AGENDA

Meeting Type:	Z
Date:	04/20/98

City of Charlotte, City Clerk's Office

CLERK'S OFFICE COPY

CHARLOTTE

Mayor Patrick McCrory *Mayor Pro Tem Lynn Wheeler*

Rod Autrey
Charles Baker
Patrick Cannon
Malachi Greene
Mike Jackson
Nasif Rashad Majeed
Don Reid
Al Rousso
Tim Sellers
Sara Spencer

Monday, April 20, 1998

Council Agenda

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

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

ITEM NO.

PUBLIC HEARINGS

1. (98-03) Hearing on Petition No. 98-03 by LandCraft Properties Inc., for a change in zoning for approximately 41.5 acres located on the west side of Rocky River Road south of North Tryon Street (US 29) from R-3 and B-2(CD) to R-8MF(CD).

   This petition was deferred for 60 days on February 16, 1998.

   The petitioner has requested a 30 day deferral in order to address neighborhood concerns.

   Attachment No. 1

2. (98-09) Hearing on Petition No. 98-09 by LandCraft Properties, Inc. for a change in zoning for approximately 16.51 acres located on the west side of Mallard Creek Road between Garrison Drive and Mallard Park Drive from R-3 to R-8(CD).

   A valid protest petition was filed but it has been withdrawn.

   Attachment No. 2

3. (98-19) Hearing on Petition No. 98-19 by T.J. Orr-Charlotte/Douglas International Airport for a change in zoning for approximately 0.48 acres located on the southeast corner of Freedom Drive and Edgewood Road from R-4 to B-1(CD).

Attachment No. 3

4. (98-26) Hearing on Petition No. 98-26 by Charlotte-Mecklenburg Planning Commission for a text amendment to establish a new urban mixed use district.

This hearing was opened and continued on March 16.

Attachment No. 4

5. (98-33) Hearing on Petition No. 98-33 by City Attorney for a text amendment to address the filing and withdrawal of protest petitions.

Attachment No. 5

6. (98-34) Hearing on Petition No. 98-34 by Western North Carolina Church of God for a change in zoning for approximately 2.8 acres located on the south side of University City Boulevard between East W.T. Harris Boulevard and Mark Twain Road from INST with a special use permit to O1-CD with termination of the special use permit.

Attachment No. 6

7. (98-35) Hearing on Petition No. 98-35 by The Conformity Corporation for a change in zoning for approximately 0.58 acres located on the east corner of East 7th Street and Clarice Avenue from R-5 and O-2 to UR-2(CD).

A protest petition has been filed.

Attachment No. 7

8. (98-37) Hearing on Petition No. 98-37 by Fairfield Development, Inc. for a change in zoning for approximately 24.7 acres located on the southwest corner of Pineville-Matthews Road (Highway 51) and Bannington Drive from R-3 to R-17MF(CD) and O-1(CD).

Attachment No. 8

9. (98-38) Hearing on Petition No. 98-38 by Idlewild Crossing Limited Partnership for a change in zoning for approximately 5.0 acres located on the southeast corner of W.T. Harris Boulevard and Idlewild Road from B-1(CD) to B-1(CD) Site Plan Amendment.

Attachment No. 9

10. (98-39) Hearing on Petition No. 98-39 by Collins & Aikman Products Co. for a change in zoning for approximately 18.7 acres located on the east side of McCullough Drive and the west side of University Executive Park Drive south of W.T. Harris Blvd. from O-2(CD) to O-2(CD) Site Plan Amendment.

Attachment No. 10

11. (98-40) Hearing on Petition No. 98-40 by Sam's Mart for a change in zoning for approximately 6.3 acres located on the north side of University City Boulevard (Hwy 49) west of Pavilion Boulevard and adjacent to the Back Creek Shopping Center from R-4 to B-2(CD).

Attachment No. 11

12. (98-41) Hearing on Petition No. 98-41 by Garden District Investments for a change in zoning for approximately 1.5 acres located on the east side of University Executive Park Drive south of W.T. Harris Boulevard from O-15(CD) to B-1(CD).

Attachment No. 12

DECISIONS

13. (97-71) Decision on Petition No. 97-71 by Central Church of God for a change in zoning for approximately 24.4 acres on the western corner of Sardis Road and Randolph Road from R-3 to INST(CD).

The petition was deferred until November on October 22.

The Zoning Committee deferred action on this petition for six months until May, 1998.

Central Church of God has requested that this petition be withdrawn. The protest petition has been removed.

