

**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**

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## ***CITY COUNCIL COMBINED ZONING AND BUSINESS MEETING***

***Monday, September 24, 2012***

### ***Zoning Agenda***

**4:00PM – Business Meeting – Meeting Chamber  
(Business Meeting Agenda is separate document)**

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

**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

## DECISIONS

<p><b>Deferral (to October)</b></p> <p><b>Protest Insufficient</b></p>	<p><b>34. <u>Petition No. 2008-039</u> by Charlotte-Mecklenburg Historic Landmarks Commission</b> for a change in zoning for approximately 1.55 acres located on the southeast corner of Providence Road and Alexander Road from R-3 to O-1(CD) 5-Year Vested Rights.</p> <p>The petitioner has requested that this rezoning be withdrawn. However, due to a procedural issue, the petition must go back to the Zoning Committee for recommendation before the City Council may vote. Therefore, staff requests that this petition be deferred to the City Council October 15, 2012 Zoning meeting.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 34</p>
<p><b>Protest Sufficient</b></p>	<p><b>35. <u>Petition No. 2012-045</u> by Woodfield Acquisitions, LLC</b> for a change in zoning for approximately 3.20 acres located on the northeast corner of Barclay Downs Drive and Morrison Boulevard across from Carnegie Boulevard from O-2(CD) to MUDD-O.</p> <p>This petition is found to be consistent with the SouthPark Small Area Plan and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Amended Sheet RZ 1.0 to reflect a 30-foot setback on Morrison Boulevard.</li> <li>2. Amended Note 5a to state that a the setback along Barclay Downs Drive will be measured from the back of curb and will transition from 65 feet along the northern portion of Barclay Downs Drive to a minimum of 30 feet closer to the intersection of Morrison Boulevard.</li> <li>3. Amended Sheet RZ 1.0. to reflect the setback along Barclay Downs Drive, which ranges from 30 feet to 65 feet measured from the back of curb.</li> <li>4. Amended Note 5a to indicate that portions of the setback area along Barclay Downs Drive where the existing trees cannot be saved will be replanted with new landscaping materials to create an attractive landscape treatment.</li> <li>5. Removed the call out for 40-foot building setback from Sheet RZ 2.0.</li> <li>6. Construct curb extensions on the southern portion of the intersection of Barclay Downs Drive and Sayre/Scofield Road;</li> <li>7. Install standard painted cross-walks on the southern and western legs of the intersection of Barclay Downs Drive and Sayre/Scofield Road;</li> <li>8. Reconstruct the four existing speed humps long Barclay Downs Drive to City standards;</li> <li>9. Construct a sidewalk and planting strip with street trees (if the width of the planting strip will accommodate street trees) along the eastern edge of Barclay Downs Drive from the Site to the intersection of Barclay Downs Drive and Sayre/Scofield Road. The location and width of the sidewalk to be determined by the City based on available right-of-way, the location of existing trees and topography constraints (the property owner located on the SE quadrant of the intersection of Barclay Downs Drive and Sayre/Scofield Road will be consulted prior to the submittal of the proposed improvement plans to the City) to ensure a cost effective and suitable solution to the installation of these improvements, in light of challenges with the topography along portions of the edge and a desire to accommodate the input of corner property owner.</li> <li>10. Amended Sheet RZ 1.0 to reflect a 30-foot setback on Morrison Boulevard.</li> <li>11. Amended Note 5a to state that a the setback along Barclay Downs Drive will be measured from the back of curb and will transition from 65 feet along the northern portion of Barclay Downs Drive to a minimum of 30 feet closer to the intersection of Morrison Boulevard.</li> <li>12. Amended Sheet RZ 1.0. to reflect the setback along Barclay Downs Drive, which ranges from 30 feet to 65 feet measured from the back of curb.</li> <li>13. Amended Note 5a to indicate that portions of the setback area along Barclay Downs Drive where the existing trees cannot be saved will be replanted with new landscaping materials to create an attractive landscape treatment.</li> </ol>

