

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, March 20, 2000

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

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

DECISIONS

1. **Petition No. 99-80 (Decision)** by Drexel, LLC for a change in zoning for approximately 0.94 acres located on the west-side of Park Road, north of Woodlawn Road, across from Park Road Shopping Center from R-43MF and O-2 to MUDD(CD).

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

- The existing single-family home has been deleted from the petition.
- The trees between the single-family home and the project have been placed on the single-family home's side of the proposed wall.
- The ground floor level of the Park Road elevation has been increased 3-4 feet and the underground parking area has been reduced in size.

A protest petition was previously filed and was sufficient to invoke the 3/4 voting rule.

Zoning Committee previously voted to recommend a one-month deferral of this petition.

Attachment No. 1

2. **Petition No. 99-125 (Decision)** by PEN, LLP, Charles McLaughlin for a change in zoning for approximately 2 acres located on the north side of Providence Road West, east of Lancaster Highway from R-3 to O-1(CD) and B-1(CD).

Zoning Committee previously voted to recommend denial of this petition; the petitioner requested a 60-day deferral on this petition. Petitioner has added property to the petition which requires a new public hearing. This petition has been re-scheduled for a May hearing.

Attachment No. 2

3. **Petition No. 99-128 (Decision)** by Pulte Home Corporation for a change in zoning for approximately 11 acres located on the northwest corner of Hensey's Way and Beverly Crest Boulevard, north of Highway 51 B-1(CD) to MX-2.

Zoning Committee voted to recommend denial of this petition. The Zoning Committee had previously voted to recommend a one-month deferral of this petition.

A protest petition was filed and was sufficient to invoke the ¾ voting rule.

Attachment No. 3

4. **Petition No. 99-131 (Decision)** by Pulte Home Corporation for a change in zoning for approximately 54.2 acres located to the southeast of Providence Road West and north of Parks Farm Lane from R-3 and R-5(CD) to R-8MF(CD).

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

- A system of trails, with benches, will be added to the open space areas.

A protest petition was filed but withdrawn and the ¾ voting rule is no longer sufficient.

Attachment No. 4

5. **Petition No. 2000-01 (Decision)** by Charlotte-Mecklenburg Planning Commission to consider a text amendment to the City of Charlotte Zoning Ordinance to add a new overlay district, the Pedestrian Overlay District.

Zoning Committee voted to recommend approval of this text amendment.

Attachment No. 5

6. **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).

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.
- Petition will dedicate up to 50 feet from the centerline of David Cox Road along the common open space at 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.

A protest petition was filed and was sufficient to invoke the ¾ voting rule.

Attachment No. 6

7. **Petition No. 2000-06 (Decision)** by LandCraft Properties for a change in zoning for approximately 26.4 acres located on the east side of I-485 Outer Belt, west of Davis Drive and south of McKee Road from R-3 to R-4(CD).

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

- The petitioner agrees to build walking trails with picnic tables and benches through the common open space area.
- The petitioner will build a community "tot lot" for children within the common open space area.
- The number of allowable units is reduced to 97.

Attachment No. 7

8. **Petition No. 2000-15 (Decision)** by Corey Transmission Services, Inc. for a change in zoning for approximately 5.6 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, with the following modifications:

- An outdoor storage area has been designated.

- Required screening along West Tremont Avenue shall be provided by evergreen scrubs planted 5 feet apart with a height of 2-2½ feet and a spread of 2 feet when planted. Proposed street trees shall be 40 feet apart.

Attachment No. 8

9. **Petition No. 2000-16 (Decision)** by Cornerstone Baptist Church for a change in zoning for approximately 11.75 acres located on the north side of Albemarle Road, west of Harrisburg Road and south of Pence Road R-3 to INST.

Zoning Committee voted to recommend approval of this petition.

Attachment No. 9

10. **Petition No. 2000-18 (Decision)** by Argus Properties for a change in zoning for approximately 8.72 acres located on the west side of Bellhaven Boulevard, south of Mount Holly-Huntersville Road and east of Lawing Road from R-3 and B-1 to B-1(CD).

Zoning Committee voted to recommend approval of this petition.

A protest petition was filed and was sufficient to invoke the ¾ voting rule.

