

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

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

### ***Monday, April 16, 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)**

### 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**

	<p>1. A Public hearing to amend the ordinance for the Historic Landmark known as the “<b>Dr. George E. Davis House</b>”. This amendment expands the local historic landmark designation of the property to include .365 acres of land as shown on EXHIBIT A (land and house listed under Tax Parcel Number 06901220 as of March 1, 2012 in the Mecklenburg County Tax Office, Charlotte, North Carolina). The Dr. George E. Davis House is located at 301 Campus Street in Charlotte, North Carolina, and is owned by Johnson C. Smith University. The Dr. George E. Davis House was originally designated as an historic landmark by the Charlotte City Council on January 21, 1985.</p> <p>Attachment 1</p>
	<p>2. A Public hearing to amend the ordinance for the Historic Landmark known as “<b>Fire Station No. 2</b>”. This amendment expands the local historic landmark designation of the property to include the .17 acres of land associated with the building (land and building listed under Tax Parcel Number 12303612 as of March 1, 2012 in the Mecklenburg County Tax Office, Charlotte, North Carolina). Fire Station No. 2 is located at 1212 South Boulevard in Charlotte, North Carolina, and is owned by Cram Holdings Group LLC. Fire Station No. 2 was originally designated as an historic landmark by the Charlotte City Council on January 19, 1976.</p> <p>Attachment 2</p>

## **DECISIONS**

<p><b>Deferral (to May)</b></p> <p><b>Protest Insufficient</b></p>	<p>3. <a href="#"><u>Petition No. 2008-039</u></a> by <b>Charlotte-Mecklenburg Historic Landmarks Commission</b> for a change in zoning for approximately 1.55 acres located on the southeast corner of Providence Road and Alexander Road from R-3 to O-1(CD) 5-Year Vested Rights.</p> <p>The Zoning Committee voted unanimously to <b>DEFER</b> this petition to the April 25, 2012 Zoning Committee meeting.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 3</p>
<p><b>Deferral (to May)</b></p> <p><b>Protests Sufficient</b></p>	<p>4. <a href="#"><u>Petition No. 2011-065</u></a> by <b>Chapel Cove at Glengate, LLC</b> for a MX-1 INNOV site plan amendment (LLW-PA) &amp; (LLW-CA) and 5-Year Vested Rights, for approximately 319.91 acres located on the east and west side of Shopton Road West generally surrounded by Winget Road, Elkhorn Drive, Limehurst Place, and Hatfield Road.</p> <p>The Zoning Committee voted unanimously to <b>DEFER</b> this petition to the April 25, 2012 Zoning Committee meeting.</p> <p>The Zoning Ordinance indicates that the City Council may make a decision on a petition without a Zoning Committee recommendation since it has been more than 30-days since the public hearing.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 4</p>

<p><b>Deferral (to May)</b></p> <p><b>Protests Sufficient</b></p>	<p>5. <b><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>The petitioner is requesting a one-month deferral of this petition.</p> <p>The Zoning Committee voted unanimously to <b>DEFER</b> this petition to the April 25, 2012 Zoning Committee meeting.</p> <p>The Zoning Ordinance indicates that the City Council may make a decision on a petition without a Zoning Committee recommendation since it has been more than 30-days since the public hearing.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 5</p>
<p><b>Protest Sufficient</b></p>	<p>6. <b><u>Petition No. 2012-007</u> by Rainier Builders</b> for a change in zoning for approximately 0.62 acres located on the north side of Yadkin Avenue between East 35th Street and East 36th Street from R-5 and O-2 to MUDD-O.</p> <p>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 <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. "Rezoning Petition 2012-007" is now noted on the site plan.</li> <li>2. The zoning of adjacent properties and those properties across Yadkin Avenue and East 35<sup>th</sup> Street are now labeled on the site plan.</li> <li>3. The widths of the landscape strips along East 35<sup>th</sup> Street are now labeled as 1'-10" and 3'.</li> <li>4. Petitioner has added language to the site plan identifying locations of existing Oak and Maple trees in proposed tree save areas as the reason for the proposed streetscape amendment.</li> <li>5. Language has been added to the site plan stating the existing wood shed in alley will be removed or relocated.</li> <li>6. The word "amenity" is now spelled correctly on site plan.</li> <li>7. The <i>8' Landscape Area</i> along Yadkin Avenue is now labeled <i>8' foot Landscape Strip</i>.</li> <li>8. Language has been added to the site plan stating plantings will consist of 25% Evergreen trees, 75% Evergreen shrubs, and 40% large maturing trees.</li> <li>9. The petitioner has revised language on the site plan to clarify that the corner of an existing fence is located on adjacent Fire Station property.</li> <li>10. The petitioner has responded to the CDOT comment by stating the optional request is intended to preserve the large existing trees and to retain the existing site wall. The petitioner will work with Urban Forestry and if it is found the trees are not worth preserving, the petitioner will provide the required streetscape improvements along 35<sup>th</sup> Street. However, the petitioner reserves the right to use the optional request if needed.</li> <li>11. The petitioner has responded to comments from Urban Design by incorporating larger windows (including two at the pedestrian level), and more painted fiber-cement lap siding to the side elevation facing 35<sup>th</sup> Street. Sheet A3 has been added to the site plan package. A note has been added stating that the sidewalk at 35<sup>th</sup> Street will be widened to the wall where possible to preserve existing trees if requested.</li> <li>12. The Subdivision comments requesting for r/w dedication along Yadkin Avenue has been removed as it is no longer a requirement.</li> </ol> <p>Staff recommends approval of this petition.</p> <p>Attachment 6</p>

