

City of Charlotte

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



Zoning Agenda

Monday, July 15, 2019

Council Chambers

City Council Zoning Meeting

*Mayor Vi Lyles
Mayor Pro Tem Julie Eiselt
Council Member Dimple Ajmera
Council Member Tariq Scott Bokhari
Council Member Ed Driggs
Council Member Larken Egleston
Council Member Justin Harlow
Council Member LaWana Mayfield
Council Member James Mitchell
Council Member Matt Newton
Council Member Greg Phipps
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



Agenda Date: 7/15/2019

Agenda #: 1. **File #:** 15-11334 **Type:** Dinner Briefing

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

1. Meeting Agenda

2. Dinner Meeting Agenda

1. Agenda Review - Dave Pettine

3. Follow-Up Report

DECISIONS**4. Rezoning Petition: 2018-128 by James Pouitier**

Update: Petitioner is requesting deferral to September 16, 2019

Location: Approximately 5.5 acres located on the south side of Mount Holly-Huntersville Road, east of Brookshire Boulevard. (Council District 2 - Harlow)

Current Zoning: R-3 LWPA (single family residential, Lake Wylie protected area)

Proposed Zoning: NS LWPA (neighborhood services, Lake Wylie protected area)

Zoning Committee Recommendation:

The Zoning Committee voted 6-0 to **DEFER** this petition to their July 30, 2019 meeting.

5. Rezoning Petition: 2018-167 by Verde Homes, LLC

Update: Petitioner is requesting a deferral to September 16, 2019

Location: Approximately 1.74 acres located on the east side of Sardis Road, between Oak Creek Drive and Creek Valley Drive. (Council District 6 - Bokhari)

Current Zoning: R-3 (single family residential)

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

Zoning Committee Recommendation:

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

6. Rezoning Petition: 2019-006 by Amerco Real Estate Company

Update: Petitioner is requesting deferral to September 16, 2019

Location: Approximately 4.63 acres located on the east side of the intersection of Freedom Drive, Ashley Drive and Tuckaseegee Road. (Council District 3 - Mayfield)

Current Zoning: B-1SCD AIR (business shopping center district, airport noise overlay)

Proposed Zoning: BD(CD) AIR (distributive business, conditional, airport noise overlay) and B-2(CD) AIR (general business, conditional, airport noise overlay)

Zoning Committee Recommendation:

The Zoning Committee voted 6-0 to **DEFER** this petition to their July 30, 2019 meeting.

7. Rezoning Petition: 2016-112 by Argos Real Estate Advisors, Inc.

Location: Approximately 28 acres generally surrounded by Stewart Avenue, Chamberlain Avenue, Turner Avenue, State Street and Stewart Creek. (Council District 2 - Harlow)

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

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

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: 2018-110 by Mattamy Homes

Location: Approximately 38.40 acres located on the east side of Shopton Road West, north of South Tryon Street. (Outside City Limits)

Current Zoning: R-3 (single family residential)

Proposed Zoning: R-8MF(CD) (multi-family residential, conditional), with five-year vested rights

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

9. Rezoning Petition: 2018-127 by Blue Azela-Providence, LLC

Location: Approximately 1.08 acres located at the intersection of Vernon Drive and Providence Drive, north of Wendover Road and east of Providence Road. (Council District 6 - Bokhari)

Current Zoning: R-3 (single family residential)

Proposed Zoning: R-8(CD) (single family residential, conditional) with five-year vested rights

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: 2018-151 by EBA Crystal Real Estate, LLC

Location: Approximately 20.56 acres located on the east side of J.W. Clay Boulevard, north of West W.T. Harris Boulevard (Council District 4 - Phipps)

Current Zoning: CC (commercial center)

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

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

11. Rezoning Petition: 2018-162 by NRP Properties, LLC

Location: Approximately 6.63 acres located at the intersection of North Tryon Street and West Eastway Drive. (Council District 4 - Phipps)

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

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

Zoning Committee Recommendation:

The Zoning Committee voted 5-2 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: 2018-163 by Suncap Property Group, LLC

Location: Approximately 1.75 acres located on the eastside of Waverly Avenue, west side of Kenilworth Avenue, south of Romany Road. (Council District 1 - Egleston)

Current Zoning: R-8 (single family residential) & R-22MF (multi-family residential)

Proposed Zoning: R-8(CD) (single family residential, conditional) & MUDD(CD) (mixed use development, conditional)

Zoning Committee Recommendation:

The Zoning Committee voted 4-3 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: 2019-005 by Ardent Acquisitions, LLC

Location: Approximately 5.58 acres located on the south of West Tremont Avenue, west of South Tryon Street. (Council District 3 - Mayfield)

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

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

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

14. Rezoning Petition: 2019-008 by CoHab, LLC

Location: Approximately 0.52 acres located on the west side of the intersection of Seigle Avenue and East 15th Street. (Council District 1 - Egleston)

Current Zoning: R-5 (single family residential)

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

Zoning Committee Recommendation:

The Zoning Committee voted 7-0 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

15. Rezoning Petition: 2019-009 by Joseph Rhodes

Location: Approximately 16.0 acres located on the east side of Beatties Ford Road, north of Trinity Road and south of Lakeview Road. (Council District 2 - Harlow)

Current Zoning: R-3 (single family residential) and B-2 (general business)

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

Zoning Committee Recommendation:

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

Staff Recommendation:

Staff recommends approval of this petition.

