

<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, July 21, 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](http://www.rezoning.org)**

# DINNER MEETING AGENDA

## Monday, July 21, 2014

### 1. Agenda Review – Tammie Keplinger

#### DEFERRAL / WITHDRAWAL REQUESTS

Item #	Petition #	Petitioner/Description	Update
2	2014-019 (Decision)	Charlotte-Mecklenburg Planning Department – Corrective rezoning on Salome Church Rd	Deferral 2-months (to September 15, 2014) Protest - Sufficient
3	2014-021 (Decision)	Charlotte-Mecklenburg Planning Department – Text amendment for Mobile farmer's markets	Deferral 2-month (to September 15, 2014)
4	2014-027 (Decision)	Charlotte-Mecklenburg Planning Department – Dunavant Street between Remount Road and Merve Place	Deferral 1 months (to September 15, 2014)
17	2013-094	Halvorsen Development Corporation – Prosperity Church Road and Ridge Road	Deferral 3 months (to October 20, 2014) Protest - TBD
18	2014-003 (Hearing)	George M. Macon – Southeast corner at the intersection of Ardrey Kell Road and Marvin Road	Deferral 2 month (to September 15, 2014) Protest - Insufficient
19	2014-044	C. Grey Poole – Park Road at Woodlawn and Montford Drive	Withdrawal
20	2014-049	SBBH, LLC – Morrison Boulevard at SouthPark Drive and Sharon Road	Deferral 2 months (to September 15, 2014)
33	2012-090	Charlotte-Mecklenburg Planning Department – Text amendment for Board of Adjustment	Withdrawal

#### MISCELLANIOUS REQUESTS AND INFORMATION

Item #	Petition #	Petitioner/Description	Update
6	2014-031 (Decision)	Wilkison Partners, LLC – Southeast corner at the intersection of Youngblood Road and Shelburne Farms Drive	New Public Hearing in September Protest - Sufficient
15	2014-050	Copper Builders, Inc and Cambridge Properties, Inc. – Carmel Road and Colony Road	Protest - Insufficient
27	2014-063	Pulte Home Corporation – Atherton at Euclid and Marshall Place	Protest - TBD

### 2. Follow-Up Report – Tammie Keplinger

### 3. Rezoning Cases of Special Interest – Tammie Keplinger

### 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

	<p><b>1. <u>Petition No. 2013-090</u> by Charlotte-Mecklenburg Planning Department</b> 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.</p> <p>This petition is found to be consistent with the <i>Centers, Corridors and Wedges Growth Framework Plan</i> goals and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a vote of 6-0 of the Zoning Committee. The Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <p>1. Modify Section 12.546(2)(a) by allowing the minimum separation distance in the MUDD (mixed use development), UMUD (uptown mixed use), TOD (transit oriented development) and TS (transit supportive) zoning districts to be reduced as an optional provision if three conditions are met. The new subsection shall read as follows:</p> <p>Minimum 100 foot separation distance in the MUDD, UMUD, TOD and TS zoning districts. The minimum required separation distance cannot be reduced as an optional provision unless the following conditions are met:</p> <ul style="list-style-type: none"> <li>i. There are no principal residential structures within 225 feet of the portion of the property line along which the reduction is being requested;</li> <li>ii. The optional request includes zoning conditions to mitigate the impact of a reduction in the separation distance including but not limited to: elevation changes, structures located between the outdoor use and the property line, enhanced screening and buffering, and noise reduction features; and</li> <li>iii. The optional request does not reduce the separation distance requirement by more than 50%.</li> </ul> <p>Staff recommends approval of this petition.</p> <p><a href="#">Attachment 1</a></p>
<p><b>Defer to September</b></p> <p><b>Protest Sufficient</b></p>	<p><b>2. <u>Petition No. 2014-019</u> (Outside City Limits) by Charlotte-Mecklenburg Planning Department</b> 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).</p> <p>The Zoning Committee voted 6-0 to defer this petition to the July 30, 2014 meeting.</p> <p>Staff is requesting this petition be deferred to September 15, 2014.</p> <p><a href="#">Attachment 2</a></p>

