

Mayor Anthony Foxx

Michael D. Barnes

Nancy Carter

Andy Dulin

Patsy Kinsey

Edwin B. Peacock III

Mayor Pro-Tem Patrick Cannon

Jason Burgess

Warren Cooksey

David Howard

James E. Mitchell, Jr.

Warren Turner

CITY COUNCIL ZONING AGENDA

Monday, September 20, 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

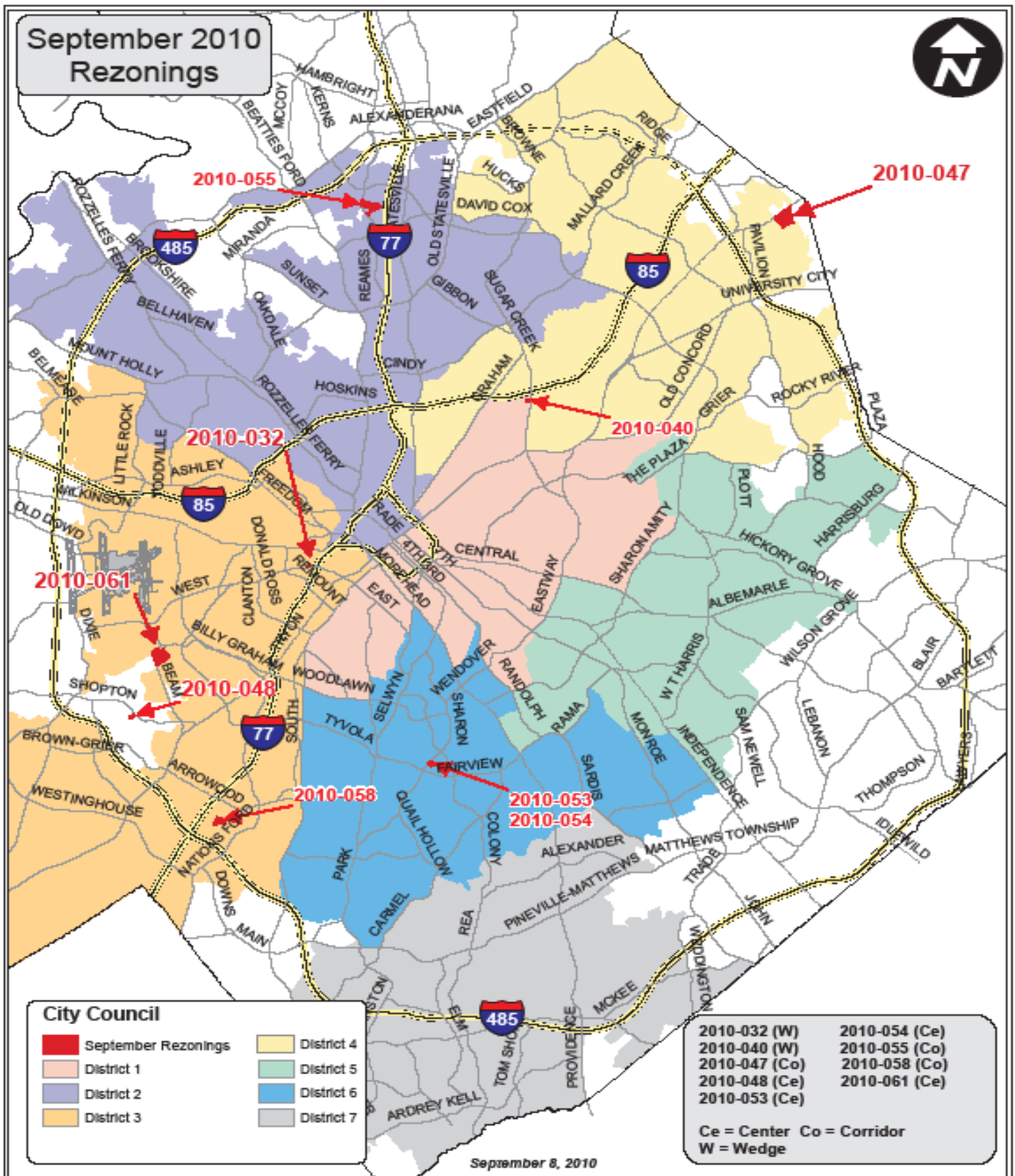
DECISIONS

Protest Sufficient	1. 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. August 8, 2010: The Zoning Committee voted unanimously to DEFERRAL this petition to a special called meeting on September 13, 2010. September 13, 2010: 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 5-1 vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition with the following modifications. 1. The option on Parcel "A" to encroach into the 30-foot setback along Euclid Avenue has been removed. 2. The front porch design and building materials commitments for Parcel "A" have been moved from "Optional Development Provisions" to "Unified Development Provisions". 3. Commitments to provide a mixture of uses along all public roadways and to provide a 50 percent office component on Parcel "E" have been moved from "Optional Development Provisions" to "Unified Development Provisions". 4. The commitment to provide elderly and low/moderate income housing on Parcel F has been moved from "Optional Development Provisions" to "Unified Development Provisions". 5. The following design elements have been committed for Parcel "A": a. All doors serving ground floor units will have individual porches, and all porches will be connected to the street with sidewalks. Porches shall be designed contextually to the scale and style of the adjacent residential buildings. b. All units abutting Euclid Avenue will have setbacks in context with the established setbacks of adjacent residential buildings. c. Exterior siding material shall be fiber cement-type boards or planks, or better. No vinyl or masonite-type siding shall be used. d. Building roofs will be predominantly of pitched-design and will be covered with architectural-type roofing shingles. 