

Mayor Patsy Kinsey

John Autry

Warren Cooksey

Claire Fallon

LaWana Mayfield

Beth Pickering

Mayor Pro-Tem Patrick Cannon

Michael D. Barnes

Andy Dulin

David Howard

James E. Mitchell, Jr.

CITY COUNCIL ZONING AGENDA

Monday, July 15, 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

ACRONYMS

Zoning District Acronyms

- **B-1** – neighborhood business district
- **B-2** – general business district
- **B-1SCD** – business shopping center district (old district)
- **BD** – distributive business district
- **BP** – business park district
- **CC** – commercial center district
- **HW** – hazardous waste
- **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-M** – transit oriented development – mixed use
- **TOD-R** – transit oriented development – residential
- **U-I** – urban industrial district
- **UMUD** – uptown mixed use district
- **UR-1** – urban residential
- **UR-2** – urban residential
- **UR-3** – urban residential
- **UR-C** – urban residential – commercial

Zoning Overlay District Acronyms

- **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
- **LNW** – Lake Norman watershed overlay
- **LNWCA** – Lake Norman watershed –overlay, critical area
- **LNWPA** – Lake Norman watershed – overlay, protected area
- **LLWW** – Lower Lake Wylie watershed overlay
- **LLWWCA** – Lower Lake Wylie watershed – overlay, critical area
- **LLWWPA** – Lower Lake Wylie watershed– overlay, protected area
- **MILW** – Mountain Island Lake watershed overlay
- **MILWCA** – Mountain Island Lake watershed – overlay, critical area
- **MILWPA** – Mountain Island Lake watershed – overlay, protected area
- **MH** - manufactured home overlay
- **PED** – pedestrian overlay district
- **TS** – transit supportive overlay district

Miscellaneous Zoning Acronyms

- **CD** – conditional district
- **INNOV** – innovative standards
- **SPA** – site plan amendment
- **O** – optional provisions

Miscellaneous Other Acronyms

- **CAG** – citizen advisory group
- **CDOT** – Charlotte Department of Transportation
- **FEMA** – Federal Emergency Management Agency
- **LED** – light emitting diode
- **NCDOT** – North Carolina Department of Transportation
- **PCCO** – Post Construction Control Ordinance

HISTORIC LANDMARKS

	<p>1. A Public hearing to consider Historic Landmark designation of the property known as the “Long Creek Mill Ruin” (listed under Tax Parcel Numbers 02516106 and 02516108 as of April 15, 2013, and including the land and all features of Tax Parcel Numbers 02516106 and 02516108) as an Historic Landmark. The property is owned by Mecklenburg County, and is located at 8508 and 8604 Beatties Ford Road, Charlotte, North Carolina.</p> <p>Attachment 1</p>
<p>Deferral (to September)</p>	<p>2. A Public hearing to consider Historic Landmark designation of the property known as the “Tuckaseegee Ford and Trail” (listed under Tax Parcel Numbers 05310199, 05311107 and 05311108 as of April 15, 2013, and including portions of Tax Parcel 05310199 totaling approximately 4.3 acres, and all of the land listed under Tax Parcels 05311107 and 05311108) as an Historic Landmark. The property is owned by Mecklenburg County and Duke Energy Corporation, and is located at 5000 Whitewater Center Parkway, Charlotte, North Carolina.</p> <p>Historic Landmarks staff is requesting a deferral of this public hearing to the September 16, 2013 meeting.</p> <p>Attachment 2</p>

DECISIONS

	<p>3. <u>Petition No. 2013-034</u> (Council District 2 – Mitchell) by William C. Birmingham for a change in zoning for approximately 10 acres located on the east side of Brookshire Boulevard near the intersection of Caldwell Williams Road and Brookshire Boulevard from R-4(LWPA) to I-1(LWPA).</p> <p>This petition is found to be inconsistent with the <i>Northwest District Plan</i>; however, 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 3</p>
<p>Deferral (to September)</p>	<p>4. <u>Petition No. 2013-040</u> (Council District 1 – Vacant) by James P. Ngo & Yen M. Ngo for a change in zoning for approximately 0.71 acres located on the west side of West Sugar Creek Road across from Munsee Street from R-4 to O-1(CD).</p> <p>The Zoning Committee voted unanimously to DEFER this petition to their July 24, 2013 meeting.</p> <p>Attachment 4</p>

Protest
Sufficient

5. **Petition No. 2013-047** (Council District 2 – Mitchell) by **Brookline Residential, LLC** for a change in zoning for approximately 26.68 acres located on the west side of Interstate 77 near the intersection of Reames Road and Lakeview Drive from MX-1 to UR-2(CD).

