

Mayor Daniel Clodfelter Mayor Pro-Tem Michael D. Barnes
Al Austin John Autry
Ed Driggs Claire Fallon
David Howard Patsy Kinsey
Vi Alexander Lyles LaWana Mayfield
Greg Phipps Kenny Smith

CITY COUNCIL ZONING AGENDA ***Monday, May 18, 2015***

- 5:00PM Council/Manager Dinner
 Meeting Chamber Conference Room
- 6:00PM Zoning Meeting
 Meeting Chamber

ALL REZONING PETITIONS MAY BE VIEWED ON THE WEB AT
www.rezoning.org

ACRONYMS

Zoning District Acronyms

- **B-1** – neighborhood business
- **B-2** – general business
- **B-1SCD** – business shopping center (old district)
- **BD** – distributive business
- **BP** – business park
- **CC** – commercial center
- **HW** – hazardous waste
- **I-1** – light industrial
- **I-2** – general industrial
- **INST** – institutional
- **MUDD** – mixed use development
- **MX-1** – mixed use
- **MX-2** – mixed use
- **MX-3** – mixed use
- **NS** – neighborhood services
- **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-15PUD** – residential, planned unit development
- **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
- **RE-2** – research
- **RE-3** – research
- **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
- **UMUD** – uptown mixed use
- **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
- **LWPA** – Lake Wylie protected area
- **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
- **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>Requesting Deferral (to June)</p> <p>Protest (Sufficient)</p>	<p>1. Petition No. 2014-109 (Council District 1 - Kinsey) by Midtown Area Partners II, LLC for a change in zoning for approximately 1.99 acres located on the northeast corner of the intersection of Baxter Street and South Kings Drive and the south side of Luther Street between Cecil Street and Cherry Street from UR-C(CD) (PED) (urban residential - commercial, conditional, pedestrian overlay), B-1 (PED) (neighborhood business, pedestrian overlay) and R-8 (single family residential) to B-2 (PED-O) (general business, pedestrian overlay, optional), UR-C (PED-O) (urban residential - commercial, pedestrian overlay, optional) and R-8MF (PED-O) (multi-family residential, pedestrian overlay, optional) with five-year vested rights.</p> <p>The Zoning Committee voted 5-0 to DEFER this petition to their May 27, 2015 meeting.</p> <p>Attachment 1</p>
<p>Requesting Deferral (to June)</p> <p>Protest (sufficient)</p>	<p>2. Petition No. 2014-110 (Council District 1 – Kinsey) by Unique Southern Estates, LLC for a change in zoning for approximately 4.54 acres located at the southeast corner of the intersection between The Plaza and Belvedere Avenue from R-5 (single-family residential), R-5 (HD-O) (single family residential, historic district overlay) and B-2(CD) (HD-O) (general business, conditional, historic district overlay) to MUDD-O (mixed use development, optional) and MUDD-O(HD-O) (mixed use development, optional, historic district overlay).</p> <p>The Zoning Committee voted 5-0 to DEFER this petition to their May 27, 2015 meeting.</p> <p>Attachment 2</p>
<p>Requesting Withdrawal</p>	<p>3. Petition No. 2014-115 (Council District 3 – Mayfield) by Satwinder Singh for a change in zoning for approximately 1.13 acres located on the south side of Parker Drive between Remount Road and Berryhill Road from I-1 (light industrial) to I-2(CD) (general industrial, conditional).</p> <p>Attachment 3</p>
<p>Protest (Sufficient)</p>	<p>4. Petition No. 2015-001 (Council District 1 - Kinsey) by Southern Apartment Group for a change in zoning for approximately 3.63 acres located on the east side of North Davidson Street and bounded by East 27th Street, Yadkin Avenue, East 26th Street, and North Davidson Street from MUDD-O (mixed use development, optional) to TOD-M(O) (transit oriented development - mixed-use, optional).</p> <p>The Zoning Committee found the proposed setbacks and height to be inconsistent with the <i>Blue Line Extension 25th Street Station Area Plan</i>; however, they found the proposed land use to be consistent with the <i>Blue Line Extension 25th Street Station Area Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The plan recommends transit supportive land uses for the site. <p>Therefore, this petition is found to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because this rezoning:</p> <ul style="list-style-type: none"> • Will allow a transit oriented development; and • Will incorporate non-residential ground floor uses along the North Davidson frontage; and • Will limit the portion of the building closest to single family residential to four stories and allow it to increase to five stories away from the residential use. <p>The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Amended the last sentence referencing Development Area B on Sheet Z-2.0 under Maximum Gross Square Feet of Development, to state residential and non-residential uses as permitted by right and under prescribed conditions in the TOD-M zoning

district.

