

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

CITY COUNCIL ZONING AGENDA

Monday, April 15, 2013

**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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DECISIONS

1. [Petition No. 2012-070](#) (Council District 7 - Cooksey) by **Pulte Home Corporation** for a change in zoning for approximately 6.96 acres located on the west side of Wade Ardrey Road between Turkey Hill Road and Ardrey Crest Drive from R-3 to R-6(CD) and 5-year vested rights.

This petition is found to be consistent with the *South District Plan* and the *General Development 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 with the following modifications:

1. The site plan is in the proper format.
2. The petitioner has made the following modifications to the language contained in the General Provisions section as follows: “However, any alterations or modifications ~~which, in the opinion of the Planning Director, substantially alter the character of the development or significantly alter the conceptual Site Plan or its respective conditions as well as any changes which increase the intensity of development shall not be deemed to be minor and~~ may only be made in accordance with the provisions of Subsections 6.207(1) or (2) of the Ordinance as applicable.”
3. The petitioner has added the following language to the Architectural Standards section: “Primary exterior building materials for the proposed residential structures that are to be constructed on the Site shall be a combination of a minimum of three of the following materials: vinyl siding, brick, stone, shake, hardi-plank or cementitious siding material.”
4. The language under Environmental Features has been modified to state as follows: “Petitioner shall comply with the Post Construction Controls Ordinance.”
5. The petitioner has addressed CDOT, Storm Water, and Neighborhood and Business Services comments by providing the following:
 - a. Petitioner has revised the site plan to now show and label proposed curb and gutter along the site's Wade Ardrey Road frontage, measured approximately 18.5 feet from the centerline of Wade Ardrey Road to the face of curb.
 - b. NCDOT has determined that a left turn lane into the proposed site will not be necessary, and therefore this request is being rescinded by staff.
 - c. The petitioner has addressed Storm Water Services request by revising the note under Environmental Features to state that the petitioner shall comply with the post Construction Controls Ordinance.
 - d. The petitioner has addressed Neighborhood and Business Services comment by removing the sentence from the site plan that states no more than two single family homes will be allowed side by side which have garages that extend beyond ten feet from the main entry façade.
6. The petitioner has added a statement under Architectural Standards (b) that states the primary exterior building for the proposed residential structures can be one material as long as it is a masonry material.
7. The petitioner has provided conceptual architectural elevations.

Staff recommends approval of this petition.

Attachment 1

Deferral (to May)	2. <u>Petition No. 2013-004</u> (Outside City Limits) by River Rock Properties, LLC for a change in zoning for approximately 2.63 acres located on the south side of York Road and at the intersection of Grand Palisades Parkway, Langston Drive, and York Road from R-3(LLWCA) and MX-3(LLWCA) to O-1(CD)(LLWCA). The Zoning Committee voted unanimously to DEFER this petition until their April 24, 2013 meeting. Staff recommends approval of this petition upon resolution of outstanding issues. Attachment 2
	3. <u>Petition No. 2013-012</u> (Council District 4 - Barnes) by Kinsale Properties, LLC for a change in zoning for approximately 1.48 acres located on the east side of Statesville Road near the intersection of Interstate 85 and Statesville Road between Boxmeer Drive and Burch Drive from B-2 to I-2(CD). This petition is found to be consistent with the <i>Central District Plan</i> 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. An amended rezoning application has been submitted updating the requested zoning district to I-2(CD). 2. The square footage for the proposed future expansion areas has been listed on the site plan. 3. The "at will" language has been removed from the landscaping note on the conditional site plan. 4. A note has been added stating trees and shrubs will be planted for the screening of the outdoor storage area. 5. A note stating accessory drive-thru windows will not be permitted has been added to the site plan. 6. Conditional notes have been placed in the correct format. 7. Charlotte Department of Transportation's comments have been addressed and added to the site plan. 8. Possible areas for outdoor storage have been labeled on the site plan. Staff recommends approval of this petition. Attachment 3
Protest Sufficient	4. <u>Petition No. 2013-013</u> (Council District 7 - Cooksey) by Adam Fiorenza for a change in zoning for approximately 9.50 acres located on the north side of Providence Road West at the intersection of Old Ardrey Kell Road and Providence Road West from R-3 to R-4. This petition is found to be inconsistent with the <i>South District Plan</i> but to be consistent with the criteria for increased density for up to four dwelling units per acre in the <i>General Development Policies</i>, and therefore 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 4

