AGENDA

Meeting Type:	Z
Date:	01/20/99

City of Charlotte, City Clerk's Office

Revised page

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

OFFICE COPY

Wednesday, January 20, 1999

Council Agenda

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

- City Council Retreat Committee discussion of group norms

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

ITEM NO.

PUBLIC HEARINGS

1. (98-120) Hearing on Petition 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.

   Attachment No. 1

2. (99-01) Hearing on Petition No. 99-01 by Steve Falkenbury for a change in zoning for approximately .658 acres located on the northwest corner North Tryon Street and W. Seventh Street from UMUD to UMUD-O.

   Attachment No. 2

3. (99-02) Hearing 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.

   Attachment No. 3.

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4. (99-03) Hearing 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 schools; or public parks and greenways .

Attachment No. 4.

5. (99-04) Hearing on Petition 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)

Attachment No. 5.

6. (99-07) Hearing on Petition 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(CD).

Attachment No.6.

7. (99-09) Hearing on Petition 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).

Attachment No. 7.

8. (99-11) Hearing on Petition 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).

Attachment No. 8

9. (99-12) Hearing on Petition 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.

Attachment No. 9

10. (99-13) Hearing on Petition 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 O-2 to B-1(CD).

Attachment No. 10

DECISIONS

11. (98-85) Decision on Petition No. 98-85 by Llewellyn and Linda Scott for a change in zoning for approximately .792 acres located on the north side of Little Rock Road between Manderly Lane and Tuckaseegee Road from R-3 to R-12MF(CD)

The petition was deferred for 30 days on October 21, 1998, and for 60 days on November 16, 1998.

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

- The chain link fence in the front yard will be screened with shrubs.

Attachment No. 11

12. (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, and 30 days on December 21, 1998.

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

Attachment No. 12

13. (98-94) Decision on Petition No. 98-94 by Providence Court, LLC. for a change in zoning for approximately 7.32 acres located on the west side of Providence Road, north of NC Highway 51 from R-3 to R-8MF(CD).

The protest petition has been withdrawn.

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

- A note will be added to the site plan committing to the detention of the 2, 10, 25, 50, and 100-year storm events with storm water releases not exceeding predevelopment rates. This detention will be provided underground.

- The maximum permitted density for the site will not exceed 6.5 units per acre.

- The units will be offered "for sale" by the developer, and not retained by the developer as rental units.
- The units will be constructed of masonry materials including brick, stucco and stone.
- The fence shown on three sides of the site will be modified to a residential brick fence.

Attachment No. 13

14. (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).

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

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

Attachment No. 14

15. (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.

The petition was deferred for 30 days on December 21, 1998.

Zoning Committee voted to recommend denial of this petition.

Attachment No. 15

16. (98-112) Decision on Petition No. 98-112 by the Charlotte-Mecklenburg Planning Commission to consider a text amendment to the City of Charlotte Zoning Ordinance concerning minimum side and rear yards, maximum height, urban open space, and signs in the Uptown Mixed Use District.

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

- The building height at which a shadow study would be "triggered" should be 60 feet throughout the UMUD district. (As proposed, the text amendment would use 40 feet as the height which triggers a shadow study in an existing historic district.)

17. (98-115) Decision on Petition No. 98-115 byCecili N. Roberts for a change in zoning for approximately 44.8 acres located on the southeast corner of Gibbon Road and Horace Mann Road, west of Perkins Road from R-3 to R-4.

Zoning Committee voted to recommend approval of this petition.

Attachment No. 17

18. (98-117) Decision on Petition No. 98-117 by John B. Abernethy for a change in zoning for approximately 73.5 acres located on the north side of North Tryon Street, opposite the intersection with Eastway Drive from R-9(CD), R-12MF(CD), B-2 and B-2(CD) to R-4(CD), R-12MF(CD), and B-2(CD) S.P.A.

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

Attachment No. 18

19. (98-118) Decision on Petition No. 98-118 by CODEVCO, LLC for a change in zoning for approximately .316 acres located on the southwest corner of West Kingston Avenue and Camden Road from B-1 to MUDD.

Zoning Committee voted to recommend approval of this petition.

Attachment No. 19

20. (98-119) Decision on Petition No. 98-119 by David Prewette for a change in zoning for approximately 1.06 acres located on the northeast corner of Krefeld Drive and Tarlton Drive from R-4 to O-1(CD).

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

Zoning Committee voted to recommend denial of this petition.

