AGENDA

Meeting Type:	Z
Date:	02/15/99

City of Charlotte, City Clerk's Office

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

Council Agenda

Monday, February 15, 1999

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

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

ITEM NO

PUBLIC HEARINGS

1. (98-116) Hearing on Petition No. 98-116 by Hargett, LLC for a change in zoning for approximately 5.9 acres located on the west side of Providence Road (NC 16) north of East-West Circumferential Road from R-3 to O-1(CD).

   Attachment No. 1

2. (98-122) Hearing on Petition No. 98-122 by Brian Speas for a change in zoning for approximately .88 acres located on the west side of Park Road across from Salem Drive and south of McDonald Avenue from INST(CD) to R-22MF(CD).

   Attachment No. 2

3. (99-10) Hearing on Petition No. 99-10 by Triven Properties, LLC for a change in zoning for approximately 10.2 acres located on the north side of Tom Hunter Road south of Interstate 85 from R-4 to R-8(CD) and R-12MF(CD).

   A protest petition has been filed and is not sufficient.

   Attachment No. 3

4. (99-14) Hearing on Petition No. 99-14 by John R. West for a change in zoning for approximately 3.6 acres located on the south side of Freedom Drive east of Elmwood Circle from R-3 to R-4.

Attachment No. 4

5. (99-15) Hearing on Petition No. 99-15 by Ms. NGA Troung for a change in zoning for approximately .19 acres located on the north side of Rozzelles Ferry Road east of Hoskins Road from R-22MF to B-1.

Attachment No. 5

6. (99-16) Hearing on Petition No. 99-16 by Triven Properties, LLC for a change in zoning for approximately 16.7 acres located on the southwest corner of Hewitt Drive and West Sugar Creek Road from R-3 to R-5.

Attachment No. 6

7. (99-17) Hearing on Petition No. 99-17 by Lincoln Property Company for a change in zoning for approximately 1.9 acres located on the northeast corner of College Street and East Carson Boulevard from I-2 and UMUD(CD) to and UMUD(CD) and UMUD(CD) S.P.A..

Attachment No. 7

8. (99-18) Hearing on Petition No. 99-18 by LandCraft Properties, Inc. for a change in zoning for approximately 74 acres located on the west side of Old Concord Road south of East W. T. Harris Boulevard and north of W. Rocky River Road from R-3 to MX-2.

Attachment No. 8

9. (99-19) Hearing on Petition No. 99-19 by Childress Klein Properties Inc. for a change in zoning for approximately 5.3 acres located on the southeast corner of York Road (NC 49) and Arrowood Road from R-4 and R-17MF to B-1(CD).

Attachment No. 9

10. (99-20) Hearing on Petition No. 99-20 by Pace/Dowd Properties, Ltd. for a change in zoning for approximately 10.3 acres located on the east side of Providence Road West south of Elm Lane and north of Blakeney Heath Road from R-12MF(CD) to UR-2(CD)

Attachment No. 10

ADDENDUM TO FEBRUARY 15, 1999 ZONING AGENDA

Monday, February 15, 1999

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

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

ITEM NO.

PUBLIC HEARINGS

1. A. Hearing to consider designation of the property known as the "Henderson-King House" (listed under Tax Parcel Number 163-082-09 as March 15, 1998, and including the entire exterior or the Henderson-King House, the entire interior of the Henderson-King House and the entire parcel of land listed under Tax Parcel Number 163-082-09 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of March 15, 1998). The property is owned by Inez King and is located at 4723 Stafford Circle in the City of Charlotte, Mecklenburg County, North Carolina.

   B. Adopt an ordinance designating the Henderson-King House as a Historic Landmark.

   Attachment

11. (99-21) Hearing on Petition No. 99-21 by The Charlotte-Mecklenburg Board of Education for a change in zoning for approximately 51.8 acres located on the south side of Freedom Drive and the north and south sides of Alleghany Street east of Ashley Road from B-1S.C.D, BD(CD) and I-1(CD) to INST.

Attachment No. 11

12. (99-22) Hearing on Petition No. 99-22 by Tribek Properties for a change in zoning for approximately 3.7 acres located on the southeast corner of Mallard Creek Road and W. T. Harris Boulevard from O-1(CD) to B-1(CD).

