

Mayor Patrick L. McCrory Mayor Pro Tem Patrick De'Angelo Cannon
Susan Burgess Don Lochman
Nancy Carter James E. Mitchell, Jr
Malcolm Graham Patrick Mumford
Patsy Kinsey John H. Tabor, AIA
John W. Lassiter Warren Turner

CITY COUNCIL ZONING AGENDA
Tuesday, January 18, 2005

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

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

DINNER MEETING

***Briefing on the “draft” Retreat Agenda
Retreat Planning Committee***

***Rezoning Update – December 2004, January & February 2005
Debra D. Campbell, Planning Director***

DECISIONS

1. **Petition No. 2004-65 (decision)** by *Liberty Oaks c/o Mr. Chip Shelton* for a change in zoning of approximately 18.03 acres located on the eastside of Suzanna Drive north of Hart Road from R-3 LW-PA to MX-1 (Innovative) LW-PA.

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

The Zoning Committee voted 7-0 to recommend **APPROVAL** of this petition.

Attachment No. 1

2. **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 6-0 to recommend **APPROVAL** of this petition.

Attachment No. 2

3. **Petition No. 2004-126 (decision)** by *Habitant Capital* for a change in zoning of approximately 3.133 acres located northeast of the intersection of John J. Delaney Drive and Ballantyne Commons Parkway from BP to NS.

The Zoning Committee voted 7-0 to recommend **APPROVAL** of this petition.

Attachment 3

4. **Petition No. 2004-128 (decision)** by *Charlotte-Mecklenburg Planning Commission* for adoption of a text amendment to the City of Charlotte Zoning Ordinance 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 5-2 to recommend **DEFERRAL** of this petition for 30 days.

Attachment No. 4

5. **Petition No. 2004-135 (decision)** by *Charlotte-Mecklenburg Planning Commission* for adoption of a text amendment to the City of Charlotte Zoning Ordinance to include new text language to:
1. Allow Outdoor Sales and Display as an accessory use to retail establishments in the Commercial Center (CC) and Mixed-Use Development (MUDD) zoning districts with 8 prescribed conditions. The B-1SCD, B-1(CD), B-2(CD) zoning districts may also allow this use if not noted as restricted on the site plan or conditional plan.
 2. Permit Temporary Retail Sales Events, Off-premise, in Urban Residential-Commercial (UR-C), Business (B-1 and B-2), Transit Oriented Development (TOD), Mixed-Use Development (MUDD), Uptown Mixed-Use Development (UMUD), and Industrial (I-1 and I-2) zoning districts, and also permit them in the B-1SCD, B-1(CD), B-2(CD), MX-2, MX-3, NS, and CC zoning districts as part of a retail center, unless restricted on the site plan or conditional plan. Such uses shall meet a number of requirements
 3. Permit Temporary Retail Sales Events, On-premise, with 5 requirements.

Amend the regulations for “Outdoors Seasonal Sales” to differentiate them from temporary retail sales events (on- or off-premise) and to change the duration of the event from 45 days to 90 days and from outdoor seasonal sales of landscaping plants as an accessory use to a retail establishment.

The Zoning Committee voted 7-0 to recommend **DEFERRAL** of this petition for 60 days.

Attachment No. 5

6. **Petition No. 2004-138 (decision)** by *Prosperity Park, LLC* for a change in zoning of approximately 8.03 acres located southeast of the intersection of Prosperity Church Road and Johnston Oehler Road from NS to NS SPA.

The Zoning Committee voted 6-1 to recommend **APPROVAL** of this petition.

Attachment No. 6

7. **Petition No. 2004-139 (decision)** by *LandMark Llewellyn Holdings, LLC* for a change in zoning of approximately 7 acres located on the east side of Marvin Road, south of Providence Road West from R-3 to R-8MF(CD).

The Zoning Committee voted 7-0 to recommend **APPROVAL** of this petition with the following modifications:

- The following areas will be shown as common open space
 - 30-foot setback along Marvin Road
 - The required buffer along the northerly project edge
 - The depicted tree save area located within the northeasterly corner of the site
- Trash receptacle corrals will be indicated on the site plan
- The development standards will be modified as follows:
 - The future connection to the property to the north will be included in the homeowner's association covenants/declarations as a required vehicular and pedestrian connection in the event the abutting site is redeveloped as a residential or residentially compatible mixed use as determined by CDOT/CMPC. If the abutting site is developed with any other use, the connection will include at least a pedestrian pathway. An easement for the connection will be recorded prior to the issuance of any building permits for the Site.
 - Prior to the issuance of a certificate of occupancy for development on the Site, the Petitioner will install a left turn land into the Site on Marvin Road with a minimum of 150 feet of storage, a 15:1 bay taper and 45:1 trough lane tapers.

Attachment No. 7

8. **Petition No. 2004-140 (decision)** by *Cambridge-Eastfield, LLC* for a change in zoning of approximately 12.6 acres located on the southeast side of Eastfield Road, north of Rocky Ford Club Drive from R-3 to MX-2.

The Zoning Committee voted 7-0 to recommend **APPROVAL** of this petition.

Attachment No. 8

9. **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 7-0 to recommend **DEFERRAL** of this petition for 30 days.

Attachment No. 9

10. **Petition No. 2004-142 (decision)** by *Crescent Resources, LLC and Lincoln Harris* for a change in zoning of approximately 19 acres located on the northwest corner of Fairview Road and Assembly Street from O-1 and MUDD-O to MUDD-O and MUDD-O SPA.

The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition with the following modifications:

- A note indicating that the new residential buildings on the site will be compatible with other buildings on the site has been added.
- The black vinyl coated chain link fence will be located ten feet from the property line. Shrubs will be planted on the outside of the fence.