6. The request for the petitioner to note that a maximum 1/3 of Parcel "C" can be used for above ground detention is not longer needed as the development will have underground detention. 7. Parcel "E" will contain a minimum of 50 percent office uses. 8. The new 40-foot setback and 15-foot undisturbed buffer along the property lines abutting single family zoning along Rensselaer and Euclid Avenues are shown on the site plan. 9. The pedestrian connection from Euclid Avenue to Tract "C" is noted as being a "pedestrian hardscape connection". 10. CDOT requested that the proposed site's land use densities and parking (space) demands generated by the development plan be depicted in a table corresponding to the Technical Transportation Memoranda submitted and approved by CDOT. The petitioner has provided adequate traffic information for this TOD development. 11. The following notes requested by CDOT have been added to the site plan: a. Construction and infrastructure street phasing has been addressed on conditional note 18. b. Notes have been added to the conditional plan designating public and private streets. Private streets will need to be located within an access easement <u>and be open to the public at all times.</u> 12. Open space may include underground storm water management. In addition, a pedestrian walkway shall be incorporated into Parcel "C" with benches, lights, and trees to create a park like amenity for the project. There will be no chain link fencing or utilitarian elements as to detract from the visual amenity. 13. To the extent possible with CDOT standards, recommendations, and guidelines, a traffic table will be utilized to slow traffic along the new Caldwell/Cleveland connector street at the Bland
--------------------------------------	--

