

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 COMBINED ZONING AND BUSINESS MEETING***

***Monday, April 25, 2011***

**5:00PM – Council/Manager Dinner      Conference Center**

**6:00PM – Zoning Meeting, followed by Business Meeting      Meeting Chamber**

### ***DINNER MEETING***

***Review of Zoning Agenda – Tammie Keplinger***

**ALL REZONING PETITIONS MAY BE VIEWED ON THE WEB AT  
[www.rezoning.org](http://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

## **AWARD AND RECOGNITIONS**

	<p><b>1. Dr. Charles Sifford – Recognition</b> for his contribution to the Professional Golf Association and to the City of Charlotte.</p> <p>Attachment 1</p>
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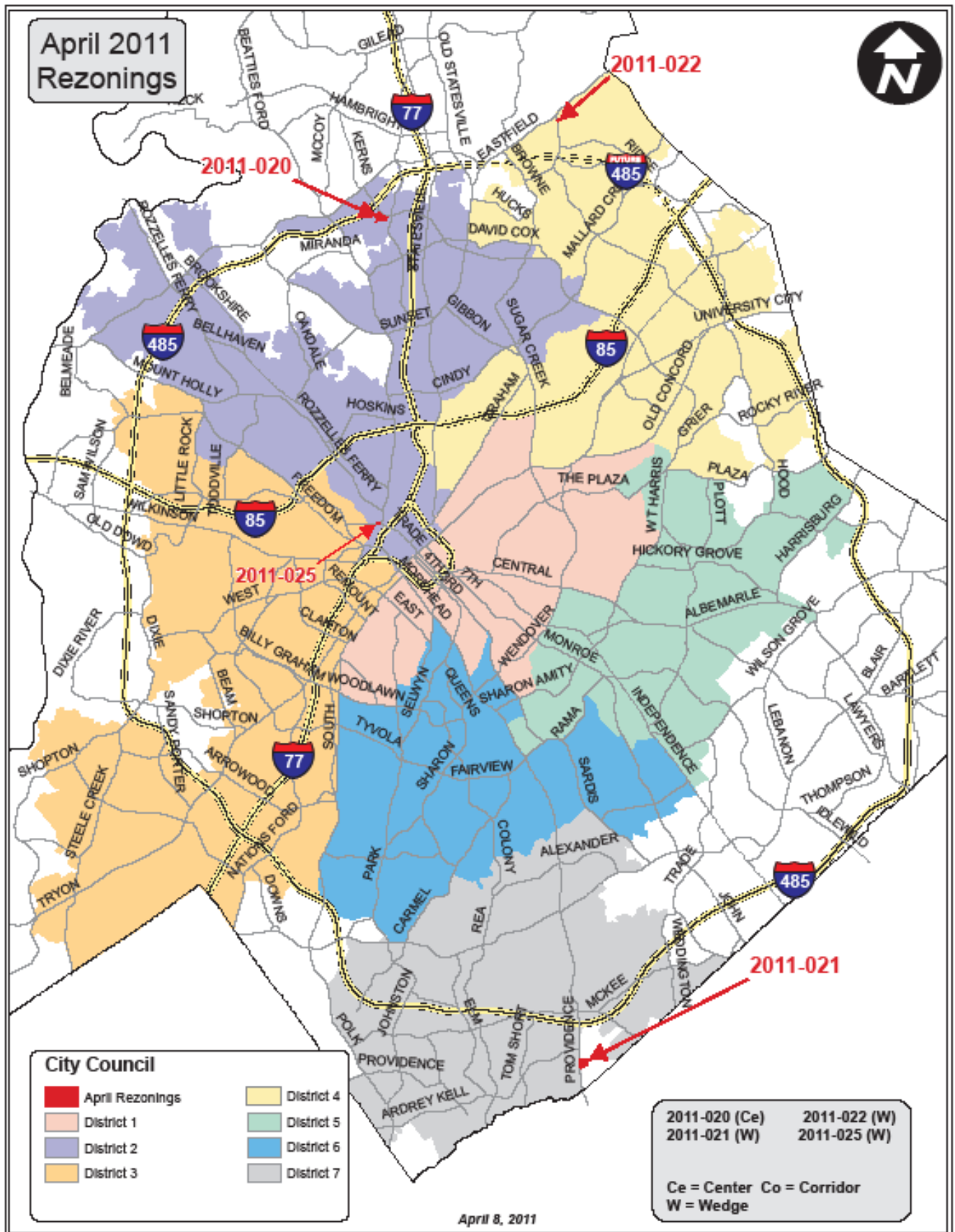
## **DECISIONS**

