

***Mayor Anthony Foxx***      ***Mayor Pro-Tem Patrick Cannon***  
***Michael D. Barnes***      ***Jason Burgess***  
***Nancy Carter***            ***Warren Cooksey***  
***Andy Dulin***                ***David Howard***  
***Patsy Kinsey***              ***James E. Mitchell, Jr.***  
***Edwin B. Peacock III***    ***Warren Turner***

---

## ***CITY COUNCIL ZONING AGENDA***

### ***Monday, July 18, 2011***

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

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

### ***DINNER MEETING***

- ***Review of Agenda – Tammie Keplinger***
- ***November and December Zoning Meeting dates discussion***
- ***Area plan status & text amendment update – Debra Campbell***

**ALL REZONING PETITIONS MAY BE VIEWED ON THE WEB AT**  
**[www.rezoning.org](http://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

# **AGENDA**

	<p>1. <b>Water Sewer Revenue Refunding Bonds</b>          Jim Schumacher, Assistant City Manager</p> <p>Adoption of these resolutions must take place after Local Government Commission approval of the refunding and prior to the pricing of the new bonds.</p> <p>Attachment 1</p>
--	--

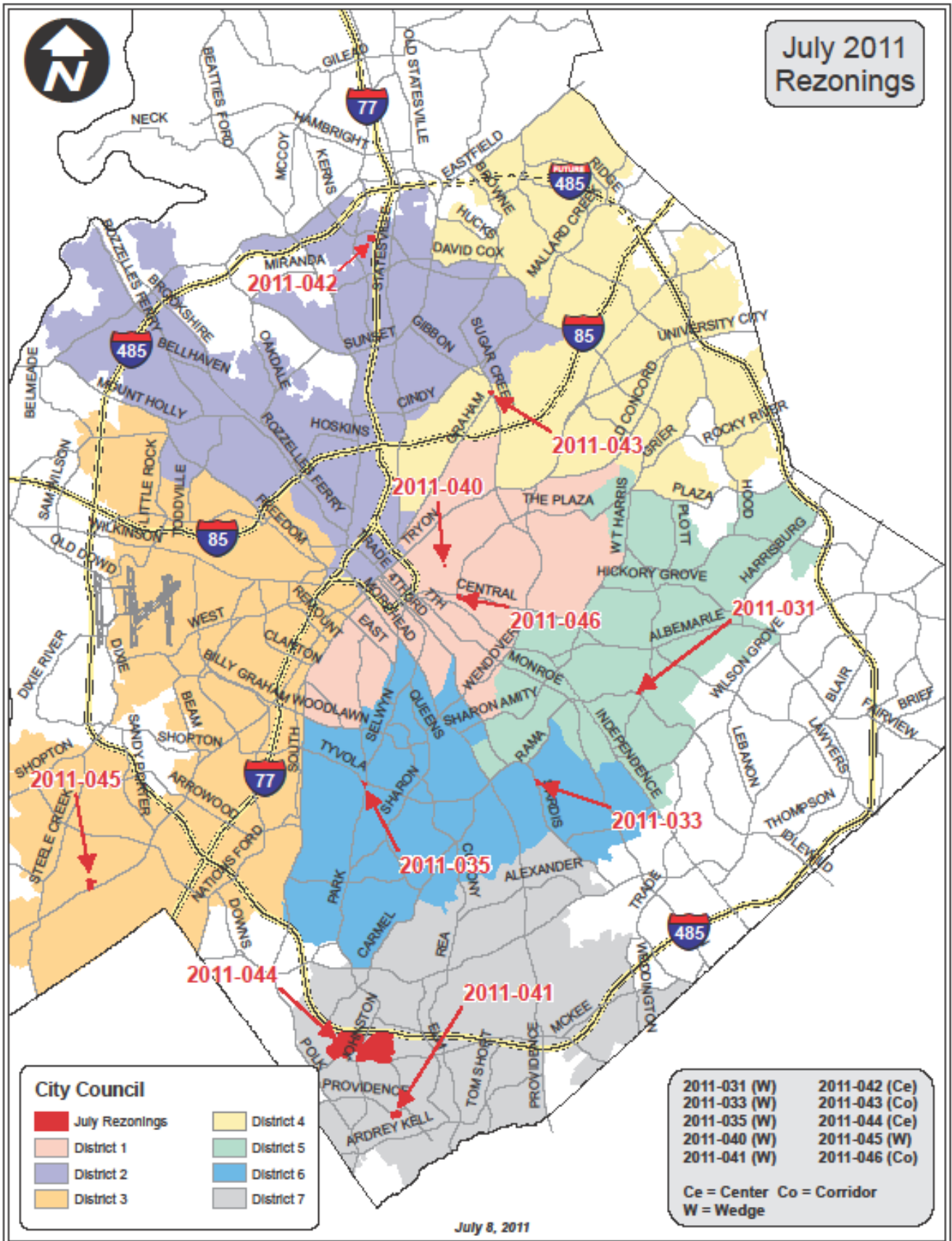
## **DECISIONS**

<b>Deferral (to October)</b>	<p>2. <b>Petition 2010-080 by Charlotte-Mecklenburg Planning Commission</b> 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 <b>DEFER</b> this petition to the September 28, 2011 Zoning Committee meeting.</p> <p>Attachment 2</p>
	<p>3. <b>Petition No. 2011-002 by 521 Partners, LLC</b> for an O-1 (CD) site plan amendment for approximately 12.54 acres located on the southwest corner at the intersection of Providence Road West and Johnston Road.</p> <p>The office and branch bank uses were found to be consistent and the hotel use to be inconsistent with the <i>South District Plan</i> and to be reasonable and in the public interest by a unanimous vote of the Zoning Committee. The Zoning Committee voted unanimously to recommend <b>APPROVAL</b> of the petition.</p> <p>Attachment 3</p>
<b>Deferral (to October)</b>	<p>4. <b>Petition No. 2011-024 by City of Charlotte Neighborhood and Business Services</b> for an INST(CD) site plan amendment for approximately 2.38 acres located at the north corner of the intersection of Mt. Holly-Huntersville Road, Harwood Lane, and Mountain Aire Circle.</p> <p>The Zoning Committee voted unanimously to <b>DEFER</b> this petition to the September 28, 2011 Zoning Committee meeting.</p> <p>Attachment 4</p>
	<p>5. <b>Petition No. 2011-028 by Charlotte Mecklenburg Planning Commission</b> for a change in zoning for properties totaling approximately 17.29 acres generally fronting Mount Holly Road, Chattaroy Drive, Layton Ridge Lane, and Taftnale Court from R-17MF(LWPA) and R-3(LWPA) to R-8(LWPA).</p> <p>This petition is found to be consistent with intent of the <i>Catawba Area Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The</p>

	<p>Zoning Committee voted unanimously to recommend <b>APPROVAL</b> of this petition.</p> <p>Attachment 5</p>
