 40% of the required Fenestration Zone may be comprised of display windows. These display windows

- must maintain a minimum of 3'-0" clear depth between window and rear wall. Windows within the Fenestration Zone shall not be screened by film, decals and other opaque material, glazing finishes or window treatments. The maximum sill height for required fenestration shall not exceed 4'-0" above the Public Street A sidewalk.

8. Entries into individual retail spaces fronting Public Street A shall be recessed 3'-0" for a minimum width of 5'-0" in those locations with sidewalks less than 12'-0" in width.

9. Any buildings fronting the Public Green shall include primary entrances that open to the Public Green and all such entrances for non-residential uses shall be open and operable during business hours.

10. All service areas for non-residential uses shall be screened from residential structures.

11. In the event that single-family residential units are developed within Development Area A, vehicular driveways accessing individual units shall not be permitted to connect directly to Golf Links Drive or the streets surrounding the Public Green.

12. A twenty (20) foot setback (measured from back of curb) shall be provided for any attached or detached dwelling units that front on Public Street B or Public Street C. Stairs or stoops may encroach up to four (4) feet into this setback.

d. **Development Area B Design Guidelines.**

1. Individual retail uses shall not exceed 60,000 square feet. However, in the event that a grocery store use is developed, that use may occupy up to 85,000 square feet.
2. Up to two free-standing retail uses shall be permitted. Only one freestanding retail use may exceed 24,000 square feet. This provision shall not prohibit non-retail uses, including but not limited to offices or studios, within free-standing buildings.

3. Buildings shall not exceed three (3) stories in height

4. Service areas shall be designed to face existing service areas within the adjacent Rea Village Shopping Center as generally depicted on the Conceptual Master Plan..

5. Any drive-through uses within Development Area B shall be internally oriented and drive-through facilities and associated maneuvering areas shall be screened with a low wall and/or landscaping when visible from Public Street A or Public Street B.

6. Retail areas in buildings fronting Public Street A shall provide a ground floor Fenestration Zone having a minimum of 60% fenestration of the ground floor façade area measured between 2' and 10' above the sidewalk along Public Street A. Up to 40% of the required fenestration may be comprised of display windows. These display windows must maintain a minimum of 3'-0" clear depth between window and rear wall. Windows within the Fenestration Zone shall not be screened by film, decals or other opaque material, glazing finishes or window treatments. The maximum sill height for required fenestration shall not exceed 4'-0" above the sidewalk.

7. The primary entrance to buildings along Public Street A shall be on the Public Street A façade of those buildings. These entries shall be recessed a minimum of 3'-0" deep with a minimum width of 5'-0" unless fronting a sidewalk with a minimum width of 12'-0"

8. Parking Areas for the retail buildings along Public Street A shall be located behind the buildings fronting Public Street A and shall be screened by the buildings, except at pedestrian ways providing access from parking areas to the street.

9. The facades of the retail buildings along the Public Street A fronting the parking areas shall provide a Ground Floor Fenestration Zone of 30% of the ground façade area as defined in Paragraph 6 above unless a particular façade directly abuts a required service area. Up to 40% of the required Fenestration Zone may be display windows as defined in Paragraph 6 of this Section.

10. With regard to the main retail anchor, enhanced fenestration zones shall be provided in the areas indicated on RZ-7.1. Within the highlighted areas, at least 40% of the ground floor façade area measured between 3' and 10' above the sidewalk shall be fenestrated. Fenestration requirements for the western elevation area may be satisfied entirely through the use of display windows with a minimum of 3'-0" clear depth between window and rear wall. The southern elevation of this building shall be generally consistent with the conceptual elevation on Sheet RZ-7.1. The clear vision glass will be provided along the facade and no signage film or blackout film will be placed in the clear vision windows. All other portions of this building will only be required to meet façade design standards for the MUDD District per the Zoning Ordinance.

11. Required service areas within Development Area B shall be screened per requirements of the Zoning Ordinance. Those service areas directly abutting retail buildings along Public Street A shall be located to the rear facades of these building, away from the street and within the parking areas. These service areas shall have screen walls constructed to match the building's exterior finish materials and, with the exception of the main retail anchor, be accessed through opaque gates.

12. Petitioner acknowledges the benefit of vehicular connectivity between Development Area B and the abutting property to the east in the event that that property is redeveloped in a compatible manner. Although it is not possible to commit to such a connection at this time, due to the number of uncertainties related to the adjacent property, Petitioner has designed Development Area B so that a vehicular connection to the adjacent property could be made if development plans and physical conditions on the abutting site can accommodate such a connection. Potential locations for this connection are identified on the Technical Data Sheet.

13. The plaza area adjacent to Public Street A shall contain a structure with heated square footage. This structure may be used for retail or office purposes and any such square footage shall not be counted towards the maximum amount of commercial or retail square footage allowed within the Site.

e. **Development Area C Design Guidelines.**

1. Buildings shall not exceed three (3) stories in height.

2. A buffer area at least twenty-five (25) feet wide shall be maintained along that portion of the Site's western property boundary which touches the Stone Creek Ranch neighborhood. Petitioner shall provide plantings within the buffer area in accordance with the requirements for a Class C buffer under the Ordinance. However, in areas where existing vegetation is sufficient, the buffer area shall remain undisturbed.

3. Attached front loading garages shall be recessed at least two (2) feet behind the front facade of the residential structure unless a front porch greater than eight (8) feet in depth is included, in which case the garage must be recessed at least two (2) feet behind the front face of the porch (example detail provided on sheet RZ-6). The width of front facing garages shall not exceed 50% of the width of the front façade of the home.

f. **Development Area D Design Guidelines.**

1. Buildings shall not exceed four (4) stories in height.

2. Limited vehicle parking, circulation and maneuvering areas may be located between proposed buildings and adjacent streets. Between Public Road B and the building, no more than 30 off-street parking spaces shall be located in this area.

3. The mass of any institutional buildings shall be placed to create a strong built edge along Public Street B.

4. Fenestration along Public Street B shall constitute a minimum of 25% of the surface area of the street façade. Non-fenestrated areas shall meet the requirements of the MUDD district per the Zoning Ordinance.

5. Primary parking and driveway areas shall be located to the rear or sides of the building and shall be screened per Ordinance requirements.

6. A primary pedestrian entrance to the sidewalk along Public Street B shall be provided to enhance pedestrian connectivity within the Site.

7. Outdoor recreational areas shall be provided within Development Area D.

d. **Development Area E Design Guidelines.**

- 1. Buildings shall not exceed three (3) stories or sixty five feet in height.
- 2. Primary parking areas shall be located to the rear or side of buildings. Limited vehicle parking, circulation and maneuvering areas may be located between proposed buildings and Public Road B as generally depicted on the Conceptual Master Plan.
- 3. A primary building entrance fronting on Public Street B shall be provided to enhance pedestrian activity. The entrance shall be connected to the sidewalk along Public Street B by a sidewalk that terminates at the axis of Public Street A.
- 4. A Ground Floor Fenestration Zone as defined above shall be provided along Public Street B. This Fenestration Zone shall represent 30% of the ground floor façade. Those functional areas of any recreational use that cannot accommodate fenestration (i.e., certain gyms, racquetball courts, locker rooms, etc.) shall meet the guidelines for Façade Articulation for the MUDD District per the Zoning Ordinance.
- 5. Existing natural areas within Development Area E shall be provided, as generally depicted on the Conceptual Master Plan.

e. **Development Area F Design Guidelines**

- 1. Nursing Home or Adult Care Center uses shall not exceed three (3) stories in height.
- 2. If Nursing Home or Adult Care Center uses are developed, a 25 foot buffer shall be provided along the western boundary of the Site.
- 3. If residential uses are developed, lots shall meet with minimum requirements for lots within the MX-1 portion of the Site as set forth in Section III.a above. Provisions of Section III.a related to lots abutting Stone Creek Ranch shall not be applicable to residential lots within Development Area F.

f. **Development Area G Design Guidelines.**

- 1. Buildings shall not exceed three (3) stories in height.
- 2. Drive-through uses shall only be allowed immediately adjacent to Public Street A and within the portion of Development Area G lying east of Public Street A.
- 3. Drive-through uses shall be designed to facilitate safe pedestrian crossings.
- 4. Drive-through uses shall be oriented internally to the Site. No drive-through circulation shall be permitted between Public Street A and the proposed use.
- 5. Site design shall encourage pedestrian travel between Development Area G and the remainder of the Site.
- 6. If drive-through lanes are installed between the buildings and the adjacent streets, low walls and low accent plantings will be provided between the drive through lanes and the adjacent streets, such walls may be intermittent but shall be constructed of building materials generally compatible with the buildings to which they relate.
- 7. Off-street parking areas may not be located between Ardrey Kell Road and proposed buildings, but vehicular parking may be located to the side or behind such buildings, behind the established setback. In areas adjacent to and lying east of Public Street A, vehicle circulation and maneuvering areas may be located between Ardrey Kell Road and the proposed buildings
- 8. A sidewalk shall be provided along the south side of the driveway running between the Development Area B and Development Area G.

VII. **Parking Areas, Access and Circulation Design Guidelines.**

- a. Building materials associated with facades on parking structures shall be generally compatible in character and quality with materials used on nearby buildings, plazas and streetscapes, taking into consideration differences associated with parking structures.
- b. Parking structures shall be designed to materially screen the view of parked cars from adjacent public or private streets or publicly accessible open spaces or plazas. Screening of cars on the ground level will be accomplished primarily through the use of landscaping, and screening of cars parked on the upper level will be accomplished by a wall, at least 36 inches in height, designed as part of the parking deck structure. Parking structures shall be screened with decorative louvers and landscaped as required by the Ordinance.
- c. On-site loading docks and waste areas shall be separated and/or screened from view at ground level from primary building entrances.

VIII. **Pedestrian Access and Circulation Design Guidelines.**

- a. Along the Site's internal streets, the Petitioner will provide a sidewalk and a cross-walk network that links the buildings, parking areas and areas of interest on the Site with one another by way of links to sidewalks along the abutting public and private streets and/or other pedestrian features. Street trees will also be provided within planting strips along the Site's internal public and private streets.
- b. Walkways through plazas or publicly accessible open space areas will be at least six (6) feet in width and shall be appropriately designed for the intended use and type of open space area in which they are located.
- c. Where walkways occur along building walls, a walkway width of at least six (6) feet must be maintained clear of door swings, shopping cart storage, and temporary trash or similar impediments.
- d. Subject to the optional provision set forth in Section II.m. above, deviations from typical sidewalk and planting strip requirements are allowable upon approval by CDOT and the Planning Director.. Any changes to dimensional requirements are allowable only in cases of hardship.

IX. **Open Space, Public Green and Amenity Areas.**

- a. The Petitioner will provide at least five (5) acres of publically accessible open space (including both green spaces and hardscape areas) within Development Areas A and B. Smaller open space areas and pocket parks dispersed throughout Development Areas A and B shall be included in the total acreage requirement. Portions of the open space may be used for outdoor dining associated with restaurants.
- b. Petitioner shall provide a “Public Green,” at least three (3) acres in size, located within Development Area A and Development Area B in the location generally depicted on the Technical Data Sheet. The Public Green will be designed as a significant pedestrian focal point and an amenity for that portion of the development. The Public Green will include elements such as: water features, specialty graphics, landscaping, specialty paving, seating areas, signage (e.g. way-finding, directional, special event) art work and/or other site elements that help create a vibrant Public Green area.
- c. Portions of the public Public Green shall be completed in conjunction with adjacent development. Portions of the Public Green within Development Area B shall be completed prior to the issuance of a Certificate of Occupancy for the retail anchor within Development Area B. Within Development Area A, portions of the Public Green adjacent to multi-family uses shall be substantially completed prior to the issuance of a Certificate of Occupancy for those multi-family uses and portions of the Public Green adjacent to offices uses shall be substantially completed prior to the issuance of a Certificate of Occupancy for those office uses.
- d. Open spaces associated with water quality/storm water detention ponds may be improved as amenity areas with seating areas, naturalized paths and landscaping.

X. **Buffers:**

- a. A buffer area at least twenty five (25) feet wide shall be maintained along that portion of the Site's western property boundary which touches the Stone Creek Ranch neighborhood. Petitioner shall provide plantings within the buffer area in accordance with the requirements for a Class C buffer under the Ordinance. However, in areas where existing vegetation is sufficient, the buffer area shall remain undisturbed.
- b. Petitioner shall provide a twenty five (25) foot building setback along Ardrey Kell Road, as measured from the back of the future curb line. This setback area off of Ardrey Kell Road will be landscaped with a variety of landscape materials (trees, shrubs, ornamental grasses, grass, and/or areas of seasonal color). A minimum of 25 shrubs and 5 trees per 100 linear feet will be planted within this area. An eight (8) foot wide sidewalk will be provided within the landscaped setback. This planted sidewalk may meander or be located at a consistent distance (minimum 8 feet) from the back of curb.

XI. **Environmental Feature:**

- a. 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.
- b. In accordance with Section 21-126 of the Charlotte Tree Ordinance, the Senior Urban Forester has approved a variance from the requirements of the Tree Ordinance to allow the Petitioner to satisfy Commercial Tree Save requirements through a combination of on-site tree save areas, on-site tree enhancement areas and payment in lieu.

XII. **Signage**

- a. Signage as allowed by the Ordinance and by the Optional Provisions set forth under Section II above may be provided. Because the Site will be viewed as a Planned/Unified-Development as defined by the Ordinance, shopping center signs may be located throughout that portion of the Site zoned MUDD-O as allowed by the Ordinance and the Optional Provisions. In addition, uses located on the interior of the Site may be identified on the allowed shopping center/development signs (by way of example, the multi-family developments and single-family developments may be identified on the signs allowed along Ardrey Kell Road and Providence Road). The allowed signs may contain identification signage for any of the uses located on the Site.
- b. Master signage and graphics systems may be adopted.
- c. Information and Advertising Pillar Signs as defined by the Ordinance may be provided on the portion of the Site zoned MUDD-O.
- d. On premises directional and instructional signs may be located throughout the Site per the standards of the Ordinance.
- e. Temporary Banners as allowed by the Ordinance may be provided.

XIII. **Lighting:**

- a. All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.
- b. Detached lighting on the Site, except street lights located along public and private streets, will be limited to 30 feet in height in the portions of the Site used for non-residential uses and 25 feet in height in the portions of the Site used for residential uses.
- c. Attached and detached lighting shall be downwardly directed. However, upward facing accent lighting shall be permitted.

XIV. **Amendments to the Rezoning Plan:**

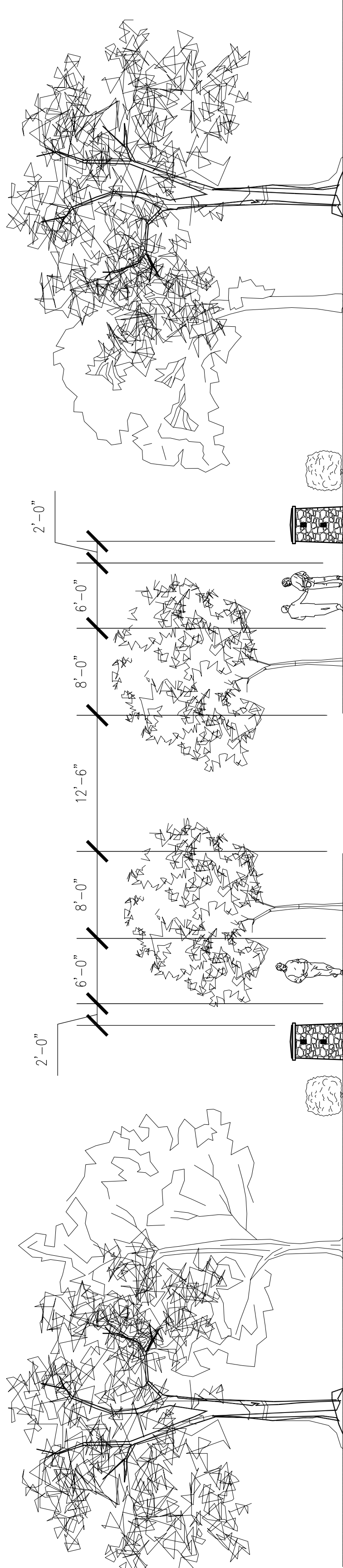
Future amendments to the Rezoning Plan may be applied for by the then Owner or Owners of the applicable Development Area portion of the Site affected by such amendment in accordance with the provisions herein and of Chapter 6 of the Ordinance.

XV. **Binding Effect of the Rezoning Application:**

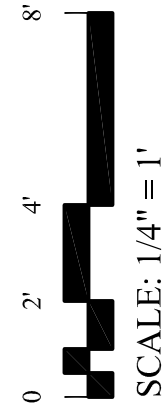
If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided herein and under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site or Development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

Attached to Administrative
Approval

Solomon A. Fortune
Solomon A. Fortune



"CHOKER" ROAD CONCEPTUAL CROSS SECTION



Development Area H

Development Area H was developed in accordance with the Technical Data Sheet and Development Standards related to Rezoning Petition 2004-134. There is no intent to permit new development within Development Area H or to alter the existing zoning conditions of Rezoning Petition 2004-134. The purpose of including Development Area H in current rezoning is to request MUDD Optional provisions that will allow additional signage within Development Area H and to address any nonconformities that would otherwise be created when the existing development is rezoned to the MUDD zoning district.

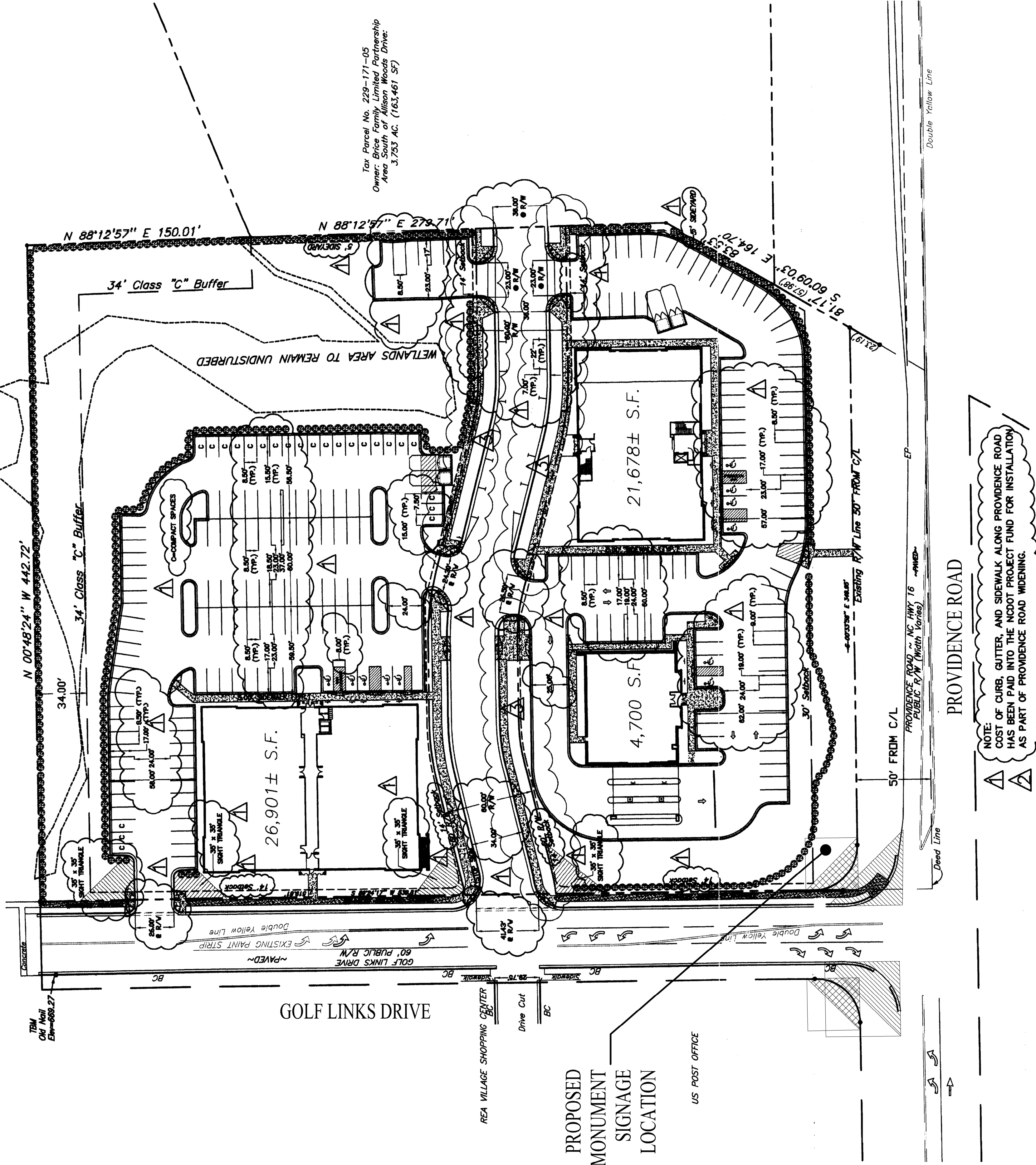
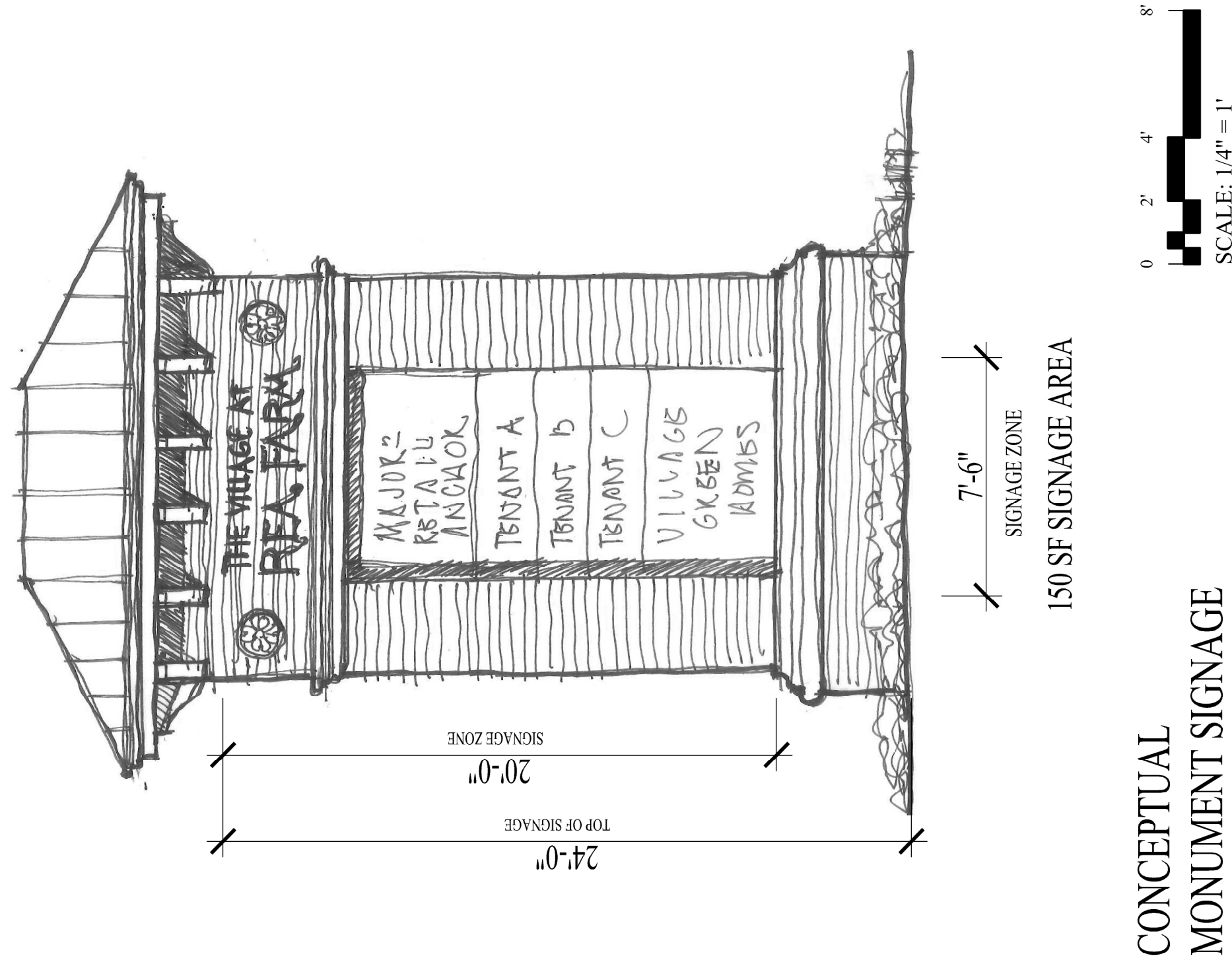
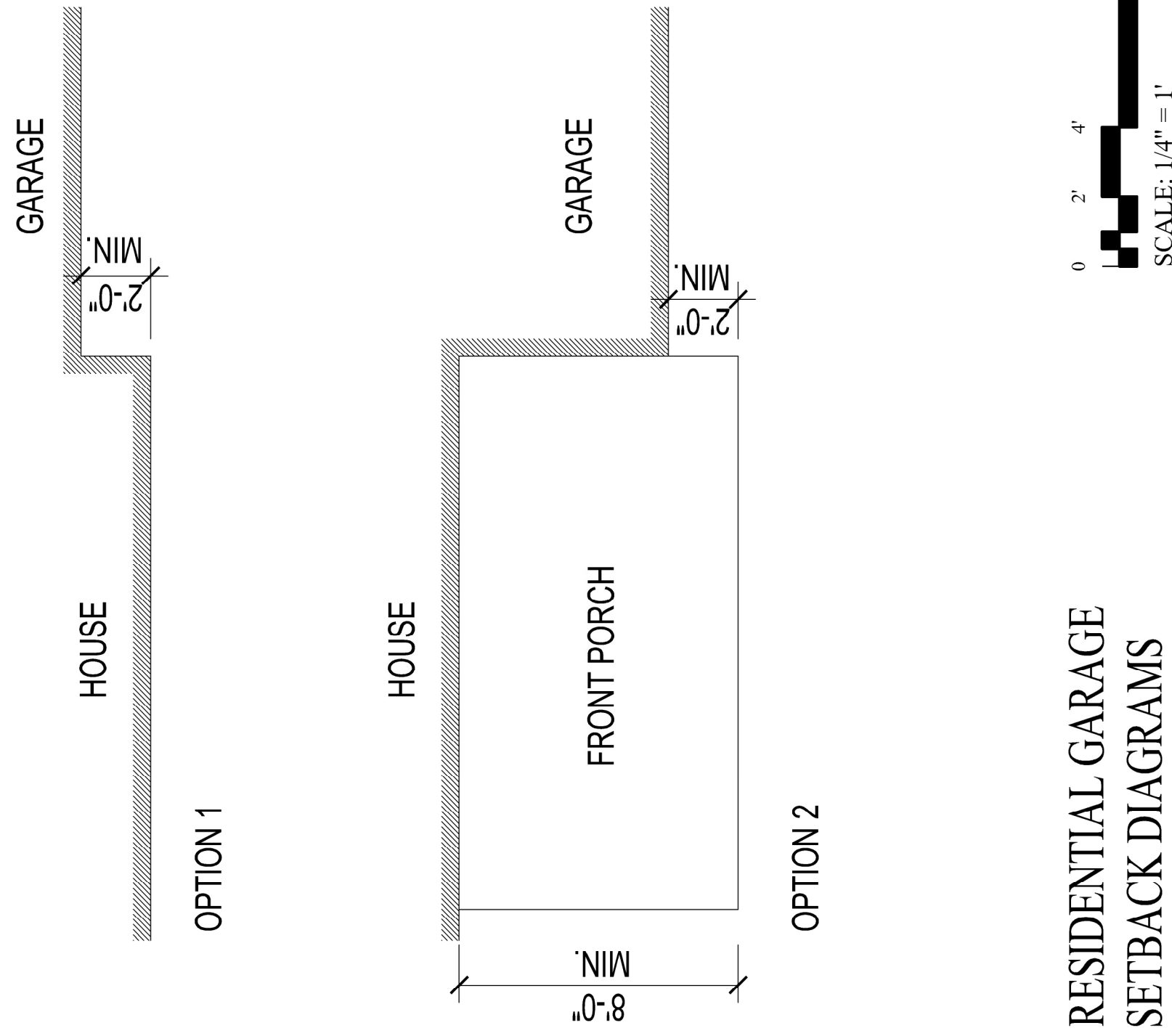
Therefore, the Technical Data Sheet and Development Standards set forth herein are identical to the Technical Data Sheet and Development Standards submitted and approved in Rezoning Petition No. 2004-134 except for the conceptual rendering of a proposed monument sign, proposed sign locations and the following MUDD Optional provisions.

1. The existing sidewalk and planting strip along Golf Links Drive are both approximately four feet wide
2. If any of the existing buildings within Development Area H are redeveloped, required planting strips and sidewalks along Golf Links Drive and Providence Road will be added.
3. If any of the existing buildings within Development Area H are redeveloped, the redevelopment shall comply with the Post Construction Controls Ordinance.

Attached to Administrative

Approval

Solomon A. Fortune \$F



CONCEPTUAL MONUMENT SIGNAGE

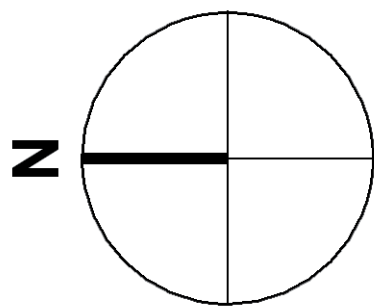
DEVELOPMENT AREA H

Optional Provisions:

1. To allow along Providence Road, two (2) ground mounted shopping center development identification signs up to 20 feet in height and containing up to 150 square feet of sign area. These signs may be used to identify any of the uses located on the Site.
2. To allow wall signs having up to 200 square feet of sign surface area per wall or 10% of the wall area to which they are attached, whichever is less.
3. To allow a drive-through window as an accessory to a financial service use.
4. To allow vehicular parking, maneuvering and service areas between buildings and streets.
5. To allow non-standard sidewalks and planting strips along Golf Links Drive.

CONDITIONAL NOTES:

1. THE SITE PLAN CONSISTS OF THE TECHNICAL DATA SHEET, AND THE DEVELOPMENT PLAN. THE DEVELOPMENT PLAN SHALL BE SUBMITTED TO THE CITY ENGINEER FOR REVIEW AND APPROVAL. THE DEVELOPMENT PLAN SHALL SHOW THE LOCATION OF ALL BUILDINGS, DRIVEWAYS, PARKING, AND OTHER FEATURES. THE DEVELOPMENT PLAN SHALL ALSO SHOW THE LOCATION OF ALL UTILITIES, INCLUDING WATER, SEWER, AND GAS. THE DEVELOPMENT PLAN SHALL ALSO SHOW THE LOCATION OF ALL EROSION CONTROL MEASURES, INCLUDING SLOTTED CURBS, SWALES, AND SEDIMENT TRAPS. THE DEVELOPMENT PLAN SHALL ALSO SHOW THE LOCATION OF ALL FLOOD CONTROL MEASURES, INCLUDING FLOOD WALLS, FLOOD GATES, AND FLOOD VENTS. THE DEVELOPMENT PLAN SHALL ALSO SHOW THE LOCATION OF ALL OTHER FEATURES, INCLUDING FENCES, SIGNAGE, AND LANDSCAPING. THE DEVELOPMENT PLAN SHALL ALSO SHOW THE LOCATION OF ALL OTHER FEATURES, INCLUDING FENCES, SIGNAGE, AND LANDSCAPING.
2. THE PROPOSED DEVELOPMENT SHALL COMPLY WITH ALL APPLICABLE CITY, COUNTY, AND STATE REGULATIONS PERTAINING TO OFF-STREET PARKING, SIGNAGE, BUFFERS/LANDSCAPING, SKEEPPING, DRAINAGE, TREE ORNANCE, AND OTHER FEATURES. THE DEVELOPMENT SHALL ALSO COMPLY WITH ALL APPLICABLE CITY, COUNTY, AND STATE REGULATIONS PERTAINING TO OFF-STREET PARKING, SIGNAGE, BUFFERS/LANDSCAPING, SKEEPPING, DRAINAGE, TREE ORNANCE, AND OTHER FEATURES.
3. FENCING FOR THE OVERALL SITE SHALL BE CONSIDERED AS A UNITED DEVELOPMENT. THE FENCING SHALL BE DESIGNED TO BE AESTHETIC AND TO BE IN ACCORDANCE WITH THE CITY ENGINEER'S REQUIREMENTS. THE FENCING SHALL BE DESIGNED TO BE AESTHETIC AND TO BE IN ACCORDANCE WITH THE CITY ENGINEER'S REQUIREMENTS.
4. THE NUMBER OF VEHICULAR ACCESS TO THE SITE SHALL BE LIMITED TO TWO. THE LOCATIONS OF INGRESS/EGRESS AS SHOWN ON THE SITE PLAN, HOWEVER, THE LOCATIONS MAY VARY SOMETIMES FROM THAT DEPICTED. THE LOCATIONS MAY VARY SOMETIMES FROM THAT DEPICTED. THE LOCATIONS MAY VARY SOMETIMES FROM THAT DEPICTED.
5. MAXIMUM BUILDING HEIGHTS SHALL BE TWO STORIES (MAY INCLUDE ATTIC AND/OR FINISHED SPACE WITHIN THE AREA HEIGHT OF THE ROOF).
6. A CLASS "C" BUFFER SHALL BE ESTABLISHED WHERE THERE IS A BUFFER BETWEEN THE PROPOSED DEVELOPMENT AND AN ADJACENT RESIDENTIAL AREA. THE BUFFER SHALL BE IMPROVED WITH NEW LANDSCAPING IN ACCORDANCE WITH APPLICABLE STANDARDS.
7. A 30 FOOT SETBACK MEASURED FROM THE R/W LINE SHALL BE ESTABLISHED ALONG THE SITE'S PROWENANCE ROAD FRONTAGE. A 30 FOOT SETBACK MEASURED FROM THE R/W LINE SHALL BE ESTABLISHED ALONG THE SITE'S PROWENANCE ROAD FRONTAGE.
8. MAXIMUM HEIGHT OF BUILDINGS LOCATED WITHIN THE AREA SHALL BE 12 FEET. MAXIMUM HEIGHT OF BUILDINGS LOCATED WITHIN THE AREA SHALL BE 12 FEET.
9. STORM WATER DETENTION SHALL NOT BE LOCATED IN THE SETBACK AREAS. STORM WATER DETENTION SHALL NOT BE LOCATED IN THE SETBACK AREAS.
10. BUFFERED AREAS SHALL NOT BE REDUCED IN DEPTH FROM THAT DEPICTED ON THE PLAN.
11. SCREENING SHALL BE PROVIDED IN ACCORDANCE WITH SECTION 12.303 OF THE CITY OF CHARLOTTE ZONING ORDINANCE.
12. BUFFERS SHALL REMAIN UNDISTURBED EXCEPT THAT ANY AREA WHICH IS SPARSELY VEGETATED (VEGETATION LESS THAN 4 INCHES IN CALYX) MAY BE REMOVED FOR THE PURPOSES OF INSTALLING A FENCE OR OTHER DEVELOPMENT. ANY REMOVED AREAS SHALL BE REPLANTED WITH APPROPRIATE VEGETATION TO MAINTAIN THE EXISTING WETLAND AREA DRAINAGE TO SUCH BUILDINGS LOCATED.
13. TREES LOCATED WITHIN THE FRONT SETBACK AREA (WHICH ARE 6 FEET OR MORE IN DIAMETER AT BREAST HEIGHT) SHALL BE MAINTAINED OR REPLANTED PER CITY OF CHARLOTTE TREE ORNANCE.
14. THE MAXIMUM HEIGHT OF DETACHED POLE LIGHTS SHALL BE RESTRICTED TO 15 FEET.
15. WALL PACK TYPE LIGHTING SHALL NOT BE ALLOWED.
16. ALL REMAINING SITE SHALL BE LOCATED WITHIN A SOLID ENCLOSURE WITH A WALL.
17. BUILDINGS ON THE SITE WILL BE CONSTRUCTED WITH BRICK AND/OR CONCRETE. ANY FINISHING MATERIALS ON BOX OF THE EXTERIOR WALLS OF BUILDINGS SHALL BE BRICK OR CONCRETE.
18. THE BUILDINGS DEVELOPER SHALL INSTALL OR PAY THE CITY OF CHARLOTTE FOR FUTURE INSTALLATION DURING PROWENANCE ROAD WIDENING OF A 5 FOOT SIDEWALK WITH AN 8 FOOT PLANTING STRIP ALONG THE SITE'S PROWENANCE ROAD. THIS SIDEWALK SHALL LINK TO OTHER INTERNAL SIDEWALKS ON THE SITE.
19. PROPOSED USES FOR THE SITE SHALL INCLUDE THOSE ALLOWED IN THE CITY OF CHARLOTTE ZONING ORDINANCE. PROPOSED USES FOR THE SITE SHALL INCLUDE THOSE ALLOWED IN THE CITY OF CHARLOTTE ZONING ORDINANCE.
20. BUILDINGS CONSTRUCTED ON THE SITE SHALL BE DESIGNED IN A MANNER WHICH REFLECTS A RESIDENTIAL STYLE AND SCALE. BUILDINGS CONSTRUCTED ON THE SITE SHALL BE DESIGNED IN A MANNER WHICH REFLECTS A RESIDENTIAL STYLE AND SCALE.
21. THE SETBACKS/DEVELOPER SHALL INSTALL A FIRE HYDRANT WITHIN 750 FEET OF THE MOST REMOTE BUILDING AS A FIRE TRUCK TRAVELS ALONG THE PROWENANCE ROAD. THE FIRE HYDRANT SHALL BE INSTALLED IN EACH BUILDING TO OFFSET ANY POTENTIAL MARGINAL WATER SUPPLY IN THE AREA.
22. THE DEVELOPER SHALL DESIGN AND CONSTRUCT THE PROPOSED PUBLIC ROAD THROUGH THE SITE TO CITY OF CHARLOTTE STANDARDS. THE DEVELOPER SHALL DESIGN AND CONSTRUCT THE PROPOSED PUBLIC ROAD THROUGH THE SITE TO CITY OF CHARLOTTE STANDARDS.
23. DRAINAGE DITCHES ARE REQUIRED BY CITY OF CHARLOTTE ZONING ORDINANCE. SHEET 1 OF 4 EXISTING CONDUIT, NO MODIFICATIONS WILL BE REQUIRED AS PART OF FUTURE DRIVEWAY PROCESS.



SCALE: 1" = 200'-0"



Attached to Administrative
Approval
Solomon A. Fortune
Solomon A. Fortune

Petitioner shall develop the Site in a manner generally consistent with the Conceptual Master Plan, with the understanding that the configurations, placements and sizes of buildings, parking areas and open spaces may be altered or modified as long as the ultimate design is consistent with the spirit and intent of the Conceptual Master Plan. The configurations, placements, number and sizes of the buildings and treatment of open space areas depicted on the Conceptual Master Plan and any building designs depicted are conceptual in nature and therefore are subject to refinements as part of the total design process. They may, therefore, be altered or modified, in accordance with Section 6.207 of the Ordinance, during design development and construction phases so long as the maximum building envelope lines and intensity limitations established on the Technical Data Sheet are not violated and the proposed alterations or modifications do not exceed the parameters established under these Development Standards and under the Ordinance for the MUDD District.

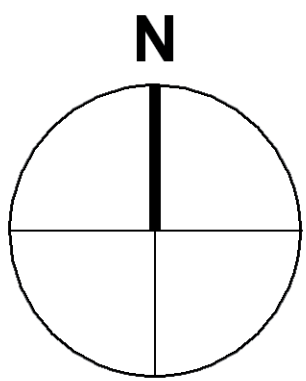
Attached to Administrative
Approval
Solomon A. Fortune
Solomon A. Fortune

ARTWORK/GRAPHIC PANELS WILL BE SUPPLIED
IN THE AREAS DEPICTED IN ELEVATION. TOTAL
SQUARE FOOTAGE OF THE COMBINED PANELS
WILL NOT EXCEED 100 SQ. FT. THE PANELS
WILL NOT RELATE TO OR SHOW ITEMS SOLD
WITHIN THE INTERIOR OF THE RETAIL ANCHOR.

