

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

Wednesday October 18, 2000

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

- Discussion of new public hearing presentation format

5:30 p.m. - ZONING DECISIONS

DECISIONS

1. **Petition No. 2000-03 (decision)** by Centex Homes for a change in zoning for approximately 14.2 acres located on the north side of David Cox Road, west of Davis Lake Parkway and east of Old Statesville Road from I-1 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, with the following modifications:

- ***A note has been added to the site plan providing additional screening/buffering around the proposed detention pond.***

Attachment No. 1

2. **Petition No. 2000-15 (decision)** by Corey Transmission Services, Inc. for a change in zoning for approximately 5.58 acres located on the south side of Tremount Avenue, west of South Tryon Street from R-22MF and I-1 to I-2(CD).

The Zoning Committee voted to recommend approval of this petition.

Attachment No. 2

3. **Petition No. 2000-25 (decision)** by Springs Village, LLC. for a change in zoning for approximately 11.4 acres located on the west side of Providence Road, (NC 16) north of Pineville-Matthews Road (NC 51) and south of Springs Farm Lane from R-8MF(CD) to R-8MF(CD) S.P.A.

The Zoning Committee voted to recommend approval of this petition, with the following modification:

- *Rear entrances have been added to the dwellings along the north side of the property. As a result, building limit lines along this property have also been reduced to accommodate their new entrances.*

Attachment No. 3

4. **Petition No. 2000-36 (decision)** by Gaines E. Brown, Jr. for a change in zoning for approximately 1.8 acres located on the north side of W. Park Drive between S. Tryon Street and Camden Road from B-1 and I-2 to MUDD-O.

The Zoning Committee voted to recommend approval of this petition.

Attachment No. 4

5. **Petition No. 2000-39 (decision)** by Michael O'Brien for a change in zoning for approximately 2.4 acres located on the west side of Calvert Street, north of west Morehead Street and east of Summit Avenue from I-1 to MUDD(CD).

The Zoning Committee voted to recommend approval of this petition.

Attachment No. 5

6. **Petition No. 2000-43 (decision)** by Centex Homes for a change in zoning for approximately 10 acres located between Landen Ford Drive and Wade Ardrey Road, east of Marvin Road from MX-2 to MX-2 S.P.A.

The Zoning Committee voted to recommend approval of this petition.

Attachment No. 6

7. **Petition No. 2000-45 (decision)** by David Trull for a change in zoning for approximately 0.23 acres located on the southeast corner of East Boulevard and Springdale Avenue from O-2 to MUDD-O.

The Zoning Committee voted to recommend approval of this petition, with the following modification:

- *An eight (8) foot access aisle will be added to the site plan.*

Attachment No. 7

8. **Petition No. 2000-46 (decision)** by Lincoln-Harris/Pappas Properties for a change in zoning for approximately 2 acres located on the southeast corner of Fairview Road and Savings Place, east of Sharon Road from R-15MF(CD), O-1(CD) and CC to MUDD-O.

The Zoning Committee voted to recommend approval of this petition, with the following modifications:

- *The proposed left-turn movement from Fairview Road in to the petitioned site has been eliminated*
- *A note has been added to the site plan limiting the maximum height of the building to 95 feet.*

Attachment No. 8

9. **Petition No. 2000-51 (decision)** by Hines for a change in zoning for approximately 11.6 acres located on the northwest corner of Fairview Road and Assembly Street from O-1 to MUDD-O.

The Zoning Committee voted to recommend approval of this petition, with the following modifications:

- *The proposed office square footage has been reduced by 42,000 square feet*
- *The petitioner/developer will dedicate additional right-of-way necessary for the widening of Fairview Road along this site's frontage*
- *The petitioner/developer will be responsible for various roadway improvements*

Attachment No. 9

10. **Petition No. 2000-52 (decision)** by SouthPark Mall Limited Partnership c/o RNA Advisors for a change in zoning for approximately 95.6 acres located on the west side of Sharon Road between Morrison Boulevard and Fairview Road from O-1, O-2 and B-1S.C.D. to CC.

The protest petition has been withdrawn.

The Zoning Committee voted to recommend approval of this petition, with the following modification:

- **The cross-section for interior sidewalks has been modified to provide more vegetative screening of parking lots.**

Attachment No. 10

11. **Petition No. 2000-56 (decision)** by Coconut Company LLC and Two Moon Dog for a change in zoning for approximately 0.772 acres located at the southwest corner of North Davidson Street and East 36th Street and the southwest corner of North Davidson Street and East 35th Street from B-1 to MUDD-O.

