

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, June 15, 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
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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. Decision on the adoption of an ordinance designating the “Charlotte Fire Station Number 5” as a Historic Landmark.</p> <p>Attachment 1</p>
	<p>02. Decision on the adoption of an ordinance designating the “Dr. Robert H. Greene House” as a Historic Landmark.</p> <p>Attachment 2</p>
	<p>03. Public hearing to consider Historic Landmark designation of the equipment known as the “Charlotte “New Look Bus No.” 1074” (housed at CATS facility listed under Tax Parcel Number 14702128). The property is owned by City of Charlotte and is located at 3145 South Tryon Street, Charlotte, North Carolina.</p> <p>Attachment 3</p>
	<p>04. Public hearing to consider Historic Landmark designation of the property known as the “Charlotte Coliseum” (listed under Tax Parcel Number 159-028-01 including the exterior of the building and approximately six acres of land around the building as shown on the attached Exhibit A and listed under Tax Parcel Number 159-028-01 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of April 1, 2009). The property is owned by City of Charlotte, and is located at 2700 East Independence, Charlotte, North Carolina.</p> <p>Attachment 4</p>
	<p>05. Public hearing to consider Historic Landmark designation of the property known as the “Charlotte Fire Station Number 7” (listed under Tax Parcel Number 08308515 including the exterior of the building and the land listed under Tax Parcel Number 08308515 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of May 1, 2009). The property is owned by the City of Charlotte, and is located at 3210 North Davidson Street, Charlotte, North Carolina.</p> <p>Attachment 5</p>
	<p>06. Public hearing to consider Historic Landmark designation of the property known as the “Crane Company Building” (listed under Tax Parcel Number 07325C99 including the interior and exterior of the building and the land associated with Tax Parcel Number 07325C99 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of April 1, 2009). The property is owned by 1301 LLC, LLC CNM Investments, Walden Enterprises, Insight Realty, Holdings LLC Fosbinder and Van Kampen, Seth Bernanke and Ellen R. Goldberg, Light Green Acres LLC, Myron Greer Properties LLC, NFM Properties LLC and Taleson Properties LLC and is located at 1307 West Morehead Street, Charlotte, North Carolina.</p> <p>Attachment 6</p>

DECISIONS

<p>Protest Sufficient</p>	<p>07. Petition No. 2009-007 (decision) 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-1 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 has been added to state that "Tract 2B will remain as common open space." 2. Tract 2B has been labeled as "common open space" and Tract 1 "common open space" acreage has been listed. 3. Note #2 has been added to state that "All lots will meet the requirements of the Charlotte Zoning standards for R-3 Cluster with SWIM incentives. No lots shall be less than 8000 square feet." 4. A note has been added to state that "It is the intent to abandon the portion of right-of-way platted as a public street. Failure to abandon the right-of-way will require that it be constructed to public street standards." 5. A note has been added indicating that a Solid Waste Management Plan will be submitted to Mecklenburg County Solid Waste prior to initiating land clearing, demolition, and/or construction activities. <p>The following outstanding issues have been addressed <u>as noted</u>:</p> <ol style="list-style-type: none"> 6. Amend Note #4 on the site plan to indicate that eight lots are proposed on Tract 2A. Note #4 has been amended to state that "no more than 24 lots will be created on the portion of the site that is labeled as Tract 2A on the site plan, exclusive of any parcel that is created as part of the conveyance of land to Mecklenburg County for future greenway purposes and not more than 5 lots will be created on Tract 1." 7. Show layout of all lots on the site plan. The lot layout for Tract 2A will be submitted to staff for approval at the time of subdivision review. 8. Indicate that the SWIM buffer will be dedicated prior to the issuance of any building permits. A note has been added to state that "prior to issuance of any building permits on Tract 2A the SWIM buffer will be dedicated to Parks and Recreation." 9. Show tree save area and any large tree specimens being preserved. This issue will be addressed during the subdivision review. 10. LUESA states that no fill may be placed within the Community and/or FEMA Special Flood Hazard Area. This issue will be addressed during the subdivision review. <p>The following note has been <u>added</u>:</p> <ol style="list-style-type: none"> 1. A note has been added to state that "Developer reserves the option of requesting innovative site plan approval for setbacks and yards per Charlotte Zoning Ordinance Section 11.208." <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 7</p>
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<p>Protest Sufficient</p>	<p>08. 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 <u>inconsistent</u> 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:</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. 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 8</p>
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Withdrawal	<p>09. Petition No. 2009-030 (decision) by 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>The petitioner is requesting to withdraw this petition.</p> <p>This petition is found to be consistent with the <i>South End Transit 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 9</p>
	<p>10. Petition No. 2009-034 (decision) by City of Charlotte Housing Authority for a change in zoning of approximately 6.33 acres located at the southwest corner of South Boulevard and Caldwell Street from O-2 and R-22MF to TOD-M(CD).</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 with the following modifications:</p> <ol style="list-style-type: none"> 1. The acreage of the site has been corrected and the tracts within it better delineated. 2. A solid waste management plan will be submitted. 3. Clarification that any new construction would trigger the extension of Bland Street. 4. Provision of a 20-foot future setback when Cleveland Street is extended. 5. Clarification that no development will occur within 200 feet of the southwestern property line. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 10</p>
Protest Not Sufficient	<p>11. Petition No. 2009-036 (decision) 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 with 5-year vested rights request.</p> <p>This petition is found to be consistent with the <i>Scaleybark 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 with the following modifications:</p> <ol style="list-style-type: none"> 1. The optional request to use tree grates in lieu of curbed planters along South Boulevard and Whitton Street has been eliminated. 2. The option to allow monument signs 20 and 30 feet in height has been eliminated. 3. An option to allow three projecting wall signs has been added. 4. CDOT comments have been addressed. 5. One rooftop sign will be allowed within the following guidelines: <ul style="list-style-type: none"> Sign will be used only for project identification. Support structures are limited to three feet above parapet with an overall sign height of 12 feet. Sign will be architecturally compatible with the building. If a unique three-dimensional sign is utilized, the Planning Director or designee will have the flexibility to alter the sign dimensions. Sign can be used to screen roof top mechanical equipment.

