

# City of Charlotte

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



## Zoning Agenda

**Monday, February 15, 2016**

**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](http://www.rezoning.org)**

***5:00 P.M. DINNER MEETING, CH-14***

***5:30 P.M. ZONING MEETING, COUNCIL CHAMBERS***

- 1. Dinner Meeting Agenda**
  1. Agenda Review - Tammie Keplinger
- 2. Follow Up Report**
- 3. Upcoming Cases of Special Interest**

**HISTORIC LANDMARK PUBLIC HEARING****4. Edward M. Rozzell House Property**

A public Hearing to be held by the City Council on the Question of designating the property known as "Edward M. Rozzell house Property" (listed under Tax Parcel Number 03122258 as of December 22, 2015) as and Historic Landmark.

**Property Owner:** United State of America

**Location:** 11601 Old Rozzelles Ferry Road Charlotte, North Carolina

**5. Sloan-Porter House**

A Public Hearing to be held by the City Council on the Question of designating the property known as the "Sloan-Porter House" (listed under Tax Parcel Number 11317102 as of December 31, 2015) as an Historic Landmark.

**Property Owner:** Brian S. Clarke, and Christine Elizabeth Mille Clarke

**Location:** 10124 Walkers Ferry Road Charlotte, North Carolina

**ZONING DECISIONS****6. Rezoning Petition: 2015-037 by Dominick Ristaino*****Update: Requesting Deferral (to March 21, 2016)***

**Location:** Approximately 0.46 acres located on the north side of West Boulevard between South Tryon Street and Wickford Place. (Council District 3 - Mayfield)

**Current Zoning:** R-5 (HD) (single family residential, historic district overlay)

**Proposed Zoning:** O-1(CD) (HD) (office, conditional, historic district overlay)

**Zoning Committee Recommendation**

The Zoning Committee voted 6-0 to **DEFER** this petition to their February 24, 2016 Zoning Committee Work Session.

**7. Rezoning Petition: 2015-099 by Pappas**

**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.

**Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 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 *Centers, Corridors and Wedges Growth Framework*, based on information from the staff analysis and the public hearing, and because it meets the plan goals to provide:
  - A greater mix of commercial uses; and
  - A range of choices for employment and entertainment opportunities.
- 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 existing office zoning districts currently limit the size and design of retail, indoor recreation and eating/drinking/ entertainment establishment (Type 1 and Type 2) uses in a manner unresponsive of the goals of the pedestrian overlay district (PED). The proposed amendment changes certain standards to better support a pedestrian friendly environment and reinforce the purpose of the PED zoning district; and
  - The proposed amendment increases the amount of allowable retail, indoor recreation and eating/drinking/entertainment establishment uses to encourage more ground floor activation; and
  - The proposed amendment revises the design standards for external entrances and merchandise display to support active street-oriented retail uses; and
  - The proposed amendment clarifies the standards on location of these uses.

**8. Rezoning Petition: 2015-120 by Grubb Properties, Inc.**

**Location:** Approximately 10.7 acres located on the southeast corner at the intersection of Park Road and

Abbey Place. (Council District 6 - Smith)

**Current Zoning:** O-1 (office district)

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

**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 *Park Woodland Area Plan*, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends a mix of higher intensity uses (residential, office, and/or retail) in a pedestrian friendly form.
- 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 site is located in the Park/Woodlawn Mixed Use Activity Center, which is a priority area to accommodate future growth in an urban, pedestrian-oriented development form; and
  - The proposed development supports the goal of the plan to reduce the amount of surface parking lots and establish the area as part of the core of the Mixed Use Activity Center; and
  - The site plan implements the desired mixed-use development concept by committing to ground floor retail space at the corner of Park Road and Mockingbird Lane and by allowing additional ground floor retail space within office and multi-family buildings; and
  - The development supports walkability by committing to a mix of residential and non-residential components with street level access; and
  - It also improves pedestrian mobility by providing a pedestrian crosswalk at Park Road and Mockingbird Lane and a network of internal sidewalks connecting the sidewalk along the public streets to buildings, dwelling units and the centralized public open space; and
  - The proposal enhances connectivity by adding new streets, which will supplement the existing network.

