

Mayor Patrick L. McCrory

Nancy G. Carter
Harold Cogdell, Jr.
Malcolm Graham
Don Lochman
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, June 17, 2002

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

5:10PM – Dinner Meeting
Stanley Watkins, KBE
Neighborhood Development
Presentation – City West Commons
(Formerly Westover Shopping Center)
Attachment No. 1

6:00PM – Zoning Decisions
Meeting Chamber

DECISIONS

2. **Petition No. 1999-89 (decision) by Dr. Edward C. Roberts** for a change in zoning for approximately 8.3 acres located on the northeast corner of Kilborne Drive and Elkin Lane.

A protest petition was filed and was sufficient to invoke the ¾ majority-voting rule.

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

- The plant types around the residential units will be identified on the site plan.
- A note addressing Storm Water comments has been added to the site plan.

Attachment No. 2

3. **Petition No. 2002-21 (decision) by *Reedy Creek DS, LLC*** for a change in zoning for approximately 3.92 acres located on the southeast corner of Reedy Creek Road and Harrisburg Road at I-485 from R-3 to R-3(CD) and O-1(CD).

The Zoning Committee voted 5-1 to recommend ***APPROVAL*** of this petition with the following modifications:

- A note will be added to plan addressing Storm Water.
- The parcels have been labeled on the technical data sheet to coincide with the site development notes.

Attachment No. 3

4. **Petition No. 2002-29 (decision) by *Portrait Homes Construction Company*** for a change in zoning for approximately 46.8 acres located on the south side of Tilley Morris Road and McKee Road, north of Interstate 485 (I-485) from R-3 to MX-2 Innovative.

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

- Phase I – 188 units : Improvements required prior to C.O. for the first unit
Because townhouses (single-family attached) have a different trip rate than single-family detached homes, trip generation for by-right zoning is equivalent to 188 townhouses.
- *Mitigating Improvements-* pavement widening on the south side of McKee Road to provide westbound dual left-turn lanes from McKee Road to southbound Providence Road in accordance with concept plan prepared by CDOT. Petitioner is responsible for design, utility relocations, construction, pavement markings (removals and restriping), and any other associated costs. CDOT will be responsible for signal and loop detector adjustments.
- *Other Site Access Improvements-* Petitioner is responsible for all costs associated with the design and construction of an eastbound McKee Road right-turn lane at access “A” as identified by traffic study, westbound McKee Road left-turn lane at access “A”, and northbound Tilley Morris Road left-turn lane at access “C”. Other improvements associated with normal land development requirements. Access “B” on McKee Road cannot be constructed until Tilley Morris is realigned at its intersection with McKee Road.
- Phase I development/multi-family subdivision plans will include the design of improvements of the Tilley Morris/McKee intersection and Access “B” improvements listed below even though they will not be built as part of

phase I construction, except as conditioned below. Multi-family subdivision plan approval will also require a letter of credit for the petitioner's/developer's portion of these improvements.

- Phase II- remaining units and Access "B": Improvements required prior to C.O. for 189th unit
- *Mitigating Improvements-* Realignment of the Tilley Morris Road/McKee Road intersection to include a westbound McKee Road left-turn lane in accordance with concept plan prepared by EPM. Petitioner is responsible for design, utility relocations, right-of-way acquisition, construction, and pavement markings for the intersection improvements. The City of Charlotte will provide any necessary right-of-way across the fire station property for the realignment/intersection improvement. It is anticipated that the NCDOT will fund the cost of the traffic signal (warranted by CDOT) installation and contribute to the cost of the intersection improvements.
- *Other Site Access Improvements* - Construction of eastbound McKee Road right-turn lane at Access "B". Construction of westbound McKee Road left-turn lane at Access "B". Other improvements associated with normal land development requirements.
- All plans for intersection and access improvements are to be reviewed by CDOT and the NCDOT during the subdivision process and/or driveway/access permit processes. All improvements must meet all applicable standards/requirements as determined by CDOT/NCDOT.
- Portrait Homes, Inc./developer has committed \$240,000 to mitigating improvements on McKee Road (widening for westbound dual left-turn lanes) and improvements at the Tilley Morris/McKee intersection in addition to required site access and other improvements associated with typical land development requirements. It is estimated that the minor widening on McKee Road for the dual left-turn lanes will cost \$40,000-50,000, leaving \$190,000- 200,000 available for Tilley Morris/McKee intersection improvements.