2. Removed the note on Sheet Z-3.0 under General Provisions Development Note 1.c. (Graphics and Alterations) beginning with "Since the project has not undergone the design development..." and the remainder of the note, as the necessary information pertaining to Section 6.207 is provided in the first paragraph.
3. Specified the maximum height of the parapet will not exceed five feet in height from the top of the roof structure.
4. Provided a diagram that illustrates proposed building heights as related to the definition of height per the ordinance.
5. Reduced the proposed building height and massing at the corner of Yadkin Avenue and East 26th Street to four stories. Added language under Architectural Standards stating that the screening on the upper levels of the deck will be accomplished with either decorative grills or architectural pre-cast.
6. Added language to the site plan providing for a "fenestration area" for the building constructed along North Davidson Street within Development Area. The standards for application of a "fenestration area" will also apply to Development Area B upon redevelopment.
7. Provided a note stating that proposed non-residential uses located on ground floor of the building constructed along North Davidson Street, within Development Area A, will orient and connect a primary entrance to the sidewalk along North Davidson Street. The entrances to the sidewalk along North Davidson Street will be open and operable during the business hours of the associated use. This standard will also apply to Development Area B when it undergoes redevelopment.
8. Addressed Transportation comments:
 - a. Modified optional provision pertaining to Development Area A to allow the setback along North Davidson to be 16 feet as measured from the future back of curb as generally depicted on the Rezoning Plan.
 - b. Added an optional provision pertaining to Development Area B to allow a 16-foot setback as measured from the existing back of curb to be provided along North Davidson Street. When Development Area B is redeveloped, a 16-foot setback as measured from the future back of curb will be provided.
 - c. Modified Streetscape, Landscaping, Open Space, and Screening Note 5a. to state that along North Davidson Street a 16-foot setback as measured from the future back of curb for Development Area A will be provided and a 16-foot setback as measured from the existing back of curb will be provided for Development Area B, as allowed by the Optional Provision above.
 - d. Modified Streetscape, Landscaping, Open Space, and Screening Note 5d. to state that the petitioner may elect to modify the existing curb line along Development Area A's North Davidson Street frontage to provide parallel on-street parking as recommended by the *Blue Line Extension Transit Station Area Plan*, if approved by the City during the Urban Approval/Building Permit process for the Development Area A.
 - e. Identified on the site plan the future back of curb as 21.5 feet from road centerline and 16-foot setback from future back of curb.
 - f. Added language to state proposed on-street parking along East 26th Street will follow ADA requirements.
9. Added a note stating that the leasing office associated with the residential dwelling units may not occupy more than 50% of the ground floor area of the North Davidson Street building frontage.
10. Added a note stating that the petitioner will donate \$8,000 to the Villa Heights Neighborhood Association for the installation of Villa Heights neighborhood identification signage. The funds will be contributed to the Villa Heights Neighborhood Association after a building permit is issued for the first building within Development Area A and prior to the issuance of the first certificate of occupancy for the first building constructed within Development Area A.
11. Modified the parking information under Site Development Data to state that parking will be as required by the Ordinance for Development Area A for the allowed non-residential uses and a minimum for one (1) parking space per bedroom for the residential dwelling units constructed.

Staff recommends approval of this petition.

[Attachment 4](#)

<p>Protest (sufficient)</p> <p>Requesting Deferral (to June)</p>	<p>5. Petition No. 2015-013 (Council District 1 - Kinsey) by Meeting Street Homes & Communities for a change in zoning for approximately 0.42 acres located on the west side of Kenilworth Avenue between Buchanan Street and East Boulevard from R-22MF (multi-family residential) and B-1 (neighborhood business) to MUDD(CD) (mixed use development, conditional).</p> <p>The Zoning Committee found this petition to be consistent with the <i>Dilworth Land Use & Streetscape Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The plan recommends residential uses up to 22 dwelling units per acre for the subject site. <p>Therefore, this petition is found to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because the proposed development:</p> <ul style="list-style-type: none"> • Addresses the street frontage by providing a door, windows and a courtyard on the elevation facing the public street and has not located parking between the building and the street; and • Provides a 28-foot setback from the existing back of curb, which provides a transition from the non-residential building to the west and the single family homes to the east; and • Provides sidewalk connections from the units to the public sidewalk, two accessible ramps on Kenilworth Avenue at Fillmore Street, and a waiting pad for the existing bus stop. <p>The Zoning Committee voted 4-1 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Deleted Note A under Storm Water as requested in order to address the following issue, "Clarify Note A under Storm Water, which reads: 'Storm water runoff for this development will meet ordinance requirements for the PCCO.' The parcel size will exempt the proposed development from all PCCO requirements per Section 18-105(b) of the Ordinance. If the Petitioner intends to voluntarily comply with the Post-Construction Stormwater Ordinance (PCCO), the Storm Water note should be revised to specify the particular provisions of the PCCO targeted for voluntary compliance. If the Petitioner does not intend to voluntarily comply with any portion of the PCCO, then the current Storm Water note should be deleted from the plan to avoid any confusion during permitting." 2. Provided an elevation that ensures that the Kenilworth Avenue elevation is designed to resemble the main entrance of the building. 3. Amended Note B under Architectural Standards and Materials to say "five-foot minimum width sidewalk" rather than four-foot. 4. Provided four-sided building elevations. 5. Amended the label on the site plan regarding the existing driveway closures to replace the word "repaved" with "replaced." 6. Showed and labeled visitor parking spaces. 7. Deleted the label specifying the developer will construct accessible ramps, as this information is specified in conditional Note D under Transportation. <p>Staff recommends approval of this petition.</p> <p>Attachment 5</p>
	<p>6. Petition No. 2015-020 (Council District 4 – Phipps) by Carolina States Regional Center, LLC for a change in zoning for approximately 15.43 acres located on the southwest corner at the intersection of US 29 By-Pass Highway and North Tryon Street from B-2 (general business) to TOD-R(O) (transit oriented development - residential, optional).</p> <p>The Zoning Committee found this petition to be consistent with the land use recommended by the <i>Blue Line Extension Transit Station Area Plan – Tom Hunter Transit Station Area</i>; however, they found the petition to be inconsistent with the height recommendation, based on information from the staff analysis and the public hearing, and because:</p>