## 9. Rezoning Petition: 2015-122 by David Weekley Homes

**Location:** Approximately 15.2 acres located on the southeast corner at the intersection of North Community House Road and Paulston Road. (Council District 7 - Driggs)

**Current Zoning:** R-3 (single family residential)

**Proposed Zoning:** MX-2 (mixed use) 5-Year Vested Rights

**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 *South District Plan*, and the density is supported by the *General Development Policies* based on information from the staff analysis and the public hearing, and because:

- The plan recommends residential uses for the site; and
  - The *General Development Policies* supports a density of up to six dwelling units per acre.
- 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:
- The petition proposes a density of 5.72 dwelling units per acre and is consistent with the recommended density for the area; and
  - The petition provides a mixture of single family residential housing options by including single family homes and attached townhomes in a single unified development; and
  - The proposal includes buffers where adjacent to single family development and places the lowest density housing closest to existing single family homes.

## 10. 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)

**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 *Northeast Area Plan*, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends residential development at up to 12 dwelling units per acre for this 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 proposed development is consistent with the adopted plan recommendation, which calls for residential development up to 12 units per acre; and
  - The site is located at a confluence of major streets, on or near I-485, North Tryon Street and Salome Church Road, and is located in an area planned and zoned for primarily residential development; and
  - The site design meets the plan's recommendation for higher density residential, by providing an internal network of streets that connects to abutting properties and to Salome Church Road and by fronting buildings along these streets; and
  - Architecture features such as building materials, minimization of long and blank walls, and roof pitches have been included to support the goal of designing buildings to fit into a larger neighborhood context.

## 11. Rezoning Petition: 2016-001 by CitiSculpt, LLC

**Location:** Approximately 3.65 acres located on the east side of Benfield Road between Johnston Oehler Road and Prosperity Church Road. (Council District 4 - Phipps)

**Current Zoning:** NS (neighborhood services)

**Proposed Zoning:** NS SPA (neighborhood services, site plan amendment)

**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 *Prosperity Hucks Area Plan*, based on information from the staff analysis and the public hearing, and because:
  - The proposed retail is consistent with the plan recommendation for a mix of uses, including retail/service, office, hotel, and institutional uses, designed and connected as a walkable place.
- 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 property is located in the Prosperity Mixed Use Activity Center, a priority area for urban, pedestrian-oriented development; and
  - The *Prosperity Hucks Area Plan* further sets the vision for a walkable, connected variety of retail, office, entertainment, and residential uses; and
  - The existing approved rezoning site plan is for small office buildings; this proposal will provide for a wider mix of uses, including retail and/or office uses; and
  - The proposal retains the approved site design with buildings fronting on public streets and parking to the rear, supporting the intent of the area plan for a walkable town center.

## 12. Rezoning Petition: 2016-002 by Mosaic Village Holdings, LLC

**Location:** Approximately 2.75 acres located on the west side of West Trade Street between North Bruns Avenue and Montgomery Street. (Council District 2 - Austin)

**Current Zoning:** B-1 (PED) (neighborhood business, pedestrian overlay) & R-8 (single family residential)

**Proposed Zoning:** B-1 (PED-O) (neighborhood business, pedestrian overlay-optional) & R-8(CD) (single family residential, conditional)

**Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 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 *West End Land Use & Pedscape Plan*, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends mixed-use (multi-family/office/retail) for this 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 request will accommodate a use that is permitted in the recommended B-1 PED (neighborhood business, pedestrian overlay) district; and
  - The proposal will not result in an increase in the building's footprint; and
  - The proposal includes a new lot to provide tree save for the development; and
  - The proposed enclosure will have limited visibility from abutting single family homes; and

- The petitioner is providing an enhanced buffer at the ground level where the existing parking structure is visible to abutting single family homes; and
- The proposal supports the Plan's vision for this area as an urban/cultural/arts district with a mix of higher intensity uses.

### **13. Rezoning Petition: 2016-003 by Eastern Hospitality NC, LLC**

**Location:** Approximately 7.1 acres located on the east side of Nations Ford Road between West Tyvola Road and Stonebrook Drive. (Council District 3 - Mayfield)

**Current Zoning:** CC (commercial center)

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

**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 *Southwest District Plan*, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends a mix of uses including office, hotel, and other uses permitted in the CC (commercial center) zoning district.
- 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 site lies within a development that is located at an Interstate 77 interchange and that currently contains three existing hotels, an office building, and a bank branch; and
  - The proposed office or hotel use is compatible with the existing development and consistent with the area plan; and
  - The proposal includes a 35-foot landscape buffer along Nations Ford Road, which will provide additional separation between the development and existing residential across the street.

