AGENDA

Meeting Type:	Z
Date:	05/17/99

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

Council Agenda

Monday, May 17, 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. (98-104) Hearing on Petition No. 98-104 by Dennis Richter for a change in zoning for approximately 2.76 acres located on the north side of East Boulevard between Kenilworth Avenue and Scott Avenue from O-2 and B-1 to MUDD(CD).

   Attachment No. 1

2. (99-23) Hearing on Petition No 99-23 by McCurry Properties for a change in zoning for approximately 2.8 acres located on the east side of South Boulevard between McDonald Avenue and Meacham Street from R-5, O-2, B-2 and I-1 to MUDD-O.

   Attachment No. 2

3 (99-39) Hearing on Petition No 99-39 by Grubb Properties, Inc for a change in zoning for approximately 11 97 acres located on the southeast corner of Randolph Road and Wendwood Lane from R-3 to UR-2CD).

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

   Attachment No 3

4. (99-42) Hearing on Petition No. 99-42 by Community Investments, LLC for a change in zoning for approximately 38.5 acres located south of Rozzelles Ferry Road between Hovis Road and Melynda Road from I-1 and I-2 to R-5 MH-O.

Attachment No. 4

5. (99-46) Hearing on Petition No. 99-46 by Keystone Realty and Development Corp. for a change in zoning for approximately 23 acres located on the north side of Wallace Avenue, west of East W T. Harris Boulevard from R-3 to R-12MF(CD).

Attachment No. 5

6. (99-51) Hearing on Petition No. 99-51 by HFMI Properties, Inc., Stefan R. Latorre, and Bill Plummer. for a change in zoning for approximately 1.9 acres located on the north side of Monroe Road between Shade Valley Road and Eaton Road from O-6(CD) to O-2.

Attachment No. 6

7. (99-52) Hearing on Petition No. 99-52 by LandCraft Properties, Inc. for a change in zoning for approximately 3.06 acres located on the north side of Old Plank Road, east of Brookshire Freeway (NC 16) and south of Plumcrest Drive from R-3 to R-4.

Attachment No. 7

8. (99-53) Hearing on Petition No. 99-53 by Crosland Retail for a change in zoning for approximately 26.9 acres located on the northwest corner of Providence Road West and Providence Road (NC 16).

Attachment No. 8

9. (99-54) Hearing on Petition No. 99-54 by KidZoo Day Care Center for a change in zoning for approximately .52 acres located on Campbell Drive, north of Albemarle Road and west of N Sharon Amity Road from R-4 S.U.P. to R-8MF(CD) and S U P termination.

Attachment No. 9

10. (99-55) Hearing on Petition No. 99-55 by Chris Azar for a change in zoning for approximately 1.2 acres located on the northeast corner of Archdale Drive and Wensley Drive from R-8MF(CD) to R-12MF(CD).

Attachment No. 10

11. (99-56) Hearing on Petition No. 99-56 by John H. Tabor to consider a text amendment to the City of Charlotte Zoning Ordinance to allow more compatible uses for Outdoor Recreational Facilities adjacent to single family residential properties.

Attachment No. 11

12. (99-57) Hearing on Petition No. 99-57 by Crosland Retail for a change in zoning for approximately 11 acres located on the northeast corner of East W. T. Harris Boulevard and Idlewild Road from R-4 to B-1(CD).

A protest petition has been filed

Attachment No. 12

13. (99-58) Hearing on Petition No. 99-58 by W. Patrick Burgess for a change in zoning for approximately 1.6 acres located on the west side of East W. T. Harris Boulevard, north of Independence Boulevard (US 74) and south of Brook Canyon Drive from R-9MF(CD) to R-8.

Attachment No. 13

14 (99-59) Hearing on Petition No 99-59 by Arrowood Limited Partnership for a change in zoning for approximately 10 acres located on the east side of England Street Extension, south of Arrowood Road from BP to BD.

Attachment No. 14

15. (99-60A,B) Hearing on Petition No. 99-60A,B by Charlotte-Mecklenburg Planning Commission for a change in zoning for (A) approximately 1 7 acres located on the north and south sides of Arnold Drive, west of Eastway Drive and east of Merry Oaks Road , and (B) approximately 6 3 acres located generally on the northwest and southwest corners of the intersection of Eastway Drive and Arnold Drive, requesting (A) from R-17MF to R-4 and (B) from R-17MF to R-8.

Attachment No 15

16. (99-61A-C) Hearing on Petition No. 99-61A-C by Charlotte-Mecklenburg Planning Commission for a change in zoning for (A) approximately 21.7 acres located north of Commonwealth Avenue, west of Eastcrest Drive, south of Central Avenue and east of Briar Creek; (B) approximately 2.6 acres located on the east side of Wembley Drive, south of Central Avenue; and (C) approximately 7.9 acres located on the northwest corner of Commonwealth Avenue and Briar Creek Road , requesting (A) from R-43MF and B-1 to R-22MF; (B) from R-22MF to R-12MF; and (C) from R-22MF to R-8.

