

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, September 15, 2003***

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

6:00PM – Zoning Decisions/Hearings
Meeting Chamber

DINNER MEETING

FYI – The petitioner for Petition No. 2003-43 has requested this petition be deferred until the December rezoning meeting. Petitioner: Crosland, Inc.

1. Rezoning Update/Transit Oriented Development "TOD" Text Amendment -
September and October Public Hearings
Martin R. Cramton, Jr., Planning Director

Attachment No. 1

2. Amend Wetland Determination letter deadline from 30-days to 45-days in order to
give the petitioner more time to respond.
Keith MacVean, Land Development Program Manager

(No Attachment)

3. Commercial Vehicle Text Amendment - Questions
Tom Drake, Land Development Coordinator

(No Attachment)

DECISIONS

4. **Petition No. 2003-12 (decision)** by ***Brigham Enterprises, LLC*** for a change in zoning for approximately 3.6 acres located on the east side of Park Road, north of Seneca Place from O-2 to NS and BD(CD).

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition, contingent upon staff being satisfied with the limits on wall signage and based upon the modifications committed to in the letter from John Carmichael dated July 29, 2003, which includes but is not limited to:

- Drive-thru windows will be prohibited.
- Detached signage will be limited and building signage will be included on the site plan.
- The buffer abutting Franciscan Terrace Condominiums shall not be reduced and any fence shall not be permitted.
- A CATS bus waiting pad will be constructed by the developer.

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

Attachment No. 4

5. **Petition No. 2003-36 (decision)** by ***Centex Homes*** for a change in zoning for approximately 70.027 acres located on the south side of McKee Road, west of Weddington Road from R-3 to R-4(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. 5

6. **Petition No. 2003-44 (decision)** by ***Lincoln Harris, LLC*** for a change in zoning for approximately 46.4 acres located south of Idlewild Road and west of Margaret Wallace Road from R-4, R-17MF, and B-1 to NS and R-8(CD).

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

- The requested commercial district has been changed to NS.

- All multi-family residential has been removed from the petition and replaced with additional single-family homes, now totaling 144.
- Notes have been added to address CDOT concerns with internal channelization and storage space for the left turn to Margaret Wallace Road.

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

Attachment No. 6

7. **Petition No. 2003-48 (decision)** by *Lichtin Corporation* for a change in zoning for approximately 37.4 acres located on the north side of I-485, west side of Community House Road and the east side of US Highway 521 from CC and R-3 to CC S.P.A.

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

- The 4,000 square foot restaurant outparcel has been deleted.
- A note has been added stating that the residential units will front Community House Road and that sidewalks will be constructed from each unit to the walkway along the road.
- Note 16 was corrected to refer to note 17.
- Note 18 regarding phasing was removed.
- The square footage indicated on the future building footprints was removed.
- A note indicating the height of the shoebox lighting on the parking deck was added.

Attachment No. 7

8. **Petition No. 2003-59 (decision)** by *Gary M. Nance* for a change in zoning for approximately 3.4 acres located on the east side of Baucom Road, north of Mallard Creek Road from R-3 to O-1(CD).

The Zoning Committee voted 4-1 to recommend **APPROVAL** of this petition, with the following modification:

- Submittal of building elevations that are more residential in character with pitched roofs and brick veneer, much like the existing adjacent office building on Baucom Road.

Attachment No. 8

9. **Petition No. 2003-64 (decision)** by *John M. George* for a change in zoning for approximately 16 acres located on the north side of US Highway 29, southwest of Oakton Hunt Drive from R-3 and R-17MF(CD) to MX-2.

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

- A pedestrian/bike connection will be made from the site to the parcel to the northwest.

Attachment No. 9

10. **Petition No. 2003-65 (decision)** by *ABBA Investments, Inc.* for a change in zoning for approximately 0.76 acres located at the southeast corner of Gordon Street and Central Avenue from B-2 to MUDD-O.

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

Attachment No. 10

11. **Petition No. 2003-66 (decision)** by *Scott and Jeannie Whitaker* for a change in zoning for approximately 0.385 acres located on the south side of North Davidson Street, west of 34th Street and 12th Street from R-5 to MUDD-O.

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

- Specify the amount of encroachment into setbacks that is requested along North Davidson Street for porches on Lots 129 and 141.
- Specify the width of the existing planting strip along North Davidson Street.
- A planting strip between 4 and 8 feet should be provided along East 34th Street. Petitioner will work with staff to determine exact width.
- Add note that the alley located at the rear of Lot 129 will be improved to allow access and the additional requested driveway will be eliminated, contingent upon the removal of the power pole behind Lot 129.
- The centerline of East 34th Street should be indicated on the plan and the required 13 feet from centerline should be shown.
- Add note that uses Lot 129 will include a residence.
- Existing driveway will be eliminated, as maneuvering is not permitted in the right-of-way for a commercial property.

Attachment No. 11

12. **Petition No. 2003-67 (decision)** by *Anderson and Beverly Pearson* for a change for approximately .61 acres located on the southwest corner of Park Road and Park West Drive from R-4 to R-12MF(CD).

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

Attachment No. 12

13. **Petition No. 2003-68 (decision)** by ***Knight Transportation, Inc.*** for a change in zoning for approximately 20.7 acres located on the west side of Statesville Avenue, north of Spector Drive from I-1 to I-2.