### **14. Rezoning Petition: 2016-004 by Selwyn Property Group Investments, LLC**

***Update: The petitioner has requested a deferral of the decision on this petition until March 21, 2016.***

**Location:** Approximately 2.23 acres located on the west side of Park Road between Wyndcrofte Place and Hillside Avenue. (Council District 1 - Kinsey)

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

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

## 15. Rezoning Petition: 2016-005 by WP East Acquisitions, LLC

**Location:** Approximately 3.3 acres located on the southeast corner at the intersection of North Brevard Street and East 25th Street. (Council District 1 - Kinsey)

**Current Zoning:** I-2 (general industrial)

**Proposed Zoning:** TOD-M (CD) (transit oriented development-mixed use, 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 *Blue Line Extension Transit Station Area Plan*, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends transit supportive development.
- 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 site is located across Brevard Street from the proposed 25th Street Transit Station and is included in a larger area envisioned to be redeveloped with transit supportive or mixed use development; and
  - This proposed TOD-M (transit oriented development - mixed-use) zoning is more consistent with the vision for the area than the current I-2 (general industrial) zoning; and
  - The proposed development is designed to be transit supportive and will include up to 280 multi-family residential units at a density of 84.8 units per acre; and
  - The pedestrian friendly design, with buildings fronting directly on public streets and multiple pedestrian connections to North Brevard Street, will allow a short walk to the proposed light rail station across North Brevard Street; and
  - The proposed development abuts Little Sugar Creek and includes dedication of land along it, as called for by the Mecklenburg County Adopted *Greenway Plan*; and
  - The plan also commits to an amenitized open space area along the creek to supplement the Cross Charlotte Trail, which is preliminarily planned to be located across Little Sugar Creek.

## 16. Rezoning Petition: 2016-006 by Air West Commerce Center II, LLC & EWN Holdings, LLC

**Location:** Approximately 6.04 acres located on the southwest corner at the intersection of Billy Graham Parkway and Wilkinson Boulevard. (Council District 3 - Mayfield)

**Current Zoning:** I-2 (general industrial)

**Proposed Zoning:** I-1 (light industrial)

**Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 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 *Southwest District Plan*, based on information from the staff analysis and the public hearing, and because:
  - The plan, recommends office/industrial land uses for these parcels as well as the surrounding area, which is located just north of the Charlotte-Douglas International Airport.
- 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 adopted plan recommends office/industrial land uses; and
  - The rezoning site is generally surrounded by office, warehouse, industrial, and retail land uses on properties located in business and industrial zoning districts; and
  - The site is located just north of the Charlotte-Douglas International Airport and is located within the "Combined 1996 Noise Exposure Map/Noise Compatibility Program Noise Contours" which identifies the day/night average sound level at 65 decibels, and which is not conducive to residential development; and
  - Uses allowed in the I-1 (light industrial) district, such as warehouse distribution, manufacturing, and other non-residential uses, are least effected by the airport noise. Residential uses are not permitted in the I-1 district.

## 17. Rezoning Petition: 2016-009 by Eastgroup Properties, LP

**Location:** Approximately 48.80 acres located on the west side of Sandy Porter Road between Shopton Road and Interstate 485. (Outside City Limits)

**Current Zoning:** R-3 (single family residential)

**Proposed Zoning:** I-1 (CD) (light industrial, conditional) 5-Year Vested Rights

**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 petition is consistent with the plan recommendation for office/industrial-warehouse distribution land uses.
- 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 request is supported by the *Steele Creek Area Plan*; and
  - The site is located within the Shopton Road Industrial Activity Center according to the *Centers, Corridors & Wedges Growth Framework*; and
  - The proposal provides additional phases to the Steele Creek Commerce Park, which is currently developed with phases 1 and 2; and
  - A portion of the site is adjacent to Interstate 485 and the entire site is approximately 1.5 miles from the Charlotte-Douglas International Airport and the Norfolk Southern Intermodal Facility.

