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<i>Mayor Anthony Foxx</i>	<i>Mayor Pro-Tem Patrick Cannon</i>
<i>Michael D. Barnes</i>	<i>Jason Burgess</i>
<i>Nancy Carter</i>	<i>Warren Cooksey</i>
<i>Andy Dulin</i>	<i>David Howard</i>
<i>Patsy Kinsey</i>	<i>James E. Mitchell, Jr.</i>
<i>Edwin B. Peacock III</i>	<i>Warren Turner</i>

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## ***CITY COUNCIL ZONING AGENDA***

### ***Monday, November 15, 2010***

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

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

### ***DINNER MEETING***

- ***Review of Agenda – Tammie Keplinger***
- ***Modifications to NC General Statutes –  
Terrie Hagler-Gray and Sandy Montgomery***

**ALL REZONING PETITIONS MAY BE VIEWED ON THE WEB AT**  
**[www.rezoning.org](http://www.rezoning.org)**

# REZONING ACRONYMS

## Zoning Districts

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

## Overlay Districts

- **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

## Miscellaneous Acronyms

- **CD** – conditional
- **SPA** – site plan amendment

# DECISIONS

<p><b>Protests Sufficient</b></p>	<p><b>1. Petition No. 2010-056 by Childress Klein Properties</b> for a change in zoning of approximately 13.15 acres bounded by Carnegie Boulevard and Congress Street near Barclay Downs Drive from O-1 to MUDD-O.</p> <p>This petition is found to be consistent with the <i>SouthPark Small Area Plan</i>, and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"><li>1. The optional request to allow trash disposal as a use permitted between the building and the street has been deleted.</li><li>2. The optional request to accommodate optional paving systems used on private plazas and walkways was removed from the site plan.</li><li>3. The optional request for four ground mounted project identification signs, 10 feet in height and 80 square feet has been deleted, and an alternate concept that takes into consideration the pedestrian-oriented nature of the proposed development in terms of size, scale, number of signs and design has been provided.</li><li>4. The optional provision to allow one ground mounted identification sign per building was removed from the site plan.</li><li>5. The portion of the optional standards related to how the building height will be measured has been removed.</li><li>6. The site plan was modified to specify the maximum building height in feet and the number stories.</li><li>7. The need for alignment of the interior street with Assembly Street was eliminated by proposing a landscaped pedestrian-friendly corridor that runs in a generally southerly to northerly direction from Carnegie Boulevard through Tract D. Corridor extends as a street corridor through Tract C to Carnegie Boulevard.</li><li>8. The Conceptual Perspective Rendering referenced in Note 9 has been provided.</li><li>9. The Conceptual Site Plan included with the previous site plan submittal has been provided.</li><li>10. Note 9 has been amended to indicate that wall-pak lighting is prohibited.</li><li>11. Note 9 has been amended to replace "compliment" with "complement".</li><li>12. Storm Water comments were addressed by adding a note that requirements of the Post Construction Controls Ordinance will be satisfied and in addition, the petitioner will provide for a reduction of the peak flow in a 100-years storm event by 50 percent or more over the conditions of the site as they exist at the time this rezoning petition is approved.</li><li>13. The 14-foot setback has been labeled along all street frontages.</li><li>14. The six-foot sidewalk and eight-foot planting strip have been labeled along all street frontages.</li><li>15. The petitioner specified the total number of proposed buildings as six.</li><li>16. The size of the site plan has been reduced to a maximum of 24 x 36.</li><li>17. Added Note 10 to state that that the Technical Data Sheet contemplates a landscaped/pedestrian friendly corridor running in a generally southerly to northerly direction from Carnegie Boulevard through Tract D and extending, as a street corridor, through Tract C to Carnegie Boulevard (the "Corridor") which is fronted on both sides only by ground floor Commercial uses or multi-family dwelling units.</li></ol> <p>In order to ensure the orderly development of these uses along the Corridor, the Petitioner also added the following commitments:</p> <ol style="list-style-type: none"><li>1.) The ground floor Commercial uses or multi-family dwelling units proposed along both sides of Corridor within Tract C shall be constructed simultaneously with any other multi-family development that occurs on any portion of Tract C.</li><li>2.) The ground floor Commercial uses or multi-family dwelling units proposed along both sides of Corridor within Tract D shall be constructed simultaneously with any other multi-family development that occurs on any portion of Tract D.</li></ol>
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The Petitioner reserves the right to elect to extend these types of ground floor uses along the southerly margin of Tract D and Tract A in an easterly direction along Carnegie Boulevard within the general area depicted on the Technical Data Sheet.