	<p>6. <b>Petition No. 2011-030 by Urbane Properties, LLC</b> for a change in zoning for approximately 2.27 acres located on the east side of Providence Road between South Sharon Amity Road and Westbury Road from R-3 to INST(CD) 5-Year vested rights.</p> <p>This petition is found to be inconsistent with the <i>South District Plan</i> but to be reasonable and in the public interest by a 5 to 1 vote of the Zoning Committee. The Committee voted 4 to 2 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Notes have been added to "Lighting" to indicate maximum height of any new freestanding lighting fixture (including base) will be the lesser of 25 feet or the maximum height permitted in the zoning ordinance; that any lighting attached to the new building will be decorative capped and downwardly directed; and that "wall-pak" lighting will not permitted.</li> <li>2. The previous two site plans showing a site design layout with Bermuda Road and a site plan without Bermuda Road (in the event of its proposed withdrawal) have been combined into one overall site plan in order to show Bermuda Road as withdrawn and a 20' rear yard.</li> <li>3. The site plans previously showing site design layouts with and without Bermuda Road have been combined into one site plan. Withdrawal of the subject portion of Bermuda Road is scheduled for consideration at the June 27, 2011 City Council meeting.</li> <li>4. The site plan has been revised to show the proposed driveway and turn lane locations per NCDOT and CDOT recommendations.</li> <li>5. A note has been added to the site plan stating the proposed brick privacy wall will be six feet in height where it borders the play area and no shorter than four feet in other locations.</li> <li>6. The storm water note under "Environmental Features" has been amended and language provided regarding the review process for location, size, and type of storm water management systems.</li> </ol> <p>Staff recommends approval of this petition.</p> <p>Attachment 6</p>
	<p>7. <b>Petition No. 2011-032 by Robert W. Burkett</b> for an MX-2 site plan amendment for approximately 20.16 acres located on the east and west side of Park South Station Boulevard south of Archdale Drive and generally bounded by Delchester Drive, Montpelier Road, and Edgewater Drive.</p> <p>The Zoning Committee voted unanimously to <b>DEFER</b> this petition to a Special Meeting on July 18, 2011. An update will be provided at the Council Dinner meeting.</p> <p>Attachment 7</p>
	<p>8. <b>Petition No. 2011-034 by Bank of the Ozarks</b> for a change in zoning for approximately 1.25 acres located on the southwest corner of Park Road and Heather Lane from MUDD(CD) to MUDD-O.</p> <p>This petition is found to be consistent with the <i>Central District Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Zoning Committee voted unanimously to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Modified Note #2 under "Optional Provisions" to eliminate "Park Road". There is technically no parking or maneuvering between the building and Park Road.</li> <li>2. Changed the note under "Optional Provisions" to indicate that the "Petitioner is</li> </ol>

