

City of Charlotte

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



Zoning Agenda

**Tuesday, August 1, 2017
5:30 p.m.**

Charlotte-Mecklenburg Government Center - Room 280

Zoning Committee Work Session

John Fryday, Chairperson

Nasif Majeed

Bolyn McClung

Elizabeth McMillan

Sam Spencer

Mikael Sullivan

1. Election of Vice-Chair of the Zoning Committee

Deferrals

2. Rezoning Petition: 2017-074 by Fine Plaza, LLC

This petition is being deferred to October 3, 2017 since a revised site plan was not submitted.

Agent: Scott W. Stevens

Staff Resource: [Sonja Strayhorn Sanders](#)

Location: Approximately 1.36 acres located on the east side of Duncan Avenue between Drummond Avenue and The Plaza. (Council District 1 - Kinsey)

Current Zoning: B-1 (neighborhood business)

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

Public Hearing Held: *July 17, 2017 - Item #29*

Zoning Items

3. Rezoning Petition: 2017-054 by ATCO

Agents: Bridget Grant, Keith MacVean and Jeff Brown

Staff Resource: [Laura Harmon](#)

Location: Approximately 72 acres located on the southeast intersection of Statesville Avenue and Woodward Avenue, west of North Graham Street (Council District 1 - Kinsey)

Current Zoning: I-2 (general industrial)

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

Public Hearing Held: July 17, 2017 - Item #24

Staff Recommendation:

Staff recommends approval upon resolution of the outstanding issues.

The following items have been addressed:

Transportation

1. Staff rescinded the following request: Petitioner should revise the site plan to depict and add a note to provide the following cross sections. CDOT can work with the petitioner to reduce dimensions when needed at pinch points:
 - a. Camp Road - provide eight-foot minimum width for pedestrian area directly behind straight curb (i.e. not buffered by parking or planting area) (shown on Sheets RZ-05 Section F and RZ-06 Sections H, I-right side, and J) to provide adequate effective pedestrian width as defined in the recently adopted *CharlotteWALKS*, for back of curb sidewalk.
2. Staff rescinded the following request (as the petitioner added alternative language): The petitioner should revise the site plan to add a note specifying dedication and fee simple conveyance of all rights-of-way, public access easements, and/or sidewalk utility easements to the City as each facility is constructed. CDOT requests right-of-way set at two feet behind the back of sidewalk where feasible. CDOT's minimum right-of-way and easement expectation is as follows and should be identified on the cross sections:
 - a. Public access easements from back of pedestrian path to back of the pedestrian path for the full length of Woonerf 6 in RZ-01, and Connection 6-E-G- Woonerf 5 (southern portion) on RZ-02. It is important to CDOT that a complete network of public access to thoroughfares and collectors is provided through the site.
3. The petitioner resolved the issue related to the study of the 24th Street/Woodward Avenue realignment by committing to bear 50% of the study cost, up to \$10,000 instead of adding the specific language requested.
4. Staff rescinded the following request as the petitioner addressed the issue by making a number of alternative changes including a commitment to install Sylvania Avenue by September 30, 2022 and Camp Road by September 20, 2023, with additional provisions, instead of making the following changes originally requested by staff: The petitioner needs to revise the site plan and conditional notes to commit to construction of the full cross sections (as shown on Sheet RZ-03 through RZ-07) and submittal of public right-of-way or public access easement (as described in Comment 8) as follows:
 - a. Sylvania Avenue connecting Statesville Avenue to Graham Street prior to permit approval for the 200,001st square foot of office of Phase 1 entitlements or before the start of construction of the railroad grade crossing for any use, whichever comes first.
 - b. Camp Road connecting Statesville Avenue to Graham Street prior to permit approval for any Phase 2 entitlements or before the start of construction of the railroad grade crossing for any use, whichever comes first.
 - c. Keswick Avenue connecting Camp Road to Graham Street prior to permit approval for any Phase 2

- entitlements or before the start of construction of the railroad grade crossing for any use, whichever comes first.
- d. Connection D connecting Camp Road to Woodward Avenue prior to permit approval for any Phase 2 entitlements.
 - e. Woonerf 6 connecting Camp Road to Sylvania Avenue on RZ-01 prior to permit approval for any Phase 2 entitlements.
 - f. Transportation and streetscape improvements along Woodward Avenue and Graham Street frontages, as shown on RZ-03 and RZ-04, should be completed prior to permit approval for any Phase 2 entitlements.
 - g. Transportation and streetscape improvements Statesville Avenue frontages as shown on RZ-03 should be completed prior to permit approval for any Phase 3 entitlements.
 - h. Connection 6-E-G-Woonerf 5 (southern portion) on RZ-02 connecting Sylvania Avenue to Statesville Avenue upon demolition of conflicting portion of Building 3A. Southern portion of Woonerf 6 (connecting to Sylvania Avenue) cannot be abandoned until this connection and easement is provided.
 - i. Orange pedestrian route connecting Woodward Avenue to Camp Road upon demolition of conflicting portion of Building 11.
 - j. Connection A on RZ-02 upon development of Area A.
 - k. The petitioner should update Note 5c to exclude these necessary connections in public right-of-way or public easement. The entitlements by these phases are anticipated to bring a lot of people and trips into the site to live, work, and play. CDOT is very concerned that the current site plan provides no guarantee of a formal street network to guide these people in to and out of this large industrial site. Additionally, not providing this additional connectivity through the site to the bordering streets (via Camp Road, Woonerf 6, Connection D) will put a larger burden on the existing intersections, which was not accounted for in the traffic study.
5. The petitioner addressed the following items concerning site access to the satisfaction of CDOT:
- a. The proposed site access "B" (study intersection #16) appears to have two access driveways side by side. This will be confusing/conflicting for drivers from Camp Road and P7 and is a significant conflict point that will have impacts on Statesville Avenue operations. Remove the proposed driveway just north of Camp Road and use Woonerf 4 connection to access P7 as first order of work in Phase 1.
 - b. Proposed site access on Woodard Avenue near Graham Street /Woodard Avenue signalized intersection should be removed or restricted to right-in/right-out with a 100-foot median on Woodward Avenue. This access is too close to the signalized intersection to be full movement.
 - c. Proposed site access across from Graham Street/24th Street signalized intersection should be upgraded/reconstructed to street section with a minimum stem length of 100 feet and remove proposed right-in/Right-out site driveways accessing Parking Field 6 on Woodward Avenue and Graham Street. CDOT prefers this configuration. Alternatively, but not in addition, right-in/right-out driveway would be permitted on Graham Street midway between Camp Road and 24th Street with a 100-foot median on Graham Street.
 - d. Proposed P15 access on Sylvania Avenue should be relocated to Woonerf 5.
 - e. Proposed P17 access on Sylvania Avenue near Graham Street/Sylvania Avenue proposed signalized intersection should be relocated as close to building 1A as possible or restricted to right-in/right-out. This access is too close to the signalized intersection to be full movement.
 - f. Proposed P2 access on Woodward Avenue near Edison Street - align directly across from Edison Street (i.e. not offset).
 - g. To expedite permitting, CDOT requests exhibits of each site driveway with the petitioner's engineer to determine interim and ultimate expectation for:
 - i. Number of exiting and entering travel lanes;
 - ii. Proposed exit lane turning assignments;
 - iii. Driveway stem length (distance between public street back of curb and first internal parking lot driveway and/or parking stall); and
 - iv. Storage length of left-turn or right-turn exit lanes.

