

<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, June 15, 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

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-15PUD** – residential, planned unit development
- **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
- **LWPA** – Lake Wylie protected area
- **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

	<p>1. <u>Petition No. 2014-021</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance which:</p> <ol style="list-style-type: none"> 1) adds a new definition for a mobile produce market; and 2) allows the use in the same zoning districts where outdoor fresh produce stands are permitted, with prescribed conditions; and 3) modifies several prescribed conditions for outdoor fresh produce stands that will also apply to mobile produce markets; and 4) allows mobile produce markets that utilize large commercial vehicles to park in residential neighborhoods. <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:</p> <ul style="list-style-type: none"> • It meets the plan goal to create a vibrant economy and a greater mix of commercial uses; and • It provides a range of choices for employment opportunities. <p>Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the text amendment:</p> <ul style="list-style-type: none"> • Adds a new definition for mobile produce market; • Allows the use in the same zoning districts where outdoor fresh produce stands are permitted, with prescribed conditions; • Modifies several prescribed conditions for outdoor fresh produce stands that will also apply to mobile produce markets; and • Allows mobile produce markets that utilize large commercial vehicles to park in residential neighborhoods. <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 1</u></p>
<p>Protest (Sufficient)</p>	<p>2. <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 found this petition to be consistent with the <i>Steele Creek 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 residential land uses up to four dwelling units per acre for the site. <p>However, this petition was found not 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 outstanding issues had not been addressed; and • The increase in density is not consistent with the surrounding land use pattern. <p>The Zoning Committee voted 7-0 to recommend DENIAL of this petition.</p> <p>Staff recommends denial of this petition.</p> <p><u>Attachment 2</u></p>

<p>Protest (Sufficient)</p>	<p>3. <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>The Zoning Committee found the residential use to be consistent with the <i>Central District Plan</i>; however, this petition was found to be inconsistent with the density recommendation, 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 use at a density of 17 units per acre. <p>Therefore, this petition was found 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 site is located on a major thoroughfare; and • The additional eight-unit building is a minor expansion of an existing development. <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. Provided and labeled the minimum five-foot side yard between the proposed building and the area dedicated to Mecklenburg County Parks and Recreation. 2. Specified that the height of the screening wall at the rear of the site will be a minimum of six feet in height as measured from the development (internal) side as well as a minimum of six feet on the side facing the single family homes. 3. Shifted the building to the east so that it will sit a minimum of 14 feet from the western property line. 4. Added a note to the Site Data/Summary referring to the dedication of the 0.44 acres on the western side of the site to Parks and Recreation. 5. Amended the proposed building elevations. <p>Staff recommends approval of this petition.</p> <p><u>Attachment 3</u></p>
	<p>4. <u>Petition No. 2014-097</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to:</p> <ol style="list-style-type: none"> 1) increase the allowable floor area ratio (FAR) for an institutional use by 50% if a parking deck is constructed as an accessory use; and 2) establish parking structure standards when the structure is accessory to an institutional use; and 3) limit the floor area ratio for an accessory residential building to an institutional use and 4) align the street tree spacing requirements for large and small maturing trees with the Tree Ordinance; and 5) improve Section 12.212 with minor reorganization. <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:</p> <ul style="list-style-type: none"> • It meets the plan goal to protect established neighborhoods and create high-quality, context-sensitive design. <p>Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the proposed text amendment:</p> <ul style="list-style-type: none"> • Increases the allowable floor area ratio (FAR) for an institutional use by 50 percent if a parking deck is constructed as an accessory use; and • Establishes parking structure standards when the structure is constructed as an accessory use to an institutional use; and • Limits the floor area ratio for an accessory residential building to an institutional use; and • Aligns the street tree spacing requirements for large and small maturing trees with the Tree Ordinance; and • Improves Section 12.212 with minor reorganization.

