

Mayor Daniel Clodfelter **Mayor Pro-Tem Michael D. Barnes**
Al Austin **John Autry**
Ed Driggs **Claire Fallon**
David Howard **Patsy Kinsey**
Vi Alexander Lyles **LaWana Mayfield**
Greg Phipps **Kenny Smith**

CITY COUNCIL ZONING AGENDA

Monday, October 20, 2014

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

6:00PM – Zoning Meeting
Meeting Chamber

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

DINNER MEETING AGENDA

Monday, October 20, 2014

1. Agenda Review – Tammie Keplinger

DEFERRAL / WITHDRAWAL REQUESTS

Item #	Petition #	Petitioner/Description	Update
3	2014-003	George M. Macon - southeast corner at the intersection of Ardrey Kell Road and Marvin Road	Decision – Defer to November Protest Petition Insufficient
4	2014-031	Wilkinson Partners, LLC - southeast corner at the intersection of Youngblood Road and Shelburne Farms Drive	Decision – Defer to November Protest Petition Sufficient
6	2014-064	Marsh Properties, LLC - east side of South Boulevard on both sides of Poindexter Drive and Elmhurst Road	Decision – Defer to November
11	2014-084	7TH Street Progression Partners, LLC - north side of East 7 th Street between Clement Avenue and Pecan Avenue	Decision - Sufficient protest – Defer to October 27 when a full Council will be present Sufficient Protest petition
21	2014-075	Crossroads Realty Group, LLC - southwest corner of Fairview Road and Closeburn Road between Park Road and Park South Drive	Hearing - Petitioner requesting a deferral to November 17, 2014
30	2014-095	QuikTrip Corporation - north side of North Tryon Street between West Pavilion Boulevard and Salome Church Road	Hearing - Petitioner requesting a deferral to November 17, 2014
32	2014-001Sub	Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Subdivision Ordinance	Hearing - Petitioner requesting a deferral to November 17, 2014

MISCELLANIOUS REQUESTS AND INFORMATION

Item #	Petition #	Petitioner/Description	Update
11	2014-084	7TH Street Progression Partners, LLC - north side of East 7 th Street between Clement Avenue and Pecan Avenue	Decision - Council will have to vote whether or not to send back to Zoning Committee due to the change referenced on page 11
16	2013-094	Halvorsen Development Corporation - west side of Prosperity Church Road across from Ridge Road	Hearing - Sufficient protest petition
17	2014-043	Mark Patterson - west side of Prosperity Church Road between Prosperity Point Lane and Pinewood Lane	Hearing – Sufficient protest petition
24	2014-085	New Carolina Income Properties, LLC - northeast corner at the intersection of East Tremont Avenue and Euclid Avenue	Hearing - Protest Petition TBD
28	2014-092	Pavilion Development Company - northeast corner at the intersection of Nations Ford Road and Tyvola Road	Hearing - Protest Petition TBD

2. Follow-Up Report – Tammie Keplinger

3. Rezoning Cases of Special Interest – Tammie Keplinger

4. Area Plan Status and Text Amendment Update – Ed McKinney

ACRONYMS

Zoning District Acronyms

- **B-1** – neighborhood business district
- **B-2** – general business district
- **B-1SCD** – business shopping center district (old district)
- **BD** – distributive business district
- **BP** – business park district
- **CC** – commercial center district
- **HW** – hazardous waste
- **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-M** – transit oriented development – mixed use
- **TOD-R** – transit oriented development – residential
- **U-I** – urban industrial district
- **UMUD** – uptown mixed use district
- **UR-1** – urban residential
- **UR-2** – urban residential
- **UR-3** – urban residential
- **UR-C** – urban residential – commercial

Zoning Overlay District Acronyms

- **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
- **LNW** – Lake Norman watershed overlay
- **LNWCA** – Lake Norman watershed –overlay, critical area
- **LNWPA** – Lake Norman watershed – overlay, protected area
- **LLWW** – Lower Lake Wylie watershed overlay
- **LLWWCA** – Lower Lake Wylie watershed – overlay, critical area
- **LLWWPA** – Lower Lake Wylie watershed– overlay, protected area
- **MILW** – Mountain Island Lake watershed overlay
- **MILWCA** – Mountain Island Lake watershed – overlay, critical area
- **MILWPA** – Mountain Island Lake watershed – overlay, protected area
- **MH** - manufactured home overlay
- **PED** – pedestrian overlay district
- **TS** – transit supportive overlay district

Miscellaneous Zoning Acronyms

- **CD** – conditional district
- **INNOV** – innovative standards
- **SPA** – site plan amendment
- **O** – optional provisions

Miscellaneous Other Acronyms

- **CAG** – citizen advisory group
- **CDOT** – Charlotte Department of Transportation
- **FEMA** – Federal Emergency Management Agency
- **LED** – light emitting diode
- **NCDOT** – North Carolina Department of Transportation
- **PCCO** – Post Construction Control Ordinance

HISTORIC LANDMARKS

RESOLUTIONS

	<p>1. A Resolution of the City Council of the City of Charlotte calling for a Public Hearing to be held by the City Council on the question of adopting an ordinance for the Historic Landmark known as the "James A. Blakeney House" to de-designate 7.829 acres of land in tax parcel 22922212, and de-designate 2.244 acres of land in tax parcel 22908334 as shown on the attached plans. The property associated with tax parcel 22922212 is located at 9215 Blakeney-Heath Road in Charlotte, North Carolina, and is owned by Meritage Homes of the Carolinas Inc. The property associated with tax parcel 22908334 is located at 9401 Blakeney-Heath Road in Charlotte, North Carolina, and is owned by Classica Homes LLC.</p> <p>Attachment 1</p>
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ZONING DECISIONS

