

Mayor Patrick L. McCrory Mayor Pro Tem Susan Burgess

Michael D. Barnes

Warren Cooksey

Anthony Foxx

John W. Lassiter

Edwin B. Peacock III

Nancy Carter

Andy Dulin

Patsy Kinsey

James E. Mitchell, Jr.

Warren Turner

CITY COUNCIL ZONING AGENDA

Monday, April 20, 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

HISTORIC LANDMARKS

	<p>01. Approve a resolution setting a public hearing for May 18, 2009 at 6:00 PM on the question of historic designation of the "Charlotte Fire Station Number 5" and land as an Historic Landmark.</p> <p>Attachment 1</p>
	<p>02. Approve a resolution setting a public hearing for May 18, 2009 at 6:00 PM on the question of historic designation of the "Dr. Robert H. Greene House" and land as an Historic Landmark.</p> <p>Attachment 2</p>

DECISIONS

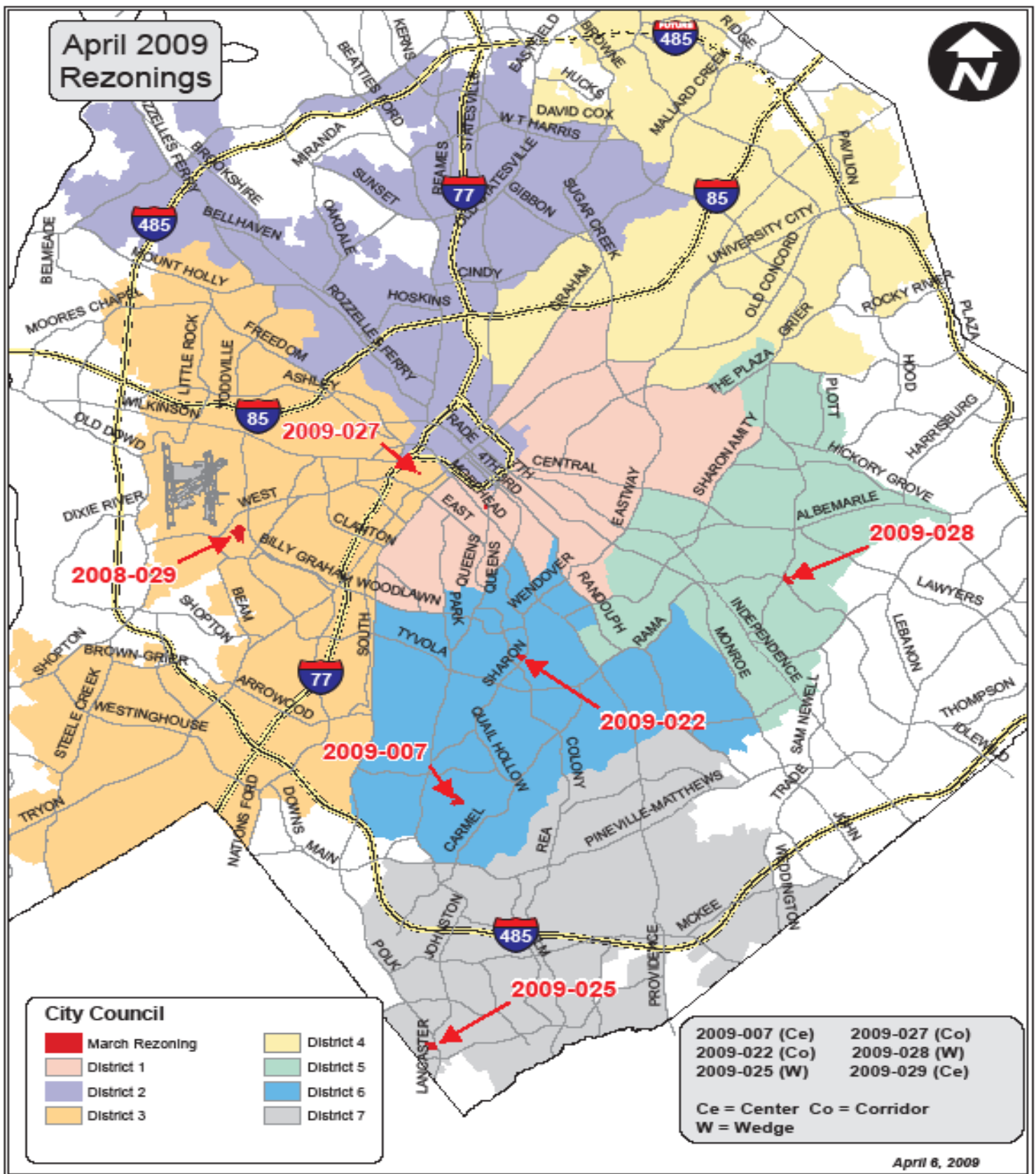
	<p>03. Petition No. 2008-019 (decision) by The Boulevard Company for a change in zoning of approximately 2.56 acres located on the northwest corner of Churchill Road and Wendwood Lane from UR-2(CD) to UR-2(CD)SPA.</p> <p>This petition is found to be consistent with the <i>South District Plan</i> and 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 modifications:</p> <ol style="list-style-type: none"> 1. A note will be added to indicate that 400 square feet of open space will be provided for each unit, if land is sold with the unit. 2. A note will be added to the site plan that a five-foot sidewalk connection to Randolph Road will be made from the internal sidewalk system, or a variance sought due to topographical challenges. 3. Painted or stamped cross-walks will be provided to connect the internal sidewalk segments. 4. A note will be added that "no parking" signs will be installed on the private alleys. 5. A cross-section has been provided to illustrate the relationship between buildings on the site and the adjacent single family home. 6. The location of the proposed solid waste and recycling facilities and required screening has been indicated on the site plan. 7. Note #7 has been modified so that any grading will now occur in the first five feet of the buffer, and will not impact the existing walls. 8. A Solid Waste Management Plan will be submitted. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 03</p>
	<p>04. Petition No. 2008-053 (decision) by Moody Lake Office Park Development, LP</p>

