

City of Charlotte

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



Zoning Agenda

Monday, February 20, 2017

Council Chambers

City Council Zoning Meeting

*- Mayor Jennifer W. Roberts -
- Mayor Pro-Tem Vi Lyles -
Dimple Ajmera - Al Austin
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 2-20-17-final](#)

5:30 P.M. ZONING MEETING, COUNCIL CHAMBERS**ZONING DECISIONS****4. Rezoning Petition: 2016-123 by Harbor Baptist Church*****Update: Petitioner Requesting Deferral (to March 20, 2017)***

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)

[2016-123 Slip Sheet](#)

5. Rezoning Petition: 2016-124 by Chris Ogunrinde***Update: Requesting deferral to (March 20, 2017)***

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.

Zoning Committee Recommendation:

The Zoning Committee voted 5-0 to **DEFER** this petition until the March 1, 2017 Zoning Committee Work Session.

[2016-124 reco 1-25-17 final](#)

[2016-124 vicinity map](#)

[2016-124 rezoning map revised3](#)

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

Update: Requesting deferral to (March 20, 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)

Zoning Committee Recommendation:

The Zoning Committee voted 5-0 to **DEFER** this petition until their March 1, 2017 meeting.

[2016-146 Reco 1-25-17-final](#)

[2016-146 vicinity map](#)

[2016-146 rezoning map](#)

7. 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 (neighborhood business, 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 Area Plan*, based on information from the staff analysis and the public hearing, and because:
 - The *Northeast Area Plan* recommends a mix of office, research, and retail land uses for the area in which the subject property 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 site is located within ¼ mile of an I-85 interchange; and
 - In light of the interchange proximity, the proposed uses, which include a convenience store with gas sales and a use with an accessory drive-through, are appropriate at this location; and
 - The proposed development will provide additional street connectivity through the construction of a new alignment of John Adams Road and a new street parallel to West Mallard Creek Church Road; and
 - The increased connectivity will support future development on vacant land to the north that will be accessed through this development; and
 - Pedestrian connectivity in the area will also be enhanced through new sidewalks along streets, including along West Mallard Creek Church Road.

[2012-74 ZC 01-25-17 final](#)

[2012-074 vicinity map](#)

[2012-074 rezoning map revised6](#)

[2012-074 RevSitePlan 01-19-2017](#)

8. Rezoning Petition: 2014-053 by Charlotte-Mecklenburg Planning Department

Summary of Petition: The petition proposes to:

- 1) Modify the name of mobile food vending service;
- 2) Allow the use in additional zoning districts, with prescribed conditions, as either a principal or accessory use; and
- 3) Modify the prescribed conditions for mobile food vending.

Zoning Committee Recommendation:

The Zoning Committee voted 4-2 to recommend **APPROVAL** of this petition.

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 consistent with the *Centers, Corridors and Wedges Growth Framework* goals because:
 - The amendment expands the employment base and broadens the economy to include emerging industries;
 - The mobile food vending regulations protect existing neighborhoods; and
 - The use and regulations create walkable places that are vibrant and have a variety of activities.
- 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 text amendment:
 - Balances the mobile food vending industry interests with the community interests; and
 - Expands the zoning districts where mobile food vendors can locate allowing new mobile food vending opportunities for vendors and customers; and
 - Reduces the separation distances required to residential uses by building upon the separation distances established for similar uses such as eating/drinking/entertainment establishments; and
 - Expands the initial permit validity period to 365 consecutive days, thereby reducing the number of permits or permit extensions required per year on each site; and
 - Adds new provisions allowing the gathering of four or more mobile food vendors (also known as rallies) on sites, allowing mobile food vending organizers to plan social events which add to the vibrancy of the area, and to create walkable places; and
 - Adds new provisions allowing mobile food vending special events in residential and institutional districts as an accessory use on non-residential lots, and to allow such uses as schools and religious institutions the opportunity to host mobile food vending events on their site; and
 - Modifies the parking requirements to provide additional parking for customers, thereby reducing the parking impacts on surrounding areas.

