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Nancy Carter James E. Mitchell, Jr
Malcolm Graham Patrick Mumford
Patsy Kinsey John H. Tabor, AIA
John W. Lassiter Warren Turner

CITY COUNCIL ZONING AGENDA
Monday, November 15, 2004

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

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

DINNER MEETING

2005 Annexation - address issues
Jonathan Wells, Capital Facilities Program Manager

Rezoning Update – November and December 2004
Debra D. Campbell, Planning Director

DECISIONS

1. (A) Hearing to consider designation of the property known as the “**William L. and Laura A. McConnell Farm**” (listed under Tax Parcel Number 03923120 as of September 1, 2004, and including the interior and the exterior of the house, the outbuildings, and the parcel of land listed under Tax Parcel Number 03923120 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of September 1, 2004). The property is owned by John C. Walker and Marianne K. Walker and is located at 4009 Beatties Ford Road in Mecklenburg County, North Carolina.
- (B) Adopt an ordinance designating the “**William L. and Laura A. McConnell Farm**” as a Historic Landmark.

Attachment 1

2. (A) Hearing to consider designation of the building known as the “**Builders Building**” (listed under Tax Parcel Number 07801613 as of September 1, 2004, and including only the exterior of the building listed under Tax Parcel Number 07801613 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of September 1, 2004). The building is owned by The Peace Building, Inc. and is located at 312 West Trade Street in Charlotte, North Carolina.
- (B) Adopt an ordinance designating the “**Builders Building**” as a Historic Landmark.

Attachment 2

3. (A) Hearing to consider designation of the property known as the “**Hennigan Place Property**” (listed under Tax Parcel Numbers 23111403 and 23111402 as of September 1, 2004, and including the parcels of land listed under Tax Parcel Numbers 23111403 and 23111402 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of September 1, 2004). The property is owned by Peter D. Snow and Betty B. Snow and is located at 3503 Tilley Morris Road in Mecklenburg County, North Carolina.
- (B) Adopt an ordinance designating the “**Hennigan Place Property**” as a Historic Landmark.

Attachment 3

4. (A) Hearing to consider designation of the property known as the “**Joseph Sykes Brothers Building**” (listed under Tax Parcel Number 07310103 as of September 1, 2004, and including the interior and exterior of the building, and the parcel of land listed under Tax Parcel Number 07310103 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of September 1, 2004). The building is owned by Petra Properties, LLC and is located at 1445 South Mint Street in Charlotte, North Carolina.
- (B) Adopt an ordinance designating the “**Joseph Sykes Brothers Building**” as a Historic Landmark.

Attachment 4

5. **Petition No. 2004-55 (decision)** by *Daniel Levine* for a change in zoning of approximately 76.4 acres located west of Monroe Road on both sides of McAlpine Park Road from I-1 to B-1(CD), B-2(CD) & O-1(CD).

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

The Zoning Committee voted 5-1 to recommend **APPROVAL** of this petition with the following modifications reflected on the most recent rezoning plans submitted prior to the Zoning Committee meeting and those proposed by the petitioner at the public hearing, including:

- The petitioner has agreed to fund dual left turn lanes, a traffic signal, and the realignment of the Timber Springs Drive, at the intersection of Monroe Road and McAlpine Station Drive, among other transportation commitments requested by CDOT.
- The cul-de-sac termination of McAlpine Park Drive that was mistakenly shown on the previous schematic site plan has been deleted in favor of a stub street to a roundabout on the abutting property as referenced on the Technical Data sheet and Development Standards of the previous site plan.
- A commitment has been made to “four-sided architecture” for buildings on Parcels A & B and to outdoor seating on these parcels.
- Buildings on Parcels A & B will be constructed “principally of brick materials” with unarticulated walls not exceeding 20 feet in length.
- Drive-thru windows will be prohibited on the site, including Parcels A & B.
- The substitution formula for hospice/nursing home beds and office space and the inclusion of support retail within the office parcels have been clarified.
- The access easement to McAlpine Creek greenway has been increased to 15 feet in width.

- An agreement to bond for a future road across Parcel “M” has been added to the Development Standards. This future road would connect McAlpine Park Drive to Monroe Road without crossing the railroad track.
- Parking/building envelope, interior buffer and maximum building area locations/design have been clarified.

