City of Charlotte

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

Zoning Agenda

Tuesday, January 22, 2019

Council Chambers

City Council Zoning Meeting

Mayor Vi Lyles
Mayor Pro Tem Julie Eiselt
Council Member Dimple Ajmera
Council Member Tariq Scott Bokhari
Council Member Ed Driggs
Council Member Larken Egleston
Council Member Justin Harlow
Council Member LaWana Mayfield
Council Member James Mitchell
Council Member Matt Newton
Council Member Greg Phipps
Council Member Braxton Winston II
DINNER MEETING

1. Meeting Agenda

2. Dinner Meeting Agenda
   1. Agenda Review - Tammie Keplinger
     Dinner Agenda January

3. Follow Up Report
   December Follow-Up Report 1-22-18 Final
DECISIONS


*Update: Petitioner is requesting deferral to February 18, 2019*

*Location:* Approximately 0.17 acres located at the northeast corner of East 17th Street and North McDowell Street. (Council District 1 - Egleston)

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

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

*Zoning Committee Recommendation:* The Zoning Committee voted 7-0 to DEFER this petition to their February 5, 2019 meeting.


*Summary of petition:*

1) add two new definitions for "useable common open space" and "private open space" and modify a current definition for "sublot".
2) provide an alternative to requiring private open space when land is sold with an attached single family dwelling unit by allowing a percentage of useable common open space to be provided instead. This would apply in multiple zoning districts.
3) allows additional features and amenities to count towards private open space and useable open space.

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

*Staff Recommendation:* Staff recommends approval of this petition.

2018-063 ZC Reco 1-3-19_km0104r
2018-063 Finalstaff 1-22-19_kmfinal
2018-063 Text Amendment Rev 5 12-12-18


*Update: Petitioner is requesting deferral to February 18, 2019*

*Location:* Approximately 14.20 acres located along McFarlane Boulevard, and south of University City Boulevard. (Council District 4 - Phipps)

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

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

*Zoning Committee Recommendation:* The Zoning Committee voted 7-0 to DEFER this petition to their February 5, 2019 meeting.
7. **Rezoning Petition: 2017-186 by Drakeford Co.**

*Update: Petitioner is requesting deferral to February 18, 2019*

**Location:** Approximately 0.87 acres located on the north side of West Kingston Avenue, west of South Tryon Street. (Council District 3 - Mayfield)

**Current Zoning:** R-22MF, HD (multi-family residential, historic district overlay)

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

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


*Update: Petitioner is requesting deferral to February 18, 2019*

**Location:** Approximately 0.16 acres located at the intersection of North Davidson Street and East 17th Street. (Council District 1 - Egleston)

**Current Zoning:** R-8 (single family residential)

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

**Zoning Committee Recommendation:**
The Zoning Committee voted 4-3 to recommend **DENIAL** of this petition.


**Location:** Approximately 0.77 acres located on the east side of Craig Avenue, north of North Sharon Amity Road. (Council District 5 - Newton)

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

**Proposed Zoning:** O-2(CD) (office, conditional)

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

**Staff Recommendation:**
Staff recommends approval of this petition.
10. Rezoning Petition: 2018-069 by Dependable Development

   **Location:** Approximately 10 acres located on the west side of Mt. Holly-Huntersville Road, south of Mt. Holly Road. (Outside City Limits)

   **Current Zoning:** B-2 LWPA (general business, Lake Wylie protected area), I-1 LWCA LWPA (light industrial, Lake Wylie critical area, Lake Wylie protected area)

   **Proposed Zoning:** MX-2 LWCA LWPA (mixed use, Lake Wylie critical area, Lake Wylie protected area)

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

   **Staff Recommendation:**
   Staff recommends approval of this petition.

11. Rezoning Petition: 2018-075 by Fountain Residential Partners

   **Location:** Approximately 10.77 acres located at the northeast intersection of East Mallard Creek Church Road and University City Boulevard. (Council District 4 - Phipps)

   **Current Zoning:** R-12MF(CD) (multi-family residential, conditional) and INST (institutional)

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

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

   **Staff Recommendation:**
   Staff recommends approval of this petition.

   **Location:** Approximately 0.88 acres located on the south side of Woodlawn Road, east of Park Road.
   (Council District 6 - Bokhari)

   **Current Zoning:** B-1 (neighborhood business)
   **Proposed Zoning:** B-2(CD) (general business, conditional)

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

   **Staff Recommendation:**
   Staff recommends approval of this petition.

13. **Rezoning Petition: 2018-085 by The Spectrum Companies**

   **Location:** Approximately 4.89 acres located on the west side of South Tryon Street, south of Carson Boulevard. (Council District 3 - Mayfield)

   **Current Zoning:** TOD-M (transit oriented development-mixed use) and I-2 (general industrial)
   **Proposed Zoning:** TOD-M(O) (transit oriented development-mixed use, optional)

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

   **Staff Recommendation:**
   Staff recommends approval of this petition.
14. **Rezoning Petition: 2018-095 by WeWork Companies**

**Location:** Approximately 0.82 acres located at the corner of North Tryon Street and West 4th Street. (Council District 2 - Harlow)

