

Mayor Patrick L. McCrory Mayor Pro Tem Susan Burgess
Michael Barnes John W. Lassiter
Nancy Carter Don Lochman
Andy Dulin James E. Mitchell, Jr.
Anthony Foxx Patrick Mumford
Patsy Kinsey Warren Turner

CITY COUNCIL ZONING AGENDA
Monday, February 20, 2006

4:45PM – Council/Manager Dinner
Meeting Chamber Conference Room
(Please note, earlier time due to the addition of a closed session)

5:30PM – Closed Session
Action: **Adopt a motion pursuant to NCGS 143-318.11(a)(4) to go into closed session to discuss matters relating to the location of industries or businesses in the City of Charlotte, including potential economic development incentives that may be offered in negotiations.**

6:00PM – Zoning Decisions/Hearings
Meeting Chamber

DINNER MEETING

Rezoning Update – January, February & March 2006
Debra Campbell, Planning Director

Petition Consistent with Adopted Plans

1. (Approve) MOVE that the proposed rezoning is **CONSISTENT** with the adopted comprehensive plan. As such, the amendment is reasonable and in the public interest. Therefore, **MOVE APPROVAL** of Petition No. _____.

2. (Deny) MOVE that the proposed rezoning is **CONSISTENT** with the adopted comprehensive plan. However, the amendment is not reasonable or in the public interest because (select from reasons below or state other reason). Therefore, **MOVE TO DENY** Petition No. _____.

Possible Reasons to DENY when CONSISTENT with Plan

“Although the proposed development or use is consistent with the adopted plans for the area . . .

- The proposed use seeks to over intensify or over build the site
- There are development impacts that have not been adequately addressed by the petition
- The traffic impacts are too severe on existing development to justify approval
- There are now more appropriate uses for the area than when the plan was adopted

Petition Inconsistent with Adopted Plans

3. (Deny) MOVE that the proposed rezoning is **INCONSISTENT** with the adopted comprehensive plan. As such, the amendment is not reasonable and is not in the public interest. Therefore, **MOVE TO DENY** Petition No. _____.

4. (Approve) MOVE that the proposed rezoning is **INCONSISTENT** with the adopted comprehensive plan. However, the amendment is reasonable and in the public interest because (select from reasons below or state other reason). Therefore, **MOVE APPROVAL** of Petition No. _____.

Possible Reasons to APPROVE when INCONSISTENT with Plan

“Although the proposed development or use is not consistent with the adopted plans for the area . . .

- The changes proposed in the site plan do not present a major deviation from that recommended by the plan
- The proposed use is less intense than the land use recommended by the plan
- The development pattern around the area has changed the character of the area since the adoption of the plan
- The proposed use is an innovative use that is better than what is recommended by the plan

DECISIONS

1. **Petition No. 2005-107 (decision)** by *Charlotte Truck Rental* for a change in zoning of approximately 2.36 acres located on Rozzelles Ferry Road and southeast of Coronet Way from I-2 to I-1(CD).

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

The Zoning Committee voted 5-1 to find this petition to be consistent with adopted policies and plans, and to be reasonable and in the public interest based upon the information presented in the public hearing and in the accompanying agenda materials.

The Zoning Committee voted 5-1 to recommend **APPROVAL** of this petition.

Staff agrees with the Zoning Committee recommendation.

Attachment No. 1

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-107.htm>

2. **Petition No. 2005-122 (decision)** by *Hord Properties, LLC* for a change in zoning of approximately 0.912 acres located north of the intersection of Sandy Porter Road and South Tryon Street from R-17MF to NS.

Although this petition is inconsistent with the adopted land use plan, the Zoning Committee found the petition to be reasonable and in the public interest based upon the information presented in the public hearing and in the accompanying agenda materials.

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

Staff agrees with the Zoning Committee recommendation, based on revised plan that reduces retail square footage to 4,500 square feet.

