

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***

*Monday, February 19, 2001*

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

- *Request to move public hearing for Petition 2001-25 to the beginning of the March agenda.*

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

### ***DECISIONS***

1. **Petition No. 2000-67 (decision)** by Mecklenburg County Parks and Recreation Department for a change in zoning for approximately 11.3 acres located on the north side of Monroe Road, east of Sharon Amity Road and west of Glendora Drive from O-6(CD) to R-4 and O-2.

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

*The Zoning Committee voted to recommend APPROVAL of this petition by a vote of 7-0.*

Attachment No. 1

2. **Petition No. 2000-95 (decision)** by *Angela Coxtan* for a change in zoning for approximately .34 acres located on the north side of Russell Avenue, east of Beatties Ford

Road and Welch Place from R-5 to R-8MF(CD).

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

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

Attachment No. 2

- 3. Petition No. 2000-99 (decision) by Mecklenburg County Engineering and Building Standards Department** to consider a text amendment to Section 13.106 signs not requiring a permit by adding a new Section 13.106(7) Flags on Permanent Poles.

***The Zoning Committee voted to recommend APPROVAL of this request by a vote of 7-0.***

Attachment No. 3

- 4. Petition No. 2000-117 (decision) by U-Haul of Charlotte** for a change in zoning for approximately 2 acres located on the west side of South Boulevard, north of Tyvola Road from B-2 to BD(CD).

***The Zoning Committee voted to recommend APPROVAL of this petition by a vote of 7-0, with the following modification:***

- *The building will be designed to allow for the top two floors, which are currently proposed for self-storage/warehousing, to be converted to office space in the future.*

Attachment No. 4

- 5. Petition No. 2000-151 (decision) by George and Fannie Maddox, III.** for a change in zoning for approximately 1.28 acres located on the east side of Hubbard Road, south of Morgan Road from R-3 to R-8MF(CD).

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

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

Attachment No. 5

6. **Petition No. 2000-157 (decision)** by **Pridemore Development Company** for a change in zoning for approximately 8.2 acres located on the northwest corner of Alleghany Street and Ashley Road from R-12MF and I-1 to B-1(CD).

***The Zoning Committee voted to recommend APPROVAL of this petition by a vote of 6-1, with the following modifications:***

- *The developer shall be responsible for the roadway improvements shown as Note 9 on this site plan*
- *The screening parapet wall will be constructed along the roof of the back elevation of the proposed building to screen rooftop mechanical equipment.*
- *A solid wood fence with brick masonry columns 8' on center will be constructed as indicated on the site plan. The fence will be constructed of 1" x 6" treated No. 2 Yellow pine slats with dog-ear bevel on ends.*

Attachment No. 6

7. **Petition No. 2000-165 (decision)** by **Rhonda G. Cato** for a change in zoning for approximately 16.5 acres located south of Sunset Road, between Milhaven Drive and Interstate 77 from R-4 to R-17MF(CD).

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

***The Zoning Committee voted to recommend APPROVAL of this petition with a vote of 7-0.***

Attachment No. 7

8. **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.

***The Zoning Committee voted to recommend a ONE-MONTH DEFERRAL of this petition by a vote of 7-0.***

Attachment No. 8

9. **Petition No. 2001-02 (decision)** by **Vernell and Johnny Belin** for a change in zoning for approximately 1 acre located on the north side of Joyce Drive, west of Milton Road and south of The Plaza from R-4 to R-8MF.

***The Zoning Committee voted to recommend a ONE-MONTH DEFERRAL of this petition by a vote of 7-0.***

Attachment No. 9

- 10. Petition No. 2001-03 (decision) by Frederick A. Hedgepeth** for a change in zoning for approximately 1.55 acres located on the south side of Rocky River Road, north of Grier Road from R-4 to INST.