18. Provided consistent use of the term multi-family dwelling units.
19. Added Note 14(a), which states that all or any part of one of the Tracts on the site may be developed without any off-site transportation improvements other than driveway permits.
20. Added Note 14(b) to state that prior to the issuance of building permits on the second Tract to be developed and following receipt of written authorization from CDOT to make these improvements the petitioner commits to construct a third westbound through lane on Fairview Road extending from Barclay Downs Drive to a point where this land would tie in with the existing right-turn lane at Assembly Street.
21. Added Note 14(b) to state that the Petitioner will be responsible for all costs associated with the design and construction of these improvements, and all other associated intersection and roadway modifications required as a result of these improvements, including but not limited to: utility relocations, traffic signal modifications, pavement markings, engineering, permitting, project administration, landscaping, street trees, street tree mitigation, and right-of-way acquisition and dedication. The design of these improvements must meet applicable requirements as determined by CDOT and be subject to its review and approval.
22. Added Note 14(e) to state that in the event CDOT elects not to authorize construction of these improvements, the Petitioner agrees to contribute to the City of Charlotte a sum equal to the deemed cost of these improvements to Fairview Road. This amount would be determined on the basis of engineering cost estimates using preliminary design drawings as specified in paragraph (b) above submitted by the Petitioner which are mutually agreed upon by the parties. In the event that these funds have not been dedicated to street improvement within the boundaries of the SouthPark Small Area Plan within seven (7) years of the contribution they shall be refunded to the Petitioner by the City.
23. Amended Note 2 to allow drop-off and pick-up areas in front of restaurants as an optional request.
24. Amended Note 2 to allow a building height of 150 feet or 10 stories on Tract A and Tract B as an optional request.
25. Amended Note 3 to delete a hotel as a permitted use.
26. The maximum commercial square footage was reduced from 650,000 to 495,000.
27. The maximum number of multi-family units is noted as 591.
28. The maximum retail/restaurant square footage is limited to 15,000.
29. Added Note 8b to state that no vehicular access may be provided on either side of the street corridor that runs from the center of the site in a northerly direction to Carnegie Boulevard.
30. Added Note 11 to state that no attached wall signage mounted over forty feet above average grade on any building elevation which faces in a westerly direction shall be permitted.
31. Added Note 13(a) to state that off-street parking spaces provided on Tract A and Tract B shall each satisfy or exceed the parking requirement of the O-1 zoning district.
32. Added Note 13(b) to state that off-street parking spaces provided on Tract C and D shall satisfy or exceed the parking requirements of the O-1 zoning district.
33. Added Note 13(c) to state that if a build-to-suit tenant should commit to occupy the office portion of Tract A or B, then notwithstanding the provisions of Paragraph (a) of this Section, the off-street parking requirements of the office space occupied by that tenant shall be the parking requirements for the MUDD zoning district; subject however to the following conditions:
  - MUDD parking requirements may only apply to one of those two Tracts and not both.
  - The component of the building containing the off-street parking spaces for the build-to-suit tenant must be designed and engineered so as to satisfy the parking requirements of the O-1 Zoning District.
  - If the build-to-suit tenant vacates the building, then no more than  $\frac{3}{4}$  of the building may thereafter be occupied unless and until the off-street requirements of the O-1 Zoning District.
34. Amended Note 4 as follows:

<p>2010-056 continued</p>	<ul style="list-style-type: none"> <li>• Tract A: <ul style="list-style-type: none"> <li>• Limited to 240,000 square feet of commercial uses and deleted residential dwelling units.</li> </ul> </li> <li>• Tract B: <ul style="list-style-type: none"> <li>• Limited to 240,000 square feet of commercial uses and deleted residential dwelling units.</li> <li>• Allows transfer of any unused commercial floor area on Tract A or Tract B to the other tract as long as the total commercial floor area does not exceed 480,000 square feet.</li> </ul> </li> <li>• Tract C: <ul style="list-style-type: none"> <li>• Limited to maximum of 200 multi-family residential dwelling units.</li> </ul> </li> <li>• Tract D: <ul style="list-style-type: none"> <li>• Limited to maximum of 391 multi-family residential dwelling units and up to 15,000 square feet of retail or restaurant commercial floor area.</li> </ul> </li> </ul> <p>Allows transfer of any unused multi-family may be transferred between residential dwelling units on Tract C or Tract D as long as the total number of units does not exceed 591.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 1</p>
	<p>2. <b>Petition No. 2010-059 by Jeff Short</b> for a change in zoning of approximately .365 acres located on the east corner of the intersection of Holt Street and Herrin Avenue from R-5 to R-12MF(CD).</p> <p>This petition is found to be consistent with the <i>North Charlotte Plan</i>, and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend <b>APPROVAL</b> of this petition with following modifications:</p> <ol style="list-style-type: none"> <li>1. Note #5 was modified to signify that the planting strip and sidewalk on Herrin Avenue shall remain.</li> <li>2. Note #6 was modified to indicate all trees in the rear yard will remain.</li> <li>3. Note #7 was removed which indicated that future amendments shall be allowed by the petitioner.</li> <li>4. Note #10 was replaced with garages on lots one and two must be located a minimum of ten feet behind the front face of either building and lot three's attached garage must be flush with or behind the side of the house facing Herrin Street.</li> <li>5. The attached elevation note was changed to state "design details are subject to change".</li> <li>6. Note #2 was replaced to indicate that changes to the site plan will be in compliance with Section 6.207 of the Zoning Ordinance.</li> <li>7. All notes were removed which indicated that minimum ordinances standards will be met.</li> </ol> <p>Staff recommends approval of this petition.</p> <p>Attachment 2</p>
	<p>3. <b>Petition No. 2010-062 by Allen Tate, Jr.</b> for a change in zoning of approximately 1.3 acres located on the northeast corner of Pineville Matthews Road and Johnston Road from O-1 to NS.</p> <p>This petition is found to be inconsistent with the <i>South District Plan</i>, but to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend <b>APPROVAL</b> of this petition with following modifications:</p> <ol style="list-style-type: none"> <li>1. A note has been added to the site plan stating that a "pork chop" type raised concrete island will be constructed at the site's NC Hwy 51 driveway to restrict that driveway to a right in/right out access.</li> <li>2. The notation that the building is "12,144 S.F." has been removed from the site plan.</li> <li>3. The "Parking Summary" has been amended to reflect the proposed building size is 12,500 square feet.</li> <li>4. The "Landscape Summary Table" has been modified with the removal of the types of plantings and the addition of language stating that all trees and shrubs shall be from the approved list specified in the Charlotte Land Development Standards Manual.</li> </ol>

