

Mayor Patrick McCrory

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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, April 17, 2000

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

- Discuss Status of Petition 99-89 Dr. Edward C. Roberts
(Attachment No. 1)

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

DECISIONS

2. **Petition No. 99-112 (decision)** by Portrait Homes Construction Company for a change in zoning for approximately 21 acres located on the west side of Prosperity Church Road from R-4 to R-8MF(CD).

A protest petition has been filed and is sufficient to invoke the $\frac{3}{4}$ voting rule.

Zoning Committee voted to recommend denial of this petition.

Attachment No. 2

3. **Petition No. 2000-03 (decision)** by Centex Homes for a change in zoning for approximately 14.2 acres located on the north side of David Cox Road, west of Davis Lake Parkway and east of Old Statesville Road from I-1 to R-8(CD).

A protest petition has been filed and is sufficient to invoke the $\frac{3}{4}$ voting rule.

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

- The number of allowed units is reduced to 58.
- Petitioner/developer must provide a left turn lane at the property's entrance.
- Petitioner will dedicate up to 50 feet from the centerline at David Cox Road along the common open space the western end of the project.
- A walking path to allow pedestrian access between the two common open space areas will be installed within the 50 foot class "A" buffer.

Attachment No. 3

4. **Petition No. 2000-15 (decision)** by Corey Transmission Services, Inc. for a change in zoning for approximately 5.58 acres located on the south side of Tremont Avenue, west of South Tryon Street from R-22MF and I-1 to I-2(CD).

Zoning Committee voted to recommend approval of this petition.

Attachment No. 4

5. **Petition No. 2000-17 (decision)** by Unique Southern Estates for a change in zoning for approximately 4.06 acres located on the southeast corner of the intersection of The Plaza and Belvedere Avenue from B-2(CD) to B-2(CD) S.P.A.

Zoning Committee voted to recommend approval of this petition.

Attachment No. 5

6. **Petition No. 2000-20 (decision)** by Fairfield Residential, LLC for a change in zoning for approximately 3.3 acres located between South Church Street and Winnifred Streed, north of West Bland Street from I-2 to MUDD(CD).

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

- The mixed-use concept restricts retail and office uses to the ground floor and no more than 265 multi-family residential units may be developed on the site.
- In the event that the existing Lincoln Avenue right-of-way is abandoned adjacent to the northwest corner of the site, the angled parking in this area shall be permitted. If an abandonment petition is not approved, the angled parking must be reoriented to allow for parallel parking spaces.
- Any disturbance to or alteration of the existing streetscape within the Bland Street right-of-way will be coordinated with and/or permitted, if necessary, by the City Arborist. Architectural details have been added to the site plan.

The detail of the above modifications may be found in a memo from Meg Connolly entitled, "Revised Development Standards," dated March 27, 2000.

Attachment No. 6

7. **Petition No. 2000-25 (decision)** by Springs Village, LLC for a change in zoning for approximately 11.5 acres located on the west side of Providence Road (NC 16), north of Pineville-Matthews Road (NC 51) and south of Springs Farm Lane from R-8MF(CD) to R-8MF(CD) S.P.A.

The petition was deferred for one month on March 20, 2000.

A protest petition has been submitted and is sufficient to invoke the $\frac{3}{4}$ voting rule.

Zoning Committee voted to conditionally recommend approval of this petition, with the following modifications:

- The buildings have been re-oriented to place the ends facing the adjacent single-family residential properties.
- The number of units has been reduced from 87 to 85 dwellings.
- Plantings supplemental to the required buffer will be placed at the rear of lots 8 and 9 on Bargetown Road. Supplemental plantings will also be placed in the sewer easement where natural vegetation was removed.
- The height of structures will be limited to 42.5 feet and additional fill material added to the site will be limited to 3.5 feet.
- The petitioner will install Leyland Cyprus on top of the detention basin berm.
- Additional setbacks measured from the undisturbed buffer will vary from a minimum of 11 feet up to approximately 30 feet.
- The internal driveway will be relocated away from the buffer and the buffer will be fenced prior to the commencement of any grading adjacent to the buffer area.
- A note will be added to the site plan that requires the use of roll out trash containers rather than dumpsters.
- The petitioner has agreed to collect and redirect upstream water in such a fashion that it will not flow overland in its natural drainage course and will discharge that water into the outfall already established for the detention basin.

