

<u>Mayor Anthony Foxx</u>	<u>Mayor Pro-Tem Patrick Cannon</u>
Michael D. Barnes	Jason Burgess
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, July 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***
- ***An Overview of the Zoning Board of Adjustment – Katrina Young***

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

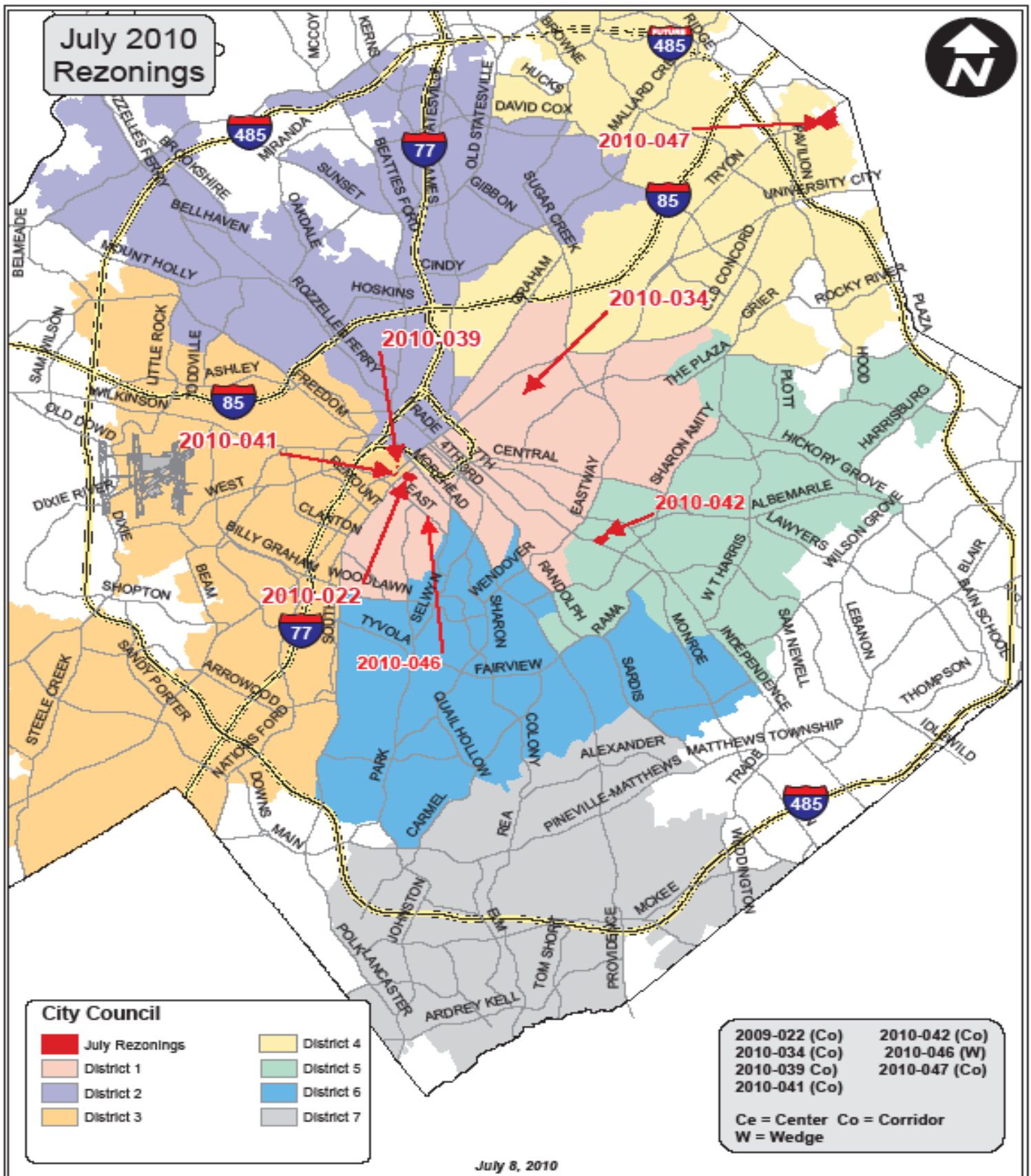
	1. Decision on the adoption of an ordinance designating the “Thrift Depot of the Piedmont and Northern Railroad Company” as a Historic Landmark. Attachment 1
	2. Decision on the adoption of an ordinance designating the “W.P.A. Douglas Airport Hanger” as a Historic Landmark. Attachment 2