This petition is found to be inconsistent with the *Northlake Area Plan*; however, 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 Note 4.C. to reference driveway permits to be approved by CDOT and NCDOT.
2. Modified the last sentence of Note 4.D. to read: "...is valid for a period of ten (10) years from the date of the first certificate of occupancy being issued on the site original approval of the Brookline site plan".
3. Eliminated Note 4.E.
4. Eliminated Note 4.G.
5. Modified the second sentence of Note 4.H. to read: "Petitioner may shall be allowed to construct control access gates at the project entrance, generally as depicted on the schematic site plan and subject to CDOT and Planning approval".
6. Provided an additional "Transportation" note indicating the petitioner will construct a concrete passenger waiting pad for bus service along the eastern side of Reames Road and that the location will be coordinated with CATS.
7. Provided an additional "Transportation" note that reads: "During the subdivision development review process, it will be determined if a vehicular/pedestrian connection(s) will be required to the abutting property north of the site. If such connection(s) is required and the development of this site occurs prior to the redevelopment of the abutting site to the north, the portion of the connection(s) on the site will be designed and constructed at the property line within two feet above or below the existing grade of the northern abutting parcel to facilitate the connection. Once such connection(s) is made it shall remain open to the public and any gate if installed to date must be removed."
8. Modified Note 5.D. to read: "...masonry materials including (brick, stone, brick veneer, and/or simulated stone architectural lock and other masonry materials".
9. Eliminated Note 6.A.
10. Eliminated the last sentence of Note 6.B.
11. Eliminated Note 6.D.
12. Eliminated Note 6.E.
13. Eliminated Note 6.F.
14. Provided a conditional note regarding the open space areas, including tree save and stormwater areas, that indicate what amenities will be provided.
15. Removed the note on Sheet RZ-2 that states: "Due to existing conditions/perennial stream along this property line, roadway connection per USDG shall not be required".
16. On Sheet RZ-2, extended the internal sidewalk along the private street between buildings 4 and 5 out to the internal sidewalk along Boylston Drive.
17. On Sheet RZ-2, extended the internal sidewalk along the private street between buildings 7 and 11 out to the internal sidewalk along Boylston Drive.
18. The building elevation on Sheet RZ-3 indicates "accent vents and cupola on featured buildings". Provided additional notes that clearly define the featured buildings that will be constructed with the additional architectural elements.
19. Addressed Transportation comments.
20. The buffer width along Interstate 77 has been increased from a 50-foot Class "C" buffer to a 75-foot buffer along a majority of the road frontage. A portion of the buffer adjacent to the storm water management pond has been increased to 65 feet.
21. The minimum requirement for masonry materials on the exterior building walls has been increased from 25 percent to 30 percent. The percentage requirement for the carriage unit facades facing Boylston Street and the single family homes has been increased to 75 percent and their elevations have been modified to incorporate covered porches.

2013-047
continued

22. Provided a note to allow the eight current homeowners within Brookline to use the pool facility at the proposed apartment community for an annual fee of \$600.
23. Provided a note indicating the petitioner will fund the repair of the existing gate at the Lakeview Road entrance and commit to having the apartment community pay for the long term maintenance of the gates.
24. Provided a note indicating the apartment community will share in the cost of maintaining the private roads in Brookline and in keeping up the landscaping along Reames Road.

Staff recommends approval of this petition.

Attachment 5

6. **Petition No. 2013-048** (Council District 7 – Cooksey) **by Elevation Church** for a change in zoning for approximately 22.15 acres located on the east and west side of Lancaster Highway and at the intersection of Lancaster Highway and Johnston Road from R-17MF(CD) and NS to O-1(CD).

