

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, May 18, 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

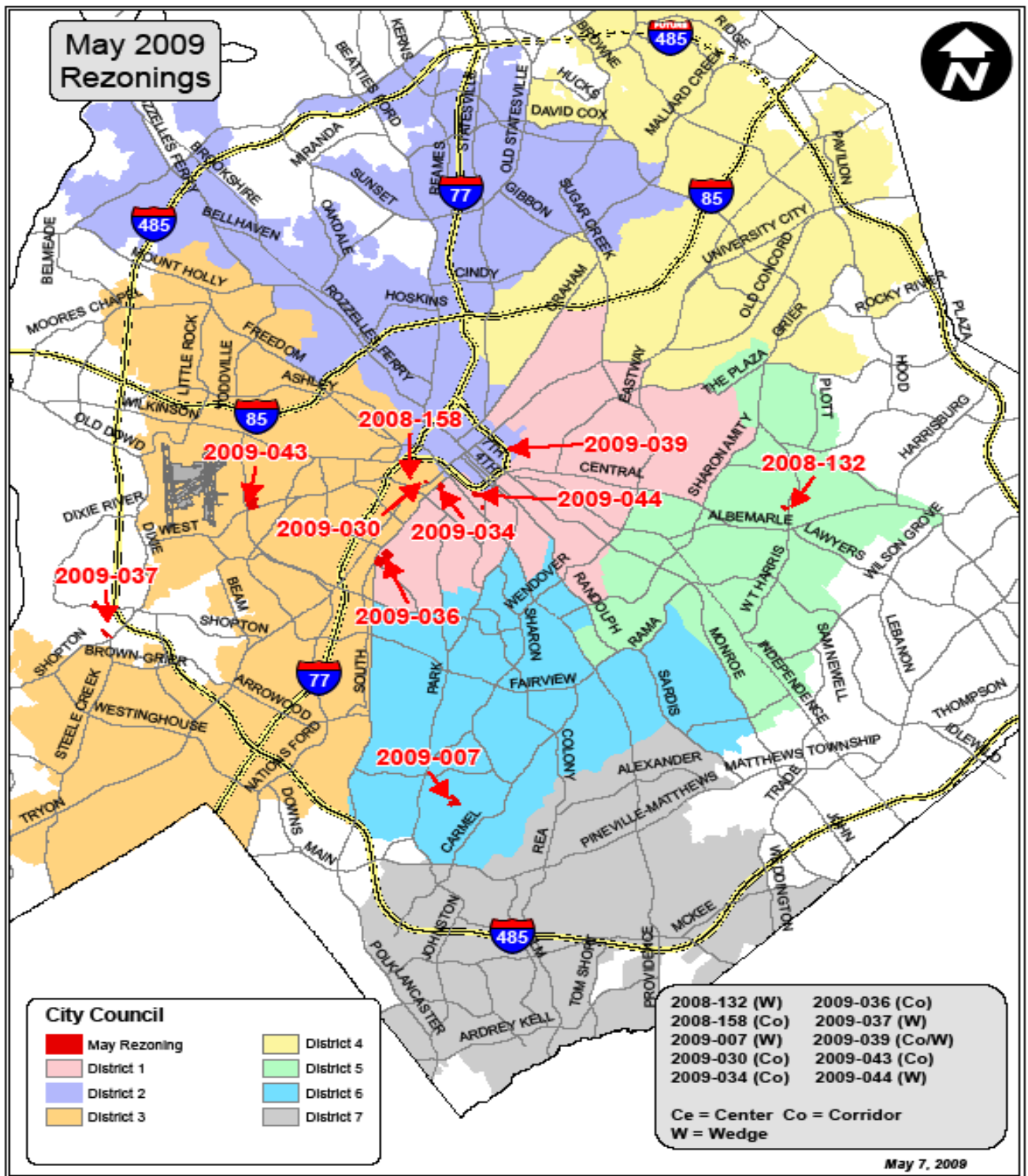
HISTORIC LANDMARKS

	<p>01. Hearing to consider designation of the property known as the “Charlotte Fire Station Number 5” (listed under Tax Parcel Number 07101706 including the exterior of the building and the land listed under Tax Parcel Number 07101706 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of March 1, 2009). The property is owned by the City of Charlotte, and is located at 224 Wesley Heights Way, Charlotte, North Carolina.</p> <p>Attachment 1</p>
	<p>02. Hearing to consider designation of the property known as the “Dr. Robert H. Greene House” (listed under Tax Parcel Number 07841209 including the interior and exterior of the house and the land listed under Tax Parcel Number 07841209 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of March 1, 2009). The property is owned by EMANSER, LLC, and is located at 2001 Oaklawn Avenue, Charlotte, North Carolina.</p> <p>Attachment 2</p>
	<p>03. Approve a resolution setting a public hearing for June 15, 2009 at 6:00 PM on the question of historic designation of the “Charlotte “New Look” General Motors Buses No. 1074” and land as a Historic Landmark.</p> <p>Attachment 3</p>
	<p>04. Approve a resolution setting a public hearing for June 15, 2009 at 6:00 PM on the question of historic designation of the “Charlotte Coliseum” and land as a Historic Landmark.</p> <p>Attachment 4</p>
	<p>05. Approve a resolution setting a public hearing for June 15, 2009 at 6:00 PM on the question of historic designation of the “Charlotte Fire Station Number 7” and land as a Historic Landmark.</p> <p>Attachment 5</p>
	<p>06. Approve a resolution setting a public hearing for June 15, 2009 at 6:00 PM on the question of historic designation of the “Crane Company Building” and land as a Historic Landmark.</p> <p>Attachment 6</p>

DECISIONS

	<p>07. 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 modify Bed & Breakfast requirements and the zoning districts in which they are permitted.</p> <p>The Zoning Committee voted unanimously to recommend APPROVAL of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 07</p>