Attachment No. 10

11. **Petition No. 2000-19 (Decision)** by The Crosland Group, Inc. for a change in zoning for approximately 8.2 acres located on the northwest corner of Carmel Road and Quail Hollow Road from B-1(CD) to B-1(CD) S.P.A.

Zoning Committee voted to recommend approval of this petition.

Attachment No. 11

12. **Petition No. 2000-21 (Decision)** by Crosland Properties for a change in zoning for approximately 4.6 acres located on the southwest corner of South Boulevard (US 521) and Griffith Street from I-2 to MUDD(CD).

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

- Street trees have been added along the rail corridor.
- The maximum building height will be limited to 48 feet.

Attachment No. 12

13. **Petition No. 2000-22 (Decision)** by Beltway Land Investors I, LLC for a change in zoning for approximately 119 acres located on the south side of York Road (NC 49), west of I-485 Outer Belt from I-1 and I-2 to CC.

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

- Construction of the project will be phased, based on transportation improvements.
- The petitioner will bear the cost associated with modification of the traffic signal at the South Tryon Street/Whitehall Park Drive intersection. The details of these commitments are contained in a draft memorandum from Jeff Brown, dated February 25, 2000. CDOT must be satisfied with remaining transportation issues prior to a City Council decision on this petition.

Attachment No. 13

14. **Petition No. 2000-23 (Decision)** by Knotts Development Resources, Inc. for a change in zoning for approximately 6.69 acres located south of Lumarka Drive, north of Village Lake Drive, west of Independence Boulevard and east of Monroe Road from R-8MF(CD) to R-4.

Zoning Committee voted to recommend approval of this petition.

Attachment No. 14

15. **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.

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

A protest petition was filed and sufficient to invoke the ¾ voting rule.

Attachment No. 15

16. **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 Zoning Committee's vote on this petition resulted in a 3-3 tie and therefore, placed on the agenda for their March work session agenda.

A tie vote by the Zoning Committee results in an automatic deferral.

This vote was based upon the following modifications made by the petitioner:

- The car wash will be relocated to provide the necessary stacking space.
- Petitioner will install special fixtures known as “Richmond Recessed Light with Drop Lens” which is designed to hide the light source and to cast light down to avoid light scatter onto adjoining properties or streets.

Attachment No. 16

17. **Petition No. 2000-27 (Decision)** by Stephen B. Thomas for a change in zoning for approximately one acre located on the north side of Latrobe Drive, west of Wendover Road and south of Monroe Road from I-1 and I-2 to O-2.

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

Attachment No. 17

18. **Petition No. 2000-28 (Decision)** by Alexa Land Company for a change in zoning for approximately 3.4 acres located on the north side of Pineville-Matthews Road (NC 51), east of Rea Road from R-3 to R-8MF(CD).

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

- A note has been added to the site plan committing the petitioner/developer to plant vegetation within the 100-foot open space area along Highway 51 to class “B” buffer standards.
- Trees will be planted between the sidewalk and curb with tree location and size to be as approved by CDOT.

Attachment No. 18

19. **Petition No. 2000-29 (Decision)** by Jimmy Barry to consider a text amendment to the City of Charlotte Zoning Ordinance to allow off-street parking in a business park (BP) zone on a separate parcel when ancillary to an approved principal use located within the specific BP development.

Zoning Committee voted to recommend approval of this text amendment, with the following modification:

- Parking allowed under this text amendment must comply with the provisions of Chapter 12, Part 2 of the Zoning Ordinance.

Attachment No. 19

20. **Petition No. 2000-30 (Decision)** by Charlotte Chamber to consider a text amendment to the City of Charlotte Zoning Ordinance to permit exceptions from the screening requirement when service entrances or utility structures associated with a building are abutting other service entrances or utility structures and when loading docks or spaces are abutting other loading docks and spaces.

Zoning Committee voted to recommend approval of this text amendment.

Attachment No. 20

PUBLIC HEARINGS

21. (A) Hearing to consider designation of the property known as the “E. L. Baxter Davidson House” listed under tax parcel 155-121-02 in the Mecklenburg County Tax Office and including the entire parcel of land located within the boundaries of such tax parcel located at 1115 Colville Road in Charlotte, North Carolina as an historic landmark.
- (B) Adopt an ordinance designating the E. L. Baxter Davidson House as an historic landmark.

