

AGENDA

Meeting Type:	ZONING
Date:	12/16/1996

City of Charlotte, City Clerk's Office



Mayor Patrick McCrory Mayor Pro Tem Al Rousso

<i>Charles Baker</i>	<i>Don Reid</i>
<i>Patrick Cannon</i>	<i>Ella Butler Scarborough</i>
<i>Malachi Greene</i>	<i>Tim Sellers</i>
<i>Mike Jackson</i>	<i>Sara Spencer</i>
<i>Nasif Rashad Majeed</i>	<i>Lynn Wheeler</i>

Council Agenda

Monday, December 16, 1996

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

- Discuss adding case to the February Zoning Agenda
- Oakhurst Land Use and Zoning Plan

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

ITEM NO.

PUBLIC HEARINGS

1. A. Hearing to consider designation of the Ratcliffe-Otterbourg House, including the interior and exterior of the house and the parcel of land listed under Tax Parcel Number 1555-027-18, located at 2100 Randolph Road, Charlotte, Mecklenburg County, North Carolina, as a historic landmark..

- B. Adopt an ordinance designating the Ratcliffe-Otterbourg House as a historic landmark.

- Attachment No. 1

2. A. Hearing to consider designation of the David Jenkins Craig, Sr. House, including the exterior and interior of the main house, the exterior and interior of the garage/apartment and the parcel of land listed under Tax Parcel Number 155-043-05, located at 900 Ardsley Road, Charlotte, Mecklenburg County, North Carolina, as a historic landmark.

- B. Adopt an ordinance designating the David Jenkins Craig, Sr. House as a historic landmark.

Attachment No. 2

3. (96-69) Hearing on Petition No. 96-69 by Christopher J. Branch for a change in zoning for approximately 1 acre (4.5 acres originally proposed) on the west side of Park Road north of Sunset Drive from Institutional (CD) to R-8MF(CD) (R-17MF-CD) originally requested.

Protest petitions have been filed and are 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.

This petition was deferred for 30 days at the October 21 and November 18 meetings.

Attachment No. 3

4. (96-95) Hearing on Petition No. 96-95 by William L. Wallace Jr, and Margaret A. Wallace for a change in zoning for approximately 1.57 acres located on the northeast corner of North Tryon Street and Lambeth Drive from I-2 to B-2.

Attachment No. 4

5. (96-96) Hearing on Petition No. 96-96 by Miller H. Newton for a change in zoning for approximately .482 acres located on the southerly corner of the intersection of South Boulevard and East Park Avenue from B-1 to NS.

Attachment No. 5

6. (96-97) Hearing on Petition No. 96-97 by Faison Arrowood Property, Inc. for a change in zoning for approximately 35.92 acres located on the northeast corner of the intersection of Arrowood Road and I-77 from B-D(CD) to B-2(CD).

Attachment No. 6

7. (96-98) Hearing on Petition No. 96-98 by JS Group, L.L.C. for a change in zoning for approximately 1.45 acres located on the southeast corner of the intersection of East W. T. Harris Boulevard and Pence Road from B-1 and B-1(CD) to B-1(CD) and B-1(CD) Site Plan Amendment.

Attachment No. 7

8. (96-101) Hearing on Petition No. 96-101 by Charlotte-Mecklenburg Planning Commission (Oakhurst Land Use and Zoning Plan) for a change in zoning for approximately 96 acres located north of Monroe Road, east of Wendover Road and south of Independence Boulevard from R-17MF to R-8MF and R-5.

Attachment No. 8

9. (96-102) Hearing on Petition No. 96-102 by Charlotte-Mecklenburg Planning Commission (Oakhurst Land Use and Zoning Plan) for a change in zoning for approximately 12 acres generally bounded by North Sharon Amity Road to the east, Monroe Road to the south, Lanier Avenue to the west and Buena Vista Avenue to the north from R-17MF to R-6 and R-4.

Attachment No. 9

10. (96-103) Hearing on Petition No. 96-103 by Charlotte-Mecklenburg Planning Commission (Oakhurst Land Use and Zoning Plan) for a change in zoning for approximately 15 acres located to the west of North Sharon Amity Road, extending from Kelly Street to Purvey Road from R-17MF to R-8MF and R-5.

Attachment No. 10

11. (96-104) Hearing on Petition No. 96-104 by Akram and Lubna Karam for a change in zoning for approximately 6.2 acres located on the west side of James Road approximately 0.6 miles south of Plaza Road Extension and James Road intersection from R-3 to MH-O (Manufactured Home Overlay).

Attachment No. 11

DECISIONS

12. (96-40) Decision on Petition No. 96-40 by Thies Realty and Mortgage Company/Hoffman Associates, Limited Partnership and Ken and Sarah Harris for a change in zoning for approximately 1.6 acres located on the south side of Vernon Drive, east of Providence Road, from R-3 to R-5.

