

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, September 17, 2001

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

- Amend policy to require notification of adjacent property owners within 300 feet for community meetings

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

DECISIONS

1. **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 TWO-MONTH DEFERRAL of this petition.

Attachment No. 1

2. **Petition No. 2001-33 (decision) by Charlotte City Attorney** for consideration of a text amendment to the City of Charlotte Zoning Ordinance 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. 2

3. **Petition No. 2001-52 (decision) 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.

The Zoning Committee voted 4-1 to recommend APPROVAL of this petition, with the following modification:

- Traffic flow of the one-way circular drive will be reversed.

Attachment No. 3

4. **Petition No. 2001-54 (decision) 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.

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

- A cross section of the private internal street will be shown indicating a private street standard with parallel parking, 8-foot planting strip and 5-foot sidewalk.
- The sidewalk and planting strip along both sides of the street will be indicated on the site plan.
- Building envelopes will be indicated on the Technical Data Sheet showing the building face adjacent to the private internal street with openings only for driveway entrances and windows of parking only 60-feet to 70-feet in width.
- All buildings will have windows and doors along internal roadways.
- A detail of the fence used to reduce buffers will be shown.
- Internal walkways cross connecting the retail buildings and the different uses will be shown and added on the Technical Data Sheet.
- Out parcels will be limited to two (2) and will be clarified that more office may be shown in the future.
- Language shall be added to address architectural details and conformity.
- As grades and existing trees allow, a six (6) foot berm with heavy evergreen landscaping to provide screening of grocery store from Shopton Road will be provided.
- Parallel parking shall be permitted between the buildings and Highway 49.
- Sidewalk connections shall be provided from Highway 49 along both sides of the driveways entering off Highway 49 and connect into the development sidewalk system.

Attachment No. 4

5. **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 unanimously to recommend APPROVAL of this petition.

Attachment No. 5

6. **Petition No. 2001-70 (decision)** by **JDH Capital** for a change in zoning for approximately 51 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 unanimously to recommend APPROVAL of this petition. The petitioner and staff will continue to resolve two outstanding issues:

- Extension of an existing “stub” street into the development.
- Petitioner has been asked to contribute funds for intersection improvements at Eastfield and Prosperity Church Road.

Attachment No. 6

7. **Petition No. 2001-71 (decision)** 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).

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

Attachment No. 7

8. **Petition No. 2001-77 (decision)** 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.

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

- The maximum number of children will be noted on the site plan.

Attachment No. 8

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

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

- ***Installation of an additional eastbound lane on W. T. Harris Boulevard to extend from the southerly margin of the intersection of W. T. Harris Boulevard with North Tryon Street (Hwy 29) to the southerly boundary of the site together with any necessary minor tapering just beyond the site boundary.***
- ***Removal of the proposed driveway cut to the site at the off-ramp to the Home Depot property along W. T. Harris Boulevard.***
- ***Construction of sidewalks at least six (6) feet wide on McCullough Drive extension and Ken Hoffman Drive extension.***

Attachment No. 9

- 10. 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).

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

- a. Sidewalks will be installed which will extend from the two end buildings located on IBM Drive to the sidewalk system connecting to the IBM Drive sidewalk.
- b. A note will be added indicating that sidewalks will be installed substantially as indicated on the site plan.
- c. A note will be added indicating that the doors leading into the units that are visible from IBM Drive will be a French or 15 light style door.
- d.

Attachment No. 10

- 11. Petition No. 2001-85 (decision) 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).

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

Attachment No. 11

12. Petition No. 2001-90 (decision) by Pulte Homes Corporation 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.

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

Attachment No. 12

13. Petition No. 2001-91 (decision) 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).

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

- Construction of a left-turn lane on to Peachtree Road, if an additional access point could not be secured prior to the construction of 100 units.
- The rear yard will be increased to 40-feet in areas where the common open space was narrow.

Attachment No. 13

14. Petition No. 2001-92 (decision) 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(CD).

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

The Zoning Committee voted unanimously to recommend a ONE-MONTH DEFERRAL of this petition to allow the petitioner to submit a conditional request.

The Petitioner requests a withdrawal of this petition or a decision. The petitioner considered converting the petition to a conditional plan but elected to not pursue this option. Since a protest petition has been filed the petition cannot be withdrawn. The petitioner is requesting a decision based on the original request for R-4 zoning.

Attachment No. 14

15. Petition No. 2001-93 (decision) 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(CD).

The petition has been converted to a conditional request. A new public hearing, as required, is scheduled for September 17, 2001.

The Zoning Committee voted unanimously to recommend a ONE-MONTH DEFERRAL of this petition to allow the petitioner to submit a conditional request.

Attachment No. 15

16. Petition No. 2001-94 (decision) 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).

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

Attachment No. 16

17. Petition No. 2001-95 (decision) 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).

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

- a. The last sentence of Note #16 on the Technical Data Sheet will read "Vehicular parking for the future park will utilize the front parking lots associated with the Middle School."

Attachment No. 17

18. Petition No. 2001-97 (decision) 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.

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

Attachment No. 18

COUNCIL ACTION

19. Approve a resolution calling for a Joint Public Hearing to be held by the City Council and the Mecklenburg Historic Landmarks Commission on Wednesday, October 17, 2001 at 6:00 P.M. in the Meeting Chamber of the Charlotte Mecklenburg Government Center regarding the question of designating the property known as the "***Electric Supply and Equipment Company Building***" as an Historic Landmark.

