

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, March 21, 2005

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

6:00PM – Zoning Decisions/Hearings
Meeting Chamber

DINNER MEETING

Rezoning Update – March, April & May 2005
Keith MacVean, Zoning Program Manager

DECISIONS

1. **Petition No. 2004-114 (decision)** by *The Boulevard 2000, LLC* for a change in zoning of approximately .97 acres located on the southeast corner of the intersection of North Laurel Avenue from R-22MF 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.

Attachment No. 1

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

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 unanimously to recommend **APPROVAL** of this petition. (Commissioner Johnson was recused due to a conflict of interest.)

Attachment 2

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

3. **Petition No. 2004-135 (decision)** by *Charlotte-Mecklenburg Planning Commission* for adoption of a text amendment to the City of Charlotte Zoning Ordinance to add three new sections to the Zoning Ordinance:

Outdoor Sales and Display, Accessory – This section would allow outdoor sales as an accessory use to a retail establishment in the Commercial Center (CC) and Mixed-Use Development (MUDD) zoning districts, with eight prescribed conditions. This use would also be permitted in the B-1SCD, B-1(CD), B-2(CD) zoning districts unless noted on the site plan or conditional plan that the use is restricted.

Temporary Retail Sales Events, Off-Premise – This section would permit off-premise temporary retail sales events 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. Temporary sales events would also be permitted 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 noted otherwise on the site plan or conditional plan that the use is restricted.

Temporary Retail Sales Events, On-Premise – This section would permit on-premise temporary retail sales events, such as grand openings or re-openings, temporary tent sales, or other special events sponsored by a business operating from a permanent structure or building on the premise. This amendment includes several requirements related to where the event can take place, for how long, that adequate parking shall be provided, and that the operator is responsible for removal of all trash or refuse.

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

OUTDOOR SALES, ACCESSORY

- Definition: removed reference to “rentals”, “displays”, and added statement that “Outdoor sales does not allow the display of merchandise and does not include “Outdoor Seasonal Sales” ”
- Revised zoning districts to include NS, and MUDD(CD)
- Clarified that “an approved permanent garden center component of a retail use that shares common walls with the principal building is not subject to...” the regulations of “Outdoor Sales”.
- Planning Director approval and an Administrative Amendment is required if the additional outdoor retail sales area is located within the parking and maneuvering area and the outdoor retail sales area is not indicated on the approved conditional plan.
- Display of retail items is not permitted on the sidewalk in front of the building. Sales of retail items are allowed there.
- The area used continuously for sales of retail items on the sidewalk can not exceed 50 square feet.
- Clarified that no fencing is required for items on the sidewalk.
- Sales area(s) in front of the building shall be shown on the site plan or conditional plan.
- Tractor-trailer trucks and other mobile storage containers may only be located near the loading dock area and shall be screened by a decorative fence from on-site parking lot(s).
- Outdoor sales area(s) shall not require additional parking spaces.

PERIODIC RETAIL SALES EVENTS, OFF-PREMISE

- Changed the word “temporary” to “periodic”.

PERIODIC RETAIL SALES EVENTS, ON-PREMISE

- Changed the word “temporary” to “periodic”.

OUTDOOR SEASONAL SALES

- Added “Such sales are permitted on all nonresidential zoning districts as a use by right subject to the standards of the underlying zoning district”.
- There shall be no more than one Periodic Sales Event (either on- or off-premise), or one Outdoor Seasonal Sales permit issued at any one time on a tax parcel.

Attachment No. 3

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2004+Petitions/2004-135.htm>

4. **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 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 recommend **APPROVAL** of this petition with the following modifications:

- A banner permit is required from the Zoning Administrator for each major event or seasonal event.
- Permit number and duration shall be visible on the banner.
- Violations will result in a one-day notice of violation, with citations starting on the second day of violation.

Attachment No. 4

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

5. **Petition No. 2005-09 (decision)** by *Don Henderson* for a change in zoning of approximately 1.40 acres located on the southeast side of Eastfield Road, south of Arbor Creek Drive from R-3 to INST (CD).

