

Mayor Patrick L. McCrory Mayor Pro Tem Susan Burgess

Michael D. Barnes

Warren Cooksey

Anthony Foxx

John W. Lassiter

Edwin B. Peacock III

Nancy Carter

Andy Dulin

Patsy Kinsey

James E. Mitchell, Jr.

Warren Turner

CITY COUNCIL ZONING AGENDA

Monday, May 19, 2008

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

**6:00PM – Zoning Decisions
Meeting Chamber**

DINNER MEETING

- ***Review of Agenda – Tammie Keplinger / Tom Drake***

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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

HISTORIC LANDMARKS

	<p>01. (A) Hearing to consider designation of the property known as the “Charlotte Fire Station Number 4” (listed under Tax Parcel Number 07805307 and including the exterior of the firehouse building, and the parcel of land listed under Tax Parcel Number 07805307 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of February 1, 2008). The property is owned by the Bank of America Community Development Corporation, and is located at 420 West Fifth Street in the City of Charlotte, North Carolina.</p> <p>(B) Adopt an ordinance designating the “Charlotte Fire Station Number 4” as a Historic Landmark.</p> <p>Attachment 1</p>
	<p>02. Approve a resolution setting a public hearing for June 16, 2008 at 6:00 PM on the question of historic designation of the “Big Rock Rock Shelter” and land as an Historic Landmark.</p> <p>Attachment 2</p>
	<p>03. Approve a resolution setting a public hearing for June 16, 2008 at 6:00 PM on the question of historic designation of the “Bishop John C. Kilgo House” and land as an Historic Landmark.</p> <p>Attachment 3</p>
	<p>04. Approve a resolution setting a public hearing for June 16, 2008 at 6:00 PM on the question of historic designation of the “Second Ward High School Gymnasium” and land as an Historic Landmark.</p> <p>Attachment 4</p>

DECISIONS

<p>Deferral (one-month)</p>	<p>05. Petition No. 2008-002 (decision) by York Development Group for a change in zoning of approximately 6.62 acres located on the northeast corner of North Community House Road and Ballantyne Commons Parkway from BP(CD) to NS.</p>
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	<p>The Zoning Committee is recommending a ONE-MONTH DEFERRAL of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 5</p>
<p>Deferral (one-month)</p> <p>Protest (not sufficient)</p>	<p>06. Petition No. 2008-011 (decision) by Eastern Pride, Inc. for a change in zoning of approximately 0.91 acres located between West Trade Street and West 5th Street, north of North Bruns Avenue from MUDD(CD)PED to B-1(CD)PED.</p> <p><i>A protest petition has been filed and but is not sufficient to invoke ¾ majority-voting rule.</i></p> <p>The Zoning Committee is recommending a ONE-MONTH DEFERRAL of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 6</p>
	<p>07. Petition No. 2008-031 (decision) by Mountain Island Promenade, LLC for a change in zoning of approximately 111.30 acres located on the northeast quadrant of the Brookshire Boulevard / I-485 Interchange from B-D(CD)(LWPA) and NS(LWPA) to B-D(CD)SPA(LWPA) and NS SPA(LWPA).</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>Brookshire Boulevard/I-485 Area Plan</i> and voted unanimously to recommend APPROVAL of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 7</p>
	<p>08. Petition No. 2008-040 (decision) by Lichtin/Toringdon, LLC for a change in zoning of approximately 36.60 acres located on the northeast quadrant of the Johnston Road / I-485 Interchange from CC to CC SPA.</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>South District Plan</i> and voted unanimously to recommend APPROVAL of this petition, based upon the following modifications:</p>

