

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, May 16, 2005***

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

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

***DINNER MEETING***

***Rezoning Update – May, June & July 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 **TWO-MONTH DEFERRAL** of this petition, at the petitioner's request.

Staff recommends a two-month deferral of this petition.

Attachment No. 1

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

2. **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has been filed and found sufficient to invoke the ¾ majority-voting rule, but this petition has subsequently been withdrawn.*

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. 2

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

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

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

- The square footages have been corrected to allow 23,000 square feet of retail, 85,000 square feet of office and 12,000 square feet for restaurants.
- The parking calculation has been corrected to reflect these new square footages.
- A note has been added indicating that staff can administratively reduce the required parking if it determines that the proposed parking is excessive.
- The petition number on the plan has been corrected.
- CDOT comments have been addressed.

Staff recommends approval of this petition with modifications as noted.

Attachment No. 3

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

4. **Petition No. 2005-29 (decision)** by *William B. Hawfield, Jr. and 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 has been filed and found sufficient to invoke the 3/4 majority-voting rule, but this petition has subsequently been withdrawn.*

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

- The drawing for the lake will be clarified and safety devices (fence) installed if needed.
- The confusing note regarding the park & ride will be clarified.
- Dumpster/compactor/recycling locations will be added to the plan along with a note regarding screening.
- The petitioner commits to work with CATS on the need, location and size for a future park & ride site.
- Petitioner will address LUESA construction and grading comments.

The only outstanding issue is the removal of the lease associated with the park & ride lot. Staff recommends deferral of this petition until Petition No. 2005-65 has received a public hearing (scheduled for June). If the petition is not deferred, staff recommends denial since this additional retail is not justified.

Attachment No. 4

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

5. **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 **APPROVAL** of this petition contingent upon Staff and the Petitioner reaching an agreement on development phasing based on the realignment of Seaboard Street.

Staff recommends approval of this petition with contingencies as noted above.

Attachment No. 5

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

6. **Petition No. 2005-48 (decision)** by *Charlotte-Mecklenburg Planning Commission* for adoption of a text amendment to the City of Charlotte Zoning Ordinance to allow the Planning Commission the option of appointing the Zoning Committee as a Hearing Committee to hear and decide appeals and variances.

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

Staff recommends approval of this petition.

Attachment No. 6

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

7. **Petition No. 2005-49 (decision)** by *Charlotte-Mecklenburg Planning Commission* for adoption 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.

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

Staff recommends approval of this petition.

Attachment No. 7

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

8. **Petition No. 2005-50 (decision)** by *ADESA Charlotte, LLC* for a change in zoning of approximately 50 acres located on the south side of Westinghouse Boulevard, west of Fruehauf Drive from I-2 to I-1.

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/2005-050.htm>

9. **Petition No. 2005-51 (decision)** by *Charlotte-Mecklenburg Planning Commission* for a change in zoning of approximately .82 acres located on the west side of South Tryon Street, north of West Summit Avenue from I-2 to TOD-M.

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/2005-051.htm>

10. **Petition No. 2005-52 (decision)** by *Charlotte-Mecklenburg Planning Commission* for a change in zoning of approximately .28 acres located on the east corner of the intersection of South Boulevard and Rensselaer Avenue from B-1 to TOD-M.

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/2005-052.htm>

11. **Petition No. 2005-56 (decision)** by *Young Men's Christian Assn. of Greater Charlotte, Inc.* for a change in zoning of approximately 30.43 acres located on the west side of Quail Hollow Road, south of Sharon Road from INST(CD) to INST(CD) SPA.

The Zoning Committee's motion to approve resulted in a 3-3 tie vote. This results in an **automatic ONE-MONTH DEFERRAL** of this petition.

Staff recommends a one-month deferral of this petition.

Attachment No. 11

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

12. **Petition No. 2005-58 (decision)** by *Magnolia Station Apts., LLC*. for a change in zoning of approximately 2.722 acres located on the north side of York Road, west of Steele Creek Road from R-17MF(CD) to O-1(CD).

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

Staff recommends approval of this petition.

Attachment No. 12

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

13. **Petition No. 2005-60 (decision)** by *Pappas Properties Development, LLC*. for a change in zoning of 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 from B-1, B-2 and B-2(CD) to MUDD-O and UR-C(CD).

Petitioner seeks 5-year vested right per section 1.110.

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

- The right to increase the amount of authorized commercial space by converting residential units is limited to 25 units.
- The Petitioner has the right to seek a variance regarding parking and signage for the UR-C portion of the site.
- The Petitioner will change the signage package in response to Staff comments.
- Petitioner has submitted schematics for the drive thru use within Component C.

Staff recommends approval of this petition with modifications as noted.

Attachment No. 13

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

14. **Petition No. 2005-61 (decision)** by *JDH Capital* for a change in zoning of approximately 2.24 acres located west of Beam Road, north of Center Park Drive from B-D(CD) to I-1(CD).

