

Mayor Patrick L. McCrory Mayor Pro Tem Patrick De'Angelo Cannon
Susan Burgess James E. Mitchell, Jr.
Nancy Carter Patrick Mumford
Patsy Kinsey Gregory Phipps
John W. Lassiter John H. Tabor, AIA
Don Lochman Warren Turner

CITY COUNCIL ZONING AGENDA
Monday, July 18, 2005

5:30PM – Council/Manager Dinner
Meeting Chamber Conference Room

6:00PM – Zoning Decisions/Hearings
Meeting Chamber

DINNER MEETING

Rezoning Update – July & September 2005
Debra Campbell, Planning Director

DECISIONS

1. **Petition No. 2004-106 (decision)** by *The Reservoir Company* for a change in zoning of approximately 1.19 acres located on the southwest corner of Park Road and Heather Lane from O-2 to MUDD(CD).

A protest petition has been filed and is sufficient to invoke the ¾ majority-voting rule. The protest will be withdrawn pending withdrawal of this petition.

Petitioner is requesting withdrawal of this petition.

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

Staff agrees with the Zoning Committee recommendation.

Attachment No. 1

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2004+Petitions/2004-106.htm>

2. **Petition No. 2004-121 (decision)** by *Easlan Capital* for a change in zoning of approximately 120 acres located on the south side of Archdale Drive, east of Edgewater Drive from I-1 to MX-2.

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

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

- A longer stacking area will be provided at the entrance to the development to eliminate vehicles interfering with traffic on Archdale Drive.
- The developer will provide a 50-foot access easement and trail connecting to the greenway and will construct the greenway trail on their property.
- All private streets will be constructed to public street standards.
- The developer will set aside 17% of the site as tree save area.

Staff agrees with the Zoning Committee recommendation.

Attachment No. 2

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2004+Petitions/2004-121.htm>

3. **Petition No. 2004-130 (decision)** by *Hubbard Falls, LLC* for a change in zoning of approximately 34.3 acres located on the north side of Hubbard Road, east of West Sugar Creek Road from R-3 to MX-1(Innovative).

Two protest petitions were filed but due to withdrawals were found insufficient to invoke ¾ majority-voting rule.

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

Staff agrees with the Zoning Committee recommendation.

Attachment No. 3

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2004+Petitions/2004-130.htm>

4. **Petition No. 2005-11 (decision)** by *Perimeter Woods Land, LLC and Perimeter Woods Business Park, LLC* for a change in zoning of approximately 104.02 acres located on the south side of Reams Road, west of Interstate 77 from BP to CC and I-1(CD).

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

- The petitioner agrees to plant ten 3 ½-inch caliper trees on the 7.5-acre residential tract to address the staff's issue regarding tree save.
- Provisions have been made to provide windows and doors no farther apart than 35 feet on the buildings across from the residential tract. The windows may be functional or non-functional. A minimum of two doors shall be active entrance doors.
- Petitioner will resolve all CDOT traffic and additional right-of-way issues.
- Petitioners will fund up to \$100,000 worth of transportation improvements at either the Harris Boulevard/I-77 interchange or at the Harris Boulevard/Statesville Road (US21) intersection.

Staff does not agree with the recommendation of the Zoning Committee and cannot support this petition without a firmer commitment to the residential component of this "mixed use center".

Attachment No. 4

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-011.htm>

5. **Petition No. 2005-14 (decision)** by *Provident Development Group* for a change in zoning of approximately 596.46 acres located on both sides of Amos Smith Road, south of Old Dowd Road from R-5 LW-CA, R-MH LLW-CA, Inst(CD) LW-CA and LLW-CA and I-2 LLW-CA to MX-2 LW-CA and LLW-CA, Innovative and NS LLW-CA.

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

The Zoning Committee unanimously recommended **APPROVAL** of this petition with the following modifications:

- Road improvement phasing as per CDOT.
- The denuded areas will be limited to 25 contiguous acre phases, with total denuded area of 50 acres maximum at any one time.
- The construction methods in B-1, G-2, D and H will be limited to increase tree save areas.
- The buffer width will be increased and the town homes moved inland from the Paw Creek rookery area.
- Amos Smith Road will be reconstructed to meet new road standards with curb and gutter, sidewalk, bike path, etc.
- The petitioner will work with CDOT on the design of the first interior intersection on Amos Smith Road and the possible construction of a round-about.

