

City of Charlotte

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



Zoning Agenda

Tuesday, May 2, 2023

Charlotte-Mecklenburg Government Center - Room 280

Zoning Committee Work Session

Phillip Gussman, Chairperson

Melissa Gaston

Ronnie Harvey

TL Lansdell

Courtney Rhodes

Wil Russell

Douglas Welton

Zoning Committee Work Session

1. Changes to 2023 Zoning Committee Work Session Meeting Schedule

Action:

- A. Approve changes to the 2023 Zoning Committee Work Session Meeting Schedule.**

Explanation

- Two meeting date changes are proposed due to holiday closures. The proposed alternate Work Session meeting dates are listed below. Work Session meetings will be held at 5:30pm at the Charlotte-Mecklenburg Government Center in Room 280.
 - **Wednesday, May 31, 2023**
 - **Wednesday, September 6, 2023**

Zoning Item

2. Rezoning Petition: 2021-213 by Goldberg Companies, Inc.

Update: Petitioner is requesting deferral to May 30, 2023

Location: Approximately 42.85 acres located on the south side of Pineville-Matthews Road, east of Hugh Forest Road, and west of Reverdy Lane. (Council District 7 - Driggs)

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

Proposed Zoning: R-12 MF (CD) SPA (multi-family residential, conditional, site plan amendment)

3. Rezoning Petition: 2022-099 by Levine Properties

Update: Petitioner is requesting deferral to May 30, 2023

Location: Approximately 0.94 acres located at the southeast intersection of Commonwealth Avenue and The Plaza, north of East Independence Boulevard. (Council District 1 - Anderson)

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

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

4. Rezoning Petition: 2022-109 by Urban Trends Real Estate, Inc.

Update: Petitioner is requesting deferral to May 30, 2023

Location: Approximately 2.09 acres located on the northeast side of The Plaza, south of Bridgeport Drive, and west of Barrington Drive. (Council District 5 - Molina)

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

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

5. Rezoning Petition: 2021-209 by Coastal Acquisition Entity, LLC

Update: Petitioner is requesting deferral to May 30, 2023

Location: Approximately 0.99 acres located at the southeastern corner of the intersection of Steele Creek Road and Rigsby Road. (Council District 3 - Watlington)

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

Proposed Zoning: NS (neighborhood services)

6. Rezoning Petition: 2023-056 by Charlotte Planning, Design, & Development - Text Amendment

This Text Amendment proposes to amend the Unified Development Ordinance for the use Landfill, Land Clearing and Inert Debris (LCID) by 1) deleting it as a use permitted with prescribed conditions in all zoning districts except ML-2; 2) modifying the use in the ML-2 zoning district as a use requiring a conditional zoning that complies with the prescribed conditions; 3) increasing the distance between an operational portion of an LCID landfill to 50 feet from any property line; 4) adding a requirement that the actual fill area shall be located at least 300 feet from any Neighborhood 1 or Neighborhood 2 Place Type or an existing residential structure in any other place type; 5) deleting collector streets as a permitted primary vehicular access; 6) adding limited hours and days of operation for the use; 7) adding a requirement for a geomembrane liner and leachate collection system subject to state standards that is equal to or exceeds the state criteria for municipal solid waste landfill units; 8) adding a requirement that the use shall comply with the state groundwater well and surface water requirements for a municipal solid waste landfill; and 9) deleting the requirement for a zoning permit for the use.

Public Hearing Held: April 17, 2023 - Item #30

Staff Resource: [Sandra Montgomery](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

[2023_056_PostHSA_final](#)

[LCID-Landfill-Text-Amendment-for-ZC \(003\)](#)

[2023-056_consistency_final](#)

7. Rezoning Petition: 2023-057 by Charlotte Planning, Design, & Development - Text Amendment

This Text Amendment proposes to amend the Unified Development Ordinance to allow Multi-Family Attached and Multi-Family Stacked development in the CG and CR zoning districts under certain conditions, and to modify the prescribed conditions for the principal use Drive-Through Establishment and the accessory use Accessory Drive-Through (formerly Drive-Through Facility) to limit their use in Centers Place Types.