[2014-053 reco 1-25-17 final rev](#)

[2014-053 matrix revision 2](#)

[2014-53 amendment rev 41](#)

9. 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)

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 *University Research Park (URP) Area Plan*, based on information from the staff analysis and the public hearing, and because:
 - The Plan, as amended by petition 2011-036, recommends a mix of office, retail, and residential uses for the larger development 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:
 - This property is located in the University Research Park, and the adopted area plan for this part of the research park recommends a mix of uses with a density of over 22 dwelling units per acre; and
 - The plan further recommends that this area become a vibrant mixed use developed in a compact, urban, and pedestrian friendly pattern; and
 - The petition meets the overall intent of the area plan by creating a mix of uses; and
 - The petition's proposal to reduce the permitted amount of office use and add residential uses will balance the mix of uses, due to the large amount of existing office uses in the research park; and
 - In addition, the site plan has been designed to support walkability by placing buildings along the streets, with most parking located to the rear of buildings, and providing direct pedestrian connections between the buildings and the sidewalk system.

[2016-115 reco 01-25-2017 final final](#)

[2016-115 vicinity map](#)

[2016-115 rezoning map revised](#)

[2016-116 02 14 17 VARP REZONING](#)

10. 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)

Zoning Committee Recommendation:

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

Staff Recommendation:

Staff agrees with the recommendation of the Zoning Committee.

Statement of Consistency:

- The Zoning Committee found this petition to be consistent with the *South District Plan* and meets the *General Development Policies*, based on information from the staff analysis and the public hearing, and because:
 - The plan recommends residential uses; and
 - The proposed density of eight dwelling units per acre meets the General Development Policies locational criteria.
- 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 a section of Sardis Road that is developed primarily with residential and institutional uses, and is adjacent to other property zoned and developed with townhomes; and
 - The proposed zoning provides the flexibility in building type, lot sizes and yard requirements to allow the petitioner to develop an elongated parcel with townhomes while providing a site design that is sensitive to the adjacent single family homes; and
 - The units are located in a linear layout down the center of the parcel so that they are as far as possible from the adjacent properties on all sides while maintaining vehicular and pedestrian access and required private open space; and
 - The site plan depicts units along Sardis Road located approximately 48 feet from the back of the curb, consistent with the nearby single family homes and townhomes.

[2016-132 reco 1-25-17 final](#)

[2016-132 vicinity map](#)

[2016-132 rezoning map](#)

[2016-132 RevSitePlan 01-19-2017](#)

11. Rezoning Petition: 2016-151 by Charlotte-Mecklenburg Planning Department

Summary of Petition: The petition proposes to:

- 1) Shorten the number of days for a party to file an appeal to the Zoning Board of Adjustment for a Historic District decision; and
- 2) Add a requirement that if an appellant chooses to have a transcript prepared of the Historic District Commission discussion about the action being appealed, the transcript must be received by the Zoning Board of Adjustment prior to the appeal hearing.

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* goals because:
 - The amendment protects existing neighborhoods.
- Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
 - Shortening the appeal time frame to 30 days after issuance of a decision will still provide adequate time for parties to appeal, but will also reduce uncertainty for the property owner proposing a project; and
 - The 30-day time frame for filing an appeal is consistent with the appeal time frame for other processes, such as an appeal of a decision of the Zoning Administrator to the Zoning Board of Adjustment; and
 - Providing a transcript of the Historic District Commission's action on a "certificate of appropriateness" prior to the appeal hearing ensures the transcript is available for review by the Zoning Board of Adjustment when making their decision on the appeal.

[2016-151 reco 1-25-17 final](#)

[2016-151 matrix](#)

[2016-151 amendment rev 1](#)

12. Rezoning Petition: 2017-003 by Heist Brewery

Location: Approximately 2.27 acres located on the north side of Woodward Avenue between Statesville Avenue and Vanderbilt Road and south of Carter Avenue. (Council District 1 - Kinsey)

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 agrees with the recommendation of the Zoning Committee.

