

Mayor Daniel Clodfelter Mayor Pro-Tem Michael D. Barnes

<i>Al Austin</i>	<i>John Autry</i>
<i>Ed Driggs</i>	<i>Claire Fallon</i>
<i>David Howard</i>	<i>Patsy Kinsey</i>
<i>Vi Alexander Lyles</i>	<i>LaWana Mayfield</i>
<i>Greg Phipps</i>	<i>Kenny Smith</i>

CITY COUNCIL ZONING AGENDA
Tuesday, January 20, 2015

- 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
Tuesday, January 20, 2015**

1. Agenda Review – Tammie Keplinger

DEFERRAL / WITHDRAWAL REQUESTS

Item #	Petition #	Petitioner/Description	Update
1	2009-075	Dona Patterson – east side of West Sugar Creek Road close it N. Tryon Street	Withdrawal
2	2014-021	Charlotte-Mecklenburg Planning Department for a Text Amendment related to mobile farmer's markets	Decision – Defer to April
3	2014-031	Wilkison Partners, LLC - southeast corner at the intersection of Youngblood Road and Shelburne Farms Drive	Decision – Defer to March Protest Sufficient
4	2014-042	Moss Road Development Partners, LLC – southwest corner of South Tryon Street and Moss Road	Decision – Defer to February
6	2014-068	City of Charlotte – Statesville Avenue, Dalton Avenue, North Graham Street and Armour Drive	Decision – Defer to April
7	2014-071	Charlotte-Mecklenburg Planning Department for a Text Amendment related to animal care and fostering	Decision – Defer Indefinitely
23	2014-115	Satwinder Singh – Parker Drive between Remount Road and Berryhill Road	Hearing – Defer to February (Community meeting report not submitted)
27	2015-007	Village at Robinson Farm, LLC – Southwest corner of Rea Road and Williams Pond Lane	Hearing – Defer to February (Community meeting report not submitted)
28	2015-010	Mintworth DEI, LLC – Southwest corner of Idlewild Road and Wyalong Drive	Hearing – Defer to February

MISCELLANIOUS REQUESTS AND INFORMATION

Item #	Petition #	Petitioner/Description	Update
5	2014-043	Mark Patterson – west side of Prosperity Church Road between Prosperity Point Lane and Pinewood Lane	Decision - Protest Petition - Sufficient
8	2014-074	Terwilger Pappas Multifamily Partners, LLC – northeast corner of the intersection of North Community House Road and Bryant Farms Road	Decision - Protest Petition – Sufficient
9	2014-092	Pavilion Development Company - northeast corner at the intersection of Nations Ford Road and Tyvola Road	Decision – <ul style="list-style-type: none"> Council will have to vote whether or not to send back to Zoning Committee due to the change referenced under Item 9. Protest Insufficient
11	2014-101	LGI Homes NC, LLC – east side of Reames Road between Bella Vista Court and Lawnmeadow Drive	New public hearing (February 16, 2015) to allow conversion to a conditional request.
18	2014-078	Park Selwyn, LL – north side of East Woodlawn Road between Brandywine Road and Selwyn Avenue.	Hearing - Protest sufficient

19	2014-100	Charlotte-Mecklenburg Planning Department – Southeast corner of West 30 th Street and Chick Godley Road	Hearing <ul style="list-style-type: none"> Public hearing continued from December Conversion to a conditional petition
20	2014-109	Midtown Area Partners II, LLC - northeast corner of Baxter Street and South Kings Drive	Hearing - Protest Petition - sufficient
21	2014-110	Unique Southern Estates, LLC	Hearing - Protest TBD
26	2015-005	SIM USA – Southside of Choate Circle at Moss Road and Choate Circle	Hearing - Protest TBD

2. **Follow-Up Report – Tammie Keplinger**
3. **Rezoning Cases of Special Interest – Tammie Keplinger**
4. **Area Plan Status and Text Amendment Update – Ed McKinney**

ACRONYMS

Zoning District Acronyms

- **B-1** – neighborhood business
- **B-2** – general business
- **B-1SCD** – business shopping center (old district)
- **BD** – distributive business
- **BP** – business park
- **CC** – commercial center
- **HW** – hazardous waste
- **I-1** – light industrial
- **I-2** – general industrial
- **INST** – institutional
- **MUDD** – mixed use development
- **MX-1** – mixed use
- **MX-2** – mixed use
- **MX-3** – mixed use
- **NS** – neighborhood services
- **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
- **RE-2** – research
- **RE-3** – research
- **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
- **UMUD** – uptown mixed use
- **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
- **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