	<ul style="list-style-type: none"> • The plan recommends transit supportive land uses for the subject property, and • The plan recommends a maximum building height of 50 feet for the site. <p>However, this petition is found to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • Proposed request is for a transit supportive multi-family development with building entrances at ground level facing the public streets, and • The site is located within ¼ mile walk of the Tom Hunter Station and ½ mile walk of the University City Blvd Station, and • The site is located 400 feet from the nearest single family homes and is located at a major intersection; and • The proposed development improves mobility in the area by providing two new network required streets. <p>The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications and petitioner’s commitment to address two additional outstanding issues:</p> <ol style="list-style-type: none"> 1. Added a note stating that the existing bench pad at the existing bus stop on North Tryon Street will remain. 2. Added a note committing to working with Orchard Trace community to provide a +/- 45-foot wide public street utility easement along existing Orchard Trace Lane from North Tryon Street to the proposed north/south public street B. 3. Added a note that the petitioner will remove existing pavement along “Mineral Springs Road” between Reagan Drive and North Tryon, retaining the parking lot and driveway connection at North Tryon Street after public street B is open and operational. 4. Added a note that the petitioner will make modifications to Orchard Trace Drive to facilitate the new intersection of public street B. 5. Added a note that the location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points. 6. Staff rescinded the request to consider relocating Building 10 to public street B between Buildings 7 and 9 to help screen parking. Staff rescinded the request to consider relocating Building 11 to public street A between Buildings 6 and 7 to help screen parking. 7. Changed the word “abandoned” to “abandonned” in Transportation Note 2. 8. Amended the maximum building height to reflect the proposed height as measured by the Zoning Ordinance. The amended height is 65 feet, a 15-foot increase above the 50-foot maximum recommended by the adopted transit station area plan. 9. Changed the proposed use to increase the number of multi-family units from 375 to 380 and eliminated other uses allowed in TOD-R (transit oriented development – residential). 10. Provided an additional building elevation and North Tryon Street cross-section. 11. Committed to labeling the building elevations. 12. Committed to eliminating the visible staircase from the carriage unit building facing North Tryon Street. <p>Staff recommends approval of this petition.</p> <p>Attachment 6</p>
<p>Protest (sufficient)</p>	<ol style="list-style-type: none"> 7. Petition No. 2015-023 (Outside City Limits) by Weldegebriel Uebeab for a change in zoning for approximately 1.25 acres located on the northeast corner at the intersection of Harrisburg Road and Camp Stewart Road from R-3 (single family residential) to NS (neighborhood services). <p>The Zoning Committee found this petition to be consistent with the <i>Rocky River Road Area Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The plan recognizes the existing commercial use on the subject property and the need for neighborhood serving retail in the area.

Therefore, this petition is found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:

- The proposed use is located at the intersection of two thoroughfares; and
- The use will replace a grandfathered commercial structure used as a convenience store located at this intersection; and
- A traffic signal, if warranted within two years from the approval of the rezoning, will be located at the intersection of Harrisburg Road and Camp Stewart Road and left turn lanes will be provided for driveways on Harrisburg Road and Camp Stewart Road; and
- Building walls facing public streets will not have blank walls exceeding 20 feet in length and no spandrel glass will be used on exterior building elevations.

The Zoning Committee voted 6-0 to recommend **APPROVAL** this petition with the following modifications:

1. Submitted an amended rezoning application that reflects the reduction of acreage.
2. Amended information under heading of Development Data to reflect proposed uses as a convenience store and automotive service station.
3. Amended note under heading of Permitted Uses to specify permitted uses as automotive service station and convenience store, and delete the following: "those uses and accessory uses that are permitted in the NS district."
4. Amended note under heading of Purpose to delete reference to a carwash.
5. Specified building materials under heading of Architectural Standards.
6. Labeled elevations to reflect the abutting street names.
7. Agreed to complete a subdivision recombination for tax parcel 111-091-21 prior to a decision on this petition so the required buffer will be located on the commercial property.
8. Providing a combination of berm, low masonry wall, and/or landscaping to minimize the views of the drive-through lanes and pumps.
9. Provided a detail of the screen wall along Harrisburg Road.
10. Addressed Transportation issues as follows:
 - a. Ensured that a fuel delivery truck can maneuver through the site without encroaching upon the required vehicular queuing areas.
 - b. Set back of curb along Harrisburg Road a distance of 35 feet from the centerline of the existing roadway to accommodate a four-lane Avenue cross-section, with center turning lane, and an eight-foot planting strip and six-foot sidewalk.
 - c. Set back of curb along Camp Stewart Road a distance of 24 feet from the centerline of the existing roadway to accommodate a two-lane Avenue cross-section, with center turning lane, and an eight-foot planting strip and six-foot sidewalk.
 - d. Access to Harrisburg Road may be limited to a right-in-right-out condition depending on available intersection sight distance and other variables, to be determined by NCDOT and CDOT during the permitting phase.
 - e. Commitment to pay \$60,000 toward the installation of a wood pole traffic signal to be located at the intersection of Harrisburg Road and Camp Stewart Road.
11. Specified no spandrel glass will be used along front and side elevations.
12. Noted that LED lights will be used.¹³
13. Added a note on the building elevations as follows: Window Note: All windows on this elevation are nontransparent, non-reflective, and non-mirrored, and not operable.

Staff recommends approval of this petition.

[Attachment 7](#)

8. [Petition No. 2015-036](#) (Council District 6 - Smith) by **Ryan Berger** for a change in zoning for approximately 2.98 acres located on the west side of Monroe Road at the intersection of Orchard Lake Drive and Lucy Jane Lane from I-1(CD) (light industrial, conditional) to I-1(CD) SPA (light industrial, conditional, site plan amendment).

