

<u>Mayor Patrick Cannon</u>	<u>Mayor Pro-Tem Michael D. Barnes</u>
Al Austin	John Autry
Ed Driggs	Claire Fallon
David Howard	Patsy Kinsey
Vi Alexander Lyles	LaWana Mayfield
Greg Phipps	Kenny Smith

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

### ***Tuesday, January 21, 2014***

**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

**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

# ZONING DECISIONS

	<p>1. <b><u>Petition No. 2013-061</u></b> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to add conference centers, convention centers and halls, exhibit halls, merchandise marts and similar uses as a use permitted under prescribed conditions in B-2 (general business) and I-1 (light industrial) zoning districts.</p> <p>This petition is found to be consistent with the <i>Centers, Corridors, and Wedges Growth Framework</i> goals and 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 <b>APPROVAL</b> of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 1</p>
<p><b>Protest Withdrawn</b></p>	<p>2. <b><u>Petition No. 2013-069</u></b> (Council District 7 – Driggs) by <b>The Ryland Group, Inc.</b> 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 (single family residential) to UR-1(CD) (urban residential, conditional).</p> <p>This petition is found to be consistent with the <i>South District Plan</i> and the <i>General Development Policies</i> and 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 <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. The zoning of abutting parcels are labeled on the site plan.</li> <li>2. Amendments to Rezoning Plan heading and associated language have been removed from the site plan. General Provisions language has been modified to state future amendments to rezoning plan must be in accordance with the provisions of Section 6.207 of the Zoning Ordinance.</li> <li>3. A six-foot sidewalk has been added along the proposed local residential medium street. Language under Streetscape and Landscaping has been amended to reflect this requirement.</li> <li>4. Language has been added under Permitted Uses stating accessory uses to single family residential units are permitted uses.</li> <li>5. Petitioner has modified paragraph under General Provisions by creating separate sentences, and removing reference to Celadon Development LLC and replacing with The Ryland Group, Inc.</li> <li>6. Petitioner has modified Transportation language as follows:             <ol style="list-style-type: none"> <li>a. Added a note committing to the construction of a left turn lane with 150 feet of storage on Providence Road West to serve the Site.</li> <li>b. Added language stating dedication of right-of-way along Providence Road West will occur via quitclaim deed and subject to reservation for any necessary utility easements.</li> </ol> </li> <li>7. Petitioner has modified Architectural Standards with the following:             <ol style="list-style-type: none"> <li>a. New language references a booklet that contains schematic architectural renderings of the front elevations of the proposed single family homes. The petitioner did submit the booklet as part of the revised site plan submittal.</li> <li>b. Added language stating that the permitted exterior building materials for the front elevation of each single family detached home shall be face brick, manufactured stone, architectural block or similar masonry materials, stucco and cementitious siding and shake or a combination thereof.</li> </ol> </li> </ol>

