

Mayor Anthony Foxx

John Autry

Warren Cooksey

Claire Fallon

Patsy Kinsey

James E. Mitchell, Jr.

Mayor Pro-Tem Patrick Cannon

Michael D. Barnes

Andy Dulin

David Howard

LaWana Mayfield

Beth Pickering

CITY COUNCIL ZONING AGENDA

Monday, February 18, 2013

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

6:00PM – Zoning Meeting
Meeting Chamber

DINNER MEETING

- **Review of Agenda – Tammie Keplinger**
- **Review of RCA for Tanger – Ron Kimble & Jeff Brown**
- **Area plan status & text amendment update – Debra Campbell**

ALL REZONING PETITIONS MAY BE VIEWED ON THE WEB AT
www.rezoning.org

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. Decision on the adoption of an ordinance designating the “Woodlawn Bungalow” as a Historic Landmark.</p> <p>Attachment 3</p>
--	--

DECISIONS

Deferral (to March)	<p>2. <u>Petition No. 2012-070</u> (Council District 7 - Cooksey) by Pulte Home Corporation for a change in zoning for approximately 6.96 acres located on the west side of Wade Ardrey Road between Turkey Hill Road and Ardrey Crest Drive from R-3 to R-6(CD) and 5-year vested rights.</p> <p>The Zoning Committee voted unanimously to DEFER this petition to their February 27, 2013 meeting.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 4</p>
Deferral (to March)	<p>3. <u>Petition No. 2012-082</u> (Council District 2 - Mitchell) by Derita American Legion Post 345 for an O-1(CD) site plan amendment, for approximately 1.20 acres located on the east side of Baucom Road between Mallard Creek Road and Brathay Court.</p> <p>The Zoning Committee voted unanimously to DEFER this petition to their February 27, 2013 meeting.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 5</p>
	<p>4. <u>Petition No. 2012-087</u> (Council District 7 - Cooksey) by AEA, LLC for a change in zoning for approximately 3.56 acres located on the south side of Ballantyne Commons Parkway between Rea Road and Williams Pond Lane from R-3 to O-1(CD).</p> <p>This petition is found to be inconsistent with the land use recommendation set forth in the South District Plan 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. Added Note D under the heading of Transportation, which states “In the event that CDOT and/or NCDOT determine, in its or their sole judgment, that vehicular traffic entering or exiting the site causes vehicles entering the site to queue within Ballantyne Commons Parkway public right-of-way, then the owner of the site and the operator of the childcare center will, at the request of CDOT and/or NCDOT, work with CDOT and/or NCDOT to develop and implement an internal vehicular marshaling and circulation plan to address this issues.” 2. The maximum number of students has been reduced from 250 to 220. 3. Modified Site Data and Note B under the heading of Transportation to reflect provision of new information stating a minimum 51 parking spaces (seven additional spaces) are proposed to accommodate the proposed child care center. The note also states that staff and employee parking spaces shall be located in the areas depicted on the rezoning plan. <p>Staff recommends approval of this petition.</p> <p>Attachment 6</p>