Withdrawal	<p>1. <u>Petition No. 2009-075</u> (Council District 4 – Phipps) by Dona Patterson for a change in zoning for approximately 0.64 acres located on the east side of West Sugar Creek Road between North Tryon Street and Penny Way from R-12MF (residential, multi-family) to O-1 (office).</p> <p>The petitioner is requesting a withdrawal of this petition.</p> <p><u>Attachment 1</u></p>
Deferral (to April)	<p>2. <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 7-0 to DEFER this petition to their March 25, 2015 meeting.</p> <p><u>Attachment 2</u></p>
Deferral (to March)	<p>3. <u>Petition No. 2014-031</u> (outside city limits) by Wilkison Partners, LLC for a change in zoning for approximately 6.23 acres located on the southeast corner at the intersection of Youngblood Road and Shelburne Farms Drive from MX-3(LLWCA) (mixed use, Lower Lake Wylie critical area) to MX-3 SPA(LLWCA) (mixed use, site plan amendment, Lower Lake Wylie critical area).</p> <p>The Zoning Committee voted 7-0 to DEFER this petition to their February 25, 2015 meeting.</p> <p><u>Attachment 3</u></p>
Deferral (to February)	<p>4. <u>Petition No. 2014-042</u> (Council District 3 - Mayfield) by Moss Road Development Partners, LLC for a change in zoning for approximately 2.84 acres located on the southwest corner at the intersection of South Tryon Street and Moss Road from NS (neighborhood services) to NS SPA (neighborhood services, site plan amendment).</p> <p>The Zoning Committee voted 7-0 to DEFER this petition to their January 28, 2015 meeting.</p> <p><u>Attachment 4</u></p>
Protest Sufficient	<p>5. <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 (single family residential) to INST(CD) (institutional, conditional).</p> <p>The Zoning Committee finds this petition to be inconsistent with the <i>Northeast District Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The <i>Plan</i> recommends single family residential at up to four dwelling units per acre. <p>However, the Zoning Committee found this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • Area plans typically do not specify locations for institutional uses; and • The site has frontage on a major thoroughfare; and • The proposed use will serve the needs of the surrounding neighborhoods. <p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Reduced the length of the new internal walkway by eliminating the portion that runs along the inside of the driveway and instead locating it along the guest parking area

	<p>to connect to the sidewalk along Prosperity Church Road. This walkway may meander to preserve any existing trees.</p> <ol style="list-style-type: none"> Removed the sign from the site plan. Added the heading "Signage" and a note stating that signage is permitted per the ordinance. <p>Staff recommends approval of this petition.</p> <p><u>Attachment 5</u></p>
Deferral (to April)	<p>6. <u>Petition No. 2014-068</u> (Council District 2- Austin) by City of Charlotte for a change in zoning for approximately 5.59 acres generally bounded by Statesville Avenue, Dalton Avenue, North Graham Street and Armour Drive from I-2 (general industrial) to MUDD-O (mixed use development, optional).</p> <p>The Zoning Committee voted 7-0 to DEFER this petition to their March 25, 2015 meeting.</p> <p><u>Attachment 6</u></p>
Deferral (Indefinitely)	<p>7. <u>Petition No. 2014-071</u> by Charlotte-Mecklenburg Planning Department & Charlotte-Mecklenburg Police Department for a Text Amendment to the City of Charlotte Zoning Ordinance related to animal care and fostering.</p> <p>The Zoning Committee voted 7-0 to DEFER this petition indefinitely.</p> <p><u>Attachment 7</u></p>
Protest Sufficient	<p>8. <u>Petition No. 2014-074</u> (Council District 7 – Driggs) by Terwilliger Pappas Multifamily Partners, LLC for a change in zoning for approximately 10 acres located on the northeast corner at the intersection of North Community House Road and Bryant Farms Road from B-1(CD) (neighborhood business, conditional) to NS (neighborhood services).</p> <p>The Zoning Committee found the retail portion of this petition to be consistent with the <i>South District Plan</i> and the residential portion to be inconsistent with the <i>South District Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> The plan recommends retail uses for the subject properties. <p>However, the Zoning Committee found this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> The proposed site plan moves the retail component to the corner of two major thoroughfares; and The proposed site plan integrates the residential component which provides a transition to the adjacent single family properties; and The addition of the residential component results in a multi-use development, which is consistent with the intent of the NS (neighborhood services) district. <p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications:</p> <p>Development Area A:</p> <ol style="list-style-type: none"> A note has been added to prohibit the following uses from the site plan: gasoline sales, with or without convenience stores, and automotive uses. A note has been added stating that solid waste/recycling areas will not be allowed to abut Community House Road or Bryant Farms Road unless such areas are enclosed by a wall treatment similar to the architecture of the building. A note has been added that a five-foot sidewalk will be provided to create pedestrian connections between the multi-family component and the non-residential uses. <p>Development Area B:</p> <ol style="list-style-type: none"> Dumpster locations for Area B have been shown on the plan. A note has been added that buildings in Area B will be 25 percent masonry material on each side. The dog walk area referenced in Note 2.D has been labeled on the plan.

