

<b><u>Mayor Anthony Foxx</u></b>	<b><u>Mayor Pro-Tem Patrick Cannon</u></b>
<b>John Autry</b>	<b>Michael D. Barnes</b>
<b>Warren Cooksey</b>	<b>Andy Dulin</b>
<b>Claire Fallon</b>	<b>David Howard</b>
<b>Patsy Kinsey</b>	<b>LaWana Mayfield</b>
<b>James E. Mitchell, Jr.</b>	<b>Beth Pickering</b>

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## ***CITY COUNCIL ZONING AGENDA***

### ***Tuesday, January 17, 2012***

**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](http://www.rezoning.org)**

<p><b><u>Zoning Districts</u></b></p> <ul style="list-style-type: none"> <li>● <b>B-1</b> – neighborhood business district</li> <li>● <b>B-2</b> – general business district</li> <li>● <b>B-1SCD</b> – business shopping center district</li> <li>● <b>BD</b> – distributive business district</li> <li>● <b>BP</b> – business park district</li> <li>● <b>CC</b> – commercial center district</li> <li>● <b>I-1</b> – light industrial district</li> <li>● <b>I-2</b> – general industrial district</li> <li>● <b>INST</b> – institutional district</li> <li>● <b>MUDD</b> – mixed use development district</li> <li>● <b>MX-1</b> – mixed use district</li> <li>● <b>MX-2</b> – mixed use district</li> <li>● <b>MX-3</b> – mixed use district</li> <li>● <b>NS</b> – neighborhood services district</li> <li>● <b>O-1</b> – office district</li> <li>● <b>O-2</b> – office district</li> <li>● <b>O-3</b> – office district</li> <li>● <b>R-3</b> – single-family residential – up to 3 dwelling units per acre (dua)</li> <li>● <b>R-4</b> – single-family residential – up to 4 dua</li> <li>● <b>R-5</b> – single-family residential – up to 5 dua</li> <li>● <b>R-6</b> – single-family residential – up to 6 dua</li> <li>● <b>R-8</b> – single-family residential – up to 8 dua</li> <li>● <b>R-8MF</b> – multi-family residential – up to 8 dua</li> <li>● <b>R-12MF</b> – multi-family residential – up to 12 dua</li> <li>● <b>R-17MF</b> – multi-family residential – up to 17 dua</li> <li>● <b>R-22MF</b> – multi-family residential – up to 22 dua</li> <li>● <b>R-43MF</b> – multi-family residential – up to 43 dua</li> <li>● <b>R-MH</b> – residential manufactured housing</li> <li>● <b>RE-1</b> – research district</li> <li>● <b>RE-2</b> – research district</li> <li>● <b>RE-3</b> – research district</li> <li>● <b>TOD</b> – transit oriented development</li> <li>● <b>TOD-E</b> – transit oriented development – employment</li> <li>● <b>TOD-EO</b> – transit oriented development – employment - optional</li> <li>● <b>TOD-M</b> – transit oriented development – mixed use</li> <li>● <b>TOD-MO</b> – transit oriented development – mixed use - optional</li> <li>● <b>TOD-R</b> – transit oriented development – residential</li> <li>● <b>TOD-RO</b> – transit oriented development – residential - optional</li> <li>● <b>U-I</b> – urban industrial district</li> <li>● <b>UMUD</b> – uptown mixed use district</li> <li>● <b>UMUD-O</b> – uptown mixed use district - optional</li> <li>● <b>UR-1</b> – urban residential</li> <li>● <b>UR-2</b> – urban residential</li> <li>● <b>UR-3</b> – urban residential</li> <li>● <b>UR-C</b> – urban residential - commercial</li> </ul>	<p><b><u>Overlay Districts</u></b></p> <ul style="list-style-type: none"> <li>● <b>CR/LWW</b> – Catawba River / Lake Wylie watershed</li> <li>● <b>CR/LWWCA</b> – Catawba River / Lake Wylie watershed – critical area</li> <li>● <b>CR/LWWPA</b> – Catawba River / Lake Wylie watershed – protected area</li> <li>● <b>HD-O</b> – historic district overlay</li> <li>● <b>HW</b> – hazardous waste overlay</li> <li>● <b>LNW</b> – Lake Norman watershed</li> <li>● <b>LNWCA</b> – Lake Norman watershed – critical area</li> <li>● <b>LNWPA</b> – Lake Norman watershed – protected area</li> <li>● <b>LLWW</b> – Lower Lake Wylie watershed</li> <li>● <b>LLWWCA</b> – Lower Lake Wylie watershed – critical area</li> <li>● <b>LLWWPA</b> – Lower Lake Wylie watershed – protected area</li> <li>● <b>MILW</b> – Mountain Island Lake watershed</li> <li>● <b>MILWCA</b> – Mountain Island Lake watershed – critical area</li> <li>● <b>MILWPA</b> – Mountain Island Lake watershed – protected area</li> <li>● <b>MH-</b> – manufactured home overlay</li> <li>● <b>PED</b> – pedestrian overlay district</li> <li>● <b>PED-O</b> – pedestrian overlay district – optional</li> <li>● <b>TS</b> – transit supportive overlay district</li> </ul> <p><b><u>Miscellaneous Acronyms</u></b></p> <ul style="list-style-type: none"> <li>● <b>CD</b> – conditional</li> <li>● <b>SPA</b> – site plan amendment</li> </ul>
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## ***HISTORIC LANDMARKS***

