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Malcolm Graham Patrick Mumford
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John W. Lassiter Warren Turner

CITY COUNCIL ZONING AGENDA
Monday, March 15, 2004

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

6:00PM – Zoning Decisions/Hearings
Meeting Chamber

DINNER MEETING

- 1. Rezoning Update – Area Plan Notification Process**
Cindy Chandler, Chairperson – Zoning Committee

Attachment No. 1

DECISIONS

2. **Petition No. 2003-05 (decision)** by *Catherine Harrington* for a change in zoning for approximately 1.8 acres located on the north side of Sofley Road, west of Northhaven Drive from R-4 to INST(CD).

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

Attachment No. 2

3. **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 unanimously voted to **DEFER** this petition for **ONE MONTH**.

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

Attachment No. 3

4. **Petition No. 2003-98A (decision)** by *Charlotte-Mecklenburg Planning Commission* for a change in zoning for approximately 5.1 acres on the north and south sides of Parkwood Avenue between The Plaza and Harrill Street from B-1 to R-5 and R-17MF.

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

- The three parcels owned by Mr. Butts and Mr. Young are deleted from the petition and will remain zoned B-1. As a result, no non-conforming uses will be created by this rezoning.

Attachment No. 4

5. **Petition No. 2003-98B (decision)** by *Charlotte-Mecklenburg Planning Commission* for a change in zoning 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 from I-2 and B-2 to R-5 and R-22MF.

The Zoning Committee recommended a **THREE-MONTH DEFERRAL** of this entire petition. This will allow the study of the industrial districts to potentially find an alternative to down-zonings of industrial zoned properties near residential neighborhoods.

It also provides additional time to work with property owners to develop conditional district alternatives.

A protest petition has been filed and there are three areas involved. Area 1 to the north on the rezoning map, bordered by North Davidson Street. and Area 3 to the far southeast portion of the rezoning map with Harrill Street on the southeast boundary are sufficient to invoke the ¾ rule. Area 2 in the central portion of the rezoning map with Seigle Avenue for the southeast boundary is not sufficient to invoke the ¾ rule.

Attachment No. 5

6. **Petition No. 2003-98C (decision)** by *Charlotte-Mecklenburg Planning Commission* for a change in zoning for approximately 2.3 acres located on the north and south sides of Belmont Avenue between Harrill Street and Pegram Street B-1 to R-5.

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

- Action on the parcel occupied by the store at the corner of Allen Street and Belmont Avenue is deferred for three months.

Attachment No. 6

7. **Petition No. 2003-98D (decision)** by *Charlotte-Mecklenburg Planning Commission* for a change in zoning for approximately 10.2 acres located on two sites: the southwest corner of the intersection of 10th Street and Seigle Avenue and east of Independence Boulevard, west of Louise Avenue from B-2 to R-22MF and R-22MF to R-8.

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

- The parcel occupied by the store at the corner of Seigle Avenue and 10th Street will be rezoned to B-1 (neighborhood business) rather than residential. As a result, no uses will be made non-conforming by this petition.

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

Attachment No. 7

8. **Petition No. 2003-104 (decision)** by *Robert Brandon, Zoning Administrator* for consideration of a text amendment to the City of Charlotte Zoning Ordinance to amend Chapter 12, Section 12.516. Open space recreational uses.

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

Attachment No. 8

9. **Petition No. 2004-01 (decision)** by *The Manis Family Limited Partnership* for a change in zoning for approximately 5.4 acres located on the east side of North Hoskins Road, east of Brookshire Boulevard from I-1 to I-2(CD).

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

- A solid fence will be added from the building to the south property line to screen the outside storage.
- The second driveway, west of the building has been deleted.

Attachment No. 9

10. **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.

Staff is requesting a one-month deferral in order for the petitioner to convert this petition to a conditional rezoning request.

Attachment No. 10

11. **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 recommend **APPROVAL** of this petition.

Attachment No. 11

12. **Petition No. 2004-17 (decision)** by *Crosland, Inc.* for a change in zoning for approximately 7.6 acres located on the north side of Brookshire Freeway, west of North Brevard Street from I-2 to MUDD and MUDD-O.

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

Attachment No. 12

13. **Petition No. 2004-18 (decision)** by *Falls, LLC* for a change in zoning for approximately 1.66 acres located on the north side of Sharon View Road, east of Sharon Woods Lane from R-3 to UR-2(CD).

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

- Add a note that the petitioner shall tie into the existing drainage system and assure that discharge leaves the site in the same direction and relative location(s) as pre-developed conditions. The petitioner shall have the receiving drainage system(s) analyzed to ensure that it will not be taken out of standard due to the development. If it is found that the development will cause the storm drainage system(s) to be taken out of standard, the petitioner shall provide adequate detention to prevent this from occurring.
- Add a note that the stub street will be constructed to the eastern property line is a connection can be made to the adjoining property in the future.
- Add a note to provide a 6-foot sidewalk with an 8-foot planting strip along Sharon View road.
- The proposed entry gates have been deleted.
- The proposed pedestrian access sidewalk along the west property line will be 6-feet wide.
- The proposed driveway accessing Sharon View Road will be constructed as a Type II modified driveway.

Attachment No. 13

14. **Petition No. 2004-20 (decision)** by *S&R Development Company, LLC* for a change in zoning for approximately 1.54 acres located on the north side of Mallard Creek Road between Driwood Court and Prosperity Church Road from R-12MF to B-1(CD).

