

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, May 17, 2004***

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

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

***DINNER MEETING***

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

Attachment No. 1

## ***DECISIONS***

2. **Petition No. 2002-33 (decision)** by *Charlotte-Mecklenburg Police Department* for adoption 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.

The Zoning Committee unanimously recommended **APPROVAL** of this amendment.

Attachment No. 2

3. **Petition No. 2003-16 (decision)** by *Leonard Stern* for a change in zoning of approximately 5.67 acres located on the north side of Sofley Road between Sugar Creek Road and Northhaven Drive from R-4 to UR-2(CD).

The Zoning Committee unanimously recommended **APPROVAL** of this petition.

Attachment No. 3

4. **Petition No. 2003-97 (decision)** by *Independence Capital Realty, LLC* for a change in zoning of approximately 16.03 acres located south of Amity Place and East Independence Boulevard from R-4 to R12MF(CD).

The Zoning Committee unanimously recommended a **ONE-MONTH DEFERRAL** of this petition.

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

Attachment No. 4

5. **Petition No. 2003-100A (decision)** by *Charlotte-Mecklenburg Planning Commission* for a change in zoning for approximately 1.4 acres between Neal Drive and Heathway Drive, on the east side of McGill Street from R-12MF(CD) to R-4.

The Zoning Committee unanimously recommended **APPROVAL** of this petition.

Attachment No. 5

6. **Petition No. 2004-14 (decision)** by *Centex Homes* for a change in zoning for approximately 401 acres east of Tom Short Road and north of Ardrey Kell Road from R-3 to MX-1 Innovative.

The Zoning Committee unanimously recommended **APPROVAL** of this petition. A brief summary of the modifications follows, with details to be found in a letter from John Carmichael dated April 28, 2004:

- Petitioner will widen Tom Short Road to three lanes over much of its length and will realign two curves. A right turn lane from eastbound Ballantyne Commons Parkway to Tom Short Road will also be constructed.
- Petitioner will dedicate 70 feet of right-of-way for the future minor thoroughfare Bryant Farms Road.
- Connection to Allison Lane (and hence to Providence Road) will be prohibited for three years from approval of this rezoning. (The widening of Providence Road is scheduled to begin in 2006.)
- A 50-foot landscaped area will be added along I-485.
- Two additional stub roads will be added to the golf course to the east in the event the golf course is ever redeveloped.
- Several measures will be undertaken to protect the wetlands identified on the site.
- Additional erosion and sedimentation measures will be undertaken during construction.

*Three protest petitions have been filed and are not sufficient to invoke the ¾ majority-voting rule.*

Attachment No. 6

7. **Petition No. 2004-19 (decision)** by *LeNell Grier* for a change in zoning for approximately 1.9 acres located 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 modifications:

- 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. 7

8. **Petition No. 2004-24 (decision)** by *B&F Holdings, Inc.* for a change in zoning for approximately 6.7 acres located on the south side of Milton Road and the east side of Cottage Cove Lane from R-4 and R-4 Special Use Permit to INST(CD).

The Zoning Committee unanimously recommended **APPROVAL** of this petition.

Attachment No. 8

9. **Petition No. 2004-30 (decision)** by *BVB Properties* for a change in zoning for approximately 31 acres located on the south side of Sunset Road between Milhaven Lane and Statesville Road from B-1SCD and B-1 to CC and B-1.

The Zoning Committee unanimously recommended a **ONE-MONTH DEFERRAL** 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 recommended **APPROVAL** of this petition.

*Two protest petitions have been filed and are sufficient to invoke the ¾ majority-voting rule.*

Attachment No. 10

11. **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 unanimously recommended a **DEFERRAL** of this petition until May 26, 2004.

Attachment No. 11

12. **Petition No. 2004-41 (decision)** by *New South Properties of the Carolinas, LLC* for a change in zoning for approximately 36.4 acres located east of Prosperity Church Road and southwest of Fairvista Drive from R-3 to MX-1.

The Zoning Committee unanimously recommended **APPROVAL** of this petition.

*Two protest petitions have been filed and are sufficient to invoke the ¾ majority-voting rule.*

Attachment No. 12

13. **Petition No. 2004-42 (decision)** by *Half Moon of Union, LLC* for a change in zoning for approximately 11.6 acres located at the northeast intersection of Herrin Avenue and Spencer Street from I-1 and I-2 to MUDD-O.

The Zoning Committee unanimously recommended **APPROVAL** of this petition.

Attachment No. 13

14. **Petition No. 2004-43 (decision)** by *Eugene L. Bodycott* for a change in zoning for approximately 23.6 acres located east of South Tryon Street, north of Westinghouse Boulevard from I-1 to MUDD-CD and MUDD-O.

The Zoning Committee unanimously recommended a **ONE-MONTH DEFERRAL** of this petition.

Attachment No. 14

15. **Petition No. 2004-44 (decision)** by *Berkley Group, LLC* for a change in zoning for approximately 2.27 acres located between Sandy Porter Road and Interstate-485, southeast of Williams Glen Road from R-3 to O-1(CD).

The Zoning Committee unanimously recommended **APPROVAL** of this petition.

Attachment No. 15

16. **Petition No. 2004-45 (decision)** by *Mecklenburg County Solid Waste Department* for a change in zoning for approximately 5 acres on the north side of Pence Road near Viola Drive from R-3 to I-2(CD).

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

- The note regarding construction of the left turn lane will be modified to state that if the left turn lane is not constructed and paid for as part of the widening of Pence Road, the County will be responsible for the construction and striping of the left turn lane.
- Notes will be added per the comments of the Housing Partnership to construct a fence and incorporate other agreed upon measures to prevent excessive noise or other disturbance for the multi-family development across the railroad tracks from the petition site.

