

Mayor Patrick L. McCrory Mayor Pro Tem Susan Burgess
Michael D. Barnes Nancy Carter
Warren Cooksey Andy Dulin
Anthony Foxx Patsy Kinsey
John W. Lassiter James E. Mitchell, Jr.
Edwin B. Peacock III Warren Turner

CITY COUNCIL ZONING AGENDA ***Monday, October 19, 2009***

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

HISTORIC LANDMARKS

	<p>1. Public hearing to consider Historic Landmark designation of the property known as the “Sydenham B. Alexander, Jr. House” (listed under Tax Parcel Number 155-06-261 including the interior and exterior of the house, the exterior of the garage, and the land listed under Tax Parcel Number 155-06-261 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of September 1, 2009). The property is owned by Alexander and Paige Waugh, and is located at 250 Cherokee Road, Charlotte, North Carolina.</p> <p>Attachment 1</p>
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DECISIONS

<p>Deferral (three-month)</p> <p>Protests Sufficient</p>	<p>2. Petition No. 2008-032 (Decision) by Myers Park Homeowners Association for a change in zoning of approximately 38.79 acres located on both sides of Selwyn Avenue and Roswell Avenue from Lorene Avenue, north to Bucknell Avenue from R-22MF to R-8MF.</p> <p>The Zoning Committee voted unanimously to recommend a DEFERRAL of this petition to their January 4, 2010 meeting.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 2</p>
<p>Deferral (one-month)</p> <p>Protests Sufficient</p>	<p>3. Petition No. 2008-158 (Decision) by Greater Galilee Baptist Church for a change in zoning of approximately 2.76 acres located between South Mint Street and Wilmore Drive adjacent to Spruce Street and West Park Avenue from R-5 to MUDD-O.</p> <p>The Zoning Committee voted 5-1 to recommend a DEFERRAL of this petition to their October 28, 2009 meeting.</p> <p>Update: The following outstanding issues have been addressed:</p> <ol style="list-style-type: none"> 1. The total square footage at build out will be 26,660 square feet. 2. Tree Save Area had been labeled on the site plan. 3. A note has been added that the height of the building will be 39 feet. The steeple will not be taller than 48 feet. 4. Under the development data “Variations” has been changed to “Optional Requests”. 5. A note has been added that the new building will not be exempt from the street wall requirement for the side of the building along Spruce Street. A note has been added that the new building is exempt from the clear glass requirement but the building will utilize decorative glass. 6. The correct Zoning has been added for parcels 11908233 and 11908207. 7. The 8-foot planting strip and 6-foot sidewalk along West Park Avenue has been shown on the site plan. 8. Details have been provided for a screen wall along Spruce Street. 9. The site plan will include a note that changes will be in accordance with Section 6.2 of the Zoning Ordinance. 10. The optional request to allow buildings along the east side of Spruce Street to maintain existing setback has been removed from the site plan. 11. Portions of the brick wall along Mint Street will be removed to meet sight distance requirements. 12. A parking turnout will be constructed on the Spruce Street parking lot. 13. Uses will be limited to religious facilities and accessory uses. 14. Notes 6 and 7 under the “Optional Requests from MUDD Development Standards” have been relocated to the “Development Data” as they are not optional requests. 15. The new sanctuary has a minimum 14-foot setback. 16. Parking lot light fixtures shall be full cutoff style to minimize light pollution.

