

<u>Mayor Patrick Cannon</u>	<u>Mayor Pro-Tem Michael D. Barnes</u>
Al Austin	John Autry
Ed Driggs	Claire Fallon
David Howard	Patsy Kinsey
Vi Alexander Lyles	LaWana Mayfield
Greg Phipps	Kenny Smith

CITY COUNCIL ZONING AGENDA

Monday, February 17, 2014

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

6:00PM – Zoning Meeting
Meeting Chamber

DINNER MEETING: CH14

- Review of Agenda – Tammie Keplinger
- Update on I-77 / I-277 Noise Walls – Ed McKinney

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

ACRONYMS

Zoning District Acronyms

- **B-1** – neighborhood business district
- **B-2** – general business district
- **B-1SCD** – business shopping center district (old district)
- **BD** – distributive business district
- **BP** – business park district
- **CC** – commercial center district
- **HW** – hazardous waste
- **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-M** – transit oriented development – mixed use
- **TOD-R** – transit oriented development – residential
- **U-I** – urban industrial district
- **UMUD** – uptown mixed use district
- **UR-1** – urban residential
- **UR-2** – urban residential
- **UR-3** – urban residential
- **UR-C** – urban residential – commercial

Zoning Overlay District Acronyms

- **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
- **LNW** – Lake Norman watershed overlay
- **LNWCA** – Lake Norman watershed –overlay, critical area
- **LNWPA** – Lake Norman watershed – overlay, protected area
- **LLWW** – Lower Lake Wylie watershed overlay
- **LLWWCA** – Lower Lake Wylie watershed – overlay, critical area
- **LLWWPA** – Lower Lake Wylie watershed– overlay, protected area
- **MILW** – Mountain Island Lake watershed overlay
- **MILWCA** – Mountain Island Lake watershed – overlay, critical area
- **MILWPA** – Mountain Island Lake watershed – overlay, protected area
- **MH** - manufactured home overlay
- **PED** – pedestrian overlay district
- **TS** – transit supportive overlay district

Miscellaneous Zoning Acronyms

- **CD** – conditional district
- **INNOV** – innovative standards
- **SPA** – site plan amendment
- **O** – optional provisions

Miscellaneous Other Acronyms

- **CAG** – citizen advisory group
- **CDOT** – Charlotte Department of Transportation
- **FEMA** – Federal Emergency Management Agency
- **LED** – light emitting diode
- **NCDOT** – North Carolina Department of Transportation
- **PCCO** – Post Construction Control Ordinance

