# **City of Charlotte**

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



# **Zoning Agenda**

Monday, April 15, 2024

**Council Chamber** 

# **City Council Zoning Meeting**

Mayor Vi Lyles Mayor Pro Tem Danté Anderson Council Member Dimple Ajmera Council Member Tariq Scott Bokhari Council Member Tiawana Brown Council Member Ed Driggs Council Member Malcolm Graham Council Member Reneé Johnson Council Member LaWana Mayfield Council Member James Mitchell Council Member Marjorie Molina Council Member Victoria Watlington

# 1. 5:00 P.M. CITY COUNCIL ZONING MEETING CHARLOTTE-MECKLENBURG GOVERNMENT CENTER, REGULAR MEETING HOSTED FROM COUNCIL CHAMBERS

This meeting will also be accessible via the Government Channel, the City's Facebook page, and the City's YouTube channel.

Call to Order

Introduction

Invocation

Pledge of Allegiance

**Explanation of Zoning Meeting** 

**Deferrals / Withdrawals** 

### CONSENT

# 2. Consent agenda items 3 through 18 may be considered in one motion except for those items pulled by a Council member. Items are pulled by notifying the City Clerk.

A. Items included on the consent agenda are rezoning petitions that meet the following criteria:

- a. Had no public opposition at their public hearing
- b. Received an approval recommendation from the Zoning Committee
- c. Have no changes after Zoning Committee
- d. Staff recommends approval

# 3. Rezoning Petition: 2022-017 by Alton Oliver Self, Jr.

**Location:** Approximately 1.66 acres located on the south side of Mt. Holly-Huntersville Road, west of Brookshire Boulevard, and east of Bellhaven Boulevard. (Council District 2 - Graham)

Current Zoning: N1-A (neighborhood 1-A) Proposed Zoning: B-2(CD) LWPA (general business, conditional, Lake Wylie Protected Area)

### **Zoning Committee Recommendation:**

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

### Staff Recommendation:

Staff recommends APPROVAL of this petition.

2022 017 ZCR

2022 017 FSA

2022 017 SitePlanRev 2024 3 21

## 4. **Rezoning Petition: 2023-091 by Mecklenburg County**

**Location:** Approximately 3.23 acres located along the northwest side of North College Street and both the east and west sides of East 7th Street. (Council District 1 - Anderson)

**Current Zoning:** UMUD-O (uptown mixed use development, optional) **Proposed Zoning:** UMUD-O SPA (uptown mixed use development, optional, site plan amendment)

### Zoning Committee Recommendation:

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

### Staff Recommendation:

Staff recommends APPROVAL of this petition.

2023 091 ZCR

2023 091 FSA

2023 091 RevSitePlan 2024 03 21

# 5. Rezoning Petition: 2023-107 by Penmith Holdings, LLC

**Location:** Approximately 12.3 acres located along the north side of Rocky River Road and the east side of John Russell Road. (ETJ - BOCC: 3-Dunlap; Closet CC 4-Johnson)

**Current Zoning:** NS (neighborhood services) **Proposed Zoning:** N2-A (CD) (neighborhood 2-A, conditional)

### Zoning Committee Recommendation:

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

### Staff Recommendation:

Staff recommends APPROVAL of this petition.

2023 107 ZCR

2023 107 FSA

2023 107 RevSitePlan 2024 03 21

# 6. Rezoning Petition: 2023-113 by Sri Sri, LLC

**Location:** Approximately 1.14 acres located on the west side of Southern Pine Boulevard just south of Arrowood Road. (Council District 3 - Brown)

**Current Zoning:** ML-1 (manufacturing and logistics 1) **Proposed Zoning:** CG(CD) (general commercial, conditional)

### Zoning Committee Recommendation:

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

### Staff Recommendation:

Staff recommends APPROVAL of this petition.

2023 113 ZCR

2023 113 FSA

2023 113 SitePlanRev 2023 11 15

# 7. Rezoning Petition: 2023-132 by Mark Talbot - Freedom Communities

**Location:** Approximately 1.67 acres located along the south side of Tuckaseegee Road and the north side of Rogers Street, west of Karendale Avenue. (Council District 2 - Graham)

**Current Zoning:** UR-C(CD) (urban residential-commercial, conditional) **Proposed Zoning:** NC(CD) (neighborhood center, conditional)

### Zoning Committee Recommendation:

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

### Staff Recommendation:

Staff recommends APPROVAL of this petition.

