

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 20, 2012***

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

6:00PM – Zoning Meeting
Meeting Chamber

DINNER MEETING

- ***Review of Agenda – Laura Harmon***
- ***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

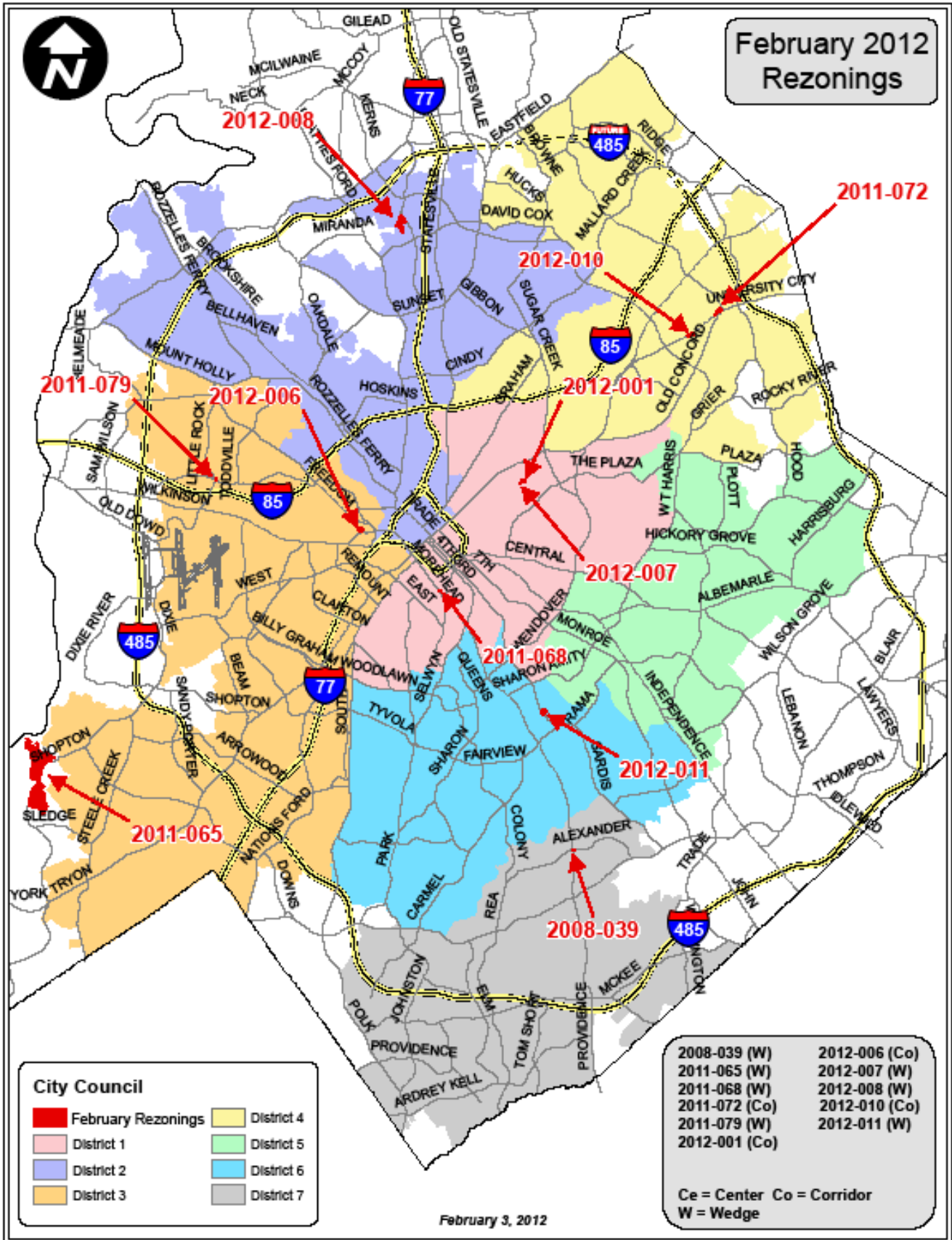
- **CD** – conditional
- **SPA** – site plan amendment

