

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
Monday, April 19, 2004

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

6:00PM – Zoning Decisions/Hearings
Meeting Chamber

DINNER MEETING

1. ***Rezoning Update – April, May and June 2004***
Debra D. Campbell, Interim Planning Director

Attachment No. 1

DECISIONS

2. **Petition No. 2003-97 (decision)** by *Independence Capital Realty LLC* for a change in zoning for approximately 16.03 acres located south of Amity Place and East Independence Boulevard from R-4 to R-12MF(CD).

The Zoning Committee voted unanimously to **DEFER** this petition until April 28, 2004.

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

Attachment No. 2

3. **Petition No. 2003-99C (decision)** by *Charlotte-Mecklenburg Planning Commission* for a change in zoning of several parcels totaling 1.58 acres located on the east side of Brevard Street and Parkwood Avenue, between East 18th Street and East 13th Street from B-2 to B-1.

The Zoning Committee recommended **APPROVAL** of this petition with the following modification:

- The parcel for the printing shop on the eastern corner of Parkwood Avenue and 16th Street is now deleted from the petition.

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

Attachment No. 3

4. **Petition No. 2003-99D (decision)** by *Charlotte-Mecklenburg Planning Commission* for a change in zoning of several parcels totaling 7.35 acres along Caldwell Street between Belmont Avenue and East 18th Street from B-2 to R-8.

The Zoning Committee recommended **APPROVAL** of this petition with the following modification:

- The three parcels north of the proposed printing shop on the eastern corner of Parkwood Avenue and 16th Street are now proposed for **B-1 zoning rather than R-8.**

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

Attachment No. 4

5. **Petition No. 2004-19 (decision)** by *LeNell C. Grier* for a change in zoning for approximately 1.9 acres on the east side of Eastway Drive, north of Arnold Drive from R-22MF to INST(CD).

The Zoning Committee recommended **APPROVAL** of this petition with the following modification:

- The driveway has been shifted to the north side of the property as requested by CDOT.

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

Attachment No. 5

6. **Petition No. 2004-23 (decision)** by *Chandrakant S. Patel* for a change in zoning for approximately 0.59 acres located on the east side of Eastway Drive, north of Central Avenue from B-1 to B-2(CD).

The Zoning Committee recommended **APPROVAL** of this petition with the following modification:

- The required transitional setback has been indicated on the site plan.

Attachment No. 6

7. **Petition No. 2004-25 (decision)** by *Ivy House Foundation (Doris Asbury)* for a change in zoning for approximately 3.45 acres located on the east side of Hutchinson-McDonald Road, south of Cindy Lane from R-4 to INST(CD).

The Zoning Committee unanimously recommended **APPROVAL** of this petition with the following modifications:

- No overnight stays will be permitted.
- A variance will be requested for the parking and maneuvering space within the setback. If a variance is not granted then the paved area will be removed.

Attachment No. 7

8. **Petition No. 2004-29 (decision)** by *Wilmore Partners, LLC* for a change in zoning for approximately .776 acres located on the southeast intersection of South Tryon Street and West Kingston Avenue from B-1 to UR-2(CD).

The Zoning Committee voted unanimously to recommend a **TWO-MONTH DEFERRAL** to allow staff time to work with the petitioners on site plan issues.

Attachment No. 8

9. **Petition No. 2004-31 (decision)** by *Hammett Construction Company* for a change in zoning for approximately 1.1 acres on Ellis Street between Brookshire Boulevard and Belhaven Boulevard from R-8MF(CD) to R-3.

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

Attachment No. 9

10. **Petition No. 2004-34 (decision)** by *Roger M. Lewis* for a change in zoning for approximately 8.61 acres located on the west side of Statesville Road, south of Sunset Road from R-4 to R-12MF(CD).

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

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

Attachment No. 10

11. **Petition No. 2004-36 (decision)** by *YWCA of Charlotte* for a change in zoning for approximately 9.65 acres located on the west side of Park Road, north of Hillside Avenue from R-4 and SUP to INST(CD) and termination of a special use permit.