Attachments:

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

16. Rezoning Petition: 2019-018 by Canopy CLT

Location: Approximately 3.10 acres located on the south side of Raleigh Street, west of Sugar Creek Road, south of North Tryon Street. (Council District 1 - Egleston)

Current Zoning: I-2 (general industrial)

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

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

17. Rezoning Petition: 2019-019 by Stanchion Asset Partners

Location: Approximately 4.64 acres located at the southwest corner of West Mallard Creek Church Road and David Taylor Road, east of Mallard Creek Road. (Council District 4 - Phipps)

Current Zoning: RE-2 (research)

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

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

18. Rezoning Petition: 2019-021 by McKinney Holdings NC II, LLC

Location: Approximately 23.2 acres southeast intersection of North Tryon Street and Libby Way. (Council District 4 - Phipps)

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

Proposed Zoning: TOD-M(CD) (transit oriented development-mixed use, conditional)

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

19. Rezoning Petition: 2019-023 by Sinacori Builders

Location: Approximately 5.12 acres located on the southeast side of Carmel Road, north of Carmel Vista Lane and south of Quail View Road. (Council District 6 - Bokhari)

Current Zoning: R-3 (single family residential)

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

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

20. Rezoning Petition: 2019-033 by HK Cedarvale, LLC

Location: Approximately 9.89 acres located on the west side of Cedarvale Road north of Performance Road, east of Moores Chapel Road. (Outside City Limits)

Current Zoning: R-MH LWPA (residential manufactured housing, Lake Wylie Protected Area)

Proposed Zoning: I-2(CD) LWPA (general industrial, conditional, Lake Wylie Protected Area)

Zoning Committee Recommendation:

The Zoning Committee voted 6-1 to recommend **APPROVAL** of this petition.

Staff Recommendation:

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

Attachments:

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

21. Rezoning Petition: 2019-034 by United Community School

Location: Approximately 10.0 acres located on the west of Suther Road, between University Boulevard and Old Concord Road. (Council District 4 - Phipps)

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

Proposed Zoning: INST(CD) SPA (institutional, conditional, site plan amendment)

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

22. Rezoning Petition: 2019-040 by Aldersgate at Shalom Park Inc.

Location: Approximately 17.17 acres located on the east side of Providence Road, south of Jefferson Drive, south of Fairview Road/Sardis Road. (Council District 6 - Bokhari)

Current Zoning: R-3 (single family residential) and R-1 (religious institute)

Proposed Zoning: INST (institutional) and INST(CD) (institutional, conditional)

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

23. Rezoning Petition: 2019-042 by Sanctuary Development, LLC

Location: Approximately 12.52 acres located on the southeast side of the intersection of North Tryon Street and University City Boulevard. (Council District 4 - Phipps)

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

Proposed Zoning: TOD-CC (transit oriented development-community center) and TOD-TR (transit oriented development-transition)

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

24. Rezoning Petition: 2019-043 by Diamondback Acquisitions

Location: Approximately 43.58 acres located on southwest side of Belmeade Drive, northwest of Rhyne Road. (Outside City Limits)

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

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

Zoning Committee Recommendation:

The Zoning Committee voted 6-1 to recommend **APPROVAL** of this petition.

Staff Recommendation:

Staff recommends approval of this petition.

Attachments:

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

25. Rezoning Petition: 2019-044 by Panthers Stadium

Location: Approximately 8.60 acres located on the southeast side of South Cedar Street between West 4th Street and West Morehead Street. (Council District 2 - Harlow)

Current Zoning: UR-3 (urban residential) and MUDD (mixed use development)

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

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

26. Rezoning Petition: 2019-045 by Moores Chapel Holdings, LLC

Location: Approximately 29.08 acres located off of Springhill Road, Rockwood Drive, south of Mount Holly Road, east of Interstate 485. (Council District 3 - Mayfield)

Current Zoning: MX-2 LWPA (mixed use, Lake Wylie Protected Area)

Proposed Zoning: MX-2 LWPA SPA (mixed use, Wylie Protected Area, site plan amendment)

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

27. Rezoning Petition: 2019-046 by Spectrum Development Company

Location: Approximately 2.16 acres located on the southeast side of South Mint Street, southwest of West Carson Boulevard and northeast of West Palmer Street. (Council District 3 - Mayfield)

Current Zoning: I-2 (general industrial)