0 8 16 32
SCALE: 1/16" = 1'-0"

REAR ELEVATION FROM HT BACK STREET

PROVIDE REAR ELEVATION ARTICULATION IN
PATTERN SIM. TO THAT SHOWN



0 50 100 200
SCALE: 1" = 100'-0"



Agenda Date: 12/5/2017

Agenda #: 4. **File #:** 15-6912 **Type:** Zoning Item

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

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)

Staff Resource: [Sonja Strayhorn Sanders](#)

Public Hearing Held: *October 16, 2017*

Staff Recommendation:

Staff does not recommend approval of this petition in its current form due to intensity, design, and the relationship to the adjoining single family residential uses.

Attachments:

Post Hearing Staff Analysis
Statement of Consistency
Map
Site Plan

REQUEST	Current Zoning: R-8 (single family residential), R-22MF (multi-family residential), B-1 (neighborhood business), B-2 (general business) Proposed Zoning: TOD-R(O) (transit oriented development, residential, optional)
LOCATION	Approximately 2.17 acres located on the north and south sides of East 16 th Street, and east of the intersection of East 16 th Street and Parkwood Avenue. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes to redevelop a site in the Optimist Park neighborhood to allow up to 59 for sale single family attached dwelling units, at a density of 29.49 units per acre.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Phyllis H. Leonard, E. Milburn Davant, Jr., Optimist Park Partners, LLC, Optimist Park Partners, LLC John Carmichael, Robinson Bradshaw & Hinson, P.A.
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 11.

**STAFF
RECOMMENDATION**

Staff does not recommend approval of this petition in its current form due to density, design, and the relationship to the adjoining single family residential uses.

Plan Consistency

The adopted *Blue Line Extension Transit Station Area Plan* contains three recommendations for the subject property. The proposed development of townhomes at a density of 29.5 units per acre is:

- Consistent with the plan recommendation for residential uses but inconsistent with the density recommendation for up to 12 units per acre for the four existing single family residential lots along the north/east side of East 16th Street (Buildings 4, 5, 6, and 7);
- Inconsistent with the plan recommendation for office and retail uses for the lots that front Parkwood Avenue (Buildings 1, 2, and 3); and
- Consistent with the plan recommendation for transit supportive uses for the lots on the south/west side of East 16th Street (Buildings 8, 9, 10, 11, and 12).

Rationale for Recommendation

- The subject properties provide a transition between the Parkwood Transit Station and the Optimist Park Neighborhood.
- Portions of the property (Buildings 1, 2, 3, 8, 9, 10, 11, and 12) are generally consistent with the adopted plan recommendations.
- However, Buildings 4, 5, 6, and 7 are within an area designated for protection of the existing single family neighborhood and the plan specifies duplex, triplex and quadraplex uses as appropriate.
- The proposed site plan and elevations do not show the relationship between Buildings 4, 5, 6, and 7 and the adjoining single family residential uses.
- In addition, the building heights and narrow buffer (Buildings 4, 5, 6, and 7) provide an inadequate transition to the adjoining single family residential.

PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Maximum of ~~60~~ **59 for sale** single family attached dwelling units in up to 13 buildings, at a density of 29.49 units per acre.

- A minimum six of the for-sale attached dwelling units shall be eligible for the City of Charlotte's HouseCharlotte program.
- Vehicular access via East 16th Street and East 17th Street, along with internal private drives.
- Building materials will be brick veneer and cementitious siding. Synthetic wood may be utilized around windows. Vinyl, EIFS and Masonite are prohibited as building materials. However, vinyl may be utilized on windows, doors, garage doors, soffits, trim and railings.
- Dwelling units located in Buildings 4 and 5 may not have outdoor patios, porches or terraces located above the first story or ground level on the eastern facing elevations.
- Front elevations of single family attached dwelling units in Buildings 4 and 5 shall not be required to have an outdoor terrace located on the fourth level of the units.
- Provides a four-foot transition zone between the back of the sidewalks and the entry door into each dwelling unit that fronts a public street.
- A stoop and patio will be located at the front entry door into each single family attached dwelling unit. A portion of the stoop will be covered with an awning.
- Provides building rendering that reflects the front building elevation, with annotated building materials.
- Provides a 24-foot setback on Parkwood Avenue and a 16-foot setback on East 16th Street and Caldwell Street.
- Maximum building height of 44 feet for Buildings 1, 2, 3, 6, 7, 8, 9, 10, 11, and 12.
- Maximum building height of 40 feet for Buildings 4 and 5.
- On-street parking provided along Parkwood Avenue and East 16th Street.
- Extension of East 16th Street to Parkwood Avenue, with a sidewalk on the west side of the extension.
- Dedication of right-of-way necessary to extend East 17th Street to Parkwood Avenue.
- All transportation improvements will be approved and constructed prior to the issuance of a certificate of occupancy for the site or phase per the development plan.
- Construction activities may not be conducted on the site on Sundays, and are limited to the hours of 8:00 a.m. to 7:00 p.m. on Saturdays.
- Optional provisions requested:
 - ~~Maximum building height of 44 feet without providing additional setbacks and yards.~~
 - ~~If the site is developed in phases, the residential density for each phase shall not be required to meet the minimum residential density requirements of the ordinance.~~
 - ~~Roof line variation every 30 feet shall not be required.~~
 - The number of off-street parking spaces allowed on site may exceed the maximum permitted in the TOD-R district.
 - Allow vehicular maneuvering space between the building and the public street to driveways and garages.
 - Driveways and garages for dwelling units shall be permitted.
 - Recessed, on-street parking shall be installed by the petitioner along the site's frontage on Parkwood Avenue and the westerly side of East 16th Street. The on-street parking shall be recessed into portions of the planting strip and shall be in lieu of the relevant portions of the planting strip.
 - Where on-street recessed parking is installed adjacent to the site, the setback shall be measured from the back of curb of the travel lane, not the back of curb of the recessed on-street parking.
 - The minimum setback along North Caldwell Street shall not be required to meet standards of Section 9.1208(1)(a)(1), which requires a minimum 30-foot setback for new development abutting or located directly across a public or private street from single family zoning when the single family zoned lots front onto the same local street as the new development.
 - Allow recessed on-street parking in portions of the planting strip and in lieu of the planting strip along frontages on Parkwood Avenue and East 16th Street.
 - Allow setback be measured from the back-of-curb of the travel lane instead of the recessed on-street parking when on-street parking is installed adjacent to the site.
- **Existing Zoning and Land Use**
 - The subject property is zoned R-8 (single family residential), R-22MF (multi-family residential), B-1 (neighborhood business) and B-2 (general business), and is currently developed with seven single family detached dwellings, 12 multi-family dwelling units, and a religious institution.
 - Vacant properties zoned I-2 (general industrial) are located across Parkwood Avenue in the former intermodal facility. The future LYNX Blue Line Extension (BLE) will also be located across Parkwood Avenue.
 - A mixture of uses consisting of warehouses, religious institutions, an office, single family and multi-family dwelling units, and scattered vacant lots are developed on the east side of North Brevard Street and the east and west sides of Parkwood Avenue in R-8 (single family residential), R-22MF (multi-family residential), UR-2(CD) (urban residential, conditional), B-1

(neighborhood business), B-2 (general business), TOD-M (transit oriented development, mixed use), TOD-MO (transit oriented development, mixed use optional), MUDD (mixed use development), MUDD(CD) (mixed use development, conditional) and I-2 (general industrial) zoning districts.

- Surrounding properties on the west side of North Brevard Street contain Highland Park Mill Building No. 1, warehouse uses, and vacant lots in TOD-MO (transit oriented development, mixed use optional) and I-2 (general industrial) zoning.
- See “Rezoning Map” for existing zoning in the area.
- **Rezoning History in Area**
 - Petition 2016-69 rezoned 0.83 acres located on the southeast corner at the intersection of Belmont Avenue and North Caldwell Street to TOD-M (transit oriented development – mixed-use) to allow all uses permitted in the district.
 - Petition 2016-29 rezoned 11.85 acres located on the east and west side of North Brevard Street and generally surrounded by Parkwood Avenue, Belmont Avenue, East 16th Street and North Brevard Street to TOD-MO (transit oriented development – mixed-use, optional) to allow reuse of an existing mill for all uses permitted in the district.
 - Petition 2015-126 rezoned 3.63 acres located on the southeast corner at the intersection of North Brevard Street and East 21st Street to TOD-RO (transit oriented development - residential, optional), with five year vested rights to allow up to 351 multi-family dwelling units.
 - Petition 2015-125 rezoned 4.78 acres located east of 13th Street, west of Belmont Avenue between North Brevard Street and North Davidson Street. The properties are located on two adjacent blocks divided by North Caldwell Street to TOD-M (transit oriented development – mixed-use) to allow all transit supportive uses permitted in the district.
 - Petition 2015-091 rezoned 0.99 acres located on the northeast corner at the intersection of Parkwood Avenue and East 17th Street to TOD-RO (transit oriented development, residential, optional) to allow up to 50 multi-family dwelling units at a density of 50.5 dwelling units per acre.
 - Petition 2014-023 approved a MUDD(CD) SPA (mixed use development, conditional, site plan amendment) for 2.14 acres located on the south corner at the intersection of North Caldwell Street and East 16th Street to reduce the total number of multi-family dwelling units from 150 to 120 and to allow units to be for rent.
- **Public Plans and Policies**
 - The *Blue Line Extension Transit Station Area Plans* (2013) recommends residential uses up to 12 units per acre for the four existing single family residential lots along the north/east side of East 16th Street, office and retail uses for the lots that front Parkwood Avenue, and transit supportive uses for the lots on the south/west side of East 16th Street.
 - Buildings 4 through 7 are within an area designated for protection of the existing single family neighborhood and specifies duplexes, triplexes and quadraplexes as appropriate.
 - The adopted area plan recommends a maximum height of 40 feet for the four existing single family residential lots (recommended for residential up to 12 units per acre) along the north/east side of 16th Street; and a maximum height of 50 feet on the remaining parcels in the petition.
 - The adopted streetscape for Parkwood Avenue is an eight-foot sidewalk, eight-foot planting strip, on-street parking where feasible, no bike lanes, a 16-foot setback and retaining the existing back-of-curb.
 - The Transportation Network Map indicates the need for an improved intersection between East 16th Street and Parkwood Avenue, improved sidewalks along East 16th Street, and a proposed streetscape and bike lane along Parkwood.
- **TRANSPORTATION CONSIDERATIONS**
 - The site is located at the unsignalized intersection of a local street and a major thoroughfare. The site plan commits to extending 16th street to Parkwood Avenue. CDOT is requesting that the petitioner provide a partial contribution to the future signal at the Parkwood/16th intersection that will be installed with the City’s Parkwood improvement project and in conjunction with the 16th Street realignment by others.
 - See Outstanding Issues, Note 1.
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 800 trips per day (based on 12 multi-family dwellings, 7 single family detached dwellings, and 1,908 square feet of retail uses).
 - Entitlement: 1,640 trips per day (based on based on 18 multi-family dwellings, 5 single family detached dwellings, and 8,250 square feet of retail uses).
 - Proposed Zoning: 410 trips per day (based on 60 single family attached dwellings).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Housing and Neighborhood Services:** No issues.
- **Charlotte Fire Department:** No on-street parking on roads less than 26 feet clear width.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 18 students, while the development allowed under the proposed zoning will produce two students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is zero students.
 - The proposed development will not increase the school utilization (without mobile classroom units) over existing conditions for:
 - Walter G. Byers PK-8 (102%)
 - West Charlotte High from (96%)
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing 12-inch water distribution main located along Parkwood Avenue and existing six-inch water distribution mains located along East 17th Street, East 16th Street, and North Caldwell Street. Charlotte Water has limited sanitary sewer capacity. After an analysis of the sanitary sewer system and the proposed development, a conditional approval of a Willingness to Serve was granted to the applicant with the understanding that the sanitary sewer cannot be provided until the completion of a public infrastructure project—Charlotte Water's Little Sugar Creek Tributary Trunk Sewer to North Tryon Project. This project was identified to support current and future customers, and any proposed sanitary sewer flow shall be coordinated to discharge after completion of said project. There is an anticipated completion date of mid-2019.
- **Engineering and Property Management:**
 - **Arborist:** Trees cannot be removed from or planted in the right-of-way of all City of Charlotte maintained streets. Tree species must be approved before planting.
 - **Erosion Control:** No issues.
 - **Land Development:** No issues.
 - **Storm Water Services:** No issues.
 - **Urban Forestry:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

OUTSTANDING ISSUESTransportation

1. ~~The proposed intersection of Parkwood Avenue and East 16th St will have a future signal. The petitioner should revise the site plan with a conditional note committing to contribute to the future cost of the signal, in the amount of \$62,500, with a five-year sunset.~~ **Rescinded by CDOT.**

Site and Building Design

2. ~~Show and label future back-of-curb and reflect all setbacks from that line. Setbacks along Parkwood Avenue should be no less than 20 feet from the curb of the travel lane.~~ **Addressed**
3. **"Remove the note that the front setback may be reduced to 16 feet once Parkwood Avenue classification is determined." New comment based on revised site plan.**
4. ~~Delete Note 2B under "Optional Provisions," which is problematic because properties do not adjoin.~~ **Addressed**
5. ~~Amend Note 2A under "Optional Provisions" to specify the waiver sought for the required increase to setback and/or yards required per Section 9.1208(3), in order to achieve a maximum height of 44 feet for Buildings 4-7, which are recommended for a maximum building height of 40 feet.~~ **Addressed**
6. ~~Explain what is requested in Note 2G under "Optional Provisions" or delete if section does not apply to the site.~~ **Addressed**
7. ~~Show the relationship between Buildings 4, 5, 6, and 7 to the adjoining single family residential uses.~~ **Addressed. A cross-section showing the relationship was shown to Planning staff but is not included with the revised site plan.**
8. ~~Reduce the heights of Buildings 4, 5, 6, and 7 and increase the buffer between these buildings and the existing single family residential to provide an inadequate transition.~~ **Addressed for buildings 6 and 7.**
9. **Reduce the building height of Buildings 4 and 5 adjoining single family residential uses. The rear yard has increased from 16 feet to 20 feet; however, the building height has not been reduced.**

REQUESTED TECHNICAL REVISIONSSite and Building Design

10. ~~Delete incomplete Note "B" under "Architectural Standards."~~ This request was rescinded.
11. ~~Show the north arrow on the site plan.~~ Addressed
-

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Housing and Neighborhood Services Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Schools Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - City Arborist
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

Planner: Sonja Strayhorn Sanders (704) 336-8327

Petition 2017-101 by Optimist Park Partners, LLC

To Approve:

([I move that the](#)) Zoning Committee finds a portion of the petition to be **consistent** with the *Blue Line Extension Transit Station Area Plan*, based on information from the staff analysis and the public hearing, and because:

- The plan recommends residential uses for lots along the north/east side of East 16th Street, and transit supportive uses for lots on the south/west side of East 16th Street.

In addition, the Zoning Committee finds a portion of the petition to be **inconsistent** with the *Blue Line Extension Transit Station Area Plan*, based on information from the staff analysis and the public hearing, and because:

- The plan recommends a density of up to 12 units per acre for the lots along the north/east side of East 16th Street; and
- The plan recommends office and retail uses for the lots that front Parkwood Avenue.

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

- The subject properties provide a transition between the Parkwood Transit Station and the Optimist Park Neighborhood; and
- Portions of the property (Buildings 1, 2, 3, 8, 9, 10, 11, and 12) are generally consistent with the adopted plan recommendations; and
- (To be explained further by the Zoning Committee)

Consistency:

Maker:

2ND:

Approve or Deny

Vote:

Dissenting:

Recused:

Recommendation:

Maker:

2ND:

Approve or Deny

Vote:

Dissenting:

Recused:

To Deny:

([I move that the](#)) Zoning Committee finds a portion of the petition to be **consistent** with the *Blue Line Extension Transit Station Area Plan*, based on information from the staff analysis and the public hearing, and because:

- The plan recommends residential uses for lots along the north/east side of East 16th Street, and transit supportive uses for lots on the south/west side of East 16th Street.

In addition, the Zoning Committee finds a portion of the petition to be **inconsistent** with the *Blue Line Extension Transit Station Area Plan*, based on information from the staff analysis and the public hearing, and because:

- The plan recommends a density of up to 12 units per acre for the lots along the north/east side of East 16th Street; and
The plan recommends office and retail uses for the lots that front Parkwood Avenue.

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

- Buildings 4, 5, 6, and 7 are within an area designated for protection of the existing single family neighborhood and the plan specifies duplex, triplex and quadraplex uses as appropriate; and
- The proposed site plan and elevations do not show the relationship between Buildings 4, 5, 6, and 7 and the adjoining single family residential uses; and
- The building heights and narrow buffer (Buildings 4 and 5) provide an inadequate transition to the adjoining single family residential.

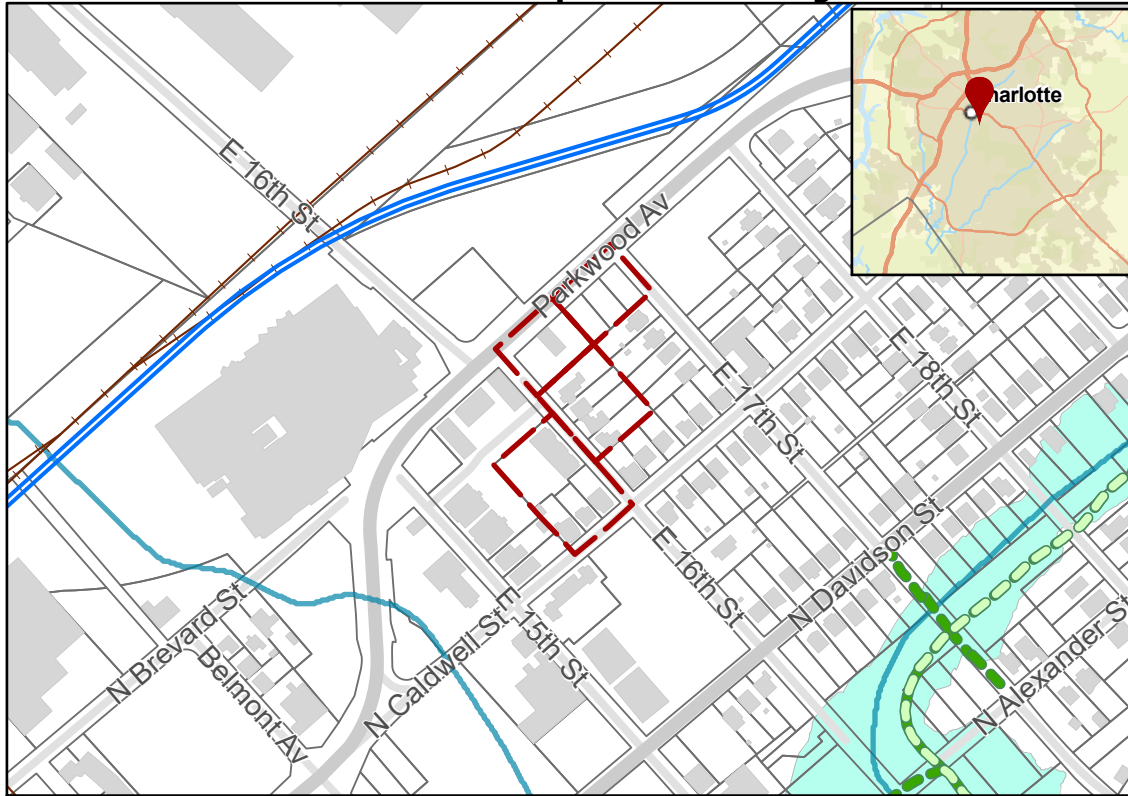
Rezoning Map

2017-101 : Optimist Park Partners, LLC

Current Zoning R-22MF (Multi-Family Residential) R-8 (Single Family Residential)
B-2 (General Business), B-1 (Neighborhood Business)

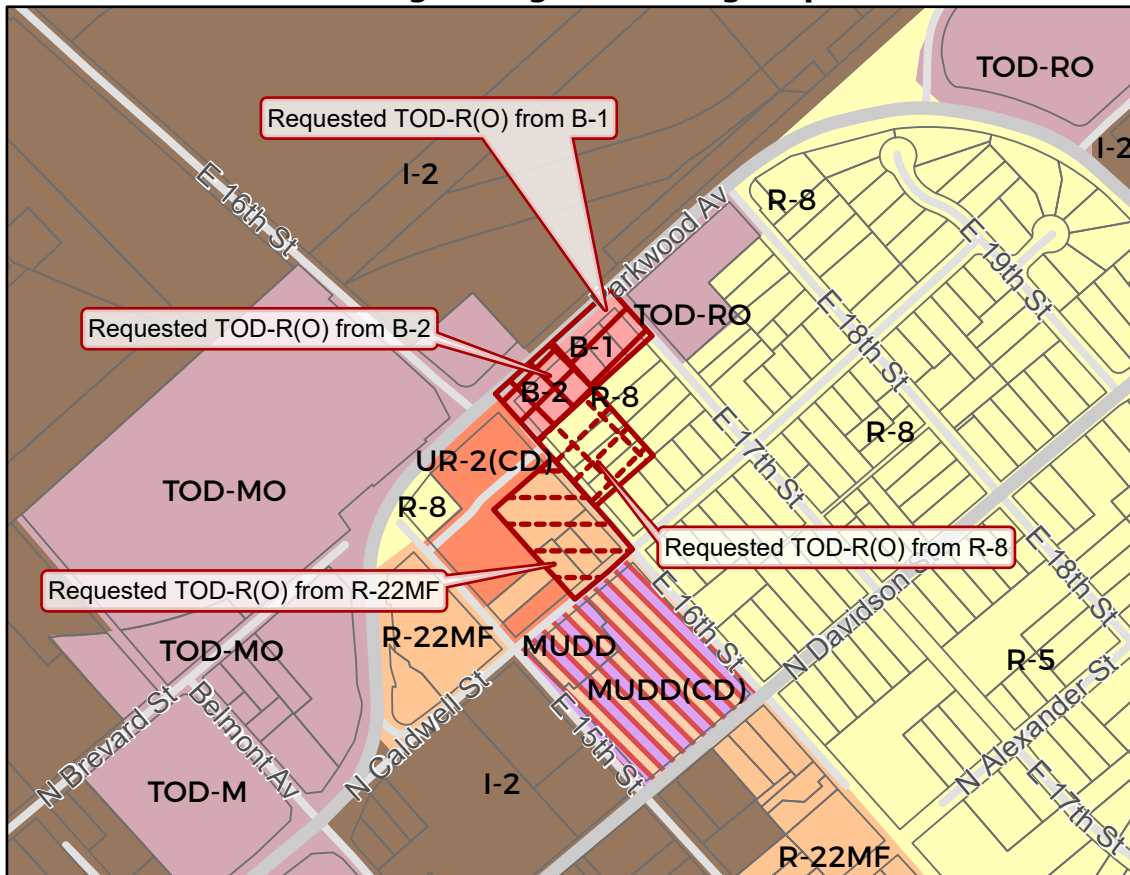
Requested Zoning TOD-R(O) (Transit Oriented Development-Residential, Optional)
Approximately 2.17 acres

Location of Requested Rezoning



- 2017-101
- Inside City Limits
- Parcel
- Buildings
- FEMA Flood Plain
- Railway
- Cross Charlotte Trail
- Greenway
- Streams
- LYNX Blue Line
- City Council District**
- 1-Patsy B. Kinsey

Existing Zoning & Rezoning Request



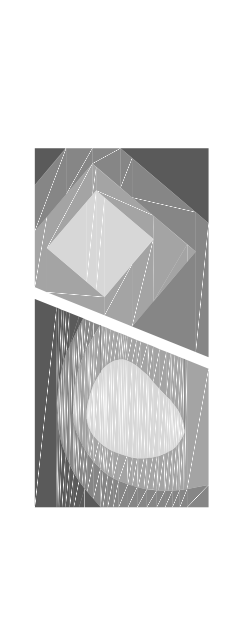
- Requested TOD-R(O) from B-1
- Requested TOD-R(O) from B-2
- Requested TOD-R(O) from R-22MF
- Requested TOD-R(O) from R-8
- Parcel
- Zoning Classification**
- Single Family
- Multi-Family
- Urban Residential
- Business
- Heavy Industrial
- Mixed Use
- Transit-Oriented



0 300 600 1,200 Feet

Map Created 9/28/2017

DEVELOPMENT STANDARDS November 27, 2017



STEWART

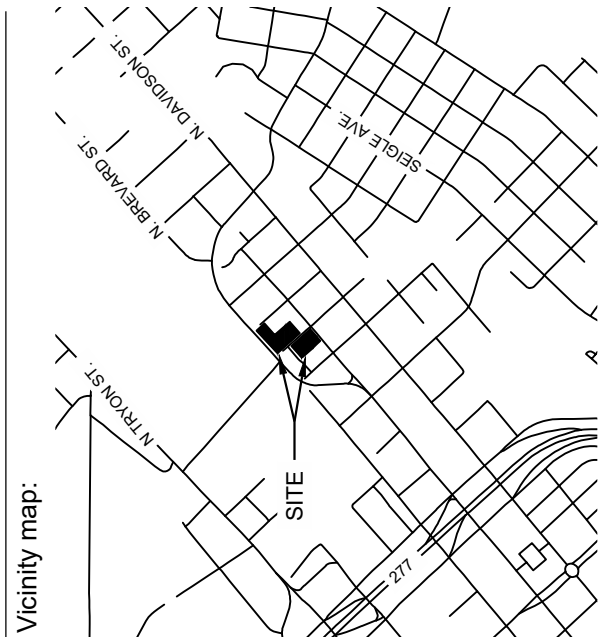
101 NORTH TRYON ST, STE 440
CHARLOTTE, NC 28202
704.557.7825
FRAULICENSE # C-1061
www.stewartinc.com
PROJECT # 170268

Client:

Beauxwright
623 S Cedar Street
Suite A
Charlotte, NC 28202
T: (678) 642-6206

Project:

OPTIMIST PARK
TOWNHOMES
PETITION #2017-101

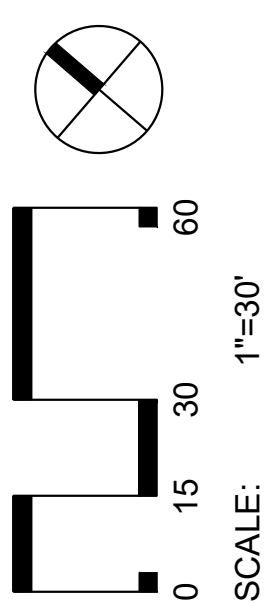


Scale:

Issued for:

REZONING SITE PLAN

No.	Date	Description
1	09.12.2017	CITY COMMENTS



Title:

SITE PLAN

Project number: X17002 Sheet:
Date : 11.27.2017
Drawn by: CHR
Approved by: EMB
RZ1.00

I. General Provisions

A. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Optimist Park Townhomes, LLC. The site is located at the intersection of Parkwood Avenue and East 17th Street, which is more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Tax Parcel Nos. 081-061-09, 081-061-10, 081-061-11, 081-061-12, 081-077-05, 081-077-04, 081-077-03, 081-077-02, 081-077-01, 081-077-18, 081-077-17 and 081-077-16.

B. The development of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable regulations established under the Ordinance for the TOD-R zoning district shall govern the development and use of the Site. The development depicted on the Rezoning Plan is schematic in nature and intended to depict the general arrangement of lots and improvements on the Site. Accordingly, the configurations, placements and sizes of the building footprints as well as the locations of the internal drives depicted on the Rezoning Plan are schematic in nature and, subject to the terms of these Development Standards, are subject to minor alterations or modifications during the design development and construction document phases.

D. Future amendments to the Rezoning Plan and/or these Development Standards may be applied for by the then owner or owners of the Site in accordance with the provisions of Chapter 6 of the Ordinance. Alterations to the Rezoning Plan are subject to Section 6.207 of the Ordinance.

2. Optional Provisions - The following optional provisions shall apply to the development of the Site:

A. Road line variation every 30 feet shall not be required.

B. The number of off-street parking spaces allowed on the Site may exceed the maximum permitted in the TOD-R zoning district.

C. Vehicular maneuvering space shall be allowed between the permitted use and the required setback to permit the driveways and garages for the single family attached dwelling units as generally depicted on the Rezoning Plan.

D. The driveways and garages for the single family attached dwelling units generally depicted on the Rezoning Plan shall be permitted.

E. Petitioner shall install recessed, on-street parking along the Site's frontages on Parkwood Avenue and the westerly side of East 16th Street. The on-street parking shall be recessed into portions of the planting strip and shall be in lieu of the relevant portions of the planting strip.

F. Where recessed, on-street parking is installed adjacent to the Site, the setback shall be measured from the back of curb of the travel lane, not the back of curb of the recessed, on-street parking.

3. Permitted Use

A. The Site may be devoted only to a residential community containing a maximum of 59 for sale single family attached dwelling units and to any incidental and accessory uses relating thereto that are allowed in the TOD-R zoning district.

4. Transportation

A. Vehicular access to the Site shall be as generally depicted on the Rezoning Plan. The placement and configuration of the vehicular access points are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required for approval by the Charlotte Department of Transportation.

B. As depicted on the Rezoning Plan, the Site will be served by internal private drives, and minor adjustments to the locations of the internal private drives shall be allowed during the construction permitting process.

C. A minimum of 1 parking space per dwelling unit shall be provided.

D. Internal sidewalks and pedestrian connections shall be provided on the Site as generally depicted on the Rezoning Plan. The internal sidewalks may be altered to save existing trees.

E. Petitioner shall extend East 16th Street from its current terminus to Parkwood Avenue as generally depicted on the Rezoning Plan. The extension of East 16th Street shall be in accordance with the standards set forth in the City of Charlotte's Street Design Manual. The extension of East 16th Street in terms of right of way width and street section. Notwithstanding the foregoing, Petitioner shall not be required to install a sidewalk on the west side of extended East 16th Street, and the existing sidewalk, if any, may remain in place on the west side of East 16th Street. The extended portion of East 16th Street shall be completed by Petitioner and approved by CDOT prior to the issuance of a certificate of occupancy for the first new building constructed on the Site.

F. Prior to the issuance of a certificate of occupancy for the first new building constructed on the Site, Petitioner shall dedicate and convey to the City of Charlotte (subject to a reservation for any necessary utility easements) those portions of the Site located immediately adjacent to North Caldwell Street, East 16th Street, Parkwood Avenue and East 17th Street that are necessary to meet the existing standards for the extension of East 16th Street and the extension of East 17th Street. The dedication shall be in accordance with the standards set forth in the City of Charlotte's Street Design Manual. Alternatively, in lieu of the dedication of right of way as described above, Petitioner may convey a sidewalk utility easement to the City of Charlotte from the existing right of way of the relevant streets to that point that is located 2 feet behind the sidewalks to be installed by Petitioner along the Site's frontages on the relevant streets.

G. All transportation improvements will be approved and constructed before the issuance of the first certificate of occupancy for the Site or phased per the Site's development plan

5. Architectural Standards

A. The maximum height of those buildings designated as Building 1, Building 2, Building 3, Building 6, Building 7, Building 8, Building 9, Building 10, Building 11 and Building 12 on the Rezoning Plan shall be 44 feet.

B. The maximum height of those buildings designated as Building 4 and Building 5 on the Rezoning Plan shall be 40 feet.

C. Attached to the Rezoning Plan is a conceptual architectural rendering of the front elevations (the elevations that contain the primary architectural features) of the buildings designated as Building 1, Building 2, Building 3, Building 6, Building 7, Building 8, Building 9, Building 10, Building 11 and Building 12 on the Rezoning Plan. The purpose of the rendering is to depict the general conceptual architectural style and character of the front elevations of the single family attached dwelling units. Accordingly, the front elevations of the single family attached dwelling units to be constructed on the Site shall be designed and constructed so that these front elevations are substantially similar in appearance to the conceptual architectural rendering with respect to architectural style and character. Notwithstanding the foregoing, changes and alterations that do not materially change the overall conceptual architectural style and character shall be permitted. Additionally, the front elevations of the single family attached dwelling units located in Building 4 and Building 5 shall not be required to have an outdoor terrace located on the fourth level of these single family attached dwelling units.

D. The single family attached dwelling units located in Building 4 and Building 5 may not have outdoor patios, porches or terraces located above the first story or ground level on the eastern facing elevations of these single family attached dwelling units.

E. The primary exterior building materials for the single family attached dwelling units to be constructed on the Site will be brick veneer and cementitious siding. Additionally, synthetic wood may be utilized around the windows of the single family attached dwelling units.

F. Vinyl, EIFS or masonry may not be used as an exterior building material on the single family attached dwelling units to be constructed on the Site. Notwithstanding the foregoing, vinyl may be utilized on windows, doors, garage doors, soffits, trim and railings.

G. A minimum 4 foot separation shall be provided between the back of the sidewalks to be installed by Petitioner along the Site's public street frontages and the entry door into each dwelling unit that fronts a public street. Notwithstanding the foregoing, steps, stoops and patios located at the entrances into the dwelling units may encroach into this 4 foot separation. In addition, shrubs and landscaping materials may be installed in this 4 foot separation.

H. Each single family attached dwelling unit shall have a stoop and a patio located at the front entry door into the single family attached dwelling unit. A portion of the stoop shall be covered with an awning.

6. Streetscape and Landscaping

A. A buffer that meets the requirements of Section 9.1208(9) of the Ordinance shall be established along those portions of the Site's boundary lines that are more particularly depicted on the Rezoning Plan. The width of the buffer may be reduced to 8 feet provided that a wall that meets the requirements of Section 9.1208(9)(b) of the Ordinance is installed.

B. Petitioner shall install a doggy bag disposal station on the Site along the site's frontage on East 16th Street.

7. Construction Activities

A. Construction activities may not be conducted on the Site on Sundays.

B. Any construction activities conducted on the Site on Saturdays may not commence prior to 8:00 AM and must cease by 7 PM.

C. Concrete may be poured on the Site only between the hours of 7 AM and 8 PM.

8. Affordable Dwelling Units

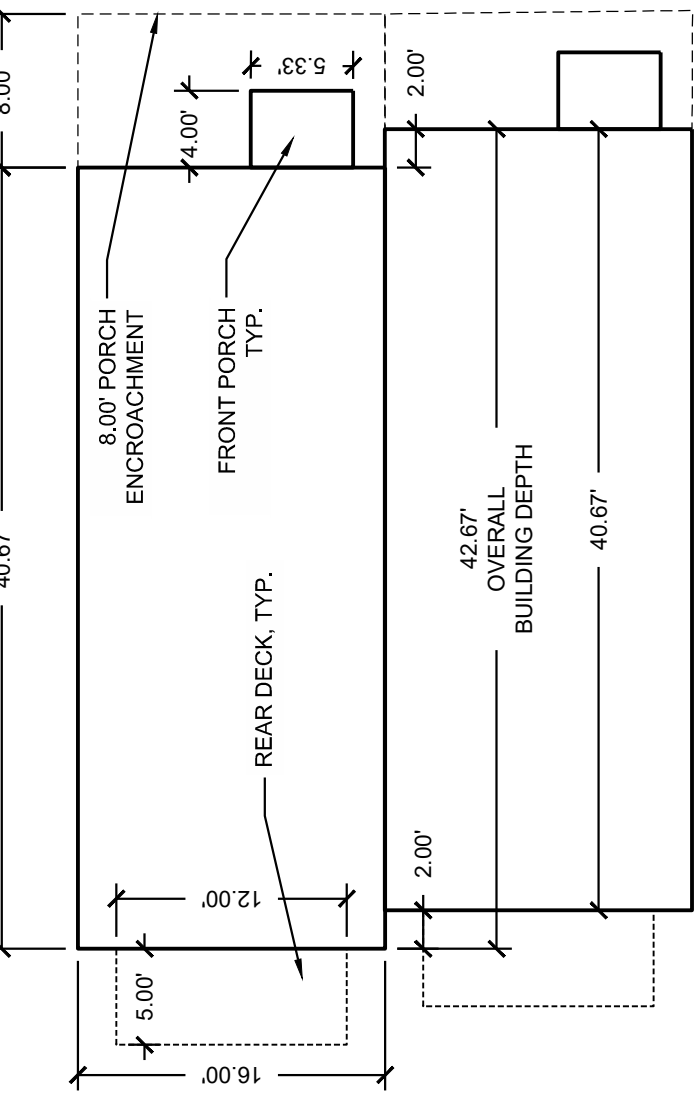
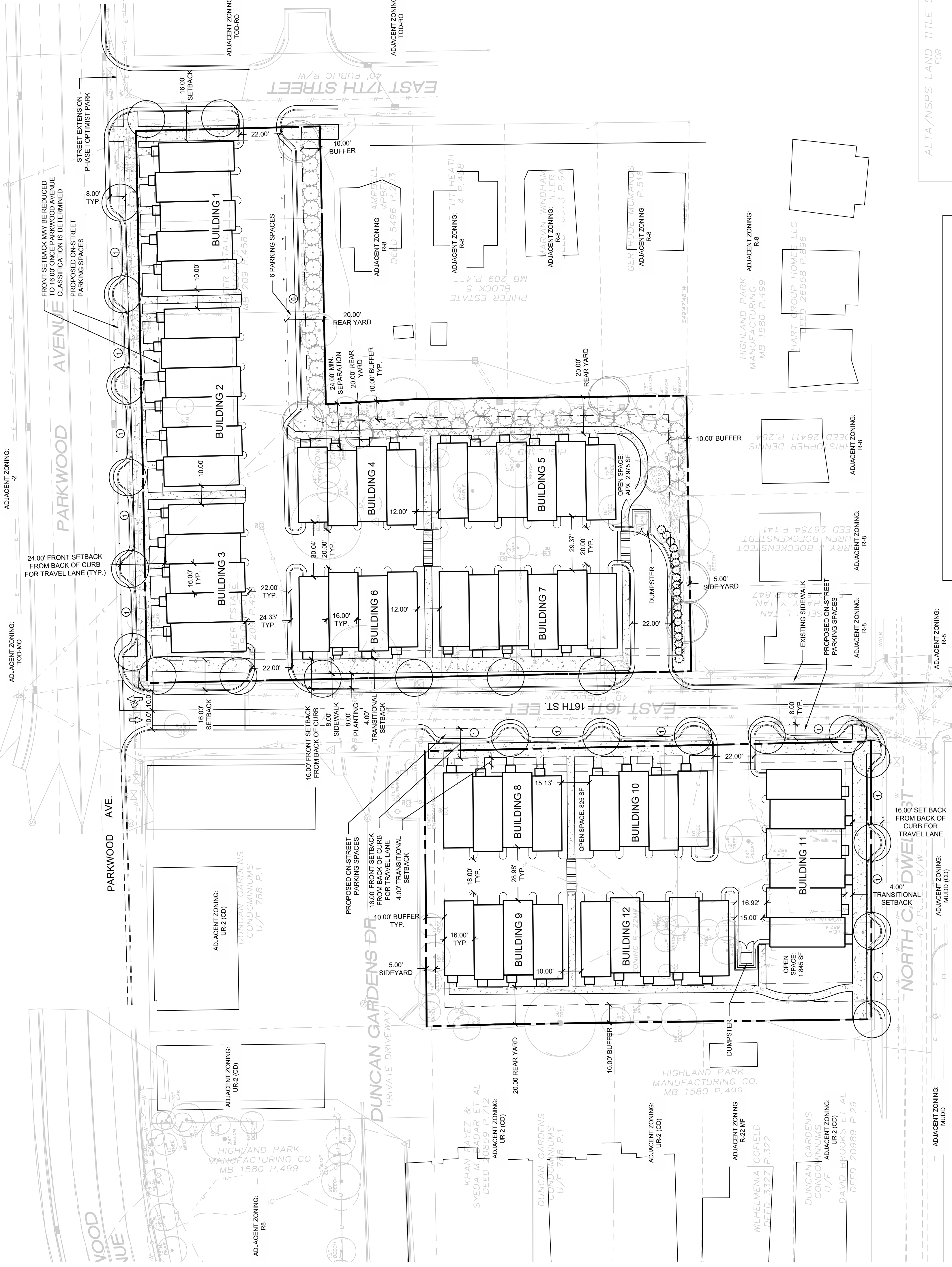
A. At least six of the five single family attached dwelling units to be constructed on the Site shall be eligible for the City of Charlotte's HouseCharlotte program.

