

# City of Charlotte

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



## Zoning Agenda

**Monday, November 16, 2015**

**Council Chambers**

### **City Council Zoning Meeting**

**- Mayor Daniel Clodfelter -  
- Mayor Pro-Tem Michael D. Barnes -  
Al Austin            - John Autry  
Ed Driggs          - Claire Fallon  
David Howard - Patsy Kinsey  
Vi Alexander Lyles - LaWana Mayfield  
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**

***6:00 P.M. ZONING MEETING, COUNCIL CHAMBERS***

**1. Dinner Meeting Agenda**

- 1. Agenda Review - Tammie Keplinger**

[11 16 15 Dinner Agenda](#)

[Zoning Committee RZ Cases Nov 2015](#)

**2. Follow Up Report**

[Follow-Up Report - November rev1](#)

**3. Upcoming Cases of Special Interest**

[November Upcoming Rezoning Cases of Special Interest 10-26-2015 Final](#)

**ZONING DECISIONS****4. Rezoning Petition: 2015-037 by Dominick Ristaino*****Update: Requesting Deferral (to February 15, 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-O) (single family residential, historic district overlay)

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

**Zoning Committee Recommendation**

The Zoning Committee voted 6-0 to **DEFER** this petition to their January 27, 2016 meeting.

[2015-037 reco 10-28-2015](#)

[2015-037 vicinity map](#)

**5. Rezoning Petition: 2015-054 by PMT Partners V, LLC*****Update: Requesting Deferral (to December 14, 2015)***

**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 **DEFER** this petition to their November 18, 2015 meeting.

[2015-054 reco 10-28-2015](#)

[2015-054 vicinity map](#)

**6. Rezoning Petition: 2015-084 by StorCon Development, LLC**

***UPDATE: The City Council must determine by a ¾ vote if the following changes to the text amendment after the Zoning Committee vote are substantial and if the petition should be referred back to the Zoning Committee for review.***

**The petitioner:**

- Restricted convenience stores and check cashing establishments from locating on the ground floor of warehousing buildings that contain an enclosed self-storage facility.
- Eliminated beauty and barber shops from the list of uses that can wrap the warehousing building on the ground floor.
- Restricted the height of a building containing a self-storage facility to 90 feet.
- Restricts signage from being installed or maintained above the third floor of a building containing a self-storage facility.
- Added urban design standards above what is required in the MUDD (mixed use development) district.

**Request:** A Text Amendment to the City of Charlotte Zoning Ordinances adding warehousing within an enclosed building, for a self-storage facility, as a use allowed in MUDD with prescribed conditions.

**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 *Centers, Corridors and Wedges Growth Framework*, based on information from the staff analysis and the public hearing, and because:

- It meets the plan goal to provide a greater mix of commercial uses and a range of choices for employment opportunities.

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 proposed amendment:

- Provides an alternative urban zoning district, MUDD (mixed use development), in which to locate these facilities when designed to meet prescribed conditions, and
- Ensures that these facilities located in MUDD zoning will be designed to fit into an urban context by requiring pedestrian friendly design with ground floor commercial uses along the street.

[2015-084 reco 7-29-15 TK for 11-16-15 decision](#)

[2015-084 matrix](#)

[2015-084 amendment rev 6](#)

## 7. Rezoning Petition: 2015-103 by David Powlen

**Location:** Approximately 2.85 acres located on the northwest corner at the intersection of West Mallard Creek Church Road and Berkley Place Drive. (Council District 4 - Phipps)

**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 *Northeast District Plan* based on information from the staff analysis and the public hearing, and because:

- The plan recommends a mix of office and retail uses for the site.

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:

- When the site and surrounding properties were rezoned in 2008, the site was within a half mile of a transit station proposed as part of the *2025 Integrated Transit/Land Use Plan*; and

- The LYNX Blue Line Extension is now designed to terminate at UNC Charlotte's main campus and will not extend to Mallard Creek Church Road; and
- Absent a transit station, the importance of denser two-story buildings is decreased, and well-designed retail uses are appropriate; and
- The proposed building is located to allow pedestrian access from surrounding buildings in Pinnacle Point and other nearby developments, and pedestrian connectivity within the development will be improved by the extension of the sidewalk along Pinnacle Drive and provision of a connection from Mallard Creek Church Road and Berkeley Place Drive; and
- The additional retail proposed for the site will provide neighborhood goods and services to nearby residents and employees, as there are several multi-family developments and businesses within a half mile that are accessible to this site.

