

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, October 17, 2011

5:00PM – Council/Manager Dinner
Meeting Chamber Conference Room

6:00PM – Zoning Meeting
Meeting Chamber

DINNER MEETING

- ***Review of Agenda – Tammie Keplinger***
- ***Area plan status & text amendment update – Debra Campbell***

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

<u>Zoning 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	<u>Overlay Districts</u> ● 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
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HISTORIC LANDMARKS

	1. A Resolution of the City Council of the City of Charlotte calling for a Public Hearing to be held December 12, 2011 by the City Council on the Question of designating the property known as the "Eastover Elementary School" (listed under Tax Parcel numbers 15510236 and 15509401 as of August 15, 2011, and including the exteriors of the buildings, and the parcels of land listed under Tax Parcel Numbers 15510236 and 15509401) as an Historic Landmark. The property is owned by Charlotte-Mecklenburg Schools and is located at 500 Cherokee Road, Charlotte, North Carolina. Attachment 1
	2. A Resolution of the City Council of the City of Charlotte calling for a Public Hearing to be held December 12, 2011 by the City Council on the Question of designating the property known as the "John B. Ross and Company Mill" (listed under Tax Parcel number 078-425-01 as of August 15, 2011, and including the exteriors of the buildings, and the parcel of land listed under Tax Parcel Number 078-425-01) as an Historic Landmark. The property is owned by Fiber Mills LLC and is located at 1000 Seaboard Street, Charlotte, North. Attachment 2

DECISIONS

Deferral (to January) Protests Sufficient	3. <u>Petition No. 2008-032</u> 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 Avenue from R-22MF to R-8MF. The Zoning Committee voted unanimously to DEFER this petition to the January 4, 2012 Zoning Committee meeting. Staff recommends a deferral of this petition. Attachment 3
Deferral (to November)	4. <u>Petition No. 2010-080</u> by Charlotte-Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to modify the regulations for "Outdoor Seasonal Fresh Produce Sales" by 1) renaming them to "Outdoor Fresh Produce Stands", 2) expanding the zoning districts in which they are permitted with prescribed conditions, and 3) modifying the prescribed conditions. The Zoning Committee voted unanimously to DEFER this petition to the October 26, 2011 Zoning Committee meeting. Staff recommends a deferral of this petition. Attachment 4

Protest Sufficient	5. <u>Petition No. 2011-008</u> by Thies Realty & Mortgage Co. for a change in zoning for approximately 1.16 acres located on the west side of Providence Road between Moravian Lane and Ardsley Road from B-1 to UR-C(CD). This petition is found to be inconsistent with the <i>Central 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. Added a note regarding the provision of a future cross-access easement. CDOT rescinded the remaining requests regarding consolidation of the driveways along Providence Road and the provision of angled parking at the rear of the site. 2. Deleted Note B under "Streetscape and Landscaping/Screening". 3. Deleted note under "Setback, Side Yard and Rear Yard Requirements". Staff recommends approval of this petition. Attachment 5
	6. <u>Petition No. 2011-011</u> by David H. Baldauf and G.T. Godwin for a change in zoning for approximately 2.37 acres located on the north side of Pence Road and across from Holly Hill Road from B-D to I-1(CD). This petition is found to be inconsistent with the <i>Eastside Strategy 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. The language under "Parcel Data" has been revised to state the proposed zoning is I-1 (CD). 2. The headings "CATS", "CDOT", "Fire", "LUESA", and "NBS" have been removed from the site plan. 3. New heading "Transportation" has been added to the site plan and the language under "Vehicular Access" moved to this section. 4. The required buffer (7-foot Class "C" buffer) is now shown along the entire length of the property line to the east (Parcel 10817106). 5. The note requesting that the site plan be revised to eliminate any parking shown within five feet of exterior lot lines has been removed as the parking areas are grandfathered existing conditions. A minimum five-foot walkway has been provided from the front of each building to the public sidewalk along Pence Road. 6. All CDOT and Solid Waste Services comments have been addressed as follows: a. The site plan now shows proposed curb and gutter, a minimum eight-foot planting strip and six-foot sidewalk from the proposed Pence Road future curb line and a concrete driveway through the setback line associated with tax parcel 10817105. b. A note has been added indicating that the type of intended garbage service is City pick up. 7. A portion of an existing concrete slab on tax parcel 10817106 will be saw cut and removed to allow for continuation of the required Class "C" buffer. Staff recommends approval of this petition. Attachment 6