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/2005-061.htm>

## ***HEARINGS***

15. Approve a resolution setting a public hearing for June 20, 2005 at 6:00 PM on the question of historic designation of the “**Carolina Cadillac Company**” and land as an Historic Landmark.

Attachment 15

16. Approve a resolution setting a public hearing for June 20, 2005 at 6:00 PM on the question of historic designation of the “**George Stephens House**” and land as an Historic Landmark.

Attachment 16

17. Approve a resolution setting a public hearing for June 20, 2005 at 6:00 PM on the question of historic designation of the “**Hovis Funeral Home Building**” and land as an Historic Landmark.

Attachment 17

18. Approve a resolution setting a public hearing for June 20, 2005 at 6:00 PM on the question of historic designation of the “**Standard Oil Company of New Jersey Filling Station**” and land as an Historic Landmark.

Attachment 18

19. **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 invoke ¾ majority-voting rule.*

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

Attachment No. 19

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

20. **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*

Staff recommends approval of this petition upon resolution of outstanding TIS issues and the prior granting of required variances.

Attachment No. 20

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

21. **Petition No. 2005-08 (hearing).** Change in zoning from R-17MF to O-1(CD) for approximately .80 acres located on the southside of Central Avenue, west of Progress Lane. *Petitioner: Charles M. Antonucci and Victoria Gonzalez*

Staff recommends denial of this petition as this request is considered to be inappropriate for approval from a land use perspective.

Attachment No. 21

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-008.htm>

22. **Petition No. 2005-14 (hearing).** Change in zoning from INST(CD)LW-CA, R-5LW-CA, I-2LW-CA and R-MH LW-CA to MX-2 (innovative) LW-CA and NS LW-CA for approximately 596.46 acres located on both sides of Amos Smith Road, south of Old Dowd Road. *Petitioner: Provident Development Group*

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

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

Attachment No. 22

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-014.htm>

23. **Petition No. 2005-53 (hearing).** Change in zoning from I-2(CD) to R-8 for approximately .51 acres located south of Arrowood Road, along Kings Creek Drive. *Petitioner: Liberty Oak, Inc*

Staff recommends approval of this petition.

Attachment No. 23

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-053.htm>



24. **Petition No. 2005-54 (hearing).** Change in zoning from R-3 LW-PA to I-1(CD) LW-PA for approximately 10 acres located south of Moores Chapel Road, east of Cedarvale Road. ***Petitioner: Performance Road LP***

Staff recommends approval of this petition upon resolution of site plan issues.

Attachment No. 24

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-054.htm>

25. **Petition No. 2005-59 (hearing).** Change in zoning from CC and R-3 to CC and CC SPA for approximately .84 acres located west of Prosperity Church Road, north of Dearmon Road. ***Petitioner: Prosperity Church, Inc.***

Staff recommends a one-month deferral of this petition to address acreage and site plan issues.

Attachment No. 25

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-059.htm>

26. **Petition No. 2005-62 (hearing).** Change in zoning from R-22MF and UR-2(CD) to UR-2(CD) and UR-2(CD) SPA for approximately 1.61 acres located on the west side of Firth Court, north of Central Avenue. ***Petitioner: The Drakeford Company***

Staff recommends approval of this petition upon resolution of site plan issues.

Attachment No. 26

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-062.htm>

27. **Petition No. 2005-65 (hearing).** Change in zoning from R-3 to NS and UR-2(CD) for approximately 24.39 acres located on the north side of Ardrey Kell Road, west of Marvin Road. ***Petitioner: Real Estate Development Partners, LLC***

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

Staff recommends a one-month deferral of this petition, with petitioner approval, due to the revised site plan not being timely submitted.

Attachment No. 27

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-065.htm>

28. **Petition No. 2005-66 (hearing).** Change in zoning from RE-2 to RE-3 for approximately 73.02 acres located on the east side of Mallard Creek Road at Solectron Drive. **Petitioner: Morris Holdings, LLC**

Staff recommends approval of this petition upon resolution of site plan issues.

Attachment No. 28

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-066.htm>

29. **Petition No. 2005-67 (hearing).** Consideration of a text amendment to the City of Charlotte Zoning Ordinance (a) To allow multi-information directional signs serving a regional mall, a shopping center, an office complex or a mixed use development containing over 500,000 square feet of gross building area and located within the interior of the development to have a maximum sign area of 57 square feet per side and a maximum height of 14 feet.

(b) To allow a regional mall, a shopping center, an office complex or a mixed use development containing over 500,000 square feet of gross building area to have detached signs identifying the pedestrian entrances into the building(s) and guiding pedestrians thereto subject to certain criteria. Such signs would not be considered to be detached signs along a street frontage for the purposes of Section 13.110(2)(c)(iii) of the Ordinance, and such signs would not count towards the maximum of 3 detached signs along a street frontage.

