

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

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## ***CITY COUNCIL ZONING AGENDA***

***Monday, December 15, 2008***

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

6:00PM – Zoning Decisions  
Meeting Chamber

### ***DINNER MEETING***

***Review of Agenda – Tammie Keplinger / Tom Drake***  
***Review of Rezoning Study Group Report – Joel Randolph***

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

# REZONING ACRONYMS

<u>Zoning Districts</u>	<u>Overlay Districts</u>
<p><b>B-1</b> – neighborhood business district</p> <p><b>B-2</b> – general business district</p> <p><b>B-1SCD</b> – business shopping center district</p> <p><b>BD</b> – distributive business district</p> <p><b>BP</b> – business park district</p> <p><b>CC</b> – commercial center district</p> <p><b>I-1</b> – light industrial district</p> <p><b>I-2</b> – general industrial district</p> <p><b>INST</b> – institutional district</p> <p><b>MUDD</b> – mixed use development district</p> <p><b>MX-1</b> – mixed use district</p> <p><b>MX-2</b> – mixed use district</p> <p><b>MX-3</b> – mixed use district</p> <p><b>NS</b> – neighborhood services district</p> <p><b>O-1</b> – office district</p> <p><b>O-2</b> – office district</p> <p><b>O-3</b> – office district</p> <p><b>R-3</b> – single-family residential – up to 3 dwelling units per acre (dua)</p> <p><b>R-4</b> – single-family residential – up to 4 dua</p> <p><b>R-5</b> – single-family residential – up to 5 dua</p> <p><b>R-6</b> – single-family residential – up to 6 dua</p> <p><b>R-8</b> – single-family residential – up to 8 dua</p> <p><b>R-8MF</b> – multi-family residential – up to 8 dua</p> <p><b>R-12MF</b> – multi-family residential – up to 12 dua</p> <p><b>R-17MF</b> – multi-family residential – up to 17 dua</p> <p><b>R-22MF</b> – multi-family residential – up to 22 dua</p> <p><b>R-43MF</b> – multi-family residential – up to 43 dua</p> <p><b>R-MH</b> – residential manufactured housing</p> <p><b>RE-1</b> – research district</p> <p><b>RE-2</b> – research district</p> <p><b>RE-3</b> – research district</p> <p><b>TOD</b> – transit oriented development</p> <p><b>TOD-E</b> – transit oriented development – employment</p> <p><b>TOD-EO</b> – transit oriented development – employment - optional</p> <p><b>TOD-M</b> – transit oriented development – mixed use</p> <p><b>TOD-MO</b> – transit oriented development – mixed use – optional</p> <p><b>TOD-R</b> – transit oriented development – residential</p> <p><b>TOD-RO</b> – transit oriented development – residential - optional</p> <p><b>U-I</b> – urban industrial district</p> <p><b>UMUD</b> – uptown mixed use district</p> <p><b>UMUD-O</b> – uptown mixed use district - optional</p> <p><b>UR-1</b> – urban residential</p> <p><b>UR-2</b> – urban residential</p> <p><b>UR-3</b> – urban residential</p> <p><b>UR-C</b> – urban residential - commercial</p>	<p><b>CR/LWW</b> – Catawba River / Lake Wylie watershed</p> <p><b>CR/LWWCA</b> – Catawba River / Lake Wylie watershed – critical area</p> <p><b>CR/LWWPA</b> – Catawba River / Lake Wylie watershed – protected area</p> <p><b>HD-O</b> – historic district overlay</p> <p><b>HW</b> – hazardous waste overlay</p> <p><b>LNW</b> – Lake Norman watershed</p> <p><b>LNWCA</b> – Lake Norman watershed – critical area</p> <p><b>LNWPA</b> – Lake Norman watershed – protected area</p> <p><b>LLWW</b> – Lower Lake Wylie watershed</p> <p><b>LLWWCA</b> – Lower Lake Wylie watershed – critical area</p> <p><b>LLWWPA</b> – Lower Lake Wylie watershed– protected area</p> <p><b>MILW</b> – Mountain Island Lake watershed</p> <p><b>MILWCA</b> – Mountain Island Lake watershed – critical area</p> <p><b>MILWPA</b> – Mountain Island Lake watershed – protected area</p> <p><b>MH-</b> – manufactured home overlay</p> <p><b>PED</b> – pedestrian overlay district</p> <p><b>PED-O</b> – pedestrian overlay district – optional</p> <p><b>TS</b> – transit supportive overlay district</p>
	<p><u>Miscellaneous Acronyms</u></p> <p><b>CD</b> – conditional</p> <p><b>SPA</b> – site plan amendment</p>

