

Mayor Anthony Foxx **Mayor Pro-Tem Patrick Cannon**
Michael D. Barnes **Jason Burgess**
Nancy Carter **Warren Cooksey**
Andy Dulin **David Howard**
Patsy Kinsey **James E. Mitchell, Jr.**
Edwin B. Peacock III **Warren Turner**

CITY COUNCIL ZONING AGENDA ***Monday, June 20, 2011***

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

6:00PM – Zoning Meeting
Meeting Chamber

DINNER MEETING

- ***Review of Agenda – Tammie Keplinger***
- ***Sweepstakes Gaming Establishments and Internet Café's***
Council follow-up assignment
Barry Mosley and Debra Campbell

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

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. 2010-045 by Charlotte-Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to modify and clarify the regulations for information and advertising pillar signs.</p> <p>This petition is found to be consistent with adopted policies and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted to recommend APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 1</p>
<p>Protest Sufficient</p>	<p>2. Petition No. 2011-017 by Goode Development Corp. and Goode Properties for a change in zoning for approximately 20 acres located on the east side of Monroe Road between Idlewild Road and Conference Drive from R-17MF to NS and MUDD-O.</p> <p>This petition, with the exception of Block 1, is found to be consistent, with the <i>Independence Boulevard Area Plan</i> and to be 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. Land Use <ol style="list-style-type: none"> a. Reduced the maximum number of drive-through service windows allowed from six to four. b. Deleted statement under Blocks 2, 3, and 6 that the limit on the number of accessory drive-through service windows will not be applicable to businesses in multi-tenant buildings. c. Amended Notes under Blocks 3, 4, 5, and 6 to replace "associated" uses with "accessory" uses in reference to multi-family. d. Limited automotive service station and/or convenience store to Block 1. e. This request was removed by staff: Limit drive through service windows as accessory to a financial institution, dry cleaner or bank in Block 5 and Block 6. f. Amended the Development Data Table to delete reference to nonresidential uses. g. This request was removed by staff: Add a note clarifying whether the 4,000 square foot multi-tenant building allowed in Block 2 or 6 is included in the 15,000 square foot maximum for additional non-residential." h. Deleted duplicate reference to limit on accessory drive-through service windows in Block 5. i. Eliminated the term "restaurant type uses" used in Block 1 notes. Maximum nonresidential square footage is listed as 54,000 square feet

2. Community Design

- a. Added note that buildings will have direct frontage and useable entrances along Monroe Road.
- b. Added note that accessory drive-through windows shall not be located on the side of the building that directly fronts Monroe Road or any public or private street that intersects with Monroe Road.
- c. Indicated that parking/driveways will be located on no more than two sides of any open space.
- d. Relabeled "Typical Common Open Space" detail as "Block Park".
- e. Provided a minimum landscaping width in front of the knee wall.
- f. Deleted Notes B and C under Architectural Standards.
- g. Deleted Note G under Architectural Standards.
- h. Amended Note J under Architectural Standards to delete "to the greatest extent practicable".
- i. Amended Note A under Architectural Standards to remove inclusion of a member of the Planning Staff in the Architectural Control Committee. Staff originally requested the addition of this note; however, the staff review required by the conditional plan for NS zoning and staff review required by the ordinance for MUDD are sufficient.
- j. Amended Note J under Architectural Standards as follows: "Individual site layouts and building elevations for the NS portion of the site will be reviewed and approved by the Planning Department for compliance with the provisions of this plan as part of the normal site plan/building permit review process and in accordance with the review schedules of that process.
- k. Deleted "At least 50% of" from the beginning of Note H under Architectural Standards.
- l. Amended Note J to add Conference Drive.
- m. Provided specific building envelopes for the blocks proposed to be rezoned to NS.
- n. Provided a note indicating that no parking or vehicular circulation will be allowed between buildings and public right-of-way for Block 2.
- o. Provided a note requiring a minimum of 65 percent building frontage along Monroe Road for Blocks 2, 3, 4 and 6, a minimum 65 percent along Conference Drive in Block 5, and a minimum 50 percent along Conference Drive along Block 6.
- p. Amended note under Architectural Standards to delete the reference to the City of Charlotte property.
- q. Modified note under Parks, Greenways and Open Space to state that block park areas may be expanded to provide for on-site open space so long as the minimum dimension of the expanded Block Park extends at least 15 feet behind the edge of the sidewalk. Additional plantings consistent with the standards of the Tree Ordinance will be installed as part of any expanded Block Park.

