

# City of Charlotte

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



## Zoning Agenda

**Monday, September 21, 2015**

**Council Chambers**

### **City Council Zoning Meeting**

**- Mayor Daniel Clodfelter -**  
**- Mayor Pro-Tem Michael D. Barnes -**  
**Al Austin - John Autry**  
**Ed Driggs - Claire Fallon**  
**David Howard - Patsy Kinsey**  
**Vi Alexander Lyles - LaWana Mayfield**  
**Greg Phipps - Kenny Smith**

**ALL REZONING PETITIONS MAY BE VIEWED ON THE WEB AT**  
**[www.rezoning.org](http://www.rezoning.org)**

## **5:00 P.M. DINNER MEETING, CH-14**

### **1. Dinner Meeting Agenda**

1. Agenda Review - Tammie Keplinger
2. Planning Update - Ed McKinney

**Attachment**

[09\\_21\\_15 Dinner Agenda Final](#)

### **2. Follow Up Report**

**Attachment**

[Follow-Up Report - September- final \(2\)](#)

[Follow up rpt 2 Copy of Attachment](#)

### **3. Upcoming Cases of Special Interest**

**Attachment**

Upcoming Cases

[Zoning Committee RZ Cases September 2015.pdf](#)

## 6:00 P.M. ZONING MEETING, COUNCIL CHAMBERS

### HISTORIC LANDMARK RESOLUTION

#### 4. William Sidney and Margaret Davis Abernethy House

A Public Hearing to be held by the City Council on the Question of designating the property known as the "William Sidney and Margaret Davis Abernethy House" (listed under Tax Parcel Number 08911116 as of June 1, 2015, and including the interior and exterior of the house, and the parcel of land listed under Tax Parcel Number 08911116) as an Historic Landmark.

**Property Owner:** Rhonda D. Griffith

**Location:** 215 W. Eastway Drive, Charlotte

[Item 01-2 RCA for Abernethy House \(2\)](#)

[Abernethy House Cover Sheet](#)

[Abernethy House Ordinance](#)

[Abernethy House Survey and Research Report](#)

[Abernethy House Tax Ltr](#)

[Abernethy House Dept Rev](#)

[Abernethy House HLC Vote](#)

[Abernethy House SHPO Ltr](#)

#### 5. Arthur Smith Studios

A Public Hearing to be held by the City Council on the Question of designating the property known as the "Arthur Smith Studios" (listed under Tax Parcel Number 16302142 as of June 1, 2015, and including the building, land, and all features of Tax Parcel Number 16302142) as an Historic Landmark.

**Property Owner:** Terraca Properties LLC

**Location:** 5457 Monroe Road, Charlotte

[Item 02-2 RCA for Arthur Smith Studios](#)

[Arthur Smith Studios Cover Sheet](#)

[Arthur Smith Studios Ordinance](#)

[Arthur Smith Studios Survey and Research Report](#)

[Arthur Smith Studios Tax Ltr](#)

[Arthur Smith Studios Dept Rev](#)

[Arthur Smith Studios HLC Vote](#)

[Arthur Smith Studios SHPO Ltr](#)

#### 6. Richard Wearn House

A Public Hearing to be held by the City Council on the Question of amending the designation

ordinance for the designated property known as the "Richard Wearn House" to include the interior and exterior of the house and the outbuildings, and .856 acres of land associated with the house (listed under Tax Parcel Number 05903272 as of June 1, 2015).

**Property Owner:** Susan Lee Ward

**Location:** 4928 Tuckaseegee Road, Charlotte

[RCA for Wearn](#)

[Wearn Cover Sheet](#)

[Wearn House Ordinance Amendment](#)

[Wearn Ordinance Amendment Report](#)

[Wearn House Tax Ltr](#)

[Wearn House Dept Rev](#)

[Wearn House SHPO comment letter](#)

## ZONING DECISIONS

### 7. Rezoning Petition: 2014-078 by Park Selwyn, LLC

**Update:** Protest (Withdrawn), Petitioner requests that the rezoning petition be withdrawn.

**Location:** Approximately 1.21 acres located on the north side of East Woodlawn Road between Brandywine Road and Selwyn Avenue. (Council District 6 - Smith)

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

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

**Zoning Committee Recommendation**

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

**Staff Recommendation**

Staff agrees with the recommendation of the Zoning Committee.

