

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, November 20, 2000

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

Myers Park Historic Overlay District
Briefing by John Rogers – HDC

5:30 p.m. - **ZONING DECISIONS**
Meeting Chamber

DECISIONS

1. **Petition No. 99-112 (decision)** by *Stanley and Ruby Downing* for a change in zoning for approximately 21 acres located on the west side of Prosperity Church Road, north of White Cascade Drive from R-3 to R-4.

Two protest petitions have been filed and are sufficient to invoke the ¾ voting rule.

The Zoning Committee voted to recommend APPROVAL of this petition by a vote of 6-1.

Attachment No. 1

2. **Petition No. 2000-24 (decision)** by *Old White, LLC* for a change in zoning for approximately 4.7 acres located on the northwest corner of Providence Road (NC 16) and Rea Road, east of Old Providence 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 a ONE-MONTH DEFERRAL of this petition by a vote of 7-0.

Attachment No. 2

3. **Petition No. 2000-59 (decision)** by *Don Hanley* for a change in zoning for approximately 42.04 acres located on the east side of Moores Chapel Road, north of Wildlife Road from R-3 to R-4 Cluster.

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

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

Attachment No. 3

4. **Petition No. 2000-60 (decision)** by *Diamond Oak Development, Inc.* for a change in zoning for approximately 23 acres located on the north side of Tuckaseegee Road, east of Heather Glen Lane and west of Freedom Drive from R-3 to R-5 Cluster.

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 7-0.

Attachment No. 4

5. **Petition No. 2000-68 (decision)** by *Friendship Missionary Baptist Church* for a change in zoning for approximately 101.99 acres located on the south side of Cindy Lane and on the east side of Beatties Ford Road from R-4, O-1(CD) and O-2 to INST(CD), NS, MX-2(CD) and O-1(CD).

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

Attachment No. 5

6. **Petition No. 2000-73 (decision)** by *RR Residential, Inc.* for a change in zoning for approximately 51.6 acres located on the north side of Landen Ford Road, east of Blakeney Heath Road and to the east of Rea Road Extension from O-1(CD) to MX-2 Innovative.

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

- *The size of the common open space “greens” will be noted on the site plan.*
- *Within the single-family detached portion of the development, the minimum setback and rear yards will be indicated along with the statement that accessory uses must maintain a three-foot side and rear yard if structure is located in a rear yard. The rear yard from the centerline of alleys will be a minimum of 15 feet for accessory structures.*
- *An innovative standard for accessory structures will be established on the site plan.*

Note: Gates excused for potential conflict of interest.

Attachment No. 6

7. **Petition No. 2000-76 (decision)** by *Crosland Land Company* for a change in zoning for approximately 37.8 acres located on the southwest corner of Marvin Road and US Highway 521, north of Old Lancaster Highway from R-3 to MX-2 Innovative.

The Zoning Committee voted to recommend APPROVAL of this petition by a vote of 6-0; Gates excused for potential conflict of interest.

Attachment No. 7

8. **Petition No. 2000-78 (decision)** by *Francis C. Mizelle* for a change in zoning approximately 25.7 acres located on the east side of Prosperity Church Road and south of Johnston-Oehler Road from R-3 to NS.

A majority of the Zoning Committee voted to recommend 30-DAY DEFERRAL of this petition for resolution of transportation issues by a vote of 4-3.

Attachment No. 8

9. **Petition No. 2000-83 (decision)** by *Michael Casagrande* for a change in zoning for approximately 0.20 acres located on the northeast corner of Louise Avenue and 7th Street, west of Hawthorne Lane from B-2 to MUDD-O.

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

Attachment No. 9

10. **Petition No. 2000-88 (decision)** by *Myers Park United Methodist Church* for a change in zoning for approximately 4.45 acres located at the intersection of Providence Road and Queens Road, north of Oxford Place and east of Pembroke Avenue from R-3 to O-2(CD).

The Zoning Committee voted to recommend APPROVAL of this petition by a vote of 6-0; Plyler excused for potential conflict of interest.

Attachment No. 10

11. **Petition No. 2000-92 (decision)** by *CLC Recycling Center, Inc.* for a change in zoning for approximately 46 acres located on the south side of East Arrowood Road, east of Nations Ford Road and north of Old Hebron Street from R-4 and I-1 to R-17MF(CD) and I-2(CD).

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

- *A future access to the west has been added to the site plan.*
- *Hours of operation have also been limited.*

- *An additional buffer area has been added in the northwest corner of the site.*

Attachment No. 11

12. **Petition No. 2000-96 (decision)** by *Crosland Land Company* for a change in zoning for approximately 14.3 acres located on the south side of Alexa Road, west of Providence Road and north of Ballatyne Commons Parkway 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 CONDITIONAL APPROVAL of this petition by a vote of 7-0; the recommendation is conditioned upon the addition of a vehicular access to Alexa Road.