	<ol style="list-style-type: none"> 7. The possible additional garages have been shown on the plan located along the rear property line. 8. Detail of the required plantings for the 25-foot landscape buffer has been shown for Area B. 9. Note 5.C has been removed. 10. A note has been added that the site will comply with the Post Construction Control Ordinance. 11. Multi-Family Design Guidelines for Development Area B: <ol style="list-style-type: none"> a. Building facades shall front on and address the external and internal streets to reinforce the streetscape. b. Building footprint shall be arranged to enclose and define a variety of public and private spaces, courtyards, open space and green space. c. Provided an ADA accessible path that is connected to the street sidewalk system to provide wheelchair access to the residential building. d. Architectural façade treatment shall be similar on all sides of the apartment buildings. e. Facades along external and internal streets shall incorporate a minimum of 25% masonry materials such as brick, stucco or stone. f. The principal building entrances shall be articulated to identify them as a primary entry point. g. Exterior elevations shall incorporate a variety of architectural features such as balconies, patios, windows, doors, columns, common building doorways, covered entrances, pitched roofs and parapets at flat roof areas to provide architectural scale and detail. h. Windows and doors shall account for at least 25% of the total facade area along the external and internal streets, with each floor calculated independently from floor to ceiling. i. Windows shall have a vertical orientation with their height greater than their width. j. For street facades, the maximum length without a window or door on any floor shall not exceed 25 feet. k. Street facades shall incorporate projections and/or indentations so that the maximum length without such an offset in the façade is 100 feet. The minimum depth of such required offsets shall be 12 inches from frame wall to the frame wall. For street facades over 100 feet, at least 15% of the total façade length shall be offset from the primary façade plane. l. Exterior materials of buildings along the external and internal streets shall be limited to brick, stone, pre-cast concrete, wood, stucco, fiber cement siding or panels, glass, or granite. Vinyl or aluminum siding, exposed standard concrete masonry unit (CMU) block, corrugated steel, exposed plywood, and exposed pressboard are prohibited. However, vinyl as a building material may be used on windows, soffits, and on handrails/railings. m. Exterior walls of a single building shall utilize a maximum of five primary building materials (textures, colors, etc.). This requirement shall not include secondary materials such as windows, doors, porches, balconies, foundations, awnings or architectural details. n. Materials may be combined horizontally or vertically. A visually heavier material (such as brick or stone) shall be used below a lighter material (such as siding or stucco). o. Accessory structures, such as garages, shall be consistent with the principal building in material, texture, and color, but may have simplified architectural detailing and features. p. Concrete foundations, if more than 8" is exposed above grade, shall be coated or faced in stucco, brick, synthetic stone, or natural stone. q. Pitched roofs shall have a minimum slope of 4:12. Pitched roof materials may include slate, wood shingles, standing seam pre-finished metal, architectural composition or asphalt shingles. r. Vents, stacks, and roof fans in pitched roof shall be painted to blend with the roof color to minimize their visibility from external streets. s. Flat roofs shall be screened from view from external and internal streets by a parapet. t. Roof top condensing units and other equipment shall be screened from the external and internal streets by a parapet or other architectural feature such as
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a chimney.

12. A clarification and addition to the required buffer planting along the existing single family development.

- a. A modified 40-foot Class "C" Buffer will be provided where Development Area B abuts existing single family homes as generally depicted on the Rezoning Plan and such buffer shall be installed prior to the issuance of the first certificate of occupancy for the first principle building on Development Area B. The outer 25 feet of this Buffer will be an undisturbed Buffer, and existing vegetation preserved within this portion of the Buffer may be used to meet minimum Buffer planting requirements. To create an effective and enhanced Buffer treatment that is unique and responsive to the existing conditions around the perimeter of the Site, the proposed Buffer will be enhanced in three different ways (Otterdale Court Buffer, Buffton Court Buffer and Moss Mill Lane Buffer) as described below:
- i. The portion of the Buffer known as Otterdale Court Buffer will be improved with: (i) small maturing evergreen trees eight (8) feet on center, the small maturing evergreen trees must be seven (7) to eight (8) feet tall at installation (this will take the place of the Class "C" Buffer shrub requirement); and (ii) a six (6) foot decorative aluminum fence; the fence will be located on the interior edge of the Buffer and the small maturing evergreen trees will be located between the fence and the adjoining property line; the evergreen trees will be arranged as generally depicted on the rezoning plan;
 - ii. The portion of the Buffer known as Buffton Court will be improved with: (i) ten (10) small maturing evergreen trees per 100 linear feet, the small maturing evergreen trees must be seven (7) to eight (8) feet tall at installation (this will take the place of the Class "C" Buffer shrub requirement); (ii) no less than three (3) one-story garages will be placed at the edge of the buffer to create a solid wall; (iii) a six (6) foot decorative aluminum fence; the fence will be located on the interior edge of the Buffer and between the proposed garages of the Buffer; the small maturing evergreen trees will be located between the fence and the adjoining property line. The small maturing evergreen trees will be arranged within the buffer to maximize the screening of the Site from the adjoining single-family homes; and
 - iii. The portion of the Buffer known as Moss Mill Lane Buffer will be improved with: (i) small maturing evergreen trees (the number of small evergreen trees to be planted will be calculated at the rate one (1) tree every eight (8) feet along the length of the Buffer), the small maturing evergreen trees must be seven (7) to eight (8) feet tall at installation (this will take the place of the Class "C" Buffer shrub requirement); (ii) a six (6) foot decorative aluminum fence; the fence will be located on the interior edge of the Buffer; the small maturing evergreen trees will be located in the undisturbed portion of the buffer and arranged to maximize their effectiveness at screening the Site from the adjoining single-family homes; (iii) no less than one (1) one story garages will be placed at the edge of the buffer to create a solid wall; and (iv) a row of evergreen shrubs will be placed between the proposed parking spaces and the decorative aluminum fence as generally depicted on the rezoning plan.
- b. Utilities may cross the Buffer at angles of 75 degrees or greater. Retaining walls may be located in the Buffer but not in the undisturbed portion of the buffer.

