

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, November 21, 2005

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

Presentation by City Attorney's Office
on Recent Amendments to the North
Carolina Planning Statutes

6:00PM – Zoning Decisions/Decisions
Meeting Chamber

DINNER MEETING

Rezoning Update – December 2005
Debra Campbell, Planning Director

RESOLUTION TO SET PUBLIC HEARINGS

1. Approve a resolution setting a public hearing for December 19, 2005 at 6:00 PM on the question of historic designation of the “**Elizabeth Lawrence House and Garden**” and land as an Historic Landmark.

Attachment No. 1

2. Approve a resolution setting a public hearing for December 19, 2005 at 6:00 PM on the question of historic designation of the “**McQuay House**” and land as an Historic Landmark.

Attachment No. 2

3. Approve a resolution setting a public hearing for December 19, 2005 at 6:00 PM on the question of historic designation of the “**Samuel Neel House**” and land as an Historic Landmark.

Attachment No. 3

DECISIONS

4. **Petition No. 2003-98B, Area 1 (decision)** by *Charlotte-Mecklenburg Planning Commission* for a change in zoning of approximately 23.8 acres located on the east side of North Davidson Street, south of 16th Street, and on the east and west sides of Seigle Avenue, south of Belmont Avenue from I-2 and B-2 to R-5 and R-22MF.

The Zoning Committee voted unanimously to recommend **WITHDRAWAL** of Area 1 from this petition.

Staff agrees with the Zoning Committee recommendation.

Attachment No. 4

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2003+Petitions/2003-098.htm>

5. **Petition No. 2005-106 (decision)** by *Tidewater Development, LLC* for a change in zoning of approximately 0.72 of an acre located at the intersection of East Tremont Avenue and Cleveland Avenue from B-1 to TOD-M (CD).

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

Staff agrees with the Zoning Committee recommendation.

Attachment No. 5

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

6. **Petition No. 2005-119 (decision) by Citiline Development, LLC** for a change in zoning for approximately 1.66 acres located southeast of McNinch Street and northeast of West Morehead Street from MUDD to MUDD-O.

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

Staff agrees with the Zoning Committee recommendation.

Attachment No. 6

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-119.htm>

7. **Petition No. 2005-122 (decision) by Hord Properties, LLC** for a change in zoning of approximately 0.912 acres located north of the intersection of Sandy Porter Road and South Tryon Road from R-17 MF to NS.

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

Staff disagrees with the recommendation of the Zoning Committee as the area plans recommend residential for the property. Office zoning would provide an appropriate transition between the adjacent commercial and multi-family zoning districts.

The Petitioner has requested a 90 day deferral until February 2006 to address outstanding issues.

Attachment No. 7

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-122.htm>

8. **Petition 2005-136 (decision) by Tangela Erwin** for a change in zoning for approximately 0.66 of an acre located south of the intersection of E WT Harris Boulevard and Demill Lane from R-3 to INST (CD).

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

Staff agrees with the Zoning Committee recommendation.

Attachment No. 8

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-136.htm>

9. **Petition 2005-137 (decision) by Charlotte Sports Center** for a change in zoning for approximately 7.74 acres located west of the intersection of Boys Town Road and Ardrey Kell Road from R-3 to INST (CD).

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition, contingent upon resolution of the length of the median.

Staff agrees with the Zoning Committee recommendation.

Attachment No. 9

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-137.htm>

10. **Petition No. 2005-138 (decision)** by *Doug Scott* for a change in zoning for approximately 1.15 acres located south of the intersection of Shinkansen Drive and Stourbridge Lion Drive from B-1 to BD (CD).

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

Staff agrees with the Zoning Committee recommendation.

Attachment No. 10

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-138.htm>

11. **Petition 2005-139 (decision)** by *Rob Hottfried* for a change for approximately 0.25 of an acre located south of the intersection of E 7th Street and Lamar Avenue; northeast of Park Drive in zoning from B-1 to MUDD-O.

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

Staff agrees with the Zoning Committee recommendation.

Attachment No. 11

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-139.htm>

12. **Petition 2005-141 (decision)** by *Triven Properties, LLC* for a change in zoning for approximately 8.16 acres located north of Glory Street and south of Northaven Drive from R-4 to R-8(CD).