2023 132 ZCR

2023 132 FSA

2023 132 Conditional NotesRev 2024 03 21

# 8. Rezoning Petition: 2023-150 by Caren Wingate

**Location:** Approximately 0.51 acres located on the east side of North Tryon Street, south of East Arrowhead Drive, and west of North Hills Circle. (Council District 4 - Johnson)

**Current Zoning:** ML-2 (manufacturing and logistics-2) **Proposed Zoning:** IMU (innovation mixed use)

### Zoning Committee Recommendation:

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

### Staff Recommendation:

Staff recommends APPROVAL of this petition.

2023 150 ZCR

2023 150 FSA

# 9. Rezoning Petition: 2023-154 by UNC Capital LLC

**Location:** Approximately 7.17 acres located on the south side of York Road and west side of Youngblood Road. (ETJ - BOCC: 6-Rodriguez-McDowell; Closet CC 3-Brown)

**Current Zoning:** N1-A (neighborhood 1-A) **Proposed Zoning:** N2-B(CD) (neighborhood 2-B, conditional)

### Zoning Committee Recommendation:

The Zoning Committee voted 4-2 to recommend APPROVAL of this petition.

### Staff Recommendation:

Staff recommends APPROVAL of this petition.

2023 154 ZCR

2023 154 FSA

2023 154 SitePlanRev 2024 4 5

# 10. Rezoning Petition: 2023-155 by CH Land Company, LLC

**Location:** Approximately 16.15 acres located at the northeast intersection of Beatties Ford Road and Trinity Road, south of Lakeview Road. (Council District 2 - Graham)

**Current Zoning:** CG (general commercial) and N1-A (neighborhood 1-A) **Proposed Zoning:** N2-B(CD) (neighborhood 2-B, conditional)

### **Zoning Committee Recommendation:**

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

### Staff Recommendation:

Staff recommends APPROVAL of this petition.

2023 155 ZCR

2023 155 FSA

2023-155 SitePlanRev 24 4 5

## 11. Rezoning Petition: 2023-159 by Pulte Home Company, LLC

**Location:** Approximately 28.4 acres located on the west side of Beatty Drive and east side of Brick Yard Road Extension, south of Wilkinson Boulevard. (ETJ - BOCC: 2-Leake; Closet CC 3-Brown)

**Current Zoning:** MHP (manufactured home park) **Proposed Zoning:** N1-E (neighborhood 1-E)

### **Zoning Committee Recommendation:**

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

### Staff Recommendation:

Staff recommends APPROVAL of this petition.

2023 159 ZCR

<u>2023 159 FSA</u>

# 12. Rezoning Petition: 2023-166 by Milburn Davant

**Location:** Approximately 0.396 acres located at the northeast intersection of Pinckney Avenue and East 28th Street, south of Matheson Avenue. (Council District 1 - Anderson)

**Current Zoning:** N1-C (neighborhood 1-C) **Proposed Zoning:** N1-D (neighborhood 1-D)

### Zoning Committee Recommendation:

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

### Staff Recommendation:

Staff recommends APPROVAL of this petition.

2023 166 ZCR

2023 166 FSA

### 13. Rezoning Petition: 2023-167 by Beacon Properties

**Location:** Approximately 5.629 acres located on the west side of Atando Avenue, north of North Tryon Street. (Council District 1 - Anderson)

**Current Zoning:** ML-2 (manufacturing and logistics - 2) **Proposed Zoning:** IMU (innovation mixed-use)

### Zoning Committee Recommendation:

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

### **Staff Recommendation:** Staff recommends APPROVAL of this petition.

<u>2023 167 ZCR</u>

2023 167 FSA

# 14. Rezoning Petition: 2023-168 by Cutter Family Properties, LLC

**Location:** Approximately 9.1 acres located on the north and south side of Dalton Avenue, west of Plymouth Avenue. (Council District 1 - Anderson)

**Current Zoning:** ML-2 (manufacturing and logistics - 2) **Proposed Zoning:** IMU (innovation mixed-use)

### Zoning Committee Recommendation:

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

### Staff Recommendation:

Staff recommends APPROVAL of this petition.

