

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, March 19, 2001

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

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

DECISIONS

- 1. Petition No. 2000-132 (decision)** by *Michael J. Fox & Associates* for a change in zoning for approximately 110 acres located on the north side of Mallard Creek Road, east of Ridge Road and on the east and west sides of Odell School Road from R-3 to CC.

The Zoning Committee voted to recommend a ONE-MONTH DEFERRAL of this petition by a vote of 6-0.

Attachment No. 1

- 2. Petition No. 2001-01 (decision)** 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.

The Zoning Committee voted to recommend CONDITIONAL APPROVAL of this petition by a vote of 6-0, with the following condition:

- *All transportation issues must be resolved to CDOT's satisfaction prior to approval of this petition.*

Attachment No. 2

3. **Petition No. 2001-02 (decision) 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.

The Zoning Committee voted to recommend APPROVAL of this petition by a vote of 6-0.

Attachment No. 3

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

The Zoning Committee voted to recommend APPROVAL of this petition by a vote of 6-0, with the understanding that this will only be a temporary use, as evidenced by the following modification:

- *A note will be added to the site plan that all parking lot improvements will be removed from the rail right-of-way within 60 days of notice from the Charlotte Area Transit System.*
- *Detailed site plan corrections have already been made to address concerns noted in the staff's pre-hearing analysis.*

Attachment No. 4

5. **Petition No. 2001-12 (decision) by Triven Properties, LLC** for a change in zoning for approximately 5 acres located on the west side of Thriftwood Drive, south of Freedom Drive and north of Tuckaseegee Road from R-4 to R-6.

The Zoning Committee voted to recommend APPROVAL of this petition by a vote of 6-0.

Attachment No. 5

6. **Petition No. 2001-13 (decision) by *Reed Enterprises of Charlotte, Inc.*** for a change in zoning for approximately 28.6 acres located on the east side of Back Creek Church Road, south of University City Boulevard (NC 49) from R-3 to R-4.

The Zoning Committee voted to recommend APPROVAL of this petition by a vote of 6-0.

Attachment No. 6

7. **Petition No. 2001-14 (decision) by *Charles Lindsey McAlpine*** for a change in zoning for approximately 0.9 acres located on the south side of Enoch Drive, east of Sugar Creek Road and west of Mallard Creek Road from R-3 to R-5.

The Zoning Committee voted to recommend APPROVAL of this petition by a vote of 6-0

Attachment No.7

8. **Petition No. 2001-15 (decision) by *Robert M. Hopkins*** for a change in zoning for approximately 0.67 acres located on the northwest corner of Wesley Avenue and 36th Street from R-5 to R-12MF(CD).

A valid protest petition has been filed and is not sufficient to invoke the ¾ voting rule.

The Zoning Committee voted to recommend APPROVAL of this petition by a vote of 6-0, with the following modifications:

- *The site plan will indicate the subject property to be subdivided into two separate parcels. Each parcel will house one quadruplex structure.*
- *The site data will be corrected to indicate the proposed zoning to be R-12MF(CD) and the density to be 12 dwelling units per acre.*
- *Note 3 under development conditions will be modified to state, “The density of this development shall not exceed 12 units per acre...” rather than 8.04.*
- *A note will be added to the development conditions on sheet A0.1 stating that all units are “for sale”.*
- *A clarification will be made as to the number of existing landmark trees on site and the number of landmark trees to be preserved.*

Attachment No. 8

- 9. Petition No. 2001-16 (decision) by Landcraft Properties, Inc.** for a change in zoning for approximately 155 acres located on the south side of Harwood Lane, west of Mt. Holly-Huntersville Road from R-3 LW/CA & LW/PA to R-4 LW/CA & LW/PA.

The Zoning Committee voted to recommend APPROVAL of this petition by a vote of 6-0.

Attachment No. 9

- 10. Petition No. 2001-17 (decision) by KDH Transportation** for a change in zoning for approximately 7.2 acres located west of North Graham Street, north of South Allen Road from R-3 to I-2.

The Zoning Committee voted to recommend APPROVAL of this petition by a vote of 6-0.

Attachment No. 10

- 11. Petition No. 2001-18 (decision) by Gateway Homes, LLC.** for a change in zoning for approximately 10.6 acres located on the southwest corner of North Davidson Street and Craighead Road, west of Anderson Street from I-2 to UR-3(CD)

The Zoning Committee voted to recommend APPROVAL of this petition by a vote of 6-0, with the following modifications:

- *The total number of allowed units is increased from 220 to 235 at the petitioner's request. This is in compensation for the additional right-of-way for North Davidson Street improvements.*
- *The sidewalk will be six feet wide instead of the originally proposed five feet.*
- *A detail of the six-foot decorative fence has been included.*
- *Trees at least 24 inches in diameter have been identified, along with possible tree save areas*
- *Five feet of additional right-of-way for North Davidson Street has been dedicated, along with a reservation of additional right-of-way needed for the alignment*

Attachment No. 11

12. Petition No. 2001-19 (decision) by Dalton Communications, LLC for approximately 0.78 acres located on the south side of Herman Avenue, West of May Street from R-22MF to I-1.

