City of Charlotte

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

Zoning Agenda

Monday, October 16, 2017

Council Chambers

City Council Zoning Meeting

- Mayor Jennifer W. Roberts -
- Mayor Pro-Tem Vi Lyles -
Dimple Ajmera - Ed Driggs
  Julie Eiselt - Claire Fallon
Carlenia Ivory - 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 October FINAL

3. Follow Up Report

   Follow-Up Report October 2017 FINAL
5:30 P.M. ZONING MEETING COUNCIL CHAMBERS

HISTORIC LANDMARK DECISION

4. Charles E. Barnhardt House

A Decision on 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 2.3.pdf
Charles E. Barnhardt Hse S&R Report
Barnhardt House HLC Vote

DEFERRAL


Update: Requesting Deferral to November 1, 2017

Location: Approximately 5.4 acres located at the southeast corner of the intersection of Pineville-Matthews Road and Providence Road. (Council District 7 - Driggs)

Current Zoning: O-15 (CD) (office, conditional)
Proposed Zoning: MUDD-O (mixed use development district, optional)

Zoning Committee Recommendation:
The Zoning Committee voted 7-0 to DEFER this petition to November 1, 2017 Zoning Committee Work Session.

2017-057 reco 10-3-17 FINAL FINAL
2017-057 vicinity map
2017-057 rezoning map
ZONING DECISIONS

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

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

Current Zoning: R-4 (single family residential) and UR-3(CD) (urban residential, conditional)
Proposed Zoning: MUDD-O (mixed use development, optional)

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

Staff Recommendation:
Staff disagrees with the recommendation of the Zoning Committee and believes the outstanding issues related to the front elevations should be addressed prior to Council approval.

Statement of Consistency:
- The Zoning Committee found a portion of this petition to be inconsistent with the Park Woodlawn Area Plan and a portion of 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 single family residential at R-4 for the lots along Drexel Place; and
  - The plan recommends multi-family residential for the portion of the site along Woodlawn 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 development will provide a transition to the single family homes across Drexel Place; and
  - At grade entrances along Drexel Place will enhance the pedestrian environment along the site frontage; and
  - New rental product will replace the old existing stock.

2015-093_reco_10-05-2017 FINAL
2015-093 vicinity map
2015-093 rezoning map
2015-093_RevSitePlan_10-06-2017
7. **Rezoning Petition: 2016-139 by Charter Properties, Inc./Browder Group Real Estate, LLC**

**Location:** Approximately 65.7 acres located on the northwest corner at the intersection of West Mallard Creek Church Road and Interstate 85. (Council District 4 - Phipps)

**Current Zoning:** R-3 (single family, residential), RE-1 (research), and RE-3(CD) (research, conditional)

**Proposed Zoning:** MUDD-O (mixed use development, optional) and R-12MF(CD) (multi-family residential, conditional), with five-year vested rights.

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

**Staff Recommendation:**
Staff agrees with the recommendation of the Zoning Committee.

**Statement of Consistency:**
- The Zoning Committee found a portion of the site proposed for a mix of commercial uses to be consistent with the Northeast Area Plan and the portion of the site proposed for multi-family use inconsistent with the adopted plan, based on information from the staff analysis and the public hearing, and because:
  - The portion of the site proposed for a mix of commercial uses is consistent with the Northeast Area Plan recommendation for office/research/retail uses. However, the portion of the site proposed for multi-family use is inconsistent with the Northeast Area Plan recommendation for office/research/retail uses for part of the area, and residential use up to four dwelling units per acre for the remainder of the 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 subject property is located in an Interstate 85 interchange area which was identified in the Northeast District Plan (which preceded the Northeast Area Plan) for an expansion of research uses outside of the University Research Park; and
    - The Northeast Area Plan updated that land use recommendation to include a range of commercial uses (office/research/retail), along with a recommendation for improved connectivity in the area and an integrated site plan; and
    - The proposed development has been designed to provide the integrated and interconnected development recommended by the area plan. Commercial development is proposed for the part of the site closest to West Mallard Creek Church Road and Interstate 85; and
    - While the proposed retail square footage exceeds the 100,000 maximum recommended by the adopted plan, the proposal still retains a range of uses as intended by the plan; and
    - Multi-family development is requested for the remainder of the site, instead of the non-residential uses identified by the plan. The addition of multi-family results in a greater mix of uses, instead of more isolated commercial development; and
    - The requested development has been designed to respond to the transportation context by placing the most auto-oriented uses which will require high levels of vehicular access, specifically the outparcels, closest to the interstate interchange; and
    - The site plan provides a transition from the auto-oriented area to a walkable commercial street which will connect to the multi-family development in the northern portion of the site; and
    - The area that the plan recommends for single family development is proposed to be used for a 75-foot buffer area abutting existing single family homes, and a segment of the public street which will connect Mallard Creek Church Road and Galloway Road; and
In addition to the new street connecting to Galloway Road, the proposed development will provide a number of transportation improvements. These include reservation of right-of-way for a future east-west crossing of I-85 at Galloway Road, and a new signalized intersection to create site access and set up for a potential new connection in the adjacent University Research Park.