**Attachment**

Zoning Committee Recommendation

Vicinity Map

Rezoning Map

Site Plan

[2014-078 reco 5-27-15](#)

[2014-078 vicinity map](#)

[2014-078 rezoning map revised2](#)

### 8. Rezoning Petition: 2014-101 by Charles M. Shelton, Jr.

**Update:** A special vote is needed due to the change after the Zoning Committee vote.

**Location:** Approximately 14.30 acres located on the east side of Reames Road between Bella Vista Court and Lawnmeadow Drive (Council District 2 - Austin)

**Current Zoning:** UR-1(CD) (urban residential, conditional)

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

**Zoning Committee Recommendation**

The Zoning Committee voted 4-1 to recommend **APPROVAL** of this petition as modified.

**Staff Recommendation**

Staff agrees with the recommendation of the Zoning Committee.

**Note:** The City Council must determine by a  $\frac{3}{4}$  vote if the following changes to the site plan after the Zoning Committee vote are substantial and if the petition should be referred back to the Zoning Committee for review.

The petitioner:

1. Modified the fencing along lots 27 and 43 to a slatted fence as shown on Sheet 2, Section AA on the site plan.
2. Added the word "lots" was to Note 3 in the General Provisions so that the note now reads: "The configurations, placements, and sized of the lots and buildings shown on the rezoning plan are..."
3. Added a note clarifying that lots 22 through 26 will have a fence consistent with Fence Section BB.

**Attachment**

Zoning Committee Recommendation  
Vicinity Map  
Rezoning Map  
Site Plan

[2014-101 reco 06-24-2015 for September](#)

[2014-101 vicinity map](#)

[2014-101 rezoning map revised4](#)

[2014-101 RevisedSitePlan 09-03-2015.pdf](#)

## 9. Rezoning Petition: 2014-104 by Charlotte-Mecklenburg Planning Department

**Location:** Approximately 6.77 acres located at the northeast corner of the intersection of Arthur Davis Road and Independence Hill Road. (Outside City Limits)

**Current Zoning:** Town of Huntersville  
**Proposed Zoning:** R-4 (single family residential)

**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.

**Attachment**

Zoning Committee Recommendation  
Vicinity Map  
Rezoning Map

[2014-104 ZC Reco 07-29-15](#)

[2014-104 vicinity map](#)

[2014-104 rezoning map revised](#)

## 10. Rezoning Petition: 2014-105 by Charlotte-Mecklenburg Planning Department

**Location:** Approximately 9 acres located at the end of Lea Woods Lane and between Grayling Court and Falconwood Court. (Outside City Limits)

**Current Zoning:** Town of Mint Hill  
**Proposed Zoning:** R-4 (single family residential)

**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.

**Attachment**

Zoning Committee Recommendation

Vicinity Map

Rezoning Map

[2014-105 reco 0624-15](#)[2014-105 vicinity map](#)[2014-105 rezoning map revised](#)**11. Rezoning Petition: 2014-109 by Midtown Area Partners II, LLC****Update:** Protest (Sufficient)**Location:** Approximately 1.99 acres located on the northeast corner of the intersection of Baxter Street and South Kings Drive and the south side of Luther Street between Cecil Street and Cherry Street.  
(Council District 1 - Kinsey)**Current Zoning:** UR-C (CD) (PED) (urban residential - commercial, conditional, pedestrian overlay), B-1 (PED) (neighborhood business, pedestrian overlay) and R-8 (single family residential)**Proposed Zoning:** B-2 (PED-O) (general business, pedestrian overlay, optional), UR-C (PED-O) (urban residential - commercial, pedestrian overlay, optional) and R-8MF (PED-O) (multi-family residential, pedestrian overlay, optional) with five-year vested rights.**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.

Zoning Committee Recommendation

Vicinity Map

Rezoning Map

Site Plan

[2014-109 reco 5-27-15 for July agenda](#)[2014-109 vicinity map](#)[2014-109 rezoning map revised5](#)[2014-109 RevisedSitePlan 05-22-2015](#)**12. Rezoning Petition: 2015-001 by Southern Apartment Group****Update:** Protest Petition Withdrawn**Location:** Approximately 3.63 acres located on the east side of North Davidson Street and bounded by East 27th Street, Yadkin Avenue, East 26th Street, and North Davidson Street.  
(Council District 1 - Kinsey)**Current Zoning:** MUDD-O (mixed use development, optional)**Proposed Zoning:** TOD-MO (transit oriented development - mixed-use, 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.

**Attachment**

Zoning Committee Recommendation

Vicinity Map

Rezoning Map

Site Map

[Item 09-2 2015-001 reco 04-29-2015 final](#)

[Item 09-3 2015-001 vicinity map](#)

[2015-001 rezoning map revised2](#)

[Item 09-5 2015-001 Rev 05-04-2015](#)

### 13. Rezoning Petition: 2015-026 by Robert Drakeford

**Update:** Protest petition (Sufficient), Council will have to vote whether or not to send back to the Zoning Committee due to changes after the Zoning Committee vote.

