

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

CITY COUNCIL ZONING AGENDA ***Monday, June 16, 2014***

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

**6:00PM – Zoning Meeting
Meeting Chamber**

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

DINNER MEETING AGENDA

Monday, June 16, 2014

1. Agenda Review – Laura Harmon

DEFERRAL / WITHDRAWAL REQUESTS

Item #	Petition #	Petitioner/Description	Update
3	2014-021 (Decision)	Planning Department – TA – Mobile Farmer’s Markets	Deferral 1–month - (to July 21, 2014)
4	2014-027 (Decision)	Planning Department – West Side of Dunavant Street between Remount Road and Merve Place	Deferral 1–month - (to July 21, 2014)
5	2014-029 (Decision)	Kyle Short – South side of East Woodlawn Road between Old Woods Road and Fairbluff Place	Deferral 1–month - (to July 21, 2014)
6	2014-031 (Decision)	Wilkison Partners, LLC – Southeast corner at the intersection of Youngblood Road and Shelburne Farms Drive	Deferral 1–month - (to July 21, 2014) Protest - Sufficient
12	2014-003 (Hearing)	George M. Macon – Southeast corner at the intersection of Ardrey Kell Road and Marvin Road	Deferral 1–month - (to July 21, 2014) Protest - Insufficient

MISCELLANIOUS REQUESTS AND INFORMATION

Item #	Petition #	Petitioner/Description	Update
2	2013-102 (Decision)	Wajahat and Ferah Syed – South side of North Davidson Street between East 33 rd Street	Council will have to vote whether or not to send back to Zoning Committee due to the change referenced on page 4.
8	2014-034 (Decision)	Mason Kazel – East side of Seigle Avenue between East 10 th Street and Otts Street from Green Trail Lane	Update on the June 16, 2014 Special Called Zoning Committee Meeting.
15	2014-040 (Hearing)	Sardis Road Land Co., LLC – East side of Sardis Road between Waverly Hall Road and Chevron Road	Protest - Sufficient

2. Follow-Up Report – Laura Harmon

3. Rezoning Cases of Special Interest – Laura Harmon

4. Area plan status and text amendment Update – Debra Campbell

ACRONYMS

Zoning District Acronyms

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

Zoning Overlay District Acronyms

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

Miscellaneous Zoning Acronyms

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

Miscellaneous Other Acronyms

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

ZONING

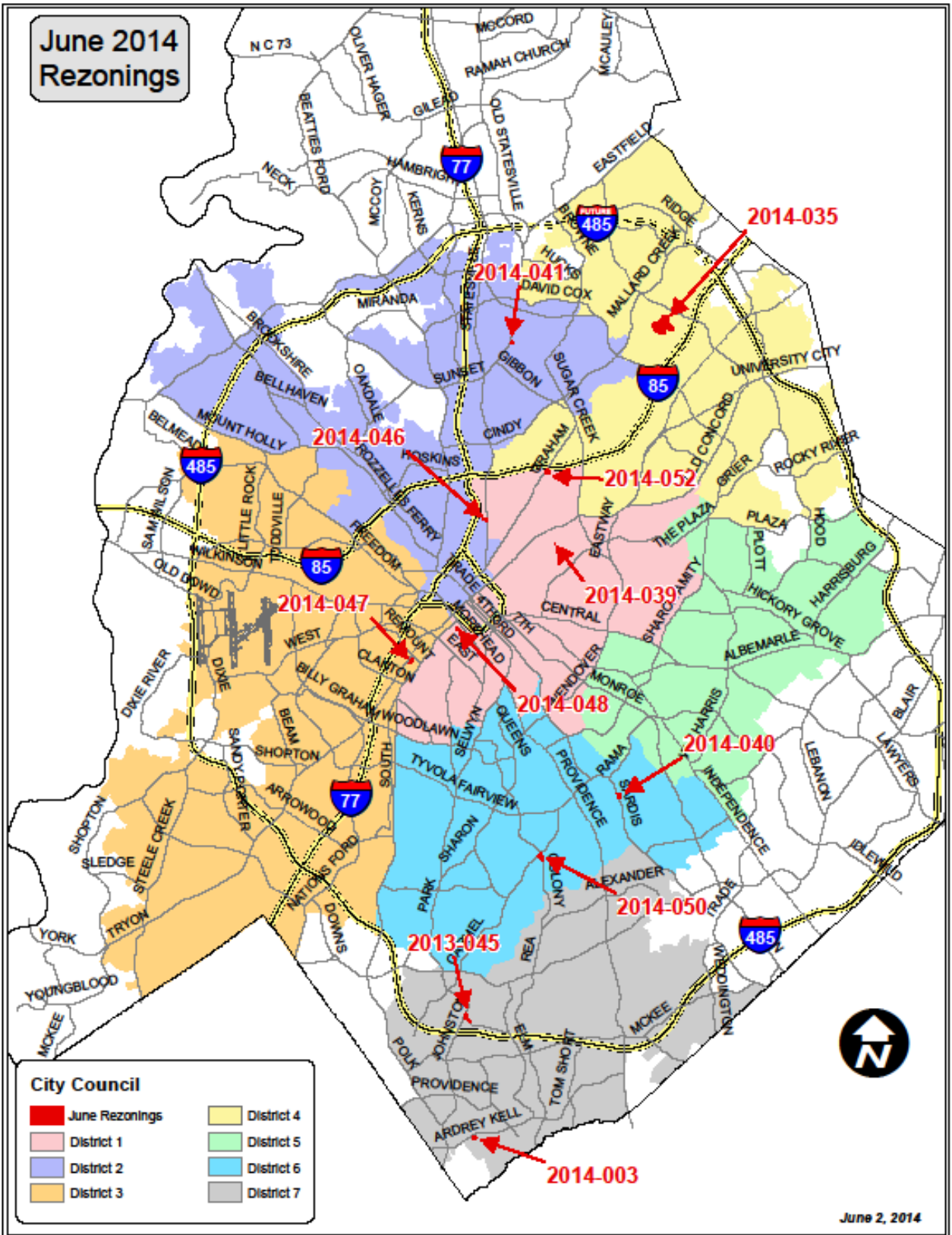
DECISIONS

	<p>1. Petition No. 2013-026 by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to: 1) create new definitions; 2) clarify that there is no maximum residential density in the PED (pedestrian overlay) zoning district; 3) modify the parking space requirements for multi-family units located in the Midtown, Morehead, Cherry Pedestrian Overlay District and the East Boulevard Pedestrian Overlay District; and 4) create new supplemental design standards for the Midtown, Morehead, Cherry Pedestrian Overlay District and the East Boulevard Pedestrian Overlay District.</p> <p>This petition is found to be consistent with the <i>Centers, Corridors and Wedges Growth Framework Plan</i> goal to preserve and enhance existing neighborhoods; create a vibrant economy; support a more urban and pedestrian-oriented form of development; and develop neighborhood-scale commercial uses and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee. The Committee voted 5-0 to recommend APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 1</p>
<p>Council will have to vote whether or not to send back to the Zoning Committee.</p>	<p>2. Petition No. 2013-102 (Council District 1 – Kinsey) by Wajahat and Ferah Syed for a change in zoning for approximately 0.40 acres located on the south side of North Davidson Street between East 33rd Street and East 35th Street from R-5 (single family residential) and MUDD-O (mixed use development, optional) to TOD-MO (transit oriented development, mixed-use optional) and MUDD-O SPA (mixed use development, optional, site plan amendment).</p> <p>Note: The City Council must determine by a ¾ vote if the following change to the site plan after the Zoning Committee vote, is substantial and if the petition should be referred back to the Zoning Committee for review:</p> <ul style="list-style-type: none"> • A six-foot sidewalk connection from the structure to the sidewalk on both streets has been added to the site plan. <p>This petition is found to be consistent with the <i>Blue Line Extension Transit Station Area Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee. The Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <p>Area A:</p> <ol style="list-style-type: none"> 1. Labeled the possible future expansion area on the plan. 2. Added the words "Area A" under the Petition # in the title block. 3. Removed the two labels stating "14-foot setback not feasible...." 4. Amended Note 6 under General Notes to read: "Possible expansion on the side and behind the existing building will meet setback and yard requirements." 5. Addressed the following CDOT issues: <ol style="list-style-type: none"> a. Removed proposed parallel parking cutout on 34th street to allow the use of the existing curbline for on-street parking. 6. Revised site plan so that all elements are to scale.

<p>2013-102 continued</p>	<ol style="list-style-type: none"> 7. Revised the plan so that all parking, including handicap, is the rear of the building which satisfies our request for the following note. "Provided there is not enough space between the house and the west property line for the accessible parking and accessible ramp, all parking shall be located on the portion of the site with direct access to 34th Street. No access will be allowed on Davidson Street." 8. Specified that trash and recycling would be roll-out only. Moved the location of the trash and recycling area which demonstrates how trash collection will be handled. 9. Amended Note 6 to specify the total maximum square footage as 2,200 square feet. 10. Specified new 26 foot wide curb cuts. 11. A label that the old driveway on Area A will be closed. <p>Area B:</p> <ol style="list-style-type: none"> 1. Added the words "Area B" under the Petition # in the title block. 2. Changed the label for the planting strip from three feet to four feet. 3. Amended Note 6 under General Notes to read: "Possible expansion behind the existing building will meet setback and yard requirements." 4. Amended the word "TOD" in Note 5 under General Notes to "TOD-M." 5. Revised site plan so that all elements are to scale. 6. Amended Note 6 to specify the total maximum square footage as 2,200 square feet. 7. Specified the location of the dumpster and parking. 8. Specified new 26 foot wide curb cuts. <p>Staff recommends approval of this petition.</p> <p>Attachment 2</p>
<p>Deferral (to July)</p>	<ol style="list-style-type: none"> 3. <u>Petition No. 2014-021</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to 1) create a new definition for mobile farmer's market; 2) allow mobile farmer's markets in all zoning districts; and 3) create new prescribed conditions for mobile farmer's markets. <p>The Zoning Committee voted 5-0 to DEFER this petition to their June 25, 2014 meeting.</p> <p>Attachment 3</p>
<p>Deferral (to July)</p>	<ol style="list-style-type: none"> 4. <u>Petition No. 2014-027</u> (Council District 3 – Mayfield) by Charlotte-Mecklenburg Planning Department for a change in zoning for two parcels approximately 0.81 acres located on the west side of Dunavant Street between Remount Road and Merve Place from I-2 (general industrial) to TOD-M (transit oriented development, mixed). <p>The petitioner is requesting a one-month deferral of this petition to the July 21, 2014 meeting.</p> <p>This petition is found to be consistent with the <i>New Bern Transit Station Area Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 7-0 vote of the Zoning Committee. The Committee voted 7-0 to recommend APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 4</p>

<p>Deferral (to July)</p>	<p>5. Petition No. 2014-029 (Council District 6 - Smith) by Kyle Short for a change in zoning for approximately 1.58 acres located on the south side of East Woodlawn Road between Old Woods Road and Fairbluff Place from R-4 (single family residential) to UR-2(CD) (urban residential, conditional).</p> <p>The Zoning Committee voted 5-0 to DEFER this petition to their June 25, 2014 meeting.</p> <p>Attachment 5</p>
<p>Deferral (to July)</p> <p>Protest Sufficient</p>	<p>6. Petition No. 2014-031 (Outside City Limits) by Wilkison Partners, LLC for a change in zoning for approximately 5.9 acres located on the southeast corner at the intersection of Youngblood Road and Shelburne Farms Drive from MX-3(LLWCA) (mixed use, Lower Lake Wylie Critical Area) to MX-3 SPA(LLWCA) (mixed use, site plan amendment, Lower Lake Wylie Critical Area).</p> <p>The Zoning Committee voted 5-0 to DEFER this petition to their June 25, 2014 meeting.</p> <p>Attachment 6</p>
	<p>7. Petition No. 2014-033 (Council District 7 - Driggs) by Colony at Piper Glen for a change in zoning for approximately 1.72 acres located on the east side of Rea Road between Piper Station Drive and Ballantyne Commons Parkway from NS (neighborhood services) to NS SPA (neighborhood services, site plan amendment).</p> <p>This petition is found to be consistent with the <i>South District Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee. The Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. A building material legend for the proposed elevations has been provided on the site plan. 2. Signage has been removed from the site plan. Signage will be allowed per the NS (neighborhood service) standards. 3. Elevations of the building and parking deck have been provided. 4. A note has been added that the parking structure has been limited to two floors. 5. Transportation department comments in regards to the truck turnaround have been addressed through an easement. 6. A note has been added that the lighting for the parking structure will comply with Illuminating Engineering Society of North America (IESNA) standards as requested by the Charlotte-Mecklenburg Police Department. <p>Staff recommends approval of this petition.</p> <p>Attachment 7</p>
	<p>8. Petition No. 2014-034 (Council District 1 - Kinsey) by Mason Kazel for a change in zoning for approximately 0.61 acres located on the east side of Seigle Avenue between East 10th Street and Otts Street across from Green Trail Lane from I-2 (general industrial) to MUDD(CD) (mixed use development, conditional).</p> <p>This petition was automatically DEFERRED to the Zoning Committee's next meeting due to a lack of a quorum. The Committee voted 5-0 to hold a Special Meeting on June 2, 2014 to review this petition. Due to an advertising error, the June 2, 2014 meeting did not occur. Therefore, the Zoning Committee will convene and deliberate on June 16, 2014 for this petition and staff will update the City Council on their recommendation at the Dinner Meeting.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 8</p>

	<p>9. Petition No. 2014-036 (Council District 3 - Mayfield) by City of Charlotte for a change in zoning for approximately 5.18 acres located on the north side of West Boulevard and generally surrounded by Old Steele Creek Road, Elmin Street, Walter Street and West Boulevard from O-1(CD), (office, conditional) and R-5 (single family residential) to NS (neighborhood services).</p> <p>A portion of this petition is found to be inconsistent with the <i>Central District Plan</i> and a portion is found to be consistent with the <i>Central District Plan</i> but to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee. The Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Clarified that the height of the black aluminum security fence proposed around the secured parking area and open space/landscape area is eight feet. 2. The petitioner has moved the proposed security fence to enclose the portion of the site near Elmin Street. This acreage will be open space/landscape area for use by the employees. 3. The security fence along Elmin Street will be screened by additional landscaping via a 14-foot wide landscape strip and a new sidewalk will be provided along Elmin Street. 4. A note has been added that states parking/maneuvering will not be allowed between the building and the street. 5. Staff recommended that the parking area be situated so as to be consistent with the proposed building line (of the main structure). Staff is rescinding this request as the parking area meets the minimum requirement. 6. Trees are now shown in the islands around the perimeter of the parking area and in the islands in order to meet the requirement that each parking space be within 40 feet of a tree. 7. The size of the primary building has increased from 16,000 square feet to 17,500 square feet. 8. Added a sidewalk with pedestrian security access gates to connect the rear of the proposed building to the new sidewalk along Elmin Street. <p>Staff recommends approval of this petition.</p> <p>Attachment 9</p>
	<p>10. Petition No. 2014-037 by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to clarify the screening and buffer requirements for outdoor recreation uses.</p> <p>This petition is found to be consistent with the <i>Centers, Corridors, and Wedges Growth Framework Plan</i> goal of preserving and enhancing existing neighborhoods, and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee. The Committee voted 5-0 to recommend APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 10</p>



ZONING

HEARINGS

	<p>11. Petition No. 2013-090 by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to create new definitions and regulations for eating, drinking and entertainment establishments by replacing definitions and regulations for restaurants, nightclubs, bars and lounges. Allows eating, drinking and entertainment establishments by right or with prescribed conditions in the following zoning districts: multi-family, UR-2 (urban residential), UR-3 (urban residential), UR-C (urban residential, commercial), institutional, research, office, business, MX-1 (mixed use), MX-2 (mixed use), MX-3 (mixed use), MUDD (mixed use development), UMUD (uptown mixed use), CC (commercial center), NS (neighborhood services), TOD (transit oriented development), U-I (urban industrial), industrial, PED (pedestrian overlay) and TS (transit supportive overlay). An exemption process is added, including criteria to be eligible to apply for a Certificate of Exemption when an existing eating, drinking, and entertainment establishment cannot meet the proposed separation distance requirements.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 11</p>
<p>Deferral (to July)</p> <p>Protest Insufficient</p>	<p>12. Petition No. 2014-003 (Council District 7 - Driggs) by George M. Macon for a change in zoning for approximately 4.65 acres located on the southeast corner at the intersection of Ardrey Kell Road and Marvin Road from R-3 (single family residential) to O-1(CD) (office, conditional).</p> <p>A community Meeting Report has not been submitted for this petition; therefore, a public hearing may not be held and the petition is automatically deferred to the July 21, 2014 meeting.</p> <p>Attachment 12</p>
	<p>13. Petition No. 2014-035 (Council District 4 - Phipps) by Electrolux North America, Inc. for a change in zoning for approximately 90 acres located on the southeast corner at the intersection of David Taylor Drive and Claude Freeman Drive from RE-2 (research) to RE-3-O (research, optional) and O-1(CD) (office, conditional), with five year vested rights.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 13</p>
	<p>14. Petition No. 2014-039 (Council District 1 - Kinsey) by John M. Meyer for a change in zoning for approximately 0.145 acres located along North Davidson Street between East 35th Street and East 36th Street from B-1 (neighborhood business) to MUDD-O (mixed use development, optional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 14</p>
<p>Protest Sufficient</p>	<p>15. Petition No. 2014-040 (Council District 6 - Smith) by Sardis Road Land Co., LLC for a change in zoning for approximately 5.05 acres located on the east side of Sardis Road between Waverly Hall Road and Chevron Road from INST(CD) (institutional, conditional) to UR-1(CD) (urban residential, conditional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 15</p>

	<p>16. Petition No. 2014-041 (Council District 2 - Austin) by Dominion Investments Properties, LLC for a change in zoning for approximately 2.92 acres located on the north side of Pete Brown Road at the intersection of Old Statesville Road and Pete Brown Road from I-1 (light industrial) to I-2(CD) (general industrial, conditional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 16</p>
	<p>17. Petition No. 2014-045 (Council District 7 - Driggs) by Parag Patel for a change in zoning for approximately 5.5 acres located on the northeast corner at the intersection of Johnston Road and North Community House Road from CC (commercial center) to CC SPA (commercial center, site plan amendment).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 17</p>
	<p>18. Petition No. 2014-046 (Council District 2 - Austin) by The Housing Partnership for a change in zoning for approximately 3.38 acres located on the northwest corner at the intersection of Statesville Avenue and Moretz Avenue abutting Moss Lane and Tranquil Oak Place from R-22MF (multi-family residential) to UR-2(CD) (urban residential, conditional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 18</p>
	<p>19. Petition No. 2014-047 (Council District 3 - Mayfield) by Hopper Communities for a change in zoning for approximately 3.21 acres located on the west side of Youngblood Street between Remount Road and Griffith Street and across from Poindexter Drive from I-2 (general industrial) and TOD-M(CD) (transit oriented development, mixed use, conditional) to TOD-M O (transit oriented development, mixed use, optional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 19</p>
	<p>20. Petition No. 2014-048 (Council District 1 - Kinsey) by Marsh Euclid Apartments, LLC for a change in zoning for approximately 2.99 acres generally surrounded by South Caldwell Street, Lexington Avenue, Euclid Avenue, and Templeton Avenue from O-2 (office) and TOD-MO (transit oriented development, mixed use, optional) to TOD-MO (transit oriented development, mixed use, optional) and TOD-MO SPA (transit oriented development, mixed use, optional, site plan amendment).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 20</p>
<p>Protest Sufficiency TBD</p>	<p>21. Petition No. 2014-050 (Council District 6 - Smith) by Copper Builders, Inc. and Cambridge Properties, Inc. for a change in zoning for approximately 9.09 acres located on the southwest corner at the intersection of Carmel Road and Colony Road from R-3 (single family residential) and UR-2(CD) (urban residential, conditional) to UR-2(CD) (urban residential, conditional) and UR-2(CD)SPA (urban residential, conditional, site plan amendment).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 21</p>

22. [Petition No. 2014-052](#) (Council District 1 - Kinsey) **by Snider Fleet Solutions** for a change in zoning for approximately 6.26 acres located on the east side of North Graham Street and generally surrounded by Interstate 85, Reagan Drive, and North Graham Street from I-2 (general industrial) to I-1 (light industrial).

Staff recommends approval of this petition.

[Attachment 22](#)

REQUEST	Text amendment to Sections 2.201, 10.812, and 10.813 of the Zoning Ordinance
SUMMARY OF PETITION	<p>The petition proposes to:</p> <ol style="list-style-type: none"> 1) create new definitions for building length and façade modulation; 2) clarify that there is no maximum density for residential dwellings in the pedestrian overlay (PED) district; 3) modify the parking space requirements for multi-family units located in the Midtown, Morehead, Cherry pedestrian overlay district and the East Boulevard pedestrian overlay district; and 4) create new supplemental design standards for the Midtown, Morehead, Cherry pedestrian overlay district and the East Boulevard pedestrian overlay district.
PETITIONER AGENT/REPRESENTATIVE	Charlotte-Mecklenburg Planning Department Charlotte-Mecklenburg Planning Department
COMMUNITY MEETING	Meeting is not required. Staff held six meetings to discuss this text amendment with PED (pedestrian overlay) property owners, neighborhood leaders, and other interested parties, as well as architects and engineers.
STATEMENT OF CONSISTENCY	This petition is found to be consistent with the <i>Centers, Corridors and Wedges Growth Framework Plan</i> goal to preserve and enhance existing neighborhoods; create a vibrant economy; support a more urban and pedestrian-oriented form of development; and develop neighborhood-scale commercial uses and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee (motion by Commissioner Walker seconded by Commissioner Sullivan).

ZONING COMMITTEE ACTION	The Zoning Committee voted 5-0 to recommend APPROVAL of this petition.
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VOTE	<table border="0"> <tr> <td>Motion/Second:</td> <td>Labovitz/Walker</td> </tr> <tr> <td>Yeas:</td> <td>Allen, Dodson, Labovitz, Sullivan and Walker</td> </tr> <tr> <td>Nays:</td> <td>None</td> </tr> <tr> <td>Absent:</td> <td>Ryan and Nelson</td> </tr> <tr> <td>Recused:</td> <td>None</td> </tr> </table>	Motion/Second:	Labovitz/Walker	Yeas:	Allen, Dodson, Labovitz, Sullivan and Walker	Nays:	None	Absent:	Ryan and Nelson	Recused:	None
Motion/Second:	Labovitz/Walker										
Yeas:	Allen, Dodson, Labovitz, Sullivan and Walker										
Nays:	None										
Absent:	Ryan and Nelson										
Recused:	None										

ZONING COMMITTEE DISCUSSION	<p>Staff provided a summary of the text amendment. A question was asked if the design regulations would apply to just the Midtown, Morehead, Cherry pedestrian overlay district. Staff responded that the design regulations would apply to both the Midtown, Morehead, Cherry pedestrian overlay district and the East Boulevard pedestrian overlay district. A follow-up question was asked: if this is a good approach, why are the design regulations not applied to all the pedestrian overlay districts? Staff responded that the design regulations were developed to address specific concerns raised by the Dilworth community.</p> <p>A Commissioner expressed concern that the design regulations should be applied to all pedestrian overlay districts. Staff should not wait until these areas want them. Another Commissioner agreed, but said each pedestrian overlay district was different, and it is hard to get pedestrian overlay district buy-in from the community in the first place. Staff should not force the design regulations onto additional pedestrian overlay districts, but rather work to include those that would like the added regulations. The reason staff has not gone to other pedestrian overlay district communities is that this text amendment originated to clarify density, and the additional</p>
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regulations for design were needed pieces to move forward with the density text amendment. Staff added that, during the Zoning Ordinance Update, these design regulations would be considered not only for other pedestrian overlay districts, but for the urban districts, as well.

A Commissioner asked if this text amendment passes, then staff will pursue adding this to the Zoning Ordinance update process. Staff responded that each pedestrian overlay district is different, and staff will look at the right standards for each area, and work with the other districts to see if these would work, or if there are other issues to address. The standards would be tailored to each pedestrian overlay district. There were no further questions.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

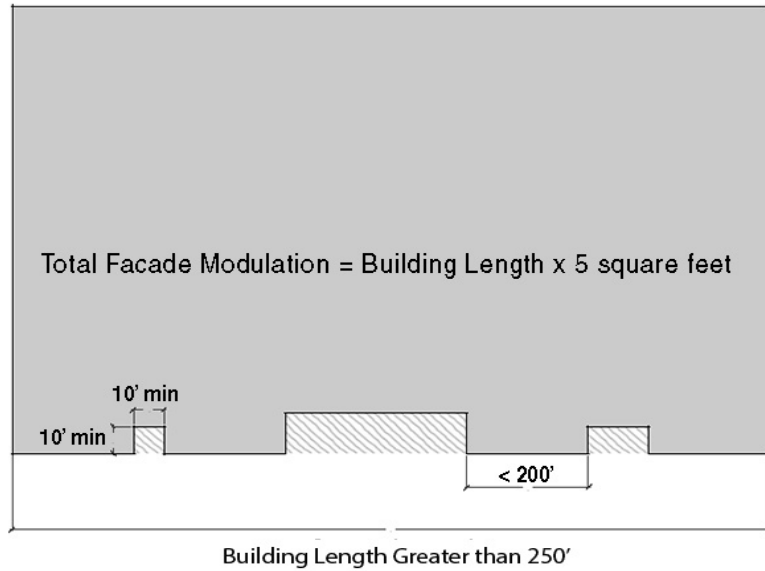
FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW**• Background**

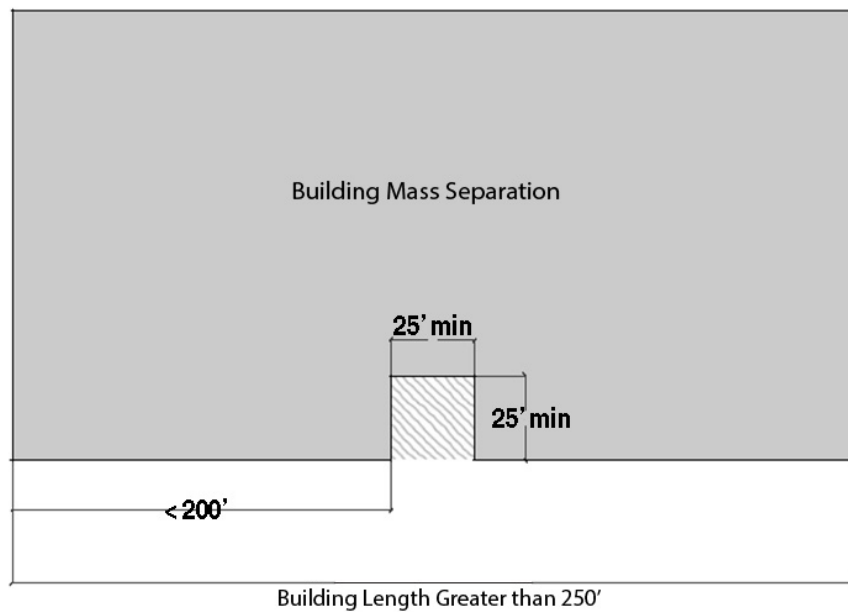
- A public hearing was held on this text amendment on March 19, 2013, to clarify that there is no maximum density for residential dwelling in the pedestrian overlay (PED) district.
- Citizen comments received at the public hearing led staff to host a series of meetings with pedestrian overlay district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

• Proposed Request Details

- The text amendment contains the following provisions:
 - Adds new definitions for building length and façade modulation.
 - Adds language to Table 10.812(1) to clarify that there is no maximum density for residential dwellings in the pedestrian overlay (PED) district. This addition clarifies that underlying zoning district regulations for density do not apply.
 - Modifies the minimum parking requirements for multi-family units from 1.0 parking space per dwelling unit to 1.25 parking spaces per dwelling unit.
 - Adds the following new supplemental design standards for properties within the boundaries of the Midtown, Morehead, Cherry pedestrian overlay district and the East Boulevard pedestrian overlay district:
 - Building facades greater than 250 feet in length along a street shall include one of the following features to achieve pedestrian scale and break up the building mass and bulk:
 - **Facade modulation:** The minimum amount of façade modulation shall be five (5) square feet per each linear foot of building length fronting a street. Each modulation shall be open to the sky with a minimum width of ten (10) feet and a minimum depth of ten (10) feet, as measured from the front building line. Modulation may be distributed along the building length within multiple modulations. Modulations shall occur at intervals no greater than 200 feet in length.



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



- **Architectural variation:** The Planning Director, or designee, shall have the authority to approve an alternative design that incorporates architectural variations along public rights-of-way. The alternative design shall utilize a combination of the following, at increments no greater than 100 feet: varied roof pitches, building heights, architectural styles, window arrangement and size variations, external building material changes, and offset wall planes.
- All buildings over five (5) stories in height shall be designed with an architectural base distinguishable from the remainder of the building to enhance the pedestrian environment. The base shall not be more than two stories in height and shall utilize a combination of the following: cornices, belt courses, molding, stringcourses, ornamentation, changes in color and material, or other sculpting of the base.

- **Public Plans and Policies**

- The petition is consistent with *Centers, Corridors and Wedges Growth Framework* goals to preserve and enhance existing neighborhoods; to create a vibrant economy; to support a more urban and pedestrian-oriented form of development; and to develop neighborhood-scale commercial uses.
-

DEPARTMENT COMMENTS (see full department reports online)

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

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

Planner: Sandra Montgomery (704) 336-5722

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

2013-026

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

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

Table 10.812(1)

Minimum Lot Area	None
Maximum Floor Area Ratio (FAR)	None
Minimum Setback (feet) ^{1-6A}	Varies
Minimum Side Yard (feet)	
-Abutting residential use or zoning	5 feet
-All other conditions	None
Minimum Rear Yard (feet)	
-Abutting residential use or zoning	20 feet
-All other conditions	5 feet
Base Height	40 feet
Maximum Height (feet) ⁷⁻⁹	100 feet

Table 10.812(1)

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

Supplemental Design Standards for the Midtown, Morehead, Cherry Pedestrian Overlay District and the East Boulevard Pedestrian Overlay District

Multi-Family Parking Requirements	Minimum one (1) parking space per dwelling unit	Modify to minimum of 1.25 parking spaces per dwelling unit.	<ul style="list-style-type: none"> Helps to prevent over-flow parking in single family residential areas by guests.
Supplemental Design Standards	None	<p>Adds new requirements for all new buildings and uses:</p> <ul style="list-style-type: none"> Large scale building facades where the total building length is greater than two-hundred fifty (250) feet shall include one or more of the following features to achieve pedestrian scale and break down the building mass and bulk: Façade Modulation is intended to create variations in the façade to break up large building masses. The minimum amount of 	<ul style="list-style-type: none"> Helps protect the character of the Midtown, Morehead, Cherry Pedestrian Overlay District and the East Boulevard Pedestrian Overlay District.

		<p>façade modulation shall be 5 square feet per each linear foot of building length fronting a street. Each modulation shall be open to the sky with a minimum width of 10 feet and minimum depth of 10 feet, as measured from the front building line. This calculated amount of modulation may be distributed along the building length within multiple modulations. Modulations shall occur at intervals no greater than 200' in length.</p> <ul style="list-style-type: none">• Building Mass Separation is intended to break up long, continuous building walls and create the appearance of multiple buildings. Building mass separation shall be provided at a depth of at least 25 feet from the front building line and a width of at least 25 feet, open to the sky, for at least every 200 feet of total building length fronting a street.• Architectural Variation is intended to create the appearance of smaller, attached buildings to reduce the apparent size of a building. The Planning Director, or his or her authorized designee, shall have the authority to approve an alternative design that incorporates architectural variations along public rights-of-way. The alternative design shall utilize a combination of the following, at increments no greater than 100', to break up the building mass: varied roof pitches, building heights, architectural styles, window arrangement and size variations, external building material changes, offset wall planes.• All buildings over five stories shall be designed with an architectural base distinguishable from the remainder of the building to enhance the pedestrian environment. The base shall not be more than two stories in height and shall utilize a combination of the following: cornices, belt courses, molding, stringcourses, ornamentation, changes in color and material, or other sculpting of the base.	
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Petition No. 2013-026
Petitioner: Charlotte-Mecklenburg Planning Department

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

ORDINANCE NO.

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

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

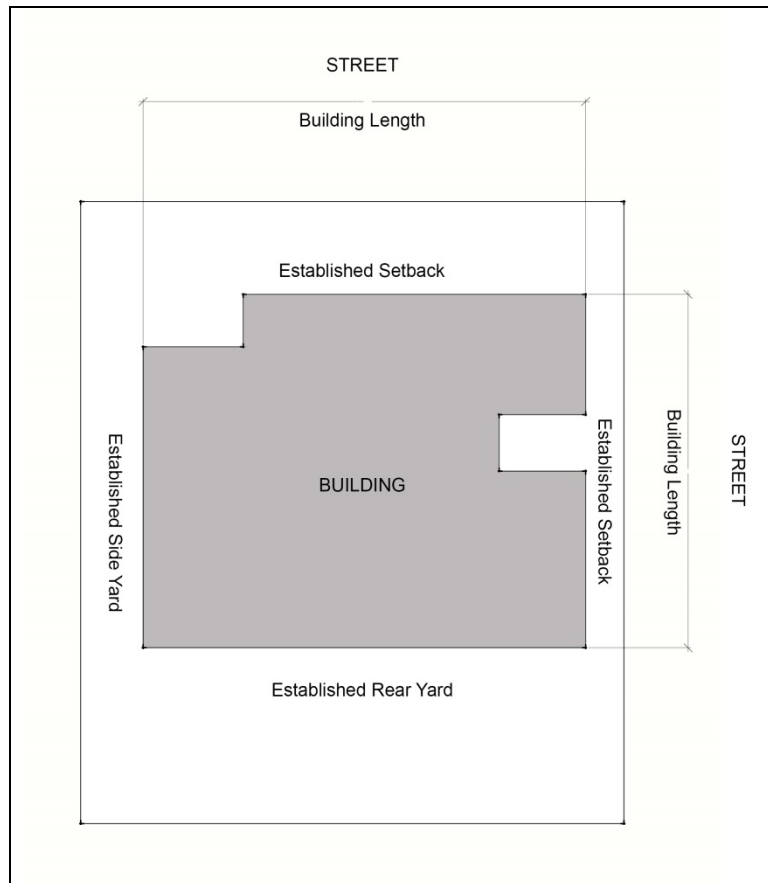
A. CHAPTER 2: DEFINITIONS AND RULES OF CONSTRUCTION

1. PART 2: DEFINITIONS

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

Building length.

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



Façade Modulation.

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

B. CHAPTER 10: OVERLAY DISTRICTS

1. PART 8: PEDESTRIAN OVERLAY DISTRICT

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

Table 10.812(1)

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

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

Table 10.812(3) Number of Parking Spaces

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

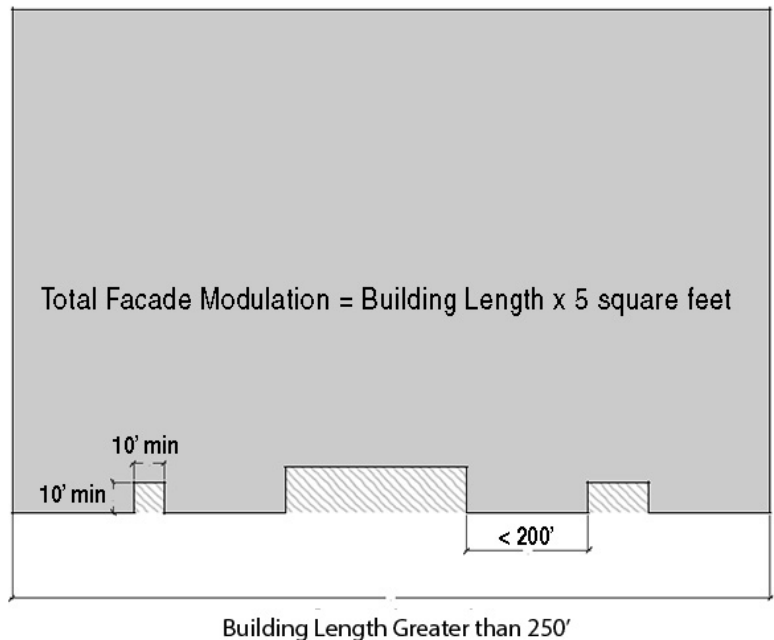
- c. Amend Section 10.813, “Urban Design Standards”, by adding a new subsection (2), titled, “Supplemental Design Standards for the Midtown, Morehead, Cherry Pedestrian Overlay District and the East Boulevard Pedestrian Overlay District”, with new supplemental design standards for development within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

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

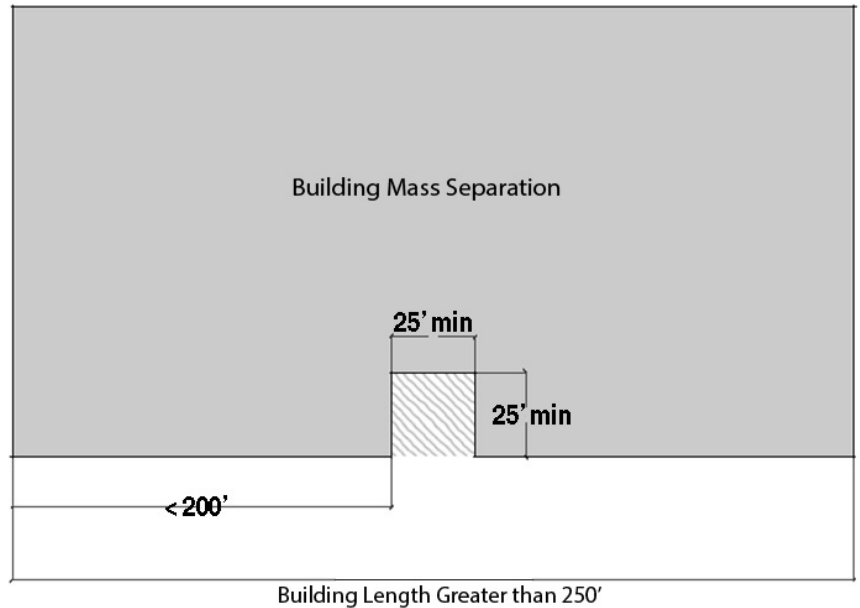
All new buildings and uses located within these boundaries of the Midtown, Morehead, Cherry Pedestrian Overlay District and the East Boulevard Pedestrian Overlay District shall be subject to the requirements of Section 10.813(1) plus the following minimum standards:

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

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



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



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

and material, or other sculpting of the base.

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

Approved as to form:

City Attorney

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

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

REQUEST

Area A - Current Zoning: MUDD-O (mixed use development, optional)
Proposed Zoning: MUDD-O SPA (mixed use development, optional, site plan amendment)

Area B - Current Zoning: R-5 (single family residential)
Proposed Zoning: TOD-MO (transit oriented development – mixed-use, optional)

LOCATION

Area A - Approximately 0.18 acres located on the south side of North Davidson Street at the southeast corner of the intersection of 34th Street and North Davidson Street.

Area B - Approximately 0.22 acres located on the south side of North Davidson Street between East 33rd Street and East 35th Street. (Council District 1 - Kinsey)

SUMMARY OF PETITION

This petition proposes the following:

Area A - Reuse an existing building to allow all uses permitted in the MUDD (mixed use development) district, except automotive service stations, adult establishments, car washes, restaurants with drive-thru windows, bars and nightclubs.

Area B - Reuse an existing building to allow all uses permitted in the TOD-MO (transit oriented development - mixed use, optional) district, except automotive service stations, adult establishments, car washes, restaurants with drive-thru windows, bars and nightclubs.

PROPERTY OWNER Wajahat Syed & Ferah Syed
PETITIONER Wajahat & Ferah Syed
AGENT/REPRESENTATIVE N/A

COMMUNITY MEETING

Area A and B – Meeting is required and has been held. Report available online.

Number of people attending the Community Meeting: 30

STATEMENT OF CONSISTENCY

This petition is found to be consistent with the *Blue Line Extension Transit Station Area Plan* and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee (motion by Commissioner Allen seconded by Commissioner Walker).

ZONING COMMITTEE ACTION

The Zoning Committee voted 5-0 to recommend **APPROVAL** this petition with the following modifications:

Area A:

1. Labeled the possible future expansion area on the plan.
2. Added the words "Area A" under the Petition # in the title block.
3. Removed the two labels stating "14-foot setback not feasible...."
4. Amended Note 6 under General Notes to read: "Possible expansion on the side and behind the existing building will meet setback and yard requirements."
5. Addressed the following CDOT issues:
 - a. Removed proposed parallel parking cutout on 34th street to allow the use of the existing curb line for on-street parking.
6. Revised site plan so that all elements are to scale.
7. Revised the plan so that all parking, including handicap, is to the rear of the building.
8. Specified that trash and recycling would be rollout only. Moved the location of the trash and recycling area which demonstrates how trash collection will be handled.

	<ol style="list-style-type: none"> 9. Amended Note 6 to specify the total maximum square footage as 2,200 square feet. 10. Specified new 26-foot wide curb cuts. 11. Added a label that the old driveway on Area A will be closed. <p>Area B:</p> <ol style="list-style-type: none"> 1. Added the words "Area B" under the Petition # in the title block. 2. Changed the label for the planting strip from three feet to four feet. 3. Amended Note 6 under General Notes to read: "Possible expansion behind the existing building will meet setback and yard requirements." 4. Amended the word "TOD" in Note 5 under General Notes to "TOD-M." 5. Revised site plan so that all elements are to scale. 6. Amended Note 6 to specify the total maximum square footage as 2,200 square feet. 7. Specified the location of the dumpster and parking. 8. Specified new 26-foot wide curb cuts.
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VOTE

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

ZONING COMMITTEE DISCUSSION

Staff reviewed the petition and noted that all of the outstanding issues had been addressed. In addition, the petitioner made the following additional changes to the site plan:

- Amended Note 6 for both areas to specify the total maximum square footage.
- Specified dumpster and parking location for Area B.
- Specified new curb cuts for both areas.
- Noted that old driveway for Area A would be removed.

Staff noted that the petition is consistent with the *Blue Line Extension Transit Station Area Plan* recommendation for transit oriented mixed-use development.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

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

PLANNING STAFF REVIEW

• **Background**

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

• **Proposed Request Details**

This petition contains two areas.

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

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

- Optional requests carried over from Petition 2003-066
 - Reduce the required 14-foot setback along North Davidson Street to 12 feet.
 - Allow the existing four-foot sidewalk and four-foot planting strip along North Davidson Street to remain.

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

- Allows all uses in the TOD-M (transit oriented development - mixed-use) district, except automotive service stations, adult establishments, car washes, restaurants with drive-through windows, bars and nightclubs.
 - Provides an area for future expansion behind the existing building.
 - Existing building to remain and retain residential character, including any expansions.
 - Provides an area for off-street parking to the rear of the existing building.
 - Optional requests include:
 - Reduce the required 14-foot setback along North Davidson Street to 12 feet.
 - Allow existing four-foot sidewalk and four-foot planting strip along North Davidson Street to remain.
 - **Public Plans and Policies**
 - The *Blue Line Extension Transit Station Area Plan* (2013) recommends transit oriented mixed-use. The subject property is located within the ½ mile walk distance of the proposed 36th Street Station.
 - The petition is consistent with the *Blue Line Extension Transit Station Area Plan*.
-

DEPARTMENT COMMENTS (see full department reports online)

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

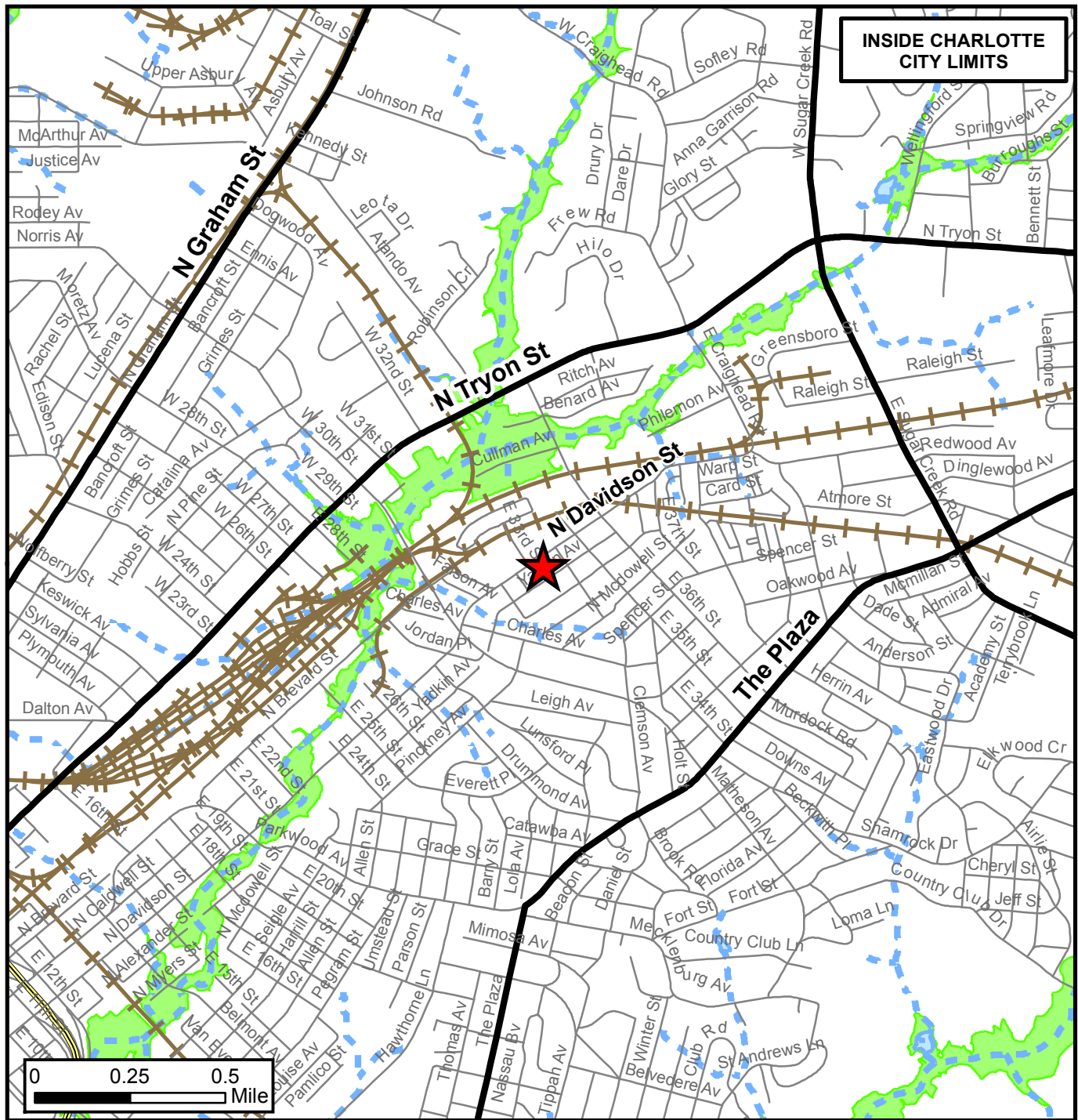
- No issues.
-

Attachments Online at www.rezoning.org

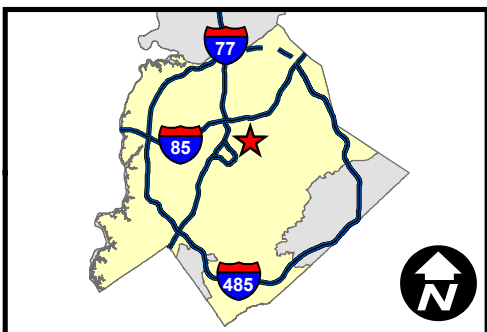
- Application
- Site Plan
- Rezoning Locator Map
- Community Meeting Report
- Pre-Hearing Staff Analysis
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering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

Planner: John Kinley (704) 336-8311

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



INSIDE CHARLOTTE CITY LIMITS



★ Rezoning Petition: 2013-102

- Major Roads
- Collector Roads
- Charlotte City Limits
- FEMA flood plain
- Watershed
- Lakes and Ponds
- Creeks and Streams

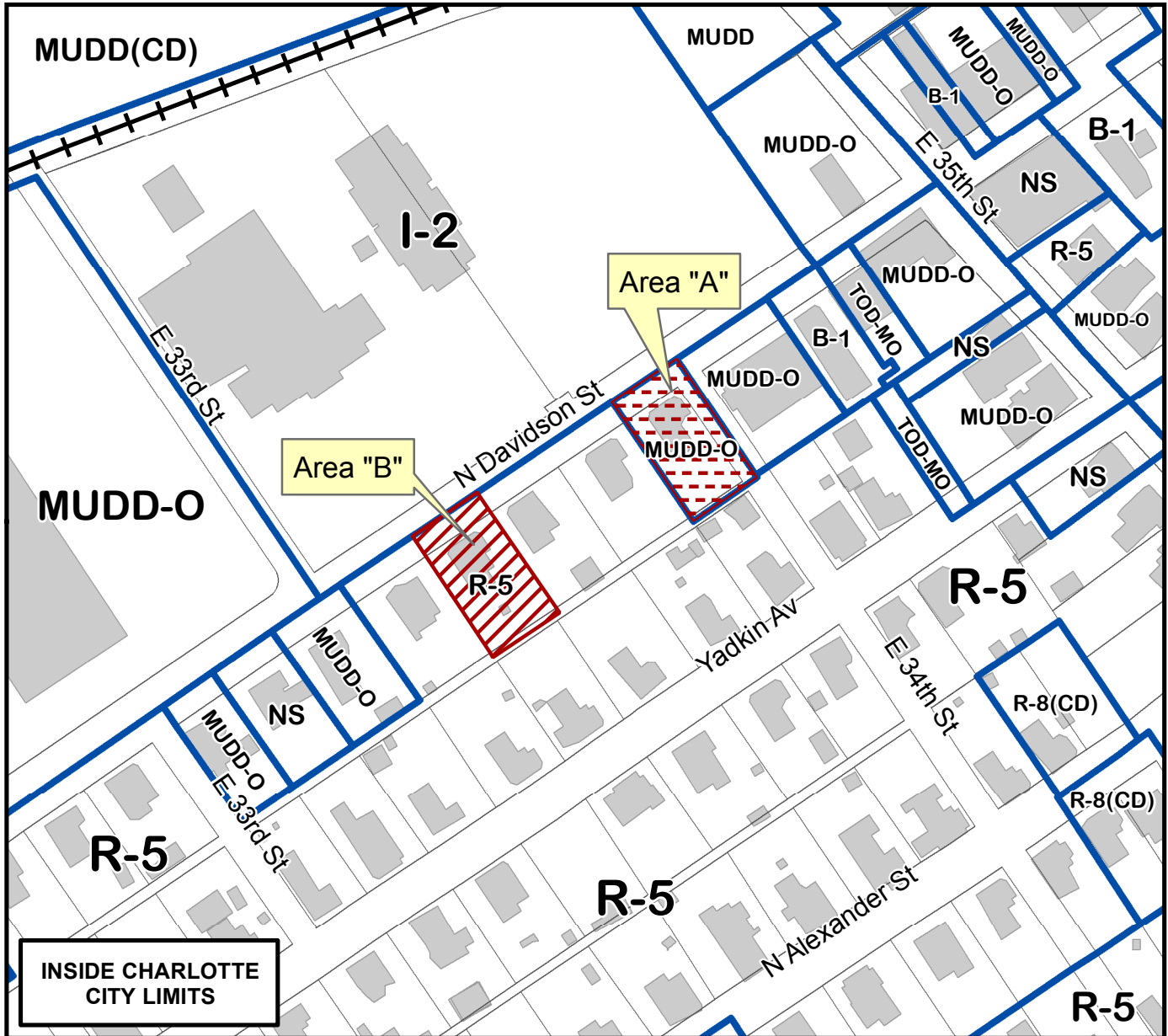
Petition #: **2013-102**

Petitioner: **Wajahat & Ferah Syed**

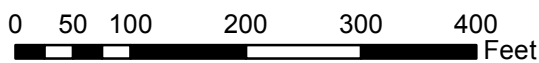
Zoning Classification (Existing): **MUDD-O & R-5**
(Mixed Use Development District, Optional and Single Family, Residential)

Zoning Classification (Requested): **MUDD-O S.P.A. & TOD-MO**
(Mixed Use Development District, Optional, Site Plan Amendment and Transit Oriented Development, Mixed Use, Optional)

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

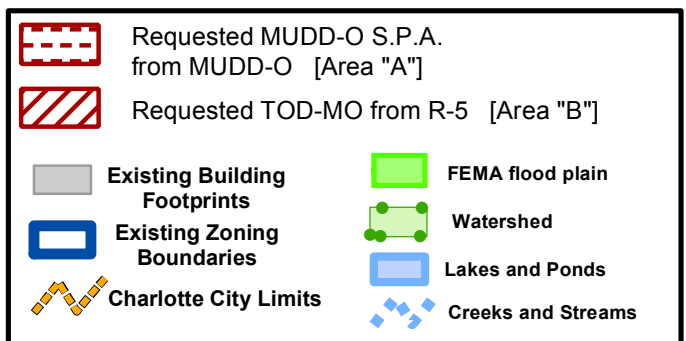


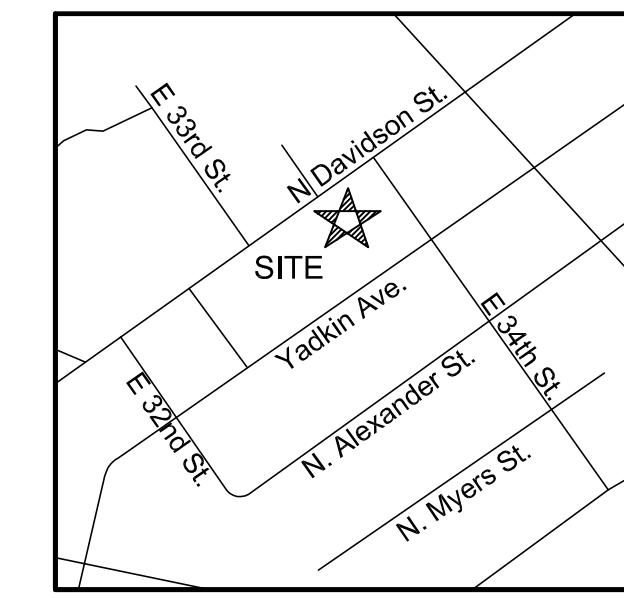
Map Produced by the Charlotte-Mecklenburg Planning Department, 2-17-2014.



Zoning Map #(s)

89





- LEGEND**
- IPS IRON PIN SET
 - IPF IRON PIN FOUND
 - OH OVERHEAD POWER
 - GAS LINE MARK
 - FIBER OPTIC
 - WATER METER
 - PHONE JACK
 - FIRE HYDRANT
 - POWER POLE
 - SANITARY SEWER MANHOLE
 - CHAINLINK FENCE
 - TREE

Petition #
2013-102
Area A
FOR
PUBLIC
HEARING

**North
Davidson
Street
Re-Zoning**

CHARLOTTE
NORTH CAROLINA

EXISTING ZONING: MUDD O
REQUESTED ZONING: MUDD O SPA

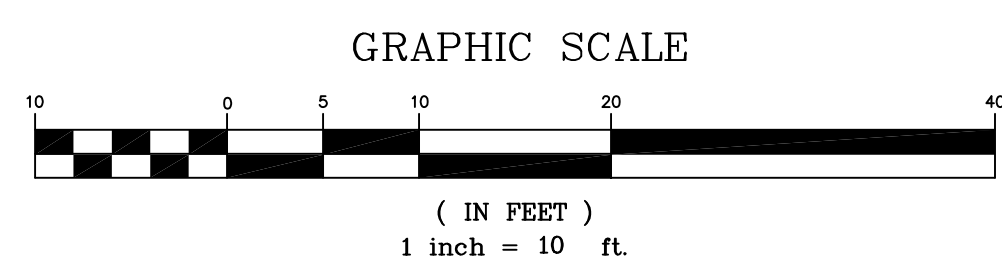
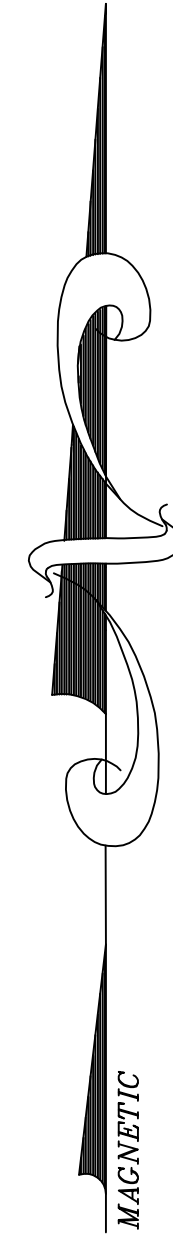
OPTIONAL PROVISIONS

1. Reduce required 14 foot setback along North Davidson St. to 12 feet to accommodate existing porch.
2. Reduce required 14 foot setback along 34th St. to 9 feet to accommodate the existing building.
3. Allow existing four-foot sidewalk and four-foot planing strip along North Davidson St. to remain.
4. Allow existing streetscape along 34th to remain.
5. Allow parking and maneuvering space within the required setback.

Development data:
Total maximum square footage: 2,200 sqft
Total parking required: 4 spaces

GENERAL NOTES :

1. This drawing is in support of a Rezoning Application for Lot 129 of the Highland Park Co. MFG. Property.
2. Existing building will remain and will retain Residential character including any additions or expansions.
3. Exterior lighting will be of Residential character.
4. Trash & recycling area will be screened according to zoning requirements.
5. Uses permitted by the MUDD district zoning will be permitted, excluding Automotive service station, Adult establishments, Car Washes, Restaurant with Drive-thru windows, Bars and Nightclub, and accessory drive-thru windows
6. Possible expansion (for a site total maximum up to 2,200 sq.ft) on the side and behind the existing building will meeting setback and yard requirements.
7. Trash & recycling will be handled by roll out service only.

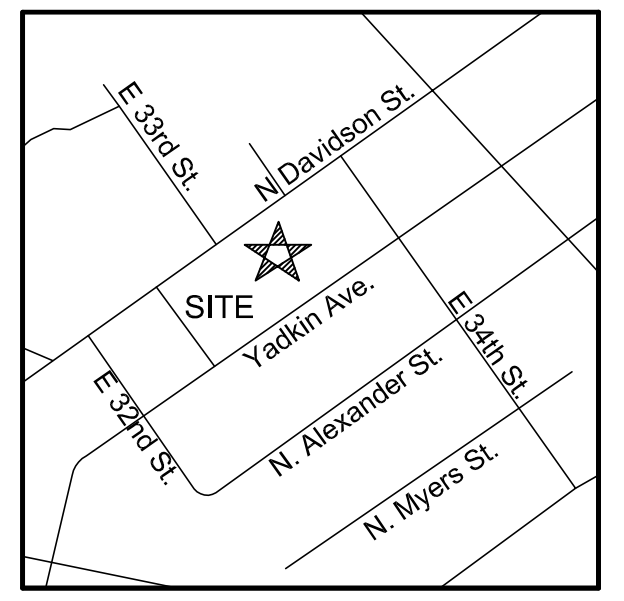


SITE PLAN
3046 N. DAVIDSON STREET
LOT 129,
CITY OF CHARLOTTE,
MECKLENBURG COUNTY, NORTH CAROLINA

PREPARED FOR:
WAJAHAT & FERAH SYED

P.O. BOX 691150
CHARLOTTE, N.C. 28227
(704) 573-0112
FIRM LICENSE No. C-2350

DATE: MAY 20, 2014	JOB No.: CH1464A-04-14	DRAWN BY: MS
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VICINITY MAP NOT TO SCALE

- LEGEND**
- IPS IRON PIN SET
 - IPF IRON PIN FOUND
 - OH OVERHEAD POWER
 - G GAS LINE MARK
 - FO FIBER OPTIC
 - WM WATER METER
 - PJ PHONE JACK
 - FH FIRE HYDRANT
 - PP POWER POLE
 - SSM SANITARY SEWER MANHOLE
 - CF CHAINLINK FENCE
 - TREE TREE

Petition #
2013-102

Area B

FOR PUBLIC HEARING

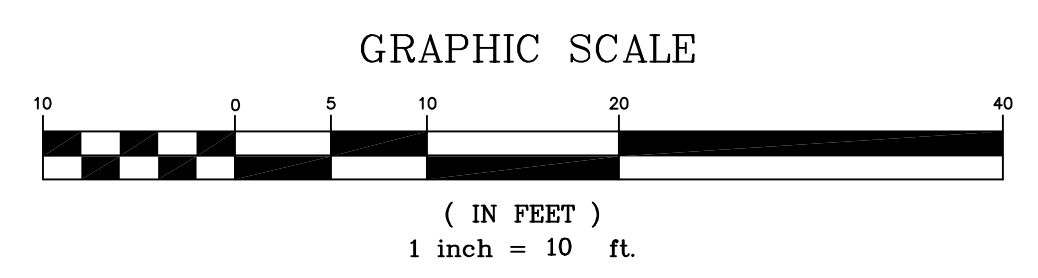
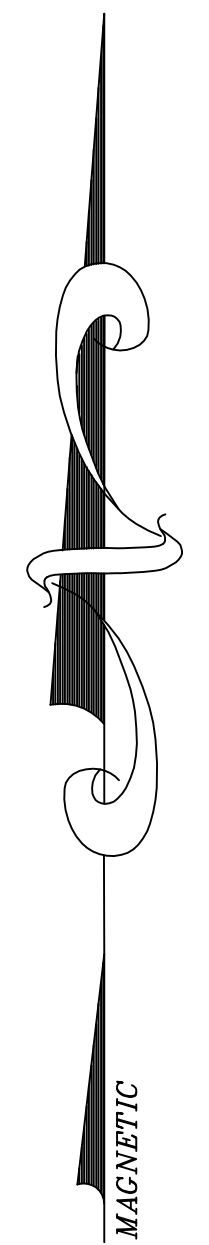
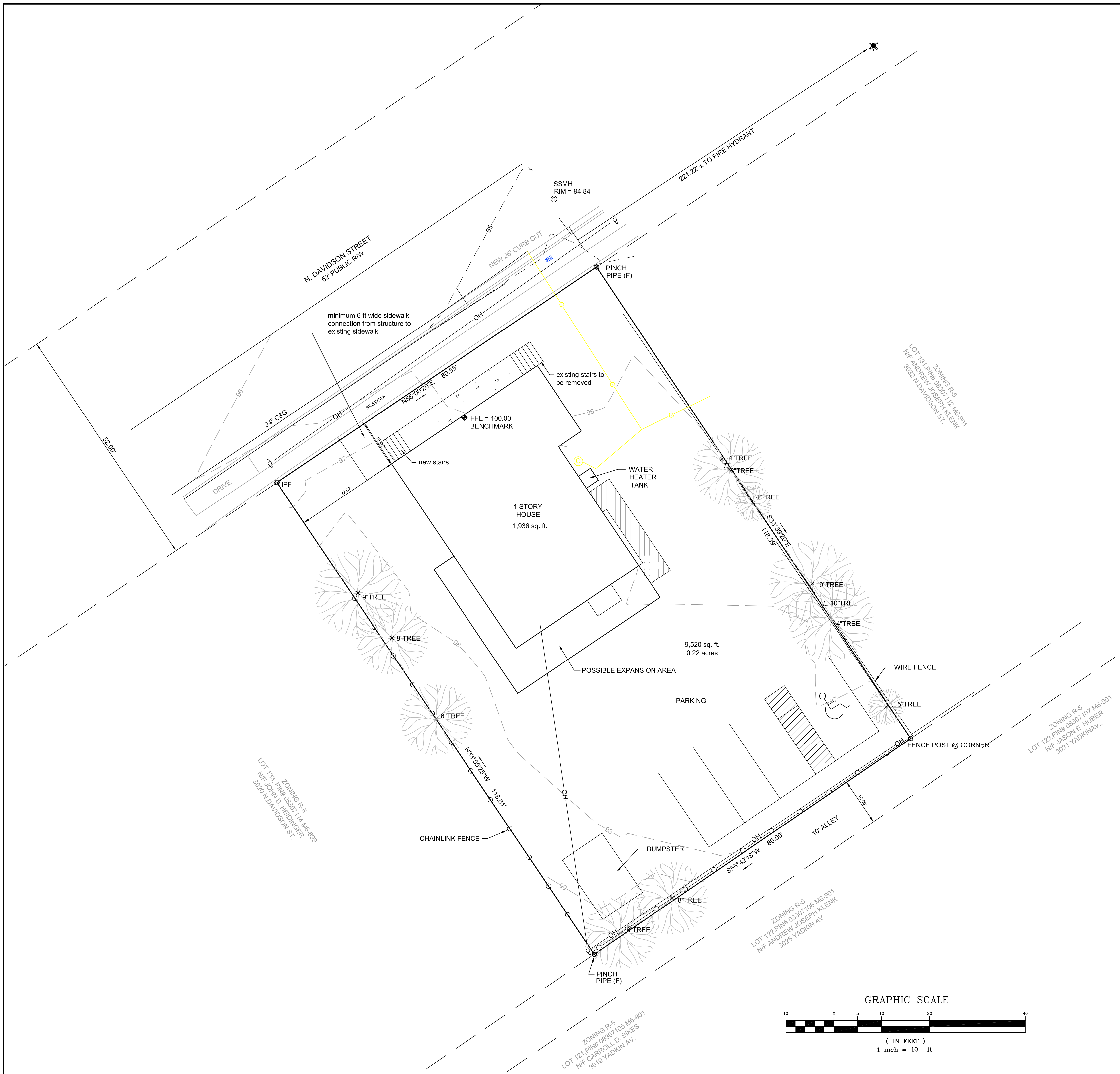
North Davidson Street Re-Zoning

CHARLOTTE NORTH CAROLINA

EXISTING ZONING: R-5
 REQUESTED ZONING: TOD-MO
 OPTIONAL PROVISIONS

1. Reduce required 14 foot setback along North Davidson St. to 12 feet to accommodate existing porch.
2. Allow existing four-foot sidewalk and four-foot planting strip along North Davidson st. to remain.
3. Allow existing streetscape along North Davidson St. to remain.

- GENERAL NOTES:**
1. This drawing is in support of a Rezoning application for Lot 132 of the Highland Park Co. MFG. Property.
 2. Existing building will remain and will retain residential character including any additions or expansions.
 3. Exterior lighting will be residential character.
 4. If dumpsters are required by tenant (s) they will be screened according to zoning requirements with an enclosure and gate.
 5. Uses permitted by the TOD-MO district zoning will be permitted, excluding Automotive service stations, Adult establishments, Car Washes, Restaurant with drive-thru windows, Bars and Nightclubs.
 6. Possible expansion (for a site total maximum up to 2,200 sq.ft) on the side and behind the existing building will meet the setback and yard requirements.
 7. Dumpster service to pick up after business hours.



SITE DATA
 3024 N. DAVIDSON STREET
 LOT 132
 CITY OF CHARLOTTE,
 MECKLENBURG COUNTY, NORTH CAROLINA

PREPARED FOR:
 WAJAHAT & FERAH SYED

CSC of NC PC

P.O. BOX 691150
 CHARLOTTE, N.C. 28227
 (704) 573-0115
 FIRM LICENSE No. C-2350

DATE: MAY 20, 2014	JOB No.: CH1464-04-14	DRAWN BY: MS
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REQUEST	Text amendment to Sections 2.201, 9.101, 9.204, 9.304, 9.404, 9.405, 9.504, 9.603, 9.604, 9.704, 9.803, 9.804, 9.8503, 9.8504, 9.903, 9.904, 9.1003, 9.1004, 9.1103, 9.1104, 9.1206, 9.1207, 11.204, 11.303A, 11.403, 11.404, 11.703, 11.704, and 12.547 of the Zoning Ordinance
SUMMARY OF PETITION	The petition proposes to: 1) Create a new definition for mobile farmer's market; 2) Allow mobile farmer's markets in all zoning districts. In some districts they will be allowed as a principal use, and in other districts they will be allowed as an accessory use; and 3) Create new prescribed conditions for mobile farmer's markets.
PETITIONER AGENT/REPRESENTATIVE	Charlotte-Mecklenburg Planning Department Charlotte-Mecklenburg Planning Department
COMMUNITY MEETING	Meeting is not required. A citizen's advisory group meeting was held on January 29, 2014.

ZONING COMMITTEE ACTION	The Zoning Committee voted 5-0 to DEFER this petition to their June 25, 2014 meeting.
--------------------------------	----------------------------------------------------------------------------------------------

VOTE	Motion/Second: Allen/Walker Yeas: Allen, Dodson, Labovitz, Sullivan, and Walker Nays: None Absent: Ryan and Nelson Recused: None
ZONING COMMITTEE DISCUSSION	Staff is requesting a one-month deferral to allow time to consider modifications to the text amendment and to hold an additional citizen advisory group meeting.

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

PLANNING STAFF REVIEW

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

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

- **Proposed Request Details**

The text amendment contains the following provisions:

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

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

DEPARTMENT COMMENTS (see full department reports online)

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

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

Planner: Sandra Montgomery (704) 336-5722

TEXT AMENDMENT SUMMARY: Mobile Farmer's Market
3-6-14

2014-21

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

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

		<p>Neighborhood & Business Services and attached to the zoning use permit application.</p> <ul style="list-style-type: none"> • A mobile farmer’s market shall not sell food and/or drink processed or prepared on-site. Mobile food trucks are not allowed as part of the use. • The operator of a mobile farmer’s market is responsible for removing all trash, litter, and refuse generated by the use from the site at the end of each visit. • The hours of operation shall be between 8:00 a.m. and 9:00 p.m. The mobile farmer’s market shall only be located on the site between these hours. No overnight parking is allowed. • The mobile farmer’s market shall provide five off-street parking spaces and shall not locate in any minimum required parking spaces for other uses on the site. Parking spaces may be shared with other uses on the site, unless the Zoning Administrator determines that parking congestion problems will be present on the site. • One table and one fabric covered tent (maximum size of 12 feet x 12 feet) for shelter only are permitted in association with the use, and shall be removed daily. • No products shall be displayed or stored off the vehicle or trailer. • All applicable local and state codes shall be met. • A mobile farmer’s market and an outdoors fresh produce stand shall not occupy the same lot at the same time. • Signs must be in compliance with Chapter 13. No portable signs are allowed. • Violations are subject to Section 8.105, “Citations”. Violations may result in the revocation of the zoning use permit. <ul style="list-style-type: none"> • Allows a mobile farmer’s market as an accessory use to a religious institution, school, college, university, hospital or office in the R-3, R-4, R-5, R-6, R-8, R-8MF, R-12MF, R-17MF, R-22MF, R-43MF, R-MH, UR-1, UR-2, UR-3, MX-1, MX-2, MX-3, Institutional, O-1, O-2, O-3, RE-1, RE-2 and TOD-R zoning districts, subject to the prescribed conditions listed above and the following additional prescribed condition: <ul style="list-style-type: none"> • If the mobile farmer’s market utilizes a large commercial vehicle, it is exempt from meeting the requirements of Section 12.218(4) and may park in a residential district as an accessory use on a site with a religious institution, school, college, university or hospital. • In the residential districts, only one mobile farmer’s market shall be allowed per location at any one time. 	
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REQUEST	Current Zoning: I-2 (general industrial) Proposed Zoning: TOD-M (transit oriented development - mixed-use)
LOCATION	Approximately 0.81 acres located on the west side of Dunavant Street between Remount Road and Merve Place. (Council District 3 - Mayfield)
SUMMARY OF PETITION	The petition proposes to allow all uses in the TOD-M (transit oriented development - mixed-use) district.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Dunavant Development, LLC Charlotte-Mecklenburg Planning Department Argos Real Estate Advisors, Inc.
COMMUNITY MEETING	Meeting is not required.
STATEMENT OF CONSISTENCY	This petition is found to be consistent with the <i>New Bern Transit Station Area Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 7-0 vote of the Zoning Committee (motion by Commissioner Walker seconded by Nelson).

ZONING COMMITTEE ACTION	The Zoning Committee voted 7-0 to recommend APPROVAL of this petition.
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VOTE	Motion/Second: Walker/Nelson Yeas: Walker, Nelson, Allen, Sullivan, Labovitz, Dodson, Ryan Nays: None Absent: None Recused: None
ZONING COMMITTEE DISCUSSION	Staff presented this petition and noted that it is a conventional request with no associated site plan. The <i>New Bern Transit Station Area Plan</i> recommends mixed transit supportive development for the property. Staff noted that the site is approximately a ½-mile walk from the New Bern Street Station.
STAFF OPINION	Staff agrees with the recommendation of the Zoning Committee.

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

PLANNING STAFF REVIEW

- **Proposed Request Details**
 - This is a conventional rezoning petition with no associated site plan.
- **Public Plans and Policies**
 - The *New Bern Transit Station Area Plan* (2005) recommends mixed transit supportive development for the property. The site is approximately a ½ mile walk from the New Bern Street Station.
 - The petition is consistent with the *New Bern Transit Station Area Plan*.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** The conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
 - There is no site plan associated with this conventional rezoning request.
-

OUTSTANDING ISSUES

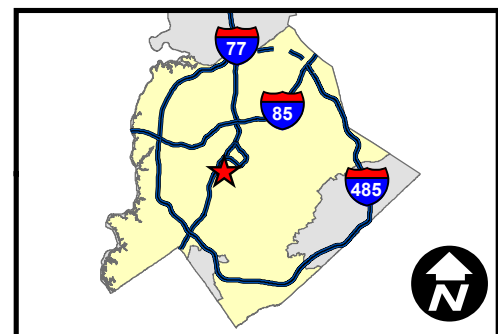
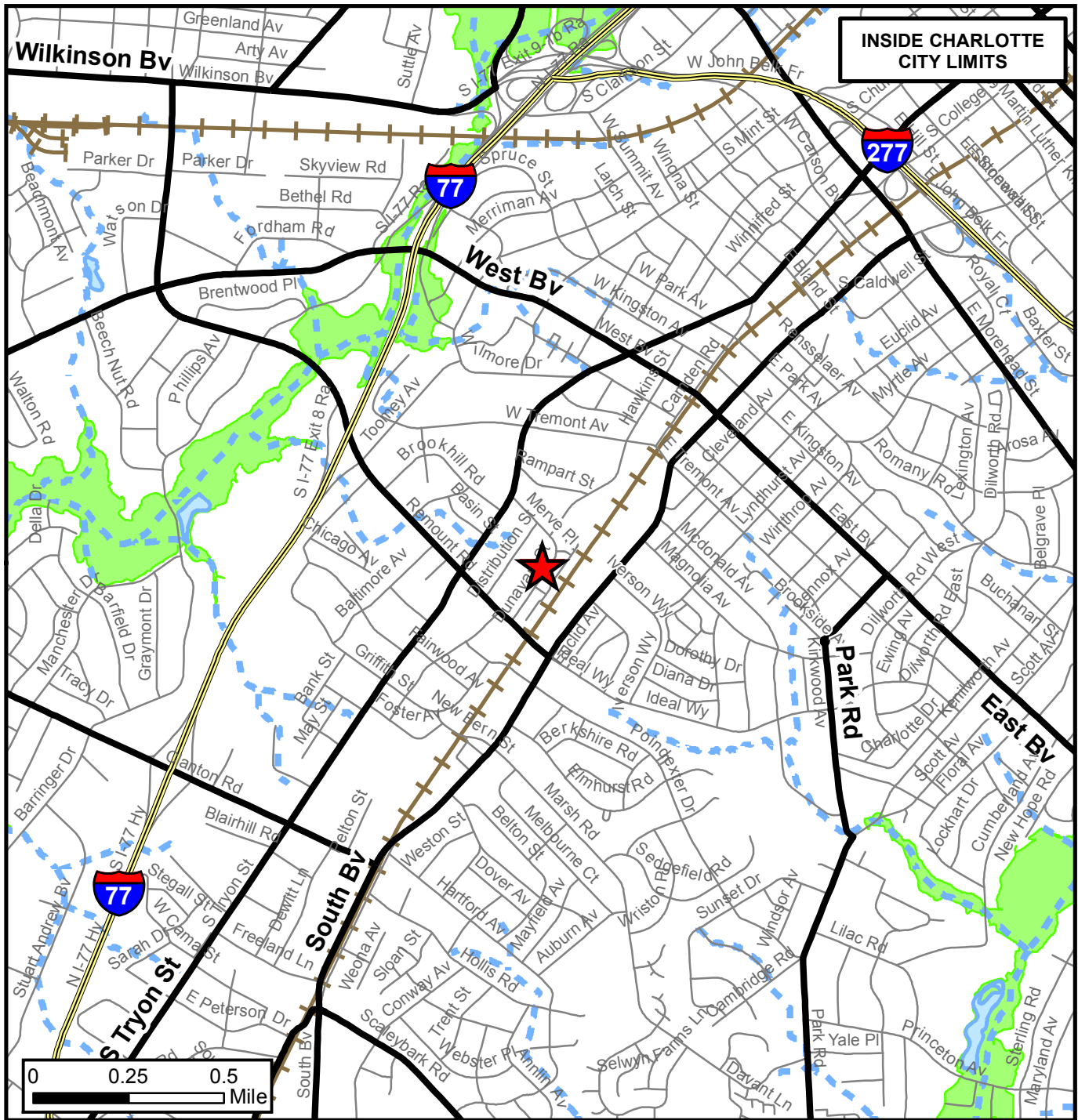
- No issues.
-

Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Parks and Recreation Review

Planner: John Kinley (704) 336-8311

Acreage & Location : Approximately 0.81 acres located on the west side of Dunavant Street between Remount Road and Merve Place.



★ Rezoning Petition: 2014-027

- Major Roads
- Collector Roads
- Charlotte City Limits
- FEMA flood plain
- Watershed
- Lakes and Ponds
- Creeks and Streams

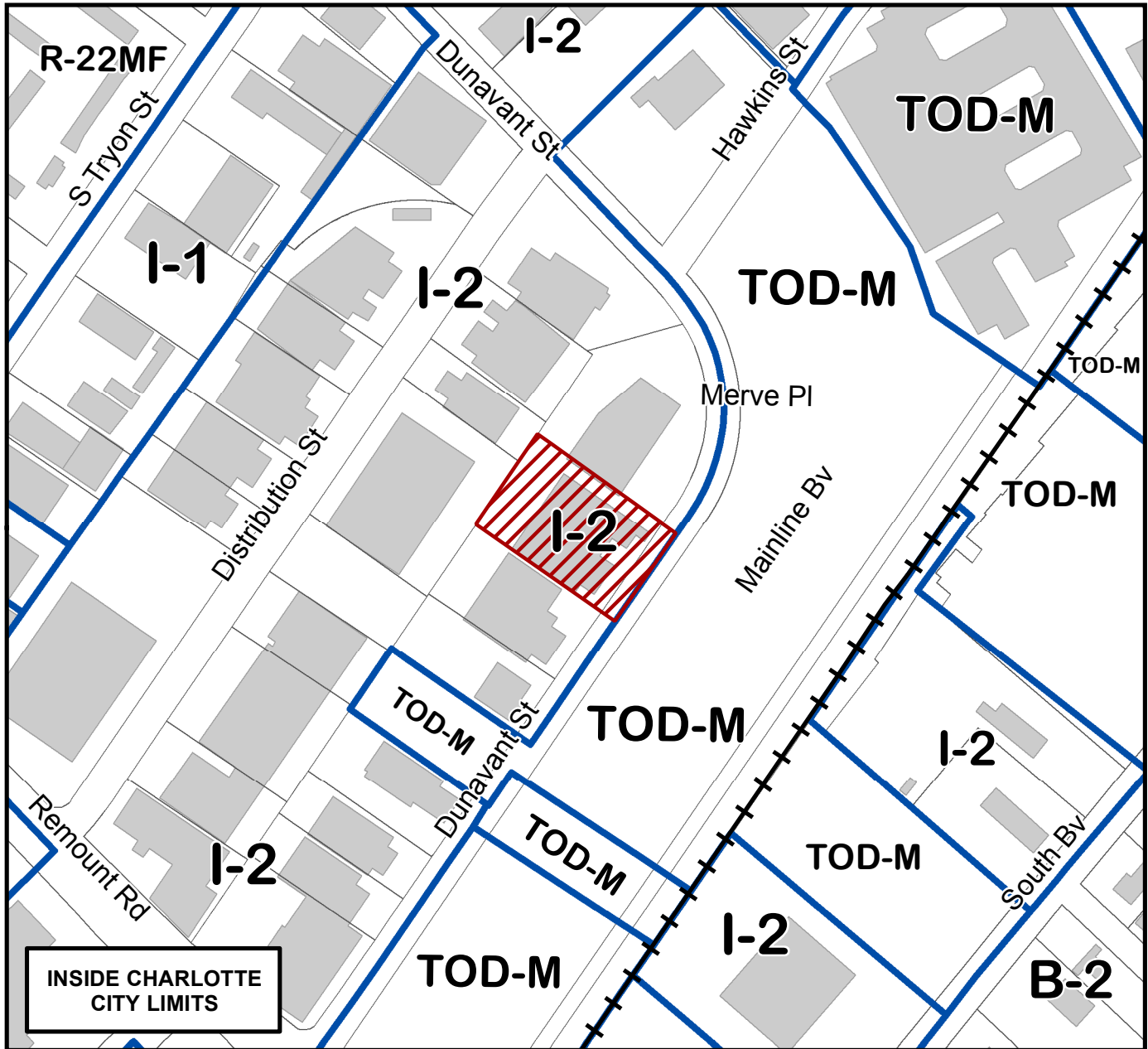
Petition #: **2014-027**

Petitioner: **Charlotte-Mecklenburg Planning Department**

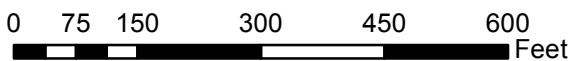
Zoning Classification (Existing): **I-2**
(General Industrial)

Zoning Classification (Requested): **TOD-M**
(Transit Oriented Development, Mixed Use)

Acreage & Location: Approximately 0.81 acres located on the west side of Dunavant Street between Remount Road and Merve Place.

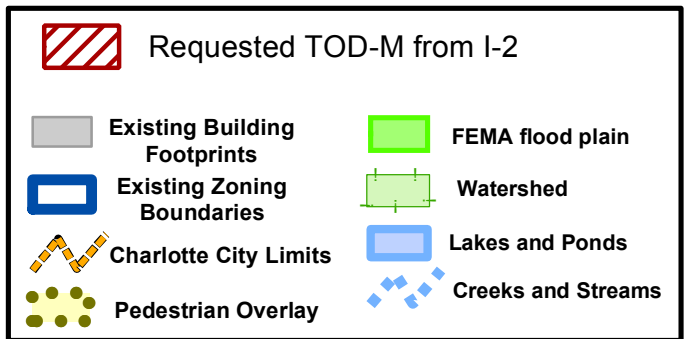


Map Produced by the Charlotte-Mecklenburg Planning Department, 12-27-13.



Zoning Map #(s)

110



REQUEST	Current Zoning: R-4, single family residential Proposed Zoning: UR-2(CD), urban residential, conditional
LOCATION	Approximately 1.58 acres located on the south side of Woodlawn Road between Old Woods Road and Fairbluff Place. (Council District 6 - Smith)
SUMMARY OF PETITION	The petition proposes a residential development consisting of 14 units: 12 multi-family units and two single family detached units. The density is 8.89 units per acre.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Kyle Short Kyle Short Stephen Overcash
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 26

ZONING COMMITTEE ACTION	The Zoning Committee voted 5-0 to DEFER this petition to their June 25, 2014 meeting.
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VOTE	Motion/Second: Allen/Walker
	Yeas: Allen, Dodson, Labovitz, Sullivan, and Walker
	Nays: None
	Absent: Nelson and Ryan
	Recused: None

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

PLANNING STAFF REVIEW

- **Proposed Request Details**
The site plan accompanying this petition contains the following provisions:
 - Maximum of 12 multi-family residential dwelling units and two (2) single family detached units.
 - Individual and shared entrances that front public and private streets.
 - A 10-foot wide buffer around the exterior property boundary abutting residential uses and zoning.
 - Building materials include wood or synthetic wood, brick or stone, stucco or synthetic stucco, and metal panels.
 - Providing 400 square feet of private open space per unit.
 - Detached lighting limited to 20 feet in height.
 - An eight-foot tall wooden privacy fence will be installed along the side and rear property lines.
 - A stucco or masonry wall will be provided along the front of the development.
- **Public Plans and Policies**
 - The Park Woodlawn Area Plan (2013) recommends residential uses at four units per acre but supports an increase in density up to 12 dwelling units per acre for large parcels subject to certain parameters and design guidelines. These include:
 - relation to the surrounding context along E. Woodlawn Road,
 - provision of a pedestrian scale street presence, and
 - building heights limited to 40 feet adjacent to single family properties.
 - The petition is consistent with the Park Woodlawn Area Plan. The abutting properties generally have rear yards abutting the subject site, which is larger in acreage than surrounding parcels. The proposed multi-family style of development is oriented to E. Woodlawn Road, with front entrances onto the public street, rear loaded parking and the maximum 40-foot height limit which is compatible with the surrounding single family homes.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No comments received.
- **Transportation:** Dedicate 50 feet of right-of-way measured from the existing centerline along the site's public frontage on E. Woodlawn Road.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate one student, while the development allowed under the proposed zoning will produce two students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is one student.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte-Mecklenburg Utilities:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No issues.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

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

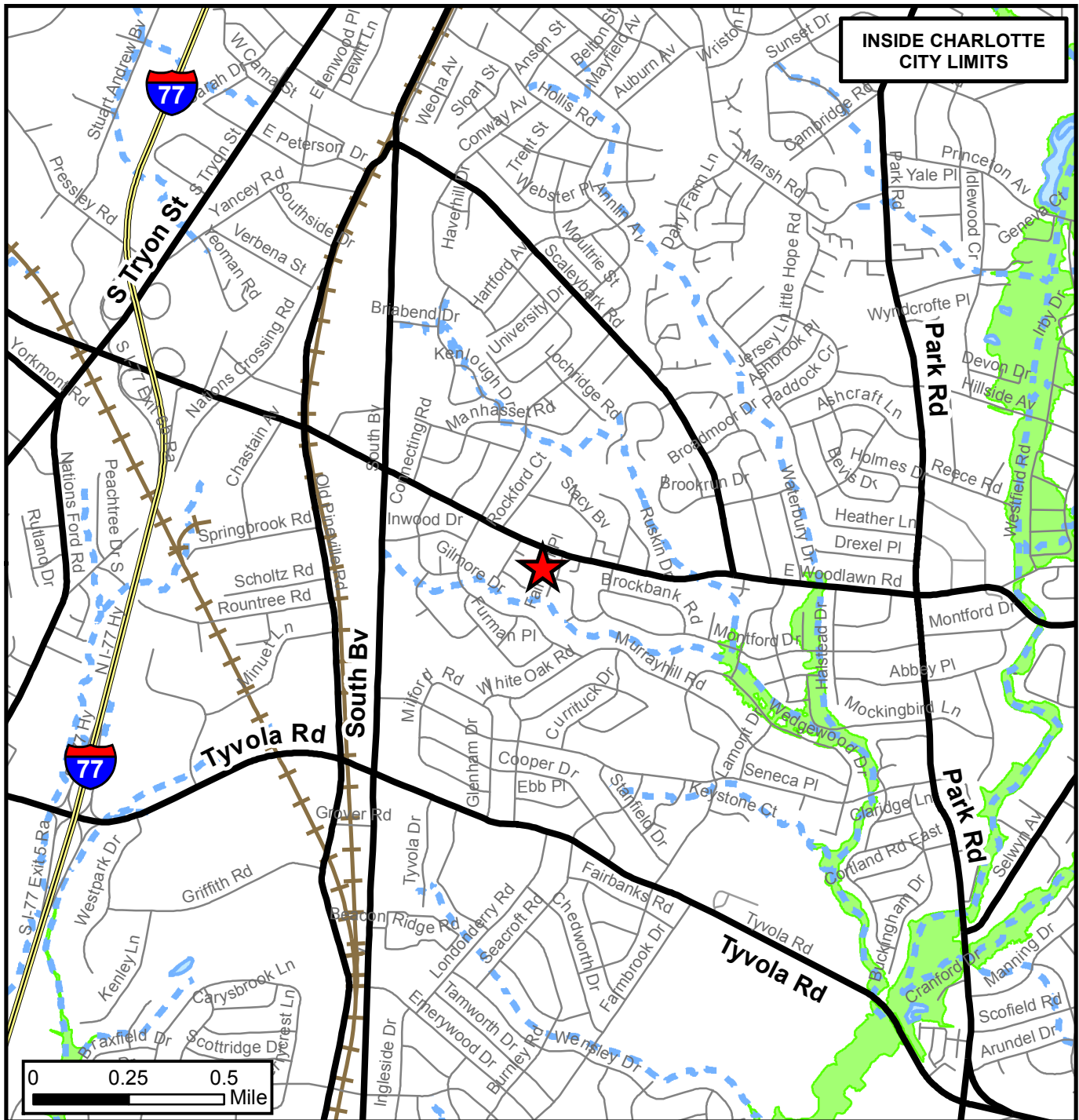
15. Note that the finished side of the proposed privacy fence will face the adjacent properties.
16. Provide details on the stucco or masonry wall along the rear of the buildings backing up to Woodlawn Road.
17. Provide elevations along Woodlawn Road.
18. Remove tree save area that is located in the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

Attachments Online at www.rezoning.org

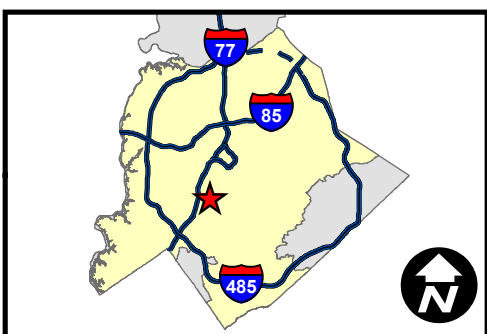
- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg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

Planner: Sonja Sanders (704) 336-8327

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



INSIDE CHARLOTTE CITY LIMITS



★ Rezoning Petition: 2014-029

- Major Roads
- Collector Roads
- Charlotte City Limits
- FEMA flood plain
- Watershed
- Lakes and Ponds
- Creeks and Streams

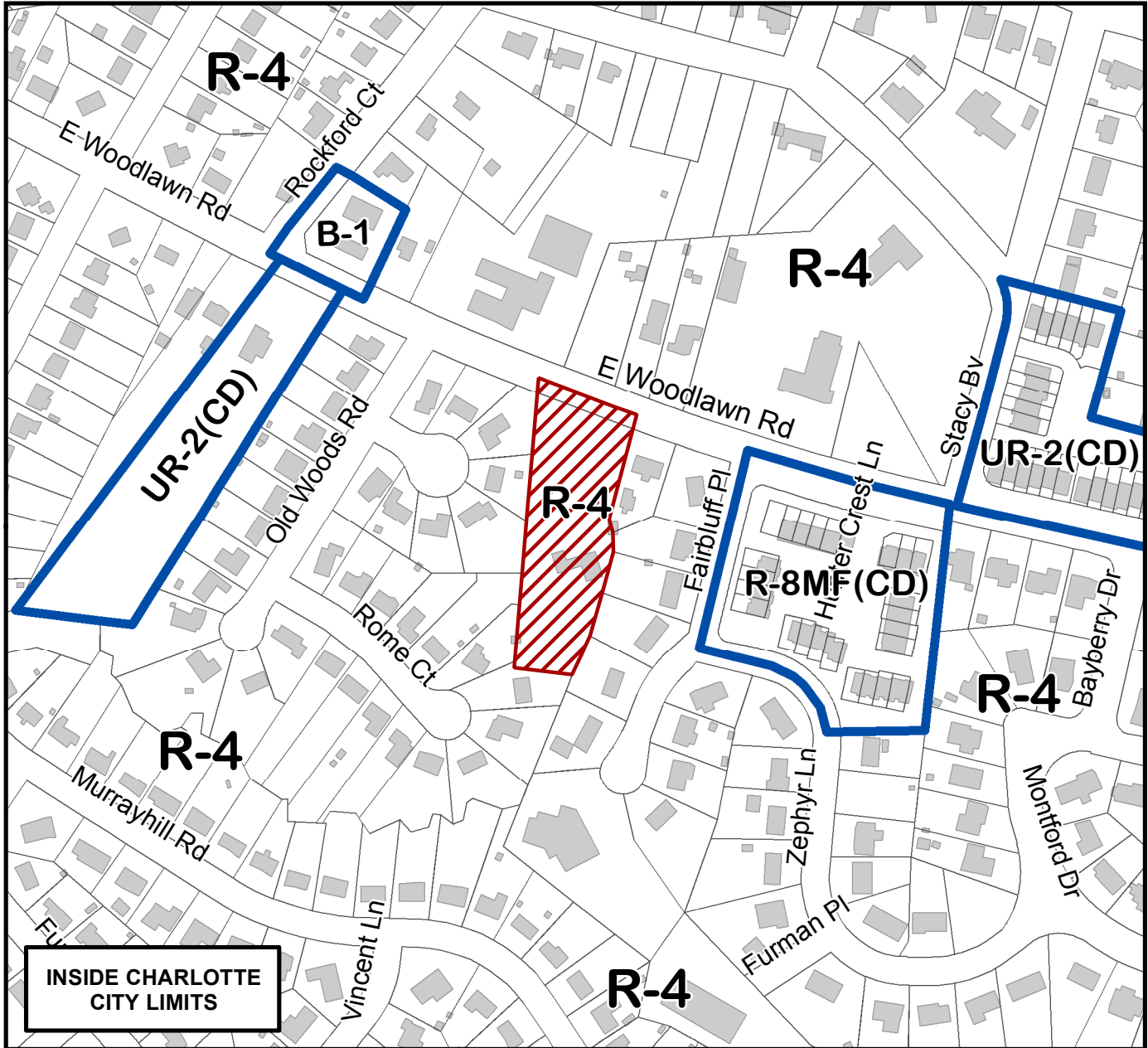
Petition #: **2014-029**

Petitioner: **Kyle Short**

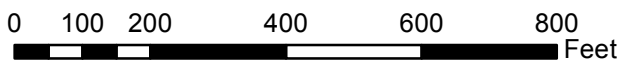
Zoning Classification (Existing): **R-4**
(Single Family, Residential)

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

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

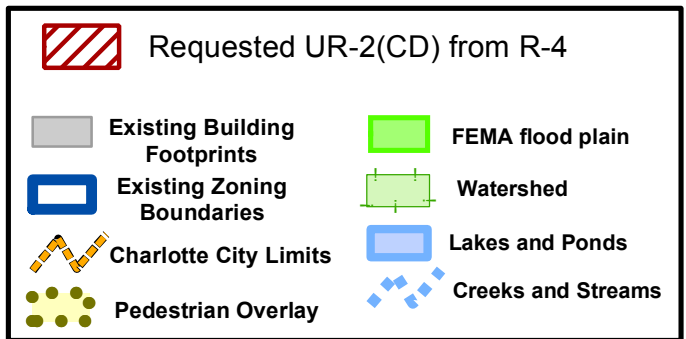


Map Produced by the Charlotte-Mecklenburg Planning Department, 4-28-14.



