

Mayor Patrick Cannon

Al Austin

Ed Driggs

David Howard

Vi Alexander Lyles

Greg Phipps

Mayor Pro-Tem Michael D. Barnes

John Autry

Claire Fallon

Patsy Kinsey

LaWana Mayfield

Kenny Smith

CITY COUNCIL ZONING AGENDA

Monday, March 17, 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**

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

1. [Petition No. 2013-017](#) (Council District 3 – Mayfield) by **NCDG, LLC** 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.

This petition is found to be inconsistent with the *Northwest District Plan* but to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 4-2 vote of the Zoning Committee. The Committee voted 4-2 to recommend **APPROVAL** of this petition with the following modifications:

1. Amended acreage to reflect reduction in rezoning area from 5.27 acres to 3.1 acres.
2. Specified building materials as brick veneer, metal canopies, and shutters except for the entrance as indicated below.
3. Added a note that no spans of blank walls greater than 20 feet in length will be allowed.
4. Amended elevations to reflect the location of the mechanical equipment at the rear of the building as shown on the site plan.
5. Added note on elevations indicating that signage will be allowed as permitted per the zoning ordinance except as modified below.
6. Removed labeled right-of-way on abutting R-3 (single family, residential) property to the east, as this right-of-way has been abandoned.
7. Removed yard dimensions and yard references on the remaining R-3 (single family, residential) zoned property.
8. Added a note that the property will be recombined into one or more lots that meet the required street frontage for the district to address the fact that the balance of the single family residential zoned property at the rear of the subject property will not have street frontage, as is required by the zoning ordinance.
9. Addressed CDOT comments by delineating 50 feet of right-of-way on Little Rock Road and reflecting a new right-of-way line.
10. Revised building elevations to provide the following enhancements:
 - a. metal, tile or stone materials provided to define the entrance;
 - b. signage at the entrance of the building will consist of individual internally lighted letters;
 - c. contrasting colors of metal canopies and shutters; and
 - d. full brick exterior consisting of three brick colors to provide architectural interest and define building elements.

Staff recommends approval of this petition.

[Attachment 1](#)

<p>Deferral (to April)</p>	<p>2. <u>Petition No. 2013-090</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to create new definitions and regulations for eating, drinking and entertainment establishments by replacing definitions and regulations for restaurants, nightclubs, bars and lounges. Allows eating, drinking and entertainment establishments by right or with prescribed conditions in the following zoning districts: multi-family, UR-2, urban residential, UR-3, urban residential, UR-C, urban residential, commercial, institutional, research, office, business, MX-1, mixed use, MX-2, mixed use, MX-3, mixed use, MUDD, mixed use development, UMUD, uptown mixed use development, CC, commercial center, NS, neighborhood services, TOD, transit oriented development, U-I, urban industrial, industrial, PED, pedestrian overlay and TS, transit supportive overlay.</p> <p>Staff is requesting a one-month deferral of this petition.</p> <p>The Zoning Committee voted 5-0 to DEFER this petition to the March 26, 2014 meeting.</p> <p>Attachment 2</p>
<p>Protests Insufficient</p>	<p>3. <u>Petition No. 2013-098</u> (Council District 7 – Driggs) by Trotter Builders 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>This petition is found to be consistent with the <i>South 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 6-1 vote of the Zoning Committee. The Zoning Committee voted 5-2 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The site plan is now revised to show and label 42 feet of right-of-way being dedicated along Endhaven Lane. 2. The proposed tree save area on the site plan has been labeled as a 25-foot undisturbed tree save area. 3. Under Section D "Massing and Scale", note 1 has been modified to read "the building will be articulated through various façade articulations, material changes, windows, porches, and balconies." 4. Under Section D "Massing and Scale", note 3 has been modified to read: "No spans of blank unarticulated wall greater than 20 feet shall be permitted on any side of the proposed structures." 5. Under "Amenities #6. Open Space", the note has been modified to read that building "A" will provide a minimum of 4,000 square feet of open space. 6. Under "Amenities #6. Open Space", the note has been modified to read that building "B" will provide a minimum of 2,700 square feet of open space. 7. Removed notes "a" and "b" in the Transportation section of the Development Standards, and replaced the subject notes with the following: "The access locations will be provided to the site as generally depicted on the conceptual rezoning site plan. All access locations will be subject to the approval of CDOT." 8. A note has been added that underground parking doors for buildings "A" and "B" will not face Endhaven Lane and Community House Road. 9. The access to the one-car garages under building "A" has been shown on the plan. 10. A note has been added that the remaining 50 percent of the building material that will not be brick will be composed of a maximum of ten percent of any one material. 11. The primary and secondary material for the proposed elevations have been labeled and provided in the pattern book. <p>Staff recommends approval of this petition.</p> <p>Attachment 3</p>

