John Autry

Mayor Anthony Foxx Mayor Pro-Tem Patrick Cannon

Tohn Autru Michael D Rarnes

Michael D. Barnes Warren Cooksey Andy Dulin
Claire Fallon David Howard
Patsy Kinsey LaWana Mayfield
James E. Mitchell, Jr. Beth Pickering

CITY COUNCIL ZONING AGENDA Monday, May 14, 2012

4:00PM - Zoning Meeting **Meeting Chamber**

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

Zoning Districts

- B-1 neighborhood business district
- B-2 general business district
- B-1SCD business shopping center district
- BD distributive business district
- BP business park district
- CC commercial center district
- I-1 light industrial district
- I-2 general industrial district
- INST institutional district
- MUDD mixed use development district
- MX-1 mixed use district
- MX-2 mixed use district
- MX-3 mixed use district
- NS neighborhood services district
- **0-1** office district
- 0-2 office district
- 0-3 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

HISTORIC LANDMARKS

1	 Decision on the adoption of an ordinance designating the "Dr. George E. Davis House" as an Historic Landmark. Attachment 1
2	 Decision on the adoption of an ordinance designating the "Fire Station No. 2" as an Historic Landmark. Attachment 2

DECISIONS

Deferral (to September)	3.	for a change in zoning for approximately 1.55 acres located on the southeast corner of Providence Road and Alexander Road from R-3 to O-1(CD) 5-Year Vested Rights. The Zoning Committee voted unanimously to DEFER this petition to the July 25, 2012 Zoning
Protest Insufficient		Committee meeting. The Zoning Ordinance indicates that the City Council may make a decision on a petition without a Zoning Committee recommendation since it has been more than 30-days since the public hearing. Staff recommends approval of this petition upon resolution of outstanding issues. Attachment 3
	4.	Petition No. 2010-080 by Charlotte-Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to modify the regulations for "Outdoor Seasonal Fresh Produce Sales" by 1) renaming them to "Outdoor Fresh Produce Stands", 2) expanding the zoning districts in which they are permitted with prescribed conditions, and 3) modifying the prescribed conditions. 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. Staff recommends approval of this petition. Attachment 4

5. Petition No. 2011-065 by Chapel Cove at Glengate, LLC for a MX-1 INNOV site plan amendment (LLW-PA) & (LLW-CA) and 5-Year Vested Rights, for approximately 319.91 acres located on the east and west side of Shopton Road West generally surrounded by Winget Road, Elkhorn Drive, Limehurst Place, and Hatfield Road.

Protests Sufficient

This petition is found to be consistent with the *Steele Creek Area Plan* 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 **APPROVAL** of this petition with the following modifications:

- 1. Modified the "Transportation" and "Innovative Standards" notes to indicate the petitioner will increase the pavement width of Withers Cove Road (10-foot travel lanes and a one-foot shoulder on each side of the road) from Hatfield Road to Traymore Lane.
- 2. Modified a note under "Transportation" indicting the installation of a five-foot wide sidewalk/shared walking path along one side of Withers Cove Road extending from Wildlife Road to Traymore Lane.
- 3. Modified Note #1 under "Streetscape and Landscaping" to indicate a minimum fivefoot wide trail along the Shopton Road West frontage to reflect the requirements of the 2003 rezoning.
- 4. Addressed CDOT comments by provided a 10-foot wide asphalt pedestrian/bike trail from the terminus of Winget Road to the northern property line of tax parcel 199-151-09 owned by Mecklenburg County.
- 5. Provided a note under "Transportation" indicating the petitioner will complete the construction of Winget Road from Shopton Road West to the western property line of Phase 3 prior to the issuance of the first certificate of occupancy for a dwelling unit within Phase 3.
- 6. At staff's request and due to the inability to enforce, the petitioner removed an architectural standard which stated "a minimum of 50 percent of the single family detached dwellings units constructed on the Site shall have front porches".
- 7. Increased the minimum lot widths within Parcel B by modifying the note to read "a minimum of 40% of the single family lots developed on Parcel B shall have a minimum width of <u>70</u> 60 feet, and the remaining lots shall have a minimum width of <u>60</u> 50 feet".
- 8. Increased the minimum lots widths within Phase 3 by modifying the note to read "a minimum of 40% of the single family lots developed on Phase 3 shall have a minimum width of 80 70 feet, and the remaining lots shall have a minimum width of 70 60 feet".
- 9. Modified an "Architectural Standards" note to read "... Notwithstanding the foregoing, vinyl accents, such as <u>trim components</u> vinyl shake on reverse gables and dormers, shall be permitted, vinyl may be utilized on the soffits of the single family detached dwelling units and vinyl windows may be installed on the single family detached dwelling units".