The Zoning Committee recommended **APPROVAL** of this petition with the following modifications:

- Pedestrian scale lighting will be added to the new driveway leading to the 10 units.
- A note will be added to the plan allowing meetings and conferences to occur on the site.

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

Attachment No. 11

12. **Petition No. 2004-37 (decision)** by *Crosland, Inc.* for a change in zoning for approximately 58 acres located at the northwest intersection of Rea Road and Ardrey Kell Road from CC to CC SPA.

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

- The service areas associated with buildings directly abutting Rea Road or Ardrey Kell Road shall be screened with a wall treatment. This wall treatment will consist of brick or stucco materials generally compatible with the materials of the buildings to which any such walls relate.

- The service areas associated with buildings located with building/parking envelope I-H shall be screened with plantings, berms or a wall treatment.

Attachment No. 12

13. **Petition No. 2004-38 (decision)** by *Harris-Murr and Vermillion* for a change in zoning for approximately 25.5 acres on the southwest corner of the intersection of Margaret Wallace Road and Idlewild Road from B-1 to NS.

The Zoning Committee recommended **APPROVAL** of this petition with the following modifications:

- A note will be added that requires abandonment of the existing access from Margaret Wallace Road and Idlewild Road to Parcel C at this intersection.
- A note will be added that sidewalk will be constructed across the off-site Parcel 12 to the south if there is available room in the existing right-of-way.

Attachment No. 13

14. **Petition No. 2004-39 (decision)** by *Charlotte-Mecklenburg Planning Commission* for adoption of a text amendment to the City of Charlotte Zoning Ordinance to amend the following chapters in relationship to creating a definition and standards for donation drop-off facilities:

- Chapter 2: Definitions and Rules of Construction, Part 2: Definitions;
- Chapter 9: General Districts, Part 1: Table of Uses and Hierarchy of Districts; and
- Chapter 12: Development Standards of General Applicability, Part 5: Special Requirements for Certain Uses.

The Zoning Committee voted unanimously to recommend a **ONE-MONTH DEFERRAL** of this petition.

Attachment No. 14

15. **Petition No. 2004-40 (decision)** by *First Centrum LLC* for a change in zoning for approximately 7 acres located on the northeast corner of the intersection of Hedgelawn Drive and University City Boulevard from R-15MF(CD) to R-17MF(CD).

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

- The note requested by Storm Water Services will be added to the site plan.
- As far as the topo allows or as far from the edge of pavement as possible an 8-foot planting strip will be added on Hwy 49 and a 5-foot sidewalk from the site to the adjacent shopping center will be added.

- A note will be added to the site plan that pedestrian lighting and pedestrian amenities such as seating, pathways, plantings etc. will be added.
- A note will be added that specifies that “landscaped” areas will consist of combination of lawns, shrubs, and trees.
- A note will be added to clarify that open space will be accessible to all residents and will have pedestrian amenities to serve the residents.
- Tree save areas will be labeled on the plan.
- Condensing unit grills will be painted to match the building and will not be a conspicuous building element.
- The turning radius for the traffic circle will be resolved as a part of the construction review. This will be noted on the site plan.

Attachment No. 15

HEARINGS

16. **Petition No. 2002-33 (hearing).** Consideration of a text amendment to the City of Charlotte Zoning Ordinance to amend Chapter 9: General Districts, Part 9: Uptown Mixed Use District, Section 9.906. Uptown Mixed Use District; urban design and development standards, (2) Streetscape design standards, (c) Screening.
Petitioner: Charlotte-Mecklenburg Police Department

Attachment No. 16

17. **Petition No. 2003-16 (hearing).** Change in zoning from R-4 to UR-2(CD) for approximately 5.67 acres located on the north side of Soffley Road between Sugar Creek Road and Northaven Drive. ***Petitioner: Leonard Stern***

