

Mayor Patrick L. McCrory
Nancy G. Carter
Harold Cogdell, Jr.
Malcolm Graham
Don Lochman
James E. Mitchell, Jr.

Mayor Pro Tem Patrick De'Angelo Cannon
Patrick Mumford
Sara S. Spencer
John Tabor
Lynn Wheeler
Joe White

CITY COUNCIL ZONING AGENDA
Monday, April 21, 2003

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

**Dinner Meeting
Report from Planning Commission recommending and requesting
authorization to file two corrective rezoning petitions for two
conditionally zoned properties.**
Attachment No. 1

**Rezoning Update: April, May, and
June Public Hearings
Martin R. Cramton, Jr., Planning Director**
Attachment No. 2

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

DECISIONS

- 3. Petition No. 2002-107 (decision) by NFM Properties, LLC** for a change in zoning for approximately 1.9 acres located at the southeast corner of South Church Street and West Bland Street from I-2 to MUDD-O.

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

Attachment No. 3

- 4. Petition No. 2002-121 (decision) by City Attorney's Office** for adoption of a text amendment to Chapter 12: Development Standards of General Applicability, Part I: Supplemental Development Standards, Section 12.106. Uses and structures prohibited and allowed in required setbacks and yards, (2).

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

- In no case shall the structure be closer than ten feet to the back of curb or edge of pavement.
- Any structure larger than 4' x 4' x 3' must be ten feet behind the proposed road right-of-way so as not to create a sight distance problem.
- Any structure larger than 4' x 11' x 6' must be located outside the setback.

Attachment No. 4

- 5. Petition No. 2002-140 (decision) by Donald and Linda Anderton** for a change in zoning for approximately .585 acres located on the southwest corner of Badger Court and Statesville Avenue from R-8 to B-1.

A protest petition was filed and is sufficient to invoke the $\frac{3}{4}$ majority-voting rule.

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

Attachment No. 5

- 6. Petition No. 2002-143 (decision) by The Boulevard 2000, LLC** for a change in zoning for approximately 1.2 acres located at the northwest corner of Selwyn Avenue and Hassell Place from O-2 and R-5 to UR-2(CD).

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

Three protest petitions were filed and are sufficient to invoke the $\frac{3}{4}$ majority-voting rule.

Attachment No. 6

- 7. Petition No. 2003-15 (decision) by Ale House Management, Inc.** for a change in zoning for approximately 2.9 acres located on the northwest corner of North Tryon Street (NC Hwy 29) and McCullough Drive from O-15(CD) to B-1(CD).

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

Attachment No. 7

- 8. Petition No. 2003-17 (decision) by New South Properties of the Carolinas, LLC** for a change in zoning for approximately 2.6 acres located on the northeast corner of West WT Harris Boulevard and the old alignment of West Sugar Creek Road from B-1 SCD to B-1(CD).

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

Attachment No. 8

- 9. Petition No. 2003-19 (decision) by City of Charlotte/Charlotte-Mecklenburg Planning Commission** for adoption of a text amendment to the City of Charlotte Zoning Ordinance to Section 12.513, “Bus Stop Shelters” and Section 4.105, “Moratorium on the establishment or the expansion of certain land uses”.

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

Attachment No. 9

- 10. Petition No. 2003-23 (decision) by The Bissell Companies** for a change in zoning for approximately 7.4 acres located at the northwest corner of Morrison Boulevard and Roxborough Road from B-1 SCD to B-1(CD).

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

Attachment No. 10

- 11. Petition No. 2003-26 (decision) by Kent Olson** for a change in zoning for approximately 4 acres located on the north side of York Road (US Highway 49), east of Moss Road from R-17MF to O-1(CD).

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

- A 40-foot landscaped setback will be provided along NC-49.
- The note regarding stormwater will be amended per the staff’s recommendation.

Attachment No. 11

- 12. Petition No. 2003-29 (decision) by Charlotte-Mecklenburg Planning Commission** for adoption of a text amendment to Chapter 12, Part 2, Table 12.202 to reduce the required parking for Motion Picture Theatres to one (1) space per five (5) seats.

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

Attachment No. 12

- 13. Petition No. 2003-30 (decision) by City Engineering and Property Management** for adoption of a text amendment to the Subdivision Ordinance, Chapter 6.60, Final Plat Requirements subsection (6).

