AGENDA

Meeting Type:	Z
Date:	09/23/98

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

Wednesday, September 23, 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. (98-42) Hearing on Petition No. 98-42 by Ms. Pat Pollard, 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.

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

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

   Attachment No. 1

2. (98-59) Hearing on Petition No. 98-59 by R. Malloy McKeithen, 600 West 8th Street Partners for a change in zoning for approximately 4.51 acres located on the north side of Smith Street between West Seventh Street and West Ninth Street from UR-2 to UR-C(CD).

   This petition was deferred for three months on June 15, 1998.

   Attachment No 2

3. (98-72) Hearing on Petition No. 98-72 by Charter Properties Inc. for a change in zoning for approximately 2.54 acres located on the north side of Billy Graham Parkway west of Interstate 77 from R-17MF and I-1(CD) to I-1(CD) and I-1(CD) Site Plan Amendment.

Attachment No. 3

4. (98-77) Hearing on Petition No. 98-77 by John L. Duncan, Sr. for a change in zoning for approximately .52 acres located on the northeast corner of Cleveland Avenue and East Worthington Avenue from B-1 to NS.

Attachment No. 4

5. (98-78) Hearing on Petition No. 98-78 by Timothy William Brumm for a change in zoning for approximately .28 acres located on the northeast corner of East Boulevard and Scott Avenue from B-1 to NS.

Attachment No. 5

6. (98-79) Hearing on Petition No. 98-79 by Jerold T. Hipp for a change in zoning for approximately 3.9 acres located on the north side of Old Plank Road east of Plumcrest Drive from R-3 to R-4.

Attachment No. 6

7. (98-80) Hearing on Petition No. 98-80 by East West Partners for a change in zoning for approximately 80 acres located on the south side of Valleydale Road between Cottonwood Park Drive and Morningside Road from R-3 and R-4 to R-5(CD).

Attachment No. 7

8. (98-81) Hearing on Petition No. 98-81 by Hugh and Jane Thompson for a change in zoning for approximately 42.9 acres located on the south side of Nevin Road west of Lake Drive from R-3 to R-4

Attachment No. 8

9 (98-82) Hearing on Petition No 98-82 by Acme Properties Limited Partnership for a change in zoning for approximately 2.25 acres located on the east side of Little Rock Road south of Interstate 85 and west of Service Road from I-2 to I-1

Attachment No. 9

10. (98-83) Hearing on Petition No. 98-83 by Rozumny Development, LLC for a change in zoning for approximately 23.6 acres located along Coppola Drive south of Brookshire Boulevard (NC Highway 16) from R-3 to R-4.

Attachment No. 10

11. (98-84) Hearing on Petition No. 98-84 by Crosland Land Company for a text amendment to allow residential mixed use development to take place in a MX-2 district on tracts which are 10 acres or larger.

Attachment No. 11

12. (98-85) Hearing on Petition No. 98-85 by Llewellyn Scott and Linda Scott for a change in zoning for approximately .79 acres located on the north side of Little Rock Road between Manderly Lane and Tuckaseegee Road from R-3 to R-12MF(CD).

Attachment No. 12

13. (98-86) Hearing on Petition No. 98-86 by Centex Homes for a change in zoning for approximately 47.8 acres located along I-485 south of McKee Road from R-3 to R-3(CD) and R-5(CD).

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

Attachment No. 13

14. (98-87) Hearing on Petition No. 98-87 by Tuscan Development II., LLC for a change in zoning for approximately .62 acres located on the northwest corner of Independence Boulevard and Hawthorne Lane from B-1 to UR-2.

Attachment No. 14

15. (98-88) Hearing on Petition 98-88 by International Airport Centers/City of Charlotte for a change in zoning for approximately 29.7 acres located on the south side of Byrum Drive between Belle Oaks Drive and Yorkmont Road from R-3 and I-1(CD) to I-2(CD).

Attachment No. 15

DECISIONS

16. (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-6(CD).

This petition was deferred for 60 days on February 16, 1998, 30 days on April 20, 1998, 30 days on June 15, 1998, and 60 days on July 20, 1998.

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. 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 Avenue from O-2 to B-1(CD).

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

The Zoning Committee voted to recommend denial of this petition.

Attachment No. 17

18. (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 and Davis Lake Parkway from R-9PUD to R-8MF(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 and 60 days on July 20, 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. 18

19. (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 south of Rama Road from R-3 to R-8MF(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, and 60 days on July 20, 1998.

The Zoning Committee recommends this petition be approved with the following modifications:

- The petitioner will dedicate additional right-of-way as requested.
- Storm water 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. 19

20. (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.

This petition was deferred for 60 days on July 20, 1998.

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 20

21. (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.

This petition was deferred for 60 days on July 20, 1998.

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

Attachment No. 21

22. (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.

This petition was deferred for 60 days on July 20, 1998.

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

Attachment No. 22

23. (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 but is not sufficient to invoke the 3/4 rule.

This petition was deferred for 60 days on July 20, 1998.

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

Attachment No. 23

24. (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)

This petition was deferred for 60 days on July 20, 1998.

