

Mayor Patrick L. 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, March 18, 2002

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

6:00PM – **Zoning Decisions**
Meeting Chamber

DECISIONS

1. Adopt an ordinance amending Chapter 21 of the Charlotte City Code to include language for “*Single-Family Development*” in the Tree Ordinance that would limit clear cutting of trees in single-family developments.

Attachment No. 1

2. **Petition No. 2001-139 (decision) by Monte Ritchey** for a change in zoning for approximately 1.41 acres located between Oakland Avenue and Hawthorne Lane, south of Independence Boulevard from R-22MF, O-2, and B-1 to UR-2(CD).

The protest petition has been withdrawn.

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

- *The floor area ratio for the site will be limited to one.*
- *Building height will not exceed 55 feet.*
- *Off-street parking will be provided at a rate of 2.0 per townhomes and 1.5 spaces for the remaining units.*

Attachment No. 2

3. **Petition No. 2001-142 (decision)** by *Marc Silverman* for a change in zoning for approximately 36 acres located on the southeast corner of Byrum Drive and Steele Creek Road from R-4 to I-2(CD).

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

Attachment No. 3

4. **Petition No. 2002-01 (decision)** by *Charlotte-Mecklenburg Housing Partnership, Inc.* for a change in zoning for approximately 7.5 acres located between Pence Road and Norfolk and Southern Railway, north of Viola Drive from R-12MF(CD) to R-12MF(CD)SPA.

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

- *The Urban Forestry and CDOT staff will determine the area within the sight triangle which is to be cleared. Appropriate mitigation will be provided for any trees that must be removed under the provisions of the City Tree Ordinance.*
- *The existing storm water detention system will be redesigned in conjunction with the proposed construction and approximate locations are indicated on the site plan.*
- *Internal sidewalks have been added as per staff's requests.*
- *A note has been added to the site plan specifying the type of screening proposed around buildings four and five.*

Attachment No. 4

5. **Petition No. 2002-03 (decision)** by *Nathaniel Welch and Cynthia Hahn* for a change in zoning for approximately 5.1 acres located on the south side of Penninger Circle, south of Mallard Creek Road from R-3 to R-8(CD).

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

Attachment No. 5

6. **Petition No. 2002-09 (decision)** by *Frank Thornhill* for a change in zoning for approximately 2.5 acres located on the east side of Beatties Ford Road, north of Sunset Road from R-3 and R-8MF(CD) to R-8MF(CD) and R-8MF(CD)SPA.

The Zoning Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:

- *Existing trees between the proposed home and Beatties Ford Road will be dedicated on the site plan as to be preserved.*
- *Additional right-of-way along Beatties Ford Road will be dedicated and conveyed prior to building permits.*

Attachment No. 6

7. **Petition No. 2002-10 (decision) by *Walter J. Estes*** for a change in zoning for approximately 0.58 acres located on the southeast corner of Shamrock Drive and East Ford Drive, north of Country Club Drive from R-3, R-4 and R-5 to R-5.

The Zoning Committee vote unanimously to recommend a ONE-MONTH DEFERRAL of this petition.

Attachment No. 7

8. **Petition No. 2002-14 (decision) by *Forest Place Development, LLC*** for a change in zoning for approximately 2 acres located on the west side of Park Road, south of Marsh Road from R-4 to R-17MF(CD).

The Zoning Committee voted 5-1 to recommend APPROVAL of this petition with the following modifications:

- *The note regarding the planting strip along Park Road will be modified to reflect the minimum 8-foot width called out on the site plan.*
- *The site will be designed to accommodate a dumpster.*
- *The site plan will be amended to comply with the Storm Water Services comments.*

Attachment No. 8

9. **Petition No. 2002-15 (decision) by *RealtiCorp*** for a change in zoning for approximately 12.5 acres located on the southwest corner of Providence Road West and US Highway 521 Relocation, east of Marvin Road from R-3 to O-1(CD).

The Zoning Committee voted 5-1 to recommend APPROVAL of this petition with the following modifications:

- *The proposed bank with drive-thru window will be moved away from the corner parcel to an interior parcel to allow a more pedestrian friendly building to front on Providence Road West.*
- *Additional landscaping will be added to the parking area to reduce the visual impact on 521.*

- *The petitioner agreed to the left turn lane improvements on Providence Road West as requested by CDOT.*

Attachment No. 9

- 10. Petition No. 2002-17 (decision) by Tobacco Tags, Limited Partnership** for a change in zoning for approximately 23.4 acres located at the end of Lakeview Lane, north of Harwood Lane from R-3 to R-4.

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

Attachment No. 10

- 11. Petition No. 2002-18 (decision) by Aston Properties, Inc.** for a change in zoning for approximately 10.4 acres located on the northeast intersection of Colony Road Extension and Rea Road from R-3 to NS.

