

Mayor Patrick L. McCrory Mayor Pro Tem Susan Burgess

Michael D. Barnes

Warren Cooksey

Anthony Foxx

John W. Lassiter

Edwin B. Peacock III

Nancy Carter

Andy Dulin

Patsy Kinsey

James E. Mitchell, Jr.

Warren Turner

CITY COUNCIL ZONING AGENDA

Monday, July 21, 2008

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

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

DINNER MEETING

- ***Review of Agenda – Tammie Keplinger / Tom Drake***
- ***2009 Annexation Qualifying Areas Preliminary Report – Jonathan Wells***

**ALL REZONING PETITIONS MAY BE VIEWED ON THE WEB AT
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REZONING ACRONYMNS

<u>Zoning Districts</u>	<u>Overlay Districts</u>
<ul style="list-style-type: none"> ● 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 	<ul style="list-style-type: none"> ● 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 <p style="text-align: center;"><u>Miscellaneous Acronyms</u></p> <ul style="list-style-type: none"> ● CD – conditional ● SPA – site plan amendment

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

DECISIONS

<p>Protest (sufficient)</p>	<p>01. Petition No. 2007-140 (decision) by Hill Land Corporation 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 UR-1(CD).</p> <p>The Zoning Committee unanimously found this petition to be inconsistent with the <i>Northwest District Plan</i>, however consistent with the design guidelines of the GDP for higher densities, reasonable and in the public interest. The Committee voted</p>
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	<p>unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ul style="list-style-type: none"> • The units have been converted to duplex or single family units. • Six-foot sidewalks and eight-foot planting strips are shown along Reames Road and all internal streets. • A buffer has been provided between the private alley and the adjoining properties to the north. Details of the buffer are shown on the site plan. • Screening and landscaping have been provided to shield the view of the alleys from Reames Road. • The amount and location of the tree save area is indicated on the site plan. • Additional vegetation will be provided on the properties to the north to provide a denser buffer between the abutting single family properties and the proposed development. • The site plan shows 93 lots while the site development table indicates a maximum of 95 lots. • The petitioner has agreed to add a note to the site plan stating that the building orientation shown on the site plan will be maintained with the fronts of the buildings facing the internal streets. No flag lots will be permitted. • No more than 25 percent of the front building elevation will be constructed with horizontal siding. • The petitioner has submitted additional elevations showing other design opportunities for homes within the development. • The petitioner will dedicate 32-feet from the existing center line of Reames Road in order to include the planting strip and bike lane within the right-of-way. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 1</p>
	<p>02. Petition No. 2008-002 (decision) by York Development Group 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>The Zoning Committee voted unanimously to find this petition to be consistent with the <i>South District Plan</i> and with the <i>General Development Policies</i>. The Committee voted unanimously to recommend APPROVAL of this petition, based upon the following modifications:</p> <ul style="list-style-type: none"> • The fast food restaurant has been moved closer to the remainder of the shopping center and parking placed on the other side of the restaurant. • A highlighted crosswalk, with pedestrian refuge median, has been added between the center and the outparcel restaurant. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 2</p>

**Protest
(sufficient)**

03. **Petition No. 2008-011 (decision) by Eastern Pride, Inc.** for a change in zoning of approximately 0.91 acres located between West Trade Street and West 5th Street, north of North Bruns Avenue from MUDD(CD) PED to B-1(CD) PED-O.

The Zoning Committee Upon a motion made by Commissioner Loflin and seconded by Commissioner Sheild, the Zoning Committee found this petition to be consistent with the *West End Land Use and Pedscape Plan* and reasonable and in the public interest by a vote of 7-0. The Committee voted unanimously to recommend **APPROVAL** of this petition with the following modifications:

- A tan color brick with a weave pattern will be added from the base to the soldier course, in order to add interest to the building.
- A pedestrian promenade located at the main entrance and approximately 20 feet in width will connect to the public sidewalk along West Trade Street. This area will also include two rows of street trees flanking both sides of the sidewalk. The pedestrian promenade also extends along the entire length of the building over to the public sidewalk along West Fifth Street.
- The front of the building has been enhanced with additional height and a more defined and inviting entrance.
- The new renderings and the elevations depict four-sided architecture with additional articulation.
- The required detention pond and the water quality area will be located in the open space. The detention will be placed underground and the water quality area will be screened. Landscape elements including street trees and plantings for parking lot screening purposes will be located along West Fifth Street, the northerly property line and West Trade Street.
- Vegetative material will be planted in accordance with the ordinance at five-foot spacing around the parking lot.
- The site plan notes that if it is feasible, the detention facility will not disturb the oak tree located along West Fifth Street and the determination as to the feasibility will be made during the permitting process.
- The required detention pond will be underground and the water quality feature will be screened.
- The windows in the front entranceway area will be clear. Two out of the three sets of windows along West Trade Street will be clear. The other windows will be opaque so that the back of the fixtures are not visible from the outside.
- Down lighting will be provided on the exterior of the building.
- No temporary signs will be placed in the windows.

- Shopping carts left in the parking area will be gathered by store personnel and returned to the interior of the store.
- The building will be built with oversize brick; however, as depicted in the new rendering and the elevations, the brick pattern is broken up with a series of windows, canopies, and soldier courses.
- The HVAC units will be screened and any ductwork associated with them will go directly into the building and not up the wall. No ductwork, wires, or pipes will be exposed. In addition, the dumpster or trash handling areas will be screened.

	<p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 3</p>
	<p>04. Petition No. 2008-056 (decision) by Hathaway Development Company for a change in zoning of approximately 19.10 acres located on both sides of West Tyvola Road between nations Ford Road and Tyvola Centre Drive from R-4 to R-17MF(CD).</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>General Development Policies</i> and reasonable and in the public interest. The Committee voted unanimously to recommend APPROVAL of this petition based upon the following modifications:</p> <ul style="list-style-type: none"> • The petitioner has labeled the buildings along the northern property line, on the north side of West Tyvola Road, as garage apartments. • The petitioner has noted that parking will meet the minimum ordinance requirements. • The petitioner has provided an additional five-foot wide sidewalk connection from the interior sidewalk on the northeast portion of the property, along the south side of West Tyvola Road to the sidewalk along Nations Ford Road. • The petitioner has corrected the lighting note to indicate lighting fixtures will be shielded with full cut-off fixtures. • The petitioner has clarified the note regarding transportation improvements to West Tyvola Road and Nations Ford Road. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 4</p>
<p>Protest (sufficient)</p>	<p>05. Petition No. 2008-060 (decision) by Gandy Communities, Inc. for a change in zoning of approximately 24.33 acres located on the east side of Point O’Woods Drive and the west side of Northlake Centre Parkway from R-3 to CC.</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>North Lake Area Plan</i> and reasonable and in the public interest. The Zoning Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p>

