AGENDA

Meeting Type:	Z
Date:	05/18/98

City of Charlotte, City Clerk's Office

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

Council Agenda

Monday, May 18, 1998

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

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

ITEM NO.

PUBLIC HEARINGS

1. (98-51) Hearing 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).

   Attachment No. 1

2. (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 and 30 days on April 20, 1998.

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

   A protest petition has been filed.

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).

This petition was deferred for 30 days on April 20, 1998.

Attachment No. 3

4. (98-32) Hearing on Petition No. 98-32 by Hunter Sr. Trust, G.P. Hunter Jr. Family Trust and Patrick and Beatriz Staub for a change in zoning for approximately 0.744 acres located on the south side of South Tryon Street between Bland Street and Winona Street from I-2 to NS.

Attachment No. 4

5. (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).

This hearing was deferred for 30 days on April 20; 1998.

Attachment No. 5

6. (98-42) Hearing on Petition No. 98-42 by 2112 East 7th Street, LLC for a change in zoning for approximately 0.4 acres located on the south side of East 7th Street between Clarice Avenue and Ridgeway Avenue from R-22MF to NS.

Attachment No. 6

7. (98-43) Hearing on Petition No. 98-43 by Steele Creek Church for a change in zoning for

approximately 10.4 acres located on the south side of West Arrowood Road across from the intersection with Bramblewood Drive from R-4, O-2(CD) and I-1 to Institutional(CD).

Attachment No. 7

8. (98-44) Hearing on Petition No. 98-44 by Jimmy John Katsoudas for a change in zoning for approximately 2.1 acres located on the north side of Albemarle Road (NC 27) approximately 600' west of the intersection with W.T. Harris Boulevard from B-2 to B-2(CD).

Attachment No. 8

9. *(98-45) Hearing 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).

Attachment No. 9

10. (98-46) Hearing 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-12MF.

A protest petition has been filed.

Attachment No. 10

11. (98-47) Hearing on Petition No. 98-47 by Willie L. Bratcher for a change in zoning for approximately 0.17 acres located on the west side of Beatties Ford Road north Tate Street from O-2 to B-1(CD).

Attachment No. 11

12. (98-49) Hearing 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.

Attachment No. 12

13. (98-50) Hearing on Petition No. 98-50 by Lakeshore II, LLC for a change in zoning for approximately 6 acres located on the west side of Mallard Creek Church Road south of Mary Alexander Road from Institutional to R-17MF(CD).

Attachment No. 13

14. (98-62) Hearing on Petition No. 98-62 by Lincoln Property Company for a change in zoning for approximately 0.75 acres located on the south side of East Morehead Street between College Street and South Boulevard from I-2 to UMUD(CD).

Attachment No. 14

DECISIONS

15. (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 to invoke the 20% rule requiring affirmative votes of 3/4 of the Mayor and Council, not excused from voting, in order to rezone the property.

This petition was deferred for one week on April 20, 1998 until the April 27, 1998 meeting, and on April 27, 1998 it was deferred until May 18, 1998.

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. 15

16. (98-09) Decision 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.

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

Attachment No. 16

17. (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 petitioner has requested a 30 day delay in order to amend 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.

This petition was deferred for one week on April 20, 1998 until the April 27, 1998 meeting,

and on April 27, 1998 it was deferred until May 18, 1998.

Two valid protest petitions have been filed.

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.

This petition was deferred for 30 days on April 20, 1998.

The Zoning Committee voted to recommend deferral of this petition until their June 27, 1998 work session.

Attachment No. 19

20. (98-26) Decision 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 until the April 20 meeting.

The Zoning Committee voted to recommend approval of this text amendment as modified to exempt the MUDD district from the following requirements:

- The parking deck standards of Section 12.212.
- The locational and dimensional requirements for parking lots (with substitute standards specified).
- The buffer standards of Section 12.301.

- The underground parking standards of Section 12.213.
- The Tree Ordinance requirement for perimeter trees.

Attachment No. 20

21. (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 to invoke the 20% rule requiring affirmative votes of 3/4 of the Mayor and Council, not excused from voting, in order to rezone the property.

This petition was deferred for 30 days on April 20, 1998.

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

- No future modifications may be made to the buildings or grounds.
- There may not be "special events", (which are open to the public at large and allow up to 88 guests) for two years following approval of this rezoning. (Original request allowed these events to occur once petition was approved.)
- The maximum number of "special events" in a calendar year shall not exceed six and there shall not be more than two seatings per day. (Original request allowed 12 events and did not address seatings per day.)
- Except for two previously contracted events, the maximum number of guests for private functions or combination of private functions shall not exceed 300 guests. Not more than 12 such functions per calendar year may exceed 200 guests and the site plan shall note which events those may be. (Original request allowed a maximum of 375 guests.)
- All food consumed on the site shall be prepared on the site. (New condition)
- Petitioner shall provide on-site noise monitoring equipment and shall comply with local noise ordinances. No amplified music shall be played after 10:30 on Friday and Saturday nights; 10:00 on week nights. Adjoining owners shall be consulted as to the placement of speakers/amplifying equipment prior to their use. (Original request

allowed music to be played until 11:00 PM on Friday and Saturday.)

