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| <u>Mayor Daniel Clodfelter</u> | <u>Mayor Pro-Tem Michael D. Barnes</u> |
| Al Austin | John Autry |
| Ed Driggs | Claire Fallon |
| David Howard | Patsy Kinsey |
| Vi Alexander Lyles | LaWana Mayfield |
| Greg Phipps | Kenny Smith |

CITY COUNCIL ZONING AGENDA

Monday, May 19, 2014

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

6:00PM – Zoning Meeting
Meeting Chamber

DINNER MEETING: CH14

- Review of Agenda – Tammie Keplinger
- Area plan status & text amendment update – Debra Campbell

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

ACRONYMS

Zoning District Acronyms

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

Zoning Overlay District Acronyms

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

Miscellaneous Zoning Acronyms

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

Miscellaneous Other Acronyms

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

HISTORIC LANDMARKS

RESOLUTIONS

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| | <p>1. A Resolution of the City Council of the City of Charlotte calling for a Public Hearing to be held June 16, 2014 by the City Council on the Question of amending the ordinance for the Historic Landmark known as the “James A. Blakeney House” originally adopted by the Charlotte City Council on November 17, 1986. The ordinance would be amended to exclude and dedesignate 7.829 acres of land in tax parcel 22922212, and exclude and dedesignate 2.244 acres of land in tax parcel 22908334 as shown on the attached plans. The property associated with tax parcel 22922212 is located at 9215 Blakeney-Heath Road in Charlotte, North Carolina, and is owned by Meritage Homes of the Carolinas Inc. The property associated with tax parcel 22908334 is located at 9401 Blakeney-Heath Road in Charlotte, North Carolina, and is owned by Classica Homes LLC.</p> <p>Attachment 1</p> |
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ZONING

DECISIONS

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| New Public Hearing (to June) | <p>2. <u>Petition No. 2013-090</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to create new definitions and regulations for eating, drinking and entertainment establishments by replacing definitions and regulations for restaurants, nightclubs, bars and lounges. Allows eating, drinking and entertainment establishments by right or with prescribed conditions in the following zoning districts: multi-family (R8MF, R12MF, R-17MF, R-22MF and R43MF), UR-2 (urban residential), UR-3 (urban residential), UR-C (urban residential-commercial), institutional (INST), research (RE-1, RE-2, and RE-3), office (O-1, O-2 and O-3), business (B-1, B-2, BD and BP) , mixed use (MX-1, MX-2 and MX-3), mixed use development (MUDD), uptown mixed use development (UMUD), commercial center (CC), neighborhood services (NS), transit oriented development (TOD), urban industrial (U-I), industrial (I-1 and I-2), pedestrian overlay (PED) and transit supportive overlay (TS). In addition, a certificate of exemption process is created for eligible eating, drinking and entertainment establishments that cannot meet the separation distance requirements.</p> <p>The Zoning Committee voted 6-0 to recommend a new public hearing on June 16, 2014, due to substantial changes in the text amendment since the public hearing on February 17, 2014.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 2</p> |
| Deferral (to June) | <p>3. <u>Petition No. 2013-102</u> (Council District 1 – Kinsey) by Wajahat & Ferah Syed for a change in zoning for approximately 0.40 acres located on the south side of North Davidson Street between East 33rd Street and East 35th Street from R-5 (single family residential) and MUDD-O (mixed use development, optional) to TOD-MO (transit oriented development, mixed-use optional) & MUDD-O SPA (mixed use development, optional, site plan amendment).</p> <p>The Zoning Committee voted 6-0 to DEFER this petition to their May 28, 2014 meeting.</p> <p>Attachment 3</p> |

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| <p>Council will have to vote whether or not to send back to the Zoning Committee.</p> <p>Protests Sufficient</p> | <p>4. Petition No. 2014-013 (Council District 7 - Driggs) by Hawthorn Retirement, LLC for a change in zoning for approximately 10.01 acres located on the east side of Providence Road between Lakeside Drive and Kuykendall Road from R-3 (single family residential) to INST(CD) (institutional, conditional).</p> <p>Note: The City Council must determine by a $\frac{3}{4}$ vote if the following change to the site plan after the Zoning Committee vote, is substantial and if the petition should be referred back to the Zoning Committee for review:</p> <p>Note – All existing trees in Providence Road and Kuykendall Road corridors that are not located within proposed site improvements shall be preserved.</p> <p>This petition is found to be inconsistent with the <i>South District Plan</i> but to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 6-1 vote of the Zoning Committee. The Committee voted 6-1 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Amended note 2a to refer to Section 9.503 and specify the type of "Home for the Aged" units as dependent units. The petitioner added the following language for clarity, "except for the two independent units, for management staff only, not for rental purposes." 2. Amended note 4a to specify a maximum proposed building height of 44 feet, which is more restrictive than the 45 feet requested by staff. 3. Placed an X over note 5c; the note will be removed completely with final plan submission. 4. Amended note 6a to reflect the amount of tree save provided as specified in the Development Data on sheet 2/3. 5. Provided additional building articulation and step downs along the southeastern and northern building façades. 6. Revised the Site Section A-A to reflect the current site design. 7. Deleted references to Lots A and B in the data table and amended site acreage under the data table to show the proposed acres to remain R-3 and proposed acres to be rezoned. 8. Amended the Providence/Kuykendall perspective drawing and explained it is for representational purposes and to refer to the preliminary landscape plan for exact trees and plantings. 9. Clarified the use of vinyl by stating the prohibition will not include soffits and windows. 10. Added a note to each sign location on the landscape plan stating that they will be subject to a separate permit. 11. Added the required eight-foot planting strip along Providence Road to the Preliminary Landscape Plan. 12. Amended note 8a to limit the height of freestanding lights to 16 feet, which is more restrictive than the 20 feet requested by staff. 13. Clarified "non-peak hours" by specifying the hours of 7am-9am and 4pm-6pm. 14. Added the proposed CATS waiting pad to the Preliminary Landscape Plan. 15. Removed the "Undisturbed Natural Area" label located on the lower edge of the Preliminary Landscape Plan at the Kuykendall driveway. 16. Clarified the conflict between the "Undisturbed Natural Area" labels and the 46-foot Class C buffer that is being planted along the northern property line in common with the abutting property by removing the "Undisturbed Natural Area" labels and adding a note stating "Work within the buffer area limited to planting additional trees and shrubs for benefit of neighboring property owners." 17. Labeled the sidewalk around and extending from the covered well to the sidewalk along Kuykendall Road shown on the lower right hand corner of the Preliminary Landscape Plan. 18. Amended site plan to reflect a required 50-foot Class C buffer instead of the 46-foot Class C buffer. 19. Removed unneeded sheets in the site plan packet. 20. Added note 8b for garage lighting. 21. Added overhang foliage to the retaining wall on the landscape plan and site sections. <p>Staff recommends approval of this petition.</p> <p>Attachment 4</p> |
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| Withdrawal | <p>5. <u>Petition No. 2014-014</u> (Council District 2 - Austin) by Sam's Real Estate Holdings, Georgia, LLC for a change in zoning for approximately 1.9 acres located on the north corner at the intersection of Northlake Centre Parkway and Point O'Woods Drive from R-3 (single family residential) to NS (neighborhood services).</p> <p>The Zoning Committee voted 6-0 to recommend approval of the WITHDRAWAL request for this petition.</p> <p>Attachment 5</p> |
| Deferral (to July) Protest Sufficient | <p>6. <u>Petition No. 2014-019</u> (Outside City Limits) by Charlotte-Mecklenburg Planning Department for a change in zoning for two parcels approximately 26.47 acres located on the west corner of the intersection at Mallard Creek Road and Salome Church Road from CC (commercial center) to R-4 (single family residential).</p> <p>Staff is requesting a two-month DEFERRAL of this petition to continue to work with the property owner on this corrective rezoning.</p> <p>Attachment 6</p> |
| Deferral (to June) | <p>7. <u>Petition No. 2014-021</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance adding a new definition for mobile farmer's markets and allowing it with prescribed conditions in a variety of zoning districts.</p> <p>The Zoning Committee voted 6-0 to DEFER this petition to their May 28, 2014 meeting.</p> <p>Attachment 7</p> |
| | <p>8. <u>Petition No. 2014-028</u> (Council District 6 - Smith) by Lat Purser & Associates for a change in zoning for approximately 1.68 acres located on the southeast corner at the intersection of Abbey Place and Hedgemore Drive from O-1 (office) to MUDD(CD) (mixed use development, conditional).</p> <p>This petition is found to be consistent with the <i>Park Woodlawn Area Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 6-0 vote of the Zoning Committee. The Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Amended the proposed zoning on Sheet RZ-3 to say MUDD(CD). 2. Labeled the A-A site section guideline clearly on sheets RZ-1 and RZ-2. 3. Amended the proposed uses on Sheet RZ-3 to say "Proposed use: multi-family residential with up to (amount to be specified by petitioner) square feet of retail sales limited to those permitted in the B-1 district, professional businesses and/or general offices and located on the ground floor." 4. Showed parking access controls on Sheets RZ-1 and RZ-2 per Section 9.8507(8). 5. Provided a five-foot wide sidewalk from the fire access door on the southern side of the building to the sidewalk along Hedgemore Drive. 6. Showed the required loading space. 7. Provided a note on sheet RZ-3 describing the dedication of land to Mecklenburg County Parks and Recreation. Specify the number of acres and use as a greenway/recreation area. 8. Provided at least 50% active ground floor uses along Hedgemore Drive and Abbey Place. The trash collection area does not count toward the 50% requirement 9. Provided and show recessed doorways along both street frontages. 10. Illustrated how the lobby is accessed from the street. 11. Provided elevations, as opposed to perspective drawings, that match the site plan. |

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| <p>2014-028 continued</p> | <ol style="list-style-type: none"> 12. Revised Note 2.a. on Sheet RZ-3 to say, "Subject to the restrictions and limitations listed below, the principal building constructed on the site may be developed for up to 150 multi-family residential dwelling units with up to (amount to be specified by petitioner) square feet of retail sales limited to those in the B-1 district, professional businesses and/or general offices and located on the ground floor." 13. Moved Note 5.b. to be under Note 14. 14. Replaced the words "on existing and proposed streets" with "Abbey Place and Hedgemore Drive." 15. Deleted Note 8.a. 16. Clarified the nature of the amenity areas (intended for resident use or leasable spaces for businesses and offices). 17. Provided useable open space that is well integrated into the community through greenways, parks and plazas as recommended by the <i>Park Woodlawn Area Plan</i>. Staff suggests the open area east of the proposed building be developed with park/plaza that complements the future greenway. 18. Made a clear distinction between the open space references in the site data on Sheets RZ-1 and RZ-2 and the required urban space described on Sheet RZ-3. The area to be dedicated to Parks and Recreation cannot count towards the minimum urban open space requirement. Describe the location of urban open space to be provided such as the upper level courtyard, 4th floor terrace and any other areas for urban open space. 19. Added the note requested by CDOT regarding the corner treatment of Abbey Place and Hedgemore Drive. Added the note requested by CDOT requiring a 12-foot sidewalk where the building and sidewalk abut. 20. Agreed to dedicate additional land to the greenway as requested by Mecklenburg County Parks and Recreation. 21. Removed Note 5.b. and clearly labeled the trash area on RZ-2 to include a compactor and recycling per the Zoning Ordinance. 22. Added a note stating that the exact location of access control gates will be determined through the full development plan submittal process. 23. Amended Note 3.a. to include access to Hedgemore Drive. <p>Staff recommends approval of this petition.</p> <p>Attachment 8</p> |
| <p>Protest TBD</p> | <ol style="list-style-type: none"> 9. <u>Petition No. 2014-030</u> (Council District 1 - Kinsey) by Golden Triangle # 2 for a change in zoning for approximately 1.3 acres located on the southeast corner at the intersection of Metropolitan Avenue, South Kings Drive, and Baxter Street from MUDD-O (mixed use development, optional) to MUDD-O SPA (mixed used development, optional, site plan amendment). <p>This petition is found to be consistent with the <i>Midtown Morehead Cherry Area Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 4-1 vote of the Zoning Committee. The Committee voted 4-1 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Condensed the verbiage in Note 1C by removing reference of uses, sidewalks, structures, buildings, building elevations and other site elements as "schematic." 2. Amended Note 2C by reducing the optional request from 750 square feet of sign area per wall or 20% of the wall area to which attached, whichever is less, to a request allowing up to two wall signs with up to 400 square feet of sign surface area for each tenant and/or use located on the site located on the top of the building (defined as the upper three floors), and up to 100 square feet of sign area or 5% of the wall to which they are attached, whichever is less, for wall area located below the upper three floors. |

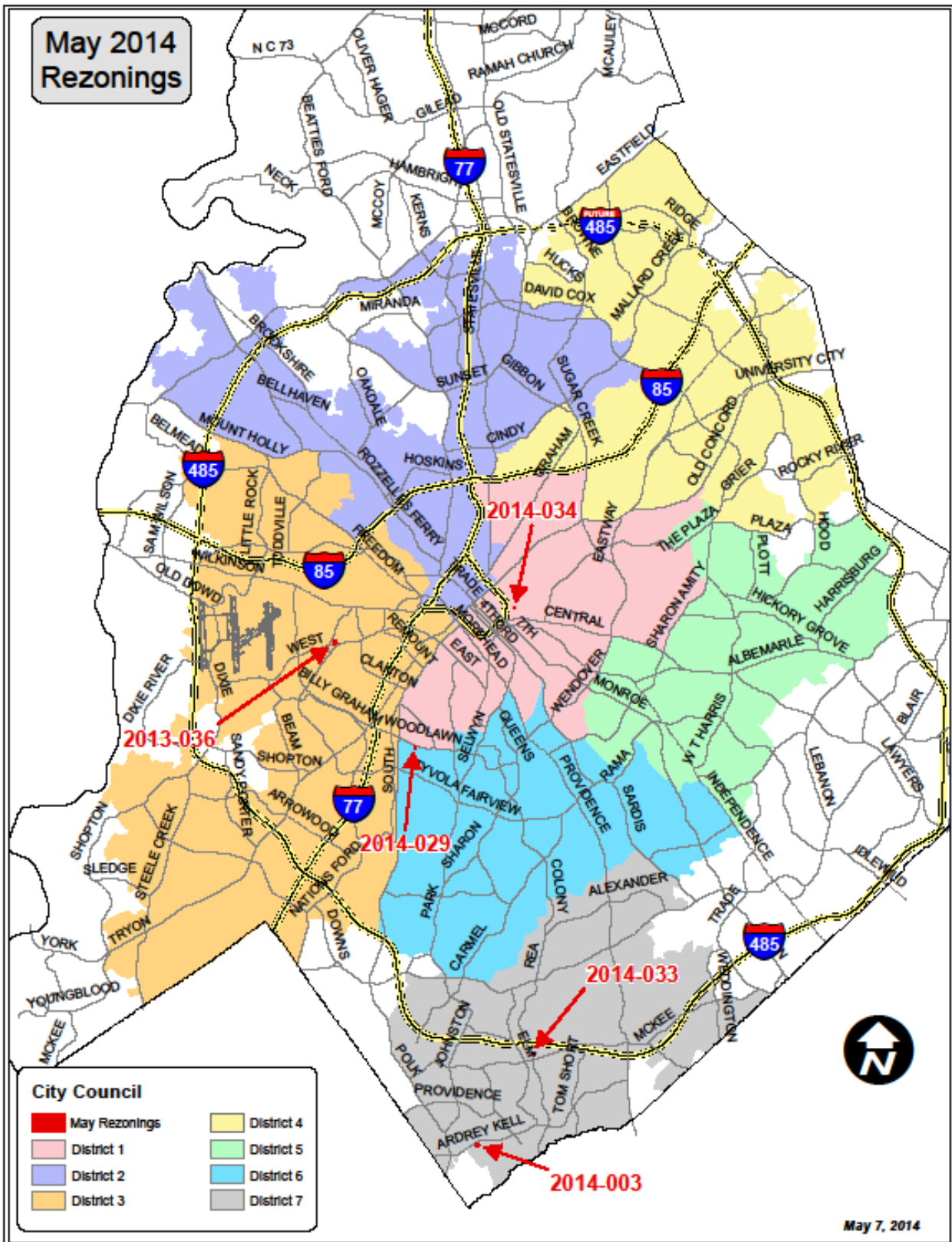
In addition, reduced the request for a digital wall sign from 380 square feet to 300 square feet, and specified that the digital wall sign may be used to:

- (i) advertise and identify tenants and merchandise located and sold at Metropolitan,
- (ii) advertise and identify events occurring at Mid-Town Park and on the Sugar Creek Greenway, and
- (iii) as a screen for motion pictures (e.g. movies, tv shows and the like), and
- (iv) to promote major events, which may include but are not limited to religious, educational, charitable, civic, fraternal, sporting, or similar events including but not limited to golf tournaments, festivals, and major or seasonal sporting events.

The design/content of signs displayed on the digital sign will contain predominantly graphic images (a minimum of 80 percent of the sign must be composed of interesting and unique art like graphic images); copy area will be limited to 20 percent of the sign area. This digital wall sign must be used to promote events occurring at Mid-Town Park, Sugar Creek Greenway and Major Events as defined above a majority of the time the sign is in use.

3. Limited the location of proposed digital wall signs to the portion of the building wall that faces S. Kings Drive and the first 30 linear feet of the building wall that faces Metropolitan Avenue. The digital wall signs along these building walls will be limited to a maximum cumulative sign face area of 300 square feet of sign area.
4. Clarified that the digital wall signage requested on the building wall adjacent to Mid-Town Park may be used as a screen for motion pictures (e.g. movies, TV shows and the like), as opposed to being a separate request to allow a portion of the building wall along the southern property boundary to be used as a screen.
5. Amended Note 2E to state that the digital wall signs, which have replaced the request for use of a portion of the building wall along the southern property boundary as a screen for projected images and activities associated with the Sugar Creek Greenway, may be used to advertise and identify tenants and merchandise located and sold at Metropolitan, in addition to events occurring at Mid-Town Park and on the Sugar Creek Greenway; and to promote major events.
6. Amended Note 5A to indicate that "concept imagery" is intended only to illustrate examples of a building façade that meets the criteria set forth in the Architectural Guidelines and is not a specific or binding building elevation, nor are they a full list of possibilities.
7. Amended Note 5G to state that the zoning boundary for the Site will not be modified by a shift in the property line to accommodate shared site elements as described above.
8. Amended Note 5H to specify architectural guidelines for the Urban Edge portion of the building by removing subjective language "establish a stylish, memorable and highly visible building element" and added a note stating that a pedestrian scale edge will be created at the ground floor with display windows, awnings, integral planters and other features that will complement the other portions of the building and the focal point feature.
9. Amended Note 5I to state "display cases" instead of "display windows."
10. Clarified that sign options are additions/modifications to the standards for signs in the MUDD district and are to be used with the remainder of MUDD standards for signs not modified by these optional provisions.
11. Amended Note 5J to state that building service areas will be located internally and screened from view with masonry walls a minimum of five feet in height.
12. Deleted the minimum ordinance requirement regarding screening requirements in Note 6D.
13. Provided a note detailing that urban open space areas will be provided on the ground floor along the Greenway Entry portion of the building as well as on an upper floor of the building.
14. Addressed Park and Recreation comments by amending Note 5F to state that the petitioner will work with County Parks and Recreation to provide an architectural response to the existing artwork in the Midtown Park.
15. Provided the existing approved entitlement for the rezoning site, which is 155 multi-family residential dwelling units, to CDOT as requested. CDOT determined the trip generation under the current zoning as 1,030 trips per day.

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| <p>2014-030 continued</p> | <p>16. Amended Site Development Data and Permitted Uses to reflect proposed uses as up to 155 multi-family dwelling units and/or a hotel with up to 175 hotel rooms together with accessory uses, as allowed in the MUDD zoning district.</p> <p>17. Amended Site Location in Note 1A to delete replace a "mixed use building containing multi-family residential dwelling units and a hotel" with "a building containing multi-family residential dwelling units and/or a hotel on an approximately 1.30 acre site located at the intersection of South Kings Drive and Metropolitan Avenue.</p> <p>18. Added Note 4D that states "The petitioner recognizes that due to the limited space around the Site and existing neighborhood constraints, a portion of construction parking and material staging will need to be located off-site."</p> <p>19. Amended Notes 5E, 5H and 5I to reference display cases/windows and provided a definition of display cases/windows.</p> <p>20. Amended Note 4D by adding "The location of the construction parking and material staging will be approved by CDOT as part of construction plan review approval."</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 9</p> |
| <p>Deferral (to June)</p> <p>Protest Sufficient</p> | <p>10. <u>Petition No. 2014-031</u> (Outside City Limits) by Wilkison Partners, LLC for a change in zoning for approximately 5.9 acres located on the southeast corner at the intersection of Youngblood Road and Shelburne Farms Drive from MX-3(LLWCA) (mixed use, Lower Lake Wylie Critical Area) to MX-3 SPA(LLWCA) (mixed use, site plan amendment, Lower Lake Wylie Critical Area).</p> <p>The Zoning Committee voted 6-0 to DEFER this petition to their May 28, 2014 meeting.</p> <p>Attachment 10</p> |
| | <p>11. <u>Petition No. 2014-38</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to add stadiums, coliseums, and arenas as uses permitted under prescribed conditions in the MUDD (mixed use development) district, and to correct the use table to indicate stadiums and coliseums are currently permitted, under prescribed conditions, in the UMUD (uptown mixed use district).</p> <p>This petition is found to be consistent with adopted policies and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 6-0 vote of the Zoning Committee. The Committee voted 6-0 to recommend APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 11</p> |



ZONING

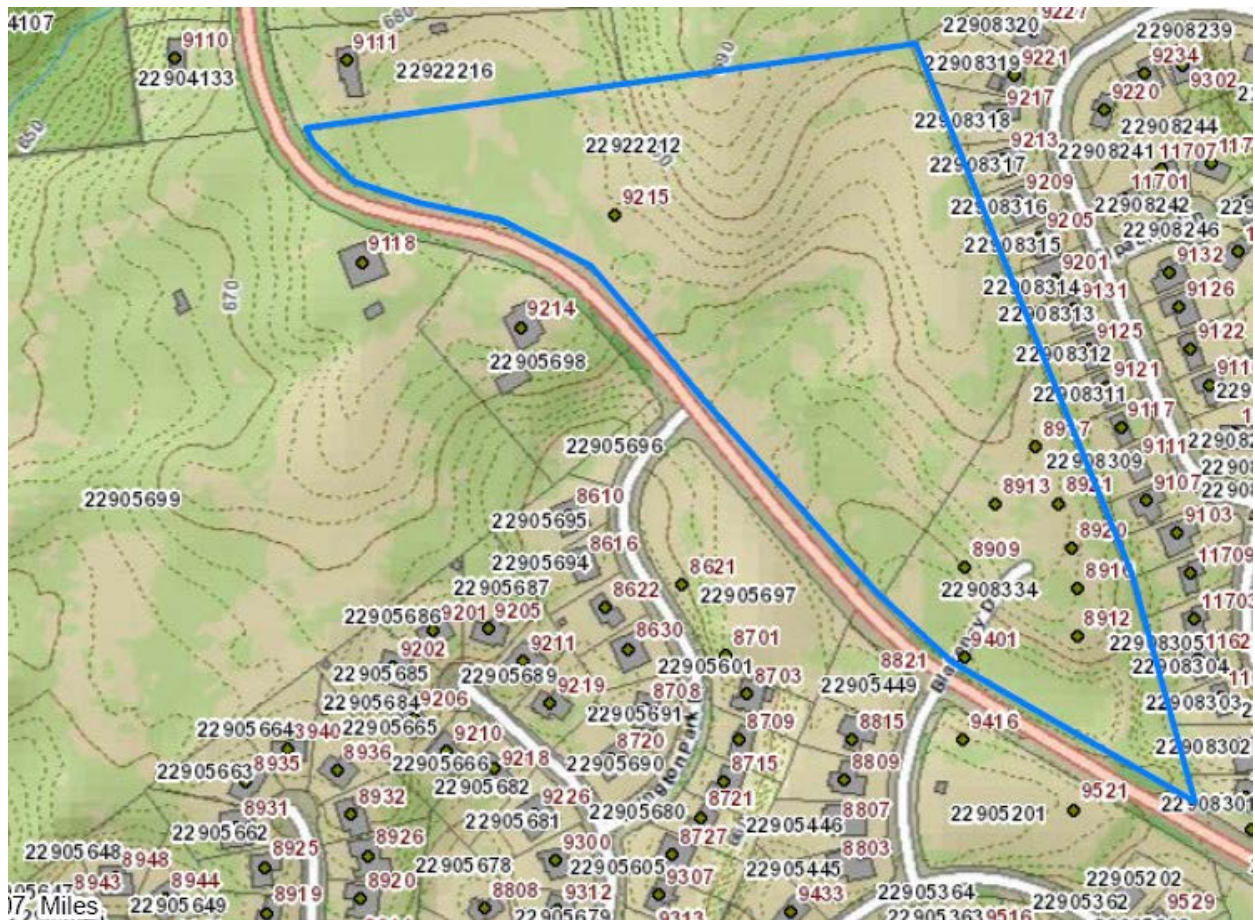
HEARINGS

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| | <p>12. Petition No. 2014-029 (Council District 6 - Smith) by Kyle Short for a change in zoning for approximately 1.58 acres located on the south side of East Woodlawn Road between Old Woods Road and Fairbluff Place from R-4 (single family residential) to UR-2(CD) (urban residential, conditional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 12</p> |
| | <p>13. Petition No. 2014-033 (Council District 7 - Driggs) by Colony at Piper Glen for a change in zoning for approximately 1.72 acres located on the east side of Rea Road between Piper Station Drive and Ballantyne Commons Parkway from NS (neighborhood services) to NS SPA (neighborhood services, site plan amendment).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 13</p> |
| | <p>14. Petition No. 2014-034 (Council District 7 - Driggs) by Mason Kazel for a change in zoning for approximately 0.61 acres located on the east side of Seigle Avenue between East 10th Street and Otts Street across from Green Trail Lane from I-2 (general industrial) to MUDD(CD) (mixed use development, conditional).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 14</p> |
| Deferral (to July) | <p>15. Petition No. 2012-90 by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to: 1) allow the Zoning Board of Adjustment to have jurisdiction to hear and decide variances on specific standards in the TOD (transit oriented development), PED (pedestrian overlay), MUDD (mixed use development), UMUD (uptown mixed use), and TS (transit supportive overlay); 2) allow the Board of Adjustment to have authority to consider variances related to the number of, or size of, permissible signs in a conditional district; and 3) remove restrictions that prohibit the Board of Adjustment from hearing an appeal with respect to an interpretation of, or decision made by the Zoning Administrator about, the TOD (transit oriented development) or PED (pedestrian oriented) development or urban design standards.</p> <p>Staff is requesting a two-month deferral of this petition to the July 21, 2014 meeting.</p> <p>Attachment 15</p> |
| | <p>16. Petition No. 2013-026 by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to: 1) add new definitions; 2) clarify the residential density in the PED (pedestrian overlay); 3) add new parking requirements for multi-family units located in the Midtown, Morehead, Cherry Pedestrian Overlay District and the East Boulevard Pedestrian Overlay District; and 4) add new supplemental design standards for the Midtown, Morehead, Cherry Pedestrian Overlay District and the East Boulevard Pedestrian Overlay District.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 16</p> |

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| | <p>17. Petition No. 2014-036 (Council District 7 - Driggs) by City of Charlotte for a change in zoning for approximately 5.18 acres located on the north side of West Blvd. and generally surrounded by Old Steele Creek Road, Elmin Street, Walter Street and West Boulevard from O-1(CD), (office, conditional) and R-5 (single family residential) to NS (neighborhood services).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 17</p> |
| | <p>18. Petition No. 2014-037 by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance clarify the screening and buffer requirements for lots abutting recreational facilities.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 18</p> |

A Resolution to Call for Public Hearings to Consider Amending the Historic Landmark Ordinance for Property Associated with the James A. Blakeney House.

In 1986, the approximately 15 acres shown below were included in the local historic landmark designation of the James A. Blakeney House. Through the Certificate of Appropriateness process, residential development has been approved for portions of the property, while leaving a wide “historic buffer” along Blakeney-Heath Road. The Charlotte-Mecklenburg Historic Landmarks Commission is recommending that the City Council amend the designation ordinance to de-designate approximately 10 acres of the property where the bulk of the development will occur.



A Resolution of the City Council of the City of Charlotte calling for a Public Hearing to be held by the City Council on the Question of Amending the ordinance for the Historic Landmark known as the “James A. Blakeney House” originally adopted by the Charlotte City Council on November 17, 1986. The ordinance would be amended to exclude and de-designate 7.829 acres of land in tax parcel 22922212, and exclude and de-designate 2.244 acres of land in tax parcel 22908334 as shown on the attached plans. The property associated with tax parcel 22922212 is located at 9215 Blakeney-Heath Road in Charlotte, North Carolina, and is owned by Meritage Homes of the Carolinas Inc. The property associated with tax parcel 22908334 is located at 9401 Blakeney-Heath Road in Charlotte, North Carolina, and is owned by Classica Homes LLC.

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has made an investigation and report on the historic, architectural, educational, and cultural significance of the property as described below; and

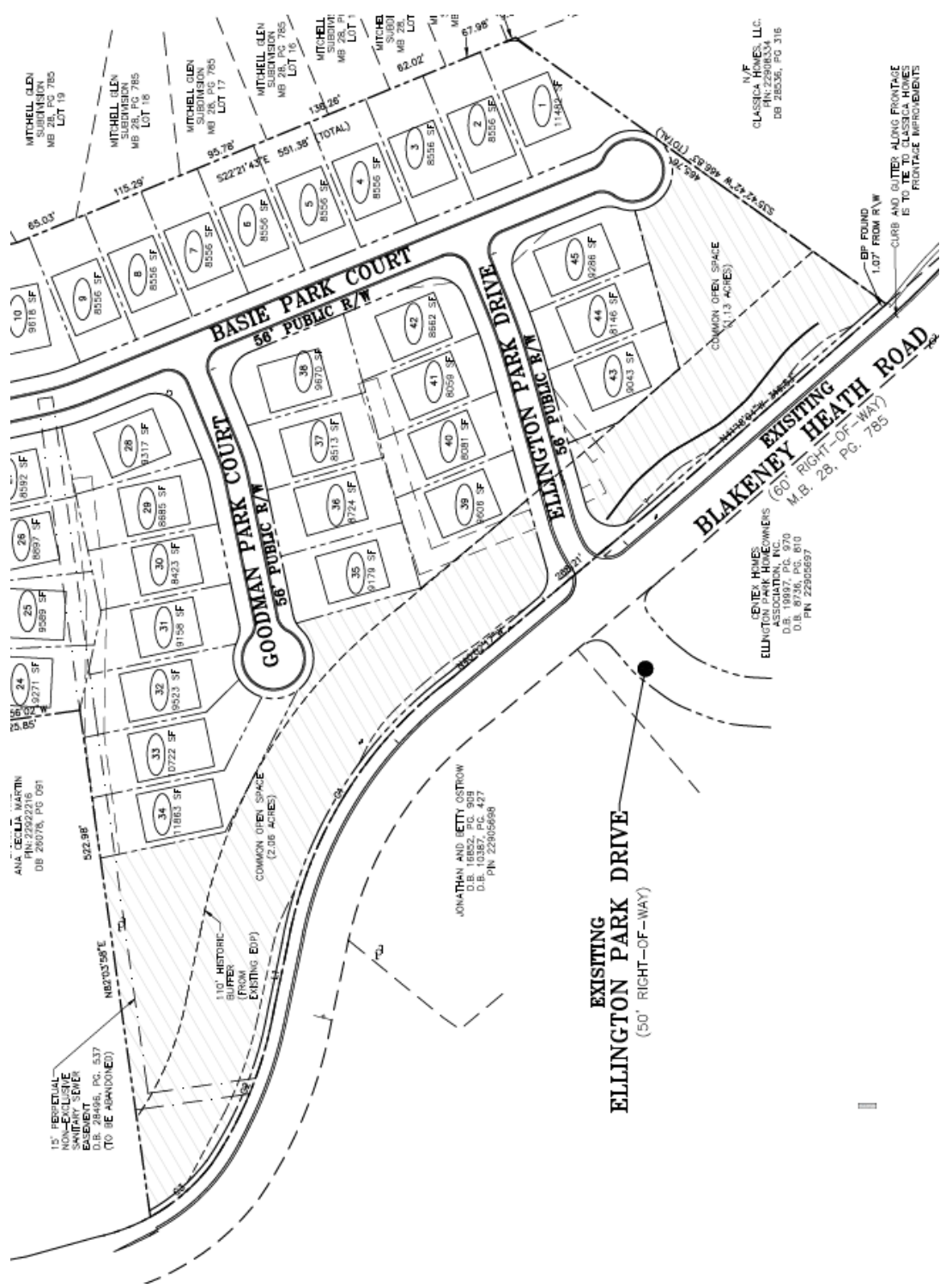
WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has recommended that the City Council amend the ordinance designating the **James A. Blakeney House** pursuant to Chapter 160A, Article 19, as amended of the General Statutes of North Carolina; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has determined that amending the ordinance to de-designate 7.829 acres of land in tax parcel 22922212, and to de-designate 2.244 acres of land in tax parcel 22908334 is appropriate because portions of the property have been approved for new development under the Certificate of Appropriateness process;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Charlotte, Mecklenburg County, North Carolina, that the City Council will hold a public hearing at which interested parties will have an opportunity to be heard on the question of amending the ordinance for the property known as the “James A. Blakeney House.”

BE IT FURTHER RESOLVED that reasonable notice of the time and place of the public hearing shall be given.

Blakeney Property – Tax Parcel 22922212



The map above shows the original 11.019 designated acres associated with tax parcel 22922212. The Charlotte-Mecklenburg Historic Landmarks Commission is recommending that 7.829 acres of the property be de-designated, with the 3.19 acres labeled as “COMMON OPEN SPACE” retaining historic landmark designation.

This topographic map depicts a residential neighborhood with a blue boundary line and a red line. The map includes numerous house numbers and parcel identifiers. A scale bar at the bottom right indicates distances from 0.005101 to 0.02 miles. A north arrow is located in the top right corner.

Key features and labels on the map include:

- Blue Boundary Line:** A large, irregular blue line enclosing a central area of the map.
- Red Line:** A red line running diagonally across the lower right portion of the map.
- Streets:**
 - Borchetta Dr:** A street running horizontally across the upper middle of the map.
 - Wakeneey Dr:** A street running diagonally from the bottom left towards the center.
- Parcel Numbers and House Numbers:**
 - Parcel numbers: 22908253, 22908252, 22908251, 22908250, 22908249, 22908248, 22908247, 22908246, 22908245, 22908244, 22908243, 22908242, 22908241, 22908240, 22908239, 22908238, 22908237, 22908236, 22908235, 22908234, 22908233, 22908232, 22908231, 22908230, 22908229, 22908228, 22908227, 22908226, 22908225, 22908224, 22908223, 22908222, 22908221, 22908220, 22908219, 22908218, 22908217, 22908216, 22908215, 22908214, 22908213, 22908212, 22908211, 22908210, 22908209, 22908208, 22908207, 22908206, 22908205, 22908204, 22908203, 22908202, 22908201, 22908200, 22908199, 22908198, 22908197, 22908196, 22908195, 22908194, 22908193, 22908192, 22908191, 22908190, 22908189, 22908188, 22908187, 22908186, 22908185, 22908184, 22908183, 22908182, 22908181, 22908180, 22908179, 22908178, 22908177, 22908176, 22908175, 22908174, 22908173, 22908172, 22908171, 22908170, 22908169, 22908168, 22908167, 22908166, 22908165, 22908164, 22908163, 22908162, 22908161, 22908160, 22908159, 22908158, 22908157, 22908156, 22908155, 22908154, 22908153, 22908152, 22908151, 22908150, 22908149, 22908148, 22908147, 22908146, 22908145, 22908144, 22908143, 22908142, 22908141, 22908140, 22908139, 22908138, 22908137, 22908136, 22908135, 22908134, 22908133, 22908132, 22908131, 22908130, 22908129, 22908128, 22908127, 22908126, 22908125, 22908124, 22908123, 22908122, 22908121, 22908120, 22908119, 22908118, 22908117, 22908116, 22908115, 22908114, 22908113, 22908112, 22908111, 22908110, 22908109, 22908108, 22908107, 22908106, 22908105, 22908104, 22908103, 22908102, 22908101, 22908100, 22908099, 22908098, 22908097, 22908096, 22908095, 22908094, 22908093, 22908092, 22908091, 22908090, 22908089, 22908088, 22908087, 22908086, 22908085, 22908084, 22908083, 22908082, 22908081, 22908080, 22908079, 22908078, 22908077, 22908076, 22908075, 22908074, 22908073, 22908072, 22908071, 22908070, 22908069, 22908068, 22908067, 22908066, 22908065, 22908064, 22908063, 22908062, 22908061, 22908060, 22908059, 22908058, 22908057, 22908056, 22908055, 22908054, 22908053, 22908052, 22908051, 22908050, 22908049, 22908048, 22908047, 22908046, 22908045, 22908044, 22908043, 22908042, 22908041, 22908040, 22908039, 22908038, 22908037, 22908036, 22908035, 22908034, 22908033, 22908032, 22908031, 22908030, 22908029, 22908028, 22908027, 22908026, 22908025, 22908024, 22908023, 22908022, 22908021, 22908020, 22908019, 22908018, 22908017, 22908016, 22908015, 22908014, 22908013, 22908012, 22908011, 22908010, 22908009, 22908008, 22908007, 22908006, 22908005, 22908004, 22908003, 22908002, 22908001, 22907999, 22907998, 22907997, 22907996, 22907995, 22907994, 22907993, 22907992, 22907991, 22907990, 22907989, 22907988, 22907987, 22907986, 22907985, 22907984, 22907983, 22907982, 22907981, 22907980, 22907979, 22907978, 22907977, 22907976, 22907975, 22907974, 22907973, 22907972, 22907971, 22907970, 22907969, 22907968, 22907967, 22907966, 22907965, 22907964, 22907963, 22907962, 22907961, 22907960, 22907959, 22907958, 22907957, 22907956, 22907955, 22907954, 22907953, 22907952, 22907951, 22907950, 22907949, 22907948, 22907947, 22907946, 22907945, 22907944, 22907943, 22907942, 22907941, 22907940, 22907939, 22907938, 22907937, 22907936, 22907935, 22907934, 22907933, 22907932, 22907931, 22907930, 22907929, 22907928, 22907927, 22907926, 22907925, 22907924, 22907923, 22907922, 22907921, 22907920, 22907919, 22907918, 22907917, 22907916, 22907915, 22907914, 22907913, 22907912, 22907911, 22907910, 22907909, 22907908, 22907907, 22907906, 22907905, 22907904, 22907903, 22907902, 22907901, 22907900, 22907899, 22907898, 22907897, 22907896, 22907895, 22907894, 22907893, 22907892, 22907891, 22907890, 22907889, 22907888, 22907887, 22907886, 22907885, 22907884, 22907883, 22907882, 22907881, 22907880, 22907879, 22907878, 22907877, 22907876, 22907875, 22907874, 2

The Charlotte-Mecklenburg Historic Landmarks Commission is recommending that the above highlighted (approximately 2.244 acres) portion of tax parcel 22908334 be de-designated, with the approximately 1.6 acre section of the property adjacent to Blake-Heath Road retaining historic landmark designation.

AN ORDINANCE DESIGNATING A PROPERTY KNOWN AS THE "JAMES A. BLAKENEY HOUSE" (THE EXTERIOR AND THE INTERIOR OF THE HOUSE, THE EXTERIOR AND THE INTERIOR OF THE OUTBUILDINGS, AND THE ENTIRE PARCEL OF LAND REMAINING IN THE FARMSTEAD) AS HISTORIC PROPERTY, SAID PROPERTY BEING LOCATED ON BLAKENEY HEATH ROAD, MECKLENBURG COUNTY, NORTH CAROLINA, AND RECORDED ON TAX PARCEL NUMBERS 229-081-01 AND 229-051-06 IN THE MECKLENBURG COUNTY TAX OFFICE.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160A, Article 19, Part 3B, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the Board of Commissioners of Mecklenburg County, North Carolina, has taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Properties Commission on the 15th day of SEPTEMBER, 1986, on the question of designating a property known as the "James A. Blakeney House" as historic property; and

WHEREAS, the "James A. Blakeney House", erected c. 1905, is a well preserved example of a type of farmhouse erected by prosperous farmers in Mecklenburg County in the late nineteenth and early twentieth centuries; and

WHEREAS, the "James A. Blakeney House" and farmstead constitute a rare combination of culturally related edifices and resources in a section of Mecklenburg County which is experiencing rapid suburbanization; and

| | |
|------|-------|
| FEE | 10.00 |
| <> | 10.00 |
| CASH | 10.00 |

14:48 #5090 000
12/03/86

CHARLOTTE MECKLENBURG HISTORIC PROPERTIES COMMISSION
P. O. BOX D 1225 S. CALDWELL ST.
CHARLOTTE, NC 28203
376-9115

DEC 9 10 11 AM '86

RECEIVED

PRESENT

Return to: DR. DAN K. HIGGINS, LL

5375 0346

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has demonstrated that the property known as the "James A. Blakeney House" possesses integrity of design, setting, workmanship, materials, and/or association; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has demonstrated that the property known as the "James A. Blakeney House" possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, the property known as the "James A. Blakeney House" is owned by Willie Blount Blakeney, James A. Blakeney III, Frances Blakeney Coker, Margaret Blakeney Bullock, and Walker, Palmer & Miller, P.A.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Mecklenburg County, North Carolina:

1. That the property known as the "James A. Blakeney House" (the exterior and the interior of the house, the exterior and the interior of the outbuildings, and the entire parcel of land remaining in the farmstead) is hereby designated as historic property pursuant to Chapter 160A, Article 19, Part 3B, as amended, of the General Statutes of North Carolina. For purposes of description only, the location of said property is noted as being situated on Blakeney Heath Road, Mecklenburg County, North Carolina, and recorded on Tax Parcel Numbers

229-081-01 and 229-051-06 in the Mecklenburg County Tax Office.

2. That said designated property may be materially altered, restored, moved or demolished only following the issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Properties Commission. An application for a Certificate of Appropriateness authorizing the demolition of said property may not be denied. However, the effective date of such a Certificate may be delayed in accordance with Chapter 160A, Article 19, Part 3B, and amendments thereto, and hereinafter adopted.

3. That nothing in this ordinance shall be construed to prevent or delay the ordinary maintenance or repair of any architectural feature in or on said property that does not involve a change of design, material, or outer appearance thereof, nor to prevent or delay the making of emergency repairs, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the property owner from making any use of this property not prohibited by other statutes, ordinances, or regulations.

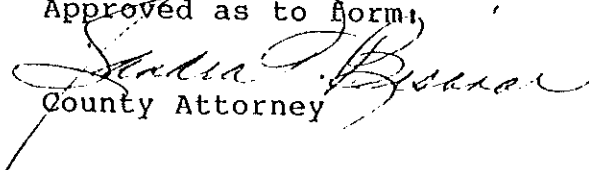
4. That a suitable sign may be posted indicating that said

property has been designated as historic property and containing any other appropriate information. If the owner consents, the sign may be placed on said property.

5. That the owners and occupants of the property known as the "James A. Blakeney House" be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the County Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

6. That which is designated as historic property shall be subject to Chapter 160A, Article 19, Part 3B, and any amendments to it and any amendments hereinafter adopted.

Approved as to Form,


County Attorney

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

I, Hazel H. Hatley, Clerk to the Board of County Commissioners of Mecklenburg County, DO HEREBY CERTIFY that the Board of County Commissioners of Mecklenburg County, North Carolina, in a meeting held on November 17, 1986 adopted the foregoing Ordinance Designating A Property Known As The "James A. Blakeney House" As Historic Property, recorded in full in Minute Book No. 30.

Witness my hand and the official seal of said Board, this the 18th day of November, 1986.


Clerk to the Board

REQUEST

Text amendment to Tables 9.101, 12.202, 12.302(a) and 12.413 and Sections 2.201, 9.303, 9.503, 9.603, 9.703, 9.802, 9.803, 9.8502, 9.8503, 9.902, 9.903, 9.906, 9.1002, 9.1102, 9.1103, 9.1202, 9.1205, 9.1206, 9.1208, 10.502, 10.602, 10.702, 10.811, 10.812, 10.907, 10.909, 11.203, 11.402, 11.403, 11.702, 11.703, 11.705, 12.206, 12.214, 12.544, 12.546, 13.102, and 13.106 of the Zoning Ordinance

SUMMARY OF PETITION

1. The petition updates current definitions and regulations for nightclubs, bars, restaurants, and lounges which were established in 1981.
2. Recommends consolidating the names of nightclubs, bars, restaurants, and lounges into one name "Eating, Drinking and Entertainment Establishments".
3. Creates new definitions of eating, drinking, and entertainment establishments:
 - a. Type I-establishment where food and beverages (excluding alcohol) are served and indoor or outdoor entertainment are allowed.
 - b. Type II-establishment where food and beverages are served (including alcohol) and indoor or outdoor entertainment are allowed.
4. Eliminates separation requirements when all activities of the eating, drinking and entertainment establishment are totally enclosed within the building.
5. Establishes separation requirements from a single family use (single family, duplex, triplex or quadraplex) or vacant lot when located in a single family zoning district when the use has an outdoor eating/activity area, where food and alcoholic beverages are consumed between the hours of 11:00 p.m. and 8:00 a.m., and there is no outdoor entertainment.
6. Creates additional separation requirements based on zoning when the use has outdoor entertainment that occurs between the hours of 11:00 p.m. and 8:00 a.m.
7. Creates a Certificate of Exemption process to minimize impacts on existing nightclubs, bars, restaurants, and lounges that cannot meet the proposed separation standards from a residential use (single family, duplex, triplex or quadraplex) or a vacant lot when located in a single family zoning district. The process includes a notification process of property owners within the separation distance, a written comment period, and an appeals process.

PETITIONER

Charlotte-Mecklenburg Planning Department

AGENT/REPRESENTATIVE

Charlotte-Mecklenburg Planning Department

COMMUNITY MEETING

Meeting is not required.

ZONING COMMITTEE ACTION

The Zoning Committee voted 6-0 to recommend **a new public hearing** due to substantial changes in the text amendment since the public hearing on February 17, 2014.

VOTE

| | |
|----------------|---|
| Motion/Second: | Ryan/Walker |
| Yeas: | Allen, Dodson, Labovitz, Nelson, Ryan, and Walker |
| Nays: | None |
| Absent: | Sullivan |
| Recused: | None |

ZONING COMMITTEE DISCUSSION

Staff reviewed the major changes made to the text amendment since the public hearing in February. Staff considers the changes to be

substantial in nature, and suggested that the Zoning Committee make a recommendation to Council to call for a new public hearing. If that recommendation is made, Council could consider the request and call for a public hearing at the May 19, 2014 meeting, and a new public hearing could be set for June 16, 2014.

A Commissioner responded that this text amendment process has been very thorough, and was supportive of the amendment, because people within the eating, drinking and entertainment industry were satisfied with the text amendment. The Commissioner did not think a new public hearing was necessary, but supports staff's recommendation to hold a second public hearing.

There were no further questions.

FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

• **Background**

- It has become increasingly difficult to determine differences between nightclubs, bars, restaurants, and lounges. Uses that once primarily served food, i.e. restaurants, now offer in addition to food, alcoholic beverages and provide forms of entertainment both inside and outside of the establishment. In contrast, uses that once provided mostly entertainment now serve food.
- For example, the current definition in the Zoning Ordinance of a "restaurant" does not include the word "entertainment" nor does the ordinance include a definition of the word "entertainment."
- The lack of clarity as to whether a restaurant can have any amount of entertainment could make restaurants in Charlotte that provide entertainment indoors or outside illegal.
- To address the ambiguity in the definitions, in 2011, a Citizen's Advisory Group (CAG) was charged with reviewing the issues associated with nightclubs, bars, restaurants, and lounges in terms of the definitions of these uses, and associated prescribed conditions. The group met four times then stopped due to revisions being made to the Noise Ordinance and confusion caused by the two efforts being undertaken simultaneously.
- In 2013, the Citizen's Advisory Group was reconvened and six meetings were held beginning in January. Participants consisted of restaurant, bar and nightclub operators and owners, entertainment group representatives, residents, neighborhood and business association members, attorneys, musicians, and other interested parties.
- Staff also held 11 additional public outreach meetings specifically directed at neighborhood associations to present the text amendment and receive feedback on the proposed changes.
- Staff has held two additional public outreach meetings for Dilworth and Elizabeth, after the public hearing.
- A public hearing was held on February 17, 2014. Text amendment changes made since the public hearing are considered substantial.
- This text amendment proposes to:
 - 1) adequately define the uses;
 - 2) develop standards to allow these uses to exist near residential areas in a way that minimizes adverse impacts; and
 - 3) provide flexibility to business establishments.

• **Proposed Request Details**

- The text amendment contains the following provisions:
 - Replaces references to "restaurants", "cafés", "outdoor cafés", "nightclubs", and "bars and lounges", with "Eating, Drinking and Entertainment Establishments."
 - Adds new definitions for two types of Eating, Drinking and Entertainment Establishments:
 - Type 1 Eating, Drinking and Entertainment Establishment: An establishment where food is prepared and beverages may be provided, excluding alcohol. Indoor and outdoor entertainment may be provided.
 - Type 2 Eating, Drinking and Entertainment Establishment: An establishment where any

alcohol is consumed, food and other beverages are optional, and entertainment may be provided, including outdoor entertainment. [Excluded are adult establishments, athletic and sports facilities, conference centers, cultural facilities, hotels and motels, and recreational facilities approved as part of a residential development plan, and similar uses, and uses exempt in accordance with the Alcohol Beverage Commission standards.]

- Adds definitions for Entertainment, Outdoor Entertainment and Outdoor Seating/Activity areas.
 - Allows Eating, Drinking and Entertainment Establishments in most zoning districts by-right or under prescribed conditions.
 - Adds new prescribed conditions for Type 2 Eating, Drinking and Entertainment Establishments:
 - If food and beverages are consumed in an outdoor seating/activity area at any time between the hours of 11 p.m. and 8 a.m.:
 - Minimum 100-foot separation distance is required between the outdoor seating/activity area and the nearest property line of a vacant lot or a residential use (single family, duplex, triplex and quadraplex only) when located in a single family zoning district.
 - If the separation distance cannot be met, a Class A buffer shall be provided along all corresponding property line(s).
 - If outdoor entertainment occurs at any time between the hours of 11 p.m. and 8 a.m.:
 - Minimum 100-foot separation distance in the mixed use development (MUDD); uptown mixed use (UMUD); transit oriented development - residential (TOD-R); transit oriented development - employment (TOD-E); transit oriented development - mixed-use (TOD-M); and transit supportive overlay (TS) districts. The minimum separation distance cannot be reduced as an optional provision.
 - Minimum 250-foot separation distance in the pedestrian overlay district (PED). The minimum separation distance cannot be reduced as an optional provision. Nightclub, bar, lounge and Type 2 Eating, Drinking and Entertainment Establishments located in a pedestrian overlay district shall meet the separation distance standards established in an approved Pedscape Plan.
 - Minimum 400-foot separation distance in the urban residential (UR-2 and UR-3); urban residential - commercial (UR-C); research (RE-3); office (O-1, O-2, and O-3); neighborhood business (B-1); general business (B-2); distributive business (B-D); business park (BP); commercial center (CC); neighborhood services (NS); mixed use (MX-2 and MX-3); light industrial (I-1); and general industrial (I-2) districts.
 - Adds a Certificate of Exemption application process for eligible establishments that cannot meet the separation distance requirements:
 - The establishment must meet criteria to be eligible to apply for a Certificate of Exemption.
 - A written notification of an application for a Certificate of Exemption shall be sent to property owners located within the designated separation distance. These owners may submit written comments to the Planning Director within 15 days of the date of notification.
 - The Planning Director, or designee, is authorized to issue a Certificate of Exemption and establish administrative processes for such issuance.
 - A written notice about the decision on the Certificate of Exemption shall be sent to the property owners within the separation distance.
 - An appeal process is established for land owners or property owner of a vacant lot or a residential use (single family, duplex, triplex or quadraplex only) when located within the specified separation distances.
 - Establishments that receive a Certificate of Exemption shall maintain compliance with applicable land use and development laws, including, zoning laws and urban design standards for the district in which the use is located.
 - Certificate of Exemptions may be revoked only after written notice and a reasonable opportunity to remedy the violation.
 - **Public Plans and Policies**
 - This petition is consistent with both the *Centers, Corridors and Wedges Growth Framework* goal to provide a range of entertainment choices and the guiding principles to protect established neighborhoods and revitalize economically challenged business areas.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Charlotte Department of Solid Waste Services:** No issues.
 - **Transportation:** No comments received.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** Not applicable.
 - **Charlotte-Mecklenburg Storm Water Services:** No comments received.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:**
 - There is no site plan associated with this text amendment.
-

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Solid Waste Services Review
- Charlotte Fire Department Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

Planner: Sandra Montgomery (704) 336-5722

TEXT AMENDMENT SUMMARY: Eating, Drinking and Entertainment Establishments

5-2-14

2013-90

Purpose/Background: The purpose of this text amendment is to create new definitions and regulations for Eating, Drinking and Entertainment Establishments by replacing definitions and regulations for restaurants, nightclubs, bars and lounges, and allowing Eating, Drinking and Entertainment Establishments in a number of zoning districts. In some instances they will be allowed by-right, and in others they will be allowed under prescribed conditions. The districts where these uses will be allowed are multi-family (R-8MF, R-12MF, R-17MF, R-22MF and R-43MF); urban residential (UR-2 and UR-3); urban residential – commercial (UR-C); institutional (INST); research (RE-1, RE-2, and RE-3); office (O-1, O-2, and O-3); business (B-1, B-2, BD and BP); mixed use (MX-1, MX-2 and MX-3); mixed use development (MUDD); uptown mixed use (UMUD); commercial center (CC); neighborhood services (NS); transit oriented development - residential (TOD-R); transit oriented development - employment (TOD-E); transit oriented development - mixed use (TOD-M); urban industrial (U-I); light industrial (I-1); heavy industrial (I-2); and in the pedestrian overlay district (PED); and transit supportive overlay district (TS). In addition, this text amendment creates new prescribed conditions for certain Eating, Drinking and Entertainment Establishments where alcohol is consumed and includes a Certificate of Exemption process for eligible establishments that cannot meet the separation distance requirements.

| Current Regulations | | Proposed Regulations | Rationale |
|--------------------------|--|--|---|
| Definitions | <p><u>Nightclub</u> - Any commercial establishment serving alcoholic beverages and providing entertainment for patrons including bars, lounges, and cabarets.</p> <p><u>Restaurant</u> - An establishment designed, in whole or in part, to accommodate the consumption of food and/or beverages</p> | <p>Adds new definitions to replace “restaurants” and “nightclubs”:</p> <ul style="list-style-type: none"> <u>Eating, Drinking and Entertainment Establishment, Type 1</u> - An establishment where food is prepared and beverages may be provided, excluding alcohol. Indoor and outdoor entertainment may be provided. <u>Eating, Drinking and Entertainment Establishment, Type 2</u> - An establishment where any alcohol is consumed, food and other beverages are optional, and entertainment may be provided, including outdoor entertainment. Excluded from the Type 2 Eating, Drinking and Entertainment Establishment are adult establishments, athletic and sports facilities, conference centers, cultural facilities, hotels and motels, and recreational facilities approved as part of a residential development plan, and similar uses, and uses exempt in accordance with the Alcohol Beverage Commission standards. | <ul style="list-style-type: none"> Create updated definitions to address the way these establishments are functioning today. |
| Other Definitions | None | <p>Adds additional definitions to clarify terms:</p> <ul style="list-style-type: none"> <u>Entertainment</u> - Entertainment means any activity or game that is live, broadcast, or recorded, including, but not limited to, dancing, music, theater or comedy performance, sporting event, trivia game, or game of skill or chance. <u>Outdoor Entertainment</u> - Outdoor entertainment means any activity or game that is live, broadcast, or recorded, including dancing, music, theater or comedy performance, sporting event, trivia game, or game of skill or chance which occurs on the premises of, but outside, an Eating, Drinking and Entertainment Establishment. Entertainment occurs outdoors when it is outside a permanent enclosed area, contained by permanent walls and a permanent roof of the establishment. | <ul style="list-style-type: none"> Add additional definitions to clarify terms previously undefined. |

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| <p>Districts Allowed</p> | <p><u>Restaurants:</u></p> <ul style="list-style-type: none"> Allowed by-right in urban residential (UR-2 and UR-3); urban residential - commercial (UR-C); research (RE-3); business (B-1, B-2, BD and BP); mixed-use development (MUDD); uptown mixed use (UMUD); commercial center (CC); neighborhood services (NS); transit oriented development - residential (TOD-R); transit oriented development - employment (TOD-E); transit oriented development - mixed use (TOD-M); urban industrial (U-I); light industrial (I-1); and general industrial (I-2) zoning districts. Allowed with prescribed conditions in multi-family (R-8MF, R-12MF, R-17MF, R-22MF and R-43MF); institutional (INST); research (RE-1 and RE-2); office (O-1, O-2 and O-3); and mixed use (MX-1, MX-2 and MX-3) zoning districts. Allowed in the pedestrian overlay district (PED) and transit supportive overlay district (TS) when allowed in the underlying district. <p><u>Nightclubs:</u></p> <ul style="list-style-type: none"> Allowed with prescribed conditions in the research (RE-3); neighborhood business (B-1); general business (B-2); mixed use (MX-2 and MX-3); mixed use development (MUDD); uptown mixed use (UMUD); commercial center (CC); neighborhood services (NS); transit oriented development - residential (TOD-R); transit oriented development - employment (TOD-E); transit oriented development - mixed use (TOD-M); light industrial (I-1); and general industrial (I-2) zoning districts. Allowed in the pedestrian overlay district (PED) and transit supportive overlay district (TS) when allowed in the underlying district. | <ul style="list-style-type: none"> <u>Outdoor Seating/Activity Area</u> - Outdoor seating/activity area means any area outside the permanent building, including without limitation, patios, decks, rooftops, open areas, or parking lots where food or beverages are consumed or entertainment takes place. Changes the terminology from “restaurants” and “nightclubs” to “Eating, Drinking and Entertainment Establishments”. Type 1 and 2 are differentiated. Expands the zoning districts where Type 2 Eating, Drinking and Entertainment Establishments are allowed: <p><u>Eating, drinking and entertainment establishments - Type 1</u></p> <ul style="list-style-type: none"> Allowed by-right in the urban residential (UR-2 and UR-3); urban residential - commercial (UR-C); research (RE-3); neighborhood business (B-1); general business (B-2); distributive business (B-D); business park (BP); mixed use development (MUDD); uptown mixed use (UMUD); commercial center (CC); neighborhood services (NS); transit oriented development - residential (TOD-R); transit oriented development - employment (TOD-E); transit oriented development - mixed use (TOD-M); urban industrial (U-I); light industrial (I-1); and general industrial (I-2) zoning districts. Allowed under prescribed conditions in the multi-family (R-8MF, R-12MF, R-17MF, R-22MF and R-43MF); institutional (INST); research (RE-1 and RE-2); office (O-1, O-2 and O-3); and mixed use (MX-1, MX-2 and MX-3) zoning districts. Allowed in the pedestrian overlay district (PED) and transit supportive overlay district (TS), when allowed in the underlying district. <p><u>Eating, drinking and entertainment establishments - Type 2</u></p> <ul style="list-style-type: none"> Allowed under prescribed conditions in the urban residential (UR-2 and UR-3); urban residential - commercial (UR-C); research (RE-3); office (O-1, O-2 and O-3); neighborhood business (B-1); general business (B-2); distributive business (B-D); business park (BP); mixed use (MX-2 and MX-3); mixed use development (MUDD); uptown mixed use (UMUD); commercial center (CC); neighborhood services (NS); transit oriented development - residential (TOD-R); transit oriented development - employment (TOD-E); transit oriented development - mixed use (TOD-M); light industrial (I-1); and general industrial (I-2) zoning districts. Allowed in the pedestrian oriented district (PED) and transit supportive overlay district (TS) when allowed in the underlying district. |
| | | <ul style="list-style-type: none"> Allows Type 1 Eating, Drinking and Entertainment Establishments in the same zoning districts as restaurants are allowed. Expands the districts [office (O-1, O-2 and O-3)] where Type 2 Eating, Drinking and Entertainment Establishments are allowed only when the use is located in a hotel/motel or office building. Adds two business districts [distributive business (BD) and business park (BP)] where Type 2 Eating, Drinking and Entertainment Establishments are allowed under prescribed conditions. Clarifies that Type 2 Eating, Drinking and Entertainment Establishments are allowed in the mixed use (MX-2 and MX-3) zoning districts. |

| Prescribed Conditions for Restaurants/Eating, Drinking and Entertainment Establishments – Type 1 | | | |
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| Prescribed Conditions for Restaurants/Eating, Drinking and Entertainment Establishments - Type 1 | Current Regulations | Proposed Regulations | Rationale |
| | <p>Restaurants are allowed in the following zoning districts, subject to the following prescribed conditions:</p> <p>Multi-family (R-8MF, R-12MF, R-17MF, R-22MF and R-43MF) and Mixed Use (MX-1, MX-2 and MX-3) districts:</p> <ul style="list-style-type: none"> • Located in a multi-family building with at least 50 units. • No more than 25 square feet per dwelling unit allowed, up to a maximum of 10,000 square feet. • No public entrance from outside the building. • No display of merchandise visible from outside the building. <p><u>Institutional (INST) district:</u></p> <ul style="list-style-type: none"> • Principal use of the lot is institutional of at least 30,000 square feet. • Restaurant no more than 10% of the gross floor area of all buildings on the lot, and not more than 25% of the ground floor area. • Restaurant located in the same building as the principal use. • No display of merchandise shall be visible from outside the building. • One wall sign: 16 square feet maximum. <p><u>Research (RE-1 and RE-2) districts:</u></p> <ul style="list-style-type: none"> • Principal use of the lot is office, distributive business, research laboratories, pilot plants, prototype production plants or other production facilities of at least 30,000 square feet. • Restaurant no more than 10% of the gross floor area of all buildings on the lot, and not more than 50% of the ground floor area. • Restaurant located in the same building as the principal use or if located in a separate building, the use will be designed and intended for the primary use of persons employed by the principal use. • No display of merchandise permitted outside the building. • One wall sign: 16 square feet maximum. <p><u>Office (O-1, O-2 and O-3) districts:</u></p> <ul style="list-style-type: none"> • Restaurants allowed in a multi-family building with at least 50 units: | <ul style="list-style-type: none"> • Changes the terminology from “restaurants” to “Eating, Drinking and Entertainment Establishments - Type 1”. • No changes to prescribed conditions for Eating, Drinking and Entertainment Establishments - Type 1. | <ul style="list-style-type: none"> • Creates updated definitions • Maintains existing prescribed conditions for Type 1 Eating, Drinking and Entertainment Establishments. |

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| | <ul style="list-style-type: none"> No more than 25 square feet per dwelling unit allowed, up to a maximum of 10,000 square feet. No public entrance from outside the building. Restaurants allowed in Hotels/Motels with at least 75 rental units Limited to 75 sq. ft. per rental unit. No display of merchandise shall be visible from outside the building Restaurants allowed in office buildings: <ul style="list-style-type: none"> Principal use of the lot is office uses with at least 30,000 square feet. Restaurant occupies no more than 10% of the gross floor area of all buildings on the lot, and not more than 50% of the ground floor area. Restaurants located in the pedestrian oriented development (PED) zoning district shall occupy no more than 20% of the gross floor area and only locate on the ground floor. Restaurant must be in the same building as the principal use [except in the pedestrian oriented development (PED) zoning district]. No display of merchandise shall be visible from outside the building housing the use. One wall sign: 16 square feet maximum. <p><u>Business Districts:</u></p> <ul style="list-style-type: none"> Restaurants with drive-in service allowed only in the general business (B-2) zoning district. | |
| Prescribed Conditions for Nightclubs, Bars and Lounges/Eating, Drinking and Entertainment Establishments – Type 2 | | |
| | Current Regulations | Proposed Regulations |
| Prescribed Conditions for Nightclubs, bars and lounges/ Eating, Drinking and Entertainment Establishments -Type 2 | <p>Nightclubs, bars and lounges are allowed in the following zoning districts, subject to the following prescribed conditions:</p> <ul style="list-style-type: none"> <u>Neighborhood business (B-1):</u> general business (B-2); and <u>neighborhood services (NS):</u> The use shall be located at least 400' from any residential use or residential district. <u>Research (RE-3):</u> The use shall be at least 400' from any residential district. <u>Commercial center (CC):</u> The use shall be at least 400' from any residential structure or residential district external to the commercial center (CC) district. | <ul style="list-style-type: none"> Modifies, and in some cases reduces the separation distance for Eating, Drinking and Entertainment Establishments – Type 2, and makes them consistent across all zoning districts. Adds new prescribed conditions. Clarifies that Eating, Drinking and Entertainment Establishments – Type 2 with an accessory drive-in service window and/or outdoor service window having indoor seating for fewer than 50 patrons are not permitted in the commercial center (CC) zoning district. This aligns with current regulations in Section 12.413. Adds an exemption/certification process for existing uses. <p>The proposed prescribed conditions are as follows:</p> |
| | Rationale | <ul style="list-style-type: none"> Sets one set of separation distance standards for all Type 2 Eating, Drinking and Entertainment Establishments in all zoning districts. Separation distances are based on the provision of food |

