

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, June 16, 2003

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

6:00PM – Zoning Decisions/Hearings
Meeting Chamber

DINNER MEETING

1. ***Charlotte Community Design Studio***

Note: Document will be included in the Manager's memo being sent out on Friday, June 13, 2003.

Julie Burch, Assistant City Manager

Attachment No. 1

2. ***Rezoning Update: June and July Public Hearings***

Martin R. Cramton, Jr., Planning Director

Attachment No. 2

DECISIONS

3. **Petition No. 2002-91 (decision)** by *Gateway Homes* for a change in zoning for approximately .52 acres located between Davidson Street and Warp Street, east of Herrin Avenue from R-5 to UR-3(CD) and UR-3(CD) S.P.A.

The Zoning Committee voted 7-0 to recommend **APPROVAL** of this petition.

Attachment No. 3

4. **Petition No. 2003-01 (decision)** by *The Boulevard 2000, LLC* for a change in zoning for approximately 1.03 acres located on the east side of South Tryon Street, north of West Park Drive from I-2 to MUDD(CD).

The Zoning Committee voted 7-0 to recommend **APPROVAL** of this petition.

Attachment No. 4

5. **Petition No. 2003-20 (decision)** by *JDH Capital* for a change in zoning for approximately 19.6 acres on the southwest corner of Mt. Holly-Huntersville Road and Beatties Ford Road from R-12MF(CD) and B-2(CD) to B-1(CD).

The Zoning Committee voted 6-1 to recommend **APPROVAL** of this petition, **contingent upon satisfactory resolution of all site plan issues** and based upon the following site plan modifications:

- Water quality best management practices will be utilized, using Low Impact Design measures and removing 85% of Total Suspended Solids from the first inch of runoff.
- A separate bridge/bike path will be built over the creek and paralleling Beatties Ford Road, allowing the existing shoulder(s) of the bridge to be used for the left turn lane desired by the petitioner.
- A vehicular and pedestrian connection has been added to Foxthorne Drive. The driveway to Foxthorne would not be built until the grocery store is built. A gate is proposed for this driveway that would be closed when a “majority” of the center is closed.
- A portion of the floodplain will be dedicated to Mecklenburg County Parks & Recreation for greenway purposes.

Attachment No. 5

6. **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 unanimously to recommend a **ONE-MONTH DEFERRAL** of this petition.

Attachment No. 6

7. **Petition No. 2003-39 (decision)** by *Provident Development Group, Inc.* for a change in zoning for approximately 93.4 acres located on the northeast corner of Brookshire Boulevard (NC Highway 16) and Nance Cove Road from R-3 and R-5 MI-CA to R-5(CD) and R-8(CD) MI-CA.

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

- Petitioner will work with the Mecklenburg County Water Quality Program representatives to address issues concerning the piping of water and the amount of sidewalks proposed for lots adjacent to the river.
- Petitioner will agree to widen the pavement in the major curve along Nance Cove Road, improve the sight distance and dedicate any extra right-of-way, as requested by CDOT.

Attachment No. 7

8. **Petition No. 2003-40 (decision)** by *Resources for Senior Living, LLC* for a change in zoning for approximately 1.58 acres located on the northeast corner of McChesney Drive and Highland Creek Parkway from B-1(CD).

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

- The building will be oriented toward Highland Creek Parkway.
- The site will utilize an existing access point from McChesney Drive.
- Building elevations showing a two-story structure have been added to the request.

Attachment No. 8

9. **Petition No. 2003-42 (decision)** by *Primax Properties, LLC* for a change in zoning for approximately 0.72 acres located on the east side of Morehead Street, near the intersection of Arosa Avenue from B-1(CD) to MUDD(CD).

The Zoning Committee voted to recommend **APPROVAL** of this petition with the following modifications and contingent upon revised elevations being submitted for the parking deck facing the Latta Square Condominiums:

- Screening will be provided adjoining the residential property to the east.
- Agreed to add a note to comply with Storm Water Services' request.

Attachment No. 9

10. **Petition No. 2003-45 (decision)** by *Richter & Associates* for a change in zoning for approximately 0.148 acres located on the southwest corner of Scott Avenue and Pierce Street O-2 to MUDD-O.

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition. Commissioner Broome was excused due to a conflict of interest.

Attachment No. 10

HEARINGS

11. (A) Hearing to consider designation of the property known as the “*Calvin Neal House*” (listed under Tax Parcel Number 07012141 as of March 15, 2003, and including the interior and the exterior of the house and the garage, and the parcel of land listed under Tax Parcel Number 07012141 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of March 15, 2003). The property is owned by John Caratelli and David Greer and is located at 612 Walnut Avenue in the City of Charlotte, Mecklenburg County, North Carolina.
- (B) Adopt an ordinance designating the “*Calvin Neal House*” as an Historic Landmark.

