

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
Tuesday, January 20, 2004

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

6:00PM – Zoning Decisions/Hearings
Meeting Chamber

DINNER MEETING

1. **Rezoning Update – February and March 2004 Public Hearings**
Debra D. Campbell, Interim Planning Director

Attachment No. 1

DECISIONS

2. **Petition No. 2003-03 (decision)** by ***Diangikes Drier and George Fields, Jr.*** for approximately 8.0 acres located on the south side of Hampton Church Road, east of North Tryon Street from O-1(CD) to B-1(CD).

The Zoning Committee voted to recommend a **ONE-MONTH DEFERRAL** of this petition in order to complete the traffic impact analysis.

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

Attachment No. 2

3. **Petition No. 2003-41 (decision)** by *City of Charlotte* for approximately 154 acres located between Tyvola Road and Billy Graham Parkway, south of Wilmont Road from R-4 Special Use Permit to O-1(CD) and MUDD-O.

The Zoning Committee voted 5-0 to recommend **APPROVAL** of this petition. Commissioner Julie Chiu was excused due to a conflict of interest.

Attachment No. 3

4. **Petition No. 2003-87 (decision)** by *Pulte Homes Corporation* for approximately 11.2 acres located at the northwest corner of the intersection between Beverly Crest Boulevard and Hensey's Way from B-1(CD) to MX-2 Innovative.

The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition with the following modification:

- The buffer will be installed around the entire forebay.
- An innovative provision was added to allow the deletion of a small portion of sidewalk in front of one building.

Attachment No. 4

5. **Petition No. 2003-97 (decision)** by *Independence Capital Realty LLC* for approximately 16.03 acres located south of Amity Place and east of Independence Boulevard from R-4 to R-12MF(CD).

The Zoning Committee voted to **DEFER** this petition until January 28, 2004.

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

Attachment No. 5

6. **Petition No. 2003-102 (decision)** by *W.P. East Acquisitions, LLC* for approximately 20.4 acres located on the west side of Prosperity Church Road, north of White Cascade Drive from R-4 to INST(CD).

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

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

Attachment No. 6

7. **Petition No. 2003-108 (decision)** by *Scott Lindsley* for approximately 0.13 acres located between West Morehead Street and Bryant Streets, north of Interstate 77 from I2 to MUDD-O.

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

Attachment No. 7

8. **Petition No. 2003-112 (decision)** by *Dallas Development, LLC* for approximately .33 acres located at the end of Huntley Road, south of Albemarle Road from R-3 to B-2.

The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition.

Attachment No. 8

9. **Petition No. 2003-115 (decision)** by *Wendover Heights, LLC* for approximately 1.67 acres located on the northwest corner of Wendover Road and Churchill Road from R-3 and R-12MF(CD) to UR-2(CD).

The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition with the following modification:

- The sidewalk along the private street will be 5-feet in width.
- The additional right-of-way along Wendover Road will be dedicated and conveyed prior to the issuance of a building permit.
- A 6-foot wide sidewalk with an 8-foot planting strip will be constructed along roadways with no existing sidewalks.

Attachment No. 9

10. **Petition No. 2003-117 (decision)** by *Crosland, Inc.* for approximately 30.2 acres located on the south side of Ardrey Kell Road, west of Rea Road Extension from R-3 and O-1(CD) to MX-2 Innovative.

The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition.

Attachment No. 10

11. **Petition No. 2003-118 (decision)** by *Knights of Columbus* for approximately 4.5 acres located on the north side of Pineville-Matthews Road, east of Rea Road from R-3 INST(CD).

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

Attachment No. 11

12. **Petition No. 2003-119 (decision)** by *HMV S. Tryon, LLC* for approximately 2.2 acres located between South Tryon Street and Youngblood Drive, north of Griffith Street from I-1 to MUDD-O.

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

- The existing building entrance on South Tryon Street will be retained.

Attachment No. 12

13. **Petition No. 2003-120 (decision)** by *Joseph Dumizo* for approximately 1.32 acres located on the north side of David Cox Road, east of Sugar Creek Road from R-3 to O-1(CD).

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

- The use of up to 400 square feet for a barber shop and/or beauty salon has been deleted.

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

Attachment No. 13

14. **Petition No. 2003-121 (decision)** by *LandCraft Management, LLC* for approximately 17.2 acres located on the north side of Ridge Road, west of Waverly Lynn Lane from R3 to MX-2.

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

Attachment No. 14

15. **Petition No. 2003-122 (decision)** by *Providence Road Land Partners, LLC* for approximately 4.5 acres bounded by Hawthorne Lane, Elizabeth Avenue, Travis Avenue, and 5th Street from B-2, O-2 and MUDD-O to MUDD-O and MUDD-O S.P.A.

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

- A drive-thru for a pharmacy has been added in a new alley.
- There is a phasing requirement to build residential on the site after the first 216,000 square feet of non-residential space has been built.
- A parcel has been deleted with retail square footage consequently reduced from 123,000 square feet to 117,000 square feet.

Attachment No. 15

16. **Petition No. 2003-123 (decision)** by *Charlotte-Mecklenburg Planning* for consideration of a text amendment to the City of Charlotte Zoning Ordinance to amend the definition of lot width to allow flexibility in setback and lot width measurements “coving”.

The Zoning Committee voted 5-0 to recommend **APPROVAL** of this amendment.