9. Building Elevation of the Rezoning Plan

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

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

C. Any reference to the Ordinance herein shall be deemed to refer to the requirements of the Ordinance in effect as of the date this Rezoning Petition is approved.



DEVELOPMENT DATA TABLE

ITEM	REQUIREMENT
A. SITE ACRES: 2.17	
B. TAX PARCELS INCLUDED IN REZONING: SEE PARCEL DATA CHART	
C. PROPOSED ZONING: TOD-R	
D. PROPOSED ZONING: TOD-R	
E. NUMBER OF RESIDENTIAL UNITS BY HOUSING TYPE: 59	
F. RESIDENTIAL DENSITY: 29 UDS	
G. FAR: 1.29	
H. MAXIMUM BUILDING HEIGHT: 44' TYPICAL, 40' Max Ht for Buildings 4 & 5	
I. MINIMUM BUILDING HEIGHT: 10' TYPICAL	
J. NUMBER AND/OR RATIO OF PARKING SPACES: 1 PER UNIT + 30 SPACES	
K. REQUIRED: 1,151.8 SF (1 SF PER 100SF GROSS FLOOR AREA)	
L. PROVIDED: 3,046 SF	

Parcel #	Address	Current Zoning	Proposed Zoning	Acres	Front Setback	Transitional Setback	Side Yard Setback	Rear Yard Setback	Buffer
8107716	238 PARKWOOD AVE	B-1 / B-2	TOD-R	0.69	24'	NA	5'	20'	10'
8107718	234 PARKWOOD AVE								
8107701	220 & 226 PARKWOOD AVE	R-8	TOD-R	0.65	16'	4'	5'	20'	10'
8107702	411 E 16TH ST								
8107703	413 E 16TH ST								
8107704	417 E 16TH ST								
8107705	421 E 16TH ST								
8106112	1221 N CALDWELL ST	R-22MF	TOD-R	0.83	16'	4'	5'	20'	10'
8106111	1217 N CALDWELL ST								
8106109	1215 N CALDWELL ST								
Total				2.17					



Architectural shingle

Aluminum rail

Brick veneer

Double-pane window

Cementitious siding

Synthetic wood



Agenda Date: 12/5/2017

Agenda #: 5. **File #:** 15-7004 **Type:** Zoning Item

Rezoning Petition: 2017-102 by David Weekley Homes

Location: Approximately 3.63 located on the north side of Rea Road between Colony Road and Chadwyck Farms Drive. (Council District 7 - Driggs)

Staff Resource: [John Kinley](#)

Public Hearing Held: *November 20, 2017*

Staff Recommendation:

Staff recommends approval of this petition.

Attachments:

Post Hearing Staff Analysis
Statement of Consistency
Map
Site Plan

REQUEST	Current Zoning: R-3 (single family residential) Proposed Zoning: UR-2(CD) (urban residential, conditional) with five-year vested rights.
LOCATION	Approximately 3.63 acres located on the north side of Rea Road between Colony Road and Chadwyck Farms Drive. (Council District 7 - Driggs)
SUMMARY OF PETITION	The petition proposes the redevelopment of a 3.63-acre single family parcel, located adjacent to the Colony Place shopping center, with a single family attached, duplex development consisting of 24 units at a density of 6.52 units per acre.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Bob and Leslee Vichengrad Jacobs David Weekley Homes Walter Fields
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 18.

STAFF RECOMMENDATION	<p>Staff recommends approval of this petition.</p> <p><u>Plan Consistency</u> The petition is consistent with the <i>South District Plan</i> recommendation for residential use and the density is supported by the <i>General Development Policies</i>.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • The petition limits the number of units to 24 for a density of 6.52 units per acre, consistent with the <i>General Development Policies</i> which supports a density of up to eight units to the acre. The site is located on Rea Road between a neighborhood shopping center, Colony Place, and the single family detached Stonecroft neighborhood. • The proposed single family attached, duplex development provides a transition from the commercial uses southwest and west of the site to the lower density single family residential north and east of the site. • The site plan commits to the provision of a 20-foot wide landscape area, a portion of which will contain a berm with evergreen trees and shrubs and another portion will contain existing trees and new evergreen shrubs, along the northeastern property line to screen the proposed development from the adjacent single family homes. • The building height is limited to 40 feet, comparable to the maximum base height allowed for single family homes.
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PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allows up to 24 single family attached units, the site plan shows 12 duplex buildings, at a density of 6.52 units per acre.
- Limits the building height to 40 feet.
- Proposes site access via a private street connecting to Rea Road.
- Commits to re-stripping Rea Road to provide a left-turn lane into the site.
- Constructs an eight-foot planting strip and six-foot sidewalk along Rea Road with pedestrian access to the units via five-foot sidewalks along each side of the private street.
- Commits to the installation of a pedestrian connection to the adjoining shopping center in coordination with the shopping center owner's approval.
- Indicates general areas for entrance monuments and landscaping along the Rea Road frontage with final location and design to be determined in permitting.
- The petitioner has voluntarily offered architectural standards related to the following:

- Minimum roof pitches
- Building materials
- Lighting
- Orientation of garages
- Blank walls
- Limits the height of detached lighting to 21 feet.
- **Existing Zoning and Land Use**
 - The subject property is zoned R-3 (single family residential) and developed with one single family home.
 - Abutting to the northeast are the rear yards of single family homes zoned R-3 (single family residential). Abutting to the southwest is the rear of the Harris Teeter grocery store in the Colony Place shopping center, a neighborhood center zoned NS (neighborhood services). Abutting to the northwest is a small two-story office building fronting on Colony Road and zoned MUDD(CD) (mixed use development, conditional). Further west across Colony Road is the Burning Tree townhome development zoned R-8MF(CD) (multi-family residential, conditional). To the south, across Rea Road, is a small townhome development under construction, zoned R-8MF(CD) (multi-family residential, conditional) in 2007.
 - See “Rezoning Map” for existing zoning in the area.
- **Rezoning History in Area**
 - Petition 2015-090, south of the subject petition, rezoned 4.53 acres on the north side of Pineville-Matthews Road east of the intersection with Rea Road from INST(CD) (institutional, conditional) to UR-2(CD) (urban residential, conditional) for up to 25 single family attached dwelling units.
- **Public Plans and Policies**
 - The *South District Plan* (1993) recommends residential use at three dwellings per acre for the subject property.
 - The *General Development Policies* (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the *General Development Policies* locational criteria for consideration of the eight dwellings per acre requested as illustrated in the table below.

Assessment Criteria	Density Category – up to 8 dua
Meeting with Staff	1 – yes
Sewer and Water Availability	2 – CMUD
Land Use Accessibility	2 – Medium
Connectivity Analysis	3 – Medium
Road Network Evaluation	0 – No
Design Guidelines	4 – yes
Other Opportunities or Constraints	NA
Minimum Points Needed: 11	Total Points: 12

- **TRANSPORTATION CONSIDERATIONS**
 - This site is along a minor thoroughfare. The current site plan commits to a pedestrian connection to an adjacent shopping center, in addition to setting the curbline in the correct location to accommodate a future bike lane and improving the sidewalk and planting strip along the site’s Rea Road frontage.
 - See Outstanding Issues, Notes 1 and 2.
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 10 trips per day (based on one dwelling).
 - Entitlement: 140 trips per day (based on 11 dwellings).
 - Proposed Zoning: 190 trips per day (based on 24 dwelling).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Housing and Neighborhood Services:** No issues.
- **Charlotte Fire Department:** No on-street parking on roads less than 26 feet clear width.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate six students, while the development allowed under the proposed zoning will produce four students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is zero students.

- The proposed development is projected to increase the school utilization (without mobile classroom units) over existing conditions as follows:
 - Olde Providence Elementary from 113% to 114%;
 - Carmel Middle to remain at 108%; and
 - Myers Park High to remain at 114%.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing eight-inch water distribution main located along Rea Road. Charlotte Water has sewer system availability for the rezoning boundary via an existing eight-inch gravity sewer main located along Rea Road
- **Engineering and Property Management:**
 - **Arborist:** No trees can be removed or planted in the right-of-way of any state maintained street without permission of NC Department of Transportation and the City Arborist's office. Trees must be planted to meet NCDOT planting guidelines. Contact the City Arborist's office for a tree planting permit before planting trees in the NCDOT right-of-way once plans have been approved by the City.
 - **Erosion Control:** No issues.
 - **Land Development:** See Requested Technical Revisions, Note 15.
 - **Storm Water Services:** See Requested Technical Revisions, Notes 14 through 16.
 - **Urban Forestry:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

OUTSTANDING ISSUES

Transportation

1. ~~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. CDOT requests right-of-way set at two feet behind back of sidewalk where feasible. Addressed. The site plan contains a note specifying dedication of right-of-way if the current right-of-way does not meet the City's standards.~~
2. ~~Revise the site plan to add a note specifying 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. Addressed~~

Site and Building Design

3. ~~Amend the setback to be measured from the future back-of-curb and commit to the setback illustrated by the sublots for the first units, approximately 36 feet from the back of the future curb. Addressed. The petitioner adjusted the subplot lines and is providing a setback 30 feet from the future back of curb along Rea Road.~~
4. ~~Increase the rear yard along the north-eastern property line to commit what is illustrated on the site plan. The buildings shown are over 20 feet from the property line in common with the neighboring single family homes. Addressed. The petitioner has increased the rear yard along the northeast property line to 20 feet.~~

REQUESTED TECHNICAL REVISIONS

Land Use

5. ~~Amend the proposed use in site development data on sheets RZ1.0 and 2.0 to say "Single family dwellings attached, duplex (townhomes)" to match how the project will be defined from a Subdivision Ordinance perspective. Addressed~~
6. ~~Change all references to single family attached under "Purpose" and "Permitted uses" to duplex to match the site plan. Addressed~~
7. ~~Remove the request for five-year vested rights from the application because the project does not include phasing and is a relatively small, infill development. Addressed. The petitioner has amended the site plan to match the rezoning application. The City Council could still ask the five-year vesting be removed.~~

Site and Building Design

8. ~~Amend the site development data for building height to reflect a maximum of 40 feet as noted in "Architectural Standards", Note 4. Addressed.~~
9. ~~Add a note to the site plan to clarify that any required private open space will be located outside of the landscape areas depicted along the northeast edge of the site. Addressed.~~
10. ~~Clarify "Architectural Standards", Note 1 because as written the first part of the note with minimum roof pitches appears conflict with the last sentence. Addressed.~~
11. ~~Move Note 8 under "Architectural Standards" related to the landscaping to the "Streetscape and Landscaping" section because the note is not related to architectural standards. Addressed.~~

Transportation

12. Amend "Transportation", Note b to clarify if each unit will have a two-car garage. Currently the note refers to parking as depicted on the plan and the plan only shows driveway pads but elsewhere the development notes refer to garages. Provide a typical width dimension for the driveway pads. Addressed. The petitioner clarified that each unit will have a two car garage and labeled the driveways to specify tandem driveway pads.
13. Amend "Transportation", Note d to clarify that the eight-foot planting strip will be located eight feet from the future back-of-curb as depicted on the site plan. Addressed. The petitioner clarified the location of the planting strip and sidewalk with a label on the site plan.

Environment

14. Add the following note under "Environmental Features": "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." Addressed.
15. Delete the following sentences under "Environmental Features": "Storm water and water quality facilities will be designed as part of the overall site landscaping plan." Addressed.
16. Change the following note as indicated under "Environmental Features": "Water quality and detention BMPs will be designed to be aesthetically appealing enhanced through the uses of grass, landscaping, water features, rain gardens or other similar features." Addressed.

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Housing and Neighborhood Services Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Schools Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - City Arborist Review
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

Planner: John Kinley (704) 336-8311

2017-102 by David Weekley Homes

To Approve:

([I move that the](#)) Zoning Committee finds this petition to be **consistent** with the *South District Plan*, and the density is supported by the *General Development Policies* based on the information from the staff analysis and the public hearing, and because:

- The plan recommends single family residential up to three dwelling units per acre and references the *General Development Policies* location criteria for areas of higher density; and
- The *General Development Policies* support a density of up to eight units per acre.

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

- The petition limits the number of units to 24 for a density of 6.52 units per acre, consistent with the *General Development Policies* which support a density of up to eight units to the acre. The site is located on Rea Road between a neighborhood shopping center, Colony Place, and the single family detached Stonecroft neighborhood; and
- The proposed single family attached, duplex development provides a transition from the commercial uses southwest and west of the site to the lower density single family residential north and east of the site; and
- The site plan commits to the provision of a 20-foot wide landscape area, a portion of which will contain a berm with evergreen trees and shrubs and another portion will contain existing trees and new evergreen shrubs, along the northeastern property line to screen the proposed development from the adjacent single family homes; and
- The building height is limited to 40 feet, comparable to the maximum base height allowed for single family homes.

To Deny:

([I move that the](#)) Zoning Committee finds this petition to be **consistent** with the *South District Plan*, and the density is supported by the *General Development Policies* based on the information from the staff analysis and the public hearing, and because:

- The plan recommends single family residential up to three dwelling units per acre and references the *General Development Policies* location criteria for areas of higher density; and
- The *General Development Policies* supports a density of up to eight units per acre.

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

- (To be explained by the Zoning Committee)

Rezoning Map

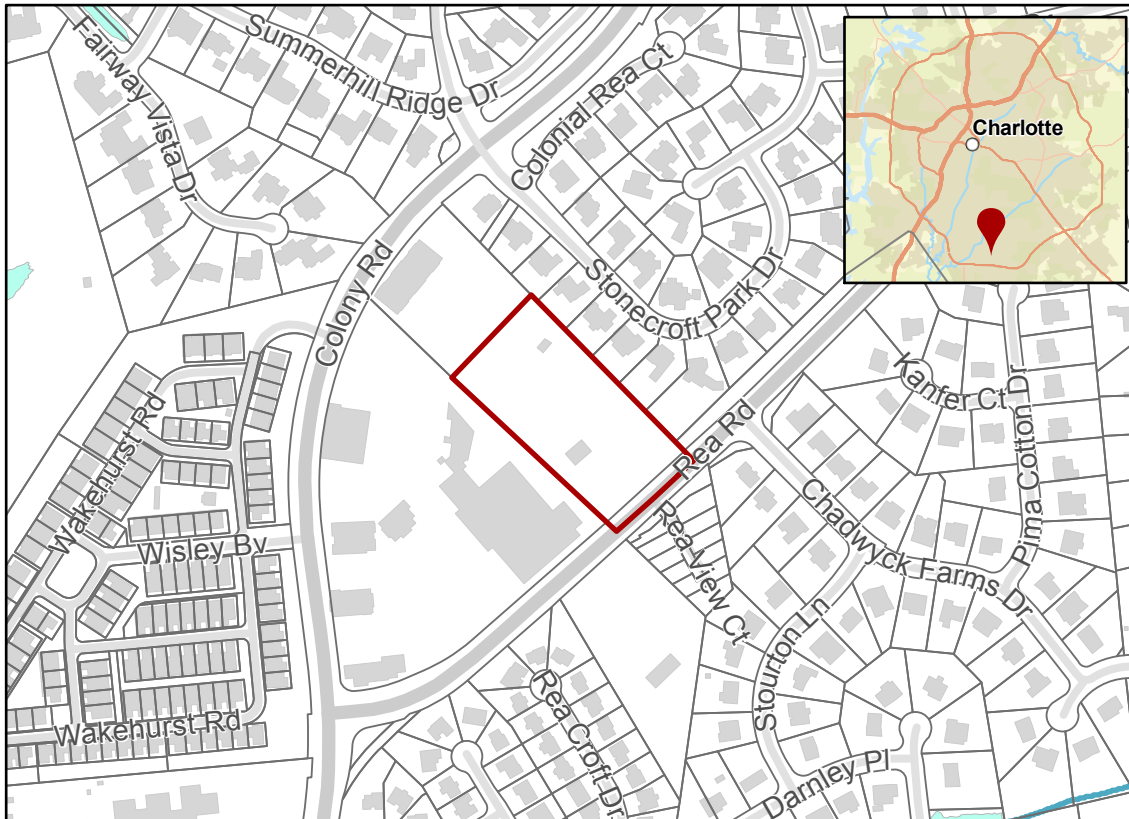
2017-102 : David Weekly Homes

Current Zoning R-3 (Single Family Residential)

Requested Zoning UR-2(CD) (Urban Residential, Conditional with Five Year Vested)
Approximately 3.63 acres

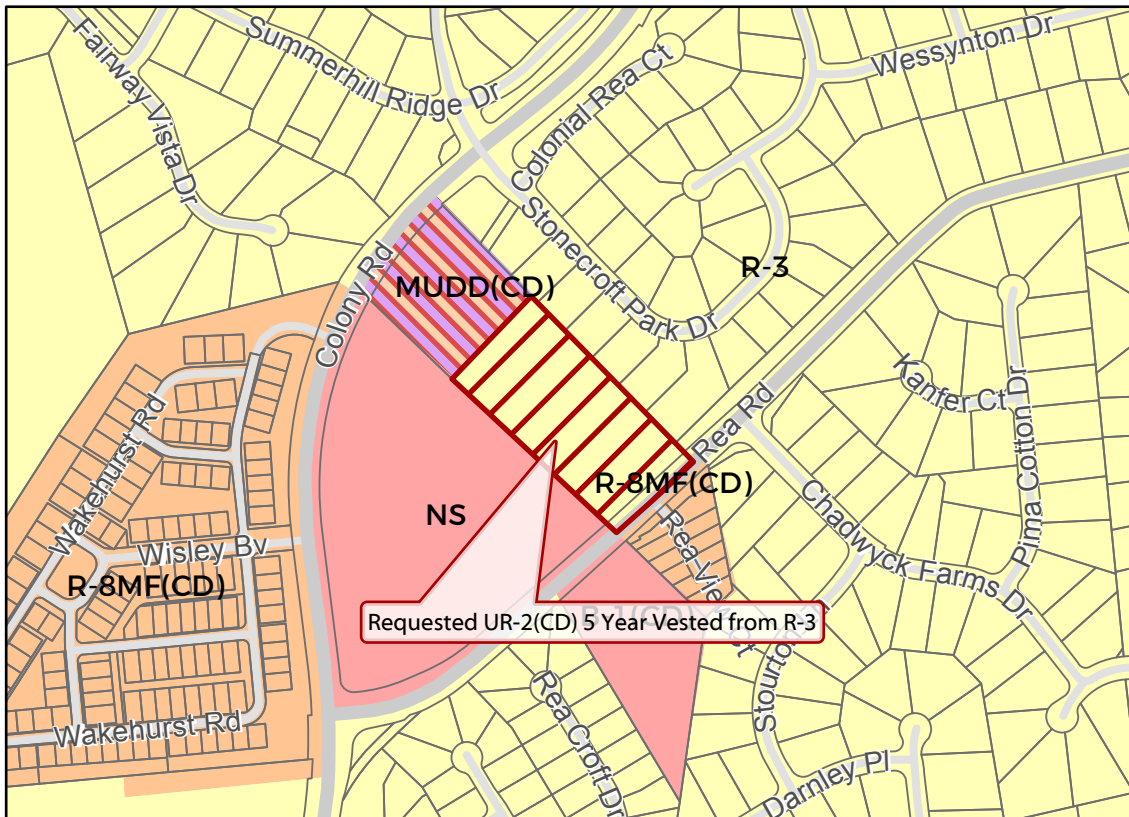


Location of Requested Rezoning



- 2017-102
- Inside City Limits
- Parcel
- Buildings
- FEMA Flood Plain
- Streams
- City Council District**
- 7-Edmund H. Driggs

Existing Zoning & Rezoning Request

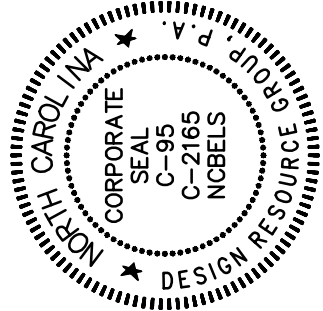


- Requested UR-2(CD)
5 Year Vested from R-3
- Parcel
- Zoning Classification**
- Single Family
- Multi-Family
- Business
- Mixed Use

0 330 660 1,320 Feet



Map Created 11/9/2017



REZONING PETITION
FOR PUBLIC HEARING
2017-102

REZONING PETITION

DAVID WEEKLEY HOMES - CHARLOTTE DIVISION
CHARLOTTE, NC
11430 NORTH COMMUNITY HOUSE ROAD, SUITE 275
CHARLOTTE, NC 28226
704-972-4205

SCHEMATIC SITE
PLAN

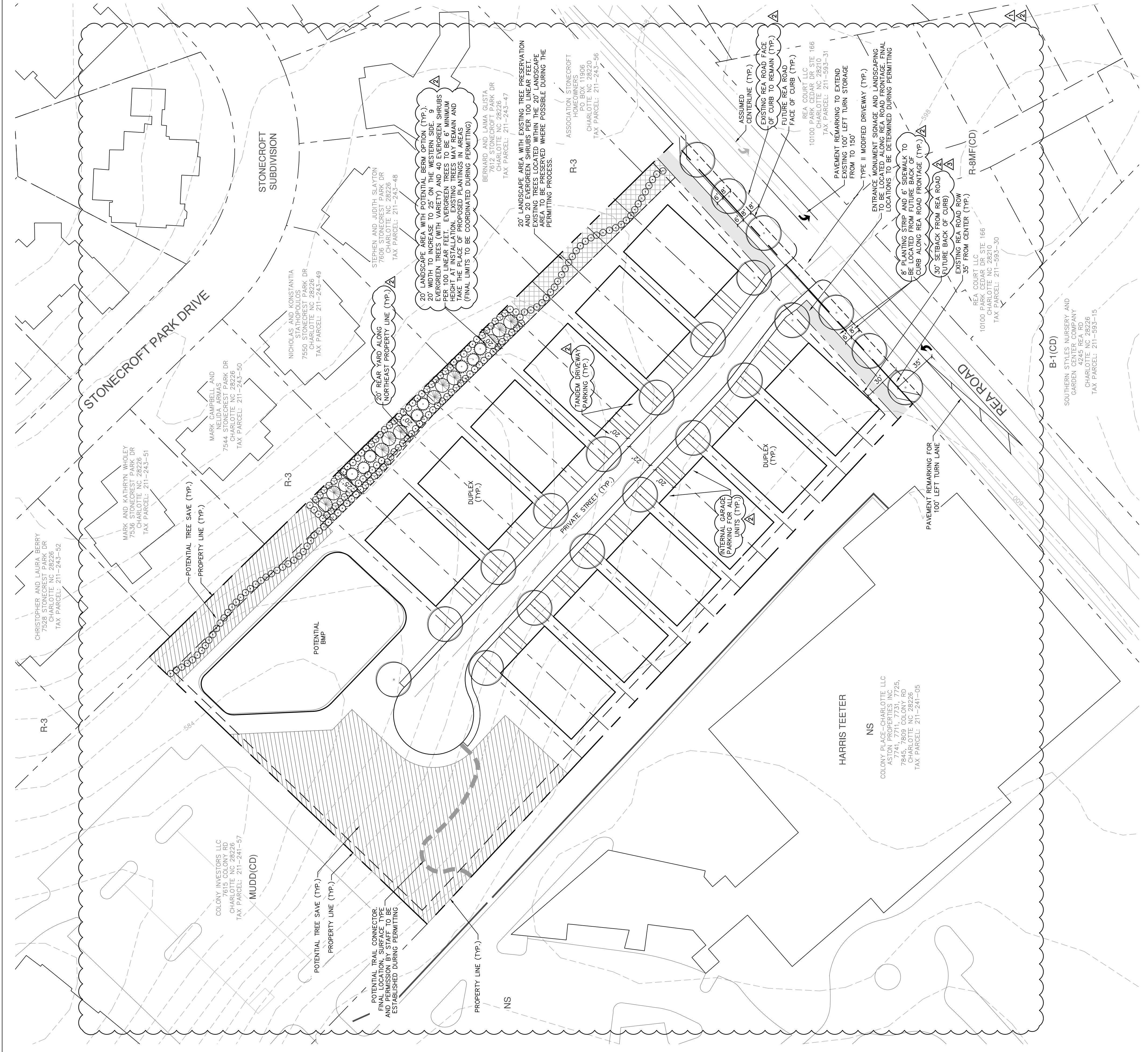
20 0 20 40
SCALE: 1" = 40'

PROJECT #: 498-004
DRAWN BY: NB
CHECKED BY: NB

AUGUST 31, 2017

REVISIONS:
1. 10/16/17 - PER SITE UPDATES
2. 11/16/17 - PER SITE UPDATES
3. 11/28/17 - PER SITE UPDATES

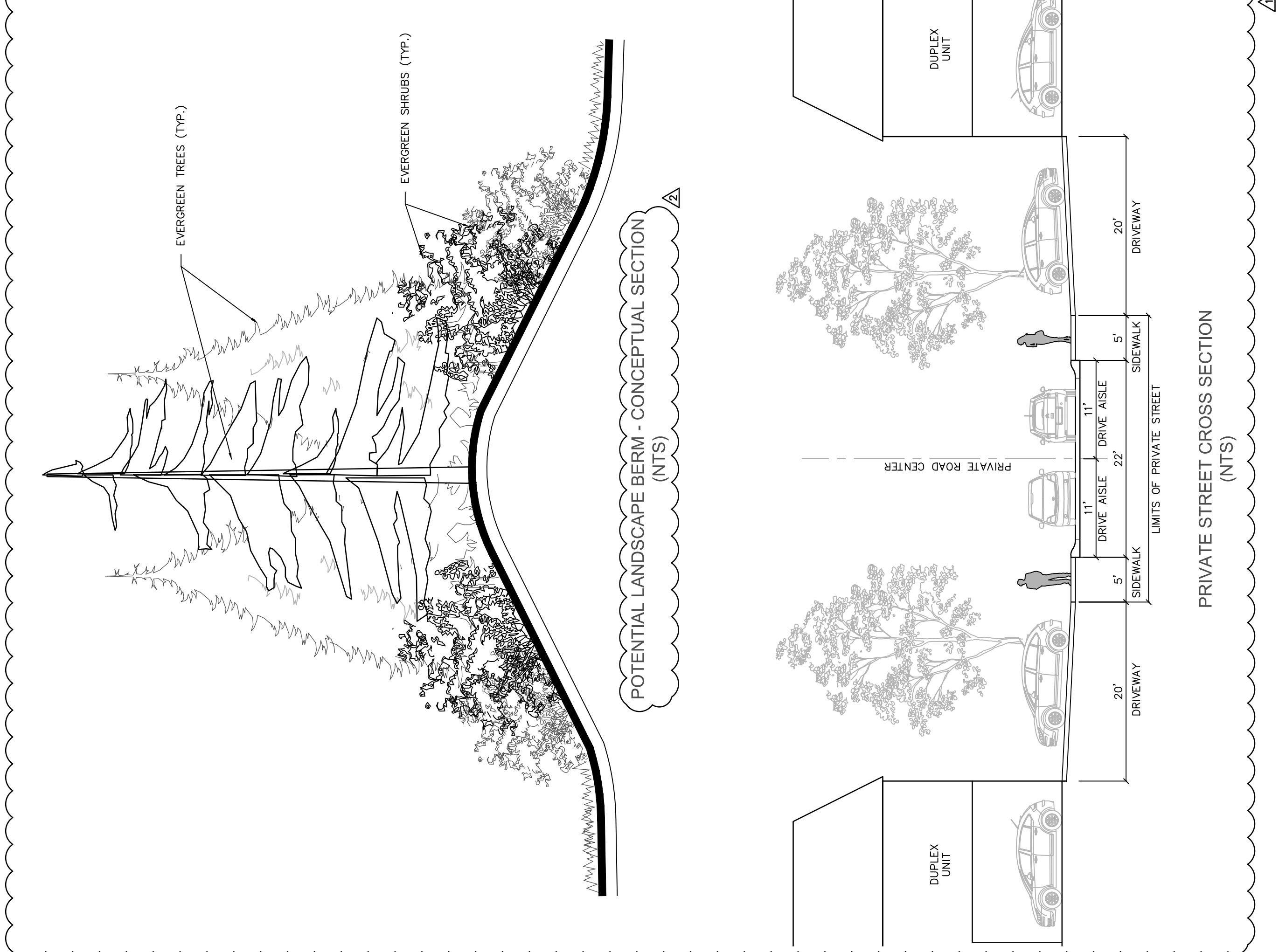
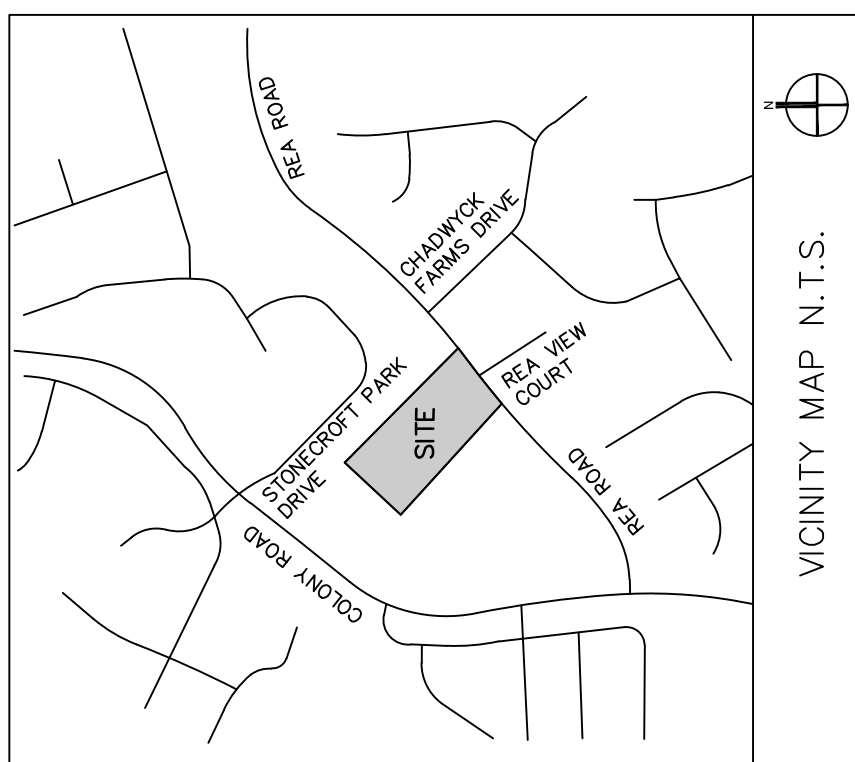
RZ1.0

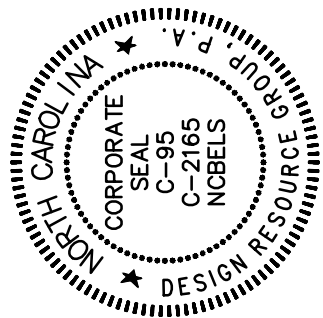


SITE DEVELOPMENT DATA

TOTAL SITE AREA: ±3.68 ACRES
TAX PARCEL #: 211-241-06
EXISTING ZONING: R-3
PROPOSED ZONING: UR-2 (CD)
EXISTING USE: DETACHED SINGLE FAMILY HOME
PROPOSED USE: SINGLE FAMILY ATTACHED (DUPLX)
PROPOSED UNITS: 24 UNITS
PROPOSED DENSITY: 46.52 UNITS PER ACRE
BUILDING HEIGHT: SHALL MEET ORDINANCE REQUIREMENTS
BUILDING FOOTPRINT: SHALL MEET ORDINANCE REQUIREMENTS
OPEN SPACE: SHALL MEET ORDINANCE REQUIREMENTS

SITE PLAN IS SCHEMATIC IN NATURE. SOME VARIATION TO PLAN MAY OCCUR IN FINAL DESIGN BUT SHALL MEET THE OVERALL INTENT OF THE PLAN AND BE IN ACCORDANCE WITH THE APPLICABLE ORDINANCE REQUIREMENTS.





REZONING PETITION
FOR PUBLIC HEARING
2017-102

REZONING PETITION

REA ROAD SITE

CHARLOTTE, NC

DAVID WEEKLEY HOMES - CHARLOTTE DIVISION

11430 NORTH COMMUNITY HOUSE ROAD, SUITE 275
CHARLOTTE, NC
704-972-4205

DEVELOPMENT STANDARDS NOTES

SCALE:

PROJECT #: 498-004
DRAWN BY: NB
CHECKED BY: NB

AUGUST 31, 2017

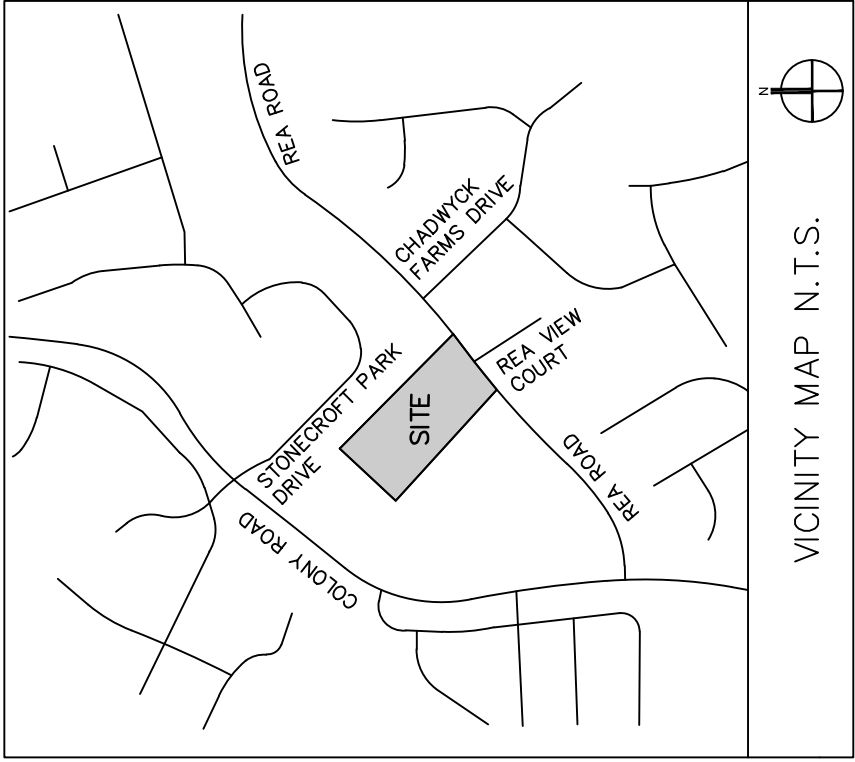
REVISIONS:

1. 10/16/17 - PER SITE UPDATES

2. 11/27/17 - PER SITE UPDATES

3. 11/29/17 - PER SITE UPDATES

RZ2.0



SITE DEVELOPMENT DATA	
TOTAL SITE AREA:	±3.68 ACRES
TAX PARCEL #:	211-241-06
EXISTING ZONING:	R-3
PROPOSED ZONING:	UR-2 (CD)
EXISTING USE:	DETACHED SINGLE FAMILY HOME
PROPOSED USE:	SINGLE FAMILY ATTACHED (DUPLEX)
PROPOSED UNITS:	24 UNITS
PROPOSED DENSITY:	±6.52 UNITS PER ACRE
BUILDING HEIGHT:	SHALL MEET ORDINANCE REQUIREMENTS
PARKING PROVIDED:	SHALL MEET ORDINANCE REQUIREMENTS
OPEN SPACE:	SHALL MEET ORDINANCE REQUIREMENTS

DEVELOPMENT STANDARDS

GENERAL PROVISIONS

- a. THE DEVELOPMENT OF THE SITE WILL BE CONTROLLED BY THE STANDARDS DERIVED ON THIS SITE PLAN AND BY THE STANDARDS OF THE CHARLOTTE ZONING ORDINANCE. THE DEVELOPMENT DEPICTED ON THIS PLAN IS INTENDED TO REFLECT THE ARRANGEMENT OF PROPOSED USES ON THE SITE. ANY CHANGES TO THE DEVELOPMENT OR ITS LOCATION SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE CITY PLANNING COMMISSION AS PRESCRIBED BY THE ORDINANCE DURING THE DESIGN DEVELOPMENT AND CONSTRUCTION PHASES AS ALLOWED UNDER THE PROVISIONS OF SECTION 6.2 OF THE ZONING ORDINANCE.
- b. THE PETITIONER ACKNOWLEDGES THAT OTHER STANDARD DEVELOPMENT REQUIREMENTS IMPOSED BY OTHER CITY ORDINANCES, SUCH AS THOSE CONCERNING TRAFFIC SIGNALS, STREET LIGHTS, TREE REMOVAL, AND SIGNAGE, MAY APPLY TO THE PROJECT. THESE REQUIREMENTS ARE NOT WITHIN THE SCOPE OF THIS ZONING APPLICATION AND ARE NOT SEPARATE ZONING CONDITIONS IMPOSED BY THIS SITE PLAN. UNLESS SPECIFICALLY NOTED IN THE CONDITIONS FOR THIS SITE PLAN, THESE OTHER STANDARD DEVELOPMENT REQUIREMENTS WILL BE APPLIED TO THE DEVELOPMENT OF THIS SITE AS DEFINED BY THOSE OTHER CITY ORDINANCES.
- c. THROUGHOUT THIS REZONING PETITION, THE TERMS "OWNER," "OWNERS," "PETITIONER," OR "PETITIONERS" SHALL, WITH RESPECT TO THE OWNERS OF THE SITE WHO MAY BE INVOLVED IN THE DEVELOPMENT FROM TIME TO TIME, REFER TO ALL PERSONS WHOSE INTERESTS OR ACCESSORS IN INTEREST ANTI-CIPES OF THE OWNER OR

PURPOSE

THE PURPOSE OF THIS REZONING APPLICATION IS TO PROVIDE FOR THE DEVELOPMENT OF A SINGLE FAMILY ATTACHED (DUPLEX) COMMUNITY. TO ACHIEVE THIS PURPOSE, THE APPLICATION SEEKS THE REZONING OF THE SITE TO THE UR-2 (CD) DISTRICT.

PERMITTED USES

USES ALLOWED ON THE PROPERTY INCLUDED IN THIS PETITION WILL BE SINGLE FAMILY ATTACHED DWELLING (DUPLEX) UNITS AND RELATED ACCESSORY USES AS ARE PERMITTED IN THE UR-2 DISTRICT.

TRANSPORTATION

- THE SITE WILL HAVE ACCESS VIA A DRIVEWAY TO REA ROAD AS GENERALLY IDENTIFIED ON THE CONCEPT PLAN FOR THE SITE.
- PARKING AREAS ARE GENERALLY INDICATED ON THE CONCEPT PLAN FOR THE SITE.
- THE SITE WILL HAVE A PEDESTRIAN CONNECTION TO THE ADJACING SHOPPING CENTER PROPERTY IN COORDINATION WITH THE SHOPPING CENTER OWNER'S APPROVAL AND IF THE INSTALLATION OF THE CONNECTION DOES NOT CREATE A VIOLATION OF OTHER CITY ORDINANCE REQUIREMENTS THAT THE SITE MUST MEET.
- THE PETITIONER WILL INSTALL AN 8' PLANTING STRIP AND A 6' SIDEWALK ALONG REA RD. AS PART OF THE DEVELOPMENT OF THE SITE.
- THE PETITIONER WILL RE-STRIP REA RD. TO PROVIDE FOR A LEFT TURN LANE INTO THE SITE AS APPROVED BY CDD.
- THE PETITIONER WILL DEDICATE AND FEE SIMPLE CONVEY ALL RIGHTS-OF-WAY ALONG THE PETITIONER'S SIDE OF THE CENTERLINE OF REA ROAD TO THE CITY IF THE CURRENT RIGHT-OF-WAY DOES NOT MEET CURRENT CITY STANDARDS BEFORE THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED. IF TRANSPORTATION IMPROVEMENTS WILL BE PROVIDED AND CONSTRUCTED BEFORE THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED, THE CITY WILL CONVEY THE RIGHT-OF-WAY TO THE PETITIONER.
- THE PETITIONER WILL ESTABLISH A 10' SIDEWALK/BIKE LANE ALONG REA ROAD THAT WILL MEASURE 30 FEET BEHIND THE FUTURE CURB LINE, WHICH IS 8 FEET BEHIND THE CURRENT CURB LINE.