2023 168 ZCR

2023 168 FSA

# **15.** Rezoning Petition: 2023-169 by D.R Horton

**Location:** Approximately 33.95 acres located east of Bending Branch Road and west of Interstate 485, north of Albemarle Road. (ETJ - BOCC: 4-Jerrell; Closet CC 5-Molina)

**Current Zoning:** MX-1 (mixed use district) **Proposed Zoning:** N2-A(CD) (neighborhood 2-A, conditional)

### Zoning Committee Recommendation:

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

### Staff Recommendation:

Staff recommends APPROVAL of this petition.

2023 169 ZCR

2023 169 FSA

2023 169 RevSitePlan 2024 03 21

# 16. Rezoning Petition: 2023-170 by BVB Properties, LLC

**Location:** Approximately 1.57 acres located on the east side of North Tryon Street, south of Orr Road, and north of Old Concord Road. (Council District 4 - Johnson)

**Current Zoning:** ML-2 (manufacturing and logistics-2) **Proposed Zoning:** IMU (innovation mixed use)

### **Zoning Committee Recommendation:**

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

### Staff Recommendation:

Staff recommends APPROVAL of this petition.

2023 170 ZCR

2023 170 FSA

# 17. Rezoning Petition: 2023-171 by Strategic Capital Partners, LLC

**Location:** Approximately 2.2 acres located on the north side of Walkers Ferry Road, west of Interstate 485, and south of Old Dowd Road. (ETJ - BOCC: 2-Leake; Closet CC 3 - Brown)

**Current Zoning:** N1-A (neighborhood 1-A) **Proposed Zoning:** ML-2 (manufacturing and logistics-2)

### Zoning Committee Recommendation:

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

### Staff Recommendation:

Staff recommends APPROVAL of this petition.

2023 171 ZCR

<u>2023 171 FSA</u>

# 18. Rezoning Petition: 2023-175 by United Rentals (North America) Inc.

**Location:** Approximately 9.95 acres located on the north side of Westinghouse Boulevard, west side of Old Nations Ford, and east side of Interstate 485. (Council District 3 - Brown)

**Current Zoning:** ML-2 (manufacturing and logistics-2) **Proposed Zoning:** ML-1(CD) (manufacturing and logistics-1, conditional

### Zoning Committee Recommendation:

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

### Staff Recommendation:

Staff recommends APPROVAL of this petition.

2023 175 ZCR

<u>2023 175 FSA</u>

2023 175 SiteConditions

### DECISIONS

# 19. Rezoning Petition: 2023-174 by Charlotte Planning, Design, & Development - Text Amendment

The purpose of this text amendment is to update the Campus zoning districts to: 1) restructure the use matrix for these districts, adding specific uses for OFC, IC-1, and IC-2; 2) modify the prescribed conditions for certain uses allowed in the Campus zoning districts; and 3) create a new General Office (OG) zoning district.

### Zoning Committee Recommendation:

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

### Staff Recommendation:

Staff recommends APPROVAL of this petition.

2023 174 ZCR

2023 174 FSA

2023-174 Text Amendment Rev. 3 - 3-27-24

### 20. Rezoning Petition: 2023-062 by White Point Partners

**Location:** Approximately 2.59 acres located along the south side of Commonwealth Avenue, west of The Plaza, and east of Pecan Avenue. (Council District 1 - Anderson)

Current Zoning: NC (neighborhood center) Proposed Zoning: CAC-2(CD) (community activity center - 2, conditional)

### Zoning Committee Recommendation:

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

### Staff Recommendation:

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

2024 062 ZCR

2023 062 FSA

2023 062 RevSitePlan 2024 03 21

# 21. Rezoning Petition: 2023-046 by Childress Klein Properties & Charlotte-Mecklenburg Schools

**Location:** Approximately 124.60 acres located along the east side of Tom Short Road, west of Red Rust Lane, and north of Ardrey Kell Road. (Council District 7 - Driggs)

**Current Zoning:** MX-1 (INNOV) (mixed-use residential, innovative) **Proposed Zoning:** MX-2 (INNOV) with 5-year vested rights (mixed-use residential, innovative)

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

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

2023 046 ZCR

<u>2023 046 FSA</u>

2023 046 RevSitePlan 2024 03 21

## 22. Rezoning Petition: 2023-172 by BVB Properties, LLC

**Location:** Approximately 0.78 acres located at the southeast intersection of Mt. Holly-Huntersville Road and Lawing School Road, west of Bellhaven Boulevard. (Council District 2 - Graham)

**Current Zoning:** B-1(CD) (neighborhood business, conditional) **Proposed Zoning:** CG(CD) (general commercial, conditional)

### Zoning Committee Recommendation:

The Zoning Committee voted 5-1 to recommend DENIAL of this petition.