Protests Sufficient	7. <u>Petition No. 2011-033</u> by Daniel Schwarz, Sardis Road Land Company, LLC, for a change in zoning for approximately 5.05 acres located on the northeast corner at the intersection of Sardis Road and Chevron Drive from R-3 to INST(CD). This 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. Listed hardi plank siding as a building material, as referenced on the building elevations. 2. Specified the parking ratio as 1.5 spaces per unit, for a total of 81 parking spaces. 3. Provided specifics on architectural features that will be provided on duplex units to create appearance of a building front. Specifically, all facades facing Sardis Road or Chevron Drive will be articulated with a door, porch, and windows to match the inner facing front facades of these buildings. 4. Added a note that the brick wall to be extended along Chevron Drive will not exceed five feet in height. 5. Removed all notes related to general ordinance requirements such as compliance with the landscaping provisions of the ordinance, tree ordinance, no detention in buffers, and signs. 6. Removed Note #3 under "Binding Effect of the Rezoning Documents and Definitions". 7. Labeled and provided square footage calculations for all proposed tree save areas, which total 36.7 percent 8. Amended Note 1 under "Permitted Uses" to state that the site may only be devoted to an age restricted senior living community comprised of a maximum of 54 for sale independent living units and related common areas and amenities, and to any accessory uses that are permitted under the Ordinance in the Institutional zoning district. 9. Note 7 under "Transportation" has been amended to add that the internal sidewalks may meander to save existing trees. 10. Note 3 under "Architectural Standards" has amended to add the following: More specifically, each duplex style building will be constructed of brick or stone (30 percent minimum masonry) and cementitious board or hardi-plant, stucco or synthetic stucco. Window styles, dormer styles and architectural shutters shall be similar in character to the windows, dormers and architectural shutters on Building A and Building B. Roofs will be architectural grade fiberglass shingles on a combination of hipped and gabled roofs. All facades facing Sardis Road or Chevron Drive will be articulated with a door, porch and windows to match the inner facing front facades of these buildings. 11. Note 5 under "Transportation" states that the parking areas underneath Building A and Building B shall be screened from abutting properties by masonry walls of a height that is sufficient to shield the abutting properties from headlights. However, in no event shall the height of such walls be less than four feet. 12. Note 6 under "Transportation" states that as depicted on the Rezoning Plan, a masonry wall with a minimum height of four feet and shrubs shall be installed along the eastern terminus of the driveway between Building A and Building B to shield the abutting properties from headlights. 13. Note 8 under "Transportation" states that sidewalks located along the internal street may be located at the back of curb adjacent to the on-street vehicular parking spaces as depicted on the Rezoning Plan. 14. Note 2 under "Streetscape and Landscaping" states that the street trees may be planted 50 feet on center on average. 15. Note 1 under "Environmental Features" states that in addition to the trees located within the tree save areas, the Petitioner shall preserve those trees designated on the Rezoning Plan for preservation. With respect to those trees located outside of the tree save areas and designated for preservation, the Petitioner shall engage a certified arborist to prepare and implement a tree protection and preservation plan for these trees, and a copy of the tree protection and preservation plan must be submitted to the Charlotte-Mecklenburg Planning Department prior to commencing any grading activities on the Site Staff recommends approval of this petition. Attachment 7
