AGENDA

Meeting Type:	Z
Date:	09/23/99

City of Charlotte, City Clerk's Office

CHARLOTTE.

Mayor Patrick McCrory
Mayor Pro Tem Lynn Wheeler

Rod Autrey
Charles Baker
Patrick D. Cannon
David Fernman
Malachi Greene
Mike Jackson
Nasif Rashad Majeed
Don Reid
Jim Sellers
Sara Spencer

OFFICE COPY

Council Agenda

Thursday, September 23,1999

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

- Consideration to waive the two-year rule for a previously denied rezoning petition at the southwest corner of Providence Road and Alexa Road (Attachment 1)

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

ZONING AGENDA

ITEM NO.

PUBLIC HEARINGS

2. (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. 2

3. (99-80) Hearing on Petition No. 99-80 by Drexel, LLC. for a change in zoning for approximately 1.2 acres located on the west side of Park Road, north of Woodlawn Road, across from Park Road Shopping Center from R-4, R-43MF, and O-2 to MUDD(CD).
Petitioner requests an indefinite deferral.

Attachment No. 3

4 (99-82) Hearing on Petition No 99-82 by Fairfield Residential LLC for a change in zoning for approximately 3 3 acres located on the east side of S Tryon Street, south of East Carson Boulevard from I-2 to MUDD(CD).
Petitioner requests a deferral to October 18, 1999

Attachment No 4

5 (99-90) Hearing on Petition No 99-90 by Clariant Corporation for a change in zoning for approximately 9 7 acres located on the southeast corner of Monroe Road and Stanley Avenue, west of Wendover Road from I-2 to I-1.

Attachment No 5

6 (99-91) Hearing on Petition No 99-91 by LandCraft Properties for a change in zoning for approximately 9 4 acres located on the northwest corner of Old Plank Road and Dale Avenue from R-4 to R-5(CD).
Petitioner requests a deferral to October 18, 1999.

Attachment No 6

7 (99-92) Hearing on Petition No 99-92 by Allen C. and Joyce Johnson for a change in zoning for approximately 5 2 acres located on the east and west sides of Distribution Center Drive, north of Interstate 85 and west of Statesville Avenue from O-1 to I-1(CD)

Attachment No 7

8 (99-93) Hearing on Petition No 99-93 by Donald M. Porter for a change in zoning for approximately 1 5 acres located on the north side of Pence Road, east of Holly Hill Road from BD to I-1(CD)

Attachment No 8

9. (99-94) Hearing on Petition No. 99-94 by Home Depot for a change in zoning for approximately 17 acres located between Albemarle Road and Parkton Road, east of Harrisburg Road and across from Manchester Lane from B-2 to CC.

Attachment No 9

10. (99-95) Hearing on Petition No. 99-95 by Ziad Nasrallah for a change in zoning for approximately 0.62 acres located on the east side of York Road (NC 49) across from Yorkmont Road and south of Billy Graham Parkway from B-1 to B-2.

Attachment No. 10

11. (99-96) Hearing on Petition No. 99-96 by Providence Court LLC. for a change in zoning for approximately 2.2 acres located on the southwest corner of Sharon View Road and Flintwood Lane from R-3 to R-5(CD).

A protest petition has been filed .

Attachment No. 11

12. (99-98) Hearing on Petition No. 99-98 by Ghazi-Cornelson Group for a change in zoning for approximately 5.2 acres located on the south side of East W. T. Harris Boulevard and east of U.S. 29 from O-2 and B-1(CD) to B-1(CD) and B-1(CD)S.P.A.

Attachment No. 12

13. (99-99) Hearing on Petition No. 99-99 by Mulvaney Group, Ltd. for a change in zoning for approximately 128 acres located on the south side of Plaza Road, east of Eastway Drive from R-4 to .R-17MF(CD), MX-2 and B-1(CD).

Attachment No. 13

14. (99-100) Hearing on Petition No. 99-100 by Robert L. Brandon, Zoning Administrator to consider a text amendment to the City of Charlotte Zoning Ordinance to make the civil penalties for sign violations the same as any other Zoning Ordinance violations, except that sign violations would still receive a warning citation before the issuance of a civil penalty.