	<p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 4</p>
<p>Requesting Deferral (to June 22, 2015) due to a full Council not being present.</p> <p>Protest (Sufficient)</p>	<p>5. Petition No. 2014-109 (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 UR-C(CD) (PED) (urban residential - commercial, conditional, pedestrian overlay), B-1 (PED) (neighborhood business, pedestrian overlay) and R-8 (single family residential) to B-2 (PED-O) (general business, pedestrian overlay, optional), UR-C (PED-O) (urban residential - commercial, pedestrian overlay, optional) and R-8MF (PED-O) (multi-family residential, pedestrian overlay, optional) with five-year vested rights.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 5</p>
<p>Requesting Deferral (to July 20, 2015)</p> <p>Protest (Sufficient)</p>	<p>6. Petition No. 2014-110 (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>The Zoning Committee voted 7-0 to DEFER this petition to their June 24, 2015 meeting.</p> <p>Attachment 6</p>
<p>Requesting Deferral (to July 20, 2015) due to a full Council not being present.</p> <p>Protest (Sufficient)</p>	<p>7. Petition No. 2015-001 (Council District 1 - Kinsey) by Southern Apartment Group for a change in zoning for approximately 3.63 acres located on the east side of North Davidson Street and bounded by East 27th Street, Yadkin Avenue, East 26th Street, and North Davidson Street from MUDD-O (mixed use development, optional) to TOD-M(O) (transit oriented development - mixed-use, optional).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 7</p>
<p>Council will have to vote whether or not to send back to the Zoning Committee.</p> <p>Protest (Sufficient)</p>	<p>8. Petition No. 2015-013 (Council District 1 - Kinsey) by Meeting Street Homes & Communities for a change in zoning for approximately 0.42 acres located on the west side of Kenilworth Avenue between Buchanan Street and East Boulevard from R-22MF (multi-family residential) and B-1 (neighborhood business) to MUDD(CD) (mixed use development, conditional).</p> <p>Note: The City Council must determine by a ¾ 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. Amended the building elevations, especially the front elevation along Kenilworth. 2. Reduced the provided tree save area in the rear from 2,092 square feet to 1,762 square feet. 3. Reduced the provided tree save area in the front from 597 square feet to 591 square feet. 4. Reduced the number of units from 9 to 8 thus reducing the proposed density from 21.48 to 19.10 dwelling units per acre. 5. Amended Trees, Screening and Landscaping Note B to specify the screen wall will be provided to screen all utility transformers where visible from the public street.

	<ol style="list-style-type: none"> 6. Amended Architectural Standards and Materials Note A to change cedar siding to wood siding. 7. Amended Architectural Standards and Materials Notes D and E to specify that five units will have one car garages and three units will have two-car garages and all units will have one or two visitor spaces in front of each garage depending on the width of the unit. 8. Amended Architectural Standards and Materials Note G to change portions of roofs constructed with cedar or metal shingles to metal roof. 9. Amended Architectural Standards and Materials Note H to specify that five units will have a maximum of 2 bedrooms and three units will have a maximum of 3 bedrooms. 10. Adjusted parking provisions in the Development Data Summary to reflect the change in the number of units and bedrooms. 11. Removed labels and notes related to future right-of-way dedication. <p>The Zoning Committee found this petition to be consistent with the <i>Dilworth Land Use & Streetscape 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 residential uses up to 22 dwelling units per acre for the subject site. <p>Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the proposed development:</p> <ul style="list-style-type: none"> • Addresses the street frontage by providing a door, windows and a courtyard on the elevation facing the public street and has not located parking between the building and the street; and • Provides a 28-foot setback from the existing back of curb, which provides a transition from the non-residential building to the west and the single family homes to the east; and • Provides sidewalk connections from the units to the public sidewalk, two accessible ramps on Kenilworth Avenue at Fillmore Street, and a waiting pad for the existing bus stop. <p>The Zoning Committee voted 4-1 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Deleted Note A under Storm Water as requested in order to address the following issue, "Clarify Note A under Storm Water, which reads: 'Storm water runoff for this development will meet ordinance requirements for the PCCO.' The parcel size will exempt the proposed development from all PCCO requirements per Section 18-105(b) of the Ordinance. If the Petitioner intends to voluntarily comply with the Post-Construction Stormwater Ordinance (PCCO), the Storm Water note should be revised to specify the particular provisions of the PCCO targeted for voluntary compliance. If the Petitioner does not intend to voluntarily comply with any portion of the PCCO, then the current Storm Water note should be deleted from the plan to avoid any confusion during permitting." 2. Provided an elevation that ensures that the Kenilworth Avenue elevation is designed to resemble the main entrance of the building. 3. Amended Note B under Architectural Standards and Materials to say "five-foot minimum width sidewalk" rather than four-foot. 4. Provided four-sided building elevations. 5. Amended the label on the site plan regarding the existing driveway closures to replace the word "repaved" with "replaced." 6. Showed and labeled visitor parking spaces. 7. Deleted the label specifying the developer will construct accessible ramps, as this information is specified in conditional Note D under Transportation. <p>Staff recommends approval of this petition.</p> <p>Attachment 8</p>
<p>Requesting Deferral (to July 20, 2015)</p>	<ol style="list-style-type: none"> 9. Petition No. 2015-014 (Council District 6 - Smith) by Park Sharon Properties, LLC for a change in zoning for approximately 4.66 acres located on the northeast corner at the intersection of Park Road and Sharon Road from R-3 (single family residential) to UR-2(CD) (urban residential, conditional).

