AGENDA

Meeting Type:	Z
Date:	07/20/98

City of Charlotte, City Clerk's Office

OFFICE COPY

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, July 20, 1998

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

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

Council Agenda

ITEM NO.

PUBLIC HEARINGS

1. (98-15) Hearing 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 B-1(CD).

   Protest petitions were filed and are sufficient to invoke the 3/4 rule.

   Attachment No. 1

2. (98-64) Hearing on Petition No. 98-64 by Don Renaldo for a change in zoning for approximately 6 acres located on the southeast corner of Independence Boulevard and Krefeld Drive from B-1(CD) to B-2(CD).

   Attachment No. 2

3. (98-66) Hearing on Petition No. 98-66 by Post Properties for a change in zoning for approximately 2.5 acres located on the south side of West Seventh Street between North Graham Street and North Smith Street from UR-3 to MUDD(CD).

   Attachment No. 3

4. (98-67) Hearing on Petition No. 98-67 by Douglas L. Boone/Boone Communities for a change in zoning for approximately 23 acres located on southwest corner of Gibbon Road and Horace Mann Road from R-3 to R-4(CD).

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

Attachment No. 4

5. (98-68) Hearing on Petition No. 98-68 by Charlotte-Mecklenburg Housing Partnership, Inc. for a change in zoning for approximately 16 acres located on the east side of Oneida Road north of Graham Street from R-3 and R-12MF(CD) to R-6(CD).

Attachment No. 5

6. (98-69) Hearing on Petition No. 98-69 by Timothy P. Crawford, The Mathisen Company for a change in zoning for approximately 12 acres located on the north side of York Road between Moss Road and Erwin Road from R-3 and R-12(CD) to R-12MF(CD).

Attachment No. 6

7. (98-71) Hearing on Petition No. 98-71 by E.C. Griffith Company for a change in zoning for approximately 20.9 acres located on the west side of Randolph Road at the intersection with Billingsley Road from R-3 to R-12MF(CD).

Attachment No. 7

8. (98-73) Hearing on Petition No. 98-73 by Hickory Grove Baptist Church for a change in zoning for approximately 19.9 acres located on the southwest corner of the intersection between East W. T. Harris Boulevard and Hickory Grove Road from R-I to Institutional(CD).

Attachment No. 8

9. (98-75) Hearing on Petition No. 98-75 by Provident Homes, Inc. for a change in zoning for approximately 10.6 acres located on the east side of Rea Road north of Pineville-Matthews Road (NC Highway 51) from R-3 to R-8MF(CD).

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

Attachment No. 9

10. (98-76) Hearing on Petition No. 98-76 by ENSI Development Corporation for a change in zoning for approximately 3.7 acres located on the northeast corner of Albemarle Road and Regal Oaks Drive from B-2 to B-D(CD).

The petitioner has requested that this petition be withdrawn.

Attachment No. 10

DECISIONS

11. (98-03) Decision 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, 30 days on April 20, 1998 and 30 days on June 15.

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

The petitioner has requested a 30 day deferral before Council votes on decision.

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

- At least 10% of the multi-family portion of the site will remain undisturbed open space.
- Maximum dwelling unit calculations shall not include any of the Rocky River Road prescribed right-of-way.

Attachment No. 11

12. (98-25) Decision on Petition No. 98-25 by Nasir Ahamad 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.

This petition was deferred for 30 days on April 20, 1998, May 18, 1998 and June 15, 1998.

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

- The requested district is changed from B-2(CD) to O-1(CD).

Attachment No. 12

13. (98-40) Decision 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).

This hearing was deferred for 30 days on April 20, 1998 and 30 days on June 15, 1998.

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

- Total square footage is limited to 38,000 square feet.
- The petitioner will construct the deceleration lane as recommended by the traffic impact study.
- The internal driveway connection to the public road must be shown.
- The allowed signage must be correctly shown on the site plan.
- The proposed public street that runs through the site will be dedicated and constructed by the petitioner.

Attachment No. 13

14. (98-45) Decision on Petition No. 98-45 by William Trotter Development Company for a change in zoning for approximately 14.4 acres located on the west side of Weddington Road just south of Interstate 485 from O-15(CD) to O-1(CD).

This petition was deferred for 30 days on June 15, 1998.