Attachment No. 2

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-122.htm>

3. **Petition No. 2006-01 (decision)** by *Charlotte-Mecklenburg Planning Commission* for adoption of a text amendment to the City of Charlotte Zoning Ordinance to change the square footage size of temporary event banners located in the UMUD zoning district from up to 200 square feet to up to 1000 square feet, or 10% of the wall area, whichever is smaller, per building wall. It also adds a requirement that a written notice of the proposed banner location, number, sizes, and duration shall be filed with Charlotte City Partners prior to issuance of a building permit.

The amendment also allows banners to be erected no sooner than seven (7) days before the major event, rather than three (3) days.

The Zoning Committee voted unanimously to recommend approval of this petition, finding the petition to be reasonable and in the public interest.

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

Staff agrees with the Zoning Committee recommendation.

Attachment No. 3

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-001.htm>

4. **Petition No. 2006-03 (decision)** by *Charlotte-Mecklenburg Planning Commission* for adoption of a text amendment to the City of Charlotte Zoning Ordinance to modify the provisions to permit compact car spaces in the MUDD, UMUD, PED, TOD, UI, and UR zoning districts in parking lots with 20 or more spaces. However, no more than 25% of the required spaces shall be designed and designated for compact cars.

The amendment also adds a new regulation to allow no more than 40% of the total provided parking spaces to be designed for compact cars.

The Zoning Committee voted unanimously to recommend approval of this petition, finding the petition to be reasonable and in the public interest.

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

Staff agrees with the Zoning Committee recommendation.

Attachment No. 4

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-003.htm>

5. **Petition No. 2006-08 (decision)** by *1927 South Tryon, LLC* for a change in zoning of approximately 1.621 acres located north of Doggett Street and southeast of South Tryon Street from I-2 to TOD-M.

The Zoning Committee voted unanimously to find this petition to be consistent with adopted policies and plans, and to be reasonable and in the public interest based upon the information presented in the public hearing and in the accompanying agenda materials.

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

Staff agrees with the Zoning Committee recommendation.

Attachment No. 5

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-008.htm>

6. **Petition No. 2006-09 (decision)** by *Charlotte-Mecklenburg Planning Commission* for a change in zoning of approximately 8.248 acres located west of South Boulevard and north of Freeland Lane from B-2 to TOD-M.

The Zoning Committee voted unanimously to find this petition to be consistent with adopted policies and plans, and to be reasonable and in the public interest based upon the information presented in the public hearing and in the accompanying agenda materials.

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

Staff agrees with the Zoning Committee recommendation.

Attachment No. 6

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-009.htm>

7. **Petition No. 2006-12 (decision)** by *Charlotte-Mecklenburg Planning Commission* for a change in zoning of approximately 8.55 acres located west of South Boulevard and east of Youngblood Street from I-2 to TOD-M.

The Zoning Committee voted unanimously to find this petition to be consistent with adopted policies and plans, and to be reasonable and in the public interest based upon the information presented in the public hearing and in the accompanying agenda materials.

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

Staff agrees with the Zoning Committee recommendation.

Attachment No. 7

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-012.htm>

8. **Petition No. 2006-13 (decision)** by *The McAlpine Company* for a change in zoning of approximately 22.9 acres located west of Lancaster Highway north of Ardrey Kell Drive from R-3 to MX-2(Innovative).

The Zoning Committee voted unanimously to find this petition to be consistent with adopted policies and plans, and to be reasonable and in the public interest based upon the information presented in the public hearing and in the accompanying agenda materials.

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition contingent upon the streets shown on the site plan as being “built to public street standards” actually being public streets but allowing the 40-foot width as an innovative standard.

Staff agrees with the Zoning Committee recommendation.