	<ul style="list-style-type: none"> • The storm water note has been revised and is acceptable by Storm Water Services. • Additional sidewalk width has been added in areas where it was insufficient. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 8</p>
	<p>09. Petition No. 2008-044 (decision) by Cambridge Properties, Inc. for a change in zoning of approximately 12.40 acres located on the southwest corner of Davis Lake Parkway and Harris Woods Boulevard from O-1(CD) to MX-2(Innovative).</p> <p>The Zoning Committee found this petition to be consistent with the <i>Northeast District Plan</i> and reasonable and in the public interest by a vote of 5-1 and voted 5-1 to recommend APPROVAL of this petition with the following modifications:</p> <ul style="list-style-type: none"> • Provide a left turn lane on Davis Lake Parkway onto Harris Woods Boulevard by converting a portion of the median. • Provide large maturing street trees, planted 40' on center along all internal streets and modify the second note under "Sidewalks/Streetscape" accordingly. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 9</p>
	<p>10. Petition No. 2008-045 (decision) by Charlotte-Mecklenburg Planning Commission for a change in zoning of approximately 0.84 acres located on the northeast corner of the intersection of Camden Road, South Tryon Street and West Summit Avenue from MUDD(CD) and I-2 to TOD-M.</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>South End Station Area Plan</i> 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. 2008-046 (decision) by City of Charlotte for a change in zoning of approximately 269.27 acres located along Westmont Drive at the Irwin Creek Treatment Facility from R-4, R-5 and R-22MF to I-2.</p> <p>The Zoning Committee unanimously found the portion of this request on the north side of Irwin Creek to be consistent with the <i>Central District Plan</i>. The portion of this request on the south side of Irwin Creek was found to be inconsistent with the <i>Central District Plan</i>, but reasonable and in the public interest. The Zoning Committee voted unanimously to recommend APPROVAL of this petition.</p>

	<p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 11</p>
	<p>12. Petition No. 2008-047 (decision) by R&Y Solutions, LLC for a change in zoning of approximately 2.58 acres located between Donald Ross Road and Ashley Road from I-2 to I-1.</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>Central District Plan</i> and voted unanimously to recommend APPROVAL of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 12</p>
	<p>13. Petition No. 2008-048 (decision) by DTJT Properties, LLC for a change in zoning of approximately 12.19 acres located south of Old Mt. Holly Road, along the west side of Aqua Chem Drive from I-1(CD) to I-2(CD).</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>Northwest District Plan</i> and voted unanimously to recommend APPROVAL of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 13</p>
	<p>14. Petition No. 2008-050 (decision) by Liberate Financial, LLC for a change in zoning of approximately 1.91 acres located on the north side of Charles Avenue between Yadkin Avenue and North McDowell Street from R-5 to UR-1(CD).</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>North Charlotte Plan</i> and <i>Northeast LRT proposed 28th Street Station Area Concept</i> and voted unanimously to recommend APPROVAL of this petition, based upon the following modifications:</p>

	<ul style="list-style-type: none"> • The proposed development/layout is contingent upon abandonment of rights-of-way. • Petitioner has revised the site plan to show street setbacks at 14 feet from back of curb. • CDOT and the Petitioners have agreed on the type of improvements that are appropriate for the 10-foot wide public easement to Charles Avenue. CDOT and the Petitioners intend to enter into a Development Agreement regarding mutual obligations for the construction of the improvements. It should be noted that only a very small percentage of the easement improvements fall within the rezoning boundary. Therefore a development agreement will be necessary for the City to enforce the obligations of the petitioner. This will allow CDOT to ensure that an adequate development agreement is in place before the abandonment of the right-of-ways are approved. • The site plan shows Charles Avenue has a 45-foot right-of-way width. The petitioner should confirm with CDOT that this width is adequate, or if dedication of right-of-way will be required. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 14</p>
	<p>15. Petition No. 2008-051 (decision) by CB Richard Ellis for a change in zoning of approximately 1.53 acres located on the northwest corner of South Tryon Street and Steele Creek Road from CC to CC SPA.</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>Lower Steele Creek Mixed Use Center Project Plan</i> 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>
<p>Protest (not sufficient)</p>	<p>16. Petition No. 2008-052 (decision) by Novant Health, Inc. for a change in zoning of approximately 81.75 acres located on the northeast quadrant of the I-485 / Albemarle Road Interchange from R-3 to B-1(CD) and INST(CD).</p> <p><i>A protest petition has been filed and is not sufficient to invoke ¾ majority-voting rule.</i></p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>Albemarle Road/I-485 Interchange Study</i> and voted unanimously to recommend APPROVAL of this petition, based upon the following modifications:</p>

