

Mayor Patrick McCrory

Rod Autrey

Patrick D. Cannon

Nancy G. Carter

Mike Castano

Malcolm Graham

Mayor Pro Tem Susan Burgess

Don Lochman

James Mitchell, Jr.

Sara Spencer

Lynn Wheeler

Joe White

CITY COUNCIL ZONING AGENDA

Tuesday, April 17, 2001

5:00 p.m. - **Council-Manager Dinner**
Meeting Chamber Conference Room

6:00 p.m. - **ZONING DECISIONS**
Meeting Chamber

DECISIONS

- 1. *Arena Design Goals* – Consideration from Council to approve **Arena Design Goals and Principles.****

Attachment No. 1

- 2. *Petition No. 2000-50 (decision)* by *Charlotte-Mecklenburg Planning Commission* for a text amendment to permanently incorporate Sponsorship Sign provisions into the City Zoning Ordinance.**

The Planning Committee voted to recommend APPROVAL of this petition by a vote of 5-1, with the following modification:

- All non-vinyl signs need to be painted dark green on the back.

Attachment No. 2

- 3. *Petition No. 2000-132 (decision)* by *Michael J. Fox & Associates* for a change in zoning for approximately 110 acres located on the north side of Mallard Creek Road, east of Ridge Road and on the east and west sides of Odell School Road from R-3 to CC.**

The Zoning Committee voted to recommend APPROVAL of this petition by a vote of 6-0, with the following modification:

- *The remaining transportation issues must be resolved to CDOT's satisfaction.*

Attachment No. 3

- 4. Petition No. 2001-01 (decision) by Maurice B. Dunn** for a change in zoning for approximately 5 acres located on the north side of Mt. Holly-Huntersville Road, west of Brookshire Boulevard (Hwy. 16) from R-12MF(CD) and O-15(CD) to NS.

Zoning Committee voted to recommend CONDITIONAL APPROVAL of this petition by a vote of 6-0, with the following modification:

- *All transportation issues must be resolved to CDOT's satisfaction prior to approval of this petition.*

Attachment No. 4

- 5. Petition No. 2001-09 (decision) by Pappas Properties Development, LLC and Home Depot Expo Design Center** for a change in zoning for approximately 24.7 acres bounded by S. Kings Drive, Baxter Street, Kenilworth Avenue, and John Belk Freeway (I-277), south of Third Street and intersected by S. Independence Boulevard from B-2 to MUDD-O.

The Zoning Committee voted to recommend a 30-DAY DEFERRAL of this petition by a vote of 6-0.

Attachment No. 5

- 6. Petition No. 2001-20 (decision) by Centex Homes** for a change in zoning for approximately 1.77 acres located on the west side of Providence Road, south of Fairview Road from R-3 to R-8MF(CD).

The Zoning Committee voted to recommend APPROVAL by a vote of 6-0, with the following modification:

- *The petitioner has added a note to the site plan agreeing to comply with Storm Water Service's request to provide storm water detention for the 25, 50, and 100-year storms.*

Attachment No. 5

- 7. Petition No. 2001-21 (decision) by Centex Homes** for a change in zoning for

approximately 85.5 acres located on the southwest corner of Ardrey Kell Road and Marvin Road from R-3 to MX-1 Innovative.

The Zoning Committee voted to recommend APPROVAL of this petition by a vote of 6-0, with the following modifications:

- *A 40-foot rear yard will be maintained along the western property line except for specific conditions where it would be 30 feet. Trees will be preserved in the rear half of the yard*
- *Additional street trees have been added to the plan*
- *Two consultants and the Army Corps of Engineers have determined that there are no jurisdictional wetlands on this site.*

Attachment No. 7

- 8. Petition No. 2001-22 (decision) by *David T. Young*** for a change in zoning for approximately 4.5 acres located on the north side of Sharon View Road, east of Sharon Road and south of Fairview Road from R-3 to UR-2(CD).

The Zoning Committee voted to recommend APPROVAL of this petition by a vote of 6-0, with the following modifications:

- *An eight-foot planting strip and six-foot sidewalk will be provided along Sharon View Road*
- *The petitioner will dedicate an additional five feet of right-of-way along Sharon View Road*

Attachment No. 8

- 9. Petition No. 2001-24 (decision) by *The Mulvaney Group, Ltd.*** for a change in zoning for approximately 7 acres located on the west side of Harrisburg Road, across from the intersection with Starnes Randall Road from R-3 to MX-2.

