

Mayor Patrick L. McCrory    Mayor Pro Tem Susan Burgess  
Michael Barnes                Nancy Carter  
Warren Cooksey              Andy Dulin  
Anthony Foxx                 Patsy Kinsey  
John W. Lassiter             James E. Mitchell, Jr.  
Edwin B. Peacock III        Warren Turner

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***CITY COUNCIL ZONING AGENDA***  
***Monday, March 17, 2008***

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

**6:00PM – Zoning Decisions**  
**Meeting Chamber**

***DINNER MEETING***

- *Review of Agenda – Tom Drake*

**ALL REZONING PETITIONS MAY BE VIEWED ON THE WEB AT**  
**[www.rezoning.org](http://www.rezoning.org)**

## ***REZONING ACRONYMNS***

<u><b>Zoning Districts</b></u>	<u><b>Overlay Districts</b></u>
<ul style="list-style-type: none"> <li>● <b>B-1</b> – neighborhood business district</li> <li>● <b>B-2</b> – general business district</li> <li>● <b>B-1SCD</b> – business shopping center district</li> <li>● <b>BD</b> – distributive business district</li> <li>● <b>BP</b> – business park district</li> <li>● <b>CC</b> – commercial center district</li> <li>● <b>I-1</b> – light industrial district</li> <li>● <b>I-2</b> – general industrial district</li> <li>● <b>INST</b> – institutional district</li> <li>● <b>MUDD</b> – mixed use development district</li> <li>● <b>MX-1</b> – mixed use district</li> <li>● <b>MX-2</b> – mixed use district</li> <li>● <b>MX-3</b> – mixed use district</li> <li>● <b>NS</b> – neighborhood services district</li> <li>● <b>O-1</b> – office district</li> <li>● <b>O-2</b> – office district</li> <li>● <b>O-3</b> – office district</li> <li>● <b>R-3</b> – single-family residential – up to 3 dwelling units per acre (dua)</li> <li>● <b>R-4</b> – single-family residential – up to 4 dua</li> <li>● <b>R-5</b> – single-family residential – up to 5 dua</li> <li>● <b>R-6</b> – single-family residential – up to 6 dua</li> <li>● <b>R-8</b> – single-family residential – up to 8 dua</li> <li>● <b>R-8MF</b> – multi-family residential – up to 8 dua</li> <li>● <b>R-12MF</b> – multi-family residential – up to 12 dua</li> <li>● <b>R-17MF</b> – multi-family residential – up to 17 dua</li> <li>● <b>R-22MF</b> – multi-family residential – up to 22 dua</li> <li>● <b>R-43MF</b> – multi-family residential – up to 43 dua</li> <li>● <b>R-MH</b> – residential manufactured housing</li> <li>● <b>RE-1</b> – research district</li> <li>● <b>RE-2</b> – research district</li> <li>● <b>RE-3</b> – research district</li> <li>● <b>TOD</b> – transit oriented development</li> <li>● <b>TOD-E</b> – transit oriented development – employment</li> <li>● <b>TOD-EO</b> – transit oriented development – employment - optional</li> <li>● <b>TOD-M</b> – transit oriented development – mixed use</li> <li>● <b>TOD-MO</b> – transit oriented development – mixed use – optional</li> <li>● <b>TOD-R</b> – transit oriented development – residential</li> <li>● <b>TOD-RO</b> – transit oriented development – residential - optional</li> <li>● <b>U-I</b> – urban industrial district</li> <li>● <b>UMUD</b> – uptown mixed use district</li> <li>● <b>UMUD-O</b> – uptown mixed use district - optional</li> <li>● <b>UR-1</b> – urban residential</li> <li>● <b>UR-2</b> – urban residential</li> <li>● <b>UR-3</b> – urban residential</li> </ul>	<ul style="list-style-type: none"> <li>● <b>CR/LWW</b> – Catawba River / Lake Wylie watershed</li> <li>● <b>CR/LWWCA</b> – Catawba River / Lake Wylie watershed – critical area</li> <li>● <b>CR/LWWPA</b> – Catawba River / Lake Wylie watershed – protected area</li> <li>● <b>HD-O</b> – historic district overlay</li> <li>● <b>HW</b> – hazardous waste overlay</li> <li>● <b>LNW</b> – Lake Norman watershed</li> <li>● <b>LNWCA</b> – Lake Norman watershed – critical area</li> <li>● <b>LNWPA</b> – Lake Norman watershed – protected area</li> <li>● <b>LLWW</b> – Lower Lake Wylie watershed</li> <li>● <b>LLWWCA</b> – Lower Lake Wylie watershed – critical area</li> <li>● <b>LLWWPA</b> – Lower Lake Wylie watershed – protected area</li> <li>● <b>MILW</b> – Mountain Island Lake watershed</li> <li>● <b>MILWCA</b> – Mountain Island Lake watershed – critical area</li> <li>● <b>MILWPA</b> – Mountain Island Lake watershed – protected area</li> <li>● <b>MH</b> – manufactured home overlay</li> <li>● <b>PED</b> – pedestrian overlay district</li> <li>● <b>PED-O</b> – pedestrian overlay district – optional</li> <li>● <b>TS</b> – transit supportive overlay district</li> </ul> <p style="text-align: center;"><u><b>Miscellaneous Acronyms</b></u></p> <ul style="list-style-type: none"> <li>● <b>CD</b> – conditional</li> <li>● <b>SPA</b> – site plan amendment</li> </ul>

