

Mayor Anthony Foxx
Michael D. Barnes
Nancy Carter
Andy Dulin
Patsy Kinsey
Edwin B. Peacock III

Mayor Pro Tem Susan Burgess
Patrick Cannon
Warren Cooksey
David Howard
James E. Mitchell, Jr.
Warren Turner

CITY COUNCIL ZONING AGENDA ***Monday, February 15, 2010***

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

6:00PM – Zoning Decisions
Meeting Chamber

DINNER MEETING

- ***Review of Agenda – Tammie Keplinger / Tom Drake***

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

REZONING ACRONYMS

Zoning Districts

- **B-1** – neighborhood business district
- **B-2** – general business district
- **B-1SCD** – business shopping center district
- **BD** – distributive business district
- **BP** – business park district
- **CC** – commercial center district
- **I-1** – light industrial district
- **I-2** – general industrial district
- **INST** – institutional district
- **MUDD** – mixed use development district
- **MX-1** – mixed use district
- **MX-2** – mixed use district
- **MX-3** – mixed use district
- **NS** – neighborhood services district
- **O-1** – office district
- **O-2** – office district
- **O-3** – office district
- **R-3** – single-family residential – up to 3 dwelling units per acre (dua)
- **R-4** – single-family residential – up to 4 dua
- **R-5** – single-family residential – up to 5 dua
- **R-6** – single-family residential – up to 6 dua
- **R-8** – single-family residential – up to 8 dua
- **R-8MF** – multi-family residential – up to 8 dua
- **R-12MF** – multi-family residential – up to 12 dua
- **R-17MF** – multi-family residential – up to 17 dua
- **R-22MF** – multi-family residential – up to 22 dua
- **R-43MF** – multi-family residential – up to 43 dua
- **R-MH** – residential manufactured housing
- **RE-1** – research district
- **RE-2** – research district
- **RE-3** – research district
- **TOD** – transit oriented development
- **TOD-E** – transit oriented development – employment
- **TOD-EO** – transit oriented development – employment - optional
- **TOD-M** – transit oriented development – mixed use
- **TOD-MO** – transit oriented development – mixed use – optional
- **TOD-R** – transit oriented development – residential
- **TOD-RO** – transit oriented development – residential - optional
- **U-I** – urban industrial district
- **UMUD** – uptown mixed use district
- **UMUD-O** – uptown mixed use district - optional
- **UR-1** – urban residential
- **UR-2** – urban residential
- **UR-3** – urban residential
- **UR-C** – urban residential - commercial

Overlay Districts

- **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
- **HW** – hazardous waste overlay
- **LNW** – Lake Norman watershed
- **LNWCA** – Lake Norman watershed – critical area
- **LNWPA** – Lake Norman watershed – protected area
- **LLWW** – Lower Lake Wylie watershed
- **LLWWCA** – Lower Lake Wylie watershed – critical area
- **LLWWPA** – Lower Lake Wylie watershed – protected area
- **MILW** – Mountain Island Lake watershed
- **MILWCA** – Mountain Island Lake watershed – critical area
- **MILWPA** – Mountain Island Lake watershed – protected area
- **MH-** – manufactured home overlay
- **PED** – pedestrian overlay district
- **PED-O** – pedestrian overlay district – optional
- **TS** – transit supportive overlay district

