

Mayor Anthony Foxx

John Autry

Warren Cooksey

Claire Fallon

Patsy Kinsey

James E. Mitchell, Jr.

Mayor Pro-Tem Patrick Cannon

Michael D. Barnes

Andy Dulin

David Howard

LaWana Mayfield

Beth Pickering

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## ***CITY COUNCIL COMBINED ZONING AND BUSINESS MEETING***

***Monday, November 12, 2012***

### ***Zoning Agenda***

**2:30 PM – Recruitment and Selection Process for City Manager – CH-14**

**4:00 PM – Zoning Meeting – Meeting Chamber**

**6:00 PM – Business Meeting – Meeting Chamber  
(Business Meeting Agenda is separate document)**

**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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## **2:30 PM - CITY COUNCIL**

	<b>1. Recruitment and Selection Process for City Manager – CH-14</b>  Attachment 1
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## **4:00 PM - HISTORIC LANDMARKS**

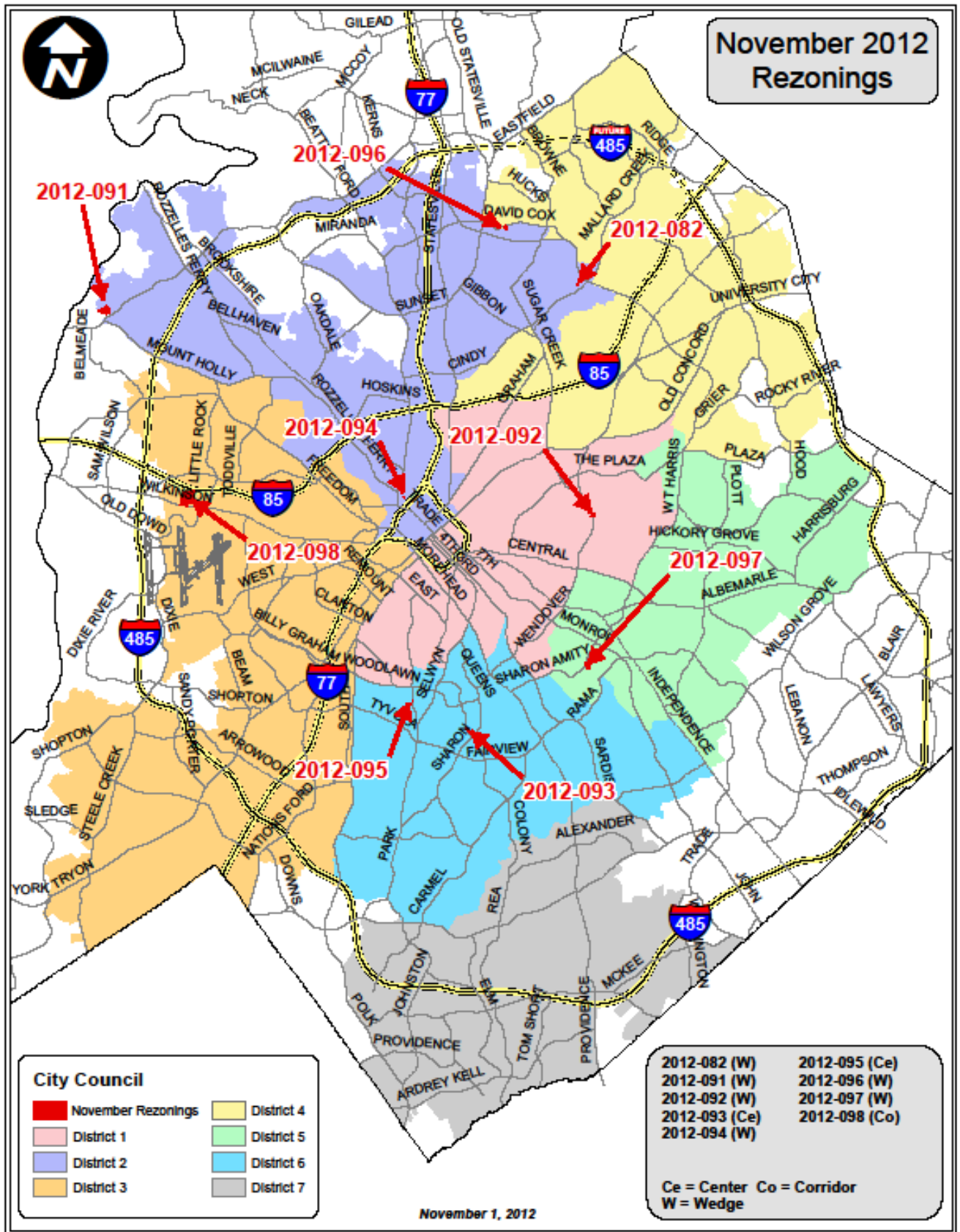
	<b>2.</b> A Resolution of the City Council of the City of Charlotte calling for a Public Hearing to be held December 17, 2012 by the City Council on the Question of designating the property known as the “ <b>Paul and Holly Beatty House</b> ” (listed under Tax Parcel Number 07321815 as of October 15, 2012, and including the interior and exterior of the house, and the parcel of land listed under Tax Parcel Number 07321815) as an Historic Landmark. The property is owned by VSW Properties Irwin Avenue LLC, and is located at 215 South Irwin Avenue, Charlotte, North Carolina.  Attachment 2
	<b>3.</b> A Resolution of the City Council of the City of Charlotte calling for a Public Hearing to be held December 17, 2012 by the City Council on the Question of designating the property known as the “ <b>Stratton House</b> ” (listed under Tax Parcel Numbers 07321325, 07321326, and 07321327 as of October 15, 2012, and including the interior and exterior of the house, and the parcels of land listed under Tax Parcel Numbers 07321325, 07321326, and 07321327) as an Historic Landmark. The property is owned by Power Products Manufacturing Company and VSW Properties West Fourth Street LLC, and is located at 911 West Fourth Street Extension, Charlotte, North Carolina.  Attachment 3
	<b>4.</b> A Resolution of the City Council of the City of Charlotte calling for a Public Hearing to be held December 17, 2012 by the City Council on the Question of designating the property known as the “ <b>Woodlawn Bungalow</b> ” (listed under Tax Parcel Number 07321513 as of October 15, 2012, and including the interior and exterior of the house, and the parcel of land listed under Tax Parcel Number 07321513) as an Historic Landmark. The property is owned by The Committee to Restore and Preserve Third Ward, and is located at 1015 West Fourth Street, Charlotte, North Carolina.  Attachment 4

