

# City of Charlotte

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



## Zoning Agenda

**Monday, October 17, 2016**

**Council Chambers**

### **City Council Zoning Meeting**

**- Mayor Jennifer W. Roberts -**  
**- Mayor Pro-Tem Vi Lyles -**  
**Al Austin - John Autry**  
**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

[Dinner Agenda 10-17-16 Final](#)

- 3. Follow Up Report**

[Follow-Up Report for 10-17-16 notebooklh sm](#)

## 5:30 P.M. ZONING MEETING, COUNCIL CHAMBERS

### HISTORIC LANDMARK PUBLIC HEARING

#### 4. Biddleville Cemetery

A Public Hearing on the Question of adopting an ordinance for the property known as the "Biddleville Cemetery" (listed under Tax Parcel Number 06903561 as of September 1, 2016 and including the land associated with Tax Parcel Number 06903561) as an Historic Landmark.

**Property Owner:** Society of the Minute Men

**Location:** Five Points Neighborhood Park Charlotte, North Carolina

[RCA for Biddleville Cemetery](#)

[Biddleville Cemetery Cover](#)

[Biddleville Cemetery Ordinance](#)

[Biddleville Cemetery Survey and Research Report](#)

[Biddleville Cemetery Tax Ltr](#)

[Biddleville Cemetery HLC Vote](#)

[Biddleville Cemetery SHPO Ltr](#)

[Biddleville Cemetery Dept Rev Process 1016](#)

#### 5. Charles E. Barnhardt House

A Public Hearing on the Question of adopting an ordinance for the property known as the "Charles E. Barnhardt House" (listed under Tax Parcel Number 09504315 as of September 1, 2016 and including the interior and exterior of the house and a portion of the land of Tax Parcel Number 09504315) as an Historic Landmark.

**Property Owner:** Country Club Lane LLC

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

[RCA for Barnhardt House](#)

[Barnhardt Cover](#)

[Barnhardt House Ordinance](#)

[Barnhardt S&R](#)

[Barnhardt House HLC Vote](#)

#### 6. Dilworth Airplane Bungalow

A Public Hearing on the Question of adopting an ordinance for the property known as the "Dilworth Airplane Bungalow" (listed under Tax Parcel Number 12110209 as of September 1, 2016 and including the interior and exterior of the house, and the land associated with Tax Parcel Number 12110209) as an Historic Landmark.

**Property Owner:** Paula Pridgen

**Location:** 2144 Park Road in Charlotte, North Carolina

[RCA for Dilworth Airplane Bungalow](#)

[Airplane Cover](#)

[Dilworth Airplane Bungalow Ordinance](#)

[Dilworth Airplane Bungalow S&R](#)

[Dilworth Airplane Bungalow Tax Ltr](#)

[Dilworth Airplane Bungalow HLC Vote](#)

[Dilworth Airplane Bungalow SHPO Ltr](#)

[Dilworth Airplane Bungalow Dept Rev Process 1016](#)

## 7. Midwood Elementary School

A Public Hearing on the Question of adopting an ordinance for the property known as the "Midwood Elementary School" (listed under Tax Parcel Number 09507803 as of September 1, 2016 and including the interiors and exteriors of the buildings, and the land associated with Tax Parcel Number 09507803) as an Historic Landmark.

**Property Owner:** Charlotte Mecklenburg Board of Education

**Location:** 1817 Central Avenue in Charlotte, North Carolina

[RCA for Midwood Elm School](#)

[Midwood Elem School Cover](#)

[Midwood School Ordinance](#)

[Midwood School S&R](#)

[Midwood Elm Sch Tax Ltr](#)

[Midwood Elementary School HLC Vote](#)

[Midwood School SHPO Ltr](#)

[Midwood Elementary School Building Dept Rev Process 1016](#)

**ZONING DECISIONS****8. Rezoning Petition: 2016-066 by JWM Family Enterprises, Inc.**

***Update: At the July 18, 2016 City Council meeting rezoning petition 2016-066 was approved without the Statement of Consistency. Council needs to adopt either their own statement or the Zoning Committee's statement as listed below.***

**Location:** Approximately 5.32 acres located on the southwest corner at the intersection of Roxborough Road and Rexford Road. (Council District 6 - Smith)

**Current Zoning:** O-1 (office) and O-15 (CD) (office, conditional)

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

**Zoning Committee Recommendation:**

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

**Staff Recommendation:**

Staff agrees with the recommendation of the Zoning Committee.

