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| <u>Mayor Daniel Clodfelter</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, May 19, 2014

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

6:00PM – Zoning Meeting
Meeting Chamber

DINNER MEETING: CH14

- 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

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

HISTORIC LANDMARKS

RESOLUTIONS

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| | <p>1. A Resolution of the City Council of the City of Charlotte calling for a Public Hearing to be held June 16, 2014 by the City Council on the Question of amending the ordinance for the Historic Landmark known as the “James A. Blakeney House” originally adopted by the Charlotte City Council on November 17, 1986. The ordinance would be amended to exclude and dedesignate 7.829 acres of land in tax parcel 22922212, and exclude and dedesignate 2.244 acres of land in tax parcel 22908334 as shown on the attached plans. The property associated with tax parcel 22922212 is located at 9215 Blakeney-Heath Road in Charlotte, North Carolina, and is owned by Meritage Homes of the Carolinas Inc. The property associated with tax parcel 22908334 is located at 9401 Blakeney-Heath Road in Charlotte, North Carolina, and is owned by Classica Homes LLC.</p> <p>Attachment 1</p> |
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ZONING

DECISIONS

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| New Public Hearing (to June) | <p>2. <u>Petition No. 2013-090</u> 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 (R8MF, R12MF, R-17MF, R-22MF and R43MF), UR-2 (urban residential), UR-3 (urban residential), UR-C (urban residential-commercial), institutional (INST), research (RE-1, RE-2, and RE-3), office (O-1, O-2 and O-3), business (B-1, B-2, BD and BP) , mixed use (MX-1, MX-2 and MX-3), mixed use development (MUDD), uptown mixed use development (UMUD), commercial center (CC), neighborhood services (NS), transit oriented development (TOD), urban industrial (U-I), industrial (I-1 and I-2), pedestrian overlay (PED) and transit supportive overlay (TS). In addition, a certificate of exemption process is created for eligible eating, drinking and entertainment establishments that cannot meet the separation distance requirements.</p> <p>The Zoning Committee voted 6-0 to recommend a new public hearing on June 16, 2014, due to substantial changes in the text amendment since the public hearing on February 17, 2014.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 2</p> |
| Deferral (to June) | <p>3. <u>Petition No. 2013-102</u> (Council District 1 – Kinsey) by Wajahat & Ferah Syed for a change in zoning for approximately 0.40 acres located on the south side of North Davidson Street between East 33rd Street and East 35th Street from R-5 (single family residential) and MUDD-O (mixed use development, optional) to TOD-MO (transit oriented development, mixed-use optional) & MUDD-O SPA (mixed use development, optional, site plan amendment).</p> <p>The Zoning Committee voted 6-0 to DEFER this petition to their May 28, 2014 meeting.</p> <p>Attachment 3</p> |

