

# **City of Charlotte**

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



## **Zoning Agenda**

**Tuesday, April 4, 2017**

**Charlotte-Mecklenburg Government Center, RM 280**

### **Zoning Committee Work Session**

***Tony Lathrop, Chairperson  
Cozzie Watkins, Vice-Chairperson  
John Fryday  
Nasif Majeed  
Bolyn McClung  
Sam Spencer  
Nancy Wiggins***

## Deferrals

### 1. Rezoning Petition: 2016-077 by Innkeeper Motor Lodge, Inc.

***Update: Petitioner Requesting Deferral to May 2, 2017***

**Agent:** Jeff McCluskey - Mc2 Engineering, Inc.

**Staff Resource:** Solomon Fortune

**Location:** Approximately 5.52 acres located south of Interstate 485, near the intersection of WT Harris Boulevard, Treyburn Drive and Interstate 485. (Council District 2 - Austin)

**Current Zoning:** B-1(CD) (neighborhood business, conditional)

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

**Public Hearing Held:** March 20, 2017 Item #17

### 2. Rezoning Petition: 2017-019 by Steele-Trojan Properties, LLC

***Update: Staff is requesting a deferral to May 2, 2017 due to the outstanding transportation issues. However, the petitioner would like to move forward with the rezoning.***

**Agents:** Keith MacVean & Jeff Brown - Moore & Van Allen PLLC

**Staff Resource:** Claire Lyte-Graham

**Location:** Approximately 15.481 acres northwest of Steele Creek Road and east of Outlets Boulevard along Trojan Drive. (Outside City Limit and Council District 3 - Mayfield)

**Current Zoning:** R-3(LLWPA) (single family residential, Lower Lake Wylie Protected Area) and CC (commercial center, Lower Lake Wylie protected area)

**Proposed Zoning:** O-2(CD) LLWPA (office, conditional, Lower Lake Wylie Protected Area) and NS LLWPA (neighborhood services, Lower Lake Wylie Protected Area)

**Public Hearing Held:** March 20, 2017 Item#26

**Staff Recommendation:**

Defer to May 2, 2017 due to the outstanding transportation issues.

The following items have been addressed:

1. Provided a 25-foot landscaped area between sidewalk and parking along Steele Creek Road.
2. Deleted automotive service stations with or without a convenience store as a proposed use under Development Data on Sheet RZ-1.0.
3. Included a vicinity map on the site plan.
4. Deleted the typical minimum pavement section.
5. Added a note that the 50-foot setback along I-485 will be landscaped with a variety of evergreen and deciduous shrubs and that the existing Piedmont Natural Gas easement will allow plantings that will not exceed four feet in height.

6. Expanded Note 6d. to limit the amount of parking between the buildings and Trojan Drive to what is shown on the site plan.
7. Staff rescinded the request to delete the reference to a limited service restaurant as this is more restrictive than the zoning ordinance use requirements.
8. Staff rescinded the request for the petitioner to delete the definition of a "limited service restaurant (EDEE)" as this term is not defined in the zoning ordinance.
9. Staff rescinded the request for the petitioner to provide more details for the retaining wall along the parking edge closest to the Interstate 485 as the wall will not be visible from outside the site.

The following issues are outstanding:

Site and Building Design

1. Under "Architectural Standards" Note 5.b.iii, increase minimum of percentage of transparent glass from 20% to 40%.
2. On Sheet RZ-3.0, Note 1.a lists a gas station with or without a convenience store as a proposed use. Note 2.e prohibits automobile service stations with or without a convenience store. Correct all sheets to ensure this is a prohibited use.

Transportation

CDOT has reviewed the traffic study. The Petitioner should revise the site plan to include the following mitigations:

3. Extend the proposed northbound thru lane on Steele Creek Rd at Shopton Rd West from 200 feet (as identified in the TIS) to 500 feet.
4. Extend the northbound right turn lane on Steele Creek to the I-485 Outer on-ramp to 500 feet instead of adding a third northbound third thru lane on Steele Creek as identified in the TIS.
5. Maintain the 150' right turn lane to the I-485 Inner on-ramp as identified in the TIS.