Attachment No. 10

11. **Petition No. 2004-145 (decision)** by *Pinnacle Point, LLC* for a change in zoning of approximately 5.497 acres located on the southside of Berkeley Place Drive, west of Mallard Creek Church Road from R-12MF(CD) to CC.

The Zoning Committee voted 7-0 to recommend **APPROVAL** of this petition.

Attachment No. 11

12. **Petition No. 2004-146 (decision)** by *ProLogis* for a change in zoning of approximately 92.3 acres located east of Sam Wilson Road, north of West Pointe Drive from I-1(CD) LLW-PA and R-3 LLW-PA to I-1(CD) LLW-PA and I-1(CD) SPA LLW-PA.

The Zoning Committee voted 7-0 to recommend **APPROVAL** of this petition with the following modifications:

- The right turn land on Sam Wilson Road to south I-85 will be constructed by the petitioner. This improvement had been requested by CDOT based on the review of the TIS.

Attachment No. 12

13. **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 3/4 majority-voting rule.

The Zoning Committee voted 7-0 to recommend **ONE-MONTH DEFERRAL** of this petition.

Attachment No. 13

14. **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 7-0 to recommend a **ONE-MONTH DEFERRAL** of this petition.

Attachment No. 14

15. **Petition No. 2004-149 (decision)** by *Rudolph Moore Properties c/o John Rudolph* for a change in zoning of approximately 5.8 acres located on the northeast corner at the intersection of Marvin Road and Ardrey Kell Road from R-3 to NS.

The Zoning Committee voted 7-0 to recommend **APPROVAL** of this petition with the following modifications:

- The transposed development areas in the notes on building height and restaurant uses will be corrected.
- The commitment to build a right turn lane into the site from Ardrey Kell Road will be modified to add, “only if required by NCDOT.”

Attachment No. 15

16. **Petition No. 2004-151 (decision)** by *Packard Tryon, LLC* for a change in zoning of approximately .9884 acres located on the northwest side of South Tryon Street, north of West Bland Street from I-2 to TOD-MO.

The Zoning Committee voted 7-0 to recommend **APPROVAL** of this petition.

Attachment No. 16

HEARINGS

17. **Petition No. 2002-122 (hearing).** Consideration of a text amendment to the City of Charlotte Zoning Ordinance to complement the Parking on Front Lawn Ordinance, which became effective 4-1-04. ***Petitioner: City Attorney's Office***

Attachment No. 17

18. **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. 18

19. **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. 19

20. **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***

Staff is requesting a one-month deferral to allow time for traffic impact study to be submitted.

Attachment No. 20

21. **Petition No. 2004-143 (hearing).** Change in zoning from UR-1 to UR-3(CD) for approximately 1 acre located on the northeast side of East 8th Street, south of North Alexander Street. ***Petitioner: The Drakeford Company***

Attachment No. 21

22. **Petition No. 2004-144 (hearing).** Change in zoning from R-4 to UR-2(CD) for approximately 2.03 acres located on the northside of East Woodlawn Road Between Stacy Boulevard and Darwin Circle. ***Petitioner: Bridge Partners***

Attachment No. 22

23. **Petition No. 2004-150 (hearing).** Change in zoning from R-8MF(CD) to INST(CD) for approximately 1.96 acres located on the northeast corner of South Tryon Street and Erwin Road. *Petitioner: Sunshine House Daycare*

Attachment No. 23

24. **Petition No. 2005-01 (hearing).** Change in zoning from CC to CC SPA for approximately 38.189 acres located on the west side of Prosperity Church Road, south of future Interstate-485: *Petitioner: BP Products of North America, Inc.*

Attachment No. 24

25. **Petition No. 2005-02 (hearing).** Change in zoning from I-1 to MUDD(CD) for approximately 1.55 acres located on the east side of Monroe Road, north of Galleria Boulevard. *Petitioner: Galleria Partners II, LLC*

Attachment No. 25

26. **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 $\frac{3}{4}$ majority-voting rule.

Attachment No. 26

27. **Petition No. 2005-04 (hearing).** Change in zoning from R-22MF to O-2 for approximately .88 acres located on the west side of Park Road, south of Selwyn Avenue. *Petitioner: Dr. Wayne C. Mercer*

Attachment No. 27

28. **Petition No. 2005-06 (hearing).** Change in zoning from R-4 LW-PA to MX-1(Innovative) LW-PA for approximately 13.37 acres located on the south side of Tom Sadler Road, south of Kingsway Circle. *Petitioner: RR Management Company, LLC*

Attachment No. 28

29. **Petition No. 2005-07 (hearing).** Consideration 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. *Petitioner: Land Use and Environmental Services Agency*

Attachment No. 29

30. **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*

Petitioner is requesting a one-month deferral to allow time to modify plan.

Attachment No. 30

31. **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*

Attachment No. 31

32. **Petition No. 2005-12 (hearing).** Change in zoning from UR-C to MUDD for approximately .61 acres located on the north side of North Graham Street, west of the Brookshire Freeway. *Petitioner: Hawkins and West, LLC*

Attachment No. 32

33. **Petition No. 2005-13 (hearing).** Consideration 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.
Petitioner: Charlotte Department of Transportation.

Attachment No. 33

34. **Petition No. 2005-15 (hearing).** Change in zoning from I-2 to I-1 for approximately 1.7 acres located on the east side of Lucena Street south of Norris Avenue. *Petitioner: Carl Moore and Thelma Moore*

Attachment No. 34

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

Attachment No. 35

36. **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*

The petitioner is requesting a one-month deferral of this petition.

Attachment No. 36

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