	<ul style="list-style-type: none"> • Transportation commitments have been added that ensure a new collector street and connector road can be constructed to provide access to this site. • Additional street trees and sidewalk connections have been added to the site plan. • A bike/pedestrian connection to the northern property boundary has been committed to for the future. • A 50-foot undisturbed landscape area along I-485 has been added. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 16</p>
	<p>17. Petition No. 2008-054 (decision) by Bransen L. Patch for a change in zoning of approximately 11.97 acres located on the south corner of the intersection of Ardrey Kell Road and Tom Short Road from B-1(CD) to B-1(CD)SPA.</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>South District Plan</i> and voted unanimously to recommend APPROVAL of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 17</p>
<p>Deferral (special meeting prior to the City Council Meeting on 5/19/08)</p>	<p>18. Petition No. 2008-059 (decision) by Crescent Resources, LLC for a change in zoning of approximately 168.00 acres located on the east side of I-85 / City Boulevard Interchange from B-1SCD, I-1, O-2, RE-1, MUDD-O to CC.</p> <p>The Zoning Committee voted unanimously to DEFER this petition to a Special Meeting on Monday, May 19, 2008 at 4:50 pm.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 18</p>
	<p>19. Petition No. 2008-062 (decision) by Charlotte-Mecklenburg Planning Commission for a change in zoning of approximately 0.92 acres located on the northwest corner of South Church Street and Quincey Street from I-2 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 voted unanimously to recommend APPROVAL of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 19</p>

HEARINGS

<p>Deferral (one-month)</p> <p>Protests (sufficient)</p>	<p>20. Petition No. 2007-140 (hearing) by Hill Land Corporation for a change in zoning of approximately 14.80 acres located on the east side of Reames Road between Bella Vista Court and Lawnmeadow Drive from R-3 to UR-1(CD).</p> <p><i>Two protest petitions have been filed and are sufficient to invoke $\frac{3}{4}$ majority-voting rule.</i></p> <p>Staff recommends a one-month deferral of this petition to allow time to review the revised site plan.</p> <p>Attachment 20</p>
	<p>21. Petition No. 2008-055 (hearing) by Merrifield Partners, LLC for a change in zoning of approximately 2.44 acres located on the east side of East W.T. Harris Boulevard between Old Concord Road and Back Creek Church Road from O-1(CD) to O-1(CD)SPA.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 21</p>
<p>Deferral (one-month)</p>	<p>22. Petition No. 2008-056 (hearing) by MarkPiercePoole Properties, Inc. for a change in zoning of approximately 19.00 acres located on both sides of West Tyvola Road between Nations Ford Road and Tyvola Centre Drive from R-4 to R-17MF(CD) and CC.</p> <p>Petitioner is requesting a one-month deferral of this petition.</p> <p>Staff recommends denial of this petition.</p> <p>Attachment 22</p>
	<p>23. Petition No. 2008-060 (hearing) by Gandy Communities, Inc. for a change in zoning of approximately 24.33 acres located on the east side of Point O' Woods Drive and the west side of Northlake Centre Parkway from R-3 to CC.</p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 23</p>
	<p>24. Petition No. 2008-063 (hearing) by Arthur Yessayan for a change in zoning of approximately 10.49 acres located on the west side of Beam Road between Center Park Drive and Shopton Road from I-1(CD) to B-D(CD).</p>