Staff recommends that the outstanding issues be addressed prior to City Council approval.

[Attachment 8](#)

<p>Council will have to vote whether or not to send back to the Zoning Committee.</p> <p>Protest Insufficient</p>	<p>9. <u>Petition No. 2014-092</u> (Council District 3 - Mayfield) by Pavilion Development Company for a change in zoning for approximately 1.79 acres located on the northeast corner at the intersection of Nations Ford Road and Tyvola Road from CC (commercial center) to CC SPA (commercial center, 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.</p> <p>The petitioner:</p> <ol style="list-style-type: none"> 1. Filed for an administrative amendment to Petition 1997-015 to remove building square footage from the allotment for Parcel 4 and reduce the eating/drinking/entertainment establishment's square footage allotment by 2,500 square feet. The administrative amendment has been filed and will be finalized if the rezoning is approved by Council. 2. Amended Note B, Parcel 4A to remove "automobile service stations" and "Petitioner is currently showing unsupported use and proposed revision to special conditions for automobile service station use." 3. Amended Note F. to make the word "parcel" at the end of the first sentence plural. 4. Deleted the proposed sign location and label. 5. Increased the width of the sidewalks on the right and left side of the building from five feet to seven feet to allow for "shy zone" next to the building. 6. Increased the width of the sidewalk in front of the building from six feet to eight feet to allow for the "shy zone" and parked cars. Curb stops will be used in front of the building. 7. Swapped the labels of the left and right elevations to correctly match the images. <p>The Zoning Committee found this petition to be inconsistent with the <i>Southwest District Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The Plan recommends retail uses with the exception of automobile service stations. <p>However, the Zoning Committee found this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • This plan and the recommended uses were approved a long time ago. Given the context of area today, this is a reasonable land use for this particular site; and • The petitioner has agreed to address site plan issues 2 through 8. <p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications and with the petitioner's commitment to address outstanding issues 2 through 8 prior to the City Council decision on this case:</p> <ol style="list-style-type: none"> 1. CDOT withdrew their opposition to the left-in only access off the right-in driveway and no longer has any outstanding issues with the petition. 2. Provided building, dumpster enclosure and pump island elevations for all sides as part of the rezoning plans. 3. Revised the Site Area under Site Data for Parcel 4A to reflect the acreage for the parcel after the proposed subdivision (total site acreage minus acreage of parcel 4B). 4. Removed the "Max SF allowed: 16,000 SF. Office, 10,500 SF. Retail, 24,000 SF. Restaurant" from the Site Data. 5. Removed the "+/-" in proposed building height for Parcel 4A. 6. Revised the Proposed Floor Area Ratio, under the Site Data, for both parcels to reflect the proposed building area compared to proposed acreage for each parcel. 7. Removed Note B in its entirety and replaced with the following: First paragraph - "Parcel 4A – All uses in the CC Zoning District except automobile service stations, building material sales, dwellings, and eating/drinking/entertainment establishments with drive-in service windows." Second paragraph – "Parcel 4B – All uses in the CC Zoning District except automobile service stations, building material sales, dwellings, and eating/ drinking/entertainment establishments with drive-in service windows. The building layout is conceptual in nature; the petitioner reserves the right to not develop this parcel or to make minor site plan adjustments that match the general intent of the plan as shown on this site plan and in accordance with Section 6.207." 8. Deleted Note C in its entirety and replaced with the following: "Parcel 4A may be
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	<p>developed with a maximum 3,010 SF building excluding permitted accessory structures. Parcel 4B may be developed with a maximum 2,500 SF building excluding permitted accessory structures."</p> <ol style="list-style-type: none"> 9. Revised the second paragraph under Note E. as follows: "Landscape strips and islands shall be created to break the visual impact of the parking areas." 10. Revised the labels for the 35-foot setback to refer to the setback line. 11. Provided the 35-foot wide landscaped buffer with berm between Nations Ford Road and parking areas and dumpster enclosure north and south of the building. 12. Revised the third paragraph under Note E. as follows: "Continuous landscaping strips and islands shall be created along Nations Ford Road to break up the visual impact of the parking areas as shown on the site plan." 13. Provided a revised "Section Thru Landscaped Buffer" detail from Petition 1997-015 showing the eight-foot planting strip, six-foot sidewalk, 35-foot wide buffer with a three- to four-foot high berm, tiered evergreen plantings and small maturing trees on the rezoning site plan. 14. Amended the label "Landscaping per master plan" to state "Landscaped buffer (see inset detail)" and clearly indicate the locations of the berm on the site plan. 15. Revised Note F by removing the following language: "As stated in Note 16 of the special conditions associated with the overall rezoning plan, petition #97-15," and making all references to "parcel" and "building" plural. 16. Added the following paragraph to Note F: "The buildings must be designed to encourage and complement the pedestrian scale interest and activity by the use of transparent windows and doors arranged so that the uses are visible from and/or accessible to the street and right-in access driveway off Tyvola on at least 50% of the length of the first floor frontage facing the street and right-in access driveway." 17. Amended Note G to remove the following: "per Note 6 of the special conditions of the overall rezoning plan, petition #97-15." 18. Eliminated the language, under Note H, referring to Note 4 of the overall rezoning plan, petition #97-15 and references to the "shopping center" signs. 19. Added a note under General Provisions stating that the petitioner will be required to file an administrative amendment to Petition 1997-015. <p>Staff recommends denial of this petition. The petition is inconsistent with the Southwest District Plan, as amended by rezoning petition 1997-015. There have not been significant changes in development patterns in this area since petition 1997-015 was approved.</p> <p><u>Attachment 9</u></p>
	<p>10. <u>Petition No. 2014-096</u> (Council District 7 - Driggs) by Lenox Development Group, LLC for a change in zoning for approximately 6.09 acres located on the north side of Ardrey Kell Road and between Blakeney Heath Road and Community House Road across from Carson Whitley Avenue from R-3 (single family residential) to NS (neighborhood services).</p> <p>The Zoning Committee found this petition to be inconsistent with the <i>South District Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The <i>South District Plan</i> recommends residential land uses at up to three dwelling units per acre; and • The <i>General Development Policies</i> support residential densities up to eight dwelling units per acre for this site. <p>However, the Zoning Committee found this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The site is a remnant parcel of Ardrey Kell Road right-of-way; and • The site is located outside a retail center and adjacent to residential; and • The proposed small office development with limited retail uses is sensitive in form to the surrounding residential properties and provides a buffer and transition to the major thoroughfare; and • A wireless phone service provider is the only allowed retail use on the site.

