

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, February 16, 2004

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

6:00PM – Zoning Decisions/Hearings
Meeting Chamber

DINNER MEETING

- 1. Rezoning Update – February, March and April 2004 Public Hearings**
Debra D. Campbell, Interim Planning Director

Attachment No. 1

DECISIONS

2. **Petition No. 2003-03 (decision)** by *Diangikes Grier and George Fields, Jr.* for a change in zoning for approximately 7.96 acres located on the south side of Hampton Church Road, east of North Tryon Street from O-1(CD) to B-1(CD).

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

- A sidewalk and minimum four-foot sidewalk will be constructed along Hampton Church Road and an easement will be provided if the sidewalk is outside of the right-of-way.
- Detached signage is limited to a single kiosk.

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

Attachment No. 2

3. **Petition No. 2003-92 (decision)** by *Hughie and Hazel Barnette* for a change in zoning for approximately 16.03 acres located on the south side of David Cox Road, east of Cleve Brown Road from R-4 to R-5(CD).

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

- Addition of phasing note as requested by CDOT
- Addition of note concerning a change to the street layout to avoid excessive impacts on wetlands

The protest petition has been withdrawn by the petitioner.

Attachment No. 3

4. **Petition No. 2003-94 (decision)** by *Raymond L. and Deborah Krzyzaniak* for a change in zoning for approximately 1.76 acres located on the southeast intersection of Monroe and Rama Roads from R-3 to O-1(CD).

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

Attachment No. 4

5. **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 February 25, 2004 Zoning Committee meeting.

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

Attachment No. 5

6. **Petition No. 2003-110 (decision)** by *Charlotte-Mecklenburg Planning Commission* for a change in zoning for approximately 18 acres located on the north and south sides of Central Avenue, between Louise and Clement Avenues, west of Pecan Avenue from I-2 to B-2 and I-1.

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

Attachment No. 6

7. **Petition No. 2003-111 (decision)** by *Charlotte-Mecklenburg Planning Commission* for a change in zoning for approximately 83 acres along the Central Avenue Corridor, roughly between Nandina to the east and 7th Street to the west from B-1, B-2, I-2, MUDD-O, O-2 and O-6(CD) to Plaza Central Pedestrian Overlay.

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

Attachment No. 7

8. **Petition No. 2003-113 (decision)** by *Speedway Motorsports, Inc.* for a change in zoning for approximately 66.1 acres located on the south side of North Tryon Street (US 29), east of Pavillion Boulevard from R-3 to O-1(CD).

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

- The driveway to the wastewater treatment plant is removed from the petition.
- A note will be added to the site plan that if variances are requested from the required buffers along the driveway, the variance will provide for at least 40 feet of buffer to remain.
- A note will be added to the site plan designating the agencies that must be contacted for wetlands/stream permitting.

Attachment No. 8

9. **Petition No. 2004-02 (decision)** by *Craft Development, LLC* for a change in zoning for approximately 3.1 acres located at 14221 Youngblood Road, by the intersection of Youngblood Road and York Road from B-2(CD) to R-3.

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

Attachment No. 9

10. **Petition No. 2004-03 (decision)** by *Angie Richardson* for a change in zoning for approximately 0.33 acres located on the north side of North Hoskins Road, east of Brookshire Boulevard from R-5 to R-8MF(CD).

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

Attachment No. 10

11. **Petition No. 2004-04 (decision)** by *The A. G. Boone Company* for a change in zoning for approximately 1.5 acres located on the north side of Old Statesville Road, east of Statesville Road from B-1 and R-17MF to I-1.

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

Attachment No. 11

12. **Petition No. 2004-07 (decision)** by *T. A. Baucom & Anthony V. Hunt* for a change in zoning for approximately 1.8 acres located on the northeast corner of East Lake Forest and Albemarle Roads from R-3 to INST(CD).

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

- Additional right-of-way will be dedicated and conveyed prior to issuance of certificates of occupancy.
- No wall-pak lighting will be used.
- The Administrative Building will have similar characteristics to those of the childcare facility, i.e. 5/12 pitch roofing with composition shingles and face brick exterior.
- Will add note required by Storm Water and coordinate water quality efforts with the City of Charlotte Storm Water Services.

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

Attachment No. 12

13. **Petition No. 2004-08 (decision)** by *Quail Hollow Investment Group, Ltd.* for a change in zoning for approximately 4.4 acres located on the northwest corner of Pineville-Matthews Road and Carmel Road from O-1 to MUDD-O.