14. Removed the call out for 40-foot building setback from Sheet RZ 2.0.
15. Addressed CDOT comments by incorporating the transportation improvements mutually agreed upon with the Barclay Downs Home Owners Association. The petitioner's cost to implement the improvements will be capped at \$100,000. The improvements are as follows:
  - a) Construct curb extensions on the southern portion of the intersection of Barclay Downs Drive and Sayre/Scofield Road;
  - b) Install standard painted cross-walks on the southern and western legs of the intersection of Barclay Downs Drive and Sayre/Scofield Road;
  - c) Reconstruct the four existing speed humps along Barclay Downs Drive to City standards;
  - d) Construct a sidewalk and planting strip with street trees (if the width of the planting strip will accommodate street trees) along the eastern edge of Barclay Downs Drive from the Site to the intersection of Barclay Downs Drive and Sayre/Scofield Road. The location and width of the sidewalk to be determined by the City based on available right-of-way, the location of existing trees and topography constraints (the property owner located on the SE quadrant of the intersection of Barclay Downs Drive and Sayre/Scofield Road will be consulted prior to the submittal of the proposed improvement plans to the City) to ensure a cost effective and suitable solution to the installation of these improvements, in light of challenges with the topography along portions of the edge and a desire to accommodate the input of corner property owner.
  - e) The improvement Cost assumes that the Improvements can be accommodated within the existing right-of-way of Barclay Downs Drive, and adjustments in the scope of the Improvements shall be made if this is not the case. As part of Urban Review for the Site by the City, the Petitioner will
  - f) submit to CDOT plans and cost estimates for the Improvements. If the actual cost of the proposed Improvements exceeds the Improvements Cost, CDOT will determine which of the proposed Improvements must be eliminated or modified to bring the cost of the Improvements within the Improvements Cost (CDOT as part of its due-diligence to determine how to modify the proposed improvements will consult with the Barclay Downs Homeowners Association President).
  - g) CDOT will review and comment on the Improvements in a timely manner. Once the final scope of the Improvements are determined by CDOT, the Petitioner shall have 12 months to complete the installation of the Improvements (subject to force majeure).
16. Reduced the maximum number of multi-family dwelling units from 300 to 280.
17. Amended Note 4C under the heading of "Architectural Standards" to state that the screening used along the rear of the parking garage (abutting the Barclay Downs Swim and Racquet Club) will be designed so as to allow only minimal light to emit from such facility.
18. Amended Note 5E under the heading of "Streetscape, Buffers, Landscaping and Utility Structure Setbacks" to indicate that the 36-foot wide tree save area along the northern property line will be supplemented to the standards of a Class A buffer (a minimum of nine trees and 60 shrubs per 100 linear feet).
19. Added new note under the heading of "Lighting" to state that lighting at grade along the common boundary with the Barclay Downs Swim and Racquet Club will be limited to patio lights and any necessary lighting as required by code.
20. Amend Note 3C under the heading of "Access and Traffic/Pedestrian Safety Improvements" along Barclay Downs Drive as follows: The Petitioner has agreed to provide certain off-site traffic/pedestrian safety improvements along Barclay Downs Drive as further described below (the "Improvements").
21. Amend Note 5E under the heading of "Streetscape, Buffers, Landscaping and Utility Structure Setbacks" to specify the requirements of a Class A buffer as a minimum of 10 trees and 60 shrubs per 100 linear feet.
22. Amend Note 3A under the heading of "Permitted Uses & Development Area Limitation" to indicate that the Site may be developed with up to 280 multi-family dwelling units.

Staff recommends approval of this petition.