Staff recommends approval of this petition.

Attachment 5

Deferral (to September)

6. Petition No. 2011-068 by Morehead Property Investments, LLC for a change in zoning for approximately 1.50 acres located on East Morehead Street between Kenilworth Avenue and Monticello Trail from O-2 to MUDD(CD).

The petitioner is requesting a four-month deferral of this petition to the September 24, 2012 City Council meeting.

Protest Sufficient

This petition is found to be consistent with the *Central District Plan, The General Development Policies and the Midtown Morehead Cherry Area Plan* and to be reasonable and in the public interest, by a 4-1 vote of the Zoning Committee. The Committee voted 3-2 to recommend **APPROVAL** of this petition with modifications, including the two recommendations contained in the letter submitted by the Dilworth Community Development Association dated April 25, 2012. However, because a majority of four votes is necessary in order to pass a vote, the petition automatically deferred to the next Zoning Committee meeting.

	The Zoning Ordinance indicates that the City Council may make a decision on a petition without a Zoning Committee recommendation since it has been more than 30-days since the public hearing.
	Staff recommends approval of this petition.
	Attachment 6
	7. Petition No. 2012-009 Dave Ransenberg and Doug Levin for a UR-3(CD) site plan amendment, for approximately 0.45 acres located on the south side of North Davidson Street between Herrin Avenue and Donatello Avenue.
Protest Sufficiency TBD	This petition is found to be inconsistent with the <i>North Charlotte Plan</i> but to be consistent with the <i>36th Street Station Area Concept</i> and to be reasonable and in the public interest, by a 5-0 vote of the Zoning Committee. The Committee voted 4-0 to recommend APPROVAL of this petition with the following modifications:
	 The zoning district of the property located across N. Davidson Street and located within the railroad right-of-way is now labeled and identified as I-2 on site plan. The site plan now notes that the minimum setback from Warp Street will be 20'. The Signage note has been removed from the site plan. A note has been added to the site plan stating all freestanding light fixtures will be uniform in design and shall not exceed 20' in height. CDOT issues have been addressed with the following actions: The proposed fence along North Davidson Street has been reduced in height from 42" to 30". The site plan shows dedicated right-of-way 30' from centerline of the existing North Davidson Street right-of-way.
	Staff recommends approval of this petition.
	Attachment 7
Protests Sufficient	8. Petition No. 2012-010 by Crescent Resources for a change in zoning for approximately 4.70 acres located on the south side of University City Boulevard between Mark Twain Road and Suther Road from R-17MF to MUDD-O 5-Year Vested Rights.
	This petition is found to be inconsistent with the <i>University City Area Plan</i> and not to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend DENIAL of this petition.
	Staff recommends approval of this petition.
	Attachment 8
	9. Petition No. 2012-016 by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 0.79 acres located on the north side of Clement Avenue across from East 9th Street and generally bounded by Bay Street, Lamar Avenue, and East 8th Street from R-22MF to R-5.
	This petition is found to be consistent with the <i>Elizabeth Area Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition.
	Staff recommends approval of this petition.
	Attachment 9

