

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, December 18, 2000***

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

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

### ***DECISIONS***

1. **Petition No. 99-125 (decision)** by ***PEN, LLP, Charles McLaughlin*** for a change in zoning for approximately 12.0 acres located on the northeast corner of Providence Road West and Lancaster Highway from R-3 to O-1(CD) and B-1(CD).

***Two protest petitions have been filed and are sufficient to invoke the 3/4 voting rule.***

The Zoning Committee voted to recommend **APPROVAL** of this petition by a vote of 7-0, with the following modifications:

- The transposed B-1 and O-1 uses in the “Permitted Development With Area A, B, and C” notes (in three places) were corrected.
- Note #10 referencing the R-4 district was removed.
- Note # 11 was changed to read, “Trees 6-inches in caliper shall be required to be preserved in the setback.”
- Notes #18 and #19 were added to address CDOT issues.

Attachment No. 1

2. **Petition No. 2000-24 (decision)** by ***Old White, LLC*** for a change in zoning for approximately 4.7 acres located on the northwest corner of Providence Road and Rea Road, east of Old Providence Road from R-3 to R-8MF(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 by a vote of 5-2, with the following modifications:

- The number of dwelling units was reduced to 32, removing one building.
- Internal channelization of 100 feet (measured from the new right-of-way) was provided at the entrance to Providence Road.
- All trees 6” in caliper or greater within the setbacks will be preserved.
- The advisory note recommended the petitioner take sounding or depth of water measurement on the downstream pond was added.

Attachment No. 2

3. **Petition No. 2000-89 (decision)** by **Tiger Properties** for a change in zoning for approximately 4.3 located on the northwest corner of Elm Lane and Ballantyne Commons Parkway from O-1(CD) to O-1(CD)S.P.A.

The Zoning Committee voted to recommend **APPROVAL** of this petition by a vote of 7-0, with the following modifications:

- A note stating that all signs located on the property will be in conformance with the ordinance and overall Ballantyne development was added to the site plan.
- The site plan indicated a sidewalk connection from the front courtyard to the Elm Lane sidewalk.

Attachment No. .3

4. **Petition No. 2000-93 (decision)** by **Atrium Development, Inc.** for a change in zoning for approximately 2.4 acres located on the southwest corner of Strawberry Lane and Pineville-Matthews Road (NC 51) from R-3 to INST(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 by a vote of 7-0. The approval is contingent upon NCDOT approval of the traffic signal at the intersection of Strawberry Lane and Highway 51 and with the following modifications:

- No play structures will be allowed within 100 feet of the NC 51 right-of-way.
- The storm water detention facilities will be designed and maintained as part of the landscaping of the site or will be screened from NC 51.
- As directed by CDOT, the site access will be revised to utilize only one access point that will align with Rye Mill Court.
- The security fence around the outdoor play space will be composed of a 6” black

vinyl coated chain link material, that will be screened from NC 51 and Strawberry Lane by a berm or combination of berms 2 to 3 feet high, upon which a combination of fast growing evergreen plant materials will be planted, and that plant material will be 30” high at the time of installation. The intent of this provision is to create a solid appearing landscaped screen along the outside of the outdoor play area.

- The petitioner will contribute up to \$35,000 toward the purchase and installation of a traffic signal at the NC 51 and Strawberry Hill intersection.

Attachment No. 4

5. **Petition No. 2000-135 (decision)** by *Autobell Car Wash, Inc.* for a change in zoning for approximately 0.9 acres located on the east side of Piper Station Drive, south of I-485 Outer Belt and east of Rea Road from B-1 S.C.D to B-2(CD).

The Zoning Committee voted to recommend **APPROVAL** of this petition by a vote of 7-0, with the following modifications:

- The petitioner will install certain plantings and vegetation on the existing or heightened berm within and for the entire length of the twenty-five foot buffer (up to but not beyond the common boundary of the 2.369 acre parcel as shown on the Technical Data Sheet with Lot 5 Piper Glen – Parcel 31 as shown on the Technical Data Sheet) located between the 34-foot easement for ingress and egress and the existing multi-family property located to the south of the Site. The plantings and vegetation shall include a variety of the types of plantings and vegetation described in the Supplemental Planting Grid set forth on the Technical Data Sheet. The planting of the Leyland Cypress trees will be in sufficient number for the entire length of the twenty-five foot buffer (up to but not beyond the common boundary of the 2.369 acre parcel as shown on the Technical Data Sheet with Lot 5 Piper Glen – Parcel 31 shown on the Technical Data Sheet) and will be planted on a staggered basis with 10-foot center. The Petitioner shall maintain the plantings and vegetation, which shall include appropriate irrigation and replacement of dead vegetation with vegetation of the same size as when originally planted on an as-needed basis so as to preserve the screening provided by the plantings and vegetation. The planting and vegetation shall otherwise be substantially as shown on the attached Schematic Site Plan.
- Note 1 and 2 on lighting shall be deleted in their entirety and the following note substituted in lieu thereof:
  1. The maximum height of any free-standing light fixture, including its base, shall not exceed 20 feet in height: notwithstanding the foregoing, the maximum height of each free-standing lighting fixture, including its base, located within the 34’ easement of ingress and egress shall not exceed 15 feet.
  2. All direct lighting within the Site shall be designed such that the direct illumination does not extend past any exterior property line

and particular consideration will be given to redirection of illumination away from the building located on the existing multi-family property located to the south of the Site. Consideration will be give to the impact of lighting, both within and without the perimeter of the site. Items for consideration will include intensity, cut-off angles, color, energy efficiency and shielding of sources of light, the intent being to eliminate glare in the direction of Piper Station Drive, the 34-foot private drive easements depicted on the Technical Data Sheet and adjacent properties, including without limitation the multi-family property located to the south of the site.

- The hours of operation for the site will be no longer than from 7:00 am to 8:00 pm EDT or 7:00 am to 7:00 pm EST.

Attachment No. 5

6. **Petition No. 2000-136 (decision)** by *Cornerstone Real Estate Advisers, Inc.* for a change in zoning for approximately 2.5 acres located on the west side of Church Street, between West Third and West Second Street and on the east side of Poplar Street from UMUD to UMUD-O.

The Zoning Committee voted to recommend **APPROVAL** of this petition by a vote of 7-0, with the following modifications:

- The total retail area provided was modified to eliminate the management offices and the business center. The total retail square footage is 20,075 square feet.
- The Church Street tree requirement was corrected to identify Zelkova Trees and not Green Ash Trees.
- The opaque glass on the first floor level of the building was modified to some other type of element (i.e. art work, display windows, etc.)

Attachment No. 6

7. **Petition No. 2000-137 (decision)** by *Raley Miller Properties* for a change in zoning for approximately 13 acres located on the southeast corner of Mallard Creek Road and Mallard Creek Church Road from R-3 and O-1(CD) to B-1(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 by a vote of 6-0, with the following modifications:

- Fast food restaurants with drive through windows were eliminated.
- The sign area for the shopping center will be limited to 100 square feet.
- All sealed trash compactors (if any) will be screened including gates on the access side.
- A note will be added indicating that the petitioner will make necessary modifications to existing drainage structures, which are not adequate for conveying the site runoff, and that they will make necessary improvements to these structures so that they are consistent with the land development standards.
- The architectural standards will clearly state that the building on the out parcels will be architecturally compatible with the main shopping center by including some architectural design features and some of the same colors, materials and landscaping.
- The exteriors of the front and side elevations of the buildings on the out parcels will be at least 80% brick.
- Channelization of 150' off Mallard Creek Road entrance will be provided.
- A left over design of the entrance off of Mallard Creek Road will be indicated on the site plan if an alternative agreement cannot be reached with CDOT.
- Additional screening will be provided along Mallard Creek Road to screen the rear of the shopping center.

Broome excused for potential conflict of interest.

Attachment No. 7

8. **Petition No. 2000-141 (decision)** by *Charlotte-Mecklenburg Planning Commission* for consideration of a text amendment to delete Section 9.902(16) which permits off-street parking as a principal use for public parking, private parking, or parking in conjunction with other permitted uses and to replace it with a new item, Section 9.903(13.1) which permits off-street parking subject to prescribed conditions.

The Planning Committee voted to recommend **APPROVAL** of this petition by a vote of 6-0. James Ramsey was not in attendance.

Attachment No. 8

9. **Petition No. 2000-142 (decision)** by *Crosland Commercial* for a change in zoning for approximately 7.1 acres located west of York Road, north of the proposed Arrowood Road from O-15(CD) to O-1.

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

Gates excused for potential conflict of interest.

Attachment No. 9

10. **Petition No. 2000-143 (decision)** by *Crosland Commercial* for a change in zoning for approximately 4.6 acres located on the northwest corner of Arrowood Road Extension and I-485, east of Sandy Porter Road from R-3 and O-2 to O-1(CD) and B-1(CD).