**Current Zoning:** UMUD (uptown mixed use)

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

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

**Staff Recommendation:**
Staff recommends approval of this petition.

2018-095_Reco_01-22-2019_kmfinal
2018-095_Final_01-22-2019_km0109_TK1-16_rev
2018-095_RevSitePlan_12-20-2018_Final22


**Location:** Approximately 0.90 acres located on the south side of East 36th Street between The Plaza and Holt Street. (Council District 1 - Egleston)

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

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

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

**Staff Recommendation:**
Staff recommends approval of this petition.

2018-105_ZC_010319_km0107_Final
2018-105_Final_012218_kmfinal-TK 1-16
2018-105_RevSitePlan_12-20-2018

**Location:** Approximately 2.58 acres located on Carnegie Boulevard, near Torp Landing Boulevard & Charmeck Palisades Drive, west of Barclay Downs Drive. (Council District 6 - Bokhari)

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

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

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

**Staff Recommendation:**
Staff recommends approval of this petition.

17. **Rezoning Petition: 2018-111 by David Weekley Homes**

**Location:** Approximately 5.79 acres bounded by Drummond Avenue, Lydia Avenue, Catawba Avenue, Duncan Avenue, off The Plaza. (Council District 1 - Egleston)

**Current Zoning:** R-5 (single family residential), R-22MF (multi-family residential), and O-2 (office)

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

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

**Staff Recommendation:**
Staff recommends approval of this petition.

18. **Rezoning Petition: 2018-113 by Ryan Companies**

**Location:** Approximately 11.34 acres located on the north side of Shopton Road, west of Beam Road. (Council District 3 - Mayfield)

**Current Zoning:** I-1 AIR (light industrial, Airport Noise overlay)

**Proposed Zoning:** INST AIR (institutional, Airport Noise overlay)

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

**Staff Recommendation:**
Staff recommends approval of this petition.

**Location:** Approximately 1.34 acres located on the northeast corner of Mallard Creek Road and Hubbard Road. (Council District 2 - Harlow)

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

**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 recommends approval of this petition.

2018-116 reco_kmfinal

2018-116 Final Staff Analysis_kmfinal


**Location:** Approximately 0.82 acres located on the south side of Montford Drive, east of Park Road. (Council District 6 - Bokhari)

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

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

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

**Staff Recommendation:**
Staff recommends approval of this petition.

2018-118 reco_1-3-19_kmfinal

2018-118_Finalstaff_1-22-19_km0108_TK 1-16

2018-118_RevSitePlan_12-28-18

**Location:** Approximately 34.63 acres located on the north side of Tuckaseegee Road, west of Westwood Drive, north of I-85. (Council District 3 - Mayfield)

**Current Zoning:** R-3 AIR LLWPA (single family residential, Airport Noise overlay, Lower Lake Wylie Protected Area)

**Proposed Zoning:** I-1(CD) AIR LLWPA (light industrial, conditional, Airport Noise overlay, Lower Lake Wylie Protected Area)

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

**Staff Recommendation:**
Staff recommends approval of this petition.

2018-120 ZC Reco_01-03-2019 CLG1-6_kmfinal
2018-120 Final Staff_01-22-19 7_TK 1-16-19 final
2018-120_RevSItePlan_12-20-2018_Final22


**Location:** Approximately 0.24 acres located near the intersection of East 4th Street and South Torrence Street, south of Charlottetowne Avenue. (Council District 1 - Egleston)

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

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

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

**Staff Recommendation:**
Staff recommends approval of this petition.

2018-122_Reco_01-22-2019_kmfinal
2018-122_Final_staff_01-22-2019-TK1-16

   **Location:** Approximately 2.75 acres located on the south side of University City Boulevard, east of Cabarrus Farm Road. (Outside City Limits)

   **Current Zoning:** B-1 SCD (business shopping center)
   **Proposed Zoning:** I-1 (light industrial)

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

   **Staff Recommendation:**
   Staff recommends approval of this petition.

   2018-124_ZC_010319_km0108_Final
   2018-124_Finalstaff_012219_kmfinal

24. **Rezoning Petition: 2018-125 by Brookshire Boulevard Investments, LLC**

   **Location:** Approximately 1.06 acres located on the west side of Brookshire Boulevard, north of Lawton Road. (Council District 2 - Harlow)

   **Current Zoning:** I-2 (general industrial)
   **Proposed Zoning:** I-1 (light industrial)

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

   **Staff Recommendation:**
   Staff recommends approval of this petition.

   2018-125_ZC_Reco_01-22-2019_CLG1-6_km0108
   2018-125_Final_01-22-2019_CLG1-5_kmfinal
HEARINGS

25. **Rezoning Petition: 2017-206 by BWN Investments, LLC**

   **Location:** Approximately 3.35 acres located on the east side of East W.T. Harris Boulevard, at the intersection of Lawyers Road, north of Albemarle Road. (Council District 5 - Newton)