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

- *The entry sign will be limited to 120 square feet.*
- *The site plan will be amended to comply with the Storm Water Services comments.*
- *The petitioner will work with CDOT in order to accommodate an additional westbound left turn lane on Rea Road at the intersection of Rea and Colony Roads.*

Attachment No. 11

- 12. Petition No. 2002-19 (decision) by WKB Charlotte, Inc.** for a change in zoning approximately 14.4 acres located on the south side of Hickory Grove Road, between Valleyview Drive and Craigwood Drive from R-3 to MX-1.

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

The Zoning Committee voted unanimously to recommend APPROVAL with the following modification:

- *The developer will provide detention up to the 25-year storm or provide a study that indicates detention is not needed.*

Attachment No. 12

13. **Petition No. 2002-22 (decision) by John Rudolph** for a change in zoning for approximately 4.7 areas located at the intersection of Lancaster Highway (US Highway 521) and Relocation US Highway 521 from R-3 to NS.

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

- *Restaurants with drive-thru facilities will not be permitted.*
- *Sidewalks will be provided along old Highway 521.*
- *Sidewalks will be provided on one side of the two opposing driveways on Lancaster Highway.*

Attachment No. 13

14. **Petition No. 2002-23 (decision) by DeWitt F. McCarley** for consideration of a text amendment to Section 12.515 “Special requirements for facilities located on or adjacent to the Catawba River and its impoundments (Lake Norman, Lake Wylie and Mountain Island Lake)” and Section 2.201, “Definitions”.

The Zoning Committee voted unanimously to recommend APPROVAL of this text amendment.

Attachment No. 14

HEARINGS

- 15 (A) Hearing to consider designation of the property known as the “*East Avenue Tabernacle A.R.P. Church (Former)*” listed under Tax Parcel Number 125-04-203 as of August 1, 2001, and including the exterior of the building, the interior of the sanctuary, and the entire parcel of land listed under Tax Parcel Number 125-04-203 in the Mecklenburg County Tax Office. The property is owned by Charlotte Tabernacle LLC and is located at 927 East Trade Street, Charlotte, Mecklenburg County, North Carolina.
- (B) Adopt an ordinance designating the “*East Avenue Tabernacle A.R.P. Church (Former)*” as an historic landmark.

Attachment No. 15

16. (A) Hearing to consider designation of the property known as the “*Grinnell/General Fire Extinguisher Company Complex*” listed under Tax Parcel Numbers 067-01-205, 067-01-206, and 067-01-207 as of November 21, 2001, and including the interiors and the exteriors of the buildings, and the parcels of land listed under Tax Parcel Numbers 067-01-205, 067-01-206, and 067-01-207 in the Mecklenburg County Tax Office. The property

is owned by McCoy Holdings LLC and is located at 1431 West Morehead Street, Charlotte, Mecklenburg County, North Carolina.

- (B) Adopt an ordinance designating the “*Grinnell/General Fire Extinguisher Company Complex*” as an historic landmark.

Attachment No. 16

- 17. Petition No. 2001-140 (hearing).** Change in zoning from CC to CC S.P.A. for approximately 15.6 acres located between West Arrowood Road and I-485, west of York Road (Highway 49). **Petitioner: Whitehall Commons, LLC**

Attachment No. 17

- 18. Petition No. 2002-04 (hearing).** Change in zoning from R-4 to BD(CD) for approximately five (5) acres located on the south side of Sunset Road, west of Beatties Ford Road. **Petitioner: Gene Collins**
Note: The petitioner requests a decision the same night as the hearing.

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

Attachment No. 18

- 19. Petition No. 2002-07 (hearing).** Change in zoning from O-2(CD) and I-1(CD) to O-2(CD) S.P.A. and O-2(CD) for approximately 27 acres located between Whitehall Park Drive and Interstate 485 (I-485), south of Brown-Grier Road. **Petitioner: Moody Lake Office Park**

Attachment No. 19

- 20. Petition No. 2002-13 (hearing).** **Uses and Structures prohibited and allowed in required setbacks and yards.** To consider a text amendment to the City of Charlotte Zoning Ordinance to address the permissible height and total square footage of an accessory structure and to architectural features (e.g. comices, eaves, steps, and gutters) on an accessory structure. **Petitioner: Robert L. Brandon, Zoning Administrator**

Attachment No. 20

- 21. Petition No. 2002-16 (hearing).** Change in zoning from R-3 to NS for approximately 7 acres located on the east side of Lancaster Highway (US Highway 521), south of the intersection with Relocation US Highway 521, and north of Ardrey Kell Road. **Petitioner: Crosland Commercial**

Attachment No. 21

22. **Petition No. 2002-25 (hearing).** Change in zoning from B-2 to MUDD-O for approximately 0.176 acres located between Pecan Avenue and Gordon Street, north of Commonwealth Avenue. *Petitioner: Russ-Mar Properties, LLC*