The details of these modifications may be found in a letter from Walter Fields, dated March 26, 2000. **The Zoning Committee's recommendation for approval is contingent upon the following additional modifications being approved at least one week prior to the City Council's scheduled decision on April 17, 2000:**

- The buffer treatment along the northern property line must be approved by individual neighbors.

- The specifics of storm water treatment need to be included on the revised site plan. This will include delineation of the resized detention basin and the specifics of the handling of upstream drainage, including the specifics of the outflow device.

Attachment No. 7

8. **Petition No. 2000-26 (decision)** by Davenport's, Inc. for a change in zoning for approximately 1.8 acres located on the northeast corner of Albemarle Road and Regal Oaks Drive from B-2(CD) to B-1(CD).

The petition was deferred for one month on March 20, 2000.

Zoning Committee voted to recommend denial of this petition.

Attachment No. 8

9. **Petition No. 2000-36 (decision)** by Gaines E. Brown, Jr. for a change in zoning for approximately 2 acres located on the north side of West Park Drive between South Tryon Street and Camden Road from R-1, I-1 and I-2 to MUDD-O.

The Zoning Committee voted to recommend approval of this petition.

Attachment No. 9

10. **Petition No. 2000-38 (decision)** by Richter & Associates/Tribek Properties for a change in zoning for approximately 1.85 acres located on the southeast corner of Kings Drive and Morehead Street from O-2 and B-1 to MUDD(CD).

The Zoning Committee voted to recommend approval of this petition.

Attachment No. 10

11. **Petition No. 2000-39 (decision)** by Michael O'Brien for a change in zoning for approximately 2.4 acres located on the west side of Calvert Street, north of West Morehead Street and east of Summit Avenue from I-1 to MUDD(CD).

The Zoning Committee voted to recommend approval of this petition.

Attachment No. 11

12. **Petition No. 2000-40 (decision)** by Camden Square Associates, LLC for a change in zoning for approximately 6.5 acres located on the southeast corner of South Tryon Street and West Worthington Avenue from I-2 and UMUD to MUDD(CD).

The Zoning Committee voted to recommend approval of this petition.

Attachment No. 12

13. **Petition No. 2000-41 (decision)** by N.C. Med, LLC and Center City, LLC for a change in zoning for approximately .26 acres located on the southwest corner of North Church Street and West Sixth Street from UR-3 to UMUD.

The Zoning Committee voted to recommend approval of this petition.

Attachment No. 13

14. **Petition No. 2000-42 (decision)** by Michael O'Brien for a change in zoning for approximately 0.73 acres located between Morehead Street and Bryant Street, south of Calvert Street and west of Interstate 77 from I-2 to MUDD.

The Zoning Committee voted to recommend approval of this petition.

Attachment No. 14

15. **Petition No.2000-43 (decision)** by Centex Homes for a change in zoning for approximately 10 acres located between Landen Ford Drive and Wade Ardrey Road, east of Marvin Road from MX-2 to MX-2 S.P.A.

The Zoning Committee voted to recommend approval of this petition.

Attachment No. 15

16. **Petition No. 2000-45 (decision)** by David Trull for a change in zoning for approximately .023 acres located on the southeast corner of East Boulevard and Springdale Avenue from O-2 to MUDD-O.

The Zoning Committee voted to recommend approval of this petition.

Attachment No. 16

17. **Petition No. 2000-46 (decision)** by Lincoln-Harris/Pappas Properties for a change in zoning for approximately 2 acres located on the southeast corner of Fairview Road and Savings Place, east of Sharon Road from R-15MF(CD), O-1(CD) and CC to MUDD-O.

The Zoning Committee voted to recommend approval, with the following modifications:

- The petitioner/developer will construct an additional lane on eastbound Fairview Road from Savings Place to Phillips Place.
- The buffer along the southern portion of the property has been increased from 20 feet to approximately 40 feet.
- The petitioner/developer will provide additional plantings on the Housing Authority property.
- The number of surface parking spaces on the southern portion of the site will be reduced by four and the access drive to Savings Place will be moved 20 feet farther to the north.

Attachment No. 17

18. **Petition No. 2000-47 (decision)** by Peter Tatge/Mecklenburg County Engineering and Building Standards Department to consider a text amendment to the City of Charlotte Zoning Ordinance to the UMUD and MUDD district requirements regarding the adjacency requirement of lay down space or construction staging.