<p><b>2010-062 continued</b></p>	<ol style="list-style-type: none"> <li>5. The second paragraph under General Provisions has been deleted.</li> <li>6. A cross section with details of the proposed landscaping along Johnston Road has been added to the site plan.</li> <li>7. Additional landscaping has been added to the site plan between the northern property line and the parking lot curb, to consist of small maturing trees and shrubs.</li> <li>8. The dimensions and a note indicating the dedication of 50 feet of right-of-way along Johnston Road and 60 feet of right-of-way dedication along NC Highway 51 have been added to the site plan.</li> </ol> <p>Attachment 3</p>
	<p><b>4. Petition No. 2010-063 by Richard Latorre</b> for a change in zoning of approximately .512 acres located along the north side of Monroe Road between Ashmore Drive and Glendora Drive from R-4 to O-1(CD).</p> <p>This petition is found to be inconsistent with the <i>East District Plan (1990)</i>, but to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend <b>APPROVAL</b> of this petition with following modifications:</p> <ol style="list-style-type: none"> <li>1. A note has been added to state that the existing structure is to remain.</li> <li>2. Note 4 has been amended to state that expansions and exterior revisions to the current structure will be compatible with the residential scale and character of the neighborhood.</li> <li>3. Note 4 has been amended to delete reference to other recent office, commercial and institutional development in the area.</li> <li>4. Note 6 has been amended to indicate that the any expansion of the existing structure will not exceed two stories and a maximum of 45 feet. The reference to "above the current finished floor elevation" was removed from this note.</li> </ol> <p>Staff recommends approval of this petition.</p> <p>Attachment 4</p>
	<p><b>5. Petition No. 2010-064 by Greater Galilee Baptist Church</b> for a change in zoning of approximately 2.86 acres located at the intersection of Spruce Street, South Mint Street, and West Park Avenue and generally bounded on the north side by Wilmore Drive from R-5(HD-O) to MUDD-O(HD-O).</p> <p>The proposed sanctuary and the main church building of this petition is found to be consistent and the accessory office building and parking is found to be inconstant with the <i>Central District Plan</i>, but to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. A note has been added to indicate that large expanses of wall exceeding 20-feet in length will be avoided through the introduction of articulated facades, using two or more various materials such as brick, other masonry products, stone, and/or glass windows.</li> <li>2. An eight-foot planting strip and six-foot sidewalk along the new parking lot along South Mint Street east of West Park Avenue has been added to the site plan.</li> <li>3. A note committing to move the relocated homes within the Wilmore Neighborhood has been added to the site plan.</li> <li>4. A note has been added that the building elevations included with this petition are conceptual and the Historic District Commission may, as a part of their approval, require more stringent and detailed building elevations than those shown in these conditional rezoning documents</li> </ol> <p>Staff recommends approval of this petition.</p> <p>Attachment 5</p>

**6. Petition No. 2010-065 by Levine Properties, Inc.** for a change in zoning of approximately 10.90 acres generally bounded by North College Street, East 9<sup>th</sup> Street, North Brevard Street and East 7<sup>th</sup> Street from UMUD and UMUD-O to UMUD-O and UMUD-O(SPA).

This petition is found to be consistent with the *Center City 2010 Vision Plan*, and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend **APPROVAL** of this petition with following modifications:

1. The addition of an optional provision to allow a proposed underground parking deck to be located within the 22-foot back of curb setback along Brevard Street between East 8<sup>th</sup> Street and East 9<sup>th</sup> Street.
2. All CATS comments have been addressed regarding encroachments into the rail corridor.
3. Note C.1.b. has been clarified by indicating temporary buildings and structures may be located within the rail corridor setback during special events for no more than 20 consecutive days.
4. Note C.1.c. has been clarified by indicating the temporary closures of the private street would be limited to no more than 20 consecutive days for public or private events.
5. Note C.3.a. has been modified to indicate the access way for service vehicles along the rail corridor setback will be constructed with either stained concrete, stamped and colored asphalt, concrete pavers or any combination of these materials and that the colors used for the materials will be a color that minimizes staining caused by service vehicles and their cargo.
6. The turnaround area for the access way for the service vehicles has been removed from the setback along East 8<sup>th</sup> Street.
7. The locations were limited for where the signage optional provisions will apply.
8. Computer programmable L.E.D. systems with full-color, full-matrix displays and full color outdoor video display were each limited to 256 square feet in size and the total number of these wall signs were limited to three.
9. Message centers including ticker tape type moving messages are allowed on three buildings.
10. Clarified Note C.4.b. by indicating that the permitted sign type identified as "movie type projected images from either direct projection or rear screen projection" is for special events and will be on a temporary basis not to exceed a total of 50 days within a calendar year.
11. Note C.4. was modified by eliminating the duplicate (a) and (b) subsections.
12. Note C.4. was modified by indicating the number of detached signs with maximum 20-foot heights to be limited to 2.
13. The recessed valet drop-off lane along East 9<sup>th</sup> Street has been eliminated.
14. The 16-foot setback along East 9<sup>th</sup> Street from the back of curb is being maintained by eliminating the valet drop-off.
15. Clarified Note C.3.b. by indicating the dumpster and recycling enclosure will not encroach further into the rail corridor setback than the established building line of the existing Dixie's building.
16. Modified Note C.3.c. to state the dumpster and recycling containers must be emptied before 8:00 a.m. or after 6:30 p.m.
17. Clarified Note C.7. by requesting the use of an additional through lane for off-peak valet parking and loading if approved by CDOT.
18. Added a sentence to the end of Note C.1.c. that prior to the temporary closure of the private street, notification will be provided to CDOT so that notice of the street closure can be communicated to interested parties.