Attachment No. 11

12. (A) Hearing to consider designation of the property known as the “*Bryant Park*” (listed under Tax Parcel Number 06701401 as of March 15, 2003, and including all original stonework and landscaping on the property except for the rock wall bordering West Morehead Street and including the parcel of land listed under Tax Parcel Number 06701401 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of March 15, 2003). The property is owned by Mecklenburg County and is located at 1701 West Morehead Street in the City of Charlotte, Mecklenburg County, North Carolina.
- (B) Adopt an ordinance designating the “*Bryant Park*” as an Historic Landmark.

Attachment No. 12

13. (A) Hearing to consider designation of the property known as the ***Elmwood/Pinewood Cemetery***” (listed under Tax Parcel Number 07813104 as of March 15, 2003, and including the land and landscaping, and all buildings, structures, and objects on the parcel of land listed under Tax Parcel Number 07813104 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of March 15, 2003). The property is owned by the City of Charlotte and is located at West 6th Street in the City of Charlotte, Mecklenburg County, North Carolina.
- (B) Adopt an ordinance designating the ***“Elmwood/Pinewood Cemetery”*** as an Historic Landmark.

Attachment No. 13

14. **Petition No. 2003-03 (hearing).** Change in zoning to O-1(CD) Site Plan Amendment for approximately 7.9 acres on the south side of Hampton Church Road, east of North Tryon Street.

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

The Petitioner has requested an indefinite deferral.

Attachment No. 14

15. **Petition No. 2003-31 (hearing).** Change in zoning from R-3 LLW/PA to R-4(CD) LLW/PA for approximately 39.4 acres located on the east side of Westinghouse Boulevard and south of Shopton Road West. ***Petitioner: Steele Creek Association***

The Petitioner has requested a 30-day deferral.

Attachment No. 15

16. **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 has requested a 30-day deferral.

Attachment No. 16

17. **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***

Staff is requesting a one-month deferral to allow adequate time to review revised site plans.

Attachment No. 17

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

Attachment No. 18

19. **Petition No. 2003-43 (hearing).** Change in zoning from R-17MF, O-2 and B-2 to NS for approximately two (2) acres located on the southeast corner of Eastway Drive and Shamrock Drive. *Petitioner: Crosland, Inc.*

A protest petition has been filed.

Attachment No. 19

20. **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 46.63 acres located on the southwest corner of Idlewild Road and Margaret Wallace Road. *Petitioner: Lincoln Harris, LLC*

Staff is requesting a one-month deferral to allow CDOT adequate time to review T.I.S.

Attachment No. 20

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

The Petitioner requests a decision the same night of the hearing.

Attachment No. 21

22. **Petition No. 2003-50 (hearing).** Change in zoning from MX-1 to MX-1 S.P.A. for approximately 40.9 acres located east of Back Creek Church Road and west of Caldwell Road. *Petitioner: Forest City Land Group*

Attachment No. 22

23. **Petition No. 2003-51 (hearing).** Change in zoning from R-3 to MX-1 for approximately 15.02 acres located west of the proposed Interstate 485 (I-485) and north of Caldwell Road. *Petitioner: Forest City Land Group*

Attachment No. 23

24. **Petition No. 2003-53 (hearing).** Change in zoning from R-3 to O-1(CD) for approximately 8.9 acres located on the east side of Statesville Road, south of Sunset Road. *Petitioner: BVB Properties*

Attachment No. 24

25. **Petition No. 2003-54 (hearing).** Change in zoning from O-2 and B-2(CD) to MUDD(CD) for approximately 0.55 acres located at the southwest corner of Baldwin Avenue and East Third Street. *Petitioner: New South Properties of the Carolinas, LLC*

Attachment No. 25

26. **Petition No. 2003-55 (hearing).** Change in zoning from R-3 to NS for approximately 11 acres located at the southwest corner of W.T. Harris Boulevard and Rocky River Road. *Petitioner: Avtex Partners*

Attachment No. 26

27. **Petition No. 2003-56 (hearing).** Change in zoning from I-1 and CC to MUDD-O for approximately 7.25 acres located at the northeast corner of Galleria Boulevard and Monroe Road. *Petitioner: Sardis Monroe Road Investors*

Attachment No. 27

28. **Petition No. 2003-58 (hearing).** Consideration 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. *Petitioner: Robert L. Brandon*

Attachment No. 28