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

Attachment No. 5

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

6. **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 service 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 **APPROVAL** of this petition with the following modifications:

- The term “level of service” replaced the term “level of security”.
- The definition of long-term bicycle parking space and the long-term bicycle parking requirements provided alternative examples of acceptable long term parking, such as indoor parking, racks in covered loading dock areas, racks in garage structures, bicycle lockers, etc.
- The number of existing spaces for bicycle parking and the location of bike parking facilities were added as a requirement to the Parking Plans.
- A change of use or an addition to an existing use that requires the addition of five or more vehicular parking spaces triggers the bicycle parking requirements.

Attachment No. 6

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

7. **Petition No. 2005-17 (decision)** by *Lofts Dilworth, LLC* for a change in zoning of approximately .45 acres located north of the intersection of McDonald Avenue and Euclid Avenue from R-5 to TOD-R(O).

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. 7

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

8. **Petition No. 2005-18 (decision)** by *Land Use and Environmental Services Agency* for adoption 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.

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

Attachment No. 8

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

9. **Petition No. 2005-19 (decision)** by *HJF South, LLC* for a change in zoning of approximately .5799 acres located on the southeast side of South Boulevard, north of Ideal Way from B-2 to TOD-M.

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

Attachment No. 9

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

10. **Petition No. 2005-20 (decision)** by *Charlotte Arena Operations, LLC* for a change in zoning of approximately 11 acres located north of the intersection of North Caldwell Street and East Trade Street from UMUD to UMUD-O.

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

Attachment No. 10

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

11. **Petition No. 2005-26 (decision)** by *Crosland Commercial, Inc.* for a change in zoning of approximately 6.6 acres located on the south side of Johnston Road, east of Lancaster Highway from NS to NS SPA.

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

- The petitioner will extend the southbound left-turn lane on Highway 521 to 150 feet in length.
- The petitioner will extend the northbound left-turn lane on Highway 521 to 200 feet in length.
- The petitioner will construct a 375 foot long right-turn lane on Old Highway 521.
- The petitioner will add a note that a vehicular connection will be provided to the property to the south if it develops with retail uses.

Attachment No. 11

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

12. **Petition No. 2005-31 (decision)** by *The Ghazi Company* for a change in zoning of approximately 14.6 acres located on the west side of W.T. Harris Boulevard, east of North Tryon Street from MUDD-O to MUDD-O SPA.

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/2005-031.htm>

13. **Petition No. 2005-33 (decision)** by *CENTDEV Properties, LLC* for a change in zoning of approximately 14.839 acres located west of Statesville Avenue, north of W.T. Harris Boulevard from I-1 to CC.

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

- Rear elevations were provided and building materials were restricted to decorative CMU, brick and EFIS arranged so as to compliment the front facades of the center.
- Typical landscaping for service areas facing Smith Corners Boulevard was provided.

Attachment No. 13

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

HEARINGS

14. **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. 14

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

15. **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.

Attachment No. 15

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

16. **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*

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

Staff is requesting a one-month deferral to review revised plan.

Attachment No. 16

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

17. **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. 17

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

18. **Petition No. 2004-136 (hearing).** Change in zoning from R-3 LLW-PA to B-1(CD) LLW-PA for approximately 3.741 acres located east of the intersection of Moores Chapel Road and Belmeade Drive. *Petitioner: Jordan Washburn*

Petitioner is requesting an indefinite deferral.

Attachment No. 18

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

19. **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: Jurgen Vollrath and Cecily Hurst*

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. 19

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

20. **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. 21

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

21. **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 Boulevard, south of Rocky River Road. *Petitioner: Landcraft / Joseph W. Grier, Jr.*

Attachment No. 21

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

22. **Petition No. 2005-29 (hearing).** Change in zoning from R-3 to NS for approximately 18.789 acres located north of Ardrey Kell Road, east of Lancaster Highway. ***Petitioner: William B. Hawfield Jr. and Frank E. Hawfield***

