

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, June 18, 2001

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

- *Briefing on withdrawals and deferrals*
(2000-130, 2001-09, 2001-11, 2001-58)

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

DECISIONS

1. **Petition No. 2000-132 (decision) by Michael J. Fox and Associates, LLC** for a change in zoning for approximately 101 acres located on the north side of Mallard Creek Road, west of Ridge Road and Beard Road and on the east and west sides of Odell School Road.

The Zoning Committee voted to recommend APPROVAL of this petition, conditioned upon the following:

Attachment No. 1

2. **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 ONE-MONTH DEFERRAL of this petition..

Attachment No. 2

3. **Petition No. 2001-29 (decision) by ENSI Development, Inc.** for approximately 4.5 acres located on the east side of East W. T. Harris Boulevard, north of Plaza Road Extension.

The Zoning Committee voted to recommend APPROVAL of this petition. A revised site plan was submitted following the public hearing. The Committee's recommendation was based upon that site plan, plus the following additional modifications:

- No outside storage will be permitted on the site, either inside or outside of the perimeter walls
- Note #2 will be modified to limit the height of lighting fixtures to 10 feet instead of the previous 20 feet.
- Project identification signage will be limited to W. T. Harris Boulevard. Any signage along The Plaza will be limited to small directional signs.

Attachment No. 3

4. **Petition No. 2001-30 (decision) by Pappas Properties** for a change in zoning for approximately 433 acres located north of Shopton Road, west of I-485, east of Windygap Road and bisected by Dixie River Road from R-3 and R-5 to CC, BP and MX-1.

The petitioner requests a one-month deferral of this decision.

The Zoning Committee voted to recommend CONDITIONAL APPROVAL of this petition. The recommendation is conditioned upon:

- Resolution of all transportation issues to the satisfaction of CDOT prior to June 13, 2001

This recommendation for conditional approval is based upon the following modifications made to the petition:

- Additional safeguards will be designed into the wastewater pump station serving this area
- The petitioner will undertake erosion control measures beyond those normally required. Those controls will be as approved by the Mecklenburg County Environmental Protection Agency.
- Modifications contained in a letter from Walter Fields, III. dated May 28, 2001.

Attachment No. 4

5. **Petition No. 2001-50 (decision) by Charlotte Mecklenburg Planning Commission** to consider a text amendment to the City of Charlotte Zoning Ordinance to align the Zoning Ordinance with the recently revised Tree Ordinance.

The Zoning Committee voted to recommend APPROVAL of this text amendment.

Attachment No. 5

6. **Petition No. 2001-56 (decision) by Kay A. and Douglas M. Smith** for a change in zoning for approximately 1.6 acres located between Casa Loma Road and Burch Shire Road, south of Holly Vista Avenue from R-MH to I-1(CD)

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

- Clarification will be made by the petitioner as to the allowable building square footage relative to the entire site which this petition addresses.
- One access will be provided to each of the three properties.

Attachment No. 6

7. **Petition No. 2001-57 (decision) by Albert Nance** for a change in zoning for approximately 2 acres located on the west side of Little Rock Road, north of Wilkinson Boulevard I-2 to I-1.

The Zoning Committee voted to recommend APPROVAL of this petition.

Attachment No. 7

8. **Petition No. 2001-59 (decision) by Fruehauf Trailer Services, Inc.** for a change in zoning for approximately 7 acres located on the north side of Dalton Avenue, east of Graham Street from I-2 to I-1.

The Zoning Committee voted to recommend APPROVAL of this petition.

Attachment No. 8

9. **Petition No. 2001-60 (decision) by Olympic Corporate Center II, LLC** for a change in zoning for approximately 11 acres located on the southeast corner of I-485 and Sandy

Porter Road, north of Brown-Grier Road from R-3 to O-1(CD).

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

- Detention will be only located within the first 20-feet of the setback.
- Landscaping will be added between the detention pond and I-485.

Attachment No. 9

10. **Petition No. 2001-64A (decision)** by **City of Charlotte** for approximately 55.12 acres located south of Mallard Creek Road and east of Gene Downs Road and the north side of Sandringham Place to transfer zoning authority from Mecklenburg County to the City of Charlotte due to the June 2001 annexation of the area. This transfer of authority will occur at midnight on June 30, 2001.

The Zoning Committee voted to recommend APPROVAL of this petition.

Attachment No. 10

11. **Petition No. 2001-64B (decision)** by **City of Charlotte** for approximately 993.40 acres located on the south side of Mt. Holly-Huntersville Road, west of I-77 and east of Oakdale Road to transfer zoning authority from Mecklenburg County to the City of Charlotte due to the June 2001 annexation of the area. This transfer of authority will occur at midnight on June.

The Zoning Committee voted to recommend APPROVAL of this petition.

Attachment No. 11

12. **Petition No. 2001-64C (decision)** by **City of Charlotte** for approximately 68.5 acres located on the east side of Providence Hills Drive and south of Pleasant Plains Road to transfer zoning authority from Mecklenburg County to the City of Charlotte due to the June 2001 annexation of the area. This transfer of authority will occur at midnight on June.

The Zoning Committee voted to recommend APPROVAL of this petition.

Attachment No. 12

13. **Petition No. 2001-64D (decision)** by **City of Charlotte** for approximately 139.91 acres located on the south side of Eastfield Road, west of Foggy Meadow Road and east and

west of Browne Road to transfer zoning authority from Mecklenburg County to the City of Charlotte due to the June 2001 annexation of the area. This transfer of authority will occur at midnight on June.

