

Mayor Patsy Kinsey Mayor Pro-Tem Patrick Cannon
John Autry Michael D. Barnes
Warren Cooksey Andy Dulin
Claire Fallon David Howard
LaWana Mayfield Billy Maddalon
James E. Mitchell, Jr. Beth Pickering

CITY COUNCIL ZONING AGENDA ***Monday, November 18, 2013***

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

6:00PM – Zoning Meeting
Meeting Chamber

DINNER MEETING: CH14

- Review of Agenda – Tammie Keplinger
- Area plan status & text amendment update – Debra Campbell

ALL REZONING PETITIONS MAY BE VIEWED ON THE WEB AT
www.rezoning.org

ACRONYMS

Zoning District Acronyms

- **B-1** – neighborhood business district
- **B-2** – general business district
- **B-1SCD** – business shopping center district (old district)
- **BD** – distributive business district
- **BP** – business park district
- **CC** – commercial center district
- **HW** – hazardous waste
- **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-M** – transit oriented development – mixed use
- **TOD-R** – transit oriented development – residential
- **U-I** – urban industrial district
- **UMUD** – uptown mixed use district
- **UR-1** – urban residential
- **UR-2** – urban residential
- **UR-3** – urban residential
- **UR-C** – urban residential – commercial

Zoning Overlay District Acronyms

- **CR/LWW** – Catawba River / Lake Wylie watershed
- **CR/LWWCA** – Catawba River / Lake Wylie watershed – critical area
- **CR/LWWPA** – Catawba River / Lake Wylie watershed – protected area
- **HD-O** – historic district overlay
- **LNW** – Lake Norman watershed overlay
- **LNWCA** – Lake Norman watershed –overlay, critical area
- **LNWPA** – Lake Norman watershed – overlay, protected area
- **LLWW** – Lower Lake Wylie watershed overlay
- **LLWWCA** – Lower Lake Wylie watershed – overlay, critical area
- **LLWWPA** – Lower Lake Wylie watershed– overlay, protected area
- **MILW** – Mountain Island Lake watershed overlay
- **MILWCA** – Mountain Island Lake watershed – overlay, critical area
- **MILWPA** – Mountain Island Lake watershed – overlay, protected area
- **MH** - manufactured home overlay
- **PED** – pedestrian overlay district
- **TS** – transit supportive overlay district

Miscellaneous Zoning Acronyms

- **CD** – conditional district
- **INNOV** – innovative standards
- **SPA** – site plan amendment
- **O** – optional provisions

Miscellaneous Other Acronyms

- **CAG** – citizen advisory group
- **CDOT** – Charlotte Department of Transportation
- **FEMA** – Federal Emergency Management Agency
- **LED** – light emitting diode
- **NCDOT** – North Carolina Department of Transportation
- **PCCO** – Post Construction Control Ordinance

HISTORIC LANDMARKS

Decisions

	<p>1. Decision on the adoption of an ordinance designating the “Cohen-Fumero House” as a Historic Landmark.</p> <p>Attachment 1</p>
	<p>2. Decision on the adoption of an ordinance designating the “Defiance Sock Mills” as a Historic Landmark.</p> <p>Attachment 2</p>
	<p>3. Decision on the adoption of an ordinance designating the “Louise Cotton Mill” as a Historic Landmark.</p> <p>Attachment 3</p>