### Staff Recommendation:

Staff recommends APPROVAL of this petition.

2023 172 ZCR

2023 172 FSA

2023-172 SitePlanREV 24 3 21

## 23. Rezoning Petition: 2023-176 by Smith Douglas Homes

**Location:** Approximately 14.85 acres located on the northeast side of Paw Creek Road, east of Little Rock Road. (Council District 2 - Graham)

Current Zoning: N1-A (neighborhood 1-A) Proposed Zoning: N2-A(CD) (neighborhood 2-A, conditional)

**Zoning Committee Recommendation:** The Zoning Committee voted 5-1 to recommend APPROVAL of this petition.

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

2023 176 ZCR 2023 176 FSA 2023-176 SitePlanRev 24 4 10

# 23b. Rezoning Petition: 2022-216 by QuikTrip Corporation

**Location:** Approximately 3.55 acres bound by the east of side of Lakebrook Road, north side of Centergrove Lane, west side of Sam Wilson Road, and south side of Interstate 85. (ETJ - BOCC: 2-Leake; Closest CC 3-Brown)

**Current Zoning:** N1-A (neighborhood 1-A) and CG (general commercial) **Proposed Zoning:** I-1(CD) (general industrial, conditional)

**Zoning Committee Recommendation:** The Zoning Committee voted 4-2 to recommend DENIAL of this petition.

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

2022 216 ZCR

2022 216 FSA

2022-216 SitePlanRev 24 2 22

### HEARINGS

### 24. Rezoning Petition: 2023-124 by The Paces Foundation

### Update: Petitioner is requesting deferral to May 20, 2024

**Location:** Approximately 10.54 acres located along the southeast side of Dilling Farm Road, south of Moores Chapel Road, and east of Interstate 485. (Council District 3 - Brown)

**Current Zoning:** MX-2 (mixed use residential) **Proposed Zoning:** N2-A (CD) (neighborhood 2-A, conditional)

### 25. Rezoning Petition: 2023-164 by Eden Acquisitions LLC

### Update: Petitioner is requesting deferral to May 20, 2024

**Location:** Approximately 23.42 acres located along the east side of South Tryon Street and west side of Steele Creek Road, north of Hamilton Road. (Council District 3 - Brown)

**Current Zoning:** N1-A (neighborhood 1-A) and IC-1 (institutional campus-1) **Proposed Zoning:** N2-A (CD) (neighborhood 2-A, conditional)

### 26. Rezoning Petition: 2024-007 by Oak Hill Management

### *Update: Petitioner is requesting deferral to May 20, 2024*

**Location:** Approximately 7.34 acres located on the east and west side of Executive Center Drive, and south side of Albemarle Road. (Council District 5 - Molina)

Current Zoning: CG (general commercial) Proposed Zoning: CAC-1 (community activity center-1)

### 27. Rezoning Petition: 2023-040 by City of Charlotte

### Update: Petitioner is requesting deferral to May 20, 2024

**Location:** Approximately 2.57 acres bound by the south side of East Trade Street, north side of East 4th Street, and west side of South Brevard Street. (Council District 1 - Anderson)

**Current Zoning:** UMUD-O (uptown mixed use district, optional) **Proposed Zoning:** UMUD-O SPA (uptown mixed use district, optional, site plan amendment)

# 28. Rezoning Petition: 2023-041 by City of Charlotte

### Update: Petitioner is requesting deferral to May 20, 2024

**Location:** Approximately 1.17 acres located at the southwest intersection of East 4th Street and South Brevard Street. (Council District 1 - Anderson)

Current Zoning: UC (urban center)

Proposed Zoning: UMUD-O with 5-year vested rights (uptown mixed use district- optional)

# 29. Rezoning Petition: 2024-043 by Charlotte Planning, Design, & Development - Text Amendment

The purpose of this UDO text amendment is to make changes to the conservation residential development standards in Section 4.5 of the UDO to increase the quantity and quality of required open space, increase transitions to adjacent parcels, and revise frontage requirements. There are proposed changes in 5 of the 39 Articles. These changes include increasing the amount of open space from two to five acres; adding a landscape yard at the perimeter of the site; requiring lots to front on public streets, common open space, or green area; increasing the minimum dimensions of required common open space; establishing design standards for required open space; and minor changes and additions to standards.