<b>Deferral (to May)</b>	<p><b>2. Petition No. 2010-045 by Charlotte-Mecklenburg Planning Commission</b> for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to modify and clarify the regulations for pedestrian oriented information pillars and information pillar signs.</p> <p>The Zoning Committee voted unanimously to <b>DEFER</b> this petition for one month to the April 27, 2011 Zoning Committee meeting.</p> <p>Attachment 2</p>
<b>Protests Sufficient</b>	<p><b>3. Petition No. 2010-072 by Quail Corners Associates, LLC</b> for a CC site plan amendment for approximately 14.40 acres located at the southwest corner of the intersection of Park Road and Sharon Road West.</p> <p>This petition, with the exception of the restaurant with accessory drive-through window, 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 <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. A note has been added stating internal sidewalks and pedestrian connections will be provided as generally depicted on the site plan.</li> <li>2. The note under "Setbacks, Side Yards and Rear Yards" has been amended to state that the setback will not be reduced beyond the 40 foot setback shown.</li> <li>3. A note has been added stating construction and installation of the outdoor plaza area with hardscape, planter, and seating will be completed prior to the issuance of a certificate of occupancy for the restaurant building.</li> <li>4. A note has been added stating that the architecture, pedestrian connectivity and parking areas relating to building envelope 2 (if the existing building located within building envelope 2 is replaced with a new building), building envelope 3, and building envelope 4 must be reviewed and approved by the Charlotte-Mecklenburg Planning Department prior to the issuance of a building permit for the building(s) to be constructed within building envelope 2, building envelope 3, and building envelope 4 to ensure compliance with the spirit and intent of the architectural and design standards for the corresponding building envelopes.</li> <li>5. A note describing the storefront elevations of existing building conditions for building A (wood or cedar siding painted to match the color of the storefront elevations of existing building A).</li> <li>6. The driveway on Sharon Road West will be amended to eliminate design details from the site plan.</li> </ol> <p>Attachment 3</p>

<p><b>Deferral (to May)</b></p>	<p><b>4. Petition No. 2010-080 by Charlotte Mecklenburg Planning Commission</b> for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to replace the regulations for "outdoor seasonal fresh produce sales" with a new definition and regulations for "fresh produce markets."</p> <p>The Zoning Committee voted unanimously to <b>DEFER</b> this petition for one month to the April 27, 2011 Zoning Committee meeting.</p> <p>Attachment 4</p>
<p><b>Council is required to vote whether or not to send back to Zoning Committee, due to changes to this petition</b></p>	<p><b>5. Petition No. 2011-002 by 521 Partners, LLC</b> for an O-1 (CD) site plan amendment for approximately 12.54 acres located on the southwest corner at the intersection of Providence Road West and Johnston Road.</p> <p>This petition is found to be consistent with the <i>South District Plan</i>, with the exception of the hotel use, building orientation and proposed square footage. While the proposed uses including the hotel were found to be reasonable and in the public interest, the overall petition was found not to be reasonable and not in the public interest, by a 4-2 vote of the Zoning Committee. The Committee voted 5-1 to recommend <b>DENIAL</b> of this petition.</p> <p>While staff is supportive of the amended site plan it is recommended that the petition be referred to the Zoning Committee for evaluation.</p> <p>Attachment 5</p>
<p><b>Protest Sufficient</b></p>	<p><b>6. Petition No. 2011-009 by Crescent Resources, LLC</b> for a MUDD-O site plan amendment for approximately 7.81 acres located on Carnegie Boulevard and west of the intersection between Assembly Street and Carnegie Boulevard.</p> <p>The petition is found to be consistent with the <i>SouthPark Small 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 <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>Note 8. has been modified to indicate the future public street illustrated on the rezoning plan will be constructed and offered for dedication to the City of Charlotte prior to the issuance of the certificate of occupancy. In lieu of constructing the street prior to the issuance of the certificate of occupancy, the petitioner will be allowed to provide one of the following two options: <ol style="list-style-type: none"> <li>Provide funding, in the amount of \$190,000, into a CIP project for the portion of the proposed road connection located on the subject site; or,</li> <li>Post a bond for the construction of the required street located on the subject property.</li> </ol> <p>In either case, the note indicates the petitioner will construct the intersection of Carnegie Boulevard and the proposed street as a roundabout, as illustrated on the rezoning plan.</p> </li> <li>The fire access grass pave from the future street right-of-way on the site plan has been removed and replaced with the street cross section to illustrate the required public street extending south from Carnegie Boulevard and stubbing at the southern property line. A note has been added allowing the fire access grass pave within the future street right-of-way until the street is constructed.</li> <li>Note# 11.e. has been modified by eliminating the word "if" to clarify that a minimum six-foot trail will be constructed around the detention/water quality pond. "Optional" has been eliminated from the term "trail, optional" used to identify the trail on the site plan.</li> <li>Supplemental landscaping and benches have been added around the detention/water quality pond area to enhance the amenity area.</li> <li>A note has been provided stating residential units abutting the paver sidewalk that extends from Carnegie Boulevard to the pond open space area will have individual sidewalk connections where grades permit.</li> <li>The site plan has been revised to indicate the paver sidewalk extending from Carnegie Boulevard to the pond open space area will have a minimum width of six feet.</li> </ol>