6. The petitioner resolved CDOT's review comments associated with the Camp End North TIS, submitted May 1, 2017:
 - a. CDOT had not had adequate time to review and determine if the proposed Statesville Avenue "road diet" can be supported. The petitioner should update the notes to commit to a separate study in Phase III. Please include alternative Statesville Avenue cross section that maintains the four lane section.
 - b. Petitioner should include restriping, signal modification, and pedestrian refuge work on Graham Street generally between I-277 bridge and Dalton Road to mitigate transportation impacts.
7. The following issue has been resolved: Revise RZ-TIA to include the traffic mitigation recommendation concept drawing as recommended in the 2015 Music Factory TIS (i.e. Figure 7 - between study intersections 6 and 7).
8. New wording has been added to address the following issue: The petitioner should revise Note 3j to include a technical traffic memo that describes entitled and converted trip generation comparison and traffic mitigation recommendations with request for conversion submitted to Planning.
9. The following has been resolved: Revise Notes 4 and 5. Contact CDOT to determine needed changes.
10. Resolution has been reached on this item: In general, the petitioner should revise the conditional notes to use plain language and concisely communicate the intent of each commitment.

Infrastructure

11. The petitioner provided a commitment to construct four new waiting pads along the site's frontage (two pads each) on Statesville Avenue and North Graham Street.
12. Revised the note on the site plan at the Statesville Avenue and Woodward Avenue intersection to say "future signal by others."

Site and Building Design

13. The height in the core area is now limited to 75 feet, except for buildings replaced due to environmental issues or fire/casualty/etc.
14. Petitioner added statement that 814,000 square feet will remain within the core area, except for situations related to fire/casualty etc. or removal of Building 11 and/or 14 due to environmental conditions. Also, stated the if buildings within the core are removed, they will meet the standards of provided for new buildings, with the exception of height which is address under item #14 above.
15. The notes have been revised to state that new single story buildings may be located within the Core Existing Building Area and shall be limited to one story and 35 feet in height (excluding rooftop activities and structures), and will not have more than 4000 square feet of ground floor gross floor area.
16. Section 2.b. has been revised to say that if a building located on a woonerf is 75 feet or higher, the setback will be 20 feet or will have a step-back of at least 10 feet deep located between 30 and 60 feet of height.
17. Staff rescinded the request to eliminate the optional provision for urban open space as additional information regarding open space is included in another section of the conditional notes and that information has been updated to provide greater clarity on the commitment being made.
18. Petitioner clarified the basis for the optional provision related to urban open space.
19. Section 6.c(iv) has been revised to indicate parking decks will meet the standards of new buildings, with the exception of any parking decks located in Area C. Also added a commitment stating that 50% of the length of length of new buildings will have 50% active uses with a minimum depth of 18 feet, subject to deviations resulting from physical site constraint or incompatible orientations with existing buildings.
20. Petitioner defined private connections to include private streets, private connections, woonerfs and other connections. This change address the issue related to design of buildings along public streets.
21. In Section 8.c(iii), the petitioner reduced the size of wall signs to a maximum of 300 square feet, except that each building may have one wall sign that is 550 square feet.

Land Use

22. Added a note addressing process to deal with transportation impacts if rail crossings for either Sylvania Avenue or Camp Road are not opened prior to the issuance of the first certificate of occupancy for the Phase III Development.
23. Petitioner confirmed that the conversion applies only to light industrial and not "other uses."

24. Building setback along Statesville Avenue has been revised to match revised cross section. Petitioner provided a note indicating that if a "road diet" is approved, the setback will be relocated to match the updated back of curb.

Land Use

25. Added a note addressing process to deal with transportation impacts if rail crossings for either Sylvania Avenue or Camp Road are not opened prior to the issuance of the first certificate of occupancy for the Phase III Development.
26. Petitioner confirmed that the conversion applies only to light industrial and not "other uses."
27. Building setback along Statesville Avenue has been revised to match revised cross section. Petitioner provided a note indicating that if a "road diet" is approved, the setback will be relocated to match the updated back of curb.

Requested Technical Revisions

Site and Building Design

28. Petition has been updated and includes text clarifying difference between redevelopment and reuse.
29. Petition has been updated and includes text clarifying difference between redevelopment and reuse.
30. Minor expansion has been defined as no more than a 5% increase in the ground floor footprint or 2,000 square feet of gross floor area of the ground floor footprint.
31. Most references to Community Investment Plan/CIP/etc. have been removed from the document. Staff has no concerns about the remaining references in the document.
32. Petitioner has added tracking for all phases of development, including tracking for Phase I and II and tracking related to open space.
33. Clarified the building areas that are within multiple Development Areas and adjusted labeling accordingly.
34. For Note 6.c(iv), changed wording.
35. Statement acknowledging that no activity shall occur within the railroad right-of-way without written approval from the Railroad has been added to the conditional notes.
36. Petitioner added language to the definition section indicating that if definitions in the rezoning notes conflict with those in the zoning ordinance, the definitions in the rezoning notes will control.
37. For Section 1.i.vii, added "Other Uses" to the title, as referenced within the paragraph.
38. For Section 1.i.ix, added residential uses to the list of what may be considered an Active Ground Floor Use.
39. For Section 2(b) referencing Section 9.905(2), the statement that "Existing utilities in the setback may remain so long as they do not obstruct the sidewalk" was relocated to be its own statement and the appropriate ordinance section has been referenced.
40. The optional provision related to Structured Parking Facilities has been included in the Optional Provisions Section of the conditional notes.
41. Staff has rescinded the following request: For Section 9.906(4)(a-i): Delete the first sentence as it is not needed.
42. Section 2.b. referencing Section 9.907(2) was revised to clarify loading standards.
43. Staff rescinded the request for a supplemental chart to clarify conversion rights.
44. Section 6.c(viii) was revised to provide commitments for ground floor activity along public streets and private connections.
45. Missing words have been added to Section 8.d(i).
46. Staff has rescinded request to provide standards related to temporary signs.
47. Zoning Administrator has confirmed language related to Artwork/murals/sculptures and Lighting are acceptable.
48. For Section 6.c(xi), text was added to clarify that the transition zone will be four feet wide.
49. For Section 6.c(xii), petitioner clarified that above ground utilities for New Buildings on public streets shall be out of the setback.
50. For Section 8.a, delete paragraph: "provided, however, it is expressly understood that the following signage types shall not be permitted unless approved by the Planning Director or designee, in his or her discretion: digitally printed vinyl projecting signs, internally illuminated flat panel acrylic face embossed signs with translucent vinyl graphics, or internally illuminated box signs."

