

# **City of Charlotte**

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



## **Zoning Agenda**

**Monday, July 17, 2017**

**Council Chambers**

### **City Council Zoning Meeting**

**- Mayor Jennifer W. Roberts -  
- Mayor Pro-Tem Vi Lyles -  
- Dimple Ajmera -  
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 - Laura Harmon**

[July Council Dinner Agenda Final.pdf](#)

**3. Follow Up Report**

[Follow-Up Report July Final.pdf](#)

[Attachment #1 NEW.pdf](#)

[Attachment #2 NEW.pdf](#)

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

A Decision 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

[Red Front Dept Store RCA.pdf](#)

[Red Front Cover.docx](#)

[Red Front Ordinance.docx](#)

[Red Front S&R.pdf](#)

[Red Front Estimate of Def Taxes.doc](#)

[Red Front HLC Vote.doc](#)

[Red Front SHPO Comment Ltr.pdf](#)

[Red Front Dept Review Findings.doc](#)

**ZONING DECISIONS****5. Rezoning Petition: 2017-067 by The Committee to Restore and Preserve Third Ward, Inc.*****Update: Requesting Deferral to September 18, 2017***

**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)

**Zoning Committee Recommendation:**

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

[2017-067 reco 06-29-2017 final TK.pdf](#)

[2017-067 vicinity map revised.pdf](#)

[2017-067 rezoning map revised.pdf](#)

**6. Rezoning Petition: 2017-058 by The Keith Corporation*****Update: Requesting Deferral to September 18, 2017***

**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)

**Zoning Committee Recommendation:**

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

[2017-058 reco 06-29-2017 final-TK.pdf](#)

[2017-058 vicinity map.pdf](#)

[2017-058 rezoning map.pdf](#)

## 7. Rezoning Petition: 2017-034 by Saussy Burbank, LLC

**Location:** Approximately 1.6 acres located on the west side of Suttle Avenue between Wilkinson Boulevard and Isom Street. (Council District 3 - Mayfield)

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

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

**Zoning Committee Recommendation:**

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

**Staff Recommendation:**

Staff agrees with the recommendation of the Zoning Committee.

**Statement of Consistency:**

- The Zoning Committee found this petition to be inconsistent with the *Bryant Park Land Use & Streetscape Plan*, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends office uses for the site as amended by rezoning petition 2013-045.
- 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 Bryant Park Land Use & Streetscape Plan originally recommended a mix of residential, office, and retail for the area where the site is located, which is the former Radiator Specialty industrial site; and
  - The office land use recommendation was a result of rezoning petition 2013-045 which allowed for all uses in the O-1 (office) district on this site and on abutting property; and
  - The proposed development of townhomes on this site will support the creation of a district with a mix of residential, office and retail and will complement the County owned office building across Suttle Avenue and the charter school located north of the site; and
  - The proposed development is also designed to support walkability in the new multi-use district, with the residential units located near the public sidewalk and directly accessible from the sidewalk.

[2017-034 reco 04-04-2017-final.pdf](#)

[2017-034 vicinity map.pdf](#)

[2017-034 rezoning map revised.pdf](#)

[2017-034 REV 07-11-2017.pdf](#)

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

**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 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 *Central District Plan* based on the information from the staff analysis and the public hearing, and because:
  - The plan recommends industrial and retail uses for the subject parcel as amended by petition 1998-125.
- Therefore, 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:
  - The proposed commercial use is accommodated by the adopted plan; and
  - Current I-1(CD) zoning allows for retail and restaurant uses without drive-throughs; and
  - The use with the drive-through is attached to other commercial uses and the window will be to the side of the building; and
  - The proposed building will provide support services for the proposed office and hotel buildings developing in the surrounding area.

[2017-038 reco final final.pdf](#)

[2017-038 vicinity map.pdf](#)

[2017-038 rezoning map.pdf](#)

[2017-038 RevsitePlan 06-30-2017.pdf](#)

## 9. Rezoning Petition: 2015-093 by 1351 Woodlawn (Melrose), LLC

### ***Update: Requesting Deferral to September 18, 2017***

**Location:** Approximately 2.9 acres located on the south side of Drexel Place and north side of Woodlawn Road near the intersection of Park Road and Drexel Place and Park Road and Woodlawn Road. (Council District 1 - Kinsey)

**Current Zoning:** R-4 (single family residential) and UR-3(CD) (urban residential, conditional)

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

#### **Zoning Committee Recommendation:**

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

#### **Staff Recommendation:**

Staff disagrees with the recommendation of the Zoning Committee as the scale, mass and encroachment into the single family area is inconsistent with the adopted area plan.