ARCHITECTURAL STANDARDS

THE DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE DISTRICT REGULATIONS OF THE ZONING ORDINANCE FOR THE UR-2 DISTRICT AND BY THE FOLLOWING STANDARDS.

- 1) MINIMUM ROOF PITCH OF 5/12 FOR PRIMARY ROOF AND 2:12 ON ANY PORCHES OR SHED ROOF ELEMENTS.
- 2) SHINGLES WILL BE ARCHITECTURAL GRADE.
- 3) ROOFING SHALL BE LIMITED TO BRICK, STONE, STUCCO, FIBER CEMENT SHINGING PRODUCTS, VINYL, METAL, OR CLAY TILE.
- 4) ALLOWED FOR TRIM AND WINDOWS BUT NOT FOR ANY EXTERIOR SINKING.
- 5) BUILDING HEIGHTS ARE ESTABLISHED AND REGULATED BY PROVISIONS OF THE ORDINANCE AT 40' AND WILL BE LIMITED TO 40'.
- 6) EXTERIOR LIGHTING ON THE REAR OF DWELLINGS WILL BE REQUIRED TO BE ORIENTED DOWNWARD.
- 7) NO PORTION OF ANY BUILDING SHALL BE LOCATED WITHIN THE COMMUNITY RD. WILL HAVE ANY MORE THAN 20' OF BLANK WALL AT THE STREET LEVEL.
- 8) NO PORTION OF BUILDING WALLS SHALL BE MORE THAN 20' IN LENGTH.
- 9) ELEVATIONS VISIBLE FROM THE INTERNAL STREET WILL INCLUDE A COMBINATION OF WINDOWS, CHIMNEYS, ARCHITECTURAL FEATURES, AND PORCHES.
- 10) TO AVOID ANY BLANK WALLS MORE THAN 20' IN LENGTH.
- 11) ANY REQUIRED PRIVATE OPEN SPACE WILL BE LOCATED OUTSIDE OF LANDSCAPED AREAS DEPicted ALONG THE NORTHEAST EDGE OF THE SITE.
- 12) EACH UNIT WILL HAVE A TWO CAR GARAGE AND ADDITIONAL SURFACE PARKING ON EACH LOT.

STREETSCAPE AND LANDSCAPING

THE PETITIONER RESERVES THE RIGHT TO CONSTRUCT ENTRANCE MONUMENT AND OTHER FEATURES AT THE ENTRANCE TO THE SITE. ALL LANDSCAPING, INCLUDING THE SPECIALIZED LANDSCAPING ALONG THE EASTERN SIDE OF THE SITE, WILL BE MAINTAINED IN PERPETUITY BY A HOMEOWNERS ASSOCIATION SET UP BY THE DEVELOPER. LANDSCAPING, AS DETAILED ON THE SITE PLAN, WILL BE THE POSITIONER RESERVES THE RIGHT TO VEGETATION WHERE APPROPRIATE AND WITH ADDITIONAL VEGETATION TO THE STANDARDS CONTAINED HEREIN. THE PETITIONER RESERVES THE RIGHT TO CONSTRUCT A CLASS C BUFFER OR OTHER COMBINATION OF THESE ELEMENTS AS MAY BE AGREED TO BY THE ADJOINING PROPERTY OWNERS ON THE NORTHEAST SIDE OF THE SITE. THE DETERMINATION OF WHICH WILL BE ESTABLISHED DURING THE DESIGN AND REVIEW PROCESS FOR THE SITE.

ENVIRONMENTAL FEATURES

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. WATER QUALITY AND DETENTION BMPs WILL BE DESIGNED TO BE AESTHETICALLY ~~ENHANCED~~ ENHANCED THROUGH THE USES OF GRASS, LANDSCAPING, WATER FEATURES, RAIN GARDENS OR OTHER SIMILAR FEATURES.

PARKS, GREENWAYS, AND OPEN SPACE

RESERVED

FIRE PROTECTION

RESERVED

SIGNAGE

RESERVED

LIGHTING

- a. FREESTANDING LIGHTING ON THE SITE WILL UTILIZE FULL CUT-OFF LUMINARIES NOT TO EXCEED 21' IN HEIGHT. ORNAMENTAL PEDESTRIAN MAY BE INSTALLED ON THE INTERIOR OF THE SITE AND FULL CUTOFF LUMINARIES ARE NOT REQUIRED FOR PEDESTRIAN LIGHTING.

PHASIN

RESERVED



Agenda Date: 12/5/2017

Agenda #: 6.**File #:** 15-7005 **Type:** Zoning Item

Rezoning Petition: 2017-108 by Arden Group, LLC

Location: Approximately 14.2 acres located along McFarlane Boulevard, and south of University City Boulevard. (Council District 4 - Phipps)

Staff Resource: [Sonja Strayhorn Sanders](#)

Public Hearing Held: *November 20, 2017*

Staff Recommendation:

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

Attachments:

Post Hearing Staff Analysis
Statement of Consistency
Map
Site Plan

REQUEST	Current Zoning: I-1(light industrial) and B-2(CD)(general business conditional) Proposed Zoning: MUDD-O (mixed use development, optional) with five year vested rights
LOCATION	Approximately 14.2 acres located along McFarlane Boulevard and south of University City Boulevard. (Council District 4 - Phipps)
SUMMARY OF PETITION	The petition proposes to develop a vacant site with an 80,000 square foot eating/drinking/entertainment establishment (Type 1 and/or Type 2) with golf-related outdoor entertainment or other uses.
PROPERTY OWNER	UCAM-1, LLC, Reeves Floral Products, Inc.
PETITIONER	Arden Group, LLC
AGENT/REPRESENTATIVE	Cambridge Properties, Inc., John J. Priester, Jr.
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 2

STAFF RECOMMENDATION	<p>Staff recommends approval of this petition upon resolution of outstanding issues related to site and building design.</p> <p><u>Plan Consistency</u> The request for the portion of the property that is zoned I-1 (light industrial) is inconsistent with the adopted plan, which recommends office, and warehouse/industrial uses. The request for the portion of the property zoned B-2(CD) (general business, conditional) is inconsistent with the area plan, which recommends automobile sales and services, as amended by Petition 2013-52.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • The site is located in the Northeast Growth Corridor which by policy encourages increased intensity, redevelopment of underutilized properties, and development of regional-serving uses requiring high levels of vehicular access. • The proposed entertainment use is an appropriate intensification and redevelopment of the existing Industrial and B-2 (CD) zoning which contemplated low intensity industrial and automotive sale/service development. • The site is adjacent to I-85, providing a location that minimizes the visibility of fencing and lighting associated with an outdoor driving range on surrounding land uses. • The site is accessible to I-85 via Ikea Boulevard and University City Boulevard, providing appropriate vehicular access to the proposed regional-serving entertainment uses. • The proposed development will provide a network of streets consistent with the University City Area Plan that will enhance pedestrian and vehicular connectivity to the University City Boulevard Transit Station.
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PLANNING STAFF REVIEW

- **Proposed Request Details**
The site plan accompanying this petition contains the following provisions:
 - Proposes 80,000 heated square feet for an eating/drinking/entertainment establishment (Type 1 and/or Type 2), with outdoor entertainment uses consisting of golf related activities.
 - Maximum building height of 80 feet.
 - Public streets 1, 2, and 3 will be **built to CDOT standards and constructed as approximately shown on Sheet RZ-2** prior to the first certificate of occupancy for the first building **on the rezoned property.**
 - **In the event CDOT elects not to accept and maintain Public Streets 1, 2 and 3, they shall be**

- maintained as private streets.
- The front exterior elevation of the building shall have a minimum of four different materials intended to articulate the building and visually break up expansive walls.
- Exterior lighting fixtures may be attached to any portion of the building to be constructed on the site to illuminate the outdoor field associated with the golfing activity or golfing game of skill that is a portion of the eating/drinking/entertainment establishment (Type 1 and/or Type 2) with outdoor entertainment uses.
- Optional Provisions include:
 - Allowing parking and maneuvering between the building and street.
 - Allowing a ~~110 square-foot sign above the canopy on the front of the structure~~ sign to be installed at the top third of the main building elevation attached to the wall above the front door entrance with a maximum sign face area of 250 square feet.
 - Allowing 1,275 square feet of signs and logos to be integrated into the building architecture.
 - Allowing netting and support poles associated with the golf related use up to 180 feet in height.
 - Allowing a 50-foot undisturbed landscape buffer along the frontage of I-85 and I-85 Service Road, which may be used to satisfy tree save and/or open space requirements. In addition, a 50-foot replanted buffer containing five large and five small maturing trees per 100 linear feet will be planted parallel to the undisturbed buffer, and may be used to satisfy tree save and/or open space requirements. Netting, netting support poles and supporting wires may be located in the replanted buffer.
 - Eliminating setbacks and buffers adjacent to surrounding parcels.
 - Exemption from compliance with streetscape design standards pertaining to street walls, reflective surfaces, and building entrances.
- **Existing Zoning and Land Use**
 - The subject property is currently vacant, and zoned I-1 (light industrial) and B-2(CD) (general business, conditional).
 - The portion of the subject property zoned B-2(CD) (general business, conditional) was rezoned as part of an overall 39.06 acres via Petition 2013-052 to allow a 275,000-square foot automotive mall consisting of up to four separate dealerships and accompanying retail services
 - Properties surrounding the petitioned site are zoned I-1, (light industrial), B-2(CD) (general business, conditional), TOD-M (transit oriented development, mixed use), and TOD-M(CD) (transit oriented development, mixed use, conditional) and are developed with industrial/warehouse and retail uses. The Belgate development zoned CC (commercial center) and MUDD-O (mixed use development, optional) is located across University City Boulevard. Vacant properties zoned RE-2(CD) (research, conditional), RE-2 (research), and R-3 (single family residential) zoning are located across Interstate 85. Properties south of North Tryon Street are developed with a few business and residential uses in B-2 (general business), B-2(CD) (general business, conditional), TOD-RO (transit oriented development, residential optional), R-12MF and R-17MF (multi-family residential) zoning.
 - See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area**
 - Petition 2015-47 rezoned approximately 22 acres located on the east side of Macfarlane Boulevard near the intersection of North US 29 By-Pass Highway and North Tryon Street from I-1 (light industrial) to TOD-M(CD) (transit oriented development – mixed-use, conditional) to allow all uses permitted in the TOD-M (transit oriented development - mixed-use) district. Petition 2015-20 rezoned approximately 15.43 acres located on the southwest corner at the intersection of US 29 and North Tryon Street from B-2 (general business) to TOD-RO (transit oriented development - residential, optional) to allow all uses in the TOD-R (transit oriented development - residential) district and limits multi-family to 375 units. Petition 2013-89 rezoned approximately 11.44 acres located on the north side of North Tryon Street and I-85 Service Road, between Macfarlane Boulevard and Stetson Drive from I-1, light industrial to TOD-M, transit oriented development, mixed use to allow all uses within the TOD-M (transit oriented development, mixed use) district.
- **Public Plans and Policies**
 - The *University City Area Plan* (2015) recommends office, warehouse, and light industrial uses for the site currently zoned I-1. Retail uses are appropriate only when accessory to the primary use located within the same building.
 - The *University City Area Plan* (2015) as amended by Petition 2013-52 recommends automobile sales and services for the site currently zoned B-2(CD). Over time, sites are encouraged to develop with additional moderate density residential (up to 22 dwelling units per acre) and/or office uses. Residential development in this area is encouraged to include a variety of housing

options. Other retail uses are only appropriate on the ground floor of residential and/or office buildings.

- **TRANSPORTATION CONSIDERATIONS**

The site is located along major collectors in a transit station area surrounded by major thoroughfares and I-85. The site plan commits to construction of a local north/south public street that supports the goals of the area plan at the Blue Line Extension University City Boulevard Station and Park and Ride.

- **Vehicle Trip Generation:**

Current Zoning:

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

Entitlement: 1,280 trips per day (based on 8,650 square feet of warehouse uses and 38,490 square feet of automotive sales).

Proposed Zoning: 3,000 trips per day (based on 80,000 square feet of golf entertainment complex use)

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Housing and Neighborhood Services:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via existing 12-inch water distribution mains located along Macfarlane Boulevard and the North I-85 Service Road. The proposed rezoning is located in an area that Charlotte Water has been determined to have limited sanitary sewer system capacity. Due to the limited project details that were provided, Charlotte Water cannot provide concurrence for this rezoning boundary at this time.
- **Engineering and Property Management:**
 - **Arborist:** No trees can be removed or planted in the right-of-way of any state maintained street without permission of NC Department of Transportation and the City Arborist's office. Trees must be planted to meet NCDOT planting guidelines. Contact the City Arborist's office for a tree planting permit before planting trees in the NCDOT right-of-way once plans have been approved by the City. Trees cannot be removed from or planted in the right-of-way of all City of Charlotte maintained streets. Species must be approved before planting. A tree survey must be submitted for all trees two inches or larger located in the rights-of-way. In addition, the survey shall include all trees eight or larger in the setback.
 - **Erosion Control:** No issues.
 - **Land Development:** No issues.
 - **Storm Water Services:** No issues.
 - **Urban Forestry:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

OUTSTANDING ISSUES

Site and Building Design

1. Provide a 100-foot buffer along I-85, which can be supplemented with additional trees to create an enhanced visual barrier. **Not addressed.**
2. ~~Add a note that an administrative amendment will be applied for Petition 2013-52 to reflect changes to the road layout.~~ **Staff has rescinded this request and added a new request as follows: Amend site plan to show and label the proposed realignment of Public Street 1 as "Option 1: possible realignment of Public Street 1," and reflect the portion of Public Street 2 to the west of the current alignment of McFarlane Boulevard as "Possible Public Street 2 alignment." New comment based on revised site plan. Addressed**
3. Add note indicating that blank walls shall be treated on all floors for anything over 20 feet in length, with both vertical and horizontal treatment. **Not addressed.**
4. ~~Screen all parking on all sides with landscaping and/or seat walls.~~ **Staff rescinded as this is an ordinance requirement and will be addressed during permitting.**

REQUESTED TECHNICAL REVISIONSLand Use

1. Amend Site Development Data to indicate that portions of the tax parcels 04723105, 04723199, and 04723114 are included in the rezoning request. **Addressed**
-

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Housing and Neighborhood Services Review
 - Charlotte Fire Department Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - City Arborist
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

Planner: Sonja Strayhorn Sanders (704)336-8327

Petition 2017-108 by Arden Group, LLC

To Approve:

([I move that the](#)) Zoning Committee finds the request for the portion of the property that is zoned I-1 (light industrial) to be **inconsistent** with the *University City Area Plan*. The request for the portion of the property zoned B-2(CD) (general business, conditional) is **inconsistent** with the *University City Area Plan* based on information from the staff analysis and the public hearing, and because:

- The plan recommends office, and warehouse/industrial uses for the portion of the property that is zoned I-1 (light industrial); and
- The plan recommends automobile sales and services, as amended by Petition 2013-52, for the portion of the property zoned B-2(CD) (general business, conditional).

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

- The site is located in the Northeast Growth Corridor which by policy encourages increased intensity, redevelopment of underutilized properties, and development of regional-serving uses requiring high levels of vehicular access; and
- The proposed entertainment use is an appropriate intensification and redevelopment of the existing Industrial and B-2 (CD) zoning which contemplated low intensity industrial and automotive sale/service development; and
- The site is adjacent to I-85, providing a location that minimizes the visibility of fencing and lighting associated with an outdoor driving range on surrounding land uses; and
- The site is accessible to I-85 via Ikea Boulevard and University City Boulevard, providing appropriate vehicular access to the proposed regional-serving entertainment uses; and
- The proposed development will provide a network of streets consistent with the University City Area Plan that will enhance pedestrian and vehicular connectivity to the University City Boulevard Transit Station.

Consistency:

Maker:

2ND:

Approve or Deny

Vote:

Dissenting:

Recused:

Recommendation:

Maker:

2ND:

Approve or Deny

Vote:

Dissenting:

Recused:

To Deny:

([I move that the](#)) Zoning Committee finds the the request for the portion of the property that is zoned I-1 (light industrial) to be **inconsistent** with the *University City Area Plan*. The request for the portion of the property zoned B-2(CD) (general business, conditional) is **inconsistent** with the *University City Area Plan* based on information from the staff analysis and the public hearing, and because:

- The plan recommends office, and warehouse/industrial uses for the portion of the property that is zoned I-1 (light industrial); and
- The plan recommends automobile sales and services, as amended by Petition 2013-52, for the portion of the property zoned B-2(CD) (general business, conditional).

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

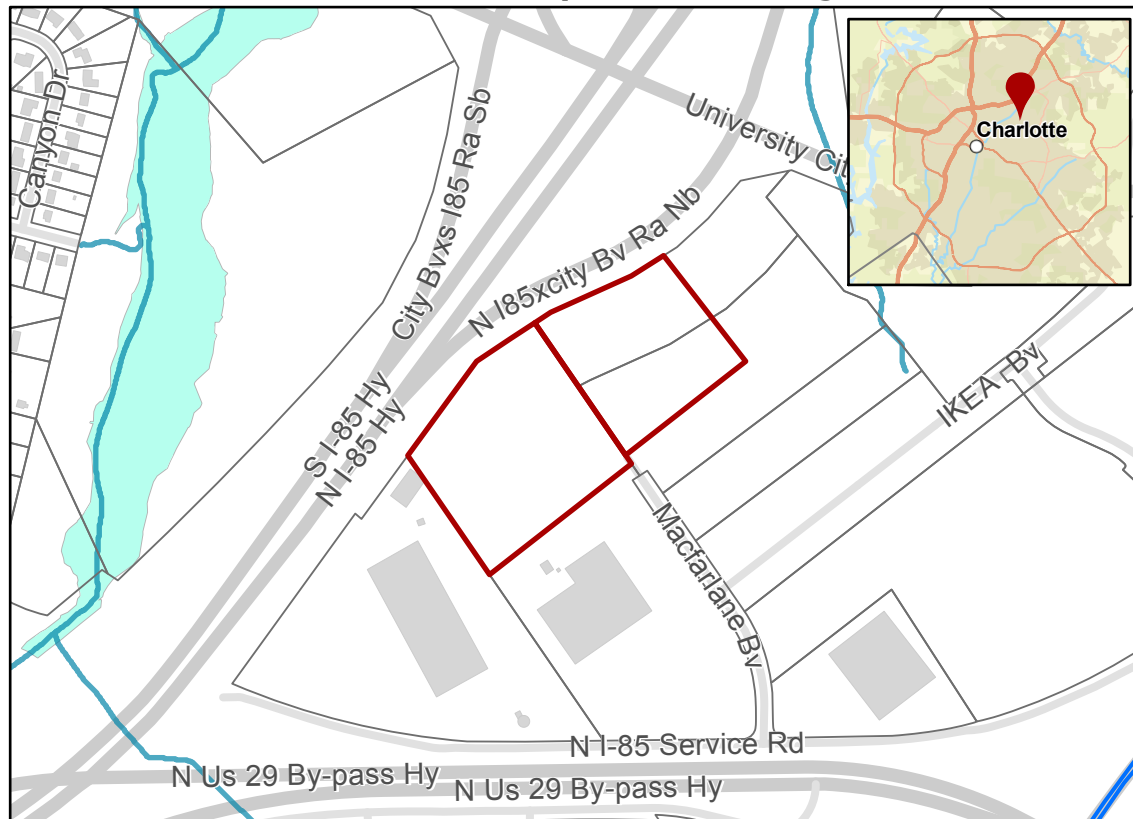
- (To be explained by the Zoning Committee)

Rezoning Map 2017-108 : Arden Group, LLC

Current Zoning B-2(CD), I-1 (General Business, Conditional, Light Industrial)
Requested Zoning MUDD-O 5 Year Vested (Mixed Use Development-Optional with 5 Year Vested Rights)
Approximately 14.2 acres

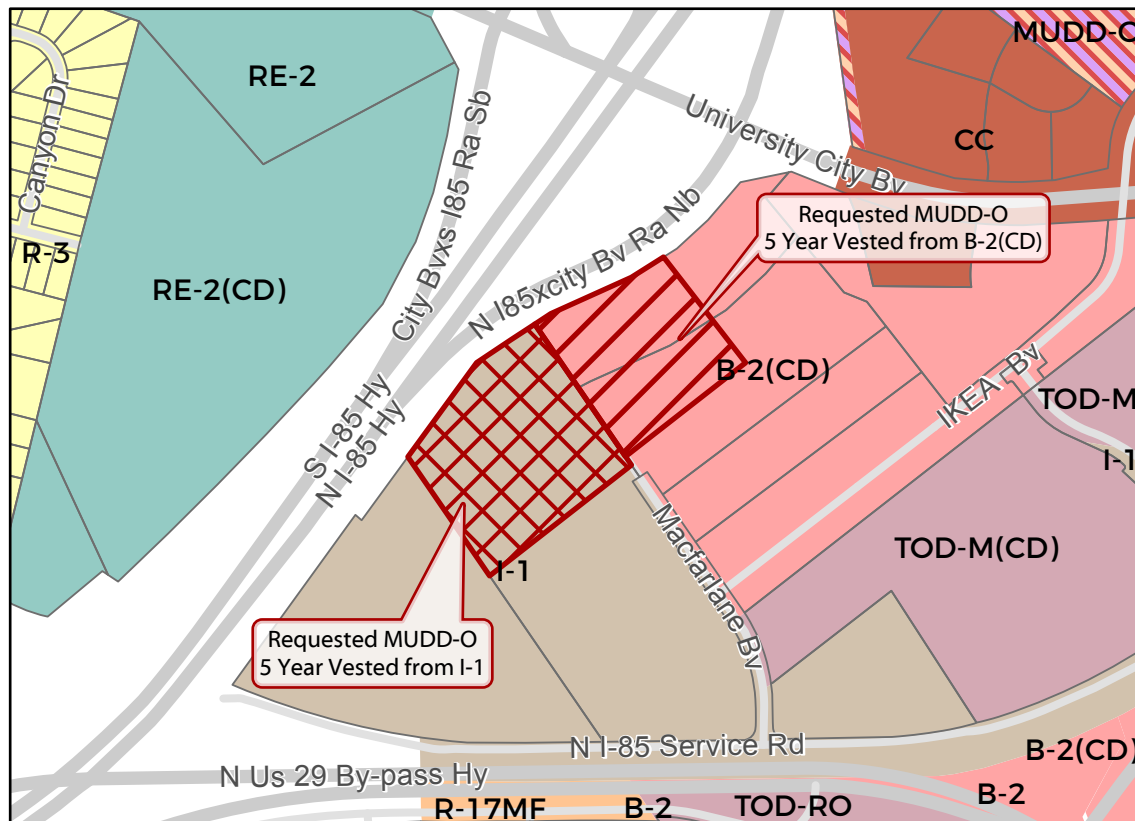


Location of Requested Rezoning



- 2017-108
- Inside City Limits
- Parcel
- Buildings
- FEMA Flood Plain
- Streams
- LYNX Blue Line
- City Council District**
- 4-Gregory A. Phipps

Existing Zoning & Rezoning Request

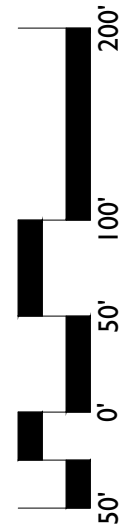


- Requested MUDD-O 5 Year Vested from B-2(CD)
- Requested MUDD-O 5 Year Vested from I-1
- Parcel
- Zoning Classification**
- Single Family
- Multi-Family
- Research
- Business
- Commercial Center
- Light Industrial
- Mixed Use
- Transit-Oriented



0 250 500 1,000 Feet

Map Created 11/15/2017

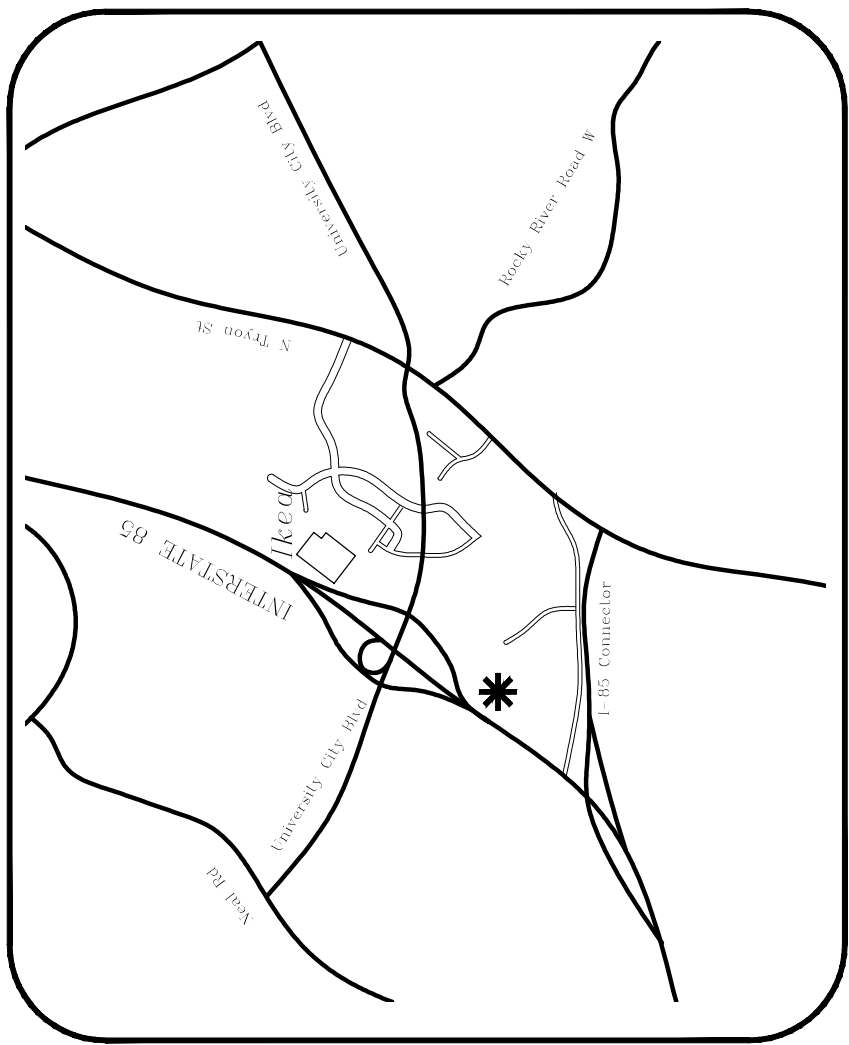


TECHNICAL DATA SHEET

THE ARDEN GROUP

UNIVERSITY CITY ENTERTAINMENT DISTRICT
REZONING PETITION NO. 2017-108

LandDesign
223 N Graham Street Charlotte, NC 28202
V: 704.333.0325 F: 704.332.3246
www.LandDesign.com



VICINITY MAP
NTS

SITE DEVELOPMENT DATA

SITE ACREAGE: +/- 14.2 AC

TAX PARCEL NUMBERS: A PORTION OF TAX PARCELS 04723105, 04723199 AND 04723114 ARE INCLUDED IN THE REZONING REQUEST.

EXISTING ZONING: I-1 AND B-2 (CD)

PROPOSED ZONING: MUDD (O) WITH 5 YEARS VESTED RIGHTS

EXISTING USES: VACANT

PROPOSED USES:

- THE SITE MAY BE DEVELOPED WITH UP TO 80,000 SQUARE FEET OF GROSS HEATED FLOOR AREA AND THE PERMITTED USE SHALL BE AN EATING, DRINKING, AND ENTERTAINMENT ESTABLISHMENT (TYPE 1 AND/OR TYPE 2) WITH OUTDOOR ENTERTAINMENT USES AND ANY INCIDENTALS OR ACCESSORY USES THAT ARE PERMITTED UNDER THE ORDINANCE IN THE MUDD ZONING DISTRICT. THE ADJACENT OUTDOOR FIELD SHALL NOT BE CONSIDERED AND COUNTED TOWARDS THE 80,000 SQUARE FEET OF GROSS FLOOR AREA.
- AN EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENT (TYPE 2) SHALL BE SUBJECT TO THE APPLICABLE REGULATIONS OF SECTION 12.546 OF THE ORDINANCE.
- THE OUTDOOR ENTERTAINMENT COMPONENTS OF THIS PETITION MAY INCLUDE, BUT NOT LIMITED TO, GOLFING ACTIVITIES, GOLFING GAMES OF SKILL WHEREBY INDIVIDUALS HIT GOLF BALLS FROM THE BUILDING AS SHOWN ON THE SCHEMATIC SITE PLAN ONTO AN ADJACENT OUTDOOR FIELD AND LIVE MUSIC.
- THE EATING DRINKING AND ENTERTAINMENT ESTABLISHMENT (TYPE 1 AND/OR TYPE 2) WITH OUTDOOR ENTERTAINMENT USES SHALL BE LIMITED TO A COMPLEX THAT IS COMPRISED OF A BUILDING THAT MAY CONTAIN, AMONG OTHER USES, EATING, DRINKING, AND ENTERTAINMENT ESTABLISHMENTS (TYPE 1 AND/OR TYPE 2), RECREATION FACILITIES, RETAIL USES, LOUNGES, MEETING AND BANQUET FACILITIES, COVERED BAYS FOR TEE BOXES, AND AN OUTDOOR FIELD UTILIZED IN CONNECTION WITH THE GOLFING ACTIVITY OR GOLFING GAME OF SKILL, OTHER ACCESSORY AND RELATED USES AND ACCESSORY PARKING.

PARKING: PARKING SHALL MEET OR EXCEED THE ORDINANCE REQUIREMENT.

MAXIMUM GROSS SQUARE FEET OF BUILDING FLOOR AREA: 80,000 SF

MAXIMUM BUILDING HEIGHT: 80 FEET

TREE SAVE AREA: PER THE ORDINANCE

OPEN SPACE: PER THE ORDINANCE.

AREA TO BE REZONED:
14.2 AC

ZONING BOUNDARY LINE

50' UNDISTURBED BUFFER

50' REPLANTED BUFFER

ZONING BOUNDARY LINE

ZONING BOUNDARY LINE

04723101
STAG CHARLOTTE
D.B. 25288-1
ZONING: I-1

04723115
UCAM-1 LLC
D.B. 30589-119
ZONING: B-2 (CD)

04723108
UCAM-1 LLC
D.B. 30589-119
ZONING: TOC-M (CD)

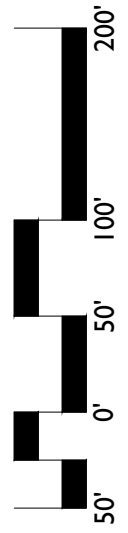
04723104
THE PANTRY INC
D.B. 25006-387
ZONING: CC

04723113
UCAM-1 LLC
D.B. 30589-119
ZONING: I-1/2

04723105
CBW 04723105
D.B. 30589-119
ZONING: I-1

04723107
NATIONAL PARTS DEPOT AUTO
CARP D.B. 13864-72
ZONING: I-1, I-2

04723111
CITY OF CHARLOTTE
D.B. 28301-45
ZONING: I-1



UNIVERSITY CITY ENTERTAINMENT DISTRICT
REZONING PETITION No. 2017-108
THE ARDEN GROUP
SCHEMATIC SITE PLAN



SITE LEGEND

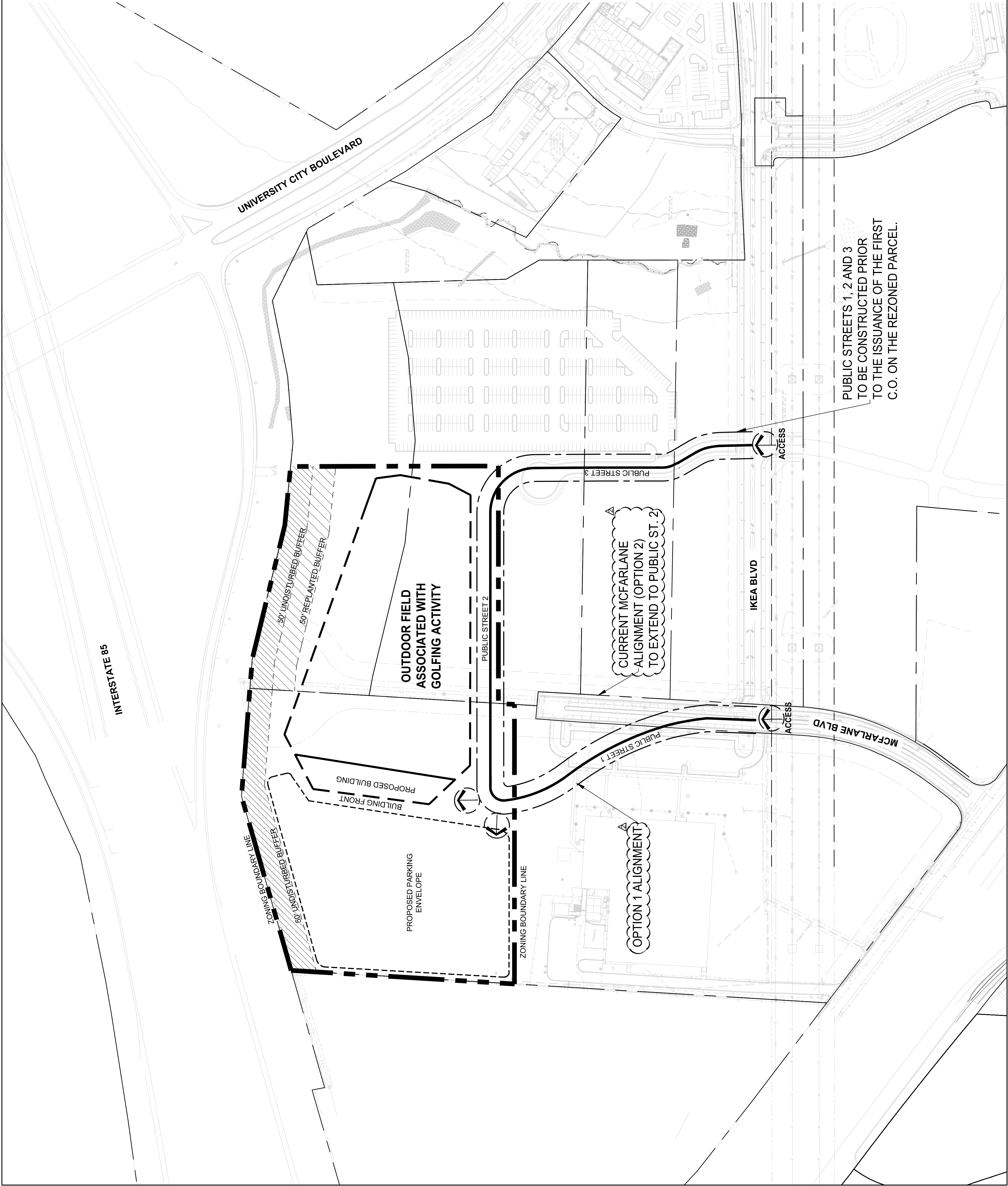
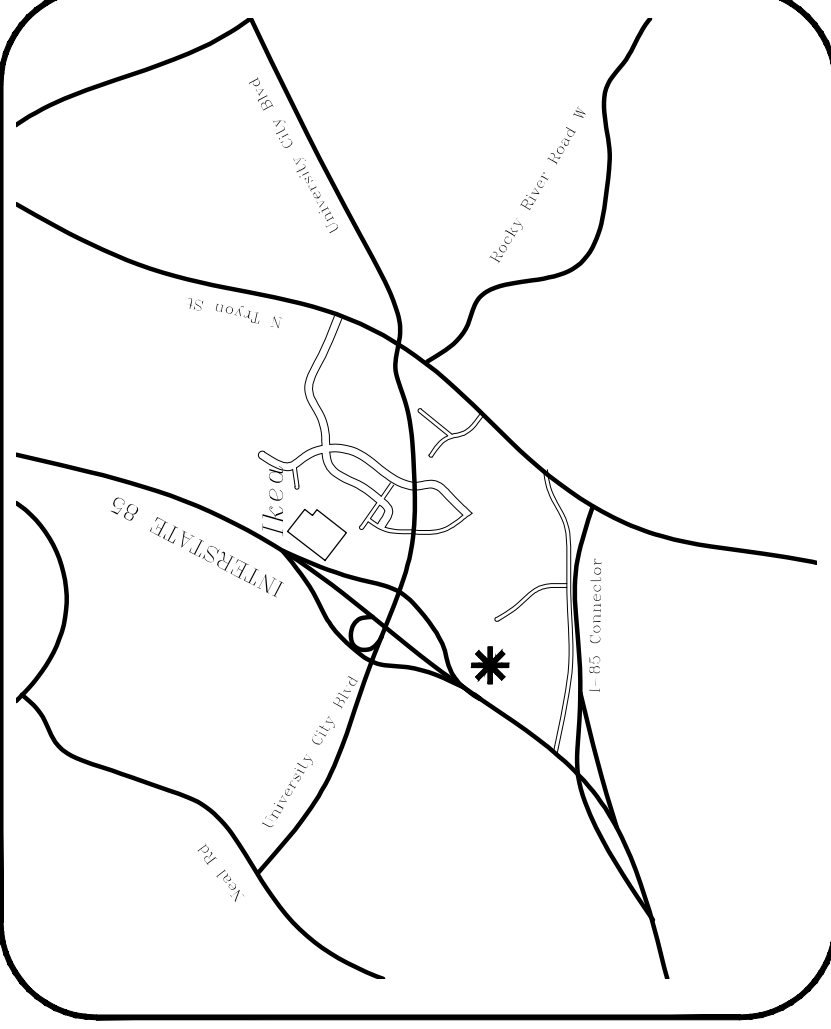


SITE ACCESS



ZONING BOUNDARY LINE

VICINITY MAP
NTS



DEVELOPMENT STANDARDS:
Rezoning Petition No. 2017-108 (University City Entertainment District)

Site Development Data:

- a. Site Acreage: 14.2
- b. Tax Parcel Numbers: a portion of 04723105, a portion of 04723109, and a portion of 04723114
- c. Existing Zoning: I-1 and B-2 (CD)
- d. Proposed Zoning: MUDD (O) with 5 years vested rights
- e. Existing Uses: Vacant
- f. Proposed Uses: See RZ-3 Paragraph 2 (a-d)
- g. Parking: Per the Ordinance
- h. Maximum Gross Square Feet of Building Floor Area: 80,000 square feet of gross heated floor area
- i. Maximum Building Height: 80 Feet
- j. Amount of Tree Save Area: Per the Ordinance
- k. Amount of Open Space: Per the Ordinance

1. GENERAL PROVISIONS

- a. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition Filed by The Arden Group, LLC (the "Petitioner") to accommodate an Eating, Drinking, and Entertainment Establishment(s) (Type 1 and/or Type 2), outdoor entertainment, and accessory uses on approximately 14.2 acres, which site is depicted on the Rezoning Plan (the "Site").
- b. The development depicted on this Site is intended to reflect the arrangement of proposed uses on the Site, but the exact configuration, placement, and size of individual Site elements may be altered or modified within the limits prescribed by the Zoning Ordinance during the design development and construction phases as allowed under the provisions of Section 6.2 of the Zoning Ordinance.
- c. Any reference to the Ordinance herein shall be deemed to refer to the requirements of the Ordinance in effect as of the date this Rezoning Petition is approved.

2. PERMITTED USES

- a. The Site may be developed with up to 80,000 square feet of gross heated floor area and the permitted use shall be an eating, drinking and entertainment establishment (Type 1 and/or Type 2) with outdoor entertainment uses and any incidental or accessory uses that are permitted under the Ordinance in the MUDD zoning district. The adjacent outdoor field shall not be considered and counted towards the 80,000 square feet of gross floor area.
- b. An eating, drinking and entertainment establishment (Type 2) shall be subject to the applicable regulations of Section 12.546 of the Ordinance.
- c. The outdoor entertainment components of this petition may include, but not be limited to, golfing activities, golfing games of skill whereby individuals hit golf balls from the building as shown on the schematic site plan onto an adjacent outdoor field and live music.
- d. The eating drinking and entertainment establishment (Type 1 and/or Type 2) with outdoor entertainment uses shall be limited to a complex that is comprised of a building that may include, but not be limited to, a restaurant, bar, lounge, nightclub, and/or other entertainment facilities, covered bays for ten boxes and an outdoor field utilized in connection with the golfing activity or golfing game of skill, other accessory and related uses and accessory parking.