	<ul style="list-style-type: none"> • Left turn lanes are shown on Northlake Center Parkway with the following notes: <ul style="list-style-type: none"> i. A left turn lane will be installed at the northernmost signalized intersection of Northlake Center Parkway and Northlake Mall Drive if and when the access point across Parcel 02510305 (Owner: FCD-REAMES ROAD LP) is constructed. ii. A left turn lane will be installed at the southernmost signalized intersection of Northlake Center Parkway and Northlake Mall Drive if the access point across Parcel 02510305 is not constructed prior to the issuance of the first multi-family building. • Upon the extension of the proposed 63-foot right-of-way/street (Connector) located on the south side of the site to Northlake Center Parkway, a portion of the right-of-way-for Point O’ Woods Drive will be abandoned and removed. The portion of Point O’ Woods Drive west of the Connector may remain to provide additional access to the multi-family portion of the site. • The TIS will be revised and resubmitted to include the Phase II retail component of the project. • The private drive located between buildings 3 and 7 will connect to Point O’ Woods Drive but will not be stubbed to the adjacent property. • A note will be added to page RZ-3 that the commercial building height will be limited to 45 feet or 3 stories per Section 11.405.6 of the Charlotte Zoning Ordinance. Should the height exceed 40 feet, additional side yards will be provided where adjoining residential uses. The office and/or retail buildings shall not have large expanses of blank walls exceeding 20 feet. • Note 4(C) (1) located on page RZ-3 of the rezoning plan will be deleted since the property does not have frontage on Northlake Center Parkway. • A note will be added to page RZ-3 that the Floor Area Ratio (FAR) will not exceed 1.0. The FAR will be based upon the overall project site of 21.22 acres. • A note will be added that a pedestrian connection will be constructed in the area of Building 9 to the commercial area, at such time as the commercial area is developed and a suitable location can be determined. • Storm water detention will not be located within the required Class B and/or C landscape buffers. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 5</p>
<p>Deferral (two-months to September)</p>	<p>06. Petition No. 2008-064 (decision) by Chad Frazier for a change in zoning of approximately 1.40 acres located on the west side of Frazier Avenue between West 5th Street and Martin Street from R-5 to UR-1(CD).</p> <p>The Zoning Committee voted 6-1 to DEFER this petition for one-month to the July 30th Zoning Committee meeting.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p>

Attachment 6

07. **Petition No. 2008-068 (decision) by Southern Holdings IV, LLC** for a change in zoning of approximately 11.05 acres located on the northeast corner of Eastfield Road and Highland Creek Parkway from R-9PUD to NS.

The Zoning Committee unanimously found this petition to be consistent with the *Northeast District Plan* and reasonable and in the public interest. The Zoning Committee voted to unanimously recommend **APPROVAL** of this request with the following modifications:

- The total number of parking spaces provided and how they were calculated will be added to the development summary. The total number of parking spaces provided is approximately 430 based on one space per 275 square feet.
- The maximum building height for the structures on the site will be added to the development summary. The maximum building height is 40 feet.
- The Petitioner will replace the existing five (5) foot sidewalk along Highland Creek Parkway with a six (6) foot sidewalk.
- The Petitioner will clarify by adding wording to the Development Standards that if buildings One, Two or Three are broken up, the area between the buildings will be used as either pedestrian plazas or landscape areas, parking will not be allowed.
- The Petitioner will provide conceptual streetscape renderings that will illustrate the general character of the proposed buildings.

Resolution of CDOT Issues:

- The site plan will be revised to indicate that the driveway on Eastfield Road will be limited to right-in/right-out unless the North Carolina Department of Transportation approves the driveway with the addition of a left-in access, at which time the driveway will be constructed to allow left turns into the Site from Eastfield Road.
- The Petitioner will remove from note 8b the wording regarding “mutual agreement”. The new Note will read that the design of the left turn lane is subject to the applicable CDOT and NCDOT standards.
- The Petitioner will be able to widen Eastfield Road asymmetrically as requested. Wording to that effect will be added to the Development Standards.
- The existing five (5) foot sidewalk along Eastfield Road will be replaced with a six (6) foot sidewalk.
- The Petitioner and CDOT have agreed that the current location for the new internal public street is acceptable.
- The proposed public street will be designed and constructed to meet *Urban Street Design Guidelines* with the addition of angled parking. The final details to be worked out through the subdivision review process.
- Parking along the new public street will be located at least 100 feet from the Highland Creek Parkway and 20 feet from the end of corner radius of any intersecting street or driveway.

