

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, February 21, 2005

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

6:00PM – Zoning Decisions/Hearings
Meeting Chamber

DINNER MEETING

Consider Adding Petition 2005-57 by Hendrick Automotive Group, currently scheduled for April Public Hearing, to March Hearing Agenda

Rezoning Update – February, March & April 2005
Debra D. Campbell, Planning Director

DECISIONS

1. **Petition No. 2002-122 (decision)** by *City Attorney's Office* for adoption of a text amendment to the City of Charlotte Zoning Ordinance that complements the Parking on Front Lawn Ordinance, which became effective 4-1-04.

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

Attachment No. 1

http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2002+Petitions/Petition+2002_122.htm

2. **Petition No. 2004-83B (decision)** by *Donald Green* for adoption of a text amendment to the City of Charlotte Zoning Ordinance to allow funeral homes, with accessory embalming in the Institutional zoning district, with prescribed conditions. Parking standards for funeral homes are set at one space per 150 square feet in parlors and assembly areas.

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

- Funeral homes, shall have a minimum lot size of three (3) acres
- Funeral homes, as an accessory use to a cemetery of 75+ acres shall have a maximum sign size of 32 square feet.

Attachment No. 2

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2004+Petitions/2004-083.htm>

3. **Petition No. 2004-120 (decision)** by *Eastwood Development Corporation* for a change in zoning of approximately 41.24 acres located on the west side of Clifton Meadow Drive, east of Margaret Wallace Road from R-9MF(CD) to 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 **APPROVAL** of this petition. (Commissioner Johnson was recused due to a conflict of interest).

Attachment 3

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2004-Petitions/2004-120.htm>

4. **Petition No. 2004-128 (decision)** by *Charlotte-Mecklenburg Planning Commission* for adoption of a text amendment to the City of Charlotte Zoning Ordinance to create a new Transit Supportive (TS) overlay zoning district with associated development and urban design standards, to complement the existing Transit Oriented Development (TOD) zoning districts and modify the Transit Oriented Development (TOD) zoning district by eliminating certain non-transit supportive uses.

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

Attachment No. 4

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2004+Petitions/2004-128.htm>

5. **Petition No. 2004-141 (decision)** by *Robert Eric Lanier* for a change in zoning of approximately 32.76 acres located northwest of the future overpass of Interstate 85 and future Interstate 485 from R-12MF LLW-PA to I-1(CD) LLW-PA.

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

- No billboards will be permitted
- Landscaping along the frontage of Interstate 85 and 485 will consist of 4 to 5 large trees per 100 linear feet. A class “C” buffer will be required if loading docks orient to the highways.

Attachment No. 5

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2004+Petitions/2004-141.htm>

6. **Petition No. 2004-143 (decision)** by *The Drakeford Company* for a change in zoning of approximately 1 acre located on the northeast side of East 8th Street, south of North Alexander Street from UR-1 to UR-3(CD)

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

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

- Unit numbers 4, 5, 12 and 13 shall be two stories with a 30 foot height limitation. This limitation does not include the para-pit wall that will be constructed around the peripheral of a rooftop terrace. The peripheral wall is not expected to exceed five feet. The dimensions of this terrace shall be limited to half of the building footprint.
- The height limitation of the detached garages shall be 15 feet.

- Flat roofs shall be predominate roof type. The roofs over the garage and the facades of the buildings fronting 8th St. shall be pitched (a gable / a frame type is envisioned and illustrated on the elevations) in order to blend with the existing architecture.
- The following is a comprehensive list of anticipated exterior materials: brick, stone, cementitious hardi-plank, cementitious MDO siding, standard roofing materials.
- The site shall be lowered by the stated degree under the specified units: (a) units 2 & 3 – four feet (b) units 1, 6 & 7 – two feet.
- Sidewalks will meet all criterions including labeling
- A revised elevation that includes landscaping and screening of the parking area and driveways will be submitted for approval
- Neither the decks nor patios will encroach into the rear yard setback
- The site plan will contain notes limiting the development to residential uses only

Attachment No. 6

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2004+Petitions/2004-143.htm>

7. **Petition No. 2004-144 (decision)** by *Bridge Partners* for a change in zoning of approximately 2.03 acres located on the northside of East Woodlawn Road between Stacy Boulevard and Darwin Circle from R-4 to UR-2(CD).