	<p>Staff recommends approval of this petition.</p> <p>Attachment 24</p>
Deferral (one-month)	<p>25. Petition No. 2008-064 (hearing) by Chad Frazier for a change in zoning of approximately 1.40 acres located on the west side of Frazier Avenue between West 5th Street and Martin Street from R-5 to UR-1(CD).</p> <p>Staff recommends a one-month deferral of this petition and the petitioner is in agreement.</p> <p>Attachment 25</p>
	<p>26. Petition No. 2008-065 (hearing) by Myers Park Presbyterian Church for a change in zoning of approximately 9.02 acres located on both sides of Providence Road at Oxford Place from R-3, R-43MF, O-2 and O-2(CD) to MUDD-O.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 26</p>
	<p>27. Petition No. 2008-066 (hearing) by Financial Enterprises III, LLC for a change in zoning of approximately 6.50 acres located on the northwest corner of North Tryon Street and West W.T. Harris Boulevard from CC and B-1SCD to CC SPA and CC.</p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 27</p>
	<p>28. Petition No. 2008-067 (hearing) by Colwick Medical Partners, LLC for a change in zoning of approximately 1.69 acres located on the east side of Colwick Road between Chiswick Road and Greenwich Road from O-2 to NS.</p> <p>Staff cannot support this petition in its current form.</p> <p>Attachment 28</p>
	<p>29. Petition No. 2008-068 (hearing) by Southern Holdings IV, LLC for a change in zoning of approximately 11.05 acres located on the northeast corner of Eastfield Road and Highland Creek Parkway from R-9PUD to NS.</p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 29</p>
	<p>30. Petition No. 2008-070 (hearing) by Noda @ 27th Street, LLC for a change in zoning of approximately 3.63 acres located on the block bounded by North Davidson Street, East 26th Street, East 27th Street and Yadkin Avenue from I-2 to MUDD-O.</p>

	<p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 30</p>
	<p>31. Petition No. 2008-071 (hearing) by The Drakeford Company for a change in zoning of approximately 0.64 acres located on the south side of McClintock Road between The Plaza and Nandina Street from B-2(PED) to B-2(PED-O).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 31</p>
	<p>32. Petition No. 2008-074 (hearing) by Public Library of Charlotte & Mecklenburg County for a change in zoning of approximately 1.54 acres located on the north side of Hickory Grove Road between Dogwood Place and Lawrence Orr Road from B-1SCD to B-1(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 32</p>
Deferral (one-month)	<p>33. Petition No. 2008-076 (hearing) by Charles T. Hodges for a change in zoning of approximately 2.78 acres located at the intersection of South Tryon Street and Ayrslay Town boulevard from MUDD-O to MUDD-O SPA.</p> <p>Petitioner is requesting a one-month deferral of this petition.</p> <p>Staff recommends a one-month deferral of this petition.</p> <p>Attachment 33</p>
	<p>34. Petition No. 2008-078 (hearing) by WP East Acquisitions, LLC for a change in zoning of approximately 8.12 acres located on the north side of East Mallard Creek Church Road between Stone Quarry Road and Bonnie Cone Lane from INST to R-17MF(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 34</p>
	<p>35. Petition No. 2008-069 (hearing) by City of Charlotte for a change in zoning of approximately 2,165.17 acres located along Wilkinson Boulevard, Tuckaseegee Road, Little Rock Road, Old Dowd Road, Wallace Neal Road, Dixie Road and West Boulevard from B-2(LLWPA), B-D, B-D(LLWPA), B-D(CD)(LLWPA), I-1,</p>

	<p>I-1(LLWPA), I-1(CD), I-2(CD)(LLWPA), R-3, R-3(LLWPA), R-4(LLWPA) and R-MH(LLWPA) to I-2 and I-2(LLWPA).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 35</p>
	<p>36. Petition No. 2008-072 (hearing) by Charlotte-Mecklenburg Planning Commission for a change in zoning of approximately 1.05 acres located on the west side of South Boulevard between New Bern Street and Greystone Road from I-1 to TOD-M.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 36</p>
	<p>37. Petition No. 2008-079 (hearing) by Charlotte-Mecklenburg Planning Commission consideration of a text amendment to the city of Charlotte Zoning Ordinance to:</p> <ol style="list-style-type: none"> 1) add three new definitions for “mobile food vending service”, “periodic retail sales events, off-premise”, and “periodic retail sales events, on-premise” 2) add new regulations for “mobile food vending service” 3) modify the standards for “periodic retail sales events, off-premise” <p>Staff recommends approval of this petition.</p> <p>Attachment 37</p>