

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, December 19, 2005

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

6:00PM – Zoning Decisions/Decisions
Meeting Chamber

DINNER MEETING

Update On Temporary Housing For Katrina Evacuees

Rezoning Update – December 2005, January & February 2006
Debra D. Campbell, Planning Director

LANDMARK DESIGNATION HEARINGS AND ADOPTION

1. (A) Hearing to consider designation of the property known as the “**Elizabeth Lawrence House and Garden**” (listed under Tax Parcel Number 15114210 as of September 1, 2005, and including the interior and the exterior of the house, the features and landscape of the garden, and the parcel of land listed under Tax Parcel Number 15114210 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of September 1, 2005) as a Historic Landmark. The property is owned by Mary Lindeman Wilson and is located at 348 Ridgewood Avenue in Charlotte, North Carolina.
- (B) Adopt an ordinance designating the “**Lawrence House and Garden**” as a Historic Landmark.

Attachment No. 1

2. (A) Hearing to consider designation of the property known as the “**McQuay House**” (listed under Tax Parcel Numbers 06504211, 06504204, and 06504205 as of September 1, 2005, and including the interior and the exterior of the house and the garage, and the parcels of land listed under Tax Parcel Numbers 06504211, 06504204, and 06504205 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of September 1, 2005) as a Historic Landmark. The property is owned by Edgar McQuay, James Newton McQuay, Martha McQuay, and Jack Threatt, and is located at 3200 Tuckaseegee Road in the City of Charlotte, North Carolina.
- (B) Adopt an ordinance designating the “**McQuay House**” as a Historic Landmark.

Attachment No. 2

3. (A) Hearing to consider designation of the property known as the “**Samuel Neel House**” (listed under Tax Parcel Number 19921101 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of September 1, 2005, and including the interior and the exterior of the house, all outbuildings, and the parcel of land as shown on the attached map) as a Historic Landmark. The property is owned by Hannah W. Craighill, and is located at 10240 Withers Road in the City of Charlotte, North Carolina.
- (B) Adopt an ordinance designating the “**Samuel Neel House**” as a Historic Landmark.

DECISIONS

4. **Petition 2005-139 (decision)** by *Rob Hottfried* for a change for approximately 0.25 of an acre located south of the intersection of E 7th Street and Lamar Avenue; northeast of Park Drive in zoning from B-1 to MUDD-O.

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/2005+Petitions/2005-139.htm>

HEARINGS

5. **Petition No. 2005-85 (hearing)**. Change in zoning from R-5 to UR-1(CD) for approximately .335 acres located to the southeast of Charles Avenue north of East 35th Street.
Petitioner: James and Patricia Sack

Staff recommends **DENIAL** of this petition.

Attachment No. 5

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

6. **Petition 2005-129 (hearing)**. Change in zoning from R-3, R-4 and I-1 to MX-3 for approximately 142 acres located northeast of the intersection of Hucks Road and Arthur Davis Road. *Petitioner: Gandy Communities Inc.*

Staff recommends **APPROVAL** of this petition.

Attachment No. 6

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

7. **Petition 2005-140 (hearing)**. Change in zoning from R-3 to UR-2(CD) for approximately 4.51 acres located west of North Wendover Road and northeast of Wendwood Lane *Petitioner: The Boulevard 2000, LLC*

Staff recommends **APPROVAL** of this petition pending resolution of the outstanding site plan issues

Attachment No. 7

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

8. **Petition 2005-150 (hearing).** Change in zoning from I-1 and R-3 to CC, B-2(CD) and MX-2 for approximately 131.26 acres located north and east of I-485 and south of Mount Holly Road
Petitioner: Mt Holly Developers, LLC

Staff recommends **APPROVAL** of this petition.

Attachment No. 8

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

9. **Petition No. 2005-151 (hearing).** Change in zoning from R-4 to B-1(CD) for approximately 0.75 of an acre located east of Statesville Road and north of Winslow Drive
Petitioner: TALCO Express

Staff recommends **DENIAL** of this petition.

Attachment No. 9

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

10. **Petition 2005-155(hearing).** Change in zoning from I-2 to TOD-M for approximately 1.03 acres located south of Doggett Street and west of Hawkins Street. *Petitioner: Charlotte Mecklenburg Planning Commission*

Staff recommends **APPROVAL** of this petition.