Staff agrees with the Zoning Committee recommendation.

Attachment No. 5

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-014.htm>

6. **Petition No. 2005-21 (decision)** by *Baucom's Nursery Company* for a change in zoning of approximately 12.03 acres located north of Rocky River Road, east of John Russell Road from R-3 to NS.

The Zoning Committee voted unanimously to recommend a **DEFERRAL** of this petition to a special meeting of the Zoning Committee to be held on July 11, 2005. A recommendation from the July 11th Zoning Committee meeting will be sent on Friday, July 15th.

Staff agrees with the Zoning Committee recommendation.

Attachment No. 6

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-021.htm>

7. **Petition No. 2005-22 (decision)** by *Baucom's Nursery Company* for a change in zoning of approximately 66.71 acres located north of Rocky River Road, along both sides of John Russell Road, south of Mclean Road from R-3 to MX-1(Innovative).

The Zoning Committee voted unanimously to recommend a **DEFERRAL** of this petition to a special meeting of the Zoning Committee to be held on July 11, 2005. A recommendation from the July 11th Zoning Committee meeting will be sent on Friday, July 15th.

Staff agrees with the Zoning Committee recommendation.

Attachment No. 7

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-022.htm>

8. **Petition No. 2005-23 (decision)** by *Baucom's Nursery Company* for a change in zoning of approximately 78.96 acres located north of Rocky River Road, east of John Russell Road from R-3 to I-2(CD).

The Zoning Committee voted unanimously to recommend a **DEFERRAL** of this petition to a special meeting of the Zoning Committee to be held on July 11, 2005. A recommendation from the July 11th Zoning Committee meeting will be sent on Friday, July 15th.

Staff agrees with the Zoning Committee recommendation.

Attachment No. 8

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-023.htm>

9. **Petition No. 2005-27 (decision)** by *JDH Capital* for a change in zoning of approximately 32.3 acres located south of Rocky River Road, west of Hood Road from R-3 to NS.

The Zoning Committee voted unanimously to recommend a **DEFERRAL** of this petition to a special meeting of the Zoning Committee to be held on July 11, 2005. A recommendation from the July 11th Zoning Committee meeting will be sent on Friday, July 15th.

Staff agrees with the Zoning Committee recommendation.

Attachment No. 9

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-027.htm>

10. **Petition No. 2005-29 (decision)** by *William B. Hawfield, Jr. and Frank E. Hawfield* for a change in zoning of approximately 18.789 acres located north of Ardrey Kell Road, east of Lancaster Highway from R-3 to NS.

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition, with the following modifications: (Commissioner Chiu was excused due to a conflict of interest.)

- The drawing for the lake will be clarified and safety devices (fence) installed if needed.
- The confusing note regarding the park & ride will be clarified.
- Dumpster/compactor/recycling locations will be added to the plan along with a note regarding screening.
- The petitioner commits to work with CATS on the need, location, and size for a future park & ride site.
- Petitioner will address LUESA construction and grading comments.

Staff continues to recommend deferral of this petition until 2005-65 has received a public hearing.

Attachment No. 10

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-029.htm>

11. **Petition No. 2005-64 (decision)** by *Robert Middleton* for a change in zoning of approximately 1.32 acres located west of Beatties Ford Road, south of Hyde Park Drive from O-15(CD) to INST(CD).

The Zoning Committee vote unanimously to recommend **APPROVAL** with the following note included on the plan:

Architectural Elements

- Proposed building shall be residential in character
- Construction shall be approximately 90% brick masonry on all perimeter elevations

Staff agrees with the Zoning Committee recommendation.

Attachment No. 11

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-064.htm>

12. **Petition No. 2005-76 (decision)** by *Crosland, Inc.* for a change in zoning of approximately 130.18 acres located on the north side of Mount Holly Road, west of Belmeade Drive from I-1(CD) LW-PA and I-2(CD) LW-PA to CC LW-PA.

