

***Mayor Patrick L. McCrory***    ***Mayor Pro Tem Susan Burgess***  
***Michael D. Barnes***        ***Nancy Carter***  
***Warren Cooksey***         ***Andy Dulin***  
***Anthony Foxx***             ***Patsy Kinsey***  
***John W. Lassiter***        ***James E. Mitchell, Jr.***  
***Edwin B. Peacock III***    ***Warren Turner***

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## ***CITY COUNCIL ZONING AGENDA*** ***Monday, October 20, 2008***

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

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

### ***DINNER MEETING***

- Review of Agenda – Tammie Keplinger / Tom Drake***
- Presentation on Rezoning Process Enhancements – Joel Randolph***

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

# REZONING ACRONYMNS

<u>Zoning Districts</u>	<u>Overlay Districts</u>
<ul style="list-style-type: none"> <li>● <b>B-1</b> – neighborhood business district</li> <li>● <b>B-2</b> – general business district</li> <li>● <b>B-1SCD</b> – business shopping center district</li> <li>● <b>BD</b> – distributive business district</li> <li>● <b>BP</b> – business park district</li> <li>● <b>CC</b> – commercial center district</li> <li>● <b>I-1</b> – light industrial district</li> <li>● <b>I-2</b> – general industrial district</li> <li>● <b>INST</b> – institutional district</li> <li>● <b>MUDD</b> – mixed use development district</li> <li>● <b>MX-1</b> – mixed use district</li> <li>● <b>MX-2</b> – mixed use district</li> <li>● <b>MX-3</b> – mixed use district</li> <li>● <b>NS</b> – neighborhood services district</li> <li>● <b>O-1</b> – office district</li> <li>● <b>O-2</b> – office district</li> <li>● <b>O-3</b> – office district</li> <li>● <b>R-3</b> – single-family residential – up to 3 dwelling units per acre (dua)</li> <li>● <b>R-4</b> – single-family residential – up to 4 dua</li> <li>● <b>R-5</b> – single-family residential – up to 5 dua</li> <li>● <b>R-6</b> – single-family residential – up to 6 dua</li> <li>● <b>R-8</b> – single-family residential – up to 8 dua</li> <li>● <b>R-8MF</b> – multi-family residential – up to 8 dua</li> <li>● <b>R-12MF</b> – multi-family residential – up to 12 dua</li> <li>● <b>R-17MF</b> – multi-family residential – up to 17 dua</li> <li>● <b>R-22MF</b> – multi-family residential – up to 22 dua</li> <li>● <b>R-43MF</b> – multi-family residential – up to 43 dua</li> <li>● <b>R-MH</b> – residential manufactured housing</li> <li>● <b>RE-1</b> – research district</li> <li>● <b>RE-2</b> – research district</li> <li>● <b>RE-3</b> – research district</li> <li>● <b>TOD</b> – transit oriented development</li> <li>● <b>TOD-E</b> – transit oriented development – employment</li> <li>● <b>TOD-EO</b> – transit oriented development – employment - optional</li> <li>● <b>TOD-M</b> – transit oriented development – mixed use</li> <li>● <b>TOD-MO</b> – transit oriented development – mixed use – optional</li> <li>● <b>TOD-R</b> – transit oriented development – residential</li> <li>● <b>TOD-RO</b> – transit oriented development – residential - optional</li> <li>● <b>U-I</b> – urban industrial district</li> <li>● <b>UMUD</b> – uptown mixed use district</li> <li>● <b>UMUD-O</b> – uptown mixed use district - optional</li> <li>● <b>UR-1</b> – urban residential</li> <li>● <b>UR-2</b> – urban residential</li> <li>● <b>UR-3</b> – urban residential</li> <li>● <b>UR-C</b> – urban residential - commercial</li> </ul>	<ul style="list-style-type: none"> <li>● <b>CR/LWW</b> – Catawba River / Lake Wylie watershed</li> <li>● <b>CR/LWWCA</b> – Catawba River / Lake Wylie watershed – critical area</li> <li>● <b>CR/LWWPA</b> – Catawba River / Lake Wylie watershed – protected area</li> <li>● <b>HD-O</b> – historic district overlay</li> <li>● <b>HW</b> – hazardous waste overlay</li> <li>● <b>LNW</b> – Lake Norman watershed</li> <li>● <b>LNWCA</b> – Lake Norman watershed – critical area</li> <li>● <b>LNWPA</b> – Lake Norman watershed – protected area</li> <li>● <b>LLWW</b> – Lower Lake Wylie watershed</li> <li>● <b>LLWWCA</b> – Lower Lake Wylie watershed – critical area</li> <li>● <b>LLWWPA</b> – Lower Lake Wylie watershed – protected area</li> <li>● <b>MILW</b> – Mountain Island Lake watershed</li> <li>● <b>MILWCA</b> – Mountain Island Lake watershed – critical area</li> <li>● <b>MILWPA</b> – Mountain Island Lake watershed – protected area</li> <li>● <b>MH-</b> – manufactured home overlay</li> <li>● <b>PED</b> – pedestrian overlay district</li> <li>● <b>PED-O</b> – pedestrian overlay district – optional</li> <li>● <b>TS</b> – transit supportive overlay district</li> </ul> <p style="text-align: center; margin: 10px 0;"><b><u>Miscellaneous Acronyms</u></b></p> <ul style="list-style-type: none"> <li>● <b>CD</b> – conditional</li> <li>● <b>SPA</b> – site plan amendment</li> </ul>

