

City of Charlotte

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



Zoning Agenda

Monday, November 21, 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**

[Council Dinner Agenda FINAL](#)

- 3. Follow Up Report**

[Follow-Up Report for 11-21-16 final](#)

5:30 P.M. ZONING MEETING, COUNCIL CHAMBERS**HISTORIC LANDMARK DECISION****4. Biddleville Cemetery**

A decision to be made by the City Council on the Question of designating the property known as the "Biddleville Cemetery" (listed under Tax Parcel Number 06903561 as of November 1, 2016) as an Historic Landmark.

Property Owner: Society of the Minute Men

Location: Five Points Neighborhood Park in Charlotte, North Carolina

[Biddleville Cemetery Cover](#)

[Biddleville Cemetery Ordinance](#)

[Biddleville Cemetery Survey and Research Report](#)

5. Charles E. Barnhardt House

Update: Request to Defer (to January 17, 2017)

The property known as the "Charles E. Barnhardt House" (listed under Tax Parcel Number 09504315 as of September 1, 2016 and including the interior and exterior of the house and a portion of the land of Tax Parcel Number 09504315) as an Historic Landmark.

Property Owner: Country Club Lane LLC

Location: 2733 Country Club Lane in Charlotte, North Carolina

6. Dilworth Airplane Bungalow

A decision to be made by the City Council on the Question of designating the property known as the "Dilworth Airplane Bungalow" (listed under Tax Parcel Number 12110209 as of November 1, 2016) as an Historic Landmark.

Property Owner: Paula Pridgen

Location: 2144 Park Road, Charlotte, North Carolina

[Airplane Cover](#)

[Dilworth Airplane Bungalow Ordinance](#)

[Dilworth Airplane Bungalow S&R](#)

7. Midwood Elementary School

A decision to be made by the City Council on the Question of designating the property known as the "Midwood Elementary School" (listed under Tax Parcel Number 09507803 as of November 1, 2016) as an Historic Landmark.

Property Owner: Charlotte Mecklenburg Board of Education

Location: 1817 Central Avenue, Charlotte, North Carolina

[Midwood Elem School Cover](#)

[Midwood School Ordinance](#)

[Midwood School S&R](#)

ZONING DECISIONS**8. Rezoning Petition: 2016-053 by Brookline Residential, LLC**

Update: Requesting deferral to (December 19, 2016)

Location: Approximately 14.21 acres located on the west side of Reames Road between Lakeview Road and Auston Crossing Drive. (Council District 2 - Austin)

Current Zoning: MX-1 (Innov) (mixed use, innovative)

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

Zoning Committee Recommendation:

The Zoning Committee voted 7-0 to **DEFER** this petition to the November 30, 2016 Zoning Committee Work Session.

[2016-053 reco 10-26-2016 final](#)

[2016-053 vicinity map](#)

[2016-053 rezoning map revised3](#)

9. Rezoning Petition: 2016-097 by Simonini Saratoga Foxcroft, LLC

Update: Requesting Deferral (to December 19, 2016)

Location: Approximately 6.32 acres located on the east side of Sharon Lane between Providence Road and Heathmoor Lane. (Council District 6 - Smith)

Current Zoning: R-3 (single family residential)

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

Zoning Committee Recommendation:

Zoning Committee voted 6-0 to **DEFER** this petition to the November 30, 2016 Zoning Committee Work Session.

[2016-097 reco 10-26-16 final](#)

[2016-097 vicinity map revised](#)

[2016-097 rezoning map](#)

10. Rezoning Petition: 2015-037 by Dominick Ristaino

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: UR-C (CD) (HD-O) (urban residential - commercial, conditional, historic district 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 inconsistent with the *Central District Plan*, based on information from the staff analysis and the public hearing, and because:
 - The plan recommends retail uses on 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 subject property is located at the edge of the historic Wilmore neighborhood which is primarily developed with single family homes. The site also abuts commercial property fronting on West Boulevard and located outside of the historic district; and
 - Maintaining the existing historic structure and constructing a similar building on the rest of the site will help to maintain the integrity of the Wilmore historic district; and
 - The use of the property for office and residential uses will provide a transition between the more intense commercial uses on South Tryon Street and the single family housing in the Wilmore neighborhood; and
 - While the request is technically inconsistent with the retail use recommended in the district plan, the office and residential uses proposed are less intense than the retail use but are still appropriate for this site.