	<p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Limited permitted uses to personal services, uses allowed in the office district that are also allowed in the NS district, and wireless phone service providers, which is the only retail use allowed on the site. 2. Committed building design to be residential in character by amending Note 4b to reduce the required amount of fenestration for building facades facing Ardrey Kell Road from 40 percent to 20 percent. Also added note to building elevations to state "the architectural design may differ from building to building but will be compatible in scale and material types with complementary color palettes, with possible different fenestration sizes and types. Building character will relate to Blakeney nonresidential areas and façade articulation may be in keeping with more general office and medical office fenestration requirements." Deleted signage from the building elevations. 3. Amended Note 7b as follows: "The allowed wall signage constructed on the site will utilize similar and/or complementary colors so as to create a cohesive appearance." 4. Amended Prohibited or Limited Uses to specify eating/drinking/entertainment establishments Type 1 and 2 as a prohibited use. 5. Amended Sheet RZ-002a to reflect relocated area for the trash and recycling enclosure, location of a proposed chain link security fence, location of an existing berm that is to remain, and fence elevations. 6. Amended Note 1d to reduce the total number of principal buildings from four to three. 7. Amended Note 2a to list wireless phone service providers as a permitted use. 8. Amended Note 2b to specify a minimum of 50 percent of the allowed square footage must be occupied by uses allowed in the Office zoning district that are also allowed in the NS zoning district. The other 50 percent of the uses may be a combination of personal service uses (as defined in the site plan), (ii) a wireless phone service provider; and uses allowed in the office zoning district that are also allowed in the NS district. 9. Added Note 5d as follows: "The petitioner will install a five foot black vinyl coated chain link fence across the tree save area at the western edge of the property as generally depicted on the rezoning plan. The black vinyl chain link fence will tie into the decorative wooden fence located within the buffer and extend to the site's western property boundary." 10. Amended Note 5h to add the following: "The proposed dumpster and recycling area will be located along the western property boundary as generally depicted on the rezoning plan." 11. Added Note 6b as follows: "The petitioner was granted a variance to reduce the PCCO buffer required along the western property boundary to a 100 foot buffer. The variance was granted by SWAC on October 16, 2014." 12. Added Note 6d as follows: "The petitioner will clear the obstructions (silt and debris) from the creek channel(s) that extends into the site from the Blakeney Heath Neighborhood and between the rear of the homes on Fieldcroft Drive and Autumn Applause Drive. This clearing will take place subject to and contingent upon the adjoining property owners granting the petitioner the right, and releasing the petitioner from any liability, while performing the work and subject to the issuance of any required City and/or State permits. The petitioner will clear the obstructions in the creek channel(s) as part of the site development work and prior to the issuance of the first certificate of occupancy for the first building constructed on the site." <p>Staff recommends denial of this petition. The proposed retail use is inconsistent with the recommended land use set forth in the adopted area plan.</p> <p><u>Attachment 10</u></p>
<p>New Public Hearing (February 16, 2015)</p>	<p>11. <u>Petition No. 2014-101</u> (Council District 2 - Austin) by LGI Homes NC, LLC for a change in zoning for approximately 14.30 acres located on the east side of Reames Road between Bella Vista Court and Lawnmeadow Drive from UR-1(CD) (urban residential, conditional) to R-5 (single-family residential).</p>