2010-22 Continued	Street intersection. Any off-site traffic calming along Euclid, Rensselaer, or Cleveland sought by the neighborhood and installed/paid for by <u>others</u> CDOT, will not be opposed by the petitioner or <u>and</u> project. 14. Where the project abuts single family zoning along Rensselaer and Euclid Avenues, the building setback will be 40 feet, with the first 15 feet being an undisturbed buffer. All trees shall be five inches or greater in caliper, where they can be protected from construction disruption will be identified, protected, and preserved within the entire 40 feet. <u>A protection plan will be created for each parcel before construction commences to identify any such trees over 5" to be removed due to construction activities, for City review and approval."</u> 15. All major trash receptacles and loading docks will be prohibited within 100 feet of the rear property line of the houses along Euclid and Rensselaer Avenues. Further, refuse collection trucks will be prohibited within this 100-foot distance. To the extent possible within the CDOT restrictions, large trucks, including moving vans, shall not use Rensselaer side access for circulation to the site. 16. During the construction of all phases of the implementation of the plan, construction traffic will not use Rensselaer or Euclid Avenues to enter and exit the project. 17. All private streets construction and maintenance responsibility will be the responsibility of the petitioner. Proposed internal private streets will be located within a public easement and will remain open to the public at all times. 18. The petitioner will fund associated traffic/pedestrian signal costs at South Boulevard and Bland Streets. Signal modifications may be necessary to accommodate the fourth intersection approach into the development and all necessary pedestrian access/signalization costs. 19. When the master plan for the site is totally built out, it will not exceed 1.2 million square feet of new leasable/sellable space. 20. Note 3 (A) (b) should be deleted: All units abutting Euclid Avenue will have setbacks in context with the established setbacks of adjacent residential buildings. 21. Note 3(B2) will read as follows: Will be limited to a maximum height or 65' (4-5 stories depending on use) with an additional condition requiring at least 10% ground level retail to be mixed with the adjacent residential uses. 22. Note 3(B3) will read as follows: Will be limited to a maximum height or 65' (4-5 stories depending on use) with an additional condition requiring at least 80% ground level retail to be mixed with the adjacent residential uses. 23. Note 10 (A) will read: Petitioner shall comply with the City of Charlotte Zoning Ordinance requirements, Section 9.1208 with the exception as the property abuts <u>the rear and sides property lines of the single family zoning along Rensselaer and Euclid Avenues...</u> The following note #(20) should be amended as indicated: 24. The City of Charlotte Planning Commission and/or Planning Department developer/ property owner shall notify the Dilworth Community Development Association (DCDA) of all future parcel developments associated with this petition upon commencement or request for individual "TOD "review and/ or administrative approval commencement. <u>Such notice shall be in writing to the current president of the DCDA and shall be for information purposes only.</u> Staff recommends APPROVAL of this petition. Attachment 1
Deferral (one-month to October)	2. 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). The Zoning Committee voted unanimously to DEFER this petition until their September 29, 2010 meeting. Staff recommends DENIAL of this petition. Attachment 2

	3. 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. 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. Staff recommends APPROVAL of this petition. Attachment 3
	4. Petition No. 2010-041 by Charlotte-Mecklenburg Planning Commission for a change in zoning of two parcels with an approximate total of 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. 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. Staff recommends APPROVAL of this petition. Attachment 4
	5. 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. This petition is found to be inconsistent with the <i>East District Plan</i>, but to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted 6-1 to recommend APPROVAL of this petition with the following modifications: 1. References to the <i>Independence Boulevard Plan</i> and the Charlotte Distressed Business District have been removed from the site plan. 2. Development Note 4 (Permitted Uses) has been re-worded to provide clarity regarding permitted uses per the NS District, as well as uses proposed within each tract. 3. Development notes have been revised to comply with standard format for site plan notes. 4. Notes identifying minimum ordinance requirements have been removed. 5. The word "parcel" has been replaced with "tract" or "component" so as not to be confused with tax parcels. 6. All notes related to possible amendments to the site plan have been combined, and language added to reference Section 6.207 of the zoning ordinance. 7. The reference to the City of Charlotte submitting an abandonment request for Chippendale Road right-of-way has been removed. 8. Development Note 7B has been amended to reference the USDG options within the Charlotte Land Development Standards Manual. 9. Development Note 7C regarding unified streetscape treatment has been removed. 10. Notes with standards less restrictive than the minimum ordinance standards for the NS district have been removed. 11. All notes related to lighting have been moved to one section (Development Note 12). 12. Development Note 8B has been amended to state that existing trees or groups of trees will be saved wherever possible. 13. Monroe Road has been excluded from Development Note 5D. 14. The second sentence in Development Note 6A has been removed and the note revised to read: "The first floor of all buildings except those within tract A and C along Chippendale Road will be designed and/or used for uses..." 15. The reference to commercial tenant signage has been removed from the type of building materials. 16. The wording "For all other buildings" has been removed from Development Note 6D.