8. Rezoning Petition: 2017-059 by Saturday Night, LLC

**Location:** Approximately 3.78 acres located on the north side of Bellhaven Boulevard between Interstate 485 and Bellhaven Circle. (Council District 2 - Ivory)

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

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

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

**Staff Recommendation:**
Staff disagrees with the recommendation of the majority of the Zoning Committee, and believes that the two outstanding issues should be addressed prior to Council approval.

**Statement of Consistency:**
- The Zoning Committee found this petition to be inconsistent with the *Brookshire Boulevard/I-485 Area Plan*, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends office land uses for the rezoning 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 subject site, which fronts on Bellhaven Boulevard, is located between Interstate 485 and a Duke Energy sub-station, and backs up to medical office uses; and
    - While the plan recommends office use for the subject site, its relatively isolated location between the interstate and the sub-station makes the site appropriate for a greater range of uses, including office and limited intensity industrial uses; and
    - The proposal limits the allowed uses to those that will have a minimal impact on the surrounding area, and prohibits more intense industrial uses and retail uses; and
    - The conditional site plan also includes a 32-foot Class A buffer along Bellhaven Boulevard, designed to separate the proposed use from the residentially zoned properties across Bellhaven Boulevard.
9. **Rezoning Petition: 2017-074 by Fine Plaza, LLC**

**Location:** Approximately 1.36 acres located on the east side of Duncan Avenue between Drummond Avenue and The Plaza. (Council District 1 - Kinsey)

**Current Zoning:** B-1 (neighborhood business)
**Proposed Zoning:** MUDD-O (mixed use development, optional)

**Zoning Committee Recommendation:**
The Zoning Committee voted 7-0 to recommend **APPROVAL** this petition to the October 3, 2017 Zoning Committee Work Session.

**Staff Recommendation:**
Staff disagrees with the recommendation of the Zoning Committee and believes that there should be a commitment to replace all inadequate sidewalks and planting strips along the site frontage before Council approval.

**Statement of Consistency:**
- The Zoning Committee found this petition to be consistent with the *Central District Plan*, 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 site is located on The Plaza, and this section of the street is a commercial corridor that serves surrounding neighborhoods; and
    - This project proposes to repurpose the existing building for uses allowed in the MUDD (mixed use development) district; and
    - The retail and office uses that would be allowed by MUDD (mixed use development) zoning could provide goods and services to the residents of the adjoining neighborhoods; and
    - Some parking is being provided on site, though reuse of the existing building limits the area for parking. However, limited parking in this location is appropriate as the property is located in a commercial corridor surrounding by walkable neighborhoods; and
    - This proposal calls for enhancement of the pedestrian environment in front of this building. Specifically, existing parking along The Plaza will be replaced with outdoor seating and service areas, four existing driveway cuts on The Plaza will be removed, and remaining parking for the site will be located to the sides and rear of the building.
10. **Rezoning Petition: 2017-079 by McKinney Holdings NC II, LLC**

**Location:** Approximately 14 acres located at the northeast intersection of North Tryon Street and Sandy Avenue. (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 plan 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 - 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.
11. **Rezoning Petition: 2017-086 by Mecklenburg County Park and Recreation**

