

City of Charlotte

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



Zoning Agenda

Monday, June 19, 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

3. Follow Up Report

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

A Public Hearing on the Question of adopting an ordinance for the property known as "The Red Front Department Store" (listed under Tax Parcel 08112705), including the interior and exterior of the building, and the land associated with the tax parcel) as an Historic Landmark.

Property Owner: Camp Greene Properties, LLC

Location: 1125 Belmont Avenue in Charlotte

ZONING DECISIONS**5. Rezoning Petition: 2017-053 by Hopper Communities, Inc.****Update: Requesting Deferral to (July 17, 2017)**

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)

Zoning Committee Recommendation:

The Zoning Committee voted 7-0 to **DEFER** this petition until their June 29, 2017 meeting.

6. 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)

Zoning Committee Recommendation:

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

Staff Recommendation: Staff disagrees with the recommendation of the majority of the Zoning Committee.

Statement of Consistency:

- The Zoning Committee found the allowed uses consistent with the *Prosperity Hucks Area Plan*; however, the petition is inconsistent with the specific recommendations of the plan, based on information from the staff analysis and the public hearing, and because:
 - The plan recommends a mix of uses including retail/service, office, institutional, and residential for the area in which the site is located; and
 - The plan contains specific recommendations to create a pedestrian oriented mixed- use center in the area.
- 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:
 - There needs to be another restaurant or food facility in the immediate vicinity; and
 - This particular site plan is conducive to have some walk in traffic; and
 - The plan creates outdoor spaces for people to use.

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

Update: Petitioner Requesting Deferral to July 17, 2017

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.

Zoning Committee Recommendation:

The Zoning Committee voted 7-0 to recommend **APPROVAL** of this petition.

Staff Recommendation: Staff agrees with the recommendation of the Zoning Committee.

Statement of Consistency:

- The Zoning Committee finds a portion of the site consistent with the *Northeast Area Plan* and a portion of the site inconsistent with the adopted plan, based on the information from the staff analysis and the public hearing, and because:
 - The portion of the site proposed for a mix of commercial uses is consistent with the *Northeast Area Plan* recommendation for office/research/retail uses. However, the portion of the site proposed for multi-family use is inconsistent with the *Northeast Area Plan* recommendation for office/research/retail uses and residential use up to four dwelling units per acre.
- However, this petition is found to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:
 - The subject property is located in an I-85 interchange area which was identified in the *Northeast District Plan* (which preceded the *Northeast Area Plan*) for an expansion of research uses outside of the University Research Park; and
 - The *Northeast Area Plan* updated that land use recommendation to include a range of commercial uses (office/research/ retail), along with a recommendation for improved connectivity in the area and an integrated site plan; and the proposed development has been designed to provide the integrated and interconnected development recommended by the plan. Commercial development, consistent with the plan, is proposed for the part of the site closest to West Mallard Creek Church Road; and
 - Multi-family development is requested for the remainder of the site, instead of the non-residential uses identified by the plan. The addition of multi-family results in a mix of uses, instead of more isolated commercial development; and
 - The requested development has been designed to respond to the transportation context by placing the most auto-oriented uses which will require high levels of vehicular access, specifically the outparcels and large EDEE (eating/drinking/ entertainment establishment) closest to the interstate interchange; and
 - The site plan provides a transition from the auto-oriented area to a walkable commercial street which will connect to the multi-family development in the northern portion of the site; and
 - The area that the plan recommends for single family development is proposed to be used for a 75-foot buffer area abutting existing single family homes, and a segment of the public street which will connect Mallard Creek Church Road and Galloway Road; and
 - In addition to the new street connecting to Galloway Road, the proposed development will provide

a number of transportation improvements. These include reservation of right-of-way for a future east-west crossing of I-85 at Galloway Road, and a new signalized intersection to create site access and set up for a potential new connection in the adjacent University Research Park.

8. 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).

