

City of Charlotte

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



Zoning Agenda

Tuesday, January 21, 2020

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 Malcolm Graham
Council Member Renee Johnson
Council Member James Mitchell
Council Member Matt Newton
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

DINNER MEETING
DINNER MEETING

- 1. 5:00 P.M. DINNER MEETING, CH-14**
 - 1. Meeting Agenda**
 - 2. Dinner Meeting Agenda**
 - 1. Agenda Review - Dave Pettine**
 - 3. Follow-Up Report**
- 2. Dinner Meeting Agenda**
 - 1. Agenda Review - Dave Pettine**
- 3. Follow Up Report**

DECISIONS**4. Rezoning Petition: 2019-006 by Amerco Real Estate Company**

Update: Zoning Committee has deferred recommendation to February 4, 2020.

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

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 5-0 to **DEFER** this petition to their February 4, 2020 meeting.

5. 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 - Graham)

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 7:0 to recommend APPROVAL of this petition.

Staff Recommendation:

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

Attachments:

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

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

Location: Approximately 30.73 acres located on the north side of South Tryon Street, south Erwin Road, east of Choate Circle. (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 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

7. Rezoning Petition: 2019-035 by Novant Health, Inc.

Location: Approximately 40.43 acres located at the southeast intersection of Johnston Road and Providence Road West. (Council District 7 - Driggs)

Current Zoning: R-3 (single family residential)

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

Zoning Committee Recommendation:

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

Site Recommendation:

Staff recommends approval of this petition.

Attachments:

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

8. Rezoning Petition: 2019-069 by Harrison Tucker - CoHab, LLC

Location: Approximately 0.9 acres on the west side of E. 36th St, north of North McDowell St. and south of North Alexander St. (Council District 1 - Egleston)

Current Zoning: R-5 (single family)

Proposed Zoning: NS (neighborhood services)

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 site and building design.

Attachments:

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

9. Rezoning Petition: 2019-080 by Seahawk Partner Holdings, LLC

Location: Approximately 11.15 acres located on the west side of Commonwealth Avenue and east of Char Meck Lane, north of Monroe Road. (Council District 5 - Newton)

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

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

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

10. Rezoning Petition: 2019-092 by Carolina Development Group NC, LLC

Location: Approximately 0.98 acres located on the east corner of the intersection of North Smith Street & West 10th Street, south of Brookshire Freeway. (Council District 2 - Graham)

Current Zoning: I-1 HD-O (light industrial, historic district overlay)

Proposed Zoning: UMUD-O HD-O (uptown mixed use, historic district overlay)

Zoning Committee Recommendation:

The Zoning Committee voted 7:0 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

11. Rezoning Petition: 2019-094 by Andrew Parker

Location: North Davidson Street between Charles Avenue and E. 32nd Street. (Council District 1 - Egleston)

Current Zoning: R-5) (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

12. Rezoning Petition: 2019-110 by Jay Patel

Location: Approximately 1.24 acres located north of Central Avenue, west of Hawthorne Lane, east of Heath Court. (Council District 1 - Egleston)

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

Proposed Zoning: TOD-CC (PED) (transit oriented development - transit community center, pedestrian overlay district)

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

13. Rezoning Petition: 2019-124 by Gvest Capital, LLC

Location: Approximately 5.86 acres north of Monroe Road, west of Eaton Road and east of Shade Valley Road. (Council District 5 - Newton)

Current Zoning: O-6 (CD) (office, conditional) and R-17MF (multi-family)

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 upon resolution of outstanding issues related to transportation, environment and site and building design.

Attachments:

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

14. Rezoning Petition: 2019-125 by SCOC-Mallard Crossing, LLC

Location: Approximately 8.43 acres located on the east side of Prosperity Church Road, north of Mallard Creek Road. (Council District 4 - Johnson)

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

Proposed Zoning: B-1 (CD) SPA (neighborhood business, 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 upon resolution of technical issues related to building design.

