

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, May 21, 2007

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

6:00PM – Zoning Decisions/Hearings
Meeting Chamber

DINNER MEETING

- ***Review of Agenda – Keith MacVean***
- ***Upcoming rezoning petitions – Debra Campbell***

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

REZONING ACRONYMNS

<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-1 – 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> <p style="text-align: center;">CD – conditional SPA – site plan amendment</p>

• **UR-C** – urban residential - commercial

HISTORIC LANDMARKS

1. (A) Hearing to consider designation of the property known as the “**Myrtle Square Apartments**” (listed under Tax Parcel Number 123-05-801 through 123-05-872 as of February 1, 2007 and including the exterior of the building, and the parcel of

land listed under Tax Parcel Numbers 123-05-801 through 123-05-872 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of February 1, 2007). The property is owned by Myrtle Square Condominiums and is located at 1121 Myrtle Avenue in Charlotte, North Carolina.

- (B) Adopt an ordinance designating the “**Myrtle Square Apartments**” as a Historic Landmark.

Attachment 1

- 2. (A) Hearing to consider designation of the property known as the “**N.S. Alexander House and Land**” (listed under Tax Parcel Number 09926107 as of March 1, 2007, and including the interior and exterior of the house, all outbuildings, and the parcel of land listed under Tax Parcel Number 09926107 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of March 1, 2007). The property is owned by the Charlotte-Mecklenburg Historic Landmarks Commission and is located at 4601 Shamrock Road, Charlotte, North Carolina.

- (B) Adopt an ordinance designating the “**N.S. Alexander House and Land**” as a Historic Landmark.

Attachment 2

- 3. (A) Hearing to consider designation of the property known as the “**Woodlawn Avenue Duplex**” (listed under Tax Parcel Number 073-21-509 as of February 1, 2007, and including the exterior of the building, and the parcel of land listed under Tax Parcel Number 073-21-509 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of February 1, 2007). The property is owned by T. Hardy Investment Group, LLC and is located at 210 South Irwin Avenue in Charlotte, North Carolina.

- (B) Adopt an ordinance designating the “**Woodlawn Avenue Duplex**” as a Historic Landmark.

Attachment 3

- 4. (A) Hearing to consider an amendment to the ordinance for the Historic Landmark known as the “**Home Federal Savings and Loan Building**” originally adopted by the Charlotte City Council on June 17, 2002. This amendment would de-designate the interior of the building with the exception of the portions of the building shown and described on exhibit “A”. The “**Home Federal Savings and Loan Building**” (listed under Tax Parcel Number 125-012-08 as of February 1, 2007) is located at 139 South Tryon Street in Charlotte, North Carolina, and is owned by Trust Development Group, LLC.

- (B) Adopt an amendment to the existing ordinance de-designating portions of the

“Home Federal Savings and Loan and Building” as a Historic Landmark.

Attachment 4

DECISIONS

**Deferral
(two-months)**

5. **Petition No. 2006-112 (decision) by Charlotte-Mecklenburg Planning Commission** for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to mitigate the negative impacts between residential and general industrial uses.

The Zoning Committee recommends a two-month **DEFERRAL** of this petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 5

6. **Petition No. 2006-155 (decision) by Crescent Resources / IKEA Property, Inc.** for a change in zoning for approximately 37.31 acres located at the northeast quadrant of the I-85 / City Boulevard interchange from I-1 and RE-1 to MUDD-O.

The Zoning Committee the Zoning Committee unanimously found this petition to be inconsistent with the *North East District Plan* but consistent with the *draft University City Area Plan* and reasonable and in the public interest and voted unanimously to recommend **APPROVAL** of this petition with the following modifications:

- The proposed setbacks for buildings in area “B” will be a minimum of 16-feet from the back of curb.
- The ten-foot wide pedestrian walkway proposed to cross the parking lot from area “A” to area “B” has been redesigned to be more pedestrian friendly.
- The standard for the 50-foot maintained tree save area along interstate 85 should be modified to not allow the removal of any trees four-inches or larger in caliper, measured 6-inches above ground.
- A detail of the proposed ten-foot screen wall along Interstate 85 has been provided.
- The petitioner added a 2nd row of evergreen shrubs on the opposite side of the trees to cross-section B-B to help screen the parking area from the connector road.
- The dumpster area will be screened with a precast concrete screen wall.
- The spacing and size of the shrubs shown in the slope cross section for "Section A" will be noted on the plan.
- The sidewalk and its proposed width for the area where new ground cover in the islands will be labeled on the site plan.
- All CDOT issues have been addressed.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 6

**Deferral
(one month)
(due to ZC
Tie vote)**

7. **Petition No. 2007-02 (decision) by Charlotte-Mecklenburg Planning Commission** for a change in zoning for approximately 7.1 acres located on both sides of Brookside Avenue and 6.6 acres located on Park Road north of Ideal Way from R-22MF to R-8.

