

Mayor Anthony Foxx

John Autry

Warren Cooksey

Claire Fallon

Patsy Kinsey

James E. Mitchell, Jr.

Mayor Pro-Tem Patrick Cannon

Michael D. Barnes

Andy Dulin

David Howard

LaWana Mayfield

Beth Pickering

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## **CITY COUNCIL ZONING AGENDA**

### **Monday, March 18, 2013**

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

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

### **DINNER MEETING**

- **Review of Agenda – Tammie Keplinger**
- **Area plan status & text amendment update – Debra Campbell**

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

1. **Petition No. 2012-070** (Council District 7 - Cooksey) by **Pulte Home Corporation** for a change in zoning for approximately 6.96 acres located on the west side of Wade Ardrey Road between Turkey Hill Road and Ardrey Crest Drive from R-3 to R-6(CD) and 5-year vested rights.

This petition is found to be consistent with the *South District Plan* and the *General Development Policies* 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. The site plan is in the proper format.
2. The petitioner has made the following modifications to the language contained in the General Provisions section as follows: ~~"However, any alterations or modifications which, in the opinion of the Planning Director, substantially alter the character of the development or significantly alter the conceptual Site Plan or its respective conditions as well as any changes which increase the intensity of development shall not be deemed to be minor and may only be made in accordance with the provisions of Subsections 6.207(1) or (2) of the Ordinance as applicable."~~
3. The petitioner has added the following language to the Architectural Standards section: "Primary exterior building materials for the proposed residential structures that are to be constructed on the Site shall be a combination of a minimum of three of the following materials: vinyl siding, brick, stone, shake, hardi-plank or cementitious siding material."
4. The language under Environmental Features has been modified to state as follows: "Petitioner shall comply with the Post Construction Controls Ordinance."
5. The petitioner has addressed CDOT, Storm Water, and Neighborhood and Business Services comments by providing the following:
  - a. Petitioner has revised the site plan to now show and label proposed curb and gutter along the site's Wade Ardrey Road frontage, measured approximately 18.5 feet from the centerline of Wade Ardrey Road to the face of curb.
  - b. NCDOT has determined that a left turn lane into the proposed site will not be necessary, and therefore this request is being rescinded by staff.
  - c. The petitioner has addressed Storm Water Services request by revising the note under Environmental Features to state that the petitioner shall comply with the post Construction Controls Ordinance.
  - d. The petitioner has addressed Neighborhood and Business Services comment by removing the sentence from the site plan that states no more than two single family homes will be allowed side by side which have garages that extend beyond ten feet from the main entry façade.
6. The petitioner has added a statement under Architectural Standards (b) that states the primary exterior building for the proposed residential structures can be one material as long as it is a masonry material.
7. The petitioner has provided conceptual architectural elevations.

Staff recommends approval of this petition.