<p>Protest (Sufficient)</p>	<p>The Zoning Committee voted 7-0 to DEFER this petition to their June 24, 2015 meeting.</p> <p><u>Attachment 9</u></p>
<p>Council will have to vote whether or not to send back to the Zoning Committee.</p>	<p>10. <u>Petition No. 2015-048</u> by Design Resource Group for a Text Amendment to the City of Charlotte Zoning Ordinance to include bicycle structures in the list of allowed site features within the setback and/or public right-of-way in the UR-1 (urban residential), UR-2 (urban residential), UR-3 (urban residential), UR-C (urban residential – commercial), RE-3 (research), UMUD (uptown mixed use), MUDD (mixed use development), PED (pedestrian overlay), NS (neighborhood services), TOD (transit oriented development), and UI (urban industrial) zoning districts.</p> <p>Note: The City Council must determine by a ¾ 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 clarified that:</p> <ol style="list-style-type: none"> 1. The five (5) parking spaces are the required spaces and any additional bicycle parking spaces beyond the required amount can exceed the five (5) short-term bicycle parking spaces per 100 linear feet of street frontage requirement. <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:</p> <ul style="list-style-type: none"> • It meets the goal to support a range of transportation choices. <p>Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the proposed text amendment:</p> <ul style="list-style-type: none"> • Modifies the short-term bicycle parking requirements to allow bicycle parking to be located in the public right-of-way and/or within the required setback, in a variety of zoning districts, subject to additional requirements. <p>The Zoning Committee voted 6-1 to recommend APPROVAL of this petition with the following modification:</p> <ol style="list-style-type: none"> 1. The Zoning Committee asked the petitioner to clarify if the five (5) parking spaces were required spaces and if the additional bicycle parking spaces beyond the required amount can exceed the five (5) short-term bicycle parking spaces per 100 linear feet of street frontage requirement. <p>Staff recommends approval of this petition.</p> <p><u>Attachment 10</u></p>
<p>Council will have to vote whether or not to send back to the Zoning Committee.</p>	<p>11. <u>Petition No. 2015-052</u> (Council District 6 – Smith) by NR Pinehurst Property Owner LLC for a change in zoning for approximately 36.10 acres located on the west side of Providence Road between Cloister Drive and Knob Oak Lane and across from Strawberry Hill Drive from R-17MF(CD) (multi-family residential, conditional) to R-17MF(CD) SPA (multi-family residential, conditional, site plan amendment) with 5-year vested rights.</p> <p>Note: The City Council must determine by a ¾ 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 and staff fine-tuned notes 2 and 4 as follows:</p> <ol style="list-style-type: none"> 2. Note 4(d) now reads: "In addition to the design flexibility provided in paragraph c above, the exterior design of the building to be constructed on that portion of the Site designated as Phase 1 may be modified to accommodate optional courtyards, recesses, modulations and other forms of building articulation. The Providence Road elevation will include three recessed areas with minimum dimensions as depicted on the Phase I building footprint." 4. Note 4(h) now reads: "The exterior building material of the southern edge of the structured parking facility shall be pre-cast in place concrete, and the screening of

the structured parking facility shall be accomplished through a combination of the use of precast barrier panels designed as a part of the structured parking facility, and the installation of a dense, evergreen landscape buffer as depicted on the Rezoning Plan. The pre-cast or cast in place concrete barrier panels shall be painted with additional masonry or stone accents compatible with the Phase I building architecture provided on either the concrete barrier panels or columns of the southern edge of the parking facility."

The Zoning Committee found this petition to be consistent with the *South District Plan*, based on information from the staff analysis and the public hearing, and because:

- The plan recommends residential land uses up to 17 dwelling units per acre for the site.

Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:

- It will not increase the number of proposed residential units; and
- The petition specifies the maximum height per building, with the taller buildings located along Providence Road and two to three-story buildings abutting the neighboring single family uses.

