

# **City of Charlotte**

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



## **Zoning Agenda**

**Tuesday, May 30, 2017**

**CMCG Room 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: 2017-053 by Hopper Communities, Inc.

#### ***Petitioner Requesting Deferral (to June 29, 2017)***

**Agent:** John Carmichael - Robinson, Bradshaw & Hinson P.A.

**Staff Resource:** [Solomon Fortune](#)

**Location:** Approximately 0.86 acres located at the northeast intersection of Park Road and Reece Road.  
(Council District 6 - Smith)

**Current Zoning:** R-4 and R-5 (single-family residential)

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

**Public Hearing Held:** *May 15, 2017 Item #27*

## Zoning Items

## 2. Rezoning Petition: 2016-131 by Halvorsen Development Corporation

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

**Staff Resource:** [John Kinley](#)

**Location:** Approximately 1.63 acres located on the northeast corner of Ridge Road and Prosperity Church Road. (Council District 4 - Phipps)

**Current Zoning:** UR-2(CD) (urban residential, conditional) and NS (neighborhood services)

**Proposed Zoning:** NS SPA (neighborhood services, site plan amendment) and NS (neighborhood services)

**Public Hearing Held:** *May 15, 2017 Item #20*

**Staff Recommendation:**

Staff does not recommend approval of this petition.

The following items have been addressed:

Site and Building Design

1. Provided crosswalks on the northern and eastern legs of the intersection of Ridge Road and Prosperity Church Road.
2. Provided pedestrian curb ramps at the intersection of Old Ridge Road and Prosperity Church Road and at the intersection of Old Ridge Road and Ridge Road. Crosswalks will not be provided because there are not connecting sidewalks along Prosperity Church Road and Ridge Road.
3. Amended the site plan to show the setbacks measured from the future back of curb along all street frontages.
4. Renamed "Retaining Wall Perspectives" because the graphics do not appear to show any retaining walls and titled them "Site Exterior Wall Perspectives" and "Site Exterior Perspectives."
5. Amended the elevations to provide a legend to explain what the various items mean.

Transportation

6. Revised the site plan to show and label the proposed back of curb at 23.5 feet with on-street parking from the existing centerline of Prosperity Church Road.
7. 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. CDOT prefers right of way dedication from street's centerline to two feet behind back of sidewalk. Alternatively, CDOT will accept right of way at back of walk or sidewalk utility easement two feet behind back of walk. Revised Note 3J accordingly.
8. Clarified "negatively impacted" in transportation note 3C related to the cooperation in the event of abandonment of Old Ridge Road by adding that the intent is to provide the petitioner with the opportunity to evaluate any proposed abandonment to assure that abandonment does not create a situation or road configuration that creates a hardship on the operation of the property or eliminate a driveway connection.

### REQUESTED TECHNICAL REVISIONS

Site and Building Design

9. Amended note 4D related to the service side of the building to change "may not" to "shall not."
10. Added a sentence to note 4E related to the open space areas to clarify that the pocket park/plaza areas will be on private property, publically accessible and maintained by the property owner or tenant(s).
11. Specified that low screen walls will be no less than 3.5 feet.
12. Broke note 6B into two notes: one related to compliance with the Tree Ordinance and the other

stating the site will comply with the Post Construction Controls Ordinance.

Land Use

13. Removed Professional business from the proposed uses under development data on RZ-1 and 2 and the permitted uses note 2A as it is not a use listed in the Zoning Ordinance.

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

1. Widened the proposed driveway to Old Ridge Road from 28 feet to 30 feet to accommodate separate left and right out turning movements.
2. Modified the driveway on Prosperity Church Road from a right-in/ right-out with a median to a channelized right-in only driveway and removed the proposed median.
3. Revised the site plan to modify the site's proposed driveway on Prosperity Church Road to a right-in only driveway and removed the raised median that created a "kink" in the northbound alignment.

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

Land Use

1. Amend the site plan to prohibit eating/drinking/entertainment establishments with accessory drive-through service windows.

Site and Building Design

2. Revise the proposed building to have a greater amount of street frontage to support the desired pedestrian environment.
3. Provide Ordinance required five-foot wide screening between the parking and drive-through lanes and the proposed sidewalk along Old Ridge Road.
4. Remove the Executive Summary on the "Perspective Views" and annotate the perspectives with the architectural commitments made in notes 4B, C and F.

