

City of Charlotte

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



Zoning Agenda

Monday, December 19, 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**

ACRONYMS

Zoning District Acronyms

- **B-1** – neighborhood business
- **B-2** – general business
- **B-1SCD** – business shopping center (old district)
- **BD** – distributive business
- **BP** – business park
- **CC** – commercial center
- **HW** – hazardous waste
- **I-1** – light industrial
- **I-2** – general industrial
- **INST** – institutional
- **MUDD** – mixed use development
- **MX-1** – mixed use
- **MX-2** – mixed use
- **MX-3** – mixed use
- **NS** – neighborhood services
- **O-1** – office district
- **O-2** – office district
- **O-3** – office district
- **R-3** – single-family residential – up to 3 dwelling units per acre (dua)
- **R-4** – single-family residential –up to 4 dua
- **R-5** – single-family residential –up to 5 dua
- **R-6** – single-family residential –up to 6 dua
- **R-8** – single-family residential – up to 8 dua
- **R-8MF** – multi-family residential – up to 8 dua
- **R-12MF** – multi-family residential– up to 12 dua
- **R-17MF** – multi-family residential– up to 17 dua
- **R-22MF** – multi-family residential– up to 22 dua
- **R-43MF** – multi-family residential– up to 43 dua
- **R-MH** – residential manufactured housing
- **RE-1** – research
- **RE-2** – research
- **RE-3** – research
- **TOD** – transit oriented development
- **TOD-E** – transit oriented development – employment
- **TOD-M** – transit oriented development–mixed use
- **TOD-R** – transit oriented development – residential
- **U-I** – urban industrial
- **UMUD** – uptown mixed use
- **UR-1** – urban residential
- **UR-2** – urban residential
- **UR-3** – urban residential
- **UR-C** – urban residential – commercial

Zoning Overlay District Acronyms

- **CR/LWW** – Catawba River / Lake Wylie watershed
- **CR/LWWCA** – Catawba River / Lake Wylie watershed – critical area
- **CR/LWWPA** – Catawba River / Lake Wylie watershed – protected area
- **HD-O** – historic district overlay
- **LNW** – Lake Norman watershed overlay
- **LNWCA** –Lake Norman watershed –overlay, critical area
- **LNWPA** –Lake Norman watershed – overlay, protected area
- **LLWW** – Lower Lake Wylie watershed overlay
- **LLWWCA** – Lower Lake Wylie watershed – overlay, critical area
- **LLWWPA** – Lower Lake Wylie watershed– overlay, protected area
- **LWPA** – Lake Wylie protected area
- **MILW** – Mountain Island Lake watershed overlay
- **MILWCA** – Mountain Island Lake watershed – overlay, critical area
- **MILWPA** – Mountain Island Lake watershed – overlay, protected area
- **MH** – manufactured home overlay
- **PED** – pedestrian overlay
- **TS** – transit supportive overlay

Miscellaneous Zoning Acronyms

- **CD** – conditional
- **INNOV** – innovative standards
- **SPA** – site plan amendment
- **O** – optional provisions

Miscellaneous Other Acronyms

- **CAG** – citizen advisory group
- **CDOT** – Charlotte Department of Transportation
- **FEMA** – Federal Emergency Management Agency
- **LED** – light emitting diode
- **NCDOT** – North Carolina Department of Transportation
- **PCCO** – Post Construction Control Ordinance

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

- 1. Meeting Agenda**
- 2. Dinner Meeting Agenda**
 - 1. Agenda Review - Tammie Keplinger**
- 3. Follow Up Report**

5:30 P.M. ZONING MEETING, COUNCIL CHAMBERS**ZONING DECISIONS****4. Rezoning Petition: 2016-097 by Simonini Saratoga Foxcroft, LLC*****Update: Requesting Deferral (to January 17, 2017)***

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:

The Zoning Committee voted 5-0 to **DEFER** this petition to the January 4, 2017 Zoning Committee Work Session.