## DECISIONS

<p><b>Protest Sufficient</b></p>	<p>5. <u>Petition No. 2012-071</u> by Lincoln Harris, LLC for a change in zoning for approximately 2.08 acres located on the northwest corner of East Morehead Street and Kenilworth Avenue from O-2 PED to MUDD-O.</p> <p>This petition is found to be consistent with the Midtown Morehead Cherry Area Plan and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted 5-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Modified the design of the buildings so they are more urban in nature and better reflect the character and scale of the Dilworth neighborhood.</li> <li>2. Added notes that commit to various architectural treatments for Building B to provide pedestrian interests along all facades.</li> <li>3. The drive through service window area was not relocated but is located on the side of the building that does not front a public street and is in an area that does not create conflicts with pedestrian circulation. CDOT studied the drive through service window configuration and has no issue with the location.</li> <li>4. Removed the screen wall illustrated in front of Building B along Kenilworth Avenue.</li> <li>5. Indicated the existing trees along East Morehead Street may be removed due to their previously identified deteriorated condition in order to install necessary roadway improvements.</li> <li>6. Modified the sign package to indicate the signage illustrated on the plans shall comply with MUDD signage regulations.</li> <li>7. Addressed CDOT's issue by providing a note that indicates the petitioner will construct roadway improvements within the public right-of-way to prevent left turns into or out of the site as approved by CDOT.</li> <li>8. Increased the width of the buffer along the western property line abutting single family residential from 10 feet to 15 feet.</li> <li>9. Provided a winding path along the East Morehead Street frontage of Building B along with benches to allow for additional pedestrian interactivity and community interest with regard to the panels located on building façade.</li> <li>10. Increased the size of the public open space area at the corner of East Morehead Street and Kenilworth Avenue from 500 square feet to 950 square feet.</li> <li>11. Removed "TS" from the "Elevation Legend" and the building elevations.</li> <li>12. Provided a note on the site plan that specifies the retail use will be restricted to a drug store with such being defined.</li> <li>13. Provided a planting detail of the proposed 15-foot wide buffer along the rear property line that indicates an increased quantity of plantings and indicates the type of plant materials.</li> </ol> <p>Staff recommends approval of this petition.</p> <p>Attachment 5</p>
<p><b>Deferral (Indefinitely)</b></p>	<p>6. <u>Petition No. 2012-075</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to add a new definition for "electronic game operations", and allow it as a new use with prescribed conditions in the UR-C, B-1, B-2, NS, MUDD, UMUD, CC, TOD-E, TOD-M, and I-1 zoning districts.</p> <p>The Committee voted unanimously to <b>DEFER</b> this petition indefinitely.</p> <p>Staff recommends an indefinite deferral of this petition to allow time for changes which would necessitate a new public hearing.</p> <p>Attachment 6</p>

	<p>7. <u><a href="#">Petition No. 2012-084</a></u> by Frank and Nancy Newton for a change in zoning for approximately 2.72 acres located on the south side of Rocky River Road at the intersection of Rocky River Road and Newell Farm Road near Old Concord Road from O-1(CD) to B-1(CD).</p> <p>This petition is found to be inconsistent with the Newell Area 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 modification:</p> <ol style="list-style-type: none"> <li>1. A note has been added stating the following uses will not be permitted on the Site: gasoline service stations with convenience facilities, restaurants, and drive-in or drive-through lanes/windows as an accessory use.</li> </ol> <p>Staff recommends approval of this petition.</p> <p>Attachment 7</p>
<p><b>Deferral (to December)</b></p> <p><b>Protest Sufficient</b></p>	<p>8. <u><a href="#">Petition No. 2012-085</a></u> by Childress Klein Properties for a change in zoning for approximately 18.8 acres located on the southeast corner at the intersection of Johnston Road and Marvin Road from R-3 to UR-2(CD).</p> <p>The Zoning Committee voted 4-2 to <b>DEFER</b> this petition to the November 28, 2012 Zoning Committee meeting.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issue.</p> <p>Attachment 8</p>
	<p>9. <u><a href="#">Petition No. 2012-086</a></u> by East Group Properties, LP for a change in zoning for approximately 43.29 acres located on the southeast corner of the intersection of Steele Creek Road and Shopton Road from I-1(CD) and R-3 to I-1(CD) SPA and I-1(CD).</p> <p>This petition is found to be inconsistent with the Steele Creek Area 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. Delineated and labeled the extension of Entrance Drive from Steele Creek Place Drive to Gable Road on the technical data sheet.</li> <li>2. Modified the proposed zoning on the technical data sheet to read: "I-1(CD) SPA and I-1(CD)".</li> <li>3. Clarified on the schematic plan that the abutting tax parcel 201-072-27 is not part of the requested rezoning and also included the ownership, zoning, and use information for the abutting parcel.</li> <li>4. Provided elevations for the Gable Road sides of buildings 4 and 5 that illustrate architecturally articulated facades, decorative elements, and a heavily landscaped berm that break up large expanses of blank walls</li> </ol> <p>Staff recommends approval of this petition.</p> <p>Attachment 9</p>
<p><b>Deferral (to December)</b></p>	<p>10. <u><a href="#">Petition No. 2012-087</a></u> by AEA, LLC for a change in zoning for approximately 3.56 acres located on the south side of Ballantyne Commons Parkway between Rea Road and Williams Pond Lane from R-3 to O-1(CD).</p> <p>The Zoning Committee voted unanimously to <b>DEFER</b> this petition to the November 28, 2012 Zoning Committee meeting.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 10</p>