Attachment No. 14

15. (99-101) Hearing on Petition No. 99-101 by Charlotte City Attorney's Office to consider a text amendment to Section 6.206, subsection 2 of the City of Charlotte Zoning Ordinance to eliminate an appeal to the City Council due to the denial of an amendment to an approved site plan. Said amendment also requires that abutting property owners be notified within fifteen days when an applicant appeals a denial to the Planning Committee of the Planning Commission and that abutting property owners shall be entitled to appeal the Planning

Director's (or designee) approval of an amendment within fifteen days of knowledge of the approval.

Attachment No. 15

16. (99-102) Hearing on Petition No. 99-102 by Judson Stringfellow-Triven Properties, LLC to consider a text amendment to Section 9.205 of the City of Charlotte Zoning Ordinance to change the side yard requirement for R-4 and R-5 zoning districts from six (6) feet to five (5) feet.

Attachment No. 16

17. (99-103) Hearing on Petition No. 99-103 by Columbus Club of South Charlotte for a change in zoning for approximately 3 acres located on the south side of Providence Road West, west of Houston Ridge Road from R-3 to INST(CD).

Attachment No. 17

18. (99-104) Hearing on Petition No. 99-104 by Gulf South Development for a change in zoning for approximately 22 acres located on the north side of Providence Road West, west of Houston Ridge Road from R-3 to R-8(CD).

Attachment No. 18

DECISIONS

19. (99-39) Decision on Petition No. 99-39 by Grubb Properties for a change in zoning for approximately 11.9 acres located on the southeast corner of Randolph Road and Wendwood Lane from R-3 to UR-2(CD).

The petition was deferred for 60 days on July 19, 1999.

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

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

- The petitioner will undertake an analysis of the smaller culvert under Randolph Road to determine if it can safely accommodate the 25-year storm. If it will not, the petitioner will undertake the necessary improvement(s).
- The number of units has been decreased from 240 to 210.
- The two buildings along the eastern property line will be limited to condominiums for sale.
- The setback along Randolph Road has been increased to 65 feet.

Attachment No. 19

20. (99-64) Decision on Petition No. 99-64 by Westfield Homes of North Carolina, Inc. Heritage Communities, Inc. for a change in zoning for approximately 26.3 acres located on the southwest corner of David Cox Road and Cleve Brown Road from R-4 to R-8MF(CD).

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

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

- Petitioner agrees to upgrade David Cox Road to residential collector street standards,

not a limited residential collector as previously noted on the site plan.

- The release rates from the storm water detention pond will not exceed those produced by and R-4 land cover.

- Specific building elevations were added to the site plans.

Attachment No. 20

21. (99-68) Decision on Petition No. 99-68 by Crosland Retail for a change in zoning for approximately 7.6 acres located between Buckingham Drive and Park Road, south of Cortland Road from R-5 O-2 and B-1 to B-1(CD).

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

- All previous site plan deficiencies noted by the Staff have been corrected.

- A brick wall will be constructed along Buckingham Drive to screen the existing residential area from the proposed commercial development.

- A vehicular connection will be provided from this commercial center to Buckingham Drive.

Attachment No. 21

22. (99-76) Decision on Petition No. 99-76 by Mark Funderburk, Jr., Robert Funderburk and Dora Terry for a change in zoning for approximately 1.7 acres located on the north side of Oneida Road, east of Graham Street from R-4 to I-1.

Zoning Committee voted to recommend approval of this petition

Attachment No. 22

23. (99-77) Decision on Petition No. 99-77 by United Cerebral Palsy for a change in zoning for approximately 3 acres located on the west side of Marsh Road, between Auburn Avenue and Selwyn Farms Road from R-12MF(CD) to R-12MF(CD) S P A

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

- The petitioner will add one row of evergreen trees, a minimum of five feet in height at installation and spaced 5-8 feet apart, along the property line with the adjacent condominiums.

Attachment No. 23

24. (99-79) Decision on Petition No. 99-79 by City of Charlotte for a change in zoning for approximately 26 acres located on the northwest corner of Shopton Road and Beam Road from R-3, R-17MF and O-1 to B-2(CD).

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

Attachment No. 24

25. (99-81) Decision on Petition No. 99-81 by Crosland Retail for a change in zoning for approximately 0.43 acres located on the north side of Albemarle Road, west of W. T. Harris Boulevard from B-2 to BD(CD).

