

<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, September 15, 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, September 20, 2014

1. Agenda Review – Tammie Keplinger

DEFERRAL / WITHDRAWAL REQUESTS

Item #	Petition #	Petitioner/Description	Update
2	2014-019	Charlotte-Mecklenburg Planning Department	Defer to December (Decision)
3	2014-021	Charlotte-Mecklenburg Planning Department	Defer to November (Decision)
21	2014-049	SBBH, LLC South side of Morrison Boulevard between South Park Drive and Sharon Road	Defer to November (Sufficient Protest) (Hearing)
35	2014-001SUB	Text Amendment	Defer to October (Hearing)

MISCELLANEOUS REQUESTS AND INFORMATION

Item #	Petition #	Petitioner/Description	Update
11	2014-063	Pulte Home Corporation South side of Atherton Street between Euclid Avenue and Marshall Place	Protest Sufficient (Decision)
14	2014-067	Aldersgate United Methodist Retirement Community, Inc. South side of Shamrock Drive across from Glenville Avenue and the east side of Eastway Drive across from Dunlavin Way	Council will have to vote whether or not to send back to Zoning Committee due to the change referenced on page 10.
18	2014-003	George Macon Southeast corner at the intersection of Ardrey Kell Road and Marvin Road	Protest Insufficient (Hearing)
19	2014-031	Wilkison Partners, LLC Southeast corner at the intersection of Youngblood Road and Shelburne Farms Drive	Protest Sufficient (Hearing)
20	2014-043	Mark Patterson West side of Prosperity Church Road between Prosperity Point Lane and Pinewood Lane	Protest TBD (Hearing)
31	2014-084	7 th Street Progression Partners, LLC North side of East 7th Street between Clement Avenue and Pecan Avenue	Protest TBD (Hearing)
32	2014-085	New Carolina Income Northeast corner at the intersection of East Tremont Avenue and Euclid Avenue	Protest TBD (Hearing)

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

HISTORIC LANDMARKS

RESOLUTIONS

	<p>1. A Resolution of the City Council of the City of Charlotte calling for a Public Hearing to be held by the City Council on the Question of adopting and ordinance for the Historic Landmark known as the "James A. Blakeney House" to de-designate 7.829 acres of land in tax parcel 22922212, and de-designate 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>
--	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

ZONING DECISIONS

Deferral (to December)	<p>2. <u>Petition No. 2014-019</u> (Outside City Limits) by Charlotte-Mecklenburg Planning Department for a change in zoning for 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>Staff is requesting this petition be deferred to December 15, 2014.</p> <p>Attachment 2</p>
Deferral (to November)	<p>3. <u>Petition No. 2014-021</u> 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.</p> <p>The Zoning Committee voted 5-0 to defer this petition to their October 29, 2014 meeting.</p> <p>Attachment 3</p>
	<p>4. <u>Petition No. 2014-027</u> (Council District 3 - Mayfield) by Charlotte-Mecklenburg Planning Department for a change in zoning for 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 use).</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. The Zoning Committee voted 7-0 to recommend APPROVAL of this petition at their March 26, 2014 meeting.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 4</p>

	<p>5. <u>Petition No. 2014-054</u> (Council District 5 - Autry) by QuikTrip 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 district) and B-1SCD (business shopping center) to B-1(CD) (neighborhood business district, conditional).</p> <p>This petition is found to be consistent with the <i>Eastland 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 Zoning Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. A note has been added that a building for any uses other than a convenience store with accessory pumps will be placed along the minimum 20-foot setback along Central Avenue and that parking or circulation will not be allowed between the building and the street. 2. A note has been added that only one principal building will be allowed on site. 3. A note has been added that accessory service windows will not be allowed on the site. 4. A note has been added that the petitioner will install the community entrance sign. 5. A note has been added that large expanses of wall exceeding 20-feet in length will be avoided through the introduction of articulated facades, using various materials such as brick and other masonry products, stone, glass windows, water table, and/or soldier course. 6. A detail of the proposed retaining wall has been provided. 7. Note 8A has been removed from the site plan. 8. A note has been added that pole signs will not be allowed on the site and that monument signs will be limited to 14 feet in height. 9. The driveway along Sharon Amity Road has been removed and placed along the internal drive. <p>Staff recommends approval of this petition as amended.</p> <p>Attachment 5</p>
	<p>6. <u>Petition No. 2014-056</u> (Council District 1 - Kinsey) by Central Piedmont Community College 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>A portion of this petition is found to be consistent with the <i>Elizabeth Area Plan</i> and to be reasonable and in the public interest while the remainder of the site is found to be inconsistent with the <i>Midtown Morehead Cherry Area Plan</i> but to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee. The Zoning Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Added a note stating "the ground floor of any parking decks along public streets will be wrapped in active uses oriented to the street, provided, however, nothing herein shall prohibit Petitioner from providing ground floor parking "behind" said active uses within parking deck." 2. Addressed Transportation comment by adding a note stating "If required by CDOT during the permitting process, the petitioner will conduct a traffic impact study to determine traffic impacts and associated mitigations, if any, caused by the development of the site before the first building permit is issued for any parcel covered under the current rezoning petition." <p>Staff recommends approval of this petition as amended.</p> <p>Attachment 6</p>