	10. Petition No. 2012-017 by Charlotte-Mecklenburg Planning Department for a change
	in zoning for approximately 0.67 acres located south of Independence Boulevard along the east and west side of Clement Avenue from B-1 and I-2 to R-5.
	This petition is found to be consistent with the <i>Elizabeth Area Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition.
	Staff recommends approval of this petition.
	Attachment 10
	11. Petition No. 2012-018 by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 0.26 acres located on the north side of Hawthorne Lane between East 7th Street and East 8th Street from R-22MF and O-2 to R-5.
	This petition is found to be consistent with the <i>Elizabeth Area Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition.
	Staff recommends approval of this petition.
	Attachment 11
	12. <u>Petition No. 2012-020</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to replace the term, "Planning Commission" with "Planning Department", when referring to the Charlotte-Mecklenburg Planning Department staff.
	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 with the following modifications:
	 Add "Charlotte-Mecklenburg Planning Department" and "Charlotte-Mecklenburg Planning Commission" on the cover of the Zoning Ordinance. Remove "Planning Commission" and "Planning Department" from Sections 6.103 and 10.904, which describes who can initiate amendments to the Zoning Ordinance. Both are considered to be "non-owners" which is currently covered in both sections. Do not make any changes to Section 10.202, concerning the designation of Historic District Boundaries. Studies and reports prepared by the Historic District Commission are referred to the Planning Commission for review and comment
	Staff recommends approval of this petition.
	Attachment 12
Deferral (to June)	13. <u>Petition No. 2012-024</u> by NRP Properties/ Northlake Seniors for a change in zoning for approximately 1.72 acres located on the northeast corner at the intersection of West W.T. Harris Boulevard and Forest Drive from CC to MUDD-O.
Protest Sufficient	The petitioner is requesting a one-month deferral of this petition to the June 18, 2012 City Council meeting.
	The Zoning Committee voted unanimously to DEFER this petition to the May 30, 2012 Zoning Committee meeting.
	Staff recommends approval of this petition upon resolution of outstanding issues.
	Attachment 13

14. Petition No. 2012-026 by Thompson Child & Family Focus for a change in zoning for approximately 3.65 acres located on the northwest corner at the intersection of North Wendover Road and Marvin Road from R-22MF to O-1(CD).

This petition is found to be inconsistent with the *Central District 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 modification:

1. Clarified that the existing buffer along the western property line, abutting the NS zoned parcel, will be maintained.

Staff recommends approval of this petition.

Attachment 14

15. Petition No. 2012-027 by Keith Hawthorne Automotive for a change in zoning for approximately 9.80 acres located on the east side of South Boulevard at the intersection of South Boulevard and Hill Road from R-4, R-17MF, and R-22MF to B-2(CD).

This petition is found to be inconsistent with the *Arrowood Transit Station Area Plan* but to be reasonable 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. Staff has rescinded the request to Amend Note 1(e) to either delete the last sentence or specify a maximum number of accessory buildings and structures.
- 2. Amended Sheet RZ-1 to clearly delineate the existing parking area that constitutes the grandfathered portion of the site.
- 3. Amended the legend to reference a Class B buffer and clearly delineated buffer areas to be reduced to a width of 56.25 feet.
- 4. Relocated the 56.25 foot measurement from the grandfathered portion of the site to the portion where a buffer is required.
- 5. Removed reference to a required buffer on the portion of the site that is grandfathered. Stated that only a fence will be provided.
- 6. Possible location of storm water detention is shown and labeled.
- 7. Amended Note 6(d) to state that outdoor speakers, if provided will be directed toward South Boulevard and will not be directed toward the abutting residential uses.
- 8. Amended Note 3b under the heading of Access to state "based on the proposed building layout, access to the site from Woodstock Drive or the extension of Woodstock Drive into the site is not required or proposed. However, should a modification to the proposed building layout require the Petitioner to submit a request for an Administrative Amendment and the revised building layout results in a building layout that may allow for the extension of Woodstock Drive as required by the Subdivision Ordinance, then access from and the extension of Woodstock Drive in to the site may be required.
- 9. Outdoor speakers will not be allowed on the portions of the buildings that face (i.e. are oriented toward) the abutting residential uses. If outdoor speakers are provided on the portions that do not faced (i.e. are not oriented toward) the abutting residential uses, the outdoor speakers must be directed toward South Boulevard and will not be directed toward the abutting residential uses