Transportation

51. Staff has rescinded the request to insert the corridor preservation phrase for all future connections on the site and will work with the petitioner during permitting to ensure that buildings are not located in a manner that will preclude future street connections shown on the site plan.
52. In most cases reference to treatments along public streets has been revised to apply also to private streets and woonerfs. In addition, private connections have been defined to include private streets, woonerfs and pedestrian connections.

Land Use

53. In the section addressing allowed language, petitioner deleted language related to utilities and related facilities as these uses are already allowed in UMUD and not additional standards have been provided.

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

1. Petitioner added the following note to the end of Note 4.I.b: "In connection with the above-referenced adjustments to the access to the access to and from the Site, Petitioner shall deliver to CDOT, and as applicable NCDOT, proposed plans for the proposed access and driveways to adjacent public streets to be used on an interim basis as development takes place on the Site prior to completion of the Phase I Development."
2. Added "and add a bike lane in each direction" to Note 15 related to Statesville Avenue.
3. Added an optional provision that utilities will not be required to be placed underground as part of development/redevelopment.
4. Revised conversion factor for non-office commercial to office commercial as follows: 1.5 square feet of gross floor area of non-office commercial use to 1.0 square foot of office commercial use and vice versa.
5. Added phasing requirements for urban open space.
6. Petitioner committed to make corrections to any to inconsistencies between the notes and information on the site plan.

The following items are outstanding:

1. Amend Note 7.b. on Sheet RZ-N2 as follows: "The site will comply with the Tree Ordinance. The petition reserves the right to pursue an agreement for alternative compliance consistent with the alternative compliance provision in the Tree Ordinance."
2. Reduce the height of any replacement buildings within the core area, with the exception of Building 11, to be consistent with the height of the existing buildings in the core to maintain the character of the core area.

4. Rezoning Petition: 2017-058 by The Keith Corporation

Agents: Bridget Grant, Keith MacVean and Jeff Brown

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

Location: Approximately 11.1 acres located on the north side of West W.T. Harris Boulevard between Mallard Creek Road and Medical Plaza Drive. (Council District 2 - Austin)

Current Zoning: RE-1 (research)

Proposed Zoning: RE-3(O) (research, optional)

Public Hearing Held: June 19, 2017 - Item #21

Staff Recommendation:

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

The following issues have been addressed:

Transportation

1. The petitioner has revised the site plan and conditional notes to add a 12-foot wide multi-use path (MUP) along the site's WT Harris Boulevard frontage and connect to existing/proposed sidewalks on Mallard Creek and Medical Plaza Drive. The site plan has been revised to depict the 12-foot MUP extending to the accessible ramps crossing Mallard Creek Road and Medical Plaza Drive.
2. The petitioner has revised the site plan and conditional notes to reflect construction of accessible curb ramps at all corners of the new intersection created by the private street/JN Pease and Medical Plaza Drive.
3. The petitioner has revised the site plan to add a note specifying dedication and fee simple conveyance of all rights-of-way and/or Sidewalk Utility Easements to the City before the site's first building certificate of occupancy is issued, with right of way set at 2 feet behind back of sidewalk and multiuse path.
 - a. The petitioner has revised note 4.I.a. to include that proposed "Private Street A" will have a public access easement (i.e. never gated).
 - b. The petitioner has dedicated the portion of right-of-way along Medical Plaza Drive to eliminate the jog.
4. The petitioner has revised 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. Italicized note at the end of section 6 is not adequate and should be replaced.
5. The Petitioner has added note committing to provision and construction of a new waiting pad for a new bus stop on Medical Plaza Drive, per standard detail (60.01B). A permanent easement will be provided where dimensions exceed existing or proposed right-of-way limits.

Environment

6. The petitioner has added a note committing to submittal of a tree survey for all trees two inches or larger located in the rights of way, including all trees eight inches or larger in the setback.
7. Petitioner has added a note committing to working with Urban Forestry and an independent arborist to evaluate the trees and potential development impacts. If proper protection for preservation cannot be provided an eight (8) foot planting strip with trees will be provided.

Infrastructure

8. Revised Note-8a under the Environmental Features heading to read as follows: Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Stormwater Ordinance.

Design and Land Use

9. Petitioner has removed phrase "without limitation" from language under Site Development Data. Petitioner has added more specific language pertaining to proposed uses (up to 142,000 square feet including existing office building) with conversion rights as follows:
 - a. Development Areas A and C: Office uses up to 49,100 square feet; EDEE uses not to exceed 6,000 square feet of which 2,00 square feet can be for Limited Service Restaurant Uses with a drive thru facility.

- b. Development Area B: Office uses not to exceed 10,000 square feet.
 - c. Development Area D: Existing office building to remain or to be redeveloped for office uses but not to exceed 70,000 square feet.
 - d. Allows conversion of office uses into hotel rooms at the rate of 400 square feet of office to one hotel room, up to a maximum of 120 hotel rooms.
 - e. Allows converting EDEE uses into retail uses and personal service uses at the rate of one square foot of EDEE uses to two square feet of retail uses and/or personal services uses, up to a maximum of 12,000 square feet.
 - f. Allows additional EDEE uses to be developed on the site by converting the Limited Service Restaurant/EDEE use with a drive-through facility into EDEE uses without a drive-through facility at the rate of one square foot of floor area to two square feet of EDEE uses without a drive-through facility, up to a maximum of 8,000 square feet of EDEE uses without a drive-through facility.
 - g. Clarifies that existing office may remain or be redeveloped for office uses up to 70,000 square feet.
 - h. Notes that additional conversion rights and modifications to the uses noted above are permitted up to the maximum level of 142,000 square feet upon CDOT staff review of a revised trip generation table to demonstrate appropriate transportation adequacy.
10. Petitioner has removed sentence "All sides of the buildings to be constructed on the Site will be built using four-sided architecture".