<p>Refer back to Zoning Committee</p>	<p>4. Petition No. 2014-001 (Council District 1 – Kinsey) by Weekley Homes, LP 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>The petitioner requested that this petition be referred back to the Zoning Committee for reconsideration. This item would then be on the City Council Business Agenda on April 7, 2014 for decision.</p> <p>This petition is found to be inconsistent with the <i>Dilworth Land Use and Streetscape Plan</i> and to not be reasonable and in the public interest, based on information from the staff analysis and the public hearing, by a 4-2 vote of the Zoning Committee. The Committee voted 4-2 to recommend DENIAL of this petition. The following modifications have been made:</p> <ol style="list-style-type: none"> 1. The petitioner provided a six-foot sidewalk along Marshall Place. 2. The sidewalk widths on Euclid Avenue and Ideal Way are clearly labeled on the site plan. 3. The height of the proposed ornamental fence will be a maximum four feet. 4. The petitioner has amended the Development Data to clearly specify the existing site area (1.028 acres) and the amount of proposed right-of-way dedication (0.188 acres). 5. The site plan delineates proposed right-of-way from centerline for all abutting streets. A note has been added to the site plan stating this additional right-of-way will be dedicated and conveyed to the City. 6. The petitioner has added language to the site plan indicating that the building materials will include brick, stone and/or other masonry products and hardi plank or other similar durable siding materials. No vinyl will be used as siding material. 7. The petitioner has provided language that states no expanses of blank walls exceeding 20 feet in length will be allowed for the two end units that have a side along Euclid Avenue. 8. The "net" acreage has been removed from the site plan. 9. The proposed density is based on the gross acreage as per the Zoning Ordinance (22.37 dwelling units per acre). 10. The five-foot side yard along the property line abutting the R-5 (single family residential) zoned parcel has been increased to ten feet. <p>Staff recommends denial of this petition.</p> <p>Attachment 4</p>
<p>Protest Sufficient</p>	<p>5. Petition No. 2014-002 (Council District 1 – Kinsey) by The Rainier Group, LLC 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>This petition is found to be consistent with the <i>South End Transit Station 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 6-0 vote of the Zoning Committee. The Committee voted 6-0 to recommend APPROVAL of this petition <u>with the following modifications.</u></p> <ol style="list-style-type: none"> 1. <u>Clarified the note regarding permitted uses to reflect a hotel as the principle use with associated accessory uses.</u> 2. <u>Reworded the purpose note to read "...for a hotel with up to 130 rooms and associated accessory uses and parking as more specifically defined below."</u> 3. <u>Provided an architectural details note describing the building materials and percentages of such materials that generally reflects the provided building elevation.</u> <p>Staff recommends approval of this petition.</p> <p>Attachment 5</p>

Council is required to vote whether or not to send back to Zoning Committee, due to changes to this petition after the Zoning Committee vote

6. Petition No. 2014-005 (Council District 1 - Kinsey) by Gateway Communities NC, LLC for a change in zoning for approximately 0.39 acres located on the north side of Central Avenue between St. Julien Street and Westover Street from B-1, neighborhood business to MUDD-O, mixed use development, optional.