	<p>Note: The petitioner has indicated a desire to convert this conventional petition to a conditional petition. A new public hearing is required and will be scheduled for February 16, 2015.</p> <p>The Zoning Committee voted 7-0 to send this petition to City Council for a new public hearing.</p> <p><u>Attachment 11</u></p>
	<p>12. <u>Petition No. 2014-108</u> (Council District 5 – Autry) by U-Haul Company of Charlotte for a change in zoning for 1.4 acres generally located at the southwest corner of the intersection between Albemarle Road and Farm Pond Lane from B-2 (general business) to B-D(CD) (distributive business, conditional).</p> <p>The Zoning Committee found this petition to be inconsistent with the <i>Eastland Area Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The plan recommends retail for this area. <p>However, the Zoning Committee found this petition to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The proposed use will be within an existing building; and • The proposed change supports reinvestment in the Albemarle Road corridor. <p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Removed the commitment to dedicate land to Mecklenburg County Park and Recreation for greenway, since this area is not located on the property to be rezoned. 2. Removed the commitment for the screening fence, as it is not located on the property to be rezoned. 3. Note 2 under Architectural Standards has been removed from the site plan. <p>Staff recommends approval of this petition.</p> <p><u>Attachment 12</u></p>
	<p>13. <u>Petition No. 2014-112</u> (Council District 6 – Smith) by Mohammad R. Bolouri for a change in zoning for approximately 1.23 acres located on the east side of Sardis Road across from Wilby Drive from INST(CD) (institutional, conditional) to INST(CD) SPA (institutional, conditional, site plan amendment).</p> <p>The Zoning Committee found this petition to be inconsistent with the <i>South District Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The plan recommends an adult day care facility as an institutional use. <p>However, the Zoning Committee found this petition to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The proposed addition of medical office/research uses will have a negligible impact; and • The proposed uses are an extension of the existing adult day care facility with no exterior changes to the existing structure. <p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Noted on site plan the acreage of the parcel. 2. Noted the proposed zoning on the site plan: INST (CD) SPA. 3. Amended Survey Note 8 to indicate that the required minimum lot size in the institutional district is 15,000 square feet.

	<p>4. The parking tabulation provided on the site plan has been adjusted to reflect required parking for medical offices at one space per 200 square feet, and adult care centers at one space per employee plus one space per six adults.</p> <p>5. Modified the site plan to note that the facility will have a minimum 1,500 square feet of adult day care use, and 3,500 square feet of medical office.</p> <p>6. Site plan has been amended to specify a minimum 1,500 square feet will be devoted to the adult day care use.</p> <p>7. Added language provided by Storm Water Services pertaining to the location and size of storm water management systems.</p> <p>Staff recommends approval of this petition.</p> <p><u>Attachment 13</u></p>
	<p>14. <u>Petition No. 2014-114</u> by Stor-All Storage for a Text Amendment to the City of Charlotte Zoning Ordinance to allow an increase in the maximum FAR for warehousing, within a completely enclosed building when the building is multi-story.</p> <p>The Zoning Committee found this petition to be consistent with the <i>Centers, Corridors and Wedges Growth Framework</i>, based on information from the staff analysis and the public hearing, and because the text amendment:</p> <ul style="list-style-type: none"> Amends the maximum FAR in the I-1 and I-2 zoning districts for warehousing uses conducted within an enclosed building when the building has multiple stories. <p>Therefore, the Zoning Committee found this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> It meets the goals of ensuring a diverse, growing and adaptable economy and revitalizing economically changed business areas. <p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p><u>Attachment 14</u></p>
	<p>15. <u>Petition No. 2014-116</u> (Council District 6 – Smith) by Spectrum Properties Residential, Inc. for a change in zoning for approximately 9.07 acres located on the north and south sides of Abbey Place near the intersection of Park Road and Abbey Place from R-17MF (multi-family residential) to UR-2(CD) (urban residential, conditional).</p> <p>The Zoning Committee found the proposed land use to be consistent with the <i>Park Woodlawn Area Plan</i>, but found the proposed density to be inconsistent with the <i>Park Woodlawn Area Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> The plan recommends multi-family residential at up to 17 dwelling units per acre. <p>However, the Zoning Committee found this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> The increase in density is appropriate due to compliance with the residential design principals in the area plan, which includes but are not limited to avoidance of blank walls, orientation of buildings, internal pedestrian network, and increased yards abutting single family residential uses. <p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> Addressed CDOT issues as follows: <ol style="list-style-type: none"> Amended transportation Note 3.c. to remove “and the necessary grading and clearing for the construction of the sidewalk can also be accommodated within the existing right-of-way.” Added the following: “If the construction of this sidewalk cannot be accommodated within the existing right-of-way of Abbey Place the Petitioner will approach the adjoining property owner to secure the

