

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, November 19, 2007

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

6:00PM – Zoning Decisions
Meeting Chamber

DINNER MEETING

- ***Review of Agenda – Keith MacVean***
- ***Discuss traffic impact studies submittal deadline as part of the rezoning process***
– Keith MacVean

ALL REZONING PETITIONS MAY BE VIEWED ON THE WEB AT
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

HISTORIC LANDMARKS

1. Approve a resolution setting a public hearing for December 17, 2007 at 5:00 PM on the question of historic designation of the “First National Bank Building” and land as an Historic Landmark.

Attachment 1

2. Approve a resolution setting a public hearing for December 17, 2007 at 5:00 PM on the

question of historic designation of the “Dr. Elmer H. Garinger High School” and land as an Historic Landmark.

Attachment 2

- 3. Approve a resolution setting a public hearing for December 17, 2007 at 5:00 PM on the question of historic designation of the “Charles H. and Bess Smith House” and land as an Historic Landmark.

Attachment 3

DECISIONS

	<p>4. Petition No. 2007-79 (decision) by Charter Properties and Cambridge Properties for a change in zoning of approximately 74.40 acres located on the south side of North Tryon Street and the east side of Pavilion Boulevard from B-1, B-1(CD) and R-3 to NS.</p> <p>The Zoning Committee unanimously found this petition to be consistent with the Northeast Area Plan and reasonable and in the public interest. The Committee voted unanimously to recommend APPROVAL this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 4</p>
	<p>5. Petition No. 2007-90 (decision) by Charlotte-Mecklenburg Planning Commission for a change in zoning of approximately 10.55 acres located on the southwest corner of South Boulevard and Freeland Lane from I-1 and I-2 to TOD-M.</p> <p>The Zoning Committee found this petition to be consistent with <i>The General Development Policies- Transit Station Area Principles</i> and to be reasonable and in the public interest. The Committee voted unanimously to recommend APPROVAL of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 5</p>
	<p>6. Petition No. 2007-105 (decision) by Pebble Creek, LLC for a change in zoning of approximately 5.34 acres located on the southwest corner of Allison Lane and Alvarado Way from R-3 to R-8MF(CD).</p> <p>The Zoning Committee found this petition to be consistent with the <i>Providence Road / I-85 Area Plan</i> and to be reasonable and in the public interest. The Committee voted unanimously to recommend APPROVAL of this petition, as modified:</p> <ul style="list-style-type: none"> • Water quality and quantity improvements have been added to the site plan. • Provisions for street trees have been added to the private streets.

	<ul style="list-style-type: none"> • Adequate tree save area has been documented. • Encroachments have been removed from the SWIM buffers. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 6</p>
	<p>7. Petition No. 2007-117 (decision) by Select One Sports Club for a change in zoning of approximately 4.47 acres located on the east side of Lancaster Highway between Springwell Street and Johnston Road from O-1(CD) to O-1(CD)SPA.</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>South District Plan</i> and to be reasonable and in the public interest. The Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ul style="list-style-type: none"> • The petitioner has corrected the parking data. • The petitioner has addressed outstanding storm water issues. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 7</p>
	<p>8. Petition No. 2007-119 (decision) by Charlotte-Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to clarify that the Historic Overlay District regulations shall supersede other zoning districts and overlay district regulations with respect to compatibility, context, and appropriateness of exterior design.</p> <p>The Zoning Committee unanimously found this petition to be consistent with the public plans and policies and reasonable and in the public interest and to recommend APPROVAL of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 8</p>
	<p>9. Petition No. 2007-120 (decision) by Bungalow Designs, Inc. for a change in zoning of approximately 0.69 acres located on the southeast corner of North McDowell Street and East 37th Street from R-5 to R-6(CD).</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>North East Transit Station Area Plan</i> and to be reasonable and in the public interest. The Committee voted unanimously to recommend APPROVAL of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 9</p>