	<p>The Planning Director will review and approve the final design, material, and consistency with building architecture prior to the issuance of a sign permit.</p> <p>6. Building façade and maneuvering options allowed on either parcel "K" or "L" are only allowed if a building over 25,000 square feet is constructed.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 11</p>
	<p>12. Petition No. 2009-037 (decision) by Dixie River Land Company for a change in zoning of Part A: approximately 8.3 acres located north of Dixie River Road near I-485 from MX-1(LLWPA) and CC(LLWPA) to R-17MF(CD)(LLWPA) and also Part B: approximately 5.0 acres along Steele Creek Road near Trojan Drive from R-3(LLWPA) to CC(LLWPA).</p> <p>By a unanimous vote of the Zoning Committee:</p> <p>Part A of this petition is found to be <u>inconsistent</u> with the <i>Dixie Berryhill Strategic Plan</i> and the <i>General Development Policies</i>, but to be reasonable and in the public interest; and</p> <p>Part B of the petition is found to be consistent with the <i>Dixie Berryhill Strategic Plan</i> and the <i>General Development Policies</i> and to be reasonable and in the public interest,</p> <p>The Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The pedestrian access to County Park north of multi-family development on Parcel A will be provided via a crosswalk connection to the sidewalk on the adjoining school property. 2. The petitioner has added a note stating that they will seek an administrative approval to Petition 2006-078 to reduce the allowable square footage and number of outparcels to reflect development to occur on Parcel B. 3. The following note has been added for the commercial center: "Being Part of the Berewick Unified Development, Parcel B will comply with a maximum of five outparcels accommodating auto-oriented uses such as gas stations, restaurants, pharmacies, and will count towards the overall five outparcels approved on petition 2006-078. Of the five, three may be independent uses". 4. A note has been added specifying recycling service per Section 12.403 of the Zoning Ordinance will be provided. 5. The request for a five-foot sidewalk along the private road along Parcel A has been eliminated as the petitioner has agreed to provide a crosswalk to the sidewalk on the adjoining school property. 6. The request for a 50-foot buffer on the western edge of Parcel A has been eliminated as it is not required by the ordinance. 7. Note 13 has been amended to reference dumpsters and recycling areas. 8. Access points for Parcel B have been adjusted and corrected, as per CDOT's request. 9. A note has been added agreeing to dedicate and convey 50 feet of right of way from the centerline along Dixie River Road along Tract A before the issuance of certificates of occupancy for any building on the site. 10. The petitioner has committed to provide a Solid Waste Management Plan prior to initiating land clearing, demolition, and/or construction. 11. The petitioner will comply with the PCCO and natural areas and open space that have been planned for the overall Berewick community will be taken into consideration. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 12</p>

13. Petition No. 2009-043 (decision) City of 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.

This petition is found to be consistent with the *Central District Plan* and the *General Development 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 with the following modifications:

1. The maximum number of children for the proposed childcare center has been limited to 225.
2. The areas reserved to fulfill Stormwater Post Construction BMPs have been labeled as "possible locations".
3. The hardscape open space area in Block 11 will be a minimum of 10 feet in width.
4. The request to specify the number of parking spaces to be provided in Block 11 has been removed.
5. A note has been added that roof pitches will be varied.
6. A note has been added that building frontages will be oriented to face toward the public streets.
7. A note has been added that no outdoor play will be permitted after sundown at the child development center.
8. The proposed apartment management office has been listed on Sheet RZ-1 and is limited to a maximum of 2,600 square feet.
9. The square footage for the child development center is listed on Sheets RZ-1 and RZ-2 as a maximum of 20,000 square feet.
10. Note M3 has been added stating that the petitioner understands that Mecklenburg County Park and Recreation (MCPR) will maintain the proposed greenway/park connector easement and at least 5 feet on either side of the trail.
11. Note B3-c has been amended to state that the petitioner reserves the right to alter the block dwelling unit maximum (as listed for each block on sheet RZ-1), provided the total number of dwelling units for the entire development does not exceed 460 total units and the petitioner secures the written approval of the Planning Director of Charlotte-Mecklenburg Planning.
12. An optional request has been added to allow parking at one space per 600 square feet for the child development center.
13. The petitioner is providing an 8-foot planting strip and 8-foot sidewalk along West Boulevard, except at intersection with Billy Graham Parkway, where a 6-8 foot sidewalk and a 0-4-foot planting strip is proposed as an optional request. This reduction will allow adequate room for the left turn lane at West Boulevard and Billy Graham to be constructed.
14. Added note that design elements will include a variety of building offsets, breaks in the roof lines and a variety of building materials to create a variation in architectural appearance. Note D4 has been amended to state that all screening of off-street parking areas abutting the greenway easement will be a minimum of two feet high but shall remain at such height so that visibility to greenway trail areas from adjacent areas will remain unimpeded.
15. Added a note that the signage optional request is only applicable if Ruckus House Learning Centers becomes the operator of the child development center. Otherwise, signage will be permitted in accordance with applicable zoning standards.
16. Reconfigured street network to eliminate the need for mid-block crossings. Note M1 states that the petitioner will construct a greenway trail facility as indicated on the site plan, to MCPR standards. The site plan does not include the midblock crossings.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 13

	<p>14. Petition No. 2009-044 (decision) by 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>This petition is found to be <u>inconsistent</u> with the <i>Central District Plan</i> but 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 14</p>
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HEARINGS

	<p>15. Petition No. 2009-003 (hearing) by Housing Authority of the City of Charlotte for a change in zoning of approximately 2.35 acres located on the northwest corner of East 10th Street and Seigle Avenue from UR-2 to MUDD(CD).</p> <p>Staff recommends approval of this petition upon the resolution of the outstanding issues.</p> <p>Attachment 15</p>
	<p>16. Petition No. 2009-031 (hearing) by Roger and Perina Stewart for a change in zoning of approximately 0.682 acres located on the north corner of Belmont Avenue and Allen Street from R-5 and B-1 to UR-3(CD).</p> <p>Staff recommends approval of this petition upon the resolution of the outstanding issues.</p> <p>Attachment 16</p>
	<p>17. Petition No. 2009-035 (hearing) by Housing Authority of the City of Charlotte for a change in zoning of approximately 3.98 acres located at the southwest corner of Fairview Road and Park South Drive from R-43MF to MUDD-O.</p> <p>Staff does <u>not</u> recommend approval of this petition as the proposal is inconsistent with <i>South District Plan</i>.</p> <p>Attachment 17</p>
	<p>18. Petition No. 2009-041 (hearing) by 1152, LLC for a change in zoning of approximately 20.78 acres located at the intersection of Highway 29 and Caprington Avenue from MX-2 to MX-2(SPA).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issue</p> <p>Attachment 18</p>
	<p>19. Petition No. 2009-042 (hearing) by Lincoln Harris, LLC for a change in zoning of approximately 24.0 acres located at the intersection of North Tryon Street and West Mallard Creek Church Road from CC to MUDD-O with 5 Year Vested Rights.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 19</p>
	<p>20. Petition No. 2009-046 (hearing) by Todd D. Leger for a change in zoning of approximately 1.56 acres located along Monroe Road near Sardis Road North from O-15(CD) to NS.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 20</p>
	<p>21. Petition No. 2009-051 (hearing) by Speedway Investment Group, LLC for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to add Overnight Camping Trailer Park as a permitted accessory use.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 21</p>

<p>Protest Not Sufficient</p>	<p>22. Petition No. 2009-052 (hearing) by Speedway Investment Group, LLC for a change in zoning of approximately 135.38 acres located along Statesville Road and Old Statesville Road from I-1, I-2, B-D, R-MH, and B-2 to I-1(CD).</p> <p>Staff recommends approval of this petition upon the resolution of the outstanding issues.</p> <p>Attachment 22</p>
	<p>23. Petition No. 2009-039 (hearing) by 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>Staff recommends approval of this petition upon the resolution of the outstanding issues.</p> <p>Attachment 23</p>
	<p>24. Petition No. 2009-040 (hearing) by the City of Charlotte Neighborhood and Business Services Department (formerly the Economic Development Office) for a change in zoning of approximately 8.5 acres located on the north side of Mount Holly Road near Morningside Road from R-17MF(LWPA) to I-1(LWPA).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 24</p>