Petitioner is requesting a one-month deferral.

The Zoning Committee voted unanimously to recommend a **ONE-MONTH DEFERRAL** of this petition.

Staff agrees with the Zoning Committee recommendation.

Attachment No. 12

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-076.htm>

13. **Petition No. 2005-77 (decision)** by *Crosland, Inc.* for a change in zoning of approximately 642.2 acres located along Belmeade Drive, south of Mount Holly Road, north of Hawfield Road from I-1 LW-PA, I-1(CD) LW-PA and R-3 LW-PA to NS LW-PA, and MX-3 (Innovative) LW-PA.

A protest petition was filed and found sufficient to invoke the ¾ majority-voting rule, but has subsequently been withdrawn.

Petitioner is requesting a one-month deferral.

The Zoning Committee voted unanimously to recommend a **ONE-MONTH DEFERRAL** of this petition.

Staff agrees with the Zoning Committee recommendation.

Attachment No. 13

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-077.htm>

14. **Petition No. 2005-80 (decision)** by *Jeffery P. Mason* for a change in zoning of approximately 16.99 acres located north of Ridge Road and west of Waverly Lynn Lane from MX-2 to MX-2 SPA.

The Zoning Committee voted 5-2 to recommend a **ONE-MONTH DEFERRAL** of this petition.

Staff agrees with the Zoning Committee recommendation.

Attachment No. 14

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-080.htm>

15. **Petition No. 2005-83 (decision)** by *University City United Methodist Church* for a change in zoning of approximately 14.63 acres located on the south side of W.T. Harris Boulevard, east of West Sugar Creek Road from B-2(CD), R-12(CD) and R-15MF(CD) to INST(CD).

The Zoning Committee unanimously recommended **APPROVAL** of this petition, with the following modifications:

- Add note that new parking areas will be screened per Section 12.303(2). Trees may not be used to screen parking. Add note, show shrubs or both.
- Specify the amount and show location of bicycle parking provided per Section 12.202.
- Add note that a five-foot sidewalk and eight-foot planting strip will be provided along West Sugar Creek Road inside the controlled access line. The limits of the sidewalk will be based on the constructability given the existing topographic constraint.
- Amend Note #2 to reflect that signage will conform to the City of Charlotte Zoning Ordinance.
- Amend Note #3 to reference the City of Charlotte Storm Water Design Manual and Charlotte-Mecklenburg Land Development Standards Manual.
- Provide a five-foot minimum sidewalk from the existing church to the abutting public streets. Show on the plan.
- Staff requests that pedestrian connections between existing buildings, future buildings and parking areas be clearly illustrated.
- Add Storm Water note as follows: A note should be added that the petitioner shall tie-in to the existing storm water system(s). 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 development will cause the storm drainage system(s) to be taken out of standard, the petitioner shall provide alternate methods to prevent this from occurring.

Staff agrees with the Zoning Committee recommendation.

Attachment No. 15

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-083.htm>

16. **Petition No. 2005-84 (decision)** by *Lat Purser & Associates, Inc. and First Colony Corporation* for a change in zoning of approximately 24 acres located north of W. Mallard Creek Church Road and its intersection with Claude Freeman Drive from MUDD-O to MUDD-O SPA.

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

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

- Initiate a study on the feasibility of a vehicular connection to the adjoining parcel to the west, and add site plan language on the western boundary indicating “Proposed vehicular access”.
- Addition of a 5’ sidewalk and a 6’ planting strip at each of the two proposed right-in/right-out driveways onto Mallard Creek Church Road. Sidewalks will provide a pedestrian connection from the internal sidewalk system running along East and West Arbors Drive to the sidewalk running along Mallard Creek Church Road.
- Addition of a sidewalk connection from the internal sidewalk system to the public sidewalk along Mallard Creek Church Road, to be located at the extreme western end of the project.

Staff agrees with the Zoning Committee recommendation.

Attachment No. 16

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-084.htm>

17. **Petition No. 2005-85 (decision)** by *James and Patricia Sack* for a change in zoning of approximately 0.086 acres located to the southeast of Charles Avenue north of E. 35th Street from R-5 to UR-1.