Attachments:

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

15. Rezoning Petition: 2019-127 by Regal Estates, LLC

Location: Approximately 0.85 acres located on the south side of Morris Field Drive and the west side of Eaton Circle, east of Airport Drive. (Council District 3 - Watlington)

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

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

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

16. Rezoning Petition: 2019-129 by Lee Mynhardt, Mynhardt Investments, LLC

Location: Approximately 0.34 acres located along the eastern portion of E. 35th Street between N. McDowell Street and Spencer Street. (Council District 1 - Egleston)

Current Zoning: R-5 (single family residential)

Proposed Zoning: R-6 (single family residential)

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: 2019-130 by Greenway Holdings, LLC

Location: Approximately 0.43 acres located on the west side of Park Road and north side of Drexel Place.
(Council District 1 - Egleston)

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

Proposed Zoning: MUDD (CD) SPA (missed use development, 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 upon resolution of outstanding issues related to transportation.

Attachments:

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

18. Rezoning Petition: 2019-131 by Red Cedar Capital Partners

Location: Approximately 8.57 acres located at the southwest intersection of Old Plank Road and Baucom Street. (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 7:0 to recommend APPROVAL of this petition.

Staff Recommendation:

Staff recommends approval of this petition.

Attachments:

Zoning Committee Recommendation

Final Staff Analysis

19. Rezoning Petition: 2019-132 by Lennar Multifamily Communities, LLC

Location: Approximately 5.90 acres located on the south side of Verbena Street, north of Yeoman Road, west of Nations Crossing Road. (Council District 2 - Graham)

Current Zoning: I-2 (general industrial)

Proposed Zoning: 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

20. Rezoning Petition: 2019-133 by Greg Zanitsch, TBGC, LLC

Location: Approximately .20 acres located at the NE corner of the intersection of Kennon Street and Pegram Street in the Belmont Community. (Council District 1 - Egleston)

Current Zoning: R-5 (single family residential)

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 upon resolution of outstanding issues related to transportation.

Attachments:

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

21. Rezoning Petition: 2019-134 by DJ Family Farms, LLC

Location: Approximately 1.27 acres located on the north side of West Pointe Drive, east of Sam Wilson Road, north of Intersection 85. (Outside City Limits)

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

Proposed Zoning: I-1 LLWPA (light industrial, Lower Lake Wylie watershed protected area)

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

22. Rezoning Petition: 2019-136 by Venkata Ammi Reddy

Location: Approximately 1.89 acres located on the west side of Mulberry Church Road, east side of Sloan Drive, north of Queen City Drive. (Council District 3 - Watlington)

Current Zoning: O-1 (CD) AIR (office, conditional, airport noise overlay)

Proposed Zoning: O-1 (CD) AIR SPA (office, conditional, airport noise overlay, site plan amendment) with 5 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 upon resolution of outstanding issues related to transportation and site and building design and technical revisions.

Attachments:

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

23. Rezoning Petition: 2019-137 by Kinger Homes

Location: Approximately 9.62 acres located on the west side of West Sugar Creek road, north of Yorkford Drive, south of Browne's Ferry Road. (Council District 4 - Johnson)

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

Proposed Zoning: R-6 (single-family 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 upon resolution of outstanding issues related to transportation, and environmental features.

Attachments:

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

24. Rezoning Petition: 2019-147 by Guy Properties

Location: Approximately .4416 acres located at the northeast intersection of N. Davidson Street and E. 36th Street. (Council District 1 - Egleston)

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

Proposed Zoning: TOD-NC (transit-oriented development, neighborhood 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

25. Rezoning Petition: 2019-149 by Wood Partners

Location: Approximately 2.8 acres located at the northern intersection of N. Davidson Street and E. 21st Street. (Council District 1 - Egleston)

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

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

HEARINGS

26. Rezoning Petition: 2019-111 by Hive Fitness, LLC

Update: Petitioner is requesting deferral to February 17, 2020

Location: Approximately 0.69 acres located on the south side of Southside Drive, west of Old Pineville road, and east of Yancey Road. (Council District 3 - Watlington)

Current Zoning: I-2 (general industrial)

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

27. Rezoning Petition: 2019-105 by The Greenstone Group, LLC

Location: Approximately 5.14 acres located on the west side of Benfield Road, south of Summer Creek Lane and north of Interstate 485, west of Prosperity Church Road. (Council District 4 - Johnson)

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

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

Staff Recommendation:

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

Attachments:

Pre-hearing Staff Analysis

Site Plan

28. Rezoning Petition: 2019-109 by Miriam E. Franco

Location: Approximately 8.15 acres located on the south side of Park Drive, west of Remount Road and north of Watson Drive. (Council District 3 - Watlington)

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

Proposed Zoning: I-2 (general industrial)

Staff Recommendation:

Staff does not recommend approval of this petition.