Attachment No. 12

13. (99-24) Hearing on Petition No. 99-24 by Dr. Walter C. Gwin, Sr. for a change in zoning for approximately 0.63 acres located on the northeast corner of Interstate 85 and Tennessee Avenue from R-17MF to O-1(CD).

Attachment No. 13

14. (99-25) Hearing on Petition No. 99-25 by David S. Reynolds for a change in zoning for approximately 6.2 acres located on the south side of Monroe Road east of Sharon Amity Road and west of Rama Road from R-4 to O-1(CD).

Attachment No. 14

DECISIONS

15. (98-91) Decision on Petition No 98-91 by The Hanover Company for a change in zoning for approximately 22 acres located on the northwest corner of East W. T. Harris Boulevard and Old Concord Road from R-3 to R-17MF(CD)

The petition was deferred for 30 days on November 16, 1998, 30 days on December 21, 1998, and 30 days on January 20, 1999.

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

Attachment No. 15

16. (98-108) Decision on Petition No. 98-108 by Aston Properties for a change in zoning for approximately 3.96 acres located on the northeast corner of Prosperity Church Road and Mallard Creek Road from R-3 to B-1(CD).

The protest petition has been withdrawn.

The petition was deferred for 30 days on January 20, 1999.

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

- If drive-thru service is used on the site associated outside speakers will not be audible at the property line.
- Uses which provide for repair or maintenance of automobiles will not be permitted on the site.
- Dumpsters shall be located as far a feasible from the adjacent multi-family development and pick-up hours will be limited to between 7:00 a.m. and 7:00 p.m.
- The exterior 20 feet of required buffers shall be undisturbed and the buffer adjacent to the multi-family development shall be installed as part of the initial development of the site.
- Detached lights will be limited to 16 feet in height adjacent to the multi-family development and a maximum of 20 feet in height elsewhere on the site.

Attachment No. 16

17. (98-109) Decision on Petition No. 98-109 by Sedgewood Heights, LLC for a change in zoning for approximately 10 acres located on the westerly corner of South Wendover Road and Randolph Road from R-3 to MX-1

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

This petition was deferred for 30 days on December 21, 1998, and for 30 days on January 20, 1999.

The Zoning Committee voted to recommend denial of this petition

Attachment No. 17

18 (98-120) Decision on Petition No. 98-120 by PS&L, LLC for a change in zoning for approximately 12.5 acres located on the southeast corner of Albemarle Road and Thorn Grove Lane from R-15MF(CD) to R-12MF(CD).

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

The Zoning Committee voted to recommend approval of this petition.

Attachment No. 18

19. (98-123) Decision on Petition No. 98-123 by Jerry and Melinda Moore for a change in zoning for approximately 1.2 acres located on the west side of Little Rock Road south of the intersection with Paw Creek Road from R-4 to R-8MF(CD).

The petition was deferred for 30 days on January 20, 1999.

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

- A proposed building elevation has been added to the plan to demonstrate how the building will blend into the surrounding neighborhood.

Attachment No. 19

20. (99-01) Decision on Petition No. 99-01 by Steve Falkenbury for a change in zoning for approximately .658 acres located on the northwest corner of North Tryon Street and W Seventh Street from UMUD to UMUD-O.

The Zoning Committee voted to recommend approval of this petition.

Attachment No. 20

21 (99-02) Decision on Petition No. 99-02 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

The Zoning Committee voted to recommend approval of this petition.

Attachment No. 21

22. (99-03) Decision on Petition No. 99-03 by The Charlotte-Mecklenburg Board of Education to consider a text amendment to the City of Charlotte Zoning Ordinance to exempt elementary and secondary schools in single family and multi-family zoning classifications from having to provide a buffer to separate adjacent public elementary schools, junior high or middle schools, senior high school, or public parks and greenways.

The Zoning Committee voted to recommend approval of this petition.

Attachment No. 22

23. (99-04) Decision on Petition No. 99-04 by Robert and Carrie Alexander for a change in zoning for approximately 1.2 acres located on the northwest corner of U.S. 29 and Heritage Pointe Drive from R-3 to R-12MF(CD).

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

Attachment No. 23

24. (99-07) Decision on Petition No. 99-07 by Sam Craver for a change in zoning for approximately .90 acres located on the southeast corner of Travis Avenue and Elizabeth Avenue from B-2 to MUDD-O.

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

- The 18- inch grass strip along Travis Avenue will be converted to additional sidewalk width, resulting in a 5-1/2 foot sidewalk.