Protest Sufficient	<p>08. Petition No. 2009-022 (decision) 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>This petition is found to be consistent with the <i>SouthPark Small Area 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. Provide a parking ratio of one space per 250 square feet for the non-residential portion of the site. 2. Add elevations/renderings shown at the public hearing. 3. Satisfy the request for a Solid Waste Management Plan. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 08</p>
Protest Sufficient	<p>09. Petition No. 2009-025 (decision) by McCarley Developers, LLC for a change in zoning of approximately 13.81 acres located on the east side of Lancaster Highway near the corner of Ardrey Kell Road and Lancaster Highway from MX-2(Innovative) to INST(CD).</p> <p>This petition is found to be inconsistent with the <i>South District 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 modifications contained in a letter from the petitioner dated April 28, 2009 and additional modifications made after the submittal of the letter, as follows:</p> <p>Note: * Denotes items modified after submittal of the letter from the petitioner.</p> <ol style="list-style-type: none"> 1. Show all internal streets as public streets except for those classified as private via the previous approved rezoning petitions (2006-013).* 2. Show Bridgemount Avenue as currently constructed and add a note that a variance from the Subdivision Ordinance must be approved and the City Council must vote in order to abandon existing public right-of-way.* 3. Add note that blank walls will not exceed 20 feet in length.* 4. Indicate that widths of required buffers will not be reduced.* 5. Add note that there will be no reduction of the 50-foot Class "C" buffer to be provided abutting the Bridgehampton Neighborhood.* 6. Indicate that architectural commitments for buildings will adhere to the building examples provided at the public hearing, the maximum height of 68 feet and the building materials specified in the site plan.* 7. Specify parking at 1.5 spaces per unit and note that parking may be reduced as allowed in Section 12.209 of the Zoning Ordinance. *