Attachment No. 17

18. **Petition No. 2003-100A (hearing).** Change in zoning from R-12MF(CD) to R-4 for approximately 1.4 acres between Neal Drive and Heathway Drive on the east side of McGill Street. ***Petitioner: Charlotte-Mecklenburg Planning Commission***

Attachment No. 18

19. **Petition No. 2004-05 (hearing).** Change in zoning from B-1 to B-2(CD) for approximately 3.4 acres located on the north side of Shopton Road, across from the intersection with Sandy Porter Road. ***Petitioner: Candace Ellis & Joseph Urban***

Attachment No. 19

20. **Petition No. 2004-09 (hearing).** Change in zoning from R-3 to INST(CD) for approximately 6.9 acres located between I-485 and McKee Road. ***Petitioner: Atrium Development/Gateway Properties, LLC***

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

Attachment No. 20

21. **Petition No. 2004-14 (hearing).** Change in zoning from R-3 to MX-1 Innovative for approximately 401 acres east of Tom Short Road and north of Ardrey Kell Road. ***Petitioner: Centex Homes***

Two protest petitions have been filed and are sufficient to invoke the 3/4 majority-voting rule.

Attachment No. 21

22. **Petition No. 2004-24 (hearing).** Change in zoning from R-4 SUP and R-4 to INST(CD) for approximately 6.7 acres located on the south side of Milton Road and the east side of Cottage Cove Lane. ***Petitioner: B&F Holdings, Inc.***

Attachment No. 22

23. **Petition No. 2004-27 (hearing).** Change in zoning from B-1(CD) to NS for approximately 12 acres located in the southern quadrant of the intersection of Ardrey Kell Road and Tom Short Road. ***Petitioner: Raley Miller Properties and B. L. Batch & Associates, Inc.***

Two protest petitions have been filed and are sufficient to invoke the 3/4 majority-voting rule.

Staff is requesting a 30-day deferral.

Attachment No. 23

24. **Petition No. 2004-30 (hearing).** Change in zoning from B-1 SCD to CC and B-1 for approximately 31 acres located on the south side of Sunset Road between Milhaven Lane and Statesville Road. ***Petitioner: BVB Properties***

Attachment No. 24

25. **Petition No. 2004-41 (hearing).** Change in zoning from R-3 to MX-1 Innovative for approximately 36.2 acres located east of Prosperity Church Road and southwest of Fairvista Drive. *Petitioner: New South Properties of the Carolinas, LLC*

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

Attachment No. 25

26. **Petition No. 2004-42 (hearing).** Change in zoning from I-1 and I-2 to MUDD-O for approximately 11.6 acres located at the northeast intersection of Herrin Avenue and Spencer Street. *Petitioner: Half Moon of Union, LLC*

Attachment No. 26

27. **Petition No. 2004-43 (hearing).** Change in zoning from I-1 to MUDD-CD and MUDD-O for approximately 23.6 acres located east of South Tryon Street, north of Westinghouse Boulevard. *Petitioner: Eugene L. Bodycott*

Attachment No. 27

28. **Petition No. 2004-44 (hearing).** Change in zoning from R-3 to O-1(CD) for approximately 2.27 acres located between Sandy Porter Road and Interstate 485, southeast of Williams Glen Road. *Petitioner: Berkley Group, LLC*

Attachment No. 28

29. **Petition No. 2004-45 (hearing).** Change in zoning from R-3 to I-2(CD) for approximately 5 acres located on the north side of Pence Road near Viola Drive. *Petitioner: Mecklenburg County Solid Waste Department*

Attachment No. 29

30. **Petition No. 2004-46 (hearing).** Change in zoning from R-3 to O-1(CD) for approximately 2.7 acres on the east corner of the intersection of Sardis Road and Rama Road. *Petitioner: John Tallent*

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

Attachment No. 30

31. **Petition No. 2004-47 (hearing).** Change in zoning from R-17MF(CD) to R-17MF(CD) SPA for approximately 3.79 acres located south of Marsh Road, east of Little Hope Road. *Petitioner: St. Luke's Village II, LLC*

Attachment No. 31

