

# City of Charlotte

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



## **Zoning Agenda**

**Monday, May 15, 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**

[May Council Dinner Agenda final](#)

- 3. Follow Up Report**

[Follow-Up Report for 5-15-17 Final](#)

[Follow-Up Report Attachment #1](#)

**5:30 P.M. ZONING MEETING, COUNCIL CHAMBERS****HISTORIC LANDMARK RESOLUTION****4. The Red Front Department Store**

A Resolution of the City Council of the City of Charlotte calling for a Public Hearing to be held by the City Council on the Question of adopting an ordinance for the property known as the "Red Front Department Store" (listed under Tax Parcel Number 08112705 as of May 1, 2017 and including the interior and exterior of the building, and the land associated with Tax Parcel Number 08112705) as an Historic Landmark.

**Property Owner:** Camp Greene Properties, LLC

**Location:** 1125 Belmont Avenue in Charlotte, North Carolina

[Red Front Cover](#)

[Red Front Res](#)

**HISTORIC LANDMARK DECISION****5. Charles E. Barnhardt House**

***Update: Requesting Deferral to (September 18, 2017)***

A decision to be made by the City Council on the Question of designating the property known as the "Charles E. Barnhardt House" (listed under Tax Parcel Number 09504315 as of September 1, 2016) as an Historic Landmark.

**Property Owner:** Country Club Lane LLC

**Location:** 2733 Country Club Lane in Charlotte, North Carolina

**ZONING DECISIONS****6. Rezoning Petition: 2017-037 by Pulte Home Company, LLC*****Update: Requesting Deferral to (July 17, 2017)***

**Location:** Approximately 9.14 acres located on the east end of Starmount Cove Lane between Thorncliff Drive and South Boulevard. (Council District 6 - Smith)

**Current Zoning:** R-8(CD) (single family residential, conditional)

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

**Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to **DEFER** this petition until their June 29, 2017 meeting.

[2017-037 reco 5-2-17 Final](#)

[2017-037 vicinity map](#)

[2017-037 rezoning map](#)

**7. Rezoning Petition: 2017-038 by Childress Klein Properties, Inc.*****Update: Requesting Deferral to (July 17, 2017)***

**Location:** Approximately 2.12 acres located on the east side of West Tyvola Road between Billy Graham Parkway and Cascade Pointe Boulevard. (Council District 3 - Mayfield)

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

**Proposed Zoning:** I-1(CD) SPA (light industrial, conditional, site plan amendment)

**Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to **DEFER** this petition until their June 29, 2017 meeting.

[2017-038 reco 05-02-2017 Final](#)

[2017-038 vicinity map](#)

[2017-038 rezoning map](#)

## 8. Rezoning Petition: 2016-077 by Innkeeper Motor Lodge, Inc.

**Location:** Approximately 5.52 acres located south of Interstate 485, near the intersection of WT Harris Boulevard, Treyburn Drive and Interstate 485. (Council District 2 - Austin)

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

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

**Zoning Committee Recommendation:**

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

**Staff Recommendation:**

Staff disagrees with the recommendation of the Zoning Committee as the adopted plan recognizes the neighborhood serving retail land uses approved by the prior rezoning 1993-024(C). If this petition is considered for approval, the "Outstanding Issues" related to building height.

**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 recognizes the adopted neighborhood serving retail land uses approved by the prior rezoning 1993-024(C).
- 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:
  - Changes in the area with I-485 being built adjacent to the property; and
  - The neighborhood has provided written support for the petition; and
  - The proposed hotel use will generate less traffic than what is allowed under the existing zoning; and
  - The petition will provide significant buffers adjacent to the existing single and multi-family residential uses; and
  - The traffic improvements committed.

[2016-077 reco 05-02-2017 final](#)

[2016-077 vicinity map](#)

[2016-077 rezoning map](#)

[2016-077 5-8-17 final for approval.](#)

## 9. Rezoning Petition: 2016-095 by Fairview Plaza Buildings, LLC

**Location:** Approximately 1.621 acres located on the east side of Park South Drive between Fairview Road and Pine Valley Road. (Council District 6 - Smith)

**Current Zoning:** O-3(CD) (office)

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

**Zoning Committee Recommendation:**

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

**Staff Recommendation:**

Staff agrees with the recommendation of the Zoning Committee.

