

City of Charlotte

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



Zoning Agenda

Monday, April 19, 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*

ACRONYMS

Zoning District Acronyms

- **B-1** – neighborhood business
- **B-2** – general business
- **B-1SCD** – business shopping center (old district)
- **BD** – distributive business
- **BP** – business park
- **CC** – commercial center
- **HW** – hazardous waste
- **I-1** – light industrial
- **I-2** – general industrial
- **INST** – institutional
- **MUDD** – mixed use development
- **MX-1** – mixed use
- **MX-2** – mixed use
- **MX-3** – mixed use
- **NS** – neighborhood services
- **O-1** – office district
- **O-2** – office district
- **O-3** – office district
- **R-3** – single-family residential – up to 3 dwelling units per acre (dua)
- **R-4** – single-family residential –up to 4 dua
- **R-5** – single-family residential –up to 5 dua
- **R-6** – single-family residential –up to 6 dua
- **R-8** – single-family residential – up to 8 dua
- **R-8MF** – multi-family residential – up to 8 dua
- **R-12MF** – multi-family residential– up to 12 dua
- **R-17MF** – multi-family residential– up to 17 dua
- **R-22MF** – multi-family residential– up to 22 dua
- **R-43MF** – multi-family residential– up to 43 dua
- **R-MH** – residential manufactured housing
- **RE-1** – research
- **RE-2** – research
- **RE-3** – research
- **TOD** – transit oriented development
- **TOD-CC** – transit oriented development – community center
- **TOD-NC** – transit oriented development– neighborhood center
- **TOD-UC** – transit oriented development –urban center
- **TOD-TR** – transit oriented development –transit transition
- **U-I** – urban industrial
- **UMUD** – uptown mixed use
- **UR-1** – urban residential
- **UR-2** – urban residential
- **UR-3** – urban residential
- **UR-C** – urban residential – commercial

Zoning Overlay District Acronyms

- **AIR** – Airport Noise overlay
- **CR/LWW** – Catawba River/Lake Wylie watershed
- **CR/LWWCA** – Catawba River/Lake Wylie watershed – critical area
- **CR/LWWPA** – Catawba River/Lake Wylie watershed – protected area
- **HD-O** – historic district overlay
- **LNW** – Lake Norman watershed overlay
- **LNWCA** –Lake Norman watershed –overlay, critical area
- **LNWPA** –Lake Norman watershed – overlay, protected area
- **LLWW** – Lower Lake Wylie watershed overlay
- **LLWWCA** – Lower Lake Wylie watershed – overlay, critical area
- **LLWWPA** – Lower Lake Wylie watershed– overlay, protected area
- **LWPA** – Lake Wylie protected area
- **MILW** – Mountain Island Lake watershed overlay
- **MILWCA** – Mountain Island Lake watershed – overlay, critical area
- **MILWPA** – Mountain Island Lake watershed – overlay, protected area
- **MH** - manufactured home overlay
- **PED** – pedestrian overlay
- **TS** – transit supportive overlay

Miscellaneous Zoning Acronyms:

- **CD** – conditional
- **INNOV** – innovative standards
- **SPA** – site plan amendment
- **O** – optional provisions

Miscellaneous Other Acronyms:

- **CAG** – citizen advisory group
- **CDOT** – Charlotte Department of Transportation
- **FEMA** – Federal Emergency Management Agency
- **LED** – light emitting diode
- **NCDOT** – North Carolina Department of Transportation
- **PCCO** – Post Construction Control Ordinance

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 May 17, 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.

Attachments:

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

5. Rezoning Petition: 2020-103 by Fielding Homes/DRB Group

Location: Approximately 5.92 acres located along the east side Providence Road and along the north side of Alexander 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 5-0 to recommend APPROVAL of this petition.