This petition is found to be inconsistent with the *Central District Plan* but 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 Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition with the following modifications:

1. The boundary survey has been revised to correctly show the locations of the existing buildings.
2. CDOT and Storm Water Services comments have been addressed as follows:
 - a. The petitioner clarified that portions of the interior of the sidewalk edge are located against required urban open space, and a raised bench feature. Petitioner has better delineated the six-foot sidewalk along the entire frontage of the rezoning site.
 - b. The petitioner shifted the gate panel and column approximately two feet to provide better clearance for the nearest parking stall located in the middle aisle.
 - c. The petitioner has removed Note B under Environmental Features in its entirety and replaced with the following: "The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance."
3. The petitioner will be required to obtain an Encroachment Agreement at permit for the "fin" on the building.
4. A new note has been placed on the site plan that states the petitioner shall provide evergreen shrub or tree plantings at the rear of the building; such plantings will attain a minimum 10 feet in height at maturity. Additionally, the petitioner will provide plantings up to three large maturing trees on adjacent properties to the rear (Parcel ID #09507733 and #09507732), if requested and agreed to by the owner of those properties.

Attachment 6

Changes

The petitioner removed "metal panels" as a building material. The notes now indicates that primary veneer will consist of stucco and fiber cement paneling and siding.

7. Petition No. 2014-006 (Council District 1 - Kinsey) by New Carolina Income Properties, LLC for a change in zoning for approximately 0.40 acres located on the north side of East Tremont Avenue between Cleveland Avenue and Euclid Avenue across from Atherton Heights Lane from UR-2(CD) HD-O, urban residential, historic district overlay, conditional to TOD-RO HD-O, transit oriented development, residential, conditional historic district overlay.

This petition is found to be consistent with the *South End Transit Station Area 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 **APPROVAL** of this petition with the following modifications:

4. Added an optional provision to reduce the required 10-foot buffer along the eastern property line from 10-feet to 5-foot 10-inches.
5. Showed and labeled the 10-foot buffer along the rear property line between the proposed development and the adjacent UR-2 (urban residential) zoning on the site plan.
6. Showed and labeled the reduced buffer and described what will be provided in the buffer area along the eastern property line on the site plan.
7. Amended Note A under Optional Provisions by removing the language "in keeping with the South End area plan and TOD overlay".

<p>2014-006 continued</p>	<p>8. Amended Note B under Streetscape and Landscaping to describe the provided buffers between the proposed project and the UR-2 (urban residential) zoning.</p> <p>9. Indicated in the notes and on the site plan drawing the existing 60- foot street right-of-way and an eight-foot planting strip and six-foot sidewalk would be provided within the right of way.</p> <p>10. In consultation with Planning staff, removed the note: "Improvements within the setbacks will comply with the South End Transit Station Area Plan."</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 7</p>
	<p>8. <u>Petition No. 2014-010</u> (Council District 6 - Smith) by Center for Healthy Living, Inc. dba The Ivey for a change in zoning for approximately 2.08 acres located on the west side of Park South Drive between Royal Crest Drive and Fairview Road from R-3, single family residential & INST(CD), institutional, conditional to UR-C(CD), urban residential, commercial, conditional.</p> <p>The existing adult care center facility is found to be consistent with the <i>South District Plan</i> while the undeveloped portion is found to be inconsistent with the residential land use recommended by the South District Plan but is 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 proposed zoning site plan to reflect UR-C(CD) (urban residential-commercial, conditional). 2. Specified proposed square footage of Buildings A and B as 4,700 square feet each. 3. Specified the width of existing sidewalk and planting strip proposed to remain along Park South Drive as 4'9" and 4' respectively. 4. Removed the reference to proposed pedestrian gate has been. Staff has rescinded the request to provide details of the gate. 5. Specified and labeled the existing buffer as 20 feet in width and the proposed buffer as 14 feet in width and meeting Class C buffer standards. Provided a planting schedule for the proposed buffer that specifies the number and species of proposed planting material. 6. Amended Note 11b to state that existing signage at Parcel 1 may be modified as allowed per the zoning ordinance. 7. Addressed CDOT comments by removing the on street parking along Park South Drive and amending Note 5c to specify "dedicated" 35 feet of right-of-way along public street frontage measured from the center line of Park South Drive. <p>Attachment 8</p>
<p>Withdrawal</p> <p>Protest Invalid</p>	<p>9. <u>Petition No. 2014-011</u> (Council District 2 – Austin) by Victor Kung for a change in zoning for approximately 3.25 acres located on the south side of Montana Drive generally bounded by Interstate 85, Ablewood Road, and Burbank Drive from I-2, general industrial to I-1(CD), light industrial, conditional.</p> <p>The petitioner is requesting withdrawal of this petition. The protest petition has been withdrawn.</p> <p>The Zoning Committee voted 5-0 to recommend WITHDRAWAL of this petition.</p> <p>Staff does not recommend approval of this petition.</p> <p>Attachment 9</p>