Attachment 1

<p><b>Council is required to vote to whether or not to send back to Zoning Committee, due to changes to this petition after the Zoning Committee vote</b></p>	<p><b>2. <u>Petition No. 2012-082</u> (Council District 2 - Mitchell) by Derita American Legion Post 345</b> for an O-1(CD) site plan amendment, for approximately 1.20 acres located on the east side of Baucom Road between Mallard Creek Road and Brathay Court.</p> <p>This petition is found to be consistent with the <i>Northeast District 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 <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. The petitioner has included development notes that specify a scenario involving use of existing structure, and a scenario involving redevelopment of the site with construction of a new building and associated site improvements as provided below: <ol style="list-style-type: none"> <li>a. The scenario involving use of existing structure notes that the existing 2,800 square foot structure will remain with a maximum 1,000 square-foot expansion permitted. The maximum height of lighting will be 25 feet. The appearance of the building expansion will blend with existing structure.</li> <li>b. The scenario proposing redevelopment of the site states the new building will not exceed 7,765 square feet, with a maximum 40-foot building height and no more than two stories. The maximum height of lighting will be 25 feet. The appearance of the building will be residential in character and scale, with a minimum 50 percent masonry material along each building elevation.</li> </ol> </li> <li>2. The site plan is correctly labeled "Rezoning Petition 2012-082".</li> <li>3. The site plan is in the proper format.</li> <li>4. CDOT requests that the petitioner not label the width (proposed 15'-5") of the new driveway, and that it be removed from the site plan</li> </ol> <p>Staff recommends approval of this petition.</p> <p>Attachment 2</p>
	<p><b>3. <u>Petition No. 2012-103</u> (Council District 1 - Kinsey) by Kenneth Lin and Jon Branham</b> for a change in zoning for approximately 0.20 acres fronting both North Davidson Street and Yadkin Avenue between East 34<sup>th</sup> Street and East 35<sup>th</sup> Street from R-5 and B-1 to TOD-MO.</p> <p>This petition is found to be consistent with the <i>Draft Blue Line Extension 36<sup>th</sup> Street Transit Station Area Plan</i> and the <i>North Charlotte Plan</i> and to be reasonable and in the public interest by a 4-1 vote of the Zoning Committee. The Committee voted 4-1 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. The petitioner has addressed the issue regarding the placement of the recycling/refuse area on the lot facing Yadkin Avenue via recordation of a recombination plat involving the swapping of land with the abutting property owner, thereby allowing the two parcels of the subject rezoning to adequately touch and be combined.</li> <li>2. The petitioner has listed the existing square footage, new (additional) square footage, and total square footage on the site plan.</li> <li>3. The petitioner has provided information on the site plan indicating that a second story will be constructed over the existing one-story building, and that a new three-story addition will be constructed in the rear of the proposed two-story portion. The petitioner has also provided the height of the existing building (15 feet) and the proposed height as 39 feet.</li> <li>4. The petitioner has removed "night club" from the Optional provision regarding parking. The petitioner has added notes on the site plan to indicate 4 on-street parking spaces, two of which are proposed to be shared with a neighboring business.</li> </ol>