• **UR-C** – urban residential - commercial

***HISTORIC LANDMARKS***

1. Approve a resolution setting a public hearing for April 21, 2008 at 6:00 PM on the question of historic designation of the “Charlotte Fire Station Number 4” and land as an Historic Landmark.

Attachment 1

2. Approve a resolution setting a public hearing for April 21, 2008 at 6:00 PM on the question of historic designation of the “Wing Haven Gardens and Bird Sanctuary” and land as an Historic Landmark.

Attachment 2

## ***DECISIONS***

<p><b>Deferral (one-month)</b></p>	<p>3. <b>Petition No. 2007-076 (decision) by Novant Health, Inc.</b> for a change in zoning of approximately 6.40 acres bounded by East 3<sup>rd</sup> Street, East 4<sup>th</sup> Street, Queens Road and South Caswell Road from O-2 to MUDD-O.</p> <p>The Zoning Committee voted unanimously to recommend a <b>ONE-MONTH DEFERRAL</b> of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 3</p>
<p><b>Protest (sufficient)</b></p>	<p>4. <b>Petition No. 2007-118 (decision) by Brookechase Properties</b> for a change in zoning of approximately 5.00 acres located on the northeast corner of Providence Road and Westbury Road from R-3 to R-5(CD)and UR-2(CD).</p> <p><i>A protest petition has been filed and is sufficient to invoke 3/4 majority-voting rule.</i></p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>South District Plan</i> and the <i>General Development Policies</i> and voted unanimously to recommend <b>APPROVAL</b> of this petition, based upon the following modifications:</p>

	<ul style="list-style-type: none"> <li>• The number of units is reduced to 48 on the UR-2(CD) site.</li> <li>• The maximum building height is 60 feet.</li> <li>• Water quality and quantity improvements have been included.</li> <li>• Tree save areas have been committed to and identified.</li> <li>• The pedestrian/bike trail has been extended to the retail center to the north and “motor vehicles of any kind” prohibited from using the trail.</li> <li>• Commitments regarding the single family homes as detailed in an email from petitioner’s agent dated February 27, 2008 have been added to the site plan.</li> </ul> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 4</p>
<p><b>Deferral (one-month)</b></p> <p><b>Protest (sufficient)</b></p>	<p>5. <b>Petition No. 2007-128 (decision) by StoneHunt Development, LLC</b> for a change in zoning of approximately 6.76 acres located along Main Street, Baxter Street and Luther Street, in the Cherry Neighborhood from R-8 and R-22MF to UR-2(CD).</p> <p><i>A protest petition has been filed and is sufficient to invoke ¾ majority-voting rule.</i></p> <p>The Zoning Committee voted unanimously to recommend a <b>ONE-MONTH DEFERRAL</b> of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 5</p>
	<p>6. <b>Petition No. 2007-131 (decision) by Leon T. Shanklin</b> for a change in zoning of approximately 0.97 acres located on the northeast corner of South Tryon Street and East Peterson Drive from R-8 to MUDD(CD).</p> <p>The Zoning Committee unanimously found this petition to be inconsistent with the <i>Central District Plan</i> and consistent with the <i>Draft Scaleybark Station Area Plan</i> and voted 4-2 to recommend <b>APPROVAL</b> of this petition.</p> <p>Staff agrees with the majority of the Zoning Committee.</p> <p>Attachment 6</p>
<p><b>Deferral (one-month)</b></p>	<p>7. <b>Petition No. 2008-002 (decision) by York Development Group</b> for a change in zoning of approximately 6.62 acres located on the northeast corner of North Community House Road and Ballantyne Commons Parkway from BP(CD) to NS.</p> <p>Petitioner is requesting a one-month deferral of this petition.</p> <p>The Zoning Committee is recommending a <b>ONE-MONTH DEFERRAL</b> of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p>

