

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, September 17, 2007

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

6:00PM – Zoning Decisions/Hearings
Meeting Chamber

DINNER MEETING

- ***Review of Agenda – Keith MacVean***
- ***Update on Rezoning Petition 2007-10 – Reed Enterprises – 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

DECISIONS

	<p>A. Petition No. 2007-10 (decision) by Reed Enterprises of CLT for a change in zoning of approximately 17.06 acres located east of East W.T. Harris Boulevard at the end of Rockmoor Ridge Road from R-3 to MX-2.</p>
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	<p>The Zoning Committee voted unanimously to recommend a one-month deferral of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment A</p>
<p>Deferral (one month)</p>	<p>1. Petition No. 2007-31 (decision) by Tribek Properties for a change in zoning of approximately 4.40 acres located on the northeast corner of West Sugar Creek Road and Mineral Springs Road from R-17MF to NS.</p> <p>The Zoning Committee voted unanimously to recommend a one-month deferral of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 1</p>
<p>Deferral (one month)</p> <p>Protest (sufficient)</p>	<p>2. Petition No. 2007-52 (decision) by The Ghazi Company for a change in zoning of approximately 13.07 acres located on the northeast corner of South Tryon Street and West Tyvola Road from B-1(CD) to CC and BD(CD).</p> <p><i>A protest petition has been filed and is sufficient to invoke 3/4 majority-voting rule.</i></p> <p>The Zoning Committee voted unanimously to recommend a one-month deferral of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 2</p>
<p>Deferral (one month)</p>	<p>3. Petition No. 2007-55 (decision) by The Ghazi Company for a change in zoning of approximately 1.82 acres located on the west side of Providence Road between East Barden Road and Jefferson Drive from R-3 to UR-2(CD).</p> <p>The Zoning Committee voted unanimously to recommend a one-month deferral of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 3</p>

	<p>4. Petition No. 2007-71 (decision) by The Victory Christian Center for a change in zoning of approximately 3.20 acres located on the northeast corner of South Bruns Avenue and Whitehaven Avenue from B-1(PED) to INST(PED).</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>West End PED Plan</i> and reasonable and in the public interest and voted unanimously to recommend APPROVAL of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 4</p>
<p>Deferral (one month)</p>	<p>5. 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 voted unanimously to recommend a one-month deferral of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 5</p>
	<p>6. Petition No. 2007-83 (decision) by Greenhawk Partners, LLC for a change in zoning of approximately 24.49 acres located on both sides of Dunavant Street and on the west side of South Boulevard, north of Remount Road. Also, on parcel at the intersection of Rampart Street and Hawkins Street from I-2 to TOD-M.</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>General Development Policies – Transit Station Area Principles</i> and reasonable and in the public interest and voted 5-1 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. 2007-84 (decision) by Pastor Karen W. Woods for a change in zoning of approximately 1.90 acres located on the south side of Shopton Road east of Sandy Porter Road from R-3 to I-1.</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>West Side Strategic Plan</i> and reasonable and in the public interest and recommended APPROVAL of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 7</p>

<p>8. Petition No. 2007-86 (decision) by Merrifield Partners, LLC for a change in zoning of approximately 0.82 acres located on the north side of West Summit Avenue between South Mint Street and South Church Street from I-2 to TOD-M.</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>General Development Policies – Transit Station Area Principle</i>, the <i>South End Transit Station Area Plan</i> and reasonable and in the public interest and voted 5-1 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. 2007-89 (decision) by Issa Rafidi & Mark Bass for a change in zoning of approximately 0.45 acres located on the northeast corner of Oakwood Avenue and Anderson Street from R-5 to R-8(CD).</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>North Charlotte Plan</i> and to be reasonable in the public interest and voted 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. 2007-91 (decision) by Lat Purser & Associates, Inc. for a change in zoning of approximately .036 acres located on the southwest corner of East 35th Street and Yadkin Avenue from NS to MUDD-O.</p> <p>The Zoning Committee unanimously to found this petition consistent with the <i>North Charlotte Plan</i> and was reasonable and in the public interest and voted unanimously to recommend APPROVAL of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 10</p>	
<p>11. Petition No. 2007-92 (decision) by Meeting Street Companies for a change in zoning of approximately 11.98 acres located on the west side of West Sugar Creek Road between West W.T. Harris Boulevard and David Cox Road from R-3 to UR-2(CD).</p> <p>The Zoning Committee voted 4-2 to find this petition inconsistent with the <i>Northeast District Plan</i> but reasonable and in the public interest and recommended DENIAL of this petition by a vote of 5-1.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 11</p>	

