

# **City of Charlotte**

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



## **Zoning Agenda**

**Thursday, June 29, 2017**

**Charlotte-Mecklenburg Government Center - Room 280**

### **Zoning Committee Work Session**

***Tony Lathrop, Chairperson  
Cozzie Watkins, Vice-Chairperson  
John Fryday  
Nasif Majeed  
Bolyn McClung  
Sam Spencer  
Nancy Wiggins***

## Deferrals

### 1. Rezoning Petition: 2017-058 by The Keith Corporation

#### ***Petitioner Requesting Deferral (to August 1, 2017)***

**Agents:** Bridget Grant, Keith MacVean and Jeff Brown

**Staff Resource:** [Claire Lyte-Graham](#)

**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)

**Public Hearing Held:** *June 19, 2017 Item #21*

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

#### ***Petitioner Requesting Deferral (to August 1, 2017)***

**Agent:** Chris Ogunrinde

**Staff Resource:** [Solomon Fortune](#)

**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)

**Public Hearing Held:** *June 19, 2017 Item #24*

## Zoning Items

### 3. Rezoning Petition: 2017-038 by Childress Klein Properties, Inc.

**Agents:** Collin Brown and Bailey Patrick, Jr.

**Staff Resource:** [Solomon Fortune](#)

**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)

**Public Hearing Held:** April 17, 2017 Item #27

**Staff Recommendation:**

Staff recommends approval of this petition upon resolution of the outstanding issues.

The following issues have been addressed since the public hearing.

Site and Building Design

1. A pedestrian connection to the adjacent hotel under construction has been provided. Staff is rescinding this request since the location of the proposed path will not aid pedestrians.
2. The request that allows for up to two buildings to be built on the subject site has been removed.

REQUESTED TECHNICAL REVISIONS

Site and Building Design

3. The five-year vested rights in the development data table and on the rezoning application have been removed from the request.
4. The 20-foot setback required along Cascade Pointe Boulevard has been shown and labeled on the site plan.

The following issue is outstanding:

Site and Building Design

1. Provide building elevations with outdoor dining area and annotated building materials consistent with the proposed conditional note.

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

**Agents:** Keith MacVean and Jeff Brown

**Staff Resource:** [Claire Lyte-Graham](#)

**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)

**Public Hearing Held:** June 19, 2017 Item #17

**Staff Recommendation:**

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

The following issues have been addressed:

1. Petitioner has amended site plan so that the site is now divided into four (4) Development Areas A, A-1, B, and C. Each of the Development Areas indicate how either land area or an easement will be provided to Mecklenburg County Park and Recreation to allow the implementation of the Sugar Creek Greenway by Mecklenburg County Park and Recreation. General Provisions Note 1e. (Unified Development) has also been modified to reflect the site's separation into development areas.

The petitioner has added a new section under Heading 11. Greenway Easement and Cart Path for Renaissance Golf Course (existing outdoor recreational use). New language is as follows:

- a. The Petitioner will work with Mecklenburg County Park and Recreation to provide areas for the future development of the Sugar Creek Greenway on the Site.
  - b. The owner of Development Area A-1 will work with Mecklenburg County Park and Recreation to provide an easement area for the future Sugar Creek Greenway subject to the owner of Development Area A-1 staying in compliance with the City of Charlotte Tree Ordinance. The easement area will be provided to Mecklenburg County Park and Recreation when requested by Mecklenburg County Park and Recreation as part of its proposed plans for the construction of the Sugar Creek Greenway.
  - c. The owner of Development Area A-1 will work with Mecklenburg County Parks and Recreation to provide an area for a new Cart Path for the existing golf course when Mecklenburg County Park and Recreation builds the future Sugar Creek Greenway through Development Area A-1. The location and construction of the new Cart Path will be subject to the owner of Development Area A-1 staying in compliance with the City of Charlotte Tree Ordinance.
  - d. Prior to the sale of Development Area A-1 from the City of Charlotte to the Petitioner/new owner, the Petitioner/new owner of Development Area A-1 will grant a permanent easement to allow the continued use of the existing Cart Path across Development Area A-1. If an easement cannot be agreed upon, the Petitioner/new owner of Development Area A-1 will build a new Cart Path on land retained by the City of Charlotte (Development Area C).
  - e. The owner of Development Area B and C will also work with Mecklenburg County Park and Recreation to provide an area for the future Sugar Creek Greenway when requested by County Parks and Recreation.
2. Revised Note 6.a. to commit to 120 feet ~~150 feet~~, with respect to minimizing scale and massing of buildings exceeding a certain length along a street.
  3. Revised Note 6.d(a) to state "...articulated architectural façade features which ~~may~~ shall include but not be limited to..."
  4. Amended Note 6.f. to read: "Common and/or private individual unit entrances ~~may~~ shall be provided along Tyvola Road at intervals of no greater than ~~125~~ 110 feet. , except for the senior building, which will only be required to provide one (1) entrance from the building to W. Tyvola Road.
  5. Amended Streetscape, Buffers, Yards, and Landscaping Note 5.a. to state that Building #1 will provide

a 30-foot setback as measured from the existing back of curb along W. Tyvola Road. Building #2 will establish a 35-foot setback as measured from the existing back of curb subject to the petitioner being able to reduce the setback to 30 feet as measured from the existing back of curb. If due to site constraints a 35-foot setback as measured from the existing back of curb cannot be provided. Building #3 will provide a 35-foot setback as measured from the existing back of curb.