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

modifications:

- The additional office square footage sought for the undeveloped portion of the office component will be reduced by 16,000 square feet for a total allowed square footage of 120,900.

- The buffer setback along Weddington Road will be increased by 15 feet 40.0 feet for undeveloped and unsold portions of the office component.

- The petitioner will install a left-turn lane on Weddington Road.

- The petitioner will dedicate as opposed to reserve the extra 15 feet of additional right-of-way along Weddington Road.

- A pedestrian connection will be added between the office park and the shopping center.

Attachment No. 14

15. (98-46) Decision on Petition No. 98-46 by Carroll B. Little for a change in zoning for approximately 4.1 acres located on the northeast corner of David Cox Road and Davis Lake Parkway from R-9(PUD) to R-8MF.

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

This petition was deferred for 30 days on June 15, 1998.

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

- Access to the site will be from David Cox Road only.

- The project will be limited to "townhouses for sale".

- The townhouses will be one story in height.

- The petitioner agrees to the ten (10) notes requested by the Davis Lake Community Association and shown on the site plan with a revision date of June 22, 1998.

Attachment No. 15

16. (98-49) Decision on Petition No. 98-49 by The Everett Company for a change in zoning for approximately 1.81 acres located on the east side of Sardis Road, approximately 400 feet south of Rama Road from R-3 to R-8 MF(CD).

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

This petition was deferred for 30 days on June 15, 1998.

The Zoning Committee recommended approval of this petition, with the following modifications:

- The petitioner will dedicate additional right-of-way as requested.
- Stormwater detention through the 100-year flood will be provided.
- The sidewalk along Sardis Road will be moved to the back of the right-of-way.

Attachment No. 16

17. (98-51) Decision on Petition No. 98-51 by Exxon Company USA for a change in zoning for approximately 2.0 acres located on the north side of University City Boulevard (NC 49) between Pavilion Boulevard and Interstate 485 from O-1(CD) to B-1(CD).

This petition was deferred for 30 days on June 15, 1998.

The Zoning Committee voted to recommend denial of this petition.

Attachment No. 17

18. (98-52) Decision on Petition No. 98-52 by Bill Stroud for a change in zoning for approximately 3.8 acres located on the southeast corner of North Sharon Amity Road and Verndale Road from R-3 to R-5(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, with the following modification:

- The lot located at the intersection of Verndale Road and North Sharon Amity Road which was originally proposed for a duplex, would be occupied by a single family dwelling only.

Attachment No. 18

19. (98-53) Decision on Petition No. 98-53 by Frank M. Burgess, Jr. for a change in zoning for approximately 1.2 acres located on the southeast corner of Park South Drive and Pine Valley Road from R-3 to R-8MF(CD).

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

- The site will only have access to Park South Drive.
- A note will be added to the plan clarifying that the building elevation applies both to the Park South Drive and Pine Valley Road orientations.
- A site data table must be added to the site plan that includes total units and site acreage.

Attachment No. 19

20. (98-54) Decision on Petition No. 98-54 to consider a text amendment to the City of Charlotte Zoning Ordinance to create the Airport Noise Disclosure Overlay District.

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

Attachment No. 20

21. (98-55) Decision on Petition No. 98-55 SUB to consider a text amendment to the City of Charlotte Subdivision Ordinance to implement the notification requirements of the Airport Noise Disclosure Overlay District.

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

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22. (98-56) Decision on Petition No. 98-56 by T.J. Orr, Aviation Director for a change in zoning for approximately 7,925 acres surrounding Charlotte/Douglas Airport to establish the boundaries of the Airport Noise Disclosure Overlay District.

A protest petition has been filed and is not sufficient to invoke the 3/4 rule.

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

Attachment No. 22

23. (98-57) Decision on Petition No. 98-57 by Waterville Equities I, LLC for a change in zoning for approximately 1.8 acres located on the northwest corner of Ballantyne Commons Parkway and Elm Lane West from O-1(CD) 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 denial of this petition.

Attachment No. 23

24. (98-58) Decision on Petition No. By 98-58 by Grubb & Ellis Bissell and Wachovia Bank, N.A. for a change in zoning for approximately 5.18 acres located on the southeast corner of Sharon Road and Coltsgate Road from R-3 to O-1(CD).