Changes to Plan as a result of Community Meeting and Discussion with Adjoining Owners:

	<ul style="list-style-type: none"> • The Petitioner met with Mr. Alan Buch and agreed to construct a berm and a six (6) foot brick wall (where the berm is not located) between the new public street and Mr. Buch’s property. Detailed drawings of this agreement are shown as a part of the conditional plan. • A note was added to the plan restricting construction access to the site to Eastfield Road subject to approval by the appropriate review agencies. • The height of the masonry screen wall along Highland Creek Parkway and Eastfield used to screen the parking spaces on Parcel A was increased in height from two (2) feet to three (3) feet. • A note not allowing Neon signs was added to the plan. • A note was added to the plan indicating that if the Petitioner can secure approval from the City pedestrian cross-walks will be installed on Highland Creek Parkway at the main access to the site. • A note restricting dumpster pick up hours to after 6:30 a.m. and before 11:00 p.m. will be added to the Plan. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 7</p>
	<p>08. Petition No. 2008-069 (decision) by City of Charlotte for a change in zoning of approximately 2,165.17 acres located along Wilkinson Boulevard, Tuckaseegee Road, Little Rock Road, Old Dowd Road, Wallace Neal Road, Dixie Road and West Boulevard from B-2(LLWPA), B-D, B-D(LLWPA), B-D(CD)(LLWPA), I-1, I-1(LLWPA), I-1(CD), I-2 (CD), I-2(CD)(LLWPA), R-3, R-3(LLWPA), R-4(LLWPA) and R-MH(LLWPA) to I-2 and I-2(LLWPA).</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>West Side Strategic Plan</i> and voted unanimously to recommend APPROVAL of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 8</p>
<p>Deferral (two-months to September)</p>	<p>09. Petition No. 2008-070 (decision) by Noda @ 27th Street, LLC for a change in zoning of approximately 3.36 acres located in the block bounded by North Davidson Street, East 26th Street, East 27th Street and Yadkin Avenue from I-2 to MUDD-O.</p> <p>The Zoning Committee voted 6-1 to DEFER this petition for one-month to the July 30th Zoning Committee meeting.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 9</p>

	<p>10. Petition No. 2008-073 (decision) by Charlotte Mecklenburg Housing Partnership for a change in zoning of approximately 64.11 acres located on both sides of Statesville Avenue between Newland Road and Woodward Avenue from R-8, R-22MF, NS and I-2 to NS, NS SPA and UR-2(CD).</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>Central District Plan and the Statesville Road Corridor Area Plan</i> and reasonable and in the public interest. The Zoning Committee voted unanimously to recommend APPROVAL of this petition, based upon the following modifications:</p> <ul style="list-style-type: none"> • The tree save note has been improved and now constitutes a commitment. • The addition of transportation commitments contained in an emailed version of the Development Standards from Scott Putnam to the petitioner on June 25, 2008. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 10</p>
	<p>11. Petition No. 2008-078 (decision) by WP East Acquisitions, LLC for a change in zoning of approximately 8.12 acres located on the north side of East Mallard Creek Church Road between Stone Quarry Road and Bonnie Cone Lane from INST to R-17MF(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. The Zoning Committee voted unanimously to recommend APPROVAL of this petition, based on the following modifications:</p> <ul style="list-style-type: none"> • Provide and stripe opposing left turn lanes on Bonnie Cone Lane and Mary Alexander Road onto East Mallard Creek Church Road that meet CDOT and NCDOT requirements. If additional right-of-way is needed, it shall be dedicated (along Bonnie Cone Lane), or purchased if the City needs to condemn property along Mary Alexander Road. Show on site plan and modify the notes. • In addition to providing the small maturing trees 20' on center in front of Building #1, provide shrubbery that will reach 6' at maturity, along the front face of Building #1 where CMU block is used, and modify the notes. • Provide ornamental grillwork in the CMU block openings to partially screen the parking deck under Building #1 (northwest side), and modify the notes. • There are dual designations for side and rear yards along Stone Quarry Road and Bonnie Cone Lane. Remove the "rear yard" designations and keep the "10' side yard" designation. The rear yard of 40' should be labeled at the northern tip of the property. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 11</p>

