

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
Tuesday, January 17, 2006

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

6:00PM – Zoning Decisions/Hearings
Meeting Chamber

DINNER MEETING

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

DECISIONS

1. **Petition No. 2005-047 (decision)** by *Charlotte-Mecklenburg Planning Commission* for adoption of a text amendment to the City of Charlotte Zoning Ordinance to revise the definition of “lot types”, “non-conforming vacant lots”, “common open space” and add a new definition for “irregular lots”.

To revise Section 7.105, “Non-conforming vacant lots” by stating that a non-conforming vacant lot shall not be used if it can be combined with adjoining lot(s) owned by the same person in order to create conforming lot(s). Also clarify non-conforming vacant lots are those as of the effective date of the regulations.

To revise Section 9.201 and 9.205(1) to clarify that density is the first standard that controls the number of dwelling units allowed on a parcel. Once density is determined, lots must meet the Zoning Ordinance requirements. Language has been moved out of a footnote and placed in the table of Section 9.205(1). Other added regulations provide exemptions for some existing lots of record, and provide requirements for reestablished or reconfigured lots,

Add a new subsection to 9.205(4) regarding irregular lot requirements regarding width.

To add a new subcategory to Table 12.202, “Minimum Required Parking Spaces by Use” for retail establishments over 100,000 square feet in size, which will require one parking space per 330 square feet.

The Zoning Committee voted unanimously to recommend **DEFERRAL** of this petition until January 9, 2006, at which time they will hold a special meeting to take action. At it’s January 9th Meeting, the Zoning Committee voted unanimously to recommend removal of the portion of the text amendment addressing irregular lots and approval of the remaining.

Staff agrees with the Zoning Committee recommendation.

Attachment No. 1

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-047.htm>

2. **Petition No. 2005-129 (decision)** by *Gandy Communities, Inc.* for a change in zoning of approximately 142 acres located northeast of the intersection of Hucks Road and Arthur Davis Road from R-3, R-4 and I-1 to MX-3.

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

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

- If the alternative without the pond is developed, a vehicular connection will be constructed from the western “village center “A”” road to local residential street “F”.

- The petitioner will spend up to \$18,000 to construct the sidewalk to the Spring Park subdivision if right-of-way is provided to them, or a contribution of \$21,000 will be made to CDOT for building the sidewalk during the future widening of Hucks Road.
- The developer will contribute \$70,200 to CMS to specifically offset impacts to North Mecklenburg High School

Staff agrees with the Zoning Committee recommendation.

Attachment No. 2

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-129.htm>

3. **Petition No. 2005-140 (decision)** by *The Boulevard 2000, LLC* for a change in zoning of approximately 4.51 acres located west of North Wendover Road and northeast of Wendwood Lane from R-3 to UR-2(CD).

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

- The revised site plan will indicate open space instead of dwelling units along the southern property line.
- The twenty foot setback along North Wendover Road will be measured from the future right-of-way.

Staff agrees with the Zoning Committee recommendation.

Attachment No. 3

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-140.htm>

4. **Petition No. 2005-150 (decision)** by *Mt. Holly Developer, LLC*. for a change in zoning of approximately 131.26 acres located north and east of Rhyne Road and south of Mount Holly Road from I-1 and R-3 to CC, B-2(CD) and MX-2.

A protest petition has been filed, but was subsequently withdrawn.

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

- Space will be reserved for a police sub-station for two years from commencement of construction to work out an arrangement with Charlotte-Mecklenburg Police at their discretion.
- All residential units, with the exception of the 192 units to the east of Interstate 485, are “for sale” products only.
- All remaining CDOT issues are to be resolved prior to the City Council vote.

Staff agrees with the recommendation of the Zoning Committee.

Attachment No. 4

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-150.htm>

5. **Petition No. 2005-151 (decision)** by *TALCO Express* for a change in zoning of approximately 0.75 acres located east of Statesville Road and north of Winslow Drive from R-4 to B-1(CD).

Two protest petitions have been filed and are sufficient to invoke ¾ majority-voting rule.

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

Staff agrees with the recommendation of the Zoning Committee.

Attachment No. 5

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-151.htm>

6. **Petition No. 2005-155 (decision)** by *Charlotte-Mecklenburg Planning Commission* for a change in zoning of approximately 1.03 acres located south of Doggett Street and west of Hawkins Street from I-2 to TOD-M.