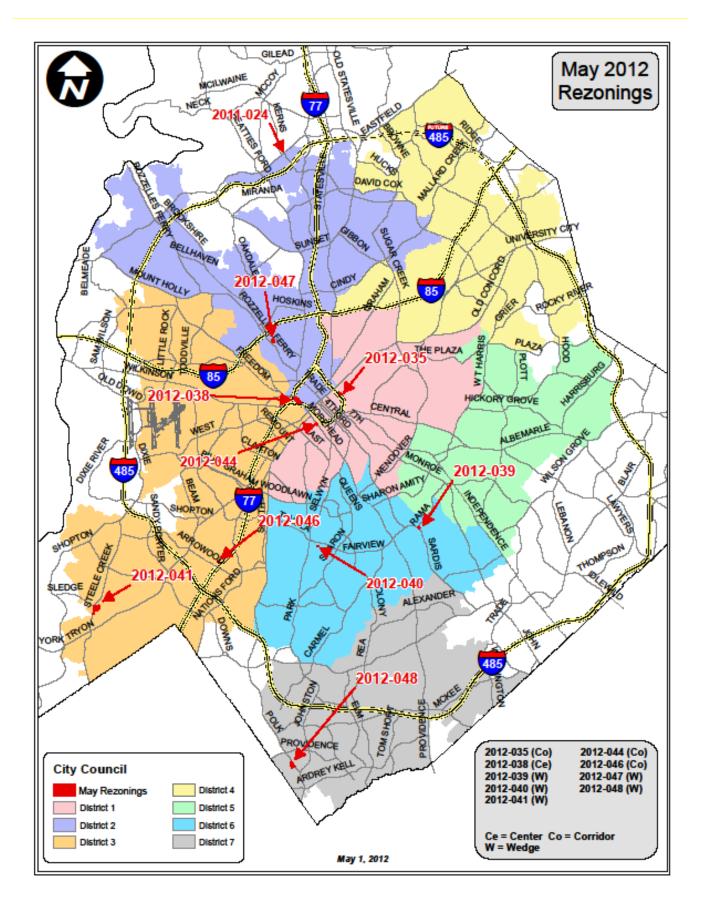
Staff recommends approval of this petition.

Attachment 15

	16. Petition No. 2012-028 by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 1.13 acre located on the east corner at the intersection of Commonwealth Avenue and Morningside Drive from O-2 to R-22MF.
	This petition is found to be consistent with the <i>Independence Boulevard Area Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition.
	Staff recommends approval of this petition.
	Attachment 16
Deferral (to June)	17. Petition No. 2012-030 by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 4.0 acres located along East Independence Boulevard between Pierson Drive and North Sharon Amity Road from B-2 to R-4.
Protest Sufficient	The Zoning Committee voted unanimously to DEFER this petition to the May 30, 2012 Zoning Committee meeting.
	Staff recommends approval of this petition.
	Attachment 17
	18. Petition No. 2012-031 by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 0.93 acres located on the west side of Driftwood Drive near the intersection of Albemarle Road and Driftwood Drive from R-17MF to R-4.
	This petition is found to be consistent with the <i>Independence Boulevard Area Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition.
	Staff recommends approval of this petition.
	Attachment 18
	19. Petition No. 2012-032 by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 7.89 acres located along the west side of Briardale Drive between Wallace Lane and Sharon Forest Drive from R-17MF to R-8.
	This petition is found to be consistent with the <i>Independence Boulevard Area Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition.
	Staff recommends approval of this petition.
	Attachment 19
	20. Petition No. 2012-033 by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 15.11 acres located north of Monroe Road and abutting North Wendover Road, Mayview Drive, and Coldstream Lane from R-17MF to R-4.
	This petition is found to be consistent with the <i>Independence Boulevard Area Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition.
	Staff recommends approval of this petition.
	Attachment 20

21. Petition No. 2012-034 by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 0.57 acres located along Fugate Avenue near the intersection of Monroe Road and Fugate Avenue from O-2 to R-4. This petition is found to be consistent with the *Independence Boulevard Area Plan* but not reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend **DENIAL** of this petition. Staff recommends approval of this petition. Attachment 21 22. Petition No. 2012-042 by TCB NoDa Mills, LLC for a change in zoning for approximately 10.30 acres located on the north side of North Davidson Street between East 36th Street and Patterson Road from UR-3(CD) and I-2 to TOD-R. This petition is found to be consistent with the North Charlotte Plan and the 36th Station Area Concept 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. Staff recommends approval of this petition.