ZONING

DECISIONS

	<p>4. Petition No. 2013-024 (Council District 2 – Mitchell) by Cambridge-Davis Lake, LLC for a change in zoning for approximately 16.56 acres located on the northwest corner of the intersection at West W.T. Harris Boulevard and Davis Lake Parkway from CC (commercial center) to CC SPA (commercial center, site plan amendment).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 19</p> <p>This petition is found to be consistent with the <i>Northeast District Plan</i> and to be reasonable and in the public interest based on information from the staff analysis and the public hearing, by a 5-0 vote of the Zoning Committee. The Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none">1. A note has been provided that building elevations and site plan will comply with section 11.405 (7)(a)(c)(d)(e).2. The 100-foot setback along the frontage of W.T. Harris has been shown on the site plan.3. Submitted an administrative request to modify and note that the existing outparcels not included in this petition, but covered under petition 1996-009C, will be limited to the existing square footage built, except for the vacant outparcels. Also, provide a maximum square footage for the vacant outparcels.
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<p>2013-024 continued</p>	<ol style="list-style-type: none"> 4. Added a note stating a revised maximum square footage for the site covered by this petition. That square footage should equal the square footage from the 1996-009(C) petition less the square footage from the administrative approval. 5. Note has been added that the dumpster and loading areas areas will be screened with masonry walls and the materials will be the same used for the building. 6. An eight-foot planting strip and six-foot sidewalk along W.T. Harris Boulevard has been show on the plan. 7. Staff has removed the request for the eight-foot planting strip and six-foot sidewalk along W.T. Harris Boulevard. 8. A note has added that a variance(s) may be requested for the sidewalk and doors along W.T. Harris Boulevard. If such variance(s) is requested, the tree save area may be eliminated only in area directly impacted by the sidewalk construction and sidewalk. <p>If such variance(s) are not granted, the petitioner/developer will install a 6-foot sidewalk with an 8-foot planting strip along the sites frontage on W.T. Harris Boulevard. In addition, the building frontage along W.T. Harris Boulevard will contain doors in compliance with Section 11.405 (7)(a)(c)(d)(e).</p>
	<ol style="list-style-type: none"> 5. Petition No. 2013-080 (Council District 7 – Cooksey) by LightWay Properties, LLC for a change in zoning for approximately 5.7 acres located on the north side of Ballantyne Commons Parkway between Annalex Lane and Providence Promenade Drive North from O-1(CD) (office, conditional) to UR-2(CD) (urban residential, conditional). <p>Staff recommends approval of this petition.</p> <p>Attachment 23</p> <p>This petition is found to be inconsistent with the <i>Providence Road/I-485 Area Plan</i>, but to be reasonable and in the public interest based on information from the staff analysis and the public hearing, by a 5-0 vote of the Zoning Committee. The Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Addressed Solid Waste Services comment as follows: <ol style="list-style-type: none"> a. Showed and labeled the on-site location for garbage recycling and bulky item collection, as required per Section 12.403 of the City of Charlotte Zoning Ordinance. 2. Addressed Transportation comments as follows: <ol style="list-style-type: none"> a. The existing access that traverses tax parcel 22511253 will be constructed as a private street. This connection will be made by converting the existing westernmost private drive into a private street that will be extended to Ballantyne Commons Parkway, which will be restricted to right-in/right-out via the installation of a raised concrete median at the petitioner’s cost. The driveway will be configured so that maneuvering associated with the gated entry is prevented in the setback and right-of-way. b. The existing access easement that traverses tax parcel 22511253 will be constructed as a private street. c. The driveway and gate design will be determined and approved by NCDOT/CDOT during the construction permit process. (This will address sight distance triangles and tapering of pavement edge to allow a planting strip, and tie in of sidewalk at a location that matches the existing sidewalk located on tax parcel 22535348). d. Amended Note 5 (1) under Transportation to indicate that streets are private and not built to public street standards. e. Added a note that the new sidewalk along Ballantyne Commons Parkway will tie into the existing sidewalk at a location that matches the existing sidewalk located on tax parcel 22535248.

<p>2013-080 continued</p>	<ol style="list-style-type: none"> 3. Broke up the masonry wall section with pedestrian gate along Ballantyne Commons Parkway with iron fenestration and wood panel inserts between brick or stone columns and landscaping along the frontage. The main masonry wall along Ballantyne Commons Parkway will be six to seven feet in height with access and pedestrian gates and connecting sidewalks. The wall will have planting along the side of Ballantyne Commons Parkway consisting of evergreen pencil plants and evergreen vines to provide future wall covering. The wall is located entirely behind the site line along Ballantyne Commons Parkway and, in part, at least six feet behind the sidewalk. 4. Showed and committed to provision of a right-in/right-out gated access point on Ballantyne Commons Parkway. 5. Committed that evergreen plant material will be provided on abutting tax parcel 22535248 along the petitioner's masonry wall in areas located that are agreeable both to the owner and petitioner. Transplantation/relocation/removal of existing trees along the masonry wall side of tax parcel 22535248 may be sought to properly place new planting. 6. Committed that rear elevations of the townhome along the west and north property boundaries will be two-story units with no roof dormers and the exterior finish will be brick veneer.
	<ol style="list-style-type: none"> 6. Petition No. 2013-081 (Council District 3 – Mayfield) by Joanna Andrinopoulos for a change in zoning for approximately 0.45 acres located on the west side of South Boulevard between East Kingston Avenue and East Boulevard from B-1 (neighborhood business) to MUDD-O (mixed use development district, optional). Staff recommends approval of this petition. Attachment 24 This petition is found to be consistent with the <i>South End Transit Station Area Plan</i> and to be reasonable and in the public interest based on information from the staff analysis and the public hearing, by a 5-0 vote of the Zoning Committee. The Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications: <ol style="list-style-type: none"> 1. Clarified how the exit drive onto South Boulevard aligns with the existing tree planters. 2. Provided a method to prevent vehicles on the southernmost parking spaces from pulling forward and turning the wrong way. 3. Eliminated Note 1 under "Lighting." 4. Eliminated Note 1 under "Signage." 5. Modified note under "Lighting" to read "All outdoor lighting shall utilize full cut-off, downwardly shielded lighting fixtures and detached lighting fixtures will be limited to 25 feet in height." 6. Addressed CDOT issue by noting that refuse pick-up would be limited to non-business hours.
	<ol style="list-style-type: none"> 7. Petition No. 2013-083 (Council District 1 – Maddalon) by Dilworth Center for a change in zoning for approximately 0.50 acres located on the west side of Park Road across from Charlotte Drive from B-1(CD) (neighborhood business, conditional) to B-1(CD) SPA (neighborhood business, conditional, site plan amendment). Staff recommends approval of this petition. Attachment 26 This petition is found to be consistent with the <i>Dilworth Land Use and Streetscape Plan</i> and to be reasonable and in the public interest based on information from the staff analysis and the public hearing, by a 5-0 vote of the Zoning Committee. The Committee voted 5-0 to recommend APPROVAL of this petition with the following modification: <ol style="list-style-type: none"> 1. The petitioner has addressed Transportation comment by removing Transportation Note 3.b.2 regarding additional sidewalks required for egress as this is a minimum ordinance requirement that will be addressed at permit.