<p>2013-069 continued</p>	<p>c. Added language stating that vinyl siding shall not be a permitted exterior building material. However, vinyl accents, such as trim components, shall be permitted; vinyl may be utilized on the soffits of the single family detached homes and vinyl windows may be installed on the single family detached homes.</p> <p>8. The revised site plan now shows a proposed 6-foot shadowbox fence located 5 feet off the property lines of proposed lots 9 through 11. Petitioner shows 11 Crepe Myrtle (4 gallon) and 12 Steeds Holly (7 gallon) proposed to be planted within the 5-foot area along rear property lines of Lots 9 and 10. A detail of the proposed shadowbox fence is now shown on the site plan.</p> <p>9. The petitioner has added language under Streetscape and Landscaping that states prior to issuance of a building permit for construction of a home on Lots 9-11, the following must be accomplished:</p> <p>10. The above-mentioned shadowbox fence must be installed along the rear property lines of Lots 9 through 11.</p> <p>11. Noted Crepe Myrtle and Steeds Holly must be installed along the rear property lines of Lots 9 and 10.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 2</p>
<p>Protest Sufficient</p>	<p>3. <u>Petition No. 2013-071</u> (Council District 6 – Smith) by <b>The Presbyterian Home at Charlotte, Inc.</b> 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 (single-family residential) and INST(CD) (institutional, conditional) to INST(CD) (institutional, conditional) and INST(CD) SPA (institutional, conditional, site plan amendment).</p> <p>The existing independent and dependent care facility of this petition is found to be consistent with the <i>South District Plan</i> (1993) while the small portion of the site developed with single family homes is inconsistent with the plan, and 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 <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. The maximum building height for the apartment-style independent living structures has been provided on the site plan.</li> <li>2. The number of existing independent living units and beds have been labeled on the site plan under the site data table. The number of existing and proposed units have been labeled by type on the site plan.</li> <li>3. A detail of the proposed ornamental fence has been provided.</li> <li>4. A note has been added that the petitioner will submit plans for the sign, fence, and landscaping to the Fair Meadows Home Owners Association and provide a letter of approval from the Home Owners Association to the Charlotte-Mecklenburg Planning Department, before submitting for Commercial Plan review.</li> <li>5. A note has been added that the petitioner will submit landscaping plans for the corner of Sunnybrook Drive and Eastburn Drive to the appropriate Homeowners Owners Associations and provide a letter of approval from the Home Owners Associations to the Charlotte-Mecklenburg Planning Department, before submitting for Commercial Plan review.</li> <li>6. A note has been added that an encroachment agreement for the proposed fence in the right-of-way will be sought with the Charlotte Department of Transportation.</li> <li>7. The site plan has been modified that any proposed fence or landscaping material will comply with the required sight triangles.</li> </ol> <p>Staff recommends approval of this petition.</p> <p>Attachment 3</p>

<p><b>Deferral (to February)</b></p>	<p>4. <a href="#">Petition No. 2013-072</a> (Council District 4 – Phipps) <b>by Aventine Development, Inc.</b> for a change in zoning for approximately 5.94 acres located at the intersection of Eastfield Road and Prosperity Church Road from R-3 (single family residential) to NS (neighborhood services).</p> <p>The Zoning Committee voted 6-0 to <b>DEFER</b> this petition to the January 29, 2014 meeting.</p> <p>Attachment 4</p>
	<p>5. <a href="#">Petition No. 2013-079</a> (Council District 1 – Kinsey) <b>by Joseph Okoye &amp; Sylvia Okoye</b> for a change in zoning for approximately 1.59 acres located on the west side of Eastway Drive near the intersection of Audrey Street and Eastway Drive from R-17MF (multi-family residential) to INST(CD) (institutional, conditional).</p> <p>This petition is found to be inconsistent with the <i>Eastside Strategy Plan</i> but to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, by a 7-0 vote of the Zoning Committee. The Committee voted 7-0 to recommend <b>APPROVAL</b> of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 5</p>
	<p>6. <a href="#">Petition No. 2013-084</a> (Council District 5 – Autry) <b>by Charles C. Davis, Jr.</b> for a change in zoning for approximately 1.54 acres located on the south side of The Plaza near the intersection of East W.T. Harris Boulevard and The Plaza from R-3 (single-family residential) to B-1(CD) (neighborhood business, conditional).</p> <p>This petition is found to be consistent with the <i>Eastside Strategy Plan</i> but not to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, by a 5-2 vote of the Zoning Committee. The Committee voted 5-2 to recommend <b>DENIAL</b> of this petition. The following modifications have been made:</p> <ol style="list-style-type: none"> <li>1. The conditional notes and site plan data and development have been placed in the requested format.</li> <li>2. The required buffer has been labeled as a 30-foot Class B Buffer.</li> <li>3. A note has been added that any attached building lighting “will be downwardly directed and will be a full cut-off fixture.”</li> <li>4. A note that expanses of building wall 20 feet or more in length will be broken up by various materials, clear glass, architectural features, and masonry brick has been added to the site plan.</li> <li>5. Add windows and architectural features, such as decorative masonry patterns and grill work, to break up the left side of the proposed structure.</li> <li>6. A note has been added that landscaping and screening trees will be provided along the front edge of the parking area.</li> <li>7. Glass windows has been added to the front of the building to break up long expanses of blank wall.</li> <li>8. A note has been added that detached identification signage will be limited to a ground mounted sign.</li> <li>9. The “eight-foot planting strip” along The Plaza has been labeled.</li> </ol> <p>Staff recommends approval of this petition.</p> <p>Attachment 6</p>

7. [Petition No. 2013-091](#) (Council District 7 – Driggs) by Shea Anniston, LLC for a change in zoning for approximately 11.38 acres located on the north side of Marvin Road, east of Johnston Road, between Donnington Drive and Wilklee Drive from R-3 (single-family residential) to MX-1 (mixed use).