Attachment No. 8

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-013.htm>

9. **Petition No. 2006-17 (decision)** by *Charlotte-Mecklenburg Planning Commission* for adoption of a text amendment to the City of Charlotte Zoning Ordinance to add a new location provision for loading areas. Loading and unloading spaces and areas shall be located a minimum of 60’ from residentially used or zoned property. Distances shall be measured from the closest edge of the loading/unloading area to the property line of the residentially used or zoned property. These requirements would not apply in MUDD, PED, TOD-R, TOD-E, TOD-M, TOD-RO, TOD-EO, TOD-MO, TS, UI, UMUD or UR districts.

The Zoning Committee voted unanimously to recommend approval of this petition, finding the petition to be reasonable and in the public interest.

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

Staff agrees with the Zoning Committee recommendation.

Attachment No. 9

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-017.htm>

HEARINGS

10. **Petition No. 2005-85 (hearing).** Change in zoning from R-5 to UR-1(CD) for approximately 0.086 acres located to the southeast of Charles Avenue north of E. 35th Street. ***Petitioner: James and Patricia Sack***

Staff does not recommend approval of this petition.

Attachment No. 10

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-085.htm>

11. **Petition No. 2005-108 (hearing).** Change in zoning from R-4 to R-8MF(CD) for approximately 1.24 acres located on the west side of Beatties Ford Road, south of McIntyre Avenue. ***Petitioner: Maxfield Bowen***

Staff recommends approval of this petition pending resolution of the outstanding site plan issues.

Attachment No. 11

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-108.htm>

12. **Petition No. 2005-133 (hearing).** Change in zoning from R-22MF to MUDD-O for approximately 4.5 acres located west of the intersection of Briar Creek Road and Central Avenue. ***Petitioner: Central Briar Creek, LLC***

Petitioner is requesting WITHDRAWAL of this petition.

Staff recommends approval of this petition pending resolution of the outstanding site plan issues.

Attachment No. 12

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-133.htm>

13. **Petition No. 2005-169 (hearing).** Change in zoning from B-1(PED) and R-22MF(PED) to B-1(PED-O) and R-22MF(PED-O) for approximately 3.07 acres located northwest of Scott Avenue and south southwest of East Boulevard. ***Petitioner: Red Partners***

Staff recommends approval of this petition pending resolution of the outstanding site plan issues.

Attachment No. 13

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-169.htm>

14. **Petition No. 2006-02 (hearing).** Change in zoning from R-3 to UR-2(CD) for approximately 12.145 acres located west of Providence Road and south of Ardrey Kell Road. **Petitioner: John Gilchrist, East-West Partners Management**

A protest petition has been filed and is not sufficient to invoke the ¾ majority-voting rule.

Staff recommends approval of this petition pending resolution of the outstanding site plan issues.

Attachment No. 14

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-002.htm>

15. **Petition No. 2006-04 (hearing).** Change in zoning from R-3 to I-1(CD) for approximately 10.47 acres located north of Shopton Road east of Sandy Porter Road. **Petitioner: Terri and Stephen McGirt**

Staff recommends approval of this petition pending resolution of the outstanding site plan issues.

Attachment No. 15

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-004.htm>

16. **Petition No. 2006-11 (hearing).** Change in the zoning map to add a HD-O (Historic District Overlay) to the existing R-5, R-3, R-22MF and R-6MF(CD) for approximately 15.0 acres located west of Providence Road and south of Dartmouth Place. **Petitioner: Homeowners of Hermitage Court**

Staff recommends approval of this petition.

Attachment No. 16

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-011.htm>

17. **Petition No. 2006-14 (hearing).** Change in zoning from R-3, B-1(CD) and O-1(CD) to B-1(CD), B-1(CD)SPA and O-1(CD)SPA for approximately 12.83 acres located east of Sandy Porter Road, north of West Arrowood Road. **Petitioner: Merrifield Partners, LLC**

Staff does not recommend approval of this petition.

Attachment No. 17

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-014.htm>

18. **Petition No. 2006-19 (hearing).** Change in zoning from R-4 to INST(CD) for approximately 9.78 acres located north of The Plaza and east of Glenfiddich Drive. ***Petitioner: Family Support Services, Inc.***

Staff recommends approval of this petition pending resolution of the outstanding site plan issues.

