Zoning Agenda

Monday, October 19, 2015

Council Chambers

City Council Zoning Meeting

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

ALL REZONING PETITIONS MAY BE VIEWED ON THE WEB AT www.rezoning.org
1. **Dinner Meeting Agenda**
   - 1. Agenda Review - Tammie Keplinger
   - 2. Planning Update - Ed McKinney

   - 10_19_15 Dinner Agenda_final
   - Legal opinion on decision
   - Zoning Committee RZ Cases October 2015

2. **Follow Up Report**
   - Follow-Up Report - October
   - Follow Up Report Doc

3. **Upcoming Cases of Special Interest**
   - October Upcoming Rezoning Cases of Special Interest_10-09-2015_Final
HISTORIC LANDMARK DECISION

4. William Sidney and Margaret Davis Abernethy House

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

Property Owner: Rhonda D. Griffith
Location: 215 W. Eastway Drive, Charlotte

RCA for Abernethy House
Abernethy House Cover Sheet
Abernethy House Ordinance
Abernethy House Survey and Research Report
Abernethy House Tax Ltr
Abernethy House Dept Rev
Abernethy House HLC Vote
Abernethy House SHPO Ltr

5. Arthur Smith Studios

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

Property Owner: Terraca Properties LLC
Location: 5457 Monroe Road, Charlotte

RCA for Arthur Smith Studios
Arthur Smith Studios Cover Sheet
Arthur Smith Studios Ordinance
Arthur Smith Studios Survey and Research Report
Arthur Smith Studios Tax Ltr
Arthur Smith Studios Dept Rev
Arthur Smith Studios HLC Vote
Arthur Smith Studios SHPO Ltr

6. Richard Wearn House

A decision to be made by the City Council on the Question of amending the designation ordinance for the designated property known as the “Richard Wearn House” to include the interior and exterior of the house and the outbuildings, and .856 acres of land associated with the house (listed under Tax Parcel Number 05903272 as of June 1, 2015).
Property Owner: Susan Lee Ward
Location: 4928 Tuckaseegee Road, Charlotte

RCA for Wearn
Wearn Cover Sheet
Wearn House Ordinance Amendment
Wearn Ordinance Amendment Report
Wearn House Tax Ltr
Wearn House Dept Rev
Wearn House SHPO comment letter
ZONING DECISIONS


Update: The petitioner has agreed to add a note to the site plan that the 41 off site parking spaces will be secured by the recording of a written instrument prior to the issuance of any building permits associated with rezoning petition 2014-110.

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

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

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

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

Staff Recommendation
Staff agrees with the recommendation of the Zoning Committee upon the resolution of the outstanding issue.

Statement of Consistency
The Zoning Committee found the hotel, event facility, and spa to be consistent with the Central District Plan; however, the swim club facility and residential uses to be inconsistent with the Central District Plan, based on information from the staff analysis and the public hearing, and because:

- The plan recommends retail for the B-2(CD) (general business, conditional) portion of the site and single family residential for the R-5 (single family) portion of the site.

However, the petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the:

- Proposed residential density is supported by the General Development Policies; and
- Location of the pool and dwelling units preserves the existing structures on the site and significant trees along The Plaza and Belvedere Avenue; and
- Site plan reduces parking demands by limiting the operations of the events facility and the swim club facility; and
- End units facing The Plaza and Belvedere Avenue provide architectural details and orientation to the street; and
- Site plan preserves the historical character of the estate.


Update: See attached memo from City Attorney’s Office

Location: Approximately 1.14 acre located on the north and south sides of McClintock Road near the
9. Rezoning Petition: 2015-037 by Dominick Ristaino

**Update: Requesting Deferral (to November 16, 2015)**

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

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

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

**Zoning Committee Recommendation**
The Zoning Committee voted 7-0 to **DEFER** this petition to their October 28, 2015 meeting.

2015-037_reco_09-30-2015-final

2015-037 vicinity map

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

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

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

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

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

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

**Statement of Consistency**
The Zoning Committee found the multi-family residential use proposed by this petition to be consistent with the land use recommendation of the South District Plan; however, the proposed retail elements inconsistent with the South District Plan, based on information from the staff analysis and the public hearing, and because:

- The plan recommends multi-family residential for the subject properties.

However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the proposed zoning:

- Creates a unique walkable, interconnected district that includes this site and the multi-family developments approved to the north and across Providence Road, which is an enhancement to the area.