[2015-037_rec_11-07-2016_final](#)

[2015-037_vicinity_map](#)

[2015-037_rezoning_map_revised2](#)

[2015-037_RevSitePlan_11-08-2016](#)

11. Rezoning Petition: 2015-106 by The Gold District of Charlotte, Inc.

Location: The petition proposes to modify transit supportive (TS) overlay district regulations related to uses, maximum height, parking standards, screening requirements, change of use exceptions, and administrative alterations.

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 and the General Development Policies/Transit Station Area Principles;
 - As the goals for Growth Corridors are increased intensity and a more pedestrian form of development, with the greatest intensity development in Transit Station Areas.
- Therefore, they found this petition be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
 - The proposed modifications strengthen and support the purpose of the Transit Supportive (TS) Overlay District to create a set of additional standards designed to accommodate the continued existence and minor expansion of existing uses while transitioning to a more compact, high intensity, transit supportive mix of uses at a lesser intensity than traditional transit oriented development including:
 - Modifying permitted use standards, change of use requirements and administrative procedures to further support the reuse of existing buildings as part of the transition to a transit supportive form and intensity; and
 - Clarifying and adjusting parking and screening standards to ensure consistency with overall code and simplify interpretation; and
 - Adjusting maximum height standards to support current needs and requirements for multi-story, mixed use buildings.

[2015-106 reco 11-7-16 final](#)

[2015-106 matrix](#)

[2015-106 amendment rev2a\(2\)](#)

12. Rezoning Petition: 2016-056 by Crescent Communities, LLC and Lincoln Harris

Update: The latest site plan and development notes for petition 2016-056 are included with the notebook delivery for City Council members. The site plans are available for public viewing at www.rezoning.org <http://charlottenc.gov/planning/Pages/Home.aspx>. In addition to what is typically included for a rezoning case, highlights of changes to the petition since the public hearing and answers to City Council questions related to the zoning petition are included.

Location: Approximately 1,378 acres located west of Interstate 485 at West Boulevard generally surrounded by Interstate 485, Mt. Olive Church Road, the Catawba River, Bracebridge Court and Garrison Road. (Outside City Limits)

Current Zoning: R-3 (LLWPA) (single family residential, Lower Lake Wylie protected area), R-5 (LLWPA) (single family residential, Lower Lake Wylie protected area), R-5 (LLWCA) (single family residential, Lower Lake Wylie critical area), R-3 (MH-O) (LLWPA) (single family residential, manufactured home overlay, Lower Lake Wylie protected area), and I-1 (LLWPA) (light industrial, Lower Lake Wylie protected area)

Proposed Zoning: MUDD-O (LLWPA) (mixed use development, optional, Lower Lake Wylie protected area), MUDD-O (LLWCA) (mixed use development, optional, Lower Lake Wylie critical area), MX-2 (INNOV) (LLWPA) (mixed use, innovative, Lower Lake Wylie protected area), and MX-2 (INNOV) (LLWCA) (mixed use, innovative, Lower Lake Wylie critical area), 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 this petition to be consistent with the *Dixie Berryhill Strategic Plan*; however a portion of the proposed Town Center district is inconsistent with the plan based on information from the staff analysis and the public hearing, and because:
 - The plan recommends employment/mixed-use and residential land uses for the site; and
 - The plan recommends residential uses for a portion of the proposed Town Center district, west of Dixie River 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 of the following site plan characteristics:
 - The development of mixed use communities along I-485 that integrate a mix of commercial, employment, residential, and community uses; and
 - The development of lower intensity residential uses in the watershed overlay area along the Catawba River.
 - A commitment to urban design and development standards that ensure the development of a pedestrian oriented, mixed-use community; and
 - A commitment to park, recreation, greenway and open space facilities that will connect to the Catawba River and the area's existing parks; and

- A commitment to enhanced environmental protection; and
- A commitment to future public school facility needs; and
- A commitment to workforce housing; and
- A commitment to a multi-modal transportation system that includes complete streets, multi-use trails and greenways, and provisions for future transit; and
- A phased development that implements necessary transportation infrastructure as development occurs and leverages planned community investment in the Airport/West Corridor.