	<p>17. A new fence section has been added showing a 3' high brick portion of the wall and the remaining 2' to be wrought iron.</p> <p>18. Note 7 has been modified as follows: The fifth house located next to the existing sanctuary will be moved if: the house is deemed fit for moving by the relocation company and/or inspectors; a suitable property can be found in the neighborhood; and a funding source is available for moving that house.</p> <p>Update: The following notes have been added or modified:</p> <ol style="list-style-type: none"> 1. A note has been added that the two sanctuaries will not be used simultaneously. 2. Four of the houses that will be removed from the petitioned site will be relocated in the Wilmore neighborhood. The fifth house will be moved if it is deemed fit and property can be found within the neighborhood. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 3</p>
	<p>4. Petition No. 2009-053 (decision) by Charlotte Housing Authority for a change in zoning of approximately 1.84 acres located along Youngblood Street between Remount Road and Fairwood Avenue from I-2 to TOD-M(CD).</p> <p>This petition is found to be consistent with the <i>New Bern Station Area Plan</i> and reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted 4-1 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The comments provided by CDOT in the memorandum dated September 11, 2009, as related to the dedication of right-of-way for the proposed street have been addressed. 2. The information provided in the Development Summary has been corrected, including Tax Parcel ID 147-011-01 (reference as a portion of); references to Parcels 1 and 3 as they are not part of this petition; total site area; and proposed zoning (omit I-2). 3. Development Standards Notes #6 and #7 have been modified to accurately reflect the requests identified in CDOT's memorandum regarding dedication of right-of-way. 4. "Prop. Local Residential Street" shown on site plan for proposed street has been changed to "Proposed Street". <p>Staff agrees with the recommendation of the majority of the Zoning Committee.</p> <p>Attachment 4</p>
	<p>5. Petition No. 2009-058 (decision) by Therapeutic Services Group for a change in zoning of approximately 4.31 acres located on Old Concord Road between West Rocky River Road and Torrence Grove Church Road from R-3 to INST(CD).</p> <p>This petition is found to be <u>inconsistent</u> with the <i>Newell Small Area Plan</i> but 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 agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 5</p>

	<p>6. Petition No. 2009-060 (decision) by the Charlotte-Mecklenburg Planning Commission for a change in zoning of approximately 0.10 acres located on the west side of Old Pineville Road south of Bourbon Street from I-2 to TOD-M.</p> <p>This petition is found to be consistent with the <i>Tyvola & Archdale Transit Station Area Plan</i> and 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 agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 6</p>
	<p>7. Petition No. 2009-063 (decision) by Yarbrough Realty & Management Services, Inc. for a change in zoning of approximately 14.17 acres located on the east side of Northpointe Industrial Boulevard from I-1 and I-2 to I-2(CD).</p> <p>This petition is found to be consistent with the <i>Northwest 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 with the following modification:</p> <ol style="list-style-type: none"> 1. The buffer with ligustrum and cedar trees, as negotiated with the abutting property owners, will be installed at the existing top of slope on Lot 10 and <u>will be a minimum of ten feet in width.</u> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 7</p>
	<p>8. Petition No. 2009-064 (decision) by American Tower Corporation for a change in zoning of approximately 46.0 acres located on the west side of Thermal Road across from Welford Road from INST(CD) to INST(CD)SPA.</p> <p>This petition is found to be consistent with the <i>South District Plan</i> and 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. All freestanding lighting associated with the tower will have full cut-off type fixtures. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 8</p>
	<p>9. Petition No. 2009-065 (decision) by Charlotte Area Transit System for a change in zoning of approximately 5.13 acres located on the north side of Albemarle Road near the intersection of Albemarle Road and East WT Harris Boulevard from B-2 and R-17MF to O-2.</p> <p>This petition is found to be <u>inconsistent</u> with the <i>Eastside Strategy Plan</i> but 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 agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 9</p>

Council is required to vote to whether or not to send back to Zoning Committee, due to changes to this petition

Protests

- One filed not sufficient
- Second filed sufficient but withdrawn

10. **Petition No. 2009-066 (decision) by Rosalina and Jorge Benito** for a change in zoning of approximately 0.50 acres located on the north side of Central Avenue between Lansdale Drive and Rosehaven Drive from R-4 to NS.