	<p>7. <u>Petition No. 2014-057</u> (Outside City Limits) by Craig and Amy Faile 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>This petition is found to be consistent with the <i>Steele Creek 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 APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 7</p>
	<p>8. <u>Petition No. 2014-059</u> (Council District 6 - Smith) by Crosland LLC and Allen Tate 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>This petition is found to be inconsistent with the <i>SouthPark Area Plan</i> but to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee. The Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Staff has rescinded the request to reduce the maximum height from 70 feet to 55 feet for the portions of the building adjacent to single family, based on the future benefit the internal street provides to the community. 2. Staff has rescinded the request to amend the development data to reflect a reduced height. 3. Staff has rescinded the request to revise the architectural perspectives to reflect the reduced height. 4. Provided a street connection along the petitioner's site running parallel to the northernmost property line. 5. Amended note 4. (d) to specify that the CATS waiting pad will be provided according to standard detail 60.01B. 6. Revised optional provision 2. (c) to clearly explain what is requested by listing the items to be accommodated between the building and public and private streets to include: short term parking, drop off areas, valet parking, service areas for uses such as mail delivery, loading and delivery. 7. Amended optional provision 2. (d) to clearly explain what is meant by "innovative street design" to accommodate a private street connection, provided the design standards are acceptable to CDOT. 8. Amended optional provision 2. (e) to specify that one ground-mounted sign with a maximum sign face area of 30 square feet and a maximum height of seven feet to be allowed near the intersection of Sharon Road and the proposed private street. 9. Amended note 2. (e) by replacing the words "access driveway" with the words "private street." 10. Provided minimum five-foot wide sidewalks and planting strips of varying widths as agreed upon with CDOT and Planning staff as opposed to eight-foot planting strips and six-foot sidewalks along both sides of the street extension. 11. Staff has rescinded the request for a 14-foot setback along the internal street because the street proposed is private. 12. Provided Type II modified driveways where drives intersect with the proposed internal street. 13. Provided a note 4. (d) stating that in the event CDOT is able to provide a vehicular access point connection the site to the adjacent parcel to the north, the petitioner shall allow such a connection to be made to provide public access through the site. The note further commits to allowing the City of Charlotte to install sidewalk improvements in order to link the site's internal sidewalks to sidewalks on adjoining

	<p>property.</p> <ol style="list-style-type: none"> 14. Specified on the conceptual site plan that an eight-foot planting strip and six-foot sidewalk will be provided along Sharon Road from the proposed street to the northern property line. 15. Removed note 4. (c) and provided a note, 4. (b), that allows public access to the private street. 16. Amended note 6. (a) by listing adding additional notes to specify how headlights will be screened from view of the single family homes. 17. Provided a landscape plan the shows the locations of trees and shrubs located in the ten-foot wide buffer described in note 6. (b) and (c). 18. Replaced the words "Technical Data Sheet" with "Conceptual Site Plan" in note 8. 19. Provided a description of the open space to be provided. 20. Removed note 11. (d) as it is repeated. <p>Staff recommends approval of this petition as amended.</p> <p>Attachment 8</p>
	<p>9. <u>Petition No.2014-060</u> (Council District 1 - Kinsey) by Day Hixson 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>This petition is found to be consistent with the <i>Blue Line Extension 36th Street 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 5-0 vote of the Zoning Committee. The Zoning Committee voted 5-0 to recommend APPROVAL of this petition with the following modification:</p> <ol style="list-style-type: none"> 1. A scale (1inch = 50 feet) has been added to the site plan. <p>Staff recommends approval of this petition as amended.</p> <p>Attachment 9</p>
	<p>10. <u>Petition No. 2014-061</u> (Council District 4 - Phipps) by Roman Catholic Diocese of Charlotte 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>This petition is found to be consistent with <i>the 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 5-0 vote of the Zoning Committee. The Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The first sentence under General Provisions Note 1 has been removed. 2. The existing height limits from the previously approved plan have been placed on the site plan. 3. The maximum height of any new building has been limited to two stories. 4. The total number of seats has been limited to 1,116 seats. 5. "Approximate" has been removed from building square footages table. 6. The administrative approval letter has been removed from the site plan. 7. A note has been added referencing the approved variance including the file number and year approved. <p>Staff recommends approval of this petition as amended.</p> <p>Attachment 10</p>

