

Mayor Patrick McCrory

*Nancy G. Carter
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 Monday, July 21, 2003

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

6:00PM – Zoning Decisions/Hearings
Meeting Chamber

DINNER MEETING

1. **Rezoning Update – July and September 2003 Public Hearings**
Martin R. Cramton, Jr., Planning Director

Attachment No. 1

2. **Presentation on Transit Oriented Development (TOD) Zoning District scheduled for September public hearing.**
Sandra Montgomery, CMPC Planning Coordinator

Attachment No. 2 (PowerPoint Presentation)

3. **Presentation on Refinement of Development Standards for Heavy Industrial Uses**
Debra Campbell, Assistant Planning Director

Attachment No. 3

DECISIONS

4. **Petition No. 2003-21 (decision)** by *Larkhaven, Inc.* for a change in zoning for approximately 88 acres on the south side of Camp Stewart Road and west of Rocky River Church Road from R-3 to R-5(CD).

The Zoning Committee voted 6-1 to recommend **DENIAL** of this petition. Their consideration included the following modifications made to the site plan:

- 75 feet of right-of-way for the major collector is provided instead of the 91 feet called for in the Albemarle Road/I-485 Interchange Plan.
- The major collector has been realigned to meet CDOT's request.
- Rear yards at the perimeter of the project have been increased to 45 feet to match the abutting R-3 properties.

Attachment No. 4

5. **Petition No. 2003-38 (decision)** by *The Cameron Group, LLC* for a change in zoning for approximately 14.2 acres located on the north side of Central Avenue, west of Wilora Lake Road from B-1 S.C.D. to MUDD-O.

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition upon the resolution of the CDOT issues concerning the entrance.

Attachment No. 5

6. **Petition No. 2003-46 (decision)** by *Joshua's Farm, Inc.* for a change in zoning for approximately 22.7 acres located at the end of Kidd Lane, west of Beatties Ford Road from R-3 and INST(CD) to INST(CD) and INST(CD) S.P.A.

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

- A note will be added to the site plan indicating that the contaminated soil on site will be removed prior to the issuance of the Certificate of Occupancy for the barn.
- The references to the variances that were not approved will be removed.

Attachment No. 6

7. **Petition No. 2003-50 (decision)** by *Forest City Land Group* for a change in zoning for approximately 40.9 acres located east of Back Creek Church Road and west of Caldwell Road from MX-1 to MX-1 S.P.A.

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

Attachment No. 7

8. **Petition No. 2003-51 (decision)** by *Forest City Land Group* for approximately 15.02 acres located west of the proposed Interstate 485 (I-485) and north of Caldwell Road from R-3 to MX-1.

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

- A note will be added to the site plan indicating that if the street connections are not allowed from the existing patio homes to Tract A, then Tract A will be developed as single-family homes at the standard of the adjacent lots or R-6 whichever is most appropriate.

Attachment No. 8

9. **Petition No. 2003-53 (decision)** by *BVB Properties* for approximately 8.9 acres located on the east side of Statesville Road, south of Sunset Road from R-3 to O-1(CD).

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

- Day cares will be eliminated as an allowed use.
- All buildings will be constructed of brick.

Attachment No. 9

10. **Petition No. 2003-54 (decision)** by *New South Properties of the Carolinas, LLC* for approximately 0.55 acres located at the southwest corner of Baldwin Avenue and East Third Street from O-2 and B-2(CD) to MUDD(CD).

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

Attachment No. 10

11. **Petition No. 2003-55 (decision)** by *Avtex Properties* for approximately 11 acres located at the southwest corner of W.T. Harris Boulevard and Rocky River Road from R-3 to NS.

A majority of the Zoning Committee voted to recommend **APPROVAL** of this petition based upon the following modifications:

- The retail square footage has been reduced to 10,000 square feet.
- The driveway from Rocky River Road into the site has been moved westward per CDOT's request.
- The gas station/convenience store is now oriented to W.T. Harris Boulevard rather than Rocky River Road.
- The petitioner is proposing to contribute \$27,900 to future improvements at the W.T. Harris/Rocky River Road intersection.

Attachment No. 11

12. **Petition No. 2003-56 (decision)** by *Sardis Monroe Road Investors* for approximately 7.25 acres located at the northeast corner of Galleria Boulevard and Monroe Road from I-1 and CC to MUDD-O.

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

- A five-foot wide sidewalk will be constructed from the building entries to the public right-of-way.
- A five-foot pedestrian access will be constructed to the adjacent property.
- The cross section of the private drive will consist of the following:
 - A five-foot sidewalk
 - A five-foot planting strip with street trees
 - An eight-foot parking bay
 - An eight-foot travel lane
 - Where travel lanes widen to provide right and left turns at the entrance to Galleria Boulevard will necessitate a decrease of the planting strip on either side of the sidewalk.
 - Typical setback from back of curb to back of parking lot curb will be fifteen feet.

Attachment No. 12

13. **Petition No. 2003-58 (decision)** by *Robert L. Brandon* for adoption of a text amendment to the City of Charlotte Zoning Ordinance to add a definition for commercial vehicles and amend requirements for commercial vehicles in residential areas and associated with customary home occupations.

The Zoning Committee voted unanimously to **DEFER** this petition for **ONE MONTH**.

Attachment No. 13

HEARINGS

14. **Petition No. 2003-12 (hearing).** Change in zoning from O-2 to NS and BD(CD) for approximately 3.63 acres located on the east side of Park Road, south of Mockingbird Lane. ***Petitioner: Brighton Enterprises, LLC***

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

Attachment No. 14

15. **Petition No. 2003-16 (hearing).** Change in zoning from R-4 to R-8MF(CD) for approximately 8.22 acres located on the north side of Sofley Road between Sugar Creek Road and Northhaven Drive. ***Petitioner: Vincent James***

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

Staff is requesting an indefinite deferral.