The Zoning Committee voted to recommend APPROVAL of this petition.

Attachment No. 13

14. **Petition No. 2001-64E (decision)** by **City of Charlotte** for approximately 108 acres located on the north and south sides of Vance Road, west of Old Statesville Road. to transfer zoning authority from Mecklenburg County to the City of Charlotte due to the June 2001 annexation of the area. This transfer of authority will occur at midnight on June.

The Zoning Committee voted to recommend APPROVAL of this petition.

Attachment No. 14

PUBLIC HEARINGS

15. **Petition No. 2001-33 (hearing)** by **Charlotte City Attorney** to consider a text amendment to add a requirement for masonry perimeter walls to enclose the foundations of modular buildings.

Attachment No. 15

16. **Petition No. 2001-47 (hearing)** by **REHA Properties, LLC** for a change in zoning for approximately 8.3 acres located on the south side of Wallace Road, west of Independence Boulevard from R-3 to UR-2(CD).

The petition has been amended. A new community meeting and public hearing are required. The petitioner requests a one-month deferral of this petition.

Attachment No. 16

17. **Petition No. 2001-52 (hearing)** 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 ¾ voting rule.

Attachment No. 17

18. **Petition No. 2001-54 (hearing) 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.

No community report has been filed . Therefore, the petition is deferred for one-month.

Attachment No. 18

19. **Petition No. 2001-65 (hearing) by B & B Contracting Co., Inc.** for a change in zoning for approximately 2.2 acres located on the northeast corner of West Tremont Avenue and South Tryon Street from I-2 to MUDD-O.

Attachment No. 19

20. **Petition No. 2001-66 (hearing) by Portrait Homes Construction Company** for a change in zoning for approximately 20 acres located on the north side of York Road, east of Steele Creek Road from R-3 to R-12MF(CD).

Attachment No. 20

21. **Petition No. 2001-67 (hearing) 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).

Attachment No. 21

22. **Petition No. 2001-68 (hearing) by Fleet Operations, Inc.** for a change in zoning for approximately 1 acre located on the southeast corner of Auten Road and Black Satchel Drive from O-1 to I-2(CD).

Attachment No. 22

23. **Petition No. 2001-69 (hearing) by Public Library of Charlotte and Mecklenburg County** for a change in zoning for approximately 3 acres located on the west side of Steele Creek Road, north of York Road from R-3 to INST.

Attachment No. 23

24. **Petition No. 2001-70 (hearing) by JDH Capital** for a change in zoning for approximately 51.2 acres located on the west side of Prosperity Church Road, at the intersection with Ridge Road from R-3 to CC.

Attachment No. 24

25. **Petition No. 2001-71 (hearing) 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 petitioner did not submit a revised site plan. Planning Staff requests a one-month deferral of this petition.

Attachment No. 25

26. **Petition No. 2001-72 (hearing) by Centex Homes** for a change in zoning approximately 44 acres located on the south side of Eastfield Road, west of Prosperity Church Road and north of DeArmon Road from R-3 to MX-1.

Attachment No. 26

27. **Petition No. 2001-74 (hearing) by Roman Catholic Diocese of Charlotte** for a change in zoning for approximately 24 acres located on the southwest corner of Ballantyne Commons Parkway and Elm Lane, north of Williams Pond and west of Rea Road Extension from R-3 and INST(CD) to INST.

Attachment No. 27

28. **Petition No. 2001-75 (hearing) by Diamond Point Properties** for a change in zoning for approximately 7.3 acres located between South Tryon Street and Interstate 77, south of Orchard Circle from O-6(CD), and B-2(CD) to I-1(CD).

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

Attachment No. 28

29. **Petition No. 2001-76 (hearing) by Bank of America, National Association** for a change in zoning for approximately 2.3 acres located on the southwest corner of East Sixth Street and College Street from UMUD to UMUD-O.

Attachment No. 29

- 30. Petition No. 2001-77 (hearing) 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 petitioner did not submit a revised site plan . Staff requests a one-month deferral to allow submittal of a revised site plan. Without a revised site plan, staff cannot support this petition.

Attachment No. 30

- 31. Petition No. 2001-78 (hearing) by Hawkins Street Design Center, LLC** for a change in zoning for approximately 2 acres located on the west side of Hawkins Street, south of Tremont Avenue and east of South Tryon Street from I-2 to MUDD.

Attachment No. 31

- 32. Petition No. 2001-79 (hearing) by Ghazi/Cornelson Group** for a change in zoning for approximately 21 acres located at the end of Ken Hoffman Drive, on the west side of East W. T. Harris Boulevard and the south side of North Tryon Street (Hwy. 29) from I-2(CD), INST and B-1(CD) to MUDD-O and B-1(CD) S.P.A.

Attachment No. 32

- 33. Petition No. 2001-80 (hearing) by Harris Land Company** for a change in zoning for approximately 2.6 acres located on the north side of Morrison Boulevard, between Sharon Road and Roxborough Road from B-1 S.C.D. to MUDD-O.

Attachment No. 33

- 34. Petition No. 2001-98 (hearing) by First Union National Bank** for a change in zoning for approximately 0.87 acres located on the west side of Freedom Drive, southeast of Ashley Road and north of Alleghany Road from B-2 to B-1(CD).

No community report was submitted. Therefore, the petition is deferred for one-month.

Attachment 34