The Zoning Committee found this petition to be consistent with the *Dilworth Streetscape and Land Use Plan*, and reasonable and in the public interest. The Zoning Committee vote resulted in a 3-3 tie vote. As per the Zoning Committees rules of procedure, this petition will be reconsidered at the May Zoning Committee meeting.

Since more than 30-days have passed since the public hearing on this petition, City Council may vote on this petition if so desired.

Attachment 7

8. **Petition No. 2007-11 (decision) by Coastal Ventures, LLC** for a change in zoning for approximately 24.30 acres located on the south side of Eastfield Road north of Foggy Meadow Road from R-3 to INST(CD) and MX-1.

The Zoning Committee unanimously found this petition to be consistent with the *Northeast District Plan* and the *General Development Policies* and to be reasonable and in the public interest and voted unanimously to recommend **APPROVAL** of this petition with the following modifications:

- A note will be added to the site plan that limits detached signage to one ground mounted monument sign not exceeding seven feet in height and 32 square feet in area.
- At the request of neighbors, the petitioner has added a note that requires a minimum of 1700 square feet of heated floor area in each home.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 8

9. **Petition No. 2007-17 (decision) by The McAlpine Group, LLC** for a change in zoning for approximately 18.43 acres located on the southeast corner of Providence Road West and Old Ardrey Kell Road from R-3 to MX-2.

The Zoning Committee unanimously found this petition to be consistent with the *General Development Policies* and to be reasonable and in the public interest and voted 5-1 to recommend **APPROVAL** of this petition based upon the following modifications:

- The pedestrian trail has been widened to five feet and raised crosswalks have been added where the trail crosses streets.
- A note has been added that the City will not be responsible for maintenance of the

- water quality BMPs.
- Tree save areas and open space have been clearly identified.

Staff agrees with the majority of the Zoning Committee.

Attachment 9

10. **Petition No. 2007-24 (decision) by York Development Group, Inc.** for a change in zoning for approximately 3.72 acres located on the southwest corner of South Tryon Street and Moss Road from R-3 to NS.

The Zoning Committee unanimously found this petition to be inconsistent with the *Southwest District Plan* but to be reasonable and in the public interest and voted 4 to 1 to recommend **APPROVAL** of this petition.

Staff agrees with the minority opinion of the Zoning Committee.

Attachment 10

11. **Petition No. 2007-30 (decision) by Adam Rappaport and Louise Shackelford** for a change in zoning of approximately 0.29 acres located on the north side of Woodcrest Avenue between South Tryon Street and South Mint Street from R-5 to MUDD-O.

The Zoning Committee unanimously found this petition to be consistent with the *Central District Plan* and to be reasonable and in the public interest and voted unanimously to recommend **APPROVAL** of this petition based upon the following modifications:

- A note has been added that commits to securing additional off-site parking.
- A note has been added that removal of the existing structures would trigger additional infrastructure improvements.
- A note has been added to address LUESA's request for demolition/asbestos handling.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 11

12. **Petition No. 2007-34 (decision) by Simonini Builders** for a change in zoning of approximately 0.81 acres located on the northwest corner of Park South Drive and Old Reid Road from R-3 to R-5(CD).

The Zoning Committee unanimously found this petition to be consistent with the *South District Plan* and to be reasonable and in the public interest and unanimously recommended **APPROVAL** of this petition with the following modifications:

- The number of lots has been reduced to three.
- A note has been added that limits the garages to 20 feet in height.
- A five-foot sidewalk behind an eight-foot planting strip will be provided along the

public streets.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 12

13. **Petition No. 2007-35 (decision) by June Allen** for a change in zoning of approximately 6.78 acres located on the north side of Albemarle Road between North Sharon Amity Road and Central Avenue from O-1 to B-1(CD).

