

Mayor Patrick L. McCrory Mayor Pro Tem Susan Burgess
Michael Barnes John W. Lassiter
Nancy Carter Don Lochman
Andy Dulin James E. Mitchell, Jr.
Anthony Foxx Patrick Mumford
Patsy Kinsey Warren Turner

CITY COUNCIL ZONING AGENDA
Monday, July 16, 2007

5:00PM – Council/Manager Dinner
Meeting Chamber Conference Room

6:00PM – Zoning Decisions/Hearings
Meeting Chamber

DINNER MEETING

- ***Review of Agenda – Keith MacVean***

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www.rezoning.org

REZONING ACRONYMS

<u>Zoning Districts</u>	<u>Overlay Districts</u>
<ul style="list-style-type: none"> ● B-1 – neighborhood business district ● B-2 – general business district ● B-1SCD – business shopping center district ● BD – distributive business district ● BP – business park district ● CC – commercial center district ● I-1 – light industrial district ● I-2 – general industrial district ● INST – institutional district ● MUDD – mixed use development district ● MX-1 – mixed use district ● MX-2 – mixed use district ● MX-3 – mixed use district ● NS – neighborhood services district ● 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 district ● RE-2 – research district ● RE-3 – research district ● TOD – transit oriented development ● TOD-E – transit oriented development – employment ● TOD-EO – transit oriented development – employment - optional ● TOD-M – transit oriented development – mixed use ● TOD-MO – transit oriented development – mixed use – optional ● TOD-R – transit oriented development – residential ● TOD-RO – transit oriented development – residential - optional ● U-I – urban industrial district ● UMUD – uptown mixed use district ● UMUD-O – uptown mixed use district - optional ● UR-1 – urban residential ● UR-2 – urban residential ● UR-3 – urban residential 	<ul style="list-style-type: none"> ● 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 ● HW – hazardous waste overlay ● LNW – Lake Norman watershed ● LNWCA – Lake Norman watershed – critical area ● LNWPA – Lake Norman watershed – protected area ● LLWW – Lower Lake Wylie watershed ● LLWWCA – Lower Lake Wylie watershed – critical area ● LLWWPA – Lower Lake Wylie watershed – protected area ● MILW – Mountain Island Lake watershed ● MILWCA – Mountain Island Lake watershed – critical area ● MILWPA – Mountain Island Lake watershed – protected area ● MH – manufactured home overlay ● PED – pedestrian overlay district ● PED-O – pedestrian overlay district – optional ● TS – transit supportive overlay district <p style="text-align: center;"><u>Miscellaneous Acronyms</u></p> <ul style="list-style-type: none"> ● CD – conditional ● SPA – site plan amendment

• **UR-C** – urban residential - commercial

DECISIONS

Deferral (two months)	1. Petition No. 2006-112 (decision) by Charlotte-Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to mitigate the negative impacts between residential and general industrial uses.
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	<p>The Zoning Committee voted unanimously to recommend a two-month deferral of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 1</p>
	<p>2. Petition No. 2006-119 (decision) by Don and Caroline Naysmith for a change in zoning for approximately 4.00 acres located on the northeast corner of North Sharon Amity Road and Shamrock Drive from R-3 to B-2(CD).</p> <p>The Zoning Committee found this petition to be consistent with the East District Plan and reasonable and in the public interest and voted unanimously to recommend approval of the petition with the following modifications:</p> <ul style="list-style-type: none"> • A note has been added that generally all trees over 4 inches in diameter and outside construction areas will be preserved. • A pad for the bus shelter will be constructed at the location noted and approved by the Historic Landmarks Commission. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 2</p>
<p>Deferral (one month)</p> <p>Protest (sufficient)</p>	<p>3. Petition No. 2007-13 (decision) by Iheanyi and Eddit Okwara for a change in zoning for approximately 0.66 acres located on the north side of Gibbon Road between Nevin Road and Poplar Springs Drive from R-3 to I-1(CD).</p> <p><i>A protest petition has been filed and is sufficient to invoke ¾ majority-voting rule.</i></p> <p>The Zoning Committee voted unanimously to recommend a one-month deferral of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 3</p>
<p>Deferral (one month)</p> <p>Protest (sufficient)</p>	<p>4. Petition No. 2007-52 (decision) by The Ghazi Company a change in zoning for approximately 13.07 acres located on the northeast corner of South Tryon Street and West Tyvola Road from B-1(CD) to CC and BD(CD).</p> <p><i>A protest petition has been filed and is sufficient to invoke ¾ majority-voting rule.</i></p> <p>The Zoning Committee voted unanimously to recommend a one-month deferral of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p>

