



Charlotte-Mecklenburg Planning, Design, & Development

DATE: September 13, 2021

TO: Sonja Sanders
Zoning Supervisor

FROM: Taiwo Jaiyeoba
Planning Director

SUBJECT: Administrative Approval for Petition No. 2020-200 Elmington Capital Group

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.

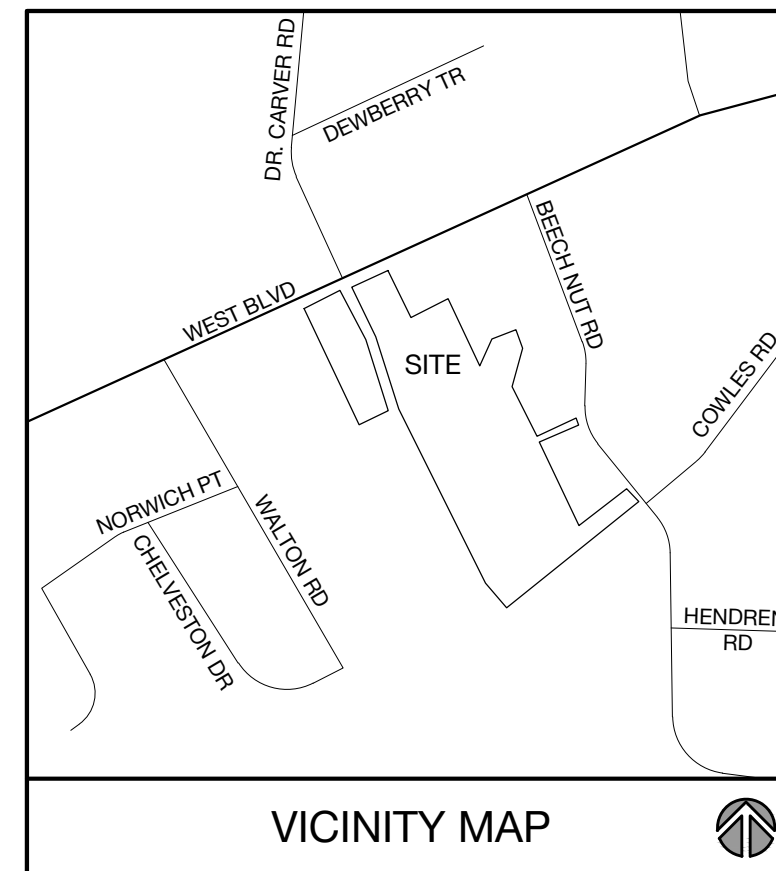
- To allow the removal of a proposed sidewalk connection for the site.

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, PCSO Ordinances, conditional requirements and building codes still apply.

Signage was not reviewed as part of this request.