Attachment No. 10

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

11. **Petition 2005-156 (hearing).** Change in zoning from O-1(CD) and B-1(CD) to NS for approximately 11.7 acres located east of Lancaster Highway and north of Providence Road West.
Petitioner: York Development Group, LLC

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/2005-156htm>

12. **Petition 2005-157(hearing).** Change in zoning from R-4 to INST (CD) for approximately 2.26 acres located east of Beatties Ford Road and south of Slater Ridge Drive. *Petitioner: Zetas of Charlotte Benevolent Foundation*

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/2005-157htm>

13. **Petition 2005-159 (hearing).** Change in zoning from R-3 to R-8(CD) for approximately 11.48 acres located north of Mallard Creek Road and west of Interstate 485. *Petitioner: Marvel Investments, LLC*

Staff recommends **APPROVAL** of this petition.

Attachment No. 13

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

14. **Petition 2005-160 (hearing).** Change in zoning from R-5 to UR-3(CD) for approximately 0.231 of an acre located south of North Davidson Street and east of East 37th Street. *Petitioner: Squirrel Investments, LLC*

Staff recommends **APPROVAL** of this petition.

Attachment No. 14

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

15. **Petition 2005-161(hearing).** Change in zoning from R-3, R-100 and R-8MF (CD) to UR-2(CD) for approximately 10.83 acres located east of Rea Road and north of Pineville-Matthews Road. *Petitioner: Terry Birch*

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/2005+Petitions/2005-161htm>

16. **Petition 2005-162 (hearing).** Change in zoning from R-3 to UR-2(CD) for approximately 7.64 acres located south of Carmel Road and west of Colony Road. *Petitioner: Tuscan Development*

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

Attachment No. 16

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

17. **Petition 2005-164 (hearing).** Change in zoning from UR-2(CD) to UR-3(CD) s.p.a. for approximately 1.04 acres located northeast of 8th Street and northwest of North Myers Street. *Petitioner: Robert T. Drakeford*

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

Attachment No. 17

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-164htm>

18. **Petition 2005-165 (hearing).** Change in zoning from O-1 to MUDD-O for approximately 5.01 acres located south of Carnegie Boulevard and west of Barclay Downs Drive. *Petitioner: Solus Carnegie Charlotte, LLC*

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/2005-165htm>

19. **Petition 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.*

Staff recommends **DENIAL** of this petition.

Attachment No. 19

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

20. **Petition 2005-168(hearing).** Change in zoning from I-1 and I-2 to I-1(CD) for approximately 15.94 acres located North of Lakeview Road and West of West WT Harris Boulevard. *Petitioner: Beacon Harris Ridge, LLC*

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/2005-168htm>

21. **Petition 2005-169(hearing).** Change in zoning from B-1 PED to B-1 PED-O for approximately 1.43 acres located northwest of Scott Avenue and south, southwest of East Boulevard. *Petitioner: Red Partners*

Staff recommends **APPROVAL** of this petition.

Attachment No. 21

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

22. **Petition No. 2005-47 (hearing).** Consideration of a text amendment to the City of Charlotte Zoning Ordinance to revise the definition of “lot types”, “non-conforming vacant lots”, “open space”, “common open space”, and add a new definition for “irregular lots”.

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). Clarify what a non-conforming vacant lot is.

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 regulations regarding irregular lot requirements regarding width.

Add a new subcategory to Table 12.202, “Minimum Required Parking Spaces by Use” for retail establishments over 100,000 square feet in size. *Petitioner: Charlotte-Mecklenburg Planning Commission*

Staff recommends **APPROVAL** of this petition.

Attachment No. 22

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

23. **Petition 2005-163(hearing).** Text amendment to the City of Charlotte Zoning Ordinance to allow ground mounted or monument signs in the MUDD zoning district with prescribed conditions. *Petitioner: Charlotte Mecklenburg Planning Commission*

Staff recommends **APPROVAL** of this petition.

Attachment No. 23

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

24. **Petition 2005-166(hearing).** Text amendment to the City of Charlotte Zoning Ordinance to allow flexibility for the location of required on-site parking spaces. *Petitioner: Trinity Partners*

Staff recommends **APPROVAL** of this petition.

Attachment No. 24

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

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