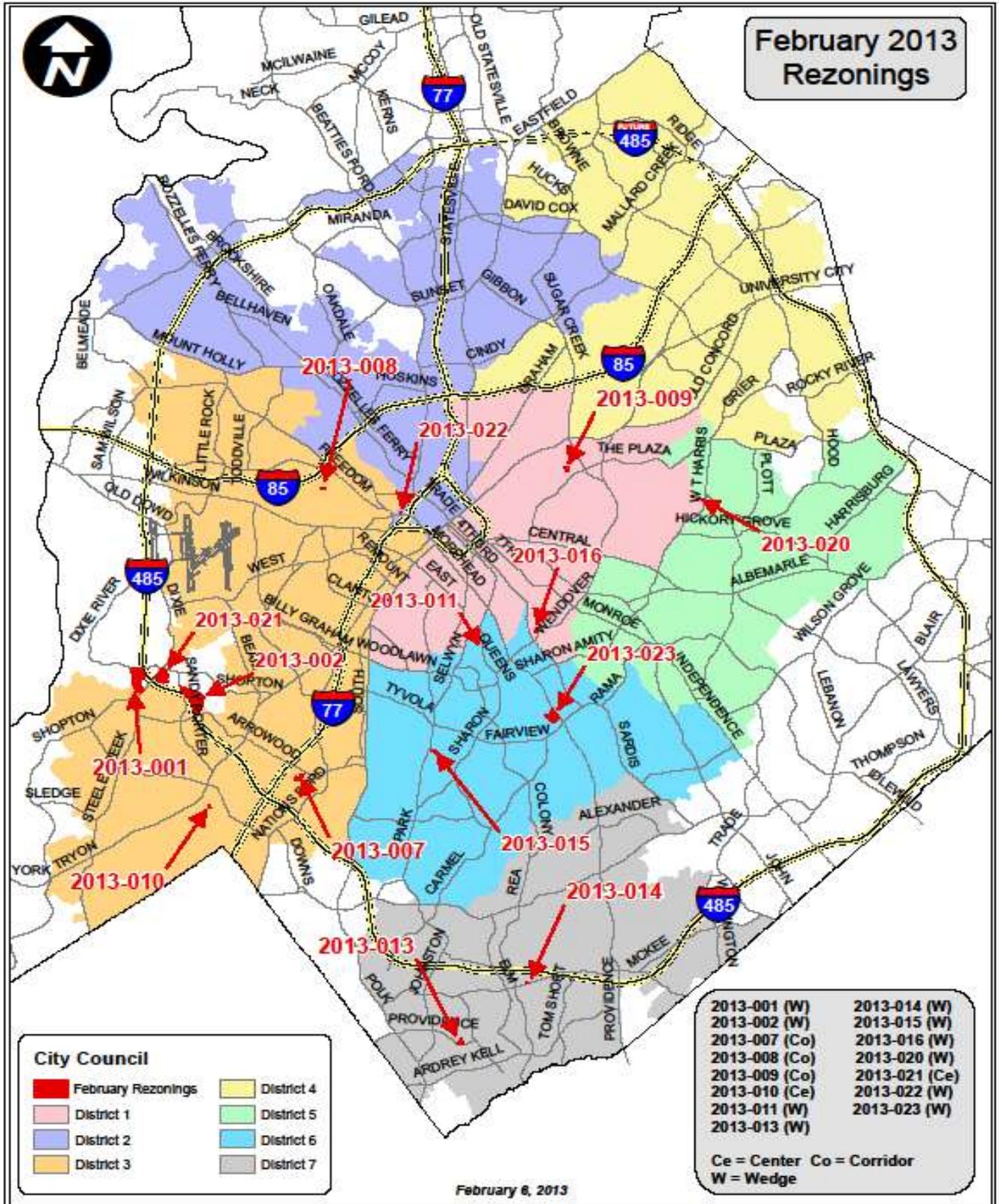
**Deferral
(to March)**

5. Petition No. 2012-103 (Council District 1 - Kinsey) by **Kenneth Lin and Jon Branham for a change in zoning for approximately 0.20 acres fronting both North Davidson Street and Yadkin Avenue between East 34th Street and East 35th Street from R-5 and B-1 to TOD-MO.**

This petition is found to be consistent with the *Draft Blue Line Extension 36th Street Transit Station Area Plan* and the *North Charlotte Plan* and to be reasonable and in the public interest, by a 3-2 vote of the Zoning Committee. The Zoning Committee voted 3-2 to recommend approval of this petition with the noted modifications. Due to the Zoning Committee's Rules of Procedure that a motion must pass by four (4) votes, this item is automatically DEFFERED to their next meeting on February 27, 2013.