CDOT recommends the petitioner wait until final mitigation measure requirements are coordinated as additional or changes to mitigations that may be required by NCDOT may conflict with rezoning notes and require adjustment of rezoning petition.

The following issues are new based on the revised site plan:

1. Remove the note regarding a master signage program.
2. Provide design details for the proposed accessory drive-through window.

## Zoning Items

### 3. Rezoning Petition: 2016-134 by CapRock, LLC

**Agent:** Brian Smith

**Staff Resource:** Claire Lyte-Graham

**Location:** Approximately 5.81 acres located on the north side of Joy Street between Ashley Road and Wilson Avenue. (Council District 3 - Mayfield)

**Current Zoning:** B-1(neighborhood business) and R-12MF (multi-family, residential)

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

**Public Hearing Held:** February 20, 2017 Item#27

**Staff Recommendation:**

Staff does not recommend approval of this petition in its current form.

The following items have been addressed:

1. Shows a 20-foot "Class C" buffer along the western property line of the subject property.
2. Removed the note that says "Any buffers required as a result of the abandonment and redistribution of the right-of-way at the rear of the required rezoning parcel shall be created within that redistributed +/-20 feet of property."
3. Added a note to the site plan that says in the case that the 40-foot unopened right-of-way is abandoned in the future as noted, the 20' Class 'C' buffer at the rear of the property, adjacent to that right-of-way, may be moved from the existing parcel into the abandoned area.
4. Identify future back of curb for all streets.
5. Setback along Heywood Avenue extension and internal drives is noted as 20 feet. Setback along Ashley Road is noted as 23 feet.
6. Redesigned community green and notes area will be approximately 0.06 acres.
7. Limits height of lighting to 21 feet to match industry standards.
8. Deleted Note H.1 related to signage as it is not needed.

The following items have been added or amended since the public hearing:

1. The petitioner added typical front, side, partial east, partial west, north and south elevations.
2. The petitioner modified the site design layout, and increased the number of buildings from four to eight.
3. The petitioner added the following note to the site plan: "A minimum of 50% of the total number of multi-family dwelling units actually constructed on the site shall maintain monthly rents are income restricted for households earning 60% or less, of the Area Median Income for a period of not less than 15 years from the date of issuance of a certificate of occupancy for the first building to be constructed on the site."
4. The petitioner has added a note stating the developer is requesting a City of Charlotte Housing waiver.

The following items are outstanding as a result of the revised site plan:

1. The petitioner should find another location for the dumpster area next to the community green so it is not a prominent feature in the development entry.
2. The petitioner should show two sidewalk connections to the community green.
3. The petitioner should consider shifting the proposed sidewalk adjacent to the western property line and proposed Class C Buffer.

4. Clarify where the setback is being measured from (should be measured from future back of curb).
5. Label landscape screening strip adjacent to tot lot playground and Building 1.
6. Petitioner needs to tie key notes to the elevations and clarify how they key to the labeled building numbers on Sheet RZ-1.0.

The following items remain outstanding:

1. The proposed residential density of 22.72 units per acre is inconsistent with the General Development Policies recommended density of up to 17 units per acre. While the adopted policy plan recommends multi-family, the proposed residential development is out of character with the surrounding single family development with respect to density, building form and overall design. The petitioner should work towards providing a building product that blends with the existing character and environment.
2. Architectural design standards reference building facades along "required" streets. Ashley, Joy and Bullard are not subdivision required streets since they already exist therefore this note should be clarified.

#### **4. Rezoning Petition: 2017-017 by NODA Terrace, LLC**

**Agent:** Stanley Hines

**Staff Resource:** Sonja Sanders

**Location:** Approximately 0.23 acres located on the southeast corner of the intersection of North Davidson Street and East 37th Street. (Council District 1 - Kinsey)

**Current Zoning:** UR-3(CD) (urban residential, conditional)

**Proposed Zoning:** UR-3(CD) SPA (urban residential, conditional, site plan amendment)

**Public Hearing Held:** February 20, 2017 Item#29

**Staff Recommendation:**

Staff recommends approval of this petition.