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

Attachment No 24

25. (98-64) Decision on Petition No. 98-64 by Don Renaldo for a change in zoning for approximately 6.7 acres located on the southeast corner of Independence Boulevard (US 74) and Krefeld Drive from B-1(CD) to B-2(CD).

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

- The building will be limited to 54,000 square feet of floor area.

Attachment No. 25

26. (98-66) Decision 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)

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

- A note will be added to the site plan that requires all overhead utilities located on the site or along the public streets to be buried as part of this development, and will comply with all other requirements of the approved streetscape plans.

Attachment No. 26

27. (98-67) Decision on Petition No. 98-67 by Douglas L. Boone,Boone Communities for a change in zoning for approximately 23 acres located on the 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.

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

- New notes and modifications to existing notes will be added to the site plan as described in "Supplemental Notes for Petition 98-67", dated July 19, 1998, including a prohibition on placing utilities in the 50-foot buffer adjacent to Crater Park, a prohibition of the "limbing up" of trees along the pedestrian trail in the same buffer, protection of the buffer during construction, implementation of a "three-zone" buffer along streams, identification of wetlands prior to construction, pedestrian connections to Horace Mann Road and possibly the elementary school, construction of a sidewalk along Gibbon Road and on both sides of all new streets, limitations on direct access to Gibbon Road, participation in the Cooperative Tree Planting Program, and an average home size of at least 1,500 square feet with garages for all new homes

Attachment No. 27

28. (98-68) Decision 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)

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. 28

29. (98-69) Decision 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).

The Zoning Committee voted to recommend approval of this petition.

Attachment No. 29

30. (98-71) Decision 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 and north of Meadowbrook Road from R-3 to R-12MF(CD).

The Zoning Committee voted to recommend approval of this petition.

Attachment No. 30

31. (98-73) Decision 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 East W. T. Harris Boulevard and Hickory Grove Road from R-I to INST(CD).

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

- A note will be added to the site plan that the existing vehicular connection through this site between W. T. Harris Boulevard and Hickory Grove Road will not be broken unless a substitute connection is constructed in its place

Attachment 31

32. (98-75) Decision 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 51) from R-3 to R-8MF(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 modifications:

- The number of units is reduced from 74 to 63 dwelling units.
- Existing trees in the Rea Road setback will be preserved.
- The submitted architectural elevations will be a binding part of the site plan.
- The petitioner will undertake sedimentation measurements in the down stream pond prior to and following construction to determine compliance with erosion and sedimentation regulations.
- The petitioner will provide private roll out garbage service.
- An open space calculation will be added to the site.

Attachment 32

33. Resolution calling for public hearings on Wednesday, October 21, 1998 at 6:00 p.m. in the Meeting Chamber of the Charlotte-Mecklenburg Government Center for Petitions Nos. 98-89, 98-90, 98-91, 98-93, 98-95, 98-96, 98-97, 98-98, 98-99, 98-101, and 98-103.

34. **Annexation (Four Resolutions)**

Action: **City Council is requested to adopt four (4) resolutions stating the intent of the City to consider the annexation of four areas and establish a date for the public hearings. The recommended date for the public hearings is Thursday, November 19, 1998 at 7:00 p.m. in the Lobby Level Meeting Chambers of the Charlotte-Mecklenburg Government Center.**

Committee Chair: None

Staff Resource: Dick Black/Mike Boyd

Focus Area: None

Policy: City Annexation Policy and State Annexation Statutes.

Explanation: This resolution is required by state annexation statutes and states the intent of the City to consider annexation. The resolution describes the boundaries of the areas under consideration and establishes a date for public hearings on the question of annexation. By statute, the dates for such public hearings must be at least 45 days and not more than 90 days following passage of the resolutions.

On September 8, 1997, City Council passed Resolutions of Consideration which delineated the geographical areas under consideration. The Preliminary Annexation Report, a summary of all proposed areas, will be submitted to City Council at the September 14, 1998 Dinner Meeting. The Resolution of Intent is the next step in the annexation process. Copies of the Annexation Study Areas and the Preliminary Annexation Report (September 1998) are available from the Planning Commission.

MWBD: None.

Committee Discussion: None.

Community Input: None

Summary of Bids: None.

Funding: The Preliminary Report indicated projected service costs as follows:

	Costs	Appropriation
Start-Up	$ 717,066	January 25, 1999
FY00	$ 4,587,401*	June 30, 1999
(one-time & recurring costs)		
FY01	$ 727,192	July 1, 2000

***Note:** FY00 costs include $3,564,100 in one-time water and sewer capital costs.

Attachment: None

28. (95-54) Decision on Petition No. 95-54 by Charlotte City Council for consideration of an amendment to the City of Charlotte Zoning Ordinance to amend the definition of the term "adult establishment" to clarify that adult bookstore publications include books, magazines, other periodicals, movies, video tapes, and other products offered in photographic, electronic, magnetic, digital or other imaging medium.

The Zoning Committee recommends this petition be approved.

Attachment No. 28