1. The petitioner has addressed the issue regarding the placement of the recycling/refuse area on the lot facing Yadkin Avenue via recordation of a recombination plat involving the swapping of land with the abutting property owner, thereby allowing the two parcels of the subject rezoning to adequately touch and be combined.
2. The petitioner has listed the existing square footage, new (additional) square footage, and total square footage on the site plan.
3. The petitioner has provided information on the site plan indicating that a second story will be constructed over the existing one-story building, and that a new three-story addition will be constructed in the rear of the proposed two-story portion. The petitioner has also provided the height of the existing building (15 feet) and the proposed height as 39 feet.
4. The petitioner has removed "night club" from the Optional provision regarding parking. The petitioner has added notes on the site plan to indicate 4 on-street parking spaces, two of which are proposed to be shared with a neighboring business.
5. The petitioner has modified Optional Provision 3 (Streetscape) to specify N. Davidson Street and requested that the existing 8-foot sidewalk be allowed to remain.
6. The petitioner has removed the brick wall shown on the N. Davidson Street elevation and added a note stating it is not part of the site plan.
7. The petitioner has revised the site plan to show the boundaries of the area proposed to be rezoned with a weighted line.
8. Petitioner added the language provided written response regarding intent to coordinate with a local artist on the elevations to the actual elevation sheet.
9. The petitioner has addressed CDOT comments as follows:
 - a. The petitioner has removed the proposed curb cut on Yadkin Avenue from the site plan.
 - b. The petitioner has added language to state intent to work with neighboring property owners to secure additional parking.
10. The appropriate standardized notes have been placed on the site plan (in addition to the Optional Provisions listed).
11. The *Optional Provision* language for streetscape (on Yadkin Avenue) has been modified to specify the street name and request that the existing sidewalk be allowed to remain. The sidewalk width has been added to the additional language.
12. Language has been added to the *Optional Provision* for the required 16-foot setback, and to allow new construction incorporating an existing structure be built to the established setback with the established setback identified as at back of the existing sidewalk.
13. The established setback has been identified on the site plan.
14. Optional Provision 1 (Setback) for the required 16-foot setback has been amended to allow new construction incorporating an existing structure be built to the established setback. The language now correctly identifies the established setback as being from the back of the existing sidewalk.
15. Optional Provision 2 (Parking) has been modified to request to not provide required parking for the permitted uses until such a time occurs when the owners have the ability to provide the required parking.
16. The petitioner has amended Optional Provision 3 (Streetscape) and added Optional Provision 4 to incorporate Yadkin Avenue into the request as it is subject to this requirement as well. This added language requests that a modified streetscape along Yadkin Avenue to allow a six-foot sidewalk at the back of the curb with no planting strip.

<p>2012-103 continued</p>	<p>17. The petitioner has also added office, retail and personal services as allowable uses in addition to the proposed restaurant.</p> <p>18. The petitioner has removed the sentence regarding lighting from <i>Landscaping</i> and placed it under the new <i>Lighting</i> heading. A note has been added under <i>Lighting that states</i> "wall pak" lighting will not be allowed.</p> <p>19. The sentence under <i>Landscaping</i> regarding planting strip along N. Davidson Street has been removed as this is an optional provision being requested.</p> <p>20. "Yadkin" Avenue is now spelled correctly on the site plan.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 7</p>
	<p>6. <u>Petition No. 2012-105</u> by Charlotte-Mecklenburg Planning Department for a voluntary incentive based density bonus text amendment to add "mixed income housing development" as a permitted development type within the R-8MF and R-12MF zoning districts with design and locational criteria. The amendment would provide an incentive for developers to incorporate housing for individuals with incomes at or below 80% of the area median income within new developments by 1) allowing for a density bonus of up to two units above the base density in the R-8MF district and up to three units above the base density in the R-12MF district. In addition, if the site is located within a ¼ mile of transit (rapid transit, local bus service, or an express bus service park and ride lot) an additional two units above the base density would be allowed.</p> <p>This petition is found to be consistent with the City Council approved action plan for incentive based inclusionary housing 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 8</p>
<p>Deferral (to March)</p>	<p>7. <u>Petition No. 2013-005</u> (Council District 2 - Mitchell) by Charlotte Knights for a UMUD-O site plan amendment, for approximately 8.42 acres surrounded by Graham Street, West 4th Street, Mint Street, and Martin Luther King Jr. Boulevard.</p> <p>The Zoning Committee voted unanimously to DEFER this petition to their February 27, 2013 meeting.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 9</p>



HEARINGS

<p>Deferral (to March)</p>	<p>8. Petition No. 2012-090 by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to 1) allow the Zoning Board of Adjustment to have jurisdiction to grant variances on certain standards within the Transit Oriented Development districts (TOD), the Pedestrian Overlay district (PED), Mixed Use Development district (MUDD), and Uptown Mixed Use district (UMUD), and Transit Supportive Overlay District (TS), 2) allow the Board of Adjustment to have authority to consider variances related to the number of, or size of, permissible signs in a conditional district, and 3) allow the Board of Adjustment to have jurisdiction with respect to an interpretation of, or decision about the TOD or PED development or urban design standards.</p> <p>Staff recommends a one-month deferral of this petition to March 18, 2013.</p> <p>Attachment 8</p>
	<p>9. Petition No. 2013-001 (Outside City Limits) by Steele Creek (1997) Limited Partnership for a change in zoning for approximately 82.0 acres located on the west side of Interstate 485 and surrounded by Shopton Road, Dixie River Road, Steele Creek Road, and Trojan Drive from R-3(LLWPA), I-1(CD)(LLWPA), CC(LLWPA), & CC(SPA)(LLWPA) to CC(LLWPA) & CC(SPA)(LLWPA), & MUDD-O(LLWPA).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 9</p>
	<p>10. Petition No. 2013-002 (Outside City Limits) by Steele Creek (1997) Limited Partnership for a change in zoning for approximately 114 acres located on the east side of Interstate 485 at the intersection of Sandy Porter Road and Interstate 485 from R-3 to O-1(CD) and I-1(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 10</p>
	<p>11. Petition No. 2013-007 (Council District 3 - Mayfield) by Cardinal Real Estate Partners for a change in zoning for approximately 10.48 acres located on the east and west sides of Forest Point Circle near the intersection of West Arrowood Road and Forest Point Boulevard from B-D(CD) to O-1.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 11</p>
	<p>12. Petition No. 2013-008 (Council District 3 - Mayfield)) by Board of Trustees, Central Piedmont Community College for an0 INST(CD) site plan amendment, for approximately 1.96 acres located on the southeast corner at the intersection of Alleghany Street and Ashley Road.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 12</p>