Attachment 35

<p><b>Protest Sufficient</b></p>	<p><b>36. <u>Petition No. 2012-048</u> by GCI Acquisitions, LLC for a change in zoning for approximately 16.20 acres located on the west side of Lancaster Highway between Springwell Street and Johnston Road from MX-2 to R-17MF(CD).</b></p> <p>This petition is found to be consistent with the land use recommendation, as amended in the <i>South District Plan</i>, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend <b>APPROVAL</b> of this petition, with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Proposed back of curb along the property frontage on Lancaster Highway reflected as 37 feet from the existing center line.</li> <li>2. Indicated sidewalk/utility easements from any sidewalk outside of the public right-of-way along any proposed public street.</li> <li>3. Removed the marked crosswalk locations from the proposed internal intersections along Landing Place Lane. Note B under the heading of Transportation can remain.</li> <li>4. Added a note stating that the proposed Landing Place Lane southbound intersection approach needs to be properly aligned with the existing Clems Branch northbound approach at Lancaster Highway so as to not affect operations of a future traffic signal.</li> <li>5. Provided enough pavement width on the southbound Landing Place Lane to support three travel lanes.</li> <li>6. Specified that if additional right-of-way and/or easements are required at the proposed intersection the acquisition of this property will be the petitioner's responsibility.</li> <li>7. Amended the rezoning plan to reflect the design of a left-turn lane necessary to serve the traffic using the proposed public street driveway connections prior to submittal/approval of the public street connections. The left-turn lane is designed using NCDOT standards with a minimum 150 feet of storage.</li> <li>8. Provided enough width along the public street (Landing Place Lane) connection to Lancaster Highway for three (3) travel lanes between Lancaster Highway and the site's first internal driveway connection to parking. Added a note that the intersection of Landing Place Lane and Lancaster Highway will be designed so that the eastbound intersection approach for Landing Place is aligned with the westbound approach of Clems Branch Drive so as to not affect operations of a future traffic signal. The Petitioner will be responsible for any of the modifications required to properly align existing Clems Branch Drive with the extension of Landing Place Lane.</li> <li>9. Maximum number of multi-family units has been reduced from 252 to 248, with a resultant density of 15.3 dwelling units per acre.</li> <li>10. Addition of a six bay garage.</li> <li>11. Added a new Note 3.B. under the heading of "Access", which states that the Petitioner will contribute to CDOT or NCDOT up to half the cost but not to exceed \$50,000 for the installation of a traffic signal at the intersection of Landing Place Lane and Lancaster Highway when the signal is warranted and the funds are requested by CDOT or NCDOT. This commitment to provide funds toward the future signalization of the intersection of Landing Place Lane and Lancaster Highway is valid for a period of 10 years from the date of approval of this petition.</li> <li>12. Added a new Note 3.C. under the heading of "Access", which states that prior to the issuance of a building permit for the site the petitioner, will commission a Signal Warrant Analysis for the intersection of Landing Place Lane and Lancaster Highway. The petitioner will work with CDOT on the preparation of the Signal Warrant Analysis and will submit the result of the analysis to CDOT for review and for its use.</li> <li>13. Added a Note 3.D. under the heading of "Access" that as a part of the extension of Landing Place Lane and Lancaster Highway the petitioner will install a choker lane within Landing Place Lane. The final location and design of the choker lane will be determined by CDOT and the Planning Department during the subdivision review process.</li> <li>14. Added a note under the heading of "Architectural Standards" that the petitioner will provide as part of the developments' club house amenity package an indoor basketball half-court.</li> <li>15. Added a note under the heading of "Architectural Standards" that the petitioner will construct three buildings that will include garages as generally depicted on the site plan. In addition, the petitioner will construct three detached garage structures throughout the site as generally depicted, the location of which may be modified.</li> </ol>
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16. Amended Note 5.G. under the heading of "Streetscape, Buffers and Landscaping" to specify that 14 trees and 20 evergreen shrubs per 100 linear feet will be planted within the 50-foot buffer and 35 percent of the new trees will be evergreen. At a minimum, the combination of existing vegetation, the new vegetation to be planted and the proposed fence when taken together must meet or exceed the requirements of a Class B buffer.
17. Added a note 5.H. under the heading of "Streetscape, Buffers and Landscaping" that a six-foot tall solid wooden fence will be installed within the 50-foot buffer. The fence will be located at the edge of the undisturbed portion of the buffer.
18. Amended Note 3.B. under the heading of "Access" to read as follows: "The petitioner will contribute to CDOT a lump sum amount not to exceed \$50,000 for the installation of a traffic signal at the intersection of Landing Place Lane and Lancaster Highway. The \$50,000 shall be received by CDOT prior to the issuance of the first building's certificate of occupancy and deposited in a CDOT account specifically for this use. Should a traffic signal at this location not be installed three years after the last building's certificate of occupancy is issued, the \$50,000 shall be returned to the petitioner. A Developer/CDOT Traffic Signal Agreement documenting these conditions shall be executed before the first building's certificate of occupancy is issued."
19. Amended Note 3.C. under the heading of "Access" to read as follows: "Six months prior to the issuance of a building permit for the Site the Petitioner will commission a Signal Warrant Analysis for the intersection of Landing Place Lane and Lancaster Highway. The Petitioner will work with CDOT/NCDOT on the preparation of the Signal Warrant Analysis and will submit the result of the Signal Warrant Analysis to CDOT/NCDOT for review and for its use."
20. Amended Note 3.E. under the heading of "Access" as follows: "The intersection of Landing Place Lane and Lancaster Highway will be designed so that the eastbound intersection approach for Landing Place Lane is aligned with the westbound approach of Clems Branch Drive so as to not affect operations of a future traffic signal. Both the Landing Place Lane and Clems Branch Drive approaches shall have three travel lanes (i.e. one receiving lane, a left-turn lane and a thru/right turn lane). The Petitioner will be responsible for any of the roadway geometric modifications requirements to properly align and signalized existing Lancaster Hwy/Clems Branch Drive with the extension of Landing Place Lane. The final Lancaster Hwy/Landing Place/Clems Branch Drive intersection geometric will be determined by CDOT/NCDOT during the subdivision review process. The Petitioner shall be responsible to acquire any additional right-of-way and/or public easements needed to properly align the intersection, accommodate truck/school bus turning movements, and to provide efficient traffic signal operations at this intersection."
21. Amended Note 3.G. under the heading of "Access" as follows: "The Petitioner will construct a 150 feet northbound left turn lane with an appropriate taper length on Lancaster Hwy. to the extension Landing Place Lane per NCDOT and CDOT standards, pavement widening, milling/overlaying may be required."
22. Amended Note 5.J. under the heading of "Access" to state the Petitioner will dedicate in fee-simple to the City of Charlotte 50 feet of right-of-way from the center line of Lancaster Highway. This right-of-way dedication will occur at the time the right-of-way for Landing Place Lane is recorded.
23. Amended Note 5.K. under the heading of "Access" as follows: "The placements and configurations of vehicular access points are subject to any minor modifications, as approved by CDOT, required to accommodate final site and construction plans and designs and to any adjustments required for approval by the CDOT/NCDOT. This includes adjustments required for approval by CDOT in accordance with published standards."
24. Amended Note 3.E. under the heading of "Access" to state that the intersection of Landing Place Lane and Lancaster Highway will be designed so that the intersection approach for Landing Place is aligned with the approach of Clems Branch Drive so as to not affect operations of a future traffic signal. The petitioner will be responsible for any of the required modifications.

