



## Charlotte-Mecklenburg Planning Department

**DATE:** January 18, 2018

**TO:** Donald Moore  
Zoning Supervisor

**FROM:** Taiwo Jaiyeoba  
Planning  
Director

**SUBJECT:** Administrative Approval for Petition No. 2016-116 BNA Homes

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 Alterations to Approval, minor changes, I am administratively approving this plan. Please use these plans when evaluating requests for building permits and certificates of occupancy.

- To allow an additional multi-family townhome unit per section 6.207 in which this would allow up to 125 units to be developed on the site.

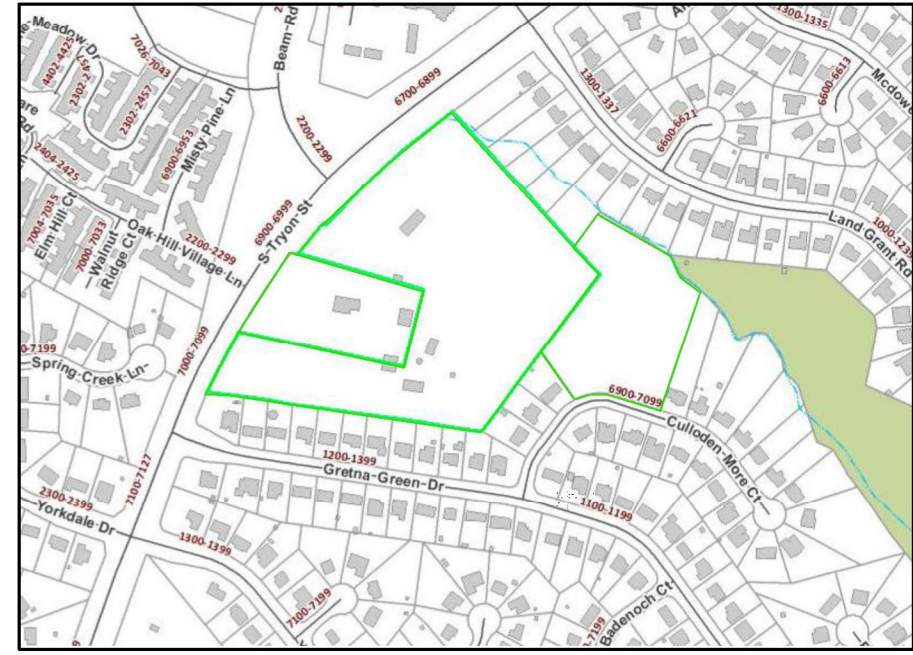
Staff supports of the request because:

- 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 Ordinances and conditional requirements still apply.**

**Signage was not reviewed as part of this request.**

All transportation improvements will be constructed & approved before the site's first building certificate of occupancy is issued or phased per the site's development plan



VICINITY MAP

**SITE DATA:**

Rezoning Petition: 2016-116  
 Parcel Numbers: 167-241-01, 167-241-02, 167-241-99  
 Site Area: +- 15.87 AC  
 Jurisdiction: CITY OF CHARLOTTE  
 Existing Zoning: MX-1  
 Proposed Zoning: MX-2  
 Existing Uses: RESIDENTIAL / VACANT

Proposed Uses:  
 Up to 125 attached dwelling units together with accessory uses, as allowed in the MX-2 zoning district.  
 Proposed Density:  
 Eight (8) units to the acre; but not to exceed 125 dwelling units.