6. Site plan now identifies locations of outdoor recreation use (portions of an existing golf course), as part of noted Development Areas.
7. Modified Streetscape, Buffers, Yards and Landscaping Note 5.c. to state that along Tyvola Road an eight (8) foot planting strip or the existing planting strip will be maintained whichever is greater and a new six (6) foot sidewalk will replace the existing narrower sidewalk along the site's frontage on Tyvola Road as generally depicted on the rezoning plan. The width of the planting strip may be narrowed or eliminated where W. Tyvola Road crosses over Sugar Creek.
8. The site plan has been amended to indicate directional movement of lanes at entrance.

The following item has been added since the public hearing:

1. Petitioner has added a note stating that the site shall be developed with a minimum of 120 affordable/workforce residential dwelling units, to be set aside for households earning 120% or below the Charlotte median income. The specific time that the housing units will remain affordable will be finalized as the Housing Trust Fund commitments and other required financing is finalized.
2. Amended Access and Transportation Note 3.e. by adding this sentence: "This reserved right-of-way will be dedicated to the City when plans to extend Speer Boulevard across the site have been funded

The following outstanding issue is a result of changes to the site plan since the public hearing:

1. The site plan has been revised to separate the rezoning site into four (4) development areas. General Provisions Note 1.e (Unified Development) states that the site may be developed into five (5) separate lots or development areas. Amend site plan accordingly to reflect consistency in the number of development areas proposed on the site.

The following item remains outstanding:

1. Petitioner proposes a 30-foot setback from existing back of curb along W. Tyvola Road. This should be increased to 40 feet. *The petitioner has added language on the site plan committing to providing a setback 30-35 feet from back of existing curb along W. Tyvola Road. However, the site plan needs to be revised to show the increased setback for Buildings 2 and 3.*

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

**Agents:** Collin Brown and Bailey Patrick, Jr.

**Staff Resource:** [Sonja Sanders](#)

**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)

**Public Hearing Held:** *June 19, 2017 Item #18*

**Staff Recommendation:**

Staff recommends approval of this petition.

The following items have been addressed:

Land Use

1. Clarified maximum of six residential dwelling units at a density of 14.6 units per acre.

Site and Building Design

2. Maximum building height limited to 40 feet.
3. Amended Note IV(6) to state that usable porches and stoops shall form a predominant feature of the building design and be located on the front and/or side of the building.
4. Providing a 14-foot setback from back of curb along Faison Avenue.

Transportation

5. Revised the site plan to provide 28 feet of public right-of-way as measured from the street's existing centerline, and clearly labeled and dimensioned the dedicated public right-of-way.
6. Agreed to add a note specifying dedication and fee simple conveyance of all rights-of-way to the City before the site's first building certificate of occupancy is issued. CDOT requests right-of-way set at two feet behind back of sidewalk if feasible.
7. Agreed to revise the site plan to add a note specifying all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued or phased per the site's development plan.

Environment

8. Added note per coordination with Jordan Miller at Storm Water Services as follows: Development and/or disturbance within the PCSO buffer shall be coordinated with the Charlotte-Mecklenburg Storm Water Services and mitigated by the city ordinance.

## 6. Rezoning Petition: 2016-126 by Luxity, LLC

**Agents:** Daniel A. Merlin

**Staff Resource:** [Solomon Fortune](#)

**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)

**Public Hearing Held:** *June 19, 2017 Item #19*

**Staff Recommendation:**

Staff recommends approval of this petition.

The following modifications have been made to the site plan:

Site and Building Design

1. Provided elevations showing the proposed four units and entrances along South Sycamore Street.
2. Provided site plan clearly showing the proposed structure and entrances for each unit.
3. Labeled and showed eight-foot planting strip and six-foot sidewalk.
4. Provided a 14-foot separation between the building and the property line adjacent to the existing single family structure which will include a five-foot sidewalk, seven-foot planting strip and two feet of transition/natural area.
5. Provided a note, detail of the porches, and a minimum depth and width of the porches along the public streets.
6. Labeled the front doors for all units on the site plan and building elevations.
7. Provided notes and detail of the roof treatment, slope, and details, such as louvres, windows, and porches along the public street frontages.
8. Added a note that detached lighting will be directed downward.