The Zoning Committee voted to recommend APPROVAL of this petition by a vote of 6-0

Attachment No. 9

- 10. Petition No. 2001-25 (decision) by *Central Piedmont Community College*** for a change in zoning for approximately 51 acres bounded by the John Belk Freeway, Kings Drive,

Fourth Street and Independence Boulevard from R-22MF, O-2 and B-2 to MUDD-O.

The Zoning Committee voted to recommend APPROVAL of this petition by a vote of 6-0.

Attachment No. 10

- 11. Petition No. 2001-26A (decision) by Michael O'Brien** for a change in zoning for approximately 1.46 acres located on the north side of Firth Court, south of Randall Street from R-22MF to UR-2(CD).

Petition No. 2001-26B (decision) by Michael O'Brien for a change in zoning for approximately 0.74 acres located on the south side of Firth Court, east of Landis Avenue from R-22MF to UR-2(CD).

A protest petition has been filed on Part B and is sufficient to invoke the $\frac{3}{4}$ voting rule.

The Zoning Committee voted to recommend APPROVAL of this petition by a vote of 6-0.

Attachment No. 11

- 12. Petition No. 2001-27 (decision) by Citiline, LLC and Kontoulas Custom Builder** for a change in zoning for approximately 0.48 acres located on the northeast and southeast corners of Oriole Street and Lexington Avenue from R-8 and O-2 to MUDD(CD).

The Zoning Committee voted to recommend APPROVAL of this petition by a vote of 6-0, with the following modifications:

- *Add a new note to read "The property consists of two components: the main residential portion consisting of .454 acres and another portion consisting of .027 acres, to be referred to as Component B. Component B shall be accessed by a private pedestrian way to be owned in fee and extending to Oriole Avenue in accordance with MUDD provisions. The intent of the lot is for future combination with properties that have street frontage on either Morehead Street or Lexington Avenue, or for use as common area with the main residential portion such that such use shall be determined in the future. No unit development shall occur on this lot in conjunction with the main residential portion of this rezoning. The property uses for Component B shall be all Mixed Use Development District uses permitted by right that are also permitted by right in the Office District for O-2 development. The only property uses for the main residential portion shall be dwelling uses together with all accessory and incidental uses normal to the principle dwelling units."*

- *Expand note #9 by the following sentence "As part of its right to create minor modifications, applicant may reduce the number of developed units from the maximum allowable number of ten to not less than eight units."*
- *Add the following sentence to note #10 "The parking pad dimensions between the garage face and the interior edge of sidewalk shall be no less than 17'-6"."*
- *Note #12 to be expanded to read "Special construction techniques will be utilized for both driveways and buildings in order to avoid severe root damage to both existing trees on-site and neighboring trees."*
- *Add a new note to read "The main exterior materials shall include cedar shake siding and brick. The main roofing materials shall include architectural shingles. Some metal roofing may be utilized. In no case, shall the exterior include siding of aluminum or vinyl."*
- *Revise note #18 to read "Any proposed street sidewalks outside of the existing street rights-of-ways shall be reserved by easement for the City of Charlotte."*

Attachment No. 12

- 13. Petition No. 2001-31 (decision) by Adam Culp** for a change in zoning for approximately 4 acres located south of the intersection of E. Westinghouse Boulevard and Crafters Lane, west of South Boulevard from I-1 and I-1(CD) to B-2(CD).

The Zoning Committee voted to recommend APPROVAL of this petition by a vote of 6-0.

Attachment No. 13

- 14. Petition No. 2001-32 (decision) by Robert C. Rhein Interests, Inc.** for approximately 63 acres located at the end of Smithfield Church Road, east of Park Road and south of Gleneagles Road from R-3 to MX-1.

The Zoning Committee voted to recommend A 30-DAY DEFERRAL of this petition by a vote of 6-0.

Attachment No. 14

- 15. Petition No. 2001-37 (decision) by Highland Mills, LLC** for approximately 9.3 acres located on the north side of N. Davidson Street between Mallory Street and E. 33rd Street from I-1 to MUDD-O.

