

Mayor Anthony Foxx

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Mayor Pro Tem Susan Burgess

Patrick Cannon

Warren Cooksey

David Howard

James E. Mitchell, Jr.

Warren Turner

CITY COUNCIL ZONING AGENDA

Tuesday, January 19, 2010

**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

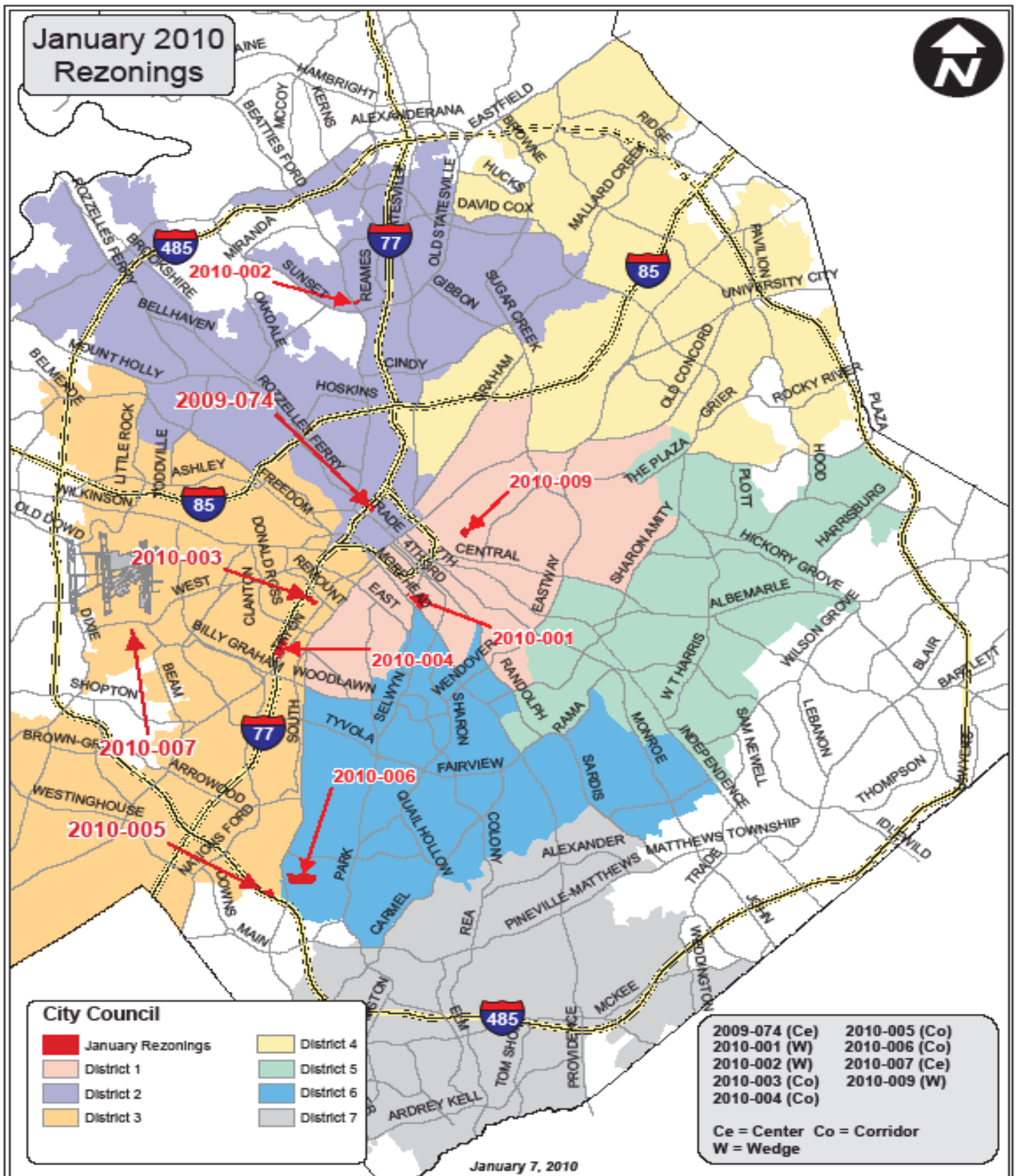
Deferral (6-month) Protests Sufficient	1. Petition No. 2008-032 by Myers Park Homeowners Association for a change in zoning of approximately 38.79 acres located on both sides of Selwyn Avenue and Roswell Avenue from Lorene Avenue, north to Bucknell Avenue from R-22MF to R-8MF. The petitioner is requesting a deferral to July 19, 2010 to allow continued work on the HIRD (Height in Residential Districts) text amendment. The Zoning Committee voted unanimously to recommend a six-month DEFERRAL of this petition to the July 19, 2010 City Council Meeting. Attachment 1
	2. Petition No. 2008-154 by Robert Nixon MUDD-O (PED) site plan amendment for approximately 0.19 acres located at the intersection of Pecan Avenue and Gordon Street. The Zoning Committee voted unanimously to recommend APPROVAL of this petition. Attachment 2
Deferral (1-month)	3. Petition No. 2009-039 by Charlotte Area Transit Systems for a change in zoning of approximately 3.65 acres located southeast of North Alexander Street from O-2 to B-2(CD). The petitioner is requesting a deferral to February 15, 2010 to allow time for a revised site plan to be reviewed. The Zoning Committee voted unanimously to recommend a one-month DEFERRAL of this petition to the February 15, 2010 City Council Meeting. Attachment 3
	4. Petition No. 2009-048 by Winter Elizabeth, LLC for a change in zoning of approximately 6.87 acres located between East Seventh Street and Weddington Avenue from R-22MF to MUDD (CD). The Zoning Committee voted unanimously to recommend APPROVAL of this petition with the following modifications: 1. A note has been added agreeing to place the pedestrian "mews" between the buildings in a public access easement. 2. The development will comply with the Post Construction Controls Ordinance. Attachment 4
	5. Petition No. 2009-061 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). The Zoning Committee voted unanimously to recommend APPROVAL of this petition with the following modifications: 1. Proposed zoning has been amended to UR-2(CD). 2. Rear yard measured from the centerline of the abutting alley. 3. Building footprints clearly delineated. 4. Note 7 amended to state multi-family residential units. 5. Note 8 amended to state that either one parking space will be provided at a minimum of 22 feet in length or two parking spaces at a minimum of 40 feet in length. 6. Note 13 amended to state that a tree preservation plan by a certified arborist will be submitted prior to a building permit for the single family dwelling. 7. Transferred building height information from Note 19 to Note 3. 8. Removed references to on-street parking.