Attachment:

Pre-Hearing Staff Analysis

29. Rezoning Petition: 2019-117 by Montana Drive OZ Fund, LLC

Location: Approximately 11.51 acres located on the south of Montana Drive, south of I-85, east of Tennessee Avenue. (Council District 2 - Graham)

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

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

Site Recommendation:

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

Attachments:

Pre-hearing Staff Analysis

Site Plan

30. Rezoning Petition: 2019-140 by C Investments 5, LLC

Location: Approximately 2.22 acres located on the north side of Providence Road West, west of Rothesay Drive, east of Lancaster Highway. (Council District 3 - Watlington)

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 related to site and building design and transportation.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

31. Rezoning Petition: 2019-121 by Jamario Rickenbacker

Location: Approximately 1.15 acres located on the north side of West Boulevard, west of Holabird Lane. (Council District 3 - Watlington)

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

Proposed Zoning: UR-C (urban residential - commercial)

Staff Recommendation:

Staff recommends approval of this petition.

Attachments:

Pre-hearing Staff Analysis

Site Plan

32. Rezoning Petition: 2019-123 by Magnus Capital Partners

Location: Approximately 1.99 acres located on the south side of Bryant Street, east of South Summit Avenue, west of Interstate 77. (Council District 2 - Graham)

Current Zoning: I-1 PED (light industrial, pedestrian overlay)

Proposed Zoning: I-1 PED-O (light industrial, pedestrian overlay, optional)

Staff Recommendation:

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

Attachments:

Pre-hearing Staff Analysis

Site Plan

33. Rezoning Petition: 2019-126 by Harrison Tucker

Location: Approximately 0.397 acres, having frontages along a portion of E. 17th Street and N. Davidson Street general situated along the northern portion of N. Davidson Street between E. 17th Street and E. 18th Street in the Optimist Park Community. (Council District 1 - Egleston)

Current Zoning: R-8 (single family residential)

Proposed Zoning: UR-2 (CD) (urban residential, conditional) with 5-year vested rights

Staff Recommendation:

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

Attachments:

Pre-Hearing Staff Analysis

Site Plan

34. Rezoning Petition: 2019-138 by Roma Homes

Location: Approximately 0.55 acres located at the southern intersection of Charles Avenue and Whiting Avenue. (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 transportation.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

35. Rezoning Petition: 2019-139 by JDSI, LLC

Location: Approximately 5.3225 acres located along the eastern portion of W.W. Harris Boulevard at its intersection with Wallace Avenue, north of Albemarle Road. (Council District 2 - Graham)

Current Zoning: R-12 MF (multi-family residential) & R-3 (single family residential)

Proposed Zoning: R-8 (single family development)

Staff Recommendation:

Staff recommends approval of this petition.

Attachments:

Pre-Hearing Staff Analysis

36. Rezoning Petition: 2019-141 by Mark Bolous

Location: Approximately 0.44 acres located on the west corner of N. Sharon Amity Road and Castleton Road. (Council District 4 - Johnson)

Current Zoning: R-3 (single family residential)

Proposed Zoning: UR-2 (CD) (urban 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: 2019-143 by Tara Ellerbe-Elite

Location: Approximately 0.33 acres located at the southern intersection of N. Tryon Street and Liddell Street, .2 miles northeast of Brookshire Freeway (I-277). (Council District 6 - Bokhari)

Current Zoning: I-2 (industrial)

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 site and building design.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

38. Rezoning Petition: 2019-144 by York Acquisitions, LLC

Location: Approximately 23.57 acres located on the west side of North Tryon Street, south of Sir Anthony Drive, north of West Mallard Creek Church Road. (Council District 7 - Driggs)