The Zoning Committee voted 7-0 to recommend **APPROVAL** of this petition subject to the staff working with the petitioner to fine-tune outstanding issues 2 and 4, and with the following modifications:

1. Showed a 12.5-foot wide "Class B" buffer abutting tax parcels 18312114 and 10 and added a note that the buffer can be eliminated if the abutting land use changes such that a buffer is no longer needed.
2. Staff rescinded the request to provide elevations for the two, three-story buildings, structured parking, and the garages. Elevations for buildings in Phase I were provided and notes have been added to specify that buildings in Phase 2 may have a variety of architectural styles, however, such buildings shall be compatible to and complementary with the building to be constructed in Phase 1, in terms of architectural style and character and exterior building materials.
3. Amended Note 4c to replace "schematic images" with "architectural renderings" of the various exterior components and elements of the buildings.
4. Amended Note 5e to provide a 15-foot wide landscape area that shall be provided adjacent to tax parcels as depicted on the rezoning plan. The outer 12.5 feet shall be a "Class B" buffer. The inner 2.5 feet shall contain supplemental landscaping. Among other things, the purpose of this 15-foot wide landscape area is to screen the ground floor of the southern edge of the structured parking facility. This 15-foot landscape buffer area shall meet the tree and shrub planting requirements of a "Class B" buffer.
5. Provided standards for the portion of the structured parking facility that will be visible from Providence Road and abutting the existing multi-family development to the east as follows: "The exterior building material of the southern edge of the structured parking facility shall be precast or cast in place concrete, and the screening of cars on the upper floors of the structured parking facility shall be accomplished through the use of barrier panels designed as a part of the structured parking facility. Cars located on the ground floor of the structured parking facility shall be screened through the use of landscaping."
6. Deleted Note 1f.
7. Deleted Note 1g, which stated that accessory buildings and structures located on the site shall not be considered in any limitation on the number of buildings on the site.
8. Specified that the maximum number of proposed units in Phase 1 and Phase 2 shall be 350.
9. Provided the typical Street A dimensioning approved with Petition 2013-23.
10. Maintain the street network shown on Petition 2013-23, as the Subdivision Ordinance requires three blocks and two streets along Providence Road. Staff has rescinded this request. The Subdivision Ordinance for the street requirements was incorrectly applied based on the site location. Therefore, the proposed site plan complies with the Subdivision Ordinance.
11. Amend the notes under Open Space/Tree Save Areas/Greenway Conveyance to specify that the open space area and access easement depicted on the rezoning plan will be dedicated and conveyed to County Parks and Recreation prior to the issuance

