City of Charlotte

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

Zoning Agenda

Monday, May 21, 2018

Council Chambers

City Council Zoning Meeting

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

1. Meeting Agenda

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

Dinner Agenda May

3. Follow Up Report

Follow-Up Report for 5-21-18 Meeting FINAL
HISTORICAL LANDMARK

4. Wilmore Elementary School

A decision to be made by City Council on the Question of adopting an ordinance for the property known as the “Wilmore Elementary School” (listed under Tax Parcel Number 11907801 including the exterior and interior of the building and the land associated with tax parcel) as an Historic Landmark.

Property Owner: Charlotte-Mecklenburg Board of Education
Location: 428 West Boulevard, Charlotte, North Carolina

ZONING DECISIONS

5. Rezoning Petition: 2017-132 by Mattamy Homes

Update: Petitioner is requesting deferral to June 18, 2018

Location: Approximately 21.0 acres located on the south side of West Mallard Creek Church Road and east of David Taylor Drive. (Council District 4 - Phipps)

Current Zoning: R-3 (single family residential) and RE-2 (research)
Proposed Zoning: UR-2(CD) (urban residential, conditional) with five-year vested rights

Zoning Committee Recommendation:
The Zoning Committee voted 6-0 to DEFER this petition until their June 5, 2018 meeting.

6. Rezoning Petition: 2017-177 by NAI Southern Real Estate

Update: Petitioner is requesting deferral to June 18, 2018

Location: Approximately 3.4 acres bounded by East 3rd Street, East 4th Street and the southeast side of Baldwin Avenue. (Council District 1 - Egleston)

Current Zoning: O-2 (office) and MUDP-O (mixed use development, optional)
Proposed Zoning: MUDP-O (mixed use development, optional) and MUDP-O SPA (mixed use development, optional, site plan amendment) with five-year vested rights.

Zoning Committee Recommendation:
The Zoning Committee voted 6-0 to DEFER this petition until their June 5, 2018 meeting.
7. **Rezoning Petition: 2017-186 by the Drakeford Co.**

*Update: Petitioner is requesting deferral to June 18, 2018*

**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 6-0 to **DEFER** this petition until their June 5, 2018 meeting.

2017-186_reco_05-01-2018_final

8. **Rezoning Petition: 2018-005 by Meritage Homes of the Carolinas, Inc.**

*Update: Petitioner is requesting deferral to June 18, 2018*

**Location:** Approximately 141.9 acres located on the south side of Camp Stewart Road, east of Interstate 485 current side of Larkhaven Golf Course. (Outside City Limits)

**Current Zoning:** R-3 (single family residential)
**Proposed Zoning:** R-5(CD) (single family residential, conditional)

**Zoning Committee Recommendation:**
The Zoning Committee voted 6-0 to **DEFER** this petition until their June 5, 2018 meeting.

2018-005 Reco_5-1-18_final


*Update: Petitioner is requesting deferral to June 18, 2018*

**Current Zoning:** R-8 (single family residential)
**Proposed Zoning:** UR-2(CD) (urban residential, conditional)

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

**Zoning Committee Recommendation:**
The Zoning Committee voted 6-0 to **DEFER** this petition until their June 5, 2018 meeting.

2018-012 Reco_5-1-18_final
10. **Rezoning Petition: 2017-097 by Charlotte-Douglas International Airport**

*Location:* Approximately 117.16 acres located along the north side of Shopton Road, southeast of Pinecrest Drive and west of Beam Road. (Council District 3 - Mayfield)

*Current Zoning:* R-3 AIR (single family residential airport noise overlay and BD(CD) AIR (distributive business, conditional, airport noise overlay)

*Proposed Zoning:* I-1(CD) AIR (light industrial, conditional, airport noise overlay) 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.

11. **Rezoning Petition: 2017-133 by Mattamy Homes**

*Location:* Approximately 38.0 acres located on the north side of Governor Hunt Road east of Mallard Creek Road. (Council District 4 - Phipps)

*Current Zoning:* RE-1 (research)

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

*Zoning Committee Recommendation:* The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition.