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

- A note has been added to the site plan requiring portions of buildings fronting on Sharon Road to have windows and doors that orient to Sharon Road.
- A note has been added to the site plan requiring the petitioner to construct a sidewalk from the front of the buildings to the sidewalk along Sharon Road.
- The site plan provides vehicular inter-connectivity between the upper and lower levels of the parking deck, allowing users options for entering and leaving the site.
- A direct pedestrian connection from Coltsgate Road to the buildings will be provided, eliminating the need for pedestrians to walk through the parking deck.

Attachment No. 24

ITEM NO.

25. (98-60) Decision on Petition No. 98-60 by The Everett Company LLC for a change in zoning for approximately 3.0 acres located on the southeast corner of Woodlawn Road and Fairbluff Place from R-4 to R-12MF(CD).

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

Attachment No. 25

26. (98-61) Decision on Petition No. 98-61 by Motel 6 Operating L.P. for a change in zoning for approximately 5.9 acres located on the northwest corner of Sloan Drive and Interstate 85 South service road from B-1(CD) to B-2(CD).

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

- Any access to Sloan Drive would be limited to a right-out only connection.
- A building envelope was added to the plan to allow the petitioner more flexibility on the size and orientation of the hotel.
- The reference to truck parking was eliminated from the plan.

Attachment No. 26

27. (98-74) Decision on Petition No. 98-74 by The FWA Group, Harry D. Sherrill, Jr. for a change in zoning for approximately 0.8 acres located on the southwest corner of West Stonewall Street, Church Street and Poplar Street from UMUD to UMUD-O.

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

The petitioner agrees to bear the expense of the six items identified in the CDOT memo of May 21, 1998:

1. Removal and reconstruction /replanting of trees, tree grates, tree pits, and other landscaping within the right-of-way and proposed setback area.
2. Removal and reconstruction of the tree pit retaining wall at the back of the curb.
3. Removal and re-installation of all irrigation and sub-drain lines associated with the tree pits.
4. Removal and reconstruction/reinstallation of sidewalk pavers.

5. Relocation of any utilities that are constructed/relocated (not existing) within the right-of-way and proposed setback area that are part of the current Charlotte Observer construction project.

6. Removal of any shoring that impacts future tree pit, utility, or curb line locations.

Attachment No. 27

28. Resolution calling for public hearings on Wednesday, September 23, 1998 at 6:00 p.m. in the Meeting Chamber of the Charlotte-Mecklenburg Government Center for Petition Nos. 98-36, 98-42, 98-59, 98-65, 98-70, 98-72, and 98-77 through 98-88.