## **HISTORIC LANDMARKS**

	<p>01. (A) Hearing to consider designation of the property known as the <b>"Solomon and Shirley Levine House"</b> (listed under Tax Parcel Number 183-092-19 including the interior and exterior of the house and the land listed under Tax Parcel Number 183-092-19 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of August 1, 2008). The property is owned by Andrew V. Beary and Carol G. Ambrose, and is located at 2300 Cloister Drive, Charlotte, North Carolina.</p> <p>(B) Adopt an ordinance designating the <b>"Solomon and Shirley Levine House"</b> as a Historic Landmark.</p> <p>Attachment 01</p>
	<p>02. (A) Hearing to consider designation of the property known as the <b>"McCausland Building - Thacker's Restaurant"</b> (listed under Tax Parcel Numbers 12501313-12501316, including the façade of the building listed under Tax Parcel Numbers 12501313-12501316 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of August 1, 2008). The property is owned by TGB Condominium Association, and is located at 221 South Tryon Street, Charlotte, North Carolina.</p> <p>(B) Adopt an ordinance designating the <b>"McCausland Building - Thacker's Restaurant"</b> as a Historic Landmark.</p> <p>Attachment 02</p>

## **DECISIONS**

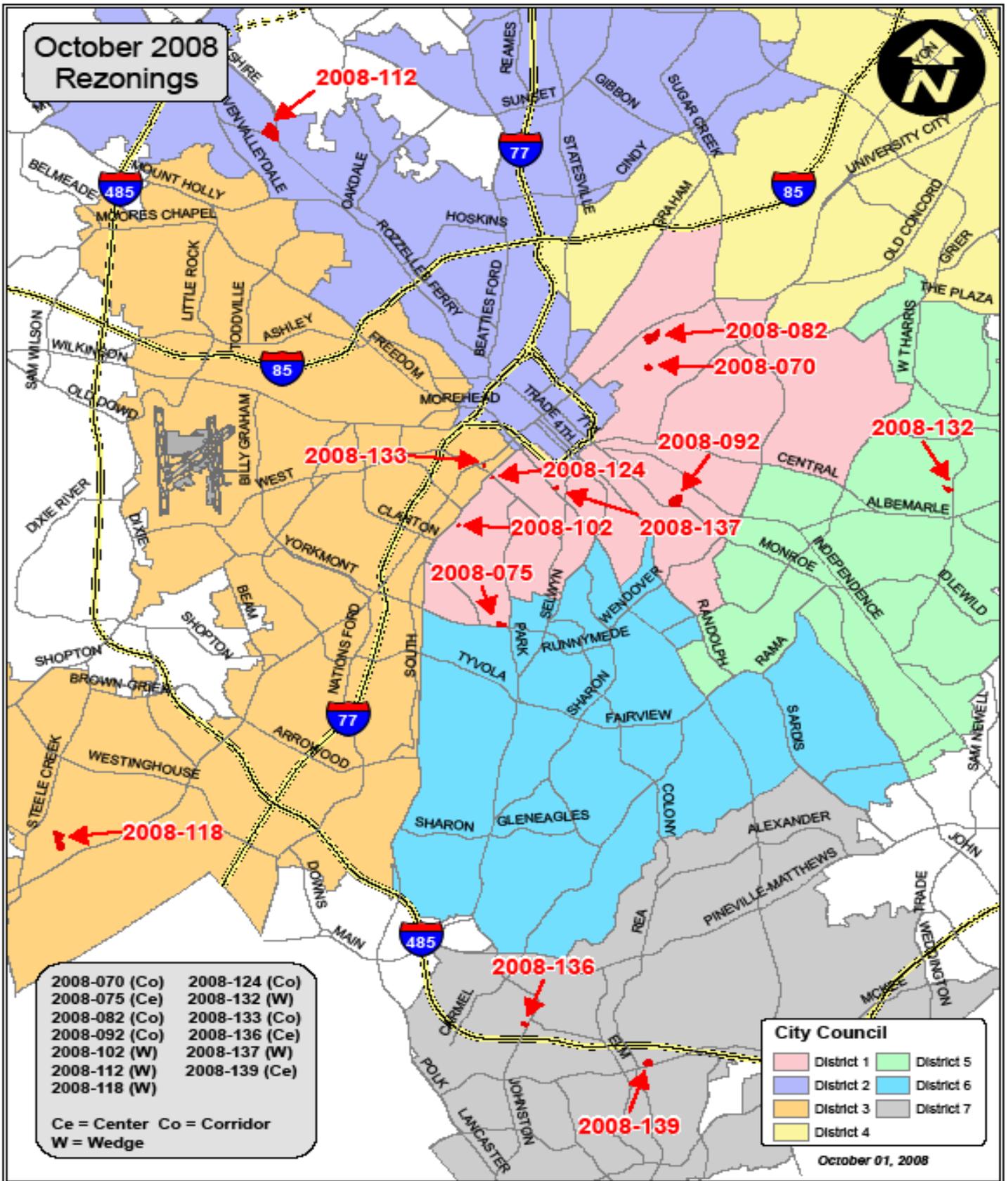