- Site design is integral to development of a pedestrian friendly multi-use environment and guarantees a strong pedestrian environment.
11. Rezoning Petition: 2015-047 by Carolinas State Regional Center, LLC

**UPDATE:** The Zoning Committee voted 7-0 to DEFER this petition to a special called meeting on October 5, 2015. Due to advertising issues, this meeting was not held, and the Zoning Committee called a substitute meeting on October 19, 2015 at 4:00 to vote on this case. The results of the vote will be relayed to the City Council and the public at the City Council meeting on October 19, 2015.

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

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

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

**Zoning Recommendation**
The Zoning Committee voted 7-0 to DEFER this petition to a special called meeting to be held on October 5, 2015.

**Staff Recommendation**
Staff does not agree with the recommendation of the Zoning Committee.

12. Rezoning Petition: 2015-066 by Whitehall Corporate Center

**Location:** Approximately 15.16 acres located on the southeast corner at the intersection of West Arrowood Road and Interstate 485 (Council District 3 - Mayfield)

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

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

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

**Staff Recommendation**
Staff does not agree 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 a mix of uses, including office, retail and residential, for this and surrounding properties.
Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:

- The proposal adds a unique golf-oriented entertainment use to the Charlotte market; and
- The large entertainment use will have a regional draw and is appropriate at an interstate interchange location, which will provide good vehicular access.

2015-066_reco_09-30-2015-final
2015-066 vicinity map
2015-066_RevisedSitePlan_10-13-2015

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

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

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

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

**Zoning Committee Recommendation**
The Zoning Committee voted 6-0 to recommend APPROVAL as modified.

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

**Statement of Consistency**
The Zoning Committee found this petition to be consistent with the Southwest District Plan, based on information from the staff analysis and the public hearing, and because:

- The plan recommends a range of multi-family, office and retail uses in a walkable and cohesive development for the area east of I-77 and located on both sides of Archdale Drive.

Therefore, this petition was found to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- The commercial portion of the site is designed to support a walkable environment, with the building(s) easily accessible from and oriented to the public sidewalk, which will complement the multi-use walkable development proposed across Archdale Drive; and
- The proposed indoor/outdoor pet services facility is adjacent to the interstate and away from future residential development across Archdale Drive, to ensure that it does not negatively impact the original development concept for the area across Archdale Drive.

2015-073_reco_9-30-15_final
Item 33-3 2015-073 vicinity map
2015-073_RevisedSitePlan_09-23-2015

14. **Rezoning Petition: 2015-074 by 1700 South, LLC**

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

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

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

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

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

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 property.
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 it:
- Allows all uses in the TOD-M (transit oriented development - mixed-use) district.

15. Rezoning Petition: 2015-075 by York Development Group

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

Current Zoning: B-1 (neighborhood business)
Proposed Zoning: B-2 (general business)

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

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

Statement of Consistency
The Zoning Committee found this petition to be inconsistent with the South District Plan, based on information from the staff analysis and the public hearing, and because:
- The plan recommends utility use for 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 site is located adjacent to a Charlotte Water facility and retail uses; and
- Surrounding properties are zoned for business and industrial uses.


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

Zoning Committee Recommendation
The Zoning Committee voted 6-1 to recommend DENIAL of this petition.

Staff Recommendation
Staff disagrees with the recommendation of the majority of the Zoning Committee.

**Statement of Consistency**

The Zoning Committee found this petition to be consistent with the *Centers, Corridors and Wedges Growth Framework* goal to provide quality housing choices to a diverse range of people with different housing needs, based on information from the staff analysis and the public hearing, and because:

- The proposed text amendment mirrors the definition in State legislation for temporary health care structures, and matches the requirements and prescribed conditions set by the State.

However, this petition was found to not be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- There are many concerns around the initial approval of a permit and the enforcement of the requirements.

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

**Update: Protest Petition (Sufficient)**

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

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

**Zoning Committee Recommendation**

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

**Staff Recommendation**

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

**Statement of Consistency**

The Zoning Committee found this petition to be inconsistent with the *South District Plan*, based on information from the staff analysis and the public hearing, and because:

- The plan recommends residential use up to three dwelling 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 not conducive to residential development due to its size and location adjacent to athletic facilities for Ardrey Kell High School; and
- The petition restricts the site to a climate controlled self-storage facility and medical and general office uses; and
- Self-storage facilities have low traffic volumes; and
- The petition limits maximum building heights, and provides building and site design commitments that reduce the impacts on residential uses in the area.
18. Rezoning Petition: 2015-079 by Royden Goode

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

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

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

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

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

**Statement of Consistency**
The Zoning Committee found this petition to be consistent with the *Midtown Morehead Cherry Area Plan*, based on information from the staff analysis and the public hearing, and because:

- The plan recommends a mixture of residential, office, and retail for the subject property.
- 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 rezoning will allow:
  - A mixed-use development; and
  - A pedestrian-friendly environment


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

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

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

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

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

**Statement of Consistency**
The Zoning Committee found this petition to be inconsistent with the *Northeast District Plan*, based on information from the staff analysis and the public hearing, and because:

- The plan recommends outdoor commercial recreation for the 43-acre portion of the site, and single family residential uses, up to 4 dwelling units per acre, for the remainder of 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 proposed residential uses are compatible with the surrounding neighborhoods and, for the majority of the site, low density single family residential is located along the perimeter of the site consistent with the existing pattern of single family development; and
The site design retains a large lake, which is being integrated into the site as an organizing amenity for the development; and

The petition supports and stabilizes a once predominantly single family owner occupied neighborhood that is transitioning to a predominantly renter occupied /absentee owner neighborhood; and

The site is located within the Sunset/Beatties Ford Comprehensive Neighborhood Improvement Program (CNIP) Area, and this development complements the planned capital investments and supports the community enhancement goals for the area.

2015-082 zc reco 093015-final
2015-082 vicinity map
2015-082_RevisedSitePlan_09-24-2015

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

Update: The petitioner has requested a deferral of the decision on this petition until (November 16, 2015)

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

2015-084_reco_7-29-15_TK

21. Rezoning Petition: 2015-087 by Crescent Communities, LLC

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

Current Zoning: R-3 (single family residential)
Proposed Zoning: MUDD-O (mixed use development, optional) & MX-2 (INNOV) (mixed use, innovative standards)

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

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

Statement of Consistency
The Zoning Committee found this petition to be inconsistent with the Providence Road/I-485 Area Plan Update for Areas A and B and consistent with the plan for Area C, based on information from the staff analysis and the public hearing, and because the plan recommends:

- Residential uses at up to eight dwelling units per acre for Areas A, B, and C of the rezoning.

However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the proposed zoning:

- Supports the vision for the Providence Road/I-485 area as a walkable multi-use center that provides a range of options for people to live, work, shop and play; and
- Helps fulfill the vision for road connectivity in the area.
22. **Rezoning Petition: 2015-091 by 300 Parkwood, LLC**

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

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

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

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

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

**Statement of Consistency**
The Zoning Committee found this petition to be inconsistent with the Parkwood BLE Transit Station Area Plan recommendation for office and retail on a portion of the site and moderate density residential up to eight dwelling units per acre for another part of the site, based on information from the staff analysis and the public hearing, and because the proposal:

- Is inconsistent with the area recommended for office and retail; and
- Is consistent with the adopted plan for the area recommended for residential, but the density is inconsistent with the recommended density of up to eight 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 proposed development is within ¼ mile of the Parkwood Transit Station and supports the plan’s intent to create transit supportive development; and
- The subject site is vacant and does not remove existing homes; and
- The proposal develops a vacant site at a scale that is compatible with the surrounding neighborhood by:
  - Placing the buildings along Parkwood Avenue to support neighborhood walkability,
  - Limiting the height of the buildings to three stories, and
  - Providing a landscape buffer between the new development and existing single family homes.

23. **Rezoning Petition: 2015-097 by Harris Teeter**

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

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

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

**Zoning Committee Recommendation**
The Zoning Committee voted to recommend **APPROVAL** of this petition as modified.
Staff Recommendation
Staff agrees with the recommendation of the Zoning Committee.

Statement of Consistency
The Zoning Committee found this petition to be consistent with South District Plan, based on information from the staff analysis and the public hearing, and because:
- The plan recommends retail uses for the subject property.
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 petition is located within the Cotswold Major Activity Center as defined in the Centers Corridors and Wedges Growth Framework; and
- Major Activity Centers are designed to include a mix of retail, office, multi-family residential and institutional uses; and
- The proposal allows a minor expansion of an existing grocery store, with the expansion located between the existing store and Randolph Road; and
- This proposal does not add any significant new traffic or otherwise impact any transportation issues;

2015-097 reco 9-30-15 final
2015-097 vicinity map
2015-097_RevisedSitePlan_09-24-2015

24. Rezoning Petition: 2015-098 by Land Growth, LLC

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

Current Zoning: BD (distributive business)
Proposed Zoning: B-2(CD) (general business, conditional)

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

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

Statement of Consistency
The Zoning Committee found this petition to be inconsistent with the Independence Boulevard Area Plan, based on information from the staff analysis and the public hearing, and because:
- The plan recommends employment-based transit oriented development in this area; and
- The proposed automotive sales and repair use is not a transit supportive use.