	<p>needed easements to construct the sidewalk. If the adjoining property owner is not willing to provide the necessary easements the Petitioner will not be required to construct the sidewalk."</p> <p>b. Amended transportation Note 3.d. to read: "The petitioner will request that it be allowed to construct crosswalks on Abbey Place. CDOT will determine during the construction permitting process if marked mid-block crosswalks are necessary for crossing Abbey Place."</p> <p>c. Removed the three designated marked mid-block crosswalks on the site plan sheet RZ-2.</p> <p>2. Amended Note 5. a. to reflect a required setback of 16-feet and to match the eight-foot sidewalk and eight-foot planting strip provided on each side of Abbey Place.</p> <p>3. Amended Note 4. b. to change the word "building" to "buildings" when referencing the buildings that may be constructed on the site and actual buildings constructed on the site.</p> <p>4. Provided a note specifying that the area depicted as Possible Open Space/Stormwater BMP is not to be used for parking or building area.</p> <p>5. Committed to a minimum of 12,000 square feet in each development area that will be included the Open Space/Stormwater BMP area.</p> <p>6. Deleted the Note 6. e. about end fronting facades and specified in the revised Note 6. e. that all facades shall incorporate windows, arches, balconies, or other architectural details along with varying build materials or roof lines, or building offsets.</p> <p>7. Deleted Note 6. f. and specified in the revised Note 6. e. that all facades shall incorporate windows, arches, balconies, or other architectural details along with varying build materials or roof lines, or building offsets.</p> <p>8. Added a note stating that "if approved by CDOT and approved by the residents of Halstead Drive/Drexmore Avenue as required by the City's Neighborhood Traffic Management Policies, the Petitioner will replace the existing speed bump located on Halstead Drive near the intersection of Drexmore Avenue with stop signs".</p> <p>9. Added a note stating the "working in conjunction with CDOT, the petitioner will explore the installation of traffic calming measures at the intersection of Longwood Drive and Bradbury Drive".</p> <p>10. Added a note specifying that the petitioner will instruct contractors to access the site from Park Road for construction traffic.</p> <p>11. Added a note specifying that staging for the development will not be allowed on adjoining single family zoning properties.</p> <p>12. Removed, through a formatting error, the words "in interest or assigns" from Note 12. a.</p> <p>13. The petitioner requested the following note be added: "The petitioner will use good faith efforts to direct the general contractor for the Site to not begin outdoor construction activity on the Site on Saturday mornings before 8:30 AM EST. The Petitioner will also use good faith efforts to direct the general contractor for the Site to avoid late night concrete pours."</p> <p>Staff recommends approval of this petition.</p> <p><u>Attachment 15</u></p>
	<p>16. <u>Petition No. 2014-118</u> (Council District 1 – Kinsey) by Cotswold Partners, LLC for a change in zoning for approximately 2.21 acres located on the east side of Randolph Road between Greenwich Road and North Sharon Amity Road from B-1 (neighborhood business) to MUDD-O (mixed use development, optional).</p> <p>The Zoning Committee found this petition to be consistent with the <i>South District Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The plan recommends retail uses for the subject property. <p>Therefore, the Zoning Committee found this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The proposed site plan commits to details such as elevations and design standards, as well as transportation improvements; and • The proposal is for infill redevelopment, which minimizes the impacts to the natural environment.

	<p>The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Four-sided elevations of the proposed building have been provided. 2. The optional request for increased ground mounted signage has been removed. 3. A note has been modified to clarify that only one principal building will be on the site. 4. Optional request "F" has been removed from the site plan. 5. A detail of the loading dock screen wall along Colwick Road has been provided with the elevations. 6. A detail of the street wall has been provided within the elevations. 7. The request to allow all existing building, parking and uses to remain under this plan has been removed. 8. A note has been added that the ground floor elevations along Randolph Road will be treated with a combination of fenestration, clear glass, prominent entrances, changes in material, building step backs and landscaping. 9. A note has been added that the maximum allowed square footage includes the building but not the parking structure. 10. A note has been added that a concrete pad will be provided for a future bus pad. <p>Staff recommends approval of this petition.</p> <p><u>Attachment 16</u></p>
	<p>17. <u>Petition No. 2015-010</u> (Council District 2 – Austin) by The Salvation Army for a change in zoning for approximately 2.6 acres located on the west side of Statesville Avenue south of Oliver Street and east of Spratt Street from O-6(CD) (office, conditional) to MUDD-O (mixed use development, optional).</p> <p>The Zoning Committee found this petition to be consistent with the <i>Central District Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The plan recommends institutional uses for the subject property. <p>Therefore, the Zoning Committee found this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because</p> <ul style="list-style-type: none"> • The proposed use will not increase the exterior size of the building; and • The proposed request will allow the existing institutional use to continue to serve the needs of the community. <p>The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The proposed uses on the site plan have been listed as a homeless shelter, daycare, and administrative offices. 2. The maximum square footage has been modified to 50,000 square feet. 3. A note has been added specifying that the expansion area is interior to the existing building. 4. The amount of open space to be provided has been labelled on the plan. 5. A note has been added that the existing 69 parking spaces provided on site and along the project frontage on Spratt Street will satisfy the parking requirement. <p>Staff recommends approval of this petition.</p> <p><u>Attachment 17</u></p>