Staff recommends approval of this petition.

Attachment 6

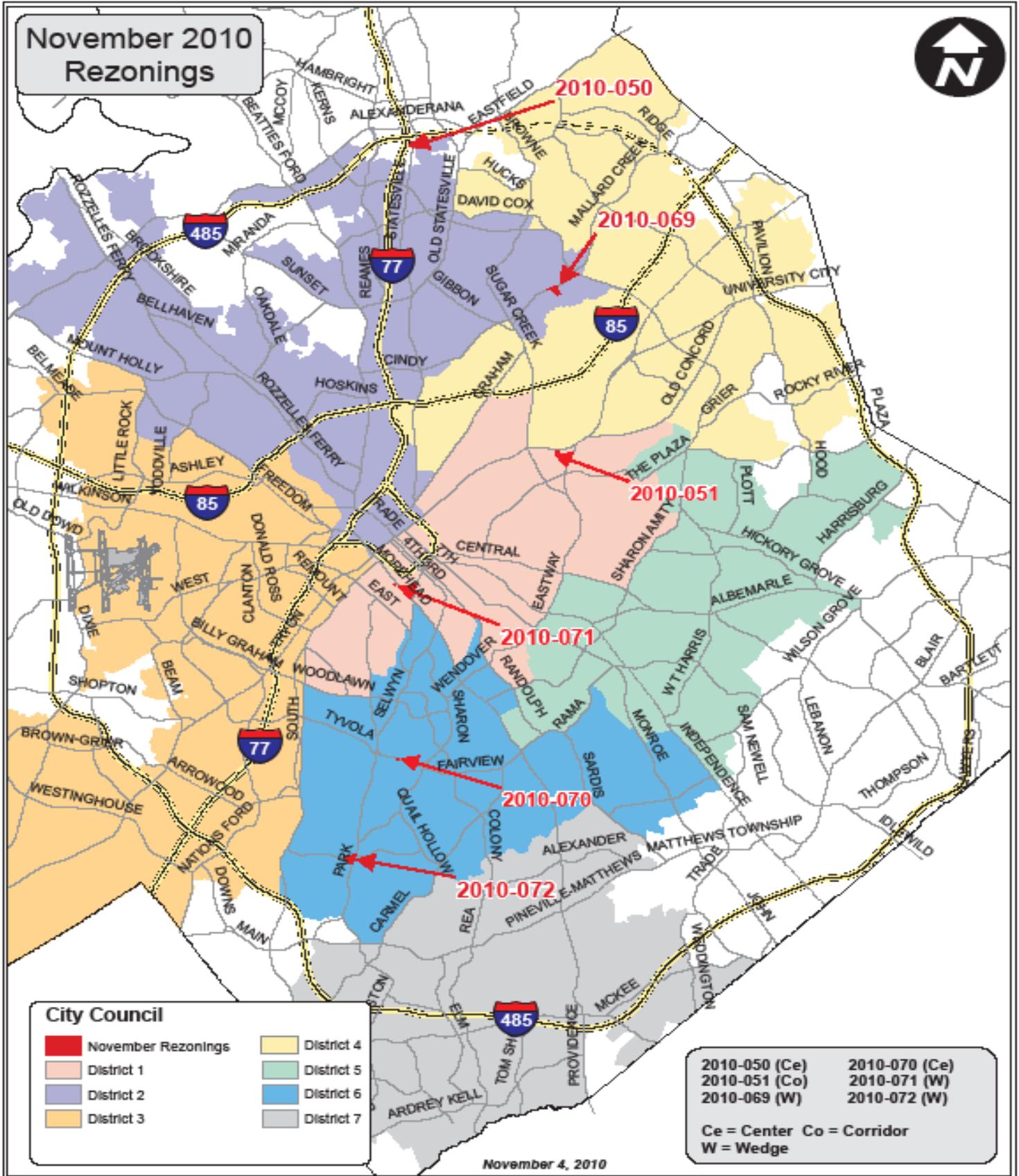
7. **Petition No. 2010-066 by Charlotte-Mecklenburg Planning Commission** for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to modify the bicycle parking requirements.