Current Zoning: R-3 (single-family residential) and R-12 (CD)

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

39. Rezoning Petition: 2019-148 by Branful, LLC

Location: Approximately 1.55 acres located on the west side of West Sugar Creek Road, south of Wilson Lane, south of Interstate 85. (Council District 1 - Egleston)

Current Zoning: B-1 (CD) (neighborhood business, conditional) and NS (neighborhood services)

Proposed Zoning: NS (neighborhood services) and NS SPA (neighborhood services, site plan amendment)

Staff Recommendation:

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

Attachments:

Pre-Hearing Staff Analysis

Site Plan

40. Rezoning Petition: 2019-151 by Longbranch Development

Location: Approximately 11.63 acres located on Johnston-Oehler Rd, east of Oehler Bridge Drive, south of Interstate 485. (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 upon resolution of outstanding issues related to transportation, environment, and site and building design.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

41. Rezoning Petition: 2019-153 by 650 South Tryon Development

Location: Approximately 0.64 acres bounded by S. Tryon Street and W. Hill Street east of John Belk Freeway. (Council District 2 - Graham)

Current Zoning: UMUD-O (uptown mixed use, optional)

Proposed Zoning: UMUD-O (uptown missed use, optional, site plan amendment)

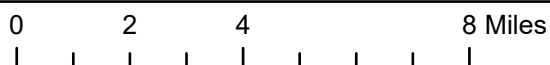
Staff Recommendation:

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

Attachments:

Pre-Hearing Staff Analysis

Site Plan





Agenda Date: 1/21/2020

Agenda #: 1. **File #:** 15-12566 **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



City of Charlotte

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

Agenda Date: 1/21/2020

Agenda #: 2. **File #:** 15-12567 **Type:** Dinner Briefing

Dinner Meeting Agenda

1. Agenda Review - Dave Pettine



City of Charlotte

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

Agenda Date: 1/21/2020

Agenda #: 3. **File #:** 15-12568 **Type:** Dinner Briefing

Follow Up Report



City Council Follow-Up Report From the December 16, 2019 Zoning Meetings

2019-069 **Harrison Tucker – CoHab, LLC – located on the west side of E. 36th Street, north of North McDowell Street and south of North Alexander Street. (Council District 1 – Egleston)**

Verify the accuracy of the references cited by a speaker against the petition: 1) The 2013 Blue Line Station Area Plan, pages 30-32 recommend maintaining the low-density residential portion of the area with up to 5 dwelling units per acre, with a typical development of single family homes, duplexes, triplexes, and quadraplexes up to 40' in height. 2) The NoDa Vision Plan, on page 33, emphasizes mixed-use density on the North Davidson and Plaza intersections, with multi-family not exceeding 30' in height, with an emphasis on single-family attached dwellings.

Staff Response: The speaker is correct in stating that is the recommended land use for the area within the rezoning petition is recommended for residential uses. When final GIS mapping occurred for the recommended future land use for these parcels, a density of up to 5 DUA was assigned to the three parcels. This fact was mentioned in the first page of the pre-hearing staff analysis that addresses the request's consistency with adopted plans. The subdistrict in which this petition falls does list desired uses as low density residential and notes that typical building types include single family dwellings, duplexes, triplexes, and quadraplexes, with desired heights up to 40'

The NoDa Vision Plan was created by NoDa neighborhood associations. City planning staff does not use this vision plan to make land use recommendations.

Elaborate on why the density proposed is inconsistent with the plan and still recommended by staff.

Staff Response: Staff was thoughtful when considering recommending approval for this petition, which is reflected in the rationale as to why this project makes sense for this area of E. 36th Street.

The frontage of this block, which is bounded by N. Alexander Street and N. McDowell Street, is 50 percent vacant. At least two of the three homes on this block are rental units and are located within the rezoning petition's boundary. This block, outside of the frontage directly in front of this petition (North Charlotte Presbyterian), is the least built-out block of this portion of the E. 36th Street corridor. This frontage makes the most sense to deviate away from the plan to accommodate a denser mixed-use product. The petitioner's request is still in line with the plan's recommendation for residential uses while the added retail component compliments the nearby NoDa commercial corridor and accomplishes the purpose of the NS zoning district.

