

City of Charlotte

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



Zoning Agenda

Monday, May 17, 2021

Electronic Regular Meeting Hosted from Room 267

City Council Zoning Meeting

*Mayor Vi Lyles
Mayor Pro Tem Julie Eiselt
Council Member Dimple Ajmera
Council Member Tariq Bokhari
Council Member Ed Driggs
Council Member Larken Egleston
Council Member Malcolm Graham
Council Member Renee Johnson
Council Member Matt Newton
Council Member Greg Phipps
Council Member Victoria Watlington
Council Member Braxton Winston II*

REMOTE MEETING

**1. 5:00 P.M. CITY COUNCIL ZONING MEETING,
CHARLOTTE-MECKLENBURG GOVERNMENT CENTER,
ELECTRONIC REGULAR MEETING HOSTED FROM ROOM 267**

Call to Order

Introduction

Invocation

Pledge of Allegiance

Explanation of Zoning Meeting

Deferrals/Withdrawals

2. Follow Up Report

DECISIONS

3. Rezoning Petition: 2019-179 by Ronald Staley, Jr. of Verde Homes, LLC

Update: Petitioner is requesting deferral to June 21, 2021

Location: Approximately 1 acre located near the SE intersection of Parkwood Avenue and Hawthorne Lane in the Plaza Midwood community. (Council District 1 - Egleston)

Current Zoning: R-5 (single family residential) & R-22MF (multi-family residential)

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

4. Rezoning Petition: 2020-038 by Clover Group, Inc.

Location: Approximately 9.96 acres located on the east side of Steele Creek Road and south of Erwin Road. (Council District 3 - Watlington)

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

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

Zoning Committee Recommendation:

The Zoning Committee voted 4-3 to recommend APPROVAL of this petition.

Staff Recommendation:

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

[2020_038_ZCR_DONE](#)

[2020_038_FSA](#)

[2020_038_RevSitePlan_2021_04_02](#)

5. Rezoning Petition: 2020-122 by MVP Equities Corporation

Location: Approximately 50.03 acres located along the north side of Hucks Road, along the east side of Arthur Davis Road, and south of Interstate 485. (ETJ - Closest to District 4 - Johnson)

Current Zoning: MX-3 (mixed use)

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

Zoning Committee Recommendation:

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

Staff Recommendation:

Staff recommends APPROVAL of this petition.

[2020_122_ZCR_DONE](#)

[2020_122_FSA_DONE](#)

[2020_122_RevisedSitePlan_2021_05_10](#)

6. Rezoning Petition: 2020-173 by FC Odell School, LLC

Location: Approximately 9.3 acres located south of Carolina Lily Lane, west of Mallard Creek Road, and east of Beard Road. (ETJ; Closest to Council District 4 - Johnson)

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

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

Zoning Committee Recommendation:

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

Staff Recommendation:

Staff recommends APPROVAL of this petition.

[2020_173_ZCRec_DONE](#)

[2020_173_FSA_DONE](#)

[2020_173_RevSitePlan_2021_03_15](#)

7. Rezoning Petition: 2020-182 by Circle G, LLC

Location: Approximately 0.18 acre located along the northeast side of East 5th Street, southwest of Park Drive, and east of Charlottetowne Avenue. (Council District 1 - Egleston)

Current Zoning: O-2 (office)

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

Zoning Committee Recommendation:

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

Staff Recommendation:

Staff recommends APPROVAL of this petition.

[2020_182_ZCR_DONE](#)

[2020_182_FSA_DONE](#)

[2020_182_RevSitePlan_2021_05_07](#)

8. Rezoning Petition: 2020-194 by Toomey Avenue, LLC

Location: Approximately 8.8 acres located along the north side of West Tremont Avenue, east of Toomey Avenue, and west of South Tryon Street. (Council District 3 - Watlington)

Current Zoning: I-1 (light industrial) and R-5 (single-family residential)

Proposed Zoning: MUDD (CD) (mixed-use development, conditional)

Zoning Committee Recommendation:

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

Staff Recommendation:

Staff recommends APPROVAL of this petition.

[2020_194_ZCR_DONE](#)

[2020_194_FSA_DONE](#)

[2020_194_RevSitePlan_2021_05_10](#)

9. Rezoning Petition: 2021-001 by BIRDSCO, Inc.

Location: Approximately 0.24 acre bound by Shamrock Drive and Downs Avenue, east of The Plaza, and west of Eastway Drive. (Council District 1 - Egleston)

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

Proposed Zoning: R-8 (single-family residential)

Zoning Committee Recommendation:

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

Staff Recommendation:

Staff recommends APPROVAL of this petition.

