

City of Charlotte

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



Zoning Agenda

Monday, July 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. Meeting Agenda**
- 2. Dinner Meeting Agenda**
 - 1. Agenda Review - Tammie Keplinger**

[Dinner Agenda 7-18-16 final](#)

[2015-111 Revised site plan 050916](#)

- 3. Follow Up Report**

[Follow-Up Report-final](#)

5:30 P.M. ZONING MEETING, COUNCIL CHAMBERS**ZONING DECISIONS****4. Rezoning Petition: 2016-075 by The Drakeford Company*****Update: Requesting Deferral (to September 19, 2016)***

Location: Approximately 0.55 acres located on the northwest corner at the intersection of Central Avenue and Chatham Avenue. (Council District 1 - Kinsey)

Current Zoning: B-1 (neighborhood business) and O-2 (office)

Proposed Zoning: MUDD (CD) (mixed use development, conditional)

Zoning Committee Recommendation:

The Zoning Committee voted 6-0 to **DEFER** this petition to September due to submittal of the revised site plan after the filing deadline.

[2016-075 reco 062916 final](#)

[2016-075 vicinity map](#)

[2016-075 rezoning map revised](#)

5. Rezoning Petition: 2015-093 by 1351 Woodlawn (Melrose), LLC***Update: Due to significant changes to the petition, staff recommends that a new public hearing be scheduled for October 17, 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)

[2015-093 vicinity map](#)

[2015-093 rezoning map](#)

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

Update: Special Vote required due to changes after the Zoning Committee vote. This petition has a sufficient protest petition.

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** 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*, based on information from the staff analysis and the public hearing, and because:
 - The petition is consistent with the residential use recommended by the *South District Plan*. In addition, the site meets the criteria set forth in the *General Development Policies* for consideration of an increase in density up to 17 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:
 - The property is located on a segment of Wendover with multi-family, office, and government uses. Immediately east of the site is an existing multi-family development that also has access from Wendover Road; and
 - The site is separated from existing single family residential units by a stream and a fairly significant grade change; and
 - The proposed driveway location aligns with a potential future extension of Cascade Circle from Billingsley Road to Wendover Road; and
 - Access to the site is limited to the single driveway reducing the number of potential driveways along this heavily traveled portion of Wendover Road.

[2015-111 reco 3-30-16 final](#)

[2015-111 vicinity map](#)

[2015-111 rezoning map](#)

[2015-111 Revised site plan 050916](#)

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

Update: Special Vote required due to changes after the Zoning Committee vote.

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

Current Zoning: NS (neighborhood services)

Proposed Zoning: MUDD (O) (mixed use development, optional) with five-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 the proposed uses to be consistent with the Elizabeth Area Plan; however, they found the proposed height to be inconsistent with the Elizabeth Area Plan based on information from the staff analysis and the public hearing, and because:
 - The plan recommends a mix of residential, office and retail uses in the area in which the site is located; and
 - The proposed height of 58 feet for Building A and 48 feet for Building B is higher than the recommendation of a maximum building height of 40 feet along Seventh Street, except for a corner element of 60 feet at the intersection of Seventh Street and Caswell Road.
- 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 will provide a mix of residential and non-residential uses that will reinforce Seventh Street as Elizabeth's primary retail corridor; and
 - The proposed site plan includes a mix of active residential and nonresidential uses on the ground floor that are oriented to the sidewalk network; and
 - The petition also provides architectural design commitments for the ground floor and street facing facades that encourage pedestrian activity and complement the pedestrian environment; and
 - The proposed maximum building height of 58 feet for the building at the corner of East Seventh Street and Caswell Road, and the maximum building height of 48 feet for the second building fronting Seventh Street, is inconsistent with the plan recommendation for a maximum building height of 40 feet; however, the increase in height above the plan recommendation for the majority of the development will accommodate usable ground floor non-residential uses; and
 - The development will be divided into two buildings and as a result will decrease the massing from the single building originally proposed; and
 - The development provides parking beyond the ordinance requirements in order to ensure that parking demand will be met onsite.