	<p>10. <u>Petition No. 2014-012</u> (Council District 6 - Smith) by Lincoln Harris, LLC for a change in zoning for approximately 6.1 acres located at the intersection of Carnegie Boulevard and Congress Street on the west side of Barclay Downs Drive from MUDD-O, mixed use development, optional to MUDD-O SPA, mixed use development, optional, site plan amendment.</p> <p>This petition is found to be consistent with the <i>SouthPark Small 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 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. Removed sentences four through nine under "General Provisions" and replaced with a note that indicates that changes to the site plan will be in accordance with Section 6.207 2. Amended Note 4B to reference Tract D instead of Tract C. 3. Amended Note 6A to indicate that any changes to the architectural theme must be approved by the Planning Director or his/her designee. 4. Amended Note 8 to replace "eastern" boundary with "western" boundary. 5. Amended Note 5C under Transportation to state "provided any proposed change in alignment is approved in advance by CDOT and the Planning Department." 6. Deleted Note 16 that requests five-year vested rights. 7. Provided Note 6L, which commits that the edge treatment of the parking deck facing the mews will be designed to enable pedestrian activity or future retail use on the first floor of the structure. 8. Ensured that the pedestrian connections through the deck are clearly defined and separated from all vehicular traffic. Entrances from the mews and the Congress Street side are scaled to the pedestrian and separate from the vehicular entrance. 9. Added Note 6M, which states "Petitioner shall provide two separate pedestrian connections through the parking structure in order to provide direct connections between the east and west sides of the parking structure as depicted on Sheet RZ-8. Entrances to these pedestrian connections shall be clearly defined as primary pedestrian entries through the use of architectural details, similar to those used for the primary office entries, such as signage, lighting, sconces, awnings or recesses. Pedestrian connections shall include pedestrian oriented decorative lighting." 10. Defined and labeled proposed property and zoning line five feet from east edge of pedestrian corridor "mews." 11. Provided a legend on Sheet RZ-1.0. 12. Amended acreage from 6.1 acres to 5.8 acres. 13. Amended Note 6A to reference "conceptual elevations" instead of "conceptual perspective rendering". 14. Amended Note 8 to reference "conceptual site plan and conceptual elevations" instead of "technical data sheet and conceptual elevations". <p>Staff recommends approval of this petition.</p> <p>Attachment 10</p>
<p>Deferral (to April)</p>	<p>11. <u>Petition No. 2014-014</u> (Council District 2 - Austin) by Sam's Real Estate Holdings, Georgia, LLC for a change in zoning for approximately 1.9 acres located on the north corner at the intersection of Northlake Centre Parkway and Point O'Woods Drive from R-3, single family residential to NS, neighborhood services.</p> <p>The petitioner is requesting a deferral of this petition to the April 28, 2014 meeting.</p> <p>The Zoning Committee voted 5-0 to DEFER this petition to the March 26, 2014 meeting.</p> <p>Staff does not recommend approval of this petition in its current form.</p> <p>Attachment 11</p>