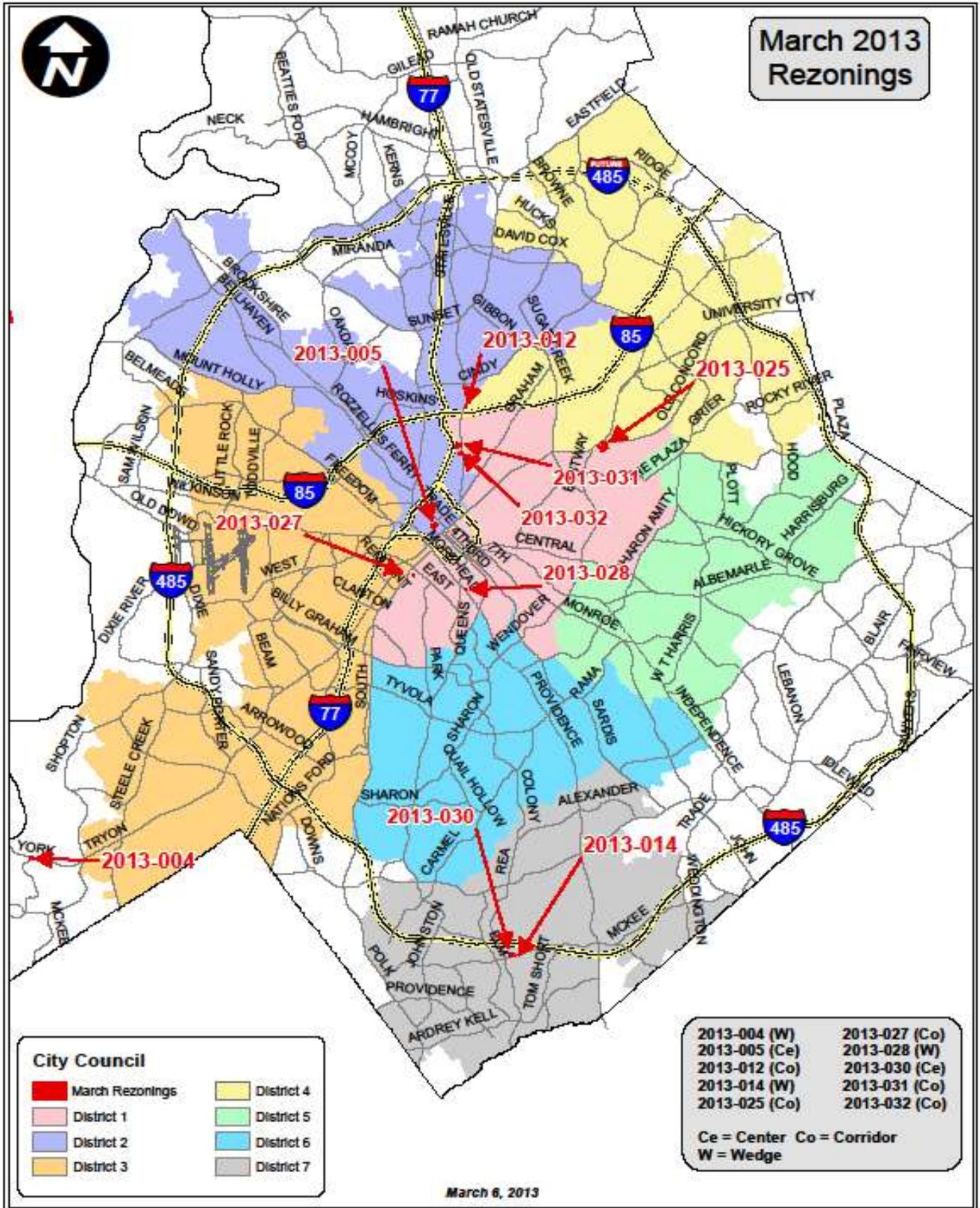
	<ol style="list-style-type: none"> <li>5. The petitioner has modified Optional Provision 3 (Streetscape) to specify N. Davidson Street and requested that the existing 8-foot sidewalk be allowed to remain.</li> <li>6. The petitioner has removed the brick wall shown on the N. Davidson Street elevation and added a note stating it is not part of the site plan.</li> <li>7. The petitioner has revised the site plan to show the boundaries of the area proposed to be rezoned with a weighted line.</li> <li>8. Petitioner added the language provided written response regarding intent to coordinate with a local artist on the elevations to the actual elevation sheet.</li> <li>9. The petitioner has addressed CDOT comments as follows: <ol style="list-style-type: none"> <li>a. The petitioner has removed the proposed curb cut on Yadkin Avenue from the site plan.</li> <li>b. The petitioner has added language to state intent to work with neighboring property owners to secure additional parking.</li> </ol> </li> <li>10. The appropriate standardized notes have been placed on the site plan (in addition to the Optional Provisions listed).</li> <li>11. The <i>Optional Provision</i> language for streetscape (on Yadkin Avenue) has been modified to specify the street name and request that the existing sidewalk be allowed to remain. The sidewalk width has been added to the additional language.</li> <li>12. Language has been added to the <i>Optional Provision</i> for the required 16-foot setback, and to allow new construction incorporating an existing structure be built to the established setback with the established setback identified as at back of the existing sidewalk.</li> <li>13. The established setback has been identified on the site plan.</li> <li>14. Optional Provision 1 (Setback) for the required 16-foot setback has been amended to allow new construction incorporating an existing structure be built to the established setback. The language now correctly identifies the established setback as being from the back of the existing sidewalk.</li> <li>15. Optional Provision 2 (Parking) has been modified to request to not provide required parking for the permitted uses until such a time occurs when the owners have the ability to provide the required parking.</li> <li>16. The petitioner has amended Optional Provision 3 (Streetscape) and added Optional Provision 4 to incorporate Yadkin Avenue into the request as it is subject to this requirement as well. This added language requests that a modified streetscape along Yadkin Avenue to allow a six-foot sidewalk at the back of the curb with no planting strip.</li> <li>17. The petitioner has also added office, retail and personal services as allowable uses in addition to the proposed restaurant.</li> <li>18. The petitioner has removed the sentence regarding lighting from <i>Landscaping</i> and placed it under the new <i>Lighting</i> heading. A note has been added under <i>Lighting that states</i> "wall pak" lighting will not be allowed.</li> <li>19. The sentence under <i>Landscaping</i> regarding planting strip along N. Davidson Street has been removed as this is an optional provision being requested.</li> <li>20. "Yadkin" Avenue is now spelled correctly on the site plan.</li> </ol> <p>Staff recommends approval of this petition.</p> <p>Attachment 3</p>
	<ol style="list-style-type: none"> <li>4. <b>Petition No. 2013-007</b> (Council District 3 - Mayfield) by <b>Cardinal Real Estate Partners</b> for a change in zoning for approximately 10.48 acres located on the east and west sides of Forest Point Circle near the intersection of West Arrowood Road and Forest Point Boulevard from B-D(CD) to O-1.</li> </ol> <p>This petition is found to be consistent with the <i>Southwest District 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 <b>APPROVAL</b> of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 4</p>

