

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, April 15, 2002

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

6:00PM – **Zoning Decisions**
Meeting Chamber

DECISIONS

- 1. Petition No. 2001-140 (decision) by *Whitehall Commons, LLC* for a change in zoning for approximately 15.6 acres located between West Arrowood Road and I-485, west of York Road (Hwy 49) from CC to CC S.P.A.**

The Zoning Committee voted unanimously to recommend APPROVAL with the following modifications:

- The square footage assigned to the parcels along I-485 tracts would be transferable to the tract along Arrowood Road.
- Fast food restaurant and convenience stores were eliminated from the permitted uses.
- Additional internal sidewalks from roadways were added.
- The location of the 100 park and ride spaces and the bus stop and circulation pattern were identified based on discussions with CATS.
- The area designated as tract II along I-485 was modified to combine the outparcels into one freestanding building and two buildings connected by a courtyard.

Attachment No. 1

2. **Petition No. 2002-04 (decision) by Gene Collins** for a change in zoning for approximately five (5) acres located on the south side of Sunset Road, west of Beatties Ford Road from R-4 to BD(CD).

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

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

Attachment No. 2

3. **Petition No. 2002-07 (decision) by Moody Lake Office Park** for a change in zoning for approximately 27 acres located between Whitehall Park Drive and Interstate 485 (I-485), south of Brown-Grier Road from O-2(CD) and I-1(CD) to O-2(CD) S.P.A. and O-2(CD).

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

Attachment No. 3

4. **Petition No. 2002-13 (decision) by Robert L. Brandon, Zoning Administrator** for consideration of a text amendment to the City of Charlotte Zoning Ordinance to address the permissible height and total square footage of an accessory structure and to architectural features (e.g. comices, eaves, steps, and gutters) on an accessory structure. **Uses and structures prohibited and allowed in required setbacks and yards.**

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

Attachment No. 4

5. **Petition No. 2002-14(decision) by Forest Place Development, LLC** for a change in zoning for approximately tow (2) acres located on the west side of Park Road, south of Marsh Road from R-4 to R-17MF(CD).

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

- The note regarding the planting strip along Park Road will be modified to reflect the minimum 8-foot width called out on the site plan.
- The site will be designed to accommodate a dumpster.
- The site plan will be amended to comply with the Storm Water Services comments.

Attachment No. 5

6. **Petition No. 2002-15 (decision) by RealtiCorp** for a change in zoning for approximately 12.5 acres on the southwest corner of Providence Road West and US 521, east of Marvin Road from R-3 to O-1(CD).

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

- The proposed bank with drive thru window will be moved away from the corner parcel to an interior parcel to allow a more pedestrian friendly building to front on Providence Road West.
- Additional landscaping will be added to the parking area to reduce the visual impact on 521.
- The petitioner agreed to the left turn land improvements on Providence Road West as requested by CDOT.

Attachment No. 6

7. **Petition No. 2002-16 (decision) by Crosland Commercial** for a change in zoning for approximately 7 acres located on the east side of Lancaster Highway (US Highway 521), south of the intersection with Relocation US Highway 521, and north of Ardrey Kell Road from R-3 to NS.

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

- All buildings, which abut Highway 521, will be designed and constructed so that each building has windows that face Highway 521. The Highway 521 elevation of the buildings will incorporate windows that encompass a minimum of 30 percent of the façade and additional architectural fenestration such as cornices, accent lintels, shutters and window surrounds shall be incorporated so that windows and other architectural fenestration combined will encompass a minimum of 40 percent of this elevation.
- Petitioner shall provide for pedestrian connectivity to the abutting property located to the south of the Site in the manner generally depicted on the Technical Data Sheet. In addition, in the event that the abutting property to the south of the Site is developed primarily for residential or office uses, Petitioner agrees to provide vehicular connectivity to the southern boundary of the Site in a location and pursuant to a design acceptable to the Petitioner, provided that such obligation to provide for vehicular connectivity shall be subject to the negotiation and documentation by the Petitioner and any such adjoining property owner(s) of customary cross easement and maintenance agreements satisfactory to the Petitioner, it being understood that the Petitioner shall use good faith efforts to negotiate and enter into any such agreements.

Attachment No. 7

8. **Petition No. 2002-25 (decision) by *Russ-Mar Properties, LLC*** for a change in zoning for approximately 0.176 acres located between Pecan Avenue and Gordon Street, north of Commonwealth Avenue from B-2 to MUDD-O.

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

Attachment No. 8

9. **Petition No. 2002-26 (decision) by *First Colony Corporation and Charles Saleh*** for a change in zoning for approximately 3.3 acres located on the southeast corner of Ballantyne Commons Parkway and Rea Road Extension from R-3 to O-1(CD).

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

- The petitioner will evaluate the downstream storm water system for potential impacts.

Attachment No. 9

10. **Petition No. 2002-27 (decision) by *Shea Homes*** for a change in zoning for approximately 27.5 acres located on the southwest corner of Providence Road West and Lancaster Highway (US Highway 521) from R-5(CD) to R-12MF(CD).

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

Attachment No. 10

11. **Petition No. 2002-30 (decision) by *Charlotte-Mecklenburg Planning Commission*** for consideration of a text amendment to the City of Charlotte Zoning Ordinance to amend the purpose of the CC district that shopping centers and individual retail establishments are not limited to only those larger than 70,000 square feet to expand the types of dwellings permitted by right, and to permit certain innovative options for residential elements if part of a mixed-use development.