Public Hearing Held: April 17, 2023 - Item #31

Staff Resource: [Sandra Montgomery](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

[2023_057_PostHSA_final](#)

[CR CG TA for ZC 2023_057](#)

[2023_057_consistency_final](#)

8. Rezoning Petition: 2023-058 by Charlotte Planning, Design, & Development - Text Amendment

This Text Amendment proposes to make minor changes that will result in better functionality of the UDO prior to the effective date of June 1, 2023. There are proposed changes in most articles of the adopted UDO. These changes include updated language to provide greater clarity, new and updated graphics, language adjustments to provide better consistency with 160D, updated terminology and definitions, reference corrections, scrivener's error corrections, adjustments to some use permissions and prescribed conditions, and minor changes to standards.

Public Hearing Held: April 17, 2023 - Item #32

Staff Resource: [Sandra Montgomery](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

[2023_058_PostHSA_final](#)

[Summary of Recommended Changes - Zoning Committee](#)

[UDO-Clean-Up-Text-Amendment-for_ZC](#)

[2023_058_consistency](#)

9. Rezoning Petition: 2023-055 by Charlotte Fire Department

Location: Approximately 7 acres located on the east side of Dixie River Road, west of Garrison Road. (ETJ - BOCC: 2-Leake; Closest CC: 3-Watlington)

Current Zoning: MUDD-O AIR LLWCA (mixed use development, optional, airport noise overlay, Lower Lake Wylie - Critical Area)

Proposed Zoning: MUDD-O SPA AIR LLWCA (mixed use development, optional, site plan amendment, airport noise overlay, Lower Lake Wylie - Critical Area)

Public Hearing Held: April 17, 2023 - Item #33

Staff Resource: [Joe Mangum](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

[2023_055_PostHSA](#)

[Development Standards 2023_055_DEV STANDARDS](#)

[2023_055_consistency](#)

10. Rezoning Petition: 2022-037 by SunCap Property Group, LLC

Location: Approximately 0.28 acres located at the northeast intersection of East Boulevard and Scott Avenue, west of Kenilworth Avenue. (Council District 1 - Anderson)

Current Zoning: NS PED (neighborhood services, pedestrian overlay)

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

Public Hearing Held: April 17, 2023 - Item #34

Staff Resource: [Holly Cramer](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

[2022_037_PostHSA](#)

[2022_037_consistency](#)

11. Rezoning Petition: 2022-048 by Tribute Companies, Inc.

Location: Approximately 182.71 acres located along the south side of Interstate 485 South interchange, east of John Adams Road, and north of North Tryon Street. (Council District 4 - Johnson)

Current Zoning: R-3 (single family residential)

Proposed Zoning: MX-2 (mixed use) with 5-year vested rights

Public Hearing Held: April 17, 2023 - Item #35

Staff Resource: [Michael Russell](#)

Staff Recommendation:

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

[2022_048_PostHSA](#)

[2022_048_RevSitePlan_2023_04_20](#)

[2022_048_Consistency](#)

12. Rezoning Petition: 2022-084 by Mission Properties

Location: Approximately 20.85 acres located along the south side of Ridge Road and north side of the Interstate 485 interchange. (ETJ - BOCC: 1-Powell; Closest CC: 4-Johnson)

Current Zoning: R-3 (single family residential)

Proposed Zoning: R-17MF (CD) (multi-family residential, conditional)

Public Hearing Held: March 20, 2023 - Item #32

Staff Resource: [Michael Russell](#)

Staff Recommendation:

Staff recommends approval of this petition.

