



Charlotte-Mecklenburg Planning, Design, & Development

DATE: February 25, 2021

TO: Sonja Sanders
Zoning Supervisor

FROM: Taiwo Jaiyeoba
Planning Director

SUBJECT: Administrative Approval for Petition No. 2019-107 Albermarle Road Partners, 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 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 for a modification of the site plan to decrease a buffer due to a new public street being required for petition 2020-079.

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.

Signage was not reviewed as part of this request.

DEVELOPMENT STANDARDS
December 16, 2019

1. GENERAL PROVISIONS

- A. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Albemarle Road Partners, LLC (the "Petitioner") for an approximately 1.217 acre site located on the north side of Albemarle Road between Hollisrose Drive and Circumferential Road, which site is more particularly depicted on the Rezoning Plan (hereinafter referred to as the "Site"). The Site is comprised of Tax Parcel No. 109-102-04.
- B. 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").
- C. Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the Neighborhood Services ("NS") zoning district shall govern the development and use of the Site.
- D. 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, yard and landscape area requirements set forth on this Rezoning Plan and the Development Standards, provided, however, that any such alterations and modifications shall not materially change the overall design intent depicted on the Rezoning Plan.
- E. 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.

2. PERMITTED USES/DEVELOPMENT LIMITATIONS

- A. Subject to the limitations set out below, the Site may be devoted to any use or uses allowed by right or under prescribed conditions in the NS zoning district, together with any incidental or accessory uses associated therewith that are permitted under the Ordinance in the NS zoning district, including, without limitation, drive-through service lanes/windows and outdoor dining.
- B. The maximum gross floor area of the principal building to be constructed on the Site shall be 4,700 square feet.

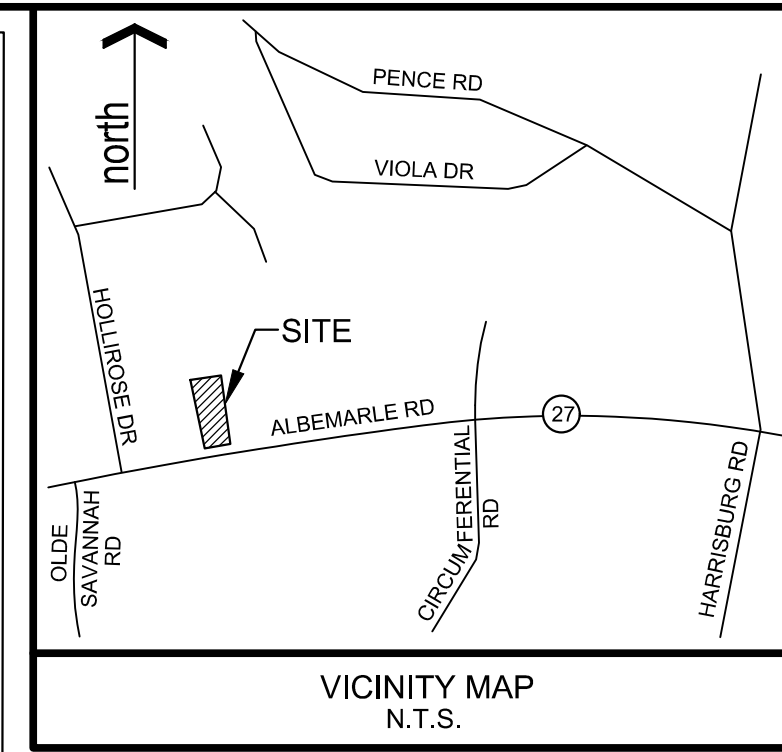
- C. An eating, drinking and entertainment establishment with accessory drive-through service lanes/windows shall have indoor seating that can accommodate a minimum of 50 patrons.
- D. The maximum size of an outdoor dining patio located on the Site shall be 1,000 square feet.
- 3. TRANSPORTATION**
- A. Vehicular access shall be as generally depicted on the Rezoning Plan. The placement and configuration of the vehicular access points are subject to any minor modifications required by the Charlotte Department of Transportation and/or the North Carolina Department of Transportation ("NCDOT").
- B. The alignments of the internal drives and circulation areas to be located on the Site are subject to any minor modifications or alterations required during the construction permitting process.
- C. Internal sidewalks and pedestrian connections shall be provided on the Site as generally depicted on the Rezoning Plan.
- D. Off-street vehicular parking shall be provided at the rate of 1 parking space per 145 square feet of gross floor area for the principal building to be located on the Site.
- E. Off-street vehicular parking shall be provided at the rate of 1 parking space per 150 square feet of gross floor area for the outdoor dining patio to be located on the Site.
- F. Road shall be designed in accordance with the City of Charlotte's Street Design Manual (CLDSM) 10.2.1.1 - 11.1.1.1.1.
- G. Petitioner shall install a 12 foot wide multi-use path along the Site's frontage on Albemarle Road.
- H. Petitioner shall install a stop sign at the driveway connection to the adjacent property located to the east of the Site where the driveway enters the Site.
- I. A stub driveway shall be provided to the western boundary line of the Site as generally depicted on the Rezoning Plan. This stub driveway shall be opened to vehicular traffic from the parcel of land located to the west of the Site only in the event that the parcel of land located to the west of the Site is redeveloped for non-residential purposes and an appropriate reciprocal cross-easement agreement is entered into by the owner of the Site and the owner of the parcel of land located to the west of the Site.
- J. Cross access shall be provided to and from the Site from and to Tax Parcel No. 109-102-08 located to the east of the Site by way of the 12 foot wide driveway connection depicted on the Rezoning Plan as contemplated under Rezoning Petition No. 2014-111.