DECISIONS

<p>Deferral (to May)</p>	<p>1. <u>Petition No. 2010-080</u> by Charlotte-Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to modify the regulations for "Outdoor Seasonal Fresh Produce Sales" by 1) renaming them to "Outdoor Fresh Produce Stands", 2) expanding the zoning districts in which they are permitted with prescribed conditions, and 3) modifying the prescribed conditions.</p> <p>The Zoning Committee voted unanimously to DEFER this petition to the April 25, 2012 Zoning Committee meeting.</p> <p>Staff recommends a three-month deferral of this petition.</p> <p>Attachment 1</p>
	<p>2. <u>Petition No. 2011-073</u> by Wells Property Number One, LLC for a change in zoning for approximately 2.81 acres located on the south side of East 3rd Street and surrounded by South Kings Drive, Charlottetowne Avenue, and Cherry Street from B-2 to MUDD-O.</p> <p>This petition is found to be consistent with the <i>Draft Midtown Morehead Cherry 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 the following modifications:</p> <ol style="list-style-type: none"> 1. Amended proposed zoning to reflect MUDD-O. 2. Recessed parallel parking shown in correct location. 3. Amended notes under heading of Optional Provisions to state that the building setback line along Cherry Street is 11 feet from back of the future non-recessed proposed curb line, and to request a reduction of the 8-foot planting strip along the site's Cherry Street frontage and allow the street trees to be located within the recessed parking curb extensions. 4. Amended Note B under the heading of Optional Provisions to state that the petitioner shall install on-street, recessed parallel parking along the site's frontage on Cherry Street. 5. Amended Note D under the heading of Setbacks/Streetscape to state that that the petitioner shall install on-street, recessed parallel parking along the site's frontage on Cherry Street. 6. Provided a cross-section of Cherry Street improvements. 7. Amended Note E under the heading of Setbacks/Streetscape by adding a time frame for improvements on Cherry Street. <p>Staff recommends approval of this petition.</p> <p>Attachment 2</p>
	<p>3. <u>Petition No. 2011-075</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to modify the regulations for Religious Institutions in Residential Districts.</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 3</p>

	<p>4. <u>Petition No. 2011-078</u> by Sami Nafisi for a change in zoning for approximately 0.91 acres located on the southwest corner of Central Avenue and Westover Street from R-5 and B-1 to NS.</p> <p>This petition is found to be consistent with retail land use recommendations and inconsistent with the residential land use recommendations of the <i>Central District 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 with the following modifications:</p> <ol style="list-style-type: none"> 1. An 8-foot planting strip for street trees, a 6-foot sidewalk, 5-foot strips to accommodate shrubbery, and curb and gutter are shown along Central Avenue and Westover Street, and are now labeled on the site plan. 2. Screening in the form of a 10-foot landscape strip along abutting B-1 properties is shown and labeled on the site plan. 3. The zoning of surrounding properties are now shown on site plan. 4. Language is now provided on the site plan limiting detached lighting to 25 feet in height including the base. 5. Language is now provided on the site plan stating all lighting shall be fully shielded with full cut-off fixtures. 6. Language is now provided that states no "wall pak" type lighting shall be allowed. 7. The sheet showing only the existing site layout has been removed. 8. Notes in standard conditional form, including the language relating to lighting, are now provided on the site plan. 9. A detail/elevation of the fence that is part of the proposed 10-foot landscape strip abutting B-1 zoned properties is now shown on the site plan. 10. The proposed Class "B" buffer along the property lines abutting lots zoned R-5 (portion along west property line and along entire south property line) has been amended to reflect 20.25 feet wide on the site plan. 11. A note specifying building materials is now provided on the site plan. 12. The petitioner has addressed the following CDOT issues: <ol style="list-style-type: none"> a. The site plan shows eight-foot planting strips and six-foot sidewalks along Central Avenue and Westover Street. b. The site plan now shows a proposed right-of-way line along Central Avenue, reflecting dedication of 10' of additional right-of-way to accommodate the required 80' along this roadway. <p>Staff recommends approval of this petition.</p> <p>Attachment 4</p>
<p>Deferral (to March)</p>	<p>5. <u>Petition No. 2011-082</u> by Steele Creek 1997 Limited Partnership for a change in zoning for approximately 11.0 acres located on the southwest corner of the intersection of South Tryon Street and Steele Creek Road from R-17MF(CD) and CC to CC and CC SPA.</p> <p>The Zoning Committee voted unanimously to DEFER this petition to the February 29, 2012 Zoning Committee meeting.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 5</p>
<p>Deferral (to March)</p>	<p>6. <u>Petition No. 2011-083</u> by Steele Creek 1997 Limited Partnership for a change in zoning for approximately 22.0 acres located on the southern corner of the intersection of Steele Creek Road and Walker Branch Drive from R-17MF(CD) to CC.</p> <p>The Zoning Committee voted unanimously to DEFER this petition to the February 29, 2012 Zoning Committee meeting.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 6</p>

