

Mayor Patrick L. McCrory    Mayor Pro Tem Patrick De'Angelo Cannon  
Susan Burgess                James E. Mitchell, Jr.  
Nancy Carter                 Patrick Mumford  
Patsy Kinsey                 Gregory Phipps  
John W. Lassiter             John H. Tabor, AIA  
Don Lochman                Warren Turner

***CITY COUNCIL ZONING AGENDA***  
***Monday, April 18, 2005***

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

**6:00PM – Zoning Decisions/Hearings**  
**Meeting Chamber**

***DINNER MEETING***

***Rezoning Update – April, May & June 2005***  
***Debra Campbell, Planning Director***

## ***DECISIONS***

1. **Petition No. 2004-106 (decision)** by *The Reservoir Company* for a change in zoning of approximately 1.19 acres located on the southwest corner of Park Road and Heather Lane from O-2 to MUDD(CD).

*A protest petition has been filed and is sufficient to invoke the ¾ majority-voting rule.*

The Zoning Committee voted unanimously to recommend a **ONE-MONTH DEFERRAL** of this petition.

Staff recommends a one-month deferral.

Attachment No. 1

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2004+Petitions/2004-106.htm>

2. **Petition No. 2004-109 (decision)** by *Gulf South Development* for a change in zoning of approximately 86 acres located west of Browne Road, south of Eastfield Road, at the end of Hedge Maple Road from R-3 to R-4.

*A protest petition has been filed and is sufficient to invoke the ¾ majority-voting rule.*

Petitioner is requesting a 60-day deferral.

The Zoning Committee voted unanimously to recommend **DENIAL** of this petition.

Staff recommends denial of this petition.

Attachment 2

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2004-Petitions/2004-109.htm>

3. **Petition No. 2004-137 (decision)** by *Charlotte-Mecklenburg Planning Commission* for adoption of a text amendment to the City of Charlotte Zoning Ordinance to delete the current Section 13.106(7) titled “Flags on permanent poles” located under Section 13.106, “Signs not requiring a permit”. A public flag should not be considered a sign, and public flag regulations should be located in a more appropriate chapter of the Zoning Ordinance.

A new section, Section 12.418, is being created to regulate public flags in Chapter 12, “Development Standards of General Applicability”. The term “public flags” includes national, state, and city flags, as well as fraternal, religious, and civic organization flags.

Definitions are proposed for “banner”, “decorative sign”, “pennant”, “public flag”, “flagpole”, and “halyard”, as well as a new definition for “flag”.

The proposal will allow no more than three (3) public flags per street front. These flags may be flown on one pole, or flown on separate flagpoles. The maximum height of flagpoles has been reduced to 60’, and the maximum flag size is proportional to the flagpole height. The maximum combined flag area per flagpole has been added to the text amendment, ranging from a maximum combined area of 48 square feet for a flagpole up to 24’ in height to a maximum combined area 192 square feet for a 60’ flagpole.

This amendment also adds 1) requirements for public flags displayed on non-residential property, 2) flags may not be used for advertising purposes in any manner whatsoever, and 3) advertising signs shall not be displayed or fastened to a flagpole, staff, or halyard from which a public flag is flown.

On United States and North Carolina holidays, there shall be no maximum flag size or number or other limitations on display of public flags.

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition.

Staff recommends approval of this petition.

Attachment No. 3

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2004+Petitions/2004-137.htm>

4. **Petition No. 2005-09 (decision)** by *Don Henderson* for a change in zoning of approximately 1.40 acres located on the southeast side of Eastfield Road, south of Arbor Creek Drive from R-3 to INST(CD).

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition with the following modification:

- The maximum number of children allowed would be 135.

Staff recommends approval of this petition.

Attachment No. 4

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-009.htm>

5. **Petition No. 2005-24 (decision)** by *Landcraft / Joseph W. Grier, Jr.* for a change in zoning of approximately 78.4 acres located west of W.T. Harris Boulevard, south of Rocky River Road from I-1, O-1(CD) & R-3 to O-1(CD) and MX-1(Innovative).