The Zoning Committee unanimously found this petition to be consistent with the *Eastland Area Plan* and to be reasonable and in the public interest and voted unanimously to recommend **APPROVAL** of this petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 13

14. **Petition No. 2007-37 (decision) by The Charlotte-Mecklenburg Board of Education** for a change in zoning of approximately 12.88 acres located on the west side of Salome Church Road, south of Mallard Creek Road from CC to INST(CD).

The Zoning Committee unanimously found this petition to be consistent with the *Northeast Area Plan* and to be reasonable and in the public interest and voted unanimously to recommend **APPROVAL** of this petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 14

15. **Petition No. 2007-38 (decision) by Rocky River Devilcat, LLC** for a change in zoning of approximately 6.28 acres located on the west side of Plaza Road Extension, south of Rocky River Road from CC to BD(CD) and CC SPA.

The Zoning Committee unanimously found this petition to be consistent with the *Northeast Area Plan* and to be reasonable and in the public interest and voted unanimously to recommend **APPROVAL** of this petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 15

16. **Petition No. 2007-42 (decision) by Gerald Herbert and Justin Hansen** for a change in zoning of approximately 0.37 acres located on the west side of North McDowell Street, north of East 37th Street from I-2 to R-6.

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

Staff agrees with the recommendation of the Zoning Committee.

Attachment 16

17. **Petition No. 2007-43 (decision) by Bo Buchanan** for a change in zoning of approximately 15.99 acres located on the east side of Lancaster Highway, north of Ardrey Kell Road from R-3 to UR-2(CD).

The Zoning Committee unanimously found this petition to be inconsistent with the *South District Plan* but to be reasonable and in the public interest and voted unanimously to recommend **APPROVAL** of this petition with the following modifications:

- An additional public street has been stubbed out to the north property line.
- Specific 10% tree save areas have been identified.
- A commitment has been made to construct specific open space amenities.
- The height limit on pedestrian scale lighting has been lowered from 30 feet to 12-15 feet.
- Permitted uses have been limited to planned multi-family residential and its accessory uses.

Staff agrees with the recommendation of the Zoning Committee

Attachment 17

18. **Petition No. 2007-44 (decision) by ENSI Development Company** for a change in zoning of 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 18

19. **Petition No. 2007-46 (decision) by Gateway Homes, LLC** for a change in zoning of approximately 10.10 acres located on the west side of North Brevard Street between the Mattheson Avenue bridge and East 36th Street from I-2 to MUDD(CD).

The Zoning Committee unanimously found this petition to inconsistent with both the *North Charlotte Plan* (1995) and the *Central District Plan* (1993), which recommend industrial uses, but is consistent with the Transit Station Area Principles and reasonable and in the public interest and voted 6-0 to recommend **APPROVAL** of this petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 19

**Deferral
(one month)**

20. **Petition No. 2007-47 (decision) by Gateway Homes, LLC** for a change in zoning of approximately 2.94 acres locat4ed on the northeast corner of North Tryon Street and Pavilion Boulevard from B-1 and R-12MF to NS.

Petitioner is requesting a one month deferral of 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 20

21. **Petition No. 2007-48 (decision) by Provident Development Group, Inc.** for a change in zoning of approximately 2.14 acres located on the northeast side of Amos Smith Road between Bright Road and Beatty Drive from R-5(LWCA) to MX-2(Innovative)(LWCA).

The Zoning Committee unanimously found this petition to be inconsistent with the *Dixie Berryhill Strategic Plan* but reasonable and in the public interest and voted unanimously to recommend **APPROVAL** of this petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 21

22. **Petition No. 2007-50 (decision) by Provident Development Group, Inc.** for a change in zoning of approximately 52.70 acres located on the south side of Old Dowd Road and on the east side of Amos Smith Road from R-MH(LLWCA) and R-MH(LLWPA) to MX-2(Innovative)(LLWCA) and MX-2(Innovative)(LLWPA).

The Zoning Committee unanimously found this petition to be inconsistent with the *Dixie Berryhill Strategic Plan* but reasonable and in the public interest and voted unanimously to recommend **APPROVAL** of this petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 22

HEARINGS

**Deferral
(indefinite)**

23. **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 3/4 majority-voting rule.