The Zoning Committee voted to recommend **APPROVAL** of this petition by a vote of 4-1, with the following modifications:

- The lighting note on the technical data sheet was revised to state that lighting from the canopy of a convenience store shall be directed so as not to produce glare onto the public rights-of-way.
- A note will be added that the petition will install a left over on Arrowood Road if no other agreement can be worked out with CDOT and NCDOT.
- The site plan was also modified to reflect a better integration of the proposed B-1 uses with the adjoining office development.

Gates and Plyler excused for potential conflict of interest.

Attachment No. 10

11. **Petition No. 2000-144 (decision)** by *John Dalton & Annie Mae Elliott Parker* for a change in zoning for approximately 1.1 acres located on the north side of Sunset Road, south of Miranda Road and east of Oakdale Road from R-3 to R-4.

The Zoning Committee voted to recommend **APPROVAL** of this petition by a vote of 7-0.

Attachment No. 11

12. **Petition No. 2000-145 (decision)** by *Gateway Homes* for a change in zoning for approximately 2.9 acres located on the southwest corner of Davidson Street and Patterson Street, east of 37<sup>th</sup> Street from R-5 to UR-2(CD).

The Zoning Committee voted to recommend **APPROVAL** of this petition by a vote of 7-0, with the following modifications:

Attachment No. 12

13. **Petition No. 2000-147 (decision)** by *Moody lake Office Park Development, L.P.* for a change in zoning for approximately 7.3 acres located on the south side of Brown-Grier Road, east of Sandy

Porter Road and west of I-485 Outer Belt from R-17MF(CD) to B-1(CD).

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

- An alternate future access from Whitehall to Sandy Porter Road will be shown through the petitioned site.
- The site will comply with all Whitehall design guidelines.

Plyler excused for potential conflict of interest.

Attachment No. 13

14. **Petition No. 2000-148 (decision)** by *D. Ballard Construction, Inc.* for a change in zoning for approximately 0.8 acres located on the north side of Lena Avenue, east of Glenwood Drive from I-1 to R-8MF.

The Zoning Committee voted to recommend **APPROVAL** of this petition by a vote of 7-0.

Attachment No. 14

15. **Petition No. 2000-151 (decision)** by *George & Fannie Maddox, III* for a change in zoning for approximately 1.28 acres located on the east side of Hubbard Road, south of Morgan Road from R-3 to INST.

The Zoning Committee voted to recommend a **30-DAY DEFERRAL** of this petition by a vote of 7-0 to allow the petitioner to convert to a conditional request.

Attachment No. 15

16. **Petition No. 2000-152 (decision)** by *Davis Heritage, Ltd.* for a change in zoning for approximately 11.8 acres located between University City Boulevard (Hwy. 49) and Margie Ann Drive, west of Mallard Creek Church Road from INST to R-17MF.

*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 by a vote of 6-0, with the following modification:

- The applicant agreed to amend the application to request R-12MF zoning.

Plyler excused for potential conflict of interest.

Attachment No. 16

17. **Petition No. 2000-153 (decision)** by *Crescent Resources, Inc.* for a change in zoning for approximately 2.1 acres located south of Mallard Creek Church Road and east of Claude Freeman Drive from R-3 to RE-1.

The Zoning Committee voted to recommend **APPROVAL** of this petition by a vote of 7-0.

Attachment No. 17

18. **Petition No. 2000-154 (decision)** by *Seneca Park Place, LLC* for a change in zoning for approximately 2.6 acres located on the east side of Park Road, north of Seneca Place and south of Mockingbird Lane from O-1 to O-2.

The Zoning Committee voted to recommend **APPROVAL** of this petition by a vote of 7-0.

Attachment No. 18

19. **Petition No. 2000-155 (decision)** by *Robert & Geri Belk, Robert & Pamela Childs, Eugene & Ann Copeland, et. al.* for a change in zoning for approximately 650.6 acres approximately 650.6 acres generally located on the north, south, east and west sides of Queens Road, west side of Providence Road, north side of Dartmouth Place to south side of Granville, north of Oxford Place between Queens Road and Providence Road, east and west sides of Queens Road East, east and west sides of Sharon road between Rensford Avenue and Brandon Circle, north side of Briarcliff Place, east and west sides of Westminster Place area between Roswell Avenue and Queens Road West, south of Radcliffe Avenue and north of Sterling Road are on the east and west sides of Queens Road West, south of East Boulevard area on the north side of Granville Road area between Granville Road and Radcliffe Avenue, portions of area between South Kings Drive, Queens Road West and Queens Road area between East Morehead Street and Providence Road, and the area between the north side of Ardsley Road to the south side of Granville Road.

