

Mayor Patsy Kinsey

John Autry

Warren Cooksey

Claire Fallon

LaWana Mayfield

James E. Mitchell, Jr.

Mayor Pro-Tem Patrick Cannon

Michael D. Barnes

Andy Dulin

David Howard

Billy Maddalon

Beth Pickering

CITY COUNCIL ZONING AGENDA

Monday, September 16, 2013

3:30PM – Business Meeting
Meeting Chamber Conference Room

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

6:00PM – Zoning Meeting
Meeting Chamber

DINNER MEETING: CH14

- **Review of Agenda – Tammie Keplinger**
- **Area plan status & text amendment update – Debra Campbell**
- **TOD Zoning Update – Alan Goodwin**

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

Decisions

	<p>9. A Decision on the adoption of an ordinance designating the property known as the “Long Creek Mill Ruin” (listed under Tax Parcel Numbers 02516106, and 02516108 as of June 15, 2013, and including the land and all features of Tax Parcel Numbers 02516106, and 02516108). The property is owned by Mecklenburg County, and is located at 8508 and 8604 Beatties Ford Road, Charlotte, North Carolina.</p> <p>Attachment 9</p>
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Hearings

Withdrawal	<p>10. The Historic Landmarks Commission is requesting withdrawal of the Historic Designation Request for the “Tuckaseegee Ford and Trial” as a Historic Landmark.</p> <p>Attachment 10</p>
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Resolutions

	<p>11. A Resolution of the City Council of the City of Charlotte calling for a Public Hearing to be held October 21, 2013 by the City Council on the Question of designating the property known as the “Cohen-Fumero House” (listed under Tax Parcel Number 13309512 as of August 15, 2013, and including the house, the land, and all features of Tax Parcel Number 13309512) as an Historic Landmark. The property is owned by John Lee Moore, III and Angeles Ortega-Moore, and is located at 1154 Cedarwood Lane, Charlotte, North Carolina.</p> <p>Attachment 11</p>
	<p>12. A Resolution of the City Council of the City of Charlotte calling for a Public Hearing to be held October 21, 2013 by the City Council on the Question of designating the property known as the “Defiance Sock Mills” (listed under Tax Parcel Number 07324219 as of August 15, 2013, and including the buildings, land, and all features of Tax Parcel Number 07324219) as an Historic Landmark. The property is owned by 520 Elliot Street LLC, and is located at 520 Elliot Street, Charlotte, North Carolina.</p> <p>Attachment 12</p>
	<p>13. A Resolution of the City Council of the City of Charlotte calling for a Public Hearing to be held October 21, 2013 by the City Council on the Question of designating the property known as the “Louise Cotton Mill” (listed under Tax Parcel Number 08115335 as of August 15, 2013, and including the buildings, land, and all features of Tax Parcel Number 08115335) as an Historic Landmark. The property is owned by Hawthorne Mill Partners LLC, and is located at 1101 Hawthorne Lane, Charlotte, North Carolina.</p> <p>Attachment 13</p>

ZONING

DECISIONS

14. [Petition No. 2013-040](#) (Council District 1 – Maddalon) 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).