***The Zoning Committee voted to recommend APPROVAL of this petition by a vote of 7-0***

Attachment No. 10

- 11. Petition No. 2001-04 (decision) by Crosland Land Company** for a change in zoning for approximately 21.8 acres located on the south side of S. Tryon Street between Moss Road and Erwin Road from R-3 to R-8(CD).

**A protest petition has been filed 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 7-0 with the following modifications:***

- *The building configurations, placements, parking areas, road alignments and driveway locations and the number and sizes of the buildings depicted on the Schematic Site Plan accompanying this Technical Data Sheet are schematic in nature and may be altered or modified during the design, development and construction phases, provided that (i) the number of dwelling units to be located on the Site shall not exceed 167 for sale units, (ii) the access point to the Site from NC Highway 49 shall be in substantially the same location as shown on the Technical Data Sheet, (iii) the public streets to be located on the Site shall be substantially similar in design and location to those shown on the Technical Data Sheet, and (iv) the orientation of the buildings to the public roads to be located on the Site shall be substantially similar to that shown on the Schematic Site Plan, provided further, however, that the buildings located between the 50 foot SWIM buffer area and the westerly boundary of the Site shall not be located to the west of the public road to be located along the western boundary of the Site. Parking layouts may also be modified to accommodate final building locations provided that the parking layout shall satisfy the requirements of the section entitled "Parking" described below.*
  
- *In response to resident concerns, the Petitioner has agreed that the development shall*

*be limited to 167 for sale dwelling units rather than the 172 dwelling units currently set forth on the Technical Data Sheet. Thus, the “Development Data” portion and the “Permitted Uses” note on the Technical Data Sheet shall reflect 167 total units.*

- *The Petitioner shall establish buffer areas 37½ feet in width along that portion of the westerly boundary line located to the south of the 50 foot right-of-way stub street and a portion of the southerly boundary line as generally depicted on the Technical Data Sheet and a buffer area 50 feet in width along a portion of the southern boundary line as generally depicted on this Technical Data Sheet.*
- *The buffer areas shall remain as common open space and, will remain undisturbed, once established. The undisturbed buffer proposed by this Petition will be left in its natural state subject only to the hand removal of dead trees and plant materials (no soil disturbance or use of equipment to be permitted) and the installation and maintenance of the privacy fence described in the following note 3.*
- *Prior to the issuance of the first building permit for any building located along the Site’s westerly boundary line and southerly boundary line in common with the Yorkshire neighborhood, the Petitioner shall install a 6-foot high privacy fence along the interior edge of those buffer areas that are less than 50 feet in width. The privacy fence shall be made of vinyl materials matching the style of the Kroy K28D fence or a substantially similar style. The finish side of the privacy fence shall face the abutting properties. During construction of the roads located along the westerly and southerly boundary of the Site in common with the Yorkshire neighborhood, the Petitioner shall maintain a temporary/safety fence along the interior edge of the buffer areas that abut the Yorkshire neighborhood.*
- *Petitioner reserves the right to modify the SWIM buffer as allowed by the Mecklenburg County Department of Environmental Protection as part of the SWIM incentives allowed by the ordinance with respect to setbacks, yards and other requirements, provided that any such modifications of the SWIM buffer shall not result in any disturbances to the undisturbed buffers described above*
- *Building setbacks along North Carolina Highway 49 will be measured from the edge of the right-of-way purchased by the North Carolina Department of Transportation as part of the Highway 49 road widening project or a minimum of 50 feet from the centerline of the existing right-of-way, whichever is greater.*
- *The Petitioner shall install 2-inch caliper trees within 8-foot planting islands located between parking areas and in substantially the same manner as shown on the Schematic Site Plan, in order to avoid the creation of large expanses of parking between streets and buildings.*