The Zoning Committee voted to recommend approval of this petition, with the following modifications:

- *The site plan will indicate the amount of reduction to the 12-foot setback along North Davidson Street and E. 35th Street*
- *The parking lot will be modified such that maneuvering will not take place in the public right-of-way*
- *A note will be added to the site plan to indicate that doors will not swing into the setback or sidewalk areas*
- *It will be noted on the plan that significant improvements will be made to an existing alley, which is located in the rear of the petitioner site, before it can be*

approved for use

- *Adequate intersection site distance will be provided at the Davidson/E. 36th/Yadkin intersections.*

Attachment No. 11

12. **Petition No. 2000-61 (decision)** by Carolinas Healthcare System for a change in zoning for approximately 4 acres located on the northeast corner of S. McDowell Street and Baxter Street, south of I-277 from U-I to MUDD-O.

The Zoning Committee voted to recommend approval of this petition.

Attachment No. 12

13. **Petition No. 2000-72 (decision)** by Dan Moser Company, Inc. for a change in zoning for approximately 41 acres located between Stonyridge Drive and Gum Branch Road, south of Colony Hill Drive from R-3 to R-4

The Zoning Committee voted to recommend approval of this petition.

Attachment No. 13

14. **Petition No. 2000-97 (decision)** by Preslee, LLC for a change in zoning for approximately 0.69 acres located on the east side of N. Brevard Street between E. 20th Street and Parkwood Avenue from R-22MF to I-1.

The Zoning Committee voted to recommend approval of this petition.

Attachment No. 14

15. **Petition No. 2000-110 (decision)** by Crosland Land Company for a change in zoning for approximately 29.4 acres located on the north and south sides of Wallace Avenue, west of East W. T. Harris Boulevard from R-3 and R-20MF to R-5.

The Zoning Committee voted to recommend approval of this petition.

Attachment No. 15

16. **Petition No. 2000-111 (decision)** by Steven G. Harris for a change in zoning for approximately 0.65 acres located on the northwest corner of South Boulevard and E. Kingston Avenue from NS to MUDD.

The Zoning Committee voted to recommend approval of this petition.

Attachment No. 16

17. **Petition No. 2000-113 (decision)** by Carolinas Auto Supply House, Inc. for a change in zoning for approximately 1.16 acres located on the northwest corner of Cedar Street and W. Hill Street, north of Morehead Street from I-2 to MUDD.

The Zoning Committee voted to recommend approval of this petition.

Attachment No. 17

18. **Petition No. 2000-115 (decision)** by Crosland Commercial for a change in zoning for approximately 29.7 acres located on the east side of Old Concord Road, north of Rocky River Church Road and west of East W. T. Harris Boulevard from R-3, B-1 and BP(CD) to O-1.

The Zoning Committee voted to recommend approval of this petition.

Attachment No. 18

19. **Petition No. 2000-116 (decision)** by City of Charlotte for a change in zoning for approximately 0.238 acres located on the southeast corner of Beaumont Avenue and Independence Boulevard, north of E. Seventh Street from B-1 to R-5.

The Zoning Committee voted to recommend approval of this petition.

Attachment No. 19

20. **Petition No. 2000-117 (decision)** by U-Haul Co. 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.

The Zoning Committee voted to recommend denial of this petition.

The petitioner requests a deferral of the decision on this zoning request to allow the petition to be converted to a conditional district request.

Attachment No. 20

21. **Petition No. 2000-121 (decision)** by A-Tech Automotive for a change in zoning for approximately 1 acre located on the southwest corner of Crompton Street and nations Ford Road, north of Westinghouse Boulevard from I-2 to I-1.

The Zoning Committee voted to recommend approval of this petition.

Attachment No. 21

22. **Petition No. 2000-122 (decision)** by Charlotte-Mecklenburg Planning Commission and City of Charlotte Housing Authority for a change in zoning for approximately 9.5 acres located on the east and west sides of N. McDowell Street, between E. Seventh Street and E. Trade Street Change from O-2, UR-2, UR-C, B-1, B-2 to MUDD.

The Zoning Committee voted to recommend approval of this petition.

Attachment No. 22

23. **Petition No. 2000-124 (decision)** by Steve Washington for a change in zoning for

approximately 3.6 acres located on the south side of LaSalle Street, east and west of Custer Street and the north side of LaSalle Street between Augusta Street and Madrid Street from R-5 and R-12MF to UR-2.