- K. Petitioner shall dedicate and convey all relevant right of way to the City of Charlotte prior to the issuance of the first certificate of occupancy for a new building constructed on the Site. The right of way shall be setback 2 feet behind the multi-use path where feasible. If it is not feasible, the multi-use path, or portions thereof, may be located in a sidewalk utility easement.
- Subject to the approval of NCDOT and prior to the issuance of the first certificate of occupancy for the new building to be constructed on the Site, Petitioner shall substantially complete the transportation improvement set out below.
- (1) A westbound return lane on Albemarle Road at the vehicular access point into the Site from Albemarle Road, as generally depicted on the Rezoning Plan.
- Notwithstanding the foregoing, the transportation improvement may be modified by NCDOT during the permitting process.
- M. In connection with the construction and installation of the right turn lane described above in paragraph L, Petitioner shall relocate that portion of the existing 6 foot wide sidewalk located to the east of the Site between the eastern boundary of the Site and the existing driveway to Tax Parcel No. 109-102-08 as generally depicted on the Rezoning Plan. The relocated sidewalk shall have a width of 6 feet. Additionally, Petitioner shall acquire the dedicatory right of way to accommodate the future upgrade (by others) of the relocated 6 foot wide sidewalk to a 12 foot wide multi-use path.
- 4. ARCHITECTURAL STANDARDS**
- A. The maximum height in feet of any building constructed on the Site shall be 40 feet as measured under the Ordinance.
- B. The architectural and design standards set out below shall apply to any building constructed on the Site.
- (1) Facades fronting streets shall include a combination of windows and operable doors for a minimum of 60% of each frontage elevation with transparent glass between 2 feet and 10 feet on the first floor. Up to 20% of this requirement may be comprised of display windows. These display windows must maintain a minimum of 3 foot clear depth between window and rear wall. Windows within this zone shall not be screened by film, decals, and other opaque material, glazing finishes or window treatments. The maximum sill height for required transparency shall not exceed 4 feet above the adjacent street sidewalk.
- (2) The facades of first/ground floor of the buildings along streets shall incorporate a minimum of 30% masonry materials such as brick or stone.
- (3) Direct pedestrian connection should be provided between street facing doors, corner features to sidewalks or adjacent streets.

