

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**

*Tuesday, January 16, 2001*

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

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

### ***DECISIONS***

1. **Petition No. 99-109 (decision)** by *Lincoln/JDN* for a change in zoning for approximately 96.3 acres located on the east side of Independence Boulevard, east of Sardis Road North and west of Lakeview Circle from R-4 and R-17MF to R-17MF(CD) and CC.

*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. 1

2. **Petition No. 99-124 (decision)** by *Susanne M. Robicsek* for a change in zoning for approximately 0.37 acres located on the east side of Scott Avenue, north of East Boulevard from R-2MF to MUDD(CD).

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

Attachment No. 2

3. **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 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 APPROVAL of this petition by a vote of 5-2, with the following modifications:*

- The number of dwelling units was reduced to 32, removing one building.
- Internal channelization of 100 feet (measured from the new right-of-way) was provided at the entrance to Providence Road.
- All trees 6” in caliper or greater within the setbacks will be preserved.
- The advisory note recommended the petitioner take sounding or depth of water measurement on the downstream pond was added.

Attachment No. 3

4. **Petition No. 2000-59 (decision)** by *Don Hanley* for a change in zoning for approximately 42 acres located on the east side of Moores Chapel Road, north of Wildlife Road from R-3 to R-4.

*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. 2000-90 (decision)** by *Hanover R. S. Limited Partnership* for a change in zoning for approximately 32.75 acres located between Ballantyne Commons Parkway and I-485, south of Crestwood Drive from R-3 and CC to R-12MF(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, with the following modifications:*

- The density for Tract A will be reduced from R-12MF(CD) to R-8MF(CD).
- The view corridor for Jonesville AME Zion Church along Ballantyne Commons Parkway will be increased from 75 feet to 200 and will be located entirely on the western side of the Church's drive.
- Elevations will be provided for the buildings to be constructed along Ballantyne Commons Parkway and that the elevations facing the public roadway will have at least 75% of all exterior opaque vertical surfaces constructed of brick.

- Residential units will be placed on Tract B which initially was to have been left vacant.
- Left turn lanes will be provided into the Berkley neighborhood, the Crestmont neighborhood, and the Jonesville AME Zion Church site (subject to CDOT and NCDOT approval).
- A decorative fence and decorative lighting will be placed along Ballantyne Commons Parkway along with planting and driveway entrance improvements.
- The development will be designed so that it is in compliance with the Small Area Plan Update.
- The petitioner will construct an additional eastbound through lane, 14 feet in width which will accommodate bicycles as well as motor vehicles.
- A sidewalk will be provided along the southern edge of Tract B.

Attachment No. 5

6. **Petition No. 2000-95 (decision)** by *Angela Coxton* for a change in zoning for approximately .34 acres located on the north side of Russell Avenue, east of Beatties Ford Road and Welch Place from R-5 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 30 DAY DEFERRAL of this petition by a vote of 7-0.*

Attachment No. 6

7. **Petition No. 2000-139 (decision)** 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 and MX-2LW/PA to B-1(CD), MX-2 and MX-2 S.P.A. LW/PA.

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

Attachment No. 7

8. **Petition No. 2000-146 (decision)** by *Gene Bodycott* for a change in zoning for approximately 129 acres located on the south side of I-485 Outer Belt, the east side of York Road, the north side of Westinghouse Boulevard and the west side of Steele Pioneer Avenue from I-1, I-2 and CC to CC, MUDD(CD) and CC S.P.A.

The Zoning Committee voted to recommend **CONDITIONAL APPROVAL** of this petition by a vote of 6-0; Jim Plyler excused. The recommendation for approval is conditioned upon all transportation issues being resolved to the satisfaction of CDOT prior to City Council action on this petition. *If the traffic issues have not been satisfactorily resolved by that time, the Zoning Committee recommends DEFERRAL of this petition.*

Attachment No. 8

- 9. Petition No. 2000-149 (decision)** by *Charles T. Shook and Don W. Welchel* 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 Zoning Committee voted to recommend APPROVAL of this petition by a vote of 7-0.*

Attachment No. 9

- 10. Petition No. 2000-150 (decision)** by *Kenneth R. Harris* for a change in zoning for approximately 0.76 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 3/4 voting rule.*

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

Attachment No. 10

- 11. Petition No. 2000-156 (decision)** by *Mallard Creek Land Co., LLC* for a change in zoning for approximately 94 acres located on the east side of Interstate 85, south of Mallard Creek Church Road from R-12MF(CD) to R-12MF(CD) S.P.A.