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

Attachment No. 14

15. **Petition No. 2004-21 (decision)** by *LandCraft* for a change in zoning for approximately 5.72 acres located at the southeast intersection of David Cox Road and West Sugar Road from O-1(CD) and R-3 to NS.

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

- The petitioner will construct a right-turn lane on David Cox Road onto northbound Sugar Creek Road.
- A note will be added stating that the rear of the buildings facing David Cox Road will have elevations similar in character and window pattern to the elevations facing the internal parking areas.
- 6-foot sidewalks with 8-foot planting strips will be provided on all street fronts.
- CDOT's requested note concerning the approval of the on-street parking on Old West Sugar Creek Road will be added.
- A five-foot sidewalk and six-foot planting strip along one side of the driveway from Old Sugar Creek Road will be labeled and dimensioned.
- The maximum allowable FAR note will be clarified as "Proposed Square Footage: 35,000 square feet maximum at a FAR of .14".

Attachment No. 15

16. **Petition No. 2004-22 (decision)** by *Lat Purser & Associates/Trotter Builders* for a change in zoning for approximately 18.3 acres located on the west side of Monroe Road, south of Sardis Road North from R-17MF to NS.

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

- The road/driveway to the southern property line will be constructed without any contingencies.
- The transportation phasing note will be modified to require sections of the streets to be built sooner than previously proposed.

Attachment No. 16

17. **Petition No. 2004-26 (decision)** by *Tuscan Development* for a change in zoning for approximately 0.657 acres located at the southwest intersection of East 36th Street and Wesley Avenue from R-12MF(CD) to UR-2(CD).

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

- Proposed building elevations have been incorporated into the proposal.

Attachment No. 17

18. **Petition No. 2004-28 (decision)** by *Spectrum Properties* for a change in zoning for approximately 3.24 acres bounded by South College Street, East Fourth Street, and East Trade Street from UMUD to UMUD-O.

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

Attachment No. 18

19. **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 **ONE-MONTH DEFERRAL** of this petition to allow staff time to work with the petitioners on site plan issues.

Attachment No. 19

HEARINGS

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

Note: A revised site plan has not been submitted. Thus, a thorough analysis cannot be completed. Staff recommends the petition be deferred for one month to the April 19th public hearing.

Attachment No. 20

21. **Petition No. 2003-99C (hearing)**. Change in zoning for approximately 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. *Petitioner: Charlotte-Mecklenburg Planning Commission*

A protest petition has been filed. There are three non-contiguous areas involved in this rezoning. The only portion that is sufficient to invoke the ¾ majority-voting rule is the portion at 16th Street and Parkwood Avenue.

Attachment No. 21

22. **Petition No. 2003-99D (hearing).** Change in zoning for approximately 7.35 acres along Caldwell Street between Belmont Avenue and East 18th Street from B-2 to R-8.
Petitioner: Charlotte-Mecklenburg Planning Commission

A protest petition has been filed and is not sufficient to invoke the ¾ majority-voting rule.

Attachment No. 22

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

Note: It is staff's understanding that there have been significant changes to this proposal. However, staff has not received a revised site plan for this petition. The pre-hearing staff analysis is based on the old site plan. It is our understanding that neighborhood interests have also not seen a revised site plan as of the preparation of the report.

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

Attachment No. 23

24. **Petition No. 2004-19 (hearing).** 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).
Petitioner: LeNell C. Grier

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

Attachment No. 24

25. **Petition No. 2004-23 (hearing).** 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).
Petitioner: Chandrakant S. Patel

Attachment No. 25

26. **Petition No. 2004-24 (hearing).** 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 SUP and R-4 to INST(CD). *Petitioner: B&F Holdings, Inc.*

Note: The community meeting report submitted is not complete. Staff recommends the petition be deferred one month to the April 19th public hearing.

Attachment No. 26

27. **Petition No. 2004-25 (hearing).** 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). *Petitioner: Ivy House Foundation (Margaret T. Moreland)*

Attachment No. 27

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

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

Attachment No. 28

29. **Petition No. 2004-31 (hearing).** Change in zoning for approximately 1.1 acres located on Ellis Street between Brookshire Boulevard and Belhaven Boulevard from R-8MF(CD) to R-3. *Petitioner: Hammett Construction Company*

Attachment No. 29

30. **Petition No. 2004-34 (hearing).** 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). *Petitioner: Roger M. Lewis*

Two protest petitions have been filed.

Attachment No. 30

31. **Petition No. 2004-36 (hearing).** 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). *Petitioner: YWCA of Charlotte*

Attachment No. 31

32. **Petition No. 2004-37 (hearing).** Change in zoning for approximately 58 acres located at the northwest intersection of Rea Road and Ardrey Kell Road from CC to CC S.P.A.

Petitioner: Crosland, Inc.

Attachment No. 32

33. **Petition No. 2004-38 (hearing).** Change in zoning for approximately 25.5 acres located on the southwest corner of the intersection of Margaret Wallace Road and Idlewild Road from B-1 to NS. **Petitioner: Harris-Murr and Vermillion**

Attachment No. 33

34. **Petition No. 2004-39 (hearing).** Consideration 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.

Petitioner: Charlotte-Mecklenburg Planning Commission

Attachment No. 34

35. **Petition No. 2004-40 (hearing).** Change in zoning for approximately seven (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). **Petitioner: First Centrum, LLC**

Attachment No. 35