

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

Tuesday, January 21, 2003

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

Dinner Meeting
Zoning Update: A Presentation on
upcoming significant zoning petitions
Attachment No. 1

6:00PM – Zoning Decisions
Meeting Chamber

DECISIONS

- 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 indefinitely.

Attachment No. 2

- Petition No. 2002-112 (decision) by Portrait Homes Construction Company** for a change in zoning for approximately 156.3 acres located between Old Concord Road and Back Creek Church Road, south of University City Boulevard from R-3 and B-1 to MX-2 mixed-use innovative.

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

Attachment No. 3

4. **Petition No. 2002-116 (decision) by David Mullaney, Paul Sires and Ruth Lyons** for a change in zoning for approximately 1.03 acres located at the northwest corner of the intersection of East 35th Street and Yadkin Avenue from R-5 and to MUDD-O.

The Zoning Committee voted unanimously to **DENY** this petition.

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

Attachment No. 4

5. **Petition No. 2002-120 (decision) by Muhammad Hasan** for a change in zoning for approximately 0.824 acres located on the north side of Cindy Lane, east of Beatties Ford Road from R-4 to B-1.

The Zoning Committee voted unanimously to **DENY** this petition.

Attachment No. 5

6. **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 1: Supplemental Development Standards, Section 12.106. Uses and structures prohibited and allowed in required setbacks and yards, (2).

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

Attachment No. 6

7. **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 **APPROVAL** of this petition, with the following modifications:

- a. The number of apartment units is reduced to seven.
- b. The driveway has been relocated per CDOT requirements.
- c. The number of parking spaces has been reduced to 39, the maximum allowed by the requested zoning district.
- d. A turnaround area has been provided per fire department standards.

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

Attachment No. 7

8. **Petition No. 2002-129 (decision) by Grubb Properties, Inc.** for a change in zoning for approximately 23 acres located on the northeast corner of Colony Road and Sharon Road from R-17MF to MUDD-O.

A protest petition has been withdrawn.

Attachment No. 8

- 9. Petition No. 2002-130 (decision) by Richter & Associates** for a change in zoning for approximately 2.26 acres bounded by Kenilworth Avenue, Scott Avenue, Buchanan and Pierce Streets from R-22MF and O-2 to MUDD-O.

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

Attachment No. 9

- 10. Petition No. 2002-133 (decision) by Afshar Nader** for a change in zoning for approximately 4 acres located on the east side of Rea Road, north of Pineville-Matthews Road (NC Hwy 51) from R-3 to R-8MF(CD).

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

- A note establishing the location and size limit for the entry feature at the site entrance will be placed on the site plan.
- A note dealing with landscaping along the site frontage will be modified to specify the minimum plantings as provided for in the B buffer standards or preservation of the small trees in the setback area or the installation of a minimum 4-foot high beam or a combination of these elements to be determined during the site development review process to best achieve a screening separation between the site development and Rea Road.
- The site data table will be corrected to add the total number of units and the density, to clarify the site size with regard to the right-of-way and to correct the open space calculation.
- A revised 5-unit building elevations will be attached to the plan to reflect the 5 unit buildings shown on the plan.

Attachment No. 10

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

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

Attachment No. 11

- 12. Petition No. 2002-138 (decision) by David Drye Construction Company** for a change in zoning for approximately 80 acres on the north side of University Boulevard from MX-2.

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

- a. The proposed retail space has been deleted and 10,000 square feet of office space proposed in its place.
- b. Fourteen multi-family units have been added back onto the site.
- c. With the deletion of the proposed retail, a Traffic Impact Study will not be necessary.
- d. As an innovative provision, there will be no internal buffer between the day care and the abutting residential area.

A protest petition was filed and has been withdrawn.

Attachment No. 12

- 13. Petition No. 2002-139 (decision) by Dr. M. Yasin Akhtar Raja** for a change in zoning for approximately 2.21 acres located on the north side of Old Concord Road between North Tryon Street and Orr Road from I-2 to Institutional.

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

Attachment No. 13

- 14. Petition No. 2002-144 (decision) by The Boulevard 2000, LLC** for a change in zoning for approximately 1.43 acres located on the east side of Queens Road, north of Dartmouth Place from R-43MF to UR-2(CD).

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition provided that all outstanding CDOT issues are resolved prior to the City Council voting on this petition.