This petition is found to be consistent with the *South District Plan* and the *General Development Policies* and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, by a 7-0 vote of the Zoning Committee. The Committee voted 7-0 to recommend **APPROVAL** of this petition with the following modifications:

1. The zoning of abutting parcels are now noted on the site plan.
2. Streetscape and Landscaping Note B has been clarified to indicate a minimum a 30-foot rear yard along the site's eastern property boundary.
3. Cross-section for the proposed local residential street has been amended to provide a six-foot sidewalk (instead of five feet wide as previously shown) and a 2'-6" standard curb and gutter. Other items requested as related to parking width, thru lanes, right-of-way width, and sidewalk/utility easement have been rescinded as the cross-section provided meets the overall intent.
4. The location and width of sidewalks, planting strips and setbacks for new internal public streets are noted on Rezoning Sheet 2 on the typical cluster plan and the local residential street cross-section.
5. The local residential street cross section and the Typical Cluster Plan both shown on Sheet RZ-2 have been modified to reflect consistency with respect to location and width of proposed improvements within the 50-foot right-of-way.
6. Architectural Standards Note 4b has been modified to state that vinyl elements may be used for soffits, windows and other architectural accent materials.
7. Neighborhood and Business Services and Transportation comments have been addressed by providing the following:
  - a. Provided a note on the site plan that states that typical front yard is where building front entry is located, and referring to typical cluster plan on Sheet RZ-2 for typical yard classification. In addition, petitioner modified Innovative Development Standards Item 1b regarding minimum internal rear yard (five feet from back of curb) to now read as minimum front yard (five feet) (*Neighborhood and Business Services*).
  - b. Eliminated the first recessed on-street parking space closest to the proposed traffic circle on the west side of the proposed public street (*Transportation*).
  - c. Removed each of the proposed splitter islands on either approach to the proposed traffic circle (*Transportation*).
8. Modification to Innovative Development Standard 1(b) from minimum internal rear yard (five feet from back of curb) to minimum front yard (five feet).
9. An undisturbed buffer ranging in width from 35 feet to 50 feet is now identified along portions of the east and west property lines, and along the northern property line.
10. Development notes have been added to Parks, Greenways and Open Space as follows:
  - a. Petitioner shall provide at least four acres of open space and tree save areas as generally depicted on the proposed site plan.
  - b. An undisturbed buffer shall be provided along the perimeter of the northern portion of the site. The location and width is depicted on RZ-1. "Undisturbed" shall mean that the existing vegetation is allowed to remain, and no grading or other improvements shall be allowed. Routine maintenance such as trash removal, removal of vines and invasive plant species or dead or dangerous trees will be allowed.
  - c. Areas of common open space not included within the undisturbed buffer area may be used for passive recreational activities and may include walking trails, benches, picnic tables, bridges, and a gazebo or picnic shelter. However, no lighting or other permanent structures shall be permitted in open space areas.
  - d. Water quality area shall be screened and fenced as generally depicted on RZ-1. Fencing shall be at least four (4) feet in height and screening plantings shall be evergreens planted six (6) feet on center and shall be expected to reach five (5) feet in height within three (3) years of planting.