The current zoning includes R-3, R-4, R-5, R-6MF, R-12MF, R-17MF, R-20MF, R-22MF, R-43MF, R-12MF(CD), R-15MF(CD), RI, INST(CD), B-1(CD), O-2 and O-2(CD). The current zoning will not change, but if approved, the Historic District Overlay will be added to all properties.

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



The Planning Committee voted to recommend **APPROVAL** of this petition by a vote of 4-2; James Ramsey was not in attendance.

Attachment No. 19

## ***PUBLIC HEARINGS***

20. (A) Hearing to consider designation of the property known as the “***Frederick Apartments***” (listed under Tax Parcel Number 078-035-14 as of August 15, 2000, and including the entire exterior of the building, the entire interior of the building, and the entire parcel of land listed under Tax Parcel Number 078-035-14 in the Mecklenburg County Tax Office, Charlotte, North Carolina, as of August 15, 2000). The property is owned by Frederick Place, LLC and is located at 515 North Church Street in the City of Charlotte, Mecklenburg County, North Carolina.

(B) Adopt an ordinance designating the ***Frederick Apartments*** as an historic landmark.

Attachment No. 20

21. (A) Hearing to consider designation of the property known as the “***Helms-Bell House***” (listed under Tax Parcel Number 121-068-25 as of August 15, 2000, and including the exterior and interior of a portion of the house and the entire parcel of land listed under Tax Parcel Number 121-068-25 in the Mecklenburg County Tax Office, Charlotte, North Carolina, as of August 15, 2000). The property is owned by Allen L. Brooks and is located at 2021 Euclid Avenue in the City of Charlotte, Mecklenburg County, North Carolina.

(B) Adopt an ordinance designating the ***Helms-Bell House*** as an historic landmark.

Attachment No. 21

22. (A) Hearing to consider designation of the property known as the “***Neely Slave Cemetery***” (listed under Tax Parcel Number 203-202-01 as of August 22, 2000 and including a portion of the property listed under Tax Parcel Number 203-202-01 in the Mecklenburg County Tax Office, Charlotte, North Carolina). The property is owned by LBP South Point, Incorporated and is located at South Ridge Drive in South Point Business Park in the City of Charlotte, Mecklenburg County, North Carolina.

(B) Adopt an ordinance designating the ***Neely Slave Cemetery*** as an historic landmark.

Attachment No. 22

23. (A) Hearing to consider designation of the property known as the “*Thies House*” (listed under Tax Parcel Number 155-044-06-001 as of August 15, 2000 and including the entire exterior of the house and the entire parcel of land listed under Tax Parcel Number 155-044-06-001 in the Mecklenburg County Tax Office, Charlotte, North Carolina, as of August 15, 2000). The property is owned by Frank R. Thies and Thies Mortgage Company and is located at 600 Ardsley Road in the City of Charlotte, Mecklenburg County, North Carolina.

(B) Adopt an ordinance designating the *Thies House* as an historic landmark.

Attachment No. 23

24. **Petition No. 99-109 (hearing)** by *Lincoln/JDN* for a change in zoning for approximately 96.3 acres located on the east side of Independence Boulevard, east of Sardis Road North and west of Lakeview Circle from R-4 and R-17MF to R-17MF(CD) and CC.

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

*A statement is attachment as to why there was no community report filed.*

Attachment No. 24

25. **Petition No. 99-124 (hearing)** by *Susanne M. Robicsek* for a change in zoning for approximately 0.37 acres located on the east side of Scott Avenue, north of East Boulevard from R-2MF to MUDD(CD).

Attachment No. 25

26. **Petition No. 2000-80 (hearing)** by *Lisa Modzelewski* for a change in zoning for approximately 3.2 acres located on the southeast corner of the intersection between DeArmon Road and Browne Road from B-1(CD) to R-6.

Attachment No. 26

27. **Petition No. 2000-90 (hearing)** by *Hanover R. S. Limited Partnership* for a change in zoning for approximately 32.75 acres located between Ballantyne Commons Parkway and I-485, south of Crestwood Drive from R-3 and CC to R-12MF(CD).