	<p>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>This petition is found to be inconsistent with the <i>Southwest District Plan</i> and <i>General Development Policies</i> but to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Maximum height has been noted as 180 feet or 12 stories. 2. The two private streets stubbing to the multi-family zoning to the north have been labeled for future connection with cross access easements. 3. Petitioner has noted that only two drive-in windows will be allowed. 4. Petitioner has noted that parking and maneuvering between the building and setbacks will be allowed on one building along Arrowood Road. 5. Petitioner has indicated building orientation for outparcel structures. 6. CDOT comments have been addressed. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 04</p>
Protest Sufficient	<p>05. Petition No. 2008-112 (decision) 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>This petition is found to be consistent with the <i>Northwest District Plan</i> and the <i>General Development Policies (GDP)</i> with respect to the retail component and inconsistent with the GDP with respect to the proposed residential density but to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Enhanced pedestrian connectivity between the retail parcels and new private and public streets by extending walkways from the retail portion to connect to the sidewalks along the adjacent proposed public and private streets. 2. Added a note stating the proposed gates will be open daily for public traffic between 6:00 a.m. and 10:00 p.m., with the gates designed to comply with CDOT standards. 3. Added a note stating the proposed private street will be designed to a public residential wide cross section with eight-foot planting strips and six-foot sidewalks on both sides, to connect to the retail outparcels and the school. 4. Extended the 10-foot shared bike pedestrian path to connect to the northernmost section of the proposed public street. 5. Amended Conditional Note #2 to include office as a permitted use. 6. Identified the required 100-foot Lake Wylie Watershed Overlay vegetative buffer as requested by Storm Water Services. 7. A left-turn lane will be constructed on Bellhaven Boulevard into the private street. 8. The required buffer between the residential component and the retail component will be located on the commercial property. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 05</p>
	<p>06. Petition No. 2008-147 (decision) by Kathy and Sonya Garmon for a change in zoning of approximately 12.17 acres located on the north side of Brookshire Boulevard</p>

<p>Protest Withdrawn</p>	<p>between Oakdale Road and Caldwell Williams Road from I-1 to I-2(CD).</p> <p>This petition is found to be inconsistent with the <i>Mt. Holly Road Special Project Plan</i> but to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Existing zoning and proposed zoning have been identified in the Site Summary section of the site plan. 2. Proposed 90-foot Class "A" buffer along the northeast property line has been increased to 100 feet and the site development notes will reflect this change. 3. Note has been added indicating 20-foot wide landscape area proposed to screen parking area from Brookshire Boulevard. 4. Note has been added to label required six-foot sidewalk and eight-foot planting strip along Brookshire Boulevard. 5. Storm water note has been removed from site plan. 6. Driveway has been realigned as per CDOT's request. 7. Sight triangles at driveway connections have been shown. 8. Proposed use language in Site Summary has been amended to include all uses permitted in the I-1 district plus contractor offices and accessory storage. 9. A Solid Waste Management Plan will be submitted prior to initiating land clearing, demolition, and/or construction activities. 10. Establishment of a use not permitted in the I-1 district will require commencement and completion of improvements to the site as identified in the site plan. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 06</p>
<p>Deferral (indefinite)</p>	<p>07. 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 an indefinite deferral of this petition to secure a parking lease agreement.</p> <p>The Zoning Committee voted unanimously to recommend an indefinite DEFERRAL of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 07</p>
<p>Deferral (indefinite)</p> <p>Protest Sufficient</p>	<p>08. 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 an indefinite DEFERRAL of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 08</p>
	<p>09. 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</p>