**Location:** Approximately 1.14 acre located on the north and south sides of McClintock Road near the intersection of St. Julien Street and McClintock Road. (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 6-0 to recommend **APPROVAL** of this petition as modified.

**Staff Recommendation**

Staff agrees with the recommendation of the Zoning Committee.

**Note:** The City Council must determine by a  $\frac{3}{4}$  vote if the following changes to the site plan after the Zoning Committee vote are substantial and if the petition should be referred back to the Zoning Committee for review.

The petitioner:

1. Reduced the maximum building height for all buildings from 40 feet and three stories to 34 feet and two stories, with soffits no higher than 24 feet.
2. Committed to install a wrap-around porch on House #6 in Area A.
3. Committed to install a wrap-around porch on House # 4 in Area B.
4. Reduced number of single family detached dwellings from 12 to 11 by eliminating House #7 in Area A.
5. Added 10 feet to the setback for Houses #1 through #6 along McClintock Road in Area A to reflect a total 20-foot minimum setback from the property line, and the property line is ten feet from the back of curb.
6. Added five feet to the setback for Houses #1-4 along McClintock Road to reflect a 25-foot setback from the back of curb.
7. Added an additional 10 feet to House #5 in Area B to reflect a 30-foot setback from the back of curb along St. Julien Street.
8. Amended minimum setback for the side of homes facing St. Julien Street to 16 feet, which is changed from a 20-foot minimum setback for heated living space and a 16-foot overall setback from back of curb for side lots facing St. Julien Street.

9. Added an option for homes in Area A to have an attached or detached garage.
10. Eliminated heated living space above the detached garages in Area A. Detached garages are limited to one story in Area A.
11. Limited optional heated living space above for attached garages in Area A, which will be additional living space for the primary home.
12. Committed to a five-foot tall privacy fence that runs perpendicular to St. Julien Street along the northern property line.
13. Eliminated a driveway access to the garage for House #1 in Area A. Access now provided off the residential access alley.
14. Shifted location of the proposed residential access alley in Area A to be closer to the northern exterior property line.
15. Clarified that the optional heated living space allowed above all garages in Area B will be additional living space for the primary home.
16. Corner lot Home #6 in Area A will have at least two windows on the second floor of the side of the house facing St. Julien Street to avoid blank walls. This is reduced from a minimum of three windows.
17. Corner lot Home #4 in Area B will have at least two windows on the second floor of the side of the house facing St. Julien Street to avoid blank walls. This is reduced from a minimum of three windows.
18. Amended building elevations to include several front and side elevations.
19. Deleted requirement for evergreen foundation shrubs to be planted along the side of homes facing St. Julien Street in Area A and Area B.
20. Deleted requirement for evergreen shrubs to be planted along the northwest corner of the alley facing St. Julien Street for screening in Area A. Note no longer needed due to elimination of House #7 in Area A.

**Attachment**

Zoning Committee Recommendation  
Vicinity Map  
Rezoning Map  
Site Plan

[2015-26\\_ZC\\_Reco\\_06-24-15\(2\)](#)

[2015-026\\_vicinity\\_map](#)

[2015-026\\_rezoning\\_map\\_revised3](#)

[2015-026\\_RevisedSitePlan\\_09-04-2015](#)

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

**Update:** Requesting Deferral (to October 19, 2015)

**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:** O-1(CD) (HD-O) (office, historic district overlay)

**Zoning Committee Recommendation**

The Zoning Committee voted 7-0 to **DEFER** this petition to their September 30, 2015 meeting.

**Attachment**

Zoning Committee Recommendation  
Vicinity Map  
Rezoning Map

[2015-037 reco 07-29-2015 Final](#)

[2015-037 vicinity map](#)

[2015-037 rezoning map revised](#)

## 15. Rezoning Petition: 2015-044 by David Willis

**Update:** Protest Petition (Sufficient). Petitioner submitted intent to withdraw; however, protest petition is still in place. Therefore, Council cannot allow the withdrawal but may approve, deny, or defer the petition.

**Location:** Approximately 1.5 acres located on the east side of Providence Road across from Springs Farm Lane. (Council District 7 - Driggs)

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

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

### Zoning Committee Recommendation

The Zoning Committee voted 6-1 to recommend **WITHDRAWAL** of this petition.