	5. <u>Petition No. 2013-020</u> (Council District 1 - Kinsey) by Durban Development, LLC for a change in zoning for approximately 1.04 acres located on the south side of Milton Road between Barrington Drive and North Sharon Amity Road from B-1SCD to NS. This 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 APPROVAL of this petition with the following modifications: 1. Amended notes to follow the note standards for conditional rezoning site plans. 2. Provided consistency between building square footage and maximum allowed square footage. Reflected maximum building square footage as 10,000 square feet. 3. Amended Note 6 to limit maximum height of detached lighting to 25 feet. 4. Added a note that the 14-foot buffer may not be reduced by a fence or wall. 5. Removed the first paragraph under Note 4 Architectural Standards and replaced with a note that states any changes to the site plan will be as per Section 6.207. 6. Removed Notes 5, 7 and 8 as they are required by the ordinance. 7. Removed the "Exterior Finish Schedule" and other exterior notes from Sheet RZ-2 of the site plan. 8. Provided revised building elevations reflecting a corner entry building. 9. Provided color renderings of the elevations. Staff recommends approval of this petition. Attachment 5
	6. <u>Petition No. 2013-022</u> (Council District 3 - Mitchell) by Mission Properties LLC for a change in zoning for approximately 0.8172 acres located on the west side of South Summit Avenue near the intersection of West Morehead Street and South Summit Avenue from R-5 to UR-2(CD). This petition is found to be inconsistent with the <i>Central District Plan</i> but found the proposed residential density consistent with the General Development Policies and to be reasonable 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. Modified the "Number of Residential Units" to read: "Up to 35 Multi-Family Units Apartments (as allowed by parking)". 2. Indicated "Residential Density" as "43 dwelling units per acre". 3. Deleted Note 1g "Square footage of Non-Residential Uses". 4. Modified "Maximum Building Height" to indicate a limit of three stories and 50 feet in addition to the UR-2 height requirements. 5. Indicated outdoor amenities will be provided for the residents. 6. Modified Note 4a as follows: "Multi-Family Residential & Uses Accessory to Residential, Street Level Retail & Parking". 7. Rewrote Note 5d as follows: "Parking Location: Parking will be provide on-site to the side and rear of the proposed building and on-street along South Summit Avenue as permitted by CDOT". 8. Modified Note 12a to indicate freestanding lighting will be limited to 20' in height and all lighting shall utilize full cut-off type lighting fixtures. 9. Deleted sheet Z103. 10. Addressed the Transportation comment by removing the pavement marking for on-street parking along South Summit Avenue from the site plan. Staff recommends approval of this petition Attachment 6

	7. <u>Petition No. 2013-025</u> (Council District 1 - Kinsey) by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 20.69 acres located on the south side of Old Concord Road at the intersection of North Tryon Street and Old Concord Road from B-2 and I-2 to TOD-M. This petition is found to be inconsistent with the <i>Northeast District Plan</i> but consistent with the draft <i>Old Concord Road 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 7
Deferral (to May)	8. <u>Petition No. 2013-026</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to clarify density requirements in the Pedestrian Overlay District. The Zoning Committee voted unanimously to DEFER this petition to their April 24, 2013 Zoning Committee meeting. Staff recommends approval of this petition upon resolution of outstanding issues. Attachment 8
Council is required to vote whether or not to send back to Zoning Committee, due to changes to this petition after the Zoning Committee vote Protest Invalid	9. <u>Petition No. 2013-027</u> (Council District 1 - Kinsey) by Gateway Communities for a UR-2(CD)(HD-O) site plan amendment, for approximately 1.1 acres located at the north corner of the intersection of East Tremont Avenue and Euclid Avenue. This petition is found to be consistent with the <i>South End Transit Station Area Plan</i> and the <i>Dilworth Land Use and Streetscape 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. Indicated "Rezoning Petition Number 2013-027" within the title block. 2. Modified the "Existing Zoning" as "UR-2(CD) HD-O (Dilworth)". 3. Modified the "Proposed Zoning" as "UR-2(CD) SPA HD-O (Dilworth)". 4. Modified the proposed on-street parking along Euclid Avenue so that it starts a minimum of 20 feet from the radius of the proposed Type II modified driveway. Staff recommends approval of this petition. Attachment 9 Changes The petitioner met with the Historic District Commission and concerned neighbors. In an attempt to respond to concerns, the petitioner made the following site plan modifications. • Reduced the height of the side of the building along Euclid Avenue from three to two floors. • Expanded the rear corner of the building on the northeastern side of the site by relocating the three units that were previously on the third floor along Euclid Avenue. • Reduced the number of surface parking spaces from 57 to 55 to accommodate the building expansion. • Illustrated additional planting/screening along a portion of the northeastern property line abutting single family. Staff has not heard from the concerned neighbors regarding these alterations. In addition, the changes occurred after the Zoning Committee vote. Council is required to vote whether or not to send this petition back to Zoning Committee for further consideration. Staff recommends that this petition be sent back to the Zoning Committee for review.