<p>2011-009 continued</p>	<ol style="list-style-type: none"> <li>7. The type, quantity, and size of the evergreen landscaping materials to be planted along the future public street where it abuts the parking deck of the existing Piedmont Town Center building ("existing building D") has been provided on the site plan.</li> <li>8. The width of the future public street right-of-way has been increased by shifting the eastern boundary of the right-of-way to the common property line with the Piedmont Town Center parcel located east of this subject site.</li> <li>9. The maximum height was modified to indicate the development will not exceed nine stories.</li> <li>10. Note# 4.a., second sentence, has been modified to read as follows: <i>This setback will be measured from the existing or future back of curb whichever is greater.</i></li> <li>11. The building material for the retaining walls has been provided along with a conceptual cross section of the site to illustrate the location of the retaining walls and the grades across the site.</li> <li>12. The use of the various levels of each building component and indicate courtyards and open spaces has been labeled on the site plan.</li> <li>13. Architectural notes have been added to the site plan to ensure that the architectural style is as depicted on the attached rendering ("Exterior Perspective").</li> </ol> <p>Attachment 6</p>
	<p><b>7. Petition No. 2011-012 by Steve McGirt</b> for an I-2(CD) site plan amendment for approximately 5.61 acres located along Center Park Drive near Beam Road.</p> <p>The petition is found to be inconsistent with the <i>Southwest 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 <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. The I-1(CD) and I-2(CD) reference under Note #1 has been removed from the site plan.</li> <li>2. Wording from Note 1 regarding business distribution since this site plan amendment does not pertain to the business distribution portion of the original rezoning has been removed from the site plan.</li> <li>3. Note #2.a. has been modified to read "Total land area covered by building(s) shall not exceed the stated amount for the I-2(CD) district as shown on the original 88-012c rezoning plan.</li> <li>4. The reference to rezoning petition number within the title block has been corrected from 2011-12C to 2011-12.</li> <li>5. The buffer related note, which states "The exterior 50' of the 100' Class A buffer shall remain undisturbed", has been relocated to a newly created heading under "Conditional Requirements" for "Buffers".</li> <li>6. Notes #5a and #5c have been removed as they were not enforceable through zoning.</li> <li>7. The statement in the "site plan amendment summary" has been modified to say that the "purpose of the zoning change: delete <u>conditional</u> buffer adjacent to parcel 143-211-02 which has been rezoned to <u>B-2(CD)</u>..."</li> <li>8. The "NOTES" section has been deleted as it did not pertain to the rezoning.</li> <li>9. The vicinity map has been modified to show only the property being rezoned.</li> <li>10. A note has been added that states changes to the site plan will be in compliance with Section 6. 207 of the Zoning Ordinance.</li> </ol> <p>Attachment 7</p>