	<p>Attachment 7</p>
	<p>8. <b>Petition No. 2008-003 (decision) by Romanian Baptist Church of Charlotte</b> for a change in zoning of approximately 3.83 acres located on the northeast corner of Faires Farm Road and Katherine Kiker Road from R-12(CD) to INST(CD).</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>Northeast District Plan</i> and voted unanimously to recommend <b>APPROVAL</b> of this petition, based upon the following modifications:</p> <ul style="list-style-type: none"> <li>• Increase in building size from 5,800 square feet to 9,800 square feet.</li> <li>• Reduction in the number of parking spaces from 92 to 76.</li> <li>• The petitioner must secure approval of the alternate buffer for the portion of required Class C buffer in conflict with the Duke Power right-of-way.</li> </ul> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 8</p>
	<p>9. <b>Petition No. 2008-004 (decision) by North Davidson Acquisitions</b> for a change in zoning of approximately 3.87 acres located on the northeast corner of North Davidson Street and East 36<sup>th</sup> Street from NS, O-2 and R-5 to MUDD-O.</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>North Charlotte Plan</i> and voted unanimously to recommend <b>APPROVAL</b> of this petition, based upon the following modifications:</p> <ul style="list-style-type: none"> <li>• Provision of service access from Mercury Street, limits on delivery times (7 am-7 pm) and truck size.</li> <li>• Note on site plan indicating agreement to dedicate and convey right-of-way measuring 25 feet from the existing centerline of Mercury Street if such right-of-way does not currently exist.</li> <li>• Additional storm water notes on site plan as requested by Charlotte-Mecklenburg Storm Water Services.</li> </ul> <p>Staff agrees with the recommendation of the Zoning Committee</p> <p>Attachment 9</p>
	<p>10. <b>Petition No. 2008-014 (decision) by Rocky River Road Associates, LLC</b> for a change in zoning of approximately 72.41 acres located on the northeastern quadrant of the Rocky River Road / I-485 interchange from R-3 to R-8MF(CD), R-12MF(CD) and O-2(CD).</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>Rocky River Road Area Plan</i> and voted unanimously to recommend <b>APPROVAL</b> of this petition, based upon the following modifications:</p> <ul style="list-style-type: none"> <li>• The ability to substitute 60 multi-family units for the office space has been removed.</li> </ul>

	<ul style="list-style-type: none"> <li>• Notes have been added providing details of the buildings to be constructed, including design details and exterior materials.</li> </ul> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 10</p>
	<p>11. <b>Petition No. 2008-020 (decision) by Beacon Partners</b> for a change in zoning of approximately 4.80 acres located on the south side of David Cox Road between Old Statesville Road and Harris Cove Drive from I-1 to I-2(CD).</p> <p>The Zoning Committee unanimously found this petition to be consistent with the Northeast District Plan and reasonable and in the public interest and voted unanimously to recommend <b>DENIAL</b> of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 11</p>
	<p>12. <b>Petition No. 2008-021 (decision) by KSJ Development, Inc.</b> for a change in zoning of approximately 7.53 acres located on the southwest corner of Hampton Church Road and Washington Boulevard from B-1(CD) to B-1(CD) SPA.</p> <p>The Zoning Committee unanimously found this petition to be inconsistent with the <i>University City Area Plan</i> but reasonable and in the public interest and voted unanimously to recommend <b>APPROVAL</b> of this petition, based upon the following modifications:</p> <ul style="list-style-type: none"> <li>• Added storm water language as requested by Storm Water Services.</li> <li>• Provision of parking calculations based upon proposed uses.</li> <li>• Better alignment of proposed easternmost access point with existing driveway to the south.</li> <li>• Approximate location of potential cross-access between properties if redevelopment occurs.</li> <li>• Proposed curb and gutter, 8' planting strip and 5' sidewalk along portion of Hampton Church Road.</li> <li>• Proposed 8' planting strip with 6' sidewalk along Shopping Center Road.</li> <li>• Pedestrian connection along eastern property line connecting to proposed sidewalks onto Shopping Center Drive and Hampton Church Road.</li> <li>• Provision of a private aisle stub to the westerly property line for future development for cross access purposes.</li> <li>• Additional notes pertaining to building materials.</li> <li>• Language about building vacancy mitigation procedures, including maintenance and appearance, and provision to disallow similar use should building remain vacant for longer than 6 months.</li> <li>• Additional detention area on site.</li> </ul>