The following items have been addressed:

Site and Building Design

1. Showed location of solid waste and recycling for the nonresidential uses required per Section 12.403 of the zoning ordinance.
2. Provided a 16-foot setback per the ordinance and adopted streetscape plan.
3. Amended Development Data to remove "no off-street parking."
4. Amended Note 18 pertaining to the Davidson Street and 37th Street Elevations as follows:
  - a. The proposed building will have a four story elevation on the North Davidson Street side, stepping down to a two-story elevation at the rear of the property.
  - b. The building exterior will consist of masonry on the ground floor, fiber cement panels and fiber cement siding on the top three floors with standing seam metal or hard coat stucco (TBD) at focal points as noted on the plan.
  - c. Doors on the ground floor North Davidson Street side will be recessed so they are of the plane of the North Davidson Street elevation.
  - d. The height of the building at the highest point is 54'-6" and meets the maximum height criteria at the point located for adjoining properties. The first floor and all other three floors consist of 10'-1" ceiling heights with 1'-7" floor systems between, for a total wall elevation of slightly less than 45 feet at the highest wall, which is the North Davidson Street elevation.

Transportation

5. The 16-foot setback has been measured from the future back of curb along North Davidson Street.

6. The curb and gutter is reflected in the future location, which is approximately 18.5 feet from the centerline of the road.
7. Amended Note 6 to state that the Petitioner shall convey to the City of Charlotte in fee simple title measuring 30 feet from the existing centerline. This additional right-of-way shall be conveyed prior to the issuance of the final certificate of occupancy.

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

1. Provided building elevations along 37th Street and Davidson Street.
2. Removed note limiting retail uses to the ground floor.
3. Amended Note 7 to specify that the petitioner shall install a new eight-foot planting strip and five-foot sidewalk on E. 37th Street, which will terminate at the rear property line.
4. Amended Note 13 to add the following: The ground floor elevations shall incorporate clear vision glass.
5. Deleted portion of Note 17, which read as follows: All restaurant uses shall be parked at a ratio of one space per 125 square feet.
6. Deleted Note 19, which read as follows: The petitioner shall provide decorative street furniture to include a bench and a trash receptacle for pedestrian use in front of the proposed building adjacent to E. 37th Street and/or North Davidson Street.

The following items are outstanding:

1. Amend site plan to add a note specifying dedication and fee simple conveyance of all rights of way to the City before the site's first building certificate of occupancy is issued. Right-of-way should be set at the back of sidewalk.
2. Amend Note 18 to add the following: A minimum of 50% transparency will be provided on the ground floor.

## **5. Rezoning Petition: 2017-002 by James Miller and Trang T. Miller**

**Agent:** Atul Pathak

**Staff Resource:** Sonja Sanders

**Location:** Approximately 0.39 acres located on the southwest corner at the intersection of Monroe Road and Ross Moore Avenue. (Council District 5 - Ajmera)

**Current Zoning:** 0-2 (office)

**Proposed Zoning:** B-1(CD) (neighborhood business, conditional), five-year vested rights

**Public Hearing Held:** March 20, 2017 Item#20

**Staff Recommendation:**

Staff recommends approval of this petition.

The following items have been addressed:

Transportation

1. Added an note that the future right-of-way along Monroe Road will be dedicated and fee simply conveyance of all right-of-way to the City as is labeled on the site plan.
2. Amended site plan to reverse the order of the proposed eight-foot planting strip and six-foot sidewalk along Monroe Road.

Site and Building Design

3. Reflected minimum five-foot wide sidewalk connections from the building to both public streets.

## **6. Rezoning Petition: 2016-076 by The Drakeford Company**

**Agents:** Anthony Fox & Mac McCarley - Parker, Poe, Adams & Bernstein

**Staff Resource:** Sonja Sanders

**Location:** Approximately 1.35 acres located on the southwest corner of the intersection of Holt Street and East 36th Street. (Council District 1 - Kinsey)

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

**Proposed Zoning:** UR-2(CD) TS (urban residential, conditional, transit supportive overlay)

**Public Hearing Held:** March 20, 2017 Item#24

**Staff Recommendation:**

Staff recommends approval of this petition.