Attachment No. 18

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-019.htm>

19. **Petition No. 2006-21 (hearing).** Change in zoning from R-3 to R-12MF(CD) for approximately 1.12 acres located east of John Adams Road and Interstate 85. ***Petitioner: Young Properties of Charlotte, LLC***

Staff recommends approval of this petition pending resolution of the outstanding site plan issues.

Attachment No. 19

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-021.htm>

20. **Petition No. 2006-22 (hearing).** Change in zoning from R-15MF(CD) to MUDD-O for approximately 4.91 acres located east of Sharon Road and south of Fairview Road. ***Petitioner: Live Oak Development Partnership, LLC***

A protest petition has been filed, sufficiency to be determined.

Staff recommends approval of this petition pending resolution of the outstanding site plan issues.

Attachment No. 20

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-0022htm>

21. **Petition No. 2006-23 (hearing).** Change in zoning from CC to CC(SPA) for approximately 2.13 acres located east of Steele Creek Road and north of York Road. ***Petitioner: Piedmont Companies, Inc.***

Staff recommends approval of this petition pending resolution of the outstanding site plan issues.

Attachment No. 21

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-023.htm>

22. **Petition No. 2006-24 (hearing).** Change in zoning from R-3 to MX-2(Innovative) for approximately 37.46 acres located north of Ardrey Kell Road and east of Lancaster Highway
Petitioner: Pulte Homes

Staff recommends approval of this petition pending resolution of the outstanding site plan issues.

Attachment No. 22

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-024.htm>

23. **Petition No. 2006-25 (hearing).** Change in zoning from R-17MF to O-1(CD) for approximately 0.35 acres located south of Lantana Avenue and east of Sharon Amity Road.
Petitioner: Bonnie Stafford and Sylvia Ponce

Staff recommends approval of this petition.

Attachment No. 23

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-025.htm>

24. **Petition No. 2006-27 (hearing).** Change in zoning from R-3 to UR-C(CD) for approximately 4.46 acres located at the intersection of Providence Road West and Community House Road.
Petitioner: Jeffery C. Ross

Staff recommends approval of this petition pending resolution of the outstanding site plan issues.

Attachment No. 24

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-027.htm>

25. **Petition No. 2006-28 (hearing).** Change in zoning from INST(CD) to INST(CD)SPA for approximately 26.0 acres located east of Park Road and south of Smithfield Church Road.
Petitioner: Southminster, Inc.

Staff recommends approval of this petition.

Attachment No. 25

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-028.htm>

26. **Petition No. 2006-29 (hearing).** Change in zoning from I-2 to MUDD-O for approximately 0.05 acres located north of N. Tryon Street and south of N. Church Street. **Petitioner: Theodore A. Greve**

Staff recommends approval of this petition pending resolution of the outstanding site plan issues.

Attachment No. 26

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-029.htm>

27. **Petition No. 2006-30 (hearing)**. Change in zoning from MUDD to MUDD-O for approximately 0.7 acres located southwest of E. John Belk Freeway and northeast of East Morehead Street. *Petitioner: Royal Court, LLC*

Staff recommends approval of this petition.

Attachment No. 27

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-030.htm>

28. **Petition No. 2006-31 (hearing)**. Change in zoning from UMUD to UMUD-O for approximately 1.12 acres located southwest of E. 7th Street and southeast of N. Caldwell Street. *Petitioner: Boulevard Centro*

Staff recommends approval of this petition.

Attachment No. 28

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-031.htm>

29. **Petition No. 2006-32 (hearing)**. Change in zoning from R-3 to NS for approximately 6.78 acres located southeast of Eastfield Road and west of Prosperity Church Road. *Petitioner: Merrifield Partners, LLC*

Staff does not recommend approval of this petition.