	<p>12. <u>Petition No. 2014-017</u> (Council District 3 - Mayfield) by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 0.19 acres located on the south corner at the intersection of South Tryon Street and West Park Avenue from B-1, neighborhood business to TOD-M, transit oriented development, mixed use.</p> <p>This petition is found to be consistent with the <i>South End Transit Station 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 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 12</p>
<p>Deferral (to May)</p> <p>Protest Sufficient</p>	<p>13. <u>Petition No. 2014-019</u> (Outside City Limits) by Charlotte-Mecklenburg Planning Department for a change in zoning for two parcels approximately 26.47 acres located on the west corner of the intersection at Mallard Creek Road and Salome Church Road from CC, commercial center to R-4, single family residential.</p> <p>Staff is requesting a deferral of this petition to the May 19, 2014 meeting.</p> <p>The Zoning Committee voted 5-0 to DEFER this petition to the April 2014 meeting to be held on May 5, 2014</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 13</p>
	<p>14. <u>Petition No. 2014-020</u> (Council District 4 - Phipps) by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 1.35 acres located on the south side of Springview Road between Mellow Drive and Kentbrook Drive from R-17MF, multi-family residential to R-8MF, multi-family residential.</p> <p>This petition is found to be inconsistent with the <i>Northeast 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 4-2 vote of the Zoning Committee. The Zoning Committee voted 4-2 to recommend APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 14</p>
	<p>15. <u>Petition No. 2014-022</u> (Council District 2 - Austin) by Ingenuity Sun Media, LLC for a change in zoning for two parcels approximately 9.18 acres in total located on Hamilton Street near Music Factory Blvd from MUDD-O, mixed use development, optional to MUDD-O SPA, mixed use development, optional, site plan amendment.</p> <p>This petition is found to be consistent with the <i>Center City 2020 Vision Plan</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 APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. A site plan has been submitted with the note that all the previously approved conditional notes from rezoning petitions 2005-043 and 2011-003 still apply to the site. 2. The conditional notes have been placed in the standard format. 3. A note has been added to the site plan that the optional request is for five detached digital advertising signs. 4. A note has been added that the proposed digital sign face area will not be seen from public right-of-way.

<p>2014-022 continued</p>	<ol style="list-style-type: none"> 5. A note has been added limiting the maximum height of the overall total sign to 17 feet from grade. 6. The maximum screen height of 14 feet has been added to the site plan and the sign diagram. 7. A note has been added that no trees will be moved in order for these signs to be installed. <p>Staff recommends approval of this petition.</p> <p>Attachment 15</p>
	<p>16. <u>Petition No. 2014-026</u> (Council District 4 - Phipps) by Abigail Jennings: Pioneer Springs Community School for a change in zoning for approximately 2.94 acres located on the east side of Bob Beatty Road north of the intersection at Reames Road and Old Statesville Road from B-2(CD) general business, conditional, O-1(CD), office, conditional and B-1, neighborhood business to B-2(CD) SPA, general business, conditional, site plan amendment, O-1(CD) SPA office, conditional, site plan amendment and B-1(CD), neighborhood business, conditional.</p> <p>This petition is found to be inconsistent with the <i>Northlake 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 5-1 vote of the Zoning Committee. The Committee voted 5-1 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Amended Development Data table to correct acreage to reflect 2.94 acres stated on amended application provided by petitioner. 2. Amended Development Data table to note existing zoning is B-1, B-2(CD) and O-1(CD). 3. Amended Development Data table to note proposed zoning is B-1(CD), B-2(CD) SPA and O-1(CD) SPA. 4. Amended Development Data table to note existing uses as school campus, commercial kitchen, and office. 5. Amended Development Data table to note proposed uses as school campus and accessory uses, and a commercial kitchen. 6. Added a note that indicates that the barn can continue to be used for a commercial kitchen, but that the commercial kitchen use will be discontinued prior to the barn being converted into a classroom. 7. Amended Development Data table to add tax parcel number of property zoned B-1. 8. Amended Development Data table to specify proposed number of parking spaces, including existing, new and total. 9. Amended Development Data table to reflect required setback for the B-1, B-2, and O-1 zoning districts, which is 20 feet. 10. Development Data table notes 20-foot rear yard, but only 10 feet is labeled along a portion of the easternmost property line. Revise accordingly (20 feet is required). <i>Staff has rescinded this request as a 10-foot rear yard is required for the B-1 and B-2(CD) zoned properties.</i> 11. Amended table with building square footages to also note existing square footage of barn (minus addition). 12. Amended table with building square footages to specify maximum building square footage for school facility. 13. Measured the setback from the proposed Bob Beatty Road right-of-way; labeled other required yards as "rear yard" or "side yard." 14. Specified on site plan school grades K-5. 15. Amended Permitted Uses to state that the site shall be devoted to an elementary school, commercial kitchen and accessory uses as permitted in the Zoning Ordinance. 16. Labeled zoning of abutting parcels on the site plan. 17. Provided ½ of a Class C buffer along northern property line. Petitioner is using the abutting residential development's required buffer to count towards buffer requirement. 18. Labeled 20-foot required setback (taken from proposed property/right-of-way line). 19. Compost area has been removed from rear yard/required buffer.