Petitioner is requesting an indefinite deferral of this petition.

Staff does not support this petition.

Attachment 23

24. **Petition No. 2006-142 (hearing).** Change in zoning from INST(CD) to INST(CD) SPA of approximately 19.3 acres located on the south side of Choate Circle west of Moss Road. *Petitioner: Gordon-Cornwell Theological Seminary*

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

Attachment 24

**Deferral
(one month)**

25. **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.

Petitioner is requesting a one-month deferral of this petition.

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

Attachment 25

**Deferral
(one month)**

26. **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 a one month deferral of this petition to allow time for the traffic impact study to be submitted and reviewed.

Attachment 26

27. **Petition No. 2007-49 (hearing).** Change in zoning from R-5 to UR-1(CD) of approximately 0.47 acres located on the south side of Spencer Street between Herrin Avenue and Academy Street. *Petitioner: Greenleaf Development, LLC*

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

Attachment 27

28. **Petition No. 2007-51 (hearing).** Change in zoning from MUDD to MUDD(CD)SPA of

approximately 6.41 acres located on the northeast corner of Seigle Avenue and East 10th Street. *Petitioner: Victoria Land Company, LLC*

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

Attachment 28

29. **Petition No. 2007-58 (hearing)**. Change in zoning from R-22MF and I-1 to MUDD(CD) of approximately 36.14 acres located on the east side of Berryhill Road between Morton Street and Freedom Drive. *Petitioner: Bryant Park, LLC*

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

Attachment 29

30. **Petition No. 2007-59 (hearing)**. Change in zoning from MUDD00 to UR-2(CD) of approximately 1.30 acres located on the northwest quadrant of the East Independence Boulevard / Briar Creek Road interchange. *Petitioner: John Poore*

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

Attachment 30

31. **Petition No. 2007-60 (hearing)**. Change in zoning from O-1(CD)(PED) and R-5 to O-1(CD) and O-1(CD)(PED-O)SPA of approximately 2.42 acres located on the east side of Beatties Ford Road between Gilbert Street and Holly Street. *Petitioner: Public Library of Charlotte & Mecklenburg County*

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

Attachment 31

32. **Petition No. 2007-62 (hearing)**. Change in zoning from MUDD-O to MUDD-O SPA of approximately 11.11 acres located on the northeast corner of Herrin Avenue and Spencer Street. *Petitioner: Bonterra Builders, LLC*

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

Attachment 32

33. **Petition No. 2007-63 (hearing).** Change in zoning from B-2 and O-2 to MUDD of approximately 4.00 acres located on the west side of North Kings Drive between Elizabeth Avenue and East 7th Street. *Petitioner: The Trustees of Central Piedmont Community College*

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

Attachment 33

**Deferral
(one month)**

34. **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 a one month deferral of this petition to work on the text amendment language with the petitioner.

Attachment 34

35. **Petition No. 2007-66 (hearing).** Change in zoning from O-1(CD) to NS for approximately 1.73 acres located on the north side of West Mallard Creek Church Road between David Taylor Drive and Claude Freeman Drive. *Petitioner: Dickerson Realty Corporation*

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

Attachment 35

36. **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 approval of this petition upon resolution of outstanding site plan issues.

Attachment 36

37. **Petition No. 2007-69 (hearing).** Change in zoning from R-5 to UR-1(CD) of approximately 0.09 acres located on the south side of East 35th Street between Charles Avenue and Whiting Avenue. *Petitioner: L. Toons, LLC*

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

Attachment 37

38. **Petition No. 2007-56 (hearing).** Change in zoning from B-D, B-D(CD) and I-1 to TOD-M of approximately 46.78 acres located between England Street and South Boulevard, north of Sweden Road. ***Petitioner: Charlotte-Mecklenburg Planning Commission***

Staff recommends approval of this petition.

Attachment 38

39. **Petition No. 2007-57 (hearing).** Change in zoning from I-2 to TOD-M 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. ***Petitioner: Charlotte-Mecklenburg Planning Commission***

Staff recommends approval of this petition.

Attachment 39

40. **Petition No. 2007-70 (hearing).** Consideration of a text amendment to the City of Charlotte Zoning Ordinance to set 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).

Petitioner: Charlotte-Mecklenburg Planning Commission

Staff recommends approval of this petition.

Attachment 40

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