Attachment No. 24

25. (99-09) Decision on Petition No. 99-09 by Heritage Communities, Inc. for a change in zoning for approximately 31.4 acres located on the north side of East W. T Harris Boulevard, west of Old Concord Road from R-3 to R-17MF(CD)

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

Attachment 25

26 (99-11) Decision on Petition No. 99-11 by Dr. and Mrs. Nang T. Ta for a change in zoning for approximately .44 acres located on the east side of Masonic Drive north of Central Avenue from R-5 to O-1(CD).

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

modifications:

- The 25 foot setback between the top of the creek bank and the parking lot will be undisturbed except for greenway trail improvements.

- Parking lot lighting will be limited to 12 feet in height.

Attachment 26

27. (99-12) Decision on Petition No. 99-12 by Fletcher G. Keith for a change in zoning for approximately 3.65 acres located on the northeast corner of Billy Graham Parkway and Morris Field Drive from I-2 to I-1.

The Zoning Committee voted to recommend approval of this petition.

Attachment 27

28. (99-13) Decision on Petition No. 99-13 by Childress Klein Properties, Inc. for a change in zoning for approximately .81 acres located west of Providence Road between Moravian Lane and Ardsley Road from)-2 to B-1(CD).

Zoning Committee voted to recommend approval of this petition.

Attachment 28

29. Resolution calling for public hearings on Monday, March 15, 1999 at 6:00 p.m. in the Meeting Chamber of the Charlotte-Mecklenburg Government Center for Petitions Nos. 98-110, 99-08, and 99-26 through 99-38

30. Appointments to the Housing Strategy Stakeholder Group

Action: **Vote on blue paper ballots and give to City Clerk at dinner.**

Three positions beginning immediately. The charge of this committee is planned to be completed in six months.

1. Chris Branch by Councilmember Jackson
2. J. C. Cousar by Councilmember Majeed
3. George Efird by Councilmember Jackson
4. Theresa Elder by Councilmember Spencer
5. Ted Futrell by Councilmember Jackson
6. Rickey Hall by Councilmember Cannon
7. Stephan Latorre by Councilmember Autrey
8. Tim Mills by Councilmember Greene
9. Mae Orr by Councilmember Wheeler
10. Damon Rumsch by Councilmember Spencer
11. Susan Hancock Sewell by Councilmember Autrey
12. Louise Sellers by Councilmember Wheeler
13. Louise Shackleford by Councilmember Cannon
14. Barbara Simpson by Councilmember Spencer
15. Cornelius Smith by Councilmember Greene
16. Mary Stafford by Councilmember Autrey
17. Eleanor Washington by Councilmember Wheeler

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 15th day of February, 1999 on the following petitions proposing changes on the Official Zoning Maps of the City of Charlotte, North Carolina:

Petition No. 98-116. Change from R-3 to O-1(CD) for approximately 6 acres located on the west side of Providence Road (NC 16) north of East-West Circumferential Road. Petitioner: Hargett, LLC

Petition No. 98-122. Change from INST(CD) to R-22MF(CD) for approximately .88 acres located on the west side of Park Road across from Salem Drive and south of McDonald Avenue. Petitioner: Brian Speas

Petition No. 99-10. Change from R-4 to R-8(CD)and R-12MF(CD) for approximately 10.2 acres located on the north side of Tom Hunter Road south of Interstate 85. Petitioner: Triven Properties, LLC.

Petition No. 99-14. Change from R-3 to R-4 for approximately 3.6 acres located on the south side of Freedom Drive east of Elmwood Circle. Petitioner: John R. West.

Petition No. 99-15. Change from R-22MF to B-1 for approximately .19 acres located on the north side of Rozzelles Ferry Road east of Hoskins Road. Petitioner: Ms. NGA Troung.

Petition No. 99-16. Change from R-3 to R-5 for approximately 16.7 acres located on the southwest corner of Hewitt Drive and West Sugar Creek Road. Petitioner: Triven Properties, LLC.

Petition No. 99-17. Change from I-2 and UMUD(CD)to UMUD(CD) and UMUD(CD)S.P.A. for approximately 1.94 acres located on the northeast corner of College Street and East Carson Boulevard. Petitioner: Lincoln Property Company.

Petition No. 99-18. Change from R-3 to MX-2 for approximately 74.2 acres located on the west side of Old Concord Road south of East W.T. Harris Boulevard and north of W. Rocky River Road. Petitioner: LandCraft Properties, Inc.