The Zoning Committee found this petition to be consistent with the *Independence Boulevard Area Plan*, based on information from the staff analysis and the public hearing, and because:

- The plan recommends office/industrial/warehouse distribution uses for the subject parcel, and anticipated the 70,000 square feet of retail that would be allowed per the recently

	<p>approved rezoning petition 2009-23.</p> <p>Therefore, this petition is found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The proposed retail grocer will serve the surrounding residential area; and • The allowed retail square footage is reduced from 70,000 to 30,727 square feet; and • Maximum building height is reduced from 58 feet to 35 feet; and • Building(s) will front Orchard Lake Drive or Monroe Road with no parking or maneuvering allowed between the building(s) and Monroe Road; and • The site plan provides a minimum 28.5-foot "Class B" buffer abutting the residential uses to the rear of the site; and • The building walls facing Monroe Road will not have blank walls exceeding 20 feet in length and the walls will be activated with display windows. <p>The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Ensured that no parking spaces are located within five feet of an exterior property line. 2. Screened all parking from abutting property and from public view from a public street. 3. Amended Note 6B to specify that building elevations should include a combination of clear glass, awnings, sunshades, and changes in material or similar architectural elements in combination with landscaping to provide visual interest along Monroe Road, at the pedestrian level. 4. Removed Note 2.B. as it is covered by Note 2.C. 5. Clarified the proposed use as a grocer. 6. Deleted Note 5.3B, which references Development Area 2. 7. Removed references to Development Areas 1A, 1B and 2 unless those areas are shown on the site plan. 8. Corrected Note 4.2.C. to reference the correct note. 9. Deleted Notes 7B, D, F, and G, which are minimum ordinance standards. 10. Removed the reference to Note 7.B in Note 8.1.A as it is not correct. 11. Deleted Notes 8.1C and F. 12. Addressed Transportation comments by labeling the existing and proposed right-of-ways along the site's street frontages, and committed to dedication of 50 feet of right-of-way measured from the existing centerline of Monroe Road. 13. Amended building elevations to remove reference to tenant signage 14. Provided building elevations for Orchard Lake Drive. Clearly illustrated an eight-foot planting strip and six-foot sidewalk along Monroe Road. Removed unnecessary labels so the aforementioned items are visible and illustrated with solid lines. 15. Amended Development Data Tables on Sheets RZ-2 and RZ-3 to reflect retail square footage as 30,727 square feet. <p>Staff recommends approval of this petition.</p> <p>Attachment 8</p>
<p>New Public Hearing</p>	<p>9. Petition No. 2015-037 (Council District 3 – Mayfield) by Dominick Ristaino for a change in zoning for approximately 0.46 acres located on the north side of West Boulevard between South Tryon Street and Wickford Place from R-5 (HD-O) (single family residential, historic district overlay) to B-1 (HD-O) (neighborhood business, historic district overlay).</p> <p><u>Note: The petitioner has amended the requested zoning to O-1 (CD) (office, conditional)</u></p> <p>The Zoning Committee voted 6-0 to send this petition back to City Council for a new public hearing.</p> <p>Attachment 9</p>

10. [Petition No. 2015-038](#) (Council District 7 – Driggs) **by Meritage Homes of the Carolinas** for a change in zoning for approximately 9.48 acres located on the west side of Providence Road between Cedar Croft Drive and Candlewyck Lane from R-15PUD (planned unit development) to R-4(CD) (single family residential, conditional) and INST(CD) (institutional, conditional).

The Zoning Committee found this petition to be consistent with the *South District Plan*, based on information from the staff analysis and the public hearing, and because:

- The plan recommends institutional land uses for the site.

Therefore, this petition is found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:

- At a density of 3.52 dwelling units per acre, the proposed residential use is consistent with the surrounding residential land use pattern; and
- The petitioner is committing escrow funding for a traffic signal at Candlewyck Road and Providence Road.

The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition with the following modifications:

1. Revised site plan to note proposed zonings as INST(CD) and R-4(CD).
2. Labeled the width of proposed sidewalks in the residential development as five feet.
3. Specified the width of the sidewalk extension that will connect to the sidewalk along Lawton Bluff Road on the site plan as five feet.
4. Identified the proposed parking spaces (10 new spaces) for the existing religious institution on the site plan.
5. Placed Note 2a. Previously located under heading Permitted Uses under heading General Provisions.
6. Modified Signage note to read, "Signage will be provided per ordinance."
7. Indicated that pedestrian scale, freestanding lighting fixtures will be installed throughout the site along all internal roads at approximately 225-foot intervals.
8. Addressed Transportation comments as follows:
 - a. Added a private driveway access from the proposed residential subdivision to the church parking lot.
 - b. Extended the minimum five-foot sidewalk from the end of the proposed public street through the religious institution parking lot to the existing sidewalk along Lawton Bluff Road.
9. Added a note pertaining to installation of a traffic signal at the intersection of Candlewyck Lane and Providence Road to the site plan. The note reads as follows: "Petitioner, if Petitioner purchases the property, agrees to deposit Eighty-Five Thousand Dollars (\$85,000) (the "Traffic Signal Deposit") into an escrow account held by an escrow agent of Petitioner's choosing when the site plan/construction plans are approved. If CDOT/NCDOT determines (by written notification delivered to Petitioner) within two (2) years after approval of the Subdivision Plans that a traffic signal is justified at the intersection of Candlewyck Lane and Providence Road (the "Intersection") based on a traffic impact analysis with standards consistent with those used by CDOT/NCDOT for road intersections within the same classification as the Intersection, then the escrow agent shall deliver the Traffic Signal Deposit to CDOT/NCDOT, which shall be used by CDOT/NCDOT to install a traffic signal at the Intersection pursuant to a signal installation agreement between Petitioner and CDOT/NCDOT. If CDOT/NCDOT fails to make such determination within such 2-year period, then CDOT/NCDOT shall return the Traffic Signal Deposit to Petitioner."
10. Added a note indicating a ten-foot landscape easement where existing vegetation will remain where feasible, and if cleared additional landscaping will be installed to provide a buffer. Proposed landscape easement is shown along the rear property lines of proposed Lots 7-13.
11. Added a proposed speed hump in the existing church parking lot.
12. Shifted the proposed east/west road directly accessing Providence Road slightly to the north.
13. Reduced the proposed number of additional spaces in the church parking lot from 12 to 10.