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

Attachment No. 13

14. **Petition No. 2004-10 (decision)** by *Dr. Ray Drury* for a change in zoning for approximately five (5) acres located between Old Plank Road and Brookshire Boulevard from R-3 to O-1(CD).

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

- The SWIM buffer will be labeled as “undisturbed”.
- The width of the Class “C” buffer along the southern boundary will be adjacent to the single-family residential and will be increased to 30 feet and noted as such in Note #2 under “Buffers”.
- A note will be added under “Architectural Controls” that provides that any new structure constructed on the site will be residential in character.
- The setback along Highway 16 will vary in width from 30 to 50 feet to allow the existing structure to conform.

Attachment No. 14

15. **Petition No. 2004-11 (decision)** by *C&C Properties of Charlotte, LLC* for a change in zoning for approximately 0.75 acres located on the west side of Morris Field Drive, south of Golf Acres Drive from R-22MF to I-2(CD).

The Zoning Committee voted unanimously to send this petition back to City Council for another public hearing since a community meeting was not held.

Attachment No. 15

16. **Petition No. 2004-12 (decision)** by *Thomas M. Vance* for a change in zoning for approximately 0.51 acres located on the northwest corner of Commonwealth Avenue and St. Julien Street from R-5 to MUDD-O.

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

with the following modifications:

- Any additions to the existing structures will be to the rear.
- The maximum square footages shall be as noted on plan dated January 27, 2004.

Attachment No. 16

17. **Petition No. 2004-13 (decision)** by *CNSA Real Estate, LLC* for a change in zoning for approximately 3.35 acres located between Baldwin Avenue and Lillington Avenue, south of East Third Street from O-6(CD) to MUDD-O.

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

- Add note that the building will have access doors facing East Third Street.
- Site plan will be revised to show the required street trees along East Third Street, Baldwin Avenue and Lillington Avenue in the existing planting strip.
- Add note that large maturing trees will be planted along Lillington Avenue.
- Add note that a certified arborist will examine the existing trees on Lillington Avenue.
- Add note that petitioner will consider placing the overhead power lines along the site's street frontages underground.
- An additional optional provision is needed to allow parking between the proposed building and Baldwin Avenue.

Attachment No. 17

18. **Petition No. 2004-16 (decision)** by *Genesis Holdings, LLC* for a change in zoning for approximately 3.1 acres located on the west side of West Sugar Creek Road, north of Cushman Street from R-4 SUP to INST(CD).

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

Attachment No. 18

HEARINGS

19. **Petition No. 2003-05 (hearing).** Change in zoning from R-4 to INST(CD) for approximately 1.8 acres located on the north side of Sofley Road, west of Northaven Drive. ***Petitioner: Catherine Harrington***

Attachment No. 19

20. **Petition No. 2003-16 (hearing).** Change in zoning from R-4 to R-8MF(CD) for approximately 5.67 acres located on the north side of Sofley Road between Sugar Creek Road and Northaven Drive. ***Petitioner: Leonard Stern***

Note: A wetland determination letter has not been submitted. In addition, there are a number of outstanding site plan issues. A revised site plan must be submitted before staff can evaluate whether the site meets the design component of the GDP and qualifies for an increase in density. Thus, staff recommends the petition be deferred for one-month to the March 15, 2004 public hearing.

Attachment No. 20

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

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

Note: Petitioner is requesting a one-month deferral of this petition.

Attachment No. 21

22. **Petition No. 2003-98A (hearing).** Change in zoning from B-1 to R-5 and R-17MF for approximately 5.1 acres located on the north and south sides of Parkwood Avenue between The Plaza and Harrill Street. ***Petitioner: Charlotte-Mecklenburg Planning Commission***

Attachment No. 22

23. **Petition No. 2003-98B (hearing).** Change in zoning from I-2 and B-2 to R-5 and R-22MF for approximately 23.8 acres located on the east side of North Davidson Street, south of 16th Street, and on the east and west sides of Seigle Avenue, south of Belmont Avenue. ***Petitioner: Charlotte-Mecklenburg Planning Commission***

Attachment No. 23

24. **Petition No. 2003-98C (hearing).** Change in zoning from B-1 to R-5 for approximately 2.3 acres on the north and south sides of Belmont Avenue, between Harrill Street and Pegram Street. *Petitioner: Charlotte-Mecklenburg Planning Commission*

Attachment No. 24

25. **Petition No. 2003-98D (hearing).** Change in zoning from B-2 and R-22MF to R-8 and R-22MF for approximately 10.2 acres located on the southwest corner of the intersection of 10th Street and Seigle Avenue, east of Independence Boulevard and west of Louise Avenue, north of Independence Boulevard.