Miscellaneous Acronyms

- **CD** – conditional
- **SPA** – site plan amendment

DECISIONS

	<p>1. Petition No. 2009-039 by Charlotte Area Transit Systems for a change in zoning of approximately 3.65 acres located southeast of North Alexander Street from O-2 to B-2(CD).</p> <p>This petition is found to be inconsistent with the <i>Belmont Revitalization Plan</i> but to be reasonable and in the public interest, by a 5-2 vote of the Zoning Committee. The Committee voted 5-2 to recommend APPROVAL with modifications of this petition:</p> <ol style="list-style-type: none"> 1. The buildings have been “flipped” to place the office building facing the park and open space. 2. A 36-inch oak tree will be preserved. 3. A 30-foot buffer will be required once North Meyers Street is abandoned. 4. The existing asphalt walkway to the greenway will be maintained. 5. The building will be limited to 100,000 square feet. 6. Elevations of the building from the park/open space have been provided. 7. A note has been added to the site plan which states “Any changes shall be subject to the terms and conditions set out by and in accordance with section 6.207 of the Ordinance.” 8. A note has been added to the site plan which states “Development of the site shall comply with the setback, height, and yard requirements of the B-2 zoning district”. 9. A note has been added to the site plan which states “Landscaping and screening shall, at minimum, satisfy the requirements of Section 12.302, 12.303, and 12.304 of the Ordinance”. 10. A note has been added to the site plan which states “All exterior lighting fixtures (except street lights) shall be capped and fully shielded with full cutoff and the illumination downwardly directed so that direct illumination does not extend beyond the City-owned property”. 11. The existing five foot sidewalk along North Alexander Street has been shown and labeled on the site plan addressing CDOT’s comments. 12. Sight triangles will be added on the site plan addressing CDOT’s comments. 13. Elevations have been provided showing that large expanses of wall will be avoided through the introduction of articulated facades, using various materials such as brick and other masonry products, stone, different colors of paint and glass windows. <p>Attachment 1</p>
<p>Protest Sufficient</p>	<p>2. Petition No. 2009-067 by Stacy Mitchell and Janet McMillen for a change in zoning of approximately 0.85 acres located on the south side of South Tryon Street between Moss Road and Lions Mane Street from R-3 to O-1(CD).</p> <p>This petition is found to be inconsistent with the <i>Southwest District Plan</i> and not reasonable and in the public interest, by a 4-1 vote of the Zoning Committee The Committee voted 4-1 to recommend DENIAL of this petition.</p> <p>The following outstanding issues have been addressed:</p> <ol style="list-style-type: none"> 1. Elevations have been provided and labeled for new and existing structure. 2. 20-foot rear yard has been labeled on site plan. 3. 10-foot side yards have been labeled on site plan. 4. 30-foot setback as been labeled and shown on site plan from right-of-way. 5. The total square footage of the new expansion and existing structure has been listed on the site plan. 6. Parking counts have been listed on the site plan for the residential and office use. 7. The 14-foot back of curb setback has been removed from site plan. 8. The buffer has been shown continuing to property line along South Tryon Street. 9. Zoning on abutting properties has been labeled on the site plan. 10. An eight-foot planting strip and six-foot sidewalk along South Tryon Street have been shown and labeled. 11. A note has been added that the existing detached structure will be removed from the buffer prior to obtaining building permits.

	<p>12. A note has been added committing to the extension of five-foot sidewalk from the proposed addition to tie into the sidewalk along South Tryon Street.</p> <p>13. A note has been added that all lighting fixtures will be fully shielded with full cut-off fixtures.</p> <p>The following outstanding issues have not been addressed:</p> <ol style="list-style-type: none"> 1. Add a note listing the allowed uses. "Astrological Services" is not a listed use in the Zoning Ordinance. 2. Clarify the square footage that will be used for office space. Note 19 indicates 30% of the property will be used for office but the "Project Information" indicates 600 square feet. <p>Attachment 2</p>
	<p>3. Petition No. 2009-068 by Apprise Holdings, LLC for a change in zoning of approximately 13.98 acres located on the south side of Mallard Creek Road across from Mason Drive and beside Penninger Circle from R-3 to R-17MF(CD).</p> <p>This petition is found to be inconsistent with the <i>Northeast District Plan</i> but reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted 5-1 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The building in the southeast corner of the site meets the 30-foot setback. 2. The future right-of-way line has been corrected to indicate 30 feet from the centerline of the existing Penninger Circle. 3. The yard for the southwest building has been corrected from a 68-foot setback to a 10-foot side yard. 4. The number of units has been reduced (from 238 to 224) to meet the 17 unit-per-acre limit of the R-17MF district. This also includes reducing the parcel size from 13.98 to 13.19. 5. The dimensions and materials for the proposed decorative fence have been provided. 6. The sidewalk on the parking lot side of the northwest building has been extended out to Penninger Circle. 7. Pedestrian gates will be provided for all sidewalks extending to the public street sidewalk system. 8. Note #4 has been clarified to state that rights-of-way will be dedicated and conveyed. 9. The conflict between Note #1 and the Zoning Information specification that 80 percent of all trees will be saved has been resolved. A note has been added to Note #1 that the certified arborist's plan will be implemented. 10. The site plan will comply with Section 9.303(19) d. ii, which requires all buildings to be within 400 feet of a public or private street. 11. Note #4 has been modified to provide for dedication and conveyance of 55 feet along Mallard Creek Road. <p>Attachment 3</p>
	<p>4. Petition No. 2010-001 by Prime Solutions, LLC for a change in zoning of approximately 0.20 acres located along the west side of Harding Place near the intersection of Kenilworth Avenue and Harding Place from MUDD-O to O-2.</p> <p>This petition is found to be consistent with the <i>Central District Plan</i> and reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition.</p> <p>Attachment 4</p>