### Staff Recommendation:

Staff recommends approval of this petition.

2024 043 PHSA DONE 2024 043 textamendment

# 30. Rezoning Petition: 2022-105 by Moores Chapel Retail, LLC

**Location:** Approximately 3.99 acres located at the intersection of Rhyne Road and Moores Chapel Road. (Council District 3 - Brown)

**Current Zoning:** N1-A (neighborhood 1-A zoning district) **Proposed Zoning:** B-1(CD) (neighborhood business, conditional)

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

2022 105 PHSA DONE 2022 105 SitePlanRev 2023 12 11

# 31. Rezoning Petition: 2023-023 by Horizon Development Properties, Inc.

**Location:** Approximately 8.55 acres located on the east side of Old Providence Road and west side of Providence Road, north of River Oaks Lane. (Council District 6 - Bokhari)

**Current Zoning:** R-20MF (multi-family residential) **Proposed Zoning:** MUDD-O (mixed use development district - optional)

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

2023 023 PHSA DONE

2023-023 SitePlanRev 24 3 11 (2)

# 32. Rezoning Petition: 2023-038 by Levine Properties

**Location:** Approximately 84.16 acres located on the north and south side of Sardis Lane, and east side of Providence Road. (Council District 6 - Bokhari)

**Current Zoning:** N1-A (neighborhood 1-A), N2-B (neighborhood 2-B), B-1SCD (business shopping center), B-1(CD) (neighborhood business, conditional), and R-20MF (multi-family residential) **Proposed Zoning:** UR-2(CD) (urban residential, conditional) and MUDD-O with 5-year vested rights (mixed use development district - optional)

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

2023 038 PHSA DONE

2023-038 SitePlanRev 24 3 11

## 33. Rezoning Petition: 2023-039 by Northwood Ravin

**Location:** Approximately 20.12 acres bound by the east side of Old Providence Road and west side of Providence Road, north of River Oaks Lane. (Council District 6 - Bokhari)

**Current Zoning:** N1-A (neighborhood 1-A) and R-20MF (general commercial) **Proposed Zoning:** MUDD-O (mixed use development district - optional)

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

2023 039 PHSA DONE

2024 003 SitePlanRev 24 3 11

# 34. Rezoning Petition: 2023-033 by CRD Elizabeth LLC

**Location:** Approximately 1.63 acres located along the northeast side of East 7th Street, south of Lamar Avenue, and north of Clement Avenue. (Council District 1 - Anderson)

**Current Zoning:** CG (general commercial) **Proposed Zoning:** MUDD-O (mixed use development district, optional)

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

2023 033 PHSA

2023 033 RevSitePlan 2023 11 13

# 35. Rezoning Petition: 2023-042 by Wilmore Preservation LLC

**Location:** Approximately 3.23 acres located on the northeastern corner of the intersection of West Boulevard and Mint Street. (Council District 3 - Brown)

**Current Zoning:** N1-D (neighborhood 1-D) **Proposed Zoning:** MUDD-O (HDO) (mixed use development district, historic district overlay)

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

<u>2023 042 PHSA DONE</u>

2023 042 SitePlanRev 2024 3 11

# 36. Rezoning Petition: 2024-004 by The Drox Group, LLC

**Location:** Approximately 4.1 acres located on the east side of South Tryon Street, west of Nations Ford Road, and north of Queen Anne Road. (Council District 3 - Brown)

Current Zoning: N1-B (neighborhood 1-B) Proposed Zoning: N2-A (CD) (neighborhood 2-A, conditional)

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

2024 004 PHSA DONE

2024 004 SitePlanRev 2024 3 11

# 37. Rezoning Petition: 2024-005 by Portman Residential, LLC

**Location:** Approximately 1.21 acres located on the west side of Chamberlain Avenue, north of State Street, and south of Yellowstone Drive. (Council District 2 - Graham)

**Current Zoning:** ML-2 (manufacturing and logistics-2) **Proposed Zoning:** IMU (innovation mixed use)

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

2024 005 PHSA