

<u>Mayor Anthony Foxx</u>	<u>Mayor Pro Tem Susan Burgess</u>
Michael D. Barnes	Patrick Cannon
Nancy Carter	Warren Cooksey
Andy Dulin	David Howard
Patsy Kinsey	James E. Mitchell, Jr.
Edwin B. Peacock III	Warren Turner

CITY COUNCIL ZONING AGENDA

Monday, April 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***
- ***Planning Coordinating Committee Meeting Update – Debra Campbell***

ALL REZONING PETITIONS MAY BE VIEWED ON THE WEB AT
www.rezoning.org

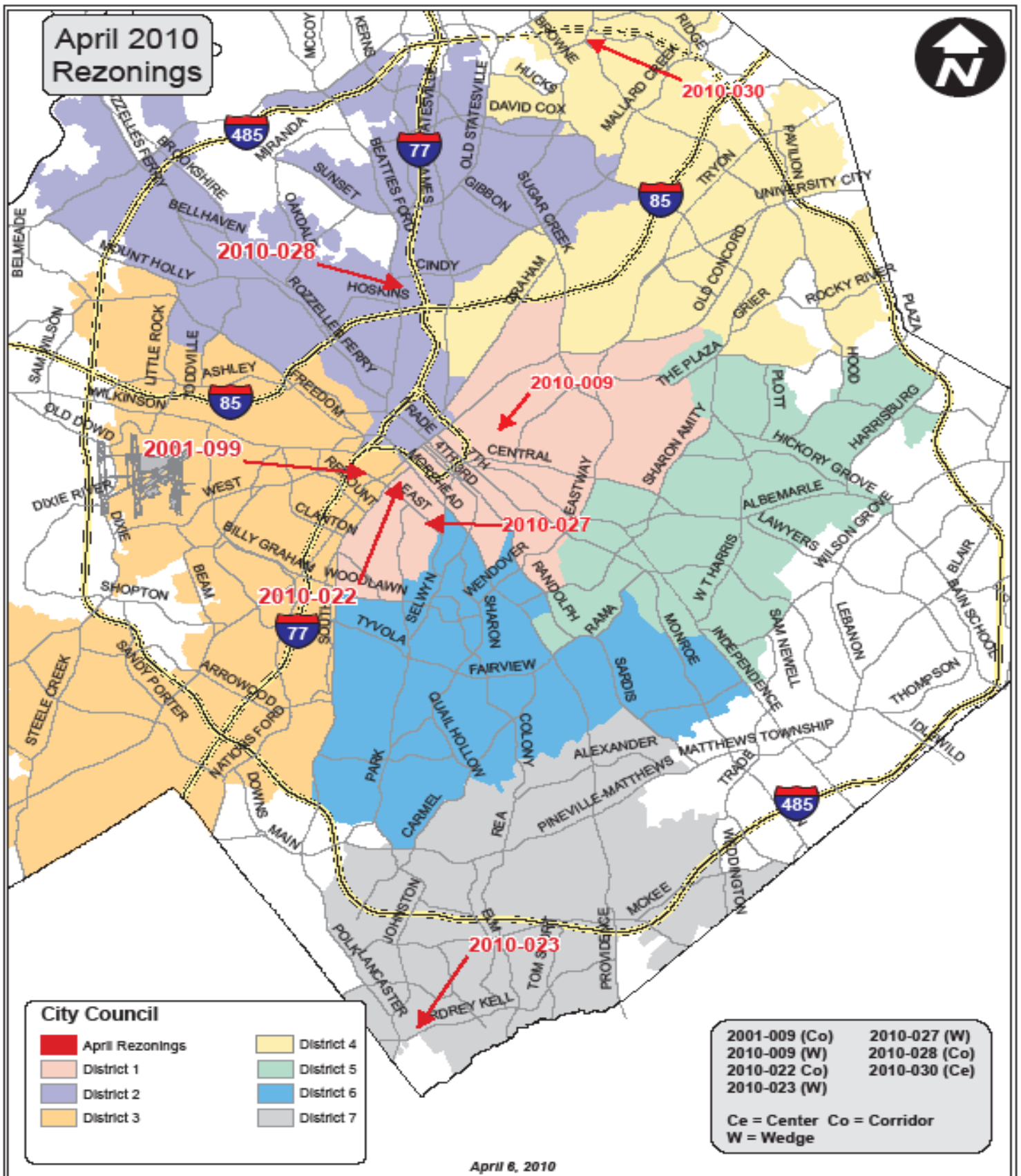
REZONING ACRONYMS

<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

	1. 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 from UR-2 and UR-3 to UMUD(CD) with five year vested rights. This petition is found to be inconsistent with the <i>Third Ward Land Use and Urban Design Plan</i> but reasonable and in the public interest, by a unanimous vote of the Zoning Committee. Commissioner Dodson was recused. The Committee voted 4-1 to recommend APPROVAL of this petition with the following modifications: 1. The petitioner has eliminated sheet SP-3 and revised note one under “Storm Water/SWIM Buffer” to indicate the development will comply with the PCCO ordinance. Note that the petitioner reserves the right to use green roofs to meet a portion of the PCCO requirements, provided the green roofs meet water quality specifications. 2. The petitioner committed to coordinate all greenway design and construction with MCPR as part of phase I. 3. Under “Phasing”, the petitioner has noted that surface parking will be asphalt and meet all ordinance requirements. 4. The petitioner has deleted note four under “Parking”, which does not meet minimum standards. 5. The petitioner has deleted note one under “Urban Open Space/Open Space”, which conflicts with minimum standards. Attachment 1
	2. 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. This petition is found to be consistent with the <i>Scaleybark Transit Station Area Plan</i> and reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition. Attachment 2
	3. 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. This petition is found to be consistent with the <i>Sharon and I-485 Transit Station Area Plan</i> and reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition. Attachment 3
	4. Petition No. 2010-019 by Betty S. Tiece by Pamela Tiece Rhynes, POA for a change in zoning of approximately 0.60 acres located on the east side of Eastway Drive near the intersection of Weldon Avenue and Citiside Drive from R-22MF to O-2. This petition is found to be inconsistent with the <i>East District Plan</i> but reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted 5-1 to recommend APPROVAL of this petition. Attachment 4

	5. Petition No. 2010-020 by Duke Energy Corporation for a change in zoning of approximately 1.32 acres located on the north side of Pineville-Matthews Road between Carmel Executive Park and Bannington Road from R-3 to O-1(CD). This petition is found to be consistent with the <i>South District Plan</i> and 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 modification: 1. The petitioner amended note 7 to indicate new street trees replacing the Bradford Pears along Pineville-Matthews Road will be planted 30 feet on center in the 20-foot setback prior to issuance of a driveway permit associated with this project. Attachment 5
	6. Petition No. 2010-026 by Charlotte-Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to add Special Event off street parking or non-construction staging as a principal use allowed with prescribed conditions in the UMUD Zoning District. This petition is found to be consistent with the adopted policies and reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition. Attachment 6