<p><b>2012-048 continued</b></p>	<p>25. Added the following note: "Prior to the decision by the City Council on Rezoning Petition 2012-048, the Petitioner and the owner of the property covered by Rezoning Petition 2000-02C will file an administrative amendment for Rezoning Petition 2000-02C that will reduce the allowed number of units on that petition by 100 units. The administrative amendment will indicate that if Petition 2012-048 is approved by the City Council the reduction of 100 units in the number of allowed units on Rezoning Petition 2000-02C will be binding and may not be added back to the petition through the administrative amendment process. If Petition 2012-048 is not approved by the City Council the administrative site plan amendment will be null and void.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 36</p>
	<p><b>37. <u>Petition No. 2012-049</u> by Faison-Hollow, LLC, for a change in zoning for approximately 34.0 acres located on the west side of Carmel Road between Quail Hollow Road and Bridgewood Lane from MX-2(INNOV) to R-12MF(CD).</b></p> <p>This petition is found to be consistent 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 Committee voted unanimously to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Amended "Site Development Data" on Sheet RZ-1 and RZ-2 to indicate that podium type buildings are limited to three stories and 48 feet in the front and four stories and 60 feet along the rear of the building (three residential stories over one level of parking) for "Podium" type buildings.</li> <li>2. Amended Note 5B under the heading of "Streetscape, Buffers and Landscaping" to indicate that planting strip width may vary but will be a minimum of eight feet in width unless the Planning Department, in conjunction with City Engineering, determines that a narrower planting strip should be allowed to save existing trees.</li> <li>3. Staff replaced the request to amend Note 7A under the heading of "Open Space/Tree Save Areas" to indicate that greenway trails are not permitted in delineated tree save areas with a request to add the following: "Tree save areas may include Mecklenburg County Park and Recreation Greenways. The greenway trail placement within tree save areas must be coordinated with the city so that the affected tree save area required is maintained."</li> <li>4. Amended Note 7C under the heading of "Open Space/Tree Save Areas" to specify that approximately 2.80 acres will be conveyed to Mecklenburg County Park and Recreation.</li> <li>5. Note 8A under the heading of "Signage" remains as written. Staff understands it is a commitment to the neighborhood.</li> <li>6. Amended Note 10(V)(a) under the heading of "Other" to specify that solid waste and recycling pick-up will be provided by a private hauler.</li> <li>7. Notes 2F and 10V(f) are acceptable as written. Though staff has concerns regarding enforceability it is understand they are listed as commitments to the neighborhood.</li> <li>8. Deleted Notes 4D, 5G and 6D, which are minimum ordinance requirements.</li> <li>9. Addressed Park and Recreation comments by specifying location of easements.</li> <li>10. Addressed Transportation comments by (1) adding a note committing to provide a raised landscape median (approximately 8' x 50' and planted with ground cover only, no trees), which will include a pedestrian refuge island and any required accessible ramps needed to be constructed to allow pedestrians to cross Carmel Road, as depicted on the rezoning plan; and (2) adding a note committing to construct in the NW quadrant of the intersection of Carmel Road and Quail Hollow Road a raised concrete pedestrian refuge right-turn island with associated accessible ramps. The petitioner will also reconstruct the existing accessible ramp on the NW quadrant of the intersection to align with the proposed pedestrian refuge island</li> </ol> <p>Staff recommends approval of this petition.</p> <p>Attachment 37</p>