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

Attachment No. 13

14. **Petition No. 2003-69 (decision)** by ***Nga Huynh Truong*** for a change in zoning for approximately 0.4 acre on the east side of Rozzelle's Ferry Road, south of Hoskins Road from R-22MF to B-1(CD).

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

Attachment No. 14

15. **Petition No. 2003-71 (decision)** by ***Charlotte-Mecklenburg Planning Commission*** for a change in zoning for approximately 26.05 acres bounded in part by Parkwood Avenue to the north and west, East 16th Street to the south from R-22MF to R-8.

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

Attachment No. 15

16. **Petition No. 2003-72 (decision)** by ***Charlotte-Mecklenburg Planning Commission*** for a change in zoning for approximately two acres located on the south side of Celia Avenue and the north and south sides of Dundeen Street in the Washington Heights neighborhood from R-12MF to R-5.

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

Attachment No. 16

17. **Petition No. 2003-73 (decision)** by ***Charlotte-Mecklenburg Planning Commission*** for a change in zoning for approximately 70.2 acres located east of Interstate 77, south of West First Street and west of the railroad from U-I and I-2 to MUDD.

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

Attachment No. 17

18. **Petition No. 2003-74 (decision)** by *Charlotte-Mecklenburg Planning Commission* for a change in zoning for approximately 81.5 acres east of I-485 along Moore's Chapel Road from R-17MF to R-5.

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

- The approximately 28 acres owned by Mr. Thompson is recommended for the R-8 zoning district rather than the R-5 district.

Attachment No. 18

HEARINGS

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

Attachment No. 19

20. **Petition No. 2003-41 (hearing)**. Change in zoning from R-4 Special Use Permit to O-1(CD) and MUDD-O for approximately 154 acres located between Tyvola Road and Billy Graham Parkway, south of Wilmont Road. ***Petitioner: City of Charlotte***

The petitioner is requesting a one-month deferral of this petition.

Attachment No. 20

21. **Petition No. 2003-47 (hearing)**. Change in zoning from R-5(CD) and R-15(CD) to MX-2 for approximately 16.205 acres located on the west side of Lancaster Highway, south of Springwell Street. ***Petitioner: Yager Companies, Inc.***

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

Attachment No. 21

22. **Petition No. 2003-58 (hearing).** 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). *Petitioner: Robert Brandon, Zoning Administrator*

Attachment No. 22

23. **Petition No. 2003-62 (hearing).** Change in zoning from RR to R3MILCA4 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. 23

24. **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. 24

25. **Petition No. 2003-70 (hearing).** Change in zoning from NS to MUDD-O for approximately 0.267 acres located on the southeast corner of North Davidson Street and 34th Street. *Petitioner: Crosland, Inc.*

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

Attachment No. 25

26. **Petition No. 2003-75 (hearing).** Change in zoning from B-2 to BD(CD) for approximately 5 acres located on the south side of Albemarle Road, east of Lawyers Road. *Petitioner: ENSI Development Corporation*

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

Attachment No. 26

27. **Petition No. 2003-76 (hearing).** Change in zoning from CC to CC (S.P.A.) for approximately 348.8 acres northwest of I-85 and southwest of the Cabarrus County line (near Concord Mills Mall). *Petitioner: Speedway Motorsports, Inc.*

Attachment No. 27

28. **Petition No. 2003-77 (hearing).** Change in zoning from B-2(CD) to B-2 (CD) S.P.A. for approximately 18.21 acres located on the northwest corner of Independence Boulevard and Krefeld Drive. **Petitioner: CarMax Auto Superstores, Inc.**

Attachment No. 28

29. **Petition No. 2003-78 (hearing).** Change in zoning from R-4 to R-6(CD) for approximately 23 acres located between Dion Avenue and Dorn Circle, north of Independence Boulevard. **Petitioner: Triven Properties, LLC**

Attachment No. 29

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

Attachment No. 30

31. **Petition No. 2003-81(A) (hearing).** Change in zoning from R-22MF to R-8 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. **Petitioner: Charlotte-Mecklenburg Planning Commission**

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. 31

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

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. 32

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

Attachment No. 33

34. **Petition No. 2003-82 (hearing).** Change in zoning from R-17MF to R-4 for approximately 5.97 acres located on the east side of Harrisburg Road, north of Misenheimer Road. *Petitioner: Charlotte-Mecklenburg Planning Commission*

Attachment No. 34

35. **Petition No. 2003-83 (hearing).** Change in zoning from I-2 to I-1 for approximately 70.5 acres located on the east and west sides of Sharon Amity Road, south of Milton Road. *Petitioner: Charlotte-Mecklenburg Planning Commission*

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

Attachment No. 35

36. **Petition No. 2003-84 (hearing).** Change in zoning from R-5 to R-6 for approximately 0.2 acres located on the southwest corner of Myrtle Avenue and Templeton Avenue. *Petitioner: Marianne Anderson*

Attachment No. 36

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

Attachment No. 37

38. **Petition No. 2003-90 (hearing).** Consideration of a text amendment to add a new Part 12 to CHAPTER 9, “General Districts” titled “Transit Oriented Development Districts”. Add new definitions to Section 2.201. Amend Section 12.413, 12.202, 12.204, 12.212, 12.213, 12.214, 12.301, 12.527, 13.108, and 13.108a to add references to the new Transit Oriented Zoning Districts. *Petitioner: Charlotte-Mecklenburg Planning Commission*

Attachment No. 38