Transportation

9. Noted that the existing curb and gutter will be replaced with new two-foot, six-inch curb and gutter.
10. Added a note that right-of-way will be dedicated two feet from the back of sidewalk or at the back of sidewalk where the building abuts the sidewalk.
11. The petitioner revised the site plan to add a note specifying all transportation improvements will be constructed and approved before the site's first building certificate of occupancy is issued or phased per the site's development plan.

## 7. Rezoning Petition: 2017-039 by Beacon Partners

**Agents:** Collin Brown and Bailey Patrick Jr.

**Staff Resource:** [Solomon Fortune](#)

**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

**Public Hearing Held:** *June 19, 2017 Item #20*

**Staff Recommendation:**

Staff recommends approval of this petition.

The following items have been addressed since the public hearing:

Site and Building Design

1. Cross-section of the proposed streetscape along Winnifred Street has been shown on the site plan.
2. Notes have been added listing the proposed building materials on the site plan.
3. The proposed future back-of-curb along all public street and setbacks have been labeled and shown from the future back of curb on the site plan.
4. Show and label the centerline of the public street and show the proposed setbacks.
5. A note has been added that active ground floor uses will cover 80 percent of the building frontages.

Transportation

6. A note has been added that the building edge will be located so that it is not in conflict with the future configuration, not for the project to construct the turn lane.
7. A note has been added that the petitioner will provide and construct a new waiting pad along the site's frontage on South Tryon Street for a relocated bus stop.

The following item is outstanding:

Site and Building Design

1. A note has been added that the height of the residential units will not be taller than the parking deck it will screen. Petitioner will need to provide a number in feet of the maximum height of the residential building.



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

**Agents:** Keith MacVean and Jeff Brown

**Staff Resource:** [Claire Lyte-Graham](#)

**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)

**Public Hearing Held:** *June 19, 2017 Item #22*

**Staff Recommendation:**

Staff recommends approval of this petition.

The following issues have been addressed:

1. Removed the Natural Area note on Sheet RZ1.0 from the site plan.
2. Removed Note 6a under Environmental Features in its entirety and replaced with language stating that the site will comply with the adopted Post Construction Stormwater Ordinance as applicable to the site.
3. Added a note stating a pedestrian trail of at least eight feet in width shall be provided from Perimeter West Drive to the Paw Creek Greenway once the Paw Creek Greenway has been developed with a greenway trail.
4. Added a note stating that the petitioner will work with Mecklenburg County Park and Recreation to allow users of the Paw Creek Greenway (once improved with a trail) to park in one of the parking areas of the site closest to the eight (8) foot pedestrian trail.

## 9. Rezoning Petition: 2017-066 by Craig Calcasola

**Agent:** Craig Calcasola

**Staff Resource:** [Solomon Fortune](#)

**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)

**Public Hearing Held:** *June 19, 2017 Item #23*

**Staff Recommendation:**

Staff recommends approval of this petition.

The following items have been addressed:

Site and Building Design

1. Eight-foot planting strip and six-foot sidewalk along all public street frontages have been shown on the plan.
2. A 21.5 foot front setback along Wickford Place from the future back-of-curb has been shown on the plan.
3. Street centerline with the required right-of-way width along all public streets has been shown.

Transportation

4. A revised note has been provided that the petitioner will dedicate and fee simple conveyance of all rights of way to the City before the site's first building certificate of occupancy is issued. Right of way will be set at two feet behind back of sidewalk.
5. The petitioner revised the site plan to add a note specifying all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued or phased per the site's development plan.

The following issue is outstanding:

Transportation

1. CDOT requests the petitioner consider obtaining access to the proposed alleyway from Drive.

## 10. Rezoning Petition: 2017-055 by Duke Energy

**Agents:** Robert Earley

**Staff Resource:** [Claire Lyte-Graham](#)

**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)

**Public Hearing Held:** June 19, 2017 Item #25

**Staff Recommendation:**

Staff recommends approval of this petition.

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

**Agent:** Walter Fields

**Staff Resource:** [Solomon Fortune](#)

**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)

**Public Hearing Held:** June 19, 2017 Item #26

**Staff Recommendation:**

Staff recommends approval of this petition

## 12. Rezoning Petition: 2017-078 by Courtney E. Parker

**Agents:** Courtney E. Parker

**Staff Resource:** [Claire Lyte-Graham](#)

**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)

**Public Hearing Held:** June 19, 2017 Item #27

**Staff Recommendation:**

Staff recommends approval of this petition.

### **13. Rezoning Petition: 2017-082 by Griffbrew Investments, LLC**

**Agent:** Glen D. Cherry

**Staff Resource:** [Solomon Fortune](#)

**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)

**Public Hearing Held:** *June 19, 2017 Item #28*

**Staff Recommendation:**

Staff recommends approval of this petition.

### **14. Rezoning Petition: 2017-084 by Cheer Athletics**

**Agent:** C. Matthew Jones

**Staff Resource:** [Claire Lyte-Graham](#)

**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)

**Public Hearing Held:** *June 19, 2017 Item #29*

**Staff Recommendation:**

Staff recommends approval of this petition.