	<p>12. Petition No. 2007-94 (decision) by Beatties Ford Road Retail Investors, LLC for a change in zoning of approximately 19.63 acres located on the southwest corner of Beatties Ford Road and Mt. Holly-Huntersville Road from B-1(CD) to B-1(CD)SPA.</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>North West District Plan</i> and to be reasonable and in the public interest and voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ul style="list-style-type: none"> • The site plan will show the evergreen shrubbery at five-feet on center in the landscaping strip at the rear of the proposed drugstore. • The petitioner will dimension the sidewalks and planting strips along both sides of the private drives into the center. The sidewalks will be five (5) feet in width. The planting strips will be an average of six (6) feet in width in order to allow accommodation for existing <p>Staff disagrees with the recommendation of the Zoning Committee. Although the land use is consistent with the <i>North West District Plan</i>, the request is <u>not consistent</u> with the <i>General Development Policies</i> for a mixed-use center. These policies support one independent outparcel for a neighborhood scale center.</p> <p>Attachment 12</p>
	<p>13. Petition No. 2007-95 (decision) by Harris, Murr and Vermillion, LLC for a change in zoning of approximately 9.42 acres located on the north side of Old Sardis Road and the east side of Providence Road from B-1(CD) and R-12MF to NS.</p> <p>The Zoning Committee found this proposal to be consistent with the <i>South District Plan</i> and to be reasonable and in the public interest and voted unanimously to recommend APPROVAL of this petition, including consideration of the following modifications:</p> <ul style="list-style-type: none"> • A five-foot brick screening wall has been added along the northern boundary of the rezoning. • Outdoor dining has been added along the Providence Road side of the property as part of the “softening” of that building as seen from Providence Road. • A pedestrian walkway has been added to the CATS park and ride lot in the Old Sardis Road right-of-way.

	<p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 13</p>
	<p>14. Petition No. 2007-96 (decision) by Rhein-Medall Communities for a change in zoning of approximately 10.35 acres located on the south side of Crosshaven Drive, east of Snug Harbor Road from MX-3(LLWCA) and R-5(LLWCA) to MX-1 (LLWCA).</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 and 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. 2007-97 (decision) by Colonial Realty Limited Partnership for a change in zoning of approximately 0.965 acres located on the west side of South Boulevard at the intersection of Poindexter Drive from I-2 to TOD-M.</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>General Development Policies – Transit Station Area Principles</i> and reasonable and in the public interest and voted unanimously to recommend APPROVAL of this petition</p> <p>Staff agrees with the recommendation of the Zoning Committee</p> <p>Attachment 15</p>
	<p>16. Petition No. 2007-98 (decision) by Etalon, LLC for a change in zoning of approximately 24.59 acres located on the west side of Strawberry Lane between Woodfox Drive and Rosecliff Drive from R-3 to MX-2.</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 and recommended APPROVAL of this petition based upon the following modifications:</p> <ul style="list-style-type: none"> • The water quality notes have been modified to clarify that the tree save at the rear of the lots is a 30-foot undisturbed tree save and that level spreaders will direct runoff from the lots into the tree save area. • An independent third party will oversee implementation of the proposed nutrient management program. • The unapproved dissipation device has been removed from the site plan. <p>Staff disagrees with the recommendation of the Zoning Committee. A second vehicular access is needed to provide alternate and emergency access. The second access would not preclude gated private streets.</p>