<p><b>Defer to September</b></p>	<p><b>3. <u>Petition No. 2014-021</u> by Charlotte-Mecklenburg Planning Department</b> 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.</p> <p>The Zoning Committee voted 6-0 to <b>DEFER</b> this petition to their July 30, 2014 meeting.</p> <p>Staff is requesting a two-month deferral to allow time to consider modifications to the text amendment.</p> <p>Attachment 3</p>
<p><b>Defer to September</b></p>	<p><b>4. <u>Petition No. 2014-027</u> (Council District 3 – Mayfield) by Charlotte-Mecklenburg Planning Department</b> 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).</p> <p>Note: The petitioner has requested a deferral of this decision until September 15, 2014.</p> <p>This petition is found to be consistent with the <i>New Bern 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 7-0 vote of the Zoning Committee.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 4</p>
	<p><b>5. <u>Petition No. 2014-029</u> (Council District 6 - Smith) by Kyle Short</b> 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>This petition is found to be consistent with the <i>Park Woodlawn 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 <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Specified maximum building height as three stories.</li> <li>2. Specified permitted uses as multi-family residential.</li> <li>3. Showed and labeled Class "C" buffer. Specified that buffer will be developed per Class "C" buffer standards.</li> <li>4. Amended Development Summary to reflect a 14-foot setback.</li> <li>5. Amended the sidewalk along the internal street to six feet.</li> <li>6. Labeled and indicated the dimensions of the area between the private internal street and the sidewalk as a two-foot planting strip.</li> <li>7. Provided a note that the curb along the internal private street will be standard curb (not roll curb).</li> <li>8. Provided a six-foot planting strip between the sidewalk and the private street the full length of the area beside unit 1.</li> <li>9. Indicated the maximum height of the retaining wall will be eight feet.</li> <li>10. Correctly measured and labeled the 14-foot setback along E. Woodlawn Road as being measured from the back of the future curb.</li> <li>11. Revised General Provisions Note #1, last sentence, as follows: "Where specified conditions on this plan differ from ordinance, standards, in existence at the time of formal engineering plan review submission, the more restrictive shall apply."</li> <li>12. Eliminated the following sentence in General Provisions Note #2: "The Site Plan is schematic in nature and represents a firm concept of development with regard to the arrangement of buildings, parking and circulation patterns."</li> <li>13. Noted that the finished side of the proposed privacy fence will face the adjacent</li> </ol>

	<p>properties.</p> <ol style="list-style-type: none"> <li>14. Noted that the stucco or masonry wall along the rear of the buildings backing up to Woodlawn Road will contain gated openings for private access from the street, will be 60 inches in height above grade, and will feature decorative pilasters every 20 feet maximum on center.</li> <li>15. Provided the following renderings as viewed from E. Woodlawn Road: typical image of exterior, typical image of end unit, and views from adjacent yards with and without tree plantings.</li> <li>16. Removed tree save area that was located in the right-of-way along E. Woodlawn Road.</li> <li>17. Submitted plan to Fire Marshall for review as the fire access as shown may be an issue that would dramatically alter the site plan. Fire Department commented that additional information will be needed and possible tweaking may be warranted.</li> <li>18. Specified two-car garages for the two single family detached dwellings, with a shared driveway.</li> <li>19. Labeled right-of-way along E. Woodlawn Road to be dedicated.</li> <li>20. Correctly labeled five-foot side yard at rear of property as a 10-foot rear yard.</li> <li>21. Addressed CDOT comment by adding by dedicating 50 feet of right-of-way measured from the existing centerline along the site's public frontage on Woodlawn Road. The additional 16-foot right-of-way on E. Woodlawn Road will be dedicated and conveyed to CDOT.</li> <li>22. Addressed Engineering and Property Management comments by providing a minimum 15-foot wide drainage easement clear of required buffers and structures.</li> <li>23. Labeled all tree save areas to ensure compliance with the minimum 15 percent tree save requirement.</li> <li>24. Removed guest parking from location on proposed private street as it violates Fire Code.</li> </ol> <p>Staff recommends approval of this petition.</p> <p>Attachment 5</p>
<p><b>New Public Hearing</b></p> <p><b>Protest Sufficient</b></p>	<p><b>6. <u>Petition No. 2014-031</u> (Outside City Limits) by Wilkison Partners, LLC</b> 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>Note: After the public hearing, the petitioner made major changes to the site plan related to street connectivity. These adjustments were required by the Subdivision Ordinance and significantly changed the layout of the proposed development.</p> <p>The Zoning Committee voted 6-0 to recommend to City Council that the changes to this petition are significant and that a new public hearing should be held.</p> <p>Staff recommends that a new public hearing should be held.</p> <p>Attachment 6</p>
	<p><b>7. <u>Petition No. 2014-035</u> (Council District 4 - Phipps) by Electrolux North America, Inc.</b> 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.</p> <p>This petition is found to be consistent with the <i>University Research Park 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 5-0 vote of the Zoning Committee. The Committee voted 5-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Provided clarity on the proposed amount and type of retail by limiting retail sales to 70,000 square feet of uses allowed in the B-1 district, and prohibiting a single retail</li> </ol>