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| | <ul style="list-style-type: none"> • <u>Mixed use development (MUDD) and uptown mixed use (UMUD)</u>: The establishment shall be at least 100' from any residential structure located in a residential district. • <u>Pedestrian overlay district (PED)</u>: The use shall be at least 400' from any residential use in a residential district or from a residential district. The distance may be reduced in a streetscape plan approved by City Council. • <u>Transit oriented development (TOD)</u>: The use shall be located at least 200' from any residential structure in a residential district. • <u>Transit supportive overlay (TS)</u>: As per underlying district. • <u>Light industrial (I-1)</u>: Establishment limited to 70,000 sq. ft. • <u>General industrial (I-2)</u>: Establishment limited to 25,000 sq. ft. | <p><u>Eating, Drinking and Entertainment Establishments - Type 2</u></p> <p>(1) If food and beverages are consumed in an outdoor seating/activity area at any time between the hours of 11:00 p.m. and 8:00 a.m., the use is subject to one of the following prescribed conditions:</p> <p>(a) The outdoor seating/activity area shall be separated by a distance of at least 100 feet from the nearest property line of a vacant lot or a residential use (single family, duplex, triplex and quadraplex only) when located in a single family zoning district; or</p> <p>(b) If the outdoor seating/activity area is less than 100 feet from the nearest property line of a vacant lot or a residential use (single family, duplex, triplex and quadraplex only) when located in a single family zoning district, then the outdoor seating/activity area shall be separated by a Class A buffer along all corresponding side and rear property line(s).</p> <p>(2) If outdoor entertainment occurs at any time between the hours of 11:00 p.m. and 8:00 a.m., then the following minimum separation distances shall be met, based on the zoning district in which the use is located:</p> <p>(a) Minimum 100-foot separation distance in the mixed use development (MUDD); uptown mixed use (UMUD); transit oriented development - residential (TOD-R); transit oriented development - employment (TOD-E); transit oriented development - mixed use (TOD-M); and transit supportive overlay (TS) zoning districts. The minimum required separation distance cannot be reduced as an optional provision through the rezoning process.</p> <p>(b) Minimum 250-foot separation distance in the pedestrian overlay district (PED). The minimum required separation distance cannot be reduced as an optional provision through the rezoning process. Nightclub, bar, lounge and Type 2 Eating, Drinking and Entertainment Establishments located in a PED zoning district shall meet the separation distance standards established in an approved Pedscape Plan.</p> <p>(c) Minimum 400-foot separation distance in the urban residential (UR-2 and UR-3); urban residential - commercial (UR-C); research (RE-3); office (O-1, O-2 and O-3); neighborhood business (B-1); general business (B-2); distributive business (BD); business park (BP); commercial center (CC); neighborhood services (NS); mixed-use (MX-2 and MX-3); light industrial (I-1); and general industrial (I-2) zoning districts.</p> <p>Distances shall be measured from the closest edge of any outdoor</p> | <p>and beverages in an outdoor seating/activity area and/or the provision of outdoor entertainment, when either occurs between 11 p.m. and 6 a.m.</p> <ul style="list-style-type: none"> • Prescribed conditions protect residential uses in single family districts, including vacant lots. • An exemption/certification process adds flexibility for existing uses. |
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| | <p>seating/activity area to the nearest property line of a vacant lot or a residential use (single family, duplex, triplex and quadraplex only) when located in a single family zoning district.</p> <p>(3) Certificate of Exemption</p> <p>(a) Business establishments that would have met each of the following criteria as of January 1, 2013 are eligible to apply for a Certificate of Exemption, the issuance of such Certificate shall constitute an exemption from the separation distance requirements:</p> <ol style="list-style-type: none"> 1. Met the definition of a Type 2 Eating, Drinking and Entertainment Establishment; 2. Had an outdoor seating/activity area located within the required separation distances; and 3. Provided outdoor entertainment between the hours of 11:00 p.m. and 8:00 a.m. <p>(b) The Planning Director, or designee, is authorized to issue a Certificate of Exemption and to establish administrative processes for such issuance.</p> <p>(c) Notification of Application for Certificate of Exemption.</p> <ol style="list-style-type: none"> 1. The Planning Director, or her or his designee, shall mail a written notice and a copy of the submitted Certificate of Exemption application to property owners located within the designated separation distance. Written comments may be submitted to the Planning Director, or her or his designee, within 15 days of the date of notification. 2. The Planning Director, or her or his designee, shall mail a written notice informing property owners within the designated separation distance of the decision (approval or denial) of the Certificate of Exemption. <p>(d) A Certificate of Exemption shall be issued if the following criteria apply:</p> <ol style="list-style-type: none"> 1. A Type 2 Eating, Drinking and Entertainment Establishment is, as of the date of application, in compliance with all applicable land use and development laws, including without limitation, zoning laws and urban design standards for the district in which the use is located; and | |
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| | | <p>2. Either of the following applied to the Type 2 Eating, Drinking and Entertainment Establishment, on or after January 1, 2013:</p> <ul style="list-style-type: none"> i. The Type 2 Eating, Drinking and Entertainment Establishment abuts a public right-of-way that is 60 feet or greater in width; or ii. A building of at least 1,900 square feet (excluding single-family, duplex, triplex, and quadraplex buildings) is located between the outdoor seating/activity area of the Type 2 Eating, Drinking and Entertainment Establishment, and a vacant lot or a residential use (single family, duplex, triplex or quadraplex only) when located in a single family zoning district. The building can be located either on- or off-premise. <p>(e) A Type 2 Eating, Drinking and Entertainment Establishment must apply for a Certificate of Exemption within ninety (90) days from the date the Planning Director provides written notice to a Type 2 Eating, Drinking and Entertainment Establishment affected by the separation distances or within one (1) year from the date this ordinance becomes law, whichever first occurs. A pending variance petition shall stay enforcement of the application limitation period. The Planning Department shall make reasonable efforts to notify directly affected businesses of the enactment of this ordinance.</p> <p>(f) For a Type 2 Eating, Drinking and Entertainment Establishment that receives a Certificate of Exemption, the outdoor seating/activity area or building(s), as either existed as of January 1, 2013, may not be moved, expanded, enlarged, or changed. Routine repair and maintenance is permitted.</p> <p>(g) If a Type 2 Eating, Drinking and Entertainment Establishment receiving a Certificate of Exemption fails to maintain compliance with the requirements for the Certificate or the conditions represented or specified in its application for exemption, the Planning Director may revoke the Certificate of Exemption. Such revocation shall occur only after written notice and a reasonable opportunity to remedy the violation.</p> <p>(h) Any Type 2 Eating, Drinking and Entertainment</p> |
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| | | <p>Establishment building or outdoor seating/activity area exempted that is destroyed or damaged by fire, flood, wind, other acts of God, may be repaired or restored to its original dimensions and conditions as they existed on January 1, 2013 if a building permit for the repair or restoration is issued within 12 months of the date of damage.</p> <p>(i) The Certificate of Exemption shall be revoked for any Type 2 Eating, Drinking and Entertainment Establishment that has visibly discontinued use as a Type 2 Eating, Drinking and Entertainment Establishment for 12 consecutive months or obtains an approved change of use.</p> <p>(j) The issuance of a Certificate of Exemption shall not otherwise excuse a violation of federal, state, or local laws and regulations, including the development and urban design standards of the zoning district in which the use is located.</p> <p>(k) The land owner where the Certificate of Exemption is being requested, or a property owner of a vacant lot or a residential use (single family, duplex, triplex or quadplex only) located within the specified separation distance, may appeal a denial, approval or revocation of a Certificate of Exemption. Such appeal must be filed with the Zoning Board of Adjustment within thirty (30) days from the date of such action.</p> | <p>Establishment building or outdoor seating/activity area exempted that is destroyed or damaged by fire, flood, wind, other acts of God, may be repaired or restored to its original dimensions and conditions as they existed on January 1, 2013 if a building permit for the repair or restoration is issued within 12 months of the date of damage.</p> | |
| Watershed Overlay Districts | <ul style="list-style-type: none"> The discharge of industrial process treated wastewater does not include wastewater from restaurants. | <ul style="list-style-type: none"> Replaces the term “restaurants” with “eating, drinking and entertainment establishments”. | <ul style="list-style-type: none"> Updates terminology. | |
| Parking | <p>Existing parking requirements by zoning district:</p> <p><u>Transit oriented development (TOD):</u></p> <ul style="list-style-type: none"> Minimum of 1 parking space per 150 sq. ft. of restaurant/nightclub for sites within 800’ of single family zoning. For all other sites: No minimum, but a maximum of 1 space per 75 sq. ft. <p><u>Pedestrian overlay district (PED) and research (RE-3):</u></p> <ul style="list-style-type: none"> Minimum of 1 parking space per 125 sq. ft. for restaurants, nightclubs, bars and lounges. <p><u>All Other Districts:</u></p> <ul style="list-style-type: none"> Minimum of 1 space per 75 sq. ft. for restaurants, | <ul style="list-style-type: none"> Replaces the term “restaurants/nightclub” with “eating, drinking and entertainment establishments”. No changes to the vehicular parking requirements. No changes to the short-term bike parking requirements. Modifies the long-term bike parking requirements to include Type 2 Eating, Drinking and Entertainment Establishments at a requirement of 2 spaces or 1 per 10,000 square feet. | <ul style="list-style-type: none"> Adds long-term bike parking for employees and customers of Type 2 Eating, Drinking and Entertainment Establishments. | |

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| | <ul style="list-style-type: none"> nightclubs, bars and lounges. Minimum of 2 long-term bike parking spaces or 1 per 10,000 sq. ft. for restaurants. None required for nightclubs. Minimum of 5% of auto parking for short-term bike parking spaces for restaurants, nightclubs, bars and lounges. | | |
| Location of required parking | <ul style="list-style-type: none"> Restaurants located within the area bounded by Route 4 and I-85 and which do not include a drive-in service window shall provide minimum required parking spaces within 800' of the restaurant site. | <ul style="list-style-type: none"> Removes the 800' requirement. | <ul style="list-style-type: none"> Adds flexibility. |
| Buffers – Restaurants/ Eating, Drinking and Entertainment Establishments - Type 1 | <ul style="list-style-type: none"> Buffer standards for Restaurants: <ul style="list-style-type: none"> <u>Class B</u> buffer required when a restaurant (up to 50,000 sq. ft.) abuts a single family or multi-family use or zoning district. <u>Class C</u> buffer required when a restaurants (up to 50,000 sq. ft.) abuts a low intensity institutional use (examples: elementary school, day care, nursing home, civic, social and fraternal organizations), institutional zoning district, or park and greenway. <u>Class C</u> buffer required when a restaurant (over 50,000 sq. ft.) abuts a medium or high intensity institutional use (examples: Middle school, government buildings, hospitals, religious institutions, stadiums), institutional zoning district, or park and greenway. | <ul style="list-style-type: none"> No changes to the buffer requirements for Eating, Drinking and Entertainment Establishments – Type 1, except terminology. | <ul style="list-style-type: none"> Updates terminology |
| Buffers – Nightclubs, Bars and Lounges/ Eating, Drinking and Entertainment Establishments - Type 2 | <ul style="list-style-type: none"> Buffer standards for Nightclubs, Bars and Lounges: <ul style="list-style-type: none"> <u>Class B</u> buffer required when the use abuts a single family or multi-family use or zoning district or abuts a low intensity institutional use. <u>Class C</u> buffer required when the use abuts a medium to high intensity institutional use or zoning district or parks and greenways (ex: Middle school, government buildings, hospitals, religious institutions, stadiums). | <ul style="list-style-type: none"> No changes to the buffer requirements for Eating, Drinking and Entertainment Establishments – Type 2, except terminology. | <ul style="list-style-type: none"> Updates terminology and provides clarity by identifying the use in the table, rather than categorizing it under “Other business uses”. |
| Miscellaneous | <ul style="list-style-type: none"> References to “restaurants”, “nightclubs”, and “nightclubs, bars and lounges” “café’s”, and “outdoor café’s”. | <ul style="list-style-type: none"> Replaces references to “restaurants”, “café’s”, “outdoor café’s” and “nightclubs, bars and lounges”, with “Eating, Drinking and Entertainment Establishments”. In some instances, Type 1 and Type 2 are noted. | <ul style="list-style-type: none"> Updates terminology. |

Petition No. 2013-90

Petitioner: Charlotte-Mecklenburg Planning Department

**AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE –ZONING ORDINANCE**

ORDINANCE NO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

A. CHAPTER 2: DEFINITIONS AND RULES OF CONSTRUCTION

1. PART 2: DEFINITIONS

- a. Amend Section 2.201, "Definitions" by removing the definition for "nightclubs", "restaurants" and replacing them with two new definitions for "Eating, Drinking and Entertainment Establishments". Add new definitions for "outdoor entertainment", "outdoor seating/activity area", and "entertainment". Modify the definition for "shopping center" and "restaurant, drive-in" by replacing the term "restaurant" with "Eating, Drinking and Entertainment Establishment". Also remove the term, "in whole, or in part" from the definition of "restaurant – drive in". All other definitions remain unchanged. The amended and new definitions shall read as follows:

~~Drive-in-restaurant.~~ Eating, Drinking and Entertainment Establishment. (See ~~Restaurant~~ Eating, Drinking and Entertainment Establishment, drive-in.)

~~Nightclubs.~~

~~Any commercial establishment serving alcoholic beverages and providing entertainment for patrons including bars, lounges, and cabarets.~~

Eating, Drinking and Entertainment Establishment, Type 1.

An establishment where food is prepared and beverages may be provided, excluding alcohol. Indoor and outdoor entertainment may be provided.

Eating, Drinking and Entertainment Establishment, Type 2.

An establishment where any alcohol is consumed, food and other beverages are optional, and entertainment may be provided, including outdoor entertainment. Excluded from the Type 2 Eating, Drinking and Entertainment Establishment are adult establishments, athletic

and sports facilities, conference centers, cultural facilities, hotels and motels, and recreational facilities approved as part of a residential development plan, and similar uses, and uses exempt in accordance with the Alcohol Beverage Commission standards.

Entertainment.

Entertainment means any activity or game that is live, broadcast, or recorded, including, but not limited to, dancing, music, theater or comedy performance, sporting event, trivia game, or game of skill or chance.

Outdoor Entertainment.

Outdoor entertainment means any activity or game that is live, broadcast, or recorded, including dancing, music, theater or comedy performance, sporting event, trivia game, or game of skill or chance which occurs on the premises of, but outside, an Eating, Drinking and Entertainment Establishment. Entertainment occurs outdoors when it is outside a permanent enclosed area, contained by permanent walls and a permanent roof of the establishment.

Outdoor Seating/Activity Area.

Outdoor seating/activity area means any area outside the permanent building, including without limitation, patios, decks, rooftops, open areas, or parking lots where food or beverages are consumed or entertainment takes place.

Restaurant.

~~An establishment designed, in whole or in part, to accommodate the consumption of food and/or beverages.~~

~~Restaurant, Eating, Drinking and Entertainment Establishment, - drive-in.~~

An establishment designed, ~~in whole or part,~~ to accommodate the consumption of food and/or beverages in motor vehicles on the premises of such establishment, or a ~~restaurant~~ Eating, Drinking and Entertainment Establishment with a drive-in service window and/or outdoor service window having indoor seating accommodation for fewer than 50 patrons.

Shopping center.

A group of two or more retail establishments or ~~restaurants~~ Eating, Drinking and

Entertainment Establishments, constructed and planned and developed with a unified design of buildings with associated out parcels and coordinated parking and service areas.

B. CHAPTER 9: GENERAL DISTRICTS

1. PART 1: TABLE OF USES AND HIERARCHY OF DISTRICTS

- a. Amend Section 9.101, “Table of Uses”, by amending Table 9.101 to replace the term “restaurant” and “nightclub, bar and lounge” with “Eating, Drinking and Entertainment Establishments”. Add “Type 1” and “Type 2” as shown. Other changes include adding “PC” to the listing under the urban residential districts. The revised table entries shall read as follows:

| MULTI-FAMILY | | | | | |
|---|-------|--------|--------|--------|--------|
| | R-8MF | R-12MF | R-17MF | R-22MF | R-43MF |
| OFFICE & BUSINESS USES | | | | | |
| Restaurants <u>Eating, Drinking and Entertainment Establishments (Type 1)</u> with up to 10,000 square feet. | PC | PC | PC | PC | PC |

| URBAN RESIDENTIAL | | | | |
|---|------|--------------|--------------|--------------|
| | UR-1 | UR-2 | UR-3 | UR-C |
| OFFICE & BUSINESS USES | | | | |
| Business and office uses permitted in B-1, except no drive-in windows or automotive sale, service, or repair. Maximum GFA is 50% of the ground floor area of the building in which located; each tenant or use is limited to a maximum of 3,000 square feet. | | X/ <u>PC</u> | | |
| Business and office uses permitted in B-1, except no drive-in windows or automotive sale, service, or repair. Commercial uses are limited in floor area to two times the size of the building footprint. Business or office uses cannot be free-standing uses, but may be combined with residential uses in the same structure. | | | X/ <u>PC</u> | |
| Business and office uses (including free-standing structures, and uses located within multi-family structures) permitted in B-1, except no drive-in windows or automotive sale, service, or repair. | | | | X/ <u>PC</u> |

| INSTITUTIONAL | |
|--|------|
| | INST |
| OFFICE & BUSINESS USES | |
| Restaurants <u>Eating, Drinking and Entertainment Establishments (Type 1)</u> | PC |

| RESEARCH | | | |
|---|------|------|------|
| | RE-1 | RE-2 | RE-3 |
| OFFICE & BUSINESS USES | | | |
| Restaurants <u>Eating, Drinking and Entertainment Establishments (Type 1)</u> | PC | PC | X |
| Nightclubs, bars and lounges <u>Eating, Drinking and Entertainment Establishments (Type 2)</u> | | | PC |

| OFFICE BUSINESS | | | | | | | |
|---|-----------|-----------|-----------|-----|----------|-----------|-----------|
| | O-1 | O-2 | O-3 | B-1 | B-2 | B-D | BP |
| OFFICE & BUSINESS USES | | | | | | | |
| Restaurants <u>Eating, Drinking and Entertainment Establishments (Type 1), except for drive-in services as a principal use</u> | <u>PC</u> | <u>PC</u> | <u>PC</u> | X | X | X | X |
| Nightclubs, bars and lounges <u>Eating, Drinking and Entertainment Establishments (Type 2)</u> | <u>PC</u> | <u>PC</u> | <u>PC</u> | PC | PC | <u>PC</u> | <u>PC</u> |
| Restaurants in multi-family buildings | PC | PC | PC | | | | |
| Restaurants in office buildings | PC | PC | PC | | | | |
| <u>Eating, Drinking and Entertainment Establishments (Type 1) with drive-in service as a principal use</u> | | | | | <u>X</u> | | |

| MIXED USE | | | |
|--|------|-----------|-----------|
| | MX-1 | MX-2 | MX-3 |
| OFFICE & BUSINESS USES | | | |
| Retail and office establishments and restaurants <u>Eating, Drinking and Entertainment Establishments (Type 1)</u> in multi-family buildings and attached buildings | PC | PC | PC |
| <u>Eating, Drinking and Entertainment Establishments (Type 2)</u> | | <u>PC</u> | <u>PC</u> |

| MUDD & UMUD COMMERCIAL CENTER TRANSIT ORIENTED DEVELOPMENT | | | | | | |
|---|------|------|----|-----------|-----------|-----------|
| | MUDD | UMUD | CC | TOD-R | TOD-E | TOD-M |
| OFFICE & BUSINESS USES | | | | | | |
| Restaurants, including open air or sidewalk cafes <u>Eating, Drinking and Entertainment Establishments (Type 1)</u> | X | X | X | | | |
| Restaurants, including open air or sidewalk cafes, <u>Eating, Drinking and Entertainment Establishments (Type 1),</u> with no drive-through windows. | | | | X | X | X |
| Nightclubs, bars and lounges <u>Eating, Drinking and Entertainment Establishments (Type 2)</u> | PC | PC | PC | | | |
| <u>Eating, Drinking and Entertainment Establishments (Type 2), with no drive-through windows</u> | | | | <u>PC</u> | <u>PC</u> | <u>PC</u> |

| URBAN INDUSTRIAL INDUSTRIAL | | | |
|---|-----|------|------|
| | U-I | I-1 | I-2 |
| OFFICE & BUSINESS USES | | | |
| Nightclubs, bars and lounges, up to 25,000 square feet | | | PC |
| Nightclubs, bars and lounges, up to 70,000 square feet | | PC | |
| <u>Eating, Drinking and Entertainment Establishments (Type 1) operated by an employer on the site for the convenience of his employees only</u> | X | | |
| Personal services, such as banks, restaurants, or and day care centers operated by an employer on the site for the convenience of his employees only | X | | |
| Restaurants <u>Eating, Drinking and Entertainment Establishments (Type 1) , with or without drive-in service as a principal use</u> | | X | X |
| Restaurants <u>Eating, Drinking and Entertainment Establishment (Type 2), with or without drive-in service as a principal use</u> | | X PC | X PC |

2. PART 3: MULTI-FAMILY DISTRICTS

- a. Amend Section 9.303, “Uses permitted under prescribed conditions”, item (25) by replacing the term “restaurants” with “Eating, Drinking and Entertainment Establishments (Type 1)”. All other entries remain unchanged. The revised entry shall read as follows:

(25) Retail and office establishments, ~~restaurants~~ Eating, Drinking and Entertainment Establishments (Type 1), and indoor recreation, provided that:

- (a) The establishment will be located within a building that contains at least 50 dwelling units;
- (b) The establishment will occupy no more than 25 square feet per dwelling unit in the building up to a maximum of 10,000 square feet;
- (c) The establishment will have no direct public entrance from

the outside of the building; and

- (d) No merchandise or display of merchandise will be visible from outside the building.

3. PART 5: INSTITUTIONAL DISTRICT

- a. Amend Section 9.503, “Uses permitted under prescribed conditions”, item (19) by replacing the term “restaurants” with “Eating, Drinking and Entertainment Establishments (Type1). In subsections (c) and (d) replace the term “restaurants” with “Eating, Drinking and Entertainment Establishments”. All other entries remain unchanged. The revised entry shall read as follows:

(19) Retail establishments, offices, and ~~restaurants~~ and Eating, Drinking and Entertainment Establishments (Type 1) provided that:

- (a) The principal use of the lot is institutional;
- (b) The principal use of the lot occupies at least 30,000 square feet of floor area;
- (c) Retail establishments, and ~~restaurants~~ Eating, Drinking and Entertainment Establishments, will occupy no more than 10 percent of the gross floor area of all buildings on the lot, and under no circumstances will such uses exceed 25% of the ground floor area;
- (d) The proposed use must be located within the same building as the principal use, and there will be no direct public entrance to the proposed use from outside the building, except for ~~a restaurant use~~ an Eating, Drinking and Entertainment Establishment;
- (e) No merchandise or display of merchandise will be visible from outside the building housing the proposed use; and
- (f) One wall sign is permitted to identify all internal uses provided that it is no larger than 16 square feet.

4. PART 6: RESEARCH DISTRICTS

- a. Amend Section 9.603, “Uses permitted under prescribed conditions”, item (22) by replacing the term “restaurants” with “Eating, Drinking and Entertainment Establishments (Type 1). In subsections (c) and (d) replace the term “restaurants” with “Eating, Drinking and Entertainment Establishments”. All other entries remain unchanged. The revised entry shall read as follows:

- (22) ~~Retail establishments and restaurants~~ Eating, Drinking and Entertainment Establishments (Type 1) that:
- (a) The principal use of the lot is for offices, distributive businesses, research laboratories, pilot plants, prototype production plants, or other production facilities;
 - (b) The principal use of the lot occupies at least 30,000 square feet of floor area;
 - (c) ~~Retail establishments and restaurants~~ Eating, Drinking and Entertainment Establishments will occupy no more than 10 percent of the gross floor area of all buildings on the lot and under no circumstances exceed 25 percent of the ground floor area, except ~~a restaurant use~~ an Eating, Drinking and Entertainment Establishment may occupy up to 50 percent of the ground floor;
 - (d) If the proposed use is to be located within the same building as the principal use, then there will be no direct public entrance to the proposed use from outside the building except for ~~a restaurant use~~ an Eating, Drinking and Entertainment Establishment;
 - (e) If the proposed use is to be located in a building separate from the principal use, then the proposed use will be designed and intended primarily for the use of persons who are employed by the principal use;
 - (f) No display of merchandise shall be permitted outside the building; and
 - (g) One wall sign is permitted to identify all internal commercial uses, provided that it is no larger than 16 square feet.

5. PART 7: OFFICE DISTRICTS

- a. Amend Section 9.703, "Uses permitted under prescribed conditions", items (12), subsection (b) by replacing the term "nightclubs, bars, lounges and restaurants" with "Eating, Drinking and Entertainment Establishments (Type 1 and Type 2)". In item (12), subsection (c), replace the term "entertainment and restaurant purposes" with "Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) and other entertainment". Amend item (27) by replacing the term "restaurants" with "Eating, Drinking and Entertainment Establishments (Type 1)".

Amend item (28) by replacing the term “restaurants” with “Eating, Drinking and Entertainment Establishments (Type 1 and Type 2)”. Amend item (28), subsection (c) and (d) by replacing the term “restaurants” or “a restaurant use” with “Eating, Drinking and Entertainment Establishments” in four places. Add a new subsection (g) for “Type 2 Eating, Drinking and Entertainment Establishments”. All other entries remain unchanged. The revised entries shall read as follows:

(12) Hotels and motels, provided that:

- (a) All buildings, off-street parking and service areas will be separated by a Class B buffer from any abutting property located in a residential district, abutting residential use or low intensity institutional use (See Section 12.302);
- (b) Retail, ~~nightclubs, bars, lounges and restaurants~~ and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) as accessory uses may be located in a hotel or motel having a minimum of 75 rental units.
- (c) Gross floor area for retail, ~~entertainment and restaurant purposes~~ Eating, Drinking and Entertainment Establishments (Type 1 and Type 2), and other entertainment activities will be limited to 75 square feet per rental unit. Ballrooms, conference rooms, meeting rooms and similar assembly facilities will not be included in determining gross floor area used for commercial purposes;
- (d) No merchandise or merchandise display window may be visible from outside the building;
- (e) No outside storage or display of merchandise will be permitted; and
- (f) One wall sign is permitted to identify all internal commercial uses, provided that the sign is no larger than 16 square feet.

(27) Retail and office establishments, ~~restaurants~~ Eating, Drinking and Entertainment Establishments (Type 1) and indoor recreation in multi-family buildings, subject to the regulations of subsection 9.303(25).

(28) Retail establishments and ~~restaurants~~ Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) in office buildings, provided that:

- (a) The principal use of the lot is for offices;
- (b) The principal use of the lot occupies at least 30,000 square feet of floor area;
- (c) Retail establishments and ~~restaurants~~ Eating, Drinking and Entertainment Establishments, will occupy no more than 10 percent of the gross floor area of all buildings on the lot and under no circumstances shall exceed 25% of the ground floor area except ~~a restaurant use~~ an Eating, Drinking and Entertainment Establishment may occupy up to 50% of the ground floor area;

Retail establishments and ~~restaurants~~ Eating, Drinking and Entertainment Establishments located in a Pedestrian Overlay District (PED) will occupy no more than 20% of the gross floor area and shall only be located on the ground floor.

- (d) In all zoning districts, except PED, the proposed use must be located within the same building as the principal use, and there will be no direct public entrance to the proposed use from outside the building, except for ~~a restaurant use~~ an Eating, Drinking and Entertainment Establishment. In the PED zoning district, ground floor retail establishments may have entrances external to the building
- (e) No merchandise or display of merchandise will be visible from outside the building housing the proposed use; and
- (f) One wall sign is permitted to identify internal commercial uses, provided that the sign is no larger than 16 square feet.
- (g) Type 2 Eating, Drinking and Entertainment Establishments are subject to the regulations of Section 12.546.

6. PART 8: BUSINESS DISTRICTS

- a. Amend Section 9.802, "Uses permitted by right", item (77) by replacing the term "restaurants" with "Eating, Drinking and Entertainment Establishments (Type 1)". Amend item (78) by replacing the term "restaurants" with "Eating, Drinking and Entertainment Establishments (Type 1)". Other items remain unchanged. The revised entries shall read as follows:

- (77) ~~Restaurants.~~ Eating, Drinking and Entertainment Establishments (Type 1).

(78) ~~Restaurants~~, Eating, Drinking and Entertainment Establishments Type 1) drive-in service (B-2 only).

- b. Amend Section 9.803, “Uses permitted under prescribed conditions” by adding a new item (12.5) for “Eating, Drinking and Entertainment Establishments (Type 2)”, with prescribed conditions. Amend item (19) by deleting the text and replacing with “Reserved”. All other items remain unchanged. The revised item shall read as follows:

(12.5) Eating, Drinking and Entertainment Establishments (Type 2)
provided that:

(a) Eating, Drinking and Entertainment Establishments with
drive-in service are allowed in B-2 only.

(b) Eating, Drinking and Entertainment Establishments are
subject to the regulations of Section 12.546.

(19) ~~Nightclubs, bars and lounges (B-1 and B-2 only), provided that:~~
Reserved.

~~Any structure in which a nightclub, bar or lounge is the principal~~
~~use shall be located at least 400 feet from any residential use or~~
~~residential district.~~

7. PART 8.5: MIXED USE DEVELOPMENT DISTRICT

- a. Amend Section 9.8502, “Mixed Use Development District; uses permitted by right” by deleting the entry for “Restaurants” and replacing it with “Eating, Drinking and Entertainment Establishments (Type 1)”. All other entries remain unchanged. The revised entries shall read as follows:

~~Restaurants; including open air or sidewalk cafes.~~ Eating, Drinking and
Entertainment Establishments (Type 1).

- b. Amend Section 9.8503, “Mixed Use Development District; uses permitted under prescribed conditions by adding an entry for “Eating, Drinking and Entertainment Establishments (Type 2)” in alphabetical order. Also delete the entry for “Entertainment establishments”. All other entries remain unchanged. The new and deleted entry shall read as follows:

Eating, Drinking and Entertainment Establishments (Type 2), subject to
the regulations of Section 12.546.

~~Entertainment establishments such as lounges, nightclubs, bars, taverns, and cabarets, provided they are located at least 100 feet from any residential structure located in a residential district.~~

8. PART 9: UPTOWN MIXED USE DISTRICT

- a. Amend Section 9.902, “Uptown Mixed Use District; uses permitted by right” by amending the entry (13) by replacing “Restaurants; including open air or sidewalk cafes” with “Eating, Drinking and Entertainment Establishments (Type 1). All other entries remain unchanged. The deleted entry shall read as follows:

(13) ~~Restaurants; including open air or sidewalk cafes~~ Eating, Drinking and Entertainment Establishments (Type 1).

- b. Amend Section 9.903, “Uptown Mixed Use District; uses permitted under prescribed conditions” by replacing item (10), “Entertainment establishments” with “Eating, Drinking and Entertainment Establishments (Type 2)”, with conditions. All other entries remain unchanged. The new entry shall read as follows:

(10) ~~Entertainment establishments such as lounges, nightclubs, bars, taverns, and cabarets, provided they are located at least 100 feet from any residential structure located in a residential district.~~
Eating, Drinking and Entertainment Establishments
(Type 2), subject to the regulations of Section 12.546.

- c. Amend Section 9.906, “Uptown Mixed Use District; urban design and development standards, subsection (2), “Streetscape design standards”, subsection (d), “Special regulations for Tryon Street and Brevard Street Area”, subsection (4), “Urban open spaces”, subsection (f), “Food” by replacing the term “cafe” with “Eating, Drinking and Entertainment Establishment”. The revised entry shall read as follows:

(f) Food. The provision of food facilities is encouraged. Food kiosks can count as open space provided they do not exceed 150 square feet in area. No more than one-half of the open space may be used for an open-air-café Eating, Drinking and Entertainment Establishment. Litter receptacles must be provided at a minimum of 4 cubic feet of receptacle capacity for each 800 square feet of open space.

- d. Amend Section 9.906, “Uptown Mixed Use District; urban design and development standards, subsection (2), “Streetscape design standards”, subsection (d), “Special regulations for Tryon Street and Brevard Street Area”, subsection (6), “First Floor Retail Required”, by replacing the term “restaurants” with “Eating, Drinking and Entertainment Establishments”. The revised entry shall

read as follows:

- (6) First Floor Retail Required. In order to stimulate pedestrian activity at the street level, the first floor (street level) of any new building over 100,000 square feet must devote a minimum of 50% of the net first floor area to retail activities, which promote a visual relationship to the street and encourage movement and activity at street level with the exception of the Brevard Street area (see Section 9.906(2)(d)(2)(a) and (b)). Retail activity refers to any use, which encourages street level activity in the building beyond the normal business day and is in addition to the daily work activities of the building tenants

Any expansion of an existing building which results in more than 100,000 square feet of new floor area must also comply with this requirement unless the new floor area is all in a vertical expansion which results in no new street level floor area. The minimum 50% area will be computed on the new street level floor area only.

The term retail includes not only sales of merchandise at retail but will also be construed to mean personal and business services, ~~restaurants~~ Eating, Drinking and Entertainment Establishments, galleries, and similar uses but not financial institutions except 25% of the total square footage of required retail space may be utilized by retail banking, stock brokerage offices and other financial services.

Fifty percent of the square footage of a hotel lobby may be counted towards the required retail space.

For the purpose of this subsection, net floor area does not include stairways, elevator shafts, elevator lobbies, rest rooms, mechanical areas, security areas, or service areas. It is strongly encouraged but not mandated that all street level retail tenants which have sidewalk frontage be furnished with direct access to the sidewalk in addition to any other access that may be provided. If individual entrances are provided to street level retail tenants, which have sidewalk frontage, the required retail floor area may be reduced by 5% of the net floor area for each separate entrance up to a maximum of 5 entrances. This standard applies to all new development, which occurs in the area bounded by or along either side of College Street, 8th Street, Church Street, and Stonewall Street. This standard does not apply to any building with a street frontage of less than 24 feet. This first floor retail standard is also not applicable to convention centers and halls, conference centers, exhibition halls, merchandise marts, and similar uses.

9. PART 10: URBAN INDUSTRIAL DISTRICT

- a. Amend Section 9.1002, “Urban Industrial District; uses permitted by right”, by adding a new item (2.5) titled, “Eating, Drinking and Entertainment Establishments (Type 1)”. Also amend item (3) by deleting the terms “restaurants”, “such as” and “his” in the sentence. The revised entry shall read as follows:

(2.5) Eating, Drinking and Entertainment Establishments (Type 1)
operated by an employer on the site for the convenience and use of
employees only

(3) Personal services, ~~such as banks, restaurants~~ or day care centers
operated by an employer on the site for the convenience and use of
~~his~~ employees only.

10. PART 11: INDUSTRIAL DISTRICTS

- a. Amend Section 9.1102, “Uses permitted by right”, by replacing the term “Restaurants” with “Eating, Drinking and Entertainment Establishments (Type 1)” in item (61) and in item (62), replacing “Restaurant, drive-in services” with “Eating, Drinking and Entertainment Establishments (Type 1)”. All other entries remain unchanged. The revised entries shall read as follows

(61) ~~Restaurants.~~ Eating, Drinking and Entertainment Establishments
(Type 1)

(62) ~~Restaurants,~~ Eating, Drinking and Entertainment Establishments
(Type 1), drive-in services

- b. Amend Section 9.1103, “Uses permitted under prescribed conditions” by amending item (30) by replacing the entry for “Nightclubs, bars and lounges” with the term “Reserved”; and adding a new item (16.5) titled “Eating, Drinking and Entertainment Establishments (Type 2)”, with conditions. Add another item (16.6), titled, “Eating, Drinking and Entertainment Establishments (Type 2), drive-in services”, with conditions. All other entries remain unchanged. The new and revised entries shall read as follows:

(16.5) Eating, Drinking and Entertainment Establishments (Type 2),
subject to the regulations of Section 12.546.

(16.6) Eating, Drinking and Entertainment Establishments (Type 2),
drive-in services, subject to the regulations of Section 12.546.

(30) ~~Nightclubs, bars and lounges, up to 70,000 square feet in I-1 and~~
~~up to 25,000 square feet in I-2, provided that:~~ Reserved.

~~Any structure in which a nightclub, bar or lounge is the principal use shall be located at least 400 feet from any residential use or residential district.~~

11. PART 12: TRANSIT ORIENTED DEVELOPMENT DISTRICTS

- a. Amend Section 9.1202, “Establishment of Transit Oriented Development Districts”, subsection (1), “Residentially Oriented (TOD-R)”, by replacing the term “restaurants” with “Eating, Drinking and Entertainment Establishments”. The revised subsection shall read as follows:

(1) Residentially Oriented (TOD-R)

This transit oriented residential district is established to support high-density residential communities that also accommodate a limited amount of retail, institutional, civic, ~~restaurant~~ Eating, Drinking and Entertainment Establishments, service, and small employment uses within a pedestrian friendly area.

Residential developments and residential components of multi-use developments shall have a minimum density of twenty (20) dwelling units per acre within ¼ mile walking distance from a transit station or a minimum density of fifteen (15) dwelling units per acre between ¼ mile and ½ mile walking distance from a transit station. The density shall be based on the residential portion of the site. The approved station area plan classifies parcels according to whether they are within the ¼ mile walking distance or between the ¼ mile to ½ mile walking distance.

Retail, institutional, civic, and office uses are permitted. Only up to 20% of the total development gross square footage that is composed of these uses may be credited toward meeting the minimum residential densities at a ratio of one (1) dwelling unit to 2,000 square feet of development.

- b. Amend Section 9.1205, “Uses Permitted by Right”, by replacing item (20) “Restaurants” with “Eating, Drinking and Entertainment Establishments (Type 1)”. All other entries remain unchanged. The revised entry shall read as follows:

- (20) ~~Restaurants; including open air or sidewalk cafes.~~ Eating, Drinking and Entertainment Establishments (Type 1). No drive-through service windows permitted.

- c. Amend Section 9.1206, “Uses Permitted Under Prescribed Conditions”, by changing the number of item (6) to (5.5) and replacing the term “Entertainment establishments” with “Eating, drinking, and entertainment establishments” with

conditions. All other entries remain unchanged. The revised entry shall read as follows:

(65.5) Entertainment establishments such as lounges, nightclubs, bars, taverns, and cabarets, provided they are located at least 200 feet from any residential structure located in a residential district. Eating, Drinking and Entertainment Establishments (Type 2) provided that:

(a) No drive-through service windows are permitted.

(b) Eating, Drinking and Entertainment Establishments are subject to the regulations of Section 12.546.

- d. Amend Section 9.1208, “Development Standards”, subsection (5), “Floor Area Ratio (FAR)”, subsection (c) by replacing the term “outdoor café” with “open air Eating, Drinking and Entertainment Establishments”. All remaining sections remain unchanged. The revised subsection shall read as follows:

(c) Plazas, arcades, courtyards, ~~outdoor cafes~~ open air Eating, Drinking and Entertainment Establishments, rooftop gardens, and widened public sidewalks that enhance pedestrian spaces and amenities can be credited toward meeting the minimum required FAR. If the pedestrian spaces/amenities are available to the public then the square footage shall be credited at 100%; if private, then the square footage shall be credited at 50%. In no instance shall more than 20% of the pedestrian area be credited toward the required FAR.

- e. Amend Section 9.1208, “Development Standards”, subsection (6), “Parking Standards” by replacing the term “restaurants/nightclubs” with “Eating, Drinking and Entertainment Establishments” in two places in the table. All remaining sections remain unchanged. The revised subsection shall read as follows:

(6) Parking Standards

(a) New permitted uses within this zoning district shall be required to meet the minimum/maximum number of off-street parking spaces as follows. All square footage is measured as “gross footage.”

| USE | MINIMUM/MAXIMUM NUMBER OF PARKING SPACES |
|---|---|
| Residential | Minimum of 1 space per dwelling unit for properties on blocks with single family zoning, no parking minimum for all other properties and a maximum of 1.6 parking spaces per dwelling unit. |
| Office | Maximum of one (1) parking space per 300 square feet of office space. Mixed-use developments and multi-use developments of residential and office uses may share parking spaces as per Section 12.203. |
| Restaurants/Nightclubs <u>Eating, Drinking and Entertainment Establishments</u> | For all sites within 800' of single family zoning, minimum of one (1) parking space per 150 square feet of restaurant/nightclub <u>Eating, Drinking and Entertainment Establishment</u> space. For all other sites, no minimum. Maximum of one (1) space per 75 square feet. |
| Retail | Maximum of one (1) space per 250 square feet. |
| All Other Non-Residential Uses | The maximum number of parking spaces permitted is listed as the minimum amount required in the Table 12.202, per non-residential use. |

C. CHAPTER 10: OVERLAY DISTRICTS

1. PART 5: MOUNTAIN ISLAND LAKE WATERSHED OVERLAY

- a. Amend Section 10.502, "General Definitions" by amending the definition for "Industrial Discharge" and "Water Dependent Structures" by replacing the term "restaurants" with "Eating, Drinking and Entertainment Establishments". All other definitions remain unchanged. The revised definitions shall read as follows: All other definitions remain unchanged. The revised definitions shall read as follows:

Industrial Discharge. The discharge of industrial process treated wastewater or wastewater other than sewage and includes:

1. wastewater resulting from any process of industry or manufacture, or from the development of any natural resource;
2. wastewater resulting from processes of trade or business, including wastewater from laundromats and car washes, but not wastewater from ~~restaurants~~ Eating, Drinking and Entertainment Establishments;
3. storm water will not be considered to be an industrial wastewater unless it is contaminated with industrial

wastewater; or

4. wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.

Water Dependent Structures. Those structures for which the use requires access or proximity to or sitting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, piers, bulkheads and similar structures. Ancillary facilities such as ~~restaurants~~ Eating, Drinking and Entertainment Establishments, outlet for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

2. PART 6: CATAWBA RIVER/LAKE WYLIE WATERSHED OVERLAY

- a. Amend Section 10.602, “General Definitions” by amending the definition for “Industrial Discharge” and “Water Dependent Structures” by replacing the term “restaurants” with “Eating, Drinking and Entertainment Establishments”. All other definitions remain unchanged. The revised definitions shall read as follows:

Industrial Discharge. The discharge of industrial process treated wastewater or wastewater other than sewage and includes:

- (1) wastewater resulting from any process of industry or manufacture, or from the development of any natural resource;
- (2) wastewater resulting from processes of trade or business, including wastewater from laundromats and car washes, but not wastewater from ~~restaurants~~ Eating, Drinking and Entertainment Establishments;
- (3) storm water will not be considered to be an industrial wastewater unless it is contaminated with industrial wastewater; or
- (4) wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.

Water Dependent Structures. Those structures for which the use requires access or proximity to or sitting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, piers, bulkheads and similar structures. Ancillary facilities such as ~~restaurants~~ Eating, Drinking and Entertainment Establishments, outlet for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

3. PART 7: LOWER LAKE WYLIE WATERSHED OVERLAY

- a. Amend Section 10.702, “General Definitions” by amending the definition for “Industrial Discharge” and “Water Dependent Structures” by replacing the term “restaurants” with “Eating, Drinking and Entertainment Establishments”. All other definitions remain unchanged. The revised definitions shall read as follows:

Industrial Discharge. The discharge of industrial process treated wastewater or wastewater other than sewage and includes:

- (1) wastewater resulting from any process of industry or manufacture, or from the development of any natural resource;
- (2) wastewater resulting from processes of trade or business, including wastewater from laundromats and car washes, but not wastewater from ~~restaurants~~ Eating, Drinking and Entertainment Establishments;
- (3) stormwater will not be considered to be an industrial wastewater unless it is contaminated with industrial wastewater; or
- (4) wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.

Water Dependent Structures. Those structures for which the use requires access or proximity to or sitting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, piers, bulkheads and similar structures. Ancillary facilities such as ~~restaurants~~ Eating, Drinking and Entertainment Establishments, outlet for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

4. PART 8: PEDESTRIAN OVERLAY DISTRICT

- a. Amend Section 10.811, “Uses” by replacing the term “restaurants” with “Eating, Drinking and Entertainment Establishments” in two places. Also in item (3), “Nightclubs, bars and lounges”, replace the term “nightclubs, bars and lounges” with “Eating, Drinking and Entertainment Establishments (Type 2)”. The revised section shall read as follows:

Section 10.811. Uses

The uses permitted in the PED shall include those permitted by right and

under prescribed conditions in the underlying district, except outdoor storage, outdoor advertising signs, and drive-through service windows for ~~restaurants~~ Eating, Drinking and Entertainment Establishments, or retail uses. All permitted accessory uses will also be allowed except drive-thru windows for ~~restaurants~~ Eating, Drinking and Entertainment Establishments, and retail establishments and outdoor advertising signs. (*Petition No. 2009-011, § 10.802, 02/16/09*)

In addition the following uses shall be permitted subject to the following requirements:

- (1) Dwellings, mixed use, subject to the standards of PED.
- (2) Drive-through service windows for offices must be located to the rear of the building, and are limited to no more than four (4) drive-through stations, including lanes servicing Automatic Teller Machines (ATM's). (*Petition No. 2002-147, § 10.802(2), 01-21-03*)
- (3) ~~Nightclubs, bars and lounges as a principal use shall be subject to the standards of this overlay district, and be at least 400 feet from any residential use in a residential district or from a residential district. This separation distance may be reduced by a streetscape plan approved by the City Council.~~ Eating, Drinking and Entertainment Establishments (Type 2), subject to the regulations of Section 12.546.
- (4) Off street parking lots, that are not an accessory use, with 5 or more spaces shall be subject to the PED streetscape and screening standards.

The following use, which is not permitted in the underlying district, shall be permitted:

- (1) Residential uses in an underlying industrial district, subject to the standards of this overlay district.
- b. Amend Section 10.812, "Development standards", subsection (2), "Parking standards", Table 10.812(3), "Number of Parking Spaces", by replacing the term "restaurants/nightclubs" with "Eating, Drinking and Entertainment Establishments". All other entries remain unchanged. The revised table shall read as follows:

Table 10.812(3) Number of Parking Spaces

| Use | Minimum/Maximum Number of Parking Spaces |
|---|--|
| Hotels and motels | Minimum 0.5 spaces per room |
| Religious institutions | Maximum One (1) space per 8 seats (<i>Petition No. 2002-147, § 10.803(6)(a), 01-21-03</i>) |
| Residential | Minimum One (1) space per dwelling unit. Minimum .25 spaces per unit for Multi-Family Elderly or Disabled |
| Restaurants/Nightclubs <u>Eating, Drinking and Entertainment Establishments</u> | Minimum One (1) space per 125 square feet |
| All Other Non-Residential Uses | Minimum One (1) space per 600 square feet |

5. PART 9: TRANSIT SUPPORTIVE OVERLAY DISTRICT

- a. Amend Section 10.907, “Development Standards, subsection (5), “Floor Area Ratio”, subsection (c), by replacing the term “outdoor café” with “open air Eating, Drinking and Entertainment Establishment”. All other subsections remain unchanged. The revised subsection shall read as follows:
- (c) Plazas, arcades, courtyards, galleries, ~~outdoor cafes~~ open air Eating, Drinking and Entertainment Establishments, rooftop gardens, and widened public sidewalks that enhance pedestrian spaces and amenities can be credited toward meeting the minimum required FAR. If the pedestrian spaces/amenities are available to the public then the square footage shall be credited at 100%; if private, then the square footage shall be credited at 50%. In no instance shall more than 20% of the pedestrian area be credited toward the required FAR.
- b. Amend Section 10.907, “Development Standards”, subsection (6), “Parking standards” by replacing the term “restaurants/nightclubs” in the table with “Eating, Drinking and Entertainment Establishments” in two places. All other subsections remain unchanged. The revised subsection and table shall read as follows:
- (6) Parking standards
- (a) New permitted uses within this zoning overlay district shall be required to meet the minimum/maximum number of off-street parking spaces as follows: All square footage is measured as “gross footage”.

| USE | MINIMUM/MAXIMUM NUMBER OF PARKING SPACES |
|---|--|
| Residential | Minimum of 1 space per dwelling unit for properties on blocks with single family zoning, no parking minimum for all other properties and a maximum of 1.6 parking spaces per dwelling unit. |
| Office | Maximum of one (1) parking space per 300 square feet of office space. Mixed-use developments and multi-use developments of residential and office uses may share parking spaces as per Section 12.203. |
| Restaurants/Nightclubs <u>Eating, Drinking and Entertainment Establishments</u> | For all sites within 800' of single family zoning, minimum of one (1) parking space per 150 square feet of restaurant/nightclub <u>Eating, Drinking and Entertainment Establishments</u> space. For all other sites, no minimum. Maximum of one (1) space per 75 square feet. |
| Retail | Maximum of one (1) space per 250 square feet. |
| All Other Non-Residential Uses | The maximum number of parking spaces permitted is listed as the minimum amount required in the Table 12.202, per non-residential use. |

- c. Amend Section 10.909, "Exceptions", subsection (3), "Expansions of Existing Uses", subsection (b), subsection (3), subsection (b), by replacing the term "outdoor cafes" with "open air Eating, Drinking and Entertainment Establishments". All other subsections remain unchanged. The revised subsection shall read as follows:
- (b) Building expansions (for both conforming and non-conforming uses) are permitted for between 10% to 20% (total) of the gross floor area in existence at the effective date of the reclassification of the property. Expansions shall be subject to the following:
1. The building expansion shall meet the minimum setback, yard, and height requirements of Section 10.907(1), (2), and (3).
 2. The urban design standards of Section 10.908 (1) through (4) shall apply to the new facade.
 3. The expansion shall be located between the existing building and the street, but shall not encroach into the required setback. If the expansion cannot be made without encroachment into the required setback, then the portion of the expansion that would encroach into the setback can be located elsewhere on the site.

A waiver of the location of the building expansion may be granted by the Planning Director if the expansion meets the

intent of the TS district and the following conditions are both met:

- a. Any non-conforming parking located between the building and the setback shall be eliminated. Any such elimination shall not require additional parking even if the site is rendered non-conforming with regard to parking, and
- b. There will be an addition of ~~outdoor cafes~~ open air Eating, Drinking and Entertainment Establishments, patios, plazas, courtyards, open space, pedestrian seating areas, or other pedestrian oriented amenities on the site.

D. CHAPTER 11: CONDITIONAL ZONING DISTRICTS

1. PART 2: MIXED USE DISTRICTS (MX-1, MX-2, and MX-3)

- a. Amend Section 11.203, “Uses permitted under prescribed conditions”, item (18) by replacing the term “restaurants” with “Eating, Drinking and Entertainment Establishments (Type 1)”. Add a new item (8.5) titled, “Eating, Drinking and Entertainment Establishments (Type 2), with conditions. All other items remain unchanged. The revised and new entry shall read as follows:

(8.5) Eating, Drinking and Entertainment Establishments, (Type 2), (MX-2 and MX-3 only), subject to the regulations of Section 12.546.

(18) Retail and office establishments and ~~restaurants~~ Eating, Drinking and Entertainment Establishments (Type 1 only) in multi-family and attached buildings, provided that:

- (a) The establishment will be located within a building that contains at least 50 dwelling units;
- (b) Such establishments will occupy no more than 25 square feet per dwelling unit in the building up to a maximum of 10,000 square feet;
- (c) The establishment will have no direct public entrance from the outside of the building except for ~~restaurants~~ Eating, Drinking and Entertainment Establishments, and
- (d) No merchandise or display of merchandise will be visible from outside the building.

2. PART 4: COMMERCIAL CENTER DISTRICT

- a. Amend Section 11.402, “Uses permitted by right”, item (26), “Restaurants” by replacing “Restaurants” with “Eating, Drinking and Entertainment Establishments (Type 1)”. All other entries remain unchanged. The revised entry shall read as follows:

(26) ~~Restaurants.~~ Eating, Drinking and Entertainment Establishments (Type 1).

- b. Amend Section 11.403, “Uses permitted under prescribed conditions”, item (7) by replacing “Nightclubs, bars and lounges” with the term, “Reserved”. Also add a new item (6.05), “Eating, Drinking and Entertainment Establishments” with conditions. All other entries remain unchanged. The revised items shall read as follows:

(7) ~~Nightclubs, bars and lounges, provided that:~~ Reserved.

~~Any structure in which the nightclub, bar or lounge is the principal use shall be located at least 400 feet from any residential structure or residential district external to the CC district.~~

(6.05) Eating, Drinking and Entertainment Establishments (Type 2), provided that:

(a) Eating, Drinking and Entertainment Establishments are subject to the regulations of Section 12.546.

(b) Principal use establishments with an accessory drive-in service window and/or outdoor service window having indoor seating accommodation for fewer than 50 patrons are not permitted in CC.

3. PART 7: RESEARCH DISTRICT

- a. Amend Section 11.702, “Uses permitted by right”, item (17), “Restaurants” by replacing the entry with “Eating, Drinking and Entertainment Establishments (Type 1)”. All other items remain unchanged. The revised item shall read as follows:

(17) ~~Restaurants~~ Eating, Drinking and Entertainment Establishments (Type 1)

- b. Amend Section 11.703, “Uses permitted under prescribed conditions” by replacing subsection (2) “Nightclubs, bars and lounges” under the second

paragraph with “Eating, Drinking and Entertainment Establishments (Type 2)”, and adding prescribed conditions. All other subsections remain unchanged. The revised subsection shall read as follows:

Section 11.703. Uses permitted under prescribed conditions.

(Petition No. 2011-018, § 11.703, 05/23/11)

The same uses permitted under prescribed conditions in the RE-1 and RE-2 districts (Section 9.603) shall be permitted under prescribed conditions in the RE-3 district except for the following uses which are not permitted in RE-3:

- (1) Vehicle leasing offices and associated automobile parking.

The following additional uses shall be permitted provided they meet all requirements of this Part and all other requirements established in these regulations:

- (1) Childcare centers in a residence, subject to the regulations of Section 12.502.
- (2) ~~Nightclubs, bars and lounges, provided such uses are at least 400 feet from any residential district.~~ Eating, Drinking and Entertainment Establishments (Type 2), subject to the regulations of Section 12.546.
- (3) Retail sales permitted in B-1, up to 10,000 square feet.
- (4) Retail sales permitted in B-1, over 10,000 square feet (RE-3 – Optional only).
- (5) Structured parking decks, subject to the regulations of 11.706(10).

- c. Amend Section 11.705, “Development standards”, subsection (9), “Parking and Loading”, subsection (a), “Parking Standards”, subsection 1, by deleting the entry for “Nightclubs, bars and lounges” and changing the entry for “Restaurants” to “Eating, Drinking and Entertainment Establishments”. The remaining items are unchanged. The revised section shall read as follows:

(a) Parking Standards.

1. The minimum parking requirements for the RE-3 District are as follows:

Residential – 1.5 space per dwelling unit

Hotels/Motels – 1.0 space per room

~~Nightclubs, Bars and Lounges — 1 space per 125 gross square feet~~

Restaurant Eating, Drinking and Entertainment Establishments – 1 space per 125 gross square feet
Retail – 1 space per 250 gross square feet

All Other Uses - 1 space per 400 gross square feet

E. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 2: OFF-STREET PARKING AND LOADING

- a. Amend Section 12.202, “Required number of off-street parking and bicycle spaces”, Table 12.202, “Minimum required off-street parking spaces by use”, under the “Office and Business Uses” heading, under the “Hotels/motels” entry, replace the term “Restaurant/entertainment facility” with “Eating, Drinking and Entertainment Establishments”. Delete the row for “Nightclubs, lounges and bars” in its entirety. In the row “Restaurants”, replace the term “Restaurants” with “Eating, Drinking and Entertainment Establishments”. All other entries remain unchanged. The revised entries shall read as follows:

Table 12.202

| <u>Permitted Uses</u> | <u>Number of Auto Parking Spaces Required</u> | <u>Long-term Bicycle Parking Spaces Required</u> | <u>Short-term Bicycle Parking Spaces Required</u> |
|--|---|--|---|
| <u>OFFICE AND BUSINESS USES:</u> | | | |
| Hotels/motels (a) Per room for rent (b) Per meeting room capacity (c) Restaurant/entertainment facility <u>Eating, Drinking and Entertainment Establishment</u> | 1 space per room or suite, plus 1 space per 4 seats, plus 1 space per 250 square feet | 1 space per 20 rentable rooms | None |
| Nightclubs, lounges and bars | 1 space per 75 square feet | None | 5% of auto parking |
| Restaurants <u>Eating, Drinking and Entertainment Establishments</u> | 1 space per 75 square feet | 2, or 1 per 10,000 square feet | 5% of auto parking |

- b. Amend Section 12.206, “Location of required parking”, subsection (2) by deleting the section in its entirety, and adding the term, “Reserved”. All other subsections remain unchanged. The revised subsection shall read as follows:

(2) Reserved. ~~Restaurants located within the area bounded by Route 4 and I-85 and which do not include a drive-in service window shall provide minimum required parking spaces within 800 feet of the restaurant site.~~

- c. Amend Section 12.214, “Number, size and location of loading spaces”, Table 12.214, by replacing the term “Restaurant” with “Eating, Drinking and Entertainment Establishments”. The revised entry shall read as follows:

Table 12.214
REQUIRED LOADING SPACES, BY USE.

| LAND USE | GROSS FLOOR AREA (Square Feet) | LOADING AND UNLOADING SPACES REQUIRED | |
|-------------------------------|-----------------------------------|--|-------------------|
| | | 10 feet X 25 feet | 10 feet X 50 feet |
| Office, Restaurant | 10,000 – 99,999 | 1 | 0 |
| <u>Eating, Drinking and</u> | 100,000 – 149,999 | 0 | 1 |
| <u>Entertainment</u> | 150,000 and over | 0 | 2 |
| Establishments, | | | |
| Hotel or Motel: | | | |
| Retail establishment, | 0 – 4,999 | 1 | 0 |
| Shopping center, or | 5,000 – 19,999 | 0 | 1 |
| any Industrial use: | 20,000 – 49,999 | 0 | 2 |
| | 50,000 – 79,999 | 0 | 3 |
| | 80,000 – 99,999 | 0 | 4 |
| | 100,000 – 149,999 | 0 | 5 |
| | 150,000 and over | 0 | 6 |

- d. Amend Section 12.302, “Buffer requirements”, Table 12.302(a), “Minimum buffer requirements by use and district categories”, under category “6. BUSINESS”, by amending the two entries titled “Retail, Shopping Centers and Restaurants” by deleting the term “and Restaurants” in two rows. Also add three

new rows titled “Eating, Drinking and Entertainment Establishments”. All other entries remain unchanged. The revised entries shall read as follows:

Table 12.302(a)
MINIMUM BUFFER REQUIREMENTS BY USE AND DISTRICT CATEGORIES

| DEVELOPING USES | SINGLE FAMILY USE OR ZONING | MULTI FAMILY USE OR ZONING | INSTITUTIONAL USE INTENSITY OR ZONING | | | PARKS AND GREENWAYS |
|--|--------------------------------------|-------------------------------------|--|-----------------|-----------------|------------------------|
| | | | Low | Medium | High | |
| 6. BUSINESS | | | | | | |
| Retail, Shopping Centers, and Restaurants, up to 50,000 sq. ft. | B | B | C | | | C |
| Retail, Shopping Centers, and Restaurants, more than 50,000 sq. ft. | B | B | C | C | C | C |
| Eating, Drinking and Entertainment Establishments (Type 1) under 50,000 sq. ft. | <u>B</u> | <u>B</u> | <u>C</u> | | | <u>C</u> |
| Eating, Drinking and Entertainment Establishments (Type 1) with more than 50,000 sq. ft. | <u>B</u> | <u>B</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> |
| Eating, Drinking and Entertainment Establishments (Type 2) | <u>B</u> | <u>B</u> | <u>B</u> | <u>C</u> | <u>C</u> | <u>C</u> |

- e. Amend Section 12.413, “Drive-in and drive-through service lanes/windows”, Table 12.413 by converting information and footnotes into a table format and by replacing the term “Restaurants” with “Eating, Drinking and Entertainment Establishments”.

Table 12.413

MINIMUM VEHICLE STORAGE REQUIREMENTS*

TYPE OF FACILITY VEHICLE STORAGE

| | |
|--------------------------|------------------------------------|
| Bank | 6 spaces per window ⁽¹⁾ |
| Restaurant | 8 spaces per window ⁽²⁾ |
| Single Vehicle Automatic | 4 spaces per wash line |
| Accessory Use Car Wash | |
| Automatic Car Wash | 10 spaces per wash line |
| Self-service Car Wash | 3 spaces per wash line |
| Drive in Theater | 15% of the total parking capacity |

| | |
|------------------|------------------------------------|
| Service Stations | 4 spaces per service pump island |
| Dry Cleaners | 3 spaces per window ⁽²⁾ |
| Other Uses | 5 spaces per window |

~~*(1 vehicle space equals 20 feet)~~

FOOTNOTES TO TABLE: 12.413

~~(1) This requirement will be reduced to 3 spaces per window for savings and loan institutions and credit unions. For banks with more than 5 drive-up windows, the storage requirements shall not exceed a total of 20 vehicles.~~

~~(2) As measured from the pick-up window.~~

Table 12.413
MINIMUM VEHICLE STORAGE REQUIREMENTS¹

| TYPE OF FACILITY | VEHICLE STORAGE |
|---|-----------------------------------|
| Bank | 6 spaces per window ² |
| Restaurant Eating, Drinking and Entertainment Establishment (Type 1) | 8 spaces per window ³ |
| Single vehicle automatic accessory use car wash | 4 spaces per wash line |
| Automatic car wash | 10 spaces per wash line |
| Self-service car wash | 3 spaces per wash line |
| Drive-in theater | 15% of the total parking capacity |
| Service stations | 4 spaces per service pump island |
| Dry cleaners | 3 spaces per window ² |
| Other uses | 5 spaces per window |

^{1.} One vehicle space equals 20 feet.

^{2.} This requirement will be reduced to 3 spaces per window for savings and loan institutions and credit unions. For banks with more than 5 drive-up windows, the storage requirements shall not exceed a total of 20 vehicles.

^{3.} As measured from the pick-up window.

- f. Amend Section 12.544, “Breweries” by modifying subsection (1), subsection (a) by replacing the text, “at least one of the following uses associated with the brewery, and” with “an Eating, Drinking and Entertainment Establishment”. Also replace the text, “restaurant, nightclub, bar or lounge” with “Eating, Drinking and

Entertainment Establishment”. Amend subsection (1)(a)(1) by replacing the text “restaurant, nightclub, bar or lounge use” with “Eating, Drinking and Entertainment Establishment”. In the same subsection, replace the text, “ to residential uses and districts” with “required in Section 12.546”. In subsection (1)(a)(2) delete the text, “For breweries and all associated uses”, and “associated restaurant, nightclub, bar or lounge”, and “all associated uses”. The revised entry shall read, “The minimum size of the Eating, Drinking and Entertainment Establishment shall be 20% of the total square footage for the brewery and the Eating, Drinking and Entertainment Establishment, or 1,500 square feet, whichever is less”. In subsection (1)(b), replace “all associated uses” and “associated restaurant, nightclub, bar or lounge” with “the Eating, Drinking and Entertainment Establishment”. In subsection (1)(c), delete the words, “associated” and “restaurant, nightclub, bar or lounge use” and replace with “Eating, Drinking and Entertainment Establishment. In subsection (2)(a), delete the words, “one of the following uses associated with the brewery and”. In the same subsection, delete the words “a restaurant, nightclub, bar, or lounge”. In the same subsection, replace “restaurant, nightclub, bar, or lounge with “Eating, Drinking and Entertainment Establishment”. In subsection (2)(a)(1) replace “restaurant, nightclub, bar or lounge use” with “Eating, Drinking and Entertainment Establishment”. Add to sentence, “in accordance with the zoning district in which they are located”. Delete the phrase, “to residential uses and districts”. In subsection (2)(a)(2), delete the phrase, “For breweries and all associated uses” and “all associated uses”. In the same subsection replace the term “restaurant, nightclub, bar, or lounge” with “Eating, Drinking and Entertainment Establishment”. In subsection (2)(b) and (2)(c) delete the phrases, “all associated uses” and “for all uses” and “associated restaurant, nightclub, bar or lounge”. All other subsections remain unchanged. The revised section shall read as follows:

Section 12.544 Breweries.

- (1) In TOD-M, TOD-E, MUDD and UMUD, breweries are subject to the following prescribed conditions:
 - (a) The brewery shall include an Eating, Drinking and Entertainment Establishment ~~at least one of the following uses associated with the brewery, and~~ located in the same building: ~~a restaurant, nightclub, bar, or lounge.~~ The ~~restaurant, nightclub, bar or lounge~~ Eating, Drinking and Entertainment Establishment shall meet the following conditions:
 1. All prescribed conditions associated with the ~~restaurant, nightclub, bar or lounge use~~ Eating, Drinking and Entertainment Establishment shall be met in accordance with the zoning district in which they are located, including any separation distances ~~to residential uses and districts-~~ required in Section 12.546.

2. ~~For breweries and all associated uses, the~~ minimum size of the Eating, Drinking and Entertainment Establishment ~~associated restaurant, nightclub, bar or lounge~~ shall be 20% of the total square footage for the brewery and the Eating, Drinking and Entertainment Establishment, ~~all associated uses~~, or 1,500 square feet, whichever is less.
 - (b) Maximum size for the brewery and ~~all associated~~ the Eating, Drinking and Entertainment Establishment ~~uses~~: 15,000 square feet. To encourage the adaptive reuse of older or underutilized buildings, the maximum size ~~for all uses~~ shall be increased to 25,000 square feet, if the brewery and ~~associated restaurant, nightclub, bar or lounge~~ Eating, Drinking and Entertainment Establishment locate in a building constructed prior to 1980.
 - (c) If the brewery is located on a public right-of-way, private street, or rapid transit line, the ~~associated~~ Eating, Drinking and Entertainment Establishment ~~restaurant, nightclub, bar, or lounge use~~ shall have fenestration 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. If the building architecture or site prohibits meeting the above condition, the Planning Director, or designee, may approve alternative approaches.
 - (d) Off-site distribution of manufactured beer is permitted if vehicular access is from a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C (commercial street) , or by a commercial cul-de-sac.
 - (e) All development and urban design standards of the district shall apply.
- (2) In PED and TS, breweries shall only be permitted when the underlying zoning district is B-1, B-2, I-1 or I-2, and the following prescribed conditions are met:
 - (a) The brewery shall include an Eating, Drinking and Entertainment Establishment ~~one of the following uses associated with the brewery, and~~ located in the same building. ~~÷ a restaurant, nightclub, bar, or lounge.~~ The ~~restaurant, nightclub, bar or lounge~~ Eating, Drinking and Entertainment Establishment shall meet the following conditions:
 1. All prescribed conditions associated with the ~~restaurant,~~

~~nightclub, bar or lounge use~~ Eating, Drinking and Entertainment Establishment shall be met in accordance with the zoning district in which they are located, including any separation distances required in Section 12.546. ~~to residential uses and districts.~~

2. ~~For breweries and all associated uses, the~~ The minimum size of the restaurant, nightclub, bar or lounge Eating, Drinking and Entertainment Establishment shall be 20% of the total square footage for the brewery and the Eating, Drinking and Entertainment Establishment, ~~all associated uses,~~ or 15,000 square feet, whichever is less.
 - (b) Maximum size for the brewery and ~~all associated~~ Eating, Drinking and Entertainment Establishment ~~uses:~~ 15,000 square feet. To encourage the adaptive reuse of older or underutilized buildings, the maximum size ~~for all uses~~ shall be increased to 25,000 square feet, if the brewery and ~~associated restaurant, nightclub, bar or lounge~~ Eating, Drinking and Entertainment Establishment locate in a building constructed prior to 1980.
 - (c) If the brewery is located on a public right-of-way, private street, or rapid transit line, the ~~associated~~ Eating, Drinking and Entertainment Establishment ~~restaurant, nightclub, bar, or lounge use~~ shall have fenestration 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. If the building architecture or site prohibits meeting the above condition, the Planning Director, or designee, may approve alternative approaches.
 - (d) Off-site distribution of manufactured beer is permitted if vehicular access is from a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C (commercial street) , or by a commercial cul-de-sac.
 - (e) All development and urban design standards of the district and underlying district, shall apply.
- g. Add a new section 12.546, titled, “Eating, Drinking, and Entertainment Establishments (Type 2 only)”, with prescribed conditions and an exemption process that reads as follows:

Section 12.546. Eating, Drinking, and Entertainment Establishments (Type 2 only).

Type 2 Eating, Drinking and Entertainment Establishments are subject to the following prescribed conditions:

- (1) If food and beverages are consumed in an outdoor seating/activity area at any time between the hours of 11:00 p.m. and 8:00 a.m., the use is subject to one of the following prescribed conditions:
 - (a) The outdoor seating/activity area shall be separated by a distance of at least 100 feet from the nearest property line of a vacant lot or a residential use (single family, duplex, triplex or quadraplex only) when located in a single family zoning district; or
 - (b) If the outdoor seating/activity area is less than 100 feet from the nearest property line of a vacant lot or a residential use (single family, duplex, triplex or quadraplex only) when located in a single family zoning district, then the outdoor seating/activity area shall be separated by a Class A buffer along all corresponding side and rear property line(s).

Distances shall be measured from the closest edge of any outdoor seating/activity area to the nearest property line of a vacant lot or a residential use (single family, duplex, triplex or quadraplex only) when located in a single family zoning district.

- (2) If outdoor entertainment occurs at any time between the hours of 11:00 p.m. and 8:00 a.m., then the following minimum separation distances shall be met, based on the zoning district in which the use is located:
 - (a) Minimum 100-foot separation distance in the MUDD, UMUD, TOD and TS zoning districts. The minimum required separation distance cannot be reduced as an optional provision through the rezoning process.
 - (b) Minimum 250-foot separation distance in the PED zoning district. The minimum required separation distance cannot be reduced as an optional provision through the rezoning process. Nightclub, bar, lounge and Type 2 Eating, Drinking and Entertainment Establishments located in a PED zoning district, shall meet the separation distance standards established in an approved Pedscape Plan.