Attachment 5

6. **Petition No. 2004-83 (decision)** by *Don Green* for adoption of a text amendment to the City of Charlotte Zoning Ordinance to allow funeral homes, with accessory embalming in the Institutional zoning district, with prescribed conditions. Part of the amendment establishes definitions for cemetery, columbarium, mausoleum, crematorium, and funeral homes. Parking standards for funeral homes are set at one space per 150 square feet in parlors and assembly areas. This amendment would also allow funeral homes as an accessory use to a cemetery of 75 acres or larger, in all zoning districts where cemeteries are allowed, only if the cemetery has access from a major or minor thoroughfare, provides a Class B buffer when adjacent to residentially zoned/used property, and meets the other requirements of the Zoning Ordinance, particularly Section 12.508.

Action #1: The Zoning Committee voted unanimously to divide this petition into two parts, 2004-83A (to allow funeral homes as an accessory use to a cemetery of 75 acres or larger, with prescribed conditions) and 2004-83B (to add funeral homes, with accessory embalming, as a use permitted under prescribed conditions in the Institutional Zoning District).

Action #2: The Zoning Committee voted unanimously to recommend **APPROVAL** of 2004-83A (to allow funeral homes as an accessory use to a cemetery of 75 acres or larger, with prescribed conditions).

Action #3: The Zoning Committee voted unanimously to **DEFER** a recommendation on 2004-83B (to add funeral homes, with accessory embalming, as a use permitted under prescribed conditions in the Institutional zoning district) for one month.

Attachment 6

7. **Petition No. 2004-87 (decision)** by *Charlotte-Mecklenburg Housing Partnership, Inc.* for a change in zoning of approximately 8.81 acres located west of Statesville Avenue north of Woodward Avenue from B-2, R-22MF, and R-8 to R-12MF(CD).

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

- The elevations of the large buildings with an end orientation to Statesville Avenue have been improved to better address that street frontage.
- Benson Street now terminates on the north side of the bridge, providing a second public street access to the development.

Attachment No. 7

8. **Petition No. 2004-98 (decision)** by *City of Charlotte, Charlotte Area Transit System* for a change in zoning of approximately 12.749 acres located between China Grove Church Road and South Boulevard from B-1 and R-4 to TOD-M.

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

Attachment No. 8

9. **Petition No. 2004-101 (decision)** by *City of Charlotte, Charlotte Area Transit System* for a change in zoning of approximately 10.514 acres located between Old Pineville Road and South Boulevard on both sides of Archdale Drive from I-2, O-1, B-D and B-2 to TOD-M.

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

Attachment No. 9

10. **Petition No. 2004-102 (decision)** by *City of Charlotte, Charlotte Area Transit System* for a change in zoning of approximately 7.932 acres located on the west side of South Boulevard south of East Arrowood Road from R-4 to TOD-M.

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

Attachment No. 10

11. **Petition No. 2004-103 (decision)** by *City of Charlotte, Charlotte Area Transit System* for a change in zoning of approximately 5.24 acres located on the west side of Old Pineville Road south of East Woodlawn Road from I-2 to TOD-M.

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

Attachment No. 11

12. **Petition No. 2004-104 (decision)** by *City of Charlotte, Charlotte Area Transit System* for a change in zoning of approximately 9.89 acres located on the west side of South Boulevard north of Freeland Lane from B-2 and R-5 to TOD-M.

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

Attachment No. 12

13. **Petition No. 2004-105 (decision)** by *Charlotte-Mecklenburg Planning Commission* for a change in zoning of approximately 9.2 acres located on both sides of Sunnyside Avenue on the east side of Louise Avenue, and on both sides of Oakland Avenue from B-1 and R-22MF to R-8.

A protest petition has been filed and is not sufficient to invoke the 3/4 majority-voting rule.

The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition.

Attachment No. 13

14. **Petition No. 2004-107 (decision)** by *Charlotte-Mecklenburg Planning Commission* for a change in zoning of approximately 17.3 acres located on both sides of Sunnyside Avenue, north of Independence Boulevard from B-1, R-22MF, UR-2 and I-2 to Sunnyside Pedestrian Overlay District.