[2016-015 reco 06-29-2016 final](#)

[2016-015 vicinity map](#)

[2016-015 rezoning map revised](#)

[2016-015 RevisedSitePlan 07-11-2016](#)

8. Rezoning Petition: 2016-020 by Ridgeland Recreational Vehicles, Inc.

Location: Approximately 1.93 acres located south of Interstate 85 and north of Lakebrook Road, west of Sam Wilson Road. (Outside City Limits)

Current Zoning: I-2(CD) LWPA (general industrial, conditional, Lake Wylie Protected Area)

Proposed Zoning: I-1(CD) LWPA (light industrial, conditional, Lake Wylie Protected Area)

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 *Dixie Berryhill Strategic Plan*, based on information from the staff analysis and the public hearing, and because:
 - The petition is inconsistent with the *Dixie Berryhill Strategic Plan* which recommends single family 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 *Dixie Berryhill Strategic Plan* recommends that the area in which the site is located transition to residential uses and become less industrial; and
 - While the proposed use is not residential, it will allow the reuse of a building formerly used for the manufacturing of forklifts to be used for a less intense use, display and sales of boats and recreational facilities; and
 - The proposed use is also compatible with the adjacent warehousing uses; and
 - No expansions of the building or parking area are proposed, therefore limiting the impact on the adjacent properties, and there are no residential dwellings located within 400 feet of the existing buildings.

[2016-020 reco 06-29-2016 final](#)

[2016-020 vicinity map](#)

[2016-020 rezoning map revised](#)

[2016-020 RevSitePlan 06-23-2016](#)

9. Rezoning Petition: 2016-043 by Essex Homes

Location: Approximately 0.67 acres located on the south side of West Summit Avenue between Merriman Avenue and Wilmore Drive. (Council District 3 - Mayfield)

Current Zoning: I-2 (general industrial)

Proposed Zoning: UR-1(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 inconsistent with the Central District Plan, based on information from the staff analysis and the public hearing, and because:
 - The plan recommends industrial uses for the subject parcel.
- 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 subject property abuts single family homes fronting on Merriman Avenue and located within the Wilmore Historic District; and
 - The proposed development will add four additional homes along Merriman Avenue; and
 - The proposed residential density of six dwelling units per acre is compatible with the adjacent residential properties' density of five dwelling units per acre; and
 - Although the zoning district requested is UR-1 (urban residential) and the immediate area has been developed under more suburban districts such as R-5 (single family residential), the setback along Merriman Avenue, the wide side yards, and the buffer abutting the existing industrial use to the rear are sensitive to and compatible with the existing residential and industrial context; and
 - The proposed 20-foot wide buffer will screen the development from the existing industrial use, as will the requested 10-foot buffer along West Summit Avenue.

[2016-043 reco 06-29-2016 final](#)

[2016-043 vicinity map](#)

[2016-043 rezoning map](#)

[2016-043 RevSitePlan 06-23-2016](#)

10. Rezoning Petition: 2016-066 by JWM Family Enterprises, Inc.

Update: Special Vote required due to changes after the Zoning Committee vote.

Location: Approximately 5.32 acres located on the southwest corner at the intersection of Roxborough Road and Rexford Road. (Council District 6 - Smith)

Current Zoning: O-1 (office) and O-15 (CD) (office, conditional)

Proposed Zoning: MUDD-O (mixed use development, 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 SouthPark Small Area Plan based on information from the staff analysis and the public hearing, and because:
 - The plan recommends office or a mix of office and residential 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:
 - A hotel, which is the use proposed for this site, is classified as an office/business use and allowed in office and business zoning districts; and
 - The Centers, Corridors and Wedges Growth Framework identifies SouthPark as a Mixed Use Activity Center, a priority area for intensification and urban, pedestrian-oriented development; and
 - The more specific vision articulated in the SouthPark Small Area Plan calls for the SouthPark area to transition from a suburban shopping and business environment to a town center composed of a balanced mixture of land uses; and
 - The proposed site plan intensifies the subject site by redeveloping a surface parking lot located between an existing hotel and Rexford Road, with a second hotel and accessory structured parking; and
 - The new hotel will enhance the pedestrian environment by providing active, ground floor uses oriented to the public sidewalk on Roxborough Road; and
 - Where the proposed parking structure fronts Rexford Road, the site plan commits to architectural treatment to the structure and also provides a wide setback to allow tree preservation and additional landscaping to partially screen the parking deck from the public sidewalk; and
 - The site plan also provides wide setbacks along Roxborough Road to preserve existing mature trees and provide added green space consistent with other recently approved rezonings and to support the concept of a "green ribbon" along streets in the SouthPark area as discussed in the recent Urban Land Institute study of the SouthPark area; and
 - The portion of the building adjacent to Rexford Road is limited to a maximum building height of 88 feet which is similar to the height of recently approved development on the "Colony Apartments" site to the east, and mid-rise building heights are appropriate in a Mixed-Use Activity Center.