	<p><b>5. <u>Petition No. 2013-008</u></b> (Council District 3 - Mayfield) by <b>Board of Trustees, Central Piedmont Community College</b> for an 0 INST(CD) site plan amendment, for approximately 1.96 acres located on the southeast corner at the intersection of Alleghany Street and Ashley Road.</p> <p>This petition is found to be consistent with the <i>Central District Plan</i> and to be reasonable in the public interest by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. The petitioner has addressed CATS and CDOT comments by providing the following: <ol style="list-style-type: none"> <li>a. As requested by CATS staff, the site plan has been revised to show a proposed 5-foot wide transit waiting pad in its proper location.</li> <li>b. In response to CDOT's request, the petitioner has removed the existing exit driveway onto Alleghany Street and replaced that area with sidewalk and curb and gutter. The remaining access onto Alleghany Street has been modified to right-in movement and widened to 20 feet to accommodate fire access.</li> </ol> </li> <li>2. The petitioner has added a "building envelope" for the modular buildings and future expansion so that buildings may be adjusted within the envelope.</li> <li>3. The petitioner has removed sheet RZ-3 – Existing Conditions from the site plan.</li> <li>4. The petitioner has removed the first sentence under "1. General Provisions, b" as requested by staff.</li> <li>5. Note 1c has been modified to read as follows: "To the extent of any conflict between the matters contained in other areas of the Rezoning Plan and the matters set forth in the Development Standards, the <del>Development Standards</del> <u>more restrictive</u> shall govern."</li> </ol> <p>Staff recommends approval of this petition.</p> <p>Attachment 5</p>
	<p><b>6. <u>Petition No. 2013-009</u></b> (Council District 1 - Kinsey) by <b>Bonterra Builders</b> for a change in zoning for approximately 3.89 acres located on the north side of Spencer Street between Academy Street and Anderson Street from I-2 to MUDD-O.</p> <p>This petition is found to be inconsistent with the <i>North Charlotte Plan</i> but to be consistent with the <i>Draft 36<sup>th</sup> Street Station 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 <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Modified the "total acreage" under "Development Data Table" to read: "3.89 acres (4.33 acres including Mooney Avenue right-of-way)".</li> <li>2. Eliminated the list of "Prohibited Uses" and replace them with the following note: "All other MUDD uses not listed as permitted".</li> <li>3. Modified Note 3a as follows: "To preserve existing trees along Anderson Street, the <u>6-foot sidewalk may meander and portions of the planting strip may be less than 8 feet in width as measured from</u> is being omitted and the new sidewalk will be built at the back of curb.</li> <li>4. Modified Note 6a to indicate an eight-foot planting strip and six-foot sidewalk will be provided along public streets except Anderson Street where the sidewalk may meander and an eight-foot planting strip and a five-foot sidewalk along the internal private streets.</li> <li>5. Added a sentence to Note 8a indicating the right-of-way for the multi-use trail will be dedicated and conveyed to the City prior to the final certificate of occupancy being issued for either of the last two buildings of the development abutting the current Mooney Avenue right-of-way.</li> <li>6. Added the following sentence to the end of the "Lighting" note: "Freestanding lighting will be limited to 20 feet in height and will utilize full cut-off type lighting fixtures".</li> </ol>