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- 8. Petition No. 2011-036 by Crescent Resources** for a change in zoning for approximately 62.70 acres located on the south side of West Mallard Creek Church Road between Claude Freeman Drive and Legranger Road from RE-1 to RE-3(O), and 5-Year Vested Rights.
- This petition is found to be consistent with the *University Research Park Area Plan* and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. (Commissioner Zoutewelle was recused.) The Committee voted unanimously to recommend **APPROVAL** of this petition with the following modifications:
1. All notes have been placed on Sheet RZ-3.
 2. Amended the third paragraph under "General Provisions" (formerly Note 2 on Sheet RZ-2) to state that all changes to the Schematic Plan will be reviewed and approved as allowed by Section 6.207).
 3. Amend Note 5(c) under "Access and Transportation Design" (formerly Note 3 on Sheet RZ-1) to state "The number and locations of driveways connecting to the interior public streets is not limited by what is indicated on the Technical Data Sheet. The location and number will be determined during the Land Development process."
 4. Amended Note 8(c)(ii, iii iv, and v) under "Architecture and Design Controls" (formerly Note 6(c)(ii),(iii), (iv)) to specify how interconnectivity will be provided between buildings and through parking areas; explain that architectural compatibility will be achieved by using similar or compatible architectural styles, building materials, landscape elements, plants, and signage treatments; and specify the variety of building materials to be used and provide a minimum percentage of brick, stone, synthetic stone, precast stone or precast concrete for each building façade on Parcels A, B, C, and D.
 5. Amended Note 8(c)(vii) under "Architectural and Design Controls", (formerly Note 6(c)(vii)), to state that final building elevations will be reviewed and approved by the Planning Department to assure that the proposed buildings are consistent with the specified design.
 6. Amended Note 9(b) under "Connectivity" (formerly Note 7b) to explain that a network of streets and pedestrian walkways or paths will be provided as depicted on the Technical Data Sheet.
 7. Amended Note 4(b)(i) under "Permitted Uses" to state that retail and restaurant uses must be integrated into buildings that contain at least 25,000 square feet of gross floor area other than retail and restaurant uses. Retail and restaurant uses will be limited to the ground floor of buildings and to no more than 10,000 gross square feet per building. In the aggregate, no more than 25,000 square feet of gross floor area of retail and restaurant uses may be developed on Parcel C. The square footage of any retail and restaurant uses developed on Parcel C will be part of the maximum allowed square footage of gross floor area allowed on Parcel C.
 8. Amended Note 8(c)(viii) under "Architectural and Design Controls", (formerly Note 6(c)(viii)), to specify that if breezeways are included in the proposed multi-family buildings the breezeways shall be framed with architectural elements such as columns and brick quoining, creating a dominant central element of the architectural façade. Other proposed architectural elements include entry portals with an engaged classical portico integrated with modified window screens above to combine into one refined, cohesive architectural feature to provide the appearance of an enclosed breezeway.
 9. Amended Note 14 under "Phasing" to specify that a building permit for 25,000 square feet of gross floor area of office uses must be issued on Parcel C.
 10. Placed Notes 13 and 14 in numerical order.
 11. Added tax parcel 04742106 under the Site Data Table on Sheet RZ-1.
 12. Corrected the subject tax parcels listed under Development Data Table on Sheet RZ-3.
 13. Amended Note 8(a)(i) under "Architectural Standards", (formerly Note 6(a)(i)), to reflect a 35-foot side or rear yard requirement.