The Zoning Committee voted 4-3 to recommend **DENIAL** of this petition.

Staff agrees with the Zoning Committee recommendation.

Attachment No. 17

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-085.htm>

18. **Petition No. 2005-86 (decision)** by *Galleria Partners I, LLC* for a change in zoning of approximately 1.74 acres located south of Galleria Boulevard and east of Monroe Road from I-1 to MUDD-CD.

The Zoning Committee voted unanimously to recommend a **ONE-MONTH DEFERRAL** of this petition.

Staff agrees with the Zoning Committee recommendation.

Attachment No. 18

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-086.htm>

19. **Petition No. 2005-87 (decision)** by *Blue Sky Partners* for a change in zoning of approximately 1.73 acres located west of Providence Road and North of Cedar Lane from R-8MF(CD) to UR-2(CD)

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

Staff is still concerned that the requested density exceeds that recommended by the General Development Policies, but agrees with the Zoning Committee recommendation.

Attachment No. 19

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-087.htm>

20. **Petition No. 2005-90 (decision)** by *Morehead Properties, Inc.* for a change in zoning of approximately 2.9 acres located east of E. Morehead Street and south of the intersection of E. Morehead Street and Dilworth Road from O-2 to MUDD(CD).

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

Staff agrees with the Zoning Committee recommendation.

Attachment No. 20

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-090.htm>

21. **Petition No. 2005-91 (decision)** by *HHHunt Corporation* for a change in zoning of approximately 4.919 acres located west of South Boulevard and north of New Bern Street from I-2 to TOD-M.

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

Staff agrees with the Zoning Committee recommendation.

Attachment No. 21

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-091.htm>

22. **Petition No. 2005-94 (decision)** by *Samaritan's Purse* for a change in zoning of approximately 18.56 acres located west of Nations Ford Road, north of Forrest Point Boulevard from I-1(CD) to I-1(CD) SPA.

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

Staff agrees with the Zoning Committee recommendation.

Attachment No. 22

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-094.htm>

23. **Petition No. 2005-95 (decision)** by *Westerly Hills Partners, LLC* for a change in zoning of approximately 7.26 acres located east of Westerly Hills Drive and south of Meredith Avenue from R-8 to UR-2(CD).

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

- Preservation of trees over 2” in caliper required in areas identified by the petitioner.
- New trees will be planted on the site as part of the landscaping.

Staff agrees with the Zoning Committee recommendation.

Attachment No. 23

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-095.htm>

24. **Petition No. 2005-96 (decision)** by *Friendship CDC* for a change in zoning of approximately 0.34 acres located east of Beatties Ford Road and north of St. Luke Street from O-2 to NS.

The Zoning Committee voted 4-3 to recommend **APPROVAL** of this petition with the following modifications:

- The petitioner will show a solid fence along the eastern and southern property lines on the site plan.
- The note regarding right-of-way dedication and conveyance along Beatties Ford Road, will be revised to note that additional right-of-way to total forty-feet from the centerline would be dedicated and conveyed if the existing structure is removed or re-located.

Staff agrees with the minority of the Zoning Committee and does not support the recommendation made by the majority of the Zoning Committee.

Attachment No. 24

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-096.htm>

25. **Petition No. 2005-97 (decision)** by *Allen Properties of Charlotte, Inc.* for a change in zoning of approximately 4.85 acres located on the north side of West Boulevard, west of Walter Street from I-1 and R-5 to O-1(CD).

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

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

- Amend plan to reflect a Class C instead of Class B buffer. Buffer may be reduced with installation of a fence or wall. Specify width.
- Delete the note about curb, gutter and sidewalk being provided upon development for the remaining R-5 portion.

- All parking for chapel, parlor and assembly areas should be parked at one space per 150 square feet. Delete other references (600 seat chapel @ 1space per four seats and Office areas @ 1 space per 300 sq. ft).
- Provide specifics of phasing or delete the note.

Staff agrees with the Zoning Committee recommendation.

Attachment No. 25

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-097.htm>

26. **Petition No. 2005-99 (decision)** by *Central Piedmont Community College* for a change in zoning of approximately 1.186 acres located at the intersection of E. 4th Street and N. Torrence Street and the intersection of Elizabeth Avenue and Independence Boulevard from B-2 to MUDD-O.

