
<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>

CITY COUNCIL ZONING AGENDA

Monday, October 18, 2010

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

6:00PM – Zoning Decisions
Meeting Chamber

DINNER MEETING

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

ALL REZONING PETITIONS MAY BE VIEWED ON THE WEB AT
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>1. Petition No. 2010-032 by The Rock Worship Center for a change in zoning of approximately 1.59 acres located at the intersection of Fordham Road and West Boulevard from R-4 to UR-C(CD).</p> <p>This petition is found to be inconsistent 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 APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 1</p>
	<p>2. Petition No. 2010-034 by RED Partners for a change in zoning of approximately 0.36 acres located along the east side of North Davidson Street between Charles Avenue and East 32nd Street from R-5 to UR-2(CD).</p> <p>This petition is found to be inconsistent with the <i>North Charlotte 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 APPROVAL of this petition with following modifications:</p> <ol style="list-style-type: none"> 1. Note #5 has been revised to limit the allowed uses to six residential units and accessory uses including customary home occupations. 2. A note has been added that roll out sanitation cans will be provided for each unit. 3. A note has been added that large expanses of wall exceeding 20-feet in length will be avoided through the introduction of articulated facades using various materials such as brick and other masonry products, stone, different colors of paint, glass windows, water table, and/or soldier course. 4. The maximum building height had been noted on the site plan as 50-feet. 5. The site plan shows landscaped area adjacent to the properties zoned R-5. 6. The petitioner has removed the notes #2, 6, and 8 from the site plan. 7. The petitioner has committed to provide a fence or wall for screening as required when less than five feet is provided from the property line to the driveway. <p>Staff recommends approval of this petition.</p> <p>Attachment 2</p>
<p>Deferral (indefinite)</p>	<p>3. Petition No. 2010-040 by Grady Parker, Jr. for a change in zoning of approximately 1.52 acres located along Wilson Lane and West Sugar Creek Road from O-2 and B-1 to B-2(CD).</p> <p>The Zoning Committee voted unanimously to DEFER this petition indefinitely.</p> <p>Attachment 3</p>
<p>Deferral (one-month to November)</p> <p>Decision Requested by Petitioner</p>	<p>4. Petition No. 2010-046 by JNC Properties, LLC for a change in zoning of approximately 1.01 acres located at the west corner of the intersection of Scott Avenue and East Boulevard from NS to B-1(PED-O).</p> <p>The Zoning Committee voted 4-1 to DEFER this petition until their November 23, 2010 meeting.</p> <p>The Zoning Ordinance indicates that the City Council may make a decision on a petition without a Zoning Committee recommendation if it has been more than 30-days since the public hearing. As the public hearing on this petition was held in July 2010, the petitioner is requesting that the Council make a decision on this case.</p> <p>Staff recommends approval of this petition.</p>

	<p>Attachment 4</p>
	<p>5. Petition No. 2010-047 by Trevi Partners, LLC for a change in zoning of approximately 68.90 acres located on the south side of US Highway 29 across from the intersection of Caprington Avenue and US Highway 29 from CC to CC(SPA) and UR-C(CD) with five year vested rights.</p> <p>This petition is found to be inconsistent with the <i>North East Area 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 APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Applicable flood boundaries and water quality buffers (SWIM and PCCO) have been added to the site plan. 2. A minimum 60-foot wide public greenway access has been added from the edge of the SWIM buffer along the creek on the southwest side of the site from Access Road "E" to the property line of the Charlotte Mecklenburg Utilities wastewater treatment plant. 3. Access Road "E" has been identified on sheets RZ-2.0 and RZ-4.0. 4. The fourth paragraph of Note 3.A. has changed "Tract A" to "Tract 2". 5. Note 1.D. has been amended to specify that 5-year vesting is being requested. 6. The internal connection to Tract 4 has been added to sheet RZ-2.0. The hotel may be located on either tract 2 or 3B, with the wellness center/adult day care to be located on the other tract. 7. The building on tract 2 labeled as "commercial/retail" has been relabeled "medical office". 8. The proposed skywalk will connect the wellness center/adult day care to the assisted living facility in tract 1A. 9. A development summary table has been added to sheet RZ3. 10. Elevations and renderings have been submitted as a part of the conditional rezoning. 11. The parking counts on RZ-3 and RZ-4 have been modified and are consistent. <p>Staff recommends approval of this petition.</p> <p>Attachment 5</p>
	<p>6. Petition No. 2010-048 by William Cashion, Jr. and William Wise for a change in zoning of approximately 5.00 acres located along the south side of Shopton Road near the intersection of Lebanon Drive and Shopton Road from R-3 to INST(CD).</p> <p>This petition is found to be inconsistent with the <i>Southwest 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 APPROVAL of this petition with following modifications:</p> <ol style="list-style-type: none"> 1. Petitioner has added a note stating 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 and other masonry products, stone, different colors of paint, glass windows, water table, and/or soldier course. 2. The petitioner has modified the side yard to show the required 20-foot yard. 3. The petitioner has modified the rear yard to show the required 20-foot yard. 4. The petitioner has added a note stating that all free-standing lighting features will be fully shielded with full cut-off fixtures. <p>Staff recommends approval of this petition.</p> <p>Attachment 6</p>
	<p>7. Petition No. 2010-052 by Charlotte-Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to modify the regulations and criteria for landmark signs and add new regulations for historic sign designation.</p>