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 *Rocky River Area Plan*, based on information from the staff analysis and the public hearing, and because:
 - The plan recommends 646 for sale multi-family residential dwellings, and 30,000 square feet of office uses, as amended by rezoning petition 2008-014.
- However, this petition was found to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:
 - This plan modifies an existing approved site plan for a development that is split across jurisdictional boundaries, with part of the site located in Charlotte's extraterritorial jurisdiction and part located within the Town of Harrisburg; and
 - The proposed plan provides a more unified, master planned development with a walkable pedestrian environment, particularly in the commercial area, and unified architectural standards; and
 - The proposal reduces the number of residential units in the City of Charlotte jurisdiction from 646 multi-family units to 515 townhome and multi-family units, resulting in a greater mix of housing types; and
 - While the increase in non-residential development from 30,000 square feet of office use to 191,000 square feet of commercial uses is inconsistent with the adopted plan, the increase in commercial development will result in a greater integration of residential and non-residential uses and the creation of a new pedestrian oriented main street; and
 - The *Harrisburg Area Land Use Plan* (2010), for the portion of the development to be located in the Town of Harrisburg, recommends a mix of uses that combines commercial and civic/institutional land uses with a mixture of housing types where supported by infrastructure in the area adjacent to the Charlotte site. This rezoning enables the overall development to be more cohesive and related across jurisdictional boundaries.

9. 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)

Zoning Committee Recommendation:

The Zoning Committee voted 7-0 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 residential land use recommended in the *South District Plan*, based on information from the staff analysis and the public hearing, and because:
 - The plan recommends residential land uses; and
 - The site meets the criteria set forth in the *General Development Policies (GDPs)* for an increase in density up to five dwelling units per acre.
- Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
 - The proposed infill development provides residential uses that are consistent with the adopted area plan; and
 - The subject property is adjacent to single family homes fronting Craig Avenue; and
 - The UR-2 (urban residential) district is intended to protect and enhance designated single family areas and to encourage appropriate infill development within these areas; and
 - Sites along Craig Avenue provide a similar lot width, setback, and spacing as the existing adjacent dwellings along Craig Avenue; and
 - Structures adjacent to existing dwellings along Eastview Drive provide appropriate building separation, screening and transition of height to those dwellings; and
 - The site is located within walking distance of the Oakhurst Neighborhood Park; and
 - The proposal assembles all contiguous without leaving isolated properties;

10. 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)

Zoning Committee Recommendation:

The Zoning Committee voted 7-0 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 *Belmont Area Revitalization Plan*, based on information from the staff analysis and the public hearing, and because:
 - The area plan recommends single family residential uses at a density of up to five 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:
 - *Belmont Area Revitalization Plan* reflected the community's desire to maintain and upgrade the convenience-type retail services located in the neighborhood and also create additional, accessible retail nodes; and
 - Through the plan development process, one recurring issue noted was the need for new commercial development convenient to residents, as opposed to some existing businesses at the time that did not serve the needs of residents (i.e. liquor stores); and
 - Therefore, the adopted plan recommended that several of the existing corner store sites, including the subject property, transition into single family residential or other more compatible uses with the established development pattern; and
 - However, this site is developed with a commercial structure that is being considered for status as a Historic Landmark by the Historic Landmarks Commission. The rezoning proposes reuse of the existing structure known as the Red Front Department Store built in 1902; and
 - As proposed, the rezoning will allow uses that will complement the established neighborhood, and the petition notes that food will be sold in any establishment where alcohol is sold on site; and
 - In addition, this property is located adjacent to an existing non-residential building with current tenants and across the street to an industrial site along Belmont Avenue.

