

City of Charlotte

Charlotte-Mecklenburg Government Center
600 East 4th Street
Charlotte, NC 28202



Zoning Agenda

Monday, December 14, 2015

Council Chambers

City Council Zoning Meeting

*- Mayor Jennifer W. Roberts -
- Mayor Pro-Tem Vi Lyles -
Al Austin - John Autry
Ed Driggs - Julie Eiselt
Claire Fallon - Patsy Kinsey
LaWana Mayfield - James Mitchell
Greg Phipps - Kenny Smith*

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

1. Dinner Meeting Agenda

1. Agenda Review - Tammie Keplinger

2. Follow Up Report

3. Upcoming Cases of Special Interest

ZONING DECISIONS**4. Rezoning Petition: 2015-054 by PMT Partners V, LLC**

Location: Approximately 1.56 acres located on the northeast corner at the intersection of South Tryon Street and Moss Road. (Council District 3 - Mayfield)

Current Zoning: B-1SC (business shopping center)

Proposed Zoning: B-1 (CD) (neighborhood business, conditional)

Zoning Committee Recommendation:

The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition as modified.

Staff Recommendation:

Staff agrees with the recommendation of the Zoning Committee.

Statement of Consistency:

The Zoning Committee found this petition to be consistent with the *Steele Creek Area Plan*, based on information from the staff analysis and the public hearing, and because:

- The plan recommends retail uses for this site.

Therefore, this petition was found to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- Office, retail, EDEE (eating, drinking and entertainment establishments), and personal services are permitted uses in the CC (commercial center); and
- The proposed building constructed on the site will be architecturally compatible with the rest of the York Ridge Shopping Center; and
- The proposed use does not create additional impervious surface area.

5. Rezoning Petition: 2015-078 by Taylor/Theus Development Holdings, LLC

Update: Protest Petition (Sufficient)

Location: Approximately 5.67 acres located on the northwest corner at the intersection of Ardrey Kell Road and Community House Road. (Council District 7 - Driggs)

Current Zoning: R-3 (single family residential)

Proposed Zoning: BD (CD) (distributive business, conditional)

Zoning Committee Recommendation:

The Zoning Committee voted 5-1 to recommend **APPROVAL** of this petition as modified.

Staff Recommendation:

Staff agrees with the recommendation of the majority of the Zoning Committee.

Statement of Consistency:

The Zoning Committee found this petition to be inconsistent with the *South District Plan*, based on information from the staff analysis and the public hearing, and because:

- The plan recommends residential use up to three dwelling units per acre.

However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:

- The site is not conducive to residential development due to its size and location adjacent to athletic facilities for Ardrey Kell High School; and
- The petition restricts the site to a climate controlled self-storage facility and medical and general office uses; and
- Self-storage facilities have low traffic volumes; and
- The petition limits maximum building heights, and provides building and site design commitments that reduce the impacts on residential uses in the area.

6. Rezoning Petition: 2015-109 by WaterWalk Redevelopment Services, LLC

Location: Approximately 5.05 acres located on the west side of University Executive Park Drive near the intersection of West W.T. Harris Boulevard and University Executive Park Drive. (Council District 4 - Phipps)

Current Zoning: O-2 (CD) (office district, conditional)

Proposed Zoning: MUDD-O (mixed use development district, optional)

Zoning Committee Recommendation:

The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition as modified.

Staff Recommendation:

Staff disagrees with the recommendation of the Zoning Committee, for the following reasons:

- a) the site proposed parking at a rate of 1.2 spaces per unit, which exceeds the MUDD district's minimum parking requirements of one space per residential unit and 0.5 spaces per room for hotels;
- b) the site is located within ½ mile of a proposed transit station and two rows of suburban style parking is not transit friendly;
- c) recessed on-street parking can be provided along the new street that will count toward the minimum parking required for the site;
- d) parking in this area leaves little room for the location of the new street that is not fully engineered to shift if needed.

Statement of Consistency:

The Zoning Committee found this petition to be consistent with the *University City Area Plan* based on information from the staff analysis and the public hearing, and because:

- The plan recommends a mix of residential, office and/or retail uses in this area.

Therefore, this petition is found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:

- The petition proposes a mixture of hotel rooms and residential units; and
- Provides a new local street that is identified in the adopted area plan as a desired connection; and
- Provides buffers abutting multi-family residential uses; and
- Use of vertical elements, façade modulation and varying building height/roof pitches to break up visual mass and bulk of the building; and
- Primary building entrance oriented to University Executive Park Drive, including direct sidewalk connections and public open space, to provide a walkable environment.