	<p>of a certificate of occupancy for the first new building constructed in Phase 2.</p> <ol style="list-style-type: none"> 12. Addressed Transportation comments as follows: <ol style="list-style-type: none"> a. Retained the right-in/right-out driveway as currently depicted on the conditional site plan. 13. Modified Note 3c as follows: "The estimated cost of installing a traffic signal at this location is \$80,000. Prior to the issuance of a building permit for the first new building constructed on the site the petitioner shall submit the sum of \$80,000 to CDOT for the potential traffic signal. This \$80,000 payment shall be held by CDOT for the first three-year period commencing on the date of the issuance of the building permit for the first new building constructed on the site. If CDOT/NCDOT approves the installation of the traffic signal within this three year period, then the \$80,000 will be applied to the cost of installing the traffic signal. If CDOT/NCDOT does not approve the installation of the traffic signal within this three year period, then the \$80,000 payment shall be returned to the petitioner. CDOT and the petitioner shall enter into an escrow agreement to document this agreement. Notwithstanding the foregoing, in the event that CDOT and/or NCDOT determine prior to the expiration of the three year period that a traffic signal will not be installed at this location, then CDOT shall return the \$80,000 payment to the petitioner upon making such determination." 14. Added Note 1e as follows: "Those buildings designated as Buildings 1, 2, 5, 6, 12, 13, and 14 are located in a building envelope formed by the internal street to the east and the parking areas to the north, west and south. Buildings 1, 2, 5, 6, 12, 13, and 14 may rotate and/or change locations within that building envelope at the option of the petitioner." 15. Amended Note 3(a)(vii) under Transportation to remove "prior to issuance of a building permit for the first building to be constructed on the site as part of the redevelopment." 16. Added Note g under Transportation as follows: "The southernmost vehicular access point into the site from Providence Road shall be a private drive that extends from Providence Road, through the structured parking facility to the internal private street. A schematic design of this private drive is set out on the rezoning plan. This private drive will be open to the public for vehicular ingress and egress to and from the site." 17. Added Note 4d under Architectural Standards as follows: "In addition to the design flexibility provided in paragraph c above, the exterior design of the building to be constructed on that portion of the site designated as Phase 1 may be modified to accommodate optional courtyards, recesses, modulations and other forms of building articulation." 18. Amended Note 4j under Architectural Standards as follows: "Exterior dumpster areas and recycling areas will be enclosed by a solid wall with one side being a decorative gate." 19. Added Note 5j under Streetscape, Buffers and Landscaping as follows: "That portion of the four to five foot tall masonry wall located at the southern edge of the building to be constructed in Phase 1 that is depicted on the rezoning plan may be eliminated at the option of the petitioner." 20. Added Note 7c under Open Space/Tree Save Areas/Greenway Conveyance/Amenities as follows: "The new amenity areas for the proposed multi-family residential community to be developed on the site shall be located generally in those areas depicted on the rezoning plan. The existing amenity areas located on that portion of the site designated as Phase 2 may remain in place until such time that Phase 2 is developed." 21. Added Note 8b under Signage as follows: Signage may be installed on the four to five foot masonry wall located at or in proximity to the site's frontage on Providence Road. 22. There should be some consideration to the end units wrapping the corner to the new public street. At a minimum, notes should reflect some orientation or clear glass on this façade. Staff has rescinded this request. <p>The following items have been agreed upon and staff will continue to work with the petitioner to fine-tune these notes:</p> <ol style="list-style-type: none"> 2. Notes 4(d) and (e) related to the massing of the building specifically related to Providence Road frontage and the pockets of open space. 4. Note 4 (h) related to the architectural treatment of the south side of the parking
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	<p>structure.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 11</p>
<p>Council will have to vote whether or not to send back to the Zoning Committee.</p>	<p>12. Petition No. 2015-053 (Council District 6 – Smith) by Lat Purser & Associates for a change in zoning for approximately 0.37 acres located on the southwest corner at the intersection of Montford Drive and Park Road from O-2 (office) to MUDD(CD) (mixed use development, conditional).</p> <p>Note: The City Council must determine by a ¾ vote if the following change to the site plan after the Zoning Committee vote is substantial and if the petition should be referred back to the Zoning Committee for review.</p> <p>The petitioner:</p> <ol style="list-style-type: none"> Added a note specifying that the dumpster location is proposed on the adjacent property. The owners of the two properties will have a legal permanent easement agreement. <p>The Zoning Committee found this petition to be consistent 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 a mix of residential, office and/or retail land uses for the area in which the site is located. <p>Therefore, this petition was found 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 development provides a nonresidential use; and The development implements the non-residential community design guidelines recommended in the plan. <p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications and petitioner's commitment to address the additional outstanding issues:</p> <ol style="list-style-type: none"> Provided pedestrian ramps on the east and west side of the driveway along Montford Drive. Design should be coordinated with CDOT during the construction review process. Amended the proposed zoning under the development summary to specify MUDD(CD) rather than MUDD. Amended Note 4 to reduce the height of freestanding lighting to 20 feet. Removed language about "wall pak" lighting and replaced with the following "All lighting within the site shall be designed and shielded such that direct illumination does not exceed past any property line and shall be consistent with the zoning ordinance requirements." Expanded Note 7 to indicate the existing landscaping. Relocated the area proposed for roll-out waste bins onto the site. Provided screening for the area set aside for roll-out waste bins. Eliminated the signage from the building elevations/renderings. Committed to removing the "retail" label from the building and replace with "proposed building." Committed to working with the planning staff to address the location of the waste facilities. Committed to labeling the landscape along the western property line (i.e. existing hedge to remain). Committed to amending the Development Summary (Proposed Uses and Development Totals) or Note 3. so the proposed/allowed uses match. Committed to confirming that all parking spaces in the middle of the site are within 40 feet of a tree by showing tree islands or trees near the spaces. Committed to amending renderings to reflect the provision of recessed doors along Park Road per Section 9.8506(2)(h) of the Zoning Ordinance. <p>Staff recommends approval of this petition.</p> <p>Attachment 12</p>