	Attachment 4
	<p>5. Petition No. 2007-53 (decision) by The Ghazi Company for a change in zoning for approximately 3.00 acres located on the northwest corner of Fairview Road and Wintercrest Lane from R-3 and R-8MF(CD) to UR-C(CD).</p> <p>The Zoning Committee found this petition to be inconsistent with the General Development Policies and not to be reasonable and in the public interest and voted unanimously to recommend denial of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 5</p>
Deferral (one month)	<p>6. Petition No. 2007-55 (decision) by The Ghazi Company for a change in zoning for approximately 1.82 acres located on the west side of Providence Road between East Barden Road and Jefferson Drive from R-3 to UR-2(CD).</p> <p>The Zoning Committee voted unanimously to recommend a one-month deferral of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 6</p>
	<p>7. Petition No. 2007-64 (decision) by Mountain Island (E and A), LLC for a change in zoning of approximately 27.80 acres located on the southwest corner of Brookshire Boulevard and Mt. Holly-Huntersville Road from CC(LWPA) to CC SPA(LWPA).</p> <p>The Zoning Committee found this petition to be consistent with the <i>Brookshire / I-485 Area Plan</i> and reasonable and in the public interest and voted unanimously to recommend approval with the following modifications:</p> <ul style="list-style-type: none"> • A note regarding lighting will be added to the site plan. • Building elevations will be made part of the site plan. • The layout of the drive through service on the site plan will be clarified. • Sidewalk connections will be installed as requested. • Note #5 will indicate that dumpsters will be enclosed with a solid enclosure with gates. • Note #10 references the County Fire Marshall, and will be corrected to reference the City Fire Marshall • Water quality notes will be added to the site plan. • Note #6 and 14 will be consolidated. • 5 drawings showing buffers, internal streets, elevations, and trees have been submitted as a part of the rezoning petition. • The full movement driveway on Brookshire will be modified to either a right-in/right-out or leftover based on input from NCDOT. If a left over is used the

	<p>maximum amount of allowable retail will be reduced from 275,000 square feet to 200,000 square feet.</p> <ul style="list-style-type: none"> • 50 feet of right-of-way from centerline along property frontage and 70 feet from centerline for a distance of 500 feet from the Brookshire Boulevard right-of-way will be dedicated. <p>Staff disagrees with the recommendation of the Zoning Committee. Moving the buildings closer to a non-pedestrian oriented street such as Brookshire Boulevard is contrary to the development policies. Staff believes that the 100-foot setback is still appropriate for the area. Additionally buildings and required parking may be added to the site without the reduction in the setback.</p> <p>Attachment 7</p>
	<p>8. Petition No. 2007-65 (decision) by Charley Schalliol for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to allow hotels and theaters to have an 8 second instantaneous rate of change for an electronic changeable face sign. This would amend sections:2.201 and 13.109.</p> <p>The Planning Committee unanimously found this text amendment to be inconsistent with local plans and policies, and not to be reasonable or in the public interest and voted unanimously to deny this text amendment.</p> <p>Staff agrees with the recommendation of the Planning Committee.</p> <p>Attachment 8</p>
	<p>9. Petition No. 2007-68 (decision) by W.P. East Acquisitions, LLC for a change in zoning of approximately 20.98 acres located on the north side of Thrift Road between Freedom Drive and Jay Street from MUDD(CD) to MUDD-O.</p> <p>The Zoning Committee unanimously found this petition to be consistent with the pending Bryant Park Area Plan and reasonable and in the public interest and voted unanimously to recommend approval of this petition with the following modifications:</p> <ul style="list-style-type: none"> • The note concerning the construction of the trail and bridge is worked out with Park and Recreation; and • All Storm Water issues are resolved.