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

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

28. Rezoning Petition: 2019-052 by Beaver Creek CRE LLC

Location: Approximately 2.11 acres located on the north side of East Independence Boulevard, Pierson Drive, Bamboo Street and Wilshire Place. (Council District 5 - Newton)

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 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

29. Rezoning Petition: 2019-059 by Win Development, LLC

Location: Approximately 0.34 acres located on the east side of North Graham Street, south of Cannon Avenue, north of Interstate 85. (Council District 4 - Phipps)

Current Zoning: I-1 (light industrial)

Proposed Zoning: I-2 (general industrial)

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

HEARINGS**30. Rezoning Petition: 2019-038 by Dave Hegnauer****Summary of petition:**

- 1) add new definitions for Commissary Kitchen;
- 2) allow the use in the CC, B-2, B-D, U-1, I-1, and I-2 zoning districts; and
- 3) allow parking of food trucks and trailers associated with commissary kitchen as an allowed accessory use in the CCB-2, and B-D districts.

Staff recommendation:

Staff recommends approval of this text amendment upon resolution of outstanding issues related to outdoor storage (parking of mobile food trucks and trailers).

Attachments:

Pre-Hearing Staff Analysis
Text Amendment

31. Rezoning Petition: 2018-117 by Hopper Communities, Inc.

Update: Petitioner is requesting deferral to September 16, 2019

Location: Approximately 1.7 acres located on the east side of South Tryon Street, south of East Cama Street and north East Peterson Drive. (Council District 3 - Mayfield)

Current Zoning: R-8 (single family residential) and MUDD(CD) (mixed use development, conditional)

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

32. Rezoning Petition: 2019-047 by NR Pinehurst Property Owner, LLC

Update: Petitioner is requesting deferral to September 16, 2019

Location: Approximately 36.06 acres located on the west side of Providence Road between Cloister Drive and Knob Oak Lane and across from Strawberry Hill Drive. (Council District 6 - Bokhari)

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

Proposed Zoning: MUDD-O SPA (mixed use development, optional, site plan amendment)

33. Rezoning Petition: 2018-142 by Profit Dixon Partners

Update: Petitioner is requesting deferral. Date to be determined by City Council.

Location: Approximately 20.50 acres located on the west side of Providence Road, north of Lynbridge Road, south of Old Providence Road. (Council District 7 - Driggs)

Current Zoning: R-3 (single family residential)

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

34. Rezoning Petition: 2019-028 by HHHunt

Location: Approximately 26.71 acres located on the north side of Sam Dee Road, west of Harrisburg Road and south of Interstate 485. (Council District 5 - Newton)

Current Zoning: R-3 (single family residential) and O-15(CD) (office, conditional)

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

Staff Recommendation:

Staff recommends approval of this petition.

Attachment:

Pre-Hearing Staff Analysis

35. Rezoning Petition: 2019-029 by Crescent Communities

Location: Approximately 1.68 acres located at the intersection of East 7th Street and North Caswell 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)

Staff Recommendation:

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

Attachments:

Pre-Hearing Staff Analysis

Site Plan

Previously Approved Site Plan

36. Rezoning Petition: 2019-030 by Continental 475 Fund, LLC

Location: Approximately 30.73 acres located on the north side of South Tryon Street, south of Erwin Road, east of Choate Circle. (Council District 3 - Mayfield)

Current Zoning: R-3 (single family residential)

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

Staff Recommendation:

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

Attachments:

Pre-Hearing Staff Analysis

Site Plan

37. Rezoning Petition: 2019-055 by Movement Resources

Location: Approximately 4.19 acres located on the north side of Central Avenue, east of North Sharon Amity Road. (Council District 5 - Newton)

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

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 technical revisions.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

Previously Approved Site Plan

38. Rezoning Petition: 2019-058 by Housing Authority of the City of Charlotte

Location: Approximately 4.27 acres located at the intersection of West 30th Street and Bellefonte Drive. (Council District 1 - Egleston)

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

Proposed Zoning: UR-3(CD) (urban residential, conditional)

Staff Recommendation:

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

Attachments:

Pre-Hearing Staff Analysis

Site Plan

39. Rezoning Petition: 2019-063 by VLE Partners, LLC

Location: Approximately 2.8 acres located on the east side of The Plaza, south of Belvedere Avenue. (Council District 1 - Egleston)

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

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

Staff Recommendation:

Staff recommends approval of this petition upon resolution of requested technical revisions.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

Previously Approved Site Plan

40. Rezoning Petition: 2019-064 by Novant Health

Location: Approximately 33.16 acres located on the south side of Mount Holly-Huntersville Road, east of Brookshire Boulevard, north of Interstate 485. (Council District 2 - Harlow)

Current Zoning: NS LWPA (neighborhood services, Lake Wylie Protected Area)

Proposed Zoning: O-1(CD) LWPA (office, conditional, Lake Wylie Protected Area)

Staff Recommendation:

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

Attachments:

Pre-Hearing Staff Analysis

Site Plan

Previously Approved Site Plan

41. Rezoning Petition: 2018-073 by Moores Chapel Retail, LLC

Update: Petitioner is requesting deferral to September 16, 2019

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

Current Zoning: R-3 LLWPA (single family residential, Lower Lake Wylie - protected area)

Proposed Zoning: B-1(CD) LLWPA (neighborhood business, conditional, Lower Lake Wylie - protected area)

42. Rezoning Petition: 2019-022 by Metrolina Builders, Inc.

Location: Approximately 17.63 acres located at the southwest intersection of Morehead Road and Gene Downs Road, east of Salome Church Road. (Outside City Limits)

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

Proposed Zoning: I-2(CD) SPA (general industrial, conditional, site plan amendment)

Staff Recommendation:

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

Attachments:

Pre-Hearing Staff Analysis

Site Plan

Previously Approved Site Plan

43. Rezoning Petition: 2019-027 by Liberty Property Trust

Update: Petitioner is requesting deferral to September 16, 2019

Location: Approximately 20.50 acres located at the east side of the intersection of Sam Wilson Road and Laine Road, south of Interstate 85. (Outside City Limits)

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

Proposed Zoning: I-2(CD) LLWPA (general industrial, conditional, Lower Lake Wylie Protected Area)

44. Rezoning Petition: 2019-039 by Dependable Development, Inc.

Location: Approximately 26.50 acres located on the west side of Salome Church Road, near Morehead Road, southeast of Interstate 85. (Outside City Limits)

Current Zoning: CC(SPA) (commercial center, site plan amendment)

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

Staff Recommendation:

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

Attachments:

Pre-Hearing Staff Analysis

Site Plan

Previously Approved Site Plan

45. Rezoning Petition: 2019-049 by Apollo Holding Company

Update: Petitioner is requesting a deferral to September 16, 2019

Location: Approximately 9.00 acres located on the north side of Queen City Drive, south of Tuckaseegee Road, west of Toddville Road, north of Interstate 85. (Council District 3 - Mayfield)

Current Zoning: R-17MF AIR (multi-family residential, airport noise overlay)

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

46. Rezoning Petition: 2019-050 by Land Growth, LLC

Location: Approximately 1.45 acres located at the intersection of East Independence Boulevard and Crownpoint Executive Drive. (Council District 6 - Bokhari)

Current Zoning: B-D (distributive business)

Proposed Zoning: B-2 (general business)

Staff Recommendation:

Staff recommends approval of this petition.

Attachment:

Pre-Hearing Staff Analysis

47. Rezoning Petition: 2019-053 by Hopper Communities

Location: Approximately 2.65 acres off Bryant Park Drive, west of Suttle Avenue, north of Wilkinson Boulevard and south of Morehead Street. (Council District 3 - Mayfield)

Current Zoning: O-1 (office district) and I-2 (general industrial)

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.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

48. Rezoning Petition: 2019-054 by Cebron W. Hester

Location: Approximately 1.93 acres located on the north side of Lakebrook Road, west of Sam Wilson Road, south of Interstate 85. (Outside City Limits)

Current Zoning: I-1(CD) LWPA (light industrial, conditional, Lake Wylie Protected Area)

Proposed Zoning: I-1 LWPA (light industrial, Lake Wylie Protected Area)

Staff Recommendation:

Staff recommends approval of this petition.

Attachments:

Pre-Hearing Staff Analysis

Previously Approved Site Plan

49. Rezoning Petition: 2019-060 by 4400 Park Road, LLC

Location: Approximately 0.31 acres located off of Drexmore Avenue, south of East Woodlawn Road, west of Park Road. (Council District 6 - Bokhari)

Current Zoning: R-4 (single family residential)

Proposed Zoning: O-2(CD) (office district, conditional)

Staff Recommendation:

Staff recommends denial of this petition.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

50. Rezoning Petition: 2019-065 by Charlotte Douglas International Airport

Location: Approximately 15.17 acres located north of Wilkinson Boulevard, east of Interstate 485 and south of Interstate 85. (Council District 3 - Mayfield)

Current Zoning: B-2 AIR LLWPA (general business, airport noise overlay, Lower Lake Wylie Protected Area)

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

Staff Recommendation:

Staff recommends approval of this petition.

Attachment:

Pre-Hearing Staff Analysis

51. Rezoning Petition: 2019-066 by FCP

Location: Approximately 0.18 acres located east of East 36th Street and north of North Davidson Street.
(Council District 1 - Egleston)

Current Zoning: I-2 (general industrial)

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

Staff Recommendation:

Staff recommends approval of this petition.