- (4) Building elevations shall not have expanses of blank walls greater than 20 feet in all directions and architectural features such as but not limited to banding, medallions or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.
- (5) Building elevations shall be designed with vertical bays or articulated architectural features which shall include a combination of at least three of the following: a combination of exterior wall offsets (projections and recesses), columns, pilasters, change in materials or colors, awnings, arcades, or other architectural elements.
- (6) Multi-story buildings should have a minimum of 20% transparency on all upper stories.
- 5. STREETScape AND LANDSCAPING**
- A. An 8 foot wide planting strip and a 12 foot wide multi-use path shall be installed along the Site's frontage on Albemarle Road as generally depicted on the Rezoning Plan. The southern edge of the 8 foot wide planting strip shall be located 52 feet from the existing centerline of Albemarle Road, and the southern edge of the 12 foot wide multi-use path shall be located 60 feet from the existing centerline of Albemarle Road.
- B. A minimum 20 foot wide landscape area that is planted to the standards of a Class B buffer shall be established along the western and northern boundary lines of the Site as depicted on the Rezoning Plan.
- 6. ENVIRONMENTAL FEATURES**
- A. Development of the Site shall comply with the requirements of the City of Charlotte Tree Ordinance.
- B. Petitioner shall comply with the Charlotte City Council approved and adopted Post-Construction Stormwater Ordinance.
- 7. LIGHTING**
- A. All freestanding lighting fixtures installed on the Site (excluding street lights, lower, decorative lighting that may be installed along the driveways and sidewalks and landscaping lighting) 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.
- B. The maximum height of any freestanding lighting fixture installed on the Site shall be 21 feet.
- C. Any lighting fixtures attached to the buildings to be constructed on the Site shall be decorative, capped and downwardly directed.

DEVELOPMENT DATA:

1. PARCEL ID: 109-102-04
DB: 33210, PG. 308
LEGAL DESC.: M4-643
SITE AREA: ±1.217 AC.
2. SITE ADDRESS: 8837 ALBEMARLE ROAD
CHARLOTTE, NC 28227
3. EXISTING ZONING: B-1 (CD)
PROPOSED ZONING: NS
EXISTING USE: RESIDENTIAL
PROPOSED USE: SEE DEVELOPMENT STANDARDS
4. PROPOSED BUILDING AREA: MAXIMUM 4,700 S.F.
5. MAXIMUM BUILDING HEIGHT: 40'
6. ADDITIONS: ±1000 S.F. OUTDOOR PATIO
7. SETBACKS AND YARDS: PER NS ZONING
8. PARKING:
PARKING RATIO FOR BLDG: 1 PER 145 S.F. = 32 SPACES
PARKING RATIO FOR PATIO: 1 PER 150 S.F. = 7 SPACES
TOTAL PARKING REQUIRED = 39 SPACES
PARKING PROVIDED = 47 SPACES
HANDICAP PARKING REQ'D = 2 SPACES, PROVIDED = 2 SPACES ALL VAN ACCESSIBLE.
9. THIS PROPERTY IS NOT LOCATED WITHIN A FEMA FLOOD ZONE AS PER FEMA FLOOD PANEL #: 3710459300K, DATED: 02/19/2014



LWE
LATHAM-WALTERS
ENGINEERING, INC.
N.C. CORP. LIC. C-1815
16507-A NORTHCROSS DRIVE
HUNTERSVILLE, N.C. 28078
PHONE: (704) 895-8484
FAX: (704) 237-4362