Statement of Consistency:

- The Zoning Committee found this petition to be inconsistent with the *Statesville Avenue Corridor Area Plan*, based on information from the staff analysis and the public hearing, and because:
 - The plan recommends industrial uses for the subject site; and
 - The plan recommends the realignment and extension of Arden Street through the site to Woodward Avenue.
- 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 site is located within the Applied Innovation Corridor, an area identified for specific CIP (Community Investment Plan) projects, with the goal of spurring economic development and investment; and
 - This portion of the Applied Innovation Corridor is transitioning from primarily industrial and warehouse uses to a mixture of uses including residential, commercial, adaptive reuse, institutional and recreational uses; and
 - Through the use of optional provisions, the proposal allows a unique opportunity for adaptive reuse of the existing industrial building for pedestrian friendly, neighborhood oriented uses that are more compatible with adjacent residential uses; and
 - In addition, the proposed site plan includes sidewalk connections from Carter Avenue to Woodward Avenue to facilitate pedestrian connections in lieu of the vehicular connection recommended by the area plan that is no longer feasible. This provides area residents with better access to the Mecklenburg County swimming pool facility at the corner of Woodward Avenue and Statesville Avenue.

[2017-003 reco 1-25-17-final lk](#)

[2017-003 vicinity map](#)

[2017-003 rezoning map revised](#)

[2017-003 RevSitePlan 02-3-2017](#)

13. Rezoning Petition: 2017-005 by OMS Piper Station, LLC

Location: Approximately 1.95 acres located on the east side of Rea Road south of I-485 and north of Piper Station Drive. (Council District 7 - Driggs)

Current Zoning: B-1SCD (business shopping center)

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 *South District Plan*, based on information from the staff analysis and the public hearing, and because:
 - The plan recommends office uses, and hotels are an allowable and typical use within office development.
- Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
 - The site is located in the Stonecrest mixed use activity center. The *Center, Corridors and Wedges Growth Framework* identifies activity centers as appropriate for more intense, pedestrian oriented development; and
 - The proposed rezoning will allow for more intensive use of the site consistent with other rezoning's on both sides of Rea Road in recent years; and
 - The proposed site plan preserves 50 feet of open space in an urban form along the edge of Rea Road, consistent with similar frontage in the Stonecrest shopping center; and
 - The proposal will support area walkability by providing a sidewalk and planting strip for access and pedestrian connectivity along Rea Road, a sidewalk and planting strip along Piper Station Drive, and a sidewalk along the front of the building connecting the two street frontages.

[2017-005 reco 1-25-17 final rev](#)

[2017-005 vicinity map](#)

[2017-005 rezoning map revised](#)

[2017-005 RevSitePlan 02-03-2017](#)

14. Rezoning Petition: 2017-006 by Stream Realty Partners

Location: Approximately 11.05 acres located on the southeast corner of the intersection of Highland Creek Parkway and Eastfield Road. (Council District 4 - Phipps)

Current Zoning: NS (neighborhood services)

Proposed Zoning: R-17MF (CD) (multi-family 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 this petition.

Statement of Consistency:

- The Zoning Committee found the proposed land use to be consistent with the *Prosperity Hucks Area Plan*, and the density to be inconsistent with the adopted Plan based on information from the staff analysis and the public hearing, and because:
 - The plan recommends residential development as an alternative to office/retail land use for this site; and
 - The plan recommends a density of up to eight 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 site is located within the predominately residential Highland Creek development; and
 - It is currently zoned to allow up to 112,000 square feet of commercial uses; and
 - The proposed age-restricted residential use is appropriate as the site is located between two single family subdivisions; and
 - Although the adopted plan recommended a lower density for residential use, the nature of the proposed age-restricted use will minimize the impacts to the adjacent single family residential properties. Specifically:
 - The proposed use significantly decreases the traffic generation; and
 - It retains buffers abutting single family homes.

[2017-006 reco 01-25-17 final](#)

[2017-006 vicinity map](#)

[2017-006 rezoning map](#)

[2017-006 RevSitePlan 01-19-2017](#)

15. Rezoning Petition: 2017-007 by NRP Properties, LLC

Location: Approximately 6.97 acres located north of the intersection of North Tryon Street and Old Concord Road, between Northchase Drive and Austin Drive. (Council District 4 - Phipps)

Current Zoning: B-2 (general business)

Proposed Zoning: TOD-RO (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 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 sites located within ½ mile walk distance of the Old Concord Transit Station. In addition, the height complies with the 50-foot limit recommended in the adopted area 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:
 - The site is within ½ mile walk distance from the Old Concord Station on the LYNX Blue Line Extension; and
 - The proposal will provide walkable residential development within the transit station area; and
 - The petition proposes to redevelop an infill site, which will minimize environmental impacts while accommodating growth; and
 - The petition provides public street connections to abutting properties located to the north and west of the site, supporting enhanced connectivity in the area; and
 - In addition, the development will include a ten-foot multi-use path through the site, and the path will promote alternative modes of transportation.