The Zoning Committee voted to recommend approval of this petition.

Attachment No. 23

PUBLIC HEARING

24. **(Hearing)** by Charlotte-Mecklenburg Historic Landmarks Commission regarding the designation of the property known as the “Nebel Knitting Mill Annex” as an historic landmark and regarding the designation of the property known as the “Textile Mill Supply Company” as an historic landmark.

Attachment No. 24

25. **Petition No. 99-112 (hearing)** 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.

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

Attachment No. 25

26. **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).

Due to the addition of acreage, this petition needs to be deferred for 30 days.

Attachment No. 26

27. **Petition No. 99-125 (hearing)** by PEN, LLP, Charles McLaughlin for a change in zoning

for approximately 12 acres located on the northeast corner of Providence Road West and Lancaster Highway from R-3 to O-1(CD) and B-1(CD).

Attachment No. 27

28. **Petition No. 2000-24 (hearing)** 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).

Attachment No. 28

29. **Petition No. 2000-35 (hearing)** by GJR Management Holdings, LP for a change in zoning for approximately 5 acres located on the southwest corner of North Tryon Street and Rocky River Road from B-2(CD) to BD(CD).

The petitioner requests that the petition be withdrawn.

Attachment No. 29

30. **Petition No. 2000-59 (hearing)** 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 $\frac{3}{4}$ voting rule.

Attachment No. 30

31. **Petition No. 2000-60 (hearing)** 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 $\frac{3}{4}$ voting rule.

Attachment No. 31

32. **Petition No. 2000-68 (hearing)** 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).

Attachment No.32

- 33. Petition No. 2000-71 (hearing)** by Alexander, LLC for a change in zoning for approximately 53.5 acres located on the southeast corner of McKee Road and Weddington Road from R-3 to CC.

The Planning Commission staff requests that this petition be deferred until the plan amendment accompanying this petition is acted on by the City Council.

Attachment No. 33

- 34. Petition No. 2000-73 (hearing)** by RR Residential, Inc. for a change in zoning for approximately 51.6 acres located to the north 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.

Attachment No. 34

- 35. Petition No. 2000-76 (hearing)** 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.

Attachment No. 35

- 36. Petition No. 2000-78 (hearing)** 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.

Attachment No. 36

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

Attachment No. 37

- 38. Petition No. 2000-88 (hearing)** 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).

Attachment No. 38

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

The Planning Commission staff requests a 30 day deferral of this petition. The petitioner has agreed to the 30 day deferral.

Attachment No. 39

- 40. Petition No. 2000-91 (hearing)** by Blakeney Heath Ltd. Partnership for a change in zoning for approximately 216.2 acres located on all four corner of the intersection of the proposed Rea Road Extension and the proposed East-West Circumferential Road from R-12MF(CD), O-1(CD), and CC to R-12MF(CD), O-1(CD), and CC S.P.A.

The petitioner requests a 30 day deferral of this petition.

Attachment No. 40

- 41. Petition No. 2000-92 (hearing)** 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).

Attachment No. 41

- 42. Petition No. 2000-96 (hearing)** 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 Ballantyne Commons Parkway from R-3 to R-8MF(CD).

Attachment No.42

- 43. Petition No. 2000-103 (hearing)** 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 $\frac{3}{4}$ voting rule.

Attachment No. 43

- 44. Petition No. 2000-112 (hearing)** 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).

Attachment No. 44

- 45. Petition No. 2000-120 (hearing)** 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.

Attachment No. 45

- 46. Petition No. 2000-125 (hearing)** 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.

Attachment No. 46

- 47. Petition No. 2000-127 (hearing)** 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) toBP

Attachment No. 47

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

Attachment No. 48

- 49. Petition No. 2000-129 (hearing)** by B&R Body Shop for a change in zoning for approximately 3.4 acres located on the southwest corner of Pineville Road, Highway 521, and China Grove Church Road from BD to B-2.

Attachment No. 49

- 50. Petition No. 2000-130 (hearing)** by City of Charlotte Department of Engineering and Property Management to consider a text amendment to Chapter 9 of the City of Charlotte Zoning Ordinance to clarify the streetscape requirements within the Tryon Street Mall.

The Planning Commission staff requests a 60 day deferral of this petition to allow details of the Tryon Street improvements to be established. The petitioner has agreed to the 60 day deferral.

Attachment No. 50

51. **Petition No. 2000-131 (hearing)** 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.

Attachment No.51

52. **Petition 2000-138 (hearing)** by Lynwood 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.

Attachment No. 52