Transportation

4. Remove the proposed driveway on Prosperity Church Road as it does not support the village center goals for uninterrupted pedestrian and bicycle environment along the thoroughfare and can cause congestion for the nearby signalized intersection.
5. Revise the site plan to show and label the proposed back of curb at 18.5 feet in the areas without on-street parking from the existing centerline of Prosperity Church Road.
6. Delete last portion in parenthesis, of note 3G related to pedestrian crossing signals. The condition is not acceptable to CDOT and will be determined during permitting.
7. Add note to the site plan to reflect "The petitioner will provide a 10-foot wide, 50-foot northbound Prosperity Church Rd. left turn storage lane with appropriate bay taper."
8. Revise note 3D to remove right-out language.
9. Add note to identify that site will accommodate proper through lane alignment (to be determined during permitting) along Ridge and Prosperity Church frontages widening.

### 3. Rezoning Petition: 2017-042 by Rocky River Road Associates, LLC

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

**Staff Resource:** [Sonja Sanders](#)

**Location:** Approximately 77.31 acres located east of Interstate 485 between Caldwell Road and Rocky River Road (Outside City Limits)

**Current Zoning:** O-2(CD) (office, conditional), R-8MF (CD), R-12MF (CD) (multi-family residential, conditional, and former right-of-way with no established zoning

**Proposed Zoning:** CC (commercial center) and the establishment of CC (commercial center)

**Public Hearing Held:** May 15, 2017 Item #22

**Staff Recommendation:**

Staff recommends approval of this petition.

The following items have been addressed:

Transportation

1. Added Note 4G under heading of "Transportation" as follows: Remark the northbound approach of Farmington Ridge Parkway at Caldwell Road to create three lanes: one receiving lane, a left-turn lane, and a thru/right-turn lane).
2. The request to provide eight-foot buffered bike lane on Farmington Road has been rescinded as this is located outside of CDOT's jurisdiction.
3. Amended Note 3B as follows: "These proposed network required public and private streets, except Main Street/Private Street D, will be constructed per City of Charlotte development standards even if the site is not annexed into the City of Charlotte prior to the construction of the roads."

Environment

4. Reflected a continuous 50-foot potential undisturbed Post Construction Buffer located between Parcels D and E through the area of previously drained pond.
5. Clarified the limits of the 35-foot SWIM Buffer within 100-foot potential undisturbed Post Construction Buffer paralleling Hawkins Meadow Court.
6. Added Note 7B under "Environmental Features" as follows: 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 design requirements and natural site discharge points.

Land Use

7. Replaced note that parking for the proposed uses may be located in either county, with the following note: Parking as required by the ordinance will be provided.

Site and Building Design

8. Amended Note 5(B)(1)(vi) as follows: Direct, or as direct as possible, pedestrian connections, via a sidewalk, will be provided between street facing doors, corner entrance features to sidewalks on adjacent streets. If a building has multiple street frontages with doors facing different streets only one of the entrances will be required to provide a connection. This standard will not apply to emergency access doors. Not all street facing doors need to be designed as customer doors, unless located on the "Main Street."
9. Amended Note 5(B)(3)(iii) as follows: Usable front porches, if provided, will be covered and be at least six feet deep. Stoops and entry-level porches may be covered but should not be enclosed.
10. Added the following note under Note 5(B)(1)(ix) and 5(B)(2)(ix): Retaining walls will be treated with

landscaping.

11. Amended Note 6(C) to add the following: Multi-family buildings will provide a four-foot transition zone behind the sidewalk of a required network private or public street. Stairs and stair rails, stoops, one-story open air porches and other architectural features may be located within the four foot transition zone.
12. Amended Note 6(D) to as follows: Surface parking spaces will not be located between the proposed buildings and new network required public streets, and existing Rocky River Road. This standard will not apply to I-485 and associated on-ramp.
13. Amended Note 5(B)(2)(iii)(b) as follows: Buildings shall front a minimum 50% of the total network required street frontage on the site (exclusive of driveways, pedestrian access points, accessible open space, tree save or natural areas, tree replanting areas and storm water facilities.

