

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, October 20, 2003***

4:45PM – Council/Manager Dinner
Meeting Chamber Conference Room

6:00PM – Zoning Decisions/Hearings
Meeting Chamber

DINNER MEETING

Disparity Study Update
Presentation by MGT of America

REZONING UPDATE

1. ***Rezoning Update – October and December Public Hearings***
Martin R. Cramton, Jr., Planning Director

Attachment No. 1

DECISIONS

2. ***Petition No. 2003-35 (decision) by Wesley Heights Community Association, Inc.***
for a change in zoning for approximately 1.52 acres located on the north side of Litaker Street, between South Summit Avenue and Interstate 77 (I-77) from R-5 and I-1 to UR-2(CD).

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

- Provide a 5-foot minimum sidewalk from each unit located along Litaker Avenue to the public sidewalk system along Litaker Avenue.
- Provide a 6-foot sidewalk along project frontage along Litaker Avenue that ties into South Summit Avenue.
- Must obtain an access easement if Litaker Avenue is not abandoned.
- Add a note that the petitioner is responsible for right-of-way improvements along the project frontage of Litaker Avenue if the road is not abandoned and the minimum setback will be 14-feet from back of curb.
- Add a note specifying that the 15-foot alley must be undedicated prior to planned multi-family review.
- Add a note that the minimum setback along South Summit Avenue will be 30-feet, due to the existing tree canopy.
- Specify the proposed number of townhome units and single-family dwellings in the Site Table Data.
- Remove note specifying the 14-foot setback from back of curb.
- Show the three large oak trees located in the right-of-way along South Summit Avenue.
- Add note that the sidewalk along South Summit Avenue will meander around the three existing oak trees located in the right-of-way along Summit Avenue, as needed.
- Provide a concrete walk from the front of each single-family unit to South Summit Avenue.
- Amend the Site Table Data to reflect four single-family dwelling units for sale. The total number of units is shown as 18 instead of 12 multi-family and four single-family.

Attachment No. 2

3. *Petition No. 2003-47 (decision)* by *Yager Companies, Inc.* for a change in zoning for approximately 16.205 acres located on the west side of Lancaster Highway, south of Springwell Street from R-5(CD) and R-15(CD) to MX-2.

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

- The design the roads to meet the Fire Department standards;
- The site plan will show potential trash handling areas; and
- The notes requested by Storm Water Services will be added.

A protest petition was filed but has been withdrawn.

Attachment No. 3

4. ***Petition No. 2003-58 (decision)*** by ***Robert Brandon*** for consideration of a text amendment to Section 2.201 Commercial Vehicle Parking in Residential Areas Amendment to Section 12.218 and Customary Home Occupation Amendment to Section 12.408(10).

The Zoning Committee voted to recommend **APPROVAL** of this text amendment, modified as follows since the 9/15/03 public hearing:

- All screening of commercial vehicles is deleted.
- Medium commercial vehicles will be permitted in driveways in front of residences rather than being restricted to side yards. Medium commercial vehicles may not be parked on streets.
- The restrictions on commercial vehicles in multi-family projects have been removed, with an understanding that the Charlotte Apartment Association will work with the staff on mutually agreeable standards to be considered in the future. The standards for single-family homes will apply to duplexes, triplexes, quadruplexes, and multi-family developments in single-family residential districts.
- The limit on the number of passenger vehicles that can be used for business purposes has been deleted.

Attachment No. 4

5. ***Petition No. 2003-70 (decision)*** by ***Crosland, Inc.*** for a change in zoning for approximately 0.267 acres located on the southeast corner of North Davidson Street and 34th Street from NS to MUDD-O.

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

A protest petition was filed but has been withdrawn.

Attachment No. 5

6. ***Petition No. 2003-75 (decision)*** by ***ENSI Development Corporation*** for a change in zoning for approximately 5 acres located on the south side of Albemarle Road, east of Lawyers Road from B-2 to BD(CD).

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

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

Attachment No. 6

7. ***Petition No. 2003-76 (decision)*** by ***Speedway Motorsports, Inc.*** for a change in zoning for approximately 348.8 acres northwest of I-85 and southwest of the Cabarrus County line (near Concord Mills Mall) from Site Plan Amendment to CC.

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

Attachment No. 7

8. ***Petition No. 2003-77 (decision)*** by ***CarMax Auto Superstores, Inc.*** for a change in zoning for approximately 18.21 acres located on the northwest corner of Independence Boulevard and Krefeld Drive from B-2(CD) to B-2(CD)S.P.A.