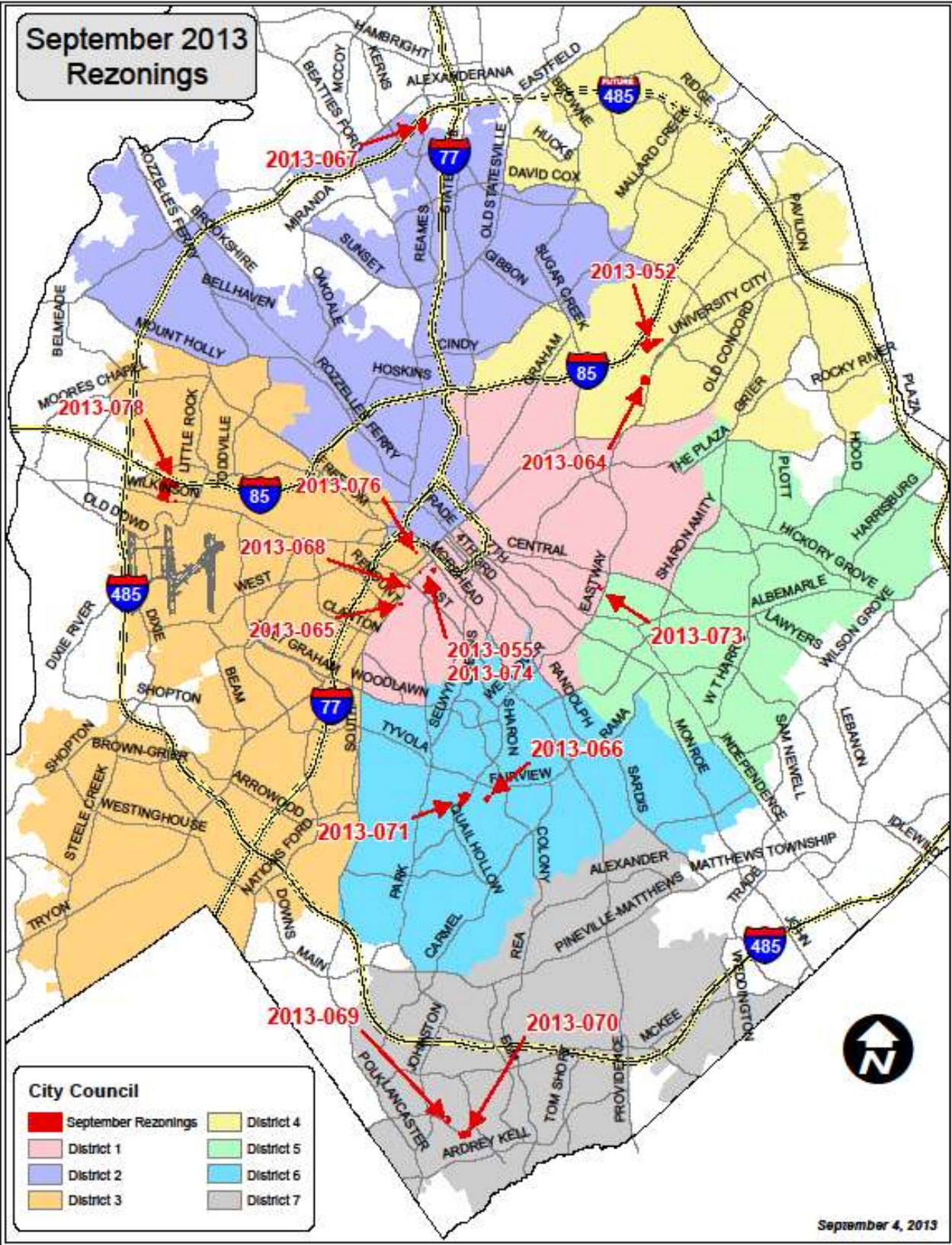
This petition is found to be inconsistent with the *Central District Plan* based on information from the staff analysis and the public hearing; however, to be reasonable and in the public interest, by a 6-0 vote of the Zoning Committee. The Committee voted 6-0 to recommend **APPROVAL** of this petition with the following modifications:

1. Under Building Data, the petitioner has noted existing building area (1,025 square feet) and possible future addition (256 square feet).
2. The setback and side yards have been corrected on the site plan.
3. The petitioner has removed the third bullet under General Provisions and placed under new heading Permitted Uses.
4. The following sentence has been removed from the third bullet paragraph under General Provisions that stated: "*The petitioner's intent for this rezoning is to allow for this property to be used for small, professional service firms or neighborhood medical offices.*"
5. A note has been added under General Provisions allowing the existing structure to be used as a single family house in the event it is not used for office purposes.
6. Petitioner has removed the phrase "wherever practical" from the end of the first sentence (1st bullet) under Transportation.
7. A note has been added stating the existing gravel drive will be removed and planted.
8. A five-foot wide sidewalk connecting the building to the sidewalk along West Sugar Creek Road has been added to the site plan.
9. An eight-foot planting strip and a six-foot sidewalk along West Sugar Creek Road is now shown on the site plan.
10. Curb and gutter are delineated along West Sugar Creek Road.
11. Location of trees to be saved is now shown on site plan.
12. Signage note has been clarified to state that signage on site will be a ground mounted type sign. Remainder of the note has been deleted from site plan.
13. Lighting note has been modified to state detached lighting on site will not exceed 20 feet in height instead of eight feet. Language stating that "no wall pak" lighting will be used on existing building has been removed from note.
14. Bulleted information under Other has been removed as these are required as per the ordinance.
15. Addressed CATS and CDOT comments with the following modifications:
 - a. Provided the required five-foot sidewalk from the building to the public street, as per the zoning ordinance.
 - b. Provided a north arrow on the site plan.
 - c. The proposed right-of-way for Sugar Creek Road is now shown and labeled on the site plan. Dedication of 50 feet of right-of-way as measured from the centerline of Sugar Creek Road to meet this requirement is noted.
 - d. An eight-foot planting strip and six-foot sidewalk along the site's frontage of Sugar Creek Road are now shown on the site plan.
 - e. Reference to the specific type of proposed driveway (Type II Driveway) has been removed from the site plan.
 - f. Per the request of CATS, the site plan now shows a waiting pad for bus service along Sugar Creek Road. A standard design detail is also provided on the site plan.
16. A note has been added stating expansion and exterior revisions to the current structure will be residential in character and scale.

<p>2013-040 continued</p>	<p>17. The general location of future addition is now shown on the site plan.</p> <p>18. Tattoo parlors has been removed from the list of uses that are not permitted as they are not allowed in the O-1 district.</p> <p>19. A note has been added stating the buffers will not be reduced.</p> <p>20. The notes have been modified to follow the note standards for conditional rezoning site plans.</p> <p>21. Transportation Note 1 is now General Provisions Note 4.</p> <p>22. Transportation Notes have been modified to indicate the exact location and type of driveway will be determined at the time of permitting.</p> <p>23. Transportation Notes 4, 5, and 6 (fence/wall construction, right-of-way encroachment agreement, and sight triangles) have been removed from the site plan.</p> <p>24. New Transportation Note 3 states that the exact location of the bus waiting pad will be determined at the time of permitting.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 14</p>
	<p>15. <u>Petition No. 2013-051</u> (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.</p> <p>This petition is found to be inconsistent with the <i>South District Plan</i> based on information from the staff analysis and the public hearing; however, to be reasonable and in the public interest by a 5-0 vote of the Zoning Committee. The Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Modified the information under <i>Maximum Building Height</i> 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. <p>Attachment 15</p>
<p>Protest Sufficiency Insufficient</p>	<p>16. <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>This petition is found to be inconsistent with the <i>South District Plan</i> based on information from the staff analysis and the public hearing; however, to be reasonable and in the public interest, by a 6-0 vote of the Zoning Committee. The Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Petitioner has labeled and dimensioned the amount of right-of-way that is planned for dedication. 2. Screening for the off-street parking at the southwest corner has been removed from the future public right-of-way. 3. The side and rear yards on the site plan have been clearly labeled. 4. The symbol of the queue length line on the site plan has been removed. <p>Staff recommends approval of this petition.</p> <p>Attachment 16</p>

