

Mayor Patrick L. McCrory Mayor Pro Tem Susan Burgess
Michael Barnes John W. Lassiter
Nancy Carter Don Lochman
Andy Dulin James E. Mitchell, Jr.
Anthony Foxx Patrick Mumford
Patsy Kinsey Warren Turner

CITY COUNCIL ZONING AGENDA
Monday, June 18, 2007

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

6:00PM – Zoning Decisions/Hearings
Meeting Chamber

DINNER MEETING

- ***Review of Agenda – Keith MacVean***
- ***Discuss conflict between Historic District Overlay(HD-O) and Transit Oriented Development (TOD) – Keith MacVean***

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

DECISIONS

1. **Petition No. 2006-142 (decision) by Gordon Conwell Theological Seminary** for a change in zoning for approximately 19.3 acres located on the south side of Choate Circle west of Moss Road from INST(CD) to INST(CD) SPA.

The Zoning Committee found this petition to be consistent with the South West District Plan and reasonable and in the public interest and voted unanimously to recommend approval of the petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 1

2. **Petition No. 2007-44 (decision) by ENSI Development Co.** for a change in zoning for approximately 4.42 acres located on the northeast corner of East Independence Boulevard and Wallace Lane from B-2 and B-2(CD) to BD(CD).

The Zoning Committee unanimously found this petition to be inconsistent with the *East District Plan* and the *Transit Station Area Principles*, but reasonable and in the public interest and voted to recommend **APPROVAL** of this petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 2

**Deferral
(indefinite)**

3. **Petition No. 2007-47 (decision) by Gateway Homes, LLC** for a change in zoning for approximately 2.94 acres located on the northeast corner of North Tryon Street and Pavilion Boulevard from B-1 and R-12MF to NS.

Petitioner has requested an indefinite deferral of the decision for this petition.

The Zoning Committee unanimously found this petition to be consistent with the *North East District Plan* and reasonable and in the public interest and voted 6-0 to recommend **APPROVAL** of this petition with the following modifications:

- The amount of retail square footage was reduced from 20,000 to 16,900.
- 10% tree save area is shown on the site plan
- The building setback along Hwy 29 is 20-feet.
- The road on the western portion of the site will be a major thoroughfare built to major thoroughfare standards.
- The parking on the eastern side of the site has been moved behind the front corner of the building.
- The number of parking spaces has been reduced to 92.
- An 8-foot planting strips connecting to the adjacent parcel along the private internal road has been provided.
- The proposed public street along the northern property line will terminated as a stub street for the future extension.
- No convenience stores, gasoline sales, and drive-through window facilities will be allowed.
- No spandrel glass will be allowed along street fronts. Glass doors with emergency access bars along the street fronts will be provided.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 3

4. **Petition No. 2007-49 (decision) by Greenleaf Development, LLC** for a change in zoning for approximately 0.47 acres located on the south side of Spencer Street between Herrin Avenue and Academy Street from R-5 to UR-1(CD).

The Zoning Committee found this petition to be consistent with the Central District Plan and reasonable and in the public interest and voted unanimously to recommend approval of the petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 4

5. **Petition No. 2007-51 (decision) by Victoria Land Co., LLC** for a change in zoning for approximately 6.59 acres located on the northeast corner of Seigle Avenue and East 10th Street from MUDD(CD) to MUDD(CD) SPA.

The Zoning Committee found this petition to be consistent with the Belmont Revitalization Plan and reasonable and in the public interest and voted unanimously to recommend approval of the petition with the following modifications:

- The petitioner has excluded indoor recreation as an allowable use.
- The petitioner has added a note that all uses will be designed with operable doors and clear glass windows along the street frontage.
- The petitioner has added a note that all lighting will be fully shielded.
- The petitioner has clarified the note regarding streetscape improvement along Seigle Avenue to note that they will work with the City on these improvements.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 5

6. **Petition No. 2007-56 (decision) by Charlotte-Mecklenburg Planning Commission** for a change in zoning for approximately 46.78 acres located between England Street and South Boulevard, north of Sweden Road from B-D, B-D(CD) and I-1 to TOD-M.

The Zoning Committee found this petition to be consistent with the General Development Policies - Transit Station Area Principles and the draft Arrowood Transit Station Area Plan and reasonable and in the public interest and voted unanimously to recommend approval of the petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 6

7. **Petition No. 2007-57 (decision) by Charlotte-Mecklenburg Planning Commission** for a change in zoning of approximately 12.36 acres located on the east side of Old Pineville Road, at the intersection of Old Pineville Road and Nations Crossing Road from I-2 to TOD-M.

The Zoning Committee found this petition to be consistent with the General Development Policies - Transit Station Area Principles and reasonable and in the public interest and voted unanimously to recommend approval of the petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 7

8. **Petition No. 2007-58 (decision) by Bryant Park, LLC** for a change in zoning of approximately 36.14 acres located on the east side of Berryhill Road between Morton Street and Freedom Drive from R-22MF and I-1 to MUDD-O.

