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<i>Mayor Anthony Foxx</i>	<i>Mayor Pro-Tem Patrick Cannon</i>
<i>John Autry</i>	<i>Michael D. Barnes</i>
<i>Warren Cooksey</i>	<i>Andy Dulin</i>
<i>Claire Fallon</i>	<i>David Howard</i>
<i>Patsy Kinsey</i>	<i>LaWana Mayfield</i>
<i>James E. Mitchell, Jr.</i>	<i>Beth Pickering</i>

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## ***CITY COUNCIL ZONING AGENDA***

***Monday, June 17, 2013***

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

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

### ***DINNER MEETING***

- **Review of Agenda – Tammie Keplinger**
- **Mecklenburg-Union Metropolitan Planning Organization Memorandum of Understanding – Debra Campbell & Danny Pleasant**
- **Area plan status & text amendment update – Debra Campbell**

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

## 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

## DECISIONS

	<p>1. <a href="#">Petition No. 2013-018</a> (Council District 2 – Mitchell) <b>by Ralph Wood</b> for a change in zoning for approximately 4.99 acres located on the east side of Gum Branch Road at the intersection of Gum Branch Road and Old Gum Branch Road from R-3(LWPA) to MUDD-O(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 <b>APPROVAL</b> of this petition with the following modification:</p> <ol style="list-style-type: none"> <li>1. Addressed Neighborhood and Business Services, Code Enforcement Division’s comment by removing the tractor trailer parking identified on the site plan and replacing it with short-term parking and customer parking.</li> </ol> <p>Staff does not recommend approval of this petition.</p> <p>Attachment 1</p>
<p><b>Deferral (to July)</b></p>	<p>2. <a href="#">Petition No. 2013-040</a> (Council District 1 – Kinsey) <b>by James P. Ngo &amp; Yen M. Ngo</b> 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 <b>DEFER</b> this petition to their June 26, 2013 meeting.</p> <p>Attachment 2</p>
	<p>3. <a href="#">Petition No. 2013-041</a> (Council District 3 – Mayfield) <b>by MSC Development, LLC</b> for a change in zoning for approximately 1.02 acres located on the southern corner at the intersection of Griffith Street and South Tryon Street from I-2 to I-2(TS-O).</p> <p>This petition is found to be consistent with the <i>New Bern Transit Station Area 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 <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Modified Note 1.i. by eliminating the specific square footage assigned to each use.</li> <li>2. Eliminated Note 1.i. and replaced note with: “Parking Ratio: As required by the Ordinance”.</li> <li>3. Modified Note 4.a. as follows: “The majority of the proposed building will be indoor storage. A minimum 3,300 square feet of the ground floor of the building <del>may contain any use</del> shall be developed to contain other non-residential uses allowed within the I-2 TS district. Retail and/or office space associated with the indoor storage facility may count towards this minimum requirement.”</li> <li>4. Modified the building elevations on Sheet RZ1.1 so that the first floor building facades facing the public streets do not contain expanses of blank walls exceeding 20 feet in length.</li> <li>5. Provided schematic three dimensional building elevations to better illustrate the massing of the building and the recessed areas along the street facades.</li> <li>6. Eliminated the “Wall Motif Optional” identified on the Tryon Street Elevation. The illustration was a graphic that identified the indoor storage facility and is considered signage.</li> </ol> <p>Staff recommends approval of this petition.</p> <p>Attachment 3</p>

	<p>4. <a href="#">Petition No. 2013-042</a> (Council District 3 – Mayfield) by <b>Paul Kardous</b> for a change in zoning for approximately 1.42 acres located on the east side of South Mint Street between West Bland Street and Lincoln Street from TOD-MO to I-1 TS.</p> <p>This petition is found to be consistent with the <i>South End Transit Station Area 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 <b>APPROVAL</b> of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 4</p>
	<p>5. <a href="#">Petition No. 2013-043</a> (Council District 1 – Kinsey) by <b>Novant Health, Inc.</b> for a MUDD-O site plan amendment, for approximately 6.4 acres located at the intersection of Queens Road and East 4th Street and generally bounded by Queens Road, East 4th Street, East 3rd Street, and South Caswell Road.</p> <p>This petition is found to be consistent with the <i>Elizabeth Area 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 <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Included the approved documentation and site plan from petition 2012-053 in the site plan amendment request.</li> <li>2. Update the requested language below on the site plan: <ol style="list-style-type: none"> <li>a. The portion of the property that fronts along East Third Street where the deck is proposed to be constructed as indicated on the Site Plan may be used for surface parking until the parking deck is constructed. The surface parking lot will be allowed to be constructed between the existing parking deck and existing medical tower and Queens Road as an optional provision.</li> <li>b. A note has been added and labeled that the existing trees along Third and Fourth Streets will be saved for the Phase I surface parking use.</li> </ol> </li> </ol> <p>Staff recommends approval of this petition.</p> <p>Attachment 5</p>
<p><b>Protest Sufficient</b></p>	<p>6. <a href="#">Petition No. 2013-044</a> (Council District 6 – Dulin) by <b>Wendy Field, WFG Associates, LLC</b> for a change in zoning for approximately 4.26 acres located on the east side of Providence Road between South Wendover Road and Providence Drive from R-3 to R-8MF(CD).</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 <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Amended Note 3 under Architectural Standards to include that elevations oriented to or visible from public or private streets shall be articulated at the pedestrian level with windows, doors, elements of architecture or including landscaping treatment to address blank walls on all elevations oriented to or visible from public or private streets.</li> <li>2. Amended Note 1 under Architectural Standards to state that vinyl as a building material may only be used on windows and soffits.</li> <li>3. Amended Note 2 under Architectural Standards to state that at least 30 percent of the exterior of each building, exclusive of windows, doors and roofs, will be constructed of masonry products.</li> </ol>

