

## Charlotte-Mecklenburg Planning, Design, & Development

DATE: September 11, 2019

TO: Sonja Sanders FROM: Taiwo Jaiyeoba Zoning Supervisor Planning Director

**SUBJECT:** Administrative Approval for Petition No. 2016-079 NoDa Greenway One, LLC and NoDa Greenway Two, LLC

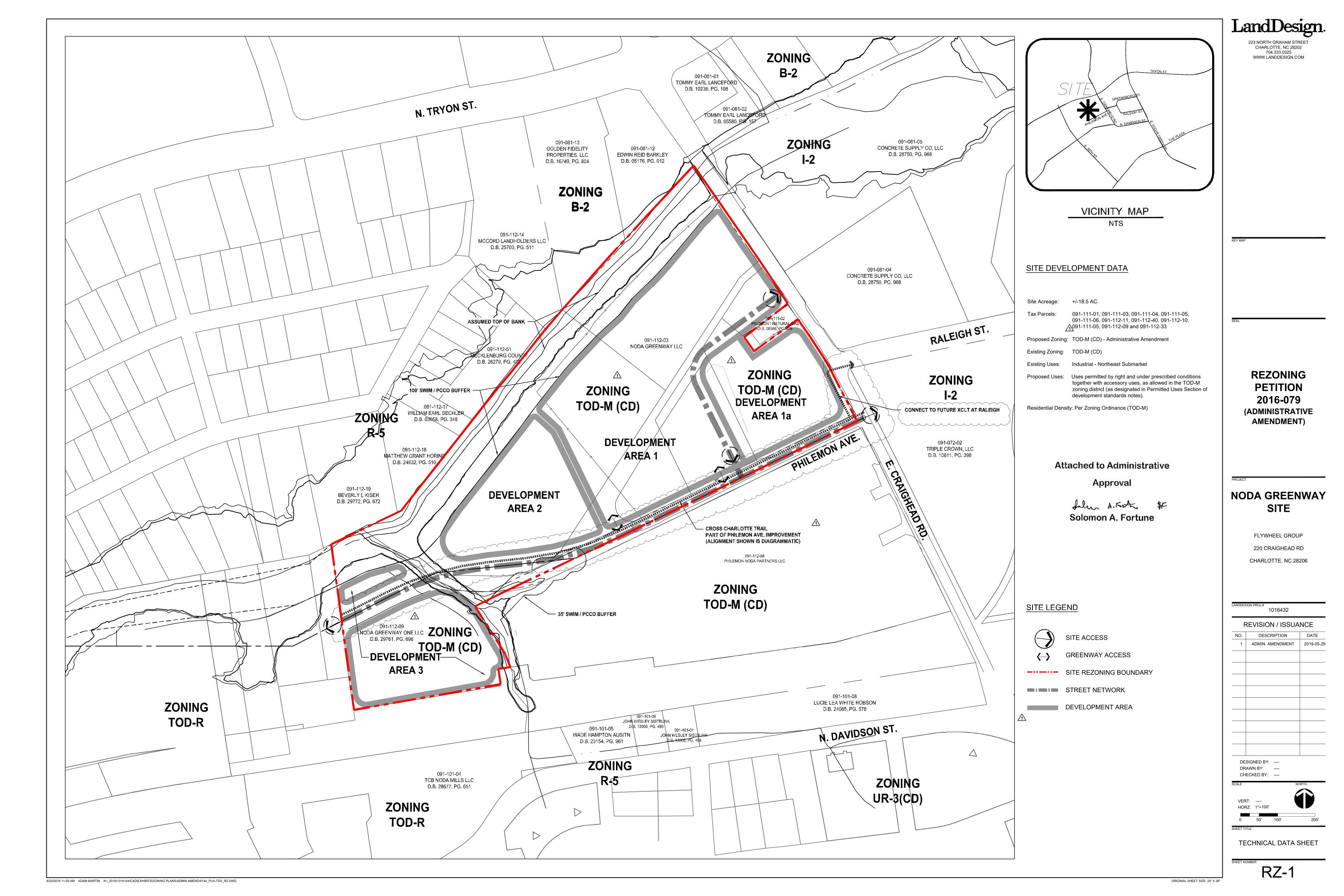
Attached is the revised site plan for the petition above. This request allows the modification of the proposed site plan as listed below. Since these changes do not alter the intent of the development and meets the requirements of the Charlotte Zoning Ordinance Section 6.207 <u>Alterations to Approval</u>, minor changes, I am administratively approving this plan. Please use these plans when evaluating requests for building permits and certificates of occupancy.