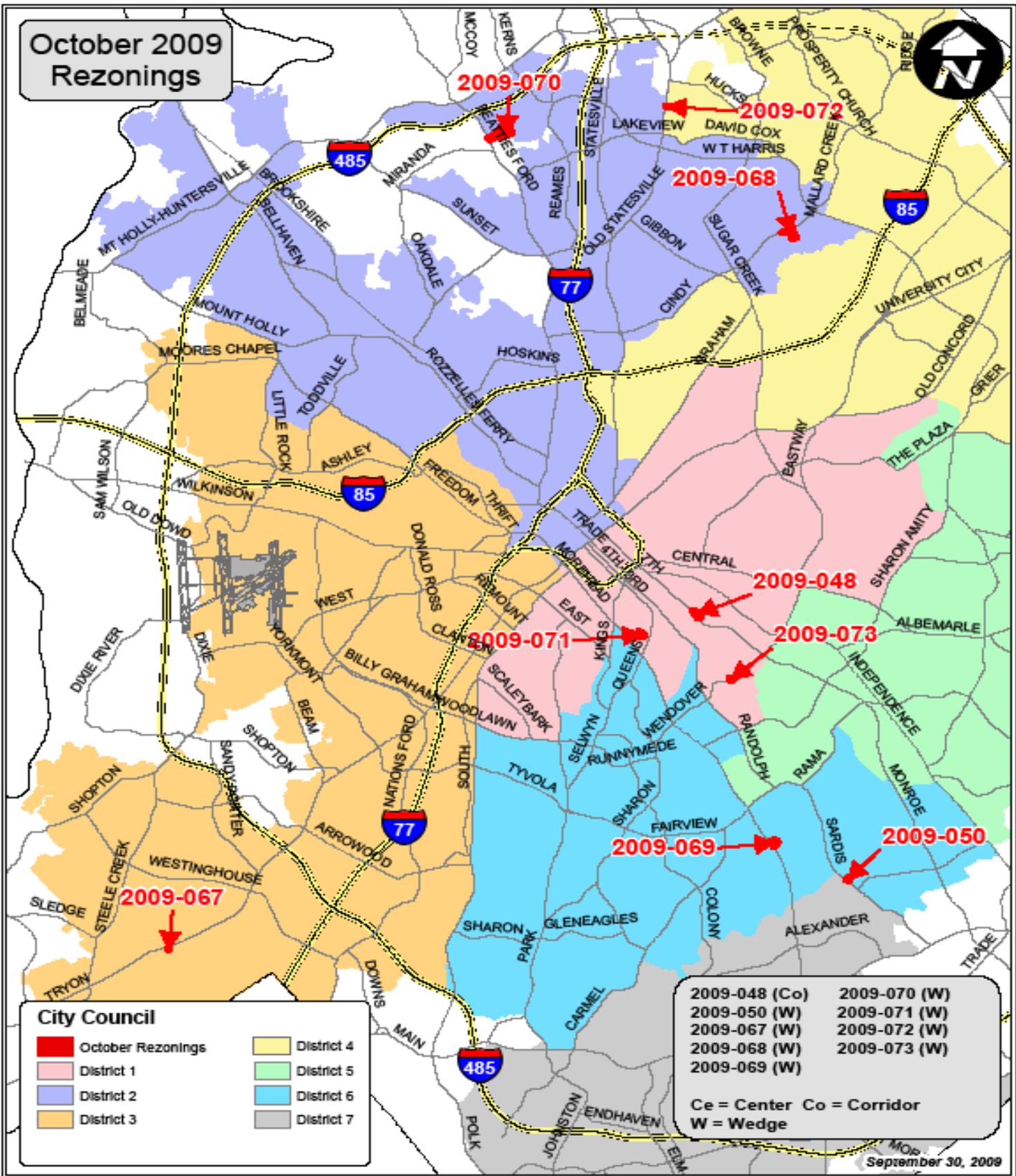
This petition is found to be inconsistent with the *Eastland Area Plan* but reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend **APPROVAL** of this petition with the following modifications:

1. The maneuvering within the setback has been removed.
2. The existing two-story accessory structure located within the buffer is to be demolished.
3. Uses will be limited to general office only with accessory uses and structures clearly incidental to the permitted principal use or structures. They include dumpsters, trash handling areas and service entrances subject to the regulation of Section 12.403; fences and walls; outdoor lighting, subject to the regulation of Section 12.402; and vending machines for cigarettes, candy, and soft drinks located within an enclosed building as an accessory to the principal office uses. Adult businesses, tattoo parlors, palmistry studios, daycare facilities, or adult video businesses will NOT be permitted.
4. Office uses may be open to the public only between 8:00 a.m. and 8:00 p.m., Monday through Saturday. Use by the business owners and employees shall not be restricted.
5. No more than three individual office uses may be operated on the site at one time.
6. No further additions or expansions to the existing structure are permitted and the residential character shall be maintained to the extent possible.
7. The petitioners will install and maintain a masonry wall instead of a wood fence along the rear property line of the site and along the western property boundary.
8. The maximum height of any new freestanding light fixtures will not exceed fifteen feet and will be shielded with full cut-off fixtures, capped, and downwardly directed. No wall-pak lighting will be permitted.
9. Signs will not exceed five feet in height or 20 square feet in area.
10. A new six foot sidewalk meandering around the existing utility poles will be provided along Central Avenue.
11. The existing planting strip will be increased to eight feet, except where the sidewalk meanders around the existing utility poles.
12. The petitioners will add a note that beauty salons are prohibited.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 10

**October 2009
Rezoning**



City Council

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

2009-048 (Co)	2009-070 (W)
2009-050 (W)	2009-071 (W)
2009-067 (W)	2009-072 (W)
2009-068 (W)	2009-073 (W)
2009-069 (W)	

Ce = Center Co = Corridor
W = Wedge

MOB
September 30, 2009

HEARINGS

	<p>11. Petition No. 2009-048 (hearing) by Winter Elizabeth, LLC for a change in zoning of approximately 6.87 acres located between East 7th Street and Weddington Avenue from R-22MF to MUDD(CD).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 11</p>
<p>Deferral (indefinite)</p>	<p>12. Petition No. 2009-050 (hearing) by Mt. Tabor Community Development Corporation for a change in zoning of approximately 1.89 acres located on Sardis Road across from Wilby Drive from R-3 to INST(CD).</p> <p>Petitioner is requesting an indefinite deferral of this petition.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 12</p>
<p>Deferral (two-month)</p> <p>Protest Sufficient</p>	<p>13. Petition No. 2009-067 (hearing) by Stacy Mitchell and Janet McMillen for a change in zoning of approximately 0.85 acres located on the south side of South Tryon Street between Moss Road and Lions Mane Street from R-3 to O-1(CD).</p> <p>This petition is automatically deferred to the December 19, 2009 City Council meeting. Per State law, in an election year, any petition scheduled to be heard between October 1, 2009 and December 7, 2010 (the date the new City Council takes office) and which has a valid protest filed against it, shall be deferred until after the new City Council is in place.</p> <p>Staff does not recommend approval of this petition.</p> <p>Attachment 13</p>
	<p>14. Petition No. 2009-068 (hearing) by Apprise Holdings, LLC for a change in zoning of approximately 13.98 acres located on the south side of Mallard Creek Road across from Mason Drive and beside Penninger Circle from R-3 to R-17MF(CD).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 14</p>
	<p>15. Petition No. 2009-069 (hearing) by Temple Beth El, Inc. for a change in zoning of approximately 8.50 acres located on the east side of Providence Road across from East Barden from R-I and R-3 to INST(CD) and R-3.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 15</p>
	<p>16. Petition No. 2009-070 (hearing) by McAlpine-North Lake Landing, LLC for a change in zoning of approximately 31.59 acres located on the east side of Beatties Ford Road encompassing portions of McClure Road from R-3 to R-5(CD).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issue.</p> <p>Attachment 16</p>

	<p>17. Petition No. 2009-071 (hearing) by The Lynnwood Foundation for a change in zoning of approximately 4.4 acres located at the northwest intersection of Hermitage Road and Ardsley Road from INST(CD) to INST(CD)SPA.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issue.</p> <p>Attachment 17</p>
	<p>18. Petition No. 2009-072 (hearing) by Domenic, David & Leigh Polzella for a change in zoning of approximately 1.68 acres located on the east side of Bob Beatty Road near Reames Road from R-4 to B-2(CD) and O-1(CD).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issue.</p> <p>Attachment 18</p>
	<p>19. Petition No. 2009-073 (hearing) by Jeanne Fontana for a change in zoning of approximately 2.5 acres located on the northeast corner at the intersection of North Wendover Road and Ellington Street from R-22MF to NS.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issue.</p> <p>Attachment 19</p>