	<p><b>8. Petition No. 2011-015 by Long Animal Hospital</b> for a MUDD-O site plan amendment for approximately 1.19 acres located on the eastern corner of the intersection at South Boulevard, Ideal Way and Remount Road.</p> <p>The petition is found to be consistent with the <i>New Bern 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 <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Note #1 has been modified to indicate that alterations to the site plan may be made in accordance with Section 6.207, not Section 6.206 (2).</li> <li>2. The last sentence of Note 1 regarding minor and incidental changes has been removed from the site plan.</li> <li>3. Notes that were general ordinance requirements or were not applicable have been removed from the site plan.</li> <li>4. The site plan has been modified to reference the petition number.</li> </ol> <p>Attachment 8</p>
	<p><b>9. Petition No. 2011-016 by Kidane Haile</b> for a change in zoning of approximately 0.26 acres located on the west side of Margaret Wallace Road near the intersection of Margaret Wallace Road and Idlewild Road from B-1 to NS.</p> <p>The petition is found to be consistent with the <i>Eastside Strategy 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 <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Landscaping to screen the loading area from Margaret Wallace Road has been added on the site plan.</li> <li>2. A different shading/hatching has been utilized to identify the driveway and to better distinguish it from the surrounding sidewalks.</li> <li>3. The petitioner has removed notes relating to screening dumpsters and loading spaces and compliance with the PCCO, sign ordinance and outdoor lighting as they are general ordinance requirements.</li> <li>4. No fuel pumps will be permitted.</li> </ol> <p>Attachment 9</p>
	<p><b>10. Petition 2011-019 by Charlotte-Mecklenburg Storm Water Services</b> for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to reflect changes in the enforcement of buffers from Mecklenburg County Department of Environmental Protection to Charlotte-Mecklenburg Storm Water Services, and to update references to the <u><a href="#">Charlotte Land Development Standards Manual</a></u> and <u><a href="#">Charlotte-Mecklenburg BMP Design Manual</a></u>.</p> <p>The 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 <b>APPROVAL</b> of this petition.</p> <p>Attachment 10</p>



## **HEARINGS**

<b>Deferral (to May)</b>	<p><b>11. Petition 2011-018 by University City Partners</b> for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to update the uses and development and design regulations for the Research Districts (RE-1, RE-2, RE-3).</p> <p>This petition has been deferred to the May 16, 2011 City Council meeting, due to the failure to advertise the public hearing by the Charlotte Observer.</p> <p>Attachment 11</p>
<b>Deferral (to May)</b>	<p><b>12. Petition No. 2011-020 by Percival McGuire Commercial Real Estate Development</b> for a change in zoning for approximately 23.96 acres located on the south side of West W.T. Harris Boulevard between Interstate 485 and Reames Road from R-3 to NS.</p> <p>This petition has been deferred to the May 16, 2011 City Council meeting, due to the failure to advertise the public hearing by the Charlotte Observer.</p> <p>Attachment 12</p>
<b>Deferral (to May)</b>	<p><b>13. Petition No. 2011-021 by Singh Development, LLC</b> for a change in zoning for approximately 22.65 acres located on the east side of Providence Road and across from Providence Country Club Drive from R-3 to R-3(CD) and INST(CD).</p> <p>This petition has been deferred to the May 16, 2011 City Council meeting, due to the failure to advertise the public hearing by the Charlotte Observer.</p> <p>Attachment 13</p>
<b>Deferral (to May)</b>	<p><b>14. Petition No. 2011-022 by Cambridge-Eastfield, LLC</b> for a NS site plan amendment for approximately 0.55 acres located on the southeast corner of Prosperity Church Road and Arbor Creek Drive.</p> <p>This petition has been deferred to the May 16, 2011 City Council meeting, due to the failure to advertise the public hearing by the Charlotte Observer.</p> <p>Attachment 14</p>
<b>Deferral (to May)</b>	<p><b>15. Petition No. 2011-025 by Charlotte-Mecklenburg Housing Partnership</b> for a UR-3(CD)PED-O site plan amendment for approximately 1.6 acres located on the northwest corner at the intersection of Wesley Heights Way and Duckworth Avenue.</p> <p>This petition has been deferred to the May 16, 2011 City Council meeting, due to the failure to advertise the public hearing by the Charlotte Observer.</p> <p>Attachment 15</p>