<p>2010-052 continued</p>	<p>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 with the following modification:</p> <ol style="list-style-type: none"> 1. Clarifying language added to the end of the first paragraph in Section 13.110(5): <u>"Nonconforming signs considered for landmark or historic designation are not required to be located on historic or landmark designated properties. Designation of a sign is entirely separate from the regulations applicable to historically designated properties, landmarks, and historic districts."</u> <p>Staff recommends approval of this petition.</p> <p>Attachment 7</p>
	<p>8. Petition No. 2010-053 by The Bissell Companies, Inc. for a change in zoning of approximately 2.27 acres located along the east side of Sharon Road between Morrison Boulevard and Coltsgate Road from O-2 to MUDD-O.</p> <p>This petition is found to be inconsistent with the <i>SouthPark Small Area 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 APPROVAL of this petition with following modifications:</p> <ol style="list-style-type: none"> 1. The list of permitted uses identified on sheet 2 of 3 has been modified to match the list of permitted uses identified within the development standards found on sheet 1 of 3. 2. CDOT issues have been addressed by modifying the wording of the conditional notes regarding an access easement from Sharon Road to the site's southeastern property line. 3. The optional provision has been clarified to allow accessory drive-through windows for branch banks and they would not be allowed for restaurants. 4. The list of permitted uses has been modified so they better align with those defined in the Zoning Ordinance by eliminating the terms "professional business" and "personal services". 5. Note 5.c has been modified by changing the word "may" to "shall". 6. The word "principle" has been replaced with "principal" in Notes: 3.b., 5.b., and 5.f. 7. Urban Forestry has removed their request to preserve the existing 46" oak tree along Sharon Road. <p>Staff recommends approval of this petition.</p> <p>Attachment 8</p>
	<p>9. Petition No. 2010-054 by The Bissell Companies, Inc. for a change in zoning of approximately 2.96 acres located along the east side of Sharon Road between Morrison Boulevard and Coltsgate Road extending to abut Coltsgate Road from O-1(CD) to MUDD-O.</p> <p>This petition is found to be inconsistent with the <i>SouthPark Small Area 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 APPROVAL of this petition with following modifications:</p> <ol style="list-style-type: none"> 1. Provided a concrete waiting pad at the existing bus stop located along Sharon Road in front of this subject site. 2. Replaced the word "principle" with "principal" in the in the site data table and Notes 3.a. and 3.c. 3. Modified the list of permitted uses so they better align with those defined in the Zoning Ordinance by eliminating the terms "professional business" and "personal services". <p>Staff recommends approval of this petition.</p> <p>Attachment 9</p>