Petition No. 99-19. Change from R-4 and R-17MF to B-1(CD) for approximately 5.3 acres located on the southeast corner of York Road (NC 49) and Arrowood Road. Petitioner: Childress Klein Properties, Inc.

Petition No. 99-20. Change from R-12MF(CD) to UR-2(CD) for approximately 10.4 acres located on the east side of Providence Road West south of Elm Lane and north of Blakeney Heath Road. Petitioner: Pace/Dowd Properties, Ltd.

Petition No. 99-21. Change from B-1S.C.D., BD(CD) and I-1(CD) to INST. for approximately 51.8 acres located on the south side of Freedom Drive and the north and south sides of Alleghany Street east of Ashley Road. Petitioner: The Charlotte-Mecklenburg Board of Education.

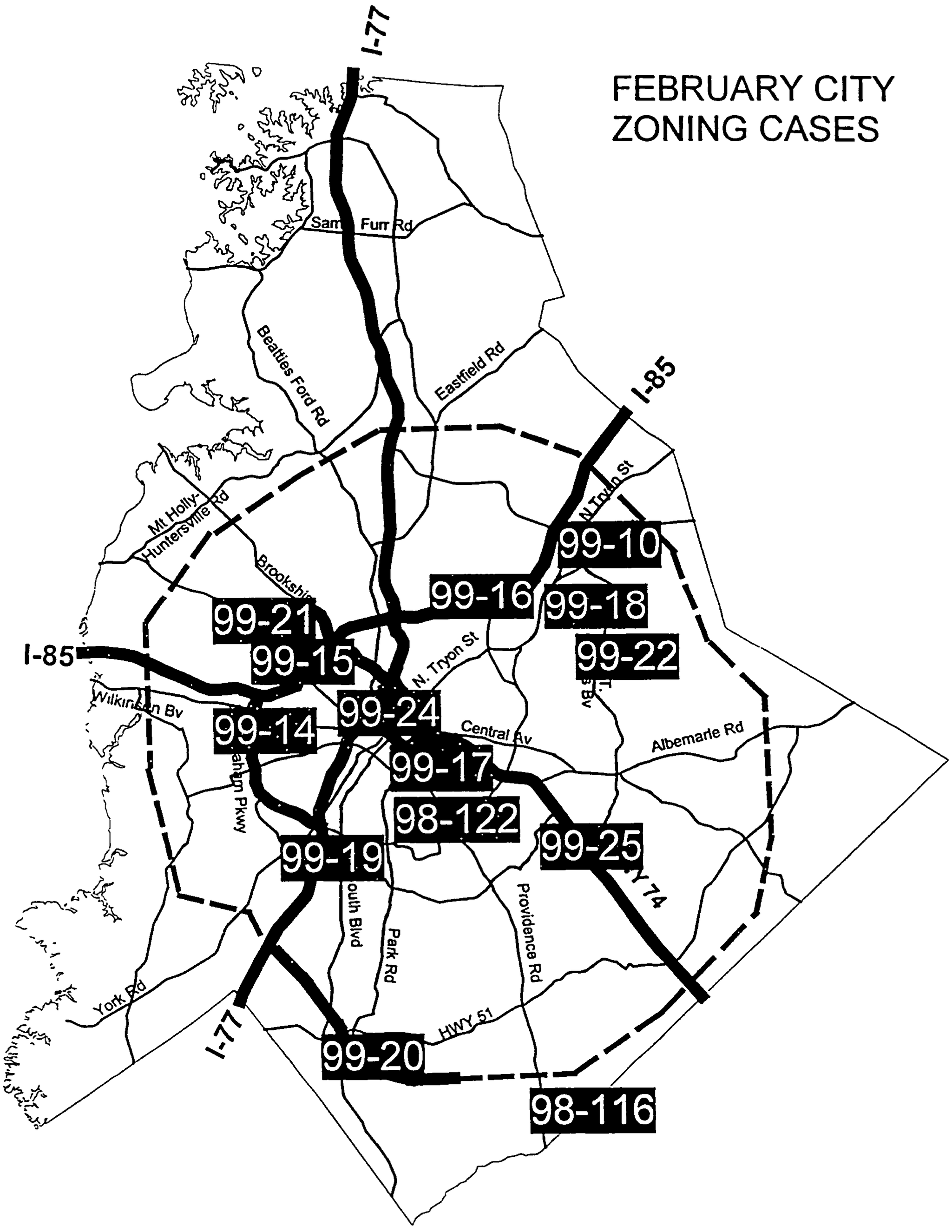
Petition No. 99-22. Change from O-1(CD) to B-1(CD) for approximately 3.7 acres located on the southeast corner of Mallard Creek Road and W. T. Harris Boulevard. Petitioner: Tribek Properties.