Attachment No. 15

16. **Petition No. 2003-31 (hearing).** Change in zoning from R-3 LLW/PA to R-4 LLW/PA for approximately 39.4 acres located east of Westinghouse Boulevard and south of Shopton Road West. ***Petitioner: Steel Creek Association, LLC***

The petitioner is requesting a withdrawal of this petition.

Attachment No. 16

17. **Petition No. 2003-35 (hearing).** Change in zoning from R-5 and I-1 to UR-2(CD) for approximately 1.52 acres located on the north side of Litaker Street, between South Summit Avenue and Interstate 77. ***Petitioner: Wesley Heights Community Association, Inc.***

The petitioner is requesting a deferral until September.

Attachment No. 17

18. **Petition No. 2003-36 (hearing).** Change in zoning from R-3 to R-4(CD) Cluster for approximately 70.03 acres located on the south side of McKee Road, east of Weddington Road. ***Petitioner: Centex Homes***

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

Attachment No. 18

19. **Petition No. 2003-44 (hearing).** Change in zoning from R-4, R-17MF and B-1 to R-8(CD), R-17MF(CD) and CC for approximately 46.4 acres located on the southwest corner of Idlewild Road and Margaret Wallace Road.
Petitioner: Lincoln Harris, LLC

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

Attachment No. 19

20. **Petition No. 2003-48 (hearing).** Change in zoning from R-3 and CC to CC and CC(SPA) for approximately 37.4 acres located on the north side of I-485, south of Endhaven Land and east of the proposed North Community House Road.
Petitioner: Lichtin Corporation

Attachment No. 20

21. **Petition No. 2003-59 (hearing).** Change in zoning from R-3 to O-1(CD) for approximately 3.4 acres located on the east side of Baucom Road.
Petitioner: Gary M. Nance

Attachment No. 21

22. **Petition No. 2003-62 (hearing).** Change in zoning from RR Conditional Marina (Resort Residential Conditional Marina) to R-3MILCA4 (Mountain Island Lake Critical Area, Lake Front, Watershed Overlay District) for approximately 4.7 acres located east of Mountain Island Brook Lane, fronting Mountain Island Lake.
Petitioner: Charlotte City Council

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

Attachment No. 22

23. **Petition No. 2003-63 (hearing).** Change in zoning from RR PUD (Resort Residential, Planned Unit Development) to R-3MILCA4 (Mountain Island Lake Critical Area, Lake Front, Watershed Overlay District) for approximately 3.87 acres located on the east side of Mountain Park Drive, west of Brookshire Boulevard (US Highway 16). *Petitioner: Charlotte City Council*

Attachment No. 23

24. **Petition No. 2003-64 (hearing).** Change in zoning from R-3 and R-17MF(CD) to MX-2 for approximately 16 acres located on the north side of US Highway 29, southwest of Oakton Hunt Drive. *Petitioner: John M. George*

Attachment No. 24

25. **Petition No. 2003-65 (hearing).** Change in zoning from B-2 to MUDD-O for approximately 0.76 acres located at the southeast corner of Gordon Street, and Central Avenue. *Petitioner: ABBA Investments, Inc.*

Attachment No. 25

26. **Petition No. 2003-66 (hearing).** Change in zoning from R-5 to MUDD-O for approximately .385 acres located on the south side of North Davidson Street, west of 34th Street and 32nd Street. *Petitioner: Scott & Jeannie Whitaker*

Attachment No. 26

27. **Petition No. 2003-67 (hearing).** Change in zoning from R-4 to R-17MF(CD) for approximately .61 acres located on the southwest corner of Park Road and Park West Drive. *Petitioner: Anderson & Beverly Pearson*

Attachment No. 27

28. **Petition No. 2003-68 (hearing).** Change in zoning from I-1 to I-2 for approximately 20.7 acres located on the west side of Statesville Road, north of Spector Drive. *Petitioner: Knight Transportation, Inc.*

Attachment No. 28

29. **Petition No. 2003-69 (hearing).** Change in zoning from R-22MF to B-1(CD) for approximately 0.382 acres located on the east side of Rozzelle's Ferry Road, north of Cross Street. *Petitioner: Nga Huynh Truong*

Attachment No. 29

30. **Petition No. 2003-70 (hearing).** Change in zoning from NS to MUDD-O for approximately .267 acres located on the southeast corner of North Davidson Street and 34th Street. *Petitioner: Crosland, Inc.*

Attachment No. 30

31. **Petition No. 2003-71 (hearing).** Change in zoning from R-22MF to R-8 for approximately 26.05 acres bounded in part by Parkwood Avenue to the north and west and East 16th Street to the south. ***Petitioner: Charlotte-Mecklenburg Planning Commission***

Attachment No. 31

32. **Petition No. 2003-72 (hearing).** Change in zoning from R-12MF to R-5 for approximately 2.02 acres located on the south side of Celia Avenue and the north and south side of Dundeen Street. ***Petitioner: Charlotte-Mecklenburg Planning Commission***

Attachment No. 32

33. **Petition No. 2003-73 (hearing).** Change in zoning from U-1 and I-2 to MUDD for approximately 70.2 acres located east of Interstate 77, south of West First Street and west of the railroad. ***Petitioner: Charlotte-Mecklenburg Planning Commission***

Attachment No. 33

34. **Petition No. 2003-74 (hearing).** Change in zoning from R-17MF to R-5 for approximately 81.54 acres located east of Interstate 485 and north of Moore's Chapel Road. ***Petitioner: Charlotte-Mecklenburg Planning Commission***

Attachment No. 34