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| <p>Council will have to vote whether or not to send back to the Zoning Committee.</p> <p>Protests Sufficient</p> | <p>4. Petition No. 2014-013 (Council District 7 - Driggs) by Hawthorn Retirement, LLC for a change in zoning for approximately 10.01 acres located on the east side of Providence Road between Lakeside Drive and Kuykendall Road from R-3 (single family residential) to INST(CD) (institutional, conditional).</p> <p>Note: The City Council must determine by a $\frac{3}{4}$ vote if the following change to the site plan after the Zoning Committee vote, is substantial and if the petition should be referred back to the Zoning Committee for review:</p> <p>Note – All existing trees in Providence Road and Kuykendall Road corridors that are not located within proposed site improvements shall be preserved.</p> <p>This petition is found to be inconsistent with the <i>South District Plan</i> but 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 Committee voted 6-1 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Amended note 2a to refer to Section 9.503 and specify the type of "Home for the Aged" units as dependent units. The petitioner added the following language for clarity, "except for the two independent units, for management staff only, not for rental purposes." 2. Amended note 4a to specify a maximum proposed building height of 44 feet, which is more restrictive than the 45 feet requested by staff. 3. Placed an X over note 5c; the note will be removed completely with final plan submission. 4. Amended note 6a to reflect the amount of tree save provided as specified in the Development Data on sheet 2/3. 5. Provided additional building articulation and step downs along the southeastern and northern building façades. 6. Revised the Site Section A-A to reflect the current site design. 7. Deleted references to Lots A and B in the data table and amended site acreage under the data table to show the proposed acres to remain R-3 and proposed acres to be rezoned. 8. Amended the Providence/Kuykendall perspective drawing and explained it is for representational purposes and to refer to the preliminary landscape plan for exact trees and plantings. 9. Clarified the use of vinyl by stating the prohibition will not include soffits and windows. 10. Added a note to each sign location on the landscape plan stating that they will be subject to a separate permit. 11. Added the required eight-foot planting strip along Providence Road to the Preliminary Landscape Plan. 12. Amended note 8a to limit the height of freestanding lights to 16 feet, which is more restrictive than the 20 feet requested by staff. 13. Clarified "non-peak hours" by specifying the hours of 7am-9am and 4pm-6pm. 14. Added the proposed CATS waiting pad to the Preliminary Landscape Plan. 15. Removed the "Undisturbed Natural Area" label located on the lower edge of the Preliminary Landscape Plan at the Kuykendall driveway. 16. Clarified the conflict between the "Undisturbed Natural Area" labels and the 46-foot Class C buffer that is being planted along the northern property line in common with the abutting property by removing the "Undisturbed Natural Area" labels and adding a note stating "Work within the buffer area limited to planting additional trees and shrubs for benefit of neighboring property owners." 17. Labeled the sidewalk around and extending from the covered well to the sidewalk along Kuykendall Road shown on the lower right hand corner of the Preliminary Landscape Plan. 18. Amended site plan to reflect a required 50-foot Class C buffer instead of the 46-foot Class C buffer. 19. Removed unneeded sheets in the site plan packet. 20. Added note 8b for garage lighting. 21. Added overhang foliage to the retaining wall on the landscape plan and site sections. <p>Staff recommends approval of this petition.</p> <p>Attachment 4</p> |
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| <p>2014-028 continued</p> | <ol style="list-style-type: none"> 12. Revised Note 2.a. on Sheet RZ-3 to say, "Subject to the restrictions and limitations listed below, the principal building constructed on the site may be developed for up to 150 multi-family residential dwelling units with up to (amount to be specified by petitioner) square feet of retail sales limited to those in the B-1 district, professional businesses and/or general offices and located on the ground floor." 13. Moved Note 5.b. to be under Note 14. 14. Replaced the words "on existing and proposed streets" with "Abbey Place and Hedgemore Drive." 15. Deleted Note 8.a. 16. Clarified the nature of the amenity areas (intended for resident use or leasable spaces for businesses and offices). 17. Provided useable open space that is well integrated into the community through greenways, parks and plazas as recommended by the <i>Park Woodlawn Area Plan</i>. Staff suggests the open area east of the proposed building be developed with park/plaza that complements the future greenway. 18. Made a clear distinction between the open space references in the site data on Sheets RZ-1 and RZ-2 and the required urban space described on Sheet RZ-3. The area to be dedicated to Parks and Recreation cannot count towards the minimum urban open space requirement. Describe the location of urban open space to be provided such as the upper level courtyard, 4th floor terrace and any other areas for urban open space. 19. Added the note requested by CDOT regarding the corner treatment of Abbey Place and Hedgemore Drive. Added the note requested by CDOT requiring a 12-foot sidewalk where the building and sidewalk abut. 20. Agreed to dedicate additional land to the greenway as requested by Mecklenburg County Parks and Recreation. 21. Removed Note 5.b. and clearly labeled the trash area on RZ-2 to include a compactor and recycling per the Zoning Ordinance. 22. Added a note stating that the exact location of access control gates will be determined through the full development plan submittal process. 23. Amended Note 3.a. to include access to Hedgemore Drive. <p>Staff recommends approval of this petition.</p> <p>Attachment 8</p> |
| <p>Protest TBD</p> | <ol style="list-style-type: none"> 9. <u>Petition No. 2014-030</u> (Council District 1 - Kinsey) by Golden Triangle # 2 for a change in zoning for approximately 1.3 acres located on the southeast corner at the intersection of Metropolitan Avenue, South Kings Drive, and Baxter Street from MUDD-O (mixed use development, optional) to MUDD-O SPA (mixed used development, optional, site plan amendment). <p>This petition is found to be consistent with the <i>Midtown Morehead Cherry 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 4-1 vote of the Zoning Committee. The Committee voted 4-1 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Condensed the verbiage in Note 1C by removing reference of uses, sidewalks, structures, buildings, building elevations and other site elements as "schematic." 2. Amended Note 2C by reducing the optional request from 750 square feet of sign area per wall or 20% of the wall area to which attached, whichever is less, to a request allowing up to two wall signs with up to 400 square feet of sign surface area for each tenant and/or use located on the site located on the top of the building (defined as the upper three floors), and up to 100 square feet of sign area or 5% of the wall to which they are attached, whichever is less, for wall area located below the upper three floors. |

