

Mayor Patrick L. McCrory Mayor Pro Tem Patrick De'Angelo Cannon
Susan Burgess Don Lochman
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, October 18, 2004

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

6:00PM – Zoning Decisions/Hearings
Meeting Chamber

DINNER MEETING

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

DECISIONS

1. (A) Hearing to consider designation of the property known as the “**Lloyd Presbyterian Church Cemetery**” (listed under Tax Parcel Number 17709206 as of January 1, 2004, and including the landscaping and the parcel of land listed under Tax Parcel Number 17709206 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of January 1, 2004). The property is owned by Grubb Properties, Inc. and is located near the corner of Colony Road and Sharon Road in Charlotte, North Carolina.
- (B) Adopt an ordinance designating the “**Lloyd Presbyterian Church Cemetery**” as a Historic Landmark.

The Landmark Commission is requesting a **ONE month DEFERRAL** of this decision.

Attachment 1

2. **Petition No. 2004-29 (decision)** by *Wilmore Partners, LLC*. for a change in zoning of approximately 0.776 acres located on the southeast intersection of South Tryon Street and West Kingston Avenue from B-1 to UR-2(CD).

The Zoning Committee voted unanimously to recommend an **INDEFINATE DEFERRAL** of this petition.

Attachment 2

3. **Petition No. 2004-64 (decision)** by *Childress Klein Properties, Inc.* for a change in zoning of approximately 86 acres located southeast of the intersection between York Road and Steel Creek Road from CC, R-17MF(CD), R-3(CD) and R-3 to CC and CC SPA.

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

Attachment 3

4. **Petition No. 2004-74 (decision)** by *RealtiCorp/Cambridge Properties* for a change in zoning of approximately 27.5 acres located west of the intersection of North Tryon Street and Mallard Creek Church Road from CC to CC SPA.

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition **CONTINGENT** on the following:

- Resolution of all Water Quality issues;
- Inclusion of CDOT notes; and
- Uses with drive thrus will be illustrated on the site plan.

Attachment No. 4

5. **Petition No. 2004-76 (decision)** by *KS, Inc., LLC* for a change in zoning of approximately 11.2 acres south of Sulkirk Road on the east side of Park South Drive from R-3 to MX-1.

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition **CONTINGENT UPON** the site plan providing a second vehicular access to the site. That recommendation is based upon the following modifications:

- The City will undertake curb, gutter, and drainage improvements along Park South Drive. The developer will be responsible for other improvements including an eight-foot planting strip, sidewalk, closure of any temporary driveways, repair of any damaged curb and gutter placed by the City, and any other necessary improvements.
- The site plan will include public street cross-sections, including landscaping details for the minimum five-foot common open space behind the sidewalk. A 6-8 foot wall will be located in the common open space, with pedestrian gates large enough to accommodate bicycles.
- Street trees will be provided 40 feet on-center along with pedestrian scale lighting.
- Covered porches, stoops, decks, etc. may extend for up to 10 feet into setbacks from the private streets.

Attachment No. 5

6. **Petition No. 2004-84 (decision)** by *Carmenza Hoyos* for a change in zoning of approximately 0.74 of an acre located east of Eastway Drive and south of Shamrock Drive from R-17MF to O-1(CD).

The Zoning Committee voted 6-1 to recommend **APPROVAL** of this petition.

Attachment No. 6

7. **Petition No. 2004-86 (decision)** by *Charlotte-Mecklenburg Planning Commission* for a change in zoning of approximately 1.9 acres located on the east side of Eastway Drive, north of Arnold Drive from R-22MF to R-8.

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

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

Attachment No. 7

8. **Petition No. 2004-88 (decision)** by *Knotts Development Resources, Inc.* for a change in zoning of approximately 38.98 acres located on the south side of Plaza Road west of Plott Road from R-3 to MX-1.

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

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition **CONTINGENT** on Storm Water Services approval of Water Quality notes.

Attachment No. 8

9. **Petition No. 2004-89 (decision)** by *Donald Henderson* for a change in zoning for approximately 9.86 acres located on the north side of Highland Creek Parkway across from Whistlers Chase Drive from R-3 to R-4(CD).

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

Attachment No. 9

10. **Petition No. 2004-90 (decision)** by *Primax Properties, LLC* for a change in zoning for approximately 12.5 acres located on the southeast corner of the intersection of Rocky River Road and WT Harris Boulevard from O-1(CD) to NS.

A protest petition has been filed but was withdrawn before hearing.

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition **CONTINGENT** on the resolution of the water quality issues.