The following items have been addressed:

Transportation

1. Added note as follows: "The 38 feet of future right-of-way as shown on the site plan will be dedicated to the City of Charlotte prior to the issuance of the first certificate of occupancy."

Site and Building Design

2. Amended elevations to remove the four story elevation option.
3. Limited building height to three stories and 45 feet.
4. Added a note that the ground floor shall be taller and include more transparency than upper floors. Amended elevations to include more transparency and reflect a taller ground floor.
5. Amended site plan to remove arrow associated with note about three or four story max townhomes typical that is pointed at Building C. This has been rescinded by staff as the four story option has been eliminated.
6. Showed location of dumpster and recycling area required for a complex containing 30 or more units.
7. Ensured that the internal alleyways are properly dimensioned to accommodate a private hauler and the associated spacing requirements.
8. Added note that the petitioner will attempt to preserve retain the existing heritage tree located on the site if possible during site permitting.
9. Provided a 16-foot setback along East 36th Street and Holt Street, consistent with previous petition 2015-89, and a four-foot transition zone behind the sidewalk, and commit to providing landscaping in the transition zone. Add a note stating that the principal building will not be allowed in the transition zone; however, stoops, porches, steps, rails and similar items may be located therein.
10. Amended Note 9A under heading of Public Art to specify that \$7,500 will be donated to an Arts and Science Council for the neighborhood.

Land Use

11. Amended proposed zoning to reflect UR-2(CD) TS.

## **7. Rezoning Petition: 2017-031 by Lat Purser & Associates**

**Agent:** Mark Miller

**Staff Resource:** Sonja Sanders

**Location:** Approximately 1.146 acres located on the southeast corner at the intersection of North Davidson Street and East 24th Street. (Council District 1 - Kinsey)

**Current Zoning:** I-1 (light industrial)

**Proposed Zoning:** TOD-M (O) (transit oriented development - mixed use, optional)

**Public Hearing Held:** *March 20, 2017 Item #25*

**Staff Recommendation:**

Staff recommends approval of this petition.

The following items have been addressed:

Transportation

1. Added Note E under Transportation as follows: "Dedication and fee simple conveyance of all rights-of-way to the City shall be required before the site's first building certificate of occupancy is issued. Right-of-way to be set at two feet behind the back of sidewalk (except where buildings abut back of sidewalk).
2. The petitioner should revise the site plan to add a note specifying all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued. Staff rescinded request for note about phasing as the revised note is sufficient.
3. Removed gated access to parking between buildings.

Land Use

4. Amended Note A under heading of "Permitted Uses" to limit permitted uses to those allowed in the TOD-M (transit oriented development - mixed-use) district, and to eliminate residential dwellings as a permitted use.
5. Added a note that the existing 18,000 square foot building may be expanded up to five percent, and a rezoning will be required if an expansion exceeds five percent.

Site and Building Design

6. Added an optional request to allow the sidewalk to be located adjacent to the curb, with the eight-foot planting strip located behind the sidewalk.

## **8. Rezoning Petition: 2017-029 by DC Property, LLC**

**Agent:** John Carmichael - Robinson Bradshaw

**Staff Resource:** Claire Lyte-Graham

**Location:** Approximately 7.713 acres located east of Toddville Road between Brooktree Drive and CSX Way. (Council District 3 - Mayfield)

**Current Zoning:** I-2(CD) LLWPA (general industrial, conditional, Lower Lake Wylie Protected Area)

**Proposed Zoning:** I-2(CD) SPA LLWPA (general industrial, conditional, site plan amendment, Lower Lake Wylie Protected Area)

**Public Hearing Held:** *March 20, 2017 Item#27*

**Staff Recommendation:**

Staff recommends approval of this petition.