	<p>12. Petition No. 2008-083 (decision) by William T. Brandon for a change in zoning of approximately 1.34 acres located on the northeast corner of The Plaza and Barrington Drive from R-4 to INST(CD).</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>Northeast District Plan</i> and reasonable and in the public interest. The Zoning Committee voted unanimously to recommend APPROVAL of this petition, with the following modifications:</p> <ul style="list-style-type: none"> • The existing building will not be expanded. • The total number of children will not exceed 92. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 12</p>
	<p>13. Petition No. 2008-087 (decision) by Pinnacle Point Development, LLC for a change in zoning of approximately 27.20 acres located on the northwest corner of West Mallard Creek Church Road and Berkeley Place Drive from CC to B-D(CD) and CC SPA.</p> <p>The Zoning Committee unanimously found this petition to be inconsistent with the <i>Northeast District Plan (1996)</i> but reasonable and in the public interest. The Zoning Committee voted unanimously to recommend APPROVAL of this petition, based upon the following modifications:</p> <ul style="list-style-type: none"> • The drive-thru window note has been modified to limit drive-thru windows to financial institutions, small pharmacies, and small dry cleaners. • Access easements have been committed to for the property to the north. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 13</p>
	<p>14A. RCA - Infrastructure Reimbursement Agreement with Harris Development LLC – Request for Council Action to approve an Infrastructure Reimbursement Agreement with Harris Development LLC in the amount of \$134,000 for Petition 2008-088 (Item 14B).</p> <p>Attachment 14A</p>
	<p>14B. Petition No. 2008-088 (decision) by Harris Development Group for a change in zoning of approximately 2.74 acres located on the southwest corner of South Boulevard and East Carson Boulevard from TOD-M to TOD-MO.</p>

**Protest
(not
sufficient)**

The Zoning Committee unanimously found this petition to be consistent with the *South End Transit Station Area Plan* and reasonable and in the public interest. The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition based upon the following modifications:

- The petitioner has provided the following breakdown of uses:
 - Office 150,000 square feet minimum
 - Residential units 99 units minimum
 - Hotel units and services 100 units minimum
 - Ground floor commercial
- Office, retail, and restaurant 12,000 square feet minimum
 - Urban open space 7,000 square feet minimum
- The petitioner has revised the maximum height note to include the definition of height from the ordinance.
- The petitioner has added notes to provide architectural detail to the buildings along South Boulevard.
- The petitioner has added renderings and language indicating improvements to proposed open space.
- The petitioner has included the west building elevation facing the Arlington and indicated that details such as louvers, grills, vegetated screens, trellace cabling for vegetation, or decorative artwork will be utilized to screen vehicles.
- The petitioner has deleted the request to encroach into the 16-foot setback along South Boulevard with ancillary uses.
- The petitioner has committed to upgrading the 35-foot setback along the rail line to include a decorative fence at the back of the ballast curb, a 7-foot curbed tree planter and shrubs, or a 4-foot tree grate and a 12-foot wide concrete multi-purpose path with decorative lighting fixtures.
- The petitioner has removed the option to provide tree pits in lieu of trees in curbed planters or an 8-foot wide planting strip along East Carson Boulevard.
- The petitioner has committed to relocating utility lines underground if Duke Energy and CDOT mutually agree that relocation is feasible and appropriate.

- The petitioner has removed the note indicating that if the petitioner chooses, the petitioner has the right to develop this site by meeting only the standards of the transit oriented development mixed use district without implementing the standards of these optional provisions (TOD-MO).

- The petitioner has changed the signage note to indicate temporary construction signage will be removed seven days, instead of sixty, after the issuance of a certificate of occupancy.
- The petitioner has corrected the acreage on the site plan to 2.74.
- The petitioner has corrected the parking allowances to indicate the maximum of one space per hotel room, and the minimum for a restaurant is one space per 150 square feet.
- The petitioner has addressed CDOT comments.

Staff agrees with the recommendation of the Zoning Committee.

