

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, May 21, 2001

5:00 p.m. - **Council-Manager Dinner**
CMGC Conference Room #267

➤ ***Arena Design Update***
Jim Schumacher & Martin Cramton

➤ ***Big Box Report***
David Anderson & Mary Hopper

➤ ***Transportation Committee***
Recommendation – Independence
Mitigation Measures
Sara Spencer

Attachment No. 1

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

DECISIONS

- 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 DEFERRAL of this petition to a special meeting on May 7, 2001. At the May 7th meeting, the Zoning Committee voted to recommend a ONE-MONTH DEFERRAL.

Attachment No. 2

3. **Petition No. 2001-32 (decision) by Robert C. Rhein Interests, Inc.** for approximately 63 acres located at the end of Smithfield Church Road, east of Park Road and south of Gleneagles Road from R-3 to MX-1.

The Zoning Committee voted to recommend APPROVAL of this petition.

Attachment No. 3

4. **Petition No. 2001-34 (decision) by A. Rudolph Hendricks** for a change in zoning for approximately 40 acres located on the north side of Peachtree Road, west of Capps Hill Mine Road and south of Sunset Road from R-3 to R-4.

The Zoning Committee voted to recommend APPROVAL of this petition.

Attachment No. 4

5. **Petition No. 2001-35 (decision) by The Everett Company, LLC** for a change in zoning for approximately 3.2 acres located on the southwest corner of University Center Drive and McCullough Drive from O-2(CD) to B-1(CD).

The Zoning Committee voted to recommend APPROVAL of this petition.

Attachment No. 5

6. **Petition No. 2001-36 (decision) by Queens Properties, LLC** for a change in zoning for approximately 20 acres located between Mallard Creek Road and J. N. Pease Place from RE-1 to O-1(CD).

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

- The number of driveways to Mallard Creek Road has been reduced to two.

Attachment No. 6

7. **Petition No. 2001-38 (decision) by American Development Services Corporation** for a change in zoning for approximately 53 acres located on the east side of Sam Wilson Road, north of West Point Drive from I-1(CD) to I-1(CD) S.P.A.

The Zoning Committee voted to recommend APPROVAL of this petition.

Attachment No. 7

8. **Petition No. 2001-39 (decision) by Hammett Construction Company** for a change in zoning for approximately 0.88 acres located on the west side of Impala Lane, south of Brookshire Boulevard from R-8MF(CD) to R-3.

The Zoning Committee voted to recommend APPROVAL of this petition.

Attachment No. 8

9. **Petition No. 2001-42 (decision) by Bank of America Community Development Building** for a change in zoning for approximately 5.3 acres bounded by Sycamore Street, W. Trade Street, W. 4th Street and Waccamaw Street from UR-1 and UR-2 to UR-3(CD).

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

- A 1/10 of an acre modification was made to the southern property line.

Attachment No. 9

10. **Petition No. 2001-43 (decision) by Exxon Company USA** for a change in zoning for approximately 2 acres located on the northeast corner of University City Boulevard (NC 49) and Pavillion Boulevard from B-1(CD) to B-1(CD) S.P.A.

Attachment No. 10

11. **Petition No. 2001-44 (decision) by Hendrick Automotive Group** for a change in zoning for approximately 13.3 acres located on the west side of Dion Avenue, south of City View Drive and east of E. Independence Boulevard from R-4 to B-2(CD).

- A wet detention pond will be installed as a mitigation measure under the SWIM program and standards.
- A brick wall will be constructed along a portion of the buffer area where the staff has determined that the revised grade of the site is not sufficient to screen portions of the site.
- A note and illustration will be added to the site plan that specifies the installation of two staggered rows of additional evergreen trees along the westerly end of the wet pond to provide additional screening of the parking area from the Dion Avenue area.
- A note will be added to the site plan that limits the height of light fixtures within 100 feet of residentially zoned property to 20 feet.

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

Attachment No. 11

12. **Petition No. 2001-45 (decision) by Gibraltar Properties Development Group, LLC** for a change in zoning for approximately 21.8 acres located on the southwest corner of Mallard Creek Road and Driwood Court from R-3 and B-1 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 with the following modifications:

- A note will be added and areas delineated on the site plan where trees will be preserved.
- The site plan will be modified to locate an 8-unit building along the internal street entering the site from Driwood Court and this will address the staff's concern regarding the "look" of the site.
- The building elevations presented at the public hearing will be incorporated as part of the application.

Attachment No. 12

13. **Petition No. 2001-47 (decision) 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 R-8MF(CD).

The Zoning Committee voted to recommend APPROVAL of this petition.

Petitioner has requested a deferral of decision, to allow for a new public hearing. New hearing requested because petitioner is requesting a new zoning category.

Attachment No. 13

14. **Petition No. 2001-48 (decision) by Harris Land Company** for a change in zoning for approximately 19 acres located on the southeast corner of Park Road and Gleneagles Road from B-1(CD) to CC.

The Zoning Committee voted to recommend APPROVAL of this petition.