	<p>2. Petition No. 2013-075 (Council District 3 – Mayfield) by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 0.214 acres located on the west side of South Tryon Street between West Catherine Street and West Bland Street from I-2 (general industrial) to TOD-M (transit oriented development – mixed-use).</p> <p>The Zoning Committee found this petition to be consistent with the <i>South End Transit Station Area Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The proposed use is suitable for the area. <p>Therefore, the Zoning Committee found this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The property is located within a ¼ mile walk of the Bland Street Transit Station and Carson Boulevard Transit Station; and, • There have been multiple rezoning to allow transit oriented development within the area. <p>The Zoning Committee voted 5-0 to recommend APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 2</p>
<p>Deferral (to November)</p> <p>Protest Petition Insufficient</p>	<p>3. Petition No. 2014-003 (Council District 7 - Driggs) by George M. Macon for a change in zoning for approximately 4.65 acres located on the southeast corner at the intersection of Ardrey Kell Road and Marvin Road from R-3 (single family residential) and MX-2 (mixed use) to O-1(CD) (office, conditional).</p> <p>The Zoning Committee voted 5-0 to DEFER this petition to their October 29, 2014 meeting.</p> <p>Attachment 3</p>

<p>Deferral (to November)</p> <p>Protest Petition Sufficient</p>	<p>4. Petition No. 2014-031 (outside city limits) by Wilkison Partners, LLC for a change in zoning for approximately 6.23 acres located on the southeast corner at the intersection of Youngblood Road and Shelburne Farms Drive from MX-3(LLWCA) (mixed use, Lower Lake Wylie critical area) to MX-3 SPA(LLWCA) (mixed use, site plan amendment, Lower Lake Wylie critical area).</p> <p>The Zoning Committee voted 5-0 to DEFER this petition to their October 29, 2014 meeting.</p> <p>Attachment 4</p>
	<p>5. Petition No. 2014-058 (Council District 3 - Mayfield) by Switzenbaum & Associates for a change in zoning for approximately 30.93 acres located on the west side of W. Tyvola Road south of S. Tryon Street from BP(CD) (business park, conditional) to R-12MF(CD) (multi-family residential, conditional).</p> <p>The Zoning Committee found this petition to be inconsistent with the <i>Southwest District Plan</i> and the <i>General Development Policies</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The area plan recommends business park uses; and, • The General Development Policies recommend six dwelling units per acre. <p>However, the Zoning Committee found this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The proposed use is compatible with the surrounding single family residential and multi-family residential developments; and, • The proposed density is consistent with other multi-family residential developments in the area. <p>The Zoning Committee voted 4-1 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The site plan has been revised to show a Class "C" buffer along property lines abutting the R-4 zoned parcel. 2. The widths of the existing sidewalks along Tyvola Centre Drive and West Tyvola Road are now noted on the site plan. 3. Under the Architectural Standards development note, the following language has been removed from the second sentence: "Although the designs for the building have not been completed..." 4. The petitioner has added language under Parks, Greenways, and Open Space heading, committing to the following improvements: <ol style="list-style-type: none"> a. Development of both active and passive recreation facilities including a walking/amenity trail with locations for individual exercise activities. b. Walking/amenity trail will have approximately 1,200 linear feet, with trail to be comprised of wood chips or similar surface, and at least four outdoor exercise stations at intervals along the trail. c. Provision of outdoor seating/conversation areas associated with each building. d. Provision of active recreation amenities, including a pool, meeting spaces, and outdoor cooking facilities. 5. The site plan has been revised to show the correct zoning for parcel 167-081-07 located on the south side of Tyvola Centre Drive, which is zoned R-12MF (CD). 6. Addressed CDOT and Engineering and Property Management comments: <ol style="list-style-type: none"> a. Addressed CDOT comment pertaining to relocation of the proposed westernmost driveway, and its conversion from exit only to both an ingress and egress driveway. b. CDOT requests that the petitioner relocate the easternmost main entrance driveway further east and align it with the existing driveway on the south side of Tyvola Centre Drive. <i>Staff has rescinded this request as it will be contingent upon adequate sight distance at permitting.</i> c. Addressed CDOT comment pertaining to the provision of a left-turn lane at the westernmost driveway.

<p>2014-058 cont.</p>	<p>d. Addressed Engineering and Property Management comment by providing a wetland letter.</p> <p>7. The following Architectural Standards notes have been added to the site plan:</p> <ol style="list-style-type: none"> a. At least 30% of the portions of the building exteriors located below the roof line will be composed of a combination of brick, stone, artificial stone, and/or stone or similar masonry products. b. The principal roof pitch will be no less than 5:12. c. Balcony railings, if included, will be of durable material and will not be painted pressure treated lumber. d. Roofing materials will be architectural fiberglass composite shingles and roof vents and features will be painted to match the roof color. e. Buildings will be designed so that no more than 20 feet of blank wall will be constructed along the frontage of a public street or private street. f. Building heights will be limited to four stories. g. Buildings will be designed with façade articulation to break up wall mass and to create variety in the character of the façade. h. Main windows will be arranged to avoid large masses of glass and will be designed so as to be taller than they are wide. This will not apply to minor windows such as for bathrooms, stairways and architectural accent. i. All building entrances will be connected to the on-site sidewalk network subject to grade and ADA standards. j. On site directional signage will be designed to reflect the architectural character and materials of the principal buildings. k. Building facades will incorporate vertical elements and material changes to break up the mass of the building walls. <p>Staff recommends approval of this petition.</p> <p>Attachment 5</p>
<p>Deferral (To November)</p>	<p>6. Petition No. 2014-064 (Council District 1 - Kinsey) by Marsh Properties, LLC for a change in zoning for approximately 59.4 acres generally located on the east side of South Boulevard on both sides of Poindexter Drive and Elmhurst Road from B-1 (neighborhood business), B-2 (general business), O-2 (office), R-17MF (multi-family residential) and R-8 (single family residential) to MUDD-O (mixed use development, optional) and UR-2(CD) (urban residential, conditional) with five-year vested rights.</p> <p>The Zoning Committee voted 5-0 to DEFER this petition to their October 29, 2014 meeting.</p> <p>Attachment 6</p>
	<p>7. Petition No. 2014-072 by Tony A. Feimster for a Text Amendment to the City of Charlotte Zoning Ordinance to allow cultural facilities as a use allowed by right in I-1 (light industrial), I-2 (general industrial), and U-I (urban industrial) districts.</p> <p>The Zoning Committee found this text amendment to be consistent with the <i>Centers, Corridors and Wedges Growth Framework</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • It broadens the range of choices for entertainment and employment. <p>Therefore the Zoning Committee found this text amendment to be reasonable and in the public interest based on the information from the staff analysis and the public hearing , and because:</p> <ul style="list-style-type: none"> • Cultural facilities are allowed in a wide range of non-residential zoning district. <p>The Zoning Committee voted 5-0 to recommend APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 7</p>