3. OPTIONAL PROVISIONS

- a. Parking and maneuvering space may be located between the building and structures located on the Site and required setbacks from adjacent public and private streets.
- b. In addition to all other signs permitted under the Ordinance, the eating, drinking, and entertainment establishment (Type 1 and/or Type 2) with outdoor entertainment uses to be located on the Site shall be subject to the following provisions:
 - 1. On the front elevation of the building, a sign may be installed at the top third of the main building elevation attached to the wall above the front door entrance with a maximum sign face of 250 square feet.
 - 2. Signs and/or logos that are designed and constructed so that they are integrated into the building architecture (e.g. recessed or built into the building walls (the "Integrated Signs"). The total allowed maximum sign surface area of the Integrated Signs shall be 1,270 square feet. The allowed sign surface area of the Integrated Signs may be allocated to one Integrated Sign or to more than one Integrated Sign, and the Integrated Signs may be located on one or more building elevations.
 - c. To ensure that golf balls are not hit beyond the boundaries of the outdoor field utilized in connection with the golfing activity or golfing game of skill associated with the eating, drinking and entertainment establishment (Type 1 and/or Type 2) with outdoor entertainment uses to be located on the Site, netting and support poles shall be installed around the perimeter of the outdoor field. The maximum permitted height of the netting and support poles shall be 180 feet.
 - d. A 50 foot undisturbed landscape buffer shall be established along Interstate 85 and the Interstate 85 off-ramp as depicted on RZ-1. The 50 foot buffer shall be measured from the Interstate right of way line. This buffer maybe used to meet tree save and/or open space requirements of the Ordinance.
 - e. Petitioner shall have an additional 50 foot replanted buffer parallel to the undisturbed buffer on a portion of the property as shown on RZ-1. The replanted buffer maybe used to meet tree save and/or open space requirements of the Ordinance. Petitioner shall be permitted to have netting, netting poles, and/or supporting guy wires within the replanted buffer. The replanted buffer shall have a minimum of 5 large maturing and 5 small maturing trees per 100'.
 - f. There shall be no other required setbacks or buffers adjacent to the other surrounding parcels.
- g. The building to be constructed on the Site shall not be required to comply with the applicable provisions of Sections 9.85062(a), 9.85062(f), and 9.85062(h) of the Ordinance.

3. ARCHITECTURAL STANDARDS

- a. The maximum height of the building to be constructed on the Site shall be 80 feet.
- b. The front exterior elevation of the building shall have a minimum of 4 different materials intended to articulate the building and visually break up expansive walls.
- 5. STORM WATER
 - a. The storm water quality and detention requirements shall meet the Ordinance and may be treated in an off-site facility. Petitioner shall submit documentation with the plans submitted for permitting confirming easements have been established per City standards and that the pond is properly designed and constructed to manage storm water from the Site.

6. LIGHTING

- a. Exterior lighting fixtures may be attached to any portions of the building to be constructed on the Site to illuminate the outdoor field associated with the golfing activity or golfing game of skill that is a portion of the eating, drinking and entertainment establishment (Type 1 and/or Type 2) with outdoor entertainment uses.

7. PUBLIC STREETS

- a. Public Streets 1, 2, and 3 shall be built to CDOT standards and constructed as approximately shown on sheet RZ-2 prior to the issuance of the certificate of occupancy for the first building on the rezoned property.
- b. Public Street 1 may be constructed in one of the two locations depicted on RZ-2 as Option 1 and Option 2. In the event Public Street 1 is constructed in the Option 2 location then Public Street 2 shall stop at the newly created intersection of Public Street 1 and Public Street 2.
- c. In the event, CDOT elects not to accept and maintain Public Streets 1, 2, and 3, they shall be maintained as private streets.



Agenda Date: 12/5/2017

Agenda #: 7. **File #:** 15-7006 **Type:** Zoning Item

Rezoning Petition: 2017-127 by Craig Smith

Location: Approximately 1.49 acres located on the north side of Raleigh Street, east of Sugar Creek Road. (Council District 1 - Kinsey)

Staff Resource: [Sonja Strayhorn Sanders](#)

Public Hearing Held: *November 20, 2017*

Staff Recommendation:

Staff recommends approval of this petition.

Attachments:

Post Hearing Staff Analysis
Statement of Consistency
Map
Site Plan

REQUEST	Current Zoning: I-2 (general industrial) Proposed Zoning: TOD-MO (transit oriented development, mixed use, optional)
LOCATION	Approximately 1.49 acres located on the north side of Raleigh Street, east of Sugar Creek Road. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes to reuse the existing building, with a possible expansion of five percent, to allow all uses permitted in the TOD-M (transit oriented development, mixed use) district. Uses allowed in the TOD-M (transit oriented development – mixed use) district, include residential, office, retail and civic uses.
PROPERTY OWNER	Craig Smith
PETITIONER	Craig Smith
AGENT/REPRESENTATIVE	Casey P. Werner, ColeJenest & Stone
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 0.

STAFF RECOMMENDATION	<p>Staff recommends approval of this petition.</p> <p><u>Plan Consistency</u> The petition is consistent with the <i>Blue Line Extension Transit Station Area Plan</i> recommendation for transit supportive uses.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • The subject site is within a ¼ mile walk of the Sugar Creek Transit Station on the LYNX Blue Line Extension. • The site is adjacent to the proposed alignment of the Cross Charlotte Trail, which runs along Raleigh Street. • The proposed rezoning allows redevelopment of a site zoned for industrial use for transit supportive uses within an emerging transit station area. In conjunction with other surrounding TOD projects in progress, it will contribute to a growing walkable neighborhood. • The proposal seeks to adaptively reuse an existing one story abandoned building that is sensitive in scale to the surrounding neighborhood, and will help revitalize the area. • Optional requests for the location and exemption of parking will facilitate reuse of the existing building as configured on the site. • The proposal allows for all uses in the TOD-M (transit oriented development – mixed-use) district, which include office, residential, retail, and civic.
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PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Reuse of an existing building to allow all uses permitted in the TOD-M (transit oriented development – mixed use) district, with a possible expansion of up to five percent of the total square footage exclusive of outdoor dining. A rezoning will be required if an expansion exceeds five percent.
- Site access via Raleigh Street and Greensboro Street. Greensboro Street is currently under construction.
- All transportation improvements will be bonded prior to issuance of the first certificate of occupancy.
- Right-of-way along Greensboro Street will be dedicated and conveyed prior to the issuance of the first certificate of occupancy.
- Recombination of 21 feet of existing right-of-way along Raleigh Way with the petitioned parcel.
- Should an eating/drinking/entertainment establishment be located along a public right-of-way,

private street or rapid transit line, fenestration shall be provided through vision glass, doors or active outdoor spaces along 30% of the length of the building side that fronts the public right-of-way, private street or rapid transit line. Alternative approaches may be approved by the Planning Director if the building architecture or site prohibits this from being met.

- Proposed street cross-section provided for Raleigh Street and an existing street cross section provided for Greensboro Street.
- Optional Provisions Requested:
 - Allow vehicular parking and maneuvering between the existing building and the public streets.
 - Exempt site from all minimum parking requirements.
- **Existing Zoning and Land Use**
 - This subject property is zoned I-2 (general industrial) and currently developed with a former theater/retail use.
 - Properties on the east side of East Sugar Creek Road include a largely vacant retail strip mall, Tryon Mall, zoned B-1SCD (business shopping center), an existing single family neighborhood zoned R-5 (single family residential), industrial and retail uses in I-2 (general industrial, I-1 (light industrial) and B-2 (general business) zoning.
 - Properties on the west side of East Sugar Creek Road are zoned I-2 (general industrial), B-2 (general business), and TOD-M (transit oriented development - mixed-use) and developed with a mix of industrial/warehouse uses.
 - See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area**
 - Petition 2017-75 rezoned approximately 4.07 acres located on the east side of East Sugar Creek Road between Raleigh Street and Bearwood Avenue from I-2 (general industrial) to TOD-M (transit oriented development - mixed-use) to allow all uses in the TOD-M (transit oriented development mixed-use) district
 - Petition 2014-04 rezoned approximately 2.4 acres located on the south side of Raleigh Street between East Sugar Creek Road and Greensboro Street from I-2, general industrial to TOD-M, transit oriented development-mixed to allow all uses permitted in the TOD-M (transit oriented development-mixed) district.
- **Public Plans and Policies**
 - The *Blue Line Extension Transit Station Area Plans* (2013) recommend transit supportive uses for the site.
 - The plans promote a mix of transit supportive land uses (residential, office, retail, civic/institutional, park and open space) through new development and redevelopment, encourage preservation of historic properties, and seeks to ensure that scale and massing of new development/redevelopment is sensitive to historic properties, the Zion Primitive Baptist Church, and the Howie Acres neighborhood scale and character.
- **TRANSPORTATION CONSIDERATIONS**
 - The site is located at the unsignalized intersection of local streets along the alignment of the Cross Charlotte Trail. The current site plan commits to the pedestrian elements of the Cross Charlotte Trail but it is unclear if the petitioner intends to construct the complete bike and vehicle cross sections along Raleigh Street. CDOT is strongly opposed to the potential driveway access to Raleigh Street because it unnecessarily fragments the Cross Charlotte Trail along this short street frontage.
 - See Outstanding Issues, Notes 1-5.
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 0 trips per day (based on vacant property).
 - Entitlement: 80 trips per day (based on 23,350 square feet of warehouse use).
 - Proposed Zoning: 2,640 trips per day (based on 23,360 square feet of retail use).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Housing and Neighborhood Services:** Developer seeking public funding for multi-family housing development must comply with the City's housing policies.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** The district allows a variety of uses; therefore, the impact on local schools cannot be determined.

- **Charlotte Water:** Charlotte Water has water system infrastructure accessible to the rezoning boundary via an existing 12 inch water distribution main located along Raleigh Street. Sanitary sewer infrastructure is accessible via an existing eight inch gravity sewer main located along Raleigh Street.
- **Engineering and Property Management:**
 - **Arborist:** No trees can be removed or planted in the right-of-way of Raleigh Street and Greensboro Street without permission of the City Arborist's office.
 - **Erosion Control:** No issues.
 - **Land Development:** See Outstanding Issues, Note 7
 - **Storm Water Services:** No issues.
 - **Urban Forestry:** Site must comply with the Tree Ordinance.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
- **Mecklenburg County Parks and Recreation Department:** No issues.

OUTSTANDING ISSUES

Transportation

1. ~~The proposed zoning district has a setback measured from back of the existing or proposed future curbline. On 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, an eight-foot buffered bike lane, and 2.5-foot curb and gutter. 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 feet.~~
Addressed.
2. ~~The petitioner should revise the site plan and conditional note(s) to show construction of a 16-foot shared-use path alignment and an 8-foot planting strip on the north side of Raleigh Street to accommodate the pedestrian portion of the Cross Charlotte Trail (XCT). The in-street buffered bike lanes serve the bicycle portion of the XCLT alignment. The petitioner should revise the labels to remove "By City of Charlotte."~~ **Addressed**
3. ~~The petitioner should 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. CDOT requests right-of-way set at two-foot behind back of sidewalk where feasible. The right-of-way on the north side of Raleigh Street would be 46.5 feet as measured from the street's existing centerline. The petitioner should remove Note 4F. Right-of-way abandonments follow a separate process and are not part of rezoning commitments.~~ **Addressed**
4. ~~The petitioner should revise the site plan to depict and dimension the layout and provide a typical street section (scaled 1" = 20') along the site's Raleigh and network required 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.~~ **Addressed**
CDOT requests a conditional transportation note that the petitioner will construct the future street sections as development occurs and a note committing to construct the Cross Charlotte Trail. Further, CDOT requests the removal of the site plan callout note regarding provision of a bond for additional right-of-way improvements and the 10 year sunset period. **New comments based on revised site plan. Addressed**
5. ~~The petitioner should revise the site plan revise conditional note 4.A to state that no site access driveways will be permitted along the site's Raleigh Street frontage. Site access will be permitted along the site's Greensboro Street to avoid vehicle/pedestrian conflicts using the XCLT.~~
Addressed

Infrastructure

1. **Amend Note 4D under "Transportation" as follows: All transportation improvements shall be completed prior to issuance of the first certificate of occupancy.** **New comments based on revised site plan. Addressed**

Site and Building Design

2. **Show location of proposed expansion area and label the building as "existing".** **Addressed**
3. **Clearly show the boundaries of the rezoning with a heavy dark line.** **Addressed**
4. **Clearly show the amount of parking to be provided on the site and note that it will not be reduced.** **Addressed**

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map

- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Housing and Neighborhood Services Review
 - Charlotte Fire Department Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - City Arborist
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

Planner: Sonja Strayhorn Sanders (704) 336-8327

Petition 2017-127 by Craig Smith

To Approve:

([I move that the](#)) Zoning Committee finds the residential use to be **consistent** with the *Blue Line Extension Transit Station Area Plan* based on information from the staff analysis and the public hearing, and because:

- The plan recommends transit supportive uses.

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

- The subject site is within a ¼ mile walk of the Sugar Creek Transit Station on the LYNX Blue Line Extension; and
- The site is adjacent to the proposed alignment of the Cross Charlotte Trail, which runs along Raleigh Street; and
- The proposed rezoning allows redevelopment of a site zoned for industrial use for transit supportive uses within an emerging transit station area. In conjunction with other surrounding TOD projects in progress, it will contribute to a growing walkable neighborhood; and
- The proposal seeks to adaptively reuse an existing one story abandoned building that is sensitive in scale to the surrounding neighborhood, and will help revitalize the area; and
- Optional requests for the location and exemption of parking will facilitate reuse of the existing building as configured on the site; and
- The proposal allows for all uses in the TOD-M (transit oriented development – mixed-use) district, which include office, residential, retail, and civic.

Consistency:

Maker:

2ND:

Approve or Deny

Vote:

Dissenting:

Recused:

Recommendation:

Maker:

2ND:

Approve or Deny

Vote:

Dissenting:

Recused:

To Deny:

([I move that the](#)) Zoning Committee finds the residential use to be **consistent** with the *Blue Line Extension Transit Station Area Plan* based on information from the staff analysis and the public hearing, and because:

- The plan recommends transit supportive uses.

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

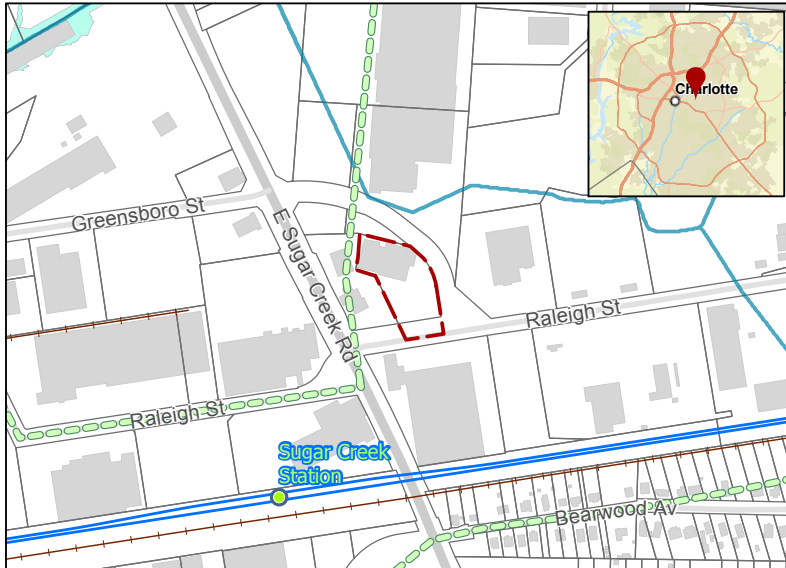
- (To be explained by the Zoning Committee)

Rezoning Map

2017-127 : Craig Smith
Current Zoning I-2 (General Industrial)
**Requested Zoning TOD-M(O) (Transit Oriented Development-
Mixed Use, Optional)**
Approximately 1.49 acres

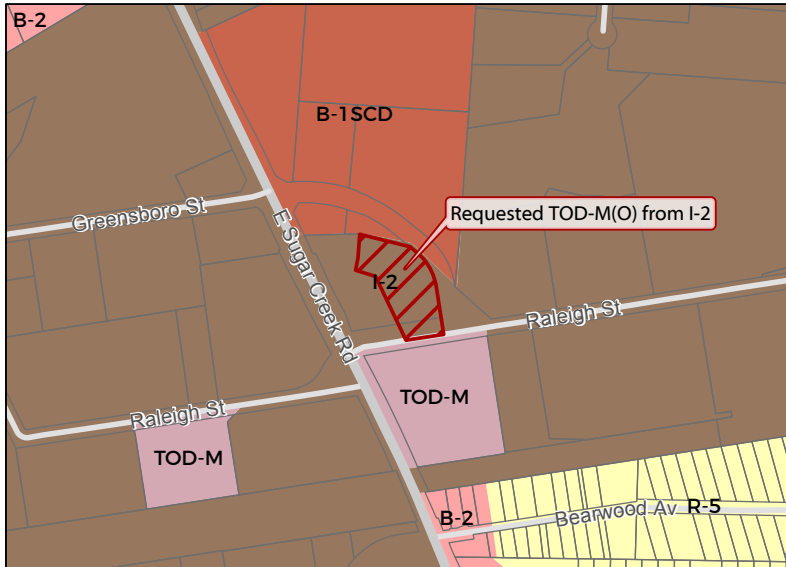


Location of Requested Rezoning



- 2017-127
- Inside City Limits
- Parcel
- Buildings
- FEMA Flood Plain
- Railway
- Cross Charlotte Trail
- Streams
- LYNX Blue Line
- LYNX Blue Line Station
- City Council District
- 1-Patsy B. Kinsey

Existing Zoning & Rezoning Request



- Requested TOD-M(O) from I-2
- Parcel
- Zoning Classification**
- Single Family
- Business
- Commercial Center
- Heavy Industrial
- Transit-Oriented





Shaping the Environment Realizing the Possibilities

Land Planning
+
Landscape Architecture
+
Civil Engineering
+
Urban Design

200 South Tryon Street, Suite 1400
Charlotte, North Carolina 28202
p+ 704 376 1555 f+ 704 376 7851
url+ www.colejenestone.com

BLUE LINE LLC.

**2000 Innovation Drive
Indian Trail, NC 28079**

TRYON THEATRE REDEVELOPMENT

421 E. Sugar Creek Road
Charlotte, NC 28213

**CONDITIONAL
REZONING
PLAN (2017-127)**

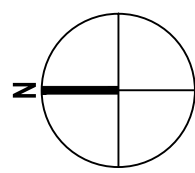
Project No.
4547

Issued 07/27/17

07/27/17

Revised

10/16/17 – PER REZONING COMMENTS



C/

RZ-100

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DEVELOPMENT STANDARDS

JULY 27, 2017

GENERAL PROVISIONS

1. **GENERAL PROVISIONS**
- A. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY BLUE LINE LLC (HEREINAFTER COLLECTIVELY REFERRED TO AS THE "PETITIONER") FOR AN APPROXIMATELY 1.49 ACRE SITE LOCATED ON THE NORTH SIDE OF RALEIGH STREET AT THE INTERSECTION OF RALEIGH STREET AND EAST SUGAR CREEK ROAD, WHICH SITE IS MORE PARTICULARLY SPECIFIED ON THE REZONING PLAN (HEREINAFTER REFERRED TO AS THE "SITE"). THE SITE IS CONSISTS OF TAX PARCEL NO. 091-051-40.
- B. THE DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE"). SUBJECT TO THE OPTIONAL PROVISIONS SET OUT BELOW, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE TRANSIT ORIENTED DISTRICT ("TOD-M") ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT AND USE OF THE SITE.
- C. THE PARCEL OF LAND THAT COMPRISES THE SITE MAY BE AT THE OPTIO OF PETITIONER SUBDIVIDED IN ACCORDANCE WITH THE SUBDIVISION DEVELOPMENT FUTURE AMENDMENTS TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE SITE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE. ALTERATIONS TO THE REZONING PLAN ARE SUBJECT TO SECTION 6.207 OF THE ORDINANCE.
- D.

OPTIONAL PROVISIONS

- A. SURFACE PARKING AND VEHICULAR MANEUVERING AREAS SHALL BE PERMITTED BETWEEN THE EXISTING BUILDING AND THE REQUIRED SETBACK FROM RALEIGH STREET AND GREENSBORO STREET.
- B. THE SITE SHALL OPT OUT OF ALL MINIMUM PARKING REQUIREMENTS.

PERMITTED USES

- A. THE SITE MAY BE USED FOR USES PERMITTED BY RIGHT OR UNDER PRESCRIBED CONDITIONS AS INDICATED FOR THE TRANSIT ORIENTED DEVELOPMENT-MIXED USE DISTRICT IN THE ZONING ORDINANCE.
- B. THE EXISTING BUILDING WILL REMAIN AND MAY BE EXPANDED UP TO 5% OUTDOOR DINING NOT TO BE INCLUDED. A REZONING WILL BE REQUIRED IF AN EXPANSION EXCEEDS 5%.

TRANSPORTATION

THE PROPOSED DRIVEWAY CONNECTION(S) WILL REQUIRE A DRIVEWAY PERMIT(S) TO BE SUBMITTED TO CDOT FOR REVIEW AND APPROVAL. ALL ATTEMPTS WILL BE MADE TO PROVIDE VEHICULAR ACCESS ON GREENSBORO STREET WITH VEHICLE ACCESS TO RALEIGH STREET AS A LAST OPTION AND WITH CDOT APPROVAL.

- B. PARKING AREAS ARE INDICATED ON THE RECOMMENDATION PLAN FOR THE SITE.
- C. THE ALIGNMENT OF THE INTERNAL VEHICULAR CIRCULATION AREAS AND THE DRIVEWAYS WILL BE MODIFIED BY THE PETITIONER TO ACCOMMODATE CHANGES IN TRAFFIC PATTERNS, PARKING LAYOUTS.
- D. A THIRTY-FOUR (34') FOOT SETBACK AS MEASURED FROM THE FUTURE BACK OF CURB OF THE ENHANCED RALEIGH STREET WILL BE PROVIDED ALONG THE NORTH SIDE OF RALEIGH STREET, PROVIDED, HOWEVER, IN AS MUCH AS THE CROSS CHARLOTTE TRAIL (XCLT) IS IN THE DESIGN STAGE, IT IS ACKNOWLEDGED THAT THE SETBACK WIDTH FOR THE NORTH SIDE OF RALEIGH STREET AND THE ACCOMPANYING IMPROVEMENTS MAY BE MODIFIED TO RESULT IN A REDUCED SETBACK WIDTH. ANY ADJUSTMENTS TO SUCH SETBACK WIDTH SHALL BE DETERMINED IN COORDINATION WITH THE PLANNING DEPARTMENT, CDD, AND ENGINEERING AND PROPERTY MANAGEMENT IN CONNECTION WITH THE FINAL DESIGN/ALIGNMENT OF THE CROSS CHARLOTTE TRAIL. ANY REDUCTION IN THE SETBACK WIDTH MAY OCCUR EITHER BEFORE OR AFTER COMPLETION OF THE BUILDINGS CONTEMPLATED BY THE DEVELOPMENT. ALL TRANSPORTATION IMPROVEMENTS SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY.
- E. FUTURE STREET SECTIONS AND CROSS CHARLOTTE TRAIL TO BE SUBSTANTIALLY COMPLETE PRIOR TO CERTIFICATE OF OCCUPANCY, CONTINGENT UPON FINAL CROSS SECTION BEING FINALIZED BY THE CITY OF CHARLOTTE AT THE TIME OF CONSTRUCTION.
- F. DEDICATION AND FEE SIMPLE CONVEYANCE OF RIGHT OF WAY ALONG GREENSBORO STREET PRIOR TO ISSUANCE OF FIRST CERTIFICATE OF OCCUPANCY. THE RIGHT OF WAY SHALL BE SET TWO (2) FEET BEHIND EXISTING SIDEWALK WHERE FEASIBLE, AS GENERALLY DEPICTED ON THE SITE PLAN.
- G. #21' OF EXISTING RIGHT OF WAY ALONG RALEIGH STREET TO BE RECOMBINED WITH RETICULATED PARCEL. PETITIONER HAS REACHED OUT TO JEFF BOENISCH WITH REQUEST.

ARCHITECTURAL STANDARDS

- A. IF THE ENTERTAINMENT ESTABLISHMENT IS LOCATED ON A PUBLIC RIGHT-OF-WAY, PRIVATE STREET, OR RAPID TRANSIT LINE, THE EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENT SHALL HAVE PENETRATION THROUGH VISION GLASS, DOORS OR ACTIVE OUTDOOR SPACE ALONG THIRTY (30) PERCENT OF THE LENGTH OF THE BUILDING SIDE THAT FRONT THE PUBLIC RIGHT-OF-WAY, PRIVATE STREET, OR RAPID TRANSIT LINE. IF THE BUILDING ARCHITECTURE OR SITE PROHIBITS MEETING THE ABOVE CONDITION, THE PLANNING DIRECTOR, OR DESIGNER, MAY APPROVE ALTERNATIVE APPROACHES.

STREETSCAPE AND LANDSCAPING - RESERVED

ENVIRONMENTAL FEATURES - RESERVED

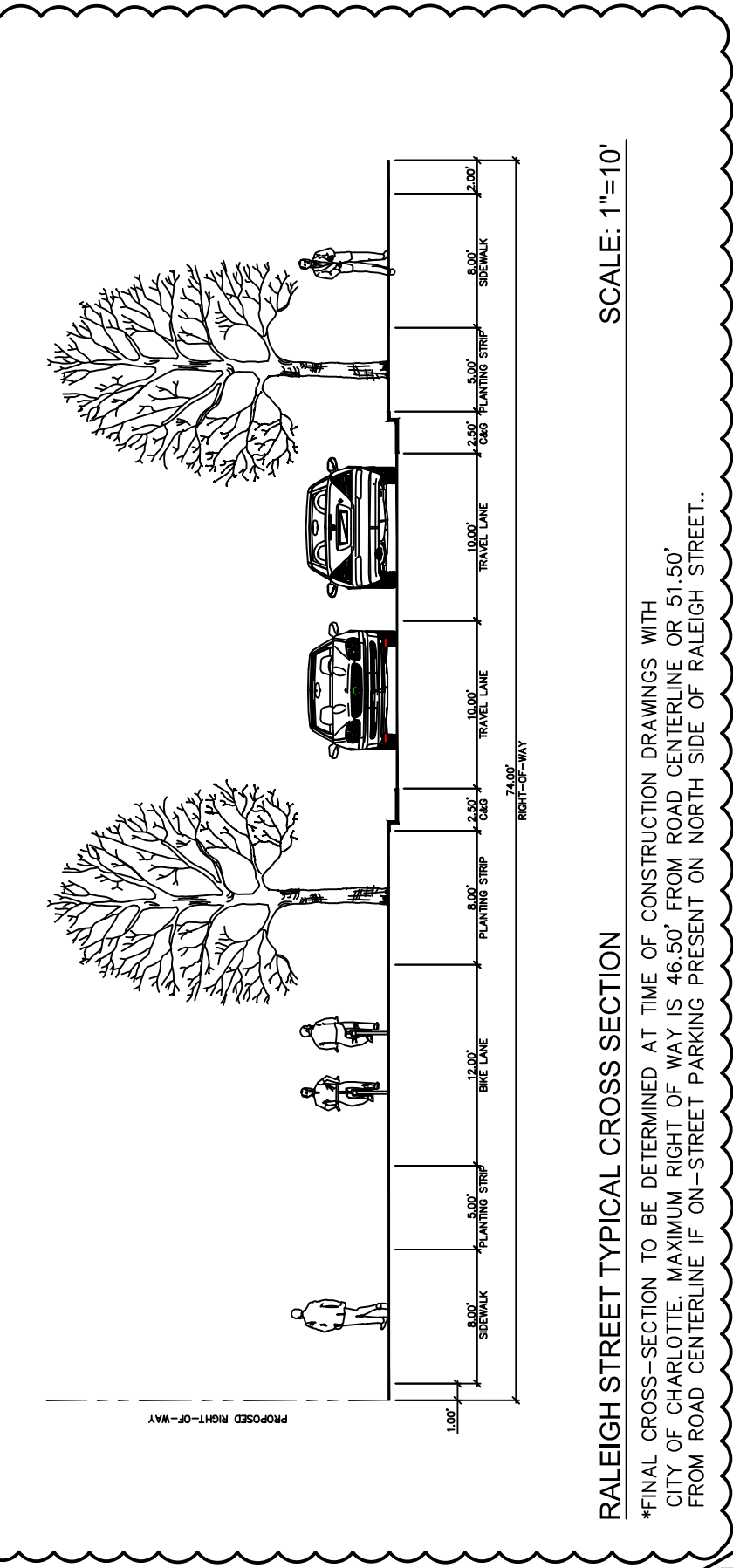
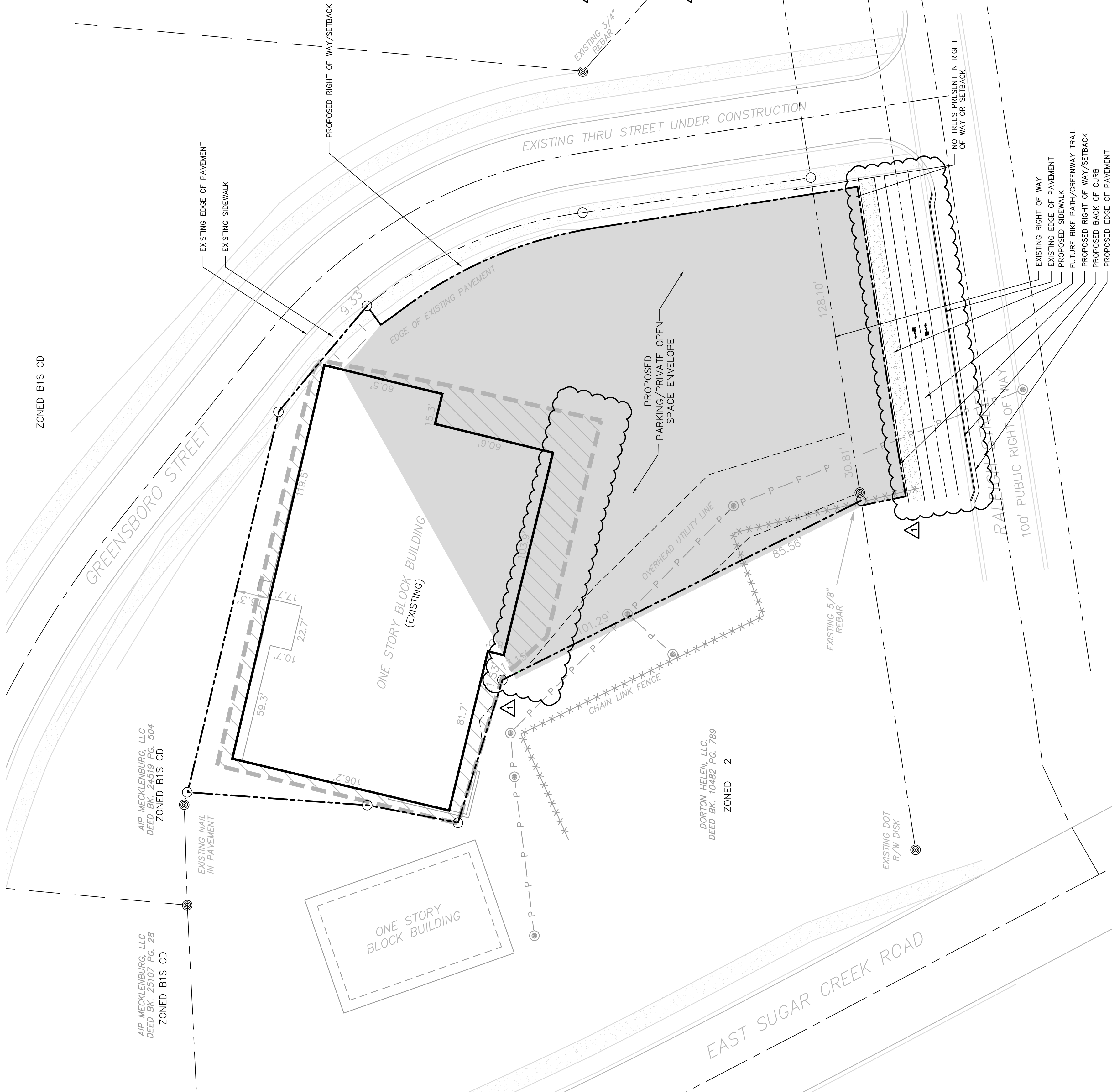
PARKS, GREENWAYS AND OPEN SPACE - RESERVED

LIGHTING

- A. ALL PRESTANDING LIGHTING FIXTURES INSTALLED ON THE SITE (EXCLUDING LOWER, DECORATIVE LIGHTING THAT MAY BE INSTALLED ALONG THE INTERNAL PRIVATE DRIVES AND SIDEWALKS, LANDSCAPING LIGHTING AND UPLIGHTING FOR THE BUILDINGS) SHALL BE FULLY CAPPED AND SHIELDED AND THE ILLUMINATION DOWNWARDLY DIRECTED SO THAT DIRECT ILLUMINATION DOES NOT EXTEND PAST ANY PROPERTY LINE OF THE SITE.
- B. THE MAXIMUM HEIGHT OF ANY PRESTANDING LIGHTING FIXTURE INSTALLED ON THE SITE, INCLUDING ITS BASE, SHALL NOT EXCEED 21 FEET.
- C. ANY LIGHTING FIXTURES ATTACHED TO THE BUILDINGS TO BE CONSTRUCTED ON THE SITE SHALL BE DECORATIVE, CAPPED AND DOWNWARDLY DIRECTED.

FIRE PROTECTION - RESERVED

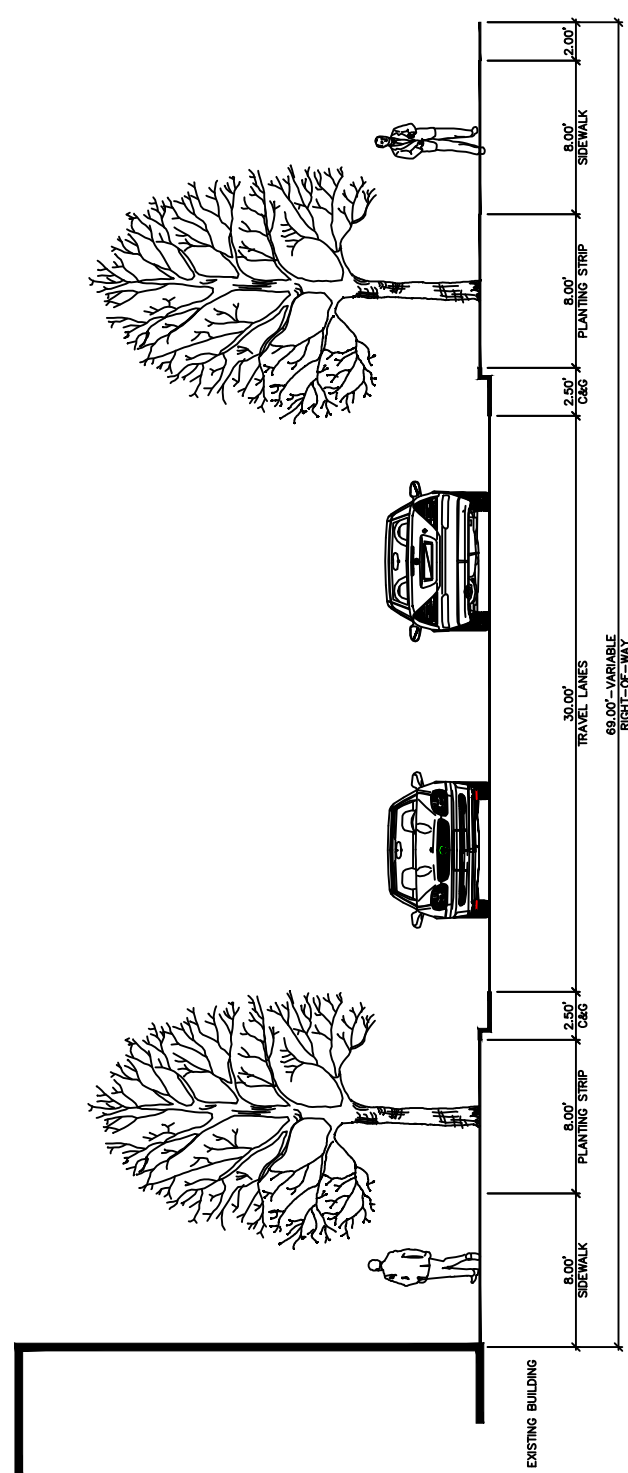
SIGNANGE - RESERVED



RALEIGH STREET TYPICAL CROSS SECTION

SCALE: 1"=10'

FINAL CROSS-SECTION TO BE DETERMINED AT TIME OF CONSTRUCTION DRAWINGS WITH CITY OF CHARLOTTE. MAXIMUM RIGHT OF WAY IS 46.50' FROM ROAD CENTERLINE OR 51.50' FROM ROAD CENTERLINE IF ON-STREET PARKING PRESENT ON NORTH SIDE OF RALEIGH STREET.



GREENSBORO STREET TYPICAL CROSS SECTION (EXISTING)

SCALE: 1"=10'



Agenda Date: 12/5/2017

Agenda #: 8.**File #:** 15-7007 **Type:** Zoning Item

Rezoning Petition: 2017-130 by TwentyNine Fifteen Operations, LLC

Location: Approximately 0.42 acres located on the south side of Griffith Street, east of New Bern Street.
(Council District 3 - Mayfield)

Staff Resource: [Solomon Fortune](#)

Public Hearing Held: *November 20, 2017*

Staff Recommendation:

Staff recommends approval of this conventional petition.

Attachments:

Post Hearing Staff Analysis
Statement of Consistency
Map

REQUEST	Current Zoning: I-2 (general industrial) Proposed Zoning: TOD-M (transit oriented development – mixed-use)
LOCATION	Approximately 0.42 acres located on the south side of Griffith Street, east of New Bern Street. (Council District 3 - Mayfield)
SUMMARY OF PETITION	The petition proposes to allow all transit supportive uses per conventional TOD-M (transit oriented development – mixed use) zoning for a 0.42 acre site that is located in South End and is within a ¼ mile walk of the New Bern Transit Station on the LYNX Blue Line. Uses allowed in the TOD-M (transit oriented development – mixed use) district include office, residential, retail, and civic.
PROPERTY OWNER	George & Ruth Barrett Family, LLC
PETITIONER	TwentyNine Fifteen Operations, LLC
AGENT/REPRESENTATIVE	NA
COMMUNITY MEETING	Meeting is not required.

**STAFF
RECOMMENDATION**

Staff recommends approval of this conventional petition.

Plan Consistency

The petition is consistent with *the New Bern Transit Station Area Plan* recommendation for mixed use transit supportive development.

Rationale for Recommendation

- The subject site is within a 1/2 mile walk of the New Bern Transit Station on the LYNX Blue Line.
- The proposal allows a site previously used for industrial/office to convert to transit supportive land uses.
- Use of conventional TOD-M (transit oriented development – mixed-use) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary.
- TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

PLANNING STAFF REVIEW

- **Proposed Request Details**
 - This is a conventional rezoning petition with no associated site plan.
- **Existing Zoning and Land Use**
 - The subject property is currently developed with an industrial warehouse.
 - The surrounding properties are zoned TOD-M (transit oriented development – mixed-use), and I-2 (general industrial) and are developed with residential, office, retail, warehouse, restaurant and entertainment uses.
 - See “Rezoning Map” for existing zoning in the area.
- **Rezoning History in Area**
 - Since the construction of the LYNX Blue Line and the New Bern Transit Station, there have been a number of rezonings to conventional TOD-M (transit oriented development – mixed-use) and TOD-MO (transit oriented development – mixed-use, optional), in the area surrounding this site and in the New Bern Transit Station Area. These rezonings have supported the transition of the area from an industrial district to a walkable transit supportive district.
- **Public Plans and Policies**
 - The *New Bern Transit Station Area Plan (2008)* recommends transit supportive uses for the subject site and surrounding properties.