DECISIONS

Deferral (5-months to December) Protests Sufficient	3. Petition No. 2008-032 by Myers Park Home Owners 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 from R-22MF to R-8MF. The Zoning Committee voted unanimously to DEFER this petition to their November, 2010 Work Session. Staff recommends DENIAL of this petition. Attachment 3
Withdrawal	4. Petition No. 2009-076 by The Asian (Korean) Herald for a change in zoning of approximately 0.64 acres locate on the west side of Cherry Street between Baxter Street and Luther Street from R-8 to O-2(CD). The Zoning Committee voted 5-1 to DEFER this petition to their August 4, 2010 Work Session. The petitioner requested a withdrawal of this petition after the Zoning Committee Work Session. As this petition has been advertised and a public hearing has been held, the City Council must vote on the withdrawal. Staff recommends DENIAL of this petition. Attachment 4
	5. Petition No. 2010-009 by St. Paul Missionary Baptist Church, Inc. for a change in zoning of approximately 9.06 acres located within Harrill Street, East 16th Street, Pegram Street and East 18th Street from R-5 and O-2(CD) to MUDD-O and UR-C(CD). The existing church and playground for this petition is found to be consistent with the <i>Belmont Area Revitalization Plan</i>, and the new residential component and a portion of the associated parking are found to be inconsistent with the plan, but to be 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 with the following modifications: 1. The petitioner has renamed the “elderly housing” component to “senior housing”. 2. The petitioner has revised the site plan to state the maximum building height is not to exceed three stories and 40 feet.

	3. The petitioner has provided a notarized letter from Charlotte-Mecklenburg Schools (CMS) that states St. Paul's Church allows Hawthorne High School use of their facilities, including their parking lots, for special events. And in return, St. Paul's Baptist Church may have exclusive use of the Hawthorne High School parking facilities from 7:00 a.m. to 3:00 p.m. on Saturdays and Sundays. 4. The petitioner has revised the site plan to identify off-street parking spaces in Blocks A, B, C and D that are being used for the church facility in Block E. 5. The petitioner has added a note that identifies on-street parking available for Block E (properties to be zoned MUDD). 6. The petitioner has modified the internal parking row, increased a side yard, added a tree in the parking lot, and added a tree adjacent to the proposed garden area in Block A; increased the planting strip and added trees within the planting strip, and converted parking spaces to compact to accommodate the increased planting strip and buffers within Block C; and added a street tree and a tree internal to the site within Block D. 7. The petitioner has added language to Development Note J6 to provide more specificity on exterior building materials. The added language states: "Only non-vinyl and non-metal siding are allowed. Fiber cement siding, such as hardie plant, is allowed. Vinyl trim and shutters are allowed." 8. The petitioner has added a table to the site plan that identifies dwelling unit per acre calculation for Blocks A-D. 9. The petitioner corrected the site plan to note that there are 14 spaces in the northernmost parking row of parking within Block C. Staff recommends APPROVAL of this petition. Attachment 5
Deferral (2-months to September)	6. Petition No. 2010-032 by The Rock Worship Center for a change in zoning of approximately 1.59 acres located at the intersection of Fordham Road and West Boulevard from R-4 to O-1(CD). The Zoning Committee voted unanimously to DEFER this petition to their August 4, 2010 Work Session. Staff recommends a DEFERRAL of this petition. Attachment 6
	7. Petition No. 2010-035 by Lichtin Corporation for a CC site plan amendment of approximately 37.3 acres located at the intersection of Johnston Road and Toringdon Way, surrounded on the south side by Interstate 485. The 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 modification: 1. The following note has been added: "In order to continue the quality and architectural theme established for Toringdon by the existing building, the Petitioner will provide that new buildings constructed on the site will be architecturally compatible to the existing buildings. This may be accomplished by the use of similar building materials and colors as well as similar or complementary architectural styles." Staff recommends APPROVAL of this petition. Attachment 7