#### **Statement of Consistency:**

- The Zoning Committee found this petition to be inconsistent with the *Park Woodlawn Area Plan*, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends residential for the portion of the site along Woodlawn Road and single-family residential at R-4 for the lots along Drexel Place.
- 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 development will provide a transition to the single family homes across Drexel Place; and
  - At grade entrances along Drexel Place will enhance the pedestrian environment along the site frontage; and
  - New rental product will replace the old existing stock.

[2015-093\\_reco\\_04-27-2016\\_final.pdf](#)

[2015-093\\_vicinity\\_map.pdf](#)

[2015-093\\_rezoning\\_map.pdf](#)

[2015-093\\_RevSitePlan\\_10-5-2016.pdf](#)

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

### ***Update: Requesting Deferral to October 16, 2017 and a New Public Hearing on September 18, 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.

[2016-139 reco 5-30-2017 final.pdf](#)

[2016-139 vicinity map.pdf](#)

[2016-139 rezoning map revised.pdf](#)

[2016-139 RevSitePlan 06-15-2017.pdf](#)

## 11. 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)

**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 *Park Woodlawn Area Plan*, based on information from the staff analysis and the public hearing, and because:
  - The Plan recommends residential uses up to 12 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 development is across the street from the Park Road/Woodlawn Road Activity Center; and
  - The increased density proposed for the subject site will result in more residents living within walking distance of the Activity Center; and
  - The proposed development will also provide a transition between the more intensely developed Activity Center and the established single family residential development located north and east of the site; and
  - The development has been designed to be compatible with the adjacent single family residential by limiting the maximum building height of the attached dwelling units to 40 feet, which is the height allowed for the single family homes; and
  - The proposed development also includes an eight-foot planting strip and six-foot sidewalk which will improve both safety and the pedestrian experience for this site.

[2017-053 reco 06-29-2017final.pdf](#)

[2017-053 vicinity map.pdf](#)

[2017-053 rezoning map.pdf](#)

[2017-053 RevSitePlan 06-26-2017.pdf](#)

## 12. 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)

**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 *Southwest District Plan*, based on information from the staff analysis and the public hearing, and because:
  - The petition is consistent with the residential/office/retail land use adopted for this site, per the *Southwest District Plan* as amended by rezoning petition 2007-082.
- 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 located on a vacant parcel that is surrounded by a mix of industrial, institutional, office, and residential uses and undeveloped and vacant acreage. The site abuts the Renaissance Golf Course; and
  - The proposed multi-family use is consistent with the adopted land use for the site as amended by rezoning petition 2007-082, which updated the Southwest District Plan recommendation to allow residential, office and/or retail development; and
  - Multi-family development on this site is consistent with the existing residential development that has occurred recently as part of the City Park development and will add more housing options, especially for employees in the Coliseum area which is predominately office and light industrial; and
  - Multi-family and elderly housing on this site would also complement the adjacent County golf course and proposed greenway.

[2017-076\\_reco\\_06-29-2017-final\\_TK.pdf](#)

[2017-076\\_vicinity\\_map.pdf](#)

[2017-076\\_rezoning\\_map\\_revised.pdf](#)

[2017-076\\_RevSitePlan\\_07-10-2017.pdf](#)

### 13. 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)

**Zoning Committee Recommendation:**

The Zoning Committee voted 5-1 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 *Blue Line Extension Transit Station Area Plan*, but inconsistent with the specifically recommended low density (up to six units per acre) for the subject properties based on information from the staff analysis and the public hearing, and because:
  - The plan recommends residential uses up to six 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 properties are located on the south side of Faison Avenue amidst single family detached homes, duplex units, and vacant lots.
  - The proposed duplex units will provide new housing on vacant lots to complement the existing duplex and detached single family units on Faison Avenue.
  - While the proposed density is greater than the specific density recommended by the adopted plan, the plan does state that moderate density residential development can be supported if designed to be consistent with the community design section of the plan.
  - The proposed development adheres to community design policies of the adopted plan by orienting buildings to the street, locating parking to the rear of the buildings, and providing porches and stoops similar to surrounding single family dwellings.