This parcel is 250' away from the nearest TOD-zoned parcel and only 1,600 feet from the 36th Street Blue Line Station. The initial request for the TOD-NC zoning district from the petitioner may have warranted potential staff support as it qualifies for TOD based on its proximity to a light rail station. However, staff felt that a district that would encourage community input at this location and design control from the community would be more appropriate. TOD-NC does not require a site plan or community meeting and could have, by-right, constructed a denser, taller project.

Density snapshot for the adjacent approved rezonings:

- 2018-041 (27 TH units on 1.27 acres) 21.3 DUA (Approved - partially inconsistent with Plan)
- 2018-099 (65 TH units on 3.59 acres) 18.1 DUA (Approved – inconsistent with Plan)
- 2009-061 (16 MF units on .49 acres) 32.7 DUA (Approved - inconsistent with Plan)
- 2012-001 (Mercury NODA – 250 MF units on 3.81 acres) 65.6 (Approved - consistent with Plan)
 - Additionally, staff referenced available tax parcel data with the rezoning petition submitted and found there was a minor inconsistency in acreage numbers (which resulted in an actual DUA slightly more than stated on the approved conditional plan (65 DUA max) but not as high as that stated by the petitioner's agent (74.6 DUA). The density is for the Mercury building only (parcel no. 09110203 – 241 units on 3.23 acres) is 74.6 DUA.

2019-080 Seahawk Partner Holdings, LLC – located on the west side of Commonwealth Avenue and east of Char Meck Lane, north of Monroe Road. (Council District 5 – Newton)

Is a Subdivision Ordinance Exemption possible to exempt the petitioner from a vehicle connection across the wetlands/stream? What other considerations can be made for alternative connectivity?

Staff Response: A street exception for this site was submitted to staff August 22, 2019. Prior to receiving the submittal, staff met with the petitioner and informed them of an approved construction plan for this site. The construction plan approved March 2, 2018 is for the extension of Levy Way into the parcel being rezoned. Staff review street exceptions in accordance with the Subdivision Ordinance, the petitioner must provide documentation not of the presence of a wetland or stream, but that the site conditions make it not possible to construct of the extension of a public street. In this case the petitioner needed to provide documentation that the previously approved construction plan prepared by a professional engineer, reviewed and approved by staff from multiple city departments cannot be constructed.

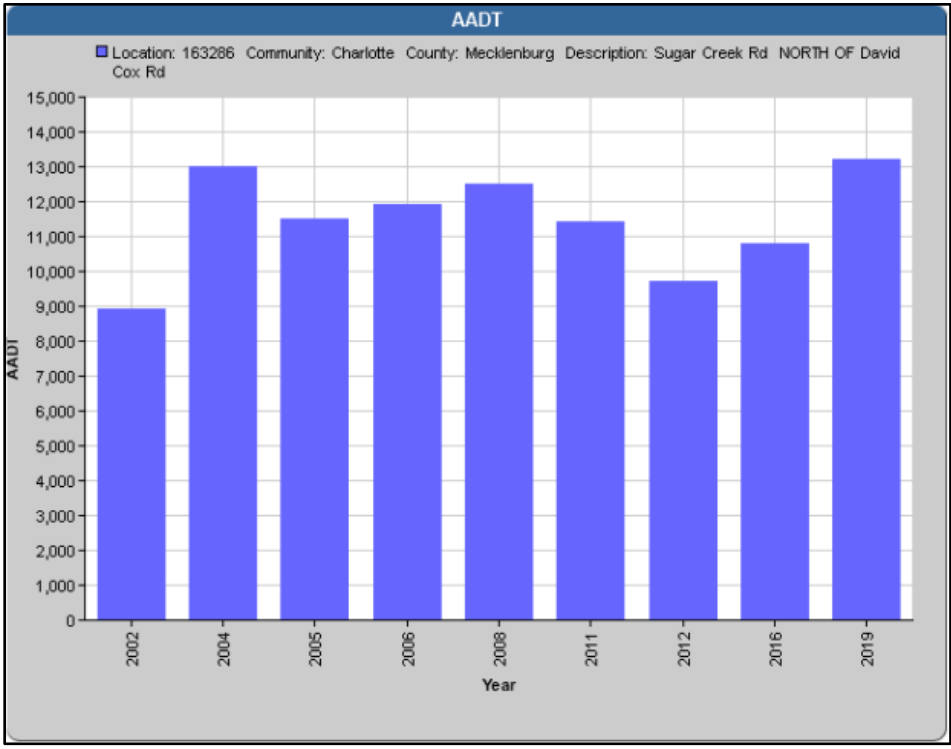
The street exception submitted by the petitioner did not provide evidence the connection to Levy Way was not possible, instead the documentation provided the cost associated with making the connection. While cost is an important consideration into the development of the petitioners site, staff are not able to base the approval or denial of a street exception on the cost of providing the connection. Staff were not able to approve the street exception based on the documentation provided by the petitioner.