**Petitioner: TRG Charlotte, LLC**

Staff recommends approval of this petition.

Attachment No. 29

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-067.htm>

30. **Petition No. 2005-68 (hearing).** Consideration of a text amendment to the City of Charlotte Zoning Ordinance to create new regulations for Outdoors Seasonal Fresh Produce Stands, allowing them to operate on a lot occupied by a non-residential principal use, for a period of six months, with prescribed conditions. **Petitioner: David H. White and Howard R. White**

Staff recommends denial of this petition because of outstanding issues listed on the staff analysis.

Attachment No. 30

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-068.htm>

31. **Petition No. 2005-70 (hearing).** Change in zoning from O-1 to I-1(CD) for approximately 3.2 acres located south of Tuckaseegee Road, west of the Interstate 85 Service Road. **Petitioner: Beacon Partners**

Staff recommends approval of this petition.

Attachment No. 31

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-070.htm>

32. **Petition No. 2005-71 (hearing).** Change in zoning from R-3 to INST(CD) for approximately 3.004 acres located on the east side of Prosperity Church Road, across from White Cascade Drive. **Petitioner: Happy Feet Holdings, LLC**

Staff recommends approval of this petition.

Attachment No. 32

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-071.htm>

33. **Petition No. 2005-73 (hearing).** Change in zoning from I-1(CD) to O-1(CD) for approximately 3.13 acres located on the southeast corner of the intersection of South Tryon Street and Moss Road. **Petitioner: Clayton Properties, Inc.**

Staff recommends approval of this petition upon resolution of site plan issues.

Attachment No. 32

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-073.htm>

34. **Petition No. 2005-75 (hearing).** Change in zoning from O-1 to B-D(CD) for approximately 1.136 acres located on the north side of the Interstate 85 Service Road, east of Stewart Creek Road. **Petitioner: Jack Hickey**

Staff recommends approval of this petition upon resolution of site plan issues.

Attachment No. 32

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-071.htm>

35. **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”, and “common open space”. **Petitioner: Charlotte-Mecklenburg Planning Commission**

Staff recommends approval of this petition.

Attachment No. 35

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

36. **Petition No. 2005-63 (hearing).** Consideration of a text amendment to the City of Charlotte Zoning Ordinance to create a definition of “Recreation Center” as a separate type of governmental building, and to specify the Districts in which Recreation Centers may be located and the development conditions that must be followed. *Petitioner: Mecklenburg County Park & Recreation Department*

Staff recommends approval of this petition.

Attachment No. 36

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-063.htm>

37. **Petition No. 2005-69 (hearing).** Change in zoning from R-4 to TOD-M for approximately .472 acres located east of China Grove Church Road across from Erwin Lane. *Petitioner: The Charlotte Area Transit System*

Staff recommends approval of this petition.

Attachment No. 37

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-069.htm>

38. **Petition No. 2005-72 (hearing).** Change in zoning from R-8 and R-22MF to R-5 and R-8 for approximately 67.39 acres located west of Old Steele Creek Road, south of Primrose Avenue. *Petitioner: The City of Charlotte – Neighborhood Development*

Staff recommends approval of this petition.

Attachment No. 38

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-072.htm>

39. **Petition No. 2005-78 (hearing).** Consideration of a text amendment to the City of Charlotte Zoning Ordinance to amend the Zoning Ordinance to reflect the transfer of Zoning Administration and Enforcement from Mecklenburg County to the City of Charlotte, effective 7-1-05. The duties now housed with the Mecklenburg County Land Use and Environmental Services Agency will be split between the Charlotte-Mecklenburg Planning Commission, Engineering Department, and Neighborhood Development. *Petitioner: Charlotte-Mecklenburg Planning Commission*

Staff recommends approval of this petition.

Attachment No. 39

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-078.htm>

40. **Petition No. 2005-79 (hearing).** Consideration of a text amendment to the City of Charlotte Subdivision Ordinance to reflect the transfer of Zoning Administration and Enforcement from Mecklenburg County to the City of Charlotte, effective 7-1-05. The duties now housed with the Mecklenburg County Land Use and Environmental Services Agency will be split between the Charlotte-Mecklenburg Planning Commission, Engineering and Property Management, and Neighborhood Development. *Petitioner: Charlotte-Mecklenburg Planning Commission*

Staff recommends approval of this petition.

Attachment No. 40

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-079 htm>

41. **Petition No. 2005-98 (hearing).** Consideration of a text amendment to the City of Charlotte Zoning Ordinance to clarify that drive-through facilities and drive-in service lanes can be an accessory use in the MUDD-Optional zoning district, only. *Petitioner: Charlotte-Mecklenburg Planning Commission*

Staff recommends approval of this petition.

Attachment No. 41

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-098 htm>

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