**Location:** Approximately 90.45 acres along Eastway Drive between North Tryon Street and The Plaza. (Council District 1 - Kinsey)

**Current Zoning:** R-17MF (multi-family residential), B-1 (neighborhood business), and I-1 (light industrial)

**Proposed Zoning:** INST(CD) (institutional, conditional), with five-year vested rights.

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

**Staff Recommendation:**
Staff agrees with the recommendation of the Zoning Committee.

**Statement of Consistency:**
- The Zoning Committee 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 park/open space/greenway uses for the site.
  - Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
    - This proposal provides a regional civic/institutional/recreation center, including outdoor recreation facilities which will serve the East region of Mecklenburg County, consistent with the adopted plan recommendation for park and open space for the site; and
    - The petition supports nearby neighborhoods providing a major recreational facility with multiple pedestrian access points, thus allowing nearby residents to walk to the facility, as recommended in the adopted area plan; and
    - A multi-use trail is proposed through the site from Eastway Drive to the Old Concord transit station, supporting connectivity and transit access plan goals; and
    - The petition provides for an extension of General Industrial Drive to the existing driveway on Eastway Drive, in support of the adopted area plan’s street connectivity recommendation.
12. **Rezoning Petition: 2017-096 by Cambridge-Eastfield**

**Location:** Approximately 8.96 acres located on the northeast side at the intersection of Prosperity Ridge Road and Johnston Oehler Road, south of Interstate 485. (Council District 4 - Phipps)

**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 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 the proposed residential land use to be consistent with the *Prosperity Hucks Area Plan* but the density inconsistent with the adopted plan, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends residential land use up to 12 units per acre.
  - However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
    - The site is located at the intersection of Prosperity Ridge Road and Johnston Oehler Road, and along an on-ramp to Interstate 485 at Prosperity Ridge Road, within the Prosperity Hucks Activity Center; and
    - The intent for the Activity Center south core area (where this site is located) is for highly integrated and walkable places with a mix of uses and a focus on employment and supporting uses; and
    - The proposed development, while higher in density than the adopted future land use for the site, is in keeping with the desired pedestrian-oriented character of the Prosperity Church Road Mixed Use Activity Center and is appropriate for a prominent location at the intersection of a thoroughfare and interstate on-ramp; and
    - The proposed development begins to establish a more walkable and pedestrian friendly development pattern within the Activity Center south core area by expanding the number of compact urban developments in this area and begins to establish an edge for the activity center along Prosperity Ridge Road, one of the three principal roads crossing I-485; and
    - The proposed development incorporates new east-west and north-south street connections, carrying forward the plan’s proposed street network for the Activity Center.
13. **Rezoning Petition: 2017-098 by Urban Investments, LLC**

**Location:** Approximately 0.16 acres located on the southern corner at the intersection of South Boulevard and East Carson Boulevard. (Council District 1 - Kinsey)

**Current Zoning:** O-2 (office)
**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 transit supportive uses for the subject site.
- Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
  - The subject site is within a quarter mile walk of the Carson Boulevard Transit Station on the LYNX Blue Line; and
  - The proposal allows a site previously used for office to convert to transit supportive land uses; and
  - Use of conventional TOD-M (transit oriented development - mixed-use) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary; and
  - TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

_2017-098_reco_10-03-2017 FINAL_
_2017-098 vicinity map_
_2017-098 rezoning map_
14. **Rezoning Petition: 2017-099 by Fenton Place, LLC**

**Location:** Approximately 0.19 acres located on the south side of Fenton Place between Providence Road and Cherokee Road. (Council District 1 - Kinsey)

**Current Zoning:** O-2 (office)
**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 agrees with the recommendation of the Zoning Committee.

**Statement of Consistency:**
- The Zoning Committee found this petition to be inconsistent with the *Central District Plan*, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends multi-family uses for 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 subject property is located along Fenton Place, a local street in the Eastover neighborhood. Fenton Place intersects with a section of Providence Road that is developed with primarily commercial uses; and
    - The petition will maintain and renovate an existing single family structure that is currently zoned and used for office. There are other nearby single family structures along the section of Fenton Place closest to Providence Road that have also been repurposed for commercial uses; and
    - The proposed uses for this site are compatible with the established commercial land uses already located on this section of Fenton Place, even though the uses for this site are inconsistent with the adopted area plan recommendation for multi-family use; and
    - The proposed site design will help to maintain the residential character of the site by retaining the existing single family structure, and placing the majority of the parking to the rear of the structure, with only two spaces in front.