	<p><b>11. <u>Petition No. 2012-088</u> by PIRHL Developers, LLC</b> for a NS site plan amendment, for approximately 5.09 acres located on the north side of Nolley Court near the intersection of Nolley Court and Galleria Boulevard.</p> <p>This petition is found to be consistent with the Independence Boulevard 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. The petitioner correctly labeled “Sardis Road North” on the site plan.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 11</p>
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## HEARINGS

<b>Deferral (to January)</b>	<p><b>12. <a href="#">Petition No. 2012-082</a></b> (Council District 2 - Mitchell) <b>by Derita American Legion Post 345</b> for a O-1(CD) site plan amendment, for approximately 1.20 acres located on the east side of Baucom Road between Mallard Creek Road and Brathay Court.</p> <p>The petitioner is requesting a deferral to the January 22, 2013 City Council meeting.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 12</p>
<b>Protest Sufficiency TBD</b>	<p><b>13. <a href="#">Petition No. 2012-091</a></b> (Outside City Limits) <b>by Anthony W. Packer</b> for a change in zoning for approximately 20.0 acres located on the north side of Garron Point Drive between Mt Holly-Huntersville Road and Pointer Ridge Drive from MX-2 LWCA, LWPA to R-12MF(CD) LWCA, LWPA.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 13</p>
	<p><b>14. <a href="#">Petition No. 2012-092</a></b> (Council District 1- Kinsey) <b>by NASR N. Basily</b> for a change in zoning for approximately 1.93 acres located on the east side and west side of Eastway Drive between Springway Drive and Hillard Drive from R-17MF to O-1(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 14</p>
	<p><b>15. <a href="#">Petition No. 2012-093</a></b> (Council District 6 - Dulin) <b>by Grubb Properties</b> for a change in zoning for approximately 1.41 acres located at the intersection of Colony Road and Roxborough Road from R-17MF and MUDD-O to MUDD-O and MUDD-O SPA.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 15</p>
	<p><b>16. <a href="#">Petition No. 2012-094</a></b> (Council District 2 - Mitchell) <b>by Kelley E. Moulton</b> for a change in zoning for approximately 0.36 acres located on northwest corner at the intersection of Wake Street and Frazier Avenue from UR-1(CD) to R-6.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 16</p>
	<p><b>17. <a href="#">Petition No. 2012-095</a></b> <b>by</b> (Council District 6 - Dulin) <b>Michael Brawley</b> for a change in zoning for approximately 0.35 acres located on the northwest corner at the intersection of Mockingbird Lane and Park Road from O-2 to MUDD-O.</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. 2012-096</a></b> (Council District 2 - Mitchell) <b>by Edencare, Inc.</b> for a change in zoning for approximately 2.18 acres located on the west side of Davis Lake Parkway between David Cox Road and Harris Woods Boulevard from MX-2(INNOV) to INST(CD).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 18</p>
	<p><b>19. <a href="#">Petition No. 2012-097</a></b> (Council District 5 - Autry) <b>by Time Warner Cable</b> for a change in zoning for approximately 7.02 acres located on the east side of North Sharon Amity Road across from Delane Avenue from O-15(CD) to O-1(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 19</p>
	<p><b>20. <a href="#">Petition No. 2012-098</a></b> (Council District 3 - Mayfield) <b>by City of Charlotte - Aviation Department</b> for a change in zoning for approximately 45.64 acres located on the north side of Wilkinson Boulevard at the intersection of Wilkinson Boulevard and Marshall Drive from R-3 LLWPA and B-2 LLWPA to I-2 LLWPA.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 20</p>