*Staff Recommendation:* Staff recommends approval of this petition upon resolution of the outstanding transportation issue.
12. **Rezoning Petition: 2017-138 by AGS Hotels NC, LLC**

   **Location:** Approximately 4.3 acres located south of Cascade Point Boulevard, north of Billy Graham Parkway and east of West Tyvola Road. (Council District 3 - Mayfield)

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

   **Proposed Zoning:** I-1(CD) SPA (light industrial, conditional, site plan amendment)

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

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

   2017-138_Reco_05-01-2018_final
   2017-138_Final_staff_done
   2017-138_RevSitePlan_04-27-2018

13. **Rezoning Petition: 2017-167 by Beaver Creek CRE, LLC**

   **Location:** Approximately 2.11 acres located on the north side of Independence Boulevard, bounded by Pierson Drive., Bamboo Street and Wilshire Place. (Council District 5 - Newton)

   **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 does not recommend approval of this petition in its current form due to the requested attached LED and video signage increases and building heights.

   2017-167_recco_05-01-2018_done
   2017-167_final_052118_done
   2017-167_REV_042418

   **Location:** Approximately 19.52 acres located on the north side of Mallard Creek Road, east of I-485. (Outside City Limits)

   **Current Zoning:** R-3 (single family residential)
   **Proposed Zoning:** R-12MF(CD) (multi-family residential, conditional)

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

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

   2017-179_reco_05-01-2018_final
   Final 2017-179_5-21-2018_done
   2017-179_RevSitePlan_04-23-2018

15. **Rezoning Petition: 2017-182 by QuickTrip**

   **Location:** Approximately 11.96 acres located on the west side of West W.T. Harris Boulevard, north of Interstate 485. (Council District 2 - Harlow)

   **Current Zoning:** R-3 (single family residential)
   **Proposed Zoning:** B-2(CD) (general business, conditional) and BD(CD) (distributive business, conditional) with five-year vested rights

   **Zoning Committee Recommendation:**
   The Zoning Committee voted 5-2 to recommend **APPROVAL** of this petition.

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

   2017-182_reco_05-03-2018_final
   2017-182_Finalstaff_5-21-18_done
   2017-182_RevSitePlan_05-02-2018
16. **Rezoning Petition: 2017-183 by Hopper Communities, Inc.**

**Location:** Approximately 3.01 acres located on the north side of Runnymede Lane, east of Selwyn Avenue. (Council District 6 - Bokhari)

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

**Zoning Committee Recommendation:**  
The Zoning Committee voted 6-1 to recommend **APPROVAL** of this petition.

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

17. **Rezoning Petition: 2018-001 by Apollo Holding Company, LLC**

**Location:** Approximately 4.65 acres located on the north side of West Tyvola Road, east of South Stream Boulevard, south of Billy Graham Boulevard. (Council District 3 - Mayfield)

**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.

Location: Approximately 0.51 acres located at the intersection of Foster Avenue and Bank Street, west of South Tryon Street. (Council District 3 - Mayfield)

Current Zoning: I-2 (general industrial)
Proposed Zoning: I-2 TS (general industrial, transit supportive overlay)

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

Staff Recommendation:
Staff recommends approval of this conventional petition.

2018-004_reco_05-01-2018_final
2018-004_Final-staff_05-21-2018_done_done

19.  Rezoning Petition: 2018-008 by The Drakeford Company/Saussy Burbank, LLC

Location: Approximately 0.72 acres located at the intersection of Kelly Street and Dallas Avenue, west of North Sharon Amity Road. (Council District 5 - Newton)

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 recommend APPROVAL of this petition.

Staff Recommendation:
Staff recommends approval of this petition.

2018-008_reco_5-1-18_final
2018-008_Final_staff_5-21-18_done
2018-008_RevSitePlan_03-14-2018

Location: Approximately 0.25 acres located on the north side of East 21st Street, east of North Brevard Street. (Council District 1 - Egleston)

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 recommends approval of this petition.


Location: Approximately 66.50 acres located on the north side Cindy Lane, east of interstate 77 and west of Statesville Road. (Council District 2 - Harlow)

Current Zoning: R-4 (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)

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

Staff Recommendation:
Staff recommends approval of this petition.

ZONING HEARINGS

22. Rezoning Petition: 2017-112 by Sweetgrass Residential Partners, LLC

Update: Petitioner is requesting deferral to June 18, 2018

Location: Approximately 28 acres located off South Tryon Street, east of Youngblood Road and west of Birnamwood Lane. (Council District 3 - Mayfield)

Current Zoning: R3 (single family residential)
Proposed Zoning: NS (neighborhood services) with five-year vested rights

2017-112 Sweetgrass Residential Partners, LLC June 18th deferral
23. **Rezoning Petition: 2017-202 by Sinacori Builders, LLC**

   **Location:** Approximately 0.83 acres located at the intersection of Providence Road and Providence Church Road, north of Ballantyne Commons Parkway. (Council District 7 - Driggs)