	10. Petition No. 2013-028 (Council District 1 - Kinsey) by The Ronald McDonald House of Charlotte for a change in zoning for approximately 0.50 acres located on the north side of East Morehead Street between Queens Road and Broley Road from R-12MF to O-2(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. The petitioner has amended the Development Data Table to separate the existing and proposed uses and noted the existing use is now vacant. 2. The <i>floor area ratio</i> information in the Development Data Table has been amended to state N/A. 3. Under Permitted Uses, the petitioner has removed the last sentence "Temporary out door uses related to the functions of the Ronald McDonald House." 4. Item B has been removed from Permitted Uses. 5. The parking lot has been reconfigured so as not to encroach into the required 5-foot side yard. 6. The petitioner has added information to the site plan to clarify the parking lot will be asphalt. 7. The proposed pedestrian walkway connecting the parking lot to the rear of the Ronald McDonald House and its width is now labeled on the site plan. 8. The existing 5-foot sidewalk along East Morehead Street is now identified on the site plan. 9. A 5-foot walkway connecting the parking lot to the sidewalk along East Morehead Street has been added to the site plan. 10. The petitioner has delineated the 16-foot class "C" buffer along the entire property line to the southeast. 11. The petitioner has added a note that states this project is a "planned development" including the Ronald McDonald House and accessory parking. 12. The E&PM and SWS comments regarding determination of applicability of storm water detention requirements will be addressed at the permit stage. Staff recommends approval of this petition. Attachment 10
	11. Petition No. 2013-029 by Design Resource Group for a Text Amendment to the City of Charlotte Zoning Ordinance to modify the development requirements in the PED, MUDD and UMUD districts to allow balconies to encroach two feet into the minimum setback. 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 11

	12. <u>Petition No. 2013-030</u> (Council District 7 - Cooksey) by Piper Station Apartments, LLC for a change in zoning for approximately 7.11 acres located on the north side of Ballantyne Commons Parkway between Rea Road and Brittany Oaks Drive from B-D(CD) and O-1(CD) to R-17MF(CD). This petition is found to be inconsistent with the <i>South District Plan</i> but found the proposed residential density to be consistent with the <i>General Development Policies</i> and 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. Addressed Engineering and Property Management comments by removing Notes 'a" and "b" from the heading of Environmental Features and placing under the heading of Streetscape and Landscaping. 2. Amended Note under the heading of Architectural Standards to delete reference to the Ballantyne community. 3. Added notes under the heading of Streetscape and Landscaping regarding specifics of buffer plantings and fence materials. 4. Added a sheet depicting buffer planting and fencing plan. 5. Added a sheet depicting conceptual building styles. Staff recommends approval of this petition. Attachment 12
	13. <u>Petition No. 2013-031</u> (Council District 1 - Kinsey) by The Housing Partnership for a change in zoning for approximately 6.05 acres located on the north side of Samuel Street between Newland Road and Statesville Avenue near the intersection of Interstate 77 and Atando Avenue from R-22MF to UR-2(CD). This petition is found to be consistent with the <i>Central 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 APPROVAL of this petition with the following modifications: 1. All references and notes related to optional requests and list N/A under the Optional Provisions have been removed from the site plan. 2. The proposed development areas have been labeled to comply per the ordinance. 3. A note under Architectural Features has been added stating that the building will be broken up by different material types, windows, and painted to avoid large expanses of blank walls. 4. Tree save areas have been identified and a note provided stating intent to comply with Urban Forestry. 5. A note has been added stating that greenway dedication will take place prior to the first Certificate of Occupancy for any building. 6. The dimension of the area for dedication to Mecklenburg County Park and Recreation is now shown and labeled. 7. Mecklenburg County Park and Recreation comments have been addressed. 8. Urban Forestry's comments have been addressed. 9. Transportation's comments have been addressed. Staff recommends approval of this petition. Attachment 13

14. Petition No. 2013-032 (Council District 2 - Mitchell) by **The Housing Partnership** for a change in zoning for approximately 2.05 acres located on the south corner at the intersection of Double Oaks Road and Newland Road near Statesville Avenue from R-22MF and UR-2(CD) to UR-2(CD) and UR-2(CD) SPA.

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 **APPROVAL** of this petition with the following modifications:

1. An amended application has been submitted to reflect the existing zoning of R-22MF and UR-2(CD) and the proposed zoning to UR-2(CD) and UR-2(CD) Site Plan amendment.
2. A note has been added under the heading of Architectural Standards that states "the building will be broken up by different material types, windows, and paint to avoid large expanses of blank walls."
3. A note has been added that a potential connection is required for Tranquil Oaks Drive.
4. Transportation's comments have been addressed.
5. The reference to the privately maintained eight-foot sidewalk along Double Oaks Drive has been removed from the site plan.
6. Urban Forestry's comments have been addressed.
7. The uses for the 4,000 square-foot community area are now listed on the site plan.
8. The note under 1e has been modified to read "residential", and reference to senior multi-family apartments has been removed.