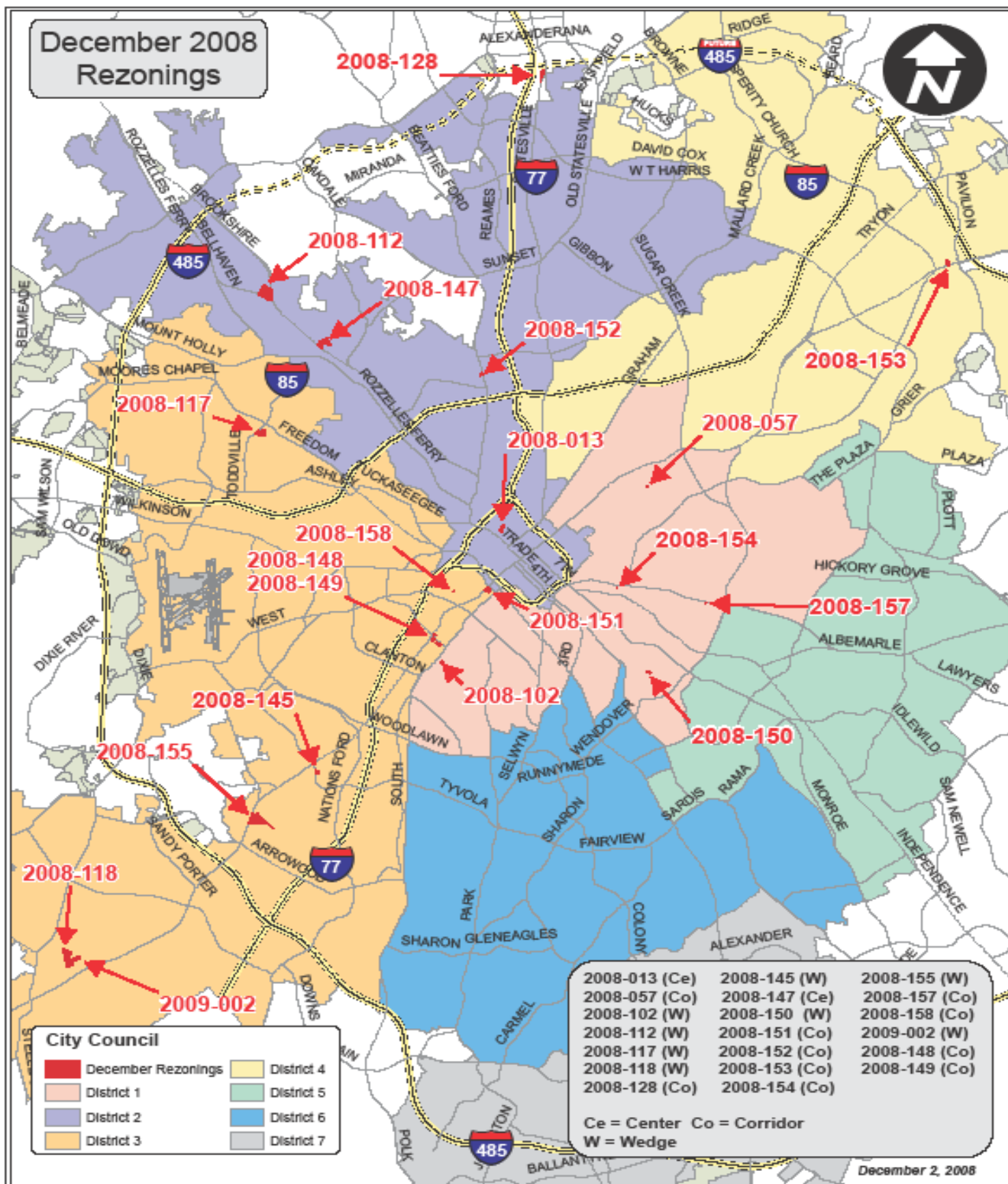
## ***DECISIONS***

	<p>01. <b>Petition No. 2008-126 (decision) by Frederick Watson</b> for a change in zoning of approximately 0.17 acres located on the north side of Wilkinson Boulevard between Holton Avenue and Crispin Avenue from B-2 to UR-C (CD).</p> <p>This petition is found to be consistent with the <i>Central District Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Zoning Committee voted unanimously to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Lot area has been listed as 0.17 acres.</li> <li>2. The number of parking spaces required and provided is referenced as eight.</li> <li>3. Note 2 under <u>Section 9.407 Development Standards for Various Uses</u> has been amended to delete the request regarding bonus parking.</li> <li>4. Note 4 under <u>Section 9.408 Off-Street Parking and Loading</u> has been deleted.</li> <li>5. Deleted note under <u>Section 12.301</u> that no buffer is required between the project and the B-2 zoned property to the west.</li> <li>6. Note 1 under <u>Additional Notes</u> has been amended to state that full cut-off fixtures will be used for all outdoor lighting.</li> <li>7. Note 5 has been added under <u>Additional Notes</u> that the petitioner will submit a solid waste management plan to Mecklenburg County Solid Waste prior to initiating demolition and/or construction activities. Further, it has been noted that the site will be fully secured during non-working hours.</li> <li>8. The adjacent lot to the north zoned R-8 has been correctly labeled.</li> <li>9. The petitioner has added a note to the site plan allowing access to the rear alley.</li> <li>10. The site plan includes a northern building elevation, which mirrors the southern elevation.</li> <li>11. Note under Section 12.301 will be corrected to indicate that the adjacent site to the north is used for residential purposes.</li> </ol> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 01</p>
	<p>02. <b>Petition No. 2008-130 (decision) by Issa Rafidi</b> for a change in zoning of approximately 0.20 acres located on the northwest corner of North Davidson Street and Charles Avenue from R-5 to MUDD-O.</p> <p>This petition is found to be inconsistent with the <i>North Charlotte Plan</i> but reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Zoning Committee voted unanimously to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. The petitioner should show and provide details of the screen fence. The details of the fence are now shown on the site plan.</li> <li>2. The petitioner should clarify the legend for gravel walkway and sidewalk. The materials look the same on the site plan. This has been clarified and a legend provided.</li> <li>3. The petitioner should show new six-foot minimum sidewalks and their location on site plan. This is now indicated on the plan.</li> </ol>

