

City of Charlotte

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



Zoning Agenda

Tuesday, October 3, 2017

5:30 p.m.

CMGC Room 280

Zoning Committee Work Session

*John Fryday Chairperson
Sam Spencer, Vice-Chairperson
Nasif Majeed
Bolyn McClung
Elizabeth McMillan
Dionne Nelson
Michael Sullivan*

Zoning Committee Work Session

Deferrals

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

Petitioner Requesting Deferral of Zoning Committee Recommendation to November 1, 2017

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

Staff Resource: [John Kinley](#)

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

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

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

Public Hearing Held: *September 18, 2017 - Item #27*

Zoning Items

2. Rezoning Petition: 2015-093 by 1351 Woodlawn (Melrose), LLC

City Council sent this petition back to the Zoning Committee for review due to the number of changes made since the Zoning Committee recommendation

Agents: Jeff Brown and Keith MacVean/Moore & Van Allen, PLLC

Staff Resource: [Solomon Fortune](#)

Location: Approximately 2.9 acres located on the south side of Drexel Place and north side of Woodlawn Road near the intersection of Park Road and Drexel Place and Park Road and Woodlawn Road. (Council District 1 - Kinsey)

Current Zoning: R-4 (single family residential) and UR-3(CD) (urban residential, conditional)

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

Public Hearing Held: *September 18, 2017 - Item #5*

Staff Recommendation:

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

The following items have been addressed:

Site and Building Design

1. Allow up to 250 multi-family units.
2. Building elevations along Drexel Place have been modified to give an appearance of townhomes.
3. Relocation of the proposed driveway connection has now been moved closer to the western property line.
4. A note has been added that the proposed parking deck will be completely screened from Drexel Place and the adjacent single-family homes across Drexel Place.
5. A detail has been provided that the proposed parking structure will have two levels of parking below grade near the rear of the site (near Drexel Place).
6. Proposed eight townhome style units will be screened from the proposed parking structures with a ten foot row of evergreen shrubs.
7. A note has been added that the maximum height of 40 feet along Drexel place will be allowed for the residential units.
8. A note has been added that the eight townhomes will be designed to allow for a for sale product.
9. A note has been added that gates will be provided along the entrance driveway to allow only resident access.

The following issues are outstanding:

Site and Building Design

1. Add a note and detail documenting the door elements and entry features for the units facing Drexel Place.
2. Modify front elevations to further differentiate individual town home units.

3. 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: September 18, 2017 - Item #26

Staff Recommendation:

Staff recommends approval of this petition.

The following items have been addressed:

Transportation

1. Petitioners' revised site plan shows the multi-use path along the west side of the continuous north-south street. Additionally, Note 6.E. of the Development Standards provides that the multi-use path shall be installed along the west side of the continuous north-south street, and this note provides that the width of the multi-use path may be reduced at certain pinch points. This note further provides that the Petitioners will work with CDOT during the permitting process to reduce the width of the multi-use path as needed
2. The petitioners have revised Note 4.W. of the Development Standards by inserting the requested language.

Land Use

3. Petitioner has amended Note 3.D(1) to state that a maximum of 145,000 square feet of the 160,000 square feet of gross floor area may be devoted to retail sales use. As defined under the ordinance, retail sales shall mean the sale of goods, products or merchandise directly to the consumer. An eating drinking and entertainment establishment shall not be considered to be a retail sales use. Further Note 3.D(3) has been amended to state that in the event that a hotel is located on Development Area B or Development Area C, a total maximum of 142,000 square feet of retail sales uses may be developed on Development Areas B, C and D combined.

Requested Technical Revisions

4. Petitioners' revised site plan delineates limits of cemetery on Sheet RZ 1.0.

The following items have been added to the site plan since the public hearing:

1. The Petitioners have added Note 3.B(7) that states a TopGolf or similar facility (i.e. an eating drinking and entertainment establishment with an associated golfing outdoor entertainment use) shall not be permitted on Development Area B or Development Area C.
2. The Petitioners have added Note 3.C(10) that states at TopGolf or similar facility (i.e. an eating drinking and entertainment establishment with an associated golfing outdoor entertainment use) shall not be permitted on Development Area D.

