

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, March 17, 2003**

**5:00PM – Council/Manager Dinner
CH-14 Conference Room**

**Dinner Meeting
Revised Budget Calendar and Process for FY2004
Additional Council Budget Retreat Date
Ruffin Hall, Budget Director
Attachment No. 1**

**Rezoning Update: March, April, and
May Public Hearings
Martin R. Cramton, Jr., Planning Director
Attachment No. 2**

**6:00PM – Zoning Decisions/Hearings
Meeting Chamber**

DECISIONS

3. ***Petition No. 1999-105 (decision)*** by ***Victor and Lillian Ibekwere*** for a change in zoning for approximately 1.08 acres located on the east side of East 36th Street and south of Spencer Avenue from R-5 to R-8MF(CD).

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

Attachment No. 3

4. ***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.

The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition **contingent** upon CDOT concerns being address prior to City Council approval and with the following modifications:

- The petitioner will dedicate and convey right-of-way for the future Eastern Circumferential when requested by the NCDOT or CDOT.
- The petitioner will dedicate and convey greenway to the Mecklenburg County Parks and Recreation Department when requested or by 2005.
- The developer will construct a walking trail in the greenway.
- A collector street with a 5-foot sidewalk and 6-foot planting strip will be constructed connecting Hanberry Drive and St. Joseph's Drive.
- A 30-foot landscaped setback will be provided along the future Eastern Circumferential.
- The developer will work with Storm Water Services to provide water quality measures.
- Pedestrian connections will be provided from all the development areas to the greenway.
- Phasing will be tied to roadway improvements per CDOT comments.

Attachment No. 4

5. ***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 to MUDD-O.

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

The petitioner is requesting a 30-day deferral.

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

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

- In no case shall the structure be closer than 10 feet to the back of curb or edge of pavement.
- Any structure larger than 4' x 4' x 3' must be 10 feet behind the proposed road right-of-way so as not to create a sight distance problem.

Staff is requesting a one-month deferral of this petition to continue to work with utility companies on ordinance language.

Attachment No. 6

7. ***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 (INST).

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

Attachment No. 7

8. ***Petition No. 2002-142 (decision)*** by ***First Colony Corporation*** for a change in zoning for approximately 144.5 acres between Mallard Creek Church Road and Galloway Road, east of Mallard Creek Road from RE-3(CD) and R-3 to MUDD-O.

The Zoning Committee voted to **CONDITIONALLY APPROVE** this petition, based upon the following modifications:

- Increasing lot widths from 40 to 50 and 60-foot lots, resulting in a decrease in the number of homes from 428 to 395 (3.79) homes per acre.
- Committing up to \$50,000 to fund a traffic signal at the Galloway Road/Mallard Creek Road intersection in the next five years, if warranted.
- Committing to construct at least one of the access points to Mallard Creek Church Road and connect it to the single-family residential component during its initial construction phase and to install signage at the Galloway Road entrances stating that no construction traffic is permitted to access the site from Galloway Road.
- Committing to enhance storm water treatment within the commercial tract.

This recommendation is also **CONTINGENT** upon CDOT being satisfied with resolution of the remaining traffic issues by March 7th. If that contingency is not met, this petition is recommended for deferral back to the Zoning Committee.

Attachment No. 8

9. ***Petition No. 2002-146 (decision)*** by ***MarkPiercePoole Properties, Inc.*** for a change in zoning for approximately 7.64 acres located on the north side of University City Boulevard (US Highway 49), west of the proposed Mallard Creek Church Road realignment from Institutional (INST) to NS (Neighborhood Services).

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

Attachment No. 9

10. ***Petition No. 2003-02 (decision)*** by ***Ray Lewis Wilson*** for a change in zoning for approximately 4.6 acres located on the south side of Polk and White Roads, west of Mallard Creek Road from R-4 to R-4(CD), R-5(CD), R-6(CD) and R-8(CD).

The Zoning Committee voted 5-1 to recommend **APPROVAL** of this petition.

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

Attachment No. 10

11. *Petition No. 2003-06 (decision)* by *Asele A. Carlisle* for a change in zoning for approximately 31.3 acres on the north side of Central Avenue, between Hawthorne Lane and The Plaza from R-8 and R-22MF to R-5.

The Zoning Committee vote on this petition was a 3-3 tie, resulting in no action being taken. Unless the City Council chooses to vote without a Zoning Committee recommendation, this petition will be deferred to the Zoning Committee's March work session.

NOTE: The Zoning Committee wanted the City Council to be aware that the tie vote was strictly over the seven parcels whose owners oppose the rezoning. All Committee members support the rezoning of the other estimated 76 parcels.

The protest petitions have been withdrawn.

Attachment No. 11

12. *Petition No. 2003-13 (decision)* by *First LandMark USA c/o Timothy H. Hose* for a change in zoning for approximately 6.9 acres on the south side of Providence Road West, east of Marvin Road from R-3 to R-8MF(CD).

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

- The right-of-way has been recalculated, resulting in lowering the number of units from 54 to 53.

Attachment No. 12

13. *Petition No. 2003-14 (decision)* by *Sonshine Construction, Inc.* for a change in zoning for approximately 3.84 acres located on the north side of Township Road, west of South Tryon Street from R-17MF to O-1(CD).

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

- The petitioner will submit a general landscape plan prior to the City Council's approval.
- A revised building elevation will be submitted indicating how the portion of the building backing Township Road will be designed.

Attachment No. 13

14. *Petition No. 2003-15 (decision)* by *Ale House Management, Inc.* for a change in zoning for approximately 2.9 acres located on the northwest corner of North Tryon Street (NC Highway 29) and McCullough Drive from O-15(CD) to B-1(CD).