ZONING

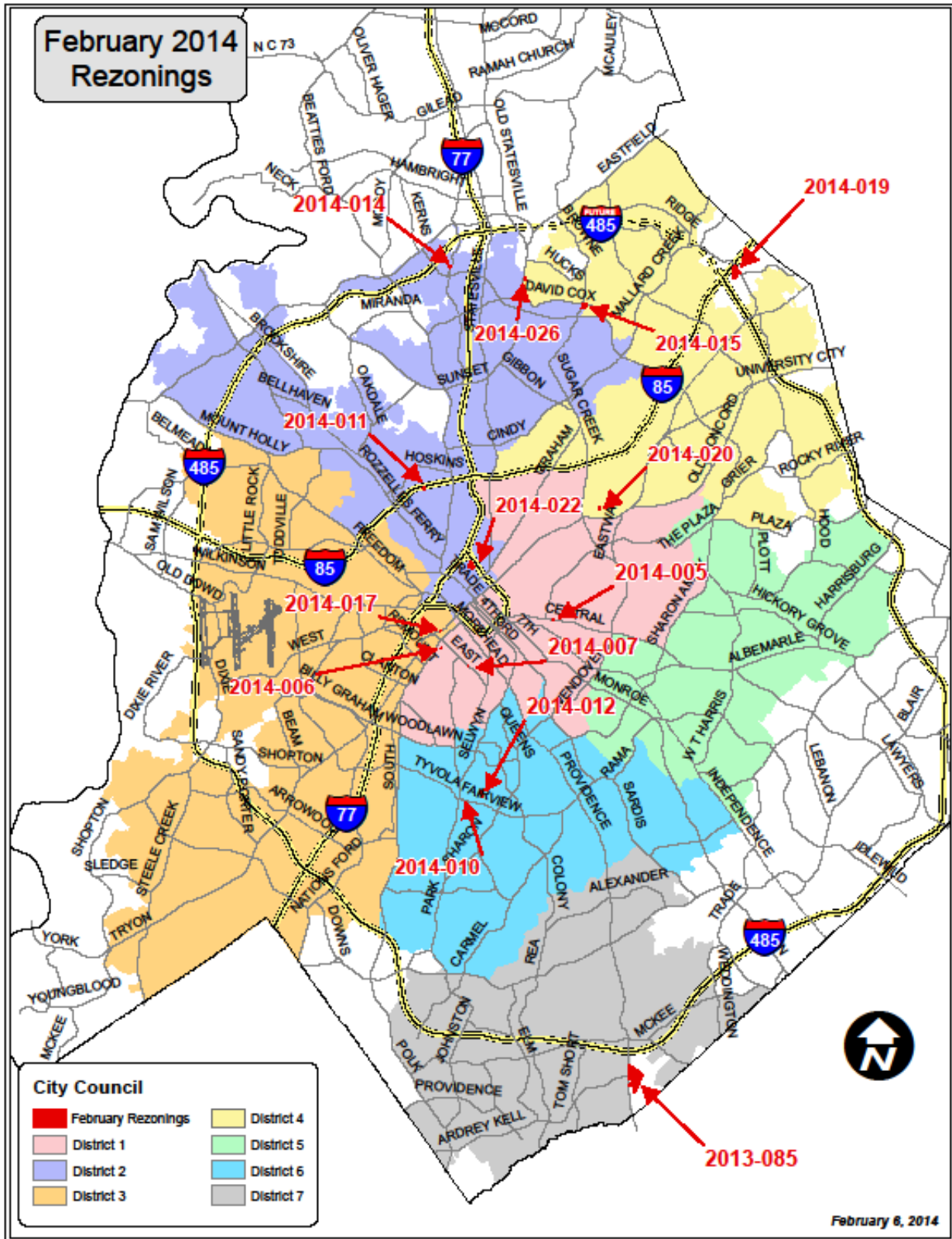
DECISIONS

Deferral (to March)	1. <u>Petition No. 2013-017</u> (Council District 3 – Mayfield) by NCDG, LLC for a change in zoning for approximately 3.1 acres located on the east side of Little Rock Road and north of the intersection at Little Rock Road and Tuckaseegee Road from R-3 LLW-PA, single-family residential, Lower Lake Wylie Protected Area to B-1(CD), neighborhood business, conditional, Lower Lake Wylie Protected Area. The Zoning Committee voted 5-0 to defer this petition to the February 26, 2014 meeting. Attachment 1
(Schedule New Public Hearing for March 17, 2014)	2. <u>Petition No. 2013-072</u> (Council District 4 – Phipps) by Aventine Development, Inc. for a change in zoning for approximately 5.94 acres located at the intersection of Eastfield Road and Prosperity Church Road from R-3 (single family residential) to NS (neighborhood services). The Zoning Committee voted 5-0 to recommend to City Council that the changes to this petition are significant and that a new public hearing should be held. Attachment 2
Deferral (to March) Protests Sufficient	3. <u>Petition No. 2013-098</u> (Council District 7 – Driggs) by Trotter Builders for a change in zoning for approximately 10.3 acres located on the south side of Endhaven Lane and north side of Interstate 485 near the intersection of Endhaven Lane and Misty Ridge Lane from R-3, single-family residential to UR-3(CD), urban residential, conditional, 5-year vested rights. The petitioner is requesting a one-month deferral to address issues heard at the public hearing and Zoning Committee Work Session. This petition is found to be consistent with the <i>South District Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, by a 6-1 vote of the Zoning Committee. The Zoning Committee voted 5-2 to recommend APPROVAL of this petition with the following modifications: 1. The site plan is now revised to show and label 42 feet of right-of-way being dedicated along Endhaven Lane. 2. The proposed tree save area on the site plan has been labeled as a 25-foot undisturbed tree save area. 3. Under Section D “Massing and Scale”, note 1 has been modified to read “the building will be articulated through various façade articulations, material changes, windows, porches, and balconies.” 4. Under Section D “Massing and Scale”, note 3 has been modified to read: “No spans of blank unarticulated wall greater than 20 feet shall be permitted on any side of the proposed structures.” 5. Under “Amenities #6. Open Space”, the note has been modified to read that building “A” will provide a minimum of 4,000 square feet of open space. 6. Under “Amenities #6. Open Space”, the note has been modified to read that building “B” will provide a minimum of 2,700 square feet of open space. 7. Removed notes “a” and “b” in the Transportation section of the Development Standards, and replaced the subject notes with the following: “The access locations will be provided to the site as generally depicted on the conceptual rezoning site plan. All access locations will be subject to the approval of CDOT.”

