

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, September 20, 2004

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

6:00PM – Zoning Decisions/Hearings
Meeting Chamber

DINNER MEETING

Rezoning Update – September, October and November 2004
Debra D. Campbell, Planning Director

DECISIONS

1. (A) Hearing to consider designation of the property known as the “**Lloyd Presbyterian Church Cemetery**” (listed under Tax Parcel Number 17709206 as of January 1, 2004, and including the landscaping and the parcel of land listed under Tax Parcel Number 17709206 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of January 1, 2004). The property is owned by Grubb Properties, Inc. and is located near the corner of Colony Road and Sharon Road in Charlotte, North Carolina.

(B) Adopt an ordinance designating the “**Lloyd Presbyterian Church Cemetery**” as a Historic Landmark.

Attachment 1

2. **CDOT Presentation - Population and Employment Projections**
(*Staff: Norm Steinman, Debra Campbell*)

The topic of growth projections was discussed with the Committee on April 19, May 10, July 19, and with the City Council on June 7. At those meetings, staff described the reasons why population and employment projections were being prepared, and the general methodology that was being used to prepare the projections. Staff also concentrated on presenting and discussing the projections for employment and population for the Charlotte Sphere of Influence, and for specified areas within the Charlotte Sphere of Influence. Staff described how market forces and adopted policies have influenced the preparation of the projections, and how the projections being produced in 2004 compare to projections prepared in the past.

In this session, staff will present the population and employment projections recommended by staff for the non-attainment region and Mecklenburg County. Staff will present the population and employment projections for specified areas within the Charlotte Sphere of Influence in October.

Action Requested: Recommend that Council direct the City's Representative to endorse the Regional and County Level Population and Employment Projections at the September 22, 2004 MUMPO meeting.

Attachment 2

3. **Business Support Services – Request for Consent**

ACTION: Declare 50 computers listed on Exhibit A as surplus and approve a resolution authorizing the donation of the fifty computers to the Tech Connect Program for Charlotte-Mecklenburg School students.

Attachment 3

4. **Petition No. 2004-15 (decision)** by *Grubb Properties, Inc.* for a change in zoning of approximately 24 acres located on the northwest corner of the intersection of Colony Road and Sharon Road R-17MF and MUDD-O to MUDD-O and MUDD-O S.P.A.

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition **CONTINGENT** upon CDOT being satisfied with proposed traffic impact mitigation measures. The recommendation is based upon the following modifications:

- Only the building at the corner of Sharon Road and Colony Road is a freestanding commercial building. All other non-residential use buildings have residential uses on the upper floors.
- The number of freestanding signs has been reduced to six.
- The size of the transit stop waiting pad has been increased.
- Planting strips have been increased in width.
- The hotel has been deleted.
- The number of residential units has been increased from 480 to 554.

Attachment No. 4

5. **Petition No. 2004-20 (decision)** by *S&R Development Co., LLC* for a change in zoning of 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.

The Petitioner is requesting a DEFERRAL until the December 20, 2004 Zoning Meeting.

Attachment No. 5

6. **Petition No. 2004-29 (decision)** by *Wilmore Partners, LLC* for a change in zoning of approximately 0.776 acres located on the southeast intersection of South Tryon Street and West Kingston Avenue from B-1 to UR2(CD).

The petitioner is requesting to **DEFER** this petition until the October Zoning Meeting.

Attachment No. 6

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

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

Attachment No. 7

8. **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 voted unanimously to recommend **APPROVAL** of this petition.

Attachment No. 8

9. **Petition No. 2004-48 (decision)** by *T.A. Baucom and 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 UR-C(CD).

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

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

Attachment No. 9

10. **Petition No. 2004-70 (decision)** by *Lord Baltimore Properties* for a change in zoning for approximately 58.54 acres located west of Future I-485 and south of Wilkinson Boulevard from B-2 LLWPA, I-1 LLWPA, I-2 LLWPA/LLWCA and R-4 LLWPA to I-1(CD) LLWPA/LLWCA.

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

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition contingent upon CDOT and Mecklenburg County Land Use and Environmental Services Agency issues being resolved.

Attachment No. 10

11. **Petition No. 2004-71 (decision)** by *State Street Companies* for a change in zoning for approximately 40.25 acres located south of Alexanderana Road east of Mt. Holly-Huntersville Road from R-3 to R-12MF(CD).