Attachment No. 13

14. (97-99) Decision on Petition No. 97-99 by Trammel Crow Residential for a change in zoning for approximately 18.52 acres located southwest of the Providence Road and Alexa Road intersection, just north of the Providence Commons Shopping Center, from R-3 to R-12MF(CD).

A protest petition has been filed and is sufficient.

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

- Access south to Providence Road West/Ballantyne Commons Parkway through the abutting Providence Commons Shopping Center will be required through dedication and construction of a public road.

Attachment No. 14

15. (98-15) Decision on Petition No. 98-15 by Auto Inspector, Inc. for a change in zoning for approximately 0.57 acres located on the southeast corner of Central Avenue and Carolyn Drive from O-2 to NS.

A protest petition has been filed and is sufficient to invoke the 20% rule, requiring affirmative votes of 3/4 of the Mayor and Councilmembers, not excused from voting, in order to rezone the property.

The Zoning Committee voted to recommend denial of this petition.

Attachment No. 15

16. (98-17) Decision on Petition No. 98-17 SUB by Charlotte-Mecklenburg Planning Commission for a text amendment to require additional sidewalk construction on new and existing streets as part of the subdivision process.

This hearing was continued at the February 16 zoning meeting.

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

- Sidewalk would be required on both sides of collector streets.
- Sidewalk would be required on both sides of local residential streets.
- On cul-de-sacs greater than 250 feet in length or accessing more than ten (10) lots, sidewalk would be required on both sides of the street and along the cul-de-sac "bulb".
- For cul-de-sacs of less than 250 feet in length and accessing ten (ten) lots or less, sidewalk will only be required on one side of the street and not along the cul-de-sac "bulb".
- The effective date of this amendment will be 90 days after its date of adoption.
- Government staffs will work with the development community to examine when the optimum time for sidewalk construction is to begin in order to avoid excessive costs, particularly from damage during building construction.

Attachment No. 16

17. (98-22) Decision on Petition No. 98-22 by Elrod Construction Company for a change in zoning for approximately 12.098 acres located on the south side of Dovewood Road, approximately 500' east of Carmel Road from R-3 to MX-1.

The Zoning Committee voted to recommend approval of this petition.

Attachment No. 17

18. (98-24) Decision on Petition No. 98-24 by Hewitt Drive Properties, LLC for a change in zoning for approximately 27.5 acres located on both sides of Hewitt Drive west of Sugar Creek Road in Derita from R-3 to R-6.

Protest petitions have been filed and both are sufficient.

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

- The two cul-de-sacs on the eastern side of the project would be tied together into a loop pattern.
- An improved common open space area will be provided.

Attachment No. 18

19. (98-25) Decision on Petition No. 98-25 by Nasir Ahmad for a change in zoning for approximately 2.05 acres located on the south side of US Highway 29, west of the proposed I-485, and near Wheelingtown Mobile Home Park from R-MH to B-2.

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

Attachment No. 19

20. (98-27) Decision on Petition No. 98-27 by Hunt Assisted Living, L.L.C. for a change in zoning for approximately 3.706 acres located on the west side of Carmel Road at the intersection with Shadowlake Drive from R-5 to INST(CD).

The protest petition has withdrawn.

The Zoning Committee voted to recommend approval of this petition.

Attachment No. 20

21. (98-28) Decision on Petition No. 98-28 by IAC Charlotte, L.L.C. for a change in zoning for approximately 40.042 acres located on the southwest corner of the intersection between West Boulevard and Yorkmont Road from I-2(CD) to I-2(CD) Site Plan Amendment.

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

- No new buildings may be constructed within the proposed future right-or-way for Paul Brown Road/ West Boulevard.

Attachment No. 21

22. (98-29) Decision on Petition No. 98-29 by Babak Emadi (Various North Charlotte Area Property Owners) for a change in zoning for approximately 3.5 acres comprised of various properties located along North Davidson Street and Yadkin Avenue from R-5, O-2, B-1, and I-2 to NS.

A protest petition has been filed and is sufficient only for the parcel # 083-071-10 at the corner of 34th and Davidson Streets.

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

- No drive-thru windows will be allowed on any parcel. Additional use restrictions and design standards as noted by attached letter from petitioner dated March 23, 1998.

- On Part "B", the existing building encroachment will be handled by a variance request.

- Petitioner will be responsible for any streetscape improvements not completed by the City.

Attachment No. 22

23. (98-30) Decision on Petition No. 98-30 by Unique Southern Estates for a change in zoning for approximately 4.066 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.