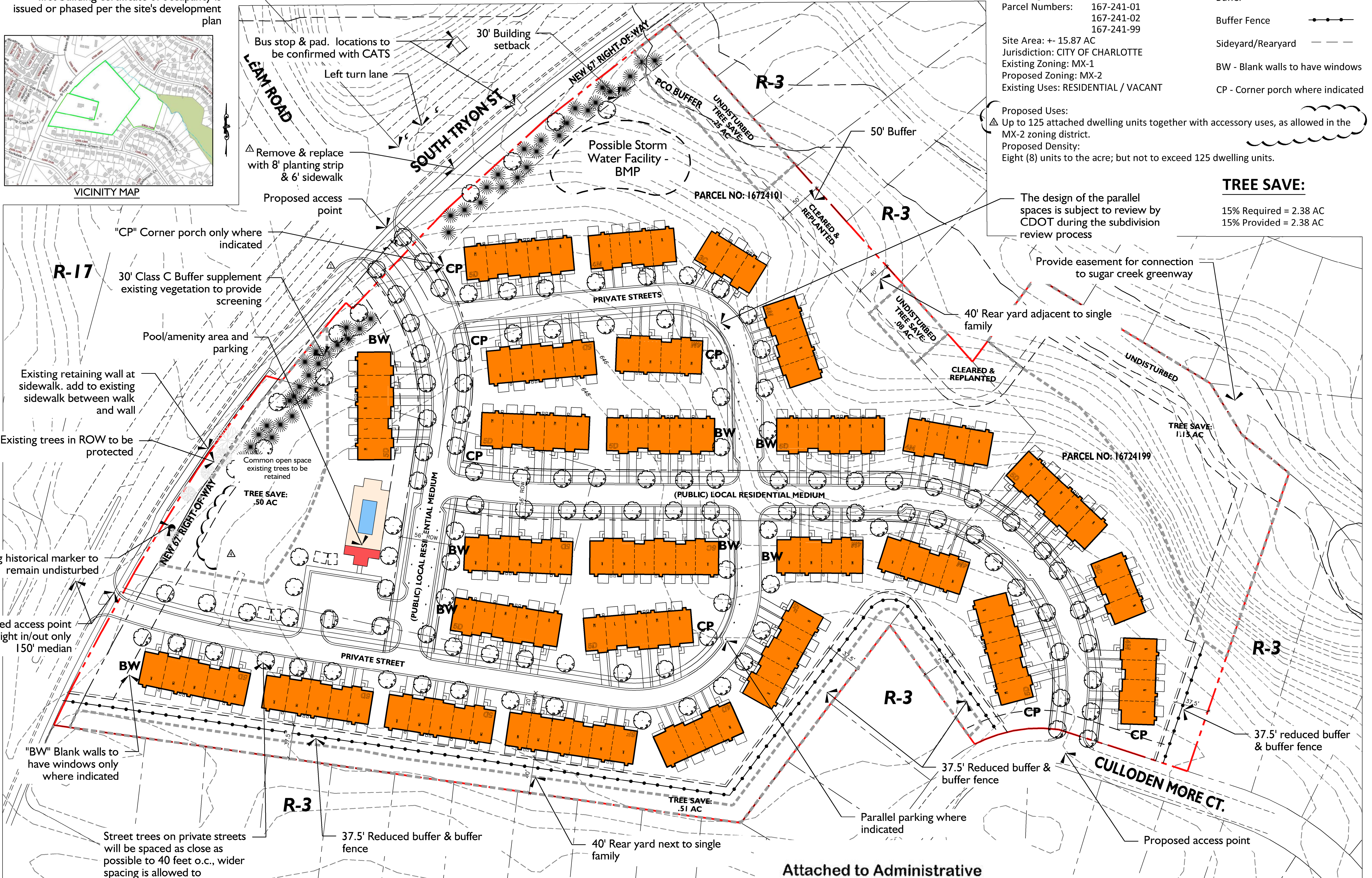
The design of the parallel spaces is subject to review by CDOT during the subdivision review process

**LEGEND:**

- Buffer
- Buffer Fence
- Sideyard/Rearyard
- BW - Blank walls to have windows
- CP - Corner porch where indicated

**TREE SAVE:**

15% Required = 2.38 AC  
 15% Provided = 2.38 AC



Alfred Benesch & Company  
 2320 West Morehead Street  
 Charlotte, NC 28208  
 WWW.BENESCH.COM  
 P. 704.521.9880

**McCondicchie Property**  
 7001 & 6825 South Tryon St.  
 Charlotte, North Carolina

Project no:	17.000103
Date:	06.23.16
Revisions:	
▲ Per City Comments	08.17.16
▲ Per City Comments	09.22.16
▲ Administrative Amendment	11.01.17

Attached to Administrative Approval

*Solomon A. Fortune*  
 Solomon A. Fortune

Rezoning Petition No:  
 2016-116



Sheet Title:  
**Rezoning Site Plan**  
 Sheet No:  
**RZ-1**

**BNA Homes  
Development Standards  
09/28/16  
Rezoning Petition No. 2016-116**

**Site Development Data:**

- Acreage: ± 15.87 acres
- Tax Parcel #: 167-241-02, 167-241-01, 167-241-99
- Existing Zoning: MX-1
- Proposed Zoning: MX-2
- Existing Uses: Residential/Vacant land
- ▲ --Proposed Uses: Up to 125 attached dwelling units together with accessory uses, as allowed in the MX-2 zoning district.
- Maximum Building Height: Not to exceed two (2) stories and not to exceed 40 feet; building height to be measured as required by the Ordinance.
- Proposed Density: Eight (8) units to the acre; but not to exceed 125 dwelling units.
- Parking: Parking as required by the Ordinance will be provided.

