

# City of Charlotte

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



## **Zoning Agenda**

**Monday, April 18, 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**

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

**1. Dinner Meeting Agenda**

1. Agenda Review - Tammie Keplinger

**2. Follow Up Report**

**5:30 P.M. ZONING MEETING, COUNCIL CHAMBERS****ZONING DECISIONS****3. Rezoning Petition: 2015-037 by Dominick Ristaino*****Update: Requesting Deferral (to May 16, 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 April 27, 2016 Zoning Committee Work Session.

**4. Rezoning Petition: 2015-093 by 1351 Woodlawn (Melrose), LLC*****Update: Requesting Deferral (to May 16, 2016)***

**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).

**Zoning Committee Recommendation:**

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

**5. Rezoning Petition: 2016-007 by City of Charlotte*****Update: Petitioner is requesting deferral to (April 25, 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)

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

### ***Update: Petitioner Requesting Deferral (to May 16, 2016)***

**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)

#### **Zoning Committee Recommendation:**

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

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

**Location:** Approximately 1.55 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)

**Zoning Committee Recommendation:**

The Zoning Committee voted 7-0 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 this petition to be inconsistent with the *West End Land Use & Pedscape Plan*, based on information from the staff analysis and the public hearing, and because:
  - The proposed institutional use for the portion of this petition along Beatties Ford Road is inconsistent with the *West End Land Use & Pedscape Plan* recommendation for a mix of multi-family, office, and retail uses for the area in which the site is located; and
  - The institutional use for the portion of this petition along Campus Street, including the historic church building, is inconsistent with the *Central District Plan* recommendation for single family/multi-family up to eight 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 *West End Land Use & Pedscape Plan* does not recommend university controlled institutional uses for the area included in this petition; and
  - While the plan does not call for institutional uses on this site, it does identify the site as being located in the University District. It further recommends land uses that support housing for students and non-residential uses that benefit Johnson C. Smith and other universities; and
  - The proposed institutional uses will accomplish the goal of supporting and benefitting the university; and
  - In addition, the proposed rezoning will renovate and reuse an existing church built in 1921 and located at the edge of the Biddleville neighborhood on Campus Street.

## 8. 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)

**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 *Central District Plan*, based on information from the staff analysis and the public hearing, and because:
  - The majority of the petition is consistent with the *Central District Plan's* land use recommendation, as amended by previous rezoning's, for higher density residential uses. The petition is inconsistent with the *Central District Plan's* recommendation for residential at up to eight dwelling units per acre for a small portion of 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 proposed overall density of 18.6 units per acre is consistent with the adopted plan recommendation of higher density residential development for the majority of the site, except for one single family lot, for which the plan recommends eight dwelling units per acre; and
  - However, including the single family parcel benefits the site layout and overall design and results in a more cohesive site plan; and
  - The proposed building orientation shows units fronting common open space, with vehicular access via residential alleys. This results in a more inviting pedestrian environment by eliminating conflicts between pedestrians and vehicles; and
  - The site is located less than 500 feet from the proposed LYNX Gold Line Phase 2 (streetcar) along West Trade Street providing public transportation options at a comfortable walk distance from the site; and
  - The extensive exterior tree save areas separate and buffer the proposed townhomes from abutting lower density residential uses.

## 9. 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)

**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 upon the resolution of the outstanding issues.

**Statement of Consistency:**

- The Zoning Committee found the parcels zoned R-5 (single family residential) to be inconsistent with the *Dilworth Land Use & Streetscape Plan* recommendation for single family residential at a density of four units per acre.
- The Zoning Committee found the parcels zoned B-2 (general business) to be consistent with the *New Bern Transit Station Area Plan* recommendation for transit oriented development-mixed land use, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends residential and transit supportive uses for the subject property.
- 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 proposed single family homes maintain the single family character along Marshall Place; and
  - The proposed residential multi-family building is consistent with a transit supportive use.