4. Rezoning Petition: 2017-059 by Saturday Night, LLC

Agent: Robert Keziah

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

Location: Approximately 3.78 acres located on the north side of Bellhaven Boulevard between Interstate 485 and Bellhaven Circle. (Council District 2 - Ivory)

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

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

Public Hearing Held: *September 18, 2017 - Item #32*

Staff Recommendation:

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

The following items have been addressed:

Transportation

1. 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.
2. The petitioner has revised the site plan by adding 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 or the City's subdivision regulations are triggered, with CDOT requesting right of way be set at two feet behind back of sidewalk.

Land Use

3. Removed the list of **proposed** uses and added the following to the list of **prohibited** uses:
Automotive sales and repair, including tractor-trucks and accompanying trailer units; car wash; automobiles, truck and utility trailer rental; automotive service station; convenience store with or without fuel sales; flea market; indoor training and shooting facilities; motels; boat and ship sales and repair; assembly or fabrication; hotels; eating, drinking, an entertainment establishments Types 1 and 2; retail establishments; adult establishments; building material sales, retail and wholesale; day labor service agency; jails and prisons; equipment rental and leasing; manufacturing light uses; outdoor storage.

REQUESTED TECHNICAL REVISIONS

4. Under Site Development Data noted existing zoning is R-3 LWPA.
5. Labeled site plan correctly to note subject property is proposed to be rezoned to I-1(CD).
6. Revised the note pertaining to maximum gross floor area which appears to limit uses to general and medical office uses.
7. Labeled the rear portion of the site as "No Build Area."
8. Added to labeling on site plan that the required Class A buffer is reduced by 25% from 64 feet to 48 feet with a berm.
9. Labeled proposed five-foot sidewalk and five-foot planting strip along Bellhaven Boulevard.
10. Remove "Outstanding Issues" from Transportation Improvements heading.

The following item remains outstanding:

1. Add billboards to list of prohibited uses.
2. Connect proposed five-foot sidewalk by providing a crosswalk through the parking lot to connect to the proposed building.

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

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: *September 18, 2017 - Item #6*

Staff Recommendation:

Staff recommends approval of this petition.

The following items have been addressed:

Transportation

1. Labeled future curbline dimension (eight feet from existing curbline) on The Plaza.

CDOT has rescinded the following requests:

2. Request that the petitioner contributes \$20,000 towards a pedestrian hawk signal near this site as identified in the Parkwood Avenue and The Plaza Corridor Study. The exact location of the signal would need to be worked out during permitting.
3. Revise site plan to install a concrete island with pedestrian refuge at Duncan Avenue and The Plaza.

Land Use

4. Removed note "existing sign to remain."
5. Amended Note 5(d) as follows: Parking internal and on street where allowed.

Site and Building Design

6. Amended Note 3A under "Optional Provisions" as follows: Parking will not have to be provided beyond that shown on the site plan.
7. Added an optional request to allow parking between the building and the street along Drummond Avenue, and Duncan Avenue

Requested Technical Revisions

8. Moved Note D under Optional Provisions which states that "should the existing building be torn down, the site will be required to be rezoned" to the General Provision section as it is not an optional request.
9. Amended Development Data to eliminate residential as a permitted use.

Land Use

10. Moved Note D under Optional Provisions which states that "should the existing building be torn down, the site will be required to be rezoned" to the General Provision section as it is not an optional request.
11. Amended Development Data to eliminate residential as a permitted use.

The following items are outstanding:

1. Amend Note 4 A under "Permitted Uses" to exclude residential uses as a permitted use.
2. Delete Note 3(B) under "Optional Provisions" as an optional is not required to retain the existing building. May place under "Architectural Standards."
3. Revise the site plan to show eight-foot sidewalk and eight-foot planting strip along the entire frontage for all streets behind future back-of-curb.