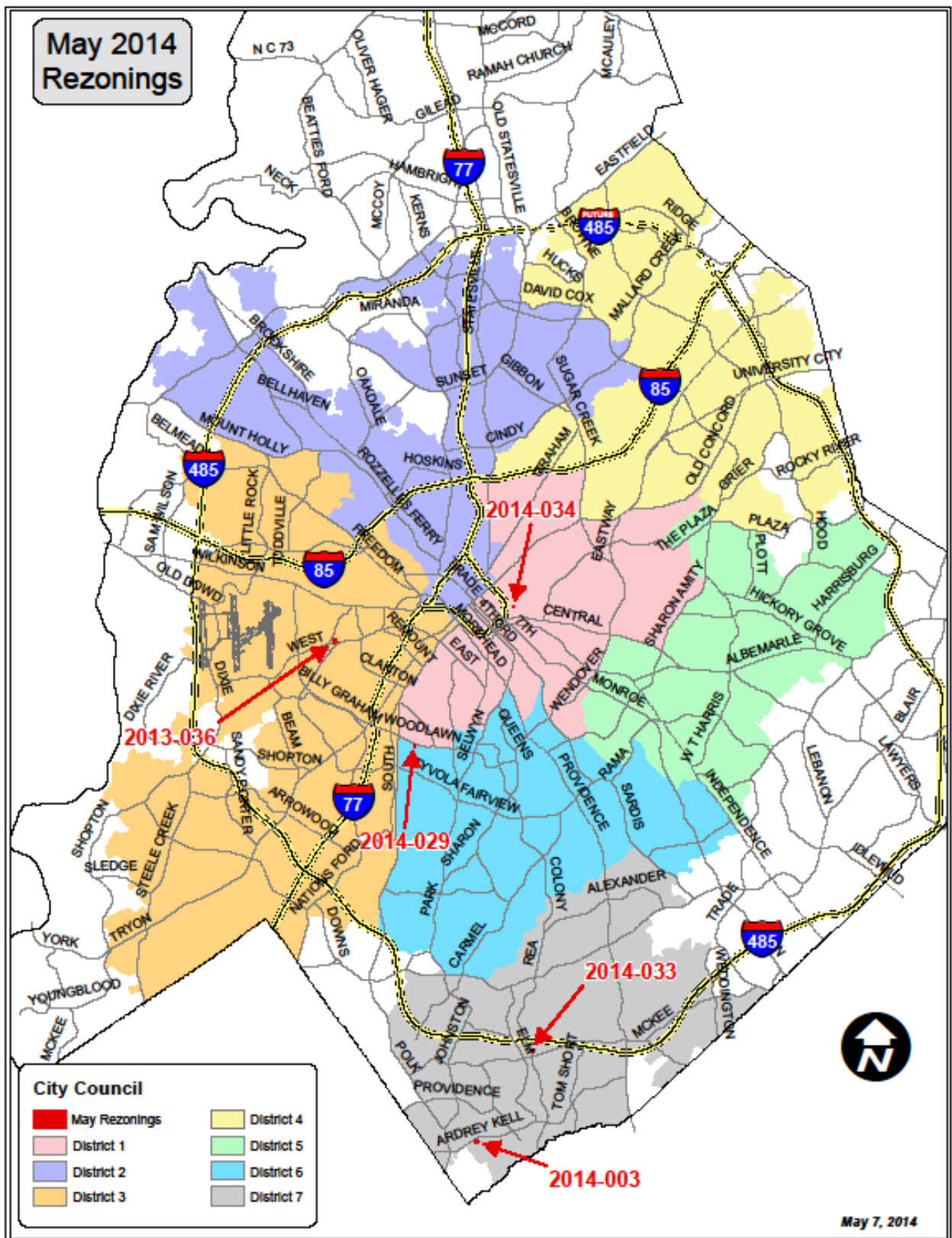
In addition, reduced the request for a digital wall sign from 380 square feet to 300 square feet, and specified that the digital wall sign may be used to:

- (i) advertise and identify tenants and merchandise located and sold at Metropolitan,
- (ii) advertise and identify events occurring at Mid-Town Park and on the Sugar Creek Greenway, and
- (iii) as a screen for motion pictures (e.g. movies, tv shows and the like), and
- (iv) to promote major events, which may include but are not limited to religious, educational, charitable, civic, fraternal, sporting, or similar events including but not limited to golf tournaments, festivals, and major or seasonal sporting events.

The design/content of signs displayed on the digital sign will contain predominantly graphic images (a minimum of 80 percent of the sign must be composed of interesting and unique art like graphic images); copy area will be limited to 20 percent of the sign area. This digital wall sign must be used to promote events occurring at Mid-Town Park, Sugar Creek Greenway and Major Events as defined above a majority of the time the sign is in use.

3. Limited the location of proposed digital wall signs to the portion of the building wall that faces S. Kings Drive and the first 30 linear feet of the building wall that faces Metropolitan Avenue. The digital wall signs along these building walls will be limited to a maximum cumulative sign face area of 300 square feet of sign area.
4. Clarified that the digital wall signage requested on the building wall adjacent to Mid-Town Park may be used as a screen for motion pictures (e.g. movies, TV shows and the like), as opposed to being a separate request to allow a portion of the building wall along the southern property boundary to be used as a screen.
5. Amended Note 2E to state that the digital wall signs, which have replaced the request for use of a portion of the building wall along the southern property boundary as a screen for projected images and activities associated with the Sugar Creek Greenway, may be used to advertise and identify tenants and merchandise located and sold at Metropolitan, in addition to events occurring at Mid-Town Park and on the Sugar Creek Greenway; and to promote major events.
6. Amended Note 5A to indicate that "concept imagery" is intended only to illustrate examples of a building façade that meets the criteria set forth in the Architectural Guidelines and is not a specific or binding building elevation, nor are they a full list of possibilities.
7. Amended Note 5G to state that the zoning boundary for the Site will not be modified by a shift in the property line to accommodate shared site elements as described above.
8. Amended Note 5H to specify architectural guidelines for the Urban Edge portion of the building by removing subjective language "establish a stylish, memorable and highly visible building element" and added a note stating that a pedestrian scale edge will be created at the ground floor with display windows, awnings, integral planters and other features that will complement the other portions of the building and the focal point feature.
9. Amended Note 5I to state "display cases" instead of "display windows."
10. Clarified that sign options are additions/modifications to the standards for signs in the MUDD district and are to be used with the remainder of MUDD standards for signs not modified by these optional provisions.
11. Amended Note 5J to state that building service areas will be located internally and screened from view with masonry walls a minimum of five feet in height.
12. Deleted the minimum ordinance requirement regarding screening requirements in Note 6D.
13. Provided a note detailing that urban open space areas will be provided on the ground floor along the Greenway Entry portion of the building as well as on an upper floor of the building.
14. Addressed Park and Recreation comments by amending Note 5F to state that the petitioner will work with County Parks and Recreation to provide an architectural response to the existing artwork in the Midtown Park.
15. Provided the existing approved entitlement for the rezoning site, which is 155 multi-family residential dwelling units, to CDOT as requested. CDOT determined the trip generation under the current zoning as 1,030 trips per day.

