# **City of Charlotte** Charlotte-Mecklenburg Government Center 600 East 4th Street Charlotte, NC 28202 **CHARLOTTE**<sub>st</sub> **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

DINNER MEETING DINNER MEETING

### 1. Meeting Agenda

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- 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

January Follow-Up Report - FINAL

### 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 - 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 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.

2019-009 reco DONE

2019-009 Final 12-16 done

2019-009 RevSItePlan 10-23-2019

### 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.

2019-030 reco 12-03-2019 REVISED 12-16

2019-030 Final 1-21-2020 done

2019-030 RevSItePlan 11-25-2019

### 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.

2019-035 reco DONE

2019-035 FinalAnalysis 1-21-20

2019-035 RevSitePlans 12-20-2019

# 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.

2019-069 ZC km

2019-069 FinalStaff km

2019-069 RevSitePlan 11-7-2019

# 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.

2019-080-reco-1-2-2020

2019-080 FinalAnalysis 1-21-20

2019-080 RevSitePlan 1-10-2020

# **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.

2019-092 reco 01-02-2020 done

2019-092 Final 01-21-2020 CLG1-13 AFTER ZC REV2

2019-092 REV 01-13-2020

### **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.

2019-094 ZC Rec DONE

2019-094-FinalStaff DONE

2019-094 RevSitePlan 10-29-19

### 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.

2019-110 ZC km

2019-110 FinalStaff km

### 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.

2019-124 reco 1-2-2020

2019-124 Final Analysis 1-21-20

2019-124 RevSitePlan 12-23-2019

### 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.

2019-125 reco km

2019-125 Final staff km

2019-125 RevSitePlan 12-23-2019

### 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.

2019-127 ZC Reco km

2019-127 Final Staff

### 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.

<u>2019-129 ZC</u>

2019-129 FinalStaff

### 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.

2019-130 reco 01-02-2020 CLG1-7

2019-130 final 01-21-2020 done

2019-130 RevSitePlan 12-20-2019

### 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.

2019-131 ZC Reco doc

2019-131 Final Staff done

# **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.

2019-132 reco 01-02-2020 done

2019-132 Final 01-21-2020 done

### 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.

2019-133 ZC km done

2019-133 FinalStaff done

2019-133 FinalSitePlan 01-13-2019

### 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.

2019-134 ZC Reco done

2019-134 Final Staff done

### 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.

2019-136 ZC Reco done

2019-136 Final Staff

2019-136 RevSitePlan 1-13-2020

### 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.

2019-137 reco\_done

2019-137 Final staff done

2019-137 RevSItePlan 12-20-2019

### 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.

2019-147 ZC done

2018-147 Final Staff done

### 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.

2019-149 ZC\_done

2019-149 FinalStaff done

### HEARINGS

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

**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 - Mayfield)

**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.

**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.

2019-105 PHstaff DONE

2019-105 RevSItePlan 12-17-2019-comments

### 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.

2019-109 PH 1-21-2020 DONE

### 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.

2019-117 PHstaff DONE

2019-117 RevSitePlan 10-15-2019-comments

### **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.

2019-140 PHstaff 1-21-20 done

2019-140 RevSItePlan 12-17-2019-comments

### 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.

2019-121 PHstaff DONE

### 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.

2019-123 PHstaff done

2019-123 RevSitePlan 12-23-2019

### **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.

2019-126 PHstaff done

2019-126 RevSitePlan 12-17-2019-comments

### 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.

2019-138 Staff\_done

2019-138 RevSItePlan 12-17-2019-comments

### 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.

2019-139 PH Staff done

### **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.

2019-141 analysis DONE

2019-141 RevSitePlan 12-19-2019 comments

### **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.

2019-143 PH km done

2019-143 RevSItePlan 12-17-2019-comments

### 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.

2019-144 Staff\_done

2019-144 RevSItePlan 12-17-2019-comments

### **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.

2019-148 PreHearing DONE

2019-148 RevSitePlan 12-17-2019-comments

### 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.

2019-151 Staff DONE

2019-151 RevSitePlan 12-17-2019-comments

# 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.

2019-153 PH 01-21-2020 done

2019-153 RevSItePlan 12-17-2019-comments