	17. Development Note 6B has been modified to state that tenants shall not be required to have a pedestrian entrance along Monroe Road or Chippendale Road. 18. Move and combine note V.1.9 with IV.4 (Access Points). 19. Notes pertaining to fences and right-of-way encroachments have been removed. 20. The note regarding a solid waste management plan has been removed. 21. The following CDOT issues have been resolved: - Note 5C has been removed from the revised plan. - Note 7D has been removed from revised site plan. - Note 7B has been modified by deleting "...within the Charlotte Land Development Standards Manual" and replacing with "...and associated details" at the end of the sentence. - Note 13 has been removed. - Page Z-1 the note along Chippendale Road indicating that the realignment and signalized intersection will be by the City of Charlotte has been removed. - After note 5A the following has been added: - A left turn with a minimum of 150 feet of storage will also be provided for Richland Avenue. - A left turn will be provided for proposed Private Street "a" with a minimum of 100 feet of required storage. - A note has been added that the intersection of the newly aligned Chippendale and Monroe Road is required to be signalized prior to the first certificate of occupancy. All cost associated with the signal including interconnection is the responsibility of the petitioner. - The typo in Note 5B – "Is used" has been corrected to "issued". Staff recommends APPROVAL of this petition. Attachment 5
	6. 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. This petition is found to be consistent with adopted 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. Staff recommends APPROVAL of this petition. Attachment 6
Deferral (one-month to October)	7. 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). The Zoning Committee voted unanimously to DEFER this petition until their September 29, 2010 meeting. Staff recommends approval of this petition. Attachment 7



HEARINGS

	8. 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 UR-C(CD). Staff recommends approval of this petition. Attachment 8
	9. Petition No. 2010-040 by Grady Parker, Jr. for a change in zoning of approximately 1.52 acres located along Wilson Lane and West Sugar Creek Road from O-2 and B-1 to B-2(CD). Staff recommends that a City Council decision be deferred until the recommendations from the SRO citizen advisory group process is presented to City Council's Housing and Neighborhood Development Committee. Attachment 9
	10. 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 UR-C(CD) with five year vested rights. Staff recommends approval of this petition upon resolution of the outstanding issues. Attachment 10
	11. Petition No. 2010-048 by William Cashion, Jr. and William Wise for a change in zoning of approximately 5.00 acres located along the south side of Shopton Road near the intersection of Lebanon Drive and Shopton Road from R-3 to INST(CD). Staff recommends approval of this petition upon resolution of the outstanding issues. Attachment 11
	12. Petition No. 2010-053 by The Bissell Companies, Inc. for a change in zoning of approximately 2.27 acres located along the east side of Sharon Road between Morrison Boulevard and Coltsgate Road from O-2 to MUDD-O. Staff recommends approval of this petition upon resolution of the outstanding issues. Attachment 12
	13. Petition No. 2010-054 by The Bissell Companies, Inc. for a change in zoning of approximately 2.96 acres located along the east side of Sharon Road between Morrison Boulevard and Coltsgate Road extending to abut Coltsgate Road from O-1(CD) to MUDD-O. Staff recommends approval of this petition upon resolution of the outstanding issues. Attachment 13
	14. Petition No. 2010-055 by Charter Properties, Inc. for an R-12MF(CD)(SPA) (site plan amendment) of approximately 43.41 acres located along the east side of Reames Road across from Secretariat Drive and Prestbury Boulevard. Staff recommends approval of this petition upon resolution of the outstanding issues. Attachment 14

	15. Petition No. 2010-058 by Cardinal Real Estate Partners for a change in zoning of approximately 15.59 acres located at the intersection of Forest Point Boulevard and Forest Point Circle near Arrowood Road from B-D(CD) to O-1. Staff recommends approval of this petition. Attachment 15
	16. Petition No. 2010-061 by South36R, LLC and City of Charlotte for a change in zoning of approximately 57.91 acres located at the intersection of Pine Oaks Drive and Beam Road and bounded on the north by Westoak Drive from O-1 and O-15(CD) to I-1(CD). Staff recommends approval of this petition upon resolution of the outstanding issues. Attachment 16
	17. Petition No. 2010-052 by Charlotte-Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to modify the regulations and criteria for landmark signs and add new regulations for historic sign designation. Staff recommends approval of this petition. Attachment 17
	18. Petition No. 2010-060 by Charlotte-Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to update a cross-reference to the Tree Ordinance, related to the tree survey requirement Staff recommends approval of this petition. Attachment 18