Zoning Map #(s)

126



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

ZONING COMMITTEE ACTION	The Zoning Committee voted 5-0 to DEFER this petition to their June 25, 2014 meeting.
--------------------------------	----------------------------------------------------------------------------------------------

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

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

PLANNING STAFF REVIEW

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

The site plan accompanying this petition contains the following changes:

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

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

DEPARTMENT COMMENTS (see full department reports online)

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

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

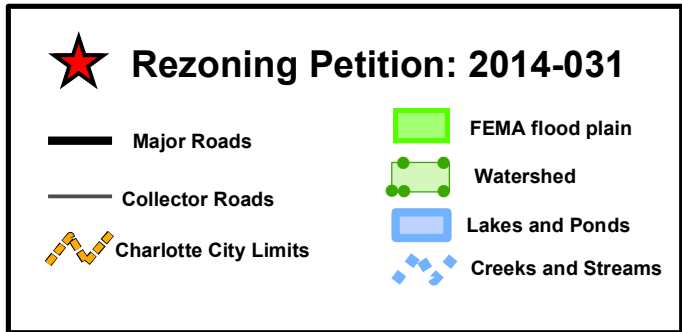
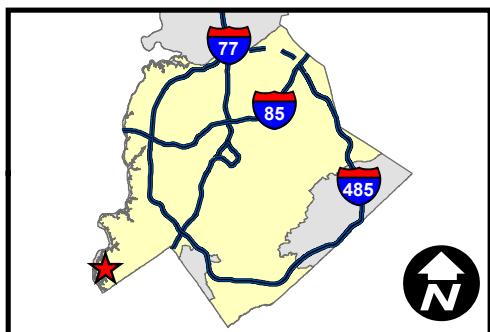
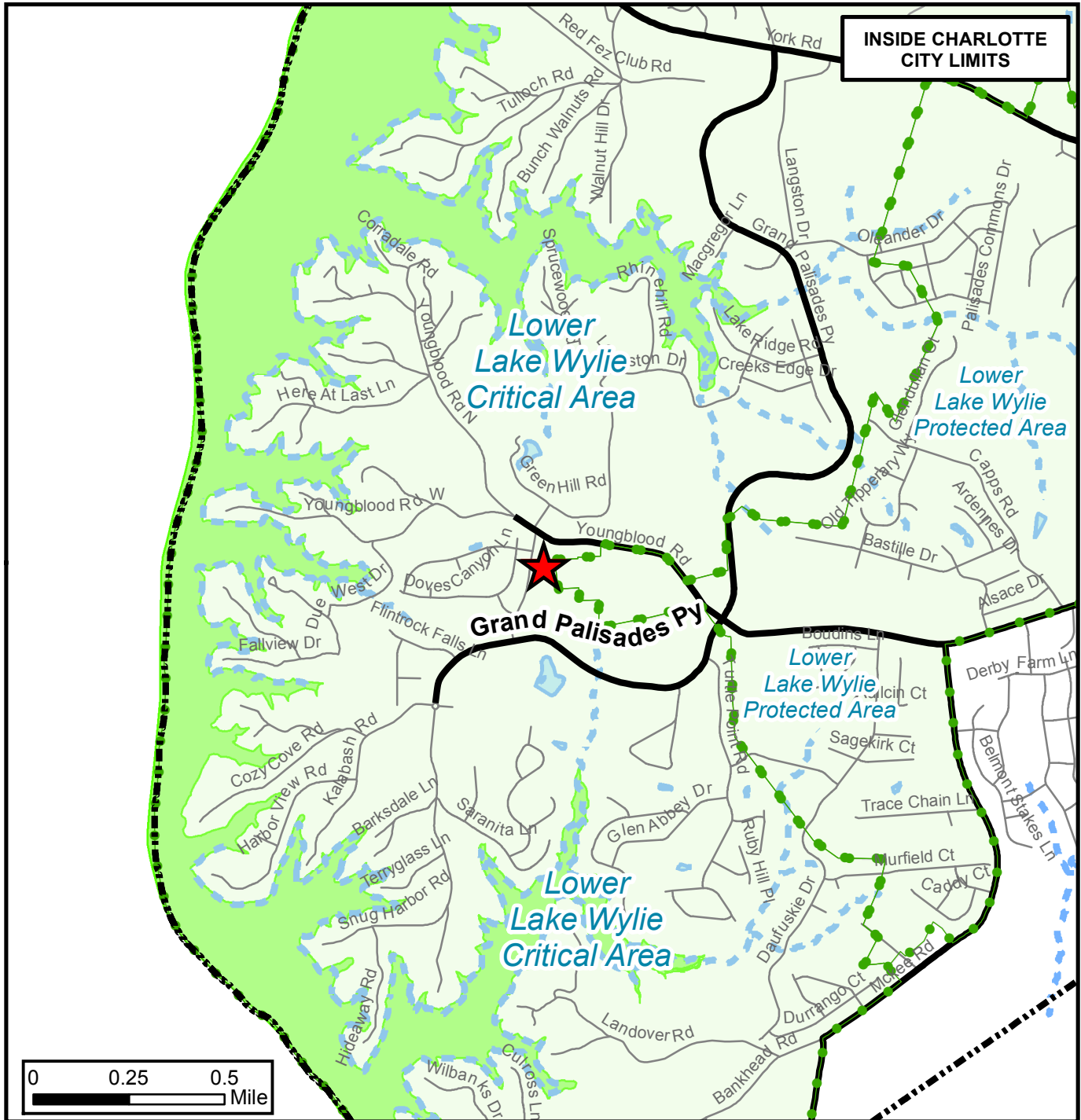
5. Show the number of off-street guest parking spaces which will be provided.
 6. Modify the area shown for guest parking and label it as a parking envelope and not common open space.
 7. Provide a note and show that the off-street guest parking area will be screened with five-foot tall shrubs on all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

Attachments Online at www.rezoning.org

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

Planner: Solomon Fortune (704) 336-8326

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



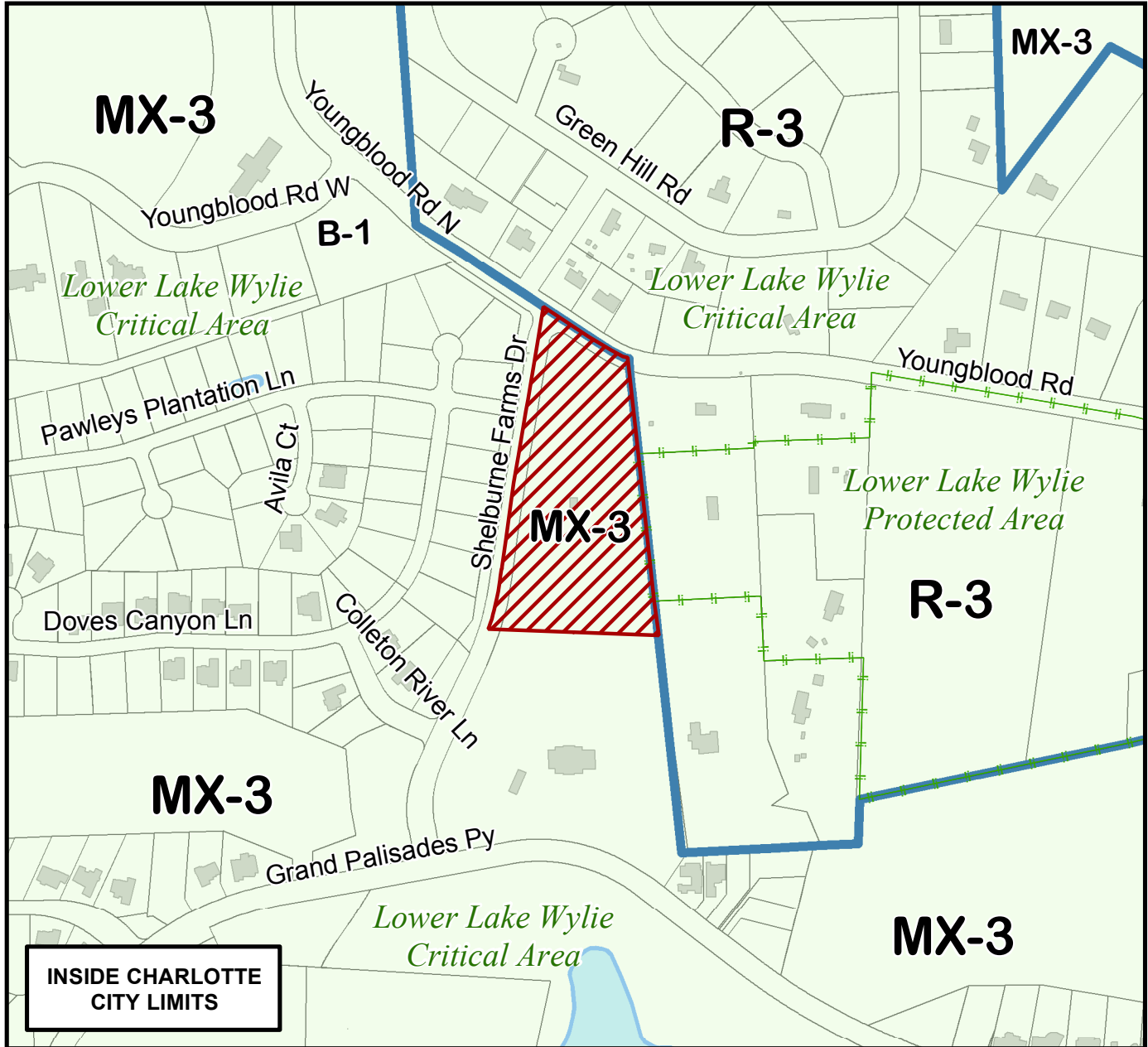
Petition #: **2014-031**

Petitioner: **Wilkison Partners, LLC**

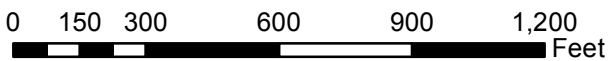
Zoning Classification (Existing): **MX-3 (LLWCA)**
(Mixed Use District, Lower Lake Wylie Critical Area)

Zoning Classification (Requested): **MX-3 (S.P.A.) (LLWCA)**
(Mixed Use District, Site Plan Amendment, Lower Lake Wylie Critical Area)

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

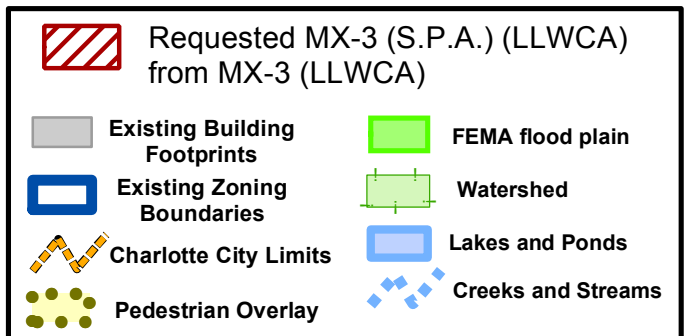


Map Produced by the Charlotte-Mecklenburg Planning Department, 1-31-14.



Zoning Map #(s)

173



REQUEST Current Zoning: NS, neighborhood services
Proposed Zoning: NS SPA, neighborhood services, site plan amendment

LOCATION Approximately 1.72 acres located on the east side of Rea Road between Piper Station Drive and Ballantyne Commons Parkway. (Council District 7 - Driggs)

SUMMARY OF PETITION The petition proposes a site plan amendment to a previously approved commercial development to allow a 1,000-square foot increase and the development of a structured parking facility.

PROPERTY OWNER Colony at Piper Glen LLC
PETITIONER Colony at Piper Glen LLC
AGENT/REPRESENTATIVE Walter Fields

COMMUNITY MEETING Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: None

STATEMENT OF CONSISTENCY This petition is found to be consistent with the *South District Plan* and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee (motion by Commissioner Sullivan seconded by Commissioner Labovitz).

ZONING COMMITTEE ACTION The Zoning Committee voted 5-0 to recommend **APPROVAL** of this petition with the following modifications:

1. A building material legend for the proposed elevations has been provided on the site plan.
2. Signage has been removed from the site plan. Signage will be allowed per the NS (neighborhood service) standards.
3. Elevations of the building and parking deck have been provided.
4. A note has been added that the parking structure has been limited to two floors.
5. Transportation department comments in regards to the truck turnaround have been addressed through an easement.
6. A note has been added that the lighting for the parking structure will comply with Illuminating Engineering Society of North America (IESNA) standards as requested by the Charlotte-Mecklenburg Police Department.

VOTE

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

ZONING COMMITTEE DISCUSSION Staff presented the petition to the Zoning Committee and indicated that all outstanding issues had been addressed. There was no further discussion of this petition.

STAFF OPINION Staff agrees with the recommendation of the Zoning Committee.

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

PLANNING STAFF REVIEW**• Background**

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

• Proposed Request Details

The site plan amendment contains the following changes:

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

• Public Plans and Policies

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

DEPARTMENT COMMENTS (see full department reports online)

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

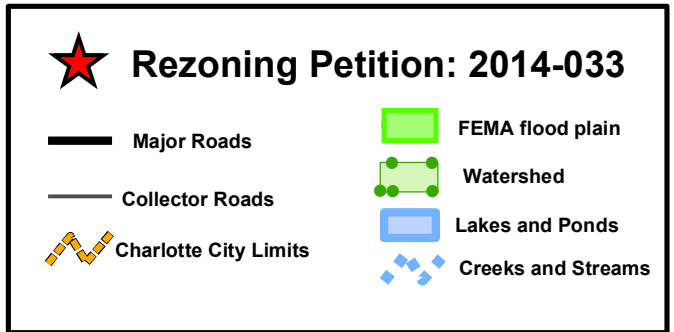
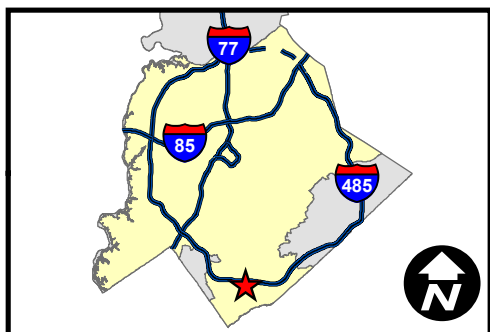
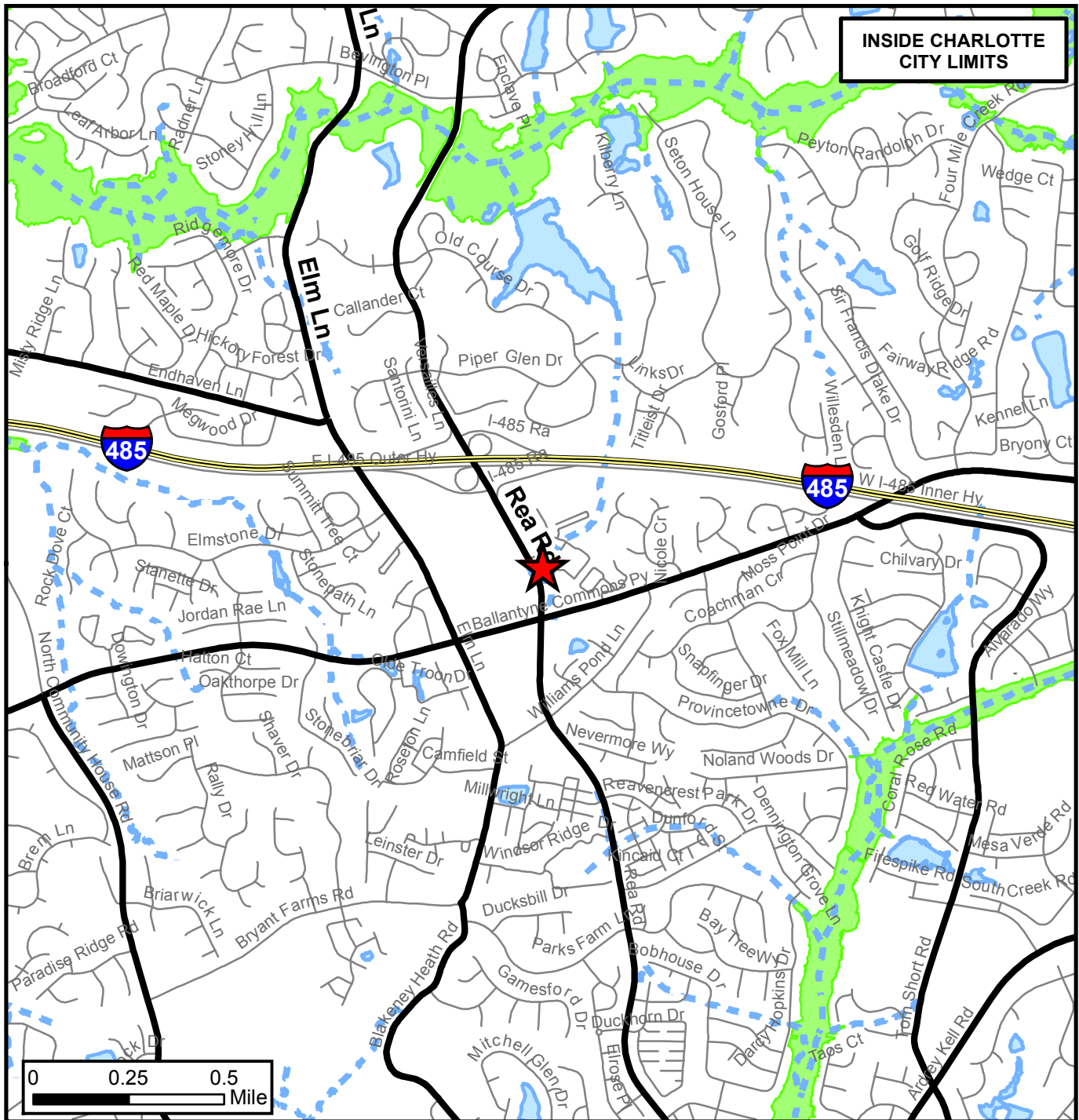
- No issues.
-

Attachments Online at www.rezoning.org

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

Planner: Solomon Fortune (704) 336-8326

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



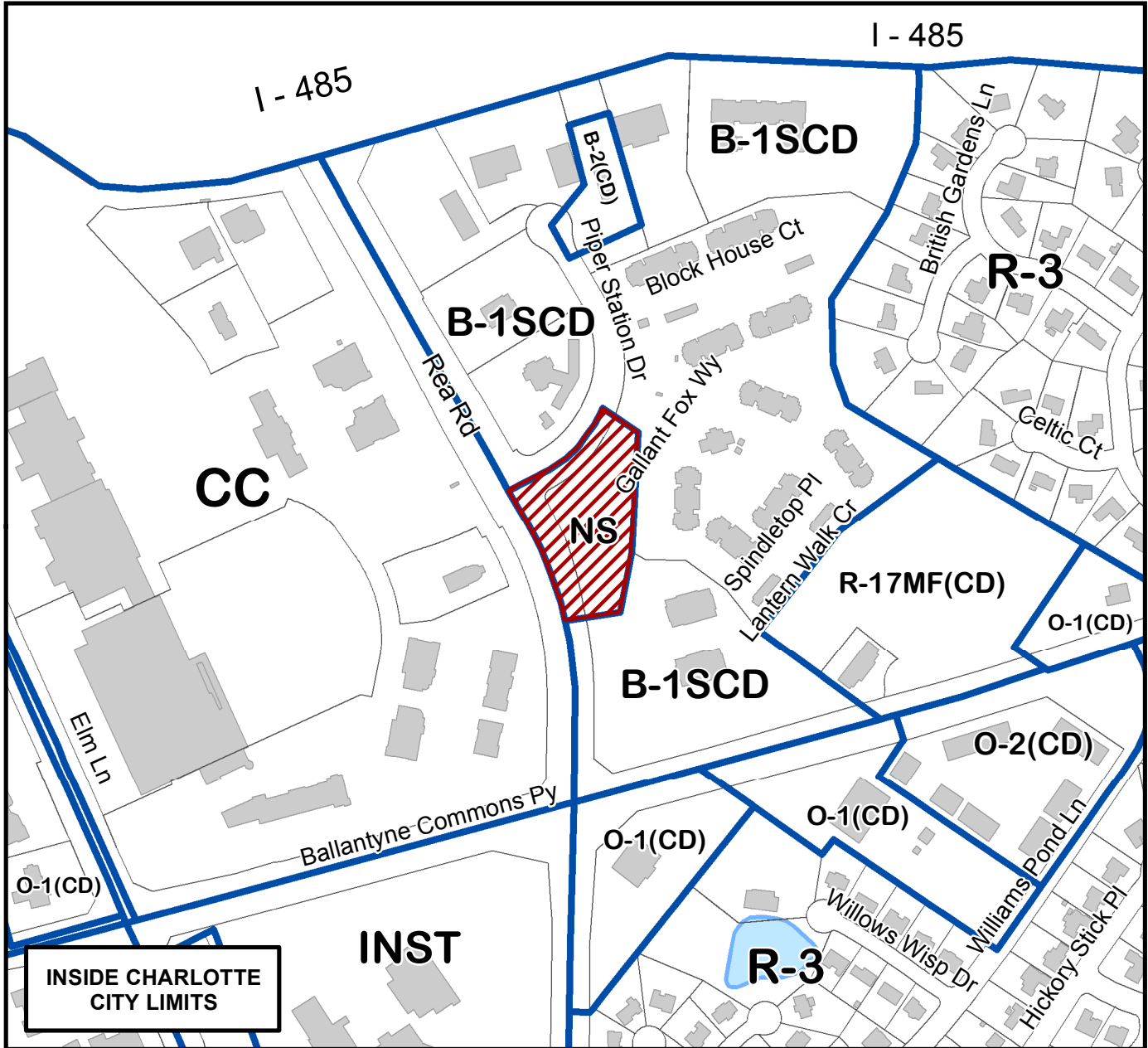
Petition #: **2014-033**

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

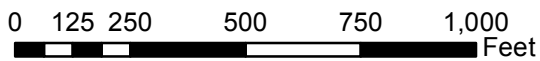
Zoning Classification (Existing): **NS**
(Neighborhood Services)

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

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

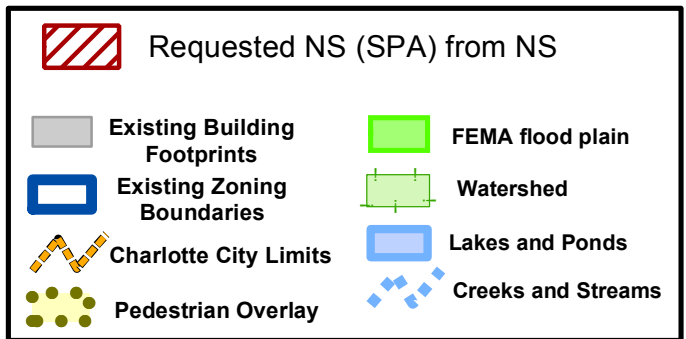


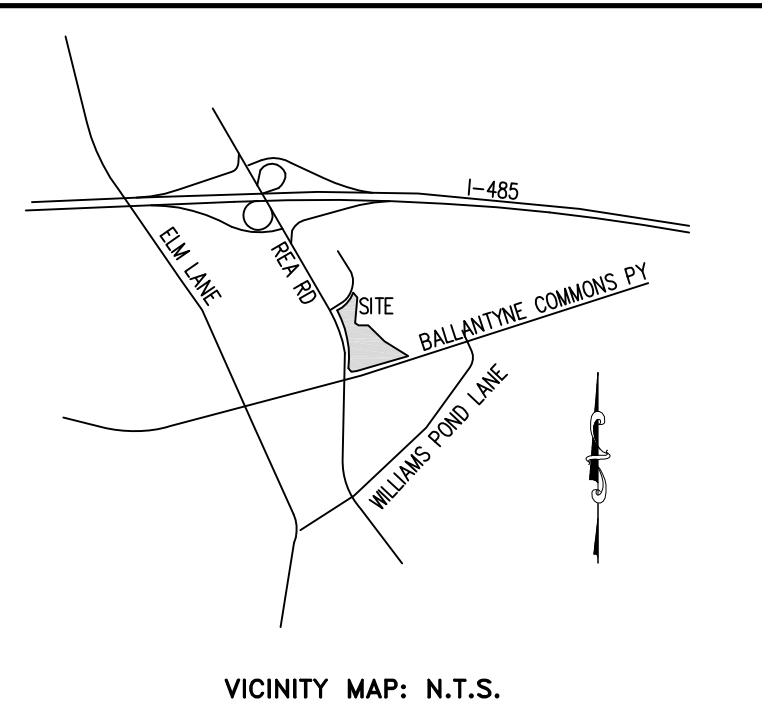
Map Produced by the Charlotte-Mecklenburg Planning Department, 2-28-14.



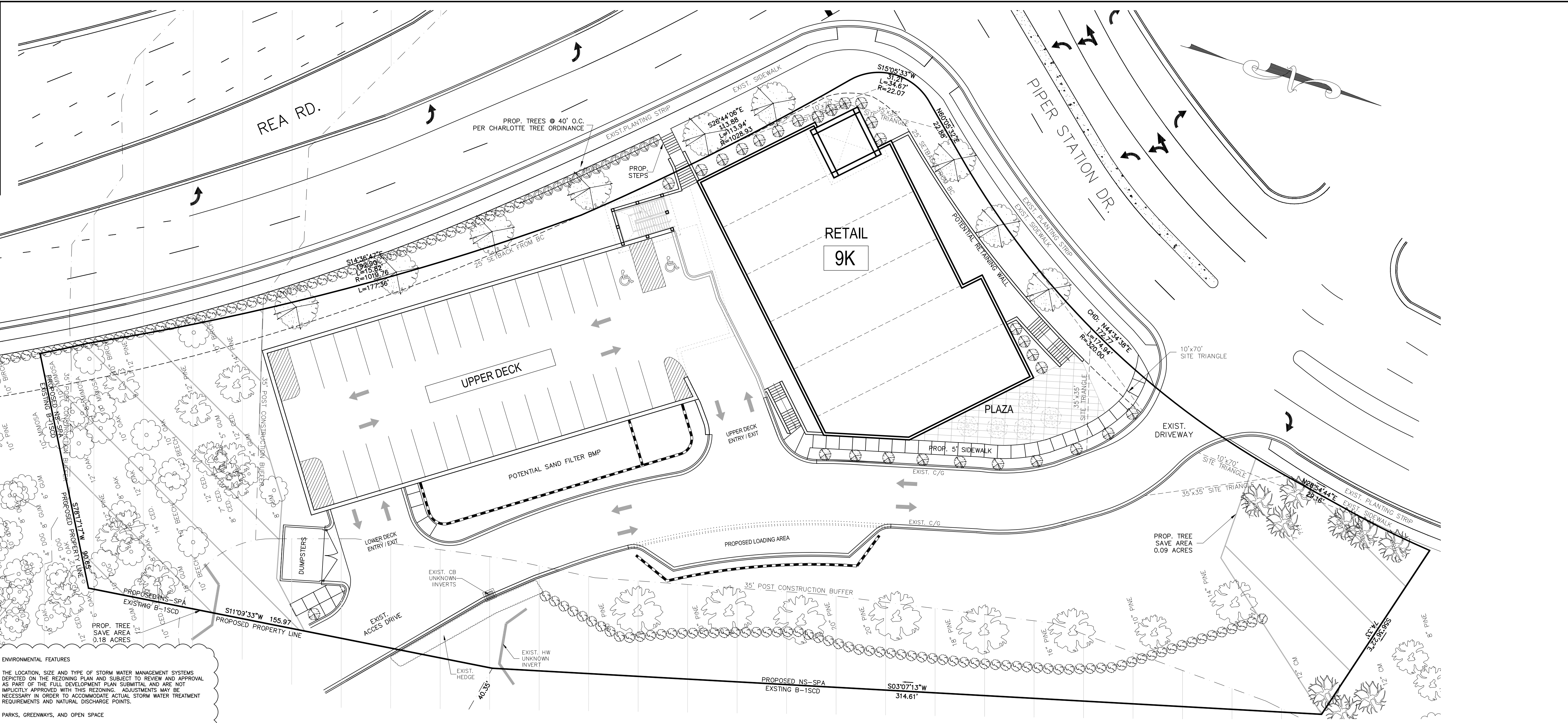
Zoning Map #(s)

177





VICINITY MAP: N.T.S.



GENERAL PROVISIONS:

A. DEVELOPMENT OF THE SITE WILL BE CONTROLLED BY THE STANDARDS DEPICTED ON THIS SITE PLAN AND BY THE STANDARDS OF THE CHARLOTTE ZONING ORDINANCE. THE DEVELOPMENT DEPICTED ON THIS PLAN IS INTENDED TO REFLECT THE ARRANGEMENT OF PROPOSED USES ON THE SITE, BUT THE EXACT CONFIGURATION, PLACEMENT, AND SIZE OF INDIVIDUAL SITE ELEMENTS MAY BE ALTERED OR MODIFIED WITHIN THE LIMITS PRESCRIBED BY THE ORDINANCE DURING THE DESIGN DEVELOPMENT AND CONSTRUCTION PHASES AS ALLOWED UNDER THE PROVISIONS OF SECTION 6.2 OF THE ZONING ORDINANCE.

B. THE PETITIONER ACKNOWLEDGES THAT OTHER STANDARD DEVELOPMENT REQUIREMENTS IMPOSED BY OTHER CITY ORDINANCES, SUCH AS THOSE THAT REGULATE STREETS, SIDEWALKS, TREES, BICYCLE PARKING, AND SITE DEVELOPMENT, MAY APPLY TO THE DEVELOPMENT OF THIS SITE. THESE ARE NOT ZONING REGULATIONS, AND ARE NOT ADMINISTERED BY THE ZONING ADMINISTRATOR, AND ARE NOT SEPARATE ZONING CONDITIONS IMPOSED BY THIS SITE PLAN. UNLESS SPECIFICALLY NOTED IN THE CONDITIONS FOR THIS SITE PLAN, THESE OTHER STANDARD DEVELOPMENT REQUIREMENTS WILL BE APPLIED TO THE DEVELOPMENT OF THIS SITE AS DEFINED BY THOSE OTHER CITY ORDINANCES.

C. THROUGHOUT THIS REZONING PETITION, THE TERMS "OWNER", "OWNERS", "PETITIONER" OR "PETITIONERS", SHALL, WITH RESPECT TO THE SITE, BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNEES OF THE OWNER OR OWNERS OF THE SITE WHO MAY BE INVOLVED IN ITS DEVELOPMENT FROM TIME TO TIME.

PURPOSE
THE PURPOSE OF THIS REZONING APPLICATION IS TO PROVIDE FOR THE REDEVELOPMENT OF A PORTION OF AN EXISTING OFFICE DEVELOPMENT WITH FRONTAGE ALONG PIPER STATION DRIVE AND REA RD. THIS REDEVELOPMENT WILL PROVIDE THE LOCATION FOR UP TO 9,000 SQUARE FEET OF RETAIL AND OFFICE USES. TO ACHIEVE THIS PURPOSE, THE APPLICATION SEEKS TO MODIFY THE CURRENT NS ZONING FOR THIS SITE WITH AN NS SITE PLAN AMENDMENT.

PERMITTED USES
USES ALLOWED ON THE PROPERTY INCLUDED IN THIS PETITION ARE THOSE USES AND ACCESSORY USES THAT ARE PERMITTED IN THE NS DISTRICT INCLUDING RESTAURANTS, EXCEPT THAT A DRIVE THROUGH SERVICE WINDOW WILL NOT BE ALLOWED. A TWO LEVEL PARKING STRUCTURE MAY ALSO BE CONSTRUCTED ON THE SITE.

TRANSPORTATION
A. THE SITE WILL HAVE ACCESS TO PIPER STATION DRIVE VIA AN EXISTING PRIVATE DRIVEWAY AS IDENTIFIED ON THE CONCEPT PLAN FOR THE SITE.
B. PARKING AREAS ARE INDICATED ON THE CONCEPT PLAN FOR THE SITE.
C. EXISTING SIDEWALKS WILL REMAIN ALONG REA ROAD AND PIPER STATION DRIVE.

ARCHITECTURAL STANDARDS
THE DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE DISTRICT REGULATIONS OF THE ZONING ORDINANCE FOR THE NS. LARGE EXPANSIONS OF WALL EXCEEDING 20- FEET IN LENGTH WILL BE AVOIDED THROUGH THE INTRODUCTION OF ARTICULATED FACADES, USING VARIOUS MATERIALS SUCH AS BRICK AND OTHER MASONRY PRODUCTS, STONE, DIFFERENT COLORS OF PAINT, GLASS WINDOWS, WATER TABLE, AND/OR SOLDIER COURSE. THE PETITIONER HAS ALSO PROVIDED TYPICAL ELEVATION IMAGES OF THE BUILDING THAT REPRESENT THE OVERALL SCALE, CHARACTER, AND QUALITY OF THE BUILDING PROPOSED TO BE CONSTRUCTED ON THE SITE. THE PETITIONER RESERVES THE RIGHT TO MAKE MINOR ARCHITECTURAL CHANGES TO THESE BUILDING DESIGNS BUT THE OVERALL DESIGN AND CONSTRUCTION CHARACTER WILL BE AS ILLUSTRATED. THE LIGHTING FOR THE PARKING DECK BE AT OR EXCEED THE IESNA STANDARDS ESPECIALLY IN THE STAIRWELL. THE SECOND LEVEL OF THE DECK WILL BE SCREENED FROM VIEW FROM REA ROAD.

STREETScape AND LANDSCAPING
EXISTING TREES ALONG THE SITE BOUNDARY WITH THE ADJACENT MULTIFAMILY COMMUNITY WILL REMAIN AS PART OF THE BUFFERING OF OFF STREET PARKING. THE PETITIONER RESERVES THE RIGHT TO REPLACE TREES THAT ARE DAMAGED BY RETAINING WALL CONSTRUCTION. THE PROPOSED PARKING ON THE EASTERN PORTION OF THE SITE WILL BE SCREENED WITH TREES AND SHRUBS TO SCREEN PARKING FROM THE ADJACENT MULTI-FAMILY DEVELOPMENT AND PUBLIC STREET.

ENVIRONMENTAL FEATURES
THE LOCATION, SIZE AND TYPE OF STORM WATER MANAGEMENT SYSTEMS DEPICTED ON THIS SITE PLAN AND 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 REQUIREMENTS AND NATURAL DISCHARGE POINTS.

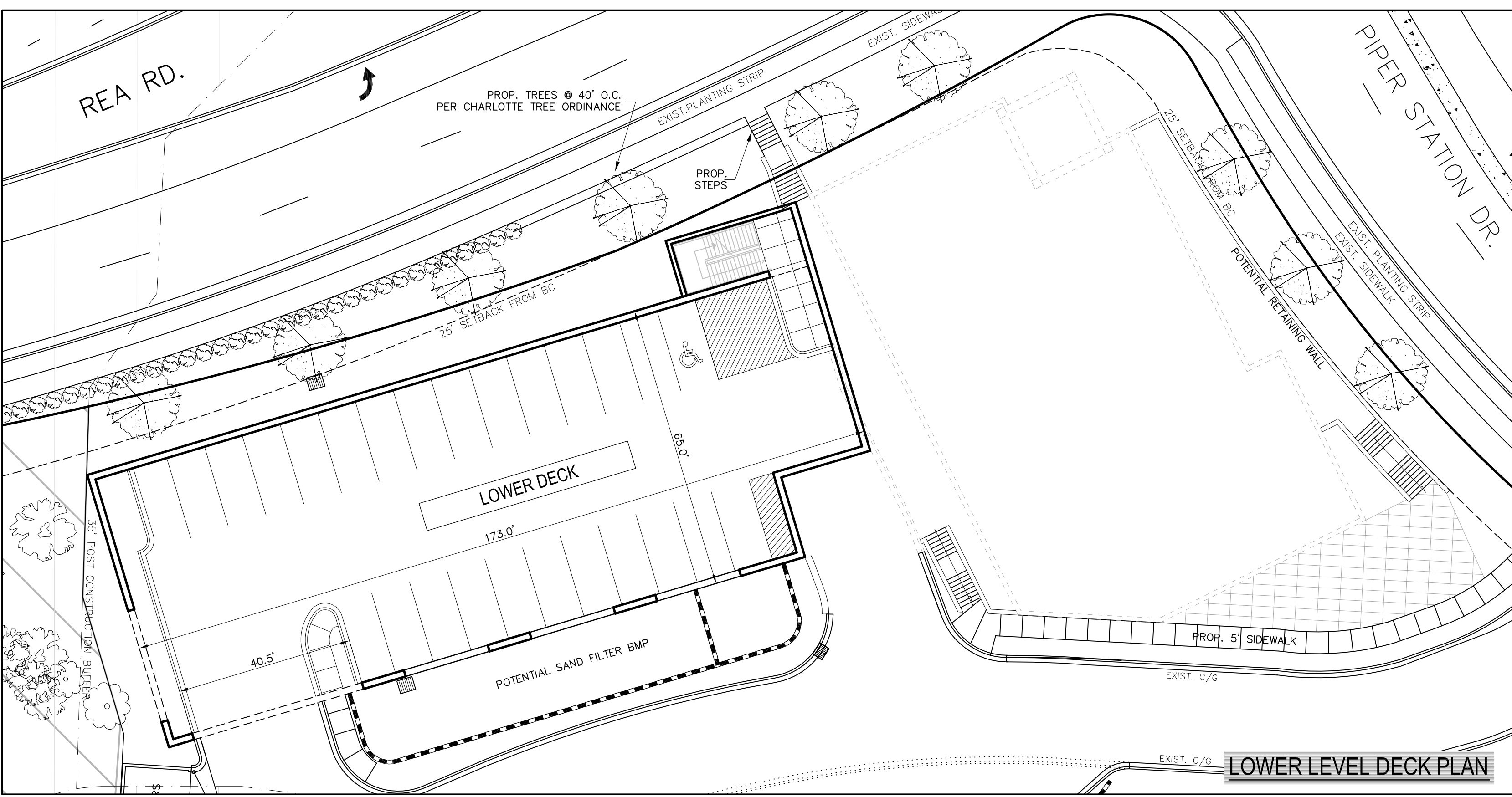
PARKS, GREENWAYS, AND OPEN SPACE
RESERVED

FIRE PROTECTION
RESERVED

SIGNAGE
RESERVED

LIGHTING
A DETACHED AND ATTACHED LIGHTING ON THE SITE WILL BE FULLY SHIELDED AND DOWNWARDLY DIRECTED. DETACHED LIGHTING WILL BE LIMITED TO 25' IN HEIGHT.

PHASING
RESERVED



LEGEND

- EXISTING TREE
- EXISTING TREE
- EXISTING TREE
- EXISTING TREE
- PROPOSED TREE
- EXISTING SHRUB
- TREE SAVE AREA=15%
- POTENTIAL RETAINING WALL

DEVELOPMENT DATA:

TAX PARCEL: 22504505
EXISTING ZONING: NS
TOTAL SITE AREA: 7.057 ACRES
PROPOSED SITE AREA: 1.72 ACRES
PROPOSED ZONING: NS-SFA

LOT SETBACK:
FRONT: 25' FROM BACK OF CURB
REAR: 10' NONRESIDENTIAL; 20' RESIDENTIAL
SIDE: 0' NONRESIDENTIAL; 10' RESIDENTIAL

PRELIMINARY
DO NOT USE FOR CONSTRUCTION

GRAPHIC SCALE
0 10 20 40
1 INCH = 20 FEET

NO.	BY	DATE	REVISION
1	CBH	4/7/14	PER CITY COMMENTS
2	CBH	5/22/14	PER CITY COMMENTS

PETITION #: 2014-033

Project: **PIPER STATION RETAIL**
CHARLOTTE, NORTH CAROLINA

Title: **SITE PLAN AMENDMENT**

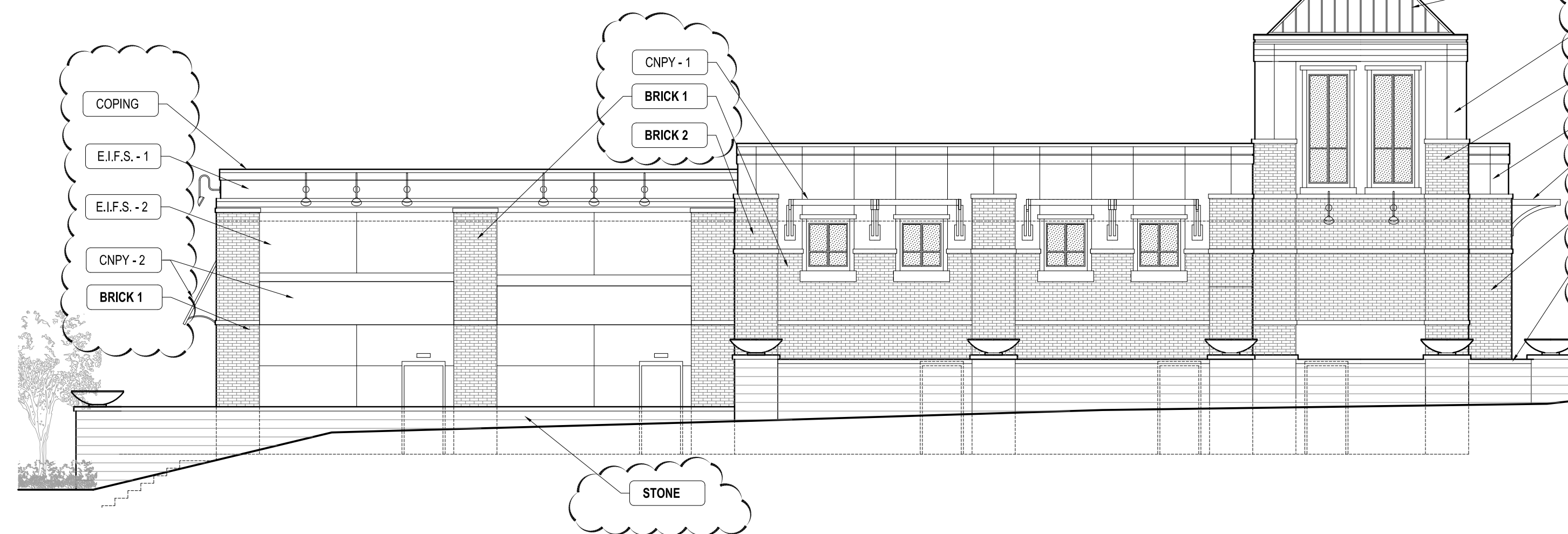
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Design By: BTU
Drawn By: MAO
Scale: 1"=20'

ISAACS
CIVIL ENGINEERING DESIGN AND SURVEYING

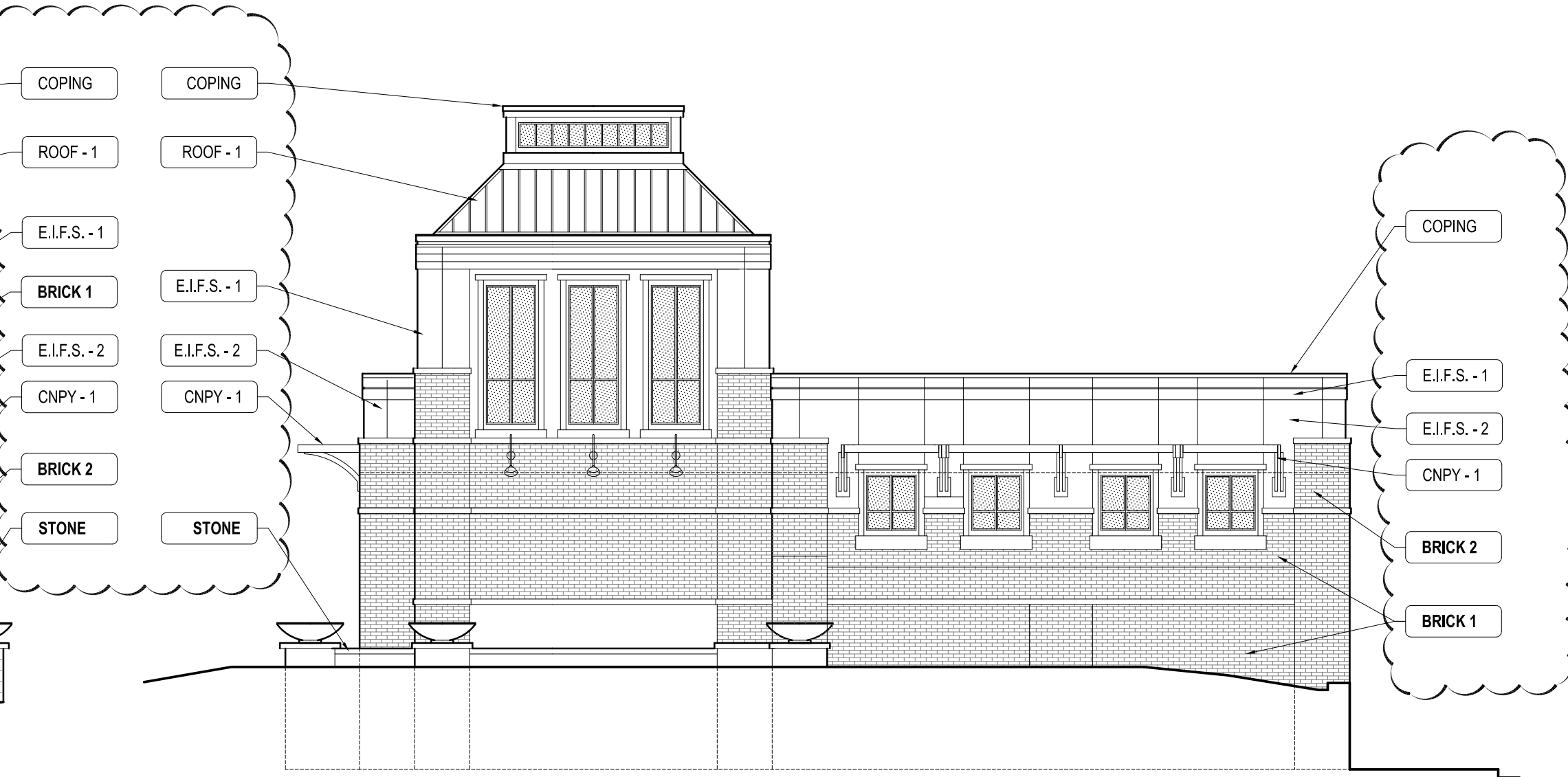
8720 RED OAK BOULEVARD, SUITE 420
CHARLOTTE, N.C. 28217
PHONE (704) 527-3440 FAX (704) 527-8335

RZ1.0

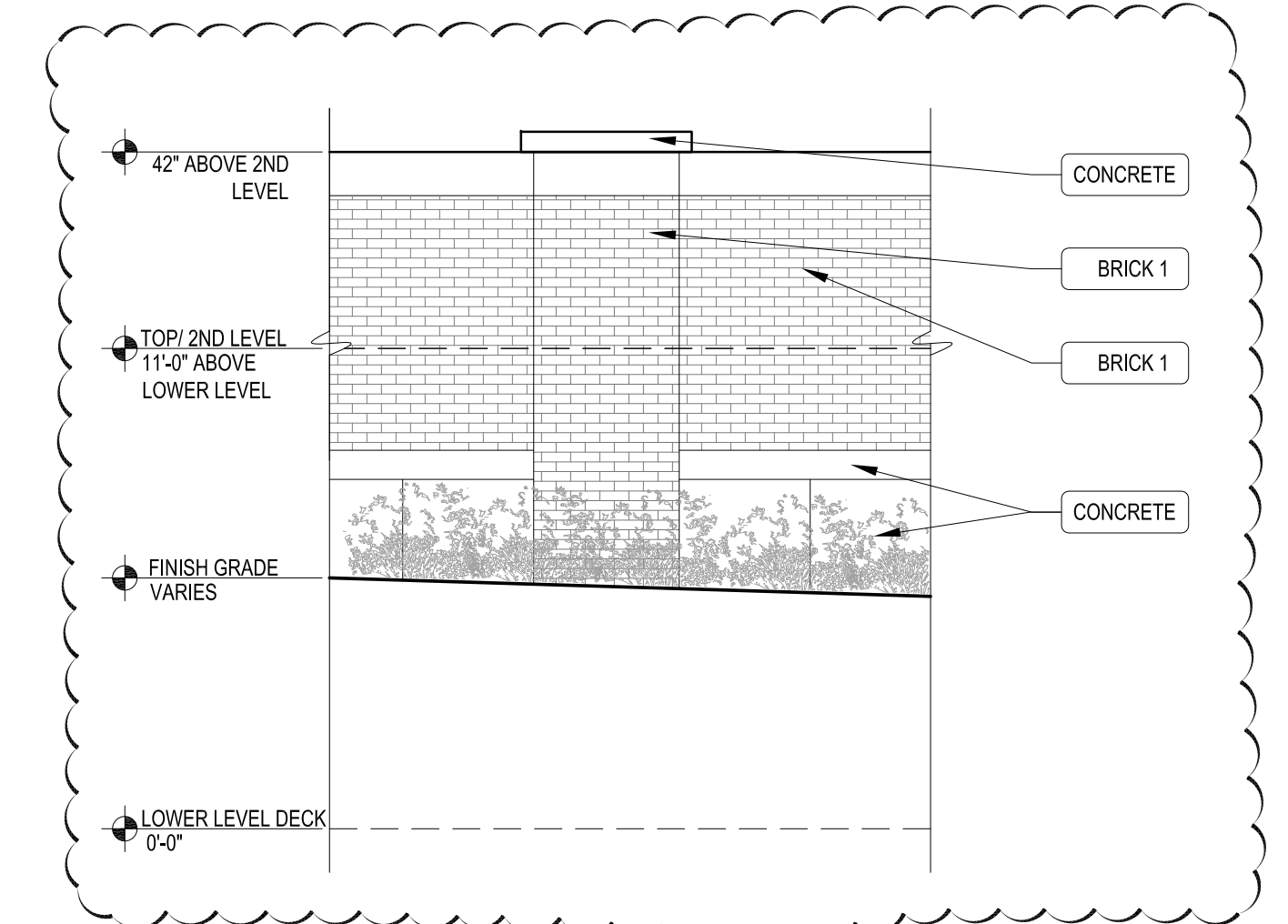
MATERIAL LEGEND	
ROOF	Standing Seam Metal Roof System
COPING	PREFINISHED METAL PARAPET COPING
E.I.F.S. - 1	E.I.F.S. COLOR 1
E.I.F.S. - 2	E.I.F.S. COLOR 2
CNPY - 1	PAINTED WOOD SHADE CANOPY SYSTEM
CNPY - 2	FABRIC CANOPY SYSTEM
BRICK 1	MODULAR BRICK STYLE/COLOR 1
BRICK 2	MODULAR BRICK STYLE/COLOR 2
STONE	ARCHITECTURAL STONE BASE AND CAP
CONCRETE	FINISHED CONCRETE BASE AND CAP AND DECK WALLS



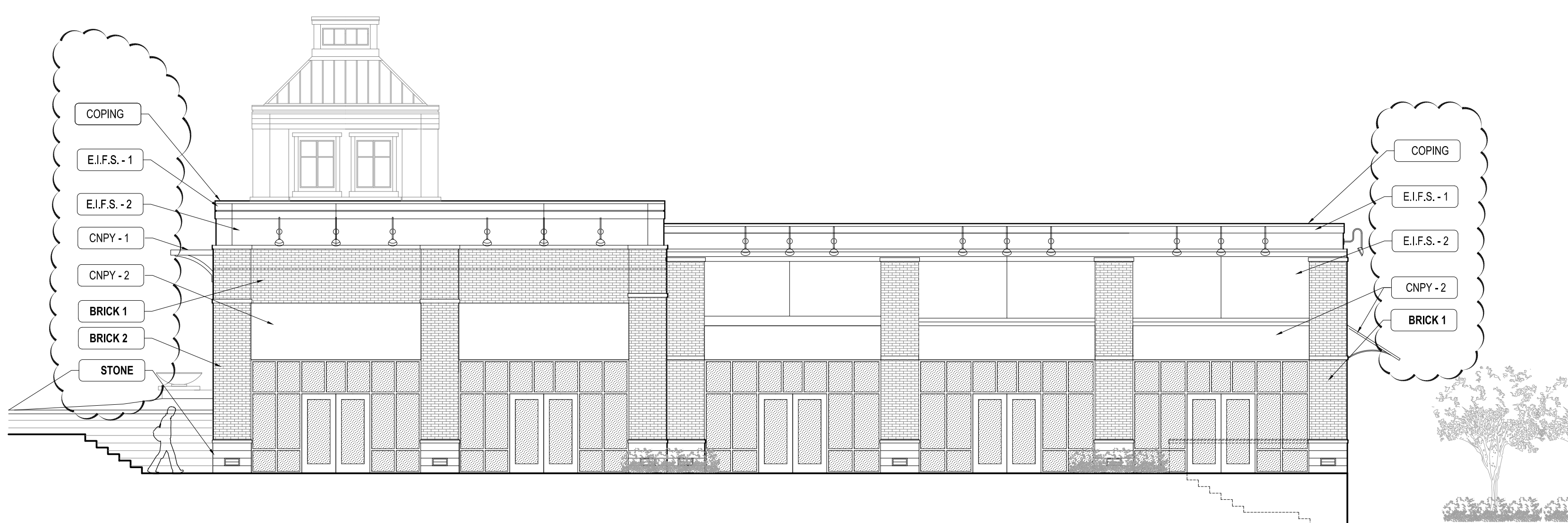
1 NORTH ELEVATION PIPER STATION DR.
SCALE: 1/8" = 1'-0"



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



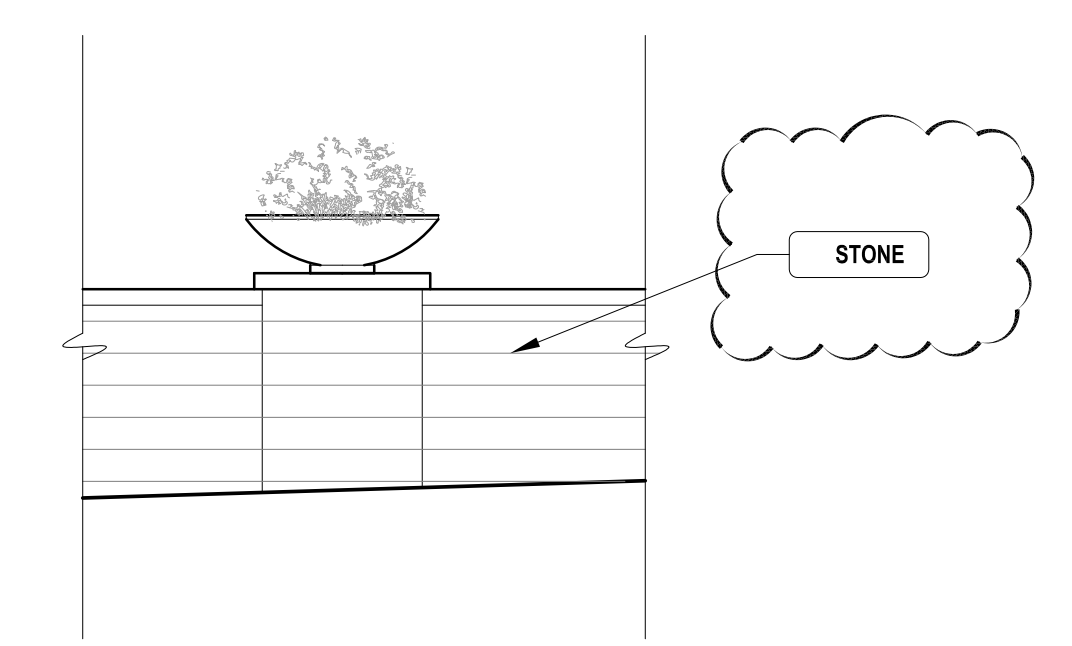
3 DECK ELEVATION PARTIAL REA ROAD
N.T.S.
NOTE: PROPOSED DECK CONSISTS OF 2 LEVELS INCLUDING SCREENING SECOND LEVEL



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



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



6 RETAINING WALL ELEVATION PARTIAL
N.T.S.

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PIPER STATION RETAIL SCHEMATIC BUILDING ELEVATIONS

CHARLOTTE, North Carolina - RJa Project #SP-663 - 05 . 21 . 14



ROBERT JOHNSON
architects

1808 West Morehead St.
Charlotte, NC 28208
T 704 / 342.1058
F 704 / 342.3043
E info@rjarchitects.com

REQUEST	Current Zoning: I-2, general industrial Proposed Zoning: MUDD(CD), mixed use development, conditional
LOCATION	Approximately 0.61 acres located on the east side of Seigle Avenue between East 10th Street and Otts Street across from Green Trail Lane. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes to allow a change of use for an existing building from a church fellowship hall to a restaurant.
PROPERTY OWNER	Mason Kazel
PETITIONER	Mason Kazel
AGENT/REPRESENTATIVE	N/A
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 4

ZONING COMMITTEE ACTION	This petition was automatically DEFERRED to the Zoning Committee's next meeting due to a lack of a quorum. The Committee voted 5-0 to hold a Special Meeting on June 2, 2014 to review this petition.
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VOTE	Motion/Second: Allen/Walker Yeas: Allen, Dodson, Labovitz, Sullivan, and Walker Nays: None Absent: Ryan and Nelson Recused:
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ZONING COMMITTEE DISCUSSION	The Zoning Committee noted that one member needed to be recused due to a conflict of interest. This resulted in the lack of a quorum for petition 2014-034.
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FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

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

- **Public Plans and Policies**

- The *Belmont Area Revitalization Plan* (2003) recognizes the existing land use and recommends institutional uses for this site.
 - The petition is inconsistent with the *Belmont Area Revitalization Plan*; however, it adds an amenity that will complement the redevelopment in the area, allows the reuse of an existing building, and is consistent with the Plan's recommendation for "...improvements to the façade of the existing structures that would promote a neighborhood-oriented character that will blend into the neighborhood."
-

DEPARTMENT COMMENTS (see full department reports online)

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

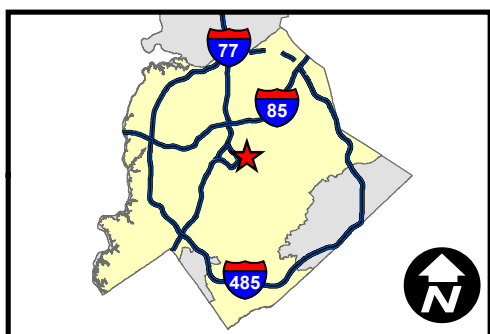
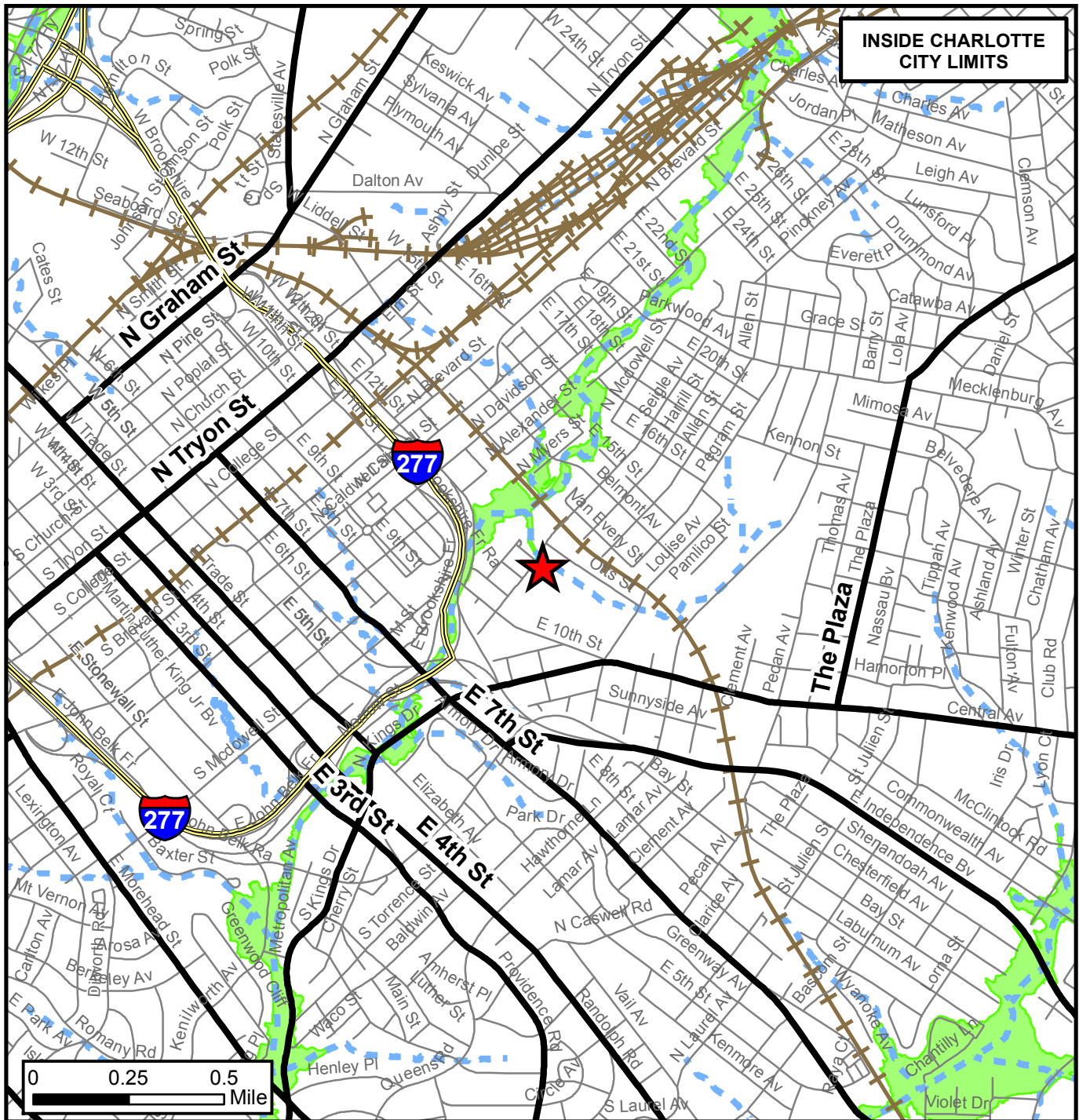
- No issues.
-

Attachments Online at www.rezoning.org

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

Planner: John Kinley (704) 336-8311

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



★ Rezoning Petition: 2014-034

- Major Roads
- Collector Roads
- Charlotte City Limits
- FEMA flood plain
- Watershed
- Lakes and Ponds
- Creeks and Streams

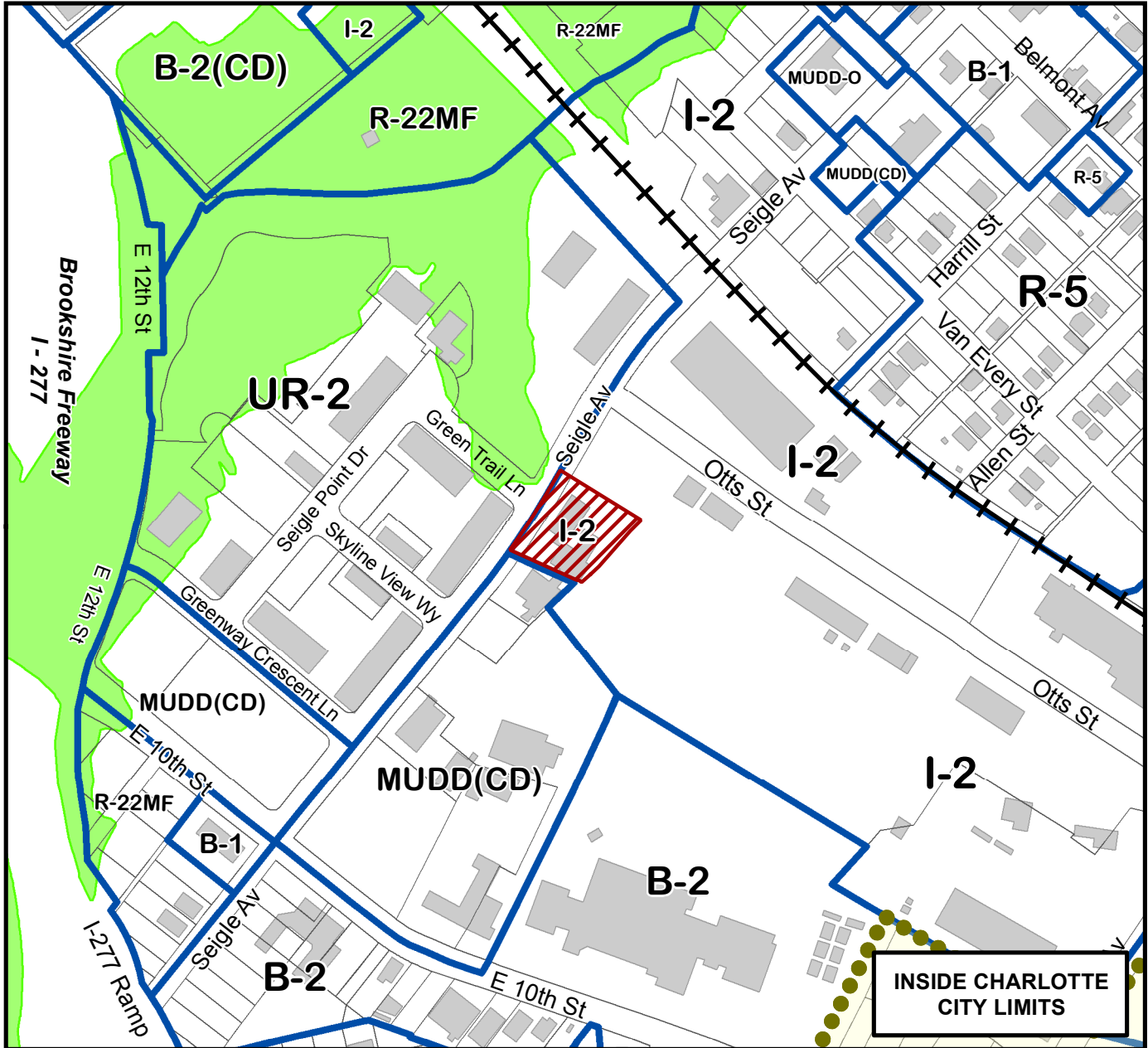
Petition #: **2014-034**

Petitioner: **Mason Kazel**

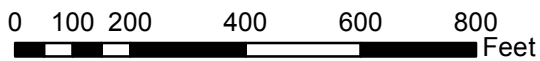
Zoning Classification (Existing): **I-2**
(General Industrial)

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

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

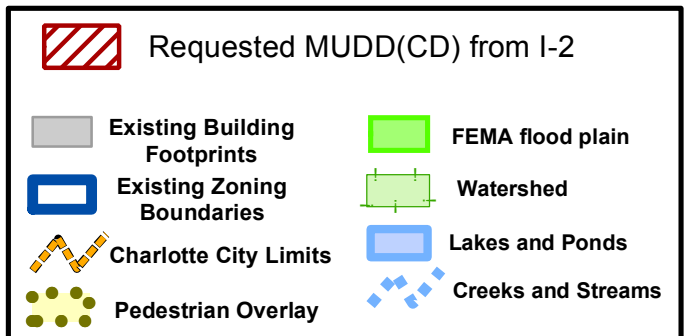


Map Produced by the Charlotte-Mecklenburg Planning Department, 2-28-14.



Zoning Map #(s)

102



REQUEST	Current Zoning: R-5, single family residential and O-1(CD), office, conditional Proposed Zoning: NS, neighborhood services
LOCATION	Approximately 5.18 acres located on the north side of West Boulevard and generally surrounded by Old Steele Creek Road, Elmin Street, Walter Street, and West Boulevard. (Council District 3 - Mayfield)
SUMMARY OF PETITION	The petition proposes to allow for the development of a 16,000-square foot government building to be used for a police facility and other government office space.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Habitat for Humanity and Imani, Inc. City of Charlotte Monifa Hendrickson-Woodside
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 4
STATEMENT OF CONSISTENCY	A portion of this petition is found to be inconsistent with the <i>Central District Plan</i> and a portion is found to be consistent with the <i>Central District Plan</i> . The request is found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee (motion by Commissioner Walker seconded by Commissioner Allen).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Clarified that the height of the black aluminum security fence proposed around the secured parking area and open space/landscape area is eight feet. 2. The petitioner has moved the proposed security fence to enclose the portion of the site near Elmin Street. This acreage will be open space/landscape area for use by the employees. 3. The security fence along Elmin Street will be screened by additional landscaping via a 14-foot wide landscape strip and a new sidewalk will be provided along Elmin Street. 4. A note has been added that states parking/maneuvering will not be allowed between the building and the street. 5. Staff recommended that the parking area be situated so as to be consistent with the proposed building line (of the main structure). Staff is rescinding this request as the parking area meets the minimum requirement. 6. Trees are now shown in the islands around the perimeter of the parking area and in the islands in order to meet the requirement that each parking space be within 40 feet of a tree. 7. The size of the primary building has increased from 16,000 square feet to 17,500 square feet. 8. Added a sidewalk with pedestrian security access gates to connect the rear of the proposed building to the new sidewalk along Elmin Street.
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VOTE	Motion/Second:	Walker/Sullivan
	Yeas:	Allen, Dodson, Labovitz, Sullivan and Walker
	Nays:	None
	Absent:	Nelson and Ryan
	Recused:	None

ZONING COMMITTEE DISCUSSION

Staff reviewed the petition and noted that the outstanding issues had been addressed. In addition, the petitioner made the following changes to the site plan:

- increased the square footage from 16,000 to 17,500 square feet;
- moved the security fence so that all of the open space/landscaping area is located within the fenced area; and
- provided a sidewalk with pedestrian security access gate from the building to Elmin Street.

The Committee questioned the route of the sidewalk from the building to Elmin Street. Staff indicated that there are notes on the site plan that allow adjustments to the sidewalk and driveway location during the permitting process.

A Committee member asked how the open space along Elmin Street that is not within the fence would be treated. Staff indicated that this area will remain open space.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

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

PLANNING STAFF REVIEW**• Background**

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

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- A government building with up to 17,500 square feet of police and other government office uses and a 2,000-square foot accessory structure.
- Visitor parking area accessible from West Boulevard and secured parking for police vehicles to the rear of the building.
- A black aluminum fence is provided around the perimeter of the parking area and open space/landscape area.
- Parking rate increased from the standard one parking space per 600 square feet within the NS (neighborhood services) district to one parking space per 300 square feet as typically required for government buildings.
- A 20-foot class "C" buffer is provided along property lines abutting parcels with residential zoning and/or use(s).
- Building elevations are provided, indicating the building will be constructed with predominantly masonry materials.
- All freestanding lighting is limited to 25 feet in height and will be full cut-off type lighting fixtures.
- Dedication of 10 feet of right-of-way along the property frontage on West Boulevard to achieve 40 feet of right-of-way as measured from centerline.

• Public Plans and Policies

- The *Central District Plan* (1993), as amended by rezoning petition 2005-097, recommends institutional land uses for the O-1(CD) (office, conditional) portion of the rezoning site. The plan recommends single family residential up to five (5) dwelling units per acre on the portion of the rezoning site zoned R-5 (single family residential).
 - The portion of the rezoning site zoned O-1(CD) (office, conditional) is consistent with the institutional land use recommendation in the *Central District Plan*, as amended by a previous rezoning. The portion of the rezoning site zoned R-5 (single family residential) is inconsistent with the plan's recommendation for single family residential up to five (5) dwelling units per acre.
 - Area plans frequently do not specify locations for institutional uses. However, this type of use is appropriate at this location given its siting on a major thoroughfare, and its proximity to neighboring areas the proposed facility will support via its community safety services.
-

DEPARTMENT COMMENTS (see full department reports online)

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

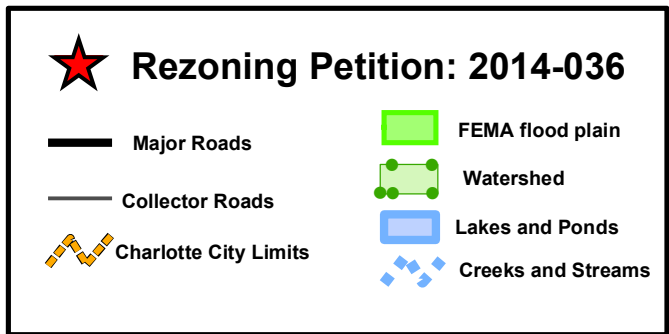
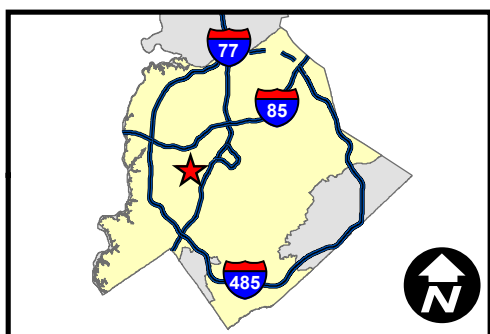
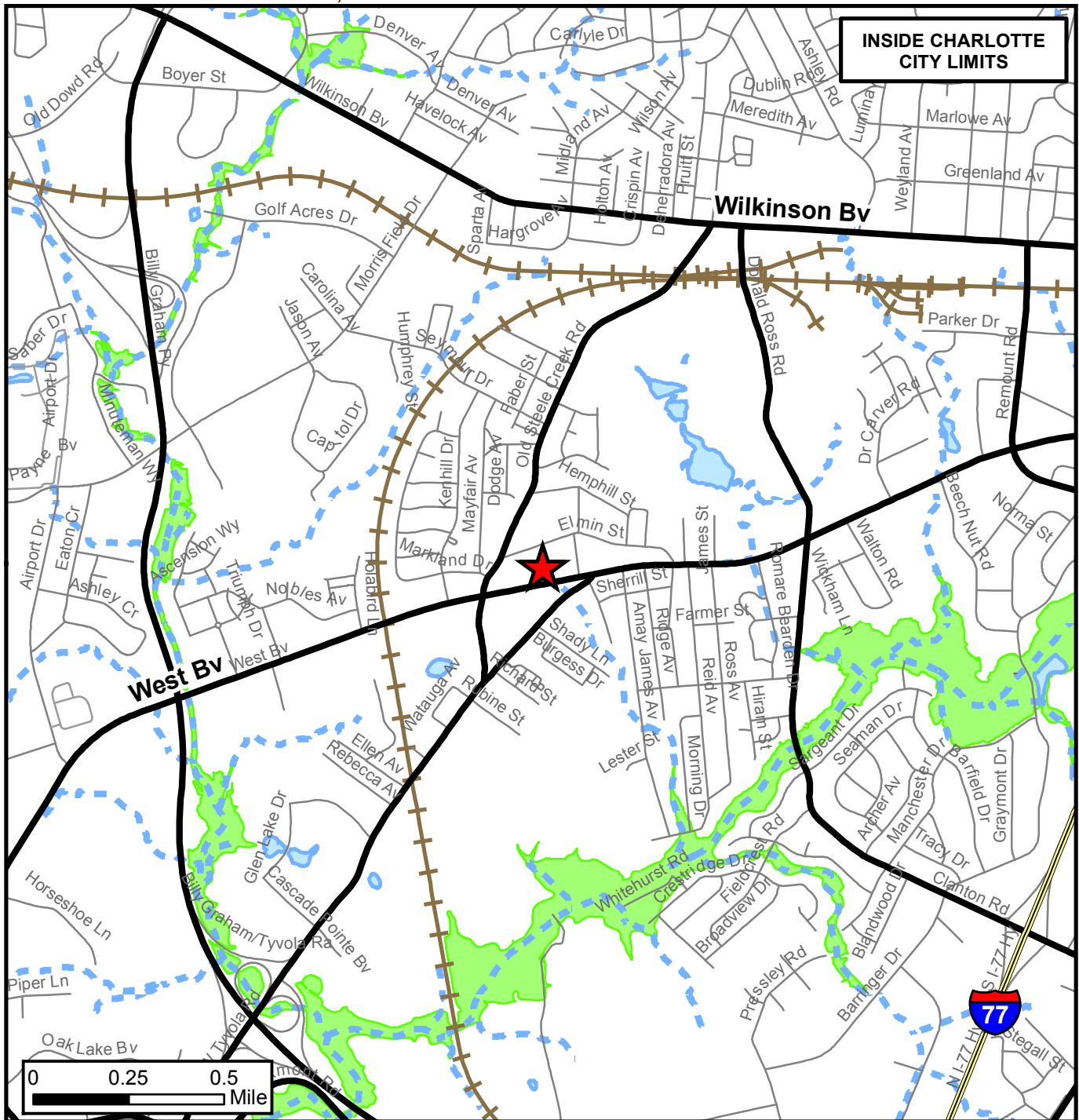
- Application
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- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

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

Petition #: **2014-036**

Vicinity Map

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



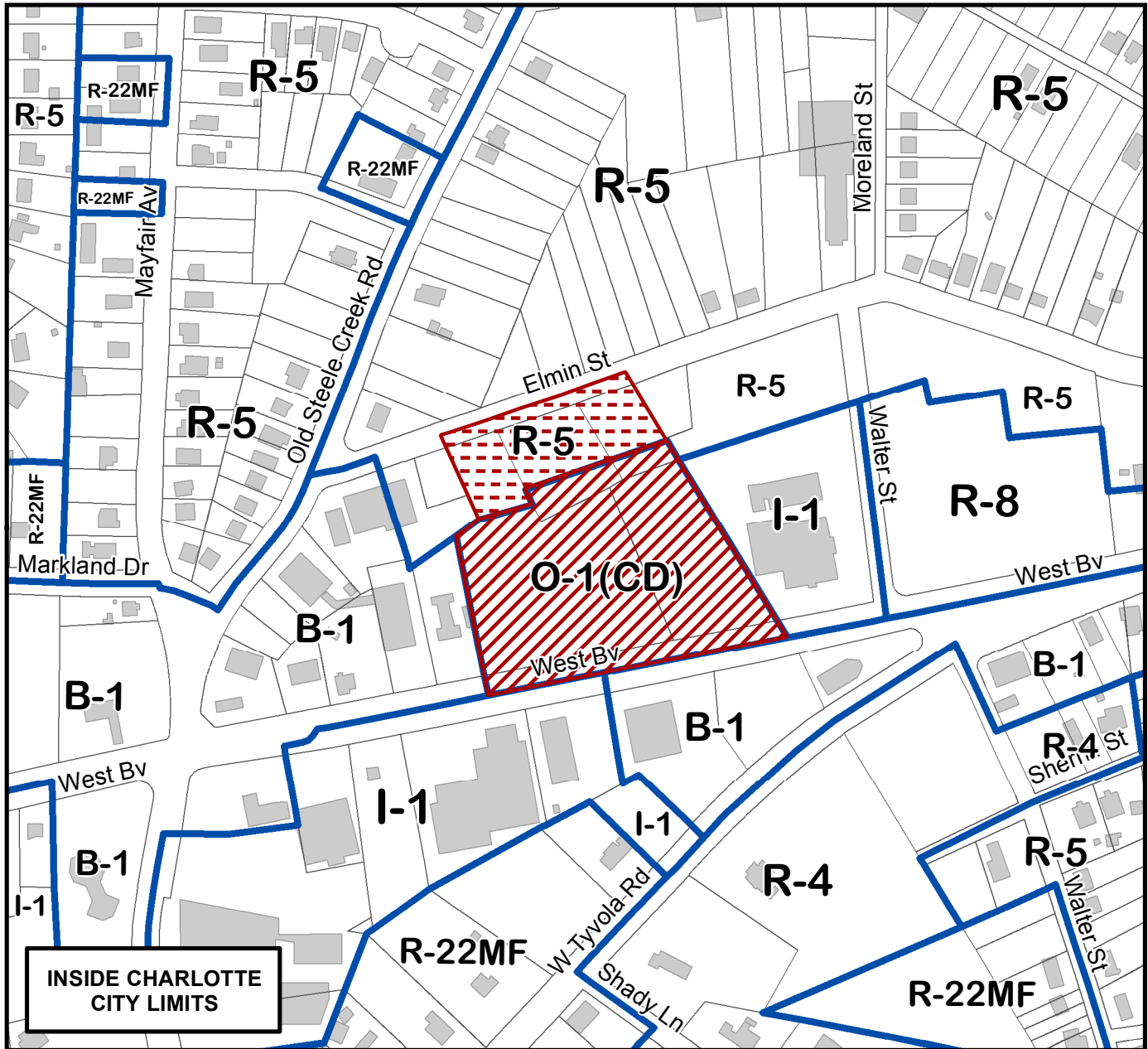
Petition #: **2014-036**

Petitioner: **City of Charlotte**

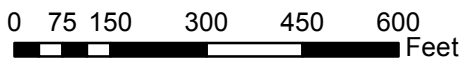
Zoning Classification (Existing): **O-1(CD) and R-5**
(Office, Conditional and Single Family, Residential)

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

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

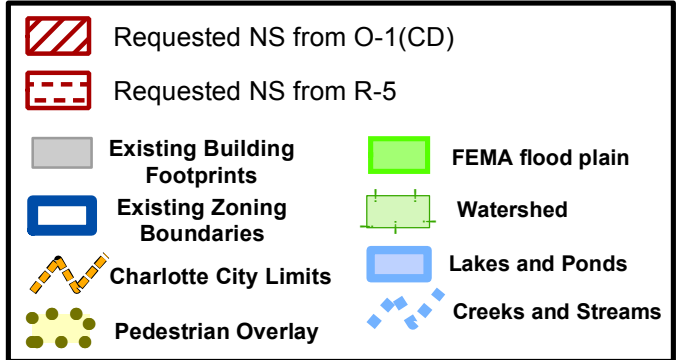


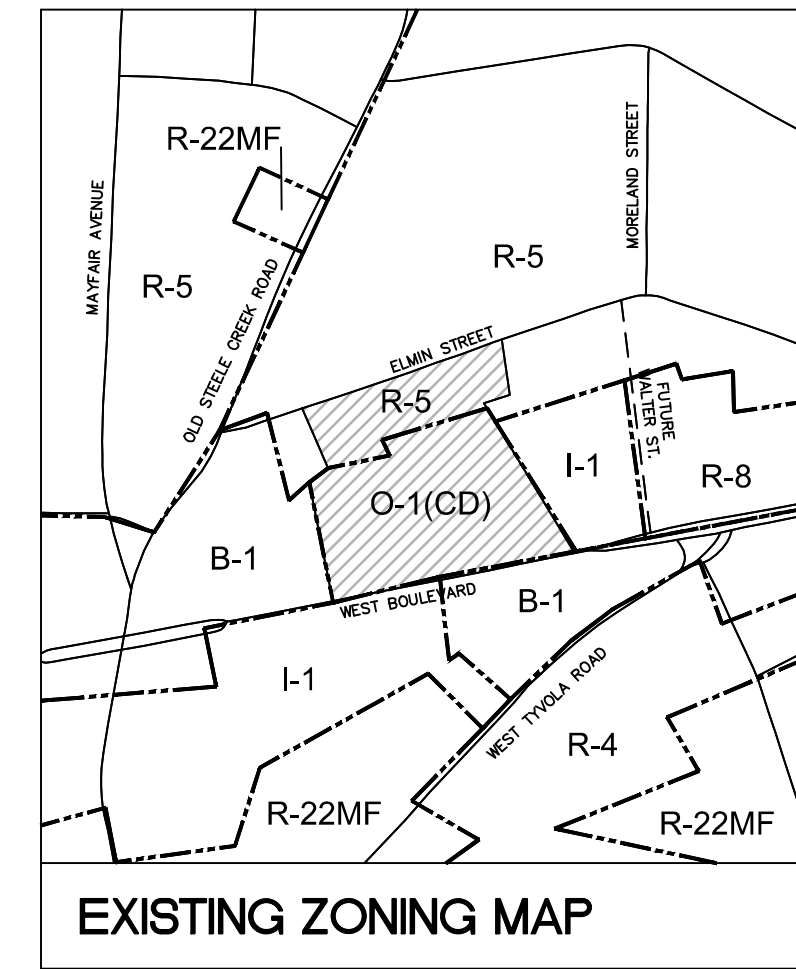
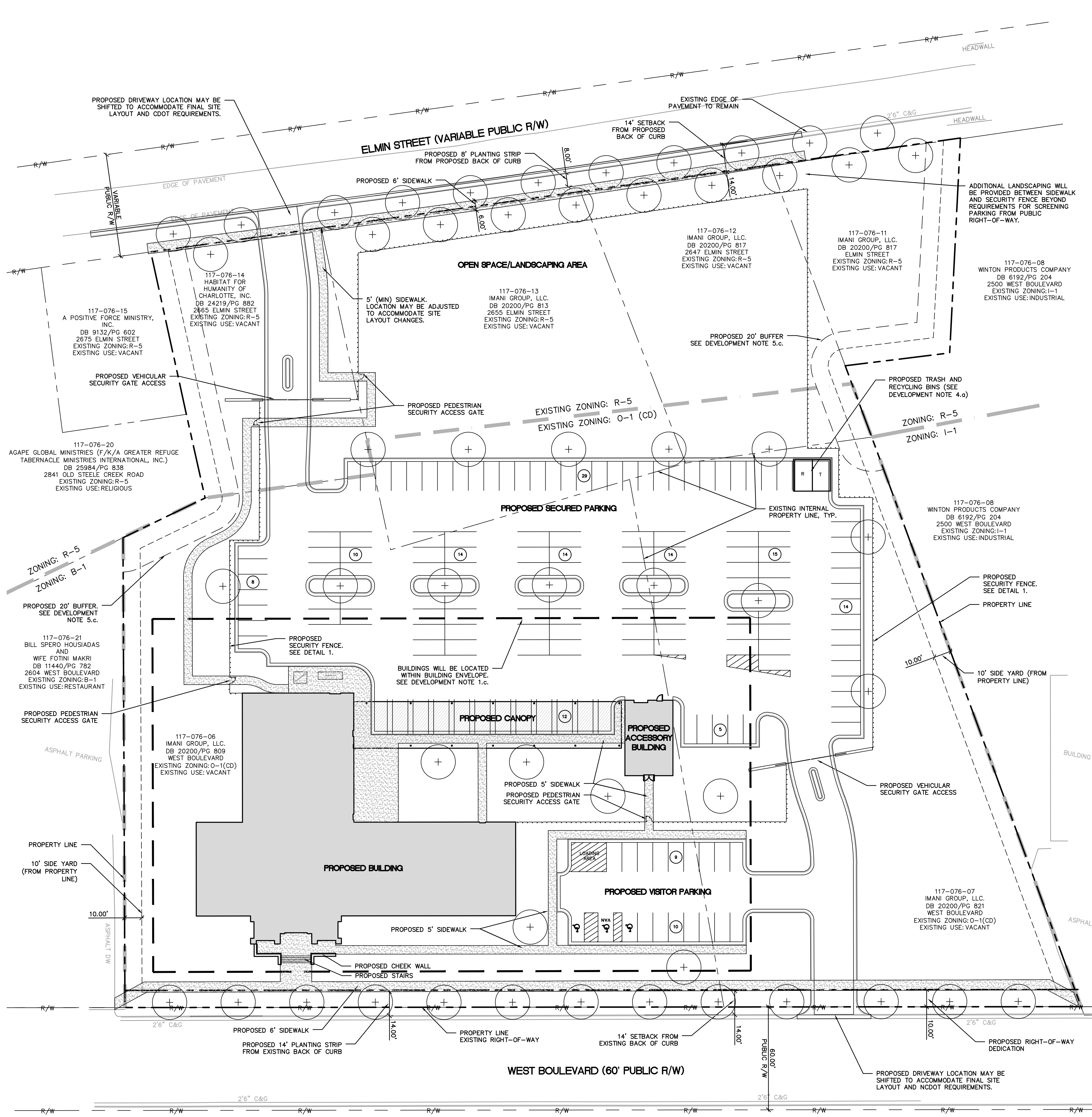
Map Produced by the Charlotte-Mecklenburg Planning Department, 2-28-14.