A protest petition has been filed and is sufficient.

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

Attachment No. 23

24. (98-31) Decision on Petition No. 98-31 by Charlotte-Mecklenburg Planning Commission for a Text Amendment to allow planned development identification signs in divided entrance medians of public streets providing direct access to the development subject to certain standards.

The Zoning Committee voted to recommend approval of this petition.

Attachment No. 24

25. Resolution calling for public hearings on Monday, May 18, 1998 at 6:00 p.m. in the Meeting Chamber of the Charlotte-Mecklenburg Government Center for Petition Nos. 98-32, 98-36,98-42 through 98-51, 98-62 and 98-63.

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

April 3, 1998

Mayor and City Council

RE: **Petitions to be Heard in April, 1998**

Attached you will find appropriate maps and copies of each petition, as well as the Pre-Hearing Staff Analysis, for petitions scheduled for public hearing on Monday, April 20, 1998 at 6:00 o'clock P.M., in the Charlotte-Mecklenburg Government Center, Meeting Chamber, 600 East Fourth Street.

This material is intended to provide background information concerning the requests and the area in which the properties are located.

Sincerely,

Laura L. Simmons
Land Development Manager

LLS/kwc

Attachments

600 East Fourth Street • Charlotte, North Carolina 28202-2853 • (704) 336-2205

NOTICE OR PUBLIC HEARINGS ON PETITIONS
FOR ZONING CHANGES BY CITY COUNCIL
OF THE CITY OF CHARLOTTE, N.C.

NOTICE is hereby given that public hearings will be held by the City Council in the Meeting Chamber located in the Charlotte-Mecklenburg Government Center, 600 East Fourth Street beginning at 6:00 P.M. on Monday, the 20th day of April, 1998 on the following petitions proposing changes on the Official Zoning Maps of the City of Charlotte, North Carolina:

Petition No. 98-03. Change from R-3 and B-2(CD)to R-8MF for approximately 41.5 acres located on the west side of Rocky River Road, south of North Tryon Street. Petitioner: LandCraft Properties, Inc.

Petition No. 98-09. Change from R-3 to R-8(CD) for approximately 16.7 acres located on the west side of Mallard Creek Road between Garrison Drive and Mallard Park Drive. Petitioner: LandCraft Properties, Inc.

Petition No. 98-19. Change from R-4 to B-1(CD) for approximately 0.5 acres located on the southeast corner of Freedom Drive and Edgewood Road. Petitioner: T.J. Orr - Charlotte/Douglas International Airport

Petition No. 98-33. Text amendment to amend Section 6.113 of the City of Charlotte Zoning Ordinance to allow the City at least two working days instead of three to review protest petitions and to add a new subsection which will allow the withdrawal of signatures from filed protest petitions and address the proper manner for withdrawing such signatures.

Interested parties are advised that the proposed text amendment may be approved, modified in whole or in part before being approved, or rejected, and that oral and written statements presented at the public hearing and objections, debate, and discussions which take place at the public hearing may affect the contents of the proposal. Such changes may be substantial, and may include changes of a technical nature which relate to a broad issue or concept raised at the hearing, even if the individual technical changes were not mentioned or discussed specifically at the hearing. Such technical changes may include adding or deleting original proposal to accommodate the changes which result from the statements, objections, debate and discussion at the public hearing. Petitioner: Charlotte City Attorney

Petition No. 98-34. Change from INST-SUP to O-1(CD) for approximately 2.8 acres located on the south side of University City Boulevard halfway between East W. T. Harris Boulevard and Mark Twain Road. Petitioner: Western North Carolina Church of