<p><b>Deferral (one-month)</b></p>	<p>03. <b>Petition No. 2008-076 (decision) by Charles Hodges</b> for a change in zoning of approximately 2.78 acres located at the intersection of South Tryon Street and Aysley Town Boulevard from MUDD-O to MUDD-O SPA.</p> <p>The Zoning Committee unanimously recommended a <b>ONE-MONTH DEFERRAL</b> of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 03</p>
	<p>04. <b>Petition No. 2008-108 (decision) by Christ Evangelical Lutheran Church</b> for a change in zoning of approximately 1.66 acres located on the northeast corner of Providence Road and Mammoth Oaks Drive from R-12MF to INST (CD).</p> <p>The Zoning Committee found this petition to be consistent with the <i>South District Plan</i> and to be reasonable and in the public interest by a vote of 6-1. The Committee voted 5-2 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ul style="list-style-type: none"> <li>• A statement has been included in the Development Standards that no access to Providence Road will be permitted.</li> <li>• The site plan indicates the width of the new planting strip (8 feet) and sidewalk (5 feet) on Mammoth Oaks Drive.</li> <li>• The driveways shown on the site plan will align opposite the existing driveways on the other side of Mammoth Oaks Drive.</li> <li>• The driveway types shown on the plans need to be changed from Type III to Type II-Modified. This will be addressed during the driveway permit review process.</li> <li>• The storm water basin may not need to be as large as shown on the site plan and may not be located within the setback. However, if it is located in the setback, the petitioner</li> </ul>