Attached to Administrative Approval

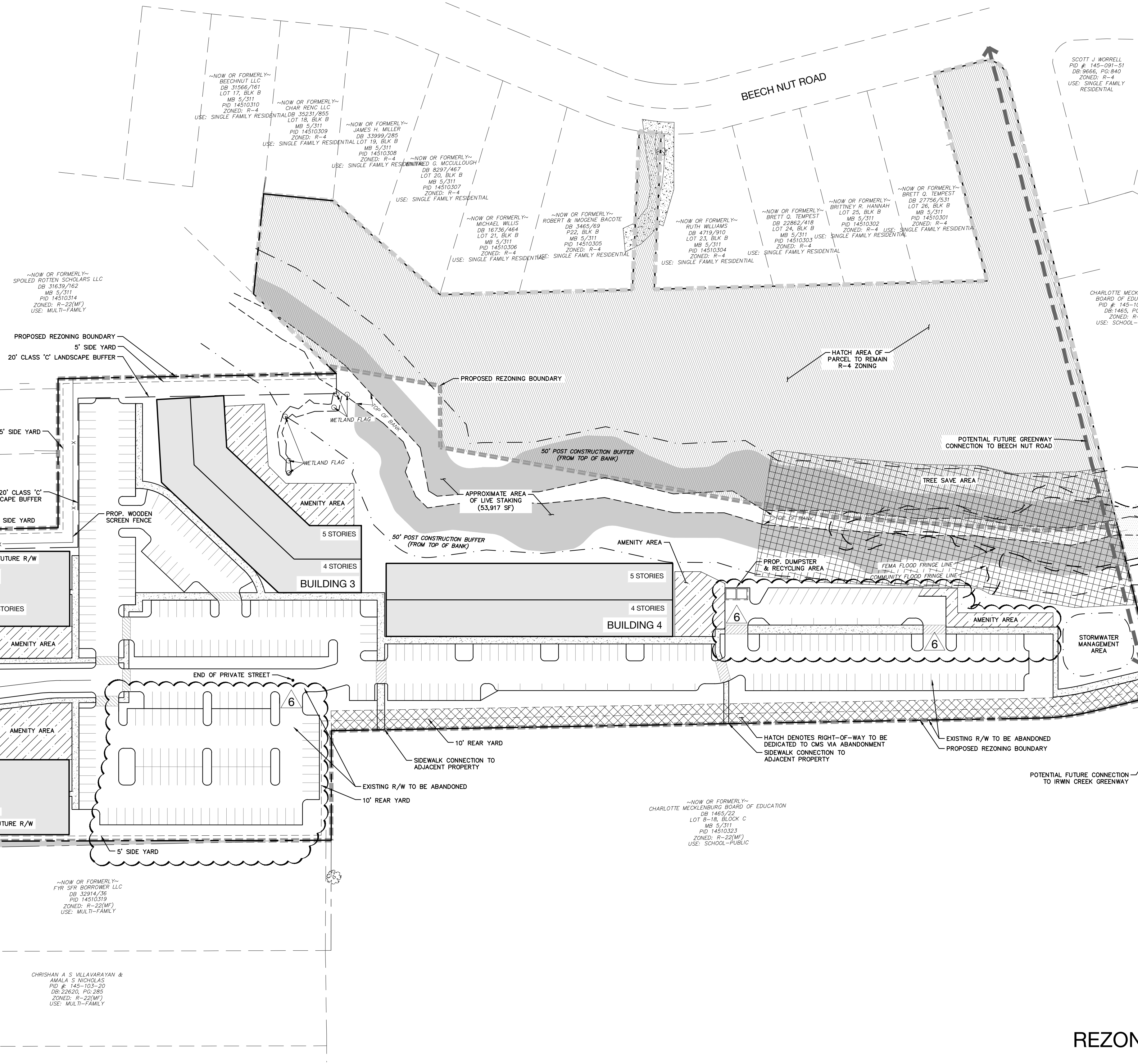
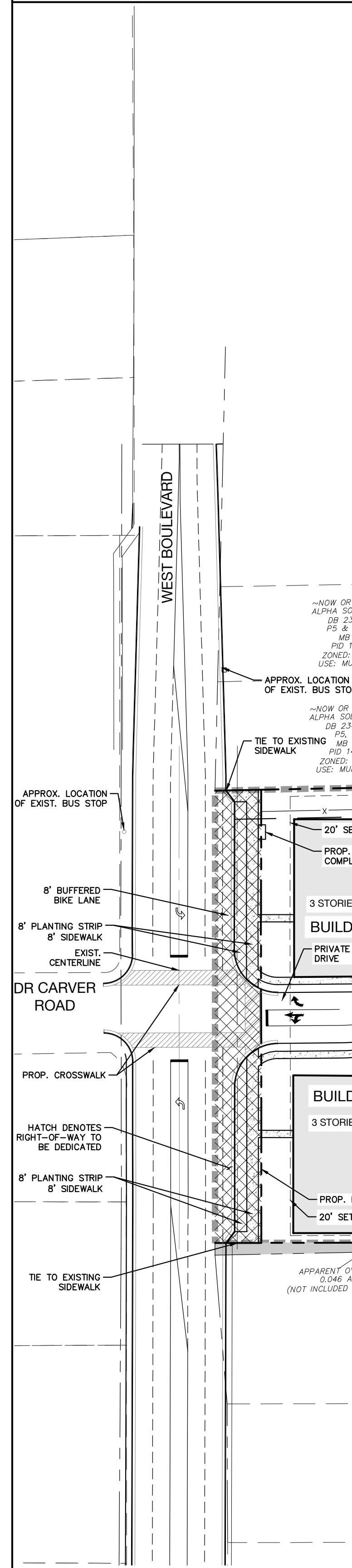
Solomon A. Fortune
Solomon A. Fortune