Attachment 27



HEARINGS

23.	Petition No. 2012-035 by Charlotte Housing Authority for a change in zoning for approximately 1.99 acres located along on the north side of North Caldwell Street and generally bounded by North Brevard Street, New Calvine Street and East Brookshire Freeway from MUDD and MUDD(CD) to MUDD-O. Staff recommends approval of this petition upon resolution of outstanding issues. Attachment 23
	Petition No. 2012-036 by Michael C. Drossos for a Text Amendment to the City of Charlotte Zoning Ordinance to 1) add tattoo parlors as a use permitted by right in the UMUD, B-D, and U-I zoning districts, 2) clarify that it tattoo parlors are is a permitted by right use in the UR-C, business, industrial, B-1, B-2, B-P, U-I, TOD, I-1, and I-2, zoning districts.
	Staff recommends approval of this petition.
	Attachment 24
25.	Petition No. 2012-038 by Charlotte Pipe & Foundry Company for a change in zoning for approximately 17.91 acres located on the south side of West Morehead Street near the intersection of Interstate 77 and Interstate 277 from MUDD to MUDD-O and I-2(CD).
	Staff recommends approval of this petition upon resolution of outstanding issues.
	Attachment 25
26.	Petition No. 2012-039 Michael T. Whitehead and Elizabeth M. Whitehead for an INST(CD) site plan amendment, for approximately 2.7 acres located on the southeast corner of the intersection at Rama Road and Sardis Road.
	Staff recommends approval of this petition upon resolution of outstanding issues.
	Attachment 26
27.	Petition No. 2012-040 by K & P Development, LLC for a change in zoning for approximately 0.65 acres located on the west side of Park South Drive between Fairview Road and Royal Crest Drive from R-3 to MUDD(CD).
	Staff recommends approval of this petition upon resolution of outstanding issues.
	Attachment 27
28.	Petition No. 2012-041 by True Homes, LLC for a R-3(CD) site plan amendment, for approximately 28.31 acres located on the east side of Steele Creek Road between Sledge Road and Huntington Meadow Lane.
	Staff recommends approval of this petition upon resolution of outstanding issues.
	Attachment 28
29.	Petition No. 2012-044 by The Duke Endowment for a change in zoning for approximately 1.76 acres located on the west side of East Morehead Street between Myrtle Avenue and Oriole Avenue from B-1 to MUDD-O.
	Staff recommends approval of this petition upon resolution of outstanding issues.
	Attachment 29
	11 of 12

	30. Petition No. 2012-046 by SunCap Property Group for a change in zoning for approximately 3.5 acres located on the east side of Red Oak Boulevard near the intersection of Interstate 77 and West Arrowood Road from B-D to B-2.
	Staff recommends approval of this petition.
	Attachment 30
	31. Petition No. 2012-047 by O'Leary Resource Recovery Center for a change in zoning for approximately 6.30 acres located on the west side of Idaho Drive and generally surrounded by Centre Street and Odum Avenue from I-1 to I-2(CD).
	Staff recommends approval of this petition upon resolution of outstanding issues.
	Attachment 31
Deferral (to June)	32. Petition No. 2012-048 by GCI Acquisitions, LLC for a change in zoning for approximately 16.20 acres located on the west side of Lancaster Highway between Springwell Street and Johnston Road from MX-2 to R-17MF(CD). The petitioner is requesting a one-month deferral of this petition to the June 18, 2012 City Council meeting. Staff recommends approval of this petition upon resolution of outstanding issues. Attachment 32
	33. Petition No. 2012-066 by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to add definitions and regulations to allow bicycle-sharing service and stations as new uses allowed with prescribed conditions in all zoning districts. Staff recommends approval of this petition. Attachment 33