7. Rezoning Petition: 2015-119 by Mary Cuthbertson

Location: Approximately 0.338 acres located on the east side of China Grove Church Road between Aileen Circle and Ervin Lane. (Council District 3 - Mayfield)

Current Zoning: R-4 (single- family residential)

Proposed Zoning: R-8 (single-family residential)

Zoning Committee Recommendation:

The Zoning Committee voted 7-0 to recommend **APPROVAL** of this petition.

Staff Recommendation

Staff agrees with the recommendation of the Zoning Committee.

Statement of Consistency:

The Zoning Committee found this petition to be consistent with the *Sharon & I-485 Transit Station Area Plan*, based on information from the staff analysis and the public hearing, and because:

- The plan recommends residential use at eight dwelling units per acre for the site.

Therefore, this petition is reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- The subject site is within ¼ mile walk of the I-485 Transit Station on the LYNX Blue Line; and
- The subject site is divided into two parcels, one of which is unbuildable in its current configuration. A rezoning to R-8 would allow the parcels to be reconfigured into two buildable lots; and
- The proposed zoning is consistent with current zoning of most of the other residential parcels along and off China Grove Church Road; and
- The proposed zoning will help to maintain the low to moderate density residential character of the Sterling neighborhood.

8. Rezoning Petition: 2015-127 by Roger and Kathe Ball

Location: Approximately 0.17 acres located on the northwest corner at the intersection of Winnifred Street and West Bland Street. (Council District 3 - Mayfield)

Current Zoning: I-2 (general industrial)

Proposed Zoning: TOD-M (transit oriented development - mixed use)

Zoning Committee Recommendation:

The Zoning Committee voted 7-0 to recommend **APPROVAL** of this petition.

Staff Recommendation:

Staff agrees with the recommendation of the Zoning Committee.

Statement of Consistency:

The Zoning Committee found this petition to be consistent with the *South End Transit Station Area Plan*, based on information from the staff analysis and the public hearing, and because:

- The plan recommends a mixed use transit supportive development for the site.

Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:

- The subject site is within a 1/2 mile walk of the Bland Street transit station on the LYNX Blue Line; and
- The proposal allows a site previously used for an industrial office to convert to transit supportive land uses; and
- Use of conventional TOD-M (transit oriented development - mixed-use) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary; and
- TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

ZONING HEARINGS**9. Rezoning Petition: 2015-125 by White Point Paces**

Location: Approximately 2.096 acres located east of 13th Street, west of Belmont Avenue between North Brevard Street and North Davidson. (Council District 1 - Kinsey)

Current Zoning: B-1 (neighborhood business) B-2 (general business), and I-2 (general industrial)

Proposed Zoning: TOD-M (transit oriented development-mixed use)

Staff Recommendation:

Staff recommends approval of this petition.

10. Rezoning Petition: 2015-129 by Doug Bradley

Location: Approximately 2.98 acres located on the northwest corner at the intersection of Otts Street and Louise Avenue. (Council District 1 - Kinsey)

Current Zoning: I-2 (general industrial)

Proposed Zoning: MUDD-O (mixed use development, optional)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to building expansion/demolition, the pedestrian environment, and location of parking.

11. Rezoning Petition: 2015-128 by Cousins Acquisition Entity, LLC

Location: Approximately 2.3 acres located on the west side of South Tryon Street between West Park Avenue and Camden Road. (Council District 3 - Mayfield)

Current Zoning: B-1 (neighborhood business), TOD-M (transit oriented development-mixed use) and MUDD-O (mixed use development, optional)

Proposed Zoning: TOD-M (O) 5-Year Vested Rights (transit oriented development, optional) 5-Year Vested Rights

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues.

12. Rezoning Petition: 2015-131 by Synco Properties

Location: Approximately 27 acres located on the west side of Sharon Road between Morrison Boulevard and Colony Road. (Council District 6 - Smith)

Current Zoning: R-17MF (multi-family residential)

Proposed Zoning: MUDD-O 5-Year Vested Rights (mixed use development, optional, with 5-Year Vested Rights)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and requested technical revisions.

13. Rezoning Petition: 2015-090 by Copper Builders, Inc.***Update: Protest Petition (Sufficient)***

Location: Approximately 4.53 acres located on the north side of Pineville-Matthews Road between Rea Road and Windswept Drive (Council District 7 - Driggs)

Current Zoning: INST (CD) (institutional, conditional)

Proposed Zoning: UR-2(CD) (urban residential, conditional)

Staff Recommendation:

Staff recommends approval of this petition.