Zoning Map #(s)

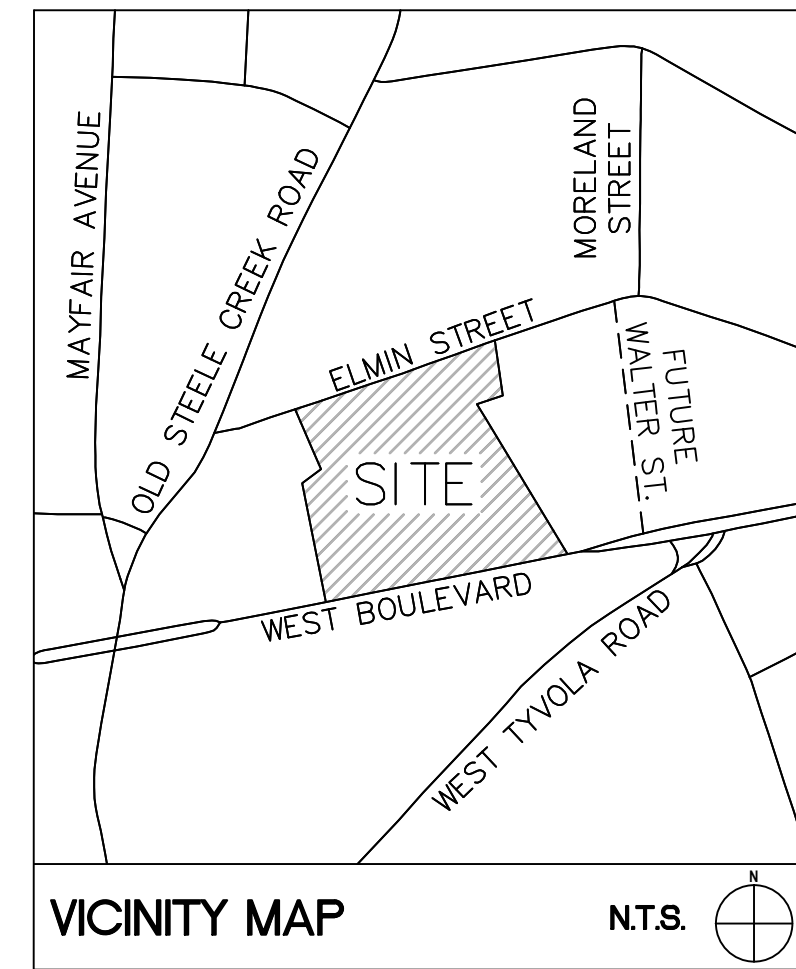
104 & 109





DEVELOPMENT NOTES

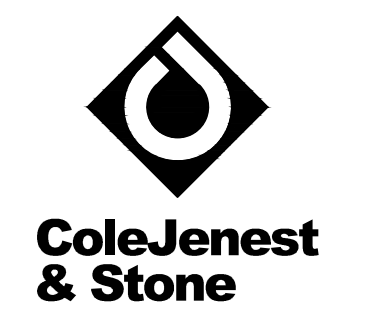
- General Provisions:**
 - These Development Standards are part of the Rezoning Petition filed by the City of Charlotte to accommodate development of a Charlotte Police Department facility on an approximately 5.18 acre site located between West Boulevard and Elmin Street (the "Site").
 - Development of the Site will be governed by these Development Standards (collectively referred to as the "Rezoning Plan") as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the NS zoning district classification shall govern development taking place on the Site.
 - The development depicted on the Rezoning Plan is schematic in nature, and except as otherwise specified in these Development Standards, is intended to describe the possible arrangements of uses and site elements. The building will front West Boulevard and parking/maneuvering will not be allowed between the building and the street. The schematic depictions of the uses, parking areas, structures and buildings, and other site elements set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. Consequently, except as otherwise expressly specified on this Rezoning Plan, the ultimate layout of the development proposed, the exact alignments of streets and points of access, the numbers, the size, configuration and placements of buildings and parking areas; and the depictions other site elements on the Rezoning Plan are preliminary graphic representations of the types and quality of development proposed. They may, therefore, be altered or modified during design development and construction document phases. Changes to the Rezoning Plan will be reviewed and approved as allowed by Section 6.207.(2).
 - Parking layouts for surface parking may be modified to accommodate final building locations and parking spaces may be located within the development area boundaries to the extent permitted by the Ordinance. Sidewalks generally depicted on the Rezoning Plan are intended to reflect the general pedestrian circulation for development on the Site but the specific locations of such sidewalks may be subject to variations that do not materially change the design intent generally depicted on the Rezoning Plan.
- Permitted Uses & Development Area Limitation:**
 - The Site may be developed with police and neighborhood services offices with accessory uses allowed in the NS zoning district.
- Access:**
 - Access to the Site will be from West Boulevard and Elmin Street.
- Architectural Standards:**
 - Dumpster and/or recycling areas are provided and will be enclosed by a solid wall or fence with one side being a decorative gate. The wall or fence used to enclose the dumpster will be architecturally compatible with the building materials and colors used on the building. If one or more sides of a dumpster area adjoin a side or rear wall of a building, then the side or rear wall may be substituted for a side.
- Streetscape, Buffers and Landscaping:**
 - Screening requirements of the Ordinance will be met.
 - Above ground backflow preventers will be screened from public view and will be located outside of the required setbacks.
 - A 20-foot class "C" buffer will be provided adjacent to residentially zoned and/or use property as depicted on the Rezoning Plan.
 - Location of trees shown on plan may be adjusted to accommodate site layout changes, utilities, etc.
- Environmental Features:**
 - The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.
 - The Site will comply with the Tree Ordinance.
- Signage:**
 - Signage as allowed by the Ordinance will be provided.
- Lighting:**
 - All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.
 - Detached lighting on the Site will be limited to 25 feet in height.
- Amendments to the Rezoning Plan:**
 - Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable Development Area portion of the Site affected by such amendment in accordance with the provisions of Chapter 6 of the Ordinance.
- Binding Effect of the Rezoning Application:**
 - If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.



SURVEY DISCLAIMER

SURVEY DATED OCTOBER 24, 2013. PROVIDED BY CITY OF CHARLOTTE ENGINEERING AND PROPERTY MANAGEMENT (DAVID H. SNIDER, P.L.S.), 600 EAST FOURTH STREET, CHARLOTTE, NC 28202. T: (704) 336-2291.

REZONING SUMMARY	
PETITIONER & OWNER:	CITY OF CHARLOTTE 600 E. FOURTH STREET CHARLOTTE, NC 28202
REZONING SITE AREA:	5.18 ACRES
TAX PARCEL #:	117-076-06, 117-076-07, 117-076-11, 117-076-12, 117-076-13, 117-076-14
EXISTING ZONING:	R-5, O-1(CD)
PROPOSED ZONING:	NS
EXISTING USES:	VACANT
PROPOSED USES:	POLICE AND NEIGHBORHOOD SERVICES WITH ASSOCIATED STRUCTURES
MAX. BUILDING HEIGHT:	60'; AS ALLOWED BY THE ORDINANCE
MAX. BUILDING AREA:	PRIMARY 17,500 SQ.FT. ACCESSORY 2,000 SQ.FT. CANOPY 5,000 SQ.FT.
PARKING:	A MINIMUM OF ONE (1) SPACE PER 300 SQ.FT. AS REQUIRED FOR GOVERNMENT BUILDINGS
OPEN SPACE:	A MINIMUM OF 15% OF THE SITE WILL BE ESTABLISHED AS TREE SAVE AREAS AS DEFINED BY THE TREE ORDINANCE
SETBACK:	14 FEET FROM BACK OF EXISTING AND/OR PROPOSED CURB
SIDE YARD:	10 FEET
REAR YARD:	N/A
BUFFERS:	20 FEET ADJACENT TO RESIDENTIALLY ZONED AND/OR USE PROPERTY



ColeJenest & Stone
Shaping the Environment
Realizing the Possibilities
Land Planning
Landscape Architecture
Civil Engineering
Urban Design

200 South Tryon Street, Suite 1400
Charlotte, North Carolina 28202
PH: 704.376.1555 F: 704.376.7851
URL: www.colejeneststone.com

CITY OF CHARLOTTE

600 East 4th Street
Charlotte
North Carolina, 28202

CMPD WESTOVER STATION

2550 West Boulevard
Charlotte
North Carolina, 28208

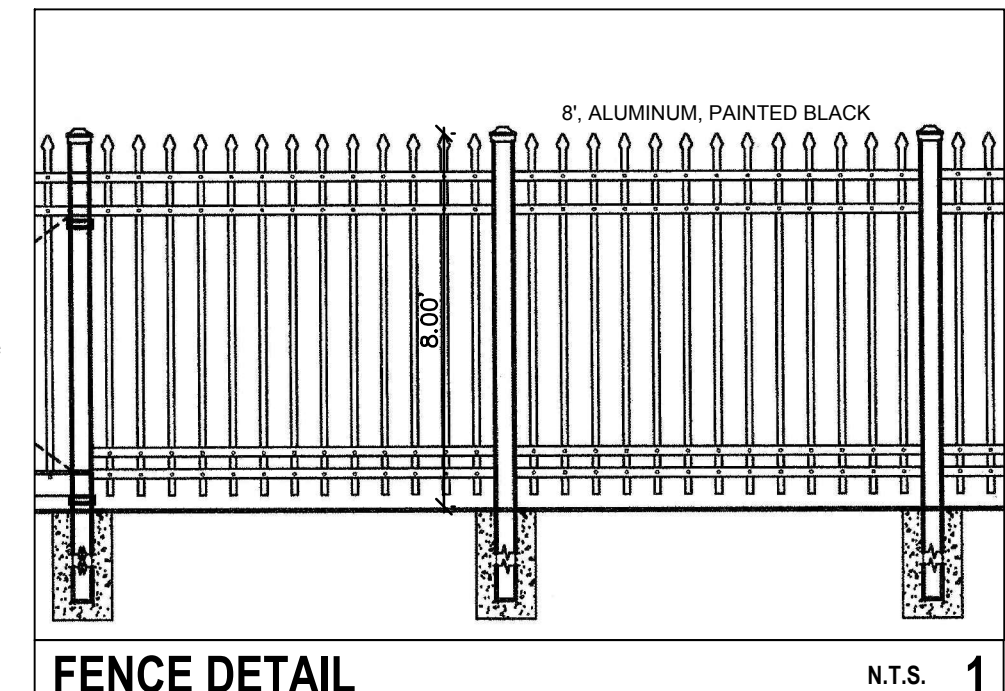
REZONING PLAN

PETITION # 2014-036

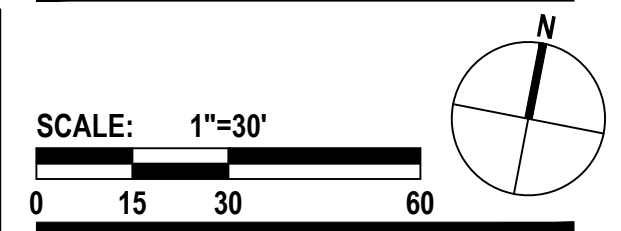
Project No.
4292
Issued
02/24/14

Revised

04/21/14 - REVISED PER CITY COMMENTS
05/23/14 - REVISED PER CITY COMMENTS



FENCE DETAIL N.T.S. 1



RZ1.0

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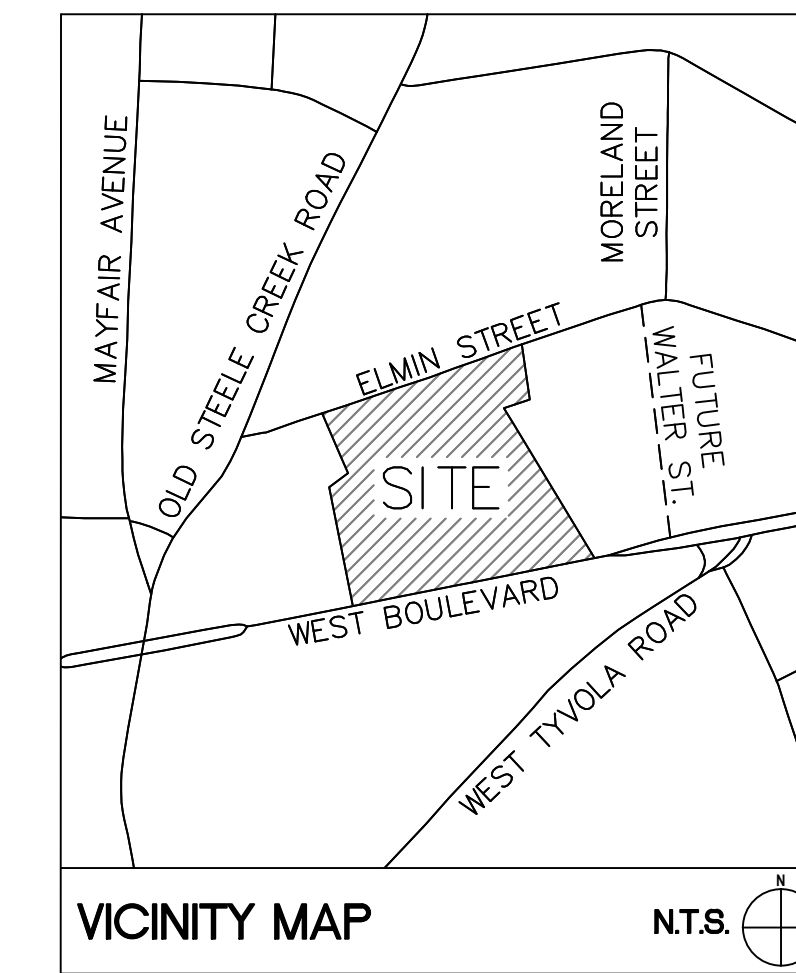
SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION



VICINITY MAP N.T.S.

SURVEY DISCLAIMER
 SURVEY DATED OCTOBER 24, 2013. PROVIDED BY CITY OF CHARLOTTE ENGINEERING AND PROPERTY MANAGEMENT (DAVID H. SNIDER, P.L.S.), 600 EAST FOURTH STREET, CHARLOTTE, NC 28202. T:(704) 336-2291.



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 www.colejeneststone.com

CITY OF CHARLOTTE
 600 East 4th Street
 Charlotte
 North Carolina, 28208

CMPD WESTOVER STATION
 2550 West Boulevard
 Charlotte
 North Carolina, 28208

REZONING PLAN

PETITION # 2014-036

Project No.
4292

Issued
 02/24/14

Revised

04/21/14 – REVISED PER CITY COMMENTS
 05/23/14 – REVISED PER CITY COMMENTS



RZ1.1

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REZONING PETITION # 2014-036

REQUEST	Text amendment to Table 12.540-1 of the Zoning Ordinance
SUMMARY OF PETITION	The petition proposes to clarify the screening and buffering requirements for outdoor recreation uses.
PETITIONER AGENT/REPRESENTATIVE	Charlotte-Mecklenburg Planning Department Charlotte-Mecklenburg Planning Department
COMMUNITY MEETING	Meeting is not required.
STATEMENT OF CONSISTENCY	This petition is found to be consistent with the <i>Centers, Corridors and Wedges Growth Framework</i> goal of preserving and enhancing existing neighborhoods, and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee (motion by Commissioner Sullivan seconded by Commissioner Walker).

ZONING COMMITTEE ACTION	The Zoning Committee voted 5-0 to recommend APPROVAL of this petition.
------------------------------------	-------------------------------------------------------------------------------

VOTE	Motion/Second: Walker/Labovitz Yeas: Allen, Dodson, Labovitz, Sullivan, and Walker Nays: None Absent: Ryan and Nelson Recused: None
ZONING COMMITTEE DISCUSSION	Staff provided a summary of the text amendment. There were no questions.
STAFF OPINION	Staff agrees with the recommendation of the Zoning Committee.

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

PLANNING STAFF REVIEW

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

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
- **Charlotte Department of Neighborhood & Business Services:** No comments received.
- **Transportation:** No issues.

- **Charlotte-Mecklenburg Schools:** Not applicable.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

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

Planner: Sandra Montgomery (704) 336-5722

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

2014-37

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

Current Table Regulations				Proposed Table Regulations				Rationale
	PART OF A PLANNED DEVELOPMENT		NOT PART OF A PLANNED DEVELOPMENT		OUTDOOR RECREATIONAL USES THAT ARE PART OF A PLANNED DEVELOPMENT		OUTDOOR RECREATIONAL USES THAT ARE NOT PART OF A PLANNED DEVELOPMENT	<ul style="list-style-type: none"> Improves the user-friendliness of the table by adding additional information.
Outdoor Recreation Uses	Buffer and/or separation from internal lots	Buffer and/or separation from external lots	Buffer and/or separation from external lots		Where Abutting A Lot In The Same Planned Development	Where Abutting A Residentially Zoned Or Used Lot That Is Not Part Of A Planned Development	Where Abutting A Lot That Is Residentially Zoned Or Used	
Recreational Facilities ¹	20' separation	100' separation and Class C Buffer (see 12.302)	100' separation and a Class C Buffer (see 12.302)					
Parking Areas	5' Parking Lot Screen (see 12.211)	Class C Buffer (see 12.302)	Class C Buffer (see 12.302)					
Service Areas and Facilities ²	Class C Buffer (see 12.302)	100' separation and Class C Buffer (see 12.302)	100' separation and a Class C Buffer (see 12.302)	Outdoor Recreation Uses	Buffer and/or separation distance ⁴ from internal lots in the same planned development	Buffer and/or separation distance ⁴ from external lots outside the planned development that are residentially zoned or used	Buffer and/or separation distance ⁴ from external lots residentially zoned or used properties	
Golf Courses ³	20' separation	Class C Buffer (see 12.302)	Class C Buffer (see 12.302)					
				Recreational Facilities ¹	20' separation	100' separation and a Class C Buffer (see 12.302)	100' separation and a Class C Buffer (see 12.302)	
				Parking Areas	5' Parking Lot Screen (see 12.211 and 12.303)	Class C Buffer (see 12.302)	Class C Buffer (see 12.302)	
				Service Areas and Facilities ²	Class C Buffer (see 12.302)	100' separation and a Class C Buffer (see 12.302)	100' separation and a Class C Buffer (see 12.302)	
				Golf Courses ³	20' separation	Class C Buffer (see 12.302)	Class C Buffer (see 12.302)	

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

Petition No. 2014-037
 Petitioner: Charlotte-Mecklenburg Planning Department

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

ORDINANCE NO.

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

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

A. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 5: SPECIAL REQUIREMENT FOR CERTAIN USES

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

Table 12.540-1 Outdoor Recreation Screening and Buffering Requirements

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

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

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

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

Approved as to form:

City Attorney

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

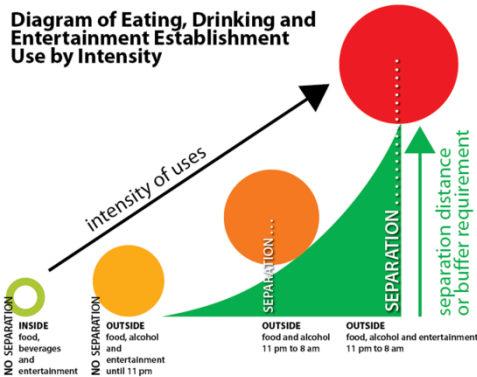
WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this ____ day of _____, 2014.

REQUEST

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

SUMMARY OF PETITION

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



STAFF RECOMMENDATION

- Staff recommends approval of this petition. This petition is:
- Consistent with the *Centers, Corridors and Wedges Growth Framework* goal of providing a range of choices for entertainment, and
 - Consistent with the guiding principles to:
 - 1) protect established neighborhoods, and
 - 2) revitalize economically challenged business areas.

PETITIONER AGENT/REPRESENTATIVE

Charlotte-Mecklenburg Planning Department
 Charlotte-Mecklenburg Planning Department

COMMUNITY MEETING

Meeting is not required.

PLANNING STAFF REVIEW

• Background

- It has become increasingly difficult to determine differences between nightclubs, bars, restaurants, and lounges. Uses that once primarily served food, i.e. restaurants, now offer in addition to food, alcoholic beverages and provide forms of entertainment both inside and outside of the establishment. In contrast, uses that once provided mostly entertainment now serve food.
- For example, the current definition in the Zoning Ordinance of a "restaurant" does not include the word "entertainment" nor does the ordinance include a definition of the word "entertainment."
- The lack of clarity as to whether a restaurant can have any amount of entertainment could make restaurants in Charlotte that provide entertainment indoors or outside illegal.
- To address the ambiguity in the definitions, in 2011, a Stakeholder Advisory Group was charged with reviewing the issues associated with nightclubs, bars, restaurants, and lounges in terms of the definitions of these uses, and associated prescribed conditions. The group met four times then stopped due to revisions being made to the Noise Ordinance and confusion caused by the two efforts being undertaken simultaneously.
- In 2013, the Stakeholder Advisory Group was reconvened and six meetings were held beginning in January. Participants consisted of restaurant, bar and nightclub operators and owners, entertainment group representatives, residents, neighborhood and business association members, attorneys, musicians, and other interested parties.
- Staff also held 11 additional public outreach meetings specifically directed at neighborhood associations to present the text amendment and receive feedback on the proposed changes.
- Staff held two additional public outreach meetings for Dilworth and Elizabeth, to address concerns expressed at the first public hearing on February 17, 2014. Additional changes to the text amendment were made as a result of those meetings.
- The Zoning Committee met on May 5, 2014 and voted to recommend that a new public hearing be held on June 16, 2014, due to substantial changes in the text amendment since the public hearing.
- This text amendment proposes to:
 - 1) adequately define the uses;
 - 2) develop standards to allow these uses to exist near residential areas in a way that minimizes adverse impacts;
 - 3) provide flexibility to business establishments; and
 - 4) establish a Certificate of Exemption process, including criteria to be eligible to apply for a Certificate of Exemption, when a business establishment cannot meet the proposed separation distance requirements.

• Proposed Request Details

The text amendment contains the following provisions:

- Replaces references to "restaurants", "cafés", "outdoor cafés", "nightclubs", and "bars and lounges", with "Eating, Drinking and Entertainment Establishments."
- Adds new definitions for two types of Eating, Drinking and Entertainment Establishments:
 - Type 1 Eating, Drinking and Entertainment Establishment: An establishment where food is prepared and beverages may be provided, excluding alcohol. Indoor and outdoor entertainment may be provided.
 - Type 2 Eating, Drinking and Entertainment Establishment: An establishment where any alcohol is consumed, food and other beverages are optional, and entertainment may be provided, including outdoor entertainment. [Excluded are adult establishments, athletic and sports facilities, conference centers, cultural facilities, hotels and motels, and recreational facilities approved as part of a residential development plan, and similar uses, and uses exempt in accordance with the Alcohol Beverage Commission standards.]
- Adds definitions for Entertainment, Outdoor Entertainment, and Outdoor Seating/Activity areas.
- Allows Eating, Drinking and Entertainment Establishments in most zoning districts by-right or under prescribed conditions.
- Adds new prescribed conditions for Type 2 Eating, Drinking and Entertainment Establishments:
 - If food and beverages are consumed in an outdoor seating/activity area at any time between the hours of 11 p.m. and 8 a.m.:
 - Minimum 100-foot separation distance is required between the outdoor seating/activity area and the nearest property line of a vacant lot or a residential use (single family, duplex, triplex and quadraplex only) when located in a single family zoning district.
 - If the separation distance cannot be met, a Class A buffer shall be provided along all corresponding side and rear property line(s).

- If outdoor entertainment occurs at any time between the hours of 11 p.m. and 8 a.m.:
 - Minimum 100-foot separation distance in the mixed use development (MUDD); uptown mixed use (UMUD); transit oriented development - residential (TOD-R); transit oriented development - employment (TOD-E); transit oriented development – mixed-use (TOD-M); and transit supportive overlay (TS) districts. The minimum separation distance cannot be reduced as an optional provision through the rezoning process.
 - Minimum 250-foot separation distance in the pedestrian overlay district (PED). The minimum separation distance cannot be reduced as an optional provision through the rezoning process. If, however, there is an approved Pedscape Plan, Type 2 Eating, Drinking and Entertainment Establishments shall meet the separation distance standards established in the plan.
 - Minimum 400-foot separation distance in the urban residential (UR-2 and UR-3); urban residential - commercial (UR-C); research (RE-3); office (O-1, O-2, and O-3); neighborhood business (B-1); general business (B-2); distributive business (B-D); business park (BP); commercial center (CC); neighborhood services (NS); mixed use (MX-2 and MX-3); light industrial (I-1); and general industrial (I-2) districts.
- Adds a Certificate of Exemption process for eligible, existing Type 2 Eating, Drinking and Entertainment Establishments that cannot meet the separation distance requirements:
 - Business establishments that would have met each of the following criteria as of January 1, 2013, are eligible to apply for a Certificate of Exemption:
 - Met the definition of a Type 2 Eating, Drinking and Entertainment Establishment;
 - Had an outdoor seating/activity area located within the required separation distances; and
 - Provided outdoor entertainment between the hours of 11:00 p.m. and 8:00 a.m.
 - The establishment must apply for a Certificate of Exemption within 90 days from the date the Planning Director provides written notice to a Type 2 Eating, Drinking or Entertainment Establishment affected by the separation distances or within one year from the date this text amendment is adopted, whichever first occurs.
 - A written notice and a copy of the submitted application for a Certificate of Exemption shall be mailed to property owners located within the designated separation distance. These owners may submit written comments to the Planning Director, or designee, within 15 days of the date of notification.
 - The Planning Director, or designee, is authorized to issue a Certificate of Exemption and establish administrative processes for such issuance if 1) the Type 2 Eating, Drinking and Entertainment Establishment is in compliance with all land use and development laws, including zoning and urban design standards for the district in which the use is located, and 2) the establishment met one of the following criteria on, or after, January 1, 2013:
 - The establishment abuts a public right-of-way that is 60 feet or greater in width; or
 - A building (on- or off-premise) of at least 1,900 square feet is located between the outdoor seating/activity area of the establishment and a vacant lot or a residential use (single family, duplex, triplex, or quadraplex only) when located in a single family zoning district.
 - A written notice shall be mailed to property owners within the separation distance informing them of the decision on the Certificate of Exemption.
 - An appeal process is established for the land owner where the Certificate of Exemption is being requested, or a property owner of a vacant lot or a residential use (single family, duplex, triplex or quadraplex only) located within the specified separation distances.
 - Establishments that receive a Certificate of Exemption shall 1) maintain compliance with applicable land use and development laws, including zoning and urban design standards for the district in which the use is located, and 2) may not move, expand, enlarge, or change the outdoor seating/activity area or building(s) as either existed as of January 1, 2013. Routine maintenance and repair is permitted.
 - The issuance of a Certificate of Exemption constitutes an exemption from the separation distance requirements.
 - A Type 2 Eating, Drinking and Entertainment Establishment building or outdoor seating/activity area that receives a Certificate of Exemption and is destroyed or damaged by fire, flood, wind, or other acts of God, may be repaired or restored to its original dimensions and conditions as they existed on January 1, 2013, if a building permit for the repair is issued within 12 months of the date of damage.
 - The revocation of a Certificate of Exemption can occur in the following situations:
 - The Certificate can be revoked if the establishment fails to maintain compliance with applicable land use and development laws, including zoning and urban design standards of the district, and only after written notice is provided and the establishment has a reasonable opportunity to remedy a violation.

- The Certificate shall be revoked if the establishment has visibly discontinued use as a Type 2 Eating, Drinking and Entertainment Establishment for 12 consecutive months or obtains an approved change of use.
 - **Public Plans and Policies**
 - The petition is consistent with both the *Centers, Corridors and Wedges Growth Framework* goal to provide a range of entertainment choices, and the guiding principles to protect established neighborhoods and revitalize economically challenged business areas.
-

DEPARTMENT COMMENTS (see full department reports online)

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

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

Planner: Sandra Montgomery (704) 336-5722

TEXT AMENDMENT SUMMARY: Eating, Drinking and Entertainment Establishments
6-6-14

2013-90

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

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

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

Prescribed Conditions for Restaurants/Eating, Drinking and Entertainment Establishments – Type 1

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

	<ul style="list-style-type: none"> • No more than 25 square feet per dwelling unit allowed, up to a maximum of 10,000 square feet. • No public entrance from outside the building. • Restaurants allowed in Hotels/Motels with at least 75 rental units Limited to 75 sq. ft. per rental unit. <ul style="list-style-type: none"> • No display of merchandise shall be visible from outside the building • Restaurants allowed in office buildings: <ul style="list-style-type: none"> • Principal use of the lot is office uses with at least 30,000 square feet. • Restaurant occupies no more than 10% of the gross floor area of all buildings on the lot, and not more than 50% of the ground floor area. Restaurants located in the pedestrian overlay (PED) zoning district shall occupy no more than 20% of the gross floor area and only locate on the ground floor. • Restaurant must be in the same building as the principal use [except in the pedestrian overlay development (PED) zoning district]. • No display of merchandise shall be visible from outside the building housing the use. • One wall sign: 16 square feet maximum. <p><u>Business Districts:</u></p> <ul style="list-style-type: none"> • Restaurants with drive-in service allowed only in the general business (B-2) zoning district. 		
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Prescribed Conditions for Nightclubs, Bars and Lounges/Eating, Drinking and Entertainment Establishments – Type 2

	Current Regulations	Proposed Regulations	Rationale
Prescribed Conditions for Nightclubs, bars and lounges/ Eating, Drinking and Entertainment Establishments - Type 2	<p>Nightclubs, bars and lounges are allowed in the following zoning districts, subject to the following prescribed conditions:</p> <ul style="list-style-type: none"> • <u>Neighborhood business (B-1); general business (B-2); and neighborhood services (NS):</u> The use shall be located at least 400’ from any residential use or residential district. • <u>Research (RE-3):</u> The use shall be at least 400’ from any residential district. • <u>Commercial center (CC):</u> The use shall be at least 400’ from any residential structure or residential district external 	<ul style="list-style-type: none"> • Modifies, and in some cases reduces the separation distance for Eating, Drinking and Entertainment Establishments – Type 2, and makes them consistent across all zoning districts. • Adds new prescribed conditions. • Clarifies that Eating, Drinking and Entertainment Establishments – Type 2 with an accessory drive-in service window and/or outdoor service window having indoor seating for fewer than 50 patrons are not permitted in the commercial center (CC) zoning district. This aligns with current regulations in Section 12.413. • Adds an exemption/certification process for existing uses. <p>The proposed prescribed conditions are as follows:</p>	<ul style="list-style-type: none"> • Sets one set of separation distance standards for all Type 2 Eating, Drinking and Entertainment Establishments in all zoning districts. • Separation distances are based on the provision of food

<p>to the commercial center (CC) district.</p> <ul style="list-style-type: none"> • <u>Mixed use development (MUDD) and uptown mixed use (UMUD)</u>: The establishment shall be at least 100' from any residential structure located in a residential district. • <u>Pedestrian overlay district (PED)</u>: The use shall be at least 400' from any residential use in a residential district or from a residential district. The distance may be reduced in a streetscape plan approved by City Council. • <u>Transit oriented development (TOD)</u>: The use shall be located at least 200' from any residential structure in a residential district. • <u>Transit supportive overlay (TS)</u>: As per underlying district. • <u>Light industrial (I-1)</u>: Establishment limited to 70,000 sq. ft. • <u>General industrial (I-2)</u>: Establishment limited to 25,000 sq. ft. 	<p><u>Eating, Drinking and Entertainment Establishments - Type 2</u></p> <p>(1) If food and beverages are consumed in an outdoor seating/activity area at any time between the hours of 11:00 p.m. and 8:00 a.m., the use is subject to one of the following prescribed conditions:</p> <ul style="list-style-type: none"> (a) The outdoor seating/activity area shall be separated by a distance of at least 100 feet from the nearest property line of a vacant lot or a residential use (single family, duplex, triplex and quadraplex only) when located in a single family zoning district; or (b) If the outdoor seating/activity area is less than 100 feet from the nearest property line of a vacant lot or a residential use (single family, duplex, triplex and quadraplex only) when located in a single family zoning district, then the outdoor seating/activity area shall be separated by a Class A buffer along all corresponding side and rear property line(s). <p>(2) If outdoor entertainment occurs at any time between the hours of 11:00 p.m. and 8:00 a.m., then the following minimum separation distances from a single family use (single family, duplex, triplex or quadraplex) or vacant lot when located in a single family zoning district shall be met, based on the zoning district in which the use is located:</p> <ul style="list-style-type: none"> (a) Minimum 100-foot separation distance in the mixed use development (MUDD); uptown mixed use (UMUD); transit oriented development - residential (TOD-R); transit oriented development - employment (TOD-E); transit oriented development - mixed use (TOD-M); and transit supportive overlay (TS) zoning districts. The minimum required separation distance cannot be reduced as an optional provision through the rezoning process. (b) Minimum 250-foot separation distance in the pedestrian overlay district (PED). The minimum required separation distance cannot be reduced as an optional provision through the rezoning process. Nightclub, bar, lounge and Type 2 Eating, Drinking and Entertainment Establishments located in a PED zoning district shall meet the separation distance standards established in an approved Pedscape Plan. (c) Minimum 400-foot separation distance in the urban residential (UR-2 and UR-3); urban residential - commercial (UR-C); research (RE-3); office (O-1, O-2 and O-3); neighborhood business (B-1); general business (B-2); distributive business (BD); business park (BP); commercial center (CC); neighborhood services (NS); mixed-use (MX-2 and MX-3); light industrial (I-1); and general industrial (I-2) zoning districts. 	<p>and beverages in an outdoor seating/activity area and/or the provision of outdoor entertainment, when either occurs between 11 p.m. and 8 a.m.</p> <ul style="list-style-type: none"> • Prescribed conditions protect residential uses in single family districts, including vacant lots. • An exemption/ certification process adds flexibility for existing uses.
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Distances shall be measured from the closest edge of any outdoor seating/activity area to the nearest property line of a vacant lot or a residential use (single family, duplex, triplex and quadraplex only) when located in a single family zoning district.

(3) Certificate of Exemption

- (a) Business establishments that would have met each of the following criteria as of January 1, 2013 are eligible to apply for a Certificate of Exemption, the issuance of such Certificate shall constitute an exemption from the separation distance requirements:
 - 1. Met the definition of a Type 2 Eating, Drinking and Entertainment Establishment;
 - 2. Had an outdoor seating/activity area located within the required separation distances; and
 - 3. Provided outdoor entertainment between the hours of 11:00 p.m. and 8:00 a.m.
- (b) The Planning Director, or designee, is authorized to issue a Certificate of Exemption and to establish administrative processes for such issuance.
- (c) Notification of Application for Certificate of Exemption.
 - 1. The Planning Director, or designee, shall mail a written notice and a copy of the submitted Certificate of Exemption application to property owners located within the designated separation distance. Written comments may be submitted to the Planning Director, or designee, within 15 days of the date of notification.
 - 2. The Planning Director, or designee, shall mail a written notice informing property owners within the designated separation distance of the decision (approval or denial) of the Certificate of Exemption.
- (d) A Certificate of Exemption shall be issued if the following criteria apply:
 - 1. A Type 2 Eating, Drinking and Entertainment Establishment is, as of the date of application, in compliance with all applicable land use and development laws, including without limitation, zoning laws and urban design standards for the district in which the use is

		<p>located; and</p> <p>2. Either of the following applied to the Type 2 Eating, Drinking and Entertainment Establishment, on or after January 1, 2013:</p> <ul style="list-style-type: none"> i. The Type 2 Eating, Drinking and Entertainment Establishment abuts a public right-of-way that is 60 feet or greater in width; or ii. A building of at least 1,900 square feet (excluding single-family, duplex, triplex, and quadraplex buildings) is located between the outdoor seating/activity area of the Type 2 Eating, Drinking and Entertainment Establishment, and a vacant lot or a residential use (single family, duplex, triplex or quadraplex only) when located in a single family zoning district. The building can be located either on- or off-premise. <p>(e) A Type 2 Eating, Drinking and Entertainment Establishment must apply for a Certificate of Exemption within ninety (90) days from the date the Planning Director provides written notice to a Type 2 Eating, Drinking and Entertainment Establishment affected by the separation distances or within one (1) year from the date this ordinance becomes law, whichever first occurs. A pending variance petition shall stay enforcement of the application limitation period. The Planning Department shall make reasonable efforts to notify directly affected businesses of the enactment of this ordinance.</p> <p>(f) For a Type 2 Eating, Drinking and Entertainment Establishment that receives a Certificate of Exemption, the outdoor seating/activity area or building(s), as either existed as of January 1, 2013, may not be moved, expanded, enlarged, or changed. Routine repair and maintenance is permitted.</p> <p>(g) If a Type 2 Eating, Drinking and Entertainment Establishment receiving a Certificate of Exemption fails to maintain compliance with the requirements for the Certificate or the conditions represented or specified in its application for exemption, the Planning Director may revoke the Certificate of Exemption. Such revocation shall occur only after written notice and a reasonable opportunity to remedy the violation.</p>	
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		<p>(h) Any Type 2 Eating, Drinking and Entertainment Establishment building or outdoor seating/activity area exempted that is destroyed or damaged by fire, flood, wind, other acts of God, may be repaired or restored to its original dimensions and conditions as they existed on January 1, 2013 if a building permit for the repair or restoration is issued within 12 months of the date of damage.</p> <p>(i) The Certificate of Exemption shall be revoked for any Type 2 Eating, Drinking and Entertainment Establishment that has visibly discontinued use as a Type 2 Eating, Drinking and Entertainment Establishment for 12 consecutive months or obtains an approved change of use.</p> <p>(j) The issuance of a Certificate of Exemption shall not otherwise excuse a violation of federal, state, or local laws and regulations, including the development and urban design standards of the zoning district in which the use is located.</p> <p>(k) The land owner where the Certificate of Exemption is being requested, or a property owner of a vacant lot or a residential use (single family, duplex, triplex or quadraplex only) located within the specified separation distance, may appeal a denial, approval or revocation of a Certificate of Exemption. Such appeal must be filed with the Zoning Board of Adjustment within thirty (30) days from the date of such action.</p>	
Watershed Overlay Districts	<ul style="list-style-type: none"> The discharge of industrial process treated wastewater does not include wastewater from restaurants. 	<ul style="list-style-type: none"> Replaces the term “restaurants” with “eating, drinking and entertainment establishments”. 	<ul style="list-style-type: none"> Updates terminology.
Parking	<p>Existing parking requirements by zoning district:</p> <p><u>Transit oriented development (TOD):</u></p> <ul style="list-style-type: none"> Minimum of 1 parking space per 150 sq. ft. of restaurant/nightclub for sites within 800’ of single family zoning. For all other sites: No minimum, but a maximum of 1 space per 75 sq. ft. <p><u>Pedestrian overlay district (PED) and research (RE-3):</u></p> <ul style="list-style-type: none"> Minimum of 1 parking space per 125 sq. ft. for restaurants, nightclubs, bars and lounges. <p><u>All Other Districts:</u></p>	<ul style="list-style-type: none"> Replaces the term “restaurants/nightclub” with “eating, drinking and entertainment establishments”. No changes to the vehicular parking requirements. No changes to the short-term bike parking requirements. Modifies the long-term bike parking requirements to include Type 2 Eating, Drinking and Entertainment Establishments at a requirement of 2 spaces or 1 per 10,000 square feet. 	<ul style="list-style-type: none"> Adds long-term bike parking for employees and customers of Type 2 Eating, Drinking and Entertainment Establishments.

	<ul style="list-style-type: none"> • Minimum of 1 space per 75 sq. ft. for restaurants, nightclubs, bars and lounges. • Minimum of 2 long-term bike parking spaces or 1 per 10,000 sq. ft. for restaurants. None required for nightclubs. • Minimum of 5% of auto parking for short-term bike parking spaces for restaurants, nightclubs, bars and lounges. 		
Location of required parking	<ul style="list-style-type: none"> • Restaurants located within the area bounded by Route 4 and I-85 and which do not include a drive-in service window shall provide minimum required parking spaces within 800' of the restaurant site. 	<ul style="list-style-type: none"> • Removes the 800' requirement. 	<ul style="list-style-type: none"> • Adds flexibility.
Buffers – Restaurants/ Eating, Drinking and Entertainment Establishments - Type 1	<p>Buffer standards for Restaurants:</p> <ul style="list-style-type: none"> • <u>Class B buffer required when a restaurant (up to 50,000 sq. ft.)</u> abuts a single family or multi-family use or zoning district. • <u>Class C buffer required when a restaurants (up to 50,000 sq. ft.)</u> abuts a low intensity institutional use (examples: elementary school, day care, nursing home, civic, social and fraternal organizations), institutional zoning district, or park and greenway. • <u>Class C buffer required when a restaurant (over 50,000 sq. ft.)</u> abuts a medium or high intensity institutional use (examples: Middle school, government buildings, hospitals, religious institutions, stadiums), institutional zoning district, or park and greenway. 	<ul style="list-style-type: none"> • No changes to the buffer requirements for Eating, Drinking and Entertainment Establishments – Type 1, except terminology. 	<ul style="list-style-type: none"> • Updates terminology
Buffers – Nightclubs, Bars and Lounges/ Eating, Drinking and Entertainment Establishments - Type 2	<p>Buffer standards for Nightclubs, Bars and Lounges:</p> <ul style="list-style-type: none"> • <u>Class B buffer</u> required when the use abuts a single family or multi-family use or zoning district or abuts a low intensity institutional use. • <u>Class C buffer</u> required when the use abuts a medium to high intensity institutional use or zoning district or parks and greenways (ex: Middle school, government buildings, hospitals, religious institutions, stadiums). 	<ul style="list-style-type: none"> • No changes to the buffer requirements for Eating, Drinking and Entertainment Establishments – Type 2, except terminology. 	<ul style="list-style-type: none"> • Updates terminology and provides clarity by identifying the use in the table, rather than categorizing it under “Other business uses”.
Miscellaneous	<ul style="list-style-type: none"> • References to “restaurants”, “nightclubs”, and “nightclubs, bars and lounges” “café’s”, and “outdoor café’s”. 	<ul style="list-style-type: none"> • Replaces references to “restaurants”, “café’s”, “outdoor café’s” and “nightclubs, bars and lounges”, with “Eating, Drinking and Entertainment Establishments”. In some instances, Type 1 and Type 2 are noted. 	<ul style="list-style-type: none"> • Updates terminology.

Petition No. 2013-90
Petitioner: Charlotte-Mecklenburg Planning Department

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

ORDINANCE NO.

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

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

A. CHAPTER 2: DEFINITIONS AND RULES OF CONSTRUCTION

1. PART 2: DEFINITIONS

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

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

Nightclubs.

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

Eating, Drinking and Entertainment Establishment, Type 1.

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

Eating, Drinking and Entertainment Establishment, Type 2.

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

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

Entertainment.

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

Outdoor Entertainment.

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

Outdoor Seating/Activity Area.

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

Restaurant.

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

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

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

Shopping center.

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

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

B. CHAPTER 9: GENERAL DISTRICTS

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

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

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

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

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

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

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

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

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

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

2. PART 3: MULTI-FAMILY DISTRICTS

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

- (25) Retail and office establishments, ~~restaurants~~ Eating, Drinking and Entertainment Establishments (Type 1), and indoor recreation, provided that:
- (a) The establishment will be located within a building that contains at least 50 dwelling units;
 - (b) The establishment will occupy no more than 25 square feet per dwelling unit in the building up to a maximum of 10,000 square feet;
 - (c) The establishment will have no direct public entrance from

the outside of the building; and

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

3. PART 5: INSTITUTIONAL DISTRICT

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

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

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

4. PART 6: RESEARCH DISTRICTS

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

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

5. PART 7: OFFICE DISTRICTS

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

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

- (12) Hotels and motels, provided that:
 - (a) All buildings, off-street parking and service areas will be separated by a Class B buffer from any abutting property located in a residential district, abutting residential use or low intensity institutional use (See Section 12.302);
 - (b) Retail, ~~nightclubs, bars, lounges and restaurants~~ and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) as accessory uses may be located in a hotel or motel having a minimum of 75 rental units.
 - (c) Gross floor area for retail, ~~entertainment and restaurant purposes~~ Eating, Drinking and Entertainment Establishments (Type 1 and Type 2), and other entertainment activities will be limited to 75 square feet per rental unit. Ballrooms, conference rooms, meeting rooms and similar assembly facilities will not be included in determining gross floor area used for commercial purposes;
 - (d) No merchandise or merchandise display window may be visible from outside the building;
 - (e) No outside storage or display of merchandise will be permitted; and
 - (f) One wall sign is permitted to identify all internal commercial uses, provided that the sign is no larger than 16 square feet.
- (27) Retail and office establishments, ~~restaurants~~ Eating, Drinking and Entertainment Establishments (Type 1) and indoor recreation in multi-family buildings, subject to the regulations of subsection 9.303(25).
- (28) Retail establishments and ~~restaurants~~ Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) in office buildings, provided that:

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

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

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

6. PART 8: BUSINESS DISTRICTS

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

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

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

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

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

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

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

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

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

7. PART 8.5: MIXED USE DEVELOPMENT DISTRICT

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

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

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

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

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

8. PART 9: UPTOWN MIXED USE DISTRICT

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

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

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

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

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

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

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

read as follows:

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

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

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

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

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

9. PART 10: URBAN INDUSTRIAL DISTRICT

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

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

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

10. PART 11: INDUSTRIAL DISTRICTS

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

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

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

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

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

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

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

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

11. PART 12: TRANSIT ORIENTED DEVELOPMENT DISTRICTS

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

(1) Residentially Oriented (TOD-R)

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) Parking Standards

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

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

C. CHAPTER 10: OVERLAY DISTRICTS

1. PART 5: MOUNTAIN ISLAND LAKE WATERSHED OVERLAY

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

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

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

wastewater; or

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

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

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

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

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

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

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

3. PART 7: LOWER LAKE WYLIE WATERSHED OVERLAY

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

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

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

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

4. PART 8: PEDESTRIAN OVERLAY DISTRICT

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

Section 10.811. Uses

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

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

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

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

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

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

Table 10.812(3) Number of Parking Spaces

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

5. PART 9: TRANSIT SUPPORTIVE OVERLAY DISTRICT

a. Amend Section 10.907, “Development Standards, subsection (5), “Floor Area Ratio”, subsection (c), by replacing the term “outdoor café” with “open air Eating, Drinking and Entertainment Establishment”. All other subsections remain unchanged. The revised subsection shall read as follows:

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

b. Amend Section 10.907, “Development Standards”, subsection (6), “Parking standards” by replacing the term “restaurants/nightclubs” in the table with “Eating, Drinking and Entertainment Establishments” in two places. All other subsections remain unchanged. The revised subsection and table shall read as follows:

(6) Parking standards

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

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

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

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

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

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

D. CHAPTER 11: CONDITIONAL ZONING DISTRICTS

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

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

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

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

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

2. PART 4: COMMERCIAL CENTER DISTRICT

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

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

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

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

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

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

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

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

3. PART 7: RESEARCH DISTRICT

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

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

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

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

Section 11.703. Uses permitted under prescribed conditions.

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

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

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

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

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

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

(a) Parking Standards.

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

Residential – 1.5 space per dwelling unit

Hotels/Motels – 1.0 space per room

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

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

Retail – 1 space per 250 gross square feet

All Other Uses - 1 space per 400 gross square feet

E. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 2: OFF-STREET PARKING AND LOADING

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

Table 12.202

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

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

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

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

**Table 12.214
REQUIRED LOADING SPACES, BY USE.**

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

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

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

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

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

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

Table 12.413

MINIMUM VEHICLE STORAGE REQUIREMENTS*

<u>TYPE OF FACILITY</u>	<u>VEHICLE STORAGE</u>
Bank	6 spaces per window ⁽¹⁾
Restaurant	8 spaces per window ⁽²⁾
Single Vehicle Automatic —Accessory Use Car Wash	4 spaces per wash line
Automatic Car Wash	10 spaces per wash line
Self service Car Wash	3 spaces per wash line
Drive in Theater	15% of the total parking capacity

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

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

FOOTNOTES TO TABLE: 12.413

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

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

Table 12.413
MINIMUM VEHICLE STORAGE REQUIREMENTS¹

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

1. One vehicle space equals 20 feet.
2. This requirement will be reduced to 3 spaces per window for savings and loan institutions and credit unions. For banks with more than 5 drive-up windows, the storage requirements shall not exceed a total of 20 vehicles.
3. As measured from the pick-up window.

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

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

Section 12.544 Breweries.

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

2. ~~For breweries and all associated uses, t~~The minimum size of the Eating, Drinking and Entertainment Establishment associated restaurant, nightclub, bar or lounge shall be 20% of the total square footage for the brewery and the Eating, Drinking and Entertainment Establishment, all associated ~~uses, or 1,500 square feet, whichever is less.~~
 - (b) ~~Maximum size for the brewery and all associated~~ the Eating, Drinking and Entertainment Establishment uses: 15,000 square feet. To encourage the adaptive reuse of older or underutilized buildings, the maximum size for all uses shall be increased to 25,000 square feet, if the brewery and associated restaurant, nightclub, bar or lounge Eating, Drinking and Entertainment Establishment locate in a building constructed prior to 1980.
 - (c) If the brewery is located on a public right-of-way, private street, or rapid transit line, the ~~associated~~ Eating, Drinking and Entertainment Establishment restaurant, nightclub, bar, or lounge ~~use~~ shall have fenestration through vision glass, doors or active outdoor spaces along 30% of the length of the building side that fronts the public right-of-way, private street, or rapid transit line. If the building architecture or site prohibits meeting the above condition, the Planning Director, or designee, may approve alternative approaches.
 - (d) Off-site distribution of manufactured beer is permitted if vehicular access is from a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C (commercial street) , or by a commercial cul-de-sac.
 - (e) All development and urban design standards of the district shall apply.
- (2) In PED and TS, breweries shall only be permitted when the underlying zoning district is B-1, B-2, I-1 or I-2, and the following prescribed conditions are met:
 - (a) The brewery shall include an Eating, Drinking and Entertainment Establishment ~~one of the following uses associated with the brewery, and located in the same building. ÷ a restaurant, nightclub, bar, or lounge.~~ The restaurant, nightclub, bar or lounge Eating, Drinking and Entertainment Establishment shall meet the following conditions:
 1. All prescribed conditions associated with the ~~restaurant,~~

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

2. ~~For breweries and all associated uses, the~~ The minimum size of the restaurant, nightclub, bar or lounge Eating, Drinking and Entertainment Establishment shall be 20% of the total square footage for the brewery and the Eating, Drinking and Entertainment Establishment, all associated uses, or 15,000 square feet, whichever is less.
- (b) ~~Maximum size for the brewery and all associated~~ Eating, Drinking and Entertainment Establishment uses: 15,000 square feet. To encourage the adaptive reuse of older or underutilized buildings, the maximum size for all uses shall be increased to 25,000 square feet, if the brewery and associated restaurant, nightclub, bar or lounge Eating, Drinking and Entertainment Establishment locate in a building constructed prior to 1980.
 - (c) If the brewery is located on a public right-of-way, private street, or rapid transit line, the ~~associated~~ Eating, Drinking and Entertainment Establishment restaurant, nightclub, bar, or lounge use shall have fenestration through vision glass, doors or active outdoor spaces along 30% of the length of the building side that fronts the public right-of-way, private street, or rapid transit line. If the building architecture or site prohibits meeting the above condition, the Planning Director, or designee, may approve alternative approaches.
 - (d) Off-site distribution of manufactured beer is permitted if vehicular access is from a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C (commercial street) , or by a commercial cul-de-sac.
 - (e) All development and urban design standards of the district and underlying district, shall apply.
- g. Add a new section 12.546, titled, “Eating, Drinking, and Entertainment Establishments (Type 2 only)”, with prescribed conditions and an exemption process that reads as follows:

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

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

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

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

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

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

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

(3) Certificate of Exemption

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

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

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

(c) Notification of Application for Certificate of Exemption.

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

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

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

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

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

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

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

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

F. CHAPTER 13: SIGNS

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

(O1) Outparcel.

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

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

(ap) Marquee Sign

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

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

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

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

G. SUBJECT INDEX

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

~~Restaurants~~ Eating, Drinking and Entertainment Establishments

Where permitted.....9.101
Prescribed conditions.....12.546

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

Approved as to form:

City Attorney

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

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



Pet. No. 2014-003

(George Macon)

A Community Meeting
Report has not been
submitted for this petition;
therefore, it cannot go to
public hearing and will be
DEFERRED

to

July 21, 2014

REQUEST	Current Zoning: RE-2 (research) Proposed Zoning: RE-3(O) (research, optional) and O-1(CD) (office, conditional) with five-year vested rights
LOCATION	Approximately 90 acres located on the southeast corner at the intersection of David Taylor Drive and Claude Freeman Drive. (Council District 4 - Phipps)
SUMMARY OF PETITION	The petition proposes expansion of office, research, and laboratory facilities for an existing business in the University Research Park.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues. The petition is consistent with the <i>University Research Park Area Plan</i> , which recommends a mixture of office and residential land uses for this site and the surrounding area.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Electrolux North America, Inc. Electrolux North America, Inc. Jeff Brown and Keith MacVean, Moore & Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: None

PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Five-year vested rights.
- Retains the existing 276,126-square foot building in Development Area 1.
- Proposes up to 893,874 square feet of expansion area in Development Area 2.
- Proposes up to 75,000 square feet of gross floor area for uses allowed in the O-1 (CD) (office, conditional) district in Development Area 3.
- Prohibited uses include but are not limited to residential dwelling units, nursing homes, religious institutions, motion picture theaters, jails and prisons, orphanages and children’s homes.
- The total number of buildings on the site shall not exceed 10.
- Two new public streets with six-foot sidewalk and eight-foot planting strip on both sides that create a supporting street network for the complex by providing connectivity to existing and future streets.
- Completion of proposed public streets is required prior to the issuance of certificates of occupancy for the first and second buildings constructed in Development Area 2.
- Access to site provided via David Taylor Drive, Claude Freeman Drive and proposed public streets.
- New building and parking areas will adhere to a 100-foot setback along Claude Freeman Drive and David Taylor Drive. A 30-foot setback will be provided along the proposed public streets.
- An on-site walking trail/sidewalk for use of the employees of the site.
- Detached lighting limited to 25 feet in height.
- Optional provisions include:
 - Allow vehicular parking, maneuvering, and service between the proposed buildings and public streets.
 - Building height of 150 feet exclusive of roof top mechanical equipment and screens or devices used to screen roof top structures or equipment.
 - Allow public urban open space requirements to be met with private urban open space.
 - Allow parking for “All Other Uses” to be at the rate of one space per 450 gross square feet instead of one space per 400 gross square feet.
 - Reduce the setbacks to 30 feet along Public Street #1 and #2.
 - Elimination of the required six-foot sidewalk along David Taylor Drive and Claude Freeman Drive due to the location of the existing street trees and the severe changes in topography located directly behind the existing street trees.
 - Elimination of doorways required to be recessed into the face of buildings.

- Removal of the requirement that each building façade oriented to a street must have an operable pedestrian entrance.
- Allowing the buildings on the site to provide at least one operable pedestrian entrance, instead of at least one entrance on each building façade fronting a street as required by the ordinance.
- Allowing the buildings on the site to provide at least one loading dock space for each 200,000 square feet of building area, instead of one loading dock space per each additional 100,000 square feet beyond 150,000 square feet of gross floor area. Allowing detached lights to be up to 30 feet high and to allow the existing site lighting to remain, instead of the maximum height of 20 feet.
- Elimination of requirement that buildings with more than six stories comply with the base of high rise requirements.
- Allowing two detached identification signs and two detached directory signs per street front, the size and height of the signs to be in compliance with the ordinance. The ordinance allows one detached identification sign per premise that is up to seven feet in height and 50 square feet in size. Detached directory signs up to nine square feet in size are allowed without permits.
- Allowing the existing four sidewalk connections to the site from Claude Freeman Drive to be extended at the same width. The width of the sidewalk may be increased to six feet in locations that can be accommodated by the existing grade.
- Allowing retail sales permitted in the B-1 (neighborhood business) district over 10,000 square feet, which may only be provided via an optional request.
- **Existing Zoning and Land Use**
 - The subject property is partially developed with a 276,126 square foot office, research and laboratory facility. Properties on the south side of West Mallard Creek Church Road are zoned RE-1 (research), RE-2 (research), RE-3(O) (research, optional), R-3 (single family residential) and R-4 (single family residential). Land uses include warehouse, business/office uses associated with the research park, vacant lots, single family residences, and a cemetery. Properties across West Mallard Creek Church Road are zoned R-3 (single family residential), R-12MF(CD) (multi-family residential, conditional), MX-1 Innovative (mixed use, innovative), MUDD-O (mixed use development, optional), RE-1 (research), and RE-3(CD) (research, conditional) and developed with a religious institution, commercial uses, single family residences, and vacant lots.
- **Rezoning History in Area**
 - Recent rezonings approved in the area include:
 - Petition 2011-036 rezoned approximately 62.7 acres located on the south side of West Mallard Creek Church Road between Claude Freeman Drive and Legranger Road to allow a mixed use development consisting of retail, restaurant, hotel, office, and multi-family residential uses.
 - Petition 2012-079 rezoned approximately 0.86 acres located on the north side of West Mallard Creek Church Road between Claude Freeman Drive and David Taylor Drive to allow a 6,000-square foot retail dry cleaner with possible drive-through service.
- **Public Plans and Policies**
 - The *University Research Park Area Plan* (2010) recommends a mixture of office and residential uses for properties located in District C. The subject property is contained therein. District C consists of approximately 567 acres stretching from Mallard Creek Church Road to W. T. Harris Boulevard, and is identified as an activity center. Building height should not exceed eight stories. However, staff is supportive of the proposed height for the building because the site is identified as an activity center intended to become the heart of the University Research Park, and the proposed building is located in the center of a large site.
 - The proposed development is consistent with the *University Research Park Area Plan*.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** CATS encourages the petitioner to add sidewalks to the site's street frontages to accommodate future bi-directional routing of bus service in this area.
- **Charlotte Department of Neighborhood & Business Services:** No issues.

- **Transportation:** The petitioner submitted a traffic impact study (TIS) to CDOT and NCDOT on May 12, 2014. CDOT will provide an update on the proposed TIS mitigation requirements at the public hearing.
 - **Vehicle Trip Generation:**
Current Zoning: 25,950 trips per day.
Proposed Zoning: 8,700 trips per day.
 - **Connectivity:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No issues.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
 - Facilitates the use of alternative modes of transportation by providing pedestrian facilities beyond those required.

OUTSTANDING ISSUES

- The petitioner should:
 1. Provide clarity on the proposed amount and type of retail.
 2. Provide a six-foot sidewalk along David Taylor Drive approximately 525 feet from proposed street #1 (Electrolux Way) to the eastern property line.
 3. Comply with any future transportation requirements resulting from the review of the traffic impact study.
 4. Provide clarity on the optional request for detached directional signs.
 5. Provide clarity on the width of the existing sidewalk connections to the site from Claude Freeman Drive and commit that new sidewalks will be a minimum of five feet in width.
-

Attachments Online at www.rezoning.org

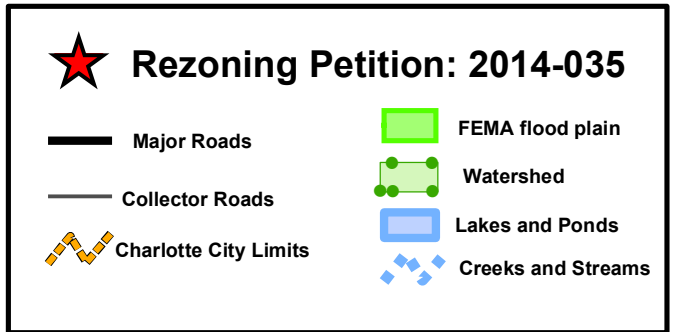
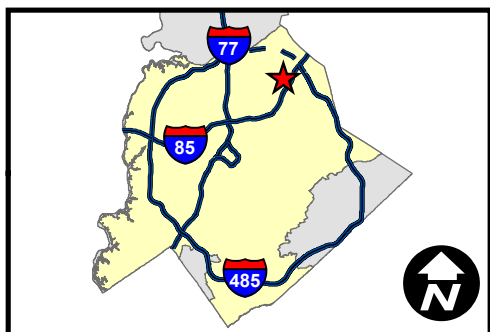
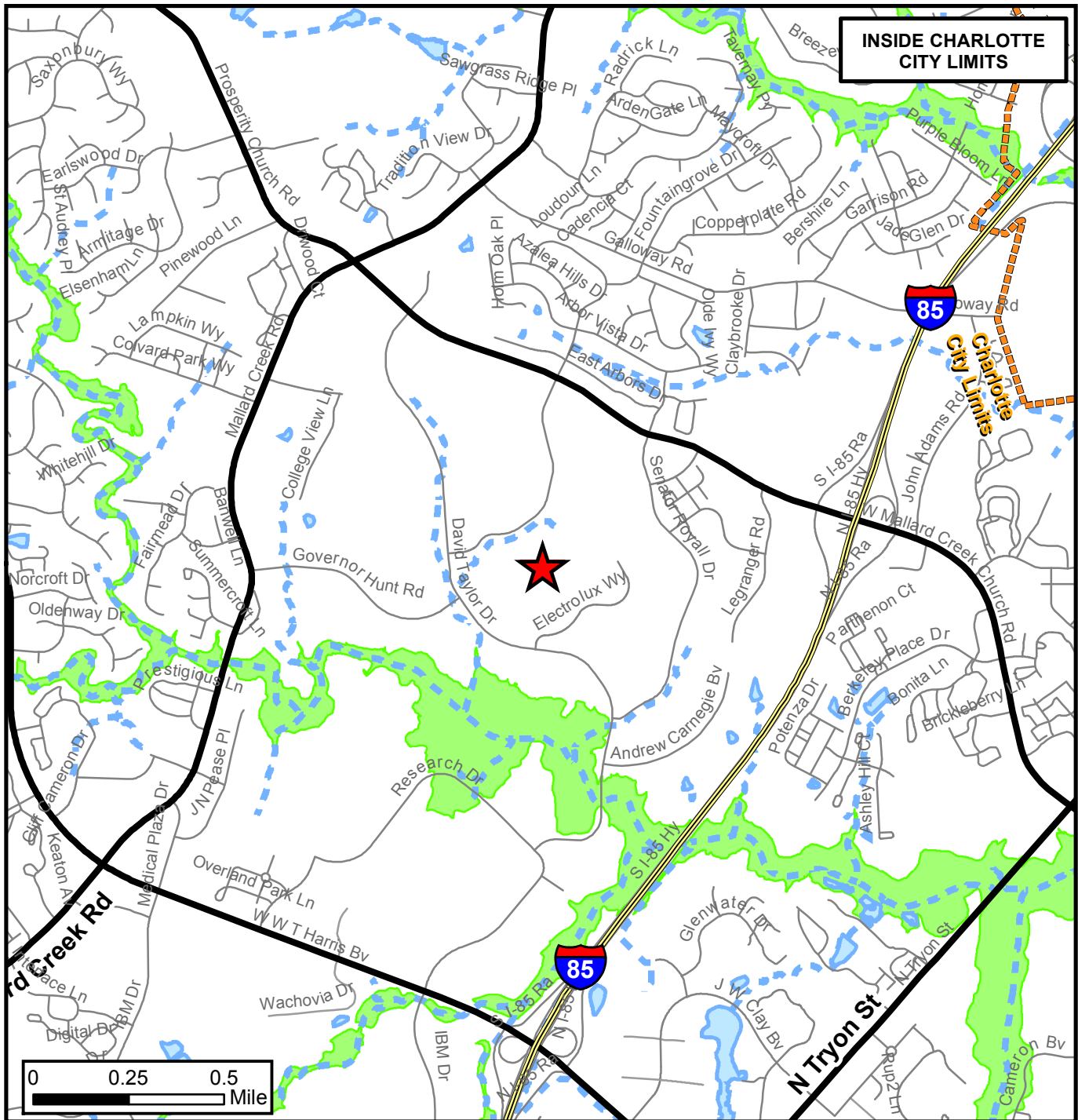
- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg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

Planner: Sonja Sanders (704) 336-8327

Petition #: **2014-035**

Vicinity Map

Acresage & Location : Approximately 90 acres located on the southeast corner at the intersection of David Taylor Drive and Claude Freeman Drive.



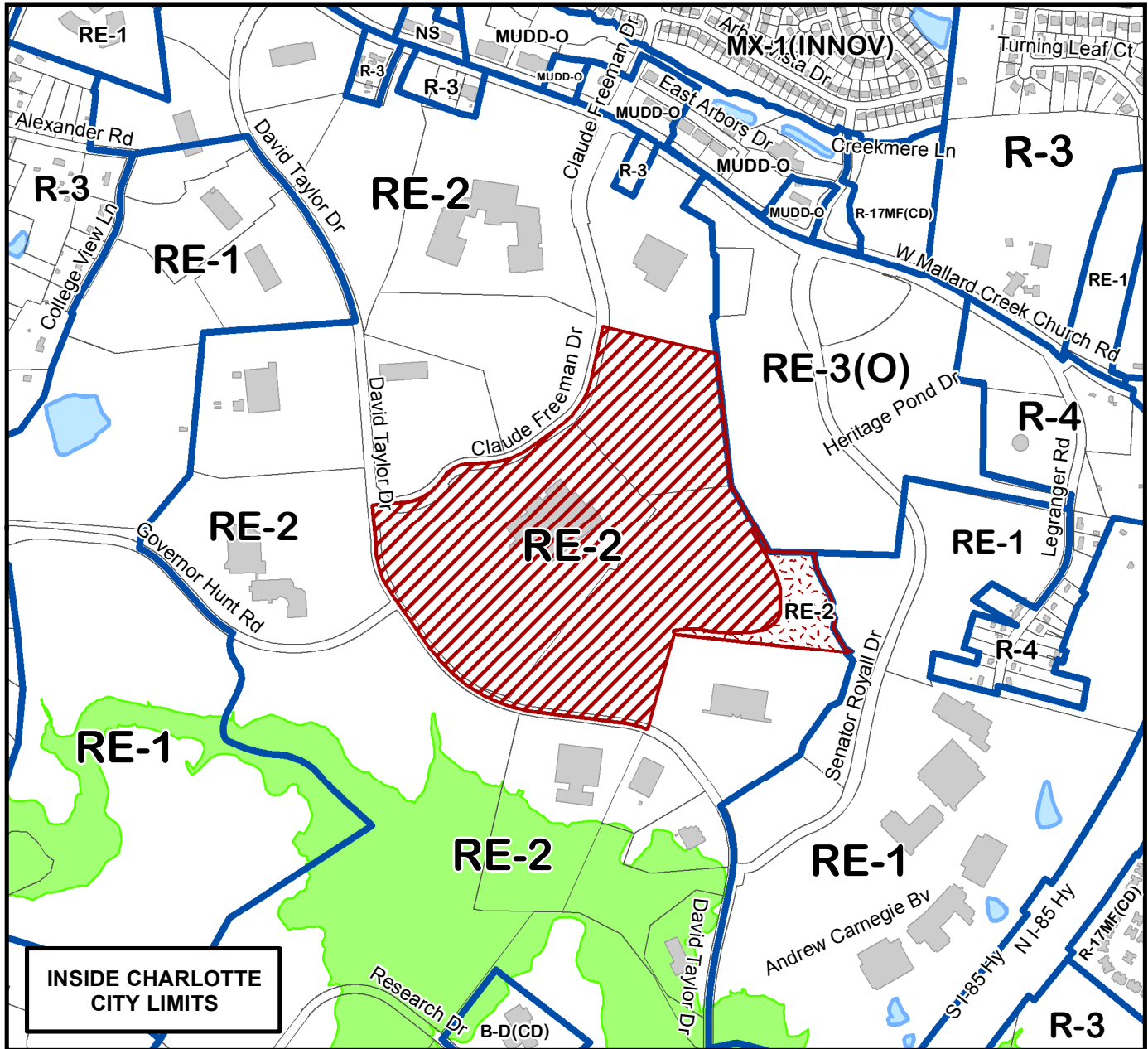
Petition #: **2014-035**

Petitioner: **Electrolux North America, Inc.**

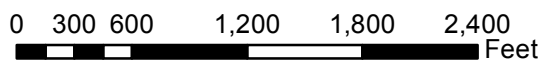
Zoning Classification (Existing): **RE-2**
(Research)

Zoning Classification (Requested): **RE-3(O) 5-Year Vested Rights & O-1(CD) 5-Year Vested Rights**
(Research, Optional, 5-Year Vested Rights and Office, Conditional, 5-Year Vested Rights)

Acreage & Location: Approximately 90 acres located on the southeast corner at the intersection of David Taylor Drive and Claude Freeman Drive.



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



Zoning Map #(s)

53

- Requested RE-3(O) 5-Year Vested Rights from RE-2
- Requested O-1(CD) 5-Year Vested Rights from RE-2
- Existing Building Footprints
- Existing Zoning Boundaries
- Charlotte City Limits
- Pedestrian Overlay
- FEMA flood plain
- Watershed
- Lakes and Ponds
- Creeks and Streams



ELECTROLUX HDQ-R&D REZONING

10200 David Taylor Drive
Charlotte, NC 28262



227 WEST TRADE STREET SUITE 700
CHARLOTTE, NORTH CAROLINA 28202
TEL. 704.333.6666 FAX 704.333.2926
WWW.LS3P.COM



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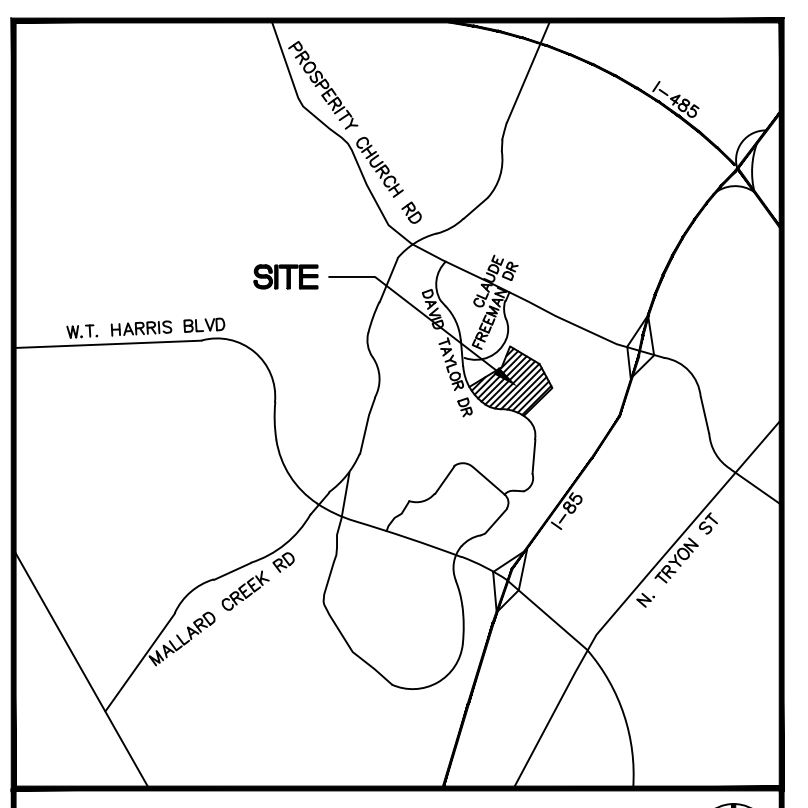
REVISIONS:

No.	Description	Date
1	CITY COMMENTS	04.21.14

PROJECT: 9107-131580/CJS 4140
DATE: 2014 FEB 24
DRAWN BY: JDB
CHECKED BY: SGF

REZONING PLAN RZ-1

REZONING DOCUMENTS APRIL 21, 2014



SURVEY DISCLAIMER
ALTA/ASCM LAND TITLE SURVEY FOR PARCELS 1 AND 2, ISSUE DATE MARCH 20, 2013, REVISED MARCH 5, 2013, PROVIDED BY THE ISAACS GROUP CIVIL ENGINEERING DESIGN AND LAND SURVEYING - 8720 RED OAK BLVD., SUITE 420, CHARLOTTE, NC 28217, (704) 527-3440.

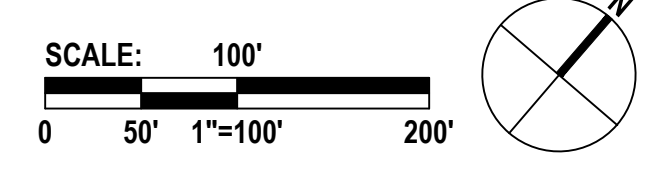
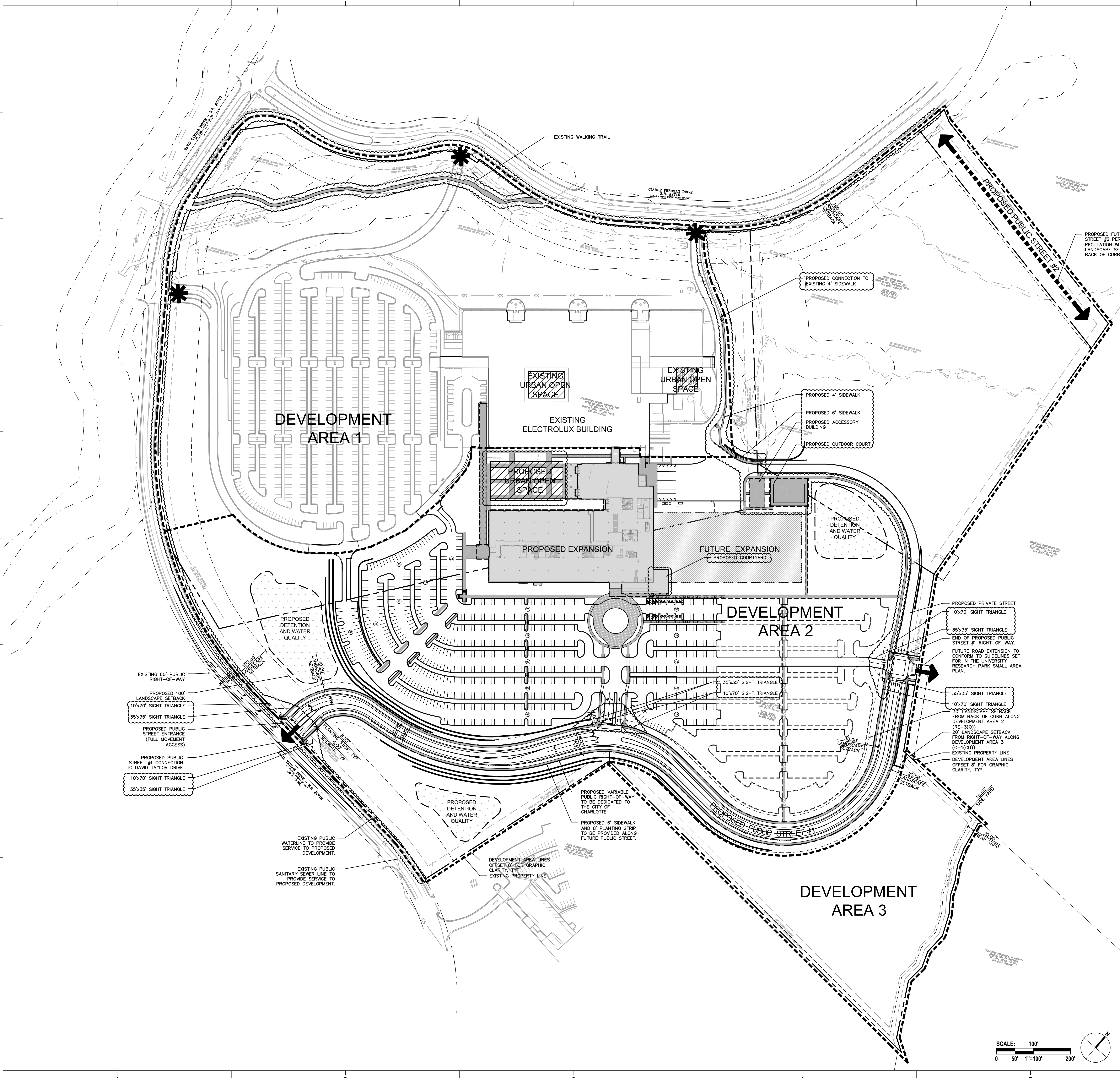
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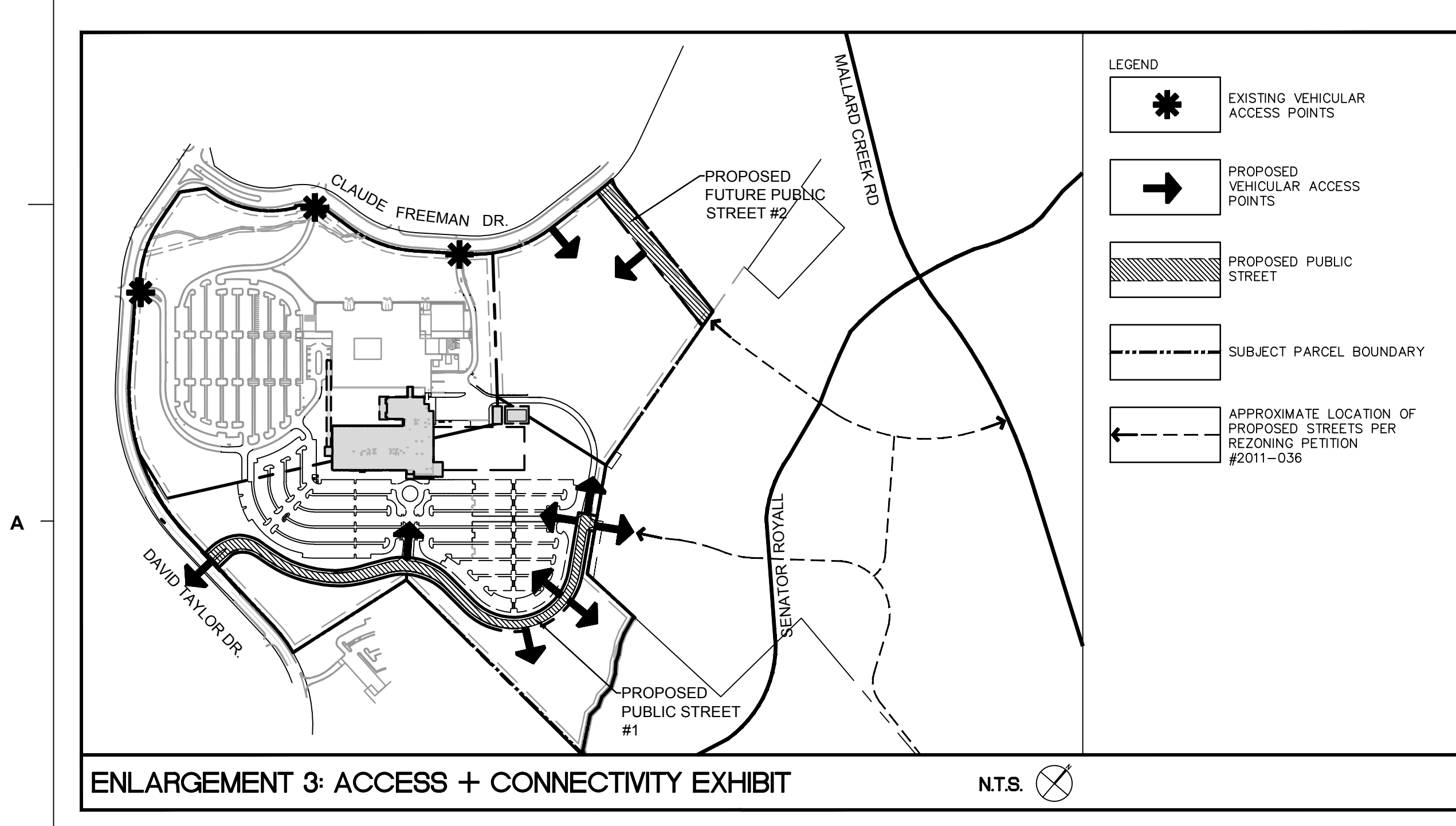
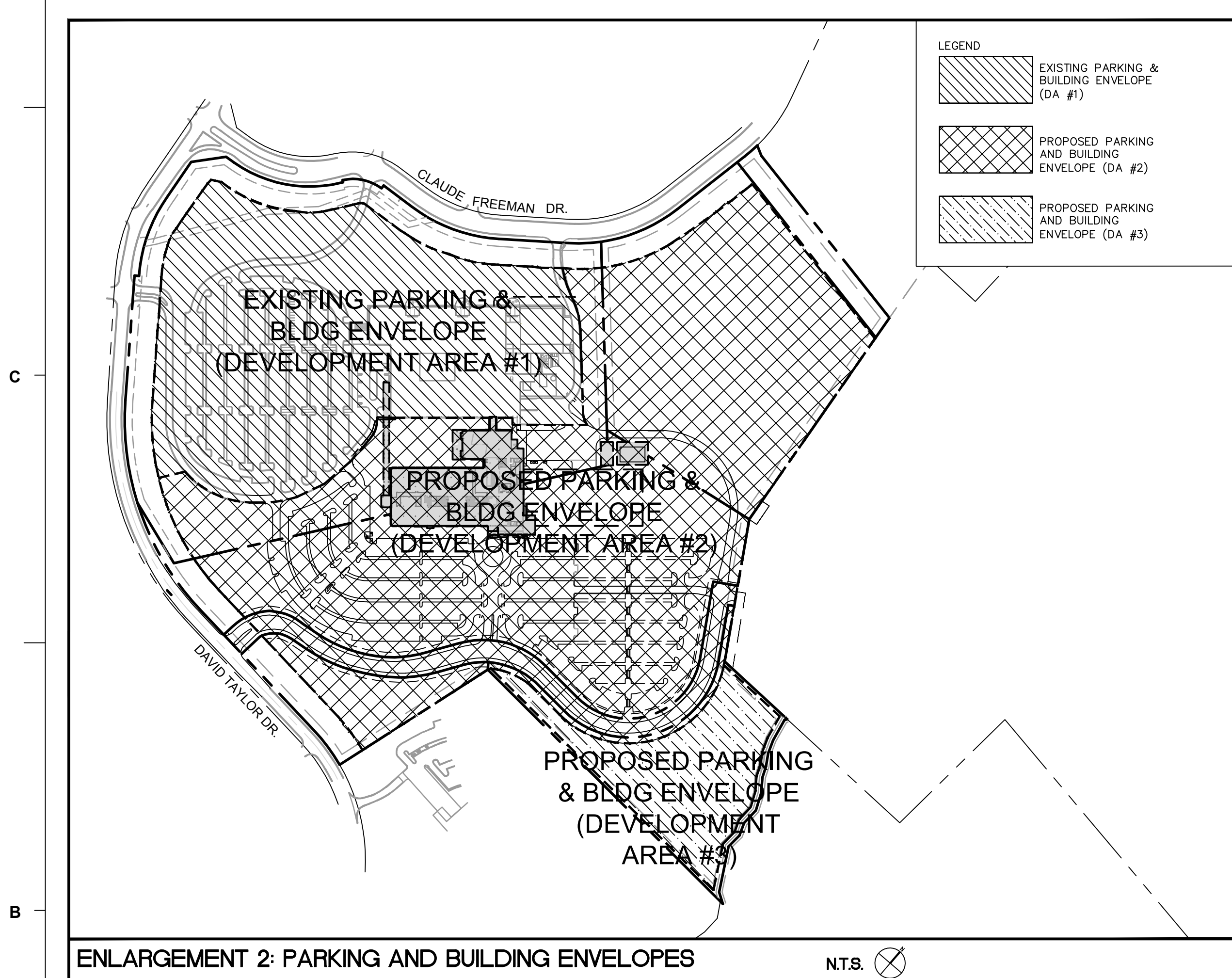
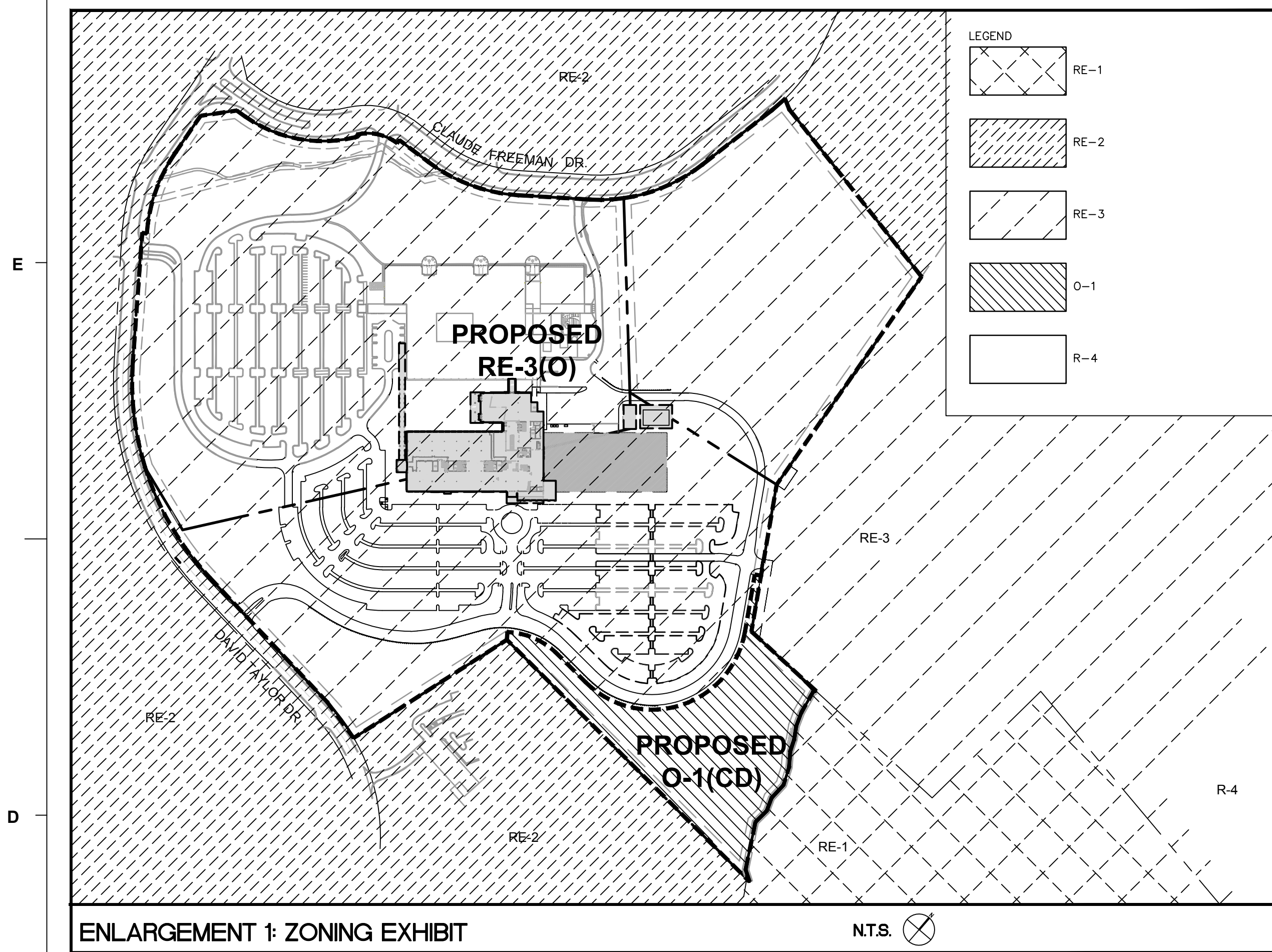
SYMBOL

- PROPOSED SIDEWALK
- PROPOSED CURB & GUTTER
- FUTURE CURB & GUTTER
- EXISTING STREET CONNECTION
- FUTURE STREET CONNECTION
- DEVELOPMENT AREAS

- GENERAL REZONING NOTES**
- SEE SHEET RZ-2 FOR ZONING EXHIBIT
 - SEE SHEET RZ-2 FOR BUILDING AND PARKING ENVELOPES
 - SEE SHEET RZ-2 FOR ACCESS AND CONNECTIVITY MAP

REZONING SUMMARY	
PETITIONER:	ELECTROLUX NORTH AMERICA, INC 10200 DAVID TAYLOR DRIVE CHARLOTTE, NC 28262
PROPERTY OWNER:	ELECTROLUX NORTH AMERICA, INC 10200 DAVID TAYLOR DRIVE CHARLOTTE, NC 28262
TAX PARCEL #:	04742105 04738111 04715401
SITE AREA:	90 ACRES ±
EXISTING ZONING:	RE-2
REZONING SITE AREA:	DEVELOPMENT AREA 1 + 2: 83.3 AC ± DEVELOPMENT AREA 3: 6.6 AC ±
PROPOSED ZONING:	DEVELOPMENT AREA 1 + 2: RE-3(O) DEVELOPMENT AREA 3: O-(CD)
MAX BUILDING SQ FT:	DEVELOPMENT AREA 1 + 2: 1,170,000 SF (276,126 SF EXISTING) DEVELOPMENT AREA 3: 75,000 SF
MAX BUILDING HEIGHT:	DEVELOPMENT AREA 1 + 2: 150' PER OPTIONAL PROVISION DEVELOPMENT AREA 3: PER ORDINANCE
PARKING REQUIREMENTS:	DEVELOPMENT AREA 1 + 2: 1 SPACE/450 SF PER OPTIONAL PROVISION DEVELOPMENT AREA 3: PER ORDINANCE
URBAN OPEN SPACE REQUIREMENTS:	SEE NOTE 6D SHEET RZ-2 FOR URBAN OPEN SPACE REQUIREMENTS.
REQUIRED OPEN SPACE:	1 SF/200 SF OF GROSS LOT AREA. (83.3 AC X 43,560 SF = 3,628,548 SF) (3,628,548 SF/200 = 18,143 SF) 18,143 SF OPEN SPACE REQUIRED
PROVIDED OPEN SPACE:	20,000 SF (PROPOSED NEW)





REZONING NOTES

Electrolux North America, Inc.
Development Standards
04/21/14
Rezoning Petition No. 2014-035

Site Development Data:
 --Acreage: ± 90.0 acres
 --Tax Parcel #: 047-154-01; 047-421-05; and 047-381-11
 --Existing Zoning: RE-2
 --Proposed Zoning: RE-3(O) and O-1(CD) and five (5) year vested rights.
 --Existing Uses: Offices, Laboratories for testing products and materials, Research uses and Vacant.
 --Proposed Uses: Uses permitted by right and under prescribed conditions together with accessory uses, as allowed in the RE-3 zoning district and the O-1 zoning district (as more specifically described and restricted below in Section 3).
 --Maximum Gross Square Feet of Development: (i) within the RE-3(O) zoning district: up to 1,170,000 (276,126 existing) square feet of gross floor area of uses allowed by right and under prescribed conditions; and (ii) within the O-1(CD) zoning district: up to 75,000 gross square feet of uses allowed by right and under prescribed conditions.
 --Maximum Building Height: As allowed by the Ordinance in the area zoned O-1(CD). In the area zoned RE-3(O), building height will be limited to 150 feet as allowed by the Optional Provisions below (for the purposes of this height limit, roof top mechanical equipment, and screens or devices used to screen roof top structures or equipment will not be considered for the calculation of allowed building height, otherwise building height will be measured as defined by the Ordinance).
 --Parking: As required by the Ordinance for the O-1(CD) portion of the Site; and for the RE-3(O) portion of the Site as required by the Ordinance except that the parking requirement for "All Other Uses" (as listed in the RE-3 zoning district) will be modified to one parking space per 450 gross square feet of floor area as described in the Optional Provisions below.