<p>2013-091 continued</p>	<ul style="list-style-type: none"> <li>e. All common areas shall be maintained by a homeowners association which will also be responsible for monitoring and controlling mosquito activity within the water quality feature.</li> </ul> <p>11. In regards to new Parks, Greenways and Open Space development notes identified above, the site plan has been modified to show the following:</p> <ul style="list-style-type: none"> <li>a. An undisturbed buffer ranging in width from 35 feet to 50 feet along portions of the east and west property lines, and along the northern property line in its entirety.</li> <li>b. Evergreen shrubs on berm around water quality area with safety fence.</li> <li>c. Common open space to be developed with passive amenities, including possible gazebo and trail.</li> </ul> <p>Staff recommends approval of this petition.</p> <p>Attachment 7</p>
	<p>8. <a href="#">Petition No. 2013-092</a> (Council District 1 – Kinsey) by <b>FMF Morehead, LLC</b> for a change in zoning for approximately 2.65 acres located on the north side of East Morehead Street and south side of Kenilworth Avenue, between East Morehead and Harding Place from MUDD-O(PED) (mixed use development, optional, pedestrian overlay), MUDD(CD)(PED) (mixed use development, conditional, pedestrian overlay) and O-2(PED) (office, pedestrian overlay) to MUDD-O SPA (PED) (mixed use development, optional, site plan amendment, pedestrian overlay) and MUDD-O(PED) (mixed use development, optional, pedestrian overlay).</p> <p>This petition is found to be consistent with the <i>Midtown Morehead Cherry Area Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, by a 7-0 vote of the Zoning Committee. The Committee voted 7-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ul style="list-style-type: none"> <li>1. Limited the maximum commercial square footage that may be devoted to retail uses to 15,000 square feet, except in the case of a grocery store, up to 25,000 square feet of grocery store uses shall be allowed.</li> <li>2. Clarified the meaning of the term “commercial uses” by amending Note 3 as follows: “Commercial uses shall include retail, general office, medical office, grocery store, financial institution, pharmacy, and restaurant uses.</li> <li>3. Provided a definition and examples of proposed residential supportive services and active space as follows: Note 3. “Residential Supportive Uses shall mean nonresidential uses that serve residents living within the site. Residential supportive uses may include, but shall not be limited to laundry rooms, fitness facilities, coffee bars, and pet grooming areas.”</li> <li>4. Limited drive-through windows as an accessory for pharmacy and financial service uses only.</li> <li>5. Addressed Transportation comments as follows: <ul style="list-style-type: none"> <li>a. Amended Note 4a regarding the bicycle lane along Kenilworth Lane to state “the petitioner shall be permitted to provide a four and one half foot bike lane and a two-foot curb and gutter, in order to accommodate a bike lane along Kenilworth Avenue. The contemplated location of the proposed new curb line is generally depicted on Sheet RZ-1.”</li> </ul> </li> <li>6. Addressed Urban Forestry comments by Amending Note 7(a) to note that the petitioner shall construct berm features to establish a tree protection area along Morehead Street as generally depicted on Sheet RZ-1. Construction of said berm feature requires that the sidewalk in that area be less than eight feet along Morehead Street.</li> <li>7. Reflected existing right-of-way along East Morehead Street as 80 feet, which negates the request for dedication of 40 feet of right-of-way along East Morehead Street.</li> <li>8. Specified the approximate location of tree location and 2-foot curb and gutter along Kenilworth Avenue.</li> <li>9. Relabeled bike lane along Kenilworth Avenue as a 4-foot, 6-inch bike lane instead of a 5-foot bike lane.</li> </ul>