2013-044  
continued

4. Added Note 8 under Streetscape and Landscaping specifying that the Class C buffer along Lot 10 on Providence Drive will be reduced with a pressure treated wood privacy fence similar to fence proposed by Lot 10 owners and stained to match. Fence will begin at the setback of Providence Drive and be installed approximately 15 feet from the property line and terminate approximately 40 feet from the rear lot line of Lot 10 as illustrated on the schematic site plan and coordinated with owner of Lot 10.
5. Amended Note 3 under Transportation to indicate that the petitioner shall improve the project frontage along Providence Drive to meet the standards for a local residential wide street to include on-street parallel parking. Final layout and design of on-street parking will be reviewed during the planned multi-family permitting process.
6. Illustrated on-street parallel parking on Providence Drive.
7. Added notes 9-12 under Streetscape and Landscaping to state the following:
  - a. Petitioner will install street trees along Providence Drive between the sidewalk and back of curb.
  - b. Street trees along the Providence Drive streetscape will include a mix of Willow Oak trees, Maple trees, and/or other varieties native to the Providence Drive neighborhood.
  - c. Street trees will have a minimum caliper of 3 inch DBH.
  - d. The proposed buffer areas will include a mixture of preserved trees and proposed trees and shrubs. Proposed landscape material will be selected from varieties native to the neighborhood including, but not limited to, Chindo, Viburnum, Cherry Laurel, Green Giant Arborvitae Hollies, Magnolias, Willow Oaks, Maples, etc. Buffer along Lot 10 on Providence Drive will primarily utilize Green Giant Arborvitae and will not include Magnolias.
8. Amended the interior courtyard perspective on Sheet RZ0.01 to reflect a larger area.
9. Amended Note 6 under Streetscape and Landscaping to state the setback along Providence Drive may be reduced per Section 9.303(19)(f) and the reduced setback shall not be less than 37 feet measured from the proposed back of curb.
10. Delineated the 37-foot setback as measured from the farthest location of the back of curb on Sheet C2.1.

Staff recommends approval of this petition.

Attachment 6

7. **Petition No. 2013-046** (Council District 4 – Barnes) by **BECO South** for a change in zoning for approximately 18.22 acres located near the southwest corner of the intersection of West W.T. Harris Boulevard and Interstate 85 and generally bounded by IBM Drive from RE-2 to RE-3.

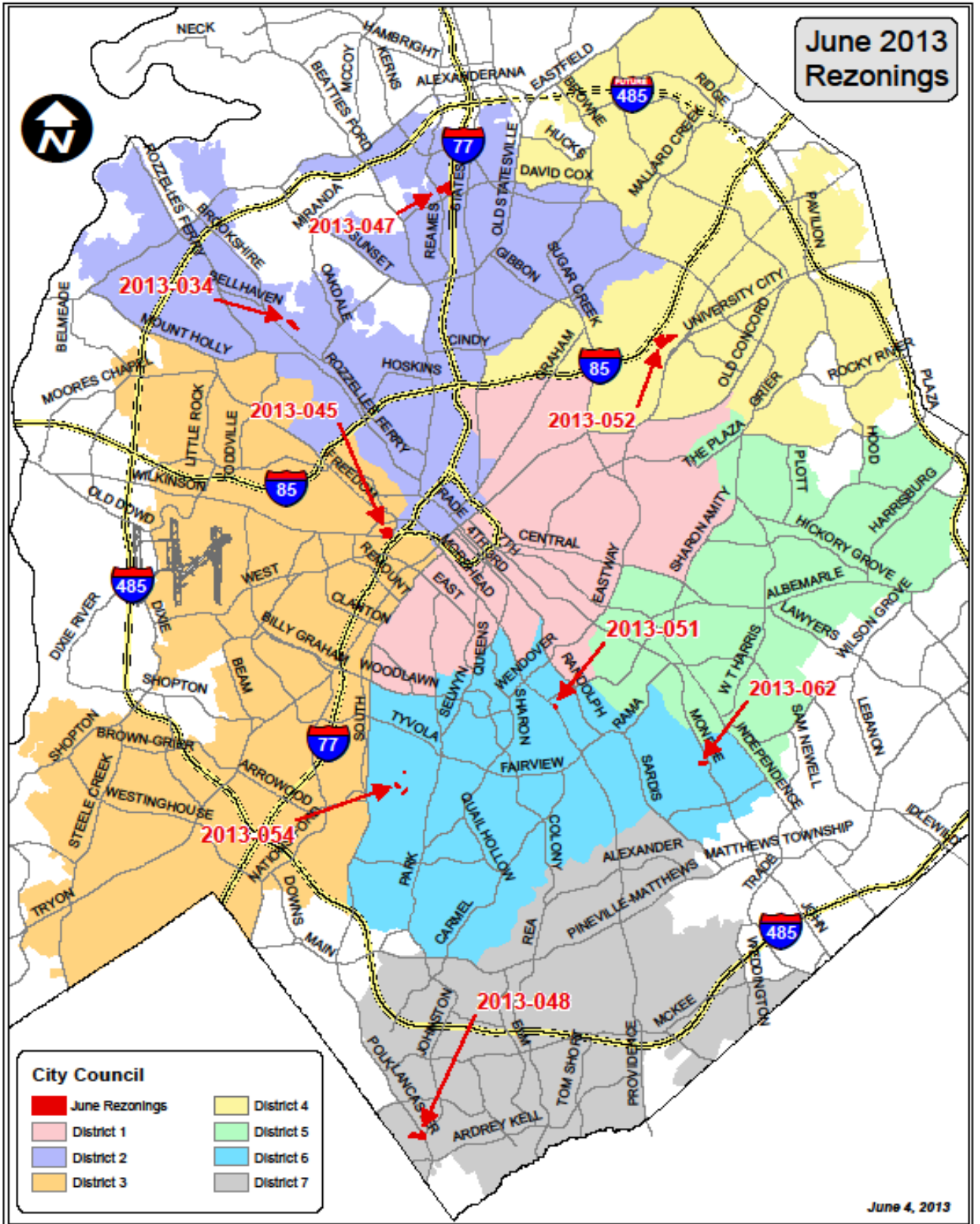
This petition is found to be consistent with the *University Research Park Area Plan* and therefore, to be reasonable and in the public interest by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend **APPROVAL** of this petition with the following modifications:

1. Removed note B from Architectural Standards.
2. Updated the proposed square footages for the permitted uses and parking structure.
3. Added a note listing the number of structures and buildings that can be built.
4. Removed family childcare homes and childcare centers in a residence from the list of prohibited uses as they are not allowed in the RE-3 district if there are no residential uses.
5. Added a note for public access easements for all private streets.
6. Modified conditional transportation note D to read "proposed Private Street B shall be implemented prior to the issuance of a certificate of occupancy for the second building to be constructed on this site".

Staff recommends approval of this petition.

Attachment 7

	<p>8. <a href="#">Petition No. 2012-049</a> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to modify the maximum size of wall signs in the PED, TOD and TS zoning districts if a ground mounted or monument sign is are not utilized.</p> <p>This petition is found to be consistent with the community vision and therefore, to be reasonable and in the public interest by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend <b>APPROVAL</b> of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 8</p>
	<p>9. <a href="#">Petition No. 2013-050</a> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to add breweries as a use allowed under prescribed conditions in the MUDD, UMUD, TOD-E and TOD-M zoning districts and in the PED and TS Overlay zoning districts, with prescribed conditions.</p> <p>This petition is found to be consistent with the Community Vision adopted in the <i>Centers, Corridors and Wedges</i> document and therefore, to be reasonable and in the public interest by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend <b>APPROVAL</b> of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 9</p>



## HEARINGS

	<p><b>10. <a href="#">Petition No. 2013-034</a></b> (Council District 2 – Mitchell) <b>by William C. Birmingham</b> 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>Staff recommends approval of this petition.</p> <p>Attachment 10</p>
<p><b>Decision Requested</b></p>	<p><b>11. <a href="#">Petition No. 2013-045</a></b> (Council District 3 – Mayfield) <b>by CSL Suttle Avenue, LLC</b> for a change in zoning for approximately 21.55 acres located on the north side of Wilkinson Boulevard along Suttle Avenue and Interstate 77 from I-2 to MUDD and O-1.</p> <p>Petitioner is requesting a Council decision the same night as the public hearing.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 11</p>
	<p><b>12. <a href="#">Petition No. 2013-047</a></b> (Council District 2 – Mitchell) <b>by Brookline Residential, LLC</b> 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).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 12</p>
	<p><b>13. <a href="#">Petition No. 2013-048</a></b> (Council District 7 – Cooksey) <b>by Elevation Church</b> 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).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 13</p>
	<p><b>14. <a href="#">Petition No. 2013-051</a></b> (Council District 6 – Dulin) <b>by Providence Preparatory School, LLC</b> 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.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 14</p>
	<p><b>15. <a href="#">Petition No. 2013-052</a></b> (Council District 4 – Barnes) <b>by Arden Group</b> 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>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 15</p>



	<p><b>16. <a href="#">Petition No. 2013-054</a></b> (Council District 6 – Dulin) <b>by Mark Swartz</b> 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>Staff recommends approval of this petition upon resolution of the outstanding issue.</p> <p>Attachment 16</p>
	<p><b>17. <a href="#">Petition No. 2013-062</a></b> (Council District 6 – Dulin) <b>by 8601 McAlpines, LLC</b> 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>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 17</p>