- **TRANSPORTATION CONSIDERATIONS**

- The site is located on a local street identified by the *New Bern Transit Station Area Plan* to have a “local residential wide” cross-section with on-street parking. CDOT will work with the petitioner to determine the future curb line during the permitting process.
- **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 30 trips per day (based on 7,050 square feet of warehouse use).
 - Entitlement: 30 trips per day (based on 7,050 square feet of warehouse use).
 - Proposed Zoning: Too many uses to determine trip generation.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Housing and Neighborhood Services:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** The conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined.
 - **Charlotte Water:** Charlotte Water has water system infrastructure accessible for the rezoning boundary via existing 12-inch and six-inch water distribution mains located along Griffith Street. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing eight-inch gravity sewer main located along Griffith Street.
 - **Engineering and Property Management:**
 - **Arborist:** No Issues
 - **Erosion Control:** No issues.
 - **Land Development:** No issues.
 - **Storm Water Services:** No issues.
 - **Urban Forestry:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** Development of this site may require submission of an asbestos Notification of Demolition and Renovation to Mecklenburg Air Quality. Groundwater and Wastewater Services records indicate a contamination site(s) exist on or within 1,500 feet of the property.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
-

Attachments Online at www.rezoning.org

- Application
- Locator Map
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Housing and Neighborhood Services Review
 - Charlotte Fire Department Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - City Arborist
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

Planner: Michael Russell (704) 353-0225

2017-130 by TwentyNine Fifteen Operations, LLC

To Approve:

([I move that the](#)) Zoning Committee finds this petition to be **consistent** with the *New Bern Transit Station Area Plan* based on the information from the staff analysis and the public hearing, and because:

- The plan recommends mixed use transit supportive development.

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

- The subject site is within a 1/2 mile walk of the New Bern Transit Station on the LYNX Blue Line; and
- The proposal allows a site previously used for industrial/office to convert to transit supportive land uses; and
- Use of conventional TOD-M (transit oriented development – mixed-use) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary; and
- TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

Consistency:

Maker:

2ND:

Approve or Deny

Vote:

Dissenting:

Recused:

Recommendation:

Maker:

2ND:

Approve or Deny

Vote:

Dissenting:

Recused:

To Deny:

([I move that the](#)) Zoning Committee finds this petition to be **consistent** with the *New Bern Transit Station Area Plan* based on the information from the staff analysis and the public hearing, and because:

- The plan recommends mixed use transit supportive development.

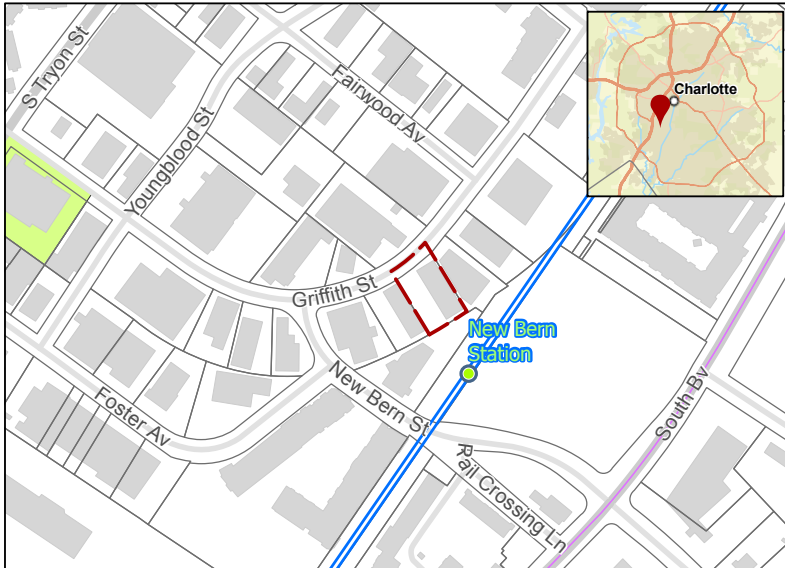
([However, we find](#)) this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- (To be explained by the Zoning Committee)

Rezoning Map

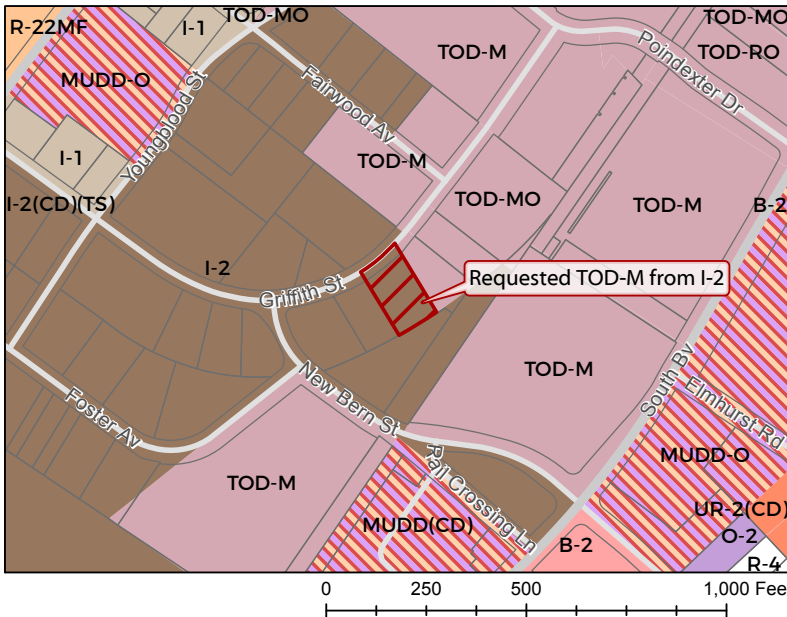
2017-130 : TwentyNine Fifteen Operations, LLC
Current Zoning I-2 (General Industrial)
Requested Zoning TOD-M (Transit Oriented Development-Mixed Use)
Approximately 0.42 acres

Location of Requested Rezoning



- 2017-130
- Inside City Limits
- Parcel
- Buildings
- Transit Supportive Overlay
- LYNX Blue Line
- LYNX Blue Line Station
- City Council District**
- 3-LaWana Mayfield

Existing Zoning & Rezoning Request



- Requested TOD-M from I-2
- Parcel
- Zoning Classification**
- Single Family
- Multi-Family
- Urban Residential
- Office
- Business
- Light Industrial
- Heavy Industrial
- Mixed Use
- Transit-Oriented



Map Created 9/5/2017



Agenda Date: 12/5/2017

Agenda #: 9. **File #:** 15-7008 **Type:** Zoning Item

Rezoning Petition: 2017-131 by Saussy Burbank, LLC

Location: Approximately 0.70 acres located on the west side of Sharon Road, north of Hazleton Drive.
(Council District 6 - Smith)

Staff Resource: [John Kinley](#)

Public Hearing Held: *November 20, 2017*

Staff Recommendation:

Staff recommends approval of this petition.

Attachments:

Post Hearing Staff Analysis
Statement of Consistency
Map
Site Plan

REQUEST	Current Zoning: R-3 (single family residential) Proposed Zoning: UR-2(CD) (urban residential, conditional) with five year vested rights.
LOCATION	Approximately 0.70 acres located on the west side of Sharon Road, north of Hazleton Drive. (Council District 6 - Smith)
SUMMARY OF PETITION	The petition includes two parcels, each currently occupied with a single family home, located at the entry of the Laurelwood neighborhood off Sharon Road in the SouthPark area. The petition proposes the construction a single family attached, townhome development with up to eight units in two buildings.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	SOP Holdings, LLC Saussy Burbank, LLC Collin Brown and Bailey Patrick Jr., K&L Gates LLP
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 16.

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is consistent with the *South District Plan* recommendation for residential use, and the proposed density of 11.11 units per acre meets the criteria in the *General Development Policies* for development at up to 12 dwellings per acre.

Rationale for Recommendation

- The site is located at the intersection of Sharon Road and Hazelton Drive. Sharon Road is a major route through the SouthPark area and Hazelton Drive connects the Laurelwood neighborhood to Sharon Road.
- The site is in the Wedge area, as identified by the *Centers, Corridors, Wedges Growth Framework*. Wedges are typically considered for residential development and neighborhood preservation. However, the site abuts the SouthPark activity center, which is recommended for higher intensity uses, developed in an urban walkable form. Therefore, the site is positioned to serve as a transition from the activity center to the lower density single family residential.
- The site location and the proposed townhome development serve as a transition from the single family neighborhood to the south and west to the more intense uses and development form to the north and east through the following:
 - Proposes a single family attached residential product at 11.11 units per acre between single family detached homes in the neighborhood at three units per acre and urban development including a hotel, commercial uses, and multi-family residential in the activity center.
 - Limits the maximum building height to 45 feet. The abutting single family residential zoning limits maximum base height to 40 feet, although the existing homes in the neighborhood are one and two stories and the hotel to the north is 70 feet in height.
 - The proposed site design provides a transition in the setback along Hazelton Drive. Provides a 20-foot rear yard abutting the single family home west of the site. The site plan indicates the possible location of the tree save area along the western edge of the site.
 - The proposed site design promotes walkability by providing

individual unit access to the pedestrian facilities along Sharon Road and functional doors for end units along Hazelton Drive. The plan commits to the construction of sidewalk along the site frontage of Hazelton Drive and construction of a ten-foot multiuse path along Sharon Road.

PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allows up to eight single family attached townhome residential units in two buildings for a density of 11.11 units per acre.
- Limits the maximum building height to 45 feet.
- Provides a 24-foot setback along Sharon Road and the 35-foot setback along Hazelton Drive.
- Increases the rear yard abutting single family to the west from 10 feet to 20 feet.
- Provides vehicular access off Hazelton Drive via a private alley in a woonerf design. A woonerf, is a facility that accommodates vehicles, bicycles and pedestrians and will be paved with varied decorative pavers to distinguish vehicle and pedestrian zones.
- Specifies that parking will not be permitted along Hazelton Drive between the woonerf entrance and Sharon Road.
- Specifies that gates with restricted access into the development shall be prohibited.
- Provides building elevations and specifies allowed building materials. Provides a number of architectural and building design standards related to raised entries, pitched roofs, doors facing public streets, porches and blank walls.
- Constructs an eight-foot planting strip and six-foot sidewalk along the site frontage of Hazelton Drive. Proposes a ~~ten~~ eight-foot planting strip and 10-foot multi-use path along Sharon Road.
- Commits to providing enhanced landscaping at the corner of Hazelton Drive and Sharon Road.
- Provides lighting standards related to shielding, illumination direction and freestanding lighting height. Notes that identification lettering with an entrance sign, if provided, may be illuminated.

• Existing Zoning and Land Use

- The subject property is zoned R-3 (single family residential) and is developed with two single family homes.
- Abutting to the north is the recently constructed Hilton Garden Inn hotel in MUDD-O (mixed use development, optional) zoning. To the east across Sharon Road is commercial development in MUDD(CD) (mixed use development, conditional) and single family attached and multi-family residential development in UR-2(CD) (urban residential, conditional) zoning. South and west of the site is R-3 (single family) zoning with single family detached homes. Further south on Sharon Road is the Sharon Towers senior living community in INST(CD) (institutional, conditional) zoning.
- See "Rezoning Map" for existing zoning in the area.

• Rezoning History in Area

- Petition 2013-066 rezoned 5.22 acres located on the north side of Sharon View Road east of the site, near the intersection of Sharon View Road and Mountainbrook Road to UR-2(CD) (urban residential, conditional) for 36 attached and detached single family homes.
- Petition 2013-071 rezoned 24.80 acres, south of the site from R-3 (single family residential) and INST(CD) (institutional, conditional) to INST(CD) (institutional, conditional) to allow expansions of Sharon Towers senior living community.
- There have been a number of rezonings to MUDD-O (mixed use development, optional) and MUDD(CD) (mixed use development, conditional) north and northeast of the site, within the SouthPark Mixed Use Activity Center, to allow residential, commercial and mixed use developments.

• Public Plans and Policies

- The *South District Plan* (1993) recommends residential uses at a density of up to three dwellings per acre.
- The *General Development Policies* (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the *General Development Policies* locational criteria for consideration of up to the 12 dwellings per acre requested as illustrated in the table below.

Meeting with Staff	1 – yes
Sewer and Water Availability	2 – yes
Land Use Accessibility	3 – High
Connectivity Analysis	2 – Medium low
Road Network Evaluation	0 – no
Design Guidelines	4
Other Opportunities or Constraints	NA
Minimum Points Needed: 12	Total Points: 12

- **TRANSPORTATION CONSIDERATIONS**

- This site is located at the unsignalized intersection of a commercial arterial and a local street. The site plan commits to adequate streetscape improvements on Hazelton and Sharon with access to and from the local street.
- See Outstanding Issues, Note 4-5.
- **Vehicle Trip Generation:**
Current Zoning:
Existing Use: 30 trips per day (based on two dwellings).
Entitlement: 30 trips per day (based on two dwellings).
Proposed Zoning: 70 trips per day (based on eight dwellings).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Housing and Neighborhood Services:** No issues.
- **Charlotte Department of Solid Waste Services:** Garbage and Recycling carts will need to be rolled curbside to Hazelton Drive or Sharon Road for collection.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate one student, while the development allowed under the proposed zoning will produce one student. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is zero students.
 - The proposed development is not projected to increase the school utilization (without mobile classroom units):
 - Sharon Elementary at 154%
 - Alexander Graham Middle at 112%
 - Myers Park High at 114%.
- **Charlotte Water:** Charlotte Water has water system infrastructure accessible for the rezoning boundary via existing eight-inch and six-inch water distribution mains located along Sharon Road and Hazelton Drive. Charlotte Water has determined to have limited sanitary sewer system capacity. Due to the limited project details that were provided, Charlotte Water cannot provide concurrence for this rezoning boundary at this time. The petitioner should contact the Charlotte Water New Services group for further information and to discuss options regarding sanitary sewer system capacity.
- **Engineering and Property Management:**
 - **Arborist:** No trees can be planted in the right-of-way of any City maintained street (Hazelton and Sharon) without permission of the City Arborist's office. Contact the City Arborist's office to discuss trees species to be planted in the right-of-way on a City of Charlotte maintained street; species must be approved before planting. A minimum eight-foot planting strip with trees is required on all public street frontages.
 - **Erosion Control:** No issues.
 - **Land Development:** No issues.
 - **Storm Water Services:** No issues.
 - **Urban Forestry:** Tree save must be at least 30 feet wide.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

OUTSTANDING ISSUES

Site and Building Design

1. ~~Amend the development data table and note VI under open space to specify the tree save will not be in the private open space or provide assurance that the trees will be protected in the resident's back yards.~~ Addressed.
2. ~~Amend the site plan or notes to provide details for a curbless transition within the woonerf.~~ Addressed.

Transportation

3. ~~Modify the site plan to reflect the future back-of-curb along Sharon Road eight feet behind the existing back-of-curb to accommodate a buffered bike lane.~~ Addressed. The existing back of curb is in the same location as the future back of curb and the petitioner is providing a ten-foot planting strip and ten-foot multi-use path.
4. ~~Revise the site plan and notes to change the proposed eight-foot planting strip and ten-foot multi-use path to a 16-foot planting strip and eight-foot sidewalk.~~ Addressed. The petitioner is providing a ten-foot planting strip and ten-foot multi-use path.

REQUESTED TECHNICAL REVISIONSSite and Building Design

5. ~~Delete the setback and yards listed in the development data table and note "Setbacks and yards as depicted on the site plan" or revise the development data table to reflect the setbacks and yards committed to on the plan. For example: the 35-foot setback on Hazelton and 20-foot rear yard along the western edge of the site.~~ Addressed.
 6. ~~Amend the building height in the development data table to specify "Maximum 45 feet as measured by the Ordinance" and not "ridge height from finished floor elevation of first floor."~~ Addressed.
 7. ~~Amend note V.4 under Streetscape and Landscaping to describe "enhanced" landscaping. As written the note is too subjective and vague.~~ Addressed.
 8. ~~Clarify on the site plan and in the notes that the setbacks are measured from the future back-of-curb as required by the UR-2 (urban residential) district. If the curb line remains (and is therefore considered the future back-of-curb) then indicate the existing back-of-curb remains.~~ Addressed.
 9. ~~Remove the request for five-year vested rights from the application because the project does not include phasing and is a relatively small, infill development.~~ Addressed.
-

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Housing and Neighborhood Services Review
 - Charlotte Department of Solid Waste Services Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Schools Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - City Arborist
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

Planner: John Kinley (704) 336-8311

2017-131 by Saussy Burbank, LLC

To Approve:

([I move that the](#)) Zoning Committee finds this petition to be **consistent** with the *South District Plan*, and the density is supported by the *General Development Policies* based on the information from the staff analysis and the public hearing, and because:

- The plan recommends residential use and references the *General Development Policies* location criteria for areas of higher density; and
- The *General Development Policies* support a density of up to twelve units per acre.

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

- The site is located at the intersection of Sharon Road and Hazelton Drive. Sharon Road is a major route through the SouthPark area and Hazelton Drive connects the Laurelwood neighborhood to Sharon Road; and
- The site is in the Wedge area, as identified by the *Centers, Corridors, Wedges Growth Framework*. Wedges are typically considered for residential development and neighborhood preservation. However, the site abuts the SouthPark activity center, which is recommended for higher intensity uses, developed in an urban walkable form. Therefore, the site is positioned to serve as a transition from the activity center to the lower density single family residential; and
- The site location and the proposed townhome development serve as a transition from the single family neighborhood to the south and west to the more intense uses and development form to the north and east through the following:
 - Proposes a single family attached residential product at 11.11 units per acre between single family detached homes in the neighborhood at three units per acre and urban development including a hotel, commercial uses, and multi-family residential in the Activity Center; and
 - Limits the maximum building height to 45 feet. The abutting single family residential zoning limits maximum base height to 40 feet, although the existing homes in the neighborhood are one and two stories and the hotel to the north is 70 feet in height; and
 - The proposed site design provides a transition in the setback along Hazelton Drive, and provides a 20-foot rear yard abutting the single family home west of the site. The site plan indicates the possible location of the tree save area along the western edge of the site.
- The proposed site design promotes walkability by providing individual unit access to the pedestrian facilities along Sharon Road and functional doors for end units along Hazelton Drive. The plan commits to the construction of sidewalk along the site frontage of Hazelton Drive and construction of a ten-foot multi-use path along Sharon Road.

To Deny:

([I move that the](#)) Zoning Committee finds this petition to be **consistent** with the *South District Plan*, and the density is supported by the *General Development Policies* based on the information from the staff analysis and the public hearing, and because:

- The plan recommends residential use and references the *General Development Policies* location criteria for areas of higher density; and
- The *General Development Policies* supports a density of up to twelve units per acre.

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

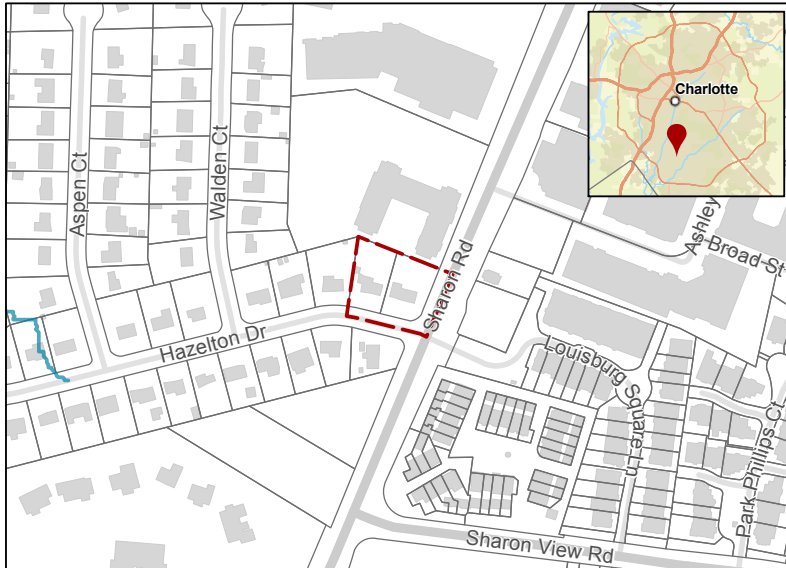
- (To be explained by the Zoning Committee)

Rezoning Map

2017-131 : Saussy Burbank, LLC
Current Zoning R-3 (Single Family Residential)
Requested Zoning UR-2(CD)(Urban Residential, Conditional)
With 5 Year Vested Rights
Approximately 0.7 acres

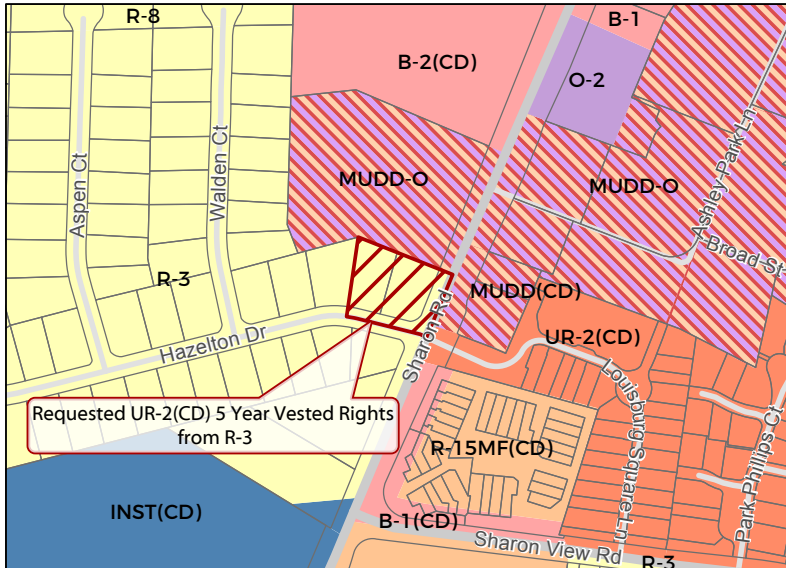


Location of Requested Rezoning



- 2017-131
- Inside City Limits
- Parcel
- Buildings
- Streams
- City Council District
- 6-Kenny Smith

Existing Zoning & Rezoning Request



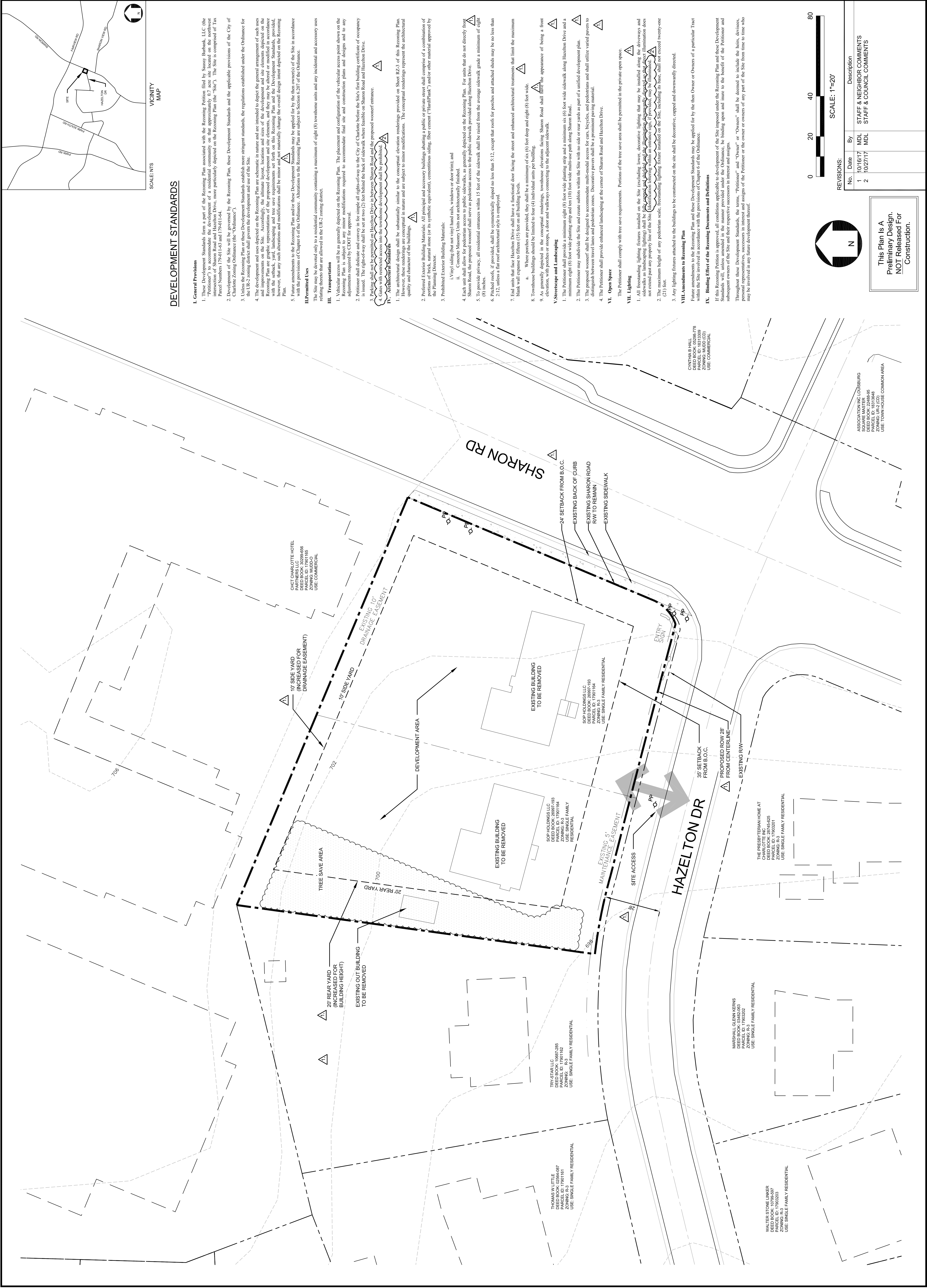
- Requested UR-2(CD) 5 Year Vested from R-3
- Parcel
- Zoning Classification**
- Single Family
- Multi-Family
- Urban Residential
- Institutional
- Office
- Business
- Mixed Use

Requested UR-2(CD) 5 Year Vested Rights from R-3

0 250 500 1,000 Feet

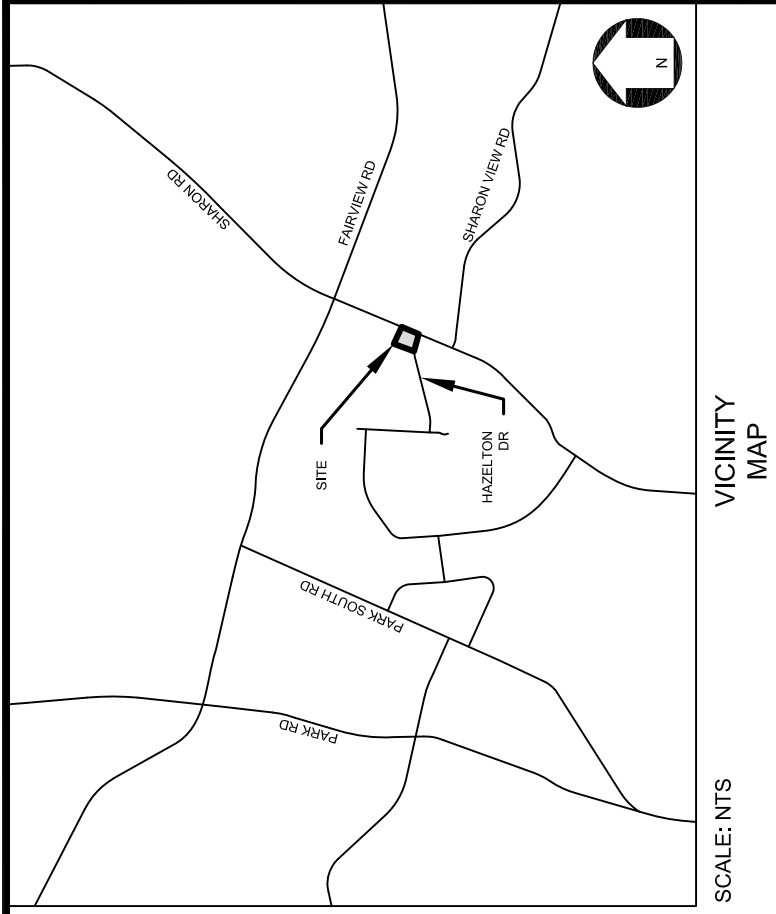


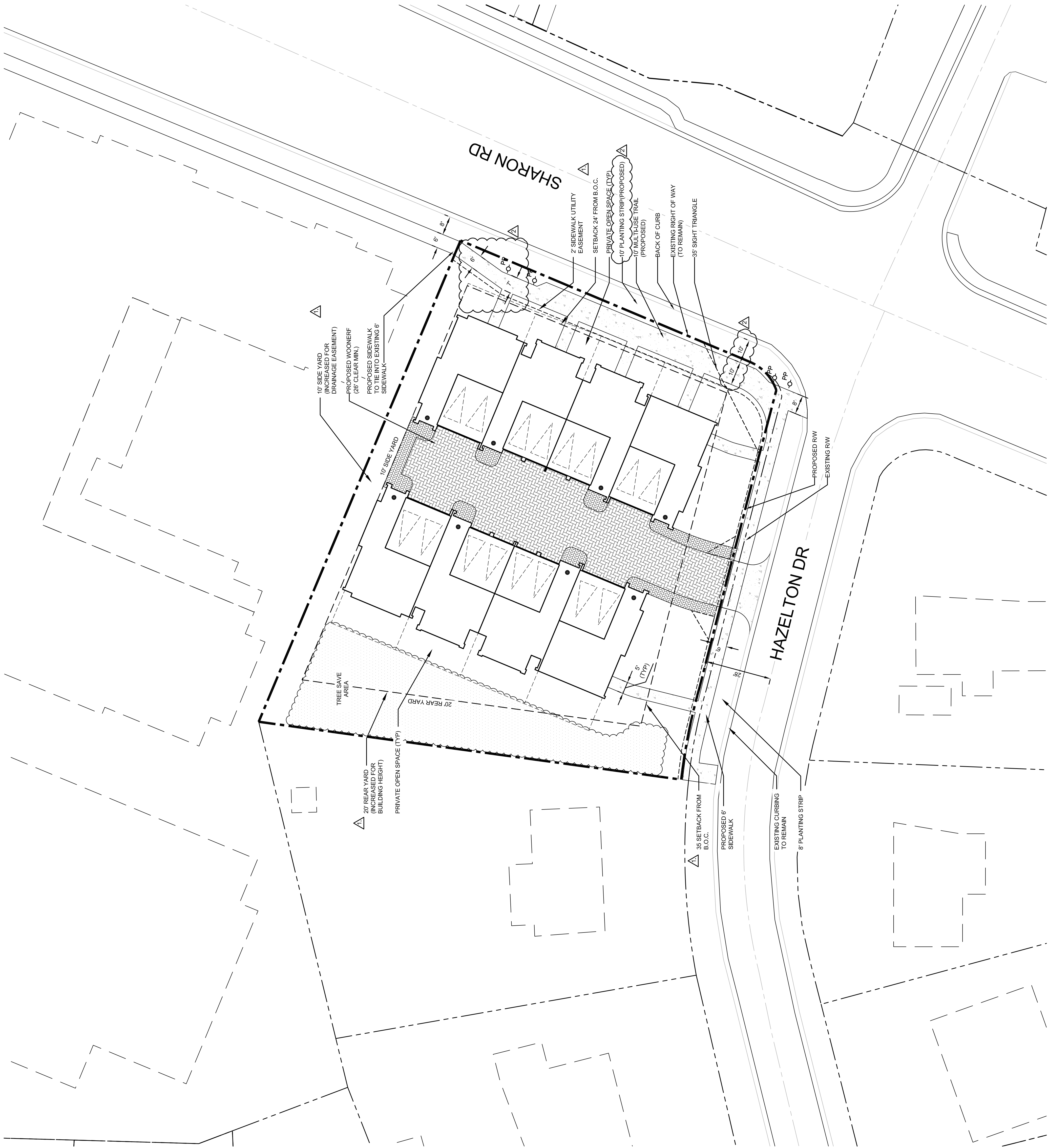
Map Created 9/5/2017



DEVELOPMENT STANDARDS

- I. General Provisions**
- These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Sussy Burbank, LLC (the "Petitioner") to accommodate the development of a residential community on that approximately 0.77-acre site located on the northwest corner of the intersection of Hazleton Drive and Sharon Road, more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Tax Parcel Numbers 17901165-63 and 17901164-64.
 - Development of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance").
 - Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the UR-2 zoning district shall govern the development and use of the Site.
 - The development and uses depicted on the Rezoning Plan are schematic in nature and are intended to depict the general arrangement of such uses and improvements on the Site. Accordingly, the ultimate layout, locations and sizes of the development and site elements depicted on the Rezoning Plan shall be subject to change and modification as needed to conform with the Ordinance and the applicable provisions of the City of Charlotte Zoning Ordinance, and the Rezoning Plan and these Development Standards, provided, however, that any such alterations and modifications shall be minor and not materially change the overall design intent depicted on the Rezoning Plan.
 - Future amendments to the Rezoning Plan and/or these Development Standards may be applied for by the then owner(s) of the Site in accordance with the provisions of Chapter 6 of the Ordinance. Alterations to the Rezoning Plan are subject to Section 6.207 of the Ordinance.
- II. Permitted Uses**
- The Site may be devoted only to a residential community containing a maximum of eight (8) townhome units and any incidental and accessory uses relating thereto that are allowed in the UR-2 zoning district.
- III. Transportation**
- Vehicular access will be as generally depicted on the Rezoning Plan. The placement and configuration of the vehicular access point shown on the Rezoning Plan shall be subject to change and modification as needed to conform with the Ordinance and the applicable provisions of the City of Charlotte Zoning Ordinance, and the Rezoning Plan and these Development Standards, provided, however, that any such alterations and modifications shall be minor and not materially change the overall design intent depicted on the Rezoning Plan. The right-of-way shall be set at two (2) feet behind the back of sidewalk, where feasible on Sharon Road and Hazleton Drive.
 - Parking shall not be permitted on Hazleton Drive between Sharon Road and the proposed owner's entrance.
 - Construction of a new or existing driveway shall be subject to the provisions of the Ordinance.
- IV. Architectural Standards**
- The architectural design shall be substantially similar to the conceptual elevation renderings provided on Sheet RZ-2 of this Rezoning Plan. The architectural design shall be subject to change and modification as needed to conform with the Ordinance and the applicable provisions of the City of Charlotte Zoning Ordinance, and the Rezoning Plan and these Development Standards, provided, however, that any such alterations and modifications shall be minor and not materially change the overall design intent depicted on the Rezoning Plan. The architectural design shall be subject to change and modification as needed to conform with the Ordinance and the applicable provisions of the City of Charlotte Zoning Ordinance, and the Rezoning Plan and these Development Standards, provided, however, that any such alterations and modifications shall be minor and not materially change the overall design intent depicted on the Rezoning Plan. The architectural design shall be subject to change and modification as needed to conform with the Ordinance and the applicable provisions of the City of Charlotte Zoning Ordinance, and the Rezoning Plan and these Development Standards, provided, however, that any such alterations and modifications shall be minor and not materially change the overall design intent depicted on the Rezoning Plan.
 - Preferred Exterior Building Materials: All principal and accessory buildings abutting a public or private street shall comprise of a combination of portions of brick, natural stone (or its synthetic equivalent), cementitious siding, fiber cement ("HardiPlank") and/or other material approved by the Planning Director.
 - Prohibited Exterior Building Materials:
 - Vinyl siding (but not vinyl hand rails, windows or door trim); and
 - Concrete Masonry Units not architecturally finished.
 - Each and every building shall be substantially depicted on the Rezoning Plan. For units that do not directly front Sharon Road, the proposed owner shall serve as a pedestrian access to the public sidewalk provided along Hazleton Drive.
 - To provide privacy, all residential entrances within 15 feet of the sidewalk shall be raised from the average sidewalk grade a minimum of eight (8) inches.
 - Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that roofs for porches and attached sheds may be no less than 2:12, unless a flat roof architectural style is employed.
 - End units that face Hazleton Drive shall have a functional door facing the street and enhanced architectural treatments that limit the maximum blank wall exposure to fifteen (15) feet on all building levels.
 - Where porches are provided, they shall be a minimum of six (6) feet deep and eight (8) feet wide.
 - Townhouse buildings should be limited to four (4) individual units per building.
 - As generally depicted in the conceptual renderings, townhouse elevations facing Sharon Road shall have the appearance of being a front elevation, with porches or stoops, a door and walkways connecting to the adjacent sidewalk.
- V. Streetscape and Landscaping**
- The Petitioner shall provide a minimum eight (8) foot wide planting strip and a minimum six (6) foot wide sidewalk along Hazleton Drive and a minimum eight (8) foot wide planting strip and ten (10) foot wide multi-use path along Sharon Road.
 - The Petitioner may subdivide the Site and create setbacks within the Site with no side or rear yards as part of a unified development plan.
 - The proposed owner shall be designed to accommodate multi-modal access for cars, bicycles, and pedestrians and shall utilize varied pavers to distinguish between travel lanes and pedestrian zones. Decorative pavers shall be a prominent paving material.
 - The Petitioner shall provide enhanced landscaping at the corner of Sharon Road and Hazleton Drive.
- VI. Open Space**
- The Petitioner shall comply with tree save requirements. Portions of the tree save area shall be permitted in the private open space.
- VII. Lighting**
- All freestanding lighting fixtures installed on the Site (excluding lower, decorative lighting that may be installed along the driveways and not extend past any property line of the Site, identification lighting within an entrance area, if provided, may be illuminated).
 - The maximum height of any pedestrian scale, freestanding lighting fixture installed on the Site, including its base, shall not exceed twenty-one (21) feet.
 - Any lighting fixtures attached to the buildings to be constructed on the site shall be decorative, capped and downwardly directed.
- VIII. Amendments to Rezoning Plan**
- Future amendments to the Rezoning Plan and these Development Standards may be applied for by the then Owner or Owners of a particular Tract within the Site involved in accordance with the provisions of Chapter 6 of the Ordinance.
- IX. Binding Effect of the Rezoning Documents and Definitions**
- If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under the Rezoning Plan and these Development Standards will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective successors in interest and assigns.
- Throughout these Development Standards, the terms, "Petitioner" and "Owner" or "Owners" shall be deemed to include the heirs, devisees, personal representatives, legal representatives, assigns of the Petitioner or the owner or owners of any part of the Site from time to time who may be involved in any future development thereof.

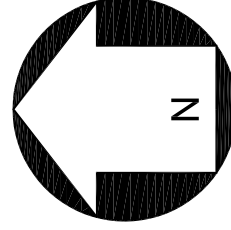




DEVELOPMENT DATA:

Site Area: +/- 0.7 acres
Tax Parcels: 179-011-63 and 179-011-64
Existing Zoning: R-3
Proposed Zoning: UR-2(CD)
Existing Use: Residential
Proposed Use: Up to 8 Townhome Units
Density Proposed: 11.11 Units/ac
Min. Setback: Twenty four (24) feet from future back of curb
Private open space shall be permitted in the setback area.
Min. Side Yard: Five (5) feet
Min. Rear Yard: Ten (10) feet
Maximum Building Height: Forty-five (45) feet ridge height from finished floor elevation of first floor
Max. Floor Area Ratio: 1.0
Parking Required: 1.5 spaces/unit
Parking Provided: 2 spaces/unit
Min. Private Open Space: 400 s.f./unit (may include portion of tree save area)
Tree Save: 15% required
PCCO: Per Ordinance

This Plan Is A
Preliminary Design.
NOT Released For
Construction.