3. Mobility

- a. Provided commitment to provide 6-foot sidewalk and 8-foot planting strip along Monroe Road.
- b. Added optional request to allow maneuvering between the building and Conference Drive in Block 6.
- c. CATS comments:
 - 1) This request was removed by CATS: Add note that existing CATS bus stops, waiting pads, and shelters will be preserved along Monroe Road or will be restored by the petitioner if impacted by the proposed construction.

	<p>d. CDOT comments:</p> <ol style="list-style-type: none"> 1) This request was removed by CDOT: Monroe Road should be widened and designed as an "Avenue Street" per the Charlotte Land Development Standards Manual. This entails that the roadway be designed with lower target speeds to better service pedestrians, bicyclists, and vehicles. The redesigned street should also include street trees, strategically spaced raised medians to restrict vehicle access where necessary, and pedestrian refuge areas, and should not include a continuous two-way left turn lane. Fifty feet of right-of-way from the centerline will be required. 2) This request was removed by CDOT: Convey right-of-way in fee simple title for Conference Drive and Idlewild Road. 3) Added the following note: "The Petitioner will be responsible for the implementation costs for a possible future traffic signal to be installed at the intersection of Monroe Road and Knickerbocker Drive, including signal design costs, r/w and/or easements on the west side of Monroe Road near Knickerbocker Drive, accessible ramps and crosswalks on all four corners, and interconnect conduct/cable or other acceptable technology between Idlewild Road and Conference Drive. CDOT will provide the petitioner 90 days notice if and when traffic signal funds are needed to commence the signal design. Should CDOT not receive funding for this improvement holds will be placed on building permits and certificates of occupancy. The installation date for this possible traffic signal will be determined by CDOT and NCDOT." 4) Added the following note: "The exact design of the improvements to Monroe Road will be determined through a cooperative process that will involve the Petitioner, CDOT, and NCDOT that will occur after the petition is approved." <p>4. <u>General</u></p> <ol style="list-style-type: none"> a. Amended optional provision to clarify that parking is allowed between the building and the setback of the future street parallel to Monroe Road. b. Corrected spelling of Knickerbocker Drive in Block 3 section. c. Added phasing requirements that tie new development to the demolition of existing multi-family housing. d. Showed possible location of dumpster and recycling areas. e. Labeled possible location of storm water detention areas. <p>Attachment 2</p>
<p>Protest Not Sufficient</p>	<p>3. Petition No. 2011-023 by Vulcan Construction Materials, for a change in zoning for approximately 106.90 acres located near the north side of the intersection of Brooks Mill Road and Albemarle Road from R-3, R-3(CD), and O-1 to I-2(CD).</p> <p>This petition is found to be inconsistent with the <i>East District Plan</i> and the <i>Eastside Strategy Plan</i> but to be 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. Indicated a minimum 70-foot right-of-way (35 feet from the centerline) will be reserved for the proposed minor thoroughfare, as identified on the Metropolitan Planning Organization Thoroughfare Plan. 2. Clarified on sheet 2 under "Permitted Uses" that no asphalt plants or redi-mix concrete plants are proposed for this subject site. 3. Modified the "Site Area" under the "Development Data Table" to reflect 106.90 acres. 4. Indicated that a portion of tax parcel 111-242-12 is included in the proposed rezoning under the "Development Data Table". 5. Modified the site plan to include the existing R-3(CD) zoned property within the boundary of the proposed rezoning. <p>Attachment 3</p>
	<p>4. Petition No. 2011-027 by Blakeney Heath, LLP for a change in zoning for</p>

approximately 9.0 acres located on the southeast corner at the intersection of Rea Road and Ardrey Kell Road from CC to NS.