**1. General Provisions:**

- a. **Site Location.** These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by BNA Homes ("Petitioner") to accommodate the development of a townhome community on approximately 15.8 acre site located on the east side of South Tryon Street between Gretna Green Drive and Land Grant Road (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 the regulations established under the Ordinance for the MX-2 zoning classification shall govern.
- c. **Graphics and Alterations.** The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, building elevations, driveways, streets and other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance.

Since the project has not undergone the design development and construction phases, it is intended that this Rezoning Plan provide for flexibility in allowing some alterations or modifications from the graphic representations of the Development/Site Elements. Therefore, there may be instances where minor modifications will be allowed without requiring the Administrative Amendment Process per Section 6.207 of the Ordinance. These instances would include changes to graphics if they are:

- i. minor and don't materially change the overall design intent depicted on the Rezoning Plan.

The Planning Director will determine if such minor modifications are allowed per this amended process, and if it is determined that the alteration does not meet the criteria described above, the Petitioner shall then follow the Administrative Amendment Process per Section 6.207 of the Ordinance; in each instance, however, subject to the Petitioner's appeal rights set forth in the Ordinance.

d. **Number of Buildings Principal and Accessory.** The total number of principal buildings to be developed on the Site shall not exceed 31. 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 located on the Site. Accessory structures and buildings include structures and buildings such as but not limited to; a mail kiosk, dumpster enclosures, gazebos, trellises, storage buildings, and other structures associated with the on-site open space.

e. 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 depicted on the Rezoning Plan are intended to reflect the general pedestrian circulation for the development on Site but specific locations of sidewalks maybe subject to variations that do not materially change the design intent depicted on the Rezoning Plan.

**2. Innovative Provisions:**

- a. The Petitioner proposes to provide a 20 foot building setback along the internal public streets as measured from the back of the propose sidewalk.

**3. Permitted Uses & Development Area Limitation and Preservation of the McDowell House:**

- a. The Site may be developed with up to 125 attached dwelling units together with accessory uses allowed in the MX-2 zoning district. Non-residential uses will not be allowed on the Site.
- b. Petitioner will donate the existing McDowell House located on the Site, along with a portion of the Site for the home to rest on (the home will be moved from its current location), to an organization, public or private, that will commit to repairing and renovating the house so that the structure is sound, safe, and renovated to have the appearance of being a habitable structure (the structure does not need to be habitable but at a minimum needs to be in good repair with a weather tight roof, siding and windows, be freshly painted and have a functioning front porch.)
- c. In order to give an interested organization time to gather the funds to repair, renovate and maintain the McDowell House (the "Home"), the Petitioner will not remove the existing Home located on the property prior to one (1) year after the date of the approval of the Rezoning Petition. The organization to preserve the Home shall be formed and funded demonstrating the ability to repair, renovate and maintain the Home within six (6) months of the approval of the Petition. If after six (6) months an organization has not come forward, the Petitioner may apply for a demolition permit to remove the Home. If after one (1) year the organization that was formed has not completed the repair and renovation of the Home to have the appearance of a habitable structure, the Petitioner may remove the structure and utilize the area of the Site proposed to be occupied by the Home for the development of the proposed townhome community. The Petitioner will enter into an agreement with the organization willing to move, repair, renovate and maintain the Home and will as part of the agreement establish thresholds to measure and monitor the progress of the organization responsible for the rehabilitation of the Home during the time frames specified above.

**4. Transportation Improvements:**

**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. **S. Tryon Street and Beam Road Extension:**
  - i. Construct a southbound left turn lane on S. Tryon Street to provide access to the Site.
  - ii. Provide an uninterrupted 100 foot stem for the fourth leg of the intersection created by the development.
  - iii. Provide directional curb ramps at all corners of the intersection, marked crosswalks across on all legs as well as pedestrian signals.
- b. **Southern access to S. Tryon Street:**
  - i. This driveway will be designed as a right-in and right-out driveway.
  - ii. A concrete median shall be provided on S. Tryon Street extending up to 150 feet beyond the curb returns of the proposed access intersection (the median may extend for a lesser length if CDOT or NCDOT determine that 150 feet is not needed or conflicts with other improvements on S. Tryon Street).