	<p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 12</p>
	<p>13. <b>Petition No. 2008-022 (decision) by Centex Homes</b> for a change in zoning of approximately 31.02 acres located on the northwest corner of Tyvola Centre Drive and West Tyvola Road from BP(CD) to BP(CD)SPA and MX-2 (Innov.).</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>General Development Policies</i> and voted unanimously to recommend <b>APPROVAL</b> of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 13</p>
	<p>14. <b>Petition No. 2008-023 (decision) by Charlotte Truck Center</b> for a change in zoning of approximately 28.70 acres located on the northwest corner of Equipment Drive and Jeremiah Boulevard from BP to I-1(CD) and B-2(CD).</p> <p>The Zoning Committee unanimously found this petition to be inconsistent with the <i>Northeast District Plan</i> but reasonable and in the public interest and voted unanimously to recommend <b>APPROVAL</b> of this petition, based upon the following modifications:</p> <ul style="list-style-type: none"> <li>• Addition of building footprints and parking area shown on Parcel B.</li> <li>• Addition of storm water language.</li> <li>• Prohibiting of residential development on Parcel B.</li> <li>• Potential vehicular connection shown between Parcels A and B.</li> <li>• Addition of note prohibiting operation of truck sales/service center on Sundays.</li> <li>• Addition of note regarding front elevation of buildings to be comprised of brick, precast or other masonry materials, stucco or a stucco type product or a combination of such materials. Split face block shall not be a permitted exterior building material on the front elevations of such buildings.</li> <li>• Provision of 15% tree save area and addition of storm water retention area on Parcel B.</li> <li>• The petitioner must satisfactorily address required screening of parking areas from the adjacent right-of-way.</li> </ul> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 14</p>
<p><b>Protest (sufficient)</b></p>	<p>15. <b>Petition No. 2008-024 (decision) by MLP Real Estate Acquisitions, LLC</b> for a change in zoning of approximately 12.81 acres located on the southwest corner of Northlake Centre Parkway, Mt. Holly-Huntersville Road and Alexanderana Road from R-3 to R-17MF(CD).</p> <p><i>A protest petition has been filed and is sufficient to invoke ¾ majority-voting rule.</i></p> <p>The Zoning Committee unanimously found this petition to be inconsistent with the <i>Northwest District Plan</i> but consistent with the <i>Draft Northlake Area Plan</i> and reasonable and in the public interest and voted unanimously to recommend <b>APPROVAL</b> of this petition.</p>

	<p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 15</p>
	<p>16. <b>Petition No. 2008-025 (decision) by Insite Properties, LLC</b> for a change in zoning of approximately 1.53 acres located on the northwest corner of East Morehead Street and Royal Court from B-1 and B-2 to MUDD-O.</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>Central District Plan</i> and reasonable and in the public interest and voted unanimously to recommend <b>APPROVAL</b> of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 16</p>
	<p>17. <b>Petition No. 2008-026 (decision) by Tetrad Development, LLC</b> for a change in zoning of approximately 2.12 acres located on the south side of South Bruns Avenue, between Mahopac Street and Katonah Avenue from R-8 to UR-2(CD).</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>Central District Plan</i> and the <i>General Development Policies</i> and reasonable and in the public interest and voted unanimously to recommend <b>APPROVAL</b> of this petition, based upon the following modification:</p> <ul style="list-style-type: none"> <li>• A pedestrian access point will be provided to the open space associated with the elementary school to the south and west of the petitioned site.</li> </ul> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 17</p>
	<p>18. <b>Petition No. 2008-027 (decision) by Sagrado Builders Corporation</b> for a change in zoning of approximately 6.05 acres located on the north side of Ballantyne Commons Parkway between Annalex Lane and Providence Road from R-3 to UR-2(CD).</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>Providence Road/I-485 Area Plan Update</i> and reasonable and in the public interest and voted unanimously to recommend <b>APPROVAL</b> of this petition, based upon the following modifications:</p> <ul style="list-style-type: none"> <li>• The site plan will indicate a minimum of 10% tree save area.</li> <li>• A 24-foot undisturbed class “C” buffer will be provided along the northern and western property line.</li> </ul>

