

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

Tuesday, January 22, 2013

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

**6:00PM – Zoning Meeting
Meeting Chamber**

DINNER MEETING

- ***Review of Agenda – Tammie Keplinger***
- ***Planning Commission Report to City Council – Yolanda Johnson***
- ***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 “Paul and Wilkie Beatty House” as a Historic Landmark.</p> <p>Attachment 1</p>
	<p>2. Decision on the adoption of an ordinance designating the “Stratton House” as a Historic Landmark.</p> <p>Attachment 2</p>
	<p>3. Decision on the adoption of an ordinance designating the “Woodlawn Bungalow” as a Historic Landmark.</p> <p>Attachment 3</p>

DECISIONS

	<p>4. Petition No. 2012-064 by Charlotte Area Transit System for a Text Amendment to the City of Charlotte Zoning Ordinance to 1) add new definitions for passenger rail station, passenger rail platform, and advertising signs on passenger rail platforms, 2) allow advertising signs on passenger rail platforms with prescribed conditions.</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 4</p>
Deferral (indefinite)	<p>5. Petition No. 2012-067B by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to:</p> <ul style="list-style-type: none"> • allow duplex dwellings on R-3, R-4, R-5, and R-6 zoned lots with prescribed conditions; and • modify the prescribed conditions for duplex units located in the R-3, R-4, R-5, and R-6 zoning districts. <p>The Zoning Committee voted unanimously to DEFER this petition indefinitely.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 5</p>
Deferral (to February)	<p>6. Petition No. 2012-087 (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>The Zoning Committee voted unanimously to DEFER this petition to their January 30, 2013 meeting.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 6</p>