Requested Technical Revisions

Transportation

11. The petitioner has revised the site plan to accurately depict and dimension the proposed building setback lines.

The following items have been added/modified since the public hearing:

- 1. Petitioner has reduced proposed maximum square footage from 150,000 square feet to 142,000 square feet.
- 2. A note has been added stating roadway improvements as referenced in Section 4.I. will be completed in coordination with Development Area B.
- 3. Petitioner has modified certain development notes to reference "Limited Service Restaurant".
- 4. Modified Note 6.e. to state the twelve (12) foot multi-use path transitions to a six (6) foot sidewalk adjacent to the existing basin and will be provided along W.T. Harris Boulevard.
- 5. The petitioner added language specifying development area limitations, including proposed uses, square footages, and conversion rights.
- 6. A hotel is not listed as a possible use on the rezoning site.
- 7. Petitioner has amended language to reduce the number of drive through lanes affiliated with financial institutions (e.g. banks) from four to two.
- 8. Amended Optional Provision regarding the planting strip and sidewalk along Medical Plaza Drive by adding the following language: "If the development on this parcel will have negative impact on health of the existing trees and/or the existing trees cannot be protected, the Petitioner shall provide an 8' planting strip along Medical Plaza Drive as noted in Section 8.c. below."
- 9. Modified language to state that a twelve foot multi-use path that transitions to a five six-foot sidewalk adjacent to the existing basin will be provided along W.T. Harris Boulevard.

The following issues remain outstanding:

- 1. Add the following note under Section 8 "Environmental Features" on sheet RZ-3: "If the petitioner utilizes the existing detention pond on site for storm water management requirements of the proposed development, the Petitioner shall include documentation in the formal plan submittal for permitting confirming the proper easements have been established per City standards and that the pond was properly designed and constructed to manage storm water runoff from all parcels served by the pond to meet the Post Construction Stormwater Ordinance requirements."
- 2. Petitioner should delete the definition of Gross Floor Area (GFA) and use the ordinance definition for "floor area."

5. Rezoning Petition: 2017-062 by Doggett Concrete, Inc.

Agent: Walter Fields

Staff Resource: John Kinley

Location: Approximately 5.8 acres located at the northern end of Cressida Drive east of South Boulevard and west of Sharonbrook Drive. (Council District 6 - Smith)

Current Zoning: I-1 (light industrial)

Proposed Zoning: I-2(CD) (general industrial, conditional)

Public Hearing Held: July 17, 2017 - Item #25

Staff Recommendation:

Staff recommends approval of this petition.

The following items have been addressed.

Land Use

1. Clarified the allowed uses by modifying Notes 2 and 3 to say "The site may be used for any I-2 uses that are also permitted in I-1 district plus a contractor's office and accessory storage including the storage of construction equipment."

Transportation

2. Revised the site plan notes to state that an eight-foot planting strip and six-foot sidewalk would be provided across the site frontage.

Requested Technical Revisions

Site and Building Design

3. Removed the "10-foot setback" label and line abutting the single family homes from the site plan as the provided 100-foot buffer line takes precedence.
4. Changed the line symbology for the 35-foot post construction buffer so that is more easily distinguished from the buffer/building/parking envelope line.
5. Replaced "no wall pak type lighting will be utilized, except that architectural lighting on the exterior of buildings will be permitted" with "architectural lighting on the exterior of buildings is permitted provided it is capped and downwardly directed."

Transportation

6. Revised the site plan to add a note specifying the dedication and fee simple conveyance of all rights-of-way to the City before the site's first building certificate of occupancy is issued with right-of-way set at two feet behind the sidewalk.

Environment

7. Added a note that the petitioner would submit a tree survey for all trees two-inches or larger located in the rights-of-way of all streets if any are present and would include all trees eight-inches or larger in the setback if any are present.

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

1. Changed a label and note reference to the driveways to clarify that the site is served by two existing driveways (one on each parcel).

6. Rezoning Petition: 2017-067 by The Committee to Restore and Preserve Third Ward, Inc.

Agent: Chris Ogunrinde

Staff Resource: [Solomon Fortune](#)

Location: Approximately 0.17 acres located on the south side of Margaret Brown Street between South Sycamore Street and South Irvin Avenue. (Council District 2 - Austin)

Current Zoning: UR-1 (urban residential)

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

Public Hearing Held: June 19, 2017 - Item #24

Staff Recommendation:

Staff recommends approval of this petition.

The following items have been addressed:

Site and Building Design

1. The proposed use has been modified to include "Conference Center, including facilities for corporate meetings, training, retreats or other meetings."

Transportation

2. The sidewalk request has been rescinded by staff.
3. A note has been added 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.
4. A note has been added specifying all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued per the site's development plan.

7. Rezoning Petition: 2017-069 by Heydon Hall II, LLC

Agents: Collin Brown and Bailey Patrick Jr.

Staff Resource: [John Kinley](#)

Location: Approximately 7 acres located on the north side of Smithfield Church Road where it meets Heydon Park Way, west of Heydon Hall Circle. (Council District 6 - Smith)

Current Zoning: MX-1 (mixed use) and MX-1 SPA (mixed use, site plan amendment)

Proposed Zoning: MX-1 SPA (mixed use, site plan amendment)

Public Hearing Held: July 17, 2017 - Item #26

Staff Recommendation:

Staff recommends approval of this petition and proposed innovative development standards.

The following items have been addressed:

Site and Building Design

1. Amended the site plan tables and notes to clarify that lots along Heydon Hall Circle will be at least 80 feet wide.
2. Amended the site plan to show the eight-foot planting strip and six-foot sidewalk along Heydon Hall Circle and Smithfield Church Road as described in the development standards.
3. Eliminated the site development data note 2 and note 5 under IV Architectural Standards because they conflicted with the maximum building coverages listed proposed innovative standard.