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.

This petition was deferred for 30 days at the May 20 and June 17 meetings.

The Zoning Committee deferred this petition until their September meeting.

This petition was deferred for 30 days at the September 16, October 21 and November 18 meetings.

The Zoning Committee deferred this petition to their December meeting.

Attachment No. 12

13. (96-66) Decision on Petition No. 96-66 by Mecklenburg County Attorney for consideration of a text amendment to the City of Charlotte Zoning Ordinance to match the local Solid Waste definitions to current state terminology.

This petition was deferred at the October 21 and November 18 meetings.

The Zoning Committee recommends this petition be deferred for one month.

Attachment No. 13

14. (96-67) Decision on Petition No. 96-67 by Christopher J. Branch for a change in zoning for approximately 4 acres located on the east side of Providence Road, south of Sharon Amity Road from R-3 to R-8MF(CD) (R-12MF(CD) originally requested.)

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.

This petition was deferred for 30 days at the November 18 meeting.

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

- Architectural renderings are a binding part of the site plan. Those renderings indicate the building exterior to be virtually all brick.

Attachment No. 14

15. (96-70) Decision on Petition No. 96-70 by NIAVAM Development, Inc. for a change in zoning for approximately 7.2 acres on the north side of the future Ballantyne Commons Parkway, east of Rea Road, 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 Councilmembers, not excused from voting, in order to rezone the property.

This petition was deferred for 30 days at the October 21 and November 18 meetings.

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

- A "leftover" median cut will be added.
- The architectural renderings submitted by the petitioner are to be considered part of the site plan.
- The petitioner agrees to remove the existing fence bordering the single family residential area.

Attachment No. 15

16. (96-75) Decision on Petition No. 96-75 by Sam Johnson for a change in zoning for approximately .61 acres located on the east side of South Boulevard north of Hill Road from R-22MF to B-2(CD).

This petition was deferred for 30 days at the November 18 meeting.

The Zoning Committee's motion to deny this petition ended in a 3-3 tie, therefore this item will roll over to the Zoning Committee's meeting on December 23.

Attachment No. 16

17. (96-76) Decision on Petition No. 96-76 by Myers Park Presbyterian Church for a change in zoning for approximately 2.1 acres on the east side of Providence Road, north of Cherokee Road, from R-43MF to O-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 Councilmembers, not excused from voting, in order to rezone the property.

The Zoning Committee recommends approval of this petition.

Attachment No. 17

18. (96-77) Decision on Petition No. 96-77 by Westwind of Southpark, LLC for a change in zoning for approximately 5.8 acres on the north side of Fairview Road, west of Wintercrest Drive, 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 Councilmembers, not excused from voting, in order to rezone the property.

This petition was deferred for 30 days at the November 18 meeting.

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

- The rezoning is modified to an R-8MF(CD) for the Bed and Breakfast portion of the petition.
- The additional masonry/wood wall would be allowed in the buffer but would not reduce the width of the required buffer.

Attachment No. 18

19. (96-79) Decision on Petition No. 96-79 by Park Selwyn, LLC for a change in zoning for approximately 1.5 acres on the south side of Woodlawn Road, west of Selwyn Avenue, from R-5 to R-17MF(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 Councilmembers, not excused from voting, in order to rezone the property.

This petition was deferred for 30 days at the November 18 meeting.

The Zoning Committee will discuss this at their December meeting.

Attachment No. 19

20. (96-82) Decision on Petition No. 96-82 by Vincent Moore and Della J. McCullough for a change in zoning for approximately 0.35 acres on the south side of Shamrock Drive, east of Eastway Drive, from R-17MF to O-1.

This petition was deferred for 30 days at the November 18 meeting.

The Zoning Committee recommends this petition be denied.

Attachment No. 20

21. (96-85) Decision on Petition No. 96-85 by Edgar L. Norris, Jr. for a change in zoning for a 0.7 acre site on the northeast corner of the intersection between Statesville Road and Durham Lane from R-3 to R-12MF.

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 Zoning Committee recommends this petition be approved.

Attachment No. 21

22. (96-87) Decision on Petition No. 96-87 by SCI North Carolina Limited Partnership for a change in zoning for approximately 26 acres located on the south side of Hutchinson-McDonald Road, west of Statesville Road from I-1(CD) and R-4 to I-1(CD) and I-1(CD) Site Plan Amendment.

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

- Addition of the appropriate radius to the corner of the buffer shown on the site plan.