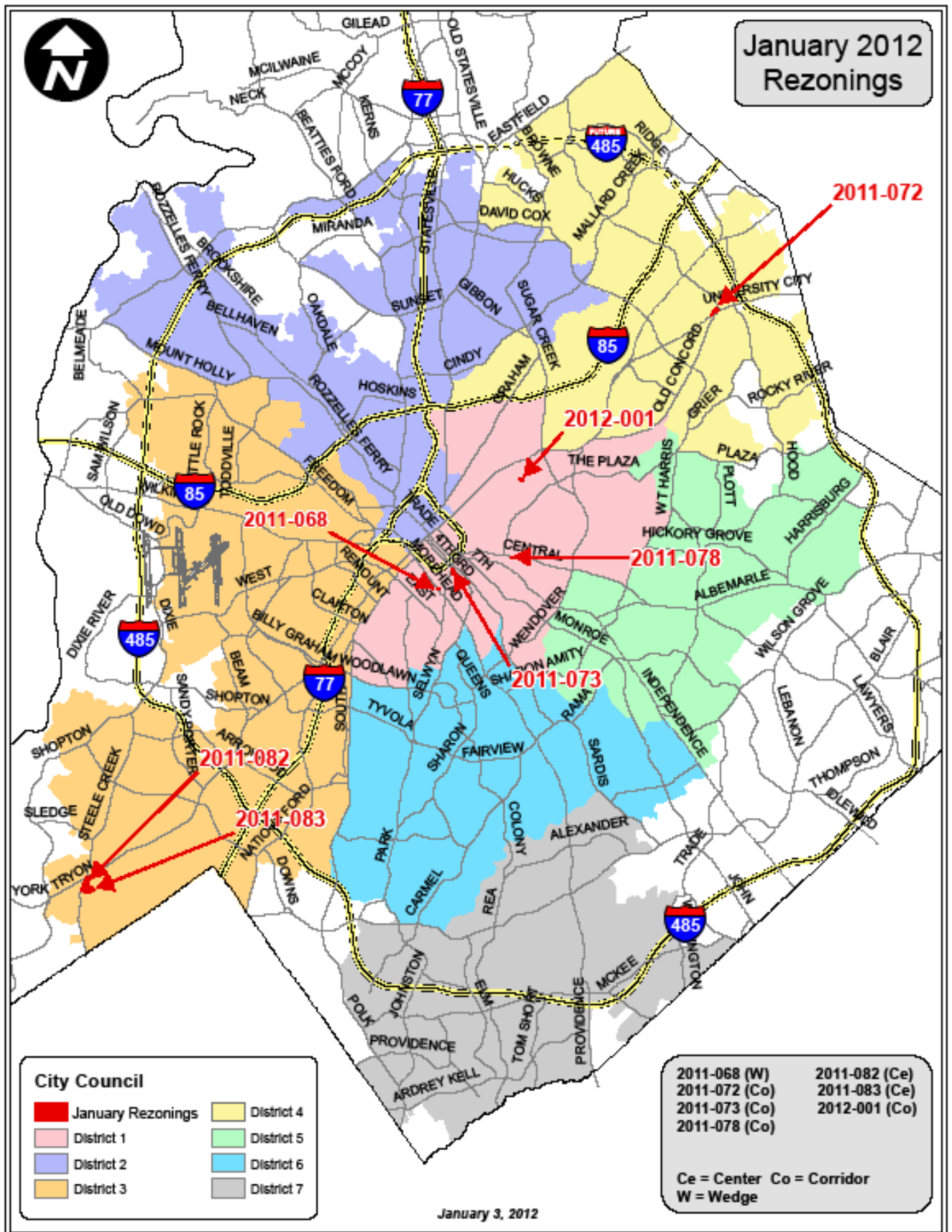
	<p><b>1.</b> Decision on the adoption of an ordinance designating the "<b>Eastover Elementary School</b>" as a Historic Landmark.</p> <p>Attachment 1</p>
	<p><b>2.</b> Decision on the adoption of an ordinance designating the "<b>John B. Ross and Company Mill</b>" as a Historic Landmark.</p> <p>Attachment 2</p>