**Statement of Consistency:**

- The Zoning Committee found the hotel use consistent with the *SouthPark Small Area Plan*; however, the retail component not consistent with the plan based on the information from the staff analysis and the public hearing, and because:
  - The plan recommends office or office/residential mixture.
- 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 *Centers, Corridors and Wedges Growth Framework* identifies SouthPark as a Mixed Use Activity Center, a priority area for intensification and urban, pedestrian-oriented development; and
  - The more specific vision articulated in the *SouthPark Small Area Plan* calls for the SouthPark area to transition from a suburban shopping and business environment to a town center composed of a balanced mixture of land uses; and
  - Since the plan was adopted, various rezonings have occurred in the area resulting in a more thorough mix of uses; and
  - Although the proposed retail component is not strictly consistent with the plan recommendation, it complements the larger existing office development and proposed hotel, and is an appropriate element in the mix of uses on and around the site; and
  - The proposed site plan intensifies the subject site by redeveloping a portion of a two-level parking garage with a hotel and retail uses; and
  - The new hotel and retail use will enhance the pedestrian environment by providing active, ground floor uses oriented to the public sidewalk on Piedmont Row Drive South.

[2016-095 reco 5-2-17-Final](#)

[2016-095 vicinity map](#)

[2016-095 rezoning map revised](#)

[2016-095 RevSitePlan 05-01-2017](#)

## 10. Rezoning Petition: 2017-004 by Trinity Episcopal School

**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 & UR-2(CD) (urban residential) and (urban residential, conditional)

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

**Zoning Committee Recommendation:**

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

**Staff Recommendation:**

Staff agrees with the recommendation of the Zoning Committee.

**Statement of Consistency:**

- The Zoning Committee found this petition to be consistent with the *Charlotte Center City 2020 Vision Plan*, based on information from the staff analysis and the public hearing, and because:
  - While the plan does not make a specific land use recommendation for the site it encourages future development to preserve and enhance the existing Center City 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:
  - The proposal allows for the expansion of an existing school located in the First Ward neighborhood, and the number of students attending the school will not increase; and
  - The proposed building is designed to be compatible with the existing structures in terms of building materials; and
  - The proposed 25-foot setback along East 8th Street is compatible with the setback of adjacent single-family buildings; and
  - The proposed plan provides a new pedestrian connection between East 8th Street and the school site; and
  - The plan provides an eight-foot planting strip and eight-foot sidewalk around the proposed expansion which will improve both safety and the pedestrian experience; and
  - The plan proposes to relocate the play area to minimize the impact on abutting residences; and
  - The plan request does not intrude into the heart of the First Ward neighborhood as it proposes to remove one residential structure and one non-residential structure that are located between the Little Rock AME Zion Church and the existing school campus at the edge of the neighborhood.

[2017-004 reco 05-02-2017 Final](#)

[2017-004 vicinity map](#)

[2017-004 rezoning map revised2](#)

[2017-004 RevSitePlan 04-24-2017](#)

## 11. Rezoning Petition: 2017-012 by The Drakeford Company

**Location:** Approximately 0.683 acres located on the north side of McClintock Road between Nandina Street and St. Julien Street. (Council District 1 - Kinsey)

**Current Zoning:** R-5 (single family residential)

**Proposed Zoning:** MUDD (CD) (mixed use development, conditional) with five-year vested rights.

**Zoning Committee Recommendation:**

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

**Staff Recommendation:**

Staff agrees with the recommendation of the Zoning Committee.

**Statement of Consistency:**

- The Zoning Committee found this petition to be consistent with the *Central District Plan*, and the density of 17.56 units per acre is consistent with the *General Development Policies (GDPs)*. The office component of the live/work units is consistent with the office use recommended for the northernmost property and the residential units are consistent with the residential use recommended for the other two lots based on information from the staff analysis and the public hearing, and because:
  - The plan recommends office uses for one lot, and single family residential uses up to four units per acre for the other property.
  - The *General Development Policies (GDPs)* provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the *General Development Policies* locational criteria for consideration of over 17 dwellings 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 located at the edge of the Commonwealth neighborhood and abuts the Plaza Central business district; and
  - The proposed development, which is primarily residential with a minor non-residential component, will provide a transition from the predominantly single family part of the Commonwealth neighborhood to the Plaza Central business district; and
  - The inclusion of live/work units provides an opportunity for services within walking distance of other businesses and residences; and
  - The proposal to develop three quadraplexes limited to two and one-half stories and set back from the sidewalk will result in new development that is compatible with the adjacent single family dwellings; and
  - Further, the building renderings show an architectural style that is in keeping with the character of the Commonwealth neighborhood.