*A protest petition has been filed and is sufficient to invoke the ¾ majority-voting rule.*

The Zoning Committee voted unanimously to recommend a **ONE-MONTH DEFERRAL** of this petition.

Staff recommends a one-month deferral of this petition.

Attachment No. 5

<http://www.charneck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-024.htm>

6. **Petition No. 2005-29 (decision)** by *William B. Hawfield, Jr. & Frank E. Hawfield* for a change in zoning of approximately 18.789 acres located north of Ardrey Kell Road, east of Lancaster Highway from R-3 to NS.

*A protest petition was filed and found sufficient to invoke the ¾ majority-voting rule, but subsequently withdrawn.*

The Zoning Committee voted 6-1 to recommend a **ONE-MONTH DEFERRAL** of this petition.

Staff recommends a one-month deferral of this petition.

Attachment No. 6

<http://www.charneck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-029.htm>

7. **Petition No. 2005-30 (decision)** by *3234 Park Road, LLC* for a change in zoning of approximately 2.02 acres located on the west side of Park Road, south of Marsh Road from R-4 to R-12MF(CD).

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition.

Staff recommends approval of this petition.

Attachment No. 7

<http://www.charneck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-030.htm>

8. **Petition No. 2005-34 (decision)** by *Cecil Stokes / Scott Galloway* for a change in zoning of approximately .33 acres located on the west side of 36<sup>th</sup> Street, south of North Alexander Street from R-5 to MUDD-O.

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition.

Staff recommends approval of this petition.

Attachment No. 8

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-034.htm>

9. **Petition No. 2005-35 (decision)** by *Charlotte-Mecklenburg Planning Commission* for adoption of a text amendment to the City of Charlotte Zoning Ordinance to add three new definitions in the Zoning Ordinance to distinguish between emergency shelters, homeless shelters, and accessory shelters.

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition.

Staff recommends approval of this petition.

Attachment No. 9

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-035.htm>

10. **Petition No. 2005-36 (decision)** by *Charlotte-Mecklenburg Planning Commission* for adoption of a text amendment to the City of Charlotte Zoning Ordinance to address this issue by allowing the location of accessory parking lots to be reduced to a minimum of 14' only when the setback for the principal buildings and structures has been decreased as per Section 11.405(7) to provide more flexibility on the site, and make it more pedestrian friendly. However, the accessory parking must remain behind the established building setback.

This text amendment also allows all Commercial Center district uses to be considered by the Planning Commission for the innovative development options.

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition.

Staff recommends approval of this petition.

Attachment No. 10

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-036.htm>

11. **Petition No. 2005-37 (decision)** by *Royal Court, LLC*. for a change in zoning of approximately .787 acres located along both sides of Royal Court, east of Morehead Street from B-1 & B-2 to MUDD.

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition.

Staff recommends approval of this petition.

Attachment No. 11

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-037.htm>

12. **Petition No. 2005-39 (decision)** by *Southminster, Inc.* for a change in zoning of approximately 26 acres located on the east side of Park Road, south of Smithfield Church Road from INST(CD) to INST(CD)SPA.

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition, with the following modification:

- Either additional right-of-way or a public easement will be provided for the sidewalk along Park Road that is outside the current right-of-way.
- Five-foot sidewalks and six-foot planting strips will be installed on interior roads.
- Nonconforming on-street parking will be removed.
- Bicycle racks will be added in underground parking areas.

Staff recommends approval of this petition.

Attachment No. 12

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-039.htm>

13. **Petition No. 2005-40 (decision)** by *C.O. Ackerman, Jr.* for a change in zoning of approximately 3.619 acres located on the east side of Shopton Road, south of Pleasant Way Lane from R-3 to O-1(CD).