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

1. Amended Note 10(A) as follows: The petitioner will request that the Planning staff eliminate the extension of Brandon Trail Drive into the site as allowed by Section 20-23(4)(c) of the subdivision regulations.

#### 4. Rezoning Petition: 2016-139 by Charter Properties, Inc./Browder Group Real Estate, LLC

**Agent:** John Carmichael - Robinson, Bradshaw & Hinson, P.A.

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

**Location:** Approximately 65.7 acres located on the northwest corner at the intersection of West Mallard Creek Church Road and Interstate 85. (Council District 4 - Phipps)

**Current Zoning:** R-3 (single family, residential), RE-1 (research), and RE-3(CD) (research, conditional)

**Proposed Zoning:** MUDD-O (mixed use development, optional) and R-12MF (CD) (multi-family residential, conditional), with five-year vested rights.

**Public Hearing Held:** May 15, 2017 Item #21

**Staff Recommendation:**

Staff recommends approval of this petition.

The following items have been addressed:

Transportation

1. Petitioner has made minor modifications to the Garrison/Galloway intersection to obtain better compliance of stop control condition.
2. The petitioner revised transportation conditional notes as follows:
  - a. Notes 4H, 4N, 4O, and 4R(4)(b) - removed "or if there is not existing right-of-way to accommodate these improvements, then the Petitioner shall have no obligation to install such improvements."
  - b. Note 4L - Clarified that this reserved area will not be included in tree save.
  - c. Note 4R(1)(a) - Revised to clarify that the improvement is to construct a second right turn lane and included language to channelize these right turn lanes with a pedestrian island.
  - d. Added "plus the appropriate taper length" to all notes with a specific turn lane storage length.
  - e. Note 4R(3)
    - i. Included a northbound through lane at access point #2 at Mallard Creek Church Road.
    - ii. Added R(3)(i): The petitioner shall remove all existing pavement/drainage structures not needed and replace with top soil and necessary landscaping within the existing Legranger Road right-of-way between Mallard Creek Church Road and the proposed realigned Legranger Road.
  - f. Note 4R(5)(a) - Provided a three lane cross section on the northbound connector Road at Galloway Road providing one ingress lane, one left turn lane, and one 100-foot right turn storage lane with an appropriate taper length.

Environment

3. The petitioner submitted an email from the United States Army Corps of Engineers (USACE) stating that the specified location is not a jurisdictional channel in Area A; therefore, there is no requirement for a 50-foot undisturbed buffer.
4. The site plan has been modified to show that the proposed screening fence stops at the boundaries of the 50-foot Undisturbed PCSO buffer within Area "C".

Site and Building Design

5. Modified site plan to identify "Building Edge" locations on Outparcels 1 and 2. For Outparcel 1, added a note stating that neither a drive aisle nor vehicular parking will be permitted between the building edge proximity line and the adjacent connector road and roundabout. For Outparcel 2, added language stating that a drive aisle and vehicular parking will be permitted between the building edge proximity line and the roundabout.
6. Added a note stating that upon the completion of the buildings proposed to be constructed in

Development Area C, a minimum of 70% of Development Area C's frontage along the eastern edge of the connector road will be comprised of building facades, the community green, outdoor dining areas and/or landscaped areas

7. Provided an additional pedestrian connection within the proposed public street just north of the Community Green that also connects to the proposed 10-foot multi-use path.
8. Development note has been revised to commit to at least two of the following amenities within the community green: seating, sculptures/artwork and a water feature.
9. Proposes to screen parking behind the community green with a seat wall or landscaping.