<p>Protest Petition Sufficient</p>	<p>11. <u>Petition No. 2014-063</u> (Council District 1 - Kinsey) by Pulte Home Corporation 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>This petition is found to be inconsistent with the <i>Dilworth Land Use and Streetscape Plan</i> and the <i>New Bern Transit Station Area Plan</i> and to not be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee. The Zoning Committee voted 5-0 to recommend DENIAL of this petition. The following modifications have been made to address the outstanding issues:</p> <ol style="list-style-type: none"> 1. The petitioner has removed the language under Development Data with respect to Proposed Zoning that states "Parcel 12107605 will remain R-5 (single family residential) zoning" as the petitioner has stated the intent is to rezone entire property to UR-2(CD) (urban residential, conditional)., and to be consistent with the application. This parcel is designated as possible Tree Save Area on the site plan. 2. The petitioner has added notes under Streetscape and Landscaping, committing to installation of planting strips and sidewalks along Euclid Avenue, Atherton Street, and Marshall Place (including required minimum widths of six-foot for sidewalks and eight-foot for planting strips). 3. The petitioner has specified in the development notes under Streetscape and Landscaping the intent to allow certain sections of the proposed sidewalk along Marshall Place to meander and to be located behind the back of proposed curb in order to preserve existing trees. 4. Petitioner has provided information under Development Data that notes the proposed units will have garages. The petitioner has added a note stating that each residential unit will be provided with a minimum of 400 square feet of private open space. The subplot must be sufficient to accommodate the dwelling unit and 400 square feet of private open space. Further, the petitioner has added a note reserving the right to install ornamental fencing on the site for decoration and to aid in delineating the areas devoted to private open space. Any such fencing will not exceed 4 feet in height and will not be opaque. 5. Staff has rescinded this request to realign units 10-16 to parallel Marshall Place to create a strong street edge. 6. A note has been added under Streetscape and Landscaping stating the private alleys that terminate perpendicular to Marshall Place will be screened with a combination of masonry walls and landscaping. 7. Petitioner has amended site plan to depict all units facing streets (i.e. Euclid Avenue, Marshall Place, and Atherton Street). 8. The elevations provided by the petitioner illustrate that the garage doors have been moved to the rear. 9. The elevations provided windows in place of previous garage doors. 10. Staff has rescinded this request to provide entrance doorways with porches or stoops on end elevations that front onto Euclid Avenue and Marshall Place. Petitioner has added a note under Architectural Standards that states small horizontally aligned windows on all elevations will not be allowed. 11. Petitioner has modified site plan (including typical private open space detail) to better distinguish between patios, porches, and balconies. 12. Petitioner has added a note that states the buildings will contain a minimum of 70% masonry (brick or stone) on all building faces. 13. The petitioner has added notes committing to building materials (to include brick, stone and/or other masonry products and hardy plank or other similar durable siding materials); and no expanses of blank wall exceeding 20 feet in length for end units will be permitted. In addition, a note has been added to state that the units will be offset by two feet to provide articulation along the front of the buildings, and that buildings will be aligned to face the adjacent roadway. 14. A note has been added under Lighting stating that freestanding lighting fixtures will be installed throughout the Site, fully capped and shielded with illumination downwardly directed. Mounting height for light fixtures will not exceed 12 feet.
---------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