	<p>tenant with more than 35,000 square feet of gross floor area.</p> <ol style="list-style-type: none"> <li>2. Provided a six-foot sidewalk along David Taylor Drive approximately 525 feet from proposed Street #1 (Electrolux Way) to the eastern property line. Staff has rescinded this request due to topographical issues.</li> <li>3. Complied with transportation requirements resulting from the review of the traffic impact study by listing the improvements by phase: <ol style="list-style-type: none"> <li>a) Phase I <ol style="list-style-type: none"> <li>(i) Construction of Electrolux Way;</li> <li>(ii) Improvements at the intersection of W. T. Harris Boulevard and Research/IBM Drive;</li> <li>(iii) Improvements at the intersection of Mallard Creek Road and Governor Hunt Road;</li> <li>(iv) Improvements at the intersection of Mallard Creek Church Road and Claude Freeman Drive;</li> <li>(v) Improvements at the intersection of Research Drive and David Taylor Drive; and</li> <li>(vi) Improvements at the intersection of Electrolux Way and David Taylor Drive.</li> </ol> </li> <li>b) Phase II <ol style="list-style-type: none"> <li>(i) Construction of Public Street #2;</li> <li>(ii) Improvements at the intersection of Mallard Creek Road and Governor Hunt Road;</li> <li>(iii) Improvements at the intersection of Mallard Creek Church Road and Claude Freeman Drive;</li> <li>(iv) Improvements at the intersection of Mallard Creek Church Road and Senator Royall Place; and</li> <li>(v) Improvements at the intersection of David Taylor Drive and Governor Hunt Drive/Existing Access "B."</li> </ol> </li> </ol> </li> <li>4. Provided clarity on the optional request for detached directional signs by specifying two detached identification signs up to 50 square feet of sign area and seven feet in height, and two detached directory signs up to 24 square feet and up to five feet in height.</li> <li>5. Provided clarity on the width of the existing sidewalk connections to the site from Claude Freeman Drive by showing and labeling four-foot and six-foot proposed additions to an existing four-foot sidewalk, and noted that an on-site walking trail/sidewalk for use of the employees will be provided that runs between Claude Freeman Drive and David Taylor Drive. There is no existing sidewalk along the site's frontage on Claude Freeman Drive.</li> <li>6. Refer to Public Street #1 as Electrolux Way.</li> <li>7. Delineated and labeled Development Area 2A.</li> <li>8. Amended optional provisions as follows: <ol style="list-style-type: none"> <li>a) Added 2(a)(iv) to specify that retail sales uses and restaurants located in Development Area 2A will not be allowed to provide parking between the building and public street #2.</li> <li>b) Amended 2(c) to state that public urban open space requirements will not be met with private urban open space if retail sales and restaurant uses are located in Development Area 2A.</li> <li>c) Amended Note 2(e) to request a 24-foot setback along Public Street #2.</li> <li>d) Amended Note 2(f) to not require a six-foot sidewalk along the majority of David Taylor Drive, and to allow a sidewalk to be provided along portions of David Taylor Drive and Claude Freeman Drive; this sidewalk will be connected to the existing pedestrian trail along Claude Freeman Drive.</li> <li>e) Amended Note 2(g) to exempt retail sales and restaurant uses located within Development Area 2A from the request to not require doorways to be recessed into the face of buildings.</li> <li>f) Amended Note 2(h) to exempt retail sales and restaurant uses located within Development Area 2A from the request to not require each building façade oriented to a street to have an operable pedestrian entrance.</li> </ol> </li> <li>9. Improvements to existing on-site pedestrian tunnel include repair of bridge, provision of eight-foot wide concrete sidewalk on each side, and repair of lighting inside tunnel. Existing on-site pedestrian trail will be maintained by Electrolux.</li> </ol>
--	--