Transportation

4. Staff rescinded the request that the petitioner should address the proposed major collector street extension along the site's frontage.
5. Provided a note that the right-of-way dedication and transportation improvements will be completed prior to the issuance of the first certificate of occupancy.

Requested Technical Revisions

Site and Building Design

6. Staff rescinded the request to move the vicinity map and delete the technical data sheet because the petitioner moved the information in the site development data table to the development notes.
7. Removed note 4 under Architectural Standards as this note would be part of the HOA document and the City does not enforce HOA restrictions.

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

1. Reorganized the numbering and section headings of the notes to clarify the development standards and reflect the additional standards added.
2. Made the following changes to the innovative standards: reduced the maximum building coverage from 70% to 60%, increased the corner setback from five feet to ten feet, and eliminated a garage setback of 20 feet.
3. Added development standards, at the request of and in cooperation with the Heydon Hall neighborhood, related to building materials, roof pitches, steps, chimneys, home placement, garages, driveways, lighting, design for security gates, security walls, on-street parking, construction activity, irrigation well, and provision of supplementary declaration documents.

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

Environment

1. Remove the following note from sheet RZ-2: "Should the required storm water facility not be located on site, the lots, as shown may be reconfigured to accommodate a pocket park, open space, as well as an additional lot. See note II(2) in development standards."
2. Include the following notes on the plan sheet under "Environmental Features" on sheet RZ-3: "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."
3. Make the following changes on RZ-3 under "Environmental Features": under note 1 change "Post Construction Controls Ordinance" to "Post Construction Stormwater Ordinance (PCSO)." and remove note 2 entirely and replace with "The stormwater pond/facility shall meet the requirements of the PCSO and Charlotte-Mecklenburg BMP Design Manual. No woody vegetation will be allowed on any embankments impounding stormwater."

8. Rezoning Petition: 2017-072 by SMS Catering Service, Inc.

Agents: Collin Brown, Bailey Patrick Jr. and Brittany Lins

Staff Resource: [Sonja Strayhorn Sanders](#)

Location: Approximately 4.68 acres located on the east side of Norland Avenue south of Central Avenue.
(Council District 5 - Ajmera)

Current Zoning: R-4 (single family residential), B-2 (CD) (general business, conditional), and O-6 (CD) (office, conditional)

Proposed Zoning: NS (neighborhood services), with five-year vested rights

Public Hearing Held: July 17, 2017 - Item #28

Staff Recommendation:

Staff recommends approval of this petition.

The following items have been addressed:

Land Use

1. Added Note II(c) pertaining to proposed residential uses on tax parcels 13102401, 13102402, and 13102407 as follows: If the existing single family dwelling units are used for residential uses, the lots will be subdivided to separate the residential and nonresidential uses into separate parcels, and all subdivided lots will have frontage on Norland Road.
2. Added Note II(b) to indicate that the existing single family residential buildings on tax parcels 13102401, 13102402, and 13102407 are to remain and will retain residential character.
3. Clearly delineated and labeled boundaries of existing nonresidential uses (EDEE, existing parking lot and drive aisle), and for the proposed expansion to the EDEE. Added a note that the rear portion of tax parcels 13102401, 13102402, 13102406 and 13102407 will be used for the storage of SMS materials and buildings in this area are accessory to the EDEE use.
4. Deleted Note V under the heading of "Signage" in its entirety, and replaced with a note that existing signage shall be allowed to remain.
5. Amended Development Data Table to replace "banquet hall" with eating/drinking/entertainment establishment (EDEE)."
6. Specified the location of the EDEE and associated accessory uses/buildings, indicating how each building is to be used.
7. Showed the outdoor storage areas, and added Note II(a) indicating outdoor storage square footage shall not exceed 25% of the floor area of all buildings located on the site.

Site and Building Design

8. Specified the location of expansion areas, and expansions to existing buildings.
9. Revised Note IV(a) to state that existing buildings are to remain and that any new buildings to be built on the site will require a rezoning.
10. Deleted Note II related to maximum development on the site.
11. Deleted Note under heading of "Architectural Standards, Streetscape and Landscape" pertaining to screening of outdoor accessory storage, as it is a minimum ordinance requirement.
12. Clearly delineated the existing rezoning lines on the site plan.

Infrastructure

13. Added the following note concerning sidewalk and streetscape improvements: The petitioner is working with CDOT and Planning staff regarding the requirements related to the sidewalk and streetscape along Norland Avenue, and shall come to a mutually agreed upon standard before the City Council votes on this petition.

The following is a new outstanding item based on the revised site plan:

1. "Petitioner agrees to dedicate right-of-way as requested by CDOT or commits to construct the streetscape per ordinance requirements."

9. Rezoning Petition: 2017-077 by TTR Investments, LLC

Agent: John Carmichael

Staff Resource: Claire Lyte-Graham

Location: Approximately 1.4 acres located at the northwest intersection of Millerton Avenue and West Morehead Street and west of Suttle Avenue. (Council District 3 - Mayfield)

Current Zoning: I-1 (light industrial)

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

Public Hearing Held: July 17, 2017 - Item #30

Staff Recommendation:

Staff recommends approval of this petition.

The following issues have been addressed:

Transportation

1. The petitioner has 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 for the building located immediately to West Morehead Street, with right of way set at two feet behind back of sidewalk if feasible.

Environment

2. In order to provide adequate growing space for the tree along West Morehead Street and the portion of Millerton Avenue with the substandard width planting strip (less than eight feet), sidewalks shall be engineered so that the trees can utilize the growing area under the sidewalk. Petitioner has responded by stating that rather than addressing this comment on the revised rezoning plan, the preference is to keep options open and address this item at the permitting stage with Urban Forestry.

Land Use

3. Petitioner has added language clarifying intent to demolish portions of the existing building to create two freestanding buildings on the site, with actual limits of demolition not yet determined. Note further states that additional portions of the building may be demolished or modified to create urban open space and outdoor plazas. A maximum of 10,000 square feet of gross floor area of the existing building may be demolished, and the majority of the existing building will be preserved and remain on the site after the demolition.
4. The petitioner has added a note that the optional provisions only apply if the existing buildings on the site are preserved and remain.

10. Rezoning Petition: 2017-080 by Griffith Equities, LLC / E.C. Griffith Company

Agent: John Carmichael

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

Location: Approximately 17.69 acres located in between Freedom Drive and West Morehead Street and west of Walnut Avenue (Council District 3 - Mayfield)

Current Zoning: I-1 (light industrial)

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

Public Hearing Held: July 17, 2017 - Item #31

Staff Recommendation:

Staff recommends approval of this petition.