Development Data Table:

Site Area:	±/± 8.862 acres
Tax Parcels:	145-103-17 (portion zoned R-22MF only) and 145-103-18
Existing Zoning:	R-22MF
Proposed Zoning:	UR-2(CD)
Existing Use:	Vacant
Proposed Uses:	Up to 200 Rent/Income Restricted Multi-Family Dwelling Units
Parking:	Shall meet Ordinance standards
Max. Density:	23 dwelling units per acre (DUA)
Max. Building Height:	65 feet, measured per the Ordinance, as further limited in Section IV.4.b. below.

- General Provisions**
 - These Development Standards form a part of the Site Plan Amendment associated with the Rezoning Petition filed by Elmington Capital Group (the "Petitioner") to accommodate the development of a rent/income restricted residential community on that approximately 8.862-acre site located on the south side of West Boulevard, between Walnut Road and Beech Nut Road, more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of a portion of Tax Parcel Numbers 145-103-17 and 145-103-18. The Site only includes the portion of parcel 145-103-17 that is currently zoned R-22MF and does not include the portion of the parcel zoned R-4. The R-4 portion shall remain R-4 and not be modified by this Rezoning.
 - 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 the development and use of the Site.
 - Future amendments or modifications 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 or modifications to the Rezoning Plan are subject to Section 6.207 of the Ordinance.
 - The development and street layout depicted on the Rezoning Plan are schematic in nature and are intended to depict the general arrangement of such 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, landscaping and tree save requirements set forth on this Rezoning Plan and the Development Standards, provided, however, that any such alterations and modifications shall be minor in nature and not materially change the overall design intent depicted on the Rezoning Plan.
 - The Petitioner acknowledges that other standard development requirements imposed by other City ordinances, standards, policies, and appropriate design manuals will exist. Those criteria (for example, ones that require buffers, regulate streets, sidewalks, trees, stormwater, and site development, etc.) will apply to the development Site. Conditions outlined in the Petition are supplemental requirements imposed on the development in addition to the other standards. Where conditions on this Plan differ from ordinances, standards, policies, and approaches in existence at the time of formal engineering plan review submissions, the stricter condition or existing requirements shall apply.
 - 100% of the total number of multi-family dwelling units actually constructed on the Site shall maintain monthly rents that are income restricted for households earning a range from 50% to 70% of the Area Media Income (AMI) for a period of not less than thirty (30) years from the date of issuance of certificates of occupancy for the first building to be constructed on the Site.