[2017-68\\_ZC\\_Reco\\_062917\\_final\\_TK.pdf](#)

[2017-068\\_vicinity\\_map.pdf](#)

[2017-068\\_rezoning\\_map.pdf](#)

[2017-68\\_REV\\_site\\_plan\\_063017.pdf](#)

## 14. 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)

**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 *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 the preservation and enhancement of 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 subject site is located on a short street in Third Ward that is primarily developed with single family homes. However, there are multi-family buildings at the intersection of Irwin Avenue and Margaret Brown Street, and on other nearby streets in this part of Third Ward; and
  - The subject site is appropriate for higher density residential as it is located on a corner lot across from Frazier Neighborhood Park and is located in an urban neighborhood with a range of housing types; and
  - The development has been designed to complement the single family homes along Margaret Brown Street:
    - The proposed 14-foot setback along Margaret Brown Street is consistent with the setback for the existing single family homes along the street; and
    - The proposed development incorporates architectural details such as porches and fenestration that are compatible with the established single family neighborhood; and
    - The proposed 40-foot height is the base height allowed for single family development; and
  - In addition, the proposed development will improve the pedestrian experience by providing an eight-foot planting strip and six-foot sidewalk.

[2016-126 reco 06-29-2017 Final TK.pdf](#)

[2016-126 vicinity map.pdf](#)

[2016-126 rezoning map.pdf](#)

[2016-126 RevSitePlan 06-29-2017.pdf](#)

## 15. 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

**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 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 subject site is within a ¼ walk of the Bland Street Transit Station on the LYNX Blue Line, and the proposal allows a site previously used for industrial/warehouse purposes to convert to transit supportive land uses appropriate for this location; and
  - The 170-foot building height optional request is 50 feet greater in height than what is allowed by the ordinance standards; and
  - However, the extra height request is proposed on the side of the building that is furthest away from the Wilmore Neighborhood; and the additional height will not have a negative impact on the Wilmore neighborhood, which is separated from this site by commercial development; and
  - In addition, the petition includes a central plaza which will be accessible from South Tryon Street; ground floor active uses on South Tryon Street, Winona Street and West Bland Street; and sidewalk/streetscape improvements on all streets. Together, these improvements will significantly enhance the pedestrian environment for the subject site.

[2017-039\\_reco\\_06-29-2017-final TK.pdf](#)

[2017-039\\_vicinity map.pdf](#)

[2017-039\\_rezoning map.pdf](#)

[2017-039\\_RevSitePlan\\_06-30-2017.pdf](#)

## 16. 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)

**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 *Dixie Berryhill Strategic Plan*, based on information from the staff analysis and the public hearing, and because:
  - The majority of this petition is consistent with the *Dixie Berryhill Strategic Plan* recommendation for office/warehouse uses. However, the portion of the property that is located in the FEMA Floodplain is recommended for park/open space.
- 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 area of Wilkinson Boulevard is developed primarily with warehouse and industrial uses, and a portion of the subject site is already developed with two warehouse/office buildings; and
  - The rezoning petition retains the use restrictions from the previous rezoning, specifically permitting industrial and warehouse uses which are appropriate at this location; and
  - However, the request reconfigures vacant development sites, removes notes limiting the maximum warehouse/distribution square footage, and removes a note that a call center will not be considered warehouse or distribution space; and
  - These changes are minor in nature and will not have a negative impact on adjacent properties; and
  - The request is consistent with the office/warehouse recommendation from the adopted plan for the majority of the property. The land use recommendation for park/open space is for the portion of the site within the FEMA floodplain, and pertinent floodplain regulations will still apply to the site.