[2016-056 reco 11-7-16-final-final](#)

[2016-056 Vicinity Map](#)

[2016-056 Rezoning Map](#)

[River District Changes Since Public Hearing](#)

[River District Responses to Council Questions](#)

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

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) and INST (institutional)

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

Zoning Committee Recommendation:

The Zoning Committee voted 4-1 to recommend **APPROVAL** of this petition as modified.

Staff Recommendation:

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

Statement of Consistency:

- The Zoning Committee found the residential use consistent with the *University City Area Plan*, but the proposed density to be inconsistent with the plan. Further the Zoning Committee found the residential use proposed for the portion of the site that fronts Sandburg Avenue to be consistent with the *Northeast District Plan*, but the proposed density to be inconsistent with the *General Development Policies*, based on information from the staff analysis and the public hearing, and because:
 - The *University Area Plan* recommends residential use for the site.
 - The *University Area Plan* recommends a density of 22 dwelling units per acre.
 - The *Northeast District Plan* recommends residential use for the portion of the site that fronts Sandburg Avenue.
 - The *General Development Policies* (GDP's) only support a density up to 17 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 nature of the area has changed such that some of the recommendations in the area plan are no longer applicable; and
 - There is a need for this type of housing in the vicinity of UNCC.

[2016-087 reco 102-26-19 final](#)

[2016-087 vicinity map revised](#)

[2016-087 rezoning map revised3](#)

[2016-087 RevSitePlan 11-15-2016](#)

14. Rezoning Petition: 2016-110 by Three Publicans, LLC

Location: Approximately 0.25 acres located on the northwest corner at the intersection of Central Avenue and Thomas Avenue. (Council District 1 - Kinsey)

Current Zoning: B-2 PED (general business, pedestrian overlay)

Proposed Zoning: MUDD-O PED (mixed use development, optional, 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 *Plaza Central Pedscape Plan*, based on information from the staff analysis and the public hearing, and because:
 - The plan recommends retail uses with a pedestrian overlay district.
- Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
 - The site is located on Central Avenue, which is a commercial corridor; and
 - The property is located within the heart of the Plaza Midwood business district where the *Plaza Central Pedscape Plan* identifies the preservation of the historic character as a priority; and
 - The proposed reuse of the existing two-story building, which is located at the back of sidewalk, preserves one of the buildings in the business district; and
 - The retail and office uses that would be allowed by MUDD (mixed use development) zoning could provide opportunities for goods and services to the residents of the Plaza Midwood neighborhood; and
 - A future phase of the Gold Line streetcar facility is proposed to run along Central Avenue in front of this site, which will provide alternative modes of transportation.

[2016-110 Reco 110716 final LQ](#)

[2016-110 vicinity map](#)

[2016-110 rezoning map](#)

[2016-110 RevSitePlan 10-25-2016](#)

15. Rezoning Petition: 2016-113 by ZOM Development

Location: Approximately 2.679 acres located on the east side of Barclay Downs Drive between Carnegie Boulevard and Bulfinch Road. (Council District 6 - Smith)

Current Zoning: O-1 (office)