Attachment No. 16

17. (99-62A-F) Hearing on Petition No. 99-62A-F by Charlotte-Mecklenburg Planning Commission for a change in zoning for (A) approximately 5.4 acres located on the southeast corner of Briar Creek Road and Creighton Drive; (B) approximately 0.44 acres located on the east and west sides of Commonwealth Avenue, south of Woodland Drive; (C) approximately 0.19 acres located on the southwest corner of Barnhill Drive, west of Pinecrest Avenue; (D) approximately 0.54 acres located on the south side of Barnhill Drive, west of Pinecrest Avenue; (E) approximately 5.1 acres located on the south side of Central Avenue between Briar Creek Road and Carolyn Drive, (F) approximately 7.7 acres located on the west side of Eastway Drive, south of Biscayne Drive and north of East Independence Boulevard, requesting (A) from R-22MF to R-12MF; (B) from B-1 to R-4, (C) from O-2 to R-4, (D) from O-2 to R-22MF, (E) from R-22MF to R-12MF; and (F) from R-22MF to R-12MF.

A protest petition has been filed on 99-62(E).

Attachment No 17

18. (99-75) Hearing on Petition No. 99-75 by Charlotte-Mecklenburg Planning Commission to consider a text amendment to the City of Charlotte Zoning Ordinance to allow the current exemptions for single family detached and duplex uses to be expanded to include all residential types when individual driveways or driveways serving no more than two residential units are utilized.

DECISIONS

19 (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).

This petition was deferred for 30 days on November 16, 1998, 30 days on December 21, 1998, 30 days on January 20, 1999,30 days on February 15, 1999, 30 days on March 15, 1999 and 30 days on April 19, 1999

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

- A 50 foot rear yard has been correctly identified along the northwestern property line

- A note will be added to the site plan that the form of connectivity to the adjacent parcel to the west must be reviewed and approved by the Planning Commission staff and the Charlotte Department of Transportation during subdivision plan review

- A note has been added to the site plan indicating that the petitioner will do an evaluation of the downstream impacts of this new development. If the evaluation demonstrates an increase in the surface water elevation, the petitioner will be responsible for extra storm water detention.

- A note has been added to the plan stating that the petitioner will be responsible for traffic signal modifications at the intersection of McLean Road and Old Concord Road. The petitioner will provide up to $10,000 toward these signal modifications.

Attachment No. 19

20. (98-116) Decision 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 the East-West Circumferential Road from R-3 to O-1(CD).

The petition was deferred for 60 days on March 15, 1999

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

- The proposed driveway connection to Providence Road is deleted from the site plan.

Attachment No. 20

21. (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.

This petition was deferred for 60 days on January 20, 1999, 30 days on March 15, 1999, and 30 days on April 19, 1999

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

Attachment No 21

22 (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 US 29 and Heritage Pointe Drive from R-3 to R-12MF(CD)

The petition was deferred for 30 days on February 15, 1999, and 30 days on March 15, 1999, and 30 days on April 19, 1999

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

- The developer will mark the existing pavement on the U.S. 29 Service Road to include and eastbound left-turn lane with a minimum of 150 feet of storage and a 15·1 bay taper.
- The private street connection through the site will have a 50 foot right-of-way dimension and will be constructed in accordance with the City of Charlotte "local residential" street standards.
- The street will be open to all public vehicular traffic.
- No parking will be permitted along the street, and the minimum building setback will be 15 feet.
- No speed bumps or stop signs will be permitted to impede through traffic.

Attachment 22

23. (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 petition was deferred for 30 days on February 15, 1999, and 60 days on March 15, 1999.

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

Attachment No. 23

24 (99-27) Decision on Petition No 99-27 by Diamond Oak Development, Inc for a change in zoning for approximately 9 acres located on Muddy Pond Lane, east of Pineville Road (U S Hwy 521) from R-4 to R-8(CD)

The petition was deferred for 30 days on April 19, 1999

A protest petition has been filed and is sufficient to invoke the ¾ rule

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

- The petitioner will add a note to the site plan to provide detention for up to the 100-year storm event and to limit discharges to pre-existing conditions.
- The number of lots is reduced from 48 to 45.
- The minimum required side yard has been correctly noted as five (5) feet.
- A note has been added to the site plan limiting pedestrian and vehicular access to the site to Muddy Pond Lane.

Attachment No. 24

25. (99-34) Decision on Petition No. 99-34 by Park Selwyn LLC for a change in zoning for approximately 1.2 acres located on the north side of Woodlawn Road, west of Selwyn Avenue from R-5 to UR-2(CD).