Attachment No. 20

21. (98-121) Decision on Petition No. 98-121 by Dr. John Skiouris for a change in zoning for approximately 5.3 acres located on the south side of Monroe Road west of Fannie Circle from O-6(CD) to O-2(CD).

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

- Any floodplain filling on the site will be accordance with the filling impact study

submitted to Storm Water Services and approved by that agency.

- Recognizing that a dumpster could float away and restrict a drainage culvert, petitioner will make all reasonable efforts to remove the proposed dumpster from the floodplain.

Attachment No. 21

22. (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).

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

Attachment No. 22

23. (98-124) Decision on Petition No. 98-124 by Walker Real Estate Group for a change in zoning for approximately .55 acres located on the east side of Park Drive at the intersection with Clement Avenue from R-43MF and O-2 to MUDD-O.

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

- "Efficiency apartments" will be deleted as an allowed use on the site.
- The number of on-street parking spaces will be clarified.
- The site easements needed in the alley will be defined during the building permit stage of the development.

Attachment No. 23

24. (98-125) Decision on Petition No. 98-125 by CK LakePointe Corporate Center, LLC for a change in zoning for approximately 150 acres located on the northeast and southeast corners of the interchange of Billy Graham Parkway and West Tyvola Road from R-22MF, B-1, and I-1(CD) to I-1(CD) and I-1(CD)Site Plan Amendment.

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

- A note will be added to the site plan as follows:

  (f) The Petitioner will be responsible for costs associated with the initial design and initial installation of the traffic signal described in paragraphs (a) and (d) above, which cost shall include the traffic signals, interconnect cable, and possible

relocation of the existing overhead lane use designation gantry at the intersection of the south bound ramp of Billy Graham Parkway and Tyvola Road; provided, however, that such signals are required solely to satisfy the phasing of development under Phase II hereof and provided further that no State, City, or private funds are made available to help pay such costs.

Attachment No 24.

25. (98-126) Decision on Petition No. 98-126 by Kelly Dunbar for a change in zoning for approximately 6.5 acres located on the south side of Mt. Holly-Huntersville Road east of Rozzelles Ferry Road from R-3 to R-12MF(CD).

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

- If the property is not developed under the requested R-17MF(CD), the property may be developed for single family residential under the R-3 zoning classification.
- If access can be achieved to Couloak Drive, then the direct access to Mt. Holly-Huntersville Road will be eliminated.

Attachment No. 25

26. Resolution calling for a joint public hearing by the City Council and the Charlotte-Mecklenburg Historic Landmarks Commission on Monday, February 15, 1999 at 6:00 p.m. in the Meeting Chamber of the Government Center regarding designation of the Henderson-King House as an historic landmark.

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27. Resolution calling for public hearings on Monday, February 15, 1999 at 6:00 p.m. in the Meeting Chamber of the Charlotte-Mecklenburg Government Center for Petitions Nos. 98-104, 98-110, 98-116, 98-122, 99-06, 99-08, 99-10, and 99-14 through 99-25 .

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

Petition No. 98-120. Change from R-15MF(CD) to R-12MF(CD) for approximately 12.5 acres located on the southeast corner of Albemarle Road and Thorn Grove Lane. Petitioner: PS&L, LLC.

Petition No. 99-01. Change from UMUD to UMUD-O for approximately .658 acres located on the northwest corner of North Tryon Street and W. Seventh Street. Petitioner: Steve Falkenbury

Petition No. 99-02. Change from B-1(CD) to B-1(CD) S.P.A. for approximately 8.2 acres located on the northwest corner of Carmel Road and Quail Hollow Road. Petitioner: The Crosland Group, Inc.

Petition No. 99-03. Text Amendment to amend Chapter 9 and Chapter 12 of 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 schools or middle schools, senior high schools, or public parks and greenways. Petitioner: The Charlotte-Mecklenburg Board of Education

Petition No. 99-04. Change from R-3 to R-12MF(CD) for approximately 1.2 acres located on the northwest corner of U.S. 29 and Heritage Pointe Drive. Petitioner: Robert and Carrie Alexander.