	<p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 9</p>
	<p>10. Petition No. 2007-72 (decision) by Sykes Industrial Solutions Charlotte One, LLC for a change in zoning of approximately 27.00 acres located on the northeast corner of Sam Wilson Road and West Pointe Drive from R-3(LLWPA) and R-17MF(LLWPA) to I-1(CD)(LLWPA).</p> <p>The Zoning Committee found this petition to be consistent with the North West District Plan and reasonable and in the public interest and voted unanimously to recommend approval of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 10</p>
	<p>11. Petition No. 2007-73 (decision) by Charlotte-Mecklenburg Planning Commission for a change in zoning of approximately 1.60 acres located on the northwest corner of Camden Road and West Boulevard from B-1 to TOD-M.</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>South End Transit Station Area Plan</i> and reasonable and in the public interest and vote unanimously to recommend approval of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 11</p>
<p>Protest (sufficient but not applicable)</p>	<p>12. Petition No. 2007-75 (decision) by Charlotte Metro Credit Union for a change in zoning of approximately 1.19 acres located on the west side of Ashley Road between Greenland Avenue from CC to CC SPA.</p> <p><i>A protest petition has been filed and is sufficient to invoke 3/4 majority-voting rule, but not applicable to this petition because it is a Site Plan Amendment that does not increase intensity or reduce buffers.</i></p> <p>The Zoning Committee unanimously found this petition to be consistent with the Central District Plan and reasonable and in the public interest and vote unanimously to recommend approval of this petition with the following modifications:</p>

	<ul style="list-style-type: none"> • The notes from the previous site plan will be attached. • The sidewalk and planting strips will be labeled and dimensioned • The building height will be limited to 4 stories with the actual height being approximately 2 stories. • The site totals for floor area of the other out parcels on the site to assure that the 120,000 square feet limit will not be exceeded. • A staggered row of landscaping materials along the drive entrance and internal driveways will be provided. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 12</p>
	<p>13. Petition No. 2007-77 (decision) by Two Seventeen Tremont Partners, LLC for a change in zoning of approximately 0.17 acres located on the north side of East Tremont Avenue between Cleveland Avenue and South Boulevard from B-1 to TOD-MO.</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>South End Transit Station Area Plan</i>, which recommends transit supportive development at this location and vote unanimously to recommend approval of this petition with the following modifications:</p> <ul style="list-style-type: none"> • The petitioner has addressed all CDOT issues. • The petitioner has corrected the proposed square footage. • The petitioner has added a 5-foot wide sidewalk from the building to the sidewalk along East Tremont Avenue. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 13</p>
	<p>14. Petition No. 2007-81 (decision) by Charlotte-Mecklenburg Planning Commission for a change in zoning of approximately 0.23 acres located on the northeast corner of West Boulevard and Hawkins Street from B-1 to TOD-M.</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>South End Transit Station Area Plan</i> and reasonable and in the public interest and voted unanimously to recommend approval of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 14</p>

	<p>15. Petition No. 2007-88 (decision) by Spectrum Investment Services, Inc. for a change in zoning of approximately 11.33 acres located on the west side of South McDowell Street between East 2nd Street and East 3rd Street from UMUD to UMUD-O.</p> <p>The Zoning Committee unanimously found this petition to be consistent with the Center City 2010 Vision Plan and reasonable and in the public interest and voted unanimously to recommend approval of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 15</p>
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REQUEST FOR COUNCIL ACTION

16. **MUMPO 2009-2015 Candidate Projects List** request for Council action to direct the vote of the City of Charlotte MUMPO Representative related to the MUMPO 2009-2015 Candidate Projects List.

Attachment 16

HEARINGS

**Deferral
(indefinite)**

17. **Petition No. 2006-140 (hearing).** Change in zoning from R-3 to NS of approximately 3.2 acres located on the southwest corner of Prosperity Church Road and Dearmon Road.
Petitioner: Floride Huggins and Gloria Phillips

**Protest
(sufficient)**

A protest petition has been filed and is sufficient to invoke ¾ majority-voting rule.

Staff recommends and indefinite deferral to allow time for the petitioner to seek a withdrawal of this petition.

Attachment 17

18. **Petition No. 2007-31 (hearing)**. Change in zoning from R-17MF to NS of approximately 4.40 acres located on the northeast corner of West Sugar Creek Road and Mineral Springs Road. *Petitioner: Tribek Properties*

Staff recommends denial of this petition. The request is inconsistent with the land use recommendations of the *Northeast District Plan*.

Attachment 18

**Deferral
(two months)**

19. **Petition No. 2007-40 (hearing)**. Change in zoning from UR-2 to MUDD of approximately 0.44 acres located on the west side of North Cedar Street between West 5th Street and Cates Street. *Petitioner: The Boulevard Company*

Petitioner is requesting a two month deferral of this petition.