Attachment No. 22

23. **Petition No. 2002-26 (hearing).** Change in zoning from R-3 to O-1(CD) for approximately 3.3 acres located on the southeast corner of Ballantyne Commons Parkway and Rea Road Extension. *Petitioner: First Colony Corporation and Charles Saleh*

Attachment No. 23

24. **Petition No. 2002-27 (hearing).** Change in zoning from R-5(CD) to R-12MF(CD) for approximately 27.5 acres located on the southwest corner of Providence Road West and Lancaster Highway (US Highway 521). *Petitioner: Shea Homes*

Attachment No. 24

25. **Petition No. 2002-28 (hearing).** Change in zoning from R-5 to R-8MF(CD) for approximately 0.47 acres located on the northwest corner of Wildwood Avenue and Hovis Road. *Petitioner: Wanda Johnson*

The petitioner requests a decision the same night as the hearing.

Attachment No. 25

26. **Petition No. 2002-29 (hearing).** Change in zoning from R-3 to R-8MF(CD) for approximately 46.86 acres located on the south side of Tilley Morris Road and McKee Road, north of I-485. *Petitioner: Portrait Homes Construction Company*

The petitioner requests deferral to April 15, 2002.

Attachment No. 26

27. **Petition No. 2002-30 (hearing). Commercial Center District** – To consider a text amendment to the City of Charlotte Zoning Ordinance to amend the purpose of the CC district that shopping centers and individual retail establishments are not limited to only those larger than 70,000 square feet to expand the types of dwellings permitted by right, and to permit certain innovative options for residential elements if part of a mixed-use development. *Petitioner: Charlotte-Mecklenburg Planning Commission*

Attachment No. 27

28. **Petition No. 2002-31 (hearing).** To consider a text amendment to the City of Charlotte Zoning Ordinance to add the terms “dumpsters” and “compactors” to a recently approved zoning ordinance text amendment, to eliminate a statement that recycling and/or solid waste containers do not need to be shown on plans for a multi-family complex, if individual collection service is to be provided to each dwelling unit and to make a cross-reference to Section 12.403 in the planned multi-family section. *Petitioner: Solid Waste Services*

Attachment No. 28

29. **Petition No. 2002-32 (hearing).** To consider a text amendment to the City of Charlotte Zoning Ordinance to clarify the maximum height restriction and add a time table for removal of temporary signs. *Petitioner: Signs ETC*

Attachment No. 29

30. **Petition No. 2002-33 (hearing). Uptown Mixed-Use District** – To consider a text amendment to the City of Charlotte Zoning Ordinance to revise the screening requirements of the UMUD District in order to allow better visibility into parking lots for the safety of the public and for the protection of their vehicles parked in the lots. *Petitioner: Charlotte-Mecklenburg Police Department*

Attachment No. 30

31. **Petition No. 2002-34 (hearing). Urban Residential** – To consider a text amendment to the City of Charlotte Zoning Ordinance to eliminate the limited listing of commercial uses and replace with allowing uses permitted in the B-1 district, except for drive-in windows or automobile sales, service or repair, and to limit the maximum square footage and gross floor area for any single tenant or use. Also, to provide a 50% increase in the allowable floor area ratio if a parking deck is constructed, to change the maximum number of off-street parking spaces permitted for non-residential uses and to restrict off-street parking to be located outside of the required setback and side yards, except under certain circumstances. *Petitioner: Charlotte-Mecklenburg Planning Commission*

Attachment No. 31

32. **Petition No. 2002-44A (hearing).** Change in zoning from R-4 to R-4 for approximately 23.78 acres located on the east and west sides of Reedy Creek School Road, north of Plaza Road Extension to transfer zoning authority from Mecklenburg County to the City of Charlotte and establish initial City zoning. **The petitioner requests a decision the same night as the hearing.** *Petitioner: City Council of City of Charlotte*

Attachment No. 32

- 33. Petition No. 2002-44B (hearing).** Change in zoning from MX-2 Innovative to MX-2 Innovative for approximately 100 acres located south of Vance Road, west of Reames Road to transfer zoning authority from Mecklenburg County to the City of Charlotte and establish initial City zoning. **The petitioner requests a decision the same night as the hearing.**
Petitioner: City Council of City of Charlotte

Attachment No. 33

- 34. Petition No. 2002-44C (hearing).** Change in zoning from MX-3 LLW-CA, PA to MX-3 LLW-CA, PA for approximately 1,500 acres located on the south side of York Road (NC Highway 49) bi-sected by Youngblood Road and north of Bankhead Road to transfer zoning authority from Mecklenburg County to the City of Charlotte and establish initial City zoning. **The petitioner requests a decision the same night as the hearing.**
Petitioner: City Council of City of Charlotte

Attachment No. 34