11. 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)

Zoning Committee Recommendation:

The Zoning Committee voted 7-0 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 District Plan*, based on information from the staff analysis and the public hearing, and because:
 - The plan recommends institutional 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 developed with a senior living facility and has been rezoned several times for expansions; and
 - The requested petition is for a minor expansion of the recently approved entitlements for the existing facility, increasing independent units from 379 to 401 and amending the layout of a portion of the site approved with petition 2016-138; and
 - The expansion will be accommodated by redevelopment of a portion of the site, fronting Park Road, currently developed with parking and recently approved for the development of a villa; and
 - The area with the proposed change does not abut single family homes; and
 - The rezoning establishes a buffer between the church in R-3 (single family residential) zoning and the senior living facility.

12. 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)

Zoning Committee Recommendation:

The Zoning Committee voted 7-0 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 *Northlake Area Plan*, based on information from the staff analysis and the public hearing, and because:
 - The plan recommends office/warehouse land use uses for the subject 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 adopted land use calls for office/warehouse uses, as allowed in the proposed I-1 industrial zoning district; and
 - The site and surrounding area are already developed as light industrial uses allowed under the BP zoning district; and
 - The I-1 district will allow uses such as auto sales that are not permitted in the BP (business park) district; and
 - The site backs up to I-485, with no residential uses in close proximity.

13. 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)

Zoning Committee Recommendation:

The Zoning Committee voted 7-0 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 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 subject site is within a ¼-mile walk of the Sugar Creek Transit Station on the LYNX Blue Line Extension; and
 - The proposed rezoning allows redevelopment of a site zoned for industrial use to be developed with transit supportive uses; 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; and
 - The plan for the area does not have a specific height limit and the TOD-M standards will provide a height transition between nearby single family homes and taller buildings.

ZONING HEARINGS**14. Rezoning Petition: 2015-027 by Charlotte Housing Authority****Update: Petitioner Requesting Deferral to September 18, 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)

15. Rezoning Petition: 2017-069 by Heydon Hall II, LLC**Update: Petitioner Requesting Deferral to July 17, 2017**

Location: Approximately 7 acres located on the north side of Smithfield Church Road where it meets Heydon Park Way, west of Heydon Hall Circle. (Council District 6 - Smith)

Current Zoning: MX-1 (mixed use) and MX-1 SPA (mixed use, site plan amendment)

Proposed Zoning: MX-1 SPA (mixed use, site plan amendment)

16. Rezoning Petition: 2017-074 by Fine Plaza, LLC**Update: Petitioner Requesting Deferral to July 17, 2017**

Location: Approximately 1.36 acres located on the east side of Duncan Avenue between Drummond Avenue and The Plaza. (Council District 1 - Kinsey)

Current Zoning: B-1 (neighborhood business)

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

17. Rezoning Petition: 2017-076 by Laurel Street Residential, LLC

Location: Approximately 14.56 acres located on the south side of West Tyvola Road across from City Park Drive and Speer Boulevard. (Council District 3 - Mayfield)

Current Zoning: MUDD-O (mixed use development, optional) and R-4 (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 land use, design, infrastructure, and minor technical revisions.

18. Rezoning Petition: 2017-068 by Hopedale Builders, Inc.

Location: Approximately 0.41 acres located on the south side of Faison Avenue between North Davidson Street and North Brevard Street. (Council District 1 - Kinsey)

Current Zoning: 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 transportation, land use, and site and building design.

19. Rezoning Petition: 2016-126 by Luxury, LLC

Location: Approximately 0.27 acres located on the northeast corner of South Sycamore Street and Margaret Brown Street. (Council District 2 - Austin)

Current Zoning: UR-1 (urban 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.