Attachment No. 16

17. **Petition No. 2004-46 (decision)** by *John Tallent* for a change in zoning for approximately 2.7 acres on the east corner of the intersection of Sardis Road and Rama Road from R-3 to O-1(CD).

The Zoning Committee unanimously recommended a **ONE-MONTH DEFERRAL** of this petition so that the petitioner and staff may address some of the operational uncertainties that have been a concern to the staff.

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

Attachment No. 17

18. **Petition No. 2004-47 (decision)** by *St. Luke's Village II, LLC* for a change in zoning for approximately 3.79 acres located south of Marsh Road, east of Little Hope Road from R-17MF(CD) to R-17MF(CD) SPA.

The Zoning Committee unanimously recommended **APPROVAL** of this petition.

Attachment No. 18

## *HEARINGS*

19. Approve a resolution setting a public hearing for June 21, 2004 at 6:00 PM on the question of historic designation of the “**First United Presbyterian Church**” and land as an Historic Landmark.

Attachment 19

20. Approve a resolution setting a public hearing for June 21, 2004 at 6:00 PM on the question of historic designation of the “**American Legion Memorial Stadium**” and land as an Historic Landmark.

Attachment 20

21. Approve a resolution setting a public hearing for June 21, 2004 at 6:00 PM on the question of historic designation of the “**Victor Shaw House**” and land as an Historic Landmark.

Attachment 21

22. Approve a resolution setting a public hearing for June 21, 2004 at 6:00 PM on the question of historic designation of the “**Lloyd Presbyterian Church Cemetery**” and land as an Historic Landmark.

Attachment 22

23. **Petition No. 2004-09 (hearing)**. Change in zoning from R-3 to Institutional 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 ¾ majority-voting rule.*

Attachment No. 23

24. **Petition No. 2004-27 (hearing).** Change in zoning from B-1(CD) to B-1(CD)S.P.A. for approximately 11.97 acres located between Ardrey Kell Road and Tom Short Road. ***Petitioner: Raley Miller Properties and B.L. Patch & Associates, Inc.***

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

Attachment No. 24

25. **Petition No. 2004-48 (hearing).** Change in zoning from R-3 to UR-C(CD) for approximately 1.8 acres located on the northeast corner of East Lake Forest Road and Albemarle Road. ***Petitioner: T.A. Bauce and Anthony V. Hunt***

Attachment No. 25

26. **Petition No. 2004-49 (hearing).** Change in zoning from NS to NS S.P.A. for approximately 5.2 acres located on the north side of Mt. Holly-Huntersville Rd. west of Brookshire Blvd. (Hwy 16). ***Petitioner: Charles Lindsey McAlpine***

Attachment No. 26

27. **Petition No. 2004-51 (hearing).** Change in zoning from R-9 (CD) (90-1C) to Institutional (CD) for approximately 15.86 acres located to the east of Rea Road, north of the Mecklenburg County Line. ***Petitioner: Berhe Serekeberhan***

Attachment No. 27

28. **Petition No. 2004-52 (hearing).** Change in zoning from B-2 to CC for approximately 32.9 acres located on the northwest corner of Wilkinson Blvd. and Ashley Road. ***Petitioner: Wal-Mart Stores, Inc.***

Attachment No. 28

29. **Petition No. 2004-53 (hearing).** Change in zoning from R-17MF(CD)/R-3 to UR-2(CD) for approximately 4.96 acres located northeast of the intersection of Sharon Road and Sharon View Road. ***Petitioner: Citiline, LLC***

Attachment No. 29

30. **Petition No. 2004-54 (hearing).** Change in zoning from R-8, R-22MF to UR-1(CD) for approximately .75 acres located at the southeast corner of the intersection of Woodvale Place and Westbrook Drive. *Petitioner: Urban Concepts, LLC*

Attachment No. 30

31. **Petition No. 2004-55 (hearing).** Change in zoning from I-1 to B-1CD, O-1CD, B-2CD for approximately 56.26 acres located west of Monroe Road on both sides of McAlpine Park Road. *Petitioner: Daniel Levine*

Attachment No. 31

32. **Petition No. 2004-56 (hearing).** Change in zoning from B-2, R-22MF to UR2(CD) for approximately 1.44 acres located south of Parkwood Ave. between 15<sup>th</sup> Street and 16<sup>th</sup> Street. *Petitioner: Tuscan Development*

Staff is requesting a **ONE-MONTH DEFERRAL** of this petition to allow time for a traffic import study to be submitted and reviewed.

Attachment No. 32

33. **Petition No. 2004-57 (hearing).** Change in zoning from O2 to MUDD(CD) for approximately 1.38 acres located on the east side of Greenwood Cliff, west of Kings Dr. and north of Harding Place. *Petitioner: Tuscan Development*

Attachment No. 33

34. **Petition No. 2004-58 (hearing).** Change in zoning from R-12MF(CD) to R-12MF(CD) S.P.A. for approximately 2.27 acres located to the west of W.T. Harris Blvd. north of Wallace Ave. *Petitioner: William Whitley III*

Attachment No. 34

35. **Petition No. 2004-59 (hearing).** Change in zoning from R-12MF(CD) to R-6(CD) for approximately 7.9 acres located north of Wallace Cabin Drive and south of Barcliff Dr. *Petitioner: Eastwood Development*

A revised site plan was not submitted. Therefore, staff is requesting a **ONE-MONTH DEFERRAL** of this petition.

Attachment No. 35