The petition was deferred for 30 days on April 19, 1999.

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

Zoning Committee tie vote resulted in NO ACTION being taken on this petition. Thus, the petition is automatically deferred for 30 days to the May Zoning Committee work session.

Attachment No. 25

26. (99-35) Decision on Petition No. 99-35 by City of Charlotte for a change in zoning for approximately 3.8 acres located on the east side of Myers Street between Eleventh Street and Eighth Street from UR-2 and B-2 to UR-2(CD).

The petition was deferred for 30 days on April 19, 1999.

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

- A note will be added to the site plan that mobile classrooms may be allowed on the site for not more than the first year of operation
- The school will accommodate a maximum of 500 students
- Maximum building height has been clarified
- Distances between all buildings and property lines have been dimensioned.
- Sidewalks are now shown between McDowell Street and Myers Street.
- All buffers and landscaping are shown on the site plan.
- A cross-section showing the scale of the building, in relation to abutting residences, has been added to the site plan.
- The height of exterior building features and elevations has been noted.
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Attachment No. 26

27. (99-36) Decision on Petition No. 99-36 by St. Luke's Village, LLC for a change in zoning for approximately 3.79 acres located on the south side of Marsh Road, west of Park Road from R-4 to R-17MF(CD).

The protest petition has been withdrawn.

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

Attachment No. 27

28. (99-40) Decision on Petition No. 99-17 by CrownCen Marketing Company for a change in zoning for approximately 1.2 acres located on the northeast corner of Tuckaseegee Road and Little Rock Road from R-3 to B-1(CD).

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

- A note has been added to the site plan requiring the developer to install a five-foot sidewalk with an eight-foot planting strip along Little Rock Road and Tuckaseegee Road.

- Existing vegetation within the required buffers will be shown on the site plan and a note requiring its preservation added to the plan.

Attachment No 28

29 (99-41) Decision on Petition No 99-41 by LandCraft Properties, Inc for a change in zoning for approximately 10 acres located east of Hubbard Road and north of Mallard Creek Road from R-3 to R-4

Zoning Committee voted to recommend approval of this petition

Attachment No. 29

30. (99-43) Decision on Petition No. 99-43 by The Cunnane Group, Inc. for a change in zoning for approximately 23 acres located on the west side of the proposed Colony Road Extension west of Rea Road from R-3 to R-8MF(CD).

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

- The site plan will be modified to prohibit gates in the fence between the petitioned site and the Carmel Country Club.
- A second right-in/right-out only driveway to Colony Road has been added.
- Specific building elevations have been added to the plan.
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Attachment No. 30

31. (99-44) Decision on Petition No. 99-44 by Marwan Marzouk for a change in zoning for approximately .82 acres located on the southeast corner of North Tryon Street and East 29th Street from I-2 to I-1.

Zoning Committee voted to recommend approval of this petition.

Attachment No. 31

32. (99-45) Decision on Petition No. 99-45 by Marriott International, Inc. for a change in zoning for approximately 12 acres located on the northeast corner of Research Drive and West W. T. Harris Boulevard from RE-2 to O-1(CD) and B-1(CD).

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

- Detached signs will be ground mounted and limited to seven (7) feet in height
- The existing floodplain (undisturbed) on the site will be dedicated to the Mecklenburg County Parks and Recreation Department for greenway purposes
- A sidewalk will be provided along Research Drive. Sidewalks internal to the project will also be provided.

Attachment No 32

33. (99-47) Decision on Petition No. 99-47 Gail M. Dawkins for a change in zoning for approximately 2.04 acres located on the east side of Oakdale Road between Peachtree Road and Auten Road from R-4 to R-8MF(CD).

Zoning Committee voted to recommend approval of this petition.

Attachment No. 33

34. (99-48) Decision on Petition No. 99-48 by The Charlotte-Mecklenburg Planning Commission to consider a text amendment to the City of Charlotte Zoning Ordinance to make provisions for permitting Single Room Occupancy (SRO) residences.

Zoning Committee voted to recommend approval of this petition.

Attachment No. 34

35. (99-49) Decision on Petition No. 99-49 by S. C. Hondros & Associates, Inc. to consider a text amendment to the City of Charlotte Zoning Ordinance to allow a Manager's Residence Quarters, one dwelling unit/development or project, limited to 1,200 heated square feet as a permitted accessory use and/or structure in the RE-1, RE-2, RE-3, BD, BP, I-1 and I-2 zoning districts

A majority of the Zoning Committee voted to recommend approval of this petition.

Attachment No. 35

Resolution calling for public hearings on Monday, June 21, 1999 at 6:00 p.m. in the Meeting Chamber

of the Charlotte-Mecklenburg Government Center for Petitions Nos 99-06, 99-63 through 99-67, and 99-69 through 99-74.