	<ol style="list-style-type: none"> 8. Indicate that all units will be independent living units. 9. Include Bridgemount Avenue as a site access under Development Standards. 10. Add a note that street trees will be provided at 40 feet on center on private streets. 11. Provide a 40-foot landscaped setback between the surface parking along the current Elizabeth Madison Court to buffer from the proposed townhomes across the street to the west. 12. Eliminate driveway west of the intersection of Alice McGinn Drive and Elizabeth Madison Court. 13. Add note that all gated entrances will be recessed internal to the site to ensure no vehicular maneuvering or waiting will occur in the right-of-way on public streets. 14. Delete note entitled "Variances, Waivers and Modifications". 15. Clarify reference to parking along Highway 521. 16. Delete the portion of the note that proposed to apply age restrictions to all occupants of remaining areas of the property governed by the McCarley HOA and joint CCR's but not within this petition. 17. Provide a 50-foot Class "C" buffer consisting of 8 to 10 foot tall Southern Magnolia trees along portions of the property that abut the Bridgehampton Neighborhood. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 09</p>
	<p>10. Petition No. 2009-027 (decision) 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>This petition is found to be consistent with the <i>South End Transit Station Area 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 10</p>



HEARINGS

Deferral (indefinite) Protest Sufficient	<p>11. Petition No. 2008-132 (hearing) 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 Land from R-12MF(CD) to R-12MF(CD)SPA.</p> <p>Petitioner is requesting an indefinite deferral of this petition.</p> <p>Staff recommends approval of this petition upon the resolution of the outstanding issues.</p> <p>Attachment 11</p>
Protest Sufficient	<p>12. Petition No. 2008-158 (hearing) 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(CD).</p> <p>Staff recommends approval of this petition upon the resolution of the outstanding issues.</p> <p>Attachment 12</p>
Protest filed sufficiency TBD	<p>13. 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 the resolution of the outstanding issues.</p> <p>Attachment 13</p>
	<p>14. Petition No. 2009-034 (hearing) by Housing Authority of the City of Charlotte for a change in zoning of approximately 5.86 acres located at the southwest corner of South Boulevard and Caldwell Street from O-2 and R-22MF to TOD-M(CD).</p> <p>Staff recommends approval of this petition upon the resolution of the outstanding issues.</p> <p>Attachment 14</p>
Protest Not Sufficient	<p>15. Petition No. 2009-036 (hearing) by Crosland Greens, LLC for a change in zoning of approximately 36.4 acres located along Scaleybark Road and Weona Avenue on the east side of South Boulevard from B-2 and R-17MF to TOD-RO and TOD-MO and 5 Year Vested Rights.</p> <p>Staff recommends approval of this petition upon the resolution of the outstanding issues.</p> <p>Attachment 15</p>
	<p>16. Petition No. 2009-037 (hearing) by the Charlotte-Mecklenburg Housing Partnership, Inc. for a change in zoning of approximately 8.3 acres located north of Dixie River Road near I-485 and also approximately 5.0 acres along Steele Creek Road near Trojan Drive from MX-1(LLWPA) and CC(LLWPA) to R-17MF(CD)(LLWPA).</p> <p>Staff recommends approval of this petition upon the resolution of the outstanding issues for Parcel A and B.</p> <p>Attachment 16</p>

	<p>17. Petition No. 2009-043 (hearing) by the Charlotte Housing Authority for a change in zoning of approximately 40.66 acres located at the intersection of West Boulevard and Brooksvale Street from R-22MF to MUDD-O.</p> <p>Staff recommends approval of this petition upon the resolution of the outstanding issues.</p> <p>Attachment 17</p>
	<p>18. Petition No. 2009-044 (hearing) by The Housing Authority of the City of Charlotte for a change in zoning of approximately 5.54 acres located on the south side of Baxter Street near the intersection of South McDowell Street and Baxter Street from B-2 to MUDD.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 18</p>
	<p>19. Petition No. 2009-030 (hearing) by the Charlotte-Mecklenburg Planning Commission for a change in zoning of approximately 1.27 acres located along the southeast corner at the intersection of West summit Avenue and Kee Court from I-1 to TOD-M.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 19</p>
Deferral (one-month)	<p>20. Petition No. 2009-039 (hearing) by the Charlotte Area Transit for a change in zoning of approximately 3.65 acres located southeast of North Alexander Street from O-2 to B-2(CD).</p> <p>Petitioner is requesting a one-month deferral of this petition to submit a site-plan.</p> <p>Staff cannot support this petition as currently proposed.</p> <p>Attachment 20</p>