1. General Provisions:
 a. **Site Location.** These Development Standards, the Technical Data Sheet, Schematic Site Plan and other graphics set forth on attached Sheets RZ-1 and RZ-2 form this rezoning plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by Electrolux North America, Inc. ("Petitioner") to accommodate an expansion of the existing uses as well as future development on an approximately 90.0 acre site located on the southeast quadrant of the intersection of David Taylor Drive and Claude Freeman Drive (the "Site").

b. **Zoning Districts/Ordinance.** Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, (i) the regulations established under the Ordinance for the RE-3(O) zoning classification for the portion of the Site so designated on the Rezoning Plan shall govern all development taking place on such portion of the Site, subject to the Optional Provisions provided below; and (ii) the regulations established under the Ordinance for the O-1(CD) zoning classification for the portion of the Site so designated on the Rezoning Plan shall govern all development taking place on such portion of the Site.

c. **Graphics and Alterations.** The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, and other site elements set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The ultimate layout, locations and sizes of the development and site elements depicted on the Rezoning Plan as well as any schematic building elevations are graphic representations of the development and site elements proposed, and they may be altered or modified in accordance with the setback, yard and buffer requirements set forth on this Rezoning Plan and the Development Standards, provided, however, any such alterations and modifications shall not materially change the overall design intent depicted on the Rezoning Plan. Changes to the Rezoning Plan not permitted by the Ordinance will be reviewed and approved as allowed by Section 6.207 of the Ordinance.

d. **Number of Buildings Principal and Accessory.** Notwithstanding the number of buildings shown on the Rezoning Plan, the total number of principal buildings to be developed: (i) on the portions of the Site zoned RE-3(O) and developed for uses allowed in the RE-3 zoning district shall not exceed seven (7); and (ii) on the portions of the Site zoned O-1(CD) and developed for uses allowed in the O-1 zoning district shall not exceed three (3). Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal building(s) located within the same Development Area as the accessory structure/building.

e. **Planned/Unified Development.** The Site shall be viewed as a planned/unified development plan as to the elements and portions of the Site generally depicted on the Rezoning Plan. As such, side and rear yards, buffers, building height separation standards, FAR requirements, and other similar zoning standards will not be required internally between improvements and other site elements located on the Site. Furthermore, the Petitioner and/or owner of the Site reserve the right to subdivide the portions or all of the Site and create lots within the interior of the Site without regard to any such internal separation standards, public/private street frontage requirements and FAR requirements, provided, however, all such separation standards along the exterior boundary of the Site shall be adhered to and all FAR requirements will be regulated by any development limitations set forth in Section 2 below as to the Site as a whole and not individual portions or lots located therein.

f. **Five Year Vested Rights.** Pursuant to the provisions of Section 1.110 of the Ordinance and N.C.G.S. Section 160A-385.1, due to the master planned large scale nature of the development and/or redevelopment, or the level of investment, the timing of development and/or redevelopment and certain infrastructure improvements, economic cycles and market conditions, this Petition includes vesting of the approved Rezoning Plan and conditional zoning districts associated with the Petition for a five (5) year period, but such provisions shall not be deemed a limitation on any other vested rights whether at common law or otherwise.

2. Optional Provisions for RE-3(O) Area

The following optional provisions shall apply to the portions of the Site designated RE-3(O) on the Technical Data Sheet:

- To allow vehicular parking, maneuvering and service between the proposed buildings and: (i) David Taylor Drive; (ii) Claude Freeman Drive; and (iii) public street # 1; and (iv) public street # 2, in the manner generally depicted on the Rezoning Plan.
- To allow buildings on the Site to be constructed to a building height of 150 feet exclusive of roof top mechanical equipment, and screens or devices used to screen roof top structures or equipment.
- To allow the Public Urban Open Space requirements to be met with Private Urban Open Space.
- To allow parking for "All Other Uses" to be provided at the minimum rate of one parking space per 450 gross square feet (the minimum parking requirements for the other uses listed in Section 11.705.(9)(a) will not change).
- To allow the setbacks required by the University Research Park Area Plan (The "URP Area Plan") to be reduced to 30 feet along Public Street # 1 and 2. The setbacks to be measured as specified in the Ordinance.
- To not require a six (6) foot sidewalk along David Taylor Drive and Claude Freeman Drive due to the location of the existing street trees and the severe changes in topography located directly behind the existing street trees.
- To not require doorways to be recessed into the face of buildings.
- To not require each building façade oriented to a street to have an operable pedestrian entrance.
- To allow the buildings on the Site to provide at least one loading dock space for each 200,000 square feet of building area.
- To allow detached lights to be up to 30 feet high and to allow the existing Site lighting to remain.
- To require buildings with more than six (6) stories to comply with the base of high rise requirements.

- To allow two (2) detached identification signs and two (2) detached directory signs per street front, the size and height of the signs to be in compliance with the Ordinance.

m. To allow the existing four (4) foot sidewalk connection to Site from Claude Freeman Drive to be extended at the same width. In locations where the existing grade can accommodate a wider sidewalk, the width of the sidewalk may be increased to six (6) feet (this sidewalk is located along the existing northern most driveway on Claude Freeman Drive). The sidewalk may be used to meet the requirements of section 12.529 of the Ordinance.

- To allow retail sales permitted in the B-1 zoning district, over 10,000 square feet.

Note: The optional provision regarding signs is an addition/modification to the standards for signs in the RE-3 district and is to be used with the remainder of RE-3 standards for signs not modified by these optional provisions.

3. Permitted Uses, Development Area Limitations:

- For ease of reference, the Rezoning Plan sets forth three (3) development areas as generally depicted on the Technical Data Sheet as Development Areas 1, 2 and 3 (each a "Development Area" and collectively the "Development Areas").
 b. Subject to the restrictions and limitations listed below, the principal buildings constructed within Development Areas 1, and 2 on the Site may be developed; with up to 1,170,000 (276,126 existing) square feet of gross floor area of uses permitted by right and under prescribed conditions together with accessory uses allowed in the RE-3(O) zoning district. The allowed square footage will be distributed between the Development Areas 1 and 2; there currently exist within Development Area 1 a total of 276,126 square feet of gross floor area. Development Area 2 may be developed with up to 893,874 square feet of gross floor area. The Petitioner reserves the right to add buildings and square footage to Development Area 1 by transferring allowed square footage from Development Area 2.
 c. The following uses will not be allowed in Development Areas 1 and 2: residential dwelling units, family childcare homes, nursing homes rest homes, home for the aged and elderly and disabled housing, religious institutions, and motion picture theaters.

For purposes of the development limitations set forth in these Development Standards (but not to be construed as a limitation on FAR requirements), the term "gross floor area" or "GFA" shall mean and refer to the sum of the gross horizontal areas of each floor of a principal building on the Site measured from the outside of the exterior walls or from the center line of party walls; provided, however, such term shall exclude any surface or structured parking facilities, areas used for building and equipment access (such as stairs, elevator shafts, vestibules, roof top equipment rooms and maintenance crawl spaces), all loading dock areas (open or enclosed), outdoor coolers and outdoor dining areas whether on the roof of the buildings(s) or at street level (parking for outdoor dining areas will be provided as required by the Ordinance or these development standards).

d. Subject to the restrictions and limitations listed below, Development Area 3 may be developed with up to 75,000 square feet of gross floor area of uses allowed by right and under prescribed conditions together with accessory uses allowed in the O-1 zoning district. The following uses will not be allowed within Development Area 3: residential dwelling units, active adult retirement communities, bed and breakfasts, childcare centers in a residence, equestrian oriented subdivisions, family childcare homes, jails and prisons, nursing homes, rest homes, homes for the aged, elderly and disabled housing, and orphanages, children's homes, and similar nonprofit institutions providing domiciliary care for children.

4. Transportation Improvements and Access:

I. Proposed Improvements:

The Petitioner plans to provide or cause to be provided on its own or in cooperation with other parties who may implement portions of the improvements, the improvements set forth below to benefit overall traffic patterns throughout the area in accordance with the following implementation provisions:
 a. Construct Public Street # 1, as generally depicted on the Rezoning Plan, in conjunction with the first building developed within Development Area # 2. Public Street # 1 will be completed prior to the issuance of a certificate of occupancy for the first building constructed within Development Area # 2 or a bond posted with the City for its completion.

b. Construct Public Street # 2, as generally depicted on the Rezoning Plan, in conjunction with the second building developed within Development Area # 2. Public Street # 2 will be completed prior to the issuance of a certificate of occupancy for the second building constructed within Development Area # 2 or a bond posted with the City for its completion.

The following Transportation Improvements are also illustrated on figure -- located on Sheet RZ- of the Rezoning Plan. Figure -- on Sheet RZ- is to be used in conjunction with the following notes to determine the extent of the proposed improvements (reference to a number when describing an improvement corresponds to the number found on Figure -- on Sheet RZ- for the proposed improvement).

[TO BE COMPLETED AFTER THE SUBMISSION OF TIA]

II. Standards, Phasing and Other Provisions.

a. **CDOT/NC DOT Standards.** All of the foregoing public roadway improvements will be subject to the standards and criteria of CDOT and NCDOT, as applicable, to the roadway improvements within their respective road system authority. It is understood that such improvements may be undertaken by the Petitioner on its own or in conjunction with other development or roadway projects taking place within the broad north Mecklenburg area, by way of a private/public partnership effort or other public sector project support.

b. Phasing.

Notwithstanding the commitments of the Petitioner to provide for the roadway improvements described in Section 4.1 above, the following provisions shall permit development to take place prior to completion of all of the above-referenced improvements.

(i) The Petitioner has the right to construct up to the maximum amount of land use densities shown below by constructing the appropriate roadway improvements without being required to construct the remainder of the required transportation improvements listed above in Section 4.1. -- until the development density levels shown below are exceeded:
 [TO BE COMPLETED AFTER THE SUBMISSION OF TIA]

(ii) The Petitioner will be allowed to obtain a certificate of occupancy for any or all of the remaining allowed square footage, units, and hotel rooms allowed on the Site upon the substantial completion of the improvements listed above in Section 4.1.-- of these Development Standards.

c. **Substantial Completion.** Reference to "substantial completion" for certain improvements as set forth in the provisions of Section 4.1 and in Section 411. b. above shall mean completion of the roadway improvements in accordance with the standards set forth in Section 4.1.a above provided, however, in the event certain non-essential roadway improvements (as reasonably determined by CDOT) are not completed at the time that the Petitioner seeks to obtain a certificate of occupancy for building(s) on the Site in connection with related development phasing described above, then CDOT will instruct applicable authorities to allow the issuance of certificates of occupancy for the applicable buildings, and in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements.

a. Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable Development Area portion of the Site affected by such amendment in accordance with the provisions herein and of Chapter 6 of the Ordinance.

11. Binding Effect of the Rezoning Application:

If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided herein and under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site or Development Area, as applicable, and their respective heirs, devisees, personal representatives, successors in interest or assigns.

d. **Right-of-way Availability.** It is understood that some of the public roadway improvements referenced in subsection a. above may not be possible without the acquisition of additional right of way. If after the exercise of diligent good faith efforts over a minimum of a 60 day period, the Petitioner is unable to acquire any land necessary to provide for any such additional right of way upon commercially reasonable terms and at market prices, then CDOT, the City of Charlotte Engineering Division or other applicable agency, department or governmental body agree to proceed with acquisition of any such land. In such event, the Petitioner shall reimburse the applicable agency, department or governmental body for the cost of any such acquisition proceedings including compensation paid by the applicable agency, department or governmental body for any such land and the expenses of such proceedings. Furthermore, in the event public roadway improvements referenced in subsection a. above are delayed because of delays in the acquisition of additional right-of-way as contemplated herein and such delay extends beyond the time that the Petitioner seeks to obtain a certificate of occupancy for building(s) on the Site in connection with related development phasing described above, then CDOT will instruct applicable authorities to allow the issuance of certificates of occupancy for the applicable buildings; provided, however, Petitioner continues to exercise good faith efforts to complete the applicable roadway improvements; in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements.

e. **Alternative Improvements.** Changes to the above referenced roadway improvements can be approved through the Administrative Amendment process upon the determination and mutual agreement of Petitioner, CDOT, Planning Director, and as applicable, NCDOT, provided, however, the proposed alternate transportation improvements provide (in the aggregate) comparable transportation network benefits to the improvements identified in this Petition.

III. Access.

a. Access to the Site will be from David Taylor Drive, Claude Freeman Drive and Public Street # 1 and # 2 as generally depicted on the Rezoning Plan, subject to adjustments as set forth below.

b. The number and location of access points to the internal public streets may be modified from what is indicated on the Rezoning Plan, the actual number and location will be determined during the building permit process and thereafter additional or fewer driveways may be installed or removed with approval from appropriate governmental authorities subject to applicable statutes, ordinances and regulations.

c. The Petitioner as part of the development of the portion of the Site located south of Public Street # 2 and north of the existing building located within Development Area 1 will as part of the development occurring within this area construct a vehicular and pedestrian connection (either a private drive, private street or an additional public street) between Public Street # 1 and Public Street # 2. The intent of this vehicular and pedestrian connection is to allow internal vehicular and pedestrian circulation between the different buildings and uses on the Site. This vehicular and pedestrian connection may be gated and only available to the tenants and users of the Site. The Petitioner will consult with CDOT on the configuration, design and location of this connection.

d. The alignment of the internal public streets, vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by the Charlotte Department of Transportation (CDOT) in accordance with published standards so long as the street network set forth on the Rezoning Plan is not materially altered.

5. Streetscape, Landscaping Open Space and Screening:

a. A 100 foot setback will be provided along Claude Freeman Drive and David Taylor Drive and a 30 foot setback will be provided along Public Street # 1 and # 2 for the portion of the Site zoned RE-3(O). The setback will be measured from the back of the existing or proposed curb whichever is applicable. A 20 foot landscape setback will be provided along Public Street # 1 as required by the O-1 zoning district for the portion of the site zoned O-1(CD). The landscape setbacks may be graded as needed to accommodate the development of roadway improvements, sight distance requirements, water quality and storm water detention, utilities, retaining walls and other site elements and features. The portion of the landscape setbacks that are graded will be replanted with trees and shrubs.

b. An eight (8) foot planting strip and a six (6) foot sidewalk will be provided along both sides of Public Streets # 1 and # 2.

c. The Petitioner will provide an on-site walking trail/sidewalk for use of the employees of the Site as generally depicted on the Rezoning Plan.

d. Private Urban Open Space will be provided on the portion of the Site zoned RE-3(O) at the same rate as Public Urban Open Space is required in the locations as generally depicted on the Rezoning Plan and as allowed by the Optional Provisions above.

e. Meter banks will be screened where visible from public view at grade level.

f. Roof top HVAC and related mechanical equipment will be screened from public view at grade level.

6. Parking and Maneuvering Restrictions.

a. Parking and Maneuvering for parking, other than driveways providing access to parking areas, will not be allowed within: (i) the 100 foot setback established along David Taylor Drive and Claude Freeman Drive; and (ii) the 30 foot setback provided along public streets # 1 and # 2 as generally depicted on the Rezoning Plan.

b. Parking will be provided as required by the Ordinance for the portion of the Site zoned O-1(CD). For the portion of the Site zoned RE-3(O) parking will be provided at the rate of one parking space per 450 gross square feet for "All Other Uses" as allowed by the Optional Provisions above; and as required by the ordinance for the other uses listed in Section 11.705.(9)(a) of the Ordinance.

7. Environmental Features:

a. The Site shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.

b. 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. Adjustment may be necessary to accommodate actual storm water treatment requirements and natural discharge points.

c. The Site will comply with the Tree Ordinance. The tree save requirements of the Tree Ordinance may be met on each individual parcel/Development Area or may be located throughout the Site and on different parcels/Development Areas as long as the total amount of tree save area provided meets the requirements of the Tree Ordinance (e.g. the tree save requirements for Development Area 3 may be located on Development Areas 1 and/or 2. Conversely the tree save requirements for Development Areas 1 and 2 may be located on Development Area 3).

8. Signage:

a. Signage as allowed by the Ordinance and by the Optional Provisions listed above may be provided.

b. On premises directional and instructional signs may be located throughout the Site per the standards of the Ordinance.

9. Lighting:

a. All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.

b. Detached lighting on the Site, except street lights located along public streets, will be limited to 25 feet in height as allowed by the Optional Provisions.

10. Amendments to the Rezoning Plan:

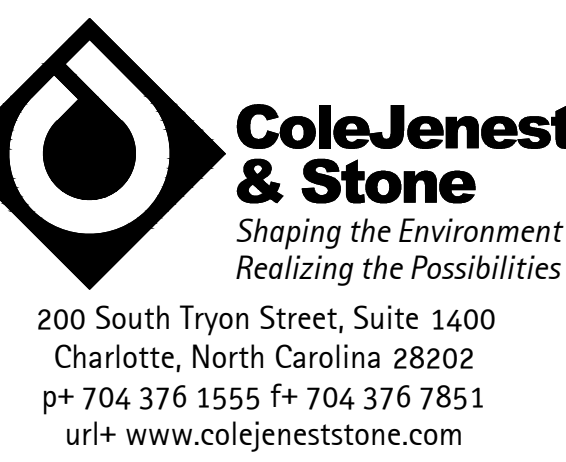
a. Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable Development Area portion of the Site affected by such amendment in accordance with the provisions herein and of Chapter 6 of the Ordinance.

11. Binding Effect of the Rezoning Application:

If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided herein and under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site or Development Area, as applicable, and their respective heirs, devisees, personal representatives, successors in interest or assigns.



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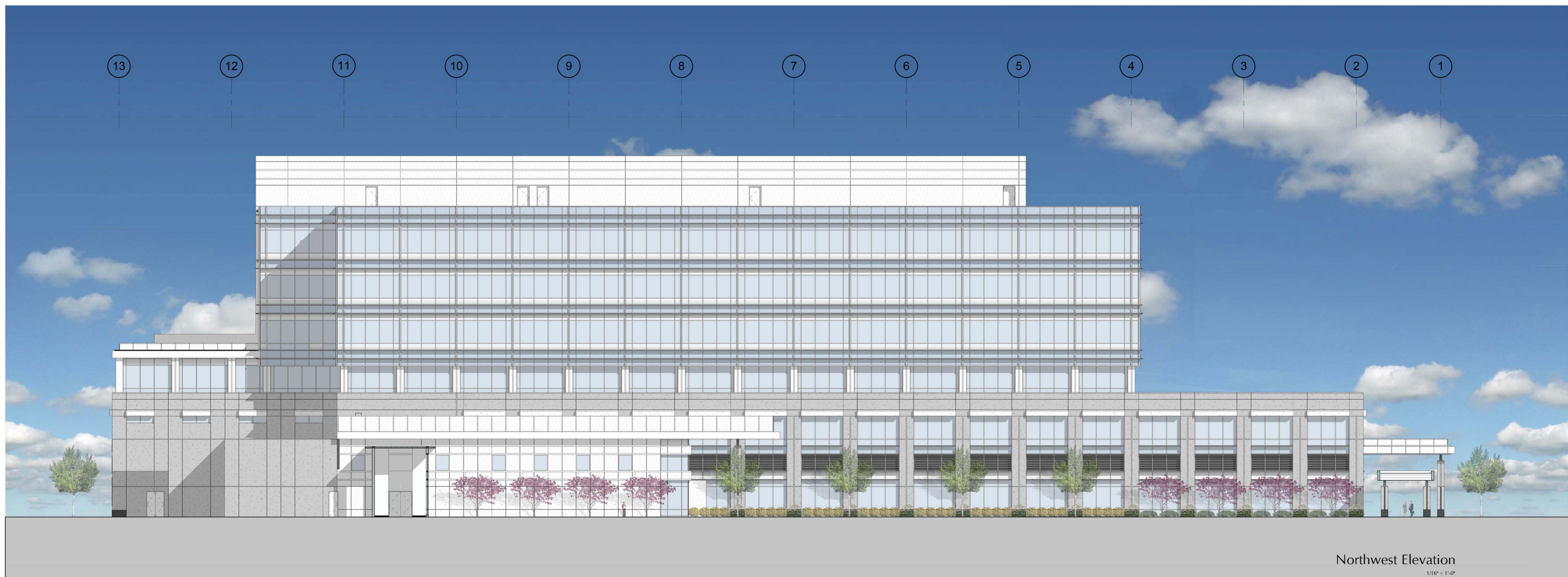
REVISIONS:

No.	Description	Date
1	CITY COMMENTS	04.21.14

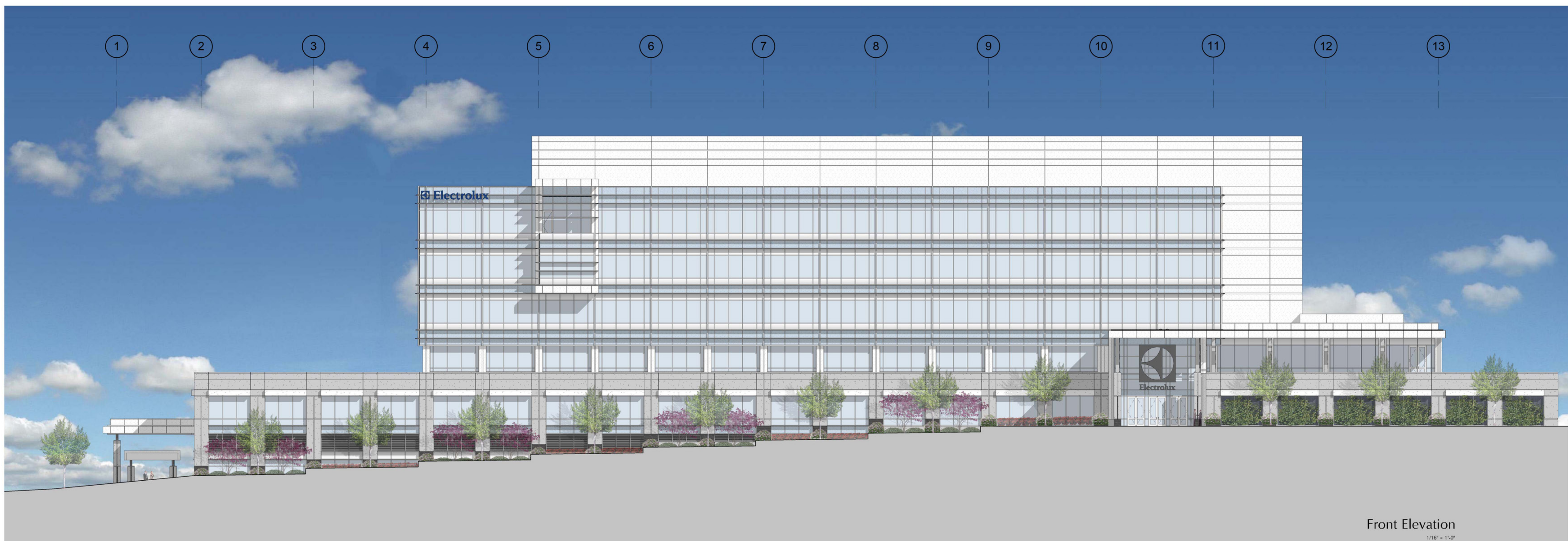
PROJECT: 9107-131580/CJS 4140
 DATE: 2014 FEB 24
 DRAWN BY: JDB
 CHECKED BY: SGF

REZONING
NOTES

RZ-2



Northwest Elevation
1/16" = 1'-0"



Front Elevation
1/16" = 1'-0"

"This elevation is provided to reflect the architectural style and quality of the building that may be constructed on the Site (the actual building constructed may vary from this illustration as long as the general architectural concepts and intent illustrated is maintained.)"

2014 APRIL 21



Northeast Elevation
1/16" = 1'-0"



Southeast Elevation
1/16" = 1'-0"

"This elevation is provided to reflect the architectural style and quality of the building that may be constructed on the Site (the actual building constructed may vary from this illustration as long as the general architectural concepts and intent illustrated is maintained.)"

2014 APRIL 21

REQUEST	Current Zoning: B-1 (neighborhood business) Proposed Zoning: MUDD-O (mixed use development, optional)
LOCATION	Approximately 0.145 acres located along North Davidson Street between East 35th Street and East 36th Street (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes to renovate the existing building for use as a restaurant with outdoor seating.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon the resolution of the outstanding issue. The petition is consistent with the <i>Blue Line Extension Station Area Plan</i> .
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	G.W. McCullough, III John M. Meyer Robert Hess
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 1 st meeting 51 2 nd meeting 46

PLANNING STAFF REVIEW

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Permitted use as a restaurant/bar.
- Total 6,300 square feet consisting of renovation of the existing 3,200-square foot building and creation of 3,100 square feet of open space in the form of exterior seating and landscaped area in the front and rear.
- Maximum building height of 40 feet.
- Creation of a curb at the former drive along the street frontage in order to restrict parking on the sidewalk.
- Construction of a permanent overhang along the front to cover exterior seating. Overhead doors provided at the front and rear to open up the interior to the exterior as weather permits.
- Construction of a landscape island with a combination of evergreens, shrubs, annuals and possible local artwork between the sidewalk and front seating area.
- Garbage and recycling area located to the rear and limited to roll-out service.
- Limits exterior lighting to full cut-off, downwardly shielded fixtures and freestanding lighting that is a maximum of 25 feet in height.
- Optional requests include:
 - Waive the six required spaces and provide no parking.
 - Provide a 14-foot setback as opposed to the 16-foot setback as specified in the adopted area plan.
 - Existing sidewalk to remain with landscaped island added between the sidewalk and exterior seating.

- **Existing Zoning and Land Use**

- The property is currently used for automotive repair. Surrounding properties on either side of North Davidson Street are zoned NS (neighborhood services), B-1 (neighborhood business), I-2 (general industrial), and MUDD-O (mixed use development, optional) and developed with office, commercial/retail, restaurant, warehouse, residential uses and a fire station.

- **Rezoning History in Area**

- Petition 2009-055 rezoned 0.072 acres at 3213 North Davidson, located two properties south of the subject rezoning, from I-1(CD) (light industrial, conditional) to MUDD-O (mixed use development – optional) to allow for MUDD (mixed use development) uses including bars, nightclubs or lounges.
- Petition 2012-01 located at the southeast corner of 36th Avenue and North Davidson rezoned 3.87 acres from MUDD-O (mixed use development, optional) to MUDD-O SPA (mixed use development, optional, site plan amendment) to allow for 250 residential units and 22,500 square feet of nonresidential in a transit supportive development.
- Petition 2012-07 rezoned 0.628 acres located at the northeast corner of 35th Avenue and Yakin from R-5 (single family residential) and O-2 (office) to MUDD-O (mixed use development, optional) to allow 15 townhomes with an option to modify the streetscape in order to preserve existing trees.
- Petition 2012-042 located at the northeast corner of 36th Avenue and North Davidson rezoned 10.30 acres from UR-3(CD) (urban residential, conditional) and I-2 (general industrial) to TOD-R (transit oriented development - residential) to allow for transit supportive development.

- **Public Plans and Policies**

- The *Blue Line Extension Station Area Plan* (2013) recommends transit supportive uses. The site is located within a ¼ mile walk of the proposed 36th Street Station.
 - The petition is consistent with the *Blue Line Extension Station Area Plan*.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No comments received.
 - **Transportation:** No issues.
 - **Vehicle Trip Generation:**
Current Zoning: 200 trips per day.
Proposed Zoning: 800 trips per day.
 - **Connectivity:** No issues.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No issues.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

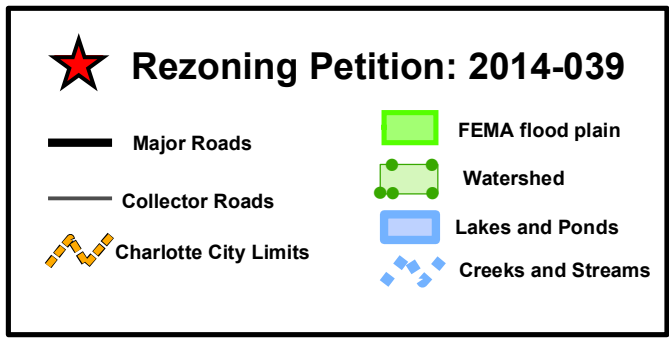
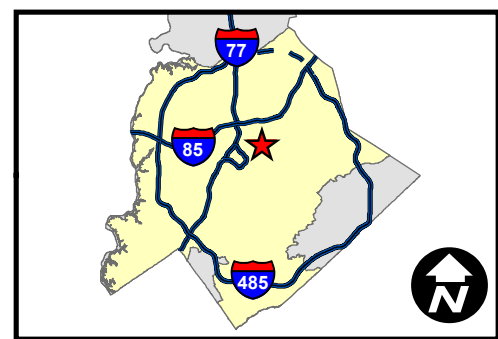
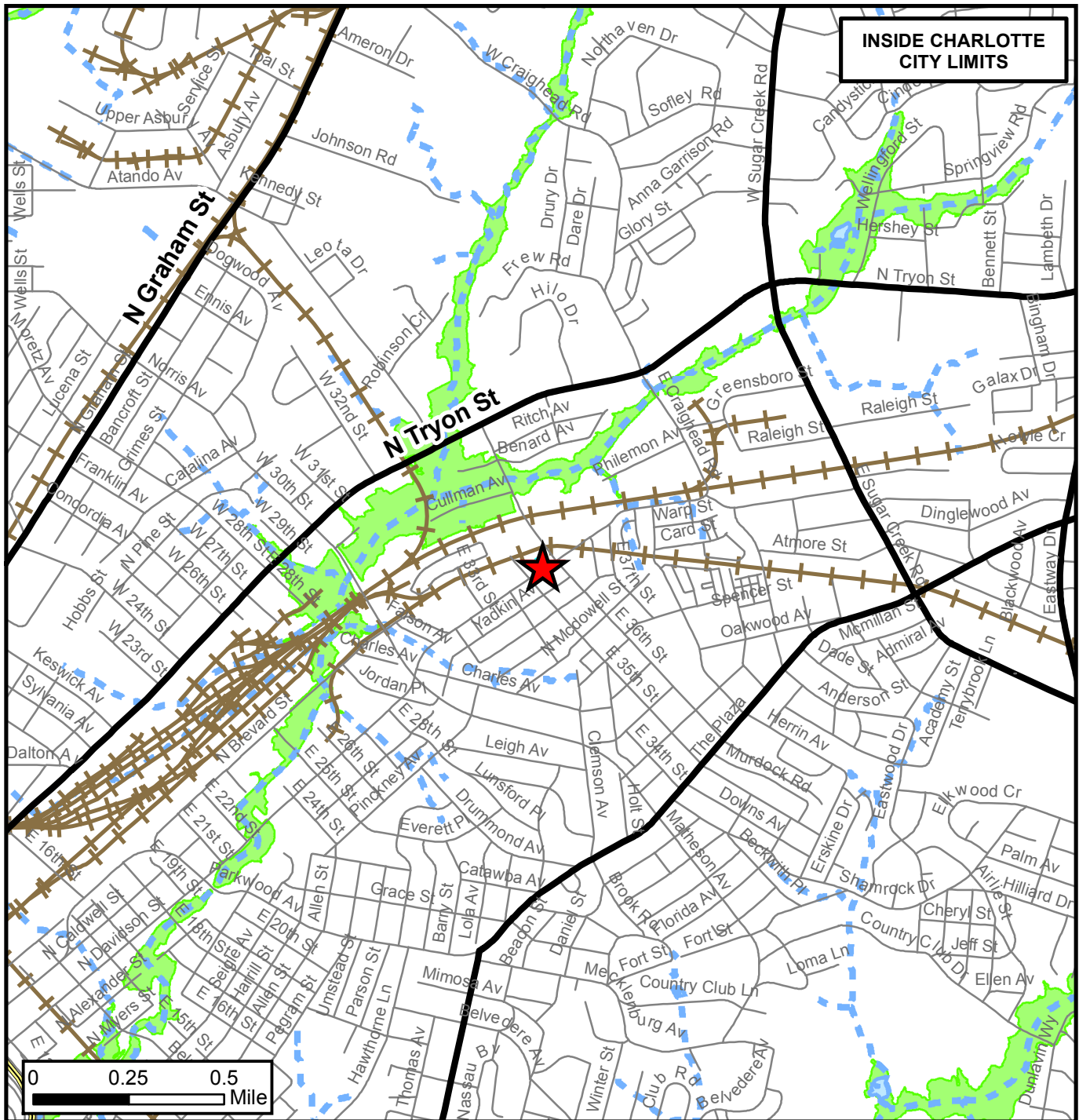
- The petitioner should:
 1. Specify the width of the existing sidewalk to remain and clarify if a proposed sidewalk of eight feet is to be provided as shown on the site plan.
 2. Decrease the amount of exterior seating to reduce the area of expansion.
-

Attachments Online at www.rezoning.org

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

Planner: John Kinley (704) 336-8311

Acreage & Location : Approximately 0.145 acres located along North Davidson Street between East 35th Street and East 36th Street.



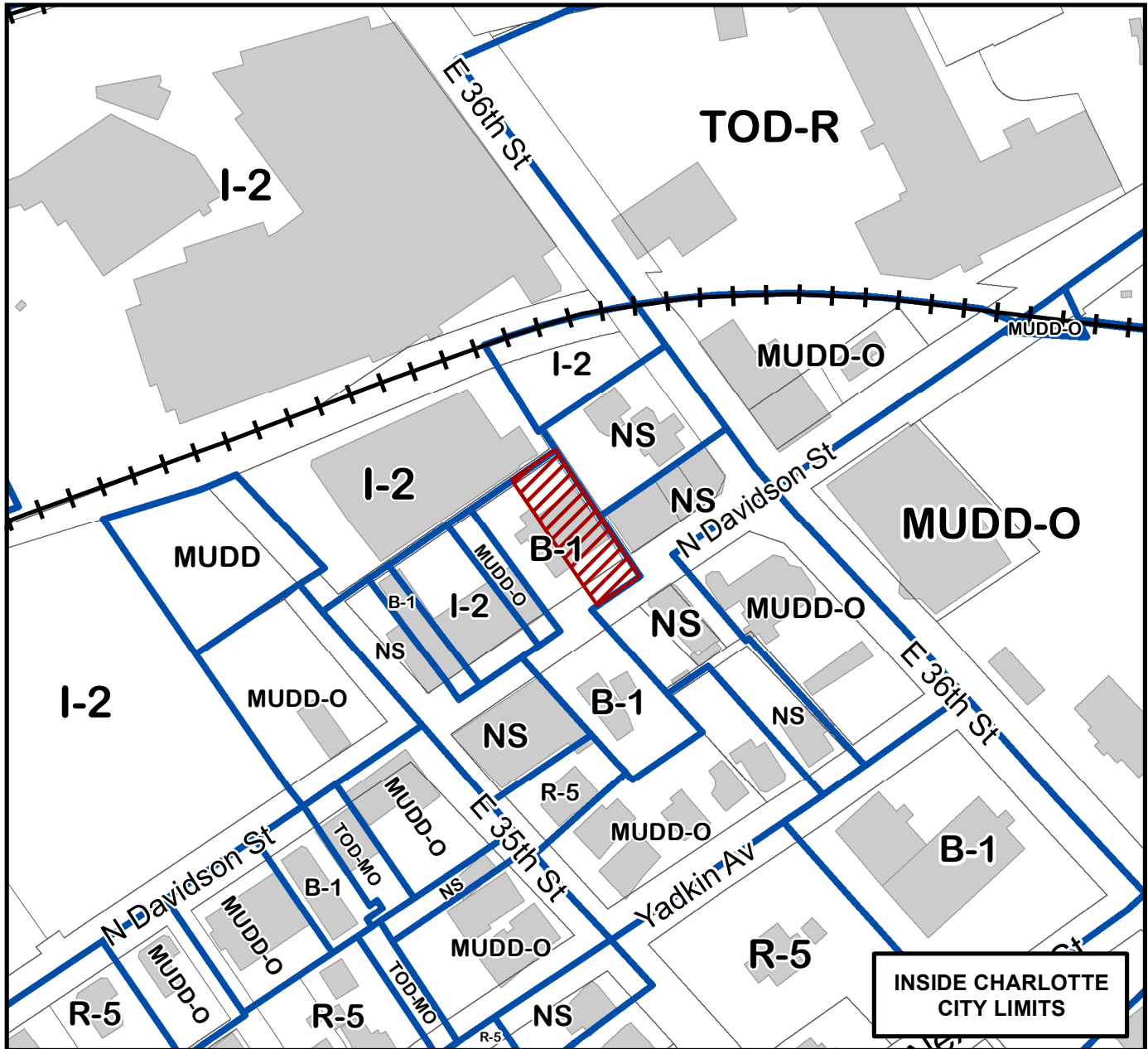
Petition #: **2014-039**

Petitioner: **John M. Meyer**

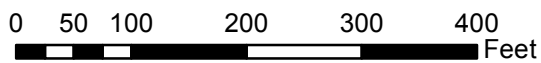
Zoning Classification (Existing): **B-1**
(Neighborhood Business)

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

Acreage & Location: Approximately 0.145 acres located along North Davidson Street between East 35th Street and East 36th Street.

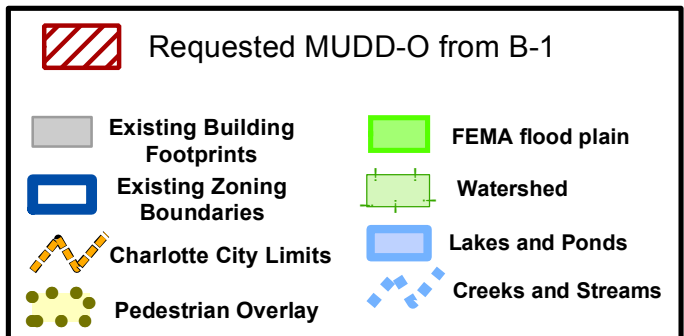


Map Produced by the Charlotte-Mecklenburg Planning Department, 3-29-14.



Zoning Map #(s)

89



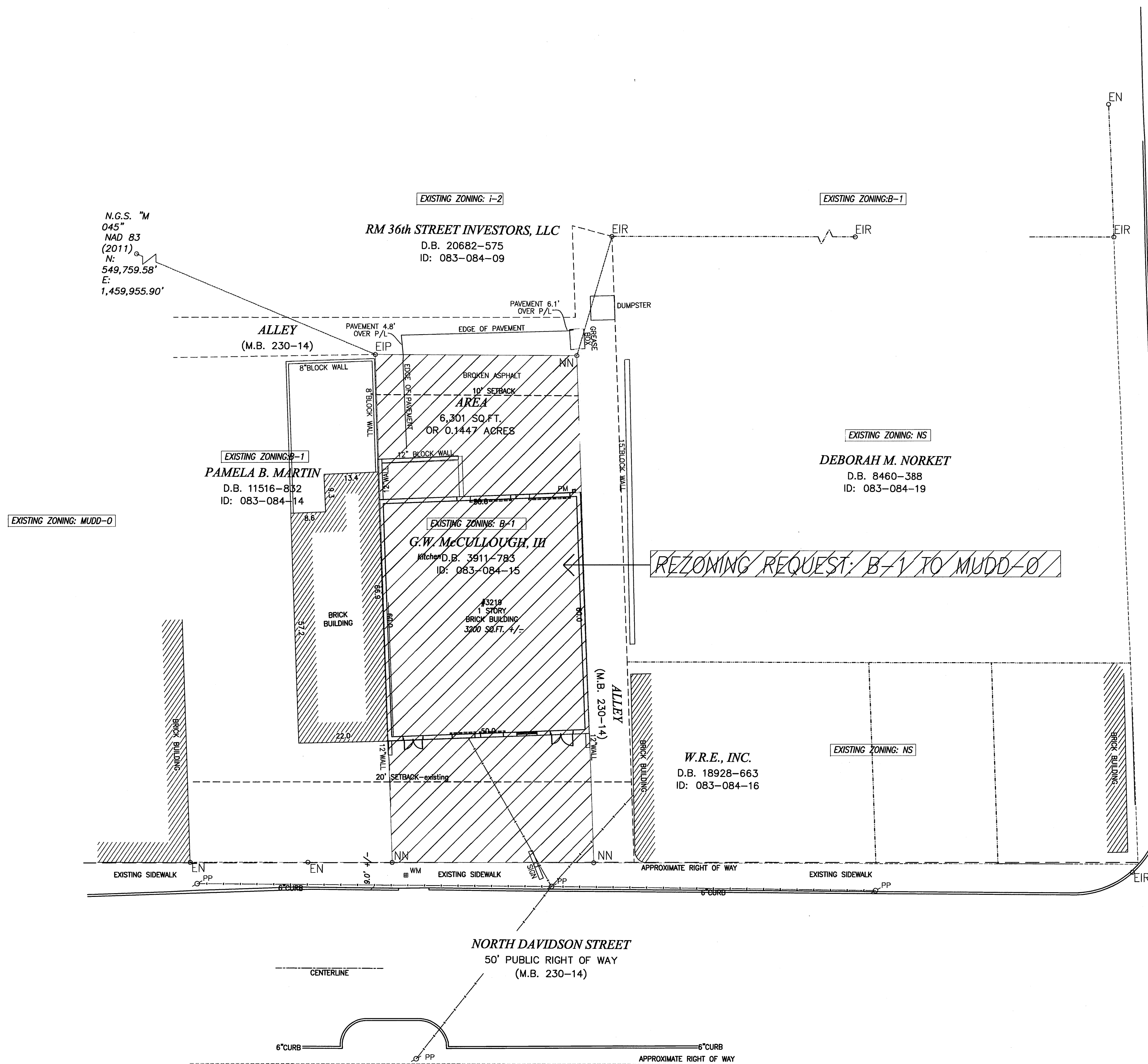
REVISIONS:

Plan	02/13/14
Rev. 1	05/11/14

Hess Architecture P.A.
 Robert G. Hess, Architect
 1153 Hammond Drive
 Matthews, N.C. 28104
 (704) 516-4828

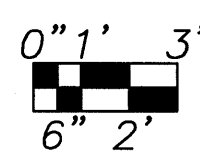
NoDa RESTAURANT PRELIMINARY
 for JOHN MEYER
 3219 NORTH DAVIDSON STREET CHARLOTTE, N.C. 28269
 Existing Site Survey - 3219 North Davidson Street

RE-ZONING-1
 ZONING PETITION #
 2014-039
 SHT. 1 OF 2



Existing Site Survey - 3219 North Davidson Street

1" = 16'-0"



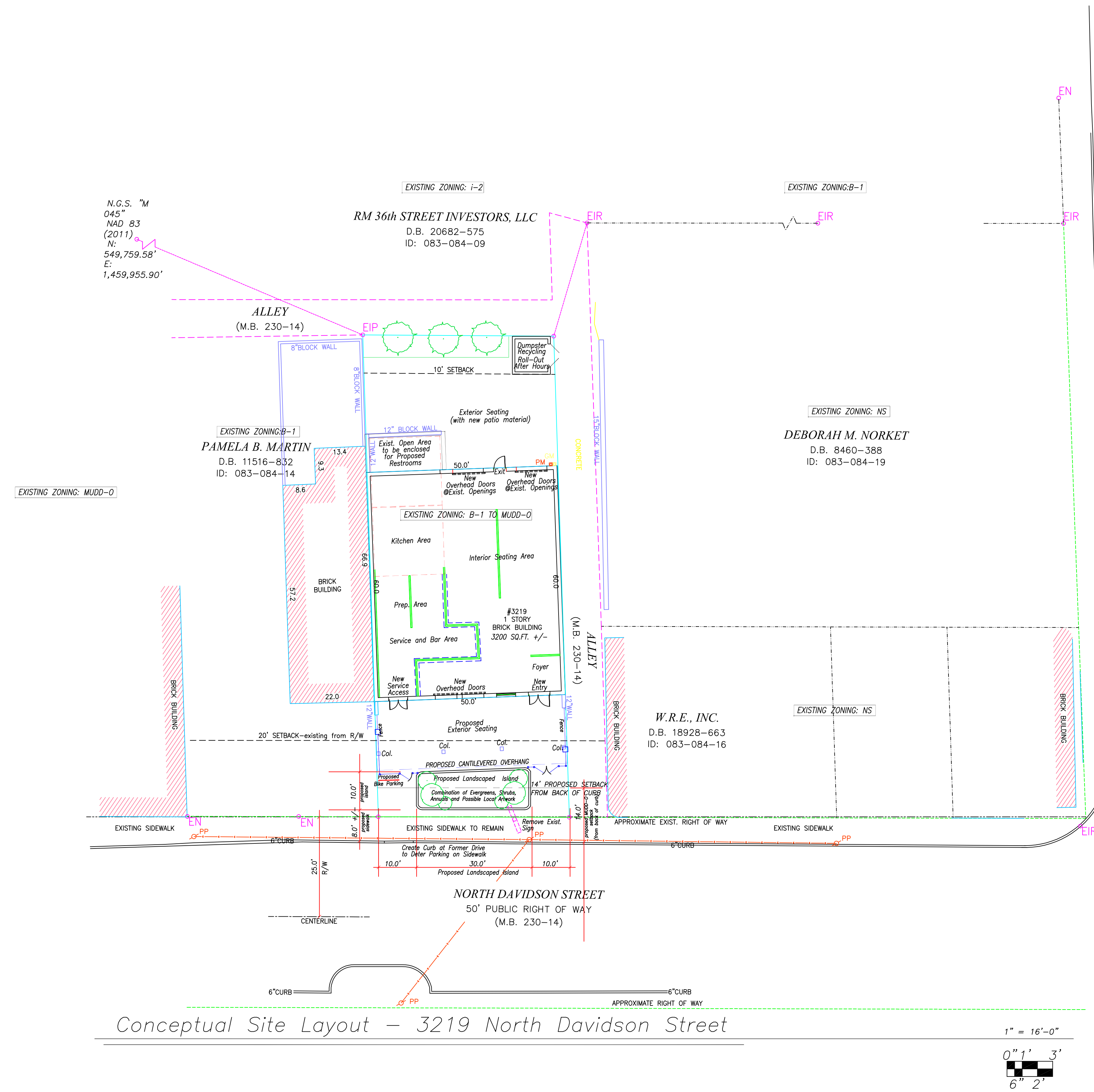
REVISIONS:

Plan	02/13/14
Rev. 1	05/11/14

Hess Architecture P.A.
 Robert G. Hess, Architect
 1153 Hammond Drive
 Matthews, N.C. 28104
 (704) 516-4828

NoDa RESTAURANT PRELIMINARY
 for JOHN MEYER
 3219 NORTH DAVIDSON STREET CHARLOTTE, N.C. 28269
 Proposed Site Layout - 3219 North Davidson Street

RE-ZONING-2
 ZONING PETITION #
 2014-039
 SHT. 2 OF 2



- I. Development Data Table
 - a. Site Acreage = .1447 Acres or 6,301 sq. ft.
 - b. Tax Parcel: 08308415
 - c. Existing Zoning: B-1
 - d. Proposed Zoning: MUDD-0
 - e. Existing Use - Retail
 - Proposed Use - Restaurant/Bar
 - f. # of Housing Types - NA
 - g. Residential Density - NA
 - h. Proposed Non-Residential: 3200+/- sq. ft.
 - i. Floor Area Ratio: 1 to 1
 - j. Maximum Building Height = 40'
 - k. 6300 Total sq. ft./600 = 6 Parking Spaces required per MUDD-0 (3200 sq.ft. for Bldg. + 3100 sq.ft. for Outdoor Dining)
 - 1. Request No Parking Required - Optional Provision a.1.
 - l. Open Space = Approx. 3100 sq. ft.

- II. General Provisions
 - a. Ordinance Applicability
 - 1. The development of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). The regulations established under the Ordinance for the MUDD zoning district shall govern the development of this Site.
 - 2. Future amendments to the Rezoning Plan and these development standards may be applied for the Owner or Owners of the Site and will be reviewed and approved as allowed by Section 6.207 of the Ordinance.
 - 3. The development depicted on the Rezoning Site Plan is Schematic in nature and intended to depict the general proposal for the Project. Accordingly, subject to the terms of these Development Standards and the Ordinance and may be altered or modified during Design Development and Construction Document Phases.

- III. Optional Provisions
 - a. Listing of Optional Provisions
 - 1. No Parking is required for this use.
 - 2. 14' Setback standard for MUDD District - Reduced from 16' Setback specified in the Blue Line Extension Transit Station Area Plan.
 - 3. Existing sidewalk to remain with landscaped island added as shown for buffer.

- IV. Permitted Uses
 - a. Restaurant/Bar
- V. Transportation
 - a. See Plan
- VI. Architectural Standards
 - Proposed project to keep the essence of the NoDa Area in materials and scale. Permanent Overhang will be provided at the Front Exterior Seating with new exits provided per new use requirements. Concept both Front and Rear is to open up the Interior to the Exterior via Overhead doors when feasible weatherwise.
 - 1. Landscaped Island to be provided with a combination of evergreens, shrubs, annuals and possible local artwork.
 - 2. Dumpster/Recycling Enclosure to be per standards with containers to be rolled out to curb after business hours.

- VII. Streetscape and Landscaping
 - Widening existing sidewalk and adding landscaped island to be provided per recommendations at Front of Building for buffer.
- VIII. Environmental Features
 - N/A
- IX. Parks, Greenway and Open Space
 - Exterior Seating areas at Front and Rear.
- X. Fire Lane Treatment
 - Per Local requirements.
- XI. Signage
 - Per Local requirements.
- XII. Lighting
 - All outdoor lighting shall utilize full cut-off, downwardly shielded lighting fixtures and any detached lighting will be limited to 25 feet in height.
- XIII. Phasing
 - Per Local requirements.
- XIV. Other
 - N/A

REQUEST	Current Zoning: INST (CD) (institutional, conditional) Proposed Zoning: UR-1(CD) (urban residential, conditional)
LOCATION	Approximately 5.05 acres located on the east side of Sardis Road between Waverly Hall Road and Chevron Road. (Council District 6 - Smith)
SUMMARY OF PETITION	The petition proposes the development of 15 single family detached dwelling units for a density of three units per acre.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues. This petition is inconsistent with the <i>South District Plan</i> recommendation for institutional uses; as amended by the previous petition; however, it is consistent with the original recommendation of the <i>South District Plan</i> , which recommended single family at a density of up to three dwelling units per acre and is consistent with the surrounding land use patterns.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Sardis Road Land Company, LLC Sardis Road Land Company, LLC David Booth, Land Design, Inc.
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 4

PLANNING STAFF REVIEW

- **Background**
 - Approval of petition 2011-033 rezoned the subject property from R-3 (single family residential) to INST(CD) (institutional, conditional) to allow the development of 54 senior independent living units consisting of duplexes, multi-family style buildings and two condominium units. The approved plan included amenity areas, tree save areas, and proposed building elevations.
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

 - Up to 14 new single family detached dwellings and one existing single family detached dwelling for a density of three units per acre.
 - Building elevations for the proposed structures.
 - Building materials consist of brick, hardi-plank, cementitious board, architectural shingles, and stone veneer.
 - Proposed structures will have at least 30 percent masonry material.
 - Vinyl may not be a permitted as an exterior material expect for soffits and window trim.
 - Maximum building height of 48 feet.
 - Pedestrian scale lighting along internal private street. Detached lighting not to exceed 20 feet in height.
 - Internal private street with eight-foot planting strips and five-foot sidewalks.
 - Eight-foot planting strip and five-foot sidewalk along the site's frontage.
 - A gated vehicle entry from Sardis Road and Chevron Drive.
 - 30-foot class "C" buffer abutting R-3 (single-family) property.
 - 33 percent tree save for the entire site.
 - Tree save areas along the site's Sardis Road frontage.
 - Possible rain gardens for storm water detention.
 - A brick wall not to exceed five feet in height will be provided along the site's frontage on Chevron Drive.
- **Existing Zoning and Land Use**
 - The subject property is occupied with one single family dwelling. Surrounding properties on either side of Sardis Road are zoned R-3 (single family residential) and developed primarily with single family dwellings, a few offices, and a religious institution.

- **Rezoning History in Area**
 - There have been no rezonings in the immediate area in recent years.
 - **Public Plans and Policies**
 - *The South District Plan* (1993), as modified by petition 2011-033, recommends institutional for the subject property.
 - Prior to the previous rezoning in 2011, the *South District Plan* recommended single family residential at up to 3 dwelling units per acre for the subject property.
 - The petition is inconsistent with the *South District Plan*.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** Petitioner should provide eight-foot planting strip and six-foot sidewalk along all public street frontages.
 - **Vehicle Trip Generation:**
 - Current Zoning: 300 trips per day.
 - Proposed Zoning: 180 trips per day.
 - **Connectivity:** No issues.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate zero students, while the development allowed under the proposed zoning will produce eleven students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 11 students.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** A wetlands letter has been submitted as requested by Engineering and Property Management.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** Petitioner should add a note that the large oak tree near the corner of Sardis Road and Chevron Drive will be saved and preserved during all phases of construction.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
 - Minimizes impacts to the City's tree canopy by exceeding the minimum tree save requirement.

OUTSTANDING ISSUES

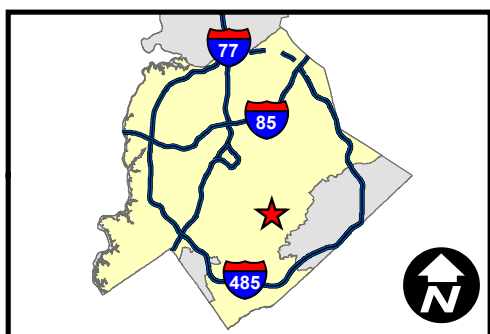
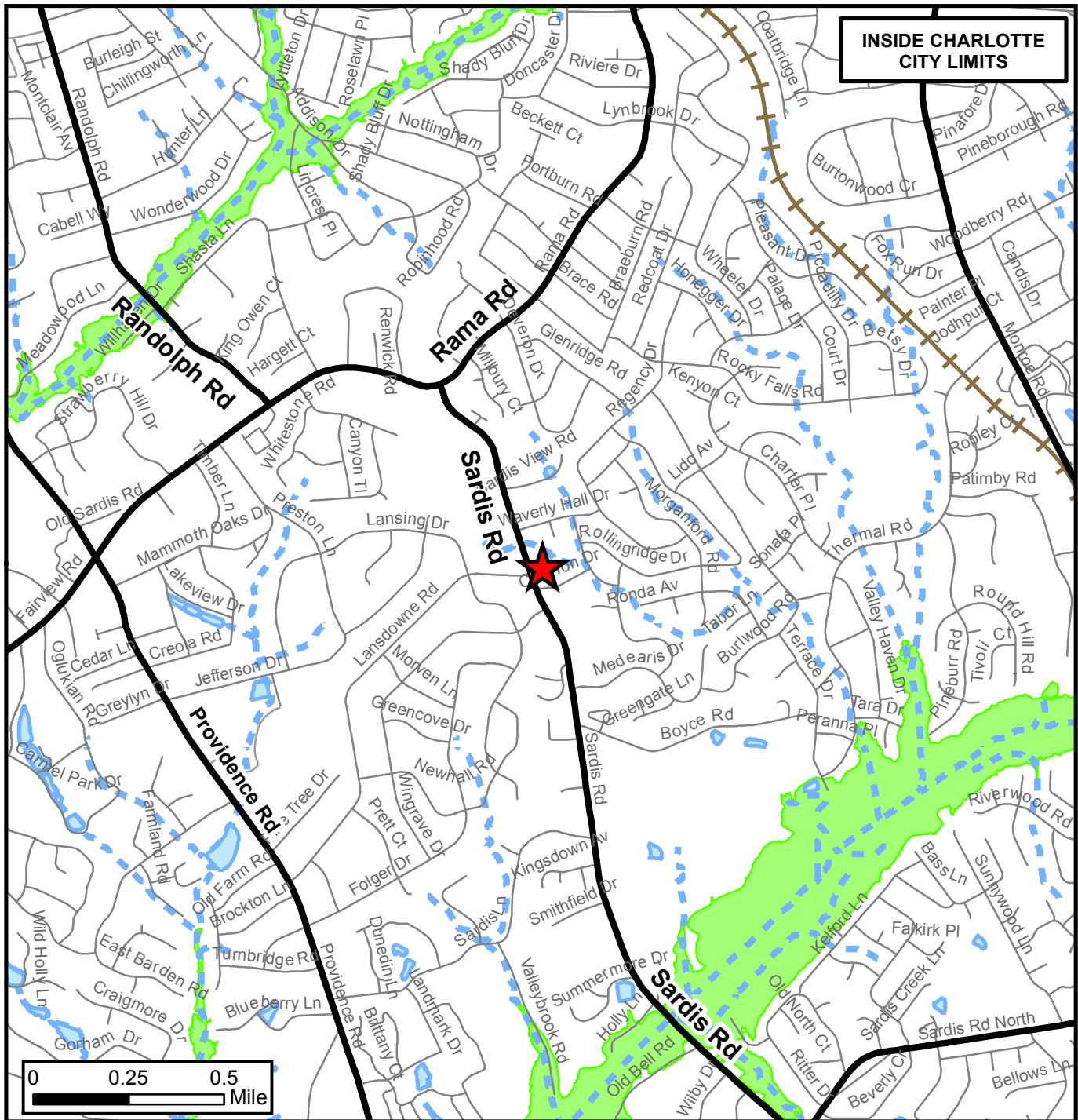
- The petitioner should:
 1. Remove note number four under "Access and Transportation."
 2. Provide on-street parking along the internal private street.
 3. Provide an eight-foot planting strip and six-foot sidewalk along all public street frontages.
 4. Provide a note that storm water detention facilities will be placed in common areas and not on private lots.
 5. Provide elevations and sidewalks connections for lots 8, 9, and 10 to comply with Section 9.406(8)(d)(v).
 6. Provide a detail of the brick wall showing the height of the retaining walls along the site's frontage.
 7. Provide a minimum spacing distance and minimum number of pedestrian lights to be installed along the internal private street.
 8. Address Transportations comment.
 9. Address Engineering and Property Managements comment.
-

Attachments Online at www.rezoning.org

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

Planner: Solomon Fortune (704) 336-8326

Acreage & Location : Approximately 5.05 acres located on the east side of Sardis Road between Waverly Hall Drive and Chevron Drive.



	Rezoning Petition: 2014-040		FEMA flood plain
	Major Roads		Watershed
	Collector Roads		Lakes and Ponds
	Charlotte City Limits		Creeks and Streams

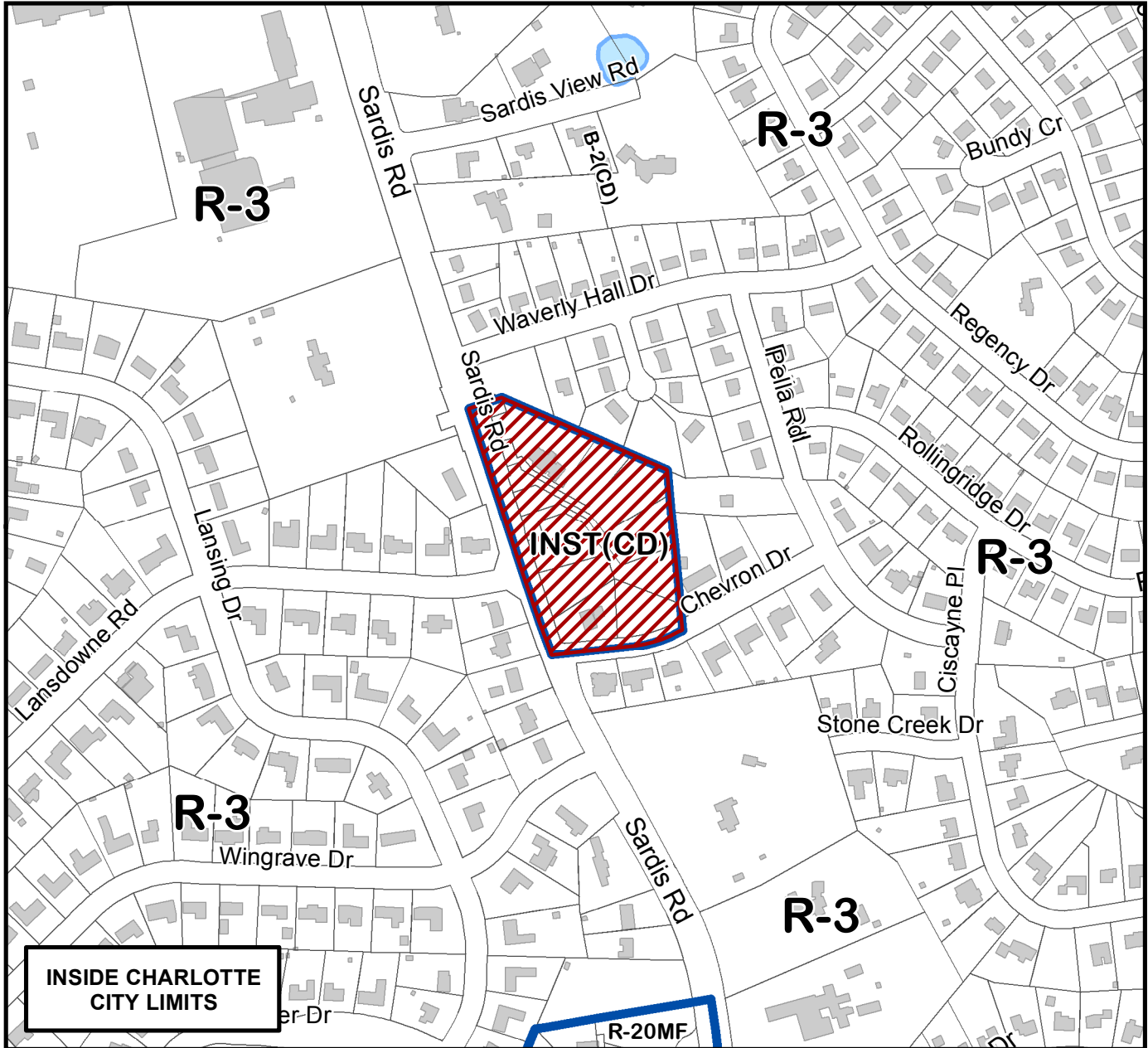
Petition #: **2014-040**

Petitioner: **Sardis Road Land Company, LLC**

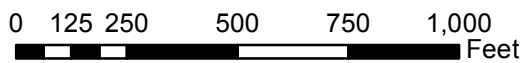
Zoning Classification (Existing): **INST(CD)**
(Institutional, Conditional)

Zoning Classification (Requested): **UR-1(CD)**
(Urban Residential, Conditional)

Acreage & Location: Approximately 5.05 acres located on the east side of Sardis Road between Waverly Hall Drive and Chevron Drive.

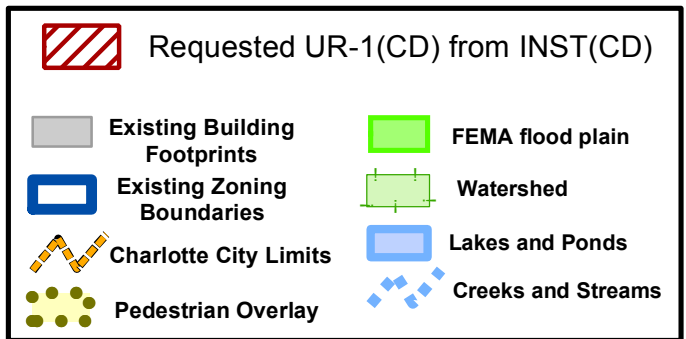


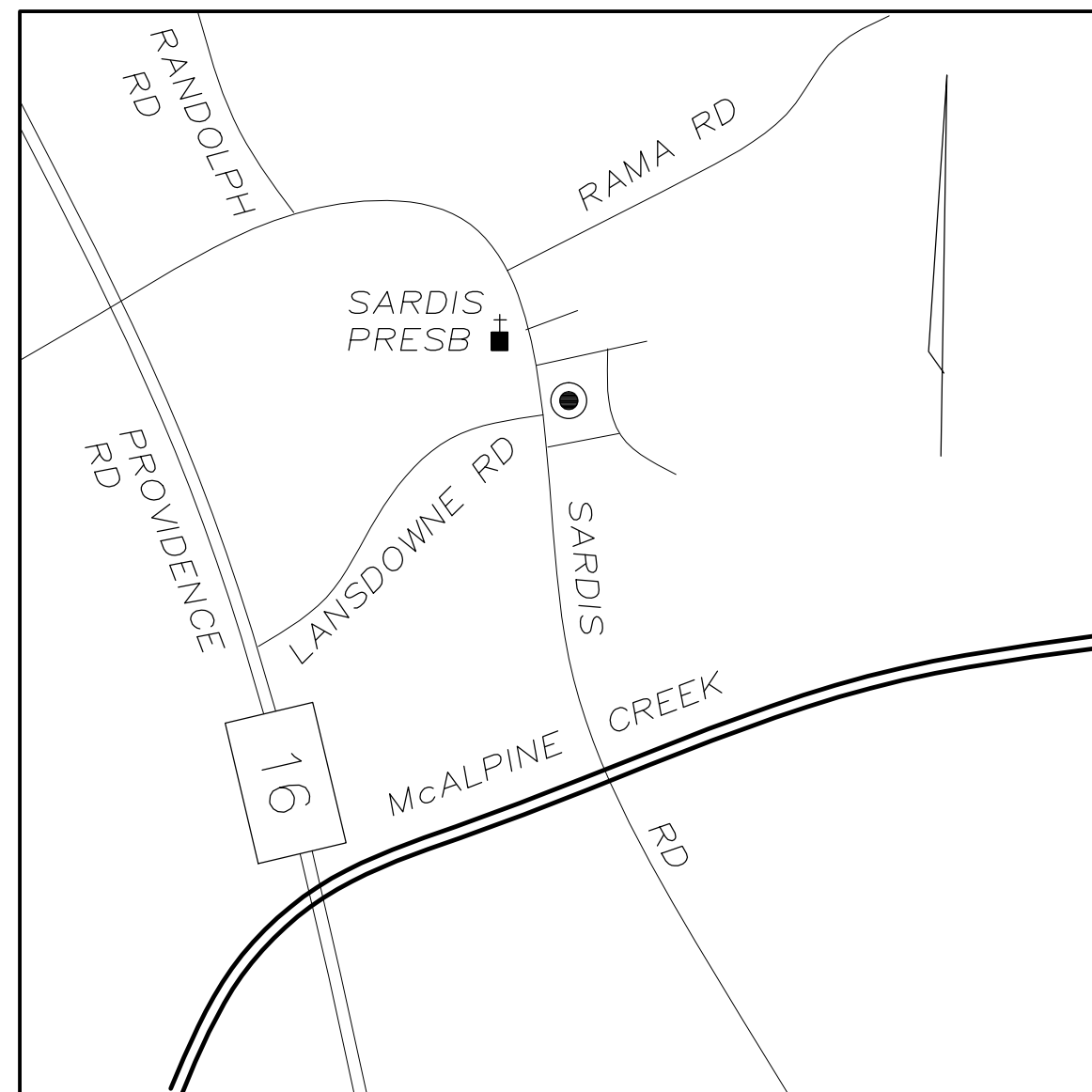
Map Produced by the Charlotte-Mecklenburg Planning Department, 4-15-14.



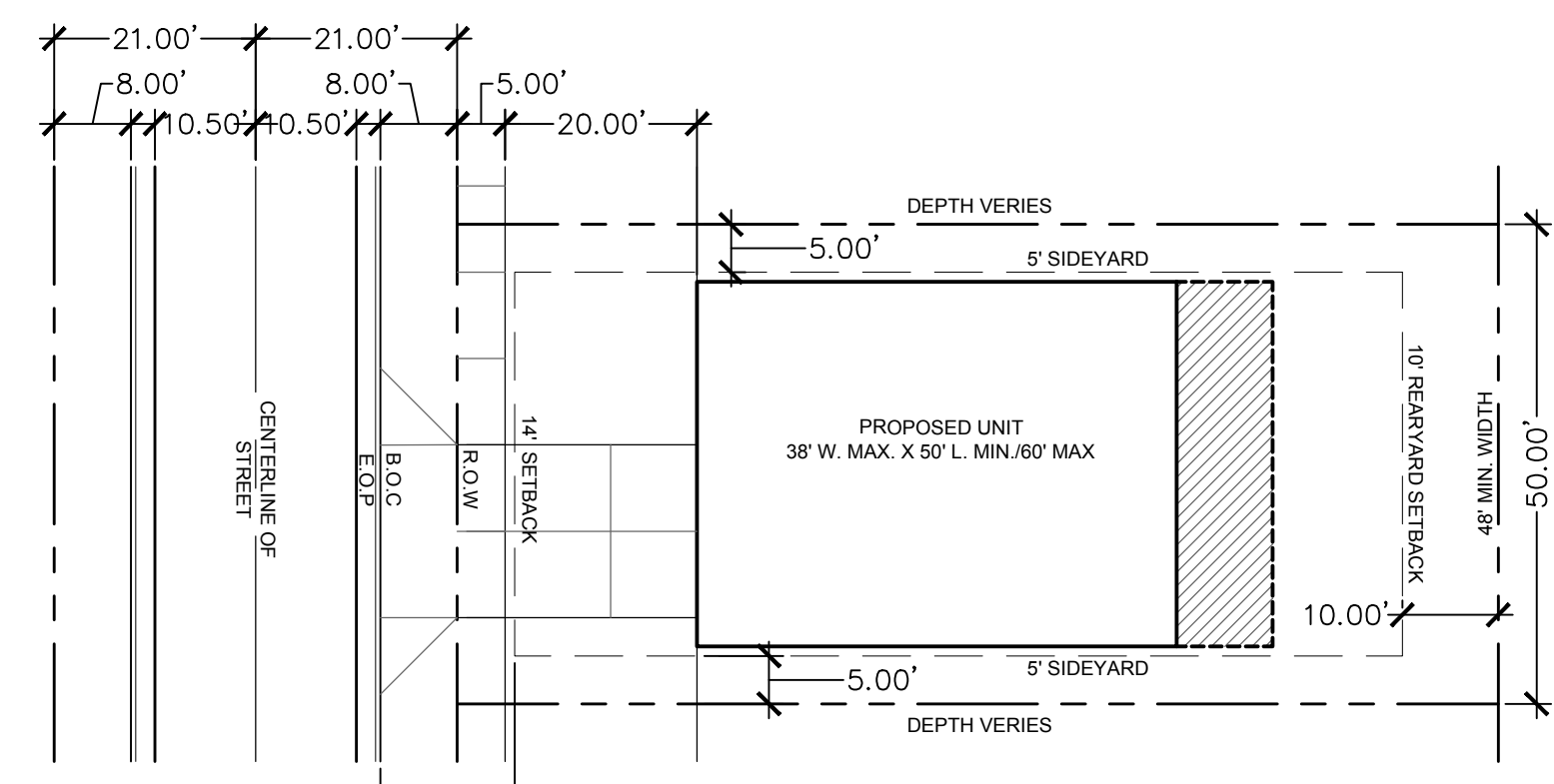
Zoning Map #(s)

137





VICINITY MAP



TYPICAL UNIT LOT LAYOUT

DEVELOPMENT DATA

TAX PARCEL ID #'S:	18914223, 18914224, 18914225, 18914226, 18914227, 18914228, 18914229, 18914230, & 18914231
ZONING JURISDICTION:	MECKLENBURG COUNTY
TOTAL SITE ACREAGE:	5.05 ACRES
PROPOSED UNITS:	15 UNITS
PROPOSED DENSITY:	3 UNITS/ACRE
ZONING:	
EXISTING ZONING:	INSTITUTIONAL(CD)
EXISTING USE:	SINGLE FAMILY RESIDANCE (EMPTY) & VACANT LAND
PROPOSED ZONING:	UR-1 (CD)
PROPOSED USE:	SINGLE FAMILY DETACHED

UR-1 DATA:

MIN. LOT SQ. FT.:	3,000
MIN. SETBACK :	14' **
MIN. SIDEYARD:	5'
MIN. REARYARD:	10'
MAX. BLDG HEIGHT:	48'
MIN. LOT WIDTH:	20'

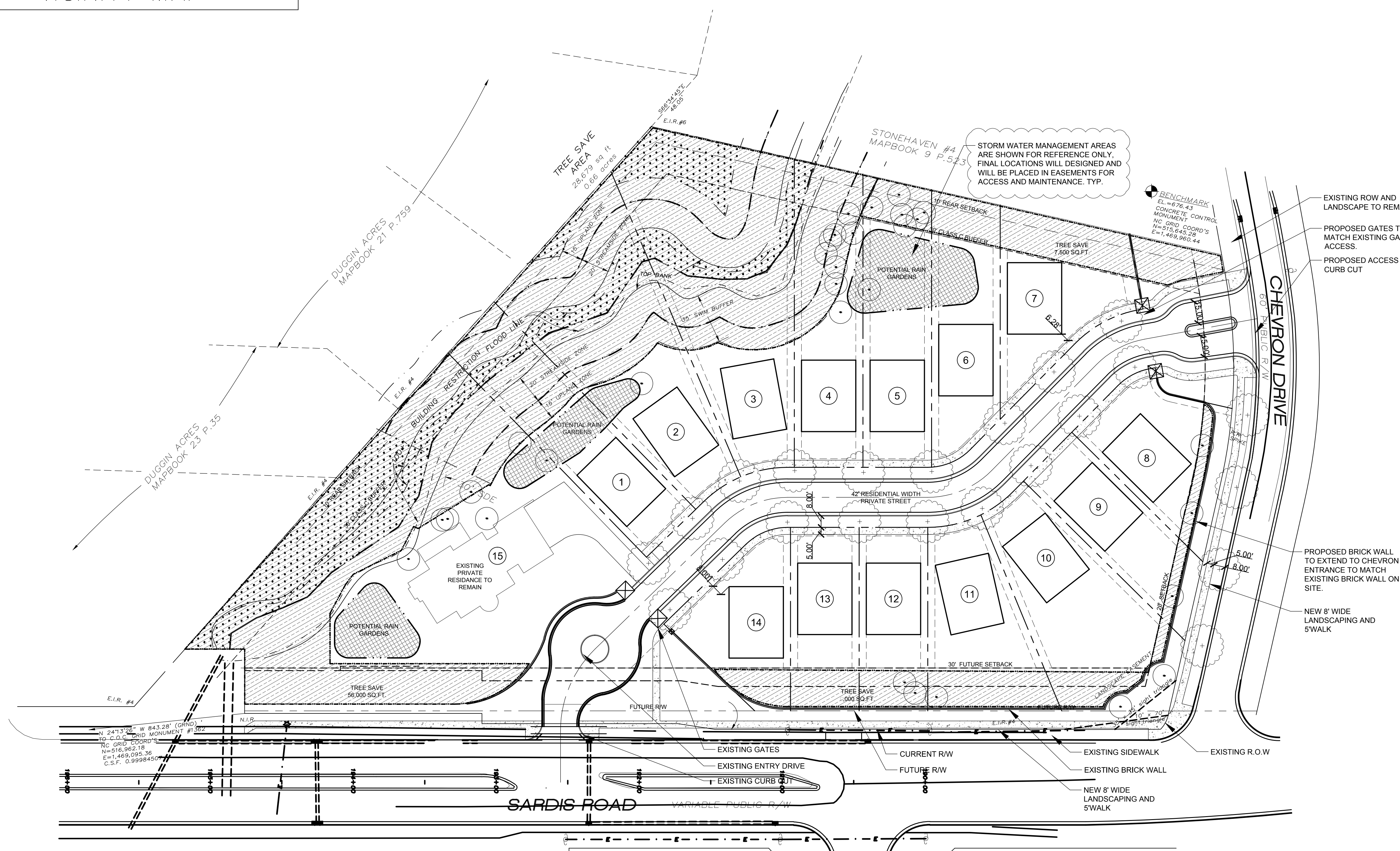
**14' FROM BACK OF EXISTING OR PROPOSED CURB,
WHICHEVER IS GREATER

OPEN SPACE:

OPEN SPACE:	50 PERCENT
TREE SAVE AREA:	33 PERCENT
TOTAL TREE SAVE AREA:	72,500 SQ.FT.
TOTAL SITE AREA:	219,978 SQ.FT.

LEGEND:

- PROPOSED STREET TREES
- EXISTING TREES TO BE SAVED
- PROPOSED TREE SAVE AREA
- PROPOSED WATER QUALITY



PETITION #: 2014-040
CITY OF CHARLOTTE

REZONING - SHADY KNOLL
 SINGLE FAMILY RESIDENTIAL
 BLACKSTOWNE DEVELOPMENT; CHARLOTTE, NC
 CITY OF CHARLOTTE REZONING 2014-040

LandDesign
 223 N Graham Street Charlotte, NC 28202
 V: 704.333.0325 F: 704.332.3246
 www.LandDesign.com

DATE: 03/18/14
 DESIGNED BY: LDB
 DRAWN BY: LDB
 CHECKED BY: RJP
 SCALE: PER SHEET
 PROJECT #: 1013311
 SHEET #: **RZ-1**



Proposed Architectural Elevations



Proposed Architectural Elevations

General Provisions:

These Development Standards form a part of the Rezoning Site Plan associated with the Rezoning Petition filed by Sardis Road Land Company, LLC to accommodate development of a single family development for sale and/or similar development on an approximately 5.05 acre site generally located eastern side of Sardis Road between Chevron Drive and Waverly Hall Drive (the "Site").

1. Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the UR-1 zoning district shall govern development taking place in the area designated UR-1 on the Rezoning Plan.
2. The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, and other site elements set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The ultimate layout, locations and sizes of the development and site elements depicted on the Rezoning Plan as well as schematic building elevations, if any, are graphic representations of the development and site elements proposed, and they may be altered or modified in accordance with the setback, yard and buffer requirements set forth on this Rezoning Plan and the Development Standards, provided, however, any such alterations and modifications shall not materially change the overall design intent depicted on the Rezoning Plan. Changes to the Rezoning Plan not permitted by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance.
3. The total number of principal buildings to be developed on the Site shall not exceed 15. Accessory buildings and structures located on the Site shall not exceed 20 on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal building(s) located on the same lot or parcel as the accessory buildings.
4. The proposed internal street network and external street connections are generally shown on the Rezoning Plan. To allow flexibility in the specific design of the Site the extent of the internal street network and location of the external connections will be determined as part of the Subdivision review process at the time of the development of the Site.

Permitted Uses:

This site may only be devoted to single family residential community comprised of only 15 for sale single family detached units and related common area and amenities, and to any accessory uses that are permitted under the ordinance in the UR-1 zoning district.

Access and Transportation Improvements:

1. Vehicular access to the Site shall be as generally depicted on the Rezoning Plan. The placement and configuration of each vehicular access point are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required for approval by the Charlotte Department of Transportation and/or the North Carolina Department of Transportation.
2. As depicted on the Rezoning Plan the internal street shall be a private street that meets the standards of a residential wide street street type. Access into the Site may be controlled through the installation of gates at Sardis Road and Chevron Drive entrances to the Site. The gates shall be equipped with a "click to enter device" or similar approved by the City of Charlotte to ensure access for emergency vehicles and delivery vehicles. A turn around area for delivery vehicles is not provided since they will have the ability to drive through the Site to exit the Site through the use of the click to enter device or similar device.
3. The exact alignment of the proposed residential wide private street may be slightly altered during construction permitting process to maximize the preservation of trees and to improve the streets horizontal alignment.
4. Vehicular parking will meet the standards established under the Ordinance. Off-street parking will be permitted in the individual unit garages as per building style and on the driveways associated of the detached residential units. Additionally, no on-street vehicular parking shall be permitted.
5. Internal sidewalks and pedestrian connections shall be provide on the Site as generally depicted on the Rezoning Plan.
6. Note not used.
7. Sidewalk connections to Sardis Road and to Chevron Drive shall be provided as generally depicted on the Rezoning Plan.
8. Prior to obtaining the approval for this Site, the Petitioner shall dedicated and convey (by quitclaim deed and subject to reservation for any necessary utility easement) those portions of the Site immediately to Sardis Road as required to provide right of way measuring 50 feet from the existing centerline of Sardis Road id such right of way does not currently exist.

Architectural Standards:

1. Set out on sheet RZ-2 of the Rezoning Plan are schematic architectural renderings of the front elevations that are intended to depict the general conceptual architectural style and character of the front elevations of the proposed architecture. Changes will be allowed per section 6.207.
2. The primary exterior building materials for each residential unit to be constructed on the Site shall be brick, cementitious board, hardi-plank, architectural shingles, and stone veneer. Vinyl shall not be a permitted exterior building material, provided, however, that vinyl may be utilized on the soffits of the architecture to be constructed on site and vinyl windows may be installed on the architecture.

Architectural Standards Cont:

3. Each residential unit being constructed on the Site shall be comparable in appearance and quality through the use of similar building materials, architectural features and styles. More specifically, each style building will be constructed of brick or stone (30" minimum masonry) and cementitious board or hardi-plank, stucco, or synthetic stucco. Window styles, dormer styles and architectural shutters shall be similar in character to the conceptual architectural designs. Roofs will be architectural grade fiberglass shingles on a combination of hipped and gabled roofs. All facades facing Sardis Road or Chevron Drive will be articulated with a door, porch, and windows to match the inner facing front facades of these buildings.
4. The existing residential building is an existing brick building that will remain in place.
5. The maximum height of the architecture shall not exceed the set requirements set forth by the Ordinance of 48 feet in height.

Streetscape, Buffers and Landscaping:

4. Petitioner shall install a minimum 8 foot planting strip and a minimum 5 foot sidewalk along the Site frontage on Chevron Drive as generally depicted on the Rezoning Plan.
5. The street trees may be planted 40 feet on center on average.
6. A 30 foot Class C Buffer shall be established along the Site's northern and eastern boundary lines as depicted on the Rezoning Plan, which buffer shall conform to the standards of section 12.302 of the Ordinance. The width of this 30 foot Class C Buffer may not be reduced.
7. The height of the brick wall to be extended along the Site's frontage on Chevron Drive shall not exceed an average height of 5 feet.

Environmental Features:

1. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.
2. In addition to the trees located within the tree save areas, the Petitioner shall preserve those trees designated on the Rezoning Plan for preservation. With respect to those trees located outside of the tree save areas and designated for preservation, the Petitioner shall engage a certified arborist to prepare and implement a tree protection and preservation plan for these trees, and a copy of the tree protection and preservation plan must be submitted to the Charlotte-Mecklenburg Planning Department prior to commencing any grading activities on the Site.
3. No detention areas will be allowed within any required buffer.
4. 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.

Parks, Green Spaces, and Open Spaces:

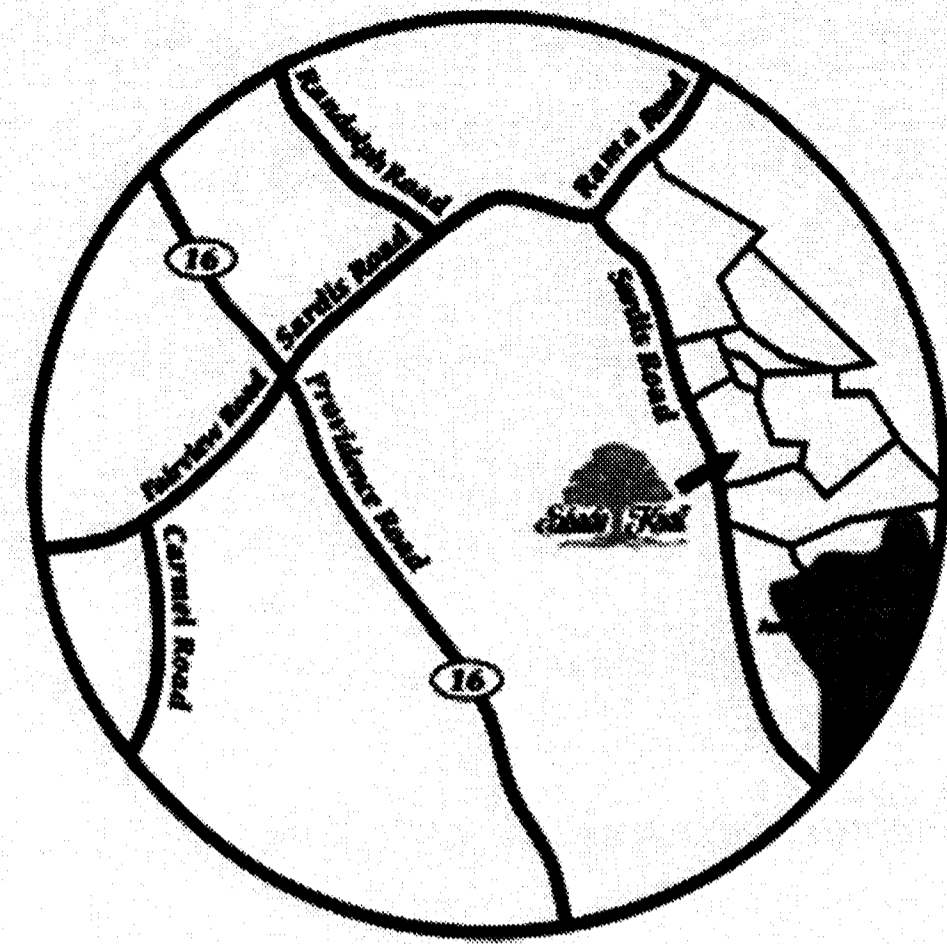
Lighting:

1. Pedestrian scale, freestanding lighting fixtures will be installed throughout the Site along the internal private street and drives. The pedestrian scale, freestanding lighting fixtures will be uniform in design, and the final spacing of such lighting fixtures shall be determined by the Petitioner. All such freestanding lighting fixtures shall be fully capped and shielded and the illumination downwardly direction so that direct illumination does not extend past any property line of the Site. All final lighting design spacings shall be in accordance with the City of Charlotte standards.
2. The maximum height of any pedestrian scale, freestanding lighting fixture installed on the Site, including its base, shall not exceed 20 feet.
3. Any detached and attached lighting will be fully shielded and downwardly directed.

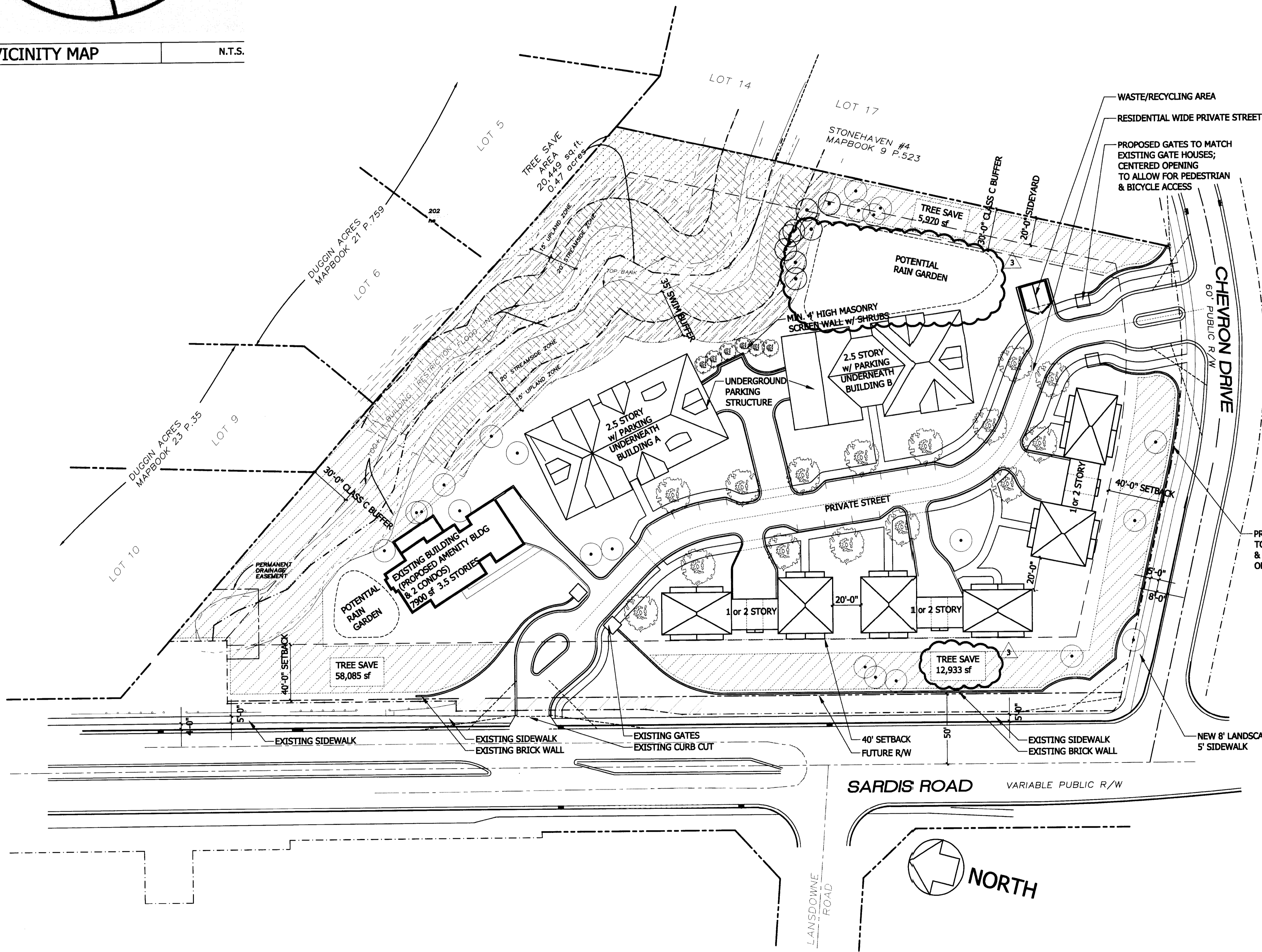
Binding Effects of the Rezoning, Documents and Definitions:

1. If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under these Development Standards and the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and insure to the benefit of Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.
2. Throughout these Development Standards, the terms, "Petitioner" and "owner" or "owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioner or the owner or owners of the Site from time to time who may be involved in any future development thereof.