<p><b>2013-092 continued</b></p>	<ol style="list-style-type: none"> <li>10. Amended Note 2(f) to specify that building access features shall include but not be limited to: area drains, guard rails, steps, ramps, landings, small retaining/cheek walls, and footings as necessary to accommodate entry features.</li> <li>11. Added Note 2(g) to state that reduced parking strip dimension along a portion of Morehead Street, in order to accommodate tree preservation goals as depicted on Sheet RZ-1.</li> <li>12. Amended Note 3 to note that hours of operation for retail uses shall be limited to 6:00 a.m. to 12:00 a.m. Hours of operation for restaurant uses shall be limited to 6:00 a.m. to 2:00 a.m.</li> <li>13. Amended Note 6(a) to indicate that an 8-foot planting strip and an 8-foot sidewalk shall be provided along Morehead Street and Kenilworth Avenue except in specific areas shown on Sheet RZ-1 where deviations are necessary for tree preservation or to allow trees to be placed in tree wells to enhance a sense of entry.</li> </ol> <p>Staff recommends approval of this petition.</p> <p>Attachment 8</p>
	<ol style="list-style-type: none"> <li>9. <b>Petition No. 2013-093</b> (Outside City Limits) <b>by Laurel Oak Farm, LLC</b> for a change in zoning for approximately 1.23 acres located on the south side of Youngblood Road between McKee Road and Watermelon Lane from R-3 (single-family residential) to MUDD-O (mixed use development, optional).</li> </ol> <p>This petition is found to be inconsistent with the <i>Steele Creek Area Plan</i> but to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, by a 7-0 vote of the Zoning Committee. The Committee voted 7-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. An optional request to eliminate the requirement for an eight-foot planting strip along Youngblood Road has been added to the site plan.</li> <li>2. A note has been added that attached lighting will be fully shielded and downwardly directed.</li> <li>3. The following note has been added, "The allowed pet services shall be conducted within the enclosed building located on the Site except where necessary to adhere to applicable health and safety regulations, including for example the North Carolina Animal Welfare Act and similar regulations, and in connection with the humane care and treatment of animals in sanitary and healthy conditions."</li> </ol> <p>Staff does not recommend approval of this petition.</p> <p>Attachment 9</p>
<p><b>Protests Sufficient</b></p>	<ol style="list-style-type: none"> <li>10. <b>Petition No. 2013-095</b> (Council District 7 – Driggs) <b>by Charlotte-Mecklenburg Housing Partnership</b> for a change in zoning for approximately 7.23 acres located on the west side of Weddington Road between Simfield Church Road and Portstewart Lane from INST(CD) (institutional, conditional) to R-12MF(CD) (multi-family residential, conditional).</li> </ol> <p>This petition is found to be inconsistent with the <i>South District Plan</i> but to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, by a 5-2 vote of the Zoning Committee. The Committee voted 5-2 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Added note and indicated on site plan that the required curb and gutter along Weddington Road must be located 34 feet from the center line.</li> <li>2. Amended Note 3(c) to state "The petitioner will construct a northbound left turn lane into the site from Weddington Road. The left turn lane will be created by remarking the existing painted median on Weddington Road for a northbound left turn lane with 100 feet of storage and a 50-foot bay taper in the manner generally depicted on the Rezoning Plan."</li> </ol>



2013-095  
continued

3. Amended Note 4a to amend the list of proposed building materials as follows: The building materials used on the principal buildings constructed on the site will be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious siding (such as hardi-plank), stucco, EIFS, decorative block and/or wood. Vinyl or aluminum as a building material may only be used on windows, soffits and on handrails/railings.
4. Amended Note 4(c) to state "The two ends of the proposed building will be designed to be a maximum of two stories in height as generally illustrated on Sheet TE002 of the Rezoning Plan.
5. Amended Note 5(d) to amended the buffer to be provided along the site's boundaries from a 38-foot Class C buffer to a 50-foot Class A buffer, except where the site's access drive is located, in which case a 38-foot Class A buffer will be provided.
6. Amended Note 5(d) to added that the required buffer will be enhanced by utilizing only evergreen trees to meet the required buffer plantings for trees "and by installing a six-foot fence generally along the interior edge of the buffer, the fence may be located up to three feet into the buffer, as generally depicted on the Rezoning Plan. No more than 25% of the fence surfaces shall be left open and the finished side of the fence shall face the abutting property. The width of the Class A buffer will not be reduced by the installation of this fence as prescribed by the Ordinance."
7. Amended Note 6 to added the following: "The site's storm water detention facility will be designed and constructed to be a wet pond and will be outfitted with a water circulation fountain and will be enclosed by a decorative four-foot metal type picket fence as generally depicted on the rezoning plan."
8. Amended Sheet TSP001 as follows:
  - a. labeled a two-story building element.
  - b. labeled a two-story building element and specify that OMITTED a porte cochere building element will be omitted.
  - c. showed location of and label a six-foot privacy fence along the edge of the 50-foot Class A buffer
  - d. showed and label the 50-foot Class A buffer to remain disturbed.
  - e. showed approximate location of and label the four-foot high decorative fence around the open space/storm water BMP area
  - f. labeled wet pond in open space/storm water BMP area.
9. Amended Sheet TE002 as follows:
  - a. omitted a porte cochere on Building 1A.
  - b. reflect amended roof line on portions of building, an addition of two units, and an increase of the breezeway from two stories to three stories.
  - c. revised three units to remove porches from the west (Willomere) side of the building and relocated porches to the east side.
  - d. revised building height to coordinate with reduced building height on the north end.
  - e. omitted two units and breezeway on building elevations from three stories to two stories on the north end.
10. Amended Note 6(c) under Environmental Features to state "If approved by City Storm Water Services and City Engineering the Site's storm water detention facility will be designed and constructed as a wet pond. If constructed as a wet pond it will be outfitted with a water circulation fountain. The storm water detention facility will be enclosed by a decorative four (4) foot metal type picket fence as generally depicted on the Rezoning Plan."