	<p>13. <u>Petition No. 2015-055</u> (Council District 7 - Driggs) by Providence Road Farms, LLC for a change in zoning for approximately 47.55 acres located on the east side of Providence Road between Providence Country Club Drive and Allison Woods Drive and across from Ardrey Kell Road from MUDD-O (mixed use development, optional) with five-year vested rights to MUDD-O SPA (mixed use development, optional, site plan amendment) with five-year vested rights.</p> <p>The Zoning Committee found this petition to be consistent with the <i>Providence Road/I-485 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 residential, office, and retail for the site. <p>Therefore, this petition was found 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 petition allows minor changes to the previously approved site plan. <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. Note 3(iii) has been modified to clarify that the proposed drive-through use will not be allowed between the building and Ardrey Kell Road. 2. Modified notes to allow glazing on windows fronting in Providence Road. 3. Modified noted to remove a 10-foot buffer as a result of significant grade changes. 4. Removed a note permitting service areas along Ardrey Kell Road. 5. Landscaping with wall will be provided along development Area B. 6. Clarified the optional provisions to allow drive-through lanes between the building located at the corner of Providence Road and Ardrey Kell Road in Development Area D and Ardrey Kell Road. 7. Clarified that a combination of a low wall and additional landscaping would be used to screen at least 50% of the parking areas over 150 feet length along Providence Road. <p>Staff recommends approval of this petition.</p> <p><u>Attachment 13</u></p>
<p>Council will have to vote whether or not to send back to the Zoning Committee.</p>	<p>14. <u>Petition No. 2015-056</u> (Council District 1 – Kinsey) by DPJ Residential, LLC for a change in zoning for approximately 1.92 acres located on the north side of Central Avenue between Nadina Street and Landis Avenue from B-1 (neighborhood business) and MUDD(CD) (mixed use development, conditional) to MUDD(CD) (mixed use development, conditional, site plan amendment) and MUDD(CD) SPA (mixed use development, conditional, site plan amendment).</p> <p>Note: The City Council must determine by a $\frac{3}{4}$ vote if the following change to the site plan after the Zoning Committee vote 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. Deleted the words “or existing requirements” from the last sentence of Note c. under General Provisions. 2. Clarified the location of the future back of curb at the build out of the street car to address the request to move the “future curb line” to the back of the future curb and rename the label to “future back of curb.” 3. Clarified the setback is measured from the back of the future curb based on the build out of the street car. Amended the note on the proposed on street parking to specify that the spaces may be eliminated upon the construction of the future street car. This addressed the request to adjust the setbacks shown on the site plan to be measured from the future back of curb rather than the edge of pavement. <p>The Zoning Committee found this petition to be inconsistent 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 retail for a portion of the site and mixed use retail/office as amended by the previous rezoning for a portion of the site.

However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:

- The petition is consistent with recently constructed projects on Central Avenue; and
- The proposed mixed use (residential/commercial) is urban in character and pedestrian oriented; and
- The petition also supports the goal of developing in a manner that complements a multi-modal transportation system and the future extension of the LYNX Gold Line (street car); and
- The petition revitalizes a brownfield site.

The Zoning Committee voted 7-0 to recommend **APPROVAL** of this petition with the following modifications provided the petitioner address the remaining three outstanding minor issues:

1. Labeled the additional building setback provided along Central Avenue.
2. Provided a note specifying that the existing billboard on the site will be removed.
3. Provided a detail of the retaining wall and fence along the rear property line that shows the height and materials of the fence and the materials of the wall.
4. Amended the label for the loading space to read "striped temporary loading space."
5. Specified when the right-of-way will be dedicated.
6. Removed density from the Development Data Table because mixed use buildings use FAR.
7. Amended Note a. under Environmental Features to refer to the Gold Line.
8. Amended the site plan to show dwelling units connecting to the internal sidewalk.
9. Amended Note h. under the Development Data Table so it matches the proposed commercial shell space and amenity area depicted on the site plan.
10. Amended Note k. under Development Data Table to say required parking per MUDD standards (1 space per residential unit and 1 space per 600 square feet of non-residential) and total parking provided is 124 spaces.
11. Amended Note l. under Development Data Table to quantify the provided urban open space in the same method as reflected in the Zoning Ordinance.
12. Amended Note a. under Permitted Use to accurately reflect the uses proposed.
13. Deleted Note b. under Lighting as it is repeated.
14. Amended Note a. under Architectural Standards to say, "all units with frontage on Central Avenue have exterior balconies, stoops or patios."
15. Amended Note a. under Streetscape and Landscaping to read "Petitioner will provide street trees per the City of Charlotte Tree Ordinance within the planting strip as generally depicted on the site plan."
16. Removed RZ-01 as is it part of the rezoning application and not part of the site plan.

