Mayor Daniel Clodfelter Mayor Pro-Tem Michael D. Barnes

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, June 16, 2014

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

6:00PM - Zoning Meeting Meeting Chamber

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

# DINNER MEETING AGENDA Monday, June 16, 2014

## 1. Agenda Review – Laura Harmon

## **DEFERRAL / WITHDRAWAL REQUESTS**

Item #	Petition #	Petitioner/Description	Update
3	2014-021 (Decision)	Planning Department – TA – Mobile Farmer's Markets	Deferral 1-month - (to July 21, 2014)
4	2014-027 (Decision)	Planning Department – West Side of Dunavant Street between Remount Road and Merve Place	Deferral 1-month - (to July 21, 2014)
5	2014-029 (Decision)	Kyle Short — South side of East Woodlawn Road between Old Woods Road and Fairbluff Place	Deferral 1-month - (to July 21, 2014)
6	2014-031 (Decision)	Wilkison Partners, LLC — Southeast corner at the intersection of Youngblood Road and Shelburne Farms Drive	Deferral 1-month - (to July 21, 2014) Protest - Sufficient
12	2014-003 (Hearing)	George M. Macon — Southeast corner at the intersection of Ardrey Kell Road and Marvin Road	Deferral 1-month - (to July 21, 2014) Protest - Insufficient

## MISCELLANIOUS REQUESTS AND INFORMATION

Item #	Petition #	Petitioner/Description	Update
2	2013-102 (Decision)	Wajahat and Ferah Syed – South side of North Davidson Street between East 33 <sup>rd</sup> Street	Council will have to vote whether or not to send back to Zoning Committee due to the change referenced on page 4.
8	2014-034 (Decision)	Mason Kazel – East side of Seigle Avenue between East 10 <sup>th</sup> Street and Otts Street from Green Trail Lane	Update on the June 16, 2014 Special Called Zoning Committee Meeting.
15	2014-040 (Hearing)	Sardis Road Land Co., LLC – East side of Sardis Road between Waverly Hall Road and Chevron Road	Protest - Sufficient

- 2. Follow-Up Report Laura Harmon
- 3. Rezoning Cases of Special Interest Laura Harmon
- 4. Area plan status and text amendment Update Debra Campbell

#### **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**

1. Petition No. 2013-026 by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to: 1) create new definitions; 2) clarify that there is no maximum residential density in the PED (pedestrian overlay) zoning district; 3) modify the parking space requirements for multi-family units located in the Midtown, Morehead, Cherry Pedestrian Overlay District and the East Boulevard Pedestrian Overlay District; and 4) create new supplemental design standards for the Midtown, Morehead, Cherry Pedestrian Overlay District and the East Boulevard Pedestrian Overlay District.

This petition is found to be consistent with the *Centers, Corridors and Wedges Growth Framework Plan* goal to preserve and enhance existing neighborhoods; create a vibrant economy; support a more urban and pedestrian-oriented form of development; and develop neighborhood-scale commercial uses and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee. The Committee voted 5-0 to recommend **APPROVAL** of this petition.

Staff recommends approval of this petition.

Attachment 1

# Council will have to vote whether or not to send back to the Zoning Committee.

2. Petition No. 2013-102 (Council District 1 – Kinsey) by Wajahat and 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) and MUDD-O SPA (mixed use development, optional, site plan amendment).

Note: The City Council must determine by a ¾ 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:

• A six-foot sidewalk connection from the structure to the sidewalk on both streets has been added to the site plan.

This petition is found to be consistent with the *Blue Line Extension Transit Station Area Plan* and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee. The Committee voted 5-0 to recommend **APPROVAL** of this petition with the following modifications:

#### Area A:

- 1. Labeled the possible future expansion area on the plan.
- 2. Added the words "Area A" under the Petition # in the title block.
- 3. Removed the two labels stating "14-foot setback not feasible...."
- 4. Amended Note 6 under General Notes to read: "Possible expansion on the side and behind the existing building will meet setback and yard requirements."
- 5. Addressed the following CDOT issues:
  - a. Removed proposed parallel parking cutout on 34th street to allow the use of the existing curbline for on-street parking.
- 6. Revised site plan so that all elements are to scale.