Previously
Approved
Site
Plan



02 VICINITY MAP N.T.S.



Development Summary

Tax Parcel ID#s: 18914223, 18914224, 18914225, 18914226, 18914227, 18914228, 18914229, 18914230, & 18914231
Total Site Acreage: 5.05 acres
Existing Zoning: R-3
Existing Use: Single family residence (empty) & vacant land
Proposed Zoning: Institutional (CD)
Proposed Uses: Age restricted, senior living community, containing up to 54 independent living units and amenities

Maximum Building A/B Height: 40' measured from the front elevation
 53' measured from back elevation at bottom of parking structure
 • Max. Number of Stories 2.5 Stories w/ parking underneath
Maximum 1 to 2 Story Building Height: 40'
 • Max. Number of Stories 2 Stories
Parking Spaces: 81 Spaces
Parking Ratio: 1.5 spaces per unit
Setback Requirements:
 • Front Public R/W: 40'
 • Sideyard: 20'
 • Rearyard: 20'
Development Totals:
 • Multi-Family: 52 Units
 • Amenity Building: Public Space & 2 Condos

Pervious Space: 62%
Impervious Space: 38%
Open Space: 50%
Tree Save Areas: 35%
 • Total Tree Save Area: 76,988 sf
 • Total Site Area: 219,978 sf

TREE LEGEND:
 EXISTING TREES TO BE SAVED :
 PROPOSED TREES:
 TREE SAVE AREA:



APPROVED BY CITY COUNCIL
 OCT 17 2011



SHADY KNOLL

SARDIS RD.
 CHARLOTTE, NC

PETITION # 2011-033
 FOR PUBLIC HEARING

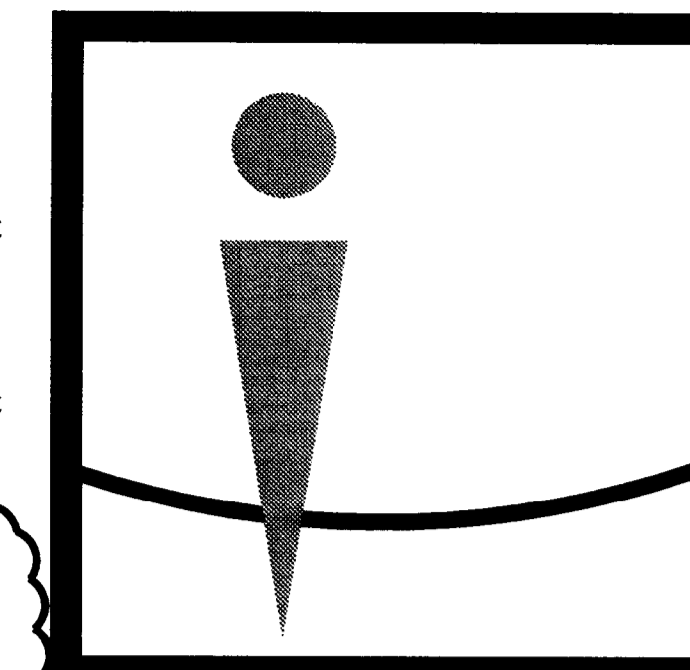
KEY PLAN

ISSUE	:	---
INITIAL SUBMITTAL	:	03/28/11
REZONING RESUBMITTAL	:	06/17/11
1 REZONING REVISIONS 1	:	08/19/11
2 REZONING REVISIONS 2	:	09/23/11
3 REZONING REVISIONS 3	:	10/17/11
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SITE PLAN

RECEIVED
 OCT 21 2011
 BY: _____

RZ-1 2011-033
 Copyright 2009, Overcash Demmitt Architects
 ODA No. 112481 CADD File:



Overcash Demmitt Architects

10 south tryon street suite 1a
 charlotte north carolina 28203
 voice • 704.332.1615
 fax • 704.332.0117
 web • www.odarch.com

APPROVED BY CITY COUNCIL

OCT 17 2011

BLACKSTOWNE

SHADY KNOLL

SARDIS RD.
 CHARLOTTE, NC

PETITION # 2011-033
 FOR PUBLIC HEARING

KEY PLAN

ISSUE	DATE
INITIAL SUBMITTAL	03/28/11
REZONING RESUBMITTAL	06/17/11
REZONING REVISIONS 1	08/19/11
REZONING REVISIONS 2	09/23/11
REZONING REVISIONS 3	10/17/11

ELEVATIONS & NOTES

RZ-2

Copyright 2009, Overcash Demmitt Architects
 ODA No. 112481 CADD File:

General Provisions

- These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Sardis Road Land Company, LLC to accommodate the development of an age restricted senior living community comprised of for sale independent living units and related common areas and amenities on that approximately 5.05 acre site located on the eastern side of Sardis Road between Chevron Drive and Waverly Hall Drive (the "Site").
- Development of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance").
- Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the Institutional (CD) zoning district shall govern all development taking place on the Site.
- Future amendments to the Rezoning Plan and/or these Development Standards may be applied for by the then owner or owners of the Site in accordance with the provisions of Chapter 6 of the Ordinance.

Permitted Uses

- The Site may only be devoted to an age restricted senior living community comprised of a maximum of 54 for sale independent living units and related common areas and amenities, and to any accessory uses that are permitted under the Ordinance in the Institutional zoning district.
- The senior independent living units shall be located in duplex style buildings and in two multi-family style buildings designated as Building A and Building B on the Rezoning Plan, and 2 independent living units shall be located in the amenity building.
- This senior living community is intended to provide housing primarily for persons 55 years of age or older. As a result, this residential community shall be an age restricted community and shall comply with the requirements of the State and Federal Fair Housing Acts. Each dwelling unit, if occupied, shall be regularly occupied by at least one person 55 years of age or older. However, in the event of the death of a person who was the sole occupant 55 years of age or older of a dwelling unit, the remaining occupant or occupants may continue to occupy the same dwelling unit as long as the provisions of the State and Federal Fair Housing Acts are not violated by such occupancy. No person under 19 years of age shall reside in any dwelling unit located on the Site for more than 90 days in any calendar year. The foregoing age restrictions shall be placed in the restrictive covenants to be recorded that will govern this senior living community.

Amenities and Services

- A security system shall be provided for each independent living unit.
- Exterior home maintenance and lawn maintenance shall be provided by the homeowners association.
- An amenity building with a computer room, central meeting areas, exercise equipment and a theatre shall be provided to serve the residents of this senior living community.
- A nature trail and walking path shall be provided on the Site, provided, however, that the nature trail and walking path may not be located within the SWIM Buffer.
- The above referenced amenities and services shall be available only to the residents of this senior living community and their guests.

Transportation

- Vehicular access to the Site shall be as generally depicted on the Rezoning Plan. The placement and configuration of each vehicular access point are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required for approval by the Charlotte Department of Transportation and/or the North Carolina Department of Transportation.
- As depicted on the Rezoning Plan, the internal street shall be a private street that meets the standards of a residential wide street type. Access into the Site may be controlled through the installation of gates at the Sardis Road and Chevron Drive entrances to the Site. The gates shall be equipped with a "click to enter device" or a similar device approved by the City of Charlotte to ensure access for emergency vehicles and delivery vehicles. A turn around area for delivery vehicles is not provided since they will have the ability to drive through the Site to exit the Site through the use of the click to enter device or a similar device.
- The exact alignment of the proposed residential wide private street may be slightly altered during the construction permitting process to maximize the preservation of trees and to improve the street's horizontal alignment.
- Vehicular parking will meet the minimum standards established under the Ordinance. Off-street vehicular parking shall be provided underneath Building A and Building B and in the garages and on the driveways associated with the duplex style buildings. Additionally, on-street vehicular parking shall be provided as generally depicted on the Rezoning Plan.
- The parking areas underneath Building A and Building B shall be screened from abutting properties by masonry walls of a height that is sufficient to shield the abutting properties from headlights, however, in no event shall the height of such walls be less than 4 feet.
- As depicted on the Rezoning Plan, a masonry wall with a minimum height of 4 feet and shrubs shall be installed along the eastern terminus of the driveway between Building A and Building B to shield the abutting properties from headlights.
- Internal sidewalks and pedestrian connections shall be provided on the Site as generally depicted on the Rezoning Plan. The internal sidewalks may meander to save existing trees.

- The sidewalks located along the internal street may be located at the back of curb adjacent to the on-street vehicular parking spaces as depicted on the Rezoning Plan.
- Sidewalk connections to Sardis Road and to Chevron Drive shall be provided as generally depicted on the Rezoning Plan.
- Prior to obtaining planned multi-family approval for this senior living community, the Petitioner shall dedicate and convey (by quitclaim deed and subject to a reservation for any necessary utility easements) those portions of the Site immediately adjacent to Sardis Road as required to provide right of way measuring 50 feet from the existing centerline of Sardis Road if such right of way does not currently exist.

Architectural Standards

- Set out on Sheet RZ-2 of the Rezoning Plan are schematic architectural renderings of the front elevation of Building A and the front elevation of Building B that are intended to depict the general conceptual architectural style and character of the front elevations of these buildings. Accordingly, the front elevation of Building A shall be designed and constructed so that it is substantially similar in appearance to the schematic architectural rendering of the front elevation of Building A, and the front elevation of Building B shall be designed and constructed so that it is substantially similar in appearance to the schematic architectural rendering of the front elevation of Building B. Changes and alterations which do not materially change the overall conceptual architectural style and character are permitted based upon final design/construction drawings.
- The primary exterior building materials for each building to be constructed on the Site shall be brick, cementitious board, hardi-plank and architectural shingles. Vinyl shall not be a permitted exterior building material, provided, however, that vinyl may be utilized on the soffits of the buildings to be constructed on the Site and vinyl windows may be installed on the buildings.
- Each duplex style building constructed on the Site shall be compatible in appearance and quality to Building A and Building B through the use of similar exterior building materials, architectural features and styles. More specifically, each duplex style building will be constructed of brick or stone (30% minimum masonry) and cementitious board or hardi-plank, stucco or synthetic stucco. Window styles, dormer styles and architectural shutters shall be similar in character to the windows, dormers and architectural shutters on Building A and Building B. Roofs will be architectural grade fiberglass shingles on a combination of hipped and gabled roofs. All facades facing Sardis Road or Chevron Drive will be articulated with a door, porch and windows to match the inner facing front facades of these buildings. Vinyl shall not be a permitted exterior building material, provided, however, that vinyl may be utilized on the soffits of the duplex style buildings to be constructed on the Site and vinyl windows may be installed on these buildings.

- The duplex buildings located along the Site's frontages on Sardis Road and Chevron Drive shall not be required to front these streets. However, the rear of each duplex building shall have architectural features that will give the rear of these duplex buildings the appearance of a building front. More specifically, all facades facing Sardis Road or Chevron Drive will be articulated with a door, porch and windows to match the inner facing front facades of these buildings.
- The amenity building is an existing brick building that will remain in place.
- The maximum height of the duplex style buildings shall be 2 stories.
- The maximum height of Building A and Building B is set out in the Development Summary on Sheet RZ-1 of the Rezoning Plan.
- The maximum basement floor elevation of Building A and Building B shall be 672 feet using the vertical data set out on the survey dated April 11, 2007 and revised on October 25, 2007 prepared by Jack R. Christian and Associates Surveying, a copy of which is attached hereto.
- Building A and Building B will each be located a minimum of 12 feet from the edge of the 35 foot SWIM Buffer located on the Site.
- Each independent living unit shall be designed using AARP Universal Design Guidelines or the equivalent.
- Dumpster and recycling areas will be enclosed on all four sides by an opaque wall or fence with one side being a hinged opaque gate. If one or more sides of a dumpster and recycling area adjoin a side wall or rear wall of a building, then the side wall or rear wall of the building may be substituted for the wall or fence along each such side.

Streetscape and Landscaping

- The Petitioner shall install a minimum 8 foot planting strip and a minimum 5 foot sidewalk along the Site's frontage on Chevron Drive as generally depicted on the Rezoning Plan.
- The street trees may be planted 50 feet on center on average.

- A 30 foot Class C buffer shall be established along the Site's northern and eastern boundary lines as depicted on the Rezoning Plan, which buffer shall conform to the standards of Section 12.302 of the Ordinance. The width of this 30 foot Class C buffer may not be reduced.
- The height of the brick wall to be extended along the Site's frontage on Chevron Drive shall not exceed an average height of 5 feet.

- Prior to March 1, 2012, the Petitioner shall install along the common boundary line between the Site and that parcel of land designated as Parcel No. 189-142-18 on the Mecklenburg County Tax Maps 5 evergreen trees. The owner of Parcel No. 189-142-18 shall determine where each evergreen tree shall be planted along the common boundary line, and the evergreen trees may be planted either on the Site or on Parcel No. 189-142-18. Each evergreen tree shall have a minimum height of 12 feet at the time of installation and shall be a commercially available species chosen by the owner of Parcel No. 189-142-18 such as Nellie Stevens Holly, Foster Holly, American Holly, Carolina Cherry Laurel, Magnolia and Dawn Redwood. The owner of Parcel No. 189-142-18 shall provide written instructions to the Petitioner regarding the locations where the 5 evergreen trees shall be planted and the species no later than February 1, 2012. If the owner of Parcel No. 189-142-18 fails to provide such written instructions by February 1, 2012, the Petitioner shall install the evergreen trees on the Site along the common boundary line in locations determined by the Petitioner and the Petitioner shall determine the species of the evergreen trees.

Environmental Features

- In addition to the trees located within the tree save areas, the Petitioner shall preserve those trees designated on the Rezoning Plan for preservation. With respect to those trees located outside of the tree save areas and designated for preservation, the Petitioner shall engage a certified arborist to prepare and implement a tree protection and preservation plan for these trees, and a copy of the tree protection and preservation plan must be submitted to the Charlotte-Mecklenburg Planning Department prior to commencing any grading activities on the Site.
- Location, size and type of storm water management systems depicted on the rezoning site plan are subject to review and approval with 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.
- The SWIM Buffer shall remain undisturbed.

Parks, Greenways and Open Space

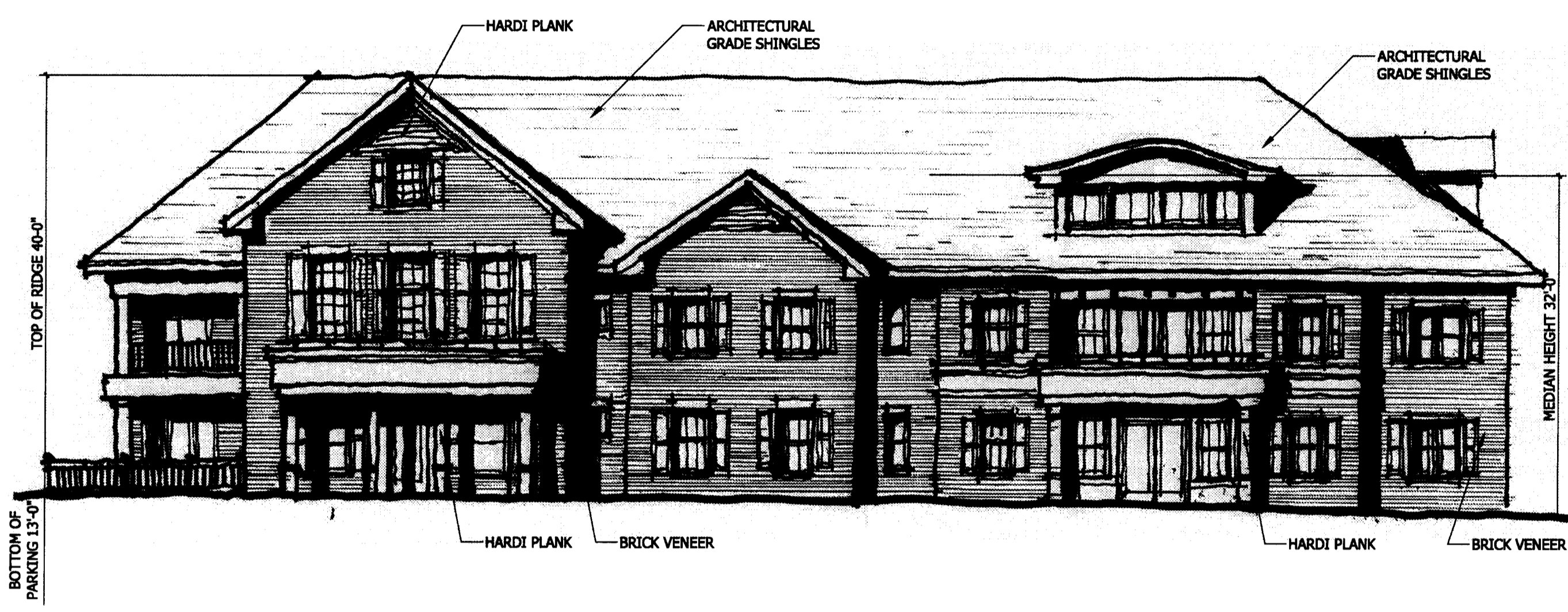
- The nature trail and walking path will remain outside of the SWIM Buffer.
- A pedestrian bridge may not be constructed or installed across the creek located on the Site.

Lighting

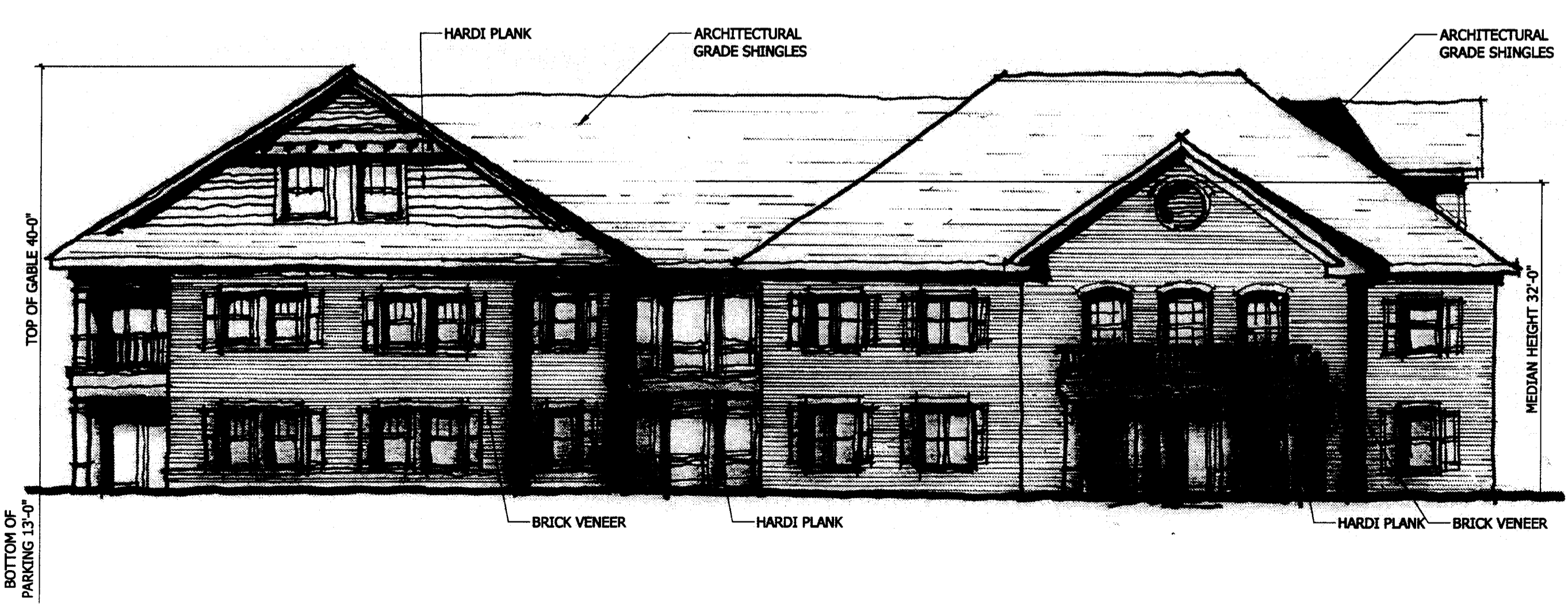
- Pedestrian scale, freestanding lighting fixtures will be installed throughout the Site along the internal private street and drives. The pedestrian scale, freestanding lighting fixtures will be uniform in design, and the final spacing of such lighting fixtures shall be determined by the Petitioner. All such freestanding lighting fixtures shall be fully capped and shielded and the illumination downwardly directed so that direct illumination does not extend past any property line of the Site.
- The maximum height of any pedestrian scale, freestanding lighting fixture installed on the Site, including its base, shall not exceed 20 feet.
- Wall-pak type light fixtures may not be installed on the Site, however, wall-mounted decorative light fixtures are permitted.

Binding Effect of the Rezoning Documents and Definitions

- If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under these Development Standards and the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.
- Throughout these Development Standards, the terms, "Petitioner" and "owner" or "owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioner or the owner or owners of the Site from time to time who may be involved in any future development thereof.



03 BUILDING A FRONT ELEVATION 3/32" = 1'-0"



02 BUILDING B FRONT ELEVATION 3/32" = 1'-0"

01 NOTES

** MULTI-FAMILY DUPLEX STYLE BUILDINGS TO BE CONSISTENT IN ARCHITECTURAL STYLE

N.T.S.

REQUEST	Current Zoning: I-1 (light industrial) Proposed Zoning: I-2(CD) (general industrial, conditional)
LOCATION	Approximately 2.92 acres located on the north side of Pete Brown Road at the intersection of Old Statesville Road and Pete Brown Road (Council District 2 - Austin)
SUMMARY OF PETITION	The petition proposes an expansion of an existing building to allow a contractor's office and storage yard and all I-1 (light industrial) uses that are permitted in the I-2 (general industrial) district.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues. This petition is consistent with the <i>Northeast District Plan</i> .
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Dominion Investments Properties, LLC Dominion Investments Properties, LLC Walter Fields
COMMUNITY MEETING	Meeting is required but has not been held. Number of people attending the Community Meeting: None

PLANNING STAFF REVIEW

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Existing 3,600-square foot, two-story commercial structure and associated parking to remain.
- Possible area for future building expansion, outdoor storage, and parking.
- Landscaping and tree plantings to screen possible outdoor storage area.
- 58-foot Class "A" buffer along the northern property line.
- Allows a contractor's office and storage yard, and all I-1 (light industrial) uses permitted in the I-2 (general industrial) district.
- Possible additional access point along the proposed Pete Brown Road realignment.

- **Existing Zoning and Land Use**

- The subject property is currently zoned I-1 (light industrial) and is developed with an existing office/warehouse commercial structure. The surrounding properties are zoned B-2 (general business), MUDD-O (mixed-use development, optional), I-1(light industrial), and I-2(CD) (general industrial, conditional) and are developed with industrial and retail structures or are vacant.

- **Rezoning History in Area**

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

- **Public Plans and Policies**

- The *Northeast District Plan* (1996) recommends industrial uses at this location.
 - The petition is consistent with the *Northeast Area Plan*.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No comments received.

- **Transportation:** The petitioner should address the following comments:
 - Provide written documentation from the city staff indicating who will build or construct the proposed driveway shown as "By City" on the site plan.
 - Remove the "optional" driveway from the site plan and add a note that additional driveways will be reviewed and approved through the driveway permit process.
 - Show location of intended access to the site via the existing Pete Brown Road alignment.
 - **Vehicle Trip Generation:**
 - Current Zoning: 330 trips per day.
 - Proposed Zoning: 40 trips per day.
 - **Connectivity:** No issues.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No issues.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

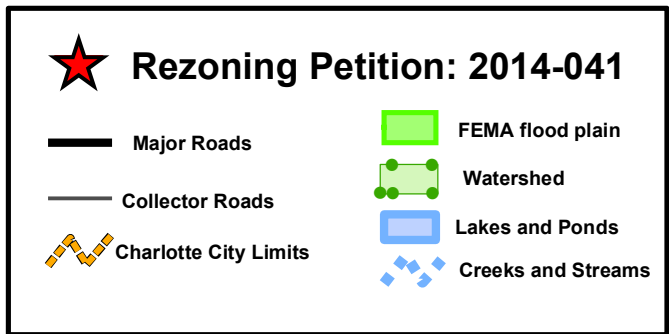
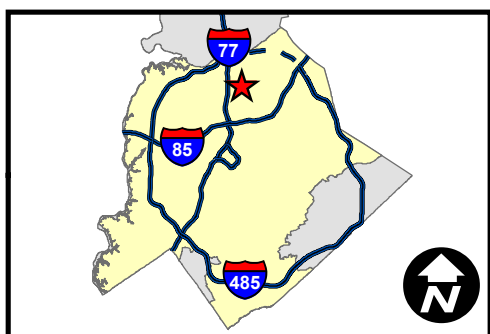
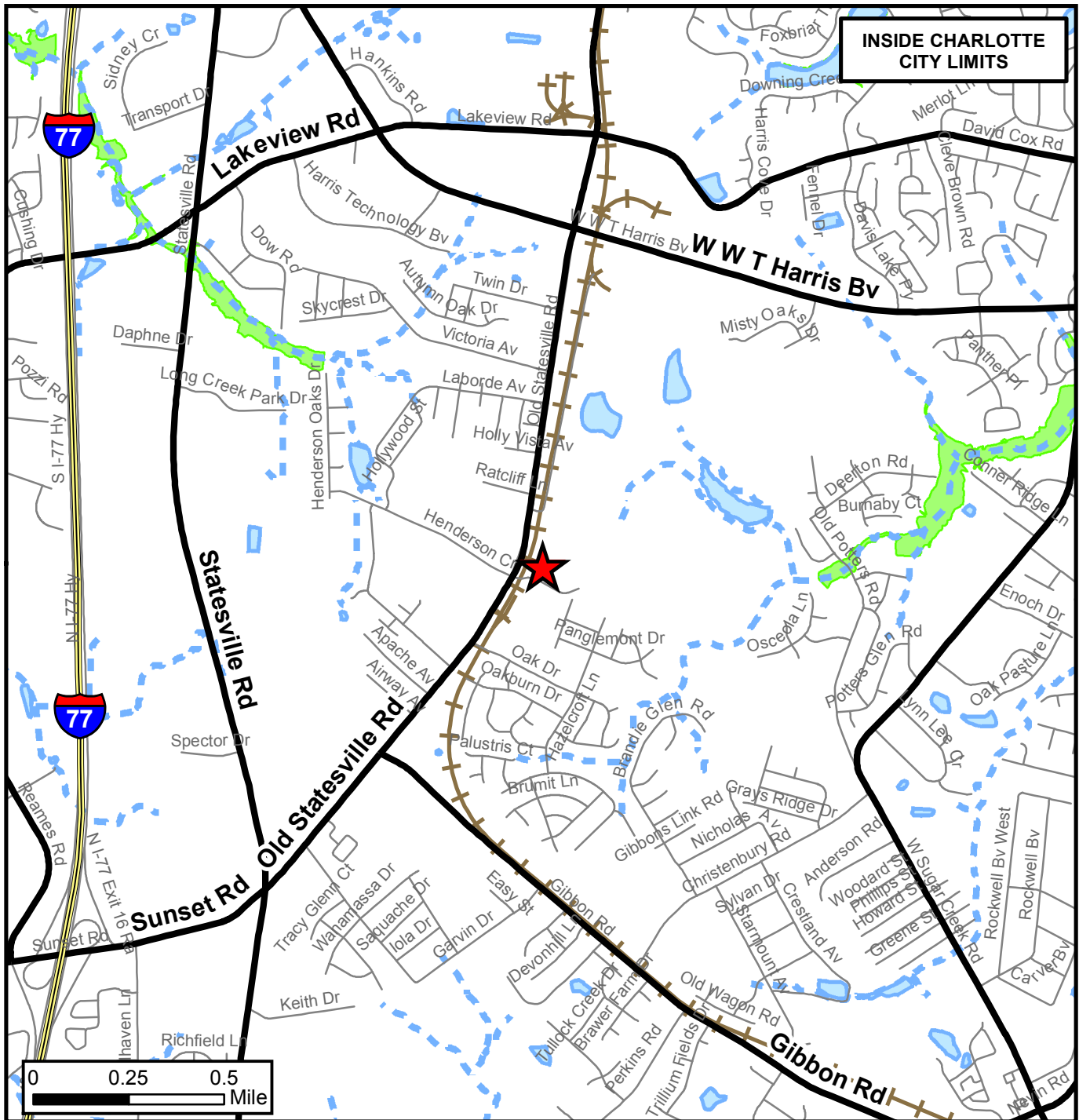
- The petitioner should:
 1. Add a note that all uses in the I-1 district allowed in the I-2 district shall be allowed along with contractor's office with storage.
 2. Modify and place all the allowed uses in one section on the site plan.
 3. Remove the current note under lighting and use the following language: "freestanding light will be fully shielded and downwardly directed."
 4. Limit detached lighting to 20 feet in height.
 5. Address Transportation comments.
-

Attachments Online at www.rezoning.org

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

Planner: Solomon Fortune (704) 336-8326

Acreage & Location : Approximately 2.92 acres located on the north side of Pete Brown Road at the intersection of Old Statesville Road and Pete Brown Road.



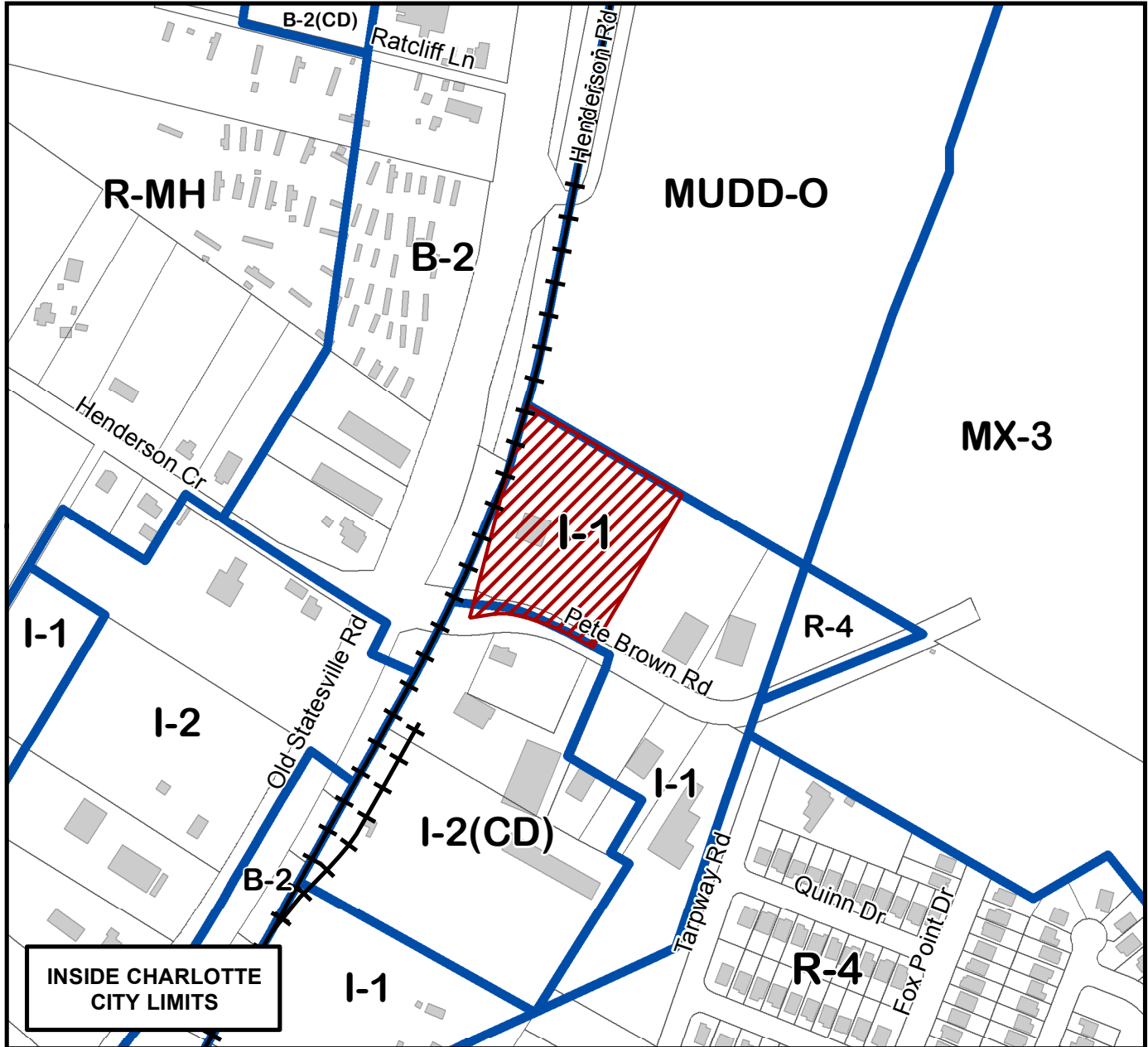
Petition #: **2014-041**

Petitioner: **Dominion Investments Properties, LLC**

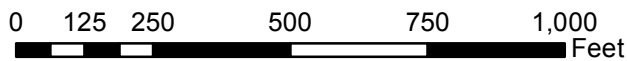
Zoning Classification (Existing): **I-1**
(Light Industrial)

Zoning Classification (Requested): **I-2(CD)**
(General Industrial, Conditional)

Acreage & Location: Approximately 2.92 acres located on the north side of Pete Brown Road at the intersection of Old Statesville Road and Pete Brown Road.

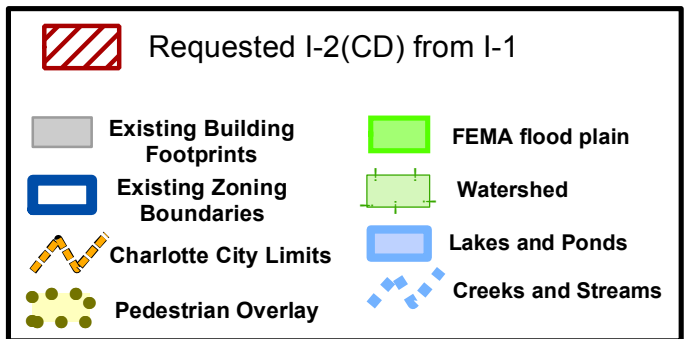


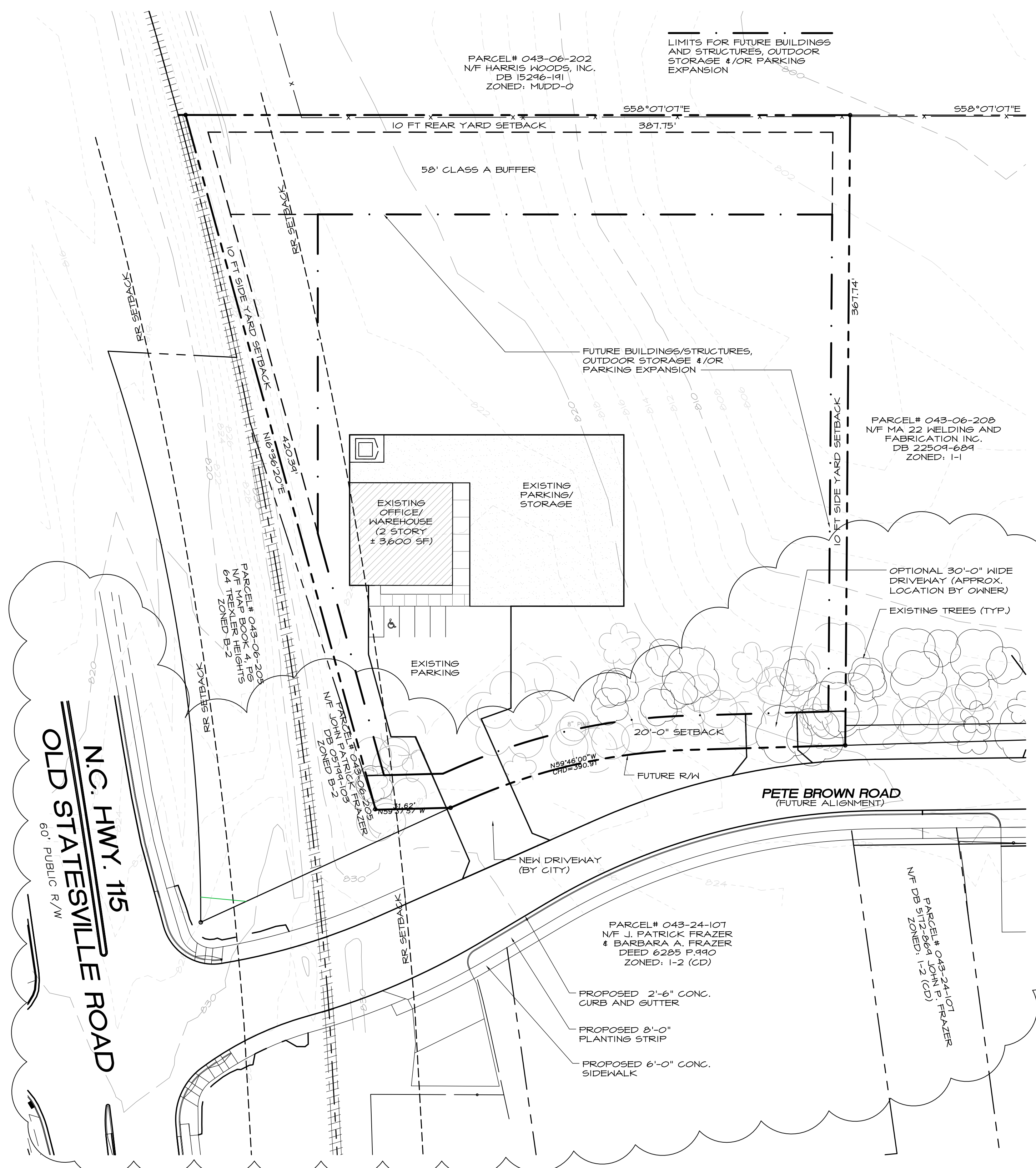
Map Produced by the Charlotte-Mecklenburg Planning Department, 3-29-14.



Zoning Map #(s)

51





**RE-ZONING
SITE PLAN**

SCALE: 1"=40'-0"



DEVELOPMENT DATA:

- TAX PARCEL ID# 043-06-201
- TOTAL ACRES: 2.9274 ACRES
- CURRENT ZONING: I-1 (LIGHT INDUSTRIAL)
- PROPOSED ZONING: I-2 (CD) (GENERAL INDUSTRIAL/CONDITIONAL)
- CURRENT AND PROPOSED LAND USE: CONTRACTOR OFFICE/ WAREHOUSE WITH OUTDOOR STORAGE
- EXISTING AND FUTURE SQUARE FOOTAGE NOT TO EXCEED THE F.A.R. AS SET FORTH IN THE I-2 ZONING DISTRICT.

DEVELOPMENT DATA:

1. PROPERTY BOUNDARY AND TOPOGRAPHIC SURVEY AND FRONTAGE TREE SURVEY PROVIDED BY JACK R. CHRISTIAN & ASSOCIATES SURVEYORS DATED JUNE 16, 2001.
2. THE ALIGNMENT FOR PETE BROWN IS PER CITY OF CHARLOTTE CONSTRUCTION DOCUMENTS DATED 05/2013.

**DALLAS CONSTRUCTION COMPANY
CONDITIONAL DEVELOPMENT STANDARDS:**

GENERAL PROVISIONS.

- A. DEVELOPMENT OF THE SITE WILL BE CONTROLLED BY THE STANDARDS DEPICTED ON THIS SITE PLAN AND BY THE STANDARDS OF THE CHARLOTTE ZONING ORDINANCE. THE DEVELOPMENT DEPICTED ON THIS PLAN IS INTENDED TO REFLECT THE ARRANGEMENT OF PROPOSED USES ON THE SITE, BUT THE EXACT CONFIGURATION, PLACEMENT, AND SIZE OF INDIVIDUAL SITE ELEMENTS MAY BE ALTERED OR MODIFIED WITHIN THE LIMITS PRESCRIBED BY THE ORDINANCE DURING THE DESIGN DEVELOPMENT AND CONSTRUCTION PHASES AS ALLOWED UNDER THE PROVISIONS OF SECTION 6.2 OF THE ZONING ORDINANCE.
- B. THE PETITIONER ACKNOWLEDGES THAT OTHER STANDARD DEVELOPMENT REQUIREMENTS IMPOSED BY OTHER CITY ORDINANCES, SUCH AS THOSE THAT REGULATE STREETS, SIDEWALKS, TREES, BICYCLE PARKING, AND SITE DEVELOPMENT, MAY APPLY TO THE DEVELOPMENT OF THIS SITE. THESE ARE NOT ZONING REGULATIONS, ARE NOT ADMINISTERED BY THE ZONING ADMINISTRATOR, AND ARE NOT SEPARATE ZONING CONDITIONS IMPOSED BY THIS SITE PLAN. UNLESS SPECIFICALLY NOTED IN THE CONDITIONS FOR THIS SITE PLAN, THESE OTHER STANDARD DEVELOPMENT REQUIREMENTS WILL BE APPLIED TO THE DEVELOPMENT OF THIS SITE AS DEFINED BY THOSE OTHER CITY ORDINANCES.
- C. THROUGHOUT THIS REZONING PETITION, THE TERMS "OWNER", "OWNERS", "PETITIONER" OR "PETITIONERS" SHALL, WITH RESPECT TO THE SITE, BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNEES OF THE OWNER OR OWNERS OF THE SITE WHO MAY BE INVOLVED IN ITS DEVELOPMENT FROM TIME TO TIME.

PURPOSE

THE PURPOSE OF THIS REZONING APPLICATION IS TO PROVIDE FOR THE CONTINUED USE OF AN INDUSTRIAL TRACT OF LAND FRONTING ON PETE BROWN ROAD. THE SITE MAY BE USED FOR ANY USE THAT IS ALLOWED IN THE I-1 DISTRICT THAT IS ALLOWED IN THE I-2 DISTRICT AND FOR LIMITED USES IN THE I-2 DISTRICT INCLUDING A CONTRACTOR'S OFFICE AND STORAGE YARD. TO ACHIEVE THIS PURPOSE, THE APPLICATION SEEKS THE REZONING OF THE SITE TO THE I-2 DISTRICT AS A CONDITIONAL DISTRICT (I-2 (CD)).

PERMITTED USES

USES ALLOWED ON THE PROPERTY INCLUDED IN THIS PETITION ARE THOSE USES THAT ARE PERMITTED IN THE I-2 DISTRICT EXCEPT AS MAY BE FURTHER LIMITED BY THE SPECIFIC PROVISIONS OF THIS SITE PLAN.

TRANSPORTATION

- A. THE SITE CURRENTLY HAS A FULL ACCESS CONNECTION TO PETE BROWN ROAD. THIS CONNECTION IS GENERALLY DEPICTED ON THE SITE PLAN. THE PETITIONER ALSO RESERVES THE RIGHT TO CONSTRUCT A DRIVEWAY NEAR THE EASTERN SIDE OF THE SITE AS GENERALLY DEPICTED ON THE SITE PLAN IF ACTIONS BY OTHERS RESULT IN THE LOSS OF FULL ACCESS TO THE CURRENT DRIVEWAY.
- B. PARKING AREAS ARE GENERALLY DEPICTED ON THE CONCEPT PLAN FOR THE SITE.

ARCHITECTURAL STANDARDS

RESERVED.

STREETScape AND LANDSCAPING

THE PETITIONER WILL INSTALL LANDSCAPE SCREENING THAT WILL COMPLY WITH THE ORDINANCE FOR OUTDOOR STORAGE ALONG THE FRONT OF THE SITE ALONG PETE BROWN ROAD. THIS LANDSCAPED AREA MAY INCLUDE EXISTING TREES AND VEGETATION AS WELL AS NEW TREES AND EVERGREEN SHRUBBERY.

ENVIRONMENTAL FEATURES

RESERVED

PARKS, GREENWAYS, AND OPEN SPACE

RESERVED

FIRE PROTECTION

RESERVED

SIGNAGE

RESERVED

LIGHTING

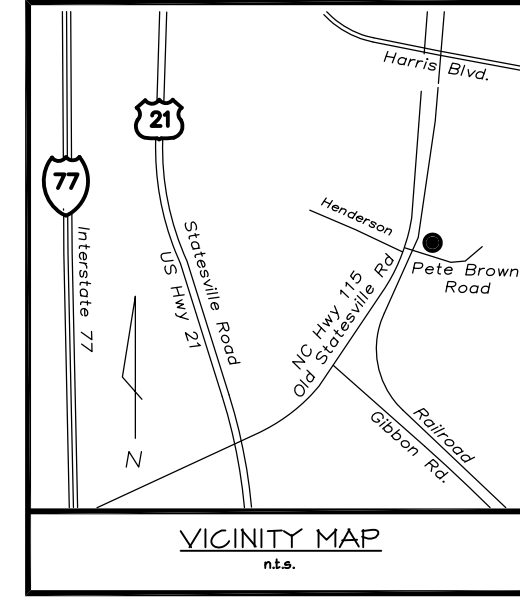
A. FREESTANDING LIGHTING ON THE SITE WILL UTILIZE FULL CUT-OFF LUMINARIES AND NO "WALL PAK" TYPE LIGHTING WILL BE UTILIZED, EXCEPT THAT ARCHITECTURAL LIGHTING ON THE EXTERIOR OF BUILDINGS WILL BE PERMITTED

PHASING

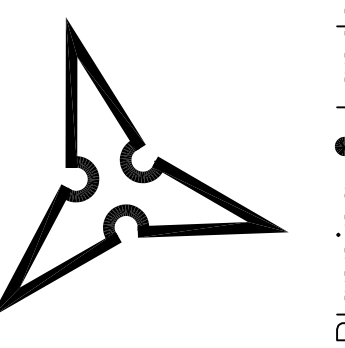
RESERVED

INITIAL SUBMISSION- 3-24-14

REVISED PER STAFF COMMENTS- 5-16-14



Teresa L. Hawkins
RLA, ASLA, LEED-AP
21326 Bethel Church Road
Cornelius, NC
704-892-8625(p/f)



Land Planning • Landscape Architecture • Urban Design

NOT FOR
CONSTRUCTION

PROJECT: DALLAS I CONSTRUCTION
DOMINION INVESTMENTS PROPERTIES, LLC
4330 Pete Brown Road
Charlotte, NC

SHEET TITLE: **CONDITIONAL REZONING SITE PLAN**

Project No.	2014-04
Checked by:	TLH
Drawn by:	AFAK/TLH
Date:	03/24/2014
Revisions	
	4/15/14
Sheet	RZ-1

4/15/14
REVISED FOR PUBLIC
HEARING: PETITION 14-041

REQUEST	Current Zoning: CC (commercial center) Proposed Zoning: CC SPA (commercial center, site plan amendment)
LOCATION	Approximately 5.5 acres located on the northeast corner at the intersection of Johnston Road and North Community House Road. (Council District 7 - Driggs)
SUMMARY OF PETITION	The site plan amendment seeks to allow a 40-room expansion to an existing hotel for a total of 164 hotel rooms.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues. The petition is consistent with the <i>South District Plan</i> , as modified by a prior rezoning, which recommends a mix of multi-family, office, and retail uses.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	SREE Hotels, LLC Parag Patel, CFO Peter Tatge, ESP Associates
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 1

PLANNING STAFF REVIEW

- **Background**

- The subject property was part of a larger rezoning in 1999 for the Toringdon development, Petition 1999-88, that rezoned 172 acres on the east and west corners of the intersection of Johnston Road and Interstate 485 from R-3 (single family residential) to CC (commercial center). The rezoning allowed a mixed use development with office, retail, a 120-room hotel and residential uses, and provided a 75-foot Class "B" buffer abutting all residential zoning and/or use.

- **Proposed Request Details**

The site plan amendment contains the following changes:

- A five-story building addition to allow 40 hotel rooms, for a total of 164 hotel rooms.
- Relocation of the existing driveway on Johnston Road.
- A 51-foot Class "B" buffer reduced by 25 percent to 38.25 feet, with the installation of a six-foot tall wooden fence, as allowed per the ordinance.
- Architecture to match that of the existing 124-room, five-story hotel facility.

- **Existing Zoning and Land Use**

- A portion of the subject property is developed with a 124-room, five-story hotel and the remainder is vacant. The remainder of the unified development located on both sides of Johnston Road is developed with multi-family residential, office, restaurants and retail uses in CC (commercial center) zoning. A private school and a public school exist across North Community House Road on either side of Endhaven Lane in property zoned MX-2 (mixed use) and R-3 (single family residential).

- **Rezoning History in Area**

- Petition 2014-025 approved a CC (commercial center) site plan amendment for 8.5 acres located on the north side of Interstate 485 to allow an increase in office and retail square footage.
- Petition 2013-098 rezoned 10.3 acres located on the south side of Endhaven Lane from R-3 (single family residential) to UR-3(CD) (urban residential, conditional) to allow 200 multi-family dwelling units at a density of 19.4 units per acre.
- Petition 2012-081 approved a CC (commercial center) site plan amendment for 7.55 acres located on the west side of Johnston Road between North Community House Road and Porterfield Road to allow up to 8,000 square feet of uses permitted in the CC (commercial

center) district excluding restaurants with drive-through service and gasoline convenience facilities. This was in addition to a 120-room hotel previously allowed on the site.

- Petition 2010-035 approved a CC (commercial center) site plan amendment for 37.3 acres located at the intersection of Johnston Road and Tarringdon Way surrounded on the south side by I-485 to relocate 240 previously approved multi-family residential units, decrease the approved retail space by 52,000 square feet, increase office space by 38,000 square feet, and add a 120-room hotel.
 - **Public Plans and Policies**
 - The *South District Plan* (1993), as amended by previous rezoning, recommends mixed use residential, office, and retail uses on the subject property.
 - The petition is consistent with the *South District Plan*.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No comments received.
 - **Transportation:** No issues.
 - **Vehicle Trip Generation:**
Current Zoning: 1,000 trips per day.
Proposed Zoning: 1,340 trips per day.
 - **Connectivity:** No issues.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** This site plan amendment will not impact the number of students attending local schools.
 - **Charlotte-Mecklenburg Storm Water Services:** Remove Note 7B in its entirety and replace with the following: "The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Ordinance." Remove the note stating "area subject to PCCO storm water regulations" on sheet RZ-3.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No issues.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

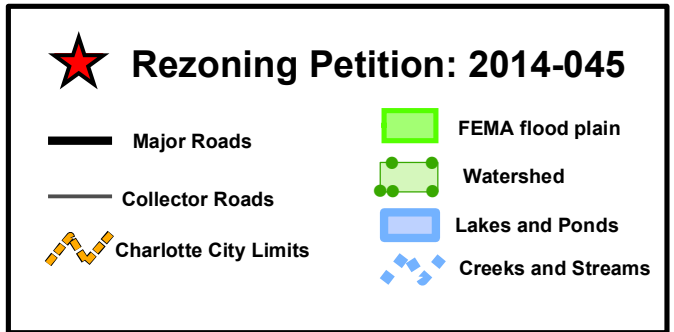
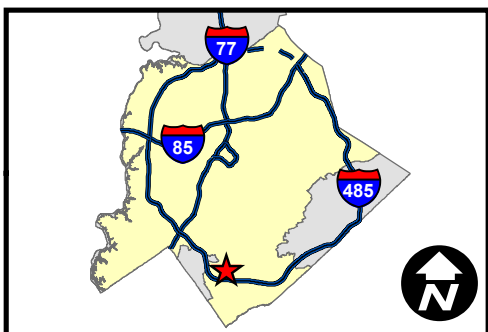
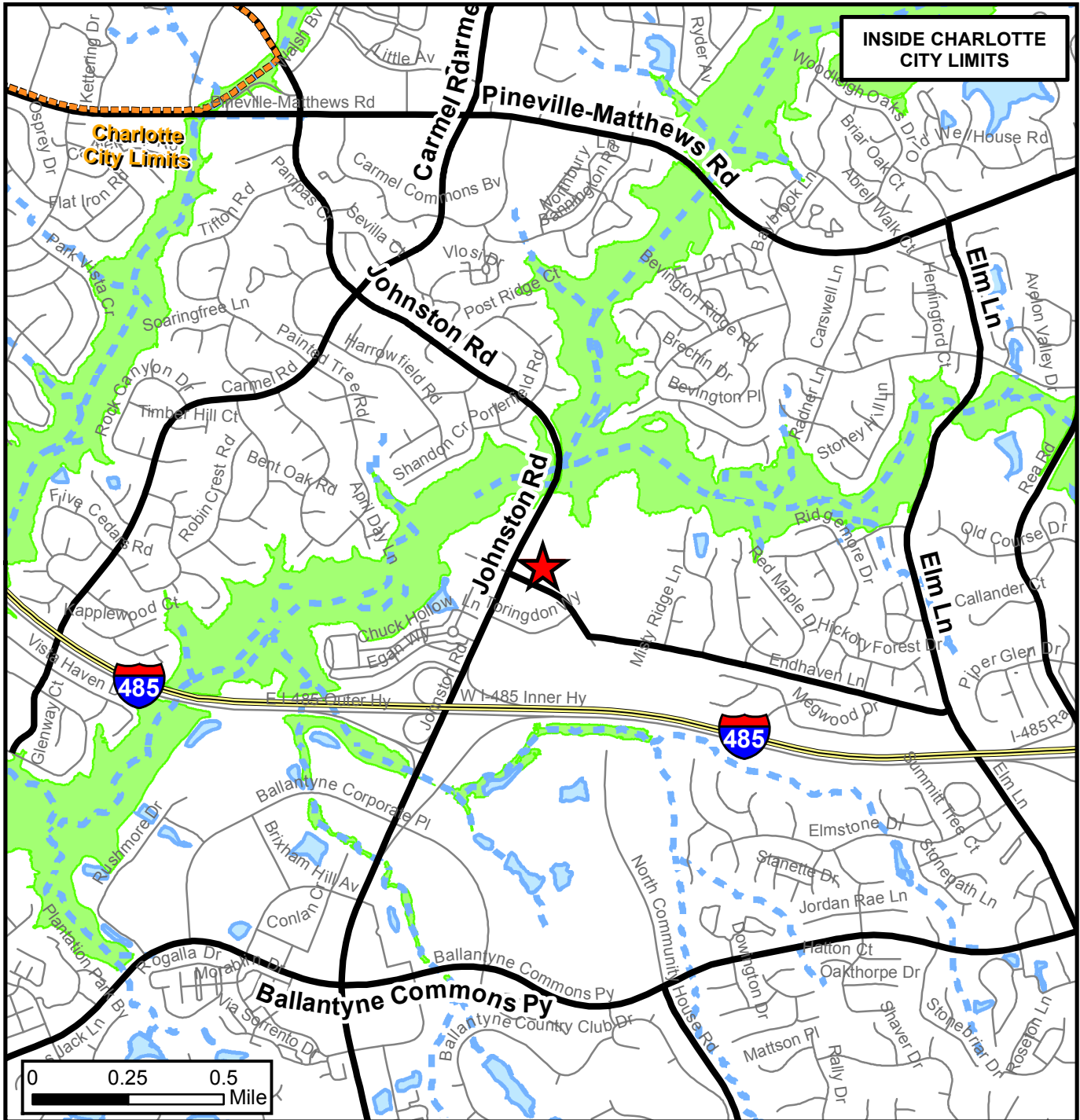
- The petitioner should:
 1. Amend acreage to reflect 5.5 acres.
 2. Amend boundaries of development to reflect entire 5.5 acres. Delineate area of proposed expansion within this boundary.
 3. Address Charlotte-Mecklenburg Storm Water Services comments.
-

Attachments Online at www.rezoning.org

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

Planner: Sonja Sanders (704) 336-8327

Acreage & Location : Approximately 5.5 acres located on the northeast corner at the intersection of Johnston Road and North Community House Road.



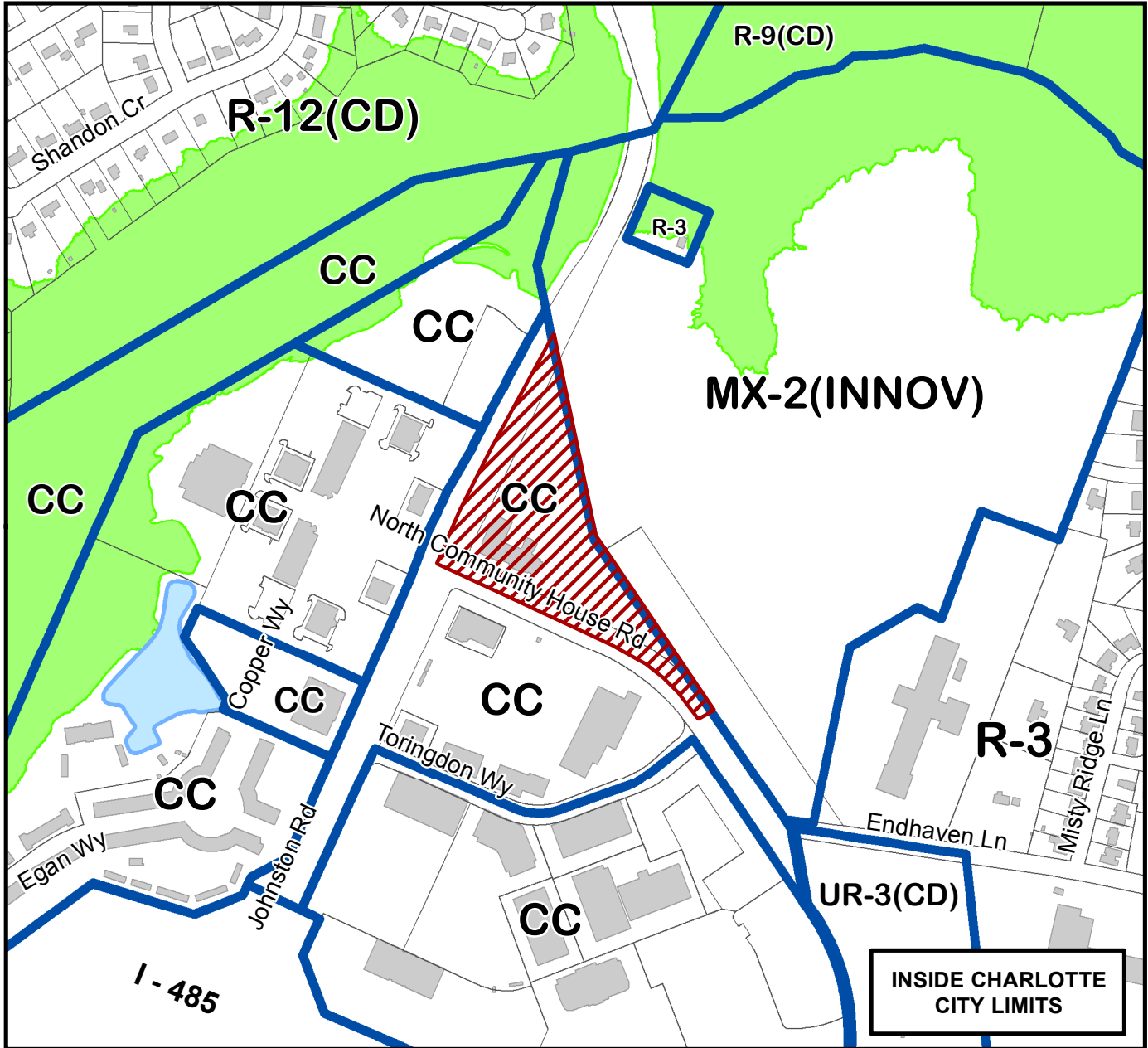
Petition #: **2014-045**

Petitioner: **Parag Patel, CFO**

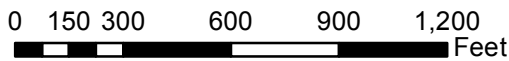
Zoning Classification (Existing): **CC**
(Commercial Center)

Zoning Classification (Requested): **CC (SPA)**
(Commercial Center, Site Plan Amendment)

Acreage & Location: Approximately 5.5 acres located on the northeast corner at the intersection of Johnston Road and North Community House Road.

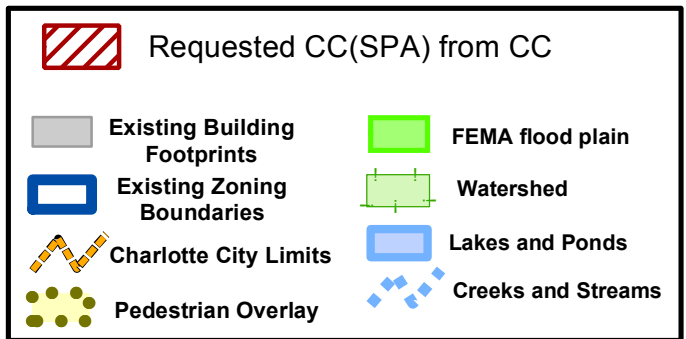


Map Produced by the Charlotte-Mecklenburg Planning Department, 3-29-14.



Zoning Map #(s)

176



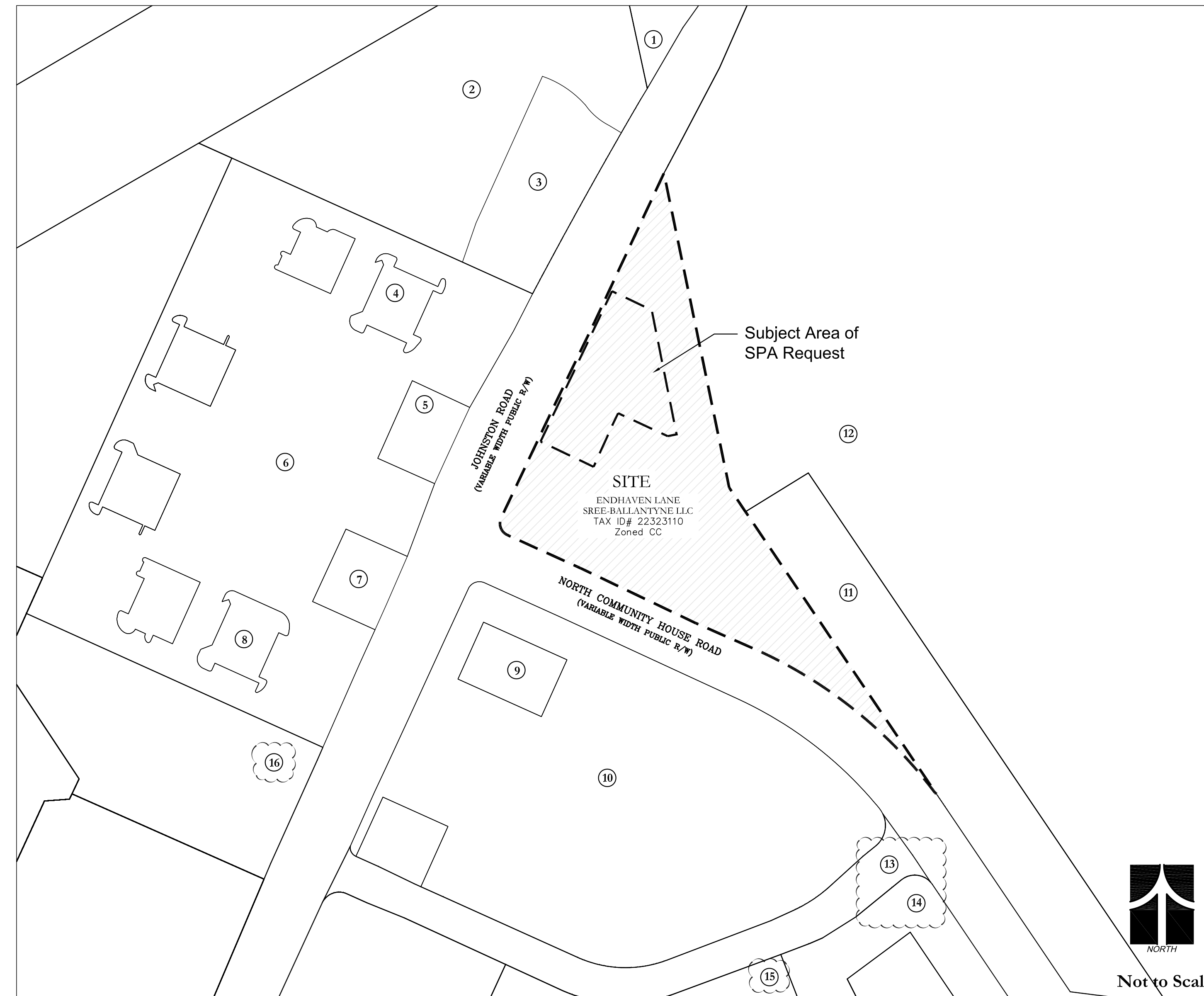
Spring Hill Suites Hotel Site

Charlotte, NC

List of Adjacent Property Owners:

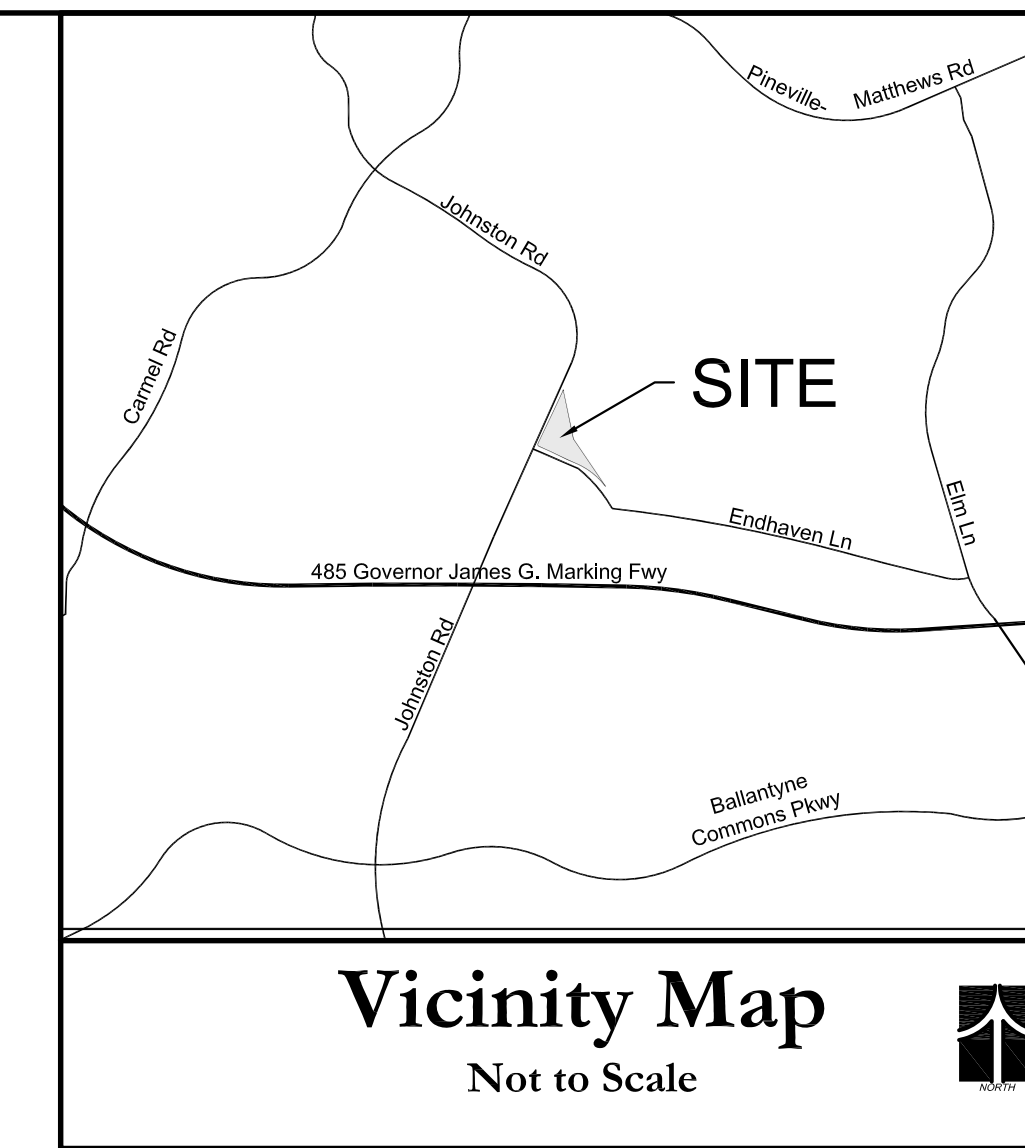
1. JOHNSTON ROAD
PIN# 22323152
CITY OF CHARLOTTE
ZONED MX-2(INNOV)
2. JOHNSTON ROAD
TARA OF BALLANTYNE LLC
PIN# 22323172
ZONED CC
3. ANCHOR TORINGDON
SHOPPES LLC, C/O
ANCHOR PROPERTIES, INC.
PIN# 22323147
ZONED CC
4. 12105 COPPER WAY
% DIANE BAGKETT CO
TORINGDON PARTNERS, LLC
PIN# 22323151
ZONED CC
5. 12330 JOHNSTON ROAD
RUBY TUESDAY, INC
PIN# 22323150
ZONED CC
6. 12206 COPPER WAY
STREETS OF TORINGDON, LLC
PIN# 22323146
ZONED CC
7. 12410 JOHNSTON ROAD
STICKY TORINGDON, LLC
C/O CHAD WALDORF
PIN# 22323149
ZONED CC
8. 12311 COPPER WAY
% DIANE BAGKETT CO
TORINGDON PARTNERS, LLC
PIN# 22323148
ZONED CC
9. 12335 NORTH COMMUNITY HOUSE ROAD
FAMILY JEWELRY STORE, LLC
PIN# 22323143
ZONED CC
10. 12235 NORTH COMMUNITY HOUSE ROAD
KRG TORINGDON MARKET, LLC
C/O KITE REALTY GROUP
PIN# 22323109
ZONED CC
11. 7100 ENDAHVEN LANE
CATHOLIC DIOCESE OF ROMAN CHLT THE
PIN# 22348103
ZONED MX-2(INNOV) & R-3
12. 7000 ENDAHVEN LANE
CHLT THE ROMAN CATHOLIC DIOCESE OF
PIN# 22348101
ZONED MX-2(INNOV) & R-3
13. TORINGDON WAY
OWNERS ASSOC INC TORINGDON PROPERTY
C/O CASSIDY TURLEY
PIN# 22323139
ZONED CC
14. TORINGDON WAY
TORINGDON FUTURE DEVELOPMENT LLC
C/O TRINITY CAPITAL ADVISORS
PIN# 22323161
ZONED CC
- *15. 3440 TORINGDON WAY
GCCF 2007-GGP OFFICE 3440 LLC
C/O LNR PARTNERS LLC
PIN# 22323154
ZONED CC
- *16. JOHNSTON ROAD
REALTY INCOME PROPERTIES 25 LL
PIN# 22323144
ZONED CC

* Additional names provided by City of Charlotte.



Index of Sheets:

DESCRIPTION	Sheet No:
Cover Sheet	RZ.1
Schematic Site Plan	RZ.2
Technical Data & Development Standards	RZ.3
Diagrammatic Rendering	RZ.4
Proposed Building Elevations (East/West)	RZ.5



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CLIENT



SREE HOTELS
SREE Hotels, LLC
5113 Piper Station Drive
Suite 300
Charlotte, NC 28277

PROJECT

SPRING HILL SUITES HOTEL SITE

SHEET TITLE

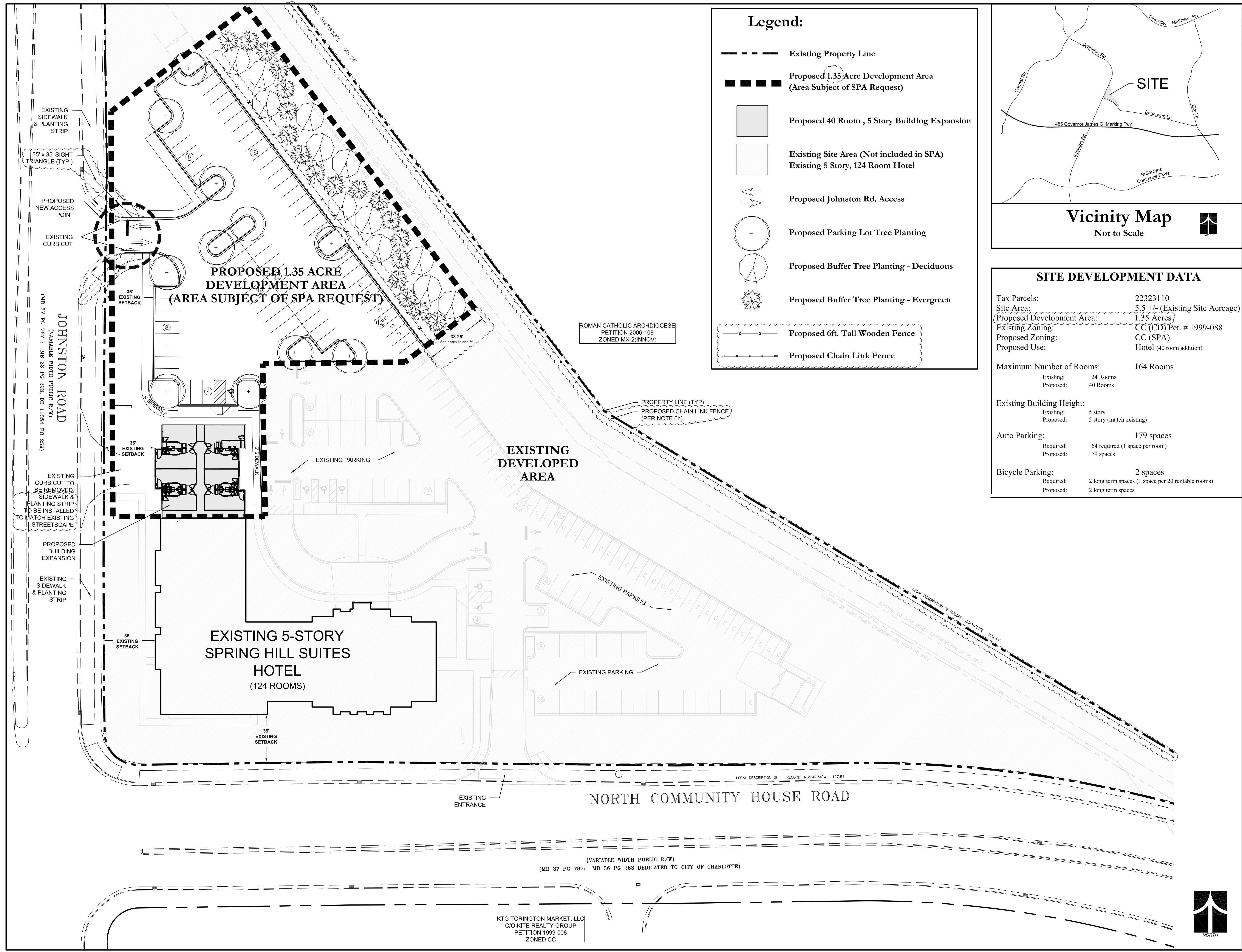
Cover Sheet

PROJECT LOCATION **Charlotte, North Carolina**

PROJECT NO	CN24.100			
DRAWING	CN24 - Sree Hotel SPA			
DATE	03-24-2014			
DRAWN BY	CML/GW			
CHECKED BY	PT			
AGENCY / SUBMITTAL REVISION	NO.	DATE	BY	REVISION
	01	05/13/14	GW	staff comments

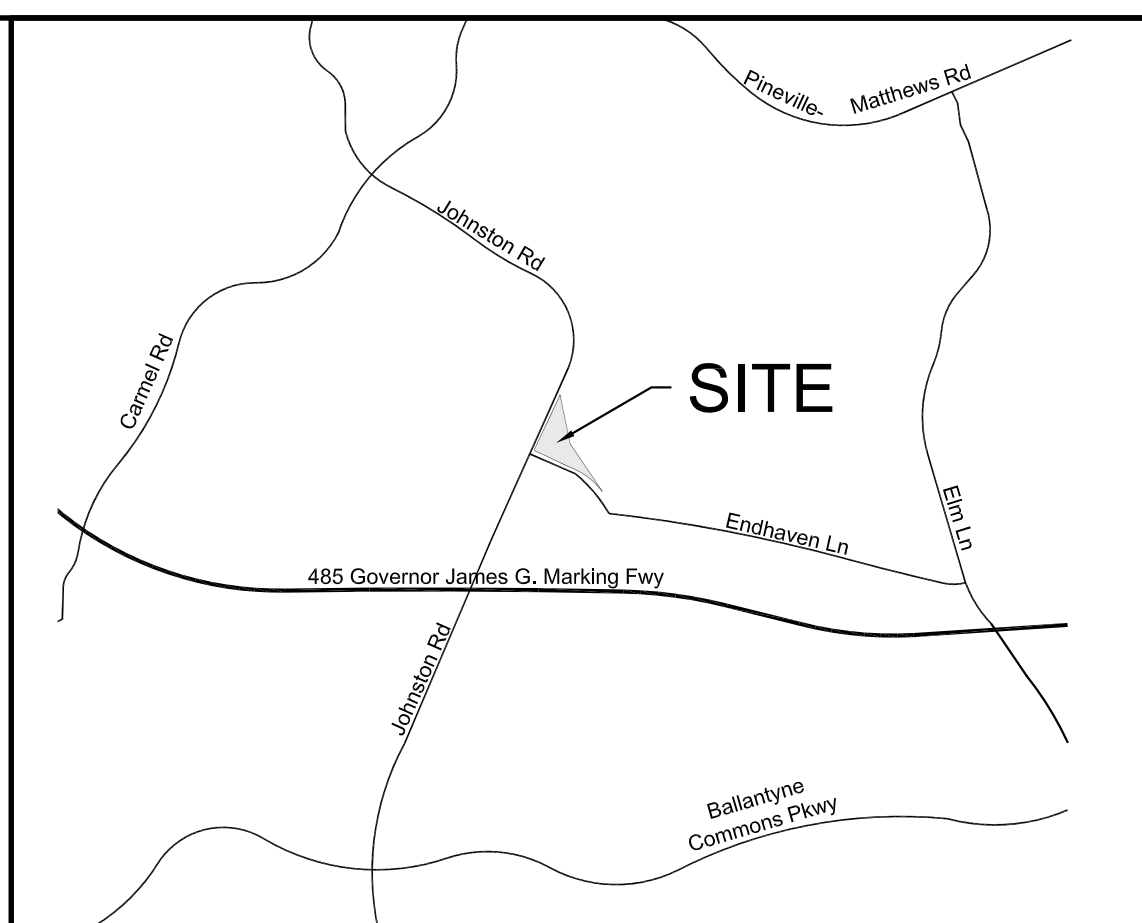
**Petition 2014-045
"For Public Hearing"**

RZ.1



Legend:

- Existing Property Line
- Proposed 1.35 Acre Development Area (Area Subject of SPA Request)
- Proposed 40 Room , 5 Story Building Expansion
- Existing Site Area (Not included in SPA)
Existing 5 Story, 124 Room Hotel
- Proposed Johnston Rd. Access
- Proposed Parking Lot Tree Planting
- Proposed Buffer Tree Planting - Deciduous
- Proposed Buffer Tree Planting - Evergreen
- Proposed 6ft. Tall Wooden Fence
- Proposed Chain Link Fence



Vicinity Map
Not to Scale

SITE DEVELOPMENT DATA

Tax Parcels:	22323110
Site Area:	5.5 +/- (Existing Site Acreage)
Proposed Development Area:	1.35 Acres
Existing Zoning:	CC (CD) Pet. # 1999-088
Proposed Zoning:	CC (SPA)
Proposed Use:	Hotel (40 room addition)

Maximum Number of Rooms:	164 Rooms
Existing:	124 Rooms
Proposed:	40 Rooms

Existing Building Height:	
Existing:	5 story
Proposed:	5 story (match existing)

Auto Parking:	179 spaces
Required:	164 required (1 space per room)
Proposed:	179 spaces

Bicycle Parking:	2 spaces
Required:	2 long term spaces (1 space per 20 rentable rooms)
Proposed:	2 long term spaces



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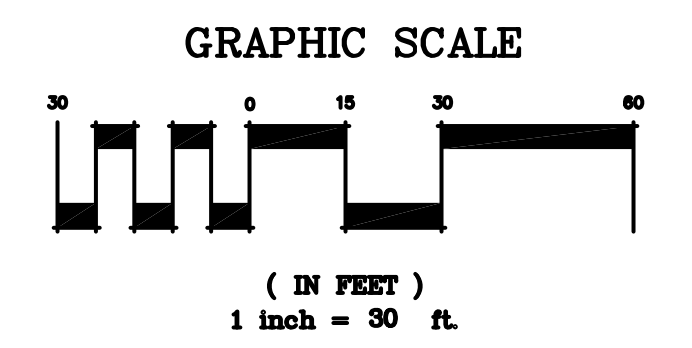
SREE HOTELS
SREE Hotels, LLC
5113 Piper Station Drive Suite 300 Charlotte, NC 28277

SPRING HILL SUITES HOTEL SITE

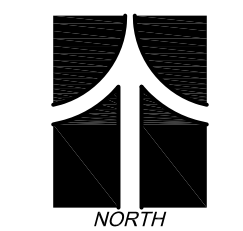
Schematic Site Plan

(Petition 2014-045)
"For Public Hearing"

PROJECT LOCATION **Charlotte, North Carolina**



PROJECT NO.	CN24.100		
DRAWING	CN24 - Sree Hotel SPA		
DATE	03-24-2014		
DRAWN BY	CML/GW		
CHECKED BY	PT		
AGENCY / SUBMITTAL REVISION			
NO.	DATE	BY	REVISION
01	05/13/14	GW	Staff Comments



DEVELOPMENT STANDARDS

Rezoning Petition No. 2014-045
 Site Plan Amendment to Petition # 1999-088
 Development Standards
 3/24/14

1. General Provisions

These Development Standards form a part of the Technical Data Sheet associated with the Schematic Site Plan Amendment filed by SREE Hotels, LLC to modify the Development Standards established by Rezoning Petition No. 1998-088 in order to accommodate development of an approximate +/- 1.35 acre area located within an existing developed +/- 5.5 acre hotel site as depicted on the Technical Data Sheet (the "Site").

Development of the approximate +/- 1.35 acre Site will be governed by the accompanying Technical Data Sheet, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance").

Except as otherwise provided under the provisions set forth under the Technical Data Sheet or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the City of Charlotte Zoning District shall govern all development taking place on the Site.

The 1.35 Acre Proposed Development Area depicted on the Technical Data Sheet is intended to reflect the arrangement of the maximum building expansion area proposed as part of this Site Plan Amendment within this area of the Site. Subsequently, modifications to existing on site vehicular circulation and relocation of the existing right in/right out entrance along Johnston Road is also proposed as part of this site plan amendment request.

Alterations to the conditional site plan are subject to Section 6.207 of the Ordinance.

2. Permitted Uses

a) Subject to the Development provisions set forth under Rezoning Petition 1998-088, uses allowed on the property shall be a maximum of 164 hotel rooms on the entire (tax parcel 22323110 (124 existing and 40 proposed) along with those devoted to the operation of a hotel, and any existing or proposed incidental or accessory uses associated therewith which are permitted by right or under prescribed conditions in the City of Charlotte CC Zoning District.

3. Maximum Development

The maximum number of units (hotel rooms) allowed on tax parcel 22323100 will be 164 (124 existing and 40 new proposed hotel rooms).

4. Transportation

- The site will continue to have 1 existing entrance along North Community House Road and 1 entrance (to be relocated) along Johnston Road.
- Surface parking areas will be as generally depicted within the Proposed 1.35 Acre Development Area as illustrated on the Schematic Site Plan, along with modifications to vehicular circulation, parking spaces, and landscape islands in the existing development area in order to accommodate transitions between the proposed and existing parking lot.
- The proposed driveway connection to Johnston Road will require a driveway permit to be submitted to CDOT for review and approval. The exact driveway location and type/width of the driveway will be determined by CDOT during the driveway permit process. The location of the driveway shown on the Schematic Site Plan is subject to change in order to comply with City Driveway Regulations and the City Tree Ordinance.
- All proposed commercial driveway connections to a future public street will require a driveway permit to be submitted to CDOT for review and approval.
- Any fence or wall constructed along or adjacent to any sidewalk or street right-of-way will require a certificate issued by CDOT.
- A Right-of-Way Encroachment Agreement will be required for the installation of any non-standard item(s) (irrigation systems, decorative concrete pavement, brick pavers, etc.) within a proposed/existing City maintained street right-of-way by a private individual, group, business, or homeowner/business association. An encroachment agreement must be approved by CDOT prior to the construction/installation of the non-standard item(s).

5. Architectural Standards

- The intent of the Hotel expansion is to match existing Architecture of the existing built 124 room, 5 story Hotel facility. A Diagrammatic Architectural Elevation of this proposed building expansion is provided as part of the Site Plan Amendment package illustrated on Sheets RZ.4 and RZ.5.
- All building materials, colors, and architectural design shall match the existing Spring Hill Suites Hotel facility.
- All roof mounted mechanical equipment within the proposed building expansion will be screened from view from adjoining public rights-of-way and abutting properties as viewed from grade.

6. Streetscape and Landscaping

- Internal areas of the Site within the Proposed 1.35 Acre Development Area will be landscaped in accordance with the requirements of the Ordinance.
- Screening and landscaping for the Proposed 1.35 Acre Development Area shall conform to the standards of the Ordinance.
- Meter boxes, back flow preventers, and similar items will be screened from public view.
- Except as otherwise provided in these Development Standards, 5' wide sidewalks within the Proposed 1.35 Acre Development Area will connect to the existing sidewalk and planting strip area along Johnston Road. No further changes or modifications to the existing streetscape along Johnston Road and/or North Community House Road are anticipated, except those required to connect the internal private sidewalk to the public sidewalk system, notwithstanding the proposed sidewalk and planting strip that will be installed to match the existing streetscape along Johnston Road where the existing curb cut will be removed to support the proposed hotel expansion.
- To meet the intent of the Buffer section of the Zoning Ordinance, the petitioner proposes to install a thirty-eight foot and 3 inch (38.25') wide landscape planting area along the newly installed parking area located within the existing 75' area along the eastern property line within the Proposed 1.35 Acre Development Area.
- Petitioner proposes to install a 6' high wooden fence within the proposed buffer to allow a 25% reduction in width, per section 12.302(b) to allow a 38.25' wide buffer area as illustrated in the Proposed Conceptual Buffer Planting Detail.
- Landscaping within this area shall be installed as follows:
 - Large maturing shade trees - min. 2 1/2 inch caliper, planted at nine (9) per 100 linear foot of buffer area.
 - Evergreen trees, min 6' high, planted at three (3) per 100 linear foot of buffer area.
 - Shrubs to be omitted since 6' high opaque fence is being installed.
 - Landscaping shall be arranged within the planting area as illustrated in the Proposed Conceptual Buffer Planting Detail as shown below.
- Petitioner will install a chain link security fence along the rear of the site to separate the hotel site from property owned by the Catholic Diocese of Charlotte, per Petition #1999-088, note 27, unless an agreement between the two (2) property owners for parcel ID numbers 22348103 and 22348101 and Spring Hill Suites Hotel (parcel ID number 22323110 is consummated which stipulates that the chain link fence should not be installed.
- Applicant may utilize existing vegetation located along the eastern property line to satisfy the landscape buffer planting requirements provided that existing vegetation is approved by the landscape inspector and consists of species listed on the City's approved plant list.

7. Environmental Features

- Tree Save: Existing trees will be preserved in all buffer areas, not withstanding those trees that coincide within the existing Duke Power right-of-way easements located along the eastern property line within the 75' wide Class B buffer approved as part of Rezoning Petition #1999-088. Petitioner may plant small maturing trees within the subject 75' wide buffer and within the overlapping Duke Power right-of-way easements to satisfy buffer tree planting, internal parking area planting, or tree save replanting requirements.
- PCCO - The site shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance (see email dated April 30, 2014 from storm water services for details and specifics regarding compliance).
- PCCO - 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.

8. Signage

All proposed signage shall meet the requirements of the Ordinance.

9. Lighting

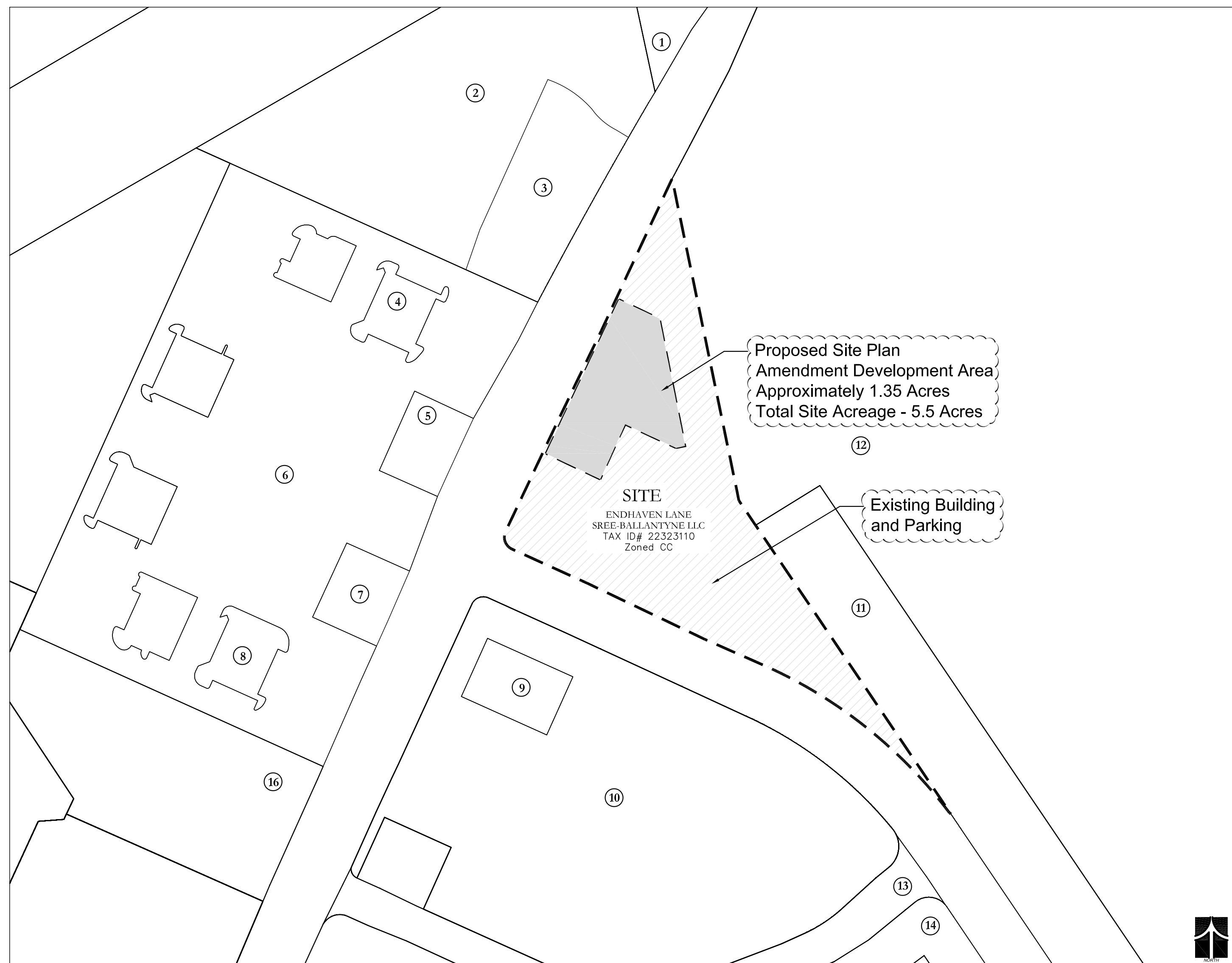
- Any lighting attached to any new proposed exterior building wall, within the subject building expansion, facing a residential component shall be capped and downwardly directed.
- All street and parking lot fixtures will be shielded with full cut-off fixtures.
- External facing wall-pak lighting will be prohibited throughout the Site.
- Exterior lighting will be provided within new parking lot areas to match existing lighting.
- Detached lighting will be limited to 20 feet in height.

10. Parking

Petitioner shall satisfy or exceed the parking requirements of the City of Charlotte Zoning Ordinance for the proposed 40 room hotel expansion.

11. Phasing

Development to be constructed in one phase.



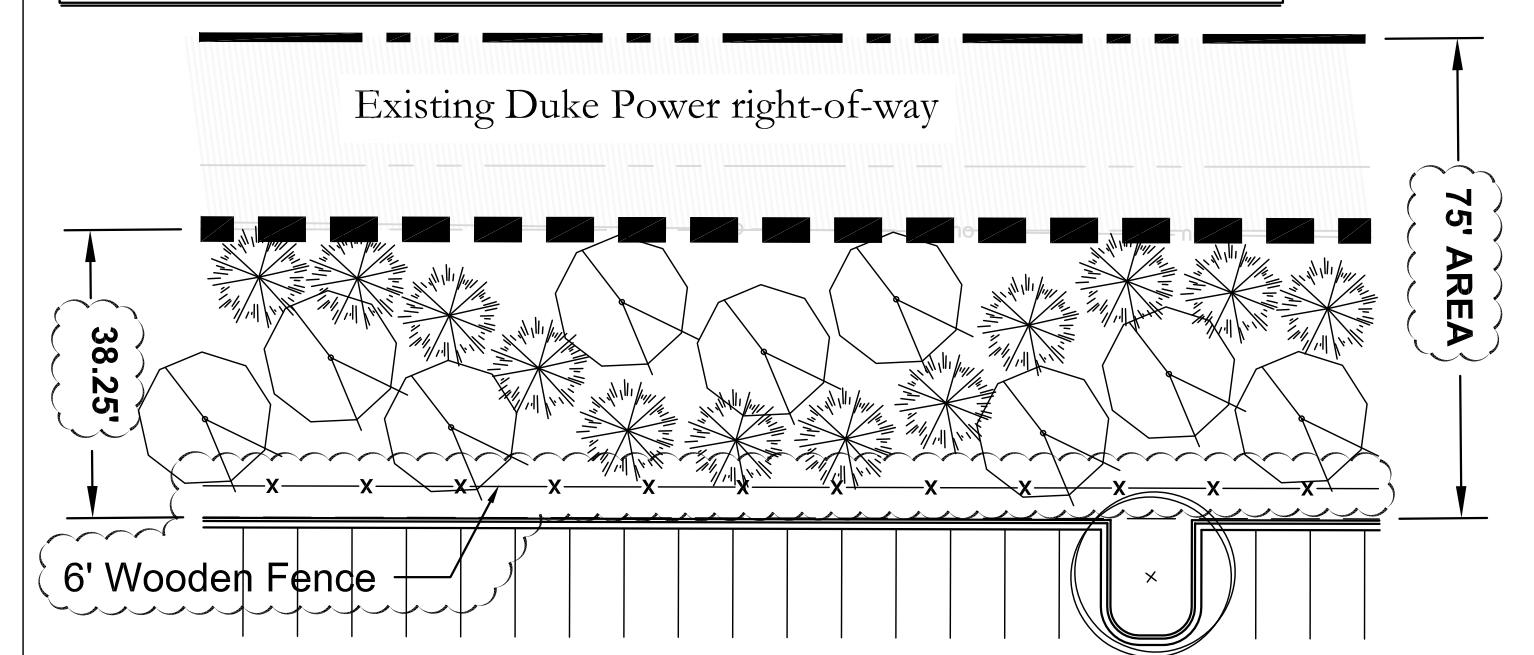
Not to Scale

12. Amendments to Rezoning Plan
 Future amendments to the Technical Data Sheet and these Development Standards may be applied for by the then Owner or Owners of the applicable development area of the Site affected by such amendment in accordance with the provisions herein and of Chapter 6 of the Ordinance.