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 the multi-family portion of the request consistent with the *SouthPark Small Area Plan*, which recommends adding multi-family residential development to areas zoned for office and retail. However, the committee found the retail component inconsistent with the *SouthPark Small Area Plan* based on information from the staff analysis and the public hearing, and because:
 - The *South Park Area Plan* recommends office or an office-residential mixture of uses on 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 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 *Centers, Corridors and Wedges Growth Framework* identifies SouthPark as a Mixed Use Activity Center, a priority area for growth and development in a compact, pedestrian-oriented form; and
 - The proposed retail uses are not strictly consistent with the mapped uses specified in the *SouthPark Small Area Plan*. However, they are consistent with policy text in the plan that encourages true mixed-use buildings with high density residential uses mixed with non-residential uses; and
 - Since the plan was adopted in 2000, other sites recommended by the plan for office use have been rezoned and/or redeveloped for residential, retail, and mixed-use. This reflects a recent emphasis on a more thorough mixing of uses than was prevalent when the plan was written; and
 - The petition provides for pedestrian improvements at intersections and along Barclay Downs Drive. It also provides pedestrian access to retail spaces that are easily accessed from ground level. This will enhance the pedestrian environment by providing active, ground floor uses oriented to the public sidewalk consistent with the recommendations of the *SouthPark Small Area Plan*; and
 - The Urban Land Institute recently completed an Advisory Services Panel Report of the SouthPark area. This document has not been adopted by the City Council; however, it does contain recommendations for the area including a multi-use path (loop) of eight to 15 feet in width and a minimum of ten to 15 feet where there is outdoor dining and connections between people and places. The site plan preserves the 15-foot planting strip, provides a 12-foot wide sidewalk, public gathering spaces, and ground level retail uses along Barclay Downs Drive.

[2016-113 reco 10-26-16 final](#)

[2016-113 vicinity map](#)

[2016-113 rezoning map](#)

[2016-113 RevSitePlan 11-14-2016](#)

16. Rezoning Petition: 2016-127 by Steele Creek (1997), LLC

Location: Approximately 6.02 acres located on the northeast corner at the intersection of Dixie River Road and New Fashion Way and also located on the southeast corner at the intersection of Dixie River Road and Trojan Drive. (Council District 3 - Mayfield)

Current Zoning: CC LLWPA (commercial center, Lower Lake Wylie Protected Area) and MUDD-O LLWPA (mixed use development, optional, Lower Lake Wylie Protected Area)

Proposed Zoning: CC SPA LLWPA (commercial center, site plan amendment, Lower Lake Wylie Protected Area) and MUDD-O SPA LLWPA (mixed use development, optional, site plan amendment, Lower 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 consistent with the *Dixie-Berryhill Strategic Plan*, based on information from the staff analysis and the public hearing, and because:
 - The petition is consistent with the adopted retail land use for this site, as amended by rezoning petition 2013-001.
- 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 properties are outparcels to the Charlotte Premium Outlet mall approved by rezoning petition 2013-001; and
 - The proposed modifications to the uses will eliminate a gas station/convenience store, add a second hotel, and add an accessory drive-through window for a retail use or eating/drinking/entertainment establishment (EDEE); and
 - There will be no increase in the allowed retail square footage and the only additional square footage will be related to the 125-room hotel; and
 - The proposed uses, in combination with the Outlet Mall, will continue to provide employment opportunities and service retail for area residents and destination retail for the region; and
 - The proposed changes do not alter the overall intent of the adopted retail land use for the site.

[2016-127 reco 11-7-2016 final](#)

[2016-127 vicinity map2](#)

[2016-127 rezoning map revised](#)

[2016-127 RevSitePlan 10-26-2016](#)

17. Rezoning Petition: 2016-129 by Greenway Residential Development

Location: Approximately 12.33 acres located on the east side of West Sugar Creek Road between West W.T. Harris Boulevard and David Cox Road. (Council District 2 - Austin)

Current Zoning: R-3 (single family residential) and UR-2(CD) (urban residential, conditional)

Proposed Zoning: UR-2(CD) (urban residential, conditional) and UR-2(CD) SPA (urban residential, 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 *Northeast District Plan*, based on information from the staff analysis and the public hearing, and because:
 - This petition is consistent with the residential use and 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 subject property is situated between a shopping center on the east side of Sugar Creek Road, a school to the west and single family residential to the north; and
 - The rezoning will allow the property to continue to be used as a transition between the more intense retail and the school and single family uses; and
 - The petition seeks to decrease the number of mutli-family units from 145 to 144 and proposes a new development form with better access and improved design; and
 - The development will provide a 40-foot buffer from single family residential and a 15-foot landscape area along the common property line with the school; and
 - The site plan provides architectural standards for the proposed units that address porches, stoops, roof pitch, building materials, and blank walls on corner/end units.

