

# City of Charlotte

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



## 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](http://www.rezoning.org)

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

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

**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****7. Rezoning Petition: 2014-110 by Unique Southern States, LLC**

**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.

[2014-110 reco 9-30-15 final](#)

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

[2014-110 RevisedSitePlan 10-12-15](#)

**8. Rezoning Petition: 2015-026 by Robert Drakeford**

**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

intersection of St. Julien Street and McClintock Road. (Council District 1 - Kinsey)

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

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

[Legal opinion on decision](#)

## 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.

[2015-46 reco 093015 final](#)

[2015-046 vicinity map](#)

[2015-046 Revised Site Plan](#)

## 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.

[2015-47 ZC Reco 09-30-15-final](#)

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

[2015-47 Rev Site Plan 10-12-15](#)

## 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.

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

[2015-074 vicinity map](#)

## 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.

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

[2015-075 vicinity map 1](#)

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

**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.

[2015-077\\_reco\\_9-30-15-final](#)

[2015-077matrix](#)

[2015-077\\_amendment\\_rev2](#)

## 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.

[2015-078\\_reco\\_7-29-15\\_final\\_update](#)

[2015-078\\_vicinity\\_map](#)

[2015-078\\_RevisedSitePlan\\_09-09-2015](#)

## 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

[2015-079 reco 9-30-2015 final](#)

[2015-079 vicinity map](#)

[2015-079 RevisedSitePlan 09-24-2015](#)

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

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

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

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

### 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.

[2015-087 reco 9-30-15-Final](#)

[2015-087 vicinity map](#)

[2015-087 revisedsiteplan 10-6-15](#)

## 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.

[2015-91 ZC Reco 093015 Final](#)

[2015-091 vicinity map](#)

[2015-091 RevisedSitePlan 09-24-2015](#)

## 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 ordinated 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****27. Rezoning Petition: 2014-019 by Carolina Development Services, LLC**

**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](#)

[2014-019 Rev 09-18-2015](#)

[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, sit plan amendment)

[2015-08 Staff Analysis 101915-final](#)

[2015-008 vicinity map](#)

**29. Rezoning Petition: 2015-049 by O'Leary Group Wast Systems, LLC**

**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)

[no community meeting slip sheet 2](#)

### **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.

[2015-103 Staff Analysis 101915 final](#)

[2015-103 vicinity map](#)

[2015-103 RevisedSitePlan 09-18-2015](#)

### 35. Rezoning Petition: 2015-108 by Timothy Pratt, NVR, Inc

**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.

[2015-108 staff 10-19-2015 final](#)

[2015-108 vicinity map](#)

### 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.

[2015-109 staff analysis 101915 final](#)

[2015-109 vicinity map](#)

[2015-109 RevisedSitePlan 09-18-2015](#)

### 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.

[2015-110 staff 10-19-2015 final](#)

[2015-110 vicinity map](#)

[2015-110 RevisedSitePlan 09-18-2015](#)

[Previously Approved Cover Page](#)

[2015-110 Approved Site Plan 2001-056](#)

### **38. 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.

[2015-112 staff 10-19-2015 final](#)

[2015-112 vicinity map](#)

[2015-112 site plan](#)

### **39. 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)

**Staff Recommendation**

Staff does not recommend approval of this petition.

[2015-114 staff 10-19-2015-final](#)

[2015-114 vicinity map](#)

[2015-114 RevSitePlan](#)

### **40. 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](#)

[2015-115 site plan rev 9-18-2015](#)

## 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)