2013-098 continued	8. A note has been added that underground parking doors for buildings “A” and “B” will not face Endhaven Lane and Community House Road. 9. The access to the one-car garages under building “A” has been shown on the plan. 10. A note has been added that the remaining 50 percent of the building material that will not be brick will be composed of a maximum of ten percent of any one material. 11. The primary and secondary material for the proposed elevations have been labeled and provided in the pattern book. Staff recommends approval of this petition. Attachment 3
	4. <u>Petition No. 2013-099</u> (Council District 6 – Smith) by Michael T. Whitehead & Elizabeth M. Whitehead for a change in zoning for approximately 2.70 acres located on the southeast corner of the intersection at Rama Road and Sardis Road from INST(CD) (institutional, conditional) to INST(CD) SPA (institutional, conditional, site plan amendment). This petition is found to be consistent with the <i>South District Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, by a 4-2 vote of the Zoning Committee. The Committee voted 4-2 to recommend APPROVAL of this petition with the following modifications: 1. The petitioner has clarified the total square footage for the existing and proposed buildings. Staff has rescinded the request to provide the gross square footage for the existing-story conference as parking is based upon assembly area. 2. The petitioner has modified the required parking to accurately reflect what is proposed on the site plan. Thus, the total number of required spaces is now 93 (versus required 91 spaces previously noted). 3. The petitioner is working with Planning Department staff towards the approval of an alternate buffer along the property line that abuts the development zoned R-8MF(CD). The petitioner has added a note on the site plan acknowledging the alternate buffer. 4. The petitioner has added Streetscape and Landscaping Note 6f stating that plantings proposed in the sight triangle are low lying and will not obstruct visibility. 5. Petitioner has amended Architectural Note 5d to state that dumpsters and roll out containers will be screened with gated enclosures. 6. The petitioner has provided front and rear perspectives of the new events building. 7. Staff has rescinded the request regarding the existing storage shed as it is out of the 20-foot buffer required with the 2005 site plan. The petitioner has added a note that states all other improvements (i.e. gravel parking area and other improvements) will be removed from this buffer area. 8. A note has been added to the site plan that states the parking agreement will be filed in the Register of Deeds prior to issuance of any permits. 9. The Fire Department comment has been addressed regarding access through the gate having a minimum of 16 feet in width for fire apparatus and 20-foot clear access road. Staff recommends approval of this petition. Attachment 4

(Schedule New Public Hearing for March 17, 2014)	5. <u>Petition No. 2013-102</u> (Council District 1 – Kinsey) by Wajahat & Ferah Syed for a change in zoning for two parcels approximately 0.40 acres in total located on the south side of North Davidson Street between East 33rd Street and East 35th Street from R-5 (single-family residential) to TOD-M (transit oriented development-mixed) and MUDD-O (mixed use development, optional) to MUDD-O SPA (mixed use development, optional, site plan amendment). The petitioner has amended the request for Area B from a conventional rezoning to a conditional rezoning. The Zoning Committee voted 5-0 to recommend to City Council that the changes to the petition are significant and that a new public hearing should be held. Attachment 5
Deferral (to March)	6. <u>Petition No. 2014-001</u> (Council District 1 – Kinsey) by Weekley Homes, LP for a change in zoning for approximately 1.02 acres located on the northeast corner at the intersection of Ideal Way and Euclid Avenue from R-5, single-family residential and MUDD(CD), mixed use development, conditional to UR-2(CD), urban residential, conditional. The petitioner is requesting a one-month deferral to address issues heard at the public hearing and Zoning Committee Work Session. This petition is found to be inconsistent with the <i>Dilworth Land Use and Streetscape Plan</i> and to not be reasonable and in the public interest, based on information from the staff analysis and the public hearing, by a 4-2 vote of the Zoning Committee. The Committee voted 4-2 to recommend DENIAL of this petition. The following modifications have been made: 1. The petitioner provided a six-foot sidewalk along Marshall Place. 2. The sidewalk widths on Euclid Avenue and Ideal Way are clearly labeled on the site plan. 3. The height of the proposed ornamental fence will be a maximum four feet. 4. The petitioner has amended the Development Data to clearly specify the existing site area (1.028 acres) and the amount of proposed right-of-way dedication (0.188 acres). 5. The site plan delineates proposed right-of-way from centerline for all abutting streets. A note has been added to the site plan stating this additional right-of-way will be dedicated and conveyed to the City. 6. The petitioner has added language to the site plan indicating that the building materials will include brick, stone and/or other masonry products and hardi plank or other similar durable siding materials. No vinyl will be used as siding material. 7. The petitioner has provided language that states no expanses of blank walls exceeding 20 feet in length will be allowed for the two end units that have a side along Euclid Avenue. 8. The “net” acreage has been removed from the site plan. 9. The proposed density is based on the gross acreage as per the Zoning Ordinance (22.37 dwelling units per acre). 10. The five-foot side yard along the property line abutting the R-5 (single family residential) zoned parcel has been increased to ten feet. Staff recommends does not recommend approval of this petition. Attachment 6