	<p>10. Providing a CATS waiting pad on David Taylor Drive and Claude Freeman Drive.</p> <p>11. Limited to only one accessory drive-through window on the site.</p> <p>12. Amended phasing requirements to allow a certificate of occupancy for up to 390,000 square feet to be allowed upon substantial completion of Phase I transportation improvements.</p> <p>13. Amended phasing requirements to allow a certificate of occupancy for up to 968,874 square feet upon substantial completion of Phase II transportation improvements.</p> <p>14. Limited building height within Development Areas 1 and 2 to 150 feet exclusive of roof top mechanical equipment and screens or devices to screen roof top structures or equipment.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 7</p>
	<p><b>8. <u>Petition No. 2014-039</u></b> (Council District 1 - Kinsey) <b>by John M. Meyer</b> 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).</p> <p>This petition is found to be consistent with the <i>Blue Line Extension 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 <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Specified that an eight-foot sidewalk is to be provided as shown on the site plan.</li> <li>2. Decreased the amount of exterior seating from 3,100- square feet to 1,578-square feet, thus reducing the area of expansion.</li> <li>3. Amended the wording for note III a. 2. to say "14' setback reduced from 16' setback as specified in the MUDD district."</li> <li>4. Removed the label and line for the existing 20-foot setback from sheet 2 Site Layout.</li> </ol> <p>Staff recommends approval of this petition</p> <p>Attachment 8</p>
<b>Protest Sufficient</b>	<p><b>9. <u>Petition No. 2014-040</u></b> (Council District 6 - Smith) <b>by Sardis Road Land Co., LLC</b> 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).</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 5-1 vote of the Zoning Committee. The Committee voted 5-1 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Note number four under "Access and Transportation" has been removed.</li> <li>2. Eight-foot planting strips and six-foot sidewalks have been provided along all public street frontages.</li> <li>3. Lots have been modified to show that storm water detention facilities will be placed in common areas and not on private lots.</li> <li>4. Sidewalks connections for lots 8, 9, have been shown to comply with Section 9.406(8)(d)(v).</li> <li>5. A Wetlands Letter has been provided to Engineering and Property Management.</li> <li>6. A minimum spacing distance and number of pedestrian lights has been provided.</li> <li>7. A detail of the brick wall showing the height of the retaining walls along the site's frontage has been provided.</li> <li>8. The request for on-street parking has been rescinded by staff.</li> </ol> <p>Staff recommends approval of this petition.</p> <p>Attachment 9</p>



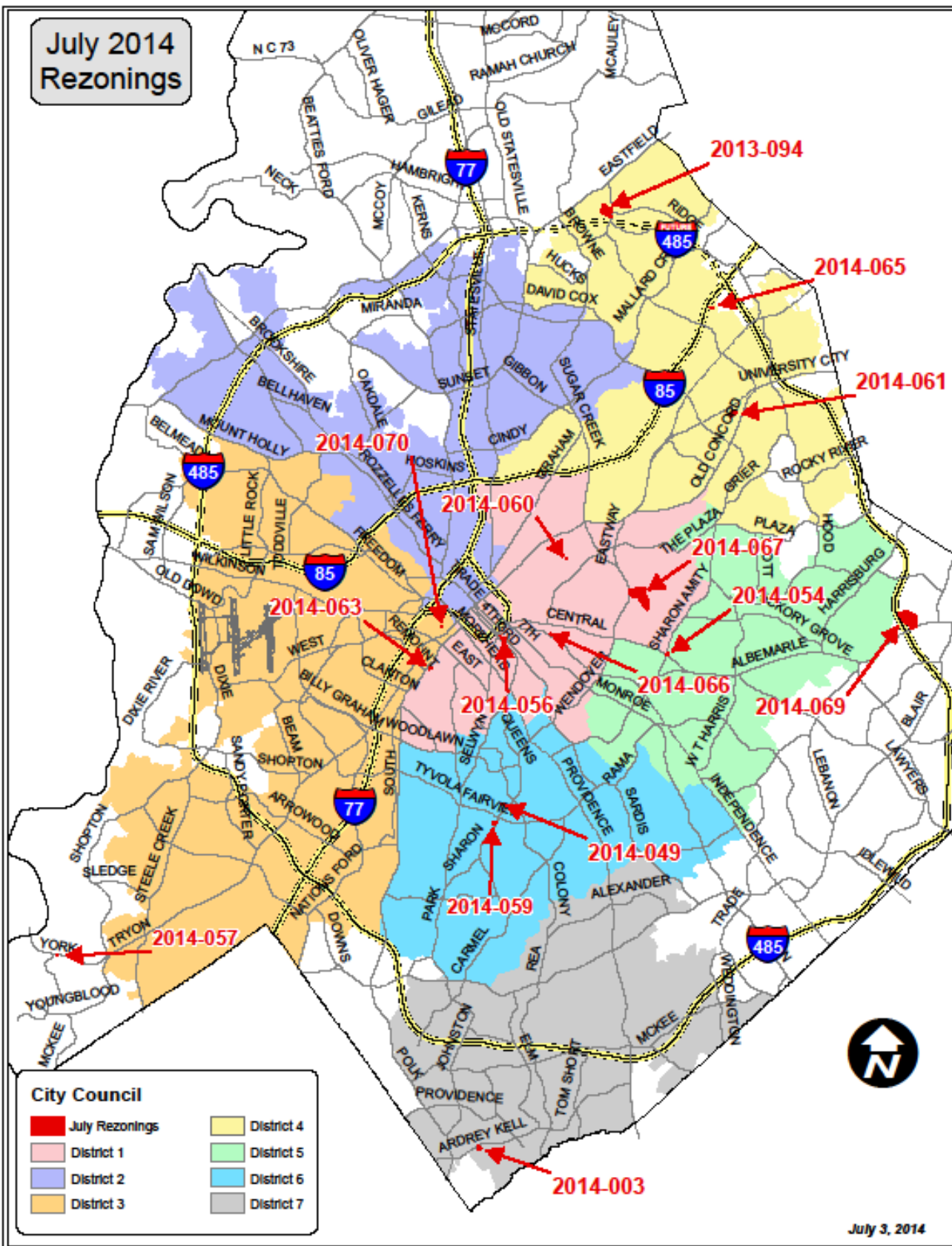
	<p><b>10. <u>Petition No. 2014-041</u></b> (Council District 2 - Austin) <b>by Dominion Investments Properties, LLC</b> for a change in zoning for approximately 2.92 acres located on the north side of Pete Brown Road at the intersection of Old Statesville Road and Pete Brown Road from I-1 (light industrial) to I-2(CD) (general industrial, conditional).</p> <p>This petition is found to be consistent with the <i>Northeast 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 6-0 vote of the Zoning Committee. The Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. A note has been added that all uses in the I-1 district along with contractor's office with outdoor storage shall be allowed.</li> <li>2. All the allowed uses have been placed in one section on the site plan.</li> <li>3. A note has been added that "freestanding light will be fully shielded and downwardly directed."</li> <li>4. Detached lighting has been limited to 20 feet in height.</li> <li>5. Transportation issue has been addressed with a note that CDOT will review the proposed location of the second proposed driveway along Pete Brown Road.</li> </ol> <p>Staff recommends approval of this petition.</p> <p>Attachment 10</p>
	<p><b>11. <u>Petition No. 2014-045</u></b> (Council District 7 - Driggs) <b>by Parag Patel</b> 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).</p> <p>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 6-0 vote of the Zoning Committee. The Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Amended legend and site development data to reflect the rezone area as 5.5 acres and delineated the 1.35 acre area of proposed expansion.</li> <li>2. Amended boundaries of development to reflect entire 5.5 acres. Delineated area of proposed expansion with the boundary.</li> <li>3. Addressed Charlotte-Mecklenburg Storm Water Services comments by removing Note 7B and replacing it with the following "The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Ordinance." Removed the note stating "area subject to PCCO storm water regulations" on sheet RZ-3..</li> </ol> <p>Staff recommends approval of this petition.</p> <p>Attachment 11</p>
	<p><b>12. <u>Petition No. 2014-046</u></b> (Council District 2 - Austin) <b>by The Housing Partnership</b> 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).</p> <p>This petition is found to be consistent with the <i>Central 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 6-0 vote of the Zoning Committee. The Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Added notes committing to the following design standards: <ol style="list-style-type: none"> <li>a. Buildings along public and private streets shall have clear glass windows, glass and doors that face these respective streets. The walls of the buildings facing</li> </ol> </li> </ol>