	<ul style="list-style-type: none"> <li>• Each unit will show 400 square feet of open space.</li> <li>• The 8-foot planting strip and 6-foot sidewalk along Ballantyne Commons Parkway will be drawn to scale.</li> <li>• The face of the garages will be setback a minimum of 20-feet from the back of curb or face of the sidewalk.</li> <li>• Building heights will be labeled on the elevations.</li> </ul> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 18</p>
	<p>19. <b>Petition No. 2008-028 (decision) by Michael Melton</b> for a change in zoning of approximately 0.39 acres located on the northeast corner of The Plaza and Shamrock Drive from B-2(CD) to B-1(CD).</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>Central District Plan</i> and reasonable and in the public interest and voted unanimously to recommend <b>APPROVAL</b> of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 19</p>
	<p>20. <b>Petition No. 2008-029 (decision) by Friendship Community Development Corporation</b> for a change in zoning of approximately 0.60 acres located on the northwest corner of Custer Street and Catherine Simmons Avenue from R-12MF to UR-2(CD).</p> <p>The Zoning Committee unanimously found this petition to be inconsistent with the <i>Central District Plan</i> and the <i>General Development Policies</i> but reasonable and in the public interest and voted unanimously to recommend <b>APPROVAL</b> of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 20</p>
	<p>21. <b>Petition No. 2008-030 (decision) by BRC Salome Church, LLC</b> for a change in zoning of approximately 15.10 acres located on the west side of Salome Church Road, north of North Tryon Street from R-3 and R-22MF(CD) to R-17MF(CD).</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>Northeast Area Plan</i> and reasonable and in the public interest and voted unanimously to recommend <b>APPROVAL</b> of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 21</p>
	<p>22. <b>Petition No. 2008-033 (decision) by Pacific Southern Development, LLC</b> for a</p>

	<p>change in zoning of approximately 2.08 acres located on the west side of Park Road between Heather Lane and Drexel Place from R-4 and O-2 to MUDD(CD).</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>Park Road Corridor Plan</i> and reasonable and in the public interest and voted unanimously to recommend <b>APPROVAL</b> of this petition, based upon the following modifications:</p> <ul style="list-style-type: none"> <li>• The wall on the west side of the project will be a six-foot brick wall.</li> <li>• Additional right-of-way will be dedicated along Heather Lane to provide 55 feet of right-of-way, potentially permitting a future left turn lane. Building A will consequently be located three feet further south, providing 20 feet between building and back of curb.</li> <li>• Both driveway connections will remain open at all times.</li> <li>• A double row of vegetative screening has been added between the parking and Heather Lane.</li> <li>• Total square footage is reduced to 38,000 square feet.</li> <li>• No restaurant may operate after 11:00 pm and alcohol sales may not exceed 35% of gross receipts.</li> </ul> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 22</p>
	<p>23. <b>Petition No. 2008-034 (decision) by Metro Landmarks</b> for a change in zoning of approximately 0.23 acres located on the west side of Euclid Avenue between East Worthington Avenue and East Boulevard from R-22MF(PED)(HD-O) to O-2(PED)(HD-O).</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>East Boulevard Land Use and Pedscape Plan</i> and reasonable and in the public interest and voted unanimously to recommend <b>APPROVAL</b> of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 23</p>
	<p>24. <b>Petition No. 2008-035 (decision) by Charlotte-Mecklenburg Housing Partnership</b> for a change in zoning of approximately 10.52 acres located on both sides of Statesville Avenue between Woodward Avenue and Dearborn Avenue from R-8, R-12MF(CD), R-22MF and B-2 to NS.</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>Statesville Avenue Corridor Plan</i> and the <i>General Development Policies</i> and reasonable and in the public interest and voted unanimously to recommend <b>APPROVAL</b> of this petition, based upon the following modification:</p> <ul style="list-style-type: none"> <li>• Parking standards for the non-residential components of this petition will be one space per 125 square feet of restaurant use, one space per 450 square feet of retail use, and one space per 550 square feet of office use.</li> </ul>