Allow a modification to the proposed location of the Cross Charlotte Trail.

Staff supports of the request because:

• The site plan complies with the conditional notes and still meets the intent of the original approval by the City Council.

Note: All other Zoning, Subdivision, Tree, PCSO Ordinances, conditional requirements and building codes still apply.



- I. DEVELOPMENT DATA TABLE
- Included on sheet RZ-1.
- 2. GENERAL PROVISIONS

These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by The Flywheel Group (the "Petitioner") to accommodate a transit supportive mixed use development on that approximately 18.5 acre site located on the west side of Craighead Road between North Tryon Street and North Davidson Street, which site is more particularly depicted on the Rezoning Plan (hereinafter referred to as the "Site"). The Site is comprised of Tax Parcel Nos. 091-111-01, 091-111-03, 091-111-04, 091-111-05, 091-111-06, 091-112-11, 091-112-40, 091-112-10, 091-111-05, 091-112-09 and 091-112-33

B. 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"). Subject to the optional provisions set out below, the regulations established

C. The development and uses depicted on the Rezoning Plan are schematic in nature and are intended to depict the general arrangement of uses and improvements on the Site. Accordingly, the ultimate layout, locations and sizes of the development and site elements depicted on the Rezoning Plan are graphic representations of the proposed development and site elements, and they may be altered or modified in accordance with the setback and yard requirements set forth on this Rezoning Plan and the development standards, provided, however, that any such alterations and modifications shall comply with Section 6.207. 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.

D. The parcels of land that comprise the Site may be recombined into one parcel at the option of the Petitioner or further subdivided.

under the Ordinance for the TOD-M zoning district shall govern the development and use of the Site.

E. The Site shall be considered to be a planned/unified development. Therefore, side and rear yards, buffers, building height separation requirements and other zoning standards shall not be required internally between improvements and uses on the Site. The Site shall be required to meet any applicable side and rear yard requirements and buffer requirements with respect to the exterior boundary of the Site.

F. Pursuant to Section 1.110 of the Ordinance and Section 160A-385.1 of the North Carolina General Statutes, the Rezoning Plan, if approved, shall be vested for a period of 5 years due to the size and phasing of the development, the level of investment, economic cycles and market conditions

G. 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

H. 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.

I. 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.

3. OPTIONAL PROVISIONS

A. The Petitioners seeks the optional provision to exceed the maximum allowed height of the TOD-M Ordinance for residential uses/buildings within Development Area 1 by 12 feet, and only for architectural elements such as towers and alike that may or may not contain heated area.

4. PERMITTED USES

A. The Site may be developed with residential and non-residential uses as permitted by right and under prescribed conditions in the TOD-M Zoning district together with accessory uses as allowed in the TOD-M zoning district.

TRANSPORTATION

A. Vehicular access shall be as generally depicted on the Rezoning Plan. The placement and configuration of the access points are subject to any minor modifications required by the Charlotte Department of Transportation ("CDOT") and/or the North Carolina Department of Transportation ("NCDOT").

B. Philemon Avenue is the PRIMARY Street and Craighead is the SECONDARY STREET. All others shall be considered secondary

C. The alignment of the internal vehicular circulation areas and the driveways may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by CDOT and/or NCDOT in accordance with

D. The Petitioner will dedicate and convey 40 feet of right-of-way from the center line of Craighead Road as described below.

Petitioner agrees to dedicate and convey rights-of-way, permanent easements, and temporary easements along the site's Philemon Avenue and Craighead frontage. Rights-of-way will be dedicated and conveyed in fee simple, and all right-of-way and easement dedication and conveyance will occur prior to the issuance of the first certificate of occupancy for the site or when requested by the City, whenever occurs first.

F. All transportation commitments must be completed and approved for each phase of development before the first building certificate of occupancy is issued.

6. ARCHITECTURAL AND DESIGN STANDARDS

A. Entrances that face the trail for ground floor units shall be provided for all units viewable from the Cross Charlotte Trail as outlined in section 7 and 9 in the development standards.