The following items have been addressed:

1. The site plan has been revised to properly locate the site's proposed Toddville Road driveways relative to FedEx Expansion's proposed driveways as shown on the current construction plans on tax parcels 05713137 and 05713121.
2. The petitioner has removed Notes E.4 and E.5 as they pertain to the buffer areas in order to remove restrictions on where encroachments are allowed.



3. Staff has rescinded the comment show the future expansion of Tar Heel Road and preserve the land for the extension. because the land for the future extension of this road is preserved by a setback; and
4. Staff has rescinded the comment to remove the note regarding the elimination of the buffer if it is no longer needed due to the use or zoning of the adjacent property.

## **9. Rezoning Petition: 2017-030 by DC Property, LLC**

**Agent:** John Carmichael - Robinson Bradshaw

**Staff Resource:** Claire Lyte-Graham

**Location:** Approximately 7.972 acres at the end of Tar Heel Road between Brooktree Drive and Bond Street and east of Toddville Road. (Council District 3 - Mayfield)

**Current Zoning:** I-2(CD) LLWPA (general industrial, conditional, Lower Lake Wylie Protected Area)

**Proposed Zoning:** I-2(CD) SPA LLWPA (general industrial, conditional, site plan amendment, Lower Lake Wylie Protected Area)

**Public Hearing Held:** *March 20, 2017 Item#28*

**Staff Recommendation:**

Staff recommends approval of this petition.

The following items have been addressed:

1. Staff has rescinded the comment to show the future expansion of Tar Heel Road and preserve the land for the extension because the land for the future extension of this road is preserved by a setback.
2. Staff has rescinded the comment to remove the note regarding the elimination of the buffer if it is no longer needed due to the use or zoning of the adjacent property.

## **10. Rezoning Petition: 2017-032 by Alliance Residential Company**

**Agents:** Collin Brown & Bailey Patrick, Jr.

**Staff Resource:** Claire Lyte-Graham

**Location:** Approximately 10.04 acres at the northwest corner at the intersection of Wilkinson Boulevard and Suttle Avenue. (Council District 3 - Mayfield)

**Current Zoning:** I-2 (general industrial)

**Proposed Zoning:** MUDD-O (mixed use development, optional), five year vested rights

**Public Hearing Held:** *March 20, 2017 Item#29*

**Staff Recommendation:**

Staff recommends approval of this petition upon resolution of the outstanding issue.

The following items have been addressed:

1. The petitioner has revised the Morton Street extension right-of-way note to say: "Portion of R/W to be dedicated at time of Morton Street Extension construction".
2. Revised the site plan to add a note specifying dedication and fee simple conveyance of all

rights-of-way to the City before the site's first building certificate of occupancy is issued.

3. The petitioner revised the site plan to add a note specifying all transportation improvements will be phased per the site's development plan and as per the subdivision requirements.
4. The petitioner added sidewalk extensions on the revised site plan adjacent to the reverse angle parking. These sidewalk extensions will be fully cantilevered across the planting strip with a reinforcing steel grid extending fourteen feet from the back of curb.
5. Development Note VI.c.4. has been removed from the site plan.
6. Petitioner has added language stating freestanding lighting will not exceed twenty-six (26) feet in height.
7. Petitioner has added Heading Signage to site plan and language stating that the number of signs will be limited to one per street frontage.

The following item remains outstanding:

1. The petitioner is requested to revise the site plan to show cross section A-A to have a 10-foot travel lane and 14-foot travel lane. Reduce parallel parking width to five feet.

## **11. Rezoning Petition: 2017-034 by Saussy Burbank, LLC**

**Agents:** Collin Brown & Bailey Patrick, Jr.

**Staff Resource:** Claire Lyte-Graham

**Location:** Approximately 1.6 acres located on the west side of Suttle Avenue between Wilkinson Boulevard and Isom Street. (Council District 3 - Mayfield)

**Current Zoning:** O-1 (office)

**Proposed Zoning:** MUDD (CD) (mixed use development, conditional), five-year vested rights

**Public Hearing Held:** March 20, 2017 Item#30

**Staff Recommendation:**

Staff recommends approval of this petition upon resolution of the outstanding issues.