	<ol style="list-style-type: none"> <li>4. The petitioner should change the optional request to read “The Petitioner requests to allow an encroachment of the existing building and patio into the 14 foot setback.” This modification has been made.</li> <li>5. The petitioner should remove the note “C” under Section 2 Streetscape Design Standards. This note has been removed.</li> <li>6. The petitioner should remove the Note under parking “remainder of notes under parking &amp; loading standards removed”. This note has been removed.</li> <li>7. The petitioner should add the square footage of the outdoor seating area to the plan and include it in the parking calculations. This has been added to the site plan indicating that a total of 2,196 square feet will require eight (8) parking spaces.</li> <li>8. The petitioner has removed the optional request related to the sidewalk and planting strip.</li> <li>9. The petitioner added a note granting a sidewalk easement from 2-feet behind the sidewalk to the right-of-way.</li> </ol> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 02</p>
<b>Withdrawal</b>	<p>03. <b>Petition No. 2008-131 (decision) by Crescent Resources, LLC</b> for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to modify the regulations for drive throughs for small restaurants under specific, limited circumstances.</p> <p>The Zoning Committee voted unanimously to recommend approval of the withdrawal request.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 03</p>
	<p>04. <b>Petition No. 2008-141 (decision) by Charlotte-Mecklenburg Planning Commission</b> for a change in zoning of approximately 2.17 acres located on the southwest corner of West Tremont Avenue from I-1 to TOD-M.</p> <p>This petition is found to be consistent with the <i>Southend Transit Station Area Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Zoning Committee voted unanimously to recommend <b>APPROVAL</b> of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 04</p>
	<p>05. <b>Petition No. 2008-142 (decision) by Simone and David Locke</b> for a change in zoning of approximately 1.76 acres located on the southwest corner of Monroe Road and Rama Road from O-1(CD) to R-3.</p> <p>This petition is found to be consistent with the <i>East District Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Zoning Committee voted unanimously to recommend <b>APPROVAL</b> of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 05</p>