[2015-103\\_ZC\\_Reco\\_102815-final](#)

[2015-103 vicinity map](#)

[2015-103 RevisedSitePlan\\_10-23-2015](#)

## 8. Rezoning Petition: 2015-108 by Timothy Pratt, NVR, Inc

**Location:** Approximately 1.7 acres located on the southeast corner at the intersection of West Summit Avenue and South Church Street. (Council District 3 - Mayfield)

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

**Proposed Zoning:** TOD-R (transit oriented development - residential)

### **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 residential transit supportive development for the site.

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 subject site is within a 1/4 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 more transit supportive land uses; and
- The request for residential and/or more transit supportive development will complement the recently constructed condos on an adjacent site, as well as the adjoining Wilmore neighborhood; and
- Use of conventional TOD-R (transit oriented development -residential) zoning applies all the standards and regulations to create the desired form and intensity of transit supportive development; and
- The TOD (transit oriented development) height limitations will insure that adjacent single family neighborhoods are not adversely impacted by tall buildings in close proximity.

[2015-108\\_reco\\_10-28-2015-final](#)

[2015-108 vicinity map](#)

## 9. Rezoning Petition: 2015-109 by WaterWalk Redevelopment

## Services, LLC

### ***Update: Requesting Deferral (to December 14, 2015)***

**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 **DEFER** this petition to their November 18, 2015 meeting.

[2015-109 reco 102815-final](#)

[2015-109 vicinity map](#)

## 10. Rezoning Petition: 2015-110 by Katarzyna Dec

**Location:** Approximately 2.8 acres located on the west side of Old Statesville Road and at the end of Burch Shire Road near the intersection of Holly Vista Avenue and Burch Shire Road. (Council District 2 - Austin)

**Current Zoning:** R-MH (residential manufacturing housing), B-2 (general business), and I-1 (CD) (light industrial, conditional)

**Proposed Zoning:** B-2 (CD) (general business, conditional)

#### **Zoning Committee Recommendation**

The Zoning Committee voted 6-0 to recommend to **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 District Plan* based on information from the staff analysis and the public hearing, and because:

- The plan recommends office/industrial on the acreage zoned R-MH (single family, manufactured housing) and B-2 (general business), and light industrial on the portion zoned I-1(CD) (light industrial, conditional), as amended by rezoning petition 2001-056.

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 site is located in an area along Old Statesville Road that houses a concentration of uses that are related to motor vehicle service and sales; and
- The proposed rezoning will allow the expansion of an existing truck cab detailing business; and
- The request will bring all properties associated with the business under one zoning district; and
- A 38-foot wide buffer is being provided along the western property lines adjacent to residential zoning, which is greater than the 20-foot Type "B" buffer provided with the approval of rezoning petition 2001-056.

[2015-110 reco 10-28-2015-final](#)

[2015-110 vicinity map](#)

[2015-110 RevisedSitePlan 10-22-2015](#)

## 11. Rezoning Petition: 2015-112 by Tate Pappas SC Investors, LLC

**Location:** Approximately 0.55 acres located on the east of Sharon Road between Ashley Park Lane and Louisburg Square Lane. (Council District 6 - Smith)

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

**Proposed Zoning:** MUDD-O (SPA) (mixed use development district, optional, site plan amendment)

### Zoning Committee Recommendation

The Zoning Committee voted 5-0 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 *SouthPark Small Area Plan*, based on information from the staff analysis and the public hearing, and because:

- The plan, as amended by a previous rezoning, recommends a mix of uses, including eating/drinking/entertainment establishments (EDEEs), office, retail, personal service and other non-residential uses.