	<p>8. Petition No. 2014-076 (Council District 2 - Austin) by Northlake Health Investors, LLC for a change in zoning for approximately 6.94 acres located on the east side of Reames Road between Bayview Parkway and Finn Hall Avenue from R-3 (single family residential) to INST(CD) (institutional, conditional).</p> <p>The Zoning Committee found this petition to be consistent with the <i>Northlake Area Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> The site was formerly used as a nursing home. <p>Therefore, the Zoning Committee found this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> The site is compatible with the adjacent multi-family residential and the adjoining child care facility; and The use will provide a valuable community resource for the elderly and disabled. <p>The Zoning Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> Amended the Development Data and Note 2.a. to specifically prohibit jails, prisons, stadiums and arenas. Amended Note 4.a. to indicate a singular principal building. The note should read: "The building materials used on the principal building..." Removed the word "one-story" from the label on the building on Sheet 1. Noted on the site plan that the existing building is to be demolished Specified the width of the existing sidewalk and planting strip to remain. Revised the text from Note 1.e. as follows: "Changes to the Rezoning Plan not permitted by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance." Clarified in the "Site Development Data" that the use is limited to 50 beds as noted in Note 2.a. Added the following to the last sentence in Note 3.e.: "... and Planning in accordance with Section 6.207." <p>Staff recommends approval of this petition.</p> <p>Attachment 8</p>
	<p>9. Petition No. 2014-082 (Outside City Limits) by Brookwood Capital Partners for a change in zoning for approximately 46.34 acres located on the north side of Wilkinson Boulevard near the intersection of Old Dowd Road and Wilkinson Boulevard from R-3(LWPA) (single family residential, Lake Wylie protected area), I-1(LWPA) (light industrial, Lake Wylie protected area) and I-2(LWPA) (general industrial, Lake Wylie protected area) to I-2(CD)(LWPA) (general industrial, conditional, Lake Wylie protected area).</p> <p>The Zoning Committee found this petition to be inconsistent with the <i>Dixie Berryhill Strategic Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> The plan recommends uses supporting rapid transit along this corridor. <p>However, the Zoning Committee found this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> The conditions in the area have changed since the plan was approved in that there are currently no plans for rapid transit along this corridor; and, The proposed use is consistent with the surrounding land uses many of which are industrial.

<p>2014-082 cont.</p>	<p>The Zoning Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Added language to state that design of this water quality area will not include a detention basin, but may include one or more recognized BMP's including a rain garden, grassed swales, extended detention wetlands, and/or other recognized BMPs that can be designed to be integrated into and maintained as part of the landscaping for the site. 2. Labeled the center line for Wilkinson Boulevard on Sheet Z-2.0 of the site plan. 3. Revised the site plan to show the proper illustration of the reservation of the required right-of-way and the setback along Wilkinson Boulevard. 4. Addressed CDOT comments: <ol style="list-style-type: none"> a. Petitioner has revised site plan to depict 75-foot maximum right-of-way from the centerline of the existing right-of-way (Wilkinson Boulevard). b. Note G was modified to state: "The exact driveway locations will be determined at the time of permitting." 5. Staff has rescinded the request to amend the Storm Water note as the subject language is necessary to help ensure the water quality area proposed along the Wilkinson Boulevard frontage will be subject to appropriate landscape design and treatment. 6. Addressed City Engineering comments: <ol style="list-style-type: none"> a. Petitioner provided a wetland letter. b. Add the following note to the site plan: "This Site will comply with the Charlotte Tree Ordinance. Tree save is required." Staff has rescinded this comment, as this is an ordinance requirement. In addition, the site plan commits to exceeding what is required per ordinance. 8. The petitioner has added language to Transportation Note D that states if NCDOT does not allow the sidewalk and planting strip at the edge of the right-of-way, then the sidewalk will be located on the petitioner's property. 9. The petitioner amended Transportation Note F to state that: "The petitioner will provide and construct a concrete bench pad for a new bus stop along Wilkinson Boulevard. The petitioner will work with CATS to determine a mutually agreeable location for a transit pad during the development review and permitting process." 10. CDOT rescinded the request to restrict the easternmost driveway to "trucks only" and the westernmost driveway to passenger vehicles only, as this item will be addressed through the driveway permit process. <p>Staff recommends approval of this petition.</p> <p>Attachment 9</p>
	<p>10. <u>Petition No. 2014-083</u> (Council District 7 - Driggs) by Childress Klein Properties for a change in zoning for approximately 18.8 acres located on the southeast corner at the intersection of Johnston Road and Marvin Road from UR-2(CD) (urban residential, conditional) to UR-2(CD) SPA (urban residential, conditional, site plan amendment).</p> <p>The Zoning Committee found this petition to be consistent with the <i>South District Plan</i>, based on information from the staff analysis and the public hearing and because:</p> <ul style="list-style-type: none"> • The proposed changes in the site plan are minor in nature. <p>Therefore, the Zoning Committee found this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The changes allow previously approved garages to be transformed into garages with carriage houses; and, • The number of residential units is not increased.