- (c) Minimum 400-foot separation distance in the UR-2, UR-3, UR-C, RE-3, O-1, O-2, O-3, B-1, B-2, BD, BP, CC, NS, MX-2, MX-3, I-1 and I-2 zoning districts.

Distances shall be measured from the closest edge of any outdoor seating/activity area to the nearest property line of a vacant lot or a residential use (single family, duplex, triplex or quadraplex only) when located in a single family zoning district.

(3) Certificate of Exemption

- (a) Business establishments that would have met each of the following criteria as of January 1, 2013 are eligible to apply for a Certificate of Exemption, the issuance of such Certificate shall constitute an exemption from the separation distance requirements of Section 12.546:

1. Met the definition of a Type 2 Eating, Drinking and Entertainment Establishment;
2. Had an outdoor seating/activity area located within the separation distances required in Section 12.546; and
3. Provided outdoor entertainment between the hours of 11:00 p.m. and 8:00 a.m.

- (b) The Planning Director, or her or his designee, is authorized to issue a Certificate of Exemption and to establish administrative processes for such issuance.

- (c) Notification of Application for Certificate of Exemption.

1. The Planning Director, or her or his designee, shall mail a written notice and a copy of the submitted Certificate of Exemption application to property owners located within the designated separation distance required in Section 12.546(2). Written comments may be submitted to the Planning Director, or her or his designee, within fifteen (15) days of the date of notification.
2. The Planning Director, or her or his designee, shall mail a written notice informing property owners within the designated separation distance of the

decision (approval or denial) of the Certificate of Exemption.

(d) A Certificate of Exemption shall be issued if the following criteria apply:

1. A Type 2 Eating, Drinking and Entertainment Establishment is, as of the date of application, in compliance with all applicable land use and development laws, including without limitation, zoning laws and urban design standards for the district in which the use is located; and
2. Either of the following applied to the Type 2 Eating, Drinking and Entertainment Establishment, on or after January 1, 2013:
 - i. The Type 2 Eating, Drinking and Entertainment Establishment abuts a public right-of-way that is 60 feet or greater in width; or
 - ii. A building of at least 1,900 square feet (excluding single-family, duplex, triplex and quadraplex buildings) is located between the outdoor seating/activity area of the Type 2 Eating, Drinking and Entertainment Establishment, and a vacant lot or a residential use (single family, duplex, triplex or quadraplex only) when located in a single family zoning district. The building can be located either on- or off-premise.

(e) A Type 2 Eating, Drinking and Entertainment Establishment must apply for a Certificate of Exemption within ninety (90) days from the date the Planning Director provides written notice to a Type 2 Eating, Drinking and Entertainment Establishment affected by the separation distances or within one (1) year from the date this ordinance becomes law, whichever first occurs. A pending variance petition shall stay enforcement of the application limitation period. The Planning Department shall make reasonable efforts to notify directly affected businesses of the enactment of this ordinance.

(f) For a Type 2 Eating, Drinking and Entertainment Establishment that receives a Certificate of Exemption, the

outdoor seating/activity area or building(s), as either existed as of January 1, 2013, may not be moved, expanded, enlarged, or changed. Routine repair and maintenance is permitted.

- (g) If a Type 2 Eating, Drinking and Entertainment Establishment receiving a Certificate of Exemption fails to maintain compliance with the requirements of Section 12.546(3) or the conditions represented or specified in its application for exemption, the Planning Director may revoke the Certificate of Exemption. Such revocation shall occur only after written notice and a reasonable opportunity to remedy the violation.
- (h) Any Type 2 Eating, Drinking and Entertainment Establishment building or outdoor seating/activity area exempted under Section 12.546(3) that is destroyed or damaged by fire, flood, wind, other acts of God, may be repaired or restored to its original dimensions and conditions as they existed on January 1, 2013 if a building permit for the repair or restoration is issued within twelve (12) months of the date of damage.
- (i) The exemption provided under Section 12.546(3) shall be revoked for any Type 2 Eating, Drinking and Entertainment Establishment that has visibly discontinued use as a Type 2 Eating, Drinking and Entertainment Establishment for twelve (12) consecutive months or obtains an approved change of use.
- (j) The issuance of a Certificate of Exemption shall not otherwise excuse a violation of federal, state, or local laws and regulations, including the development and urban design standards of the zoning district in which the use is located.
- (k) The land owner where the Certificate of Exemption is being requested, or a property owner of a vacant lot or a residential use (single family, duplex, triplex or quadraplex only) located within the specified separation distance, may appeal a denial, approval, or revocation of a Certificate of Exemption. Such appeal must be filed with the Zoning Board of Adjustment within thirty (30) days from the date of such action.

F. CHAPTER 13: SIGNS

1. Amend Section 13.102, “Definitions”, item (O1), “Outparcel” by replacing the term “restaurants” with “Eating, Drinking and Entertainment Establishments”. All other definitions remain unchanged. The revised definition shall read as follows:

(O1) Outparcel.

A parcel of land associated with a shopping center or multi-tenant property development, which is designated on an approved site plan as a location for a free standing structure with an intended use such as, but not limited to banks, saving and loans, dry cleaners, service stations, vehicle repair garages, offices, ~~restaurants~~ Eating, Drinking and Entertainment Establishments, retail establishments, or combination of uses thereof and adjoins the shopping center or multi-tenant property development or the parking and service drives associated with it on any side, other than the side fronting the public right-of-way.

2. Amend Section 13.102, “Definitions”, item (S7), “Sign types”, item (ap), “Marquee Sign”, by removing the term “nightclub”. All other definitions remain unchanged. The revised subsection shall read as follows:

(ap) Marquee Sign

A structure, bearing a sign, projecting over an entrance to a motion picture theater, museum, art gallery, hotel, motel, convention center or hall, conference center, exhibition hall, merchandise mart, building for dramatical, musical, or cultural activity, stadium, coliseum, ~~nightclub~~, cabaret, or adult entertainment providing changeable copy that relates to the principal use on the premises.

3. Amend Section 13.106, “Signs not requiring a permit”, item (15), “Signs not requiring a permit”, by replacing the term, “restaurant” with “business. All other items remain unchanged. The item shall read as follows:

- (15) Signs not requiring a permit. The street address of the premise is not a sign or a part of a sign for the purposes of this code, except where the name and address are identical. Where the name and address are identical (e.g., a ~~restaurant~~ business named “Bay Street”), the name/address shall be considered a Business Sign, except as required by Section 13.101 (5).

(Petition No. 2003-009, §13.106(16), 2-17-03)

G. SUBJECT INDEX

1. Amend the Subject Index by replacing “Restaurants” with “Eating, Drinking and Entertainment Establishments”. The revised entry shall read as follows:

~~Restaurants~~ Eating, Drinking and Entertainment Establishments

| | |
|----------------------------|--------|
| Where permitted..... | 9.101 |
| Prescribed conditions..... | 12.546 |

Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:

City Attorney

I, _____, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the _____ day of _____, 2013, the reference having been made in Minute Book _____, and recorded in full in Ordinance Book _____, Page(s)_____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this _____ day of _____, 2013.

| | |
|------------------------------------|---|
| REQUEST | <p>Area A - Current Zoning: MUDD-O (mixed use development, optional)</p> <p>Proposed Zoning: MUDD-O SPA (mixed use development, optional, site plan amendment)</p> <p>Area B - Current Zoning: R-5 (single family residential)</p> <p>Proposed Zoning: TOD-MO (transit oriented development – mixed-use, optional)</p> |
| LOCATION | <p>Area A - Approximately 0.18 acres located on the south side of North Davidson Street at the southeast corner of the intersection of 34th Street and North Davidson Street.</p> <p>Area B - Approximately 0.22 acres located on the south side of North Davidson Street between East 33rd Street and East 35th Street. (Council District 1 - Kinsey)</p> |
| SUMMARY OF PETITION | <p>This petition proposes the following:</p> <p>Area A - Reuse an existing building to allow all uses permitted in the MUDD (mixed use development) district, except automotive service stations, adult establishments, car washes, restaurants with drive-thru windows, bars and nightclubs.</p> <p>Area B - Reuse an existing building to allow all uses permitted in the TOD-MO (transit oriented development - mixed use, optional) district, except automotive service stations, adult establishments, car washes, restaurants with drive-thru windows, bars and nightclubs.</p> |
| PROPERTY OWNER | Wajahat Syed & Ferah Syed |
| PETITIONER | Wajahat & Ferah Syed |
| AGENT/REPRESENTATIVE | N/A |
| COMMUNITY MEETING | <p>Area A and B – Meeting is required and has been held. Report available online.</p> <p>Number of people attending the Community Meeting: 30</p> |
| ZONING COMMITTEE ACTION | The Zoning Committee voted 6-0 to DEFER this petition to their May 28, 2014 meeting. |
| VOTE | <p>Motion/Second: Ryan/Walker</p> <p>Yeas: Dodson, Walker, Labovitz, Ryan, Allen, Nelson</p> <p>Nays: None</p> <p>Absent: Sullivan</p> <p>Recused: None</p> |
| ZONING COMMITTEE DISCUSSION | Staff recommended that this petition be deferred to the May 28, 2014 Zoning Committee meeting, to allow the petitioner time to address outstanding issues. There was no discussion on this petition. |

FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

- Background**

Petition 2003-066 rezoned Area A from R-5 (single family residential) to MUDD-O (mixed use development, optional) to allow for a pottery studio and residence.

- **Proposed Request Details**

This petition contains two areas.

Area A is a site plan amendment which contains the following changes:

- Expands the list of permitted uses from pottery studio and residence to allow all uses permitted in the MUDD (mixed use development) district, except automotive service stations, adult establishments, car washes, restaurants with drive-thru windows, bars and nightclubs.
- Existing building to remain and retain residential character, including any expansions.
- Provides an area for future expansion to the side and rear of the existing building.
- Provides off-street parking along North Davidson Street and 34th Street.
- Optional requests include:
 - Reduce the required 14-foot setback along 34th Street to nine feet.
 - Allow the existing streetscape along 34th Street to remain. There are currently two trees along the street and no sidewalk.

Optional requests carried over from Petition 2003-066

- Reduce the required 14-foot setback along North Davidson Street to 12 feet.
- Allow the existing four-foot sidewalk and four-foot planting strip along North Davidson Street to remain.

Area B's site plan accompanying this petition contains the following provisions:

- Allows all uses in the TOD-M (transit oriented development - mixed-use) district, except automotive service stations, adult establishments, car washes, restaurants with drive-through windows, bars and nightclubs.
- Provides an area for future expansion behind the existing building.
- Existing building to remain and retain residential character, including any expansions.
- Provides an area for off-street parking to the rear of the existing building.
- Optional requests include:
 - Reduce the required 14-foot setback along North Davidson Street to 12 feet.
 - Allow existing four-foot sidewalk and four-foot planting strip along North Davidson Street to remain.

- **Public Plans and Policies**

- The *Blue Line Extension Transit Station Area Plan* (2013) recommends transit oriented mixed-use. The subject property is located within the ½ mile walk distance of the proposed 36th Street Station.
 - The petition is consistent with the *Blue Line Extension Transit Station Area Plan*.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** The following changes should be made to the site plan for Area A:
 - Adequate space may not be available for the accessible ramp and parking space between the building and west property line on North Davidson Street. Provide a note on the plan stating the following: "Provided there is not enough space between the house and the west property line for accessible parking and accessible ramp, all parking shall be located on the portion of the site with direct access to 34th Street. No access will be allowed on North Davidson Street."
 - Show how trash pick-up will be handled.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** Not applicable.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No issues.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
 - Area A – Minimizes impacts to the natural environment by reusing the existing building.
 - Area B – Minimizes impacts to the natural environment by reusing the existing building.
-

OUTSTANDING ISSUES

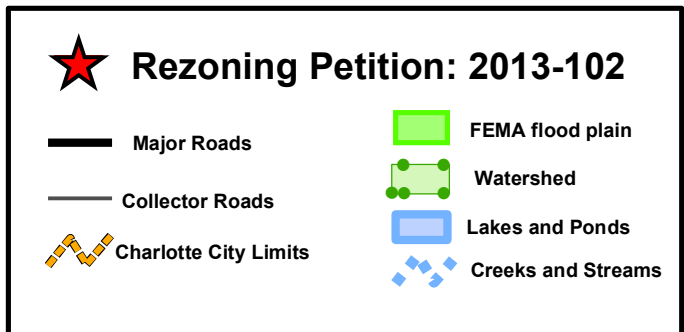
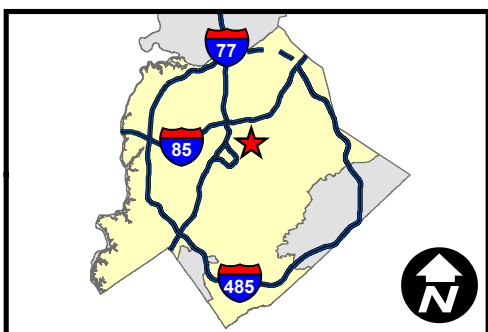
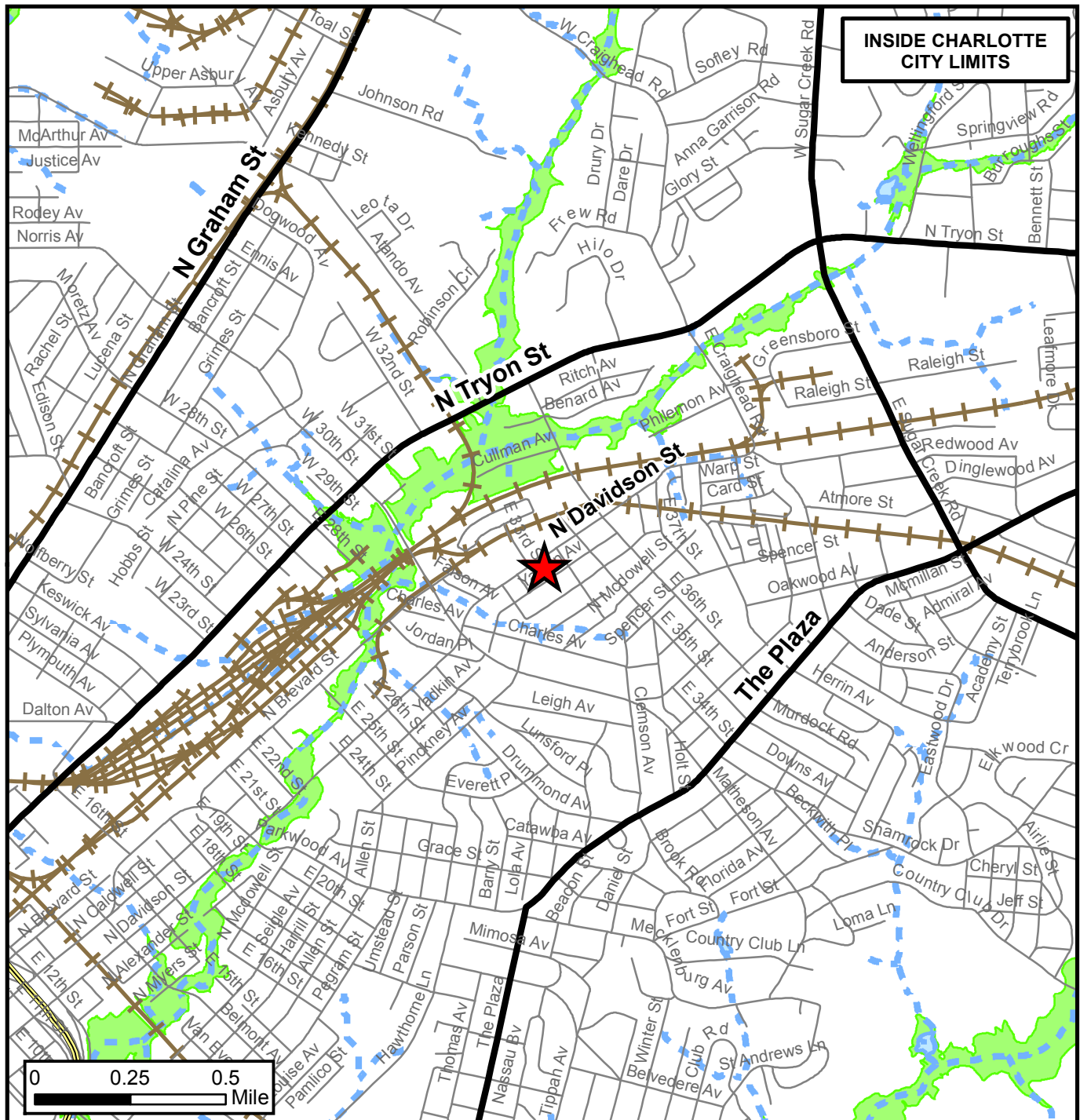
- The petitioner should:
 - Area A:
 1. Show all elements on the site plan to scale.
 2. Address CDOT issues.
 - Area B:
 1. Show all elements on the site plan to scale.
-

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Rezoning Locator Map
- Community Meeting Report
- Pre-Hearing Staff Analysis
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

Planner: John Kinley (704) 336-8311

Acreage & Location : Approximately 0.40 acres located on the south side of North Davidson Street between East 33rd Street and East 35th Street.



| | |
|---------------------------------|---|
| REQUEST | Current Zoning: R-3 (single family residential) Proposed Zoning: INST(CD) (institutional, conditional) |
| LOCATION | Approximately 10.01 acres located on the east side of Providence Road between Lakeside Drive and Kuykendall Road. (Council District 7 - Driggs) |
| SUMMARY OF PETITION | The petition proposes to allow the development of a three-story, 134-suite, dependent living facility with a total square footage of approximately 120,000 square feet. |
| PROPERTY OWNER | Margaret K. Bissell heirs (Sue Bissell Peck, Barbara Bissell Lindstedt, and William Bissell) and Roy E. Lindstedt |
| PETITIONER | Hawthorn Retirement LLC, Mark D. Lowen/Daniel S. Roach – Lenity Architecture |
| AGENT/REPRESENTATIVE | Lenity Architecture, Inc., Mark D. Lowen/Daniel S. Roach |
| COMMUNITY MEETING | Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 27 |
| STATEMENT OF CONSISTENCY | This petition is found to be inconsistent with the <i>South District Plan</i> but to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 6-1 vote of the Zoning Committee (motion by Commissioner Walker seconded by Commissioner Labovitz). |

| | |
|--------------------------------|---|
| ZONING COMMITTEE ACTION | <p>The Zoning Committee voted 6-1 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Amended note 2a to refer to Section 9.503 and specify the type of "Home for the Aged" units as dependent units. The petitioner added the following language for clarity, "except for the two independent units, for management staff only, not for rental purposes." 2. Amended note 4a to specify a maximum proposed building height of 44 feet, which is more restrictive than the 45 feet requested by staff. 3. Placed an X over note 5c; the note will be removed completely with final plan submission. 4. Amended note 6a to reflect the amount of tree save provided as specified in the Development Data on sheet 2/3. 5. Provided additional building articulation and step downs along the southeastern and northern building façades. 6. Revised the Site Section A-A to reflect the current site design. 7. Deleted references to Lots A and B in the data table and amended site acreage under the data table to show the proposed acres to remain R-3 and proposed acres to be rezoned. 8. Amended the Providence/Kuykendall perspective drawing and explained it is for representational purposes and to refer to the preliminary landscape plan for exact trees and plantings. 9. Clarified the use of vinyl by stating the prohibition will not include soffits and windows. 10. Added a note to each sign location on the landscape plan stating that they will be subject to a separate permit. 11. Added the required eight-foot planting strip along Providence Road to the Preliminary Landscape Plan. 12. Amended note 8a to limit the height of freestanding lights to 16 feet, which is more restrictive than the 20 feet requested by staff. 13. Clarified "non-peak hours" by specifying the hours of 7am-9am and 4pm-6pm. |
|--------------------------------|---|

14. Added the proposed CATS waiting pad to the Preliminary Landscape Plan.
15. Removed the "Undisturbed Natural Area" label located on the lower edge of the Preliminary Landscape Plan at the Kuykendall driveway.
16. Clarified the conflict between the "Undisturbed Natural Area" labels and the 46-foot Class C buffer that is being planted along the northern property line in common with the abutting property by removing the "Undisturbed Natural Area" labels and adding a note stating "Work within the buffer area limited to planting additional trees and shrubs for benefit of neighboring property owners."
17. Labeled the sidewalk around and extending from the covered well to the sidewalk along Kuykendall Road shown on the lower right hand corner of the Preliminary Landscape Plan.
18. Amended site plan to reflect a required 50-foot Class C buffer instead of the 46-foot Class C buffer.
19. Removed unneeded sheets in the site plan packet.
20. Added note 8b for garage lighting.
21. Added overhang foliage to the retaining wall on the landscape plan and site sections.

VOTE

Motion/Second: Walker/Labovitz
 Yeas: Walker, Labovitz, Sullivan, Nelson, Allen, Dodson
 Nays: Ryan
 Absent: None
 Recused: None

ZONING COMMITTEE DISCUSSION

One commissioner stated they felt the proposed building was out of scale for the area and that they also had concerns that the amount of grading would eliminate the existing trees. They said the trees shown in the plan would take many years to grow to appear as they do in the images provided. Even though there is a lot of land between the building and the neighborhood to the rear, the building sits up on a hill and it will be visible to those neighbors. The commissioner continued by saying it seemed that this was just a building from somewhere else that was placed on the site. It does not relate to the site in terms of grading, context, mass and location of parking. This commissioner felt the use is needed in Charlotte but the project does not fit the area.

Another commissioner said one of her considerations was the site was 10 acres and large portion is being reserved. This development does not create the traffic issues that other types of development could create. Charlotte Latin is a large facility but it is also on a large site. The commissioner felt this was the best use for the site.

One commissioner's concern was the visual impact of the building from a driver's perspective going down Providence Road. Another commissioner asked staff about the justification of the massing of the building. Staff responded by explaining that the zoning for Charlotte Latin would allow buildings up to 40 feet and this building is limited to 44 feet. Additionally, the site is 10 acres with the building pushed up to the street and away from the single family homes, thus reducing the impact to the homes. The large tree save area and preserved and proposed trees provide a buffer to the neighboring homes and visual barrier.

One commissioner stated they struggled with the design even though the land use is appropriate. Another commissioner said one thing that made a difference was the project would have a lesser impact on traffic than other uses.

MINORITY OPINION

The minority of the Zoning Committee felt the proposed building was out of scale and context for the area and expressed concern about the impact the grading would have on the existing trees. Newly planted trees would take years to grow and, due to the elevation difference, would leave the proposed building exposed to the neighborhood to the rear.

STAFF OPINION

Staff agrees with the recommendation of the majority of the Zoning Committee.

FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allows for the development of a dependent living facility with up to 134 suites within a 124,000-square foot building.
- Limits building height to three stories and 44 feet.
- A total of 81 parking spaces provided via surface parking and two garages providing six spaces each.
- Reserves 3.0 acres as an undisturbed tree save area.
- Access to site provided on Providence Road and Kuykendall Road.
- Limits service truck access to Providence Road entrance and delivery times to non-peak hours.
- Supplements the required Class C buffer by providing additional conifer trees along the northern property line in common with the abutting property.
- Provides step-downs in the building architecture from three stories to one and two stories, varying rooflines, patios and balconies, and asymmetrical building shape to provide a residential feel and appearance.
- Building material consisting of stucco, horizontal siding with brick, brick veneer, stone or simulated stone. Vinyl siding is prohibited as an exterior building material.
- Extensive landscaping utilizing existing and new vegetation.
- Usable outdoor open space and amenity areas.
- CATS bus waiting pad in front of the site along Providence Road.
- Directs the stormwater runoff into two separate stormwater facilities, one in the front of the building and one in the rear.
- Freestanding lighting limited to 16 feet in height with full cut-off type fixtures.
- Additional pavement provided along Kuykendall Road to accommodate future transportation improvements.
- Exceeds minimum development standards by providing side and rear yards greater than the 20 feet required by the Zoning Ordinance.

- **Public Plans and Policies**

- The *South District Plan* (1993) recommends single family residential for the subject property.
- The petition is inconsistent with the *South District Plan*. However, area plans do not typically recommend locations for institutional uses and these uses are considered on a case-by-case basis.

Senior living facilities are an institutional use designed to fit into a residential setting, and are considered to be compatible with single family residential neighborhoods. This type of use has a low impact with respect to noise and traffic due to the nature of the residents. The concentrated building footprint of the proposed development allows for perimeter landscaping, buffers and a large undisturbed tree save area. The site's location on Providence Road, a major thoroughfare, and Kuykendall Road, a minor thoroughfare, is appropriate for an institutional use such as the proposed facility.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** No issues.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No issues.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
 - Protects environmentally sensitive areas by providing a large, undisturbed tree save area that exceeds the minimum Zoning Ordinance standards. Splits the site's stormwater runoff into separate stormwater facilities and creek drainage basins.
 - Minimizes impacts to the natural environment by concentrating the building footprint and parking areas close to the front of the site allowing the rear of the property to be left undeveloped.
 - Facilitates the use of alternative modes of transportation by providing a CATS bus stop along Providence Road.
-

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

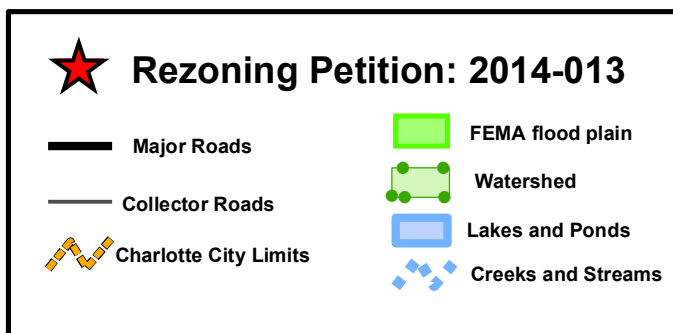
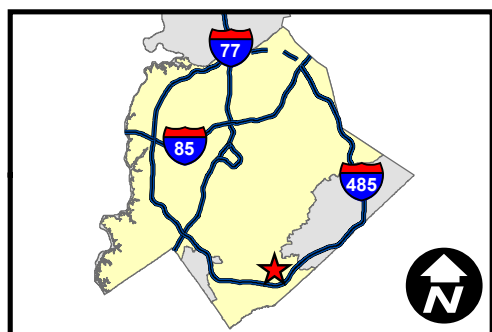
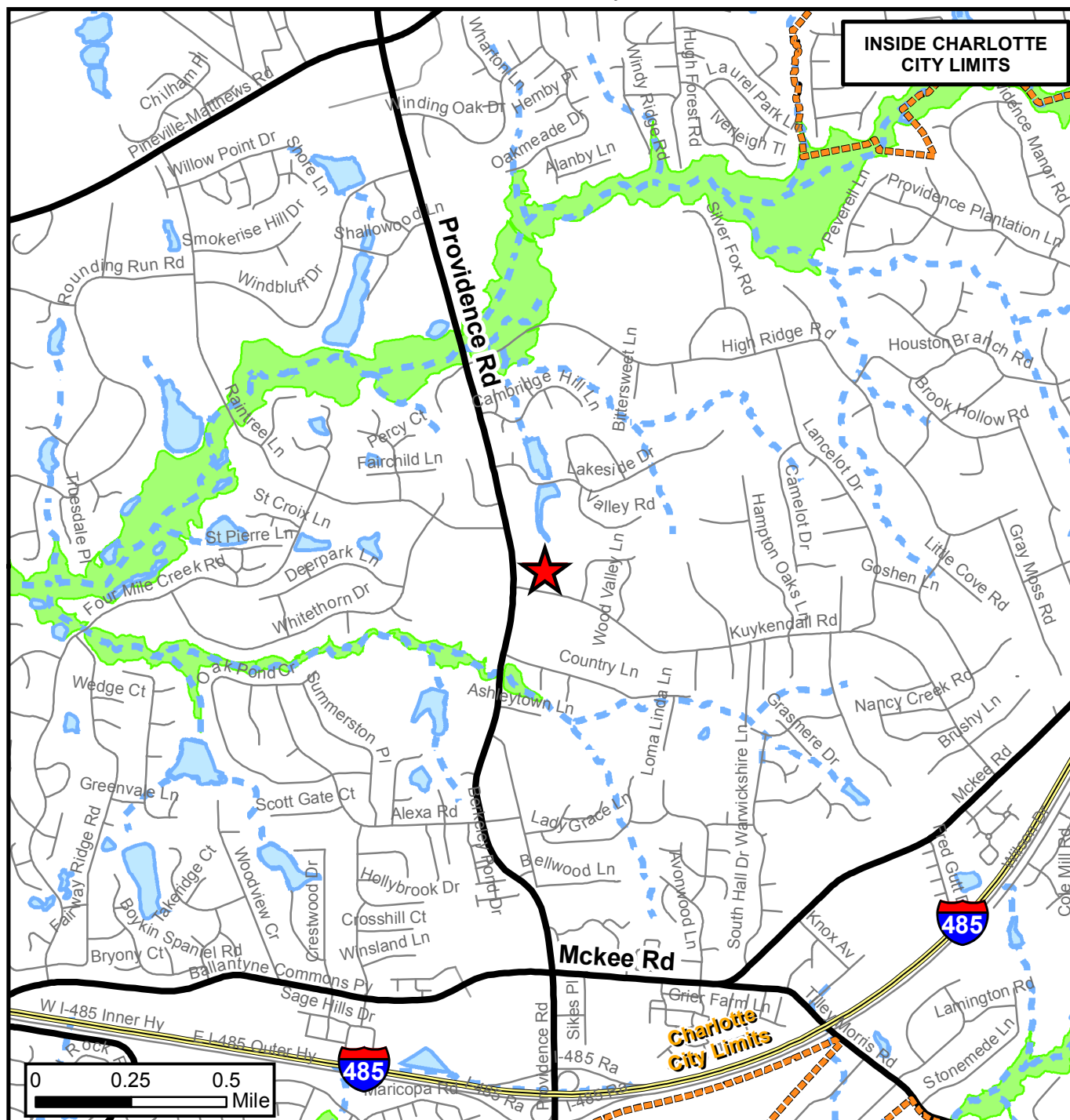
- Application
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- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

Planner: John Kinley (704) 336-8311

Petition #: 2014-013

Vicinity Map

Acreage & Location : Approximately 10.01 acres located on the east side of Providence Road between Lakeside Drive and Kuykendall Road.



March 3, 2014

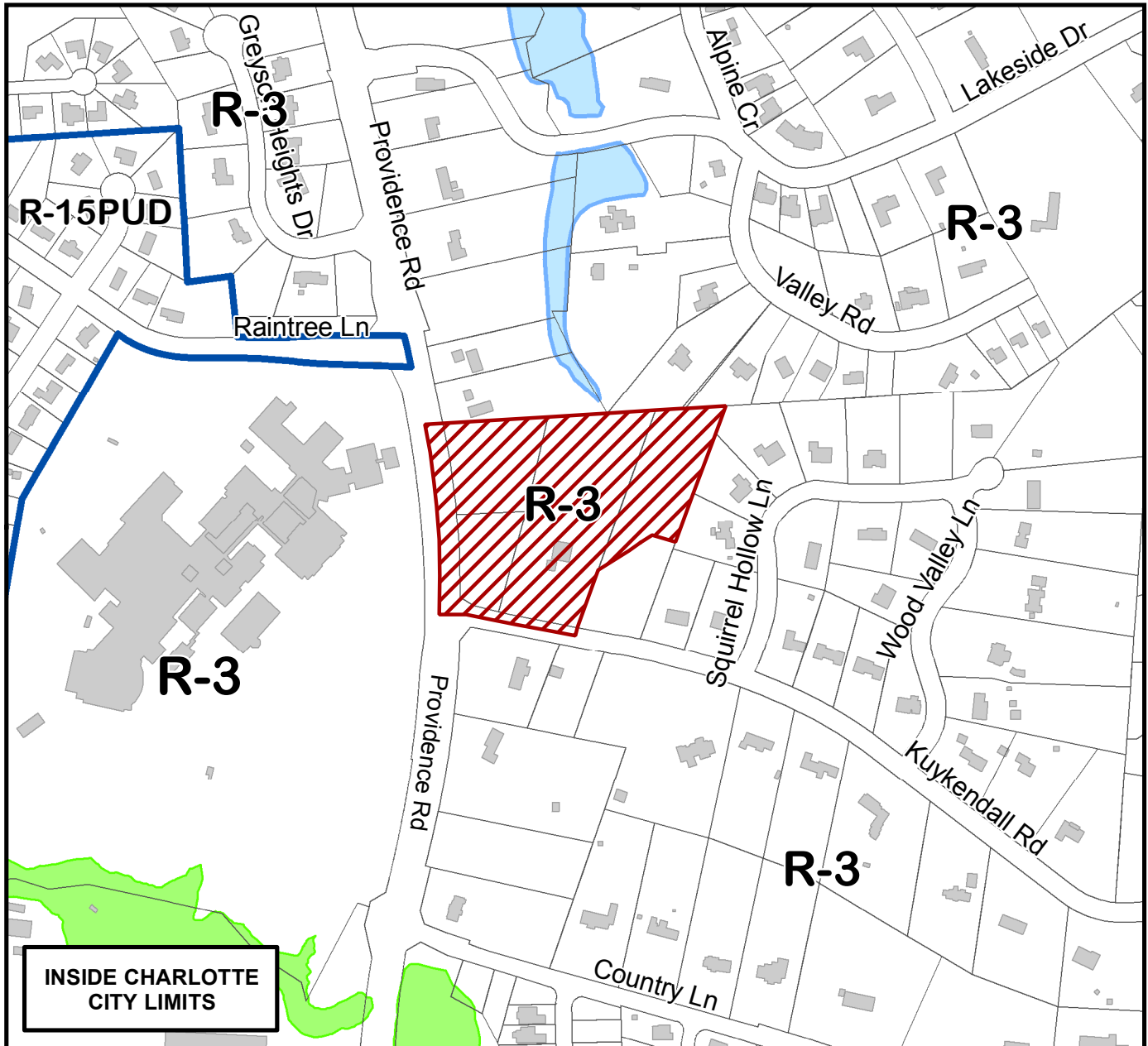
Petition #: **2014-013**

Petitioner: **Hawthorn Retirement, LLC**

Zoning Classification (Existing): **R-3**
(Single Family, Residential)

Zoning Classification (Requested): **INST(CD)**
(Institutional, Conditional)

Acreage & Location: Approximately 10.01 acres located on the east side of Providence Road between Lakeside Drive and Kuykendall Road.



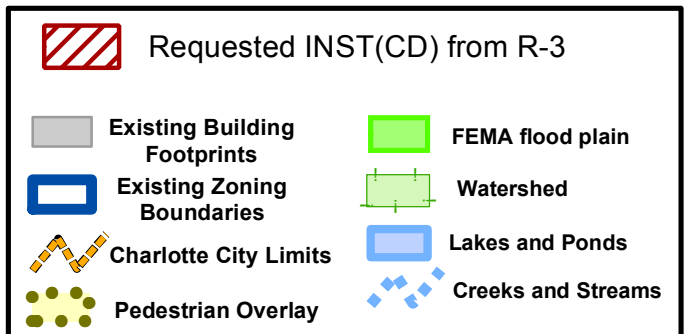
Map Produced by the Charlotte-Mecklenburg Planning Department, 3-10-14.

0 125 250 500 750 1,000
Feet



Zoning Map #(s)

165, 178



| MARK | DATE | DESCRIPTION |
|------|----------|--|
| 1 | 02/13/14 | REVISED PER CITY OF CHARLOTTE COMMENTS |
| 2 | 02/20/14 | REVISED PER CITY OF CHARLOTTE COMMENTS |
| 3 | 05/09/14 | REVISED PER CITY OF CHARLOTTE COMMENTS |

REVISIONS

HAWTHORN
RETIREMENT GROUP

8310 N Vanover Way Mail Dr.
Vanover, WA 98086
(206) 312-1550 Fax (206) 312-1540
01/28/2008 01/28/2008
6715 NE 63rd Vancouver, WA 98661

CITY OF CHARLOTTE, MECKLENBURG COUNTY,
NORTH CAROLINA

REZONING PLAN
FOR
CHARLOTTE
RETIREMENT RESIDENCE
EXISTING CONDITIONS PLAN

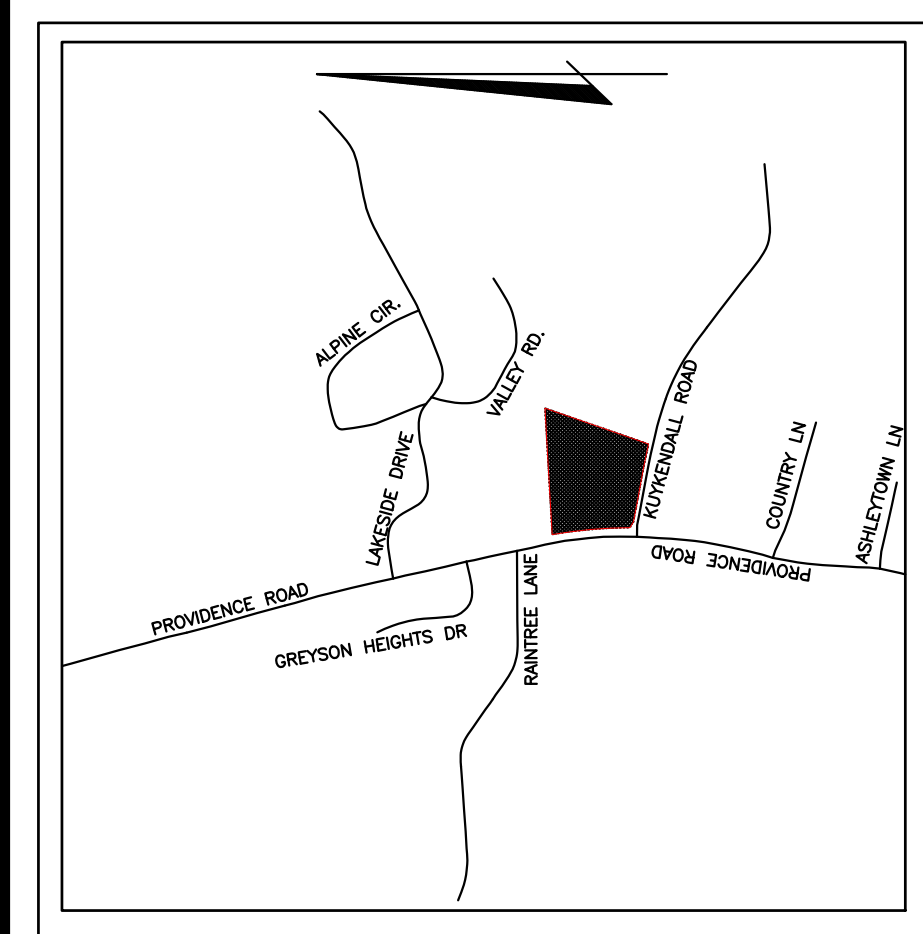
3150 Kettie Court SE Salem, Oregon 97301
503 339 1090 503 339 0565
warranty@centuryarchitect.com

century
architecture

EMET

Engineers • Surveyors • Planners • Scientists
Phone: 704.642.5339 Fax: 704.642.5338
10000 Kettie Court SE Salem, Oregon 97301
www.emet.com

| | |
|---------|----------------|
| DATE | March 20, 2014 |
| SCALE | 1" = 40' |
| JOB NO. | 2013-1743 |
| SHEET | 1/3 |



NOVA 60 Scale

DEVELOPMENT DATA

Site Acreage:
Existing:
Tract 1 = 3.88± Acres(169,013 SF)
Tract 2 = 1.73± Acres(75,359 SF)
Tract 3 = 3.39± Acres(147,669 SF)
Tract 4 = 1.27± Acres(55,321 SF)
Right of Way = 0.79± Acres(34,412 SF)
Total = 11.06± Acres(461,774 SF)
Proposed:
Proposed Acres to be Rezoned = 10.01± Acres
(436,036 SF)
Proposed Acres to Remain R-3 = 1.05± Acres
(45,738 SF)

Tax Parcel Nos.:
Tract 1 = 227-09-328
Tract 2 = 227-09-326
Tract 3 = 224-09-329
Tract 4 = 224-09-327

Zoning:
Existing:
R-3
Proposed:
INST-CD
Existing Use:
Tract 1 = Single Family Residential
Tract 2-4 = Vacant Land
Home for the Aged

Proposed Use:
Building Data Lot A
Proposed Number of Units:
134 Suites
Floor Area Ratio:
Allowable:
0.50
Provided:
124,000 SF/402,059 SF = 0.31
Density:
Allowable:
43 Units/Acre
Provided:
134 Units/9.23 Acres = 14.52 Units/Acre

Maximum Building Height:
Allowable:
40'
Provided:
44' (see note)

Setback Yards:
Required:
Front Setback: 30'
Side Yard: 20' (15' along Providence Road)
Rear Yard: 20'
Front Setback: 40'
Side Yard: 25' (40' along Providence Road)
Rear Yard: 25'

Provided:
1 space per 3 beds
134 Suites x 120% = 160.8 Beds
134 Suites x 3 beds = 402 Spaces
Total = 563.8 Spaces
Notes: 20% of total spaces must be provided. Multiply number of suites by 120% to obtain number of beds.

Provided:
65 Spaces (handicap)
12 Spaces (garage)
81 Spaces (total)

Bike Parking:
Required:
Long Term:
Short Term:
Provided:
2
5% x 81 Auto Spaces = 5
2

Spot Term:
Long Term:
Short Term:
Provided:
2
5

Area Save Area:
Required:
402,059 SF x 15% = 60,309 SF
Provided:
130,551 SF = 3.00 Acres

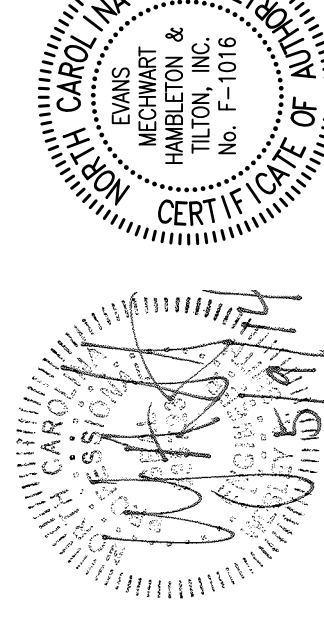
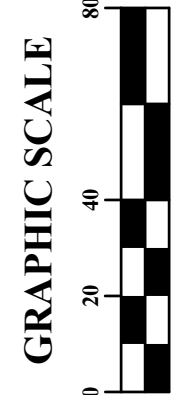
FEMA NOTE

1. The proposed Site is located outside of the 100 year floodplain.

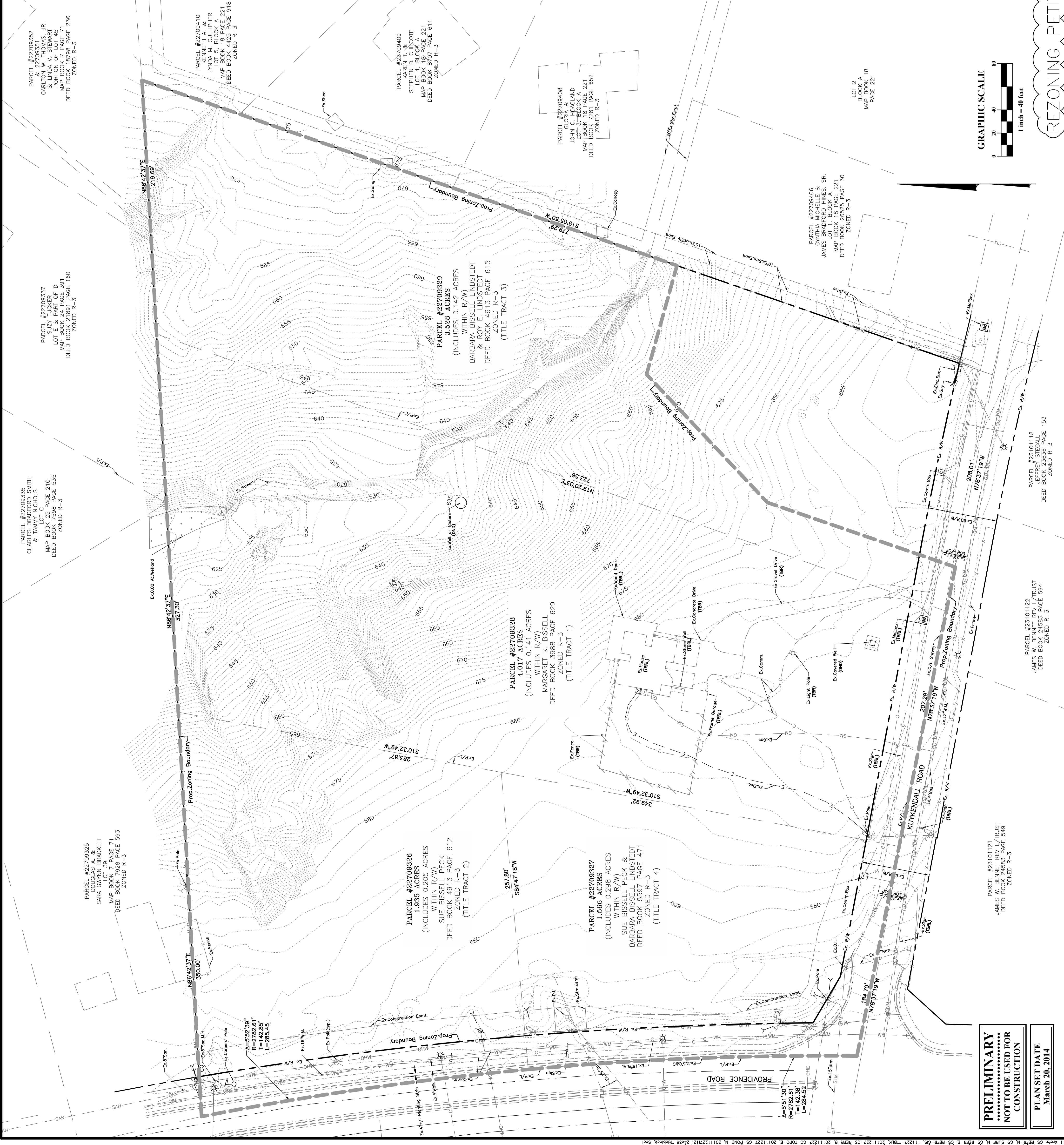
2. According to the Federal Emergency Management Agency's Flood Insurance Map, dated 06/01/2013, the proposed Site is located in Flood Zone X (Shaded Area). Flood Zone X is a Special Flood Hazard Area (SFHA) that is subject to flooding from sources other than floodplains. Flood Zone X is a Special Flood Hazard Area (SFHA) that is subject to flooding from sources other than floodplains. Flood Zone X is a Special Flood Hazard Area (SFHA) that is subject to flooding from sources other than floodplains.

3. In areas where the Floodway Regulations are applicable, the Future Floodway Line, FEMA Flood Fringe Line, Community Encroachment Line, and FEMA Floodway Encroachment Line shall be shown on the preliminary plan and the final plan. An application for a Floodway Development Permit shall be submitted and approved to the County Engineering Department and approved by the Floodway Commission. The Floodway Regulations shall be applied to plan approval.

TBR = To Be Removed
DND = Do Not Disturb
NOTE: The existing site is completely wooded.



REZONING PETITION 2014-013



PRELIMINARY
NOT TO BE USED FOR
CONSTRUCTION

PLAN SET DATE
March 20, 2014

PARCEL #23101121
JAMES W. BENNET REV L/TRUST
DEED BOOK 23536 PAGE 594
ZONED R-3

PARCEL #23101122
JAMES W. BENNET REV L/TRUST
DEED BOOK 24583 PAGE 594
ZONED R-3

PARCEL #2310118
JAMES W. BENNET REV L/TRUST
DEED BOOK 23536 PAGE 153
ZONED R-3

PARCEL #22709405
CYNTHIA MICHELLE & JR.
JAMES BRADFORD HINES, SR.
MAP BOOK 18 PAGE 221
DEED BOOK 26525 PAGE 30
ZONED R-3

LOT 2
BLOCK A
MAP BOOK 18
PAGE 221

PARCEL #22709409
STEPHEN B. CHILCOTE
LOT 4, BLOCK A
MAP BOOK 18 PAGE 221
DEED BOOK 8077 PAGE 611
ZONED R-3

PARCEL #22709410
LYNDA M. CULLIPHER
LOT 5, BLOCK A
MAP BOOK 18 PAGE 221
DEED BOOK 4425 PAGE 618
ZONED R-3

PARCEL #22709352
& 22709351
CARLTON W. THOMAS, JR.
LOT 1 & PART OF D
MAP BOOK 7 PAGE 71
DEED BOOK 18798 PAGE 236
ZONED R-3

PARCEL #22709337
CHARLES BRADFORD SMITH
& TAMMY NICHOLS
MAP BOOK 25 PAGE 210
DEED BOOK 7598 PAGE 535
ZONED R-3

PARCEL #22709325
SARA OWYN BRACKETT
LOT 39
MAP BOOK 7028 PAGE 71
DEED BOOK 7028 PAGE 593
ZONED R-3

PARCEL #22709326
SUE BISSELL PECK
DEED BOOK 4913 PAGE 612
ZONED R-3

PARCEL #22709327
SUE BISSELL PECK &
BARBARA BISSELL LINDSTEDT
DEED BOOK 6597 PAGE 471
ZONED R-3

PARCEL #22709328
MARGARET L. BISSELL
DEED BOOK 6597 PAGE 629
ZONED R-3

PARCEL #22709329
BARBARA BISSELL LINDSTEDT
& ROY E. LINDSTEDT
DEED BOOK 4913 PAGE 615
ZONED R-3

PARCEL #22709405
CYNTHIA MICHELLE & JR.
JAMES BRADFORD HINES, SR.
MAP BOOK 18 PAGE 221
DEED BOOK 26525 PAGE 30
ZONED R-3

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BLOCK A
MAP BOOK 18
PAGE 221

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LOT 4, BLOCK A
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& 22709351
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LOT 1 & PART OF D
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DEED BOOK 18798 PAGE 236
ZONED R-3

PARCEL #22709337
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& TAMMY NICHOLS
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1. GENERAL PROVISIONS

- a.) Future amendments to the conditional site plan development standards may be applied for by the then Owner of the parcel or parcels involved, in accordance with 6.207 of the Charlotte Zoning Ordinance.

2. PERMITTED USES

- a.) Proposed Zoning shall be limited to "Home for the Aged" as described in Section 9.503 of the Charlotte Zoning Ordinance. This use shall be dependent units, except for the two independent units for management staff only, not for rental purposes.

3. TRANSPORTATION

- a.) The total number of ingress/egress points to the site from existing and proposed thoroughfares that abut the site shall be limited to two (2) and shall be located on the site. The exact locations may vary from those depicted based upon final design and location requirements as regulated by CDOT and NCDOT.

- b.) The Petitioner shall convey a 35' Right of Way from centerline along the property frontage of Kuykendall Road in fee simple fashion.

- c.) The Petitioner shall not be responsible for any signal improvements and/or modifications or signal pole locations at the intersection of Kuykendall Road and Providence Road.

- d.) The Petitioner will be responsible for implementing a left-turn lane and associated tapers for the proposed Charlotte Retirement Residence. The petitioner shall provide the pavement necessary to accommodate the future cross section measuring 16.5' from the existing centerline of Kuykendall Road. The Kuykendall Road transportation improvements shall be completed and approved by CDOT/NCDOT before the building certificate of occupancy is issued. Final construction details will be discussed during the construction permitting process.

- e.) The proposed driveway connections to Providence Road and Kuykendall Road will require driveway permits to be submitted to CDOT and NCDOT for review and approval. The exact driveway locations and type/width of the driveways will be determined by CDOT during the driveway permit process. The locations of the driveways shown on the site plan are subject to change.

- f.) Any fence or wall constructed along or adjacent to any sidewalk or street right of way requires a certificate issued by CDOT.

- g.) A Right of Way Encroachment Agreement is required for the installation of any non standard item(s) (irrigation systems, decorative concrete pavement, brick pavers, etc.) within a proposed/existing City maintained street right of way by a private individual, group, business or homeowners/business association. An encroachment agreement must be approved by CDOT prior to the construction/installation of the non-standard item(s). Contact CDOT for additional information concerning costs, submittal and liability insurance coverage requirements.

- h.) Adequate sight triangles must be reserved at the proposed street entrances. Two 35'x35' and two 10'x70' sight triangles are required for the entrances to meet proposed trees, shrubs, walls, fences, and/or other obstructions. These must not interfere with sight distance at the entrances.

4. ARCHITECTURAL STANDARDS

- a.) Proposed zoning shall provide a 40' setback measured from the Right of Way of Kuykendall Road. A 40' side yard measured from the Right of Way of Providence Road and a 25' side and rear yard shall be provided. In the case that the maximum building height exceeds the maximum of 40', the side and rear yard shall be increased by 1' for every 1' of height greater than 40'. The maximum building height shall be 44'.

- b.) The intent of this design is to make the residence feel like home and not an institutional atmosphere or appearance. The facades of the facility are broken up by rooflines, asymmetrical shape. The wing ends and building center step down from three to two and then one story. There are no long building expanses or stark walls. The horizontal lines and vertical lines of the building shall be broken up with both plane and material changes. This arrangement provides for privacy and a gentle change of scales. This further emphasizes the residential look and feel verses an institutional appearance.

- c.) To further enliven the streetscape the buildings assortment of rooflines creates a residential feel similar to the nearby homes. The proportions of window and door openings, patios, balconies and railings are similar to what you may find in any standard single family home. The shaded porches and variety of eave lines along with the exterior siding and other accents are indicative of the shingle architecture style.

- d.) The exterior siding materials will include stucco and horizontal siding with brick, brick veneer, stone or simulated stone. No vinyl siding will be used, except for soffits and windows. Soffits and windows are proposed to be vinyl.

- e.) The roof will be architectural composition shingle.

- f.) The selected materials and colors are designed to accentuate the natural tones of the site and to complement the surrounding landscape.

- g.) The same materials and similar design standards will apply to the garages and other accessory buildings on the site.

- h.) The loading and trash collection areas are well screened from both the view of the public and our residents.

5. STREETScape AND LANDSCAPING

- a.) As per Section 9.505 side and rear yard to be increased by 1 foot for each foot in building height in excess of 40 feet.

- b.) Proposed zoning shall provide a minimum 50 foot wide buffer in accordance with Section 12.302(g) of the Zoning Ordinance.

- c.) The Buffers listed above may be removed if the zoning of the abutting property becomes a similar or more intensive zoning.

- d.) All landscaping and screening requirements shall meet the standards set forth by the City of Charlotte Zoning Ordinance.

- e.) The site is to be extensively landscaped with a goal of providing a park-like atmosphere with beautiful outdoor amenities that benefit both our residents and our neighbors. The site will feature a network of walking paths that provide a popular onsite exercise opportunity for our residents that is also available for the enjoyment of our neighbors. Usable outdoor spaces include extensive lawn and a partially covered patio off the craft/exercise room. Please note that no outdoor amenities or walking trails will be provided in tree save areas.

6. ENVIRONMENTAL FEATURES

- a.) The overall development shall provide 3.00 Acres of Tree Save Area, located generally in the vicinity depicted on the site plan.

- b.) Tree save area to be planted.

- c.) Tree save area to remain undisturbed.

- d.) The areas listed in the "Development Data" represents the Lot A portion of Tree Save Area to be provided.

- e.) Development on the site shall comply with the City of Charlotte Post Construction Controls Ordinance (PCCO).

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

7. FIRE PROTECTION

- a.) Fire protection shall meet the requirements set forth by the City of Charlotte Fire Department.

8. LIGHTING

- a.) All freestanding lighting and all exterior lighting on buildings will be fully shielded and full cut-off type fixtures downwardly directed. No "wall-pak" type lighting will be used but attached decorative lighting fixtures such as sconces may be allowed. The maximum height of any freestanding lighting shall not exceed 16 feet.

- b.) Lighting on garages shall be wall mounted cutoff features.

9. PARKING

- a.) Parking will generally conform to the layout shown on the plan. Parking shall meet the requirement set forth by the City of Charlotte Zoning Ordinance.

10. SOLID WASTE MANAGEMENT PLAN

- a.) The Petitioner shall submit to the Mecklenburg County Solid Waste Department a Solid Waste Management Plan prior to initiating demolition and/or construction activities. The Solid Waste Management Plan will include, at a minimum, the procedures that will be used to recycle all clean wood, metal, and concrete generated during demolition and construction activities. Additionally, the Solid Waste Management Plan will specify that all land clearing and inert debris shall be taken to a property permitted facility. The plan shall also include a procedure for the removal of hazardous materials, which shall be disposed of at a facility permitted by the Mecklenburg County Solid Waste Program. The report shall include the identification and location of all facilities receiving disposed or recycled materials.

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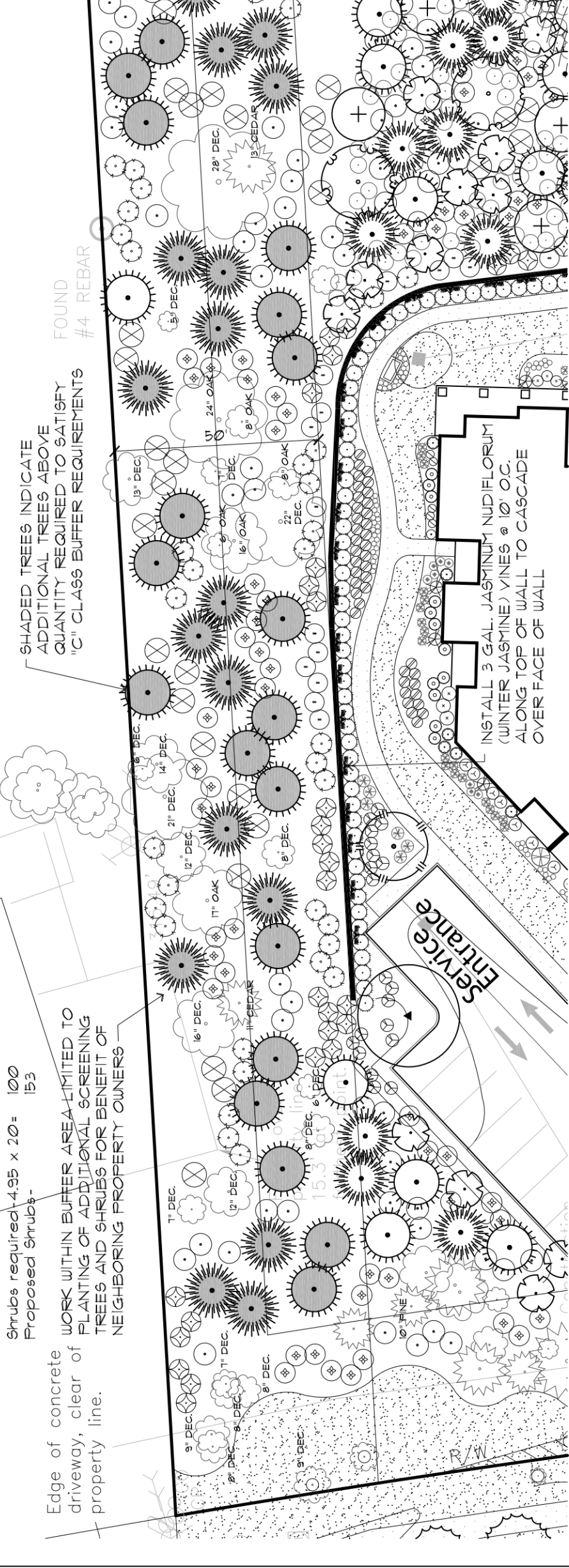
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| Symbol | Botanical / Common Name | Quantity | Specifications |
|--------|-------------------------|----------|-------------------|
| | Pinus taeda | 18 | 10 gal. container |
| | Liriodendron tulipifera | 21 | 10-12 ft. B&B |
| | Quercus prinus | 36 | 3 gal. container |
| | Juniperus chinensis | 30 | 3 gal. container |
| | Myrica cerifera | 6 | 10 gal. container |
| | Quercus prinus | 35 | 1 gal. container |
| | Quercus prinus | 11 | 1 gal. container |
| | Quercus prinus | 29 | 3 gal. container |

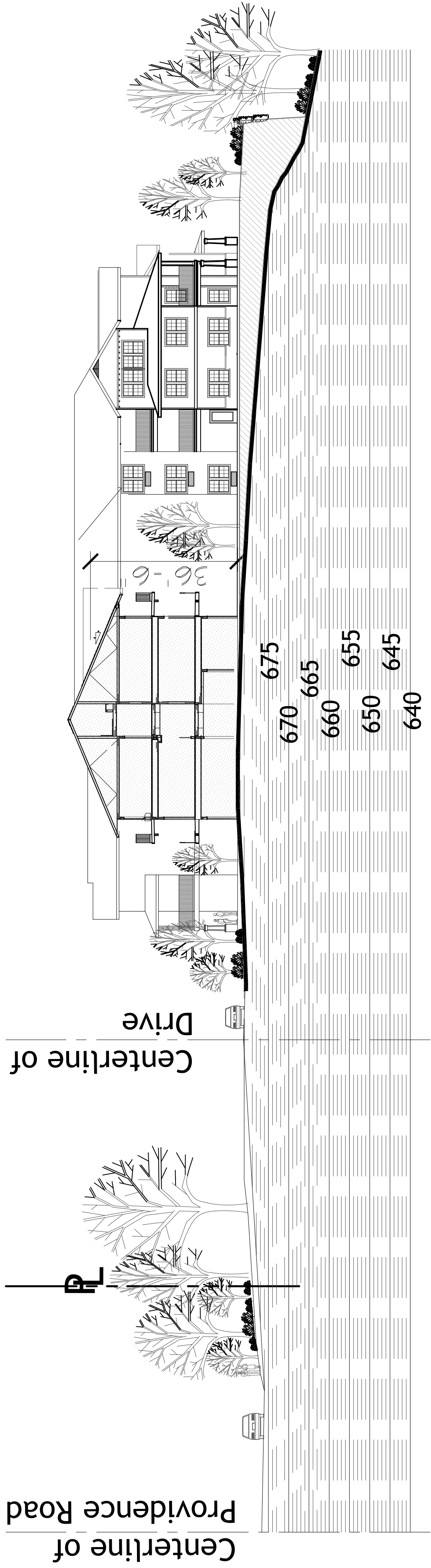


NOTE: ALL ACTUAL PLANT LOCATIONS SHALL BE DETERMINED ON SITE WITH INVOLVEMENT OF NEIGHBOR TO PROVIDE OPTIMAL DEGREE OF SCREENING FROM ADJOINING PROPERTY. PLANTINGS SHALL BE PLANTED TO EXISTING TREES THAT ARE TO BE PRESERVED.