	<p>Attachment 16</p>
	<p>17. Petition No. 2006-100 (decision) by Seddon (Rusty) Goode for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to allow elementary and secondary schools as permitted uses in the Research Districts.</p> <p>The Zoning Committee unanimously found the text amendment to be consistent with adopted policies, reasonable, and in the public interest and voted unanimously to recommend APPROVAL of this text amendment</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 17</p>
	<p>18. Petition No. 2006-102 (decision) by Charlotte-Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to place development standards for off-street parking, driveways, and garages into a table format to separate out different requirements for single-family, duplex, triplex, quadraplex, multi-family, and planned multi-family units as well as all other (non-residential) uses.</p> <p>The Zoning Committee unanimously found the text amendment to be appropriate for approval and consistent with adopted plans and policies, and to be reasonable and in the public interest and voted unanimously to recommend APPROVAL of this text amendment</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 18</p>
<p>Deferral (one month)</p>	<p>19. Petition No. 2006-109 (decision) by Charlotte-Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to allow the outdoor advertising sign industry the ability to use electronic changeable face signs (LED, digital, tri-vision, etc.) with limitations and conditions. It also adds new definitions to the ordinance to differentiate between “static”, “electronic changeable face”, and “tri-vision” outdoor advertising signs.</p> <p>The Zoning Committee unanimously found this text amendment to be consistent with adopted plans and policies, and to be reasonable, and in the public interest and voted unanimously to recommend a one-month DEFERRAL of this text amendment.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p>

	Attachment 19
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HEARINGS

	<p>20. Petition No. 2004-95 (hearing). Change in zoning from R-3 to INST(CD) of approximately 9.84 acres located on the east side of Providence Road between Mammoth Oaks Drive and Shelton Street. <i>Petitioner: Christ Lutheran Church</i></p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 20</p>
Deferral (one month)	<p>21. Petition No. 2007-40 (hearing). Change in zoning from UR-2 to MUDD-O of approximately 1.77 acres located on the west side of North Cedar Street between West 5th Street and Cates Street. <i>Petitioner: The Boulevard Company</i></p> <p>Petitioner is requesting a one-month deferral of this petition.</p> <p>Staff cannot support this petition as presently submitted.</p> <p>Attachment 21</p>
Deferral (one month)	<p>22. Petition No. 2007-45 (hearing). Change in zoning from O-2 and O-2(HD-O) to TOD-R(CD) and TOD-R(CD)(HD-O) of approximately 1.01 acres located on the west side of Euclid Avenue between McDonald Avenue and East Tremont Avenue. <i>Petitioner: Euclid, LLC</i></p> <p>Petitioner is requesting a one- month deferral of this petition.</p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 22</p>
Deferral (indefinite)	<p>23. Petition No. 2007-61 (hearing). Change in zoning from R-3 to R-8MF(CD) of approximately 26.21 acres located on the west side of Back Creek Church Road, between Wakerobin Lane and Rosemallow Road. <i>Petitioner: Kenneth R. & Victoria B. Walters</i></p> <p>Petitioner is requesting an indefinite deferral of this petition.</p>

	<p>Staff cannot support this petition as presently submitted.</p> <p>Attachment 23</p>
	<p>24. Petition No. 2007-80 (hearing). Change in zoning from I-1, I-1(CD and R-4 to MUDD-O and MX-3(Innovative) of approximately 395.00 acres located on the east side of Old Statesville Road between Pete Brown Road and West W.T. Harris Boulevard. Petitioner: Griffith Equities, LLC</p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 24</p>
Deferral (one month)	<p>25. Petition No. 2007-87 (hearing). Change in zoning from R-5 to R-6(CD) of approximately 0.49 acres located on the southeast corner of Spencer Street and East 37th Street. Petitioner: Amy Carver</p> <p>Petitioner is requesting a one-month deferral to allow time to hold a community meeting.</p> <p>Staff recommends a one-month deferral of this petition.</p> <p>Attachment 25</p>
	<p>26. Petition No. 2007-99 (hearing). Change in zoning from B-1(HD-O) and R-22MF(HD-O) to UR-2(CD)(HD-O) of approximately 1.10 acres located on the northwest corner of Euclid Avenue and East Tremont Avenue. Petitioner: Boulevard Centro</p> <p>Staff cannot support this petition as presently submitted.</p> <p>Attachment 26</p>
	<p>27. Petition No. 2007-103 (hearing). Change in zoning from CC to CC SPA of approximately 78.88 acres located on the northwest quadrant of the Johnston Road / I-485 interchange. Petitioner: NRI Communities Charlotte, LLC</p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 27</p>
	<p>28. Petition No. 2007-104 (hearing). Change in zoning from R-8, R-22MF and R-22MF(PED) to UR-3(CD) and UR-3(CD)(PED-O) of approximately 4.47 acres located on the northwest corner of Wesley Heights Way and Duckworth Avenue. Petitioner: New Bethel Church Ministries, Inc.</p>