The Zoning Committee voted to recommend APPROVAL of this petition by a vote of 6-0, with the following modifications:

- *To allow up to 100 square feet of sign area for each of the four sides of the main tower to allow for overall project identification.*
- *To modify the note on the cross sections from reading "Approximate location of 10' (20') setback" to read "Approximate location of 12' setback." This change is consistent with other notations on the plan.*
- *On the Site Summary: under Parking Required, change "If residential units are constructed..." to read "If all of the 50 residential units are constructed..." Also add a second sentence to read "If less than 50 residential units are constructed, parking spaces will be reduced at an approximate ration of 0.72 spaces per unit."*
- *Add a clarification sentence to the development notes to read "The entire site, building exterior and interior improvements are subject to Landmarks Commission, State and National Historic agency approvals; final configurations and design may vary according to those final approvals."*

Attachment No. 15

- 16.** Adopt a resolution to transfer maintenance for a portion of Independence Boulevard from the North Carolina Department of Transportation (NCDOT) to the City of Charlotte as a result of Charlotte DOT request.

Attachment No. 16

PUBLIC HEARINGS

17. (A) Hearing to consider designation of the property known as the “Withers-Efird House” listed under Tax Parcel Number 175-01305 as of September 1, 2000 in the Mecklenburg County Tax Office and including the entire exterior of the house and the entire parcel of land located within the boundaries of such tax parcel located at 2019 Selwyn Avenue in Charlotte, North Carolina as an Historic Landmark.

(B) Adopt an ordinance designating the Withers-Efird House as an historic landmark.

Attachment No. 17

18. Petition No. 2000-133 (hearing) by *Tribek Properties, Inc.* for a change in zoning for approximately 1.9 acres located on the west side of Providence Road, north of Pineville-Matthews Road (NC 51) from O-1(CD) to B-1(CD).

The petitioner has requested a withdrawal of this petition.

Attachment No. 18

19. Petition No. 2001-34 (hearing) by *A. Rudolph Hendricks* for a change in zoning for approximately 40 acres located on the north side of Peachtree Road, west of Capps Hill Mine Road and south of Sunset Road from R-3 to R-4.

Attachment No. 19

20. Petition No. 2001-35 (hearing) by *The Everett Company, LLC* for a change in zoning for approximately 3.2 acres located on the southwest corner of University Center Drive and McCullough Drive from O-2(CD) to B-1(CD).

Attachment No. 20

21. Petition No. 2001-36 (hearing) by *Queens Properties, LLC.* for a change in zoning for approximately 20 acres located between Mallard Creek Road and J. N. Pease Place from RE-1 to O-1(CD).

Attachment No. 21

22. Petition No. 2001-38 (hearing) by *American Development Services Corp* for a change in zoning for approximately 53 acres located on the east side of Sam Wilson Road, north of West Point Drive from I-1(CD) to I-1(CD) S.P.A.

Attachment No. 22

- 23. Petition No. 2001-39 (hearing) by *Hammett Construction Company*** for a change in zoning for approximately 0.88 acres located on the west side of Impala Lane, south of Brookshire Boulevard from R-8MF(CD) to R-3.

Attachment No. 23

- 24. Petition No. 2001-42 (hearing) by *Bank of America Community Development Building*** for a change in zoning for approximately 5.3 acres bounded by Sycamore Street, W. Trade Street, W. 4th Street and Waccamaw Street from UR-1 and UR-2 to UR-3(CD).

Attachment No. 24

- 25. Petition No. 2001-43 (hearing) by *Exxon Company USA*** for a change in zoning for approximately 2 acres located on the northeast corner of University City Boulevard (NC 49) and Pavillion Boulevard from B-1(CD) to B-1(CD) S.P.A/

Attachment No. 25

- 26. Petition No. 2001-44 (hearing) by *Hendrick Automotive Group*** for a change in zoning for approximately 13.3 acres located on the west side of Dion Avenue, south of City View Drive and east of E. Independence Boulevard from R-4 to B-2(CD).

Attachment No. 26

- 27. Petition No. 2001-45 (hearing) by *Gibraltar Properties Development Group, LLC*** for a change in zoning for approximately 21.8 acres located on the southwest corner of Mallard Creek Road and Driwood Court from R-3 and B-1 to R-12MF(CD).

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

Attachment No. 27

- 28. Petition No. 2001-47 (hearing) by *REHA Properties, LLC*** for a change in zoning for approximately 8.3 acres located on the south side of Wallace Road, west of Independence Boulevard from R-3 to R-8MF(CD).

Attachment No. 28

29. Petition No. 2001-48 (hearing) by Harris Land Company for a change in zoning for approximately 19 acres located on the southeast corner of Park Road and Gleneagles Road from B-1(CD) to CC.

Attachment No. 29