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition, with the following modification:

- The petitioner will add a note stating that the driveway width and location will be worked out with CDOT during the permitting process.

Staff recommends approval of this petition.

Attachment No. 13

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-040.htm>

14. **Petition No. 2005-41 (decision)** by *HD Development of Maryland, Inc.* for a change in zoning of approximately 11.813 acres located on the east side of Wendover Road, south of Monroe Road from CC to CC SPA.

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition.

Staff recommends approval of this petition.

Attachment No. 14

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-041.htm>

15. **Petition No. 2005-43 (decision)** by *Fiber Mills, LLC.* for a change in zoning of approximately 9.18 acres located on the north side of Seaboard Street, east of Hamilton Street from I-2 to MUDD-O.

The Zoning Committee voted unanimously to recommend **DEFERRAL** of this petition.

Staff recommends a one-month deferral of this petition.

Attachment No. 15

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-043.htm>

16. **Petition No. 2005-45 (decision)** by *Crosland, Inc.* for adoption of a text amendment to the City of Charlotte Zoning Ordinance to allow Indoor recreation uses as permitted uses by right in MX-3 zoning districts. Indoor recreation uses as defined in Ordinance include public or private health or exercise clubs, tennis or other racquet courts, swimming pools, YMCA, YWCA or similar uses which constitute principal uses and are enclosed in buildings and are operated on a fee or membership basis. This text amendment allows these uses within larger mixed use communities contemplated by MX-3 districts (over 100 acres in size) in order to complement the mixture of uses without reducing the scope of non-residential uses otherwise permitted in MX-3 districts.

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition.

Staff recommends approval of this petition.

Attachment No. 16

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-045.htm>

17. **Petition No. 2005-46 (decision)** by *William O. Curtin* for a change in zoning of approximately 8.083 acres located on the east side of Nations Ford Road, south of Interstate 485 from I-1 to I-2.

The Zoning Committee voted unanimously to recommend an **INDEFINITE DEFERRAL** of this petition.

Staff recommends approval of this petition.

Attachment No. 17

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-043.htm>

## ***HEARINGS***

18. **Petition No. 2004-130 (hearing)**. Change in zoning from R-3 to MX-1(Innovative) for approximately 34.3 acres located on the north side of Hubbard Road, east of West Sugar Creek Road. *Petitioner: Hubbard Falls, LLC*

*Two protest petitions were filed but due to withdrawals were found not sufficient to invoked  $\frac{3}{4}$  majority-voting rule.*

Attachment No. 18

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2004+Petitions/2004-130.htm>

19. **Petition No. 2004-134 (hearing)**. Change in zoning from O-1(CD) and R-3 to NS for approximately 9.48 acres located on the west side of Providence Road south of Allison Woods Drive. *Petitioner: Real Estate Development Partners, LLC*

Attachment No. 19

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2004+Petitions/2004-134.htm>

20. **Petition No. 2005-03 (hearing)**. Change in zoning from R-5 to R-8(CD) for approximately .213 acres located southwest of the intersection of McDonald Avenue and Euclid Avenue. *Petitioner: Jurgen Vollrath and Cecily Hurst*

*A protest petition has been filed and is sufficient to invoke the  $\frac{3}{4}$  majority-voting rule.*

Petitioner is requesting a two-month deferral of this petition.

Attachment No. 20

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-003.htm>

21. **Petition No. 2005-10 (hearing).** Change in zoning from I-1 to MUDD(CD) for approximately .93 acres located on the southwest intersection of West Trade Street and South Bruns Avenue. *Petitioner: Neighboring Concepts*

Petitioner is requesting an indefinite deferral of this petition.