Deferral (to March)	7. <u>Petition No. 2014-002</u> (Council District 1 – Kinsey) by The Raininer Group, LLC for a change in zoning for approximately 1.14 acres located on the northwest corner at the intersection of East Worthington Avenue and Cleveland Avenue from TOD-R(CD), transit oriented development–residential, conditional to TOD-MO, transit oriented development-mixed, optional. The Zoning Committee voted 5-0 to defer this petition to the February 26, 2014 meeting. Attachment 7
	8. <u>Petition No. 2014-004</u> (Council District 1 – Kinsey) by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 2.4 acres located on the south side of Raleigh Street between East Sugar Creek Road and Greensboro Street from I-2, general industrial to TOD-M, transit oriented development-mixed. This petition is found to be consistent with the <i>Blue Line Extension Transit Station Area Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, by a 6-0 vote of the Zoning Committee. The Committee voted 6-0 to recommend APPROVAL of this petition. Staff recommends approval of this petition. Attachment 8



ZONING

HEARINGS

Deferral (to March)	9. <u>Petition No. 2013-085</u> (Outside City Limits) by Providence Road Farms, LLC / Crosland Southeast / Childress Klein Properties for a change in zoning for approximately 89.5 acres located on the east side of Providence Road between Golf Links Drive and Chancelot Lane from R-3, single family residential & R-3(CD), single family residential, conditional to MUDD-O, mixed use development, optional & MX-2(Innov.), 5 year vested rights, mixed use, innovative standards, 5 year vested rights. Petitioner is requesting a one-month deferral to the March 17, 2014 meeting. Staff does not recommend approval of this petition as currently proposed. Attachment 9
	10. <u>Petition No. 2014-005</u> (Council District 1 - Kinsey) by Gateway Communities NC, LLC for a change in zoning for approximately 0.39 acres located on the north side of Central Avenue between St. Julien Street and Westover Street from B-1, neighborhood business to MUDD-O, mixed use development, optional.. Staff recommends approval of this petition upon resolution of outstanding issues. Attachment 10
	11. <u>Petition No. 2014-006</u> (Council District 1 - Kinsey) by New Carolina Income Properties, LLC for a change in zoning for approximately 0.40 acres located on the north side of East Tremont Avenue between Cleveland Avenue and Euclid Avenue across from Atherton Heights Lane from UR-2(CD) HD-O, urban residential, historic district overlayl, conditional to TOD-RO HD-O, transit oriented development, residential, conditional historic district overlay. Staff recommends approval of this petition upon resolution of outstanding issues. Attachment 11
Deferral (to March)	12. <u>Petition No. 2014-007</u> (Council District 1 - Kinsey) by Jeff Tonidandel for a change in zoning for approximately 0.28 acres located on the west corner at the intersection of East Boulevard and Charlotte Drive from B-1(CD)(PED)(HD-O), neighborhood business, conditional, pedestrian overlay, historic district overlay to B-1(CD) SPA (PED-O)(HD-O), neighborhood business, conditional, site plan amendment, pedestrian overlay, historic district overlay. A community meeting report has not been submitted for this petition; therefore, it cannot go hearing and will be deferred to the March 17, 2014 meeting. Attachment 12
Protest Sufficiency TBD	
	13. <u>Petition No. 2014-010</u> (Council District 6 - Smith) by Center for Healthy Living, Inc. dba The Ivey for a change in zoning for approximately 2.08 acres located on the west side of Park South Drive between Royal Crest Drive and Fairview Road from R-3, single family residential & INST(CD), institutional, conditional to UR-C(CD), urban residential, commercial, conditional. Staff recommends approval of this petition upon resolution of outstanding issues. Attachment 13

