

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

CITY COUNCIL ZONING AGENDA

Monday, February 16, 2009

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

6:00PM – Zoning Decisions
Meeting Chamber

DINNER MEETING

Review of Agenda – Tammie Keplinger / Tom Drake

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

REZONING ACRONYMS

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

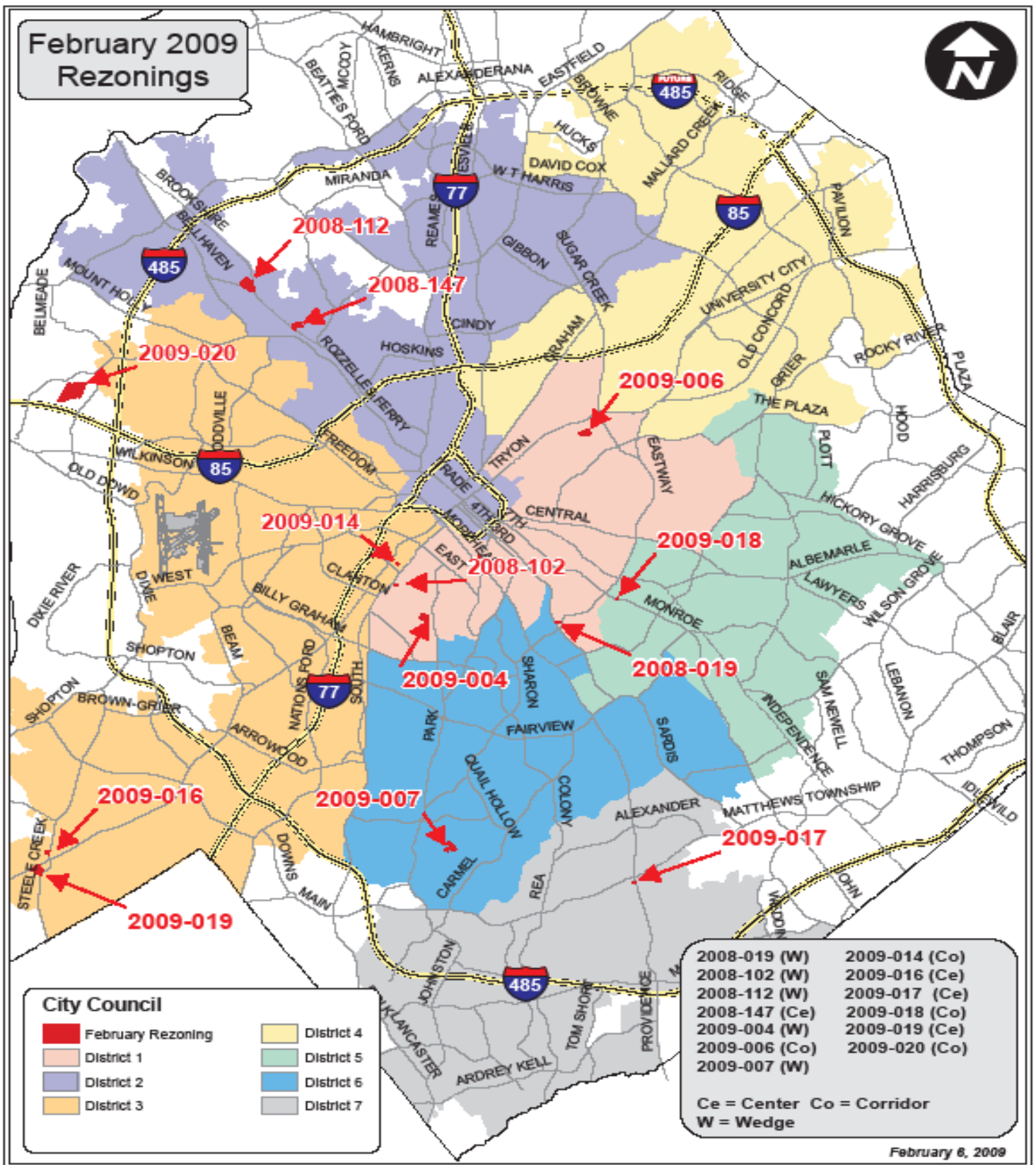
DECISIONS

<p>Deferral (one-month)</p> <p>Protest Sufficient</p>	<p>01. Petition No. 2007-124 (decision) by The Charlotte-Mecklenburg Planning Commission for a change in zoning of approximately 4.59 acres located on the northeast corner of South Tryon Street and West Tremont Street from I-2 and MUDD-O to TOD-M(CD).</p> <p>The Zoning Committee voted unanimously to recommend DEFERRAL of this petition to February 25, 2009.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 01</p>
<p>Protest Sufficient</p>	<p>02. Petition No. 2008-140 (decision) by David Thompson for a change in zoning of approximately 1.00 acre located on the east side of Park Road between Sharon Road and Wolfe Ridge Road from R-3 to UR-3(CD).</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>South District Plan</i> and the <i>General Development Policies</i> but <u>not reasonable</u> and in the public interest. The Committee voted 6-1 to recommend DENIAL of this petition. The applicant submitted the following modifications:</p> <ol style="list-style-type: none"> 1. Non-residential uses have been deleted. 2. Details of the retaining walls have been included. 3. Calculations demonstrate no reflective glare will occur off the site. 4. Agreed to submit a Solid Waste Management Plan. <p>Staff agrees with the recommendation of the majority of the Zoning Committee.</p> <p>Attachment 02</p>
<p>Deferral (one-month)</p>	<p>03. Petition No. 2008-154 (decision) by Robert Nixon 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>The Zoning Committee voted unanimously to recommend DEFERRAL of this petition to February 25, 2009.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 03</p>
<p>The decision on this petition was deferred from the January 26, 2009 City Council meeting.</p>	<p>04. Petition No. 2008-155 (decision) by JDR Communities for a change in zoning of approximately 24.61 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>The Zoning Committee unanimously found this petition to be <u>inconsistent</u> with the <i>General Development Policies</i> but reasonable and in the public interest. The Committee voted 4 to 3 to recommend DENIAL of this petition. The applicant submitted the following modifications:</p> <ol style="list-style-type: none"> 1. The petitioner agreed to provide a solid waste plan as described in a document entitled <i>Solid Waste Management Plan Guidance</i> dated 10/22/08. 2. The site plan includes a note describing proposed materials for fencing along South Tryon and around the remainder of the site. 3. A note has been added regarding design elements and building materials for building elevations.

	<p>4. Notes have been added as requested by LUESA in relation to the existing water supply wells and septic tanks.</p> <p>5. A note has been added indicating that the petitioner will work with CATS on the location of a waiting pad along South Tryon Street.</p> <p>6. Tree save areas have been identified and calculated.</p> <p>7. The narrow strip of land extending to the southeast and abutting single family residential lots has been removed from the rezoning petition, resulting in a decrease in the project total acreage from approximately 24.98 acres to approximately 24.607 acres.</p> <p>8. Add a note to the site plan stating that in the event the engineering analysis is unable to find a reasonable solution for a vehicular connection to the existing stub street then a gated pedestrian access point will be provided.</p> <p>Staff agrees with the recommendation of the majority of the Zoning Committee.</p> <p>Attachment 04</p>
<p>Deferral (for new public hearing)</p> <p>Protest Sufficient</p>	<p>05. Petition No. 2008-158 (decision) by Greater Galilee Baptist Church 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>The Zoning Committee voted unanimously to recommend a deferral of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 05</p>