[2017-12 Reco 05-2-17 final](#)

[2017-012 vicinity map](#)

[2017-012 rezoning map revised](#)

[McClintock Quad Site \(5th Rezoning submittal\) 05.09.17](#)



## 12. Rezoning Petition: 2017-013 by Tim Frye

**Location:** Approximately 38.16 acres located at the end of Melynda Road, north of Piedmont and Northern Railroad between Toddville Road and Windy Valley Drive. (Council District 2 - Austin)

**Current Zoning:** R-5 (single family residential), I-1 (light industrial) and I-2 (general industrial)

**Proposed Zoning:** I-2(CD) (general industrial, conditional) with five-year vested rights

**Zoning Committee Recommendation:**

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 *Northwest District Plan* for the majority of the site and inconsistent with the adopted plan for a portion site, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends industrial uses for the majority of the site, and single family up to six dwelling units per acre for the remainder of the site.
- Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
  - The site is located within the Mt. Holly Road/Hwy 16 Industrial Activity Center as per the *Centers Corridors and Wedges Growth Framework*; and
  - The industrial properties are situated adjacent to existing CSX railway facilities, with a direct connection to the Port of Wilmington, N.C. adding to Charlotte's role as a transportation and logistics hub; and
  - The main access to the proposed intermodal yard would be from Aqua Chem Drive through industrially zoned properties. Access via Melynda Road will be gated and only for emergency purposes; and
  - While the majority of the proposed development is consistent with the area plan, a small portion of the site is recommended for residential uses; and
  - However, this portion of the property is adjacent to industrial land uses and it is highly unlikely that it will be developed for residential purposes; and
  - Nearby single family residential properties will be protected from this proposal by a required 100-foot wide Class "A" buffer.

[2017-013\\_ZC\\_05-02-2017\\_Final](#)

[2017-013\\_vicinity\\_map](#)

[2017-013\\_rezoning\\_map\\_revised](#)

[2017-013\\_RevSitePlan\\_04-24-2017](#)

### 13. Rezoning Petition: 2017-021 by RED Partners

**Location:** Approximately 7.0 acres north of Little Avenue on the west side of Carmel Road. (Council District 6 - Smith)

**Current Zoning:** O-1 (office)

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

**Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition upon the resolution of outstanding issues related to transportation and ground floor use in the storage building.

**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 *South District Plan*, based on the information from the staff analysis and the public hearing, and because:
  - The plan recommends office 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 located within the area designated as the Carmel/Highway 51 Mixed Use Activity Center, a priority area to accommodate future growth in an urban, pedestrian- oriented development form; and
  - The site fronts Carmel Road in an area of mixed use including substantial multi-family and office development and other non-residential properties; and
  - The proposed non-residential uses, including retail uses, while inconsistent with the specific plan recommendation, add to an existing mixed use environment. The rezoning would support the continuation of the existing uses, and retain the existing building until it is redeveloped as part of a future phase; and
  - The proposed uses include climate-controlled self-storage. Climate self-storage use is generally considered compatible with office and retail uses but has a less intense vehicular impact than retail and office uses; and
  - The proposed site plan sets up a future street network, appropriate for a mixed use activity center, by providing private streets, designed to public standards, which stub to adjacent properties for future connections and connectivity.

[2017-021 reco 5-2-17 Final](#)

[2017-021 vicinity map](#)

[2017-021 rezoning map revised](#)

[2017-021 RevSitePlan 5 8 2017](#)

## 14. Rezoning Petition: 2017-040 by White Point Partners, LLC

**Location:** Approximately 0.33 acres on the northwest corner at the intersection of West Catherine Street and South Tryon Street. (Council District 3 - Mayfield)

**Current Zoning:** I-2 (general industrial)

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

**Zoning Committee Recommendation:**

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

**Staff Recommendation:**

Staff agrees with the recommendation of the Zoning Committee.

**Statement of Consistency:**

- The Zoning Committee found this petition to be consistent with the *South End Transit Station Area Plan*, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends transit supportive development for the subject parcel.
- 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; 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.