Staff recommends approval of this petition.

[Attachment 14](#)

ZONING HEARINGS

	<p>15. <u>Petition No. 2014-100</u> (Council District 1 - Kinsey) by Flywheel Group, LLC 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(CD) (transit oriented development - mixed-use, conditional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><u>Attachment 15</u></p>
	<p>16. <u>Petition No. 2014-101</u> (Council District 2 - Austin) by Charles M. Shelton, Jr. 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(CD) (single family residential, conditional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><u>Attachment 16</u></p>
Requesting Deferral (to July 20, 2015)	<p>17. <u>Petition No. 2014-104</u> (Outside City Limits) by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 6.77 acres located at the northeast corner of the intersection of Arthur Davis Road and Independence Hill Road from Town of Huntersville "TR (transitional residential)" zoning to R-4 (single family residential).</p> <p>Staff is requesting a one-month deferral of the public hearing on this rezoning petition.</p> <p><u>Attachment 17</u></p>
Requesting Deferral (to July 20, 2015)	<p>18. <u>Petition No. 2014-105</u> (Outside City Limits) by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 9 acres located at the end of Lea Woods Lane and between Grayling Court and Falconwood Court from Town of Mint Hill "R (residential)" zoning to R-4 (single family residential).</p> <p>Staff is requesting a one-month deferral of the public hearing on this rezoning petition.</p> <p><u>Attachment 18</u></p>
Protest (Sufficient)	<p>19. <u>Petition No. 2015-026</u> (Council District 1 – Kinsey) by Robert Drakeford for a change in zoning for approximately 1.14 acre located on the north and south sides of McClintock Road near the intersection of St. Julien Street and McClintock Road from R-5 (single family residential) to UR-2(CD) (urban residential, conditional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><u>Attachment 19</u></p>
	<p>20. <u>Petition No. 2015-039</u> (Council District 1 – Kinsey) by DAMBCA, LLC for a change in zoning for approximately 1.644 acres located on the east side of Matheson Avenue between North Brevard Street and North Davidson Street from R-5 (single family residential), I-2 (general industrial), and MUDD-O (mixed use development, optional) to TOD-MO (transit oriented development - mixed-use, optional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><u>Attachment 20</u></p>

	<p>21. <u>Petition No. 2015-050</u> (Council District 4 – Phipps) by Bukola Olasimbo for a change in zoning for approximately 0.47 acres located on the west side of Derita Avenue between Maple Street and Hewitt Drive 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><u>Attachment 21</u></p>
	<p>22. <u>Petition No. 2015-054</u> (Council District 3 – Mayfield) by Childress Klein for a change in zoning for approximately 1.56 acres located on the northeast corner at the intersection of South Tryon Street and Moss Road from B-1SCD (business shopping center) to B-1(CD) (neighborhood business, conditional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><u>Attachment 22</u></p>
	<p>23. <u>Petition No. 2015-057</u> (Council District 6 – Smith) by PRSC Holdings (Edens), LLC for a change in zoning for approximately 1.14 acres located on the north side of East Woodlawn Road between Park Road and Brandywine Road from B-1 (neighborhood business) to NS (neighborhood services).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><u>Attachment 23</u></p>
	<p>24. <u>Petition No. 2015-060</u> (Council District 2- Austin) by Con-Way Freight, Inc. for a change in zoning for approximately 2.54 acres located on the east side of Statesville Road across from Spector Drive near the intersection of Statesville Road and Old Statesville Road from I-1 (light industrial) to I-2 (general industrial).</p> <p>Staff recommends approval of this petition.</p> <p><u>Attachment 24</u></p>
	<p>25. <u>Petition No. 2015-061</u> (Council District 1- Kinsey) by 3106 North Davidson, LLC for a change in zoning for approximately 0.155 acres located on the east side of North Davidson Street between East 34th Street and East 35th Street 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><u>Attachment 25</u></p>
	<p>26. <u>Petition No. 2015-062</u> (Council District 2- Austin) by Silver Hammer Properties, LLC for a change in zoning for approximately 20.91 acres located at the intersection of NC Music Factory Boulevard and Hamilton Street generally surrounded by Interstate 77, West Brookshire Freeway, and Seaboard Coast Line Railroad from I-2(CD) (general industrial, conditional) to MUDD(CD) (mix use development, conditional) with five-year vested rights.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><u>Attachment 26</u></p>
	<p>27. <u>Petition No. 2015-063</u> (Council District 2 – Austin) by Bojangles' Restaurants, Inc. for a change in zoning for approximately 0.909 acres located on the south side of West Trade Street between Grandin Road and Interstate 77 from B-1(PED) (neighborhood business, pedestrian overlay) to MUDD-O (PED) (mixed use development, optional, pedestrian overlay).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><u>Attachment 27</u></p>

