

Mayor Anthony Foxx

Michael D. Barnes

Nancy Carter

Andy Dulin

Patsy Kinsey

Edwin B. Peacock III

Mayor Pro Tem Susan Burgess

Patrick Cannon

Warren Cooksey

David Howard

James E. Mitchell, Jr.

Warren Turner

CITY COUNCIL ZONING AGENDA

Monday, December 21, 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

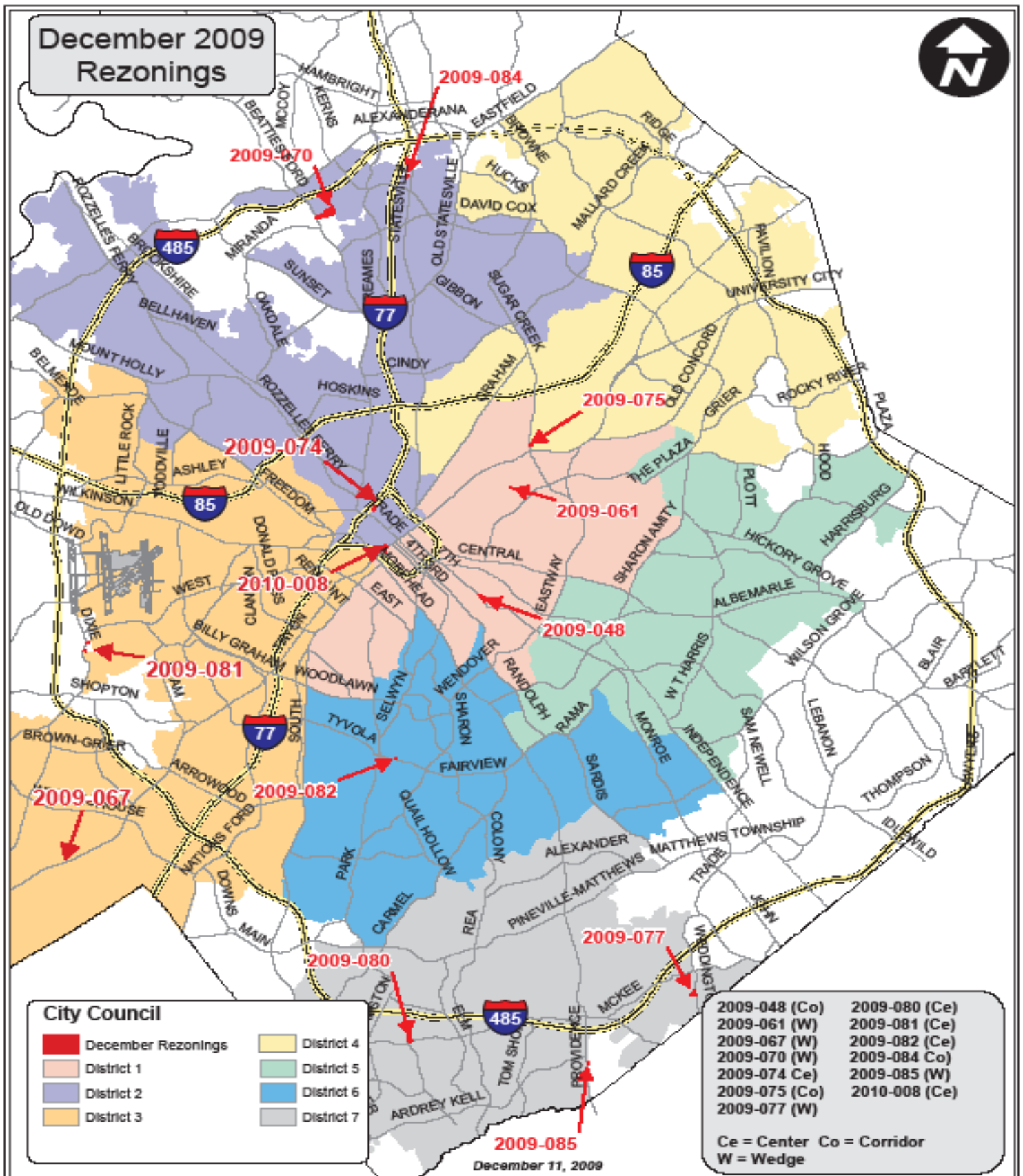
REZONING ACRONYMS

<u>Zoning Districts</u>	<u>Overlay Districts</u>
● 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	● 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
	<u>Miscellaneous Acronyms</u> ● CD – conditional ● SPA – site plan amendment

