

Mayor Patrick L. McCrory

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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, February 18, 2002

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

6:00PM – **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 South Kings Drive, Baxter Street, Kenilworth Avenue, and John Belk Freeway (I-277), south of Third Street and intersected by South Independence Boulevard from B-2 to MUDD-O.

The Zoning Committee has recommended allowing the petition to be WITHDRAWN.

Attachment No. 1

2. **Petition No. 2001-144 (decision) by Charlotte Market Association, LP** for a change in zoning for approximately 1.8 acres located on the south side of Plantation Center Drive and the west side of Weddington Road from B-1 SCD to B-1(CD).

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

- A 30-foot setback on Plantation drive.
- Maximum building height to be limited to an average parapet wall height of 22 feet above the finished floor elevation. With the exception that building design elements that are aesthetic in nature may be constructed to a height of 30 feet.
- The proposed building to 70 feet from the office development.
- Additional screening surrounding the loading dock.

Attachment No. 2

3. **Petition No. 2001-148 (decision) by City Attorney's Office** to consider a text amendment to Sections 2.201 and 6.206(2) of the City of Charlotte Zoning Ordinance to clarify that a change in the uses and the location of structures on an approved site plan shall only be permitted pursuant to Section 6.207.

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

Attachment No. 3

4. **Petition No. 2002-02 (decision) by Neighborhood Development, Stanley Watkins** for a change in zoning for approximately five (5) acres located on the northeast corner of Remount Road and West Boulevard, south of Kimberly Road from B-1 to NS.

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

- Brick columns along Remount Road will be provided.
- Stamped, colored and raised crosswalks will be provided in the parking lot.
- The petitioner will continue to work with the Planning Staff on revising the proposed building elevations.

Attachment No. 4

5. **Petition No. 2002-04 (decision) by Gene Collins** for a change in zoning for approximately five (5) acres located on the south side of Sunset Road, west of Beatties Ford Road from R-4 to BD(CD).

Due to an error with required notification, this petition will have to be re-heard in March.

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

- A ten-foot buffer will be provided at the rear of the site, adjacent to the quarry.

Attachment No. 5

- 6. Petition No. 2002-05 (decision) by *Atapco, Inc.*** for a change in zoning for approximately 49 acres located on the southeast corner of Shopton Road and Steele Creek Road, west of Gable Road from R-3 and B-1 to I-1(CD).

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

- The petitioner will provide a 5-foot sidewalk with 8-foot planted strip along Steele Creek and Shopton Roads.
- A connection will be made to Gable Road after 300,000 square feet of development has occurred.
- The petitioner agreed to only allow storm water retention ponds to be in landscaped setbacks.
- The petitioner has clarified the number of buildings allowed on the site.
- The petitioner will add a note to the plan indicating the roadway improvements that are the responsibility of the developer. These roadway improvements are based on the petitioner's traffic impact statement.
- The petitioner agreed to add a note to the plan that would allow a request for an additional driveway along Steele Creek to be made to CDOT once existing Dixie River Road has been realigned to the north. This additional driveway would be located near the current intersection of Steele Creek Road and Shopton.
- A specific note regarding site lighting has been added to the plan.

Attachment No. 6

- 7. Petition No. 2002-06 (decision) by *Continental Communities/Charlotte, LLC*** for a change in zoning for approximately 78.8 acres located on the northwest corner of Johnston Road and Interstate 485 (I-485) from CC to CC S.P.A.

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

- The petitioner agreed to modify internal private street cross sections to provide wider sidewalks and planting strips.
- The petitioner also agreed to add trees within the parking lot along Johnston Road or provide 50 park and ride spaces for CATS.
- The petitioner agreed to limit the size of any single retail establishment to 30, 000 square feet.
- The portions of the building facing Johnston Road have been modified to enhance the appearance.
- The plan was also modified to indicate a third access point to the greenway from phase three of the project.

Attachment No. 7

- 8. Petition No. 2002-08 (decision) Waymon & Carol Bullard and Robert Neal Doster** for a change in zoning for approximately 2.15 acres located on the east and west sides of Whiting Avenue, north of Holt Street and Matheson Avenue and south of Wesley Avenue from R-5 to UR-2(CD).

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

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

- The elimination of one lot for the construction of a pocket park.
- Exclusion of non-residential uses for all properties except the corner lot.
- All sidewalks will be six-feet in width except where necessary to save an existing tree.

Attachment No. 8

- 9. 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 voted to recommend a 30-day deferral.