**Statement of Consistency:**

- The Zoning Committee found this petition to be consistent with the SouthPark Small Area Plan based on information from the staff analysis and the public hearing, and because:
  - The plan recommends office or a mix of office and residential 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:
  - A hotel, which is the use proposed for this site, is classified as an office/business use and allowed in office and business zoning districts; and
  - The Centers, Corridors and Wedges Growth Framework identifies SouthPark as a Mixed Use Activity Center, a priority area for intensification and urban, pedestrian-oriented development; and
  - The more specific vision articulated in the SouthPark Small Area Plan calls for the SouthPark area to transition from a suburban shopping and business environment to a town center composed of a balanced mixture of land uses; and
  - The proposed site plan intensifies the subject site by redeveloping a surface parking lot located between an existing hotel and Rexford Road, with a second hotel and accessory structured parking; and
  - The new hotel will enhance the pedestrian environment by providing active, ground floor uses oriented to the public sidewalk on Roxborough Road; and
  - Where the proposed parking structure fronts Rexford Road, the site plan commits to architectural treatment to the structure and also provides a wide setback to allow tree preservation and additional landscaping to partially screen the parking deck from the public sidewalk; and
  - The site plan also provides wide setbacks along Roxborough Road to preserve existing mature trees and provide added green space consistent with other recently approved rezonings and to support the concept of a "green ribbon" along streets in the SouthPark area as discussed in the recent Urban Land Institute study of the SouthPark area; and
  - The portion of the building adjacent to Rexford Road is limited to a maximum building height of 88 feet which is similar to the height of recently approved development on the "Colony Apartments" site to the east, and mid-rise building heights are appropriate in a Mixed-Use Activity Center.

[2016-066 reco 6-29-16 final](#)

[2016-066 vicinity map](#)

[2016-066 rezoning map](#)

[2016-066 RevSitePlan 07-11-2016](#)

## 9. Rezoning Petition: 2016-053 by Brookline Residential, LLC

### ***Update: Requesting deferral to (November 21, 2016)***

**Location:** Approximately 14.21 acres located on the west side of Reames Road between Lakeview Road and Anston Crossing Drive. (Council District 2 - Austin)

**Current Zoning:** MX-1 (Innov) (mixed use, innovative)

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

**Zoning Committee Recommendation:**

The Zoning Committee voted 7-0 to **DEFER** this petition to the October 26, 2016 Zoning Committee Work Session.

[2016-053 reco 09-28-2016 final](#)

[2016-053 vicinity map](#)

[2016-053 rezoning map revised3](#)

## 10. Rezoning Petition: 2016-074 by McKinney Holdings NC II, LLC

**Location:** Approximately 15 acres located on the east side of North Tryon Street between Sandy Avenue and Rocky River Road. (Council District 4 - Phipps)

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

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

**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 University City Area Plan, based on information from the staff analysis and the public hearing, and because:
  - The petition is consistent with the University City Area Plan, which recommends transit oriented development organized on a new network of streets and blocks designed to maximize access to the station, support walkability, and interconnect to adjacent surrounding development.
- Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
  - The subject site is located within a ½ mile walk of the University City Boulevard Transit Station on the LYNX Blue Line Extension; and
  - The University City Area Plan recommends transit oriented development for the site. A mix of

residential and office uses are appropriate and retail could be considered within a vertically mixed use building; and

- The TOD-M (transit oriented development - mixed-use) zoning will allow these uses; and
- The University City Area Plan also recommends a new network of streets and blocks to support transit oriented development around the station including the alignment and design of a new "Avenue" and "Local" streets parallel to North Tryon Street; and
- These streets represent critical infrastructure necessary for the successful development of this unique station area which includes significant tracts of undeveloped land with no street connectivity; and
- The request shows the recommended street network and commits to dedicate the streets as public right-of-way; and
- The request also proposes to donate permanent and temporary easements along the site's Rocky River frontage to accommodate the City's Comprehensive Neighborhood Improvement Program project.

[2016-074 reco 9-28-16 final](#)

[2016-074 vicinity map revised4](#)

[2016-074 rezoning map revised3](#)

[2016-074 revised site plan 08-22-2016](#)

## 11. Rezoning Petition: 2016-083 by Demeter Properties, LLC

**Location:** Approximately 15.38 acres located on the north side of David Cox Road between Harris Cove Drive and Davis Lake Parkway. (Council District 4 - Phipps)

**Current Zoning:** R-9 PUD (multi-family residential, planned unit development), R-4 (single family residential, and RU (CD) (rural, conditional)

**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 Northeast District Plan recommendation for residential land use but inconsistent with the General Development Policies, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends residential land uses; and
  - The General Development Policies locational criteria recommends up to six 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 subject property is situated between more intense development, including retail uses, assisted living, and single family residential in the Davis Lake Community; and
  - The rezoning will serve as a transition between the retail and assisted living and the single family residential; and
  - The petition seeks a density of 7.4 dwelling units per acre which is consistent with the density of 7.54 units per acre for the recently approved townhome development across David Cox Road; and

- The proposal will provide an extensive pedestrian and vehicular network of sidewalks, public and private streets and alleyways; and
- The petition includes a number of elements designed to enhance the residential environment including centrally located tree save, alleys that allow parking to be placed at the rear of the units, on-street parking, non-required buffers, and common open space along David Cox Road; and
- The development will provide a 21-foot buffer to the rear of the site which will provide additional screening for the Davis Lake Community; and
- The site plan provides architectural standards for the proposed units that address porches, stoops, roof pitch, building materials, decorative garage doors, and blank walls on corner/end units.