B. Building entries: Ground floor entrances shall be provided for all residential units on Philemon Avenue. If ground floor unit individual entrances are not provided on other streets, a primary building entrance shall be provided at a minimum every 100'. On Philemon Street, a building entrance may be located at the corner, with additional entrances at a minimum of every 100' linear feet for

non-residential uses. C. Facades fronting on Philemon Street shall include more transparency on the ground floor than upper floors. 100% of the frontage on Philemon Avenue shall be either residential or non-residential leasable, usable space, with a minimum height of 12' from floor to floor for the first floor, and a minimum depth of 20' excluding public right of way, parking access drives, open space, and land environmentally

D. Units shall be raised an average of 24" above grade. Units shall be no more than 5' above grade and 2' below. Each entrance shall include a minimum of three of the following:

- a. decorative pedestrian lighting/sconces
- b. architectural details carried through to upper stories c. covered porches, canopies, awnings or sunshades
- d. Archways e. transom windows

undevelopable.

- f. terraced or raised planters that can be utilized as seat walls
- g. common outdoor seating enhanced with specialty details, paving, landscaping, or water features h. double doors (entrances should give an appearance of a front door orientation rather than a back patio design) stoops or stairs

E. Pertaining to Townhomes: Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that roofs for porches and attached sheds may be no less than 2:12, unless a flat rood architectural style is employed. Usable porches and stoops shall form a predominate feature of the building design and be located on the front and/or side of the building. Usable front porches are covered and are at least 6 feet deep. Stoops and entry level porches may be covered but not be enclosed. All corner/end units that face a public or private street should have a porch or stoop that wraps a portion of the front and side of the unit or provide blank wall provisions that limit the maximum blank wall expanse to 10ft on all building levels. Sidewalks should be provided to connect all residential entrances to

number individual units per building in adjacent buildings. F. Blank walls shall be treated with both horizontal and vertical variations in wall planes.

G. Ground floor on all streets shall be taller than, and architecturally different than upper floors with more transparency than upper

sidewalks along public and private streets. Townhouse buildings should be limited to 5 individual units or less and ideally alternate the

H. Buildings over 150' in length shall provide façade variations that visually separate the individual units. This can be accomplished through measures such as window arrangement and size variation, unit entrance design, roof variation, material changes, and/or offset wall planes.

I. The ground floor of parking structures directly adjacent to the public right of way shall be wrapped with active uses such as residential, office, and retail. This does not apply to those internal structures with limited visibility from the public right of way behind building massing in development Area 1, in which case landscape or architectural screening would be required.

J. No parking structure entrances shall be directly from Philemon Avenue. Driveway access off Philemon will be accepted.

7. STREETSCAPE AND LANDSCAPING

A. Any ground floor commercial use with on-street parking may have tree grates in lieu of a planting strip.

B. Centerline of Philemon Ave has been adopted generally in accordance with the plan previously studied by Engineering and Property Management. However, the Petitioner based on coordination with the Cross Charlotte Trail (the "XCLT") staff members and CDOT, will set the back of curb along the Petitioners side of Philemon Ave/to allow for the typical cross section shown on RZ-2 to accommodate the bicycle and pedestrian facilities connecting to the XCLT>The Petitioner shall design and implement the XCLT beginning at Craighead to end of development area jalong Philemon Ave. prior to the first CO. The Petitioner will be responsible for constructing improvements on the Site's side of the centerline Philemon Ave when sufficient pavement exists on the opposite side of the center line to accommodate a lane of traffic. If insufficient pavement width exists to accommodate a through lane on the opposite side of the center line of Philemon Ave the petitioner will improve both sides of Philemon Ave as indicated in the cross sections on [RZ-2].

The Petitioner will set the back of curb along the west side of Craighead to allow for a through lane, on street parallel parking, 6' future bike lane, 8' planting strip, and 8' sidewalk. From the intersection of Raleigh Street and Philemon Avenue the future bike lane will be √incorporated into the proposed 13 planting strip as shown in the cross section on sheet [RZ-2] with an at-grade crossing across Craighead Street to Raleigh Street prior to the first CO. A raised cross walk or intersection will be provided with new development in area marked as Development Area 1A as shown on the technical data sheet [RZ-2], or in the event XCLT improvements provide a connection to Raleigh prior to the first CO. The final design of this connection across Craighead to Raleigh will be coordinated with CDOT during

C. Any dumpster and recycling areas located on the Site that are visible from the public street or from an adjoining parcel of land will be screened from view by solid-enclosures with grates.