	<p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 28</p>
Deferral (one month)	<p>29. Petition No. 2007-105 (hearing). Change in zoning from R-3 to R-8MF(CD) of approximately 5.34 acres located on the southwest corner of Allison Lane and Alvarado Way. <i>Petitioner: Pebble Creek, LLC</i></p> <p>Petitioner is requesting a one-month deferral of this petition to allow time to submit a revised site plan.</p> <p>Staff recommends a one-month deferral of this petition to allow petitioner time to submit a revised site plan.</p> <p>Attachment 29</p>
	<p>30. Petition No. 2007-106 (hearing). Change in zoning from B-2, I-1 and R-22MF to I-2(CD) of approximately 28.31 acres located between Rozzelles Ferry Road and West Trade Street, west South Smallwood Place. <i>Petitioner: Charlotte Mecklenburg Development Corporation</i></p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 30</p>
	<p>31. Petition No. 2007-107 (hearing). Change in zoning from UMUD and UMUD-O to UMUD-O and UMUD-O SPA of approximately 5.60 acres located on the northeast and northwest corner of North College Street and East Trade Street. <i>Petitioner: Lincoln Harris, LLC</i></p> <p>Staff recommends approval of this petition.</p> <p>Attachment 31</p>
	<p>32. Petition No. 2007-108 (hearing). Change in zoning from B-1(CD) to R-8MF(CD) of approximately 1.30 acres located on the east side of Rea Road between Colony Road and Chadwyck Farms Drive. <i>Petitioner: Jean M. Harkey</i></p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 32</p>
	<p>33. Petition No. 2007-110 (hearing). Change in zoning from MUDD-O(PED) to MUDD-O SPA(PED) of approximately 0.19 acres located at the intersection of Pecan Avenue and Gordon Street. <i>Petitioner: Robert K. Nixon</i></p> <p>Staff cannot support this petition as presently submitted. The proposed development is</p>

	<p>not consistent with the streetscape requirements in the <i>Plaza-Central Pedscape Plan</i> and is not appropriate for approval.</p> <p>Attachment 33</p>
Deferral (one month)	<p>34. Petition No. 2007-111 (hearing). Change in zoning from MUDD-O(HD-O) to MUDD-O SPA(HD-O) of approximately 3.54 acres located in the block bounded by North Graham Street, North Smith Street, West 8th Street and West 9th Street. <i>Petitioner: Fourth Ward Square Associates</i></p> <p>Petitioner is requesting a one-month deferral of this petition to allow time to submit a revised site plan.</p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 34</p>
	<p>35. Petition No. 2007-112 (hearing). Change in zoning from B-1(CD) and R-22MF(CD) to UR-2(CD) of approximately 9.39 acres located east of Prosperity Church Road and south of Ridge Road, just north of Future I-485. <i>Petitioner: Charter Properties, Inc.</i></p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 35</p>
Deferral (one month)	<p>36. Petition No. 2007-113 (hearing). Change in zoning from B-1(PED) to B-D(CD) PED-O of approximately 1.85 acres located on the south side of West Morehead Street, just west of I-77. <i>Petitioner: Budget Development Partners, LLC</i></p> <p>Staff is recommending a one-month deferral of this petition to address outstanding site plan issues and allow petitioner time to submit a revised site plan.</p> <p>Attachment 36</p>
	<p>37. Petition No. 2007-114 (hearing). Change in zoning from R-3 and R-20MF to MX-2(Innovative) of approximately 33.70 acres located at the intersection of Quail Wood Drive and Quail Forest Drive. <i>Petitioner: Faison-Hollow, LLC</i></p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 37</p>
Protest (sufficiency)	<p>38. Petition No. 2007-116 (hearing). Change in zoning from R-4 to INST(CD) of approximately 0.67 acres located on the south side of The Plaza between Aintree Road and Glenfiddich Drive. <i>Petitioner: Srini Mannava</i></p> <p><i>A protest petition has been filed but sufficiency to be determined.</i></p>

