

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

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

CITY COUNCIL ZONING AGENDA ***Monday, February 21, 2011***

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

6:00PM – Zoning Meeting
Meeting Chamber

DINNER MEETING

- ***Review of Agenda – Tammie Keplinger***

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

REZONING ACRONYMS

Zoning Districts

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

Overlay Districts

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

Miscellaneous Acronyms

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

DECISIONS

<p>Deferral (1-month to March)</p>	<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 pedestrian oriented information pillars and information pillar signs.</p> <p>The Zoning Committee voted unanimously to DEFER this petition for one month to the March 2, 2011 Zoning Committee meeting.</p> <p>Attachment 1</p>
<p>Protest Sufficient</p>	<p>2. Petition No. 2010-051 by Habitat for Humanity of Charlotte, Inc. for a change in zoning of approximately 3.629 acres located on the west side of Bingham Drive near North Tryon Street from I-2 to UR-2(CD).</p> <p>The petition is found to be inconsistent with the <i>Northeast District 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. Building setbacks are now shown on the site plan. 2. The petitioner has provided front and rear building elevations identifying proposed building materials. 3. Language has been added to the site plan stating that the petitioner will not begin construction, including grading, on the site or obtain a building permit for the site until three (3) years after the date of the approval of the rezoning petition. 4. A note has been added limiting non-residential uses to customary home occupations. 5. The tax parcel numbers for subject properties have been corrected on the site plan to reflect those listed on the application. 6. Note E1 states that in locations where the planting strip along Bingham Drive has been reduced to preserve existing trees, the requirement for new street trees may be waived by the Urban Forestry staff. 7. The Fire Department comment has been addressed by extending the length of the hammerhead proposed at the southwest side of the property from 91 feet to 121 feet. 8. The heading of Development Note J has been revised to read "Buffers, Tree Save, Open Space <u>and</u> Traffic Calming". 9. New Development Note J5 states that the petitioner agrees to sign a petition requesting that CDOT install traffic calming devices along Bingham and Curtiswood Drives if the neighborhood makes such a request per adopted City policies. 10. A row of evergreen trees and shrubs has been added along the western property line. <p>Staff recommends approval of this petition.</p> <p>Attachment 2</p>
<p>Deferral (1-month to March)</p>	<p>3. Petition No. 2010-067 by Mecklenburg County Park & Recreation Department for a change in zoning of approximately 1.64 acres located on the south side of Bevington Place between Elm Lane and Rea Road from R-15(CD) to NS.</p> <p>This petition is found to be inconsistent with the <i>South District Plan</i>, but to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee's vote to recommend DENIAL of this petition resulted in a tie vote. Therefore this petition is automatically DEFERRED to their March 2, 2011 Zoning Committee meeting.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 3</p>

<p>Deferral (1-month to March)</p>	<p>4. Petition No. 2010-069 by Patrick N. Dillon for a change in zoning of approximately 13.98 acres located on the east side of the intersection of Mallard Creek Road and Penninger Circle and located across from Mason Drive from R-3 to INST(CD).</p> <p>The Zoning Committee voted unanimously to DEFER this petition for one month to the March 2, 2011 Zoning Committee meeting.</p> <p>Attachment 4</p>
<p>Deferral (1-month to March)</p> <p>Protests Sufficient</p>	<p>5. Petition No. 2010-072 by Quail Corners Associates, LLC for a CC site plan amendment for approximately 14.40 acres located at the southwest corner of the intersection of Park Road and Sharon Road West.</p> <p>The Zoning Committee voted unanimously to DEFER this petition for one month to the March 2, 2011 Zoning Committee meeting.</p> <p>Attachment 5</p>
	<p>6. Petition No. 2010-075 by Woodie Enterprises, Inc. for a B-1(CD) site plan amendment for approximately 0.474 acres located on the east side of Carmel Road near the intersection of Carmel Road and Pineville-Matthews Road (HWY 51).</p> <p>This petition is found to be inconsistent with the <i>South District 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. The petitioner has submitted two site plans – one for existing development and one for redevelopment. The existing development scenario indicates that the only principal uses allowed are an office and an ABC store. The redevelopment scenario indicates that the only principal use allowed is an automotive service station without gasoline sales. Parking calculations and building square footages for all proposed uses have been provided for the redevelopment scenario. 2. The petitioner has provided a front elevation of the proposed building as part of the redevelopment scenario. 3. Language has been added stating in the event the site is redeveloped an eight-foot planting strip and a six-foot sidewalk will be installed along Carmel Road, and the sidewalk may meander to preserve existing trees. 4. In response to the elimination of the bays on the north side of the proposed building due to inadequate maneuvering area, the petitioner has added a note on the site plan identifying a recorded ingress/egress easement allowing utilization of a portion of the driveway on the property to the north to accommodate vehicles maneuvering in and out of the garage doors on the north side of the new building. In the event this easement is terminated, vehicle ingress and egress will be solely from the garage doors on the south side of the proposed building. 5. The petitioner has addressed the CDOT issue concerning required planting strip and sidewalk via a note committing to install the planting strip and sidewalk upon redevelopment of the site (also see Item #3 above). 6. The petitioner will provide parking calculations for existing conditions. <p>Staff recommends approval of this petition.</p> <p>Attachment 6</p>