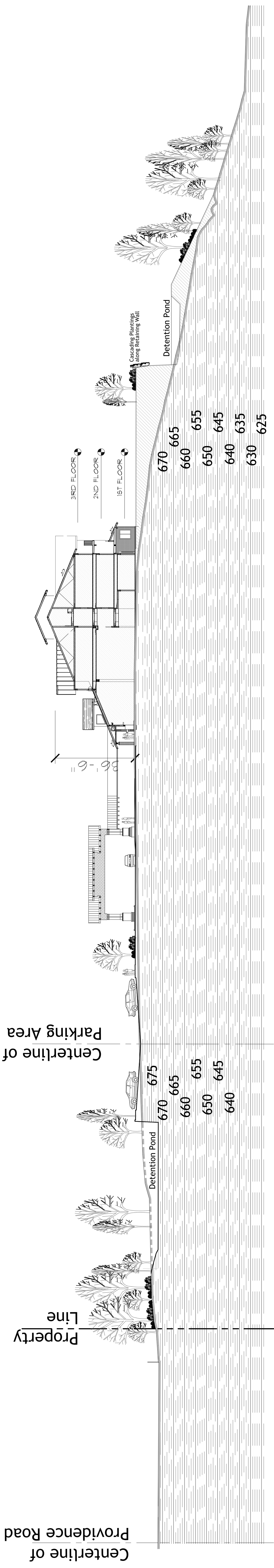
Charlotte Retirement Residence
Charlotte, North Carolina



Key Plan



Site Section B-B

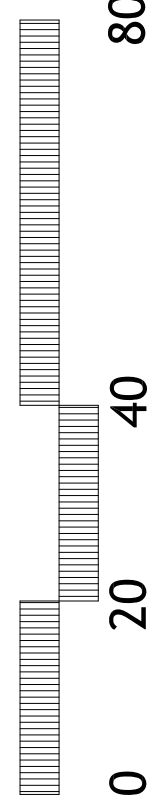


Site Section A-A

Site Sections

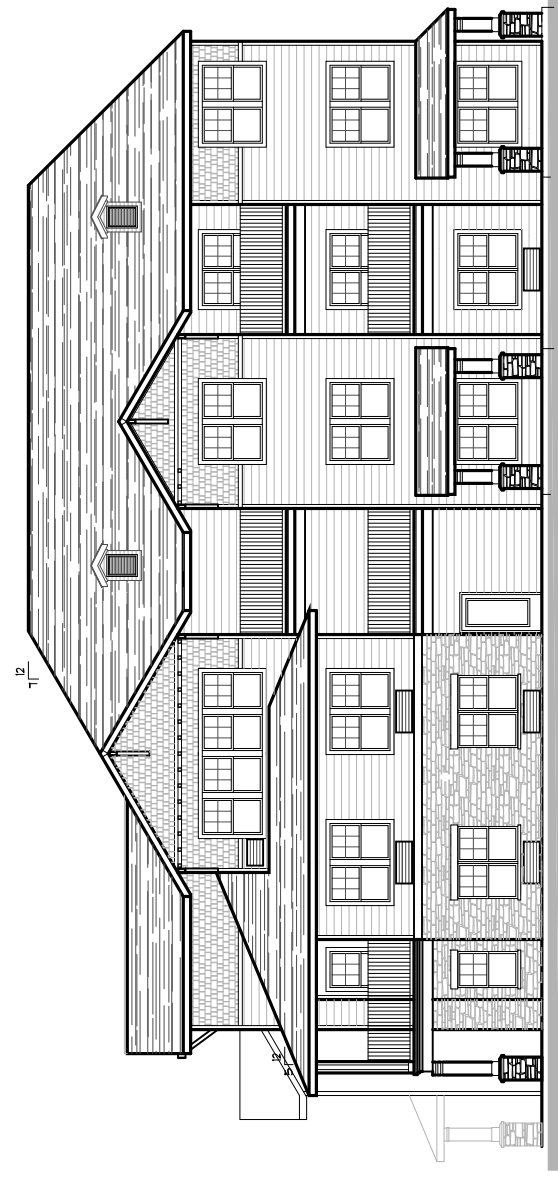
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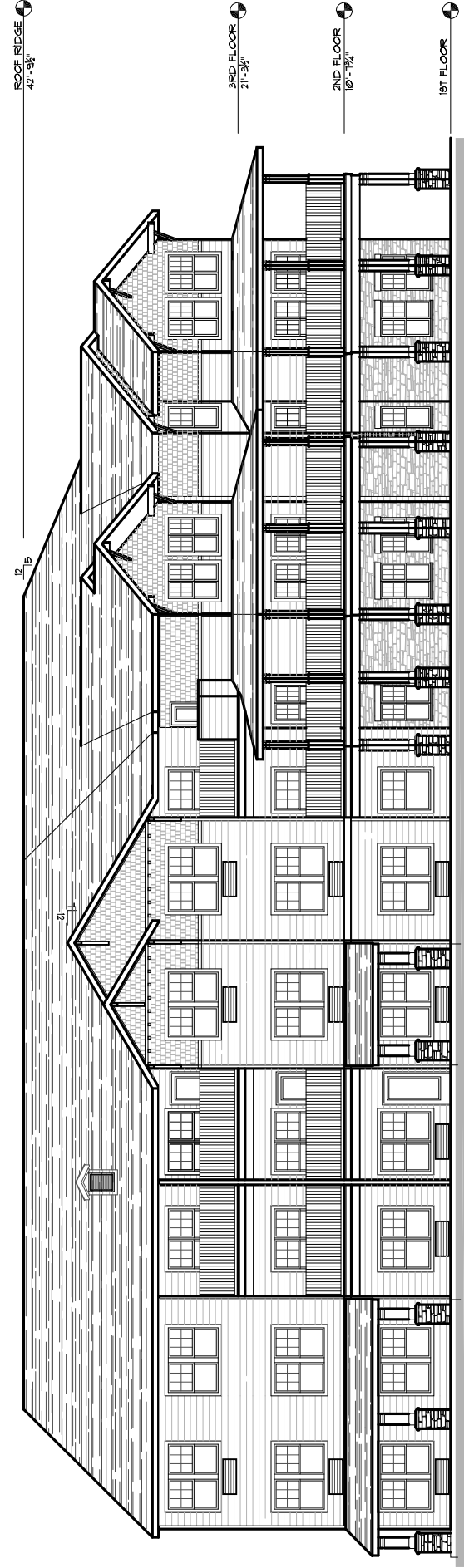


Charlotte Retirement Residence

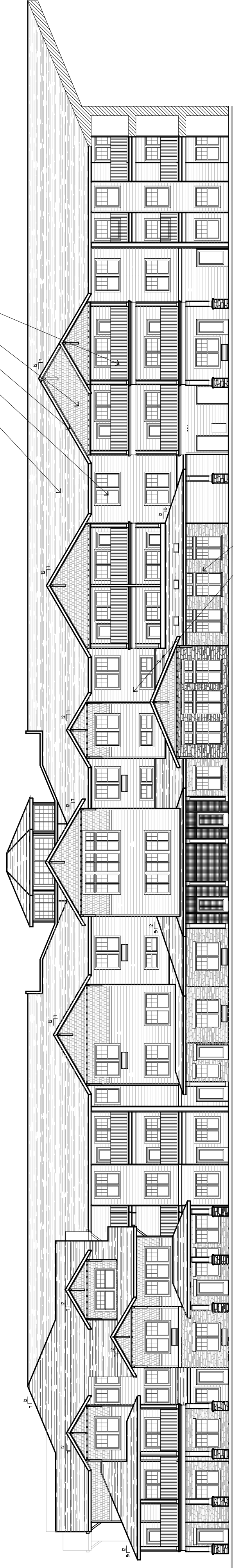
Charlotte, North Carolina



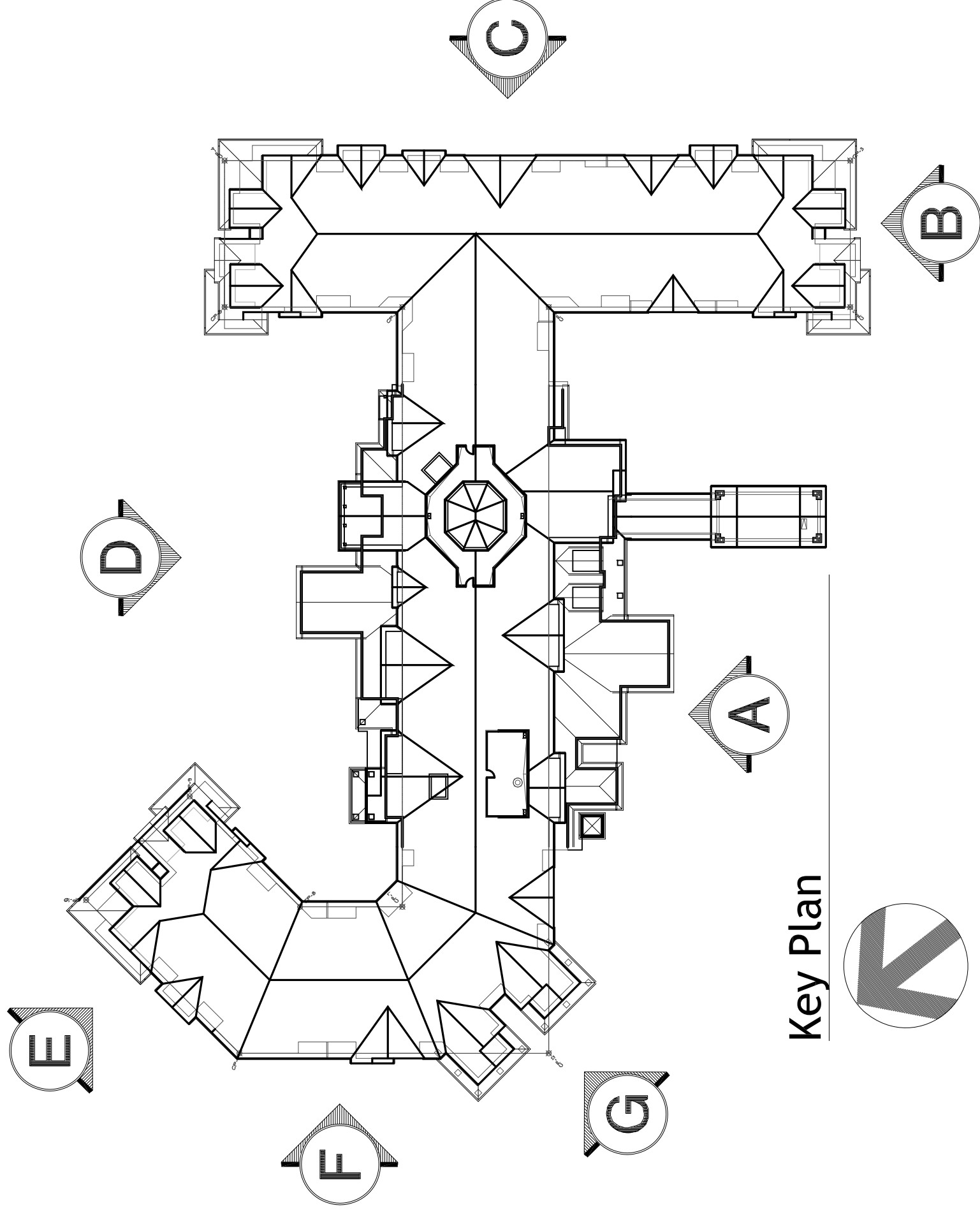
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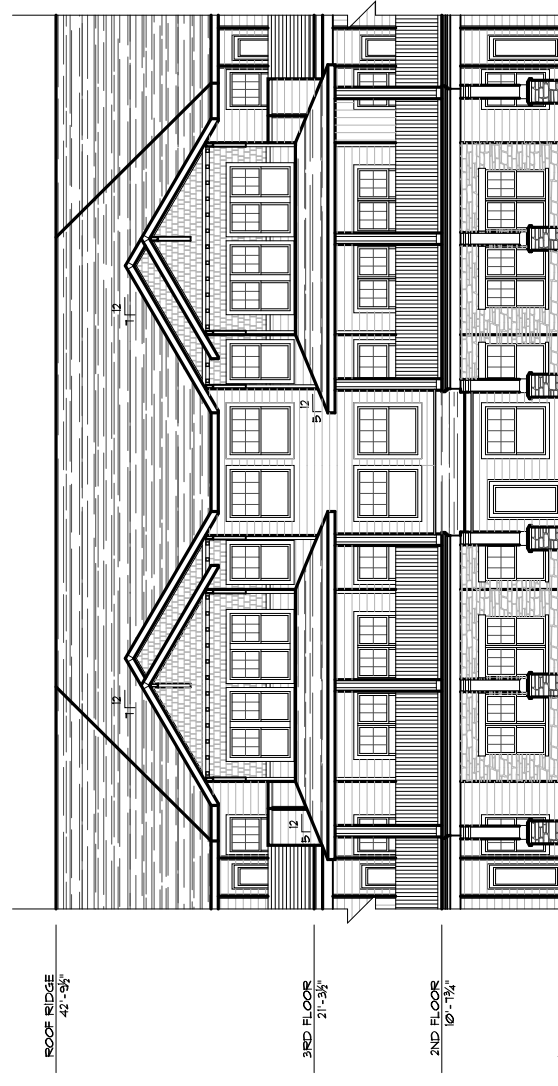
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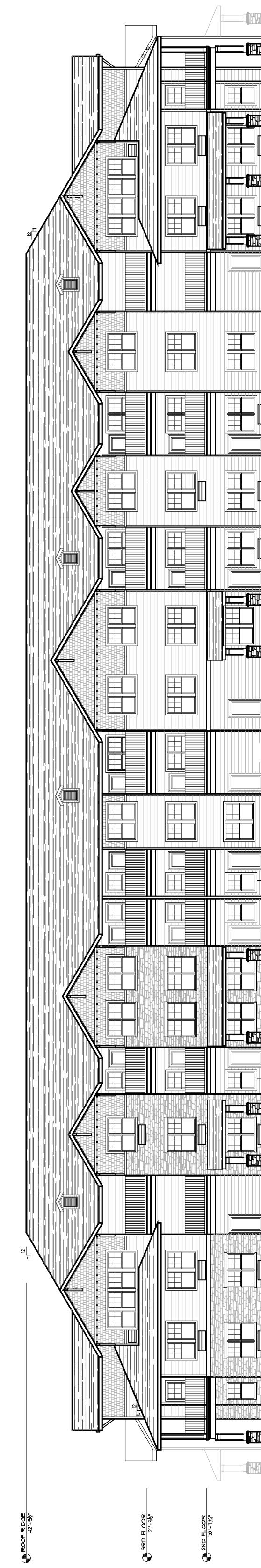
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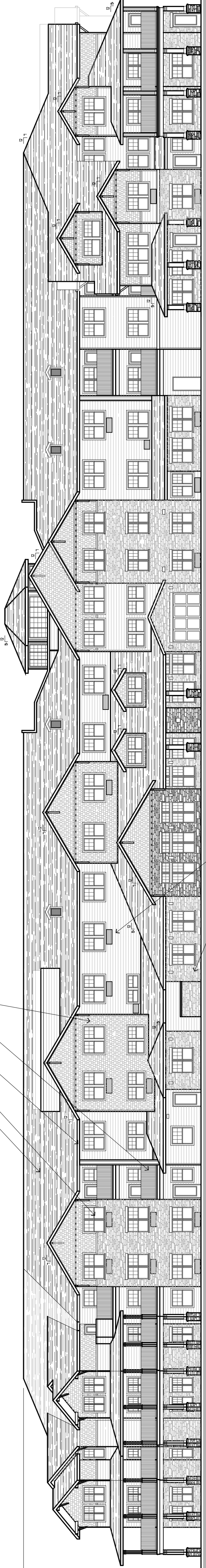
Key Plan



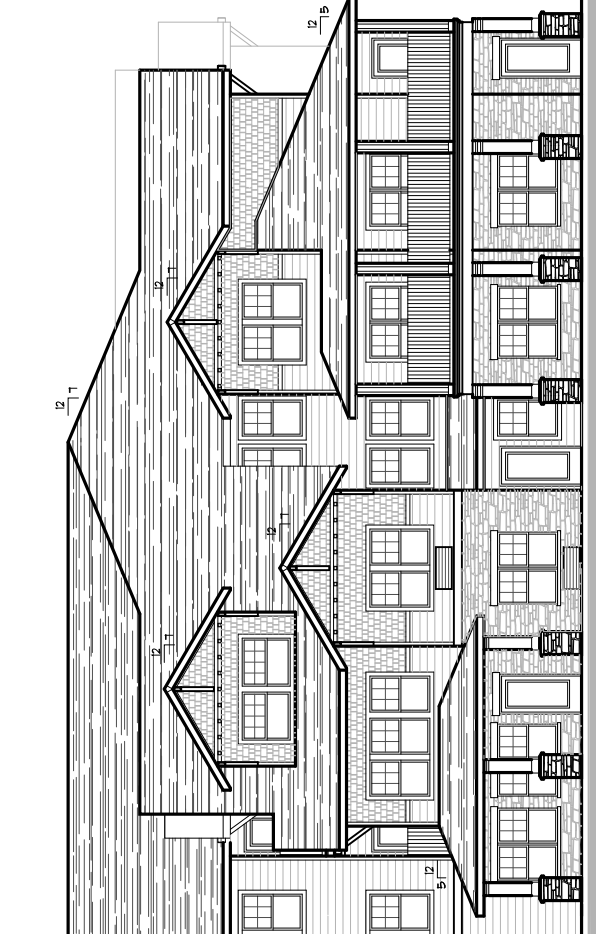
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SCALE: 1/8" = 1'-0" (1/16" ALL DIMS THIS SHEET ONLY)



C EAST ELEVATION
SCALE: 1/8" = 1'-0" (1/16" ALL DIMS THIS SHEET ONLY)



A FRONT ELEVATION
SCALE: 1/8" = 1'-0" (1/16" ALL DIMS THIS SHEET ONLY)

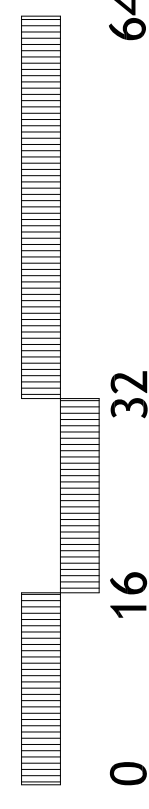


B FRONT ELEVATION CONT.
SCALE: 1/8" = 1'-0" (1/16" ALL DIMS THIS SHEET ONLY)

Exterior Elevations

DATE: 03-18-14

SCALE: 1" = 16'-0"



Charlotte Retirement Residence

Charlotte, North Carolina





Pet. No.
2014-014

(Sam's Real Estate Holdings, Georgia, LLC)

The Petitioner is
requesting a
WITHDRAWAL
of this petition.

Pet. No. 2014-019

(Charlotte-Mecklenburg Planning Department)

The petitioner is
requesting a
DEFERRAL
of this petition to
July 21, 2014

| | |
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| REQUEST | Text amendment to Sections 2.201, 9.101, 9.204, 9.304, 9.404, 9.405, 9.504, 9.603, 9.604, 9.704, 9.803, 9.804, 9.8503, 9.8504, 9.903, 9.904, 9.1003, 9.1004, 9.1103, 9.1104, 9.1206, 9.1207, 11.204, 11.303A, 11.403, 11.404, 11.703, 11.704, and 12.547 of the Zoning Ordinance |
| SUMMARY OF PETITION | The petition proposes to: 1) Create a new definition for mobile farmer's market; 2) Allow mobile farmer's markets in all zoning districts. In some districts they will be allowed as a principal use, and in other districts they will be allowed as an accessory use; and 3) Create new prescribed conditions for mobile farmer's markets. |
| PETITIONER AGENT/REPRESENTATIVE | Charlotte-Mecklenburg Planning Department Charlotte-Mecklenburg Planning Department |
| COMMUNITY MEETING | Meeting is not required. A citizen's advisory group meeting was held on January 29, 2014. |

| | |
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| ZONING COMMITTEE ACTION | The Zoning Committee voted 6-0 to DEFER this petition to their May 28, 2014 meeting. |
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| VOTE | Motion/Second: Ryan/Walker Yeas: Allen, Dodson, Labovitz, Nelson, Ryan, and Walker Nays: None Absent: Sullivan Recused: None |
| ZONING COMMITTEE DISCUSSION | Staff is requesting a one-month deferral to allow time to consider modifications to the text amendment. |

FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

- **Background**
 - Currently, the Zoning Ordinance does not have a definition for mobile grocery stores or mobile farmer's markets. However, the use is permitted as a Periodic Retail Sales Event, Off-Premise, with a permit good for 14 days, and renewable up to six times per calendar year.
 - In the summer of 2013, City Council requested staff research how other cities regulate mobile grocery stores and explore how mobile grocery stores (also called mobile farmer's markets) can be permitted for longer periods of time as a viable way of providing fresh fruits and vegetables to areas lacking access to full-service grocery stores or only having access to limited grocery stores, such as convenience stores.
 - On September 5, 2013, City Council's Economic Development Committee received a presentation on the Mecklenburg County Food Assessment from representatives of the University of North Carolina-Charlotte and the Charlotte-Mecklenburg Food Policy Council. The study addressed the absence of food stores in Mecklenburg County and found the following: 1) There are food deserts where there is limited access to affordable and nutritious food, particularly in low income areas. In these neighborhoods, health issues, including heart disease, were found to be higher than in non-food deserts; and 2) A statistical analysis, controlled for income, race and population density, found that adding a limited or full service food store to a census block group results in a lower number of premature deaths due to heart disease.

- On September 19, 2013, the Economic Development Committee continued their discussion about food deserts and received information from staff on the existing land use classifications in the Zoning Ordinance where fresh food can be sold. Staff suggested that one strategy to increase the availability of fresh produce in food deserts was through a text amendment, to add mobile grocery or mobile farmer's markets as a new use in the Zoning Ordinance. Staff suggested that a Citizen Advisory Group (CAG) should be involved with the development of the regulations and reviewed a proposed process for engaging a Citizen Advisory Group.
- In January 2014, a Citizen Advisory Group was formed and charged with providing staff input on: 1) the issues and opportunities associated with mobile farmer's markets, 2) a draft definition for mobile farmer's markets, and 3) associated prescribed conditions. The group included representatives from the Charlotte-Mecklenburg Food Policy Council, Friendship Gardens, an outdoor fresh produce stand operator, and a mobile market operator. Four stakeholders met on January 29, 2014 to review and discuss the proposed regulations.

- **Proposed Request Details**

The text amendment contains the following provisions:

- Adds a definition for mobile farmer's market: a commercial mobile vehicle (excluding pick-up trucks, open trailers and boats), licensed by the Department of Motor Vehicles, from which commercially prepared and packaged or uncut perishable fruits, vegetables or dairy products are sold (excluding alcoholic beverages, homemade food products and goods).
- Allows mobile farmer's markets as a principal use and/or accessory use in all zoning districts under prescribed conditions:
 - A mobile farmer's market shall be allowed as a principal use or as an accessory use in the following zoning districts, under prescribed conditions: urban residential - commercial (UR-C); research (RE-3 only), neighborhood business (B-1); general business (B-2); distributive business (B-D); business park (BP); commercial center (CC); neighborhood service (NS); mixed use development (MUDD); uptown mixed use (UMUD); transit oriented development – employment (TOD-E); transit oriented development – mixed-use (TOD-M); urban industrial (U-I) district; light industrial (I-1); and general industrial (I-2).
 - A mobile farmer's market shall be allowed as an accessory use to a religious institution, school, college, university, hospital or office in the following zoning districts, under prescribed conditions: single family residential (R-3, R-4, R-5, R-6, and R-8); multi-family residential (R-8MF, R-12MF, R-7MF, R-22MF, and R-43MF); manufactured housing (R-MH); urban residential (UR-1, UR-2, and UR-3); mixed use (MX-1, MX-2, and MX-3); institutional (INST); research (RE-1 and RE-2); office (O-1, O-2, and O-3); and transit oriented development – residential (TOD-R).
- Adds new prescribed conditions for mobile farmer's markets:
 - The mobile farmer's market shall not be located in any required setback, any sight distance triangle, or required buffer.
 - The operator must receive a zoning use permit and display a placard from Neighborhood & Business Services. The maximum duration of a mobile farmer's market permit is 365 consecutive days. There is a maximum of three (3) locations that can be listed for each permit.
 - The operator shall submit proof that the property owner or designated agent (lessee) grants his/her permission to locate the mobile farmer's market on each property.
 - A mobile farmer's market shall not sell food and/or drink processed or prepared on-site. Mobile food vending is not allowed as part of the use.
 - The operator is responsible for removing all trash, litter, and refuse generated by the use from the site at the end of each visit.
 - The hours of operation shall be between 8:00 a.m. and 9:00 p.m. The mobile farmer's market shall only be located on the site between these hours. No overnight parking is allowed.
 - The mobile farmer's market shall provide five off-street parking spaces for customers. Parking spaces may be shared with other uses on the site. The mobile farmer's market shall not locate in any minimum required parking spaces for other uses on the site.
 - One table and one fabric covered tent (maximum size of 12 feet X 12 feet) for shelter only are permitted in association with the use, if removed daily.
 - No products shall be displayed or stored off the vehicle or trailer.
 - All applicable local and state codes shall be met.
 - A mobile farmer's market and an outdoor fresh produce stand shall not occupy the same lot at the same time.
 - Signs must be in compliance with Chapter 13. No portable signs are allowed.
 - Violations may result in the revocation of the zoning use permit. Violations are subject to the requirements in Section 8.105, "Citations".

- Adds two extra prescribed conditions for mobile farmer's markets allowed as an accessory use to a religious institution, school, college, university, hospital or office:
 - If the mobile farmer's market utilizes a large commercial vehicle, it may park in a residential district as an accessory use on a site with a religious institution, school, college, university or hospital.
 - In the residential districts, only one mobile farmer's market shall be allowed per location at any one time.
 - **Public Plans and Policies**
 - This petition is consistent with the *Centers, Corridors and Wedges Growth Framework* goals to create a vibrant economy and a greater mix of commercial uses, and to provide a range of choices for employment opportunities.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
 - **Charlotte Department of Neighborhood & Business Services:** No comments received.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** Not applicable.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
 - **Mecklenburg County Parks and Recreation Department:** No comments received.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:**
 - There is no site plan associated with this text amendment.
-

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

- Application
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Engineering and Property Management Review

Planner: Sandra Montgomery (704) 336-5722

TEXT AMENDMENT SUMMARY: Mobile Farmer's Market

2-27-14

2014-21

Purpose/Background: The purpose of this text amendment is to create a new definition for mobile farmer's market and permit the use with prescribed conditions either as a principal or accessory use in all zoning districts. This amendment will assist in expanding the availability of fresh fruits, vegetables and dairy products in all zoning districts.

| | Proposed Regulations | | Rationale |
|---|----------------------|---|--|
| Current Regulations | | | |
| Definitions | None | <p>Adds a new definition:</p> <ul style="list-style-type: none"> Mobile Farmer's Market: A mobile vehicle, commercially licensed by the Department of Motor Vehicles, from which perishable and commercially prepared fruits, vegetables and dairy products are sold (excluding alcoholic beverages, homemade food products and goods). | <ul style="list-style-type: none"> Creates a new definition for a new use. |
| Items Sold | None | <p>Allows the same fresh produce to be sold that is allowed for outdoors fresh produce stands, plus dairy products:</p> <ul style="list-style-type: none"> Mobile farmer's market operator(s) may sell dairy products, all types of fresh produce, including but not limited to tomatoes, squash, corn, cucumbers, beans, berries, melons, apples, pears, peaches, citrus fruit, root vegetables, green vegetables, pie pumpkins, nuts, fresh herbs, or other fruits or vegetables. In addition to fresh produce, up to 10% of the total sales area may be used to sell fruit or vegetable derived products. Mobile farmer's markets are not intended to include the sale of Christmas trees, Halloween pumpkins, plants or flowers, which are regulated in Section 12.519. | <ul style="list-style-type: none"> Allows the same types of fresh produce to be sold as outdoors fresh produce stands, plus dairy products. |
| Districts Allowed and Prescribed Conditions | None | <ul style="list-style-type: none"> Allows a mobile farmer's market as a principal use or an accessory use in the following districts: urban residential - commercial (UR-C); research (RE-3 only), neighborhood business (B-1); general business (B-2); distributive business (B-D); business park (BP); commercial center (CC); neighborhood service (NS); mixed use development (MUDD); uptown mixed use (UMUD); transit oriented development – employment (TOD-E); transit oriented development – mixed use (TOD-M); urban industrial (U-I); light industrial (I-1) and heavy industrial (I-2), subject to the following prescribed conditions: <ul style="list-style-type: none"> The mobile farmer's market shall not be located in any required setback, any sight distance triangle, or required buffer. Any operator of a mobile farmer's market must receive a zoning use permit and display placard from Neighborhood & Business Services. It must be posted in the front window of the mobile farmer's market vehicle, while in use. The maximum duration of a mobile farmer's market permit is 365 consecutive days. A list of dates and times the mobile farmer's market will be at each location shall be submitted with the zoning use permit application. There is a maximum of three (3) locations that can be listed for each permit. The operator of a mobile farmer's market shall submit proof that the property owner or designated agent (lessee) grants his/her permission to locate the mobile farmer's market on each property. This documentation shall be submitted to Neighborhood & Business Services and attached to the zoning use permit application. | <ul style="list-style-type: none"> Allows the use in all zoning districts, including residential districts. Establishes prescribed conditions to regulate the use. |

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| | | <ul style="list-style-type: none"> • A mobile farmer's market shall not sell food and/or drink processed or prepared on-site. Mobile food vending is not allowed as part of the use. • The operator of a mobile farmer's market is responsible for removing all trash, litter, and refuse generated by the use from the site at the end of each visit. • The hours of operation shall be between 8:00 a.m. and 9:00 p.m. The mobile farmer's market shall only be located on the site between these hours. No overnight parking is allowed. • The mobile farmer's market shall provide five off-street parking spaces and shall not locate in any minimum required parking spaces for other uses on the site. Parking spaces may be shared with other uses on the site, unless the Zoning Administrator determines that parking congestion problems will be present on the site. • One table and one fabric covered tent (maximum size of 12 feet x 12 feet) for shelter only are permitted in association with the use, and shall be removed daily. • No products shall be displayed or stored off the vehicle or trailer. • All applicable local and state codes shall be met. • A mobile farmer's market and an outdoors fresh produce stand shall not occupy the same lot at the same time. • Signs must be in compliance with Chapter 13. No portable signs are allowed. • Violations are subject to Section 8.105, "Citations". Violations may result in the revocation of the zoning use permit. • Allows a mobile farmer's market as an accessory use to a religious institution, school, college, university, hospital or office in the R-3, R-4, R-5, R-6, R-8, R-8MF, R-12MF, R-17MF, R-22MF, R-43MF, R-MH, UR-1, UR-2, UR-3, MX-1, MX-2, MX-3, Institutional, O-1, O-2, O-3, RE-1, RE-2 and TOD-R zoning districts, subject to the prescribed conditions listed above and the following additional prescribed condition: <ul style="list-style-type: none"> • If the mobile farmer's market utilizes a large commercial vehicle, it is exempt from meeting the requirements of Section 12.218(4) and may park in a residential district as an accessory use on a site with a religious institution, school, college, university or hospital. • In the residential districts, only one mobile farmer's market shall be allowed per location at any one time. |
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| REQUEST | Current Zoning: O-1, office Proposed Zoning: MUDD(CD), mixed use development, conditional |
| LOCATION | Approximately 1.68 acres located on the southeast corner at the intersection of Abbey Place and Hedgemore Drive. (Council District 6 - Smith) |
| SUMMARY OF PETITION | The petition proposes to allow up to 150 dwelling units with the possibility of ground floor non-residential uses, in a mid-rise building up to 66 feet in height in the Park Woodlawn Major Activity Center. |
| PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE | Metrotimwatch, LLC. Lat Purser & Associates Adam Purser |
| COMMUNITY MEETING | Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 12 |
| STATEMENT OF CONSISTENCY | This petition is found to be consistent with the <i>Park Woodlawn Area Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 6-0 vote of the Zoning Committee (motion by Commissioner Ryan seconded by Commissioner Labovitz). |

| | |
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| ZONING COMMITTEE ACTION | <p>The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Amended the proposed zoning on Sheet RZ-3 to say MUDD(CD). 2. Labeled the A-A site section guideline clearly on sheets RZ-1 and RZ-2. 3. Amended the proposed uses on Sheet RZ-3 to say "Proposed use: multi-family residential with up to (amount to be specified by petitioner) square feet of retail sales limited to those permitted in the B-1 district, professional businesses and/or general offices and located on the ground floor." 4. Showed parking access controls on Sheets RZ-1 and RZ-2 per Section 9.8507(8). 5. Provided a five-foot wide sidewalk from the fire access door on the southern side of the building to the sidewalk along Hedgemore Drive. 6. Showed the required loading space. 7. Provided a note on sheet RZ-3 describing the dedication of land to Mecklenburg County Parks and Recreation. Specify the number of acres and use as a greenway/recreation area. 8. Provided at least 50% active ground floor uses along Hedgemore Drive and Abbey Place. The trash collection area does not count toward the 50% requirement 9. Provided and show recessed doorways along both street frontages. 10. Illustrated how the lobby is accessed from the street. 11. Provided elevations, as opposed to perspective drawings, that match the site plan. 12. Revised Note 2.a. on Sheet RZ-3 to say, "Subject to the restrictions and limitations listed below, the principal building constructed on the site may be developed for up to 150 multi-family residential dwelling units with up to (amount to be specified by petitioner) square feet of retail sales limited to those in the B-1 district, professional businesses and/or general offices and located on the ground floor." 13. Moved Note 5.b. to be under Note 14. 14. Replaced the words "on existing and proposed streets" with "Abbey Place and Hedgemore Drive." |
|------------------------------------|---|

15. Deleted Note 8.a.
16. Clarified the nature of the amenity areas (intended for resident use or leasable spaces for businesses and offices).
17. Provided useable open space that is well integrated into the community through greenways, parks, and plazas as recommended by the *Park Woodlawn Area Plan*. Staff suggests the open area east of the proposed building be developed with park/plaza that complements the future greenway.
18. Made a clear distinction between the open space references in the site data on Sheets RZ-1 and RZ-2 and the required urban space described on Sheet RZ-3. The area to be dedicated to Parks and Recreation cannot count towards the minimum urban open space requirement. Describe the location of urban open space to be provided such as the upper level courtyard, 4th floor terrace and any other areas for urban open space.
19. Added the note requested by CDOT regarding the corner treatment of Abbey Place and Hedgemore Drive. Added the note requested by CDOT requiring a 12-foot sidewalk where the building and sidewalk abut.
20. Agreed to dedicate additional land to the greenway as requested by Mecklenburg County Parks and Recreation.
21. Removed Note 5.b. and labeled the trash area on RZ-2 to include a compactor and recycling per the Zoning Ordinance.
22. Added a note stating that the exact location of access control gates will be determined through the full development plan submittal process.
23. Amended Note 3.a. to include access to Hedgemore Drive.

VOTE

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| Motion/Second: | Allen/Walker |
| Yeas: | Allen, Walker, Dodson, Ryan, Nelson, Labovitz |
| Nays: | None |
| Absent: | Sullivan |
| Recused: | None |

ZONING COMMITTEE DISCUSSION

Staff reviewed the petition and noted that all of the outstanding issues except for three (3) had been addressed at the time the agenda was sent out. Staff indicated that the petitioner addressed the final three outstanding issues related to the location of the dumpster, the access gates, and access to Hedgemore Drive and that staff recommends approval of the petition.

A commissioner stated she felt an increase from 285 trips per day to over 1,000 trips is significant. She asked CDOT staff to elaborate on the reasons for not requiring traffic impact assessments. CDOT staff explained that they use an increase of 2,500 trips per day as their threshold for requiring traffic impact assessments. During the public hearing, Councilman Smith asked about traffic in the area. As a result, CDOT plans to perform traffic counts in the area to evaluate relative traffic issues in the area.

The commissioner asked how they could vote when there may be new information after the traffic counts. Planning staff explained that there were not any outstanding issues related to transportation. CDOT staff stated they did not see anything related to this rezoning that may warrant further study. Another commissioner stated that traffic is a common concern for neighbors anytime there is a rezoning. This particular site has good connectivity that allows multiple route options which reduces traffic congestion.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allows up to 150 residential dwelling units at a density of 107.6 dwelling units per acre, retail sales limited to uses permitted in the B-1 district, and professional business and general offices.
- Limits the number of principal structures to one.
- Limits the height to 66 feet along Abbey Place and 65 feet along Hedgemore Drive.
- Access to the site via two full movement driveways along Abbey Place.
- A two-level parking structure with one level below grade and the other at grade.
- On-street parking along Abbey Place and Hedgemore Drive.
- Describes the architectural elements of the building which break up massing. The elements include balconies, decorative cast masonry and concert elements, and canopies.
- Building materials consisting of brick, stone, precast stone, exposed concrete cementitious siding, stucco, or wood.
- Restricts the use of vinyl to windows and soffits.
- A ten-foot sidewalk and eight-foot planting strip along Abbey Place and Hedgemore Drive.
- Limits the height of freestanding lighting to 25-feet.
- Requires all new lighting to be full cut-off type excluding low, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.
- Urban open space at a rate of one square foot for every 100 square feet of gross floor area.
- A pedestrian plaza area at the corner of Abbey Place and Hedgemore Drive.
- A compactor and recycle service area in the ground level parking deck.
- A perspective of the structure from Abbey Place and Hedgemore Drive intersection.

- **Public Plans and Policies**

- The *Park Woodlawn Area Plan* (2013) recommends a mix of uses (residential, office and/or retail) for the site, which is located in a Major Activity Center. Single use or multi-use is appropriate for projects that follow the Community Design policies; these policies include recommendations for building architecture and site design, creation of a safe and efficient network for pedestrians, bicyclists, and automobiles, and protection of the natural environment.
 - The petition is consistent with the *Park Woodlawn Area Plan*.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No comments received.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate two students, while the development allowed under the proposed zoning will produce 17 students. Therefore, the net change in the number of students generated from the existing zoning to the proposed zoning is 15 students.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site

design guidance in the *General Development Policies-Environment*.

- The project is a redevelopment project that makes use of existing infrastructure.
 - Protects environmentally sensitive areas along Little Sugar Creek with dedication of land to Mecklenburg County Parks and Recreation for future development of a greenway.
-

OUTSTANDING ISSUES

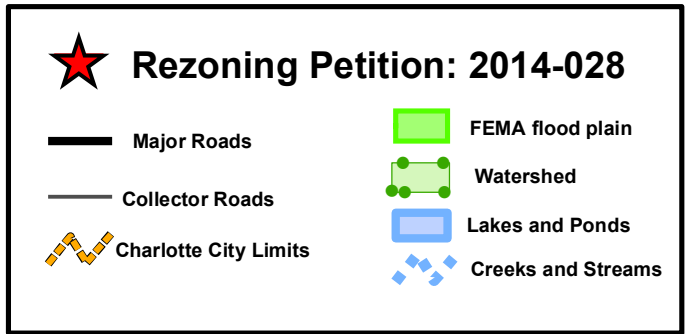
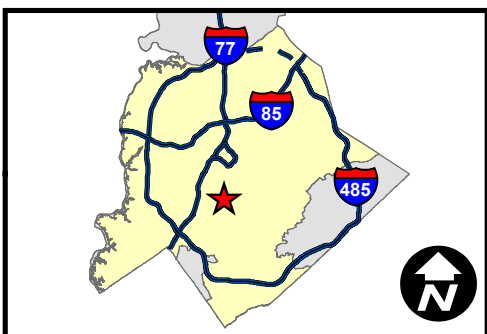
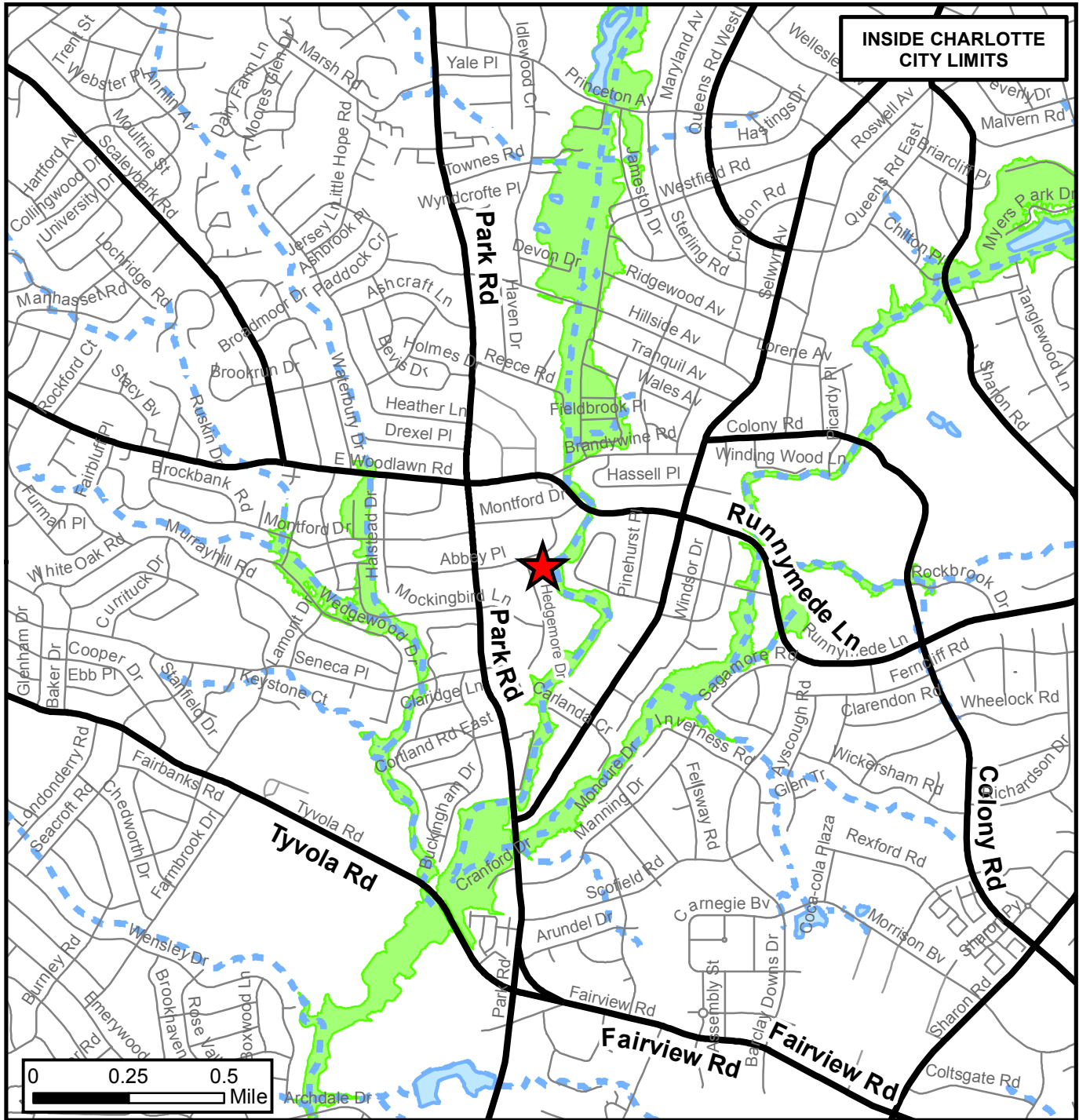
- No issues.
-

Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

Planner: John Kinley (704) 336-8311

Acreage & Location : Approximately 1.68 acres located on the southeast corner at the intersection of Abbey Place and Hedgemore Drive.



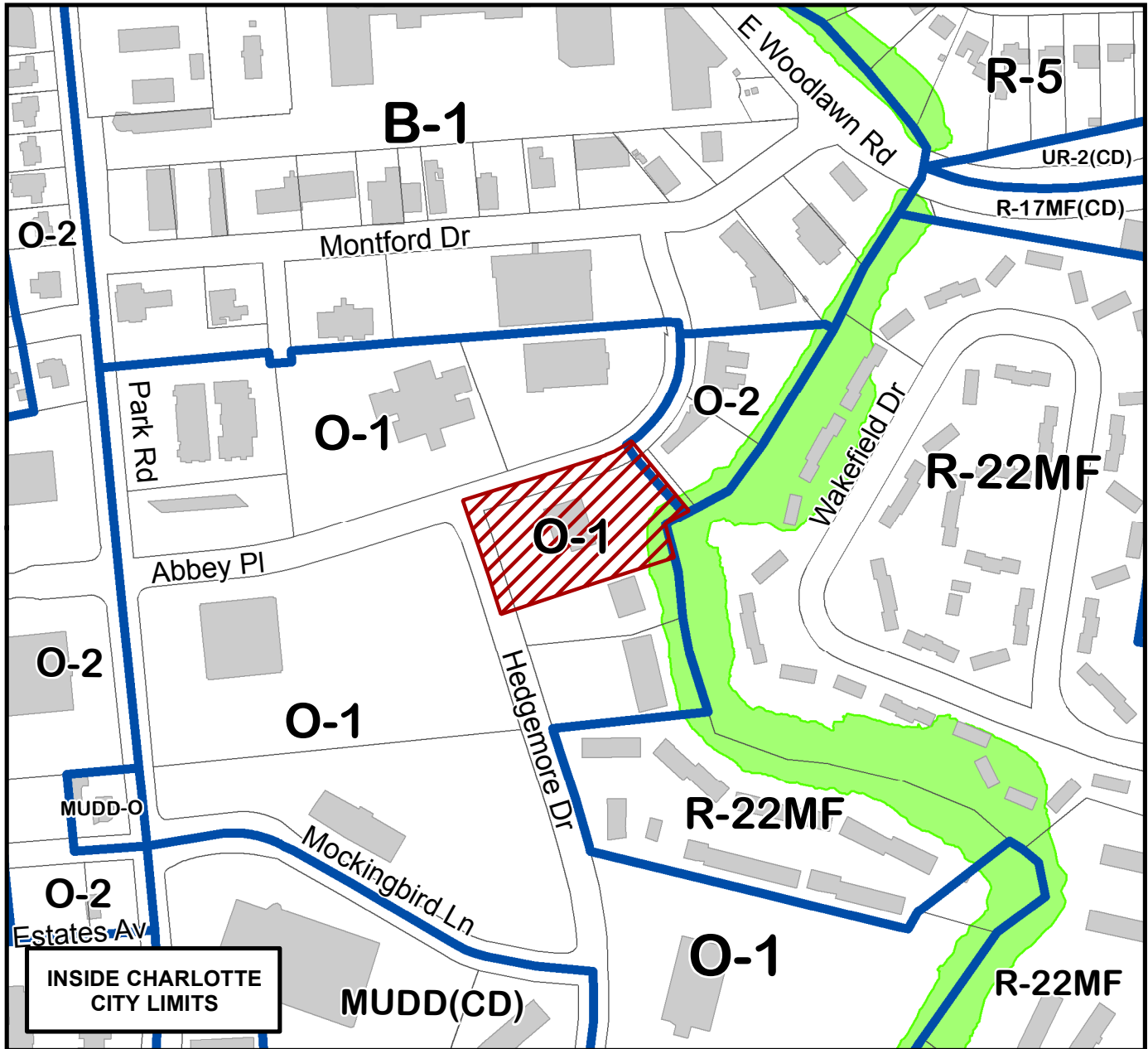
Petition #: **2014-028**

Petitioner: **Lat Purser & Associates**

Zoning Classification (Existing): **O-1**
(Office)

Zoning Classification (Requested): **MUDD(CD)**
(Mixed Use Development District, Conditional)

Acreage & Location: Approximately 1.68 acres located on the southeast corner at the intersection of Abbey Place and Hedgemore Drive.



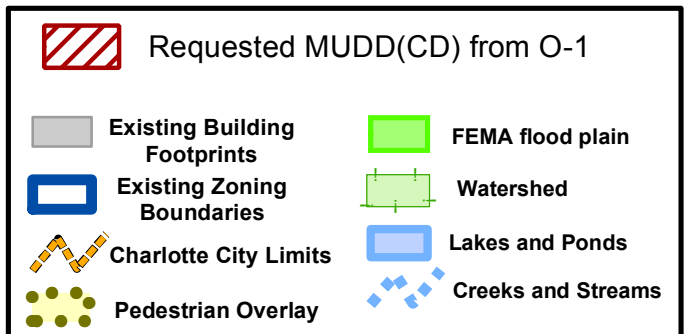
Map Produced by the Charlotte-Mecklenburg Planning Department, 4-8-14.

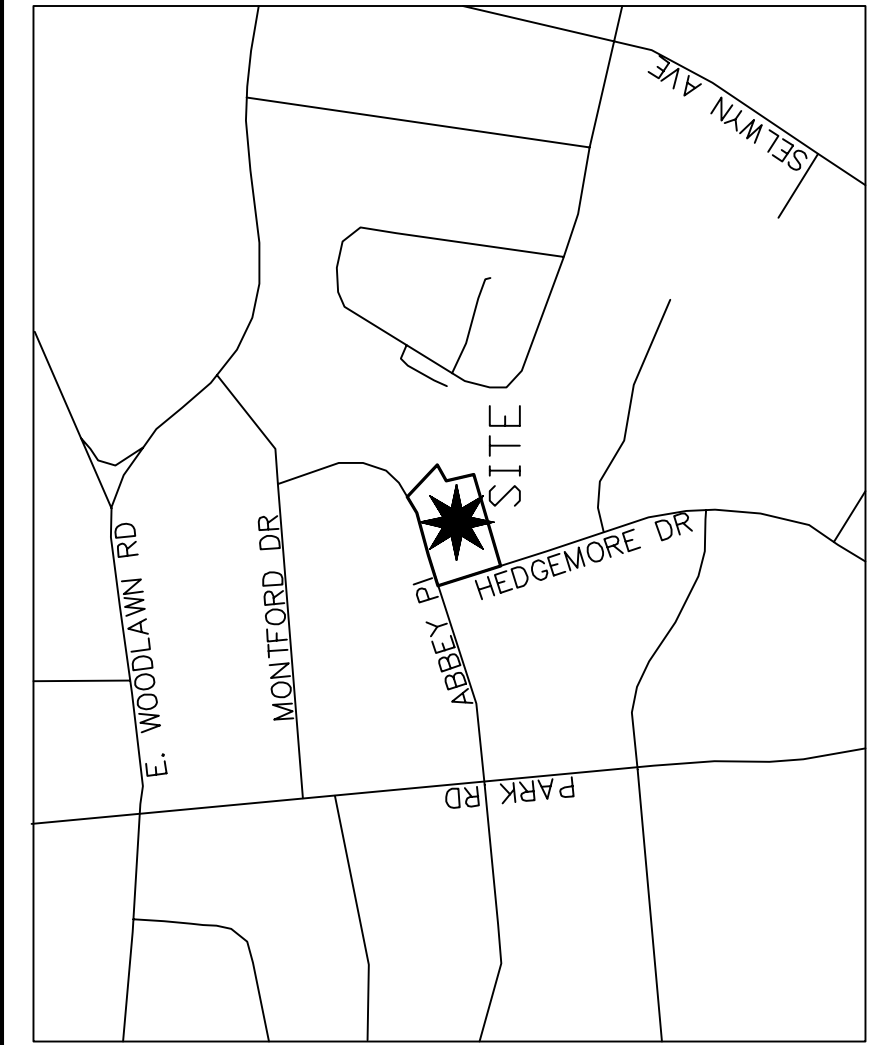
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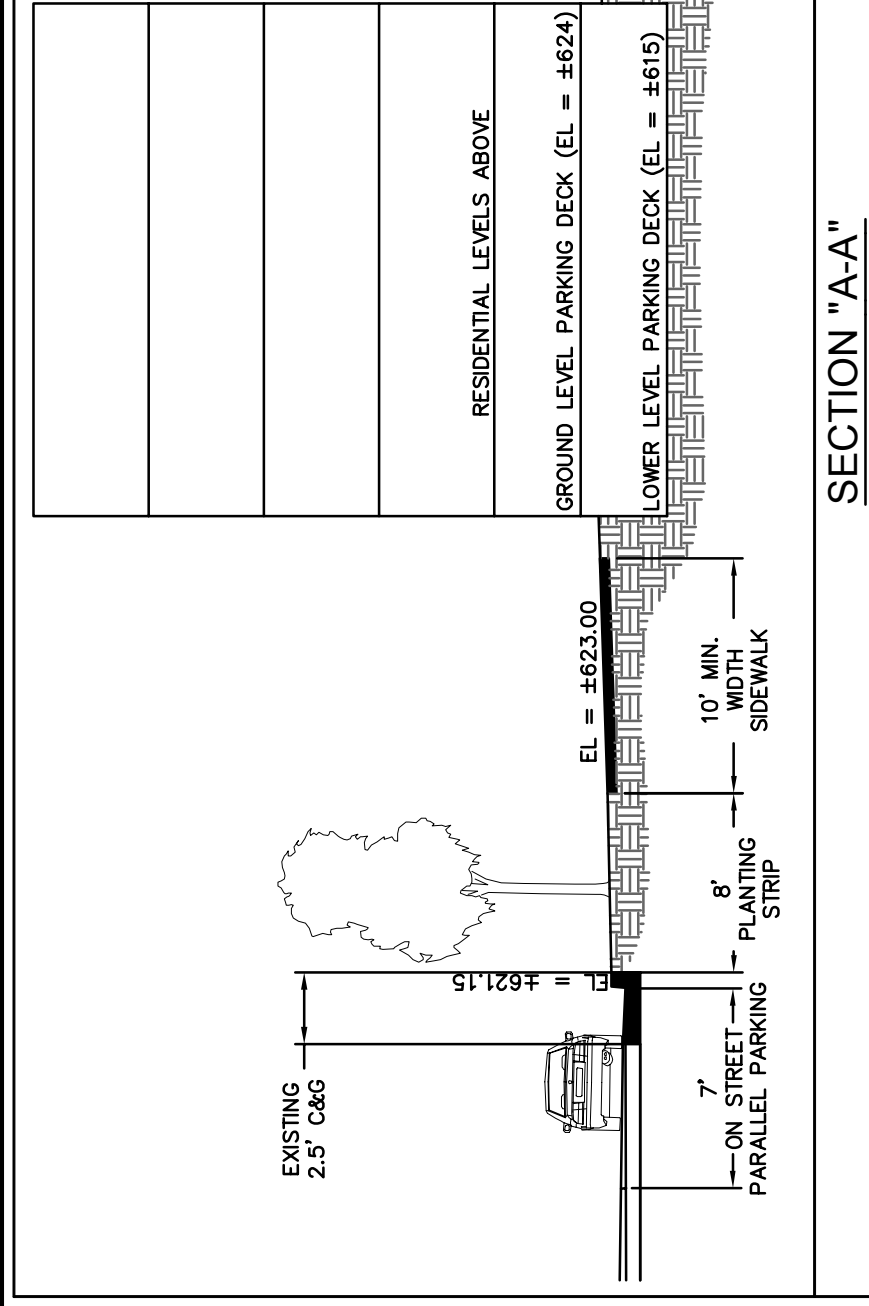
Zoning Map #(s)

125





VICINITY MAP
NOT TO SCALE



SECTION "A-A"
NOT TO SCALE

| LEGEND FOR PROPOSED IMPROVEMENTS | |
|----------------------------------|--|
| | PROPOSED BUILDING |
| | PROPOSED CURB AND GUTTER |
| | PROPOSED SITE NOTE |
| | PROPOSED PARKING SPACES |
| | PROPOSED HEAVY DUTY ASPHALT PAVEMENT |
| | PROPOSED HEAVY DUTY CONCRETE PAVEMENT |
| | PROPOSED STANDARD DUTY CONCRETE PAVEMENT |
| | PROPOSED STANDARD DUTY ASPHALT PAVEMENT |
| | PROPOSED STRUCTURE |

ZONING CODE SUMMARY

PROJECT NAME: ABBEY PLACE MULTIFAMILY
CLIENT NAME: LAT PURSER & ASSOCIATES, INC.
PLANS PREPARED BY: KIMLEY-HORN AND ASSOCIATES
DATE: 07/14/2014
SITE: 405 SELWYN VILLAGE CONDOMINIUMS
EXISTING ZONING: DB 4257, PG 405
PROPOSED ZONING: R-22MF
PROPOSED USE: MULTI-FAMILY RESIDENTIAL
EXISTING LOT SIZE: 1.67 ACRES
JURISDICTION: CITY OF CHARLOTTE

SETBACKS

- MINIMUM SETBACK 22 FEET MINIMUM FROM BACK OF EXISTING OR PROPOSED CURB WITH PLANTING STRIP AND 10' SIDEWALK (PER PARK WOODLAWN AREA PLAN DATED JUNE 2013)
- MINIMUM SIDE YARDS: NONE, BUT 10' BUILDING SEPARATION REQUIRED TO A RESIDENTIAL USE
- MINIMUM REAR YARD: NONE, BUT 10' BUILDING SEPARATION REQUIRED TO A RESIDENTIAL USE

PARKING SUMMARY

AUTOMOTIVE PARKING REQUIREMENT: 1.0 SPACES PER UNIT (PER SECTION 9.8807)
LONG TERM BIKE PARKING: NONE
SHORT TERM BIKE PARKING: 2 OR 1 SPACE PER 20 UNITS

PROPOSED MAXIMUM NUMBER OF UNITS: 150

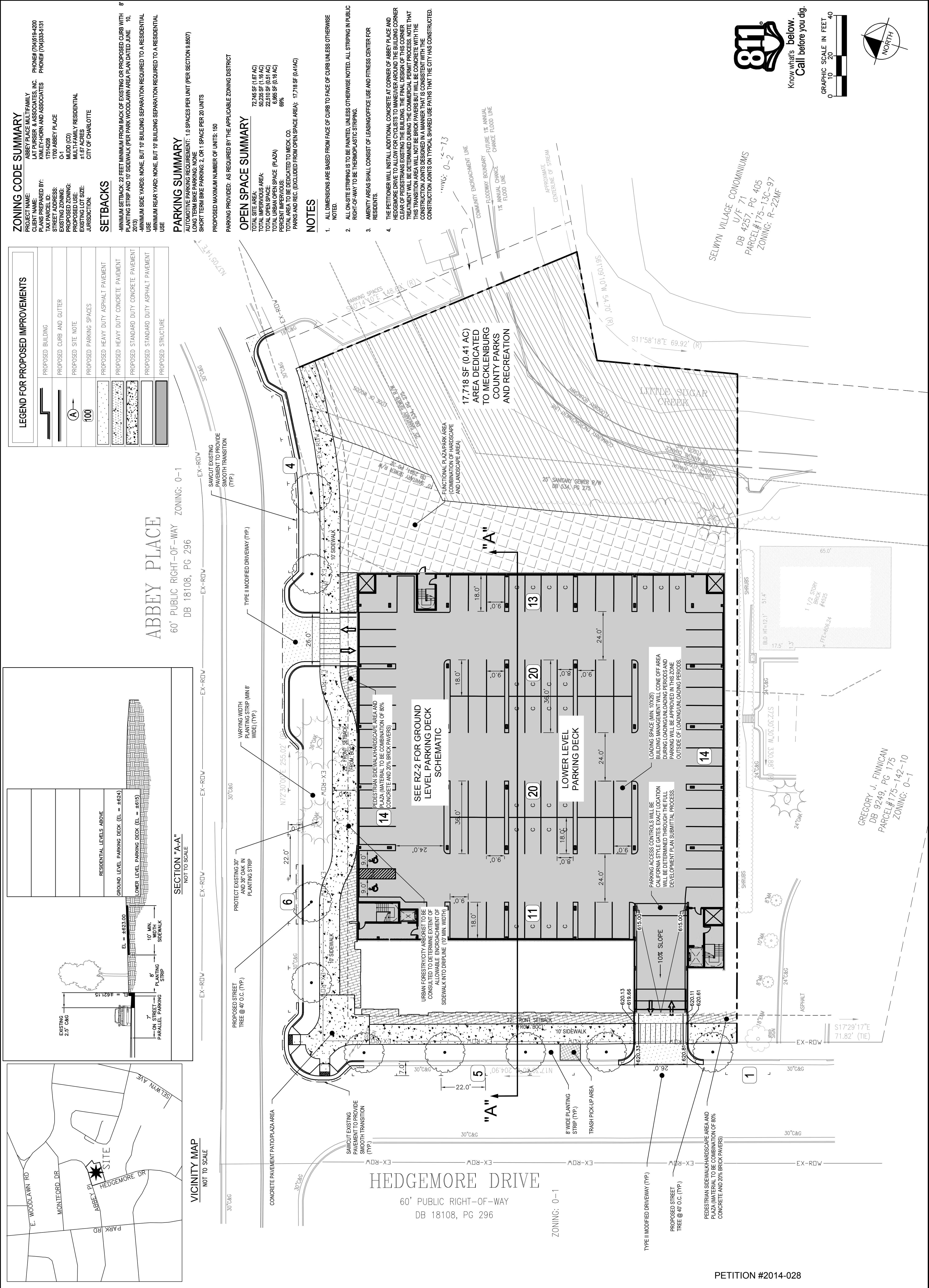
PARKING PROVIDED: AS REQUIRED BY THE APPLICABLE ZONING DISTRICT

OPEN SPACE SUMMARY

TOTAL SITE AREA: 72,745 SF (1.67 AC)
TOTAL IMPERVIOUS AREA: 50,235 SF (1.16 AC)
TOTAL OPEN SPACE: 22,510 SF (0.51 AC)
TOTAL OPEN SPACE (PLAZA): 18,650 SF (0.43 AC)
PERCENT IMPERVIOUS: 68%
TOTAL AREA TO BE DEDICATED TO MECK, CO PARKS AND REC. (EXCLUDED FROM OPEN SPACE AREA): 17,718 SF (0.41 AC)

NOTES

- ALL DIMENSIONS ARE BASED FROM FACE OF CURB TO FACE OF CURB UNLESS OTHERWISE NOTED.
- ALL ON-SITE STRIPING IS TO BE PAINTED, UNLESS OTHERWISE NOTED. ALL STRIPING IN PUBLIC RIGHT-OF-WAY TO BE THERMOPLASTIC STRIPING.
- AMENITY AREAS SHALL CONSIST OF LEASING/OFFICE USE AND FITNESS CENTER FOR RESIDENTS.
- THE PETITIONER WILL INSTALL ADDITIONAL CONCRETE AT CORNER OF ABBEY PLACE AND HEDGEMORE DRIVE TO ALLOW FOR CYCLISTS TO MANEUVER AROUND THE BUILDING CORNER CLEAR OF PEDESTRIANS EXISTING THE BUILDING. THE FINAL DESIGN OF THIS CORNER TREATMENT WILL BE DETERMINED DURING THE COMMERCIAL PERMIT PROCESS. NOTE THAT THIS TRANSITION AREA WILL NOT BE BRICK PAVERS BUT WILL BE CONCRETE WITH THE CONSTRUCTION JOINTS DESIGNED IN A MANNER THAT IS CONSISTENT WITH THE CONSTRUCTION JOINTS ON TYPICAL SHARED USE PATHS THAT THE CITY HAS CONSTRUCTED.



HEDGEMORE DRIVE

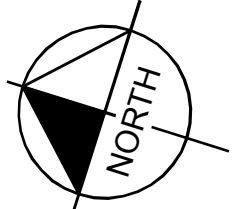
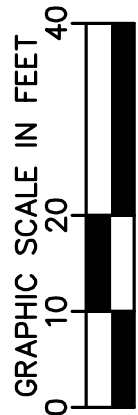
60' PUBLIC RIGHT-OF-WAY
DB 18108, PG 296

ZONING: 0-1

PETITION #2014-028



Know what's below.
Call before you dig.



Kimley-Horn and Associates, Inc.
2500 SOUTH BOULVARD
SUITE 405, NORTH CHARLOTTE 28203
PHONE: (704) 333-5131
FAX: (704) 333-5131
E-MAIL: KIMLEY-HORN@KIMLEY-HORN.COM

PROJECT: ABBEY PLACE
1700 ABBEY PLACE
CHARLOTTE, MECKLENBURG COUNTY
NORTH CAROLINA
PETITION #2014-028

CLIENT: LPA
Lat Purser & Associates, Inc.
405 SELWYN VILLAGE CONDOMINIUMS

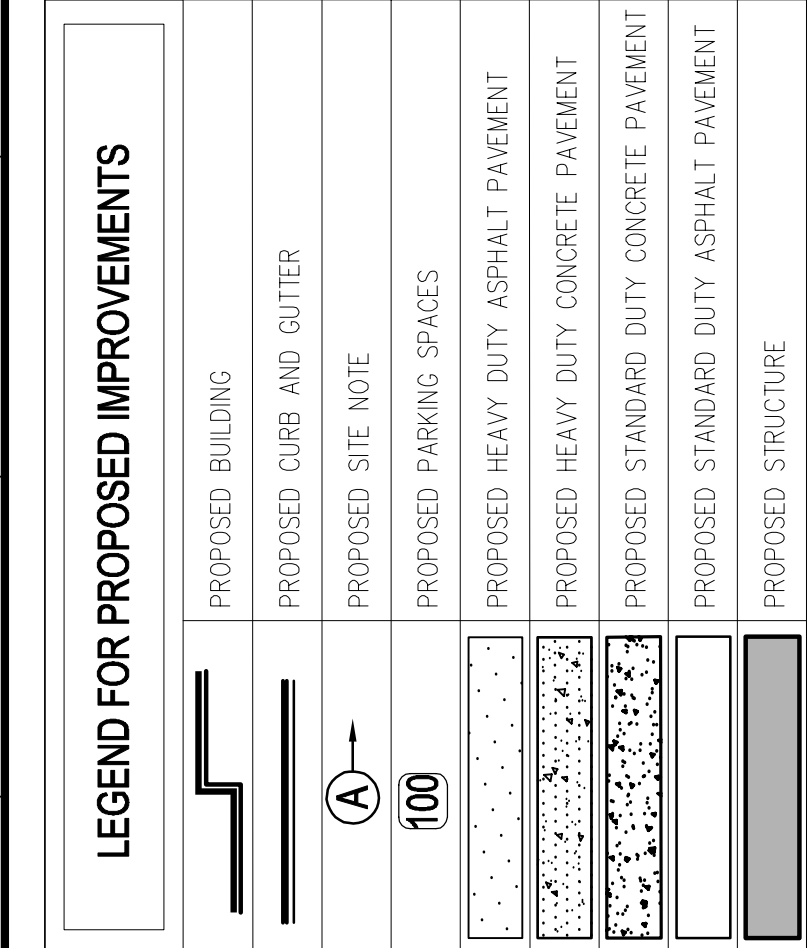
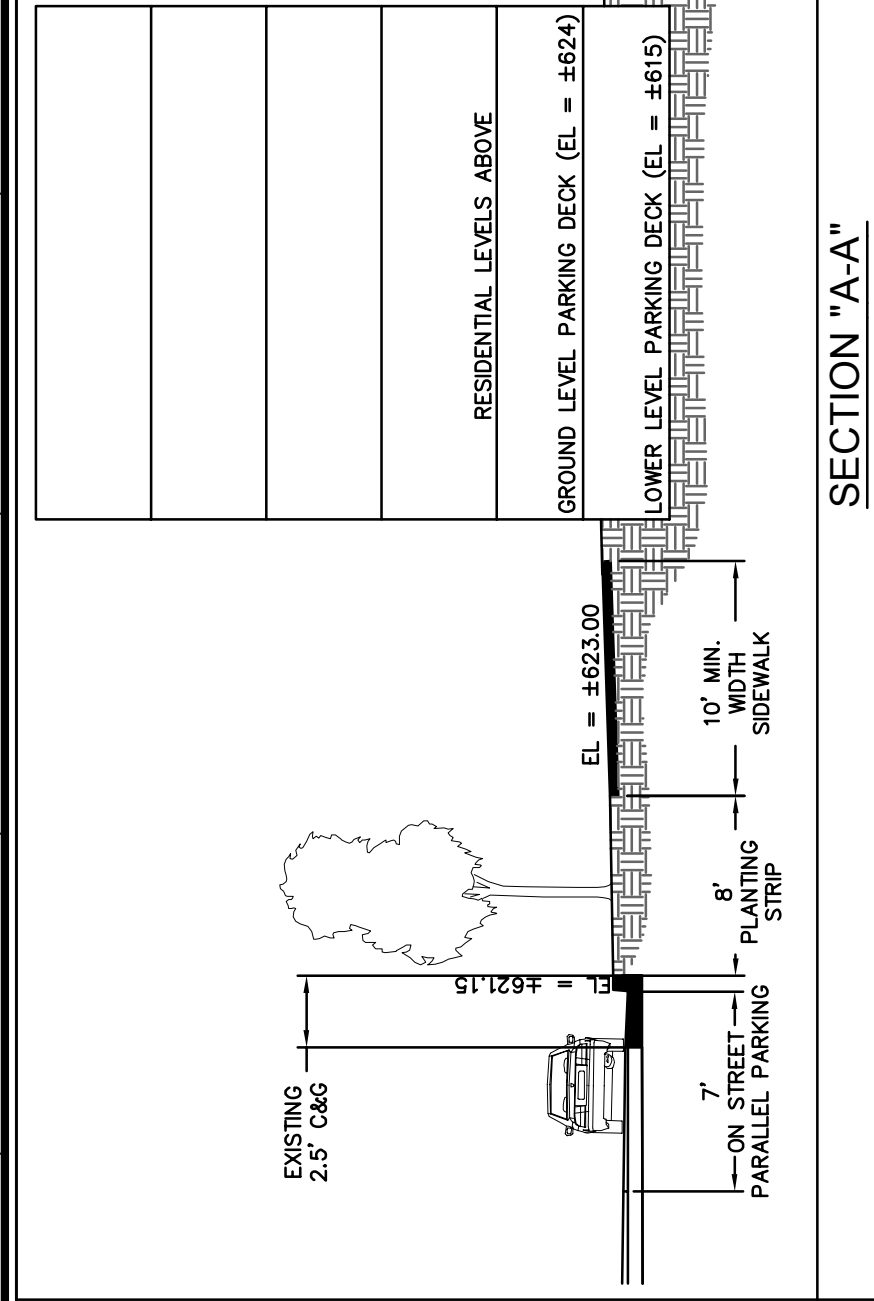
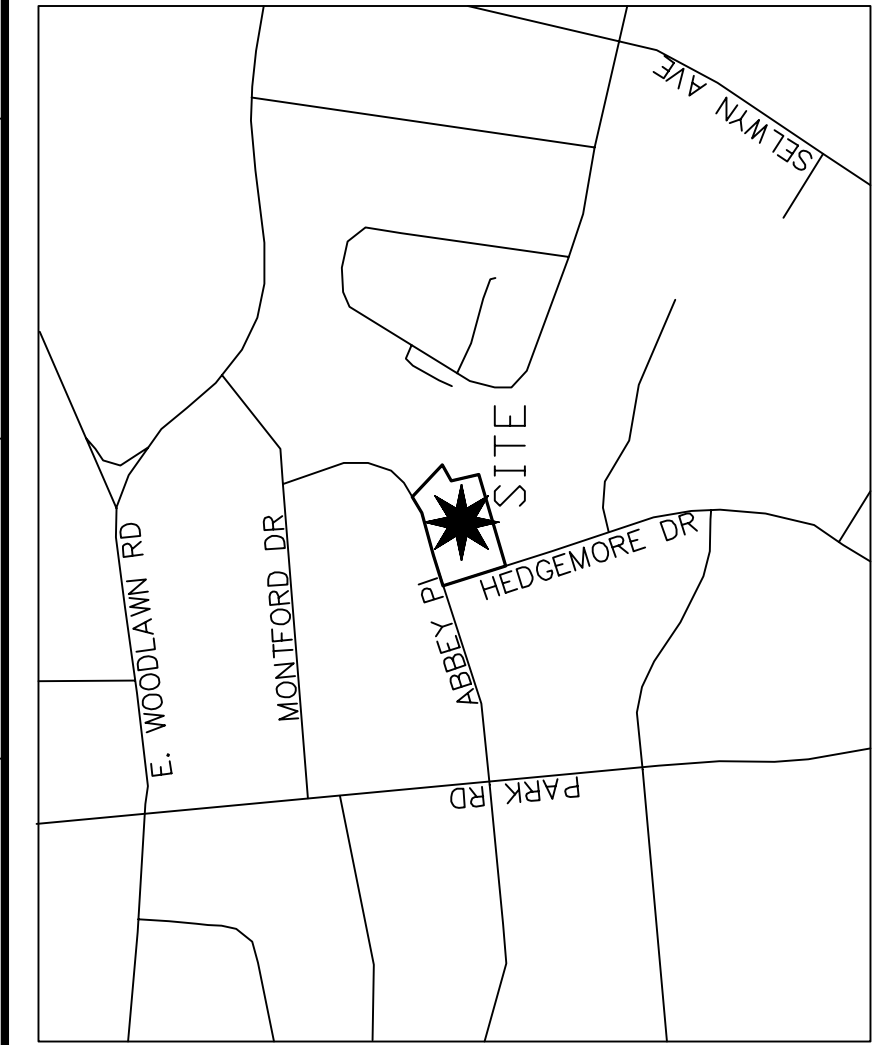
DATE: 04/15/14
PROJECT#: 015526015

DESIGNED BY: ECH
DRAWN BY: KRT
CHECKED BY: ECH

LOWER FLOOR
SITE PLAN

REZONING
PLAN

NO. DATE REVISIONS



ZONING CODE SUMMARY

PROJECT NAME: ABBEY PLACE MULTIFAMILY
CLIENT: LAT PUSHER & ASSOCIATES, INC.
TAX PARCEL ID: 1734208
STREET ADDRESS: 1700 ABBEY PLACE
EXISTING ZONING: O-1
PROPOSED ZONING: MUDD (C)
PROPOSED USE: MULTIFAMILY RESIDENTIAL
EXISTING LOT SIZE: 4.67 ACRES
JURISDICTION: CITY OF CHARLOTTE

SETBACKS

-MINIMUM SETBACK: 22 FEET MINIMUM FROM BACK OF EXISTING OR PROPOSED CURB WITH 8' PLANTING STRIP AND 10' SIDEWALK (PER PARK WOODLAWN AREA PLAN DATED JUNE 10, 2013)
-MINIMUM SIDE YARDS: NONE, BUT 10' BUILDING SEPARATION REQUIRED TO A RESIDENTIAL USE
-MINIMUM REAR YARD: NONE, BUT 10' BUILDING SEPARATION REQUIRED TO A RESIDENTIAL USE

PARKING SUMMARY

AUTOMOTIVE PARKING REQUIREMENT: 1.0 SPACES PER UNIT (PER SECTION 9.8507)
LONG TERM BIKE PARKING: NONE
SHORT TERM BIKE PARKING: 2, OR 1 SPACE PER 20 UNITS
PROPOSED MAXIMUM NUMBER OF UNITS: 150

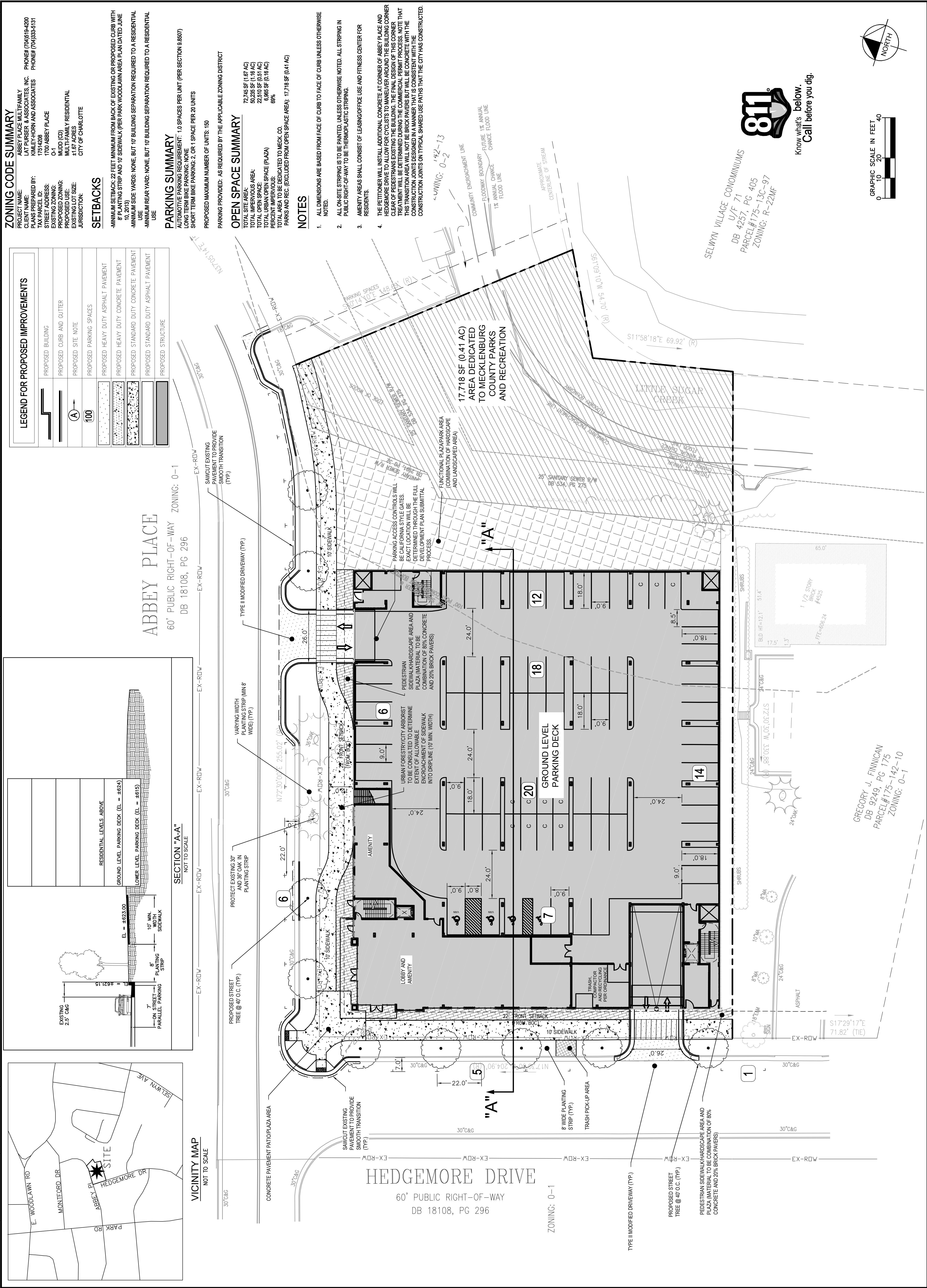
PARKING PROVIDED: AS REQUIRED BY THE APPLICABLE ZONING DISTRICT

OPEN SPACE SUMMARY

TOTAL SITE AREA: 72,748 SF (1.67 AC)
TOTAL EXISTING PAVED AREA: 52,318 SF (1.19 AC)
TOTAL OPEN SPACE: 20,430 SF (0.47 AC)
TOTAL URBAN OPEN SPACE (PLAZA): 6,985 SF (0.16 AC)
PERCENT IMPERVIOUS: 68%
TOTAL AREA TO BE DEDICATED TO MECK. CO. PARKS AND REC. (EXCLUDED FROM OPEN SPACE AREA): 17,718 SF (0.41 AC)

NOTES

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2. ALL ON-SITE STRIPING IS TO BE PAINTED UNLESS OTHERWISE NOTED. ALL STRIPING IN PUBLIC RIGHT-OF-WAY TO BE THERMOPLASTIC STRIPING.
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Kimley-Horn
and Associates, Inc.
1700 ABBEY PLACE
CHARLOTTE, NORTH CAROLINA 28203
PHONE: (704) 333-5131
FAX: (704) 333-5131
E-MAIL: KIMLEY-HORN@KHA.COM

PROJECT: ABBEY PLACE
MULTIFAMILY
PETITION #2014-028
1700 ABBEY PLACE
CHARLOTTE, MECKLENBURG COUNTY
NORTH CAROLINA

CLIENT: LAT PUSHER & ASSOCIATES, INC.