Staff recommends approval of this petition.

Attachment 10

	<p><b>11. <a href="#">Petition No. 2013-096</a></b> (Council District 2 – Austin) <b>by Second Harvest Food Bank of Metrolina, Inc.</b> for a change in zoning for approximately 15.13 acres located on the west side of North Graham Street and Spratt Street between Music Factory Boulevard and Oliver Street from I-1 (light industrial) and I-1(CD) (light industrial, conditional) to I-1(CD) (light industrial, conditional) and I-1(CD) SPA (light industrial, conditional, site plan amendment).</p> <p>This petition is found to be consistent with the <i>Central District Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, by a 7-0 vote of the Zoning Committee. The Committee voted 7-0 to recommend <b>APPROVAL</b> of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 11</p>
	<p><b>12. <a href="#">Petition No. 2013-097</a></b> (Council District 1 – Kinsey) <b>by Sugar Creek Charter School, Inc.</b> for a change in zoning for approximately 15.16 acres located on the south side of Glory Street and Hunslet Circle and generally surrounded by West Craighead Road, Glory Street, West Sugar Creek Road, and North Tryon Street from R-12MF (multi-family residential) and B-2(CD) (general business, conditional) to B-2(CD) (general business, conditional) and B-2(CD) SPA (general business, conditional, site plan amendment).</p> <p>This petition is found to be consistent with the <i>North Tryon Area Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 7-0 vote of the Zoning Committee. The Committee voted 7-0 to recommend <b>APPROVAL</b> of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 12</p>
	<p><b>13. <a href="#">Petition No. 2013-100</a></b> (Council District 5 – Autry) <b>by SMA Carolina, LLC</b> for a change in zoning for approximately 1.20 acres located on the south side of Central Avenue between Rosehaven Drive and Winterfield Place from R-22MF (multi-family residential) to O-1(CD) (office, conditional).</p> <p>This petition is found to be consistent with the <i>Eastside Strategy Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 7-0 vote of the Zoning Committee. The Committee voted 7-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. "Transportation" Note 4 has been modified with the insertion of "bicycle" into the language.</li> <li>2. "Other" heading and associated language have been removed from the site plan.</li> <li>3. "Development Data Table" has been modified by replacing "office/dental clinic" with "office and/or medical, dental and optical clinics".</li> <li>4. "Permitted Uses" Note 1 has been revised to read: "Permitted uses are limited to "office and/or medical, dental and optical clinics."</li> <li>5. "General Provisions" Note 2 has been removed as it is addressed in note "3" (now Note 2).</li> <li>6. Conceptual Elevation Notes have been placed under "Architectural Standards".</li> </ol> <p>Staff recommends approval of this petition.</p> <p>Attachment 13</p>