- *Community dumpsters, if provided, will be located no nearer than 250 feet from the southerly and westerly boundary of the site that abuts the Yorkshire neighborhood and otherwise will be screened from public streets and adjacent properties in a manner which satisfies or exceeds the requirements of the Ordinance.*
- *No more than 30 dwelling units shall be located in that area between the western creek and the westerly boundary of the Site. No more than 16 dwelling units shall be located in that area between the southern creek and the southern boundary of the Site.*
- *Lighting fixtures installed on the Site shall not exceed 15 feet in height, shall include protections to avoid the projection of glare onto adjacent properties and shall be of similar intensity and scale to those within the adjacent Yorkshire neighborhood.*
- *A stub street, in the location generally depicted on the Technical Data Sheet , shall be provided at the westerly boundary line of the Site, provided, however, this stub street shall be located a minimum of 75 feet from the northerly boundary line of that Yorkshire neighborhood lot shown on the Technical Data Sheet as #14 and consisting of Tax Parcel No. 219-142-14.*
- *The Petitioner will install 4-foot sidewalks on both sides of all public streets within the Site, provided, however, the Petitioner reserves the right to seek a variance to omit the requirement for the addition of a sidewalk (and associated planting strip) along both sides of the single loaded street located along the western side of the Site to allow for plantings in front of the privacy fence to be installed by the Petitioner as described above. If any such variance is approved, the Petitioner shall install any required trees in front of the privacy fences and the back of the curb of such single loaded street shall not be located any closer to the westerly boundary of the Site than 46 feet.*
- *The Petitioner shall install a 5-foot sidewalk behind an 8-foot planting strip along North Carolina Highway 49 if the North Carolina Department of Transportation does not include such improvements as part of the North Carolina Highway 49 road widening project provided that NCDOT permits such sidewalk and planting strip to be located within the right-of-way for NC Highway 49.*
- *Storm water run-off from the Site will be managed through proven techniques which satisfy the standards, if any, proposed by the City of Charlotte Engineering Department, including either (i) the provision of storm water detention for the 25, 50 and 100 year storm events such that the post development run-off rates do not exceed those produced by a R-3 zoning classification or (ii) in lieu of on site detention, the petitioner provides evidence to Storm Water Services in the form of a detailed engineering study, completed by a professional engineer licensed in North Carolina,*

*showing that the downstream drainage system is sufficient to convey the increase in flow due to the change in zoning classification and will remain in compliance with current standards.*

Attachment No. 11

- 12. Petition No. 2001-05 (decision) by Diane B. Johnson, City of Charlotte** for a change in zoning for approximately 5.5 acres located between I-485 Outer Belt and Pavillion Boulevard, south of Harris Houston Road from O-1(CD) to R-3.

***The Zoning Committee voted to recommend APPROVAL of this petition by a vote of 7-0***

Attachment No. 12

- 13. Petition No. 2001-06 (decision) by Deer Isle Properties** for a change in zoning for approximately 9.8 acres located on the east side of Prosperity Church Road, north of Mallard Creek Road from R-3 to R-17MF(CD).

***The Zoning Committee voted to recommend APPROVAL of this petition by a vote of 7-0***

Attachment No.13

- 14. Petition No. 2001-07 (decision) by The Presbyterian Home at Charlotte** for a change in zoning for approximately 22.8 acres located on the west side of Sharon Road, west of Sharon View Road and south of Fairview Road form INST(CD) to INST(CD) S.P.A.

**A valid protest petition has been filed 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 5-2***

Attachment No. 14

- 15. Petition No. 2001-08 (decision) by David Simonini Development Group, LLC.** for a change in zoning for approximately 2.7 acres located on the south side of Vernon Drive, east of Providence Road and north of Wendover Road from R-3 to R-8(CD).