Requested Technical Revisions

10. Development Note D(5) states that in the event a convenience store with or without gas sales is located on Development Area D, a maximum of two (2) uses located on Development Area D may have accessory drive-in and drive-through service lanes/windows. Development Note D(6) states that in the event a convenience store with or without gasoline sales is not located on Development Area D, a maximum of three (3) uses located on Development Area D may have accessory drive-in and drive-through service lanes/windows.
11. Petitioner has noted that Area A adjacent to Interstate 85 will have 20 shrubs per 100 linear feet located within or adjacent to the 30-foot setback.
12. Modified site plan and accompanying language to specify that the 75-foot buffer as shown on the rezoning plan is a Class C buffer that may not be reduced in width.
13. Access #1, #2, and #3 are now labeled on the site plan.
14. The "connector road" is now labeled on the site plan.
15. Architectural Standards Development Note 5A(3)(c)(iv) stating that driveways intended to serve single units shall be prohibited on all network required streets has been removed from the site plan.
16. Clarified Development Note E(1) to note that a total maximum of 45,000 square feet of gross floor area may be developed on Development Area C and Development Area D combined.

The following items were added after the public hearing:

1. The petitioner added an exhibit on Sheet RZ3.1 identifying commitments to improve the radius of the intersection of Galloway and Garrison Roads, with accompanying development note.
2. Site Plan commits to submitting the sum of \$10,000 to CDOT to pay for traffic calming measures on Galloway Road. *Petitioner has committed to increasing this sum to \$25,000; site plan will be corrected accordingly to reflect the larger sum.*



## 5. Rezoning Petition: 2017-044 by Jacobs Fork Properties, LLC

**Agents:** John Carmichael and Ty Schaffer - Robinson Bradshaw & Hinson, P.A.

**Staff Resource:** [Sonja Sanders](#)

**Location:** Approximately 3.31 acres located on the east side of Craig Avenue along Lydia Ridge Lane between Eastview Drive and Richland Drive. (Council District 5 - Ajmera)

**Current Zoning:** R-4 (single family residential)

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

**Public Hearing Held:** May 15, 2017 Item #24

**Staff Recommendation:**

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

The following items have been addressed:

Transportation

1. Added Note 3D under "Transportation" as follows: Any right-of-way required to be dedicated and conveyed by Petitioner to the City of Charlotte shall be dedicated and conveyed prior to the issuance of the first building certificate of occupancy for a dwelling unit to be constructed on the site. The right-of-way is shown at the back of sidewalk, which is adequate.
2. Retained gated access though discouraged by CDOT. Amended Note 3B as follows: The proposed development may be gated as depicted on the rezoning plan, at the option of the petitioner. If the site is gated, adequate turnaround design, as approved by CDOT, will be provided.

Site and Building Design

3. Provided 60-foot wide lots, with a 40-foot front setback, minimum five-foot side yards, and maximum 40-foot maximum height for lots along Craig Avenue, to be compatible with the existing structures in the R-4 district along Craig Avenue. In an effort to provide appropriate separation, screening, and transition of height, tree save area measuring 30 feet, in some portions, will be provided to the rear of structures located adjacent to the homes along Eastview Drive. Lots in this area will be a minimum of 40 feet in width.
4. Interior lots fronting the private street will provide a minimum setback of 18 from back of curb to the garage.
5. Showed and labeled the future back of curb on Craig Avenue and measure the 40-foot setback from that location.
6. Provided a 20-foot minimum depth from the back of sidewalk when tandem driveway parking is provided. Providing a maximum of seven feet from back of sidewalk to garage where tandem driveway parking is not provided.
7. Specified width of the potential tree save area, as a minimum of 30 feet in some areas.
8. Labeled building elevations to reflect a 60-foot lot fronting Craig Avenue, 40-foot wide interior lot fronting the private street, and the outer side of rear loaded homes facing private street or exterior property lines. Annotated elevations to show materials and architectural commitments.
9. Amended Note 1C to add that modifications will be minor. Replaced "drives" with "street/drives".

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

1. Site plan amended to add the following note: Private street to be constructed to local residential medium street standards.
2. Amended building elevations to indicate to which lots the elevations apply, and annotate elevations to show materials and architectural commitments.
3. Reduced number of proposed single family detached dwellings from 17 to 15 units.