**DEVELOPMENT STANDARDS**

c. **CDOT Standards.** All of the foregoing public roadway improvements will be subject to the standards and criteria of CDOT and/or NCDOT, as applicable (as it relates to the roadway improvements within their applicable 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 Charlotte area, by way of a private/public partnership effort or other public sector project support. It is anticipated that the roadway improvements listed above will be completed with the first phase of development.

d. **Substantial Completion.** The roadway improvements referenced in Section 4 above must be substantially completed prior to the issuance of the first certificate of occupancy for the first building located within the referenced development, subject to the ability of the Petitioner to post a letter of credit or a bond for any improvements not in place at the time the first certificate of occupancy is issued. Modifications to the signal at Beam and S. Tryon Street will be done by CDOT per City Policy as a result if the signal work is not completed by the City at the time of the first certificate of occupancy is ready to be issued it will not result in the delay in the requested certificate of occupancy.

**5. Access and Transportation:**

- a. Access to the Site will be from South Tryon Street and Cullogen More Court in the manner generally depicted on the Rezoning Plan.
- b. The Petitioner will provide sidewalks and planting strips along the interior public and private streets as required by the Ordinance and as required by CMDLS standards for a local residential medium public street.
- c. The Petitioner will along the internal public streets use best efforts to design the buildings so the individual driveways to each unit are separated as much as possible from each other.
- d. Street trees will also be provided along the private streets as generally depicted on the Rezoning Plan.
- e. The placement and configuration of the vehicular access point is subject to any minor modifications required to accommodate final site development and construction plans and to any adjustments required for approval by the CDOT in accordance with applicable published standards.
- f. Along S. Tryon Street the Petitioner shall dedicate and convey (by quitclaim deed and subject to a reservation of any necessary utility easements) that portion of the Site located along S. Tryon Street as may be necessary to provide for a right-of-way extending 67 feet from the existing centerline as generally depicted on the Rezoning Plan; said dedication and conveyance to occur prior to issuance of the first certificate of occupancy for the first residential dwelling building constructed on the Site.
- g. The alignment of the internal 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 CDOT in accordance with published standards.

**6. Architectural Standards, Open Space:**

- a. The principal buildings used for multi-family residential uses constructed on the Site may use a variety of building materials. The building materials used for buildings will be a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, precast concrete, synthetic stone, stucco, cementitious siding (such as hardy-plank), vinyl, EIFS or wood.
- b. The attached illustrative building elevations are included to reflect an architectural style and a quality of the buildings that may be constructed on the Site (the actual buildings constructed on the Site may vary from these illustrations provided that the design intent is preserved).
- c. No more than two (2) six (6) unit buildings will be placed next to each other on the Site.
- d. The entrances (front door entrances) for the proposed townhomes located within 15 feet of a sidewalk will be raised 24 inches above the average grade of the sidewalk.
- e. 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.
- f. Porches shall form a predominate motif of the building design. Each unit will be constructed with a front porch with a minimum depth of six (6) feet as generally indicated on the Rezoning Plan.
- g. The proposed units located on the interior of the Site that have end elevations directly across the proposed private street from units that front the same private street will be constructed with corner porches. Corner porches will extend a minimum of six (6) feet from the front elevation and will have a minimum depth of six (6) feet. These units are indicated on the Rezoning Plan with the letters CP (Corner Porch).
- h. On the interior of the Site end units that abut the internal private streets will have multiple windows on the end facades to avoid a blank street wall. These units are indicated on the Rezoning Plan with the letters BW (Blank Wall).
- i. Each residential dwelling unit will be provided with a one-car garage.
- j. Garage doors visible from the public or private streets will be recessed at least one (1) foot behind the front most building face, to minimize the visual impact of the garage doors on the public and private streets.
- k. Per Section 11.207 of the Ordinance at least 10% of the Site shall be set aside as common open space. The required open space will be set aside and improved as required by the Ordinance. The possible locations of the common open space areas is generally depicted on the Rezoning Plan.
- l. When vinyl siding is used as a building material, on the proposed buildings, the minimum thickness of the proposed vinyl will be .042.

