

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

Thursday, March 19, 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>Protest Sufficient</p>	<p>01. Petition No. 2008-102 (decision) 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>This petition is found to be <u>inconsistent</u> with the <i>New Bern Transit Station Area Plan</i> and not reasonable and in the public interest, by a 5-1 vote of the Zoning Committee. The Committee voted 5-1 to recommend DENIAL of this petition.</p> <p>Staff agrees with the recommendation of the majority of the Zoning Committee.</p> <p>Attachment 01</p>
<p>Deferral (one-month)</p>	<p>02. 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 petitioner is requesting a one-month deferral of this petition to secure a parking lease agreement.</p> <p>The Zoning Committee voted unanimously to recommend a one-month DEFERRAL of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 02</p>
<p>Deferral (one-month)</p> <p>Protest Sufficient</p>	<p>03. 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 one-month DEFERRAL of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 03</p>
<p>New Public Hearing to be scheduled (no Council action required)</p>	<p>04. Petition No. 2009-010 (Decision) 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 voted unanimously to recommend that a new public hearing be held to add bed and breakfast establishments to the UR-2 and UR-3 zoning districts.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 04</p>

	<p>05. Petition No. 2009-012 (Decision) 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>This petition is found to be consistent with adopted plans and policies and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition, as revised.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 05</p>
	<p>06. Petition No. 2009-013 (Decision) 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>This petition is found to be consistent with adopted plans and policies and reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition, as revised.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 06</p>
	<p>07. Petition No. 2009-016 (Decision) by John Michael Bodner for a change in zoning of approximately 3.24 acres located on the northwest corner of the intersection at Steecroft Parkway and Steele Creek Road from CC to CC SPA.</p> <p>This petition is found to be consistent with the <i>Lower Steele Creek Special Project Plan</i> and to be reasonable and in the public interest by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition with the following recommendations:</p> <ol style="list-style-type: none"> 1. The developer has agreed to submit a solid waste management plan per LUESA's request. 2. There is now a commitment to an articulated rear elevation. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 07</p>
	<p>08. Petition No. 2009-017 (Decision) 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>This petition is found to be consistent with the <i>South District Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition with the following recommendations:</p> <ol style="list-style-type: none"> 1. The building setback, buffer and covenant setbacks have been correctly labeled. 2. The area staff asked the petitioner to label as the patio is actually where the sidewalks join and is not a patio. 3. There is existing screening for the parking from Providence Road and of the drive-thru from internal driveways. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 08</p>

	<p>09. Petition No. 2009-018 (Decision) 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>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 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>
Council needs to vote to not send back to Zoning Committee, due to insignificant changes to this petition	<p>10. Petition No. 2009-019 (Decision) 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>This petition is found to be consistent with the <i>Lower Steele Creek Special Project Plan</i> and to be reasonable and in the public interest, by a 6-0 vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition with the following recommendations:</p> <ol style="list-style-type: none"> 1. Solid Waste Management Plan is not required as request is for a helipad. 2. Note has been added to site plan referencing Rezoning Petition 2009-019. 3. Note on site plan has been amended to state that lighting will be fully shielded for downward direction. 4. Site plan has been amended to identify zoning of abutting properties. 5. Storm water issue has been addressed. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Please note, the petitioner added a note to the site plan indicating that a variance or alternate buffer may be sought due to FAA regulations since the Zoning Committee recommendation. Staff believes this change is insignificant and should not be sent back to the Zoning Committee for review.</p> <p>Attachment 10</p>
Withdrawal	<p>11. Petition No. 2009-020 (Decision) 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>Please note the petitioner is requesting withdrawal of this petition.</p> <p>The Zoning Committee voted unanimously to recommend WITHDRAWAL of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 11</p>

HEARINGS

<p>Deferred last month due to notification issue</p> <p>Protest Sufficient</p>	<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 Wendwood Lane from UR-2(CD) to UR-2(CD)SPA.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 12</p>
	<p>13. Petition No. 2008-053 (hearing) by Moody Lake Office Park Development, LP for a change in zoning of approximately 60.30 acres located on the south side of West Arrowood Road between I-485 and Whitehall Executive Center Drive from BP(CD) to MUDD-O Five Year Vested Rights.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 13</p>
<p>Protest Filed Sufficiency TBD</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 outstanding issues.</p> <p>Attachment 14</p>
	<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>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 15</p>
<p>Deferred last month due to notification issue</p> <p><u>Decision Requested</u></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 is requesting a decision on this petition the night of the public hearing due to the notification issue.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 16</p>
<p>Second Public Hearing due to notification issue</p>	<p>17. Petition No. 2009-005 (hearing) 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>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 17</p>

<p>Deferred last month due to notification issue</p> <p><u>Decision Requested</u></p>	<p>18. 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 is requesting a decision on this petition the night of the public hearing due to the notification issue.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 18</p>
	<p>19. 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 outstanding issues.</p> <p>Attachment 19</p>
<p>Protest Sufficient</p>	<p>20. Petition No. 2009-021 (hearing) by Bellmore Hall, LLC for a change in zoning of approximately 13.18 acres located on the south side of Windyrush Road between Sheffingdell Drive and Summerlin Place from R-3 to MX-1(Innovative).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 20</p>
<p>Deferral (one-month)</p> <p>Protest Sufficient</p>	<p>21. Petition No. 2009-022 (hearing) by Grubb Properties, Inc. for a change in zoning of approximately 7.95 acres located on the north side of Sharon Road between Morrocroft Lane and Colony Road from MUDD-O to MUDD-O SPA.</p> <p>Petitioner is requesting a one-month deferral of this petition to respond to neighborhood issues raised at their community meetings.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 21</p>
	<p>22. Petition No. 2009-023 (hearing) by Cashel Rock Investors for a change in zoning of approximately 24.10 acres located on the west side of Monroe Road and north of Orchard Lake Drive from I-1 and I-1(CD) to I-1(CD), UR-C(CD) and UR-2(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 22</p>
	<p>23. Petition No. 2009-024 (hearing) by Robert Mason & Associates, Inc. for a change in zoning of approximately 0.344 acres located on the northwest corner of Keswick Avenue and Bancroft Street from O-2 to I-2(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 23</p>

<p>Deferred last month due to notification issue</p> <p>Protest Withdrawn</p> <p><u>Decision Requested</u></p>	<p>24. Petition No. 2007-124 (hearing) 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 Avenue from I-2 and MUDD-O to TOD-M(CD).</p> <p>Staff is requesting a decision on this petition the night of the public hearing due to the notification issue.</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>
<p>Deferral (two-month)</p>	<p>26. Petition No. 2009-026 (hearing) by The Charlotte-Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to clarify the intent of the rules of construction for additions to existing development and to modify the Commercial Center development standards and permitted accessory uses.</p> <p>Staff recommends a two-month deferral of this petition to May.</p> <p>Attachment 26</p>
<p>Deferral (two-month)</p> <p>Protest Filed Sufficiency TBD</p>	<p>27. Petition No. 2008-132 (hearing) by VSL Construction, Inc. for a change in zoning of approximately 4.50 acres located on the west side of East W.T. Harris Boulevard between Wallace Avenue and Delta Crossing Lane from R-12MF(CD) to R-12MF(CD)SPA.</p> <p>Petitioner is requesting a two-month deferral of this petition to May.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 27</p>