DECISIONS

Protests Sufficient	1. Petition No. 2008-158 (Decision) by Greater Galilee Baptist Church for a change in zoning of approximately 2.76 acres located between South Mint Street and Wilmore Drive adjacent to Spruce Street and West Park Avenue from R-5 to MUDD-O. The proposed sanctuary and main church building are found to be consistent with the <i>Central District Plan</i>; however, the accessory office building and parking are inconsistent with the <i>Central District Plan</i> but reasonable and in the public interest, by a 4-2 vote of the Zoning Committee. The Zoning Committee voted 4-2 to recommend APPROVAL of this petition with the following modifications: 1. The total square footage at build out will be 26,660 square feet. 2. Tree Save Area had been labeled on the site plan. 3. A note has been added that the height of the building will be 39 feet. The steeple will not be taller than 48 feet. 4. Under the development data "Variations" has been changed to "Optional Requests". 5. A note has been added that the new building will not be exempt from the street wall requirement for the side of the building along Spruce Street. A note has been added that the new building is exempt from the clear glass requirement but the building will utilize decorative glass. 6. The correct Zoning has been added for parcels 11908233 and 11908207. 7. The 8-foot planting strip and 6-foot sidewalk along West Park Avenue has been shown on the site plan. 8. Details have been provided for a screen wall along Spruce Street. 9. The site plan will include a note that changes will be in accordance with Section 6.2 of the Zoning Ordinance. 10. The optional request to allow the new building along the east side of Spruce Street to maintain the existing setback has been removed from the site plan. 11. Portions of the brick wall along Mint Street will be removed to meet sight distance requirements. 12. A parking turnout will be constructed on the Spruce Street parking lot. 13. A note has been added that the two sanctuaries will not be used simultaneously. 14. Four of the houses that will be removed from the petitioned site will be relocated in the Wilmore neighborhood. The fifth house will be moved if it is deemed fit and property can be found within the neighborhood. 15. The permitted uses have been limited to religious facilities and accessory uses. 16. Notes 6 and 7 under the "Optional Requests from MUDD Development Standards" have been relocated to the "Development Data" as they are not optional requests. 17. The new sanctuary will have a minimum 14-foot setback. 18. All freestanding lighting will be limited to full cutoff fixtures. 19. The five-foot screen wall along Spruce Street and West Park Avenue will consist of a three-foot brick base topped with two feet of wrought iron. Attachment 1
	2. Petition No. 2009-068 (decision) by Apprise Holdings, LLC for a change in zoning of approximately 13.98 acres located on the south side of Mallard Creek Road across from Mason Drive and beside Penninger Circle from R-3 to R-17MF(CD). This petition is found to be inconsistent with the <i>Northeast District Plan</i> but reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Zoning Committee voted 5-1 to recommend APPROVAL of this petition with the following modifications: 1. The building in the southeast corner of the site meets the 30-foot setback. 2. The future right-of-way line has been corrected to indicate 30 feet from the centerline of the existing Penninger Circle. 3. The yard for the southwest building has been corrected from a 68-foot setback to a 10-foot side yard.

	4. The number of units has been reduced (from 238 to 224) to meet the 17 unit-per-acre limit of the R-17MF district. This also includes reducing the parcel size from 13.98 to 13.19. 5. The dimensions and materials for the proposed decorative fence have been provided. 6. The sidewalk on the parking lot side of the northwest building has been extended out to Penninger Circle. 7. Pedestrian gates will be provided for all sidewalks extending to the public street sidewalk system. 8. Note #4 has been clarified to state that rights-of-way will be dedicated and conveyed. 9. The conflict between Note #1 and the Zoning Information specification that 80 percent of all trees will be saved has been resolved. A note has been added to Note #1 that the certified arborist's plan will be implemented. 10. The site plan will comply with Section 9.303(19) d. ii, which requires all buildings to be within 400 feet of a public or private street. 11. Note #4 has been modified to provide for dedication and conveyance of 55 feet along Mallard Creek Road. Attachment 2
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HEARINGS