### Attachment

Zoning Committee Recommendation

Vicinity Map

Rezoning Map

[2015-044 reco 07-29-2015](#)

[2015-044 vicinity map](#)

[2015-044 rezoning map](#)

## 16. Rezoning Petition: 2015-046 by Mallard Creek Associates #1, LLC

**Update:** Requesting Deferral (to October 19, 2015)

**Location:** Approximately 10.8 acres located on the northwest corner at the intersection of Providence Road, Fairview Road, and Sardis Road. (Council District 6 - Smith)

**Current Zoning:** R-12MF (multi-family residential) and B-1(CD) (neighborhood business, conditional)

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

### Zoning Committee Recommendation

The Zoning Committee voted 7-0 to **DEFER** this petition to their September 30, 2015 meeting.

### Attachment

Zoning Committee Recommendation

Vicinity Map

Rezoning Map

[2015-46 reco 072915 FINAL](#)

[2015-046 vicinity map](#)

[2015-046 rezoning map revised2](#)

## 17. Rezoning Petition: 2015-050 by Bukola Olasimbo

**Location:** Approximately 0.47 acres located on the west side of Derita Avenue between Maple Street and

Hewitt 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.

**Attachment**

Zoning Committee Recommendation

Vicinity Map

Rezoning Map

Site Plan

[2015-50\\_ZC\\_Reco\\_07-29-15](#)

[2015-050\\_vicinity\\_map](#)

[2015-050\\_rezoning\\_map](#)

[Item\\_14-5\\_2015-50\\_Revised\\_Site\\_Plan\\_072915](#)

## 18. Rezoning Petition: 2015-051 by Wellmon Family Limited

**Update:** Council will have to vote whether or not to send back to the Zoning Committee due to changes made after the Zoning Committee vote.

**Location:** Approximately 9.09 acres located on the west side of North Davidson Street and generally bounded by North Brevard Street, Charles Avenue, Matheson Avenue, Jordan Place, and North Davidson Street. (Council District 1 - Kinsey)

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

**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.

**Note:** The City Council must determine by a  $\frac{3}{4}$  vote if the following changes to the site plan after the Zoning Committee vote are substantial and if the petition should be referred back to the Zoning Committee for review.

The petitioner:

1. Removed the first sentence under Note 4 Maximum Development, regarding height, as it is a minimum Ordinance requirement.
2. Amended the language of note 6.c. regarding surface and street level parking fronting on Jordan Place and Charles Avenue to specify that the combination of surface level parking, driveways, and maneuvering and/or street level structured parking shall not exceed 50% of the frontage along Jordan Place and Charles Avenue. The restriction is in addition to the standards for parking in the TOD-M (transit oriented development-mixed use) district.
3. Replaced the word "fifty" with "sixty" in Note 4 to match the numeral provided.

4. Replaced "choses" with "chooses" in Note 7.

**Attachment**

Zoning Committee Recommendation

Vicinity Map

Rezoning Map

Site Plan

[2015-051\\_reco\\_7-29-15\\_final](#)

[2015-051\\_vicinity\\_map](#)

[2015-051\\_rezoning\\_map\\_revised](#)

[2015-051\\_RevisedSitePlan\\_08-26-2015](#)

## 19. Rezoning Petition: 2015-054 by Childress Klein

**Location:** Approximately 1.56 acres located on the northeast corner at the intersection of South Tryon Street and Moss Road. (Council District 3 - Mayfield)

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

**Proposed Zoning:** B-1 (CD) (neighborhood 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.

**Attachment**

Zoning Committee Recommendation

Vicinity Map

Rezoning Map

Site Map

[2015-054\\_reco\\_06-24-2015-Rev](#)

[2015-054\\_vicinity\\_map](#)

[2015-054\\_rezoning\\_map\\_revised](#)

[2015-054\\_RevSitePlan\\_07-06-2015](#)

## 20. Rezoning Petition: 2015-063 by Bojangles' Restaurants, Inc.

**Location:** Approximately 0.91 acres located on the south side of West Trade Street between Grandin Road and Interstate 77. (Council District 2 - Austin)

**Current Zoning:** B-1 (PED) (neighborhood business, pedestrian overlay)

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

**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.

**Attachment**

Zoning Committee Recommendation

Vicinity Map  
Rezoning Map  
Site Plan

[2015-063 reco 07-29-2015 final](#)

[2015-063 vicinity map](#)

[2015-063 rezoning map revised3](#)

[2015-063 RevisedSitePlan 07-28-2015](#)

## 21. Rezoning Petition: 2015-074 by 1700 South, LLC

**Location:** Approximately 0.26 acres located on the west side of South Boulevard between East Boulevard and East Kingston Avenue. (Council District 3 - Mayfield)