8. ENVIRONMENTAL FEATURES No optional provisions taken.

PARKS, GREENWAYS AND OPEN SPACE

Petitioner will coordinate with NECI team for the Cross Charlotte Trail (the "XCLT") to be located along Philemon Ave. during development and review of the site plan.

B. All buildings along the XCLT shall have a min. 5' setback and include a transiton from the sidewalk to the building. The transition

can include landscaping, outdoor dining, or seating. C. Provide direct connections to the XCLT from the development

D. Provide pedestrian scaled lighting along the XCLT

E. Utilities shall be screened from the XCLT. This includes transformers, mechanical and electrical equipment, utility meters, dumpsters, and backflow preventers. Meter banks will also be screened from the public right-of-way.

F. No fencing shall be located between the building and the XCLT. Except vehicular security gates or armatures may be allowed to control vehicular access to private parking lots on private property.

G. Public XCLT trail connections to be provided at no less than every 400'. Public trail connections shall be built to a minimum

H. Petitioner shall install cross section of the XCLT as shown on [RZ-2] along Philemon Avenue to be incorporated as part of the ROW of Philemon Ave. The Developer shall not be responsible for maintenance of the XCLT. Petitioner shall install the XCLT along the Development Areas as each Development Area is developed, and dedicate and convey the ROW to the City prior to the issuance of the first certificate of occupancy.

The building edge along the private trail will encroach into the previously disturbed SWIM Buffer. The preferred location of the building edge is an average of 33' north of this Buffer. The building will encroach a minimum of 22' to the north of this Buffer.

Petitioner agrees to obtain permits for and construct an 8 foot wide pedestrian pathway and a separated 11 foot wide two-way bicycle facility. Separation for the bicycle facility will be determined during permitting in coordination with CDOT and XCLT team.

Petitioner agrees to dedicate and convey permanent easements or ROW along Philemon Ave. frontage as feasible. Easements will be dedicated and conveyed in fee simple, and all easement dedication and conveyance will occur with each certificate of occupancy for each phase of development appropriate to the abutting frontage along Philemon. Easements will be dedicated and conveyed will be

a. A permanent sidewalk easement will be provided 2' behind the sidewalk where feasible and encroachments for entry features b. The XCLT trail components will be dedicated as Public ROW prior to first CO with each development area upon their

Refer to note K above for outline of dedication and Encroachments.

M. The Petitioner may also install a private trail along the adjacent creek. The final design is to be determined during permitting.

N. All buildings along the private trail shall include a transition from the sidewalk to the building. The transition can include landscaping, outdoor dining, seating, stoops, and/or other private amenities.

10. FIRE PROTECTION

respective completion.

No optional provisions taken.

SIGNAGE No optional provisions taken

All exterior lights installed on the Site shall be full cut-off type lighting, excluding lower, decorative lighting that may be installed along driveways, sidewalks, and parking areas.

Pedestrian scale lighting will be installed by the petitioner along the Site's XCLT frontage on Philemon Ave as Philemon Ave is

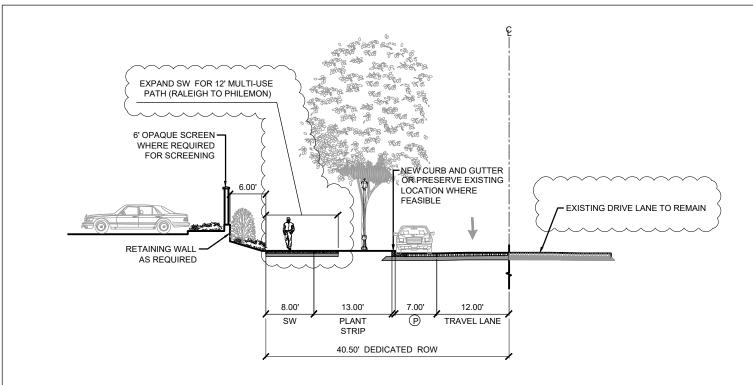
improved and prior to the first CO issued on each respective development area site. All street lighting and pedestrian scale lighting shall be coordinated with and approved by CDOT Engineer (currently Mr. Anthony Mendez). 