	<p>these streets shall be varied with a frequency of windows, doors and other architectural treatments. Long expanses of blank walls with no openings and minimal changes in material or architectural treatment over 20' long will not be allowed. Blank walls shall be treated with some combination of landscaping, building articulation, varied building façade planes, canopies, pedestrian oriented lights, public art or other similar treatment.</p> <ul style="list-style-type: none"> <li>b. The principal buildings constructed on the site may use a variety of building materials. The building materials used for buildings (other than structured parking facilities) will be a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, precast concrete, synthetic stone, stucco, cementitious siding (such as hardi-plank), EIFS or wood. Vinyl as a building material will not be allowed except on windows and soffits.</li> <li>c. Residential buildings that front on a public or private street will be designed with buildings entrances that face the abutting public or private street, except that buildings with frontage on two streets (either public or private or two legs of a roundabout) may have an entrance to only one street.</li> <li>d. Meter banks, BFP's and other similar utilities will be screened where visible from public view at grade level.</li> <li>e. Roof top HVAC and related mechanical equipment will be screened from public view at grade level.</li> </ul> <ol style="list-style-type: none"> <li>2. Included the conceptual renderings provided with the 2008 rezoning.</li> <li>3. Removed UR-2(CD) from Developments Note 1c (Existing and Proposed Zoning).</li> <li>4. Corrected the label in Development Area 11, which refers to Development Area 9.</li> <li>5. Addressed CATS comments adding a note that states the petitioner will retain existing bus stop location and that new pad detail 60.01B will be coordinated during the review and permit process.</li> <li>6. Addressed Neighborhood and Business Services comments by noting setbacks on site plan.</li> <li>7. Addressed Transportation comments by providing the following: <ul style="list-style-type: none"> <li>a) Removed the "Proposed Right-In/Right-Out" note from the site plan, allowing for the final access management treatment of this intersection to be determined by CDOT and NCDOT during the driveway permit process.</li> <li>b) Incorporated the public street alignment as per May 21, 2014 meeting with CDOT.</li> </ul> </li> <li>8. Removed all references to UR-2 (CD) as existing zoning from the site plan.</li> </ol> <p>Staff recommends approval of this petition</p> <p>Attachment 12</p>
	<p><b>13. <u>Petition No. 2014-047</u> (Council District 3 - Mayfield) by Hopper Communities</b> 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-MO (transit oriented development, mixed use, optional).</p> <p>This petition is found to be consistent with the <i>New Bern 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 5-1 vote of the Zoning Committee. The Committee voted 5-1 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Removed optional provision (b), which is not needed because the driveways and garages shown on the site plan open onto alleys and not public or private streets.</li> <li>2. Removed optional provision (c), as it is not needed with this request. TOD allows 1.6 parking spaces per unit plus a 25% bonus for structured parking, which equals 2 spaces per unit. Garage parking has been determined to be structured parking, so the option is not needed.</li> <li>3. Installed eight-foot planting strip with trees and eight-foot sidewalk along Youngblood Street frontage and both sides of proposed public street.</li> </ol>