	<ol style="list-style-type: none"> <li>7. Provided an "Architectural Standards" note on Sheet 1 of 1 that indicates all units fronting Academy Street and Spencer Street will have direct sidewalk connections from each unit to the public sidewalks.</li> <li>8. Removed the area between Academy Street and the proposed building envelope from the "tree save" area.</li> <li>9. Clearly identified the building and parking envelope and modified the building envelope located at the corner of Spencer Street and Anderson Street so it does not encroach into the 14-foot setback along Anderson Street.</li> <li>10. Removed all references to building types A, B, and C referenced on Sheet 2 of 2.</li> <li>11. Provided an "Architectural Standards" note on Sheet 1 of 1 to indicate a minimum 20-foot separation between the face of a garage door to the internal drive aisle. However, less than 20 feet is allowed if no more than a seven-foot separation is provided.</li> <li>12. Provided an "Architectural Standards" note on Sheet 1 of 1 to indicate if walls/fences are provided between the buildings along Anderson Street and the right-of-way for Anderson Street, the walls/fences will be limited to three feet in height.</li> <li>13. Provided a note indicating all modification must comply with Section 6.207 of the Zoning Ordinance.</li> <li>14. Eliminated Sheet 3 of 3.</li> <li>15. Addressed CDOT issue by indicating the right-of-way abandonment will occur prior to approval of construction plans.</li> </ol> <p>Staff recommends approval of this petition.</p> <p>Attachment 6</p>
	<p><b>7. <u>Petition No. 2013-010</u> (Council District 3 - Mayfield) by Penske Truck Leasing Company, L.P.</b> for a change in zoning for approximately 2.45 acres located on the south side of Brookford Street between Nevada Boulevard and Westinghouse Boulevard from I-2 to I-1.</p> <p>This petition is found to be consistent with the <i>Steele Creek 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 <b>APPROVAL</b> of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 7</p>
	<p><b>8. <u>Petition No. 2013-011</u> (Council District 6 - Dulin) by Tyler Conner and Ashley Butler</b> for a change in zoning for approximately 0.20 acres located on the west corner at the intersection of Sharon Road and Westminster Place from R-3 to UR-1(CD).</p> <p>This petition is found to be consistent with the <i>Central District 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 <b>APPROVAL</b> of the petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. The petitioner has added the required notes to the site plan.</li> <li>2. Site data has been added identifying the existing building square footage, square footage of the proposed addition, and the total square footage.</li> <li>3. A note has been added to the site plan stating the site will be limited to one (1) single family residential structure, along with accessory structures permitted in accordance with the ordinance.</li> <li>4. The site plan is now labeled as rezoning petition 2013-011.</li> </ol> <p>Staff recommends approval of this petition.</p> <p>Attachment 8</p>

