

Mayor Patrick L. McCrory Mayor Pro Tem Susan Burgess
Michael 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, December 17, 2007

3:00PM – Zoning Decisions
Meeting Chamber
(meeting continues after dinner)

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

DINNER MEETING

- ***Present proposed rezoning process enhancements for when a traffic impact study is requested – Keith MacVean, Scott Putnam CDOT***

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

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| | <p>1. (A) Hearing to consider designation of the property known as the “First National Bank Building” (listed under Tax Parcel Number 07301110 and including the exterior of the building, the lobby of the office building, the elevator lobbies on each of the floors, the boardroom, and the parcel of land listed under Tax Parcel Number 07301110 in the Mecklenburg County Tax office, Charlotte, North Carolina as of November 1, 2007). The property is owned by TSO Tryon Plaza LLC and is located at 110-112 South Tryon Street in the City of Charlotte, North Carolina.</p> |
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	<p>(B) Adopt an ordinance designating the “First National Bank Building” as a Historic Landmark.</p> <p>Attachment 1</p>
	<p>2. (A) Hearing to consider designation of the property known as the “Dr. Elmer H. Garinger High School” (listed under Tax Parcel Number 093-042-51 and including the interiors and exteriors of the historic buildings, including the gymnasium, cafeteria, original library, and classroom buildings 100, 200 and 300, and also including all original landscape features and the parcel of land listed under Tax Parcel Number 093-042-51 in the Mecklenburg County Tax office, Charlotte, North Carolina as of November 1, 2007). The property is owned by Mecklenburg County and is located at 1100 Eastway Drive in the City of Charlotte, North Carolina.</p> <p>(B) Adopt an ordinance designating the “Dr. Elmer H. Garinger High School” as a Historic Landmark.</p> <p>Attachment 2</p>
	<p>3. (A) Hearing to consider designation of the property known as the “Charles H. and Bess Smith House” (listed under Tax Parcel Number 078-046-02 and including the exterior of the house and garage and the parcel of land listed under Tax Parcel Number 078-046-02 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of November 1, 2007). The property is owned by Malachi J. Greene and Vera M. Harrison and is located at 220 West Tenth Street in the City of Charlotte, North Carolina.</p> <p>(B) Adopt an ordinance designating the “Charles H. and Bess Smith House” as a Historic Landmark.</p> <p>Attachment 3</p>

DECISIONS

Withdrawal	<p>4. Petition No. 2004-118 (decision) by Solid Waste Services for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to add a purpose statement to the innovative developments found in the MX and CC zoning districts. This statement clarifies that the objective of modifying the development standards is to be used when innovative development proposals offer a unique environment or design not ordinarily provided in conventional development. It also clarifies that among the standards that can</p>
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	<p>be modified, public street frontage can only be modified for single family detached dwellings.</p> <p>Please note, petitioner is requesting WITHDRAWAL of this petition.</p> <p>Attachment 4</p>
<p>Protest (sufficient)</p>	<p>5. Petition No. 2007-52 (decision) by 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 ¾ majority-voting rule.</i></p> <p>The Zoning Committee unanimously found this petition to be consistent with the South West District Plan and reasonable and in the public interest. The Committee voted 5-1 to recommend APPROVAL of this petition with the following modification:</p> <ul style="list-style-type: none"> • Petitioner adequately addresses outstanding elevation issues prior to the December 17, 2007 City Council meeting. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 5</p>
	<p>6 Petition No. 2007-99 (decision) by Boulevard Centro for a change in zoning of approximately 1.10 acres located on the northwest corner of Euclid Avenue and East Tremont Avenue from B-1(HD-O) and R-22MF(HD-O) to UR-2(CD)(HD-O).</p> <p>The Zoning Committee found this petition to be inconsistent with the <i>Dilworth Land Use and Streetscape Plan</i> by a vote of 6-1 and voted 5-2 to recommend DENIAL of this petition.</p> <p>Staff agrees with the recommendation of the majority of the Zoning Committee.</p> <p>Attachment 6</p>
	<p>7. 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 unanimously found this petition to be consistent with the West Boulevard Corridor Plan and reasonable and in the public interest. The Committee voted unanimously to recommend APPROVAL of this petition with the following modification:</p> <ul style="list-style-type: none"> • A note, approved by staff, addressing the screening along West Boulevard will

	<p style="text-align: center;">be added to the site plan.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 7</p>
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HEARINGS