2013-102 continued	<ol> <li>Revised the plan so that all parking, including handicap, is the rear of the building which satisfies our request for the following note. "Provided there is not enough space between the house and the west property line for the accessible parking and accessible ramp, all parking shall be located on the portion of the site with direct access to 34<sup>th</sup> Street. No access will be allowed on Davidson Street."</li> <li>Specified that trash and recycling would be roll-out only. Moved the location of the trash and recycling area which demonstrates how trash collection will be handled.</li> <li>Amended Note 6 to specify the total maximum square footage as 2,200 square feet.</li> <li>Specified new 26 foot wide curb cuts.</li> <li>A label that the old driveway on Area A will be closed.</li> </ol> Area B: <ol> <li>Added the words "Area B" under the Petition # in the title block.</li> <li>Changed the label for the planting strip from three feet to four feet.</li> </ol>
	<ol> <li>Amended Note 6 under General Notes to read: "Possible expansion behind the existing building will meet setback and yard requirements."</li> <li>Amended the word "TOD" in Note 5 under General Notes to "TOD-M."</li> <li>Revised site plan so that all elements are to scale.</li> <li>Amended Note 6 to specify the total maximum square footage as 2,200 square feet.</li> <li>Specified the location of the dumpster and parking.</li> <li>Specified new 26 foot wide curb cuts.</li> </ol> Staff recommends approval of this petition. Attachment 2
Deferral (to July)	3. Petition No. 2014-021 by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to 1) create a new definition for mobile farmer's market; 2) allow mobile farmer's markets in all zoning districts; and 3) create new prescribed conditions for mobile farmer's markets. The Zoning Committee voted 5-0 to DEFER this petition to their June 25, 2014 meeting. Attachment 3
Deferral (to July)	4. Petition No. 2014-027 (Council District 3 – Mayfield) by Charlotte-Mecklenburg Planning Department for a change in zoning for two parcels approximately 0.81 acres located on the west side of Dunavant Street between Remount Road and Merve Place from I-2 (general industrial) to TOD-M (transit oriented development, mixed).  The petitioner is requesting a one-month deferral of this petition to the July 21, 2014 meeting.  This petition is found to be consistent with the New Bern Transit Station Area Plan and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 7-0 vote of the Zoning Committee. The Committee voted 7-0 to recommend APPROVAL of this petition.  Staff recommends approval of this petition.  Attachment 4

Deferral (to July)	5. Petition No. 2014-029 (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) (urbar residential, conditional). The Zoning Committee voted 5-0 to DEFER this petition to their June 25, 2014 meeting. Attachment 5
Deferral (to July)	6. Petition No. 2014-031 (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).
Protest Sufficient	The Zoning Committee voted 5-0 to <b>DEFER</b> this petition to their June 25, 2014 meeting.
	Attachment 6
	7. Petition No. 2014-033 (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).
	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 5-0 vote of the Zoning Committee. The Committee voted 5-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:
	<ol> <li>A building material legend for the proposed elevations has been provided on the site plan.</li> <li>Signage has been removed from the site plan. Signage will be allowed per the NS (neighborhood service) standards.</li> <li>Elevations of the building and parking deck have been provided.</li> <li>A note has been added that the parking structure has been limited to two floors.</li> <li>Transportation department comments in regards to the truck turnaround have beer addressed through an easement.</li> <li>A note has been added that the lighting for the parking structure will comply with Illuminating Engineering Society of North America (IESNA) standards as requested by the Charlotte-Mecklenburg Police Department.</li> </ol>
	Staff recommends approval of this petition.
	Attachment 7
	8. Petition No. 2014-034 (Council District 1 - Kinsey) 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).
	This petition was automatically <b>DEFERRED</b> to the Zoning Committee's next meeting due to a lack of a quorum. The Committee voted 5-0 to hold a Special Meeting on June 2, 2014 to review this petition. Due to an advertising error, the June 2, 2014 meeting did not occur Therefore, the Zoning Committee will convene and deliberate on June 16, 2014 for this petition and staff will update the City Council on their recommendation at the Dinner Meeting.
	Staff recommends approval of this petition.
	Attachment 8

9. Petition No. 2014-036 (Council District 3 - Mayfield) by City of Charlotte for a change in zoning for approximately 5.18 acres located on the north side of West Boulevard 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).