[2017-061 reco 06-29-2017-final TK.pdf](#)

[2017-061 vicinity map.pdf](#)

[2017-061 rezoning map.pdf](#)

[2017-061 RevSitePlan 06-26-2017.pdf](#)

## 17. 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)

**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 *Central District Plan* and consistent for increase in density with the *General Development Policies*, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends low density residential 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 subject property is adjacent to and across from single family homes along Wickford Place and is located within the Wilmore Historic District; and
  - The proposed development will add three additional homes, for a total of four homes on individual lots, along Wickford Place; and
  - The proposed residential density of 11.4 dwelling units per acre provides a transition between the moderate density along Worthington Avenue and the low density along West Boulevard; and
  - The proposed setback matches the setback of the previous building and is compatible with other setbacks along Wickford Place; and
  - The proposed development improves the site with a planting strip and sidewalk which will improve the pedestrian experience.

[2017-066 reco 06-29-2017 - final - TK - For John.pdf](#)

[2017-066 vicinity map.pdf](#)

[2017-066 rezoning map.pdf](#)

[2017-066 RevSitePlan 06-30-2017.pdf](#)

## 18. 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)

**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 *Northwest District Plan*, based on information from the staff analysis and the public hearing, and because:
  - The petition is inconsistent with the *Northwest District Plan* recommendation for single family residential land uses, at up to four dwelling 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 subject site is located between industrially zoned land and a small single family neighborhood; and
  - The existing R-3 (single family residential) zoning currently provides a transition to the neighborhood; however, it is not required to include landscaping; and
  - Rezoning the property to I-2 (general industrial) will allow a small area for the expansion of industrial uses along the south boundary of the site; and
  - In addition, the rezoning will result in the establishment of an ordinance required buffer along Craig Street. The buffer will protect the neighborhood by separating and partially blocking the view between the industrial use and the single family homes.

[2017-055 reco 06-29-17 final TK.pdf](#)

[2017-055 vicinity map revised.pdf](#)

[2017-055 rezoning map revised 2.pdf](#)



## 19. 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)

**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 Area Plan*, and several areas 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 transit supportive uses for a majority the subject sites. The remainder of the properties are recommended for industrial uses.
- 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 proposal will add the TS (transit supportive overlay) to the base zoning for the sites included in this petition. The base zoning for these sites is currently business (B-2) or industrial (I-1 or I-2); and
  - The proposed overlay will accommodate the continued existence and some expansion of businesses located on the subject sites; and
  - In addition, the overlay district will allow reuse and redevelopment of the subject properties, and most of the uses in the base zoning districts will be permitted; and
  - While the application of TS (transit supportive overlay) will make only minimal changes to the uses that will be allowed on these sites, TS will change the form of new development; and
  - The TS district will ensure that future development is designed to be more transit supportive, by applying pedestrian oriented site design standards to the underlying business and industrial zoning districts; and
  - This will allow the gradual transition of the area to an urban transit supportive district, which is appropriate for an area located close to two rapid transit stations and the Uptown area; and
  - It should be noted that the area plan recommends residential uses at up to eight units per acre for the one lot on Westwood, but the property has been used for non-residential purposes since the 1990's. This petition will allow the continuation of a non-residential use.

[2017-073\\_reco\\_06-29-2017lh\\_TK - Final.pdf](#)

[2017-073\\_vicinity\\_map.pdf](#)

[2017-073\\_rezoning\\_map\\_revised.pdf](#)

## 20. 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)

**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 *Dixie Berryhill Strategic Plan*, based on information from the staff analysis and the public hearing, and because:
  - The petition is inconsistent with the single family residential land use recommendation for this site as per the *Dixie Berryhill Strategic Plan*.
- 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 *Dixie Berryhill Strategic Plan* recommends single family residential at up to four dwelling units per acre for the subject property; and
  - While the proposed use is not residential, it will allow the reuse of a small lot that is situated between a recreation vehicle sales facility and Interstate 85; and
  - The size and location of the site limits the intensity and impact of the development on the residential properties in the immediate area and therefore eliminates the need for a conditional site plan.

[2017-078\\_reco\\_06-29-17\\_final-TK.pdf](#)

[2017-078\\_vicinity\\_map.pdf](#)

[2017-078\\_rezoning\\_map.pdf](#)

## 21. 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)

**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 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 subject site is within a quarter mile walk of the New Bern Transit Station on the LYNX Blue Line; and
  - The proposal allows a site previously used for industrial/office to convert to transit supportive land uses; and
  - Use of conventional TOD-M (transit oriented development - mixed-use) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary; and
  - TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

[2017-082 Reco 06-29-2017 final-TK.pdf](#)

[2017-082 vicinity map.pdf](#)

[2017-082 rezoning map.pdf](#)

## 22. 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)

**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 *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; and
  - Rezoning petition 2017-063, a request to rezone the property which is adjacent to this site from BP (business park) to I-1 (light industrial), was also recommended for approval in May 2017.