[2021_001_ZCR_DONE](#)

[2021_001_FSA_DONE](#)

10. Rezoning Petition: 2021-003 by Hopeway Foundation

Location: Approximately 19.78 acres located on the north side of Sharon Road West, east of South Boulevard, and west of Park Road. (Council District 6 - Bokhari)

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

Proposed Zoning: MUDD-O (mixed-use development, optional) with 5-year vest rights

Zoning Committee Recommendation:

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

Staff Recommendation:

Staff recommends APPROVAL of this petition.

[2021_003_ZCR_DONE](#)

[2021_003_FSA_DONE](#)

[2021_003_SitePlanRev_21_4_22](#)

11. Rezoning Petition: 2021-011 by Movement Resources

Location: Approximately 4.14 acres located at the eastern intersection of Central Avenue and Sharon Amity Road, west of the former Eastland Mall site. (Council District 5-Newton)

Current Zoning: MUDD-O (mixed-use development)

Proposed Zoning: MUDD-O SPA (mixed-use development, 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.

[2021_011_ZCR_DONE](#)

[2021_011_FSA_DONE](#)

[2021_011_RevSitePlan_2021_04_22](#)

12. Rezoning Petition: 2021-012 by Hopper Communities

Location: Approximately 4.57 acres located on the west side fo Wilora Lake Road, east of Central Avenue, and north of Albemarle Road. (Council District 5 - Newton)

Current Zoning: R-4 (single-family residential)

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

Zoning Committee Recommendation:

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

Staff Recommendation:

Staff recommends APPROVAL of this petition.

[2021_012_ZCR_DONE](#)

[2021_012_PostHSA_DONE](#)

[2021_012_RevSitePlan_2021_04_29](#)

13. Rezoning Petition: 2021-016 by Urban Trends Real Estate, Inc.

Location: Approximately 7.02 acres located south of Interstate 85, west of Beatties Ford Road, and north of Brookshire Freeway. (Council District 2 - Graham)

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

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

Zoning Committee Recommendation:

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

Staff Recommendation:

Staff recommends APPROVAL of this petition.

[2021_016_ZCRec_DONE](#)

[2021_016_FSA_DONE](#)

[2021_016_RevSitePlan_2021_04_22](#)

14. Rezoning Petition: 2021-017 by Charlotte-Mecklenburg Housing Partnership

Location: Approximately 4.48 acres located on the west side of Yuma Street, east of West Sugar Creek Road, and south of Interstate 85. (Council District 4 - Johnson)

Current Zoning: MUDD-O (mixed-use development, optional) and UR-2 (CD) (urban residential, conditional)
Proposed Zoning: UR-2 (CD) SPA (urban residential, conditional, site plan amendment)

Zoning Committee Recommendation:

The Zoning Committee voted 5-0 to recommend APPROVAL of this petition.

Staff Recommendation:

Staff recommends APPROVAL of this petition.

[2021_017_ZCRec_DONE](#)

[2021_017_FSA_DONE](#)

[2021_017_RevSitePlan_2021_05_06](#)

15. Rezoning Petition: 2021-018 by Poplar Development Partners

Location: Approximately 10.81 acres located in the western quadrant of the intersection of North Poplar Street and West 28th Street, south of Atando Avenue. (Council District 1 - Egleston)

Current Zoning: R-22 MF (CD) (multi-family residential, conditional)
Proposed Zoning: UR-2 (CD) (urban residential, conditional)

Zoning Committee Recommendation:

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

Staff Recommendation:

Staff recommends APPROVAL of this petition.

[2021_018_ZCR_DONE](#)

[2021_018_FSA_DONE](#)

[2021_018_RevSitePlan_2021_05_10](#)

16. Rezoning Petition: 2021-023 by Carolina Properties

Location: Approximately 4.81 acres at the intersection of Marvin Road and Old Ardrey Kell Road, on the eastern side of Johnston Road. (Council District 7 - Driggs)

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

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

Zoning Committee Recommendation:

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

Staff Recommendation:

Staff recommends APPROVAL of this petition.

[2021_023_ZCR_DONE](#)

[2021_023_FSA_DONE](#)

[2021_023_SitePlanRev_21_4_22](#)

17. Rezoning Petition: 2021-024 by Laura Carlevatti

Location: Approximately 0.616 acre located on the west side of the intersection of Old Plank Road and Chapman Street, south of Interstate 485. (Council District 2 - Graham)

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

Proposed Zoning: R-4 LWPA (single-family residential, Lake Wylie Protected Area)

Zoning Committee Recommendation:

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

Staff Recommendation:

Staff recommends APPROVAL of this petition.