Petition No. 99-24. Change from R-17MF to O-1(CD) for approximately .63 acres located on the northeast corner of Interstate 85 and Tennessee Avenue. Petitioner: Dr. Walter C. Gwin, Sr.

Petition No. 99-25. Change from R-4 to O-1(CD) for approximately 6.2 acres located on the south side of Monroe Road east of Sharon Amity Road and west of Rama Road. Petitioner: David S. Reynolds.

The City Council may change the existing zoning classification of the entire area covered by each petition, or any part or parts of such area, to the classification requested, or to a higher classification or classifications without the necessity of withdrawal or modification of the petition.

FEBRUARY CITY ZONING CASES



PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 98-116

Petitioner: Hargett, LLC

Location: Approximately 6 acres located on the west side of Providence Road (NC 16) north of the East-West Circumferential.

Request: R-3 to O-1(CD)

Summary of Request: This petition would allow up to 49,850 square feet of office uses in a "neo-traditional" style layout. Hotels/motels are specifically excluded and a maximum of 10,500 square feet may be used for medical offices.

BACKGROUND

1. **Existing Zoning.** The petitioned property and properties to the west, north and east (across Providence Road) are zoned R-3. The property to the south is zoned B-2 (CD) as a result of Rezoning Petition No. 96-19(c) to allow 100,000 square feet of retail uses and 18,000 square feet of office uses.

2. **Existing Land Use.** The petitioned site and properties to the north and south are vacant. Single family residences occupy the properties to the east. The property to the west is occupied by a golf course.

3. **Public Plans and Policies**

   a. **South District Plan (1993 - including the amended Providence Road/Providence Road West/Southern Outer Belt Interchange Special Project Plan).** This plan recommends up to 500 units of multi-family housing (assuming a 4-lane cross section for Providence Road) at a density of "greater than 12" units per acre near the interchange. Additional multi-family development for the southwest and southeast quadrants should develop at no more than 12 units per acre. The plan also recommends a park / private recreation site to the west and south.

-continued-

b. **Providence Road/I-485 Area Plan Update (pending).** This study is currently underway to address changes that have taken place in the general area of this interchange and to update land use recommendations for the area. The draft plan recommendations call for residential uses at a density of six to eight dwelling units per acre for the petitioned site. A workshop on the Plan update is scheduled for February 4th. The tentative schedule is to present the Plan to the Planning Committee in April. Subsequently, the plan will be scheduled for consideration by City and County elected officials.

c. **Transportation Improvement Program.** The subject property is located on Providence Road, which is a major thoroughfare proposed for widening south of I-485. That project is in the planning and design phase, with construction anticipated to begin in 2003. Modifications to the interchange (consisting of loop on-ramps in the northeast and southwest quadrants) have been funded and construction is scheduled to begin in 2001.

4. **Site Plan.** The site plan which accompanies this petition proposes:

- Maximum building height will be two stories. Attic areas may also be leasable but will not increase building height.
- A 34-foot class "C" buffer is provided along the north and west boundaries of the site.
- An additional 20 feet of right-of-way is being dedicated along Providence Road. A five-foot sidewalk with eight-foot planting strip will be constructed along Providence Road.
- Buildings will be constructed with 80% brick or other masonry surface and shall reflect a residential style and scale.

5. **School Information.** This request will not impact the school system.

<u>DEPARTMENTAL COMMENTS</u>

- CDOT notes that this site could generate approximately 198 to 234 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 2,460 trips per day. This will not have a significant impact on the surrounding thoroughfare system. The proposed access from Providence Road should be deleted.

-continued-

Departmental Comments (continued)

- The Storm Water Services Department notes that no significant downstream impacts are foreseen due to this request.

OUTSTANDING ISSUES

1. **Land Use.** This proposal is inconsistent with both existing and pending land use plans for the area. Those plans recommend residential uses for the southern quadrants of this interchange. Therefore, this petition is not appropriate for approval from a land use perspective.