	<p>7. Petition No. 2010-076 by Anders Platt for a change in zoning of approximately 3.4 acres located at the northeast corner of the intersection of West Boulevard and Dr. Carver Road from R-22MF and I-1 to INST(CD).</p> <p>This petition is found to be inconsistent with the <i>Central District 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. A note has been added stating that additional right-of-way will be dedicated and conveyed prior to the issuance of a building permit. 2. A detailed landscape plan has been provided for the area between the proposed building and West Boulevard which demonstrates how the detention pond will be screened and incorporated as a passive amenity area. 3. The building elevations have been modified to address design issues. 4. Deleted the "coordinated activities" note from the site plan. 5. Removed the future variance request to eliminate pedestrian connections to West Boulevard and Dewberry Trail. <p>Staff recommends approval of this petition.</p> <p>Attachment 7</p>
	<p>8. Petition No. 2010-078 by Charlotte-Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to add a new definition for heating, ventilation and air conditioning (HVAC) and revise the regulations.</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 unanimously to recommend APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 8</p>
<p>Deferral (1-month to March)</p>	<p>9. Petition No. 2010-079 by Charlotte-Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to add a new use, definition, and prescribed conditions for an eco-industrial facility.</p> <p>The Zoning Committee voted unanimously to DEFER this petition for one month to the March 2, 2011 Zoning Committee meeting.</p> <p>Attachment 9</p>
<p>Deferral (1-month to March)</p>	<p>10. Petition 2010-080 by Charlotte Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to replace the regulations for "Outdoor Seasonal Fresh Produce Sales" with a new definition and regulations for "Fresh Produce Markets".</p> <p>The Zoning Committee voted unanimously to DEFER this petition for one month to the March 2, 2011 Zoning Committee meeting.</p> <p>Attachment 10</p>

11. Petition No. 2011-001 by Automotive Management Services, Inc. for a change in zoning of approximately 0.451 acres located along the west side of South Boulevard and bounded by Interstate 485 on the south and the Southern Railway on the west from B-1 to B-2(CD).

This petition is found to be inconsistent with the *Sharon/I-485 Transit Station Area Plan*, 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:

1. Petition 2011-001 is referenced on the site plan.
2. The petitioner has shaded the remaining part of the site that is not part of the rezoning and contains the buildings and bulk of parking.
3. The existing zoning is noted as B-1 and the proposed zoning as B-2(CD) on Sheet 2 under "Development Data".
4. "Development Data" on Sheet 2 has been amended to reflect the proposed use as "storage of auto inventory", and a note has been added stating that no buildings will be placed on the site.
5. The petitioner has responded to the inquiry regarding how the future dumpster/refuse enclose/pad will be accessed by a dumpster/refuse truck by showing a proposed "truck-turn path" on the site plan that depicts the turn movement of a WB-50 design vehicle southbound on the public access road behind the site, and then maneuvering through the site to access South Boulevard. The proposed dumpster/refuse truck will be able to follow this path after pulling forward to empty the dumpster at the end of the public access road.
6. A note has been added that states parking will not extend within ten feet of the rear property line.
7. The petitioner has provided a cross-section of the proposed six-foot fence with opaque covering to screen the storage area.
8. The petitioner has stated that proposed fencing, curb and gutter, and paved parking have been relocated so as not to encroach into the Norfolk Southern Railroad right-of-way.
9. The petitioner has submitted information regarding the 30-foot access easement, which has been forwarded to the City Attorney's Office for review.

Staff recommends approval of this petition.