	9. CATS has withdrawn their request for a waiting pad. 10. Provided definitive proposed building setbacks in Notes 15 and 16 and where referenced on the site plan. 11. Deleted Note 19 12. Deleted Notes 5, 12, 18, 29 and 21 13. Deleted portion of Note 13 which stated that if it is determined that the tree preservation would not be possible, petitioner reserves the right to work with the City Arborist and find a resolution. 14. Provided pedestrian access from the front of Building Two that connects to the public sidewalk along North McDowell Street by relocating handicap parking spaces and providing a crosswalk through the drive aisle. Attachment 5
Protest Sufficient	6. Petition No. 2009-067 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). The Zoning Committee voted 4-1 to recommend DENIAL of this petition. The following outstanding issues have been addressed: 1. Elevations have been provided and labeled for new and existing structure. 2. 20-foot rear yard has been labeled on site plan. 3. 10-foot side yards have been labeled on site plan. 4. 30-foot setback as been labeled and shown on site plan from right-of-way. 5. The total square footage of the new expansion and existing structure has been listed on the site plan. 6. Parking counts have been listed on the site plan for the residential and office use. 7. The 14-foot back of curb setback has been removed from site plan. 8. The buffer has been shown continuing to property line along South Tryon Street. 9. Zoning on abutting properties has been labeled on the site plan. 10. An eight-foot planting strip and six-foot sidewalk along South Tryon Street have been shown and labeled. 11. A note has been added that the existing detached structure will be removed from the buffer prior to obtaining building permits. 12. A note has been added committing to the extension of five-foot sidewalk from the proposed addition to tie into the sidewalk along South Tryon Street. 13. A note has been added that all lighting fixtures will be fully shielded with full cut-off fixtures. 14. Astrological Services has been deleted as a permitted use 15. The square footage that will be used for office space has been clarified. Attachment 6
	7. Petition No. 2009-068 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). 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 7
	8. Petition No. 2009-070 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). The Zoning Committee voted unanimously to recommend APPROVAL of this petition. Attachment 8
	9. Petition No. 2009-075 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. The Zoning Committee voted unanimously to recommend DENIAL of this petition. Attachment 9
	10. Petition No. 2009-077 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). The Zoning Committee voted unanimously to recommend APPROVAL of this petition with the following modifications: 1. A note has been added that storm water detention will be located underground. 2. The total square footage allowed has been amended to 29,000 square feet. 3. A photograph of the proposed wall has been provided along with a note that prohibits chain link fences. 4. A note has been added that play equipment will not be allowed in required buffer. Attachment 10
	11. Petition No. 2009-078 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 Brevard Street Land Use and Urban Design Plan, adopted in 2008. The Zoning Committee voted unanimously to recommend APPROVAL of this petition. Attachment 11