13. PHASING No optional provisions taken.

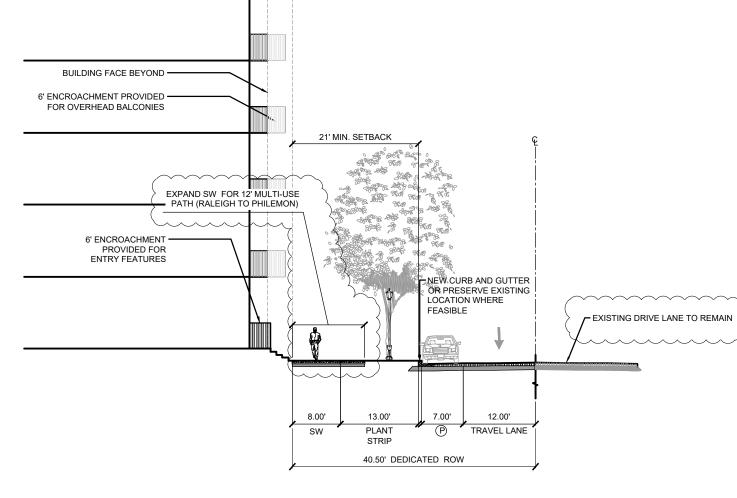
14. BINDING EFFECT OF THE REZONING

Once approved this rezoning petition and 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 insure to the benefit of the Petitioner and subsequent owners of the site and their respective heirs, devisees, personal representatives, successors in interest or assigns, and references to the term "petitioner" shall include such parties that the original Petitioners's duties shall run with the land but shall not be deemed personal obligations upon any such transfers or assignments.

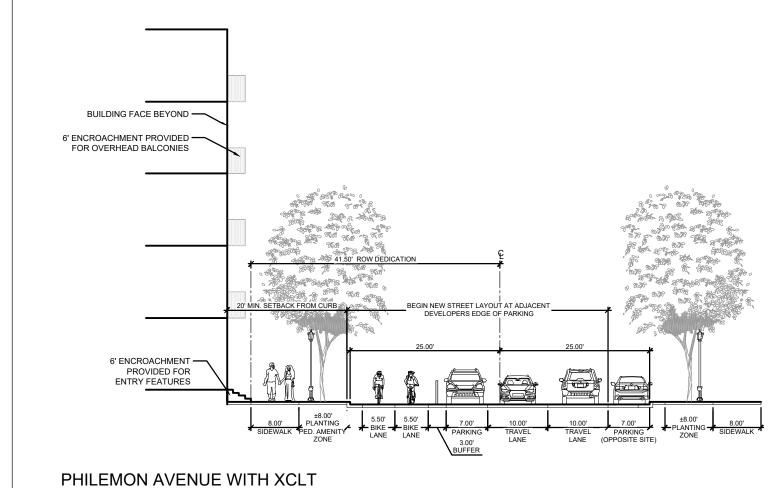
Attached to Administrative



## CRAIGHEAD ROAD - CONDITION 1: PARKING



## **CRAIGHEAD ROAD - CONDITION 2: BUILDING**



**REZONING PETITION** 2016-079 (ADMINISTRATIVE **AMENDMENT**)

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CHARLOTTE, NC 28202

704.333.0325 WWW.LANDDESIGN.COM

**NODA GREENWAY** 

FLYWHEEL GROUP 220 CRAIGHEAD RD CHARLOTTE, NC 28206

1016432 **REVISION / ISSUANCE** DESCRIPTION ADMIN. AMENDMENT 2019-05-29 DESIGNED BY: ----DRAWN BY: CHECKED BY:

HORZ: AS NOTED

**DEVELOPMENT STANDARDS** 

8/22/2019 11:00 AM ADAM MARTIN N:\ 2016\1016144\CAD\EXHIBITS\ZONING PLANS\ADMIN AMEND\6144 SECTIONS RZ.DWG

ORIGINAL SHEET SIZE: 24" X 36"