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

Attachment No. 8

9. ***Petition No. 2003-78 (decision)*** by ***Triven Properties, LLC*** for a change in zoning for approximately 23 acres located between Dion Avenue and Dorn Circle, north of Independence Boulevard from R-4 to R-6(CD).

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

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

Attachment No. 9

10. ***Petition No. 2003-79 (decision)*** by ***Billy Graham Evangelistic Association*** for a change in zoning for approximately 18.5 acres located on the north side of Forest Point Boulevard, east of Interstate 77 and west of Nations Ford Road from B-1S.C.D. to I-1(CD).

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

Attachment No. 10

11. ***Petition No. 2003-81A (decision)*** by ***Charlotte-Mecklenburg Planning Commission*** for a change in zoning for approximately 37.69 acres along Central Avenue; strip of frontage parcels located between Eastway Drive and Sheridan Drive on the north side of Central Avenue, parcels fronting Darbrook Drive and north of Darby Acres, parcels in the Rosehaven area on the south side of Central and parcels in the southwest quadrant of Central Avenue and Progress Lane from

R-22MF to R-8.

Action 1: The motion was made to **APPROVE** Sections A-1, A-3 and A-4 by a 5-2 vote.

Action 2: The motion was made to **APPROVE** rezoning Section A-2 to R-17MF, not R-8 as requested by a vote of 4-3.

A protest petition has been filed and is sufficient to invoke the ¾ majority-voting rule within Area 2 – south side of Central Avenue off of Progress Lane.

Attachment No. 11

12. *Petition No. 2003-81B (decision)* by *Charlotte-Mecklenburg Planning Commission* for a change in zoning for approximately 17.88 acres located on the eastern and western sides of Eastway Drive, south of Kilborne Drive and north of Arnold Drive from R-22MF to R-8.

The Zoning Committee recommended **DEFERRAL** of this rezoning petition decision until all negotiations between City staff and property owners has been completed.

A protest petition has been filed and is sufficient to invoke the ¾ majority-voting rule within Area 2 – to the north surrounding Eastway Drive with Bently Place to the south.

Attachment No. 12

13. *Petition No. 2003-81C (decision)* by *Charlotte-Mecklenburg Planning Commission* for a change in zoning for approximately 8.3 acres located on the north side of Pence Road, east of W.T. Harris Boulevard from R-12MF(CD) and R-17MF to R-8.

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

Attachment No. 13

14. *Petition No. 2003-82 (decision)* by *Charlotte-Mecklenburg Planning Commission* for a change in zoning for approximately 5.97 acres located on the east side of Harrisburg Road, north of Misenheimer Road from R-17MF to R-4.

The Zoning Committee, by a vote of 5-1, recommended **APPROVAL** of a proposed zoning of R-12MF.

Attachment No. 14

15. ***Petition No. 2003-83 (decision)*** by ***Charlotte-Mecklenburg Planning Commission*** for a change in zoning for approximately 70.5 acres located on the east and west sides of Sharon Amity Road, south of Milton Road from I-2 to I-1.

The Zoning Committee voted to recommend **DENIAL** of this petition by a 5-2 vote.

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

Attachment No. 15

16. ***Petition No. 2003-84 (decision)*** by ***Marianne Anderson*** for a change in zoning for approximately 0.2 acres located on the southwest corner of Myrtle Avenue and Templeton Avenue from R-5 to R-6.

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

Attachment No. 16

17. ***Petition No. 2003-88 (decision)*** by ***Crosland, Inc.*** for a change in zoning for approximately 91.2 acres located on the north side of Mt. Holly Road, west of the proposed I-485 interchange from R-3 and R-17MF to NS and MX-2.

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

Attachment No. 17

18. ***Petition No. 2003-90 (decision)*** by ***City of Charlotte/Charlotte-Mecklenburg Planning Commission*** for consideration of a text amendment to Chapter 2, Part 2, Section 2.201, "Definitions" to include several new definitions. Add a new Part 10 to Chapter 10, titled "Transit Oriented Developments Districts".

The Planning Committee met on October 15, 2003 to make a recommendation of this petition. The information was to be sent out in the Manager's Memo on Friday, October 17, 2003 for the upcoming Council Zoning Meeting on Monday, October 20, 2003.