[2016-083 reco 09-29-2016 final](#)

[2016-083 vicinity map](#)

[2016-083 rezoning map revised2](#)

[2016-083 RevSitePlan 09-22-2016](#)

## 12. Rezoning Petition: 2016-089 by Derita Masonic Lodge

**Location:** Approximately 4.35 acres located on the south side of DeArmon Road between Mineral Ridge Way and Hampton Place Drive. (Council District 4 - Phipps)

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

**Proposed Zoning:** INST (CD) (institutional, 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 Prosperity Hucks Area Plan, based on information from the staff analysis and the public hearing, and because:
  - This petition is consistent with the Prosperity Hucks Area Plan which recommends single family land uses at a density of four dwelling units per acre, but also states that institutional uses are appropriate if criteria pertaining to site and building design, as well as transportation access, are met.
- 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 area plan identifies this site as being appropriate for single family development at a density up to four dwelling units per acre; and
  - However, the plan also states that, for some sites, institutional may be an appropriate alternative use if the site meets criteria pertaining to building massing, scale, buffers, site access and connectivity in relation to existing properties; and
  - This site meets the criteria identified in the area plan for institutional uses. Specifically:
  - The site is located on DeArmon Road, an existing minor thoroughfare; and
  - The proposed civic use is separated from other properties within adjoining neighborhoods by a 28-foot buffer; is limited to 5,600 square feet which is a size that is appropriate for a residential environment; and will provide new sidewalks and planting strips long DeArmon Road.

[2016-089 reco 09-28-2016 final](#)

[2016-089 vicinity map revised](#)

[2016-089 rezoning map revised2](#)

[2016-089 Rev 09-23-2016](#)

### 13. Rezoning Petition: 2016-096 by City of Charlotte

**Location:** Approximately 1.52 acres located on the east side of Lawyers Road between Albemarle Road and East W.T. Harris Boulevard. (Council District 5 - Autry)

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

**Proposed Zoning:** O-2 (office)

**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 *East District Plan*, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends multi-family land 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 Lawyers Road extension north of Albemarle Road was not contemplated by the *East District Plan*; and
  - As a result of the construction of the extension of Lawyer's Road, the site's primary access is now from Lawyers Road, where other properties are zoned for retail or office development; and
  - The site does not have access to the abutting multi-family development to the east of the site; and
  - The site is part of a larger parcel and the remainder of the parcel is zoned O-2; and
  - The proposed rezoning will bring the larger parcel under a single zoning district.

[2016-096 reco 9-28-16 Final](#)

[2016-096 vicinity map](#)

[2016-096 rezoning map](#)

### 14. Rezoning Petition: 2016-100 by MPV Properties, LLC

**Location:** Approximately 41 acres located south of South Tryon Street near the intersection of Steele Creek Road and Walker Branch Drive. (Council District 3 - Mayfield)

**Current Zoning:** R-3(CD) (single family residential, conditional) and R-17MF (CD) (multi-family residential, conditional)

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

**Zoning Committee Recommendation:**

The Zoning Committee voted 6-1 to recommend **APPROVAL** of this petition as modified.

**Staff Recommendation:**

Staff agrees with the recommendation of the majority of the Zoning Committee.

**Statement of Consistency:**

- The Zoning Committee found the residential use to be consistent with the *Steele Creek Area Plan*, but the proposed density to be inconsistent with the Plan, based on information from the staff analysis and the public hearing, and because:
  - The proposed multi-family use is consistent with the *Steele Creek Area Plan* recommendation for residential development on the site; however, the proposed density of 10 dwelling units per acre is inconsistent with the plan recommendation for a maximum of eight dwelling units per acre. The petition proposes to extend Walker Branch Drive into the site as recommended by the area plan and provides for future connectivity to Rivergate Parkway.
- 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 requested residential use is proposed to be developed at a slightly higher density (10 dwelling units per acre) than the eight dwelling units per acre recommended in the area plan; and
  - However, the proposed multi-family development is located within the Rivergate Mixed Use Activity Center, and the density is appropriate for a Center location; and
  - As part of this development, the petitioner has committed to the design and construction of an important creek crossing to accommodate the extension of Walker Branch Drive. This connection will allow residents of this property to access the rest of the Activity Center without having to travel on Steele Creek Road; and
  - In addition to connectivity for motor vehicles, this development will provide important pedestrian and bike connections to the adjacent shopping center via the proposed street connections and Walker Branch Greenway; and
  - The petitioner has committed to a number of site and building design standards, including standards designed to promote a walkable environment and to break up long buildings.

[2016-100 reco 09-28-16-final](#)

[2016-100 vicinity map revised](#)

[2016-100 rezoning map revised2](#)

[2016-100 RevSitrPlan 09-22-2016](#)

## 15. Rezoning Petition: 2016-101 by Shining Hope Farms

**Location:** Approximately 34.47 acres located west of Beatties Ford Road near the intersection of Kidd Lane and Beatties Ford Road. (Outside City Limits)

**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 5-0 to recommend **APPROVAL** of this petition as modified.

**Staff Recommendation:**

Staff agrees with the recommendation of the Zoning Committee.