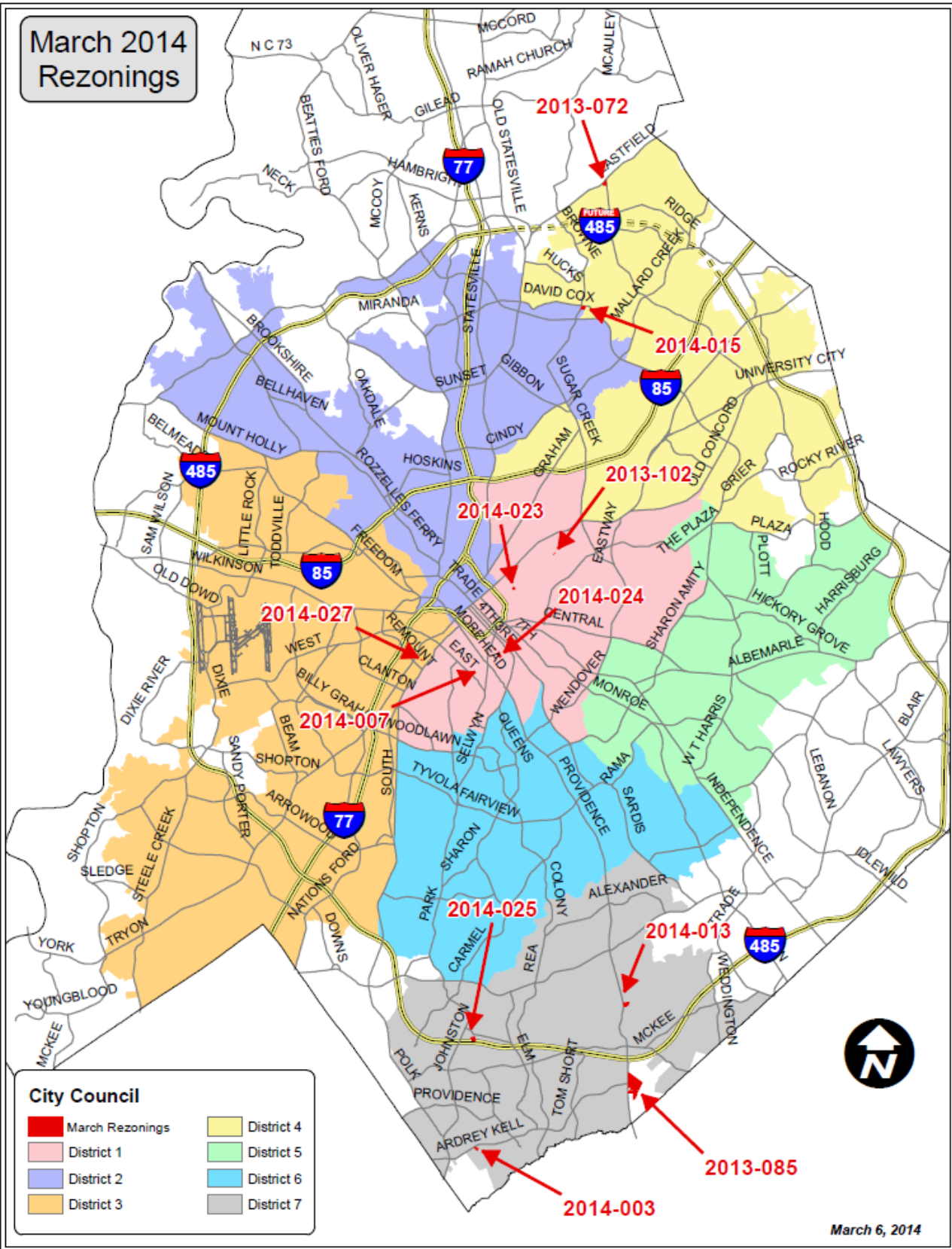
**2014-026
continued**

20. Maximum height of any freestanding lighting has been specified at 20 feet.
21. Addressed CATS and CDOT comments:
 - a. Petitioner has dedicated total of 67 feet of right-of-way as measured from existing Southern Railroad "main line centerline" along the site's frontage on Bob Beatty Road, to be used for future improvements to Bob Beatty Road and the proposed North Corridor Commuter Rail Project. Petitioner has added Transportation Note 4 clarifying this right-of-way dedication on the site plan.
 - b. Petitioner has labeled all existing and proposed property and right-of-way lines on the revised site plan.The petitioner has removed parking out of the setback.

Staff recommends approval of this petition.

[Attachment 16](#)

March 2014 Rezoning



City Council	
■ March Rezoning	■ District 4
■ District 1	■ District 5
■ District 2	■ District 6
■ District 3	■ District 7



March 6, 2014

ZONING

HEARINGS

	<p>17. Petition No. 2013-072 (Council District 4 – Phipps) by Full Moon of Union, LLC 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>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 17</p>
	<p>18. Petition No. 2013-085 (Outside City Limits) by Providence Road Farms, LLC / Crosland Southeast / Childress Klein Properties 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) & R-3(CD) (single family residential, conditional) to MUDD-O (mixed use development, optional) & MX-2(Innov.), 5 year vested rights (mixed use, innovative, 5 year vested rights).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 18</p>