SCALE: 1"=20'

REVISIONS:	
No.	Date
1	10/16/17
2	10/27/17

HAZELTON DRIVE SITE
CHARLOTTE, NC
PETITIONER: SAUSSY BURBANK, LLC

REZONING
SITE PLAN

REZONING PETITION:
2017-131



CORPORATE CERTIFICATIONS
NC PE: C-2593 NC LA: C-253
SC ENG. NO. 3569 SCLA NO. 211

Project Manager: MDL

Drawn By: SCJ

Checked By: MDL

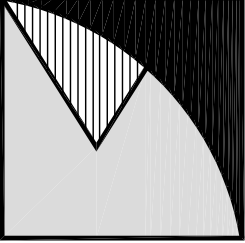
Date: 10/16/17

Project Number: 16037

Sheet Number:

RZ-2

SHEET # 2 OF 3



Landworks
Design Group, P.A.
7621 Little Avenue, Suite 111
Charlotte, NC 28226
704-841-1604 Fax: 704-841-1604

HAZELTON DRIVE SITE
CHARLOTTE, NC
PETITIONER: SAUSSY BURBANK, LLC

BUILDING
ELEVATIONS
REZONING PETITION: 
2017-131

CORPORATE CERTIFICATIONS
NOT RE: C-2630 NC LA: C-253
SC ENG: NO. 5589 SC LA: NO. 211

Project Manager: MDL

Drawn By: SCJ

Checked By: MDL

Date: 10/16/17

Project Number: 16037

Sheet Number:

RZ-3

SHEET # 3 OF 3



Rear Elevation



Left Elevation

Right Elevation

This Plan Is A
Preliminary Design.
NOT Released For
Construction.



REVISIONS:

No.	Date	By	Description
1	10/16/17	MDL	ADDED SHEET



Agenda Date: 12/5/2017

Agenda #: 10. **File #:** 15-7009 **Type:** Zoning Item

Rezoning Petition: 2017-134 by 813 Belmont, LLC

Location: Approximately 0.16 acres located at the intersection of the Harrill Street and Belmont Avenue.
(Council District 1 - Kinsey)

Staff Resource: [Sonja Strayhorn Sanders](#)

Public Hearing Held: *November 20, 2017*

Staff Recommendation:

Staff recommends approval of this petition.

Attachments:

Post Hearing Staff Analysis
Statement of Consistency
Map
Site Plan

REQUEST	Current Zoning: R-5 (single family residential) Proposed Zoning: MUDD-O (mixed use development, optional)
LOCATION	Approximately 0.16 acres located at the intersection of Harrill Street and Belmont Avenue. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes to reuse existing buildings in the Belmont neighborhood, to allow an eating/drinking/entertainment establishment and residential use.
PROPERTY OWNER	813 Belmont, LLC
PETITIONER	813 Belmont, LLC
AGENT/REPRESENTATIVE	Sigalit Sollitto
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 27.

STAFF RECOMMENDATION	<p>Staff recommends approval of this petition.</p> <p><u>Plan Consistency</u> The petition is inconsistent with the <i>Belmont Area Revitalization Plan</i>, which recommends single family residential uses at a density of five units per acre.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • Site is located at a neighborhood node in the Belmont Neighborhood, and will provide an eating/drinking/entertainment establishment that is convenient to residents. • The rezoning proposes reuse of an existing commercial structure. • Fenestration improvements will be provided to the existing commercial structure, and the pedestrian system will be enhanced. • Site layout is designed to match the historic neighborhood character, with parking located to the rear of the building
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PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Retains the principal existing 1,550-square foot building, with the exception of a 275-square foot addition at the rear, which will be removed, to allow eating/ drinking/entertainment establishments (Type 1). It will eventually remove the existing single family detached dwelling unit to allow a parking lot expansion in the future.
- No parking will be located between the principal building and the public streets.
- Vehicular site access via Harrill Street and a bicycle access on Belmont Avenue. Driveway entrance on Harrill Street will be closed and replaced with access from the existing 10-foot alley located at the rear of the property at such time as the existing residential building is removed and replaced with a parking lot.
- A minimum six-foot tall wooden fence will be provided along the east property boundary abutting single family dwelling in R-5 (single family residential) zoning.
- Additional fenestration including windows will be provided to the principal structure along the Harrill Street frontage.
- An eight-foot planting strip and six-foot sidewalk will be provided along the Harrill Street frontage at such time as the existing single family structure is removed.
- Optional Provisions:
 - Allows the existing stairs located along Harrill Street to remain in association with a secondary access to and from the existing principal structure. Stairs will be removed should the secondary building access be removed.
 - Allows the existing streetscape condition consisting of a 14-foot wide sidewalk along Belmont Avenue to remain, and be modified to extend the 14-foot wide sidewalk to the eastern property line, as opposed to an eight-foot planting strip and six-foot sidewalk.

- Allows the existing streetscape condition along Harrill Street to remain, with the planting strip varying from three feet to eight feet, and the sidewalk width varying from six feet to nine feet in width, as opposed to an eight-foot planting strip and six-foot sidewalk.
- Allows future removal of the existing single family detached dwelling to allow for a parking lot expansion. At such time as the building is removed, the existing driveway entrance on Harrill Street will be closed, and the streetscape on Harrill Street extending from the former driveway to the 10-foot alley will be provided to reflect an eight-foot planting strip and six-foot sidewalk.
- **Existing Zoning and Land Use**
 - The subject property is currently developed with a nonconforming retail use and a single family detached dwelling in R-5 (single family residential) zoning.
 - Surrounding properties located on the west side of Belmont Avenue are zoned R-5 (single family residential), B-1 (neighborhood business), MUDD-O (mixed use development, optional), MUDD(CD) (mixed use development, conditional), I-1(CD) (light industrial, conditional), and I-2 (general industrial) and are developed with single family detached, duplex, and triplex dwelling units, a vacant automotive service station, and a vacant warehouse.
 - Properties on the east side of Belmont Avenue are zoned R-5 (single family residential), UR-3(CD) urban residential, conditional), R-22MF (multi-family residential), UR-2 (urban residential), UR-2(CD) (urban residential, conditional), and B-1 (neighborhood business), and developed with single family detached, duplex, and triplex dwelling units, and various retail uses.
 - See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area**
 - Petition 2017-48 rezoned approximately 0.357 acres located at the northeast intersection of Belmont Avenue and Pegram Street, east of Allen Street from R-5 (single family residential) to MUDD-O (mixed use development, optional) to allow for an eating/drinking/entertainment establishment and other select retail and office uses.
- **Public Plans and Policies**
 - The *Belmont Area Revitalization Plan* (2003) recommends single family uses up to five units per acre.
 - The adopted streetscape for Belmont Avenue is a five-foot planting strip and five-foot sidewalk with a travel lane in each direction.
- **TRANSPORTATION CONSIDERATIONS**
 - The site is located at the unsignalized intersection of local streets. The site plan commits to improving a sidewalk gap on Belmont Avenue and future streetscape improvements on Harrill Street with future development.
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 480 trips per day (based on 1,630 square feet of retail uses, and one single family detached dwelling).
 - Entitlement: 10 trips per day (based on one single family detached dwelling).
 - Proposed Zoning: 210 trips per day (based on 1,550 square feet of retail uses, and one single family detached dwelling).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Housing and Neighborhood Services:** No issues.
- **Charlotte Fire Department:** Non on-street parking on roads less than 26 feet clear width.
- **Charlotte-Mecklenburg Schools:** No comments received.
- **Charlotte Water:** Charlotte Water has water system availability via an existing six-inch water distribution main located along Harrill Street and an existing eight-inch distribution main along Belmont Avenue. Sewer system availability is provided via existing eight-inch gravity sewer mains located along Harrill Street and Belmont Avenue
- **Engineering and Property Management:**
 - **Arborist:** No trees can be removed from or planted in the right-of-way of Belmont Avenue or Harrill Street without permission of the City Arborist's office. Petitioner must submit a tree survey for all trees two inches or larger located in the right-of-way, and the survey shall include

- all trees eight inches or larger in the setback.
- **Erosion Control:** No issues.
- **Land Development:** No issues.
- **Storm Water Services:** No issues.
- **Urban Forestry:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

OUTSTANDING ISSUESTransportation

1. ~~Revise Note A under "Transportation Improvements and Access" to state vehicular access to the site will be from Harrill Street only, and that Belmont Avenue will no longer have vehicle access to the site.~~ Addressed

Site and Building Design

2. ~~Indicate how future parking lot will be screened along the 10-foot alley located at the rear.~~ Addressed

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Housing and Neighborhood Services Review
 - Charlotte Fire Department Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - City Arborist
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

Planner: Sonja Strayhorn Sanders (704) 336-8327

Petition 2017-134 by 813 Belmont, LLC

To Approve:

([I move that the](#)) Zoning Committee finds the petition to be **inconsistent** with the *Belmont Area Revitalization Plan* based on information from the staff analysis and the public hearing, and because:

- The plan recommends single family residential uses at a density of five units per acre.

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

- Site is located at a neighborhood node in the Belmont Neighborhood, and will provide an eating/drinking/entertainment establishment that is convenient to residents; and
- The rezoning proposes reuse of an existing commercial structure; and
- Fenestration improvements will be provided to the existing commercial structure, and the pedestrian system will be enhanced; and
- Site layout is designed to match the historic neighborhood character, with parking located to the rear of the building.

Consistency:

Maker:

2ND:

Approve or Deny

Vote:

Dissenting:

Recused:

Recommendation:

Maker:

2ND:

Approve or Deny

Vote:

Dissenting:

Recused:

To Deny:

([I move that the](#)) Zoning Committee finds the petition to be **inconsistent** with the *Belmont Area Revitalization Plan* based on information from the staff analysis and the public hearing, and because:

- The plan recommends single family residential uses at a density of five units per acre.

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

- (To be explained by the Zoning Committee)

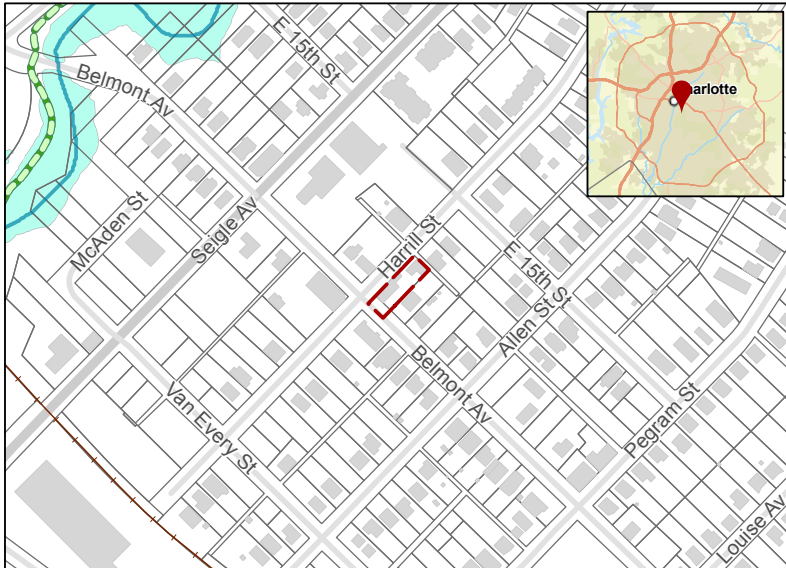
Rezoning Map 2017-134 : 813 Belmont LLC

Current Zoning R-5 (Single Family Residential)

Requested Zoning MUDD-O (Mixed Use Development District-Optional)
Approximately 0.16 acres

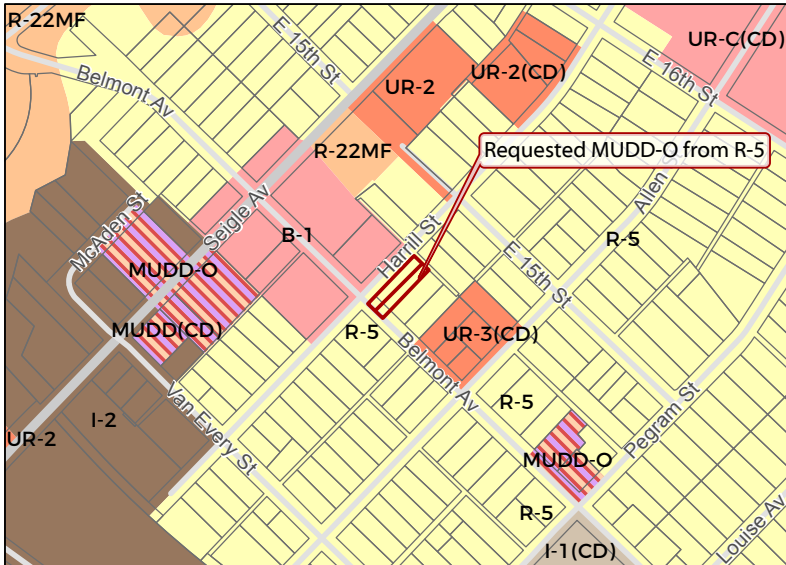


Location of Requested Rezoning



- 2017-134
- Inside City Limits
- Parcel
- Buildings
- FEMA Flood Plain
- Railway
- Cross Charlotte Trail
- Greenway
- Streams
- City Council District
- 1-Patsy B. Kinsey

Existing Zoning & Rezoning Request



- Requested MUDD-O from R-5
- Parcel
- Zoning Classification**
- Single Family
- Multi-Family
- Urban Residential
- Business
- Light Industrial
- Heavy Industrial
- Mixed Use

N



0 250 500 1,000 Feet

Map Created 9/5/2017



Land Planning
+
Landscape Architecture
+
Civil Engineering
+
Urban Design

813 BELMONT, LLC.

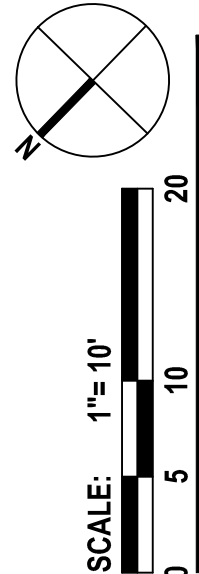
277 GOLD STREET
UNIT 5F
BROOKLYN, NY 11201

1001 BELMONT AVENUE
CHARLOTTE, NC 28205
North Carolina 28284

OVERALL REZONING PLAN

Issued 08/23/17

Revised 10/16/17 – FIRST REVIEW COMMENTS
11/27/17 – SECOND REVIEW COMMENTS

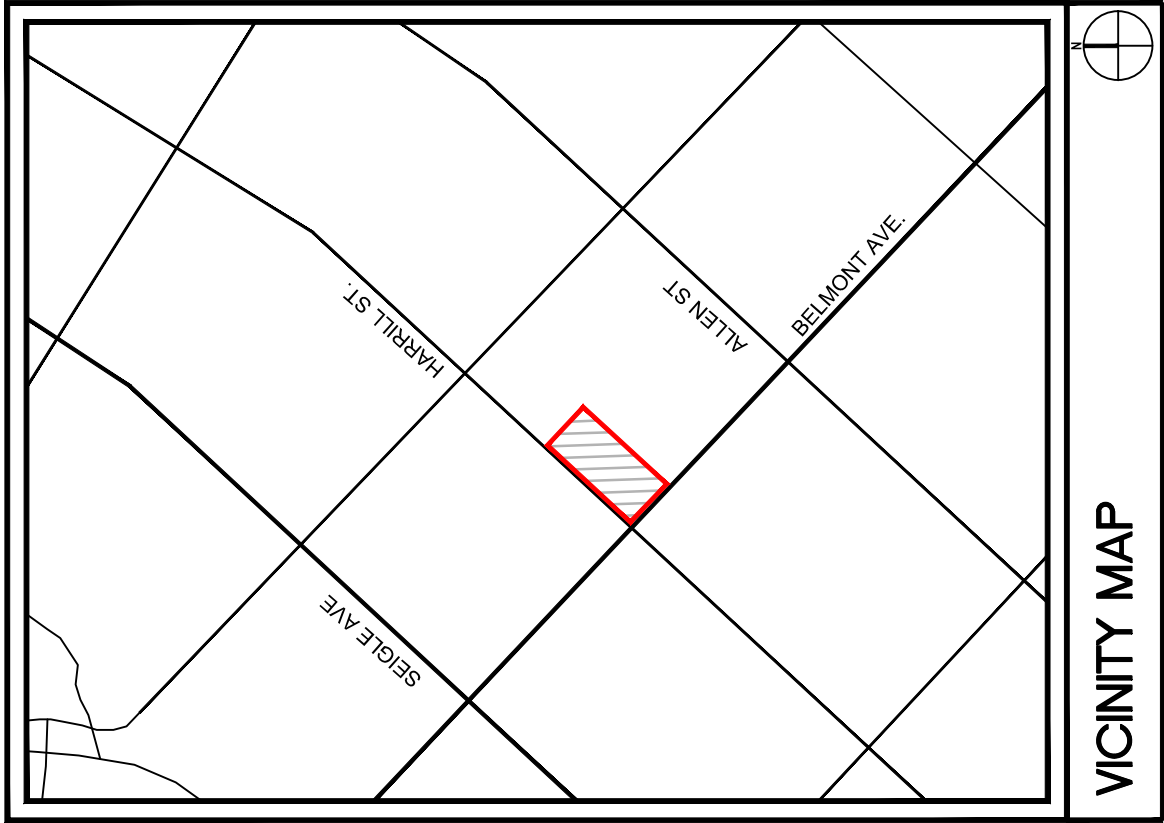


RZ-1

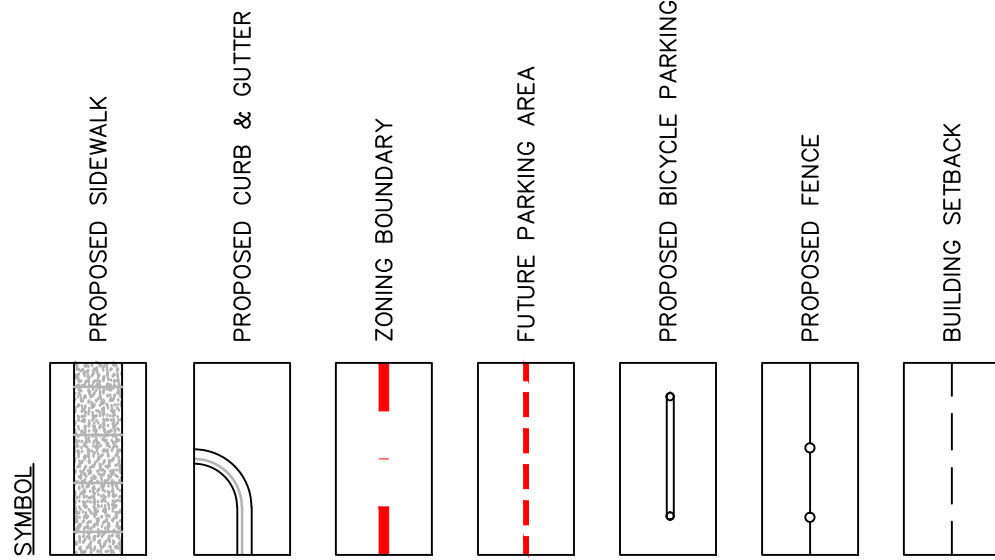
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PETITION #: 2017-134



LEGEND



SITE DEVELOPMENT DATA

TAX PARCEL NUMBER:	081-129-01
SITE AREA (ACRES):	0.16 AC ±
EXISTING ZONING:	R-5
PROPOSED ZONING:	MUDD-Q
EXISTING USES:	COMMERCIAL BUILDING & SINGLE FAMILY RESIDENTIAL
PROPOSED USES:	COMMERCIAL BUILDING (EDGE-UP TYPE 1) AND SINGLE FAMILY RESIDENTIAL
PARKING REQUIRED:	1 SPACE/400 SF = 3 1 SPACE/DWELLING UNIT = 1 TOTAL: 4 SPACES
PARKING PROVIDED:	4 SPACES (1 ACCESSIBLE) 0 LONG-TERM SPACES (BUILD- OUT AREA IS LESS THAN 2,500 SF .2 SHORT-TERM SPACES (5% AUTO PARKING)
BICYCLE PARKING PROVIDED:	8 SHORT-TERM SPACES

GENERAL REZONING NOTES

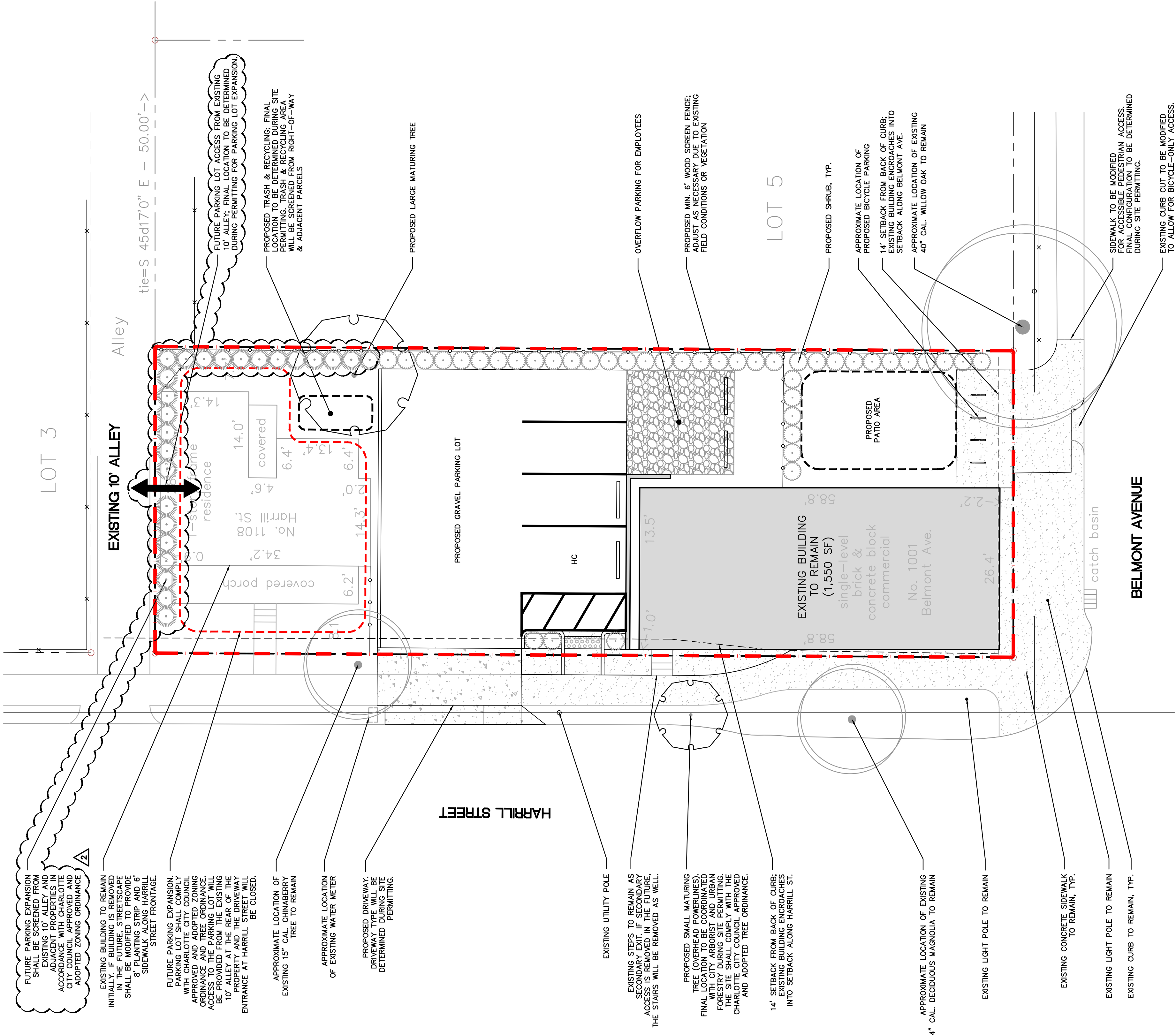
1. SEE SHEET RZ-200 FOR DEVELOPMENT STANDARDS
2. SEE SHEET RZ-200 FOR ZONING EXHIBIT

SURVEY DISCLAIMER

SURVEY ISSUED ON AUGUST 16, 2015 BY ZOUTEWELLE
LAND SURVEYORS, PC, 1123 SHADOWBROOK LANE
CHARLOTTE, NC 28211; (704) 910-2329

NOTE:

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



SITE DEVELOPMENT DATA:

- ACREAGE: 0.16 ACRES ±
- TAX PARCEL #: 081-125-01
- EXISTING ZONING: R-5
- PROPOSED ZONING: MUDD-O
- EXISTING USES: COMMERCIAL BUILDING AND SINGLE FAMILY RESIDENTIAL
- PROPOSED USES: COMMERCIAL BUILDING (EDEE - TYPE I) AND SINGLE FAMILY RESIDENTIAL
- MAXIMUM BUILDING HEIGHT: 120 FEET MAXIMUM AS ALLOWED IN THE MUDD-O DISTRICT.
- PARKING: RESIDENTIAL - 1 SPACE/DWELLING UNIT
COMMERCIAL - 1 SPACE/600 SQ. FT.

1. GENERAL PROVISIONS:

- a. SITE LOCATION, THESE DEVELOPMENT STANDARDS, THE TECHNICAL DATA SHEET AND OTHER GRAPHICS SET FORTH ON ATTACHED RZ SHEETS FORM THIS REZONING PLAN (COLLECTIVELY REFERRED TO AS THE "REZONING PLAN") ASSOCIATED WITH THE REZONING PETITION FILED BY 813 BELMONT, LLC ("PETITIONER") TO ACCOMMODATE DEVELOPMENT OF AN EDEE DEVELOPMENT ON AN APPROXIMATELY 0.16 ACRE SITE LOCATED AT THE INTERSECTION OF BELMONT AVENUE AND HARRILL STREET (THE "SITE").
- b. ZONING DISTRICTSORDINANCE, DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN AS WELL AS THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE"), UNLESS THE REZONING PLAN ESTABLISHES MORE STRINGENT STANDARDS. THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE MUDD-O ZONING CLASSIFICATION SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON THE SITE, SUBJECT TO THE OPTIONAL PROVISIONS PROVIDED BELOW.
- c. GRAPHICS AND ALTERATIONSMODIFICATIONS, THE SCHEMATIC DEPICTIONS OF THE USES, PARKING AREAS, SIDEWALKS, STRUCTURES AND BUILDINGS, BUILDING ELEVATIONS, BUILDING MATERIALS, STREETSCAPE PERSPECTIVES, DRIVEWAYS, STREETS, AND OTHER DEVELOPMENT MATTERS AND SITE ELEMENTS (COLLECTIVELY THE "DEVELOPMENT/SITE ELEMENTS") SET FORTH ON THE REZONING PLAN SHOULD BE REVIEWED IN CONJUNCTION WITH THE PROVISIONS OF THESE DEVELOPMENT STANDARDS. THE LAYOUT, LOCATIONS, SIZES AND FORMULATIONS OF THE DEVELOPMENT/SITE ELEMENTS DEPICTED ON THE REZONING PLAN ARE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT/SITE ELEMENTS PROPOSED, CHANGES TO THE REZONING PLAN NOT AUTHENTICATED BY THE REZONING PLAN WILL BE REVIEWED AND APPROVED AS ALLOWED BY SECTION 6.207 OF THE ORDINANCE.
- d. NUMBER OF BUILDINGS PRINCIPAL AND ACCESSORY, NOTWITHSTANDING THE NUMBER OF BUILDINGS SHOWN ON THE REZONING PLAN, THE TOTAL NUMBER OF PRINCIPAL BUILDINGS TO BE DEVELOPED ON THE SITE SHALL NOT EXCEED TWO (2). THE EXISTING COMMERCIAL BUILDING AND SINGLE-FAMILY BUILDING WILL REMAIN AS EXISTING. THE EXISTING COMMERCIAL BUILDING SHALL BE REMOVED AND THE SINGLE-FAMILY BUILDING WILL BE REMOVED. BUILDINGS AND STRUCTURES LOCATED ON THE SITE SHALL NOT BE CONSIDERED IN ANY LIMITATION ON THE NUMBER OF BUILDINGS ON THE SITE. ACCESSORY BUILDINGS AND STRUCTURES WILL BE CONSTRUCTED UTILIZING SIMILAR BUILDING MATERIALS, COLORS, ARCHITECTURAL ELEMENTS AND DESIGNS AS THE PRINCIPAL BUILDING(S) LOCATED ON THE SITE AS THE ACCESSORY STRUCTURE/BUILDING.
- e. GROSS FLOOR AREA, WHEN DETERMINING THE MAXIMUM DEVELOPMENT LEVELS SET FORTH IN THIS REZONING PLAN, GROSS FLOOR AREA AS DEFINED IN THE ORDINANCE SHALL EXCLUDE ANY SURFACE OR STRUCTURED PARKING FACILITIES (INCLUDING, WITHOUT LIMITATION, CORRIDORS AND ELEVATORS WITHIN SUCH FACILITIES), ENCLOSED LOADING DOCK/SERVICE AREAS, AND OUTDOOR DINING AND GATHERING AREAS WHETHER ON THE ROOF OF THE BUILDING OR AT STREET LEVEL.

2. OPTIONAL PROVISIONS.

THE FOLLOWING OPTIONAL PROVISIONS SHALL APPLY TO THE SITE:

- a. TO ALLOW THE EXISTING SECONDARY STAIR EGRESS ALONG HARRILL STREET TO REMAIN AND ENCROACH WITHIN THE PUBLIC RIGHT-OF-WAY. IF THE EXISTING SECONDARY EGRESS IS REMOVED IN THE FUTURE, THE STAIRS WILL BE REMOVED AS WELL.
- b. TO ALLOW A MODIFIED SIDEWALK AND PLANTING STRIP WIDTH AND QUANTITY OF STREET TREES ALONG BELMONT AVENUE AS PRACTICAL DUE TO EXISTING SITE CONDITIONS. THE EXISTING BELMONT AVENUE STREETSCAPE WILL REMAIN AND BE MODIFIED TO EXTEND THE FOURTEEN (14) FOOT SIDEWALK TO THE EASTERN PROPERTY LINE.
- c. TO ALLOW A MODIFIED SIDEWALK AND PLANTING STRIP WIDTH AND QUANTITY OF STREET TREES ALONG HARRILL STREET AS PRACTICAL DUE TO EXISTING SITE CONDITIONS. THE EXISTING HARRILL STREET STREETSCAPE WILL REMAIN WITH THE PLANTING STRIP VARYING FROM THREE (3) FEET TO (EIGHT) FEET AND THE SIDEWALK WIDTH VARYING FROM SIX (6) FEET TO NINE (9) FEET.
- d. TO ALLOW THE EXISTING SINGLE-FAMILY BUILDING TO BE REMOVED IN THE FUTURE FOR PARKING LOT EXPANSION. IF THE SINGLE-FAMILY BUILDING IS REMOVED, THE HARRILL STREET STREETSCAPE WILL BE MODIFIED TO PROVIDE AN EIGHT (8) FOOT PLANTING STRIP AND SIX (6) FOOT SIDEWALK. ACCESS TO THE MARKING LOT WILL BE PROVIDED FROM THE EXISTING TEN (10) FOOT ALLEY AT THE REAR OF THE PROPERTY AND THE DRIVEWAY WILL BE MODIFIED TO PROVIDE ACCESS TO THE DRIVEWAY. THE DRIVEWAY WILL BE MODIFIED WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED ZONING ORDINANCE AND TREE ORDINANCE.

3. PERMITTED USES & DEVELOPMENT AREA LIMITATIONS:

- a. THE SITE MAY BE DEVELOPED WITH EDEE AND RESIDENTIAL USES ALONG WITH ACCESSORY USES AS ALLOWED IN THE MUDD-O ZONING DISTRICT.

4. TRANSPORTATION IMPROVEMENTS AND ACCESS:

- I. PROPOSED IMPROVEMENTS:
 - a. THROUGH ACCESS TO THE SITE WILL BE PROVIDED FROM HARRILL STREET ONLY AS GENERALLY DEPICTED ON THE REZONING PLAN. VEHICULAR ACCESS TO THE SITE WILL BE PROHIBITED FROM BELMONT AVENUE.
 - b. MINOR ADJUSTMENTS IN THE LOCATION OF THE POSSIBLE CONNECTIONS CAN BE MADE IN CONSULTATION WITH THE PLANNING DEPARTMENT DURING THE URBAN REVIEW AND APPROVAL PROCESS.

SUBJECT TO THE PROVISIONS AND DESIGN DESCRIBED IN THE SECTION ABOVE, THE PLACEMENTS AND CONFIGURATIONS OF VEHICULAR ACCESS POINTS ARE SUBJECT TO MINOR MODIFICATIONS, AS APPROVED BY THE PLANNING DEPARTMENT, TO ACCOMMODATE THE PROPOSED DEVELOPMENT AND ANY ADJUSTMENTS REQUIRED TO FOR APPROVAL BY CDOT IN ACCORDANCE WITH THE PUBLISHED STANDARDS.

II. STANDARDS, PHASING AND OTHER PROVISIONS

- a. ALL PUBLIC TRANSPORTATION IMPROVEMENTS SHALL BE APPROVED AND CONSTRUCTED BEFORE THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED.

5. PEDESTRIAN ACCESS AND CIRCULATION DESIGN

- a. PEDESTRIAN ACCESS WILL BE PROVIDED FROM BELMONT AVENUE, WITH SECONDARY ACCESS ON HARRILL STREET.

6. ARCHITECTURAL STANDARDS

- a. THE PETITIONER WILL PROVIDE ADDITIONAL BUILDING FENESTRATION INCLUDING WINDOWS ALONG THE EXISTING BUILDINGS HARRILL STREET FRONTAGE PER THE MUDD ZONING DISTRICT REGULATIONS.

- b. SERVICE AREA SCREENING - ANY SITE SERVICE AREAS (DUMPSTERS, REFUSE AREAS, RECYCLING AREAS, STORAGE) SHALL BE SCREENED FROM PUBLIC VIEW IN ACCORDANCE WITH THE ZONING REGULATIONS.

7. SIGNAGE:

- a. SIGNAGE AS ALLOWED BY THE ORDINANCE MAY BE PROVIDED IN ACCORDANCE WITH THE ZONING REGULATIONS.

8. LIGHTING:

- a. LIGHTING AS ALLOWED BY THE ORDINANCE MAY BE PROVIDED IN ADDITION TO THE LIGHTING OTHERWISE ALLOWED IN THIS SECTION.
- b. ALL NEW LIGHTING SHALL BE FULL CUT-OFF TYPE LIGHTING FIXTURES EXCLUDING LOWER, DECORATIVE LIGHTING THAT MAY BE INSTALLED ALONG THE DRIVEWAYS, SIDEWALKS, AND PARKING AREAS.
- c. DETACHED LIGHTING ON THE SITE, EXCEPT DECORATIVE LIGHTING OR ART WORK THAT UTILIZES LIGHTING ELEMENTS WHEN LOCATED IN THE PUBLIC OPEN SPACE AREAS AND STREET LIGHTS LOCATED ALONG PUBLIC STREETS, WILL BE LIMITED TO 20 FEET IN HEIGHT.

9. ENVIRONMENTAL FEATURES

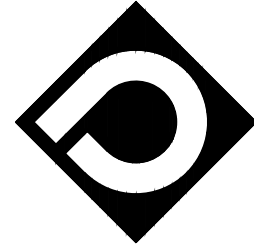
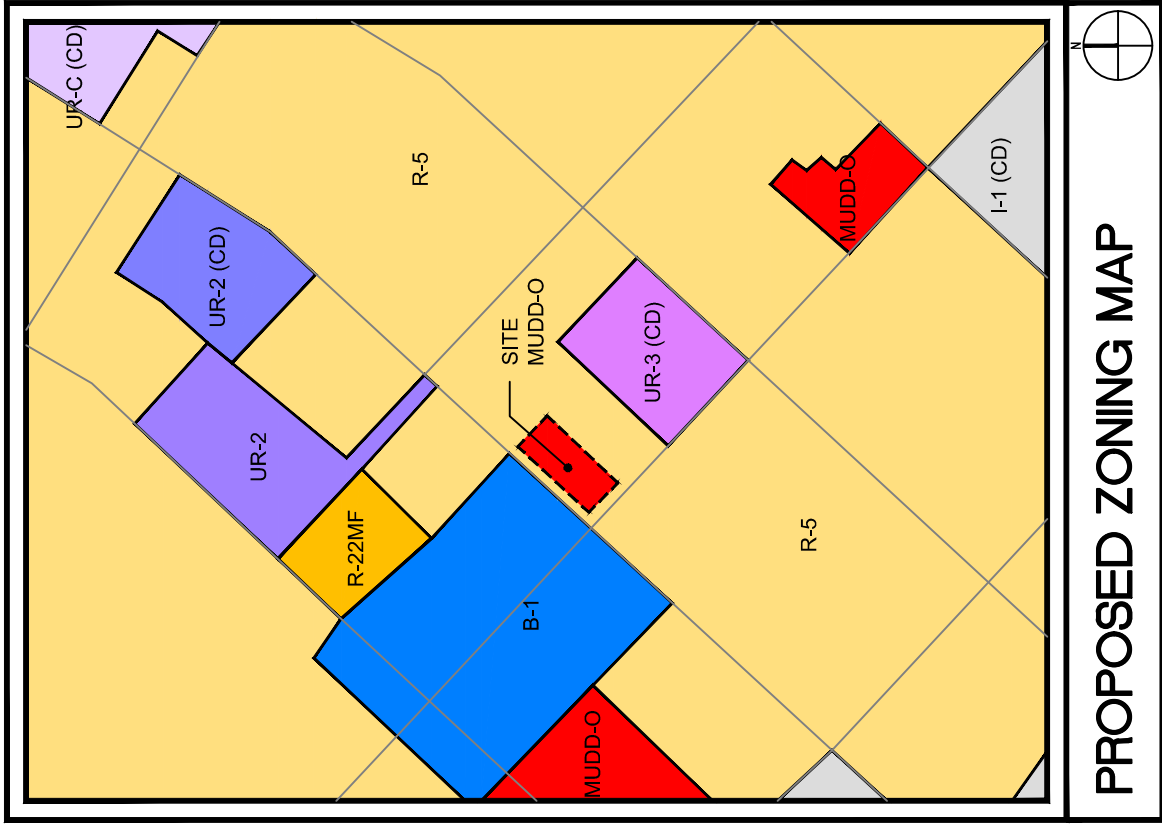
- a. THE SITE SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION CONTROLS ORDINANCE.

10. AMENDMENTS TO THE REZONING PLAN:

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

11. BINDING EFFECT OF THE REZONING APPLICATION:

- a. IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE DEVELOPMENT OF THE SITE IMPOSED UNDER THE REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED HEREIN AND UNLESS OTHERWISE SPECIFIED, BE BINDING ON THE DEVELOPMENT OF THE SITE AND ON THE DEVELOPMENT OF THE OWNERS OF THE SITE OR DEVELOPMENT AREAS, AS APPLICABLE, AND THEIR RESPECTIVE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST OR ASSIGNS.



ColeJenest
& Stone

Shaping the Environment
Realizing the Possibilities

- Land Planning
- Landscape Architecture
- Civil Engineering
- Urban Design

200 South Tryon Street, Suite 1400
Charlotte, North Carolina 28202
P: 704.376.1555 F: 704.376.7891
www.colejenestandstone.com

813 BELMONT, LLC.

277 GOLD STREET
UNIT 5F
BROOKLYN, NY 11201

1001 BELMONT AVENUE
CHARLOTTE, NC 28205
North Carolina 28284

OVERALL
REZONING
PLAN

Project No.

4550

Issued

09/23/17

Revised

10/16/17 - FIRST REVIEW COMMENTS
11/27/17 - SECOND REVIEW COMMENTS

RZ-1

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PETITION #: 2017-134



Agenda Date: 12/5/2017

Agenda #: 11. **File #:** 15-7010 **Type:** Zoning Item

Rezoning Petition: 2017-140 by Midwood-Overlook, LLC

Location: Approximately 0.50 acres located at the southwest corner of Central Avenue and Iris Drive.
(Council District 1 - Kinsey)

Public Hearing Held: *November 20, 2017*

Staff Resource: [Sonja Strayhorn Sanders](#)

Staff Recommendation:

Staff recommends approval of this petition.

Attachments:

Post Hearing Staff Analysis
Statement of Consistency
Map
Site Plan

REQUEST	Current Zoning: B-1 (neighborhood business) Proposed Zoning: MUDD-O (mixed use development, optional)
LOCATION	Approximately 0.50 acres located at the southwest corner of Central Avenue and Iris Drive. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes to reuse an existing building to allow uses permitted in the MUDD (mixed use development) district, including but not limited to retail, office and eating/drinking/entertainment establishments.
PROPERTY OWNER	Midwood-Overlook, LLC
PETITIONER	Midwood-Overlook, LLC
AGENT/REPRESENTATIVE	RKM Development, LLC
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 14.