Attachment No. 10

11. **Petition No. 2004-91 (decision)** by *Suisse Investors, LLC* for a change in zoning for approximately 42.2 acres located on the south side of Albemarle Road across from Hollirose Drive from CC to CC SPA.

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

Attachment No. 11

12. **Petition No. 2004-92 (decision)** by *Charlotte-Mecklenburg Housing Partnership, Inc.* for a change in zoning for approximately 9.84 acres located south of Old Pineville Road north of East Arrowood Road from R-15MF(CD) to UR-2(CD).

The Zoning Committee voted 5-2 to recommend **APPROVAL** of this petition.

Attachment No. 12

13. **Petition No. 2004-93 (decision)** by *Charlotte-Mecklenburg Planning Commission* for adoption of three text amendments to the City of Charlotte Zoning Ordinance to:

- The first text amendment will permit the rezoning of property located within ½ mile of a rapid transit station that is included in a project for which the Federal Transit Administration (FTA) has issued a Record of Decision, to the TOD zoning district.
- The second text amendment will clarify the maximum height regulations, making them easier to understand
- The third amendment will allow canopies, awnings, and other similar appurtenances to extend from the building up to ½ of the width of the setback area in front of the building, or 9', whichever is less. The original text allowed extensions from the building up to ½ of the width of the sidewalk area in front of the building, or 9', whichever is less.

The Zoning Committee voted unanimously to recommend **APPROVAL** on September 29, 2004.

Attachment No. 13

14. **Petition No. 2004-96 (decision)** by *Charlotte-Mecklenburg Planning Commission* for adoption of a text amendment to the City of Charlotte Zoning Ordinance to add Short-term Care Facilities to the list of uses permitted under prescribed conditions in the Institutional, O-1, O-2, O-3, B-2, MUDD, UMUD, TOD-R, TOD-E, TOD-M, U-1, and I-1 zoning districts. A definition of a short-term care facility and requirements are included.

The Zoning Committee voted unanimously to recommend **APPROVAL** on September 29, 2004.

Attachment No. 14

15. **Petition No. 2004-97 (decision)** by *Evelyn McGrant and Monique McGrant* for a change in zoning for approximately 0.228 acres located at the northwest intersection of Eastway Drive and Weldon Avenue from R-22MF to O-1(CD).

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

Attachment No. 15

HEARINGS

16. Approve a resolution setting a public hearing for November 15, 2004 at 6:00 PM on the question of historic designation of the “**William L. and Laura A. McConnell Farm**” and land as an Historic Landmark.

Attachment 16

17. Approve a resolution setting a public hearing for November 15, 2004 at 6:00 PM on the question of historic designation of the “**Builders Building**” and land as an Historic Landmark.

Attachment 17

18. Approve a resolution setting a public hearing for November 15, 2004 at 6:00 PM on the question of historic designation of the “**Hennigan Place Property**” and land as an Historic Landmark.

Attachment 18

19. Approve a resolution setting a public hearing for November 15, 2004 at 6:00 PM on the question of historic designation of the “**Joseph Sykes Brothers Building**” and land as an Historic Landmark.

Attachment 19

20. **Petition No. 2004-55 (hearing).** Change in zoning from I-1 to B-1(CD), B-2(CD) and O-1(CD) for approximately 76.4 acres located west of Monroe Road on both sides of McAlpine Park Road. *Petitioner: Daniel Levine.*

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

Attachment No. 20

21. **Petition No. 2004-65 (hearing).** Change in zoning from R-3 LW-PA to MX-1 LW-PA for approximately 16.1 acres located on the eastside of Suzanna Drive north of Hart Road. *Petitioner: Michael J. Lucas and Jill R. Lucas*

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

Petitioner is requesting a **ONE-MONTH DEFERRAL** of this petition.

Attachment No. 21

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

Petitioner is requesting a **ONE-MONTH DEFERRAL** of this petition.

Attachment No. 22

23. **Petition No. 2004-83 (hearing).** Consideration 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. *Petitioner: Don Green*

Attachment No. 23

24. **Petition No. 2004-87 (hearing).** Change in zoning from B-2, R-22MF, and R-8 to R-12MF(CD) for approximately 8.81 acres located west of Statesville Avenue north of Woodward Avenue. *Petitioner: The Charlotte-Mecklenburg Housing Partnership, Inc.*

Attachment No. 24

25. **Petition No. 2004-98 (hearing).** Change in zoning from B-1 and R-4 to TOD-M for approximately 12.749 acres located between China Grove Church Road and South Boulevard, north of Interstate 485. *Petitioner: The City of Charlotte, The Charlotte Area Transit System.*

Attachment No. 25

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

Petitioner is requesting a **ONE-MONTH DEFERRAL** of this petition.