[2016-066 reco 6-29-16 final](#)

[2016-066 vicinity map](#)

[2016-066 rezoning map](#)

[2016-066 RevSitePlan 07-11-2016](#)

11. Rezoning Petition: 2016-067 by Pollack Shores Real Estate Group, LLC

Location: Approximately 8.36 acres located on the south side of West Tremont Avenue between South Tryon Street and Hawkins Street. (Council District 3 - Mayfield)

Current Zoning: I-2 (general industrial)

Proposed Zoning: TOD-M (O) (transit oriented development-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 South End Transit Station Area Plan recommendation for mixed-use transit supportive development. The proposal is also consistent with the recommendation for a new north/south street between Tremont Avenue and Rampart Street. However, it is inconsistent with the plan recommendation for a new street connection between South Tryon Street and Hawkins Street, as only a portion of this street will be provided based on information from the staff analysis and the public hearing, and because:
 - The plan recommends mixed-use transit supportive development for this site; and
 - The plan recommends a full street connection between South Tryon Street and Hawkins Street.
- 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 subject 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 industrial/office purposes to convert to transit supportive land uses; and
 - The proposal sets up enhanced connectivity by providing a new north/south street between Tremont Avenue and the site's southern boundary; and
 - In addition, a new east/west street will be provided between the new north/south street and the eastern property line; and
 - Instead of extending the east/west street to the western property line toward South Tryon Street, a 12-foot pedestrian connection will be provided. Requiring the east/west street to be connected to South Tryon Street would result in two 250-foot blocks which are significantly shorter than the 400-foot block length recommended for station areas; and
 - The petition supplements the base ordinance standards for TOD-M (transit oriented development - mixed-use) with design standards that ensure that uses orient and connect to public streets.

[2016-067 reco 06-29-2016 final](#)

[2016-067 vicinity map](#)

[2016-067 rezoning map](#)

[2016-067 RevSitePlan 07-07-2016](#)

12. Rezoning Petition: 2016-070 by Woodfield Acquisitions, LLC

Location: Approximately 21.68 acres located north of Madison Square Place and near the intersection of Madison Square Place and Northlake Centre Parkway. (Council District 2 - Austin)

Current Zoning: R-3 (single family residential) and CC (commercial center)

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

Zoning Committee Recommendation:

The Zoning Committee voted 5-0 to recommend **APPROVAL** 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 *Northlake Area Plan* based on information from the staff analysis and the public hearing, and because:
 - The plan recommends residential, office and/or retail uses 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 density of 17.12 units per acre is consistent with the plan's recommendation of a maximum density of 22 dwelling units per acre if the site is developed with residential as a single use; and
 - The subject property is located within the Northlake Mixed Use Activity Center, which is a priority area to accommodate future growth and appropriate for new multi-family development; and
 - The proposed project will be Phase 2 of Woodfield Northlake apartments. Phase 1 of this project is underway; and
 - The development will maintain the site design characteristics of the first phase, by locating buildings along the street with parking to the side and rear, thus supporting walkability; and
 - In addition, the site design calls for the dedication of land along Dixon Branch for a future greenway and connection to the greenway.

[2016-070 reco 6-29-2016 Final](#)

[2016-070 vicinity map](#)

[2016-070 rezoning map](#)

[2016-070 RevSitePlan 06-23-2016](#)

13. Rezoning Petition: 2016-073 by NoDa 3215, LLC

Location: Approximately 0.151 acres located on the west side of North Davidson Street between East 35th Street and East 36th Street. (Council District 1 - Kinsey)

Current Zoning: B-1 (neighborhood business)