**38. Petition No. 2012-059 by **SBG Properties, Inc.** for a change in zoning for approximately 5.46 acres located on the east side of Steele Creek Road at the intersection of Dixie River Road and Steele Creek Road from R-3 to NS.**

This petition is found to be consistent with the *Steele Creek Area Plan* 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:

1. Reduced the overall development to a maximum of 30,000 square feet.
2. Indicated no drive-through windows will be allowed on Lots B and C.
3. Provided a "Parking Ratio" heading within the site data table.
4. Modified the second sentence of the parking ratio to read: "However, Lot D shall provide one space per 100 square feet if developed as a restaurant".
5. Provided two open space areas along the north side of Dixie River Road. One is an active open space area located between Lots A and B behind the sidewalk along Dixie River Road. The second is an outdoor seating area located between the building on Lot A and Dixie River Road. The active open space areas shall include landscaping, hardscape, and outdoor seating.
6. Indicated the pedestrian crossings within the parking/maneuvering areas will be delineated by using stamped asphalt and/or pavers. Provided a raised pedestrian connection from the active open space along Dixie River Road to the building on Lot A.
7. Indicated a minimum eight-foot wide planting strip will be provided along Steele Creek Road on Lot A rather than a six-foot wide planting strip.
8. Indicated the existing planting strip and a sidewalk may remain along Steele Creek Road on Lot D.
9. Eliminated the word "sketch" in the first paragraph under "Transportation".
10. Added the following note to the second paragraph under "Transportation": "Subdivision approval for Dixie River Road is required prior to building permits being issued".
11. Added the following note to the first paragraph under "Architectural Standards": "All buildings shall be designed so that the first floor along both Dixie River Road and Steele Creek Road will not have blank walls that exceed 20 continuous feet in length. Doors, windows, and/or a combination of design elements shall be used on the building façade to animate and enliven the streetscape".
12. Modified the second paragraph under "Architectural Standards" to read: "Buildings located within Lots A and D shall not be required to provide pitched roofs and shall follow the general guidelines of the elevations submitted with this rezoning".
13. Modified the third paragraph under "Architectural Standards" to read: "Buildings located within Lots B and C may shall be subject to providing designed to be residential in character and have pitched roofs, but is not necessarily required".
14. Provided a note under "Parking" to read: "No parking will be allowed between the building and Dixie River Road for Lot A. However, maneuvering within an access drive is permitted".
15. Provided a note under "Parking" to read: "No parking and/or maneuvering shall be allowed between the building and Dixie River Road for Lot B. Any parking to the sides of the principal building for Lot B will be located a minimum of 30 feet behind the sidewalk with an outdoor seating/open space area located between the parking and the street.
16. Provided a note under "Parking" to read: "No parking and/or maneuvering shall be allowed between the building and Dixie River Road for Lot C. Parking and driveways may be located to the sides of the principal building along the street frontage but may not exceed 50 percent of the lot width.
17. Provided a note under "Parking" to read: "No parking will be allowed between Dixie River Road or Steele Creek Road and the principal building for Lot D. However, maneuvering for a drive-through is allowed between the building and streets".
18. Added the following note in the second paragraph under "Streetscape and Landscaping" on Sheet 3 and under Note #12 on Sheet 4: "The wall shall be a minimum of three feet behind the sidewalk".
19. Provided elevations of the canopy over the gas pumps associated with Lot A to indicate brick columns that match the brick used in the construction of the building.
20. Addressed all CDOT issues.