The Zoning Committee unanimously recommended **APPROVAL** of this petition, with the following modifications:

- Proposed zoning on the portion of the site located at the corner of East Fourth Street and Torrence Street will be amended to reflect MUDD(CD).
- Modify site plan to reflect a six-foot sidewalk and the construction of a loggia along East Fourth Street
- Add note that the portion of the parking deck that relates to the intersection of East Fourth Street and Independence Boulevard will be enclosed for use as people space for college activities. CPMC agrees to work in with the Elizabeth Community Association to seek to create a permanent space behind the loggia to further animate the streetscape to the extent that it can be accommodated within the design program and budget of the deck.

Staff agrees with the Zoning Committee recommendation.

Attachment No. 26

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-099.htm>

HEARINGS

27. **Petition No. 2004-134 (hearing)**. Change in zoning from O-1(CD) and R-3 to NS for approximately 9.48 acres located on the west side of Providence Road south of Allison Woods Drive. **Petitioner: Real Estate Development Partners, LLC**

Staff recommends approval of this petition pending resolution of the outstanding site plan issues and issuance of several variances.

Attachment No. 27

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2004+Petitions/2004-134.htm>

28. **Petition No. 2005-44 (hearing).** Change in zoning from R-3 to O-1(CD) for approximately 1.70 acres located on the north side of Williams Pond Lane, east of Rea Road. **Petitioner: Peter J. Jugis / Bishop of the Roman Catholic Diocese of Charlotte**

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

Staff recommends a one-month deferral of this petition to allow time for the petitioner to modify the requested zoning district.

Attachment No. 28

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-044.htm>

29. **Petition No. 2005-59 (hearing).** Change in zoning from CC and R-3 to CC SPA and CC for approximately 2.778 acres located west of Prosperity Church Road, north of Dearmon Road. **Petitioner: Prosperity Church, Inc.**

Staff recommends approval of this petition pending resolution of the outstanding site plan issues.

Attachment No. 29

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-059.htm>

30. **Petition No. 2005-65 (hearing).** Change in zoning from R-3 to NS and UR-2(CD) for approximately 24.39 acres located on the north side of Ardrey Kell Road, west of Marvin Road. **Petitioner: Real Estate Development Partners, LLC**

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

Staff does not support this petition.

Attachment No. 30

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-065.htm>

31. **Petition No. 2005-82 (hearing).** Change in zoning from UR-C and UR-2 to MUDD-O for approximately 3.54 acres located on the northwest side of North Graham Street, south of West 9th Street. **Petitioner: Fourth Ward Square Association**

Petitioner requests a one-month deferral of this petition.

Staff recommends approval of this petition pending resolution of the outstanding site plan issues.

Attachment No. 31

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-082.htm>

32. **Petition No. 2005-89 (hearing).** Change in zoning from MUDD-O, O-2, B-2, B-1(CD), I-1 and R-5 to MUDD-O and MUDD-O SPA for approximately 11.39 acres located on the east side of South Boulevard, south of Magnolia Avenue. *Petitioner: Lowe's Home Centers, Inc.*

Two protest petitions have been filed and are sufficient to invoke the 3/4 majority-voting rule.

Staff recommends approval of this petition pending resolution of the outstanding site plan issues.

Attachment No. 32

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-089.htm>

33. **Petition No. 2005-100 (hearing).** Change in zoning from R-3 to INST(CD) for approximately 2.7 acres located on the north side of Sardis Road, south of Rama Road. *Petitioner: Mike Whitehead*

Staff is willing to support this petition if the significant site plan issues are addressed.

Attachment No. 33

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-100.htm>

34. **Petition No. 2005-101 (hearing).** Change in zoning from O-6(CD) and B-2(CD) to MUDD(CD) for approximately 0.865 acres located south of the intersection of South Torrence Street and East 3rd Street *Petitioner: TMV Partners on Third Street, LLC*

Staff recommends approval of this petition pending resolution of the outstanding site plan issues.