Attachment No. 14

PUBLIC HEARINGS

15. **Public Comment and Input on the Rezoning Process Refinement.**

- Summary
- Synopsis of Community Workshop Comments
- History

Attachment No. 15

16. The Historic Landmarks Commission would like to withdraw this request for designation as a Historic Landmark because Queens College is against the designation.

It is requested that Council close the public hearing and vote to allow withdrawal of the item.

Attachment No. 16

17. **Petition No. 2001-29 (hearing)** by **ENSI Development, Inc.** for a change in zoning for approximately 4.5 acres located on the east side of East W. T. Harris Boulevard, north of Plaza Road Extension from R-3 and B-1 to BD(CD).

Attachment No. 17

18. **Petition No. 2001-30 (hearing)** by **Pappas Properties** for a change in zoning for approximately 433 acres located north of Shopton Road, west of I-485 and east of Windygap Road from R-3 and R-5 to O-2(CD), BP, MX-1 and CC.

Attachment No. 18

19. **Petition No. 2001-33 (hearing)** by **City Attorney's Office** to consider a text amendment to amend Section 12.527 of the Charlotte City Zoning Ordinance to require the enclosure at foundation for all structures, including a modular structure.

Attachment No. 19

20. **Petition No. 2001-49 (hearing)** by **Charlotte-Mecklenburg Planning Commission** to consider a text amendment to Chapters 3, 5 and 12 to designate the Charlotte-Mecklenburg Storm Water Advisory Committee (SWAC) to hear Surface Water Improvement and Management (SWIM) stream buffer appeals and variances and to change the method for calculating mitigation credits from a linear foot basis to a square foot basis.

Attachment No. 20

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

Attachment No. 21

22. **Petition No. 2001-52 (hearing)** by **Newton and Jacqueline Williams** for a change in zoning for approximately 2.3 acres located on the west side of Browne Road, north of Dearmon Road and Allen A. Brown Road from R-4 to R-8MF(CD).

The petitioner did not submit revised site plans as required by the Zoning Ordinance. Therefore, staff requests that the petition be deferred for one month.

Attachment No. 22

23. **Petition No. 2001-56 (hearing)** 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).

Attachment No. 23

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

Attachment No. 24

25. **Petition No. 2001-58 (hearing)** by **Kenneth W. Martin** for a change in zoning for approximately 1 acre located on the north side of Orr Road, south of Old Concord Road, from I-1 to I-2.

The petitioner requests a one-month deferral of this petition to the June 18, 2001 public hearing.

Attachment No. 25

26. **Petition No. 2001-59 (hearing)** 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.

Attachment No. 26

27. **Petition No. 2001-60 (hearing)** 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).

Attachment No. 27

28. **Petition No. 2001-62 (hearing)** by **Mecklenburg County Environmental Protection** for a change in zoning for approximately 12,752 acres to establish the boundaries of the Lower Lake Wylie Watershed Overlay for approximately 12, 752 acres located on the portion of the Catawba River known as Lake Wylie and it's tributaries from the Paw Creek watershed southward.

The petitioner requests a two-month deferral to the July 16, 2001 public hearing.

Attachment No. 28

29. **Petition No. 2001-63 (hearing)** by **Mecklenburg County Environmental Protection** to consider a text amendment to the City of Charlotte Zoning Ordinance for the Lower Lake Wylie Watershed text amendment, the purpose of which is to support the protection of Lake Wylie's water quality and to provide protection to public water supplies from Mecklenburg County's contribution to surface water degradation through the application of land use requirements for the control of non-point source pollution.

The petitioner requests a two-month deferral to the July 16, 2001 public hearing.

Attachment No. 29

30. **Petition No. 2001-64 A (hearing)** by City of Charlotte for a change to transfer zoning authority from Mecklenburg County to the City of Charlotte due to the June 2001 annexation of the area for approximately 55.12 acres located south of Mallard Creek Road and east of Gene Downs Road and the north side of Sandringham Place.

Attachment No. 30

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

Attachment No. 31

32. **Petition No. 2001-64C (hearing)** by **City of Charlotte** for a change to transfer zoning authority from Mecklenburg County to the City of Charlotte due to the June 2001 annexation of the area for approximately 68.5 acres located on the east side of Providence Hills Drive and south of Pleasant Plains Road.

Attachment No. 32

33. **Petition No. 2001-64D (hearing)** by **City of Charlotte** for a change to transfer zoning authority from Mecklenburg County to the City of Charlotte due to the June 2001 annexation of the area for approximately 139.91 acres on the south side of Eastfield Road, west of Foggy Meadow Road and east and west of Browne Road.

Attachment No. 33

34. **Petition No. 2001-64E (hearing)** by **City of Charlotte** for a change to transfer zoning authority from the County to the City of Charlotte due to the June 2001 annexation of the area for approximately 108 acres on the north and south sides of Vance Road, west of Old Statesville Road.

Attachment No. 34

35. **Petition No. 2001-81 (hearing)** by **FF Realty, LLC** for a change in zoning for approximately 3.9 acres located between East Palmer Street and Catherine Street, east of South Tryon Street.

Attachment No. 35