**Current Zoning:** B-1 (neighborhood business)

**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.

### Attachment

Zoning Committee Recommendation  
Vicinity Map  
Rezoning Map

[2015-074 reco 07-29-2015](#)

[2015-074 vicinity map](#)

[2015-074 rezoning map](#)

## 22. Rezoning Petition: 2015-075 by York Development Group

**Location:** Approximately 2.88 acres located on the south side of Park Road between Carolina Place Parkway and Kingfisher Drive abutting Interstate 485. (Council District 7 - Driggs)

**Current Zoning:** B-1 (neighborhood business)

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

### 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.

### Attachment

Zoning Committee Recommendation  
Vicinity Map  
Rezoning Map

[2015-075 reco 7-29-15](#)

[2015-075 vicinity map](#)

[2015-075 rezoning map](#)

## 23. Rezoning Petition: 2015-076 by YMCA of Greater Charlotte

**Location:** Approximately 4.4 acres located on the southwest corner at the intersection of South Boulevard and East Morehead Street. (Council District 1 - Kinsey)

**Current Zoning:** B-1 (neighborhood business)

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

### Zoning Committee Recommendation

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

### Staff Recommendation

Staff agrees with the recommendation of the Zoning Committee.

### Attachment

Zoning Committee Recommendation

Vicinity Map

Rezoning Map

Site Plan

[2015-076 reco 07-29-2015-Final](#)

[2015-076 vicinity map](#)

[2015-076 rezoning map revised](#)

[2015-076 RevisedSitePlan 07-23-2015](#)

## 24. Rezoning Petition: 2015-077 by Charlotte-Mecklenburg Planning Department

**Update: Requesting Deferral (to October 19, 2015)**

**Request:** A Text Amendment to the City of Charlotte Zoning Ordinance adding a new definition for a temporary health care structure and allowing it in prescribed conditions, as an accessory use to a single family detached dwelling located on the same lot.

### Zoning Committee Recommendation

The Zoning Committee voted 7-0 to **DEFER** this petition to their September 30, 2015 meeting.

### Attachment

Zoning Committee Recommendation

[2015-077 reco 7-29-15 Final1](#)

[Item 21-3 2015-077matrix](#)

## 25. Rezoning Petition: 2015-078 by Taylor/Theus Development Holdings, LLC

**Update:** Requesting Deferral to October 19, 2015, Protest Petition (Sufficient), Council will have to vote whether or not to send back to the Zoning Committee.

**Location:** Approximately 5.67 acres located on the northwest corner at the intersection of Ardrey Kell Road and Community House Road. (Council District 7 - Driggs)

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

**Proposed Zoning:** BD (CD) (distributive business, conditional)

**Zoning Committee Recommendation**

The Zoning Committee voted 5-1 to recommend **APPROVAL** of this petition as modified.

**Staff Recommendation**

Staff agrees with the recommendation of the Zoning Committee.

**Attachment**

Zoning Committee Recommendation

Vicinity Map

Rezoning Map

Site Plan

[2015-078 reco 7-29-15 final](#)

[2015-078 vicinity map](#)

[2015-078 rezoning map revised](#)

[2015-078 RevisedSitePlan 09-08-2015](#)

## 26. Rezoning Petition: 2015-079 by Royden Goode

**Update:** Requesting Deferral (to October 19, 2015)

**Location:** Approximately 0.30 acres located on the southeast corner at the intersection of South Kings Drive, Metropolitan Avenue, and Baxter Street. (Council District 1 - Kinsey)

**Current Zoning:** UR-C (CD) (urban residential - commercial, conditional) and B-1 (neighborhood business)

**Proposed Zoning:** B-1(CD) (PED) (neighborhood business conditional, pedestrian overlay)

**Zoning Committee Recommendation**

The Zoning Committee voted 7-0 to **DEFER** this petition to their September 30, 2015 meeting.

**Attachment**

Zoning Committee Recommendation

Vicinity Map

Rezoning Map

[2015-079 reco 7-29-2015](#)

[2015-079 vicinity map](#)

[2015-079 rezoning map revised](#)

## 27. Rezoning Petition: 2015-080 by Virgate 1, LLC & Carolina Cottage Homes, LLC

**Update:** Protest not eligible per State Statute

**Location:** Approximately 5.71 acres located on the west side of Luther Street generally surrounded by Cherry Street, Main Street, Baxter Street and Eli Street. (Council District 1 - Kinsey)

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

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

**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.

**Attachment**

Zoning Committee Recommendation

Vicinity Map

Rezoning Map

Site Plan

[2015-080 reco 07-29-2015](#)

[2015-080 vicinity map](#)

[2015-080 rezoning map](#)

[2015-080 RevisedSitePlan 06-19-2015](#)

## 28. Rezoning Petition: 2015-081 by Selwyn Property Group

**Location:** Approximately 0.40 acres located on the southwest corner at the intersection of Kenilworth Avenue and Pierce Street. (Council District 1 - Kinsey)

**Current Zoning:** R-22MF (multi-family residential)

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

**Zoning Committee Recommendation**

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

**Staff Recommendation**

Staff agrees with the recommendation of the Zoning Committee.