2017-099_reco_10-03-2017
2017-099 vicinity map
2017-099 rezoning map
2017-099_RevSitePlan_10-06-2017
15. Rezoning Petition: 2017-103 by Asana Partners, LP

Location: Approximately 0.80 acres located at the northeast intersection of East Park Avenue and Camden Road, between South Tryon Street and South Boulevard. (Council District 3 - Mayfield)

Current Zoning: 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 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 site.
  - Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
    - The subject site is located on Camden Road in South End, within ¼ mile walk of the Bland Street Transit Station on the LYNX Blue Line; and
    - The petition proposes to maintain and renovate two existing low scale commercial structures and allow them to be occupied by any use allowed in the TOD-M (transit oriented development - mixed-use) district; and
    - A third structure will be demolished to allow expansion of an existing parking area located between the two buildings to be retained. The existing driveway serving the parking area will be maintained and improved to minimize interruption to the sidewalk system; and
    - The requested optional provisions related to parking, screening, streetscape and setback are needed due to the small and shallow lots that are included in this petition; and
    - The petition will enhance the site by eliminating the existing parking located near the corner of Park Avenue and Camden Road, and will improve this part of the site with a public urban open space and outdoor dining for the adjacent building. This open space is small but in a prominent location long identified and desired by local community groups for an open space which will support the urban pedestrian environment; and
    - The petition will also enhance the pedestrian environment along the rail corridor by widening the abutting eight-foot rail trail to 12 feet where feasible.
16. Rezoning Petition: 2017-105 by Rexford Office Holdings, LLC

Location: Approximately 3.42 acres located on the south side of Rexford Road between Coca Cola Plaza and Roxborough Road. (Council District 6 - Smith)

Current Zoning: O-15(CD) (office, conditional)
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 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:
    - The Centers, Corridors and Wedges Growth Framework identifies SouthPark as a Mixed Use Activity Center, a priority area for urban, pedestrian-oriented development; and
    - The petition maintains the existing SouthPark office building and enhances the pedestrian environment by updating the building facade to give the building an active street presence with the addition of a front door and outdoor seating and amenity area that connects to the sidewalk along Rexford Road, and providing pedestrian connections across Rexford Road and through the site to the Specialty Shops and adjacent parcels; and
    - The site plan maintains the wide setback along Rexford Road to preserve existing mature trees and provides urban open space in front of and behind the building. This is consistent with other recently approved rezonings and supports the concept of a “green ribbon” along streets in the SouthPark area, as discussed in the recent Urban Land Institute study; and
    - Parking is accommodated through the conversion of the existing surface parking lot to the rear of the building into a structured parking facility, which allows expansion of the existing building and greater utilization of the site.

2017-105_reco_10-3-17 FINAL
2017-105 vicinity map
2017-105 rezoning map
2017-105_RevSitePlan_09-25-2017
17. Rezoning Petition: 2017-107 by CIP Construction Company

**Location:** Approximately 1.25 acres located on the east side of South Tryon Street between Fairwood Avenue and Remount. (Council District 3 - Mayfield)

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

**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 agrees with the recommendation of the Zoning Committee.

**Statement of Consistency:**
- The Zoning Committee found this petition to be consistent with the *New Bern Transit Station Area Plan*, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends transit oriented development for the subject site.
  - Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
    - The subject site is within ½ mile walk of the New Bern Transit Station on the LYNX Blue Line; and
    - The proposal allows for all indoor warehouse storage and ground floor active uses in the MUDD (mixed use development) district except convenience stores, check cashing establishments, EDEE Type 1 and 2, and residential uses; and
    - The proposal provides a use to support residential development in the transit station area; and
    - A substantial portion of the property will be used for indoor self-storage. The MUDD zoning district is necessary to accommodate the indoor storage use, which will provide pedestrian activity and an appropriate building form on South Tryon Street, the western edge of the station area; and
    - The proposal also commits to the appropriate ground-floor activation and streetscape standards to support the pedestrian-oriented environment envisioned for transit supportive development; and
    - The maximum allowed building height will be five stories not to exceed 65 feet and a 40-foot buffer is provided adjacent to the residential development. The development will be in scale with the buildings in the surrounding area.