A portion of this petition is found to be inconsistent with the *Central District Plan* and a portion is found to be consistent with the *Central District Plan* but to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee. The Committee voted 5-0 to recommend **APPROVAL** of this petition with the following modifications:

- 1. Clarified that the height of the black aluminum security fence proposed around the secured parking area and open space/landscape area is eight feet.
- The petitioner has moved the proposed security fence to enclose the portion of the site near Elmin Street. This acreage will be open space/landscape area for use by the employees.
- 3. The security fence along Elmin Street will be screened by additional landscaping via a 14-foot wide landscape strip and a new sidewalk will be provided along Elmin Street.
- 4. A note has been added that states parking/maneuvering will not be allowed between the building and the street.
- 5. Staff recommended that the parking area be situated so as to be consistent with the proposed building line (of the main structure). Staff is rescinding this request as the parking area meets the minimum requirement.
- Trees are now shown in the islands around the perimeter of the parking area and in the islands in order to meet the requirement that each parking space be within 40 feet of a tree.
- 7. The size of the primary building has increased from 16,000 square feet to 17,500 square feet.
- 8. Added a sidewalk with pedestrian security access gates to connect the rear of the proposed building to the new sidewalk along Elmin Street.

Staff recommends approval of this petition.

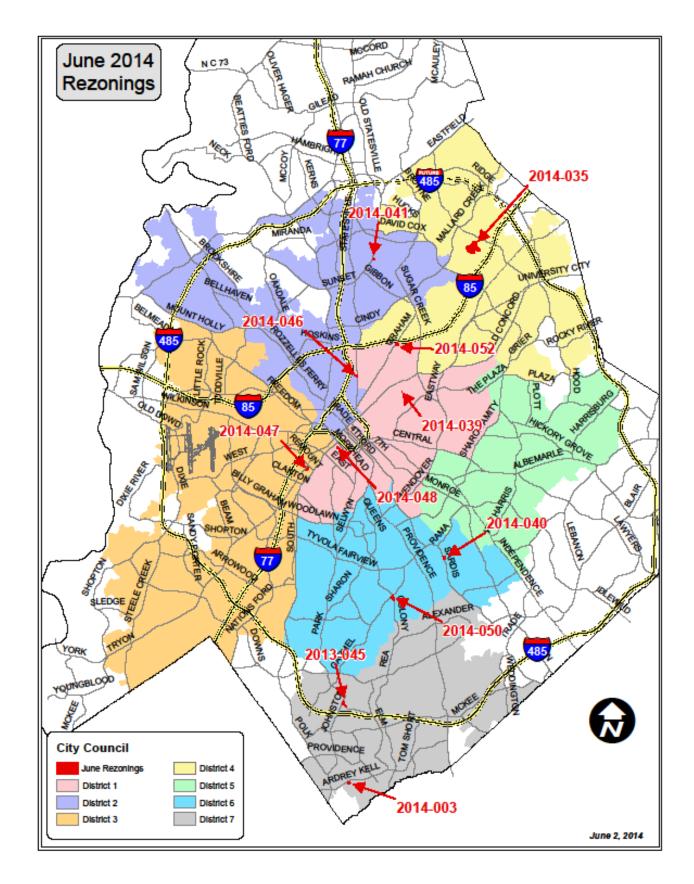
Attachment 9

10. <u>Petition No. 2014-037</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to clarify the screening and buffer requirements for outdoor recreation uses.

This petition is found to be consistent with the *Centers, Corridors, and Wedges Growth Framework Plan* goal of preserving and enhancing existing neighborhoods, and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee. The Committee voted 5-0 to recommend **APPROVAL** of this petition.

Staff recommends approval of this petition.