<p>2014-083 cont.</p>	<p>The Zoning Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The height of the proposed carriage units has been placed on the site plan. 2. A note and elevations have been placed on the site plan detailing the options for the garage and carriage units. <p>Staff recommends approval of this petition.</p> <p>Attachment 10</p>
<p>Council will have to vote whether or not to send back to the Zoning Committee.</p> <p>Sufficient Protest Petition</p> <p>Deferral (To October 27)</p>	<p>11. Petition No. 2014-084 (Council District 1 - Kinsey) by 7TH Street Progression Partners, LLC for a change in zoning for approximately 1.5 acres located on the north side of East 7th Street between Clement Avenue and Pecan Avenue from B-1 (neighborhood business) to MUDD-O (mixed use development, optional).</p> <p>Note: The City Council must determine by a ¾ vote if the following changes to the site plan after the Zoning Committee vote, are substantial and if the petition should be referred back to the Zoning Committee for review:</p> <ol style="list-style-type: none"> 1. Relocation of the planting island located adjacent to the entry drive as it previously encroached onto the adjacent property. 2. Addition of a note that the final design of the parking island and circulation will be determined and approved by Planning and CDOT staff through the administrative review process. <p>The Zoning Committee found this petition to be consistent with the <i>Elizabeth Area Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The single use multi-family development is a well suited land use for the area. <p>Therefore, the Zoning Committee found this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The site is located in a primarily single family residential neighborhood but on a street with a mix of uses that includes entertainment, retail, office and multi-family residential; and, • The site plan is designed to be compatible with the abutting single family residential through limitations on density, height, location of buildings and screening. <p>The Zoning Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Reference to courtyard walls has been removed from Optional Provision B (Optional Provision A on revised site plan). The modified note now specifies how far decorative paving, steps and stoops are proposed to encroach into the setback, as well as the maximum amount of the setback area impacted by the encroachment (up to 3 feet into the 21-foot zoning setback). 2. Petitioner has moved Option C to Option B, removed the reference to dining and providing new language that proposes an outdoor amenity area containing landscaping, hardscape, seating elements, an outdoor water drinking fountain and possibly tables to be located on the 13-foot wide portion of the sidewalk along the Site's frontage on East 7th Street. The new language further states that the improvements will not obstruct the sidewalk such that an 8-foot wide clear sidewalk zone will be maintained. 3. Removed Architectural Standards Note D as the zoning standards allow balconies to project up to two feet with a minimum clearance of 10 feet from grade. 4. Removed references to adopted area plans on Sheet RZ-1.0 of the site plan. 5. Confirmed type of residential product proposed as multi-family under Development Information on Sheet RZ-2.0. 6. Petitioner has moved the proposed buffer and screening materials out of the abutting alleyway and onto the rezoning site.

2014-084
cont.

7. Addressed Urban Forestry's comments by adding Environmental Features Note D that states tree preservation will be coordinated during land development with City Engineering and Urban Forestry.
8. Under Lighting Note B, maximum height of freestanding lighting is now noted as 25 feet.
9. Note C from the "General Provisions" has been removed from the site plan.
10. The number of proposed units has been reduced from 95 to 91.
11. Reference to Deed Restriction Setback has been removed from Sheets RZ-2.0 and RZ-2.3.
12. Sheet RZ-2.0 has been revised to show planting area in from of 8-foot screen wall along portions of property lines.
13. Sheet RZ-2.0 has been revised to show proposed bicycle parking locations.
14. Sheet RZ-2.0 has been revised to show proposed seat height freestanding walls, potential drinking fountain locations and potential tree in grate.
15. Sheet RZ-2.0 has been revised to show a new planting area to be extended along a portion of the driveway accessing East 7th Street.
16. Sheet RZ-2.0 has been revised to show a 25 foot deed restriction setback along East 7th Street.
17. Sheet RZ-2.1 has been modified to note opaque screen wall (final height to be determined), include the 21 foot Zoning Setback and 25-foot Deed Restriction Setback, and reference to development notes for installation, maintenance, and removal responsibilities with respect to proposed landscaping materials.
18. Sheet RZ-2.1 has been modified to identify "3 story portion of building with maximum 40 feet as measured from average final grade" on "Fourth Level Schematic Architecture" detail.
19. Sheet RZ-2.1 has been modified to identify "4 story portion of building with maximum 52 feet as measured from average final grade" on "Fourth Level Schematic Architecture" detail.
20. Sheet RZ-2.20 has been modified to note locations of proposed building materials on all elevations.
21. A note has been added to Sheet RZ2.20 that states certain designated windows will have translucent glass in window units (50%).
22. New Sheet RZ-2.3 labeled "Schematic Required Planting Plan" identifies proposed plantings to screen new building from adjacent residential development.
23. New General Provisions Note C provides language regarding the zoning setback along 7th Street, and permissible encroachments up to 3 feet into the zoning setback. No portion of the building to be constructed on the site may encroach into the zoning setback.
24. The Optional Provisions being requested have been renumbered and the wording of some have been modified as follows:
 - a. Optional Provision B is now Optional Provision A and the language regarding building entrances and entry features has been revised to remove "courtyards and "courtyard walls," and add that "patios and upper level balconies and architectural features may encroach up to 3 feet into the Zoning Setback."
 - b. Optional Provision C for the width of the sidewalk is now Optional Provision B.
 - c. Optional Provision D regarding outdoor tables, chairs and dining is now Optional Provision C. Language has been modified with the removal of reference to "dining." Language now proposes "an outdoor amenity area containing landscaping, hardscape, seating elements, an outdoor water drinking fountain and possibly tables to be located on the 13-foot wide portion of the sidewalk to be installed along the Site's frontage on East 7th Street. The new language further states that these improvements will not obstruct the sidewalk such that an 8-foot wide clear sidewalk zone will be maintained.
 - d. Optional Provision E pertaining to on-street parking and reduction in the width of the planting strip is now Optional Provision D.
 - e. New Optional Provision E provides language proposing that a free standing seat wall may be constructed on the 13-foot wide portion of the sidewalk located along the Site's frontage on East 7th Street within the Zoning Setback.
25. The Permitted Uses development note has been amended to reflect a decrease in the number of units from 95 to 91.