Attachment No. 22

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

23. **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. 23

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

24. **Petition No. 2005-34 (hearing).** Change in zoning from R-5 to MUDD-O for approximately .33 acres located on the west side of 36th Street, south of North Alexander Street. ***Petitioner: Cecil Stokes / Scott Galloway***

Attachment No. 24

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-034.htm>

25. **Petition No. 2005-37 (hearing).** Change in zoning from B-1 and B-2 to MUDD for approximately .787 acres located along both sides of Royal Court, east of Morehead Street. ***Petitioner: Royal Court, LLC.***

Attachment No. 25

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-037.htm>

26. **Petition No. 2005-39 (hearing).** Change in zoning from INST(CD) to INST(CD) SPA for approximately 26 acres located on the east side of Park Road, south of Smithfield Church Road. ***Petitioner: Southminster, Inc.***

Attachment No. 26

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-039.htm>

27. **Petition No. 2005-40 (hearing).** Change in zoning from R-3 to O-1(CD) for approximately 3.619 acres located on the east side of Shopton Road, south of Pleasant Way Lane. ***Petitioner: C.O. Ackerman, Jr.***

Attachment No. 27

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-040.htm>

28. **Petition No. 2005-41 (hearing).** Change in zoning from CC to CC SPA for approximately 11.873 acres located on the east side of Wendover Road, south of Monroe Road. **Petitioner: HD Development of Maryland, Inc.**

Attachment No. 28

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-041.htm>

29. **Petition No. 2005-43 (hearing).** Change in zoning from I-2 to MUDD-O for approximately 9.18 acres located on the north side of Seaboard Street, east of Hamilton Street. **Petitioner: Fiber Mills, LLC**

Attachment No. 29

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

30. **Petition No. 2005-45 (hearing).** Consideration of a text amendment to the City of Charlotte Zoning Ordinance to allow Indoor recreation uses as permitted uses by right in MX-3 zoning districts. Indoor recreation uses as defined in Ordinance include public or private health or exercise clubs, tennis or other racquet courts, swimming pools, YMCA's, YWCA's or similar uses which constitute principal uses and are enclosed in buildings and are operated on a fee or membership basis. This text amendment allows these uses within larger mixed use communities contemplated by MX-3 districts (over 100 acres in size) in order to complement the mixture of uses without reducing the scope of non-residential uses otherwise permitted in MX-3 districts. **Petitioner: Crosland, Inc.**

Attachment No. 30

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-045.htm>

31. **Petition No. 2005-46 (hearing).** Change in zoning from I-1 to I-2 for approximately 8.083 acres located on the east side of Nations Ford Road, south of Interstate 485. **Petitioner: William O. Curtin**

Attachment No. 31

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-046.htm>

32. **Petition No. 2005-57 (hearing).** Change in zoning from B-1(CD) to I-1(CD) for approximately 1.03 acres located at the southwest corner of the intersection of Alexanderana Road, and Old Statesville Road. **Petitioner: Hendrick Automotive Group**

Attachment No. 32

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-057.htm>

33. **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.

On United States and North Carolina holidays, there shall be no maximum flag size or number or other limitations on display of public flags.

Petitioner: Charlotte-Mecklenburg Planning Commission

Attachment No. 33

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

34. **Petition No. 2005-35 (hearing).** Consideration of a text amendment to the City of Charlotte Zoning Ordinance to add three new definitions in the Zoning Ordinance to distinguish between emergency shelters, homeless shelters, and accessory shelters:

Petitioner: Charlotte-Mecklenburg Planning Commission

Attachment No. 34

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-035.htm>

35. **Petition No. 2005-36 (hearing).** Consideration of a text amendment to the City of Charlotte Zoning Ordinance to address this issue by allowing the location of accessory parking lots to be reduced to a minimum of 14' only when the setback for the principal buildings and structures has been decreased as per Section 11.405(7) to provide more flexibility on the site, and make it more pedestrian friendly. However, the accessory parking must remain behind the established building setback.

This text amendment also allows all Commercial Center district uses to be considered by the Planning Commission for the innovative development options.

Petitioner: Charlotte-Mecklenburg Planning Commission

Attachment No. 35

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-036.htm>

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