## 18. Rezoning Petition: 2016-010 by Fourstore, LLC

**Update: Requesting Deferral (to March 21, 2016)**

**Location:** Approximately 4.3 acres located on the southeast corner at the intersection of West Mallard Creek Church Road and Legranger Road. (Council District 4 - Phipps)

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

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

**Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to **DEFER** this petition to their February 24, 2016 meeting.

## 19. Rezoning Petition: 2016-011 by Meck City Social Parent, LLC

**Location:** Approximately 1.18 acres located on the southeast corner at the intersection of Yancey Road and Southside Drive. (Council District 3 - Mayfield)

**Current Zoning:** I-2 (general industrial)

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

**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 inconsistent with the Scaleybark Transit Station Area Plan, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends low to moderate intensity office, industrial and warehouse-distribution uses.
- 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 Scaleybark Transit Station Area Plan did not identify this site for the retail, office and residential uses and the urban form called for by the MUDD (mixed use development district) and typically found in transit station areas; and
  - However, the site is located within a ½ mile walk of the Scaleybark Transit Station on the LYNX Blue Line; and
  - At the time the plan was written, this area was not expected to transform into a more urban district, but recently existing structures in the area have converted from industrial/warehouse uses. One notable example is the Olde Mecklenburg Brewery, which includes a large eating and entertainment component; and
  - The proposal will allow a building previously used for warehouse and distribution to be used for a range of non-industrial uses such as retail, eating/drinking/entertainment, office and residential uses.

## 20. Rezoning Petition: 2016-012 by Christopher Byers

**Location:** Approximately 0.59 acres located on the northeast 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 6-0 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 transit supportive development for this 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 site is within a ½ mile walk of the Bland Street Transit Station on the Lynx Blue Line; and
  - The proposal allows a site previously used for and industrial/office use 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.

## 21. Rezoning Petition: 2016-013 by Richter Development, LLC

**Location:** Approximately 2.47 acres located on the south side of East Woodlawn Road between Halstead Drive and Park Road. (Council District 6 - Smith)

**Current Zoning:** R-6MF (CD) (multi-family residential, conditional)

**Proposed Zoning:** UR-2(CD) (urban residential, 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 land use but inconsistent with the density in the *Park Woodlawn Area Plan*, based on information from the staff analysis and the public hearing, and because the plan recommends:
  - Residential uses for the site; and
  - Density up to 17 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 located within the Park/Woodlawn Mixed Use Activity Center, which is identified as an area appropriate for higher intensity development designed to support pedestrian activity; and
  - The site is located within walking distance of the Park Road Shopping Center, Parktowne Village, Montford Drive and the Little Sugar Creek Greenway; and
  - The attached townhome development type provides for an appropriate transition from the single family neighborhood south of the site to the more intensive multi-family development to the north across Woodlawn Road; and

- The 48-unit development is proposed at a density of 19 dwelling units per acre, which is only a minor increase over the plan recommendation of 17 dwelling units per acre, which would result in 42 units; and
- While this proposal does not incorporate all parcels from the prior rezoning, it does assemble all contiguous parcels without leaving isolated “orphan” properties.

**ZONING HEARINGS****22. Rezoning Petition: 2016-015 by FCD - Development, LLC**

***Update: Community Meeting Report was not submitted. Defer to (March 21, 2016)***

**Location:** Approximately 1.68 acres located on the northwest corner at the intersection of East 7th Street and North Caswell Road. (Council District 1 - Kinsey)

**Current Zoning:** NS (neighborhood services)

**Proposed Zoning:** MUDD (O) (mixed use development, optional) with 5-year vested rights

**23. Rezoning Petition: 2016-016 by FCD-Development, LLC**

***Update: The petitioner is requesting a deferral of this public hearing until March 21, 2016.***

**Location:** Approximately 4.3 acres located on the northwest corner at the intersection of North Davidson and East 26th Street. (Council District 1 - Kinsey)

**Current Zoning:** I-2 (general industrial)

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

**24. Rezoning Petition: 2015-093 by 1351 Woodlawn (Melrose), LLC**

**Location:** Approximately 2.9 acres located on the south side of Drexel Place and north side of Woodlawn Road near the intersection of Park Road and Drexel Place and Park Road and Woodlawn Road. (Council District 1 - Kinsey)

**Current Zoning:** R-4 (single family residential) and UR-3(CD) (urban residential, conditional)

**Proposed Zoning:** MUDD-O (mixed use development, conditional).

**Staff Recommendation:**

Staff recommends denial of this petition due to the proposed multi-family encroachment into an established single family neighborhood.

**25. Rezoning Petition: 2015-111 by North Wendover Partners, LLC**

**Location:** Approximately 2.48 acres located on the southwest corner at the intersection of North Wendover Road and Melchor Avenue. (Council District 1 - Kinsey)

**Current Zoning:** R-3 (single family residential)

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

**Staff Recommendation:**

Staff recommends approval of this petition upon resolution of outstanding issues related to fencing, blank walls, site and building design and other minor issues.