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 Independence Boulevard Area Plan acknowledged that it would likely be decades before rapid transit in this corridor would be implemented, and the plan provided some “interim” guidance for development proposals. In particular, the “interim” guidance supports employment uses on the subject site, noting that the intensity, mix of uses and transit supportive design will likely occur gradually; and
- Once the Southeast Corridor Transit Study, which is currently underway, is completed, there may be a need to update the recommendations in the Independence Boulevard Area Plan; and
- In the interim, continued revitalization of the Independence Boulevard corridor will require the
expansion of and reinvestment in existing businesses through the incremental reuse and redevelopment of existing buildings. This proposal allows the reuse of an existing building and expansion of an existing business.

2015-98_ZC_Reco_093015_final
2015-098_vicinity_map
2015-098_RevisedSitePlan_09-22-2015

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

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

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

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

**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 Area Plan*, based on information from the staff analysis and the public hearing, and because:
- The plan recommends transit supportive uses for the subject property.
Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the proposed request:
- Allows all uses in the TOD-M (transit oriented development - mixed-use) district; and
- The subject site is immediately adjacent to the New Bern Transit Station on the LYNX Blue Line; and
- The proposal allows a site previously used for an industrial facility to convert to transit supportive land uses; and
- Use of conventional TOD-M (transit oriented development - mixed-use) zoning applies all the standards and regulations to create the desired form and intensity of transit supportive development; and
- A conditional site plan is not necessary to ensure compliance with the area plan land use recommendations or to address site specific issues.

2015-102_reco_09-30-2015_final
2015-102_vicinity_map

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

*UPDATE:* The Zoning Committee voted 7-0 to DEFER this petition to a special called meeting on October 5, 2015. Due to advertising issues, this meeting was not held, and the Zoning Committee called a substitute meeting on October 19, 2015 at 4:00 PM to vote on this case. The results of the vote will be relayed to the City Council and the public at the City Council meeting on October 19, 2015.
**Location:** Approximately 0.81 acres located on the northwest corner at the intersection of Wilkinson Boulevard and Ashley Road. (Council District 3 - Mayfield)

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

**Zoning Committee Recommendation**
The Zoning Committee voted 6-0 to **DEFER** this petition to a special called meeting to be held on October 05, 2015.

2015-104_reco_09-30-2015-final  
2015-104 vicinity map  
2015-104 Rev_09-24-2015
ZONING HEARINGS


Location: Approximately 26.5 acres located on the west corner of the intersection at Mallard Creek Road and Salome Church Road. (Council District 4 - Phipps)

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

Staff Recommendation
Staff recommends approval of this petition upon resolution of requested technical revision and the outstanding issues related to water quality treatment facilities and the request for a “build-to” line.

2014-019_staff_10-19-2015-final
2014-019 vicinity map
Previously Approved Site Plan Cover Page
2014-019 Approved Site Plan 1999-033(C)

28. Rezoning Petition: 2015-008 by Mintworth DEI, LLC

Update: The petitioner is requesting to WITHDRAWAL this petition.

Location: Approximately 10.01 acres located on the southwest corner at the intersection of Idlewild Road and Wyalong Drive. (Council District 5 - Autry)

Current Zoning: NS (neighborhood services)
Proposed Zoning: NS SPA (neighborhood services, site plan amendment)

2015-08_Staff Analysis_101915-final
2015-008 vicinity map


Update: Petitioner is requesting a withdrawal of this petition.

Location: Approximately 0.16 acres located on the east side of Odum Avenue near the intersection of Centre Street and Odum Avenue. (Council District 2 - Austin)

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

2015-049_staff_10-19-2015-final
2015-049 vicinity map

30. Rezoning Petition: 2015-090 by Copper Builders, Inc.
**Update:** As per Session Law 2000-84, Section 1.(g), the public hearing on this petition may not be held between October 1, 2015 and December 7, 2015 as a valid protest petition has been filed.

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

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

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

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

**Update:** Community Meeting Report was not submitted. Defer to (December 14, 2015)

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

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

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

### 32. Rezoning Petition: 2015-099 by Pappas Properties

**Location:** Text Amendment to the City of Charlotte Zoning Ordinance to add retail establishments and eating, drinking and entertainment establishments as a principal use in hotels and motels, multi-family buildings and mixed-use buildings when located in an office zoning district, with a PED (pedestrian overlay) district designation, with prescribed conditions.