14. Deleted Note 9 under "Streetscape and Landscaping", (formerly Note 7(a)).
15. Multi-use path/trail shown and labeled.
16. Amended Note 4(a)(iv) to indicate that the only restaurants providing the following types of food and beverage: ice cream, yogurt, coffee, juices, bagels, muffins, pastries and similar items are permitted a drive-through service window.
17. Amended Note 4(a)(v) to delete restaurants with accessory drive-through windows as a prohibited use.
18. Amended Note 13 under "Lighting", (formerly Note 12(a)), to clarify that all lighting fixtures will be full cut-off, with the exception of lighting that is not visible from residentially zoned or used property.
19. Amended Note 11(c) under "Parks, Greenways and Open Space", (formerly Note 9c), to state that links from adjoining properties to the six-foot wide multi-use path/trail will be allowed to provide for an eventual connection to the Greenway located within the University Research Park as shown on the Schematic Plan, Sheet RZ-2.
20. Added Note 11(b) under "Signage" to state that a sign identifying the University Research Park may be placed on the Site as recommended by the adopted University Research Park Area Plan.
21. Amended Sheet RZ-2 to provide a label for urban open space and open space, as defined in the Zoning Ordinance.
22. Amended Note 4(b)(i) to clarify that the square footage of any retail and restaurant uses developed on Parcel C will be part of the maximum allowed square footage of gross floor area allowed on Parcel C. Amended Development Data Table on Sheet RZ-3 to refer to conversion rights specified permitted for Parcels A and B.
23. Deleted the following notes:
 - a. Notes 1, 2 and 3 from Sheet RZ-1.
 - b. Notes 1, 2 and 3 from Sheet RZ-2.
 - c. The fifth paragraph under Note 2 on Sheet RZ-3.
 - d. Note 4(c)(ii).
 - e. Note 5(f).
 - f. Notes 6(a)(iv) and (v).
 - g. Note 6(b)(i) and (ii).
 - h. Note 10 Note 12b as it does not meet ordinance standards.
24. Addressed CDOT comments as follows:
 - a. Amended Note 5(e) to state that the petitioner will construct a public street that will connect Legranger Road through Parcel D to Senator Royall Drive.
 - b. Amended Note 5(a) to state that a five-foot bike lane, curb and gutter, and eight-foot planting strip and six-foot sidewalk will be provided along the site's W. Mallard Creek Church Road frontage.
 - c. Amended Note 5(a) to remove the provision for bike lanes in either direction on Senator Royall Drive.
 - d. Added Note 5(g) to state that three raised pedestrian refuge islands within the two-way left turn land on Senator Royall Drive will be provided.
 - e. Added Note 6(d) to reflect continuance of the existing southbound outside travel lane from Mallard Creek Church Road to the second access point on Senator Royall Drive.
25. Added Notes 6 and 7 to address the timing and completion of road improvements and right-of-way.
26. Added Note 4(c) to state that no more than 24 three bedroom units will be developed on Parcel D, added to address concerns expressed to the petitioner.
27. Added Note 4(c) regarding gross floor area