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

Attachment No. 11

- 12. Petition No. 2000-157 (decision)** *Pridemore Development Company* for a change in zoning for approximately 8 acres located on the northwest corner of Alleghany Street and Ashley Road from R-12MF and I-1 to B-1(CD).

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

Attachment No. 12

- 13. Petition No. 2000-158 (decision)** by *Trinity Episcopal School* for a change in zoning for approximately 4 acres located on the northeast corner of N. McDowell Street and E. Ninth Street from UR-2 and UR-2(CD) to UR-2(CD) and UR-2(CD) S.P.A.

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

- Temporary structures such as mobile classrooms shall not be allowed on the site after September 1, 2004; provided, however, that the Planning Commission may require earlier removal of such temporary structures on sixty (60) days written notice if commencement of substantial construction of a permanent classroom facility has not occurred by September 1, 2003. “Commencement of substantial construction” shall mean the pouring of footings.

Attachment No. 13

- 14. Petition No. 2000-159 (decision) by *FF Realty LLC*** for a change in zoning for approximately 0.55 acres located on the southeast corner of S. Tryon Street and East Carson Boulevard from I-2 to MUDD.

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

Attachment No. 14

- 15. Petition No. 2000-161 (decision) by *Stan Law*** for a change in zoning for approximately 18 acres located on the southwest corner of Beatties Ford Road and Capps Hill Mine Road from R-4 to INST.

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

Attachment No. 15

- 16. Petition No. 2000-162 (decision) by *Diamond Oaks Development, Inc.*** for a change in zoning for approximately 56.9 acres located north of Cindy Lane and northeast of Interstate 77, between Sunset Lane and Cochrane Drive from R-4 to MX-1 Innovative.

*The Zoning Committee voted to recommend APPROVAL of this petition by a vote of 4-3 with the following modifications:*

- The main entry from Cindy Lane will be realigned to Juniper Drive and the realignment must satisfy CDOT standards.
- The cross sections of the 50-foot public streets will be modified to provide seven-foot planting strips.
- Large maturing street trees will be provided with a *maximum* of 50 feet on-center on the main entry road and the 50-foot right-of-way “loop” south of the creek. For other public streets smaller trees will be a maximum of 40 feet on-center.
- Pedestrian scale lighting (maximum 12 feet high) will be installed throughout the development.
- A 5 foot sidewalk will be provided on both sides of the main entry road until it reaches the proposed turn around.
- A wooden fence will be provided at the rear of the lots along the northwest corner of the site.

Attachment No. 16

- 17. Petition No. 2000-163 (decision) by *Crosland Land Company*** for a change in zoning for approximately 31 acres located east of Winget Road and Autumn Blaze Drive, north of Neely

Road from I-2 to R-4(CD).

***The Zoning Committee voted to recommend APPROVAL of this petition by a vote of 5-1; Dean Gates excused, with the following modifications:***

- The site will be limited to 116 detached single family residences.
- A 5 foot wide nature trail will be installed along the creek which runs through the site within the common open space depicted on the technical data sheet and to connect this nature trail to the sidewalk system which is to be installed as a part of the development.
- Each lot will be annexed into the Withers Grove Home Owners Association.
- Each lot on the site that abuts an existing lot located within the Withers Grove subdivision to the west of the site will have a minimum lot width along the rear property line of sixty (60) feet, will have a minimum rear yard of thirty-five (35) feet, and will align on a "rear yard to rear yard" orientation with a portion of one or more lots located within the Withers Grove subdivision.
- The petitioner will install a 15 foot wide temporary safety/construction fence along the full length of the common boundary of the site with the Withers Grove subdivision to the west of the site in order to preserve certain existing trees. The petitioner will then record an amendment to the Withers Grove restrictive covenants to prohibit property owners along the common boundary between the site and the existing Withers Grove subdivision from cutting down trees of greater than two (2) inch caliper within and area ten (10) feet in width extending from the common boundary line.

Attachment No. 17

- 18. Petition No. 2000-165 (decision) by Rhonda G. Cato** for a change in zoning for approximately 16.5 acres located south of Sunset Road, between Milhaven Drive and Interstate 77 from R-4 to R-17MF(CD).