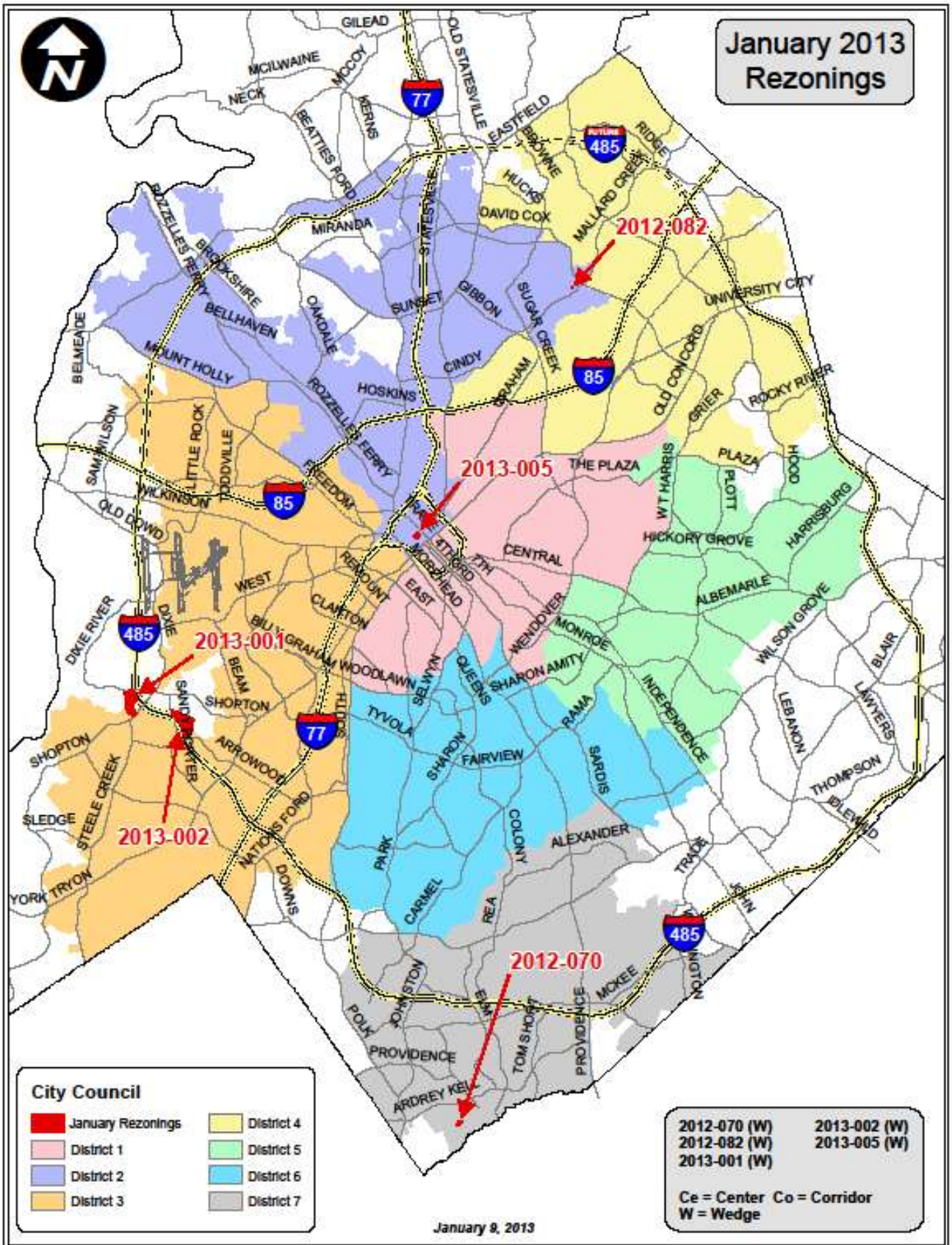
	<p>7. <u>Petition No. 2012-099</u> (Council District 3 - Mayfield) by John G. Blackman and David E. Fuller, Sr. for a change in zoning for approximately 2.14 acres located on the east side of Little Rock Road between Scott Furtrell Drive and Interstate 85 from I-2 to I-1.</p> <p>This petition is found to be consistent with the <i>Southwest 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.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 7</p>
	<p>8. <u>Petition No. 2012-100</u> (Council District 3 - Mayfield) by the Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 0.34 acres located along the south side of West Catherine Street between South Tryon Street and Winnifred Street from I-2 to TOD-M.</p> <p>This petition is found to be consistent with the <i>South End Transit Station 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.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 8</p>
	<p>9. <u>Petition No. 2012-101</u> (Council District 3 - Mayfield) by Dixie River Land Company for a change in zoning for approximately 4.63 acres located on the west side of Steele Creek Road between Dixie River Road and Shopton Road West from R-3 LLWPA to CC LLWPA.</p> <p>This petition is found to be inconsistent with the <i>Steele Creek Area Plan</i> but consistent with the Plan's policy to consider a mixture of residential/office/retail land uses along Steele Creek Road 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. The petitioner has removed the portion of the last sentence from <i>Development Standards</i> (Purpose) that allowed unused floor area approved with this site plan to be used elsewhere in the Berewick Town Center. 2. The petitioner has modified the language under <i>Permitted Uses</i> to allow non-residential uses that are permitted in the CC district. The petitioner has also added the following language in order to address the portion of the outstanding issue regarding the number of permitted uses with a drive through service window: "Uses will be limited to one service station or convenience store and one other use with a drive through service window. If no service station or convenience store is constructed, two sites with drive through service windows will be allowed. A third site will be permitted to accommodate a use with a drive through service window if permission for the service window is transferred from the previously approved portion of the Berewick Town Center (2010-011) by virtue of an administrative site plan amendment that would have to be approved before any such transfer could take place." 3. The petitioner has modified <i>Transportation Note C</i> by adding language that clarifies how pedestrian walkability and safety between freestanding buildings and minimizing conflicts with automobiles will be addressed. The modified language is as follows: "This will be accomplished with any combination of sidewalks, pathways or plazas between buildings. In those circumstances where a pedestrian pathway or sidewalk would cross a public street, the crosswalk will be clearly marked, or will include a stop sign, or be raised to calm traffic and to increase awareness of the pedestrian crossing. All such facilities installed in a public street will be subject to review and approval by CDOT."