[2017-07_ZC_01-25-17-final](#)

[2017-007 vicinity map](#)

[2017-007 rezoning map revised 2](#)

[2017-007_RevSitePlan_02-01-2017](#)

16. Rezoning Petition: 2017-008 by NRP Properties, LLC

Location: Approximately 5.47 acres located on the east side of Northchase Drive north of North Tryon Street. (Council District 4 - Phipps)

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

Proposed Zoning: TOD-RO (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 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 sites located within ½ mile walk distance of the Old Concord Transit Station. The proposed maximum height of 56 feet exceeds the recommended maximum of 50 feet.
- Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
 - The site is within a ½ mile walk distance from the Old Concord Transit Station on the LYNX Blue Line Extension; and
 - The proposed development will provide a pedestrian oriented residential development within the transit station area; and
 - While the height is technically inconsistent with the plan, the maximum height is a minimal increase over the plan recommendation, and the buildings are separated from abutting single family residential by garden areas and a buffer; and
 - The petition redevelops an infill site, thereby minimizing further environmental impacts while accommodating growth; and
 - The petition provides public street connections to abutting properties located to the north and west of the site, thus supporting area connectivity.

[2017-08_ZC_01-25-17-final](#)

[2017-008 vicinity map](#)

[2017-008 rezoning map](#)

[2017-008_RevSitePlan_02-01-2017](#)

17. Rezoning Petition: 2017-009 by NRP Properties, LLC and Drakeford Company

Location: Approximately 2.970 acres located on the west side of West W.T. Harris Boulevard between Mount Holly-Huntersville Road and Lake Spring Avenue. (Council District 2 - Austin)

Current Zoning: NS (neighborhood services)

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

Zoning Committee Recommendation:

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

Staff Recommendation:

Staff agrees with the recommendation of the Zoning Committee.

Statement of Consistency:

- The Zoning Committee found this petition to be inconsistent with the *Northlake Area Plan* recommendation for institutional use on this site, based on information from the staff analysis and the public hearing, and because:
 - The Plan recommends institutional uses for this site.
- However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
 - The adopted area plan's recommendation for institutional use for this site was based on a religious institution being located on the subject site and an abutting property at the time of plan development; and
 - The religious institution building has since been demolished and a drug store has been constructed on the site located to the north and fronting Mount Holly-Huntersville Road; and
 - The proposed development, while higher in density than the six dwelling units per acre suggested by the adopted plan, is compatible with the retail development located to the north and also across West W.T. Harris Boulevard; and
 - The residential development will provide an aging in place opportunity for the surrounding neighborhoods, and is in a location that is convenient to and within walking distance of retail uses that include a grocery store and pharmacy; and
 - The proposed site plan incorporates community design recommendations from the area plan, by placing the building along the street and away from the single family neighborhood adjacent to it, and committing to a maximum building height of three stories.

[2017-009 reco 01-25-17-final](#)

[2017-009 vicinity map](#)

[2017-009 rezoning map revised](#)

[2017-009 RevSitePlan 02-07-2017](#)

18. Rezoning Petition: 2017-010 by Sanitation Properties, LLC

Location: Approximately 2.18 acres located on the east side of Shopton Road and south of Pinecrest Drive. (Outside City Limits)

Current Zoning: R-3 AO (single family residential, airport noise disclosure overlay district) and I-2(CD) AO (general industrial, conditional, airport noise disclosure overlay district)

Proposed Zoning: I-2(CD) AO (general industrial, conditional, airport noise disclosure overlay district) and I-2(CD) AO SPA (general industrial, conditional, airport noise disclosure overlay district, 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 *West Side Strategic Plan*, based on information from the staff analysis and the public hearing, and because:
 - The plan recommends office/business park/industrial land uses for portion of the property zoned R-3 (single family residential) and heavy industrial for the portion of the site zoned I-2(CD) (general industrial, conditional).
- 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 south of Charlotte-Douglas International Airport and within the "Combined 1996 Noise Exposure/Noise Compatibility Program Noise Contours" which identifies the day/night average sound level at 65 decibels, and which is not conducive to residential development; and
 - The adopted plan recommends non-residential uses that are more compatible with the airport functions than single family residential; and
 - The site is currently being used for industrial purposes; and
 - The rezoning proposes improvements to the site which include landscaping along Shopton Road and enhanced buffers.