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 consistent with the Blue Line Extension Transit Station Area Plans, based on information from the staff analysis and the public hearing, and because:
 - The plan recommends transit oriented development for this 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 property is located on North Davidson Street, the main street for the NoDa business district; and
 - The rezoning proposes reuse of an existing structure that is compatible with surrounding uses and maintains the unique character of the NoDa business district as recommended by the Community Design Guidelines of the area plan; and
 - The proposed site plan limits the height of any future addition to the existing structure to 50 feet, which is consistent with the recommendation in the Structure Plan, the section of the area plan that governs building height; and
 - The site is within ¼ mile walk distance or less than a five-minute walk from the 36th Street Transit Station and supports the City's policies to encourage the location and retention of a healthy mix of transit supportive businesses in transit station areas; and
 - The option to reduce parking to zero spaces will allow the site to accommodate the desired streetscape and activate the pedestrian environment with a patio area, outdoor seating, and landscaping; and
 - In addition, the site is not located adjacent to existing residential dwellings (closest residential dwelling is a duplex that is approximately 140 feet from the subject property), which helps to mitigate any concern with spillover parking in established low density residential areas.

[2016-73_ZC_Reco_062916_final](#)

[2016-073_vicinity_map](#)

[2016-073_rezoning_map](#)

[2016-073_RevSitePlan_06-23-2016](#)

14. Rezoning Petition: 2016-079 by NoDa Greenway One, LLC & NoDa Greenway Two, LLC

Location: Approximately 18.3 acres located on the west side of East Craighead Road between North Davidson Street and North Tryon Street. (Council District 1 - Kinsey)

Current Zoning: I-1 (light industrial), I-2 (general industrial) and I-2 (CD) (general industrial, conditional)

Proposed Zoning: TOD-M (CD) (transit oriented development-mixed use, conditional) with five-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 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 uses 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 the 36th Street transit station area and is located less than 1/2 mile from the 36th Street station; and
 - The proposed rezoning allows a site zoned for industrial to be rezoned and developed with transit supportive uses; and
 - The petition commits to the street network that is needed to maximize access to the station, support walkability and connect to surrounding development; and
 - Specific transportation improvements provided with this petition include:
 - The final design alignment and full cross section of Philemon Avenue including on-street parallel parking and bike lane; and
 - The installation of the back of curb along the west side of Craighead Road with room for a future six-foot bike lane, on-street parallel parking, 13-foot planting strip (which will be reduced to eight-feet when the bike lane is installed), and eight-foot sidewalk while maintaining existing centerline and travel lane width; and
 - Commitment to the construction of the Cross Charlotte Trail located on the subject property.

[2016-79_ZC_062916_final](#)

[2016-079_vicinity_map](#)

[2016-079_rezoning_map](#)

[2016-079_RevSitePlan_07-07-2016](#)

15. Rezoning Petition: 2016-081 by Michael Adams

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

Current Zoning: CC (commercial center)

Proposed Zoning: MUDD-O (mixed use development, optional) with five-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 the retail and eating/drinking/ entertainment establishment uses to be consistent with the Southwest District Plan; however, the climate controlled storage and office uses are inconsistent with the plan based on information from the staff analysis and the public hearing, and because:
 - The plan, as amended by rezoning petition 1997-015, recommends retail uses 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 subject property is part of a larger multi-use development located at the Interchange of I-77 and Tyvola Road and developed with a range of commercial uses, including three hotels, an office and a financial institution; and
 - The prior rezoning prohibited automobile oriented uses such as convenience stores with gasoline sales and restaurants with drive-through service windows; and
 - The proposed retail and/or eating/drinking/entertainment establishments on the ground floor of the climate controlled storage are consistent with the adopted retail land uses for this site, and will complement the surrounding hotel, office and residential uses; and
 - While technically inconsistent with the Southwest District Plan recommendation, the proposed climate controlled storage on the subject property has been designed to resemble an office building with ground floor commercial and is visually compatible with the surrounding commercial uses; and
 - Self-storage facilities have low traffic volumes and the proposed eating/drinking/entertainment establishments do not have an associated drive-through window; and
 - In addition, the site design supports pedestrian activity along Nations Ford Road and Tyvola Glen Circle, by placing the building at the back of sidewalk with parking to the side and rear, making it easy for nearby residents, employees and hotel guests to walk to the retail and/or eating/drinking/entertainment establishments; and
 - The proposal also provides for a number of improvements at the intersection of Tyvola Road and Nations Ford Road that will enhance pedestrian safety via improvements to the adjacent pedestrian refuge islands, new accessible ramps, and installation of new sidewalks.