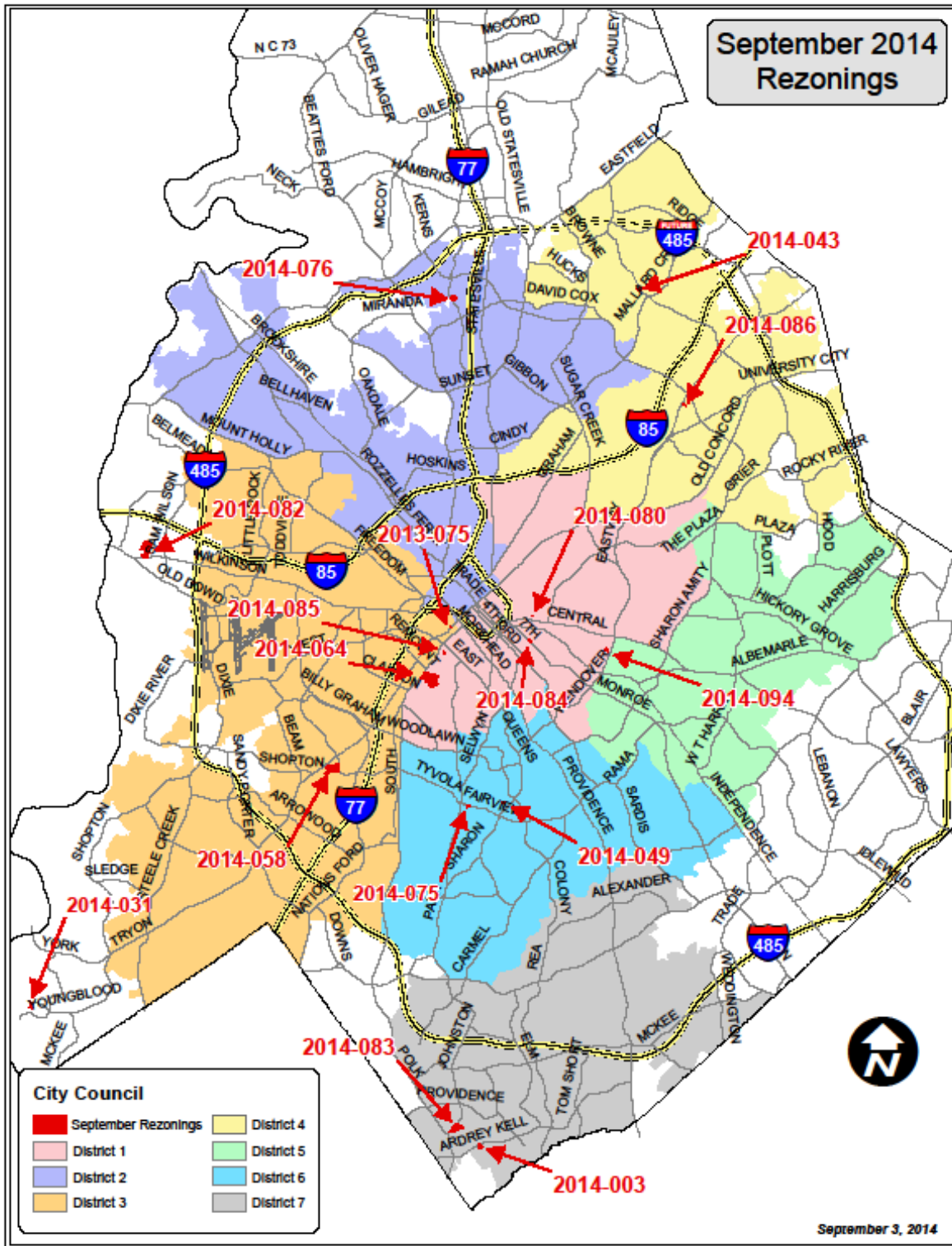
	<p>15. Possible tree save areas are now labeled on the site plan.</p> <p>16. Addressed all CDOT and Engineering and Property Management comments.</p> <ol style="list-style-type: none"> City of Charlotte Land Development Standards allows a minimum 16-foot wide alley for double loaded, two-way operation. The petitioner has provided cross-sections for Marshall Place and Euclid Avenue on Sheet RZ-3. The petitioner has added a note on the site plan that states the petitioner is encouraged to provide on-street parking along the entire length of Euclid Avenue, provided it does not conflict with the private open space requirements for individual residential units. The extent of the on-street parking will be determined by the City staff through the site planning process. Further, the petitioner has provided language that states the petitioner will support the installation of on-street parking along Marshall Place, Atherton Street, and Euclid Avenue. With respect to Engineering and Property Management, the petitioner has identified possible tree save areas, including existing trees to remain. Adherence to the Tree Ordinance is a minimum requirement. <p>17. Locations of solid waste and recycling facilities are shown on the site plan.</p> <p>18. The petitioner has revised the driveway on Unit 32 so that it is consistent with the City of Charlotte Land Development Standards requiring a minimum of five feet but no greater than seven feet, or a minimum of 20 feet. The petitioner has also added a note to the site plan that states intent to comply with these regulations.</p> <p>The following items were added/modified after the public hearing:</p> <ol style="list-style-type: none"> The petitioner has increased the number of units from 37 units to 39 units. The petitioner has submitted revised elevations that include a rendering that was provided with the original submittal. The petitioner has added the centerline of Marshall Place and a measurement of 26.5 feet of right-of-way measured from the existing centerline to the new right-of-way line. The petitioner has amended the site plan to reflect the correct zoning district of the abutting parcel to the south. <p>Staff recommends denial of this petition.</p> <p>Attachment 11</p>
	<p>12. Petition No. 2014-065 (Council District 4 - Phipps) by Nasir Ahmad 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>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 5-0 vote of the Zoning Committee. The Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> The proposed use has been modified to an Eating, Drinking and Entertainment Establishment, Type 2. A note has been added that vinyl siding will be prohibited as an exterior building material. A note has been added that expanses of blank wall will not exceed 20 continuous feet in length. Building elevations have been labeled to correspond with the proposed building. Note number "5" has been removed from the site data table. The possible dumpster location has been shown and labeled on the site plan. A note has been added in the development table that the existing cell tower will remain. Staff has rescinded the request for the petitioner to show and label the required yard as undisturbed area. The required eight-foot planting strip and six-foot sidewalk has