	<p>Attachment 14B</p>
	<p>15. Petition No. 2008-089 (decision) by Patriot Conti Charlotte, LLC for a change in zoning of approximately 6.97 acres located on the east side of Continental Boulevard, south of Pioneer Avenue from I-2 to I-1.</p> <p>The Zoning Committee unanimously found this petition to be consistent with <i>The Southwest District Plan</i> and reasonable and in the public interest and voted unanimously to recommend APPROVAL of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 15</p>
	<p>16. Petition No. 2008-090 (decision) by Moody Lake Office Park Development Limited Partnership for a change in zoning of approximately 6.60 acres located on the southeast corner of West Arrowood Road and Sandy Porter Road from B-1(CD) and O-2(CD) to B-2(CD) and O-2(CD) SPA.</p> <p>The Zoning Committee unanimously found this petition to be consistent with the <i>Westside Strategic Plan</i> and reasonable and in the public interest. The Zoning Committee voted unanimously to recommend APPROVAL of this petition based upon the following modifications:</p> <ul style="list-style-type: none"> • The petitioner has clarified the optional development scenario, in the event the hotel is not constructed. The new request is for a 83,500 square foot, 125 room hotel on Parcel A, a maximum 7,500 square foot building devoted to B-1 uses on Parcel A, and a maximum 10,000 square foot building devoted to O-2 uses on parcel B. If the hotel is not constructed, the 83,500 square feet will be converted to an additional 15,000 square feet of B-1 uses on Parcel A and an additional 15,000 square feet of O-2 uses on Parcel B. • The 75-foot buffer on the south side of Parcel B has been eliminated from the site plan. <ul style="list-style-type: none"> • The petitioner has added an internal sidewalk system to the site plan. • The petitioner has added detailed building elevations for the hotel. • The petitioner has addressed storm water comments. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 16</p>
	<p>17. Petition No. 2008-093 (decision) by Mecklenburg Land Development, LLC for a change in zoning of approximately 4.01 acres located at the intersection of Lancaster Highway and Johnston Road from NS to NS SPA.</p>

	<p>The Zoning Committee unanimously found this petition to be inconsistent with the <i>South District Plan</i>, however reasonable and in the public interest. The Zoning Committee voted unanimously to recommend APPROVAL of this petition, with the following modifications:</p> <ul style="list-style-type: none"> • The petitioner will modify note #Q1 to remove the clause, “at the time of this original filing dated 11/26/01”. • The petitioner will modify note #M2 to state that all lighting shall be shielded with full cut-off lighting fixtures. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 17</p>
	<p>18. Petition No. 2008-095 (decision) by Childress Klein Properties for a change in zoning of approximately 1.29 acres located on the northwest corner of South Tryon Street and West 1st Street from UMUD-O to UMUD-O SPA.</p> <p>The Zoning Committee unanimously found this petition to be consistent <i>The Center City 2010 Vision Plan</i> and reasonable and in the public interest. The Zoning Committee recommended APPROVAL of this petition with the following modification:</p> <ul style="list-style-type: none"> • The petitioner will add the note to the site plan regarding motion and frequency of change as discussed with CDOT. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 18</p>
	<p>19. Petition No. 2008-096 (decision) by City of Charlotte for a change in zoning of approximately 10.84 acres located on the northwest, northeast and southeast quadrant of the I-277 / South Boulevard Interchange to UMUD. The property listed had no existing zoning.</p> <p>The Zoning Committee unanimously found this petition to be to be consistent with the established land use policies for the surrounding properties and reasonable and in the public interest. The Zoning Committee voted unanimously to recommend APPROVAL of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p>

	Attachment 19
	<p>20. Petition No. 2008-097 (decision) by City of Charlotte for a change in zoning of approximately 2.28 acres located on the southeast corner of South McDowell Street and East Stonewall Street to UMUD. The property listed had no existing zoning.</p> <p>The Zoning Committee unanimously found this petition to be to be consistent with the established land use policies for the surrounding properties and reasonable and in the public interest. The Zoning Committee voted unanimously to recommend APPROVAL of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 20</p>
	<p>21. Petition No. 2008-099 (decision) by Don & Caroline Naysmith for a change in zoning of approximately 4.60 acres located on the northeast corner of Shamrock Drive and North Sharon Amity Road from B-2(CD) and R-3 to MUDD-O.</p> <p>The Zoning Committee unanimously found this petition to be to be consistent with the established land use policies for the surrounding properties and reasonable and in the public interest. The Zoning Committee voted unanimously to recommend APPROVAL of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 21</p>