- Permitted Uses**
 - The Site may be devoted only to a rent/income restricted residential community containing a maximum of two hundred (200) multi-family dwelling units and any incidental and accessory uses relating thereto that are permitted in the UR-2 zoning district. Incidental and accessory uses may include, without limitation, amenities for the residents, such as but not limited to a clubhouse, playground, tot-lot, picnic area, fitness center, and/or other amenities as listed in Section IV.8, below.
- Community Benefit**
 - The Petitioner agrees to convey the 4.15-acre portion of parcel 145-103-17, currently zoned R-4 and shaded on the Rezoning Plan, to the West Side Community Land Trust (WSCL) concurrent with the issuance of a certificate of occupancy for a multi-family development on the Rezoning Property. This requirement to convey said R-4 property shall be conditioned upon the WSCL's agreement to accept the property and pay all transfer costs including survey costs, its attorney fees, title insurance premium, and all other due diligence costs. WSCL's acceptance of the property shall not unreasonably delay the issuance of certificates of occupancy.
- Transportation**
 - Vehicular access to the Site 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 to accommodate final site and construction plans and designs and as required for approval by the Charlotte Department of Transportation (CDOT) and/or the North Carolina Department of Transportation (NCDOT).
 - The Petitioner shall construct a new ADA compliant bus waiting and shelter pad per Land Development Standard 60.03A along the Site's frontage of West Boulevard near Building 2 as generally depicted on the Rezoning Plan in general alignment with the stop on the opposite side of West Boulevard. The final location of the pad will be coordinated with the developer through the permitting process. Developer will follow NCDOT encroachment requirements.
 - The Petitioner shall construct a minimum eight (8) foot wide planting strip and eight (8) foot wide sidewalk along the Site's frontage of West Boulevard and a minimum eight (8) foot planting strip and six (6) foot sidewalk along Proposed Private Access Drive, unless otherwise required by the Subdivision Ordinance.
 - The Petitioner shall construct an eight (8) foot buffered bike lane along the Site's West Boulevard frontage.
 - The Petitioner shall construct two left-turn lanes on West Boulevard and provide left turning movements onto Dr. Carver Road and Proposed Private Access Drive and coordinate signal modifications to accommodate the additional left-turn lanes and the addition of the Proposed Private Access Drive as the fourth leg of the intersection, built to NCDOT standards. The Petitioner will coordinate with NCDOT during the permitting phase of development to determine storage lengths, tapers, and any other potential lane striping modifications.
 - The Petitioner shall widen and provide a dedicated right turn lane within the Proposed Private Access Drive at the West Boulevard/Dr. Carver Road intersection, as generally depicted on the Rezoning Plan.
 - The Petitioner shall restrict the exiting crosswalk, the Dr. Carver/Private Access Drive and West Boulevard intersection.
 - The Petitioner shall use best efforts to coordinate with Charlotte-Mecklenburg Schools (CMS) to provide a pedestrian connection/access to the Irwin Creek Greenway. The Irwin Creek Greenway currently has a trailhead located within the adjacent property of the Barringer Academic Center.
 - The Petitioner will complete and submit a Right-of-Way Abandonment Petition form to CDOT for review related to the existing paper right-of-way extending Dr. Carver Road through the Site. The decision of this rezoning petition does not correlate with the decision of the possible abandonment, as this decision is issued within the separate Right-of-Way Abandonment process that is controlled by North Carolina General Statutes.
 - Unless stated otherwise herein, the Petitioner shall ensure that all transportation improvements are substantially completed and all rights-of-way dedicated in fee simple conveyance to the City of Charlotte prior to the issuance of the Site's first building certificate of occupancy.