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

6. Rezoning Petition: 2020-118 by TWG Development

Update: Petitioner has withdrawn this petition

Location: Approximately 9.042 acres located off District Drive between W.T. Harris Boulevard and Shorthorn Street in the University City neighborhood. (Council District 4 - Johnson)

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

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

7. Rezoning Petition: 2020-134 by Impact, LLC

Location: Approximately 26.59 acres located in the southeastern corner of the intersection of Rhyne Road and Mount Holly Road. (ETJ)

Current Zoning: CC, LWPA (commercial center, Lake Wylie Protected Area)

Proposed Zoning: CC SPA, LWPA (commercial center site plan amendment, Lake Wylie Protected Area)

Zoning Committee Recommendation:

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

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

8. Rezoning Petition: 2020-141 by Flagship Healthcare Properties, LLC

Location: Approximately 1.55 acres located along the southeast side of Colonial Avenue, along the west side of Vail Avenue, and the northeast side of Randolph Road. (Council District 1 - Egleston)

Current Zoning: O-2 (office)

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.

Attachments:

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

9. Rezoning Petition: 2020-150 by Evolve Acquisition, LLC

Location: Approximately 20.267 acres located along the south side of Alexandria Road, north of Interstate 485, and west of Highway 77. (ETJ; Closest to District 2 - Graham)

Current Zoning: R-3 (single-family residential and BP (business park)

Proposed Zoning: R-17 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.

Attachments:

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

10. Rezoning Petition: 2020-159 by Bainbridge Communities Acquisitions III, LLC

Location: Approximately 14.83 acres bound by the northern side of Mallard Creek Road, the northeast side of Ridge Road and the eastern side of Beard Road. (Council District 4 - Johnson)

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

Proposed Zoning: R-22MF (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.

Attachments:

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

11. Rezoning Petition: 2020-168 by The Building Agency, LLC

Location: Approximately 1.572 acres located off Arnold Drive, east of Eastway Drive and west of Kilborne Park in the Markham Village neighborhood. (Council District 1 - Egleston)

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

Proposed Zoning: R-8 (CD) (single-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.

Attachments:

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

12. Rezoning Petition: 2020-172 by Alex Ransenberg

Location: Approximately .312 acre located at the eastern intersection of Wesley Avenue and Whiting Avenue in the NoDa community. (Council District 1 - Egleston)

Current Zoning: R-5 (residential)

Proposed Zoning: UR-1 (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.

Attachments:

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

13. Rezoning Petition: 2020-179 by Agent 89 Properties, LLC

Location: Approximately .74 acre located at 4100 Robinwood Drive located in the Eastland/Wilora Lake community. (Council District 5 - Newton)

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

Proposed Zoning: R-4 (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.

Attachments:

Zoning Committee Recommendation

Final Staff Analysis

14. Rezoning Petition: 2020-184 by Pinky's, LLC

Location: Approximately 0.225 acre located along the west side of Freedom Drive and along the north side of West Morehead Street. (Council District 3 - Watlington)

Current Zoning: B-1 PED -O (neighborhood business, pedestrian overlay, optional)

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

Attachments:

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

15. Rezoning Petition: 2020-185 by Providence Group Capital, LLC

Location: Approximately 0.808 acre located along the west side of Distribution Street, east of South Tryon Street, 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)

Zoning Committee Recommendation:

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

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Zoning Committee Recommendation

Final Staff Analysis

16. Rezoning Petition: 2020-187 by Sam's Mart

Location: Approximately 1.098 acres located along the south side of Central Avenue, on the west side of North Sharon Amity Road, and north of Spanish Quarter Circle. (Council District 5 - Newton)

Current Zoning: B-1 (neighborhood business)

Proposed Zoning: B-2 (general business)

Zoning Committee Recommendation:

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

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Zoning Committee Recommendation

Final Staff Analysis

17. Rezoning Petition: 2020-188 by Shaun Gasparini, True Homes, LLC

Location: Approximately 11.49 acres located near 13230 Plaza Road, near the Mecklenburg/Cabarrus County line. (ETJ - Closest to District 4 - Johnson)

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

Proposed Zoning: R-8 MF (multi-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.