## ***DECISIONS***

<p><b>Deferral (to April)</b></p> <p><b>Protests Sufficient</b></p>	<p><b>3.</b> <u><b>Petition No. 2008-032</b></u> by <b>Myers Park Home Owners Association</b> 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.</p> <p>The Zoning Committee voted unanimously to <b>DEFER</b> this petition to the March 28, 2012 Zoning Committee meeting.</p> <p>Attachment 3</p>
<p><b>Deferral (to February)</b></p>	<p><b>4.</b> <u><b>Petition No. 2010-080</b></u> by <b>Charlotte-Mecklenburg Planning Commission</b> 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.</p> <p>The Zoning Committee voted unanimously to <b>DEFER</b> this petition to the January 25, 2012 Zoning Committee meeting.</p> <p>Attachment 4</p>
	<p><b>5.</b> <u><b>Petition No. 2011-064</b></u> by <b>Fairway Row, LLC</b> for a UR-2 (CD) site plan amendment for approximately 12.00 acres located on the southwest corner at the intersection of Ardrey Kell Road and Providence Road.</p> <p>This petition is found to be consistent with the Providence Road / I-485 Area Plan 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 modification:</p> <p>1. All buildings illustrated on the "Golf Course Buffer Planting" sheets have been removed.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 5</p>

	<p><b>6. <u>Petition No. 2011-066</u> by 52 Eighty, LLC</b> 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.</p> <p>This petition is found to be consistent with the Southwest District Plan 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 modification:</p> <p>1. "Rezoning petition 2011-066" was added to Sheet Z.100.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 6</p>
	<p><b>7. <u>Petition No. 2011-071</u> by Krzysztof Broszkiewicz</b> for a change in zoning for approximately 1.02 acres located on the southeast corner of the intersection at East Sugar Creek Road and Atmore Street from R-5, B-1, and I-2 to B-2(CD).</p> <p>This petition is found to be consistent with the Central District Plan 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 decorative fence will be provided along Sugar Creek Road. The details of the fence will approved by staff prior to City Council's decision on this petition and will be shown on the site plan.</li> <li>2. Building expansions will be residential in character with pitched roofs and windows.</li> <li>3. The acreage on the site plan has been amended to 1.02 acres.</li> <li>4. A note has been added that parking will be per the Zoning Ordinance.</li> </ol> <p>Staff recommends approval of this petition.</p> <p>Attachment 7</p>
	<p><b>8. <u>Petition No. 2011-074</u> by Kids Going Bananas</b> for a change in zoning for approximately 18.60 acres located on the south side of Bellhaven Boulevard and across from Oakridge Drive and Westbourne Drive from R-8MF(CD)(LWPA) to R-4(LWPA).</p> <p>This petition is found to be inconsistent with the Northwest District Plan 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.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 8</p>
	<p><b>9. <u>Petition No. 2011-075</u> by Charlotte-Mecklenburg Planning Department</b> for a Text Amendment to the City of Charlotte Zoning Ordinance to clarify the regulations for Religious Institutions in Residential Districts.</p> <p>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 <b>APPROVAL</b> of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 9</p>