to be determined)	<p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 38</p>
	<p>39. Petition No. 2007-117 (hearing). Change in zoning from O-1(CD) to O-1(CD) SPA of approximately 4.47 acres located on the east side of Lancaster Highway between Springwell Street and Johnston Road. <i>Petitioner: Select One Sports Club</i></p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 39</p>
	<p>40. Petition No. 2007-123 (hearing). Change in zoning from R-12 PUD (Planned Unit Development) to INST of approximately 1.92 acres located on the south side of Bryant Farms Road and the east side of Community House Drive. <i>Petitioner: The YMCA of Greater Charlotte</i></p> <p>Staff recommends approval of this petition.</p> <p>Attachment 40</p>
	<p>41. Petition No. 2007-119 (hearing). Consideration 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. <i>Petitioner: Charlotte-Mecklenburg Planning Department</i></p> <p>Staff recommends approval of this petition.</p> <p>Attachment 41</p>
Decision Requested same night as hearing	<p>42. Petition No. 2007-136 (hearing). Change in zoning from UMUD to UMUD-O of approximately 8.42 acres located between West 4th Street and West Martin Luther King Jr. Boulevard, South Graham Street and South Mint Street. <i>Petitioner: Mecklenburg County</i></p> <p>Petitioner is requesting decision same night as the public hearing.</p> <p>Staff recommends approval of this petition upon.</p> <p>Attachment 42</p>

WITHDRAWAL REQUESTS

	<p>43.</p> <p>a. Petition No. 2001-105. Change in zoning from B-2 to I-1 of approximately 15 acres located on the southwest corner of Pressley Road and Charlotte Park Drive, north of Billy</p>
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Graham Parkway. *Petitioner: R. Shawn Helda*

- b. **Petition No. 2001-111.** Change in zoning from R-4, I-1 and I-2(CD) to I-2(CD) and I-2(CD) SPA of approximately 14 acres located between Pete Brown Road and Oak Drive, east of Old Statesville Road (NC 115). *Petitioner: J. Patrick Frazer*
- c. **Petition No. 2002-83.** Change in zoning from I-1(CD), R-3 and I-1 to MX-2 of approximately 103 acres located on the east side of Old Concord Road between Rocky River Road and Newell Hickory Grove Road. *Petitioner: Pulte Homes Corporation*
- d. **Petition No. 2002-90.** Consideration of a text amendment to the City of Charlotte Zoning Ordinance to place a petitioner on notice that the petitioner must seek any necessary variances before the Council will hear the rezoning petition. The amendment allows the Council by majority vote to waive that requirement. The waiver allows the Council some flexibility in the event that an unusual set of circumstances occurs and a majority of the Council concludes that it is necessary to proceed with the public hearing. *Petitioner: City Attorney's Office*
- e. **Petition No. 2004-29.** Change in zoning from B-1 to UR-2(CD) of approximately 0.776 acres located on the southeast intersection of South Tryon Street and West Kingston Avenue. *Petitioner: Wilmore Neighborhood Association*
- f. **Petition No. 2004-68.** Change in zoning from R-3 to R-4(CD) of approximately 46 acres located south of the intersection of I-485 and Caldwell Road. *Petitioner: H. James Stafford*
- g. **Petition No. 2005-10.** Change in zoning from I-1 to MUDD(CD) of approximately .93 acres located on the southwest intersection of West Trade Street and South Bruns Avenue. *Petitioner: Neighboring Concepts*
- h. **Petition No. 2006-148.** Change in zoning from R-3 to UR-1(CD) of approximately 4.7 acres located on the southeast corner of North Sharon Amity Road and Windermere Lane. *Petitioner: Vicus Builders, Inc.*

Please note, petitioners are requesting withdrawal of the above referenced rezoning petitions. These petitions were previously indefinitely deferred.

Staff agrees with the petitioners requests.

Attachment 43

Appendix: Residential Location and Design Assessment Matrix (G.D.P.)