DESIGNED BY: ECH
DRAWN BY: KRT
CHECKED BY: ECH
DATE: 04/15/14
PROJECT#: 015526015

GROUND LEVEL SITE
PLAN

RZ-2



| | |
|---|--|
| REQUEST | Current Zoning: MUDD-O, mixed use development, optional Proposed Zoning: MUDD-O SPA, mixed use development, optional, site plan amendment. |
| LOCATION | Approximately 1.3 acres located on the southeast corner at the intersection of Metropolitan Avenue, South Kings Drive, and Baxter Street. (Council District 1- Kinsey) |
| SUMMARY OF PETITION | The petition proposes a site plan amendment to a portion of the Metropolitan planned development to allow a 285-foot high building containing a maximum of 155 multi-family dwelling units and/or a 175-room hotel. |
| PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE | Golden Triangle #2, LLC Golden Triangle #2 Jeff Brown and Keith MacVean, Moore and Van Allen |
| COMMUNITY MEETING | Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 8 |
| STATEMENT OF CONSISTENCY | This petition is found to be consistent with the <i>Midtown Morehead Cherry Area Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 4-1 vote of the Zoning Committee (motion by Commissioner Allen seconded by Commissioner Walker). |

| | |
|------------------------------------|---|
| ZONING COMMITTEE ACTION | <p>The Zoning Committee voted 4-1 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> Condensed the verbiage in Note 1C by removing reference of uses, sidewalks, structures, buildings, building elevations and other site elements as "schematic." Amended Note 2C by reducing the optional request from 750 square feet of sign area per wall or 20% of the wall area to which attached, whichever is less, to a request allowing up to two wall signs with up to 400 square feet of sign surface area for each tenant and/or use located on the site located on the top of the building (defined as the upper three floors), and up to 100 square feet of sign area or 5% of the wall to which they are attached, whichever is less, for wall area located below the upper three floors. <p>In addition, reduced the request for a digital wall sign from 380 square feet to 300 square feet, and specified that the digital wall sign may be used:</p> <ol style="list-style-type: none"> to advertise and identify tenants and merchandise located and sold at Metropolitan, to advertise and identify events occurring at Mid-Town Park and on the Sugar Creek Greenway, and as a screen for motion pictures (e.g. movies, tv shows and the like), and to promote major events, which may include but are not limited to religious, educational, charitable, civic, fraternal, sporting, or similar events including but not limited to golf tournaments, festivals, and major or seasonal sporting events. <ol style="list-style-type: none"> The design/content of signs displayed on the digital sign will contain predominantly graphic images (a minimum of 80 percent of the sign must be composed of interesting and unique art like graphic images); copy area will be limited to 20 percent |
|------------------------------------|---|

- of the sign area. This digital wall sign must be used to promote events occurring at Mid-Town Park, Sugar Creek Greenway and Major Events as defined above a majority of the time the sign is in use.
4. Limited the location of proposed digital wall signs to the portion of the building wall that faces S. Kings Drive and the first 30 linear feet of the building wall that faces Metropolitan Avenue. The digital wall signs along these building walls will be limited to a maximum cumulative sign face area of 300 square feet of sign area.
 5. Clarified that the digital wall signage requested on the building wall adjacent to Mid-Town Park may be used as a screen for motion pictures (e.g. movies, TV shows and the like), as opposed to being a separate request to allow a portion of the building wall along the southern property boundary to be used as a screen.
 6. Amended Note 2E to state that the digital wall signs, which have replaced the request for use of a portion of the building wall along the southern property boundary as a screen for projected images and activities associated with the Sugar Creek Greenway, may be used to advertise and identify tenants and merchandise located and sold at Metropolitan, in addition to events occurring at Mid-Town Park and on the Sugar Creek Greenway, and to promote major events.
 7. Amended Note 5A to indicate that "concept imagery" is intended only to illustrate examples of a building façade that meets the criteria set forth in the Architectural Guidelines and is not a specific or binding building elevation, nor are they a full list of possibilities.
 8. Amended Note 5G to state that the zoning boundary for the site will not be modified by a shift in the property line to accommodate shared site elements as described above.
 9. Amended Note 5H to specify architectural guidelines for the Urban Edge portion of the building by removing subjective language "establish a stylish, memorable and highly visible building element" and added a note stating that a pedestrian scale edge will be created at the ground floor with display windows, awnings, integral planters and other features that will complement the other portions of the building and the focal point feature.
 10. Clarified that sign options are additions/modifications to the standards for signs in the MUDD district and are to be used with the remainder of MUDD standards for signs not modified by these optional provisions.
 11. Amended Note 5J to state that building service areas will be located internally and screened from view with masonry walls a minimum of five feet in height.
 12. Deleted the minimum ordinance requirement regarding screening requirements in Note 6D.
 13. Provided a note detailing that urban open space areas will be provided on the ground floor along the Greenway Entry portion of the building as well as on an upper floor of the building.
 14. Addressed Park and Recreation comments by amending Note 5F to state that the petitioner will work with County Parks and Recreation to provide an architectural response to the existing artwork in the Midtown Park.
 15. Provided the existing approved entitlement for the rezoning site, which is 155 multi-family residential dwelling units, to CDOT as requested. CDOT determined the trip generation under the current zoning as 1,030 trips per day.
 16. Amended Site Development Data and Permitted Uses to reflect proposed uses as up to 155 multi-family dwelling units and/or a hotel with up to 175 hotel rooms together with accessory uses, as allowed in the MUDD zoning district.

17. Amended Site Location in Note 1A to delete replace a "mixed use building containing multi-family residential dwelling units and a hotel" with "a building containing multi-family residential dwelling units and/or a hotel on an approximately 1.30 acre site located at the intersection of South Kings Drive and Metropolitan Avenue."
18. Added Note 4D that states "The petitioner recognizes that due to the limited space around the Site and existing neighborhood constraints, a portion of construction parking and material staging will need to be located off-site."
19. Amended Notes 5E, 5H and 5I to reference display cases/windows and provided a definition of display cases/windows.
20. Amended Note 4D by adding "The location of the construction parking and material staging will be approved by CDOT as part of construction plan review approval."

VOTE

Motion/Second: Walker/Allen
 Yeas: Allen, Dodson, Nelson and Walker
 Nays: Labovitz
 Absent: Sullivan
 Recused: Ryan

ZONING COMMITTEE DISCUSSION

Staff presented this item and stated all outstanding issues were addressed. Staff noted that the existing development rights on the site are 155 multi-family residential dwelling units, which CDOT has determined will result in 1,030 trips per day under the current zoning. Staff explained that the site may be developed with multi-family units and/or hotel rooms.

A committee member asked about the conversion provision. Staff responded that the number of residential units can be increased by a maximum of 25 units (resulting in 180 multi-family units) if the number of hotel rooms is reduced by 25 and the number of hotel rooms can be increased by a maximum of 25 rooms (resulting in 200 rooms) if the residential units is reduced by 25 units. A committee member questioned how residential units and hotel rooms compare, in terms of density. Another committee member responded that it is hard to compare residential units and hotel rooms because the square footages and occupancy do not align. A committee member questioned the maximum height allowed under the existing zoning. Staff answered that the existing maximum height is 250 feet and the requested maximum height is 285 feet.

MINORITY OPINION

A minority of the Zoning Committee felt the proposed building would be overbuilt for the area and the height of 285 feet would make it one of the tallest buildings in the immediate area outside of center city.

STAFF OPINION

Staff agrees with the recommendation of the majority of the Zoning Committee.

FINAL STAFF ANALYSIS
 (Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

- **Background**
 - The subject property was part of a larger rezoning in 2005 for the Metropolitan development, Petition 2005-60, that rezoned 26.6 acres on the west side of South Kings Drive, south of East Third Street and north of Baxter Street to MUDD-O (mixed use development, optional) and UR-C(CD) (urban residential-commercial, conditional). The development rights for the subject property identified as "Component C" allows the

following:

- 413,000 square feet of commercial uses (retail and restaurants);
 - 256 residential units;
 - Conversion rights allow flexibility between the allowed uses.
 - Subject property has been developed with approximately 192,000 square feet of retail/restaurant uses, 183,000 square feet of office uses, and 101 residential units.
 - Primary residential building was limited to 250 feet in height.
 - Primary office building was limited to 165 feet in height.
 - **Proposed Request Details**

The site plan amendment contains the following changes:

 - One building containing a maximum of 155 multi-family dwelling units and/or a 175-room hotel.
 - Up to 25 additional residential units may be added by converting hotel rooms at a rate of one for one.
 - Up to 25 additional hotel rooms may be added by converting residential dwelling units at a rate of one for one.
 - Building materials include brick, natural stone, architecturally finished precast concrete, decorative concrete masonry units, architectural metal panels, glazing, and stucco and tile cladding. Vinyl siding and unfinished concrete masonry units are prohibited as exterior building materials.
 - Building facades designed to reduce mass, scale and appearance of large unadorned walls. Specific frontage types are identified as a) greenway entry; b) park protection; and c) urban edge, with architectural guidelines provided for each.
 - Endeavor to enter into an agreement with County Parks and Recreation to provide shared site elements that may be located on the site and/or the adjoining park property including, but not limited to, bathrooms, gathering space, outdoor seating areas, storage and landscaping areas. In addition, will work with County Parks and Recreation to provide an architectural response to the existing artwork in the Midtown Park.
 - Optional provisions include:
 - Building height of up to 285 feet.
 - Allow two detached signs with 36 square feet of sign area and up to five feet in height.
 - Allow two wall signs with up to 400 square feet of sign surface area for each tenant and/or use to be located on the top of the building (defined as the upper three floors), and up to 100 square feet of sign face area or 5% of the wall to which they are attached, whichever is less, for wall area located below the upper three floors.
 - Allow up to 300 square feet of digital wall signage that may be used to (i) advertise and identify tenants and merchandise located and sold at Metropolitan, (ii) advertise and identify events occurring at Midtown Park and on the Sugar Creek Greenway, and (iii) as a screen for motion pictures (e.g. movies, TV shows and the like), and (iv) to promote major events, which may include but are not limited to religious, educational, charitable, civic, fraternal, sporting, or similar events including but not limited to golf tournaments, festivals, and major or seasonal sporting events. The design/content of signs displayed on the digital sign will contain predominantly graphic images (a minimum of 80 percent of the sign must be composed of interesting and unique art like graphic images); copy area will be limited to 20 percent of the sign area. This digital wall sign must be used to promote events occurring at Mid-Town Park, Sugar Creek Greenway and major events for a majority of the time the sign is in use.
 - Limit the location of proposed digital wall signs to the portion of the building wall that faces South Kings Drive and the first 30 linear feet of the building wall that faces Metropolitan Avenue. The digital wall signs along these building walls will be limited to a maximum cumulative sign face area of 300 square feet of sign area.
 - **Public Plans and Policies**
 - The *Midtown Morehead Cherry Area Plan* (2012) recommends continued build-out of the Metropolitan planned development for residential, office and/or retail uses. It further encourages future changes to the approved site plan that improve the pedestrian experience with active uses along the site perimeter.
 - The petition is consistent with the *Midtown Morehead Cherry Area Plan*.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate two students, 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.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
 - Facilitates the use of alternative modes of transportation by providing pedestrian facilities beyond required.
 - Minimizes impacts to the natural environment by building on an infill lot.
-

OUTSTANDING ISSUES

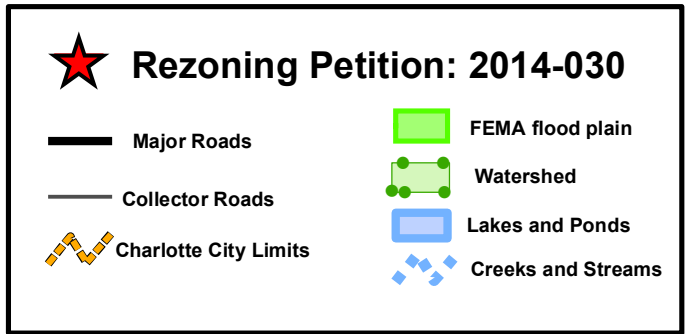
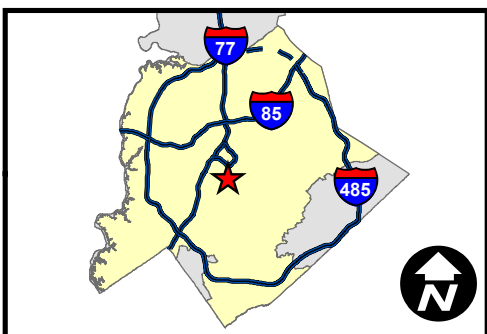
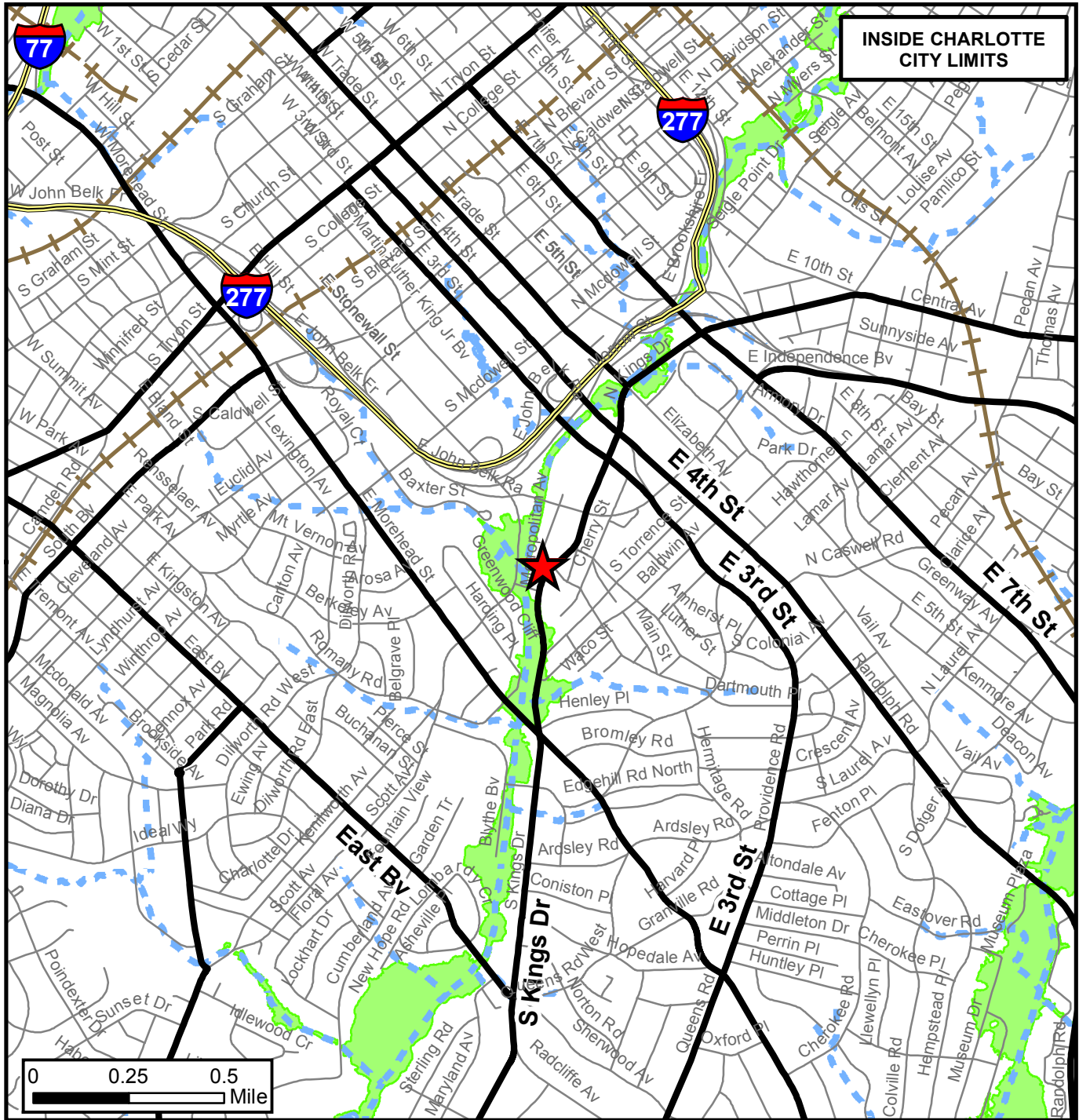
- No issues.
-

Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

Planner: Sonja Sanders (704) 336-8327

Acreage & Location : Approximately 1.3 acres located on the southwest corner at the intersection of Metropolitan Avenue and South Kings Drive.



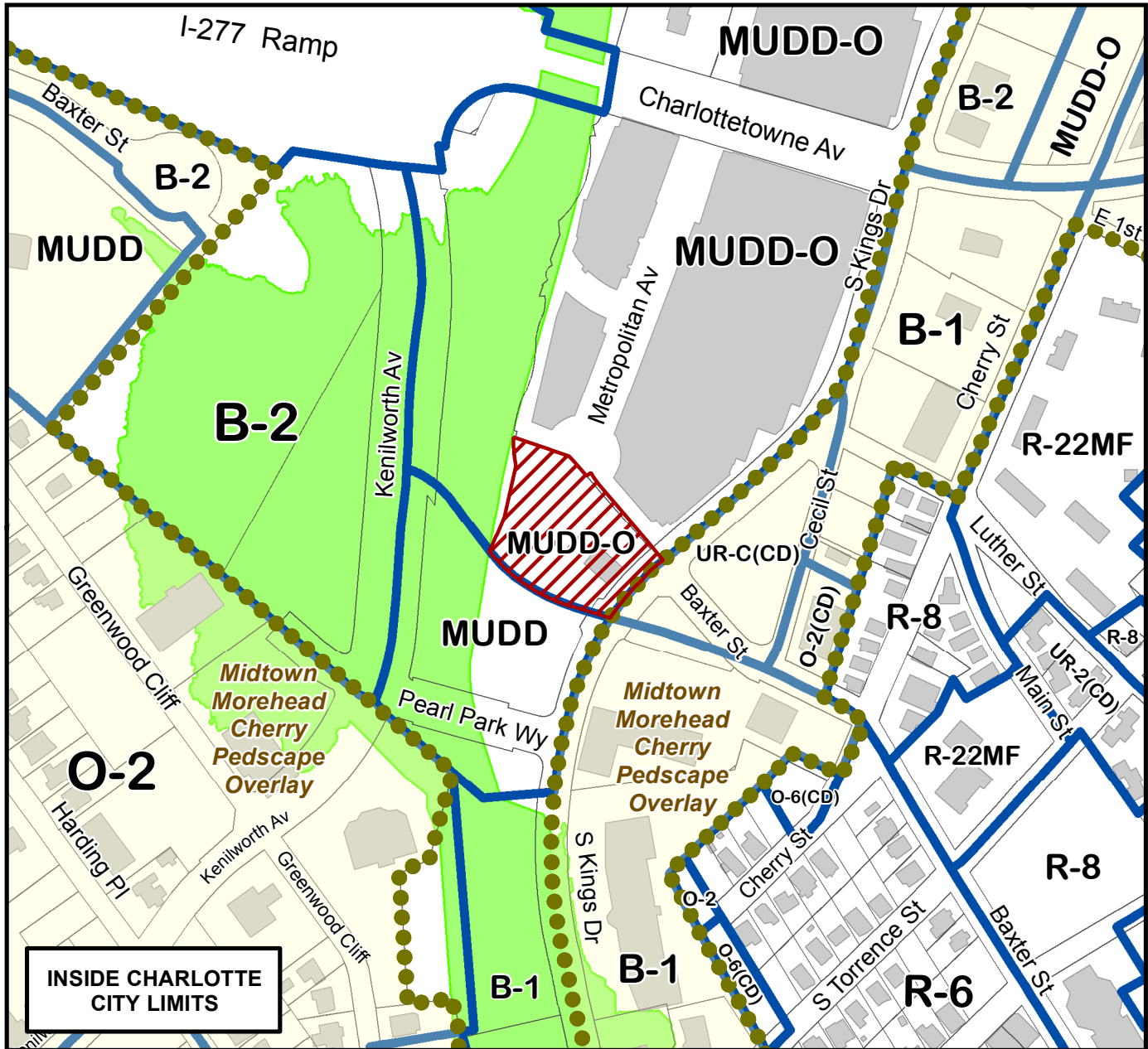
Petition #: **2014-030**

Petitioner: **Golden Triangle #2**

Zoning Classification (Existing): **MUDD-O**
(Mixed Use Development District, Optional)

Zoning Classification (Requested): **MUDD-O (S.P.A.)**
(Mixed Use Development District, Optional, Site Plan Amendment)

Acreage & Location: Approximately 1.3 acres located on the southwest corner at the intersection of Metropolitan Avenue and South Kings Drive.



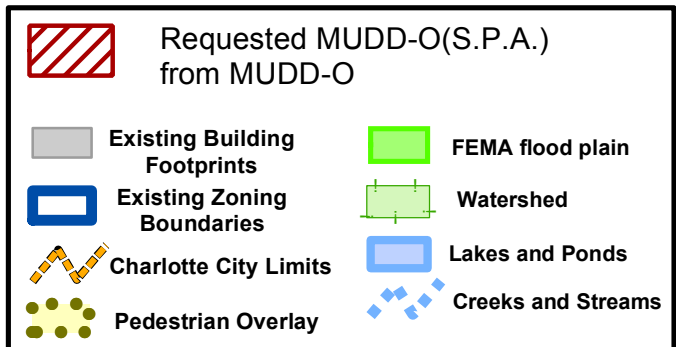
Map Produced by the Charlotte-Mecklenburg Planning Department, 4-15-14.

0 100 200 400 600 800 Feet



Zoning Map #(s)

102, 111





**ColeJenest
& Stone**

and Planning
Landscape Architecture
Civil Engineering
Urban Design

100 South Tryon Street
Suite 1400
Charlotte, North Carolina 28202
Tel 704.376.1555
Fax 704.376.7851
www.coleienestore.com

PETITIONERS:

EVINE PROPERTIES
3514 MCALPINE PARK DRIVE,
SUITE 190
CHARLOTTE, NC 28211

**MIDTOWN
MIXED-USE
VILLAGE**

**TECHNICAL
DATA SHEET
COMPONENT C-1
FOR PUBLIC HEARING -
PETITION NUMBER
2014-030**

1

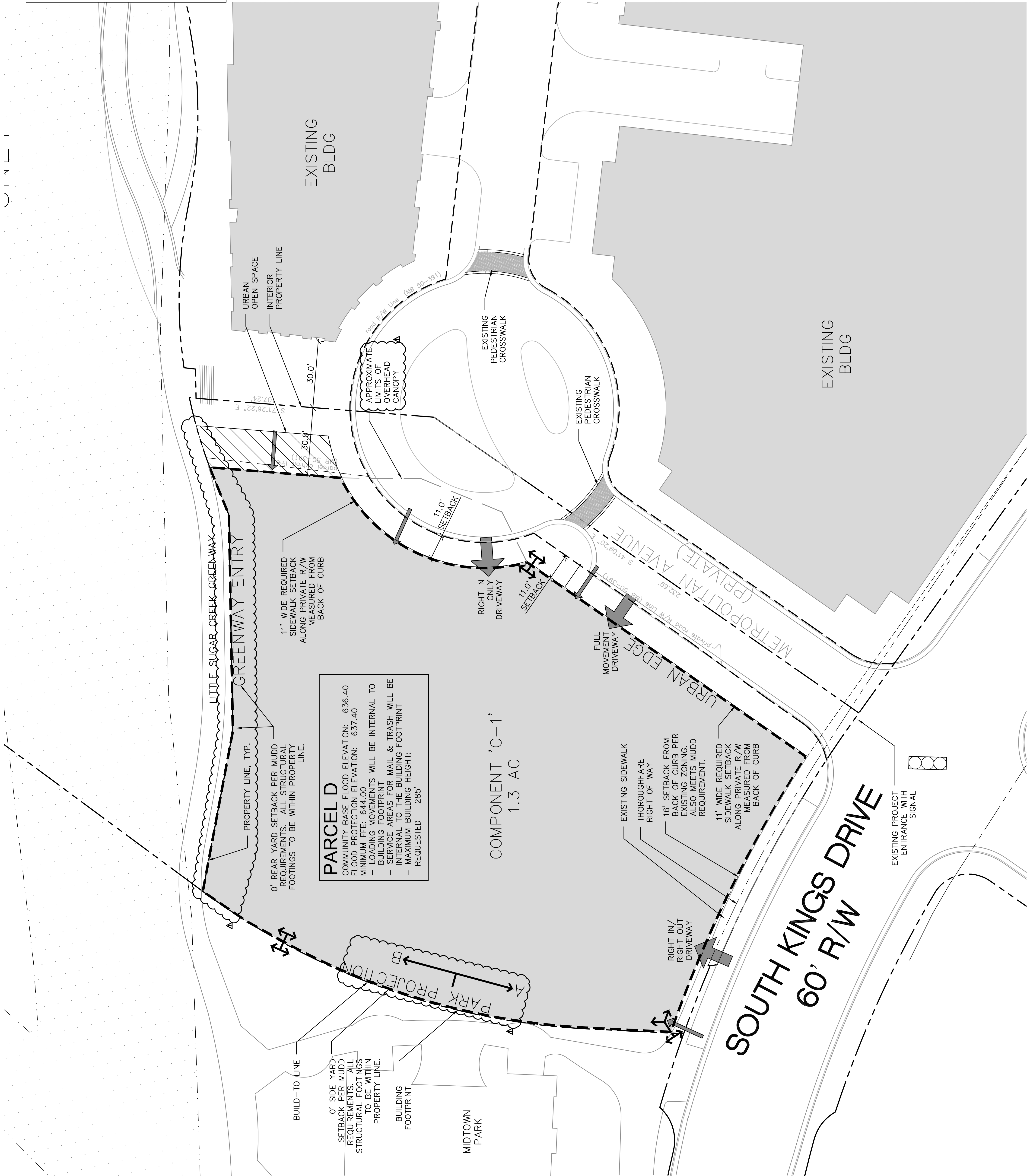
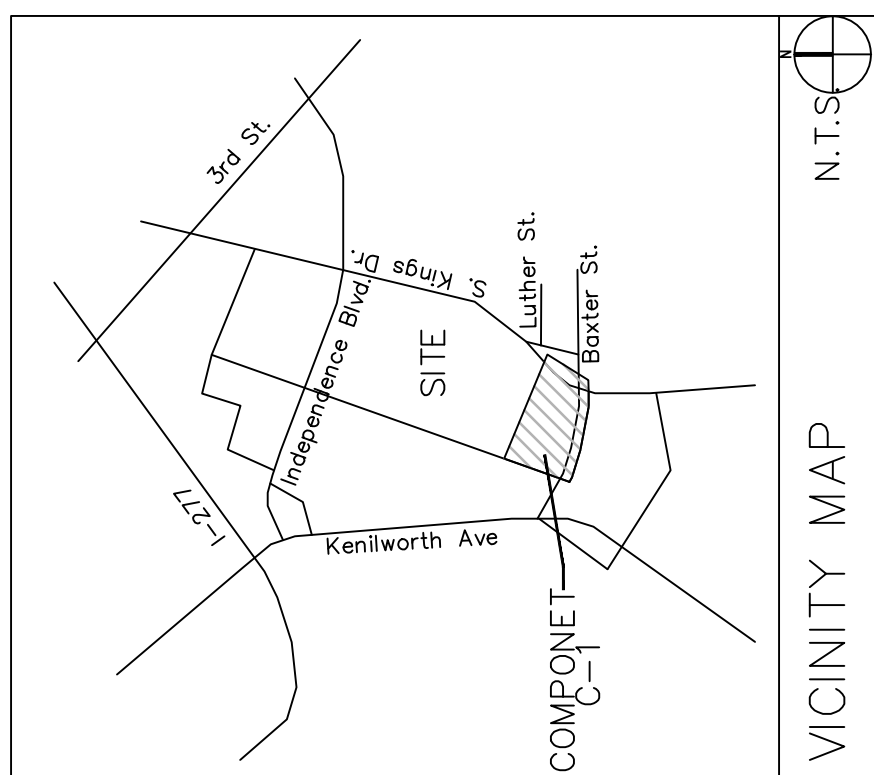
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1/27/14 REZONING SUBMITTAL

Revised

| | |
|----------|-----------------------|
| 03/25/14 | REZONING RE-SUBMITTAL |
| 05/01/14 | REZONING RE-SUBMITTAL |
| 05/05/14 | REZONING RE-SUBMITTAL |



SCALE: 1" = 20'



RZ1.1 1 of 2

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2014 – 030

GENERAL PROVISIONS:

a. SITE LOCATION. THESE DEVELOPMENT STANDARDS FORM A PART OF THE TECHNICAL DATA SHEET ASSOCIATED WITH THE REZONING PETITION. THE DEVELOPMENT OF THE SITE MUST BE IN ACCORDANCE WITH THE DEVELOPMENT OF THE BUILDING CONTAINING MULTIFAMILY RESIDENTIAL DWELLINGS UNITS LOCATED ON AN APPROXIMATELY 1.5-ACRE SITE LOCATED AT THE INTERSECTION OF SOUTH KINGS DRIVE AND METROPOLITAN AVENUE (THE "SITE").

b. ZONING DISTRICT/ORDINANCE. DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN AS WELL AS THE ORDINANCE THAT GOVERNS THE ZONING DISTRICT IN WHICH THE SITE IS LOCATED. UNLESS THE REZONING PLAN ESTABLISHES MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE MUDD-O-SHINE ZONING CLASSIFICATION SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON THE SITE, SUBJECT TO THE OPTIONAL PROVISIONS PROVIDED BELOW.

c. GRAPHICS AND ALTERATIONS. THE DEPICTIONS OF THE ROADS, SIDEWALKS, STRUCTURES AND BUILDINGS, AND OTHER SITE ELEMENTS WITHIN THE REZONING PLAN SHOULD BE REFLECTED IN CONJUNCTION WITH THE PROVISIONS OF THE REZONING PLAN. THE FOLLOWING DEVELOPMENT STANDARDS, WHICH RELATE TO THE DEVELOPMENT AND SITE ELEMENTS DEPICTED ON THE REZONING PLAN ARE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT AND SITE ELEMENTS PROPOSED, AND THEY MAY BE ALTERED OR MODIFIED IN ACCORDANCE WITH THE SETBACK, YARD AND BUFFER REQUIREMENTS SET FORTH ON THIS REZONING PLAN AND THE DEVELOPMENT STANDARDS. PROVIDED, HOWEVER, ANY SUCH ALTERATIONS, AND MODIFICATIONS SHALL NOT MATERIALLY CHANGE THE OVERALL DESIGN INTENT DEPICTED ON THE REZONING PLAN. CHANGES TO THE REZONING PLAN OR THE ORDINANCE GOVERNING THE REZONING PLAN WILL BE REVIEWED AND APPROVED AS ALLOWED BY SECTION 6.307 OF THE ORDINANCE.

APPROVED AS PART OF THE PRIOR REZONING PETITION FOR THIS SITE.

- a. TO ALLOW THE BUILDING CONSTRUCTED ON THE SITE TO HAVE A BUILDING HEIGHT OF UP TO 285 FEET.
- b. TO ALLOW UP TO TWO (2) DETACHED SIGNS FOR THE SITE WITH 36 SQUARE FEET OF SIGN AREA AND UP TO FIVE (5) FEET IN HEIGHT. DETACHED SIGNS MUST BE LOCATED INSIDE THE REQUIRED SETBACK.
- c. TO ALLOW EACH TENANT AND/OR USE LOCATED ON THE SITE TO HAVE UP TO TWO WALL SIGNS WITH UP TO 400 SQUARE FEET OF SIGN SHELFCE AREA, LOCATED AT THE TOP OF THE BUILDING (TOP OF THE BUILDING TO BE DEFINED AS THE UPPER THREE FLOORS OF THE BUILDING INCLUDING THE PARAPET WALL).
- d. TO ALLOW WALL SIGNS BELOW THE UPPER THREE FLOORS WITH UP TO 100 SQUARE FEET OF SIGN AREA OR 3% OF THE TOTAL AREA OF WHICH THEY ARE PLACED, WHICHEVER IS LESS. THESE SIGNS WILL SUBMIT A SIGNAGE PACKAGE TO THE PLANNING DEPARTMENT FOR REVIEW AS PARTS OF THE MUDP APPROVAL PROCESS FOR THE SITE. THE SIGNAGE PACKAGE THAT IS SUBMITTED WILL INCLUDE DETAILS ON THE NUMBER, SIZE AND LOCATION OF SIGNS TO BE INSTALLED, THE TYPE OF SIGNAGE, MATERIAL, COLOR, FINISH, FONT, LETTER SIZE, ETC. THE SIGNAGE PACKAGE WILL ALSO SPECIFY THE SIGNAGE DESIGN, LOCATION AND PLAN, FOR UP TO A 25% INCREASE IN ALLOWED SUBJECT TO FOOTAGE OR WALL SPACE PERCENTAGE IN LIGHT OF UNIQUE, UNUSUAL AND/OR SPECIAL CIRCUMSTANCES OR FEATURES.
- e. TO ALLOW A DIGITAL WALL SIGN ON THE BUILDING WALL ADJACENT TO MID-TOWN PARK WITH UP TO 300 SQUARE FEET OF SIGN AREA. THE DIGITAL WALL SIGN MAY BE USED TO: (I) ADVERTISE AND IDENTIFY TENANTS AND MERCHANDISE LOCATED AND SOLD AT METROPOLITAN (METROPOLITAN TO BE DEFINED AS THE AREA INCLUDED IN REZONING PETITION NO. 2005-0609); (II) EVENTS OCCURRING AT MID-TOWN PARK AND ON THE SUGAR CREEK GREENWAY; (III) AS WELL AS A SCREEN FOR MOTION PICTURES (E.G. MOVIES, TV SHOWS AND THE LIKE); AND (IV) TO PROMOTE MAJOR EVENTS. MAJOR EVENTS MAY INCLUDE, BUT ARE NOT LIMITED TO: RELIGIOUS, EDUCATIONAL, CHARITABLE, CIVIC, FRATERNAL, SPORTING, OR SIMILAR EVENTS INCLUDING BUT NOT LIMITED TO: GOLF TOURNAMENTS, FESTIVALS, AND MAJOR OR SEASONAL SPORTING EVENTS. THE DESIGN CONTENT OF SIGNS FOR THIS CATEGORY MUST BE COMPOSED OF INTERESTING AND UNIQUE ART LIKE GRAPHIC IMAGES). COPY AREA WILL BE LIMITED TO 30% OF THE SIGN AREA. THIS DIGITAL WALL SIGN MUST BE USED TO PROMOTE EVENTS OCCURRING AT MID-TOWN PARK, SUGAR CREEK GREENWAY, AND MAJOR EVENTS AS DEFINED ABOVE. A MAJORITY OF THE TIME THE SIGN IS IN USE.

NOTE: THE OPTIONAL PROVISIONS REGARDING SIGNS ARE ADDITIONS/MODIFICATIONS TO THE STANDARDS FOR SIGNS IN THE MUDD DISTRICT AND ARE TO BE USED WITH THE REMAINDER OF MUDD STANDARDS FOR SIGNS NOT MODIFIED BY THESE OPTIONAL PROVISIONS.

a. SUBJECT TO THE RESTRICTIONS, LIMITATIONS, AND CONVERSION RIGHTS LISTED BELOW, THE BUILDING CONSTRUCTED ON THE SITE MAY BE DEVELOPED WITH UP TO 155 MULTI-FAMILY DWELLING UNITS AND/OR A HOTEL WITH UP TO 175 HOTEL ROOMS TOGETHER WITH ACCESSORY USES ALLOWED IN THE MUDD ZONING DISTRICT.

- b. UP TO 25 ADDITIONAL RESIDENTIAL UNITS MAY BE CONSTRUCTED ON THE SITE BY CONVERTING ONE (1) ALLOWED HOTEL ROOM INTO ONE (1) ADDITIONAL RESIDENTIAL UNIT.
- c. UP TO 25 ADDITIONAL HOTEL ROOMS MAY BE CONSTRUCTED ON THE SITE BY CONVERTING ONE (1) ALLOWED RESIDENTIAL DWELLING UNIT INTO ONE (1) ADDITIONAL HOTEL ROOM.

a. VEHICULAR AND PEDESTRIAN ACCESS TO THE SITE AND TO THE PARKING FACILITIES ASSOCIATED WITH THE BUILDING WILL BE FROM SOUTH KINGS DRIVE AND METROPOLITAN AVENUE AS GENERALLY DEPICTED ON THE REZONING PLAN.

- b. THE PLACEMENTS AND CONFIGURATIONS OF VEHICULAR ACCESS POINTS ARE SUBJECT TO ANY MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE AND CONSTRUCTION PLANS AND DESIGNS AND TO ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY CDOT IN ACCORDANCE WITH PUBLISHED STANDARDS.
- c. THE ALIGNMENT OF THE INTERNAL VEHICULAR CIRCULATION AND DRIVEWAYS MAY BE MODIFIED BY THE PETITIONER TO ACCOMMODATE CHANGES IN TRAFFIC PATTERNS, PARKING LAYOUTS AND ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY CDOT IN ACCORDANCE WITH PUBLISHED STANDARDS.

d. THE PETITIONER RECOGNIZES THAT DUE TO THE LIMITED SPACE AROUND THE SITE AND EXISTING NEIGHBORHOOD CONSTRAINTS, A PORTION OF CONSTRUCTION PARKING AND MATERIAL STAGING WILL NEED TO BE LOCATED OFF-SITE. THE LOCATION(S) FOR CONSTRUCTION PARKING AND MATERIAL STAGING WILL BE SUBMITTED

a. ARCHITECTURAL CHARACTER. CONCEPT IMAGERY HAS ALSO BEEN PROVIDED TO GIVE EXAMPLES OF BUILDING DESIGN AND QUALITY. THIS CONCEPT IMAGERY IS INTENDED ONLY TO ILLUSTRATE EXAMPLES OF A BUILDING FACADE THAT MEETS THE CRITERIA SET FORTH IN THE ARCHITECTURAL GUIDELINES AND IS NOT A SPECIFIC OR BINDING BUILDING ELEVATION. NOR ARE THEY A FULL LIST OF POSSIBILITIES.

- b. A RECOGNIZABLE BUILDING BASE SHALL BE PROVIDED THROUGH MATERIAL TRANSITIONS AND BUILDING ARTICULATION.
- c. BUILDING FACADES SHALL BE DESIGNED TO REDUCE THE MASS, SCALE, AND UNIFORM MONOLITHIC APPEARANCE OF LARGE UNADORNED WALLS, WHILE PROVIDING VISUAL INTEREST. LARGE BUILDING FACADES SHALL BE DIVIDED INTO DISTINCT MASSING ELEMENTS. THE PARKING DECK PORTION OF THE BUILDING WILL BE SCREENED BY AN OPENING OR SCREENING DEVICE THAT IS NOT USED FOR PARKING AND WITH LORATIVE LOUVERS, SHADING CANOPIES OR OTHER SIMILAR TREATMENTS THAT CARS PARKED WITHIN THE DECK ARE SCREENED.

d. HOW THE BUILDING ON THE SITE WILL ADDRESS THE ADJOINING PUBLIC AND PRIVATE SPACES HAS BEEN DIVIDED INTO THREE FRONTAGE TYPES: GREENWAY ENTRY / PARK PROTECTION AND URBAN EDGE. ARCHITECTURAL GUIDELINES AND CONCEPT IMAGERY FOR EACH OF THESE BUILDING FRONTAGE TYPES HAS BEEN INCLUDED WITH THIS PETITION.

9. ON THE AREA OF THE BUILDING LABELED GREENWAY ENTRY ON THE REZONING PLAN THE FOLLOWING ARCHITECTURAL GUIDELINES SHALL BE APPLIED: PROVIDE AN OPEN, INVITING AND DYNAMIC ARRIVAL EXPERIENCE THROUGH THE USE OF: LARGE PATTERNED GLASS, DECORATIVE PAVERS, STYLISH CANOPY WITH LIGHTING, LANDSCAPE PLANTERS AND A MIX OF MATERIALS TO DESIGNATE AN ARRIVAL SPACE. A MINIMUM OF 60% OF THE GREENWAY ENTRY FRONTAGE SHALL BE DESIGNED WITH CLEAR GLASS TO ALLOW VISIBILITY OF THE ACTIVITY WITHIN THE BUILDING. ALONG THE GREENWAY ENTRY FRONTAGE SEVERAL AREAS OR ONE AREA FOR OUTDOOR SEATING TOTALING A MINIMUM OF 300 SQUARE FEET WILL BE PROVIDED (THIS WILL BE IN ADDITION TO THE OPEN SPACE AREA LOCATED ALONG THE SOUTHERN PROPERTY BOUNDARY AND GENERALLY DEPICTED ON THE REZONING PLAN). THE GREENWAY ENTRY FRONTAGE SHALL BE LOCATED ALONG THE GREENWAY ENTRY FRONTAGE. DISPLAY CASES AND SIGNAGE WILL NOT BE PART OF THE GREENWAY ENTRY FRONTAGE FACADE TREATMENT. SEVERAL CONSIDERATIONS INDICATING HOW THIS GREENWAY ENTRY TREATMENT COULD BE ACCOMPLISHED ARE INCLUDED IN THE REZONING PLAN.

f. ON THE AREA OF THE BUILDING LABELED PARK PROTECTION A AND B ON THE REZONING PLAN THE FOLLOWING ARCHITECTURAL GUIDELINES SHALL BE APPLIED: DELIVER AESTHETIC CONTINUITY WITH THE EXISTING MIDTOWN PARK BY PROVIDING THE FOLLOWING TREATMENTS AT THE PEDESTRIAN LEVEL TO ENHANCE THE PEDESTRIAN EXPERIENCE: (1) LAYERS OF PLANTINGS AT GRADE; AND (II) ATTRACTIVE AND INTERESTING LOUVERS. THE TREATMENT WILL THEN TRANSITION UP THE FACADE INTO STANDARD SCREENING MATERIALS IN ACCORDANCE WITH THE CITY OF LOS ANGELES' DESIGN GUIDELINES FOR THE PEDESTRIAN ENVIRONMENT. FOR RECREATION TO PROVIDE AN ARCHITECTURAL RESPONSE TO THE EXISTING ARTWORK IN THE MIDTOWN PARK, INCLUDED IMAGES INDICATING HOW THIS PARK PROTECTION A AND B TREATMENT COULD BE ACCOMPLISHED ARE INCLUDED IN THE REZONING PLAN.

- g. THE PETITIONER WILL ENDEAVOR TO ENTER INTO AN AGREEMENT WITH COUNTY PARKS AND RECREATION TO PROVIDE CERTAIN SHARED SITE ELEMENTS INCLUDING BUT NOT LIMITED TO BATHROOMS, GATHERING SPACE, OUTDOOR SEATING AREAS, AREAS FOR STORAGE AND LANDSCAPING. THE SHARED SITE ELEMENTS MAY BE LOCATED ON THE SITE AND/OR THE ADJACENT PARK PROPERTY IN ORDER TO ACCOMMODATE THOSE SHARED SITE ELEMENTS. THE SITE'S PROPERTY LINES MAY BE ADJUSTED OR EASEMENTS MAY BE PROVIDED; HOWEVER, THE ZONING BOUNDARY FOR THE SITE WILL NOT BE MODIFIED BY A SHIFT IN THE PROPERTY LINE TO ACCOMMODATE SHARED SITE ELEMENTS AS DESCRIBED ABOVE.

- h. ON THE AREA OF THE BUILDING LABELED URBAN EDGE ON THE REZONING PLAN, THE FOLLOWING ARCHITECTURAL GUIDELINES SHALL BE APPLIED: PROVIDE AN ARTICULATED FACADE WITH A MIX OF MATERIALS INCLUDING MASONRY, PRECAST CONCRETE, STUCCO, AND PANELS; PROVIDE DECORATIVE ORNEMENTS AT THE GROUND LEVEL AND SECOND FLOOR; PROVIDE A CANOPY OR AWNING ON ALL LEVELS; CREATE A PEDESTRIAN SCALE AT THE GROUND FLOOR WITH DISPLAY CASES, WINDOWS, SIGNAWAYS, INTEGRAL PLANTERS AND OTHER FEATURES THAT WILL COMPLEMENT THE OTHER PORTIONS OF THE BUILDING AND THE FOCAL POINT FEATURE DESCRIBED BELOW; A FOCAL POINT FEATURE WILL BE PROVIDED AT THE URBAN EDGE FRONTAGE AT THE CORNER OF KINGS DRIVE AND METROPOLITAN AVENUE; THIS FOCAL POINT FEATURE MAY INCLUDE SIGNAGE, ART WORK, A WATER FEATURE, OR A SCULPTURE; THIS FOCAL POINT FEATURE SHALL BE SUBMITTED TO THE PLANNING DIRECTOR FOR REVIEW AND COMMENT AS PART OF THE MIDD REVIEW PROCESS FOR THE SITE. SEVERAL CONCEPT IMAGES INDICATING HOW THIS URBAN EDGE TREATMENT COULD BE ACCOMPLISHED ARE INCLUDED IN THE ZONING PLAN.

4. i. IF DISPLAY CASES/WINDOWS ARE USED ALONG THE URBAN EDGE OR THE PARK EDGE A AND B THE GRAPHICS WILL BE RECESSED A MINIMUM OF THREE (3) FEET FROM THE BACK OF THE WINDOW.

- j. BUILDING SERVICE AREAS WILL BE LOCATED INTERNALLY AND SCREENED FROM VIEW WITH MASONRY WALLS A MINIMUM OF FIVE FEET IN HEIGHT.
- k. ALLOWABLE BUILDING MATERIALS WILL INCLUDE: BRICK, NATURAL STONE, ARCHITECTURALLY FINISHED PRECAST CONCRETE, DECORATIVE CONCRETE MASONRY UNITS, ARCHITECTURAL METAL PANELS, GLAZING, STUCCO AND TILE CLADDING. THE FOLLOWING EXTERIOR BUILDING MATERIALS ARE PROHIBITED: VINYL SIDING, UNFINISHED CONCRETE MASONRY UNITS.

- l. METER BANKS WILL BE INTERNAL TO THE BUILDING.
- m. ROOF TOP HVAC AND RELATED MECHANICAL EQUIPMENT WILL BE SCREENED FROM PUBLIC VIEW AT GRADE..
- n. COMPACTOR/DUMPSER AREAS AND RECYCLING AREAS WILL BE LOCATED WITHIN THE BUILDING.

* DISPLAY CASES/WINDOWS WILL BE DEFINED AS: ANY PENETRATION (I.E. AN OPENING IN THE EXTERIOR BUILDING WALL ALLOWING LIGHT AND VIEWS BETWEEN THE INTERIOR AND EXTERIOR) ENCASED OR ENCLOSED BY AN INTERIOR WALL FOR THE PURPOSE OF DISPLAYING IMAGES, MERCHANDISE, ART WORK OR OTHER ITEMS OR IMAGES OF INTEREST THAT ARE VISIBLE FROM THE ADJACENT STREET (PUBLIC OR PRIVATE) OR OPEN SPACE AREAS.

a. A 16 FOOT SETBACK AS MEASURED FROM THE BACK OF THE EXISTING CURB ALONG SOUTH KINGS DRIVE WILL BE PROVIDED.

- b. THE PETITIONER WILL PROVIDE A PLANTING STRIP AND A SIDEWALK ALONG THE SITE'S FRONTAGE ON SOUTH KINGS DRIVE AS GENERALLY DEPICTED ON THE REZONING PLAN AND MATCHING EXISTING STREETSCAPE THROUGHOUT METROPOLITAN.

- c. ALONG METROPOLITAN AVENUE THE PETITIONER WILL PROVIDE A SIDEWALK WITH STREET TREES TO MATCH EXISTING STREETSCAPE TREATMENT IMPLEMENTED THROUGHOUT METROPOLITAN AS GENERALLY DEPICTED ON THE REZONING PLAN.

- d. URBAN OPEN SPACE AREAS WILL BE PROVIDED ON THE GROUND FLOOR ALONG THE GREENWAY ENTRY PORTION OF THE BUILDING AS WELL AS ON AN UPPER FLOOR OF THE BUILDING.

- d. ABOVE GROUND BACKFLOW PREVENTERS WILL BE SCREENED FROM PUBLIC VIEW AND WILL BE LOCATED BEHIND THE PROPOSED SIDEWALK OR THE REQUIRED MUDD SETBACK WHICH EVER IS GREATER.

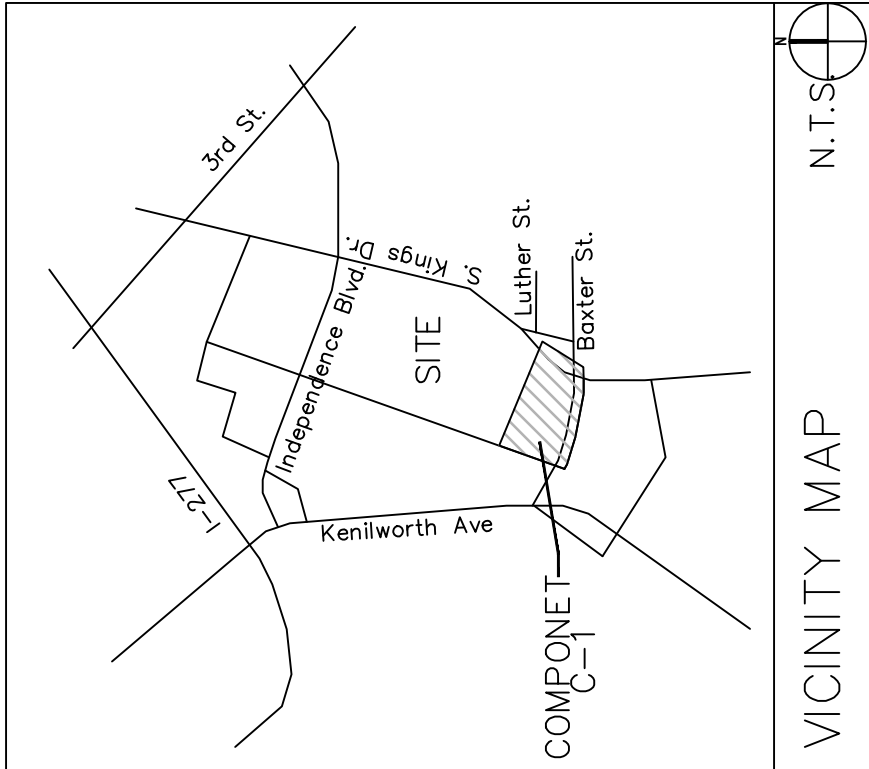
a. THE PETITIONER SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION CONTROLS ORDINANCE.

- b. THE SITE WILL COMPLY WITH THE TREE ORDINANCE.
8. SIGNAGE:
- a. SIGNAGE AS ALLOWED BY THE ORDINANCE AND BY THE OPTIONAL PROVISIONS LISTED ABOVE MAY BE PROVIDED.

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 WILL BE LIMITED TO 25 FEET IN HEIGHT.
- c. NO "WALL PAK" LIGHTING WILL BE ALLOWED, HOWEVER ARCHITECTURAL LIGHTING SUCH AS BUT NOT LIMITED TO, LIGHTING ON THE BUILDING FACADES WILL BE PERMITTED.

c. NO "WALL PAK" LIGHTING WILL BE ALLOWED, HOWEVER ARCHITECTURAL LIGHTING SUCH AS BUT NOT LIMITED TO, SCENES, BUILDING-ACCENT LIGHTING, INCLUDING CORONA SCENE LIGHTING AND DISCREET LIGHTING ON THE BUILDING FACADES WILL BE PERMITTED.



LEVINE PROPERTIES
8514 MCALPINE PARK DRIVE,
SUITE 190
CHARLOTTE, NC 28211

REZONING
NOTES

Project No.
4296

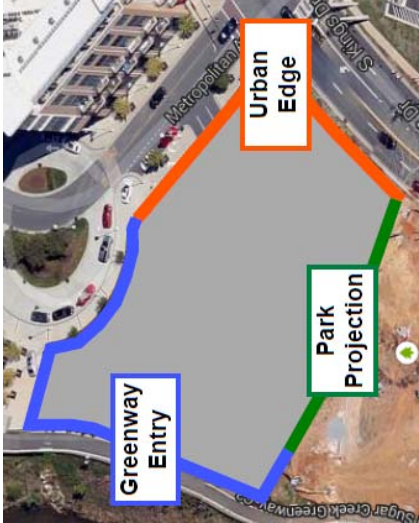
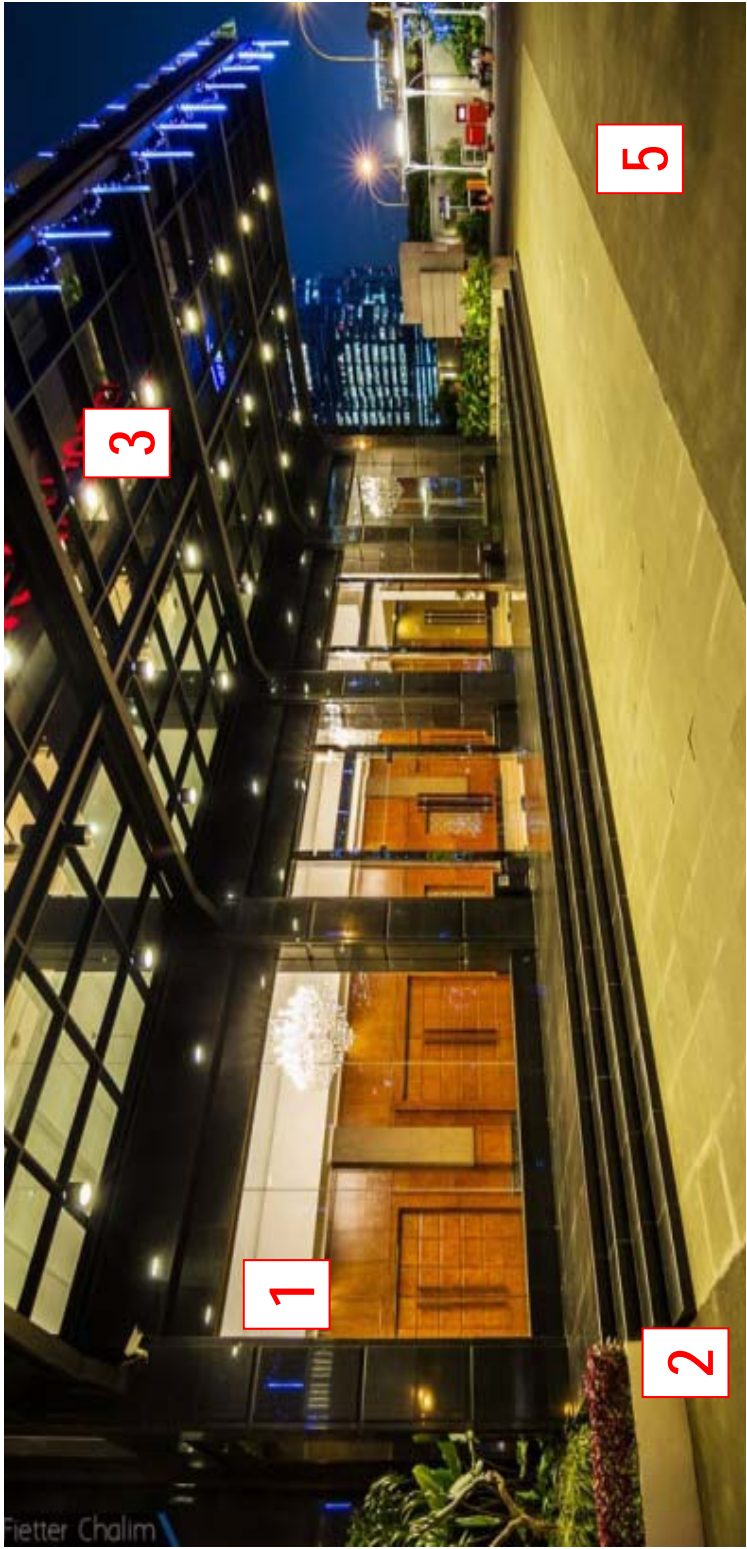
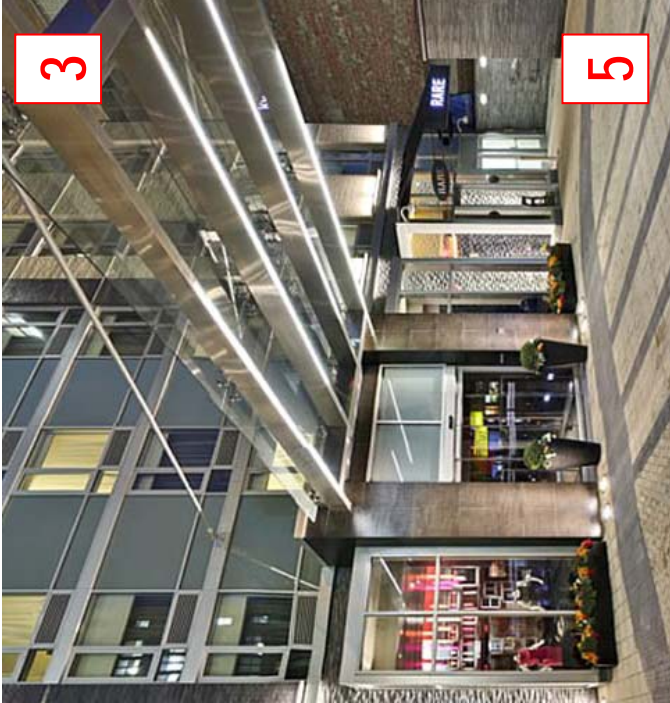
01/27/14 REZONING SUBMITTAL

| | |
|----------|-----------------------|
| 03/25/14 | REZONING RE-SUBMITTAL |
| 05/01/14 | REZONING RE-SUBMITTAL |
| 05/05/14 | REZONING RE-SUBMITTAL |

GREENWAY ENTRY

Provide an open, inviting and dynamic arrival experience through the use of:

- 1. Large percentage of clear glass, minimum of 60%
- 2. Decorative pavers, landscape planters
- 3. Stylish canopy with lighting
- 4. Outdoor seating, minimum of 300SF
- 5. Mix of materials to designate an arrival space



LEVINE PROPERTIES

This graphic is intended only to illustrate a conceptual site plan. The building configuration, parking and access points are subject to final engineering and will be finalized during permitting of the project.

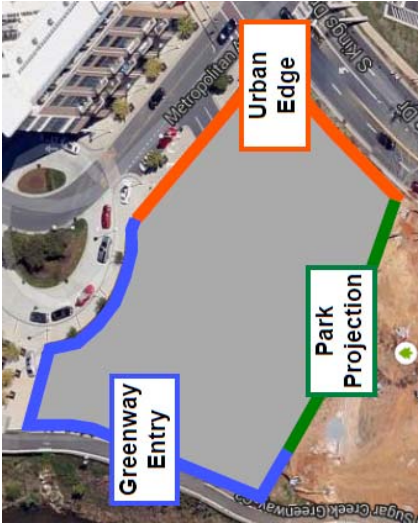
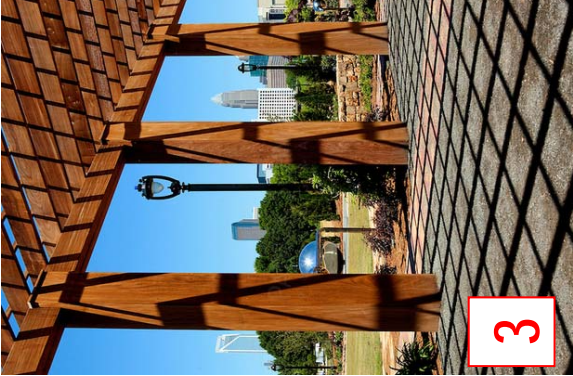
Metropolitan Component C-1 Parcel

Rezoning Petition 2014-030

PARK PROJECTION

Deliver aesthetic continuity with the existing Midtown Park by using:

- 1. Layers of plantings at grade and on lower level building elevation to enhance pedestrian experience (SECTION A)
- 2. Transitioning up the façade into standard screening materials in accordance with code
- 3. Potential for shared site elements with County P&R including bathrooms, gathering space, outdoor seating areas, storage and landscaping (SECTION B)



LEVINE PROPERTIES

This graphic is intended only to illustrate a conceptual site plan. The building configuration, parking and access points are subject to final engineering and will be finalized during permitting of the project.