The Zoning Committee found this petition to be consistent with the Central District Plan, the GDP-Transit Station Area Principles and the Draft Bryant Park Plan and reasonable and in the public interest and voted unanimously to recommend approval of the petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 8

9. **Petition No. 2007-59 (decision) by John Poore** for a change in zoning of approximately 1.30 acres located on the northwest quadrant of the East Independence Boulevard / Briar Creek Road interchange from MUDD-O to UR-2(CD).

The Zoning Committee found this petition to be inconsistent with the Central District Plan but reasonable and in the public interest and voted unanimously to recommend approval of the petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 9

10. **Petition No. 2007-60 (decision) by Public Library of Charlotte & Mecklenburg County** for a change in zoning of approximately 2.42 acres located on the east side of

Beatties Ford Road between Gilbert Street and Holly Street from O-1(CD) (PED) and R-5 to O-1(CD) and O-1(CD)(PED-O) SPA.

The Zoning Committee found this petition to be inconsistent with the West End PED Plan but reasonable and in the public interest and voted 5-1 to recommend approval of the petition.

Staff agrees with the majority of the Zoning Committee.

Attachment 10

11. **Petition No. 2007-62 (decision) by Bonterra Builders, LLC** for a change in zoning of approximately 11.11 acres located on the northeast corner of Herrin Avenue and Spencer Street from MUDD-O to MUDD-O SPA.

The Zoning Committee found this petition to be consistent with the North Charlotte and Central District Plans and reasonable and in the public interest and voted unanimously to recommend approval of the petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 11

12. **Petition No. 2007-63 (decision) by The Trustees of Central Piedmont Community College** for a change in zoning of approximately 4.00 acres located on the west side of North Kings Drive between Elizabeth Avenue and East 7th Street from B-2 and O-2 to MUDD.

The Zoning Committee found this petition to be consistent with the Central District Plan and the Transit Station Area Principles and reasonable and in the public interest and voted unanimously to recommend approval of the petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 12

13. **Petition No. 2007-66 (decision) by Dickerson Realty Corp.** for a change in zoning of approximately 1.73 acres located on the north side of West Mallard Creek Church Road between David Taylor Drive and Claude Freeman Drive from O-1(CD) to NS.

The Zoning Committee found this petition to be inconsistent with the Northeast Area Plan but reasonable and in the public interest and voted unanimously to recommend approval of the petition with the following modifications:

- Parking standards have been added to the plan.
- A stub and cross-access easement will be executed that provides for future

connectivity with the office site at the rear of the property.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 13

14. **Petition No. 2007-69 (decision) by L. Toons, LLC** for a change in zoning of approximately 0.09 acres located on the south side of East 35th Street between Charles Avenue and Whiting Avenue from R-5 to UR-1(CD).

The Zoning Committee found this petition to be consistent with the North Charlotte Plan and reasonable and in the public interest and voted unanimously to recommend approval of the petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 14

15. **Petition No. 2007-70 (decision) by Charlotte-Mecklenburg Planning Commission** for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to eliminate the minimum open space requirements for single family, detached units and instead require a “maximum building coverage” per lot. This text amendment will effect detached housing in the single-family, multi-family, office, and business districts.

The proposed text amendment sets a maximum building coverage percent based upon the single-family lot size. In general, larger parcels (those over 15,001 square feet in size) shall provide a lower overall percentage of building coverage than that of smaller lots (those under 4,000 square feet in size).

A definition for “building coverage” will also be added: The portion(s) of a lot developed with principal and accessory buildings.

The Planning Committee found this petition to be consistent with the adopted plans and reasonable and in the public interest and voted 4-2 to recommend approval of the amendment.

Staff agrees with the recommendation of the majority of the Planning Committee.

Attachment 15

HEARINGS

16. **Petition No. 2006-119 (hearing).** Change in zoning from R-3 to B-2 (CD) of approximately 4.00 acres located on the northeast corner of North Sharon Amity Road and Shamrock Drive. *Petitioner: Don and Caroline Naysmith*

Staff recommends approval of this petition upon resolution of the outstanding site plan issues.

Attachment 16

**Deferral
(indefinite)**

17. **Petition No. 2006-140 (hearing).** Change in zoning from R-3 to NS of approximately 3.2 acres located on the southwest corner of Prosperity Church Road and Dearmon Road. *Petitioner: Floride Huggins and Gloria Phillips*

**Protest
(sufficient)**

A protest petition has been filed and is sufficient to invoke ¾ majority-voting rule.

Staff recommends an indefinite deferral of this petition.

Attachment 17

**Deferral
(indefinite)**

18. **Petition No. 2007-13 (hearing).** Change in zoning from R-3 to I-1(CD) of approximately 0.58 acres located on the north side of Gibbon Road Between Nevin Road and Poplar Springs Drive. *Petitioner: Iheanyi & Eddit Okwara*

**Protest
(sufficient)**

A protest petition has been filed and is sufficient to invoke ¾ majority-voting rule.

Staff recommends an indefinite deferral of this petition.

Attachment 18

19. **Petition No. 2007-31 (hearing).** Change in zoning from R-17MF to NS of approximately 4.40 acres located on the northeast corner of West Sugar Creek Road and Mineral Springs Road. *Petitioner: Tribek Properties*

Staff recommends denial of this petition.