Attachment:

Pre-Hearing Staff Analysis

52. Rezoning Petition: 2019-067 by JD Brooks

Location: Approximately 0.15 acres located on the north side of East Worthington Avenue, east of South Boulevard. (Council District 1 - Egleston)

Current Zoning: B-1 HD-O (neighborhood business, historic district overlay)

Proposed Zoning: TOD-UC HD-O (transit oriented development - urban center, historic district overlay)

Staff Recommendation:

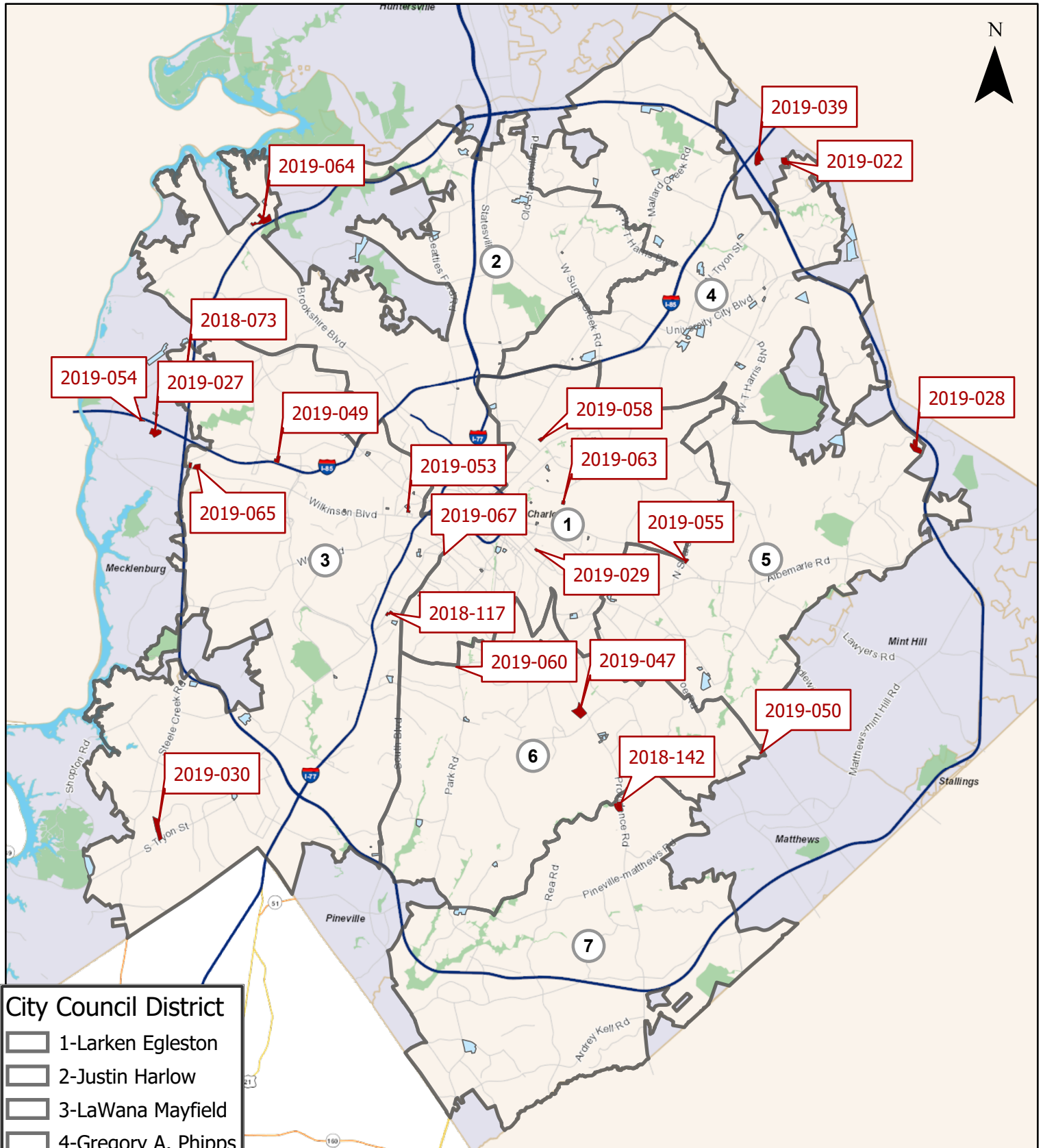
Staff recommends approval of this petition.








Attachment:

Pre-Hearing Staff Analysis

July 2019 Rezonings


City of Charlotte, Mecklenburg County



- City Council District**
-  1-Larken Egleston
 -  2-Justin Harlow
 -  3-LaWana Mayfield
 -  4-Gregory A. Phipps
 -  5-Matt Newton
 -  6-Tariq Bokhari
 -  7-Edmund H. Driggs