	<p>17. Petition No. 2013-056 (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>This petition is found to be consistent with the <i>South End Transit Station Area Plan</i> based on information from the staff analysis and the public hearing; therefore, to be reasonable and in the public interest, by a 6-0 vote of the Zoning Committee. The Committee voted 6-0 to recommend APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 17</p>
	<p>18. Petition No. 2013-057 (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>This petition is found to be consistent with the <i>Central District Plan</i> based on information from the staff analysis and the public hearing; therefore, to be reasonable and in the public interest, by a 6-0 vote of the Zoning Committee. The Committee voted 6-0 to recommend APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 18</p>
	<p>19. Petition No. 2013-058 (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>This petition is found to be inconsistent with the <i>Central District Plan</i>; however, to be reasonable and in the public interest based on information from the staff analysis and the public hearing, by a 6-0 vote of the Zoning Committee. The Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Amended Note 5(b)(2) to state the petitioner will provide connectivity of driveways, sidewalks, and/or parking areas located on the site with those located on the existing campus, by at least one of the possible locations identified on the site plan. 2. Amended the site plan to reflect “possible location of vehicular access point via shared driveway” and “possible location of vehicular and/or pedestrian cross-access point.” 3. Provided building and parking envelopes. 4. Amended Note 8(a) to specify the proposed building materials, in addition to providing a picture of the existing CPCC building referenced. 5. Amended Note 6(a) to remove references to an “undisturbed” and “required” buffer. 6. Amended Site Development Data and the site plan to reflect a maximum building height of two stories for all portions of buildings within 100 feet of the Capitol Drive right-of-way. 7. Noted that existing planting strip and sidewalk along Morris Field Road is to remain. 8. Specified that the existing neighborhood identification sign will either be removed or a variance will be sought prior to the issuance of the first certificate of occupancy for the Site to allow the sign to remain and allow a new identification sign for the proposed use. 9. Noted that if required by CDOT, Petitioner will conduct a traffic impact study to determine traffic impacts caused by the development of the Site once a CPCC development plan is adopted and before a building permit is issued for the Site. In the event Petitioner’s traffic impact study indicates that traffic mitigation measures are needed, Petitioner agrees to implement reasonably necessary transportation improvements. The necessary transportation improvements, if any, will be mutually agreed upon between Petitioner and CDOT in the reasonable discretion of each <p>Staff recommends approval of this petition.</p> <p>Attachment 19</p>

	<p>20. <u>Petition No. 2013-059</u> (Council District 1 – Maddalon) 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>The Zoning Committee voted 6-0 to DEFER this petition until the Charlotte-Mecklenburg Planning Commission Retreat. If the retreat does not occur before September 12, 2013, then this petition will be deferred to the regularly scheduled Zoning Committee meeting on September 25, 2013.</p> <p>(Note: As the Planning Commission Retreat will be held on September 11, 2013 with a special Zoning Committee meeting following; the recommendation will be sent out in the Council Manager memo on Friday, September 13, 2013.)</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 20</p>
<p>Deferral (to October)</p>	<p>21. <u>Petition No. 2013-060</u> (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>The petitioner is requesting a one-month deferral of this petition to the October 21, 2013 meeting.</p> <p>The Zoning Committee voted 6-0 to DEFER this petition until the Charlotte-Mecklenburg Planning Commission Retreat. If the retreat does not occur before September 12, 2013, then this petition will be deferred to the regularly scheduled Zoning Committee meeting on September 25, 2013.</p> <p>(Note: As the Planning Commission Retreat will be held on September 11, 2013 with a special Zoning Committee meeting following; the recommendation will be send out in the Council Manager memo on Friday, September 13, 2013. The petitioner has requested a deferral to the September 25, 2013.)</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 21</p>
	<p>22. <u>Petition No. 2013-063</u> 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>This petition is found to be consistent with adopted policies based on information from the staff analysis and the public hearing; therefore, to be reasonable and in the public interest by a 6-0 vote of the Zoning Committee. The Committee voted 6-0 to recommend APPROVAL of this petition with the following modification:</p> <ol style="list-style-type: none"> 1. Add a new subsection (10) to Section 13.110(8)(d)(i), that reads, "Consolidation of multiple individual signs." <p>Staff recommends approval of this petition.</p> <p>Attachment 22</p>