20. Rezoning Petition: 2017-039 by Beacon Partners

Location: Approximately 3.53 acres located at the northeast intersection of South Tryon Street and Winona Street and east of Winnifred Street. (Council District 3 - Mayfield)

Current Zoning: I-2 (general industrial)

Proposed Zoning: TOD-M(O) (transit oriented development - mixed use, optional) and five-year vested rights

Staff Recommendation:

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

21. Rezoning Petition: 2017-058 by The Keith Corporation

Location: Approximately 11.1 acres located on the north side of West W.T. Harris Boulevard between Mallard Creek Road and Medical Plaza Drive. (Council District 2 - Austin)

Current Zoning: RE-1 (research)

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

Staff Recommendation:

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

22. Rezoning Petition: 2017-061 by LBP Berryhill, LLC

Location: Approximately 42.11 acres surrounding Perimeter West Drive, South of Wilkinson Boulevard and West of Interstate 485. (Outside City Limits)

Current Zoning: I-1(CD) LLWPA (light industrial, conditional, Lower Lake Wylie watershed overlay, protected area)

Proposed Zoning: I-1(CD) SPA LLWPA (light industrial, conditional, site plan amendment, Lower Lake Wylie watershed overlay, protected area)

Staff Recommendation:

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

23. Rezoning Petition: 2017-066 by Craig Calcasola

Location: Approximately 0.35 acres located on the north side West Worthington Avenue between Wilmore Walk Drive and Wickford Place. (Council District 3 - Mayfield)

Current Zoning: R-43MF HD (multi-family residential, historic district overlay)

Proposed Zoning: UR-1(CD) HD (urban residential, conditional, historic district overlay)

Staff Recommendation:

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

24. Rezoning Petition: 2017-067 by The Committee to Restore and Preserve Third Ward, Inc.

Location: Approximately 0.17 acres located on the south side of Margaret Brown Street between South Sycamore Street and South Irvin Avenue. (Council District 2 - Austin)

Current Zoning: UR-1 (urban residential)

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

Staff Recommendation:

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

25. Rezoning Petition: 2017-055 by Duke Energy

Location: Approximately 5.28 acres located on the west side of Toddville Road and the south side of Craig Street, north of Macon Street. (Council District 3 - Mayfield)

Current Zoning: R-3 LLWPA (single family residential, Lower Lake Wylie watershed overlay, protected area)

Proposed Zoning: I-2 LLWPA (general industrial, Lower Lake Wylie watershed overlay, protected area)

Staff Recommendation:

Staff recommends approval of this petition.

26. Rezoning Petition: 2017-073 by The Gold District of Charlotte

Location: Approximately 19.13 total acres of multiple parcels located south of West John Belk Freeway, west of West Carson Boulevard, north of South Church Street and along West Summit Avenue, south of South Mint Street. (Council District 3 - Mayfield)

Current Zoning: B-2 (HD-O) (general business, historic district overlay) and I-1 (HD-O) (light industrial, historic district overlay)

Proposed Zoning: B-2 TS (HD-O) (general business, transit supportive overlay, historic district overlay) and I-1 (HD-O) (light industrial, transit supportive overlay, historic district overlay)

Staff Recommendation:

Staff recommends approval of this petition.

27. Rezoning Petition: 2017-078 by Courtney E. Parker

Location: Approximately 0.19 acres located at the northeast intersection of Overbrook Trail and Lakebrook Road and south of Interstate 85. (Outside City Limits)

Current Zoning: R-3 LWPA (single family residential, Lake Wylie watershed overlay, protected area)

Proposed Zoning: O-1 LWPA (office, Lake Wylie watershed overlay, protected area)

Staff Recommendation:

Staff recommends approval of this petition.

28. Rezoning Petition: 2017-082 by Griffbrew Investments, LLC

Location: 0.39 acres located along Griffith Street between New Bern Street and Fairwood Avenue and west of South Boulevard. (Council District 3 - Mayfield)

Current Zoning: I-2 (general industrial)

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

Staff Recommendation:

Staff recommends approval of this petition.

29. Rezoning Petition: 2017-084 by Cheer Athletics

Location: Approximately 5.14 acres located at the northeast intersection of Vance Drive Road and Twin Lakes Parkway and east of Statesville Road. (Council District 2 - Austin)

Current Zoning: BP (business park)

Proposed Zoning: I-1 (light industrial)

Staff Recommendation:

Staff recommends approval of this petition.