	<p>19. Petition No. 2013-102 (Council District 1 – Kinsey) by Wajahat & Ferah Syed for a change in zoning for approximately 0.40 acres located on the south side of North Davidson Street between East 33rd Street and East 35th Street from R-5 (single family residential) & MUDD-O (mixed use development, optional) to TOD-MO (transit oriented development, mixed, optional) & MUDD-O SPA (mixed use development, optional, site plan amendment).</p> <p>Staff recommends approval of this petition (Area A and Area B) upon resolution of the outstanding issues.</p> <p>Attachment 19</p>
<p>Deferral (to April)</p> <p>Protest Sufficiency TBD</p>	<p>20. Petition No. 2014-003 (Council District 7 - Driggs) by George M. Macon for a change in zoning for approximately 4.65 acres located on the southwest corner at the intersection of Ardrey Kell Road and Marvin Road from R-3 (single family residential) to O-1(CD) (office, conditional).</p> <p>A community Meeting Report has not been submitted for this petition; therefore, a public hearing may not be held and the petition is automatically deferred to the April 28, 2014 meeting.</p> <p>Attachment 20</p>
<p>Withdrawal</p> <p>Protest Withdrawn</p>	<p>21. Petition No. 2014-007 (Council District 1 - Kinsey) by Jeff Tonidandel for a change in zoning for approximately 0.28 acres located on the west corner at the intersection of East Boulevard and Charlotte Drive from B-1(CD)(PED)(HD-O) (neighborhood business, conditional, pedestrian overlay, historic district overlay) to B-1(CD) SPA(PED-O)(HD-O) (neighborhood business, conditional, site plan amendment, pedestrian overlay optional, historic district overlay).</p> <p>Petitioner has requested a withdrawal of this petition. The protest petition has been withdrawn.</p> <p>A community meeting report has not been submitted for this petition.</p> <p>Attachment 21</p>