	<p>been shown and labeled to the property line.</p> <p>9. The proposed street cross section has been removed from the site plan.</p> <p>Staff recommends approval of this petition as amended.</p> <p>Attachment 12</p>
	<p>13. <u>Petition No. 2014-066</u> (Council District 1 - Kinsey) by Levine Properties, Inc. 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>This petition is found to be consistent with the <i>Plaza Central Pedscape 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 APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 13</p>
<p>Council will have to vote whether or not to send back to the Zoning Committee.</p>	<p>14. <u>Petition No. 2014-067</u> (Council District 1 – Kinsey) by Aldersgate United Methodist Retirement Community, Inc. 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>Note: The City Council must determine by a $\frac{3}{4}$ vote if the following changes to the site plan after the Zoning Committee vote are substantial and if the petition should be referred back to the Zoning Committee for review. The two changes are:</p> <ul style="list-style-type: none"> • Deletion of a note on the technical plan denoting 16-foot setbacks from the back-of-curb for the proposed independent living <u>initial</u> phase; and • Deletion of a note on the technical plan denoting 16-foot setbacks from the back-of-curb for the proposed independent living <u>future</u> phase. <p>A portion of this petition is found to be consistent with the <i>Eastland Area Plan</i> while the remainder is inconsistent with the <i>Eastland Area Plan</i> but is found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing as amended by a 5-0 vote of the Zoning Committee. The Zoning Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Amended Development Data Table to only include information on proposed uses. 2. Amended development legend to reflect proposed 125 independent units and 153 dependent units, for a total of 800 existing and proposed units. Deleted reference to amenity services, which are allowed as accessory uses to the principal uses on the site. 3. Deleted Note 1H under Development Area A, which reflected information on existing development. 4. Staff rescinded the request to specify the alternate buffer request. 5. Amended Note 1J under Development Area A to reflect proposed maximum height of dependent and independent units as 72 feet and up to six stories. 6. Amended Note 7b to remove reference to Area B, which proposes no changes to existing entitlements. 7. Addressed Park and Recreation comment by providing a greenway easement within the 100-foot SWIM buffer to Park and Recreation. 8. Deleted the six-foot pedestrian access walk from Shamrock Drive to the existing access walks. The request for the six-foot pedestrian access walk was rescinded by staff due to topographical issues.