   **Current Zoning:** R-17MF (multi-family residential)
   **Proposed Zoning:** B-2(CD) (general business, conditional)

   **Staff Recommendation:**
   Staff does not recommend approval of this petition.

   [2017-206_staff analysis_012219_kmfinal_final]
   [2017-206_RevSitePlan_12-18-2018]

26. **Rezoning Petition: 2018-051 by SXCW Properties**

   **Location:** Approximately 3.72 acres located at the southwest corner of Mallard Creek Road and Carolina Lily Lane. (Outside City Limits)

   **Current Zoning:** CC (commercial center)
   **Proposed Zoning:** B-2(CD) (general business, conditional)

   **Staff Recommendation:**
   Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and technical revisions.

   [2018-051 PH staff kmfinal]
   [2018-051 RevSitePlan_12-18-2018]
   [Previously Approved Cover Page]
   [2018-051 Approved 2011-052 (1)]

27. **Rezoning Petition: 2018-053 by Boulevard Real Estate Advisors, LLC**

   **Location:** Approximately 3.17 acres located on the west side of South Tryon Street, north of Yorkshire Drive, south of Clanton Road. (Council District 3 - Mayfield)

   **Current Zoning:** R-5 (single family residential), B-1 (neighborhood business), I-1 (light industrial), I-2 (general industrial)
   **Proposed Zoning:** TOD-M(CD) (transit oriented development-mixed use, conditional)

   **Staff Recommendation:**
   Staff recommends approval of this petition upon resolution of outstanding issues related to site design, environment, and transportation.

   [2018-053_PH_01-22-2019_kmfinal]
   [2018-053_RevSitePlan_12-21-2018]

*Update: Staff is requesting deferral to February 18, 2019*

**Location:** Approximately 1.04 acres located on the north side of Central Avenue between Tippah Park Court and Landis Avenue. (Council District 1 - Egleston)

**Current Zoning:** B-1 (neighborhood business)
**Proposed Zoning:** NS (neighborhood services)

2018-097 Stamatis Tsilimos February 18, 2019 deferral

29. Rezoning Petition: 2018-102 by Audies Moore

**Location:** Approximately 0.53 acres located on Odum Avenue, southeast of the intersection of Rozzelles Ferry Road and Honeywood Avenue. (Council District 2 - Harlow)

**Current Zoning:** B-2 (general business)
**Proposed Zoning:** I-2 (general industrial)

**Staff Recommendation:** Staff recommends approval of this petition.

2018-102 PH Staff 1-22-2019 kmfinal

30. Rezoning Petition: 2018-115 by JDSI, LLC

**Location:** Approximately 20.08 acres located on the east side of Beatties Ford Road, south of Miranda Road, north of Lakeview Road. (Outside City Limits)

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

**Staff Recommendation:** Staff recommends approval of this petition.

2018-115 PH staff kmfinal


**Location:** Approximately 7.0 acres located on the north side of Old Dowd Road, west of I-485. (Outside City Limits)

**Current Zoning:** I-1 LLWCA (light industrial, Lower Lake Wylie - critical area)
**Proposed Zoning:** I-2(CD) LLWCA (general industrial, conditional, Lower Lake Wylie - critical area)

**Staff Recommendation:** Staff recommends approval of this petition upon resolution of outstanding issues related to environment, transportation, and technical revisions.

2018-129 PH staff kmfinal

2018-129_RevSitePlan_12-18-2018
32. **Rezoning Petition: 2018-130 by 2301 Distribution, LLC**

   **Location:** Approximately 0.97 acres located at the intersection of Dunavant Street and Distribution Street, east of South Tryon Street. (Council District 3 - Mayfield)

   **Current Zoning:** I-2 (general industrial)
   **Proposed Zoning:** TOD-M(O) (transit oriented development - mixed use, optional)

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

   2018-130_PH_01-22-2019_kmfinal
   2018-130_RevSitePlan_12-18-2018

33. **Rezoning Petition: 2018-131 by HCBV, LLC**

   **Location:** Approximately 1.47 acres located on the north side of South Mint Street, east of Summit Avenue. (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.

   2018-131_PH_01-22-2019_kmfinal

34. **Rezoning Petition: 2018-133 by City of Charlotte**

   **Update:** Staff is requesting deferral to February 18, 2019

   **Location:** Approximately 4.22 acres located at the intersection of Providence Road West and Ballancroft Parkway, west of Johnston Road. (Council District 7 - Driggs)

   **Current Zoning:** R-3 (single family residential)
   **Proposed Zoning:** NS (neighborhood services)

   2018-133 City of Charlotte February 18, 2019 deferral
35.  Rezoning Petition: 2018-136 by Asana Partners LP

**Location:** Approximately 1.10 acres located south of the Norfolk Southern Railway between 35th Street and 36th Street. (Council District 1 - Egleston)

**Current Zoning:** TOD-M(O) (transit oriented development - mixed use, optional)

**Proposed Zoning:** TOD-M(O) SPA (transit oriented development - mixed use, optional, site plan amendment)

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

2018-136_PHstaff_kmfinal

2018-136_RevSitePlan_12-18-2018

Previously Approved Cover Page

2018-136 previously approved rezoning 2016-086