	<p>Staff agrees with the recommendation of the Zoning Committee Attachment 24</p>
	<p>25. <b>Petition No. 2008-037 (decision) by Ronald McDonald House of Charlotte</b> for a change in zoning of approximately 1.12 acres located on the north side of East Morehead Street between Queens Road and Bromley Road from R-12MF to O-2(CD).</p> <p>The Zoning Committee unanimously found this petition to be inconsistent with the Central District Plan but reasonable and in the public interest and voted unanimously to recommend <b>APPROVAL</b> of this petition, based upon the following modification:</p> <ul style="list-style-type: none"> <li>• The petitioner must resolve storm water issue and revise site plan accordingly.</li> </ul> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 25</p>

## ***HEARINGS***

	<p>26. <b>Petition No. 2007-040 (hearing) by The Boulevard Company</b> for a change in zoning of approximately 1.19 acres located on the west side of North Cedar Street between West 5<sup>th</sup> Street and Cates Street from UR-2 to MUDD(CD).</p> <p>Staff recommends denial of this petition in its current form.</p> <p>Attachment 26</p>
<b>Withdrawal</b>	<p>27. <b>Petition No. 2007-101 (hearing) by Dhaliwal Mac, LLC</b> for a change in zoning of approximately 26.85 acres located on the southwest corner of West W.T. Harris Boulevard and Old Statesville Road from I-1(CD), I-2(CD) and R-MH to CC.</p> <p>Petitioner is requesting withdrawal of this petition.</p> <p>Staff agrees with the requested withdrawal of this petition.</p> <p>Attachment 27</p>
<b>Deferral (one-month)</b>	<p>28. <b>Petition No. 2007-140 (hearing) by The Altura Group</b> for a change in zoning of approximately 14.80 acres located on the east side of Reames Road between Bella Vista Court and Lawnmeadow Drive from R-3 to R-8MF(CD).</p>
<b>Protest</b>	<p><i>A protest petition has been filed and is sufficient to invoke ¾ majority-voting rule.</i></p>

<b>(sufficient)</b>	<p>Petitioner is requesting a one-month deferral of this petition.</p> <p>Staff recommends denial of this petition in its current form.</p> <p>Attachment 28</p>
<b>Protest (sufficient)</b>	<p>29. <b>Petition No. 2007-145 (hearing) by Tribek Properties</b> for a change in zoning of approximately 6.35 acres located on the southwest corner of Mt. Holly-Huntersville Road and West W.T. Harris Boulevard from R-3 to NS.</p> <p><i>A protest petition has been filed and is sufficient to invoke ¾ majority-voting rule.</i></p> <p>Staff recommends denial of this petition in its current form.</p> <p>Attachment 29</p>
<b>Deferral (indefinite)</b>	<p>30. <b>Petition No. 2008-007 (hearing) by Citiline Resortline Properties of the Carolinas, LLC</b> for a change in zoning of approximately 1.18 acres located on the south side of East 10<sup>th</sup> Street between Seigle Avenue and Jackson Avenue from B-2 and R-5 to MUDD(CD).</p> <p>Petitioner is requesting an indefinite deferral of this petition.</p> <p>Staff agrees with the requested indefinite deferral of this petition.</p> <p>Attachment 30</p>
<b>Deferral (one-month)</b>  <b>Protest (not sufficient)</b>	<p>31. <b>Petition No. 2008-011 (hearing) by Charles Thomas &amp; Barnes Boykin – Eastern Pride, Inc.</b> for a change in zoning of approximately 0.91 acres located between West Trade Street and West 5<sup>th</sup> Street, north of North Bruns Avenue from MUDD(CD)PED to B-1(CD)PED-O.</p> <p><i>A protest petition has been filed and is not sufficient to invoke ¾ majority-voting rule.</i></p> <p>Staff recommends a one-month deferral of this petition and the petitioner has agreed.</p> <p>Attachment 31</p>
<b>Deferral (indefinite)</b>	<p>32. <b>Petition No. 2008-013 (hearing) by The Boulevard Company</b> for a change in zoning of approximately 2.94 acres located on the southeast corner of North Clarkson Street and Cates Street from UR-2 to MUDD.</p>