2017-107 reco 10-03-2017
2017-107 vicinity map
2017-107 rezoning map revised
2017-107_RevSitePlan_09-25-2017
18. **Rezoning Petition: 2017-110 by Lincoln Harris, LLC**

**Location:** Approximately 16.07 acres located on the south side of Fairview Road east of Sharon Road and across from Cameron Valley Parkway. (Council District 6 - Smith)

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

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

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

**Staff Recommendation:**
Staff agrees with the recommendation of the Zoning Committee.

**Statement of Consistency:**
- The Zoning Committee found this petition to be consistent with the *SouthPark Small Area Plan*, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends mixed residential and non-residential for the site.
  - Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
    - This petition is for a portion of Phillips Place, a mixed use development located on Fairview Road. Phillips Place is developed with commercial uses, residential units above ground floor commercial uses along the internal private street, and traditional multi-family residential uses to the rear of the overall development. This petition does not include the traditional multi-family residential uses; and
    - Phillips Place is located in the larger SouthPark area. The 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
    - In addition, the *Centers, Corridors and Wedges Growth Framework* identifies SouthPark as a Mixed Use Activity Center, a priority area for growth and development in a compact, pedestrian-oriented form; and
    - The proposed rezoning will provide the predominately non-residential portion of the development with the flexibility to evolve to address the changing retail and commercial climate, while maintaining the pedestrian-oriented internal character. Specifically, the petition:
      - Maintains the entitlement for 130 hotel rooms and allows for the addition of conference room space; and
      - Maintains the entitlement for a theater and allows an increase in the square footage from 30,000 square feet to 40,000 square feet; and
      - Increases the entitlement for commercial space with an additional 110,000 square feet, for a total of 211,000 square feet and specifies that a maximum of 141,000 square feet of the area may be devoted to retail and eating/drinking/entertainment establishments; and
      - Maintains the entitlement for the existing 32 residential dwelling units and allows the conversion of commercial square footage to residential units for a total of up to 82 residential dwelling units; and
      - Maintains Phillips Place’s existing form with a network of internal sidewalks and buildings located at the back of the sidewalks along the internal streets; and
      - Parking, except for on-street parking and parking along Fairview Road, is located in structured parking facilities or to the side of or behind buildings, thus maintaining the active, pedestrian oriented form along the internal streets.
19. Rezoning Petition: 2017-117 by Profile Homes

**Location:** Approximately 4.27 acres located at the end of University East Drive, east of Old Concord Road, north of Rocky River Road. (Council District 4 - Phipps)

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

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

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

**Staff Recommendation:**
Staff agrees with the recommendation of the Zoning Committee.

**Statement of Consistency:**
- The Zoning Committee found this petition to be inconsistent with the *Newell Small Area Plan*, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends retail use on the site, as recognized from previous rezoning petition 1980-035(C) that allowed a retail greenhouse/nursery on the 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 subject property is located in a partially developed business park abutting the rail line which runs parallel to Old Concord Road; and
  - The site is accessible only from a cul-de-sac street, University East Drive, which serves as the principal street for the business park; and
  - The adopted area plan recognizes rezoning petition 1980-035(C), which allowed a retail greenhouse/nursery on the site in B-1(CD) zoning; and
  - The subject property is part of a 5.02-acre parcel with split zoning. While the subject site is zoned B-1(CD), the remainder of the parcel is zoned O-1. The proposed zoning change will provide consistent zoning on the entire tax parcel; and
  - In addition, nearby properties located to the north and east, and accessed off of University East Drive, are planned and zoned for office use. The proposed rezoning will result in office zoning for all properties in this part of the office park, and will remove the isolated B-1(CD) zoning.
20. **Rezoning Petition: 2017-119 by Brinker Properties, LLC**

**Location:** Approximately 6.81 acres located on the north side of Nations Ford Road, west of I-485. (Council District 3 - Mayfield)