	<p>8. Petition No. 2013-086 (Council District 1 – Maddalon) by Grandfather Homes for a change in zoning for approximately 3.61 acres located on the west side of Little Hope Road between Marsh Road and Paddock Circle from UR-1(CD) (urban residential, conditional) to UR-1(CD) SPA (urban residential, conditional, site plan amendment).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 28</p> <p>This petition is found to be consistent with the <i>Park Woodlawn Area Plan</i> and to be reasonable and in the public interest based on information from the staff analysis and the public hearing, by a 5-0 vote of the Zoning Committee. The Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The required six-foot sidewalk and eight-foot planting strip along Little Hope Road frontage is now shown on the site plan. 2. The proposed fence at boundary lines shared with 3416 Little Hope Road will be constructed of wood 3. The petitioner agreed to limit the homes on Lots 1 and 15 to 1-½ story structures. 4. The petitioner agreed to install a wooden privacy fence between 3416 Little Hope Road and Lot 1. 5. The petitioner agreed to incorporate historical findings into the development by naming streets and development after historical persons or items. The petitioner will work with current residents to determine the names. All street names will comply with the street naming policies of the city.
	<p>9. Petition No. 2013-087 (Council District 2 – Mitchell) by Beacon #30, LLC for a change in zoning for approximately 20.47 acres located on the west side of Twin Lakes Parkway between Vance Davis Drive and Statesville Road from BP (business park) to I-1 (light industrial).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 29</p> <p>This petition is found to be consistent with the <i>Northlake Area Plan</i> and to be reasonable and in the public interest based on information from the staff analysis and the public hearing, by a 5-0 vote of the Zoning Committee. The Committee voted 5-0 to recommend APPROVAL of this petition.</p>
	<p>10. Petition No. 2013-088 (Council District 3 – Mayfield) by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 0.60 acres located on the southeast corner at the intersection of South Tryon Street and East Carson Boulevard from I-2 (general industrial) to TOD-M (transit oriented development-mixed use).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 32</p> <p>This petition is found to be consistent with the <i>Northeast District Plan</i> and to be reasonable and in the public interest based on information from the staff analysis and the public hearing, by a 5-0 vote of the Zoning Committee. The Committee voted 5-0 to recommend APPROVAL of this petition.</p>

11. [Petition No. 2013-089](#) (Council District 4 – Barnes) by **Charlotte-Mecklenburg Planning Department** for a change in zoning for approximately 11.44 acres located on the north side of North Tryon Street and I-85 Service Road, between Macfarlane Boulevard and Stetson Drive from I-1 (light industrial) to TOD-M (transit oriented development-mixed use).

Staff recommends approval of this petition.

Attachment 33

This petition is found to be consistent with the *South End Transit Station Area Plan* and to be reasonable and in the public interest based on information from the staff analysis and the public hearing, by a 5-0 vote of the Zoning Committee. The Committee voted 5-0 to recommend **APPROVAL** of this petition.