	<p>06. Petition No. 2009-001 (decision) by Janice White for a change in zoning of approximately 0.45 acres located on the southwest corner of Hickory Grove Road and Lawrence Orr Road from R-3 to INST (CD).</p> <p>The Zoning Committee unanimously found this petition to be <u>inconsistent</u> with the <i>Eastland Area Plan</i> but to be reasonable and in the public interest. The Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Play area is located outside of side yard. 2. Symbols in the legend for chain link fence, wood fence building setback, and planting strip have been amended. 3. Internal walkway connections will be provided to the public sidewalks along both streets by an existing concrete walkway and a new five-foot walkway. 4. Technical changes include deletion of tree planting notes, removal of note regarding evergreen trees, removal of note about chain link fence location, removal of verbiage allowing the width of the planting strip to vary. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 06</p>
	<p>07. Petition No. 2009-005 (decision) by Regency Centers, Inc. for a change in zoning of approximately 21.75 acres located on the southwest corner of Carmel Road and Pineville-Matthews Road from B-1SCD to MUDD-O.</p> <p>Zoning Committee unanimously found this petition to be consistent with the <i>South District Plan</i> and to be reasonable and in the public interest. The Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The revised site plan will include an amended Note B.3 clarifying that the wall signage on new buildings will conform to the MUDD standards. 2. The revised site plan will include an amended Note C.1. clarifying that the existing sidewalk and planting strip along the relocated bank's frontage will remain. 3. The revised site plan will note that the development will provide parking at a ratio of

	<p>one space per 275 square feet.</p> <ol style="list-style-type: none"> 4. The revised site plan will note that at least 50% of the trees within the parking lot will be large maturing trees. 5. The revised site plan will increase the screening treatment in front of the bank to two staggered rows of shrubs planted 5 feet on center. 6. Signage note will be modified to prohibit LED/LCD signs. 7. The correct petition number will be placed on page TD-1. 8. The two smaller detached project identification signs (one is located on Carmel Road and the other one is located on Highway 51) will be limited such that no more than two of the tenants within the center will be identified per each one of these signs. 9. Columnar vegetation will be installed on five-foot centers in front of the screening wall along Carmel Road. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 07</p>
	<p>08. Petition No. 2009-010 (hearing) by The Charlotte-Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to allow the Zoning Board of Adjustment to hear variances to the standards for bed and breakfast establishments and to clear up inconsistencies in the regulations.</p> <p>The Zoning Committee unanimously found this petition to be consistent with adopted policies and reasonable and in the public interest. The Committee voted unanimously to recommend APPROVAL of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 08</p>
	<p>09. Petition No. 2009-011 (hearing) by The Charlotte-Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to modify the screening and streetscape requirements of PED, as well as modify the applicability section requirements.</p> <p>The Zoning Committee unanimously found this petition to be consistent with adopted policies and reasonable and in the public interest. The Committee voted unanimously to recommend APPROVAL of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 09</p>
Deferral (one-month)	<p>10. Petition No. 2009-012 (hearing) by The Charlotte-Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to modify certain regulations in TOD to protect the character of adjacent single family neighborhoods, particularly where TOD is across the street from, or on the same side of the street as single family development and to make minor revisions such as clarifying text, etc.</p> <p>The Zoning Committee voted unanimously to recommend DEFERRAL of this petition to February 25, 2009.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 10</p>