	<p>Staff recommends approval of this petition.</p> <p>Attachment 10</p>
	<p>11. Petition No. 2015-040 (Council District 1 - Kinsey) by Charlotte-Mecklenburg Planning Department to establish zoning for approximately 0.45 acres located on the north side of East Independence Boulevard and on the southeast corner at the intersection of Helton Way and Seegars Place to I-2(PED) (general industrial, pedestrian overlay).</p> <p>The Zoning Committee found this petition to be inconsistent with the <i>Central District Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The plan recommends parks and open space for the site. <p>Therefore, this petition is found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The property is left over right-of-way from Independence Boulevard; and • The proposed zoning is compatible with adjacent zoning and development. <p>The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 11</p>
	<p>12. Petition No. 2015-041 (Council District 1 - Kinsey) by Off Camber Group, Inc. for a change in zoning for approximately 0.52 acres located near the northwest corner at the intersection of St. Mary Avenue and Buford Avenue west of Monroe Road from I-2 (general industrial) to I-1 (light industrial).</p> <p>The Zoning Committee found this petition to be consistent with the <i>Independence Boulevard Area Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The plan recommends office/retail/industrial-warehouse-distribution for this and surrounding properties. <p>Therefore, this petition is found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The rezoning will allow for the establishment of a zoning district and development pattern that is consistent with the plan, as well as the neighboring uses. <p>The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 12</p>
	<p>13. Petition No. 2015-042 (Council District 1 - Kinsey) by Jim Donaldson for a change in zoning for approximately 2.51 acres located on the northeast corner at the intersection of Statesville Avenue and Woodward Avenue from NS (neighborhood services) and I-2 (general industrial) to NS (SPA) (neighborhood services, site plan amendment) and NS (neighborhood services).</p> <p>The Zoning Committee found this petition to be inconsistent with the <i>Statesville Avenue Corridor Area Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The plan recommends residential up to 22 units per acre for the majority of the site; and • The plan recommends a mix of single family/multi-family/office/ retail and residential up to 12 units per acre for the remainder of the site not included in the 2008 rezoning. <p>Therefore, this petition is found to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because this rezoning will</p>

	<p>allow:</p> <ul style="list-style-type: none"> • A proposed swimming pool facility which will complement the surrounding residential community; and • The proposed use which will provide a recreational facility for nearby residents. <p>The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications and subject to the petitioner’s commitment to address three additional outstanding issues:</p> <ol style="list-style-type: none"> 1. Added a note stating that the 60-foot of right-of-way will be dedicated along Statesville Avenue per previously approved rezoning 2008-073. 2. Added a note providing a 35-foot-by-35-foot easement for future traffic signal poles, cabinets and other associated appurtenances at the corner of Statesville Avenue and Woodward Avenue. 3. Added a note that the 30-foot right-of-way will be dedicated along the property’s frontage on Woodward Avenue, measured from the centerline of the existing right-of-way. 4. Added a note that the petitioner will work with the owner of Parcel 07904301 in a good faith effort to eliminate the short section of substandard sidewalk along Statesville Avenue, and will replace with an eight-foot wide planting strip and eight-foot wide sidewalk and any associated easements for construction and maintenance activities. 5. Revised the site plan to include a receiving curb ramp on the southeast quadrant of the intersection of Statesville Avenue and Woodward Avenue using a blended transition style curb ramp due to site constraints. 6. Staff rescinded the request to provide a pedestrian, sidewalk connection to the multi-family developments to the north of the site. 7. Provided “build to” lines along Statesville Avenue and Woodward Avenue. 8. Provided a note stating that “buildings located on Statesville and Woodward Avenues will be oriented to the street” and “street-facing walls are to be varied with a frequency of vertical landscape elements, community art, changes in material, and other architectural treatments, and expanses of blank walls over 20 feet are not to be allowed. All buildings are to have four sided architecture” to address the request to carry over architectural standards from the previously approved rezoning 2008-073. 9. Provided conceptual scale building elevations for all sides and identified proposed building materials and features to clearly convey the appearance of the buildings and to indicate how the architectural standards will be addressed. 10. Amended the building facade and elevations along Statesville Avenue and Woodward Avenue by providing varying building elements, materials, and landscaping to animate the public realm and to avoid the appearance of expansive blank walls. 11. Reduced the maximum building height to 30 feet. 12. Amended the proposed use to allow a Mecklenburg County Parks and Recreation pool facility, with pools up to 9,000 square feet in size and up to 3,000 square feet for administration, service, and reception building(s) with community meeting room(s). 13. Committed to provide additional trees/landscaping between the building and the sidewalk to soften the stark appearance of the street-facing facades. 14. Committed to indicate the functionality of the louvers, if any, along Statesville Avenue. 15. Committed to incorporate additional vertical architectural elements along the Woodward elevation to mitigate the expanse of blank wall and horizontal orientation of the building face. <p>Staff recommends approval of this petition.</p> <p>Attachment 13</p>
	<p>14. Petition No. 2015-043 (Outside City Limit) by Prime Business, LLC for a change in zoning for approximately 4.98 acres located on the south side of Mallard Creek Road between Kings Grant Drive and Carolina Lily Lane from R-3 (single family residential) to NS (neighborhood services).</p> <p>The Zoning Committee found this petition to be consistent with the <i>Northeast District Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The plan recommends residential, institutional, office, and/or retail land uses for the site.