	<p>4. Added a note stating that windows will be provided on all levels of the end units visible from Youngblood Street and the proposed public street.</p> <p>5. Noted that garages will be 5 feet to-7 feet deep from the edge of the alley.</p> <p>6. Screened the ends of alleys from Youngblood Street with architectural and/or landscape screening.</p> <p>7. Provide typical building elevations for front, back and sides. <i>Staff has rescinded this comment as the petitioner has provided additional architectural standards and the project will undergo TOD review.</i></p> <p>8. Provided a note that states that the proposed six-foot high fence will be opaque and made of wood or vinyl material, or a composite. In addition, brick or stone columns will be inserted at approximately 60' on center along the fence line.</p> <p>9. Noted the common open areas on the site plan.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 13</p>
	<p><b>14. <u>Petition No. 2014-048</u></b> (Council District 1 - Kinsey) <b>by Marsh Euclid Apartments, LLC</b> 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).</p> <p>This petition is found to be consistent with the <i>South End 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 <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Addressed CDOT issue by reducing the curb extensions to five-feet allowing two 10-foot traffic lanes and 5-foot wide on-street parking on both sides of Lexington Avenue.</li> <li>2. Revised note 3.d. to say 68 linear feet.</li> </ol> <p>Staff recommends approval of this petition.</p> <p>Attachment 14</p>
<b>Protest Insufficient</b>	<p><b>15. <u>Petition No. 2014-050</u></b> (Council District 6 - Smith) <b>by Copper Builders, Inc. and Cambridge Properties, Inc.</b> 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).</p> <p>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 6-0 vote of the Zoning Committee. The Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Enhanced drawings of typical courtyard and typical drive to better reflect layout of screen wall with pedestrian gates. Deleted proposed screen walls with gated pedestrian street access that were previously shown on Carmel Road and Colony Road.</li> <li>2. Showed and labeled proposed tree save areas in Phase I and Phase II that meets the 15 percent requirement. Noted that identified tree save areas where tree canopy does not exist will be replanted at a rate of 36 trees per acre. Specified undisturbed and proposed tree save areas.</li> <li>3. Showed building and parking footprint for Phase 2 as a separate inset on Sheet RZ-2.</li> </ol>

	<ol style="list-style-type: none"> <li>4. Provided a typical front, side, and rear elevation for any façade that will be oriented toward a public or private street on Sheet RZ-4.</li> <li>5. Designed elevations for end units that front Colony Road with architectural details that create a sense of entry and develop a pedestrian scale orientation towards Colony Road.</li> <li>6. Amended Sheet RZ-1 to state that existing residential structure is to remain in Phase 1.</li> <li>7. Relabeled "screen wall" along Colony Road and Carmel Road as "proposed site retaining wall."</li> <li>8. Specified acreage of Tract A and Tract B in the development data.</li> <li>9. Amended development data to indicate that all units in Phase I and Phase 2 shall be provided a minimum 400 square feet of private open space.</li> <li>10. Clarified that each single family attached unit will have a two-car garage.</li> <li>11. Added a note that the internal private street shall not be required to connect to Carmel Road, per determination of the Subdivision Administrator.</li> <li>12. Added a note that the petitioners shall install a northbound left turn lane on Colony Road prior to the issuance of the first certificate of occupancy for any single family attached dwelling unit constructed on the site.</li> <li>13. Added a note that a door shall not be required on the side elevation of Units 3-6, 31-32, and 34.</li> <li>14. Noted that the finished grade of each single family attached unit located with frontage on Carmel Road shall be a minimum of three feet below the elevation of the sidewalk located on Carmel Road.</li> <li>15. Added a note that any railings required to be installed on top of retaining walls along the site's frontage on Colony Road and Carmel Road will be constructed of decorative metal.</li> <li>16. Provided a streetscape elevation of the proposed residential community along Colony Road.</li> <li>17. Provided a conceptual landscaping plan.</li> <li>18. Added a note that the shrubs to be located between the retaining walls and the sidewalks along the site's frontage on Colony Road and Carmel Road will be installed during the first available planting season.</li> <li>19. Noted that the on-site pond will be preserved.</li> <li>20. Showed location of solid waste and recycling facilities.</li> <li>21. Relocated proposed retaining wall at the intersection of Carmel and Colony Roads out of the 35' x 35' sight distance triangle.</li> </ol> <p>Staff recommends approval of this petition.</p> <p>Attachment 15</p>
	<p><b>16. <u>Petition No. 2014-052</u></b> (Council District 1 - Kinsey) <b>by Snider Fleet Solutions</b> 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).</p> <p>This petition is found to be consistent with the <i>Central 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.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 16</p>