	14. Petition No. 2014-011 (Council District 2 – Austin) by Victor Kung for a change in zoning for approximately 3.25 acres located on the south side of Montana Drive generally bounded by Interstate 85, Ablewood Road, and Burbank Drive from I-2, general industrial to I-1(CD), light industrial, conditional. Staff does not recommend approval of this petition. Attachment 14
	15. Petition No. 2014-012 (Council District 6 - Smith) by Lincoln Harris, LLC for a change in zoning for approximately 6.1 acres located at the intersection of Carnegie Boulevard and Congress Street on the west side of Barclay Downs Drive from MUDD-O, mixed use development, optional to MUDD-O SPA, mixed use development, optional, site plan amendment. Staff recommends approval of this petition upon resolution of the outstanding issues. Attachment 15
	16. Petition No. 2014-014 (Council District 2 - Austin) by Sam's Real Estate Holdings, Georgia, LLC for a change in zoning for approximately 1.9 acres located on the north corner at the intersection of Northlake Centre Parkway and Point O'Woods Drive from R-3, single family residential to NS, neighborhood services. Staff does not recommend approval of this petition in its current form Attachment 16
	17. Petition No. 2014-015 (Council District 2 - Austin) by St. Michael & All Angels for a change in zoning for approximately 5.73 acres located on the southeast corner at the intersection of West Sugar Creek Road and David Cox Road from NS, neighborhood services to R-3, single family residential. Staff recommends approval of this petition. Attachment 17
	18. Petition No. 2014-022 (Council District 2 - Austin) by Ingenuity Sun Media, LLC for a change in zoning for two parcels approximately 9.18 acres in total located on Hamilton Street near Music Factory Blvd from MUDD-O, mixed use development, optional to MUDD-O SPA, mixed use development, optional, site plan amendment. Staff recommends approval of this petition upon resolution of outstanding issues. Attachment 18
	19. Petition No. 2014-026 (Council District 4 - Phipps) by Abigail Jennings: Pioneer Springs Community School for a change in zoning for approximately 2.94 acres located on the east side of Bob Beatty Road north of the intersection at Reames Road and Old Statesville Road from B-2(CD) general business, conditional, O-1(CD), office, conditional and B-1, neighborhood business to B-2(CD) SPA, general business, conditional, site plan amendment, O-1(CD) SPA office, conditional, site plan amendment and B-1(CD), neighborhood business, conditional. Staff recommends approval of this petition upon resolution of outstanding issues. Attachment 19

Deferral (to March)	20. Petition No. 2013-026 by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to modify the Pedestrian Overlay District development and urban design standards. Staff recommends one-month deferral of this petition to the March 17, 2014 meeting. Attachment 20
	21. Petition No. 2013-090 by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to create new definitions and regulations for eating, drinking and entertainment establishments by replacing definitions and regulations for restaurants, nightclubs, bars and lounges. Allows eating, drinking and entertainment establishments by right or with prescribed conditions in the following zoning districts: multi-family, UR-2, urban residential, UR-3, urban residential, UR-C, urban residential, commercial, institutional, research, office, business, MX-1, mixed use, MX-2, mixed use, MX-3, mixed use, MUDD, mixed use development, UMUD, uptown mixed use development, CC, commercial center, NS, neighborhood services, TOD, transit oriented development, U-I, urban industrial, industrial, PED, pedestrian overlay and TS, transit supportive overlay. Staff recommends approval of this petition. Attachment 21
	22. Petition No. 2014-017 (Council District 3 - Mayfield) by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 0.19 acres located on the south corner at the intersection of South Tryon Street and West Park Avenue from B-1, neighborhood business to TOD-M, transit oriented development, mixed use. Staff recommends approval of this petition. Attachment 22
Protest Sufficiency TBD	23. Petition No. 2014-019 (Outside City Limits) by Charlotte-Mecklenburg Planning Department for a change in zoning for two parcels approximately 26.47 acres located on the west corner of the intersection at Mallard Creek Road and Salome Church Road from CC, commercial center to R-4, single family residential. Staff recommends approval of this petition. Attachment 23
	24. Petition No. 2014-020 (Council District 4 - Phipps) by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 1.35 acres located on the south side of Springview Road between Mellow Drive and Kentbrook Drive from R-17MF, multi-family residential to R-8MF, multi-family residential. Staff recommends approval of this petition. Attachment 24
Deferral (to March)	25. Petition No. 2014-021 by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance adding new regulations for mobile grocery markets. Staff recommends one-month deferral of this petition to the March 17, 2014 meeting. Attachment 25