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition **CONTINGENT** upon the resolution of all outstanding CDOT issues **and** with the following modifications:

- A note will be added recognizing that a tree survey of the Mount Holly-Huntersville Road setback is required with the Rezoning Petition.
- A note will be added recognizing that the Site will conform to the Tree Ordinance.
- A note will be added committing to the provision of at least one bike rack within each of the two amenity areas.
- The dumpsters, recycling areas and parking will be relocated out of the setbacks.
- The minimum distances between the parking and the building areas will be shown on the Site Plan and will comply with the Ordinance.
- A note will be added recognizing that a minimum of 16 feet will be provided between buildings.

- The required buffers will be labeled as Class “C” buffers.
- The 50-foot setback along Mount Holly-Huntersville Road will be labeled as an “undisturbed woodland tree save” area along with the additional wording in paragraphs **A** through **G** on page 5 of the pre-hearing staff analysis, also incorporated onto the Site Plan.
- Note 2 under *Setbacks and Yards* will be amended to read: A 50 foot setback shall be provided along I-485 within which existing trees and plantings shall be preserved. In the event existing trees and plantings within the 50 foot setback do not conform to Class “A” buffer standards, supplementary plantings shall be installed within the setback in accordance with Class “A” buffer standards.

Attachment No. 11

12. **Petition No. 2004-72 (decision)** by *ARK Ventures, Inc.* for a change in zoning for approximately 3.43 acres located southwest of the intersection of Pavilion Boulevard and North Tryon Street (US Highway 29) from CC to CC S.P.A.

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

Attachment No. 12

13. **Petition No. 2004-73 (decision)** by *Cambridge-Eastfield, LLC* for a change in zoning for approximately 1.5 acres located west of Rocky Ford Club Drive on both sides of Arbor Creek Drive from MX-2 to NS.

The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition (Julie Chiu was excused from voting).

Attachment No. 13

14. **Petition No. 2004-74 (decision)** by *RealtiCorp/Cambridge Properties* for a change in zoning for approximately 27.5 acres located west of the intersection of North Tryon Street and Mallard Creek Church Road from CC to CC S.P.A.

The Zoning Committee voted unanimously to recommend a one-month **DEFERRAL** of this petition to allow time to resolve transportation and water quality issues. (Julie Chiu was excused from voting due to a conflict of interest.)

Attachment No. 14

15. **Petition No. 2004-75 (decision)** by *Hickory Grove Baptist Church* for a change in zoning for approximately 9.73 acres located west of W.T. Harris Boulevard and south of Trysting Road from R-3 to INST.

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

Attachment No. 15

16. **Petition No. 2004-77 (decision)** by *Beacon Partners* for adoption of a text amendment to the City of Charlotte Zoning Ordinance to amend CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY, PART 1, "SUPPLEMENTAL DEVELOPMENT STANDARDS", Section 12.101 to exempt previously developed unified development projects from the requirement that if a new subdivision of land occurs, interior lots need not abut a street as long as the overall site abuts a street and the interior lots or building sites are have a recorded access or an easement allowing access to the street.

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

Attachment No. 16

17. **Petition No. 2004-78 (decision)** by *Mondrian Enterprises, Inc.* for a change in zoning for approximately 0.25 acres located east of the intersection of Clemson Avenue and Wesley Avenue from R-5 to UR-1.

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

Attachment No. 17

18. **Petition No. 2004-79 (decision)** by *The Charlotte-Mecklenburg Planning Commission* for a change in zoning for approximately 1.44 acres located on both sides of Seigle Avenue, between Belmont and Van Every Streets from I-2 to MUDD-O and MUDD(CD).

The Zoning Committee voted unanimously to recommend **APPROVAL** of this rezoning request contingent upon all applicable notes being added to the site plan.

Attachment No. 18

19. **Petition No. 2004-80 (decision)** by *James L. Blane* for a change in zoning for approximately 0.459 acres located on the west side of East Morehead Street north of Arosa Avenue from O-2 to MUDD(CD).

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

Attachment No. 19

HEARINGS

20. **Petition No. 2004-55 (hearing)**. Change in zoning from I-1 to B-1(CD), B-2(CD) and O-1(CD) for approximately 70.91 acres located west of Monroe Road on both sides of McAlpine Park Road. *Petitioner: Daniel Levine*.

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

Attachment No. 20

21. **Petition No. 2004-64 (hearing)**. Change in zoning from CC, R-17MF(CD), R-3 and R-3(CD) to CC and CC S.P.A. for approximately 86 acres located southeast of intersection of York Rd. and Steele Creek Road. *Petitioner: Childress Klein Properties, Inc.*

Attachment No. 21

22. **Petition No. 2004-68 (hearing)**. Change in zoning from R-3 to R-4(CD) for approximately 46 acres located south of the intersection of Interstate-485 and Caldwell Road. *Petitioner: H. James Stafford*

Petitioner is requesting a 30-day **DEFERRAL**.