Monday, July 20, 1998

5:00 p.m. - Council-Manager Dinner
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6:00 p.m. - ZONING HEARINGS
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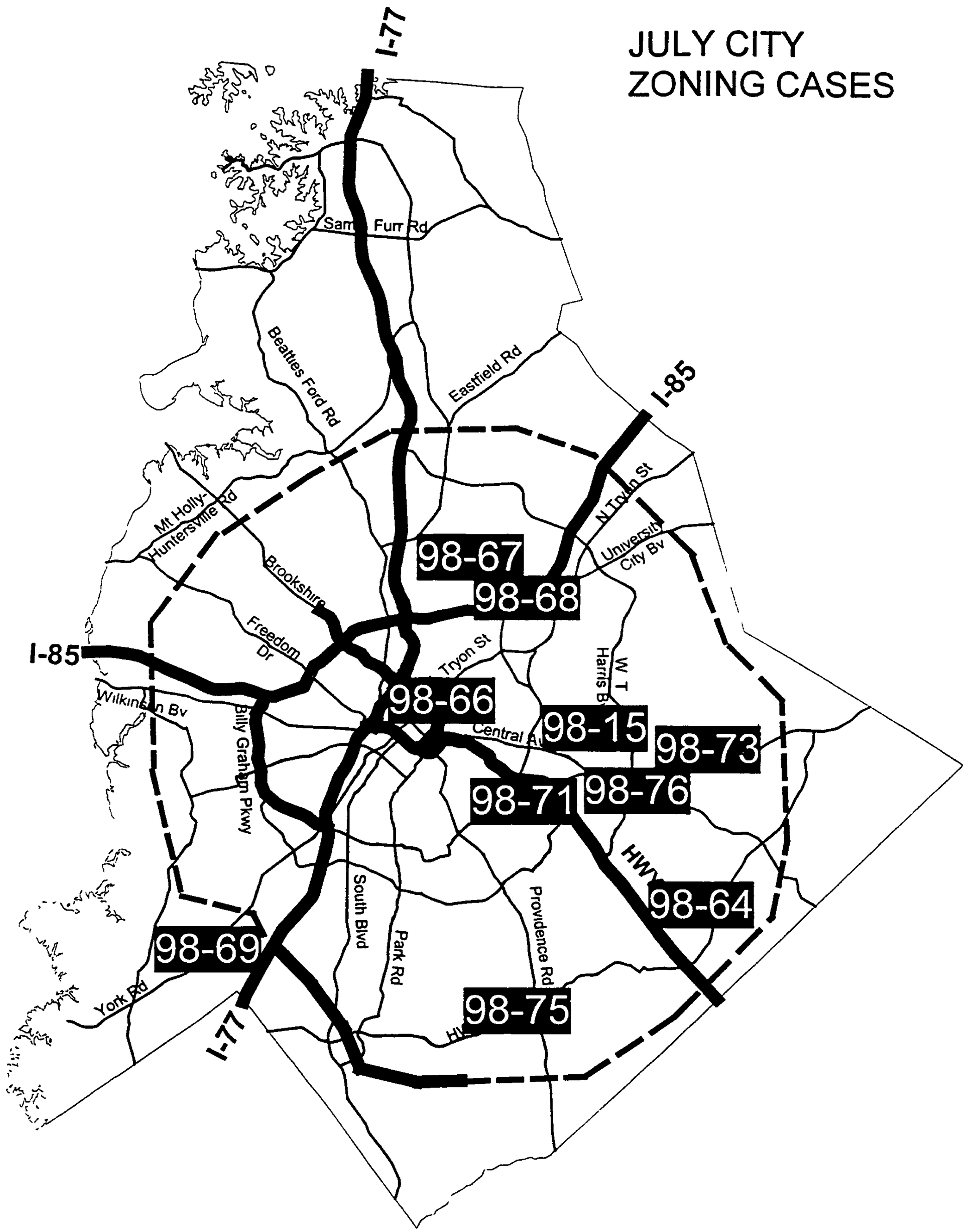
JULY CITY ZONING CASES



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 July, 1998 on the following petitions proposing changes on the Official Zoning Maps of the City of Charlotte, North Carolina:

Petition No. 98-15. Change from O-2 to B-1(CD) for approximately 0.57 acres located on the southeast corner of Central Avenue and Carolyn Drive. Petitioner: Auto Inspector, Inc.

Petition No. 98-64. Change from B-1(CD) to B-2(CD) for approximately 6.7 acres located on the southeast corner of Independence Boulevard (US 74) and Krefeld Drive. Petitioner: Don Renaldo

Petition No. 98-66. Change from UR-3 to MUDD(CD) for approximately 2.5 acres located on the south side of West Seventh Street between North Graham Street and North Smith Street. Petitioner: Post Properties.

Petition No. 98-67. Change from R-3 to R-4(CD) for approximately 21.12 acres located on the southwest corner of Gibbon Road and Horace Mann Road. Petitioner: Douglas L. Boone, Boone Communities.

Petition No. 98-68. Change from R-3 and R-12MF(CD)to R-6(CD) for approximately 16 acres located on the east side of Oneida Road north of Graham Street. Petitioner: Charlotte-Mecklenburg Housing Partnership, Inc.

Petition No. 98-69. Change from R-3 and R-12(CD) to R-12MF(CD) for approximately 11.9 acres located on the north side of York Road, between Moss Road and Erwin Road. Petitioner: Timothy P. Crawford, The Mathisen Company.

Petition No. 98-71. Change from R-3 to R-12MF(CD) for approximately 20.9 acres located on the west side of Randolph Road at the intersection with Billingsley Road and north of Meadowbrook Road. Petitioner: E. C. Griffith Company

Petition No. 98-73. Change from R-I to INST(CD) for approximately 19.9 acres located on the southwest corner of East W. T. Harris Boulevard and Hickory Grove Road. Petitioner: Hickory Grove Baptist Church

Petition No. 98-75. Change from R-3 to R-8MF(CD) for approximately 10.6 acres located on the east side of Rea Road north of Pineville-Matthews Road (NC 51). Petitioner: Provident Homes, Inc.