The following items have been addressed:

1. Petitioner revised the site plan to show two curb ramps at the southeast corner of Suttle Avenue and Isom Street and a receiving curb ramp directly across Suttle Avenue and the existing marked crosswalks to be removed.
2. Petitioner added language stating if installed, gates shall include adequate turn around design.
3. Added the following note: "Usable porches and stoops shall form a predominate feature of the building design and be located on the front and/or side of the building. Usable front porches should be covered and be at least six feet deep. Stoops and entry-level porches may be covered but should not be enclosed."
4. Reduced the maximum building height to 50 feet.
5. Site Development Data now specifies that proposed zoning is MUDD(CD), with five-year vested rights.
6. The site plan now labels an existing curb cut to be removed on the west side of Suttle Avenue.
7. Revised site plan to note development lies in a corridor, not a center as previously indicated.

The following items remain outstanding:

1. The petitioner should revise the site plan to add a note specifying dedication and fee simple conveyance of all rights-of-way to the City before the site's first building certificate of occupancy is issued. CDOT requests right-of-way set at two feet behind the back of sidewalk.

2. The petitioner should revise the site plan to add a note specifying all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued or phased per the site's development plan.
3. Commit to buildings fronting a minimum of 75% of the total public street frontage on the site.
4. Add the following note or provide blank wall provisions that limit the maximum blank wall expanse to 10 feet on all building levels: "All corner/end units that face a public or private street should have a porch or stoop that wraps a portion of the front and side of the unit".

## **12. Rezoning Petition: 2016-150 by CW Development**

**Agents:** Keith MacVean & Bridget Grant - Moore & Van Allen PLLC

**Staff Resource:** John Kinley

**Location:** Approximately 4.13 acres located on the west side of Old Providence Road near the intersection of Old Providence Road and Old Providence Lane.  
(Council District 6 - Smith)

**Current Zoning:** R-3 (single family residential)

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

**Public Hearing Held:** March 20, 2017 Item#18

**Staff Recommendation:**

Staff recommends approval of this petition with the resolution of the remaining outstanding issue.

The following items have been addressed:

Site and Building Design

1. Clarified which building elevations are associated with which buildings or parts of buildings.
2. Annotated elevations to clearly show commitments.
3. Amended the site plan to show the 40-foot building setback line along Old Providence Lane as measured from the future back of curb.

Transportation

4. Revised the site plan to show future back of curb 27 feet from existing centerline on Old Providence Road.

**REQUESTED TECHNICAL REVISIONS**

Site and Building Design

5. Added the word "foot" after "10" in Note 5a related to the landscaped area.
6. Changed the label on the site plan that says "18' Class C Buffer" along Old Providence Lane to say "18' landscaped area" as mentioned in Note 5a.
7. Added the word "Old" before Providence Lane and Providence Road in Note 3f.
8. Staff rescinded the note to delete "with or without rip-rap" from Note 5f because the buffer is not a required by the Ordinance and rip-rap may be placed in provided buffers.
9. Deleted the "Notes:" items next to the Site Data table as the information is not needed.

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

1. Specified that Old Providence Lane will be improved to a residential medium street, except for modifications as allowed by the zoning ordinance related to widths of sidewalks and planting strips.
2. Amended note 3e related to the sidewalks and planting strips along the internal private street to say that six-foot sidewalk will be provided on at least one side of the proposed private drive and a six-foot planting strip and six-foot sidewalk will be provided on one side of the access drive from Old Providence Road to alley "A" and street trees provided as depicted on the site plan.

3. Added a commitment that at least 70% of the exterior of each building exclusive of windows, doors and roofs will be constructed on brick, stone, synthetic stone, stucco or precast stone.
4. Amended the setback along Old Providence Road from 35 feet from future back-of-curb to 20 feet from future back-of-curb and changed the landscaped area from 15 feet to ten feet due to showing a future back-of-curb 27 feet from the existing centerline on Old Providence Road as requested by CDOT.
5. Adjusted the building layout to change Building C from a four units to three units and Building B from four units to five units.
6. Amended the site plan to show additional detail for the landscaped area along Old Providence Lane.
7. Removed the colored site plan.
8. Added a conceptual, section view looking north from Old Providence Lane.
9. Replaced the building elevations with an updated elevation showing front (garage) view.