[2017-040 reco 05-04-2017-Final](#)

[2017-040 vicinity map](#)

[2017-040 rezoning map](#)

## 15. Rezoning Petition: 2017-041 by Charlotte Tryon Hills Partners, LLC

**Location:** Approximately 12.67 acres located on the northeast corner at the intersection of Catalina Avenue and West 24th Street, south of West 26th Street and west of North Poplar Street. (Council District 1 - Kinsey)

**Current Zoning:** R-5 (single family residential), R-22MF (multi-family residential), and I-1(light industrial)

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

**Zoning Committee Recommendation:**

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

**Staff Recommendation:**

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

**Statement of Consistency:**

- The Zoning Committee found this petition to be consistent with the *North Tryon Area Plan*; however, inconsistent with the recommended density based on information from the staff analysis and the public hearing, and because:
  - The plan recommends residential uses for the site; and
  - The proposal exceeds the adopted plan's base density recommendation for up to five dwelling units per acre for the properties along Catalina Avenue and slightly exceeds the recommendation of up to 22 units per acre for the remainder of the property; and
  - However, the plan indicates that up to 30 dwelling unit per acre may be considered by meeting specific 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:
  - Development Area B1 and C1, comprised of all but three existing parcels fronting Catalina Avenue, are limited to 19 single family detached or attached dwelling units. Townhomes are appropriate for Area C1 as it meets the following plan recommendations for moderate density residential development:
    - The extension of W. 25th Street creates a separate block which is separated from single family residential development;
    - The townhomes will be accessed via an alley locate at the rear of the units; and
    - The proposed building heights are limited to two stories to be consistent with adjacent residential properties;
  - Single family detached dwellings are appropriate for Area B1 as it does not meet the plan criteria for moderate density residential development:
    - Only a portion of the block between W. 25th Street and W. 26th Street along Catalina Avenue is proposed to be developed with townhomes leaving the remaining portion of the block as single family residential.
  - The remainder of the site is suitable for an increase in density over the 22 dwelling units per acre as it meets the follow plan objectives:
    - The height, density of the development in Area C1 and overall building placement provides a transition to the single family residential edge as recommended in the plan;
    - Proposed buildings in Development Areas A, B, C and D will be oriented toward the existing public streets, and buildings will be oriented to enclose and define the public space, open space, and green space to be consistent with surrounding development patterns; and

- To activate the public realm, design includes buildings that front on public streets and include porches, stoops, front walkways and centralized doorways or breezeways, except where ends of buildings front the street. In these cases, walkways will be provided to connect the building entrance with the street network.
- Ground floor elevations will be treated with a combination of fenestration, clear glass, prominent entrances, porches, stoops, change in materials, building setbacks, art work and landscaping to enhance the pedestrian experience.

[2017-41 Reco 05-02-17 final](#)

[2017-041 vicinity map](#)

[2017-041 rezoning map revised 2](#)

[2017-041 RevSitePlan 04-24-2017](#)

## 16. Rezoning Petition: 2017-045 by Judson Stringfellow

**Location:** Approximately 2.968 acres located on the north side of Hewitt Drive east of Faircreek Court.  
(Council District 4 - Phipps)

**Current Zoning:** R-15MF (CD) (multi-family residential, conditional)

**Proposed Zoning:** R-5 (single family residential)

**Zoning Committee Recommendation:**

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

**Staff Recommendation:**

Staff agrees with the recommendation of the Zoning Committee.

**Statement of Consistency:**

- The Zoning Committee found this petition to be inconsistent with the *Northeast District Plan*, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends multi-family dwellings for the subject 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 land use for this site reflects a 1991 rezoning to allow for the development of a masonic lodge in the R-15 MF (multi-family residential) district; and
  - The surrounding area is developed as a single family neighborhood recommended for single family uses ranging in densities from four dwelling units per acre up to eight dwelling units per acre; and
  - The proposed R-5 single family zoning district is consistent with the surrounding single family zoning districts in the area, which includes R-3 and R-5 (single family residential) and R-6(CD) (single family residential, conditional) zoning districts.

[2017-045 ZC 05-02-2017 Final](#)

[2017-045 vicinity map](#)

[2017-045 rezoning map revised 2](#)

## 17. Rezoning Petition: 2017-046 by Mecklenburg County

**Location:** Approximately 2.82 acres located on the south side of Baxter Street between South McDowell Street and Kenilworth Avenue. (Council District 1 - Kinsey)

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

**Proposed Zoning:** MUDD (PED) (mixed use development, pedestrian overlay)

**Zoning Committee Recommendation:**

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

**Staff Recommendation:**

Staff agrees with the recommendation of the Zoning Committee.

