

Mayor Patrick McCrory

Rod Autrey

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Malcolm Graham

Mayor Pro Tem Susan Burgess

Don Lochman

James Mitchell, Jr.

Sara Spencer

Lynn Wheeler

Joe White

## **CITY COUNCIL ZONING AGENDA**

**Monday, July 16, 2001**

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

- *Presentation on Lower Lake Wylie Watershed (Steve Sands, City Engineering)*
- *Briefing on deferrals (2000-130, 2000-134, 2001-49)*
- *Presentation on Child Care Centers (Keith MacVean) Attachment No. 1*

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

## **DECISIONS**

2. **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 ONE-MONTH DEFERRAL of this petition..***

Attachment No. 2

3. **Petition No. 2001-30 (decision) by Pappas Properties** for a change in zoning for approximately 433 acres located north of Shopton Road, west of I-485, east of Windygap Road and bisected by Dixie River Road from R-3 and R-5 to CC, BP and MX-1.

***The Zoning Committee voted to recommend CONDITIONAL APPROVAL of this petition. The recommendation is conditioned upon:***

- Resolution of all transportation issues to the satisfaction of CDOT prior to June 13, 2001

***This recommendation for conditional approval is based upon the following modifications made to the petition:***

- Additional safeguards will be designed into the wastewater pump station serving this area
- The petitioner will undertake erosion control measures beyond those normally required. Those controls will be as approved by the Mecklenburg County Environmental Protection Agency.
- Modifications contained in a letter from Walter Fields, III. dated May 28, 2001.

Attachment No. 3

4. **Petition No. 2001-33 (decision) by Charlotte City Attorney** to consider a text amendment to add a requirement for masonry perimeter walls to enclose the foundations of modular buildings.

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

Attachment No. 4

5. **Petition No. 2001-65 (decision) by B & B Contracting Co., Inc.** for a change in zoning for approximately 2.2 acres located on the northeast corner of West Tremont Avenue and South Tryon Street from I-2 to MUDD-O.

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

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

- The future building will be located as close to the corner of S. Tryon Street and W. Tremont Avenue as zoning will allow for the Mixed Use Development District
- Preservation of the existing 12" masonry wall between the petitioned site and the property to the east
- Detail of proposed fence used along W. Tremont Avenue and S. Tryon Street in conjunction with the proposed shrubs used for screening

Attachment No. 5

6. **Petition No. 2001-66 (decision) by Portrait Homes Construction Company** for a change in zoning for approximately 20 acres located on the north side of York Road, east of Steele Creek Road from R-3 to R-12MF(CD).

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

- Storm water detention will be provided for the 100 - year storm event or a detailed engineering study will be submitted which shows 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.
- Sidewalk will be installed by the Petitioner on the Site's frontage along Highway 49 if a sidewalk is not constructed by NCDOT as part of the widening of Highway 49. Sidewalk construction is subject to an encroachment agreement by NCDOT.
- Sidewalk will be installed by the Petitioner as indicated on the Schematic Site Plan and the Schematic Site Plan will be modified to include an extension of the internal sidewalk out to Highway 49.
- The storm water note will include detention as recommended by storm water services staff and limiting runoff rates to those produced by an R-3 land cover.
- The phasing schedule will be modified such that no more than 78 certificates of occupancy for residential units may be issued prior to January 1, 2003. An additional 39 certificates of occupancy may be issued by July 1, 2003 and additional 39 certificates of occupancy may be issued by January 1, 2004. No certificates of occupancy may be issued for any of the balance of the units until after the first to occur of January 1, 2004 or the date of completion of the widening of
- Highway 49 from the Buster Boyd Bridge to Moss Road. In the event that the road widening is completed prior to the above dates, there will be no limit on the issuance of certificates of occupancy for any remaining units.

Attachment No. 6

7. **Petition No. 2001-67 (decision) by Zeberina Pratt** for a change in zoning for approximately 0.48 acres located on the northeast corner of the intersection between L. D. Parker Drive and Holland Avenue from R-8 to R-8MF(CD).

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

Attachment No. 7

8. **Petition No. 2001-68 (decision) by Fleet Operations, Inc.** for a change in zoning for approximately 1 acre located on the southeast corner of Auten Road and Black Satchel Drive from O-1 to I-2(CD).