<p><b>Deferral (to February)</b></p>	<p>14. <a href="#">Petition No. 2013-102</a> (Council District 1 – Kinsey) <b>by Wajahat &amp; Ferah Syed</b> for a change in zoning for two parcels approximately 0.40 acres in total located on the south side of North Davidson Street between East 33rd Street and East 35th Street from R-5 (single-family residential) to TOD-M (transit oriented development-mixed) and MUDD-O (mixed use development, optional) to MUDD-O SPA (mixed use development, optional, site plan amendment).</p> <p>The Zoning Committee voted 6-0 to <b>DEFER</b> this petition to the January 29, 2014 meeting.</p> <p>Attachment 14</p>
	<p>15. <a href="#">Petition No. 2013-103</a> (Council District 2 – Austin) <b>by Thomas Keith</b> for a change in zoning for approximately 5.02 acres located on the north side of Old Statesville Road across from Spring Trace Drive from R-17MF (multi-family residential) to I-1 (light industrial).</p> <p>This petition is found to be consistent with the <i>Northeast District Plan</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 7-0 vote of the Zoning Committee. The Committee voted 7-0 to recommend <b>APPROVAL</b> of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 15</p>



# ZONING

## HEARINGS

	<p><b>16. <a href="#">Petition No. 2013-017</a></b> (Council District 3 – Mayfield) <b>by NCDG, LLC</b> for a change in zoning for approximately 3.1 acres located on the east side of Little Rock Road and north of the intersection at Little Rock Road and Tuckaseegee Road from R-3 LLW-PA, single-family residential, Lower Lake Wylie Protected Area to B-1(CD), neighborhood business, conditional, Lower Lake Wylie Protected Area.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 16</p>
<p><b>Deferral (to February)</b></p>	<p><b>17. <a href="#">Petition No. 2013-085</a></b> (Outside City Limits) <b>by Providence Road Farms, LLC/Crosland Southeast/Childress Klein Properties</b> for a change in zoning for approximately 89.5 acres located on the east side of Providence Road between Golf Links Drive and Chancelot Lane from R-3, single-family residential and R-3(CD), single-family residential, conditional to MUDD(O), mixed use development, optional and MX-2, mixed use.</p> <p>A community meeting report has not been submitted for this petition; therefore, it cannot go hearing and will be deferred to the February 17, 2014 meeting.</p> <p>Attachment 17</p>
<p><b>Protests Sufficiency TBD</b></p>	<p><b>18. <a href="#">Petition No. 2013-098</a></b> (Council District 7 – Driggs) <b>by Trotter Builders</b> for a change in zoning for approximately 10.3 acres located on the south side of Endhaven Lane and north side of Interstate 485 near the intersection of Endhaven Lane and Misty Ridge Lane from R-3, single-family residential to UR-3(CD), urban residential, conditional, 5-year vested rights.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 18</p>
<p><b>Public Hearing Continued from December 16, 2013</b></p>	<p><b>19. <a href="#">Petition No. 2013-099</a></b> (Council District 6 – Smith) <b>by Michael T. Whitehead &amp; Elizabeth M. Whitehead</b> for a change in zoning for approximately 2.70 acres located on the southeast corner of the intersection at Rama Road and Sardis Road from INST(CD) (institutional, conditional) to INST(CD) SPA (institutional, conditional, site plan amendment).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 8</p>
	<p><b>20. <a href="#">Petition No. 2014-001</a></b> (Council District 1 – Kinsey) <b>by Weekley Homes, LP</b> for a change in zoning for approximately 1.02 acres located on the northeast corner at the intersection of Ideal Way and Euclid Avenue from R-5, single-family residential and MUDD(CD), mixed use development, conditional to UR-2(CD), urban residential, conditional.</p> <p>Staff does not recommend approval of this petition.</p> <p>Attachment 20</p>

	<p>21. <a href="#">Petition No. 2014-002</a> (Council District 1 – Kinsey) <b>by The Rainier Group, LLC</b> for a change in zoning for approximately 1.14 acres located on the northwest corner at the intersection of East Worthington Avenue and Cleveland Avenue from TOD-R(CD), transit oriented development–residential, conditional to TOD-MO, transit oriented development-mixed, optional.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 10</p>
	<p>22. <a href="#">Petition No. 2014-004</a> (Council District 1 – Kinsey) <b>by Charlotte-Mecklenburg Planning Department</b> for a change in zoning for approximately 2.4 acres located on the south side of Raleigh Street between East Sugar Creek Road and Greensboro Street from I-2, general industrial to TOD-M, transit oriented development-mixed.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 22</p>