13. Binding Effect of the Rezoning Documents and Definitions
 If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under the Technical Data Sheet and these Development Standards will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective successors in interest and assigns.

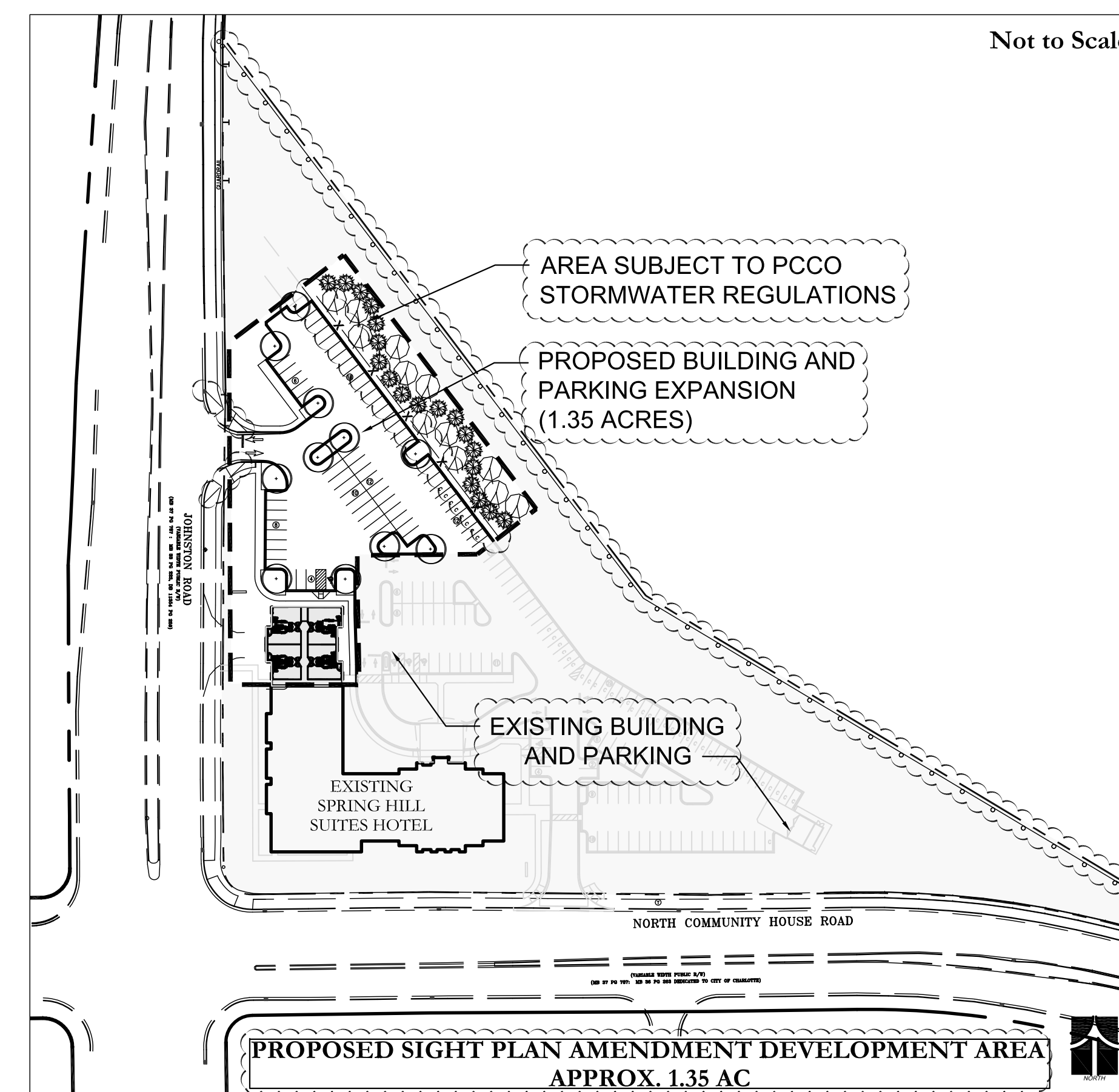
Throughout these Development Standards, the terms, "Petitioner" and "Owner" or "Owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioner or the owner or owners of any part of the Site from time to time who may be involved in any future development thereof.

PROPOSED CONCEPTUAL BUFFER PLANTING AREA DETAIL Not to Scale



BUFFER REQUIREMENTS

- Table 12.302(b) of the Zoning Ordinance requires a 51' wide Class B buffer to be installed along the property line, based on the site acreage of 5.5 Acres.
- Table 12.302(b) further allows the minimum width of a buffer to be reduced by 25% if a fence or wall is constructed.
- Applicant proposes to reduce the 51' wide buffer by 25% (51' x .75 = 38.25') to allow a 38.25' planted area provided that a 6' tall wooden fence is installed based on the above detail.



Not to Scale



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CLIENT



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 SREE Hotels, LLC
 5113 Piper Station Drive
 Suite 300
 Charlotte, NC 28277

PROJECT

SPRING HILL SUITES HOTEL SITE

SHEET TITLE

Technical Data Sheet and Development Standards

Petition 2014-045
 "For Public Hearing"

PROJECT LOCATION Charlotte, North Carolina

PROJECT NO.	CN24.100		
DRAWING	CN24 - Sree Hotel SPA		
DATE	03-24-2014		
DRAWN BY	CML/GW		
CHECKED BY	PT		
AGENCY / SUBMITTAL REVISION			
NO.	DATE	BY	REVISION
01	05/13/14	GW	Staff Comments

RZ.3

SPRINGHILL SUITES ADDITION

BALLANTYNE - CHARLOTTE, NC

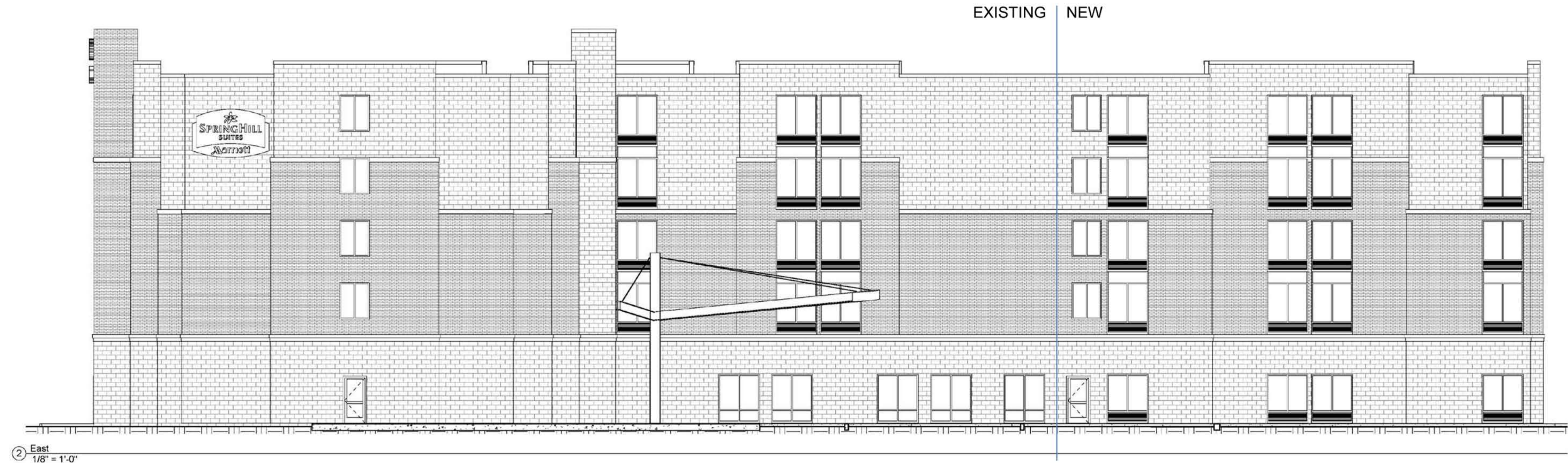


DIAGRAMMATIC RENDERING

03.24.14

SPRINGHILL SUITES ADDITION

BALLANTYNE - CHARLOTTE, NC



ELEVATIONS

03.24.14

Previously
Approved
Site
Plan



Abingdon Trammell Crow Company Wood Partners

Trammell-Crow/Wood Partners
1-485 Johnson Rd. Site
Development Notes

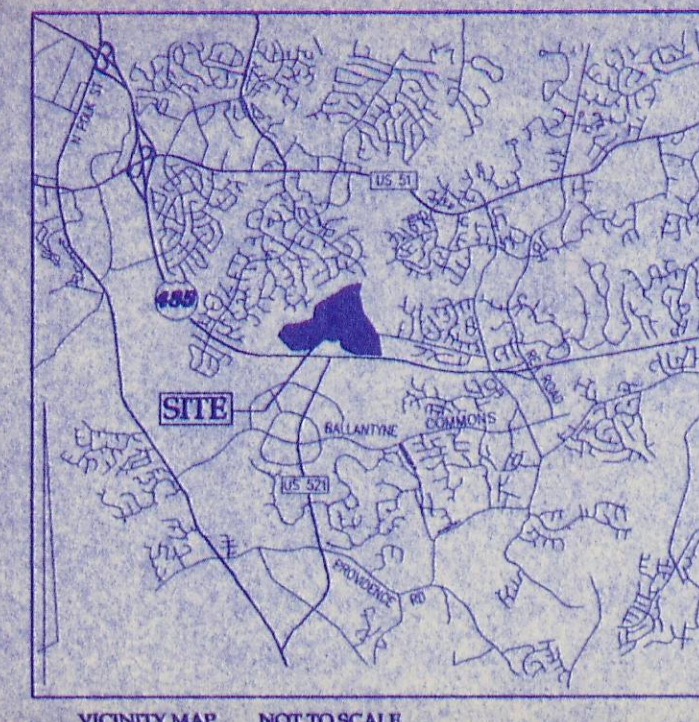
- Development of the site will be controlled by the standards depicted on this site plan and by the standards of the City of Charlotte Zoning Ordinance. The development depicted on this plan is intended to reflect the general arrangement of proposed uses on the site, but the exact details of configuration, placement, and size of individual site elements may be altered or modified within the limits prescribed by the ordinance during the design development and construction phases. This Proposal is intended to enable the development of a mixed use community composed of offices, multifamily, and neighborhood retail and service uses.
- The site may be developed for any use allowed in the CC district in accordance with the standards of that district and the restrictions of this site plan. The Petitioner will construct a mixed use development in general conformity with the schematic plan which will include a wider than normal thoroughfare right-of-way to accommodate additional landscaping and pedestrian features with a special emphasis on the intersection of Johnson Rd. and Community House Rd. Further, the Petitioner will provide pedestrian connections from within the site to other site elements and uses and to adjacent uses to focus on the intersection area, balancing the need for vehicular as well as pedestrian access. Finally, the Petitioner's site plan and architectural design will emphasize architectural massing as a "street wall", especially along principal streets within the development. The street wall will provide for building elevations to be the dominant component of the street frontage and will provide pedestrian-scale elements at the ground floor level. Such elements may include entranceways, windows, arcades, awnings, etc. The Petitioner may place retail uses within office buildings on the site as well as within the retail center in order to further the mixed use nature of the site. Retail floor area located within office buildings will not be counted toward the total retail floor area located elsewhere on the site.
- Access to the site will be provided by connections to the new Johnson Rd. and by connections to the new Community House Rd. as shown on the Technical Data Sheet. All driveway and street connections are subject to approval by N.C.DOT and by Mecklenburg County. The exact alignment for Community House Rd. will be determined in concert with the City of Charlotte and with the property owners east of Community House Rd. who may desire access to the road in the future.
- Buffer areas will be developed in accordance with Sect. 12.302. The "R" buffers on the site may be defined by the adjoining parcels as shown on the site plan. Buffers are no longer required if the buffers are not longer required.
- Stormwater detention facilities will be designed to meet the applicable standards of Charlotte/Mecklenburg Stormwater Services. No storm water detention will occur within any required buffer and setback areas, except along Johnson Rd. in the area of the existing lake. It is the Petitioner's intent to restore and utilize the existing lake along the Johnson Rd portion of site after the City road construction project is completed as a site amenity/detention facility.
- The Petitioner will dedicate a minimum of 100' right-of-way for Johnson Rd. and for the portion of Community House Rd. which falls on the site. In addition, the Petitioner will construct the portion of Community House Rd. which falls on the site to a cross section determined jointly by the Petitioner and City staff. If not part of a funded road project, the Petitioner will construct a 6' sidewalk with an 8' planting strip along the public streets that pass through the site. Within the interior of the site on private streets, the Petitioner will construct a more urban configuration consisting of a 6' sidewalk and a 6' planting strip.
- The Petitioner will offer for dedication to Mecklenburg County, the portion of the McAlpine Creek floodplain located between the Petitioner's western property line and the Duke Power easement. Further, the Petitioner will not fill any areas within the 100 year regulatory floodplain.
- Any detached lighting on the site will be limited to 20 feet in height.
- Signage will be permitted in accordance with applicable Zoning standards, and the detached signs will be limited to ground mounted signs.
- Parking will be provided which will meet or exceed the standards of the Zoning Ordinance.
- Screening will conform to the applicable standards of Sect. 12.303 of the Zoning Ordinance.
- All dumpsters on the site will be screened with a solid enclosure with gates.
- The Petitioner will design and develop a formalized open space element of at least 1,500 sq. ft. within the retail portion of the site as a site amenity and to enhance pedestrian access.
- No restaurants with drive through service or gas/food/convenience facilities may be located on the site.
- The Petitioner will furnish an access easement from the site to a parcel on the west end of the site, which easement may be terminated if no access to the parcel is legally required or the owner of the parcel releases the Petitioner or its successors from the commitment.
- Construction traffic to the Petitioner's site will be limited to access only from I-485 and/or Johnson Rd.
- Subject to the provisions of Note 18 below, the Petitioner will connect Endhaven Lane to the new section of Community House Rd. In accordance with the requirements of the Subdivision Ordinance and appropriate engineering and CDOT standards.
- The Petitioner, if allowed by the Planning Staff, will construct the portion of Community House Rd. on the site but will not complete the final connection of Endhaven Lane to Community House Rd. until Johnson Rd. is open to NC 251. Further, if the connection has not been completed by the time that CMS begins construction of the new school on Endhaven Lane, the Petitioner will provide for school construction traffic to cross the Petitioner's site as an alternate to the use of Endhaven Lane.
- Stormwater detention facilities will be designed to meet the applicable standards of Charlotte/Mecklenburg Stormwater Services. No storm water detention will occur within any required buffer and setback areas, except along Johnson Rd. in the area of the existing lake. It is the Petitioner's intent to restore and utilize the existing lake along the Johnson Rd portion of site after the City road construction project is completed as a site amenity/detention facility.
- The development of the site will be limited by the following Schedule:
 - No more than 50% of the multifamily development west of Johnson Rd. no more than 50% of the office development, and no more than 35% of the retail development, may receive Certificates of Occupancy until Johnson Rd. is open to Community House Rd.
 - The east 25% of the office development may receive Certificates of Occupancy at the earlier of the opening of Johnson Rd. to NC 51 or June 2002.
 - The remaining 25% of the office development, the remaining 85% of the retail development, and the remaining 50% of the multifamily development west of Johnson Rd. may receive Certificates of Occupancy at the earlier of the opening of Johnson Rd. to NC 51 or June 2003.
- Buildings within the retail portion of the site will be one to two stories in height and buildings within the office portion of the site will range from two to six stories in height.
- The Petitioner will develop a master plan for the streetscape within and along the margins of the site which will include pedestrian scale lighting, tree planting, landscaping, signage, and other amenities designed to enhance the pedestrian environment and the site will be developed in accordance with that master plan.
- The Petitioner will develop a master signage plan for the site to coordinate identification and directional information for the structures, streets, and pedestrian areas of the site.
- With regard to the access drive for the residential portion of the site that orients to Community House Rd., the Petitioner will construct that entrance such that its design and signage will clearly indicate that it is a residential entrance and not an access to the office portion of the site, so as to discourage cut-through traffic between Endhaven Lane and the office portion of the site.
- The Petitioner will install, at their cost, signage, landscaping and other appropriate entranceway improvements at the future connection of Endhaven Lane and Community House Rd. These entranceway improvements will be substantially similar to the entranceway features to be located across the Community House Rd. at the entranceway to the proposed multifamily community and will be installed at the same time.
- The Petitioner will install certain turning lane improvements at the Endhaven Lane/Em Lane West intersection. These improvements will result in the creation of two distinct turn lanes for traffic leaving Endhaven Lane and built in accordance with applicable CDOT design and engineering standards subject to the availability of required right-of-way.
- The Petitioner will contribute 1/2 of the cost of a traffic signal at the Endhaven Lane/Em Lane intersection. This contribution will be made at the time that Endhaven Lane is connected to Community House Rd. and the timing of the signal installation and its operation will be determined by CDOT.
- If the 5.74-acre site at the intersection of Johnson Rd. and Community House Rd. is developed with a hotel, the Petitioner will install a chain link security fence along the rear of the site to separate the hotel site from property owned by the Catholic Diocese of Charlotte.
- The Petitioner reserves the right to request a variance from the normal buffer requirements for the area adjacent to a small strip of land between the Petitioner's site and the future Community House Rd. right-of-way.
March 22, 1998
June 16, 1998 revisions per staff comments.
August 30, 1999 revisions per Zoning Committee and additional community comments.
October final changes from community comments and council approval!

Development Tabulation *

	Proposed	AC	DUA/FAR
Office	675 K SF	+/- 39.59 ac	.43 far
Multi-Family	984 units	+/- 109.9 ac	8.9 dua
Retail	115 K SF	+/- 12.80 ac	.21 far
Hotel or Office Attached	120 rm or 85 K SF	+/- 5.7 ac	
	72 units	+/- 6.2 ac	11.6 dua

Note: Parking will meet or exceed Mecklenburg County Zoning Ordinance requirements.

* Subject to revision, resulting from minor changes to site plan and associated averages to development parcels.



VICINITY MAP NOT TO SCALE

Legend

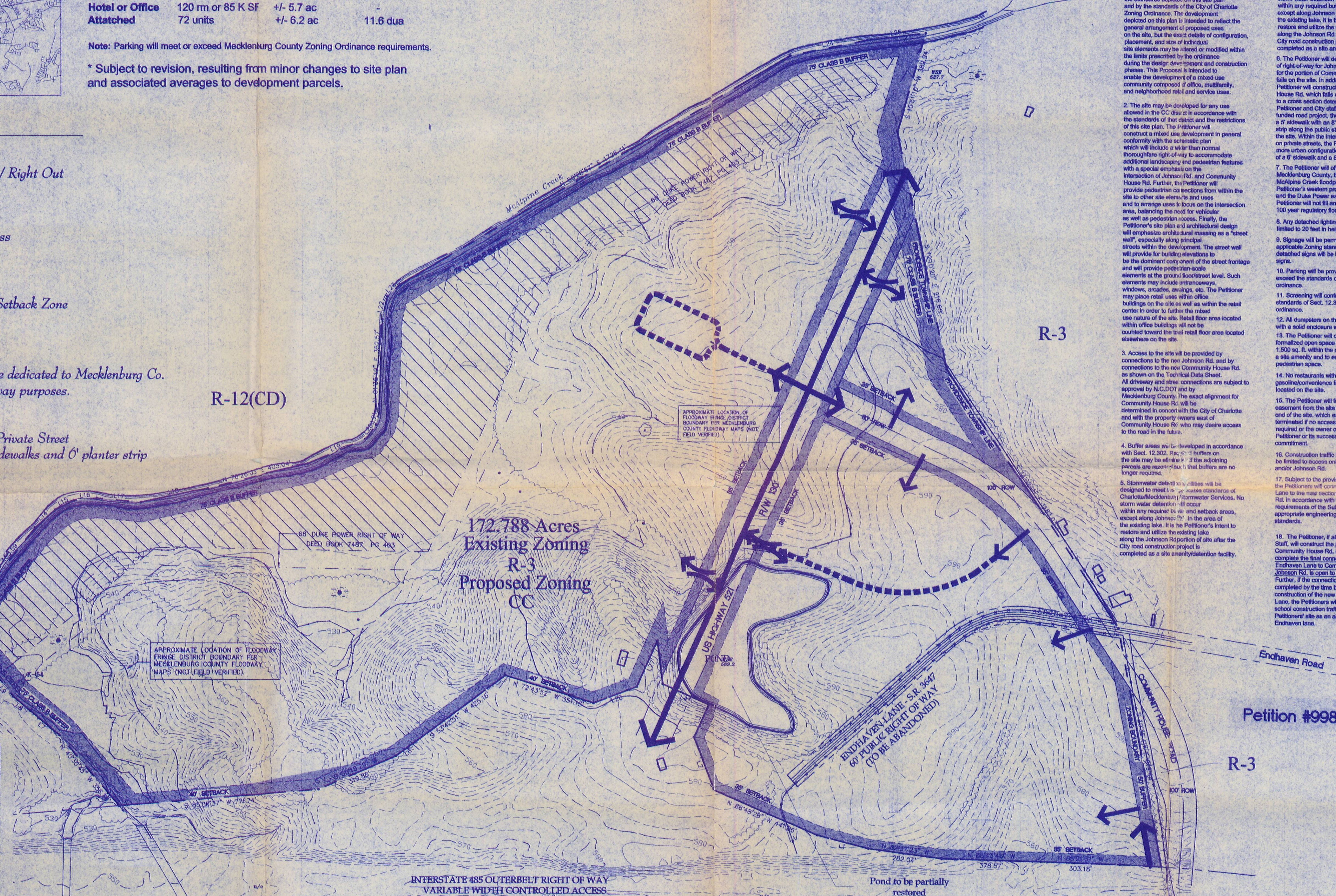
- Right In / Right Out
- Full Access
- Buffer / Setback Zone
- Area to be dedicated to Mecklenburg Co. for greenway purposes.
- Internal Private Street with 6' sidewalks and 6' planter strip

LINE TABLE

LINE	LENGTH	BEARING
L1	200.12'	N 75°44'03" W
L2	209.11'	N 20°49'16" E
L3	134.65'	N 24°16'15" E
L4	189.41'	N 65°37'04" W
L5	110.68'	N 47°18'29" W
L6	91.31'	S 53°44'09" W
L7	142.34'	N 50°40'04" W
L8	82.68'	N 50°40'04" W
L9	91.53'	S 38°51'24" W
L10	95.61'	N 42°32'19" W
L11	68.83'	N 50°17'57" W
L12	58.93'	N 13°22'55" E
L13	55.04'	N 50°26'04" W
L14	103.02'	N 48°02'05" E
L15	77.74'	N 63°29'57" E
L16	87.50'	N 84°21'18" E
L17	168.54'	S 84°51'58" E
L18	261.06'	N 77°48'52" E
L19	248.78'	N 65°28'06" E
L20	61.45'	N 33°52'06" E
L21	45.49'	N 13°34'04" E
L22	88.15'	N 12°42'36" E
L23	65.40'	N 46°06'45" E
L24	299.14'	N 78°20'37" E
L25	223.97'	N 82°47'54" E
L26	165.12'	N 07°08'16" W
L27	191.36'	S 24°16'14" W
L28	176.89'	S 69°16'16" W

CURVE TABLE

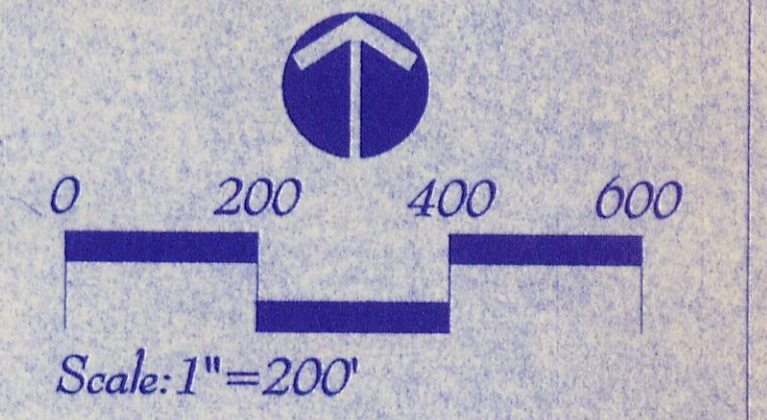
CURVE	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD	DELTA
C1	7614.44'	156.46'	78.23'	N 87°00'15" W	156.46'	01°08'50"



172.788 Acres
Existing Zoning
R-3
Proposed Zoning
CC

Petition #9988

R-3



Technical Data Sheet

DATE: **March 19, 1999**
 PROJECT NO.: **18180**
 REVISIONS:
May 18, 1999 - Revised Road R/W
6.17.99 revised per CMFC comments
9.29.99 revised per CMFC comments
11.00 revised per CMFC comments
125.00 revised: added Petition #

APPROVED BY CITY COUNCIL

DATE **9/23/00**

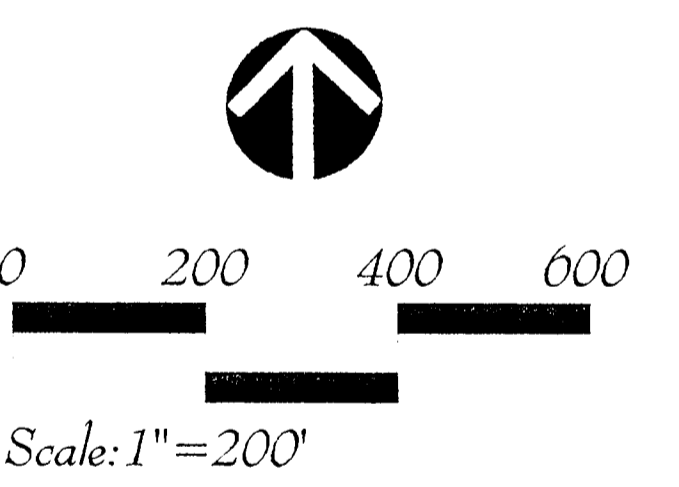
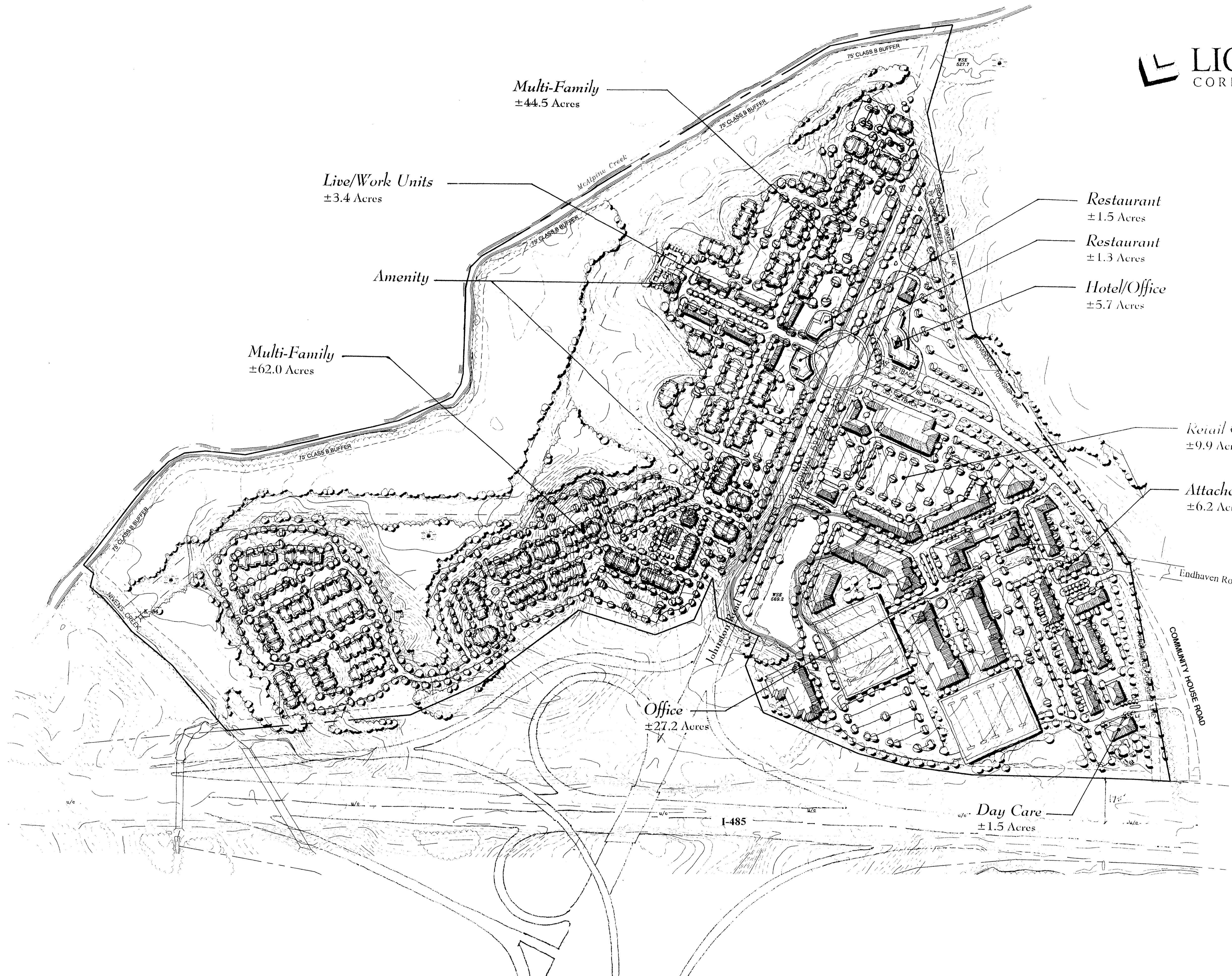
Survey by:
THE SURVEY COMPANY, INC.

LandDesign, Inc.
 Landscape Architecture Land Planning
 Urban Design

SHEET NO.: **1** OF:
 FILE NAME: **G:\18180\dwg\18180tech.dwg**

Abingdon

Trammell-Crow Company
Wood Partners



Illustrative Site Plan
Land Design

DATE: May 18, 1999
PROJECT NO: 18180
REVISIONS:

LandDesign, Inc.
Landscape Architecture Land Planning
Urban Design

FILE NAME: G:\18180\dwg\18180base.dwg

REQUEST	Current Zoning: R-22MF (multi-family residential) Proposed Zoning: UR-2(CD) (urban residential, conditional)
LOCATION	Approximately 3.38 acres located on the northwest corner at the intersection of Statesville Avenue and Moretz Avenue abutting Moss Lane and Tranquil Oak Place. (Council District 2 - Austin)
SUMMARY OF PETITION	The petition proposes a residential development with 118 units at 34.9 dwelling units per acre. The properties will be incorporated into the Double Oaks/Brightwalk development, which will result in an overall density of 18.9 units per acre for that development.
STAFF RECOMMENDATION	<p>Staff recommends approval of this petition upon resolution of outstanding issues. The proposed land use is consistent with the <i>Central District Plan</i>, which recommends multi-family residential uses without a specific density. When a plan does not specify a density, the Residential Location and Design criteria found in the <i>General Development Policies</i> are used to assess the appropriateness of higher density development.</p> <p>The proposed rezoning density of 34.9 units per acre for the subject site exceeds the <i>General Development Policies</i> recommendation of density up to 17 dwelling units per. However, the existing zoning currently allows up to 22 dwelling units per acre. In addition, when the properties are combined with the remainder of the Double Oaks/Brightwalk development, the overall density is 18.9 units per acre. The slight increase in the total density from 18.2 to 18.9 is acceptable as the request is consistent with the multi-family land use recommended by the <i>Central District Plan</i> and supports the plan recommendation for revitalization/redevelopment of the Double Oaks/Genesis Park neighborhood.</p>
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Double Oaks Development, LLC Fred Dodson, Jr., The Housing Partnership Frank Quattrocchi, Shook Kelley
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 4

PLANNING STAFF REVIEW

- **Background**
 - Approximately 64.5 acres south of the rezoning site were rezoned under petition 2008-073 from a variety of zoning districts in order to allow the redevelopment of the Double Oaks/Brightwalk area with up to 1,082 residential units, and 35,000 square feet of retail, office and day care. The overall density of the project was approximately 16.78 dwelling units per acre.
 - Rezoning petitions 2013-031 and 2013-032 added eight (8) acres to the development and increased the overall density of the Double Oaks/Brightwalk development to 18.2 dwelling units per acre.
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

 - Adds 3.38 acres to the overall Double Oaks/Brightwalk development.
 - Allows up to 118 single family attached, detached, and multi-family residential dwelling units at 34.9 dwelling units per acre. The result is an increase in the density of the overall Double Oaks/Brightwalk development from 18.20 dwelling units per acre to 18.94 dwelling units per acre.

- Maximum building height of 55 feet.
- Depicts building and parking envelopes.
- Provides internal alleyway system to support new development/circulation.
- Provides new sidewalk and landscape strips on new internal streets and along Statesville Avenue.
- Buildings to be designed as four sided architecture with no long blank walls of 20 feet or more.
- Buildings will be broken up by different material types, windows and paint to avoid large expanses of blank walls.
- Limits freestanding lighting to 20 feet.
- **Existing Zoning and Land Use**
 - The rezoning site is currently vacant and is surrounded by vacant, residential, institutional, educational, recreational, religious, and commercial uses and activities and properties zoned R-5 (single family residential), R-8 (single family residential), R-22MF (multi-family residential), UR-2(CD) (urban residential, conditional), INST(CD) (institutional, conditional), R-I (residential-institutional), and B-1 (neighborhood business).
- **Rezoning History in Area**
 - The most recent rezonings in the area are additions to the Double Oak/Brightwalk development as noted in the "Background" section.
- **Public Plans and Policies**
 - The *Central District Plan* (1993) recommends multi-family residential for the subject parcels with no specified density, and supports revitalization/redevelopment of the Double Oaks/Brightwalk neighborhood.
 - This petition is consistent with the *Central District Plan*.
 - The *General Development Policies* (GDP) (2003) provide density guidance when an area plan does not specify maximum dwelling units per acre. The *General Development Policies* support residential densities up to 17 units per acre.

Assessment Criteria	Density Category > 12 up to 17 DUA
Meeting with Staff	1 (Yes)
Sewer and Water Availability	2 (CMUD)
Land Use Accessibility	Medium (2)
Connectivity Analysis	Med-High (4)
Road Network Evaluation	0 (No)
Design Guidelines	4 (Yes)
Other Opportunities or Constraints	NA
Total Points Needed: 13	Total Points: 13

- The proposed rezoning is consistent with the multi-family use recommended in the *Central District Plan*, but the site does not meet the criteria set forth in the *General Development Policies* for an increase in density up to 18.94 dwelling units per acre.
- The site meets the *Central District Plan* goals for the revitalization of the Double Oaks/Genesis neighborhood.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** CATS requests that the petitioner retain the existing bus stop and waiting pad along Statesville Avenue. If new curb is installed along Statesville Avenue, then the petitioner is requested to upgrade the existing bus waiting pad to the standard detail (60.01B) for the requested bus stop pad. The site plan may either show the conceptual location of the improved bus stop on Statesville Avenue, or alternatively, include a development note to locate the bus stop pad during the development review and permitting process.
- **Charlotte Department of Neighborhood & Business Services (Code Enforcement):** Setbacks should be clearly noted on site plans.
- **Charlotte Department of Neighborhood & Business Services (Housing):** Housing Locational Policy will apply for multi-family over 25 units. Area is not permissible and would require waiver if development seeks public funds.

- **Transportation:** CDOT has the following comments:
 - On May 21, 2014, CDOT met with the petitioner to discuss the design for the proposed "Right-In/Right-Out" street connection shown on SP0001 of the rezoning petition. Unless this requirement originates from the Double Oaks/Brightwalk Redevelopment TIA affiliated with the 2008-073 rezoning, CDOT requests the petitioner remove the "Proposed Right-In/Right-Out" note from the site plan and allow for the final access management treatment of this intersection to be determined by CDOT and NCDOT during the driveway permit process.
 - Incorporate the public street alignment shown during the May 21, 2014 meeting with CDOT into the next rezoning site plan submittal.
 - **Vehicle Trip Generation:**
Current Zoning: 710 trips per day.
Proposed Zoning: 1,200 trips per day.
 - **Connectivity:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 39 students, while the development allowed under the proposed zoning will produce 62 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 23 students.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte-Mecklenburg Utilities:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No issues.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- The petitioner should:
 - Add notes committing to the following design standards:
 - Buildings along public and private streets shall have clear windows, glass and doors that face these respective streets. The walls of the buildings facing these streets shall be varied with a frequency of windows, doors and other architectural treatments. Long expanses of blank walls with no openings and minimal changes in material or architectural treatment over 20' long will not be allowed. Blank walls shall be treated with some combination of landscaping, building articulation, varied building façade planes, canopies, pedestrian oriented lights, public art or other similar treatment.
 - The principal buildings constructed on the Site may use a variety of building materials. The building materials used for buildings (other than structured parking facilities) will be a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, precast concrete, synthetic stone, stucco, cementitious siding (such as hardi-blank), EIFS or wood. Vinyl as a building material will not be allowed except on windows and soffits.
 - Residential buildings that front on a public or private street will be designed with buildings entrances that face the abutting public or private street, except that buildings with frontage on two streets (either public or private or two legs of a roundabout) may have an entrance to only one street.
 - Meter banks, BFP's and other similar utilities will be screened where visible from public view at grade level.
 - Roof top HVAC and related mechanical equipment will be screened from public view at grade level.

- Include the conceptual renderings provided with the 2008 rezoning.
 - Remove UR-2(CD) from Developments Note 1c (Existing and Proposed Zoning).
 - Correct the label in Development Area 11, which refers to Development Area 9. Address CATS comments.
 - Address Neighborhood and Business Services comments.
 - Address Transportation comments.
-

Attachments Online at www.rezoning.org

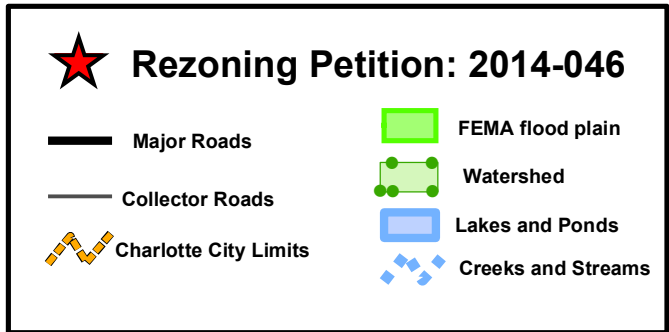
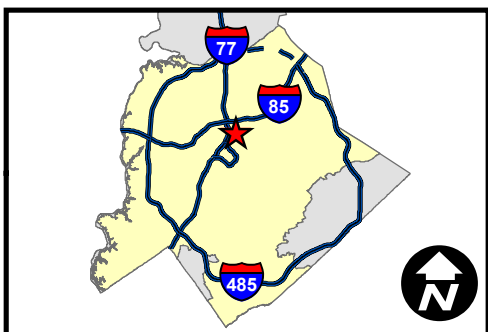
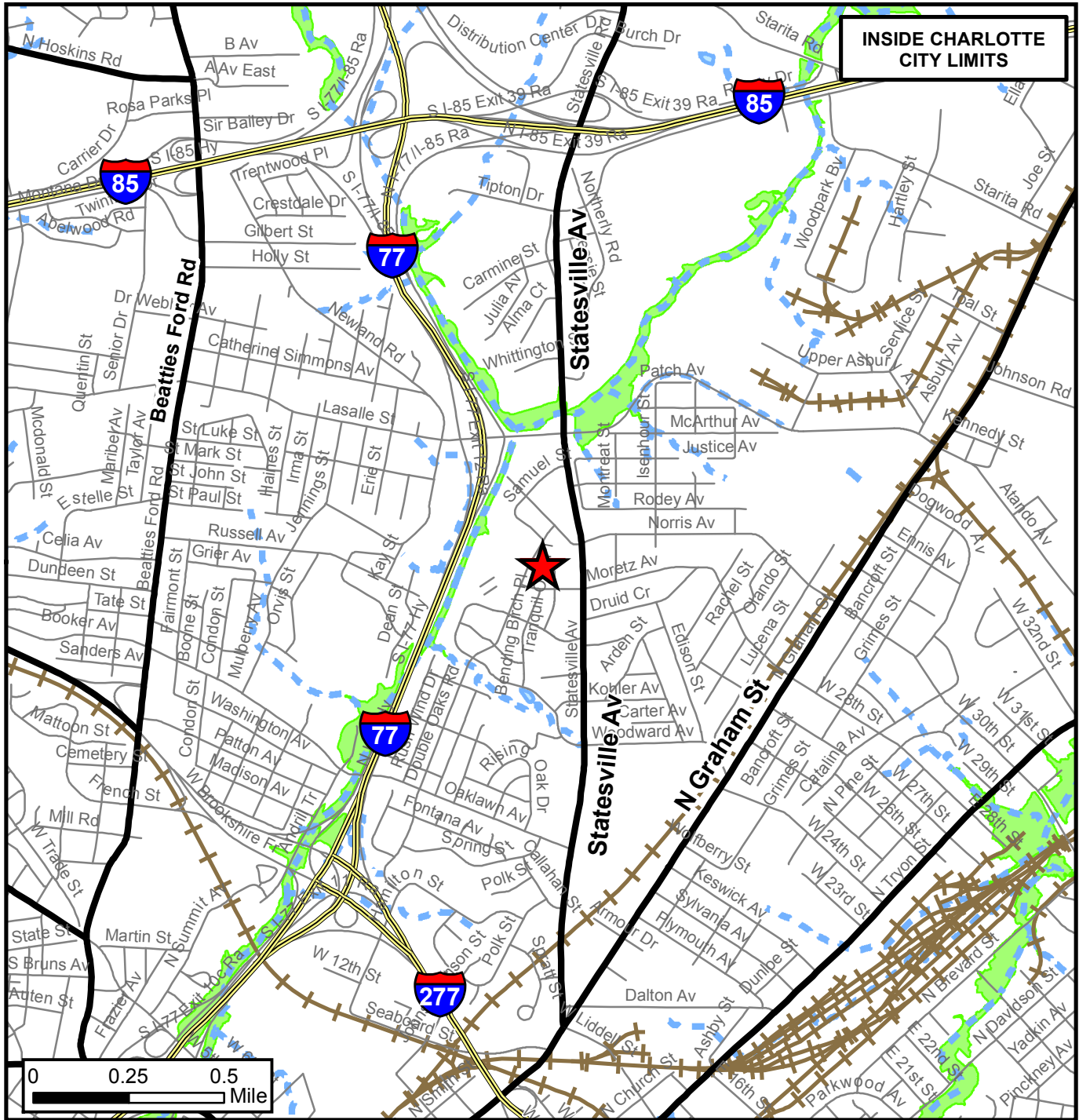
- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg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

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

Petition #: **2014-046**

Vicinity Map

Acreage & Location : Approximately 3.38 acres located on the northwest corner at the intersection of Statesville Avenue and Moretz Avenue abutting Moss Lane and Tranquil Oak Place.



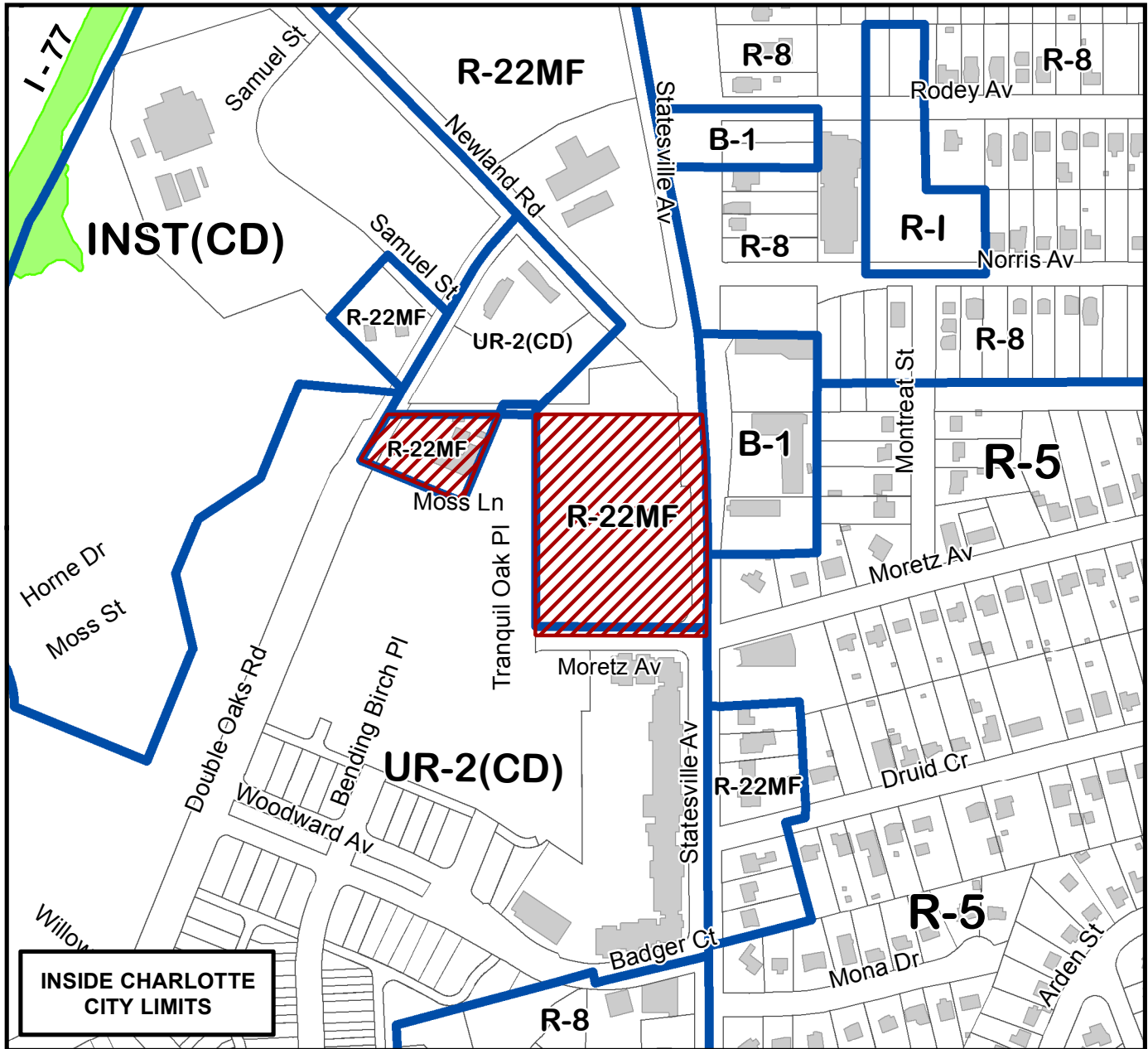
Petition #: **2014-046**

Petitioner: The Housing Partnership

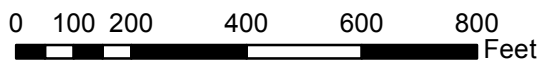
Zoning Classification (Existing): R-22MF
(Multi-Family, Residential)

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

Acreage & Location: Approximately 3.38 acres located on the northwest corner at the intersection of Statesville Avenue and Moretz Avenue abutting Moss Lane and Tranquil Oak Place.

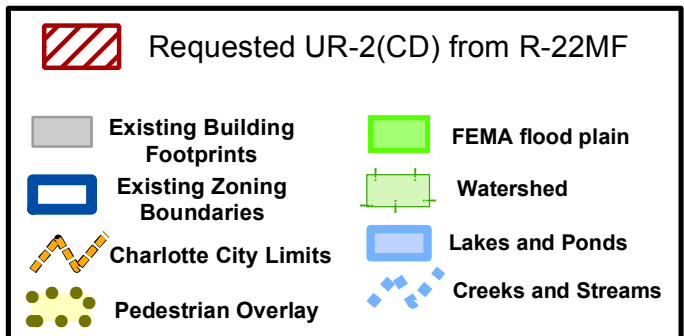


Map Produced by the Charlotte-Mecklenburg Planning Department, 3-29-14.



Zoning Map #(s)

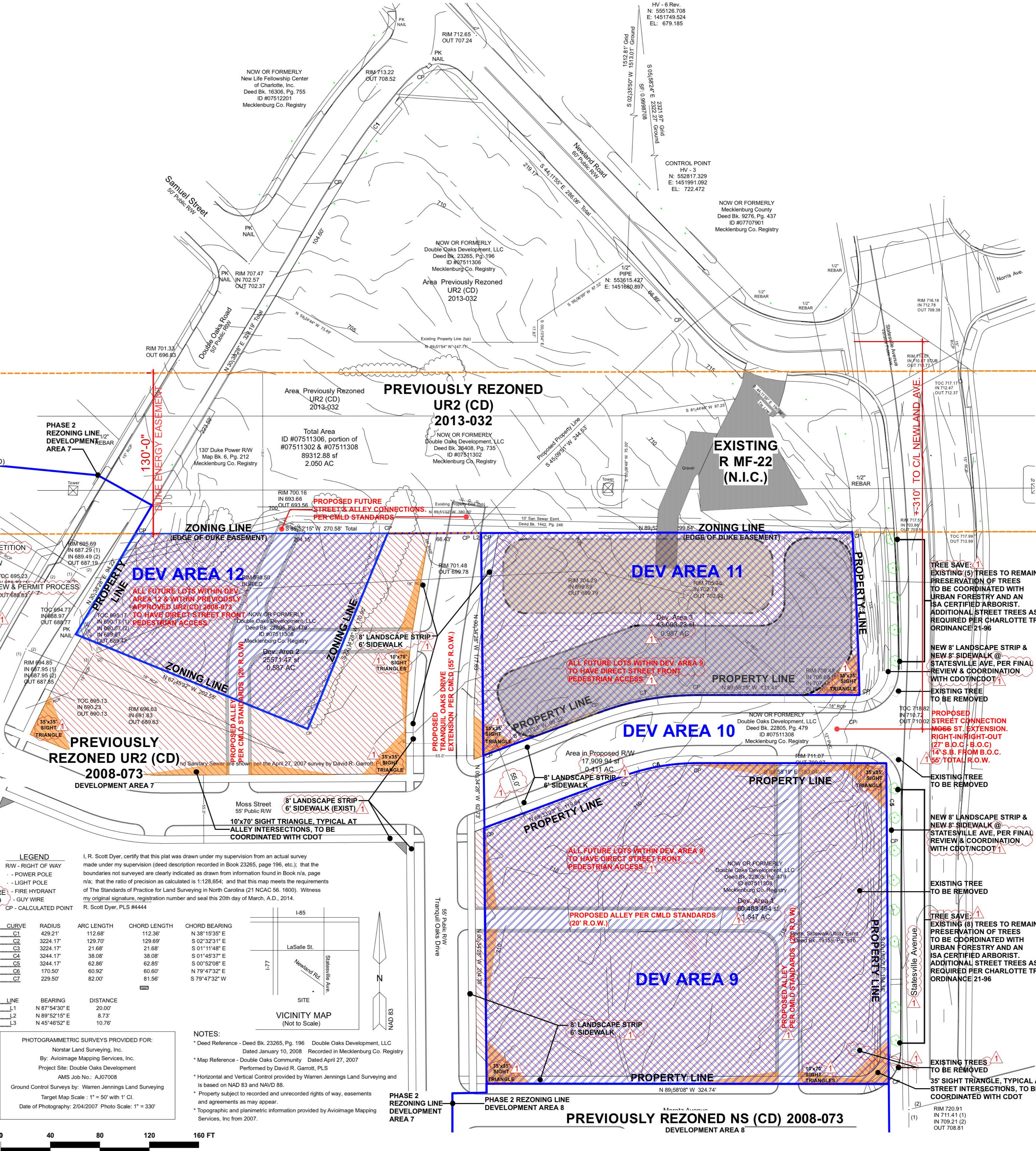
79, 88



1. DEVELOPMENT DATA TABLE:
DEVELOPMENT AREAS 9, 10, 11, 12 TOTAL:
DEVELOPMENT AREA 9:
 1a. SITE ACREAGE (DEV. AREA 9): 1.847 AC, 80,483.49 Sq. Ft. (PORTION OF) ID #07511308 - DEED BK. 22805, PG. 479 - MECKLENBURG COUNTY REGISTRY,
 1b. TAX PARCELS:
 1c. EXISTING & PROPOSED ZONING:
 1d. EXISTING USES:
 1e. PROPOSED USES:
 1f. NUMBER OF RESIDENTIAL USES BY HOUSING TYPE
 1g. SQUARE FOOTAGE OF NON-RESIDENTIAL USES BY TYPE
 1h. FLOOR AREA RATIO:
 1i. MAXIMUM BUILDING HEIGHT:
 1j. NUMBER AND /OR RATIO OF PARKING SPACES:
 1k. AMOUNT OF OPEN SPACE:
DEVELOPMENT AREA 10 (PROPOSED ROW):
 1a. SITE ACREAGE (DEV. AREA 10): 0.411 AC, 17,909.94 Sq. Ft. (PORTION OF) ID #07511308 - DEED BK. 22805, PG. 479 - MECKLENBURG COUNTY REGISTRY,
 1b. TAX PARCELS:
 1c. EXISTING & PROPOSED ZONING:
 1d. EXISTING USES:
 1e. PROPOSED USES:
 1f. NUMBER OF RESIDENTIAL USES BY HOUSING TYPE
 1g. SQUARE FOOTAGE OF NON-RESIDENTIAL USES BY TYPE
 1h. FLOOR AREA RATIO:
 1i. MAXIMUM BUILDING HEIGHT:
 1j. NUMBER AND /OR RATIO OF PARKING SPACES:
 1k. AMOUNT OF OPEN SPACE:
DEVELOPMENT AREA 11:
 1a. SITE ACREAGE (DEV. AREA 11): 0.987 AC, 43,003.23 Sq. Ft. (PORTION OF) ID #07511308 - DEED BK. 22805, PG. 479 - MECKLENBURG COUNTY REGISTRY,
 1b. TAX PARCELS:
 1c. EXISTING & PROPOSED ZONING:
 1d. EXISTING USES:
 1e. PROPOSED USES:
 1f. NUMBER OF RESIDENTIAL USES BY HOUSING TYPE
 1g. SQUARE FOOTAGE OF NON-RESIDENTIAL USES BY TYPE
 1h. FLOOR AREA RATIO:
 1i. MAXIMUM BUILDING HEIGHT:
 1j. NUMBER AND /OR RATIO OF PARKING SPACES:
 1k. AMOUNT OF OPEN SPACE:
DEVELOPMENT AREA 12:
 1a. SITE ACREAGE (DEV. AREA 12): 0.587 AC, 22,571.47 Sq. Ft. (PORTION OF) ID #07511308 - DEED BK. 22805, PG. 479 - MECKLENBURG COUNTY REGISTRY,
 1b. TAX PARCELS:
 1c. EXISTING & PROPOSED ZONING:
 1d. EXISTING USES:
 1e. PROPOSED USES:
 1f. NUMBER OF RESIDENTIAL USES BY HOUSING TYPE
 1g. SQUARE FOOTAGE OF NON-RESIDENTIAL USES BY TYPE
 1h. FLOOR AREA RATIO:
 1i. MAXIMUM BUILDING HEIGHT:
 1j. NUMBER AND /OR RATIO OF PARKING SPACES:
 1k. AMOUNT OF OPEN SPACE:

2. GENERAL PROVISIONS:
 2a. APPLICABILITY OF ORDINANCE NOTES:
 2b. ALTERATIONS:
 3. OPTIONAL PROVISIONS:
 4. PERMITTED USES:
 4a. ALLOWED USES:
 4b. PROHIBITED USES:
 4c. OTHER USE RESTRICTIONS:
5. TRANSPORTATION:
 5a. TRANSPORTATION IMPROVEMENTS CONSTRUCTED IN CONJUNCTION WITH DEVELOPMENT
 5b. PUBLIC VS. PRIVATE STREETS
 5c. CATS PUBLIC TRANSPORTATION
 5d. PARKING LOCATION - SURFACE
 5e. LOCATION OF PROPOSED PEDESTRIAN IMPROVEMENTS
 5f. EXISTING THROUGHFARES
 5g. EXISTING RESIDENTIAL STREETS
6. ARCHITECTURAL STANDARDS:
 6a. BUILDING MATERIALS
 6b. BUILDING SCALE AND NUMBER OF BUILDINGS
 6c. TREATMENT OF URBAN DESIGN AND ARCHITECTURAL ELEMENTS
 6d. TREATMENT OF SOLID WASTE AND RECYCLING ENCLOSURES
 6e. FENCE/WALL STANDARDS
7. STREETScape & LANDSCAPING:
 7a. STREETScape (SIDEWALK AND PLANTING STRIP) STANDARDS
 7b. BUFFERS/SCREENING TREATMENT
8. ENVIRONMENTAL FEATURES:
 8a. TREE SAVE AREAS
 8b. SITE INTERIOR TREES & LANDSCAPE
 8c. PCCC TREATMENT
9. PARKS, GREENWAYS & OPEN SPACE:
 9a. CONNECTIONS TO PARK & OR GREENWAY
10. FIRE PROTECTION:
 10a. FIRE LANE TREATMENT
11. SIGNAGE:
 11a. SIGN LIMITATIONS - SIZE, TYPE, LOCATION
12. LIGHTING:
 12a. LIMITATIONS ON TYPE OR LOCATION OF LIGHTING
 12b. PEDESTRIAN SCALE LIGHTING
13. PHASING:
 13a. DEVELOPMENT PHASING BY USE OR AREA.
14. OTHER:
 14a. UNDERGROUNDING OF UTILITIES
 14b. POTENTIAL LOCATION OF DUMPSTERS & RECYCLING CONTAINERS
 14c.

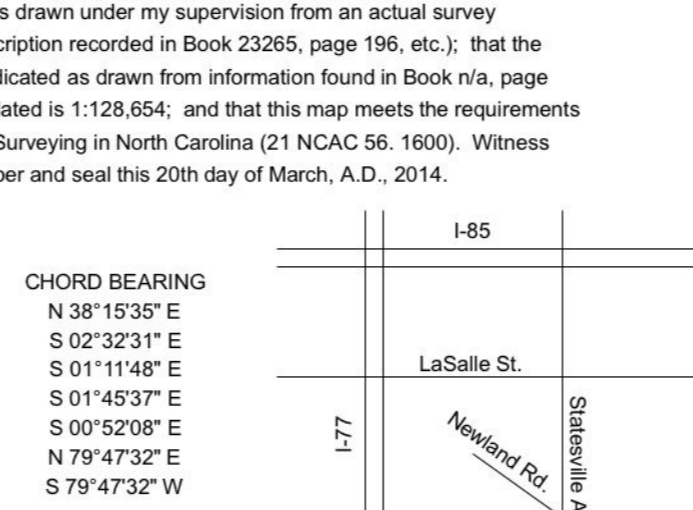
3.374 AC, 166,151.1 Sq. Ft.
 1.847 AC, 80,483.49 Sq. Ft. (PORTION OF) ID #07511308 - DEED BK. 22805, PG. 479 - MECKLENBURG COUNTY REGISTRY,
 EXISTING ZONING R-22MF & UR-2(CD), PROPOSED ZONING UR-2(CD)
 VACANT LAND
 RESIDENTIAL, SINGLE-FAMILY (ATTACHED & DETACHED) AND ACCESSORY USES.
 UP TO 40 RESIDENTIAL DWELLING UNITS
 55' (FIFTY-FIVE) FEET
 0.411 AC, 17,909.94 Sq. Ft. (PORTION OF) ID #07511308 - DEED BK. 22805, PG. 479 - MECKLENBURG COUNTY REGISTRY,
 EXISTING ZONING R-22MF & UR-2(CD), PROPOSED ZONING UR-2(CD)
 VACANT LAND
 NEW STREET R.O.W OR RESIDENTIAL, SINGLE-FAMILY (ATTACHED & DETACHED), MULTI-FAMILY AND ACCESSORY USES.
 UP TO 14 RESIDENTIAL DWELLING UNITS
 55' (FIFTY-FIVE) FEET
 0.987 AC, 43,003.23 Sq. Ft. (PORTION OF) ID #07511308 - DEED BK. 22805, PG. 479 - MECKLENBURG COUNTY REGISTRY,
 EXISTING ZONING R-22MF & UR-2(CD), PROPOSED ZONING UR-2(CD)
 VACANT LAND
 RESIDENTIAL, SINGLE-FAMILY (ATTACHED & DETACHED), MULTI-FAMILY AND ACCESSORY USES.
 UP TO 50 RESIDENTIAL DWELLING UNITS
 55' (FIFTY-FIVE) FEET
 0.587 AC, 22,571.47 Sq. Ft. (PORTION OF) ID #07511308 - DEED BK. 22805, PG. 479 - MECKLENBURG COUNTY REGISTRY,
 EXISTING ZONING R-22MF & UR-2(CD), PROPOSED ZONING UR-2(CD)
 VACANT LAND
 RESIDENTIAL, SINGLE-FAMILY (ATTACHED & DETACHED) AND ACCESSORY USES.
 UP TO 14 RESIDENTIAL DWELLING UNITS
 55' (FIFTY-FIVE) FEET
 UNLESS MORE STRINGENT STANDARDS ARE ESTABLISHED BY THESE DEVELOPMENT STANDARDS, ALL DEVELOPMENT STANDARDS ESTABLISHED UNDER THE ZONING ORDINANCE, THE "ORDINANCE" FOR THE UR-2(CD) ZONING CLASSIFICATION SHALL BE FOLLOWED. ALTERATION OF THE CONDITIONAL PLAN IS SUBJECT TO SECTION 6.207 ALTERATIONS TO APPROVAL.
 NA
 SINGLE-FAMILY (ATTACHED & DETACHED), MULTIFAMILY AND ACCESSORY USES, STREET EXTENSION R.O.W.
 ROAD ALIGNMENTS / CROSS SECTIONS FOR INTERNAL STREETS TO BE CONSISTENT WITH APPROVED 2008-073 PETITION
 MOSS ST. EXTENSION - PROPOSED PUBLIC ROADWAY CROSS SECTION (27' B.O.C-B.O.C) WITH 55' R.O.W.
 TRANQUIL OAKS DR. EXTENSION - PROPOSED PUBLIC ROADWAY CROSS SECTION (27' B.O.C-B.O.C) WITH 55' R.O.W.
 PROPOSED PRIVATE ALLEY(S) PER CITY LAND USE STANDARDS - 14' PRIVATE ALLEY WITH 20' R.O.W.
 PETITIONER TO COORDINATE FINAL ACCESS & INTERSECTION DESIGNS WITH CDOT/NCDOT DURING PERMITTING PROCESS
 PETITIONER TO RETAIN EXIST. BUS STOP LOCATION. NEW PAD DETAIL 60.01B TO BE COORDINATED DURING REVIEW & PERMIT PROCESS
 6' PUBLIC SIDEWALK & 8' LANDSCAPE STRIP AT PROPOSED EXTENSION OF MOSS ST. & TRANQUIL OAKS DR.
 6' PUBLIC SIDEWALK & 8' LANDSCAPE STRIP AT NORTH SIDE OF EXISTING MORETZ ST.
 8' PUBLIC SIDEWALK & 8' LANDSCAPE STRIP AT STATESVILLE AVE. PER FINAL COORDINATION WITH CDOT/NCDOT
 STATESVILLE AVENUE - PROPOSED MODIFICATION FOR CURB-CUT FOR MOSS ST. EXTENSION/CONNECTION
 DOUBLE OAKS RD., TRANQUIL OAKS DR. & MORETZ AVE. & MOSS STREET
 1 (ONE) CURB-CUT PROPOSED AT STATESVILLE AVENUE/US HWY 21
 MATERIALS AS PRESCRIBED BY THE ORDINANCE.
 BUILDING HEIGHT AS PRESCRIBED BY THE ORDINANCE.
 NUMBER OF BUILDINGS AS PROPOSED PER THE INDIVIDUAL DEVELOPMENT AREAS 1, 2 & 3 AND ROW AREA ALONG WITH ALLOWABLE ACCESSORY STRUCTURES.
 BUILDINGS WILL BE DESIGNED AS "FOUR-SIDED ARCHITECTURE" WITH NO LONG BLANK WALLS OF 20' OR MORE IN ACCORDANCE WITH STANDARDS SIMILAR TO TOD ZONING SECTION 9.1209. THE BUILDINGS WILL BE BROKEN UP BY DIFFERENT MATERIAL TYPES, WINDOWS & PAINT TO AVOID LARGE EXPANSIONS OF BLANK WALLS, TYP. ENCLOSURES AS PRESCRIBED BY THE ORDINANCE.
 SIDEWALK AND PLANTING STRIP AS PRESCRIBED BY THE ORDINANCE IN COORDINATION WITH URBAN FORESTRY. REQUIRED BUFFERS OR SCREENING AS PRESCRIBED BY THE ORDINANCE.
 (13) EXISTING STREET TREES ALONG STATESVILLE AVE. TO BE PRESERVED PER PLAN LOCATION AND NOTES
 THE PETITIONER SHALL COMPLY WITH THE CITY OF CHARLOTTE POST CONSTRUCTION CONTROLS ORDINANCE.
 SITE/MONUMENT AND/OR BUILDING/WALL SIGNS AS PRESCRIBED BY THE ORDINANCE.
 INTERNAL SITE LIGHTING AS PRESCRIBED BY THE ORDINANCE - MAXIMUM HEIGHT OF ANY FREESTANDING FIXTURE WILL NOT EXCEED 30 FEET. ALL FIXTURES INSTALLED WILL BE SHIELDED WITH FULL CUT OFF FIXTURES, CAPPED AND DOWNWARDLY DIRECTED.
 PEDESTRIAN SCALE LIGHTING ALONG THE PUBLIC STREET R.O.W AND INTERNAL SITE PARKING AS PRESCRIBED BY THE ORDINANCE, FINAL LAYOUT AND DESIGN TO BE COORDINATED WITH DUKE ENERGY.



LEGEND

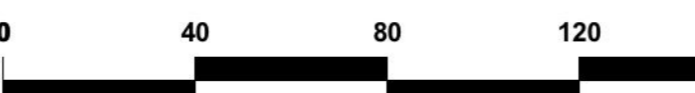
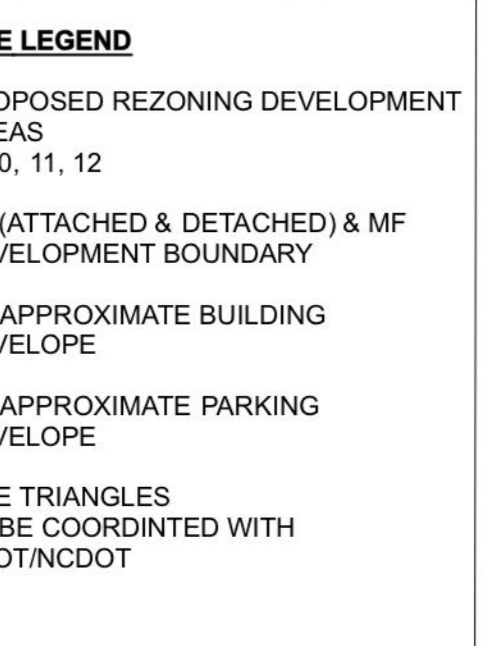
RW - RIGHT OF WAY	- POWER POLE	- LIGHT POLE	- FIRE HYDRANT	- GUY WIRE	CP - CALCULATED POINT
C1	429.21'	112.68'	112.36'	N 38°15'35" E	
C2	3224.17'	129.70'	129.69'	S 02°32'31" E	
C3	3224.17'	21.68'	21.68'	S 01°11'48" E	
C4	3244.17'	38.08'	38.08'	S 01°45'37" E	
C5	3244.17'	62.86'	62.85'	S 00°52'08" E	
C6	170.50'	60.92'	60.60'	N 79°47'32" E	
C7	229.50'	82.00'	81.56'	S 79°47'32" W	

PHOTOMETRIC SURVEYS PROVIDED FOR:
 Norstar Land Surveying, Inc.
 By: Avioimage Mapping Services, Inc.
 Project Site: Double Oaks Development
 AMS Job No.: A307008
 Ground Control Surveys by: Warren Jennings Land Surveying
 Target Map Scale: 1" = 50' with 1' CI.
 Date of Photography: 2/04/2007 Photo Scale: 1" = 330'



NOTES:
 * Deed Reference - Deed Bk. 23265, Pg. 196 Double Oaks Development, LLC Dated January 10, 2008 Recorded in Mecklenburg Co. Registry
 * Map Reference - Double Oaks Community Dated April 27, 2007
 * Performed by David R. Garrott, PLS
 * Horizontal and Vertical Control provided by Warren Jennings Land Surveying and is based on NAD 83 and NAVD 88.
 * Property subject to recorded and unrecorded rights of way, easements and agreements as may appear.
 * Topographic and planimetric information provided by Avioimage Mapping Services, Inc. from 2007.

PHASE 3 DOUBLE OAKS BRIGHTWALK 2014-046
TECHNICAL REZONING SUBMITTAL PLAN & NOTES



shook kelley
 THE HOUSING PARTNERSHIP
 2151 Hawkins Street Suite 400 Charlotte, NC 28203
 T: 704.377.6633 F: 704.377.6633
 www.shookkelley.com Charlotte / Los Angeles

Double Oaks -Brightwalk Phase 3 Rezoning Petition
Statesville Ave -Double Oaks Rd. - Moss St. & Tranquil Oak Lane
 The Housing Partnership, 4601 Charlotte Park Dr., STE 350, Charlotte, NC, 28217
 704.342.0933 p / 704.342.2745 f. EMAIL - ffoodson@cmhp.org
 REZONING SUBMITTAL PETITION 2014-046

Rezonning Petition Plan
 REVISIONS:
 05/16/2014
 DATE: 03/12/2014
 DRAWN BY: F300/shookkelley
 CHECKED BY: F300/shookkelley
 C.C. BY: F300/shookkelley
 SCALE: 10/024-150
 PROJECT #:
 SHEET #:
SP001

REQUEST	Current Zoning: I-2 (heavy industrial) and TOD-M(CD) (transit oriented development - mixed-use, conditional) Proposed Zoning: TOD-MO (transit oriented development – mixed-use, optional)
LOCATION	Approximately 3.21 acres located on the west side of Youngblood Street between Remount Road and Griffith Street and across from Poindexter Drive. (Council District 3 - Mayfield)
SUMMARY OF PETITION	The petition proposes to allow the construction of a minimum of 37 and a maximum of 54 for-sale single family attached dwelling units at a minimum density of 11.5 units per acre and maximum of 16.8 units per acre.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues. The petition is consistent with the <i>New Bern Transit Station Area Plan</i> , which recommends mixed use transit supportive development for the subject property.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	The Charlotte Housing Authority Hopper Communities Matt Langston, Landworks Design Group
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 2

PLANNING STAFF REVIEW

- **Background**
 - Approval of rezoning petition 2009-053 rezoned approximately 1.84 acres of the subject parcel from I-2 (general industrial) to TOD-M(CD) (transit oriented development – mixed-use, conditional), in order to allow the construction of a 40,000-square foot building.
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

 - Construct a minimum of 37 and a maximum of 54 for-sale single family attached dwelling units at a minimum density of 11.5 units per acre and maximum density of 16.8 units per acre.
 - Maximum building height of 50 feet.
 - Freestanding lighting limited to 20 feet in height.
 - Exterior finishes of buildings will be composed of a combination of brick, stone or similar masonry products and/or hardi-plank/fiber cement board.
 - No vinyl, EIFS or Masonite may be used for siding materials, but vinyl may be used for soffits and trim, including window and door trim.
 - Balcony railings, if appropriate to the design, will be of durable prefinished material and will not be painted pressure treated lumber.
 - Access to the site via a public street that aligns with Poindexter Drive.
 - The following optional provisions are being requested:
 - Allow a minimum density of 11.5 dwelling units per acre. The TOD-M (transit oriented development – mixed-use) district requires a minimum density of 15 units per acre when properties are located within ½ mile of a transit station. The rezoning site is located within ½ mile of the New Bern transit station.
 - Allow front-loaded garages, parking pads, and driveways for individual residential units to be permitted along private streets.
 - Allow driveways located along private streets to cross the front setback to access residential garages.
 - Allow up to two parking spaces per unit on the site, which exceeds the maximum 1.6 spaces per unit allowed per the TOD-M (transit oriented development – mixed-use) district.

- **Existing Zoning and Land Use**

- The site is currently developed with a parking lot and storage area and is surrounded by a mix of single family and multi-family residential development, industrial, warehouse, office, and commercial uses on properties in a variety of zoning districts from residential to industrial.

- **Rezoning History in Area**

- Several recent rezonings have rezoned various properties to TOD-M (transit oriented development - mixed) to allow development consistent with the policies of the *New Bern Transit Station Area Plan*.
- Rezoning petition 2013-041 rezoned approximately 1.02 acres located on the south corner at the intersection of Griffith Street and South Tryon Street from I-2 (general industrial) to I-2 TS-O (general industrial, transit supportive overlay-optional), in order to allow indoor storage with all I-2 TS uses allowed on the ground floor.

- **Public Plans and Policies**

- The *New Bern Transit Station Area Plan* (2008) recommends mixed use transit supportive development for the rezoning site. The rezoning site is located within ½ mile of the New Bern transit station.
 - The petition is consistent with the *New Bern Transit Station Area Plan*.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** No issues.
 - **Vehicle Trip Generation:**
Current Zoning: 650 trips per day.
Proposed Zoning: 380 trips per day.
 - **Connectivity:** No issues.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate zero (0) students, while the development allowed under the proposed zoning will produce 4 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 4 students.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No issues.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

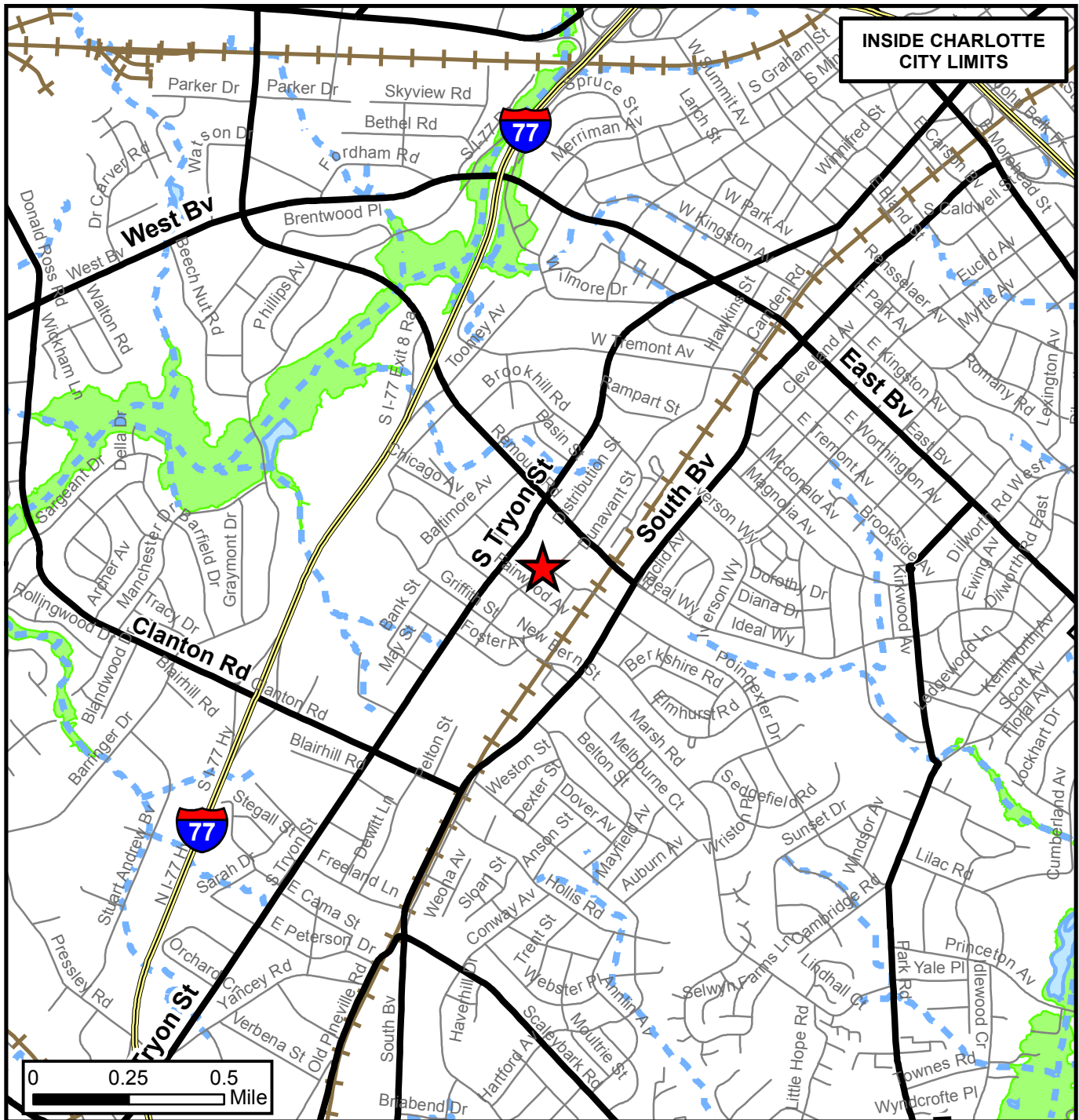
- The petitioner should:
 1. Remove optional provision (b), which is not needed because the driveways and garages shown on the site plan open onto alleys and not public or private streets.
 2. Remove optional provision (c), as it is not needed with this request. TOD allows 1.6 parking spaces per unit plus a 25% bonus for structured parking, which equals 2 spaces per unit. Garage parking has been determined to be structured parking, so the option is not needed.
 3. Install eight-foot planting strip with trees and eight-foot sidewalk along Youngblood Street frontage and both sides of proposed public street.
 4. Add a note stating that windows will be provided on all levels of the end units visible from Youngblood Street and the proposed public street.
 5. Garages must be either a maximum seven feet from the edge of the alley or a full 20 feet. Clarify this on the site plan.
 6. Screen the ends of alleys from Youngblood Street with architectural and/or landscape screening.
 7. Provide typical building elevations for front, back and sides.
 8. Provide a detail of the proposed six-foot high fence.
 9. Label common open areas on the site plan.
-

Attachments Online at www.rezoning.org

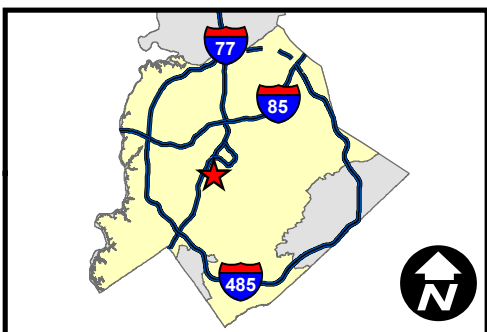
- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Transportation Review
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg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

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

Acreage & Location : Approximately 3.21 acres located on the west side of Youngblood Street between Remount Road and Griffith Street and across from Poindexter Drive.



INSIDE CHARLOTTE CITY LIMITS



★ Rezoning Petition: 2014-047

- Major Roads
- Collector Roads
- Charlotte City Limits
- FEMA flood plain
- Watershed
- Lakes and Ponds
- Creeks and Streams

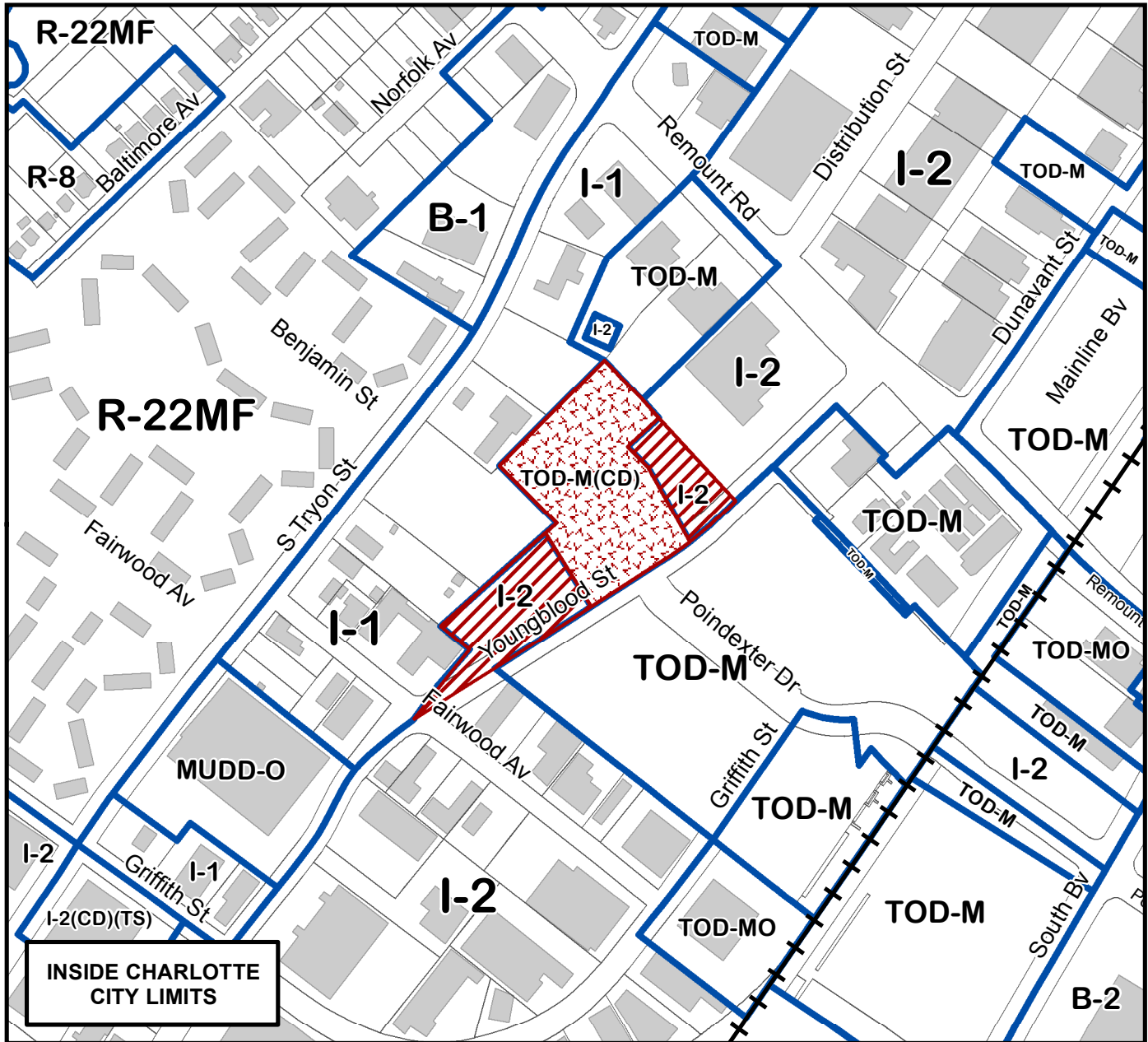
Petition #: **2014-047**

Petitioner: **Hopper Communities**

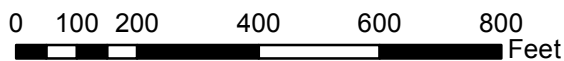
Zoning Classification (Existing): **I-2 and TOD-M(CD)**
(General Industrial and Transit Oriented Development, Mixed Use, Conditional)

Zoning Classification (Requested): **TOD-MO**
(Transit Oriented Development, Mixed Use, Optional)

Acreeage & Location: Approximately 3.21 acres located on the west side of Youngblood Street between Remount Road and Griffith Street and across from Poindexter Drive.

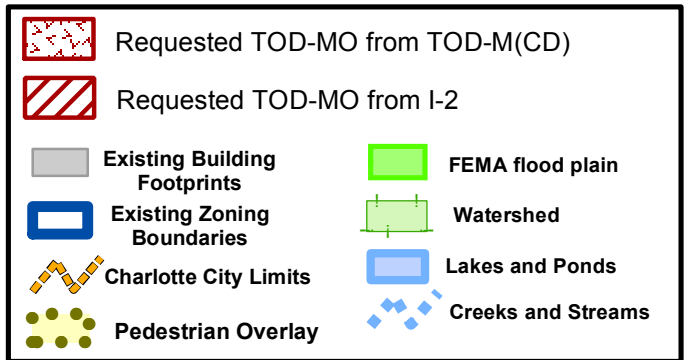


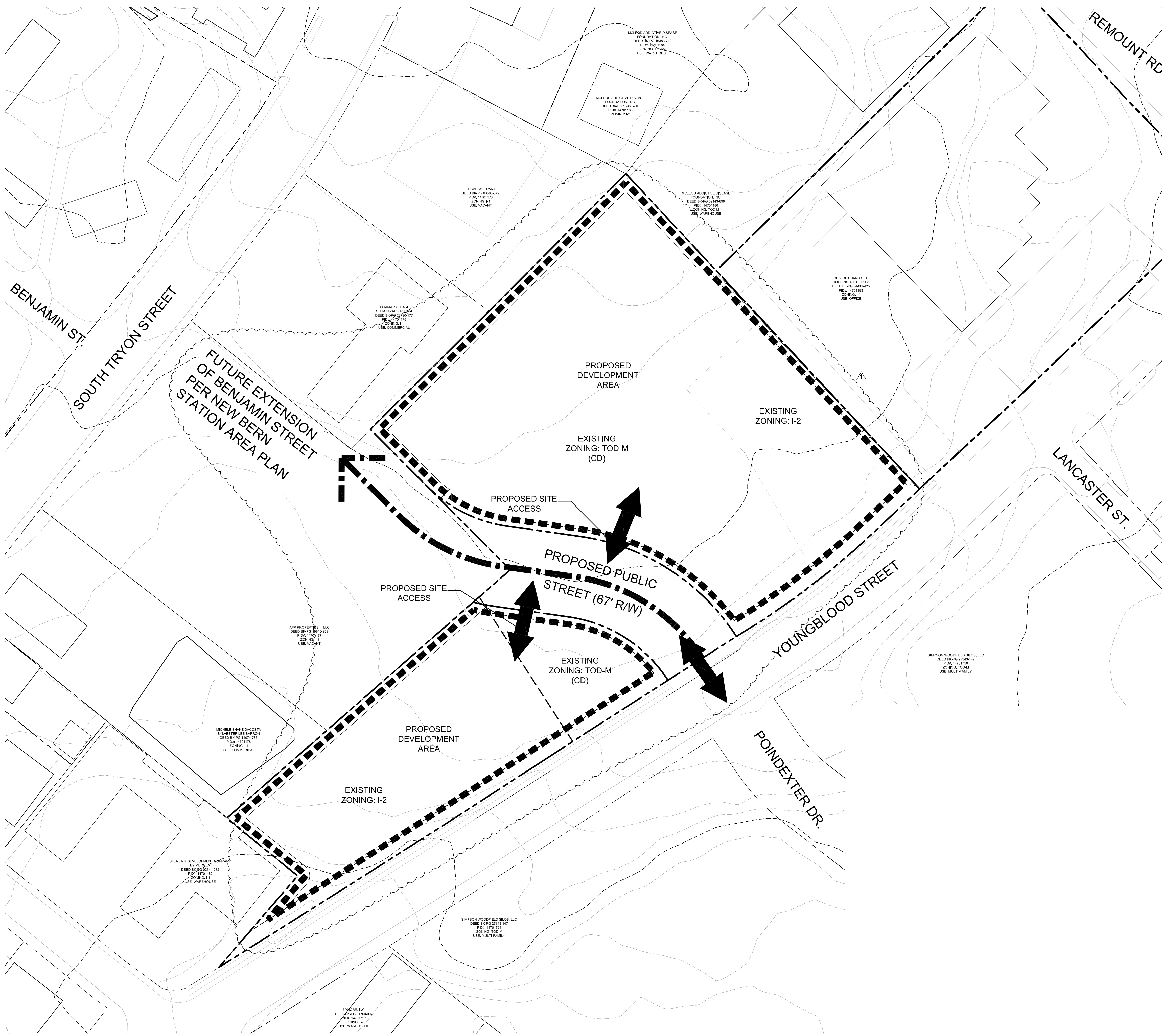
Map Produced by the Charlotte-Mecklenburg Planning Department, 6-4-14.