- 40-foot undisturbed building setbacks will be established along The Plaza and along Belvedere Avenue except for specific areas denoted on the site plan. (one parking space on Belvedere, the existing carriage house, and two parking lot turnarounds); a 30-foot undisturbed building setback will be established along Thurmond Place except as shown on the site plan. Forty-foot setbacks will also be established along The Plaza, Belvedere Avenue and Thurmond Place for the placement of temporary structures such as tents and stages.

- If not used as an "inn and conference center" the property may only be used for one single family residence. (New Condition) Exception: if the historic home is destroyed the property may be subdivided in accordance with the R-5 zoning district.

- Valet parking shall access the site from The Plaza or Belvedere Avenue only. (Original request did not limit how valet parking would operate.)

- No accessory structure shall exceed one story nor 22 feet in height. (Original request limited only cottages to one story or 22 feet in height.)

- The floor plans and building elevations attached to the "Development Standards" shall be a binding part of this site plan. (Added to plan)

Attachment No. 21

22. (98-33) Decision on Petition No. 98-33 by City Attorney for a text amendment to address the filing and withdrawal of protest petitions.

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

Attachment No. 22

23. (98-34) Decision 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 O-1-CD with termination of the special use permit.

The Zoning Committee voted to recommend approval of this petition.

Attachment No. 23

24. (98-35) Decision 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 and is sufficient to invoke the 20% rule requiring affirmative votes of 3/4 of the Mayor and Council, not excused from voting, in order to rezone the property.

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

- A solid fence will be provided to screen the parking lot from the adjoining residentially zoned property.
- The petitioner commits to construct a 5-foot sidewalk along Clarice Avenue, with an 8-foot planting strip.
- Building elevations, specifying masonry construction materials, will be made a binding part of the site plan.
- Office space shall not exceed 5,000 square feet, with the remainder of the floor area ratio to consist of between 18 and 21 residential units.

Attachment No. 24

25. (98-37) Decision 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).

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

- A right turn deceleration lane will be provided on Highway 51.

- An additional ten feet of right-of-way will be provided.
- A left turn lane will be constructed on Bannington Drive to Highway 51.
- Sidewalks will be provided along both sides of Bannington Drive.
- The petitioner will also fund the installation of the traffic signal at Bannington Drive and Highway 51 when the warrants are met.

Attachment No. 25

26. (98-38) Decision 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.

The Zoning Committee voted to recommend approval of this petition.

Attachment No. 26

27. (98-39) Decision 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.

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

- A note will be added to the site plan that provides for interconnectivity between University Executive Park Drive and McCullough Drive.

Attachment No. 27

28. (98-41) Decision 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).

The Zoning Committee voted to recommend approval of this petition.

Attachment No. 28

29. Resolution calling for a joint public hearing by the City Council and the Charlotte-Mecklenburg Historic Landmarks Commission on Monday, June 15, 1998 at 6:00 p.m. in the Meeting Chamber of the Government Center regarding designation of the Thomas Alexander House as an historic landmark.

    Attachment No. 29

30. Resolution calling for public hearings on Monday, June 15, 1998 at 6:00 p.m. in the Meeting Chamber of the Charlotte-Mecklenburg Government Center for Petition Nos. 98-36, 98-52 through 98-61, and 98-74.

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

May 5, 1998

Mayor and City Council

RE: **Petitions to be Heard in May, 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, May 18, 1998, 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 18th day of May, 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(CD) for approximately 41.5 acres located on the west side of Rocky River Road, south of North Tryon Street.

Petition No. 98-19. Change from R-4 to B-1(CD) for approximately 0.479 acres acres located on the southeast corner of Freedom Drive and Edgewood Road.

Petition No. 98-32. Change from I-2 to NS for approximately 0.74 acres located on the south side of South Tryon Street between Bland Street and Winona Street. Petitioner: Hunter Sr. Trust, G. P. Hunter Jr. Family Trust, Pat and Beatriz Staub

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.

Petition No. 98-42. Change from R-22MF to NS for approximately 0.4 acres located on the south side of East 7th Street between Clarice Avenue and Ridgeway Avenue. Petitioner: Pat Pollard

Petition No. 98-43. Change from R-4, O-2(CD)and I-1 to INST(CD) for approximately 10.38 acres located on the south side of West Arrowood Road across from the intersection with Bramblewood Drive. Petitioner: Steele Creek Church

Petition No. 98-44. Change from B-2 to BD(CD)for approximately 2.1 acres located on the north side of Albemarle Road (NC 27) approximately 600' west of the intersection with W. T. Harris Boulevard. Petitioner: Jimmy John Katsoudas

Petition No. 98-45. Change from O-15(CD) to O-1(CD) for approximately 14.4 acres located on the west side of Weddington Road just south of Interstate 485. Petitioner: William Trotter Development Company

Petition No. 98-46. Change from R-9PUD to R-8MF(CD) for approximately 4.1 acres located on the northeast corner of David Cox Road and Davis Lake Parkway. Petitioner: Carroll B. Little