Attachment 11

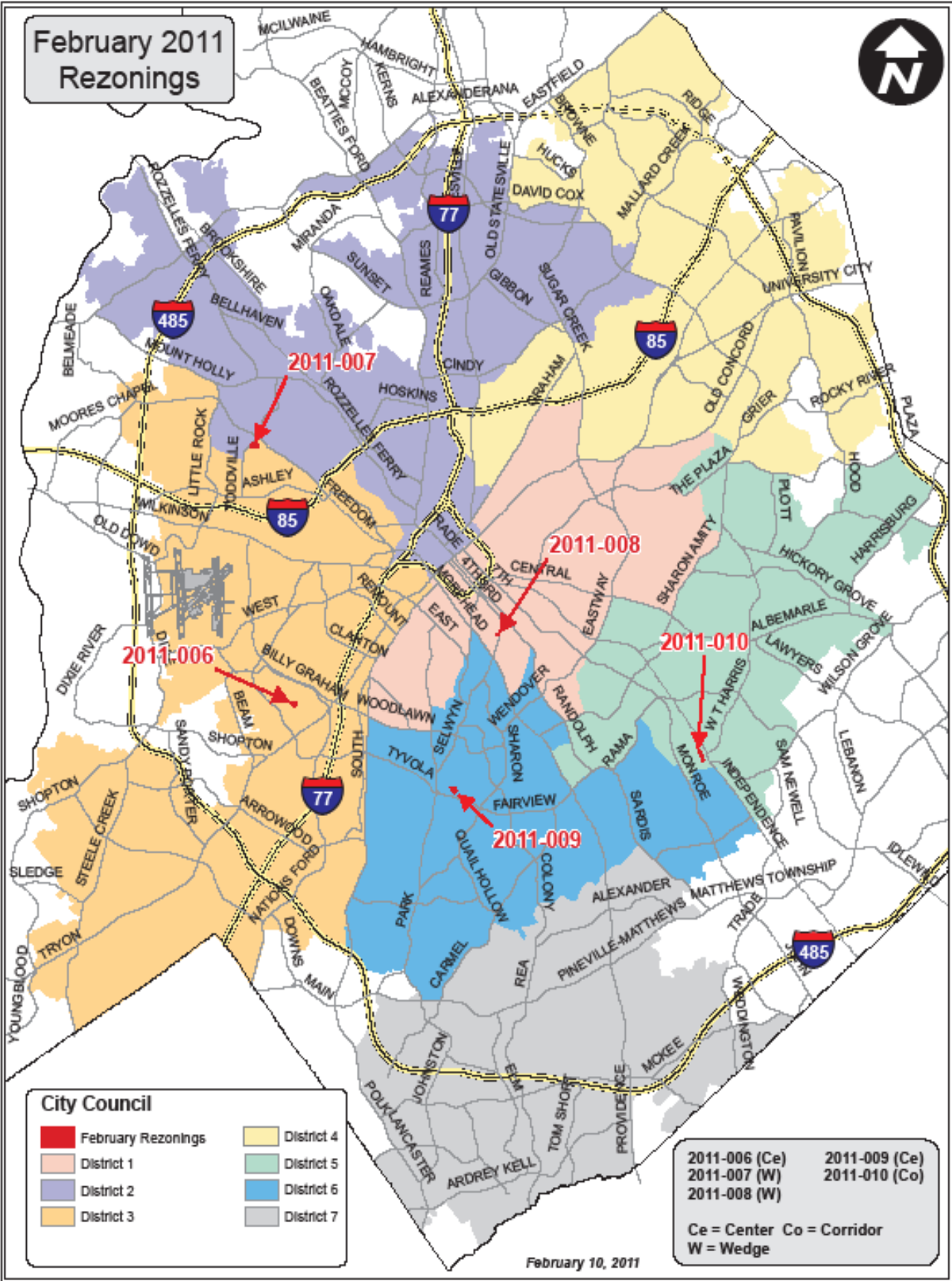
12. Petition No. 2011-003 by Music Factory Condominiums, LLC for a MUDD-O site plan amendment for approximately 1.77 acres located along the east side of Hamilton Street between Seaboard Street and West Brookshire Freeway.

This petition is found to be consistent with the *Center City 2010 Vision Plan* and to be reasonable and in the public interest, by a 5-1 vote of the Zoning Committee. The Committee voted 4-2 to recommend **APPROVAL** of this petition with the following modifications:

1. Exhibits have been provided of the two-sided roof mounted sign proposed by the optional provision.
2. Note C(1) under "Optional Provisions" has been clarified to indicate that the roof mounted sign to be installed on the northern side, facing West Brookshire Boulevard, will be the "JFG" sign. The maximum sign face area is limited to the existing sign face area of the "JFG" sign (820 square feet). The "JFG" sign shall have a minimum lease term of five years as indicated in Note C(3)(a).
3. Note C(3) has been added under "Optional Provisions" to indicate conditions under which the "JFG" sign is allowed to be removed and replaced with another sign. These conditions include the following:
 - a. The replacement sign shall be limited to 500 square feet and be for the identification of the NC Music Factory venue and may advertise events and entertainment opportunities.