	<p>06. <b>Petition No. 2008-144 (decision) by HK Patel</b> for a change in zoning of approximately 2.60 acres located northwest of the intersection of East Independence Boulevard and Sardis Road North from CC to CC SPA.</p> <p>This petition is found to be consistent with the <i>East District Plan</i> and the <i>Transit Station Area Principles</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Zoning Committee voted unanimously to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. The five-foot sidewalk surrounding the building has been labeled.</li> <li>2. Note 10 has been amended to specify a maximum building height of 55 feet instead of an average building height.</li> <li>3. The boundaries of the rezoning area have been clearly delineated and labeled.</li> <li>4. Note 11 has been amended to state that the petitioner agrees to dedicate and convey, prior to the issuance of a building permit, any right-of-way necessary for the widening of East Independence Boulevard and the construction of the interchange at Sardis Road North.</li> <li>5. Plan has been amended to reflect a six foot sidewalk with eight foot planting strip from the building to the northern property line. Reference to the sidewalk and planting strip that were to be provided to East Independence Boulevard if permission is granted from the abutting property owner has been deleted.</li> <li>6. Petitioner has deleted the location of the proposed sign. Note 5 under <u>Site Plan Conditions</u> states that signage will comply with Chapter 13 of the Zoning Ordinance and specifies the type, maximum square footage and maximum height of proposed signage.</li> <li>7. 155 rooms maximum has been added.</li> </ol> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 06</p>
	<p>07. <b>Petition No. 2008-156 (decision) by Metrolina Regional Scholars Academy</b> for a change in zoning of approximately 4.13 acres located on the north side of Seventy Seven Center Drive from I-2 to O-2.</p> <p>This petition is found to be consistent with the <i>Woodlawn Transit Station Area Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Zoning Committee voted unanimously to recommend <b>APPROVAL</b> of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 07</p>

# December 2008 Rezoningings



## HEARINGS

<b>Withdrawal</b>	<p>08. <b>Petition No. 2008-013 (hearing) by The Boulevard Company</b> for a change in zoning of approximately 2.94 acres located on the southeast corner of North Clarkson Street and Cates Street from UR-2 to MUDD.</p> <p>Petitioner is requesting a withdrawal of this petition</p> <p>Staff agrees with the petitioners request to withdraw this petition.</p> <p>Attachment 08</p>
	<p>09. <b>Petition No. 2008-057 (hearing) by Michelle Strause</b> for a change in zoning of approximately 0.30 acres located on the south side of East 36<sup>th</sup> Street between North Davidson Street and Norfolk and Southern Railroad from B-1 to NS.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 09</p>
<b>Deferral (one-month)</b>  <b>Protest (sufficient)</b>	<p>10. <b>Petition No. 2008-102 (hearing) by The Drakeford Company</b> for a change in zoning of approximately 0.82 acres located on the north side of Marsh Road between South Boulevard and Melbourne Court from R-4 to UR-2(CD).</p> <p>Petitioner is requesting a one-month deferral of this petition to January.</p> <p>Staff does not recommend approval of this petition.</p> <p>Attachment 10</p>
<b>Deferral (one-month)</b>	<p>11. <b>Petition No. 2008-112 (hearing) by Westlake Holdings, LLC</b> for a change in zoning of approximately 24.81 acres located on the southwest corner of Brookshire Boulevard and Old Plank Road from R-3(LLWPA) and B-1SCD(LLWPA) to B-1(CD)(LLWPA).</p> <p>Petitioner is requesting a one-month deferral of this petition to January.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 11</p>
	<p>12. <b>Petition No. 2008-117 (hearing) by Medical Facilities of NC, Inc.</b> for a change in zoning of approximately 9.05 acres located on the east side of Toddville Road between Paw Creek Road and Freedom Drive from R-3(LLWPA), R-9MF(CD)(LLWPA) and R-17MF(LLWPA) to INST(CD)(LLWPA).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 12</p>
<b>Deferral (indefinite)</b>  <b>Protest (sufficient)</b>	<p>13. <b>Petition No. 2008-118 (hearing) by Neighboring Concepts</b> for a change in zoning of approximately 19.52 acres located on the south side of Erwin Road between Moss Road and Ivey Creek Drive from R-3 to INST(CD).</p> <p>Petitioner is requesting an indefinite deferral of this petition.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 13</p>