[2021_024_ZCR_DONE](#)

[2021_024_FinalISA_DONE](#)

18. Rezoning Petition: 2021-026 by Hendrick Automotive Group

Location: Approximately 15.2 acres bound by the east side of Old Statesville Road, the south side of Eastfield Road, and north of Interstate 485. (ETJ-BOCC: 1-Powell, nearest CC: 2 - Graham)

Current Zoning: R-4 (single-family residential)

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

Zoning Committee Recommendation:

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

Staff Recommendation:

Staff recommends APPROVAL of this petition.

[2021_026_ZCR_DONE](#)

[2021_026_FSA_DONE](#)

[2021_026_RevSitePlan_2021_04_22](#)

19. Rezoning Petition: 2021-029 by Derek Rothaupt

Location: Approximately 6.33 acres located on the west side of Rozzelles Ferry Road, north of Hart Road, and southwest of Brookshire Boulevard. (Council District 2 - Graham)

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

Proposed Zoning: I-2 LWPA (general industrial, 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.

[2021_029_ZCR_DONE](#)

[2021_029_FSA_DONE](#)

HEARINGS

20. Rezoning Petition: 2020-116 by Carolina Development Group NC, LLC

Update: *Petitioner has withdrawn this petition*

Location: Approximately 0.58 acres located along the east side of Pecan Avenue, north of Commonwealth Avenue, and south of Central Avenue. (Council District 1 - Egleston)

Current Zoning: MUDD-O PED (mixed-use development, optional, pedestrian overlay), B-2 PED (general business, pedestrian overlay)

Proposed Zoning: TOD-UC PED (transit-oriented development - urban center, pedestrian overlay)

21. Rezoning Petition: 2020-133 by D.R. Horton

Update: *Petitioner is requesting deferral to June 21, 2021*

Location: Approximately 26.195 acres located on the south side of Hamilton Road, east of Youngblood Road, and west of Steele Creek Road. (ETJ)

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

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

22. Rezoning Petition: 2021-110 by Charlotte Planning, Design, & Development - Text Amendment

Summary of Petition:

This Text Amendment proposes to update the Zoning Ordinance to bring it into compliance with new North Carolina General Statute legislation (Chapter 160D) related to land use effective 7-1-21. This text amendment 1) updates N.C.G.S. references to align with Chapter 160D; 2) updates the processes for all development approvals, including written notices of decisions to both the applicant and the property owner; 3) updates the processes for filing applications, notice requirements, evidentiary hearing provisions and quasi-judicial procedures; and 4) adds conflict of interest standards for boards and administrative staff.

[2021_110_PHSA](#)

[2021-110 Summary Text Amendment](#)

23. Rezoning Petition: 2021-109 by Charlotte Planning, Design, & Development - Text Amendment

This Text Amendment proposes to update the Subdivision Ordinance to bring it into compliance with new North Carolina General Statute legislation (Chapter 160D) related to land use effective 7-1-21. This text amendment 1) updates N.C.G.S. references to align with new Chapter 160D legislation; 2) adds conflict of interest standards for boards, commissions, and administrative staff; 3) adds a requirement for written notices of decisions on preliminary plans and final plats, to be provided to the applicant and the property owner, if different; 4) modifies the performance guarantee regulations; 5) adds requirements for inspectors to present proper credentials prior to inspections, and that proper consent must be given to inspect areas not open to the public or an appropriate inspection warrant must be secured; 6) adds and modifies definitions, and 7) adds text that notifications of decisions sent by first-class mail are deemed received on the third business day for the purposes of filing an appeal.

[2021-109_PHSA](#)

[2021-109 Summary Text Amendment](#)

24. Rezoning Petition: 2021-113 by Charlotte Planning, Design, & Development - Text Amendment

Summary of Petition:

This Text Amendment proposes to update the Charlotte Tree Ordinance to bring it into compliance by July 1, 2021 with the requirements of North Carolina General Statute 160D. The text amendment 1) updates N.C.G.S. references to align with Chapter 160D legislation; 2) updates the processes and requirements for enforcement procedures; 3) updates the requirements for administrative decisions, evidentiary hearings and quasi-judicial procedures; 4) adds new vested rights and permit choice rules; and 5) adds conflict of interest standards for boards and administrative staff.

[2021_113_PHSA](#)

[2021-113 Text Amendment Summary](#)

25. Rezoning Petition: 2017-118 by Phillips Investments Properties

Location: Approximately 0.78 acre located on the west side of Statesville Road, north of Cindy Lane. (Council District 2 - Graham)

Current Zoning: R-4 (single-family residential)

Proposed Zoning: B-2 (CD) (general business, conditional) with five-year vested rights

Staff Recommendation:

Staff recommends APPROVAL of this petition.