	<p>9. Labeled existing buffers.</p> <p>Staff recommends approval of this petition as amended.</p> <p>Attachment 14</p>
	<p>15. <u>Petition No. 2014-069</u> (Outside City Limits) by Novant Health 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>This petition is found to be consistent with the <i>Albemarle Road/I-485 Interchange Study</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing as amended by a 5-0 vote of the Zoning Committee. The Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Removed the "Other TBD" under c. Graphics and Alterations. 2. Added a note entitled Alternative Phasing as follows: "Changes to the above referenced phasing can be approved through the administrative amendment process upon the determination and mutual agreement of Petitioner, CDOT, Planning Director, and as applicable, NCDOT, provided, however, the proposed alternate phasing provides comparable transportation improvements to the phasing identified in this petition." 3. Added a note requiring, at a minimum, 10,000 square feet of gross floor area of general or medical office uses to be developed within the area zoned B-1(CD) (neighborhood business, conditional). No more than two buildings containing only retail, restaurant or personal service uses may be constructed within the area zoned B-1(CD) (neighborhood business, conditional), prior to the construction of 10,000 square feet of gross floor area of general or medical office uses within the area zoned B-1(CD) (neighborhood business, conditional). 4. Addressed Transportation comments by adding notes under the headings of Transportation Improvements and Access and Right-of-way Dedication as follows: <ol style="list-style-type: none"> a. (Proposed Improvements) <u>At the intersection of Albemarle Road and the I-485 outer ramps</u>: Extend the westbound right-turn lane on Albemarle Road back to the right-in right-out driveway; b. (Proposed Improvements) <u>Along the Sites frontage on Albemarle Road</u> i) construct a right-in right-out driveway; and ii) construct a westbound right turn lane on Albemarle Road at the right-in right-out driveway with 50 feet of storage and an approximate taper. c. (Standards, Phasing and Other Provisions) <u>Right-in Right-out Driveway</u>: The right in right-out driveway to Albemarle Road will be closed and removed once Public Street #1 is extended to the east and connected to a north/south road that provides the site with full movement access to Albemarle Road. d. (Standards, Phasing and Other Provisions) <u>Contribution to Roadway Improvements</u>: The following provisions shall apply in addition to other commitments of Petitioner and provisions of this Section 3: <ol style="list-style-type: none"> i) In order to facilitate the construction of the extension of Public Street #1 to the east as a connection (the "Connector Road") to a north/south road that will provide full movement access to Albemarle Road (the approximate location of the Connector Road portion being shown on Sheet RZ-3.1), the Petitioner shall contribute to the design and construction costs of such Connector Road in an amount of up to the lesser of (A) one-third (1/3) of such design/construction costs evidenced by written bids for such work, or (B) \$360,000 (the "Contribution Amount"). ii) The contribution amount will be paid to the City of Charlotte to be held and then used solely for either (A) the construction of the connector road, or (B) if acceptable to CDOT and NCDOT the installation of certain roadway and/or

	<p>traffic signal improvements to the intersection of Public Street #1 and Albemarle Road (the "Intersection Improvements"), provided however, such intersection improvements must be of the nature that improve the access conditions at such intersection in a manner reasonably acceptable to petitioner and CDOT.</p> <p>iii) In the event of scenario (A) of subsection c.ii immediately above, the contribution amount will be delivered to the City within 30 days of written notice from the city that (X) subdivision plans have been approved to allow the construction of the connector road and (Y) other parties, whether public sector or private parties, have committed to provide the balance of the funding of the design/construction costs needed above the contribution amount. In the event of scenario (B) of subsection c.ii. immediately above, the contribution amount will be delivered to the City within 30 days of written notice from the City that the City and NCDOT have decided to use the contribution amount to fund the intersection improvements (as reasonably approved by petitioner as set forth above) and written evidence that the costs of such intersection improvements can be covered by the contribution amount or in concert with other approved funding for such intersection improvements.</p> <p>iv) If (A) the City's written notice under subscription c.iii. above is not provided to petitioner within seven years of the date of approval of this rezoning petition, or (B) construction earnest of the connected road or the intersection improvements, as the case may be, is not commenced within eight years of the date of such approval, the City will return the contribution amount to the petitioner and petitioner shall have no further obligations to provide for such funding.</p> <p>e. (Standards, Phasing and Other Provisions) <u>Alternative Phasing</u>: Changes to the above referenced phasing can be approved through the administrative amendment process upon the determination and mutual agreement of petitioner, CDOT, Planning Director, and as applicable, NCDOT, provided, however, the proposed alternate phasing provides comparable transportation improvements to the phasing identified in this petition.</p> <p>f. <u>Access and Right-of-Way Dedication</u></p> <p>i) Access to the site will be from Albemarle Road via a new public street and a right-in right-out driveway in the manner generally depicted on the rezoning plan.</p> <p>ii) The right-in right-out driveway to Albemarle Road will be closed and removed once Public Street #1 is extended to the east and connected to a north/south road that provides the site with full movement access to Albemarle Road.</p> <p>5. Addressed CATS comments by adding a note "the petitioner will provide CATS a public access easement to allow CATS transit service to enter the site and utilize the site's private streets to turn around. The location and terms of the easement to be determined during the subdivision review process."</p> <p>6. Staff rescinded the request to define "personal services."</p> <p>Staff recommends approval of this petition as amended.</p> <p>Attachment 15</p>
	<p>16. <u>Petition No. 2014-070</u> (Council District 3 - Mayfield) by Charlotte-Mecklenburg Planning Department 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</p>