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

Staff agrees with the recommendation of the Zoning Committee.

Attachment No. 6

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-155.htm>

7. **Petition No. 2005-156 (decision)** by *York Development Group, LLC* for a change in zoning of approximately 11.7 acres located east of Lancaster Highway and north of Providence Road West from O-1(CD) and B-1(CD) to NS.

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition, **contingent upon** the storm water management plan being satisfactory to Storm Water Services. The recommendation is also based upon the following modifications:

- The tree preservation plan submitted by the petitioner's certified arborist will be made part of the site plan and followed by the developer.
- The "extended" parking area and dumpster north of Building "A" will be removed to allow for more tree save area.

Staff agrees with the recommendation of the Zoning Committee.

Attachment No. 7

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-156.htm>

8. **Petition No. 2005-157 (decision)** by *Zetas of Charlotte Benevolent Foundation* for a change in zoning of approximately 2.26 acres located east of Beatties Ford Road and south of Slater Ridge Drive from R-4 to INST(CD).

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

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

- The building area will be limited to a maximum of 18,000 square feet with future development being limited to the inside side yard, setbacks, buffers and rearyard. Future buildings will be residential in character and the Planning Commission staff will review elevation.
- The allowable land uses were further limited.
- No parking will be located between the residential structures and any new buildings or existing roads.
- The existing trees will be preserved.
- A driveway to Slater will be required once 10,000 square feet of development occurs on the site.

Staff agrees with the Zoning Committee recommendation.

Attachment No. 8

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-157.htm>

9. **Petition No. 2005-159 (decision)** by *Marvel Investments, LLC* for a change in zoning of approximately 11.48 acres located north of Mallard Creek Road and west of Interstate 85 from R-3 to R-8(CD).

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

- The petitioner agreed to provide the two stub streets to the east and a trail to the future school site.

Staff agrees with the Zoning Committee recommendation.

Attachment No. 9

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-159.htm>

10. **Petition No. 2005-160 (decision)** by *Squirrel Investments, LLC* for a change in zoning of approximately 0.231 acres located south of North Davidson Street and east of East 37th Street from R-5 to UR-3(CD).

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

- The developer will provide roll out waste containers
- A parking space that created a conflict with the sidewalk circulation system was eliminated.

Staff agrees with the Zoning Committee recommendation.

Attachment No. 10

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-160.htm>

11. **Petition No. 2005-161 (decision)** by *Terry Birch* for a change in zoning of approximately 10.83 acres located east of Rea Road and north of Pineville-Matthews Road from R-3 and R-8MF(CD) to UR-2(CD).

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

Staff agrees with the Zoning Committee recommendation.

Attachment No. 11

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-161.htm>

12. **Petition No. 2005-162 (decision)** by *Tuscan Developments* for a change in zoning of approximately 7.64 acres located south of Carmel Road and west of Colony Road from R-3 to UR-2(CD).

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

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

- A conservation easement or similar instrument will be created to keep the 101-foot strip along Carmel Road undisturbed.
- Any trees in the 30-foot buffer along Colony Road that may be destroyed by storms, etc. will be replaced.

Staff agrees with the Zoning Committee recommendation.

Attachment No. 12

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-162.htm>

13. **Petition No. 2005-163 (decision)** by *Charlotte-Mecklenburg Planning Commission* for adoption of a text amendment to the City of Charlotte Zoning Ordinance to allow ground mounted or monument signs in the MUDD zoning district, with prescribed conditions. Signs would not exceed 5 ft. in height and 20 square feet in area. A bonus of 4 square feet in size (20%) shall be permitted if the sign is lit 100% by neon light. Signs would be located a minimum of 5' behind the proposed right-of-way, and out of any sight distance triangle, and behind the minimum setback.

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

Staff agrees with the Zoning Committee recommendation.

Attachment No. 13

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-163.htm>

14. **Petition No. 2005-165 (decision)** by *Solus Carnegie Charlotte, LLC* for a change in zoning of approximately 5.01 acres located south of Carnegie Boulevard and west of Barclay Downs Drive from O-1 to MUDD-O.

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

Staff agrees with the Zoning Committee recommendation.