Map Created 7/5/2019

0 1.75 3.5 7 Miles





Agenda Date: 7/15/2019

Agenda #: 2. **File #:** 15-11335 **Type:** Dinner Briefing

Dinner Meeting Agenda

1. Agenda Review - Dave Pettine

DINNER MEETING AGENDA

Monday, July 15, 2019

1. Agenda Review – Dave Pettine

Item #	Petition #	Petitioner/Description	Update
Item #4	2018-128	James Pouitier – Located on the south side of Mount Holly-Huntersville Road, east of Brookshire Boulevard.	Decision Deferral to September 16, 2019
Item #5	2018-167	Verde Homes, LLC – Located on the east side of Sardis Road, between Oak Creek Drive and Creek Valley Drive	Decision Deferral to September 16, 2019
Item #6	2019-006	Amerco Real Estate Company – Located on the east side of the intersection of Freedom Drive, Ashley Drive and Tuckaseegee Road.	Decision Deferral to September 16, 2019
Item #31	2018-117	Hopper Communities, LLC – Located on the east side of South Tryon Street, south of east Cama Street and north East Peterson Drive.	Hearing Deferral to September 16, 2019
Item #32	2019-047	NR Pinehurst Property Owner – Located on the west side of Providence Road between Cloister Drive and Knob Oak Lane and across from Strawberry Hill Drive.	Hearing Deferral to September 16, 2019
Item #33	2018-142	Profit Dixon Partners – Located on the west side of Providence Road, north of Lynbridge Road, south of Old Providence Road.	Hearing Deferral date to be determined by City Council.
Item #41	2018-073	Moore's Chapel Retail, LLC – Located at the intersection of Moore's Chapel Road, Rhyne Road, and Belmeade Road.	Hearing Deferral to September 16, 2019
Item #43	2019-027	Liberty Property Trust – Located at the east side of the intersection of Sam Wilson Road and Laine Road, south of Interstate 85.	Hearing Deferral to September 16, 2019
Item #45	2019-049	Apollo Holding Company - Located on the north side of Queen City Drive, south of Tuckaseegee Road, west of Toddville Road, north of Interstate 85.	Hearing Deferral to September 16, 2019



City of Charlotte

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

Agenda Date: 7/15/2019

Agenda #: 3. **File #:** 15-11336 **Type:** Dinner Briefing

Follow Up Report



City Council Follow-Up Report From the May 20, 2019 and June 17, 2019 Zoning Meetings

2018-127 Blue Azalea – Providence, LLC – located at the intersection of Vernon Drive and Providence Drive, north of Wendover Road and east of Providence Road. (Council District 6- Bokhari)

Can the City Arborist visit the site and determine health and life expectancy of the existing canopy trees?

Staff Response: The City Arborist's office has traditionally not provided health and risk assessments for trees on private property in an effort to respect property rights, keep alignment with the Charlotte Tree Ordinance and effectively manage liability concerns. An initial cursory review of the conservation value of the trees and tree canopy at this site using the City's Tree Canopy Preservation Program's scoring model revealed high value contiguous tree canopy and individual specimen trees. Current tree canopy coverage for the three parcels proposed to be developed per recent tree canopy assessment data: 43%, 83%, and 95%. Two specimen trees on site are massive 60" oaks and provide significant ecosystem benefits per the U.S. Forest Service's iTree Design assessment model (report available upon request). Significant care and space for root protection should be provided during construction if attempting to preserve

Provide an analysis of what Providence Road traffic looks like during the day now.

Staff Response: There is some congestion during the morning peak and afternoon peak times at certain signalized intersections along Providence Road. Outside of the peak times, Providence Road and the signalized intersections don't have congestion.

Asked the Zoning Committee to discuss the traffic capacity issue and how the City Council should think about future rezoning of properties that are driving congestion.

Staff Response: A response will be provided on July 15th.

What is the setback by-right and that proposed?

Staff Response: A response will be provided on July 15th.

What could the footprint look like by-right? Compare that to the proposed footprint?

Staff Response: A response will be provided on July 15th.

Provide a map showing the pending developments along Providence Road and what was built by-right. Provide this information earlier to the City Council.

Staff Response: A response will be provided on July 15th.

How many trees are on the site and how many are proposed to be removed?

Staff Response: A response will be provided on July 15th.

Please ask for the Fire Department to relook at the ability of emergency vehicles to get into and out of the neighborhood without backing out of the neighborhood (Providence Drive?)

Staff Response: A response will be provided on July 15th.