[2016-129 reco 11-7-2016 final](#)

[2016-129 vicinity map2](#)

[2016-129 rezoning map revised](#)

[2016-129 Greenway Residential 11.16.16 Site Plans](#)

ZONING HEARINGS**18. Rezoning Petition: 2016-138 by Southminster, Inc.**

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

Location: Approximately 25.4 acres located on the east side of Park Road between Smithfield Church Road and Arbor Pointe Drive. (Council District 6 - Smith)

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

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

[2016-138 Slip Sheet](#)

[2016-138 vicinity map](#)

[2016-138 rezoning map](#)

**19. Rezoning Petition: 2016-143 by City of Charlotte
Transportation Department/Planning Department**

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

Description: To modify the references of the Charlotte-Mecklenburg Thoroughfare Plan, by changing the name to the Charlotte Thoroughfare Map.

[2016-143 Slip Sheet](#)

**20. Rezoning Petition: 2016-MV001 (Motor Vehicle) by City of
Charlotte Transportation Department/Planning Department**

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

Description: To modify the references of the Charlotte-Mecklenburg Thoroughfare Plan, by changing the name to the Charlotte Thoroughfare Map in Chapter 14 of the City Code Motor Vehicles and Traffic.

[2016-MV001 Slip Sheet](#)

**21. Rezoning Petition: 2016-S001 (Subdivision) by City of
Charlotte Transportation Department/Planning Department**

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

Description: To modify the references of the Charlotte-Mecklenburg Thoroughfare Plan, by changing the name to the Charlotte Thoroughfare Map in the Subdivision Ordinance.

[2016-S001 Slip Sheet](#)

22. Rezoning Petition: 2016-115 by Crescent Communities

Location: Approximately 37.54 acres located on the south side of West Mallard Creek Church Road between Senator Royall Drive and Claude Freeman Drive.
(Council District 4 - Phipps)

Current Zoning: RE-3(O) (research, optional)

Proposed Zoning: RE-3(O) SPA (research, optional, site plan amendment)

Staff Recommendation:

Staff does not recommend approval of this petition in its current form. Outstanding issues are related to transportation, and site and building design.

[2016-115 staff 11-21-16 final final](#)

[2016-115 vicinity map](#)

[2016-115 rezoning map revised](#)

[2016-115 RevSitePlan 10-24-2016](#)

[Previously Approved Cover Page](#)

[2016-115 ApprovedPlan](#)

23. Rezoning Petition: 2012-074 by John Adams

Location: Approximately 9.55 acres located at the northeast corner of John Adams Road and West Mallard Creek Church Road. (Council District 4 - Phipps)

Current Zoning: O-1 (CD) (office, conditional) and B-1(CD) (neighborhood business, conditional)

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

Staff Recommendation:

Staff does not recommend approval of this petition in its current form. Outstanding issues are related to transportation and site design.

[2012-74 staff 11-21-16 final-final LQ](#)

[2012-074 vicinity map](#)

[2012-074 rezoning map revised6](#)

[2012-074 RevSitePlan 10-24-2016](#)

[Previously Approved Cover Page](#)

[2012-074 ApprovedPlan](#)

24. Rezoning Petition: 2016-098 by WP Yancey, LLC

Location: Approximately 5.1 acres located on the west side of Old Pineville Road between Yancey Road and Southside Drive. (Council District 3 - Mayfield)

Current Zoning: I-2 (general industrial)

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

Staff Recommendation:

Staff does not recommend approval of this petition in its current form. Outstanding issues are related to transportation, site design and technical revisions.

[2016-098 staff 11-21-2016 final final](#)

[2016-098 vicinity map](#)

[2016-098 rezoning map revised](#)

[2016-098 RevSitePlan 10-24-2016](#)

25. Rezoning Petition: 2016-119 by C.O. Ackerman, Jr.

Location: Approximately 3.62 acres located on the east side of Shopton Road between Pleasant Way Lane and Lebanon Drive. (Council District 3 - Mayfield)

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

Proposed Zoning: O-1 (CD) SPA (office, conditional, site plan amendment)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to building materials and lighting.