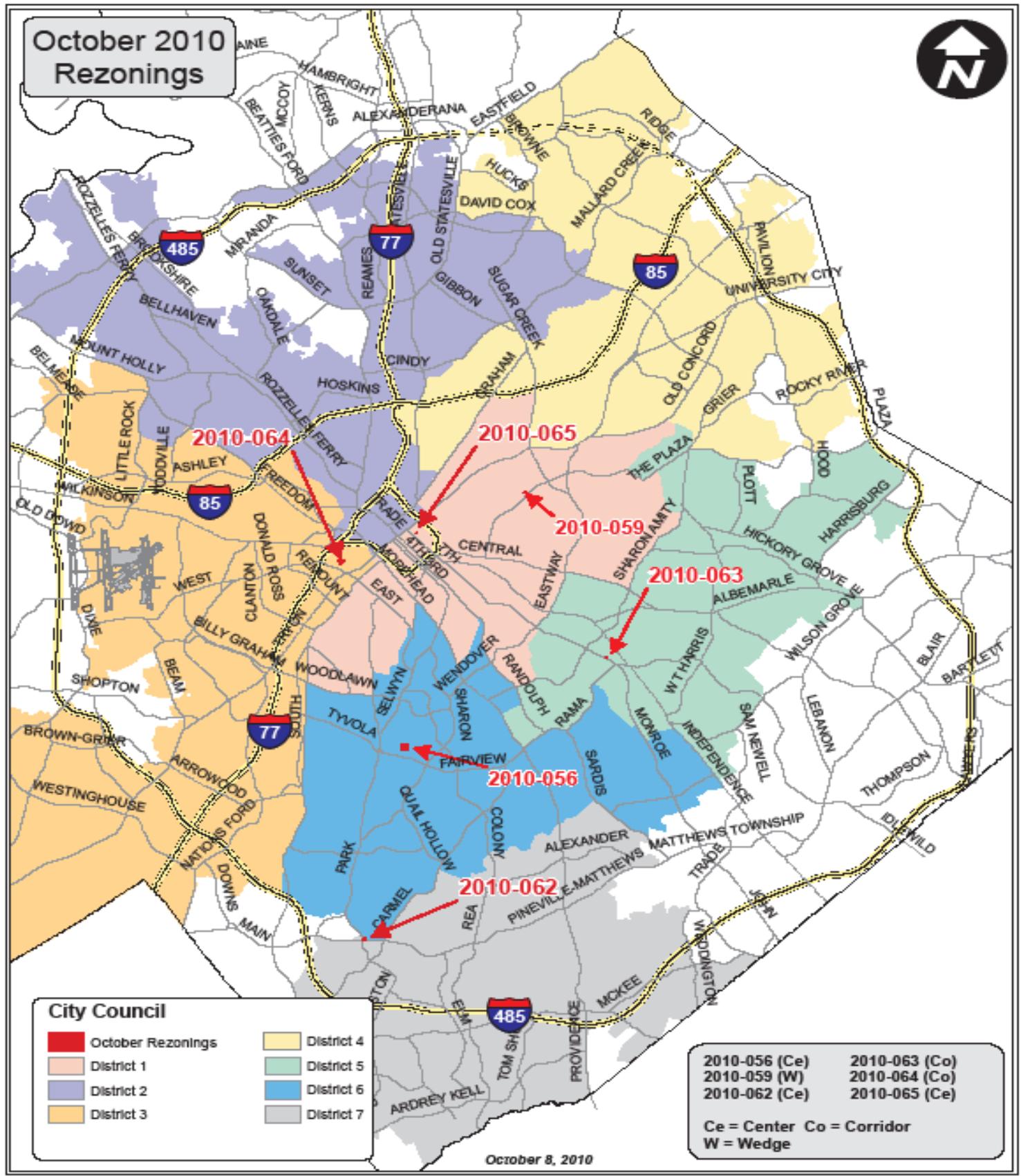
	<p>10. Petition No. 2010-055 by Charter Properties, Inc. for an R-12MF(CD)(SPA) (site plan amendment) of approximately 43.41 acres located along the east side of Reames Road across from Secretariat Drive and Prestbury Boulevard.</p> <p>This petition is found to be consistent with the <i>Northlake Area Plan</i>, and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition with following modifications:</p> <ol style="list-style-type: none"> 1. Note 9 under Cell Tower Development Standards has been amended to read "A wooden fence, vegetation and shrubs will be used for screening and making the tower area inaccessible to the public." 2. The petitioner has provided a detail of the wooden fence (height and material). <p>Staff recommends approval of this petition.</p> <p>Attachment 10</p>
	<p>11. Petition No. 2010-058 by Cardinal Real Estate Partners for a change in zoning of approximately 15.59 acres located at the intersection of Forest Point Boulevard and Forest Point Circle near Arrowood Road from B-D(CD) to O-1.</p> <p>This petition is found to be consistent with the <i>Southwest District 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 APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 11</p>
	<p>12. Petition No. 2010-060 by Charlotte-Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to update a cross-reference to the Tree Ordinance, related to the tree survey requirement.</p> <p>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.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 12</p>
	<p>13. Petition No. 2010-061 by South36R, LLC and City of Charlotte for a change in zoning of approximately 57.91 acres located at the intersection of Pine Oaks Drive and Beam Road and bounded on the north by Westoak Drive from O-1 and O-15(CD) to I-1(CD).</p> <p>This petition is found to be inconsistent with the <i>Southwest 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 APPROVAL of this petition with following modifications:</p> <ol style="list-style-type: none"> 1. A note has been added to address potential ways to provide flexibility to modify the required buffer, if needed, to extend West Oak Drive to the east. 2. A note has been added that a public turn-around will be provided if a private street connects to the terminus of West Oak Drive. 3. A note has been added that Post Construction Controls for the site will include requirements per the pre-rezoned existing zoning condition. Specifically states that provisions for one-year volume and a natural area/tree save will be maintained for the rezoned site.

- | | |
|--|--|
| | <ol style="list-style-type: none">4. A note has been added to indicate that an access agreement must be executed if the future connection along the southeastern property line is provided as a private street connection.5. A note has been added that precipitates the development of the future connection to the southeast. |
|--|--|

Staff recommends approval of this petition.

Attachment 13

October 2010 Rezoning



City Council

 October Rezoning	 District 4
 District 1	 District 5
 District 2	 District 6
 District 3	 District 7

2010-056 (Ce)	2010-063 (Co)
2010-059 (W)	2010-064 (Co)
2010-062 (Ce)	2010-065 (Ce)

Ce = Center Co = Corridor
W = Wedge

October 8, 2010

HEARINGS

	<p>14. Petition No. 2010-056 by Childress Klein Properties 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>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 14</p>
	<p>15. Petition No. 2010-059 by Jeff Short 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>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 15</p>
	<p>16. Petition No. 2010-062 by Allen Tate, Jr. 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>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 16</p>
	<p>17. Petition No. 2010-063 by Richard Latorre 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>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 17</p>
	<p>18. Petition No. 2010-064 by Greater Galilee Baptist Church 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>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 18</p>
	<p>19. 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 9th Street, North Brevard Street and East 7th Street from UMUD and UMUD-O to UMUD-O and UMUD-O(SPA).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 19</p>
	<p>20. 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.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 20</p>