Staff recommends approval of this petition.

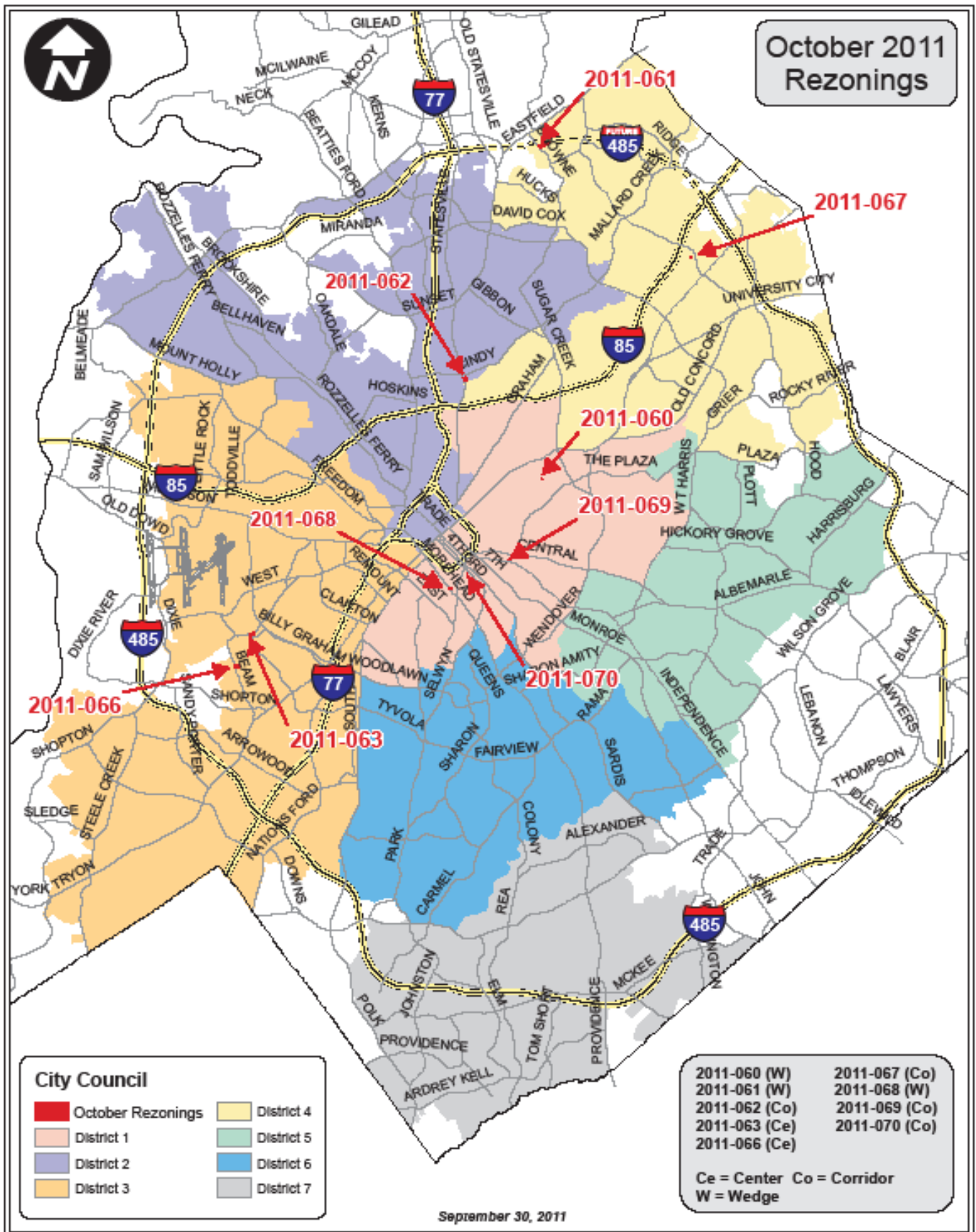
Attachment 8

	9. <u>Petition No. 2011-050</u> by Quik Trip Corporation for a change in zoning for approximately 7.07 acres located on the northeast corner at the intersection of Albemarle Road and Regal Oaks Drive from B-2(CD) to B-1(CD). This petition is found to be consistent with the <i>Eastland Area Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. (Commissioner Zoutewelle was recused.) The Committee voted unanimously to recommend APPROVAL of this petition with the following modifications: 1. Provided supplemental tree plantings along Regal Oaks Lane and Albemarle Road frontages. 2. Added a note indicating that all drive through uses will be prohibited. 3. Limited detached signs to monument style signage. 4. Limited detached lighting to 25 feet in height including the base. 5. Modified the second sentence within Note 4.a to read "...buildings that may be constructed on Parcel A shall be substantially similar in appearance to these building elevations and shall be constructed predominately of brick or decorative masonry materials." 6. Modified Note 4.b to read "Buildings located on Parcel B shall front Regal Oaks Drive and/or the private street identified in paragraph 3.c. above. No rear elevations shall be oriented along these two street fronts. All elevations along these streets shall be constructed predominately of brick or decorative masonry materials and be designed with architectural elements to prevent blank walls in excess of 20 feet in length." 7. Modified Note 3.c by replacing all "private drive" references with "private street". 8. Modified Note 3.c to read "Prior to the issuance of a building permit for development on Parcel B, the Petitioner shall construct a private street with two 10-foot travel lanes, two 2.5-foot curb/gutter sections, two eight-foot planting strips and two six-foot sidewalks in order to provide a street connection from Regal Oaks Drive to the adjoining property to the east of the Site." 9. Provided a note to indicate that the completion of the private drive/access easement which extends from Albemarle Road across Parcel A north to the private street associated with Parcel B will be completed prior to the issuance of a building permit for development on Parcel B. Also, indicated the 5-foot internal sidewalk located on the eastern side of the private drive will be extended to the private street. 10. Removed information related to parking from the site data table on sheet RZ-1. 11. Amended the site plan to reflect 7.07 acres. 12. Addressed CDOT issues regarding the private street cross section and the 16-foot maximum width of the right-in only driveway from Regal Oaks Drive. 13. Removed the second paragraph under Note 1 "General Provisions". Staff recommends approval of this petition. Attachment 9
	10. <u>Petition No. 2011-051</u> by Woodfield Investments, LLC for a change in zoning for approximately 1.707 acres located west of the intersection of Griffith Street and Poindexter Drive near South Boulevard from TOD-MO and I-2 to TOD-M. This 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 APPROVAL of this petition. Staff recommends approval of this petition. Attachment 10