	<p>13. Petition No. 2013-009 (Council District 1 - Kinsey) by Bonterra Builders for a change in zoning for approximately 3.89 acres located on the north side of Spencer Street between Academy Street and Anderson Street from I-2 to MUDD-O.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 13</p>
	<p>14. Petition No. 2013-010 (Council District 3 - Mayfield) by Penske Truck Leasing Company, L.P. for a change in zoning for approximately 2.45 acres located on the south side of Brookford Street between Nevada Boulevard and Westinghouse Boulevard from I-2 to I-1.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 14</p>
	<p>15. Petition No. 2013-011 (Council District 6 - Dulin) by Tyler Conner and Ashley Butler for a change in zoning for approximately 0.20 acres located on the west corner at the intersection of Sharon Road and Westminster Place from R-3 to UR-1(CD).</p> <p>Staff is unable to support this petition in its current form due to several outstanding site plan issues, including format.</p> <p>Attachment 15</p>
	<p>16. Petition No. 2013-013 (Council District 7 - Cooksey) by Adam Fiorenza for a change in zoning for approximately 9.50 acres located on the north side of Providence Road West at the intersection of Old Ardrey Kell Road and Providence Road West from R-3 to R-4.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 16</p>
Deferral (to March)	<p>17. Petition No. 2013-014 (Council District 7 - Cooksey) by Lisa Hoover-Khojasteh and Mak Khojasteh for a change in zoning for approximately 1.26 acres located on the north side of Ballantyne Commons Parkway across from Williams Pond Lane from R-3 to O-1(CD).</p> <p>A Community Meeting Report has not been submitted for this petition; therefore it may not go to hearing and should be DEFERRED to March 18, 2013.</p> <p>Attachment 17</p>
Protests Sufficient	<p>18. Petition No. 2013-015 (Council District 6 - Dulin) by Park South of Union, LLC for a change in zoning for approximately 4.99 acres located on the west side of Park South Drive between Archdale Drive and Teversham Lane from R-3 to UR-2(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 18</p>
	<p>19. Petition No. 2013-016 (Council District 1 - Kinsey) by Valley Development, Inc. for a UR-2(CD) site plan amendment, for approximately 4.27 acres located on the east side of Wendwood Lane near the intersection of Randolph Road and Wendwood Lane.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 19</p>

	<p>20. Petition No. 2013-020 (Council District 1 - Kinsey) by Durban Development, LLC for a change in zoning for approximately 1.04 acres located on the south side of Milton Road between Barrington Drive and North Sharon Amity Road from B-1SCD to NS.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 20</p>
	<p>21. Petition No. 2013-021 (Outside City Limits) by East Group Properties, LP for a change in zoning for approximately 43.29 acres located on the southeast corner of the intersection of Steele Creek Road and Shopton Road from I-1(CD) and R-3 to I-2(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 21</p>
	<p>22. Petition No. 2013-022 (Council District 2 - Mitchell) by Mission Properties, LLC for a change in zoning for approximately 0.82 acres located on the west side of South Summit Avenue near the intersection of West Morehead Street and South Summit Avenue from R-5 to UR-2(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 22</p>
	<p>23. Petition No. 2013-023 (Council District 6 - Dulin) by Camden for a change in zoning for approximately 36.10 acres located on the west side of Providence Road across from Strawberry Hill Drive from R-12MF to R-17MF(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 23</p>
	<p>24. Closed Session</p> <p>Attachment 24</p>