The Zoning Committee voted to recommend APPROVAL of this petition by a vote of 5-0.

Attachment No. 12

13. Petition No. 2001-20 (decision) by Centex Homes for approximately 1.77 acres located on the west side of Providence Road, south of Fairview Road from R-3 to R-8MF(CD).

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

- The petitioner has added a note to the site plan agreeing to comply with Storm Water Service's request to provide storm water detention for the 25, 50 and 100-year storms.

Attachment No. 13

14. Petition No. 2001-23 (decision) by Landcraft Properties, Inc. for approximately 36 acres located at the end of Garrison Road, north of Galloway Road and west of Interstate 85 from R-3 to R-4.

The Zoning Committee voted to recommend APPROVAL of this petition by a vote of 6-0.

Attachment No. 14

15. Mecklenburg Union Metropolitan Planning Organization (MUMPO) FY 2002-2008 Transportation Improvement Program (TIP) Candidate Project List.

Action: Approve to direct the City of Charlotte MUMPO representative's vote to support the FY 2002-2008 Metropolitan Transportation Improvement Program and Conformity Finding.

Attachment No. 15

PUBLIC HEARINGS

- 16. Petition No. 2001-25 (hearing)** by *Central Piedmont Community College* for a change in zoning for approximately 51 acres bounded by the John Belk Freeway, Kings Drive, Fourth Street and Independence Boulevard from R-22MF, O-2 and B-2 to MUDD-O.

Attachment No. 16

- 17. Petition No. 2000-133 (hearing)** by *Tribek Properties, Inc.* for a change in zoning for approximately 1.9 acres located on the west side of Providence Road, north of Pineville-Matthews Road (NC 51) from O-1(CD) to B-1(CD).

Attachment No. 17

- 18. Petition No. 2001-09 (hearing)** 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.

Attachment No. 18

- 19. Petition No. 2001-21 (hearing)** by *Centex Homes* for a change in zoning for approximately 85.5 acres located on the southwest corner of Ardrey Kell Road and Marvin Road from R-3 to MX-1 Innovative.

Attachment No. 19

- 20. Petition No. 2001-22 (hearing)** by *David T. Young* for a change in zoning for approximately 4.5 acres located on the north side of Sharon View Road, east of Sharon Road and south of Fairview Road from R-3 to UR-2(CD).

Attachment No. 20

21. Petition No. 2001-24 (hearing) by *The Mulvaney Group, Ltd.* for a change in zoning for approximately 7 acres located on the west side of Harrisburg Road, across from the intersection with Starnes Randall Road from R-3 to MX-2.

Attachment No. 21

22. Petition No. 2001-26 (hearing) by *Michael O'Brien* for a change in zoning for approximately 2.2 acres located on the north and south sides of Firth Court, between Landis Avenue and Fulton Avenue from R-22MF to UR-2(CD).

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

Attachment No. 22

23. Petition No. 2001-27 (hearing) by *Citiline, LLC and Kontoulas Custom Builder* for a change in zoning for approximately 0.48 acres located on the northeast and southeast corners of Oriole Street and Lexington Avenue from R-8 and O-2 to MUDD(CD).

Attachment No. 23

24. Petition No. 2001-31 (hearing) by *Adam Culp* for a change in zoning for approximately 4 acres located south of the intersection of E. Westinghouse Boulevard and Crafters Lane, west of South Boulevard from I-1 and I-1(CD) to B-2(CD).

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

Attachment No. 24

25. Petition No. 2001-32 (hearing) by *Robert C. Rhein Interests, Inc.* for a change in zoning for approximately 63.3 acres located at the end of Smithfield Church Road, east of Park Road and south of Gleneagles Road from R-3 to MX-1.

Attachment No. 25

- 26. Petition No. 2001-37 (hearing) by Highland Mills, LLC** for a change in zoning for approximately 9.3 acres located on the north side of N. Davidson Street between Mallory Street and E. 33rd Street from I-1 to MUDD-O.

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

Attachment No. 26

- 27.** Approve a resolution calling for a Joint Public Hearing to be held by the City Council and the Charlotte-Mecklenburg Historic Landmarks Commission on Tuesday, April 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 “*James Morrow Coffey House*” as an historic landmark.

Attachment No. 27

- 28.** Approve a resolution calling for a joint public hearing to be held by the City Council and the Charlotte-Mecklenburg Historic Landmarks Commission on Tuesday, April 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 “*Withers-Efird House*” as an historic landmark.

Attachment No. 28