6. Rezoning Petition: 2017-079 by McKinney Holdings NC II, LLC

Agent: David J McKinney

Staff Resource: [Sonja Strayhorn Sanders](#)

Location: Approximately 14 acres located at the northeast intersection of North Tryon Street and Sandy Avenue. (Council District 4 - Phipps)

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

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

Public Hearing Held: *September 18, 2017 Item #34*

Staff Recommendation:

Staff recommends approval of this petition.

The following item has been amended or added since the public hearing:

1. Amended Note 2 as follows: The proposed roadway and public access easement layout within the "PROPERTY TO BE REZONED" will be configured based on the following criteria:
 - a. A continuous roadway will be created between Connection Point "A" and Connection Point "B". The roadway section for this roadway will be an Avenue with the following section:
 - i. Two 11' travel lanes, on in each direction, and a 10' center vegetated median, with breaks for turn lanes as needed.
 - ii. Two 5' bicycle lanes, on in each direction.
 - iii. 2'-6" curb and gutter on each side of the street.
 - iv. 8' planting strips and 8' sidewalks on both sides of the street.
 - v. Total right-of-way of 80' (full distance from Connection Point "A" to Connection Point "B")
 - vi. Additional right-of-way (shown as hatched area and labeled "Proposed Right-of-Way Dedication") will be dedicated with the site-specific development plan, and at the time of subdivision platting. This additional right-of-way is intended to be used at the time of future intersection improvements at Sandy Avenue and Glenbrown Road).
 - vii. No on-street parking will be required along this roadway.
 - viii. As the roadway section as described above approaches the intersection with Glenbrown Road, the section will be tapered to match the section of existing Glenbrown Road at the intersection. The taper will be along the edge of pavement at a rate of 20:1. The road section at the intersection of Glenbrown Road and Sandy Avenue will be:
 1. Two 11' travel lanes, one in each direction.
 2. 2'6" curb and gutter on each side of the street.
 3. 5' sidewalk and 5' planting strip on one side of the street (west side to match Glenbrown Road).
 - b. From Connection Point "C", a roadway will be constructed to intersect with the Avenue section as described in 2.a. This roadway will be constructed to match the existing road section as follows:
 - i. 57' right-of-way.
 - ii. 5' sidewalk and utility easement adjacent to both sides of the right-of-way.
 - iii. Two 15' travel lanes.
 - iv. 2'-6" curb and gutter on both sides of the street.
 - v. 8' planting strips on both sides of the street.
 - vi. 8' sidewalks on both sides of the street.
 - c. From the intersection of the proposed Avenue (see 2.a.) and the proposed roadway (see 2.b.), a public access easement will be created through the property to connect the intersection with

Connection Point "D". The alignment, dimensions, and specifications of the public access easement, and the improvements contained within, will be determined through the site-specific development plan process, but will allow for continuous access through the property.

7. Rezoning Petition: 2017-086 by Mecklenburg County Park and Recreation

Agent: Alicia Rocco, Mecklenburg County

Staff Resource: [Sonja Strayhorn Sanders](#)

Location: Approximately 90.45 acres along Eastway Drive between North Tryon Street and The Plaza.
(Council District 1 - Kinsey)

Current Zoning: R-17MF (multi-family residential), B-1 (neighborhood business), and I-1 (light industrial)
Proposed Zoning: INST(CD) (institutional, conditional), with five-year vested rights.

Public Hearing Held: *September 18, 2017 Item #35*

Staff Recommendation:

Staff recommends approval of this petition.

The following items have been addressed:

Site and Building Design

1. Amended development data to specify the maximum building height as 85 feet and three stories.
2. Amended parking note under heading of "Development Data" to state the following: All (c) will meet parking standards per Chapter 12.202, including indoor and outdoor recreation uses.