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

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

**Staff Recommendation:**  
Staff agrees with the recommendation of the Zoning Committee.

**Statement of Consistency:**
- The Zoning Committee found this petition to be consistent with the *Steele Creek Area Plan*, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends industrial/warehouse/distribution uses for this site.
  - Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
    - The subject property is within an industrial park setting in the vicinity of Westinghouse Boulevard and is adjacent to Interstate 485; and
    - This area is part of the Westinghouse Boulevard Industrial Activity Center, as per the *Centers, Corridors and Wedges Growth Framework*; and
    - The property is surrounded by properties developed with light and heavy industrial uses that will not be negatively impacted by a change to more intensive general industrial use, and the nearest single family homes are located almost ½ mile north of the rezoning site.

**Location:** Approximately 4.42 acres located on east of Nations Ford Road, north of E. Hebron Street. (Council District 3 - Mayfield)

**Current Zoning:** INST (institutional)

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

**Zoning Committee Recommendation:**
The Zoning Committee voted 6-0 to recommend this **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 *Southwest District Plan*, based on information from the staff analysis and the public hearing, and because:
  - The adopted plan recommends institutional 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 property is located on East Hebron Street and Nations Ford Road in an area with primarily industrial and institutional uses; and
    - Light industrial/warehouse uses allowed in the proposed I-1 zoning will be consistent and compatible with the surrounding development.
22. Rezoning Petition: 2017-126 by The Church of Jesus Christ of Latter-day Saints

**Location:** Approximately 2.5 acres located off Mallard Oaks Drive, west of John Adams Road, east of Interstate 85. (Council District 4 - Phipps)

**Current Zoning:** O-1(CD) (office district, conditional)
**Proposed Zoning:** B-1 (neighborhood business)

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

**Staff Recommendation:**
Staff agrees with the recommendation of the Zoning Committee.

**Statement of Consistency:**
- The Zoning Committee found this petition to be consistent with the Northeast Area Plan, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends retail and office 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 site is located between John Adams Road and I-85, with indirect access to an I-85 access ramp; and
    - The site is adjacent to large lot residential that is currently zoned R-3; however, those parcels and all surrounding parcels are recommended to be redeveloped for a mix of office, retail, and research uses over time. The proposed B-1 district is compatible with those future uses; and
    - The B-1 zoning district allows the types of neighborhood supportive retail and office that is consistent with the vision for a Neighborhood Center in this area; and
    - There are no critical infrastructure projects, connections, or unique conditions that would warrant a conditional rezoning for this site.

2017-126_ZC_Recommendation_FINAL
2017-126 old vicinity map
2017-126 old rezoning map

**ZONING HEARINGS**

Update: Petitioner requesting a deferral to November 20, 2017

Location: 1.793 acres located on the northeast side at the intersection of Nations Ford Road and Tyvola Road. (Council District 3 - Mayfield)

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

2017-109 Enviro-Master PH Slip Sheet

24. Rezoning Petition: 2017-050 by Circa Investments, LLC

Update: Requesting deferral to November 20, 2017

Location: Approximately 0.77 acres located south of Crescent Avenue and north of South Laurel Avenue, between Providence Road and Willoughby Street. (Council District 1 - Kinsey)

Current Zoning: B-1 (neighborhood business) and O-2 (office)
Proposed Zoning: NS (neighborhood services)

2017-050 Circa Investments, LLC

25. Rezoning Petition: 2017-141 by Beacon Partners

Update: Requesting Deferral to November 20, 2017

Location: Approximately 39.7 acres located on the west side of Old Statesville Road, north of Gibbon Road. (Council District 2 - Ivory)

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

2014-141 Beacon Partners

**Location:** Approximately 76.77 acres located on the north side of Brown-Grier Road near the intersection of Steele Creek Road and Brown-Grier Road. (Council District 3 - Mayfield)

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

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

**Staff Recommendation:**
Staff recommends approval of this petition upon resolution of outstanding issues related to site and building design, and environment, along with several technical items.