Staff recommends approval of this petition.

Attachment 14

HEARINGS

	15. Petition No. 2013-001 (Outside the City Limits) by Steele Creek (1997) Limited Partnership for a change in zoning for approximately 82.0 acres located on the west side of Interstate 485 and surrounded by Shopton Road, Dixie River Road, Steele Creek Road, and Trojan Drive from R-3(LLWPA), I-1(CD)(LLWPA), CC(LLWPA), & CC, SPA(LLWPA) to CC(LLWPA) & CC(SPA)(LLWPA), & MUDD-O(LLWPA). Staff recommends approval of this petition upon resolution of outstanding issues. Attachment 15
	16. Petition No. 2013-002 (Outside the City Limits) by Steele Creek (1997) Limited Partnership for a change in zoning for approximately 114 acres located on the east side of Interstate 485 at the intersection of Sandy Porter Road and Interstate 485 from R-3 to O-1(CD) and I-1(CD). Staff recommends approval of this petition upon resolution of outstanding issues. Attachment 16
	17. Petition No. 2013-014 (Council District 7 – Cooksey) by Lisa Hoover-Khojasteh and Mak Khojasteh for a change in zoning for approximately 1.26 acres located on the north side of Ballantyne Commons Parkway across from Williams Pond Lane from R-3 to O-1(CD). Staff recommends approval of this petition upon resolution of outstanding issues. Attachment 17
Protests Sufficient	18. Petition No. 2013-015 (Council District 6 – Dulin) by Park South of Union, LLC for a change in zoning for approximately 4.99 acres located on the west side of Park South Drive between Archdale Drive and Teversham Lane from R-3 to UR-2(CD). Staff recommends approval of this petition upon resolution of outstanding issues. Attachment 18
	19. Petition No. 2013-035 (Council District 3 – Mayfield) by Summit Avenue Freedom Drive, LLC for a change in zoning for approximately 0.49 acres located on the southwest corner at the intersection of West Morehead Street, Freedom Drive, and Walnut Avenue from B-1(PED) to B-1(PED-O). Staff recommends approval of this petition upon resolution of outstanding issues. Attachment 19
Deferral (to May)	20. Petition No. 2013-036 (Council District 2 – Mitchell) by C4 Development, LLC for a change in zoning for approximately 1.31 acres located on the east side of Valleydale Road, on the west side of Bellhaven Boulevard and across from the intersection of Coulwood Drive and Valleydale Road from O-1(CD)(LWPA) and B-1(CD)(LWPA) to B-1(CD)(LWPA) and B-1(CD)SPA (LWPA). A Community Meeting Report has not been submitted for this petition; therefore it may not go to hearing and should be DEFERRED to May 20, 2013. Attachment 20

	21. Petition No. 2013-037 (Council District 1 – Kinsey) by Wendwood Parcel for a change in zoning for approximately 3.70 acres located between Randolph Road and Wendwood Lane near the intersection of Randolph Road, North Wendover Road and South Wendover Road from R-3 and UR-2(CD) to UR-2(CD) and UR-2(CD) SPA. Staff recommends approval of this petition upon resolution of outstanding issues. Attachment 21
Deferral (to October)	22. Petition 2012-090 by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to 1) allow the Zoning Board of Adjustment to have jurisdiction to grant variances on certain standards within the Transit Oriented Development districts (TOD), the Pedestrian Overlay district (PED), Mixed Use Development district (MUDD), and Uptown Mixed Use district (UMUD), and Transit Supportive Overlay District (TS), 2) allow the Board of Adjustment to have authority to consider variances related to the number of, or size of, permissible signs in a conditional district, and 3) allow the Board of Adjustment to have jurisdiction with respect to an interpretation of, or decision about the TOD or PED development or urban design standards. Staff recommends a six-month deferral of this petition to the October 21, 2013 meeting. Attachment 22
	23. Petition No. 2013-033 (Council District 4 – Barnes) by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 2.44 acres located on the west side of North Tryon Street at the intersection of J.W. Clay Boulevard and North Tryon Street from B-1(CD) to TOD-M. Staff recommends approval of this petition. Attachment 23
	24. Petition 2013-038 by Charlotte Area Transit System for a Text Amendment to the City of Charlotte Zoning Ordinance to modify the information and advertising pillar sign regulations by removing information and advertising pillar signs on rapid transit platforms. Staff recommends approval of this petition. Attachment 24