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

- No detention will be located within the setbacks
- The sight distance triangle at the intersection of Black Satchel Road and Auten Road will be indicated on the site plan
- The petitioner will pursue environmentally sound measures for dust control for the parking area

Attachment No. 8

9. **Petition No. 2001-69 (decision) by Public Library of Charlotte and Mecklenburg County** for a change in zoning for approximately 3 acres located on the west side of Steele Creek Road, north of York Road from R-3 to INST.

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

Attachment No. 9

10. **Petition No. 2001-70 (decision) by JDH Capital** for a change in zoning for approximately 51.2 acres located on the west side of Prosperity Church Road, at the intersection with Ridge Road from R-3 to CC.

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

Attachment No. 10

11. **Petition No. 2001-72 (decision) by Centex Homes** for a change in zoning approximately 44 acres located on the south side of Eastfield Road, west of Prosperity Church Road and north of DeArmon Road from R-3 to MX-1.

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

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

- Common open space will include walking trails, a tot lot and a picnic area
- Common open space along Eastfield Road with a minimum width of 35 feet that contains a berm and landscaping

Attachment No. 11

- 12. Petition No. 2001-74 (decision) by Roman Catholic Diocese of Charlotte** for a change in zoning for approximately 24 acres located on the southwest corner of Ballantyne Commons Parkway and Elm Lane, north of Williams Pond and west of Rea Road Extension from R-3 and INST(CD) to INST.

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

Attachment No. 12

- 13. Petition No. 2001-75 (decision) by Diamond Point Properties** for a change in zoning for approximately 7.3 acres located between South Tryon Street and Interstate 77, south of Orchard Circle from O-6(CD), and B-2(CD) to I-1(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.***

Attachment No. 13

- 14. Petition No. 2001-76 (decision) by Bank of America, National Association** for a change in zoning for approximately 2.3 acres located on the southwest corner of East Sixth Street and College Street from UMUD to UMUD-O.

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

Attachment No.14

- 15. Petition No. 2001-78 (decision) by Hawkins Street Design Center, LLC** for a change in zoning for approximately 2 acres located on the west side of Hawkins Street, south of Tremont Avenue and east of South Tryon Street from I-2 to MUDD.

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

Attachment No. 15

**16. Petition No. 2001-79 (decision) by Ghazi/Cornelson Group** for a change in zoning for approximately 21 acres located at the end of Ken Hoffman Drive, on the west side of East W. T. Harris Boulevard and the south side of North Tryon Street (Hwy. 29) from I-2(CD), INST and B-1(CD) to MUDD-O and B-1(CD) S.P.A.

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

Attachment No. 16

**17. Petition No. 2001-80 (decision) by Harris Land Company** for a change in zoning for approximately 2.6 acres located on the north side of Morrison Boulevard, between Sharon Road and Roxborough Road from B-1 S.C.D. to MUDD-O.

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

- Valet parking option is permitted
- The amount of office square footage located on the respective sites will be limited to no more than 20% of the total square footage of the building area except that office uses of the sites by persons/entities affiliated with other persons or entities engaged in retail/restaurant uses may use up to 50% of the total gross square footage for office uses.

Attachment No. 17

### **COUNCIL ACTION**

**18. (A) Approve annexation report for the “Amber Ridge Annexation Area”.**

**(B) Approve the Resolution of Intent for the Amber Ridge Annexation Area.**

## PUBLIC HEARINGS

- 19. 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 UR-2(CD).

Attachment No. 19

- 20. Petition No. 2001-52 (hearing) by Newton and Jacqueline Williams** for a change in zoning for approximately 2.27 acres located on the west side of Browne Road, northwest of the intersection with Dearmon Road from R-4 to R-8MF(CD).

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

Attachment No. 20

- 21. Petition No. 2001-54 (hearing) by Nottingham Development, Inc.** for a change in zoning for approximately 26 acres located on the south side of Shopton Road between Beam Road and South Tryon Street from R-3 to NS.

Attachment No. 21

- 22. Petition No. 2001-63 (hearing) by Mecklenburg County Environmental Protection** for consideration of a text amendment to establish the Lower Lake Wylie Watershed Overlay.

Attachment No. 22

- 23. Petition No. 2001-62 (hearing) by Mecklenburg County Environmental Protection** for a change in zoning to establish the Lower Lake Wylie Watershed Overlay.

**A protest petition has been filed and is not sufficient to invoke the  $\frac{3}{4}$  voting rule.**

Attachment No. 23

- 24. Petition No. 2001-71 (hearing) by Yesco Ltd.** for a change in zoning for approximately 7 acres located on the west side of Beam Road north of Shopton Road from R-3 to BD(CD).