The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition.

Attachment No. 14

15. **Petition No. 2004-108 (decision)** by *George Breisacher, Louise Barden, and Theaury Green* for a change in zoning of approximately 1.8 acres located on the southwest corner of Central Avenue and Progress Lane from R-17MF to R-8.

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

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

Attachment No. 15

16. **Petition No. 2004-110 (decision)** by *Beacon Homes of Charlotte, Inc.* for a change in zoning of approximately 9.2 acres located to the south of McKee Road, north of Interstate-485 from R-3 to R-8MF(CD).

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:

- A note regarding water quality management of storm water has been added to the site plan.
- A note has been added to the site plan providing for supplemental plantings in the buffer along I-485.

Attachment No. 16

17. **Petition No. 2004-111 (decision)** by *Open Space Properties, LLC* for a change in zoning of approximately 7.19 acres located on the northeast corner of the intersection of Transport Drive and Sidney Circle from I-2(CD) to I-2(CD) S.P.A.

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

Attachment No. 17

18. **Petition No. 2004-112 (decision)** by *Charlotte Area Transit System* for adoption of a text amendment to the City of Charlotte Zoning Ordinance to address the need to allow information pillars as an accessory use in the MUDD, UMUD, and TOD zoning districts. At present, information pillars are not a permitted use. This text amendment adds a definition, requirements, and specification for off-premise signs located on approved pillars.

Information pillars may be located at rapid transit stations, trolley stations/platforms, and may also be located in an urban open space having a minimum area of 2,000 square feet.

- Up to three (3) information pillars are permitted per combined rapid transit/trolley platform.
- Up to one (1) information pillar is permitted per trolley station/platform only.
- Up to two (2) information pillars may be located in an urban open space having a minimum area of 2,000 square feet, excluding rapid transit station areas.

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

Attachment No. 18

19. **Petition No. 2004-113 (decision)** by *Charlotte-Mecklenburg Planning Commission* for adoption of a text amendment to the City of Charlotte Zoning Ordinance to update the sign requirements in the NS zoning district to more closely match the purpose of the district, which focuses on neighborhood retail and service activities located in a pedestrian oriented environment.

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

Attachment No. 19

20. **Petition No. 2004-115 (decision)** by *The Cunnane Group* for a change in zoning of approximately 18.71 acres located on the west side of Wade Ardrey Road from R-3 to MX-2.

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

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

- A public easement for the sidewalk that is outside the right-of-way will be granted.
- Water quality notes have been added to the plan.
- Additional vehicular connections have been added to the north and south.
- Proposed sidewalks have been extended out to Wade Ardrey Road.

- Improved screening has been added for the section of reverse frontage on Wade Ardrey Road.
- Construction of the north stub street will terminate at the buffer rather than extending all the way to the property line.
- The buffer will be planted in the area of the existing stock pond.

Attachment No. 20

21. **Petition No. 2004-117 (decision)** by *Espy Holdings, LLC c/o the Providence Group* for a change in zoning of approximately 1.78 acres located on the west side of Beatties Ford Road, south of Sunset Road from B-1 and R-4 to B-1(CD).

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

Attachment No. 21

HEARINGS

22. **Petition No. 2004-65 (hearing)**. Change in zoning from R-3 LW-PA to MX-1 (innovative) LW-PA for approximately 18.03 acres located on the eastside of Suzanna Drive north of Hart Road. *Petitioner: Liberty Oaks c/o Mr. Chip Shelton*

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

Staff and petitioner is requesting a one-month **DEFERRAL**.

Attachment No. 22

23. **Petition No. 2004-68 (hearing)**. Change in zoning from R-3 to R-4(CD) for approximately 46 acres located southwest of the intersection of Interstate-485 and Caldwell Road. *Petitioner: H. James Stafford*

Petitioner is requesting a one-month **DEFERRAL**.