Therefore, this petition is found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the petition:

- Limits the commercial square footage to 20,000 square feet; and
- Allows only one drive-through service window; and
- Limits the number of buildings to five with associated parking envelopes.

The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition with the following modifications:

1. Labeled and showed eight-foot planting strips and six-foot sidewalks along Carolina Lily Lane and Mallard Creek Road.
2. Provided a six-foot planting strip and five-foot sidewalk along one side of the private drive and labeled on the site plan.
3. Added a note that the drive-through lane will be screened with a low masonry wall and landscaping if located along a public street.
4. Modified Note "e" under transportation to read an eight-foot planting strip and six-foot sidewalk will be provided along site's frontage.
5. Added a note that residential dwelling units are a prohibited use on the site.
6. Labeled the building setbacks along Mallard Creek Road and Carolina Lilly Lane.
7. Added a note that the building façade facing the corner of Mallard Creek Road and Carolina Lily Lane will have windows and other architectural features.
8. Addressed the right-turn slip lanes and public street connections as per CDOT's request.

Staff recommends approval of this petition.

[Attachment 14](#)

15. [Petition No. 2015-045](#) (Council District 3 – Mayfield) **by TWO Capital Partners, LLC** for a change in zoning for approximately 16.98 acres located on the southwest corner at the intersection of Brown-Grier Road, West Arrowood Road, and Sandy Porter Road from R-3 (single family residential), R-8MF(CD) (multi-family residential, conditional) and INST(CD) (institutional, conditional) to UR-2(CD) (urban residential, conditional).

The Zoning Committee found the proposed residential use to be consistent with the *Steele Creek Area Plan and Centers, Corridors and Wedges Growth Framework*; however, they found the density to be inconsistent with the density recommended by the plan, based on information from the staff analysis and the public hearing, because:

- The plan recommends a portion of the site for the single family residential up to four units per acre, a portion for multi-family residential up to eight units per acre and a portion for institutional land uses; and
- The *Centers, Corridors and Wedges Growth Framework* identifies the area as a Wedge Area and appropriate for low to moderate density residential land uses.

Therefore, this petition is found to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- The proposal is immediately adjacent to the Activity Center; and
- The proposed development is directly at an intersection of two meaningful thoroughfares; and
- The proposed development is across from institutional uses making this a transition between the Center and the Wedge area.

The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition with the following modifications:

1. Converted angled parking to parallel parking along the proposed public streets according to the standards of the Local Residential Wide street type.
2. Added the following condition to the site plan: "The properties shall be inspected for septic systems prior to any site development. Any septic tanks identified shall be pumped by a licensed waste hauler to removal residual contents, crushed and backfilled with suitable materials before site development begins."
3. Provided a greater mixture of building types with the addition of townhome style and

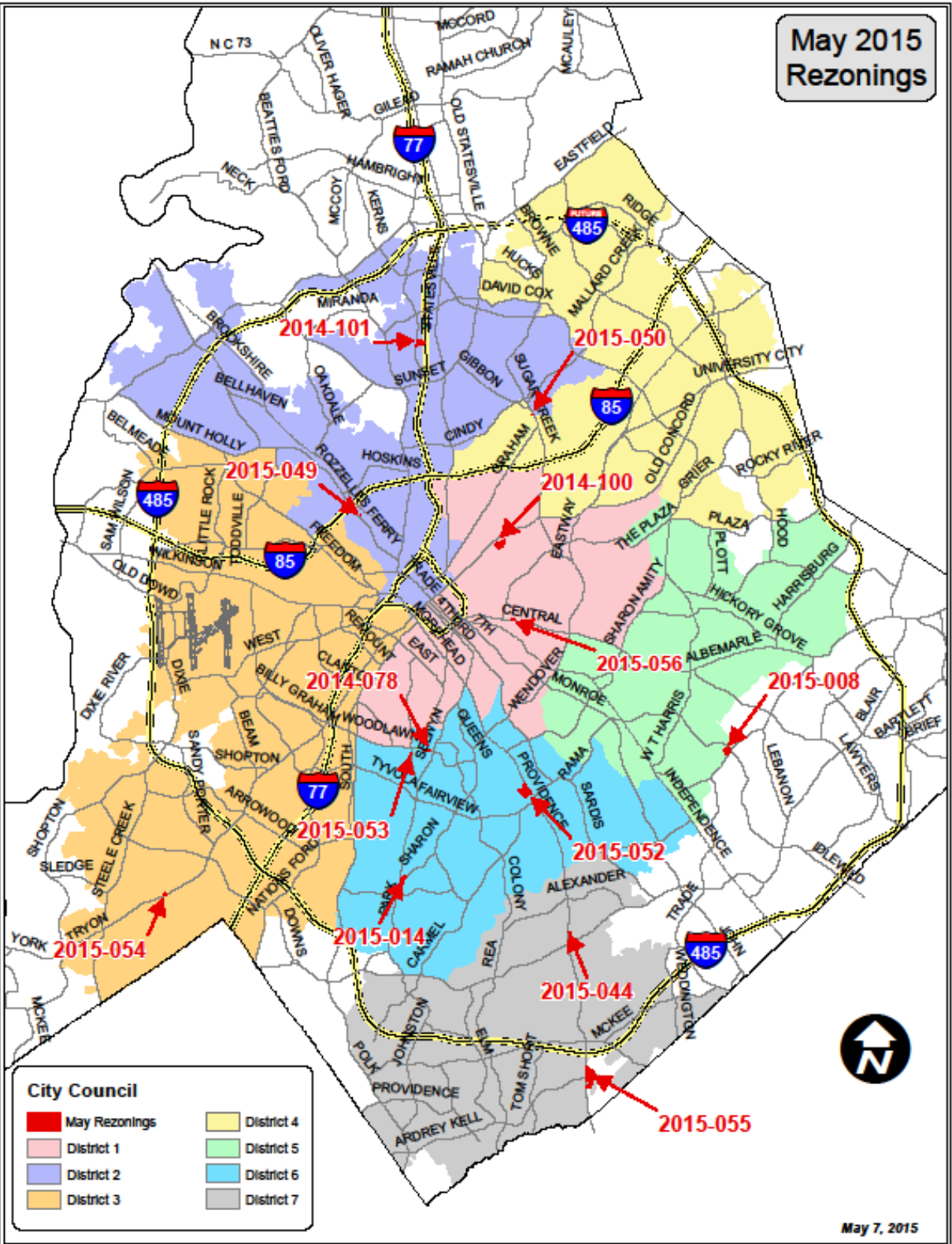
carriage style buildings adjacent to the single family neighborhood and zoning, with building heights limited to 40 feet within 100 feet of the western and southern property lines.