5. Rezoning Petition: 2016-115 by Crescent Communities***Update: Requesting deferral to (January 17, 2017)***

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)

Zoning Committee Recommendation:

The Zoning Committee voted 5-0 to **DEFER** this petition to the January 4, 2017 Zoning Committee Work Session.

6. Rezoning Petition: 2016-117 by ATAPCO UEP Inc.***Update: Requesting deferral to (January 17, 2017)***

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)

Zoning Committee Recommendation:

The Zoning Committee voted 5-0 to **DEFER** this petition to the January 4, 2017 Zoning Committee Work Session.

7. Rezoning Petition: 2016-053 by Brookline Residential, LLC

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 6-0 to recommend **APPROVAL** of this petition as modified.

Staff Recommendation:

Staff disagrees with the recommendation of the Zoning Committee as the requested density exceeds what is recommended by the area plan and the proposed multi-family development is out of character with the existing single family residential zoning and uses along Reames Road.

Statement of Consistency:

- The Zoning Committee found this petition to be inconsistent with the *Northlake Area Plan*, based on information from the staff analysis and the public hearing, and because:
 - The plan recommends residential at up to five dwelling units per acre 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 project is located near a major interchange; and
 - The proposed development will work towards resolving issues surrounding a mix of housing and affordability; and
 - It is a good project.

8. 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)

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. Staff feels that the requested street connection would allow for vehicular, bicycle and pedestrian mobility through an area that is converting existing warehouse uses to an entertainment district. The connection would support the City's policy goal of increased connectivity and a denser street network in transit station areas. The design details requested for the pedestrian plazas and motor court/drop off would allow staff to evaluate the deviation from the required streetscape standards along Yancey Road.

Statement of Consistency:

- The Zoning Committee found this petition to be inconsistent with the *Scaleybark Transit Station Area Plan*, based on information from the staff analysis and the public hearing, and because:
 - The plan recommends low to moderate intensity office, industrial and warehouse-distribution uses 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 area is transitioning from an industrial/warehouse area as originally called for in the adopted area plan to a more mixed-use entertainment area; and
 - The site will provide ample parking for the proposed use and area; and
 - The proposed pedestrian and bike path will provide alternate transportation choice for the area instead of the proposed street noted in the adopted area plan.

9. 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. (Outside City Limits)

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

Proposed Zoning: O-1 (CD) SPA (office, 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 *Westside Strategic Plan*, as amended by petition 2005-040, based on information from the staff analysis and the public hearing, and because:
 - The petition is consistent with the adopted office land use for this site per the *Westside Strategic Plan*.
- 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:
 - This is a designated historic site and structure located in a traditionally rural area; and
 - The request will allow general and professional office uses instead of limiting the uses to only a law office, and the request will not increase the square footage on the site; and
 - The proposed modifications related to uses are minor and are consistent with the adopted land use for this site; and
 - The proposal will maintain the historic character of the house and grounds and will preserve several large trees on the site.

10. 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.

Zoning Committee Recommendation:

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

Staff Recommendation:

Staff agrees with the recommendation of the Zoning Committee.

Statement of Consistency:

- The Zoning Committee found this petition to be consistent with the *Blue Line Extension Transit Station Area Plan*, based on information from the staff analysis and the public hearing, and because:
 - The plan recommends transit supportive 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 within ½ mile walk distance from the Parkwood Station on the LYNX Blue Line Extension; and
 - The area is expected to transition to transit supportive development over time. Development will be required to meet all TOD-M (transit oriented development - mixed use) ordinance requirements; and
 - The petition redevelops an infill site, thereby minimizing further environmental impacts while accommodating growth; and
 - Site is adjacent to a proposed multi-use path to be located along the north side of North Brevard Street adjacent to this rezoning area.

11. 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)

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 majority of the Zoning Committee.

