

Mayor Patrick L. McCrory

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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, December 16, 2002

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

6:00PM – Zoning Decisions
Meeting Chamber

DECISIONS

- 1. Plan Amendment by T.J. Orr** to approve a settlement of a controversy between the City and ANC Rental Corporation, the owner and operator of the Alamo and National car rental businesses at Charlotte/Douglas International Airport (“Airport”).

Attachment No. 1

- 2. Petition No. 2002-75 (decision) by Centex Homes for** a change in zoning for approximately 103.26 acres located on the south side of Rocky River Road across from John Russell Road from R-3 to MX-2.

The Zoning Committee voted 6-1 to recommend **APPROVAL** of this petition with the following modifications:

- The non-residential component of the proposal was eliminated.
- The requested district was modified to MX-1.
- The details of the open space along Rocky River Road will be noted on the site plan.
- The remaining CDOT issue will be resolved prior to Council approval.
- A note will be added to the site plan that the collector street issue will be resolved during the subdivision process.

Attachment No. 2

3. **Petition No. 2002-90 (decision) by City Attorney's Office** for adoption of a text amendment to Section 6.110 "Hearing" to require that variances associated with a conditional rezoning be secured prior to the approval of the zoning request.

The Zoning Committee voted unanimously to **DEFER** this text amendment to their December 2002 work session.

Attachment No. 3

4. **Petition No. 2002-123 (decision) by DLT, LLC** for a change in zoning for approximately 2.0 acres between Starita Road and Kendrick Avenue, east of Highland Avenue from R-4 to I-2.

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

Attachment No. 4

5. **Petition No. 2002-124 (decision) by The City of Charlotte** for a change in zoning for approximately 5.83 acres located at the southeast corner of West Fourth Street and South Cedar Street from UR-3 MUDD.

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

Attachment No. 5

6. **Petition No. 2002-125 (decision) by Mulvaney Group, LTD.** for a change in zoning for approximately 16.82 located on the south side of Ridge Road, west of Prosperity Church Road from R-22 MF(CD).

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

Attachment No. 6

7. **Petition No. 2002-127 (decision) by Pinnacle Properties, LLC** for a change in zoning for approximately 33 acres between I-85 and Mallard Creek Church Road, north of North Tryon Street (US Hwy 29) from R-3, R-12MF(CD), R-43(MF), and CC to CC and CC Site Plan Amendment.

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

- Sidewalk has been extended along Mallard Creek Church Road.
- The height of the lighting fixtures along the commercial collector road will be a maximum of 20-feet. Other fixtures will remain at thirty feet and will be capped. Information will be added to the site plan pertaining to the maximum foot-candle illumination.
- CATS is satisfied with transit provisions on this site.

Attachment No. 7

- 8. Petition No. 2002-128 (decision) by Park South, LLC** for a change in zoning for approximately 1.2 acres on the east side of park South Drive, north of Pine Valley Drive from R-3 to UR-C(CD).

The Zoning Committee voted to recommend a one-month **DEFERRAL** of this petition.

Attachment No. 8

- 9. Petition No. 2002-131 (decision) by Childress Klein Properties** for a change in zoning for approximately 0.54 acres located on the west side of Reames Road, north of Northpark Boulevard from R-3 to I-1(CD).

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

Attachment No. 9

- 10. Petition No. 2002-132 (decision) by Richard Fuqua** for a change in zoning for approximately 0.90 acres located between West Trade Street and West 5th Street, north of Bruns Avenue from B-2 to MUDD –(CD).

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

Attachment No. 10

- 11. Petition No. 2002-135 (decision) by The Boulevard at Graham Street, LLC –** Consideration to amend text amendment to Chapter 9: General Districts, Part 4: Urban.

The Zoning Committee voted unanimously to **APPROVE** this text amendment.

Attachment No. 11

- 12. Petition No. 2002-136 (decision) by Corinthian International, Inc. / Corinthian Properties** for a change in zoning for approximately 4.35 acres located at the southwest corner of Pineville Matthews Road and Raintree Lane from R-15 PUD to UR-2(CD).