4. Amended Note 1. d. to change "principal building" at the end of the note to "principal buildings."
5. Removed "private streets" when referencing network required streets. The network required streets need to be public.
6. Amended the proposed use to commit to a minimum number of carriage style and townhome style buildings to be provided. Specified that carriage units will be above garages.
7. Specified that the 271 multi-family units allowed include all unit types and 20 buildings is the total number of residential structures allowed.
8. Deleted the last sentence of Note 3. b. and amended the site plan to reflect that proposed streets, sidewalks and planting strips will be constructed according to Subdivision Ordinance standards.
9. Provided a note stating that if the easements necessary for the sidewalk extension as specified in Note 3. e. are not obtained prior to the issuance of the final Certificate of Occupancy, then the petitioner will contribute up to \$10,000 towards the construction of the sidewalk extension.
10. Amended Note 3.h. to refer to Sandy Porter Road rather than Brown-Grier Road.
11. Connected internal sidewalks at the parking lots to the sidewalk along Brown-Grier and Sandy Porter Road.
12. Provided typical dimensions for the sidewalk and planting strips on the proposed public streets.
13. Provided a note stating that if possible existing large maturing trees will be preserved within the 30-foot minimum setback and that the sidewalk may meander in the 30-foot setback to meet this intent.
14. Provided a note stating that no parking is permitted between the buildings and the public and private streets except as generally depicted on the schematic site plan.
15. Provided a note committing to building orientation towards internal public and network required streets.
16. Removed the second part of Note 4. c. that states "as long as the average of the percentage of brick, stone, precast stone, precast concrete, synthetic stone on all the principal buildings constructed on the site is not less than 35%."
17. Specified that Note 5. i. does not apply to sidewalks along the proposed public streets. These sidewalks shall be eight feet in width, with an eight-foot planting strip.
18. Amended Note 7. b. to read "At the ground floor level of the buildings facing Brown Grier, Sandy Porter Road and the internal public streets the maximum contiguous area without windows or doors shall not exceed 15 feet."
19. Amended Note 7. e. to change the word "build" to "building."
20. Amended Site Development Data for Maximum Building Height to clarify the maximum building heights. Maximum building height will not exceed three stories or 50 feet and no buildings over 40 feet will be permitted within 100 feet of the western and southern property boundaries.
21. Provided typical building elevations for facades facing public streets (front and side). Included elevations for townhome unit facades that face the public streets.
22. Amended the rendering to illustrate the maximum building height of three stories.
23. Specified a minimum of 40% open space, as defined by the Ordinance, will be provided.
24. Extended the 50-foot undisturbed buffer along the southern property line as closely as possible to Carriage Unit #4.
25. Reduced the number of units to 271, 20 less than originally proposed, resulting in a proposed density of 15.91 units per acre.
26. Eliminated a multi-family building and added townhome style units. Specified that townhome style units will be designed as side-by-side units with or without garages.
27. Added a note committing to landscaping the setback to "Class C" buffer standards along Brown Grier Road between the intersection of Sandy Porter Road and the tree save area in front of building number three.
28. Added a new section of notes dealing with buffer, wall, and building treatments along the southern property boundary adjacent to parcel 201-473-01.

Staff does not recommend approval of this petition.