2016-120_staff_10-16_final
2016-120 map final final
2016-120_RevSitePlan_09-19-2017

27. Rezoning Petition: 2017-083 by CapRock LLC

**Location:** 1.16 acres located between Seigle Avenue and Harrill Street, west of Van Every Street. (Council District 1 - Kinsey)

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

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

**Staff Recommendation:**
Staff does not recommend approval of this petition in its current form. The proposed density of 16.37 units per acre exceeds the five units per acre recommended by the adopted plan. In addition, the petition does not include the level of detail and commitment needed to ensure the proposed development will fit in with the context of the current development pattern and serve as a transition between existing and proposed uses.

However, if the details and commitments are addressed satisfactorily, the proposed residential use may be supported, as it is more consistent with the area plan recommendation for residential uses than the existing I-2 (general industrial) zoning.

2017-83_Staff_101617_final
2017-083 map final
2017-083_RevSitePlan_09-19-2017

   **Location:** Approximately 25.6 acres located on the south side of McKee Road between Providence Hills Drive and Carrington Forest Lane. (Council District 7 - Driggs)

   **Current Zoning:** R-3 (single family residential)
   **Proposed Zoning:** R-5(CD) (single family residential, conditional), with five-year vested rights.

   **Staff Recommendation:**
   Staff does not recommend approval of this petition in its current form. The proposed site design should provide increased lots sizes and lots widths or increased rear yards on the periphery lots to provide a transition that is compatible with the abutting R-3 (single family) zoning.

   2017-104_staff_10-16-17_final
   2017-104_map_final
   2017-104_RevisedSitePlan_09-20-2017

29. **Rezoning Petition: 2017-071 by Saussy Burbank, LLC**

   **Location:** Approximately 1.5 acres located on the north side of East 36th Street between Spencer Street and Charles Avenue. (Council District 1 - Kinsey)

   **Current Zoning:** R-22MF (multi-family residential) and R-5 (single family residential)
   **Proposed Zoning:** UR-2(CD) (urban residential, conditional), with five-year vested rights.

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

   2017-71_Staff_101617_final
   2017-071_map_final
   2017-071_RevSitePlan_09-12-2017

30. **Rezoning Petition: 2017-101 by Optimist Park Partners, LLC**

   **Location:** Approximately 2.17 acres located on the north and south sides of East 16th Street, and east of the intersection of East 16th Street and Parkwood Avenue. (Council District 1 - Kinsey)

   **Current Zoning:** R-22MF (multi-family residential), R-8 (single family residential), B-2 (general business), and B-1 (neighborhood business)
   **Proposed Zoning:** TOD-R(O) (transit oriented development-residential, optional)

   **Staff Recommendation:**
   Staff does not recommend approval of this petition in its current form due to density, design, and the relationship to the adjoining single family residential uses.

   2017-101_Staff_101617_final
   2017-101_map_final
   2017-101_RevSitePlan_09-12-2017
31. **Rezoning Petition: 2016-109 by Royal Panthera, LLC**

   **Location:** 3.3 acres located north of interstate 85 and south of Tuckaseegee Road across from Toddville Road. (Council District 3 - Mayfield)

   **Current Zoning:** R17MF (multi-family residential)
   **Proposed Zoning:** O-2(CD) (office, conditional)

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

   2016-109_final
   2016-109_map_final
   2016-109_RevSitePlan_09-19-2017

32. **Rezoning Petition: 2017-106 by Charlotte Rescue Mission**

   **Location:** Approximately 1.37 acres located at the northwest intersection of West 1st Street and South Cedar Street, north of West Morehead Street. (Council District 2 - Ivory)

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

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

   2017-106_staff_10-16-2017_final
   2017-106_map_final
   2017-106_RevSitePlan_09-12-2017

33. **Rezoning Petition: 2017-111 by Lincoln Harris, LLC**

   **Location:** Approximately 2.13 acres located on South Church Street, north of John Belk Freeway and south of East Stonewall Street. (Council District 2 - Ivory)

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

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

   2017-111_staff_10-16-2017_final
   2017-111_Map_final
   2017-111_RevSitePlan_09-12-2017
34. **Rezoning Petition: 2017-113 by Kolter Homes, LLC**

**Location:** Approximately 8.3 acres located on the east side of Cresswind Boulevard, north of Albemarle Road, east of I-485 and west of Rocky River Church Road. (Council District 5 - Ajmera)