[2017_118_PHSA_DONE](#)

[2017_118_RevSitePlan_2021_04_12](#)

26. Rezoning Petition: 2020-192 by White Point Partners

Location: Approximately 3.50 acres located along the east side of Camden Road, north of East Boulevard, and west of South Boulevard. (Council District 3 - Watlington)

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

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

Staff Recommendation:

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

[2020_192_PHSA_DONE2](#)

[2020_192_RevSitePlan_2021_4_12](#)

27. Rezoning Petition: 2020-197 by The Paces Foundation, Inc.

Location: Approximately 4.54 acres located along the south side of Elmin Street, on the north side of West Boulevard, east of Old Steele Creek Road. (Council District 3 - Watlington)

Current Zoning: R-5 (single-family residential) and R-8 (single-family residential)

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

Staff Recommendation:

Staff recommends APPROVAL of this petition.

[2020_197_PHSA_DONE](#)

[2020_197_RevSitePlan_2021_03_17](#)

28. Rezoning Petition: 2021-007 by Pakchanok Lettsome

Location: Approximately 0.2 acre located near the intersection of E. 17th Street and Seigle Avenue in the Belmont Community. (Council District 1 - Egleston)

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

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

Staff Recommendation:

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

[2021_007_PHSА_DONE](#)

[2021_007_RevSitePlan_2021_4_12](#)

29. Rezoning Petition: 2021-009 by Edward Judson McAdams

Location: Approximately .59 acre located at 2100 Matheson Avenue, directly adjacent to Charlotte Country Club. (Council District 1 - Egleston)

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

Proposed Zoning: R-4 (single-family residential)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

[2021_009_PHSА_DONE](#)

30. Rezoning Petition: 2021-010 by Madison Capital Group

Location: Approximately 4.9 acres located north of Wilkinson Boulevard, south of Arty Drive, and west of Berryhill Road. (Council District 3 - Watlington)

Current Zoning: B-1 (neighborhood business, O-2 (office), and R-22 MF (multi-family residential)

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

Staff Recommendation:

Staff recommends APPROVAL of this petition.

[2021_010_PHSА_DONE](#)

31. Rezoning Petition: 2021-013 by Hebron Road Holdings, LLC

Location: Approximately 8.25 acres bound by Old Hebron Road and Hebron Street, east of Nations Ford Road, and west of South Boulevard. (Council District 3 - Watlington)

Current Zoning: I-1 (light industrial)

Proposed Zoning: I-2 (general industrial)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

[2021_013_PHSА_DONE](#)

32. Rezoning Petition: 2021-014 by Whitestone Holdings, Inc.

Location: Approximately 0.23 acre located on the east side of Grandin Road between 4th Street and 4th Street Extension. (Council District 2 - Graham)

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

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

Staff Recommendation:

Staff does not recommend approval of this petition.

[2021_014_PHSА_DONE](#)

[2021_014_RevSitePlan_2021_4_12](#)

33. Rezoning Petition: 2021-015 by Exponential Development, LLC

Location: Approximately 2.56 acres located in the northeastern corner of the intersection of West Boulevard and Holabird Lane. (Council District 3 - Watlington)

Current Zoning: B-1S (CD) (business shopping center, conditional)

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

Staff Recommendation:

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

[2021_015_PHSА_DONE](#)

[2021_015_SitePlanRev_03_15_2021](#)

34. Rezoning Petition: 2021-022 by OMS Dilworth, LLC

Location: Approximately 1.14 acres located in the western quadrant of the intersection of Cleveland Avenue and Worthington Avenue, east of South Boulevard. (Council District 1 - Egleston)

Current Zoning: TOD-M(O) (transit-oriented development - mixed use, optional)

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

Staff Recommendation:

Staff recommends APPROVAL of this petition.

[2021_022_PHSА_DONE](#)

35. Rezoning Petition: 2021-030 by Lucern Capital Partners

Location: Approximately 2.55 acres located on the east side of Research Drive, north of West W. T. Harris Boulevard, and west of Interstate 85. (Council District 4 - Johnson)

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

Proposed Zoning: RE-3(O) (research, optional)

Staff Recommendation:

Staff recommends APPROVAL of this petition upon resolution of outstanding issues related to transportation and land use.

[2021_030_PHSА_DONE](#)

[2021_030_RevSitePlan_2021_04_12](#)

36. Rezoning Petition: 2021-031 by Halley Douglas, Inc.

Location: Approximately 0.23 acre located on the north side of Laurel Avenue, east of Providence Road, and west of Randolph Road. (Council District 1 - Egleston)

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

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

Staff Recommendation:

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

[2021_031_PHSА_DONE](#)

[2021_031_RevSitePlan_2021_4_12](#)

Adjournment