**Statement of Consistency:**

- The Zoning Committee found the portion of the site currently used for a therapeutic riding farm to be consistent with the Northwest District Plan and the expansion of the use on the remaining portion of the site to be inconsistent with the adopted plan based on information from the staff analysis and the public hearing, and because:
  - The portion of the site currently used for a therapeutic riding farm (Tract 1) is consistent with the institutional land use recommendation per the Northwest District Plan, as amended by rezoning petition 2003-046; and
  - The expansion of the therapeutic riding farm use on the remaining portion of the petition (Tract 2) is inconsistent with the Northwest District Plan recommendation for single family residential 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 request is for the expansion of an existing use on the subject rezoning site; and
  - Although a portion of the proposed institutional use is inconsistent with the residential land use recommended by the area plan, locations for institutional uses are not typically identified within adopted plans; and
  - Instead, these uses are considered on a case-by-case basis, taking into account the compatibility of the specific use with the surrounding development; and
  - In this case, the proposed changes to and the expansion of the existing therapeutic riding farm will preserve the existing rural character of the area and are complimentary to the nearby Hornets Nest Park.

[2016-101 reco 09-28-2016 final](#)

[2016-101 vicinity map revised](#)

[2016-101 rezoning map revised2](#)

[2016-101 RevSitePlan 09-22-2016](#)

## 16. Rezoning Petition: 2016-104 by Central Piedmont Community College

**Location:** Approximately 18.7 acres located on the southeast corner at the intersection of West Hebron Street and West Arrowood Road and also located at the northwest corner near the intersection of West Hebron Street and Nations Ford Road. (Council District 3 - Mayfield)

**Current Zoning:** B-1(CD) (neighborhood business, conditional) (hereby known as "northern parcel") and INST (institutional) (hereby known as "southern parcel")

**Proposed Zoning:** INST (institutional) for the northern parcel and O-1 (office) for the southern parcel

**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 portion of the northern parcel to be consistent with the Southwest District Plan; and finds the remaining portion of the northern parcel and the southern parcel to be inconsistent with the Southwest District Plan based on information from the staff analysis and the public hearing, and because:
  - The plan recommends institutional uses for a portion of the northern parcel zoned B-1(CD); and

- The plan recommends multi-family residential for the remaining portion of the northern parcel; and
- The plan recommends institutional uses for the southern parcel.
  
- However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
  - The subject parcels are located across West Hebron Street from the existing CPCC Harper Campus which the plan recognizes as an institutional use; and
  - The proposed INST (institutional) zoning for the northern parcel is compatible with the existing campus even though part of it is recommended for multi-family residential uses; and
  - The proposed O-1 (office) zoning for the southern parcel, for which the plan recommends institutional uses, will allow for many of the same uses allowed in the INST (institutional) district, plus additional office and parking uses; and
  - Development under INST (institutional) or under O-1 (office) standards would require essentially the same rear yard, buffer, and building heights.

[2016-104 reco 09-28-16 final](#)

[2016-104 vicinity map](#)

[2016-104 rezoning map](#)

## 17. Rezoning Petition: 2016-106 by Bobby and Deborah Hogan

**Location:** Approximately 8.60 acres located on the east side of Statesville Road, north of Spector Drive and Old Statesville Road. (Council District 2 - Austin)

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

**Proposed Zoning:** I-2(CD) SPA (general industrial, conditional, site plan amendment)

**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 Northeast District Plan, based on information from the staff analysis and the public hearing, and because:
  - The petition is consistent with the adopted industrial land use recommendation for the site and surrounding area.
  
- Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
  - The property is developed with a mini-warehouse storage facility, and is adjacent to the former Metrolina Expo, which is to be redeveloped as an industrial park; and
  - The proposed tower is compatible with the surrounding uses which are mainly industrial in nature; and
  - Wireless communication towers are low intensity uses with low traffic volume.

[2016-106 reco 09-28-2016 final](#)

[2016-106 vicinity map](#)

[2016-106 rezoning map revised2](#)

[2016-106 RevSitePlan 09-22-2016](#)

## 18. Rezoning Petition: 2016-107 by Trevi Partners, LLC

**Location:** Approximately 15.86 acres located on the southeast 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.

**Zoning Committee Recommendation:**

The Zoning Committee voted 6-1 to recommend **APPROVAL** of this petition as modified.

**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 inconsistent with the *Northeast Area Plan*, as amended by rezoning petition 2010-047, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends residential, institutional, office and retail uses on the subject site.
- However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
  - The proposed multi-family, which is associated with the non-residential development approved for the adjoining property, will provide a balanced land use pattern with a mixture of uses including residential, shopping, employment and institutional uses as recommended by the adopted plan; and
  - This site provides an internal street and pedestrian network which will connect to abutting properties and enhance connectivity for the larger area when fully implemented; and
  - The proposed buffers and large tree save areas provide a transition to the existing single family neighborhood to the west; and
  - The site plan provides usable open space.