8. Rezoning Petition: 2017-096 by Cambridge-Eastfield

Agent: Walter Fields

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

Location: Approximately 8.96 acres located on the northeast side at the intersection of Prosperity Ridge Road and Johnston Oehler Road, south of Interstate 485. (Council District 4 - Phipps)

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

Proposed Zoning: UR-2(CD) SPA (urban residential, conditional, site plan amendment)

Public Hearing Held: *September 18, 2017 - Item #36*

Staff Recommendation:

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

The following items have been addressed:

Site and Building Design

1. Amend the site plan so that the residential density and/or proposed uses are in greater compliance with the adopted plan. *Petitioner has responded that the purpose of the request is to ask for a higher density. The requested density is more in keeping with the overall purpose and concept for Prosperity Village.*
2. Petitioner has added a note stating that buildings shall front a minimum of 80% of the site along Johnston-Oehler Road and Prosperity Ridge Road (exclusive of driveways, pedestrian access points, accessible open space, tree save or natural areas, tree replanting areas and storm water facilities). Parking areas will not be located between any building and Johnston-Oehler Road and Prosperity Ridge Road. Parking areas beside and between buildings will front no more than 20% of the site along Johnston-Oehler Road and Prosperity Ridge Road.
3. Petitioner has added a note stating that sidewalk connectors will be installed between the sidewalk and the curb on external streets that include parallel parking. These connectors will be spaced equidistant between street trees but in no case less than 40 feet apart.
4. If ground floor units are providing outdoor, deck, or balcony features, those units must be connected via sidewalk to public and private network required streets. *Petitioner has responded by stating the buildings have not been designed but there are concerns about security and safety with a public requirement to put street entrances on ground floor units.*
5. Note 6.C. has been amended to state that Buildings facing Johnston-Oehler Road and Prosperity Ridge Road will not have expanses of blank walls greater than 20 feet along the street level and 40 feet in all other directions and architectural features such as but limited to banding, medallions or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.

REQUESTED TECHNICAL REVISIONS

6. Amended acreage on site plan to note 8.96 acres to be consistent with the application.
7. Remove 5-year vested rights from site plan and application. *Staff has rescinded this request.*
8. Under Site Data note the maximum building height on the site plan. *Petitioner has responded by stating that the plan limits the buildings to four (4) stories but the buildings have not been designed yet.*
9. Under Site Data site plan now notes that proposed zoning is UR-2(CD) SPA with five-year vested rights.
10. Petitioner has added note stating the open space area will include, but not be limited to, urban spaces, pool and pool deck, BMP (best management practices; storm water facilities), open space between buildings, passive areas, and public and private streets. The exact location, configuration, and contents of the open space areas will be determined during the design development and review phase.
11. Transportation Note 4.b. states that parking areas are generally indicated on the illustrative site plan (Sheet RZ-3 color perspective). *Staff is rescinding this comment as the petitioner met with staff and provided clarity on this item.*

The following item remains outstanding:

Infrastructure

1. Please remove Note 7c in its entirety and replace with the following: "The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Stormwater Ordinance. The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points."

9. Rezoning Petition: 2017-098 by Urban Investments, LLC

Agent: Argos Real Estate Advisors

Staff Resource: [Solomon Fortune](#)

Location: Approximately 0.16 acres located on the southern corner at the intersection of South Boulevard and East Carson Boulevard. (Council District 1 - Kinsey)

Current Zoning: O-2 (office)

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

Public Hearing Held: *September 18, 2017 - Item #37*

Staff Recommendation:

Staff recommends approval of this petition.

10. Rezoning Petition: 2017-099 by Fenton Place, LLC

Agents: Keith MacVean & Jeff Brown, Moore & Van Allen, PLLC

Staff Resource: [Solomon Fortune](#)

Location: Approximately 0.19 acres located on the south side of Fenton Place between Providence Road and Cherokee Road. (Council District 1 - Kinsey)

Current Zoning: O-2 (office)

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

Public Hearing Held: *September 18, 2017 - Item #38*

Staff Recommendation:

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

The following items have been addressed:

Site and Building Design

1. Detached lighting has been limited to 21 feet in height.

Transportation

2. Staff has rescinded the request for the six-foot sidewalk with an eight-foot planting strip.
3. A note has been added that a temporary sidewalk easement will be provided at the time will be reconstructed.