Attachment 10



# **ZONING**

## **HEARINGS**

	11. 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), CC (commercial center), NS (neighborhood services), TOD (transit oriented development), U-I (urban industrial), industrial, PED (pedestrian overlay) and TS (transit supportive overlay). An exemption process is added, including criteria to be eligible to apply for a Certificate of Exemption when an existing eating, drinking, and entertainment establishment cannot meet the proposed separation distance requirements.  Staff recommends approval of this petition.  Attachment 11
	Attachment
Deferral (to July) Protest	12. <u>Petition No. 2014-003</u> (Council District 7 - Driggs) by George M. Macon for a change in zoning for approximately 4.65 acres located on the southeast corner at the intersection of Ardrey Kell Road and Marvin Road from R-3 (single family residential) to O-1(CD) (office, conditional).
Insufficient	A community Meeting Report has not been submitted for this petition; therefore, a public hearing may not be held and the petition is automatically deferred to the July 21, 2014 meeting.  Attachment 12
	13. Petition No. 2014-035 (Council District 4 - Phipps) by Electrolux North America, Inc. for a change in zoning for approximately 90 acres located on the southeast corner at the intersection of David Taylor Drive and Claude Freeman Drive from RE-2 (research) to RE-3-O (research, optional) and O-1(CD) (office, conditional), with five year vested rights. Staff recommends approval of this petition upon resolution of outstanding issues. Attachment 13
	14. Petition No. 2014-039 (Council District 1 - Kinsey) by John M. Meyer for a change in zoning for approximately 0.145 acres located along North Davidson Street between East 35th Street and East 36th 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 14
	15. Petition No. 2014-040 (Council District 6 - Smith) by Sardis Road Land Co., LLC for a change in zoning for approximately 5.05 acres located on the east side of Sardis Road between Waverly Hall Road and Chevron Road from INST(CD) (institutional, conditional) to UR-1(CD) (urban residential, conditional).
Protest Sufficient	Staff recommends approval of this petition upon resolution of outstanding issues.  Attachment 15

	16. Petition No. 2014-041 (Council District 2 - Austin) by Dominion Investments Properties, LLC for a change in zoning for approximately 2.92 acres located on the north side of Pete Brown Road at the intersection of Old Statesville Road and Pete Brown Road from I-1 (light industrial) to I-2(CD) (general industrial, conditional).
	Staff recommends approval of this petition upon resolution of outstanding issues.
	Attachment 16
	17. Petition No. 2014-045 (Council District 7 - Driggs) by Parag Patel for a change in zoning for approximately 5.5 acres located on the northeast corner at the intersection of Johnston Road and North Community House Road from CC (commercial center) to CC SPA (commercial center, site plan amendment).
	Staff recommends approval of this petition upon resolution of outstanding issues.
	Attachment 17
	18. Petition No. 2014-046 (Council District 2 - Austin) by The Housing Partnership for a change in zoning for approximately 3.38 acres located on the northwest corner at the intersection of Statesville Avenue and Moretz Avenue abutting Moss Lane and Tranquil Oak Place from R-22MF (multi-family residential) to UR-2(CD) (urban residential, conditional).
	Staff recommends approval of this petition upon resolution of outstanding issues.
	Attachment 18
	19. Petition No. 2014-047 (Council District 3 - Mayfield) by Hopper Communities for a change in zoning for approximately 3.21 acres located on the west side of Youngblood Street between Remount Road and Griffith Street and across from Poindexter Drive from I-2 (general industrial) and TOD-M(CD) (transit oriented development, mixed use, conditional) to TOD-M O (transit oriented development, mixed use, optional).
	Staff recommends approval of this petition upon resolution of outstanding issues.
	Attachment 19
	20. Petition No. 2014-048 (Council District 1 - Kinsey) by Marsh Euclid Apartments, LLC for a change in zoning for approximately 2.99 acres generally surrounded by South Caldwell Street, Lexington Avenue, Euclid Avenue, and Templeton Avenue from O-2 (office) and TOD-MO (transit oriented development, mixed use, optional) to TOD-MO (transit oriented development, mixed use, optional) and TOD-MO SPA (transit oriented development, mixed use, optional, site plan amendment).
	Staff recommends approval of this petition upon resolution of outstanding issues.
	Attachment 20
	21. Petition No. 2014-050 (Council District 6 - Smith) by Copper Builders, Inc. and Cambridge Properties, Inc. for a change in zoning for approximately 9.09 acres located on the southwest corner at the intersection of Carmel Road and Colony Road from R-3 (single family residential) and UR-2(CD) (urban residential, conditional) to UR-2(CD) (urban residential, conditional) and UR-2(CD)SPA (urban residential, conditional, site plan amendment).
Protest Sufficiency TBD	Staff recommends approval of this petition upon resolution of outstanding issues.  Attachment 21

**22.** Petition No. 2014-052 (Council District 1 - Kinsey) by Snider Fleet Solutions for a change in zoning for approximately 6.26 acres located on the east side of North Graham Street and generally surrounded by Interstate 85, Reagan Drive, and North Graham Street from I-2 (general industrial) to I-1 (light industrial).

Staff recommends approval of this petition.

Attachment 22