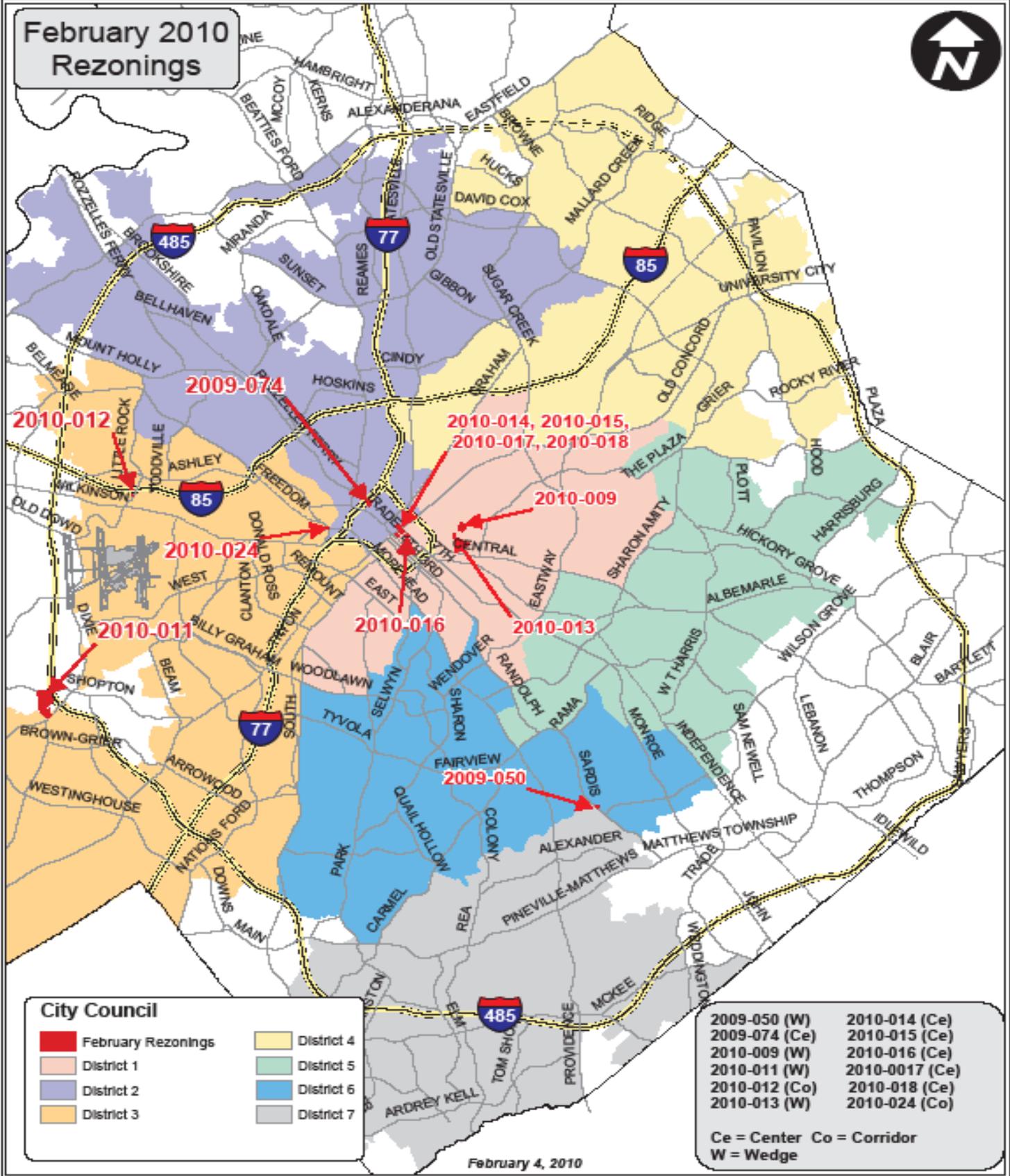
	<p>5. Petition No. 2010-002 by Deltas of Charlotte Foundation for an R-8MF(CD) site plan amendment for approximately 2.0 acres located on the east side of Beatties Ford Road between Pauline Lane and Kitty Drive.</p> <p>This petition is found to be consistent with the <i>Northwest District Plan</i> and reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. No parking between the buildings and street. 2. If a metal building is used the exterior will be masonry materials for sides of building in public view. 3. Wall pack lighting is not permitted and detached lighting will be full cutoff. 4. A new tree will be planted in the established setback to replace the tree to be removed. 5. The total square footage has been clarified to be 13,250 square feet. <p>Attachment 5</p>
	<p>6. Petition No. 2010-003 by Charlotte-Mecklenburg Planning Commission for a change in zoning of approximately 6.76 acres located on the west side of Baltimore Avenue and on both sides of Miller Street and Chicago Avenue from R-22MF to R-8.</p> <p>This petition is found to be consistent with the <i>Newbern Transit Station Area Plan</i> and reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted 3-4 to recommend approval of this petition. As result the motion was defeated and the Zoning Committee's recommendation is to DENY the petition.</p> <p>Attachment 6</p>