Deferral (one-month)	<p>8. 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 to allow more time to revise the site plan.</p> <p>Staff recommends a one month deferral of this petition.</p> <p>Attachment 8</p>
	<p>9. Petition No. 2007-85 (hearing). Change in zoning from I-1 and I-2 to TOD-M of approximately 2.57 acres located on the southeast corner of East Westinghouse Boulevard, China Grove Church Road and Crump Road. <i>Petitioner: Harris, Murr & Vermillion, LLC</i></p> <p>Staff recommends approval of this petition.</p> <p>Attachment 9</p>
Protest (withdrawn)	<p>10. 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. <i>Petitioner: Amy Carver</i></p> <p><i>A protest petition has been filed and is sufficient to invoke ¾ majority-voting rule, but has subsequently been withdrawn.</i></p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 10</p>
	<p>11. Petition No. 2007-111 (hearing). Change in zoning from MUDD-O(HD-O) to MUDD-OSPA(HD-O) of approximately 3.54 acres located in the block bounded by North Graham Street, North Smith Street and West 9th Street. <i>Petitioner: Fourth Ward Square Associates</i></p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 11</p>
Deferral	<p>12. Petition No. 2007-124 (hearing). Change in zoning from I-2 and MUDD-O to TOD-M of</p>

(indefinite)	<p>approximately 4.59 acres located on the northeast corner of South Tryon Street and West Tremont Avenue. <i>Petitioner: Charlotte-Mecklenburg Planning Commission</i></p> <p>Staff is requesting an indefinite deferral of this petition.</p> <p>Attachment 12</p>
Deferral (one-month)	<p>13. Petition No. 2007-128 (hearing). Change in zoning from R-8 and R-22MF to UR-2(CD) of approximately 6.76 acres located along Main Street, Baxter Street and Luther Street, in the Cherry Neighborhood. <i>Petitioner: Stone-Hunt Development, LLC</i></p> <p>Staff recommends a one-month deferral of this petition.</p> <p>Attachment 13</p>
	<p>14. Petition No. 2007-129 (hearing). Change in zoning from R-8 to UR-2(CD) of approximately 0.50 acres located on the southwest corner of Auten Street and Duckworth Avenue. <i>Petitioner: Robert T. Drakeford</i></p> <p>Staff cannot support this petition in its current form.</p> <p>Attachment 14</p>
	<p>15. Petition No. 2007-137 (hearing). Change in zoning from TOD-M to TOD-MO of approximately 1.5 acres located on the west side of South Boulevard and the south side of Remount Road. <i>Petitioner: South End Silos, LLC</i></p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 15</p>
Withdrawal (or Deferral one-month) Protest (sufficient)	<p>16. Petition No. 2007-138 (hearing). Change in zoning from B-2 to MUDD(CD) of approximately 6.84 acres located on the southeast corner of East Independence Boulevard and Arena Boulevard. <i>Petitioner: BV Belk Properties</i></p> <p><i>A protest petition has been filed and is sufficient to invoke ¾ majority-voting rule.</i></p> <p>Petitioner is requesting withdrawal of this petition. However, the valid protest petition must be withdrawn or the petition must proceed to public hearing. If the protest petition is not withdrawn, the petitioner requests a one month deferral.</p> <p>Staff recommends denial of this petition in its current form.</p> <p>Attachment 16</p>
Deferral (one-month)	<p>17. Petition No. 2007-141 (hearing). Consideration of a text amendment to the City of Charlotte Zoning Ordinance to modify the UMUD regulations by 1) prohibiting fences and similar devices in the required setback, and 2) adding new requirements for valet parking, if valet parking is to be provided. <i>Petitioner: Charlotte-Mecklenburg</i></p>

	<p><i>Planning Department</i></p> <p>Staff recommends a one-month deferral of this petition.</p> <p>Attachment 17</p>
	<p>18. Petition No. 2007-142 (hearing). Change in zoning from O-2 to MUDD-O of approximately 0.39 acres located on the south side of the intersection of Kenilworth Avenue, Scott Avenue and Romany Road. <i>Petitioner: The Boulevard Company</i></p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 18</p>
	<p>19. Petition No. 2007-143 (hearing). Change in zoning from R-3 to NS of approximately 0.93 acres located on the northwest corner of North Tryon Street and Pavilion Boulevard. <i>Petitioner: Gateway Homes, LLC</i></p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 19</p>
	<p>20. Petition No. 2007-144 (hearing). Change in zoning from I-2 to MUDD(CD) of approximately 0.71 acres located on the southwest corner of North Davidson Street and Anderson Street. <i>Petitioner: BBC Development, LLC</i></p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 20</p>
	<p>21. Petition No. 2007-147 (hearing). Change in zoning from R-5 and R-8MF(CD) to INST(CD) of approximately 0.90 acres located on the northwest corner of Hovis Road and Wildwood Avenue. <i>Petitioner: Tawanta Johnson</i></p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 21</p>
	<p>22. Petition No. 2007-148 (hearing). Change in zoning from I-1(CD) to I-2(CD) of approximately 4.25 acres located on the southeast corner of Old Mt. Holly Road and Aqua Chem Drive. <i>Petitioner: Evans Delivery Company, Inc.</i></p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 22</p>
	<p>23. Petition No. 2007-149 (hearing). Change in zoning from I-2 and TOD-MO to TOD-M of approximately 1.13 acres located on the northeast corner of South Church Street and Lincoln Street. <i>Petitioner: The Boulevard Company</i></p>