Attachments:

Zoning Committee Recommendation

Final Staff Analysis

18. Rezoning Petition: 2020-189 by 5110 Gable Road, LLC

Location: Approximately 2.66 acres located east of Gable Road and south of Shopton Road. (ETJ; Closest to District 3 - Watlington)

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

Proposed Zoning: I-2 (general industrial)

Zoning Committee Recommendation:

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

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Zoning Committee Recommendation

Final Staff Analysis

19. Rezoning Petition: 2020-190 by Northwood Ravin

Location: Approximately 1.3 acres located along the west side of South Kings Drive, east of Kenilworth Avenue, and south of Charlottetowne Avenue. (Council District 1 - Egleston)

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

Proposed Zoning: MUDD-O SPA (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.

Attachments:

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

20. Rezoning Petition: 2020-191 by Central Avenue Karyae, LLC

Location: Approximately 0.075 acre located on the south side of Central Avenue, east of Pecan Avenue and west of Thomas Avenue. (Council District 1 - Egleston)

Current Zoning: B-2 PED (general business, pedestrian overlay)

Proposed Zoning: B-2 PED (O) (general business, pedestrian overlay-optional)

Zoning Committee Recommendation:

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

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

21. Rezoning Petition: 2020-193 by Premier Athletic Management, LLC

Location: Approximately 10.50 acres locates along the east side of Browne Road, south of Interstate 485, and west of Benfield Road. (Council District 4 - Johnson)

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

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

Zoning Committee Recommendation:

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

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

22. Rezoning Petition: 2020-195 by Smith Southeast Development, Inc.

Location: Approximately 2.9 acres located along the south side of Rea Road, east of Colony Road, and west of Stourton Lane. (Council District 7 - Driggs)

Current Zoning: B-1 (CD) (neighborhood business, 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.

Attachments:

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

23. Rezoning Petition: 2020-200 by Elmington Capital Group

Location: Approximately 8.862 acres located on the south side of West Boulevard, the west side of Beech Nut Road, and east of Clanton Road. (Council District 3 - Watlington)

Current Zoning: R-22 MF (multi-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.

Attachments:

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

24. Rezoning Petition: 2021-002 by City of Charlotte, Aviation Department

Location: Approximately 4.98 acres located south of Byrum Drive, east of I-485, and west of Yorkmont Road. (Council District 3 - Watlington)

Current Zoning: R-3 AIR (single-family residential, airport noise overlay)

Proposed Zoning: I-2 AIR (general industrial, airport noise overlay)

Zoning Committee Recommendation:

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

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Zoning Committee Recommendation

Final Staff Analysis

25. Rezoning Petition: 2021-005 by City of Charlotte, Aviation Department

Location: Approximately 108.67 acres located on the south side of Wilkinson Boulevard, east of Interstate 485, and west of Billy Graham Parkway. (Council District 3 - Watlington)

Current Zoning: R-4 LLWPA AIR (single-family residential, Lower Lake Wylie protected area, airport noise overlay), I-1 (CD) LLWPA AIR (light industrial, Lower Lake Wylie Protected area, airport noise overlay), and I-1 (LLWPA AIR (light industrial, Lower Lake Wylie protected area, airport noise overlay)

Proposed Zoning: I-2 LLWPA AIR (general industrial, Lower Lake Wylie protected area, airport noise overlay)

Zoning Committee Recommendation:

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

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Zoning Committee Recommendation

Final Staff Analysis

26. Rezoning Petition: 2021-032 by E-Fix Development Co., LLC

Location: Approximately 0.298 acres located along the south side of LaSalle Street, on the east side of Taylor Avenue, and west of Beatties Ford Road. (Council District 2 - Graham)

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

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

Zoning Committee Recommendation:

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

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

HEARINGS

27. Rezoning Petition: 2020-155 by Go Store It South Tryon, LLC

Update: Petitioner has withdrawn this petition

Location: Approximately 5.39 acres located along the north side of South Tryon, east of Whitehall Park Drive, and west of Interstate 485. (Council District 3-Watlington)

Current Zoning: I-1 (light industrial)

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

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

Update: Petitioner is requesting deferral to May 17, 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)

29. 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)

Current Zoning: MX-3 (mixed use)

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

Staff Recommendation:

Staff recommends APPROVAL of this petition

Attachments:

Pre-Hearing Staff Analysis

Site Plan

30. 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.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

31. 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)

Staff Recommendation:

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

Attachments:

Pre-Hearing Staff Analysis

Site Plan

32. 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)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

33. 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)

Staff Recommendation:

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

Attachments:

Pre-Hearing Staff Analysis

Site Plan

34. 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)

Staff Recommendation:

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

Attachments:

Pre-Hearing Staff Analysis

Site Plan

35. Rezoning Petition: 2021-001 by BIRDCO, 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)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Pre-Hearing Staff Analysis

36. 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

Staff Recommendation:

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

Attachments:

Pre-Hearing Staff Analysis

Site Plan

37. 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)

Staff Recommendation:

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

Attachments:

Pre-Hearing Staff Analysis

Site Plan

38. Rezoning Petition: 2021-012 by Hopper Communities

Location: Approximately 4.57 acres located on the west side of 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)

Staff Recommendation:

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

Attachments:

Pre-Hearing Staff Analysis

Site Plan

39. 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)

Staff Recommendation:

Staff recommends APPROVAL of this petition upon resolution of technical issues related to site design.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

40. 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)

Staff Recommendation:

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

Attachments:

Pre-Hearing Staff Analysis

Site Plan

41. Rezoning Petition: 2021-019 by Fifth Third Bank

Location: Approximately 0.976 acre located on the north side of Woodlawn Road, east of Tryon Street, and west of South boulevard. (Council District 3 - Watlington)

Current Zoning: TOD-CC (transit-oriented development-community center)

Proposed Zoning: TOD-TR (transit-oriented development-transitional)

Staff Recommendation:

Staff does not recommend approval of this petition.

Attachments:

Pre-Hearing Staff Analysis

42. 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)

Staff Recommendation:

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

Attachments:

Pre-Hearing Staff Analysis

Site Plan

43. Rezoning Petition: 2021-024 by Carlevatti Holdings, LLC

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)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Pre-Hearing Staff Analysis

44. 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)

Staff Recommendation:

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

Attachments:

Pre-Hearing Staff Analysis

Site Plan

45. 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)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Pre-Hearing Staff Analysis

Adjournment



City of Charlotte

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

Agenda Date: 4/19/2021

Agenda #: 1. **File #:** 15-15552 **Type:** Dinner Briefing

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



City of Charlotte

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

Agenda Date: 4/19/2021

Agenda #: 2. **File #:** 15-15553 **Type:** Dinner Briefing

Follow Up Report



City Council Follow-Up Report From the March 15, 2021 Zoning Meeting

2020-103 – Fielding homes/DRB Group – Approximately 5.92 acres located along the east side Providence Road and along the north side of Alexander Road. (Council District 7-Driggs)

How is building height measured in UR-2, and what are the height allowances/max height for this project under the UR-2 zoning district?

Staff Response:

How height is measured:

Building height is measured, in all districts, as the vertical distance between the average grade at the base of a structure and the highest part of the structure (not including firewalls, chimneys, roof structures for elevators, stairs and mechanical equipment or devices up to 5 ft used to screen roof structures and equipment.

Allowed height under current zoning (R-3):

Buildings are limited to 40ft measured at the required side yard line, and 48ft at the front building line. Building height may be increased over 40 feet by 1 additional foot in height for each 1 additional foot in distance the portion of the building is from the side yard line.

Note: the required setback is 30ft from the right-of-way of thoroughfares, the side yard is 6 ft and rear yard is 45 ft.

Ex. To reach a height of 44 ft, a building would need a distance of 10 ft from the side property line.

Allowed height in conventional UR-2 Zoning:

When adjacent to R-3, R-4, R-5, R-6 & R-8 zoning with residential use the maximum height is 40 ft measured at the Ordinance required setback, side, and rear yard lines. The maximum height may be increased over 40ft by 1 additional foot of height for every 2 additional feet in distance the portion of the building is from the required setback, side and rear yard lines located along boundaries adjacent to single family zoning, up to a total maximum height of 100 feet.

Note: The Ordinance required setback is 14ft from the back of curb, the side yard is 5 ft and rear yard is 10 ft.