<p>Deferral (2-month)</p>	<p>7. Petition No. 2010-004 by Charlotte-Mecklenburg Planning Commission for a change in zoning of approximately 24.55 acres located on the west side of Sarah Drive, south of West Cama Street and on both sides of Orchard Circle from R-22MF to R-8.</p> <p>The Zoning Committee voted 4-3 to recommend DEFERRAL of this petition to their March 24, 2010 meeting pending additional information on corrective rezonings.</p> <p>Attachment 7</p>
<p>Deferral (2-month)</p>	<p>8. Petition No. 2010-005 by Charlotte-Mecklenburg Planning Commission for a change in zoning of approximately 7.95 acres located on the west side of China Grove Church Road, the south side of Ervin Lane, both sides of Dendy Lane and both sides of Packard Street from R-17MF to R-8.</p> <p>The Zoning Committee voted 4-3 to recommend DEFERRAL of this petition to their March 24, 2010 meeting pending additional information on corrective rezonings.</p> <p>Attachment 8</p>
	<p>9. Petition No. 2010-006 by Charlotte-Mecklenburg Planning Commission for a change in zoning of approximately 57.70 acres located on both sides of Longleaf Drive, Loblolly Lane, Lodgepole Place, Spruce Pine Place, Big Cone Place, Timberline Road and Greyleaf Place from R-17MF to R-5.</p> <p>This petition is found to be consistent with the <i>Sharon & I-485 Transit Station Area Plan</i> and reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition.</p> <p>Attachment 9</p>