Attachment No. 12

13. **Petition No. 2000-99 (decision)** by *Peter Tatge, Engineering & Building Standards Department* to consider a text amendment to Chapter 13 of the City of Charlotte Zoning Ordinance to clarify the intent of the Zoning Ordinance regarding flags and to specifically permit the display of flags to adorn the entrances to business or office parks.

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

Note: A new public hearing is scheduled for December 18, 2000 due to substantial changes made by the petitioner to the proposed text amendment.

Attachment No. 13

14. **Petition No. 2000-103 (decision)** by *Realty Network of Charlotte, Inc.* for a change in zoning for approximately 11.3 acres located between Reames Road and Interstate 77, south of Hickory Lane from R-3 to R-4(CD).

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. 14

15. **Petition No. 2000-112 (decision)** by *Bill Batts* for a change in zoning for approximately 0.86 acres located on the southeast corner of Commonwealth Avenue and Morningside Drive, north of Independence Boulevard from B-1 and O-2 to B-1(CD).

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

the following modifications:

- *The location of the new sign will be shown on the site plan.*
- *The dumpster location will be indicated on the plan.*
- *A note will be added to the site plan restricting new freestanding lighting along the southern border of the site to a maximum of 20 feet in height.*

Attachment No. 15

16. **Petition No. 2000-120 (decision)** by Terry Birch and David Young for a change in zoning for approximately 3.78 acres located on the east side of Cranbrook Lane, north of Randolph Road from R-22MF and O-6(CD) to UR-2.

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

Attachment No. 16

17. **Petition No. 2000-125 (decision)** by *Portrait Homes Construction Company* for a change in zoning for approximately 10.8 acres located on the west side of Providence Road West, south of Camfield Street and north of Leinster Drive from R-3 to R-8MF.

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

Attachment No. 17

18. **Petition No. 2000-127 (decision)** by *Swayne Family, LLC* for a change in zoning for approximately 8.6 acres located on the north side of Interstate 85, east of Sugar Creek Road from B-2(CD) to BP.

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

Attachment No. 18

19. **Petition No. 2000-128 (decision)** by *Seaport Development, LLC* for a change in zoning for approximately 0.25 acres located on the southwest corner of West Park Avenue and Camden Road from B-1 to MUDD.

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

Attachment No. 19

20. **Petition No. 2000-129 (decision)** by *B & R Body Shop* for a change in zoning for approximately 3.38 acres located on the southwest corner of Pineville Road, Highway 521, and China Grove Church Road from BD to B-2.

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

Attachment No. 20

21. **Petition No. 2000-131 (decision)** by *Charlotte Christian School* to consider a text amendment to Chapter 2 of the City of Charlotte Zoning Ordinance to include within the definition “Outdoor Recreation” the use of temporary enclosures for swimming pools for periods not to exceed six (6) months in any calendar year.

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

Attachment No. 21

22. **Petition No. 2000-138 (decision)** by *The Lynnwood Foundation* for a change in zoning for approximately 4.4 acres located on the west side of Hermitage Road between Edgehill Road and Ardsley Road, west of Queens Road from INST(CD) to INST(CD)S.P.A.

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

Attachment No. 22

PUBLIC HEARINGS

23. **Petition No. 2000-155 (hearing)** by Various Petitioners for a proposed Myers Park Historic

District Overlay for approximately 650.6 acres generally located on the north, south, east and west sides of Queens Road, west side of Providence Road, north side of Dartmouth Place to south side of Granville, north of Oxford Place between Queens Road and Providence Road, east and west sides of Queens Road East, east and west sides of Sharon Road between Rensford Avenue and Brandon Circle, north side of Briarcliff Place, east and west sides of Westminster Place area between Roswell Avenue and Queens Road West, south of Radcliffe Avenue and north of Sterling Road area on the east and west sides of Queens Road West, south of East Boulevard area on the north side of Granville Road area between Granville Road and Radcliffe Avenue, portions of area between South Kings Drive, Queens Road West and Queens Road area between East Morehead Street and Providence Road, and the area between the north side of Ardsley Road to the south side of Granville Road. The current zoning includes R-3, R-4, R-5, R-6MF, R-12MF, R-17MF, R-20MF, R-22MF, R-43MF, R-12MF(CD), R-15MF(CD), RI, INST(CD), B-1(CD), O-2 and O-2(CD). The current zoning will not change, but if approved, the Historic District Overlay will be added to all properties.

Two protest petitions have been filed but considered together are not sufficient to invoke the ¾ voting rule.

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

Note: The Planning Commission, at its meeting on November 6, 2000, decided that the Planning Committee would make the recommendation instead of the Zoning Committee for this petition. The Planning Committee will meet on Tuesday, November 21, 2000 at 5:00PM on the 8th floor of the Government Center in the Uptown Conference Room.