Attachment No. 9

10. **Petition No. 2002-11 (decision) by *BJ's Wholesale Club, Inc.*** for a change in zoning for approximately 11 acres located between Conference Drive and Independence Boulevard, north of Wallace Lane from B-2 to CC.

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

- Pedestrian access from Conference Drive has been modified.
- 42 park and ride spaces are provided with a note that the petitioner will talk to CATS about expansion after one year of operation of the retail use.

Attachment No. 10

11. **Petition No. 2002-12 (decision) by *Liberty Oak, Inc.*** for a change in zoning for approximately 10.7 acres located on the south side of Freedom Drive, west of Toddville Road from R-3 to R-4.

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

Attachment No. 11

12. Adopt a resolution setting a public hearing on March 18, 2002 for consideration of designating the property known as the "***Grinnell/General Fire Extinguisher Company Complex***" located at 1431 West Morehead Street in Charlotte, North Carolina as a historic landmark.

Attachment No. 12

13. Adopt a resolution setting a public hearing on March 18, 2002 for consideration of designating the property known as the "***East Avenue Tabernacle A.R.P. Church***" located at 927 East Trade Street in Charlotte, North Carolina as a historic landmark.

Attachment No. 13

HEARINGS

14. Conduct a public hearing on proposed amendments to the City Code to include “*Single-Family Development in the Tree Ordinance*” that would limit clear cutting of trees in single-family developments. Council will be asked to adopt the amendments to the City Code on March 18, 2002.

Attachment No. 14

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

A protest petition has been filed and is sufficient to invoke the 3/4 majority voting rule.

Attachment No. 15

16. **Petition No. 2001-141.** Change in zoning from R-3 to R-8(CD) for approximately 0.80 acres located on the northwest corner of Roswell Avenue and Bucknell Avenue. **Petitioner: Elite Home Builders of Charlotte, Inc.**

A protest petition has been filed and is sufficient to invoke the 3/4 majority voting rule.

Attachment No. 16

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

Attachment No. 17

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

Attachment No. 18

- 19. Petition No. 2002-03.** Change in zoning from R-3 to R-8(CD) for approximately 5.1 acres on the south side of Penninger Circle, south of Mallard Creek Road. **Petitioner: Nathaniel Welch and Cynthia Hahn**

Attachment No. 19

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

NOTE: Petitioner requesting a hearing and decision on same day of zoning meeting.

Attachment No. 20

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

Attachment No. 21

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

Attachment No. 22

- 23. Petition No. 2002-16.** 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**

NOTE: Petitioner is requesting a one-month deferral to work with Staff on site plan issues.

Attachment No. 23

- 24. Petition No. 2002-17.** Change in zoning from R-3 to R-4 for approximately 23.4 acres located at the end of Lakeview Lane, north of Harwood Lane. **Petitioner: Tobacco Tags, Limited Partnership**

Attachment No. 24

25. **Petition No. 2002-18.** Change in zoning from R-3 to NS for approximately 10.4 acres located on the northeast intersection of Colony Road Extension and Rea Road. **Petitioner: Aston Properties, Inc.**

Attachment No. 25

26. **Petition No. 2002-19.** Change in zoning from R-3 to MX-1 for approximately 14.4 acres located on the south side of Hickory Grove Road, between Valleyview Drive and Craigwood Drive. **Petitioner: WKB Charlotte, Inc.**

Attachment No. 26

27. **Petition No. 2002-21.** Change in zoning from R-3(CD) to INST(CD) for approximately 4 acres located on the southeast corner of Reedy Creek Road and Harrisburg Road, at Interstate 485 (I-485). **Petitioner: Reedy Creek DS, LLC**

NOTE: Petitioner is requesting a 60-day deferral.

Attachment No. 27

28. **Petition No. 2002-22.** Change in zoning from R-3 to NS for approximately 4.7 acres located at the intersection of Lancaster Highway (US Highway 521) and Relocation US Highway 521. **Petitioner: John Rudolph**

Attachment No. 28

29. **Petition No. 2002-23.** To consider a text amendment to the City of Charlotte Zoning Ordinance to add the regulation for piers, moorings and floats, marine railways, breakwaters, and swimming areas and to add definitions for piers and breakwaters. **Special requirements for facilities located on or adjacent to Catawba River and its impoundments (Lake Norman, Lake Wylie and Mountain Island Lake).** **Petitioner: DeWitt McCarley**

Attachment No. 29

30. **Petition No. 2002-33.** 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