	<p><b>10. <u>Petition No. 2011-076</u> by Elam Group, LLC</b> for a change in zoning for approximately 5.38 acres located on the south side of West Boulevard between Sirius Lane and Yorkmont Road from I-1 to I-2.</p> <p>This petition is found to be consistent with the Southwest District Plan 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>Staff recommends approval of this petition.</p> <p>Attachment 10</p>
	<p><b>11. <u>Petition No. 2011-077</u> by Carolina Golf Lodge</b> for a change in zoning for approximately 42.0 acres located on the north side of Cindy Lane between Interstate 77 and Murray Street from R-4 to B-2(CD).</p> <p>This petition is found to be inconsistent with the Northeast District Plan 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. A note has been added stating that the petitioner/developer shall terminate Oakwood Drive by constructing street improvements per City of Charlotte public street standards and extend driveways from the new terminus.</li> <li>2. A detail of the proposed sit-foot high wood fence has been added.</li> </ol> <p>Staff recommends approval of this petition.</p> <p>Attachment 11</p>
	<p><b>12. <u>Petition No. 2011-080</u> by Charlotte-Mecklenburg Planning Department</b> for a Text Amendment to the City of Charlotte Zoning Ordinance to modify the regulations for Short Term Care Facilities.</p> <p>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 <b>APPROVAL</b> of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 12</p>
	<p><b>13. <u>Petition No. 2011-081</u> by Charlotte-Mecklenburg Planning Department</b> for a Text Amendment to the City of Charlotte Zoning Ordinance to modify Off-Street Parking regulations for motion picture theatres.</p> <p>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 <b>APPROVAL</b> of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 13</p>



## **HEARINGS**

	<p><b>14. <u>Petition No. 2011-068</u> by Morehead Property Investments, LLC</b> 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).</p> <p>Staff recommends approval of this petition upon resolution of all outstanding issues.</p> <p>Attachment 14</p>
	<p><b>15. <u>Petition No. 2011-072</u> by University Investment Groups, LLC</b> for a change in zoning for approximately 6.0 acres located on the northwest corner at the intersection of University City Boulevard and East Mallard Creek Church Road from NS to MUDD-O.</p> <p>Staff recommends denial of this petition in its current form.</p> <p>Attachment 15</p>
	<p><b>16. <u>Petition No. 2011-073</u> by Wells Property Number One, LLC</b> for a change in zoning for approximately 2.81 acres located on the south side of East 3rd Street and surrounded by South Kings Drive, Charlottetowne Avenue, and Cherry Street from B-2 to MUDD-O.</p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 16</p>
	<p><b>17. <u>Petition No. 2011-078</u> by Sami Nafisi</b> for a change in zoning for approximately 0.91 acres located on the southwest corner of Central Avenue and Westover Street from R-5 and B-1 to NS.</p> <p>Staff does not support this petition in its current form.</p> <p>Attachment 17</p>
	<p><b>18. <u>Petition No. 2011-082</u> by Steele Creek 1997 Limited Partnership</b> for a change in zoning for approximately 11.0 acres located on the southwest corner of the intersection of South Tryon Street and Steele Creek Road from R-17MF(CD) and CC to CC and CC SPA.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 18</p>
	<p><b>19. <u>Petition No. 2011-083</u> by Steele Creek 1997 Limited Partnership</b> for a change in zoning for approximately 22.0 acres located on the southern corner of the intersection of Steele Creek Road and Walker Branch Drive from R-17MF(CD) to CC.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 19</p>
<b>Deferral to February</b>	<p><b>20. <u>Petition No. 2012-001</u> by Mercury Noda, LLC</b> for a MUDD-O site plan amendment and 5-Year Vested Rights, for approximately 3.87 acres located on the northeast corner of North Davidson Street and East 36th Street.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 20</p>

	<p><b>21. <u>Petition No. 2012-002</u> by Charlotte-Mecklenburg Planning Department</b> for a Text Amendment to the City of Charlotte Zoning Ordinance to remove the duplicate language regarding Outdoor Storage.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 21</p>
	<p><b>22. <u>Petition No. 2012-003</u> by Charlotte-Mecklenburg Planning Department</b> for a Text Amendment to the City of Charlotte Zoning Ordinance to modify the definition of marquee signs, modify the regulations and add marquee signs to the MUDD Zoning District.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 22</p>
	<p><b>23. <u>Petition No. 2012-004</u> by Charlotte-Mecklenburg Planning Department</b> for a Text Amendment to the City of Charlotte Zoning Ordinance to correct a section reference in the Urban Industrial Zoning District.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 23</p>