## 26. Rezoning Petition: 2015-126 by Parkwood Residences, LLC

**Location:** Approximately 3.63 acres located on the southeast corner at the intersection of North Brevard Street and East 21st Street. (Council District 1 - Kinsey)

**Current Zoning:** I-1 (light industrial) & I-2 (general industrial)

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

**Staff Recommendation:**

Staff does not recommend approval of this petition in its current form because the proposed site plan does not include space designed to accommodate active ground floor nonresidential uses Parkwood Avenue.

## 27. Rezoning Petition: 2016-028 by Stor-All Properties, Inc.

**Update: Staff has requested a deferral of this petition to March 21, 2016.**

**Location:** Approximately 4.09 acres located on the north side of South Tryon Street between Wright's Ferry Road and Grandiflora Drive. (Council District 3 - Mayfield)

**Current Zoning:** R-3 (single family residential)

**Proposed Zoning:** BD(CD) ( distributive business, conditional ) 5-year Vested Rights

## 28. Rezoning Petition: 2016-025 by BNA Homes, LLC

**Location:** Approximately 9.52 acres located on the east side of Wright's Ferry Road near the intersection of South Tryon Street and Wright's Ferry Road . (Council District 3 - Mayfield)

**Current Zoning:** R-3 (single family residential)

**Proposed Zoning:** R-12MF (CD) (multi-family residential, conditional) & BD (CD) (distributive business, conditional)

**Staff Recommendation:**

Staff does not recommend approval of this petition in its current form.

## 29. Rezoning Petition: 2016-017 by Rockwell Capital, LLC

**Location:** Approximately 2.71 acres located on the southeast corner at the intersection of Euclid Avenue and Atherton Street, also abutting Marshall Place. (Council District 1 - Kinsey)

**Current Zoning:** R-5 (single family residential) & B-2 (general business)

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

**Staff Recommendation:**

Staff does not recommend approval of this petition in its current form due to density and encroachment into the Dilworth neighborhood.

## 30. Rezoning Petition: 2015-058 by Childress Klein

**Location:** Approximately 7.1 acres located on the southwest corner at the intersection of Morrison Boulevard and Sharon Road. (Council District 6 - Smith)

**Current Zoning:** R-3 (single family residential) & B-1SCD (business shopping center)

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

**Staff Recommendation:**

Staff recommends approval of this petition upon resolution of the outstanding issues related to buildings within the airspace above the proposed public street, setbacks, parking deck exposure, signs, and turn lanes.

### **31. Rezoning Petition: 2015-059 by Childress Klein**

**Location:** Approximately 1.53 acres located on the north side of Coltsgate Road between Sharon Road and Cameron Valley Parkway. (Council District 6 - Smith)

**Current Zoning:** R-3 (single family residential)

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

**Staff Recommendation:**

Staff recommends approval of this petition upon resolution of outstanding issues related to the building/parking envelope, screening, future back of curb, setbacks, and sign allowances.

### **32. Rezoning Petition: 2016-008 by City Center Hotel, Inc.**

**Location:** Approximately 8.64 acres located on the west side of Collins Aikman Drive between McCullough Drive and West W.T. Harris Boulevard. (Council District 4 - Phipps)

**Current Zoning:** O-2 (CD) (office district, conditional) & B-2 (CD) (general business, conditional)

**Proposed Zoning:** B-2 (CD) (general business, conditional) 5-Year Vested Rights & B-2 (CD) SPA (general business, conditional site plan amendment) 5-Year Vested Rights

**Staff Recommendation:**

Staff does not recommend approval of this petition in its current form due to the lack of design commitments for new uses added to the site and desired pedestrian facilities.

### **33. Rezoning Petition: 2015-116 by Hwy. 521 Partners, LLC**

**Location:** Approximately 13.22 acres located on the southwest corner at the intersection of Providence Road West and Johnston Road. (Council District 7 - Driggs)

**Current Zoning:** O-1 (CD) (office, conditional)

**Proposed Zoning:** CC (commercial center)

**Staff Recommendation:**

Staff recommends approval of this petition upon resolution of outstanding issues related to uses, expanses of blank walls, stormwater facilities, and transportation notes.