Attachment 19

20. **Petition No. 2007-52 (hearing).** Change in zoning from B-1(CD) to CC and BD (CD) of approximately 13.07 acres located on the northeast corner of South Tryon Street and West Tyvola Road. *Petitioner: The Ghazi Company*

**Protest
(sufficient)**

A protest petition has been filed and is sufficient to invoke ¾ majority-voting rule.

Staff recommends approval of this petition upon resolution of the outstanding site plan issues.

Attachment 20

21. **Petition No. 2007-53 (hearing).** Change in zoning from R-3 and R-8MF (CD) to UR-C (CD) of approximately 3.00 acres located on the northwest corner of Fairview Road and Wintercrest Lane. *Petitioner: The Ghazi Company*

Staff recommends denial of this petition.

Attachment 21

22. **Petition No. 2007-55 (hearing).** Change in zoning from R-3 to UR-2(CD) of approximately 1.82 acres located on the west side of Providence Road between East Barden Road and Jefferson Drive. *Petitioner: The Ghazi Company*

Staff is recommending denial of this petition.

Attachment 22

23. **Petition No. 2007-64 (hearing).** Change in zoning from CC(LWPA) to CC SPA (LWPA) of approximately 27.80 acres located on the southwest corner of Brookshire Boulevard and Mt. Holly-Huntersville Road. *Petitioner: Mountain Island (E and A), LLC*

Staff recommends approval of this petition upon resolution of outstanding site plan issues.

Attachment 23

24. **Petition No. 2007-65 (hearing).** Consideration of a text amendment to the City of Charlotte Zoning Ordinance to allow full animation on electronic message centers for theaters in addition to hotels. *Petitioner: Charley Schalliol*

Staff recommends denial of this text amendment.

Attachment 24

**Deferral
(one month)**

25. **Petition No. 2007-68 (hearing).** Change in zoning from MUDD(CD) to MUDD-O of approximately 20.98 acres located on the north side of Thrift Road between Freedom Drive and Jay Street. *Petitioner: W.P. East Acquisitions, LLC*

Staff recommends a one month deferral of this petition to allow the petitioner time to address site plan issues.

Attachment 25

26. **Petition No. 2007-71 (hearing).** Change in zoning from B-1(PED) to INST(PED) of approximately 3.20 acres located on the northeast corner of South Bruns Avenue and Whitehaven Avenue. *Petitioner: Victory Christian Center*

Staff recommends approval of this petition.

Attachment 26

27. **Petition No. 2007-72 (hearing).** Change in zoning from R-3(LLWPA) and R-17MF(LLWPA) to I-1(CD)(LLWPA) of approximately 27.00 acres located on the northeast corner of Sam Wilson Road and West Pointe Drive. *Petitioner: Sykes Industrial Solutions Charlotte One, LLC*

Staff recommends approval of this petition upon resolution of the outstanding site plan issues.

Attachment 27

28. **Petition No. 2007-75 (hearing).** Change in zoning from CC to CC SPA of approximately 1.19 acres located on the west side of Ashley Road between Greenland Avenue and Lumina Avenue. *Petitioner: Charlotte Metro Credit Union*

Staff recommends approval of this petition upon resolution of the outstanding site plan issues.

Attachment 28

**Deferral
(three
months)**

29. **Petition No. 2007-77 (hearing).** Change in zoning from B-1 to TOD-MO of approximately 0.17 acres located on the north side of East Tremont Avenue between Cleveland Avenue and South Boulevard. *Petitioner: Two Seventeen Tremont Partners, LLC*

Staff recommends a three month deferral of this petition to allow petitioner time to resolve driveway issues with CDOT.

Attachment 29

**Deferral
(one month)**

30. **Petition No. 2007-79 (hearing).** Change in zoning from B-1, B-1(CD) and R-3 to NS of approximately 74.40 acres located on the south side of North Tryon Street and the east side of Pavilion Boulevard. *Petitioner: Charter Properties and Cambridge Properties*

Staff recommends a one month deferral of this petition to allow time to review the traffic impact study.

Attachment 30

31. **Petition No. 2007-88 (hearing).** Change in zoning from UMUD to UMUD-O of approximately 11.33 acres located on the west side of South McDowell Street between East 2nd Street and East 3rd Street. ***Petitioner: Spectrum Investment Services, Inc.***

Staff recommends approval of this petition upon resolution of the outstanding site plan issues.

Attachment 31

32. **Petition No. 2007-73 (hearing).** Change in zoning from B-1 to TOD-M of approximately 1.60 acres located on the northwest corner of Camden Road and West Boulevard. ***Petitioner: Charlotte-Mecklenburg Planning Commission***

Staff recommends approval of this petition.

Attachment 32

33. **Petition No. 2007-81 (hearing).** Change in zoning from B-1 to TOD-M of approximately 0.23 acres located on the northeast corner of West Boulevard and Hawkins Street. ***Petitioner: Charlotte-Mecklenburg Planning Commission***

Staff approval of this petition.

Attachment 33

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