[2017-084 reco 06-29-17 final TK - final.pdf](#)

[2017-084 vicinity map.pdf](#)

[2017-084 rezoning map.pdf](#)

## ZONING HEARINGS

## 23. Rezoning Petition: 2017-059 by Saturday Night LLC

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

**Location:** Approximately 2.78 acres located on the north side of Bellhaven Boulevard between Interstate 485 and Bellhaven Circle. (Council District 2 - Austin)

**Current Zoning:** R-3 (single family residential)

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

[Deferral PH Slip Sheet.pdf](#)

## 24. Rezoning Petition: 2017-054 by ATCO

**Location:** Approximately 72 acres located on the southeast intersection of Statesville Avenue and Woodward Avenue, west of North Graham Street (Council District 1 - Kinsey)

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

**Proposed Zoning:** UMUD-O (uptown mixed use, optional)

**Staff Recommendation:**

Staff recommends approval of this petition upon resolution of outstanding issues. Staff supports the proposed concept for the reuse and redevelopment of the site. However, there are a number of outstanding issues remaining to be resolved, including significant issues related to phasing of new street connections through the site, tree ordinance compliance, and retention of the existing buildings within the core of the site.

[2017-54 Staff 071717 final.pdf](#)

[2017-054 vicinity map.pdf](#)

[2017-054 rezoning map revised LQ.pdf](#)

[2017-054 -Revised Cloud 06-20-2017.pdf](#)

## 25. Rezoning Petition: 2017-062 by Doggett Concrete, Inc.

**Location:** Approximately 5.8 acres located at the northern end of Cressida Drive east of South Boulevard and west of Sharonbrook Drive. (Council District 6 - Smith)

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

**Proposed Zoning:** I-2(CD) (general industrial, conditional)

**Staff Recommendation:**

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

[2017-062 staff 7-17-17 final final.pdf](#)

[2017-062 vicinity map.pdf](#)

[2017-062 rezoning map.pdf](#)

[2017-062 RevSitePlan 06-12-2017.pdf](#)

## 26. Rezoning Petition: 2017-069 by Heydon Hall II, LLC

**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)

**Staff Recommendation:**

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

[2017-069 staff 7-17-17 final final.pdf](#)

[2017-069 vicinity map.pdf](#)

[2017-069 rezoning map.pdf](#)

[2017-069 RevSitePlan 05-16-2017.pdf](#)

[Previously Approved Cover Page.pdf](#)

[2017-069 prevApprovedPlan 2009-007.PDF](#)

[2017-069 prevApprovedPlan 2001-032.PDF](#)

## 27. Rezoning Petition: 2017-070 by Saussy Burbank, LLC

**Location:** Approximately 0.35 acres along the west side of Park road in between Wyndcroft place and Hillside Avenue. (Council District 1 - Kinsey)

**Current Zoning:** 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 site design and transportation issues.

[2017-070 staff 07-17-2017 final final.pdf](#)

[2017-070 vicinity map.pdf](#)

[2017-070 rezoning map revised.pdf](#)

[2017-070 RevSitePlan 06-16-2017.pdf](#)

## 28. Rezoning Petition: 2017-072 by SMS Catering Service, Inc.

**Location:** Approximately 4.68 acres located on the east side of Norland Avenue south of Central Avenue. (Council District 5 - Ajmera)

**Current Zoning:** R-4 (single family residential), B-2 (CD) (general business, conditional), and O-6 (CD) (office, conditional)

**Proposed Zoning:** NS (neighborhood services), with five-year vested rights

**Staff Recommendation:**

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

[2017-72\\_Staff\\_071717\\_final\\_final.pdf](#)

[2017-072\\_vicinity\\_map.pdf](#)

[2017-072\\_AMENDED\\_rezoning\\_map.pdf](#)

[2017-072\\_RevSitePlan\\_06-12-2017.pdf](#)

[Previously Approved Cover Page.pdf](#)

[2017-72\\_prev\\_approved\\_sie\\_plan\\_1984-007.PDF](#)