[2016-119 staff 11-21-16 final-final](#)

[2016-119 vicinity map](#)

[2016-119 rezoning map](#)

[2016-119 RevSitePlan 10-24-2016](#)

[Previously Approved Cover Page](#)

[2016-119 ApprovedPlan](#)

26. Rezoning Petition: 2016-117 by ATAPCO UEP Inc.

Location: Approximately 4.51 acres located on the west side of North Tryon Street between E. McCullough Drive and Ken Hoffman Drive. (Council District 4 - Phipps)

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

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

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to uses, sidewalks, pedestrian entrances, and building elevations and mirror technical revisions.

[2016-117 staff 112116-final-final](#)

[2016-117 vicinity map](#)

[2016-117 rezoning map](#)

[2016-117 RevSitePlan 10-24-2016](#)

[Previously Approved Cover Page](#)

[2016-117 Approved Plan](#)

27. Rezoning Petition: 2016-124 by Chris Ogunrinde

Location: Approximately 1.50 acres located on the northwest corner at the intersection of Freedom Drive and Wesley Village Road. (Council District 3 - Mayfield)

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 uses, streetscape, parking, elevations, and other requested technical revisions.

[2016-124 staff 11-21-16 final-final](#)

[2016-124 vicinity map](#)

[2016-124 rezoning map revised3](#)

[2016-124 RevSitePlan 10-24-2016](#)

[Previously Approved Cover Page](#)

[2016-124 ApprovedPlan](#)

28. Rezoning Petition: 2016-130 by White Point Paces Properties

Location: Approximately 0.64 acres located on the south side of North Brevard Street between Belmont Avenue and Parkwood Avenue. (Council District 1 - Kinsey)

Current Zoning: R-8 (single family residential)

Proposed Zoning: TOD-MO (transit oriented development - mixed-use, optional) with five year vested rights.

Staff Recommendation:

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

[2016-130 staff-11-21-16 final-final](#)

[2016-130 vicinity map](#)

[2016-130 rezoning map revised2](#)

[2016-130 RevSitePlan 10-24-2016](#)

29. Rezoning Petition: 2016-133 by K & H Development, Inc.

Location: Approximately 3.58 acres located on the east side of South Tryon Street across from Wright's Ferry Road. (Council District 3 - Mayfield)

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

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

Staff Recommendation:

Staff recommends approval of the petition upon resolution of outstanding issues pertaining to environment and transportation.

[2016-133 staff CLG 10-27 final-final](#)

[2016-133 vicinity map](#)

[2016-133 rezoning map](#)

[2016-133 RevSitePlan 10-24-2016](#)

[Previously Approved Cover Page](#)

[2016-133 ApprovedPlan](#)

30. Rezoning Petition: 2016-136 by Gateway Communities NC, LLC

Location: Approximately 0.68 acres located on the west side of North Brevard Street between Faison Avenue and East 33rd Street. (Council District 1 - Kinsey)

Current Zoning: I-2 (general industrial)

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

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and parking, as well as a minor technical revision.

[2016-136 staff-11-21-16 final-final](#)

[2016-136 vicinity map](#)

[2016-136 rezoning map revised](#)

[2016-136 RevSitePlan 10-24-2016](#)

31. Rezoning Petition: 2016-137 by Kyle Short

Location: Approximately 1.57 acres located on the south side East Woodlawn Road between Old Woods Road and Fairbluff Place. (Council District 6 - Smith)

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

Proposed Zoning: UR-2(CD) SPA (urban residential, conditional, site plan amendment)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to the installation of a privacy fence, and minor requested technical revisions.

[2016-137 staff 11-121-16-final-final](#)

[2016-137 vicinity map](#)

[2016-137 rezoning map](#)

[2016-137 RevSitePlan 10-24-2016](#)

[Previously Approved Cover Page](#)

[2016-137 ApprovedPlan](#)

32. Rezoning Petition: 2016-142 by Patrick J. Staub & Beatriz C. Staub

Location: Approximately 0.33 acres located on the east side of South Tryon Street between West Summit Avenue and West Bland Street. (Council District 3 - Mayfield)

Current Zoning: NS (neighborhood services)

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

Staff Recommendation:

Staff recommends approval of this petition.

[2016-142 staff 11-21-2016 final-final](#)

[2016-142 vicinity map](#)

[2016-142 rezoning map](#)