Attachment No. 14

- 15. Petition No. 2002-145 (decision) by Showmars of America, Inc.** for a change in zoning for approximately 0.65 acres located at the intersection of Seventh Street and Caswell Road, across from Pecan Avenue from B-1 to NS.

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

Attachment No. 15

- 16. Petition No. 2002-147 (decision) by Charlotte-Mecklenburg Planning Commission** for adoption of a text amendment to PED Overlay Sections 10.802(2), 10-803(5), 10-803(6)(a)(f)(i), 10.804(f)(3), 10.804(g), 10.805(h), and 10.805(i). Urban Residential Districts Section 9.408(4). Signs Sections 13.108a, 13.108a(1)(d), 13.108a(1)(e), 13.108a(2)(a), 13.108a(2)(g), and 13.108a(3)(c).

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

Attachment No. 16

- 17. Petition No. 2002-148 (decision) by Charlotte-Mecklenburg Planning Commission, City of Charlotte and Vantage Senior Care** for adoption of a text amendment to several

sections to add Active Adult Retirement Community as an allowable use in several zoning districts.

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

Attachment No. 17

HEARINGS

- 18. Petition No. 99-105 (hearing).** Change in zoning from R-5 to R-8MF (CD) for approximately 1.08 acres located on the east side of East 36th Street and south of Spencer Avenue. **Petitioner: Victor N. and Lilian Ibekwere**

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

Attachment No. 18

- 19. 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**

A protest petition was received and is sufficient to invoke the ¾ majority-voting rule.

Attachment No. 19

- 20. Petition No. 2002-140 (hearing).** Change in zoning from R-8 to B-1(CD) for approximately 0.585 acres located at the southwest corner of Badger Court and Statesville Avenue (U.S. Hwy. 21). **Petitioner: Donald and Linda Anderton**

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

Attachment No. 20

- 21. Petition No. 2002-142 (hearing).** Change in zoning from R-3 and RE-3(CD) to MUDD-O and MX-1 Innovative for approximately 152 acres located between Mallard Creek Church Road and Galloway Road, east of Mallard Creek Road. **Petitioner: First Colony Corporation**

Attachment No. 21

- 22. 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 Road and Hassell Place. **Petitioner: The Boulevard 2000, LLC.**

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

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

Attachment No. 22

- 23. Petition No. 2003-03 (hearing).** Change in zoning from O-1(CD) to O-1(CD) Site Plan Amendment for approximately 7.96 acres located on the south side of Hampton Church Road, east of South Tryon Street. **Petitioner: Diangikes Grier and George Fields**

A protest petition has been filed.

Staff is requesting a one-month deferral to allow the petitioner to submit a revised site plan.

Attachment No. 23

- 24. 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 Northaven Drive. **Petitioner: Catherine C. Harrington**

Staff is requesting a one-month deferral to allow the petitioner to submit a revised site plan.

Attachment No. 24

- 25. Petition No. 2003-06 (hearing).** Change in zoning from R-8, R-22MF and O-2 to R-5 for approximately 31.3 acres located on the north side of Central Avenue, between Hawthorne Lane and The Plaza. **Petitioner: Asele A. Carlisle**

Three protest petitions has been filed.

Attachment No. 25

- 26. Petition No. 2003-07 (hearing).** Change in zoning from INST and B-1 to R-12MF(CD) for approximately 28.5 acres located on the east and west sides of the proposed Mallard Creek Church Road Relocation, north of University City Boulevard (Hwy 49). **Petitioner: Forty-Niner Development, LLC**

Attachment No. 26

- 27. Petition No. 2003-08 (hearing).** To consider a text amendment to the City of Charlotte Zoning Ordinance to revise the requirements and standards for childcare facilities. **Petitioner: Charlotte- Mecklenburg Planning Commission**

Attachment No. 27

- 28. Petition No. 2003-09 (hearing).** To consider a text amendment to the City of Charlotte Zoning Ordinance to make various changes to the Sign Section, Chapter 13. **Petitioner: Land Use and Environmental Services Agency**

Attachment No. 28

- 29. Petition No. 2003-10 (hearing).** To consider a text amendment to the City of Charlotte Zoning Ordinance to amend the maximum square footage and maximum width allowed for off-premise directional development signs. **Petitioner: Charlotte Apartment Association**

Attachment No. 29

- 30. Petition No. 2003-11 (hearing).** To consider a text amendment to Chapter 2 Definitions by adding Showroom, Chapter 9 General Districts and Chapter 12 Parking. **Petitioner: Citiline, LLC**

Attachment No. 30