**7. Streetscape, Buffers, Yards, and Landscaping:**

- a. A 30 foot building setback measured from the existing right-of-way back of S. Tryon Street will be provided. This setback will be landscaped to meet Class C buffer standards when the rear of the proposed residential units are located adjacent to the setback.
- b. The proposed residential buildings will be located a minimum of 20 feet behind the proposed sidewalk or the back of curb when a sidewalk is not provided along the internal private streets.
- c. As per the innovative provisions above a minimum building setback of 20 feet as measured from the back of the proposed sidewalk will be provided along the Site's internal public streets as generally depicted on the Rezoning Plan.
- d. The Petitioner will provide an eight (8) foot planting strip and a six (6) foot sidewalk along a portion of S. Tryon Street as generally depicted on the Rezoning Plan. Along the portion of S. Tryon Street where a sidewalk currently exists, the existing sidewalk will be widened to the face of the retaining wall.
- e. The Petitioner will provide a five (5) foot sidewalk and a six (6) foot planting strip on one-side of the proposed private streets as generally depicted on the Rezoning Plan. Street trees will be planted on both side of the private streets. The trees will be spaced as close as possible to

- 40 feet on center, wider spacing will be allowed to accommodate unit driveways.
- f. Rear yards will provided along the exterior property lines as generally depicted on the Rezoning Plan. The required private open space for the proposed units may be located within the proposed rear and side yards, but not in the proposed buffers.
- g. Buffers will be provided as generally depicted on the Rezoning Plan. The buffer along the southern property boundary will have a 6 (six) foot fence as generally depicted on the rezoning plan. The 50 foot buffer depicted along the northern property line will be an undisturbed buffer for a majority of its length as generally depicted on the Rezoning Plan. The portion of the buffer that is disturbed to accommodate site grading will be re-landscaped to meet Class C buffer standards.
- h. Utilities may cross proposed buffers at angles no greater than 75 degrees. Storm drainage discharge aprons and swales with or without rip-rap may also cross the buffer at angles no greater than 75 degrees in order to allow for the natural flow storm water.

**8. Environmental Features:**

- a. The Petitioner 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. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points. The two storm water management facility locations labeled as "potential" if not utilized for storm water management will be improved as open space areas or tree save areas.
- c. The Site will comply with the Tree Ordinance. The location of the proposed 15% tree save is generally depicted on the Rezoning Plan.
- d. All utilities within the Site will be placed underground.

**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, parking areas and courtyards.
- b. Detached lighting on the Site will be limited to 21 feet in height.
- c. Decorative pedestrian scale lights will be provided along the internal private and public streets.
- d. Architectural lighting on building facades, such as but not limited to scones, will be permitted.

**10. Historical Marker:**

- a. The Petitioner shall preserve the historical marker located on the Site's frontage on S. Tryon Street. The area the marker will be decoratively landscaped and maintained by the HOA. The location of the marker is generally depicted on the Rezoning Plan.

**11. CATS Pads for Passengers:**

- a. The Petitioner will construct two concrete waiting pads for bus passengers along S. Tryon Street per CLDSM 60.02A (Denoting Waiting Pad and Bench with Planting Strip). The pads will be constructed when development occurs. The Petitioner to coordinate the location of the pads with CATS during the land development approval process, one of the passenger waiting pads may be located across S. Tryon Street from the Site. The Petitioner will provide a permanent easement if the existing right-of-way is insufficient to accommodate the pads.