<p>Protests Sufficiency TBD</p>	<p>22. Petition No. 2014-013 (Council District 7 - Driggs) by Hawthorn Retirement, LLC for a change in zoning for approximately 10.01 acres located on the east side of Providence Road between Lakeside Drive and Kuykendall Road from R-3 (single family residential) to INST(CD) (institutional, conditional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 22</p>
	<p>23. Petition No. 2014-015 (Council District 2 - Austin) by St. Michael & All Angels for a change in zoning for approximately 5.73 acres located on the southeast corner at the intersection of West Sugar Creek Road and David Cox Road from NS (neighborhood services) to R-3 (single family residential).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 23</p>
	<p>24. Petition No. 2014-023 (Council District 1 – Kinsey) by Edgeline Residential, LLC for a change in zoning for approximately 2.15 acres located on the south corner at the intersection of North Caldwell Street and East 16th Street and generally surrounded by East 16th Street, North Davidson Street, and East 16th Street from MUDD(CD) (mixed use development, conditional) to MUDD(CD) SPA (mixed use development, conditional, site plan amendment).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 24</p>
	<p>25. Petition No. 2014-024 (Council District 12 – Kinsey) by Stonehunt, LLC for a change in zoning for approximately 5.71 acres located on the west side of Luther Street generally surrounded by Cherry Street, Main Street, Baxter Street and Eli Street from UR-2(CD) (urban residential, conditional) to UR-2(CD) SPA (urban residential, conditional, site plan amendment).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 25</p>
	<p>26. Petition No. 2014-025 (Council District 7 – Driggs) by Trinity Capital Advisors, LLC for a change in zoning for approximately 8.50 acres located on the north side of Interstate 485 between Johnston Road, Toringdon Way, and North Community House Road from CC (commercial center) to CC SPA (commercial center, site plan amendment).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 26</p>
<p>Deferral (to May)</p>	<p>27. Petition No. 2012-90 by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to 1) allow the Zoning Board of Adjustment to have jurisdiction to grant variances on certain standards within the Transit Oriented Development districts (TOD), the Pedestrian Overlay district (PED), Mixed Use Development district (MUDD), Uptown Mixed Use district (UMUD), and Transit Supportive Overlay district (TS); 2) allow the Board of Adjustment to have authority to consider variances related to the number of, or size of, permissible signs in a conditional district; and 3) allow the Board of Adjustment to have jurisdiction with respect to an interpretation of, or decision about the Transit Oriented Development district (TOD) or Pedestrian Oriented District (PED) development or urban design standards.</p> <p>Staff recommends one-month deferral of this petition to the April 28, 2014 meeting.</p> <p>Attachment 27</p>

<p>Deferral (to May)</p>	<p>28. <u>Petition No. 2013-026</u> 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 two-month deferral of this petition to the May 19, 2014 meeting.</p> <p>Attachment 28</p>
	<p>29. <u>Petition No. 2014-021</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance adding a new definition for mobile farmer’s markets and allowing it with prescribed conditions in a variety of zoning districts.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 29</p>
	<p>30. <u>Petition No. 2014-027</u> (Council District 3 – Mayfield) by Charlotte-Mecklenburg Planning Department for a change in zoning for two parcels approximately 0.81 acres located on the west side of Dunavant Street between Remount Road and Merve Place from I-2 (general industrial) to TOD-M (transit oriented development, mixed).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 30</p>