ZONING HEARINGS

Protest Sufficient	<p>18. <u>Petition No. 2014-078</u> (Council District 6- Smith) by Park Selwyn, LLC for a change in zoning for approximately 1.21 acres located on the north side of East Woodlawn Road between Brandywine Road and Selwyn Avenue from UR-2(CD) (urban residential, conditional) to UR-2(CD) SPA (urban residential, conditional, site plan amendment).</p> <p><u>Attachment 18</u></p>
Public hearing continued in November to January	<p>19. <u>Petition No. 2014-100</u> (Council District 1 – Kinsey) by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 15.50 acres located on the southeast corner at the intersection of West 30th Street and Chick Godley Road from UR-3(CD) (urban residential, conditional) to TOD-M (transit oriented development – mixed-use).</p> <p><u>Attachment 19</u></p>
Protest Sufficient	<p>20. <u>Petition No. 2014-109</u> (Council District 1 -Kinsey) by Midtown Area Partners II, LLC for a change in zoning for approximately 1.99 acres located on the northeast corner of the intersection of Baxter Street and South Kings Drive and the south side of Luther Street between Cecil Street and Cherry Street from R-8 (single family residential), UR-C(CD)(PED) (urban residential – commercial, conditional, pedestrian overlay) and B-1(PED) (neighborhood business, pedestrian overlay) to MUDD-O (mixed use development, optional) and MUDD-O(PED) (mixed use development, optional, pedestrian overlay).</p> <p><u>Attachment 20</u></p>
Protest TBD	<p>21. <u>Petition No. 2014-110</u> (Council District 1 – Kinsey) by Unique Southern Estates, LLC for a change in zoning for approximately 4.54 acres located at the southeast corner of the intersection of The Plaza and Belvedere Avenue from R-5 (single family residential), R-5(HD-O) (single family residential, historic district overlay) and B-2(CD)(HD-O) (general business, conditional, historic district overlay) to MUDD-O (mixed use development, optional) and MUDD-O(HD-O) (mixed use development, optional, historic district overlay).</p> <p><u>Attachment 21</u></p>
	<p>22. <u>Petition No. 2014-113</u> (Council District 4 – Phipps) by Dona M. Patterson for a change in zoning for approximately 0.65 acres located on the east side of West Sugar Creek Road between Penny Way and North Tryon Street from R-12MF (multi-family residential) to O-1(CD) (office, conditional).</p> <p><u>Attachment 22</u></p>
Deferral (to February)	<p>23. <u>Petition No. 2014-115</u> (Council District 3 – Mayfield) by Satwinder Singh for a change in zoning for approximately 1.13 acres located on the south side of Parker Drive between Remount Road and Berryhill Road from I-1 (light industrial) to I-2(CD) (general industrial, conditional).</p> <p><u>Attachment 23</u></p>
	<p>24. <u>Petition No. 2014-119</u> (Council District 1 – Kinsey) by City of Charlotte (Neighborhood & Business Services) for a change in zoning for approximately 20.32 acres located on the south side of East Independence Boulevard and generally surrounded by Briar Creek Road, Television Place, Chipley Avenue, and Arena Boulevard from R-22MF (multi-family residential) and B-2 (general business) to B-2(CD) (general business, conditional) & MUDD-O (mixed use development district, optional).</p> <p><u>Attachment 24</u></p>

	<p>25. <u>Petition No. 2015-002</u> by Charlotte Montessori School for a Text Amendment to the City of Charlotte Zoning Ordinance to modify the street frontage and primary access requirements for child care centers.</p> <p><u>Attachment 25</u></p>
Protest TBD	<p>26. <u>Petition No. 2015-005</u> (Council District 3 – Mayfield) by SIM USA for a change in zoning for approximately 108.86 acres located on the south side of Choate Circle and at the southern intersection of Moss Road and Choate Circle from INST (CD) (institutional, conditional) to INST (CD) SPA (institutional, conditional, site plan amendment).</p> <p><u>Attachment 26</u></p>
Deferral (to February)	<p>27. <u>Petition No. 2015-007</u> (Council District 7 – Driggs) by Village at Robinson Farm, LLC for a change in zoning for approximately 5.69 acres located on the southwest corner at the intersection of Rea Road and Williams Pond Lane from NS (neighborhood services) to NS SPA (neighborhood services, site plan amendment).</p> <p><u>Attachment 27</u></p>
Deferral (to February)	<p>28. <u>Petition No. 2015-008</u> (Council District 5 – Autry) by Mintworth DEI, LLC for a change in zoning for approximately 10.01 acres located on the southwest corner at the intersection of Idlewild Road and Wyalong Drive from NS (neighborhood services) to NS SPA (neighborhood services, site plan amendment).</p> <p><u>Attachment 28</u></p>