Petition No. 98-76. Change from B-2(CD) to BD(CD) for approximately 3.75 acres located on the northeast corner of Albemarle Road and Regal Oaks Drive. Petitioner: ENSI Development Corporation.

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.

Parties in interest and citizens shall have an opportunity to be heard and may obtain further information on the proposed changes from the Charlotte-Mecklenburg Planning Commission Office, Charlotte-Mecklenburg Government Center, 600 East Fourth Street.

Anyone desiring to file a written petition of protest intended to invoke the 3/4 majority vote rule as specified in G.S. 160A-385 must file such petition in the Office of the City Clerk no later than the close of business on Tuesday, July 14, 1998.

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 98-15

Petitioner: Auto Inspector, Inc.

Location: Approximately 0.57 acres located on the southeast corner of Central Avenue and Carolyn Drive.

Request: O-2 to B-1(CD)

BACKGROUND

1. **Existing Zoning**. The petitioned site and the property to the east are zoned O-2. The properties to the west across Carolyn Drive and north across Central Avenue are zoned R-22MF. The properties to the south and southwest across Carolyn Drive are zoned R-4.

2 **Existing Land Use**. The petitioned site and the properties to the south and north across Central Avenue are vacant. The property to the east and southwest across Carolyn Drive are occupied by single family residences. The property to the west across Carolyn Drive is occupied by a business use.

3. **Public Plans and Policies**.

   a. **Central District Plan(adopted 1993).** This district plan recommends office use of this property. The plan calls for commercial uses east of this site, with multi-family residential uses to the west and across Central Avenue. The plan also recognizes the existing single family residential development to the south. The office uses act as a transitional area between the commercial uses to the east and the residential uses to the south and west.

   b. **Briar Creek-Woodland/Merry Oaks Small Area Plan (Draft).** This draft area plan recognizes the existing office zoning on the site. The study group specifically reviewed the requested use and recommended retention of the existing office zoning. This draft plan was reviewed by the Planning Committee in February and recommended for approval. This plan is currently being reviewed by the City Council's Economic Development and Planning Committee.

   c. **Transportation Improvement Program**. Central Avenue is a major thoroughfare with no improvements recommended in the 2015 Transportation Plan.

4. **Site Plan**. The site plan associated with this petition proposes to rezone from O-2 to B-1(CD) for a 4,826 square foot auto inspection facility. The site will be accessed by one driveway from Central Avenue and one driveway from Carolyn Drive. The

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driveway on Carolyn Drive will have a gate that will be closed after business hours to help minimize the potential cut-through traffic on Carolyn Drive. A 20-foot setback is shown along Central Avenue and a 15-foot setback is shown along Carolyn Drive. A 20-foot buffer with a fence is shown along the rear property line. The proposed building will be constructed of split face block and metal siding.

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

DEPARTMENTAL COMMENTS

* CDOT notes that this site could generate approximately 159 trips per day as currently zoned and under the proposed zoning. See the attached memo for additional transportation concerns regarding the proposed access from Carolyn Drive.

* The Storm Water Services Department notes that there has been a history of complaints downstream of this site. For this reason, additional storm water measures have been recommended for this site and the petitioner has agreed to those recommendations.

OUTSTANDING ISSUES

1. **Land Use**. This proposal is inappropriate for approval from a land use point of view. It is inconsistent with publicly adopted plans and policies for this area and removes a beneficial transitional area separating commercial and residential uses. It also introduces commercial traffic onto a residential street.

2. **Site Plan**. The following site plan issue is still outstanding:
   - The metal siding on the proposed building needs to be replaced with either brick or split face block.

CONCLUSION

This proposal is inappropriate for approval. The use is inconsistent with both existing plans and a draft neighborhood plan recommended for approval by the Planning Committee.

NOTE: **A previous version of this petition, requesting the NS district, went to public hearing in March. Subsequent to a negative recommendation by the Zoning Committee, but prior to a decision by the City Council, the petitioner deferred his request in order to seek this different zoning district.**

*Subject to further refinement following public hearing.