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

Staff agrees with the Zoning Committee recommendation.

Attachment No. 12

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-141.htm>

13. **Petition 2005-143 (decision)** by *Russell and Laura Gibbs* for a change in zoning for approximately 0.31 of an acre located north of North Myers Street and south of North Alexander Street from R-5 to R-8(CD).

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

Staff agrees with the Zoning Committee recommendation.

Attachment No. 13

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-143.htm>

14. **Petition No. 2005-145 (decision)** by *Charlotte-Mecklenburg Planning Commission* for approximately 51.35 acres located west of I-77 and south of Freedom Drive for a change in zoning from I-1 and I-2 to B-1 and I-1.

The Zoning Committee unanimously voted to recommend **APPROVAL** of this request, except for the two parcels (tax ID# 07325301 and 07325302) at the southeast corner of Summit Avenue and Bryant Streets, which should be withdrawn from this application and resubmitted as a separate application.

Staff agrees with the recommendation of the Zoning Committee, with the exception of its recommendation for the two parcels on the southeast corner of Summit Avenue and Bryant Streets.

Attachment No. 14

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-145.htm>

15. **Petition No. 2005-144 (decision)** by *Charlotte-Mecklenburg Planning Commission* to apply the Pedestrian Overlay District Designation (PED) to approximately 57 acres located west of I-77 and south of Freedom Drive.

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

Staff agrees with the Zoning Committee recommendation.

Attachment No. 15

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-144.htm>

16. **Petition 2005-146 (decision)** by *Lynn Ivey* for a change in zoning for approximately 1.35 acres located east of Glenkirk Road and west of Park South Drive from R-3 to INST (CD).

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

- Access to Glenkirk Road be maintained but gated and available only to staff and the clients/customers of the adult day care.
- Staff will continue to work with petitioner to align the driveway on Park South Drive with the Marriott Courtyard driveway. If the cost of aligning the driveways is unreasonable an offset in the driveways will be allowed.

Staff agrees with the Zoning Committee recommendation.

Attachment No. 16

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-146.htm>

17. **Petition No. 2005-147 (decision)** by *Charlotte-Mecklenburg Planning Commission* for a text amendment to the City of Charlotte Subdivision Ordinance to distinguish local Ordinance regulations from FEMA floodplain terminology.

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

Staff agrees with the Zoning Committee recommendation.

Attachment No. 17

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-147.htm>

18. **Petition 2005-148 (decision)** by *State Employees Credit Union* for a change in zoning for approximately 5.75 acres located north of University City Boulevard from INST to O-1(CD).

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

- Sidewalk along University Boulevard will be added with the caveat that the petitioner reserves the right to request a variance from Chapter 19 on any and all improvements within the NCDOT right-of-way for University City Boulevard pending approval or denial of said improvements by NCDOT.
- Chancellor Drive will have curb and gutter with five-foot sidewalks and crosswalks have been added from the new sidewalks to the existing building.
- The zoning boundary is now clearly labeled and the site data table includes the existing zoning, proposed zoning, allowed uses, and the number of required and proposed parking spaces.
- Lights will not exceed 25-feet and will be fully shielded and no wall pak lighting will be allowed.

Staff agrees with the recommendation of the Zoning Committee.

Attachment No. 18

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-148.htm>

19. **Petition 2005-149 (decision)** by *John D. Porter III, Charter Properties, Inc.* for a change in zoning for approximately 43.3 acres located northwest of the intersection of York Road and Steele Creek Road from R-5(CD), CC and R-17MF (CD) to R-17MF (CD), CC SPA and R-17MF (CD) SPA.

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

Staff agrees with the Zoning Committee recommendation.

Attachment No. 19

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-149.htm>

20. **Petition No. 2005-152 (decision)** by *Colson and Colson Construction Co.* for a change in zoning for approximately 9.51 acres located west of the intersection of Prosperity Church Road and Kotlik Drive from R-3 to INST (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/2005-152.htm>

21. **Petition No. 2005-153 (decision)** by *Thomas B. Henson* for a change in zoning for approximately 115 acres located south of the intersection of I-485 and South Tryon Street from MUDD-O and MUDD (CD) to MUDD-O and MUDD-O SPA.

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/2005-153.htm>