[2016-081 reco 06-29-2016 Final](#)

[2016-081 vicinity map](#)

[2016-081 rezoning map](#)

[2016-081 RevSitePlan 07-07-2016](#)

16. Rezoning Petition: 2016-082 by Taylor/Theus Holdings, Inc.

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

Current Zoning: R-3 (single family residential)

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

Zoning Committee Recommendation:

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

Staff Recommendation:

Staff agrees with recommendation of the Zoning Committee.

Statement of Consistency:

- The Zoning Committee found this petition to be inconsistent with the South District Plan, based on information from the staff analysis and the public hearing, and because:
 - The plan recommends residential uses at up to three dwellings 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 site for the storage facility provides an appropriate transition between the adjacent residential and institutional uses due to its location between a major intersection and the athletic fields associated with Ardrey Kell High School; and
 - The plan provides large building setbacks, building design commitments, extensive undisturbed tree save areas and enhanced landscaped areas along Community House Road and Ardrey Kell Road that minimize the impacts on residential uses in the area; and
 - The petition limits maximum building height to three stories, not to exceed 40 feet, which is consistent with the maximum base building height allowed in the surrounding R-3 (single family residential) zoning; and
 - Self-storage facilities have low traffic volume.

[2016-082 reco 06-29-16 final](#)

[2016-082 vicinity map](#)

[2016-082 rezoning map](#)

[2016-082 RevSitePlan 06-23-216](#)

17. Rezoning Petition: 2016-084 by QuikTrip Corporation

Location: Approximately 1.85 acres located on the northeast corner at the intersection of Brookshire Boulevard and North Hoskins. (Council District 2 - Austin)

Current Zoning: R-5 (single family residential) and B-2(CD) (general business, conditional)

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

Zoning Committee Recommendation:

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

Staff Recommendation:

Staff disagrees with the recommendation of the Zoning Committee.

Statement of Consistency:

- The Zoning Committee found the portion of the subject property that includes an existing gas station to be consistent with the Thomasboro/Hoskins Area Plan, but the remaining portion of the property to be inconsistent with the Northwest District Plan, based on information from the staff analysis and the public hearing, and because:
 - The Thomasboro/Hoskins Area Plan recommends retail land use for the portion of the site with the existing gas station; and
 - The Northwest District Plan recommends single family residential at up to six dwelling units per acre for the remaining eastern portion of the 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 use is of the same use currently on the site and would be an improvement and benefit to the area; and
 - The abutting property owners support the rezoning; and
 - There has been no expressed opposition to the rezoning; and
 - The petitioner provides rigorous security and site monitoring; and
 - The use will provide enhanced food availability consistent with the Livable Cities Policies.

[2016-084 reco 06-29-2016 final](#)

[2016-084 vicinity map](#)

[2016-084 rezoning map](#)

[2016-084 RevSitePlan 07-11-2016](#)

18. Rezoning Petition: 2016-086 by ECP NoDa, LLC

Location: Approximately 1.123 acres located south of the Norfolk Southern Railroad and north of North Davidson Street, off of North Davidson Street between East 33rd Street and East 36th Street. (Council District 1 - Kinsey)

Current Zoning: B-1 (Neighborhood business) I-2 (general industrial), and MUDD (mixed use development)

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

Zoning Committee Recommendation:

The Zoning Committee voted 5-0 to recommend **APPROVAL** of this petition with the following modifications and with resolution of the transportation issue pertaining to the construction of East 35th Street along the property frontage to CDOT's satisfaction. (Note: The transportation issue has been resolved since the Zoning Committee meeting by the addition of a note indicating that the petitioner will be responsible for the base repair, milling, and paving on East 35th Street to accommodate the potential increased trips created by 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 Blue Line Extension Transit Station Area Plans; however, the height is inconsistent with the Blue Line Extension Transit Station Area Plans based on information from the staff analysis and the public hearing, and because:
 - The plan recommends transit supportive uses for this site with a maximum height of 50-feet.
- 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 site is located within ¼ mile walk distance from the 36th Street Transit Station on the LYNX Blue Line Extension; and
 - The proposed rezoning allows a site used for warehouse purposes to be rezoned and developed with residential and nonresidential transit supportive uses; and
 - This site will provide a transition from the established business district to the multi-family development on the opposite side of the AC&W railroad corridor at the 36th Street transit station; and
 - The request meets the area plan's goal for activating the frontage along East 36th Street by creating a plaza area and providing space for future nonresidential uses along this main transit station area corridor; and
 - The 29-foot increase in height above the plan recommendation of 50 feet is minimized by the increased building setback for upper stories on 35th Street, the plaza and the 40-foot building setback on 36th Street and the site's distance from North Davidson Street, where lower scale buildings are recommended; and
 - The petition supplements the base ordinance standards for TOD-M (transit oriented development - mixed-use) with design standards that ensure that uses orient and connect to public streets and the Cross Charlotte Trail.