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

Attachment No. 27

28. **Petition No. 2000-95 (hearing)** by *Angela Coxton* for a change in zoning for approximately .34 acres located on the north side of Russell Avenue, east of Beatties Ford Road and Welch Place from R-5 to R-8MF(CD).

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

Attachment No. 28

29. **Petition No. 2000-130 (hearing)** by *Charlotte Engineering and Property Management* for consideration of a text amendment to require certain streetscape improvement within the Tryon Street pedestrian mall, conformance to various approved streetscape plans, as well as expanding the boundaries of the pedestrian mall.

**The petitioner requests a 30-day deferral of this petition.**

Attachment No. 29

30. **Petition No. 2000-139 (hearing)** by *Cambridge Properties, Inc.* for a change in zoning for approximately 38 acres located on the west side of Mt. Holly-Huntersville Road, across from Mt. Holly Road (NC 27) from R-3, B-2 and MX-2LW/PA to B-1(CD), MX-2 and MX-2 S.P.A. LW/PA.

Attachment No. 30

31. **Petition No. 2000-146 (hearing)** by *Gene Bodycott* for a change in zoning for approximately 129 acres located on the south side of I-485 Outer Belt, the east side of York Road, the north side of Westinghouse Boulevard and the west side of Steele Pioneer Avenue from I-1, I-2 and CC to CC, MUDD(CD) and CC S.P.A.

Attachment No. 31

32. **Petition No. 2000-149 (hearing)** by *Charles T. Shook and Don W. Whelchel* for a change in zoning for approximately 2.2 acres located on the east side of Hawkins Street, south of Tremont Avenue and west of South Boulevard from I-2 to MUDD-O.

Attachment No. 32

33. **Petition No. 2000-150 (hearing)** by *Kenneth R. Harris* for a change in zoning for approximately 0.76 acres located on the north side of West Boulevard, south of Fordham Road from R-8MF(CD) to R-8MF(CD) S.P.A.

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

Attachment No. 33

34. **Petition No. 2000-156 (hearing)** by *Mallard Creek Land Co., LLC* for a change in zoning for approximately 94 acres located on the east side of Interstate 85, south of Mallard Creek Church Road from R-12MF(CD) to R-12MF(CD) S.P.A.

Attachment No. 34

35. **Petition No. 2000-157 (hearing)** by *Pridemore Development Company* for a change in zoning for approximately 8 acres located on the northwest corner of Alleghny Street and Ashley Road from R-12MF and I-1 to B-1(CD).

Attachment No. 35

36. **Petition No. 2000-158 (hearing)** by *Trinity Episcopal School* for a change in zoning for approximately 4 acres located on the northeast corner of N. McDowell Street and E. Ninth Street from UR-2 and UR-2(CD) to UR-2(CD) and UR-2(CD) S.P.A.

Attachment No. 36

37. **Petition No. 2000-159 (hearing)** by *FF Realty LLC* for a change in zoning for approximately 0.55 acres located on the southeast corner of S. Tryon Street and East Carson Boulevard from I-2 to MUDD.

Attachment No. 37

38. **Petition No. 2000-160 (hearing)** by *Centex Homes* for a change in zoning for approximately 25.8 acres located on the west side of Peachtree Road, south of Mingus Road and west of Capps Hill Mine Road from R-3 to R-4.

Attachment No. 38

39. **Petition No. 2000-161 (hearing) by *Stan Law*** for a change in zoning for approximately 18 acres located on the southwest corner of Beatties Ford Road and Capps Hill Mine Road from R-4 to INST.

Attachment No. 39

40. **Petition No. 2000-162 (hearing) by *Diamond Oaks Development, Inc.*** for a change in zoning for approximately 56.9 acres located north of Cindy Lane and northeast of Interstate 77, between Sunset Lane and Cochrane Drive from R-4 to MX-1 Innovative.

Attachment No. 40

41. **Petition No. 2000-163 (hearing) by *Crosland Land Company*** for a change in zoning for approximately 31 acres located east of Winget Road and Autumn Blaze Drive, north of Neely Road from I-2 to R-4(CD).

Attachment No. 41

42. **Petition No. 2000-165 (hearing) by *Rhonda G. Cato*** for a change in zoning for approximately 16.5 acres located south of Sunset Road, between Milhaven Drive and Interstate 77 from R-4 to R-17MF(CD).

Attachment No. 42

43. **Petition No. 2000-166 (hearing) by *Charlotte-Mecklenburg Schools*** to consider a text amendment to amend the frontage and access standards for elementary schools in residential districts.

Attachment No. 43