**Statement of Consistency:**

- The Zoning Committee found this petition to be inconsistent with the *Midtown, Morehead, Cherry Area Plan*, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends open space (Baxter Street Neighborhood Park) for the subject parcel.
- However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
  - The subject property incorporates Baxter Street Park and adjoins MUDD (mixed use development) zoned properties along Baxter Street and East Morehead Street; and
  - The proposed MUDD (mixed use development) is appropriate at this location as the adjacent properties are zoned MUDD (mixed use development), O-2 (office) and B-2 (general business); and
  - The nearest single-family residential use is across East Morehead Street; and
  - The MUDD (mixed use development) standards will encourage high quality design and mixed use development, and also support walkability.

[2017-046 reco 05-04-2017 Final](#)

[2017-046 vicinity map](#)

[2017-046 rezoning map](#)

## 18. Rezoning Petition: 2017-047 by Scott Land Investments, LLC

**Location:** Approximately 6.63 acres located at the southwest intersection of Tyvola Road and Westpark Drive and east of Interstate 77. (Council District 3 - Mayfield)

**Current Zoning:** I-2 (general industrial)

**Proposed Zoning:** B-2 (general business)

**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 *Tyvola & Archdale Transit Station Area Plan*, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends office, commercial, light industrial and warehouse 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 petition is to allow for all uses within the B-2 (general business) district; and
  - The subject and adjacent properties generally consist of a mix of uses allowed and appropriate in the B-2 (general business) district. The current I-2 (general industrial) zoning allows many of the same uses as a B-2 (general business), but does not permit uses such as automotive sales and repair, multi-family dwellings, hotels and motels, childcare centers, and retail establishments over 25,000 square feet; and
  - The location of the subject property is adjacent to the interchange for Interstate 77 in an area classified by the City's *Centers Corridors and Wedges Growth Framework* as an interchange area. This area is suitable for a wide range of retail/commercial uses as allowed in the B-2 (general business) zoning.

[2017-047 reco 5-2-17 Final](#)

[2017-047 vicinity map](#)

[2017-047 rezoning map](#)

## 19. Rezoning Petition: 2017-056 by Glen Nocik

**Location:** Approximately 1.33 acres located on the east side of Distribution Street between Remount Road and Dunavant Street. (Council District 3 - Mayfield)

**Current Zoning:** I-2 (general industrial)

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

**Zoning Committee Recommendation:**

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

**Staff Recommendation:**

Staff agrees with the recommendation of the Zoning Committee.

**Statement of Consistency:**

- The Zoning Committee found this petition to be consistent with the *New Bern Transit Station Area Plan*, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends transit supportive development for the subject parcel.
- 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 1/2 mile walk of the New Bern 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 includes 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 for this small site 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; and
  - The proposed change will support the transition of the area from an industrial district to a walkable transit supportive district.

[2017-056 Reco 05-02-2017 Final](#)

[2017-056 vicinity map](#)

[2017-056 rezoning map](#)



**ZONING HEARINGS****20. Rezoning Petition: 2016-131 by Halvorsen Development Corporation**

**Location:** Approximately 1.63 acres located on the northeast corner of Ridge Road and Prosperity Church Road. (Council District 4 - Phipps)

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

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

**Staff Recommendation:**

Staff does not recommend approval of this petition.

[2016-131 staff 5-15-17 final final](#)

[2016-131 vicinity map](#)

[2016-131 rezoning map](#)

[2016-131 RevSitePlan 03-14-2017](#)

**21. Rezoning Petition: 2016-139 by Charter Properties, Inc./Browder Group Real Estate, LLC**

**Location:** Approximately 65.7 acres located on the northwest corner at the intersection of West Mallard Creek Church Road and Interstate 85. (Council District 4 - Phipps)

**Current Zoning:** R-3 (single family, residential), RE-1 (research), and RE-3(CD) (research, conditional)

**Proposed Zoning:** MUDD-O (mixed use development, optional) and R-12MF (CD) (multi -family residential, conditional), with five-year vested rights.

**Staff Recommendation:**

Staff recommends approval of this petition upon resolution of outstanding issues related to design, environment, transportation, and technical items.

[2016-139 staff 05-15-2017 final final final](#)

[2016-139 vicinity map](#)

[2016-139 rezoning map revised](#)

[2016-139 RevSitePlan 04-11-2017](#)

[Previously Approved Cover Page](#)

[2000-031 Approved Site Plan](#)

[1995-046\(c\) site plan](#)

## 22. Rezoning Petition: 2017-042 by Rocky River Road Associates, LLC

**Location:** Approximately 77.31 acres located east of Interstate 485 between Caldwell Road and Rocky River Road. (Outside City Limits)

**Current Zoning:** R-8MF (CD) (multi-family residential, conditional), R-12MF (CD) (multi-family residential, conditional), O-2(CD) (office, conditional), and former right-of-away with no established zoning.