Attachment No. 26

27. **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 Blvd. *Petitioner: The City of Charlotte, The Charlotte Area Transit System.*

Petitioner is requesting a **ONE-MONTH DEFERRAL** of this petition.

Attachment No. 27

28. **Petition No. 2004-101 (hearing).** Change in zoning from I-2, O-1, B-D and B-2 to TOD-M for approximately 10.514 acres located between Old Pineville Road and South Blvd on both sides of Archdale Drive. *Petitioner: The City of Charlotte, The Charlotte Area Transit System.*

Attachment No. 28

29. **Petition No. 2004-102 (hearing).** Change in zoning from R-4 to TOD-M for approximately 7.932 acres located on the west side of South Blvd. south of E. Arrowood Road. *Petitioner: The City of Charlotte, The Charlotte Area Transit System.*

Attachment No. 29

30. **Petition No. 2004-103 (hearing).** Change in zoning from I-2 to TOD-M for approximately 5.24 acres located on the west side of Old Pineville Road south of E. Woodlawn Road. *Petitioner: The City of Charlotte, The Charlotte Area Transit System.*

Attachment No. 30

31. **Petition No. 2004-104 (hearing).** Change in zoning from B-2 and R-5 to TOD-M for approximately 9.89 acres located on the west side of South Blvd. north of Freeland Lane. *Petitioner: The City of Charlotte, The Charlotte Area Transit System.*

Attachment No. 31

32. **Petition No. 2004-105 (hearing).** Change in zoning from B-1 and R22MF to R-8 for approximately 9.2 acres located on both sides of Sunnyside Ave., on the east side of Louise Ave., and on both sides Oakland Ave. *Petitioner: Charlotte-Mecklenburg Planning Commission*

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

Attachment No. 32

33. **Petition No. 2004-107 (hearing).** Change in zoning from B-1, R22MF, UR-2, and I-2 to Sunnyside Pedestrian Overlay District for approximately 17.3 acres located on both sides of Sunnyside Ave., north of Independence Blvd. *Petitioner: Charlotte-Mecklenburg Planning Commission*

Attachment No. 33

34. **Petition No. 2004-108 (hearing).** Change in zoning from R-17MF to R-8 for approximately 1.8 acres located on the southwest corner of Central Avenue and Progress Lane. *Petitioner: George Breisacher, Louise Barden, Theaury Green*

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

Attachment No. 34

35. **Petition No. 2004-110 (hearing).** Change in zoning from R-3 to R-8MF(CD) for approximately 9.2 acres located to the south of McKee Road, north of Interstate-485. *Petitioner: Beacon Homes of Charlotte, Inc.*

Attachment No. 35

36. **Petition No. 2004-111 (hearing).** Change in zoning from I-2(CD) to I-2(CD) SPA for approximately 7.19 acres located on the northeast corner of the intersection of Transport Drive and Sidney Circle. *Petitioner: Open Space Properties*

Attachment No. 36

37. **Petition No. 2004-112 (hearing).** Consideration 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.

Petitioner: Charlotte Area Transit System

Attachment No. 37

38. **Petition No. 2004-113 (hearing).** Consideration 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. *Petitioner: Charlotte-Mecklenburg Planning Commission*

Attachment No. 38

39. **Petition No. 2004-115 (hearing).** Change in zoning from R-3 to MX-2 for approximately 18.71 acres located on the west side of Wade Ardrey Road. *Petitioner: The Cunnane Group*

Attachment No. 39

40. **Petition No. 2004-117 (hearing).** Change in zoning from B-1 and R-4 to B-1(CD) for approximately 1.78 acres located on the west side of Beatties Ford Road, south of Sunset Road. *Petitioner: Espy Holdings, LLC c/o The Providence Group*

Attachment No. 40

41. **Petition No. 2004-118 (hearing).** Consideration of a text amendment to the City of Charlotte Zoning Ordinance to accomplish two things. First, it adds a purpose statement to the innovative development developments found in the MX and CC zoning districts. This purpose statement clarifies that the objective of modifying the development standards is to be used when innovative development proposals offer a unique environment or design not ordinarily provided in conventional development. Second, it clarifies that among the standards that can be modified, public street frontage can only be modified for single family detached dwellings. *Petitioner: Wayman Pearson – Solid Waste Services*

Planning Staff is requesting that this petition be **INDEFINATELY DEFFERED.**

Attachment No. 41