This petition is found to be consistent with the *South District Plan* and to be 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:

1. Amended Note 2D to delete the paragraph referring to gross floor area, as it is defined in the zoning ordinance.
2. Deleted reference to Chapter 19 in Note 15.
3. Amended Note 5A to specify that the amount of required amount of landscaping (trees and shrubs) as required by the Tree Ordinance and Ordinance will be increased by 15 percent within the 20-foot landscape setbacks.
4. Addressed CDOT comments:
 - a. Provided continuous five-foot sidewalks on both sides of the proposed new internal street from Ardrey Kell Road to Rea Road and provided a sidewalk connection from the existing sidewalk system at the southwest corner of the Rea Road and Ardrey Kell intersection to the site's closest proposed building.
 - b. Addressed the pedestrian/bike connection in Note 15.
 - c. The proposed driveway connection to the adjacent multi-family property will be in the form of a recorded joint access easement.
 - d. All transportation improvements including the three new improvements listed above will be implemented before the issuance of the site's first building certificate of occupancy.
5. Addressed Storm Water comments:
 - a. Removed Note 6c under Environmental Features. Storm Water rescinded request to delete Note 6b.
6. Increased maximum square footage from 22,000 to 24,500.
7. Amended Note 15 to specify that a variance from Subdivision regulations may be sought for a portion of the sidewalk along Ardrey Kell Road and that should such a request be filed the petitioner will work with City staff to look at alternatives to provide a pedestrian access to the site similar to what the required sidewalk would have provided.

Attachment 4

5. Petition No. 2011-029 by Harris Teeter, Inc. for a change in zoning for approximately 3.90 acres located at the intersection of Providence Road and Queens Road and generally bounded by Huntley Place and Bolling Road from R-4 and B-1 to MUDD-O and five year vested rights.

This petition is found to be consistent with the *Central District Plan* and to be 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:

1. Provided a concrete pedestrian waiting pad at the existing CATS bus stop along Providence Road.
2. Indicated the proposed property lines for the parcel with which the minimum 15% tree save area is to be calculated.
3. Modified the second sentence of Note 3.e. to read: "Such building may be divided into two buildings but the existing building or any such buildings located within Development Area C in the future shall remain in substantially the same location and orientation ...".
4. Relocated Note 4.b. to within Note 12 "Streetscape and Landscaping."
5. Modified the second sentence of Note 14.b. to reference Development Area A rather than Development Area B.