Attachment No. 21

22. **Petition No. 99-112 (Hearing)** by Portrait Homes Construction Company for a change in zoning for approximately 21 acres located on the west side of Prosperity Church Road, north of White Cascade Drive from R-3 to R-8MF(CD).

A protest petition was filed and was sufficient to invoke the ¾ voting rule.

Attachment No. 22

23. **Petition No. 99-133 (Hearing)** by Esther Elder/Wilson Heights Community Development, Inc. for a change in zoning for approximately .305 acres located on the southeast corner of “B” Avenue and Wilson Road, east of Beatties Ford Road from R-4 to R-8MF(CD).

The petitioner has requested a withdrawal of this petition.

Attachment No. 23

24. **Petition No. 2000-08 (Hearing)** by High Associates 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).

A protest petition was filed and was sufficient to invoke the ¾ voting rule.

Petitioner is requesting a 30-day deferral of this petition.

Attachment No. 24

25. **Petition No. 2000-17 (Hearing)** 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.

Attachment No. 25

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

Attachment No. 26

27. **Petition No. 2000-24 (Hearing)** by Old White, LLC for a change in zoning for approximately 4.7 acres located on the northwest corner of Providence Road (NC 16) and Rea Road, east of Old Providence Road from R-3 to R-8MF(CD).

Attachment No. 27

28. **Petition No. 2000-36 (Hearing)** by Gaines E. Brown, Jr. for a change in zoning for approximately 1.8 acres located on the north side of West Park Drive between South Tryon Street and Camden Road from B-1, I-1 and I-2 to MUDD-O.

Attachment No. 28

29. **Petition No. 2000-37 (Hearing)** by Jennifer T. Cochrane, Naomi Griffin and Phillip E. Lewis, Sr. for a change in zoning for approximately 25 acres located on the west side of Enoch Drive, south of West Sugar Creek Road, west of Hubbard Road from R-3 to R-6(CD).

Petitioner has requested a 30-day deferral of this petition.

Attachment No. 29

30. **Petition No. 2000-38 (Hearing)** by Richter & Associates, Inc./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).

Attachment No. 30

31. **Petition No. 2000-39 (Hearing)** 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).

Attachment No. 31

32. **Petition No. 2000-40 (Hearing)** 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).

Attachment No. 32

33. **Petition No. 2000-41 (Hearing)** 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 6th Street from UR-3 to UMUD.

Attachment No. 33

34. **Petition No. 2000-42 (Hearing)** by Michael O'Brien for a change in zoning for approximately .73 acres located between Morehead Street and Bryant Street, south of Calvert Street and west of Interstate 77 from I-2 to MUDD.

Attachment No. 34

35. **Petition No. 2000-43 (Hearing)** 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.

Attachment No. 35

36. **Petition No. 2000-44 (Hearing)** by Gulf South Development Group for a change in zoning for approximately 22.28 acres located on the north side of Providence Road West, west of Houston Ridge Road from R-3 to MX-1.

A protest petition was filed and was sufficient to invoke the ¾ voting rule.

Petitioner has requested a 30-day deferral of this petition.

Attachment No. 36

37. **Petition No. 2000-45 (Hearing)** by David Trull for a change in zoning for approximately 21.9 acres located on the southeast corner of East Boulevard and Springdale Avenue from O-2 to MUDD-O.

Attachment No. 37

38. **Petition No. 2000-46 (Hearing)** 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.

Attachment No. 38

39. **Petition No. 2000-47 (Hearing)** by Engineering & Building Standards to consider a text amendment to the City of Charlotte Zoning Ordinance to the UMUD and MUDD district requirements regarding the adjacency requirement for lay down space or construction staging.

Attachment No. 39

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

Attachment No. 40

41. **Petition No. 2000-49 (Hearing)** by 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.

Attachment No. 41

42. **Petition No. 2000-50 (Hearing)** 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.

Attachment No. 42

43. **Petition No. 2000-67 (Hearing)** 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).

A protest petition has been filed in the Clerk's office.

Attachment No. 43

Resolution calling for a public hearing on Monday, April 10, 2000 at 6:00 p.m. in the Meeting Chamber of the Charlotte-Mecklenburg Government Center to approve scheduling for a public hearing for the **NORTHEAST AREA PLAN.**