- Architectural Standards**
 - Preferred Exterior Building Materials:** All principal and accessory buildings shall be comprised of a combination of portions of brick, brick veneer, natural stone (or its synthetic equivalent), stucco, cementitious siding, fiber cement ("HardiPlank") and/or other materials approved by the Planning Director.
 - Prohibited Exterior Building Materials:** (i) vinyl siding, excluding along siding of interior breezeways, vinyl handrails, windows, soffits, doors, garage doors, railings, or trim, and (ii) concrete masonry units not architecturally finished.
 - Building Placement and Site Design:** Building placement and Site design shall focus on and enhance the pedestrian environment through the following standards:
 - Building Street Frontage:** buildings adjacent to West Boulevard shall be arranged and oriented with a front appearance along West Boulevard through the use of entrances and or walkways directly to the sidewalk fronting West Boulevard.
 - Building Entrances:** shall be at or slightly (1' or more) above grade and shall be highly visible and architecturally treated as prominent pedestrian entrances through a combination of at least three (3) of the following features: (i) decorative pedestrian lighting sconces; (ii) architectural details carried above the ground floor; (iii) covered porches, canopies, awnings or sunshades; (iv) archways; (v) transom windows; (vi) terraced or raised planters that can be utilized as seat walls; (vii) common outdoor seating enhanced with specialty details, paving, landscaping or water features; (viii) double doors; (ix) stoops or stairs; and/or (x) contrasting pavement from primary sidewalk.
 - Buildings shall have a minimum ten (10) foot separation from each other.**
 - Building Massing and Height:** Building massing shall be designed to break up long, monolithic building forms through the following standards:
 - Building Massing:** buildings exceeding 120 feet in length shall include modulations of the building massing/façade plane (recess, projection, architectural treatment, etc.). Modulations shall be a minimum of sixty (60) feet wide and shall extend or recess a minimum of two (2) feet, extending through all floors. Modulations shall occur every sixty (60) feet, if provided.
 - Building Height:** the maximum height in feet of each portion of the building fronting West Boulevard shall be fifty-five (55) feet, buildings not fronting West Boulevard may be a maximum of sixty-five (65) feet as measured per the Ordinance based on average grade.
 - Architectural Elevation Design:** architectural elevations shall be designed to create visual interest through the following standards:
 - Vertical Modulations and Rhythm:** building elevations shall be designed with recognizable vertical bays or articulated architectural façade features. The bays and features may include, but not limited to, a combination of exterior wall offsets, projections, and/or recesses, pilasters, and/or change in materials.
 - Building Base:** buildings shall be designed with a recognizable base. A minimum of three (3) elevations of each building shall be articulated with a waistcoat of preferred exterior building materials listed above of a minimum of one (1) foot in height.
 - Blank Walls:** building elevations facing West Boulevard shall not have expanses of blank walls greater than twenty (20) feet.
 - Architectural features** such as, but not limited to, banding, medallions, building articulation, and/or change in materials will be provided to avoid unarticulated blank walls.
 - Roof Form and Articulation:** roof form and rooflines shall be designed to avoid the appearance of a large monolithic roof structure through the following standards:
 - Long rooflines** (pitched or flat) shall avoid continuous expanses without variation by including changes in height and/or roof form (e.g., dormers, gables, etc.).
 - For pitched roofs,** if provided, the allowed minimum pitch shall be 5:12 (five feet in vertical height for every twelve in horizontal length), excluding buildings with a flat roof and parapet walls.
 - Roof top HVAC** and related mechanical equipment will be screened from public view at grade from the nearest street and from the nearest single-family structure.
 - Service Area Screening:** Site service areas (dumpsters, refuse areas, recycling, storage) shall be screened from view through the following standards:
 - Service areas** will be screened via opaque fences, walls and/or evergreen shrubbery.
 - Utility structures** need to be screened architecturally or with evergreen plant material.
 - Walls** shall be designed to match and complement the building architecture of the residential buildings of the Site.
 - All dumpsters** will be screened with solid enclosures and gates. Petitioner agrees to meet all requirements as stated in Chapter 9 and 12 of the Charlotte City Code regarding solid waste, compactor and recycling areas.
 - Amenities:** The Petitioner shall provide a minimum of four (4) of the following amenities on the Site:
 - Community Room;
 - Computer/Business Center;
 - Exercise Room;
 - Picnic Area;
 - Outdoor Seating Areas; and/or
 - Playground/Tot-lot.

There shall be a minimum of 10,000 square feet of outdoor amenity area located throughout the Site.
 - Environmental Features, Buffers & Landscaping/Screening**
 - The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Stormwater Ordinance. The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.
 - The Petitioner shall comply with the Charlotte Tree Ordinance.
 - The Petitioner shall provide a twenty (20) foot wide Class C landscape buffer in the location as generally depicted on the Rezoning Plan.
 - Petitioner shall install a wood fence to screen Building 2 from the abutting residence, as generally depicted on the Rezoning Plan.
 - Lighting**
 - All freestanding lighting fixtures installed on the Site (excluding 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 unreasonably 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 twenty-one (21) feet.
 - Any lighting fixtures attached to the buildings to be constructed on the Site shall be decorative, capped and downwardly directed.
 - 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 Rezoning Plan 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" or "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.
 - 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.

1318-e6 central ave. # 704.334.3303
 charlotte, nc 28205 # 704.334.3305
 urbandesignpartners.com
 nc firm no: P-0418
 sc cca no: C-03044

The Flats at West Blvd

Rezoning Site Plan

1901 West Blvd., Charlotte NC 28208

ECG Acquisitions LLC

118 16th Ave South, Suite 200
 Nashville, TN 37203

NO.	DATE	BY:	REVISIONS:
1	01/11/21	UDP	PER CITY STAFF COMMENTS
2	02/12/21	UDP	PER CITY STAFF COMMENTS
3	03/22/21	UDP	PER CITY STAFF COMMENTS
4	04/06/21	UDP	PER CITY STAFF COMMENTS
5	08/06/21	UDP	ADMINISTRATIVE AMENDMENT
6	08/25/21	UDP	ADMIN. AMENDMENT PER CITY COMMENTS

Project No: 20-CLT-126
 Date: 11.12.2020
 Designed By: UDP
 Checked By: UDP
 Sheet No:

RZ-1.0

REZONING PETITION #2020-200