	11. <u>Petition No. 2011-052</u> by Odell School Highway Investment Traders, LLC for a CC site plan amendment for approximately 2.80 acres located on the west side of Odell School Road near the intersection of Carolina Lily Lane and Odell School Road. This petition is found to be consistent with the <i>Northeast 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 with the following modifications: 1. Amended Note 6f to state that a 6-foot sidewalk and 8-foot planting strip will be provided along the tract frontage on Odell School Road. 2. Added Note 6i to state that access to Odell School Road from tract 029-191-08 will be limited to right-in/right-out upon the completion of the Odell School Road roadway improvements by NCDOT. 3. Added Note 6j to state that along the property frontage of Odell School Road, the Petitioner agrees to reserve fifty feet of right-of-way from the existing centerline of Odell School Road. Staff recommends approval of this petition. Attachment 11
	12. <u>Petition No. 2011-053</u> by 1200 South Boulevard Partners, LLC for a change in zoning for approximately 2.85 acres located on the west side of South Boulevard between the John Belk Freeway and Arlington Avenue from TOD-MO 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 12
	13. <u>Petition No. 2011-054</u> by Phillips Place Partners, LLC for a CC site plan amendment for approximately 16.11 acres located on the south side of Fairview Road and across from Cameron Valley Parkway. This petition is found to be consistent with the <i>South Park 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 APPROVAL of this petition with the following modification: 1. Staff has removed the request to identify proposed solid waste and recycling location(s) on the site plan as the current note describing method of screening suffices, and the site plan as proposed shows no building footprints or parking spaces. Staff recommends approval of this petition. Attachment 13
	14. <u>Petition No. 2011-055</u> by Charlotte Regional Visitors Authority, for a change in zoning for approximately 10.96 acres generally bounded by South College Street, Martin Luther King Jr. Boulevard, South Brevard Street, and East Stonewall Street from UMUD to UMUD-O. This petition is found to be consistent with the <i>Center City 2020 Vision 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 14

	15. <u>Petition No. 2011-056</u> by Tennyson and Lorna Curtis for a change in zoning for approximately 6.19 acres located on the east side of Steele Creek Road between Whispering Pines Lane and Shopton Road from R-3 to O-2(CD). This petition is found to be consistent with the <i>Westside Strategic 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. Amended Note 2 under "Streetscape and Landscaping" to state that a 51-foot Class B buffer will be provided along the rear of the lot. 2. Amended Note #2 under "Transportation" to say that the right-of-way maintenance of both sides of the right-of-way for relocated Red Spring Drive will be the responsibility of the tenant/property owner/developer of parcel 1410113. 3. Indicated that all glazed areas (storefront work, entrance doors, room windows, etc.) shall be insulated glass in aluminum or vinyl frames at the discretion of the developer. 4. Removed Note #3 under "Architectural Standards" as it is a general ordinance standard. 5. Amended the first sentence under "Environmental Features" to state that the tree save areas shown exceed that required and will not be modified during final design. 6. Deleted Note 1 under "Signage". 7. Clarified that the lighting height will include the base of the lighting fixtures. 8. Addressed all CDOT issues as follows: 9. Amended Note 5 under "Transportation" to state that the petitioner will deed 20 feet of additional right-of-way along the site's frontage on Steele Creek Road. 10. Added a note to clarify and consolidate all transportation improvements as generally depicted on the site plan. 11. Added note that the site's proposed 5-foot sidewalk on either side of the extended Red Spring Drive will connect and transition to the existing 4-foot sidewalks located east of the eastern property line. 12. Added note that Steele Creek Road will be widened to accommodate two travel lanes, a left-turn lane, a northbound right-turn lane, and a 5-foot bike lane. The future curb line will be established during the construction permitting process. 13. Added a note that the petitioner agrees to pay for the installation of one speed hump on the extended Red Spring Drive using CDOT's contractor (cost not to exceed \$2,500). If the speed hump is not warranted after two years from the receipt of hotel occupancy, this stipulation will be waived. 14. Added a note that all identified transportation improvements (excluding a possible future speed hump) shall be completed and approved by the city and/or NCDOT before the first certificate of occupancy will be issued. Staff recommends approval of this petition. Attachment 15
	16. <u>Petition No. 2011-057</u> by Merideth Sorrentino for a change in zoning for approximately 0.38 acres located on the north side of North McDowell Street and east of the intersection of East 37th Street and North McDowell Street from I-2 to R-5. This petition is found to be inconsistent with the <i>North Charlotte 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. Staff recommends approval of this petition. Attachment 16