   **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 and building design and transportation.

   - [2017-202_PHstaff_5-21-18_done](#)
   - [2017-202_RevSitePlan_04-16-2018](#)

24. **Rezoning Petition: 2017-203 by South End West Syndicate, LLC**

   **Update:** Petitioner is requesting deferral to June 18, 2018

   **Location:** Approximately 0.75 acres located at the intersection of South Tryon Street and West Worthington Avenue, south of West Boulevard. (Council District 3 - Mayfield)

   **Current Zoning:** B-1 (neighborhood business) and R-8 (single family residential)
   **Proposed Zoning:** TOD-R(O) (transit oriented development-residential, optional)

   - [2017-203 South End West Syndicate June 18th Deferral](#)


   **Update:** Petitioner is requesting deferral to June 18, 2018

   **Location:** Approximately 2.75 acres located on the east side of Northpointe Industrial Boulevard, north of North Hoskins Road. (Council District 2 - Harlow)

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

   - [2018-030 JV Transport June Deferral](#)

**Location:** Approximately 4.54 acres located on the east side of The Plaza, south of Belvedere Avenue. (Council District 1 - Egleston)

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

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

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

2018-18 Staff_052118_done
2018-18 RevSite Plan_041618
Previously Approved Cover Page
2018-18 Prev Approved 2000-017 approved site plan (1)

27. **Rezoning Petition: 2017-180 by JS Helms Family Properties, LLC**

**Location:** Approximately 66.90 acres located on the north side of Albemarle Road and west of I-485. (Outside City Limits)

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

**Proposed Zoning:** NS (neighborhood services) and MX-1 (mixed use)

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

2017-180_staff_052118_done
2017-180_RevSitePlan_04-16-2018

28. **Rezoning Petition: 2017-100 by LAXMI Hotels Groups, Inc.**

**Location:** Approximately 5.4 acres located on the east side of Little Rock Road between Tuckaseegee Road and Manderly Drive. (Council District 3 - Mayfield)

**Current Zoning:** B-1(CD) (neighborhood business, conditional) and R-3 (single family residential)

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

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

PH 2017-100_05-21-2018 done
2017-100_RevSitePlan_04-16-2018
Previously Approved Cover Page
2017-100_Pre App 2013-017
29. **Rezoning Petition: 2017-204 by Ed Zepsa**

**Location:** Approximately 0.95 acres located on the west side of Nations Crossing Road, south of Old Pineville Road. (Council District 3 - Mayfield)

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

**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, and requested technical revisions.

2017-204 PHstaff_05-21-2018_done
2017-204_RevSitePlan_04-16-2018

30. **Rezoning Petition: 2017-205 by Pope & Land Enterprises, Inc.**

**Location:** Approximately 23.38 acres located on the north side of W. Tyvola Road, south of Yorkmont Road. (Council District 3 - Mayfield)

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

**Proposed Zoning:** MUDD-O SPA (mixed use development, optional, site plan amendment), with five-year vested rights

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

2017-205 PHstaff 05-21-2018 done
2017-205_RevSitePlan_03-19-2018
Previously Approved Cover Page
2017-205_PrevApp 2007-82

Location: Approximately 24.34 acres located at the intersection Beam Road and Shopton Road. (Council District 3 - Mayfield)

Current Zoning: B-2(CD) AIR (general business, conditional, Airport Noise Overlay)
Proposed Zoning: B-2(CD) SPA AIR (general business, conditional, site plan amendment, Airport Noise Overlay)

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

PH 2018-007_05-21-2018 done
2018-007_RevSitePlan_04-16-2018
Previously Approved Cover Page
2018-007_Prev App 1999-079 (1)
2018-007_Prev App 1999-079 (2)

32. Rezoning Petition: 2018-009 by Andrew J. Kalinoski

Location: Approximately 2.19 acres located on the west side of J.W. Clay Boulevard, north of W.T. Harris Boulevard. (Council District 4 - Phipps)

Current Zoning: CC (commercial center)
Proposed Zoning: B-1(TS) (neighborhood business, transit supportive overlay)

Staff Recommendation:
Staff recommends approval of this conventional petition.