10. Petition No. 2010-007 by Robert Ellis for a change in zoning of approximately 3.0 acres located on the north side of Byrum Drive at the intersection of Larkmoore Court and Sirius Lane from I-1(CD) to I-2.

This petition is found to be consistent with the *Southwest District Plan* and reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend **APPROVAL** of this petition.

Attachment 10

February 2010 Rezoning



City Council

- February Rezoning
- District 1
- District 2
- District 3

- District 4
- District 5
- District 6
- District 7

- 2009-050 (W)
- 2009-074 (Ce)
- 2010-009 (W)
- 2010-011 (W)
- 2010-012 (Co)
- 2010-013 (W)
- 2010-014 (Ce)
- 2010-015 (Ce)
- 2010-016 (Ce)
- 2010-017 (Ce)
- 2010-018 (Ce)
- 2010-024 (Co)

Ce = Center Co = Corridor
W = Wedge

February 4, 2010

HEARINGS

	<p>11. Petition No. 2009-050 by Mt. Tabor Community Development Corporation for a change in zoning of approximately 1.89 acres located on Sardis Road across from Wilby Drive from R-3 to INST(CD).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 11</p>
<p>Deferral (one-month, if submitting a new site plan)</p>	<p>12. Petition No. 2009-074 by Sycamore I, LLC for a change in zoning of approximately 4.71 acres located along West 6th Street and North Sycamore Street from UR-2 and UR-3 to UMUD(CD) with five year vested rights.</p> <p>Staff recommends approval of the current petition upon resolution of the outstanding site plan issues. However, the petitioner has indicated the possibility of submitting a new site plan with significant changes. If the petitioner chooses to do so, staff would recommend a one month deferral of this petition.</p> <p>Attachment 12</p>
<p>Deferral (one-month)</p>	<p>13. Petition No. 2010-009 by St. Paul Baptist Church for a change in zoning of approximately 6.92 acres located within Harrill Street, East 16th Street, Pegram Street and East 19th Street from R-5 and O-2(CD) to MUDD-O.</p> <p>Petitioner is requesting a one-month deferral of this petition.</p> <p>Staff does not recommend approval of this petition as currently proposed.</p> <p>Attachment 13</p>
	<p>14. Petition No. 2010-011 by Steele Creek (1997) Limited Partnership for a change in zoning of approximately 82.60 acres located on the south side of Dixie River Road and north of Steele Creek Road from R-3, BP(CD), CC and O-2(CD) all in the (LLWPA) to CC SPA, CC and I-1(CD) all in the (LLWPA).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 14</p>
	<p>15. Petition No. 2010-012 by Sree Hotels, LLC for a change in zoning of approximately 0.32 acres located on the west side of Little Rock Road between Interstate 85 and Keeter Drive from I-2 to I-1.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 15</p>
	<p>16. Petition No. 2010-013 by Roger and Perina Stewart for a UR-3(CD) site plan amendment for approximately 0.68 acres located at the north intersection of Belmont Avenue and Allen Street.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 16</p>

	<p>17. Petition No. 2010-024 by Freedom Drive Development Association for a change in zoning of approximately 0.28 acres located on the northwest corner at the intersection of Freedom Drive and West Morehead Street from B-1(PED) to B-1(PED-O).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 17</p>
	<p>18. Petition No. 2010-014 by City of Charlotte for a change in zoning of approximately 1.05 acres located on the south side of the intersection at North Tryon Street and East 5th Street from UMUD-O to UMUD-O SPA.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 18</p>
	<p>19. Petition No. 2010-015 by City of Charlotte for a change in zoning of approximately 2.74 acres located on the north corner of the intersection at North Tryon Street and West 6th Street from UMUD-O to UMUD-O SPA.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 19</p>
	<p>20. Petition No. 2010-016 by Public Library of Charlotte & Mecklenburg County for a change in zoning of approximately 2.79 acres located at the western corner at the intersection of East 7th Street and North Brevard Street from UMUD to UMUD-O.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 20</p>
	<p>21. Petition No. 2010-017 by Public Library of Charlotte & Mecklenburg County for a change in zoning of approximately 1.31 acres located along the south side of North Tryon Street between East 6th Street and East 7th Street from UMUD to UMUD-O.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 21</p>
	<p>22. Petition No. 2010-018 by Mecklenburg County for a change in zoning of approximately 1.55 acres located along North College Street between East 6th Street and East 7th Street from UMUD to UMUD-O.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 22</p>