Attachment No. 24

- 25. Petition No. 2001-77 (hearing) by Theodora P. and John H. Davidson** for a change in zoning for approximately 0.78 acres located on the east side of Ingle Street /I-85 Service Road, north of Brookshire Boulevard from R-17MF(CD) to R-17MF(CD) S.P.A.

Attachment No. 25

- 26. Petition No. 2001-84 (hearing) by A. G. Spanos Companies** for a change in zoning for approximately 24 acres located on the north side of IBM Drive at the intersection with Neal Road from RE-2 to R-17MF(CD).

Attachment No. 26

- 27. Petition No. 2001-85 (hearing) by Alliance IV, LLC** for a change in zoning for approximately 12.5 acres located on the southwest corner of East W. T. Harris Boulevard and Old Concord Road from R-3 to R-17MF(CD).

Attachment No. 27

- 28. Petition No. 2001-86 (hearing) by Sharmon Thornton** for a change in zoning for approximately 1.1 acres located on the southeast corner of Freedom Drive and Pacific Street from B-2 to B-1(CD).

**The petitioner requests a decision the night of the public hearing.**

Attachment No. 28

- 29. Petition No. 2001-87 (hearing) by Bradsher Properties** for a change in zoning for approximately 0.48 acres located on the southwest corner of Park Road and Cranford Drive from R-22MF to UR-2(CD).

**The petitioner requests a withdrawal of this petition.**

Attachment No. 29

- 30. Petition No. 2001-88 (hearing) by Joyce Hinson** for a change in zoning for approximately 2.1 acres located on the east side of Beatties Ford Road, north of Kitty Drive from R-3 to R-8MF(CD).

**The petitioner requests a decision the night of the hearing.**

Attachment No. 30

**31. Petition No. 2001-90 (hearing) by Pulte Homes Corp.** for a change in zoning for approximately 47 acres located on the east and west sides of Rea Road Extension, south of Bryant Farms Road and east of Blakeney Heath Road from R-12(CD) and R-20MF Innovative to MX-1 Innovative.

Attachment No. 31

**32. Petition No. 2001-91 (hearing) by Triven Properties, LLC** for a change in zoning for approximately 33.4 acres located at the end of Crandon Drive, southeast of Peachtree Road and southwest of Capps Hill Mine Road from R-4 to R-6(CD).

Attachment No. 32

**33. Petition No. 2001-92 (hearing) by Reed Enterprises of Charlotte, Inc.** for a change in zoning for approximately 21.57 acres located on the south side of The Plaza Road Extension, east of East W. T. Harris Boulevard from R-3 to R-4.

Attachment No. 33

**34. Petition No. 2001-93 (hearing) by Reed Enterprises of Charlotte, Inc.** for a change in zoning for approximately 11 acres located on the west side of James Road, south of Plaza Road Extension and east of East W. T. Harris Boulevard from R-3 to R-4.

Attachment No. 34

**35. Petition No. 2001-94 (hearing) by Alpha One Properties, LLC** for a change in zoning for approximately 3.7 acres located at the end of Collins-Aikman Drive, south of West W. T. Harris Boulevard and east of McCullough Drive from O-2(CD) to B-1(CD).

Attachment No. 35

**36. Petition No. 2001-95 (hearing) by Charlotte-Mecklenburg Board of Education** for a change in zoning for approximately 54.7 acres located north of North Tryon Street (U.S. Hwy 29), east of Sugar Creek Road from R-4(CD) and R-5(CD) to INST(CD).

Attachment No. 36

**37. Petition No. 2001-96 (hearing) by City of Charlotte** for a change in zoning for approximately 1.8 acres located on the north side of East Fifth Street between North Davidson Street and North Alexander Street from MUDD to MUDD-O .

**The petitioner requests a decision the night of the public hearing.**

Attachment No. 37

**38. Petition No. 2001-97 (hearing) by Westbrook Highland Creek, LLC** for a change in zoning for approximately 5 acres located at the end of Christenbury Road, east of Highland Creek Parkway and west of the Mecklenburg County line from R-3 to MX-1.

Attachment No. 38

**39. Petition No. 2001-98 (hearing) by First Union National Bank** for a change in zoning for approximately 0.87 acres located on the west side of Freedom Drive, southeast of Ashley Road and north of Alleghany Road from B-2 to B-1(CD).

Attachment 39