Staff recommends a two month deferral of this petition to allow time to create a conditional site plan.

Attachment 19

**Deferral
(two months)**

20. **Petition No. 2007-45 (hearing)**. Change in zoning from O-2 and O-2(HD-O) to TOD-R(CD) and TOD-R(CD)(HD-O) of approximately 1.01 acres located on the west side of Euclid Avenue between McDonald Avenue and East Tremont Avenue. *Petitioner: Euclid, LLC*

Petitioner is requesting a two month deferral of this petition.

Staff recommends approval of this petition upon resolution of outstanding site plan issues.

Attachment 20

**Deferral
(two months)**

21. **Petition No. 2007-61 (hearing)**. Change in zoning from R-3 to R-8MF(CD) of approximately 26.21 acres located on the west side of Back Creek Church Road, between Wakerobin Lane and Rosemallow Road. *Petitioner: Kenneth R. and Victoria B. Walters*

Petitioner is requesting a two month deferral of this petition to address site plan issues.

Staff recommends denial of this petition.

Attachment 21

22. **Petition No. 2007-71 (hearing)**. Change in zoning from B-1(PED) to INST(PED) of approximately 3.20 acres located on the northeast corner of South Bruns Avenue and Whitehaven Avenue. *Petitioner: Victory Christian Center*

Staff recommends approval of this petition.

Attachment 22

23. **Petition No. 2007-79 (hearing).** Change in zoning from B-1, B-1(CD) and R-3 to NS of approximately 74.40 acres located on the south side of North Tryon Street and the east side of Pavilion Boulevard. **Petitioner: Charter Properties and Cambridge Properties**

Staff recommends approval of this petition upon resolution of outstanding site plan issues.

Attachment 23

**Deferral
(two months)**

24. **Petition No. 2007-80 (hearing).** Change in zoning from I-1, I-1(CD) and R-4 to MUDD-O and MX-3(Innovative) of approximately 395.00 acres located on the east side of Old Statesville Road between Pete Brown Road and W.T. Harris Boulevard. **Petitioner: Griffith Equities, LLC**

Please note, petitioner is requesting a two month deferral of this petition to address site plan issues and review the traffic impact study.

Staff recommends a two month deferral of this petition to allow petitioner time to review the traffic impact study.

Attachment 24

25. **Petition No. 2007-83 (hearing).** Change in zoning from I-2 to TOD-M of approximately 24.49 acres located on both sides of Dunavant Street and on the west side of South Boulevard, north of Remount Road. Also, one parcel at the intersection of Rampart Street and Hawkins Street. **Petitioner: Greenhawk Partners, LLC**

Staff recommends approval of this petition.

Attachment 25

26. **Petition No. 2007-84 (hearing).** Change in zoning from R-3 to I-1 of approximately 1.90 acres located on the south side of Shopton Road east of Sandy Porter Road. **Petitioner: Pastor Karen Woods**

Staff recommends approval of this petition.

Attachment 26

27. **Petition No. 2007-86 (hearing).** Change in zoning from I-2 to TOD-M of approximately 0.82 acres located on the north side of West Summit Avenue between South Mint Street and South Church Street. **Petitioner: Merrifield Partners, LLC**

Staff recommends approval of this petition.

Attachment 27

**Deferral
(two months)**

28. **Petition No. 2007-87 (hearing).** Change in zoning from R-5 to R-6(CD) of approximately 0.49 acres located on the southeast corner of Spencer Street and East 37th Street. ***Petitioner: Amy Carver***

Staff recommends a two month deferral of this petition to allow the petitioner to submit a site plan.

Attachment 28

29. **Petition No. 2007-89 (hearing).** Change in zoning from R-5 to R-8(CD) of approximately 0.45 acres located on the northeast corner of Oakwood Avenue and Anderson Street. ***Petitioner: Issa Rafidi and Mark Bass***

Staff recommends approval of this petition upon resolution of outstanding site plan issues.

Attachment 29

30. **Petition No. 2007-91 (hearing).** Change in zoning from NS to MUDD-O of approximately 0.36 acres located on the southwest corner of East 35th Street and Yadkin Avenue. ***Petitioner: Lat Purser and Associates, Inc.***

Staff recommends approval of this petition upon resolution of outstanding site plan issues.