This petition is found to be inconsistent with the *South District Plan*; however to be reasonable and in the public interest by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend **APPROVAL** of this petition with the following modifications:

1. Amended Note 14 to state "prior to approval by the City Council on Rezoning Petition 2013-048, the petitioner and owner of the property covered by Rezoning Petition 2000-02c will file an administrative amendment for Petition 2000-02c that will reduce the number of residential units currently approved to an amount that falls within the allowed density. If Rezoning Petition 2013-048 is approved by City Council, the reduction in the number of allowed units on Rezoning Petition 2000-02c will be binding and may not be added back to Petition 2000-02c through the administrative amendment process. If Rezoning Petition 2012-048 is not approved by the City Council, the administrative amendment will automatically be null and void, and of no effect."
2. Relabeled the area designated for trash as "solid waste and recycling area."
3. Added a note that a low masonry wall and landscaping will be provided to screen parking as shown on the site plan.
4. Provided a minimum five-foot sidewalk on the eastern side of the main interior driveway that runs perpendicular to the proposed public street.
5. Illustrated a five-foot internal sidewalk connection to the proposed six-foot public sidewalk along US Highway 521.
6. Modified the zoning buffer references to indicate a 75-foot Class B buffer.
7. Addressed CDOT comments as follows:
 - a. Eliminated the proposed eastbound through-right lane on Lancaster Highway, at the intersection of Johnston Road (US 521) and Lancaster Highway, and let it remain as a through-lane only. Extended the existing right-turn lane on US Highway 521 to provide a total storage of 525 feet.
 - b. Added a note that commits to the installation of pedestrian signals, and high visibility cross-walks on the western approach of the subject intersection.
 - c. Per discussion with CDOT, petitioner agrees to provide one of the following two roadway improvement options:
 - (i) Extend the northbound left-turn lane storage on Lancaster Highway at Providence Road West from 150 to 225 feet with a 150-foot bay taper plus;
 - (ii) Re-mark the existing marked out pavement on Ardrey Kell Road at US Highway 521 to a second westbound left-turn lane with 160 feet of storage and;
 - (iii) Provide a 200-foot bay taper; OR

2013-048
continued

- (i) Provide a dedicated left-turn and through right combination on the western approach to the intersection of Providence Road West and Lancaster Highway and adding additional asphalt on the eastern approach of the subject intersection to allow for a proper through lane transition across the intersection; plus
 - (ii) Re-mark the existing marked out pavement on Ardrey Kell Road at US Highway 521 to a second westbound left-turn lane with 100 feet of storage using the existing bay taper.
- d. Petitioner agrees to share the cost estimates with CDOT for both options "6a" and "6f" above prior to submitting construction plans, in order to identify the costs associated with each option. Provided that the cost to Petitioner to construct the improvements set forth in option "6b" is equivalent to the cost to construct the improvements set forth in option "6a", Petitioner will construct the improvements set forth in option "6b." Nothing herein shall be construed as requiring Petitioner to provide both options.
- 8. Pedestrian and vehicular connections throughout the Site will be provided in a manner generally shown on the Site Plan.
 - 9. Internal sidewalks shall connect the entrances of the building to the sidewalk along the street.
 - 10. Petitioner will offer for dedication additional right-of-way along Lancaster Highway to include a minimum 8-foot planting strip and 6-foot sidewalk, generally as depicted on the Site Plan.
 - 11. Petitioner will provide a sidewalk easement to allow for a 6-foot sidewalk along US Highway 521 as generally shown on the Site Plan.
 - 12. Petitioner is requesting the abandonment of a portion of Lancaster Highway as shown on the Site Plan.

Staff recommends approval of this petition.

Attachment 6

7. **Petition No. 2013-051** (Council District 6 – Dulin) by **Providence Preparatory School, LLC** for a change in zoning for approximately 1.97 acres located on the north corner at the intersection of Providence Road and Westbury Road from R-3 to INST(CD), 5-Year Vested Rights.

This petition is found to be inconsistent with the *South District Plan*; however 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:

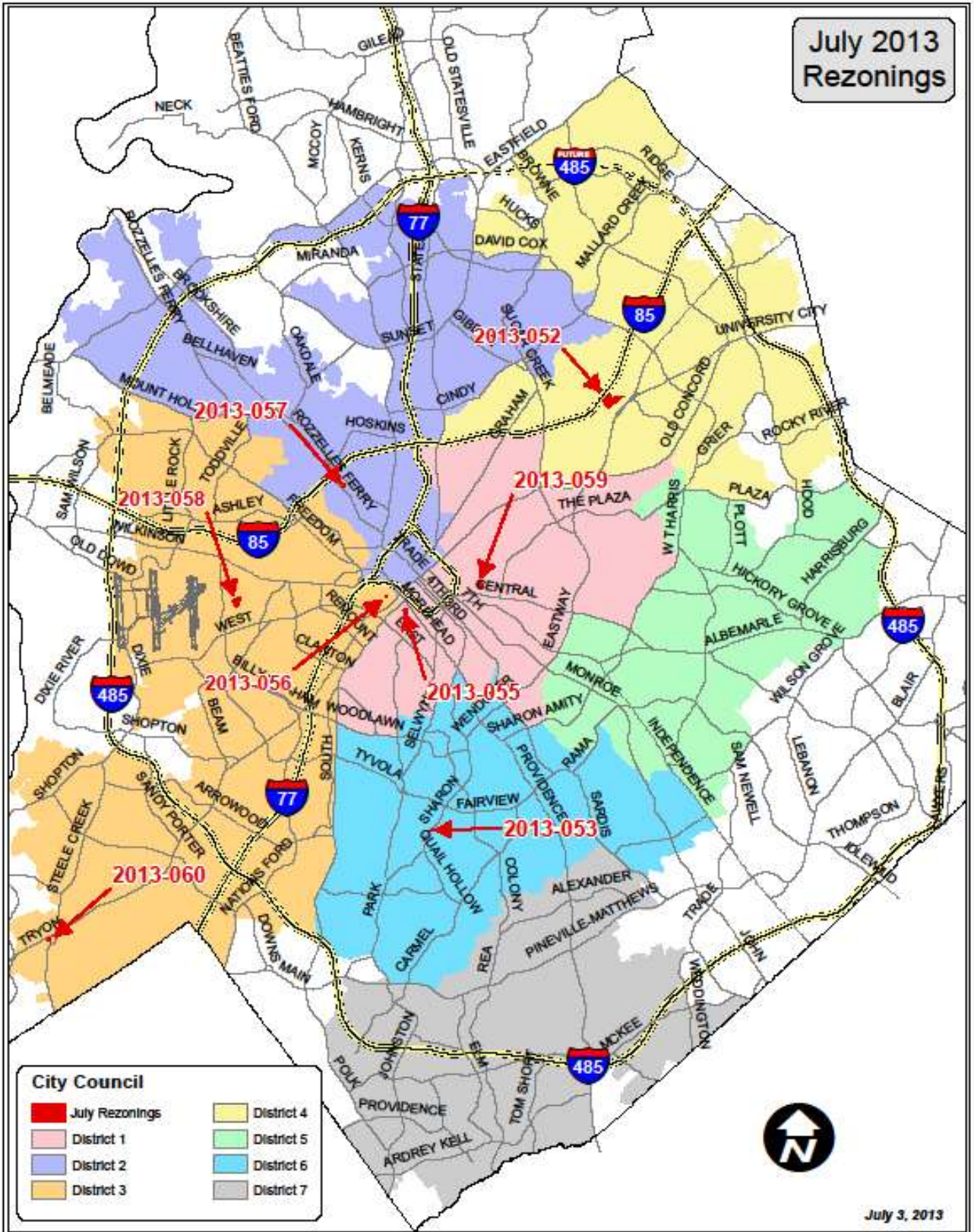
- 1. Modified the information under *Maximum Building Height* to state "Not to exceed 40 feet.
- 2. Revised labeling on site plan to indicate Up to 13,500 square-foot building.
- 3. Revised labeling on site plan to state possible tree save areas.
- 4. Noted that there are no existing trees within the eight-foot planting strip noted along Providence Road.
- 5. Addressed Transportation comment by adding a note that the petitioner shall install a six-foot wide sidewalk along Westbury Road from the site's property line on Westbury Road to the intersection of Westbury and Crosby Road (approximate length 380 linear feet).
- 6. Addition of perspectives for the site.

Staff recommends approval of this petition.