STAFF RECOMMENDATION	<p>Staff recommends support of the petition.</p> <p><u>Plan Consistency</u> The petition is consistent with the <i>Central District Plan</i>, which recommends retail uses.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • The subject site is located on Central Avenue, which is a commercial corridor, and along a future phase of the proposed LYNX Gold Line Streetcar alignment. • This site's location within ½ mile of the Central Avenue/Plaza Midwood business district places it within walking distance of neighborhood goods and services as well as entertainment opportunities, and Veteran's Park. • The site is walkable from surrounding residences including new residences in the Morningside neighborhood area. • This project proposes to repurpose the existing building that is sensitive in scale to the surrounding neighborhood, for uses allowed in the MUDD (mixed use development) district. • The majority of parking is located behind the existing building and across from nonresidential zoning and land use, which limits the impact on nearby residences.
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PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Reuse of an existing 6,670 square foot building, with an expansion of up to 8,000 square feet, to allow a total of 14,670 square feet of uses permitted in the MUDD (mixed use development) district including but not limited to retail, office and eating/drinking/entertainment establishment uses.
- Access to the site provided via existing driveways on Central Avenue and Iris Drive.
- Petitioner to construct a new six-foot sidewalk and eight-foot planting strip along Iris Drive, and to improve the existing six-foot sidewalk along the street frontage on Central Avenue, with a modified planting strip.
- All transportation improvements to be approved and constructed before issuance of the site's first building certificate of occupancy.
- Maximum building height of proposed building and patio expansion shall not exceed 50 feet including any rooftop patio structure.
- Improvements to the existing building will include new pedestrian oriented entrances, covered and uncovered patios, and improved fenestration.
- Outdoor common open space to be provided at rear of the building.
- Requests the following optional provisions:

- Reduce parking requirements by 25%, to allow preservation of existing building.
- Allow parking between the building and Central Avenue, to facilitate ADA parking and service entrance.
- Exempt the parking lot accessible from Iris Drive from screening requirements along the southern and northern sides, provided that screening will be provided along Iris Drive.
- Allow a six-foot sidewalk and three-foot planting strip between the sidewalk and existing curb and tapered on the interior of the parcel to connect to the existing adjacent sidewalk along Central Avenue.
- Allow cross access between the driveways on Central Avenue and the adjacent parcel to the east when/if the parcel comes under common ownership with the petitioner.
- **Existing Zoning and Land Use**
 - The subject property is zoned B-1 (neighborhood business) and developed with a commercial structure formerly used as a dry cleaning establishment.
 - Adjacent parcels fronting both sides of Central Avenue are zoned B-1 (neighborhood business), MUDD(CD) (mixed use development, conditional), MUDD-O (mixed use development, optional), O-1 (office), and R-4 (single family residential), and developed with various neighborhood serving office and commercial uses including a barber shop, eating/drinking/entertainment establishments, office/warehouse, a medical clinic, pharmacy, automotive sales and repair, and a child care center. The exception is Veteran's Park, which is located in R-4 (single family residential) zoning directly abutting the site to the west and south.
 - Surrounding properties behind lots fronting both sides of Central Avenue located between Westover Street and Morningside Drive contain single family residential, multi-family dwellings, office condominiums, office, and retail uses in R-4, R-5 and R-8 (single family residential), UR-2(CD) (urban residential, conditional), R-22MF (multi-family residential), O-2 (office), B-1 (neighborhood business), MUDD(CD) (mixed use development, conditional), and MUDD-O (mixed use development, optional) zoning districts.
 - See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area**
 - Petition 2016-75 rezoned 0.55 acres located on the northwest corner at the intersection of Central Avenue and Chatham Avenue from B-1 (neighborhood business) and O-2 (office) to MUDD(CD) (mixed use development, conditional) to allow up to 12 single family attached dwelling units.
 - Petition 2016-22 rezoned 1.02 acres located on the north side of Central Avenue near the intersection of Landis Avenue and Central Avenue to MUDD-O (mixed use development, optional) to reuse an existing building in the Plaza Midwood neighborhood to allow any use in the MUDD (mixed use development) district.
 - Petition 2015-56 rezoned 1.92 acres located on the north side of Central Avenue between Nandina Street and Landis Avenue from B-1 (neighborhood business) and MUDD(CD) (mixed use development, conditional) to MUDD(CD) (mixed use development, conditional) and MUDD(CD) SPA (mixed use development, conditional, site plan amendment) to allow up to 97 multi-family dwelling units, with up to 7,800 square feet of non-residential uses including 3,000 square feet for leasing office and amenity space and 4,800 square feet of commercial uses along Central Avenue.
 - Petition 2014-05 rezoned approximately 0.39 acres located on the north side of Central Avenue between St. Julien Street and Westover Street from B-1 (neighborhood business) to MUDD-O (mixed use development, optional) to allow up to 36 multi-family units and ground level parking.
- **Public Plans and Policies**
 - The *Central District Plan* (1993) recommends retail uses for these properties.
- **TRANSPORTATION CONSIDERATIONS**
 - The site is located at the unsignalized intersection of a major thoroughfare and a local street. The petitioner has committed to improving a portion of the streetscape on Central Avenue, adding planting strip and sidewalk on Iris Drive, limiting driveways along Iris Drive, following CDOT walkability goals, and committing to future cross access to adjacent parcels.
 - See Outstanding Issues, Note 1.
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 1,070 trips per day (based on 5,800 square feet of retail).
 - Entitlement: 1,070 trips per day (based on 5,800 square feet of retail).
 - Proposed Zoning: 1,950 trips per day (based on 14,670 square feet of retail).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Housing and Neighborhood Services:** No issues.
- **Charlotte Fire Department:** Charlotte Fire Department access road shall be within 150 feet of the most remote exterior wall of the structure.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte Water:** Charlotte Water has water system infrastructure accessible for the rezoning boundary via existing six-inch water mains located along Central Avenue and Iris Drive. Sanitary sewer system infrastructure is accessible via existing eight-inch gravity sewer mains located along Central Avenue and Iris Drive.
- **Engineering and Property Management:**
 - **Arborist:** Trees cannot be planted in the right-of-way of Central Avenue and Iris Drive without authorization from the City Arborist.
 - **Erosion Control:** No issues.
 - **Land Development:** No issues.
 - **Storm Water Services:** Rezoning plan proposed encroachments into SWIM and/or Post Construction Stormwater Ordinance stream buffers. Any increase of impervious area within such buffers may not be allowed and is not approved with the rezoning process. Charlotte-Mecklenburg Stormwater Services has drainage easements on the two properties being rezoned. The site plan includes an outdoor seating area/future building expansion envelope that encroaches into the easements. The easement agreement includes restrictions on certain encroachments, which are included in the easement agreement. See Outstanding Issues, Note 8
 - **Urban Forestry:** Site must comply with the Tree Ordinance.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

OUTSTANDING ISSUESTransportation

1. ~~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. CDOT requests right-of-way set at two feet behind back of sidewalk where feasible.~~ **CDOT has rescinded this request.**

Site and Building Design

2. ~~Clarify the building square footage, show the square footage of the outdoor seating area and deck on the site plan, and show the area where expansion is proposed. If an additional floor is proposed it should be indicated and the location of the second building should be clarified or the number of buildings reduced to one.~~ **Addressed**
3. ~~Show and label minimum five-foot sidewalk from the building to the public sidewalk along Iris Drive that avoids the driveway.~~ **Addressed**
4. ~~Show and label setbacks measured from the future back-of-curb along both streets.~~ **Addressed**
5. ~~Amend parking requirement under Development Data to add "parking as required per Section 9.8507."~~ **Addressed**
6. ~~Label the 207-square foot modified planting area provided to facilitate tree placement and modification.~~ **Addressed**

REQUESTED TECHNICAL REVISIONSEnvironment

7. ~~Remove the compact car notation from the site plan as the amount of allowed compact spacing will be determined during building permitting review.~~ **Addressed**

Infrastructure

8. ~~Replace Note "A" under Environmental Features with the following: "Development within the SWIM/PCSO Buffer shall be coordinated with and approved by Charlotte-Mecklenburg Storm Water Services and mitigated if required by City ordinance."~~ **Addressed**

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map

- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Housing and Neighborhood Services Review
 - Charlotte Fire Department Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - City Arborist
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

Planner: Sonja Strayhorn Sanders (704) 336-8327

Petition 2017-140 by Midwood-Overlook, LLC

To Approve:

([I move that the](#)) Zoning Committee finds the petition to be **consistent** with the *Central District Plan* based on information from the staff analysis and the public hearing, and because:

- The plan recommends retail uses.

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

- The subject site is located on Central Avenue, which is a commercial corridor, and along a future phase of the proposed LYNX Gold Line Streetcar alignment; and
- This site's location within ½ mile of the Central Avenue/Plaza Midwood business district places it within walking distance of neighborhood goods and services as well as entertainment opportunities, and Veteran's Park; and
- The site is walkable from surrounding residences including new residences in the Morningside neighborhood area; and
- This project proposes to repurpose the existing building that is sensitive in scale to the surrounding neighborhood, for uses allowed in the MUDD (mixed use development) district; and
- The majority of parking is located behind the existing building and across from nonresidential zoning and land use, which limits the impact on nearby residences.

Consistency:

Maker:

2ND:

Approve or Deny

Vote:

Dissenting:

Recused:

Recommendation:

Maker:

2ND:

Approve or Deny

Vote:

Dissenting:

Recused:

To Deny:

([I move that the](#)) Zoning Committee finds the petition to be **consistent** with the *Central District Plan* based on information from the staff analysis and the public hearing, and because:

- The plan recommends retail uses.

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

- (To be explained by the Zoning Committee)

Rezoning Map

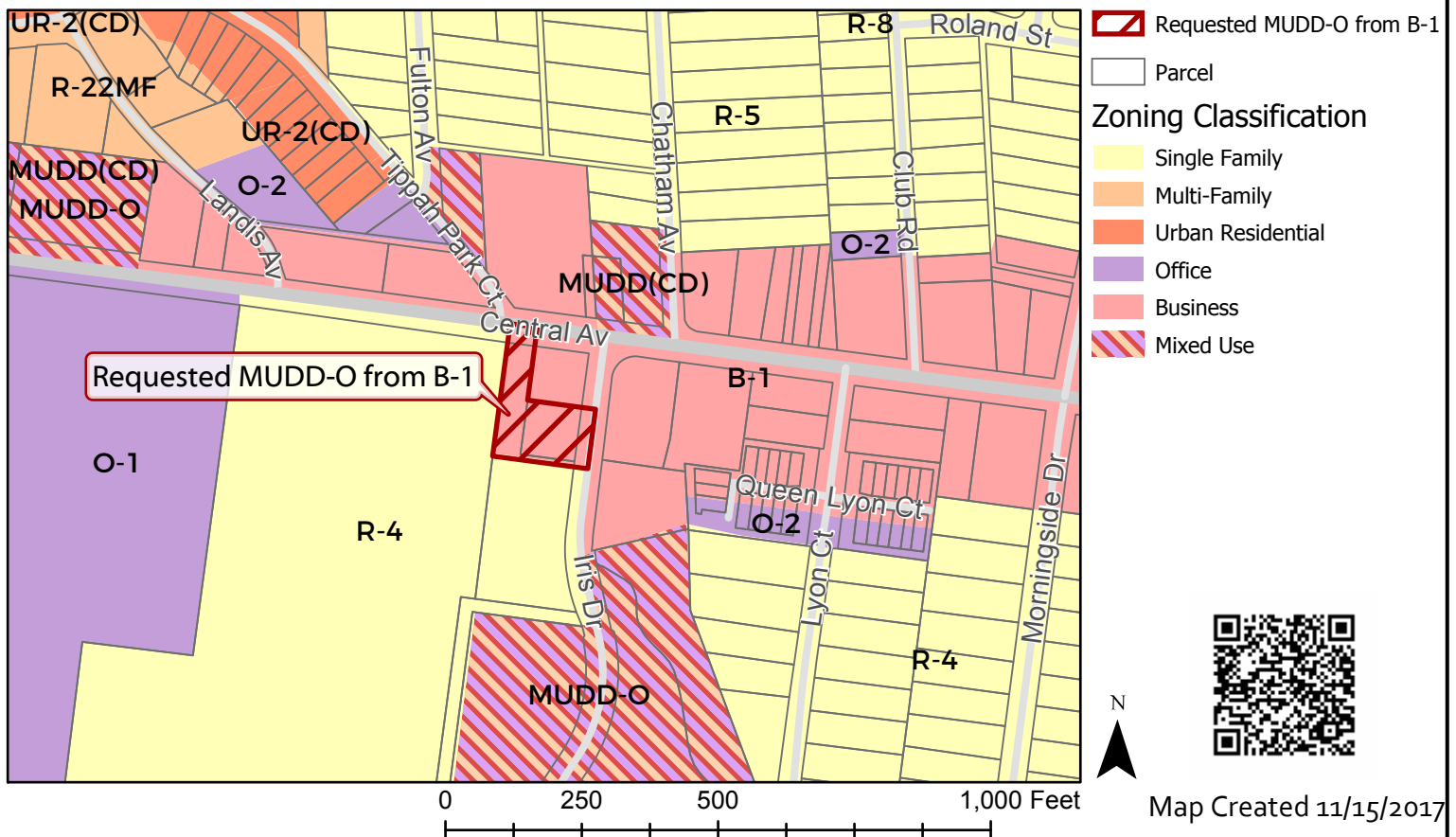
2017-140 : Midwood-Overlook, LLC

Current Zoning B-1 (Neighborhood Business)
Requested Zoning MUDD-O (Mixed Use Development District-Optional)
Approximately 0.50 acres

Location of Requested Rezoning



Existing Zoning & Rezoning Request



**Notes for rezoning of 2306 Central Ave., Parcel #12902107 and 12902109
Petition # 2017-140**

1. Development Data Table

Tax Parcels:	12902107, 12902109
Total Site Area:	0.50 Acres
Existing Zoning:	B-1
Proposed Zoning:	MUDD-O
Existing Use:	Retail (Dry Cleaners)
Proposed Use:	Any use or combination of non-residential uses and accessory uses as permitted in sections 9.8502 and 9.8503 of the City of Charlotte Zoning Ordinance.
Residential Density:	N/A

Residential Density:

Square Footage (Retail):	5,585 SF
Floor Area:	
Outdoor Seating & Building Expansion:	Per Ordinance req. up to 9,085 SF
Floor Area Ratio:	5,585 SF / 21,936 SF = 0.25
Maximum Building Height:	50'
Maximum No. of Stories:	3
Maximum No. of Buildings:	1
Parking Spaces:	
Required:	Parking as required per Section 9.8507
Proposed:	26
Open Space:	N/A

2. General Provisions

- a. The development of the Site will be governed by this Zoning Plan and the standards, applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). The regulations established for the zoning of the MUDD zoning district shall govern the development of this Site, subject to the optional provisions herein.
- b. The development depicted on the Zoning Plan is schematic and represents the general proposal for the project. Accordingly, the configuration, placement, size and number of the stairs, ramps, parking areas, parking ramps, parking areas and/or site elements may vary from the depicted plan, with the exception of the minimum dimensions set forth in the Optional Provisions provided below.
- c. Alterations to the conditional plan are subject to section 6.207. Alterations to Approval.

3. Optional Provisions

c. Parking requirements shall be reduced by 25%, to facilitate preservation of the existing buildings;

d. To facilitate ADA parking and service entrance, parking shall be permitted between Central Ave. and the building facade, between the existing building/permitted uses and the required setback in the manner shown on the Rezoning Plan.

e. The Parking lot accessible from Iris Dr. shall be exempt from screening requirements along the southern and northern sides, provided that screening pursuant to 12.303 of the Ordinance shall be provided along Iris Dr.

d. In order to maintain alignment with the existing adjacent sidewalk to the west, Petitioner to construct a 6' sidewalk along Central Ave. with a consistent 3' planting strip between the sidewalk and existing curb and tapered on the interior of the parcel to connect to the existing adjacent sidewalk.

e. Cross access will be allowed between the driveway on Central Avenue and the adjacent parcel when/if parcel comes under common ownership with the Petitioner.

4. Permitted uses

a. Allowed uses: Any use or combination of non-residential uses and accessory uses as permitted in sections 9.8502 and 9.8503 of the City of Charlotte Zoning Ordinance, including but not limited to retail, office and eating and drinking entertainment uses.

5. Transportation

- a. Petitioner to construct a new 6' sidewalk and 8' planting strip along Iris Dr.
- b. Petitioner to improve the existing sidewalk on Central Ave. to a 6' sidewalk with a modified planting strip as depicted on the Site Plan.
- c. Existing curb cuts shall remain as generally depicted on the Site Plan.
- d. All transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued.

6. Architectural Standards

c. Area marked as Future Building and Patio Expansion Area may increase the size of the existing building footprint by no more than 50% of the existing building footprint so long as the building footprint does not exceed 50' including any rooftop patio structure.

d. Existing Building shall remain and Petitioner may increase the size of the existing building or add additional floors or square footage to building so long as the building footprint does not exceed 50' including any rooftop patio structure.

e. Urban Design details to included new pedestrian oriented entrances, covered and uncovered patios and improved fenestration of existing building in compliance with the fenestration requirements of Section 12.5444(1)(c) of the Zoning Ordinance.

7. Streetscape and Landscaping

Dr. will be provided. The setback shall include a six (6) foot sidewalk and an eight (8) foot planting strip as depicted on the Site Plan.

b. In order to maintain alignment with the existing adjacent sidewalk to the west, Petitioner to construct a 6' sidewalk along Cent Ave. with a consistent 3' planting strip between the sidewalk and existing curb and tapered on the interior of the parcel to connect to the existing adjacent sidewalk.

c. Petitioner to include a modified planting area as depicted on the Site Plan of approximately 207 sq ft to facilitate tree placement and modification.

d. Addition of street trees and interior trees as shown on the site plan, shall be planted.

8 Environmental Features

- a. Development within the SWIM/PCSO Buffer shall be coordinated with and approved by Charlotte-Mecklenburg Storm Water Services and mitigated if required by City ordinance;
- b. Tree save areas - N/A

9. Parks, Greenways and Open Space

a. Reservation/Dedication of park and/or greenway: N/A
b. Park and/or greenway improvements: N/A
c. Privately constructed open space as shown on patio areas and planting areas.

10. Fire Protection

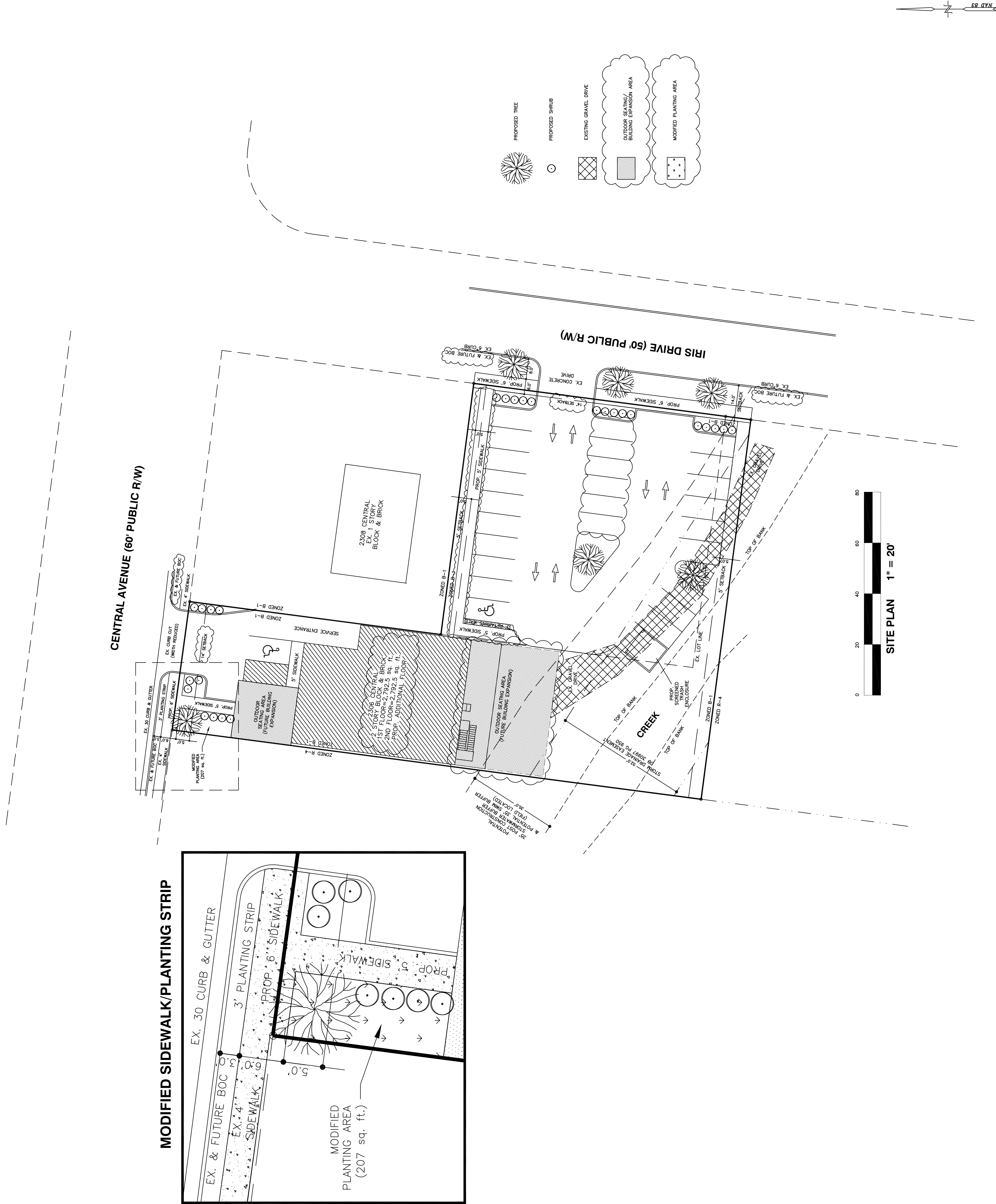
a. Per applicable Ordinance.

11. Signage

a. Sign limitations - Per Ordinance requirements.

12. Lighting

a. All new outdoor lighting to be screened and shielded lighting per 12.402 of the Ordinance.





Agenda Date: 12/5/2017

Agenda #: 12. **File #:** 15-7098 **Type:** Zoning Item

**Rezoning Petition: 2001-016 (C) by Marc Houle-Yarbrough Williams
- Innovative Request**

Agent: Marc Houle

Staff Resource: [Solomon Fortune](#)

Location: Approximately located on the east side of Shelburne Farms Drive and South of Terrance Court Drive.

Request: Innovative provisions are being requested for the MX-3 residential portion of the Palisades Development with petition 2001-016 (C). The following items are the requested innovative provisions:

1. A minimum lot size of 3,600 square feet.
2. Minimum lot width of 40 feet.
3. Minimum front setback of 20 feet measured from the right-of-way.
4. A minimum rear yard of 30 feet.
5. Modified 40' local residential Public Street with eight foot planting strip and five foot sidewalk.
6. 10 foot setback for Shelburne Farms Drive and new Public Street for the existing outdoor recreation use.
7. 20 foot side yard for Grand Palisades Parkway for the existing outdoor recreation use.

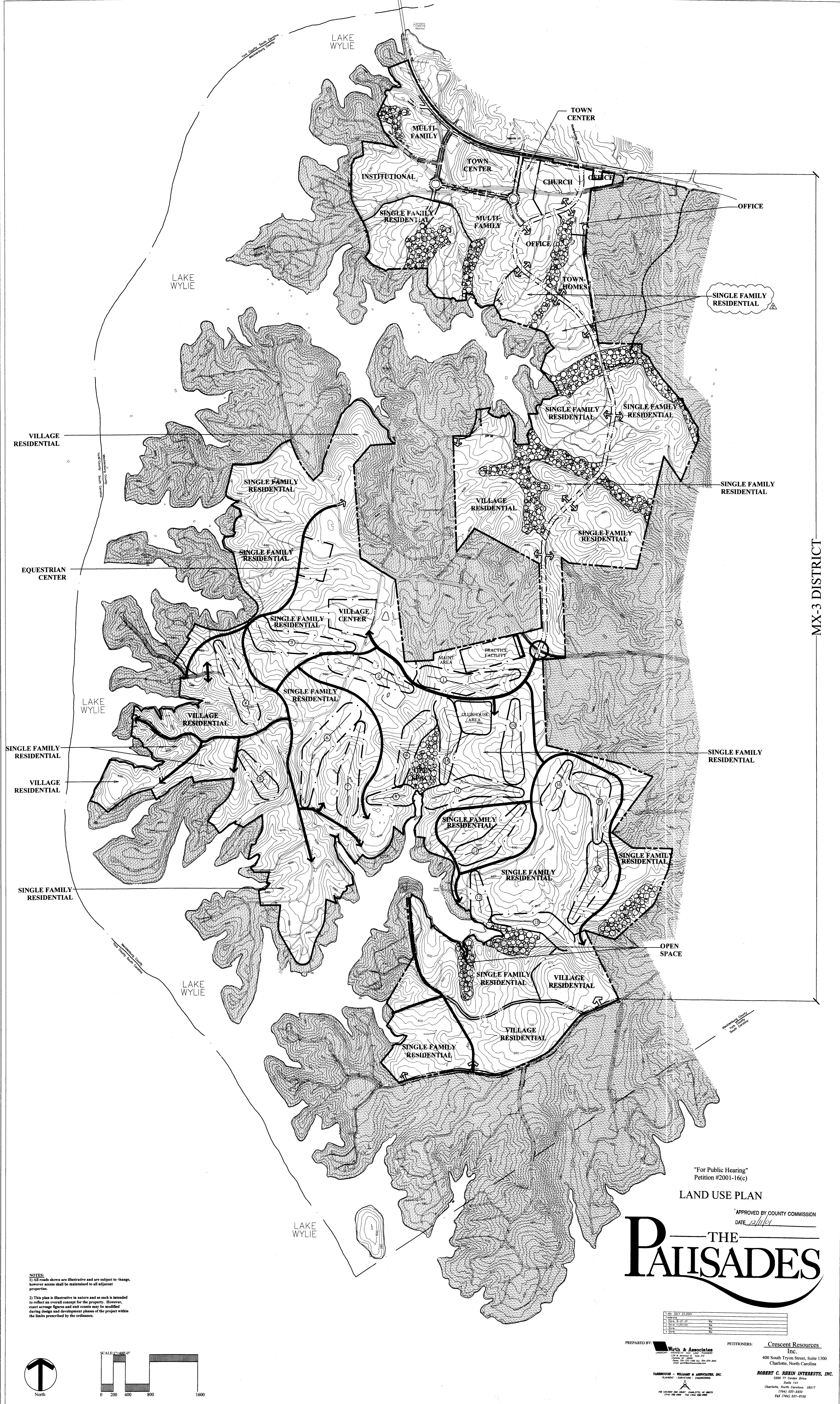
Staff Recommendation:

Staff recommends approval of the innovative request.

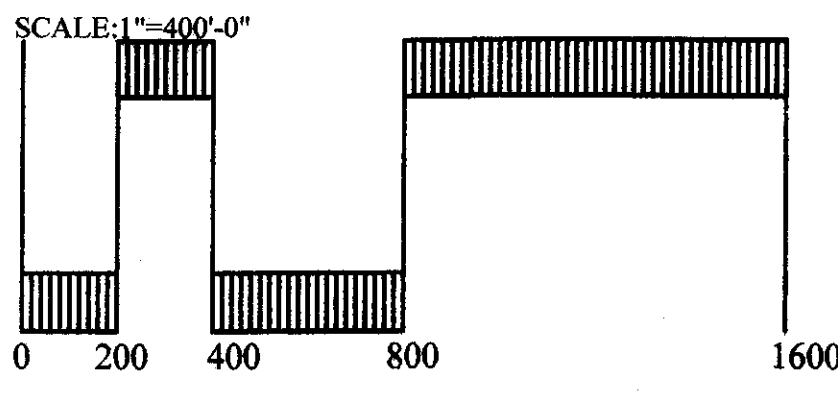
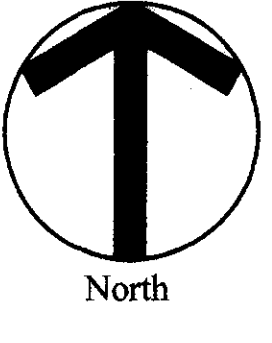
Attachments:

Innovative Site Plan
Previous Site Plan Cover
Approved Site Plan

Previously Approved Site Plan



NOTES:
1) All roads shown are illustrative and are subject to change, however access shall be maintained to all adjacent properties.
2) This plan is illustrative in nature and as such is intended to reflect an overall concept for the property. However, exact acreage figures and unit counts may be modified during design and development phases of the project within the limits prescribed by the ordinance.



"For Public Hearing"
Petition #2001-16(c)

LAND USE PLAN

APPROVED BY COUNTY COMMISSION
DATE 12/11/01

THE PALISADES

1	2001-16(c)
2	2001-16(c)
3	2001-16(c)
4	2001-16(c)
5	2001-16(c)
6	2001-16(c)

PREPARED BY: **Wirth & Associates**
PLANNING - SURVEYING - ENGINEERING
1000 W. 10th St., Suite 100
Charlotte, NC 28202
Phone: 336-375-3000
Fax: 336-375-3004
www.wirthandassociates.com

PETITIONERS: **Crescent Resources Inc.**
400 South Tryon Street, Suite 1300
Charlotte, North Carolina
ROBERT C. RHRIN INTERESTS, INC.
5200 79 Center Drive
Suite 141
Charlotte, North Carolina 28217
(704) 587-2333
FAX (704) 587-0750

LAKE WYLIE

ROBERT G. SPARTY, JR.

LOCATION MAP NOT TO SCALE

SITE DEVELOPMENT DATA:

OVERALL PROJECT SUMMARY

EXISTING ZONING: R-5 & B-2
PROPOSED ZONING: MX-3
TOTAL AREA: 1,492.71 AC
TOTAL RESIDENTIAL AC: 1,068.9 AC
TOTAL RESIDENTIAL UNITS: 4,145 UNITS
OVERALL RESIDENTIAL DENSITY: 3.9 DU/AC
TOTAL OPEN SPACE: 301.9 AC (20%)

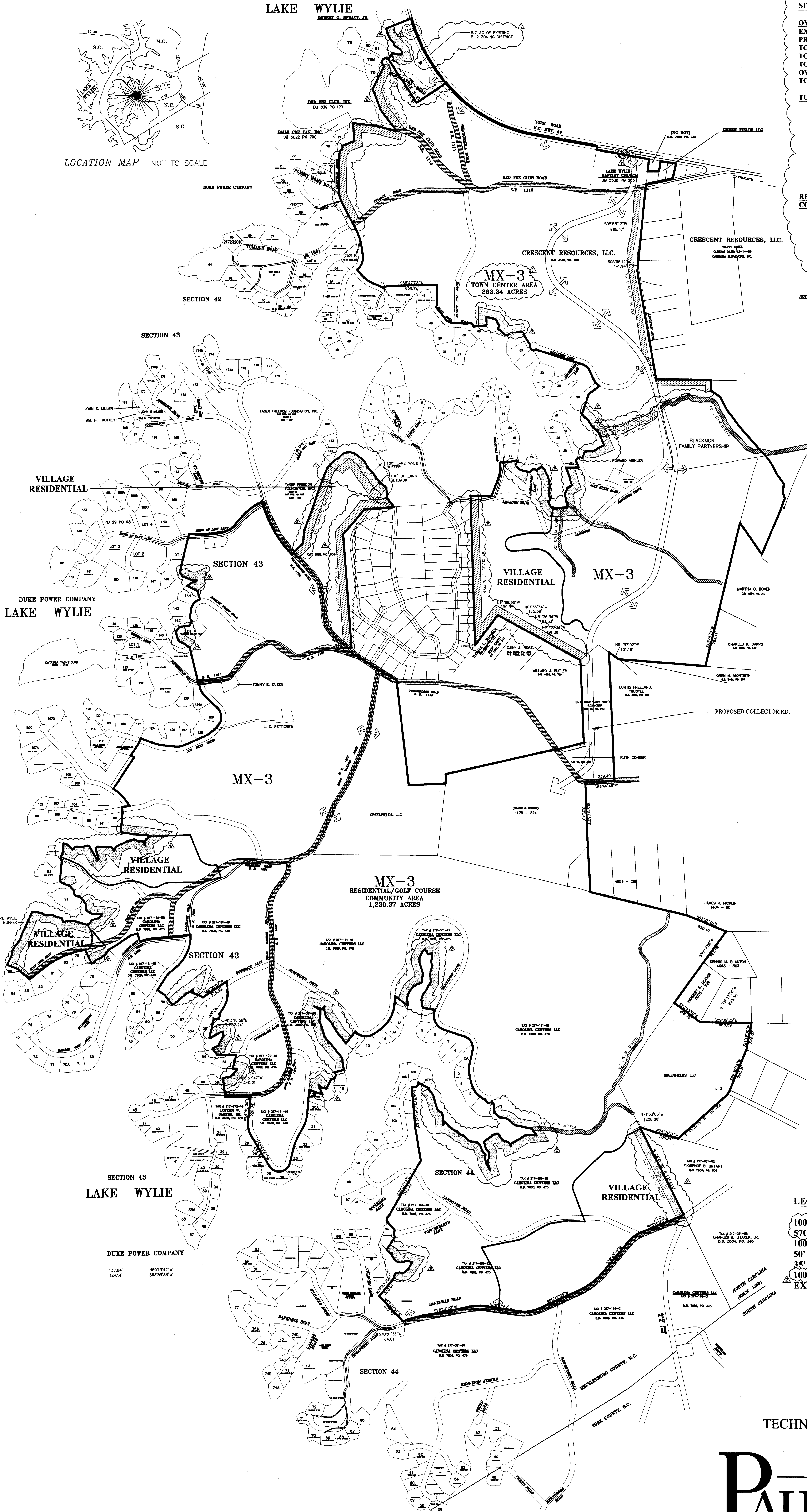
TOWN CENTER AREA:

RESIDENTIAL DEVELOPMENT: 262.34 AC
SINGLE FAMILY: 67.5 AC 375 UNITS 5.6 DU/AC
MULTI-FAMILY: 45.0 AC 700 UNITS 15.6 DU/AC
TOWNHOMES: 11.3 AC 150 UNITS 12.7 DU/AC
RETAIL: 29.2 AC 200,000 SF*
OFFICE: 19.2 AC 100,000 SF*
CHURCH: 11.8 AC
INSTITUTIONAL: 27.0 AC
OPEN SPACE: 31.9 AC
ROAD R.O.W.: 18.9 AC

RESIDENTIAL/GOLF COURSE

COMMUNITY AREA: 1,230.37 AC
RESIDENTIAL DEVELOPMENT:
SINGLE FAMILY: 769.2 AC 2,030 UNITS 2.6 DU/AC
VILLAGE RESIDENTIAL: 175.4 AC 890 UNITS 5.1 DU/AC
VILLAGE CENTER: 9.0 AC 10,000 SF
PASSIVE OPEN SPACE: 70.0 AC
EQUESTRIAN CENTER: 6.8 AC
GOLF COURSE: 200.0 AC

NOTE: Average figures are approximations. Exact acreage will be determined in the design development phase of the project. To all users, the design development phase of the project is subject to change without notice or obligation.



LEGEND:

100' LAKE WYLIE BUFFER (FROM: 570 CONTOUR)
100' S.W.I.M. BUFFER:
50' S.W.I.M. BUFFER:
35' S.W.I.M. BUFFER:
(100'/50') CLASS 'C' BUFFER:
EXISTING ROAD R.O.W.:

"For Public Hearing"
Petition #2001-16(c)

TECHNICAL DATA SHEET

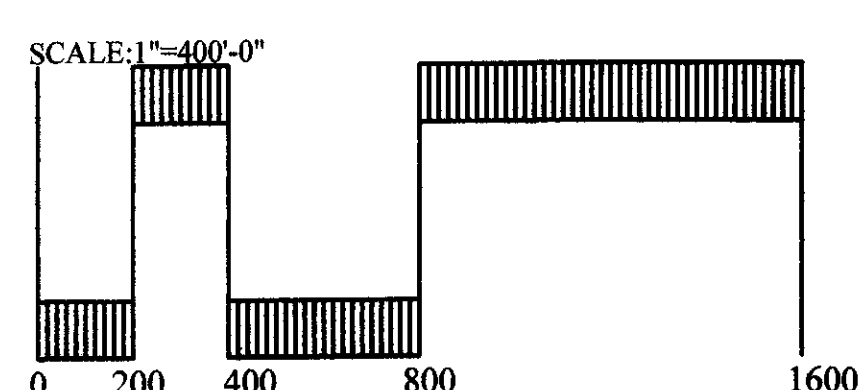
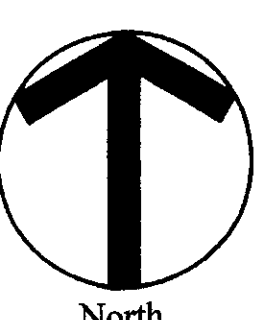
THE PAISADES

APPROVED BY COUNTY COMMISSION

DATE 12/11/01

NOTES:

1) This plan is illustrative in nature and as such is intended to reflect an overall concept for the property. However, exact acreage figures and unit counts may be modified during design and development phases of the project within the limits prescribed by the ordinance.

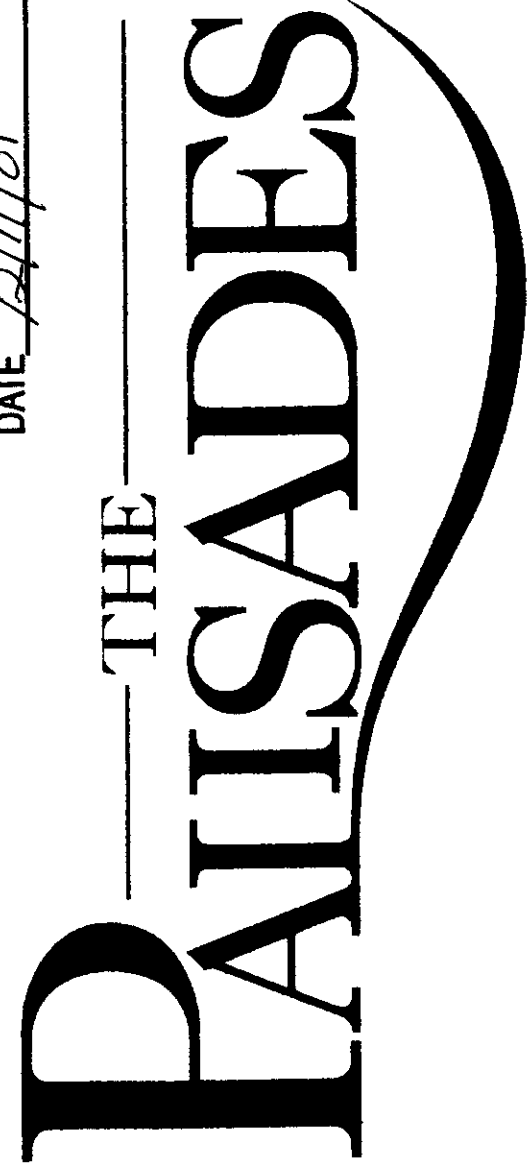


PREPARED BY: Wirth & Associates
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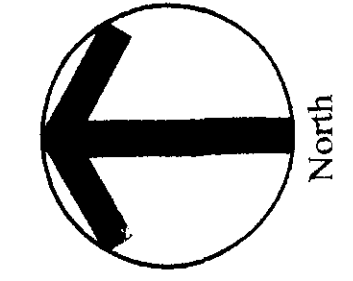
TOWN CENTER SITE PLAN
"For Public Hearing"
Petition #2001-166 APPROVED BY COUNTY COMMISSION
DATE 12/11/01



Date: September 20, 2001	By: Per Commission / Public Input
Revisions:	
1. Date: November 8, 2001	By: [Signature]
2. [Signature]	By: [Signature]
3. [Signature]	By: [Signature]
4. [Signature]	By: [Signature]

PREPARED BY:
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