2. **Site Plan.** The following site plan issues remain outstanding:

   - The proposed access point from Providence Road should be deleted.

CONCLUSION

The adjoining property to the south, which was rezoned in 1996 for retail and office uses, has yet to develop. The further extension of non-residential zoning in this area is premature. Further, the petition is inconsistent with the South District Plan, the Providence Road/Providence Road West/Southern Outer Belt Interchange Special Project Plan, and the pending draft of the Providence Road/I-485 Area Plan Update. For these reasons, this petition is not recommended for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition #: 98-116

Date Filed: 9-22-98

Received By: SSS

OWNERSHIP INFORMATION:

Property Owner: Hargett, LLC

Owner's Address: 210 Franklin St. Pineville, NC 28134

Date Property Acquired: 12/1/97 Tax Parcel Number(s): 229-171-03

LOCATION OF PROPERTY (Address or Description): north of the Circumferential Thorough and fronting on the westerly side of Providence Rd at a new public street

Size (Sq.Ft. or Acres): 5.9 ± acres Street Frontage (Ft.): Providence Rd

Current Land Use: undeveloped

ZONING REQUEST:

Existing Zoning: R-3 Proposed Zoning: O-1(CD)

Purpose of Zoning Change: The site is not suitable for single family given its size and relationship to the development pattern of the area, but is well suited for office usage

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Robert G. Young
Name of Agent

122 Cherokee Rd
Charlotte, NC 28207
Agent's Address

334-9157 333-2905
Telephone Number Fax Number

Signature of Property Owner if other than Petitioner

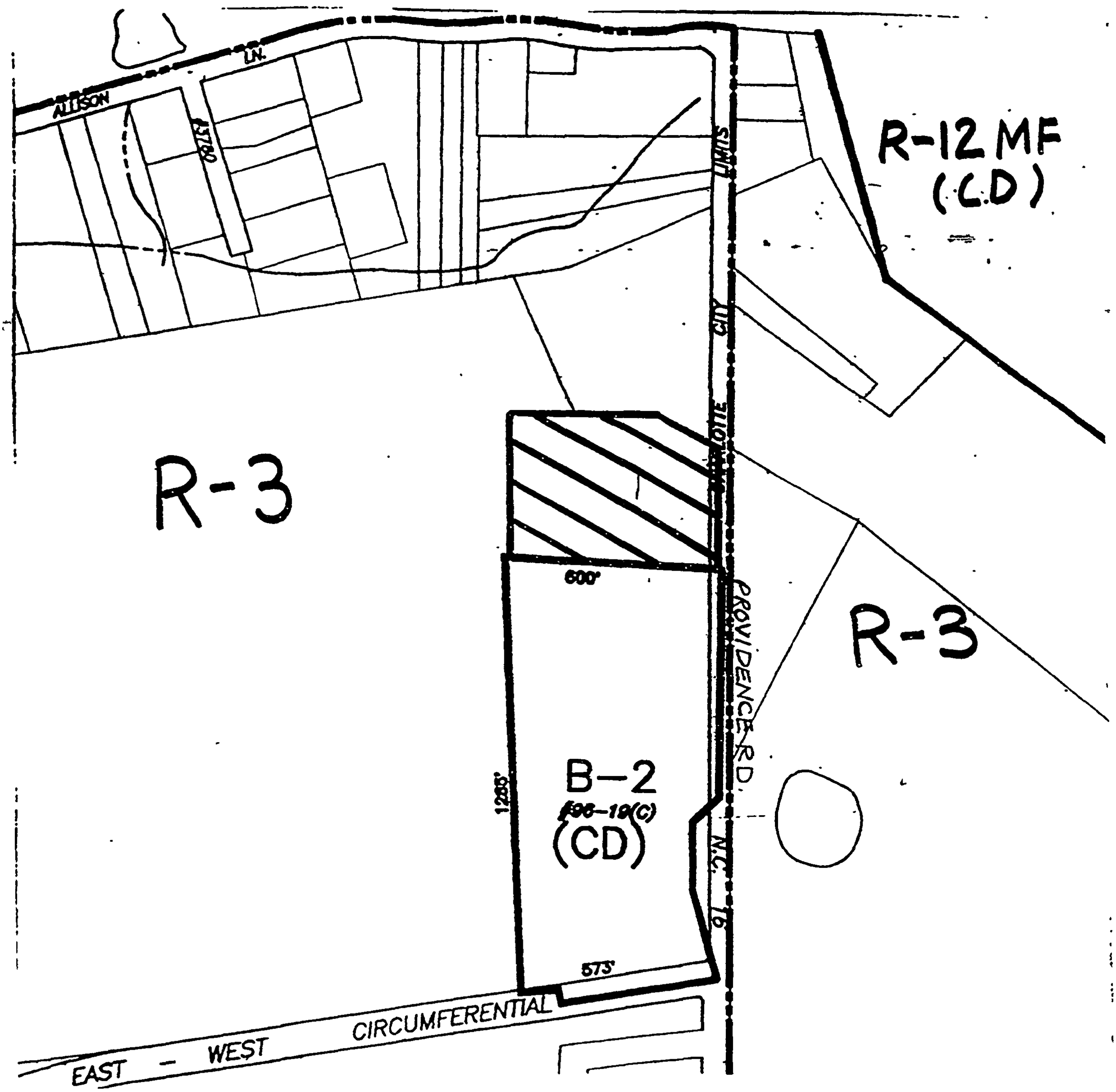
Hargett, LLC
Name of Petitioner(s)