	<p>Pineville-Matthews Road from B-1SCD to MUDD-O.</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.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 09</p>
	<p>10. Petition No. 2009-015 (Decision) by The City 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>This petition is found to be consistent with adopted policies and reasonable and in the public interest, by 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 10</p>
Protest Sufficient	<p>11. Petition No. 2009-021 (Decision) 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>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 modifications:</p> <ol style="list-style-type: none"> 1. A note has been added indicating that the minimum side yards for corner lots is 10 feet. 2. A note has been added limiting the height of the pedestrian lighting to 12-feet. 3. An innovative standard has been added reducing the side yard setback from 10 feet to five feet. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 11</p>
	<p>12. Petition No. 2009-023 (Decision) 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>This petition is found to be inconsistent 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 Zoning Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The pedestrian connection between Area 1B and Area 3 has been enhanced and staff is satisfied. 2. Staff has removed its objections to the language regarding massing on Area 1B. 3. The note regarding the number of access points from Area 2 to Orchard Lake Drive has been corrected to match the six access points shown on the site plan. 4. Remove Note R., which suggests that the buildings may be Energy Star compliant will be removed from the site plan. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 12</p>
	<p>13. Petition No. 2009-024 (Decision) 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>This petition is found to be inconsistent with the Central District Plan and to be reasonable and in the public interest, by unanimous vote of the Zoning Committee. The Zoning Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Fence detail has been provided. 2. Site plan is labeled 2009-024. 3. A note requiring the gate along Bancroft Street to be open during business hours has been added to the site plan. 4. The six-foot buffer along Bancroft Street has been labeled. 5. The dimensions of buffer along Bancroft Street are labeled. 6. The proposed zoning has been changed to I-2(CD) to match rezoning application. 7. Staff requested that the petitioner show parking layout. The petitioner has added a note indicating that the parking requirements will be met utilizing the adjacent property under the same ownership. The petitioner has agreed to provide a cross parking and access easement will be needed. 8. Updated elevations have been provided. 9. No blank expanses of walls will exceed 20-feet. 10. A Solid Waste Management Plan will be submitted prior to initiating land clearing, demolition, and/or construction. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 13</p>



HEARINGS

	<p>14. Petition No. 2009-007 (hearing) 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 the resolution of the outstanding issues.</p> <p>Attachment 14</p>
Protest Sufficient	<p>15. 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>Staff recommends approval of this petition upon the resolution of the outstanding issues.</p> <p>Attachment 15</p>
	<p>16. Petition No. 2009-025 (hearing) by McCarley Developers, LLC for a change in zoning of approximately 23.00 acres located on the east side of Lancaster Highway near the corner of Ardrey Kell Road and Lancaster Highway from MX-2(Innovative) to MX-2(Innovative)SPA.</p> <p>Staff cannot support this petition as currently submitted.</p> <p>Attachment 16</p>
	<p>17. 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 modify Bed & Breakfast requirements and the zoning districts in which they are permitted.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 17</p>
	<p>18. Petition No. 2009-027 (hearing) by the Charlotte-Mecklenburg Planning Commission for a change in zoning of approximately 0.53 acres located on the northwest corner of South Mint Street and West Summit Avenue from I-1 to TOD-M.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 18</p>
Decision Requested	<p>19. Petition No. 2009-029 (hearing) by Charlotte Douglas International Airport for a change in zoning of approximately 34 acres located along Horseshoe Lane off Westinghouse Boulevard from I-1 to I-2.</p> <p>Please note the petitioner is requesting a Council decision on this petition the same night as the public hearing.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 19</p>

	<p>20. Petition No. 2009-038 (Hearing) by Bill Barnett Faison for the adoption of a text amendment to the City of Charlotte Zoning Ordinance and the Subdivision Ordinance to modify the regulations for transitional setbacks.</p> <p>Staff recommends an indefinite deferral of “Part A” and approval of “Part B”.</p> <p>Attachment 20</p>
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