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

Attachment No. 11

- 12. Petition No. 2002-31 (decision) by *Solid Waste Services*** for consideration of a text amendment to the City of Charlotte Zoning Ordinance to add the terms “dumpsters” and “compactors” to a recently approved zoning ordinance text amendment, to eliminate a statement that recycling and/or solid waste containers do not need to be shown on plans for a multi-family complex, if individual collection is to be provided to each dwelling unit and to make a cross-reference to Section 12.403 in the planned multi-family section.

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

- The amendment was clarified to only allow a parking reduction for previously permitted residential developments who wish to provide dumpster or compactor locations.
- A minimum dimension of 34 inches was specified for the areas to set aside for recycling containers.

Attachment No. 12

- 13. Petition No. 2002-32 (decision) by *Signs ETC*** to consider a text amendment to the City of Charlotte Zoning Ordinance to clarify the maximum height restriction and add a timetable for removal of temporary signs.

The Zoning Committee voted unanimously to recommend APPROVAL with the following modification:

- Such signs will be removed 30-days after the issuance of 99% of the certificates of occupancy.
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Attachment 13

- 14. Petition No. 2002-34 (decision) by *Charlotte-Mecklenburg Planning Commission*** to consider a text amendment to the City of Charlotte Zoning Ordinance to eliminate the limited listing of commercial uses and replace with allowing uses permitted in the B-1 district, except for drive-in windows or automobile sales, service or repair, and to limit the maximum square footage and gross floor area for any single tenant or use. Also, to provide a 50% increase in the allowable floor area ratio if a parking deck is constructed, to change the maximum number of off-street parking spaces permitted for non-residential uses and to restrict off-street parking to be located outside of the required setback and side yards, except under certain circumstances.

Attachment No. 14

HEARINGS

15. **Petition No. 99-89 (hearing).** Change in zoning for approximately 8.3 acres located on the northeast corner of Kilborne Drive and Elkin Lane from R1 to INST(CD). *Petitioner: Dr. Edward C. Roberts*

A protest petition has been filed and is sufficient to invoke the 3/4 majority voting rule.

Attachment No. 15

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

Note: The petitioner has requested an additional two-month deferral of this petition to await the results of the Southeast Corridor Major Investment Study. The recommendations of that study could affect the appropriate land-use of this site.

Attachment No. 16

17. **Petition No. 2001-102 (hearing).** Change in zoning for approximately 2.8 acres located on the northeast corner of Tarlton Drive and Independence Boulevard from R-12MF(CD) and B-1(CD) to B-2(CD). *Petitioner: Donald P. Renaldo*

NOTE: Petitioner is requesting a two-month deferral.

Attachment No. 17

18. **Petition No. 2002-10 (hearing).** Change in zoning for approximately 0.46 acres located on the southeast corner of Shamrock Drive and East Ford Drive, north of Country Club Drive from R-3, R-4 and R-5 to R-6(CD).

Petitioner: Walter J. Estes

Attachment No. 18

19. **Petition No. 2002-29 (hearing).** Change in zoning for approximately 47 acres located on the south side of Tilley Morris Road and McKee Road, north of I-485 from R-3 to MX-2 (Innovative). *Petitioner: Portrait Homes Construction Company*

NOTE: Petitioner is requesting a two-month deferral.

Attachment No. 19

20. **Petition No. 2002-33 (hearing).** To consider a text amendment to Chapter 9: General Districts, Part 9: Uptown Mixed-Use District, Section 9.906. Uptown Mixed-Use District; urban design and development standards, (2) streetscape design standards, (c) screening. *Petitioner: Charlotte-Mecklenburg Police Department*

NOTE: *Petitioner is requesting a two-month deferral.*

Attachment No. 20

21. **Petition No. 2002-35 (hearing).** Change in zoning for approximately 0.22 acres located on the west side of North Davidson Street, south of East 36th Street from B-1 to MUDD-O. *Petitioner: Babak Emadi/Crosland Commercial*

Attachment No. 21

22. **Petition No. 2002-36 (hearing).** Change in zoning for approximately 0.34 acres located on the west side of Herrin Avenue, south of North Davidson Street and east of Patterson Street from R-5 to UR-1. *Petitioner: D&D Holdings, LLC*

Attachment No. 22

23. **Petition No. 2002-38 (hearing).** Change in zoning for approximately 4.7 acres located on the east side of Mallard Creek Church Road, north of North Tryon Street (US Highway 29) from O-1(CD) to UR-C(CD). *Petitioner: Dr. Dan L. Morrill*

Attachment No. 23

24. **Petition No. 2002-40 (hearing).** Change in zoning for approximately nine (9) acres located on the east side of Brookshire Boulevard (NC Highway 16), north of Plainwood Drive and south of Lawton Road from R-5 and I-2to I-2(CD). *Petitioner: Brookshire Development, LLC*

Attachment No. 24

25. **Petition No. 2002-41 (hearing).** Change in zoning for approximately 39.4 acres located on the north side of Nevin Road, east of Statesville Road (US Highway 21) from R-4 and INST(CD) to R-5(CD). *Petitioner: Eastwood Development Corporation*

Attachment No. 25

26. **Petition No. 2002-42 (hearing).** Change in zoning for approximately 23.2 acres located on the northeast corner of Donald Ross Road and West Boulevard from R-22MF and O-2to INST(CD). *Petitioner: YMCA*

Attachment No. 26

- 27. Petition No. 2002-43 (hearing).** Change in zoning for approximately 5.3 acres located between Carolina Academy Road and Lancaster Highway (US Highway 521) at the county line from R-3 to O-1(CD). *Petitioner: Kent Olson*

Attachment No. 27

- 28. Petition No. 2002-45 (hearing).** To consider a text amendment to the City of Charlotte Zoning Ordinance to allow universities, colleges and junior colleges in I-1 and I-2 districts. *Petitioner: Jim Plyler*

Attachment No. 28