Attachment No. 23

24. **Petition No. 99-124 (hearing)** by *Susanne M. Robicsek* for a change in zoning for approximately 0.18 acres located on the east side of Scott Avenue, north of East Boulevard from R-22MF to MUDD(CD).

The petitioner requests a 30-day deferral of this petition.

Attachment No. 24

25. **Petition No. 99-125 (hearing)** by *PEN, L.L.P., Charles McLaughlin* for a change in zoning for approximately 12.01 acres located on the northeast corner of Providence Road West and Lancaster Highway from R-3 to O-1(CD) and B-1(CD).

No community meeting report has been filed; the petition is deferred for 30-days.

Attachment No. 25

26. **Petition No. 2000-80 (hearing)** by *Lisa A. Modzelewski* for a change in zoning for approximately 3.2 acres located at the southeast corner of Browne Road and DeArmon Road, east of Allen Brown Road B-1(CD) to R-6.

The petitioner requests a 30-day deferral of this petition.

Attachment No. 26

27. **Petition No. 2000-89 (hearing)** by *Tiger Properties* for a change in zoning for approximately 4.3 acres located at the northwest corner of Elm Lane and Ballantyne Commons Parkway O-1(CD) to O-1(CD)S.P.A.

Attachment No. 27

28. **Petition No. 2000-90 (hearing)** by *Hanover R.S. Limited Partnership* for a change in zoning for approximately 32.8 acres located between Ballantyne Commons Parkway and I-485, south of Crestwood Drive from R-3 and CC to R-12MF(CD).

Attachment No. 28

29. **Petition No. 2000-91 (hearing)** by *Blakeney Heath Ltd., c/o The Crosland Group, Inc.* for a change in zoning for approximately 216.2 acres located on the north and south sides of the East West Circumferential Road at its intersection with proposed Rea Road from R-12MF(CD), O-1(CD) and CC to R-12MF(CD), O-1(CD) with an amendment to the CC, commercial site plan, and a request for a five-year vesting of development rights.

The petitioner requests to withdraw this petition.

Attachment No. 29

30. **Petition No. 2000-93 (hearing)** by *Atrium Development, Inc.* for a change in zoning for approximately 2.4 acres located on the southwest corner of Strawberry Lane and Pineville-Matthews Road (NC 51) from R-3 to INST(CD).

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

Attachment No. 30

31. **Petition No. 2000-95 (hearing)** by *Angela Coxton* for a change in zoning for approximately 0.34 acres located on the north side of Russell Avenue, east of Beatties Ford Road and west of Welch Place R-5 to R-8MF(CD).

A protest petition has been filed but its sufficiency has not yet been determined.

The community report filed does not satisfy requirements of the enabling legislation. Therefore, the petition is deferred for 30-days.

Attachment No. 31

32. **Petition No. 2000-133 (hearing)** by *First Colony Corporation* 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) O-1(CD) to B-1(CD).

The petitioner requests a 30-day deferral of this petition.

Attachment No. 32

33. **Petition No. 2000-135 (hearing)** by *Autobell Car Wash, Inc.* for a change in zoning for approximately 0.9 acres located on the east side of Piper Station Drive, south of I-485 Outer Belt and east of Rea Road from B-1SCD to B-2(CD).

Attachment No. 33

34. **Petition No. 2000-136 (hearing)** by *Cornerstone Real Estate Advisers, Inc.* for a change in zoning for approximately 2.5 acres located on the west side of Church Street, between West Third and West Second Street and on the east side of Poplar Street UMUD to UMUD-O.

Attachment No. 34

35. **Petition No. 2000-137 (hearing)** by *Raley Miller Properties* for a change in zoning for approximately 13 acres located on the southeast corner of Mallard Creek Road and Mallard Creek Church Road R-3 and O-1(CD) to B-1(CD).

Two protest petitions have been filed but its sufficiency has not yet been determined.

Attachment No. 35

36. **Petition No. 2000-139 (hearing)** by *Cambridge Properties, Inc.* for a change in zoning for approximately 38 acres located on the west side of Mt. Holly-Huntersville Road, across from Mt. Holly Road (NC 27) from R-3, B-2, MX-2 to B-1(CD) to MX-2 LW-CA and LW-PA.

The community report filed does not satisfy requirements of the enabling legislation. Therefore, the petition is deferred for 30-days.

Attachment No. 36

37. **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 B-2 and O-1 to BD.

Attachment No. 37

38. **Petition No. 2000-141 (hearing)** by *Charlotte-Mecklenburg Planning Commission* to consider a text amendment to delete Section 9.902(16) which permits off-street parking as a principal use for

public parking, private parking, or parking in conjunction with other permitted uses and to replace it with a new item, Section 9.903(13.1) which permits off-street parking subject to prescribed conditions.