This petition is found to be consistent with adopted policies and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend **APPROVAL** of this petition.

Staff recommends approval of this petition.

Attachment 7

**November 2010  
Rezoning**



## HEARINGS

	<p><b>8. Petition No. 2010-050 by DavidLand, LLC</b> for a change in zoning of approximately 1.95 acres located at the southeast corner of the intersection of Interstate 485 and Interstate 77 and to the west of Statesville Road from B-D to I-1.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 8</p>
<p><b>Protest Sufficiency TBD</b></p>	<p><b>9. Petition No. 2010-051 by Habitat for Humanity of Charlotte, Inc.</b> for a change in zoning of approximately 3.629 acres located on the west side of Bingham Drive near North Tryon Street from I-2 to UR-2(CD).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 9</p>
<p><b>Deferral (one-month to December)</b></p>	<p><b>10. Petition No. 2010-069 by Patrick N. Dillon</b> for a change in zoning of approximately 13.98 acres located on the east side of the intersection of Mallard Creek Road and Penninger Circle and located across from Mason Drive from R-3 to INST(CD).</p> <p>The petitioner is requesting a one-month deferral of this petition to allow time to hold a community meeting.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 10</p>
	<p><b>11. Petition No. 2010-070 by Fairview Plaza Associates LTD Partnership</b> for a change in zoning of approximately 1.06 acres located on the south side of Fairview Road between Park South Drive and Piedmont Row Drive from MUDD(CD) to MUDD-O.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 11</p>
	<p><b>12. Petition No. 2010-071 by Covenant Presbyterian Church</b> for a change in zoning of approximately .324 acres located on the north side of Arose Avenue between East Morehead Street and Dilworth Road from R-4(HD-O) to UR-C(CD)(HD-O).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 12</p>
<p><b>Deferral (one-month to December)</b></p> <p><b>Protests Sufficiency TBD</b></p>	<p><b>13. Petition No. 2010-072 by Quail Corners Associates, LLC</b> for a CC site plan amendment for approximately 14.40 acres located at the southwest corner of the intersection of Park Road and Sharon Road West.</p> <p>The petitioner is requesting a one-month deferral of this petition to resolve outstanding issues.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 13</p>

	<p><b>14. Petition No. 2010-045 by Charlotte-Mecklenburg Planning Commission</b> for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to modify and clarify the regulations for pedestrian oriented information pillars and information pillar signs.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 14</p>
	<p><b>15A. Petition No. 2010-074SUB by Charlotte Department of Transportation</b> for the adoption of a text amendment to the City of Charlotte Subdivision Ordinance, Chapter 20 to implement the Urban Street Design Guidelines.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 15A</p>
	<p><b>15B. Petition No. 2010-073 by Charlotte Department of Transportation</b> for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to implement the Urban Street Design Guidelines.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 15B</p>
	<p><b>15C. Tree Ordinance Text Amendment by Charlotte Department of Transportation</b> for the adoption of a text amendment to the City of Charlotte Tree Ordinance, Chapter 21 to allow trees to be planted in the public right-of-way.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 15C</p>