Attachment 7

	<p>8. Petition No. 2013-054 (Council District 6 – Dulin) by Mark Swartz for a MX-2 site plan amendment, for approximately 4.47 acres general located along Mount Clare Lane, Park South Station Boulevard, and at the intersection of Park Royal Avenue and Archdale Drive.</p> <p>This petition is found to be consistent with the <i>South District Plan</i> and therefore, 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:</p> <ol style="list-style-type: none"> 1. Provided design criteria consistent with the 2012 site plan amendment regarding garage placement for single family detached homes. <p>Staff recommends approval of this petition.</p> <p>Attachment 8</p>
	<p>9. Petition No. 2013-062 (Council District 6 – Dulin) by 8601 McAlpines, LLC for a O-1(CD) site plan amendment, for approximately 6.83 acres located on the east side of McAlpine Park Drive near the intersection of McAlpine Station Drive and McAlpine Park Drive and to the west of Monroe Road.</p> <p>This petition is found to be inconsistent with the <i>Independence Area Plan</i>; however, 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. Note 3(A) and 3(B) have been modified to read that lighting fixtures will be downwardly directed. 2. Note 3(B) has been removed from the site plan. 3. Note 3(E) under design standards has been modified to read that large expanses of uninterrupted walls will not exceed 25 feet in length. 4. Note 1 has been modified to specify all permitted uses on the site as listed under the site data table. 5. Transportation’s comments have been addressed <p>Staff recommends approval of this petition.</p> <p>Attachment 9</p>

July 2013
Rezoning



July 3, 2013

HEARINGS

<p>Deferral (to September)</p>	<p>10. <u>Petition No. 2013-052</u> (Council District 4 – Barnes) by Arden Group for a change in zoning for approximately 39.06 acres located on the southeast corner at the intersection of Interstate 85 and University City Boulevard across from IKEA Boulevard from CC to B-2(CD).</p> <p>The petitioner is requesting a deferral of this petition to the September 16, 2013 meeting.</p> <p>Staff does not recommend approval of this petition as currently proposed.</p> <p>Attachment 10</p>
	<p>11. <u>Petition No. 2013-053</u> (Council District 6 – Dulin) by Brian A. Crutchfield for a change in zoning for approximately 0.94 acres located on the east side of Sharon Road at the intersection of Eastburn Road and Sharon Road from R-3 to NS.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 11</p>
	<p>12. <u>Petition No. 2013-055</u> (Council District 1 – Vacant) by Marsh Realty Company for a change in zoning for approximately 2.47 acres located on the north side of Euclid Avenue between Templeton Avenue and Lexington Avenue from O-2 to TOD-M.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 12</p>
	<p>13. <u>Petition No. 2013-056</u> (Council District 3 – Mayfield) by Batandpick Partners, LLC for a change in zoning for approximately 0.21 acres located on the southwest corner of the intersection of South Church Street and Lincoln Street from TOD-MO to I-1(TS).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 13</p>
	<p>14. <u>Petition No. 2013-057</u> (Council District 2 – Mitchell) by O'Leary Group Waste Systems, LLC for a change in zoning for approximately 1.59 acres located on the north side of Odum Avenue between Centre Street and Idaho Drive from I-1 to I-2.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 14</p>
	<p>15. <u>Petition No. 2013-058</u> (Council District 3 – Mayfield) by Central Piedmont Community College for a change in zoning for approximately 13.57 acres located on the south side of Morris Field Drive between CPCC Harris Campus Drive and Capitol Drive from R-5 to INST(CD), 5 year vested rights.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 15</p>

	<p>16. Petition No. 2013-059 (Council District 1 – Vacant) by Clachan Properties, LLC for a change in zoning for approximately 6.0 acres located on north side of the Seaboard Coast Line Railroad between Louise Avenue and Hawthorne Lane from I-2 to MUDD-O.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issue.</p> <p>Attachment 16</p>
	<p>17. Petition No. 2013-060 (Council District 3 – Mayfield) by LandNet, LLC for a change in zoning for approximately 3.56 acres located on the southeast corner at the intersection of South Tryon Street and Steelescroft Parkway from R-3 to NS.</p> <p>Staff does not recommend approval of this petition as currently proposed.</p> <p>Attachment 17</p>
Deferral (to September)	<p>18. Petition No. 2013-026 by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to modify the Pedestrian Overlay District development and urban design standards.</p> <p>Staff is requesting a deferral of this petition to the September 16, 2013 meeting.</p> <p>Attachment 18</p>
Deferral (to September)	<p>19. Petition No. 2013-061 by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to add exposition centers as a use permitted under prescribed conditions in B-2, I-1 and I-2 zoning districts.</p> <p>Staff is requesting a deferral of this petition to the September 16, 2013 meeting.</p> <p>Attachment 19</p>
	<p>20. Petition No. 2013-063 by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to add special sign regulations for detached business identification signs impacted by a government sponsored transportation project.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 20</p>