Condition:

Tilley Morris/McKee Road intersection improvement costs (not including traffic signalization costs) are estimated to be \$250,000- \$300,000. The developer will contribute approximately \$190,000- 200,000 for this intersection project with remaining funds requested of the NCDOT. Should the NCDOT approve funding for a portion of the construction (\$100,000 maximum) of the intersection improvements and signal costs (\$50,000) at the Board of Transportation meeting in August 2002 or in any meeting thereafter, multi-family subdivision plan approval obtained, and total intersection improvement

costs do not exceed the contributing amounts by all parties as described above, the developer will commence immediately with construction of phase I & II intersection and access improvements.

- A note will be added to the site plan providing for the dedication of the additional right-of-way requested for McKee and Tilley Morris Roads and committing to convey by quit claim deed, subject to a reservation for any necessary utility easements and a reversionary interest in any property not used for right-of-way purposes in the future.
- The note regarding storm water detention will be modified so as to confirm our commitment to providing detention for the 2, 10, 25, 50 and 100-year storm events for Storm water Basin Numbers 2 and 3 which have been the subject of downstream complaints.
- The petitioner commits to provide for the realignment of Tilley Morris Road so that it intersects with McKee Road at a right angle. This realignment will occur through the fire station property and the required right of way for the improvement is to be provided by the City or the owner of the property. The petitioner also commits to providing for the installation of a traffic signal at the realigned intersection (at a cost not to exceed \$35,000.00) once the signal is warranted and approved by NCDOT and CDOT. In addition to this improvement, an eastbound right turn lane and a westbound left turn lane on McKee Road at Access A into the Site and an eastbound right turn lane and a westbound left turn lane on McKee Road at Access B into the site will be provided. This transportation improvement package involves a financial commitment from Portrait Homes of over \$300,000.00.
- Our note dealing with the historic homesite has been revised to clarify that if the Historic Landmark Commission does not ultimately sign the contract related to the preservation of the home, the two-acre homesite will be preserved as open space but Portrait will be allowed to relocate or demolish the house.
- The minimum side yard notation will be eliminated and it will be clarified that the minimum building separation is 16 feet.
- The minimum setback will be increased to 10 feet and will be measured from the back of the curb on private streets and from the right-of-way on public streets.
- The note regarding private open space will be amended to reflect that the 400 square foot minimum per unit will not include buffers, driveways, parking pads or alleys.

- The note referencing the percentage of common open space will be amended to commit to a common open space percentage of 23 percent.
- The height of the wall along Tilley Morris Road will be 5 feet.
- The site plan will identify all landmark trees (24-inches in caliper or larger) and note those landmark trees, which will be preserved. The site plan commits to the preservation of 56 percent of the landmark trees.

Attachment No. 4

- 5. Petition No. 2002-47 (decision) by Triven Properties, LLC** for a change in zoning for approximately 25 acres located on the south side of Tuckaseegee Road, east of Mulberry Church Road and north of Interstate 85 (I-85) from R-4 to R-8MF(CD).

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

- The minimum lot width for the lots on the corners of Tuckaseegee Road (lots 1, 178, 133 and 132) and the new public roads will be 80-feet. The minimum lot width for the next two tiers will be 50-feet (lots 2, 3, 177, 176, 134, 135, 131, and 130).
- Side yard setbacks along Tuckaseegee Road will be 40-feet.
- If required, a dumpster and recycling area will be provided for the townhomes.
- The buffer along the rear of lots 129-132 will consist of two rows of evergreen trees, or wax myrtles at 15-feet on center.

Attachment No.5

- 6. Petition No. 2002-49 (decision) by RMP – Mallard Creek, LLC** for a change in zoning for approximately 11.25 acres located on the southeast corner of the intersection of Mallard Creek Road and Mallard Creek Church Road on the west side of David Taylor Drive from B-1(CD)to B-1(CD)S.P.A.

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

- Gas stations and convenient stores will not be permitted.
- The note referencing lights for a gas station has been deleted.
- The conveyance of right-of-way will take place at the receipt of the Certificate of Occupancy or when requested by either the Charlotte Department of Transportation (CDOT) or the North Carolina Department of Transportation (NCDOT), which ever occurs first.
- No signs will be located within 100 feet of David Taylor Drive.

- Landscape and hardscaping improvements may be developed in a portion of the buffer adjacent to Outparcel 2 provided that the improvements are in the northern 30 feet of the buffer area adjacent to the buildings. The improvements are limited to items that are complimentary to a pedestrian oriented building such as pavers, sidewalks, fountains, benches, etc.