[2016-86_ZC_Reco_062916_final](#)

[2016-086_vicinity_map](#)

[2016-086_rezoning_map_revised](#)

[2016-86_RevisedSitePlan_070816](#)

ZONING HEARINGS**19. Rezoning Petition: 2016-016 by Clarke Allen**

Update: Community Meeting Report was not submitted. Defer (to September 19, 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 - mixed use) & TOD-M (O) (transit oriented development-mixed use, optional)

[2016-016 No Community Meeting Insert](#)

20. Rezoning Petition: 2016-074 by McKinney Holdings NC II, LLC

Update: Petitioner requesting deferral to (September 19, 2016)

Location: Approximately 15 acres located on the east side of North Tryon Street between Sandy Avenue and Rocky River Road. (Council District 4 - Phipps)

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

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

[2016-074 Slip Sheet](#)

21. Rezoning Petition: 2016-087 by Haven Campus Communities

Update: Petitioner requesting deferral to (September 19, 2016)

Location: Approximately 6.83 acres located on the south side of University City Boulevard between Suther Road and John Kirk Drive. (Council District 4 - Phipps)

Current Zoning: R-3 (single family, residential); O-1(CD) (office, conditional); INST (institutional)

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

[2016-087 Slip Sheet](#)

22. Rezoning Petition: 2016-T001 by Engineering and Property Management and Charlotte-Mecklenburg Planning Department

Location: A Text Amendment to the City of Charlotte Tree Ordinance to:

- 1) Clarify definition of single family development.
- 2) Limit the applicability of the tree save incentives to single family development sites that are subject to the subdivision ordinance.
- 3) Require a perimeter tree save buffer for developments with greater than 25 percent tree save.

Staff Recommendation:

Staff recommends approval of this text amendment.

[2016-T001 staff 7-18-16 final](#)

[2016-T001 matrix](#)

[2016-T001 amendment rev 3](#)

23. Rezoning Petition: 2016-083 by Demeter Properties, LLC

Location: Approximately 15.38 acres located on the north side of David Cox Road between Harris Cove Drive and Davis Lake Parkway. (Council District 4 - Phipps)

Current Zoning: R-9 PUD (multi-family residential, planned unit development), R-4 (single family residential and RU (CD) (rural, conditional)

Proposed Zoning: UR-2(CD) (urban residential, conditional) with five-year vested rights

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to site design, street network and technical issues.

[2016-083 staff 7-18-16 final](#)

[2016-083 vicinity map](#)

[2016-083 rezoning map revised](#)

[2016-083 RevSitePlan 06-20-2016](#)

[Previously Approved Cover Page](#)

[2016-083 approved site plan 1985-010](#)

24. Rezoning Petition: 2016-088 by Anointed Future Daycare

Location: Approximately 1.79 acres located on the south side of Hickory Grove Road between Craigwood Drive and McAlpine Lane. (Council District 5 - Autry)

Current Zoning: R-3 (single family residential)

Proposed Zoning: INST (CD) (institutional, conditional) with five-year vested rights

Staff Recommendation:

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

[2016-088 staff 071816 final final](#)

[2016-088 vicinity map](#)

[2016-088 rezoning map revised](#)

[2016-088 RevSitePlan 06-20-2016](#)

25. Rezoning Petition: 2016-105 by Charlotte-Mecklenburg Planning Department

Location: Approximately 0.08 acres located on the south side of Baxter Street between Queens Road and Eli Street. (Council District 1 - Kinsey)

Current Zoning: R-6 (single family residential)

Proposed Zoning: R-22MF (multi-family residential)

Staff Recommendation:

Staff recommends approval of this petition.