Attachment No. 19

20. Approve a resolution calling for a Joint Public Hearing to be held by the City Council and the Mecklenburg Historic Landmarks Commission on Wednesday, October 17, 2001 at 6:00 P.M. in the Meeting Chamber of the Charlotte-Mecklenburg Government Center regarding the question of designating the property known as the "***W. T. Alexander Plantation***" as an Historic Landmark.

Attachment No. 20

PUBLIC HEARINGS

21. **Petition No. 2001-99 (hearing) by Wilmore Neighborhood Association** for a change in zoning for approximately 282.27 acres generally bounded by Interstate 77 to the north and west, West Summit Avenue to the east, Camden Road to the southeast, and West Tremont Avenue to the south from R-4, R-5, R-8, R-22MF, R-43MF, UR-2, UMUD, UMUD-O, MUDD, MUDD-O, B-1, B-2, I-1, I-2, to Historic District Overlay.

Attachment No. 21

22. **Petition No. 2000-130 (hearing) by City Engineering & Property Management Department** to consider a text amendment to the City of Charlotte Zoning Ordinance to amend the current UMUD district regulations within the Tryon Street pedestrian mall, conformance to various approved streetscape plans and to expand the boundaries of the pedestrian mall.

Attachment No. 22

23. **Petition No. 2001-49 (hearing) by Charlotte-Mecklenburg Planning Commission** to consider a text amendment to the City of Charlotte Zoning

Ordinance to amend Chapters 3, 5, and 12 to designate the Charlotte-Mecklenburg Storm Water Advisory Committee (SWAC) to hear Surface Water Improvement and Management (SWIM) stream buffer appeals and variances and to change the method for calculating mitigation credits from a linear foot basis to a square foot basis.

Attachment No. 23

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

The hearing is continued from the July 16, 2001

Attachment No. 24

- 25. 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. 25

- 26. Petition No. 2001-93 (hearing) by Reed Enterprises of Charlotte, Inc.** for a change in zoning for approximately 12 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(CD)

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

Attachment No. 26.

- 27. Petition No. 2001-101 (hearing) by Hills Communities of Charlotte, Inc.** for a change in zoning for approximately 62 acres located between Lancaster Highway (US Hwy. 521) and Marvin Road, south of Providence Road West from R-3 to MX-2.

Attachment No. 27

- 28. Petition No. 2001-102 (hearing) by Donald P. Renaldo** for a change in zoning for approximately 2.76 acres located on the northeast corner of Tarlton Drive and Independence Boulevard from R-12MF(CD) and B-1(CD) to B-2(CD).

Attachment No. 28

- 29. Petition No. 2001-103 (hearing) by Highwoods Realty Limited Partnership** for a change in zoning for approximately 57 acres located on the southeast corner of W. T. Harris Boulevard and Interstate 85, west of University Executive Park Drive from O-2(CD) and B-1(CD) to O-2(CD) S.P.A., O-3(CD), and B-2(CD).

Attachment No. 29

- 30. Petition No. 2001-104 (hearing) by Cindy Glenn and Michael Kampen** for a change in zoning for approximately 0.50 acres located on the east side of Patterson Street, south of North Davidson Street from R-5 to R-8.

Attachment No. 30

- 31. Petition No. 2001-106 (hearing) by Emma G. Vernon** for a change in zoning for approximately 27 acres located on the east and west sides of Oakdale Road, north and east of Woodland Circle from R-3 to R-4.

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

Attachment No. 31

- 32. Petition No. 2001-107 (hearing) by Centex Homes** for a change in zoning for approximately 100.6 acres located on the west side of Reames Road, south of Vance Road from R-3 to MX-2 Innovative.

Attachment No. 32

- 33. Petition No. 2001-110 (hearing) by Gateway Homes** for a change in zoning for approximately 0.68 acres located on the southwest corner of North Davidson Street

and Patterson Street from UR-2(CD) to UR-3(CD).

Attachment No. 33

34. **Petition No. 2001-111 (hearing) by J. Patrick Frazer** for a change in zoning for approximately 14 acres located between Pete Brown Road and Oak Drive, east of Old Statesville Road (NC 115) from R-4, I-1, and I-2(CD) to I-2(CD) and I-2(CD) S.P.A.

Attachment No. 34

35. **Petition No. 2001-112 (hearing) by Deltas of Charlotte** for a change in zoning for approximately 2 acres located on the east side of Beatties Ford Road, north of Sunset Road from R-3 to R-8MF(CD).

Staff is requesting a deferral of this petition because a revised site plan has not been submitted.

Attachment No. 35

36. **Petition No. 2001-113 (hearing) by Mecklenburg County Solid Waste Management** to consider a text amendment to the City of Charlotte Zoning Ordinance to encourage recycling of solid waste to reduce the amount of waste material entering landfills and to meet the recycling goals established by the City of Charlotte and Mecklenburg County.

Attachment No. 36

37. **Petition No. 2001-114 (hearing) by Charlotte-Mecklenburg Planning Commission** to consider a text amendment to the City of Charlotte Zoning Ordinance to require sidewalk connections between commercial buildings and public streets, except for freeways or expressways.

Attachment No. 37

38. **Petition No. 2001-115 SUB (hearing) by Charlotte-Mecklenburg Planning Commission** to consider a Text Amendment to the City of Charlotte Subdivision Ordinance to include standards for connectivity and the use of cul-de-sacs.

Attachment No. 38

39. **Petition No. 2001-134 (hearing) by Bissell Dabbs Biggers, LLC** for a change in zoning for approximately 5 acres located on the east side of Airport Center Parkway, south of Golf Acres Drive from I-2 to O-1.

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

Attachment No. 39