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

Attachment No. 13

HEARINGS

- 14. Petition No. 2003-01 (hearing).** Change in zoning from I-2 to MUDD(CD) for approximately 1.03 acres located on the east side of South Tryon Street, north of West Park Avenue. **Petitioner: The Boulevard 2000, LLC**

Attachment No. 14

- 15. Petition No. 2003-04 (hearing).** Change in zoning from B-2 to MUDD(CD) for approximately 0.408 acres located on the north side of Central Avenue, west of the Plaza. **Petitioner: Christopher Branch**

The petitioners are requesting that the petition be withdrawn.

Attachment No. 15

- 16. Petition No. 2003-16 (hearing).** Change in zoning from R-4 to R-8MF for approximately 8.22 acres located on the north side of Sofley Road between Sugar Creek Road and Northaven Drive. **Petitioner: Vincent James**

A protest petition was filed and is sufficient to invoke the $\frac{3}{4}$ majority-voting rule.

Attachment No. 16

- 17. Petition No. 2003-20 (hearing).** Change in zoning from R-12MF(CD) and B-2(CD) to B-1(CD) for approximately 19.63 acres located at the southwest corner of Mt. Holly-Huntersville Road and Beatties Ford Road. **Petitioner: JDH Capital**

Staff is recommending denial of this petition. However, we would be willing to agree to a deferral to be completed for 12 months to allow a Joint Planning Study for the area with the Town of Huntersville.

Attachment No. 17

- 18. Petition No. 2003-21 (hearing).** Change in zoning from R-3 to R-5(CD) for approximately 88 acres located on the south side of Camp Stewart Road and west of Rocky River Church Road. **Petitioner: Larkhaven, Inc.**

Attachment No. 18

- 19. Petition No. 2003-22 (hearing).** Change in zoning from R-3 and INST(CD) to R-4(CD) for approximately 24.2 acres located on the east side of Perkins Road, south of Gibbon Road. **Petitioner: Crossman Communities, Inc.**

Attachment No. 19

- 20. Petition No. 2003-24 (hearing).** Change in zoning from R-5, R-12PUD, B-1(CD) and B-1 S.C.D. (Lower Lake Wylie/Critical Area) to MX-1 Innovative (Lower Lake Wylie/Critical Area), (Lower Lake Wylie/Protected Area) for approximately 1,828 acres located on the east and west sides of Shopton Road West, north of Woody Point Road and the north and south sides of Island Point Road and Girl Scout Road. **Petitioner: Carolina Centers, LLC**

Attachment No. 20

- 21. Petition No. 2003-25 (hearing).** Change in zoning from R-3 to R-4(CD) for approximately 16.4 acres located on the south side of Ridge Road, east of Creek Breeze Road. **Petitioner: Florence Puckett and Community Christian Church of Charlotte**

Attachment No. 21

- 22. Petition No. 2003-28 (hearing).** Consideration of a text amendment to the City of Charlotte Zoning Ordinance to recognize that the Planning Commission's digital zoning database of the GIS system along with the series of zoning maps shall be designated, established and incorporated as a part of the official Zoning Ordinance. **Petitioner: Charlotte-Mecklenburg Planning Commission**

Attachment No. 22

- 23. Petition No. 2003-31 (hearing).** Change in zoning from R-3 to R-4 for approximately 39.4 acres located on the east side of Westinghouse Boulevard, south of Shopton Road West. **Petitioner: Steele Creek Associates, LLC**

Attachment No. 23

- 24. Petition No. 2003-32 (hearing).** Change in zoning from I-2 to MUDD-O for approximately 0.65 acres located on the northwest corner of Central Avenue and Hawthorne Lane. **Petitioner: JDH Development**

Attachment No. 24

- 25. Petition No. 2003-33 (hearing).** Change in zoning from R-3 and MX-2 to NS for approximately 17.5 acres located on the northwest corner of Harrisburg Road and Starnes Randall Road. **Petitioner: The Mulvaney Group, Ltd.**

Attachment No. 25

- 26. Petition No. 2003-38 (hearing).** Change in zoning from B-1 S.C.D. to MUDD-O for approximately 14.2 acres located on the north side of Central Avenue, west of Wilora Lake Road. **Petitioner: The Cameron Group, LLC**

Petitioner has requested a one-month deferral of this petition.

Attachment No. 26

27. Petition No. 2003-40 (hearing). Change in zoning from B-1(CD) to B-1(CD) S.P.A. for approximately 1.6 acres located on the northeast corner of McChesney Drive and Highland Creek Parkway. **Petitioner: Resources for Senior Living, LLC**

Attachment No. 27