<p><b>Protest Sufficient</b></p>	<p><b>9. <u>Petition No. 2013-013</u></b> (Council District 7 - Cooksey) <b>by Adam Fiorenza</b> for a change in zoning for approximately 9.50 acres located on the north side of Providence Road West at the intersection of Old Ardrey Kell Road and Providence Road West from R-3 to R-4.</p> <p>This petition is found to be inconsistent with the <i>South District Plan</i> but to be consistent with the criteria for increased density for up to four dwelling units per acre in the <i>General Development Policies</i>, and therefore reasonable and in the public interest by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend <b>APPROVAL</b> of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 9</p>
<p><b>Deferral (to May)</b></p> <p><b>Protests Sufficient</b></p>	<p><b>10. <u>Petition No. 2013-015</u></b> (Council District 6 - Dulin) <b>by Park South of Union, LLC</b> for a change in zoning for approximately 4.99 acres located on the west side of Park South Drive between Archdale Drive and Teversham Lane from R-3 to UR-2(CD).</p> <p>The petitioner is requesting a deferral to the May 20, 2013 City Council meeting.</p> <p>The Zoning Committee voted unanimously to <b>DEFER</b> this petition to their April 24, 2013 meeting.</p> <p>Attachment 10</p>
<p><b>Council is required to vote to whether or not to send back to Zoning Committee, due to changes to this petition after the Zoning Committee vote</b></p>	<p><b>11. <u>Petition No. 2013-016</u></b> (Council District 1 - Kinsey) <b>by Valley Development, Inc.</b> for a UR-2(CD) site plan amendment, for approximately 4.27 acres located on the east side of Wendwood Lane near the intersection of Randolph Road and Wendwood Lane.</p> <p>This petition is found to be consistent with the <i>South District 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 <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. The 20 foot minimum distance between the garage and sidewalk has been labeled on the site plan.</li> <li>2. The cross section of the private street detail has been removed from the site plan.</li> <li>3. A note has been added that single family lots will front on private streets.</li> <li>4. The existing sidewalk and planting strip along North Wendover Road has been shown on the site plan.</li> <li>5. A sidewalk connection from the proposed development to the public street (North Wendover Road Road) has been show on the site plan.</li> <li>6. Petition number 2013-016 has been added to the site plan.</li> <li>7. The conditional notes have been placed in one area of the site plan.</li> <li>8. References to the prior proposed multi-family development have been removed from the conditional notes.</li> <li>9. The portion of note #5 has been removed from the site plan.</li> <li>10. Sheet two with the plat information has been removed from the conditional site plan.</li> </ol> <p>Staff recommends approval of this petition.</p> <p>Attachment 11</p>
<p><b>Deferral (to April)</b></p>	<p><b>12. <u>Petition No. 2013-020</u></b> (Council District 1 - Kinsey) <b>by Durban Development, LLC</b> for a change in zoning for approximately 1.04 acres located on the south side of Milton Road between Barrington Drive and North Sharon Amity Road from B-1SCD to NS.</p> <p>The Zoning Committee voted 4-2 to <b>DEFER</b> this petition to their March 27, 2013 meeting.</p> <p>Attachment 12</p>

	<p><b>13. <u>Petition No. 2013-021</u> (Outside City Limits) by East Group Properties, LP</b> for a change in zoning for approximately 43.29 acres located on the southeast corner of the intersection of Steele Creek Road and Shopton Road from I-1(CD) and R-3 to I-2(CD).</p> <p>This petition is found to be inconsistent with the <i>Steele Creek Area Plan</i> but to be reasonable and in the public interest by a unanimous vote of the Zoning Committee. The Committee voted 5-1 to recommend <b>APPROVAL</b> of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 13</p>
<p><b>Deferral (to April)</b></p>	<p><b>14. <u>Petition No. 2013-022</u> (Council District 2 - Mitchell) by Mission Properties, LLC</b> for a change in zoning for approximately 0.82 acres located on the west side of South Summit Avenue near the intersection of West Morehead Street and South Summit Avenue from R-5 to UR-2(CD).</p> <p>The Zoning Committee voted unanimously to <b>DEFER</b> this petition to their March 27, 2013 meeting to allow the petitioner time to hold an additional community meeting.</p> <p>Attachment 14</p>
	<p><b>15. <u>Petition No. 2013-023</u> (Council District 6 - Dulin) by Camden</b> for a change in zoning for approximately 36.10 acres located on the west side of Providence Road across from Strawberry Hill Drive from R-12MF to R-17MF(CD).</p> <p>This petition is found to be consistent with the <i>South District Plan</i> and the <i>General Development Policies</i> and to be reasonable and in the public interest by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Addressed CDOT issues by (a) reflecting the southbound turn lane at the northernmost driveway; (b) noting that the southernmost driveway will be restricted to right-in/right-out and left-in only; (c) amending Note 3c to state final design of the proposed southernmost driveway will be subject to review/approval during the permitting process; (d) amending Note 3d to state that "If a traffic signal is approved at this location by NCDOT and CDOT within one year of the approval of this petition, the petitioner will provide funds to the City of Charlotte to signalize the intersection. In addition, added that "If NCDOT/CDOT approved the installation of the signal within the one year time frame the petitioner will enter into an agreement with CDOT to install the traffic signal prior to the issuance of the first building permit. If the traffic signal is not installed by NCDOT/CDOT prior to the first certificate of occupancy, the project development may proceed ahead as proposed, including the proposed driveway designs."</li> <li>2. Amended Note 1.c under the heading of General Provisions relating to changes per Section 6.207.</li> <li>3. Clearly labeled and indicated on Sheet 2 the building and parking envelope referred to in note 1d.</li> <li>4. Amended Note 3a under heading of Transportation to indicate that the Site shall be designed in such a manner to allow for one vehicular and pedestrian connection by way of a private street (constructed to a residential wide cross-section, with a 6-foot sidewalk and 8-foot wide planting strip on both sides of such private street)to permit pedestrians and automobiles (but not commercial truck traffic) between the Site and the Southern Adjacent Parcel. Once such connection is made it may not be gated and shall remain open to the public. A reciprocal cross-easement agreement between the Petitioner and the owner of the Southern Adjacent Parcel will be recorded in Mecklenburg County Public Registry prior to issuance of a building permit for the first building to be constructed on the Site as part of the redevelopment.</li> </ol> <p>Staff recommends approval of this petition.</p> <p>Attachment 15</p>