Attachment No. 22

23. **Petition No. 2004-76 (hearing)**. Change in zoning from R-3 to MX-1(innovative) for approximately 11.2 acres located south of the intersection of Park South Drive and Sulkirk Road. *Petitioner: KS, Inc., LLC*

Attachment No. 23

24. **Petition No. 2004-82 (hearing).** Change in zoning from R-22MF to R-8 for approximately .88 acres located on the northwest corner of Cherokee Road and Fenton Place. *Petitioner: Carolyn Hudson et al*

Petitioner has requested **WITHDRAWAL** of the rezoning.

A protest petition has been filed and is sufficient to invoke the ¾ majority-voting rule; protest petitioner has agreed to withdraw protest if rezoning is withdrawn.

Attachment No. 24

25. **Petition No. 2004-84 (hearing).** Change in zoning from R-17MF to O-1(CD) for approximately .74 acres located east of Eastway Drive south of Shamrock Drive. *Petitioner: Carmenza Hoyos*

Attachment No. 25

26. **Petition No. 2004-86 (hearing).** Change in zoning from R-22MF to R-8 for approximately 1.9 acres located east of Eastway Drive south of Bentley Place. *Petitioner: The Charlotte-Mecklenburg Planning Commission*

Attachment No. 26

27. **Petition No. 2004-88 (hearing).** Change in zoning from R-3 to MX-1 for approximately 38.98 acres located south of Plaza Road west of Plott Road. *Petitioner: Knotts Development Resources, Inc.*

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

Attachment No. 27

28. **Petition No. 2004-89 (hearing).** Change in zoning from R-3 to R-4(CD) for approximately 9.86 acres located north of Highland Creek Parkway across from Whistlers Chase Dr. *Petitioner: Donald Henderson*

Attachment No. 28

29. **Petition No. 2004-90 (hearing).** Change in zoning from O-1(CD) to NS for approximately 12.5 acres located on the southeast corner of Rocky River Road and W.T. Harris Blvd. *Petitioner: Primax Properties, LLC*

Attachment No. 29

30. **Petition No. 2004-91 (hearing).** Change in zoning from CC to CC S.P.A. for approximately 42.2 acres located on the south of Albemarle Road across from Hollirose Drive. *Petitioner: Suisse Investors, LLC*

Attachment No. 30

31. **Petition No. 2004-92 (hearing).** Change in zoning from R-15MF(CD) to UR-2(CD) for approximately 9.836 acres located south of Old Pineville Road north of East Arrowood Road. *Petitioner: The Charlotte-Mecklenburg Housing Partnership, Inc.*

Attachment No. 31

32. **Petition No. 2004-93 (hearing).** Consideration of a text amendment to the City of Charlotte Zoning Ordinance to permit the rezoning of property located within a rapid transit station area, as identified by CATS, to be rezoned before a transit station area plan is adopted. *Petitioner: Charlotte-Mecklenburg Planning Commission*

Attachment No. 32

33. **Petition No. 2004-96 (hearing).** Consideration of a text amendment to the City of Charlotte Zoning Ordinance to add Short-term Care Facilities to the list of uses permitted under prescribed conditions in the Institutional, O-1, O-2, O-3, B-2, MUDD, UMUD, TOD-R, TOD-E, TOD-M, U-1, and I-1 zoning districts. A definition of a short-term care facility and requirements are included. *Petitioner: Charlotte-Mecklenburg Planning Commission*

Attachment No. 33

34. **Petition No. 2004-97 (hearing).** Change in zoning from R-22MF to O-1(CD) for approximately .228 acres located northwest of the intersection of Eastway Drive and Weldon Avenue. *Petitioner: Monique McGrant and Evelyn McGrant*

Attachment No. 34

35. **Petition No. 2004-118 (hearing).** Consideration of a text amendment to the City of Charlotte Zoning Ordinance to accomplish two things. First, it adds a purpose statement to the innovative development developments found in the MX and CC zoning districts. This purpose statement clarifies that the objective of modifying the development standards is to be used when innovative development proposals offer a unique environment or design not ordinarily provided in conventional development. Second, it clarifies that among the standards that can be modified, public street frontage can only be modified for single family detached dwellings. *Petitioner: Charlotte-Mecklenburg Planning Commission*

Attachment No. 35