Attachment No. 38

39. **Petition No. 2000-142 (hearing)** by *Crosland Commercial* for a change in zoning for approximately 7.1 acres located west of York Road, north of the proposed Arrowood Road from O-15(CD) to O-1.

Attachment No. 39

40. **Petition No. 2000-143 (hearing)** by *Crosland Commercial* for a change in zoning for approximately 4.6 acres located on the northwest corner of Arrowood Road Extension and I-485, east of Sandy Porter Road from R-3 and O-2 to O-1(CD) and B-1(CD).

Attachment No. 40

41. **Petition No. 2000-144 (hearing)** by *John Dalton and Annie Mae Elliott Parker* for a change in zoning for approximately 1.1 acres located on the north side of Sunset Road, south of Miranda Road and east of Oakdale Road from R-3 to R-4.

Attachment No. 41

42. **Petition No. 2000-145 (hearing)** by *Gateway Homes* for a change in zoning for approximately 2.9 acres located on the southwest corner of Davidson Street and Patterson Street, east of 37th Street from R-5 to UR-2(CD).

Attachment No. 42

43. **Petition No. 2000-147 (hearing)** by *Moody Lake Office Park Development, L.P.* for a change in zoning for approximately 7.3 acres located on the south side of Brown-Grier Road, east of Sandy Porter Road and west of I-485 Outer Belt from R-17MF(CD) to B-1(CD).

Attachment No. 43

44. **Petition No. 2000-148 (hearing)** by *D. Ballard Construction, Inc.* for a change in zoning for approximately 0.8 acres located on the north side of Lena Avenue, east of Glenwood Drive from I-1 to R-8MF.

Attachment No. 44

45. **Petition No. 2000-149 (hearing)** by *Charles Terry Shook & Don W. Whelchel* for a change in zoning for approximately 2.2 acres located on the east side of Hawkins Street, south of Tremont

Avenue and west of South Boulevard from I-2 to MUDD-O.

The petitioner requests a 30-day deferral of this petition.

Attachment No. 45

46. **Petition No. 2000-150 (hearing)** by *Kenneth R. Harris* for a change in zoning for approximately 0.8 acres located on the north side of West Boulevard, south of Fordham Road from R-8MF(CD) to R-8MF(CD)S.P.A.

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

No community report has been filed. Therefore, the petition is deferred for 30-days.

Attachment No. 46

47. **Petition No. 2000-151 (hearing)** 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 INST.

Attachment No. 47

48. **Petition No. 2000-152 (hearing)** by *Davis Heritage, Ltd.* for a change in zoning for approximately 11.8 acres located between University City Boulevard (Hwy. 49) and Margie Ann Drive, west of Mallard Creek Church Road from INST to R-17MF.

Attachment No. 48

49. **Petition No. 2000-153 (hearing)** by *Crescent Resources, Inc.* for a change in zoning for approximately 2.1 acres located south of Mallard Creek Church Road and east of Claude Freeman Drive from R-3 to RE-1.

Attachment No. 49

50. **Petition No. 2000-154 (hearing)** by *Seneca Park Place, LLC* for a change in zoning for approximately 3.6 acres located on the east side of Park Road, north of Seneca Place and south of Mockingbird Lane from O-1 to O-2.

Attachment No. 50

51. Approve a resolution calling for a joint public hearing to be held by the City Council and the Charlotte-Mecklenburg Historic Landmarks Commission on Monday, December 18, 2000 at 6:00PM in the Meeting Chamber of the Charlotte-Mecklenburg Government Center regarding the question of designating the property known as the “*Neely Slave Cemetery*” as an historic

landmark.

Attachment No. 51

52. Approve a resolution calling for a joint public hearing to be held by the City Council and the Charlotte-Mecklenburg Historic Landmarks Commission on Monday, December 18, 2000 at 6:00PM in the Meeting Chamber of the Charlotte-Mecklenburg Government Center regarding the question of designating the property known as the “*Thies House*” as an historic landmark.

Attachment No. 52

53. Approve a resolution calling for a joint public hearing to be held by the City Council and the Charlotte-Mecklenburg Historic Landmarks Commission on Monday, December 18, 2000 at 6:00PM in the Meeting Chamber of the Charlotte-Mecklenburg Government Center regarding the question of designating the property known as the “*Helms-Bell House*” as an historic landmark.

Attachment No. 53

54. Approve a resolution calling for a joint public hearing to be held by the City Council and the Charlotte-Mecklenburg Historic Landmarks Commission on Monday, December 18, 2000 at 6:00PM in the Meeting Chamber of the Charlotte-Mecklenburg Government Center regarding the question of designating the property known as the “*Frederick Apartments*” as an historic landmark.

Attachment No. 54