2014-084
cont.

26. Transportation Note B has been modified to state a minimum of one parking space per bedroom will be provided on the site.
27. Transportation Note C has been modified to note that the location of the bicycle parking is depicted on the Rezoning Plan.
28. Architectural Standards Note B has been modified to reference the 4 story components of the building and the site adjacent to the relevant portion of the building.
29. Petitioner has added new Architectural Standards notes regarding the following:
 - a. Front corner of the building adjacent to the driveway into the site may be a chamfered corner, or the corner of the building may be at 90 degree angle at the option of the Petitioner.
 - b. Permitted exterior building materials are designated and labelled on architectural renderings provided. Permitted exterior buildings will include brick, stone and similar architectural masonry products, stucco and hardi-panel (cementitious siding) or a combination thereof.
 - c. Brick to be installed on the exterior of the building will be full-body cavity wall masonry. Use of thin brick or exposed non-architectural CMU masonry will not be allowed.
 - d. Vinyl will not be a permitted exterior cladding material, provided, however, that vinyl may be utilized on the soffits of the building and vinyl windows may be installed on the building.
 - e. EIFS (synthetic stucco), aluminum siding, corrugated metal and CMU block (concrete block) will not be permitted exterior building materials for the building to be constructed on the site.
 - f. Translucent windows must be utilized on the third and fourth floors of the portions of the rear elevation of the building that are more particularly designated on the schematic architectural rendering of the rear elevation of the building, with clear windows being allowed on all other portions of the proposed building.
 - g. Installation of balconies limited to only those portions of the rear elevation of the building that are more particularly designated on the schematic architectural rendering of the rear elevation of the building. Balconies may be installed on any portions of the side and front elevations of the building to be constructed on the Site.
 - h. In the event a waiver of the Deed Restriction Setback is obtained, each ground floor dwelling unit facing East 7th Street will have steps and a stoop or patio located at the front entrance into the dwelling unit from East 7th Street, and the entry to the stoop or patio from East 7th Street will not be gated or locked. Each such stoop or patio will have a minimum size of 75 square feet.
30. Modified notes under Setback and Yards/Streetscape and Landscaping/Screening as follow:
 - a. Note A has been modified to state that subject to the Optional Provisions, development of the Site will comply with the 21 foot Zoning Setback and the side yard rear requirements of the MUDD zoning district.
 - b. New Note D proposes installation and maintenance of an 8-foot tall brick screen along the rear property line of the Site adjacent to the alley, and along portions of the Site's western property line.
 - c. New Note E provides language regarding the installation of a gate in the 8-foot tall brick screen wall.
 - d. New Note F identifies the conceptual landscaping plan as provided on Sheet RZ-2.3, providing information regarding locations, types, quantities and minimum height at the time of installation of the trees and shrubs.
 - e. New Note G includes language regarding placement of landscape materials within the alley and approval by Duke Energy. Note states that in the event Duke Energy or the City of Charlotte prohibits the installation of trees, shrubs and landscape materials in the 25 foot alley, the petitioner will not be required to install any trees, shrubs and landscape materials within the 25 foot alley. Note further states that petitioner will remove any landscape materials it installs in the 25-foot alley in the event that any property owner with a right to use the 25 foot alley for vehicular and pedestrian access seeks to enforce such right and requires the removal of the materials.
 - f. New Note H states petitioner will maintain, at its cost and expense, the perimeter landscaped areas (including landscaping in the alley).

<p>2014-084 cont.</p>	<p>g. New Note I provides language stating that prior to issuance of a certificate of occupancy, the petitioner will install irrigation for the perimeter landscaping to be installed on the Site pursuant to the conceptual perimeter plan. Irrigation will not be required to be installed within the alley located to the rear of the Site.</p> <p>h. New Note J proposes an outdoor amenity area consisting of landscaping, hardscape, seating elements, an outdoor water drinking fountain and possibly tables to be located on the 13 foot wide portion of the sidewalk to be installed along the Site's frontage.</p> <p>31. Provided new language under Urban Open Space heading that states Urban Open Space will be located on the site as shown on the site plan. The Urban Open Space will be a passive area with no programed space, and no outdoor amenities, such as a grill, may be installed within the Urban Open Space.</p> <p>32. Modified Lighting Note A to state that all freestanding lighting fixtures installed on the Site (excluding street lights, lower, decorative lighting that may be installed along the driveways, sidewalks and parking areas and landscaping lights) shall be fully capped and shielded and the illumination downwardly directed so that direct illumination does not extend past any property line of the Site.</p> <p>33. Added Lighting Note D that states that the lighting to be installed on the Site to illuminate the parking lot located to the rear of the building shall be soft light in the warm spectrum.</p> <p>34. Added new heading Construction Activities with following notes:</p> <p>a. Note A states that construction activities may only be conducted on the Site from 7 a.m. to 6 p.m., and that construction activities conducted entirely within the enclosed building may occur at any time.</p> <p>b. Note B states the contractor(s) will keep the construction site in a clean and orderly condition and will promptly clean the adjacent roads and sidewalks as needed or as otherwise required by applicable regulations.</p> <p>35. Added new heading Trash and Recycling Removal with language that states in the event that a private trash service is utilized to empty trash and recycling containers located on the Site, such containers may be emptied only between the hours of 7 a.m. and 6 p.m.</p> <p>36. Removed all references to deed restrictions and waivers on all sheets of the site plan.</p> <p>37. Removed "deed restriction setback" on all applicable sheets of the site plan.</p> <p>38. Corrected details on Sheet RZ-2.1 to reflect the proposed screen wall is out of the alley.</p> <p>39. Clouded all new notes and revised notes.</p> <p>40. Provided details of the proposed seat wall.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 11</p>
	<p>12. <u>Petition No.2014-086</u> (Council District 4 - Phipps) by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 1.83 acres located on the east side of North Tryon Street between McCullough Drive and Ken Hoffman Drive from INST (institutional) and I-2(CD) (general industrial, conditional) to TOD-M (transit oriented development - mixed-use).</p> <p>The Zoning Committee found this petition to be consistent with the <i>University City Area Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The proposed use is suitable for the area. <p>Therefore, the Zoning Committee found this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The site is located within ¼ mile walk distance of the future McCullough Transit Station location; • The property is located in a priority area for transit oriented development; and, • This rezoning will ensure any development on the site is transit oriented.