**Staff Recommendation**

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

- 2015-099_10-19-15_final
- 2015-099 matrix rev3
- 2015-099 amendment rev2

### 33. Rezoning Petition: 2015-101 by Kolter Acquisitions, LLC

**Update:** Community Meeting Report was not submitted. Defer (to December 14, 2015).

**Location:** Approximately 371 acres located on the northwest corner at the intersection of Rocky River Church Road and Albemarle Road. (Outside City Limits)

**Current Zoning:** R-3 (single family residential), R-12MF (multi-family residential) and B-1 (CD)(neighborhood business, conditional)

**Proposed Zoning:** NS (neighborhood services) 5-year Vested Rights and MX-1 (INNOV) (mixed use, innovative) 5-year Vested Rights

- no community meeting slip sheet 2
34. Rezoning Petition: 2015-103 by David Powlen

Location: Approximately 2.85 acres located on the northwest corner at the intersection of West Mallard Creek Church Road and Berkley Place Drive. (Council District 4 - Phipps)

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

Staff Recommendation
Staff Recommends approval of this petition upon resolution of outstanding issues related to the design features of the proposed building, screening of the loading area, and construction of transportation facilities including sidewalks, and requested technical revisions.


Location: Approximately 1.7 acres located on the southeast corner at the intersection of West Summit Avenue and South Church Street. (Council District 3 - Mayfield)

Current Zoning: I-1 (light industrial)
Proposed Zoning: TOD-R (transit oriented development - residential)

Staff Recommendation
Staff recommends approval of this petition.

36. Rezoning Petition: 2015-109 by WaterWalk Redevelopment Services, LLC

Location: Approximately 5.05 acres located on the west side of University Executive Park Drive near the intersection of West W.T. Harris Boulevard and University Executive Park Drive. (Council District 4 - Phipps)

Current Zoning: O-2 (CD) (office district, conditional)
Proposed Zoning: MUDD-O (mixed use development district, optional)

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

37. Rezoning Petition: 2015-110 by Katarzyna Dec

Location: Approximately 2.8 acres located on the west side of Old Statesville Road and at the end of Burch Shire Road near the intersection of Holly Vista Avenue and Burch Shire Road. (Council District 2 - Austin)
Current Zoning: R-MH (residential manufacturing housing), B-2 (general business), and I-1 (CD) (light industrial, conditional)

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

Staff Recommendation
Staff recommends approval of this petition upon resolution of the requested technical revisions.

Staff Recommendation
Staff recommends approval of this petition upon resolution of the requested technical revisions.

Staff Recommendation
Staff recommends approval of this petition upon resolution of the requested technical revisions and the outstanding issues related to clarification of the proposed use and design.

Staff Recommendation
Staff does not recommend approval of this petition.

Rezoning Petition: 2015-112 by Tate Pappas SC Investors, LLC

Location: Approximately 0.55 acres located on the east of Sharon Road between Ashley Park Lane and Louisburg Square Lane. (Council District 6 - Smith)

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

Staff Recommendation
Staff recommends approval of this petition upon resolution of the requested technical revisions and the outstanding issues related to clarification of the proposed use and design.

Staff Recommendation
Staff does not recommend approval of this petition.

Rezoning Petition: 2015-114 by Camp Greene Properties, LLC

Location: Approximately 1.05 acres located on the northeast corner at the intersection of Remount Road and Greenland Avenue. (Council District 3 - Mayfield)

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

Rezoning Petition: 2015-115 by Skyhouse Charlotte II, LLC

Location: Approximately 0.67 acres located on the southeast corner at the intersection of North Church Street and West 9th Street. (Council District 2 - Austin)
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 the location and selection of street trees, and the requested technical revisions.

2015-115_staff_10-19-2015-final
2015-115 vicinity map

41. Rezoning Petition: 2015-117 by SLT Commercial Properties, LLC

Location: Approximately 0.52 acres located on the southeast corner at the intersection of South Boulevard and South Caldwell Street. (Council District 1 - Kinsey)

Current Zoning: R22MF (multi-family)
Proposed Zoning: TOD-MO (transit oriented development - mixed use, optional)

Staff Recommendation
Staff recommends approval of this petition upon resolution of outstanding issues related to parking and driveway locations and the requested technical revisions.

2015-117_staff_10-19-2015-final
2015-117 vicinity map
2015-117 revised site plan 9-18-2015

42. Rezoning Petition: 2015-118 by Pavillion Development Company

Update: As per Session Law 2000-84, Section 1.(g), the public hearing on this petition may not be held between October 1, 2015 and December 7, 2015 as a valid protest petition has been filed.

Location: Approximately 1.79 acres located on the northeast corner at the intersection of Nations Ford Road and Tyvola Road. (Council District 3 - Mayfield)

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