**Attachment**

Zoning Committee Recommendation

Vicinity Map

Rezoning Map

Site Plan

[2015-081 reco 07-29-2015-final](#)

[2015-081 vicinity map](#)

[2015-081 rezoning map](#)

[2015-081 RevisedSitePlan 07-24-2015](#)

## 29. Rezoning Petition: 2015-083 by 3410 NODA, LLC

**Location:** Approximately 0.122 acres located on the east side of North Davidson Street between Mercury Street and East 37th Street. (Council District 1 - Kinsey)

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

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

**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.

**Attachment**

Zoning Committee Recommendation

Vicinity Map

Rezoning Map

Site Plan

[2015-83\\_ZC\\_Reco\\_072915\\_FINAL](#)

[2015-083\\_vicinity\\_map](#)

[2015-083\\_rezoning\\_map\\_revised2](#)

[2015-083\\_RevisedSitePlan\\_07-27-2015](#)

### 30. Rezoning Petition: 2015-084 by StorCon Development, LLC

**Update:** Council will have to vote whether or not to send back to the Zoning Committee due to changes made after the Zoning Committee vote.

A Text Amendment to the City of Charlotte Zoning Ordinance adding warehousing within an enclosed building, for a self-storage facility, as a use allowed with prescribed conditions.

**Zoning Committee Recommendation**

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

**Staff Recommendation**

Staff agrees with the recommendation of the Zoning Committee.

**Note:** The City Council must determine by a  $\frac{3}{4}$  vote if the following changes to the site plan after the Zoning Committee vote are substantial and if the petition should be referred back to the Zoning Committee for review.

The petitioner:

Added a maximum 90-foot height limitation to the text amendment for any building containing a self-storage facility.

**Attachment**

Zoning Committee Recommendation

Matrix

Text Amendment

[2015-084\\_reco\\_7-29-15](#)

[2015-084\\_matrix](#)

[2015-084amendment\\_rev3](#)

### 31. Rezoning Petition: 2015-088 by Charlotte Parker & Marion McGaha

**Update:** Protest Petition (Sufficient)

**Location:** Approximately 1.95 acres located on the south side of Fairview Road between Park Road and Closeburn 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 7-0 to recommend **APPROVAL** of this petition as modified.

**Staff Recommendation**

Staff agrees with the recommendation of the Zoning Committee.

**Attachment**

Zoning Committee Recommendation

Vicinity Map

Rezoning Map

Site Plan

[2015-088 reco 7-29-15 final](#)

[2015-088 vicinity map](#)

[2015-088 rezoning map](#)

[2015-088 RevisedSitePlan 07-24-2015](#)

## 32. Rezoning Petition: 2015-089 by Debrorah Beatty/Gary Booger

**Location:** Approximately 1.35 acres located on the south side of East 36th Street between Wesley Avenue and Holt Street. (Council District 1 - Kinsey)

**Current Zoning:** R-22MF (multi-family residential)

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

**Zoning Committee Recommendation**

The Zoning Committee vote 7-0 to recommend **APPROVAL** of this petition as modified.

**Staff Recommendation**

Staff agrees with the recommendation of the Zoning Committee.

**Attachment**

Zoning Committee Recommendation

Vicinity Map

Rezoning Map

Site Plan

[2015-89 ZC Reco 072915 FINAL](#)

[2015-089 vicinity map](#)

[2015-089 rezoning map revised2](#)

[2015-089 RevisedSitePlan 07-23-2015](#)

## ZONING HEARINGS

### 33. Rezoning Petition: 2014-110 by Unique Southern States, LLC

**Location:** Approximately 4.54 acres located at the southeast corner of the intersection between The Plaza and Belvedere Avenue. (Council District 1 - Kinsey)

**Current Zoning:** R-5 (single family residential), R-5(HD-O) (single family residential, historic district overlay) & B-2(CD) (HD-O) (general business conditional, historic district overlay)

**Proposed Zoning:** MUDD-O (mixed use development optional) & MUDD-O (HD-O) (mixed use development, optional historic district overlay).