The following issues have been addressed:

Transportation

1. The petitioner has revised the site plan to add a note specifying dedication and fee sim portions of the site located immediately adjacent to West Morehead Street to the City be first building certificate of occupancy is issued, set at two feet behind back-of-sidewalk if feasible.

Infrastructure

2. Petitioner amended Note 7A under the "Environmental Features" to note the development of the site shall comply with the Charlotte City Council approved and adopted Post Construction Stormwater Ordinance.
3. Petitioner has modified site plan by relocating potential retaining wall location and/or any other proposed construction outside the SWIM and PCSO stream buffers.

Site and Building Design

4. Building elevations have been provided that illustrate entrances, ground floor transparency, building articulation, etc. and identify building materials. Accompanying notes have been added to further define intent of images.
5. The 22-foot setback along West Morehead Street is now clearly labeled on the site plan.
6. The setback along West Morehead Street is now clearly labeled, and Building Envelope 6 is not located within the setback.
7. Site plan has been revised to identify turning movements at entrance.
8. Petitioner has added language regarding the Urban Green Edge that states it will contain a combination of landscaping materials, hardscape and knee walls, as well as a minimum six-foot tall decorative fence with brick columns. Until such time that Buildings 4, 5 and 6 are constructed the petitioner will install and maintain this urban green edge along the site's frontage on West Morehead Street. Portions of this Urban Green Edge may be removed to accommodate the Building 3 footprint and construction.
9. Optional Provision 2B needs to be reworded to require construction of Buildings 4 and 5 (the buildings with frontage on West Morehead Street), and to require obtaining of Certificates of Occupancy for Buildings 4 and 5 prior to obtaining Certificates of Occupancy for the second building from Buildings 1, 2 and 3. Staff has rescinded this comment since the petitioner submitted elevations with the revised site plan.

The following items have been added since the public hearing:

1. The petitioner has added references to the Urban Green Edge to development notes where applicable.

2. The petitioner has added a note that accessory garage structures and an accessory car wash structure may be located on the Site as generally depicted on the Rezoning Plan.
3. The petitioner has added development notes pertaining type of building materials to be used on the buildings to be constructed on the site.
4. Language has been amended to provide that the maximum height in stories of the clubhouse/amenity building will be four stories with an optional rooftop terrace.

11. Rezoning Petition: 2017-081 by Ninety-Eight and Three Quarters Holdings, LLC

Agents: John Carmichael and Ty Shaffer

Staff Resource: [Sonja Strayhorn Sanders](#)

Location: Approximately 0.38 located between North Tryon Street and Ritch Avenue and east of Guy E. Suddreth Avenue. (Council District 1 - Kinsey)

Current Zoning: R-5 (single family residential)

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

Public Hearing Held: *July 17, 2017 - Item #32*

Staff Recommendation:

Staff recommends approval of this petition.

The following items have been addressed:

Site and Building Design

1. Clearly delineated the boundaries of the parking area, and added Note 4B under the heading of "Landscaping" to limit pavement to the area labeled and delineated as proposed parking lot.
2. Added a note that area between the parking and the street will be landscaped, that the required buffer will be provided at the limits of the parking area, and asphalt will be removed from the buffer area.
3. Amended the vicinity map to remove the portion of the parcel that fronts North Tryon Street.
4. Clearly delineated the portion of the tax parcel that is being rezoned.

12. Rezoning Petition: 2017-085 by Mark Eisenbeis-Stolz Partners

Agent: Marc Houle

Staff Resource: [Sonja Strayhorn Sanders](#)

Location: Approximately 9.54 acres located east of Interstate 485 between Caldwell Road and Farmington Ridge Parkway. (Outside City Limits)

Current Zoning: R-3 (single family residential) and R-4 (single family residential)

Proposed Zoning: R-5 (CD) (single family residential, conditional), with five-year vested rights

Public Hearing Held: *July 17, 2017 - Item #33*

Staff Recommendation:

Staff recommends approval of this petition.

13. Rezoning Petition: 2017-087 by Regions Bank

Agents: Keith MacVean and Jeff Brown

Staff Resource: [Solomon Fortune](#)

Location: Approximately 1.96 acres located at the southwest intersection of South College Street and East Stonewall Street and east of John Belk Freeway. (Council District 1 - Kinsey)

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

Proposed Zoning: UMUD-O SPA (uptown mixed use district, optional, site plan amendment)

Public Hearing Held: *July 17, 2017 - Item #34*

Staff Recommendation:

Staff recommends approval of this petition.

The following items have been addressed:

Signage

1. The information related to the 31 square foot wall sign at the pedestrian level has been removed from the plan.
2. The sign face graphic area has been modified on the site plan.

14. Rezoning Petition: 2017-088 by Trevi Partners, LLC

Agent: ColeJenest & Stone, PA

Staff Resource: [Sonja Strayhorn Sanders](#)

Location: Approximately 23.3 acres located along the south side of North Tryon Street between Wednesbury Boulevard and Caprington Avenue. (Council District 4 - Phipps)

Current Zoning: CC (commercial center) and UR-C (CD) (urban residential - commercial, conditional)
Proposed Zoning: UR-C (CD) (urban residential - commercial, conditional) and UR-C (CD) SPA (urban residential - commercial, conditional, site plan amendment), with five-year vested rights

Public Hearing Held: July 17, 2017 - Item #35

Staff Recommendation:

Staff recommends approval of this petition.

The following items have been addressed:

Environment

1. Add the following note under the ENVIRONMENTAL FEATURES heading: "Development or disturbance within the PCSO or SWIM Stream Buffer shall be coordinated with Charlotte-Mecklenburg Storm Water Services and mitigated if required by City ordinance."
2. Checked and confirmed potential 100-foot water quality buffer widths and locations, as 200-foot Post Construction Stormwater buffers are not located in this watershed.

Site and Building Design

3. Deleted existing Note 1(d) in its entirety, and replaced with the following: Future amendments to the rezoning plan may be applied for in accordance with Chapter 6 of the zoning ordinance. Alterations to the zoning plan are subject to Section 6.207 of the ordinance.
4. Amended Note 1(b) by deleting the following: Subject to the optional provisions set out below, the regulations established under the ordinance for the UR-C(CD) zoning district classification shall govern development taking place on the site.
5. Specified the maximum building height as 60 feet and four stories.
6. Amended Note 4(c)(i) and (iii) to replace "network required streets (public or private) with "public street on the site."
7. Clearly delineated and labeled the two existing zoning districts on Sheet RZ-200 of the site plan.