# July 2014 Rezoning



# ZONING

## HEARINGS

<p><b>Defer to October</b></p> <p><b>Protest Sufficiency TBD</b></p>	<p><b>17. <u>Petition No. 2013-094</u></b> (Council District 4 - Phipps) <b>Halvorsen Development Corporation</b> for a change in zoning for approximately 33.60 acres located on the west side of Prosperity Church Road across from Ridge Road from R-3 (single family residential) and CC (commercial center) to CC (commercial center) and CC SPA (commercial center, site plan amendment), with five year vested rights.</p> <p>Note: The petitioner agrees to staff's recommendation for a deferral to October 20, 2014.</p> <p>Staff recommends a three-month deferral to October for a public hearing.</p> <p><a href="#">Attachment 17</a></p>
<p><b>Defer to September</b></p> <p><b>Protest Insufficient</b></p>	<p><b>18. <u>Petition No. 2014-003</u></b> (Council District 7 - Driggs) <b>by George M. Macon</b> 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).</p> <p>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 September 15, 2014 meeting.</p> <p><a href="#">Attachment 18</a></p>
<p><b>Withdraw</b></p>	<p><b>19. <u>Petition No. 2014-044</u></b> (Council District 6 - Smith) <b>by C. Grey Poole</b> for a change in zoning for approximately 1.31 acres located on the west side of Park Road between Woodlawn Road and Montford Drive from R-4 (single family residential) &amp; O-2 (office) to MUDD-O (mixed use development, optional).</p> <p>Note: The petitioner is requesting a withdrawal of this petition.</p> <p><a href="#">Attachment 19</a></p>
<p><b>Defer to September</b></p>	<p><b>20. <u>Petition No. 2014-049</u></b> (Council District 6 - Smith) <b>by SBBH, LLC</b> for a change in zoning for approximately 1.53 acres located on the south side of Morrison Boulevard between South Park Drive and Sharon Road from CC (commercial center) to MUDD-O (mixed use development, optional).</p> <p>Note: The petitioner has requested a deferral of this petition to September 15, 2014.</p> <p>Staff recommends approval of the petition upon resolution of outstanding issues.</p> <p><a href="#">Attachment 20</a></p>
	<p><b>21. <u>Petition No. 2014-054</u></b> (Council District 5 - Autry) <b>by QuikTrip</b> for a change in zoning for approximately 2.40 acres located on the northeast corner at the intersection of North Sharon Amity Road and Central Ave from B-1 (neighborhood business) &amp; B-1SCD (business shopping center) to B-1(CD) (neighborhood business, conditional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><a href="#">Attachment 21</a></p>