	<p>10. Petition No. 2007-121 (decision) by Dixie River Land Co., LLC for a change in zoning of approximately 1.80 acres located on the north side of Dixie River Road, west of I-485 from R-3 to BP(CD).</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>Dixie-Berryhill Strategic Plan</i> and reasonable and in the public interest. The Committee voted unanimously to recommend APPROVAL this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 10</p>
	<p>11. Petition No. 2007-122 (decision) by Hermitage Court Homeowners for a change in zoning of approximately 0.46 acres located on the north side of Hermitage Court between Hermitage Road and Providence Road from R-22MF(HD-O) to R-5(HD-O).</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>Central District Plan</i> but not reasonable and in the public interest in terms of City Council's policy on the creation of nonconforming uses. The Committee voted unanimously to recommend DENIAL of this petition.</p> <p>Staff believes that a change to the R-12 MF zoning would be more consistent with the Central District Plan than the current R-22 MF zoning. This would also avoid creating a non-conforming use and protect the adjoining property owners from a 10-unit building. The existing quadraplex is part of the neighborhood and allowing a new quadraplex to be built in the future, subject to HDC approval, would not be inconsistent with the established pattern of the street.</p> <p>Attachment 11</p>
	<p>12. Petition No. 2007-125 (decision) by Charlotte-Mecklenburg Planning Commission for a change in zoning of approximately 0.58 acres located on the south side of Old Hebron Road, east of Nations Ford Road from B-D(CD) to I-1.</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>Southwest District Plan</i> and to be reasonable and in the public interest. The Committee 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. 2007-126 (decision) by Charlotte-Mecklenburg Planning Commission for a change in zoning of approximately 0.62 acres located on the east side of Dunavant Street between Remount Road and Hawkins Street from I-2 to TOD-M.</p> <p>The Zoning Committee unanimously found this petition to be consistent with <i>The General Development Policies- Transit Station Area Principles</i> and to be reasonable and in the public interest. The Committee 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. 2007-130 (decision) by Charlotte-Mecklenburg Planning Commission for a change in zoning of approximately 0.92 acres located on the northwest corner of Camden Road and West Kingston Avenue from B-1 and I-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 to be 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 14</p>
	<p>15. Petition No. 2007-132 (decision) by Pete Lang for a change in zoning of approximately 6.97 acres located on the southwest corner of Providence Road West and Johnston Road from O-1(CD) to O-1(CD)SPA.</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>South District Plan</i> (as amended by a 2002 rezoning) and to be reasonable and in the public interest. The Committee voted unanimously to recommend CONDITIONAL APPROVAL of this petition. That approval is conditioned upon the staff being able to satisfactorily resolve remaining site plan issues and is based upon the following modifications:</p> <ul style="list-style-type: none"> • An adequate tree save area has been documented.

	<ul style="list-style-type: none"> • Adequate landscaping has been added to the Johnston Road setback. • A building elevation has been provided for one side of the fitness center. • Adequate sidewalks have been added to the site plan. • The bank has been relocated and vehicle stacking added. • Water quality and quantity improvements have been added to the site plan. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 15</p>
	<p>16. Petition No. 2007-133 (decision) by Jerry Helms for a change in zoning of approximately 1.79 acres located on the north side of Albemarle Road between I-485 and Rocky River Church Road from R-3 to B-1(CD).</p> <p>The Zoning Committee unanimously found this petition to be inconsistent with the <i>Albemarle Road/I-485 Interchange Study</i>, but reasonable and in the public interest. The Zoning Committee voted unanimously to recommend APPROVAL this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 16</p>
<p>Deferral (one month)</p>	<p>17. Petition No. 2007-134 (decision) by Charlotte Housing Authority for a change in zoning of approximately 7.75 acres located on the southwest corner of West Boulevard and Clanton Road from NS to O-2(CD).</p> <p>The Zoning Committee recommended a DEFERRAL of this petition until a special Zoning Committee meeting on December 3, 2007. Therefore, placing it on the December 17, 2007 Council Zoning Agenda.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 17</p>
	<p>18. Petition No. 2007-135 (decision) by CPD Australia P/L for a change in zoning of approximately 3.22 acres located on the west side of South Tryon Street between West Arrowood Road and Thornfield Road from B-1SCD to B-1(CD).</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>Southwest District Plan</i> and reasonable and in the public interest. The Committee voted unanimously to recommend APPROVAL this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 18</p>

	<p>19. Petition No. 2007-139 (decision) by Charlotte-Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to change the permitting department from Engineering and Property Management to Neighborhood Development.</p> <p>The Zoning Committee unanimously found this petition to be consistent with the public plans and policies and reasonable and in the public interest and to recommend APPROVAL of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 19</p>
--	---

	<p>Appendix: Residential Location and Design Assessment Matrix (G.D.P.)</p>
--	--