[2016-107 Reco 092816 final](#)

[2016-107 vicinity map](#)

[2016-107 rezoning map revised5](#)

[2016-107 RevSitePlan 09-27-2016](#)

## 19. Rezoning Petition: 2016-108 by Laurel Falls

**Location:** Approximately 0.42 acres located on the north side of West Bland Street between South Tryon Street and Winnifred Street. (Council District 3 - Mayfield)

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

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

**Zoning Committee Recommendation:**

The Zoning Committee voted 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 End Transit Station Area Plan, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends mixed-use transit supportive development for the area in which the site is located.
- Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
  - The subject site is within a ¼ mile walk of the Bland Street transit station on the LYNX Blue Line; and
  - The proposal allows a site being used for industrial/office use 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.

[2016-108 reco 09-29-2016 final](#)

[2016-108 vicinity map](#)

[2016-108 rezoning map](#)

## 20. Rezoning Petition: 2016-111 by Philemon NODA Partners, LLC

**Location:** Approximately 9.91 acres located north of North Davidson Street on the southwest corner at the intersection of Philemon Avenue and East Craighead Road.  
(Council District 1 - Kinsey)

**Current Zoning:** I-1 (light industrial) and UR-2(CD) (urban residential, conditional)

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

**Zoning Committee Recommendation:**

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

**Staff Recommendation:**

Staff agrees with the recommendation of the Zoning Committee.

**Statement of Consistency:**

- The Zoning Committee found this petition to be consistent with the 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 in the 36th Street transit station area; and
  - The request is also consistent with the maximum recommended height of 60 feet; supports the recommended enhancements to Philemon Avenue and Raleigh Street at Craighead Road; and is

consistent with the plan recommended streetscape improvements.

- Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
  - The site is located within ½ mile from the 36th Street Station on the LYNX Blue Line; and
  - The proposed development is designed to be transit supportive with the buildings located near the back of curb along both Philemon Avenue and East Craighead Road, courtyards with amenities, and clear pedestrian circulation. Entrances are currently proposed at least every 100 linear feet of street frontage; and
  - The rezoning includes three remnant parcels zoned I-1 (light industrial) that were not included in petition 2009-006, which rezoned most of the subject site to UR-2(CD) (urban residential, conditional). Inclusion of these parcels will result in a more holistic redevelopment plan than the existing approved conditional plan; and
  - The rezoning also allocates land for open space adjacent to the water quality buffer and FEMA Floodplain, which is consistent with the community design policy to integrate significant functional open space into the design of new development; and
  - Additionally, preserving this area for open space recognizes the environmentally sensitive land and proposes to minimize impacts by not developing within it.

[2016-111 Reco\\_092816 final](#)

[2016-111 vicinity map](#)

[2016-111 rezoning map revised2](#)

[2016-111 RevSitePlan\\_10-07-2016](#)

## 21. Rezoning Petition: 2016-114 by Harris Doulaveris

**Location:** Approximately 1.95 acres located on the north side of Albemarle Road between Hollirose Drive and Circumferential Road. (Council District 5 - Autry)

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

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

**Zoning Committee Recommendation:**

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

**Staff Recommendation:**

Staff agrees with the recommendation of the Zoning Committee.

**Statement of Consistency:**

- The Zoning Committee found this petition to be consistent with the *Eastside Strategy Plan* as updated by rezoning petition 2008-106, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends retail 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 proposal is consistent with the non-residential zoning and land use pattern along this section of Albemarle Road; and
  - The site was previously approved for office development and a retail pharmacy with an accessory drive-through window. Although the types of uses permitted to have a drive-through window has been expanded, the number of drive-through windows is still limited to one; and

- The petition also commits to one sit down eating/drinking/ entertainment establishment without an accessory drive-through window; and
- While the proposed B-2(CD) (general business, conditional) zoning is located amid property zoned B-1(CD) (neighborhood business, conditional) and INST (institutional), the proposed conditional plan prohibits a number of potential uses, such as automotive service stations, automobile sales and repair, and contractor's offices, that would otherwise permitted in the B-2 (general business) district but are not allowed in the B-1 (neighborhood business) district.

[2016-114 Reco\\_092816 final](#)

[2016-114 vicinity map](#)

[2016-114 rezoning map](#)

[2016-114 RevSitePlan\\_10-11-2016](#)

## 22. Rezoning Petition: 2016-116 by BNA Homes

**Location:** Approximately 15.87 acres located on the southeast corner at the intersection of South Tryon Street and Beam Road. (Council District 3 - Mayfield)

**Current Zoning:** MX-1(mixed use)

**Proposed Zoning:** MX-2 (mixed use)

**Zoning Committee Recommendation:**

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

**Staff Recommendation:**

Staff agrees with the recommendation of the Zoning Committee.