	<p><b>22. <a href="#">Petition No. 2014-056</a></b> (Council District 1 - Kinsey) <b>by Central Piedmont Community College</b> for a change in zoning for approximately 4.19 acres generally surrounded by East 4th Street, Charlottetowne Avenue, South Torrence Street, and 3rd-4th Connector Street from B-2 (general business) to MUDD-O (mixed use development, optional) with five-year vested rights.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><a href="#">Attachment 22</a></p>
	<p><b>23. <a href="#">Petition No. 2014-057</a></b> (Outside City Limits) <b>by Craig &amp; Amy Faile</b> for a change in zoning for approximately 0.229 acres located on the south side of York Road at the intersection of Langston Drive and York Road from R-3 LLWCA (single family residential, Lower Lake Wylie, critical area) to O-2 LLWCA (office, Lower Lake Wylie, critical area).</p> <p>Staff recommends approval of this petition.</p> <p><a href="#">Attachment 23</a></p>
	<p><b>24. <a href="#">Petition No. 2014-059</a></b> (Council District 6 - Smith) <b>by Crosland LLC &amp; Allen Tate</b> for a change in zoning for approximately 3.65 acres located on the west side of Sharon Road between Fairview Road and Hazelton Drive from R-17MF (multi-family residential) to MUDD-O (mixed use development, optional).</p> <p>Staff recommends approval upon resolution of outstanding issues.</p> <p><a href="#">Attachment 24</a></p>
	<p><b>25. <a href="#">Petition No. 2014-060</a></b> (Council District 1 - Kinsey) <b>by Day Hixson</b> for a change in zoning for approximately 0.46 acres located on the east side of North McDowell Street between East 35th Street and East 36th Street from R-5 (single family residential) to UR-1(CD) (urban residential, conditional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><a href="#">Attachment 25</a></p>
	<p><b>26. <a href="#">Petition No. 2014-061</a></b> (Council District 4 - Phipps) <b>by Roman Catholic Diocese of Charlotte</b> for a change in zoning for approximately 10.0 acres located on the south side of Suther Road between Old Concord Road and Sandburg Avenue from INST(CD) (institutional, conditional) to INST(CD) SPA (institutional, conditional, site plan amendment).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><a href="#">Attachment 26</a></p>
<b>Protest Sufficiency TBD</b>	<p><b>27. <a href="#">Petition No. 2014-063</a></b> (Council District 1 - Kinsey) <b>by Pulte Home Corporation</b> for a change in zoning for approximately 2.68 acres located on the south side of Atherton Street between Euclid Avenue and Marshall Place from R-5 (single family residential) and B-2 (general business) to UR-2(CD) (urban residential, conditional).</p> <p>Staff does not support this petition in its current form.</p> <p><a href="#">Attachment 27</a></p>

	<p><b>28. <u>Petition No. 2014-065</u></b> (Council District 4 - Phipps) <b>by Nasir Ahmad</b> for a change in zoning for approximately 2.91 acres located on the east side of Interstate 85 along John Adams Road near the intersection of Galloway Road and John Adams Road from RE-3 (research) to RE-3 SPA (research, site plan amendment).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><a href="#">Attachment 28</a></p>
	<p><b>29. <u>Petition No. 2014-066</u></b> (Council District 1 - Kinsey) <b>by Levine Properties, Inc.</b> for a change in zoning for approximately 0.094 acres of existing right-of-way for St. Julien Street located between Commonwealth Avenue and Independence Boulevard from R-5 (single family residential) to B-1(PED) (neighborhood business, pedestrian overlay).</p> <p>Staff recommends approval of this petition.</p> <p><a href="#">Attachment 29</a></p>
	<p><b>30. <u>Petition No. 2014-067</u></b> (Council District 1 - Kinsey) <b>by Aldersgate United Methodist Retirement Community, Inc.</b> for a change in zoning for approximately 91.31 acres located on the south side of Shamrock Drive across from Glenville Avenue and the east side of Eastway Drive across from Dunlavin Way from R-17MF (multi-family residential) and INST(CD) (institutional, conditional) to INST(CD) (institutional, conditional) and INST(CD) SPA (institutional, conditional, site plan amendment).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><a href="#">Attachment 30</a></p>
	<p><b>31. <u>Petition No. 2014-069</u></b> (Outside City Limits) <b>by Novant Health</b> for a change in zoning for approximately 81.75 acres located on the northeast quadrant at the intersection of Albemarle Road and I-485 from INST(CD) (institutional, conditional) and B-1(CD) (neighborhood business, conditional) to O-2(CD) (office, conditional) and B-1(CD) SPA (neighborhood business, conditional, site plan amendment).</p> <p>Staff does not recommend approval of this petition in its current form.</p> <p><a href="#">Attachment 31</a></p>
	<p><b>32. <u>Petition No. 2014-070</u></b> (Council District 3 - Mayfield) <b>by Charlotte-Mecklenburg Planning Department</b> for a change in zoning for approximately 0.63 acres located on the east side of South Church Street between West Summit Avenue and West Bland Street from I-2 (general industrial) to TOD-M (transit oriented development-mixed).</p> <p>Staff recommends approval of this petition.</p> <p><a href="#">Attachment 32</a></p>
<b>Withdraw</b>	<p><b>33. <u>Petition No. 2012-090</u> by Charlotte-Mecklenburg Planning Department</b> for a Text Amendment to the City of Charlotte Zoning Ordinance to 1) allow the Board of Adjustment to have jurisdiction to hear and decide variances from specific standards of the MUDD (mixed use development), UMUD (uptown mixed use), PED (pedestrian overlay) and TS (transit supportive overlay) zoning districts; 2) 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 regarding the TOD (transit oriented development) or PED (pedestrian overlay) development and urban design standards; and 3) allow the Board of Adjustment to have the authority to consider variances related to the number and size of permissible signs in a conditional district.</p> <p>Staff is requesting a withdrawal of this petition. The Zoning Ordinance update will address these issues.</p> <p><a href="#">Attachment 33</a></p>