Attachment 30

31. **Petition No. 2007-92 (hearing).** Change in zoning from R-3 to UR-2(CD) of approximately 11.98 acres located on the west side of West Sugar Creek Road between West W.T. Harris Boulevard and David Cox Road. ***Petitioner: Meeting Street Companies***

Staff recommends approval of this petition upon resolution of outstanding site plan issues.

Attachment 31

32. **Petition No. 2007-93 (hearing).** Change in zoning from INST(CD) to INST of approximately 17.32 acres located on the north side of North Tryon Street and the west side of West side of West Craighead Road. ***Petitioner: Charlotte-Mecklenburg Schools***

**Decision
Requested
(same night
as hearing)**

Petitioner is requesting a decision the same night as the hearing.

Staff recommends approval of this petition.

Attachment 32

33. **Petition No. 2007-94 (hearing).** Change in zoning from B-1(CD) to B-1(CD) SPA of approximately 19.63 acres located on the southwest corner of Beatties Ford Road and Mt. Holly-Huntersville Road. *Petitioner: Beatties Ford Road Retail Investors, LLC*

Staff recommends denial of this petition.

Attachment 33

34. **Petition No. 2007-95 (hearing).** Change in zoning from B-1(CD) and R-12MF to NS of approximately 9.42 acres located on the north side of Old Sardis Road and the east side of Providence Road. *Petitioner: Harris, Murr and Vermillion, LLC*

Staff recommends approval of this petition upon resolution of outstanding site plan issues.

Attachment 34

35. **Petition No. 2007-96 (hearing).** Change in zoning from MX-3(LLWCA) and R-5(LLWCA) to MX-1(LLWCA) of approximately 10.35 acres located on the south side of Crosshaven Drive, east of Snug Harbor Road. *Petitioner: Rhein-Medall Communities*

Staff recommends approval of this petition.

Attachment 35

36. **Petition No. 2007-97 (hearing).** Change in zoning from I-2 to TOD-M of approximately 0.65 acres located on the west side of South Boulevard at the intersection of Poindexter Drive. *Petitioner: Colonial Realty Limited Partnership*

Staff recommends approval of this petition.

Attachment 36

37. **Petition No. 2007-98 (hearing).** Change in zoning from R-3 to MX-2 of approximately 24.59 acres located on the west side of Strawberry Lane between Woodfox Drive and Rosecliff Drive. *Petitioner: Etalon, LLC*

Staff recommends denial of this petition.

Attachment 37

**Deferral
(three
months)**

38. **Petition No. 2007-99 (hearing)**. Change in zoning from B-1(HD-O) and R-22MF(HD-O) to UR-2(CD)(HD-O) of approximately 1.10 acres located on the northwest corner of Euclid Avenue and East Tremont Avenue. *Petitioner: Boulevard Centro*

Staff recommends a three month deferral of this petition to allow time to resolve the conflict between the Historic Overlay District and Transit Oriented Development districts.

Attachment 38

39. **Petition No. 2007-100 (hearing)**. Consideration of a text amendment to the City of Charlotte Zoning Ordinance to allow private and charter schools as permitted uses in the Research Districts. *Petitioner: Seddon (Rusty) Goode*

Staff cannot recommend approval of this petition in its current form.

Attachment 39

40. **Petition No. 2007-102 (hearing)**. Consideration of a text amendment to the City of Charlotte Zoning Ordinance to place development standards for off-street parking, driveways, and garages into a table format to separate out different requirements for single-family, duplex, triples, quadraplex, multi-family, and planned multi-family units as well as all other (non-residential) uses. *Petitioner: Charlotte-Mecklenburg Planning Commission*

Staff recommends approval of this petition.

Attachment 40

41. **Petition No. 2007-109 (hearing)**. Consideration of a text amendment to the City of Charlotte Zoning Ordinance to allow the outdoor advertising sign industry the ability to use electronic changeable face signs (LED, digital, tri-vision, etc.) with limitations and conditions. It also adds new definitions to the ordinance to differentiate between “static”, “electronic changeable face”, and “tri-vision” outdoor advertising signs.

Petitioner: Charlotte-Mecklenburg Planning Commission

Staff recommends approval of this petition.

Attachment 41

Appendix: Residential Location and Design Assessment Matrix (G.D.P.)