	<p>requesting the following variations as part of this <del>UMUDD-O</del> MUDD-O Application:</p> <ol style="list-style-type: none"> <li>3. Provided a cross-walk across the internal drive-aisle out to the sidewalk along Heather Lane.</li> <li>4. Clarified Note #3 under "Optional Provisions" to indicate only one detached identification sign will be allowed and such sign shall have a maximum height of 5 feet and a maximum sign face area of 50 square feet. All other signs (i.e. wall, directional, etc.) shall comply with the MUDD signage regulations.</li> <li>5. Provided a note indicating the petitioner agrees to fund upgrading pedestrian traffic signalization located on the northeast corner of the site at the intersection of Park Road and Heather Lane, not to exceed \$2,500.00.</li> </ol> <p>Attachment 8</p>
	<p>9. <b>Petition 2011-037 by Charlotte-Mecklenburg Planning Department</b> for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to modify the Single Room Occupancy Residence regulations and definition and expand the zoning districts in which they are permitted 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 5 to 1 vote of the Zoning Committee. The Zoning Committee voted 5 to 1 to recommend <b>APPROVAL</b> of this petition.</p> <p>Attachment 9</p>
	<p>10. <b>Petition 2011-038 by Charlotte-Mecklenburg Planning Commission</b> for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to modify height regulations in residential zoning districts.</p> <p>The Zoning Committee voted 5 to 1 to recommend <b>DENIAL</b> of this petition.</p> <p>Attachment 10</p>
	<p>11. <b>Petition 2011-039 by Charlotte-Mecklenburg Planning Commission</b> for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to modify the urban development and design standards and reorganize the regulations of the Pedestrian Overlay District (PED).</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 Zoning Committee voted unanimously to recommend <b>APPROVAL</b> of this petition.</p> <p>Attachment 11</p>
	<p>12. <b>Petition No. 2011-048 by Greater Galilee Baptist Church</b> for a change in zoning for approximately 0.30 acres located on the north side of South Mint Street and south side of Spruce Street near the intersection of South Mint Street and Spruce Street from MUDD-O to UR-C(CD)</p> <p>This petition is found to be consistent with the <i>Central District Plan</i> and to be reasonable and in the public interest by a unanimous vote of the Zoning Committee. The Zoning Committee voted unanimously to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. The proposed zoning has been amended to read UR-C(CD) on the site plan.</li> <li>2. The site plan has been amended to show 16 off-street parking spaces.</li> <li>3. The existing sidewalk conditions along Spruce Street have been shown on the site plan.</li> </ol>