[2017-010 reco 01-25-17-Final](#)

[2017-010 vicinity map](#)

[2017-010 rezoning map revised 5](#)

[2017-010 RevSitePlan 12-20-2016](#)

19. Rezoning Petition: 2017-011 by Pappas Properties, LLC

Location: Approximately 0.93 acres located at the southwest corner of Pearl Park and near the northwest corner of the intersection at Kenilworth Avenue and Greenwood Cliff. (Council District 1 - Kinsey)

Current Zoning: B-2 (general business)

Proposed Zoning: O-2 PED (office, pedestrian overlay)

Zoning Committee Recommendation:

The Zoning Committee voted 5-0 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 *Midtown Morehead Cherry Area Plan* based on information from the staff analysis and the public hearing, and because:
 - The plan recommends a mix of office and residential uses for the area in which the subject property 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 property is part of Pearl Street Park and adjoins non-residential properties fronting on Greenwood Cliff; and
 - A conventional rezoning is consistent with the adjacent properties in the area and is appropriate as the park, including the subject property, is zoned B-2 (general business) and the properties along Greenwood Cliff are zoned O-2 PED (office, pedestrian overlay); and
 - The request will also extend the Midtown Morehead Cherry Pedestrian Overlay District to include the subject property; and
 - The extension of the overlay will provide development standards that encourage high quality design and mixed use development, and also support walkability.

[2017-011 reco 01-25-17 final](#)

[2017-011 vicinity map](#)

[2017-011 rezoning map](#)

20. Rezoning Petition: 2017-014 by Humane Society of Charlotte, Inc.

Location: Approximately 17.57 acres located south of the Southern Railway and on the northeast corner at the intersection of Parker Drive and Berryhill Road. (Council District 3 - Mayfield)

Current Zoning: R-4 (single-family) and I-1(light industrial)

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 inconsistent with the *Central District Area Plan*, based on information from the staff analysis and the public hearing, and because:
 - The plan recommends industrial and residential 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 subject property is at the edge of an industrial district and a portion of the property abuts the Southern Railway line which runs parallel to Wilkinson Boulevard. The property also abuts the established Westover Hills neighborhood; and
 - The majority of the subject site is currently zoned I-1 (light industrial) and a small part of the property is zoned R-4 (single family residential); and
 - While inconsistent with the adopted plan, the proposed development will provide a transition between the industrial district to the north and the Westover Hills neighborhood to the south. Additionally, the proposed pet services facility is less intense than some of the uses allowed in the I-1 (light industrial) district; and
 - The site has been designed to minimize impacts on the abutting Westover Hills neighborhood by:
 - Locating the principal building and parking on the portion of the site which fronts Berryhill Road, and that part of the site does not about the single family neighborhood;
 - Utilizing the portion of the site abutting the homes in the Westover Hills neighborhood for a dog park;
 - Prohibiting animal boarding in the dog park area, and instead requiring all boarding to be located inside the main building on the site, and away from the neighborhood;
 - Providing a 50-foot landscaped area to screen the dog park from the adjacent single family neighborhood; and
 - Accessing the site from Berryhill Road, which does not have a vehicular connection to the neighborhood. In lieu of vehicular connectivity, a pedestrian connection from the neighborhood to the site will be established.

[2017-014 reco 01-25-17 final](#)

[2017-014 vicinity map](#)

[2017-014 rezoning map](#)

[2017-014 RevSitePlan 01-19-2017](#)

21. Rezoning Petition: 2017-020 by Steve Young

Location: Approximately 4.97 acres located on the northeast corner of Nations Ford Road and Old Hebron Road. (Council District 3 - Mayfield)

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

Proposed Zoning: I-1 (light industrial)

Zoning Committee Recommendation:

The Zoning Committee voted 5-0 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 inconsistent with the *Southwest District Plan*, based on information from the staff analysis and the public hearing, and because:
 - The plan recommends multi-family use.
- 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 Old Hebron Road, a dead end street off of Nations Ford Road; and
 - With the exception of the subject property zoned R-17MF (multi-family residential), the properties on Old Hebron Road are occupied entirely by industrial, office/industrial and vocational school uses in O-1 (office), I-1 (light industrial) and I-2 (general industrial) zoning; and
 - Abutting the site to the north, is a large land holding zoned R-17MF (multi-family residential) and in long-term use for radio transmission towers; and
 - The site is appropriate for the proposed I-1 (light industrial) zoning in light of the surrounding industrial, utility, office and institutional uses.