The following items are outstanding as a result of the revised site plan:

Site and Building Design

1. Amend the site plan to show a 10-foot landscaped area within the 20-foot setback along Old Providence Road as specified in note 5a.

### **13. Rezoning Petition: 2017-016 by Selwyn Property Group**

**Agents:** Bridget Grant & Jeff Brown - Moore & Van Allen PLLC

**Staff Resource:** Sonja Sanders

**Location:** Approximately 13.18 acres located on the west side of East Independence Boulevard generally surrounded by Monroe Road, Idlewild Road, Independence Boulevard and Long Avenue. (Council District 5 - Ajmera)

**Current Zoning:** R-4 (single family residential), O-1 and O-2 (office), B-1(CD) (neighborhood business, conditional) and B-2 (general business)

**Proposed Zoning:** MUDD-O (mixed use development, optional) and NS (neighborhood services)

**Public Hearing Held:** March 20, 2017 Item#19

**Staff Recommendation:**

Staff recommends approval of this petition upon resolution of outstanding issues.

The following items have been addressed:

Environment

1. Added the following note under Environmental Heading: "The location, size and type of storm water management systems depicted on the rezoning plans or referenced in the Development Standards on Sheet RZ-2 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."

Transportation

2. Amended Note 4M under the heading of "Transportation" as follows: "The petitioner is responsible for any incidental signal modifications not to exceed \$10,000 that may be incurred by creating the fourth leg of the intersection (Proposed Street A)."
3. Revised site plan and the transportation notes to show installation of a 12-foot wide sidewalk along the entire Idlewild Road frontage.
4. Revised Note 4C under the heading of "Transportation" to include a commitment to right-of-way dedication upon request if segment is constructed by others.
5. Revised the site plan to extend the proposed right-of-way dedication hatching along Monroe Road and

Idlewild Road.

6. Revised Note 4E to remove references to "sharrows," as pavement markings, if needed, will be determined during permitting.

Site and Building Design

7. Amended Note 5C under Architectural and Site Design to add the following: If the building(s) in Development Area C front Long Avenue but do not principally orient to Long Avenue, 10 feet of landscape area with large maturing trees will be provided and planted with a minimum four inch caliper tree or greater between the building and the sidewalk on Long Avenue in Development Area C.
8. Updated the renderings and site plans as they do not match. Renderings reflect the size of the open space and the location the building at Monroe Road and Long Avenue and are annotated.
9. Added a note pertaining to the building in Development Area B located closest to Monroe Road that commits to bringing the building to the street and to not allowing parking and maneuvering between this building and the street, or move the building into Development Area A, which already has these commitments.
10. Clarified the location of the future back of curb on all streets and show setback measured from that location.

Land Use

11. Amended Site Development Data to add B-2 under existing zoning.
12. Amended Note 2H under Optional Provisions to replace "face" with "faces."
13. Deleted notes indicating that zoning ordinance requirements will be met or that simply reflect zoning ordinance standards.

The following item has been added after the public hearing:

1. Added Note 8 under heading of Signage as follows: Signage as allowed by the MUDD area may be provided and allowed in the MUDD-O Optional provisions.

The following items are outstanding based on the revised site plan:

1. Amend Note 4M under the heading of "Transportation" to remove the funding cap of \$10,000. This is the responsibility of the petitioner since the fourth leg of this intersection is to serve the site. If the petitioner determines he is unwilling to pay for these improvements then the fourth leg of the signalized intersection does not open for public access.
2. Revise Note 4I under the heading of "Transportation" to include temporary construction easements needed by the Monroe Idlewild Capital Improvement Program Project, at such time they are requested by the City. CDOT prefers right-of-way at two feet behind back of walk.
3. Amend Note 4G to remove the second sentence (Limited instances of deviation from the 12-foot width are permitted on Idlewild Road between the westerly margin of the intersection of Idlewild Road and Public Street A at the proposed traffic signal to accommodate utilities, parking areas, or similar), or limit to a pinch point dimension (e.g. 10 feet). During permitting CDOT will always consider pinch point constraints but does not feel comfortable with the blanket exemption across the frontage as currently described.
4. Amend legend for cross hatching as it does not agree with the areas along Monroe Road and Idlewild Road. All areas appear to be proposed right-of-way, reflected by single hatching. Remove hatching if not needed.
5. Provide a height limit of 60 feet in Development Areas A and C that are adjacent to residential zoning and uses.
6. Amend Note 5J as follows: In addition, landscaping and a low wall treatment along Idlewild Road and Monroe Road will be installed in connection with any accessory drive through window uses (other than an bank), in which maneuvering is between the street and building in connection with a convenience store/gas facility.

## **14. Rezoning Petition: 2017-026 by Belk Gambrell Enterprises,**

## LLC

**Agents:** Jeff Brown & Bridget Grant - Moore & Van Allen PLLC

**Staff Resource:** John Kinley

**Location:** Approximately 1.19 acres located on the north side of Fairview Road between Park Road and Wintercrest Lane. (Council District 6 - Smith)

**Current Zoning:** UR-C (CD) (urban residential - commercial, conditional)

**Proposed Zoning:** UR-C (CD) SPA (urban residential - commercial, conditional, site plan amendment)

**Public Hearing Held:** March 20, 2017 Item#22

**Staff Recommendation:**

Staff recommends approval of this petition with the resolution of the two remaining outstanding issues.

The following items have been addressed:

Site and Building Design

1. Amended the setback under "Development Summary" and Note 5a under "Streetscape, Buffers, Yards, and Landscaping" related to the setback off Fairview, committing to a setback consistent with other uses along Fairview Road west of Wintercrest Lane.
2. Amended the driveway/parking pad along the eastern property line so that the 16 foot buffer is extended approximately 25 feet from the southern, rear corner of parcel 17705315.

Transportation

3. Added a note stating that the petitioner shall provide 22 feet right-of-way dedication from the future back-of-curb as generally depicted to support the proposed multi-use trail improvements and an additional six-foot construction easement shall be provided at such time it is necessary to complete the multi-use trail improvements. Dedication shall be conveyed upon request or prior to the issuance of the next land development permit associated with approved site work.
4. Added a note stating that placement and configuration of the vehicular access point is subject to any minor modifications required to accommodate final site development and construction plans and to any adjustments required for approval by the CDOT in accordance with applicable published standards and best efforts to coordinate with the pedestrian refuge location on Fairview Road and not involving easements or acquisition of adjacent property.

The following items were amended after the public hearing:

1. Amended a label on the site plan to clarify that the fence along the rear of the site will be removed and replaced in its current location rather than on the rear property line.

The following items are outstanding as a result of the revised site plan:

Site and Building Design

1. Add a note committing to the provision of an opaque fence, minimum six-foot tall within the five-foot side yard between proposed parking and parcel 17705315.
2. Amend the site plan to match note 3e under Access and Transportation related to right-of-way dedication.

## 15. Rezoning Petition: 2017-015 by Manna Capital, LLC

**Agent:** Ronald S. Melamed - Moore & Van Allen PLLC

**Staff Resource:** John Kinley

**Location:** Approximately 1.07 acres located on the north side of Rexford Road near the intersection of Roxborough Road and Rexford Road. (Council District 6 - Smith)

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

**Proposed Zoning:** MUDD (CD) (mixed use development, conditional)

**Public Hearing Held:** *March 20, 2017 Item#23*

**Staff Recommendation:**

Staff recommends approval of this petition.

The following items have been addressed:

Site and Building Design

1. Clarified under "Permitted Uses" Note 3b that both buildings will not contain habitable space in the attics.
2. Split "Architectural Standard" Note 5a into two notes, one dealing with materials and exhibits and one dealing with the wall.