## HEARINGS

	<p><b>16. <a href="#">Petition No. 2013-004</a></b> (Outside City Limits) <b>by River Rock Properties, LLC</b> for a change in zoning for Approximately 2.63 acres located on the south side of York Road and at the intersection of Grand Palisades Parkway, Langston Drive, and York Road from R-3(LLWCA) and MX-3(LLWCA) to O-1(CD)(LLWCA).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 16</p>
	<p><b>17. <a href="#">Petition No. 2013-005</a></b> (Council District 2 – Mitchell) <b>by Charlotte Knights</b> for a UMUD-O site plan amendment, for approximately 8.42 acres surrounded by Graham Street, West 4th Street, Mint Street, and Martin Luther King Jr. Boulevard.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 17</p>
	<p><b>18. <a href="#">Petition No. 2013-012</a></b> (Council District 4 - Barnes) <b>by Kinsale Properties, LLC</b> for a change in zoning for approximately 1.48 acres located on the east side of Statesville Road near the intersection of Interstate 85 and Statesville Road between Boxmeer Drive and Burch Drive from B-2 to I-2(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 18</p>
<p><b>Deferral (to April)</b></p>	<p><b>19. <a href="#">Petition No. 2013-014</a></b> (Council District 7 - Cooksey) <b>by Lisa Hoover-Khojasteh and Mak Khojasteh</b> for a change in zoning for approximately 1.26 acres located on the north side of Ballantyne Commons Parkway across from Williams Pond Lane from R-3 to O-1(CD)</p> <p>A Community Meeting Report has not been submitted for this petition; therefore it may not go to hearing and should be <b>DEFERRED</b> to April 20, 2013.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 19</p>
<p><b>Protest Sufficiency TBD</b></p>	<p><b>20. <a href="#">Petition No. 2013-027</a></b> (Council District 1 - Kinsey) <b>by Gateway Communities</b> for a UR-2(CD)(HD-O) site plan amendment, for approximately 1.1 acres located at the north corner of the intersection of East Tremont Avenue and Euclid Avenue.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 20</p>
	<p><b>21. <a href="#">Petition No. 2013-028</a></b> (Council District 1 - Kinsey) <b>by The Ronald McDonald House of Charlotte</b> for a change in zoning for approximately 0.50 acres located on the north side of East Morehead Street between Queens Road and Broley Road from R-12MF to O-2(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 21</p>