[2017-020 reco 1-25-17 final](#)

[2017-020 vicinity map](#)

[2017-020 rezoning map revised](#)

22. Rezoning Petition: 2017-033 by Spectrum Properties

Location: Approximately 29.01 acres located on the north side of Mallard Creek Road between, east of Beard Road and across Amanda Ellen Road. (Outside City Limits)

Current Zoning: CC (commercial center)

Proposed Zoning: CC SPA (commercial center, site plan amendment)

Zoning Committee Recommendation:

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

Staff Recommendation:

Staff agrees with the recommendation of the Zoning Committee.

Statement of Consistency:

- The Zoning Committee found this petition to be consistent with the *Northeast Area Plan*, based on information from the staff analysis and the public hearing, and because:
 - The plan recommends a mix of office, retail and multi-family uses for 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 current zoning for the subject property allows the requested multi-family units, but requires that they are placed in mixed use buildings; and
 - Transportation network changes since the approval of the current conditional zoning make commercial development on the site, either free standing or in mixed use buildings, less feasible due to more limited access to the site; and
 - The petition removes the requirement that multi-family be located in mixed use buildings on this site; and
 - While changing the condition under which multi-family can be developed on this site, the petition does not propose to increase the number of allowed multi-family units in the larger development; and
 - The desired mixture of uses will still be provided in the overall development and Interstate I-485 interchange area.

[2017-033 reco 1-25-17 final](#)

[2017-033 vicinity map](#)

[2017-033 rezoning map](#)

[2017-033 RevSitePlan 02-03-2017](#)

ZONING HEARINGS**23. Rezoning Petition: 2017-002 by Trang T. Miller and James Miller**

Update: Petitioner Requesting Deferral (to March 20, 2017)

Location: Approximately 0.39 acres located on the southwest corner at the intersection of Monroe Road and Ross Moore Avenue. (Council District 5 - Ajmera)

Current Zoning: 0-2 (office)

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

[2017-002 Slip Sheet](#)

24. Rezoning Petition: 2017-004 by Trinity Episcopal School

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

Location: Approximately 6.16 acres generally surrounded by East 9th Street, North Myers Street, East 8th Street, M Street and Brookshire Boulevard. (Council District 1 - Kinsey)

Current Zoning: UR-1 (urban residential) and UR-2(CD) (urban residential, conditional)

Proposed Zoning: UR-3(CD) (urban residential, conditional) and MUDD (CD) (mixed use, conditional)

[2017-004 Slip Sheet 2](#)

25. Rezoning Petition: 2017-026 by Belk Gambrell Enterprises, LLC

Update: Petitioner is Requesting a Deferral (to March 20, 2017) due to an advertising error.

Location: Approximately 1.21 acres located on the north side of East Woodlawn Road between Brandywine Road and Selwyn Avenue. (Council District 6 - Smith)

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

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

[2017-026 Slip Sheet](#)

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

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)

Staff Recommendation:

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

[2016-097 staff 2-20-17 final final](#)

[2016-097 vicinity map revised](#)

[2016-097 rezoning map revised labels](#)

[2016-097 RevSitePlan 01-23-2017](#)

27. Rezoning Petition: 2016-134 by CapRock, LLC

Location: Approximately 5.81 acres located on the north side of Joy Street between Ashley Road and Wilson Avenue. (Council District 3 - Mayfield)

Current Zoning: B-1(neighborhood business) and R-12MF (multi-family, residential)

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

Staff Recommendation:

Staff does not recommend approval of this petition in its current form.