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

- End of building elevations will be provided, including screening of HVAC units.
- The tree preservation has been improved to identify a minimum number of trees to be preserved.
- The sidewalk note has been changed to provide a functional internal sidewalk.
- A minimum of 18 feet will be provided between sidewalks and garages.
- Patio walls in fronts of units will be limited to 4½ feet in height.

Attachment No. 7

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2004+Petitions/2004-144.htm>

8. **Petition No. 2004-147 (decision)** by *Crosland, Inc.* for a change in zoning of approximately 11.8 acres located on the southside of South Tryon Street across from Erwin Road from R-3 and R-8(CD) to R-12MF(CD).

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

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

Attachment No. 8

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2004+Petitions/2004-147.htm>

9. **Petition No. 2004-148 (decision)** by *Crosland, Inc.* for a change in zoning of approximately 55.5 acres located south of Wade Ardrey Road, east of Marvin Road from R-3 to MX-2(innovative).

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

- There will be a six-foot berm along Wade Ardrey Road.
- The developer will dedicate to Mecklenburg County Parks and Recreation approximately 400 feet from the top of bank along Six-Mile Creek.
- Petitioners have agreed to the notes requested by Storm Water Services.

Attachment No. 9

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2004+Petitions/2004-148.htm>

10. **Petition No. 2004-150 (decision)** by *Sunshine House Day Care* for a change in zoning of approximately 1.96 acres located on the northeast corner of South Tryon Street and Erwin Road from R-8MF(CD) to INST(CD).

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

Attachment No. 10

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2004+Petitions/2004-150.htm>

11. **Petition No. 2005-01 (decision)** by *BP Products North America, Inc.* for a change in zoning of approximately 38.189 acres located on the west side of Prosperity Church Road, south of future Interstate-485 from CC to CC SPA.

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

Attachment No. 11

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-001.htm>

12. **Petition No. 2005-02 (decision)** by *Galleria Partners II, LLC* for a change in zoning of approximately 1.55 acres located on the east side of Monroe Road, north of Galleria Boulevard from I-1 to MUDD(CD).

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

Attachment No. 12

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-002.htm>

13. **Petition No. 2005-04 (decision)** by *Dr. Wayne C. Mercer* for a change in zoning of approximately .88 acres located on the west side of Park Road, south of Selwyn Avenue from R-22MF to O-2.

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

Attachment No. 13

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-004.htm>

14. **Petition No. 2005-06 (decision)** by *RR Management Company, LLC* for a change in zoning of approximately 13.37 acres located on the south side of Tom Sadler Road, south of Kingsway Circle from R-4 LW-PA to MX-1(innovative) LW-PA.

The Zoning Committee voted unanimously to recommend a **APPROVAL** of this petition with the following modifications (Commissioner Chiu was excused due to a conflict of interest):

- A 45-foot local residential street with a stub to the property to the south will be provided and the 40-foot connections will be changed to a cul-de sac.
- Note 3 will be reworded to include the provision of pedestrian scale lighting.
- All garages will be located at least 20-feet from the outside edge of the sidewalk.
- Innovative requests under the Ordinance will include street right-of-way widths, street type and dimension and possible construction standards, lot size, lot setback, side and rear yards, lot width and possibly open space elements but not open space size).
- The site will be designed to utilize the existing ponds as part of the water management for the site where practical.
- The exterior siding of all homes exclusive of doors, windows and window frames, dormers, and gables will be composed of a combination of building materials including brick, stone, or other similar durable masonry product, wood or other durable produce and will exclude the use of vinyl siding.
- The development will be furnished with uniform mailboxes.
- No commercial vehicle parking will be permitted.
- A home owners association will be established for the entire community to enforce these and other covenants and restrictions.
- Any homes that may be constructed on a slab foundation will be constructed so that the portion of the foundation that faces the street will have the appearance of a raised foundation through the use of brick, stone, or other similar products, which will also be used for foundation treatments elsewhere in the development.