<p><b>2012-059 continued</b></p>	<p>21. Added "Neighborhood food and beverage service" as a use permitted on Lots B and C.  22. Eliminated residential uses from the permitted uses.  23. Added outdoor seating area on Lots B and C.  24. Provided a note indicating the landscape wall may be eliminated directly in front of the buildings located on Dixie River Road for Lots B and C.  25. Indicated both a permanent and temporary construction easement along the Steele Creek Road frontage of Lot D for the construction of a future right turn lane including an eight-foot planting strip and six-foot sidewalk.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 38</p>
<p><b>Deferral (to October)</b></p>	<p><b>39. <u>Petition No. 2012-067B</u> by Charlotte-Mecklenburg Planning Department</b> for a Text Amendment to the City of Charlotte Zoning Ordinance to:</p> <ul style="list-style-type: none"> <li>• allow duplex dwellings on R-3, R-4, R-5, and R-6 zoned lots with prescribed conditions; and</li> <li>• modify the prescribed conditions for duplex units located in the R-3, R-4, R-5, and R-6 zoning districts.</li> </ul> <p>The Zoning Committee voted unanimously to <b>DEFER</b> this petition to the October 3, 2012 Zoning Committee meeting.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 39</p>
	<p><b>40. <u>Petition No. 2012-068</u> by Sterling Fox Group, LLC</b> for a change in zoning for approximately 1.72 acres located on the northeast corner at the intersection of Ballantyne Commons Parkway and Rea Road from B-1SCD to NS.</p> <p>This petition is found to be consistent 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 Committee voted unanimously to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Possible tree save areas have been identified on the site.</li> <li>2. A note has been added that any trees removed to install the retaining wall on the eastern portion of the site will be replaced.</li> <li>3. A note has been added that the proposed parking on the eastern portion of the site will be screened with trees and shrubs to screen parking from the adjacent multi-family development and public street.</li> <li>4. A note has been added that large expanses of wall exceeding 20-feet in length will be avoided through the introduction of articulated facades, using various materials such as brick and other masonry products, stone, different colors of paint, glass windows, water table, and/or soldier course.</li> <li>5. The proposed building materials have been labeled on the site plan.</li> <li>6. A note has been added that the "signage" shown on the site plan is not included in the approval of the rezoning site plan and that all signs will comply with the ordinance standards.</li> <li>7. Possible locations of storm water detention areas have been show on the site plan.</li> <li>8. The existing and proposed sidewalks and planting strips along all public streets have been identified on the site plan.</li> <li>9. A note has been added that no drive thru service windows will be allowed on the subject parcel</li> </ol> <p>Staff recommends approval of this petition.</p> <p>Attachment 40</p>