Attachment No. 6

7. **Petition No. 2002-50 (decision) by *Continental Communities, Ltd.*** for a change in zoning for approximately 89 acres located on the northwest corner of the intersection of Interstate 485 (I-485) and Johnston Road and the southeast corner of the intersection of Johnston Road and Community House Road from CC to CC S.P.A.

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

- A cross section of Torrington Way will be added to the plans indicating the property line location.
- The pedestrian bridge to the greenway will be constructed according to Parks & Recreation standards.
- The portions of the floodplain not used for greenway or for development will be labeled as undisturbed common open space.
- A note will be added to the site plan not allowing parallel parking at the round about.

Attachment No. 7

8. **Petition No. 2002-51 (decision) by *Mary and Michael Rogers*** for a change in zoning for approximately 0.23 acres located on the east side of Euclid, north of East Boulevard from R-22MF to MUDD-O.

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

Attachment No. 8

9. **Petition No. 2002-53 (decision) by *John Skiouris*** for a change in zoning for approximately 5.3 acres located east of Cranbrook Drive and northeast of Randolph Road from O-2(CD) to O-2(CD)S.P.A.

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

- The dedication or conveyance of an easement to Mecklenburg County for a portion of the area within the 100-year floodplain.

- A 10' x 25' loading space has been added to the site plan.
- The impervious area within the 100-foot SWIM buffer does not increase after the redesign of the circulation and parking.
- Preservation of the existing oaks with the City arborist and adjoining property owner tagging the trees to be saved.

Attachment No. 9

- 10. Petition No. 2002-54 (decision) by Ben L. Livingston Heirs** for a change in zoning for approximately 1.89 acres located on the west side of Oak Street and east of Valleydale Road.

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

Attachment No. 10

- 11. Petition No. 2002-56 (decision) by Providence Road Land Partners, LLC** for a change in zoning for approximately 4.9 acres located on the south side of East Fifth Street, between North Torrence Street and Travis Avenue, north of Elizabeth Avenue from MUDD-O and MUDD(CD) to MUDD-O(S.P.A.).

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

- The trees which are to be saved during the use of building envelopes A and B as interim temporary surface parking will be identified on the site plan.
- Trees located within tree grates will be identified on the schematic site plan.

Attachment No. 11

- 12. Petition No. 2002-57 (decision) by Fairhill Development Group, LLC** for a change in zoning for approximately 6.4 acres on the northeast corner of Park South Drive and Stokes Avenue from R-3 to UR-2(CD).

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

- Add to end of Note V.C. (1) (Storm Water Management) after work “Charlotte”:
- Furthermore, petitioner agrees to provide to Charlotte-Mecklenburg Storm Water Services (“Storm Water Services”), during the permitting stage of the development, an engineering review, completed by a professional engineer licensed in North Carolina, of the drainage system located directly down stream from the Site (at the next receiving channel and drainage pipe) to

ensure that such system is not taken out of standard due to the development contemplated by this rezoning (i.e. such system is not already out of standard or the contemplated development will not take the system out of standard) as submitted at the permitting stage of the development;. If such review indicates that the proposed development will cause such drainage system located directly downstream to be taken out of standard, the Petitioner shall provide adequate detention on Site or otherwise take such reasonable steps as may be needed to avoid this from occurring.

➤ Add After Note (2) under Section V.C. (Storm Water Management).

(3). It is acknowledged that during the site development and construction phases of the project, the Petitioner may provide for the relocation of a portion of the stream located along the eastern boundary of the Site in accordance with applicable regulations and guidelines of the Army Corps of Engineers and the NC Department of Environmental Natural Resources. In the regard, the Petitioner shall use diligent good faith efforts to work with Storm Water Services to mitigate any material impacts to the channel of the stream located along the eastern boundary of the Site and to any designated landscaped areas located adjacent thereto by re-vegetation and natural channel design methods as may be reasonably required by Storm Water Services. Storm Water Services shall provide assistance with design service regarding the stream upon request of the Petitioner.

(4) Prior to the issuance of the final certificate of occupancy for the first unit in the building(s) to be built in Building Envelope D and in the building to be built within Building Envelope C located closest to the stream, the Petitioner shall grant to the City of Charlotte a permanent non-exclusive drainage easement along the stream. The easement shall extend approximately 20 feet on each side of the centerline of the stream (but not beyond the boundary of the Site), provided, however, the specific location of the easement shall be determined by survey prior to the easement grant. The easement shall permit the City and its designated contractors to make necessary drainage repairs to this stream, and the easement shall contain such other provisions that are reasonable under the circumstances.