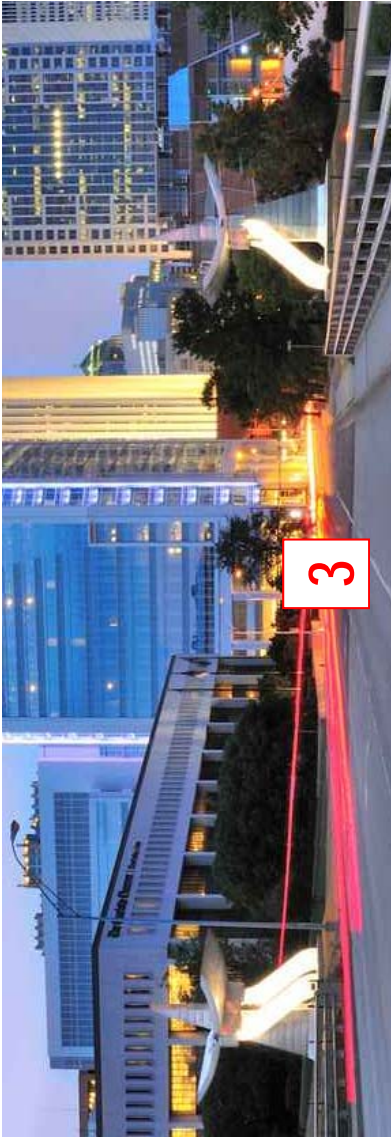
Metropolitan Component C-1 Parcel

Rezoning Petition 2014-030

URBAN EDGE

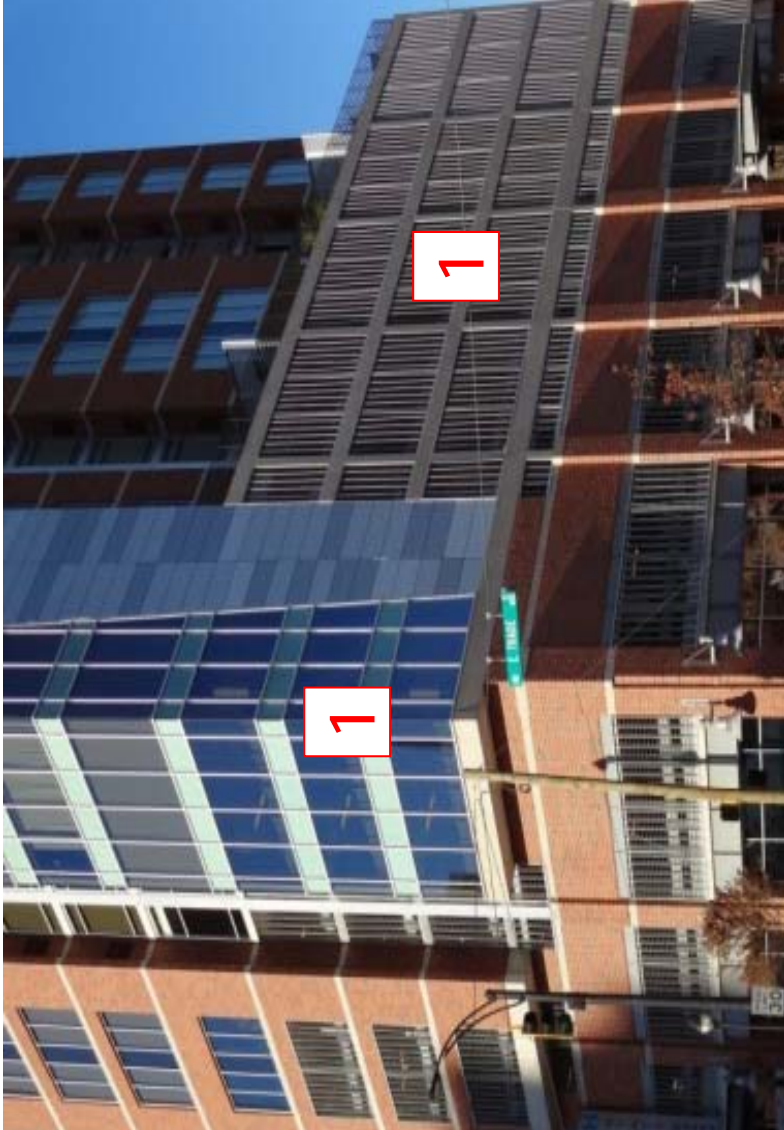
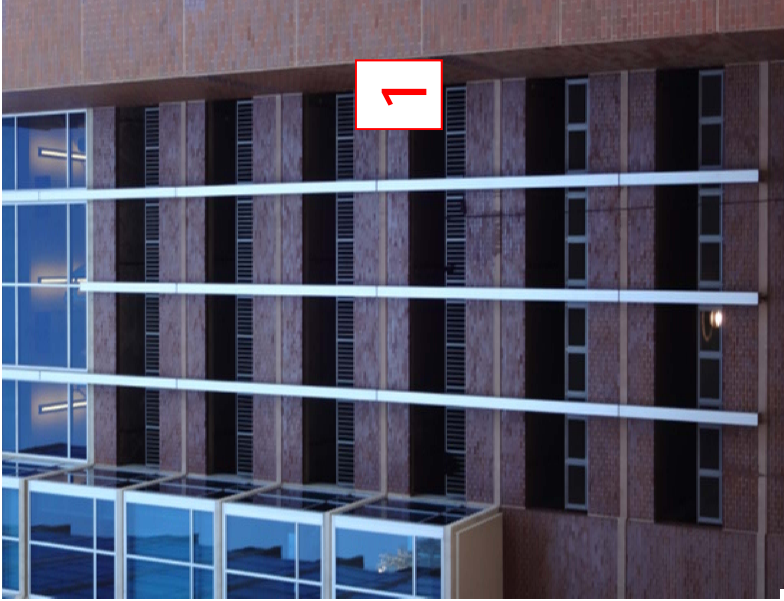
Create a stylish, memorable and highly visible element from:

- 1. Articulated façade with a mix of materials including masonry, precast concrete, louvers and panels
- 2. Decorative openings at ground level, screened parking on all levels
- 3. Focal point feature on primary corner



LEVINE PROPERTIES

This graphic is intended only to illustrate a conceptual site plan. The building configuration, parking and access points are subject to final engineering and will be finalized during permitting of the project.



Metropolitan Component C-1 Parcel
Rezoning Petition 2014-030

| | |
|--------------------------------|---|
| REQUEST | Current Zoning: MX-3 (LLWCA), mixed use, Lower Lake Wylie Critical Area Proposed Zoning: MX-3 SPA (LLWCA), mixed use, site plan amendment, Lower Lake Wylie Critical Area |
| LOCATION | Approximately 5.9 acres located on the southeast corner at the intersection of Youngblood Road and Shelburne Farms Drive. (Outside City Limits) |
| SUMMARY OF PETITION | The petition proposes a site plan amendment to increase the single family density for a portion of the original Palisades rezoning from 3.9 units per acre to 4.91 dwelling units per acre for a total of 29 attached dwelling units. The overall density of the original Palisades rezoning increases from 3.87 to 3.89 dwelling units per acre. |
| PROPERTY OWNER | Wilkison Partners Palisades, LLC |
| PETITIONER | Wilkison Partners, LLC |
| AGENT/REPRESENTATIVE | Michael L. Boston |
| COMMUNITY MEETING | Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 14 |
| ZONING COMMITTEE ACTION | The Zoning Committee voted 6-0 to DEFER this petition to their May 28, 2014 meeting. |

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|-------------|--|
| VOTE | Motion/Second: Ryan/Walker Yeas: Allen, Dodson, Labovitz, Nelson, Ryan, and Walker Nays: None Absent: Sullivan Recused: None |
|-------------|--|

FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

- **Background**
 - The subject parcel was rezoned under petition 2001-016(C) for the Palisades Development.
 - The approved site plan rezoned 1,068.9 acres to MX-3 (mixed use) to allow the development of 4,145 residential single family and multi-family units with an overall residential density of 3.9 dwelling units per acres.
 - The approved site plan allowed for several "village residential" components which allowed up to 5.1 dwelling units per acre.
 - The site plan called for single family development up to 3.9 dwelling units per acre on the subject site.
- **Proposed Request Details**

The site plan accompanying this petition contains the following changes:

 - Maximum of 29 attached single family townhomes for a density of 4.91 units per acre.
 - A 17-foot planting strip and six-foot sidewalk along Shelburne Farms Drive and Youngblood Road.
 - A four-foot tall berm or wall/fence with tree and/or plantings along the project frontage on Shelburne Farms Drive and Youngblood Road West.
 - Eight-foot planting strip and six-foot sidewalk along the internal private streets.
 - Building elevations for the proposed structures.
 - Pedestrian connection to the existing amenity area south of the subject site.

- A 25.5-foot Class “C” buffer with a fence along the east property edge abutting the existing single family homes in R-3 (single family residential) zoning.
 - Off-street guest parking internal to the site.
 - Freestanding lighting limited to 20 feet in height.
 - Innovative provision requests (which are considered for approval by the Zoning Committee) include:
 - Allowing minimum lot area to be 4,000 square feet.
 - Allowing minimum side yard to be five feet.
 - Allowing the minimum 32-foot front setback to be measured from the back of curb.
 - Allowing the minimum side yard at the right-of-way to be ten feet.
 - Allowing minimum rear yard to be ten feet.
 - **Public Plans and Policies**
 - The *Steele Creek Area Plan* (2012) recommends residential at up to four units per acre for the subject site.
 - The petition is consistent with the *Steele Creek Area Plan* recommendation of up to four dwelling units per acre. While the density of the property included in the site plan amendment is approximately 4.91 dwelling units per acre, the overall density of the original rezoning for the overall Palisades development, of which this petition was a part, will remain below four dwelling units per acre at approximately 3.89 dwelling units per acre.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** The petitioner should provide a public street connection to the eastern edge of the property to comply with the City of Charlotte Subdivision Ordinance.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:**
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
 - This site meets minimum ordinance standards.
-

OUTSTANDING ISSUES

- The petitioner should:
 1. Provide a public street stub to the eastern edge of the property to comply with the Subdivision Ordinance.
 2. Change the first private street cross section to a public street cross section.
 3. Modify and only list the innovative standards that are changes from minimum zoning ordinance standards.
 4. Label and note that an eight-foot planting strip and six-foot sidewalk will be provided on both sides of the street for all private streets.
 5. Show the number of off-street guest parking spaces which will be provided.

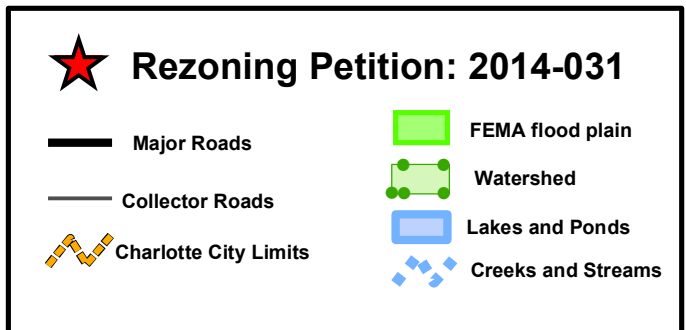
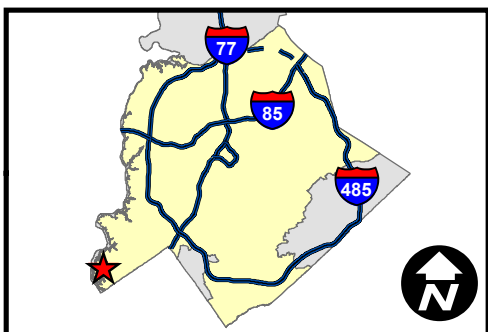
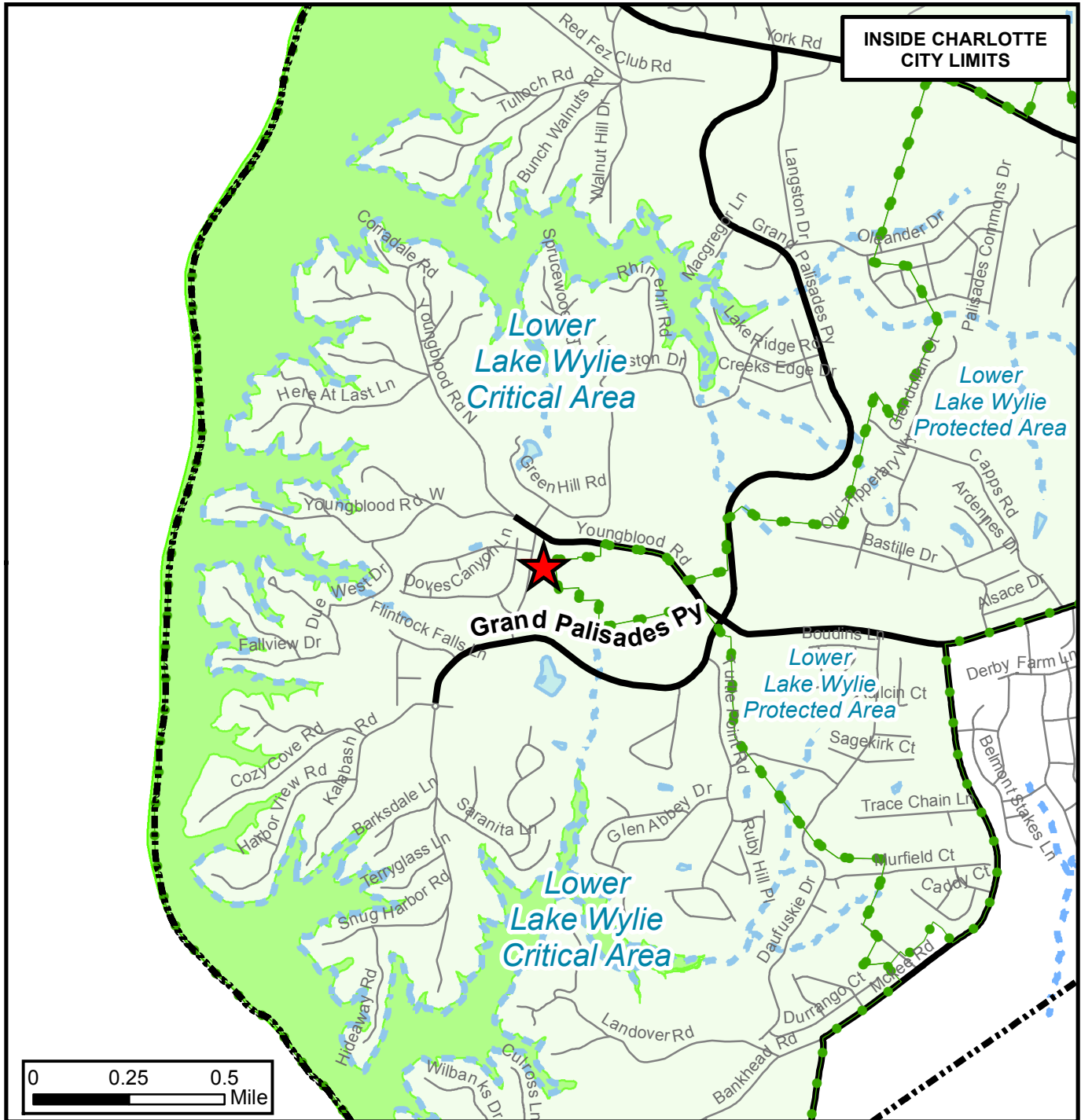
6. Modify the area shown for guest parking and label it as a parking envelope and not common open space.
 7. Provide a note and show that the off-street guest parking area will be screened with five-foot tall shrubs on all three sides.
 8. Label the elevations and add a note identifying the proposed building materials.
 9. Provide a detail of the proposed ornamental fence.
 10. Label and note the proposed percentage of tree save area for the areas shown on the site plan.
 11. Modify the note under streetscape and landscaping to read, "The petitioner reserves the right to install an entrance feature at the driveway connection to Shelburne Farms Drive subject to approval by North Carolina and Charlotte Departments of Transportation."
 12. Submit an administrative request for Petition 2001-016C and reduce the number of "village residential" units by 29 units prior to the City Council decision.
-

Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

Planner: Solomon Fortune (704) 336-8326

Acreage & Location : Approximately 5.9 acres located on the southeast corner at the intersection of Youngblood Road and Shelburne Farms Drive.



| | | |
|--|---|--|
| REQUEST | Text amendment to Table 9.101 and Section 9.8503 of the Zoning Ordinance | |
| SUMMARY OF PETITION | <p>The petition proposes to:</p> <ol style="list-style-type: none"> 1) allow stadiums, coliseums and arenas as uses permitted under prescribed conditions in the mixed use development (MUDD) district; and 2) correct the Table of Uses for stadiums and coliseums that are currently permitted under prescribed conditions, in the uptown mixed use (UMUD) zoning district. | |
| PETITIONER AGENT/REPRESENTATIVE | Charlotte-Mecklenburg Planning Department | |
| COMMUNITY MEETING | Meeting is not required. | |
| STATEMENT OF CONSISTENCY | This petition is found to be consistent with adopted policies and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 6-0 vote of the Zoning Committee (motion by Commissioner Walker seconded by Commissioner Allen). | |
| ZONING COMMITTEE ACTION | The Zoning Committee voted 6-0 to recommend APPROVAL of this petition. | |
| VOTE | <p>Motion/Second: Walker/Allen</p> <p>Yeas: Allen, Dodson, Labovitz, Nelson, Ryan, and Walker</p> <p>Nays: None</p> <p>Absent: Sullivan</p> <p>Recused: None</p> | |
| ZONING COMMITTEE DISCUSSION | Staff presented an overview of the text amendment. There were no questions. | |
| STAFF OPINION | Staff agrees with the recommendation of the Zoning Committee. | |

FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

- **Background**
 - Stadiums, coliseums and/or arenas are permitted by right in the transit oriented development (TOD) zoning districts and under prescribed conditions in the urban residential (UR-1, UR-2 and UR-3); urban residential-commercial (UR-C) district; institutional (INST) district; general business (B-2); research (RE-1, RE-2, and RE-3); uptown mixed use (UMUD); urban industrial (U-I); and industrial (I-1 and I-2) zoning districts. The urban residential (UR-1, UR-2 and UR-3); urban residential-commercial (UR-C); general business (B-2); research (RE-1, RE-2, and RE-3); and industrial (I-1 and I-2) zoning districts limit the number of seats to no more than 5,000 seats.
 - Stadiums, coliseums and arenas are currently not permitted in the mixed use development (MUDD) zoning district. Upon review of where these uses are currently permitted, staff recommends allowing these uses in this additional district.
- **Proposed Request Details**

The text amendment contains the following provisions:

 - Allows stadiums, coliseums and arenas in the mixed use development (MUDD) zoning district.

- Adds new prescribed condition for stadiums, coliseums and arenas in the mixed use development (MUDD) zoning district:
 - Primary access to the site shall be from a non-residential street.
 - Corrects the Table of Uses for stadiums and coliseums for the uptown mixed use (UMUD) zoning district
 - **Public Plans and Policies**
 - This petition is consistent with the *Centers, Corridors and Wedges Growth Framework* goal to provide a range of entertainment choices and the guiding principles to revitalize economically challenged business areas.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
 - **Charlotte Department of Neighborhood & Business Services:** No comments received.
 - **Transportation:** No comments received.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** Not applicable.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:**
 - There is no site plan associated with this text amendment.
-

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

Planner: Sandra Montgomery (704) 336-5722

TEXT AMENDMENT SUMMARY: Stadiums, Coliseums and Arenas

4-16-14

2014-38

Purpose/Background: The purpose of this text amendment is to allow stadiums, coliseums and arenas as uses permitted under prescribed conditions in the mixed use development (MUDD) zoning district and corrects the Table of Uses.

| Current Regulations | Proposed Regulations | Rationale |
|--|---|---|
| None. | <ul style="list-style-type: none"> • Add stadiums, coliseums and arenas as a use permitted under prescribed conditions in the mixed use development (MUDD) zoning district. | <ul style="list-style-type: none"> • Stadiums and coliseums are currently allowed in the urban residential (UR-1, UR-2, UR-3, and UR-C); institutional, research (RE-1, RE-2, and RE-3); general business (B-2); uptown mixed use (UMUD); transit oriented development (TOD); urban industrial (U-I); and industrial (I-1 and I-2) districts. Allowing them in the MUDD district is consistent with these districts. |
| None | <ul style="list-style-type: none"> • Add the prescribed condition that primary access to the site shall be from a non-residential street. | Access should be limited to non-residential streets. |
| Stadiums, and arenas are permitted under prescribed conditions in the uptown mixed use district (UMUD) | <ul style="list-style-type: none"> • Unchanged. • Corrects the Table of Uses with the abbreviation, “PC” for allowed under prescribed conditions. • Corrects the inaccurate spelling of coliseums. | Corrects entry to match language elsewhere in the Zoning Ordinance, and corrects spelling error. |

Petition No. 2014-038

Petitioner: Charlotte-Mecklenburg Planning Department

**AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE –ZONING ORDINANCE**

ORDINANCE NO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

A. CHAPTER 9: GENERAL DISTRICTS

1. PART 1: TABLE OF USES AND HIERARCHY OF DISTRICTS

- a. Amend Table 9.101, "Table of Uses" by 1) adding adding "PC" in the MUDD column under the "stadiums, colisums (misspelled)" row listed under the "Institutional Uses" header; 2) correct the spelling of "coliseums" in the same row and 3) add "PC" under the UMUD heading for "stadiums, coliseums", as these uses are currently permitted under prescribed conditions in Section 9.903(6), but are not shown in the table with "PC". The revised and new entry shall read as follows:

| INSTITUTIONAL USES | | |
|---|-----------|-----------|
| | MUDD | UMUD |
| Stadiums, colisums , coliseums | <u>PC</u> | <u>PC</u> |

2. PART 8.5: MIXED USE DEVELOPMENT DISTRICT

- a. Amend Section 9.8503, "Mixed Use Development District; uses permitted under prescribed conditions" by adding "stadiums, coliseums, and arenas" as a new use, with prescribed conditions. The new listing shall be added in alphabetical order and shall read as follows:

Stadiums, coliseums and arenas, provided that primary access for the development site shall be provided from non-residential streets.

Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:

City Attorney

I, _____, City Clerk of the City of Charlotte, North Carolina, DO
HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted
by the City Council of the City of Charlotte, North Carolina, in regular session convened
on the _____ day of _____, 2014, the reference having been made in Minute Book _____,
and recorded in full in Ordinance Book _____, Page(s)_____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this
_____ day of _____, 2014.

| | |
|-----------------------------|--|
| REQUEST | Current Zoning: R-4, single family residential Proposed Zoning: UR-2(CD), urban residential, conditional |
| LOCATION | Approximately 1.58 acres located on the south side of Woodlawn Road between Old Woods Road and Fairbluff Place. (Council District 6 - Smith) |
| SUMMARY OF PETITION | The petition proposes a residential development consisting of 14 units: 12 attached multi-family units and two single family detached units. The density is 8.89 units per acre. |
| STAFF RECOMMENDATION | Staff recommends approval of this petition upon resolution of outstanding issues. The petition is consistent with the <i>Park Woodlawn Area Plan</i> , which recommends single family attached dwelling units with individual entrances to the public street, and supports an overall density of 12 dwelling units per acre. |
| PROPERTY OWNER | Kyle Short |
| PETITIONER | Kyle Short |
| AGENT/REPRESENTATIVE | Stephen Overcash |
| COMMUNITY MEETING | Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 26 |

PLANNING STAFF REVIEW

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Maximum of 12 multi-family residential dwelling units and two single family detached units.
- Individual and shared entrances that front public and private streets.
- A 10-foot wide buffer around exterior property boundary abutting residential uses and zoning.
- Building materials include wood or synthetic wood, brick or stone, stucco or synthetic stucco, and metal panels.
- Providing 400 square feet of private open space per unit.
- Detached lighting limited to 20 feet in height.
- An eight-foot tall wooden privacy fence will be installed along the side and rear property lines.
- A stucco or masonry wall will be provided along the front of the development.

- **Existing Zoning and Land Use**

- The subject property is zoned R-4 (single family residential) and developed with a single family dwelling. Surrounding properties are zoned R-4 (single family residential), R-8MF(CD) (multi-family residential, conditional), and UR-2(CD) (urban residential, conditional) and developed with single family detached and single family attached dwellings. One lot is zoned B-1 (neighborhood business) and developed with a gas station and convenience store.

- **Rezoning History in Area**

- There have been no rezonings in the immediate area in recent years.

- **Public Plans and Policies**

- The *Park Woodlawn Area Plan* (2013) recommends residential uses at four units per acre but supports an increase in density up to 12 dwelling units per acre for large parcels subject to certain parameters and design guidelines. These include:
 - relation to the surrounding context along E. Woodlawn Road,
 - provision of a pedestrian scale street presence, and
 - building heights limited to 40 feet adjacent to single family properties.
 - The petition is consistent with the *Park Woodlawn Area Plan*. The abutting properties generally have rear yards abutting the subject site, which is larger in acreage than surrounding parcels. The proposed single family attached style of development is oriented to E. Woodlawn Road, with front entrances onto the public street, rear loaded parking and the maximum 40-foot height limit which is compatible with the surrounding single family homes.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No comments received.
 - **Transportation:** Requests the petitioner dedicate 50 feet of right-of-way measured from the existing centerline along the site's public street frontage on E. Woodlawn Road.
 - **Vehicle Trip Generation:**
Current Zoning: 80 trips per day.
Proposed Zoning: 125 trips per day.
 - **Connectivity:** No issues.
 - **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 two students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is one student.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** The possible detention location is not consistent with the natural drainage patterns for the majority of the site and may not completely satisfy anticipated storm water requirements. Drainage pipe alignment should be relocated to provide a minimum 15-foot wide path clear of required buffers and structures.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No issues.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
 - Minimizes impacts to the natural environment by building on an infill lot.

OUTSTANDING ISSUES

- The petitioner should:
 1. Specify maximum building height in stories.
 2. Specify permitted uses.
 3. Specify buffer will be developed per Class C buffer standards.
 4. Provide and label guest parking.
 5. Show and label a 13-foot wide planting strip and six-foot wide sidewalk along Woodlawn Road per the *Park Woodlawn Area Plan* instead of the 18-foot wide planting strip and sidewalk of undetermined width currently shown on the site plan.
 6. Amend Development Summary to reflect a 14-foot setback.
 7. Amend the sidewalk along the internal street to six feet.
 8. Label and indicate the dimensions of the area between the private internal street and the sidewalk.
 9. Provide a note that the curb along the internal private street will be standard curb (not roll curb).
 10. Provide a planting strip between the sidewalk and the private street the full length of the area beside unit 1.
 11. Indicate maximum height of the retaining wall.
 12. Correctly measure and label the 14-foot setback along E. Woodlawn Road, which should be measured from the back of the future curb.
 13. Revise General Provisions Note #1, last sentence, as follows: "Where specified conditions on this plan differ from ordinance, standards, ~~policies and approaches~~ in existence at the time of formal engineering plan review submission, the more restrictive shall apply."
 14. Eliminate the following sentence in General Provisions Note #2: "The Site Plan is schematic in nature and represents a firm concept of development with regard to the arrangement of buildings, parking and circulation patterns."

15. Note that the finished side of the proposed privacy fence will face the adjacent properties.
 16. Provide details on the stucco or masonry wall along the rear of the buildings backing up to Woodlawn Road.
 17. Provide elevations along Woodlawn Road.
 18. Remove tree save area that is located in the right-of-way along E. Woodlawn Road.
 19. Submit plan to Fire Marshall for review as the fire access as shown may be an issue that would dramatically alter the site plan.
 20. Specify parking area for Units 13 and 14.
 21. Label right-of-way along E. Woodlawn Road to be dedicated.
 22. Correctly label five-foot side yard at rear of property as a 10-foot rear yard.
 23. Address CDOT comment.
 24. Address Engineering and Property Management comments.
-

Attachments Online at www.rezoning.org

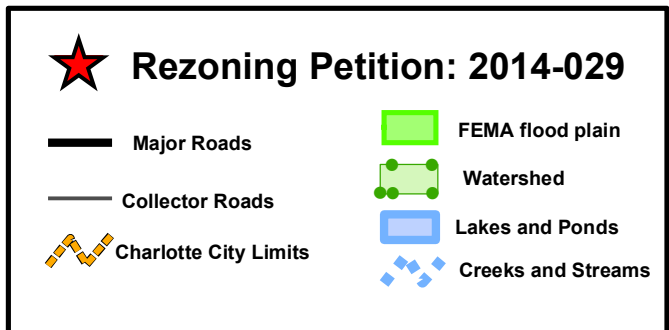
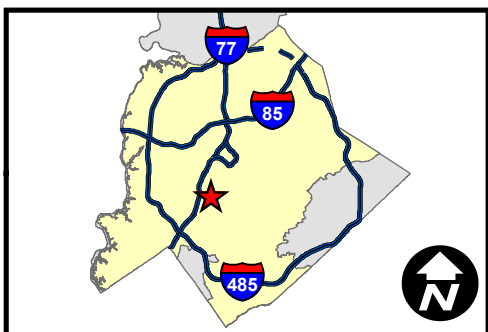
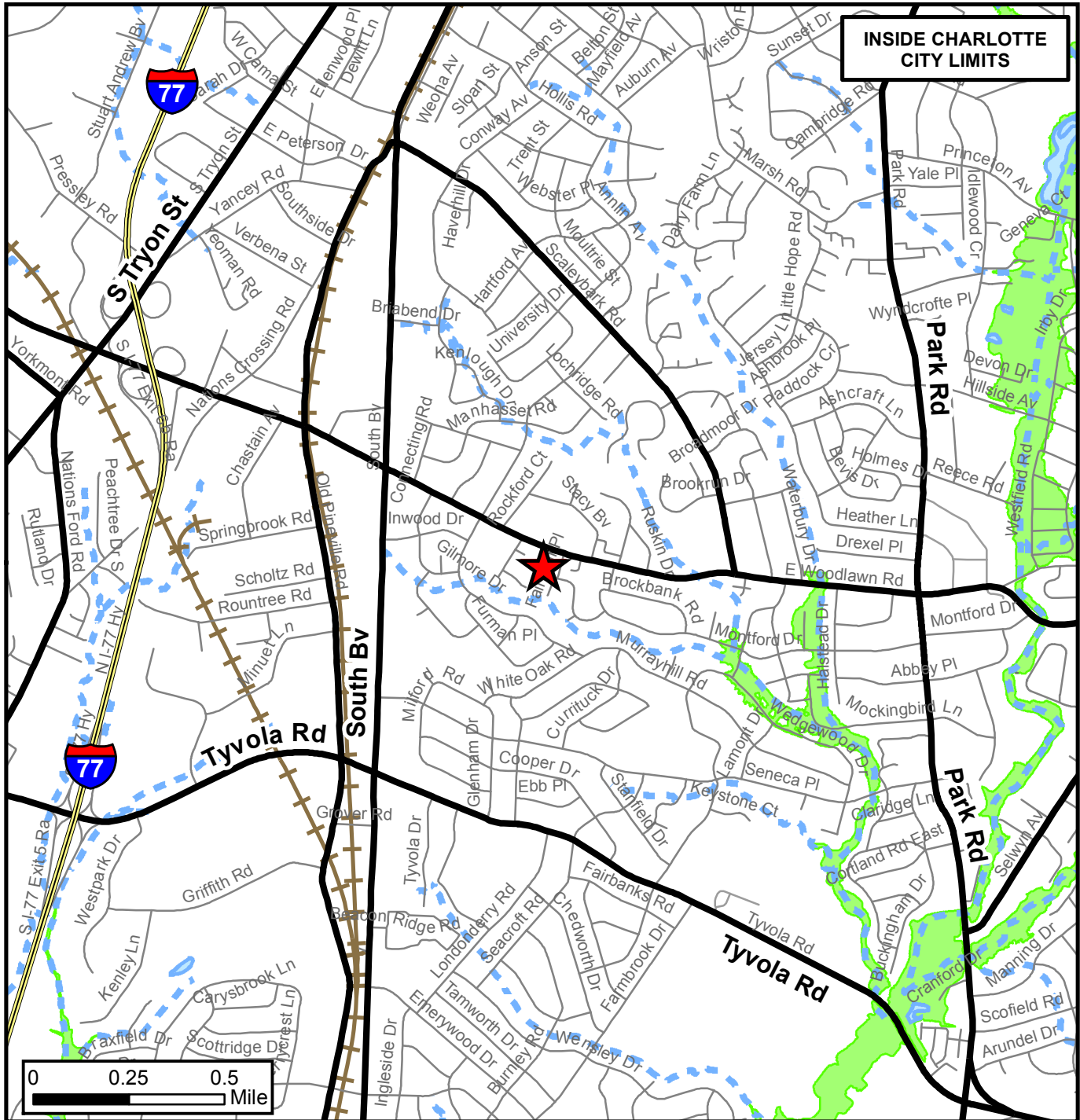
- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

Planner: Sonja Sanders (704) 336-8327

Petition #: **2014-029**

Vicinity Map

Acreage & Location : Approximately 1.58 acres located on the south side of East Woodlawn Road between Old Woods Road and Fairbluff Place.



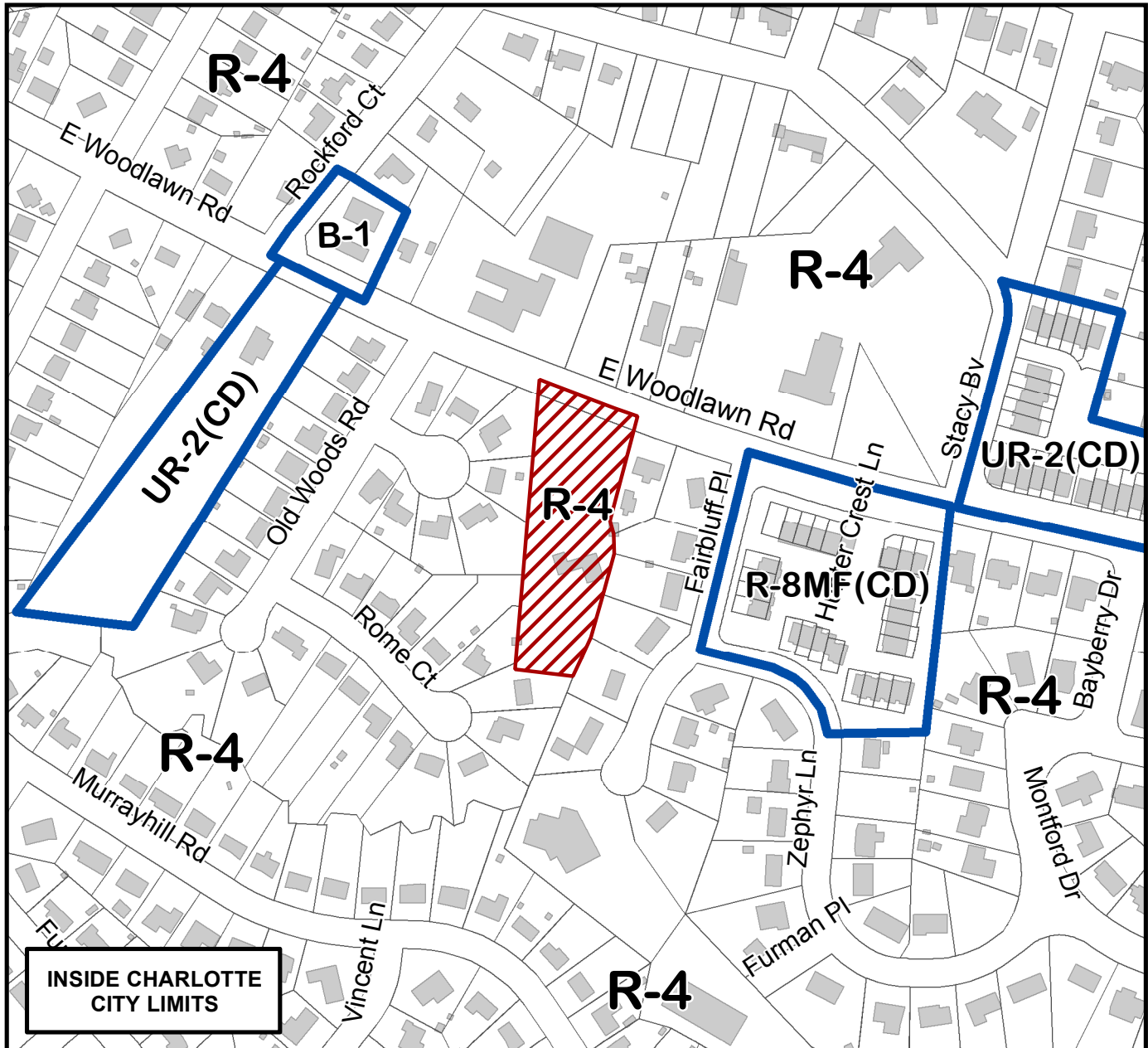
Petition #: **2014-029**

Petitioner: **Kyle Short**

Zoning Classification (Existing): **R-4**
(Single Family, Residential)

Zoning Classification (Requested): **UR-2(CD)**
(Urban Residential, Conditional)

Acreage & Location: Approximately 1.58 acres located on the south side of East Woodlawn Road between Old Woods Road and Fairbluff Place.



Map Produced by the Charlotte-Mecklenburg Planning Department, 4-28-14.

0 100 200 400 600 800 Feet



Zoning Map #(s)

126



Requested UR-2(CD) from R-4



Existing Building Footprints



Existing Zoning Boundaries



Charlotte City Limits



Pedestrian Overlay



FEMA flood plain



Watershed



Lakes and Ponds

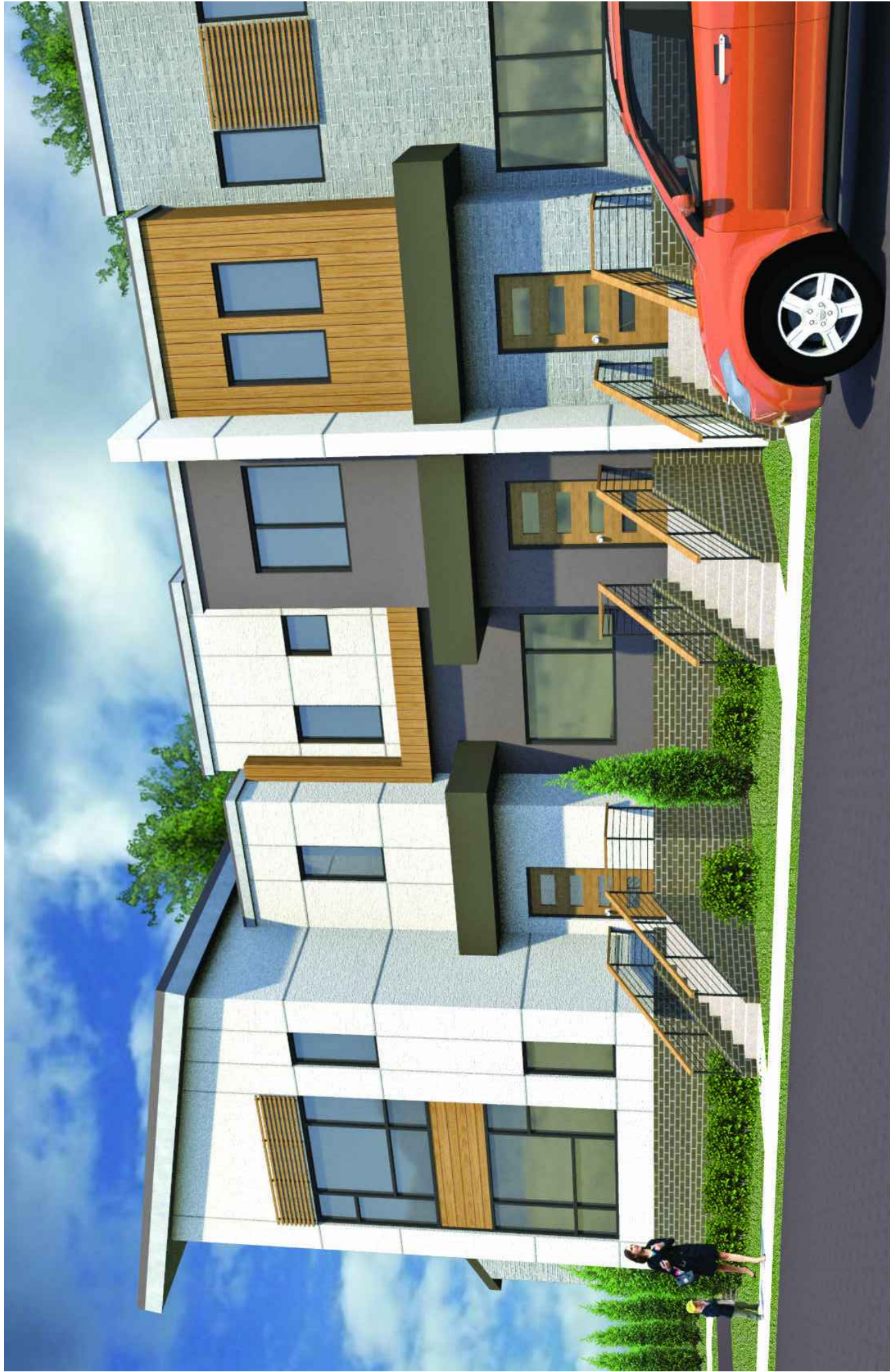


Creeks and Streams



Development Summary

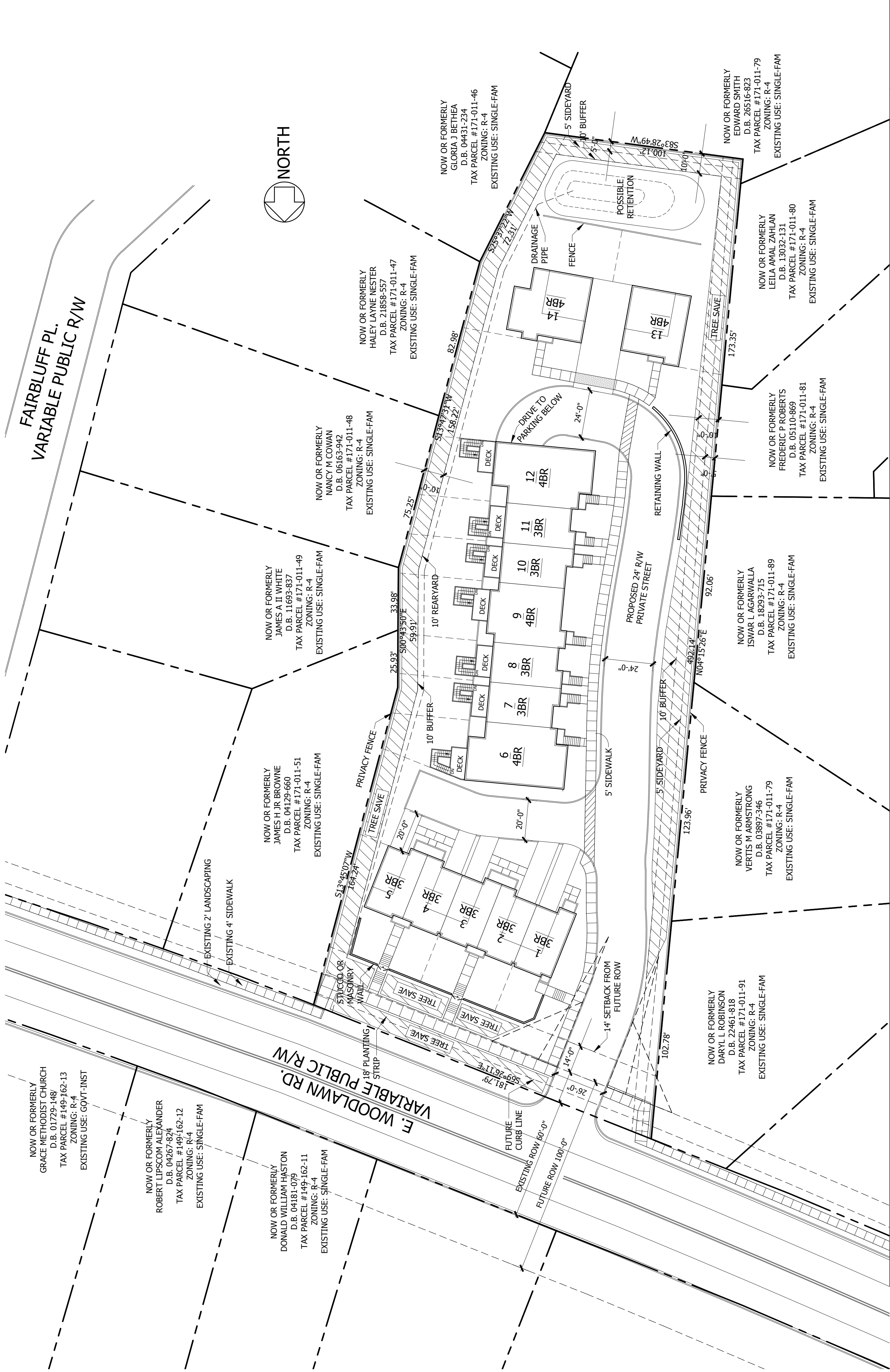
Tax Parcel ID#: 171-011-52
Total Site Acreage: 1.58 acres
Existing Zoning: R-4
Existing Uses: Single Family
Proposed Zoning: UR-2 (OD)
Proposed Uses: Multi-Family Residential
Setback Requirements:
• Woodlawn Road: 30' Setback
• Sideyard Requirements: 5' Sideyard
• Rearyard Requirements: 10' Rearyard
Development Totals:
• Multi-Family Units: 14 Units
• Residential Density: 8.89 Units/Acre
Floor Area Ratio: 0.46
Open Space: 39,900 sf (58.1%)
Tree Save Areas: 10,500 sf (15%)



VICINITY MAP

01 TYPICAL IMAGE OF EXTERIOR

1"=30'



01 SITE PLAN

1"=30'

General Provisions

1. The petitioner acknowledges that other standard development requirements imposed by other city ordinances, standards, policies, and appropriate design manuals will exist. Those criteria (for example, those that require buffers, regulate streets, sidewalks, trees, stormwater, and site development, etc...) will apply to the development site. This includes Chapters 6.9,12,17,18,19,20,21 of the City Code. Conditions set forth in this petition are supplemental requirements imposed on the development in addition to other standards. Where specified conditions on this plan differ from ordinances, standards, policies and approaches in existence at the time of formal engineering plan review submission, the conditional notes on this plan shall apply.
2. The Site Plan is schematic in nature and represents a firm concept of development with regard to the arrangement of buildings, parking, and circulation patterns. Minor changes of detail which do not alter the basic layout and relationships to abutting sites are permitted as a matter of right for the petitioner / developer and shall be handled in accordance to the Zoning Ordinance, Section 6.207.
3. The maximum base height of any building is 40 feet in accordance to the Zoning Ordinance, Section 9.305. One additional foot is allowed for each additional one foot in distance the portion of the building is from the required side yard line.
4. Sublots will include a minimum of 400 square feet of private open space per unit.

Transportation

5. Vehicular access points shall be limited to those shown on the site plan. The exact location may vary from that depicted, but shall comply with all applicable design requirements of the Charlotte Department of Transportation and / or North Carolina Department of Transportation.

Architectural Standards

6. Exterior building materials shall include wood or synthetic wood, brick or stone, stucco or synthetic stucco, and metal panel.
7. An 8' wooden privacy fence shall be constructed where an adjacent property abuts the proposed site development.

Streetscape & Landscaping

8. A 5' sidewalk with standard curb shall be provided along the proposed private road on the side of residential development.
9. Unit driveways shall be less than 7' or more than 20' from the back of sidewalk, or if sidewalk does not exist, the back of curb.

Environmental Features

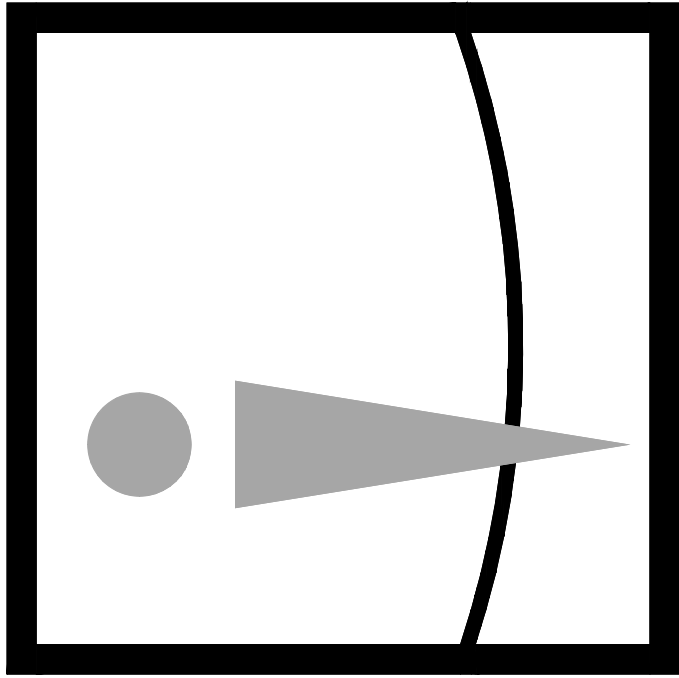
10. Tree save areas on site will occur within the setback areas. Tree mitigation in lieu of tree save area of 15% may be accomplished with additional plantings on site or within setback areas. All landscaping will meet the Landscape Ordinance.
11. Stormwater: The proposed site development will comply with the City of Charlotte Post Construction Controls Ordinance. Water quality and bio-retention areas and / or rain gardens may be located within required setbacks.

12. The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review 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.

Lighting

13. The maximum height of any freestanding light fixture shall not exceed 20 feet including its base. All direct lighting within the site shall be designed and shielded such that direct illumination does not exceed past any property line and shall be consistent with the zoning ordinance requirements. Furthermore, no "wall pak" lighting shall be permitted.

14. LED bollard lighting shall be provided along the proposed private road.



Overcash Demmitt
Architects

10 south tryon street suite 1a
charlotte north carolina 28203
voice • 7 0 4 . 3 3 2 . 1 6 1 5
f x • 7 0 4 . 3 3 2 . 0 1 1 7
web • w w w . o d a r c h . c o m

SHORT
DEVELOPMENT
GROUP LLC

Woodlawn
Townhomes

Multi-Family

PETITION #2014-029
FOR PUBLIC HEARING

KEY PLAN

| | |
|-------------------|------------|
| ISSUED FOR REVIEW | : 01/23/14 |
| REVISION 1 | : 04/18/14 |
| | |
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| | |

SITE PLAN

RZ-1

| | |
|---|---|
| REQUEST | Current Zoning: NS, neighborhood services Proposed Zoning: NS SPA, neighborhood services, site plan amendment |
| LOCATION | Approximately 1.72 acres located on the east side of Rea Road between Piper Station Drive and Ballantyne Commons Parkway. (Council District 7 - Driggs) |
| SUMMARY OF PETITION | The petition proposes a site plan amendment to a previously approved commercial development to allow a 1,000-square foot increase and the development of a structured parking facility. |
| STAFF RECOMMENDATION | Staff recommends approval of this petition upon resolution of outstanding issues. This petition is consistent with the <i>South District Plan</i> . |
| PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE | Colony at Piper Glen LLC Colony at Piper Glen LLC Walter Fields |
| COMMUNITY MEETING | Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: None |

PLANNING STAFF REVIEW

- **Background**

- The subject site was rezoned under petition 2012-068 with the following conditions:
 - A maximum of 8,000 square feet of retail and office uses were allowed.
 - Four-sided architectural elevations were provided.
 - Prohibition of drive-through service windows for any use on the subject parcel.
 - Existing sidewalks to remain along Rea Road and Piper Station Drive.
 - Possible tree save areas were identified on the site plan.
 - The site plan included a note stating, "that large expanses of wall exceeding 20-feet in length will be avoided through the introduction of articulated facades, using various materials such as brick and other masonry products, stone, different colors of paint, glass windows, water table, and/or soldier course".
 - Building materials for the proposed structure were included on the site plan.

- **Proposed Request Details**

The site plan amendment contains the following changes:

- Maximum 9,000 square feet of retail and office uses, which is a 1,000-square foot increase in square footage.
- Proposed structured parking facility.
- A 25-foot setback from Rea Road and Piper Station Drive.
- Proposed screening trees and shrubs along the eastern edge of the property to screen the loading space from the existing residential units.
- A hardscape plaza area at the corner of Piper Station Drive and the site's access drive.
- Detached lighting limited to 25 feet in height.

- **Existing Zoning and Land Use**

- The subject site is currently zoned NS (neighborhood services) and is vacant. The surrounding properties are zoned B-1SCD (business shopping center), CC (commercial center), O-1(CD) (office, conditional), and R-17MF(CD) (multi-family residential, conditional) and are developed with commercial and residential structures.

- **Rezoning History in Area**

- Petition 2013-030 rezoned approximately 7.11 acres located to the southeast of the subject site to R-17MF(CD) (multi-family residential, conditional). The approved site plan allowed the development of 120 multi-family dwelling units.

- **Public Plans and Policies**

- The *South District Plan* (1993) recommends office, retail and residential for the subject parcel.
 - This petition is consistent with the *South District Plan*.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** Request the petitioner show the proposed on-site vehicular circulation route for the proposed service delivery trucks and/or vehicles that will use the proposed loading area.
 - **Vehicle Trip Generation:**
Current Zoning: 350 trips per day
Proposed Zoning: 1,420 trips per day.
 - **Connectivity:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
 - **Charlotte-Mecklenburg Police Department:** Petitioner should add a note that lighting for the parking deck will meet IESNA standards.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No issues.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
 - This site meets minimum ordinance standards.

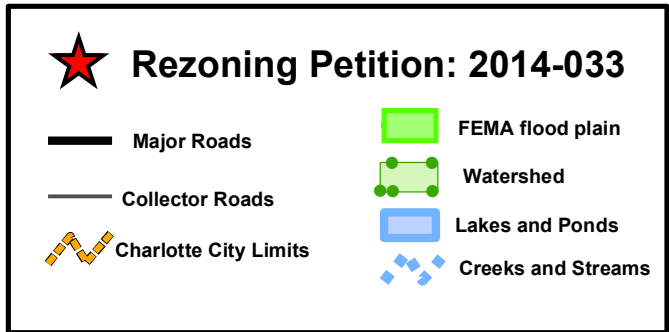
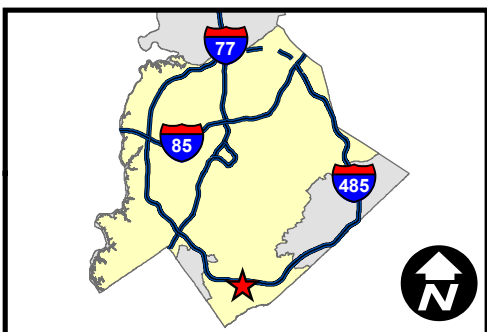
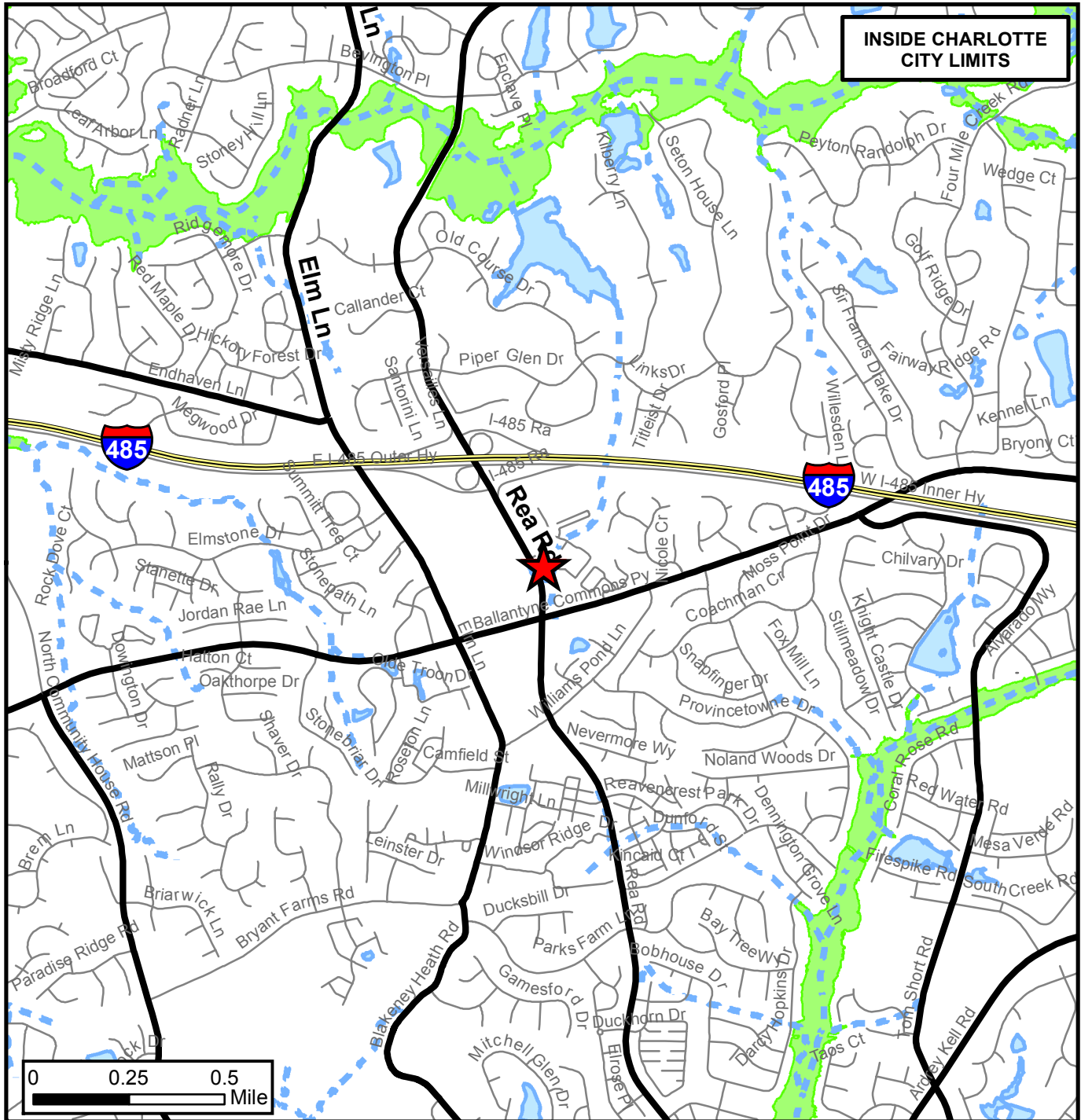
OUTSTANDING ISSUES

- The petitioner should:
 1. Provide a building material legend for the proposed elevations.
 2. Add a note that the "signage" shown on the site plan is not included in the approval of the rezoning site plan and that all signs will comply with the ordinance standards.
 3. Provide full elevations that include the building and parking deck.
 4. Provide the number of floors in the parking deck.
 5. Address Charlotte Department of Transportation's comment.
 6. Address Charlotte-Mecklenburg Police Department's comment.
-

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Police Department
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

Acreage & Location : Approximately 1.72 acres located on the east side of Rea Road between Piper Station Drive and Ballantyne Commons Parkway.



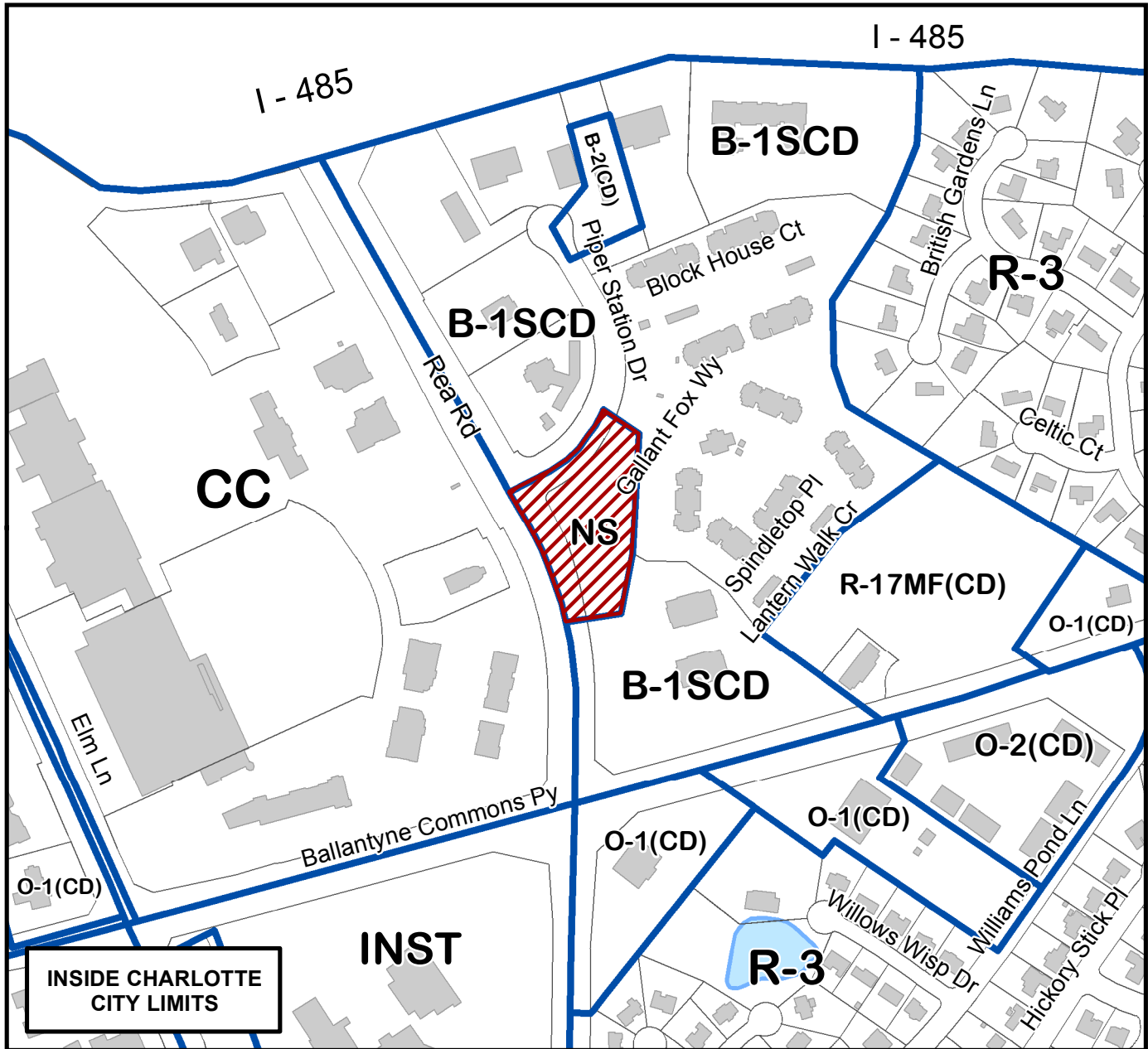
Petition #: **2014-033**

Petitioner: **Colony At Piper Glen, LLC**

Zoning Classification (Existing): **NS**
(Neighborhood Services)

Zoning Classification (Requested): **NS (S.P.A.)**
(Neighborhood Services, Site Plan Amendment)

Acreage & Location: Approximately 1.72 acres located on the east side of Rea Road between Piper Station Drive and Ballantyne Commons Parkway.



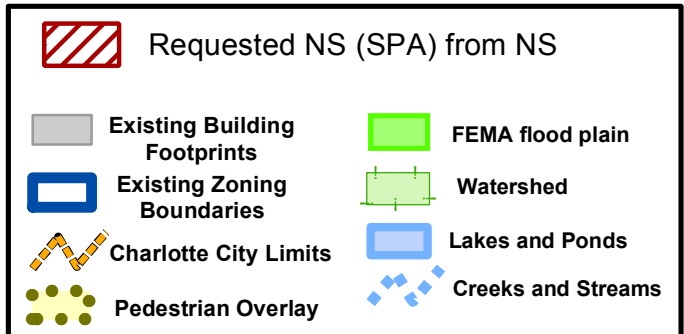
Map Produced by the Charlotte-Mecklenburg Planning Department, 2-28-14.