	<p>Street from I-2 (general industrial) to TOD-M (transit oriented development – mixed-use).</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 vote of the Zoning Committee. The Committee voted 5-0 to recommend APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 16</p>
--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



ZONING HEARINGS

	<p>17. <u>Petition No. 2013-075</u> (Council District 3 – Mayfield) by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 0.214 acres located on the west side of South Tryon Street between West Catherine Street and West Bland Street from I-2 (general industrial) to TOD-M (transit oriented development – mixed-use).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 17</p>
Protest Petition (Insufficient)	<p>18. <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) and MX-2 (mixed use) to O-1(CD) (office, conditional).</p> <p>Staff recommends approval of the petition upon resolution of outstanding issues</p> <p>Attachment 18</p>
Protest Petition (Sufficient)	<p>19. <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>Staff recommends approval of the petition upon resolution of outstanding issues.</p> <p>Attachment 19</p>
Protest Petition TBD	<p>20. <u>Petition No. 2014-043</u> (Council District 4- Phipps) by Mark Patterson for a change in zoning for approximately 2.71 acres located on the west side of Prosperity Church Road between Prosperity Point Lane and Pinewood Lane from R-3 to INST(CD) (institutional, conditional).</p> <p>Staff recommends approval of the petition upon resolution of outstanding issues.</p> <p>Attachment 20</p>
Deferral (to November) Protest Petition Sufficient	<p>21. <u>Petition No. 2014-049</u> (Council District 6 - Smith) by SBBH, LLC 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>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 21</p>
	<p>22. <u>Petition No. 2014-058</u> (Council District 3 - Mayfield) by Switzenbaum & Associates for a change in zoning for approximately 30.9 acres located on the west side of W. Tyvola Road south of S. Tryon Street from BP(CD) (business park, conditional) to R-12MF(CD) (multi-family residential, conditional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 22</p>

	<p>23. Petition No. 2014-064 (Council District 1 - Kinsey) by Marsh Properties, LLC for a change in zoning for approximately 59.4 acres generally located on the east side of South Boulevard on both sides of Poindexter Drive and Elmhurst Road from B-1 (neighborhood business), B-2 (general business), O-2 (office district), R-17MF (multi-family residential) and R-8 (single family residential) to MUDD-O (mixed use development, optional) and UR-2(CD) (urban residential, conditional).</p> <p>Staff does not support this petition in its current form.</p> <p>Attachment 23</p>
	<p>24. Petition No. 2014-072 by Tony A. Feismster for a Text Amendment to the City of Charlotte Zoning Ordinance to allow cultural facilities as a use allowed by right in I-1 (light industrial) and I-2 (general industrial) districts and in the U-I (urban industrial) district.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 24</p>
	<p>25. Petition No. 2014-073 by Brazwells Premium Pub for a Text Amendment to the City of Charlotte Zoning Ordinance to allow outdoor dining in a variety of zoning districts as an accessory use when associated with an eating, drinking and entertainment establishment, with prescribed conditions.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 25</p>
	<p>26. Petition No. 2014-075 (Council District 6 - Smith) by Crossroads Realty Group, LLC for a change in zoning for approximately 2.6 acres located on the southwest corner of Fairview Road and Closeburn Road between Park Road and Park South Drive from R-3 (single family residential) to UR-2(CD) (urban residential, conditional).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 26</p>
	<p>27. Petition No. 2014-076 (Council District 2 - Austin) by Northlake Health Investors, LLC for a change in zoning for approximately 6.94 acres located on the east side of Reames Road between Bayview Parkway and Finn Hall Avenue from R-3 (single family residential) to INST(CD) (institutional, conditional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 27</p>
	<p>28. Petition No. 2014-080 (Council District 1 - Kinsey) by Campus Works/Mallie Colavita for a change in zoning for approximately 0.497 acres located on the east side of Hawthorne Lane at the intersection of Hawthorne Lane and Seaboard Coast Line Railroad from I-2 (general industrial) to B-2(PED) (general business, pedestrian overlay).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 28</p>
	<p>29. Petition No. 2014-082 (Outside City Limits) by Brookwood Capital Partners for a change in zoning for approximately 46.34 acres located on the north side of Wilkinson Boulevard near the intersection of Old Dowd Road and Wilkinson Boulevard from R-3(LWPA) (single family residential, Lake Wylie protected area), I-1(LWPA) (light industrial, Lake Wylie protected area) and I-2(LWPA) (general industrial, Lake Wylie protected area) to I-2(CD)(LWPA) (general industrial, conditional, Lake Wylie protected</p>