The motion was made to **DENY** this request. The Zoning Committee's vote on this motion resulted in a 3-3 tie. As a result, the petition is automatically **DEFERRED** for **ONE MONTH**.

Attachment No. 14

15. *Petition No. 2003-17 (decision)* by *New South Properties of the Carolinas, LLC* for a change in zoning for approximately 2.6 acres located on the northeast corner of West W.T. Harris Boulevard and the old alignment of West Sugar Creek Road from B-1SCD to B-1(CD).

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

Attachment No. 15

HEARINGS

16. *Petition No. 2002-83 (hearing)*. Change in zoning from R-3, O-1(CD), I-1, and I-1(CD) to MX-1 and O-1(CD) for approximately 76.4 acres located on the east side of Old Concord Road between Rocky River Road and Newell Hickory Grove Road.
Petitioner: Pulte Homes Corporation

The petitioner is requesting an indefinite deferral.

Attachment No. 16

17. *Petition No. 2002-107 (hearing)*. Change in zoning from I-2 to MUDD-O for approximately 1.9 acres located at the southeast corner of South Church Street and West Bland Street. *Petitioner: NFM Properties, LLC*

Attachment No. 17

18. *Petition No. 2002-140 (hearing)*. Change in zoning from R-8 to B-1 for approximately .585 acres located on the southwest corner of Badger Court and Statesville Avenue.
Petitioner: Donald & Linda Anderton

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

Attachment No. 18

19. *Petition No. 2002-143 (hearing)*. Change in zoning from O-2 and R-5 to UR-2(CD) for approximately 1.2 acres located at the northwest corner of Selwyn Avenue and Hassell Place. *Petitioner: The Boulevard 2000, LLC*

Three protest petitions were filed and are sufficient to invoke the 3/4 majority-voting rule.

Attachment No. 19

20. *Petition No. 2003-03 (hearing).* Change in zoning from O-1(CD) to O-1(CD) S.P.A. for approximately 7.9 acres located on the south side of Hampton Church Road, east of North Tryon Street. *Petitioner: Diangikes Drier & George Fields, Jr.*

The petitioner has requested an additional three-month deferral until the June public hearing.

A protest petition was filed and is sufficient to invoke the 3/4 majority-voting rule.

Attachment No. 20

21. *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 Harrington*

A revised site plan has not been submitted for this petition, therefore, the Staff is recommending this petition be deferred indefinitely.

Attachment No. 21

22. *Petition No. 2003-19 (hearing).* Consideration of a text amendment to the City of Charlotte Zoning Ordinance to Section 12.513 “Bus Stop Shelters” and Section 4.105, “Moratorium on the establishment or the expansion of certain land uses”.
Petitioner: City of Charlotte/Charlotte-Mecklenburg Planning Commission

Attachment No. 22

23. *Petition No. 2003-21 (hearing).* Change in zoning from R-3 to R-5(CD) for approximately 88 acres located on the south side of Camp Stewart Road and west of Rocky River Church Road. *Petitioner: Larkhaven, Inc.*

Since petition was converted to a conditional plan, a community meeting report is required. The petitioner has not yet held his community meeting, therefore, the petition must be deferred for one -month.

Attachment No. 23

24. *Petition No. 2003-22 (hearing).* Change in zoning from INST(CD) to R-4 for approximately 21.29 acres located on the east side of Perkins Road, south of Gibbon Road. *Petitioner: Crossman Communities, Inc.*

The petitioner is requesting a one-month deferral.

A protest petition has been filed and is sufficient to invoke the 3/4 majority-voting rule.

Attachment No. 24

25. ***Petition No. 2003-23 (hearing).*** Change in zoning from B-1 SCD to B-1(CD) for approximately 7.4 acres located at the northwest corner of Morrison Boulevard and Roxborough Road. ***Petitioner: The Bissell Companies***

Attachment No. 25

26. ***Petition No. 2003-24 (hearing).*** Change in zoning from R-12PUD, R-5, B-1(CD) and B-1SCD to MX-1 for approximately 1,828 acres along Shopton Road, north of Woody Point Road and south of Armour Creek Cove on Lake Wylie. ***Petitioner: Carolina Centers, LLC***

Attachment No. 26

27. ***Petition No. 2003-25 (hearing).*** Change in zoning from R-3 to R-4 for approximately 16.4 acres located on the south side of Ridge Road, east of Creek Breeze Road. ***Petitioner: Florence S. Puckett and Community Christian Church of Charlotte, Inc.***

Attachment No. 27

28. ***Petition No. 2003-26 (hearing).*** Change in zoning from R-17MF to O-1(CD) for approximately 4 acres located on the north side of York Road (US Highway 49), east of Moss Road. ***Petitioner: Kent Olson***

Attachment No. 28

29. ***Petition No. 2003-27 (hearing).*** Change in zoning from O-2 to B-2 for approximately .055 of an acre located between Eastway and Shamrock Drives. ***Petitioner: Akram Q. Karam***

The petitioner has requested that he be allowed to withdraw this petition.

Attachment No. 29

30. ***Petition No. 2003-29 (hearing).*** Consideration of a text amendment to Chapter 12, Part 2, Table 12.202 to reduce the required parking for Motion Picture Theatres to one (1) space per five (5) seats. ***Petitioner: Charlotte-Mecklenburg Planning Commission***

Attachment No. 30

31. ***Petition No. 2003-30 (hearing).*** Consideration of a text amendment to the Subdivision Ordinance, Chapter 6.60, Final Plat Requirements subsection (6). ***Petitioner: City Engineering and Property Management***

Attachment No. 31

32. ***Long-Range School Facilities Master Plan*** - Requesting approval of the City Council to approve the appointment of two citizens to serve on the Long-Range School Facilities Master Plan Citizens Advisory Task Force.

Attachment No. 32