4. Under *Transportation* Note D, the petitioner has replaced “abandoned” with “removed”.
5. The petitioner has removed the language Under *Architectural Standards* Note A, that stated: “The development of the site will be governed by the district regulations of the zoning ordinance for the CC district.” The petitioner has provided the following new language: “All of the uses will be developed as part of the overall Berewick Town Center Plan with common architectural elements, materials, rooflines, and landscape themes.”
6. Under *Architectural Standards* Note B, the petitioner has modified language to refer to “decorative wooden gates”.
7. Under *Lighting* the petitioner has removed language stating: “Architectural lighting on the exterior of buildings will be permitted.”
8. The petitioner has listed the existing use as single family residential under *Development Summary*.
9. The tax parcel identification numbers have been added to the *Development Summary*.
10. LLWPA (Lower Lake Wylie Protected Area) has been added to existing zoning and proposed zoning under *Development Summary*.
11. A note similar to Note G5 under “Setbacks/Required Yards, and Streetscapes” as contained in the approved site plan for rezoning petition 2010-011 regarding provision of building edges has been added that states: “Buildings that are located on sites that include “building edges” must be constructed so that no parking, maneuvering, or circulation will occur between the buildings and the building edges.”
12. The north/south drive running adjacent to the proposed restaurant/retail building and due to connect to the property to the north has been removed from the site plan.
13. Section B on Sheet RZ-1.1 has been amended to reference to the berm proposed along Steele Creek Road as 4 feet in height.
14. Proposed sign locations have been removed from the site plan.
15. The petitioner has addressed CDOT and Storm Water Services comments as follows:
 - a. Per CDOT’s request, a note has been added to the site plan that states the old residential driveways will be removed as the redevelopment of the site progresses, but that old driveways may be used as temporary construction entrances until other more permanent construction entrances are permitted and established. Petitioner also notes on site plan that the type of any proposed commercial driveways onto Shopton Road will be determined during the permitting phase.
 - b. Per CDOT’s request (and in anticipation that NCDOT will make the request), a note has been added stating the petitioner will install a right turn lane on Steele Creek Road if required to do so by NCDOT.
 - c. The petitioner has modified the Storm Water language provided under Environmental Features to read as follows: “The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance. In complying with the PCCO and as allowed by provisions of the PCCO, the development of this site may utilize the special water quality features, including natural areas, previously approved for the larger Berewick community. The petitioner will demonstrate that the features and facilities for the maintenance of water quality are adequately sized and where necessary, the appropriate easements for storm water and water quality management will be established.

Staff recommends approval of this petition.

Attachment 9

<p>Deferral (to February)</p>	<p>10. <u>Petition No. 2012-103</u> (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.</p> <p>The Zoning Committee voted unanimously to DEFER this petition to their January 30, 2013 meeting.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 10</p>
	<p>11. <u>Petition No. 2012-104</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-3, R-4, R-5, and R-6 single family 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 three units above the base density, 2) allowing a mix of housing types to be built that would include single family, duplex, triplex and quadraplex dwellings, and 3) modifying development standards such as lot sizes, setbacks/yards, lot widths, etc.</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 5-1 vote of the Zoning Committee. The Committee voted 5-1 to recommend APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 11</p>



HEARINGS

	<p>12. <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>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 12</p>
	<p>13. <u>Petition No. 2012-082</u> (Council District 4 - Barnesl) 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>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 13</p>
<p>Deferral (to February)</p>	<p>14. <u>Petition No. 2012-090</u> 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 February 18, 2013.</p> <p>Attachment 14</p>
	<p>15. <u>Petition 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>Staff recommends approval of this petition.</p> <p>Attachment 15</p>
<p>Deferral (to February)</p>	<p>16. <u>Petition No. 2013-001</u> (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>A Community Meeting Report has not been submitted for this petition; therefore it may not go to hearing and should be DEFERRED to February 18, 2013.</p> <p>Attachment 16</p>

<p>Deferral (to February)</p>	<p>17. <u>Petition No. 2013-002</u> (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>A Community Meeting Report has not been submitted for this petition; therefore it may not go to hearing and should be DEFERRED to February 18, 2013.</p> <p>Attachment 17</p>
	<p>18. <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>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 18</p>