	17. <u>Petition No. 2011-058</u> by Fairhills Park South Associates, LLC for a Text Amendment to the City of Charlotte Zoning Ordinance to add a new subsection to the Urban Residential Districts for area, yard and height regulations and to modify definitions. 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 17
	18. <u>Petition No. 2011-059</u> by Charlotte-Mecklenburg Planning Commission for a Text Amendment to the City of Charlotte Zoning Ordinance to add standards regarding housing design. This petition is found to be consistent with adopted policies and to be reasonable and in the public interest, by a 5-1 vote of the Zoning Committee. The Committee voted 4-2 to recommend APPROVAL of this petition with the following modification: 1. Modify Section 12.509(2) of the text amendment to include a reference that trees and shrubs shall also meet any standards and regulations set by a public utility. The revised section shall read as follows: "Lots created for single-family development after December 31, 2011 shall not have major overhead public utility structures which support transmission lines or otherwise part of the transmission network located in any established front setback unless the structure is 100 feet or more beyond the high voltage transmission right-of-way, and a 50-foot wide buffer consisting of nine trees and 60 shrubs per 100 linear feet is provided beginning 25 feet behind the high voltage transmission right-of-way. Trees and shrubs shall meet the standards of Section 12.302(9) and any standards and regulations set by the public utility. This provision does not apply to neighborhood-serving minor public utility structures that provide local distribution." Staff recommends approval of this petition. Attachment 18
	19. <u>Petition No. 2011-T001</u> by Charlotte-Mecklenburg Planning Commission for a Text Amendment to the City of Charlotte tree Ordinance to modify the tree save requirements for single family development. This petition is found to be consistent with adopted policies and to be reasonable and in the public interest, by a 4-2 vote of the Zoning Committee. The Committee voted 4-2 to recommend APPROVAL of this petition. Staff recommends approval of this petition. Attachment 19



HEARINGS

	20. <u>Petition No. 2011-060</u> by Ronald E. Shaver for a change in zoning for approximately 0.55 acres located on the north side of North Alexander Street and east of the intersection of East 37th Street and North Alexander Street from I-2 to R-5. Staff recommends approval of this petition. Attachment 20
	21. <u>Petition No. 2011-061</u> by Robert D. Smith for a change in zoning for approximately 10.46 acres located on Browne Road and across from Amber Glen Drive from R-3 and INST(CD) to INST(CD) and INST(CD) SPA. Staff recommends approval of this petition upon resolution of outstanding issues. Attachment 21
	22. <u>Petition No. 2011-062</u> by Kempo Corporation for a change in zoning for approximately 3.69 acres located on the east side of Statesville Road between Cindy Lane and Nevin Road from B-1 to B-2. Staff recommends approval of this petition. Attachment 22
	23. <u>Petition No. 2011-063</u> by Tyvola Oak Lake, LLC for a change in zoning for approximately 2.99 acres located on the north side of Yorkmont Road between Oak Lake Boulevard and West Tyvola Road from I-1 to NS. Staff recommends approval of this petition. Attachment 23
	24. <u>Petition No. 2011-066</u> by 52 Eighty, LLC for a BD(CD) site plan amendment for approximately 4.15 acres located on the south side of Cross Beam Road between Beam Road and Rose Lake Drive. Staff recommends approval of this petition upon resolution of the outstanding issue. Attachment 24
	25. <u>Petition No. 2011-067</u> by Twilight Caribbean Restaurant for a change in zoning for approximately 0.32 acres located on the north side of Berkeley Place Drive near the intersection of West Mallard Creek Church Road and Berkeley Place Drive from CC to MUDD(CD). Staff recommends approval of this petition. Attachment 25
	26. <u>Petition No. 2011-068</u> by Morehead Property Investments, LLC for a change in zoning for approximately 1.50 acres located on East Morehead Street between Kenilworth Avenue and Monticello Trail from O-2 to MUDD(CD). Staff does not support this petition in its current form. Attachment 26

	27. <u>Petition No. 2011-069</u> by Charlotte Mecklenburg Planning Department for the establishment of B-2 (PED) zoning for approximately 0.43 acres located near the southeast corner at the intersection of Pecan Avenue and Commonwealth Avenue. Staff recommends approval of this petition. Attachment 27
	28. <u>Petition No. 2011-070</u> by Hunter's Affordable Bonding for a change in zoning for approximately 0.10 acres located on Charlottetowne Avenue at the intersection of Fox Street and Charlottetowne Avenue from R-22MF to O-1. Staff recommends approval of this petition. Attachment 28