<p><b>Deferral (to May)</b></p>	<p>7. <a href="#">Petition No. 2012-010</a> by <b>Crescent Resources</b> for a change in zoning for approximately 4.70 acres located on the south side of University City Boulevard between Mark Twain Road and Suther Road from R-17MF to MUDD-O 5-Year Vested Rights.</p> <p>The Zoning Committee voted unanimously to <b>DEFER</b> this petition to the April 25, 2012 Zoning Committee meeting.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 7</p>
	<p>8. <a href="#">Petition No. 2012-013</a> by <b>Marc H. Silverman</b> for a change in zoning for approximately 21.38 acres located at the intersection of Westinghouse Boulevard and D. Ducks Lane between Stockport Place and South Tryon Street from I-1 and I-1(CD) to I-2(CD).</p> <p>This petition is found to be consistent with the <i>Steele Creek Area Plan</i> and 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. Removed "other similar uses" from the list of permitted uses.</li> <li>2. Remove "(I-2 only)" which is attached to specific uses on the list of permitted uses.</li> </ol> <p>Staff recommends approval of this petition.</p> <p>Attachment 8</p>
	<p>9. <a href="#">Petition No. 2012-014</a> by <b>Charlotte-Mecklenburg Planning Department</b> for a change in zoning for approximately 0.48 acres located on the east and west side of Louise Avenue between East Independence Boulevard and East 8th Street from B-1 and O-2 to R-5 and R-12MF.</p> <p>This petition is found to be consistent with the <i>Elizabeth Area Plan</i> and 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>10. <a href="#">Petition No. 2012-015</a> by <b>Charlotte-Mecklenburg Planning Department</b> for a change in zoning for approximately 0.65 acres located south of Independence Boulevard and between Hawthorne Lane and Lamar Avenue from B-1 and O-2 to R-12MF.</p> <p>This petition is found to be consistent with the <i>Elizabeth Area Plan</i> and 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>Deferral (to May)</b></p>	<p>11. <a href="#">Petition No. 2012-016</a> by <b>Charlotte-Mecklenburg Planning Department</b> for a change in zoning for approximately 0.79 acres located on the north side of Clement Avenue across from East 9th Street and generally bounded by Bay Street, Lamar Avenue, and East 8th Street from R-22MF to R-5.</p> <p>The Zoning Committee voted unanimously to <b>DEFER</b> this petition to the April 25, 2012 Zoning Committee meeting.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 11</p>