The Zoning Committee voted to recommend approval of this petition.

Attachment No. 18

19. **Petition No. 2000-48 (decision)** by Charlotte Historic District Commission to consider a text amendment to the City of Charlotte Zoning Ordinance to update the Historic District section.

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

- The time period to appeal a Notice of Violation by the Zoning Administrator is revised from 60 days to 30 days.

Attachment No. 19

20. **Petition No. 2000-49 (decision)** by David M. Smith, City Attorney's Office to consider a text amendment to the City of Charlotte Zoning Ordinance to delegate administrative authority to the Zoning Administrator to approve deviations from the City of Charlotte Zoning Ordinance under certain circumstances.

The Zoning Committee voted to recommend approval of this petition.

Attachment No. 20

21. **Petition No. 2000-50 (decision)** by Charlotte-Mecklenburg Planning Commission to consider a text amendment to the City of Charlotte Zoning Ordinance to permanently incorporate "Sponsorship Sign" provisions into the Zoning Ordinance.

The Zoning Committee voted to recommend a two-month deferral of this petition.

Attachment No. 21

22. **Petition No. 2000-67 (decision)** by Second Centrum of Virginia, Inc. for a change in zoning for approximately 11.3 acres located on the north side of Monroe Road, east of Sharon Amity Road and west of Glendora Drive from O-6(CD) to R-8MF(CD).

Two protest petitions have been submitted and are sufficient to invoke the $\frac{3}{4}$ voting rule.

The Zoning Committee voted to recommend deferral of this petition until April 11, 2000, at which time a special Zoning Committee Work Session will be held. Due to a requested withdrawal by the petitioner, this petition will appear on the Zoning Committee's April work session for a new final recommendation.

Attachment No. 22

PUBLIC HEARINGS

23. **Petition No. 99-124 (hearing)** by Susanne M. Robicsek for a change in zoning for approximately 0.18 acres located on the east side of Scott Avenue, north of East Boulevard from R-22MF to O-2.

Petitioner requests a deferral to May 18, 2000.

Attachment No. 23

24. **Petition No. 99-129 (hearing)** by Hand and Choate Investment, LLC for a change in zoning for approximately 1.47 acres located on the northeast corner of Selwyn Avenue and Colony Road from O-2 and B-1 to MUDD-O.

Petitioner requests a deferral to May 18, 2000.

Attachment No. 24

25. **Petition No. 2000-04 (hearing)** by Kern Company, Inc. for a change in zoning for approximately 1.7 acres located on the northeast corner of South Church Street and West Summit Avenue from I-2 to MUDD(CD).

Attachment No. 25

26. **Petition No. 2000-08 (hearing)** by High Associates, Ltd. for a change in zoning for approximately 9.5 acres located on the east side of Prosperity Church Road, east of Prosperity Point Lane from R-3 to O-1(CD).

The protest petition has been withdrawn.

The petitioner requests withdrawal of the petition.

Attachment No. 26

27. **Petition No. 2000-35 (hearing)** by GJR Management Holdings, LP for a change in zoning for approximately 5 acres located on the southwest corner of North Tryon Street and Rocky River Road. from B-2(CD) to BD(CD).

Attachment No. 27

28. **Petition No. 2000-37 (hearing)** by Jennifer T. Cochrane, Naomi Griffin and Phillip E. Lewis, Sr. for a change in zoning for approximately 18.446 acres located on the west side of Enoch Drive, south of West Sugar Creek Road, west of Hubbard Road from R-3 to R-5(CD)

Attachment No. 28

29. **Petition No. 2000-51 (hearing)** by Hines for a change in zoning for approximately 11.6 acres located on the northwest corner of Fairview Road and Assembly Street from O-1 to MUDD-O

Attachment No. 29

30. **Petition No. 2000-52 (hearing)** by South Park Mall Limited Partnership for a change in zoning from for approximately 84 acres on the west side of Sharon Road between Morrison Boulevard and Fairview Road. O-2 and B-1SCD to CC.

A protest petition has been filed.

Attachment No. 30

31. **Petition No. 2000-53 (hearing)** by Central Piedmont Community College for a change in zoning for approximately 14 acres located on the east side of East W. T. Harris Boulevard, south of Grier Road and north of Plaza Road Extension from R-20MF to R-3.