**Staff Recommendation**

Staff recommends approval of this petition upon resolution of outstanding issues related to additional details needed for the screening of the neighborhood pool and the lease agreement for off-site parking.

**Attachments**

[Item 30-2 2014-110 staff 9-21-15-final](#)

[Item 30-3 2014-110 vicinity map](#)

[2014-110 rezoning map revised3](#)

[Item 30-5 2014-110 RevisedSitePlan 07-08-2015](#)

[Item 30-6 Previously Approved Cover Page](#)

[Item 30-7 2014-110 previousapprovedplan 2000-017](#)

### 34. Rezoning Petition: 2015-047 by Carolinas State Regional Center, LLC

**Update:** Continued from July 20, 2015

**Location:** Approximately 22 acres located on the east side of Macfarlane Boulevard near the intersection of North US 29 By-Pass Highway and North Tryon Street (Council District 4 - Phipps)

**Current Zoning:** I-2 (light Industrial)

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

**Staff Recommendation**

Staff does not recommend approval of this petition.

**Attachment**

[Item 31-2 2015-47 Staff Analysis 07-20-15 FINAL](#)

[Item 31-3 2015-047 vicinity map](#)

[2015-047 rezoning map](#)

[Item 31-5 2015-047 site plan](#)

### 35. Rezoning Petition: 2015-066 by Whitehall Corporate Center

**Location:** Approximately 15.16 acres located on the southeast corner at the intersection of West

Arrowood Road and Interstate 485 (Council District 3 - Mayfield)

**Current Zoning:** BP (CD) (business park, conditional) & MUDD-O (mixed use development, optional)

**Proposed Zoning:** MUDD-O (mixed use development, optional) & MUDD-O SPA (mixed use development, optional site plan amendment)

**Staff Recommendation**

Staff does not recommend approval in its current form.

**Attachment**

[Item 32-2 2015-066 staff 09-21-2015-final](#)

[2015-066 vicinity map](#)

[2015-066 rezoning map revised2](#)

[Item 32-5 2015-066 RevisedSitePlan 08-21-2015](#)

[Item 32-6 Previously Approved Cover Page](#)

[Item 32-7 2015-066 approved site plan 2015-066](#)

### **36. Rezoning Petition: 2015-073 by The Meyers Y. Cooper Company**

**Location:** Approximately 5.89 acres located on the west side of Archdale Drive also abutting Interstate 77 near the intersection of Archdale Drive and High Meadow Lane.. (Council District 3 - Mayfield)

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

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

**Staff Recommendation**

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

**Attachment**

[Item 33-2 2015-073 staff 9-21-15-final](#)

[Item 33-3 2015-073 vicinity map](#)

[2015-073 rezoning map revised](#)

[Item 33-5 2015-073 RevisedSitePlan 08-26-2015](#)

[Item 33-6 Previously Approved Cover Page](#)

[Item 33-7 2015-073 PrevApprovedPlan 2006-131](#)

### **37. Rezoning Petition: 2015-082 by Charlotte-Mecklenburg Housing Partnership**

**Location:** Approximately 64.33 acres located on the north side of Cindy Lane and south of Cochrane Drive between Interstate 77 and Statesville Road. (Council District 2 - Austin)

**Current Zoning:** R-4 (single family residential) & B-2(CD) (general business, conditional)

**Proposed Zoning:** UR-2(CD) (urban residential, conditional) with 5 year vested rights

**Staff Recommendation**

Staff does not support this petition in its current form.

**Attachment**

[Item 34-2 2015-082 staff 09-21-2015-final](#)

[2015-082 vicinity map](#)

[2015-082 rezoning map revised](#)

[Item 34-5 2015-082 RevisedSitePlan 08-24-2015](#)

### **38. Rezoning Petition: 2015-087 by Crescent Communities, LLC**

**Location:** Approximately 72.2 acres located on the east side of Providence Road between Interstate 485 and Providence Country Club Drive. (Outside City Limits)

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

**Proposed Zoning:** MUDD-O (mixed use development, optional) & MX-2 (INNOV) (mixed use, innovative standards)

**Staff Recommendation**

Staff does not recommend approval in its current form.