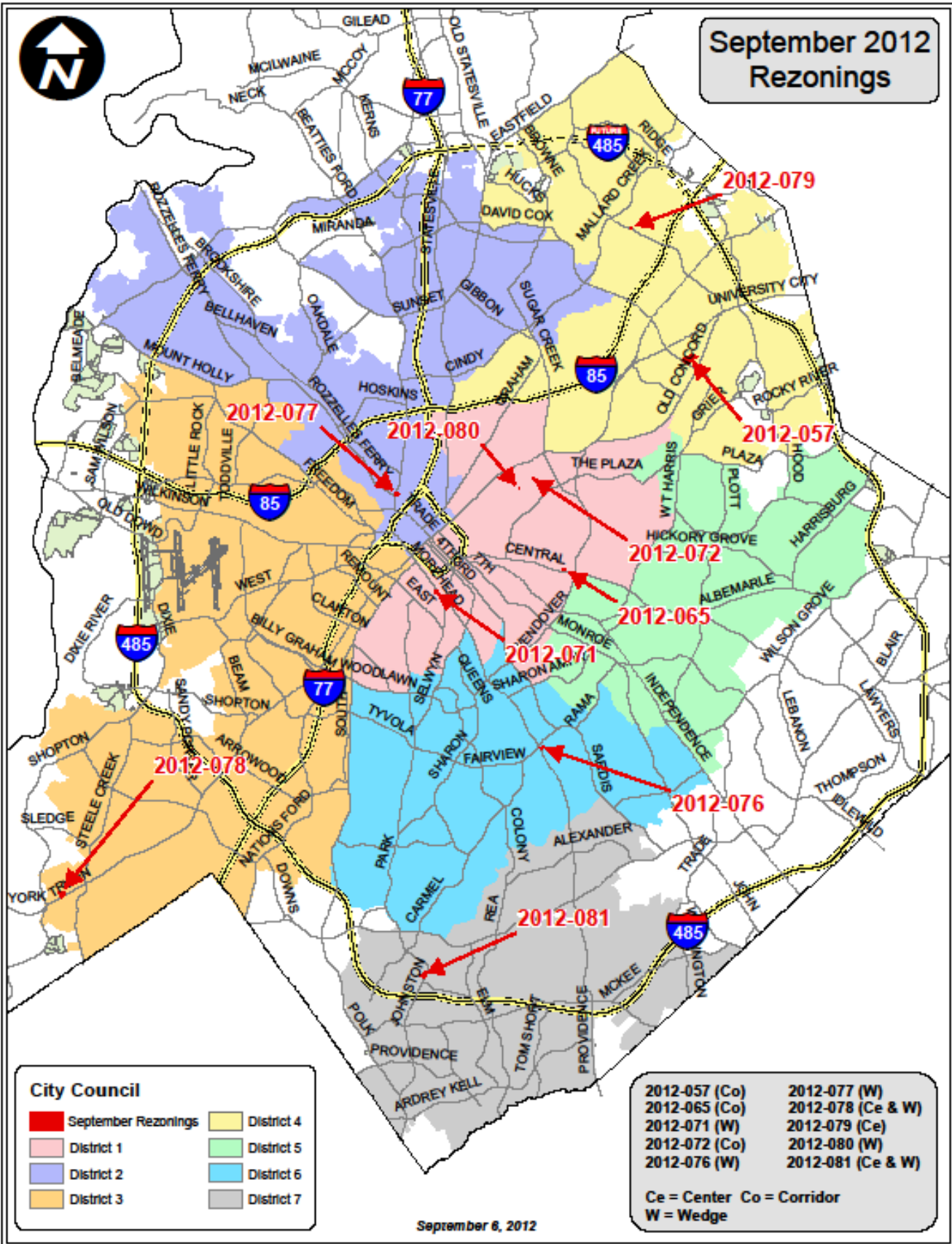
**41. Petition No. 2012-069 by Joe Murphy** for a MX-2 site plan amendment, for approximately 7.08 acres generally located along Rockefeller Lane, Kensington Station Parkway, Katy Flyer Avenue, and Mount Clare Lane.

This petition is found to be consistent with the South District Plan 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:

1. Modified the "Development Data" heading on Sheet 1 to read "Overall Development Data for Park South Station".
2. Modified the "2012-069 Rezoning" heading on Sheet 1 to read "2012-069 Rezoning Area Development Data".
3. Corrected the number of units proposed under "Development Data".
4. Indicated on Sheet 1 that the tax parcels included in the rezoning are "portions of 173-061-01, portions of 173-331-13, 173-331-95 and 173-331-98".
5. Indicated Rezoning Areas 1 & 2 will include a buffer treatment along the rear portion of the reverse frontage lots that include a minimum five-foot high wall/fence and supplemental plantings. Provided a detail of the wall/fence.
6. Eliminated the designation of Kensington Station Parkway as being a one-way street.
7. Provided recessed parallel on-street parking along Kensington Station Parkway.
8. Indicated the existing angled parking along Rockefeller Lane is to remain.
9. Indicated the existing parking lot off Central Pacific Avenue is to remain.
10. Indicated that the single family lots will comply with five-foot side yards.

Staff recommends approval of this petition.