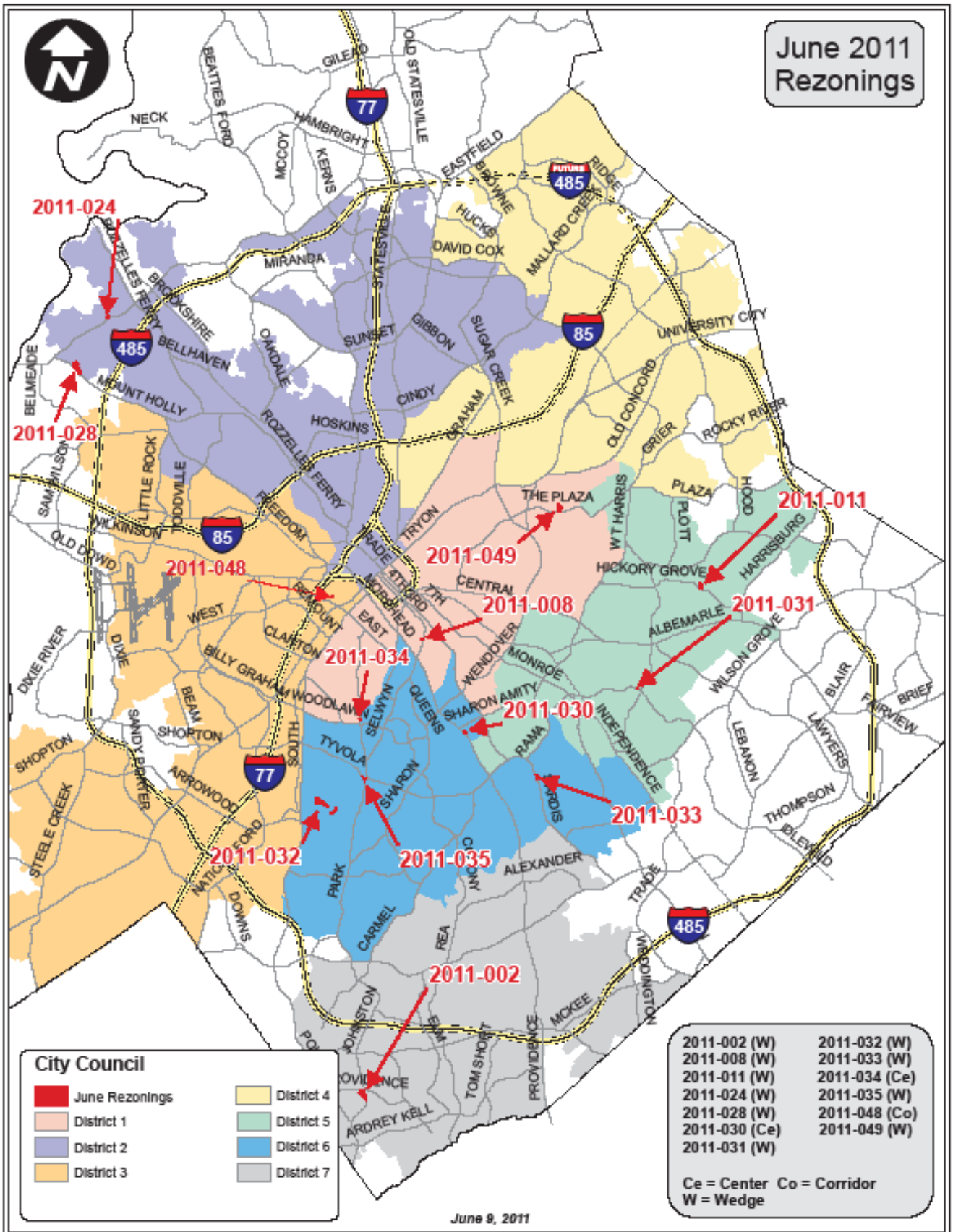
6. Modified the list of "Proposed Uses" under "Site Data" to match the wording under

Note 3.a. which reads "...non-residential uses as permitted by right or under prescribed conditions in the MUDD zoning district...".

7. Modified the "Maximum Principal Building Sizes" under "Site Data" for Development Area C to read "...35,300 square feet (as defined below) which includes the basement space".
8. Clearly identified and labeled the elevation on Sheet RZ-8 which is to represent the proposed "step down in height from Providence Road" on RZ-8 as referenced by the "Maximum Building Height" under "Site Data" and by Note 5.a.
9. Reworded the last sentence of Note 2.c. "Development Area C Aspects" as follows: "... (ix) allow parking within for the basement area of the building within Development Area C to adhere to the ratio of one (1) parking space per 1,000 square feet of space as described below."
10. Provided additional details of the one-foot wide "green screen" along Providence Road.
11. Removed Note 2.h. under "Optional Provisions" as it is stated in Note 1.c. and not part of the optional provisions.
12. Added a reference to the alternative development scenarios for Development Area B in Note 3.b. under "Permitted Uses and Development Area Limitations".
13. Clarified on the site plan sheet that the proposed enclosed loading dock area is excluded from the maximum gross floor area.
14. Eliminated Note 2.g. under "Basement of Development Area C" and place the restriction of no restaurants within the basement under the "Permitted Uses" notes on the site plan.
15. Modified the maximum height for Development Area A from 68 feet to 58 feet.
16. Modified Note 12.b. to indicate the existing trees along Bolling Road will be maintained and replaced, if necessary, to continue to provide screening by the owner of Development Area C.
17. Clarified Note 14.c. to indicate how roof mounted mechanical equipment will be screened.