**12. Temporary Guardrail at Cullogen More Court.**

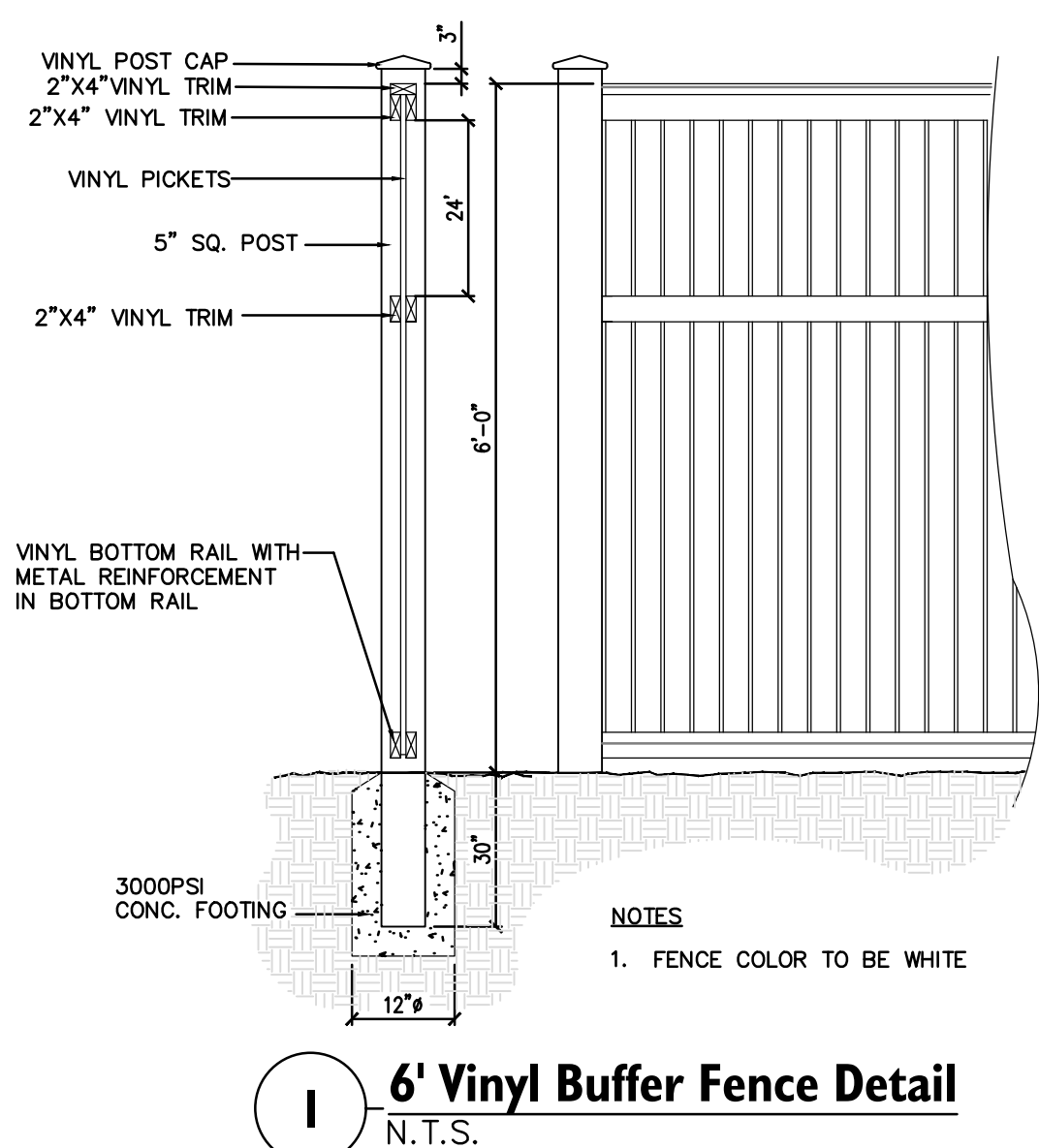
- a. Petitioner will install a temporary guardrail at the termination point at the intersection of the public street and Cullogen More Court to eliminate access to and from the adjacent existing community. It will be removed at such time that the public street is dedicated for maintenance to local authorities.

**13. 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 of Chapter 6 of the Ordinance.

**14. Binding Effect of the Rezoning Application:**

- a. 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.
- b.



**Attached to Administrative  
Approval**

*Solomon A. Fortune* \$F  
**Solomon A. Fortune**



Seals:

Corp. NC license: F-1320

**McCondichie Property**  
7001 & 6825 South Tryon St.  
Charlotte, North Carolina

Project no:	17.000103
Date:	06.23.16
Revisions:	
▲ Per City Comments	08.17.16
▲ Per City Comments	09.22.16
▲ Per City Comments	10.05.16
▲ Administrative Amendment	01.05.18

Sheet Title:

**Rezoning Notes**

Sheet No:

**RZ-2**

**Rezoning Petition No:  
2016-116**

Attached to Administrative  
Approval

*Solomon A. Fortune* \$F  
Solomon A. Fortune

Seals:

Corp. NC license: F-1320



**McCondit Property**

7001 & 6825 South Tryon St.  
Charlotte, North Carolina

Project no: 17.000103  
Date: 09.22.16  
Revisions:

Sheet Title:

Building Elevations

Rezoning Petition No:  
2016-116

Sheet No:

**RZ-3**