[2022_084_PostHSA](#)

[2022_084_RevSitePlan_2023_03_24](#)

[2022-084 Consistency](#)

13. Rezoning Petition: 2022-087 by Appaloosa Real Estate Partners

Location: Approximately 11.65 acres located on the east side of Mallard Creek Road, north of Governor Hunt Road, and west of David Taylor Drive. (Council District 4 - Johnson)

Current Zoning: R-3 (single family residential)

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

Public Hearing Held: January 17, 2023 - Item #33

Staff Resource: [Michael Russell](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

[2022_087_PostHSA](#)

[2022_087_RevSitePlan_2023_04_17](#)

[2022_087 Consistency](#)

14. Rezoning Petition: 2022-089 by Taylor Morrison

Location: Approximately 43.72 acres located on the south side of Mt. Holly-Huntersville Road and north side of Interstate 485, west of Oakdale Road. (ETJ - BOCC: 1-Powell; Closest CC 4-Johnson)

Current Zoning: R-3 LWPA (single family residential, Lake Wylie Protected Area)

Proposed Zoning: MX-2 INNOV LWPA (mixed use, innovative, Lake Wylie Protected Area)

Public Hearing Held: April 17, 2023 - Item #39

Staff Resource: [Michael Russell](#)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation.

[2022_089_PostHSA](#)

[2022_089_RevSitePlan_2023_04_23](#)

[2022-089_Consistency](#)

15. Rezoning Petition: 2022-090 by Harris and Rocky LLC

Location: Approximately 4.2 acres located on the east side of West W.T. Harris Boulevard, north of Interstate 485, and south of Mt. Holly-Huntersville Road. (Council District 4 - Johnson)

Current Zoning: R-17MF (CD) (multi-family residential, conditional)

Proposed Zoning: R-22MF (CD) (multi-family residential, conditional)

Public Hearing Held: April 17, 2023 - Item #40

Staff Resource: [Claire Lyte-Graham](#)

Staff Recommendation:

Staff recommends approval of the petition upon resolution of the outstanding issue related to site and building design.

[2022_090_PostHSA_DONE](#)

[2022_090_RevSitePlan_2023_04_19](#)

[2022_090_Consistency](#)

16. Rezoning Petition: 2022-126 by Tribute Companies, Inc.

Location: Approximately 48.09 acres located south of North Tryon Street, east of Trevi Village Boulevard, and north of University City Boulevard. (Council District 4 - Johnson)

Current Zoning: R-3 (single family residential)

Proposed Zoning: R-8MF (CD) (multi-family residential, conditional)

Public Hearing Held: April 17, 2023 - Item #41

Staff Resource: [Claire Lyte-Graham](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

[2022_126_PostHSA](#)

[2022_126_RevSitePlan_2023_04_20](#)

[2022_126_Consistency](#)

17. Rezoning Petition: 2022-130 by Thomas Elrod

Location: Approximately 1.04 acres located at the northwest intersection of Carmel Road and Little Avenue, north of Pineville-Matthews Road, and east of Johnston Road. (Council District 6 - Bokhari)

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

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

Public Hearing Held: April 17, 2023 - Item #42

Staff Resource: [John Kinley](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

[2022_130_PostSA](#)

[2022_130_siteplanRev_23_4_27](#)

[2022_130_CS](#)

18. Rezoning Petition: 2022-133 by Paramount Development, LLC

Location: Approximately 18.4 acres located on the north and south side of Northlake Mall Drive, west of Interstate 77, and east of Northlake Centre Parkway. (Council District 4 - Johnson)

Current Zoning: CC (community center)

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

Public Hearing Held: March 20, 2023 - Item #33

Staff Resource: [Michael Russell](#)

Staff Recommendation:

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

[2022_133_PostHSA](#)

[2022_133_RevSitePlan_2023_04_20](#)

[2022_133_Consistency](#)

19. Rezoning Petition: 2022-140 by The F.A. Bartlett Tree Expert Company

Location: Approximately 7.07 acres located at the southeast intersection of Zoar Road and Thomas Road, south of Youngblood Road. (ETJ - BOCC: 6-Rodriguez-McDowell; Closest CC: 3-Watlington)