<p><b>Deferral (to May)</b></p>	<p><b>12. <a href="#">Petition No. 2012-017</a> by Charlotte-Mecklenburg Planning Department</b> for a change in zoning for approximately 0.67 acres located south of Independence Boulevard along the east and west side of Clement Avenue from B-1 and I-2 to R-5.</p> <p>The Zoning Committee voted unanimously to <b>DEFER</b> this petition to the April 25, 2012 Zoning Committee meeting.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 12</p>
<p><b>Deferral (to May)</b></p>	<p><b>13. <a href="#">Petition No. 2012-018</a> by Charlotte-Mecklenburg Planning Department</b> for a change in zoning for approximately 0.26 acres located on the north side of Hawthorne Lane between East 7th Street and East 8th Street from R-22MF and O-2 to R-5.</p> <p>The Zoning Committee voted unanimously to <b>DEFER</b> this petition to the April 25, 2012 Zoning Committee meeting.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 13</p>
	<p><b>14. <a href="#">Petition No. 2012-019</a> by Charlotte-Mecklenburg Planning Department</b> for a change in zoning for approximately 0.47 acres located on the south side of West Kingston Avenue between Camden Road and Hawkins Street from B-1 from TOD-M.</p> <p>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 <b>APPROVAL</b> of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 14</p>
<p><b>Deferral (to May)</b></p>	<p><b>15. <a href="#">Petition No. 2012-020</a> by Charlotte-Mecklenburg Planning Department</b> for a Text Amendment to the City of Charlotte Zoning Ordinance to replace the term, "Planning Commission" with "Planning Department", when referring to the Charlotte-Mecklenburg Planning Department staff.</p> <p>The Zoning Committee voted 4-1 to <b>DEFER</b> this petition to the April 25, 2012 Zoning Committee meeting.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 15</p>
<p><b>Withdrawal</b></p>	<p><b>16. <a href="#">Petition No. 2012-021</a> Colonial Realty Limited Partnership</b> for a O-2(CD) site plan amendment, for approximately 5.1 acres located on the west side of University Executive Park Drive off West W.T. Harris Boulevard.</p> <p>The petitioner is requesting a withdrawal of this petition.</p> <p>The Zoning Committee voted unanimously to <b>DEFER</b> this petition to the April 25, 2012 Zoning Committee meeting.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 16</p>



## HEARINGS

	<p><b>17. <a href="#">Petition No. 2012-009</a> Dave Ransenberg and Doug Levin</b> for a UR-3(CD)site plan amendment, for approximately 0.45 acres located on the south side of North Davidson Street between Herrin Avenue and Donatello Avenue.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 17</p>
	<p><b>18. <a href="#">Petition No. 2012-024</a> by NRP Properties/ Northlake Seniors</b> for a change in zoning for approximately 1.72 acres located on the northeast corner at the intersection of West W.T. Harris Boulevard and Forest Drive from CC to MUDD-O.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 18</p>
	<p><b>19. <a href="#">Petition No. 2012-026</a> by Thompson Child &amp; Family Focus</b> for a change in zoning for approximately 3.65 acres located on the northwest corner at the intersection of North Wendover Road and Marvin Road from R-22MF to O-1(CD).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issue.</p> <p>Attachment 19</p>
	<p><b>20. <a href="#">Petition No. 2012-027</a> by Keith Hawthorne Automotive</b> for a change in zoning for approximately 9.80 acres located on the east side of South Boulevard at the intersection of South Boulevard and Hill Road from R-4, R-17MF, and R-22MF to B-2(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 20</p>
	<p><b>21. <a href="#">Petition No. 2012-028</a> by Charlotte-Mecklenburg Planning Department</b> for a change in zoning for approximately 1.13 acre located on the east corner at the intersection of Commonwealth Avenue and Morningside Drive from O-2 to R-22MF.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 21</p>
	<p><b>22. <a href="#">Petition No. 2012-030</a> by Charlotte-Mecklenburg Planning Department</b> for a change in zoning for approximately 4.0 acres located along East Independence Boulevard between Pierson Drive and North Sharon Amity Road from B-2 to R-4.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 22</p>
	<p><b>23. <a href="#">Petition No. 2012-031</a> by Charlotte-Mecklenburg Planning Department</b> for a change in zoning for approximately 0.93 acres located on the west side of Driftwood Drive near the intersection of Albemarle Road and Driftwood Drive from R-17MF to R-4.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 23</p>

	<p>24. <a href="#">Petition No. 2012-032</a> by <b>Charlotte-Mecklenburg Planning Department</b> for a change in zoning for approximately 7.89 acres located along the west side of Briardale Drive between Wallace Lane and Sharon Forest Drive from R-17MF to R-8.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 24</p>
	<p>25. <a href="#">Petition No. 2012-033</a> by <b>Charlotte-Mecklenburg Planning Department</b> for a change in zoning for approximately 15.11 acres located north of Monroe Road and abutting North Wendover Road, Mayview Drive, and Coldstream Lane from R-17MF to R-4.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 25</p>
	<p>26. <a href="#">Petition No. 2012-034</a> by <b>Charlotte-Mecklenburg Planning Department</b> for a change in zoning for approximately 0.57 acres located along Fugate Avenue near the intersection of Monroe Road and Fugate Avenue from O-2 to R-4.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 26</p>
	<p>27. <a href="#">Petition No. 2012-042</a> by <b>TCB NoDa Mills, LLC</b> for a change in zoning for approximately 10.30 acres located on the north side of North Davidson Street between East 36th Street and Patterson Road from UR-3(CD) and I-2 to TOD-R.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 27</p>