**Statement of Consistency:**

- The Zoning Committee found this petition to be consistent with the residential land use recommended in the Southwest District Plan, but inconsistent with the recommended density based on information from the staff analysis and the public hearing, and because:
  - The petition is consistent with the residential land use recommended by the Southwest District Plan but inconsistent with the density recommended by the plan, as amended by a previous rezoning. However, the requested density increase is supported by the General Development Policies (GDPs).
- 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 Southwest District Plan initially recommended single family residential up to three dwelling units per acre. Approval of rezoning petition 2006-149 amended the adopted land use recommendation to allow up to six units per acre; and
  - However, the GDP (General Development Policies) support the proposed increase in density to 7.88 dwelling units per acre; and
  - The site is generally located in an area with a variety of housing types at different densities, ranging from three units per acre to 17 units per acre; and
  - The proposed rezoning also provides 37.5-foot (with fence) and 50-foot buffers that will provide a transition between the proposed development and abutting lower density single family homes; and
  - The request includes new streetscape along South Tryon Street, along with new transportation improvements to enhance street network operations.

[2016-116 reco 09-28-2016 final](#)

[2016-116 vicinity map](#)

[2016-116 rezoning map](#)

[2016-116 Rev 10-05-2016](#)

## 23. Rezoning Petition: 2016-118 by NVR Homes

**Location:** Approximately 2.97 acres located east of Sharon Road between Sharon Acres Road and Sharon Hills Road. (Council District 6 - Smith)

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

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

**Zoning Committee Recommendation:**

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

**Staff Recommendation:**

Staff agrees with the recommendation of the Zoning Committee.

**Statement of Consistency:**

- The Zoning Committee found this petition to be consistent with the *South District Plan*; and consistent with the locational criteria in the *General Development Policies* for the proposed density based on information from the staff analysis and the public hearing, and because:
  - The plan recommends residential land uses; and
  - *General Development Policies* locational criteria support the proposed density of 8.1 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 site is located on a section of Sharon Road that is developed primarily with residential uses, and is adjacent to other property zoned and developed with townhomes; and
  - The petition limits the number of townhome units to 24 and the density to 8.1 units per acre, consistent with the *General Development Policies*; and
  - The proposed UR-2 (urban residential) zoning provides the flexibility in building type, lot sizes and yard requirements to allow the petitioner to develop the oddly shaped parcel with townhomes while providing a site design that is sensitive to the adjacent single family homes; and
  - The site plan commits to buffers, side yards, rear yards, and limited building heights that are compatible with the existing residential context through the following provisions:
    - The site plan provides a 70-foot setback from the future back of curb along Sharon Road, consistent with nearby single family homes; and
    - The site plan provides a 21-foot undisturbed buffer along the rear property line. A 22-foot wide "Class C" buffer would be required under multi-family zoning. The site plan commits to a rear yard that is increased from 10 feet, as required by urban residential zoning, to 30 feet, comparable to a rear yard required under conventional single family residential zoning districts; and
    - The proposal commits to a 16.5-foot wide "Class C" buffer with a six-foot high fence along the side property line abutting single family homes, equivalent to a buffer required under multi-family zoning with the width reduced with a fence. The site plan provides a side yard that is increased from five feet, as required by urban residential zoning, to 16.5 feet, similar to the 20-foot side yard required under conventional multi-family zoning; and
    - The site plan limits the height of the proposed units to two stories not to exceed 40 feet, which is the same height allowed for single family homes.

[2016-118 reco 9-28-16 final](#)

[2016-118 vicinity map](#)

[2016-118 rezoning map](#)

[2016-118 RevSitePlan 10-5-2016](#)

## 24. Rezoning Petition: 2016-121 by Chen Development, LLC

**Location:** Approximately 0.39 acres located on the northwest corner at the intersection of Park Road and Montford Drive. (Council District 6 - Smith)

**Current Zoning:** O-2 (office)

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

**Zoning Committee Recommendation:**

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

**Staff Recommendation:**

Staff agrees with the recommendation of the Zoning Committee.

**Statement of Consistency:**

- The Zoning Committee found this petition to be consistent with the Park Woodlawn Area Plan based on information from the staff analysis and the public hearing, and because:
  - The plan recommends a mix of higher intensity uses (residential, office and/or retail) in a pedestrian friendly form for the area in which the site is located.
- Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
  - The site is located in the Park/Woodlawn Mixed Use Activity Center, which is a priority area to accommodate future growth in an urban, pedestrian-oriented development form; and
  - The proposal is consistent with the design guidelines recommended in the adopted area plan by reusing the existing building which orients to Park Road and locating parking and circulation primarily behind the building; additionally, the existing building's scale and height of 24 feet is compatible with the adjacent single family neighborhood; and
  - The site plan supports walkability by committing to retail space at the corner of Park Road and Montford Drive, with street level entrances and outdoor dining along the street edge; and
  - The proposal also enhances the pedestrian environment by providing a 13-foot planting strip, including five feet for a future bike lane, and an eight-foot sidewalk along Park Road. Additionally, the site plan provides an eight-foot planting strip and eight-foot sidewalk along Montford Drive.