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

- The easternmost parallel parking spaces will be relocated to provide necessary backup space.
- Driveway aisle width will be increased to 24 feet for two-way traffic.
- The correct reference will be added to the site plan regarding proposed planting strips.

Attachment 25

26. (99-83) Decision on Petition No. 99-83 by Charter Properties for a change in zoning for approximately 12 acres located on the north side of Albemarle Road, south of Pence Road and west of Harrisburg Road from B-1 S.C.D. to CC.

Zoning Committee voted to recommend approval of this petition.

Attachment No. 26

27. (99-85) Decision on Petition No. 99-85 by State Street, LLC for a change in zoning for

approximately 21.9 acres located on the west side of Mallard Creek Road, north of Ben Craig Drive from RE-1 to R-17MF(CD).

Zoning Committee voted to recommend approval of this petition.

Attachment No. 27

28. (99-88) Decision on Petition No. 99-88 by Trammell-Crow, Wood Partners and Lichtin, Inc. for a change in zoning for approximately 172 acres located on the north side of I-485, west of Endhaven Lane and south of McAlpine Creek from R-3 to CC.

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

- Additions and corrections will be made to the site plan as per the petitioner's letter of July 19, 1999. That letter addresses eight (8) points ranging from uses to be permitted on the site, to the phasing of the construction, to storm water detention details

- Development of the site will be limited by a phasing schedule associated with construction of Johnston Road and set forth in a letter from petitioners dated July 24, 1999. The petitioner/developer will construct the portion of Community House Road on the site but will not complete the final connection of Endhaven Lane to Community House Road until Johnston Road is opened to NC51. If that connection has not been completed by the time that the Charlotte-Mecklenburg School District begins construction of its elementary school on Endhaven Lane, the petitioners will provide for school construction traffic to cross the petitioner's site as an alternate to the use of Endhaven Lane, east of the school site.

- The petitioner will satisfy concerns from CDOT prior to a decision being rendered on this petition.

Attachment No. 28

29. (99-87A) Decision on Petition No. 99-87A by City of Charlotte to establish City zoning jurisdiction in a recently annexed area utilizing the current R-3 zoning classification for approximately 23 acres located on the west side of Sardis Road, north of Coach Ridge Trail.

Zoning Committee voted to recommend approval of this petition.

Attachment No. 29

30. (99-87B) Decision on Petition No. 99-87B by City of Charlotte to establish City zoning jurisdiction

in a recently annexed area utilizing the current R-22MF, B-1(CD) and I-1 zoning classifications for approximately 106 acres located between West Boulevard and West Tyvola Road, east of Billy Graham Parkway.

Zoning Committee voted to recommend approval of this petition.

Attachment No. 30

31. (99-87C) Decision on Petition No. 99-87C by City of Charlotte to establish City zoning jurisdiction in a recently annexed area utilizing the current B-1, B-2 and CC zoning classifications for approximately 172 acres located between I-485 and Longleaf Drive on the east and west sides of US Highway 521.

Zoning Committee voted to recommend approval of this petition.

Attachment No. 31

32. (99-87D) Decision on Petition No. 99-87D by City of Charlotte to establish City zoning jurisdiction in a recently annexed area utilizing the current R-3, R-4, R-12PUD, R-8MF, R-12MF(CD), O-1(CD), MX-1, MX-2, B-1S.C.D., BP(CD) and CC zoning classifications for approximately 3312 acres located east and west of US Highway 521 and north and south of I-485 in the vicinity of Ballantyne Commons Parkway.between I-485 and Longleaf Drive on the east and west sides of US Highway 521.

This petition is reduced by the same acreage included in rezoning petition 99-88.

Zoning Committee voted to recommend approval of this petition.

Attachment No 32

33. Resolution calling for a joint public hearing by the City Council and the Charlotte-Mecklenburg Historic Landmarks Commission on Monday, October 18, 1999 at 6:00p.m. in the Meeting Chamber of the Charlotte-Mecklenburg Government Center regarding designation of the S. Bryce McLaughlin House as an historic landmark.

Attachment No. 33

Resolution calling for public hearings on Monday, October 18, 1999 at 6:00 p.m. in the Meeting Chamber of the Charlotte-Mecklenburg Government Center for Petitions Nos. 99-53, 99-89, 99-97, and 99-105 through 99-120.