[2016-134 staff 2-20-17 final-final final](#)

[2016-134 vicinity map](#)

[2016-134 rezoning map revised2](#)

[2016-134 RevSitePlan 01-17-2017](#)

28. Rezoning Petition: 2016-150 by CW Development

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)

Staff Recommendation:

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

[2016-150 staff 2-20-17-final](#)

[2016-150 vicinity map](#)

[2016-150 rezoning map](#)

[2016-150 RevSitePlan 11-21-2016](#)

29. Rezoning Petition: 2017-017 by NODA Terrace, LLC

Location: Approximately 0.23 acres located on the southeast corner of the intersection of North Davidson Street and East 37th Street. (Council District 1 - Kinsey)

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

Proposed Zoning: UR-3(CD) SPA (urban residential, conditional, site plan amendment)

Staff Recommendation:

Staff recommends approval of the petition upon resolution of outstanding issues related to transportation, site and building design, infrastructure, and minor land use issues.

[2017-17 Staff analysis 02-20-17 final-final](#)

[2017-017 vicinity map](#)

[2017-017 rezoning map](#)

[2017-017 RevSitePlan 01-23-2017](#)

[Previously Approved Cover Page](#)

[2017-17 approved Site Plan 2005-160](#)

30. Rezoning Petition: 2017-018 by Robert Puckett and Steven Mozeley

Location: Approximately 5.96 acres located on the northwest quadrant of the intersection of Old Plank Road and Brookshire Boulevard. (Council District 2 - Austin)

Current Zoning: R-3 (LWPA) (single family, Lake Wylie Protected Area) and O-1(CD) (LWPA) (office, conditional, Lake Wylie Protected Area)

Proposed Zoning: BD (CD) (LWPA) (distributive business, conditional, 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 and technical issues.

[2017-018 staff 02-20-17-final final](#)

[2017-018 vicinity map](#)

[2017-018 rezoning map](#)

[2017-018 RevSitePlan 01-23-2017](#)

[Previously Approved Cover Page](#)

[2017-018 previously approved plan 2004-010 Approved Site Plan](#)

31. Rezoning Petition: 2017-022 by Shayna Jerrell

Summary of Petition: The petition proposes to modify the definition for outdoor recreational uses regarding street frontage requirements for temporary structures.

Staff Recommendation:

Staff recommends approval of this petition.

[2017-022 staff 2-20-17 final final](#)

[2017-022 matrix](#)

[2017-022 amendment](#)

32. Rezoning Petition: 2017-024 by Mosaic Development Group

Location: Approximately 3.68 acres located on the west side of Bingham Drive between North Tryon Street and Curtiswood Drive. (Council District 1 - Kinsey)

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

Proposed Zoning: UR-2(CD) SPA (urban residential, conditional, site plan amendment) with five year-vested rights.

Staff Recommendation:

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

[2017-024 staff 02-20-17 final](#)

[2017-024 vicinity map](#)

[2017-024 rezoning map revised](#)

[2017-024 RevSitePlan 01-23-2017](#)

[Previously Approved Cover Page](#)

[2017-24 approved site plan 2010-051](#)

33. Rezoning Petition: 2017-027 by Charlotte-Mecklenburg Housing Partnership

Location: Approximately 3.804 acres located on the west side of Statesville Avenue between Newland Road and Moss Lane. (Council District 2 - Austin)

Current Zoning: R-22MF (multi-family residential) and UR-2(CD) (urban residential, conditional)

Proposed Zoning: UR-2(CD) (urban residential, conditional) and NS (neighborhood services)

Staff Recommendation:

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

[2017-27 Staff analysis 02-20-17 final final](#)

[2017-027 vicinity map](#)

[2017-027 rezoning map revised](#)

[2017-027 RevSitePlan 01-23-2017](#)

[Previously Approved Cover Page](#)

[2017-27 approved site plan 2013-032](#)

34. Rezoning Petition: 2017-028 by TAG Ventures, LLC

Location: Approximately 0.77 acres on the southeast corner at the intersection of Ridge Road and Brice Knoll Lane. (Council District 4 - Phipps)

Current Zoning: CC (commercial center)

Proposed Zoning: NS (neighborhood services)

Staff Recommendation:

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

[2017-028 staff 02-20-17 final-final](#)

[2017-028 vicinity map](#)

[2017-028 rezoning map revised 2](#)

[2017-028 RevSitePlan 01-23-2017](#)