The following issue is still outstanding.

Site and Building Design

1. Add a note that wall signage will not be allowed

11. Rezoning Petition: 2017-103 by Asana Partners, LP

Agents: Keith MacVean & Jeff Brown/Moore & Van Allen, PLLC

Staff Resource: [Solomon Fortune](#)

Location: Approximately 0.80 acres located at the northeast intersection of East Park Avenue and Camden Road, between South Tryon Street and South Boulevard. (Council District 3 - Mayfield)

Current Zoning: I-2 (general industrial)

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

Public Hearing Held: *September 18, 2017 - Item #39*

Staff Recommendation:

Staff recommends approval of this petition.

The following items have been addressed:

Site and Building Design

1. Optional request "i" to allow murals and artwork placed on walls not to be considered signage from the plan has been removed.
2. A minimum open space area to be 1,000 square feet open to the general public will be provided.

Transportation

3. A note has been added that a sidewalk easement will be provided for any portion of sidewalk that falls outside of the right-of-way.

The following items have been added since the public hearing.

1. A note has been added that a portion of the rail trail will be upgraded with additional four feet of pavement.
2. A note and detail has been provided that a portion of Camden Road will be improved to a festival type street.
3. An optional request for a minimum 12 parking spaces to meet the required parking per code.

12. Rezoning Petition: 2017-105 by Rexford Office Holdings, LLC

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

Staff Resource: [John Kinley](#)

Location: Approximately 3.42 acres located on the south side of Rexford Road between Coca Cola Plaza and Roxborough Road. (Council District 6 - Smith)

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

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

Public Hearing Held: *September 18, 2017 - Item #30*

Staff Recommendation:

Staff recommends approval of this petition.

The following items have been addressed:

Site and Building Design

1. Clarified that the proposed roof sign facing Rexford Road will count towards the wall sign for that elevation.

REQUESTED TECHNICAL REVISIONS

Land Use

2. Added to the site plan or development notes that the proposed zoning is MUDD-O (mixed use development, optional).

Site and Building Design

3. Added a label to sheet RZ3-00 of the site plan, at the southwestern corner, stating "Striped crosswalk pedestrian connection to parcel 17708304 (final located to be determined during permitting process)."
4. Adjusted the labels for light fixtures on the conceptual renderings so they don't conflict with the development standards.
5. Deleted note H under 2. Optional Provisions because an optional provision isn't necessary to allow seating and amenity areas within the setback.

The following item was added or amended after the public hearing:

1. Modified the location of the east/west pedestrian connection from adjacent to the parking structure to adjacent to the rear property line.

13. Rezoning Petition: 2017-107 by CIP Construction Company

Agents: Keith MacVean & Jeff Brown/Moore & Van Allen, PLLC

Staff Resource: [Solomon Fortune](#)

Location: Approximately 1.25 acres located on the east side of South Tryon Street between Fairwood Avenue and Remount. (Council District 3 - Mayfield)

Current Zoning: I-1 (light industrial)

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

Public Hearing Held: *September 18, 2017 - Item #40*

Staff Recommendation:

Staff recommends approval of this petition.

The following items have been addressed:

Site and Building Design

1. The façade has been updated with additional windows and detail to comply with the MUDD standards.
2. A 40-foot buffer with 30 evergreen trees has been provided adjacent to the residential townhomes.

Transportation

3. The plan has been revised the site plan new curb and gutter (with bike lanes and recessed parking).
4. 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. CDOT requests right-of-way set at back of sidewalk/building face or the petitioner should revise the site plan to add a conditional note specifying the area outside the 40-foot from centerline right-of-way line and building setback line will be designated as a Sidewalk Utility Easement (SUE).
5. 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.
6. The northern site driveway will align properly with an existing driveway on the west side of South Tryon Street as shown on the revised site plan.