15. Rezoning Petition: 2017-089 by Laurel Street Residential

Agent: Walter Fields

Staff Resource: [Solomon Fortune](#)

Location: Approximately 2 acres located at the northeast intersection of Marney Avenue and Sam Drenan Road and east of Skyland Avenue. (Council District 1 - Kinsey)

Current Zoning: R-5 (single family residential)

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

Public Hearing Held: *July 17, 2017 - Item #36*

Staff Recommendation:

Staff recommends approval of this petition.

The following items have been addressed:

Site and Building Design

1. A 20-foot setback from the future back-of-curb curb along Sam Drenan Road has been labeled on the site plan.
2. Building elevations with annotated building materials consistent with the proposed conditional notes have been labeled on the site plan.
3. Building entrances along Sam Drenan Road and Marney Avenue have been provided on the site plan.
4. A note that expanses of blank wall will be no longer than 20 feet has been provided on the site plan.
5. The centerline and dimension of distance to the future back of curb of all public rights-of-ways has been labeled on the site plan.
6. A Maximum building height of 56 feet has been labeled on the building elevations.

Transportation

7. A note has been added that the petitioner will provide a new bench pad for a new bus stop on Sam Drenan Road along the site's frontage.
8. A note has been added that dedication and fee simple conveyance of all rights of way will be provided to the City before the site's first building certificate of occupancy is issued. At two feet behind the back of the sidewalk where feasible or at the back of sidewalk at a minimum.
9. A note has been added 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.

16. Rezoning Petition: 2017-090 by Childress Klein Properties, Inc.

Agents: Bridget Grant, Keith MacVean and Jeff Brown

Staff Resource: John Kinley

Location: Approximately 27.6 acres located at the southwest intersection of Providence Road and Ballantyne Commons Parkway and north of Interstate 485. (Council District 7 - Driggs)

Current Zoning: CC (commercial center)

Proposed Zoning: CC SPA (commercial center, site plan amendment)

Public Hearing Held: July 17, 2017 - Item # 37

Staff Recommendation:

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

The following items have been addressed:

Site and Building Design

1. Amended Note 4a and c to reflect a reduction of the allowed square footage based on the existing buildings constructed on parcels 22915125, 22915122, 22915124, and 22915111.
2. Amended note 2a.iii under "Site Plan Amendment Provisions" to clarify that the outdoor dining and/or improved open space area shall be provided within Area A and be located adjacent to the proposed building and add a commitment for a minimum of 2,000 square feet of outdoor dining and/or improved open space to be provided and be in addition to the existing outdoor dining space and improved open space associated with the building in Area A that is remaining.
3. Amended note 2a.iv Under "Site Plan Amendment Provisions" to say "The parking will be screened with a planted area per Section 12.303 of the Zoning Ordinance. Screening for the parking consisting of only a wall or fence is not permitted" and removed the commitment for additional trees and shrubs because it would be difficult for staff to enforce without an objective standard defining "additional plantings."
4. Added a provision to note 2b that provides examples of the intent of a "multi-use courtyard" and added additional courtyard elements such as curb-less perimeter and/or tree islands.
5. Made the following changes to note 2c under "Site Plan Amendment Provisions": added a provision to the beginning that states that "The petitioner will comply with Section 13.110(2) of the Zoning Ordinance as further limited by the standards below:"; reduced the maximum height of the signs allowed on Ballantyne Commons Parkway and Providence Road from 20 feet to 16 feet; removed the last sentence and replaced with the standard from the previously approved plan that states "Free standing buildings immediately adjacent to the setbacks of Ballantyne Commons Parkway or Providence Road shall be permitted free-standing monument signs not to exceed four feet in height and 50 square feet in sign face area."; and added a provision to specify "no freestanding signs are permitted along I-485 and the existing decorative shopping center sign at the corner of Ballantyne Commons Parkway and Providence Road is allowed to remain. Staff rescinded the request that in the event the corner sign is removed and/or replaced it will count towards one of the allowed signs for either street front because the petitioner has agreed that if it is replaced or relocated it will be of similar sign area, height and proximity as the existing sign.
6. Modified the setback along Ballantyne Commons Parkway to show a 35-foot setback measured from the right-of-way except within Area A. Within Area A, show a 35-foot setback measured from the future back of curb and added a note that the setback within this location may be reduced to 35 feet as measured from the future back of curb according to Section 11.405 (7) and modify the notes under "Architecture" to make sure they are consistent with Section 11.405(7).

Requested Technical Revisions

Site and Building Design

7. Combined the information shown on RZ-4 "Proposed Site Plan" with RZ-2 "Schematic Site Plan" and changed any references to RZ-4 in the development standards to RZ-2.
8. Removed note 4b and 14c because the gas station is not included in the proposed rezoning.
9. Amended the site plan to include the entire Village Square in Area B and labeled the proposed kiosk locations because the notes add amenities and kiosk to the area.
10. Amended the first paragraph under note 9 "Screening, Landscape, and Open Space Areas" to change the reference to "9.b" to "9.c"
11. Clarified that notes 14b.i through v under "Architecture" apply only to the proposed building depicted in Area A.
12. Staff rescinded the request to amend the note 14a to add a minimum transparency of 40% because the petitioner added a standard that the proposed building(s) will have minimum transparency of 30% on facades fronting Ballantyne Commons Parkway and/or Providence Road and removed the last sentence of note 14a related to blank walls because it is duplicated in note 14b.iv.
13. Added a note under "Lighting and Furnishing" that lighting attached to buildings shall be decorative, capped and downwardly directed.
14. Changed the title of Note 3 from "Petition #1998-049c Plan Concept" to "Plan Concept."

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

1. Added a provision that all new detached and attached lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along driveways, sidewalks, and parking areas.
2. Amended note 4c to note that the provision of the community room has been satisfied as part of Petition 1998-049C.
3. Removed the notes under 7 for "Buffers" and note that the provisions for buffers have been satisfied as part of Petition 1998-049C.

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

Site and Building Design

1. File an administrative amendment request on rezoning petition 1998-049C to reduce the allowed square footage based on the existing buildings constructed and the proposed new building on the two parcels included in the proposed rezoning so that the net effect is an entitlement that matches what was approved for the overall shopping center.
2. Submit a tree survey for all trees two-inches or larger located in the rights-of-way. In addition, the survey shall include all trees eight-inches or larger in the setback.