Attachment No. 12

HEARINGS

13. (A) Hearing to consider designation of the property known as the “*Grier-Rea House*” listed under Tax Parcel Number 211-241-05 in the Mecklenburg County Tax Office and including the entire exterior and interior of the building and the entire parcel of land located within the boundaries of such tax parcel located at 4334 Rea Road in Charlotte, North Carolina as a historic landmark.
- (B) Adopt an ordinance designating the “*Grier-Rea House*” as a historic landmark.

Attachment No. 13

14. (A) Hearing to consider designation of the property known as the “*Sidney and Ethel Grier House*” listed under Tax Parcel Number 231-045-03 as of April, 2002 in the Mecklenburg County Tax Office and including the entire exterior and interior of the building and the entire parcel of land located within the boundaries of such tax parcel located at 4647 McKee Road in Charlotte, North Carolina as a historic landmark.
- (B) Adopt an ordinance designating the “*Sidney and Ethel Grier House*” as a historic landmark.

Attachment No. 14

15. (A) Hearing to consider designation of the property known as the “*Carolina Transfer and Storage Building*” listed under Tax Parcel Numbers 073-244-25 through 073-244-47 as of January 7, 2002 in the Mecklenburg County Tax Office and including the entire exterior and interior of the building and the entire parcel of land located within the boundaries of such tax parcels located at 1230 West Morehead Street in Charlotte, North Carolina as a Historic Landmark.
- (B) Adopt an ordinance designating the “*Carolina Transfer and Storage Building*” as a historic landmark.

Attachment No. 15

16. (A) Hearing to consider designation of the property known as the “*Home Federal Savings and Loan Building*” listed under Tax Parcel Number 125-01-208 as of November 25, 2001 in the Mecklenburg County Tax Office and including the entire exterior and interior of the building and the entire parcel of land located within the boundaries of such tax parcel located at 139 South Tryon Street in Charlotte, North Carolina as a historic landmark.

- (B) Adopt an ordinance designating the “*Home Federal Savings and Loan Building*” as a historic landmark.

Attachment No. 16

17. (A) Hearing to consider designation of the property known as the “*Daniel A. Tompkins Company, Machine Shop*” listed under Tax Parcel Number 121-015-02 as of April, 2002 in the Mecklenburg County Tax Office and including the entire exterior and interior of the building and the entire parcel of land located within the boundaries of such tax parcel located at 4647 McKee Road in Charlotte, North Carolina as a historic landmark.
- (B) Adopt an ordinance designating the “*Daniel A. Tompkins Company, Machine Shop*” as a historic landmark.

Attachment No. 17

18. **Petition No. 2000-134 (hearing).** Change in zoning from CC to NS for approximately 20.8 acres located on the east side of Prosperity Church Road, between Ridge Road and Jonhston-Oehler Road. ***Petitioner: Crosland, Inc.***

Attachment No. 18

19. **Petition No. 2000-140 (hearing).** Change in zoning from O-1 and B-2 to B-1(CD) and O-1 for approximately 4.3 acres located on the north side of Idlewild Road, east of Monroe Road and west of Independence Boulevard.
Petitioner: Idlewild Investors, LLC

Attachment No. 19

20. **Petition No. 2001-102 (hearing).** Change in zoning from R-12MF(CD) and B-1(CD) to B-2(CD) for approximately 2.76 acres on the eastern corner of Krefeld Drive and Independence Boulevard. ***Petitioner: Donald P. Renaldo***

Attachment No. 20

21. **Petition No. 2002-37 (hearing).** Change in zoning from R-3 to NS for approximately 23.8 acres on the southwest corner of US 521 and Copper Mountain Boulevard. **Petitioner: Bingham Family Partnership**

Attachment No. 21

22. **Petition No. 2002-39 (hearing).** Change in zoning from R-3 to O-1(CD) for approximately 2.87 acres located on the north side of Albemarle Road (NC Highway 24 and 27), west of Arlington Church Road. *Petitioner: Greg Brock*

Attachment No. 22

23. **Petition No. 2002-46 (hearing).** Change in zoning from I-1 and I-1(CD) and R-17MF(CD) for approximately 24.15 acres located on the west side of Monroe Road, south of Covedale Drive and north of Sardis Road North. *Petitioner: HH Hunt*

Attachment No. 23

24. **Petition No. 2002-52 (hearing).** Change in zoning from R-3 to MX-1 SFS for approximately 130 acres located on the north side of Hamilton Road, east of Steele Creek Road. *Petitioner: Frances Flowe*