God

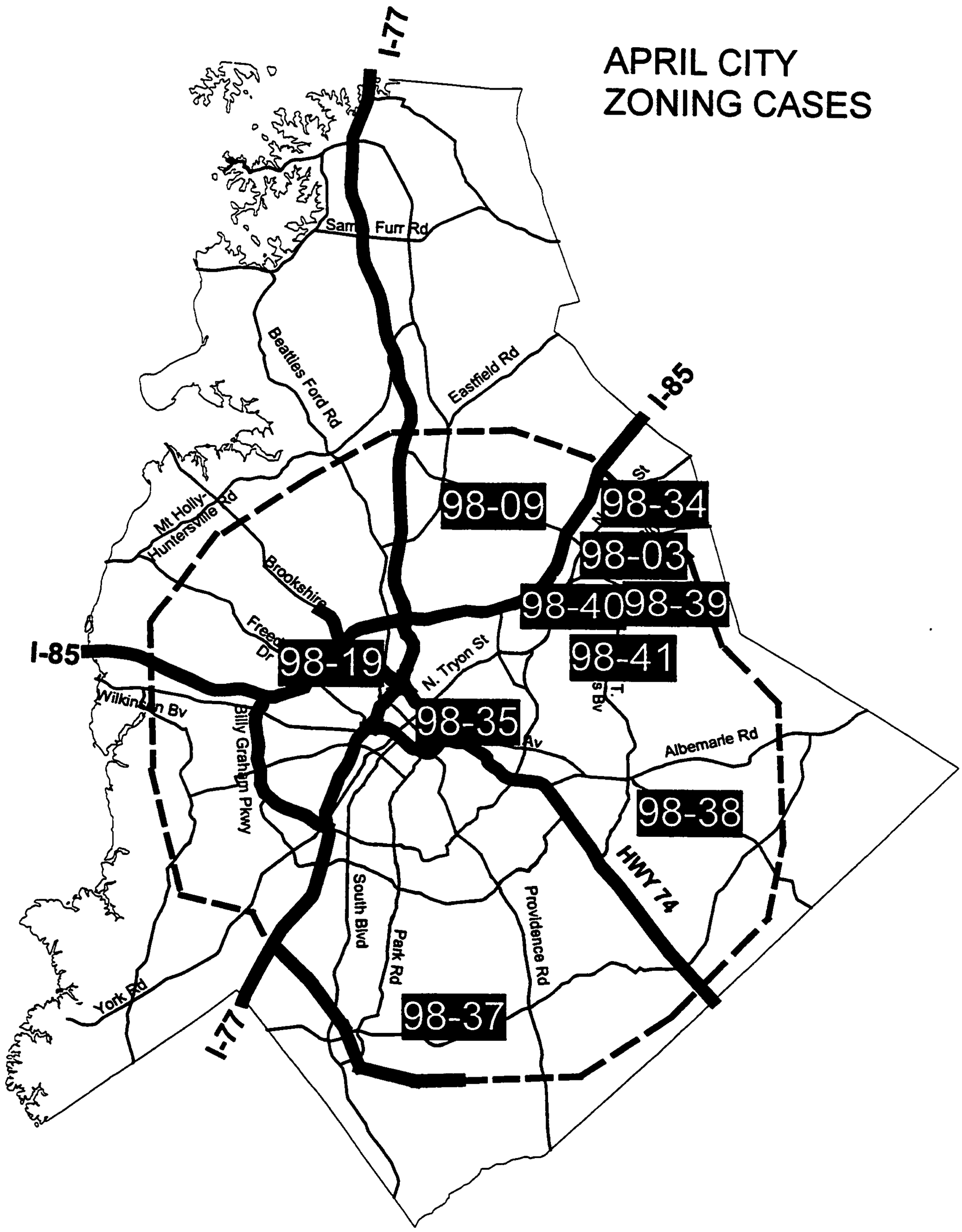
Petition No. 98-35. Change from R-5 and O-2 to UR-2(CD) for approximately 0.58 acres located on the eastern corner of East 7th Street and Clarice Avenue. Petitioner: The Conformity Corp.

Petition No. 98-37. Change from R-3 to R-17MF(CD) and O-1(CD) for approximately 24.7 acres located on the southwest corner of Pineville-Matthews Road (Highway 51) and Bannington Drive. Petitioner: Fairfield Development, Inc.

Petition No. 98-38. Change from B-1(CD) to B-1(CD)S.P.A. for approximately 5.0 acres located on the southeast corner of W. T. Harris Boulevard and Idlewild Road. Petitioner: Idlewild Crossing Limited Partnership

Petition No. 98-39. Change from O-2(CD) to O-2(CD) S.P.A. for approximately 18.7 acres located on the east side of McCullough Drive and the west side of University Executive Park Drive just south of W. T. Harris Boulevard. Petitioner: Collins & Aikman Products Co.

Petition No. 98-40. Change from R-4 to B-2(CD) for approximately 6.3 acres located on the north side of University City Boulevard (Hwy 49) west of the intersection with Pavilion Boulevard and adjacent to the Back Creek Shopping Centre. Petitioner: Sam's Mart

Petition No. 98-41. Change from O-15(CD) to B-1(CD) for approximately 1.5 acres located on the east side of University Executive Park Drive one lot south of W. T. Harris Boulevard. Petitioner: Garden District Investments

APRIL CITY ZONING CASES