Petition No. 98-47. Change from O-2 to B-1(CD) for approximately 0.17 acres located on the west side of Beatties Ford Road, one lot north of Tate Street. Petitioner: Willie L. Bratcher

Petition No. 98-49. Change from R-3 to R-8MF(CD) for approximately 1.8 acres located on the east side of Sardis Road, approximately 400 feet south of Rama Road. Petitioner: The Everett Company

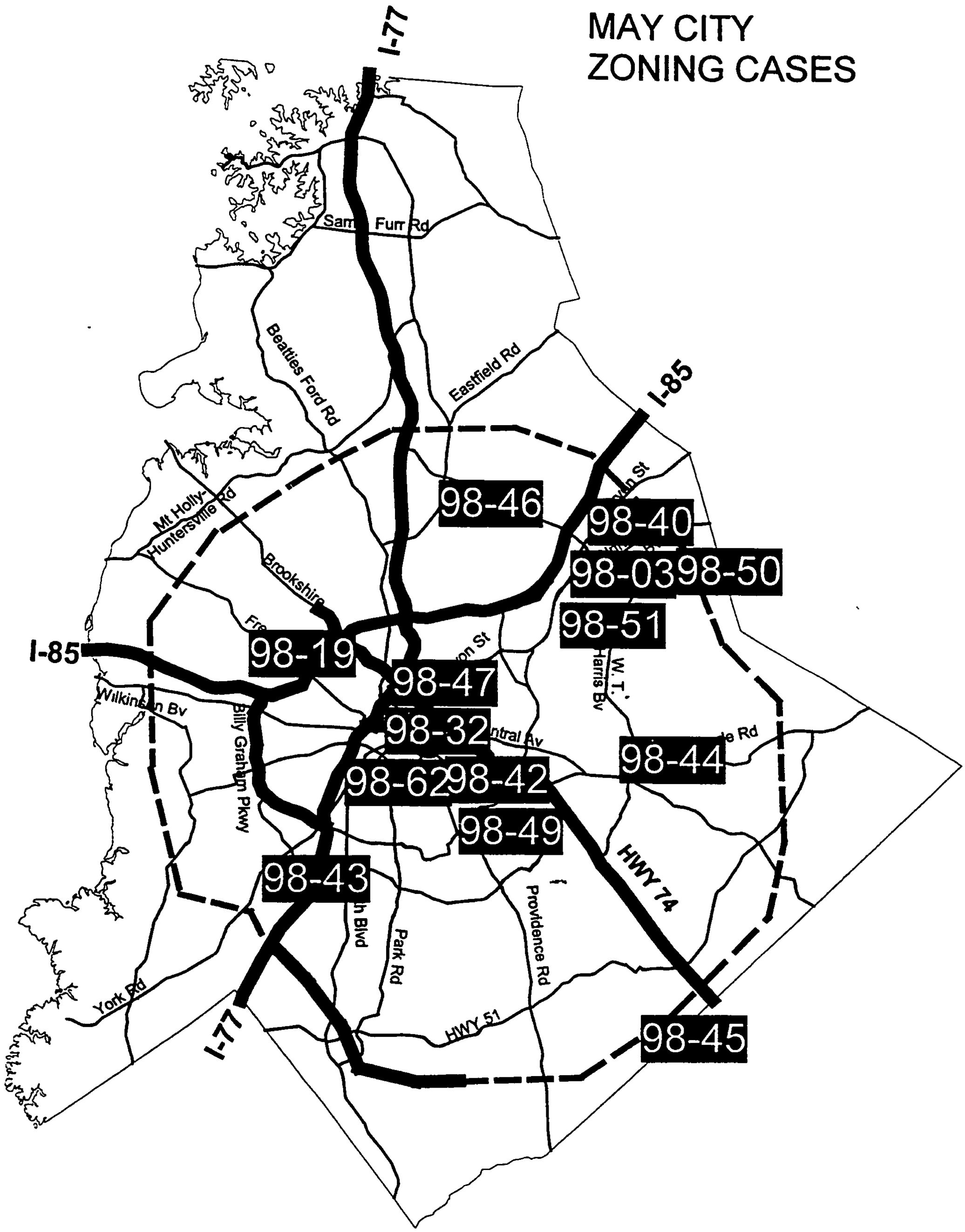
Petition No. 98-50. Change from INST to R-17MF(CD) for approximately 6 acres located on the west side of Mallard Creek Church Road, approximately 1,000 feet south of Mary Alexander Road. Petitioner: Lakeshore II, LLC

Petition No. 98-51. Change from O-1(CD) to B-1(CD) for approximately 2.0 acres located on the north side of University City Boulevard (NC 49) between Pavilion Boulevard and Interstate 485. Petitioner: Exxon Company USA

Petition No. 98-62. Change from I-2 to UMUD(CD) for approximately 0.75 acres located on the south side of East Morehead Street between College Street and South Boulevard. Petitioner: Lincoln Property Company

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, May 12, 1998.

MAY CITY ZONING CASES