<p>Deferral (one-month)</p>	<p>11. Petition No. 2009-013 (hearing) by The Charlotte-Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to modify certain regulations in TS to protect the character of adjacent single family neighborhoods, particularly where TS is across the street from, or on the same side of the street as single family development and to make minor revisions such as clarifying text, etc.</p> <p>The Zoning Committee voted unanimously to recommend DEFERRAL of this petition to February 25, 2009.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 11</p>
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HEARINGS

	<p>12. Petition No. 2008-019 (hearing) The Boulevard Company for a change in zoning of approximately 2.56 acres located on the northwest corner of Churchill Road and Wendover Lane from UR-2(CD) to UR-2(CD)SPA.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 12</p>
Protest Sufficient	<p>13. Petition No. 2008-102 (hearing) by The Drakeford Company 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>Staff recommends denial of this petition.</p> <p>Attachment 13</p>
	<p>14. Petition No. 2008-112 (hearing) by Westlake Holdings, LLC 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(LWPA) and B-1SCD(LWPA) to B-1(CD)(LWPA).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 14</p>
Deferral (one-month)	<p>15. Petition No. 2008-147 (hearing) by Kathy and Sonya Garmon 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 one-month deferral of this petition.</p> <p>Staff recommends one-month deferral of this petition to allow the petitioner time to resolve outstanding issues.</p> <p>Attachment 15</p>
	<p>16. Petition No. 2009-004 (hearing) by City of Charlotte Housing Authority for a change in zoning of approximately 12.48 acres located on the north side of Marsh Road between Park Road and Selwyn Farms Lane from R-15MF(CD) to R-17MF(CD).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 16</p>
	<p>17. Petition No. 2009-006 (hearing) by NoDa Tidewater Development, LLC for a change in zoning of approximately 13.57 acres located on the southwest corner of East Craighead Road and Philemon Avenue from I-1 and I-2(CD) to UR-2(CD).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 17</p>

	<p>18. Petition No. 2009-007 (hearing) by Heydon Hall, LLC for a change in zoning of approximately 14.07 acres located near the southwest corner of Quail Hollow Country Club and east of Heydon Hall Circle from R-3 and MX-1 to MX-1 and MX-1SPA.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 18</p>
	<p>19. Petition No. 2009-016 (hearing) by John Michael Bodner for a change in zoning of approximately 3.24 acres located on the northwest corner of the intersection at Steelescrot Parkway and Steele Creek Road from CC to CC SPA.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 19</p>
	<p>20. Petition No. 2009-017 (hearing) by YUM! Brands, Inc. for a change in zoning of approximately 1.24 acres located on the northwest corner of Providence Road and Arboretum Shopping Center Drive from B-1SCD to B-1(CD).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 20</p>
	<p>21. Petition No. 2009-018 (hearing) by Rick Seifert for a change in zoning of approximately 0.89 acres located on the north side of Monroe Road between McAlway Road and Commonwealth Avenue from B-1 to B-2.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 21</p>
	<p>22. Petition No. 2009-019 (hearing) by Carolinas Health Care System for a change in zoning of approximately 16.30 acres located on the south side of South Tryon Street between Steele Creek Road and Wright's Ferry Road from O-2(CD) to O-2(CD)SPA.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 22</p>
	<p>23. Petition No. 2009-020 (hearing) by Beltway Properties, LLC for a change in zoning of approximately 95.59 acres located at the intersection of Beltway Boulevard and Reeves Ridge Road from I-1(CD)(LWPA) to I-1(CD)SPA(LWPA).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 23</p>
Withdrawal	<p>24. Petition No. 2009-014 (hearing) by The Charlotte-Mecklenburg Planning Commission for a change in zoning of approximately 0.50 acres located on the west side of Dunavan Street between Remount Road and Hawkins Street from I-2 to TOD-M.</p> <p>Petitioner is requesting a withdrawal of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 24</p>
	<p>25. Petition No. 2009-015 (hearing) by The City's Attorney's Office for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to revise the protest petition language to match new modifications proposed to the Protest Petition form and instructions. It also adds a new provision that the protest petition shall be on a form prescribed by the City, or on a document containing all the same required information. Other modifications to the protest petition text are proposed that will clarify the information requested on the protest petition in order to be complete, circumstances under which a protest petition is made sufficient, when it must be filed, and how it can be withdrawn.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 25</p>