[2016-121 reco 9-28-16 final](#)

[2016-121 vicinity map](#)

[2016-121 rezoning map revised](#)

[2016-121 RevSitePlan 09-22-2016](#)

## 25. Rezoning Petition: 2016-122 by Foundry Commercial

**Location:** Approximately 17.2 acres located on the north side of Ed Brown Road and the west side of Steele Creek Road. (Council District 3 - Mayfield)

**Current Zoning:** R-3 (single family residential) and I-2(CD) (general industrial, conditional)

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

**Zoning Committee Recommendation:**

The Zoning Committee voted 6-1 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 *Steele Creek Area Plan* for most of the site except for the two parcels fronting Steele Creek Road based on information from the staff analysis and the public hearing, and because:
  - The plan recommends industrial use for the majority of the site; and
  - The plan recommends residential use for the two parcels fronting Steele Creek Road.
- 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 majority of the site is zoned I-2(CD) (general industrial, conditional) and had been zoned I-1 (light industrial) prior to rezoning petition 2015-033, consistent with the area plan's recommendation for industrial use; and
  - The two residential parcels zoned R-3 (single family residential) and fronting Steele Creek Road are not part of, nor do they relate to, the single family neighborhood north of the site; and
  - These residential parcels are adjacent to industrial zoning on three sides, to the west, south and east across Steele Creek Road; and
  - The adjacent industrial uses and lot frontages on Steele Creek Road are not conducive to single family residential continuing to oriente to this street, and converting the residential parcels to industrial use is an appropriate change.

[2016-122 reco 9-28-16 final](#)

[2016-122 vicinity map revised](#)

[2016-122 rezoning map revised](#)

## 26. Rezoning Petition: 2016-125 by Eclan & Associates, Inc.

**Location:** Approximately 1.80 acres located on the southeast corner of Tuckaseegee Road and Mulberry Church Road. (Council District 3 - Mayfield)

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

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

**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 Southwest District Plan, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends office and/ or industrial development for the area in which the site is located.

- Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
  - The proposed rezoning site is located on the corner of two thoroughfares, Tuckaseegee Road (major thoroughfare) and Mulberry Church Road (minor thoroughfare), is located along a bus route, and is across Tuckaseegee Road from a large institutional use; and
  - While the current zoning in the area is for multi-family and single family residential, the Southwest District Plan recommends office and/or industrial development for this and nearby sites due to the area's proximity to the airport; and
  - The proposed office zoning district is preferred over industrial zoning at this time, even though the plan would support industrial development on the site, because uses allowed in the office district would typically be more compatible with the nearby residential uses than those uses allowed by industrial zoning.

[2016-125 reco 09-28-2016 final](#)

[2016-125 vicinity map revised](#)

[2016-125 rezoning map revised](#)

**ZONING HEARINGS****27. Rezoning Petition: 2016-115 by Crescent Communities*****Update: Petitioner Requesting Deferral to (November 21, 2016)***

**Location:** Approximately 37.54 acres located on the south side of West Mallard Creek Church Road between Senator Royall Drive and Claude Freeman Drive. (Council District 4 - Phipps)

**Current Zoning:** RE-3(O) (research, optional)

**Proposed Zoning:** RE-3(O) SPA (research, optional, site plan amendment)

[2016-115 vicinity map](#)

[2016-115 rezoning map revised](#)

**28. Rezoning Petition: 2016-056 by Crescent Communities, LLC and Lincoln Harris**

**Location:** Approximately 1,378 acres located west of Interstate 485 at West Boulevard generally surrounded by Interstate 485, Mt. Olive Church Road, the Catawba River, Bracebridge Court and Garrison Road. (Outside City Limits)

**Current Zoning:** R-3 (LLWPA) (single family residential, Lower Lake Wylie protected area), R-5 (LLWPA) (single family residential, Lower Lake Wylie protected area), R-5 (LLWCA) (single family residential, Lower Lake Wylie critical area), R-3 (MH-O) (LLWPA) (single family residential, manufactured home overlay, Lower Lake Wylie protected area), and I-1 (LLWPA) (light industrial, Lower Lake Wylie protected area)

**Proposed Zoning:** MUDD-O (LLWPA) (mixed use development, optional, Lower Lake Wylie protected area), MUDD-O (LLWCA) (mixed use development, optional, Lower Lake Wylie critical area), MX-2 (INNOV) (LLWPA) (mixed use, innovative, Lower Lake Wylie protected area), and MX-2 (INNOV) (LLWCA) (mixed use, innovative, Lower Lake Wylie critical area), with five-year vested rights

**Staff Recommendation:**

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

[2016-056 staff 10-17-16 final](#)

[2016-056 Vicinity Map](#)

[2016-056 Rezoning Map](#)

[2016-056 Combined Development Standards](#)

[2016-056 RevSitePlan 5th rev 09-19-2016](#)

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

**Location:** Approximately 6.32 acres located on the east side of Sharon Lane between Providence Road and Heathmoor Lane. (Council District 6 - Smith)

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

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

**Staff Recommendation:**

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

[2016-097 staff 10-17-16 final final](#)

[2016-097 vicinity map revised](#)

[2016-097 rezoning map](#)

[2016-097 RevSitePlan 08-19-2016](#)

### 30. Rezoning Petition: 2016-113 by ZOM Development

**Location:** Approximately 2.679 acres located on the east side of Barclay Downs Drive between Carnegie Boulevard and Bulfinch Road. (Council District 6 - Smith)