2019-137 Kinger Homes – located at the west side of West Sugar Creek Road, north of Yorkford Drive, south of Browne's Ferry Road. (Council District 4 - Johnson)

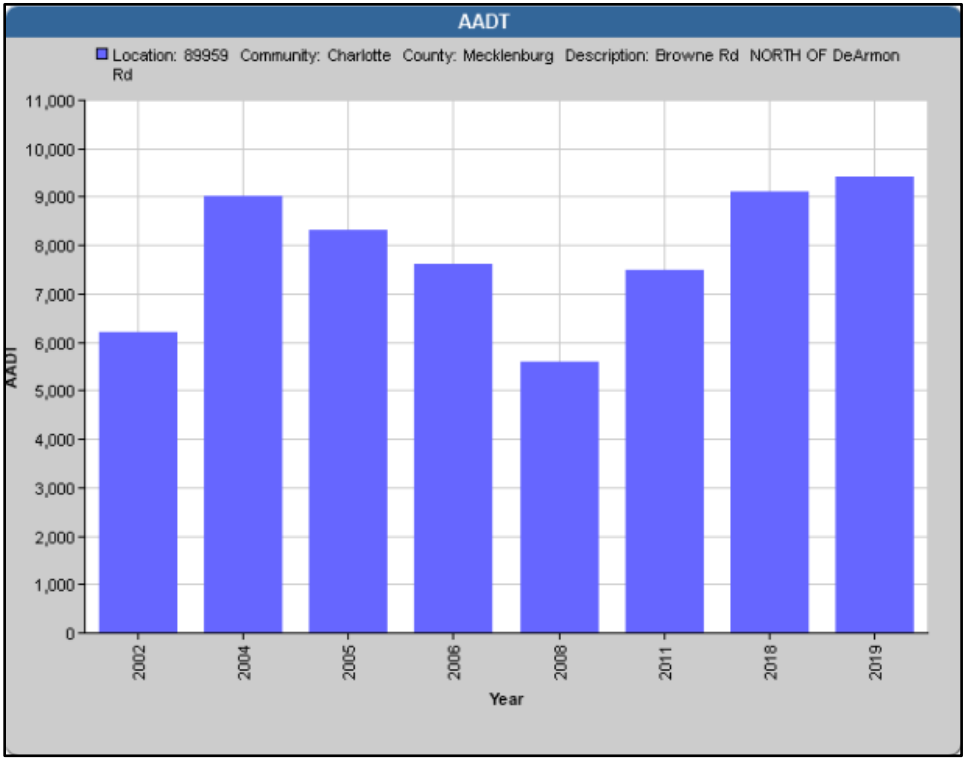
Provide information on the number of vehicle trips on Sugar Creek Road and the larger vicinity, over the past two years.

Staff Response: Below are the most recent CDOT Average Annual Daily Trip Volume counts information taken in the vicinity of rezoning 2019-137. Below are location of traffic counts on Sugar Creek Road.

Sugar Creek: Location north of David Cox Road - 13,200 AADT in 2019



Sugar Creek: Location north of DeArmon Road - 9,400 AADT in 2019



Sugar Creek: Location south of Hubbard Road - 13,100 AADT in 2019