	<p>7. <u>Petition No. 2012-002</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to remove the duplicate language regarding Outdoor Storage.</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 7</p>
	<p>8. <u>Petition No. 2012-003</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to modify the definition of marquee signs, modify the regulations and add marquee signs to the MUDD Zoning District.</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 8</p>
	<p>9. <u>Petition No. 2012-004</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to correct a section reference in the Urban Industrial Zoning District.</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 9</p>



HEARINGS

Protests Sufficient	<p>10. Petition No. 2011-065 by Chapel Cove at Glengate, LLC for a MX-1 INNOV site plan amendment (LLW-PA) & (LLW-CA) and 5-Year Vested Rights, for approximately 319.91 acres located on the east and west side of Shopton Road West generally surrounded by Winget Road, Elkhorn Drive, Limehurst Place, and Hatfield Road.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 10</p>
Protest Sufficient	<p>11. Petition No. 2011-068 by Morehead Property Investments, LLC for a change in zoning for approximately 1.50 acres located on East Morehead Street between Kenilworth Avenue and Monticello Trail from O-2 to MUDD(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 11</p>
Protests Insufficient	<p>12. Petition No. 2011-072 by University Investment Groups, LLC for a change in zoning for approximately 6.0 acres located on the northwest corner at the intersection of University City Boulevard and East Mallard Creek Church Road from NS to MUDD(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 12</p>
	<p>13. Petition No. 2011-079 by Sami Nafisi for a B-1(CD)(LLWPA) site plan amendment for approximately 1.21 acres located on the northeast corner of the intersection at Tuckaseegee Road and Little Rock Road.</p> <p>Staff does not support this petition in its current form.</p> <p>Attachment 13</p>
	<p>14. Petition No. 2012-001 by Mercury NoDa, LLC for a MUDD-O site plan amendment and 5-Year Vested Rights, for approximately 3.87 acres located on the northeast corner of North Davidson Street and East 36th Street.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 14</p>
	<p>15. Petition No. 2012-006 by Lomax Properties for a MUDD-O site plan amendment for approximately 5.75 acres located on the north side of Millerton Avenue near the intersection of West Morehead Street.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 15</p>
	<p>16. Petition No. 2012-007 by Rainier Builders for a change in zoning for approximately 0.62 acres located on the north side of Yadkin Avenue between East 35th Street and East 36th Street from R-5 and O-2 to MUDD-O.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 16</p>

	<p>17. Petition No. 2012-008 by NLCM, LLC for a change in zoning for approximately 30.21 acres located on the southwest corner at the intersection of Reames Road and Bayview Parkway from R-3 and R-8MF(CD) to R-8MF(CD) and R-8MF(CD) site plan amendment.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 17</p>
	<p>18. Petition No. 2012-010 by Crescent Resources for a change in zoning for approximately 4.701 acres located on the south side of University City Boulevard between Mark Twain Road and Suther Road from R-17MF to MUDD-O 5-Year Vested Rights.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 18</p>
	<p>19. Petition No. 2012-011 by Singh Development, LLC for a change in zoning for approximately 8.44 acres located on the east side of Randolph Road between Wonderwood Drive and Shasta Lane from UR-2(CD) to INST(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 19</p>
<p>Deferral (to March)</p> <p>Protest Insufficient</p>	<p>20. Petition No. 2008-039 by Charlotte-Mecklenburg Historic Landmarks Commission for a change in zoning for approximately 1.55 acres located on the southeast corner of Providence Road and Alexander Road from R-3 to O-1(CD).</p> <p>Petitioner is requesting a one-month deferral of this petition to the March 19, 2012 City Council meeting.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 20</p>
	<p>21. Petition 2012-012 by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to Update the Zoning Districts in which Crematory facilities are allowed and the prescribed conditions.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 21</p>