	<p>area).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 29</p>
	<p>30. <u>Petition No. 2014-083</u> (Council District 7 - Driggs) by Childress Klein Properties for a change in zoning for approximately 18.8 acres located on the southwest corner at the intersection of Johnston Road and Marvin Road from UR-2(CD) (urban residential, conditional) to UR-2(CD) SPA (urban residential, conditional, site plan amendment).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 30</p>
Protest Petition TBD	<p>31. <u>Petition No. 2014-084</u> (Council District 1 - Kinsey) by 7TH Street Progression Partners, LLC for a change in zoning for approximately 1.5 acres located on the north side of East 7th Street between Clement Avenue and Pecan Avenue from B-1 (neighborhood business) to MUDD-O (mixed use development, optional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 31</p>
Protest Petition TBD	<p>32. <u>Petition No. 2014-085</u> (Council District 1 - Kinsey) by New Carolina Income Properties, LLC for a change in zoning for approximately 0.75 acres located on the northeast corner at the intersection of East Tremont Avenue and Euclid Avenue from UR-2(CD) (urban residential, conditional) to TOD-RO (transit oriented development - residential, optional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 32</p>
	<p>33. <u>Petition No. 2014-086</u> (Council District 4 - Phipps) by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 1.83 acres located on the east side of North Tryon Street between McCullough Drive and Ken Hoffman Drive from INST (institutional) and I-2(CD) (general industrial, conditional) to TOD-M (transit oriented development - mixed-use).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 33</p>
	<p>34. <u>Petition No. 2014-094</u> (Council District 3 - Mayfield) by Eastway II Holdings LLC for a change in zoning for approximately 3.05 acres located on the west side of Eastway Drive at the intersection of Eastway Drive and Biscayne Drive from B-1SCD (shopping center) and B-D(CD) (distributive business) to B-D(CD) (distributive business, conditional) and B-D(CD) SPA (distributive business, conditional, site plan amendment).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 34</p>
Deferral (to October)	<p>35. <u>Petition No. 2014-001 SUB</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Subdivision Ordinance to: 1) modify the definition of planned development; 2) clarify existing regulations and update references, tables and formatting; 3) relocate regulations; 4) correct the dimension of the right-of-way requirements for local residential wide streets; 5) remove the requirement for delivery of final plats to the Planning Department and remove references to the county and board of commissioners; 6) clarify the street spacing requirements; 7) clarify the</p>

	<p>standards for required streets when lots or buildings sites are part of a multi-family development; 8) update the notice and hearing requirements for variances and appeals; the standards for making decisions; and 9) update the appeal regulations.</p> <p>Staff is requesting a one-month deferral of this petition</p> <p>Attachment 35</p>
	<p>36. Petition No. 2014-087 by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to update the regulations for the Board of Adjustment to clarify and modernize the language in accordance with new state legislation.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 36</p>
	<p>37. Petition No. 2014-088 by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to clarify and revise the setback measurement requirements for single family and multi-family zoning districts. Setbacks will be measured from the “right-of-way” instead of the back of curb.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 37</p>