	<p>4. Parking has been specified on the site plan as the allowed use.</p> <p>5. The site plan shows screening from all public rights-of-way.</p> <p>Attachment 12</p>
	<p>13. <b>Petition No. 2011-049 by Melange Health Solutions</b> for a change in zoning for approximately 9.78 acres located north of The Plaza, east of Glenfiddich Drive and at the end of Wilann Drive from R-4 to INST(CD)</p> <p>The Zoning Committee voted unanimously to <b>DEFER</b> this petition to a Special Meeting on July 18, 2011. An update will be provided at the Council Dinner meeting.</p> <p>Attachment 13</p>



## **HEARINGS**

	<p>14. <b>Petition No. 2011-031 by New Hope Baptist Church</b> for a change in zoning for approximately 1.66 acres located on the north side of Idlewild Road and between East W. T. Harris Boulevard and Lynmont Drive from R-4 to INST(CD).</p> <p>Staff recommends approval of the petition upon resolution outstanding issues.</p> <p>Attachment 14</p>
<p><b>Deferral (to September)</b></p> <p><b>Protest TBD</b></p>	<p>15. <b>Petition No. 2011-033 by Daniel Schwarz, Sardis Road Land Company, LLC</b>, for a change in zoning for approximately 5.05 acres located on the northeast corner at the intersection of Sardis Road and Chevron Drive from R-3 to INST(CD).</p> <p>Staff is requesting a deferral of this petition to the September 19, 2011 City Council meeting.</p> <p>Attachment 15</p>
<p><b>Protest TBD</b></p>	<p>16. <b>Petition No. 2011-035 by CAH Holdings, LLC</b> for a change in zoning for approximately 1.82 acres located on the southwest corner of the intersection at Park Road and Tyvola Road and Fairview Road from R-22MF to B-2(CD).</p> <p>Staff does not recommend approval of this petition.</p> <p>Attachment 16</p>
	<p>17. <b>Petition No. 2011-040 by The United House of Prayer</b> for a change in zoning for approximately 0.36 acres located on the northwest corner at the intersection of Pegram Street and 18th Street from R-5 to UR-2(CD).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 17</p>
<p><b>Protest TBD</b></p>	<p>18. <b>Petition No. 2011-041 by Liberty Healthcare of Mecklenburg County, LLC</b> for a change in zoning for approximately 17.48 acres located on the south side of Providence Road West between Community House Road and Old Ardrey Kell Road from MX-2 to INST(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 18</p>
	<p>19. <b>Petition No. 2011-042 by WP East Development Enterprises, LLC</b> for a change in zoning for approximately 10.63 acres located on the east side of Perimeter Parkway between West W.T. Harris Boulevard and Perimeter Woods Drive and bounded by Interstate 77 on the east from CC to UR-2(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 19</p>



	<p>20. <b>Petition No. 2011-043 by Louis Ratcliffe, Inc</b> for a change in zoning for approximately 3.23 acres located on the west side of the intersection at West Sugar Creek Road, North Graham Street, and Mineral Springs Road from B-2 to MUDD-O.</p> <p>Staff does not support this petition in its current form.</p> <p>Attachment 20</p>
	<p>21. <b>Petition No. 2011-044 by The Bissell Companies, Inc</b> for a change in zoning for approximately 520 acres generally bounded by Interstate 485 to the north, Ballantyne Commons Parkway to the south, and Rushmore Street and North Community House Road to the west and east, respectively, from R-3 and BP(CD) to BP(CD), O-3(CD), and BP(CD) SPA, 5-Year Vested Rights.</p> <p>Attachment 21</p>
<b>Protest TBD</b>	<p>22. <b>Petition No. 2011-045 by Catholic Diocese of Charlotte Housing Corporation</b> for a change in zoning for approximately 20.6 acres located on the north side of South Tryon Street and across from Savannah Club Drive from R-3 and R-12(CD) to INST(CD) 5-Year Vested Rights.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 22</p>
	<p>23. <b>Petition No. 2011-046 by Harris Teeter</b> for a change in zoning for approximately 3.2 acres located on the south side of Central Avenue and bounded by The Plaza, McClintock Road, and Nandina Street from B-2(PED) to B-2(PED-O).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 23</p>
	<p>24. <b>Petition 2011-047 by Neighborhood &amp; Business Services</b> for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to add regulations and definition for "Data Center".</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 24</p>