Attachment No. 14

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-006.htm>

15. **Petition No. 2005-07 (decision)** by *Land Use and Environmental Services Agency* for adoption of a text amendment to the City of Charlotte Zoning Ordinance to allow off-premise major event banners. Currently, the Zoning Ordinance addresses only on-premise signs: Section 13.106(12) permits on-premise, temporary, special event signs/banners for religious, charitable, civic, fraternal, or similar organizations, without a permit. Section 13.106(13) permits on-premise, temporary banners in non-residential districts, without a permit.

This text amendment would permit Off-premise, Major Event Banners that would require a permit. A Major Event Banner is one that informs the public of major events, open to the public, with community-wide interest or regional significance. Major events may include, but are not limited to, religious, educational, charitable, civic, fraternal, sporting, or similar events including, but not limited to, golf tournaments, festivals, and major or seasonal sporting events. No advertising copy is permitted on these banners other than up to 10% of the banner area can include the name of the sponsors/supporters, logos, recognized trademarks, symbols, or a description of the products, services, or activities provided by the sponsor/supporter. A number of requirements are detailed that relate to when, where, and how the banners may be displayed.

Because Uptown Charlotte is unique, this text amendment also permits Off-premise, Major Event Banners in the Uptown Mixed-Use zoning district (UMUD), however, the restrictions on size and height have been relaxed to allow larger banners, without a height limitation.

The Zoning Committee voted unanimously to **DEFER** this petition for **ONE-MONTH**.

Attachment No. 15

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-007.htm>

16. **Petition No. 2005-12 (decision)** by *Hawkins & West, LLC* for a change in zoning of approximately .61 acres located on the north side of North Graham Street, west of the Brookshire Freeway from UR-C to MUDD.

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

Attachment No. 16

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-012.htm>

17. **Petition No. 2005-13 (decision)** by *Charlotte Department of Transportation* for adoption of a text amendment to the City of Charlotte Zoning Ordinance to add requirements to provide short and long-term bicycle parking based on the demand generated by the different use categories and on the level of security necessary to encourage the use of bicycles for short and long stays. These regulations will help meet the City's Smart Growth goals for transportation, in particular to make the City a friendlier place for all modes of travel.

The Zoning Committee voted unanimously to recommend **DEFERRAL** of this petition for one-month.

Attachment No. 17

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-013.htm>

18. **Petition No. 2005-15 (decision)** by *Carl and Thelma Moore* for a change in zoning of approximately 1.7 acres located on the east side of Lucena Street south of Norris Avenue from I-2 to I-1.

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

Attachment No. 18

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-015.htm>

19. **Petition No. 2005-16 (decision)** by *Harris-Murr and Vermillion / AAA Automark Car Care* for approximately 1.2 acres located on the north side of Albemarle Road, west of Central Avenue from O-1 to B-2(CD).

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

Attachment No. 19

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-016.htm>

HEARINGS

20. **Petition No. 2004-106 (hearing).** Change in zoning from O-2 to MUDD(CD) for approximately 1.34 acres located on the southwest corner of Park Road and Heather Lane. *Petitioner: The Reservoir Company, LLC*

Attachment No. 20

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

21. **Petition No. 2004-109 (hearing).** Change in zoning from R-3 to R-4(CD) for approximately 86 acres located west of Browne Road, south of Eastfield Road, at the end of Hedge Maple Road. *Petitioner: Gulf South Development*

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

Petitioner is requesting a one-month deferral.

Attachment No. 21

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

22. **Petition No. 2004-114 (hearing).** Change in zoning from R-22MF to UR-3(CD) for approximately .97 acres located on the south east corner of the intersection of North Laurel Avenue and Randolph Road. *Petitioner: The Boulevard 2000 LLC*

Attachment No. 22

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2004+Petitions/2004-114.htm>

23. **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. 23

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

24. **Petition No. 2004-136 (hearing).** Change in zoning from R-3 LLW-PA to B-2(CD) LLW-PA for approximately 3.741 acres located east of the intersection of Moores Chapel Road and Belmeade Drive. *Petitioner: Jordan Washburn*

Attachment No. 24

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2004+Petitions/2004-136.htm>

25. **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: Richard Ramey*

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

Petitioner is requesting a one-month deferral.