***The Zoning Committee voted to recommend APPROVAL of this petition by a vote of 7-0 with the following modifications:***

- *The proposed on-street parking has been replaced with a commitment by the developer to provide a traffic circle, subject to approval by the necessary government authorities. This commitment has been made in response to neighborhood concerns.*
- *The 5-foot wall was reduced to 2-feet in height except adjacent to the two building as shown on the site plan dated December 19, 2000.*
- *Tree plantings will be specified on the revised site plan. The developer commits to plant or relocate a minimum of 10 trees of 5-inch caliper and above within the courtyard and garden areas and a minimum of 8 large maturing trees between garages.*
- *An internal sidewalk system, which provides for pedestrian walkways at least in the higher vehicular traffic areas near the front of the site and within the front setback areas, will be provided.*

Attachment No. 15

## **PUBLIC HEARINGS**

**16. Petition No. 2000-132 (hearing)** 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.

Attachment No. 16

**17. Petition No. 2000-140 (hearing)** by **Idlewild Investors, LLC** for a change in zoning for approximately 4.3 acres located on the north side of Idlewild Road, east of Monroe Road and west of Independence Boulevard from O-1 and B-2 to BD.

***The petitioner requests a three-month deferral of this petition.***

Attachment No. 17

**18. Petition No. 2001-06(B) (hearing)** by **Deer Isle Properties, LP** for a change in zoning for approximately .09 acres located on the east side of Prosperity Church Road, north of Mallard Creek Road from O-1(CD) to R-17MF(CD).

Attachment No. 18

- 19. Petition No. 2001-10 (hearing)** by **Bank of America** for a change in zoning for approximately 0.5 acres located between E. 6<sup>th</sup> Street and e. 7<sup>th</sup> Street, east of N. College Street and west of N. Brevard Street. from UMUD to UMUD-O.

Attachment No. 19

- 20. Petition No. 2001-12 (hearing)** by **Triven Properties, LLC** for a change in zoning for approximately 5 acres located on the west side of Thriftwood Drive, south of Freedom Drive and north of Tuckaseegee Road from R-4 to R-6.

Attachment No. 20

- 21. Petition No. 2001-13 (hearing)** by **Reed Enterprises of Charlotte, Inc.** for a change in zoning for approximately 28.6 acres located on the east side of Back Creek Church Road, south of University City Boulevard (NC 49) from R-3 to R-4.

Attachment No. 21

- 22. Petition No. 2001-14 (hearing)** by **Charles Lindsey McAlpine** for a change in zoning for approximately 0.9 acres located on the south side of Enoch Drive, east of Sugar Creek Road and west of Mallard Creek Road from R-3 to R-5.

Attachment No. 22

- 23. Petition No. 2001-15 (hearing)** by **Robert M. Hopkins** for a change in zoning for approximately 0.67 acres located on the northwest corner of Wesley Avenue and 36<sup>th</sup> Street from R-5 to R-12MF(CD).

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

Attachment No. 23

- 24. Petition No. 2001-16 (hearing)** by **Landcraft Properties, Inc.** for a change in zoning for approximately 154.6 acres located on the south side of Harwood Lane, west of Mt. Holly-Huntersville Road from R-3 (LW/PA, LW/CA) to R-4 (LW/PA, LW/CA).

Attachment No. 24

- 25. Petition No. 2001-17 (hearing)** by **KDH Transportation** for a change in zoning for approximately 7 acres located west of North Graham Street, north of Allen Road South from R-3 to I-2.

Attachment No. 25

- 26. Petition No. 2001-18 (hearing)** by **Gateway Homes, LLC** for a change in zoning for approximately 10.6 acres located on the south side of N. Davidson Street, west of Anderson Street from I-2 to UR-3(CD).

Attachment No. 26

- 27. Petition No. 2001-19 (hearing)** by **Dalton Communications, LLC** for a change in zoning for approximately 0.78 acres located on the south side of Herman Avenue, west of May Street from R-22MF to I-1.

Attachment No. 27

- 28. Petition No. 2001-20 (hearing)** 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).

Attachment No. 28

- 29. Petition No. 2001-22 (hearing)** 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 R-8MF(CD).

Attachment No. 29

- 30. Petition No. 2001-23 (hearing)** by **Landcraft Properties, Inc.** for a change in zoning for approximately 36 acres located at the end of Garrison Road, north of Galloway Road and west of Interstate 85 from R-3 to R-4.

Attachment No. 30