Statement of Consistency:

- The Zoning Committee found this petition to be inconsistent with the *Steele Creek Area Plan*, as amended by petition 2016-039, based on information from the staff analysis and the public hearing, and because:
 - The petition is inconsistent with the *Steele Creek Area Plan* recommendation for office.
- 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 on South Tryon Street, between a religious institution and Carolinas Medical Center; and
 - While the proposed indoor climate controlled storage facility is not consistent with the office land use recommended by the plan as amended by petition 2016-039, the use is compatible with the abutting hospital and religious institution; and
 - The petitioner is adhering to a number of community design policy recommendations from the *Steele Creek Area Plan* which are intended to promote quality non-residential development. These include:
 - Designing transparent openings;
 - Establishing entrances with pedestrian interest;
 - Varying horizontal and vertical plane of elevations; and
 - Breaking down the mass of the building.

12. 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)

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 this petition.

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 within ½ mile of the 36th Street transit station.
- 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 site is within a ½ mile walk of the 25th Street and 36th Street Transit Stations on the Blue Line Extension; and
 - The area plan does not provide a specific height limit for the site; however, the TOD-R standards will provide a height transition between nearby single family homes and taller buildings located closer to the 36th Street Station; and
 - A portion of the proposed Cross Charlotte Trail Spur will be constructed on this site; and
 - Planters and benches will be provided in the open space adjacent to the site's frontage on the proposed trail. In addition, the proposed building will be designed to complement the trail with balconies overlooking the path; and
 - This rezoning also includes the construction of a new street within existing city right-of-way. This new street will provide frontage for the subject parcel which currently is land locked, and will also provide access to nearby CATS and Duke Energy facilities.

13. 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)

Zoning Committee Recommendation:

The Zoning Committee voted 6-0 to recommend **APPROVAL** 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*, as amended by petition 2014-029, based on information from the staff analysis and the public hearing, and because:
 - The plan recommends residential uses at up to eight dwelling units per acre on the subject property.
- 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 proposal reduces the total number of dwelling units from 14 to 11 and decreases the proposed density from 8.89 dwelling units per acre to 7.00 dwelling units per acre; and
 - The proposed site plan amendment maintains commitments designed to ensure that the project is compatible with the surrounding single family neighborhood. The commitments include a ten-foot "Class C" buffer around the perimeter of the property, building height limited to three stories and not to exceed 40 feet, and architectural standards related to building materials, sloped roofs, garage doors, and unit entrances; and
 - The project provides additional architectural design standards that address building elements facing the public street such as windows and chimneys; and
 - The project will also support future improvements to Woodlawn Road by placing the sidewalk and planting strip in a location to accommodate future widening, as recommended in the *Park Woodlawn Area Plan*.

14. 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)

Zoning Committee Recommendation:

The Zoning Committee voted 6-0 to recommend **APPROVAL** of this conventional 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 mixed-use transit supportive development for the area in which the site is located.
- 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 site is within a 1/4 mile walk of the Bland Street Transit Station on the LYNX Blue Line; and
 - The proposal allows for all uses in the TOD-M (transit oriented development - mixed-use) district which include office, residential, retail, and civic 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.

ZONING HEARINGS**15. Rezoning Petition: 2015-027 by Charlotte Housing Authority*****Update: Petitioner Requesting Deferral (to June 19, 2017)***

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)

16. Rezoning Petition: 2016-128 by Mt. Isle Promenade, LLC

Location: Approximately 125.13 acres located on the southeast corner at the intersection of Brookshire Blvd and Mount Holly-Huntersville Road. (Council District 2 - Austin)

Current Zoning: R-3(LWPA) (single family residential, Lake Wylie Protected Area), NS (LWPA) (neighborhood services, Lake Wylie Protected Area), and BD (CD) (LWPA) (distributive business, conditional, Lake Wylie Protected Area)

Proposed Zoning: CC (LWPA) (commercial center, Lake Wylie Protected Area), MUDD-O (LWPA) (mixed use development district, optional, Lake Wylie Protected Area), and NS SPA (LWPA) (neighborhood services, site plan amendment, Lake Wylie Protected Area), with five year vested rights

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to site design, buffers and screening, and transportation, as well as requested technical revisions.