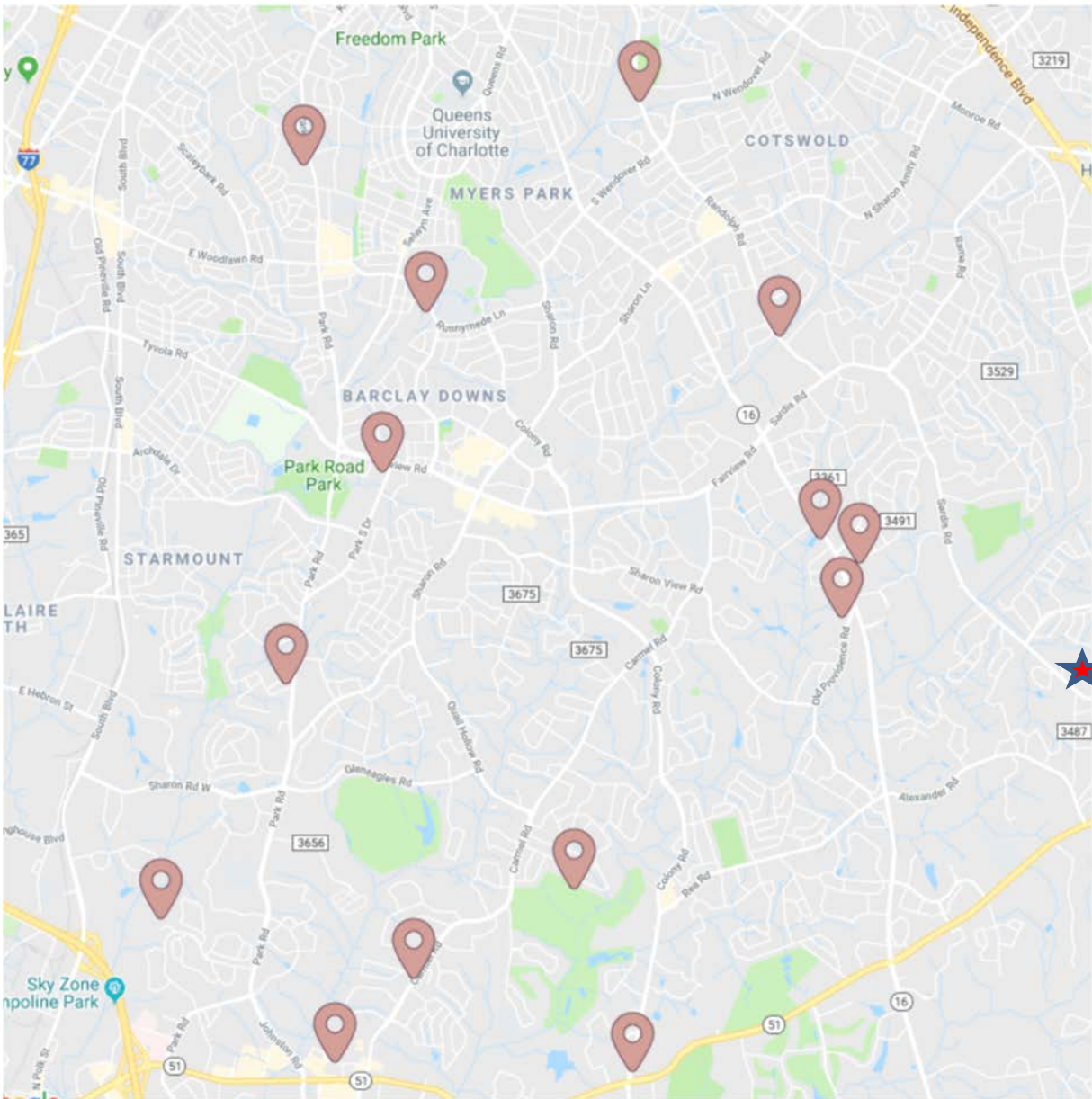
2018-167 Verde Homes, LLC – located on the east side of Sardis Road, between Oak Creek Drive and Creek Valley Drive. (Council District 6 – Bokhari)

How many existing senior housing facilities are in the area?

Staff Response: Assisted living communities (including nursing homes, assisted living, and age restricted) located between Independence Boulevard and Interstate 77, in the South Planning Area are:

- | | |
|--|--------------------------------|
| • Waltonwood Cotswold | (5215 Randolph Road) |
| • Sunrise on Providence Senior Living | (5114 Providence Road) |
| • Senior Retreat at Lansdowne | (7219 Folger Drive) |
| • Brookdale Carriage Club | (5800 Old Providence Road) |
| • Brookdale Cotswold | (3610 Randolph Road) |
| • Merrywood on Park | (3600 Park Road) |
| • Summit Place of Southpark | (2101 Runnymede Lane) |
| • Brighton Gardens of Charlotte | (6000 Park South Drive) |
| • Presbyterian Home at Charlotte | (5100 Sharon Road) |
| • Senior Retreat at Park Crossing | (10408 Avondale Avenue) |
| • Elmcroft of Little Avenue | (7745 Little Avenue) |
| • Charlotte Square | (5820 Carmel Rod) |
| • Carmel Hills | (2801 Carmel road) |
| • Brookdale South Charlotte | (5515 Rea Road) |
| • Tipton Rest Home | (11515 Elm Lane) |
| • Legacy Heights Senior Living Community | (11230 Ballantyne Trace Court) |

This list was obtained from seniorhousing.net, and the locations of these communities is shown on the map below:



2019-008 Co-Hab, LLC – located on the west side of the intersection of Seigle Avenue and East 15th Street. (Council District 1 – Egleston)

Can alternate side on-street parking be allowed, changing weekly?