## 29. Rezoning Petition: 2017-074 by Fine Plaza, LLC

**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)

**Staff Recommendation:**

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

[2017-74\\_staff\\_analysis\\_07-17-17-final\\_final.sdw.pdf](#)

[2017-074\\_vicinity\\_map.pdf](#)

[2017-074\\_rezoning\\_map.pdf](#)

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### 30. Rezoning Petition: 2017-077 by TTR Investments, LLC

**Location:** Approximately 1.4 acres located at the northwest intersection of Millerton Avenue and West Morehead Street and west of Suttle Avenue. (Council District 3 - Mayfield)

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

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

**Staff Recommendation:**

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

[2017-077 staff 7-7-17 final final final.pdf](#)

[2017-077 vicinity map.pdf](#)

[2017-077 rezoning map.pdf](#)

[2017-077 RevSitePlans 06-12-2017.pdf](#)

### 31. Rezoning Petition: 2017-080 by Griffith Equities, LLC / E.C. Griffith Company

**Location:** Approximately 17.69 acres located in between Freedom Drive and West Morehead Street and west of Walnut Avenue (Council District 3 - Mayfield)

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

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

**Staff Recommendation:**

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

[2017-080 staff 07-17-2017 final final final km updated final.pdf](#)

[2017-080 vicinity map.pdf](#)

[2017-080 rezoning map revised.pdf](#)

[2017-080 RevSitePlan 06-12-2017.pdf](#)



### **32. Rezoning Petition: 2017-081 by Ninety-Eight and Three Quarters Holdings, LLC**

**Location:** Approximately 0.38 located between North Tryon Street and Ritch Avenue and east of Guy E. Suddreth Avenue. (Council District 1 - Kinsey)

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

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

**Staff Recommendation:**

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

[2017-81\\_Staff\\_071717\\_final km.pdf](#)

[2017-081\\_vicinity map.pdf](#)

[2017-081\\_rezoning map.pdf](#)

[2017-081\\_RevSitePlan\\_06-12-2017.pdf](#)

### **33. Rezoning Petition: 2017-085 by Mark Eisenbeis-Stolz Partners**

**Location:** Approximately 9.54 acres located east of Interstate 485 between Caldwell Road and Farmington Ridge Parkway. (Outside City Limits)

**Current Zoning:** R-3 (single family residential) and R-4 (single family residential)

**Proposed Zoning:** R-5 (CD) (single family residential, conditional), with five-year vested rights

**Staff Recommendation:**

Staff recommends approval of this petition.

[2017-85\\_Staff\\_071717\\_final km.pdf](#)

[2017-085\\_vicinity map.pdf](#)

[2017-085\\_rezoning map.pdf](#)

[2017-085\\_RevSitePlan\\_06-12-2017.PDF](#)

### 34. Rezoning Petition: 2017-087 by Regions Bank

**Location:** Approximately 1.96 acres located at the southwest intersection of South College Street and East Stonewall Street and east of John Belk Freeway. (Council District 1 - Kinsey)

**Current Zoning:** UMUD-O (uptown mixed use district, optional)

**Proposed Zoning:** UMUD-O SPA (uptown mixed use district, optional, site plan amendment)

**Staff Recommendation:**

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

[2017-087\\_staff\\_07-17-2017\\_final\\_final.sdw.pdf](#)

[2017-087\\_vicinity\\_map.pdf](#)

[2017-087\\_rezoning\\_map\\_revised.pdf](#)

[2017-087\\_RevSitePlan\\_06-12-2017.pdf](#)

[Previously Approved Cover Page.pdf](#)

[2017-087 Previously approved plan 1999-038 approved site plan Final.pdf](#)

### 35. Rezoning Petition: 2017-088 by Trevi Partners, LLC

**Location:** Approximately 23.3 acres located along the south side of North Tryon Street between Wednesbury Boulevard and Caprington Avenue. (Council District 4 - Phipps)

**Current Zoning:** CC (commercial center) and UR-C (CD) (urban residential - commercial, conditional)

**Proposed Zoning:** UR-C (CD) (urban residential - commercial, conditional) and UR-C (CD) SPA (urban residential - commercial, conditional, site plan amendment), with five-year vested rights