### **34. Rezoning Petition: 2016-019 by Johnson C. Smith University**

**Location:** Approximately 1.61 acres located on the northeast corner at the intersection of Campus Street and Mill Road. (Council District 2 - Austin)

**Current Zoning:** B-1(PED) (neighborhood business, pedestrian overlay), R-22MF (multi-family residential), & R-22MF (PED) (multi-family residential, pedestrian overlay)

**Proposed Zoning:** MUDD-O (mixed use development, optional) & MUDD-O (PED) (mixed use development, optional, pedestrian overlay)

**Staff Recommendation:**

Staff recommends approval of this petition upon resolution of outstanding issues related to clarification of uses and optional provisions, future parking and dedication of right-of-way.

### **35. Rezoning Petition: 2016-022 by Philip W. McLamb**

**Location:** Approximately 1.02 acres located on the north side of Central Avenue near the intersection of Landis Avenue and Central Avenue. (Council District 1 - Kinsey)

**Current Zoning:** B-1 (neighborhood business)

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

**Staff Recommendation:**

Staff recommends approval of this petition.

### 36. Rezoning Petition: 2016-026 by Hopper Communities

**Location:** Approximately 4.56 acres located on the north side of Wesley Heights Way and generally bounded by Sumter Avenue, Auten Street, Duckworth Avenue and Wesley Heights Way. (Council District 2 - Austin)

**Current Zoning:** R-8 (single family residential) & UR-3(CD) PED-O (urban residential conditional, pedestrian overlay, optional)

**Proposed Zoning:** UR-3(CD) PED-O (urban residential conditional, pedestrian overlay, optional) & UR-3(CD) SPA PED-O (urban residential conditional, site plan amendment, pedestrian overlay)

**Staff Recommendation:**

Staff recommends approval of this petition upon resolution of outstanding issues pertaining to building design, pedestrian orientation, and other technical issues.

### 37. Rezoning Petition: 2016-032 by NR Pinehurst Owner, LLC

**Location:** Approximately 36.1 acres located on the west side of Providence Road between Cloister Drive and Knob Oak Lane. (Council District 6 - Smith)

**Current Zoning:** R-17MF (CD) (multi-family residential, conditional)

**Proposed Zoning:** MUDD-O (mixed use development, optional) 5 year-vested rights

**Staff Recommendation:**

Staff does not recommend approval of this petition in its current form because the proposed site plan does not mitigate the building mass of five stories and length of 690 feet along the Providence Road frontage.

### 38. Rezoning Petition: 2016-023 by American Towers, LLC

**Location:** Approximately 2.8 acres located on the east side of Newell Farm Road near the intersection of Old Concord Road and Newell Farm Road. (Council District 4 - Phipps)

**Current Zoning:** I-1 (CD) (light industrial, conditional)

**Proposed Zoning:** I-1(CD) SPA (light industrial, conditional, site plan amendment)

**Staff Recommendation:**

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

### 39. Rezoning Petition: 2016-027 by Linda Pistone

**Location:** Approximately 95.67 acres located on the east side of Statesville Road and west side of Old Statesville Road near the intersection of Statesville Road and Old Statesville Road. (Council District 2 - Austin)

**Current Zoning:** I-1 (CD) (light industrial, conditional)

**Proposed Zoning:** I-1 (light industrial)

**Staff Recommendation:**

Staff recommends approval of this petition.

**40. Rezoning Petition: 2016-031 by Domenic Polzella**

**Location:** Approximately 7 acres located on the east side of Bob Beatty Road near the intersection of Old Statesville Road and Bob Beatty Road . (Council District 4 - Phipps)

**Current Zoning:** I-1 (light industrial)

**Proposed Zoning:** B-2 (general business)

**Staff Recommendation:**

Staff recommends approval of this petition.

**41. Rezoning Petition: 2016-007 by City of Charlotte**

**Update: Staff has requested a deferral of this petition to March 21, 2016.**

**Location:** Approximately 12.5 acres located on the east side of Wilora Lake Road between Justin Forest Drive and Hollyfield Drive. (Council District 5 - Autry)

**Current Zoning:** B-1SCD (business shopping center), O-15(CD) (office, conditional) & MUDD-O (mixed use development, optional)

**Proposed Zoning:** R-4 (single family residential)

**42. Rezoning Petition: 2016-021 by Charlotte-Douglas International Airport**

**Location:** Approximately 2.02 acres located on the southeast corner at the intersection of Boyer Street and Withrow Road near Billy Graham Parkway. (Council District 3 - Mayfield)

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

**Proposed Zoning:** I-2 (general industrial)

**Staff Recommendation:**

Staff recommends approval of this petition.