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

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

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

35. **Rezoning Petition: 2017-114 by Bainbridge Companies**

**Location:** Approximately 26.26 acres located on J.N. Pease Place, north of Ben Craig Drive and east of Mallard Creek Road. (Council District 4 - Phipps)

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

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

**Staff Recommendation:**
Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and site design.
36. **Rezoning Petition: 2017-115 by CapRock, LLC**

   **Location:** Approximately 4.64 acres located on the east side of Eastway Drive, south of North Tryon Street and north of the Blue Line Extension. (Council District 1 - Kinsey)

   **Current Zoning:** B-2 (general business)
   **Proposed Zoning:** TOD-R(CD) (transit oriented development-residential, conditional)

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

   2017-115_staff_101617_final_final
   2017-115 map final
   2017-115_RevSitePlan_09-12-2017

37. **Rezoning Petition: 2017-116 by JKS Management 1600 Montford, LLC**

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

   **Current Zoning:** B-1 (neighborhood business)
   **Proposed Zoning:** MUDD-O (mixed use development, optional)

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

   2017-116_staff_10-16-17_final
   2017-116 map final
   2017-116_RevSitePlan_09-12-2017

38. **Rezoning Petition: 2017-120 by Flywheel Group**

   **Location:** Approximately 8.3 acres located on the west side of East Sugar Creek Road at the intersection of Raleigh Street, north the Blue Line Extension. (Council District 1 - Kinsey)

   **Current Zoning:** I-2 (general industrial)
   **Proposed Zoning:** TOD-M(O) (transit oriented development - mixed, optional), with five-year vested rights.

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

   2017-120_staff_101617_final
   2017-120 map final
   2017-120_RevSitePlan_09-12-2017
39. **Rezoning Petition: 2017-121 by Flywheel Group**

**Location:** Approximately 19.12 acres located on the north side at the end of Raleigh Street, east of East Sugar Creek Road. (Council District 1 - Kinsey)

**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 transportation, land use and site and building design.

2017-121_staff_101617_final
2017-121_map_final
2017-121_RevSitePlan_09-12-2017

40. **Rezoning Petition: 2017-123 by Harris Teeter, LLC**

**Location:** Approximately 0.53 acres located on the south side of University City Boulevard, east of East W.T. Harris Boulevard. (Council District 4 - Phipps)

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

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

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

2017-123_Staff_101617_final
2017-123_map_final
2017-123_RevSitePlan_09-12-2017

Previously Approved Cover Page
2017-123_prev_approved_1990-055C

41. **Rezoning Petition: 2017-124 by Stockbridge 77 Corporate Park, LLC**

**Location:** Approximately 2.77 acres located off Saint Vardell Lane, north of Clanton Road, east of Interstate. (Council District 3 - Mayfield)

**Current Zoning:** B-D (distributive business)

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

**Staff Recommendation:**
Staff recommends approval of this petition upon resolution of the outstanding issue related to site design.

2017-124_staff_10-16-2017_final
2017-124_Map_final
2017-124_RevSitePlan_09-12-2017
42. **Rezoning Petition: 2017-125 by Eastgroup Properties**

   **Location:** Approximately 24.23 acres located on the west side of Sandy Porter Road, north of Interstate 485. (Outside City Limits)

   **Current Zoning:** R-3(AIR) (single family residential, airport noise overlay) and I-1(CD)(AIR) (light industrial, conditional, airport noise overlay)

   **Proposed Zoning:** I-1(CD)(AIR) (light industrial, conditional, airport noise overlay) and I-1(CD)(SPA)(AIR) (light industrial, conditional, site plan amendment, airport noise overlay)

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

   - [2017-125_staff_10-16-2017_final](#)
   - [2017-125_map_final](#)
   - [2017-125_RevSitePlan_09-12-2017](#)
   - [Previously Approved Cover Page](#)
   - [2017-125_prev_app_2016-009](#)

43. **Rezoning Petition: 2017-130 by TwentyNine Fifteen Operations, LLC**

   **Location:** Approximately 0.42 acres located on the south side of Griffith Street, east of 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 conventional petition.

   - [2017-130_staff_10-16-17_final](#)
   - [2017-130_map_final](#)