	<p>Petitioner is requesting an indefinite deferral of this petition.</p> <p>Staff agrees with the requested indefinite deferral of this petition.</p> <p>Attachment 32</p>
<b>Protest (sufficient)</b>	<p>33. <b>Petition No. 2008-031 (hearing) by Mountain Island Promenade, LLC</b> for a change in zoning of approximately 116.30 acres located on the northeast quadrant of the Brookshire Boulevard / I-485 Interchange from B-D(CD)(LWPA) and NS(LWPA) to B-D(CD)SPA(LWPA) and NS SPA(LWAP).</p> <p><i>A protest petition has been filed and is sufficient to invoke 3/4 majority-voting rule.</i></p> <p>Staff recommends denial of this petition.</p> <p>Attachment 33</p>
	<p>34. <b>Petition No. 2008-036 (hearing) by Commercial Transportation, Inc.</b> for a change in zoning of approximately 6.91 acres located south of Old Mt. Holly Road, on the southeast end of Aqua Chem Drive from I-1(CD) to I-2(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 34</p>
	<p>35. <b>Petition No. 2008-039 (hearing) by Mecklenburg County Real Estate</b> for a change in zoning of approximately 1.55 acres located on the southeast corner of Providence Road and Alexander Road from R-3 to R-6(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 35</p>
	<p>36. <b>Petition No. 2008-042 (hearing) by Crescent Resources, LLC</b> for a change in zoning of approximately 15.06 acres bounded by West Tyvola Road, Yorkmont Road and Billy Graham Parkway from O-15(CD) to O-2(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 36</p>
	<p>37. <b>Petition No. 2008-043 (hearing) by Mark S. Engel</b> for a change in zoning of approximately 2.65 acres located on the south side of Westinghouse Boulevard between I-77 and Granite Street from I-2 to I-1.</p> <p>Staff recommends approval of this petition.</p>

	Attachment 37
	<p>38. <b>Petition No. 2008-044 (hearing) by Cambridge Properties, Inc.</b> for a change in zoning of approximately 12.40 acres located on the southwest corner of Davis Lake Parkway and Harris Woods Boulevard from O-1(CD) to MX-2(Innov.).</p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 38</p>
	<p>39. <b>Petition No. 2008-038 (hearing) by Charlotte-Mecklenburg Planning Commission</b> for a change in zoning of approximately 1.54 acres located on the east side of Hawkins Street between West Tremont Avenue and Rampart Street from I-2 to TOD-M.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 39</p>
	<p>40. <b>Petition No. 2008-061 (hearing) by Charlotte-Mecklenburg Planning Commission</b> consideration of a text amendment to the city of Charlotte Zoning Ordinance to modify the existing Zoning Ordinance regulations to make such uses more compatible within residential neighborhoods. Changes proposed are:</p> <ul style="list-style-type: none"> <li>• Modify the definition of elementary and secondary schools to include kindergarten and to define a school as one licensed by the state of North Carolina as a school.</li> <li>• Add a new Section 4.105 that describes a public notification process for institutional uses locating adjacent to, or abutting single family residential districts (R-3, R-4, R-5, R-6, and R-8).</li> <li>• Modify Section 12.506 to: <ul style="list-style-type: none"> <li>• Add a third size category for religious institutions, based upon the number of seats in the largest place of assembly.</li> <li>• Modify the FAR for small religious institutions located in single family zoning districts and allow them on collector, minor, or major thoroughfares.</li> <li>• Clarify that accessory uses to religious institutions shall be subordinate in area, extent, and purpose to the principal use, and that they have to observe the yard, separation and buffer requirements that apply to the principal structure.</li> </ul> </li> <li>• Modify the use table to incorporate the three sizes of religious institutions permitted in residential districts.</li> </ul> <p>Staff recommends approval of this petition.</p> <p>Attachment 40</p>