SEAL
18584
2/10/2021
JAMES L. WALL
REGISTERED PROFESSIONAL ENGINEER

FEBRUARY 10, 2021
DATE

ALBEMARLE ROAD PARTNERS, LLC

568 JETTON STREET
SUITE 200
DAVIDSON, NC 28036
PH: 704-895-2084
watson@piedmontdevelopment.com

PETITION NO. 2019-107
8837 ALBEMARLE ROAD CHARLOTTE, NC 28227

AMENDED REZONING PLAN

REVISIONS

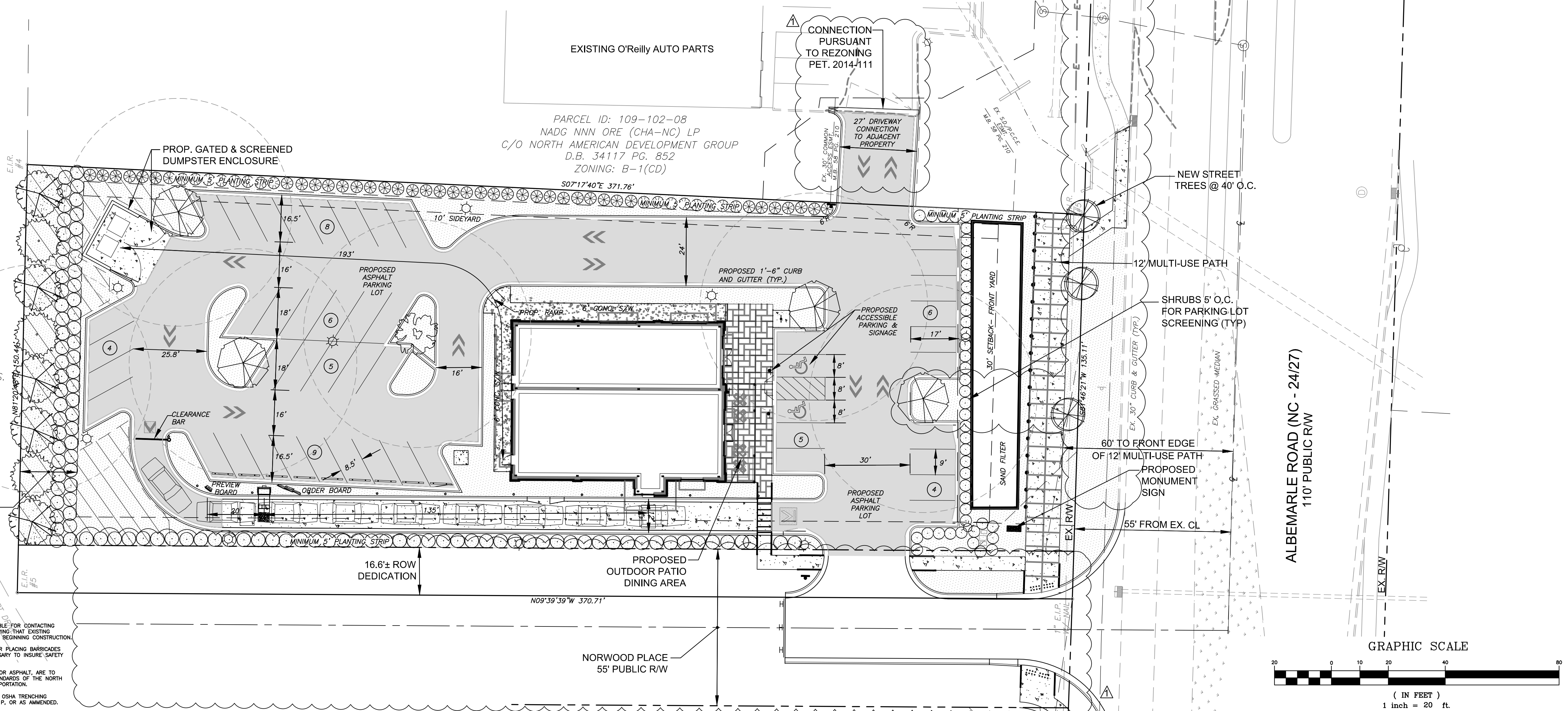
2/10/2021	REZONING PLAN AMENDED
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PROJECT NO.: 2019.13
SCALE: 1" = 20'
DRAWN BY: PAB
CHECKED BY: JLW

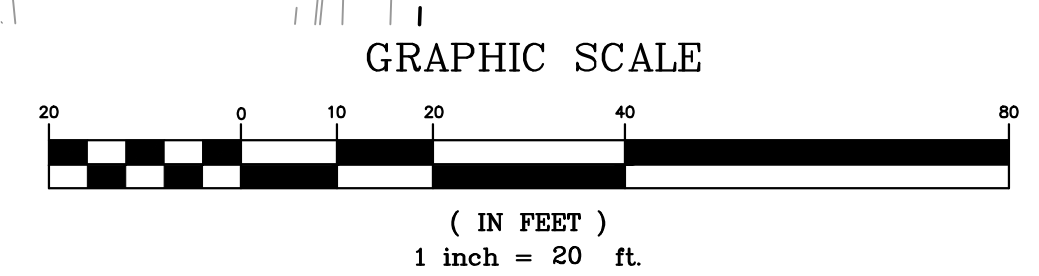
SHEET NO:
RZ-1

Attached to Administrative Approval

Solomon A. Fortune



ALBEMARLE ROAD (NC - 24/27)
110' PUBLIC RW



1913-RZ-UPDATE-rev2-21.dwg

811
Know what's below.
Call before you dig.

1. CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO BEGINNING CONSTRUCTION TO THE PUBLIC.
2. CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAGMEN, ETC., AS NECESSARY TO INSURE SAFETY TO THE PUBLIC.
3. ALL PAVEMENT CUTS, CONCRETE OR ASPHALT, ARE TO BE REPLACED ACCORDING TO STANDARDS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.
4. SHORING WILL BE ACCORDING TO OSHA TRENCHING STANDARDS PART 1926 SUBPART P, OR AS AMENDED.