Attachment No. 24

25. **Petition No. 2002-59 (hearing).** Change in zoning from R-3 to R-4 for approximately 24.3 acres located on the west side of Sunset Road, south of Edmore Boulevard. *Petitioner: Triven Properties, LLC*

Attachment No. 25

26. **Petition No. 2002-60 (hearing).** Change in zoning from R-8 to UR-2(CD) for approximately 0.735 acres located on the east side of Grandin Road, north of West Morehead Street. *Petitioner: Ross Hobson*

Attachment No. 26

27. **Petition No. 2002-61 (hearing).** Change in zoning from B-1(CD) to R-3(CD) for approximately 0.71 acres located on the south side of Rea Road, east of Colony Road Extension. *Petitioner: Charlotte-Mecklenburg Historic Landmarks Commission*

Attachment No. 27

28. **Petition No. 2002-62 (hearing).** Change in zoning from O-1(CD) to B-1(CD) for approximately 1.5 acres located on the northeast corner of North Tryon Street and East McCullough Drive. *Petitioner: J&J University Boulevard, LLC*

Attachment No. 28

- 29. Petition No. 2002-63 (hearing).** Change in zoning from R-3 LLW-PA to MX-2 LLW-PA for approximately 48.5 acres located between Bellhaven Boulevard and NC Highway 16 abutting the northerly side of Long Creek.

Petitioner: ***Rozumny Development, LLC***

Attachment No. 29

- 30. Petition No. 2002-64 (hearing).** Change in zoning from R-5, R-22MF, B-1, B-1(D), O-2, NS, MUDD-O, MUDD(CD) to Pedestrian Overlay District (PED) for approximately 106 acres located on the north and south sides of East Boulevard, between Cleveland Avenue and Maryland Boulevard.

Petitioner: City of Charlotte

Attachment No. 30

- 31. Petition No. 2002-65 (hearing).** Change in zoning from R-3 to B-2(CD) for approximately 3.1 acres located at 14221 Youngblood Road, by the intersection of Youngblood Road and York Road (NC 49). ***Petitioner: Robert T. Murphy***

Attachment No. 31

- 32. Petition No. 2002-66 (hearing).** Change in zoning from B-2 to MUDD-O for approximately 1.5 acres located on the southeast corner of Baldwin Avenue and East Fourth Street, west of Queens Road. ***Petitioner: W.A.R. Family #1***

Attachment No. 32

- 33. Petition No. 2002-67 (hearing).** Change in zoning from R-15MF(CD) LLW-PA to INST LLW-PA for approximately 43.3 acres located on the south side of Tuckaseegee Road, west of Larry Drive, bounded by I-85 on the south side. ***Petitioner: Mount Carmel Baptist Church***

Attachment No. 33

- 34. Petition No. 2002-68 (hearing).** Change in zoning from R-3 to UR-1(CD) for approximately 1.53 acres located on the northwest corner of Bramwyck Drive and Sharon Road. ***Petitioner: Citiline, LLC and Tim Crawford***

Attachment No. 34

- 35. Petition No. 2002-69 (hearing).** Change in zoning from R-3 to UR-2(CD) and UR-2(CD) S.P.A. for approximately 5.7 acres located on the north side of Sharon View Road, east of Sharon Road. ***Petitioner: Terry R. Birch***

Attachment No. 35

- 36. Petition No. 2002-71 (hearing).** Change in zoning from R-17MF(CD) to R-12MF(CD) for approximately 22.3 acres located on the south side of Arrowood Road, east of Nations Ford Road. *Petitioner: Liberty Oak, Inc.*

Attachment No. 36

- 37. Petition No. 2002-72 (hearing).** Change in zoning from O-2 and MUDD-O to MUDD-O and MUDD-O S.P.A. for approximately 3.13 acres bounded by South Boulevard, McDonald Avenue, Euclid Avenue and Meacham Street.
Petitioner: The Village of South, LLC

Attachment No. 37

- 38. Petition No. 2002-73 (hearing).** To consider a text amendment to the City of Charlotte Zoning Ordinance to allow conventional built homes as use by-right in RMH zoned property. *Petitioner: Triven Properties, LLC*

Attachment No. 38

- 39. Petition No. 2002-74 (hearing).** Change in zoning from R-17MF, R-22MF and I-1(CD) to I1(CD), I1(CD) S.P.A. for approximately 155 acres located on the northerly side of Billy Graham Parkway, east of Tyvola Road.
Petitioner: Childress Klein Properties and The Keith Corporation

Attachment No. 39