Zoning Map #(s)

110

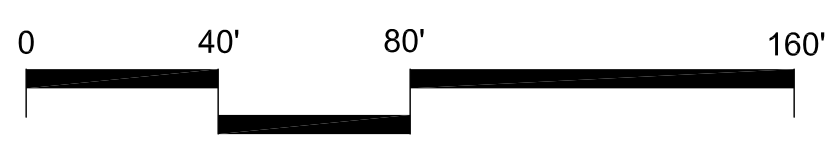
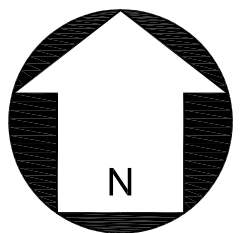
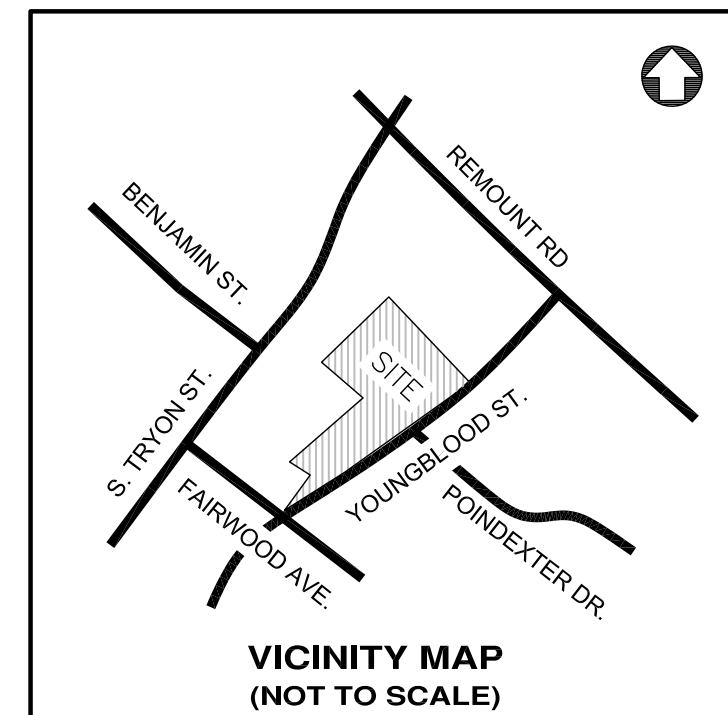




- Development Standards**
- Development Data Table**

SITE AREA: Approximately 3.21 acres
 TAX PARCEL ID: 147-011-01
 EXISTING ZONING: TOD-M(CD) and I-2
 PROPOSED ZONING: TOD-M(CD)
 EXISTING USE: Parking/vacant
 PROPOSED USE: For sale single family attached dwelling units
 MAXIMUM UNITS PROPOSED: 54
 MINIMUM UNITS PROPOSED: 37 (See Optional Provisions)
 MAXIMUM PROPOSED DENSITY: 16.8 Units Per Acre (See Optional Provisions)
 MINIMUM PROPOSED DENSITY: 11.5 Units Per Acre (See Optional Provisions)
 SETBACK: 22' from BOC per adopted streetscape plan
 MIN. SIDE YARD: 5'
 REAR YARD: 5'
 MAXIMUM PROPOSED BUILDING HEIGHT: 50'
 PARKING REQUIRED: Min. = 1 per unit; Max. = 1.6 per unit (unless structured parking)
 PARKING PROVIDED: Up to 2 parking spaces per unit may be provided on the site (See Optional Provisions)
 - General Provisions:**
 - Development of the site will be governed by the rezoning plan, these development standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Subject to the optional provisions set out in these development standards and on the rezoning plan, the regulations established under the Ordinance for the Transit Oriented Development Mixed-Use Oriented ("TOD-M") zoning district shall govern the development of the site.
 - The development depicted on this rezoning plan is intended to reflect the arrangement of proposed uses on the site, but the exact configuration, placement, and size of individual site elements may be altered or modified within the limits prescribed by the Ordinance during the design development and construction phases as allowed under the provisions of Section 6.2 of the Ordinance.
 - The terms "Owner", "Owners", "Petitioner" or "Petitioners," shall, with respect to the Site, be deemed to include the heirs, devisees, personal representatives, successors in interest and assignees of the owner or owners of the Site who may be involved in its development from time to time.
 - Optional Provisions**
 - The site may be developed with a minimum density of 11.5 dwelling units per acre.
 - Front-loaded garages, parking pads and driveways for individual residential units shall be permitted along private streets. Driveways located along private streets shall be allowed to cross the front setback to access individual residential garages.
 - At the option of the Petitioner, up to 2 parking spaces per unit may be provided on the site.
 - Permitted Uses**
 - The site may be devoted only to for sale single family attached dwelling units, together with any incidental or accessory uses associated therewith that are permitted under the Ordinance in the TOD-M zoning district.
 - Transportation**
 - The site will have access via two driveways connecting to a proposed public street extension of Poindexter Drive, as generally depicted on the rezoning plan. The placement and configuration of each access point are subject to any minor modifications required to accommodate final site and construction plans and designs and any adjustments required for approval by the Charlotte Department of Transportation.
 - Parking areas shall be located as generally depicted on the rezoning plan.
 - Pursuant to the optional provision requested by the Petitioner, up to 2 parking spaces per unit may be provided on the site.
 - Architectural Standards**
 - The development of the site will be governed by the district regulations of the Ordinance for the TOD-M zoning district and by the conditions included as part of this rezoning plan.
 - The exterior finishes of the buildings shall be composed of brick, stone or similar masonry products and/or hard-plank/fiber cement board.
 - No vinyl, EIFS or masonry may be used for siding materials but vinyl may be used for soffits and trim, including window and door trim.
 - Balcony railings, if appropriate to the design, will be of durable prefinished material and will not be painted pressure treated lumber.
 - Streetscape and Landscaping**
 - The Petitioner proposes to maintain the existing 4' sidewalk and 4' planting strip along Youngblood Street.
 - The Petitioner proposes to construct new planting strips and sidewalks (8' and 8') along the proposed extension of Poindexter Drive (67' R/W).
 - The Petitioner proposes to provide a 10' landscape strip along side and rear property lines where adjacent to industrial use and zoning, except where adjacent to the existing City of Charlotte Housing Authority property, northwest of the site. At that location, the Petitioner proposes a 5' landscape strip plus a 6' opaque screen fence.
 - Lighting**
 - Lighting on the site will utilize full cut-off luminaires and freestanding lighting will be limited to 20' in total height, but architectural lighting will be permitted.
 - Other**
 - The site will utilize roll-out containers and private trash and recycling service.

FUTURE EXTENSION OF BENJAMIN STREET PER NEW BERN STATION AREA PLAN



This Plan is A Preliminary Design. NOT Released For Construction.

REVISIONS:			
No.	Date	By	Description
1	5/16/14	MDL	REVISIONS PER STAFF COMMENTS

YOUNGBLOOD ST. TOWNHOMES
 HOPPER COMMUNITIES
 YOUNGBLOOD STREET & REMOUNT ROAD
 CHARLOTTE, NC
 REZONING PETITION: 2014-047

TECHNICAL DATA SHEET

seals

Project Manager: MDL
 Drawn By: MDL
 Checked By:
 Date: 2/15/14
 Project Number: 13021
 Sheet Number:

RZ-1

P:\2013_jobs\13021 - Youngblood Street Townhomes\CAD\GIS Base.dwg



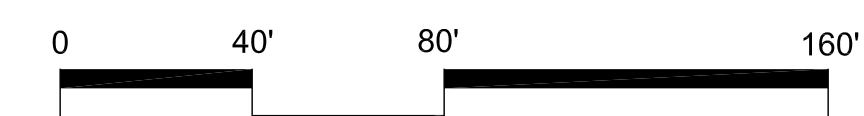
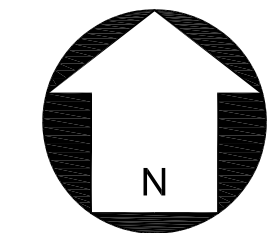
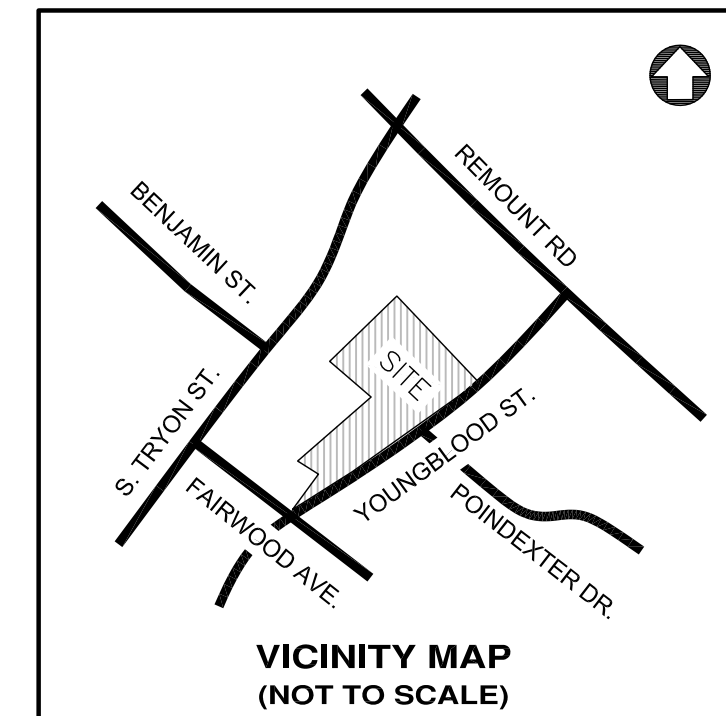
HOPPER COMMUNITIES
 228 East Blvd., Suite 200
 Charlotte, NC 28203
 (704) 805-4801

Landworks
 Design Group, P.A.
 7823 Little Haven, Suite 111
 Charlotte, NC 28226
 704-941-1804 Fax: 704-941-1804

YOUNGBLOOD ST. TOWNHOMES
 HOPPER COMMUNITIES
 YOUNGBLOOD STREET & REMOUNT ROAD
 CHARLOTTE, NC
 REZONING PETITION: 2014-047

CONCEPTUAL
 SITE PLAN

seals



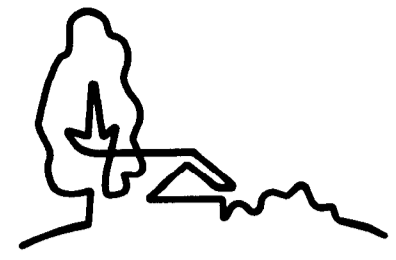
REVISIONS:			
No.	Date	By	Description
1	5/16/14	MDL	REVISIONS PER STAFF COMMENTS

This Plan Is A
 Preliminary Design.
 NOT Released For
 Construction.

Project Manager:
 MDL
 Drawn By:
 MDL
 Checked By:
 Date: 2/15/14
 Project Number:
 13021
 Sheet Number:

RZ-2

Previously
Approved
Site
Plan



URBAN DESIGN PARTNERS

1318-e6 central ave. P 704.334.3303
Charlotte, NC 28205 F 704.334.3305
urbandesignpartners.com



123 New Bern Street
Charlotte, NC 28203
P 704.375.9950
F 704.375.3555

Charlotte Housing Authority

1301 South Boulevard
Charlotte, NC 28203

CHA Office

Rezoning Plan
Rezoning Petition 2009-053
Youngblood Street Charlotte, NC

NO.	DATE	BY:	REVISIONS:
1	8.21.09	cc	per city comments
2	9.25.09	cc	per city comments

Project No: 08-056
Date: Aug. 2009
Designed by: udp
Drawn by: udp
Scale: 1"=40'
Sheet No:

RZ-1

DEVELOPMENT SUMMARY

TAX PARCEL ID #:	147-011-01 (portion thereof)	2
	147-011-83	
TOTAL SITE AREA:	5.14 AC.	
PARCEL 2:	1.84 AC.	
RIGHT-OF-WAY:	0.28 AC.	
EXISTING ZONING:	I-2	
PROPOSED ZONING:	TOD-M(CD)	
PARCEL 2:		
PROPOSED USE:	OFFICE (±40,000 SF)	
PARCEL 2:		

DEVELOPMENT STANDARDS

1. GENERAL PROVISIONS

- a. Unless more stringent standards are established by the Rezoning Plan or these Development Standards, all development standards established under the City of Charlotte Zoning Ordinance (the "Ordinance") for the TOD-M zoning district classification shall be followed in connection with development taking place on Parcel 2.
- b. Unless more stringent standards are established by the Rezoning Plan or these Development Standards, all development standards established under the City of Charlotte Zoning Ordinance (the "Ordinance") for the I-2 zoning district classification shall be followed in connection with development taking place on Parcel 1 and Parcel 3.
- c. The configuration, placement and size of the buildings, parking areas, and other site elements depicted on the Rezoning Plan are schematic in nature and may be altered or modified within the constraints defined by the Ordinance during design development and construction document phases.

2. PERMITTED USES

- a. The Site may be developed with uses allowed by right in the TOD-M District. Accessory uses that are incidental and related to the other uses on site will also be allowed.

3. SETBACKS, SIDE YARDS AND REAR YARDS

- a. Development of Parcel 2 shall comply with the setback, rear yard, and side yard requirements established under the Ordinance for the TOD-M zoning district.
- b. Development of Parcel 1 and Parcel 3 shall comply with the setback, rear yard, and side yard requirements established under the Ordinance for the I-2 zoning district.
- c. No buildings, parking spaces, or maneuvering areas may be located within the setbacks, buffers or between building and public streets.

4. BUILDING HEIGHTS

- a. Building height will be limited per Section 9.1208(3) of the Zoning Ordinance.

5. PARKING/INTERNAL VEHICULAR CIRCULATION

- a. Off-street parking will be provided as set forth in Section 9.1208(6) of the Zoning Ordinance.
- b. The alignment of internal vehicular circulation and driveways is preliminary and as a result has not been finalized and is subject to final design and engineering plans. Minor modification or alteration of these alignments may therefore take place during design development and construction phases.
- c. Bicycle parking will be provided on the Site as required by the City of Charlotte parking requirements and standards.

6. ACCESS POINTS (DRIVEWAYS AND PUBLIC STREETS)

- a. The number of vehicular access points to Parcel 2 shall be limited to the number depicted on the Rezoning Plan.
- b. The placement and configuration of each access point are subject to modifications required to accommodate final site and architectural construction plans and designs and to any adjustments required for approval by the City of Charlotte Department of Transportation and/or the North Carolina Department of Transportation.
- c. A public street is proposed along the southern property line of Parcel 2. The Petitioner will construct and dedicate the entirety of the street through the project property as shown on the plan. It will be constructed as part of the development of the site at such time the building located on Parcel 2 is constructed. Continuation of the street and its construction beyond the project property will be the responsibility of others. This street will be designed and constructed to meet the recently adopted Urban Street Design Guidelines and will include sidewalks and planting strips per said document.

7. RIGHT-OF-WAY DEDICATION

- If this Rezoning Petition is approved, the Petitioner commits to dedicate and convey by plat and quitclaim deed to CDOT (as the case may require) that portion of the site required for the proposed street Right of Way in its entirety as shown on the plan and extending from the Youngblood Road Right of Way to the western property lines of the site.

8. INTERNAL SIDEWALKS

- The petition shall provide an internal sidewalk system that links the proposed building with each other and with the abutting public streets as required by section 12.529 of the zoning regulations.

9. STORMWATER/WETLANDS

- a. Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance as adopted on November 26th, 2007.
- b. The following agencies must be contacted prior to construction regarding wetland and water quality permits:
 - (i) Section 401 Permit - NCDENR, Raleigh Office (919.733.1786)
 - (ii) Section 404 Permit - US Army Corps of Engineers (704.271.4854)
- c. Utilities may cross buffers at interior angles between 75 and 90 degrees.

10. LIGHTING

- a. Lighting will be provided throughout the Site and shall be full cut-off or semi-cut off type lighting fixtures with the exception of lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.
- b. Site lighting will be limited to 20 feet in height.
- c. No "wall pack" lighting will be allowed, however architectural lighting on building facades, such as sconces, will be permitted.

11. SIGNAGE

- a. All signs placed on the Site will be erected in accordance with the requirements of the TOD-M district as described in the City of Charlotte Zoning regulations.
- b. Detached signs will be ground mounted signs (pole signs are not allowed). The design of these signs will be architecturally compatible with buildings on the site through the use of the similar building materials and architectural styles.
- c. The use of neon in any sign is prohibited.

12. SCREENING AND TREE ORDINANCE

- a. Screening will be provided as required in section 12.303 of the Ordinance.
- b. Street trees and internal trees will be provided to fulfill the requirements of the City of Charlotte Tree Ordinance.
- c. All roof mounted mechanical equipment will be screened from view.
- d. Dumpster areas and recycling areas will be enclosed by a brick or concrete wall with one side being a decorative wooden gate. If one or more sides of a dumpster area adjoin a side or rear wall of a building, then the side or rear wall may be substituted for a side.

13. ARCHITECTURAL CONTROLS

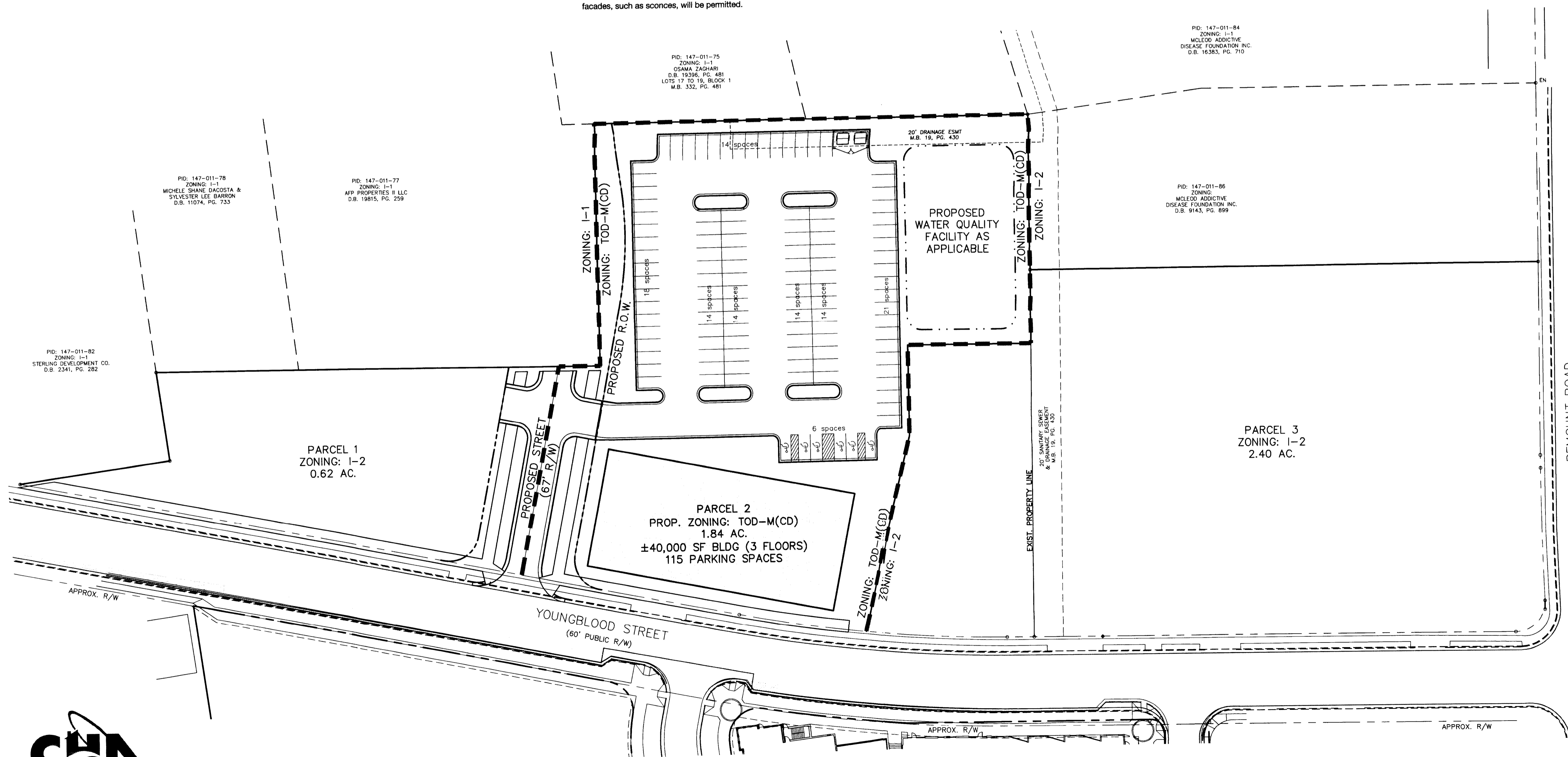
- a. All sides of all buildings will be built using four sided architecture.
- b. Meter banks will be hidden from public view.

14. AMENDMENTS TO THE REZONING PLAN

- Future amendments to the Rezoning Plan and these Development Standards may be applied for by the then Owner or Owners of the applicable portion of the Site affected by such amendment in accordance with the provisions of Chapter 6 of the Ordinance.

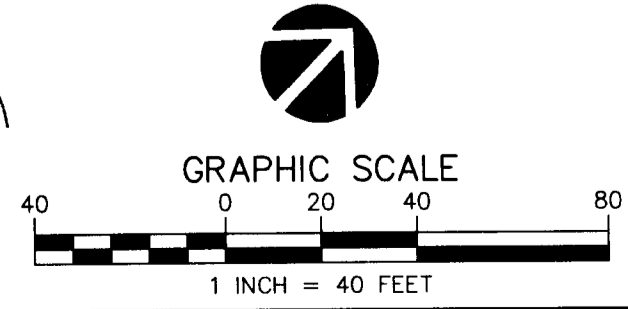
15. BINDING EFFECT OF THE REZONING APPLICATION

- If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under these Development Standards and the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.



APPROVED BY
CITY COUNCIL

6 OCT 19 2009



REQUEST	Current Zoning: O-2 (office) and TOD-MO (transit oriented - mixed-use, optional) Proposed Zoning: TOD-MO (transit oriented - mixed-use, optional) and TOD-MO SPA (transit oriented – mixed-use, optional, site plan amendment)
LOCATION	Approximately 2.99 acres generally surrounded by South Caldwell Street, Lexington Avenue, Euclid Avenue, and Templeton Avenue. (Council District 1 - Kinsey)
SUMMARY OF PETITION	A site plan amendment is being requested for a 2.47-acre parcel that was previously rezoned to TOD-MO (transit oriented development – mixed-use, optional). The site plan amendment will make changes to several of the previously approved optional requests and the street cross section for Lexington Avenue. In addition, the petition proposes to rezone the adjacent 0.52 acre parcel from O-2 (office) to TOD-MO (transit oriented development - mixed-use, optional) and to incorporate the site into the redevelopment of the larger adjacent property.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues. The petition is consistent with the <i>South End Transit Station Area Plan</i> .
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Marsh Euclid Apartments, LLC and White Bay Ventures, LLC Marsh Euclid Apartments, LLC Jeff Brown and Keith MacVean, Moore & Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: None

PLANNING STAFF REVIEW

- **Background**
 - Petition 2013-055 approved in October 2013 rezoned a 2.47-acre portion of the site from O-2 (office) to TOD-MO (transit oriented development – mixed-use, optional) to allow for uses permitted in the TOD-M (transit oriented development - mixed-use) district. The approved site plan specified setbacks and location of a pool area and allowed options for the pool area, screen wall and architectural building elements to encroach into the setback, an increase in height. Now there is additional, adjacent land being added to the area that was previously rezoned.
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions carried over from Petition 2013-055:

 - Development of any transit supportive use permitted within the TOD-M (transit oriented development - mixed-use) zoning district.
 - Minimum parking ratio of 1.3 parking spaces per residential dwelling unit.
 - Nonresidential development must comply with the TOD-M (transit oriented development - mixed-use) standards
 - Optional provisions that apply only to residential uses include:
 - Allow encroachments of building elements/architectural treatments up to four feet into the 20-foot building setback along Lexington and Templeton Avenues. These encroachments are in addition to other encroachments allowed by the Ordinance. All elements will be located behind the required sidewalk.
 - Increase the maximum allowed building height by five feet starting 50 feet from the required 30-foot setback along Euclid Avenue. The increase in building height may only be used for certain architectural elements (i.e. parapets, screening elements for mechanical equipment and screening elements for parking located in a parking structure) and not conditioned space or structured parking levels.

The site plan amendment contains the following changes:

- Proposes to reduce the 15-foot, 6-inch drive aisles to 11 feet by extending the curb line along the southern side of Lexington Avenue from the intersection with Euclid Avenue to the northern end of the site in order to provide recessed on-street parking and relocate the overhead utility lines into the proposed planting strip bulb outs. The extension of the curb eliminates on-street parking on the northern side of the street from the intersection of Euclid Avenue to the northern end of the site.
- Increases the contribution to implement traffic calming measures, approved in accordance with City policies, along portions of Lexington and Templeton Avenues located between Euclid and Myrtle Avenues from \$7,500 to \$10,000.
- Optional provision changes that apply only to the residential uses include:
 - Amends the optional provisions to increase the encroachment of a pool deck, associated amenity areas, and 60-inch high decorative wall/fence to enclose the pool amenity area into the 30-foot building setback along the Euclid Avenue street frontage from 60 linear feet to 68 linear feet.
- **Existing Zoning and Land Use**
 - The subject site is located just outside of the Dilworth Historic District Overlay and is currently occupied with office buildings and surface parking lots. Across Euclid Avenue, to the southeast, are single family homes in R-5 (single family residential) and R-8 (single family residential) zoning districts located within the Dilworth Historic District Overlay. The property to the southwest, across Templeton Avenue, is currently occupied with various residential units and was rezoned in 2010 to TOD-RO (transit oriented development - residential, optional) to allow for redevelopment of the site for transit oriented development. To the north are properties that are zoned O-2 (office) and are vacant or occupied with surface parking lots or office uses.
- **Rezoning History in Area**
 - There have been a number of rezonings north and west of the subject petition to allow for transit oriented developments within the South End transit station area. There have also been numerous rezonings east of the site along East Morehead Street to allow for various mixed use developments. In addition, a pedestrian overlay district was recently adopted along the East Morehead Street corridor as part of the *Midtown Morehead Cherry Area Plan*.
- **Public Plans and Policies**
 - The *South End Transit Station Area (2005)* recommends mixed use transit supportive development for the property. The site is located within the ½ mile walk distance from the Carson Boulevard transit station.
 - The petition is consistent with the *South End Transit Station Area*.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** CDOT has the following comments:
 1. As proposed, the curb extension would reduce the effective travel land width(s) on Lexington Avenue. The petitioner should either eliminate the curb extensions and allow on-street parking to remain in its existing condition, or recess the on-street parking into the proposed development area. The petitioner has met with CDOT staff regarding this issue and an update will be provided.
 - **Vehicle Trip Generation:** The petition will allow a wide range of trip generation based on the existing and proposed zoning classifications.
 - **Connectivity:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The district allows a variety of uses; therefore, the impact on local schools cannot be determined.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte-Mecklenburg Utilities:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.

- **Mecklenburg County Parks and Recreation Department:** No comments received.
 - **Urban Forestry:** No issues.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

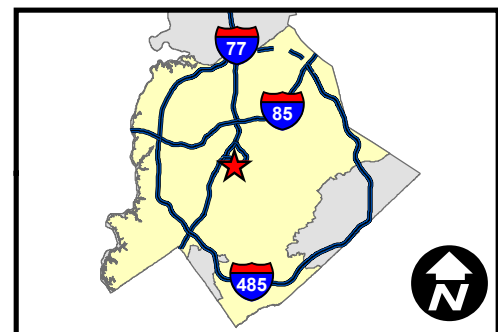
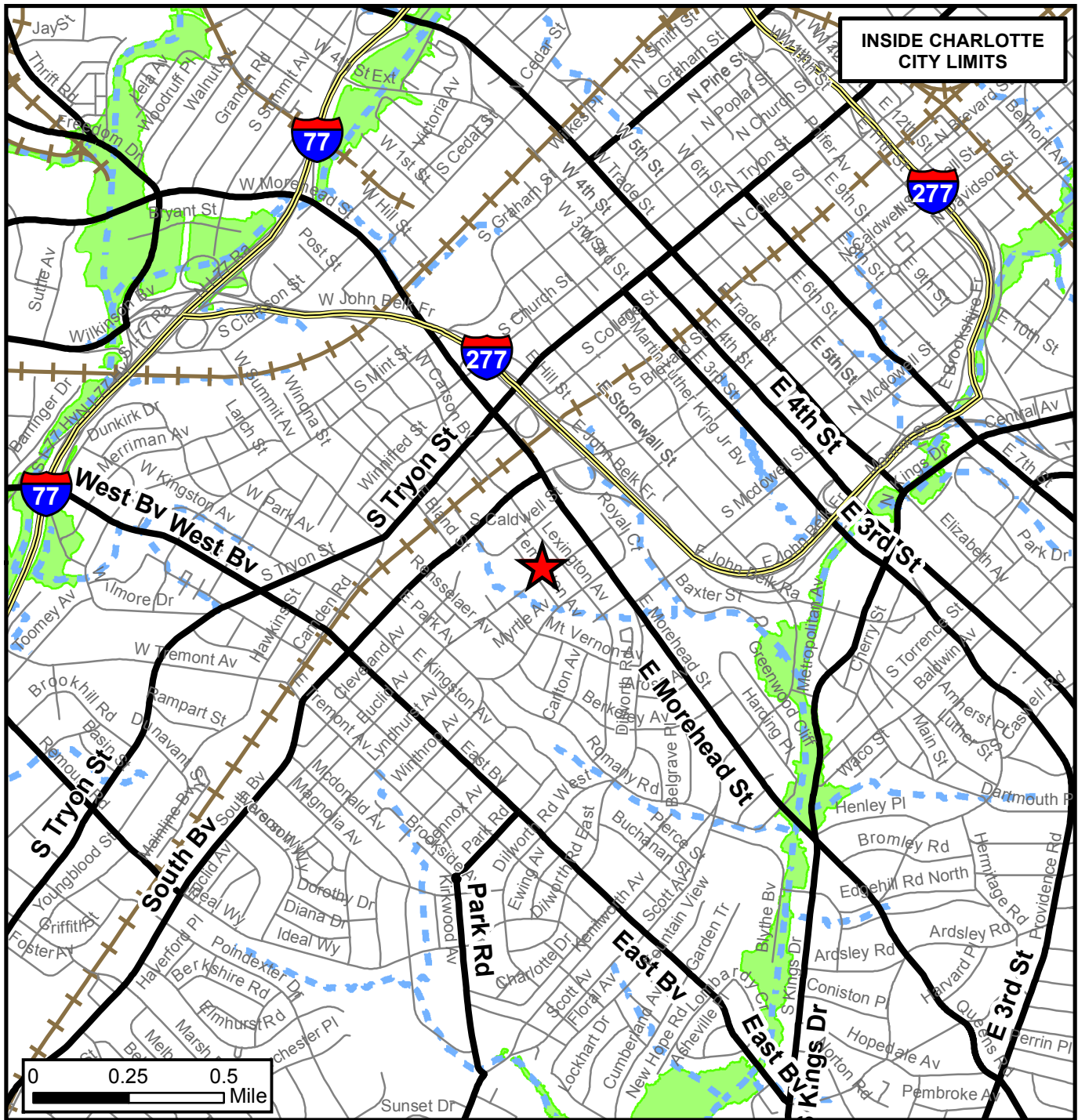
- The petitioner should:
 1. Address CDOT issue.
 2. Revise note 3.d. to say 68 linear feet.
-

Attachments Online at www.rezoning.org

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

Planner: John Kinley (704) 336-8311

Acreage & Location : Approximately 2.99 acres generally surrounded by South Caldwell Street, Lexington Avenue, Euclid Avenue, and Templeton Avenue.



★ Rezoning Petition: 2014-048

- Major Roads
- Collector Roads
- Charlotte City Limits
- FEMA flood plain
- Watershed
- Lakes and Ponds
- Creeks and Streams

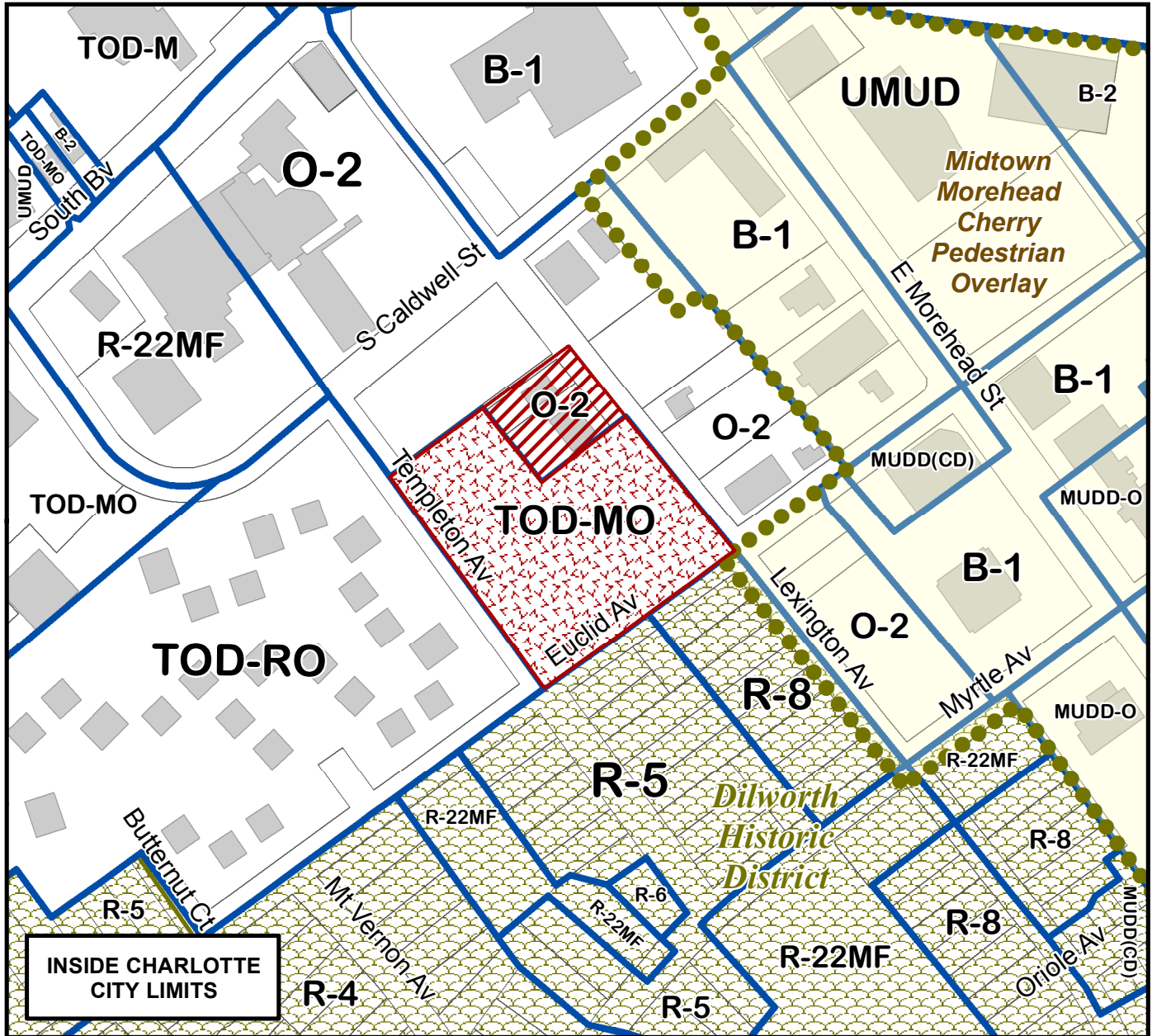
Petition #: **2014-048**

Petitioner: **Marsh Euclid Apartments, LLC**

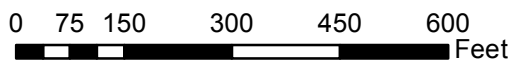
Zoning Classification (Existing): **O-2 & TOD-MO**
(Office and Transit Oriented Development, Mixed Use, Optional)

Zoning Classification (Requested): **TOD-MO & TOD-MO(SPA)**
(Transit Oriented Development, Mixed Use, Optional and Transit Oriented Development, Mixed Use, Optional, Site Plan Amendment)

Acreage & Location: Approximately 2.99 acres generally surrounded by South Caldwell Street, Lexington Avenue, Euclid Avenue, and Templeton Avenue.



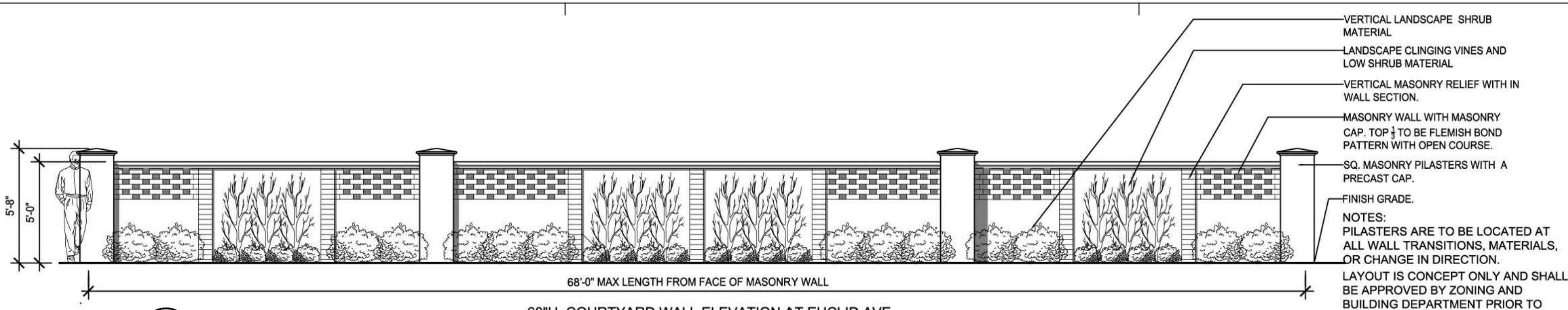
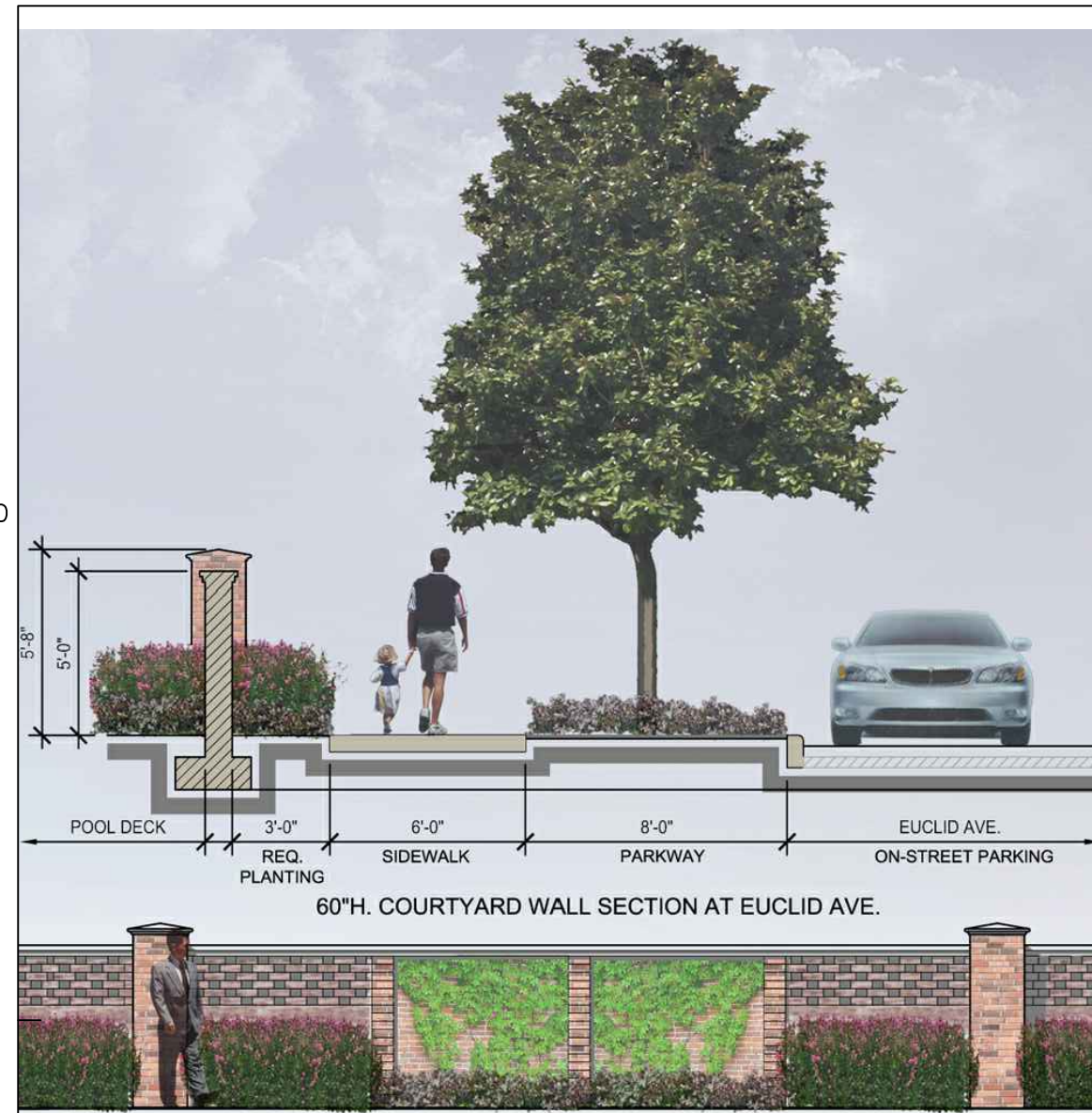
Map Produced by the Charlotte-Mecklenburg Planning Department, 3-29-14.



Zoning Map #(s)

102

	Requested TOD-MO from O-2		FEMA flood plain
	Requested TOD-MO(SPA) from TOD-MO		Watershed
	Existing Building Footprints		Lakes and Ponds
	Existing Zoning Boundaries		Creeks and Streams
	Charlotte City Limits		Historic District
	Pedestrian Overlay		



D2 POOL WALL DETAIL
NTS

D3 POOL WALL DETAIL
NTS

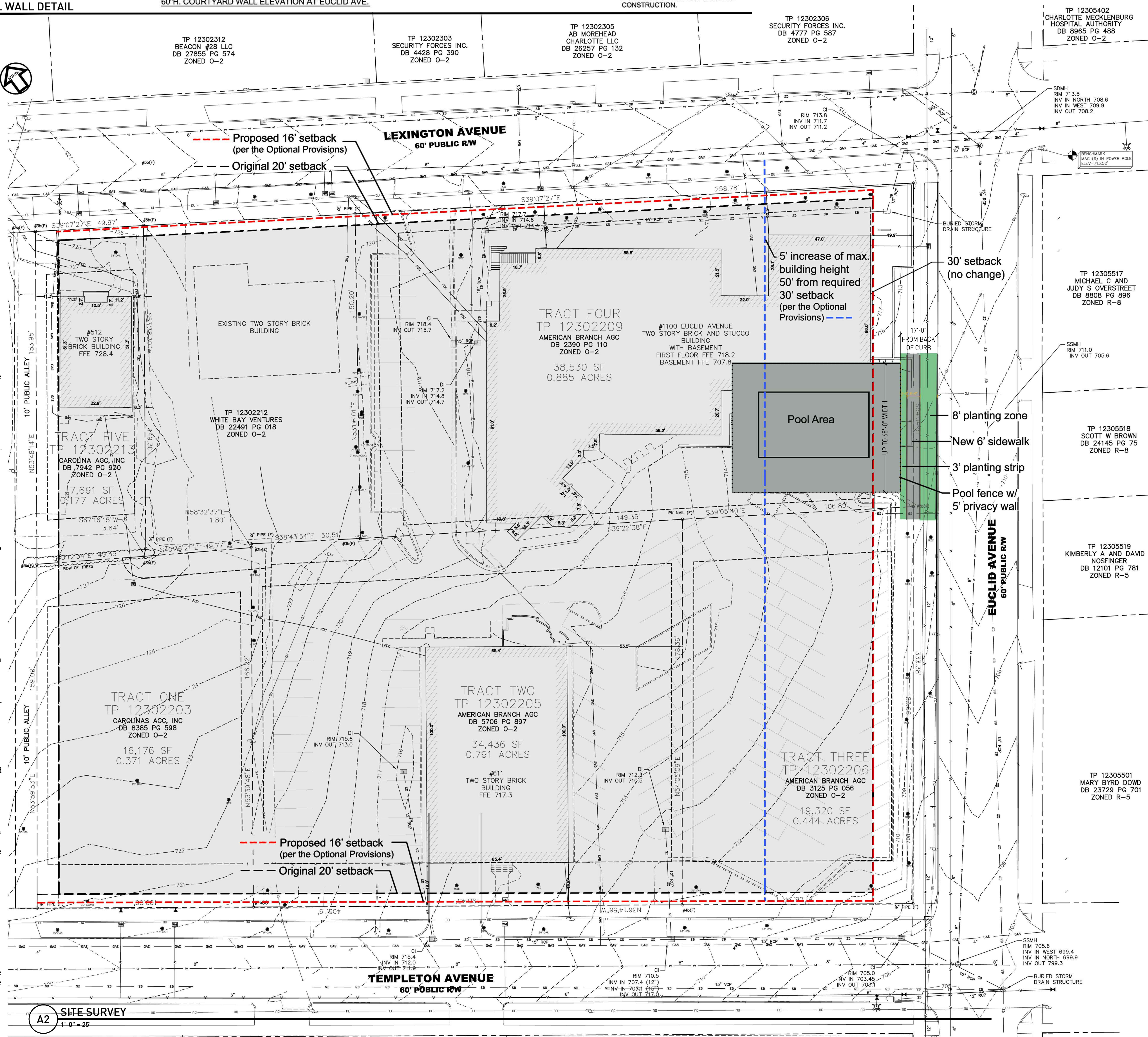
Marsh Realty Company
Development Standards
3/7/14
Rezoning Petition No. 2014-048 Euclid Amended

- Site Development Data:**
- Acreage: ± 2.99
 - Tax Parcel #: 123-022-09 and 12
 - Existing Zoning: O-2 and TOD-MO by Rezoning Petition No. 2013-055
 - Proposed Zoning: TOD-MO and TOD-MO(SPA)
 - Existing Uses: Office buildings with associated parking areas and a vacant lot.
 - Proposed Uses: Uses permitted by right and under prescribed conditions together with accessory uses as allowed in the TOD-M zoning district.
 - Maximum Gross Square Feet of Development: As allowed by the TOD-M zoning district.
 - Maximum Building Height: As allowed by the Ordinance and the optional provisions described below. Allowed building height to be measured as defined by the Ordinance.
 - Parking: As required by the TOD-M zoning district except that if the site is developed with residential uses a minimum of 1.3 spaces per unit will be provided. The parking maximums of the TOD-M zoning district will be followed.

- 1. General Provisions:**
- These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Marsh Realty Company to accommodate development of transit supportive uses as generally contemplated by the South End Transit Station Area Plan on an approximately ± 2.99 acre site located on the west side of Euclid Avenue between Templeton and Lexington Avenues (the "Site").
 - Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the TOD-M zoning district (subject to the Optional Provisions provided below) shall govern all development taking place on the Site, subject to the Optional Provisions set forth herein.
- 2. Permitted Uses & Development Area Limitation:**
- The Site may be developed with all principal and accessory uses allowed by the TOD-M zoning district.
- 3. Optional Provisions for Residential Development.**

- The following optional provisions shall apply to those portions of the Site that are developed for residential uses (including, without limitation, residential uses as part of a mixed-use building); those portions of the Site that are not developed for such residential uses will comply with the standards of TOD-M zoning district without regard to the optional provisions listed below:
- To allow the following building elements/architectural treatments to encroach up to four (4) feet into the 20 foot building setback along Lexington and Templeton Avenues: (i) balconies; (ii) pilasters; (iii) first level porches; (iv) first level stoops; and (v) stairs. These encroachments are in addition to other encroachments allowed into the setback by the Ordinance. All elements will be located behind the required sidewalk.
 - To increase the maximum allowed building height by five (5) feet starting 50 feet back from the required 30 foot setback line along Euclid Avenue, height to be measured in accordance with the Ordinance. This additional five (5) foot increase in the allowed building height may be used to allow certain architectural elements such as but not limited to: (i) parapets walls; (ii) cornices; (iii) other architectural elements used to vary the building roof line; (iv) architectural elements used to screen roof top mechanical equipment; and (v) architectural treatments used to screen parking located in a parking structure. The increase in allowed building height may not be used to allow conditioned space or structured parking levels above the required height plane.
 - To allow a pool deck and associated amenity areas to be located within the Euclid Avenue Setback. The pool deck and amenity areas may not encroach into the Euclid Avenue setback for more than 68 linear feet and will maintain a minimum setback of 17 feet as measured from the back of the curb, as generally illustrated on sheet RZ-1 of the Rezoning Plan. The pool amenity area may include, but is not limited to, seating areas, fire pits, arbors, landscaping, and water fountains.
 - To allow a 60" inch decorative wall or fence with 68" inch high columns enclosing a pool amenity area to be located within the Euclid Avenue setback (the wall or fence may have gates). The encroachment into Euclid Avenue setback will be limited to 66 linear feet. The wall or fence and associated gates will be a minimum of 17 feet from the back of curb of Euclid Avenue. A three (3) foot planting area will be provided between the wall/fence and the back of the sidewalk. The three (3) foot landscape area will be landscaped with a variety of plant materials so as to create an attractive street edge.

- 4. Streetscape:**
- The Site will comply with the Streetscape Standards of the South End Transit Station Area Plan (subject to the optional provisions above).
- 5. Parking:**
- If the Site is developed for residential uses (including residential uses as part of a mixed-use building) a minimum of 1.3 parking spaces per unit will be provided for the residential uses. All other uses will comply with the parking standards of the TOD-M zoning district.
- 6. Miscellaneous; Contribution to Traffic Calming Measures; and Tree Protection for Trees in City Right-of-way:**
- The Petitioner will contribute up to \$10,000 to implement traffic calming measures along the portions of Lexington and Templeton Avenues located between Euclid and Myrtle Avenues. These funds will be made available to CDOT to implement traffic calming measures approved in accordance with City Council adopted standards and policies. These funds will be made available to CDOT within 30 days of the approval of this Petition and will remain available for such purposes for at least one year after the first building constructed on the Site receives a final certificate of occupancy and at least six (6) months after the completion of the improvements planned for Templeton Avenue as part of the Myrtle/Morehead Storm Drainage Improvement Project. Thereafter such funds shall be released to the Petitioner.
 - Where there are existing trees within the Public Street right-of-way's the Petitioner will work with City Arborist to protect these trees while the Site is under construction. Petitioner is aware that building footings/foundation may require special structural modifications in areas near existing large diameter trees where the root protection zone and building footprint overlap and the existing tree is located within the public street right-of-way. The developer will work with City Arborist to ensure these trees and their critical root zones are adequately protected.
- 7. Amendments to the Rezoning Plan:**
- Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable portion of the Site affected by such amendment in accordance with the provisions herein and of Chapter 6 of the Ordinance.
- 8. Binding Effect of the Rezoning Application:**
- If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided herein and under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.



A2 SITE SURVEY
1"=26'



127 W. W... A...
S... 260
C... NC 28203
704.332.5668
704.332.1556

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LandDesign

EUCLID REZONING PETITION 2014-048
 FOR PUBLIC HEARING
 CHARLOTTE, NORTH CAROLINA

March 24, 2014
REVISIONS:
1 PLANNING COMMENTS 05/16/14

PROJECT NUMBER
13-002

PROPOSED
SETBACKS FOR
REZONING

RZ1.0



NarmourWright

127 W. W... A...
S... 260
C... NC 28203
704.332.5668
704.332.5556

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EUCLID REZONING PETITION 2014-048
FOR PUBLIC HEARING

CHARLOTTE, NORTH CAROLINA

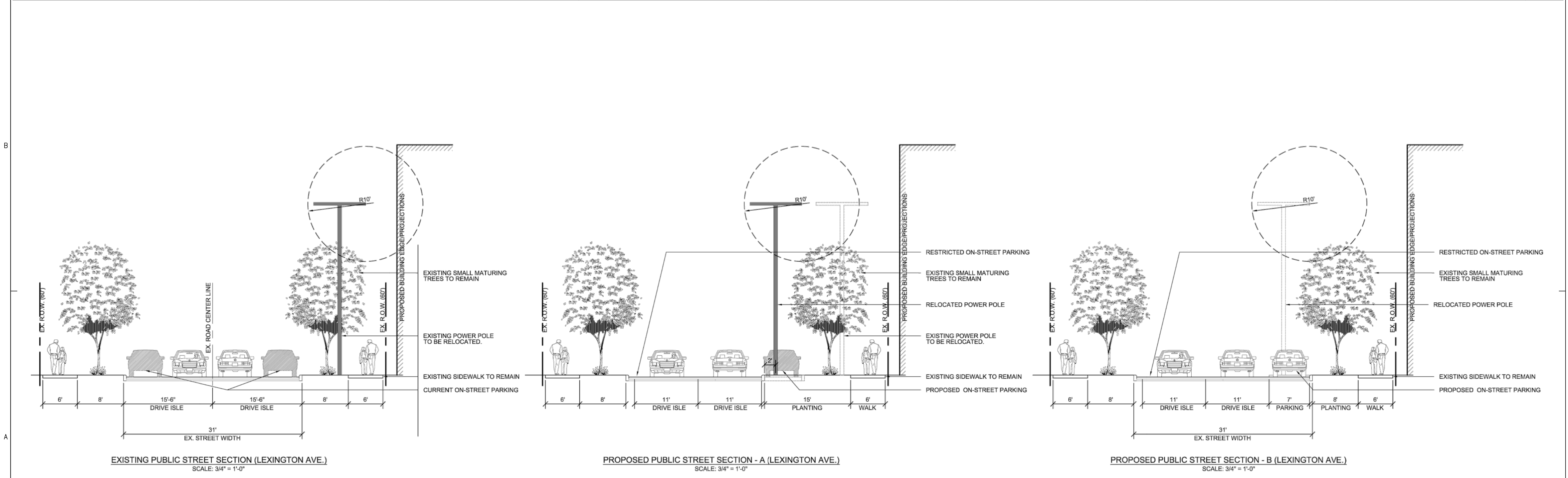
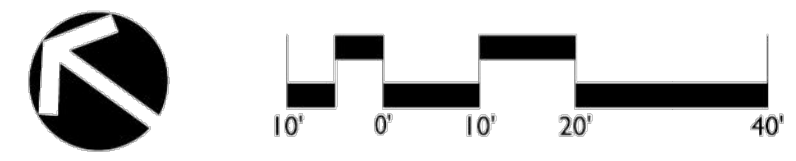
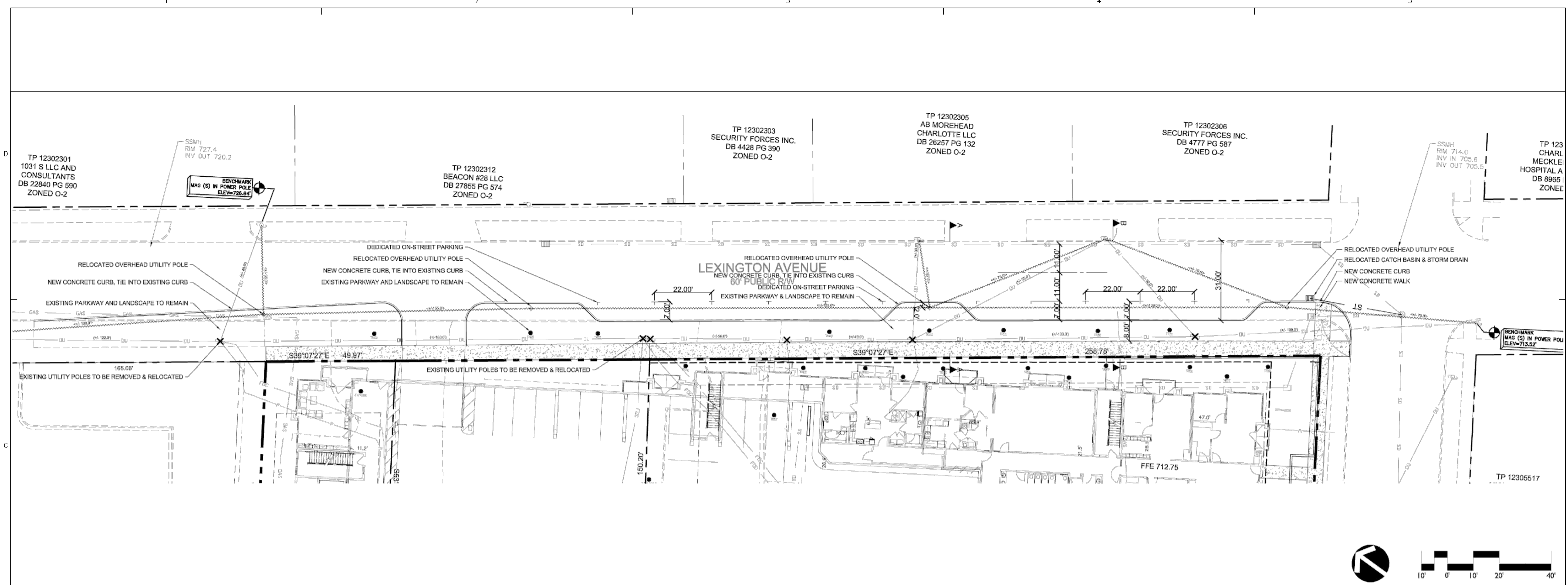
March 24, 2014
REVISIONS:

PLANNING COMMENTS 05/16/14

PROJECT NUMBER
13-002

LEXINGTON
POWER EXHIBIT

RZ2.0

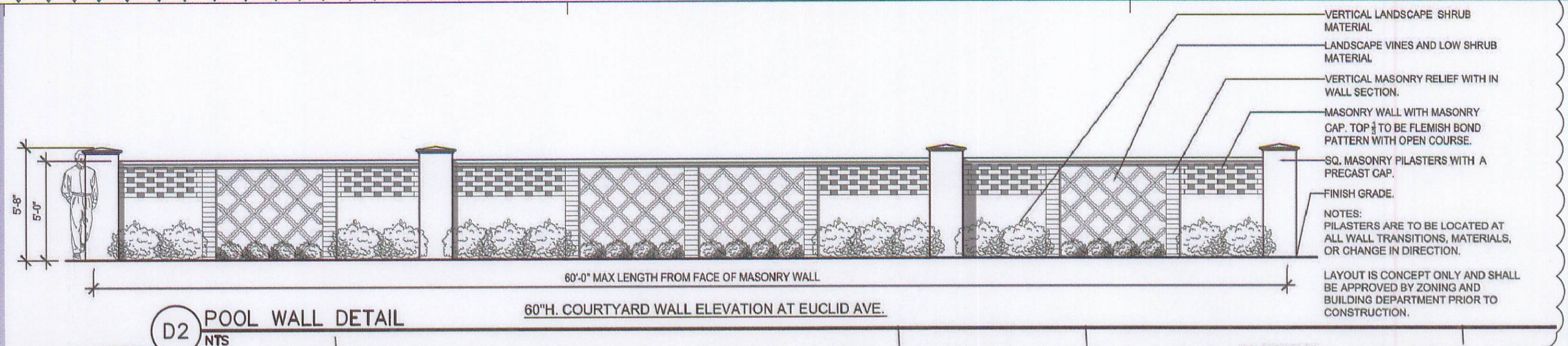


EXISTING PUBLIC STREET SECTION (LEXINGTON AVE.)
SCALE: 3/4" = 1'-0"

PROPOSED PUBLIC STREET SECTION - A (LEXINGTON AVE.)
SCALE: 3/4" = 1'-0"

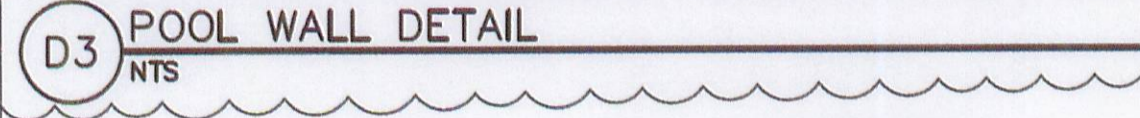
PROPOSED PUBLIC STREET SECTION - B (LEXINGTON AVE.)
SCALE: 3/4" = 1'-0"

Previously
Approved
Site
Plan



APPROVED BY
CITY COUNCIL

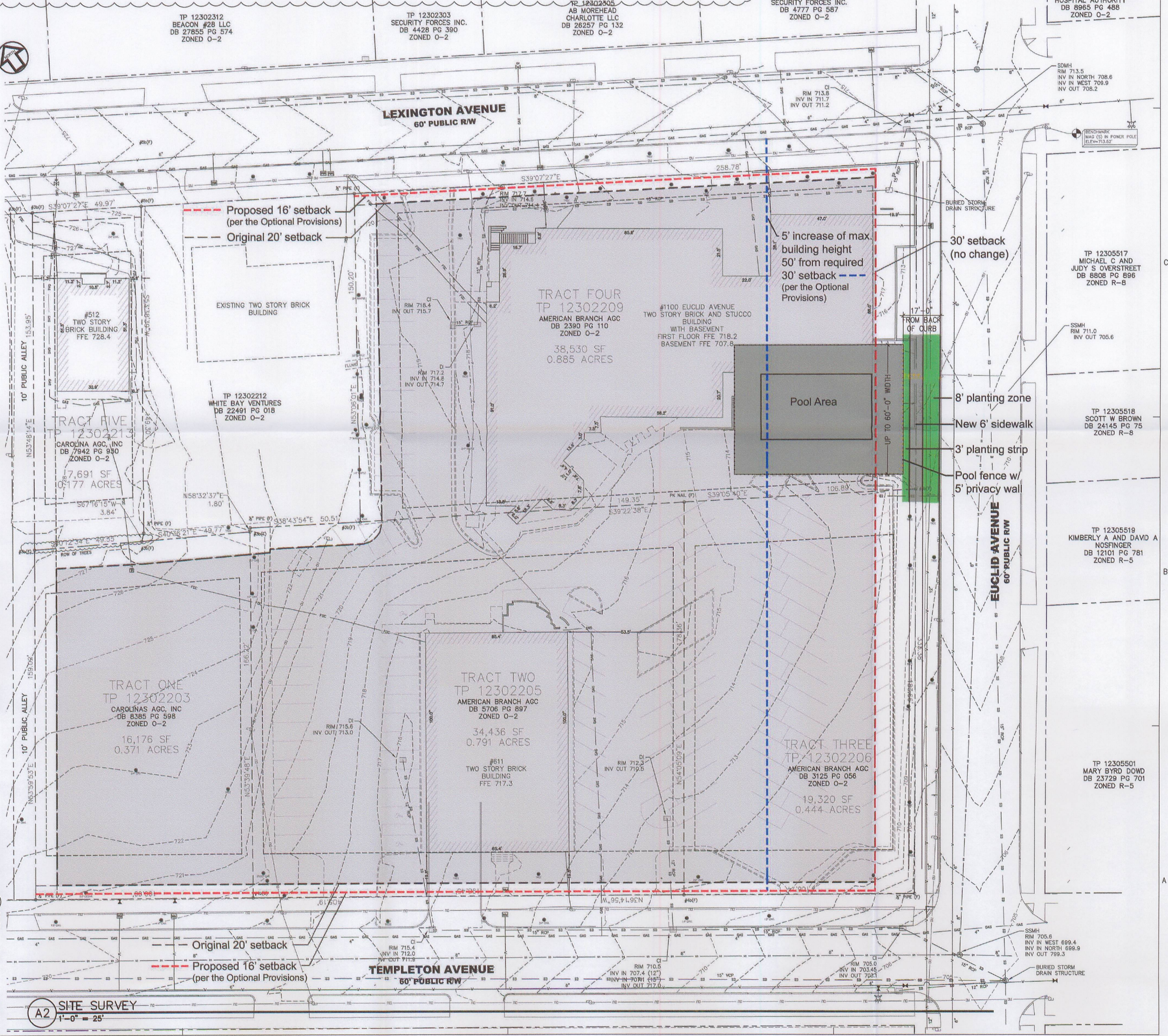
OCT 21 2013



D3 POOL WALL DETAIL
NTS

Site Development Data:
 -Acreage: 2.47
 -Tax Parcel #: 123-0223, 05, 06, 09 and 11
 -Existing Zoning: O-2
 -Proposed Zoning: TOD-MO
 -Existing Uses: Office buildings with associated parking areas and vacant lot.
 -Proposed Uses: Uses permitted by right and under prescribed conditions together with accessory uses as allowed in the TOD-M zoning district.
 -Maximum Gross Square Feet of Development: As allowed by the TOD-M zoning district.
 -Maximum Building Height: As allowed by the Ordinance and the optional provisions described below. Allowed building height to be measured as defined by the Ordinance.
 -Parking: As required by the TOD-M zoning district except that if the Site is developed with residential uses a minimum of 1.3 spaces per unit will be provided. The parking maximums of the TOD-M zoning district will be followed.

- 1. General Provisions:**
- These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Marsh Realty Company to accommodate development of transit supportive uses as generally contemplated by the South End Transit Station Area Plan on an approximately 2.47 acre site located on the west side of Euclid Avenue between Templeton and Lexington Avenues (the "Site").
 - Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the TOD-M zoning district (subject to the Optional Provisions provided below) shall govern all development taking place on the Site, subject to the Optional Provisions set forth herein.
- 2. Permitted Uses & Development Area Limitation:**
- The Site may be developed with all principal and accessory uses allowed by the TOD-M zoning district.
- 3. Optional Provisions for Residential Development.**
- The following optional provisions shall apply to those portions of the Site that are developed for residential uses (including, without limitation, residential uses as part of a mixed-use building); those portions of the Site that are not developed for such residential uses will comply with the standards of TOD-M zoning district without regard to the optional provisions listed below:
- To allow the following building elements/architectural treatments to encroach up to four (4) feet into the 20 foot building setback along Lexington and Templeton Avenues: (i) balconies; (ii) pilasters; (iii) first level porches; (iv) first level stoops; and (v) stairs. These encroachments are in addition to other encroachments allowed into the setback by the Ordinance. All elements will be located behind the required sidewalk.
 - To increase the maximum allowed building height by five (5) feet starting 50 feet back from the required 30 foot setback line along Euclid Avenue, height to be measured in accordance with the Ordinance. This additional five (5) foot increase in the allowed building height may be used to allow certain architectural elements such as but not limited to: (i) parapets walls; (ii) cornices; (iii) other architectural elements used to vary the building roof line; (iv) architectural elements used to screen roof top mechanical equipment; and (v) architectural treatments used to screen parking located in a parking structure. The increase in allowed building height may not be used to allow conditioned space or structured parking levels above the required height plane.
 - To allow a pool deck and associated amenity areas to be located within the Euclid Avenue Setback. The pool deck and amenity areas may not encroach into the Euclid Avenue setback for more than 60 linear feet and will maintain a minimum setback of 17 feet as measured from the back of curb, as generally illustrated on sheet RZ-1 of the Rezoning Plan. The pool amenity area may include, but is not limited to, seating areas, fire pits, arbors, landscaping, and water fountains.
 - To allow a 60" inch decorative wall or fence with 68" inch high columns enclosing a pool amenity area to be located within the Euclid Avenue setback (the wall or fence may have gates). The encroachment into Euclid Avenue setback will be limited to 60 linear feet. The wall or fence and associated gates will be a minimum of 17 feet from the back of curb of Euclid Avenue. A three (3) foot planting area will be provided between the wall/fence and the back of the sidewalk. The three (3) foot landscape area will be landscaped with a variety of plant materials so as to create an attractive street edge.
- 4. Streetscape:**
- The Site will comply with the Streetscape Standards of the South End Transit Station Area Plan (subject to the optional provisions above).
- 5. Parking:**
- If the Site is developed for residential uses (including residential uses as part of a mixed-use building) a minimum of 1.3 parking spaces per unit will be provided for the residential uses. All other uses will comply with the parking standards of the TOD-M zoning district.
- 6. Miscellaneous; Contribution to Traffic Calming Measures; and Tree Protection for Trees in City Right-of-way:**
- The Petitioner will contribute up to \$7,500 to implement traffic calming measures along the portions of Lexington and Templeton Avenues located between Euclid and Myrtle Avenues. These funds will be made available to CDOT to implement traffic calming measures approved in accordance with City Council adopted standards and policies. These funds will be made available to CDOT within 30 days of the approval of this Petition and will remain available for such purposes for at least one year after the first building constructed on the Site receives a final certificate of occupancy and at least six (6) months after the completion of the improvements planned for Templeton Avenue as part of the Myrtle/Morehead Storm Drainage Improvement Project. Thereafter such funds shall be released to the Petitioner.
 - Where there are existing trees within the Public Street right-of-way's the Petitioner will work with City Arborist to protect these trees while the Site is under construction. Petitioner is aware that building footings/foundation may require special structural modifications in areas near existing large diameter trees where the root protection zone and building footprint overlap and the existing tree is located within the public street right-of-way. The developer will work with City Arborist to ensure these trees and their critical root zones are adequately protected.
- 7. Amendments to the Rezoning Plan:**
- Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable portion of the Site affected by such amendment in accordance with the provisions herein and of Chapter 6 of the Ordinance.
- 8. Binding Effect of the Rezoning Application:**
- If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided herein and under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.



EUCLID REZONING PETITION 2013-055
 FOR PUBLIC HEARING
 CHARLOTTE, NORTH CAROLINA

JULY 19, 2013
REVISIONS:

PROJECT NUMBER
13-002

PROPOSED
SETBACKS FOR
REZONING

RZ1.0

NarmourWright
 127 W. Worthington Avenue
 Suite 260
 Charlotte, NC 28203
 p 704.332.5668
 f 704.332.9556
 www.narmourwright.com

THESE DOCUMENTS PROVIDED BY NARMOUR WRIGHT ASSOCIATES ARE SUBJECT TO THE ARCHITECTURAL WORKS COPYRIGHT PROTECTION ACT AS INTELLECTUAL PROPERTY. SIMILAR PROTECTION IS ALSO APPLICABLE TO ELECTRONIC INFORMATION IN ANY FORM. THE USE OF THESE DOCUMENTS OR THE ELECTRONIC INFORMATION THAT PRODUCED THEM IS PROHIBITED UNLESS OTHERWISE PROVIDED IN WRITING BY AND COMPENSATION TO THE ARCHITECT.

Marsh Properties
 LandDesign

REQUEST	Current Zoning: R-3 (single family residential) and UR-2(CD) (urban residential, conditional) Proposed Zoning: UR-2(CD) (urban residential, conditional) and UR-2(CD) SPA (urban residential, conditional, site plan amendment)
LOCATION	Approximately 9.09 acres located on the southwest corner at the intersection of Carmel Road and Colony Road. (Council District 6 - Smith)
SUMMARY OF PETITION	The petition proposes to develop up to 43 single family attached dwelling units, in two phases, at a maximum density of 4.73 dwelling units per acre.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues. The <i>South District Plan</i> recommends residential development for the subject property. The plan supports four units per acre for the 1.5-acre portion currently zoned R-3 (single family residential) for a total of 6 units. The <i>South District Plan</i> , as amended by a previous rezoning, supports 4.7 units per acre for the 7.59 acre portion currently zoned UR-2(CD) (urban residential, conditional) for a total of 36 units. The plan supports a total of 42 units at a density of 4.6 units per acre for the combined properties. The proposal for 43 single family attached units is consistent with the residential use recommended by the <i>South District Plan</i> , and the proposed density represents a minor increase from 4.62 units per acre, as supported by the plan, to 4.73 units per acre.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Colony Carmel Investors, LLC and W.W. Hagood, Jr. Trust Copper Builders, Inc. and Cambridge Properties, Inc. John Carmichael, Robinson Bradshaw & Hinson
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 30

PLANNING STAFF REVIEW

- **Background**
 - Petition 2005-162 rezoned 7.64 acres of the total 9.09 acres included in the subject rezoning from R-3 (single family residential) to UR-2(CD) (urban residential, conditional) to allow 36 for-sale condominium units in three buildings. One attached residential dwelling was built in 2010.
- **Proposed Request Details**

The site plan amendment contains the following changes:

 - Up to 36 single family attached dwellings and one single family attached dwelling is proposed in Phase 1 of the development.
 - The single family attached unit shall be demolished and replaced with up to seven single family attached dwelling units in Phase 2 of the development.
 - Minimum setback of 14 feet along Colony Road and Carmel Road.
 - Maximum height of single family attached units is two stories. However, some units may have two stories above a basement.
 - Building materials consist of brick, stone, cementitious siding, miratec trim, and stucco. Vinyl shall not be a permitted exterior building material for the attached units but may be utilized on the soffits and vinyl windows.
 - A minimum 75 percent of each façade of the attached units shall be composed of brick, stone, or a combination thereof.
 - Screen wall with gated pedestrian access along frontage of units that front on Carmel Road or Colony Road.
 - Minimum of two parking spaces provided for each attached dwelling unit and up to 22 on-street parking spaces provided on one side of the proposed private street.

- Walking trails to be installed on site.
- Detached lighting limited to 20 in height.
- No standards from the previous rezoning remain.

The proposed petition contains the following provisions for the entire site:

- A separate lot may be created for the attached dwelling unit.
 - Vehicular access to the site off Colony Road via a proposed private internal street.
 - A proposed pedestrian access point off Carmel Road that leads to community open space.
 - Maximum height of the single family attached dwelling unit is 40 feet.
 - No expanses of blank wall in excess of 20 feet on facades facing Colony Road and/or Carmel Road.
 - Screen wall with gated pedestrian access to units that front on Carmel Road or Colony Road.
 - Gated pedestrian access points to Colony Road will be provided for units with sides along Colony Road. Each unit will have a decorative privacy wall enclosing private open space and a gate leading to a five-foot sidewalk that leads out to Colony Road.
 - Existing pond to remain.
 - Walking trails to be installed on site.
 - Private roll out trash and recycling containers to be utilized by the community and picked up by a private service.
 - Schematic architectural rendering of front elevation of the single family attached units provided.
- **Existing Zoning and Land Use**
 - The subject property is developed with one attached residential structure. The surrounding properties are zoned R-3 (single family residential) and developed with single family attached dwelling units, a religious institution, a park, and a school.
 - **Rezoning History in Area**
 - There have been no rezonings in the immediate area in recent years.
 - **Public Plans and Policies**
 - The *South District Plan* (1993) recommends residential development for the subject property.
 - The *South District Plan* supports six units at a density of four units per acre for the 1.5-acre portion of the site that is currently zoned R-3 (single family residential). The plan, as amended by rezoning 2005-162, supports 36 multi-family units at a density of 4.7 units per acre for the portion of the site currently zoned UR-2(CD) (urban residential, conditional). The plan supports a total of 42 units at a density of 4.6 units per acre for the combined properties.
 - The petition is consistent with the residential use recommended by the *South District Plan*, and the proposed density represents a minor increase from 4.62 units per acre, as supported by the plan, to 4.73 units per acre.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:**
 - Amend the site plan to reflect the street connection to Carmel Road as required per the Subdivision Ordinance.
 - Amend the site plan to reflect installation of a median along the access drive on Carmel Road to restrict the driveway to right-in/right-out movements. The design of the median will be detailed during the construction permitting process.
 - Relocate the proposed privacy wall at the intersection of Carmel Road and Colony Road out of the 35-foot by 35-foot site triangle.
 - **Vehicle Trip Generation:**
Current Zoning: 270 trips per day.
Proposed Zoning: 320 trips per day.
 - **Connectivity:** Proposed street should connect to Carmel Road as it is a network required street per the Subdivision Ordinance.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate two students while the development allowed under the proposed zoning will produce two students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is zero students.

- **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No issues.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
 - Protects/restores environmentally sensitive areas by preserving an existing pond.

OUTSTANDING ISSUES

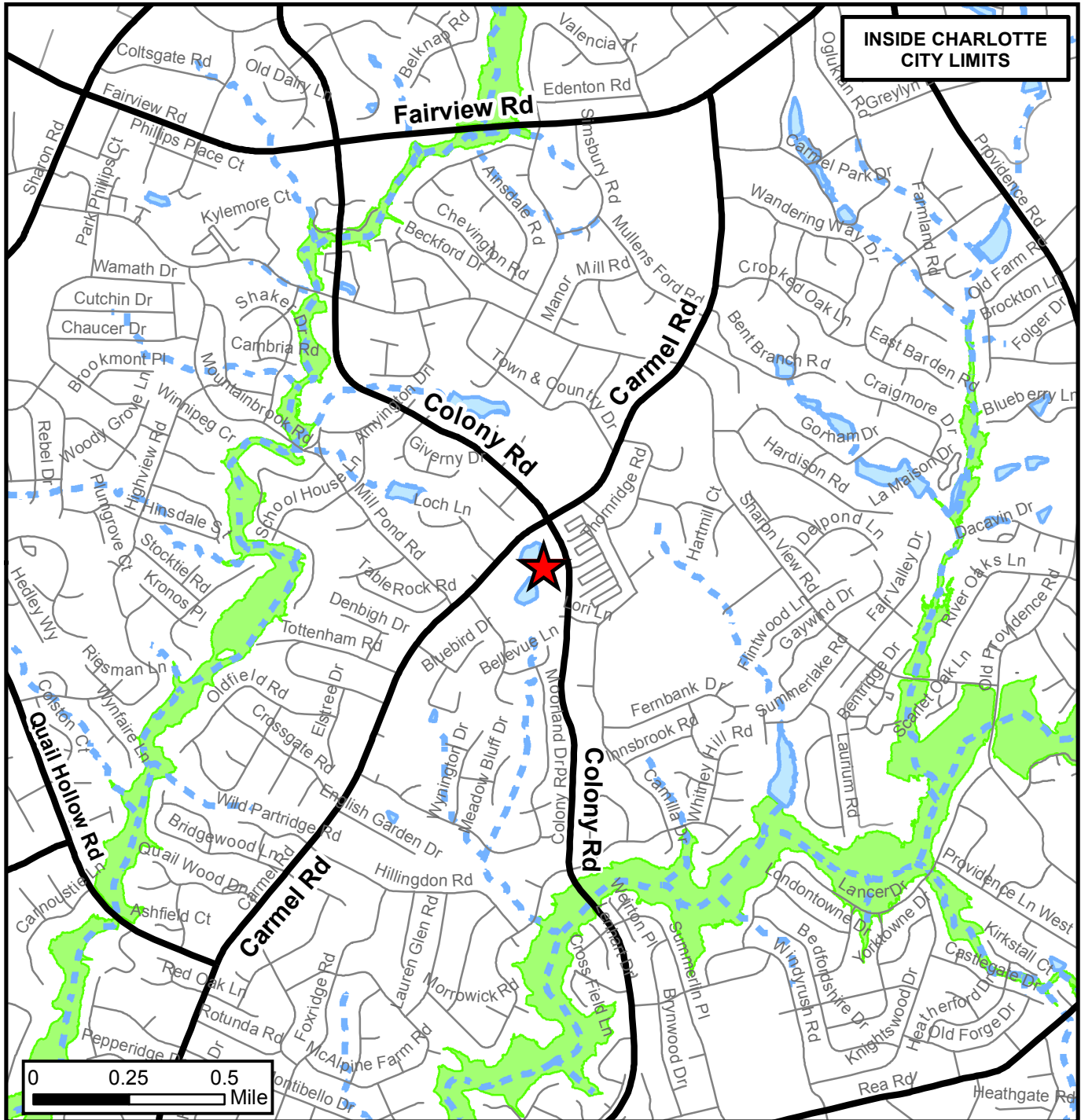
- The petitioner should:
 1. Show location of solid waste and recycling facilities as required Per Section 12.403 of the City of Charlotte Zoning Ordinance.
 2. Provide cross-section of screen wall with pedestrian gates.
 3. Specify percentage of tree save provided.
 4. The Subdivision Ordinance requires a 30-foot wide internal street that connects to Colony Road and Carmel Road. Street must be 30 feet wide measured from face of curb and a local residential wide street type is required if on-street parking is provided.
 5. Show building and parking footprint for Phase 2 as a separate inset.
 6. Provide elevations for any façade that will be oriented toward a public or private street.
 7. Design elevations for end units that front Colony Road with architectural details that create a sense of entry and develop a pedestrian scale orientation towards Colony Road.
 8. Amend Sheet RZ-1 to state that existing residential structure is to remain in Phase 1.
 9. Address CDOT comments.
-

Attachments Online at www.rezoning.org

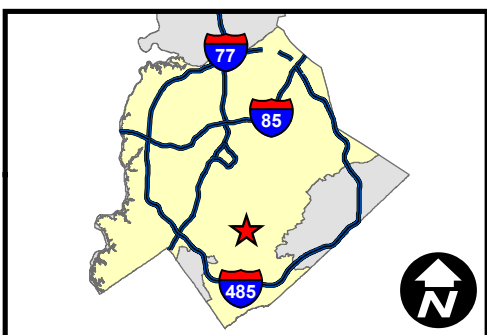
- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg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

Planner: Sonja Sanders (704) 336-8327

Acreage & Location : Approximately 9.09 acres located on the southwest corner at the intersection of Carmel Road and Colony Road.



INSIDE CHARLOTTE CITY LIMITS



★ Rezoning Petition: 2014-050

- Major Roads
- Collector Roads
- Charlotte City Limits
- FEMA flood plain
- Watershed
- Lakes and Ponds
- Creeks and Streams

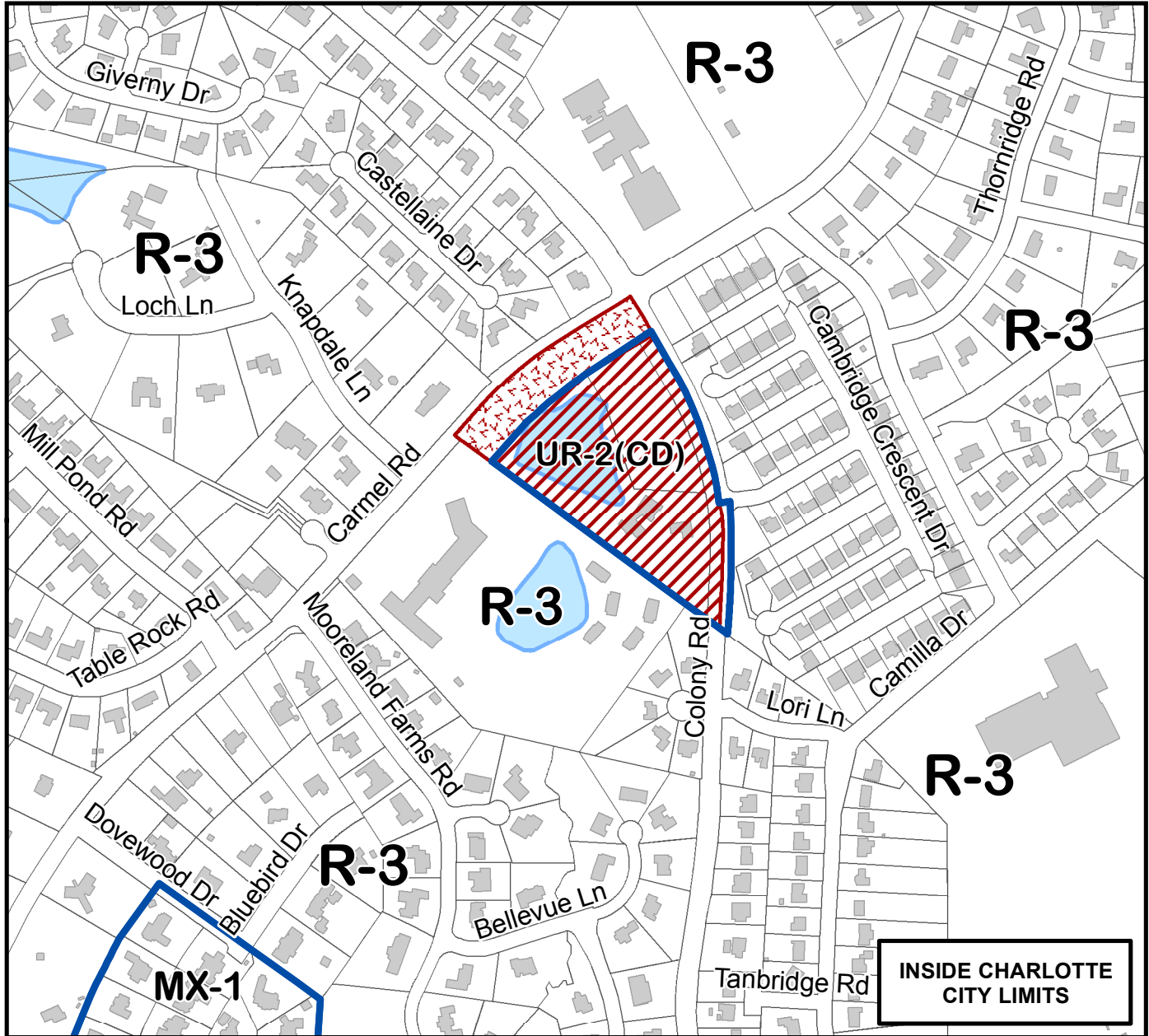
Petition #: **2014-050**

Petitioner: **Copper Builders, Inc. and Cambridge Properties, Inc.**

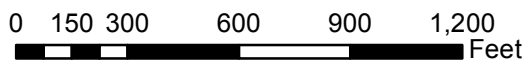
Zoning Classification (Existing): **R-3 & UR-2(CD)**
(Single Family, Residential and Urban Residential, Conditional)

Zoning Classification (Requested): **UR-2(CD) & UR-2(CD)SPA**
(Urban Residential, Conditional and Urban Residential, Conditional, Site Plan Amendment)

Acreage & Location: Approximately 9.09 acres located on the southwest corner at the intersection of Carmel Road and Colony Road.

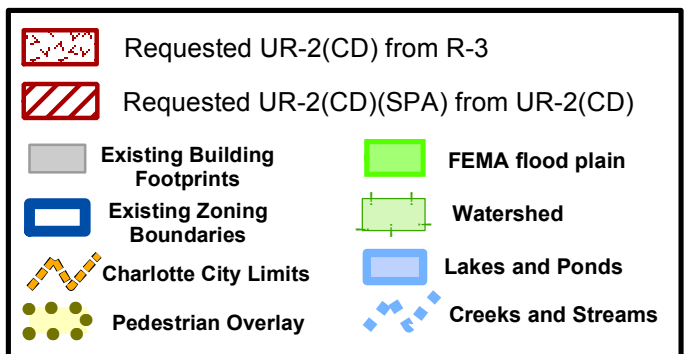


Map Produced by the Charlotte-Mecklenburg Planning Department, 6-2-14.



Zoning Map #(s)

146



EXISTING STREET TREES SHALL REMAIN TO MAINTAIN CONTINUITY BETWEEN ADJACENT DEVELOPMENTS. SELECTIVE REMOVAL AND REPLACEMENT DUE TO TREE HEALTH OR CONSTRUCTION CONFLICT SHALL BE PERMITTED AFTER APPROVAL AND COORDINATION WITH CITY URBAN FORESTRY.

TIE TO EXISTING SIDEWALK.

ALL UTILITY STRUCTURES AND TRAFFIC SIGNAL CONTROLS TO REMAIN.

PROPOSED 20' COMMUNITY DRIVE, TYP. SEE SHEET RZ-2/ENLARGEMENT 2 FOR DIMENSIONAL AND MATERIAL DETAILS.

PROPOSED 2' SIDEWALK AND UTILITY EASEMENT, TYP.

PROPOSED TOWNHOME.

PROPOSED RESIDENTIAL TYPE HAMMERHEAD.

PROPOSED ACCESSIBLE COMMUNITY OPEN SPACE. SEE SHEET RZ-2/ENLARGEMENT 1 FOR DETAILS.

PROPOSED PEDESTRIAN ACCESS POINT.

PIN: 20902201
JASON CRAWFORD & SUMMER BELK
5726 COLONY RD
CHARLOTTE, NC 28226
D.B. 25660, PG. 512

PIN: 20902208
E S PANDURANGA & JAYASHREE PANDURANGA
3619 CASTELLAINA DR
CHARLOTTE, NC 28226
D.B. 10105, PG. 004

PIN: 20902209
STEPHEN C. MOORE
3618 CASTELLAINA DR
CHARLOTTE, NC 28226
D.B. 8465, PG. 750

PIN: 20904301
STEPHEN P. HAYES
2726 CARMEL RD.
CHARLOTTE, NC 28226
D.B. 4174, PG. 721

ALL PLANTING DEPICTED ON REZONING PLAN IS SUBJECT TO CHANGE TO ACCOMMODATE SITE CONSTRAINTS OR MAINTAIN CONTINUITY BETWEEN THE PROPOSED DEVELOPMENT AND ADJACENT DEVELOPMENTS.

ON-STREET PARKING MAY BE PROVIDED ON ONE SIDE FOR THE EXTENT OF THE PRIVATE STREET.

EXISTING VARIABLE PUBLIC RIGHT-OF-WAY. 5' SITE SIDEWALK TO BE PROVIDED ADJACENT TO ALL PROPOSED RESIDENCES ALONG PROPOSED PRIVATE STREET.

PROPOSED 8' PLANTING STRIP, TYP.

FUTURE VARIABLE PUBLIC RIGHT-OF-WAY.

SCREEN WALL WITH GATED PEDESTRIAN STREET ACCESS.

PERIMETER STREET TREE, TYP. ALL PLANTING MAY BE SUBJECT TO CHANGE, AND SHALL MEET MINIMUM PLANTING REQUIREMENTS PER ZONING ORDINANCE.

PROPOSED LOCATION OF DETENTION AND WATER QUALITY BASIN #1. WETLAND DISTURBANCE SHALL REMAIN UNDER ONE HALF ACRE AND BE PERMITTED THROUGH USAGE.

PROPOSED RETAINING WALL. ALL RETAINING WALLS SHALL BE FITTED WITH PEDESTRIAN FALL PROTECTION.

PROPOSED LOW IMPACT WALKING TRAILS, TYP.

PROPOSED COMMUNITY AMENITY.

UNDISTURBED REAR SCREEN. CLEARING WITHIN THIS AREA SHALL BE LIMITED TO ERADICATION OF INVASIVE OR NOXIOUS SPECIES, OR SELECTIVE TREE REMOVAL TO ENSURE STRUCTURAL INTEGRITY OF EXISTING DAM, EMERGENCY SPILLWAY, AND/OR OUTLET CONTROL STRUCTURE.

DUE TO POSSIBLE GRADING CONSTRAINTS ASSOCIATED WITH THE REQUIRED ADDITION OF THE OFF-SITE 8' PLANTING STRIP AND 6' SIDEWALK ALONG CARMEL ROAD, THE DEVELOPER INTENDS TO APPLY FOR RELIEF PER SECTION 9.407(4) OF THE CITY OF CHARLOTTE UR-2 ZONING ORDINANCE.

PROPOSED TREE SAVE AREA SHALL SATISFY SITE TREE SAVE OF 15% TOTAL TREE SAVE. SHALL MEET THE REQUIRED 1.36 AC.

ALIGNMENT OF LOW IMPACT WALKING TRAIL AND AMENITY AREA SUBJECT TO CHANGE WITH RESPECT TO EXISTING VEGETATION WITHIN THE UNDISTURBED AREA. MINIMAL UNDERSTORY THINNING OR CLEARING SHALL BE PERMITTED.

PIN: 20902102
CHURCH AT CHARLOTTE
2500 CARMEL RD
CHARLOTTE, NC 28226
D.B. 3726, PG. 63

SEE WRITTEN TRANSMITTAL FOR DETAILED DESCRIPTION OF SITE PLAN REVISIONS.