## 10. Rezoning Petition: 2016-014 by Blanchard Family (NC) LLC

**Location:** Approximately 4.5 acres located on the east side of Carmel Road between Shadowlake Drive and Carmel Hills Drive from R-3 to UR-2(CD). (Council District 6 - Smith)

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

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

**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 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 single family residential up to three units per acre and references the General Development Policies location criteria for areas of higher density; and
  - The General Development Policies supports a density of up to eight units per acre.
- 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 petition limits the number of townhome units to 35 for a density of 7.77 units per acre, consistent with the General Development Policies; and
  - The site is located along a segment of Carmel Road that is primarily developed with single family homes. However, the site abuts a convenience store with gas sales and a religious institution; and
  - The proposed development provides a transition from the institutional and commercial uses southwest of the site to the single family residential north and east of the site; and
  - The site plan provides setbacks and side and rear yards abutting single family residential that are sensitive to and compatible with the existing residential context; and
  - The site plan also limits the height of the proposed units to two stories with an additional partial story on the roof (penthouse) not to exceed 40 feet, which is the same height allowed for single family homes.



## 11. Rezoning Petition: 2016-018 by Chen Development, LLC

**Location:** Approximately 1.45 acres located on the southwest corner at the intersection of South Sharon Amity Road and Woodlark Lane. (Council District 6 - Smith)

**Current Zoning:** R-17MF (multi-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.

**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 multi-family residential use for the site and references the *General Development Policies* location criteria for areas of higher density.
  - The *General Development Policies* supports a density of up to 17 units per acre.
- 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 petition limits the number of townhome units to 19 for a density of 13.7 units per acre, consistent with the *General Development Policies*; and
  - The subject site is located in the Cotswold Mixed Use Activity Center, and also abuts single family homes in the Cotswold neighborhood; and
  - The plan provides landscaped screening between the proposed development and the adjoining single family homes; and
  - The site plan for this proposal includes building elevations and architectural, building and site design commitments that ensure compatibility with existing development on South Sharon Amity Road and buildings that address the street.

## 12. 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)

**Zoning Committee Recommendation:**

The Zoning Committee voted 5-0 to recommend **APPROVAL** of this petition as modified.

**Staff Recommendation:**

Staff disagrees with the recommendation of the Zoning Committee because the request is inconsistent with the adopted plan and the proposed climate controlled storage use is out of character with the immediately surrounding residential development.

**Statement of Consistency:**

- The Zoning Committee found this petition to be inconsistent with the *Steele Creek Area Plan*, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends residential up to four dwelling units per acre for this site, as well as the properties to the north and south of this site.
- 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 proposed development serves as a transition between the higher density residential development and lower density single family residential neighborhoods;
  - The BD (CD) portion of the property is a small portion of the site and will be used for circulation, buffers and storm water.

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

**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

**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:

- The proposed climate controlled storage facility is inconsistent with the recommended residential land use for the site.
- The proposed use will be located on a site at an entrance to a future residential neighborhood, and also surrounded by residential development.
- The climate controlled storage is out of character with the surrounding residential development which primarily consists of single family detached homes, apartments, and an assisted living facility.
- The proposal does not meet a number of Area Plan design policies that address building transparency, pedestrian access and connections, building massing and residential design character.

**Statement of Consistency:**

- The Zoning Committee found this petition to be inconsistent with the *Steele Creek Area Plan*, based on information from the staff analysis and the public hearing, and because:
  - The Plan recommends residential up to four 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 proposed climate controlled storage facility is designed to support residential uses in the general area.
  - The climate controlled storage facility is accessible indoors.
  - The site is located on a major road with commercial activities.
  - The petitioner has committed to architectural treatments that further enhance the structure.

## 14. Rezoning Petition: 2016-030 by Johnson Development Associates, Inc.

**Location:** Approximately 5.0 acres located on the south side of Mockingbird Lane between Park Road and Hedgemore Drive. (Council District 6 - Smith)

**Current Zoning:** MUDD (CD) (mixed use development, conditional)

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

**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 *Park Woodlawn Area Plan*, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends a mix of uses (residential, office, and/or retail) in a walkable 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 a walkable 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 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
  - The development supports walkability by committing to a mix of residential and non-residential components with street level access; and
  - The proposal enhances connectivity by adding a new street, which will supplement the existing network.