	12. Petition No. 2009-079 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. The Zoning Committee voted unanimously to recommend APPROVAL of this petition. Attachment 12
	13. Petition No. 2009-080 by York Development Group for an NS site plan amendment for approximately 6.62 acres located on the northeast corner of North Community House Road and Ballantyne Commons Parkway. The Zoning Committee voted unanimously to recommend APPROVAL of this petition with the following modifications: 1. A note has been added agreeing to close the median in North Community House Road. 2. The Fire Department has agreed to accept the entrance configuration shown on the site plan. 3. Increased parking from 175 to 204 vehicles. 4. Additional open space has been provided and staff is satisfied. Attachment 13
	14. Petition No. 2009-081 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. The Zoning Committee voted unanimously to recommend APPROVAL of this petition. Attachment 14
Protest sufficient	15. Petition No. 2009-082 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). The Zoning Committee voted unanimously to recommend APPROVAL of this petition with the following modifications: 1. The building size has been limited to 4,000 square feet. 2. The parking has been limited to 14 spaces per the site plan. Attachment 15
	16. Petition No. 2009-083 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 Charlotte Land Development Standards Manual, effective July 1, 2009. The Zoning Committee voted unanimously to recommend APPROVAL of this petition. Attachment 16

Protest sufficient	17. Petition No. 2009-084 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. The Zoning Committee voted unanimously to recommend APPROVAL of this petition with the following modifications: 1. Amended Part II (B) to state that the site plan amendment applies only to Parcel D and proposes a maximum of 52,500 square feet. Specified that the remainder of the unified development will have a maximum of 150,000 square feet. 2. Specified the meeting room capacity as 24 seats in two meeting rooms. 3. Solid waste and recycling area shown and labeled. 4. Provided information on the number of meeting rooms, which negated the need for a parking count and shared parking agreement. 5. Labeled Parcel D/Envelope 5. 6. Removed the note that storm water runoff will be managed by an existing off-site shared regional detention facility. Attachment 17
	18. Petition No. 2009-085 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). The Zoning Committee voted unanimously to recommend APPROVAL of this petition with the following modifications: 1. The petitioner has revised language on the site plan to identify a possible location for a water quality feature. 2. The petitioner has confirmed with the Zoning Administrator that an underground structure associated with the proposed water quality feature would be permitted in the setback so long as no portion of the structure extends more than seven inches above grade. 3. The petitioner has corrected the spelling of “handicap” under “Zoning Code Summary”. 4. The petitioner has provided a drawing depicting garbage vehicle movement in order to verify that the vehicle will be able to service the refuse collection area without interfering with the southernmost parallel parking space. 5. The petitioner has revised the site plan to accommodate a tree save area in the setback while providing an underground detention system for water quality. Attachment 18



HEARINGS

	19. Petition No. 2009-074 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) with five year vested rights. Staff recommends approval of this petition upon resolution of the outstanding issues. Attachment 19
	20. Petition No. 2010-001 by Prime Solutions, LLC for a change in zoning of approximately 0.20 acres located along the west side of Harding Place near the intersection of Kenilworth Avenue and Harding Place from MUDD-O to O-2. Staff recommends approval of this petition. Attachment 20
Protest Sufficient	21. Petition No. 2010-002 by Deltas of Charlotte Foundation for a R-8MF(CD) site plan amendment for approximately 2.0 acres located on the east side of Beatties Ford Road between Pauline Lane and Kitty Drive. Staff recommends approval of this petition upon resolution of the outstanding issues. Attachment 21
	22. Petition No. 2010-007 by Robert Ellis for a change in zoning of approximately 3.0 acres located on the north side of Byrum Drive at the intersection of Larkmoore Court and Sirius Lane from I-1(CD) to I-2. Staff recommends approval of this petition. Attachment 22
Deferral (one-month)	23. Petition No. 2010-009 by St. Paul Baptist Church for a change in zoning of approximately 6.92 acres bounded by Harrill Street, East 16th Street, Pegram Street and East 19th Street from R-5 and O-2(CD) to MUDD-O. Petitioner is requesting a deferral to February 15, 2010. Staff does not recommend approval of this petition as currently proposed. Attachment 23
	24. Petition No. 2010-003 by Charlotte-Mecklenburg Planning Commission for a change in zoning of approximately 6.76 acres located on the west side of Baltimore Avenue and on both sides of Miller Street and Chicago Avenue from R-22MF to R-8. Staff recommends approval of this petition. Attachment 24

	25. Petition No. 2010-004 by Charlotte-Mecklenburg Planning Commission for a change in zoning of approximately 24.55 acres located on the west side of Sarah Drive, south of West Cama Street and on both sides of Orchard Circle from R-22MF to R-8. Staff recommends approval of this petition. Attachment 25
	26. Petition No. 2010-005 by Charlotte-Mecklenburg Planning Commission for a change in zoning of approximately 7.95 acres located on the west side of China Grove Church Road, the south side of Ervin Lane, both sides of Dendy Lane and both sides of Packard Street from R-17MF to R-8. Staff recommends approval of this petition. Attachment 26
	27. Petition No. 2010-006 by Charlotte-Mecklenburg Planning Commission for a change in zoning of approximately 57.70 acres located on both sides of Longleaf Drive, Loblolly Lane, Lodgepole Place, Spruce Pine Place, Big Cone Place, Timberline Road and Greyleaf Place from R-17MF to R-5. Staff recommends approval of this petition. Attachment 27