[Attachment 15](#)

May 2015 Rezonings



City Council	
■ May Rezonings	■ District 4
■ District 1	■ District 5
■ District 2	■ District 6
■ District 3	■ District 7



May 7, 2015

ZONING HEARINGS

	<p>16. Petition No.2014-021 by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance adding 1) a new definition for a mobile produce market and allowing it in a variety of zoning districts where outdoor fresh produce stands are permitted, with prescribed conditions, and 2) modifying several prescribed conditions for outdoor fresh produce stands.</p> <p style="text-align: center;">Attachment 16</p>
	<p>17. Petition No. 2014-078 (Council District 6 – Smith) by Park Selwyn, LLC for a change in zoning for approximately 1.21 acres located on the north side of East Woodlawn Road between Brandywine Road and Selwyn Avenue from UR-2(CD) (urban residential, conditional) to UR-2(CD) SPA (urban residential, conditional, site plan amendment).</p> <p style="text-align: center;">Attachment 17</p>
	<p>18. Petition No. 2014-097 by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to 1) increase the allowable floor area ratio (FAR) for an institutional use by 50% if a parking deck is constructed as an accessory use; 2) establish parking structure standards when the structure is accessory to an institutional use; and 3) limit the floor area ratio for an accessory residential building to an institutional use.</p> <p style="text-align: center;">Attachment 18</p>
Deferral (to June)	<p>19. Petition No. 2014-100 (Council District 1 - Kinsey) by Flywheel Group, LLC for a change in zoning for approximately 15.50 acres located on the southeast corner at the intersection of West 30th Street and Chick Godley Road from UR-3(CD) (urban residential, conditional) to TOD-M(CD) (transit oriented development - mixed-use, conditional).</p> <p style="text-align: center;">Attachment 19</p>
	<p>20. Petition No. 2014-101 (Council District 2 - Austin) by Charles M. Shelton, Jr. for a change in zoning for approximately 14.30 acres located on the east side of Reames Road between Bella Vista Court and Lawnmeadow Drive from UR-1(CD) (urban residential, conditional) to R-5(CD) (single family residential, conditional).</p> <p style="text-align: center;">Attachment 20</p>
Requesting Deferral (to June)	<p>21. Petition No. 2015-008 (Council District 5 - Autry) by Mintworth DEI, LLC for a change in zoning for approximately 10.01 acres located on the southwest corner at the intersection of Idlewild Road and Wyalong Drive from NS (neighborhood services) to NS SPA (neighborhood services, site plan amendment).</p> <p style="text-align: center;">Attachment 21</p>
	<p>22. Petition No. 2015-014 (Council District 6 - Smith) by Park Sharon Properties, LLC for a change in zoning for approximately 4.66 acres located on the northeast corner at the intersection of Park Road and Sharon Road from R-3 (single family residential) to UR-2(CD) (urban residential, conditional).</p> <p style="text-align: center;">Attachment 22</p>
	<p>23. Petition No. 2015-044 (Council District 7 - Driggs) by David Willis for a change in zoning for approximately 1.50 acres located on the east side of Providence Road across from Springs Farm Lane from R-3 (single family residential) to UR-C(CD) (urban residential - commercial, conditional).</p> <p style="text-align: center;">Attachment 23</p>

	<p>24. Petition No. 2015-048 by Design Resource Group for a Text Amendment to the City of Charlotte Zoning Ordinance to include bicycle structures in the list of allowed site features within the setback and/or public right of way in the UR-1, UR-2, UR-3, UR-C, RE-3, UMUD, MUDD, PED, NS, TOD, and UI zoning districts.</p> <p>Attachment 24</p>
	<p>25. Petition No. 2015-049 (Council District 2 - Austin) by O'Leary Group Waste Systems, LLC for a change in zoning for approximately 0.16 acres located on the east side of Odum Avenue near the intersection of Centre Street and Odum Avenue from B-2 (general business) to I-2 (general industrial).</p> <p>Attachment 25</p>
Deferral (to June)	<p>26. Petition No. 2015-050 (Council District 4 – Phipps) by Bukola Olasimbo for a change in zoning for approximately 0.47 acres located on the west side of Derita Avenue between Maple Street and Hewitt Drive from R-3 (single family residential) to INST(CD) (institutional, conditional).</p> <p>Attachment 26</p>
	<p>27. Petition No. 2015-052 (Council District 6 – Smith) by NR Pinehurst Property Owner LLC for a change in zoning for approximately 36.10 acres located on the west side of Providence Road between Cloister Drive and Knob Oak Lane and across from Strawberry Hill Drive from R-17MF(CD) (multi-family residential, conditional) to R-17MF(CD) SPA (multi-family residential, conditional, site plan amendment) with 5-Year Vested Rights.</p> <p>Attachment 27</p>
	<p>28. Petition No. 2015-053 (Council District 6 – Smith) by Lat Purser & Associates for a change in zoning for approximately 0.37 acres located on the southwest corner at the intersection of Montford Drive and Park Road from O-2 (office) to MUDD(CD) (mixed use development, conditional).</p> <p>Attachment 28</p>
	<p>29. Petition No. 2015-054 (Council District 3 – Mayfield) by Childress Klein for a change in zoning for approximately 1.56 acres located on the northeast corner at the intersection of South Tryon Street and Moss Road from B-1SCD (business shopping center) to B-1(CD) (neighborhood business, conditional).</p> <p>Attachment 29</p>
	<p>30. Petition No. 2015-055 (Council District 7 - Driggs) by Providence Road Farms, LLC for a change in zoning for approximately 47.55 acres located on the east side of Providence Road between Providence Country Club Drive and Allison Woods Drive and across from Ardrey Kell Road from MUDD-O (mixed use development, optional) with 5-year Vested Rights to MUDD-O SPA (mixed use development, optional, site plan amendment) with 5-Year Vested Rights.</p> <p>Attachment 30</p>
	<p>31. Petition No. 2015-056 (Council District 1 – Kinsey) by DPJ Residential, LLC for a change in zoning for approximately 1.92 acres located on the north side of Central Avenue between Nadina Street and Landis Avenue from B-1 (neighborhood business) and MUDD(CD) (mixed use development, conditional) to MUDD(CD) (mixed use development, conditional) and MUDD(CD) SPA (mixed use development, conditional, site plan amendment).</p> <p>Attachment 31</p>