	<p><b>22. <a href="#">Petition No. 2013-029</a> by <b>Design Resource Group</b> for a Text Amendment to the City of Charlotte Zoning Ordinance to modify the development requirements in the PED, MUDD and UMUD districts to allow balconies to encroach two feet into the minimum setback.</b></p> <p>Staff recommends approval of this petition.</p> <p>Attachment 22</p>
	<p><b>23. <a href="#">Petition No. 2013-030</a> (Council District 7 - Cooksey) by <b>Piper Station Apartments, LLC</b> for a change in zoning for approximately 7.11 acres located on the north side of Ballantyne Commons Parkway between Rea Road and Brittany Oaks Drive from B-D(CD) and O-1(CD) to R-17MF(CD).</b></p> <p>Staff recommends approval of the petition upon resolution of outstanding issues.</p> <p>Attachment 23</p>
	<p><b>24. <a href="#">Petition No. 2013-031</a> (Council District 1 - Kinsey) by <b>The Housing Partnership</b> for a change in zoning for approximately 6.05 acres located on the north side of Samuel Street between Newland Road and Statesville Avenue near the intersection of Interstate 77 and Atando Avenue from R-22MF to UR-2(CD).</b></p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 24</p>
	<p><b>25. <a href="#">Petition No. 2013-032</a> (Council District 2 - Mitchell) by <b>The Housing Partnership</b> for a change in zoning for approximately 2.05 acres located on the south corner at the intersection of Double Oaks Road and Newland Road near Statesville Avenue from R-22MF and UR-2(CD) to UR-2(CD) and UR-2(CD) SPA.</b></p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 25</p>
	<p><b>26. <a href="#">Petition No. 2012-090</a> by <b>Charlotte-Mecklenburg Planning Department</b> for a Text Amendment to the City of Charlotte Zoning Ordinance to 1) allow the Zoning Board of Adjustment to have jurisdiction to grant variances on certain standards within the Transit Oriented Development districts (TOD), the Pedestrian Overlay district (PED), Mixed Use Development district (MUDD), and Uptown Mixed Use district (UMUD), and Transit Supportive Overlay District (TS), 2) allow the Board of Adjustment to have authority to consider variances related to the number of, or size of, permissible signs in a conditional district, and 3) allow the Board of Adjustment to have jurisdiction with respect to an interpretation of, or decision about the TOD or PED development or urban design standards.</b></p> <p>Staff recommends approval of this petition.</p> <p>Attachment 26</p>
	<p><b>27. <a href="#">Petition No. 2013-025</a> (Council District 1 - Kinsey) by <b>Charlotte-Mecklenburg Planning Department</b> for a change in zoning for approximately 20.69 acres located on the south side of Old Concord Road at the intersection of North Tryon Street and Old Concord Road from B-2 and I-2 to TOD-M.</b></p> <p>Staff recommends approval of this petition.</p> <p>Attachment 27</p>

	<p><b>28. <a href="#">Petition No. 2013-026</a> by Charlotte-Mecklenburg Planning Department</b> for a Text Amendment to the City of Charlotte Zoning Ordinance to clarify density requirements in the Pedestrian Overlay District.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 28</p>
	<p><b>29. <a href="#">Petition No. 2013-039</a> by Charlotte-Mecklenburg Planning Department</b> for a Text Amendment to the City of Charlotte Zoning Ordinance to add a new definition for "brewery" and allow it with prescribed conditions in the U-I, I-1, and I-2 Zoning District.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 29</p>

## **CHARLOTTE-MECKLENBURG ASC TASK FORCE**

	<p><b>30. Nominations and Appointments to the Arts and Science Council Task Force.</b></p> <div style="border: 1px solid black; background-color: #cccccc; padding: 5px; margin: 10px 0;"> <p><b>Action: Nominate and appoint citizens to serve on a task force as specified.</b></p> </div> <p><b>ASC Arts &amp; Culture Public-Private Task Force</b></p> <p>As of agenda preparation, two nominations had been received. Additional nominations may be made when this item is considered during the meeting.</p> <ul style="list-style-type: none"> <li>▪ One appointment for a tourism representative beginning immediately and ending once the work of the task force is concluded.</li> <li>▪ Two appointments for at-large representatives beginning immediately and ending once the work of the task force is concluded. <ul style="list-style-type: none"> <li>▪ Martique Lorrain- Council Member Autry</li> <li>▪ John Moore – Council Member Autry</li> </ul> </li> </ul> <p>Attachment 30 (Applications)</p>
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