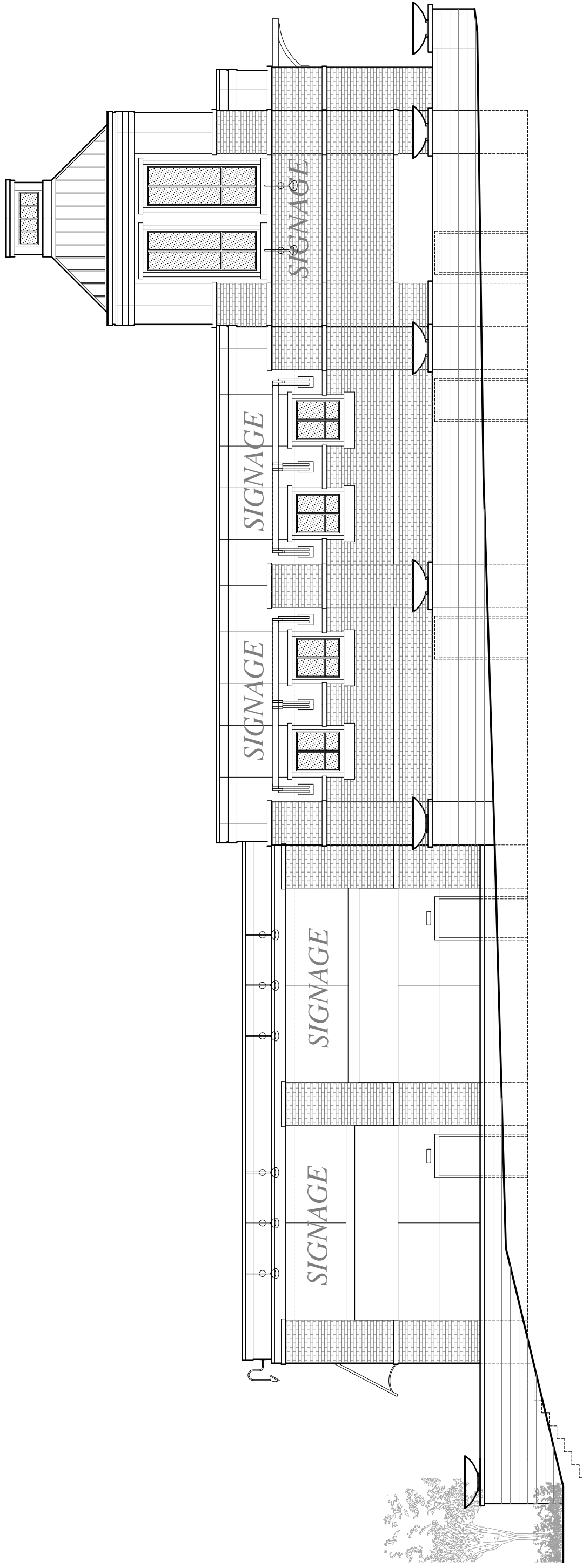
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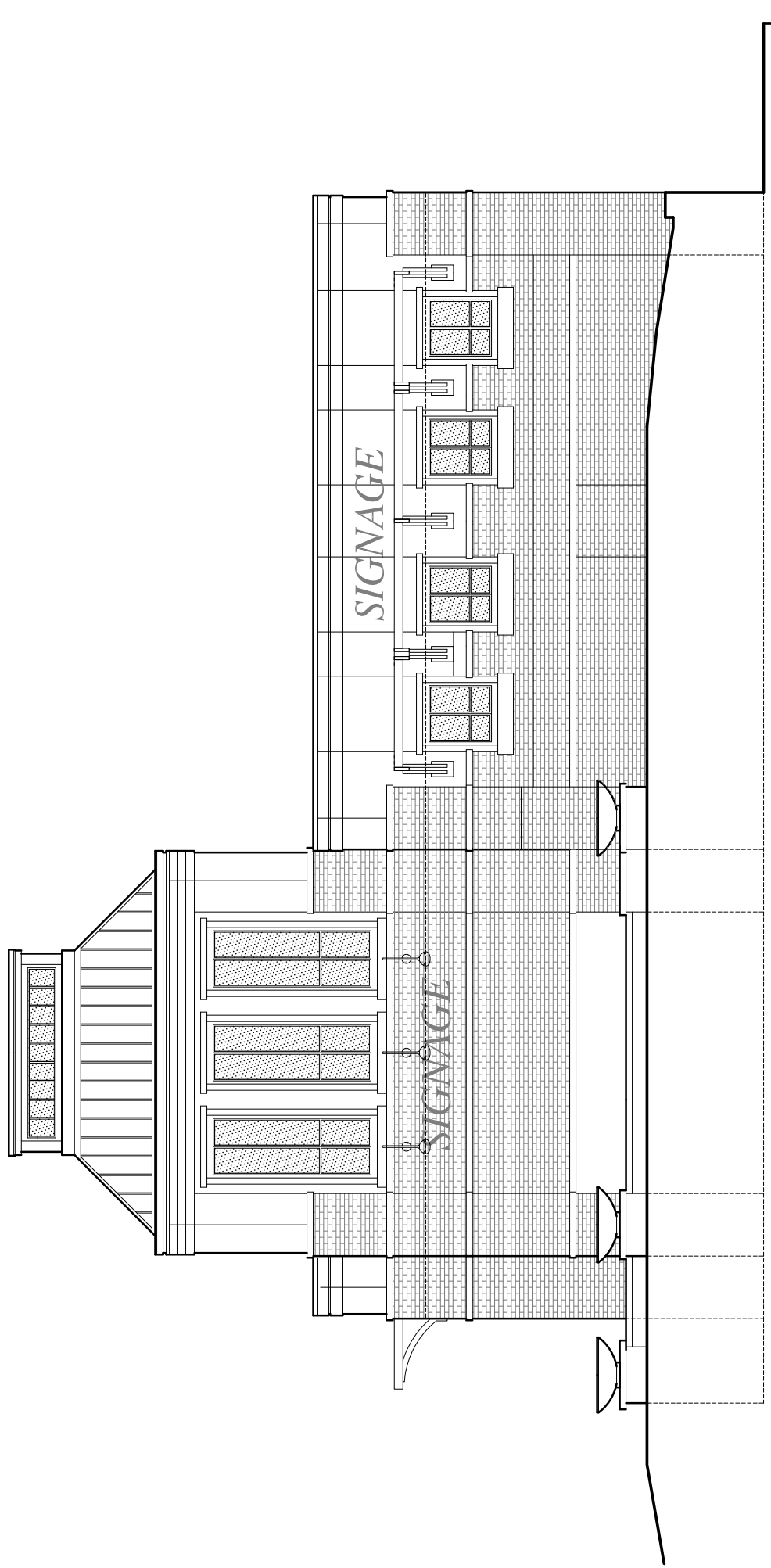
Zoning Map #(s)

177

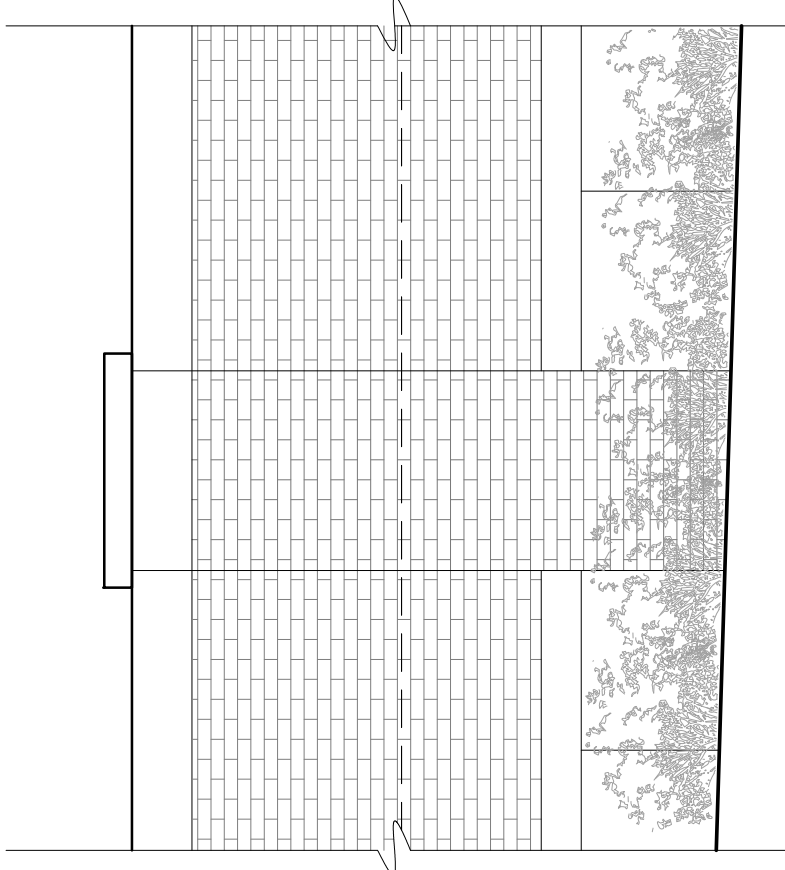




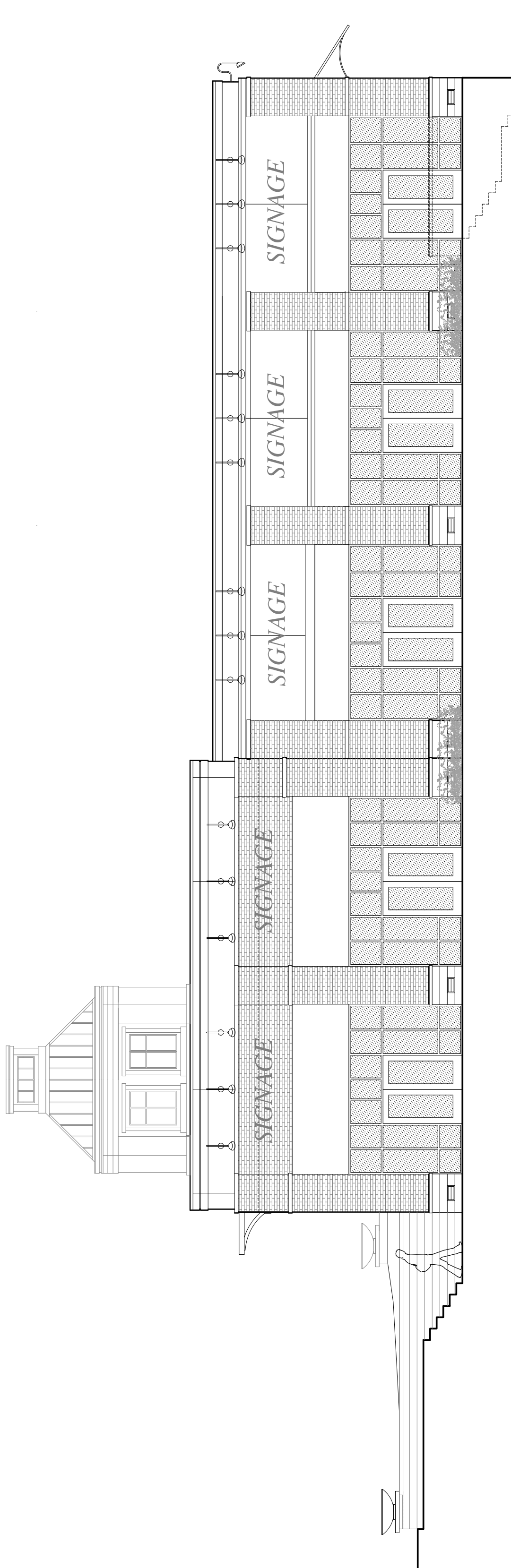
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SCALE: 1/8" = 1'-0"



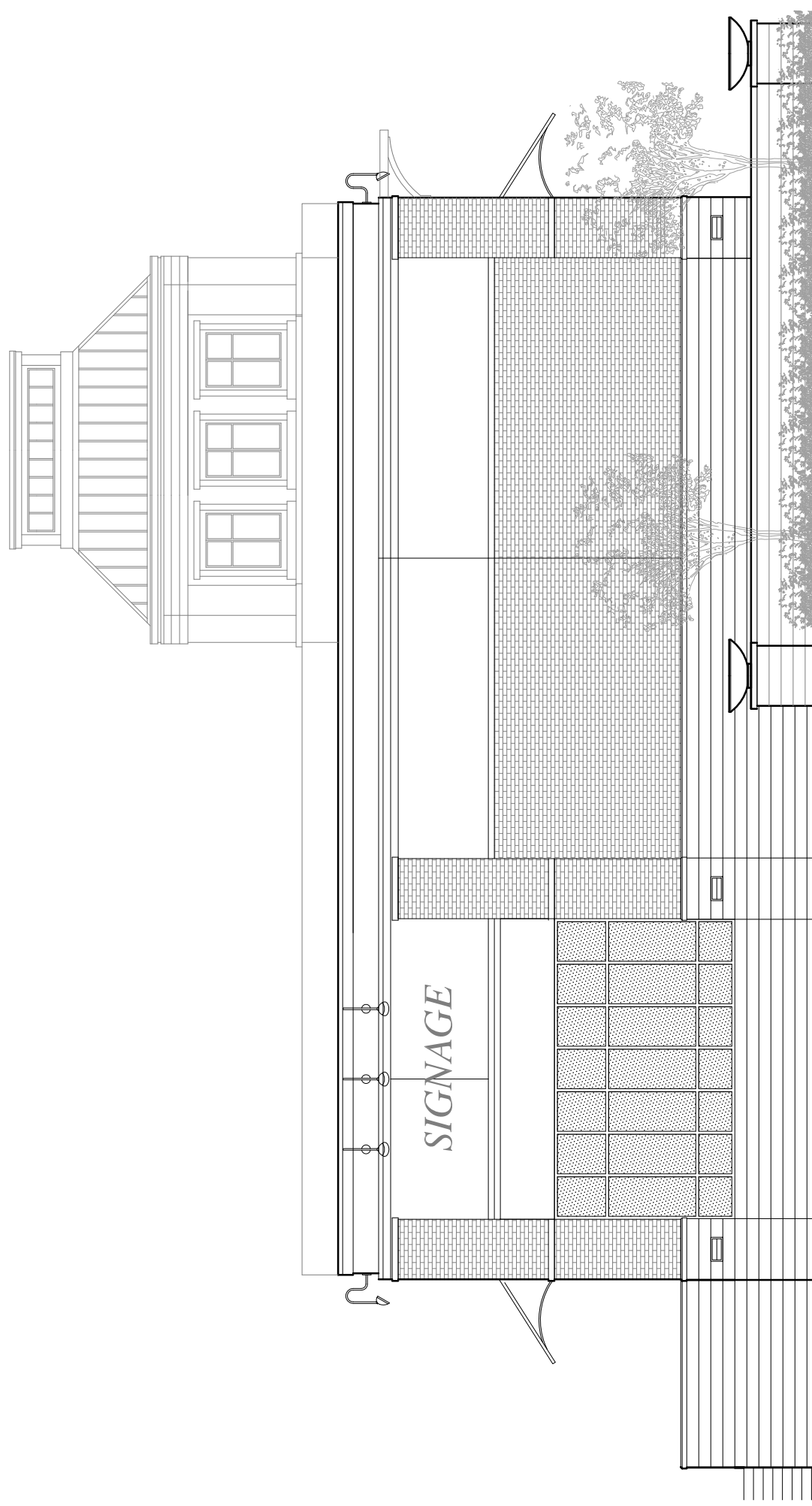
2 WEST ELEVATION REA ROAD
SCALE: 1/8" = 1'-0"



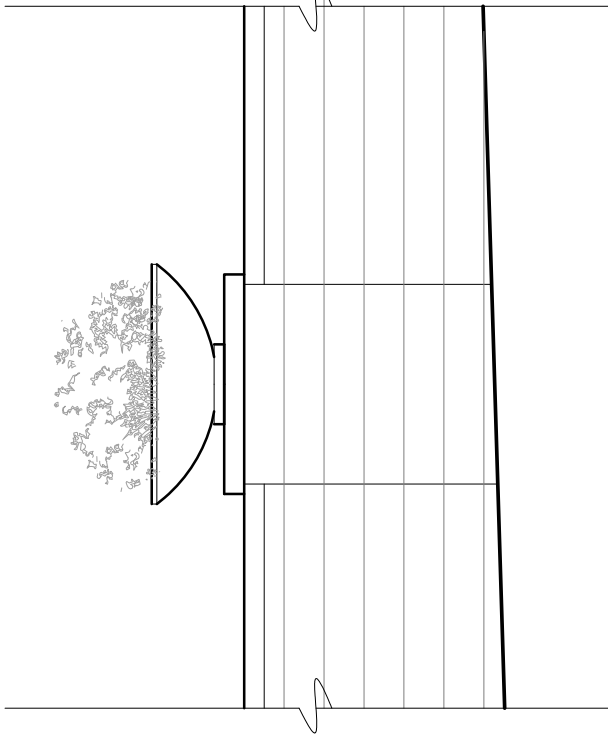
3 DECK ELEVATION PARTIAL REA ROAD
N.T.S.



4 SOUTH ELEVATION FROM PARKING AREA
SCALE: 1/8" = 1'-0"



5 EAST ELEVATION AT ENTRY DRIVE
SCALE: 1/8" = 1'-0"



6 RETAINING WALL ELEVATION PARTIAL
N.T.S.

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ROBERT JOHNSON
architects

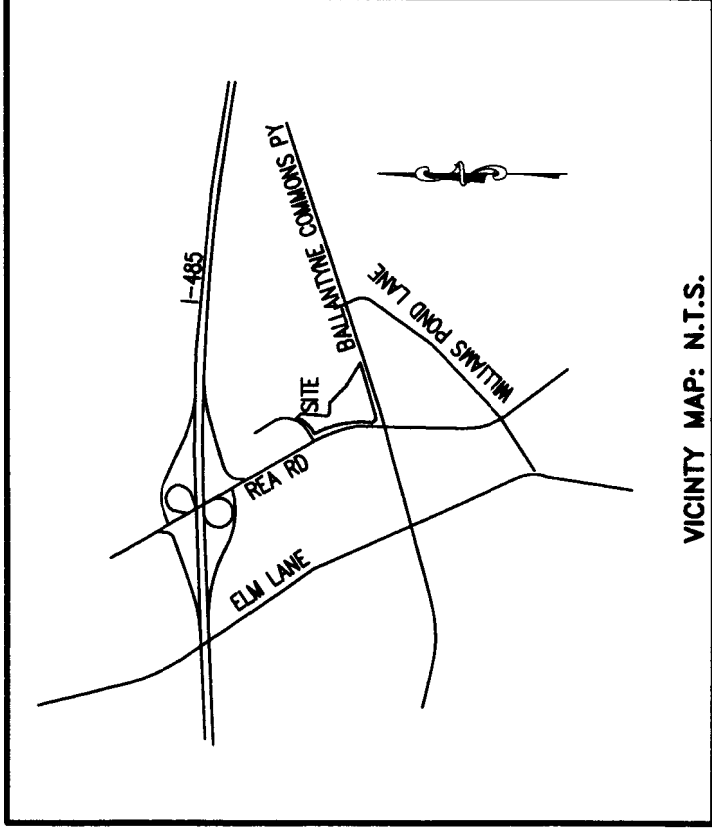
1808 West Morehead St.
Charlotte, NC 28208
T 704 / 342-1008
F 704 / 342-3003
E info@rjaarchitects.com

BUILDING MATERIAL NOTES:
brick and other masonry products, stone, different colors of paint, glass windows, water table, and/or soldier course.

PIPER STATION RETAIL SCHEMATIC BUILDING ELEVATIONS

CHARLOTTE, North Carolina - RJA Project #SP-663 - 04.21.14

Previously Approved Site Plan



VICINITY MAP: N.T.S.

DEVELOPMENT DATA:

TAX PARCEL: 22504505
EXISTING ZONING: B-1SCD
PROPOSED ZONING: NS
PROPOSED SITE AREA: 17.72 ACRES
LOT SETBACK:
FRONT: 25' FROM BACK OF CURB
REAR: 10' NONRESIDENTIAL, 20' RESIDENTIAL
SIDE: 0' NONRESIDENTIAL, 10' RESIDENTIAL

GENERAL PROVISIONS:

A. DEVELOPMENT OF THE SITE WILL BE CONTROLLED BY THE STANDARDS DEPICTED ON THIS SITE PLAN. THE PETITIONER AGREES TO COMPLY WITH ALL CITY ORDINANCES, ZONING ORDINANCES, AND ANY OTHER APPLICABLE REGULATIONS. THE PETITIONER AGREES TO MAINTAIN THE EXISTING PLANTING STRIP AND EXISTING SIDEWALK. THE PETITIONER AGREES TO MAINTAIN THE EXISTING PLANTING STRIP AND EXISTING SIDEWALK. THE PETITIONER AGREES TO MAINTAIN THE EXISTING PLANTING STRIP AND EXISTING SIDEWALK.

PURPOSE

THE PURPOSE OF THIS REZONING APPLICATION IS TO PROVIDE FOR THE REDEVELOPMENT OF THE SITE. THE PETITIONER AGREES TO COMPLY WITH ALL CITY ORDINANCES, ZONING ORDINANCES, AND ANY OTHER APPLICABLE REGULATIONS. THE PETITIONER AGREES TO MAINTAIN THE EXISTING PLANTING STRIP AND EXISTING SIDEWALK.

PERMITTED USES

USES ALLOWED ON THE PROPERTY INCLUDED IN THIS PETITION ARE THOSE USES AND ACCESSORY USES THAT ARE PERMITTED IN THE NS DISTRICT INCLUDING RESTAURANTS, HOTELS, AND A DRIVE THROUGH SERVICE WINDOW WILL NOT BE ALLOWED.

ARCHITECTURAL STANDARDS

THE DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE DISTRICT REGULATIONS OF THE NS DISTRICT. THE PETITIONER AGREES TO COMPLY WITH ALL CITY ORDINANCES, ZONING ORDINANCES, AND ANY OTHER APPLICABLE REGULATIONS. THE PETITIONER AGREES TO MAINTAIN THE EXISTING PLANTING STRIP AND EXISTING SIDEWALK.

STREETSCAPE AND LANDSCAPING

EXISTING TREES ALONG THE SITE BOUNDARY WITH THE ADJACENT MULTIFAMILY COMMUNITY WILL REMAIN AS PART OF THE BUFFERING OF OFF STREET PARKING. THE PETITIONER AGREES TO COMPLY WITH ALL CITY ORDINANCES, ZONING ORDINANCES, AND ANY OTHER APPLICABLE REGULATIONS. THE PETITIONER AGREES TO MAINTAIN THE EXISTING PLANTING STRIP AND EXISTING SIDEWALK.

ENVIRONMENTAL FEATURES

CONCEPTUAL STORM WATER FACILITIES SHOWN ON THE SITE PLAN ARE SUBJECT TO RELOCATION DURING THE DESIGN AND DEVELOPMENT PROCESS. THE PETITIONER AGREES TO COMPLY WITH ALL CITY ORDINANCES, ZONING ORDINANCES, AND ANY OTHER APPLICABLE REGULATIONS. THE PETITIONER AGREES TO MAINTAIN THE EXISTING PLANTING STRIP AND EXISTING SIDEWALK.

SIGNAGE

THE SIGNAGE SHOWN ON THE SITE PLAN IS NOT INCLUDED IN THE APPROVAL OF THE REZONING. THE PETITIONER AGREES TO COMPLY WITH ALL CITY ORDINANCES, ZONING ORDINANCES, AND ANY OTHER APPLICABLE REGULATIONS. THE PETITIONER AGREES TO MAINTAIN THE EXISTING PLANTING STRIP AND EXISTING SIDEWALK.

LIGHTING

ALL EXTERIOR LIGHTING ON THE SITE WILL UTILIZE FULL CUT-OFF LUMINAIRES AND NO "WALL PACK" TYPE LIGHTING WILL BE UTILIZED, EXCEPT THAT ARCHITECTURAL LIGHTING ON THE EXTERIOR OF BUILDINGS WILL BE PERMITTED.

PHASING

INITIAL SUBMISSION: 04/23/12
REVISED PER STAFF COMMENTS: 09-15-12
REVISED PER STAFF COMMENTS: 07-18-12

LEGEND

- EXISTING TREE
- EXISTING TREE
- EXISTING TREE
- PROPOSED TREE
- EXISTING SHRUB
- TREE SAVE AREA=16%

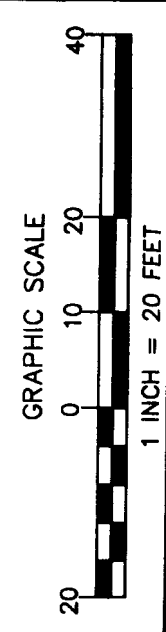
LEGEND

- EXISTING TREE
- EXISTING TREE
- EXISTING TREE
- PROPOSED TREE
- EXISTING SHRUB
- TREE SAVE AREA=16%

RECEIVED
JUL 20 2012

PRELIMINARY
DO NOT USE FOR CONSTRUCTION

| NO. | BY | DATE | REVISION |
|-----|-----|---------|----------------------|
| 1 | CBH | 6/15/12 | REVISED PER COMMENTS |
| 2 | CBH | 7/18/12 | REVISED PER COMMENTS |



Project: PIPER STATION RETAIL
Charlotte, North Carolina

File #: 12012-RZ-0069 Date: 4/20/12
Project Exp: 9/10
Design By: BTU
Drawn By: CBH
Scale: 1"=20'

Project: PIPER STATION RETAIL
Charlotte, North Carolina

File #: 12012-RZ-0069 Date: 4/20/12
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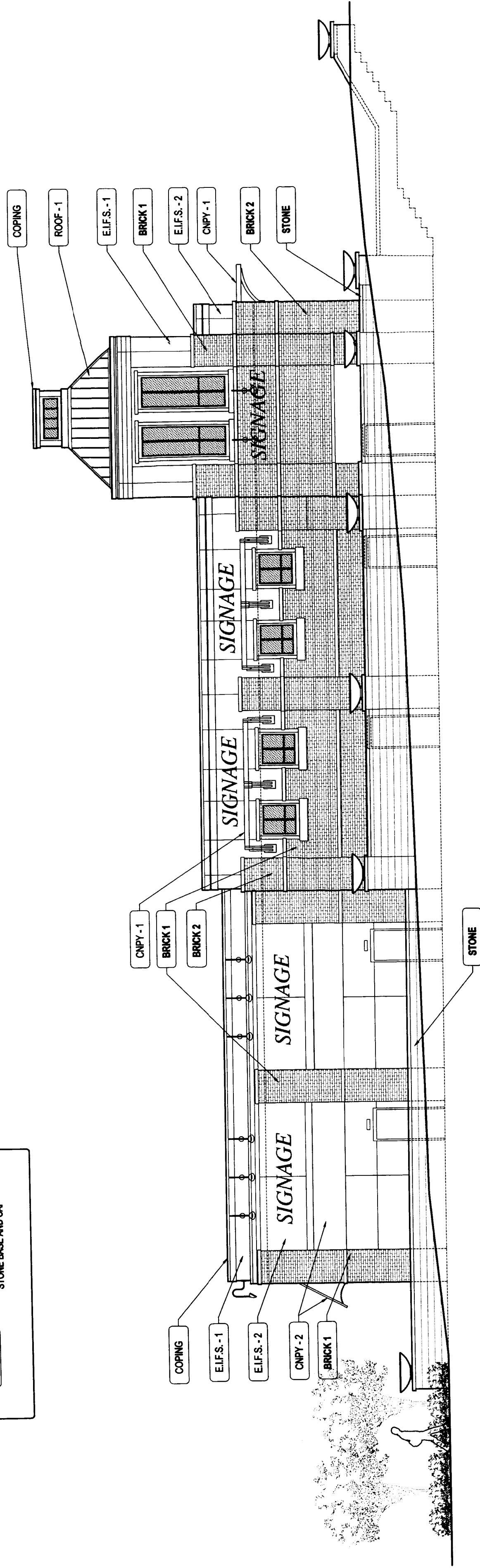
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Charlotte, North Carolina

File #: 12012-RZ-0069 Date: 4/20/12
Project Exp: 9/10
Design By: BTU
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Scale: 1"=20'

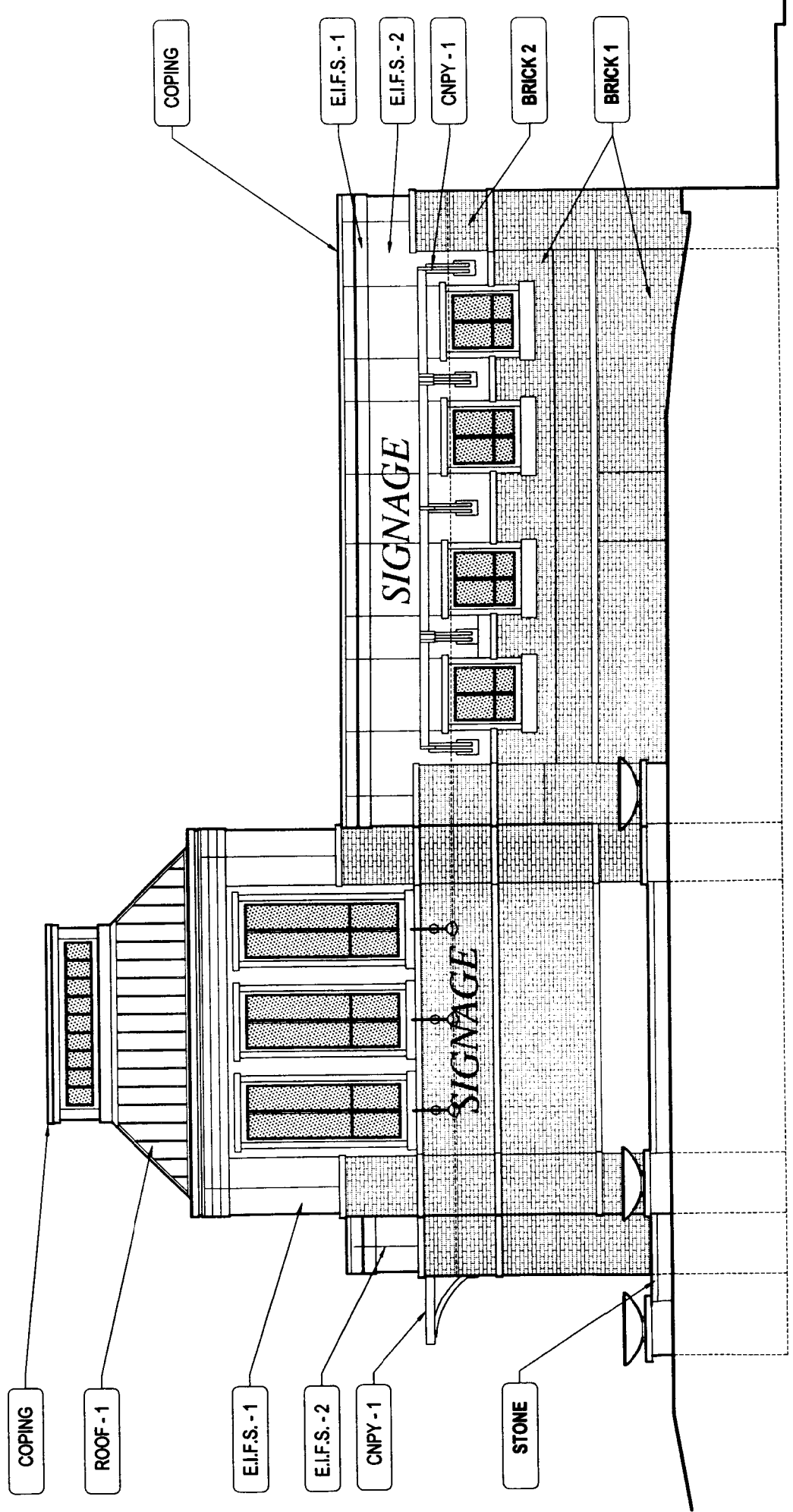
APPROVED BY
CITY COUNCIL
OCT 15

2012-069

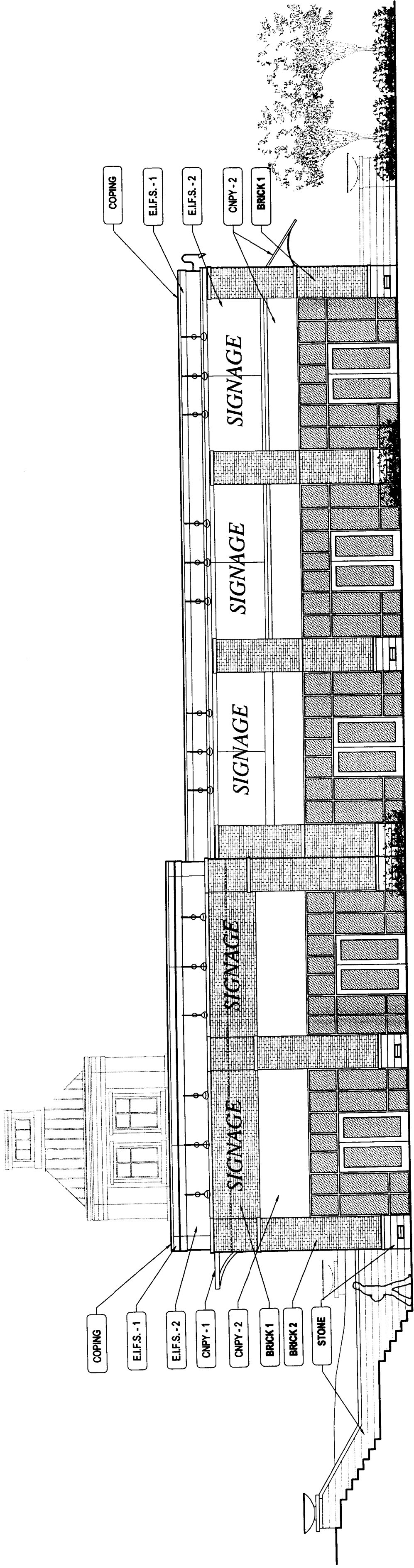
| MATERIAL LEGEND | |
|-----------------|----------------------------------|
| ROOF | Standing Seam Metal Roof System |
| COPING | REFINISHED METAL PARAPET |
| ELF.S. -1 | ELF.S. COLOR 1 |
| ELF.S. -2 | ELF.S. COLOR 2 |
| CNPLY -1 | PAINTED WOOD SHADE CANOPY SYSTEM |
| CNPLY -2 | FABRIC CANOPY SYSTEM |
| BRICK 1 | MODULAR BRICK STYLE/COLOR 1 |
| BRICK 2 | MODULAR BRICK STYLE/COLOR 2 |
| STONE | ARCHITECTURAL STONE BASE AND CAP |



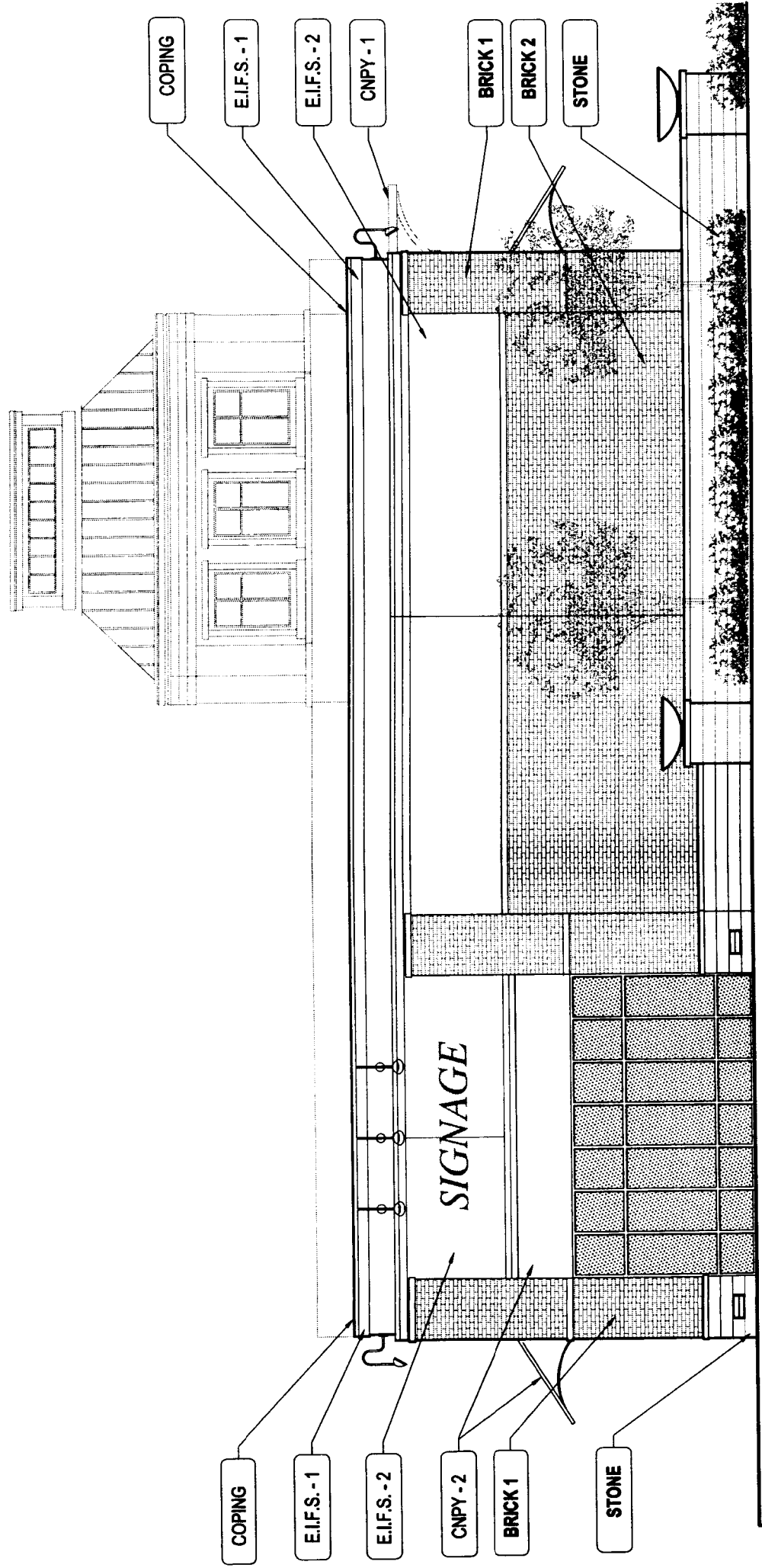
1 NORTH ELEVATION PIPER STATION DR.
SCALE: 1/8" = 1'-0"



2 WEST ELEVATION REA ROAD
SCALE: 1/8" = 1'-0"



3 SOUTH ELEVATION FROM PARKING AREA
SCALE: 1/8" = 1'-0"



4 EAST ELEVATION AT ENTRY DRIVE
SCALE: 1/8" = 1'-0"

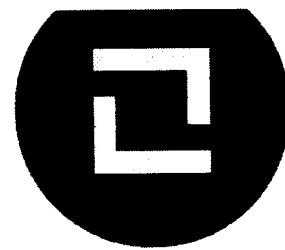
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PIPER STATION RETAIL SCHEMATIC BUILDING ELEVATIONS

CHARLOTTE, North Carolina - Rja Project #SP-663 - 07.18.12

APPROVED BY
CITY COUNCIL

OCT 15 2012



ROBERT JOHNSON
architects
1808 West Morehead St.
Charlotte, NC 28208
T 704 / 342-1058
F 704 / 342-3043
E info@rjaarchitects.com

| | |
|---------------------------------|---|
| REQUEST | Current Zoning: I-2, general industrial Proposed Zoning: MUDD(CD), mixed use development, conditional |
| LOCATION | Approximately 0.61 acres located on the east side of Seigle Avenue between East 10th Street and Otts Street across from Green Trail Lane. (Council District 1 - Kinsey) |
| SUMMARY OF PETITION | The petition proposes to allow a change of use for an existing building from a church fellowship hall to a restaurant. |
| STAFF RECOMMENDATION | Staff recommends approval of this petition. The petition is inconsistent with the <i>Belmont Area Revitalization Plan</i> ; however, it adds an amenity that will complement the redevelopment in the area, allows the reuse of an existing building, and supports the recommendation for façade improvements to existing structures. |
| PROPERTY OWNER | Mason Kazel |
| PETITIONER | Mason Kazel |
| AGENT/REPRESENTATIVE | N/A |
| COMMUNITY MEETING | Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 4 |

PLANNING STAFF REVIEW

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Intended use is a restaurant; however, all nonresidential uses allowed within the MUDD, (mixed use development) district will be permitted.
- Maintains the existing 3,782-square foot structure and allows an expansion to an overall building size of 5,000 square feet.
- Exceeds parking requirement by providing 21 spaces, which is 11 more than required. Access to site is from Seigle Avenue.
- Limits outdoor lighting to full cut-off design and detached lighting to 25 feet in height.
- Restricts garbage collection to non-business hours.
- Provides an area for outdoor seating with a decorative gated four-foot wall in front of the building.
- Limits building height to 40 feet.
- Removes some existing asphalt to the left of the building and replaces with vegetation along the top of the stream bank where asphalt is removed.
- New brick on the addition is to match existing brick.
- Creates a storefront, with the addition of a front door and clear glass windows along the ground floor of building.
- Adds a second story with windows, and a covered roof top deck/terrace accessed by new exterior stairs.

- **Existing Zoning and Land Use**

- The site is currently developed with a vacant church fellowship hall.
- The property abutting the site to the north and east is zoned I-2 (general industrial) and is used as parking for City of Charlotte Solid Waste services. The property to the south is zoned MUDD (CD) (mixed use development, conditional) and is undeveloped. The property to the west is zoned UR-2 (urban residential) and developed with multi-family dwellings.

- **Rezoning History in Area**

- Petition 2013-059 rezoned property located on the north side of the Seaboard Coast Line Railroad between Louise Avenue and Hawthorne Lane from I-2 (general industrial) to MUDD(O) (mixed use development, optional) to allow the redevelopment of the Hawthorne Mill with multi-family and office uses.

- Petition 2010-013 rezoned property located at the north intersection of Belmont Avenue and Allen Street from UR-3(CD) (urban residential, conditional) to UR-3(CD) SPA (urban residential, conditional, site plan amendment) which allows a mix of age restricted housing, along with office and retail uses.
 - Petition 2009-039 rezoned property located southeast of North Alexander Street from O-2 (office) to B-2(CD) (general business, conditional) to allow a CATS bus parking/maintenance facility with associated office and accessory uses.
 - Petition 2009-003 rezoned property located on the northwest corner of 10th Street and Seigle Avenue from UR-2 (urban residential) to MUDD (CD) (mixed use development, conditional) to allow the development of 240 multi-family residential dwellings.
 - **Public Plans and Policies**
 - The *Belmont Area Revitalization Plan* (2003) recognizes the existing land use and recommends institutional uses for this site.
 - The petition is inconsistent with the *Belmont Area Revitalization Plan*; however, it adds an amenity that will complement the redevelopment in the area, allows the reuse of an existing building, and is consistent with the Plan's recommendation for "...improvements to the façade of the existing structures that would promote a neighborhood-oriented character that will blend into the neighborhood."
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** No issues.
 - **Vehicle Trip Generation:**
Current Zoning: 40 trips per day.
Proposed Zoning: 450 trips per day.
 - **Connectivity:** No issues.
 - **Charlotte Fire Department:** Dead end truck travel shall not exceed 150 feet without an approved turn around. Access is required to within 150 feet of all exterior walls from where the fire apparatus stops.
 - **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No issues.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
 - Minimizes impacts to the natural environment by reusing the existing building.

OUTSTANDING ISSUES

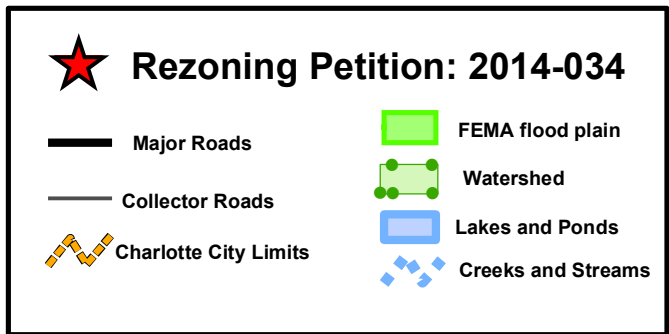
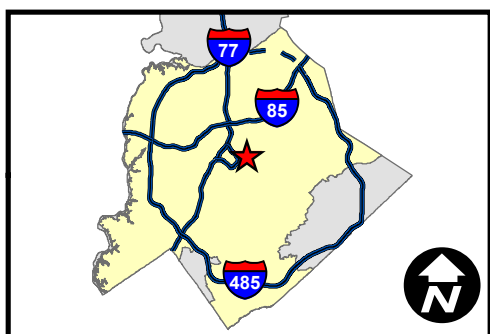
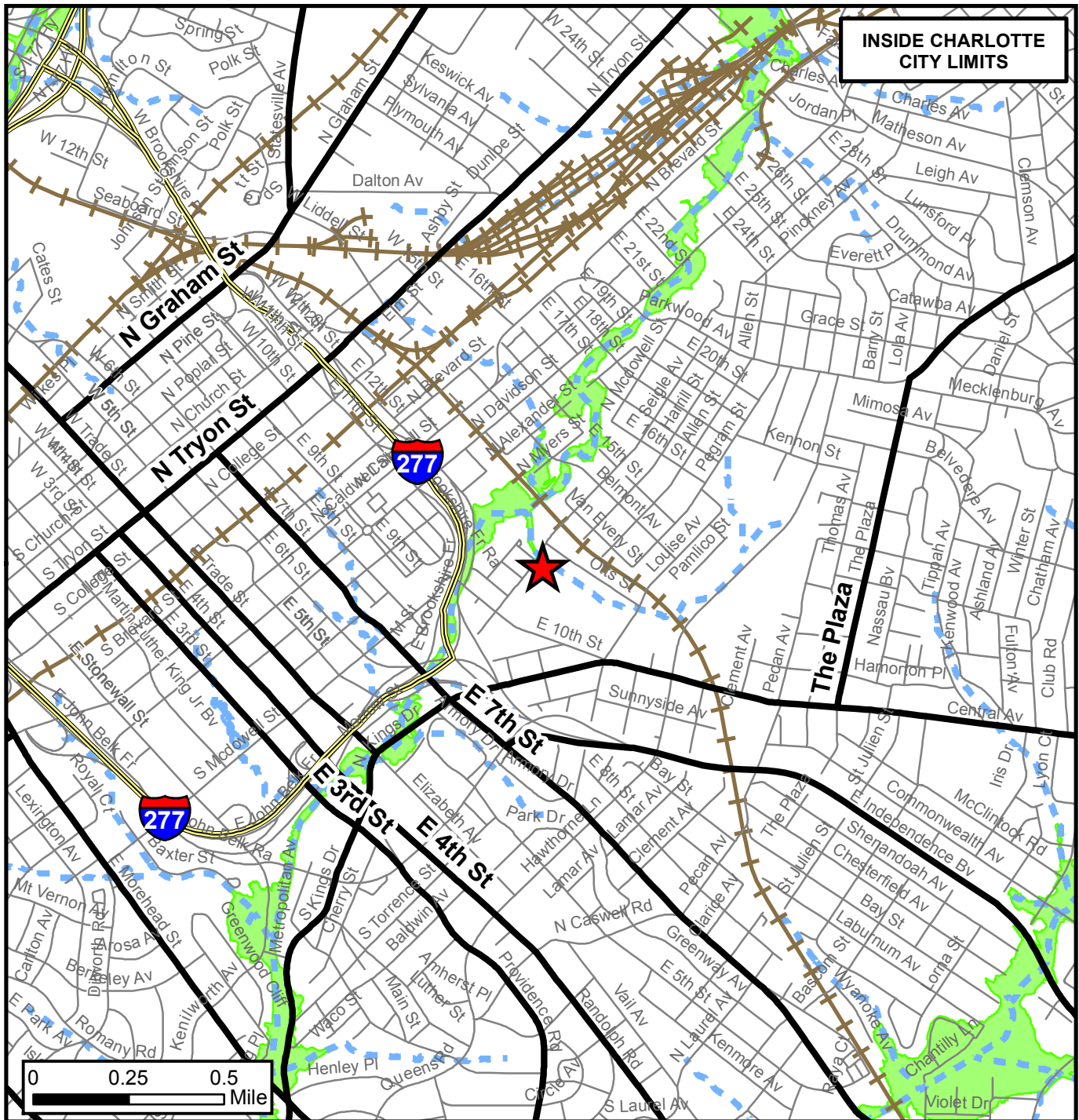
- No issues.
-

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

Planner: John Kinley (704) 336-8311

Acreage & Location : Approximately 0.61 acres located on the east side of Seigle Avenue between East 10th Street and Otts Street across from Green Trail Lane.



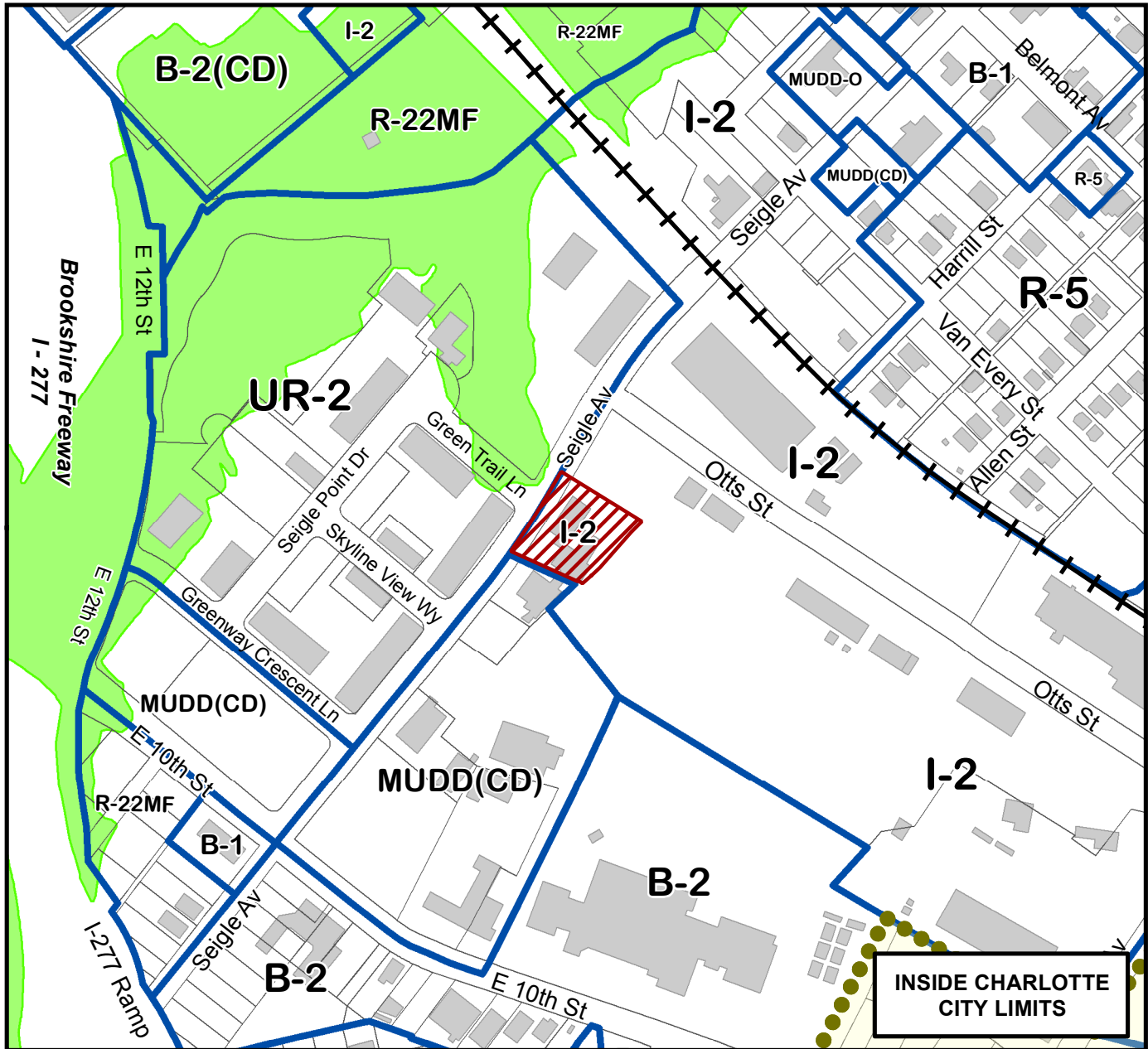
Petition #: **2014-034**

Petitioner: **Mason Kazel**

Zoning Classification (Existing): **I-2**
(General Industrial)

Zoning Classification (Requested): **MUDD(CD)**
(Mixed Use Development District, Conditional)

Acreage & Location: Approximately 0.61 acres located on the east side of Seigle Avenue between East 10th Street and Otts Street across from Green Trail Lane.



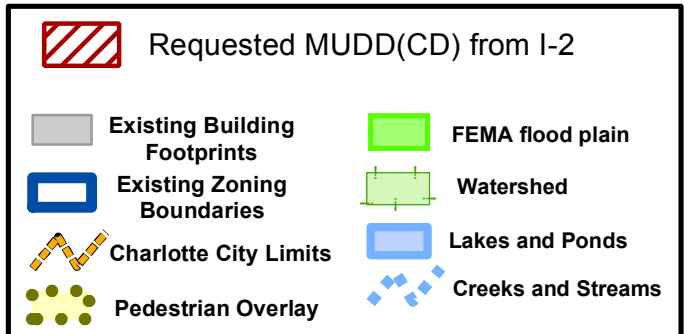
Map Produced by the Charlotte-Mecklenburg Planning Department, 2-28-14.

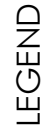
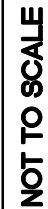
0 100 200 400 600 800 Feet



Zoning Map #(s)

102



TAREVISIONS:

FILE NAME: R01 - REZONE PLAN.DWG

col 01

PROJECT NAME:

Seigle Avenue
Restaurant

PROFESSIONAL SEALS:

KEY PLAN:

The information contained in this drawing is the property of 6 feet three, pllc. This information should be deemed to be correct and superior to electronic information. Electronic information is a component of the instruments of service and is only for the Client's benefit on the specific project and for a specific use.

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REVISION No:

DATE:

DESCRIPTION:

SHEET TITLE:

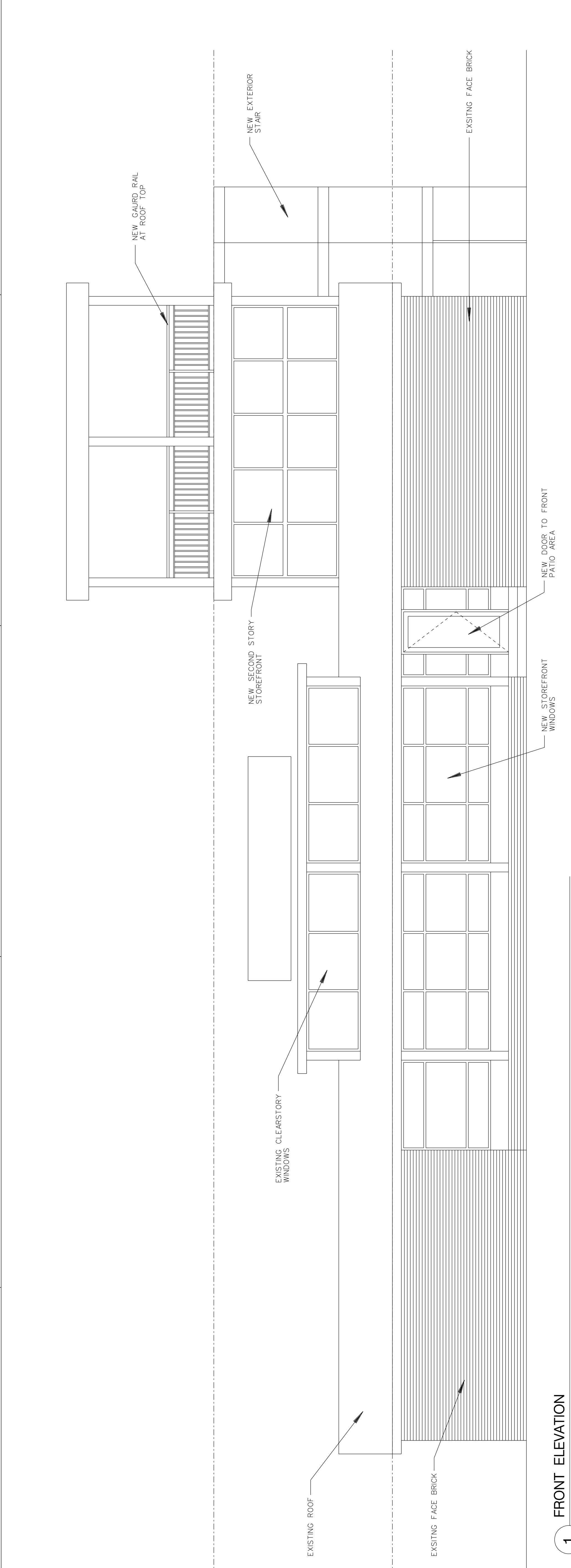
PROPOSED BUILDING
ELEVATIONS

ISSUE DATE:

April 17, 2014

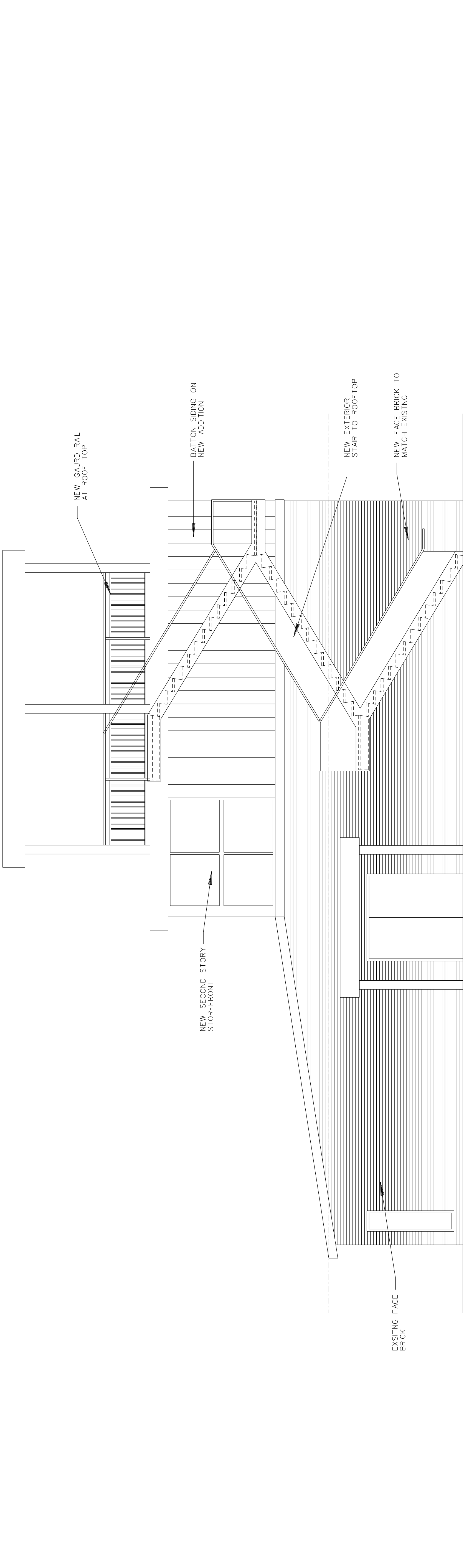
SHEET NUMBER:

A1.1



1 FRONT ELEVATION

SCALE: 1/4" = 1'-0"



2 SIDE ELEVATION

SCALE: 1/4" = 1'-0"

May 19, 2014

Note: Staff is requesting a two-month deferral of this text amendment to July 21, 2014.

| | |
|--|---|
| REQUEST | Text Amendment to Sections 3.310, 5.101, 9.8508, 9.908, 9.1211, 10.804, and 10.911 of the Zoning Ordinance |
| SUMMARY OF PETITION | <p>The petition proposes to make the following changes to the authority of the Board of Adjustment:</p> <ol style="list-style-type: none">1) allow the Board of Adjustment to have jurisdiction to hear and decide variances from specific standards of the MUDD (mixed use development), UMUD (uptown mixed use), TOD (transit oriented development), PED (pedestrian overlay), and TS (transit supportive overlay) zoning districts;2) remove restrictions that prohibit the Board of Adjustment from hearing an appeal with respect to an interpretation of, or decision made by, the Zoning Administrator regarding the TOD (transit oriented development) or PED (pedestrian overlay) development and urban design standards; and3) allow the Board of Adjustment to have the authority to consider variances related to the number and size of permissible signs in a conditional district. |
| STAFF RECOMMENDATION | Staff recommends approval of this petition. The petition is consistent with the <i>Centers, Corridors and Wedges Growth Framework goal</i> . |
| PETITIONER AGENT/REPRESENTATIVE | Charlotte-Mecklenburg Planning Department Charlotte-Mecklenburg Planning Department |
| COMMUNITY MEETING | Meeting is not required. |

PLANNING STAFF REVIEW

- **Background**
 - The Board of Adjustment currently has no jurisdiction to hear and consider variances from the MUDD (mixed use development), UMUD (uptown mixed use), TOD (transit oriented development), PED (pedestrian overlay), and TS (transit supportive overlay) zoning district standards.
 - The Board of Adjustment currently has no jurisdiction to hear an appeal with respect to an interpretation of, or decision made by the Zoning Administrator about the PED (pedestrian overlay) and TOD (transit oriented development) development and urban design standards, except as a result of a notice of violation, for which an appeal can be filed to the Board.
 - The Board of Adjustment has no authority to consider a variance related to the number or size of permissible signs in a conditional district.
- **Proposed Request Details**

The text amendment contains the following provisions:

 - Adds provisions allowing the Board of Adjustment to have jurisdiction to consider variances from the following specific standards in the MUDD (mixed use development) and UMUD (uptown mixed use) zoning districts:
 - Minimum setback
 - Minimum side yards
 - Minimum rear yard
 - Maximum height
 - Maximum size and location of signs, banners, flags and pennants
 - Minimum vehicle and bicycle parking requirements
 - Minimum loading requirements
 - Adds provisions allowing the Board of Adjustment to have jurisdiction to consider variances from the following specific standards in the TOD (transit oriented development), PED (pedestrian overlay), and TS (transit supportive overlay) zoning districts:

- Minimum setback
 - Minimum side yards
 - Minimum rear yard
 - Maximum height
 - Maximum size and location of signs, banners, flags and pennants
 - Minimum and maximum vehicle and bicycle parking requirements
 - Minimum loading requirements
 - Removes the current restrictions that prohibit the Board of Adjustment from having jurisdiction to hear appeals with respect to an interpretation of, or decision about, the development or urban design standards in the TOD (transit oriented development) and PED (pedestrian overlay district) districts, except as a result of a notice of violation for which an appeal is filed.
 - Removes the current restrictions that prohibit the Board of Adjustment from having authority to consider a variance related to the number or size of permissible signs in a conditional district. This does not include signs that are specifically restricted in the conditional district.
 - **Public Plans and Policies**
 - The petition is consistent with the goal of the *Centers, Corridors and Wedges Growth Framework* to address growth and redevelopment issues, by eliminating barriers in the development approval process.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** No issues.
 - **Vehicle Trip Generation:** Not applicable.
 - **Connectivity:** Not applicable.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** No comments received.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No issues.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:**
 - There is no site plan associated with this text amendment.

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

- Application
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Engineering and Property Management Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

Planner: Sandra Montgomery (704) 336-5722

TEXT AMENDMENT SUMMARY: Board of Adjustment

5-2-14

2012-090

Purpose/Background: The purpose of this text amendment is to make changes to the authority of the Board of Adjustment. The changes allow the Board of Adjustment to 1) have the jurisdiction to hear and decide variances from specific standards of the mixed use development (MUDD), uptown mixed use development (UMUD), transit oriented development (TOD), pedestrian overlay (PED), and transit supportive overlay (TS) zoning districts; 2) remove restrictions that prohibit the Board of Adjustment from hearing an appeal with respect to an interpretation of, or decision made by the Zoning Administrator regarding the transit oriented development (TOD) or pedestrian overlay (PED) district development or urban design standards; and 3) have authority to consider variances related to the number and size of permissible signs in a conditional district.

| Current Regulations | | Proposed Regulations | Rationale |
|---|---|---|---|
| Powers of the Board of Adjustment with respect to Conditional Districts | <ul style="list-style-type: none"> The Board of Adjustment has no authority to consider a variance relating to the number of, or size of, permissible signs in a conditional district (Section 3.310(5) and Section 5.101(4)). | <ul style="list-style-type: none"> Removes this restriction | <ul style="list-style-type: none"> Allows a variance to be considered in this situation. |
| MIXED USE DEVELOPMENT DISTRICT – OPTIONAL (MUDD-O) | | | |
| Powers of the Board of Adjustment in the MUDD – Optional (mixed use development – optional) Zoning District | <ul style="list-style-type: none"> The Board of Adjustment shall not have jurisdiction to grant variances from the MUDD (mixed use development) design standards. (Section 9.8508). | <ul style="list-style-type: none"> Removes this restriction. Adds new provisions in the MUDD - Optional (mixed use development - optional) zoning district to allow the Board of Adjustment to have jurisdiction to grant variances only from the following specific standards, if not specified on an approved conditional plan: <ul style="list-style-type: none"> Minimum setback Minimum side yards Minimum rear yard Maximum height Maximum size and location of signs, banners, flags and pennants Minimum vehicle and bicycle parking requirements Minimum loading requirements. | <ul style="list-style-type: none"> Allows a variance to be considered in MUDD-Optional (mixed use development - optional) situations. |
| UPTOWN MIXED USE DISTRICT – OPTIONAL (UMUD-O) | | | |
| Powers of the Board of Adjustment in the UMUD-Optional (uptown mixed use development - optional) Zoning District | <ul style="list-style-type: none"> The Board of Adjustment shall not have jurisdiction to grant variances from the UMUD (uptown mixed use development) design standards. (Section 9.908) | <ul style="list-style-type: none"> Removes this restriction. Adds new provisions in the UMUD-Optional (uptown mixed use development - optional) provisions to allow the Board of Adjustment to have jurisdiction to grant variances only from the following specific standards, if not specified on an approved conditional plan: <ul style="list-style-type: none"> Minimum setback Minimum side yards Minimum rear yard Maximum height Maximum size and location of signs, banners, flags and pennants Minimum vehicle and bicycle parking requirements Minimum loading requirements. | <ul style="list-style-type: none"> Allows a variance to be considered in UMUD-Optional (uptown mixed use development - optional) situations. |

| TRANSIT ORIENTED DEVELOPMENT DISTRICT – (TOD) | | | |
|--|---|---|---|
| Powers of the Board of Adjustment in the TOD (transit oriented development) Zoning Districts | <ul style="list-style-type: none">• The Board of Adjustment shall have no authority to grant variances from the development and urban design standards. (Section 9.1211) | <ul style="list-style-type: none">• Removes this restriction.• Adds new language in the TOD (transit oriented development) zoning districts to allow the Board of Adjustment to have jurisdiction to grant variances only from the following specific standards:<ul style="list-style-type: none">• Minimum setback• Minimum side yards• Minimum rear yard• Maximum height• Minimum and Maximum vehicle and bicycle parking requirements• Minimum loading requirements• Maximum size and location of signs, banners, flags and pennants. | <ul style="list-style-type: none">• Allows a variance to be considered in the TOD (transit oriented development) zoning districts. |
| | <ul style="list-style-type: none">• The Board of Adjustment shall have no jurisdiction with respect to an interpretation of, or decision about the development or urban design standards, except as a result of a notice of violation for which an appeal is filed. (Section 9.1211) | <ul style="list-style-type: none">• Removes this restriction. | <ul style="list-style-type: none">• Allows the Board of Adjustment to hear an appeal of the interpretation of, or decision of the Zoning Administrator. |
| PEDESTRIAN OVERLAY DISTRICT (PED) | | | |
| Powers of the Board of Adjustment in the PED (pedestrian overlay) Zoning District | <ul style="list-style-type: none">• The Board of Adjustment shall have no authority to grant variances from the development and urban design standards. (Section 10.804)• A deviation from a development or urban design standards can be obtained as a result of administrative approval, or as the result of a Council approved pedestrian overlay district (PED) (optional). (Section 10.804) | <ul style="list-style-type: none">• Removes this restriction.• Adds new provisions in the pedestrian overlay district (PED) provisions to allow the Board of Adjustment to have jurisdiction to grant variances only from the following development standards:<ul style="list-style-type: none">• Minimum setback• Minimum side yards• Minimum rear yard• Maximum height• Minimum and maximum vehicle and bicycle parking requirements• Minimum loading requirements• Maximum size and location of signs, banners, flags and pennants.• A deviation can still be obtained (Section 10.803). | <ul style="list-style-type: none">• Allows a variance to be considered in the pedestrian overlay district (PED) zoning districts. |
| | <ul style="list-style-type: none">• The Board of Adjustment shall have no jurisdiction with respect to an interpretation of, or decision about the development or urban design standards, except as a result of a notice of violation for which an appeal is filed. (Section 10.804) | <ul style="list-style-type: none">• Removes this restriction. | <ul style="list-style-type: none">• Allows the Board of Adjustment to hear an appeal of the interpretation of, or decision of the Zoning Administrator. |

TRANSIT SUPPORTIVE OVERLAY DISTRICT (TS)

Powers of the Board of Adjustment in the TS (transit supportive overlay) Zoning District

- The Board of Adjustment shall have no jurisdiction to hear and decide petitions for variances from the development and urban design standards. (Section 10.911)

- Removes this restriction.
- Adds new provisions in the transit supportive overlay (TS) zoning district to allow the Board of Adjustment to have jurisdiction only to hear and decide variances from the following specific standards:
 - Minimum setback
 - Minimum side yards
 - Minimum rear yard
 - Maximum height
 - Minimum and maximum vehicle and bicycle parking requirements
 - Minimum loading requirements
 - Maximum size and location of signs, banners, flags and pennants.