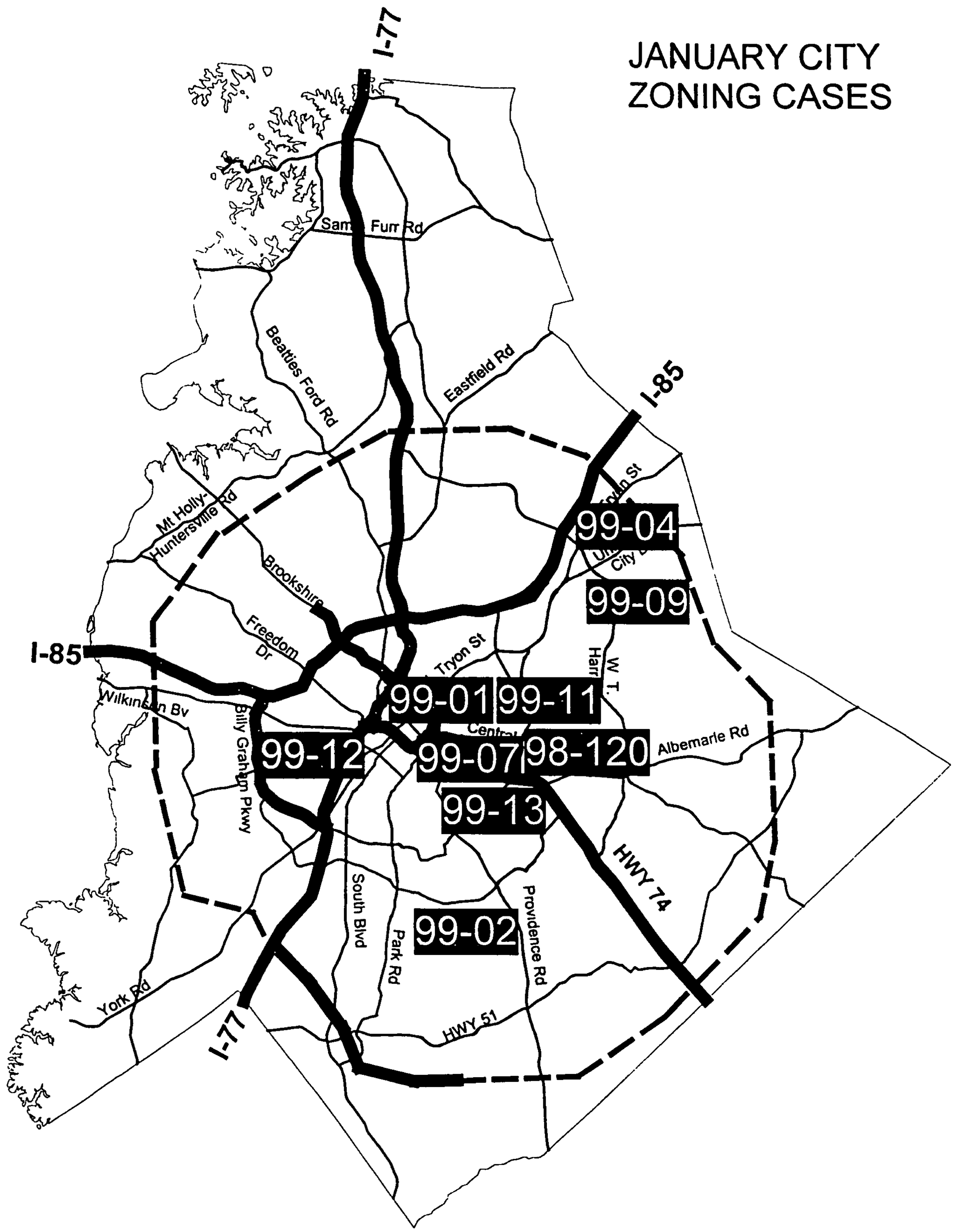
Petition No. 99-07. Change from B-2 to MUDD(CD) for approximately .90 acres located on the southeast corner of Travis Avenue and Elizabeth Avenue. Petitioner: Sam Craver.

Petition No. 99-09. Change from R-3 to R-17MF(CD) for approximately 31.4 acres located on the north side of East W. T. Harris Boulevard west of Old Concord Road. Petitioner: Heritage Communities, Inc.

-continued-

Petition No. 99-11. Change from R-5 to O-1(CD) for approximately .44 acres located on the east side of Masonic Drive north of Central Avenue. Petitioner: Dr. and Mrs. Nang T. Ta.

Petition No. 99-12. Change from I-2 to I-1 for approximately 3.7 acres located on the northeast corner of Billy Graham Parkway and Morris Field Drive. Petitioner: Fletcher G. Keith.

Petition No. 99-13. Change from O-2 to B-1(CD) for approximately .81 acres located west of Providence Road between Moravian Lane and Ardsley Road. Petitioner: Childress Klein Properties, Inc.

JANUARY CITY ZONING CASES