Attachment No. 23

24. **Petition No. 2004-94 (hearing).** Change in zoning from R-3 to MUDD(CD) for approximately .66 acres located east of Sharon Road north of Hazelton Drive. ***Petitioner: Claude Long***

Attachment No. 24

25. **Petition No. 2004-99 (hearing).** Change in zoning from I-2 to TOD-M(O) for approximately 6.934 acres located west of South Boulevard across from Sharon Road West. ***Petitioner: The City of Charlotte, Charlotte Area Transit System***

Attachment No. 25

26. **Petition No. 2004-100 (hearing).** Change in zoning from I-2 and B-2 to TOD-M(O) for approximately 9.32 acres located to the east of Old Pineville Road, south of Tyvola Road and west of South Boulevard. ***Petitioner: The City of Charlotte, Charlotte Area Transit System***

Attachment No. 26

27. **Petition No. 2004-116 (hearing).** Change in zoning from R-3 LLW-PA to R-4 LLW-PA for approximately 27.5 acres located on the south side of Shopton Road West, east of Steele Creek Road. ***Petitioner: The McAlpine Company***

Staff is requesting a **DEFERRAL** because the wetlands letter was not received by deadline.

Attachment No. 27

28. **Petition No. 2004-119 (hearing).** Consideration of a text amendment to the City of Charlotte Zoning Ordinance to update the uses permitted in the Mixed-Use Development (MUDD) zoning district by eliminating some inappropriate uses, revising others, and adding new uses. The amendment also updates the language for “canopies”. ***Petitioner: Charlotte-Mecklenburg Planning Commission***

Attachment No. 28

29. **Petition No. 2004-120 (hearing).** Change in zoning from R-9MF(CD) to MX-1 (innovative) for approximately 41.24 acres located on the west side of Clifton Meadow Drive, east of Margaret Wallace Road. ***Petitioner: Eastwood Development Corporation***

Attachment No. 29

30. **Petition No. 2004-122 (hearing).** Change in zoning from MX-2 to MX-2 S.P.A. for approximately 39.8 acres located east of Lancaster Highway, west of Marvin Road. *Petitioner: KB Homes*

Attachment No. 30

31. **Petition No. 2004-123 (hearing).** Change in zoning from R-12MF and R-3 to NS for approximately 4.74 acres located on the northeast intersection of Driwood Court and Mallard Creek Road. *Petitioner: S&R Development Company, LLC*

A protest petition has been filed, sufficiency to be determined.

Attachment No. 31

32. **Petition No. 2004-124 (hearing).** Change in zoning from R-5 to MUDD-O for approximately .26 acres located on the southwest corner of North Davidson Street and Faison Avenue. *Petitioner: Patrick Sutherland*

Attachment No. 32

33. **Petition No. 2004-126 (hearing).** Change in zoning from BP to NS for approximately 2.06 acres located northeast of the intersection of John J Delaney Drive and Ballantyne Commons Parkway. *Petitioner: Habitat Capital*

Attachment No. 33

34. **Petition No. 2004-127 (hearing).** Change in zoning from B-2 to MUDD(CD) for approximately .24 acres located on the northwest corner of the intersection of East Third Street and the Third/Fourth Street Connector. *Petitioner: Marc H. Silverman & Lorin Silverman Stiefel*

Attachment No. 34

35. **Petition No. 2004-128 (hearing).** Consideration of a text amendment to the City of Charlotte Zoning Ordinance to create a new Transit Supportive (TS) overlay zoning district with associated development and urban design standards, to complement the existing Transit Oriented Development (TOD) zoning districts. *Petitioner: Charlotte-Mecklenburg Planning Commission*

Attachment No. 35

36. **Petition No. 2004-131 (hearing).** Consideration of a text amendment to the City of Charlotte Zoning Ordinance to update the solid waste language in the Zoning Ordinance by replacing the term “dumpster” with the currently used term of “solid waste container”.
Petitioner: Land Use and Environmental Services Agency

Attachment No. 36

37. **Petition No. 2004-132 (hearing).** Change in zoning from CC to CC S.P.A. for approximately 5.06 acres located on the east side of John Price Road north of South Tryon Road.
Petitioner: South 49 Partners LLC

Attachment No. 37

38. **Petition No. 2004-133 (hearing).** Change in zoning from O-2 to MUDD(CD) for approximately .45 acres located on the southeast corner of East Third Street and Queens Road.
Petitioner: NSP Queens Road, LLC c/o Will Whitley

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

Attachment No. 38

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

Attachment No. 39