Attachment No. 29

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-032.htm>

30. **Petition No. 2006-06 (hearing)**. Change in zoning from B-1, B-2, I-1, I-2, O-2 and R-22MF to TOD-M for approximately 116.04 acres located south of John Belk Freeway and north of Kingston Avenue. *Petitioner: Charlotte-Mecklenburg Planning Commission*

Staff recommends approval of this petition.

Attachment No. 30

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-006.htm>

31. **Petition No. 2006-16 (hearing)**. Consideration of a text amendment to the City of Charlotte Zoning Ordinance to bring the Zoning Ordinance into compliance with new Senate Bill 814 and Senate Bill 518 signed by Governor Easley on 9-22-05, to be effective 1-1-06. Changes effect the following:

- Purpose statement - Revised
- Protest petitions – new rules for calculating

- Protest petitions for amendments to an adopted conditional district – Shall not 1) change the types of uses permitted; 2) increase the approved density for residential development; 3) increase the total approved size of nonresidential development; or 4) reduce the size of any buffers or screening
- No use variances permitted.
- Conditions associated with a variance must be reasonably related to the condition or circumstance that gives rise to the need for a variance.
- The Planning Commission shall provide a written comment on the consistency of the rezoning to adopted plans.
- City Council shall adopt a statement describing whether its action is consistent with adopted plans and provide an explanation why the action taken is reasonable and in the public interest.
- Conditions established for conditional zoning districts shall be limited to those that address the conformance of the development and use of the site to city ordinances and official plans. Only conditions mutually agreeable to the City Council and petitioner may be incorporated into the petition.
- Planning Commission members and City Council members shall not vote on any matter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable impact on the member.

Petitioner: Charlotte-Mecklenburg Planning Commission

Staff recommends approval of this petition.

Attachment No. 31

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-016.htm>

32. **Petition No. 2006-18 (hearing).** Consideration of a text amendment to the City of Charlotte Zoning Ordinance to amend several of the development standards for 1) planned multi-family developments, 2) urban residential districts, 3) office districts, 4) business districts, 5) mixed-use development districts, and 6) uptown mixed-use development districts.

- Add text to clarify that garages shall have a minimum setback of 20’.
- Add text to clarify that parking pads and driveways shall have a minimum length of 20’ to be consistent with Section 12.206.
- Allow stoops to extend into the 15’ area required when a private street and parking areas are near any side of a residential building used for entry. They may not extend closer than 5’ to a private street and surface parking areas.
- Clarify the standards for planned multi-family and attached developments, a single multi-family or attached building on a lot with more than 12 units when dedication of land for an abutting park or greenway is made.
- Reduce the number of required loading spaces in UR-C for 25+ multi-family or attached units from 2 to 1 space.

- Eliminate the loading space requirement in UR-C for nonresidential uses with less than 50,000.
- Reduce the number of required loading spaces in MUDD and UMUD for 25-74 multi-family units from 2 to 1 space.
- Eliminate the requirement for 3 loading spaces in MUDD and UMUD for multi-family dwellings with 75+ units.

Petitioner: Charlotte-Mecklenburg Planning Commission

Staff recommends approval of this petition.

Attachment No. 32

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-018.htm>

33. **Petition No. 2006-20 (hearing).** Consideration of a text amendment to the City of Charlotte Zoning Ordinance to clarify that retail establishments in all zoning districts (except NS, CC, MUDD(CD), UMUD(CD), B-1SCD, B-1(CD) and B-2(CD)) are permitted to have accessory outdoor sales, subject to the standards of the underlying district. This is not clearly implied in the Zoning Ordinance.

One additional modification of 12.417 only allows “tractor trailers” to be located near loading docks, not “mobile storage containers” or “trailers”.

Accessory outdoor sales in NS, CC, MUDD(CD), UMUD(CD), B-1SCD, B-1(CD) and B-2(CD) zoning districts shall meet a number of conditions, which remain unchanged in this amendment.

Petitioner: Charlotte-Mecklenburg Planning Commission

Staff recommends approval of this petition.

Attachment No. 33

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-020.htm>

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