## 15. Rezoning Petition: 2016-037 by Dr. Michael Berglass, DDS

***Update: Due to an issue with the sign, the district to which this property is to be rezoned must be amended to NS (neighborhood services). This will require a new public hearing.***

**Location:** Approximately 0.44 acres located on the south side of Central Avenue between Crystal Road and Cyrus Drive. (Council District 1 - Kinsey)

**Current Zoning:** UR-C (CD) (urban residential-commercial, conditional)

**Proposed Zoning:** UR-C (CD) SPA (urban residential-commercial, conditional, 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 *Briar Creek/Woodland/Merry Oaks Small Area Plan*, based on information from the staff analysis and the public hearing, and because:
  - The *Briar Creek/Woodland/Merry Oaks Small Area Plan*, as amended by rezoning petition 2008-157, which approved the use of the site for dental office uses in the existing residential structure.
- 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 directly fronts Central Avenue and is currently used as a dental office; and
  - Proposed building expansion and additional parking will be located behind the existing structure and will not change the character of the development as seen from Central Avenue; and
  - Building expansion is designed to blend with architectural style and residential character of the existing structure; and
  - The dental office will continue to serve the surrounding neighborhood.

## 16. Rezoning Petition: 2015-094 by Charlotte-Mecklenburg Planning Department

**Location:** A Text Amendment to the City of Charlotte Zoning Ordinance to 1) extend the validity period for a Historic District Commission Certificate of Appropriateness from six months to 12 months; 2) allow a 12-month renewal of the Certificate of Appropriateness; and 3) add a new provision allowing the Zoning Administrator to grant an administrative approval for the restoration/replacement of documented historic features on an existing Historic Landmark structure, or a structure located within a historic district, if the feature would encroach into the required yard or buffer.

**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 goal to:
  - Protect existing neighborhoods.
- 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:
  - Extending the initial validity period, as well as the renewal period, for a Historic District Commission Certificate of Appropriateness from six to 12 months is consistent with similar standards in many other cities in North Carolina, and allows more flexibility for major construction projects. In addition, because of the level of complexity in urban preservation projects or changing conditions affecting a property, the extensions are appropriate for Charlotte; and
  - Allowing the Zoning Administrator to grant an administrative approval for the restoration/replacement of historic features on an existing Historic Landmark structure, or a structure located in a historic district, allows for the restoration/replacement of missing features.

## 17. Rezoning Petition: 2016-035 by City of Charlotte

**Location:** Approximately 0.1 acres located on the east side of North Tryon Street at the intersection of North Tryon Street and J W Clay Boulevard. (Council District 4 - Phipps)

**Current Zoning:** INST (institutional)

**Proposed Zoning:** TOD-M (O) (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 *University City Area Plan*, based on information from the staff analysis and the public hearing, and because:
  - The *University City Area Plan* recommends transit oriented 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 additional signage requested will be located on a pedestrian bridge tower for a bridge crossing North Tryon Street and the LYNX Blue Line Extension; and
  - The pedestrian bridge will provide a direct connection from the JW Clay Boulevard/UNC Charlotte transit station to the UNC Charlotte side of North Tryon Street; and
  - The signage can serve a number of purposes such as advertising, wayfinding or identification signage; and
  - The additional signage will be permanently incorporated into the glass for the tower and will have minimal visual impact.

## 18. Rezoning Petition: 2016-054 by Aldersgate UMRC, Inc.

**Location:** Approximately 91.31 acres located on the south side of Shamrock Drive across from Glenville avenue and Eastway Drive across from Dunlavin Way.  
(Council District 1 - Kinsey)

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

**Proposed Zoning:** INST (CD) SPA (institutional, conditional, site plan amendment)

**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 *Eastland Area Plan*, based on information from the staff analysis and the public hearing, and because:
  - The *Eastland Area Plan* recommends institutional land uses, as updated by rezoning petition 2014-067.
- 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 provision of specific services to serve external customers, as well as the continuing care retirement community, is consistent with the institutional uses permitted on the site; and
  - Existing services can be provided to the public without requiring new development on the site; and
  - The extension of services will serve the surrounding community and will result in a minimal increase in trip generation.