ZONING

HEARINGS

	<p>23. Petition No. 2013-052 (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>Staff does not recommend approval of this petition as currently proposed.</p> <p>Attachment 23</p>
	<p>24. Petition No. 2013-055 (Council District 1 – Maddalon) by Marsh Realty Co. 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-MO.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 24</p>
	<p>25. Petition No. 2013-065 (Council District 1 – Maddalon) by Weekley Homes LP for a change in zoning for approximately 1.24 acres located on the south side of Iverson Way between South Boulevard and Lyndhurst Avenue from R-5, B-2 and O-2 to UR-2(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 25</p>
	<p>26. Petition No. 2013-066 (Council District 6 - Dulin) by Weekley Homes LP for a change in zoning for approximately 5.22 acres located on the north side of Sharon View Road near the intersection of Sharon View Road and Mountainbrook Road from R-3 to UR-2(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 26</p>
	<p>27. Petition No. 2013-067 (Outside City Limits) by Withrow Capital for a change in zoning for approximately 18.95 acres located on the west side of Northlake Centre Parkway near the intersection of Madison Square Place, Northlake Mall Drive and Northlake Centre Parkway from R-3 and BP to UR-3(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 27</p>
	<p>28. Petition No. 2013-068 (Council District 1 – Maddalon) by WFG Associates, LLC for a change in zoning for approximately 1.15 acres located on the west corner at the intersection of East Worthington Avenue and Cleveland Avenue from TOD-R(CD) to TOD-R(CD) SPA.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 28</p>

<p>Protest Sufficiency TBD</p>	<p>29. Petition No. 2013-069 (Council District 7 - Cooksey) by James Lawrence for a change in zoning for approximately 5.0 acres located on the north side of Providence Road West near the intersection of Tolliver Drive and Providence Road West from R-3 to UR-1(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 29</p>
	<p>30. Petition No. 2013-070 (Council District 7 - Cooksey) by Liberty Healthcare Properties of Mecklenburg County for a change in zoning for approximately 17.48 acres located on the south side of Providence Road West between Old Ardrey Kell Road and Community House Road from INST(CD) to INST(CD) SPA.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 30</p>
<p>Protest Sufficiency TBD</p>	<p>31. Petition No. 2013-071 (Council District 6 - Dulin) by The Presbyterian Home at Charlotte, Inc. for a change in zoning for approximately 24.80 acres located on the west side of Sharon Road between Eastburn Road and Hazelton Drive from R-3 & INST(CD) to INST(CD) & INST(CD) SPA.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 31</p>
	<p>32. Petition No. 2013-073 (Council District 1 – Maddalon) by Eastway II Holdings, LLC for a change in zoning for approximately 3.74 acres located on the west side of Eastway Drive at the intersection of Eastway Drive and Biscayne Drive from B-1SCD to B-D(CD).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 32</p>
<p>Deferral (to December)</p>	<p>33. 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 recommends three-month deferral of this petition to the December 16, 2013 meeting.</p> <p>Attachment 33</p>
<p>Deferral (to October)</p>	<p>34. 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 and I-1 zoning districts.</p> <p>Staff recommends one-month deferral of this petition to the October 21, 2013 meeting.</p> <p>Attachment 34</p>
	<p>35. Petition No. 2013-064 (Council District 4 - Barnes) by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 14.44 acres located on the southwest corner at the intersection of North Tryon Street and Tom Hunter Road from B-2 to TOD-M.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 35</p>

	<p>36. Petition No. 2013-074 (Council District 1 – Maddalon) by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 0.24 acres located on the east side of South Boulevard near the intersection of Rensselaer Avenue and South Boulevard from B-1 to TOD-M.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 26</p>
	<p>37. Petition No. 2013-076 (Council District 3 – Mayfield) by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 0.19 acres located on the west corner at the intersection of South Church Street and West Palmer Street from I-2 to TOD-M.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 37</p>
	<p>38. Petition No. 2013-078 (Council District 3 – Mayfield) by Charlotte Douglas International Airport for a change in zoning for approximately 60 acres generally surrounded by Wilkinson Boulevard, Marshall Drive, Shoreline Drive, Interstate 85, and Virginia Circle from R-3 & B-2 to I-2.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 38</p>