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

Attachment No. 18

- 19. Petition No. 2000-166 (decision) by Charlotte-Mecklenburg Schools** to consider a text amendment to amend the frontage and access standards for elementary schools in residential districts and the buffer standards to not require buffers between schools and colleges.

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

Attachment No. 19

## ***PUBLIC HEARINGS***

- 20. Petition No. 99-105 (hearing) by *Victor N. Ibekwere*** for a change in zoning for approximately 0.5 acres located on the east side of East 36<sup>th</sup> Street, south of Spencer Avenue from R-5 to R-8MF(CD).

**The petitioner requests that the petition be deferred indefinitely.**

Attachment No. 20

- 21. Petition No. 2000-67 (hearing) by *Mecklenburg County Parks and Recreation Department*** for a change in zoning for approximately 12 acres located on the north side of Monroe Road, east of Sharon Amity Road and west of Glendora Drive from O-6(CD) to R-4 and O-2.

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

Attachment No. 21

- 22. Petition No. 2000-80 (hearing) by *Lisa Modzelewski*** for a change in zoning for approximately 3 acres located on the southeast corner of the intersection between DeArmon Road and Browne Road from B-1(CD) to R-6.

Attachment No. 22

- 23. Petition No. 2000-99 (hearing) by *Mecklenburg County Engineering and Building Standards Department*** to consider a text amendment to Section 13.106 signs not requiring a permit by adding a new Section 13.106(7) Flags on Permanent Poles.

Attachment No. 23

- 24. Petition No. 2000-117 (hearing) by *U-Haul 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(CD).

Attachment No. 24

- 25. Petition No. 2000-130 (hearing) by *City of Charlotte Engineering and Property Management*** for consideration of a text amendment to clarify the streetscape requirements within the Tryon Street Mall.

Petitioner requested a 60-day deferral.

Attachment No. 25

- 26. 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 R-8MF(CD).

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

Attachment No. 26

- 27. Petition No. 2001-01 (hearing) by *Maurice B. Dunn*** for a change in zoning for approximately 5 acres located on the north side of Mt. Holly-Huntersville Road, west of Brookshire Boulevard (Hwy. 16) from R-12MF(CD) and O-15(CD) to NS.

Attachment No. 27

- 28. Petition No. 2001-02 (hearing) by *Vernell and Johnny Belin*** for a change in zoning for approximately 1 acre located on the north side of Joyce Drive, west of Milton Road and south of The Plaza from R-4 to R-8MF.

Attachment No. 28

- 29. Petition No. 2001-03 (hearing) by *Frederick A. Hedgepeth*** for a change in zoning for approximately 1.55 acres located on the south side of Rocky River Road, north of Grier Road from R-4 to INST.

Attachment No. 29

- 30. Petition No. 2001-04 (hearing) by *Crosland Land Company*** for a change in zoning for approximately 21.8 acres located on the south side of S. Tryon Street between Moss Road and Erwin Road from R-3 to R-8(CD).

Attachment No. 30

- 31. Petition No. 2001-05 (hearing) by *Diane B. Johnson, City of Charlotte*** for a change in zoning for approximately 5.5 acres located between I-485 Outer Belt and Pavillion Boulevard, south of Harris Houston Road from O-1(CD) to R-3.

Attachment No. 31

- 32. Petition No. 2001-06 (hearing) by *Deer Isle Properties*** for a change in zoning for approximately 9.8 acres located on the east side of Prosperity Church Road, north of Mallard Creek Road from R-3 to R-17MF(CD).



Attachment No.32

- 33. Petition No. 2001-07 (hearing) by *The Presbyterian Home at Charlotte*** for a change in zoning for approximately 22.8 acres located on the west side of Sharon Road, west of Sharon View Road and south of Fairview Road from INST(CD) to INST(CD) S.P.A.

Attachment No. 33

- 34. Petition No. 2001-08 (hearing) by *David Simonini Development Group, LLC*** for a change in zoning for approximately 2.7 acres located on the south side of Vernon Drive, east of Providence Road and north of Wendover Road from R-3 to R-8(CD).

Attachment No. 34

- 35. Petition No. 2001-10 (hearing) by *Bank of America*** for a change in zoning for approximately 0.5 acres located between East 6<sup>th</sup> Street and East 7<sup>th</sup> Street, east of North College Street and west of North Brevard Street from UMUD to UMUD-O.

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

Attachment No. 35