14. Rezoning Petition: 2014-019 by Carolina Development Services, LLC

Location: Approximately 26.5 acres located on the west corner of the intersection at Mallard Creek Road and Salome Church Road. (Council District 4 - Phipps)

Current Zoning: CC (commercial center)

Proposed Zoning: CC SPA 5-Year Vested Rights (commercial center, site plan amendment)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of requested technical revisions and the outstanding issues related to water quality treatment facilities, building placement, lighting, and transportation improvements.

15. Rezoning Petition: 2015-133 by BRC Salome Church LLC

Location: Approximately 20.6 acres located near the northwest corner at the intersection of Salome Church Road and North Tryon Street. (Council District 4 - Phipps)

Current Zoning: R-3 (single-family residential) and R-22MF (CD) (multi-family residential, conditional)

Proposed Zoning: R-12MF (CD) (multi-family residential, conditional)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues.

16. Rezoning Petition: 2015-107 by D.R. Horton

Location: Approximately 12.99 acres located on the south side of David Cox Road near the intersection of David Cox Road and Davis Lake Parkway. (Council District 2 - Austin)

Current Zoning: INST (CD) (institutional, conditional) & MX-2 (INNOV) (mixed use, innovative standards)

Proposed Zoning: MX-2 (INNOV) (mixed used, innovative standards) & MX-2 (INNOV) SPA (mixed use, innovative standards site plan amendment)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues.

17. Rezoning Petition: 2015-118 by Pavillion Development Company

Update: Protest Petition (Sufficient)

Location: Approximately 1.79 acres located on the northeast corner at the intersection of Nations Ford Road and Tyvola Road. (Council District 3 - Mayfield)

Current Zoning: CC (commercial center)

Proposed Zoning: CC (SPA) (commercial center, site plan amendment)

Staff Recommendation:

Staff does not recommend approval of this petition.

18. Rezoning Petition: 2015-092 by QuikTrip Corporation

Location: Approximately 5.11 acres located on the northwest corner at the intersection of East W.T. Harris Boulevard and The Plaza. (Council District 5 - Autry)

Current Zoning: R-4 (single family residential) and B-1 (CD) (neighborhood business, conditional).

Proposed Zoning: B-1 (CD) (neighborhood business, conditional) and B-1 (CD) SPA (neighborhood business, conditional, site plan amendment)

Staff Recommendation:

Staff recommends approval of the petition upon resolution of outstanding issues related to clarification of uses, building orientation, environmental features, and transportation improvements.

19. Rezoning Petition: 2015-099 by Pappas Properties

Location: Text Amendment to the City of Charlotte Zoning Ordinance to 1) add retail establishments and eating, drinking and entertainment establishments in hotels and motels, office, and multi-family buildings; and 2) add and modify the prescribed conditions when located in an office zoning district, with PED (pedestrian overlay) district designation.

Staff Recommendation:

Staff recommends approval of this petition.

20. Rezoning Petition: 2015-101 by Kolter Acquisitions, LLC

Location: Approximately 371 acres located on the northwest corner at the intersection of Rocky River Church Road and Albemarle Road. (Outside City Limits)

Current Zoning: R-3 (single family residential), R-12MF (multi-family residential) and B-1 (CD) (neighborhood business, conditional)

Proposed Zoning: NS (neighborhood services) 5-year Vested Rights and MX-1 (INNOV) 5-year Vested Rights (mixed use, innovative)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues.

21. Rezoning Petition: 2015-123 by Bainbridge Communities Acquisition I, LLC

Location: Approximately 1.6 acres located on the northwest corner of South Boulevard and Poindexter Drive. (Council District 3 - Mayfield)

Current Zoning: I-1 (light industrial) and TOD-M (transit oriented development-mixed use)

Proposed Zoning: TOD-RO (transit oriented development-residential, optional)

Staff Recommendation:

Staff recommends approval upon resolution of requested technical revisions and outstanding issues related to streetscape and building elevations.

22. Rezoning Petition: 2015-132 by Simonini Saratoga, LLC

Location: Approximately 0.36 acres located on the north side of Huntley Place near the intersection of Huntley Place and Providence Road. (Council District 1 - Kinsey)

Current Zoning: R-4 (single-family residential) and B-1 (neighborhood business)

Proposed Zoning: UR-3(CD) (urban residential, conditional)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to site design for the area between the building and the public sidewalk.

23. Rezoning Petition: 2015-134 by Charlotte Merlane FDS 713525

Location: Approximately 1.84 acres located on the northwest corner at the intersection of West Sugar Creek Road and Merlane Drive. (Council District 1 - Kinsey)

Current Zoning: R-4 (single family residential)

Proposed Zoning: NS (neighborhood services)

Staff Recommendation:

Staff recommends denial of this petition.