4. Amended Note 3C under "General Provisions" to delete "and/or NCDOT."

The following items remain outstanding:

1. Revise site plan to specify private streets to be constructed as local residential wide with gated access.

## **6. Rezoning Petition: 2017-048 by Camp Greene Properties, LLC**

**Agent:** Matt Langston - Landworks Design Group PA

**Staff Resource:** Sonja Sanders

**Location:** Approximately 0.357 acres located at the northeast intersection of Belmont Avenue and Pegram Street, east of Allen Street. (Council District 1 - Kinsey)

**Current Zoning:** R-5 (single family residential)

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

**Public Hearing Held:** May 15, 2017 Item #25

**Staff Recommendation:**

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

The following items have been addressed:

Transportation

1. Revised the site plan to add a note specifying dedication and fee simple conveyance of all right-of-way to the city before the site's first building certificate of occupancy is issued. Added Note 5b under Transportation to state that right-of-way will be set at the back of sidewalk along Pegram Street and Belmont Avenue.

Site and Building Design

2. Added Note 6c under Architectural Standards to state that building facades will be articulated with store front windows, canopies, porches, cornices, roof lines, and window details to avoid blank facades and encourage active pedestrian use.
3. Provided a photo of the proposed six-foot high "living screen" buffer alternative along the property boundary abutting tax parcel 081-127-06.
4. Amended Note 2c under Optional Provisions as follows: Historic landmarks requirements for windows on the existing building shall supercede ordinance requirements for windows (e.g. zoning may not require new window openings in conflict with maintaining historic character of the building).
5. Removed "coffee shops" from the list of permitted uses and replaced with "neighborhood food and beverage" uses.
6. Labeled the eight-foot wide existing sidewalk fronting the subject property on Pegram Street.

The following item is outstanding:

1. Revise the site plan to show one two-way driveway, in lieu of the two one-way driveways.

## 7. Rezoning Petition: 2017-052 by Southminster, Inc.

**Agent:** John Carmichael - Robinson Bradshaw & Hinson, P.A.

**Staff Resource:** [John Kinley](#)

**Location:** Approximately 27.54 acres located on the east side of Park Road between Arbor Pointe Drive and Smithfield Church Road. (Council District 6 - Smith)

**Current Zoning:** R-3 (single family residential) and INST (CD) (institutional, conditional)

**Proposed Zoning:** INST (CD) (institutional, conditional) and INST (CD) SPA (institutional, conditional, site plan amendment)

**Public Hearing Held:** May 15, 2017 #Item 26

**Staff Recommendation:**

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

The following item remains outstanding:

Transportation

1. Revise the site plan to depict, label, and add a conditional note for an 11-foot planting strip and six-foot sidewalk along the site's Park Road frontage, including proposed right-of-way to be located 19 feet as measured from the Park Road's existing back of curb. The additional planting strip width will accommodate a future buffered bike lane. The proposed six-foot sidewalk and two-foot maintenance strip may be a sidewalk utility easement (SUE).

## 8. Rezoning Petition: 2017-063 by GodSpeed Motors

**Agent:** Walter Fields

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

**Location:** Approximately 3.415 acres located on the north side of Vance Davis Drive east of Twin Lakes Parkway and south of Interstate 485. (Council District 2 - Austin)

**Current Zoning:** BP (business park)

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

**Public Hearing Held:** May 15, 2017 #Item 28

**Staff Recommendation:**

Staff recommends approval of this petition.

## 9. Rezoning Petition: 2017-075 by Conformity Corporation

**Agent:** Monte Ritchey

**Staff Resource:** [Sonja Sanders](#)

**Location:** Approximately 4.07 acres located on the east side of East Sugar Creek Road between Raleigh Street and Bearwood Avenue. (Council District 1 - Kinsey)

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

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

**Public Hearing Held:** May 15, 2017 Item #29

**Staff Recommendation:**

Staff recommends approval of this conventional petition.

## 10. Rezoning Petition: 2015-107 by D.R. Horton - Innovative Request

**Agent:** Allison Merriman - LandDesign

**Staff Resource:** [Solomon Fortune](#)

**Location:** Approximately 12.99 acres located on the south side of David Cox Road near the intersection of David Cox Road and Davis Lake Parkway. (Council District 2 - Austin)

**Request:** Innovative provisions are being requested for the MX-2 residential portion of the Davis Lake Townhomes. The following innovative provisions are requested: 1) a minimum setback of ten feet from the edge of the right-of-way for select corner lots, and 2) enhanced landscaping for the proposed corner lots.

**Staff Recommendation:**

Staff recommends approval of this petition.