210 Franklin St
Pineville, NC 28134
Address of Petitioner(s)

552-2272
Telephone Number Fax Number

John R. Lea
Signature for Hargett L.L.C.

Petition #: 98-116
Petitioner: Hargett, LLC
Hearing Date: December 21, 1998
Classification (Existing): R-3
Zoning Classification (Requested): O-1(CD)
Location: Approximately 6 acres located on the west side of Providence Road (NC 16) north of East-West Circumferential Road.



Zoning Map #(s): 180

Scale: 1" = 400'

98-116

Rocky Branch
Plantation
Lake Providence
Providence Commons S/C
Providence Arbours
McKee Road Elementary
PROVIDENCE RD
Fire Station 9
UNDER CONSTRUCTION
Cadu Lake
SITE
MORRIS RD
HEMBY
WEDDINGTON
Weddington Corners S/C
Weddington Medical Center
Town Hall
Varda
McBride Branch
16
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CHARLOTTE DEPARTMENT OF TRANSPORTATION

MEMORANDUM

DATE: January 25, 1999

TO: Keith MacVean
Planning Commission

FROM: R. D. Gillis, Assistant Director
Engineering and Public Service

SUBJECT: Rezoning Petition 98-116: West side of Providence Road North of The East-West Circumferential (Revised 1/19/99)

We previously commented on this petition in our November 5, 1998 memorandum to you. This site could generate approximately 198 to 234 trips per day as currently zoned. After further review of the site plan we have determined that under the proposed zoning the site could generate approximately 2,460 trips per day, instead of 3,519 trips per day. This will not have a significant impact on the surrounding thoroughfare system.

- Because of the lesser trip generation amount we will not require a traffic impact study.

We have the following specific comments:

- The site can be adequately served by a driveway connection to the proposed public street. The right in/right out driveway on Providence Road north of the proposed public street will not be approved.

- Any driveway connections to the proposed public street must be located at least 150 feet from the future right-of-way line of Providence Road, opposite the driveway to the future shopping center, or beyond the eastbound left-turn lane/taper, whichever is greater.

If we can be of further assistance, please advise.

RDG/SLP:hll

c: W. B. Finger
S. L. Putnam
W. E. Judge
M. B. Crump
Robert G. Young
Hargett, LLC
Rezoning File

Charlotte-Mecklenburg
STORM WATER
Services

Charlotte Storm Water
600 East Fourth Street
Charlotte, N C 28202-2844
OFFC: 704 . 336 . 2291
FAX: 704 . 336 . 6586

Rezoning Petition Review

To:	Keith MacVean, CMPC
From:	Jeff Buckalew and Tony Dudley, CSWS
Date of Review:	October 20, 1998
Rezoning Petition #:	**98-116**
Proposed Zoning:	O-1(CD) from R-3
Location of Property:	Approximately 6 acres located on the west side of Providence Road (NC 16) north of East-West Circumferential.
Downstream Complaints:	None
Review Method(s):	Review of topographic information, aerial photography and a site visit.
Results of Review:	No significant downstream impacts are foreseen due to the rezoning of this parcel.
Recommendations concerning storm water:	No additional requirements