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

- The building design will be single family in scale, design and appearance and will incorporate sophisticated craftsman style architecture with stone, brick, and shake finish in order to blend with and enhance the Raintree Community.
- Building orientation will not allow garages to face out onto Raintree Lane.
- A hedge will be installed along the southerly side of the site to accommodate a request made by an adjoining property owner.
- A storm water system will improve the condition of the downstream pond and drainage system and will be designed and constructed in close cooperation with the Raintree Homeowners Association.

- Special silt controls that will be used during the construction process including double silt fences, advanced catches and special materials to control the quality of the water runoff.

Attachment No. 12

HEARINGS

- 13. Petition No. 99-129 (hearing).** Change in zoning from O-2 and B-1 to MUDD-O for approximately 1.47 acres located at the northeast corner of Selwyn Avenue and Colony Road. **Petitioner: Hand and Choate Investments, LLC**

Attachment No. 13

- 14. Petition No. 2002-33 (hearing). (Screening Requirement for Parking Lots in UMUD Districts)** To consider a text amendment to the City of Charlotte Zoning Ordinance to revise the screening requirements of the UMUD District in order to allow better visibility into parking lots for the safety of the public and for the protection of their vehiclec parked in the lots. **Petitioner: Charlotte-Mecklenburg Police Department**

Attachment No. 14

- 15. Petition No. 2002-83 (hearing).** Change in zoning from R-3, I-1, and I-1(CD) to MX-1 and O-1(CD) for approximately 76.4 acres located on the east side of Old Concord Road between Rocky River Road and Newell Hickory Grove Road. **Petitioner: Pulte Homes Corporation**

Petitioner has requested a 2-month deferral on this petition.

Attachment No. 15

- 16. Petition No. 2002-93 (hearing).** Change in zoning from R-5 to O-1(CD) for approximately 0.52 acres located between North Brevard Street and Faison Avenue, north of North Davidson Street. **Petitioner: Richard Vinroot**

Petitioner has requested a waiver of the requirement that community meeting reports be submitted at least 10 days prior to the scheduled public hearing. The ice storm and resulting power outages have prevented the petitioner from meeting this requirement, although the meeting has been held and the report will be available at the public hearing.

Attachment No. 16

- 17. Petition No. 2002-112 (hearing).** Change in zoning from R-3 and B-1 to MX-2 Innovative for approximately 156.3 acres located between Old Concord Road and Back Creek Church Road, south of University City Boulevard (NC Hwy 49). **Petitioner: Portrait Homes Construction Company**

Attachment No. 17

- 18. Petition No. 2002-116 (hearing).** Change in zoning from R-5 to MUDD-O for approximately 0.74 acres located at the northwest corner of the intersection of East 35th and Yadkin Avenue. **Petitioner: Mullaney, Sires and Lyons**

A protest petition was filed.

Attachment No. 18

- 19. Petition No. 2002-120 (hearing).** Change in zoning from R-4 to B-1 for approximately 0.824 acres located on the north side of Cindy Lane, east of Beatties Ford Road. **Petitioner: Muhammad Hasan**

Attachment No. 19

- 20. Petition No. 2002-121 (hearing). (Uses and Structures Prohibited and Allowed in Required Setbacks and Yards)** To consider a text amendment to the City of Charlotte Zoning Ordinance to limit above ground structures, other than back flow preventers, associated with underground utilities when located in required setbacks and yards. **Petitioner: City Attorney's Office**

Attachment No. 20

- 21. Petition No. 2002-122 (hearing). (Location of Required Parking)** To consider a text amendment to the City of Charlotte Zoning Ordinance to allow permit parking for single family dwellings, duplexes, and dwellings with three or more dwelling units with attached garages in the required and established setback on the condition that such parking is limited to improved driveways or parking pads and sets maximums for the sizes and extent of their land coverage. **Petitioner: City Attorney's Office**