PIN: 21163175
CARMEL AND CRESCENT OWNERS ASSOC.
2626 SHEFFIELD CRESCENT CT
CHARLOTTE, NC 28226
D.B. 23051, PG. 681

PIN: 21163164
CAROL H. MADDOX
2602 WINDSOR CRESCENT CT
CHARLOTTE, NC 28226
D.B. 12092, PG. 135

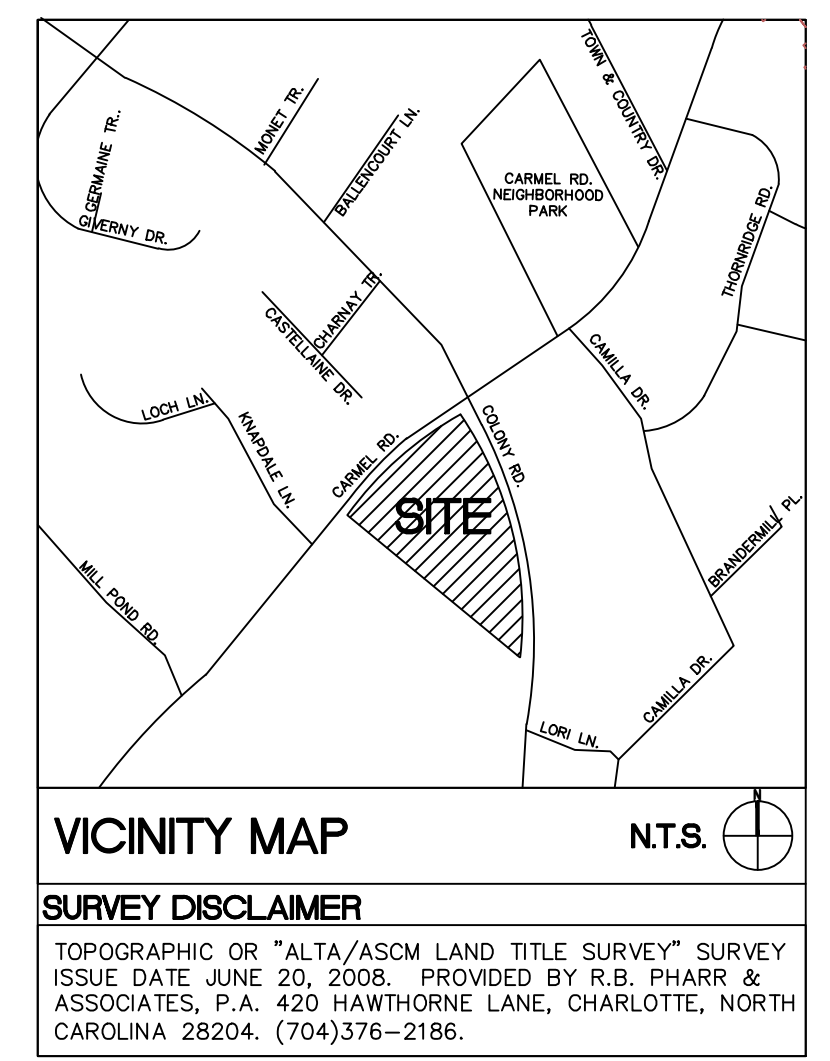
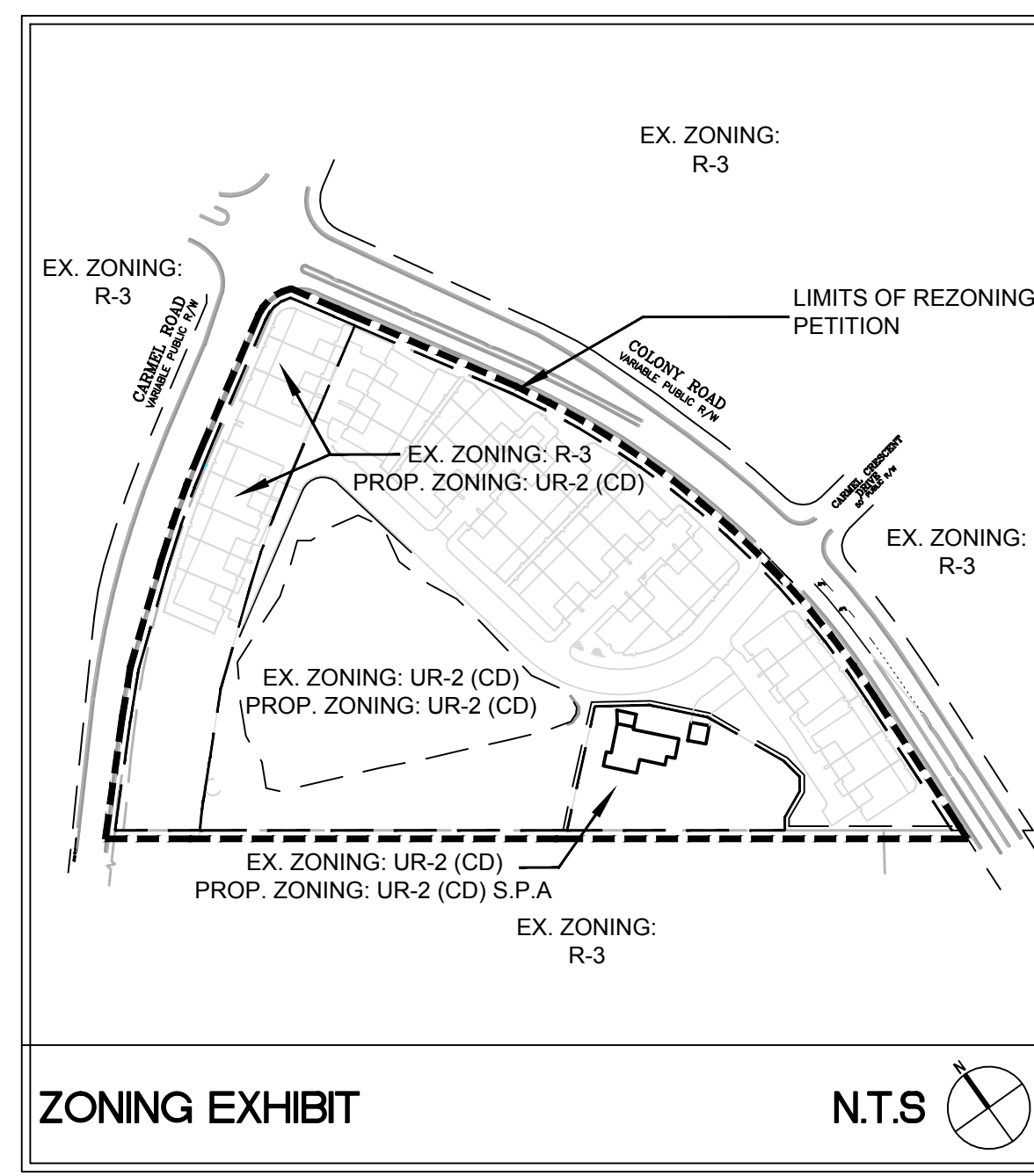
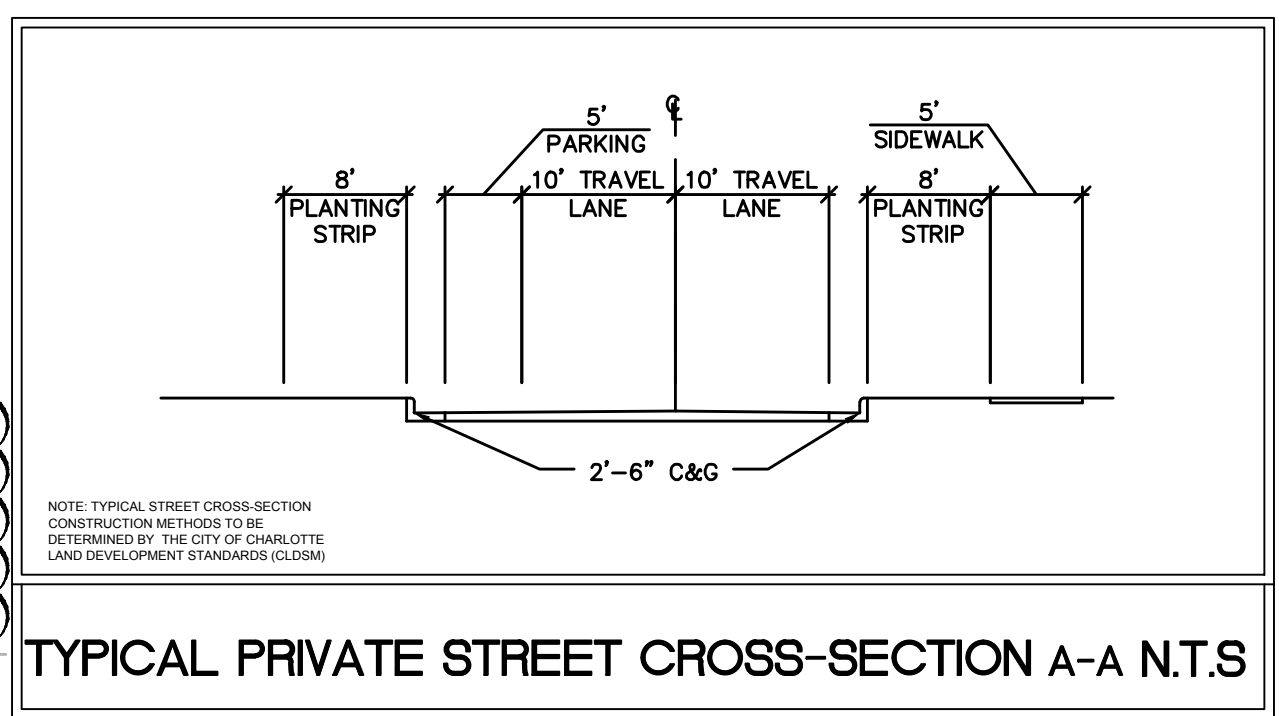
PIN: 21163177
CARMEL AND CRESCENT OWNERS ASSOC.
2626 SHEFFIELD CRESCENT CT
CHARLOTTE, NC 28226
D.B. 23051, PG. 681

PIN: 21163154
LINDA M. PATTERSON
2132 SUNSET DR
CHARLOTTE, NC 28209
D.B. 13870, PG. 950

PIN: 21163176
CARMEL AND CRESCENT OWNERS ASSOC.
2626 SHEFFIELD CRESCENT CT
CHARLOTTE, NC 28226
D.B. 23051, PG. 681

PIN: 21163298
CARMEL HILLS INC.
2801 CARMEL RD.
CHARLOTTE, NC 28226
D.B. 4019, PG. 740

PIN: 21136117
DOUG & KAREN BROADWAY
2636 LORI LN,
CHARLOTTE, NC 28226
D.B. 22542, PG. 945



LEGEND

SYMBOL	DESCRIPTION	DETAIL
[Pattern]	PROPOSED SIDEWALK	CLDS #10.22
[Pattern]	HEAVY DUTY PAVEMENT	-/-
[Pattern]	DECORATIVE PAVING	-/-
[Pattern]	PROPOSED BUILDING ENVELOPE	-/-
[Pattern]	PROPOSED 2'-6" CURB & GUTTER	CLDS #10.17A
[Pattern]	LIMITS OF TREE SAVE	-/-

REZONING SUMMARY

PETITIONER:	COPPER BUILDERS, INC. 1235 E-EAST BOULEVARD #155 CHARLOTTE, NC 28203
PROPERTY OWNER:	COLONY CARMEL INVESTORS, LLC 521 EAST MOREHEAD STREET, SUITE 400 CHARLOTTE, NC 28202
REZONING SITE AREA:	9.08 AC
TAX PARCEL #:	211-632-34 211-632-35 211-632-36 211-632-99 211-63C-99
EXISTING ZONING:	UR-2 (CD) R-3
PROPOSED ZONING:	UR-2 (CD) UR-2 (CD) S.P.A.
EXISTING USE:	SINGLE FAMILY ATTACHED VACANT
PROPOSED USE:	SINGLE FAMILY ATTACHED, SINGLE FAMILY DETACHED
NUMBER OF UNITS:	PHASE 1: 36 NEW, 1 EXISTING PHASE 2: UP TO 7 NEW
MINIMUM SETBACK:	EXISTING RIGHT-OF-WAY OR 14' FROM BACK OF CURB, WHICH EVER IS GREATER.
OPEN SPACE:	ALL UNITS SHALL BE PROVIDED A MINIMUM OF 400 SQUARE FEET OF PRIVATE OPEN SPACE PER THE CITY OF CHARLOTTE UR-2 ZONING ORDINANCE.



Shaping the Environment
Realizing the Possibilities

Land Planning
Landscape Architecture
Civil Engineering
Urban Design

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

COPPER BUILDERS, INC.

1235 E-East Boulevard #155
Charlotte
North Carolina 28203

CARMEL & COLONY TOWNHOMES

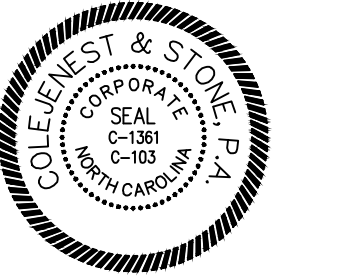
5930 Colony Road
Charlotte
North Carolina 28226

CONDITIONAL REZONING PLAN

Project No.
4315

Issued
03.24.14

Revised
05.16.14 - CITY COMMENTS



SCALE: 1"=50'
0 25' 50' 100'

RZ-1

SEE SHEET RZ-2 FOR REZONING NOTES
SEE SHEET RZ-2 FOR AMENITY AREA, COURTYARD, AND TYPICAL PRIVATE DRIVE DETAILS.

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DEVELOPMENT STANDARDS

General Provisions

- These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Copper Builders, Inc. to accommodate the development of a residential community on that approximately 9.083 acre site located at the southwestern corner of the intersection of Carmel Road and Colony Road, which site is more particularly depicted on the Rezoning Plan (the "Site"). The Site will be developed in two separate phases. Phase 1 will consist of the development of a maximum of 36 for sale single family attached dwelling units and 1 single family detached dwelling unit. Phase 2 will consist of the demolition of the single family detached dwelling unit and the development of a maximum of 7 additional for sale single family attached dwelling units in the general location of the single family detached dwelling unit as more particularly depicted on the Rezoning Plan.
- Development of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance").
- Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the UR- 2 zoning district shall govern all development taking place on the Site.
- The development depicted on the Rezoning Plan is schematic in nature and intended to depict the general arrangement of uses and improvements on the Site. Accordingly, the configurations, placements and sizes of the building footprints as well as the internal street network depicted on the Rezoning Plan are schematic in nature and, subject to the terms of these Development Standards and the Ordinance, may be altered or modified during design development and construction document phases.
- Future amendments to the Rezoning Plan and/or these Development Standards may be applied for by the then owner or owners of the Site in accordance with the provisions of Chapter 6 of the Ordinance. Alterations to the Rezoning Plan are subject to Section 6.207 of the Ordinance.

Permitted Uses

The Site shall be developed in two separate phases and may be devoted only to for sale single family attached dwelling units and a single family detached dwelling unit, together with any incidental or accessory uses associated with such uses that are permitted under the Ordinance in the UR-2 zoning district, as described below.

Phase 1

Tract A

A maximum of 36 for sale single family attached dwelling units may be constructed on Tract A in Phase 1 of the development.

Tract B

A maximum of 1 single family detached dwelling unit may be located on Tract B in Phase 1 of the development. Tract B may be subdivided from Tract A so as to create a separate lot for the single family detached dwelling unit.

Phase 2

The single family detached dwelling unit located on Tract B shall be demolished, and a maximum of 7 additional for sale single family attached dwelling units may be constructed on the Site in the general location of the single family detached dwelling unit as more particularly depicted on the Rezoning Plan. Tract B may be recombined with Tract A in Phase 2 of the development. The total maximum allowed density on the Site upon the completion of Phase 2 of the development shall be 43 for sale single family attached dwelling units.

Transportation

- Vehicular access to the Site shall be as generally depicted on the Rezoning Plan. The placement and configuration of the vehicular access point are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required for approval by the Charlotte Department of Transportation and/or the North Carolina Department of Transportation.
- As depicted on the Rezoning Plan, the internal street shall be a private street.
- The exact alignment of the proposed internal private street may be altered during the construction permitting process.
- Off-street vehicular parking will meet the minimum and maximum standards established under the Ordinance for the UR-2 zoning district. Notwithstanding the foregoing, a minimum of 2 parking spaces per for sale single family attached dwelling unit shall be provide on the Site. Additionally a minimum of 22 on street parking spaces shall be located on the internal private street.
- Internal sidewalks and pedestrian connections shall be provided on the Site as generally depicted on the Rezoning Plan. The internal sidewalks may meander to save existing trees.

Architectural Standards

- The maximum height of any single family attached dwelling unit located on the Site shall be two stories, provided, however, that some single family attached dwelling units may have two stories above a basement.
- The maximum height of the single family detached dwelling unit located on Tract B shall be 40 feet.
- Attached hereto is a schematic architectural rendering of the front elevation of the single family attached dwelling units proposed to be constructed on the Site that is intended to depict the general architectural style, character and elements of the front elevation of the single family attached dwelling units. Accordingly, the front elevation of each single family attached dwelling unit constructed on the Site shall be designed and constructed so that it is substantially similar in appearance to the schematic architectural rendering attached hereto. Changes and alterations which do not materially change the overall conceptual architectural style and character are permitted based upon final design/construction drawings.
- At least 75 percent of each facade of the single family attached dwelling units to be located on the Site below the roofline shall be composed of brick, stone or a combination thereof, and the remaining portions of each facade below the roofline shall be composed of cementitious siding, miratec trim, stucco or a combination thereof. "Each facade below the roofline" is defined as the entire exterior surface area below the roofline excluding windows, doors, garage doors and trim, so that windows, doors, garage doors and trim are not considered when calculating the minimum percentage of material required. Vinyl shall not be a permitted exterior building material for the single family attached dwelling units, provided, however, that vinyl may be utilized on the soffits of such dwelling units and vinyl windows may be installed on such dwelling units.
- With respect to the facades of the single family attached dwelling units that face Colony Road and/or Carmel Road, there shall be no expanses of blank walls in excess of 20 feet.
- Private roll out trash and recycling containers will be utilized by the residents of the community and picked up by a private service.

Streetscape and Landscaping

- Landscaping will meet or exceed the requirements of the Ordinance.
- Petitioner shall install a minimum 8 foot planting strip and a minimum 6 foot sidewalk along the Site's frontage on Colony Road as generally depicted on the Rezoning Plan.
- Petitioner shall install a minimum 8 foot planting strip and a minimum 6 foot sidewalk along the Site's frontage on Carmel Road. Notwithstanding the foregoing, Petitioner reserves the right to request a reduction in the widths of the planting strip and the sidewalk pursuant to Section 9.407(4)(c) of the Ordinance due to potential grade and topography issues on the Site.
- As depicted on the Rezoning Plan, walking trails shall be installed on the Site as an amenity for the residential community.

Environmental Features

- The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.
- The location, size, and type of storm water management systems are subject to review and approval as part of the full development plan submittal. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.
- Those portions of the Site designated as tree save areas on the Rezoning Plan shall remain undisturbed, provided, however, that walking trails may be installed within the tree save areas as generally depicted on the Rezoning Plan, and the tree save area may be disturbed in connection with the repair and maintenance of the dam located on the Site. The final locations of the walking trails may be adjusted during the design development and construction document phases.

Lighting

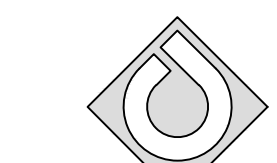
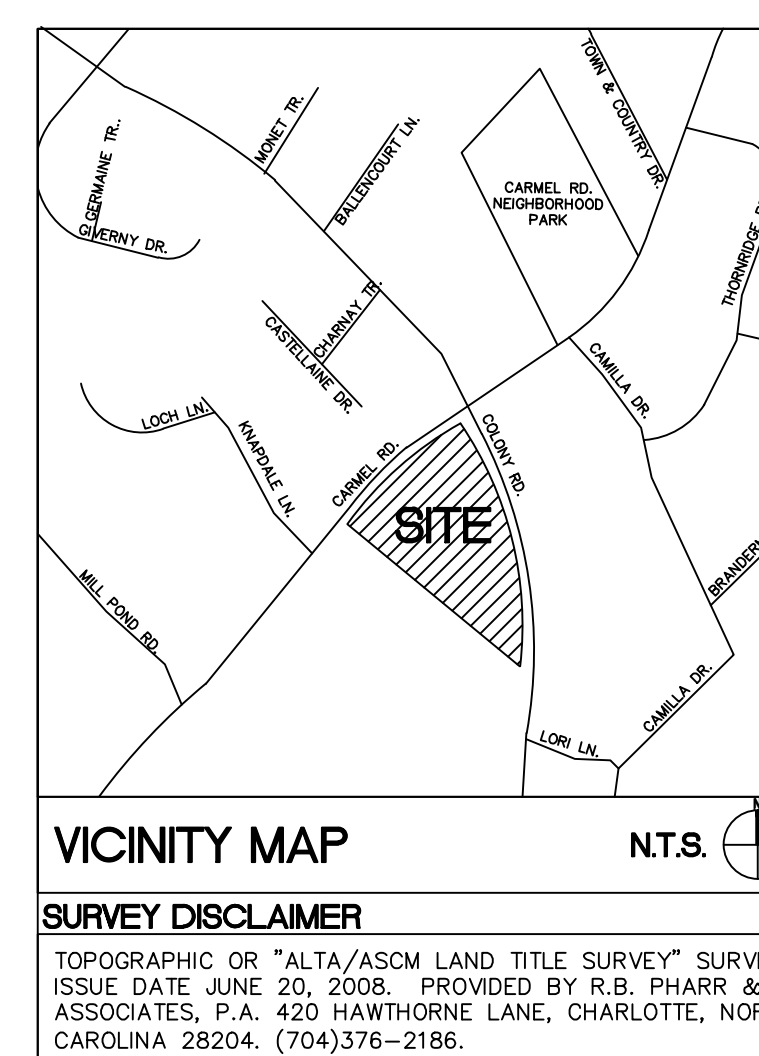
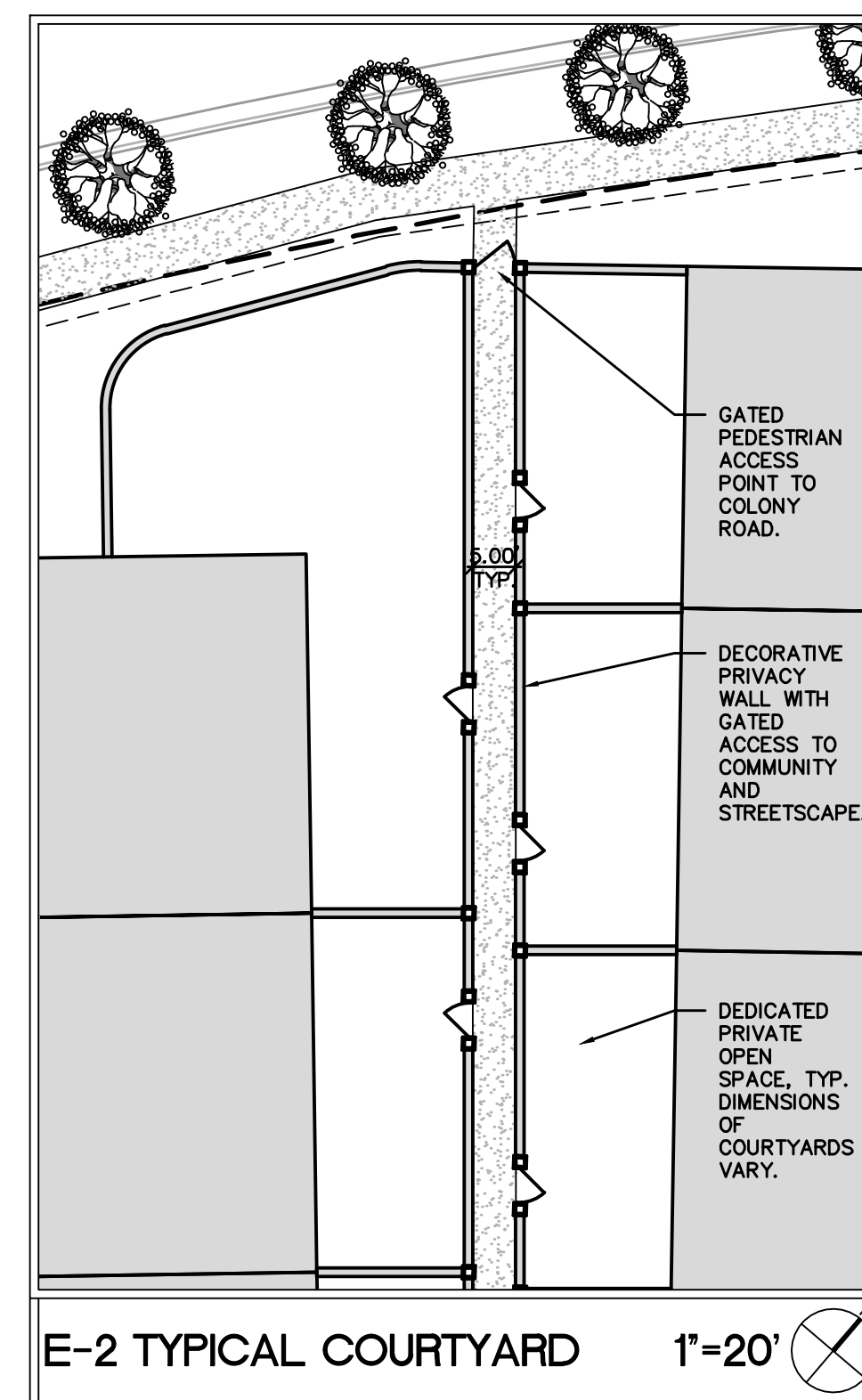
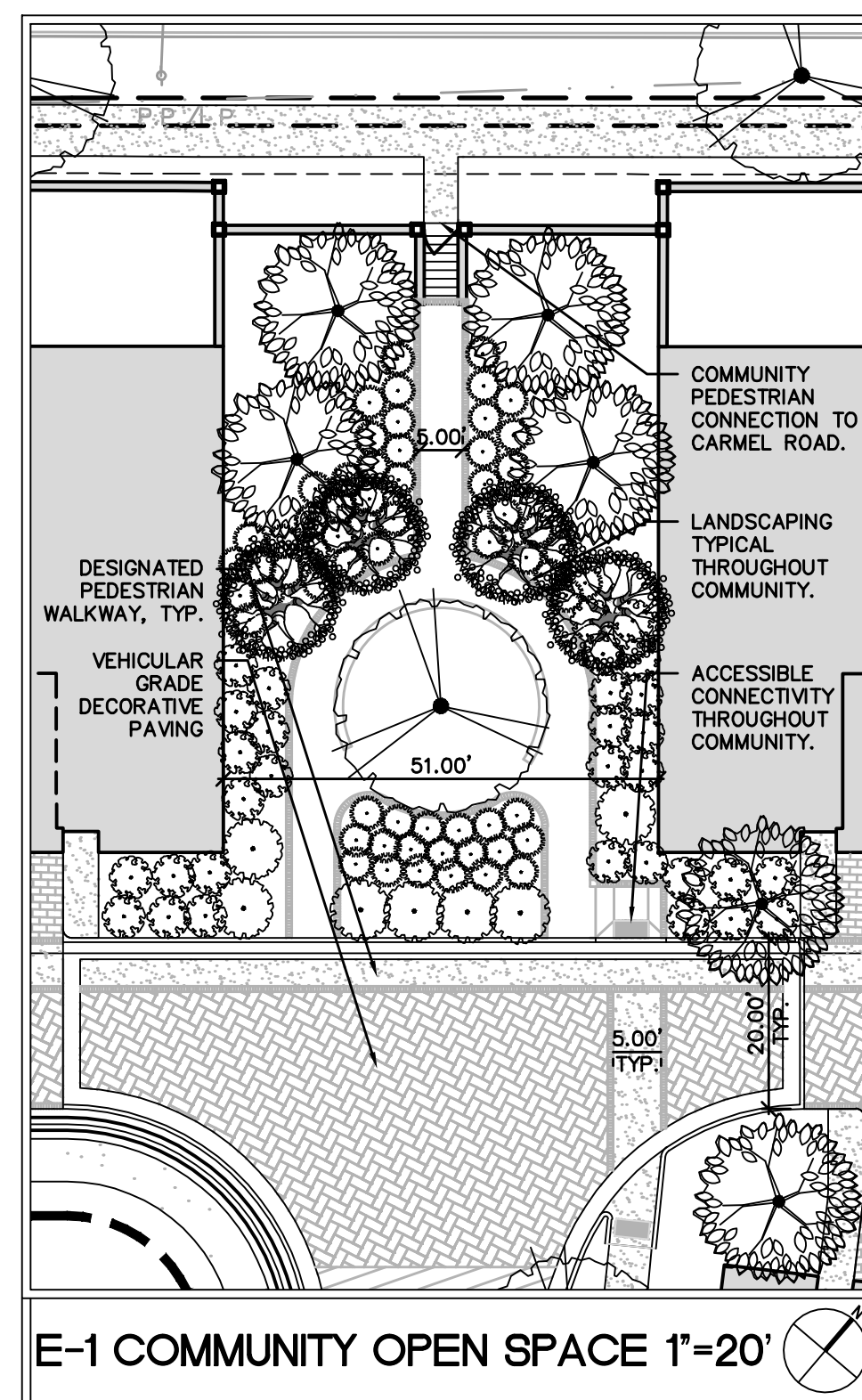
- Pedestrian scale, freestanding lighting fixtures will be installed throughout the Site along the internal street. The pedestrian scale, freestanding lighting fixtures will be uniform in design, and the final spacing of such lighting fixtures shall be determined by Petitioner. All such freestanding lighting fixtures shall be fully capped and shielded and the illumination downwardly directed so that direct illumination does not extend past any property line of the Site.
- The maximum height of any pedestrian scale, freestanding lighting fixture installed on the Site, including its base, shall not exceed 20 feet.

Phasing

The Site will be developed in two separate phases as provided above.

Binding Effect of the Rezoning Documents and Definitions

- If this Rezoning Petition is approved, all conditions applicable to the use and development of the Site imposed under these Development Standards and the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.
- Throughout these Development Standards, the term "Petitioner" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of Petitioner or the owner or owners of the Site from time to time who may be involved in any future development thereof.
- Any reference to the Ordinance herein shall be deemed to refer to the requirements of the Ordinance in effect as of the date this Rezoning Petition is approved.



ColeJenest & Stone

Shaping the Environment
Realizing the Possibilities

Land Planning
Landscape Architecture
Civil Engineering
Urban Design

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COPPER BUILDERS, INC.

1235 E-East Boulevard #155
Charlotte
North Carolina 28203

CARMEL & COLONY TOWNHOMES

5930 Colony Road
Charlotte
North Carolina 28226

CONDITIONAL REZONING NOTES

Project No.

4315

Issued

03.24.14

Revised

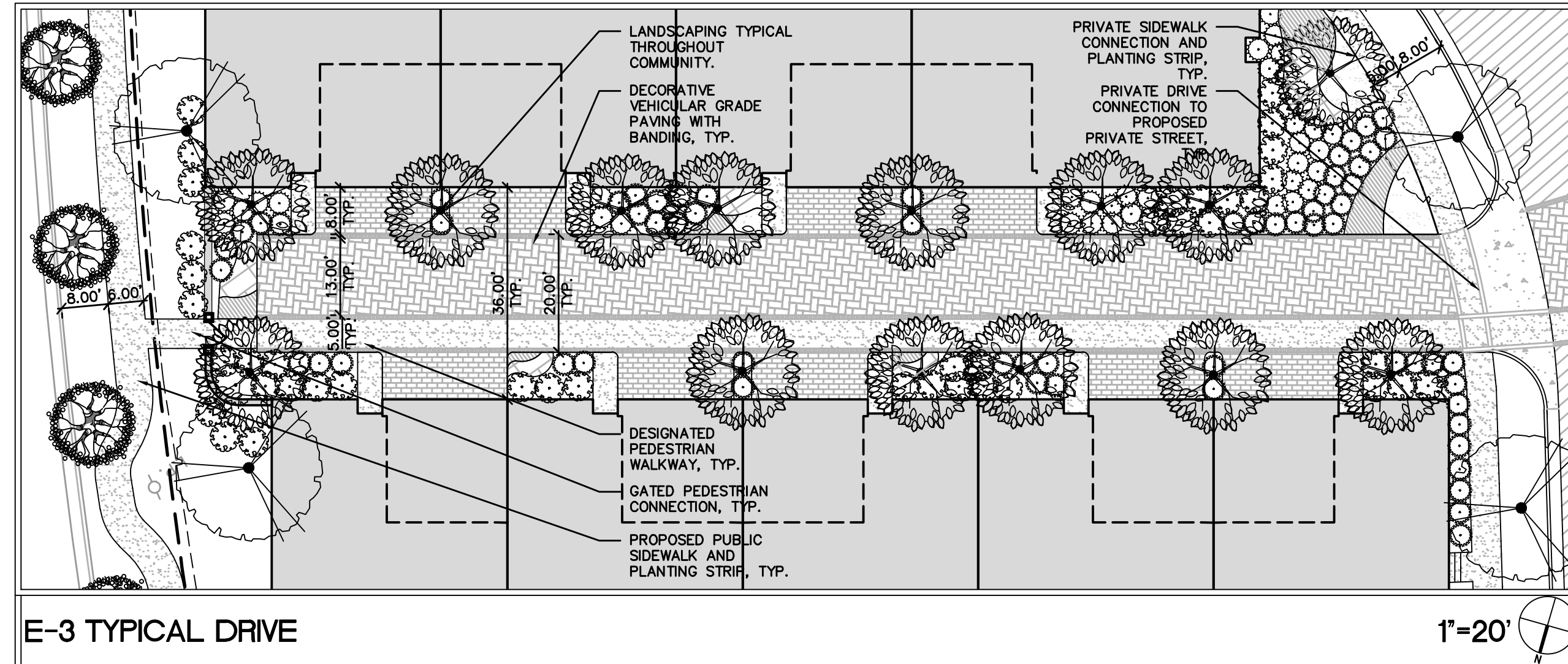
05.16.14 -- CITY COMMENTS



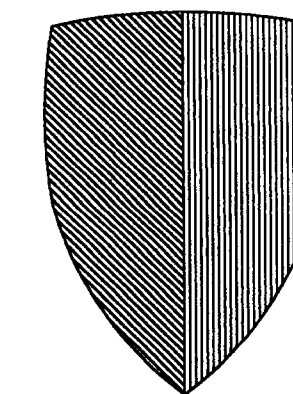
RZ-2

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Previously
Approved
Site
Plan

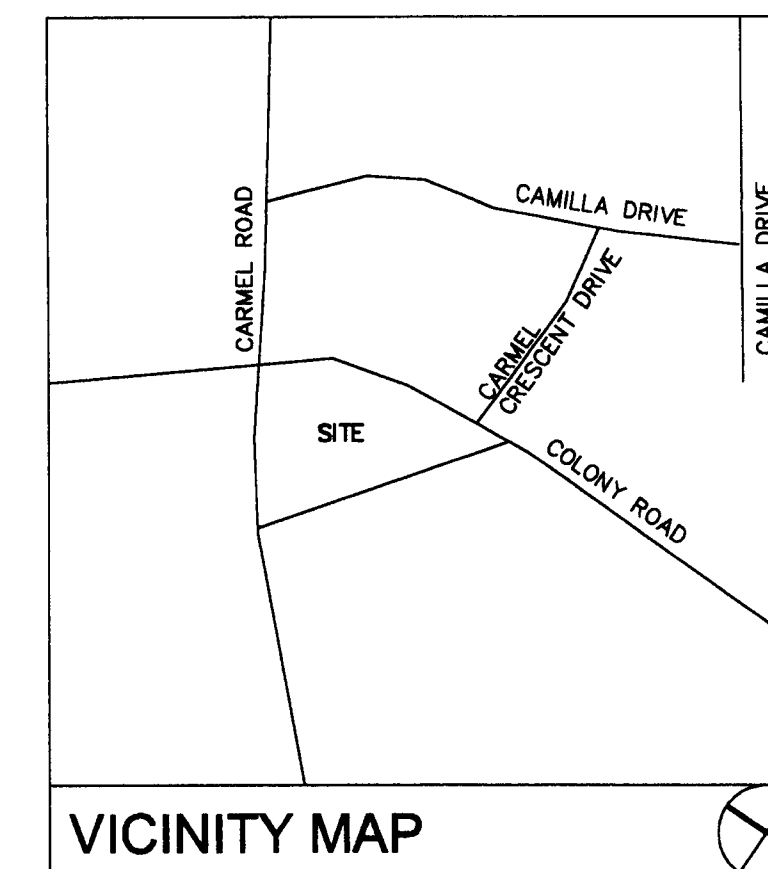


Tuscan Development, LLC

1920 Cleveland Avenue
Charlotte, North Carolina 28203

704.343.0110 voice
704.343.0443 fax
www.tuscandevelopment.com

APPROVED BY
CITY COUNCIL
JAN 17 2006



ZONING CODE SUMMARY

SITE:	PORTION OF TAX PARCEL NO. 211-632-99
EXISTING ZONING:	R-3
PROPOSED ZONING:	UR-2(CD)
PROPOSED USE:	36 UNIT (MAXIMUM) MULTI-FAMILY CONDOMINIUMS FOR SALE
ACREAGE:	7.64 ACRES
SETBACK:	30.0' (COLONY ROAD)
SIDE YARD:	15.0'
REAR YARD:	50.0'
FLOOR AREA RATIO:	1.0 (MAXIMUM)
HEIGHT:	SEE NOTE V, ARCHITECTURAL COMMITMENTS A, B, AND C, SHEET R22, FOR BUILDING HEIGHTS
PARKING REQUIRED:	36 SPACES
PARKING PROVIDED:	72 SPACES (MINIMUM) 108 SPACES (MAXIMUM)

Project:

Hagood Reserve

Sheet Title:

Rezoning Plan Petition No. 2005-162

For Public Hearing

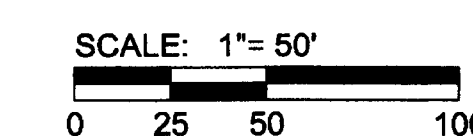
Issue Date:

September 13, 2005

Revision:

Date	Description
11/18/05	PER CMPC COMMENTS
12/21/05	PER CMPC COMMENTS
1/17/06	PER CMPC COMMENTS
1/18/06	PER CMPC COMMENTS

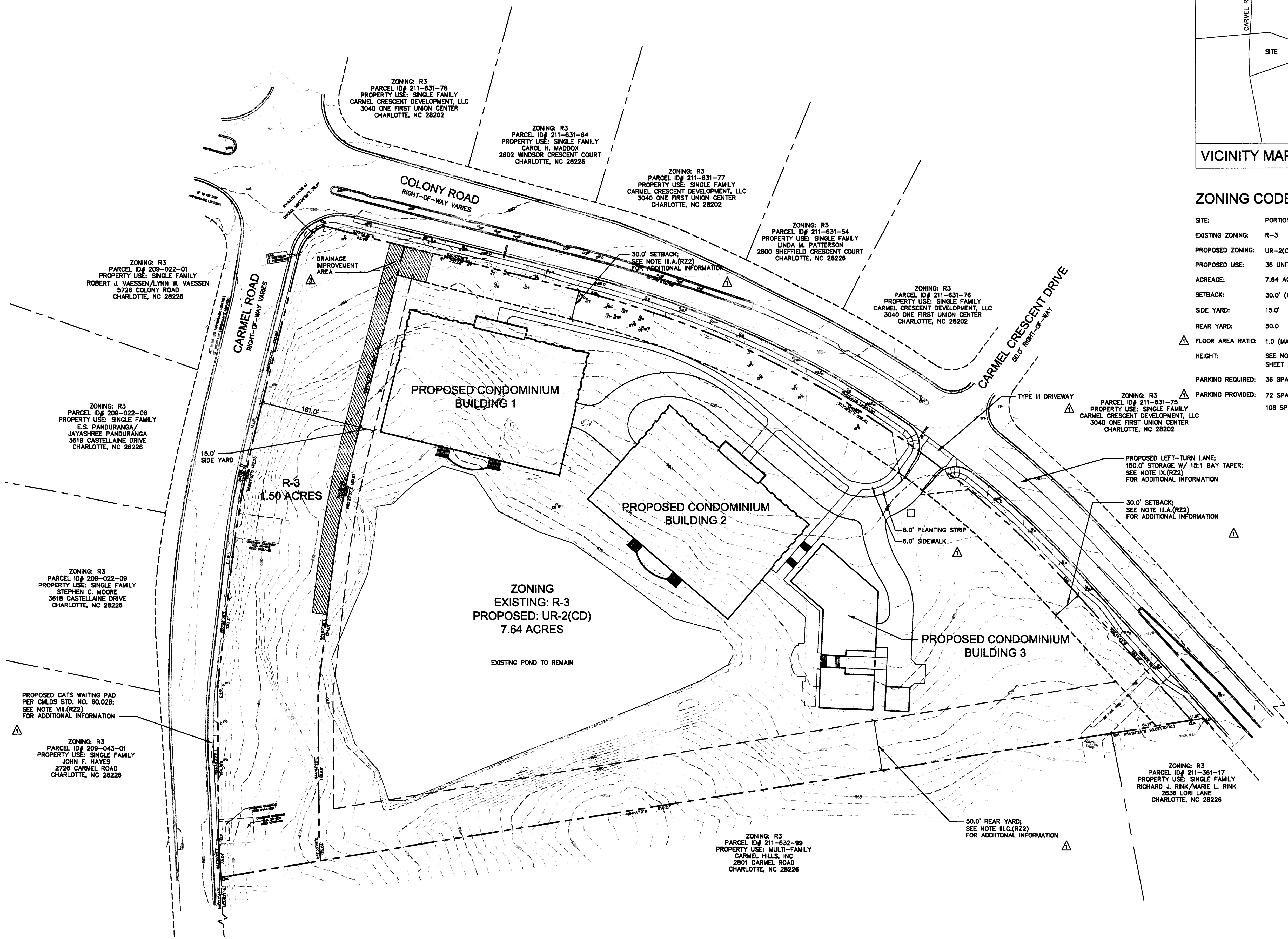
Scale:



Sheet Number:

IRZ1

FOR REZONING PURPOSES ONLY; NOT FOR CONSTRUCTION



ZONING: R3
PARCEL ID# 211-631-78
PROPERTY USE: SINGLE FAMILY
CARMEL CRESCENT DEVELOPMENT, LLC
3040 ONE FIRST UNION CENTER
CHARLOTTE, NC 28202

ZONING: R3
PARCEL ID# 211-631-64
PROPERTY USE: SINGLE FAMILY
CAROL H. MADDOX
2802 WINDSOR CRESCENT COURT
CHARLOTTE, NC 28228

ZONING: R3
PARCEL ID# 211-631-77
PROPERTY USE: SINGLE FAMILY
CARMEL CRESCENT DEVELOPMENT, LLC
3040 ONE FIRST UNION CENTER
CHARLOTTE, NC 28202

ZONING: R3
PARCEL ID# 211-631-54
PROPERTY USE: SINGLE FAMILY
LINDA M. PATTERSON
2800 SHEPHERD CRESCENT COURT
CHARLOTTE, NC 28228

ZONING: R3
PARCEL ID# 209-022-01
PROPERTY USE: SINGLE FAMILY
ROBERT J. VAESSEN/LYNN W. VAESSEN
5728 COLONY ROAD
CHARLOTTE, NC 28228

ZONING: R3
PARCEL ID# 211-631-76
PROPERTY USE: SINGLE FAMILY
CARMEL CRESCENT DEVELOPMENT, LLC
3040 ONE FIRST UNION CENTER
CHARLOTTE, NC 28202

ZONING: R3
PARCEL ID# 211-631-75
PROPERTY USE: SINGLE FAMILY
CARMEL CRESCENT DEVELOPMENT, LLC
3040 ONE FIRST UNION CENTER
CHARLOTTE, NC 28202

ZONING: R3
PARCEL ID# 211-631-75
PROPERTY USE: SINGLE FAMILY
CARMEL CRESCENT DEVELOPMENT, LLC
3040 ONE FIRST UNION CENTER
CHARLOTTE, NC 28202

ZONING: R3
PARCEL ID# 209-022-08
PROPERTY USE: SINGLE FAMILY
E.S. PANDURANGA/
JAYASHREE PANDURANGA
3819 CASTELLAIN DRIVE
CHARLOTTE, NC 28228

ZONING: R3
PARCEL ID# 209-022-09
PROPERTY USE: SINGLE FAMILY
STEPHEN C. MOORE
3818 CASTELLAIN DRIVE
CHARLOTTE, NC 28228

ZONING: R3
PARCEL ID# 209-043-01
PROPERTY USE: SINGLE FAMILY
JOHN F. HAYES
2728 CARMEL ROAD
CHARLOTTE, NC 28228

ZONING: R3
PARCEL ID# 211-632-99
PROPERTY USE: MULTI-FAMILY
CARMEL HILLS, INC
2801 CARMEL ROAD
CHARLOTTE, NC 28228

ZONING: R3
PARCEL ID# 211-361-17
PROPERTY USE: SINGLE FAMILY
RICHARD J. RINK/MARIE L. RINK
2836 LORI LANE
CHARLOTTE, NC 28228

ZONING: R3
PARCEL ID# 209-022-09
PROPERTY USE: SINGLE FAMILY
STEPHEN C. MOORE
3818 CASTELLAIN DRIVE
CHARLOTTE, NC 28228

DEVELOPMENT STANDARDS

I. GENERAL COMMITMENT:

A. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY TUSCAN DEVELOPMENT, LLC TO ACCOMMODATE THE DEVELOPMENT OF THAT APPROXIMATELY 7.64 ACRE PARCEL OF LAND LOCATED ON THE SOUTHWESTERN CORNER OF THE INTERSECTION OF CARMEL ROAD AND COLONY ROAD, WHICH PARCEL OF LAND IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (HEREINAFTER REFERRED TO AS THE "SITE").

THE DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN, THESE DEVELOPMENT STANDARDS AND THE STANDARDS ESTABLISHED UNDER THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE") FOR THE UR-2 ZONING DISTRICT UNLESS MORE STRINGENT STANDARDS ARE ESTABLISHED BY THESE DEVELOPMENT STANDARDS OR THIS REZONING PLAN.

B. SUBJECT TO THE TERMS AND CONDITIONS SET OUT BELOW, THE CONFIGURATIONS, PLACEMENTS AND SIZES OF THE BUILDINGS SHOWN ON THE REZONING PLAN ARE SCHEMATIC AND CONCEPTUAL IN NATURE AND MAY BE ALTERED AND/OR MODIFIED BASED UPON FINAL DESIGN, DEVELOPMENT AND CONSTRUCTION DOCUMENTS AND SITE AND TOPOGRAPHICAL CONSTRAINTS WITHIN THE BUILDING ENVELOPES ESTABLISHED ON THIS REZONING PLAN AND IN ACCORDANCE WITH SECTION 6.206(2) OF THE ORDINANCE.

II. PERMITTED USES:

A. THE SITE MAY BE DEVOTED ONLY TO THE FOLLOWING USES:

UP TO 36 FOR SALE MULTI-FAMILY ATTACHED DWELLING UNITS, TOGETHER WITH ANY INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH WHICH ARE PERMITTED UNDER THE ORDINANCE IN THE UR-2 ZONING DISTRICT. THE 36 FOR SALE MULTI-FAMILY ATTACHED DWELLING UNITS WILL BE LOCATED IN THREE BUILDINGS AS DEPICTED ON THE REZONING PLAN.

III. SETBACKS, SIDE YARDS, AND REAR YARDS:

A. AS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN, ALL BUILDINGS AND PARKING AREAS SHALL BE SETBACK A MINIMUM OF 30 FEET FROM THE RIGHT-OF-WAY LINE ALONG COLONY ROAD (WHICH SETBACK LINE IS APPROXIMATELY 45 FEET FROM THE BACK OF THE EXISTING CURB ALONG COLONY ROAD). BUILDINGS AND PARKING AREAS SHALL NOT BE PERMITTED WITHIN THE 30 FOOT SETBACK. SUBJECT TO THE STANDARDS SET OUT BELOW, ALL TREES LOCATED WITHIN THE 30 FOOT SETBACK SHALL BE PRESERVED, AND THIS AREA SHALL BE MAINTAINED IN ACCORDANCE WITH THE FOLLOWING STANDARDS:

- (1) THE 30 FOOT SETBACK AREA SHALL, AT A MINIMUM, MEET THE TREE AND SHRUB REQUIREMENTS SPECIFIED FOR A CLASS 'C' BUFFER. ACCORDINGLY, PETITIONER SHALL INSTALL ADDITIONAL TREES AND SHRUBS AS NECESSARY TO CAUSE THE 30 FOOT SETBACK AREA TO COMPLY WITH THE TREE AND SHRUB REQUIREMENTS OF A CLASS 'C' BUFFER.
- (2) TREES AND SHRUBS MAY BE HAND PRUNED ONLY. NO HEAVY EQUIPMENT OR VEHICLES ALLOWED IN THIS AREA.
- (3) PLANT MATERIAL, WHICH MAY BE REMOVED, SHALL BE CUT FLUSH WITH THE GROUND. NO DISTURBANCE OF THE SOIL SHALL BE PERMITTED, EXCEPT THAT THE SOIL MAY BE DISTURBED IN CONNECTION WITH THE INSTALLATION OF ADDITIONAL TREES AND SHRUBS.
- (4) NO TREE LIMB REMOVAL, WITH THE EXCEPTION OF DEAD OR DISEASED LIMBS.
- (5) WEEDS AND VINES MAY BE REMOVED.
- (6) TREES THAT MEASURE LESS THAN TWO INCHES IN CALIPER AT THE BASE THAT ARE CLEARLY IN THE DRIPLINE OF A TREE THAT IS TWO FEET OR GREATER MAY BE REMOVED.
- (7) DEAD TREES AND MATERIALS MAY BE REMOVED. DISEASED TREES MAY BE REMOVED AT THE DISCRETION OF THE CITY OF CHARLOTTE URBAN FORESTER.
- (8) MULCH MAY BE APPLIED TO THIS AREA. MULCH SHALL BE KEPT TWO TO THREE INCHES AWAY FROM THE BARK OF ANY TREE.

NOTWITHSTANDING THE FOREGOING, THE PETITIONER MAY REMOVE TREES AND SHRUBS AND DISTURB THE SOIL AS REQUIRED TO INSTALL OR IMPROVE THE VEHICULAR ACCESS DRIVEWAY INTO THE SITE. ADDITIONALLY, THE PETITIONER MAY REMOVE TREES AND SHRUBS AND DISTURB THE SOIL WITHIN THE DRAINAGE IMPROVEMENT AREA LOCATED WITHIN THE SETBACK AND DEPICTED ON THE REZONING PLAN AS REQUIRED TO INSTALL AND MAINTAIN CERTAIN DRAINAGE IMPROVEMENTS, PROVIDED, HOWEVER, THAT THE PETITIONER SHALL PLANT TREES AND SHRUBS WITHIN THE DRAINAGE IMPROVEMENT AREA TO REPLACE ANY TREES OR SHRUBS THAT ARE REMOVED IN CONNECTION WITH THE INSTALLATION OR MAINTENANCE OF THE DRAINAGE IMPROVEMENTS.

IN ADDITION TO THE FOREGOING REQUIREMENTS, ANY EXISTING TREE LOCATED WITHIN THE 30 FOOT SETBACK ALONG COLONY ROAD DEPICTED ON THE REZONING PLAN THAT IS TWO INCHES IN CALIPER OR LARGER THAT IS DESTROYED BY ANY CAUSE OR REMOVED WILL BE REPLACED BY THE OWNER(S) OF THE SITE AND THE R-3 AREA (INCLUDING ANY HOMEOWNERS ASSOCIATION) WITH A REPLACEMENT TREE (A "REPLACEMENT TREE"). A REPLACEMENT TREE SHALL BE OF A SIMILAR SPECIES AS THE TREE THAT IS DESTROYED OR REMOVED, IT SHALL BE OF A TYPE THAT WILL REACH THE HEIGHT OF THE TREE THAT IS DESTROYED OR REMOVED AT ITS MATURITY AND IT SHALL BE AT LEAST 2.5 INCHES IN CALIPER AND 8.5 FEET IN HEIGHT AT THE TIME OF INSTALLATION. FOR PURPOSES OF THIS PROVISION, A TREE SURVEY OF THE 30 FOOT SETBACK IS ATTACHED TO THIS REZONING PLAN. PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR ANY BUILDING CONSTRUCTED ON THE SITE, THE OWNER(S) OF THE SITE SHALL CAUSE TO BE RECORDED IN THE MECKLENBURG COUNTY PUBLIC REGISTRY A PERPETUAL RESTRICTIVE COVENANT OR DEED RESTRICTION IN FAVOR OF CARMEL CRESCENT OWNERS ASSOCIATION, INC. THAT CONTAINS THE RESTRICTIONS AND REQUIREMENTS OF THIS PARAGRAPH.

B. AS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN, A 15 FOOT SIDE YARD SHALL BE ESTABLISHED ALONG THE SITE'S NORTHERN BOUNDARY LINE. BUILDINGS AND PARKING AREAS SHALL NOT BE PERMITTED WITHIN THE 15 FOOT SIDE YARD.

C. AS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN, A 50 FOOT REAR YARD SHALL BE ESTABLISHED ALONG THE SITE'S WESTERLY BOUNDARY LINE. BUILDINGS AND PARKING AREAS SHALL NOT BE ALLOWED WITHIN THIS 50 FOOT REAR YARD. SUBJECT TO THE STANDARDS SET OUT BELOW, ALL TREES LOCATED WITHIN THE 50 FOOT REAR YARD SHALL BE PRESERVED, AND THIS AREA SHALL BE MAINTAINED IN ACCORDANCE WITH THE FOLLOWING STANDARDS:

- (1) TREES AND SHRUBS MAY BE HAND PRUNED ONLY. NO HEAVY EQUIPMENT OR VEHICLES ALLOWED IN THIS AREA.
- (2) PLANT MATERIAL, WHICH MAY BE REMOVED, SHALL BE CUT FLUSH WITH THE GROUND. NO DISTURBANCE OF THE SOIL SHALL BE PERMITTED.
- (3) NO TREE LIMB REMOVAL, WITH THE EXCEPTION OF DEAD OR DISEASED LIMBS.
- (4) WEEDS AND VINES MAY BE REMOVED.
- (5) TREES THAT MEASURE LESS THAN TWO INCHES IN CALIPER AT THE BASE THAT ARE CLEARLY IN THE DRIPLINE OF A TREE THAT IS TWO FEET OR GREATER MAY BE REMOVED.
- (6) DEAD TREES AND MATERIALS MAY BE REMOVED. DISEASED TREES MAY BE REMOVED AT THE DISCRETION OF THE CITY OF CHARLOTTE URBAN FORESTER.
- (7) MULCH MAY BE APPLIED TO THIS AREA. MULCH SHALL BE KEPT TWO TO THREE INCHES AWAY FROM THE BARK OF ANY TREE.

IV. LANDSCAPING AND SCREENING:

A. LANDSCAPING AND SCREENING SHALL, AT A MINIMUM, SATISFY THE REQUIREMENTS OF SECTION 12.303 OF THE ORDINANCE.

B. LANDSCAPING WILL BE INSTALLED IN STAGES IN ACCORDANCE WITH THE ORDINANCE AS THE SITE IS DEVELOPED.

C. ANY DUMPSTERS LOCATED ON THE SITE THAT ARE VISIBLE FROM A PUBLIC STREET OR FROM AN ADJOINING PROPERTY WILL BE SCREENED FROM VIEW BY A SOLID ENCLOSURE WITH GATES PURSUANT TO SECTION 12.403 OF THE ORDINANCE.

D. THE SITE SHALL COMPLY WITH THE REQUIREMENTS OF THE CITY OF CHARLOTTE TREE ORDINANCE.

E. ALL ROOF MOUNTED MECHANICAL EQUIPMENT WILL BE SCREENED FROM VIEW AT GRADE FROM PUBLIC RIGHTS OF WAY AND ADJOINING PROPERTIES.

V. ARCHITECTURAL COMMITMENTS:

A. THE MAXIMUM HEIGHT OF BUILDING 1 SHALL BE:

- (1) 39 FEET TO THE EAVE ABOVE THE GRADE OF THE SITE AT THE BASE OF THAT PORTION OF THE BUILDING FRONTING COLONY ROAD.
- (2) 15 FEET FROM THE EAVE TO THE TOP OF THE ROOF ON THE SIDE OF THE BUILDING FRONTING COLONY ROAD.
- (3) ADDITIONALLY, AN ARCHITECTURAL ELEMENT IN THE CENTER OF THE FACADE MAY EXTEND ANOTHER 7 FEET ABOVE THE ROOF LINE.

B. THE MAXIMUM HEIGHT OF BUILDING 2 SHALL BE:

- (1) 51 FEET TO THE EAVE ABOVE THE GRADE OF THE SITE AT THE BASE OF THAT PORTION OF THE BUILDING FRONTING COLONY ROAD.
- (2) 15 FEET FROM THE EAVE TO THE TOP OF THE ROOF ON THE SIDE OF THE BUILDING FRONTING COLONY ROAD.
- (3) ADDITIONALLY, AN ARCHITECTURAL ELEMENT IN THE CENTER OF THE FACADE MAY EXTEND ANOTHER 7 FEET ABOVE THE ROOF LINE.

C. THE MAXIMUM HEIGHT OF BUILDING 3 SHALL BE:

- (1) 39 FEET TO THE EAVE ABOVE THE GRADE OF THE SITE AT THE BASE OF THAT PORTION OF THE BUILDING FRONTING COLONY ROAD.
 - (2) 15 FEET FROM THE EAVE TO THE TOP OF THE ROOF ON THE SIDE OF THE BUILDING FRONTING COLONY ROAD.
- SEE ATTACHED ELEVATIONS FOR MORE DETAIL.

D. THE ATTACHED SCHEMATIC ARCHITECTURAL ELEVATIONS OF BUILDINGS 1 AND 2 ARE INTENDED TO DEPICT THE GENERAL CONCEPTUAL ARCHITECTURAL STYLE AND CHARACTER OF THESE BUILDINGS, CHANGES AND ALTERATIONS WHICH DO NOT MATERIALLY CHANGE THE OVERALL CONCEPTUAL ARCHITECTURAL STYLE AND CHARACTER ARE PERMITTED BASED UPON FINAL DESIGN/CONSTRUCTION DRAWINGS.

E. TO ENSURE THAT BUILDING 3 IS ARCHITECTURALLY COMPATIBLE AND CONSISTENT WITH THE ARCHITECTURAL STYLE AND CHARACTER OF BUILDINGS 1 AND 2, PETITIONER WILL SUBMIT ELEVATIONS OF BUILDING 3 TO THE PLANNING STAFF FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR BUILDING 3.

F. THE EXTERIOR FINISH OF THE BUILDINGS (EXCLUDING THE ROOF) SHALL CONSIST PRIMARILY OF HARD COAT STUCCO OR SIMILAR MATERIALS.

VI. LIGHTING:

- A. ALL FREESTANDING LIGHTING FIXTURES INSTALLED WITHIN THE SITE SHALL BE UNIFORM IN DESIGN, AND THE MAXIMUM HEIGHT OF ANY SUCH LIGHTING FIXTURE, INCLUDING ITS BASE, MAY NOT EXCEED 15 FEET IN HEIGHT.
- B. ALL EXTERIOR LIGHT FIXTURES (EXCEPT STREET LIGHTS) SHALL BE CAPPED AND THE ILLUMINATION DOWNWARDLY DIRECTED SO THAT DIRECT ILLUMINATION DOES NOT EXTEND PAST ANY PROPERTY LINE OF THE SITE. CONSIDERATION WILL BE GIVEN TO THE IMPACT OF LIGHTING BOTH WITHIN AND WITHOUT THE PERIMETER OF THE SITE. ITEMS FOR CONSIDERATION WILL INCLUDE INTENSITY, CUT-OFF ANGLES, COLOR, ENERGY EFFICIENCY AND SHIELDING OF SOURCES OF LIGHT, THE INTENT BEING TO ELIMINATE GLARE TOWARDS PUBLIC STREETS AND ADJACENT PROPERTIES.

VII. OFF-STREET VEHICULAR AND BICYCLE PARKING:

- A. A MINIMUM OF 72 OFF-STREET PARKING SPACES AND A MAXIMUM OF 108 OFF-STREET PARKING SPACES SHALL BE PROVIDED.
- B. THE OFF-STREET PARKING SPACES SHALL BE LOCATED WITHIN OR UNDERNEATH THE BUILDINGS LOCATED ON THE SITE. NOTWITHSTANDING THE FOREGOING, UP TO TEN OFF-STREET SURFACE PARKING SPACES MAY BE LOCATED ADJACENT TO BUILDING 3.
- C. THE SITE WILL COMPLY WITH THE BICYCLE PARKING REQUIREMENTS OF THE ORDINANCE. BICYCLE PARKING SPACES WILL BE LOCATED WITHIN OR UNDERNEATH THE BUILDINGS LOCATED ON THE SITE.

VIII. TRANSIT STOP:

PETITIONER SHALL INSTALL A CONCRETE BUS STOP PAD ADJACENT TO CARMEL ROAD IN THE LOCATION DEPICTED ON THE REZONING PLAN. PETITIONER WILL GRANT AN APPROPRIATE EASEMENT TO THE CITY OF CHARLOTTE TO FACILITATE ITS USE AND MAINTENANCE OF THE CONCRETE BUS STOP PAD.

IX. TRANSPORTATION COMMITMENTS:

- A. PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR ANY BUILDING CONSTRUCTED ON THE SITE, PETITIONER SHALL INSTALL A NORTHBOUND LEFT TURN LANE ON COLONY ROAD AT THE VEHICULAR ACCESS POINT INTO THE SITE. THE LEFT TURN LANE SHALL HAVE A LENGTH OF 150 FEET. PETITIONER SHALL BE RESPONSIBLE FOR ALL COSTS AND EXPENSES RELATED TO THE DESIGN AND CONSTRUCTION OF THE LEFT TURN LANE.
- B. PETITIONER SHALL DEDICATE AND CONVEY RIGHT OF WAY ALONG CARMEL ROAD MEASURING 35 FEET FROM THE CENTERLINE OF CARMEL ROAD. THIS RIGHT OF WAY SHALL BE DEDICATED AND CONVEYED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR ANY BUILDING CONSTRUCTED ON THE SITE.

X. STORM WATER MANAGEMENT:

- A. THE PETITIONER SHALL TIE-IN TO THE EXISTING STORM WATER SYSTEM(S). THE PETITIONER SHALL HAVE THE RECEIVING DRAINAGE SYSTEM(S) ANALYZED TO ENSURE THAT IT WILL NOT BE TAKEN OUT OF STANDARD DUE TO THE DEVELOPMENT. IF IT IS FOUND THAT DEVELOPMENT WILL CAUSE THE STORM SYSTEM(S) TO BE TAKEN OUT OF STANDARD, THE PETITIONER SHALL PROVIDE METHODS TO PREVENT THIS FROM OCCURRING.
- B. THE PETITIONER SHALL CONTROL AND TREAT THE ENTIRE RUNOFF VOLUME FOR THE POST-DEVELOPMENT 1-YEAR 24-HOUR STORM. RUNOFF DRAW DOWN TIME SHALL BE A MINIMUM OF 24 HOURS, BUT NOT MORE THAN 120 HOURS. PEAK STORM WATER RELEASE RATES SHOULD MATCH PRE-DEVELOPMENT RATES FOR THE 2-YEAR AND 10-YEAR 6-HOUR STORM EVENTS.
- C. THE USE OF STRUCTURAL STORM WATER TREATMENT SYSTEMS (WET PONDS, EXTENDED DETENTION WETLANDS, BIO-RETENTION, ETC.) SHALL BE INCORPORATED INTO THE SITE AND DESIGNED TO HAVE AN 85% AVERAGE ANNUAL REMOVAL FOR TOTAL SUSPENDED SOLIDS GENERATED FROM THE DEVELOPMENT ACCORDING TO SPECIFICATIONS IN THE MOST RECENT VERSION OF THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES BEST MANAGEMENT PRACTICES MANUAL. (DESIGN STANDARDS SHALL BE MET ACCORDING TO THE CITY OF CHARLOTTE BEST MANAGEMENT PRACTICES MANUAL, WHEN AVAILABLE).
- D. THE FOLLOWING AGENCIES MUST BE CONTACTED PRIOR TO CONSTRUCTION REGARDING WETLAND AND WATER QUALITY PERMITS:
SECTION 401 PERMIT NCDENR - RALEIGH OFFICE (919)733-1788
SECTION 404 PERMIT US ARMY CORPS OF ENGINEERS (704)271-4854

E. THE DEVELOPER MAY, THROUGH AN AGREEMENT WITH NECESSARY PROPERTY OWNERS AND/OR AGENCIES AND ENTITIES UTILIZE AND IMPROVE THE EXISTING POND ON THE PROPOSED DEVELOPMENT SITE FOR DETENTION AND WATER QUALITY BENEFITS. IF THE EXISTING POND IS TO BE UTILIZED, THE PETITIONER SHALL IMPROVE/ENHANCE THE POND TO MEET THE AFOREMENTIONED SPECIFICATIONS LISTED IN ITEMS #1-4 ABOVE. IMPROVEMENTS AND ENHANCEMENTS MAY INCLUDE CONSTRUCTION OF A FOREBAY AT THE SITE'S STORM WATER DISCHARGE, CONSTRUCTION OF A LITTORAL SHELF AROUND THE PERIMETER OF THE POND, AND CONSTRUCTION OF AN OUTLET CONTROL STRUCTURE TO MEET ALL DETENTION REQUIREMENTS AS WELL AS DRAINAGE REQUIREMENTS.

XI. SIGNS:

ALL SIGNS PLACED ON THE SITE WILL BE ERECTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ORDINANCE.

XII. VEHICULAR ACCESS:

A. VEHICULAR ACCESS TO THE SITE SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF THE ACCESS POINT ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE AND ARCHITECTURAL CONSTRUCTION PLANS AND DESIGN AND TO ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION OR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.

B. A VEHICULAR CONNECTION TO CARMEL ROAD SHALL NOT BE PERMITTED.

XIII. SIDEWALKS:

A. PURSUANT TO SECTION 12.529 OF THE ORDINANCE, THE PETITIONER SHALL INSTALL MINIMUM 5 FOOT WIDE SIDEWALKS CONNECTING THE BUILDINGS ON THE SITE TO THE EXISTING SIDEWALK LOCATED ALONG COLONY ROAD.

B. PETITIONER SHALL INSTALL AN 8 FOOT PLANTING STRIP AND A SIX FOOT SIDEWALK ALONG THE SITE'S FRONTAGE ON COLONY ROAD. PETITIONER RESERVES THE RIGHT TO SEEK A VARIANCE FROM THIS REQUIREMENT TO PRESERVE THE EXISTING STREET TREES, WHICH ARE LOCATED APPROXIMATELY 35 FEET ON CENTER.

C. AN INTERNAL PEDESTRIAN TRAIL SYSTEM WILL BE INSTALLED WITHIN THE SITE. PEDESTRIAN CONNECTIONS TO EXISTING SIDEWALKS WILL BE PROVIDED AT THE SOUTHWEST PORTION OF THE SITE TO CARMEL ROAD, THE INTERSECTION OF CARMEL ROAD AND COLONY ROAD, AND AT THE SOUTHEAST PORTION OF THE SITE TO COLONY ROAD. EXACT LOCATION OF THE TRAIL SYSTEM AND CONNECTIONS TO THE EXISTING SIDEWALKS WILL BE DETERMINED BY FIELD TOPOGRAPHY AND EXISTING TREE LOCATIONS.

XIV. INTERNAL PEDESTRIAN AMENITIES:

THE PETITIONER SHALL PROVIDE INTERNAL PEDESTRIAN AMENITIES ON SITE SUCH AS THE TRAIL SYSTEM, BENCHES, PEDESTRIAN SCALE LIGHTING, POCKET GARDENS, AND VEGETABLE GARDEN.

XV. SOLID WASTE SERVICES:

THIS SITE SHALL COMPLY WITH ALL REQUIREMENTS AS STATED IN CHAPTERS 9 AND 12 OF THE CHARLOTTE CITY CODE REGARDING SOLID WASTE DUMPSTER, COMPACTOR, AND RECYCLING AREAS.

XVI. DEMOLITION:

THE DEMOLITION OF EXISTING SITE IMPROVEMENTS SHALL COMPLY WITH THE MECKLENBURG COUNTY AIR POLLUTION CONTROL ORDINANCE AND THE MECKLENBURG COUNTY GROUNDWATER AND WASTEWATER SERVICES REQUIREMENTS.

XVII. TREE PRESERVATION WITHIN R-3 AREA

A. SUBJECT TO THE EXCEPTIONS SET OUT BELOW, ALL TREES AND SHRUBS LOCATED WITHIN THE APPROXIMATELY 101 FOOT WIDE, 1.5 ACRE PORTION OF TAX PARCEL NO. 211-632-99 THAT IS NOT SUBJECT TO THIS REZONING REQUEST AND IS LOCATED BETWEEN CARMEL ROAD AND THE NORTHERLY BOUNDARY OF THE SITE (HEREINAFTER REFERRED TO AS THE "R-3 AREA") SHALL BE PRESERVED BY THE OWNER(S) OF THE SITE AND THE R-3 AREA (INCLUDING ANY HOMEOWNERS ASSOCIATION), AND THE R-3 AREA SHALL BE MAINTAINED AS AN UNDISTURBED AREA. NOTWITHSTANDING THE FOREGOING, TREES AND SHRUBS MAY BE REMOVED AND THE R-3 AREA MAY BE DISTURBED IN CONNECTION WITH THE FOLLOWING:

- (1) THE INSTALLATION OF THE CONCRETE BUS STOP PAD ADJACENT TO CARMEL ROAD DEPICTED ON THE REZONING PLAN.
- (2) THE WIDENING OF CARMEL ROAD OR COLONY ROAD OR THE INSTALLATION OF SIDEWALKS OR OTHER IMPROVEMENTS BY THE CITY OF CHARLOTTE OR GOVERNMENTAL ENTITY.
- (3) THE INSTALLATION AND MAINTENANCE OF CERTAIN DRAINAGE IMPROVEMENTS WITHIN THE DRAINAGE IMPROVEMENT AREA LOCATED WITHIN THE R-3 AREA AND DEPICTED ON THE REZONING PLAN PROVIDED, HOWEVER, THAT THE OWNER(S) OF THE SITE AND THE R-3 AREA SHALL PLANT TREES AND SHRUBS WITHIN THE DRAINAGE IMPROVEMENT AREA TO REPLACE ANY TREES AND SHRUBS THAT ARE REMOVED IN CONNECTION WITH THE INSTALLATION OR MAINTENANCE OF THE DRAINAGE IMPROVEMENTS. THE INSTALLATION OF SUCH DRAINAGE IMPROVEMENTS SHALL BE SUBJECT TO THE APPROVAL OF CHARLOTTE-MECKLENBURG STORM WATER SERVICES.

B. NOTWITHSTANDING THE TERMS AND PROVISIONS OF SUBPARAGRAPH A ABOVE, THE OWNER(S) OF THE SITE AND THE R-3 AREA MAY, AT ITS OPTION, DISTURB THE R-3 AREA AND REMOVE TREES 2 INCHES IN CALIPER AND SMALLER AND SHRUBS TO INSTALL AND MAINTAIN A PEDESTRIAN TRAIL WITHIN THE R-3 AREA. TREES LARGER THAN 2 INCHES IN CALIPER MAY NOT BE REMOVED TO INSTALL AND MAINTAIN THE PEDESTRIAN TRAIL.

C. NOTWITHSTANDING THE TERMS AND PROVISIONS OF SUBPARAGRAPH A ABOVE, THOSE PORTIONS OF THE R-3 AREA LOCATED WITHIN THE TWO DRAINAGE EASEMENTS DEPICTED ON THE REZONING PLAN MAY BE DISTURBED AND TREES AND SHRUBS MAY BE REMOVED THEREFROM BY THE OWNER(S) OF SUCH DRAINAGE EASEMENTS IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THE RESPECTIVE EASEMENT AGREEMENTS.

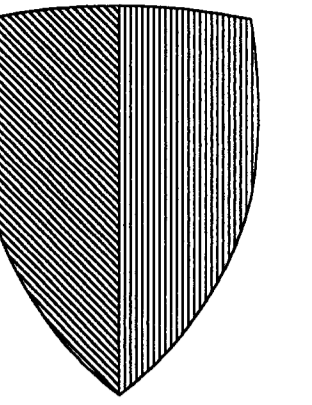
D. PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY FOR ANY BUILDING CONSTRUCTED ON THE SITE, THE OWNER(S) OF THE SITE AND THE R-3 AREA SHALL CAUSE TO BE RECORDED IN THE MECKLENBURG COUNTY PUBLIC REGISTRY A PERPETUAL RESTRICTIVE COVENANT OR DEED RESTRICTION IN FAVOR OF THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION THAT CONTAINS THE RESTRICTIONS, REQUIREMENTS, AND PROVISIONS SET OUT ABOVE IN SUBPARAGRAPHS A, B, AND C.

XVIII. AMENDMENTS TO THE REZONING PLAN:

FUTURE AMENDMENTS TO THE REZONING PLAN AND THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE OWNER OR OWNERS OF THE SITE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE.

XIX. BINDING EFFECT OF THE REZONING PETITION:

IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO DEVELOPMENT OF THE SITE IMPOSED UNDER THIS REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF THE PETITIONER AND THE CURRENT AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS. THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERMS "PETITIONER" AND "OWNER" OR "OWNERS" SHALL BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNS OF THE PETITIONER OR THE OWNER OR OWNERS OF THE SITE FROM TIME TO TIME WHO MAY BE INVOLVED IN ANY FUTURE DEVELOPMENT THEREOF.



Tuscan Development, LLC

1920 Cleveland Avenue
Charlotte, North Carolina 28203

704.343.0110 voice
704.343.0443 fax
www.tuscandevdevelopment.com

Project:

Hagood Reserve

Sheet Title:

**Rezoning Plan
Petition No. 2005-162**

For Public Hearing

Issue Date:

September 13, 2005

Revision:

Date	Description
11/16/05	PER CMPC COMMENTS
12/21/05	PER CMPC COMMENTS
1/17/06	PER CMPC COMMENTS
1/19/06	PER CMPC COMMENTS

Scale:

Sheet Number:

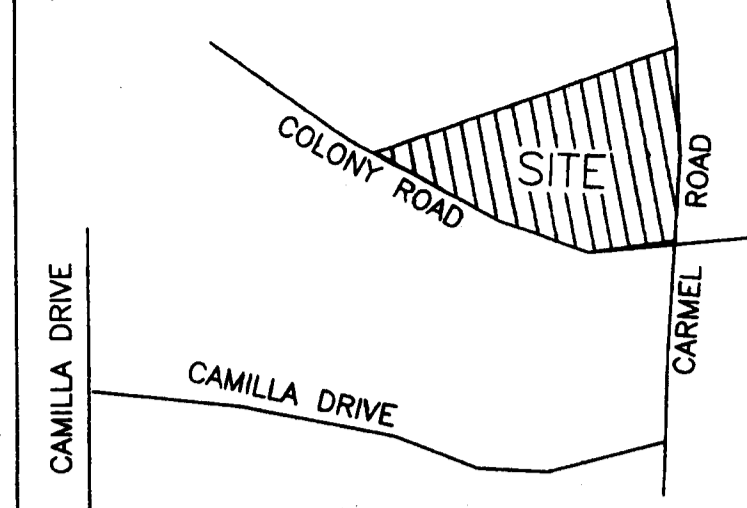
RZ2

NCGS MONUMENT "M 084"
N 513,614.124 FEET
E 1,460,274.258 FEET
ELEV=678.100

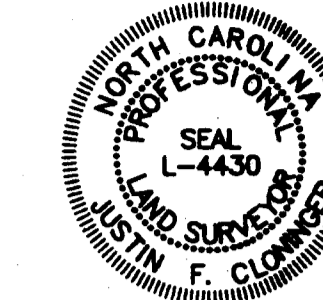
GRAPHIC SCALE

(IN FEET)
1 inch = 30 ft.

VICINITY MAP
(NOT TO SCALE)



FLOOD CERTIFICATION
THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS NOT
LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON
MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT
AGENCY (FEMA) FEDERAL INSURANCE ADMINISTRATION, DATED
COMMUNITY PANEL NO. 3701990247E 28TH DAY OF JULY 20 05 AN ACTUAL
SURVEY WAS MADE UNDER MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAT AND THAT THE BOUNDARY LINES
AND THE DIMENSIONS IF ANY, ARE AS SHOWN HEREON. THIS PLAT MEETS THE MINIMUM STANDARDS OF PRACTICE
FOR LAND SURVEYING IN NORTH CAROLINA, BOARD RULE 1600 (21 NCAC 56) AND THE RATIO OF PRECISION DOES NOT
EXCEED AN ERROR OF ONE (1) FOOT PER 10,000 FEET OF PERIMETER SURVEYED NOR 50 SPACES THOUS
THE SQUARE ROOT OF THE NUMBER OF ANGLES TURNED. SIGNED: *[Signature]*



REVISIONS		BOUNDARY AND TOPO SURVEY PREPARED FOR:	
1/3/06	- ADD TREES.	TUSCAN DEVELOPMENT III	
		2601 CARMEL ROAD & 5930 COLONY ROAD CHARLOTTE, MECKLENBURG COUNTY, N.C.	
		DEED BOOK 1129 PAGE 227	
		TAX NUMBER: 211-632-99	
		R.B. PHARR & ASSOCIATES, P.A.	
		SURVEYING & MAPPING	
		420 HAWTHORNE LANE CHARLOTTE, N.C. 28204 TEL. (704) 376-2186	
DATE:	JULY 28, 2005	FILE NO. W-3178	
SCALE:	1"=30'	JOB NO. 65324	

TOTAL AREA: 398,262 SQ. FT.
OR
9.1428 ACRES

- NOTES:**
1. THIS PLAT IS NOT FOR RECORDATION AS PER G.S. 47-30 AS AMENDED.
 2. ALL CORNERS MONUMENTED AS SHOWN.
 3. NO RECOVERABLE NCGS MONUMENT LOCATED WITHIN 2,000 FEET OF SUBJECT PROPERTY.
 4. THE LOCATION OF UNDERGROUND UTILITIES SHOWN ON THIS MAP IS APPROXIMATE, BASED ON INFORMATION PROVIDED BY OTHERS OR BY FIELD LOCATION. UTILITY LOCATIONS AS SHOWN HEREON ARE INTENDED FOR PLANNING ONLY. ACTUAL LOCATION, SIZE, OR DEPTH OF LINE SHOULD BE VERIFIED WITH THE INDIVIDUAL UTILITY COMPANY BEFORE CONSTRUCTION.
 5. THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE COMMITMENT REPORT. R.B. PHARR & ASSOCIATES, P.A. DOES NOT CLAIM THAT ALL MATTERS OF RECORD WHICH MAY OR MAY NOT AFFECT THE SUBJECT PROPERTY ARE SHOWN HEREON.
 6. THE OFF-SITE RIGHT-OF-WAY SHOWN HEREON IS FOR ILLUSTRATIVE PURPOSES ONLY. THE UNDERSIGNED CERTIFIES ONLY TO THE RIGHT-OF-WAYS SURVEYED, AND DOES NOT CERTIFY TO THE RIGHT OF WAY WIDTH OF ANY ADJACENT PROPERTIES.
 7. ELEVATIONS BASED ON NCGS MONUMENT "M 084" ELEVATION: 678.100'

ZONING:
ZONING RESTRICTIONS AS PER ZONING ORDINANCE:
SUBJECT PROPERTY ZONED: R-3

MINIMUM SETBACK: 30'
MINIMUM SIDE YARD: 6'
MINIMUM SIDE STREET SETBACK: 15'
MINIMUM REAR YARD: 40'

- LEGEND**
- C.B. - CATCH BASIN
 - C.C. - CURB CUT
 - CG - CURB AND GUTTER
 - CO - CLEANOUT
 - CP - CORRUGATED PLASTIC PIPE
 - D.B. - DEED BOOK
 - D.I. - DRAIN INLET
 - E.I.R. - EXISTING IRON ROD
 - FES - FLARED END SECTION
 - F.H. - FIRE HYDRANT
 - G.M. - GAS METER
 - G.W. - GUT WIRE
 - L.P. - LIGHT POLE
 - M.B. - MAP BOOK
 - N.I.R. - NEW IRON ROD
 - P.B. - POWER BOX
 - PM - POWER METER
 - P.P. - POWER POLE
 - PSE - PERMANENT STORM DRAINAGE EASEMENT
 - PVC - POLYVINYL CHLORIDE
 - R.C.P. - REINFORCED CONCRETE PIPE
 - S.D.M.H. - STORM DRAIN MANHOLE
 - S.S.M.H. - SANITARY SEWER MANHOLE
 - W.V. - WATER VALVE

- TREE LEGEND**
- CRP - CRAPES MYRTLE
 - M - MAPLE
 - MA - MAGNOLIA
 - P - PINE
 - PO - POPLAR
 - WC - WILD CHERRY

PROPERTY LINE SURVEYED:

PROPERTY LINE NOT SURVEYED:

RIGHT-OF-WAY SURVEYED:

RIGHT-OF-WAY NOT SURVEYED:

SETBACK:

- NEW TREE LEGEND**
- A - ASH
 - B - BIRCH
 - BE - BEECH
 - BL - BLACK LOCUS
 - C - CEDAR
 - CT - LITTLE LEAF CYPRESS
 - D - DOGWOOD
 - E - ELM
 - G - GUM
 - H - HICKORY
 - K - OAK
 - L - LOCUST
 - M - MAPLE
 - MT - MOUNTAIN LAUREL
 - N - NECTARINE
 - P - PINE
 - R - POPLAR
 - S - SUGAR
 - SC - STICKLEBERRY
 - T - TWIG
 - U - UNIDENTIFIED
 - W - WILD CHERRY
 - X - CHERRY
 - Y - HOLLY
 - Z - MAGNOLIA
- EX. 2DU - 2" DOGWOOD CLUSTER

CARMEL ROAD
VARIABLE PUBLIC R/W

COLONY ROAD
VARIABLE PUBLIC R/W

CARMEL CRESENT
DRIVE
50' PUBLIC R/W

CARMEL HILLS INC.
D.B. 4019, PG. 740

RICHARD & MARIE RINK
D.B. 8256, PG. 301

REQUEST	Current Zoning: I-2 (general industrial) Proposed Zoning: I-1 (light industrial)
LOCATION	Approximately 6.26 acres located on the east side of North Graham Street and generally surrounded by Interstate 85, Reagan Drive, and North Graham Street. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes to allow all uses in the I-1 (light industrial district).
STAFF RECOMMENDATION	Staff recommends approval of this petition. The petition is consistent with the <i>Central District Plan</i> .
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Graham Street Investments Snider Fleet Solutions Snider Fleet Solutions/Matt Creswell and Marty Herndon
COMMUNITY MEETING	Meeting is not required.

PLANNING STAFF REVIEW

- **Proposed Request Details**
This is a conventional rezoning petition with no associated site plan.
 - **Existing Zoning and Land Use**
 - The subject property is developed with a 43,519-square foot truck maintenance and repair shop with a tire sales facility. Surrounding properties are zoned I-2 (general industrial) and developed with industrial buildings and a convenience store with gas sales to the south and restaurant and hotel to the east. North of the site is the I-85 corridor and additional I-1 (light industrial) and I-2 (general industrial) zoned land with industrial uses and commercial uses.
 - **Rezoning History in Area**
 - There have been no rezonings in the area in recent years.
 - **Public Plans and Policies**
 - The *Central District Plan* (1993) recommends industrial land uses for the site.
 - The petition is consistent with the *Central District Plan*.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No comments received.
 - **Transportation:** The petition will allow a wide range of trip generation based on the existing and proposed zoning classifications.
 - **Connectivity:** Not applicable.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
 - **Mecklenburg County Parks and Recreation Department:** No comments received.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
 - There is no site plan associated with this conventional rezoning request.

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

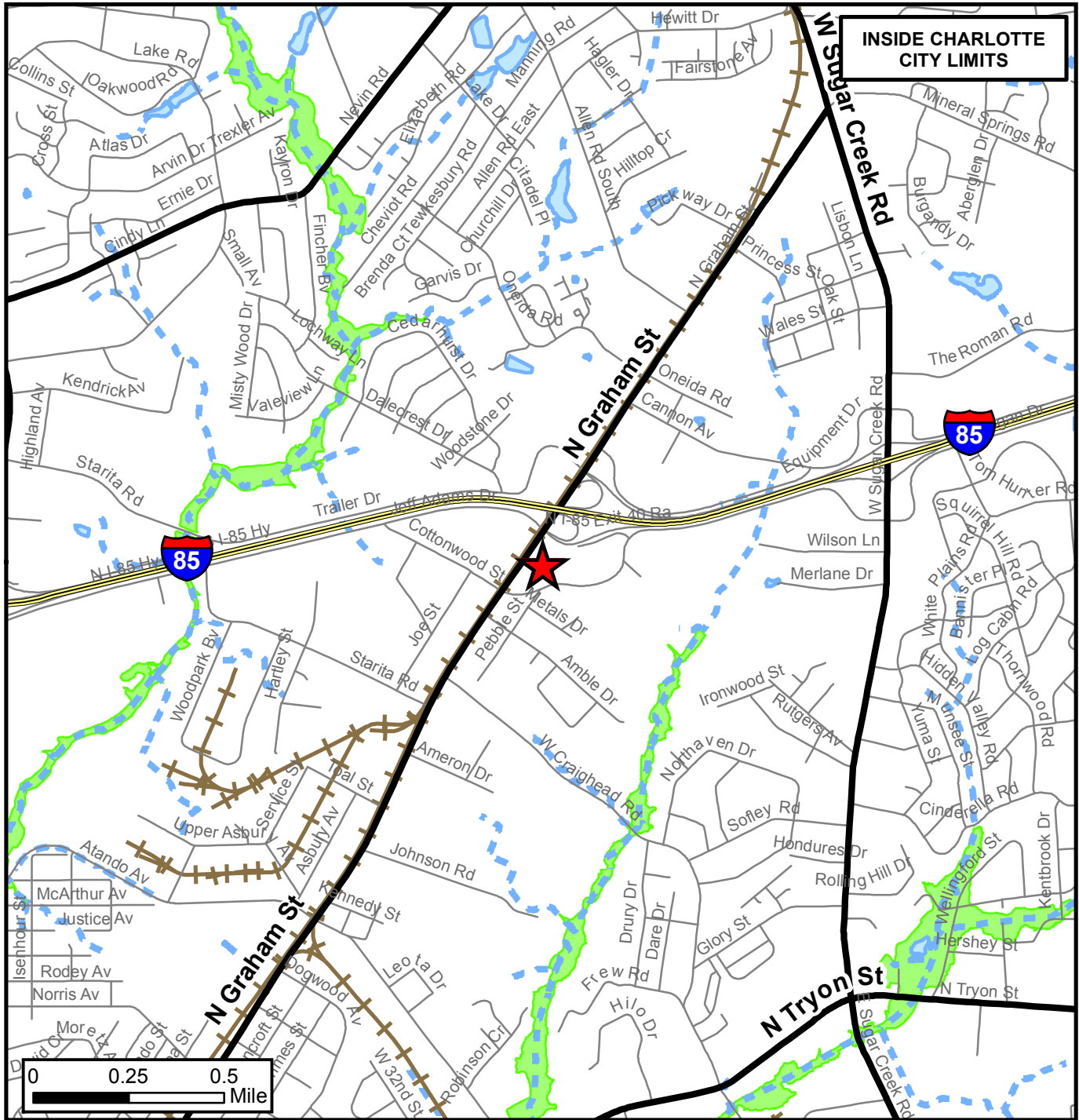
- Application
- Locator Map
- Charlotte Area Transit System Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review

Planner: John Kinley (704) 336-8311

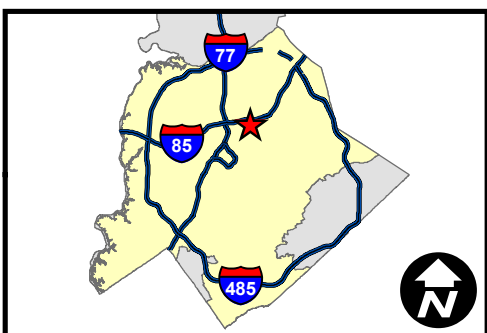
Petition #: **2014-052**

Vicinity Map

Acreage & Location : Approximately 6.26 acres located on the east side of North Graham Street and generally surrounded by Interstate 85, Reagan Drive, and North Graham Street.



INSIDE CHARLOTTE CITY LIMITS



★ Rezoning Petition: 2014-052

- Major Roads
- Collector Roads
- Charlotte City Limits
- FEMA flood plain
- Watershed
- Lakes and Ponds
- Creeks and Streams

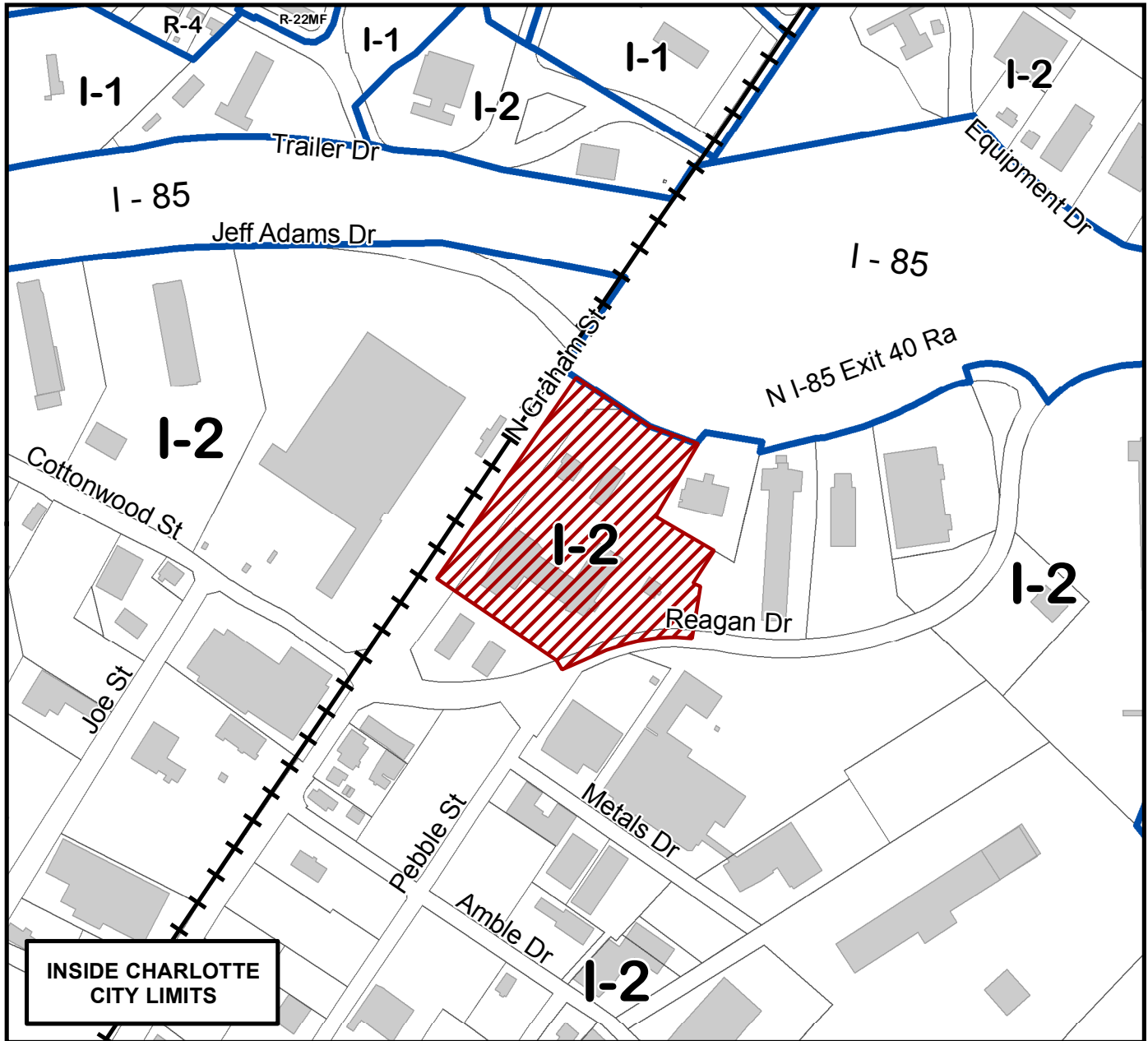
Petition #: **2014-052**

Petitioner: **Snider Fleet Solutions**

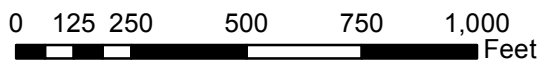
Zoning Classification (Existing): I-2
(General Industrial)

Zoning Classification (Requested): I-1
(Light Industrial)

Acreage & Location: Approximately 6.26 acres located on the east side of North Graham Street and generally surrounded by Interstate 85, Reagan Drive, and North Graham Street.



Map Produced by the Charlotte-Mecklenburg Planning Department, 3-29-14.



Zoning Map #(s)

78