**Attachment**

[Item 35-2 2015-087 staff 9-21-15-final](#)

[2015-087 vicinity map](#)

[2015-087 rezoning map revised2](#)

[Item 35-5 2015-087 RevisedSitePlan 08-21-2015](#)

### **39. Rezoning Petition: 2015-090 by Copper Builders, Inc.**

**Update:** The petitioner is requesting a deferral of this public hearing until December 14, 2015

**Location:** Approximately 4.3 acres located on the north side of Pineville-Matthews Road between Rea Road and Windswept Drive (Council District 7 - Driggs)

**Current Zoning:** INST (CD) (institutional, conditional)

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

**Staff Recommendation**

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

**Attachment**

[Item 36-2 2015-090 staff 9-21-15-final](#)

[Item 36-3 2015-090 vicinity map](#)

[2015-090 rezoning map](#)

[Item 36-5 2015-090 RevisedSitePlan 08-21-2015](#)

[Item 36-6 Previously Approved Cover Page](#)

[Item 36-7 2015-090 PrevApprovedPlan 2003-118](#)

## 40. Rezoning Petition: 2015-091 by 300 Parkwood, LLC

**Location:** Approximately 0.99 acres located on the northeast corner at the intersection of Parkwood Avenue and East 17th Street. (Council District 1 - Kinsey)

**Current Zoning:** R-8 (single family residential) & B-1 (neighborhood business)

**Proposed Zoning:** TOD-R(O) (transit oriented development-residential, optional)

**Staff Recommendation**

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

**Attachment**

[Item 37-2 2015-091 staff 09-21-15-final](#)

[2015-091 vicinity map](#)

[2015-091 rezoning map revised2](#)

[Item 37-5 2015-091 RevSitePlan 08-21-2015](#)

## 41. Rezoning Petition: 2015-092 by QuikTrip Corporation

**Update:** The petition is requesting a deferral of the public hearing to October 19, 2015

**Location:** Approximately 4.4 acres located on the northwest corner at the intersection of East W.T. Harris Boulevard and The Plaza (Council District 5 - Autry)

**Current Zoning:** R-4 (single family residential) & B-1(CD) (neighborhood business, conditional)

**Proposed Zoning:** B-1(CD) (neighborhood business, conditional) & B-1(DC) SPA (neighborhood business, conditional site plan amendment).

**Staff Recommendation**

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

**Attachment**

[Item 38-2 no community meeting slip sheet](#)

## 42. Rezoning Petition: 2015-097 by Harris Teeter

**Location:** Approximately 2.25 acres located on the west side of Randolph Road between Woodlark Lane and South Sharon Amity Road. (Council District 6 - Smith)

**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 the requested technical revisions.

**Attachment**

[2015-097 staff 9-21-15-Final](#)

[2015-097 vicinity map](#)

[2015-097 rezoning map revised](#)

[Item 39-5 2015-097 RevisedSitePlan 08-21-2015](#)

[Item 39-6 Previously Approved Cover Page](#)

[Item 39-7 2015-097 PrevApprovedPlan 2006-087ModAA April2013](#)

### **43. Rezoning Petition: 2015-098 by Land Growth, LLC**

**Location:** Approximately 1.9 acres located on the southwest corner at the intersection of East Independence Boulevard and Crownpoint Executive Drive. (Council District 6 - Smith)

**Current Zoning:** BD (distributive business)

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

**Staff Recommendation**

Staff recommends approval of this petition upon resolution of requested technical revisions and the outstanding issue related to clarifying that the automobile sales and repair use on this site must be related to the adjacent automobile dealership.

**Attachment**

[2015-98 Staff Analysis 09-21-15-final](#)

[2015-098 vicinity map](#)

[2015-098 rezoning map revised](#)

[Item 40-5 2015-098 site plan original submittal](#)

### **44. Rezoning Petition: 2015-102 by Lennar Multifamily Communities**

**Location:** Approximately 4.69 acres located on the northwest corner at the intersection of South Boulevard and New Bern Street. (Council District 3 - Mayfield)

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

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

**Staff Recommendation**

Staff recommends approval of this petition.

**Attachment**

[2015-102 sta 09-21-2015-final](#)

[2015-102 vicinity map](#)

[2015-102 rezoning map revised](#)

### **45. Rezoning Petition: 2015-104 by Murphy Oil USA, Inc**

**Location:** Approximately 0.81 acres located on the northwest corner at the intersection of Wilkinson Boulevard and Ashley Road. (Council District 3 - Mayfield)

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

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

**Staff Recommendation**

Staff recommends approval of this petition upon the resolution of the outstanding issues, which are related to parking lot landscaping and commitments to ensure architectural compatibility, and the requested technical revisions.

**Attachment**

[2015-104 staff 09-21-2015-final](#)

[2015-104 vicinity map](#)

[2015-104 rezoning map](#)

[2015-104 RevisedSitePlan 08-21-2015.pdf](#)

[Item 42-6 Previsously Approved Cover Page](#)

[2015-104 approved site plan combined 2004-052.pdf](#)