**Staff Recommendation:**

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

[2017-88\\_Staff\\_071717\\_final km.pdf](#)

[2017-088\\_vicinity\\_map.pdf](#)

[2017-088\\_rezoning\\_map.pdf](#)

[2017-088\\_RevSitePlan\\_06-12-2017.pdf](#)

[Previously Approved Cover Page.pdf](#)

[2017-88\\_prev approved plan 2016-107.pdf](#)

### 36. Rezoning Petition: 2017-089 by Laurel Street Residential

**Location:** Approximately 2 acres located at the northeast intersection of Marney Avenue and Sam Drenan Road and east of Skyland Avenue. (Council District 1 - Kinsey)

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

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

**Staff Recommendation:**

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

[2017-089\\_staff\\_07-17-2017\\_final\\_final\\_final.pdf](#)

[2017-089\\_vicinity\\_map.pdf](#)

[2017-089\\_rezoning\\_map.pdf](#)

[2017-089\\_RevSitePlan\\_06-16-2017.pdf](#)

### 37. Rezoning Petition: 2017-090 by Childress Klein Properties, Inc.

**Location:** Approximately 27.6 acres located at the southwest intersection of Providence Road and Ballantyne Commons Parkway and north of Interstate 485. (Council District 7 - Driggs)

**Current Zoning:** CC (commercial center)

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

**Staff Recommendation:**

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

[2017-090\\_staff\\_7-17-17-final\\_final\\_final.pdf](#)

[2017-090\\_vicinity\\_map.pdf](#)

[2017-090\\_rezoning\\_map.pdf](#)

[2017-090\\_RevSitePlan\\_06-12-2017.PDF](#)

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[2017-090\\_2.pdf](#)

[2017-090\\_3.pdf](#)

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### 38. Rezoning Petition: 2017-091 by Colony at Piper Glen, LLC

**Location:** Approximately 2.23 acres located at the northeast intersection of Ballantyne Commons Parkway and Rea Road. (Council District 7 - Driggs)

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

**Proposed Zoning:** NS (neighborhood services)

**Staff Recommendation:**

Staff recommends approval of this petition upon resolution of the requested technical revisions related to site design and transportation.

[2017-091\\_staff\\_7-17-17\\_final\\_final.pdf](#)

[2017-091\\_vicinity\\_map.pdf](#)

[2017-091\\_rezoning\\_map.pdf](#)

[2017-091\\_RevSitePlan\\_6-12-17.pdf](#)

[Previously Approved Cover Page.pdf](#)

[2017-091\\_prevApprovedPlan\\_1989-017C.pdf](#)

### 39. Rezoning Petition: 2017-092 by Direct Power

**Location:** Approximately 14 acres located along the west side of Ryne Road and in between Mount Holly Road and Chapelton Drive. (Outside City Limits)

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

**Proposed Zoning:** I-1 (CD) (LWPA) (light industrial, conditional, Lake Wylie protected area)

**Staff Recommendation:**

Staff recommends denial of this petition.

[2017-092-staff\\_7-17-17\\_final\\_final.pdf](#)

[2017-092\\_vicinity\\_map.pdf](#)

[2017-092\\_rezoning\\_map.pdf](#)

[2017-092\\_RevSitePlan\\_06-12-2017.pdf](#)

### 40. Rezoning Petition: 2017-093 by Carowinds, LLC

**Location:** Approximately 24.16 acres located on the west side of Interstate 77 on the southern edge of Mecklenburg County, south of Nevada Boulevard. (Council District 3 - Mayfield)

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

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

**Staff Recommendation:**

Staff recommends approval of this petition.

[2017-093\\_staff\\_7-17-17\\_final\\_final\\_final.pdf](#)

[2017-093\\_vicinity\\_map.pdf](#)

[2017-093\\_rezoning\\_map.pdf](#)

## 41. Rezoning Petition: 2017-094 by MM&R Investments, LLC

**Location:** Approximately 0.35 acres located on the north side of Remount Road between South Tryon Street and Distribution Street. (Council District 3 - Mayfield)

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

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

**Staff Recommendation:**

Staff recommends approval of this petition.

[2017-094 staff 07-17-2017 final final.pdf](#)

[2017-094 vicinity map.pdf](#)

[2017-094 rezoning map.pdf](#)