**Proposed Zoning:** CC (commercial center) and the establishment of CC (commercial center).

**Staff Recommendation:**

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

[2017-42 staff 05-15-17 final final final](#)

[2017-042 vicinity map](#)

[2017-042 rezoning map revised](#)

[2017-042 RevSitePlan 04-11-2017](#)

[Previously Approved Cover Page](#)

[2017-42 previously approved plan 2008-014](#)

## 23. Rezoning Petition: 2017-035 by Carolina Capital Investments Partners

**Location:** Approximately 4.39 acres located on the north side of West Tremont Avenue between South Tryon Street and Toomey Avenue. (Council District 3 - Mayfield)

**Current Zoning:** I-1 (light industrial)

**Proposed Zoning:** I-1 TS-O, (light industrial, transit-supportive overlay, optional) with 5-year vested rights

**Staff Recommendation:**

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

[2017-035 staff 04-17-2017 final final](#)

[2017-035 vicinity map](#)

[2017-035 rezoning map revised 3](#)

[2017-035 RevSitePlan 04-18-2017](#)

## 24. Rezoning Petition: 2017-044 by Jacobs Fork Properties, LLC

**Location:** Approximately 3.31 acres located on the east side of Craig Avenue along Lydia Ridge Lane between Eastview Drive and Richland Drive. (Council District 5 - Ajmera)

**Current Zoning:** R-4 (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.

[2017-44 Staff Analysis 5-15-17 final final](#)

[2017-044 vicinity map](#)

[2017-044 rezoning map revised](#)

[2017-044 RevSitePlan 03-14-2017](#)

## 25. Rezoning Petition: 2017-048 by Camp Greene Properties, LLC

**Location:** Approximately 0.357 acres located at the northeast intersection of Belmont Avenue and Pegram Street, east of Allen Street. (Council District 1 - Kinsey)

**Current Zoning:** R-5 (single family residential)

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

**Staff Recommendation:**

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

[2017-48 staff 05-15-17 final final final](#)

[2017-048 vicinity map](#)

[2017-048 rezoning map](#)

[2017-048 RevSitePlan 04-11-2017](#)

## 26. Rezoning Petition: 2017-052 by Southminster, Inc.

**Location:** Approximately 27.54 acres located on the east side of Park Road between Arbor Pointe Drive and Smithfield Church Road. (Council District 6 - Smith)

**Current Zoning:** R-3 (single family residential) and INST (CD) (institutional, conditional)

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

**Staff Recommendation:**

Staff recommends approval of this petition upon resolution of outstanding issues related to sidewalks along Park Road.

[2017-052 staff 5-15-17 final final](#)

[2017-052 vicinity map](#)

[2017-052 rezoning map](#)

[2017-052 RevSitePlan 04-11-2017](#)

## 27. Rezoning Petition: 2017-053 by Hopper Communities, Inc.

**Location:** Approximately 0.86 acres located at the northeast intersection of Park Road and Reece Road.  
(Council District 6 - Smith)

**Current Zoning:** R-4 and R-5 (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.

[2017-053 staff 05-15-2017 final final](#)

[2017-053 vicinity map](#)

[2017-053 rezoning map](#)

[2017-053 RevSitePlan 04-11-2017](#)

## 28. Rezoning Petition: 2017-063 by GodSpeed Motors

**Location:** Approximately 3.415 acres located on the north side of Vance Davis Drive east of Twin Lakes Parkway and south of Interstate 485. (Council District 2 - Austin)

**Current Zoning:** BP (business park)

**Proposed Zoning:** I-1 (light industrial)

**Staff Recommendation:**

Staff recommends approval of this petition.

[2017-063 staff 05-15-2017 final final](#)

[2017-063 vicinity map](#)

[2017-063 rezoning map revised](#)

## 29. Rezoning Petition: 2017-075 by Conformity Corporation

**Location:** Approximately 4.07 acres located on the east side of East Sugar Creek Road between Raleigh Street and Bearwood Avenue. (Council District 1 - Kinsey)

**Current Zoning:** I-2 (general industrial)

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

**Staff Recommendation:**

Staff recommends approval of this petition.

[2017-075 sta 05-15-17 final final](#)

[2017-075 vicinity map](#)

[2017-075 rezoning map](#)