	<p>has agreed to additional landscaping around the edge of the basin to provide an adequate visual buffer.</p> <p>Staff agrees with the recommendation of the majority of the Zoning Committee.</p> <p>Attachment 04</p>
	<p>05. <b>Petition No. 2008-116 (decision) by William Turner</b> for a change in zoning of approximately 0.36 acres located at the intersection of Greenwood Cliff and Harding Place from O-2 to MUDD (CD).</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>Central District Plan</i> and reasonable and in the public interest. The Committee voted 6-1 to recommend <b>DENIAL</b> of this petition.</p> <p>The petitioner agreed to the following modifications:</p> <ul style="list-style-type: none"> <li>• The petitioner has agreed to fix a discrepancy in square footage numbers. The site plan states that the maximum total building heated space is 25,004 square feet. The petitioner has stated that the correct figure is 23,808 square feet. A revised site plan is needed.</li> <li>• The petitioner has agreed to amend Note #A4 under "General Notes" to state that "The maximum building height proposed is 70 feet from the average grade to the top of the structure, and four stories". Also amend all four elevations by relabeling the height to read "maximum proposed height = 70 feet", not "maximum allowable = 120 feet". The petitioner has agreed to delete Note #H2 under "General Notes". This contradicts information in the Parcel Information box, and in Note A4. Revised site plan notes are needed.</li> <li>• The petitioner has agreed to add a note on the site plan that all mechanical equipment on the roof will be screened from view from the public street and from adjacent property. A revised site plan is needed.</li> <li>• The petitioner has agreed to add a note that prior to the issuance of building permits, the petitioner will convey right-of-way in fee simple title to the City, measuring 25 feet from the centerline. A revised site plan note is needed.</li> <li>• The petitioner has agreed to save major trees in the rear yard. A note to this effect should be added to a revised site plan, as well as text on the drawing showing that these trees will be saved.</li> <li>• The petitioner has agreed to label "Greenwood Cliff" on the site plan. A revised site plan is needed.</li> <li>• The petitioner has agreed to add a note that states no spandrel glass will be used. A revised site plan noting this is needed.</li> <li>• The petitioner has agreed to add a note that where there are expanses of solid walls, they will not exceed 20-feet in length. A revised site plan is needed.</li> </ul> <p>Staff agrees with the recommendation of the Zoning Committee, however, if the unresolved outstanding issue related to access to Baxter Street Park is resolved, the petition is appropriate for approval.</p> <p>Attachment 05</p>
	<p>06. <b>Petition No. 2008-119 (decision) by Asset Management I, LLC</b> for a change in zoning of approximately 1.63 acres located on the southeast corner of South Mint Street and Lincoln Street from I-2 to TOD-MO.</p>

	<p>The Zoning Committee unanimously found this petition to be consistent with the <i>South End Transit Station Area Plan</i> and to be reasonable and in the public interest. The Committee voted unanimously to recommend <b>APPROVAL</b> of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 06</p>
	<p>07. <b>Petition No. 2008-120 (decision) by City of Charlotte</b> for a change in zoning of approximately 5.43 acres located on the block bounded by South Brevard Street, South Caldwell Street, East Stonewall Street and East Martin Luther King Jr. Boulevard from UMUD to UMUD-O.</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>Brevard Street Land Use and Urban Design Plan</i> and to be reasonable and in the public interest. The Commission voted unanimously to recommend <b>APPROVAL</b> of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 07</p>
	<p>08. <b>Petition No. 2008-121 (decision) by Charlotte-Mecklenburg Planning Commission</b> for a change in zoning of approximately 0.99 acres located on the south side of West Boulevard and the north side of West Worthington Avenue between Camden Road and Hawkins Street from B-1 and I-2 to TOD-M.</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>South End Transit Station Area Plan</i> and reasonable and in the public interest. The Committee voted unanimously to recommend <b>APPROVAL</b> of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 08</p>
	<p>09. <b>Petition No. 2008-125 (decision) by Mt. Holly Developers &amp; Lockard Reed Development Group</b> for a change in zoning of approximately 70.91 acres located on the southwest quadrant of the Mount Holly Road / I-485 Interchange from B-2(CD)(LWPA) and CC(LWPA) to B-2(CD)(LWPA), B-2(CD)SPA(LWPA), CC(LWPA) and CC SPA (LWPA).</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>Mount Holly Road Special Project Plan</i> and to be reasonable and in the public interest. The Committee voted unanimously to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ul style="list-style-type: none"> <li>• The petitioner has provided a landscaped setback along Rhyne Road.</li> <li>• The petitioner clarified the square footages for retail and restaurant as 323,800 square feet.</li> <li>• The petitioner added a sidewalk connection through the parking lot between car dealerships.</li> <li>• The petitioner amended Note 4 under <u>Sidewalks and Internal Streets</u> to specify street trees will be 40 feet on center.</li> <li>• The petitioner amended Note 5 under <u>Buffers</u> to state that a Class B buffer will be maintained along the southern property line for the B-2(CD) zoning.</li> <li>• The petitioner provided a landscape treatment, including a wall/fence, trees, and shrubs, along Public Road B if townhomes do not front Public Road B.</li> <li>• The petitioner provided internal sidewalk connections from townhomes to Public Road B.</li> <li>• The site plan shows a 25-foot Class B buffer between the townhomes and the commercial outparcel.</li> <li>• The site plan shows the proposed streetscape treatment in the multi-family component.</li> </ul>