	<ul style="list-style-type: none"> b. The events and entertainment opportunities offered at the NC Music Factory may be displayed on an electronic changeable face sign while the remaining elements of the sign will remain static. c. Up to 20 percent of the electronic changeable sign face area may advertise sponsors of the events and entertainment opportunities. d. The final design and appearance of the replacement sign must be approved by the Planning Department prior to the issuance of a sign permit. <p>4. The roof mounted sign on the back side of the "JFG" sign, found in Note C(2) under "Optional Provisions", has been limited to an on-premise identification sign associated with the use(s) within the building it is atop. The maximum sign face area shall be 100 square feet and will take the place of the wall sign allowed on the southern facing wall.</p> <p>5. Note C(3)(i) under "Optional Provisions" has been modified so that messages or information on the electronic changeable face area of the replacement sign used to provide information on the various venues located at the NC Music Factory and the events and entertainment opportunities offered and to be offered at the NC Music Factory shall remain in a fixed, static position for a minimum of 6 hours. The Planning Director may authorize more frequent intervals of changes to the copy of information on the electronic changeable face area of the replacement sign based upon the following:</p> <ul style="list-style-type: none"> a. The owner of the Site provides contextual graphics that provide a compelling reason for allowing more frequent changes. b. The contextual graphics indicate that the sign copy displaying multiple events and entertainment opportunities are not legible from West Brookshire Freeway. c. The frequency of the changes to the copy or information shall not change the intent of the Replacement Sign being an identification sign and not a billboard sign. <p>Staff recommends approval of this petition.</p> <p>Attachment 12</p>
	<p>13. Petition 2011-004 by Charlotte Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to comply with NC Statutes and Session Law 2009-178 regarding new requirements for third party rezoning petitions.</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 unanimously to recommend APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 13</p>
	<p>14. Petition 2011-005 by Charlotte Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to comply with NC Fair Housing Act and Session Law 2009-533 to prevent discrimination against affordable housing.</p> <p>This petition is found to be consistent with adopted policies and to be reasonable and in the public interest, by a 5-1 vote of the Zoning Committee. The Committee voted 5-1 to recommend APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 14</p>

**February 2011
Rezoning**



City Council

 February Rezoning	 District 4
 District 1	 District 5
 District 2	 District 6
 District 3	 District 7

2011-006 (Ce)	2011-009 (Ce)
2011-007 (W)	2011-010 (Co)
2011-008 (W)	

Ce = Center Co = Corridor
W = Wedge

February 10, 2011

HEARINGS

	<p>15. Petition No. 2011-006 by Dore Academy for a change in zoning of approximately 6.078 acres located on the south side of Parkway Plaza Boulevard near Courtney Commons Lane from I-1(CD) to O-1.</p> <p>Staff is recommending approval of this petition.</p> <p>Attachment 15</p>
	<p>16. Petition No. 2011-007 by Medical Facilities of North Carolina, Inc. for an INST(CD) site plan amendment for approximately 9.05 acres located on the east side of Toddville Road between Freedom Drive and Lewhaven Drive.</p> <p>Staff is recommending approval of this petition.</p> <p>Attachment 16</p>
<p>Deferral (1-month to March)</p>	<p>17. Petition No. 2011-008 by Thies Realty & Mortgage Company for a change in zoning of 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>Petitioner is requesting a one-month deferral of this petition to the March 21, 2011 Council Meeting.</p> <p>Staff is recommending approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 17</p>
	<p>18. Petition No. 2011-009 by Crescent Resources, LLC for a MUDD-O site plan amendment for approximately 7.81 acres located on Carnegie Boulevard and west of the intersection between Assembly Street and Carnegie Boulevard.</p> <p>Staff is recommending approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 18</p>
	<p>19. Petition No. 2011-010 by Hendrick Automotive Group for a B-2(CD) site plan amendment for approximately 8.08 acres located on the west side of East Independence Boulevard across from East W. T. Harris Boulevard.</p> <p>Staff is recommending approval of this petition upon resolution of the outstanding issue.</p> <p>Attachment 19</p>
	<p>20. Petition 2011-013 by Charlotte Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Subdivision Ordinance to eliminate the transitional setback along identified sections of US Hwy. 74 upon completion of NCDOT Right-of-Way Acquisition Program.</p> <p>Staff is recommending approval of this petition.</p> <p>Attachment 20</p>
	<p>21. Petition 2011-014 by Charlotte Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to eliminate the transitional setback along identified sections of US Hwy. 74 upon completion of NCDOT Right-of-Way Acquisition Program.</p> <p>Staff is recommending approval of this petition.</p> <p>Attachment 21</p>