	<p>14. <b>Petition No. 2008-128 (hearing) by Sherpa Land Company, LLC</b> for a change in zoning of approximately 2.50 acres located on the west side of Statesville Road between Twin Lakes Parkway and Future I-485 from R-17MF and I-1 to B-D(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 14</p>
<p><b>Deferral (indefinite)</b></p> <p><b>Protest (sufficient)</b></p>	<p>15. <b>Petition No. 2008-145 (hearing) by Connecticut Avenue, LLC</b> for a change in zoning of approximately 1.62 acres located on the east side of West Tyvola Road between South Tryon Street and Tyvola Center Drive from R-4 to CC.</p> <p>Petitioner is requesting an indefinite deferral of this petition.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 15</p>
<b>Deferral (two-months)</b>	<p>16. <b>Petition No. 2008-147 (hearing) by Kathy and Sonya Garmon</b> for a change in zoning of approximately 12.17 acres located on the north side of Brookshire Boulevard between Oakdale Road and Caldwell Williams Road from I-1 to I-2(CD).</p> <p>Petitioner is requesting a two-month deferral of this petition to February.</p> <p>Staff does not recommend approval of this petition as currently proposed.</p> <p>Attachment 16</p>
	<p>17. <b>Petition No. 2008-150 (hearing) Kennington Family, LLC</b> for a change in zoning of approximately 1.44 acres located on the northeast corner of Rodman Street and Sam Drenan Road from R-22MF to I-1.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 17</p>
	<p>18. <b>Petition No. 2008-151 (hearing) by Brandon Snider</b> for a change in zoning of approximately 2.16 acres located on the block bounded by South Tryon Street, East Palmer Street, South College Street and East Catherine Street from MUDD-O to MUDD-O SPA.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 18</p>
	<p>19. <b>Petition No. 2008-152 (hearing) by Friendship Missionary Baptist Church</b> for a change in zoning of approximately 1.13 acres located on the southwest corner of Beatties Ford Road and Fairdale Drive from O-2 to B-2(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 19</p>
	<p>20. <b>Petition No. 2008-153 (hearing) by Sam's Mart, LLC</b> for a change in zoning of</p>



	<p>approximately 2.09 acres located on the northeast corner of University City Boulevard and Sams Lane from B-1(CD) to B-2(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 20</p>
	<p>21. <b>Petition No. 2008-154 (hearing) by Robert Nixon</b> for a change in zoning of approximately 0.19 acres located at the intersection of Pecan Avenue and Gordon Street from MUDD-O(PED) to MUDD-O(PED)SPA.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 21</p>
	<p>22. <b>Petition No. 2008-155 (hearing) by JDR Communities</b> for a change in zoning of approximately 24.98 acres located on the east side of South Tryon Street between Yorkdale Drive and Thornfield Road from R-3 to R-17MF(CD).</p> <p>Staff does not recommend approval of this petition as currently proposed.</p> <p>Attachment 22</p>
	<p>23. <b>Petition No. 2008-157 (hearing) by Michael Berglass, DDS</b> for a change in zoning of approximately 0.44 acres located on the south side of Central Avenue between Crystal Road and Cyrus Drive from R-22MF to NS.</p> <p>Staff does not recommend approval of this petition</p> <p>Attachment 23</p>
	<p>24. <b>Petition No. 2008-158 (hearing) by Greater Galilee Baptist Church</b> for a change in zoning of approximately 0.15 acres located on the northwest corner of South Mint Street and West Park Avenue from R-5 to UR-C.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 24</p>
	<p>25. <b>Petition No. 2009-002 (hearing) by Bellsouth Telecommunications, Inc.</b> for a change in zoning of approximately 4.80 acres located on the south side of Erwin Road between South Tryon Street and Moss Road from R-3 to I-1(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 25</p>
	<p>26. <b>Petition No. 2008-148 (hearing) by the Charlotte-Mecklenburg Planning Commission</b> for a change in zoning of approximately 3.49 acres located on the south side of Remount Road between South Boulevard and South Tryon Street from B-2 and I-2 to TOD-M.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 26</p>
	<p>27. <b>Petition No. 2008-149 (hearing) by the Charlotte-Mecklenburg Planning</b></p>

	<p><b>Commission</b> for a change in zoning of approximately 0.59 acres located on the east side of South Tryon Street between Remount Road and Basin Street from I-1 to TOD-M.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 27</p>
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