	<ul style="list-style-type: none"> <li>• The petitioner added note that allows a sign flex option.</li> <li>• The petitioner added a note relating to vacancy mitigation measures.</li> <li>• The petitioner amended Note 4 under <u>Sidewalks and Internal Streets</u> to specify that sidewalks on internal streets within the townhome area and the internal sidewalk connecting the two car dealerships will be five feet in width.</li> <li>• The petitioner amended Note 5 under <u>Building Limitations</u> to delete the density reference.</li> </ul> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 09</p>
	<p>10. <b>Petition No. 2008-127 (decision) by Fairview Plaza Associates Limited Partnership</b> for a change in zoning of approximately 1.89 acres located on the south side of Fairview Road between Park South Drive and JA Jones Drive from MUDD(CD) to MUDD(CD)SPA.</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>South Park Small Areal Plan</i> and reasonable and in the public interest. The Committee voted unanimously to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ul style="list-style-type: none"> <li>• Parking calculations demonstrate off-site parking is available.</li> <li>• Clear glass will be provided on ground floors.</li> <li>• Correct building square footages have been provided.</li> <li>• Staff has withdrawn requests for a solid screening wall and a traffic island.</li> </ul> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 10</p>
	<p>11. <b>Petition No. 2008-129 (decision) by Charlotte Arena Operations</b> for a change in zoning of approximately 7.68 acres located in the block bounded by East Trade Street, North Caldwell Street, East 5<sup>th</sup> Street and the Lynx Blue Line from UMUD-O to UMUD-O SPA</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>Brevard Land Use and Urban Design Plan</i> and to be reasonable and in the public interest. The Committee voted unanimously to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ul style="list-style-type: none"> <li>• The petitioner eliminated the hexagonal accent pieces from all signs except one sign located along the light rail line.</li> <li>• The petitioner eliminated the options to use reflective paint, digital signage and LED color-changing lights on the roof sign but reserved the right to use a painted sign with either down lighting or LED boardertube lights to outline the letters.</li> </ul> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 11</p>
<p><b>Deferral (one-month)</b></p>	<p>12. <b>Petition No. 2008-130 (decision) by Issa Rafidi</b> for a change in zoning of approximately 0.20 acres located on the northwest corner of North Davidson Street and Charles Avenue from R-5 to MUDD-O.</p> <p>The Zoning Committee unanimously recommended a <b>ONE-MONTH DEFERRAL</b> of this petition.</p>

	<p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 12</p>
<p><b>Deferral (one-month)</b></p> <p><b>Protests (Sufficient)</b></p>	<p>13. <b>Petition No. 2008-134 (decision) by The Boulevard Company</b> for a change in zoning of approximately 0.89 acres located on the southeast corner of Selwyn Avenue and Queens Road West from R-22MF to UR-3(CD) Five Year Vested Rights.</p> <p>The Zoning Committee unanimously recommended a <b>ONE-MONTH DEFERRAL</b> of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 13</p>