[2016-105 staff 06-30-2016 final final](#)

[2016-105 vicinity map](#)

[2016-105 rezoning map](#)

26. Rezoning Petition: 2016-092 by Charlotte-Mecklenburg Housing Partnership, Inc.

Location: Approximately 5.808 acres including 2.884 acres located on the west side of Statesville Road between Cindy Lane and Cochrane Drive and approximately 2.924 acres located on the east side of Meadow Knoll Drive and the north side of Cindy Lane near where Cindy Lane passes over Interstate 77. (Council District 2 - Austin)

Current Zoning: R-4 (single family residential) and MX-1INNOV (mixed use, innovative)

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

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to vehicular access and wetlands delineation.

[2016-092 staff 07-18-2016 final final](#)

[2016-092 vicinity map](#)

[2016-092 rezoning map revised](#)

[2016-092 RevSitePlan 06-20-2016](#)

[Previously Approved Cover Page](#)

[2016-092 Approved Site Plan 2000-162](#)

27. Rezoning Petition: 2016-096 by City of Charlotte

Location: Approximately 1.52 acres located on the east side of Lawyers Road between Albemarle Road and East W.T. Harris Boulevard (Council District 5 - Autry)

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

Proposed Zoning: O-2 (office)

Staff Recommendation:

Staff recommends approval of this petition.

[2016-096 staff 071816 final final](#)

[2016-096 vicinity map](#)

[2016-096 rezoning map](#)

28. Rezoning Petition: 2016-091 by Saussy Burbank, LLC

Location: Approximately 1.4 acres located on the north side of North Davidson Street between East 33rd Street and North Brevard Street. (Council District 1 - Kinsey)

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

Proposed Zoning: MUDD-O SPA (mixed use development, optional, site plan amendment) with five-year vested rights)

Staff Recommendation:

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

[2016-091 staff 071816 final final](#)

[2016-091 vicinity map](#)

[2016-091 rezoning map revised2](#)

[2016-091 RevSitePlan 06-20-2016](#)

[Previously Approved Cover Page](#)

[2016-91 Approved site plan 2001-037](#)

29. Rezoning Petition: 2016-094 by The Berry Company, LLC

Location: Approximately 0.82 acres located on the east side of Johnston Road between Pineville-Matthews Road and Walsh Boulevard. (Council District 6 - Smith)

Current Zoning: O-1 (office)

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

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to parking, CATS and right-of-way dedication.

[2016-094 staff 7-18-16 final final](#)

[2016-094 vicinity map](#)

[2016-094 rezoning map](#)

[2016-094-RevSitePlan 06-20-2016](#)

30. Rezoning Petition: 2016-102 by The Olde Mecklenburg Brewery, LLC

Location: Approximately 9.52 acres located on the east side of South Tryon Street between Yancey Road and East Peterson Drive. (Council District 3 - Mayfield)

Current Zoning: I-2 (general industrial)

Proposed Zoning: I-2 TS-O (general industrial, transit supportive, optional)

Staff Recommendation:

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

[2016-102 staff 07-06-2016 final final](#)

[2016-102 vicinity map](#)

[2016-102 rezoning map revised3](#)

[2016-102 RevSitePlan 06-20-2016](#)

31. Rezoning Petition: 2016-103 by JRE Real Estate, LLC

Location: Approximately 3 acres located on the east side of Statesville Road between Reames Road and Metromont Parkway. (Council District 2 - Austin)

Current Zoning: I-1 (light industrial)

Proposed Zoning: I-2 (general industrial)

Staff Recommendation:

Staff recommends approval of this petition.

[2016-103 staff 07-18-2016 final final](#)

[2016-103 vicinity map](#)

[2016-103 rezoning map](#)

32. Amend the 2016 City Council Meeting Schedule

Action:

Approve the amendment to the 2016 City Council and Budget Meeting Schedule.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- North Carolina General Statute 143-318.12 requires that the City Clerk maintain on file a schedule of the City Council's regular meetings and that the approved schedule shall be posted to the City's Web site. If a schedule is duly adopted and filed, no further notice of regular meetings is necessary.
- After reviewing the schedule for the City Manager search process evaluation, staff recommends Council meet in closed session on August 8, 2016 to conduct initial review of applicants with search vendor Mr. Robert Burg of Ralph Andersen and Associates.
- The following meeting will be added to the 2016 Meeting Schedule:
August 8, 2016, 2:00 p.m. to 4:00 p.m. in CH-14

[2016 Council and Budget Mtg Calendar v13\(4\).pdf](#)