Current Zoning: R-3 (single family residential)

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

Public Hearing Held: March 20, 2023 - Item #43

Staff Resource: [Holly Cramer](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

[2022_140_PostHSA](#)

[2022_140_RevSitePlan_2023_04_20](#)

[2022_140_consistency](#)

20. Rezoning Petition: 2022-147 by SouthPark Towers PropCo, LLC

Location: Approximately 9.94 acres bound by the south side of Fairview Road, east side of Piedmont Row Drive South, and the north and west side of Barclay Downs Drive. (Council District 6 - Bokhari)

Current Zoning: O-3 (office)

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

Public Hearing Held: April 17, 2023 - Item #43

Staff Resource: [John Kinley](#)

Staff Recommendation:

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

[2022_147_PostHSA](#)

[2022_147_siteplanRev_23_4_20](#)

[2022_147_CS](#)

21. Rezoning Petition: 2022-149 by Flywheel Group/Tony Kuhn

Location: Approximately 5.91 acres located on the north side of North Tryon Street and east side of Atando Avenue, west of West Craighead Road. (Council District 1 - Anderson)

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

Proposed Zoning: TOD-UC (transit oriented development - urban center), TOD-NC (transit oriented development - neighborhood center)

Public Hearing Held: April 17, 2023 - Item #44

Staff Resource: [Maxx Oliver](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

[2022_149_PostHSA](#)

[2022_149_Consistency](#)

22. Rezoning Petition: 2022-160 by Penler Development, LLC

Location: Approximately 24.13 acres located along the south side of Mount Holly Road and east side of Creston Circle, west of Interstate 485. (ETJ-BOCC: 2-Leake; Closest CC: 2-Graham)

Current Zoning: I-1 LWPA LWCA (light industrial, Lake Wylie Protected Area, Lake Wylie Critical Area), B-2 LWPA LWCA (general business, Lake Wylie Protected Area, Lake Wylie Critical Area, R-3 LWPA LWCA (single family residential, Lake Wylie Protected Area, Lake Wylie Critical Area)

Proposed Zoning: R-12MF (CD) LWPA LWCA (multi-family residential, conditional, Lake Wylie Protected Area, Lake Wylie Critical Area)

Public Hearing Held: April 17, 2023 - Item #38

Staff Resource: [Joe Mangum](#)

Staff Recommendation:

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

[2022_160_PostHSA](#)

[2022_160_SitePlanRev_2023_4_20](#)

[2022_160_consistency](#)

23. Rezoning Petition: 2022-163 by Carolina Holdings Five LLC

Location: Approximately 0.55 acres located on the north side of Hart Road and east side of Susanna Drive, west of Rozzelles Ferry Road. (Council District 2 - Graham)

Current Zoning: R-3 LWPA (single family residential, Lake Wylie Protected Area)

Proposed Zoning: R-6 LWPA (single family residential, Lake Wylie Protected Area)

Public Hearing Held: April 17, 2023 - Item #45

Staff Resource: [Emma Knauerhase](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

[2022_163_PostHSA](#)

[2022_163_Consistency](#)

24. Rezoning Petition: 2022-164 by Carolina Holdings Three LLC

Location: Approximately 10.18 acres located along the north side of Hart Road, east of Susanna Drive, and west of Rozzelles Ferry Road. (Council District 2 - Graham)

Current Zoning: R-3 LWPA (single family residential, Lake Wylie Protected Area)

Proposed Zoning: R-6 LWPA (single family residential, Lake Wylie Protected Area)

Public Hearing Held: April 17, 2023 - Item #46

Staff Resource: [Emma Knauerhase](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

[2022_164_PostHSA_DONE](#)

[2022_164_Consistency](#)

25. Rezoning Petition: 2022-166 by Boulevard Real Estate Advisors LLC

Location: Approximately 0.23 acres located on the south side of West Peterson Drive, west of South Tryon Street, and east of Interstate 77. (Council District 3 - Watlington)