Ex. To reach a height of 44 ft, a building would need a distance of 22 ft from the back of curb, 13 ft from the side property line, and 18 ft from the rear property line.

Allowed height under proposed zoning (UR-2(CD)):

All buildings are limited to 44 ft in height. The proposal provides buildings located a distance of 45 ft from the back of curb along Providence Road and 25 ft from the back of curb on Alexander, the units nearest to the side and rear property lines are located 50 ft and 65 ft from the property lines.

Is the water/sewer infrastructure in this area sufficient to accommodate the proposed development?

Staff Response: CLTWATER reviewed a submitted Capacity Assurance Program application for the proposed development. The CAP was approved 3/2021. This capacity is reserved for two years.

How many accidents have occurred at this intersection and why is not classified as ‘high injury’?

Staff Response: In order for a roadway segment or intersection to be included on the High Injury, there must be a serious injury crash, a fatal crash, or a crash involving a pedestrian or bicyclist. From 2016-2021, there have been 58 crashes at this intersection, averaging to 11.6 crashes per year or less than one crash incident a month. Of the 58 crashes, 39 were labeled property damage only, 16 were possible injury, and 3 were suspected minor/visible injury crashes. There have been no serious injury crashes, fatal crashes, or crashes involving a pedestrian or bicyclist at this intersection.

Are 73 accidents at this intersection more significant than other similar intersections?

Staff Response: CDOT reviews crash history in 5-year increments. As stated above, there have been 58 crashes at this intersection in the past 5 years. This average to just under 1 crash per month. Per the City’s Vision Zero Action Plan, CDOT is committed to eliminating traffic fatalities and serious injuries on our streets.

Given the unique characteristics of each intersection, as well as the relative differences in traffic volumes, the crash data for different intersections cannot be analyzed in a way that compares them accurately. However, we have included the Annual Average Daily Traffic (AADT) on the roads associated with this intersection.

The Annual Average Daily Traffic (AADT) on these roads are as follows:

- Providence Road - 34,200 vehicles per day (2019)
- Alexander Road – 11,000 vehicles per day (2019)
- Rea Road – 16,900 (2018)

Given the volume of vehicles traveling through this intersection each day, the average of less than 1 crash per month is not considered excessive or alarming.

Can CATS comment on the placement of the potential bus stop/waiting pad? Is there enough room at back of curb for the stop to be a pull off or will the bus stopping block the lane of traffic?

Staff Response (CATS): The stop on Providence Road would be located about 60-80 feet from Alexander Road.

For the pull off question: We would prefer to make in lane stops here. This wouldn’t be a timepoint so there isn’t a need for the operator to layover.

2020-150 – Evolve Acquisition, LLC – Approximately 20.267 acres located along the south side of Alexandria Road, north of Interstate 485, and west of Highway 77. (ETJ; Closest to District 2 - Graham)

What are the expectations of comments from Urban Forestry when there is a significant loss of trees on a site like this?

Staff Response: Urban Forestry staff reviews and comments on rezoning plans seeking acknowledgement and compliance with standard Charlotte Tree Ordinance development requirements such as tree save, internal/parking lot trees, and perimeter/street trees. Urban Forestry staff may comment on proposed conditions or notes that don't comply with standard ordinance requirements. Staff doesn't look at tree canopy issues beyond standard ordinance requirements.

2020-185 – Providence Group Capital, LLC – Approximately 0.808 acre located along the west side of Distribution Street, east of South Tryon Street, and south of Dunavant Street. (Council District 3 - Watlington)

What is the status of the public infrastructure project in this area? What is the schedule for improvements and how will the project impact/be related to the issuance of COs?

Staff Response: CLT Water has a sanitary sewer improvement project that will impact this development—Irwin Basin Tributary to Remount Road. This is a design-build project with a tentative construction start in first quarter of 2022 with a tentative completion by end of third quarter of 2023. CLTWATER would approve sanitary sewer connection for this parcel no later than completion of the project (third quarter 2023), but likely one quarter prior to completion of project (second quarter 2023).