Attachment 41



## HEARINGS

<b>Withdrawal</b>	<p><b>42. <a href="#">Petition No. 2012-057</a> by Aspen Heights</b> for a change in zoning for approximately 22.27 acres located on the north side of East W.T. Harris Boulevard between Old Concord Road and Rose Heather Court from R-17MF(CD) to MX-2(Innovative).</p> <p>Staff supports the petitioner’s request for a withdrawal. However, if the withdrawal is not granted, staff recommends a deferral of this petition.</p> <p>Attachment 42</p>
<b>Withdrawal</b>	<p><b>43. <a href="#">Petition No. 2012-058</a> by Aspen Heights</b> for a Text Amendment to the City of Charlotte Zoning Ordinance to allow “multiple rooming unit cottages” as an allowed use in the MX-2 Zoning District.</p> <p>Staff supports the petitioner’s request for a withdrawal. However, if the withdrawal is not granted, staff recommends a deferral of this petition.</p> <p>Attachment 43</p>
	<p><b>44. <a href="#">Petition No. 2012-065</a> by City of Charlotte</b> for a change in zoning for approximately 4.02 acres located on the north side of Central Avenue between Merry Oaks Road and Saint Andrews Home Place from R-4 and R-22MF to NS.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 44</p>
<b>Protest Sufficiency TBD</b>	<p><b>45. <a href="#">Petition No. 2012-071</a> by Lincoln Harris, LLC</b> for a change in zoning for approximately 2.08 acres located on the northwest corner of East Morehead Street and Kenilworth Avenue from O-2 to MUDD-O.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 45</p>
	<p><b>46. <a href="#">Petition No. 2012-072</a> by E&amp;A Custom Builders, LLC</b> for a change in zoning for approximately 0.53 acres located on the south side of Warp Street between Donatello Avenue and Herrin Avenue from R-5 to UR-1(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 46</p>
	<p><b>47. <a href="#">Petition No. 2012-075</a> by Charlotte-Mecklenburg Planning Department</b> for a Text Amendment to the City of Charlotte Zoning Ordinance to add a new definition for “electronic game operations”, and allow it as a new use with prescribed conditions in the UR-C, B-1, B-2, NS, MUDD, UMUD, CC, TOD-E, TOD-M, and I-1 zoning districts.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 47</p>
	<p><b>48. <a href="#">Petition No. 2012-076</a> by Christ Evangelical Lutheran Church of Charlotte</b> for a change in zoning for approximately 1.66 acres located on the northeast corner of the intersection of Providence Road and Mammoth Oaks Drive from INST(CD) to B-1(CD).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 48</p>

	<p><b>49. <a href="#">Petition No. 2012-077</a> by <b>Johnson C. Smith University</b> for a change in zoning for approximately 3.11 acres located on the east side of Beatties Ford Road near the intersection of Rozzelles Ferry Road, West Trade Street and Beatties Ford Road from R-22MF(PED) to R-22MF(PED-O).</b></p> <p>Staff recommends approval of this petition.</p> <p>Attachment 49</p>
	<p><b>50. <a href="#">Petition No. 2012-078</a> by <b>Queen City Health Investors, LLC</b> for a change in zoning for approximately 9.02 acres located on the north side of South Tryon Street between Wrights Ferry Road and Greybriar Forest Lane from R-3 to INST(CD).</b></p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 50</p>
	<p><b>51. <a href="#">Petition No. 2012-079</a> by <b>TAG Ventures, LLC</b> for a MUDD-O site plan amendment, for approximately 0.86 acres located on the north side of West Mallard Creek Church Road between Claude Freeman Drive and David Taylor Drive.</b></p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 51</p>
	<p><b>52. <a href="#">Petition No. 2012-080</a> by <b>H. Heath &amp; Elizabeth B. Alexander</b> for a change in zoning for approximately 0.29 acres located along North Alexander Street between East 34th Street and East 35th Street from R-5 to R-8(CD).</b></p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 52</p>
	<p><b>53. <a href="#">Petition No. 2012-081</a> by <b>NRI Communities/Charlotte, LLC</b> for a CC site plan amendment, for approximately 7.55 acres located on the west side of Johnston Road between North Community House Road and Porterfield Road.</b></p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 53</p>
	<p><b>54. <a href="#">Petition No. 2012-083</a> by <b>Charlotte-Mecklenburg Planning Department</b> for a Text Amendment to the City of Charlotte Zoning Ordinance to 1) clarify that outdoor fresh produce stands are allowed as a principal use in all zoning districts except residential, office and institutional and 2) add prescribed conditions if a permanent structure is utilized for outdoor fresh produce stands when they are the principal use in all zoning districts, except residential, office and institutional.</b></p> <p>Staff recommends approval of this petition.</p> <p>Attachment 54</p>