HEARINGS

Protest (sufficiency to be determined)	<p>22. Petition No. 2007-156 (hearing) by Crescent Resources, LLC for a change in zoning of approximately 7.63 acres located on the west side of Carnegie Boulevard, west of Piedmont Row Drive from MUDD-O to MUDD-O SPA.</p> <p>Staff is not recommending approval of this petition.</p> <p>Attachment 22</p>
	<p>23. Petition No. 2008-076 (hearing) by Charles T. Hodges for a change in zoning of</p>

	<p>approximately 2.78 acres located at the intersection of South Tryon Street and Ayrley Town Boulevard from MUDD-O to MUDD-O SPA.</p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 23</p>
Deferral (two-months)	<p>24. Petition No. 2008-077 (hearing) by Lincoln Harris, LLC for a change in zoning of approximately 10.60 acres located on the northwest corner of North Wendover Road and Ellington Street from R-22MF to UR-2(CD) and MUDD-O.</p> <p>Petitioner is requesting a two-month deferral of this petition to September to continue working with the neighborhood and to make site plan revisions.</p> <p>Staff supports a two-month deferral of this petition.</p> <p>Attachment 24</p>
Decision Requested Protest (sufficiency to be determined)	<p>25. Petition No. 2008-080 (hearing) by Lorenzo J. Cavaliere for a change in zoning of approximately 2.34 acres located on the southwest corner of Providence Road West and Marvin Road from R-3 to INST(CD)</p> <p>Petitioner is requesting a decision on this petition the same night as the hearing.</p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 25</p>
	<p>26. Petition No. 2008-081 (hearing) by Raley Miller Properties for a change in zoning of approximately 9.26 acres located on the northeast corner of Ridge Road and Prosperity Church Road from R-3 to NS and UR-2(CD).</p> <p>Staff cannot support the retail component of this petition.</p> <p>Attachment 26</p>
	<p>27. Petition No. 2008-084 (hearing) by Northside Baptist Church for a change in zoning of approximately 110.95 acres located on the north side of Equipment Drive between Jeremiah Road and Mineral Springs Road from INST(CD) to INST(CD) SPA.</p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p>

	Attachment 27
	<p>28. Petition No. 2008-086 (hearing) by Citiline Resortline Properties of the Carolinas, LLC for a change in zoning of approximately 2.43 acres located on both sides of Victoria Avenue north of West 4th Street Extension and also on the east side of South Irwin Avenue north of West 4th Street Extension from UR-1 and UR-2 to MUDD-O.</p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 28</p>
	<p>29. Petition No. 2008-091 (hearing) by Couchell Investment Company for a change in zoning of approximately 7.13 acres located on the east side of Statesville Road between West W.T. Harris Boulevard and Metromont Parkway from I-2 to I-1.</p> <p>Staff recommends denial of this petition in its current form.</p> <p>Attachment 29</p>
Deferral (two-months)	<p>30. Petition No. 2008-092 (hearing) by Doral II Limited Partnership for a change in zoning of approximately 18.75 acres located on the north side of Monroe Road between Bramlet Road and Colonnade Drive from R-22MF and B-2 to MUDD-O.</p> <p>Petitioner is requesting a two-month deferral of this petition to September.</p> <p>Staff supports a two-month deferral of this petition.</p> <p>Attachment 30</p>
	<p>31. Petition No. 2008-100 (hearing) by Vernell Belin for a change in zoning of approximately 0.93 acres located on the north side of Joyce Drive between Kildare Drive and Milton Road from R-8MF to UR-C(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 31</p>
	<p>32. Petition No. 2008-101 (hearing) by South End Silos, LLC for a change in zoning of approximately 2.95 acres located on the east side of Griffith Street, north of Fairwood Avenue from I-2 and TOD-M to TOD-MO.</p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 32</p>