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| <p>2014-030 continued</p> | <p>16. Amended Site Development Data and Permitted Uses to reflect proposed uses as up to 155 multi-family dwelling units and/or a hotel with up to 175 hotel rooms together with accessory uses, as allowed in the MUDD zoning district.</p> <p>17. Amended Site Location in Note 1A to delete replace a "mixed use building containing multi-family residential dwelling units and a hotel" with "a building containing multi-family residential dwelling units and/or a hotel on an approximately 1.30 acre site located at the intersection of South Kings Drive and Metropolitan Avenue.</p> <p>18. Added Note 4D that states "The petitioner recognizes that due to the limited space around the Site and existing neighborhood constraints, a portion of construction parking and material staging will need to be located off-site."</p> <p>19. Amended Notes 5E, 5H and 5I to reference display cases/windows and provided a definition of display cases/windows.</p> <p>20. Amended Note 4D by adding "The location of the construction parking and material staging will be approved by CDOT as part of construction plan review approval."</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 9</p> |
| <p>Deferral (to June)</p> <p>Protest Sufficient</p> | <p>10. <u>Petition No. 2014-031</u> (Outside City Limits) by Wilkison Partners, LLC for a change in zoning for approximately 5.9 acres located on the southeast corner at the intersection of Youngblood Road and Shelburne Farms Drive from MX-3(LLWCA) (mixed use, Lower Lake Wylie Critical Area) to MX-3 SPA(LLWCA) (mixed use, site plan amendment, Lower Lake Wylie Critical Area).</p> <p>The Zoning Committee voted 6-0 to DEFER this petition to their May 28, 2014 meeting.</p> <p>Attachment 10</p> |
| | <p>11. <u>Petition No. 2014-38</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to add stadiums, coliseums, and arenas as uses permitted under prescribed conditions in the MUDD (mixed use development) district, and to correct the use table to indicate stadiums and coliseums are currently permitted, under prescribed conditions, in the UMUD (uptown mixed use district).</p> <p>This petition is found to be consistent with adopted policies 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.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 11</p> |



ZONING

HEARINGS

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| | <p>12. <u>Petition No. 2014-029</u> (Council District 6 - Smith) by Kyle Short for a change in zoning for approximately 1.58 acres located on the south side of East Woodlawn Road between Old Woods Road and Fairbluff Place from R-4 (single family residential) to UR-2(CD) (urban residential, conditional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 12</p> |
| | <p>13. <u>Petition No. 2014-033</u> (Council District 7 - Driggs) by Colony at Piper Glen for a change in zoning for approximately 1.72 acres located on the east side of Rea Road between Piper Station Drive and Ballantyne Commons Parkway from NS (neighborhood services) to NS SPA (neighborhood services, site plan amendment).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 13</p> |
| | <p>14. <u>Petition No. 2014-034</u> (Council District 7 - Driggs) by Mason Kazel for a change in zoning for approximately 0.61 acres located on the east side of Seigle Avenue between East 10th Street and Otts Street across from Green Trail Lane from I-2 (general industrial) to MUDD(CD) (mixed use development, conditional).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 14</p> |
| Deferral (to July) | <p>15. <u>Petition No. 2012-90</u> 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 hear and decide variances on specific standards in the TOD (transit oriented development), PED (pedestrian overlay), MUDD (mixed use development), UMUD (uptown mixed use), and TS (transit supportive overlay); 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) remove restrictions that prohibit the Board of Adjustment from hearing an appeal with respect to an interpretation of, or decision made by the Zoning Administrator about, the TOD (transit oriented development) or PED (pedestrian oriented) development or urban design standards.</p> <p>Staff is requesting a two-month deferral of this petition to the July 21, 2014 meeting.</p> <p>Attachment 15</p> |
| | <p>16. <u>Petition No. 2013-026</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to: 1) add new definitions; 2) clarify the residential density in the PED (pedestrian overlay); 3) add new parking requirements for multi-family units located in the Midtown, Morehead, Cherry Pedestrian Overlay District and the East Boulevard Pedestrian Overlay District; and 4) add new supplemental design standards for the Midtown, Morehead, Cherry Pedestrian Overlay District and the East Boulevard Pedestrian Overlay District.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 16</p> |

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| | <p>17. Petition No. 2014-036 (Council District 7 - Driggs) by City of Charlotte for a change in zoning for approximately 5.18 acres located on the north side of West Blvd. and generally surrounded by Old Steele Creek Road, Elmin Street, Walter Street and West Boulevard from O-1(CD), (office, conditional) and R-5 (single family residential) to NS (neighborhood services).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 17</p> |
| | <p>18. Petition No. 2014-037 by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance clarify the screening and buffer requirements for lots abutting recreational facilities.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 18</p> |