	8. Petition No. 2010-036 by Grier Funeral Service, Inc. for a change in zoning of approximately 1.60 acres located at the north corner of Rozzelles Ferry Road and John McCarroll Avenue from R-22MF and O-2(CD) to O-2(CD) and O-2(CD) site plan amendment. The 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: 1. The previously submitted elevations for the proposed garage, which showed a one-story, four-bay garage have been submitted. 2. A note has been added that states two trees will be provided to break up the blank wall facing Rozzelles Ferry Road. 3. The existing zoning has been amended to reflect R-22MF and O-2(CD). 4. The area proposed to be rezoned has been clearly delineated. 5. A note has been added that states signage will comply with Chapter 13 of the Charlotte Zoning Ordinance. 6. The existing four-foot sidewalk along John McCarroll Avenue has been shown and labeled. 7. A note has been added that states the sidewalk along John McCarroll Avenue will be connected around the utility poles to provide pedestrian access. 8. The reference to an existing sign has been removed. 9. A note has been added that states the attached garage elevations are conceptual. 10. Commitments regarding architectural standards for the proposed garage, such as roof pitch, and exterior building materials have been provided. Staff recommends APPROVAL of this petition. Attachment 8
	9. Petition No. 2010-037 by Boxman Studios, LLC for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to expand the type of structures acceptable for use under the Mobile Food Vending Services definition, and to add additional standards for their use. The petition is found to be inconsistent with adopted plans and policies, 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. Staff recommends DENIAL of this petition. Attachment 9
Protest Non-Sufficient	10. Petition No. 2010-043 by Valley Development, Inc. for a UR-2(CD) site plan amendment of approximately 4.27 acres located along Wendwood Lane off Randolph Road. The 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 following modifications: 1. A note has been added committing to the 60 percent use of masonry material on each unit, consistent with the two previous rezoning and the three constructed townhomes. 2. Location of dumpster and recycling pad has been shown on the site plan and will be modified to allow the movement for Solid Waste Services vehicle to access dumpster. Staff recommends APPROVAL of this petition. Attachment 10



HEARINGS

	11. Petition No. 2010-034 by RED Partners for a change in zoning of approximately 0.36 acres located along the east side of North Davidson Street between Charles Avenue and East 32nd Street from R-5 to UR-2(CD). Staff recommends denial of this petition in its current form. Attachment 11
	12. Petition No. 2010-042 by David R. Krug Associates, Inc. for a change in zoning of approximately 18.20 acres located off Monroe Road and generally bounded by Shade Valley Road, Cateret Street, and Chippendale Road from I-2, R-17MF and R-5 to NS with five year vested rights. Staff recommends approval of this petition upon resolution of the outstanding issues. Attachment 12
	13. Petition No. 2010-046 by JNC Properties, LLC for a change in zoning of approximately 1.01 acres located at the west corner of the intersection of Scott Avenue and East Boulevard from NS to B-1(PED-O). Staff recommends approval of this petition. Attachment 13
	14. Petition No. 2010-047 by Trevi Partners, LLC for a change in zoning of approximately 68.90 acres located on the south side of US Highway 29 across from the intersection of Caprington Avenue and US Highway 29 from CC to CC(SPA) and INST(CD) with five year vested rights. Staff recommends approval of this petition upon resolution of the outstanding issues. Attachment 14
Protest Sufficient	15. Petition No. 2010-022 by Housing Authority of the City of Charlotte 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 recommends approval of this petition upon resolution of the outstanding issues. Attachment 15
	16. Petition No. 2010-039 by Charlotte-Mecklenburg Planning Commission for a change in zoning of approximately 0.056 acres located on the northeast corner of West Bland Street and Winnifred Street from I-2 to TOD-M. Staff recommends approval of this petition. Attachment 16

	17. Petition No. 2010-041 by Charlotte-Mecklenburg Planning Commission for a change in zoning of approximately 0.31 acres: one located at the intersection of South Tryon Street and Camden Road and the second located along Camden Road between South Tryon Street and Park Avenue from I-2 to TOD-M. Staff recommends approval of this petition. Attachment 17
	18. Petition No. 2010-044 by Charlotte-Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to modify the regulations related to household pet services and the zoning districts in which they are permitted. Staff recommends approval of this petition. Attachment 18
Deferral (4-months to November)	19. Petition No. 2010-045 by Charlotte-Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to modify the regulations for information pillars and associated signage. Staff recommends a four month deferral of this petition to the November 15, 2010 Council Meeting. Attachment 19