2018-09_staff_052118_done
Previously Approved Cover Page
2018-09 PREV APPROVED site pln 1992-064

**Location:** Approximately 6.27 acres located on the east side of Penninger Circle, south of Mallard Creek Road. (Council District 2 - Harlow)

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

**Proposed Zoning:** RE-1(CD) (research, conditional)

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

34. **Rezoning Petition: 2018-016 by Michael Loeb**

**Location:** Approximately 0.35 acres located at the intersection of East Sugar Creek Road and Anderson Street, south of The Plaza. (Council District 1 - Egleston)

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

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

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

35. **Rezoning Petition: 2018-017 by Underdogs, LLC**

**Location:** Approximately 2.09 acres located on the west side of South Boulevard, north of East Arrowood Road. (Council District 3 - Mayfield)

**Current Zoning:** B-1S(CD) (business shopping center, conditional)

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

**Staff Recommendation:**
Staff recommends approval of this conventional petition.
36. **Rezoning Petition: 2018-020 by LCRE Arrowood, LLC**

**Location:** Approximately 3.16 acres located on the west side of Old Pineville Road and south of Kings Ridge Road. (Council District 3 - Mayfield)

**Current Zoning:** B-1S(CD) (business shopping center, conditional)

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

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

37. **Rezoning Petition: 2018-019 by Ricardo Torres**

**Location:** Approximately 0.42 acres located on the east side of North Sharon Amity Road, north of Clearmont Avenue, south of Central Avenue. (Council District 5 - Newton)

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

**Proposed Zoning:** O-1(CD) SPA (office, conditional, site plan amendment)

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

38. **Rezoning Petition: 2018-021 by Michael Melton**

**Location:** Approximately 0.37 acres located at the intersection of The Plaza and Shamrock Drive. (Council District 1 - Egleston)

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

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

**Staff Recommendation:**
Staff recommends approval of this conventional petition.
39. **Rezoning Petition: 2018-023 by Jason Idilbi**

   **Location:** Approximately 0.56 acres located on the south side of Spencer Street, east of East 36th Street, west of Herrin Avenue. (Council District 1 - Egleston)

   **Current Zoning:** R-5 (single family residential)
   **Proposed Zoning:** UR-2(CD) (urban residential, conditional)

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

   - [2018-23_staff_052118_done](#)
   - [2018-023_RevSitePlan_04-16-2018](#)

40. **Rezoning Petition: 2018-025 by Charlotte Douglas International Airport**

   **Location:** Approximately 108.00 acres located north of Wilkinson Boulevard, east of I-485 and south of I-85. (Council District 3 - Mayfield)

   **Current Zoning:** B-2 (general business), I-2 (general industrial), R-3 (single family residential) and R-MH (residential manufactured housing) all LLWPA (Lower Lake Wylie Protected Area) and AIR (Airport Noise Overlay)

   **Proposed Zoning:** I-2 LLWPA AIR (general industrial, Lower Lake Wylie Protected Area, Airport Noise Overlay) and I-2(CD) LLWPA AIR (general industrial, conditional, Lower Lake Wylie Protected Area, Airport Noise Overlay)

   **Staff Recommendation:**
   Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and environment as well as one technical item.

   - [PH 2018-025_05-21-2018 done](#)
   - [2018-025_RevSitePlan_04-16-2018](#)
41. **Rezoning Petition: 2018-028 by Pollack Shores**

**Location:** Approximately 28.05 acres located on the north side of Shopton Road, west of Interstate 485. (Outside City Limits)

**Current Zoning:** R-3 LLWPA (single family residential, Lower Lake Wylie Protected Area), MX-1 LLWPA (mixed use, Lower Lake Wylie Protected Area), and CC LLWPA (commercial center, Lower Lake Wylie Protected Area)

**Proposed Zoning:** R-17MF(CD) LLWPA (multi-family residential, conditional, Lower Lake Wylie Protected Area)

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

PH 2018-028_05-21-2018 done
2018-028_RevSitePlan_04-16-2018
Previously Approved Cover Page
2018-028_Prev App 2001-030

42. **Rezoning Petition: 2018-029 by Metrolina Properties, Ltd., Ptsp.**

**Location:** Approximately 15.78 acres bounded by Northlake Centre Parkway and Interstate 485. (Council District 2 - Harlow & Outside City Limits)

**Current Zoning:** R-3 (single family residential) and BP (business park)

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

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

PH 2018-029_05-21-2018 done
2018-029_RevSitePlan_04-16-2018

43. **Rezoning Petition: 2018-031 by CitiSculpt**

**Location:** Approximately 0.49 acres located on the south side of Kenilworth Avenue, east of Harding Place. (Council District 1 - Egleston)

**Current Zoning:** O-2 PED (office, pedestrian overlay)

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

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

2018-031_Preh_staff_05-21-2018_done
2018-031_RevSitePlan_04-16-2018