17. Rezoning Petition: 2016-150 by CW Development***Update: Petitioner Requested Deferral (to January 17, 2017)***

Location: Approximately 4.13 acres located on the west side of Old Providence Road near the intersection of Old Providence Road and Old Providence Lane. (Council District 6 - Smith)

Current Zoning: R-3 (single family residential)

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

18. Rezoning Petition: 2016-123 by Harbor Baptist Church

Location: Approximately 9.81 acres located on the east side of Reedy Creek Road and Interstate 485 at the end of Saddlehorse Lane near the intersection of Gelding Drive and Saddlehorse Lane. (Outside City Limits)

Current Zoning: R-3 (single family residential)

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

Staff Recommendation:

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

19. Rezoning Petition: 2016-132 by Richter Development, LLC

Location: Approximately 2.01 acres located on the east side of Sardis Road between Coventry Row Court and Timber Lane. (Council District 6 - Smith)

Current Zoning: R-3 (single family residential)

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

Staff Recommendation:

Staff does not recommend approval of this petition in its current form due to outstanding issues related to site and building design.

20. Rezoning Petition: 2016-138 by Southminster, Inc.

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)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to sidewalks, setbacks, and transportation along with other minor requested technical revisions.

21. Rezoning Petition: 2016-140 by Michael Adams

Location: Approximately 6.63 acres located on the southwest corner at the intersection of Rocky River Road and East W.T. Harris Boulevard. (Council District 4 - Phipps)

Current Zoning: NS (neighborhood services)

Proposed Zoning: NS SPA & BD (CD) (neighborhood services, site plan amendment and distributive business, conditional both five-year vested rights)

Staff Recommendation:

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

22. Rezoning Petition: 2016-141 by RENC CH, LLC

Location: Approximately 41.5 acres located on the south side of Wallace Road between Woodberry Road and East Independence Boulevard. (Council District 5 - Autry)

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

Proposed Zoning: B-2 (CD) (general business, conditional) and B-2(CD) SPA (general business, conditional, site plan amendment)

Staff Recommendation:

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

23. Rezoning Petition: 2016-144 by MV Residential Development, LLC

Location: Approximately 3.06 acres located on the west side of North Davidson Street between East 21st Street and East 22nd Street. (Council District 1 - Kinsey)

Current Zoning: I-2 (general industrial)

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 transportation and site and building design.

24. Rezoning Petition: 2016-146 by Barringer Capital, LLC

Update: Petitioner Requesting Deferral (to January 17, 2017)

Location: Approximately 0.74 acres located on the north 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-RO (transit oriented development, residential, optional)

25. Rezoning Petition: 2016-147 by Mallard Creek Associates #1, LLC

Location: Approximately 10.8 acres located on the northwest corner at the intersection of Providence Road, Fairview Road and Sardis Road. (Council District 6 - Smith)

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

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

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to specification of maximum building height.

26. Rezoning Petition: 2016-148 by Michael L. Lavelle

Location: Approximately 0.9 acres located on the southeast corner at the intersection of Elm Lane and Williams Pond Lane. (Council District 7 - Driggs)

Current Zoning: NS (neighborhood services)

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

Staff Recommendation:

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

27. Rezoning Petition: 2016-149 by Steele Creek (1997), LLC

Location: Approximately 11.73 acres located on the southeast corner at the intersection of South Tryon Street between Steele Creek Road and Hoover Creek Boulevard. (Council District 3 - Mayfield)

Current Zoning: CC (commercial center)

Proposed Zoning: CC SPA (commercial center, site plan amendment) and NS (neighborhood services)

Staff Recommendation:

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

28. Rezoning Petition: 2017-001 by Epes Transport System, Inc.

Location: Approximately 11.9 acres located on the south side of Spector Drive near the intersection of Statesville Road and Spector Drive. (Council District 6 - Smith)

Current Zoning: I-1 (light industrial)

Proposed Zoning: I-2 (general industrial)

Staff Recommendation:

Staff recommends approval of this petition.

December 2016 Rezoning