	3. Petition No. 2009-048 (hearing) by Winter Elizabeth, LLC for a change in zoning of approximately 6.87 acres located between East 7th Street and Weddington Avenue from R-22MF to MUDD(CD). Staff recommends approval of this petition upon resolution of the outstanding issues. Attachment 3
	4. Petition No. 2009-061 (hearing) by Lat Purser & Associates, Inc. for a change in zoning of approximately 0.50 acres located on the east corner of East 36th Street and North McDowell Street from R-5 to UR-2(CD). Staff recommends approval of this petition upon resolution of the outstanding issues. Attachment 4
Protest Sufficient	5. Petition No. 2009-067 (hearing) by Stacy Mitchell and Janet McMillen for a change in zoning of approximately 0.85 acres located on the south side of South Tryon Street between Moss Road and Lions Mane Street from R-3 to O-1(CD). Staff does not recommend approval of this petition. Attachment 5
	6. Petition No. 2009-070 (hearing) by McAlpine-North Lake Landing, LLC for a change in zoning of approximately 31.59 acres located on the east side of Beatties Ford Road encompassing portions of McClure Road from R-3 to R-5(CD). Staff recommends approval of this petition upon resolution of the outstanding issues. Attachment 6
	7. Petition No. 2009-074 (hearing) by Sycamore I, LLC for a change in zoning of approximately 4.71 acres located along West 6th Street and North Sycamore Street near West 5th Street and North Irwin Avenue from UR-2 and UR-3 to UMUD(CD). Staff recommends approval of this petition upon resolution of the outstanding issues. Attachment 7
	8. Petition No. 2009-075 (hearing) by Dona Patterson for a change in zoning of approximately 0.64 acres located on the east side of West Sugar Creek Road between North Tryon Street and Penny Way from R-12MF to O-1. Staff does not recommend approval of this petition. Attachment 8
	9. Petition No. 2009-077 (hearing) by Parks Hunter for a change in zoning of approximately 7.23 acres located on the west side of Weddington Road between Simfield Church Road and Portstewart Lane from R-3 to INST(CD). Staff recommends approval of this petition upon resolution of the outstanding issues. Attachment 9

	10. Petition No. 2009-080 (hearing) by York Development Group for a NS site plan amendment for approximately 6.62 acres located on the northeast corner of North Community House Road and Ballantyne Commons Parkway. Staff recommends approval of this petition upon resolution of the outstanding issues. Attachment 10
	11. Petition No. 2009-081 (hearing) by Charlotte Douglas International Airport for a change in zoning of approximately 2.84 acres located on the east side of Steele Creek Road between West Boulevard and Dorcas Lane from R-3 to I-2. Staff recommends approval of this petition. Attachment 11
Protest sufficient	12. Petition No. 2009-082 (hearing) by Gina and Dean Collias for a change in zoning of approximately 0.55 acres located on the north side of Fairview Road between Park South Drive and Wintercrest Lane from R-3 to O-1(CD). Staff recommends approval of this petition upon resolution of the outstanding issues. Attachment 12
Protest sufficiency TBD	13. Petition No. 2009-084 (hearing) by YM Management Group, LLC for a CC site plan amendment for approximately 1.72 acres located on the south side of Smith Corners Boulevard near the intersection of West WT Harris Boulevard and Statesville Road. Staff recommends approval of this petition upon resolution of the outstanding issues. Attachment 13
	14. Petition No. 2009-085 (hearing) by Cranfield Academy for a change in zoning of approximately 1.95 acres located on the east side of Providence Road between Ardrey Kell Road and Providence Country Club Drive from R-3 to INST(CD). Staff recommends approval of this petition upon resolution of the outstanding issues. Attachment 14
	15. Petition No. 2009-078 (hearing) by Charlotte-Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to implement Zoning Ordinance modifications recommended in the <i>Brevard Street Land Use and Urban Design Plan</i>, adopted in 2008. Staff recommends approval of this petition. Attachment 15
	16. Petition No. 2009-079 (hearing) by Charlotte-Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to clarify the maximum allowable size of an accessory building, based on the size of the principal structure located on a lot. Staff recommends approval of this petition. Attachment 16

	17. Petition No. 2009-083 (hearing) by Charlotte-Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to delete the list of "Acceptable Plant Species" from the Zoning Ordinance since the list was updated, renamed, and added to the <u>Charlotte Land Development Standards Manual</u>, effective July 1, 2009. Staff recommends approval of this petition. Attachment 17
Decision Requested	18. Petition No. 2010-008 (hearing) by City of Charlotte and RBC Corporation for a UMUD-O site plan amendment for approximately 4.62 acres located at the intersection of South Church Street and West Stonewall Street extending along East Stonewall Street, ending at South College Street. Petitioner is requesting decision the same night as the public hearing. Staff recommends approval of this petition. Attachment 18