14. Rezoning Petition: 2017-110 by Lincoln Harris, LLC

Agents: Collin Brown and Bailey Patrick, Jr., K&L Gates

Staff Resource: [John Kinley](#)

Location: Approximately 16.07 acres located on the south side of Fairview Road east of Sharon Road and across from Cameron Valley Parkway. (Council District 6 - Smith)

Current Zoning: CC (commercial center)

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

Public Hearing Held: *September 18, 2017 - Item #31*

Staff Recommendation:

Staff recommends approval of this petition.

The following items have been addressed:

Land Use

1. Confirmed the permitted uses do not result in an increase of more than 2,499 trips beyond the current entitlement.

Site and Building Design

2. Modified the maximum building height in the Site Development Data on RZ-1 and RZ-2 to specify a maximum height of 120 feet for only area D and 80 feet for Development Areas A, B, C, E and F.
3. Make the following changes under II. Optional Provisions:
 - a. Amended Note a. related to off street parking to specify locations in which the optional provision would apply as areas A, B and D.
 - b. Deleted Note d.i and replaced with "Existing ground mounted shopping center/development identification signs located at the intersection of Fairview Road and Cameron Valley Parkway shall be permitted to remain or be expanded or replaced provided that no more than two signs each up to 24 feet in height and containing up to 150 square feet of sign area are located at the intersection."
4. Added a note under VII. Pedestrian Access and Circulation that states "Where walkways abut parking the sidewalk will be a minimum of seven-feet in width."

Transportation

5. Revised the site plan to clarify that optional provision II.B is for reuse only and does not apply to Fairview Road. The site plan indicates a 12-foot multiuse path, eight-foot planting strip and eight to ten-foot pathway buffer along Fairview Road as requested by CDOT.
6. CDOT rescinded the request to revise the site plan and add a note preserving Cameron Valley Parkway to be converted to a public street if requested and preserving an east-west connection between Charlton Lane and Broad Street to develop a public street when/if feasible because the petitioner noted that public access easements will be provided.
7. Revised the site plan and add a note to construct or reconstruct curb ramps and crosswalks as needed at the Fairview Road and Cameron Valley Parkway intersection, including addition or upgrade of pedestrian signals as needed.
8. Added a note committing to provide and construct a new waiting pad for a new bus stop on Fairview Road along this site's frontage in a location to be determined during permitting. The bus pad shall be constructed according to standard detail 60.01B.

REQUESTED TECHNICAL REVISIONS

Land Use

9. Clarified the following notes under III. Permitted Uses:
 - a. Note b that the hotel use is only permitted in Area A and the movie theater is only permitted in area Area D.
 - b. Note c that 32 residential units are existing and up to 50 additional units may be constructed

utilizing the conversion rights and Note d that the total 82 units within the site is a combination of the existing units and those achieved through conversion rights.

10. Amended Note 3b to reflect six development areas (A, B, C, D, E and F).

Site and Building Design

11. Added "building frontage zone" lines to development area F along Charlton Lane, Phillips Place Court, and Cameron Valley Parkway.
12. Depicted area(s) of amenitized publicly accessible open space on the site plan.
13. Amended the legend to show a setback line that is different from the easement line.
14. Pulled back the indent for Note i under II. Optional Provisions and pulled back the indent of Notes b through e under III. Permitted Uses.
15. Amended Note b.i under II. Optional Provisions to clarify that if a sidewalk is constructed abutting parking it shall be at least seven feet wide to accommodate overhangs and door swings.
16. Amended Note f under II. Optional Provisions to change the development area from C to D, and clarified the signage is to be associated with the movie theater. Staff rescinded the request that the sign shall not be in a location visible from Fairview Road as development area D sits back away from Fairview Road due to a Duke Energy easement.
17. Staff rescinded the request to delete Note VI.a related to new structured parking facilities as it specifies that any new parking facilities constructed on the site will not be visible from public or private streets.
18. Amended Note a under VIII. Open Space to increase the minimum amount of amenitized open space from 1,500 square feet to 6,000 square feet, as this reflects the approximate size of the existing uncovered plaza areas within the site. Added that amenitized open space will be provided in locations generally depicted on the site plan.
19. Amended Note X.b under Lighting to change to maximum height from 30 feet to 31 feet to match industry standards.