Attachment No. 16

HEARINGS

17. **Petition No. 2003-113 (hearing)**. Change in zoning from R-3 to O-1(CD) for approximately 65.78 acres located on the south side of North Tryon Street (US 29), east of Pavillion Boulevard. *Petitioner: Speedway Motorsports, Inc.*

Attachment No. 17

18. **Petition No. 2004-08 (hearing)**. Change in zoning from O-1 to MUDD-O for approximately 4.4 acres located on the northwest corner of Pineville-Matthews Road and Carmel Road. *Petitioner: Quail Hollow Investment Group, Ltd.*

Attachment No. 18

19. **Petition No. 2004-09 (hearing)**. Change in zoning from R-3 to INST(CD) for approximately 6.9 acres 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. 19

20. **Petition No. 2003-05 (hearing)**. Change in zoning from R-4 to R-8MF(CD) for approximately 1.8 acres located on the north side of Sofley Road, west of Northhaven Drive. *Petitioner: Catherine Harrington*

Note: Hearing to be deferred one month due to conversion of petition from R-8MF(CD) to INST(CD).

Attachment No. 20

21. **Petition No. 2003-92 (hearing).** Change in zoning from R-4 to R-5(CD) for approximately 16.03 acres located on the south side of David Cox Road, east of Cleve Brown Road. ***Petitioner: Hughie M. and Hazel Barnette***

The protest petition has been withdrawn.

Attachment No. 21

22. **Petition No. 2003-94 (hearing).** Change in zoning from R-3 to O-1(CD) for approximately 1.76 acres located on the southeast intersection of Monroe and Rama Roads. ***Petitioner: Raymond L. and Deborah A. Krzyzaniak***

Attachment No. 22

23. **Petition No. 2003-104 (hearing).** Consideration of a text amendment to the City of Charlotte Zoning Ordinance to amend Chapter 12, Section 12.516. Open space recreational uses. ***Petitioner: Robert Brandon, Zoning Administrator***

Attachment No. 23

24. **Petition No. 2003-110 (hearing).** Change in zoning from I-2 to B-2 for approximately 18 acres located on the north and south sides of Central Avenue, between Louise and Clement Avenues, west of Pecan Avenue. ***Petitioner: Charlotte-Mecklenburg Planning Commission***

Attachment No. 24

25. **Petition No. 2003-111 (hearing).** Change in zoning to establish the Pedestrian Overlay District (PED) for approximately 83 acres along the Central Avenue Corridor, roughly between Nandina to the east and 7th Street to the west. ***Petitioner: Charlotte-Mecklenburg Planning Commission***

Attachment No. 25

26. **Petition No. 2004-02 (hearing).** Change in zoning from B-2(CD) to R-3 for approximately 3.1 acres located at 14221 Youngblood Road by the intersection of Youngblood Road and York Road. ***Petitioner: Craft Development, LLC***

Attachment No. 26

27. **Petition No. 2004-03 (hearing).** Change in zoning from R-5 to R-8MF(CD) for approximately 0.33 acres located on the north side of North Hoskins Road, east of Brookshire Boulevard. ***Petitioner: Angie Richardson***

Attachment No. 27

28. **Petition No. 2004-04 (hearing).** Change in zoning from B-1 and R-17MF to I-1 for approximately 1.5 acres located on the north side of Old Statesville Road, east of Statesville Road. *Petitioner: The A. G. Boone Company*

Attachment No. 28

29. **Petition No. 2004-05 (hearing).** Change in zoning from B-1 to B-2(CD) for approximately 3.4 acres located on the north side of Shopton Road, across from the intersection with Sandy Porter Road. *Petitioner: Candance Ellis and Joseph Urban*

Attachment No. 29

30. **Petition No. 2004-07 (hearing).** Change in zoning from R-3 to INST(CD) for approximately 1.8 acres located on the northeast corner of East Lake Forest and Albemarle Road. *Petitioner: T. A. Baucom and Anthony V. Hunt*

A protest petition has been filed.

Attachment No. 30

31. **Petition No. 2004-10 (hearing).** Change in zoning from R-3 to O-1(CD) for approximately 5 acres located between Old Plank Road and Brookshire Boulevard. *Petitioner: Dr. Ray Drury*

Attachment No. 31

32. **Petition No. 2004-11 (hearing).** Change in zoning from R-22MF to I-2(CD) for approximately 0.75 acres located on the west side of Morris Field Drive, south of Golf Acres Drive. *Petitioner: C&C Properties of Charlotte, LLC*

Attachment No. 32

33. **Petition No. 2004-12 (hearing).** Change in zoning from R-5 to MUDD-O for approximately 0.51 acres located on the northwest corner of Commonwealth Avenue and St. Julien Street. *Petitioner: Thomas M. Vance*

Attachment No. 33

34. **Petition No. 2004-13 (hearing).** Change in zoning from O-6(CD) to MUDD-O for approximately 3.36 acres located between Baldwin Avenue and Lillington Avenue, south of East Third Street. *Petitioner: CSNA Real Estate, LLC*

Attachment No. 34

35. **Petition No. 2004-16 (hearing).** Change in zoning from R-4 Special Use Permit to INST(CD) for approximately 3.11 acres located on the west side of West Sugar Creek Road, north of Cushman Street. *Petitioner: Genesis Holdings, LLC*

Attachment No. 35