## 19. Rezoning Petition: 2016-033 by Randall C. Voyles & Brian Yow

**Location:** Approximately 0.30 acres located on the north side of West 5th Street between Flint Street and Frazier Avenue. (Council District 2 - Austin)

**Current Zoning:** UR-1(CD) (urban residential, conditional)

**Proposed Zoning:** UR-1 (urban 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 *West End Land Use & Pedscape Plan*, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends single family residential up to five dwelling units per acre.
- 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:
  - Redevelopment with a residential use will be consistent with the *West End Land Use & Pedscape Plan*; and
  - The UR-1 (urban residential) district is intended to protect and enhance designated single family areas and to encourage appropriate infill development within these areas; and
  - Uses permitted by right in the UR-1 (urban residential) district include attached and detached residential dwellings, and duplexes; and
  - The size of the subject property will limit development to either a single family home or duplex.

## 20. Rezoning Petition: 2016-034 by Robert Keziah

**Location:** Approximately 7.75 acres located at the end of Distribution Center Drive off Statesville Avenue near the intersection of Interstate 77 and Interstate 85.  
(Council District 2 - Austin)

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

**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 *Northeast District Plan*, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends industrial 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 site is a vacant parcel, zoned residential, and surrounded by an existing industrial park and Interstate 77; and
  - Residential development is not likely to be developed considering the site is immediately surrounded by office/warehouse uses; and
  - The site is served by I-77 and I-85/Statesville Road, and these major transportation facilities support the industrial and warehouse/distribution uses allowed in the I-1 (light industrial) district.

## 21. Rezoning Petition: 2016-036 by ESC Fitness, LLC

**Location:** Approximately 0.45 acres located on the southeast corner at the intersection of Clanton Road and Dewitt lane. (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 *Scaleybark 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 Scaleybark Transit Station on the Lynx Blue Line; and
  - The proposal allows a site previously used for an 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.

## 22. Rezoning Petition: 2016-042 by GriffBrew Investments, LLC

**Location:** Approximately 0.37 acres located on the east side of Griffith Street between New Bern Street and Poindexter Drive. (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 New Bern 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 New Bern Transit Station on the Lynx Blue Line; and
  - The proposal allows a site previously used for an 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; by.

## 23. Rezoning Petition: 2016-048 by DCC Parcel B Plus, LLC

**Location:** Approximately 0.29 acres located on the northeast corner at the intersection of West Worthington Avenue and Hawkins 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 1/4 mile walk of the East/West Boulevard Transit Station on the Lynx Blue Line; and
  - The proposal allows a site previously used for an 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.

## 24. Rezoning Petition: 2016-052 by Rollins Leasing, LLC

**Location:** Approximately 8.32 acres located at the end of Keeter Drive near the intersection of Little Rock Road and Keeter Drive. (Council District 3 - Mayfield)

**Current Zoning:** I-2(LLWPA) (Airport Noise Overlay) (general industrial, Lower Lake Wylie Protected Area, Airport Noise Overlay)

**Proposed Zoning:** I-1(LLWPA) (Airport Noise Overlay) (light industrial, Lower Lake Wylie Protected Area, Airport Noise Overlay)

**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 to the east, west and south by office, warehouse, industrial, and hotel land uses and vacant properties located in 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, 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 affected by the airport noise. Residential uses are not permitted in the I-1 district.

**ZONING HEARINGS****25. Rezoning Petition: 2015-027 by Charlotte Housing Authority**

***Update: Petitioner Requesting Deferral (to December 19, 2016)***

**Location:** Approximately 3.031 acres located on the southeast corner at the intersection of Cherry Street and East 1st Street. (Council District 1 - Kinsey)

**Current Zoning:** R-22MF (multi-family residential)

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

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

***Update: Community Meeting Report was not submitted. Defer to (May 16, 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-MO (transit oriented development, residential, optional) 5-Year Vested Rights & TOD-M (O) (transit oriented development, residential) 5-Year Vested Rights

**27. Rezoning Petition: 2016-041 by Horizons at Steele Creek, LLC**

***Update: Staff Requesting Deferral (to May 16, 2016)***

**Location:** Approximately 3.2 acres located at the end of Calawood Way near the intersection of Steele Creek Road and Calawood Way. (Council District 3 - Mayfield)