<p>Deferral (two-months)</p>	<p>33. Petition No. 2008-102 (hearing) by The Drakeford Company for a change in zoning of approximately 0.82 acres located on the north side of Marsh Road between South Boulevard and Melbourne Court from R-4 to UR-2(CD).</p> <p>Petitioner is requesting a two-month deferral of this petition to September.</p> <p>Staff supports a two-month deferral of this petition.</p> <p>Attachment 33</p>
	<p>34. Petition No. 2008-103 (hearing) by Gabriel Rogers for a change in zoning of approximately 0.96 acres located on the north side of Tuckaseegee Road between Browns Avenue and Cheshire Avenue from R-4 to O-1(CD).</p> <p>Staff recommends denial of this petition in its current form.</p> <p>Attachment 34</p>
	<p>35. Petition No. 2008-104 (hearing) by Two Land Group for a change in zoning of approximately 0.31 acres located on the northeast corner of East Park Avenue and Cleveland Avenue from R-22MF(HD-O) to MUDD-O(HD-O).</p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 35</p>
<p>Decision Requested</p>	<p>36. Petition No. 2008-105 (hearing) by Phillips Development and Realty, LLC for a change in zoning of approximately 41.19 acres located on the southwest corner of McCullough Drive and Collins-Aikman Drive from B-2(CD), O-2(CD) and NS to B-2(CD)SPA, O-2(CD)SPA and NS SPA.</p> <p>Petitioner is requesting a decision on this petition the same night as the hearing.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 36</p>
	<p>37. Petition No. 2008-106 (hearing) by Andrew Ighade, Adediji Dsinloye and Sony Obuseh for a change in zoning of approximately 1.95 acres located on the north side of Albemarle Road between Hollirose Drive and Circumferential Road from R-3 to B-1(CD).</p>

	<p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 37</p>
	<p>38. Petition No. 2008-108 (hearing) by Christ Evangelical Lutheran Church of Charlotte for a change in zoning of approximately 1.66 acres located on the northeast corner of Providence Road and Mammoth Oaks Drive from R-12MF to INST(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 38</p>
Protest (sufficient)	<p>39. Petition No. 2008-109 (hearing) by Colony Investors, LLC for a change in zoning of approximately 2.27 acres located on the east side of Colony Road between Rea Road and Stonecroft Park Drive from R-3 to MUDD(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 39</p>
Protest (sufficient)	<p>40. Petition No. 2008-111 (hearing) by RWB Properties for a change in zoning of approximately 7.80 acres located on the southwest corner of Brow-Grier Road and Sandy Porter Road from R-3 to INST(CD) and R-8MF(CD).</p> <p>Staff cannot support the residential component of this petition.</p> <p>Attachment 40</p>
	<p>41. Petition No. 2008-112 (hearing) by Westlake Holdings, LLC for a change in zoning of approximately 22.13 acres located on the southwest corner of Brookshire Boulevard and Old Plank Road from B-1SCD(LWPA) to B-1(CD)(LWPA).</p> <p>Staff recommends denial of this petition in its current form.</p> <p>Attachment 41</p>
	<p>42. Petition No. 2008-113 (hearing) by Mecklenburg County Real Estate Services for a change in zoning of approximately 1.92 acres located on the west side of South Kings Drive between Baxter Street and South Torrence Street from B-1 to MUDD.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 42</p>

<p>Decision Requested</p>	<p>43. Petition No. 2008-114 (hearing) by The McAlpines, LLC for a change in zoning of approximately 2.03 acres located on the west side of McAlpine Park Drive, west of Monroe Road from O-1(CD) to O-1(CD)SPA.</p> <p>Petitioner is requesting a decision on this petition the same night as the hearing.</p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 43</p>
	<p>44. Petition No. 2008-115 (hearing) by Jeff Barefoot for a change in zoning of approximately 11.64 acres located on the east side of Moores Chapel Road between Heavy Equipment School Road and Performance Road from R-3(LWPA) and I-1(LWPA) to I-2(LWPA).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 44</p>