Attachment No. 21

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-010.htm>

22. **Petition No. 2005-25 (hearing).** Change in zoning from B-1(CD) and R-3 to MUDD(CD) for approximately 3.14 acres located on the east side of Providence Road, south of Sharon Amity Road. *Petitioner: Pearson Properties – Cainhoy I, LLC*

Attachment No. 22

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-025.htm>

23. **Petition No. 2005-50 (hearing).** Change in zoning from I-2 to I-1 for approximately 50 acres located on the south side of Westinghouse Boulevard, west of Fruehauf Drive. *Petitioner: ADESA Charlotte, LLC*

Attachment No. 23

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-050.htm>

24. **Petition No. 2005-56 (hearing).** Change in zoning from INST(CD) to INST(CD) SPA for approximately 30.43 acres located on the west side of Quail Hollow Road, south of Sharon Road. *Petitioner: The Young Men’s Christian Association of Greater Charlotte, Inc.*

Attachment No. 24

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-056.htm>

25. **Petition No. 2005-58 (hearing).** Change in zoning from R-17MF(CD) to O-1(CD) for approximately 2.722 acres located on the north side of York Road, west of Steele Creek Road. *Petitioner: Magnolia Station Apt., LLC*

Attachment No. 25

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-058.htm>

26. **Petition No. 2005-60 (hearing).** Change in zoning from B-1, B-2 and B-2(CD) to MUDD-O and UR-C(CD) for approximately 26.6 acres located on the west side of South Kings Drive, south of East 3<sup>rd</sup> Street, north of Baxter Street. **Petitioner: Pappas Properties Development, LLC**

Petitioner seeks 5-year vested right per section 1.110.

Attachment No. 26

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-060.htm>

27. **Petition No. 2005-61 (hearing).** Change in zoning from B-D(CD) to I-1(CD) for approximately 2.24 acres located west of Beam Road, north of Center Park Drive. **Petitioner: JDH Capital**

Attachment No. 27

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-061.htm>

28. **Petition No. 2005-48 (hearing).** Consideration of a text amendment to the City of Charlotte Zoning Ordinance to allow the Planning Commission to appoint a Hearing Committee comprised of not less than three (3) members of the Planning Commission to hear and decide appeals and variances. Appointing a Hearing Committee is an option for the Planning Commission to consider. The Planning Commission may appoint a Hearing Committee for particular cases, or may appoint a Hearing Committee to serve for a specified period of time to hear and decide appeals and variances. **Petitioner: Charlotte-Mecklenburg Planning Commission**

Attachment No. 28

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-048.htm>

29. **Petition No. 2005-49 (hearing).** Consideration of a text amendment to the City of Charlotte Zoning Ordinance to revise the definition of “reverse frontage” and to add two new definitions, “through lots” and “double frontage lots”.

To correct a reference in the definition of “subdivision” that should refer to the Zoning Ordinance, rather than the Subdivision Ordinance.

To update the final plat requirements to match the State Statute requirements and to change the number of monuments that must be established along the rear property lines of lots at a minimum of two per map, in addition to any coordinates computed from the North Carolina Plane Rectangular Coordinate System.

To clarify that the first requirement for subdividing land into lots is to verify the density requirements of the underlying zoning district are met. Once density is established, then the lots must meet all the development standards of the underlying zoning district in which the proposed subdivision is located.

***Petitioner: Charlotte-Mecklenburg Planning Commission***

Attachment No. 29

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-049.htm>

30. **Petition No. 2005-51 (hearing).** Change in zoning from I-2 to TOD-M for approximately .82 acres located on the west side of South Tryon Street, north of West Summit Avenue. ***Petitioner: Charlotte-Mecklenburg Planning Commission***

Attachment No. 30

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-051.htm>

31. **Petition No. 2005-52 (hearing).** Change in zoning from B-1 to TOD-M for approximately .28 acres located on the east corner of the intersection of South Boulevard and Rensselaer Avenue. ***Petitioner: Charlotte-Mecklenburg Planning Commission***

Attachment No. 31

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-052.htm>

**Appendix:** Residential Location and Design Assessment Matrix (G.D.P.)