**Current Zoning:** R-3 (LLWPA) (single family residential, Lower Lake Wylie Protected Area)

**Proposed Zoning:** R-17MF (CD)(LLWPA) (Multi0Family residential, conditional, Lower Lake Wylie Protected Area)

**28. Rezoning Petition: 2016-024 by Greystar GP II, LLC**

**Location:** Approximately 6.01 acres located on the west side of Randolph Road between Sloane Square Way and Rutledge Avenue. (Council District 6 - Smith)

**Current Zoning:** R-3 (single-family residential) and R-8MF (CD)  
(multi-family residential, conditional)

**Proposed Zoning:** UR-2(CD) 5-Year Vested Rights (urban residential, conditional)

**Staff Recommendation:**

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

## 29. Rezoning Petition: 2016-015 by FCD-Development, LLC

**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

**Staff Recommendation:**

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

## 30. Rezoning Petition: 2016-029 by White Point Paces Properties, LLC

**Location:** Approximately 11.85 acres located on the east and west side of North Brevard Street and generally surrounded by Parkwood Avenue, Belmont Avenue, East 16th Street, and North Brevard Street. (Council District 1 - Kinsey)

**Current Zoning:** R-8 (single-family residential), R-22MF (multi-family residential), and I-2 (general industrial)

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

**Staff Recommendation:**

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation, site and building design, and various issues.

## 31. Rezoning Petition: 2016-045 by Pamlico Investments, Inc.

**Location:** Approximately 1.37 acres located on the southwest corner at the intersection of East 10th Street and Seigle Avenue. (Council District 1 - Kinsey)

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

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

**Staff Recommendation:**

Staff recommends denial of this petition.

## 32. Rezoning Petition: 2016-049 by Loves Travel Stop & Country Store

**Location:** Approximately 10.22 acres located on the southeast corner at the intersection of Sam Wilson Road and West Pointe Drive. (Outside City Limits)

**Current Zoning:** B-2 (LLWPA) & CC (LLWPA) (general business, Lower Lake Wylie Protected Area) & (commercial center, Lower Lake Wylie Protected Area)

**Proposed Zoning:** I-2(CD) (LLWPA) (general industrial, conditional Lower Lake Wylie Protected Area)

**Staff Recommendation:**

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



**33. Rezoning Petition: 2016-039 by MPV Properties, LLC**

**Location:** Approximately 3.48 acres located on the east 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:** O-1(CD) (office, conditional) 5-Year Vested Rights

**Staff Recommendation:**

Staff recommends approval of this petition upon resolution of technical items pertaining to vested rights and lighting.

**34. Rezoning Petition: 2015-040 by Providence Road Farms, LLC**

**Location:** Approximately 47.55 acres located on the east side of Providence Road between Providence Country Club Drive and Allison Woods Drive and across from Ardrey Kell Road.  
(Council District 7 - Driggs)

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

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

**Staff Recommendation:**

Staff recommends approval of this petition.

**35. Rezoning Petition: 2016-044 by W. Holt Parham**

**Location:** Approximately 0.9 acres located on the northeast corner at the intersection of South Tryon Street and West Kingston Avenue. (Council District 3 - Mayfield)

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

**Proposed Zoning:** TOD-MO (transit oriented development-mixed use, optional)

**Staff Recommendation:**

Staff recommends approval of this petition upon resolution of outstanding issues related to ground floor activation and streetscape requirements.

**36. Rezoning Petition: 2016-055 by Real Estate Investment Fund**

**Location:** Approximately 2.52 acres located on the west side of Prosperity Church Road between Johnston Oehler Road and Interstate 485. (Council District 4 - Phipps)

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

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

**Staff Recommendation:**

Staff recommends approval of this petition upon resolution of transportation outstanding issues and minor technical issues.

**37. Rezoning Petition: 2016-058 by Collin Brown**

**Location:** Approximately 0.81 acres located on the west side of South Church Street between Interstate 277 and West Stonewall Street. (Council District 2 - Austin)

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

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

**Staff Recommendation:**

Staff recommends approval of this petition.

**38. Rezoning Petition: 2016-060 by Triple C Brewing Company, LLC**

**Location:** Approximately 1.5 acres located on the west side of Griffith Street between Poindexter Drive and Youngblood 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.