Attachment No. 31

32. **Petition No. 2000-54 (hearing)** by Thompson Children's Home, Inc. for a change in zoning for approximately 40 acres located at the end of St. Peter's Lane, north of Margaret Wallace Road from R-4 to INST(CD).

Attachment No. 32

33. **Petition No. 2000-55 (hearing)** by Jack & Gail Christian for a change in zoning for approximately 0.91 acres located at the northwest corner of Old Concord Road and Torrence Grove Road, south of Rocky River Road from R-3 and B-1 to O-1.

Attachment No. 33

34. **Petition No. 2000-56 (hearing)** by Coconut Company LLC & Two Moon Dog for a change in zoning for approximately 0.78 acres located at the southwest corner of North Davidson Street and East 36th Street and the southwest corner of North Davidson Street and East 35th Street. from B-1 to MUDD-O.

Attachment No. 34

35. **Petition No. 2000-59 (hearing)** by Don Hanley for a change in zoning for approximately 42.04 acres located on the east side of Moores Chapel Road, north of Wildlife Road from R-3 to R-4.

A protest petition has been filed and is sufficient to invoke the $\frac{3}{4}$ voting rule.

Petitioner requests a deferral to May 18, 2000.

Attachment No. 35

36. **Petition No. 2000-60 (hearing)** by Diamond Oak Development, Inc. for a change in zoning for approximately 23 acres located on the north side of Tuckaseegee Road, east of Heather Glen Lane and west of Freedom Drive from R-4 to R-6(CD).

A protest petition has been filed and is sufficient to invoke the $\frac{3}{4}$ voting rule.

Attachment No. 36

37. **Petition No. 2000-61 (hearing)** by Carolinas Healthcare System for a change in zoning for approximately 4 acres located on the northeast corner of South McDowell Street and Baxter Street, south of I-277 from UI to MUDD-O.

Attachment No. 37

38. **Petition No. 2000-62 (hearing)** by **Charlotte-Mecklenburg Planning Commission** to consider a text amendment to establish concealment requirements for wireless communication transmission facilities when located in or within 400 feet of a residential district.

Attachment No. 38

39. **Petition No. 2000-63 (hearing)** by Mecklenburg County Department of Environmental Protection to consider a text amendment to clarify mitigation requirements when mandated undisturbed buffers are disturbed and to cite "The Watershed Buffer Guidelines for Mecklenburg County" as the official reference for establishing and re-establishing watershed

buffers.

Attachment No. 39

40. **Petition No. 2000-64 (hearing)** by Mecklenburg County Department of Environmental Protection to consider a text amendment to maintain the existing level of water supply watershed protection in areas affected by the City of Charlotte's November 22, 1999 assumption of zoning jurisdiction within its Extra Territorial Jurisdiction. The language in the proposed Catawba River/Lake Wylie Watershed Overlay is consistent with the protective measures originally recommended by a stakeholder group and enacted by the Mecklenburg County Board of Commissioners.

Attachment No. 40

41. **Petition No. 2000-65 (hearing)** by Mecklenburg County Department of Environmental Protection to consider a text amendment to clarify mitigation requirements when mandated undisturbed buffers are disturbed and to cite "The Watershed Buffer Guidelines for Mecklenburg County" as the official reference for establishing and re-establishing watershed buffers.

Attachment No. 41

42. **Petition No. 2000-66(A – X) (hearing)** by Charlotte-Mecklenburg Planning Commission to establish initial City of Charlotte zoning classifications for various properties in the Extraterritorial Jurisdiction areas, including the Mountain Island Watershed area and the Lake Wylie Watershed area.

Petitioner requests that a decision on this petition be made at the May 1, 2000 meeting.

Attachment No. 42

43. **Petition No. 2000-68 (hearing)** by Friendship Missionary Baptist Church for a change in zoning for approximately 101.99 acres located on the south side of Cindy Lane and on the east side of Beatties Ford Road. from R-4 and O-2 to INST(CD), NS, MX-2 and O-1(CD).

Attachment No. 43

44. **Petition No. 2000-75 (hearing)** by GDL Properties for a change in zoning for approximately 7.1 acres located at the northwestern corner of the intersection of Brookshire Boulevard and Mount Holly-Huntersville Road from R-12MF(CD) and O-15(CD) to B-1(CD).

Attachment No. 44