## HEARINGS

	<p>14. <b>Petition No. 2008-070 (hearing) by Noda @ 27<sup>th</sup> Street, LLC</b> for a change in zoning of approximately 3.63 acres located in the block bounded by North Davidson Street, East 26<sup>th</sup> Street, East 27<sup>th</sup> Street and Yadkin Avenue from I-2 to MUDD-O.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 14</p>
	<p>15. <b>Petition No. 2008-075 (hearing) by Fairfield Development, L.P.</b> for a change in zoning of approximately 6.40 acres located on the north side of East Woodlawn Road between Park Road and Halstead Drive from R-4, R-43MF, and R-6MF(CD) to UR-3(CD) and R-4.</p> <p>Staff cannot support this petition in its current form.</p> <p>Attachment 15</p>
	<p>16. <b>Petition No. 2008-082 (hearing) by First Industrial B&amp;L, LLC</b> for a change in zoning of approximately 15.99 acres located on the east side of Matheson Avenue between North Tryon Street and the Southern Railway Railroad from I-2 to UR-3(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 16</p>
<b>Deferral (indefinite)</b>	<p>17. <b>Petition No. 2008-092 (hearing) by Doral II Limited Partnership</b> for a change in zoning of approximately 18.75 acres located on the north side of Monroe Road between Bramlet Road and Colonnade Drive from R-22MF and B-2 to MUDD-O.</p> <p>The petitioner is requesting an indefinite deferral of this petition.</p> <p>Staff recommends an indefinite deferral of this petition.</p> <p>Attachment 17</p>
<b>Deferral (two-months)</b>  <b>Protest (Sufficient)</b>	<p>18. <b>Petition No. 2008-102 (hearing) by The Drakeford Company</b> for a change in zoning of approximately 0.82 acres located on the north side of Marsh Road between South Boulevard and Melbourne Court from R-4 to UR-2(CD).</p> <p>The petitioner is requesting a two-month deferral of this petition.</p> <p>Staff recommends denial of this petition.</p> <p>Attachment 18</p>
<b>Deferral (one-month)</b>	<p>19. <b>Petition No. 2008-112 (hearing) by Westlake Holdings, LLC</b> for a change in zoning of approximately 22.13 acres located on the southwest corner of Brookshire Boulevard and Old Plank Road from B-1SCD(LWPA) to B-1(CD)(LWPA).</p> <p>The petitioner is requesting a one-month deferral of this petition.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 19</p>
<b>Deferral</b>	<p>20. <b>Petition No. 2008-118 (hearing) by Neighboring Concepts</b> for a change in zoning of</p>

<b>(one-month)</b>	<p>approximately 19.52 acres located on the south side of Erwin Road between Moss Road and Ivey Creek Drive from R-3 to INST(CD).</p> <p>The petitioner is requesting a one-month deferral of this petition.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 20</p>
	<p>21. <b>Petition No. 2008-124 (hearing) by The Rainier Group, LLC</b> for a change in zoning of approximately 0.40 acres located on the south side of East Boulevard between South Boulevard and Cleveland Avenue from B-1(HD-O) to MUDD-O(HD-O).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 21</p>
	<p>22. <b>Petition No. 2008-131 (hearing) by Crescent Resources, LLC</b> for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to modify the regulations for drive-thrus for small restaurants under specific, limited circumstances.</p> <p>Staff recommends denial of this petition in its current form.</p> <p>Attachment 22</p>
	<p>23. <b>Petition No. 2008-132 (hearing) by VSL Construction, Inc.</b> for a change in zoning of approximately 4.50 acres located on the west side of East W.T. Harris Boulevard between Wallace Avenue and Delta Crossing Lane from R-12MF(CD) to R-12MF(CD)SPA.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 23</p>
	<p>24. <b>Petition No. 2008-136 (hearing) by Urban Active Fitness Clubs</b> for a change in zoning of approximately 3.35 acres located on the west side of Johnston Road between North Community House Road and Toringdon Way from CC to CC SPA.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 24</p>
	<p>25. <b>Petition No. 2008-137 (hearing) by Planet 5, LLC</b> for a change in zoning of approximately 1.27 acres located on the south side of Kenilworth Avenue between East Morehead Street and Harding Place from O-2 to MUDD-O.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 25</p>
	<p>26. <b>Petition No. 2008-139 (hearing) by Landmark Development, LLC</b> for a change in zoning of approximately 7.11 acres located on the north side of Ballantyne Commons Parkway between Rea Road and Williams Pond Lane from R-12MF(CD) to B-D(CD) and O-1(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 26</p>
	<p>27. <b>Petition No. 2008-133 (hearing) by Charlotte-Mecklenburg Planning Commission</b></p>

	<p>for a change in zoning of approximately 0.46 acres located on the southeast corner of West Kingston Avenue and Hawkins Street from B-1 to TOD-M.</p>
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Staff recommends approval of this petition.

Attachment 27