	7. Petition No. 2010-029 by James Small for a UMUD-O site plan amendment of approximately 0.54 acres located on the northern corner at the intersection of South Caldwell and East 3rd Street. This petition is found to be consistent with the <i>Center City 2010 Vision Plan</i> and 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 modification: 1. The petitioner has shown the reservation of pedestrian sight triangles at the existing/proposed East Third and Caldwell Streets entrances, as well as warning signs to alert pedestrians of traffic exiting the parking garages. Attachment 7
	8. Consider Resubmission of Rezoning Petition for Greater Galilee Baptist Church. Action: Allow resubmission of a rezoning petition for Greater Galilee Baptist Church as permitted in Section 6.112 of the City of Charlotte Zoning Ordinance. Attachment 8



HEARINGS

Protests Sufficiency TBD	9. Petition No. 2001-099 by Wilmore Neighborhood Association for the establishment of the Wilmore Historic District Overlay, the underlying zoning will remain unchanged, of approximately 171.28 acres located east of Interstate 77 bounded by Dunkrik Drive, West Tremont Avenue, South Tryon Street, and West Summit Avenue. Staff recommends approval of this petition. Attachment 9
Deferral (one-month)	10. Petition No. 2010-009 by St. Paul Baptist Church for a change in zoning of approximately 6.92 acres located within 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 one-month deferral of this petition. Staff does not recommend approval of this petition as currently proposed. Attachment 10
	11. Petition No. 2010-023 by RED Partners for a NS and UR-2(CD) site plan amendment for approximately 9.06 acres located on the west corner of Ardrey Kell Road and Marvin Road. Staff recommends approval of this petition upon resolution of the outstanding issues. Attachment 11
	12. Petition No. 2010-027 by The Carolina Group Partner, LLC for a change in zoning of approximately 3.92 acres bounded by Scott Avenue, East Boulevard, and Floral Avenue from B-1(PED) to B-1(PED-O) Staff recommends approval of this petition. Attachment 12
	13. Petition No. 2010-030 by Prosperity Shopping Plaza, LLC for a NS site plan amendment of approximately 1.11 acres located at the northeast corner of Prosperity Church Road and Johnston Oehler Road. Staff recommends approval of this petition upon resolution of the outstanding issues. Attachment 13
	14. Petition No. 2010-022 by Charlotte Housing Authority for a change in zoning of approximately 16.70 acres located south of the intersection of South Boulevard and South Caldwell Street and bounded by Templeton Avenue and Euclid Avenue from TOD-M(CD) and R-22MF to TOD-MO and TOD-RO. Staff does not recommend approval of this petition as currently proposed. Attachment 14

	15. Petition No. 2010-025 by Charlotte-Mecklenburg Planning Commission for the adoption of a text amendment to Section 12.102 of the City of Charlotte Zoning Ordinance to clarify the yard requirements for corner lots, when the rear lot line is shared in common with the side lot line of an abutting lot. Staff recommends approval of this petition. Attachment 15
	16. Petition No. 2010-028 by Mecklenburg County Park & Recreation Department for a NS, MX-2, and O-1(CD) site plan amendment of approximately 80.87 acres located off Cindy Lane and bounded by Interstate 77, Missionary Avenue, and Beatties Ford Road. Staff recommends approval of this petition upon resolution of the outstanding issues. Attachment 16