Attachment No. 25

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

26. **Petition No. 2005-09 (hearing).** Change in zoning from R-3 to INST(CD) for approximately 1.40 acres located on the southeast side of Eastfield Road, south of Arbor Creek Drive. *Petitioner: Don Henderson*

Attachment No. 26

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

27. **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 a one-month deferral.

Attachment No. 27

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

28. **Petition No. 2005-17 (hearing).** Change in zoning from R-5 to TOD-R(O) for approximately .45 acres located north of the intersection of McDonald Avenue and Euclid Avenue. *Petitioner: Lofts Dilworth, LLC*

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

Attachment No. 28

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-017.htm>

29. **Petition No. 2005-19 (hearing).** Change in zoning from B-2 to TOD-M for approximately .5799 acres located on the southeast side of South Boulevard, north of Ideal Way. *Petitioner: HJF South, LLC*

Attachment No. 29

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-019.htm>

30. **Petition No. 2005-20 (hearing).** Change in zoning from UMUD to UMUD-O for approximately 11 acres located north of the intersection of North Caldwell Street and East Trade Street. *Petitioner: Charlotte Arena Operations, LLC*

Attachment No. 30

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-020.htm>

31. **Petition No. 2005-24 (hearing).** Change in zoning from I-1, O-1(CD) and R-3 to O-1(CD) and MX-1(Innovative) for approximately 78.4 acres located west of W.T. Harris, south of Rocky River Road. *Petitioner: Landcraft / Joseph W. Grier, Jr.*

Attachment No. 31

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

32. **Petition No. 2005-26 (hearing).** Change in zoning from NS to NS SPA for approximately 6.6 acres located on the south side of Johnston Road, east of Lancaster Highway. *Petitioner: Crosland Commercial, Inc.*

Attachment No. 32

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-026.htm>

33. **Petition No. 2005-30 (hearing).** Change in zoning from R-4 to R-12MF(CD) for approximately 2.02 acres located on the west side of Park Road, south of Marsh Road. *Petitioner: 3234 Park Road, LLC.*

Attachment No. 33

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

34. **Petition No. 2005-31 (hearing).** Change in zoning from MUDD-O to MUDD-O SPA for approximately 14.6 acres located on the west side of W.T. Harris Boulevard, east of North Tryon Street. *Petitioner: The Ghazi Company*

Attachment No. 34

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-031.htm>

35. **Petition No. 2005-33 (hearing).** Change in zoning from I-1 to CC for approximately 14.89 acres located west of Statesville Avenue, north of W.T. Harris Boulevard. *Petitioner: CENTDEV Properties, LLC / Dale Tweedy*

Attachment No. 35

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-033.htm>

36. **Petition No. 2005-38 (hearing).** Change in zoning from B-D(CD) and I-1(CD) to O-1 for approximately 6 acres located on the west side of Rose Lake Drive, south of Cross Beam Drive. *Petitioner: World Worship Center*

Attachment No. 36

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-038.htm>

37. **Petition No. 2004-137 (hearing).** Consideration 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.

Petitioner: Charlotte-Mecklenburg Planning Commission

Staff is requesting a one-month deferral while the City Attorney’s Office investigates recent case law regarding flags.

Attachment No. 37

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

38. **Petition No. 2005-18 (hearing).** Consideration of a text amendment to the City of Charlotte Zoning Ordinance to prevent large commercial vehicles from parking in residential neighborhoods. Currently, large commercial vehicles are prohibited from parking overnight in all residential neighborhoods. This does not prevent the parking of large commercial vehicles in residential neighborhoods during the remaining 16 hours of the day. Truck drivers work at night as well as during the day.

This amendment deletes the word “overnight” to protect residential neighborhoods 24-hours a day.

Petitioner: Land Use and Environmental Services Agency.

Attachment No. 38

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-018.htm>

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