Staff recommends approval of this petition.

Attachment 5



HEARINGS

	<p>6. Petition No. 2011-002 by 521 Partners, LLC for an O-1 (CD) site plan amendment for approximately 12.54 acres located on the southwest corner at the intersection of Providence Road West and Johnston Road.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 6</p>
Deferral (to September)	<p>7. Petition No. 2011-008 by Thies Realty & Mortgage Co. for a change in zoning for approximately 1.16 acres located on the west side of Providence Road between Moravian Lane and Ardsley Road from B-1 to UR-C(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 7</p>
	<p>8. Petition No. 2011-030 by Urbane Properties, LLC for a change in zoning for approximately 2.27 acres located on the east side of Providence Road between South Sharon Amity Road and Westbury Road from R-3 to INST(CD) 5-Year vested rights.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 8</p>
	<p>9. Petition No. 2011-032 by Robert W. Burkett for a MX-2 site plan amendment for approximately 20.16 acres located on the east and west side of Park South Station Boulevard south of Archdale Drive and generally bounded by Delchester Drive, Montpelier Road and Edgewater Drive.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 9</p>
	<p>10. Petition No. 2011-034 by Bank of the Ozarks for a change in zoning for approximately 1.25 acres located on the southwest corner of Park Road and Heather Lane from MUDD(CD) to MUDD-O.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 10</p>
	<p>11. Petition No. 2011-048 by Greater Galilee Baptist Church for a change in zoning for approximately 0.30 acres located on the north side of South Mint Street and south side of Spruce Street near the intersection of South Mint Street and Spruce Street from MUDD-O to UR-C(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 11</p>

	<p>12. Petition No. 2011-049 by Melange Health Solutions for a change in zoning for approximately 9.78 acres located north of The Plaza, east of Glenfiddich Drive and at the end of Wilann Drive from R-4 to INST(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 12</p>
	<p>13. Petition 2010-080 by Charlotte-Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to modify the regulations for "Outdoor Seasonal Fresh Produce Sales" by 1) renaming them to "Outdoor Fresh Produce Stands", 2) expanding the zoning districts in which they are permitted with prescribed conditions, and 3) modifying the prescribed conditions.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 13</p>
	<p>14. Petition No. 2011-024 by City of Charlotte Neighborhood and Business Services for an INST(CD) site plan amendment for approximately 2.38 acres located at the north corner of the intersection of Mt. Holly-Huntersville Road, Harwood Lane, and Mountain Aire Circle.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 14</p>
	<p>15. Petition No. 2011-028 by Charlotte Mecklenburg Planning Commission for a change in zoning for Properties totaling approximately 17.29 acres generally fronting Mount Holly Road, Chattaroy Drive, Layton Ridge Lane, and Taftnale Court from R-17MF(LWPA) and R-3(LWPA) to R-8(LWPA).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 15</p>
	<p>16. Petition 2011-037 by Charlotte-Mecklenburg Planning Department for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to modify the Single Room Occupancy Residence regulations and definition, and expand the zoning districts in which they are permitted with prescribed conditions.</p> <p>Staff recommends approval of this petition</p> <p>Attachment 16</p>
	<p>17. Petition 2011-038 by Charlotte-Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to modify height regulations in residential zoning districts.</p> <p>Staff recommends approval of this petition</p> <p>Attachment 17</p>
	<p>18. Petition 2011-039 by Charlotte-Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to modify the urban development and design standards and reorganize the regulations Pedestrian Overlay District (PED)</p> <p>Staff recommends approval of this petition</p> <p>Attachment 18</p>