Current Zoning: R-5 (single family residential)

Proposed Zoning: TOD-NC (transit oriented development - neighborhood center)

Public Hearing Held: April 17, 2023 - Item #47

Staff Resource: [Holly Cramer](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

[2022_166_PostHSA](#)

[2022_166_consistency](#)

26. Rezoning Petition: 2022-169 by Kennedy Properties LLC

Location: Approximately 1.89 acres located on the east side of Lambeth Drive, north of North Tryon Street, and west of West Eastway Drive. (Council District 1 - Anderson)

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

Proposed Zoning: TOD-NC (transit oriented development - neighborhood center)

Public Hearing Held: April 17, 2023 - Item #48

Staff Resource: [John Kinley](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

[2022_169_PostHSA](#)

[2022_169_CS](#)

27. Rezoning Petition: 2022-170 by Canvas Residential, LLC

Location: Approximately 11.23 acres located at the southeast intersection of Oakdale Road and Mt. Holly-Huntersville Road, north of Interstate 485. (ETJ - BOCC: 1-Powell; Closest CC: 4-Johnson)

Current Zoning: R-3 LWPA (single family residential, Lake Wylie Protected Area)

Proposed Zoning: R-8MF (CD) LWPA (multi-family residential, conditional, Lake Wylie Protected Area)

Public Hearing Held: April 17, 2023 - Item #49

Staff Resource: [John Kinley](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

[2022_170_PostHSA](#)

[2022_170_RevSitePlan_2023_04_20](#)

[2022_170_CS](#)

28. Rezoning Petition: 2022-171 by Providence Group Capital

Location: Approximately 1.26 acres located on the east side of South Tryon Street, north of Remount Road, and south of Dunavant Street. (Council District 3 - Watlington)

Current Zoning: TOD-NC (transit oriented development - neighborhood center)

Proposed Zoning: TOD-UC (transit oriented development - urban center)

Public Hearing Held: April 17, 2023 - Item #50

Staff Resource: [Holly Cramer](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

[2022_171_PostHSA](#)

[2022_171_consistency](#)

29. Rezoning Petition: 2022-174 by Anderson Pearson

Location: Approximately 0.34 acres located at the southwest intersection of Seigle Avenue and Belmont Avenue, north of Harrill Street. (Council District 1 - Anderson)

Current Zoning: B-1 (neighborhood business)

Proposed Zoning: MUDD-O (mixed use development, optional) with 3-year vested rights

Public Hearing Held: April 17, 2023 - Item #51

Staff Resource: [Claire Lyte-Graham](#)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to environment.

[2022_174_PostHSA](#)

[2022_174_RevSitePlan_2023_04_20](#)

[2022_174_Consistency](#)

30. Rezoning Petition: 2022-178 by Dikilson Almonte Abreu

Location: Approximately 1.39 acres located on the northeast side of Brookshire Boulevard, west of Old Plank Road. (Council District 2 - Graham)

Current Zoning: I-1 (light industrial)

Proposed Zoning: I-2 (CD) (general industrial, conditional)

Public Hearing Held: April 17, 2023 - Item #52

Staff Resource: [Michael Russell](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

[2022_178_PostHSA](#)

[2022_178_RevSite Development Standards_2023_04_20](#)

[2022_178_Consistency](#)

31. Rezoning Petition: 2022-194 by RC Ventures LLC

Location: Approximately 0.512 acres located at the northeast intersection of Beatties Ford Road and Gilbert Street, west of Newland Road, and south of Interstate 85. (Council District 2 - Graham)

Current Zoning: B-1 (neighborhood business)

Proposed Zoning: TOD-NC (transit oriented development - neighborhood center)

Public Hearing Held: April 17, 2023 - Item #53

Staff Resource: [Maxx Oliver](#)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

[2022_194_PostHSA](#)

[2022_194_Consistency](#)