<p>2014-086 cont.</p>	<p>The Zoning Committee voted 5-0 to recommend APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 12</p>
	<p>13. Petition No. 2014-087 by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to update the regulations for the Board of Adjustment to clarify and modernize the language in accordance with new state legislation.</p> <p>The Zoning Committee found this text amendment to be consistent with the <i>North Carolina General Statutes</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • Cities are required to comply with North Carolina General Statues. <p>Therefore, the Zoning Committee found this text amendment to be reasonable and in the public interest based on the information from the staff analysis and the public hearing; and because:</p> <ul style="list-style-type: none"> • It makes the written regulations in the ordinance consistent with recently updated state legislation. <p>The Zoning Committee voted 5-0 to recommend APPROVAL of this petition.</p> <p>Staff recommends approval of this petition as amended.</p> <p>Attachment 13</p>
	<p>14. Petition No. 2014-088 by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to clarify and revise the setback measurement requirements for single family and multi-family zoning districts. Setbacks will be measured from the "right-of-way" instead of the back of curb.</p> <p>The Zoning Committee found this text amendment to be consistent with the <i>Centers, Corridors and Wedges Growth Framework</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • Working experience has shown that the these items need to clarified and/or adjusted. <p>Therefore, the Zoning Committee found this text amendment to be reasonable and in the public interest based on the information from the staff analysis and the public hearing , and because:</p> <ul style="list-style-type: none"> • It clarifies and simplifies practices relating to locating setbacks; and, • Preserves and enhances existing neighborhoods. <p>The Zoning Committee voted 5-0 to recommend APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 14</p>

15. [Petition No. 2014-094](#) (Council District –1-Kinsey) by Eastway II Holdings LLC for a change in zoning for approximately 3.05 acres located on the west side of Eastway Drive at the intersection of Eastway Drive and Biscayne Drive from B-1SCD (shopping center) and B-D(CD) (distributive business) to B-D(CD) (distributive business, conditional) and B-D(CD) SPA (distributive business, conditional, site plan amendment).

The Zoning Committee found a portion of this petition to be consistent with the *Central District Plan* and a portion of this petition to be inconsistent with the *Central District Plan*, based on information from the staff analysis and the public hearing, and because:

- A portion of the property was previously rezoned, and
- The remaining portion of the property is recommended for retail land uses.

However, the Zoning Committee found this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

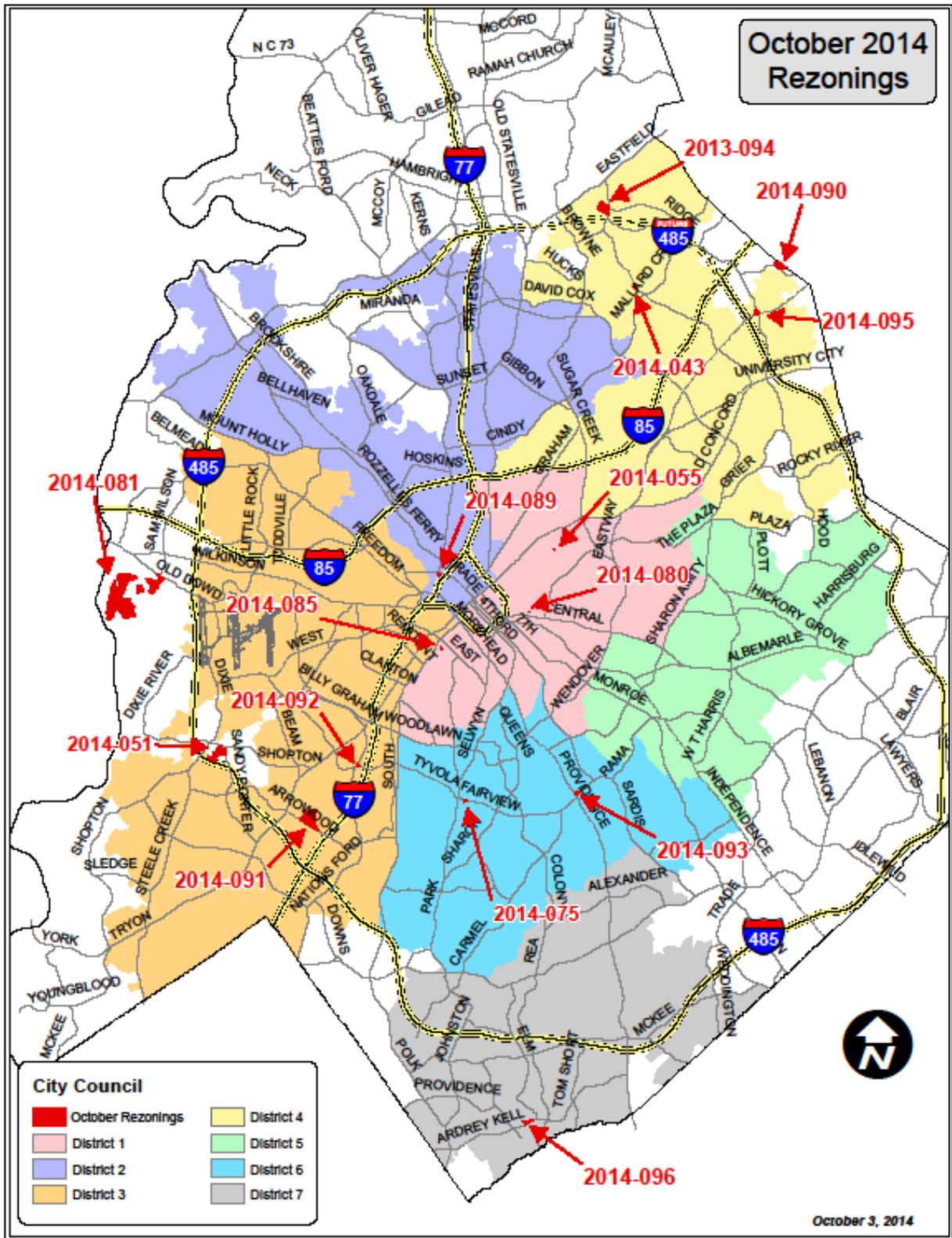
- The use will help maintain and active retail center.