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

- The property is part of a unified mixed use development located in an area that is transforming into the walkable, multi-story mixed use development recommended in the adopted plan; and
- The proposed rezoning will allow development of the site with a two-story building located directly at the corner of Sharon Road and Ashley Park Lane. The site and building design, with street front primary entrances, clear glass windows, and outdoor seating, will encourage pedestrian activity along these streets; and
- The drive-through service window is in a similar location as previously approved on the current zoning, with parking and maneuvering generally placed behind the building fronting Ashley Park Lane and behind the required building setback along Sharon Road, with a substantial landscaped buffer; and
- The proposed site plan eliminates a previously approved curb cut from Sharon Road into the site, which further enhances the pedestrian environment;

[2015-112 reco 10-28-15-final](#)

[2015-112 vicinity map](#)

[2015-112 RevSitePlan 11-9-15](#)

## 12. Rezoning Petition: 2015-115 by Skyhouse Charlotte II, LLC

**Location:** Approximately 0.67 acres located on the southeast corner at the intersection of North Church Street and West 9th Street. (Council District 2 - Austin)

**Current Zoning:** UMUD (uptown mixed use)

**Proposed Zoning:** UMUD-O (uptown mixed use, optional)

**Zoning Committee Recommendation**

The Zoning Committee voted 5-0 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 Charlotte Center City 2020 Vision Plan, based on information from the staff analysis and the public hearing, and because:

- While the plan does not make a specific land use recommendation for this site, it encourages active uses at the ground floor of buildings.

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 Center City Transportation Plan identifies the section of West 9th Street that abuts the site as a location where on-street parking is desired, and the proposed development will provide on-street parking along West 9th Street; and
- The provision of the on-street parking pushes the building setback further into the subject site. The allowance for the encroachment of the balconies into the setback helps to mitigate the increased setback required to accommodate the on-street parking; and
- The proposed balconies will not interfere with the street or sidewalk activity; and
- The proposed balcony encroachment is a site specific solution based on site constraints and is not intended to set a precedent for other projects; and
- If the proposed development includes ground floor retail, the inclusion of on-street parking will be especially valuable.

[2015-115 reco 10-28-2015-final](#)

[2015-115 vicinity map](#)

[2015-115 site plan 2nd rev 10-23-2015](#)

### **13. Rezoning Petition: 2015-117 by SLT Commercial Properties, LLC**

**Location:** Approximately 0.52 acres located on the southeast corner at the intersection of South Boulevard and South Caldwell Street. (Council District 1 - Kinsey)

**Current Zoning:** R22MF (multi-family residential)

**Proposed Zoning:** TOD-MO (transit oriented development - mixed use, 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 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 mix of residential, office, retail and civic transit supportive uses in the area in which the site is located.

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:

- This proposal will allow the reuse of the building that most recently housed the City of Charlotte's Fire Investigation Unit; and
- The building was constructed in 1958 and is a significant landmark along South Boulevard; and
- The petition will allow the reuse of the existing building for all TOD-M (transit oriented development - mixed-use) uses; and
- The building is within a 1/4 mile walk of the Carson Boulevard Transit Station; and
- The pedestrian activation of South Boulevard, as shown on the conditional site plan, will be achieved through the addition of an outdoor seating area between the building and the street.

[2015-117 reco 10-28-2015-final](#)

[2015-117 vicinity map](#)

[2015-117 RevisedSitePlan 11-02-2015](#)

**ZONING HEARINGS****14. Rezoning Petition: 2015-094 by Charlotte-Mecklenburg Planning Department**

***UPDATE: Staff has requested a deferral of this petition until (January 19, 2016)***

**Location:** A Text Amendment to the City of Charlotte Zoning Ordinance to 1) extend the validity period for a Historic District certificate of appropriateness from six months to twelve months from the date of issuance; and 2) modify the certificate of appropriateness renewal process.

**15. 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)

**Staff Recommendation**

Staff recommends approval of this petition.

[2015-119 staff 11-16-15 final](#)

[2015-119 vicinity map](#)

**16. 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)

**Staff Recommendation**

Staff recommends approval of this petition.

[2015-127 staff 11-16-2015 final](#)

[2015-127 vicinity map](#)