Transportation

20. Combined Note 4b. under IV. Transportation with Note 4a. and delete Note 4c. because Note IV.a. covers the commitment for the connection to Broad Street.
21. 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 rescinded the request to commit to right of way set at two feet behind back of sidewalk where feasible because this will be determined during permitting.
22. Revise the site plan to add a note specifying all transportation improvements will be approved and constructed prior to the development of more than 30,000 square feet of commercial or residential uses at the site.

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

1. Increased the maximum area that may be devoted to retail and EDEE uses from 131,000 square feet to 141,000 square feet. This change results in an increase in the vehicle trips per day but increase remains fewer than 2,499 trips per day from the entitlement.
2. Added a note committing to the provision of a minimum of two bicycle racks within the site.

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

Site and Building Design

1. Amend the site plan to clearly depict the setback measured from the future back of curb along Fairview Road.
2. Amend the site plan to depict the existing streetscape as referenced in Note a under II. Optional Provisions.
3. Amend the Site Development Data on RZ-1 and RZ-2 to reflect the change in the maximum area that may be devoted to retail and EDEE uses.
4. Add notes committing to the 12-foot multi-use path, eight-foot planting strip, and eight to ten-foot

- pathway buffer that are indicated on the site plan along Fairview Road.
5. Amend Note a. under Optional Provisions related to off street parking to add development area C as there is currently parking between the building and the streets.

15. Rezoning Petition: 2017-117 by Profile Homes

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

Staff Resource: [Sonja Strayhorn Sanders](#)

Location: Approximately 4.27 acres located at the end of University East Drive, east of Old Concord Road, north of Rocky River Road. (Council District 4 - Phipps)

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

Proposed Zoning: O-1 (office)

Public Hearing Held: *September 18, 2017 Item #41*

Staff Recommendation:

Staff recommends approval of this petition.

16. Rezoning Petition: 2017-119 by Brinker Properties, LLC

Agent: Brinker Properties, LLC

Staff Resource: [Michael Russell](#)

Location: Approximately 6.81 acres located on the north side of Nations Ford Road, west of I-485. (Council District 3 - Mayfield)

Current Zoning: I-1 (light industrial)

Proposed Zoning: I-2 (general industrial)

Public Hearing Held: *September 18, 2017 - Item #42*

Staff Recommendation:

Staff recommends approval of this petition.

17. Rezoning Petition: 2017-122 by Victory Christian Center, Inc.

Agent: Brooks Whiteside

Staff Resource: [Michael Russell](#)

Location: Approximately 4.42 acres located on east of Nations Ford Road, north of E. Hebron Street. (Council District 3 - Mayfield)

Current Zoning: INST (institutional)

Proposed Zoning: I-1 (light industrial)

Public Hearing Held: *September 18, 2017 - Item #43*

Staff Recommendation:

Staff recommends approval of this petition.

18. Rezoning Petition: 2017-126 by The Church of Jesus Christ of Latter-day Saints

Agent: Michael R. McLeod Architect P.A.

Staff Resource: [Michael Russell](#)

Location: Approximately 2.5 acres located off Mallard Oaks Drive, west of John Adams Road, east of Interstate 85. (Council District 4 - Phipps)

Current Zoning: O-1(CD) (office district, conditional)

Proposed Zoning: B-1 (neighborhood business)

Public Hearing Held: *September 18, 2017 - Item #44*

Staff Recommendation:

Staff recommends approval of this petition.

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

Agent: Marc Houle

Staff Resource: [Solomon Fortune](#)

Location: Approximately located on the west side of Grand Palisades Parkway south of Tulloch Road.

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

1. A minimum lot size of 4,000 square feet.
2. Minimum lot width of 40 feet.
3. Minimum front setback of 20 feet measured from the right-of-way.
4. A minimum rear yard of 20 feet.
5. Modified 50' local residential public street with eight foot planting strip and 5 foot sidewalk.

Staff Recommendation:

Staff recommends approval of the innovative request.