	<p>Staff recommends approval of this petition.</p> <p>Attachment 23</p>
	<p>24. Petition No. 2007-150 (hearing). Change in zoning from I-2 to TOD-M of approximately 1.64 acres located on the west side of South Boulevard between Remount Road and Atherton Street. <i>Petitioner: Charlotte-Mecklenburg Planning Commission</i></p> <p>Staff recommends approval of this petition.</p> <p>Attachment 24</p>
	<p>25. Petition No. 2007-151 (hearing). Change in zoning from UMUD-O to UMUD-O SPA of approximately 1.29 acres located on the northwest corner of South Tryon Street and West 1st Street. <i>Petitioner: Childress Klein Properties</i></p> <p>Staff cannot support this petition in its current form.</p> <p>Attachment 25</p>
	<p>26. Petition No. 2007-152 (hearing). Change in zoning from B-1 to MUDD(CD) of approximately 0.45 acres located on the southeast corner of East Morehead Street and Euclid Avenue. <i>Petitioner: Tracy Finch</i></p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 26</p>
	<p>27. Petition No. 2007-154 (hearing). Change in zoning from B-2 to TOD-M of approximately 2.44 acres located on the west side of South Boulevard between East Carson Boulevard and Arlington Avenue. <i>Petitioner: Charlotte-Mecklenburg Planning Commission</i></p> <p>Staff recommends approval of this petition.</p> <p>Attachment 27</p>
	<p>28. Petition No. 2007-157 (hearing). Consideration of a text amendment to the City of Charlotte Zoning Ordinance to add a new definition for Commercial Outdoor Amusement. <i>Petitioner: Charlotte-Mecklenburg Planning Department</i></p> <p>Staff recommends approval of this petition.</p> <p>Attachment 28</p>
	<p>29. Petition No. 2007-159 (hearing). Consideration of a text amendment to the City of Charlotte Zoning Ordinance to clarify that payments for citations should be made to the issuing department. <i>Petitioner: Charlotte-Mecklenburg Planning Department</i></p>

	<p>Staff recommends approval of this petition.</p> <p>Attachment 29</p>
	<p>30. Petition No. 2008-11 (hearing). Change in zoning from MUDD(CD)PED to B-1(CD)PED-O of approximately 0.91 acres located between West Trade Street and West 5th Street, north of North Bruns Avenue. <i>Petitioner: SunStar Development Group, LLC</i></p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 30</p>
Protest (sufficient)	<p>31. Petition No. 2006-154 (hearing). Change in zoning from B-2 to TOD-M(O) of approximately 0.2 acres located on the west side of South Boulevard between Arlington Avenue and East Palmer Street. <i>Petitioner: Cram Holdings Group, LLC</i></p> <p><i>A protest petition has been filed and is sufficient to invoke ¾ majority-voting rule.</i></p> <p>Staff recommends approval of this petition.</p> <p>Attachment 31</p>
	<p>32. Petition No. 2007-82 (hearing). Change in zoning from I-2(CD), MUDD-O, O-1(CD), O-15(CD) and R-4 to MUDD-O and MUDD-O SPA of approximately 170.27 acres located between West Tyvola Road and Billy Graham Parkway at the site of the old Charlotte Coliseum. <i>Petitioner: Pope & Land Enterprises, Inc.</i></p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 32</p>
Deferral (one-month)	<p>33. 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 Harkey</i></p> <p>Staff recommends a one-month deferral of this petition to allow time for petitioner to submit a community meeting report and revised site plan.</p> <p>Attachment 33</p>
	<p>34. 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 Nixon</i></p>

	<p>Staff cannot support this petition in its current form.</p> <p>Attachment 34</p>
	<p>35. 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. Petitioner: Budget Development Partners, LLC</p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues and issuance of a variance to allow parking in the Community Floodplain or Floodway.</p> <p>Attachment 35</p>
Protest (sufficient)	<p>36. Petition No. 2007-118 (hearing). Change in zoning from R-3 to R-5(CD) and UR-2(CD) of approximately 5.00 acres located on the northeast corner of Providence Road and Westbury Road. Petitioner: Brookechase Properties</p> <p><i>A protest petition has been filed and is sufficient to invoke ¾ majority-voting rule.</i></p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 36</p>
	<p>37. Petition No. 2007-127 (hearing). Change in zoning from R-4, R-43MF and O-2 to MUDD(CD) of approximately 1.20 acres located on the southwest corner of Park Road and Drexel Place. Petitioner: Charlex Development Corporation, LLC</p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 37</p>

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