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

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

**Staff Recommendation:**

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

[2016-113 staff 10-17-16 final final](#)

[2016-113 vicinity map](#)

[2016-113 rezoning map](#)

[2016-113 RevSitePlan 09-19-2016](#)

### 31. Rezoning Petition: 2016-123 by Harbor Baptist Church

**Location:** Approximately 9.81 acres located on the east side of Reedy Creek Road and Interstate 485 at the end of Saddlehorse Lane near the intersection of Gelding Drive and Saddlehorse Lane. (Outside City Limits)

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

**Proposed Zoning:** INST (CD) (institutional, conditional) and O-1 (CD) (office, conditional)

**Staff Recommendation:**

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

[2016-123 Staff 101716 final final](#)

[2016-123 vicinity map2](#)

[2016-123 rezoning map revised](#)

[2016-123 RevSitePlan 09-15-2016](#)

### 32. Rezoning Petition: 2016-087 by Haven Campus Communities

**Location:** Approximately 6.83 acres located on the south side of University City Boulevard between Suther Road and John Kirk Drive. (Council District 4 - Phipps)

**Current Zoning:** R-3 (single family, residential), O-1(CD) (office, conditional) and INST (institutional)

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

**Staff Recommendation:**

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

[2016-087 Staff analysis 101716 final final final](#)

[2016-087 vicinity map revised](#)

[2016-087 rezoning map revised3](#)

[2016-087 RevSitePlans 09-19-2016](#)

[Previsously Approved Cover Page](#)

[2016-87 Approved Site plan 1996-024](#)

### 33. Rezoning Petition: 2015-106 by The Gold District of Charlotte, Inc.

**Location:** The petition proposes to modify transit supportive (TS) overlay district regulations related to uses, maximum height, parking standards, screening requirements, change of use exceptions, and administrative alterations.

**Staff Recommendation:**

Staff recommends approval of the text amendment.

[2015-106 staff 10-17-16 final](#)

[2015-106 matrix](#)

[2015-106 amendment rev2a\(2\)](#)

### 34. Rezoning Petition: 2016-110 by Three Publicans, LLC

**Location:** Approximately 0.25 acres located on the northwest corner at the intersection of Central Avenue and Thomas Avenue. (Council District 1 - Kinsey)

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

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

**Staff Recommendation:**

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

[2016-110 Staff 101716 final final](#)

[2016-110 vicinity map](#)

[2016-110 rezoning map](#)

[2016-110.revised site plan 091916](#)

### 35. Rezoning Petition: 2015-037 by Dominick Ristaino

**Location:** Approximately 0.46 acres located on the north side of West Boulevard between South Tryon Street and Wickford Place. (Council District 3 - Mayfield)

**Current Zoning:** R-5 (HD-O) (single family residential, historic district overlay)

**Proposed Zoning:** UR-C (CD) (HD-O) (urban residential - commercial, conditional, historic district overlay)

**Staff Recommendation:**

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

[2015-037 staff-10-17-16 final](#)

[2015-037 vicinity map](#)

[2015-037 rezoning map revised2](#)

[2015-037 site plan 2nd rev 9-19-2016](#)

### 36. Rezoning Petition: 2016-127 by Steele Creek (1997), LLC

**Location:** Approximately 6.02 acres located on the northeast corner at the intersection of Dixie River Road and New Fashion Way and also located on the southeast corner at the intersection of Dixie River Road and Trojan Drive. (Council District 3 - Mayfield)

**Current Zoning:** CC LLWPA (commercial center, Lower Lake Wylie Protected Area) and MUDD-O LLWPA (mixed use development, optional, Lower Lake Wylie Protected Area)

**Proposed Zoning:** CC SPA LLWPA (commercial center, site plan amendment, Lower Lake Wylie Protected Area) and MUDD-O SPA (mixed use development, optional, site plan amendment, Lower Lake Wylie Protected Area)

**Staff Recommendation:**

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation, tree save, and building height and signage.

[2016-127 staff 10-17-16 final final](#)

[2016-127 vicinity map2](#)

[2016-127 rezoning map revised](#)

[2016-127 RevSitePlan 09-19-2016](#)

[Previously Approved Cover Page](#)

[2016-127 Approved Site Plan 2013-001](#)

### 37. Rezoning Petition: 2016-129 by Greenway Residential Development

**Location:** Approximately 12.33 acres located on the east side of West Sugar Creek Road between West W.T. Harris Boulevard and David Cox Road. (Council District 2 - Austin)

**Current Zoning:** R-3 (single family residential) and UR-2(CD) (urban residential, conditional)

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

**Staff Recommendation:**

Staff recommends approval of this petition upon resolution of the minor technical issues.

[2016-129 10-17-16 final final](#)

[2016-129 vicinity map2](#)

[2016-129 rezoning map revised](#)

[2016-129 rev 09-19-2016](#)

[Previsously Approved Cover Page](#)

[2016-129 approved site plan 2007-092 \(1\)](#)