Attachment No. 18

HEARINGS

19. ***Petition No. 2003-62 (hearing).*** Change in zoning from RR to R-3MILCA4 for approximately 4.73 acres located east of Mountain Island Brook Lane, fronting Mountain Island Lake. ***Petitioner: Charlotte City Council***

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

Attachment No. 19

20. ***Petition No. 2003-63 (hearing).*** Change in zoning from RR PUD to R-3MILCA4 for approximately 3.87 acres located on the east side of Mountain Park Drive, west of Brookshire Boulevard. ***Petitioner: Charlotte City Council***

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

Attachment No. 20

21. ***Petition No. 2003-85 (hearing).*** Change in zoning from R-3 to INST(CD) for approximately 1.75 acres located on the south side of Pleasant Grove Road, west of Brookshire Boulevard. ***Petitioner: Edna H. Vann***

Attachment No. 21

22. ***Petition No. 2003-86 (hearing).*** Change in zoning from BP and R-4 to I-1(CD) for approximately 51.2 acres located at the southwest intersection of Old Statesville and Alexanderana Roads. ***Petitioner: Hendrick Automotive Group***

Attachment No. 22

23. ***Petition No. 2003-91 (hearing).*** Change in zoning from R-4 to MUDD(CD) for approximately 1.3 acres located on the northwest corner of Independence Boulevard and Briar Creek Road. ***Petitioner: Crown Builders***

The petitioner requested this petition be modified to MUDD-Optional.

Attachment No. 23

24. ***Petition No. 2003-92 (hearing).*** Change in zoning from R-4 to R-8(CD) for approximately 16.03 acres located on the south side of David Cox Road, east of Cleve Brown Road. ***Petitioner: Hughie M. and Hazel Barnette***

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

Attachment No. 24

25. ***Petition No. 2003-93 (hearing).*** Change in zoning from R-4 to R-17MF for approximately 0.3 acres located east of Valleydale Road, south of Summerville Road. ***Petitioner: Maxwell Development Company and Murphy Development Company***

Attachment No. 25

26. ***Petition No. 2003-95 (hearing).*** Change in zoning from O-2 to MUDD(CD) from approximately 0.3 acres located on the east side of Fulton Avenue, east of Firth Court and north of Central Avenue. ***Petitioner: Monte Ritchey***

Attachment No. 26

27. ***Petition No. 2003-96 (hearing).*** Change in zoning from R-3 to INST(CD) for approximately .8 acres located on the north side of Sunset Road, west of Southminister Lane. ***Petitioner: Sandra Robinson-Adams***

Attachment No. 27

28. ***Petition No. 2003-97 (hearing).*** Change in zoning from R-4 to R-12MF(CD) for approximately 16.3 acres located south of Amity Place and East Independence Boulevard. ***Petitioner: Independence Capital Realty LLC***

Attachment No. 28

29. ***Petition No. 2003-101 (hearing).*** Consideration of a text amendment to amend Chapter 6: Amendments, Part 1: Provisions of General Applicability, Section 6.108. Withdrawal and amendment of petitions (1) and (2). ***Petitioner: City Attorney's Office***

Attachment No. 29

30. ***Petition No. 2003-102 (hearing).*** Change in zoning from R-4 to INST(CD) for approximately 20.4 acres located on the west side of Prosperity Church Road, north of White Cascade Drive from R-4 to INST(CD). ***Petitioner: W. P. East Acquisitions, LLC***

Attachment No. 30

31. ***Petition No. 2003-103 (hearing).*** Change in zoning from R-12MF(CD) to R-12MF(CD) S.P.A. for approximately 5 acres located on the north side of Sardis Road across from Timber Lane. ***Petitioner: Carolinas Healthcare System***

Attachment No. 31

32. ***Petition No. 2003-104 (hearing).*** Consideration of a text amendment to amend Chapter 12, Section 12.516, Open Space Recreational uses. ***Petitioner: Robert Brandon, Zoning Administrator***

Attachment No. 32

33. ***Petition No. 2003-105 (hearing).*** Consideration of a text amendment to amend Chapter 9: Part 1: Table 9.901, Permitted uses, by District, Part 8: Business Districts, Section 9.802, Part 11: Industrial District, Section 9.1102, and Part 7: Office Districts, Section 9.703. ***Petitioner: Charlotte-Mecklenburg Planning Commission***

Attachment No. 33

34. ***Petition No. 2003-106 (hearing).*** Consideration of a text amendment to amend Section 12.803.1(c), Applicability Section of the SWIM Stream Buffer Ordinance. ***Petitioner: Mecklenburg County Water Quality Program***

Attachment No. 34