The Zoning Committee voted 5-0 to recommend **APPROVAL** of this petition with the following modifications:

1. Amended proposed zoning to reflect B-D(CD) and B-D(CD) SPA.

Staff recommends approval of this petition.

[Attachment 15](#)



ZONING HEARINGS

Protest Petition Sufficient	<p>16. Petition No. 2013-094 (Council District 4 – Phipps) by Halvorsen Development for a change in zoning for approximately 33.85 acres located on the west side of Prosperity Church Road across from Ridge Road from CC (commercial center) and R-3 (single family residential) to CC (commercial center) and CC SPA (commercial center site plan amendment), with five-year vested rights.</p> <p>Staff recommends approval of this petition upon the resolution of the outstanding issues.</p> <p>Attachment 16</p>
Protest Petition Sufficient	<p>17. Petition No. 2014-043 (Council District 4 - Phipps) by Mark Patterson for a change in zoning for approximately 2.71 acres located on the west side of Prosperity Church Road between Prosperity Point Lane and Pinewood Lane from R-3 (single family residential) to INST(CD) (institutional, conditional).</p> <p>Staff recommends approval of the petition upon resolution of outstanding issues.</p> <p>Attachment 17</p>
	<p>18. Petition No. 2014-051 (outside city limits) by Eastgroup Properties, LP for a change in zoning for approximately 48 acres generally located on the east and west side of Gable Road between Shopton Road and Interstate 485 from R-3 (single family residential), I-2 (general industrial), and I-2(CD) (general industrial, conditional) to I-2(CD) (general industrial, conditional) and I-2(CD) SPA (general industrial, conditional, site plan amendment).</p> <p>Staff recommends approval of the petition upon resolution of outstanding issues.</p> <p>Attachment 18</p>
	<p>19. Petition No. 2014-055 (Council District 1- Kinsey) by Andrew Klenk for a change in zoning for approximately 0.23 acres located on the east side of North Davidson Street between 33rd Street and East 34th Street from R-5 (single family residential) to MUDD-O (mixed use development, optional).</p> <p>Staff recommends approval of the petition upon resolution of outstanding issues.</p> <p>Attachment 19</p>
	<p>20. Petition No. 2014-073 (Council District 6 - Smith) by Brazwells Premium Pub for a Text Amendment to the City of Charlotte Zoning Ordinance to allow outdoor dining in the setback or yards in a variety of zoning districts as an accessory use when associated with an eating, drinking and entertainment establishment, with prescribed conditions.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 20</p>
Deferral (to November)	<p>21. Petition No. 2014-075 (Council District 6 - Smith) by Crossroads Realty Group, LLC for a change in zoning for approximately 2.6 acres located on the southwest corner of Fairview Road and Closeburn Road between Park Road and Park South Drive from R-3 (single family residential) to UR-2(CD) (urban residential, conditional).</p> <p>Attachment 21</p>
	<p>22. Petition No. 2014-080 (Council District 1 - Kinsey) by Campus Works/Mallie Colavita for a change in zoning for approximately 0.50 acres located on the east side of Hawthorne Lane at the intersection of Hawthorne Lane and Seaboard Coast Line Railroad from I-2 (general industrial) to B-2(PED) (general business, pedestrian overlay).</p>