Attachment No. 14

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-165.htm>

15. **Petition No. 2005-166 (decision)** by *Trinity Partners* for adoption of a text amendment to the City of Charlotte Zoning Ordinance to allow flexibility on the location of required on-site parking spaces subject to the provision of a well-defined pedestrian pathway system and/or a shuttle bus service and subject to the review and approval of a specific site plan by the Planning Director.

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

Staff agrees with the Zoning Committee recommendation.

Attachment No. 15

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-166.htm>

16. **Petition No. 2005-168 (decision)** by *Beacon Harris Ridge, LLC* for a change in zoning of approximately 15.94 acres located north of Lakeview Road and west of W. W.T. Harris Boulevard from I-1 and I-2 to I-1(CD).

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

Staff agrees with the Zoning Committee recommendation.

Attachment No. 16

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-168.htm>

HEARINGS

17. **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 cannot support this petition.

Attachment No. 17

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

18. **Petition No. 2005-107 (hearing)**. Change in zoning from I-2 to I-1(CD) for approximately 2.36 acres located on Rozzelles Ferry Road and southeast of Coronet Way. ***Petitioner: Charlotte Truck Rental***

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. 18

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

19. **Petition No. 2005-167 (hearing).** Change in zoning from R-3, R-5(CD) and R-8MF(CD) to R-12MF(CD) for approximately 54.23 acres located west of I-77 and east of Reames Road. **Petitioner: Charter Properties, Inc.**

Petitioner is requesting a ONE-MONTH deferral of this petition.

A protest petition has been filed and is sufficient to invoke the 3/4 majority-voting rule.

Staff cannot support this petition.

Attachment No. 19

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-167.htm>

20. **Petition No. 2005-169 (hearing).** Change in zoning from B-1 and R-22MF to B-1(PED-O) and R-22MF(PED-O) for approximately 3.58 acres located northwest of Scott Avenue and south southwest of East Boulevard. **Petitioner: Red Partners**

Petitioner is requesting a ONE-MONTH deferral of this petition.

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/2005+Petitions/2005-169.htm>

21. **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**

Petitioner is requesting a ONE-MONTH deferral of this petition.

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/2006-004.htm>

22. **Petition No. 2006-08 (hearing).** Change in zoning from I-2 to TOD-M for approximately 1.621 acres located north of Doggett Street and southeast of South Tryon Street. **Petitioner: 1927 South Tryon, LLC**

Staff recommends approval of this petition.

Attachment No. 22

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

23. **Petition No. 2006-11 (hearing).** Change in zoning from R-5, R-3, R-22MF and R-6MF(CD) to R-5, R-3, R-22MF, R-6MF(CD) with Historic District Overlay 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. 23

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

24. **Petition No. 2006-13 (hearing).** Change in zoning from R-3 to MX-2(Innovative) for approximately 22.9 acres located west of Lancaster Highway north of Ardrey Kell Drive. ***Petitioner: The McAlpine Company***

Staff recommends deferral of this petition. A subdivision variance to not extend the existing stub street will be required before this petition will be appropriate to go to public hearing. Therefore, this petition needs to be deferred until the subdivision variance has been obtained.

Attachment No. 24

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

25. **Petition No. 2006-01 (hearing).** Consideration 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.

Petitioner: Charlotte-Mecklenburg Planning Commission

Staff recommends approval of this petition.

Attachment No. 25

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

26. **Petition No. 2006-03 (hearing).** Consideration 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.

Petitioner: Charlotte-Mecklenburg Planning Commission

Staff recommends approval of this petition.

Attachment No. 26

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

27. **Petition No. 2006-06 (hearing).** Change in zoning from B-1, B-2, I-1, I-2, O-2 and R-22MF(CD) to TOD-M for approximately 119.46 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. 27

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

28. **Petition No. 2006-09 (hearing).** Change in zoning from B-2 to TOD-M for approximately 8.248 acres located west of South Boulevard and north of Freeland Lane. ***Petitioner: Charlotte-Mecklenburg Planning Commission***

Staff recommends approval of this petition.

Attachment No. 28

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

29. **Petition No. 2006-12 (hearing).** Change in zoning from I-2 to TOD-M for approximately 8.55 acres located west of South Boulevard and east of Youngblood Street. ***Petitioner: Charlotte-Mecklenburg Planning Commission***

Staff recommends approval of this petition.

Attachment No. 29

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

30. **Petition No. 2006-17 (hearing).** Consideration 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. *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/2006-017.htm>

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