Attachment No. 21

- 22. Petition No. 2002-129 (hearing).** Change in zoning from R-17MF to MUDD-O for approximately 23 acres located on the northeast corner of Colony Road and Sharon Road. **Petitioner: Grubb Properties, Inc.**

Attachment No. 22

- 23. Petition No. 2002-130 (hearing).** Change in zoning from R-22MF and O-2 to MUDD-O for approximately 2.26 acres bounded by Kenilworth Avenue, Scott Avenue, Buchanon Street and Pierce Street. **Petitioner: Richter and Associates**

Petitioner has request a waiver of the requirement that community meeting reports be submitted at least 10 days prior to the scheduled public hearing. The ice storm and resulting power outages have prevented the petitioner from meeting this requirement, although the meeting has been held and the report will be available at the public hearing.

A protest petition was filed.

Attachment No. 23

- 24. Petition No. 2002-133 (hearing).** Change in zoning from R-3 to R-8MF(CD) for approximately 4.01 acres located on the east side Rea Road, north of Pineville-Matthews Road (NC Hwy 51). **Petitioner: Afshar Nader**

Attachment No. 24

- 25. Petition No. 2002-137 (hearing).** Change in zoning from R-4 to RE-1 for approximately 11.2 acres located on the south side of West Mallard Creek Road, west of Legranger Road. **Petitioner: Crescent Resources, LLC/Larry Wilson**

Attachment No. 25

- 26. Petition No. 2002-138 (hearing).** Change in zoning from MX-2 to MX-2 S.P.A. for approximately 78.5 acres located on the north side of University City Boulevard (NC Hwy. 49), west of the Mecklenburg County Line. **Petitioner: David Drye Construction Company**

Attachment No. 26

- 27. Petition No. 2002-139 (hearing).** Change in zoning from I-2 to INST for approximately 2.21 acres located on the north side of Old Concord Road, between North Tryon Street and Orr Road. **Petitioner: Dr. M. Yasin Akhtar Raja**

Attachment No. 27

- 28. Petition No. 2002-143 (hearing).** Change in zoning from R-5 and O-2 to UR-2(CD) for approximately 1.2 acres located at the northwest corner of Selwyn Avenue and Hassell Place. **Petitioner: The Boulevard 2000, LLC**

Attachment No. 28

- 29. Petition No. 2002-144 (hearing).** Change in zoning from R-43MF to UR-2(CD) for approximately 1.2 acres located on the east side of Queens Road, north of Dartmouth Place. **Petitioner: The Boulevard 2000, LLC**

Attachment No. 29

- 30. Petition No. 2002-145 (hearing).** Change in zoning from B-1 to NS for approximately 0.65 acres located at the intersection of Seventh Street and Caswell Road, across from Pecan Avenue. **Petitioner: Showmars of America, Inc.**

Attachment No. 30

- 31. Petition No. 2002-147 (hearing). (Ped Overlay, Urban Residential, Sign Text and Accessory Uses and Structures Amendments)** To consider a text amendment to the City of Charlotte Zoning Ordinance to allow for various amendments to the Pedestrian Overlay District, Urban Residential Districts, Sign Ordinance and References to

Accessory Uses and Structures. **Petitioner: Charlotte-Mecklenburg Planning Commission**

Attachment No. 31

- 32. Petition No. 2002-148 (hearing). (Senior Housing).** To consider a text amendment to the City of Charlotte Zoning Ordinance to provide clarification for definitions of senior housing. **Petitioner: Charlotte-Mecklenburg Planning Commission and Vantage Senior Care Services**

Attachment No. 32

- 33. Plan Amendment by Pamela Syfert, DeWitt F. McCarley, and Curt Walton** to adopt a motion to hold a closed session pursuant to North Carolina General Statute 143-318.11 (a)(4) for the purpose of discussing matters relating to the location or expansion of industries or other businesses.

Attachment No. 33