<p>2014-080 cont.</p>	<p>Staff recommends approval of this petition.</p> <p>Attachment 22</p>
	<p>23. Petition No. 2014-081 (Outside City Limits) by Provident Land Services for a change in zoning for approximately 391 acres generally located on the east and west side of Amos Smith Road, south of Old Dowd Road and south of the Southern Railroad in this area from MX-2(INNOV)(LWCA) (mixed use, innovative, Lake Wylie Critical Area), MX-2(INNOV)(LLWCA) (mixed use, innovative, Lower Lake Wylie Critical Area), and NS(LLWCA) (neighborhood services, Lower Lake Wylie Critical Area) TO MX-2(INNOV)(LWCA) SPA (mixed use, innovative, Lake Wylie Critical Area, site plan amendment), MX-2 (INNOV)(LLWCA) SPA (mixed use, innovative, Lower Lake Wylie Critical Area, site plan amendment), and NS(LLWCA) SPA (neighborhood services, Lower Lake Wylie Critical Area, site plan amendment).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 23</p>
<p>Protest Petition TBD</p>	<p>24. Petition No. 2014-085 (Council District 1 – Kinsey) by New Carolina Income Properties, LLC for a change in zoning for approximately 0.75 acres located on the northeast corner at the intersection of East Tremont Avenue and Euclid Avenue from UR-2(CD) HD (urban residential, conditional, historic district overlay) to TOD-RO HD (transit oriented development - residential, optional, historic district overlay).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 24</p>
	<p>25. Petition No. 2014-89 (Council District 2 – Austin) by Hopper Communities for a change in zoning for approximately 2.69 acres located on the north side of West 4th Street between Grandin Road and South Summit Avenue from R-8MF(HD) (multi-family residential, historic district overlay) and R-22MF(HD)(PED) (multi-family residential, historic district overlay, pedestrian overlay) to UR-2(CD)(HD) (urban residential, historic district overlay) and UR-2(CD)(HD)(PED) (urban residential, historic district overlay, pedestrian overlay).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 25</p>
	<p>26. Petition No. 2014-090 (Outside the City Limits) by HSREI, LLC for a change in zoning for approximately 17.66 acres located on the east side of Morehead Road at the intersection of Stowe Lane and Morehead Road from R-3 (single family residential) and I-1(CD) (light industrial, conditional) to I-1(CD) (light industrial, conditional) and I-1(CD) SPA (light industrial, conditional, site plan amendment), with five-year vested rights.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 26</p>
	<p>27. Petition No. 2014-091 (Council District 3 - Mayfield) by Time Warner Cable for a change in zoning for approximately 85.3 acres located on the north side of West Arrowood Road between Woodknoll Drive and Red Oak Boulevard from B-1(CD) (neighborhood business, conditional) and O-1(CD) (office, conditional) to O-1(CD) (office, conditional) and O-1(CD) SPA (office, conditional, site plan amendment).</p> <p>Staff does not recommend approval of this petition in its current form.</p> <p>Attachment 27</p>

<p>Protest Petition TBD</p>	<p>28. <u>Petition No. 2014-092</u> (Council District 3 - Mayfield) by Pavilion Development Company for a change in zoning for approximately 1.79 acres located on the northeast corner at the intersection of Nations Ford Road and Tyvola Road from CC (commercial center) to CC SPA (commercial center, site plan amendment).</p> <p>Staff recommends denial of this petition.</p> <p>Attachment 28</p>
	<p>29. <u>Petition No. 2014-093</u> (Council District 6 - Smith) by Merrifield Patrick Vermillion, LLC for a change in zoning for approximately 3.15 acres located on the northeast corner at the intersection of Providence Road, Sardis Road, and Fairview Road from O-15(CD) (office, conditional) to MUDD-O (mixed use development, optional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 29</p>
<p>Deferral (to November)</p>	<p>30. <u>Petition No. 2014-095</u> (Council District 4 - Phipps) by QuikTrip Corporation for a change in zoning for approximately 5.08 acres located on the north side of North Tryon Street between West Pavilion Boulevard and Salome Church Road from R-3 (single-family residential) and NS (neighborhood services) to B-1(CD) (neighborhood business, conditional).</p> <p>Attachment 30</p>
	<p>31. <u>Petition No. 2014-096</u> (Council District 7 - Driggs) by Lenox Development Group, LLC for a change in zoning for approximately 6.09 acres located on the north side of Ardrey Kell Road and between Blakeney Heath Road and Community House Road across from Carson Whitley Avenue from R-3 (single family residential) to NS (neighborhood services).</p> <p>Staff does not recommend approval of this petition in its current form.</p> <p>Attachment 31</p>
<p>Deferral (to November)</p>	<p>32. <u>Petition No. 2014-001 SUB</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Subdivision Ordinance to:</p> <ol style="list-style-type: none"> 1) modify the definition of planned development; 2) clarify existing regulations and update references, formatting and tables; 3) relocate regulations into the proper section; 4) correct the dimension of the right-of-way requirements for local residential wide streets; 5) remove the requirement for delivery of final plats to the Planning Department and remove references to the County and Board of Commissioners; 6) clarify street spacing requirements; 7) clarify the standards for required streets when lots or building sites are part of a multi-family development; 8) update the notice and hearing requirements for variances and appeals; the standards for granting a variance; and the standards for making decisions; and 9) update the appeal regulations. <p>Attachment 32</p>

	<p>33. <u>Petition No. 2014-071</u> by Charlotte-Mecklenburg Planning Department & Charlotte-Mecklenburg Police Department for a Text Amendment to the City of Charlotte Zoning Ordinance to:</p> <ol style="list-style-type: none"> 1) add new definitions for “animal care and control division”, “animal care and control fosterer”, “animal rescue group” and “animal rescue group fosterer”; 2) modify the definitions for “commercial kennel” and “private kennel”; 3) modify the prohibited customary home occupation list; and 4) modify the prescribed conditions for private kennels. <p>Staff recommends approval of this petition.</p> <p>Attachment 33</p>
	<p>34. <u>Petition No. 2014-098</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to clarify the height limitations for permitted structures in various districts.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 34</p>
	<p>35. <u>Petition No. 2014-099</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to allow parking lot reconfiguration in the UMUD (Uptown Mixed Use) district under limited circumstances.</p> <p>Staff is recommends approval of this petition.</p> <p>Attachment 35</p>