- Allows a variance to be considered in the TS (transit supportive overlay) zoning districts.

| | |
|--|--|
| REQUEST | Text amendment to Sections 2.201, 10.812, and 10.813 of the Zoning Ordinance |
| SUMMARY OF PETITION | <p>The petition proposes to:</p> <ol style="list-style-type: none">1) create new definitions for building length and façade modulation;2) clarify that there is no maximum density for residential dwellings in the pedestrian overlay (PED) district;3) modify the parking space requirements for multi-family units located in the Midtown, Morehead, Cherry pedestrian overlay district and the East Boulevard pedestrian overlay district; and4) create new supplemental design standards for the Midtown, Morehead, Cherry pedestrian overlay district and the East Boulevard pedestrian overlay district. |
| STAFF RECOMMENDATION | Staff recommends approval of this petition. This petition is consistent with <i>Centers, Corridors and Wedges Growth Framework</i> goals to preserve and enhance existing neighborhoods; to create a vibrant economy; to support a more urban and pedestrian-oriented form of development; and to develop neighborhood-scale commercial uses. |
| PETITIONER AGENT/REPRESENTATIVE | Charlotte-Mecklenburg Planning Department Charlotte-Mecklenburg Planning Department |
| COMMUNITY MEETING | Meeting is not required. Staff held six meetings to discuss this text amendment with PED (pedestrian overlay) property owners, neighborhood leaders, and other interested parties, as well as architects and engineers. |

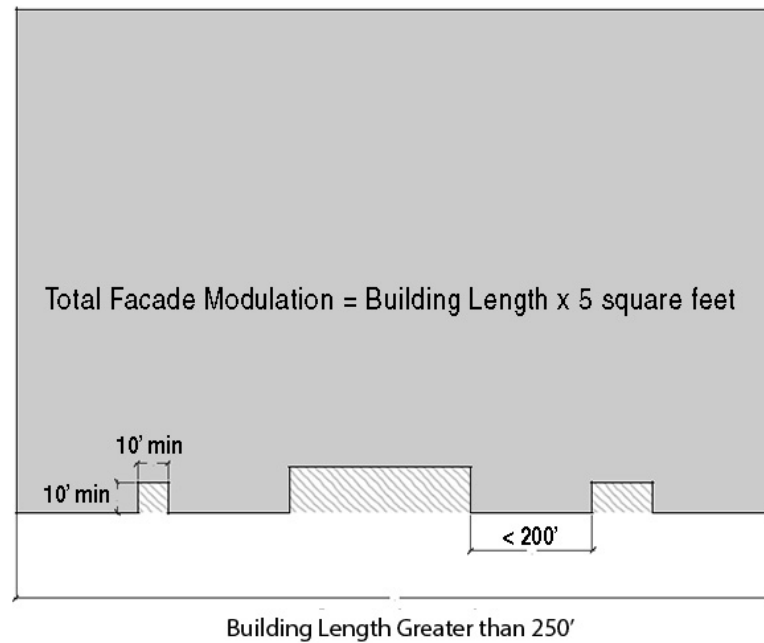
PLANNING STAFF REVIEW

- **Background**
 - A public hearing was held on this text amendment on March 19, 2013, to clarify that there is no maximum density for residential dwelling in the pedestrian overlay (PED) district.
 - Citizen comments received at the public hearing led staff to host a series of meetings with pedestrian overlay district property owners, neighborhood leaders, and other interested parties, as well as architects and engineers. The purpose of these meetings was to discuss outstanding issues and to discuss possible modifications to the text amendment to address neighborhood concerns. Staff presented proposed modifications to the parking standards and new supplemental design standards to Dilworth and Cherry neighborhood leaders, property owners, and other interested parties related to the Midtown, Morehead, Cherry pedestrian overlay district and the East Boulevard pedestrian overlay district. These have been incorporated into the text amendment.
 - Resulting modifications to the text amendment are considered significant enough to warrant a new public hearing.
- **Proposed Request Details**

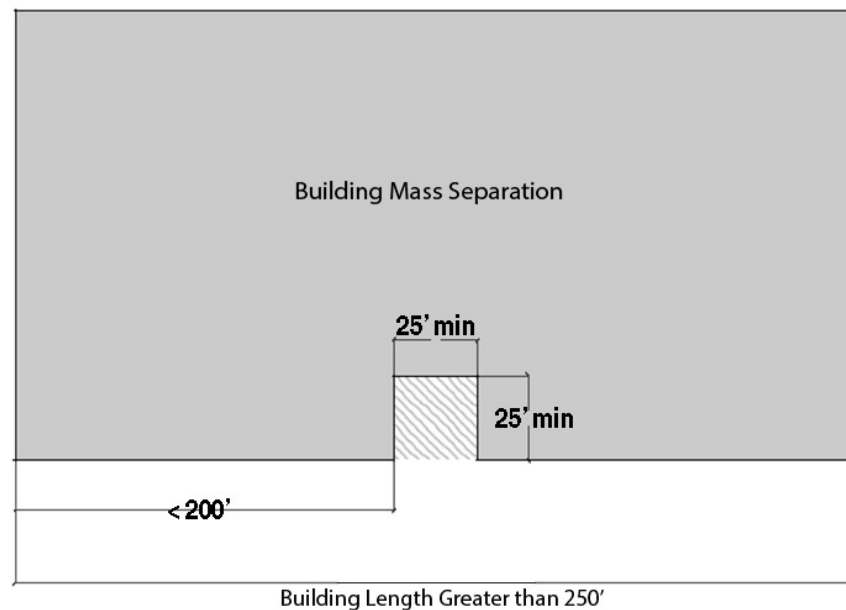
The text amendment contains the following provisions:

 - Adds new definitions for building length and façade modulation.
 - Adds language to Table 10.812(1) to clarify that there is no maximum density for residential dwellings in the pedestrian overlay (PED) district. This addition clarifies that underlying zoning district regulations for density do not apply.
 - Modifies the minimum parking requirements for multi-family units from 1.0 parking space per dwelling unit to 1.25 parking spaces per dwelling unit.
 - Adds the following new supplemental design standards for properties within the boundaries of the Midtown, Morehead, Cherry pedestrian overlay district and the East Boulevard pedestrian overlay district:

- Building facades greater than 250 feet in length along a street shall include one of the following features to achieve pedestrian scale and break up the building mass and bulk:
 - Facade modulation: The minimum amount of façade modulation shall be five (5) square feet per each linear foot of building length fronting a street. Each modulation shall be open to the sky with a minimum width of ten (10) feet and a minimum depth of ten (10) feet, as measured from the front building line. Modulation may be distributed along the building length within multiple modulations. Modulations shall occur at intervals no greater than 200 feet in length.



- Building mass separation: Building mass separation shall be provided at a depth of at least 25 feet from the front building line and a width of at least 25 feet, open to the sky, for at least every 200 feet of total building length fronting a street.



- Architectural variation: The Planning Director, or designee, shall have the authority to approve an alternative design that incorporates architectural variations along public rights-of-way. The alternative design shall utilize a combination of the following, at increments no greater than 100 feet: varied roof pitches, building heights, architectural styles, window arrangement and size variations, external building material changes, and offset wall planes.
 - All buildings over five (5) stories in height shall be designed with an architectural base distinguishable from the remainder of the building to enhance the pedestrian environment. The base shall not be more than two stories in height and shall utilize a combination of the following: cornices, belt courses, molding, stringcourses, ornamentation, changes in color and material, or other sculpting of the base.
 - **Public Plans and Policies**
 - The petition is consistent with *Centers, Corridors and Wedges Growth Framework* goals to preserve and enhance existing neighborhoods; to create a vibrant economy; to support a more urban and pedestrian-oriented form of development; and to develop neighborhood-scale commercial uses.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** No issues.
 - **Vehicle Trip Generation:** Not applicable.
 - **Connectivity:** Not applicable.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** Not applicable.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:**
 - There is no site plan associated with this text amendment.

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

- Application
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Mecklenburg County Parks and Recreation Review

Planner: Sandra Montgomery (704) 336-5722

TEXT AMENDMENT SUMMARY: PED (Pedestrian Overlay District)
4-25-14

2013-026

Purpose/Background: The purpose of this text amendment is to 1) add new definitions for “building length” and “façade modulation”; 2) clarify residential density in the PED Overlay district; 3) add new parking space requirements for multi-family units located in the Midtown, Morehead, Cherry Pedestrian Overlay District and the East Boulevard Pedestrian Overlay District; and 4) add new supplemental design standards for the Midtown, Morehead, Cherry Pedestrian Overlay District and the East Boulevard Pedestrian Overlay District.

| Item | Current Regulations | Proposed Regulations | Rationale |
|------------------------------------|--|---|---|
| Definitions | None | <p>Add new definitions and illustrations for “building length” and “façade modulation:</p> <p><u>Building length:</u> That dimension of a building extending between the established yards and/or established setbacks along a street.</p> <p><u>Façade Modulation:</u> Variations in the plane of a building wall that break up the mass and bulk of a building. Façade modulation is calculated as the area created between the front building line and the recessed building façade.</p> | Add definitions and illustrations to explain new terms. |
| Maximum Residential Density | <p>A number of PED (pedestrian overlay district) standards and requirements have precedence over the underlying zoning district standards and requirements. Table 10.812(1) lists the following standards that apply to PED (pedestrian overlay district) for area, yard and bulk regulations:</p> <p>(See table on next page)</p> | <p>Add a new row to Table 10.8123(1) titled, “Maximum Residential Density” and “None” to show that there is no maximum density in the PED (pedestrian overlay district).</p> <p>(See table on next page)</p> | <p>The intent of PED (pedestrian overlay district) has always been that there is no maximum density. This clarifies the intent.</p> |

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|--|--|--------------------------------|------|--|--------|--------------------------|--------|-------------------------------------|------|-----------------------|--------|--------------------------|---------|-------------------------------------|--------|-----------------------|--------|-------------|---------|--------------------------------------|----------|---|------------------|------|--------------------------------|------|------------------------------------|-------------|--|--------|--------------------------|--------|-------------------------------------|------|-----------------------|--------|--------------------------|---------|-------------------------------------|--------|-----------------------|--------|-------------|---------|--------------------------------------|----------|--|
| | <p>Table 10.812(1)</p> <table><tr><td>Minimum Lot Area</td><td>None</td></tr><tr><td>Maximum Floor Area Ratio (FAR)</td><td>None</td></tr><tr><td>Minimum Setback (feet)^{1-6A}</td><td>Varies</td></tr><tr><td>Minimum Side Yard (feet)</td><td>5 feet</td></tr><tr><td>-Abutting residential use or zoning</td><td>None</td></tr><tr><td>-All other conditions</td><td>5 feet</td></tr><tr><td>Minimum Rear Yard (feet)</td><td>20 feet</td></tr><tr><td>-Abutting residential use or zoning</td><td>5 feet</td></tr><tr><td>-All other conditions</td><td>5 feet</td></tr><tr><td>Base Height</td><td>40 feet</td></tr><tr><td>Maximum Height (feet)⁷⁻⁹</td><td>100 feet</td></tr></table> | Minimum Lot Area | None | Maximum Floor Area Ratio (FAR) | None | Minimum Setback (feet) ^{1-6A} | Varies | Minimum Side Yard (feet) | 5 feet | -Abutting residential use or zoning | None | -All other conditions | 5 feet | Minimum Rear Yard (feet) | 20 feet | -Abutting residential use or zoning | 5 feet | -All other conditions | 5 feet | Base Height | 40 feet | Maximum Height (feet) ⁷⁻⁹ | 100 feet | <p>Table 10.812(1)</p> <table><tr><td>Minimum Lot Area</td><td>None</td></tr><tr><td>Maximum Floor Area Ratio (FAR)</td><td>None</td></tr><tr><td>Maximum Residential Density</td><td>None</td></tr><tr><td>Minimum Setback (feet)^{1-6A}</td><td>Varies</td></tr><tr><td>Minimum Side Yard (feet)</td><td>5 feet</td></tr><tr><td>-Abutting residential use or zoning</td><td>None</td></tr><tr><td>-All other conditions</td><td>5 feet</td></tr><tr><td>Minimum Rear Yard (feet)</td><td>20 feet</td></tr><tr><td>-Abutting residential use or zoning</td><td>5 feet</td></tr><tr><td>-All other conditions</td><td>5 feet</td></tr><tr><td>Base Height</td><td>40 feet</td></tr><tr><td>Maximum Height (feet)⁷⁻⁹</td><td>100 feet</td></tr></table> | Minimum Lot Area | None | Maximum Floor Area Ratio (FAR) | None | Maximum Residential Density | None | Minimum Setback (feet) ^{1-6A} | Varies | Minimum Side Yard (feet) | 5 feet | -Abutting residential use or zoning | None | -All other conditions | 5 feet | Minimum Rear Yard (feet) | 20 feet | -Abutting residential use or zoning | 5 feet | -All other conditions | 5 feet | Base Height | 40 feet | Maximum Height (feet) ⁷⁻⁹ | 100 feet | |
| Minimum Lot Area | None | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Maximum Floor Area Ratio (FAR) | None | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Minimum Setback (feet) ^{1-6A} | Varies | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Minimum Side Yard (feet) | 5 feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| -Abutting residential use or zoning | None | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| -All other conditions | 5 feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Minimum Rear Yard (feet) | 20 feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| -Abutting residential use or zoning | 5 feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| -All other conditions | 5 feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Base Height | 40 feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Maximum Height (feet) ⁷⁻⁹ | 100 feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Minimum Lot Area | None | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Maximum Floor Area Ratio (FAR) | None | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Maximum Residential Density | None | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Minimum Setback (feet) ^{1-6A} | Varies | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Minimum Side Yard (feet) | 5 feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| -Abutting residential use or zoning | None | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| -All other conditions | 5 feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Minimum Rear Yard (feet) | 20 feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| -Abutting residential use or zoning | 5 feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| -All other conditions | 5 feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Base Height | 40 feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Maximum Height (feet) ⁷⁻⁹ | 100 feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Supplemental Design Standards for the Midtown, Morehead, Cherry Pedestrian Overlay District and the East Boulevard Pedestrian Overlay District | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Multi-Family Parking Requirements | Minimum one (1) parking space per dwelling unit | Modify to minimum of 1.25 parking spaces per dwelling unit. | <ul style="list-style-type: none">Helps to prevent over-flow parking in single family residential areas by guests. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Supplemental Design Standards | None | Adds new requirements for all new buildings and uses: <ul style="list-style-type: none">Large scale building facades where the total building length is greater than two-hundred fifty (250) feet shall include one or more of the following features to achieve pedestrian scale and break down the building mass and bulk:<ul style="list-style-type: none">Facade Modulation is intended to create variations in the façade to break up large building masses. The minimum amount of | <ul style="list-style-type: none">Helps protect the character of the Midtown, Morehead, Cherry Pedestrian Overlay District and the East Boulevard Pedestrian Overlay District. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

façade modulation shall be 5 square feet per each linear foot of building length fronting a street. Each modulation shall be open to the sky with a minimum width of 10 feet and minimum depth of 10 feet, as measured from the front building line. This calculated amount of modulation may be distributed along the building length within multiple modulations. Modulations shall occur at intervals no greater than 200' in length.

- **Building Mass Separation** is intended to break up long, continuous building walls and create the appearance of multiple buildings. Building mass separation shall be provided at a depth of at least 25 feet from the front building line and a width of at least 25 feet, open to the sky, for at least every 200 feet of total building length fronting a street.
- **Architectural Variation** is intended to create the appearance of smaller, attached buildings to reduce the apparent size of a building. The Planning Director, or his or her authorized designee, shall have the authority to approve an alternative design that incorporates architectural variations along public rights-of-way. The alternative design shall utilize a combination of the following, at increments no greater than 100', to break up the building mass: varied roof pitches, building heights, architectural styles, window arrangement and size variations, external building material changes, offset wall planes.
- All buildings over five stories shall be designed with an architectural base distinguishable from the remainder of the building to enhance the pedestrian environment. The base shall not be more than two stories in height and shall utilize a combination of the following: cornices, belt courses, molding, stringcourses, ornamentation, changes in color and material, or other sculpting of the base.

Petition No. 2013-026

Petitioner: Charlotte-Mecklenburg Planning Department

**AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE –ZONING ORDINANCE**

ORDINANCE NO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

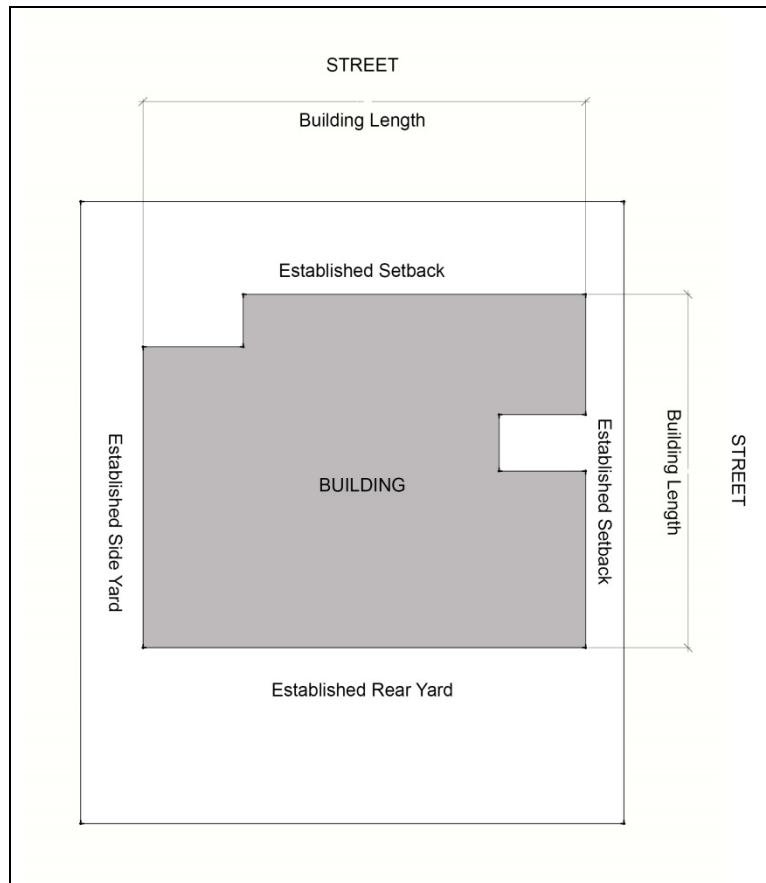
A. CHAPTER 2: DEFINITIONS AND RULES OF CONSTRUCTION

1. PART 2: DEFINITIONS

- a. Amend Section 2.201, "Definitions" by adding a new definition for "building length" and "façade modulation" in alphabetical order, that reads as follows:

Building length.

That dimension of a building extending between the established yards and/or established setbacks along a street.



Façade Modulation.

Variations in the plane of a building wall that break up the mass and bulk of a building. Façade modulation is calculated as the area created between the front building line and the recessed building façade.

B. CHAPTER 10: OVERLAY DISTRICTS

1. PART 8: PEDESTRIAN OVERLAY DISTRICT

- a. Amend Section 10.812, “Development Standards”, subsection (1), “Areas, yard and bulk regulations”, Table 10.812(1) by adding a new row for “maximum residential density” to the table. All remaining sections and subsections remain unchanged. The revised subsection shall read as follows:

Table 10.812(1)

| | |
|--|-------------------|
| Minimum Lot Area | None |
| Maximum Floor Area Ratio (FAR) | None |
| <u>Maximum Residential Density</u> | <u>None</u> |
| Minimum Setback (feet) ¹⁻⁶ | Varies |
| Minimum Side Yard (feet) -Abutting residential use or zoning -All other conditions | 5 feet None |
| Minimum Rear Yard (feet) -Abutting residential use or zoning -All other conditions | 20 feet 5 feet |
| Base Height | 40 feet |
| Maximum Height (feet) ⁷⁻⁹ | 100 feet |

- b. Amend Section 10.812, “Development Standards”, subsection (2), “Parking standards”, by modifying table 10.812(3), “Number of Parking Spaces” to add new regulations for multi-family units located in the Midtown, Morehead, Cherry Pedestrian Overlay District and the East Boulevard Pedestrian Overlay District. The revised table shall read as follows:

Table 10.812(3) Number of Parking Spaces

| Use | Minimum/Maximum Number of Parking Spaces |
|--------------------------------|---|
| Hotels and motels | Minimum 0.5 spaces per room |
| Religious institutions | Maximum One (1) space per 8 seats |
| Residential | Minimum One (1) space per dwelling unit, <u>except in the Midtown, Morehead, Cherry Pedestrian Overlay District and the East Boulevard Pedestrian Overlay District: Minimum 1.25 spaces per dwelling unit for multi-family units.</u> Minimum .25 spaces per unit for Multi-Family Elderly or Disabled |
| Restaurants/Nightclubs | Minimum One (1) space per 125 square feet |
| All Other Non-Residential Uses | Minimum One (1) space per 600 square feet |

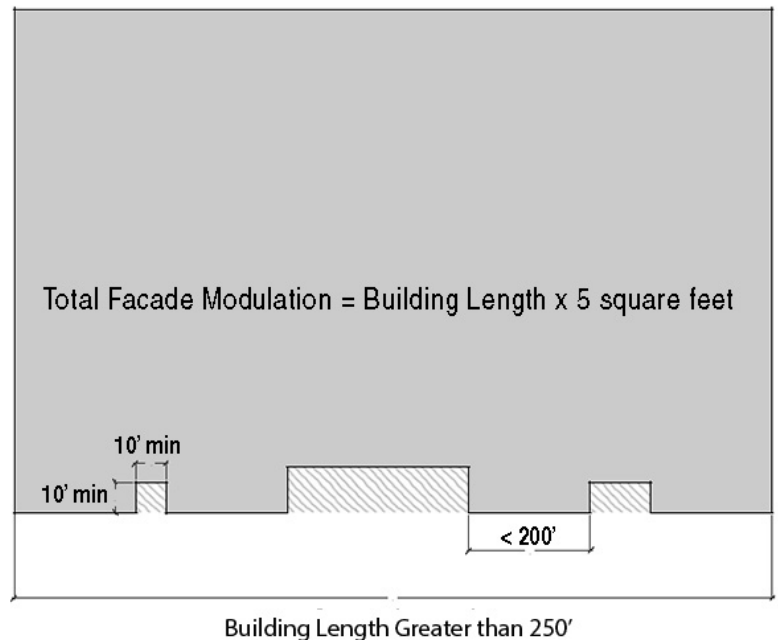
- c. Amend Section 10.813, “Urban Design Standards”, by adding a new subsection (2), titled, “Supplemental Design Standards for the Midtown, Morehead, Cherry Pedestrian Overlay District and the East Boulevard Pedestrian Overlay District”, with new supplemental design standards for development within these specific zoning districts. The new subsection shall read as follows:

(2) Supplemental Design Standards for the Midtown, Morehead, Cherry Pedestrian Overlay District and the East Boulevard Pedestrian Overlay District.

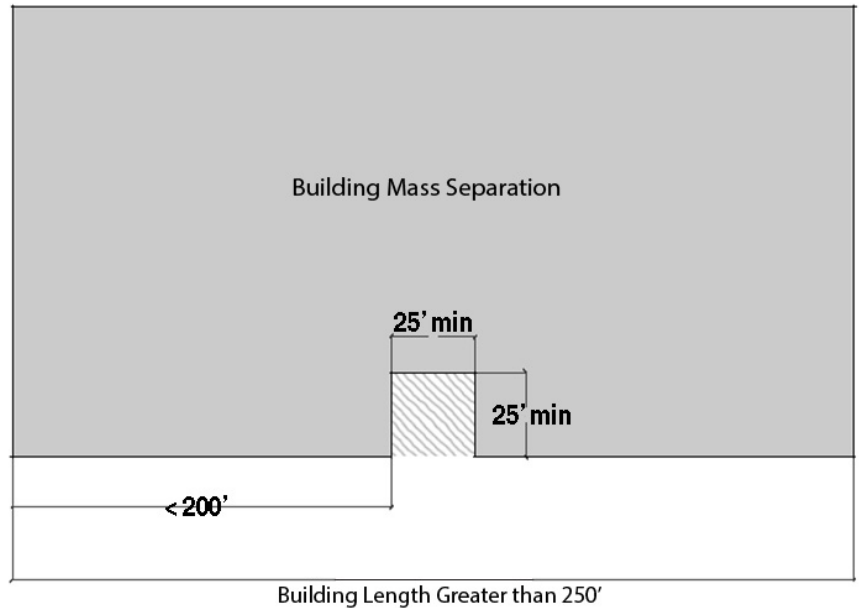
All new buildings and uses located within these boundaries of the Midtown, Morehead, Cherry Pedestrian Overlay District and the East Boulevard Pedestrian Overlay District shall be subject to the requirements of Section 10.813(1) plus the following minimum standards:

(a) Large scale building facades where the total building length is greater than two-hundred fifty (250) feet shall include one or more of the following features to achieve pedestrian scale and break down the building mass and bulk:

1. **Façade Modulation** is intended to create variations in the façade to break up large building masses. The minimum amount of façade modulation shall be 5 square feet per each linear foot of building length fronting a street. Each modulation shall be open to the sky with a minimum width of 10 feet and minimum depth of 10 feet, as measured from the front building line. This calculated amount of modulation may be distributed along the building length within multiple modulations. Modulations shall occur at intervals no greater than 200' in length.



2. **Building Mass Separation** is intended to break up long, continuous building walls and create the appearance of multiple buildings. Building mass separation shall be provided at a depth of at least 25 feet from the front building line and a width of at least 25 feet, open to the sky, for at least every 200 feet of total building length fronting a street.



3. **Architectural Variation** is intended to create the appearance of smaller, attached buildings to reduce the apparent size of a building. The Planning Director, or his or her authorized designee, shall have the authority to approve an alternative design that incorporates architectural variations along public rights-of-way. The alternative design shall utilize a combination of the following, at increments no greater than 100', to break up the building mass: varied roof pitches, building heights, architectural styles, window arrangement and size variations, external building material changes, offset wall planes.
- (b) All buildings over five stories shall be designed with an architectural base distinguishable from the remainder of the building to enhance the pedestrian environment. The base shall not be more than two stories in height and shall utilize a combination of the following: cornices, belt courses, molding, stringcourses, ornamentation, changes in color

and material, or other sculpting of the base.

Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:

City Attorney

I, _____, City Clerk of the City of Charlotte, North Carolina, DO
HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted
by the City Council of the City of Charlotte, North Carolina, in regular session convened
on the _____ day of _____, 2014, the reference having been made in Minute Book _____,
and recorded in full in Ordinance Book _____, Page(s)_____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this
_____ day of _____, 2014.

| | |
|---|--|
| REQUEST | Current Zoning: R-5, single family residential and O-1(CD), office, conditional Proposed Zoning: NS, neighborhood services |
| LOCATION | Approximately 5.18 acres located on the north side of West Boulevard and generally surrounded by Old Steele Creek Road, Elmin Street, Walter Street, and West Boulevard. (Council District 3 - Mayfield) |
| SUMMARY OF PETITION | The petition proposes to allow for the development of a 16,000-square foot government building to be used for a police facility and other government office space. |
| STAFF RECOMMENDATION | <p>Staff recommends approval of this petition upon resolution of outstanding issues. The portion of the rezoning site zoned O-1(CD) (office, conditional) is consistent with the institutional land use recommendation in the <i>Central District Plan</i>, as amended by a previous rezoning. The portion of the rezoning site zoned R-5 (single family residential) is inconsistent with the plan's recommendation for single family residential up to 5 dwelling units per acre.</p> <p>Area plans frequently do not specify locations for institutional uses. However, this type of use is appropriate at this location given its siting on a major thoroughfare, and its proximity to neighboring areas the proposed facility will support.</p> |
| PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE | Habitat for Humanity and Imani, Inc. City of Charlotte Monifa Hendrickson-Woodside |
| COMMUNITY MEETING | Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 4 |

PLANNING STAFF REVIEW

- **Background**
 - Approval of petition 2005-097 rezoned a portion of the subject site from R-5 (single family residential) and I-1 (light industrial) to O-1(CD) (office, conditional) to allow the construction of a 15,400-square foot funeral home with associated parking, landscaping, and streetscape improvements. To date, this development has not been constructed.
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

 - A government building with up to 16,000 square feet of police and other government office uses and a 2,000-square foot accessory structure.
 - Visitor parking area accessible from West Boulevard and secured parking for police vehicles to the rear of the building.
 - A black aluminum fence is provided around the perimeter of the parking area.
 - Parking rate increased from the standard one parking space per 600 square feet within the NS (neighborhood services) district to one parking space per 300 square feet as typically required for government buildings.
 - A 20-foot class "C" buffer is provided along property lines abutting parcels with residential zoning and/or use(s).
 - Building elevations are provided, indicating the building will be constructed with predominantly masonry materials.
 - All freestanding lighting is limited to 25 feet in height and will be full cut-off type lighting fixtures.
 - Dedication of 10 feet of right-of-way along the property frontage on West Boulevard to achieve 40 feet of right-of-way as measured from centerline.

- **Existing Zoning and Land Use**

- The rezoning site is currently undeveloped and zoned R-5 (single family residential) and O-1(CD) (office, conditional) and is surrounded by a mix of low density residential, scattered multi-family residential, undeveloped acreage, institutional, office, retail, and light industrial/warehouse uses. The surrounding uses are on properties zoned R-4, R-5, and R-8 (all single family residential), R-22MF (multi-family residential), B-1 (neighborhood business), O-1(CD) (office, conditional), and I-1 (light industrial).

- **Rezoning History in Area**

- There have been no recent rezonings in the immediate area.

- **Public Plans and Policies**

- The *Central District Plan* recommends institutional land uses for the O-1(CD) (office, conditional) portion of the rezoning site, as amended by rezoning petition 2005-097. The plan recommends single family residential up to 5 dwelling units per acre on the portion of the rezoning site zoned R-5 (single family residential).
 - The portion of the rezoning site zoned O-1(CD) (office, conditional) is consistent with the institutional land use recommendation in the *Central District Plan*, as amended by a previous rezoning. The portion of the rezoning site zoned R-5 (single family residential) is inconsistent with the plan's recommendation for single family residential up to five (5) dwelling units per acre.
 - Area plans frequently do not specify locations for institutional uses. However, this type of use is appropriate at this location given its siting on a major thoroughfare, and its proximity to neighboring areas the proposed facility will support via its community safety services.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** CATS provided information regarding nearby bus stops to the petitioner.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** No issues.
 - **Vehicle Trip Generation:**
Current Zoning: 1,070 trips per day.
Proposed Zoning: 215 trips per day.
 - **Connectivity:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** Mecklenburg County Land Use and Environmental Services Agency (LUESA) has provided information regarding ground water contamination that has been forwarded to the petitioner.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No issues.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
 - Minimizes impacts to the natural environment by building on an infill lot.

OUTSTANDING ISSUES

- The petitioner should:
 1. Specify the height of the black aluminum fence proposed around the secured parking area.
 2. Incorporate additional elements/amenities along Elmin Streeet in order to enhance compatibility with the surrounding neighborhood. Additional features/amenities may include additional landscaping, artwork and/or benches.
 3. Provide a note that states parking/maneuvering will not be allowed between the building and the street.
 4. The proposed parking area on West Boulevard is located behind the required 14-foot setback as required. Staff recommends that the parking area be situated so as to be consistent with the proposed building line (of the main structure).
 5. Ensure that there are sufficient tree islands in the parking area to meet the requirement that each parking space be within 40 feet of a tree.
 6. Label and dimension the sidewalk along Elmin Street.
-

Attachments Online at www.rezoning.org

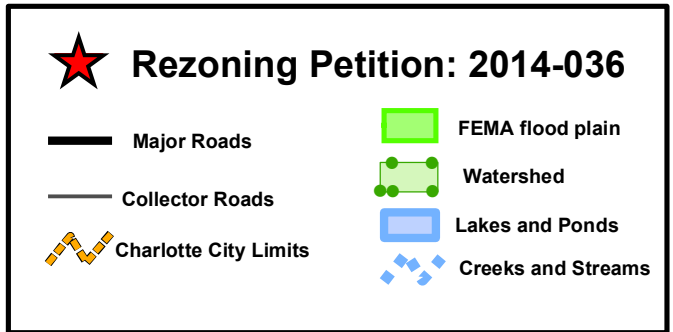
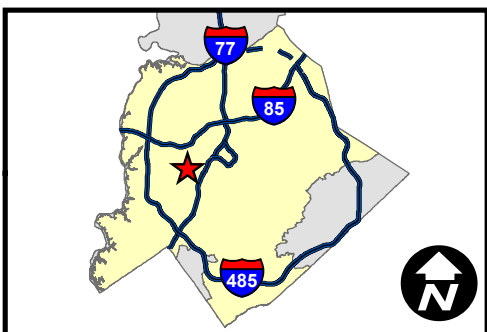
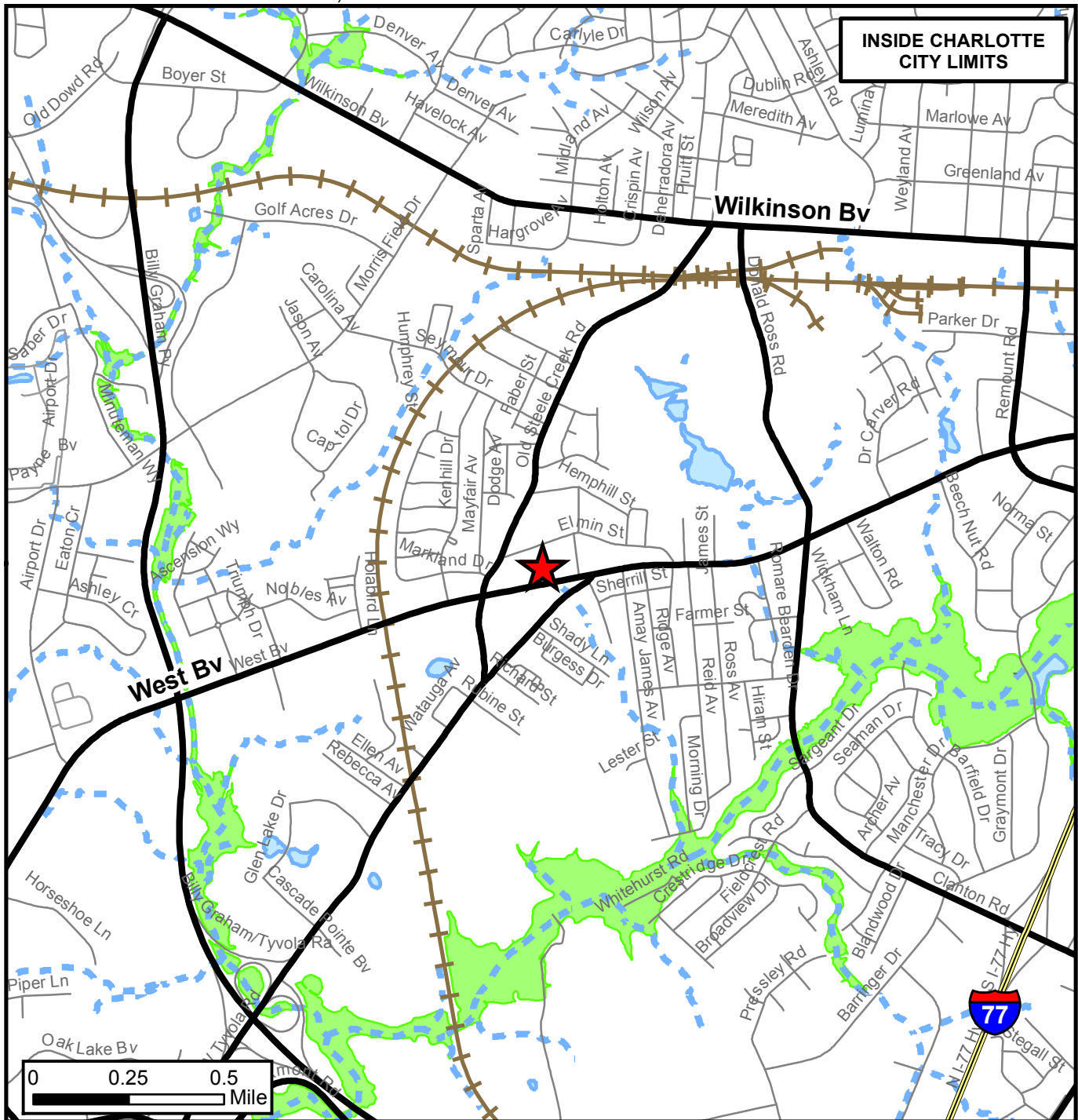
- Application
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry

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

Petition #: **2014-036**

Vicinity Map

Acreage & Location : Approximately 5.18 acres located on the north side of West Boulevard and generally surrounded by Old Steele Creek Road, Elmin Street, Walter Street, and West Boulevard.



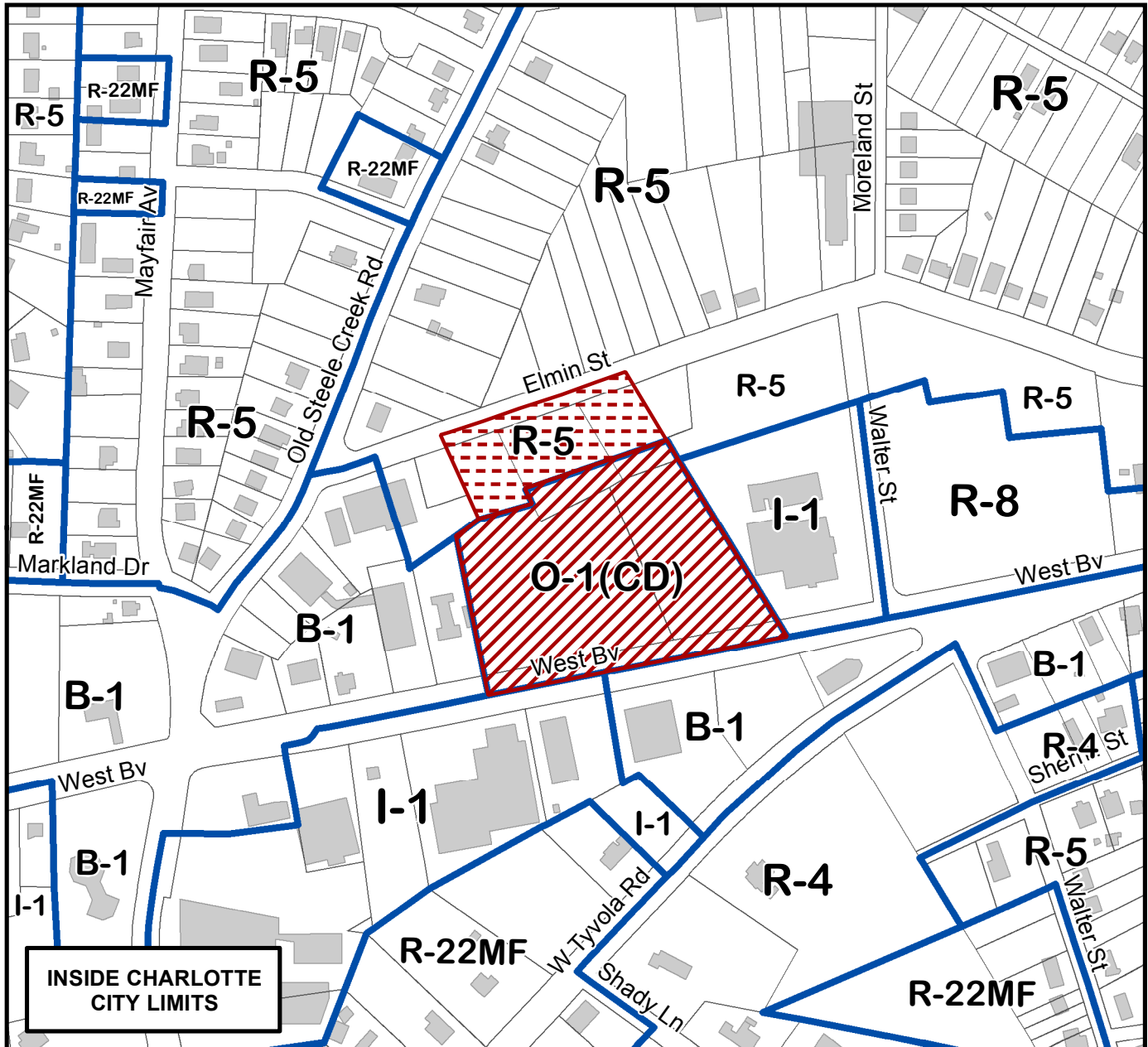
Petition #: **2014-036**

Petitioner: **City of Charlotte**

Zoning Classification (Existing): **O-1(CD) and R-5**
(Office, Conditional and Single Family, Residential)

Zoning Classification (Requested): **NS**
(Neighborhood Services)

Acres & Location: Approximately 5.18 acres located on the north side of West Boulevard and generally surrounded by Old Steele Creek Road, Elmin Street, Walter Street, and West Boulevard.

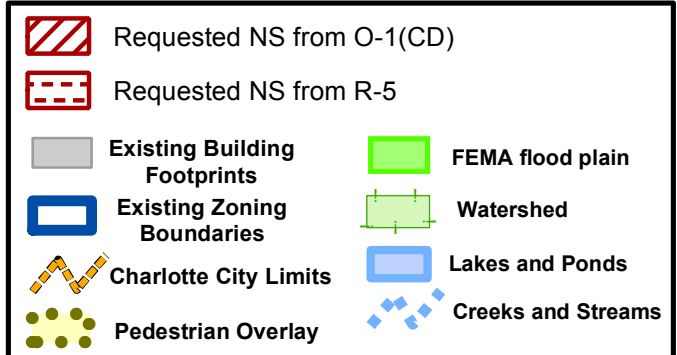


Map Produced by the Charlotte-Mecklenburg Planning Department, 2-28-14.

0 75 150 300 450 600
Feet

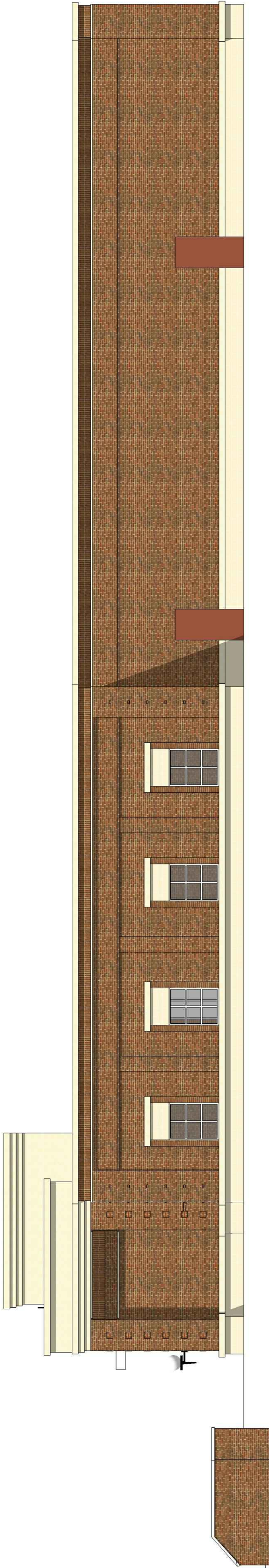


Zoning Map #(s)
104 & 109





SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION



**ColeJenest
& Stone**

Shaping the Environment
Realizing the Possibilities

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Landscape Architecture
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Urban Design

200 South Tryon Street, Suite 1400
Charlotte, North Carolina 28202
P: 704.376.1555 F: 704.376.7851
www.colejenest.com

**CITY OF
CHARLOTTE**
600 East 4th Street
Charlotte
North Carolina, 28202

**CMPD
WESTOVER
STATION**
2550 West Boulevard
Charlotte
North Carolina, 28208

**REZONING
PLAN**

PETITION # 2014-036

Project No.
4292

Issued
02/24/14

Revised
04/21/14 – REVISED PER CITY COMMENTS



RZ1.1

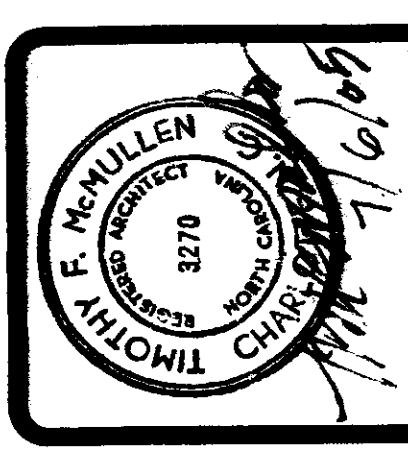
The drawings, the project manual and the design shown thereon are instruments of ColeJenest & Stone, P.A., the reproduction or use of them without the written consent of ColeJenest & Stone, P.A. is prohibited.

ColeJenest & Stone, P.A., 2014. ©

REZONING PETITION # 2014-036

Previously Approved Site Plan

| REVISIONS | BY |
|-----------|------------------|
| 1 | GENERAL |
| 2 | GEN. 9/14/95 TFM |
| 3 | GEN. 7/14/95 TFM |
| | |
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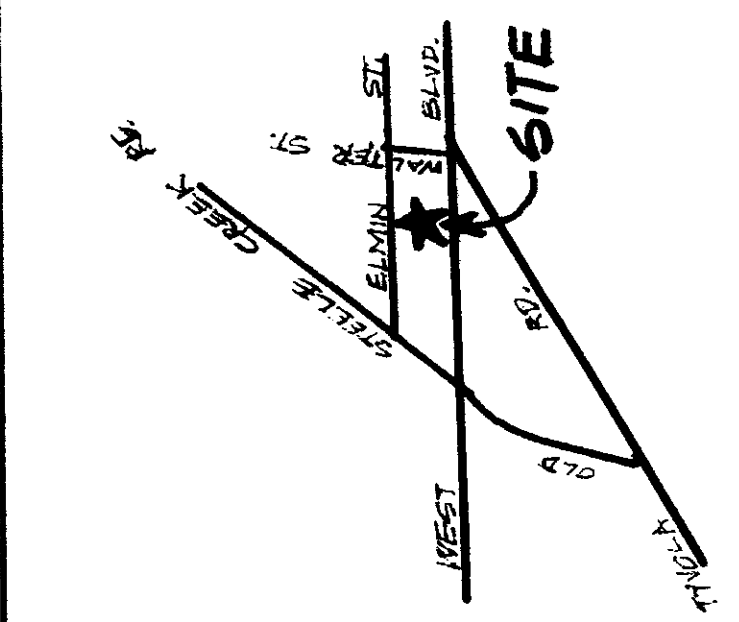


PROPOSED ZONING - O-1(CD)
TIMOTHY F. McMullen, ARCHITECT
1313 N. TRYON ST.
CHARLOTTE, NC 28206
TEL. (704) 333-1965 • FAX (704) 376-7122

SITE PLAN
COMMUNITY FUNERAL SERVICES
PETITION # 2005-97

| | |
|--------------------|--------------------|
| DRAWN T.F.M. | CHECKED T.F.M. |
| DATE 3/23/05 | SCALE 1"=40'-0" |
| JOB NO. 21924-5 | SHEET C-1.0 |
| SHEETS | |

LOCATION MAP



CONDITIONAL ZONING NOTES

- Development of the site will be controlled by the standards depicted on the site plan and by the standards of the City of Charlotte Zoning Ordinances. Buffer areas will be developed in accordance with Section 12.302 of the City of Charlotte Zoning Ordinance.
- Screening will conform with the applicable standards set forth in Section 12.303 of the City of Charlotte Zoning Ordinance.
- Parking will meet the standards of Table 12.202 of the City of Charlotte Zoning Ordinance.
- The only use proposed for this site is a Funeral Home.
- Maximum Building height shall be limited to 40'-0".
- Signage shall conform to Chapter 13 of the City of Charlotte Zoning Ordinance, limited to a maximum area of 50 sq. ft.
- Trash Containers will be screened by a solid enclosure and gates constructed of wood and/or masonry. A 50'-12" WASTE & RECYCLING AREA WITH DECKED DRIVEWAY CONNECTIONS WILL BE SUBJECT TO REVIEW AND APPROVAL BY THE Charlotte Department of Transportation (CDOT) and the North Carolina Department of Transportation (NCDOT).
- All proposed trees shall conform to the requirements of the City of Charlotte - Urban Forestry Division requirements for Perimeter Planting and Interior Planting as follows:
Road Frontage - 1 tree/30 linear feet.
Interior - 1 tree/10,000 sq. ft. of impervious surface area.
- 30' WIDE CLASS C BUFFER TO BE PROVIDED BUFFER MAY BE REDUCED 25% WITH THE INSTALLATION OF A FENCE OR WALL.

GENERAL SITE DATA

| Zoning | Current | Proposed |
|---------------------------------------|-------------------|---|
| Land Use | 1-1/R-5* | O-1(CD) |
| Land Use | Vacant | Funeral Home |
| Land Area (4.84 acres) | 1-1 = 3.462 acres | 1-1 = 3.94 acres +/- |
| Parking Required | R-5 = 1.38 acres | R-5 = 0.9 acres (REMAINING REMOVED FROM PETITION) |
| Parcel & Assessed Area @ 1/1/100 ACFT | | |
| A. 11707606 | 1-1 | 2.167 |
| B. 11707607 | 1-1 | 1.295 |
| C. 11707611 | R-5 | 0.242 |
| D. 11707612 | R-5 | 0.438 |
| E. 11707613 | R-5 | 0.704 |
| TOTAL ACRES | | 4.85 |

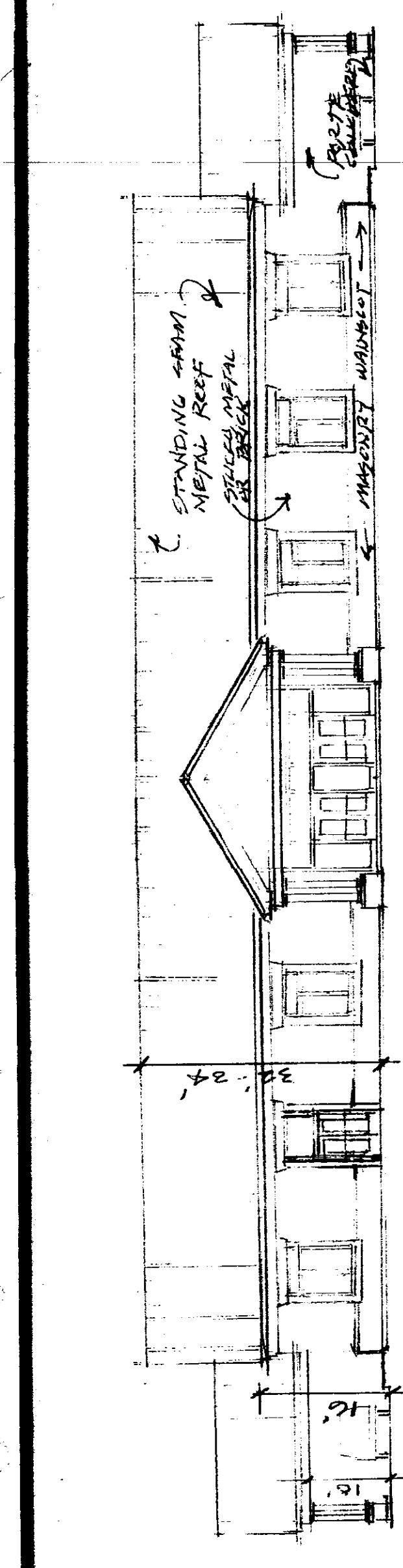
| Tax Number | Zoning | Acres |
|-------------|--------|-------|
| A. 11707606 | 1-1 | 2.167 |
| B. 11707607 | 1-1 | 1.295 |
| C. 11707611 | R-5 | 0.242 |
| D. 11707612 | R-5 | 0.438 |
| E. 11707613 | R-5 | 0.704 |
| TOTAL ACRES | | 4.85 |

GENERAL NOTES

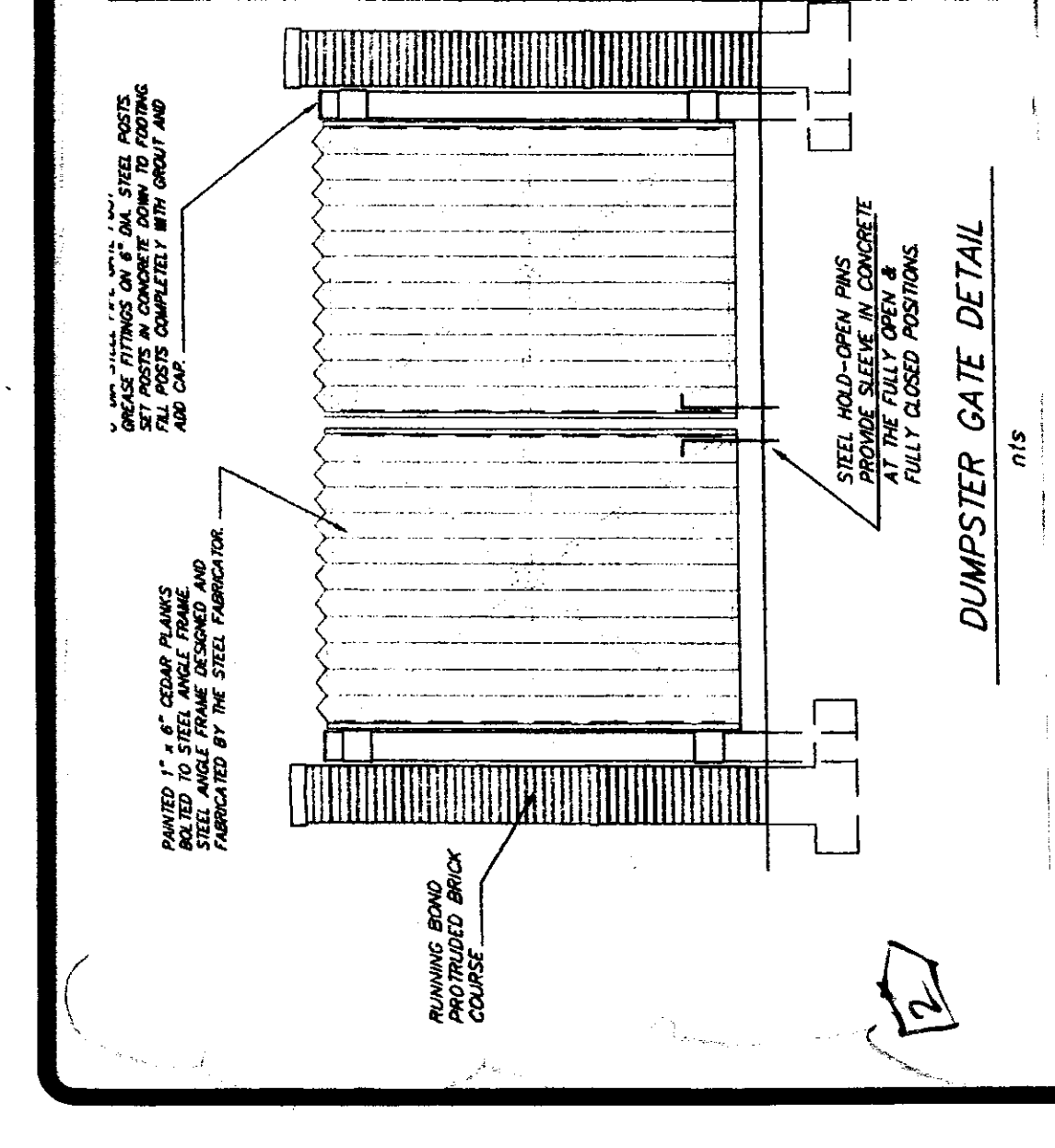
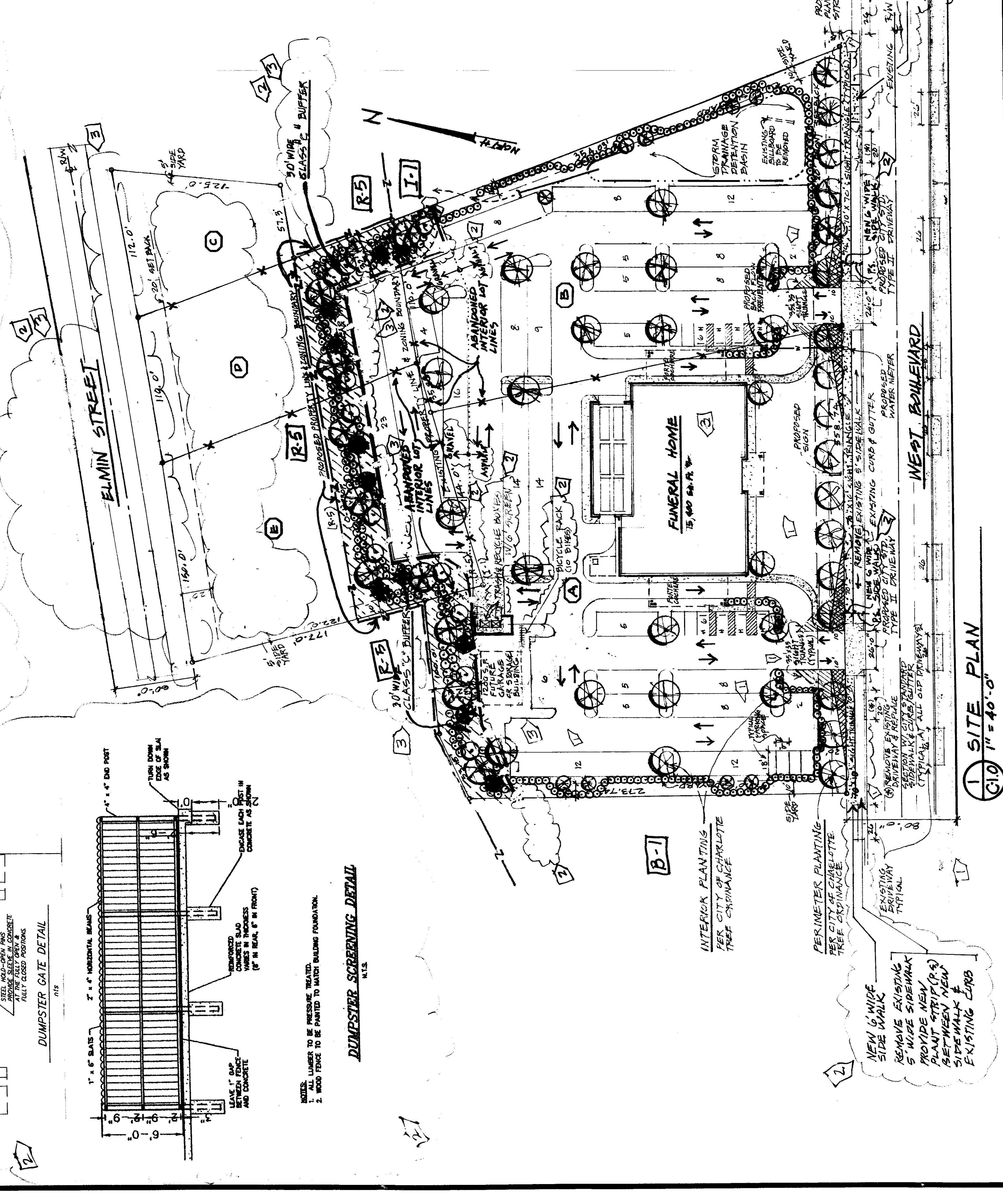
- This project may be completed in phases.
- No storm water detention structures will be placed in buffers or setbacks.
- Outdoor Lighting on buildings and parking surfaces will be limited to 25' in height with a cut-off type head to restrict light spillage off-site to adjoining residential uses.
- Parking lot surfaces may be a combination of asphalt paving and compacted gravel.
- Concrete curbs and gutters may be limited to areas where critical traffic or drainage controls are necessary.
- Concrete or timber wheel stops may be used to define parking spaces and to protect required plantings in lieu of curbs and gutters.
- Minimum tree size at planting shall be 2" diameter and 8 feet tall. Multi-stem trees shall be 3 stem maximum. Match shall be required. Staking and guying is optional.
- All stumping and top 25 of wire basket must be cut away and removed from root ball prior to backfilling planting pit. Remove 1/3 of topsoil from top of root ball.
- Remove compacted soil and add 24" of new top soil/planting mix or uncompacted and amend top 24" of existing soil to meet topsoil/planting mix standard for trees.
- Adjust tree planting locations to avoid underground utilities. Maintain 15-20 feet of sanitary sewer and storm drainage lines, 10-15 feet for water, gas underground power and telephone lines.

APPROVED BY CITY COUNCIL

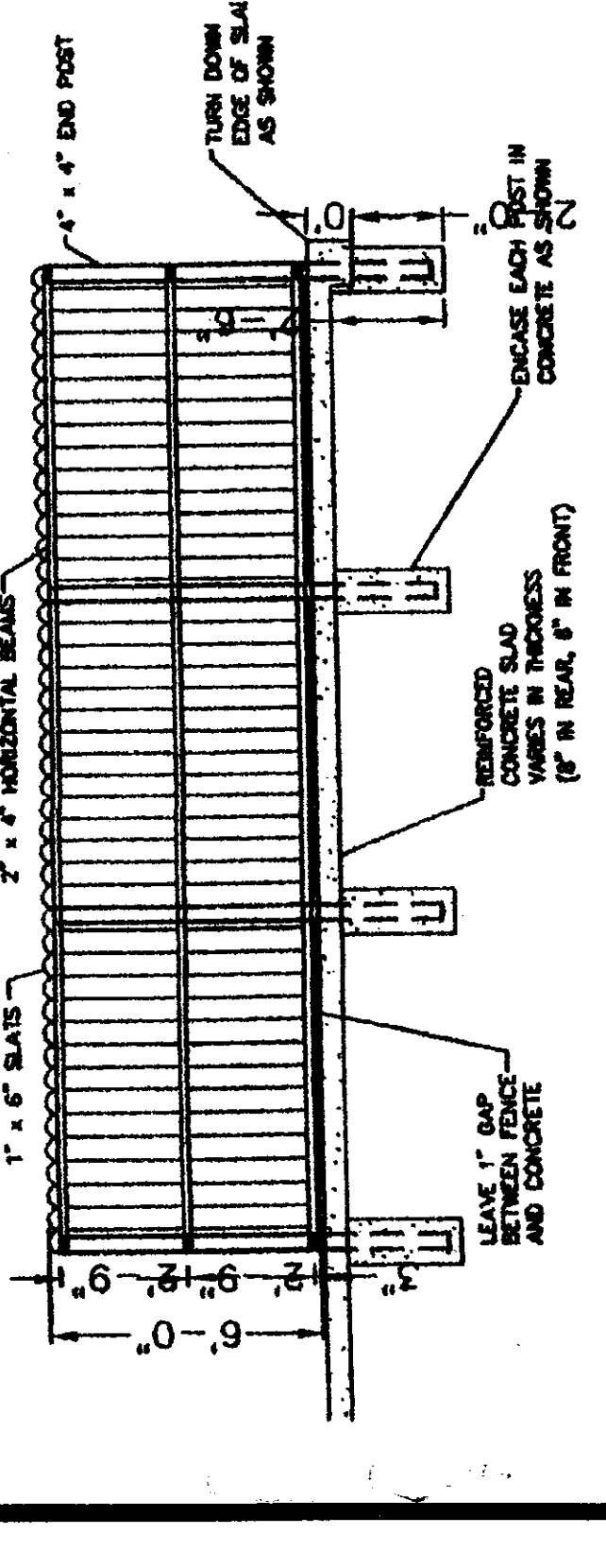
DATE 7/18/05



CONCEPTUAL FRONT ELEVATION
1/8"=1'-0"



DUMPSTER GATE DETAIL



DUMPSTER SCREENING DETAIL

- ALL WOODS TO BE PRESERVE TREATED.
- WOOD FENCE TO BE PAINTED TO MATCH BUILDING FOUNDATION.

1 SITE PLAN
C1.0 1"=40'-0"

| | |
|--|--|
| REQUEST | Text amendment to Table 12.540-1 of the Zoning Ordinance |
| SUMMARY OF PETITION | The petition proposes to clarify the screening and buffering requirements for outdoor recreation uses. |
| STAFF RECOMMENDATION | Staff recommends approval of this petition. The petition is consistent with <i>Centers, Corridors and Wedges Growth Framework</i> goal of preserving and enhancing existing neighborhoods. |
| PETITIONER AGENT/REPRESENTATIVE | Charlotte-Mecklenburg Planning Department Charlotte-Mecklenburg Planning Department |
| COMMUNITY MEETING | Meeting is not required. |

PLANNING STAFF REVIEW

- **Proposed Request Details**
The text amendment contains the following provisions:
 - Clarifies Table 12.540-1 that presents the screening, buffering and separation distance requirements for outdoor recreational uses by:
 - Modifying the table to improve user-friendliness by better defining whether the use abuts a lot in the same planned development or not, and if it abuts a residentially zoned or used lot.
 - Adding a section reference to parking lot screening requirements.
 - Adding a new footnote which describes how separation distance measurements are taken.
 - **Public Plans and Policies**
 - The petition is consistent with *Centers, Corridors and Wedges Growth Framework* goal of preserving and enhancing existing neighborhoods.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
 - **Charlotte Department of Neighborhood & Business Services:** No comments received.
 - **Transportation:** No issues.
 - **Vehicle Trip Generation:** Not applicable.
 - **Connectivity:** Not applicable.
 - **Charlotte-Mecklenburg Schools:** Not applicable.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:**
 - There is no site plan associated with this text amendment.

OUTSTANDING ISSUES

- No issues.

Attachments Online at www.rezoning.org

- Application
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

Planner: Sandra Montgomery (704) 336-5722

TEXT AMENDMENT SUMMARY:
5-7-14
Screening and Buffering Requirements for Outdoor Recreation Uses

Purpose/Background: The purpose of this text amendment is to clarify the screening and buffering requirements for outdoor recreation uses.

[illegible]

| Topic | Current Table Regulations | Proposed Table Regulations | Rationale |
|---|---------------------------|--|--|
| Footnote describing how separation distances are measured | None | <ul style="list-style-type: none">• Adds a footnote: ⁴ Measured from the closest edge of any recreational facility, service area, service facility or golf course to lot lines. | <ul style="list-style-type: none">• Clarifies how measurements are taken |

Petition No. 2014-037

Petitioner: Charlotte-Mecklenburg Planning Department

**AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE –ZONING ORDINANCE**

ORDINANCE NO.**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:**

Section 1. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

A. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 5: SPECIAL REQUIREMENT FOR CERTAIN USES

- a. Amend Table 12.540-1, "Outdoor Recreation Screening and Buffering Requirements" by clarifying the buffer and/or separation distance requirements in the table and specifying how the separation distance is measured in a new footnote #4. In addition, add a reference to Section 12.303. The revised table shall read as follows:

Table 12.540-1 Outdoor Recreation Screening and Buffering Requirements

| | <u>OUTDOOR RECREATIONAL USES THAT ARE PART OF A PLANNED DEVELOPMENT</u> | | <u>OUTDOOR RECREATIONAL USES THAT ARE NOT PART OF A PLANNED DEVELOPMENT</u> |
|--|--|---|---|
| | <u>Where Abutting A Lot In The Same Planned Development</u> | <u>Where Abutting A Residentially Zoned Or Used Lot That Is Not Part Of A Planned Development</u> | <u>Where Abutting A Lot That Is Residentially Zoned Or Used</u> |
| <u>Outdoor Recreation Uses</u> | <u>Buffer and/or separation distance⁴ from internal lots in the same planned development</u> | <u>Buffer and/or separation distance⁴ from external lots outside the planned development that are residentially zoned or used</u> | <u>Buffer and/or separation distance⁴ from external lots residentially zoned or used properties</u> |
| Recreational Facilities ¹ | 20' separation | 100' separation and a Class C Buffer (see 12.302) | 100' separation and a Class C Buffer (see 12.302) |
| Parking Areas | 5' Parking Lot Screen (see 12.211 and 12.303) | Class C Buffer (see 12.302) | Class C Buffer (see 12.302) |
| Service Areas and Facilities ² | Class C Buffer (see 12.302) | 100' separation and a Class C Buffer (see 12.302) | 100' separation and a Class C Buffer (see 12.302) |
| Golf Courses ³ | 20' separation | Class C Buffer (see 12.302) | Class C Buffer (see 12.302) |

¹ Recreational facilities include pools, tennis courts, baseball fields, soccer fields, picnic shelters, clubhouses, pro shops, exercise or fitness centers, snack bars, as well as other principal and accessory uses intended primarily for the use of patrons.

- ² Services Areas include maintenance facilities, storage buildings and structures, dumpsters, loading areas and other accessory uses intended primarily for the servicing of the recreational facility or equipment used therein.
- ³ Golf courses include driving ranges, practice and putting greens, and tee boxes. Buildings associated with a golf course shall meet the requirements for Recreational facilities or service areas depending on their intended use.
- ⁴ Measured from the closest edge of any recreational facility, service area, service facility or golf course to lot lines.

Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:

City Attorney

I, _____, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the _____ day of _____, 2014, the reference having been made in Minute Book _____, and recorded in full in Ordinance Book _____, Page(s)_____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this _____ day of _____, 2014.