Attachment No. 34

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-101.htm>

35. **Petition No. 2005-102 (hearing).** Change in zoning from I-1 to I-2 for approximately 5.78 acres located on the north side of Dalton Avenue, east of Halifax Avenue. *Petitioner: Robert T. Godley Family, LLC*

Staff recommends approval of this petition

Attachment No. 35

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-102.htm>

36. **Petition No. 2005-103 (hearing).** Change in zoning from R-3 LW-PA to INST(CD) LW-PA for approximately 2.51 acres located north of the intersection of Harwood Road and Mt. Holly-Huntersville Road. *Petitioner: Michelle Dolphus*

Staff recommends approval of this petition pending resolution of the outstanding site plan issues.

Petitioner is requesting a approval on this petition the night of the hearing.

Attachment No. 36

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-103.htm>

37. **Petition No. 2005-104 (hearing).** Consideration of a text amendment to the City of Charlotte Zoning Ordinance to revise Section 2.201 “Definitions” by revising the definition of mixed-use development to clarify that a mixed-used development can consist of one or more mixed-use buildings or a combination of single use and mixed-use buildings in a pedestrian environment and to revise Section 12.101(5) “Every lot must abut a street” to add a reference that a mixed-use development, such as a mixed-use building, need not abut a public street so long as the overall site abuts a street and otherwise meets the requirements of Section 12.101(5). *Petitioner: Grubb Properties, Inc.*

Staff recommends approval of this petition with the modification.

Attachment No. 37

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-104.htm>

38. **Petition No. 2005-105 (hearing).** Consideration of a text amendment to the City of Charlotte Zoning Ordinance to allow the sales and repair of automobile and tractor, truck and accompanying trailer units in the I-2 zoning district. *Petitioner: Atlantic Coast Trailer Sales*

Staff does not support this petition.

Attachment No. 38

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-105.htm>

39. **Petition No. 2005-106 (hearing).** Change in zoning from B-1 to TOD-M for approximately 0.72 acres located at the intersection of East Tremont Avenue and Cleveland Avenue. *Petitioner: Tidewater Development, LLC*

Staff recommends that a conditional rezoning application be filed to address issues of height and parking issues.

Petitioner is requesting a deferral to September to address the above staff recommendation.

Attachment No. 39

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-106.htm>

40. **Petition No. 2005-111 (hearing).** Change in zoning from R-3 LW-PA to R-8MF(CD) LW-PA for approximately 3.573 acres located on the southwest corner of the intersection of Bellhaven Boulevard and Kentberry Drive. ***Petitioner: Gelsing Builders and Property Management, Inc.***

Staff recommends approval of this petition pending resolution of the outstanding site plan issues.

Attachment No. 40

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-111 htm>

41. **Petition No. 2005-112 (hearing).** Change in zoning from R-17MF(CD) and R-17MF to R-17MF(CD) SPA and R-17MF(CD) for approximately 7.94 acres located north of E. W.T. Harris Boulevard. ***Petitioner: Heather Ridge Apartments, LLC***

Staff recommends approval of this petition pending resolution of the outstanding site plan issues.

Attachment No. 41

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-112 htm>

42. **Petition No. 2005-113 (hearing).** Change in zoning from CC to CC SPA for approximately 7.08 acres located on Morrison Boulevard and northwest of Sharon Road. ***Petitioner: Dillard's, Inc.***

Staff recommends approval of this petition .

Attachment No. 42

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-113 htm>

43. **Petition No. 2005-114 (hearing).** Change in zoning from R-5 to UR-2(CD) for approximately 1.341 acres located southwest of the intersection of West 4th Street and Wesley Heights Way. ***Petitioner: James Funderburk, Jr. and James C. Hock, III***

Staff recommends approval of this petition pending resolution of the outstanding site plan issues.

Attachment No. 43

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-113 htm>

44. **Petition No. 2005-115 (hearing).** Change in zoning from R-3 and B-1 to R-8MF(CD) for approximately 6.99 acres located east of the intersection of Beatties Ford Road and Mt. Holly-Huntersville Road. *Petitioner: Clementi South, LLC*

Staff recommends approval of this petition .

Attachment No. 44

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-115 htm>

Appendix: Residential Location and Design Assessment Matrix (G.D.P.)