17. Rezoning Petition: 2017-091 by Colony at Piper Glen, LLC

Agent: Walter Fields

Staff Resource: John Kinley

Location: Approximately 2.23 acres located at the northeast intersection of Ballantyne Commons Parkway and Rea Road. (Council District 7 - Driggs)

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

Proposed Zoning: NS (neighborhood services)

Public Hearing Held: July 17, 2017 - Item #38

Staff Recommendation:

Staff recommends approval of this petition.

The following items have been addressed:

Site and Building Design

1. Added a note to 6. Streetscape and Landscaping on the site plan that says the area will remain landscaped with grass, shrubs, trees and other landscaping in order to maintain an open, greenspace with meandering pathways.

Requested Technical Revisions

Site and Building Design

2. Clarified the discrepancy between the legend, which says up to three structure locations are allowed and Note 3. Permitted Uses which says that exact number and specific locations will be determined during design and development phase by modifying the second sentence in note 3 to say, "The exact number and specific location will be determined during the design and development phase, but will not exceed three structures, excluding bridges."
3. Added an additional note 11 under Lighting limiting the height of freestanding lighting to 21 feet.
4. Staff rescinded the request to delete the second sentence of Note 1.b. under General Provisions because it acknowledges there are other Ordinances that may apply to the site.

Transportation

5. Replaced Piper Station Drive with Ballantyne Commons Parkway in Note 4.b. related to existing sidewalks to remain as the rezoning site abuts Ballantyne Commons Parkway and not Piper Station Drive.
6. Staff rescinded the request to provide easements for future sidewalk, planting strip and bike lane improvements because the petitioner added a note that states "The petitioner will not construct any permanent improvements on the site that would interfere with the ability of the City to acquire easements for the construction and maintenance of a future 16-foot planting strip (eight-foot buffered bike lane and eight-foot planting strip) and six-foot sidewalk to be constructed by others."

Environment

7. The proposed site plan indicates a greenway trail/path system located within the 35-foot PCSO Buffer. Added a note under Section 7. Environmental Features: "Development or disturbance within the PCSO Buffer shall be coordinated with Charlotte-Mecklenburg Storm Water Services and mitigated if required by City ordinance."

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

Environment

1. Submit a tree survey for all trees two-inches or larger located in the rights-of-way.

18. Rezoning Petition: 2017-092 by Direct Power

Agents: Walter Fields

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

Location: Approximately 14 acres located along the west side of Ryne Road and in between Mount Holly Road and Chapelton Drive. (Outside City Limits)

Current Zoning: R-3 (LWPA) (single family residential, Lake Wylie protected area)

Proposed Zoning: I-1 (CD) (LWPA) (light industrial, conditional, Lake Wylie protected area)

Public Hearing Held: July 17, 2017 - Item #39

Staff Recommendation:

Staff does not recommend approval of this petition.

The following issues have been addressed:

Transportation

1. The petitioner should revise the site plan and add a conditional note to provide sufficient right-of-way to provide for a future one-lane roundabout (RAB) at the intersection of Rhyne Road and the proposed street (Verde Creek Drive extension). The outside diameter of the travel lane for a one-lane RAB is approximately 150 feet. Additional diameter is necessary for planting strip and sidewalks. *CDOT has rescinded this request.*
2. The petitioner has added a note stating that transportation improvements will be installed and rights-of-way dedicated, to and as required by, NCDOT prior to the issuance of the first Certificate of Occupancy for the site.

Site and Building Design

3. Removed "no wall pak type lighting" from the lighting note.

Requested Technical Item

4. Remove the last sentence from "Streetscape and Landscaping" language that reads as follows: "This action will not require any further administrative action on the part of the Petitioner or the City staff."

The following items have been added since the public hearing:

1. The petitioner has included a conceptual perspective and left, right, and rear elevations.
2. A list of prohibited uses has been added to the site plan.
3. A note has been added that states building entrances will relate to the public street with an emphasis on creating an identifiable entrance along the street.

The following is a new outstanding issue resulting from the revised site plan:

1. CDOT requests that the petitioner revise or remove Transportation Note A. Best attempts will be made to provide full access. However, full access cannot be guaranteed until detailed engineering is done during permitting to confirm adequate site distance.
2. The petitioner should provide a pedestrian connection from the building to the public sidewalk.

The following issue remains outstanding:

Land Use

1. The petition is inconsistent with the land use recommendation as per the *Catawba Area Plan* (2010) for residential land use up to four dwelling units per acre.

19. Rezoning Petition: 2017-093 by Carowinds, LLC

Agent: James Haden

Staff Resource: [Michael Russell](#)

Location: Approximately 24.16 acres located on the west side of Interstate 77 on the southern edge of Mecklenburg County, south of Nevada Boulevard. (Council District 3 - Mayfield)

Current Zoning: I-2 (general industrial)

Proposed Zoning: I-1 (light industrial)

Public Hearing Held: *July 17, 2017 - Item #40*

Staff Recommendation:

Staff recommends approval of this petition.

20. Rezoning Petition: 2017-094 by MM&R Investments, LLC

Agents: John Carmichael and Ty Shaffer

Staff Resource: [Solomon Fortune](#)

Location: Approximately 0.35 acres located on the north side of Remount Road between South Tryon Street and Distribution Street. (Council District 3 - Mayfield)

Current Zoning: I-1 (light industrial)

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

Public Hearing Held: *July 17, 2017 - Item #41*

Staff Recommendation:

Staff recommends approval of this petition.

21. Rezoning Petition: 2015-087 by LandDesign - Innovative Request

Agent: Jeremy Icard

Staff Resource: [Solomon Fortune](#)

Location: Approximately 38.30 acres located on the east side of Providence Road between Interstate 485 and Providence Country Club Drive. (Outside City Limits)

Request: Innovative provisions are being requested for the MX-2 residential portion of Providence Farms associated with rezoning petition 2015-087. The following items are the requested innovative provisions:

1. A minimum front setback for multi-family dwellings of 10 feet from the public right-of-way except those units abutting Ardrey Kell Road where the 22-foot setback from the back of curb shall remain.
2. Alley loaded units fronting and adjacent to public rights-of-way.
3. Units fronting on a proposed open space area around 8,252 square feet.
4. Proposed open space area of 264,800 square feet.

Staff Recommendation:

Staff recommends approval of the innovative request.