Staff Response: CDOT Public Service is working with the neighborhood to determine options to address parking concerns. Changing parking on weekly basis could be confusing for the residents and is not something CDOT has implemented in the past.

Will these units be rental or for-purchase?

Staff Response: The Site plan only specifies that the three affordable units may be for sale or for rent. The three units will either be rented below market at a rate eligible for the Federal Housing Choice Voucher Program, or sold at 80% of the area median income, with a 10-year restriction on the resale of the property, or shall be eligible for the City of Charlotte's House Charlotte Program.

Clarify what the information provided under the Environmental comments means.

Staff Response: The Post Construction Stormwater Ordinance (PCSO) requirements for this site were affected by recent legislative changes (SL 2018-145) as this site is considered a *redevelopment* project.

Session Law 2018-145, enacted in December 2018, prohibits local governments from requiring stormwater controls for *redevelopment* projects on private property. The rule change represents a reduction in surface water quality benefits and removes one of the City's tools for reducing downstream flood risks. As a result of this rule, Storm Water Services is recommending the petitioner include notes to implement stormwater control measures for surface water quality and flood protection.

2019-023 Sincori Builders – located on the southeast side of Carmel Road, north of Carmel Vista Lane and south of Quail View Road. (Council District 6 – Bokhari)

What has been the previous mitigation in the area and what is the worst case scenario for this site?

Staff Response: The Carmel Road Widening Project in the late 1990's provided roadway and associated storm drainage improvements along Carmel Road from Asherton Drive to Olde Village Road. Before this project stormwater runoff likely drained from Carmel Road, across the proposed rezoning site and into the channel behind the homes of Mr. Friedland and his neighbors of Carmel Vista Lane. The Carmel Road project diverted stormwater runoff from the channel behind Mr. Friedland and into a new drainage system within Carmel Road. Improvements also included new or larger pipes under and across Carmel Vista Lane.

Between 2004-2007 Charlotte-Mecklenburg Storm Water Services (CMSWS) performed various maintenance and improvements to the drainage system along Carmel Vista Lane. These varied from blockage removal to adding storm drainage pipes along the side of the road.

Increased stormwater runoff from development could have an adverse impact to downstream properties by creating a new problem or making an existing problem worse. However, the Post Construction Stormwater Ordinance (PCSO) establishes minimum requirements and standards that reduce stormwater runoff and surface water quality impacts. During review of this rezoning petition, CMSWS and Land Development Services staff identified a concern not addressed by existing ordinances and recommended the petitioner analyze drainage system adequacy. If system capacity is inadequate, staff recommends additional onsite mitigation and/or drainage system capacity improvements. The petitioner has agreed to and included this recommendation on their rezoning site plan. By taking these mitigative actions, significant stormwater impacts of this development are not anticipated.

2019-043 Diamond Back Acquisitions – located on the southwest side of Belmeade Drive, northwest of Rhyne Road. (Outside City Limits)

What is the maximum height recommended in the *Catawba Area Plan*?

Staff Response: The Catawba Area Plan recommends residential uses up to 4 units per acre.

The current R-3 zoning allows a base maximum average height of 40 feet, and maximum average height at the front building line of 48 feet.

The proposed MX-2 district requires single-family residential development to meet the R-3 residential base maximum average height and maximum average height as noted below.

The proposed MX-2 district requires multi-family residential development to meet the R-17MF base maximum average height of 40 feet and maximum height from the lowest point to the highest point of the building of 100 feet. In order to possibly achieve the maximum building height, 1 additional foot of height is allowed for every 2 feet in distance the portion of the building is from the required setback, side and rear yard lines located along all boundary(s) adjacent to a single-family zoning district.

What is the minimum lot size difference between R-3 and MX-2?

Staff Response: The R-3 district has a minimum lot area of 10,000 square feet. Residential development in the MX-2 district must meet the R-6 requirements for single family homes. The R-6 district has a minimum lot area of 4,500 square feet.

What benefits will be provided versus a R-3 development?

Staff Response: Please refer to the Rationale for Recommendation contained in the staff analysis. In addition to the Rationale information, this is a conditional rezoning request with an associated site plan illustrating proposed commitments to the subject site including building footprints, parking areas, transportation improvements, internal vehicular network, open space/amenities, and drainage/storm water features. Development under the current R-3 zoning would be occur via the permitting process with no public input/review.

2019-009 Joseph Rhodes – located on the east side of Beatties Ford Road, north of Trinity Road and south of Lakeview Road. (Council District 2 – Harlow)

Provide elevations with materials to be used.

Staff Response: The petitioner has provided renderings to display the design intent in the revised site plan:



What is the width of sidewalks along West Boulevard from Remount to Billy Graham as compared to the 6' sidewalks for this project?

Staff Response: The width of the sidewalks along West Boulevard from Remount Road to Billy Graham Parkway vary from 4-feet to 6-feet and mostly back-of-curb as it predates the ordinance requirements of 6-foot sidewalk with an 8-foot planting strip.