Petitioner: Charlotte-Mecklenburg Planning Commission

Attachment No. 25

26. **Petition No. 2003-104 (hearing).** Consideration of a text amendment to the City of Charlotte Zoning Ordinance to amend Chapter 12, Section 12.516 Open Space Recreational uses. *Petitioner: Robert Brandon, Zoning Administrator*

Attachment No. 26

27. **Petition No. 2004-01 (hearing).** Change in zoning from I-1 to I-2(CD) for approximately 5.4 acres located on the east side of North Hoskins Road, east of Brookshire Boulevard. *Petitioner: The Manis Family Limited Partnership*

Attachment No. 27

28. **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: Candance Ellis & Joseph Urban*

Staff is requesting a two-month deferral of this petition to allow the petitioner time to apply for required variances.

Attachment No. 28

29. **Petition No. 2004-11 (hearing).** Change in zoning from R-22MF to I-2(CD) for approximately 0.75 acres located on the west side of Morris Field Drive, south of Golf Acres Drive. *Petitioner: C&C Properties of Charlotte, LLC*

Attachment No. 29

30. **Petition No. 2004-17 (hearing).** Change in zoning from I-2 to MUDD and MUDD-O for approximately 7.6 acres located on the north side of Brookshire Freeway, west of North Brevard Street. *Petitioner: Crosland, Inc.*

Attachment No. 30

31. **Petition No. 2004-18 (hearing).** Change in zoning from R-3 to UR-2(CD) for approximately 1.66 acres located on the north side of Sharon View Road, east of Sharon Woods Lane. *Petitioner: Falls, LLC*

Attachment No. 31

32. **Petition No. 2004-19 (hearing).** Change in zoning from R-22MF to INST(CD) for approximately 1.9 acres located on the east side of Eastway Drive, north of Arnold Drive. *Petitioner: LeNell C. Grier*

A revised plan was not submitted in time to allow adequate review. Therefore, staff is requesting a one-month deferral of this petition.

Attachment No. 32

33. **Petition No. 2004-20 (hearing).** Change in zoning from R-12MF to B-1(CD) for approximately 1.54 acres located on the north side of Mallard Creek Road, between Driwood Court and Prosperity Church Road. *Petitioner: S&R Development Company*

Attachment No. 33

34. **Petition No. 2004-21 (hearing).** Change in zoning from O-1(CD) and R-3 to NS for approximately 5.72 acres located on the southeast intersection of David Cox Road and West Sugar Creek Road. *Petitioner: LandCraft*

Attachment No. 34

35. **Petition No. 2004-22 (hearing).** Change in zoning from R-17MF to NS for approximately 18.3 acres on the west side of Monroe Road, south of Sardis Road North. *Petitioner: Lat Purser & Associates/Trotter Builders*

Attachment No. 35

36. **Petition No. 2004-23 (hearing).** Change in zoning from B-1 to B-2(CD) for approximately 0.59 acres located on the east side of Eastway Drive, north of Central Avenue.

Petitioner: Chandrakant S. Patel

A revised plan was not submitted in time to allow adequate review. Therefore, staff is requesting a one-month deferral of this petition.

Attachment No. 36

37. **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.*

A revised plan was not submitted in time to allow adequate review. Therefore, staff is requesting a one-month deferral of this petition.

Attachment No. 37

38. **Petition No. 2004-25 (hearing).** Change in zoning from R-4 to INST(CD) for approximately 3.45 acres located on the east side of Hutchinson-McDonald, south of Cindy Lane. *Petitioner: Ivy House Foundation (Margaret T. Moreland)*

A revised plan was not submitted in time to allow adequate review. Therefore, staff is requesting a one-month deferral of this petition.

Attachment No. 38

39. **Petition No. 2004-26 (hearing).** Change in zoning from R-12MF(CD) to UR-2(CD) for approximately 0.657 acres located on the southwest intersection of East 36th Street and Wesley Avenue. *Petitioner: Tuscan Development*

Attachment No. 39

40. **Petition No. 2004-28 (hearing).** Change in zoning from UMUD to UMUD-O for approximately 3.24 acres bounded by South College Street, East Fourth Street and East Trade Street. *Petitioner: Spectrum Properties*

Attachment No. 40

41. **Petition No. 2004-29 (hearing).** Change in zoning from B-1 to UR-2(CD) for approximately .776 acres located on the southeast intersection of South Tryon Street and West Kingston Avenue. *Petitioner: Wilmore Partners, LLC*

Attachment No. 41