	<p>28. <u>Petition No. 2015-064</u> (Council District 2 – Austin) by CitiSculpt for a change in zoning for approximately 0.47 acres located on the south side of West Morehead Street between South Summit Street and Interstate 77 from B-D(CD) (PED-O) (distributive business, conditional, pedestrian overlay, optional) to O-1(PED) (office district, pedestrian overlay).</p> <p>Staff recommends approval of this petition.</p> <p><u>Attachment 28</u></p>
	<p>29. <u>Petition No. 2015-065</u> (Council District 1- Kinsey) by David Powlen, RLA for a change in zoning for approximately 0.28 acres located on the west side of Weston Street between Hartford Avenue and Greystone Road from R-17MF (multi-family residential) to B-2 (general business).</p> <p>Staff recommends approval of this petition.</p> <p><u>Attachment 29</u></p>
	<p>30. <u>Petition No. 2015-067</u> (Council District 5 – Autry) by Sovran Self Storage, Inc. for a change in zoning for approximately 4.24 acres located on the northeast corner at the intersection of East Independence Boulevard and Wallace Lane from BD(CD) (distributive business, conditional) to BD(CD) SPA (distributive business, conditional site plan amendment).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><u>Attachment 30</u></p>
	<p>31. <u>Petition No. 2015-068</u> (Council District 3- Mayfield) by FCD Development, LLC for a change in zoning for approximately 3.06 acres located on the north side of Dunavant Street between South Tryon Street and Hawkins Street from I-2 (general industrial) to TOD-M (transit oriented development - mixed-use).</p> <p>Staff recommends approval of this petition.</p> <p><u>Attachment 31</u></p>
	<p>32. <u>Petition No. 2015-069</u> (Council District 3- Mayfield) by Cottonwood Residential for a change in zoning for approximately 4.29 acres located on the south side of Shopton Road between Courtney Oaks Road and South Tryon Street from NS (neighborhood services) to R-17MF(CD) (multi-family residential, conditional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><u>Attachment 32</u></p>
	<p>33. <u>Petition No. 2015-070</u> (Council District 1-Kinsey) by Justin W. Lanford for a change in zoning for approximately 0.11 acres located on the southeast corner at the intersection of Catawba Avenue and Allen Street from R-5 (single-family residential) to UR-1 (urban residential).</p> <p>Staff recommends approval of this petition.</p> <p><u>Attachment 33</u></p>
	<p>34. <u>Petition No. 2015-071</u> (Council District 3-Mayfield) by Spectrum Properties Residential, Inc. for a change in zoning for approximately 0.68 acres located on the northwest corner at the intersection of South Tryon Street and West Catherine Street from I-2 (general industrial) to TOD-M (transit oriented development – mixed-use).</p> <p>Staff recommends approval of this petition.</p> <p><u>Attachment 34</u></p>

	<p>35. <u>Petition No. 2015-072</u> (Council District 7-Driggs) by Real Estate Sevices Group, Inc. for a change in zoning for approximately 1.55 acres located on the west side of Lancaster Highway between Ardrey Kell Road and Carolina Academy Road from R-3 (single family residential) to O-1(CD) (office, conditional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><u>Attachment 35</u></p>
	<p>36. <u>Petition No. 2015-085</u> by Sarah Cherne / Junior Achievement of the Central Carolinas for a Text Amendment to the City of Charlotte Zoning Ordinance for recreation centers to:</p> <ol style="list-style-type: none"> 1) modify the prescribed size condition for recreation centers in a variety of zoning districts by increasing the maximum square footage if the recreation center is located in buildings constructed prior to 1980; 2) add recreation centers as a use allowed by right in the CC (commercial center) zoning district; 3) add recreation centers as a use allowed with prescribed conditions in the MX-1, MX-2, and MX-3 (mixed use) districts; 4) relocate recreation centers with prescribed conditions that are incorrectly listed in the sections of the Zoning Ordinance related to “uses by-right”, into the correct sections related to “uses allowed under prescribed conditions”; and 5) update the use table. <p>Staff recommends approval of this petition.</p> <p><u>Attachment 36</u></p>