Attachment No. 22

23. (96-88) Decision on Petition No. 96-88 by Charlotte Mecklenburg Planning Commission for consideration of a Text Amendment to the City of Charlotte Zoning Ordinance to increase the retail square footage permitted in the B-1 Districts from 70,000 square feet to 100,000 square feet.

The Zoning Committee recommends approval of this Text Amendment with the following modification:

- The increase in square footage would also be reflected in the appropriate Table of Permitted Uses.

Attachment No. 23

24. (96-89) Decision on Petition No. 96-89 by Charlotte Mecklenburg Planning Commission (Mt. Holly Road Special Project Plan) for a change in zoning for approximately 42.4 acres located along the northerly side of Mount Holly Road extending from Mount Holly-Huntersville Road to Stoney Ridge Road from R-17MF to R-3.

The Zoning Committee recommends deferral of the Mount Holly Road Special Project Plan rezonings for a period of two months.

Attachment No. 24

25. (96-90) Decision on Petition No. 96-90 by Charlotte Mecklenburg Planning Commission (Mt. Holly Road Special Project Plan) for a change in zoning for approximately 49 acres bounded by Mount Holly Road and the CSX Railroad right-of-way extending from east of Lee Street to Lee Drive from R-22MF to R-5.

The Zoning Committee recommends deferral of the Mount Holly Road Special Project Plan rezonings for a period of two months.

Attachment No. 25

26. (96-91) Decision on Petition No. 96-91 by Charlotte Mecklenburg Planning Commission (Mt. Holly Road Special Project Plan) for a change in zoning for approximately 161.7 acres bounded by Tom Sadler Road and Mount Holly Road, east of Cathey Road from R-17MF to R-4.

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 Zoning Committee recommends deferral of the Mount Holly Road Special Project Plan rezoning for a period of two months.

Attachment No. 26

27. (96-92) Decision on Petition No. 96-92 by Charlotte Mecklenburg Planning Commission (Mt. Holly Road Special Project Plan) for a change in zoning for approximately 190 acres north of Mount Holly Road and west of Valleydale Road from R-17MF to I-1, R-4 and R-8.

The Zoning Committee recommends deferral of the Mount Holly Road Special Project Plan rezoning for a period of two months.

Attachment No. 27

28. (96-93) Decision on Petition No. 96-93 by Charlotte Mecklenburg Planning Commission (Mt. Holly Road Special Project Plan) for a change in zoning for approximately 29.8 acres located east of Valleydale Road along the Duke Power right-of-way from I-2 to R-4.

The Zoning Committee recommends deferral of the Mount Holly Road Special Project Plan rezonings for a period of two months.

Attachment No. 28

29. (96-94) Decision on Petition No. 96-94 by Charlotte Mecklenburg Planning Commission (Mt. Holly Road Special Project Plan) for a change in zoning for approximately 30.6 acres southwest of the intersection of Belhaven Boulevard and Brookshire Boulevard from I-2, I-1 and R-4 to R-8.

The Zoning Committee recommends deferral of the Mount Holly Road Special Project Plan rezoning for a period of two months.

Attachment No. 29

30. Resolution calling for public hearings on Tuesday, January 21, 1997 and at 6:00 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center for Petition Nos. 97-3 through 97-10, 97-21 and SUB 97-1 for zoning changes.

BUSINESS AGENDA

31. Approval of Minutes of October 28 Business Meeting, November 4 Council Workshop, November 11 Business Meeting and November 14 Annexation Public Hearings.

ANNOUNCEMENTS

On January 13, 1997 City Council will make nominations to fill vacant positions on the following boards:

1. **Citizens Oversight Committee for Cable Television**

Two positions. One will begin immediately to fill an unexpired term and then serve the next full two year term ending March 31, 1999. Patrick Hart did not meet attendance requirements. The other appointment will begin April 1 and expire March 31, 1999. David Barley is not eligible to be reappointed.

2. **Civil Service Board**

One alternate appointment beginning immediately and ending May 15, 2000. Joseph Papa has resigned.

3. **Community Relations Committee**

One position beginning immediately and expiring June 30, 1999. Joanne Jenkins did not meet Council's attendance policy.

4. **Competition Advisory Committee**

Four two year appointments beginning March 1, 1997. Jefferson Brown, Dan Clodfelter, Jack Sommer and Mary Stafford are all eligible to be reappointed.

One two year appointment beginning immediately and ending March 1, 1999. This is a new position approved by Council on November 25, 1996.

5. **Transit Advisory Committee**

One three year appointment beginning January 31, 1997 to fill the Suburban Employer Served by Charlotte Transit Category. Sam Burrow is eligible to be reappointed.

One three year appointment beginning January 31, 1997 to fill the Neighborhood Organization Leader category. John A. Moore is eligible to be reappointed.

6. **Zoning Board of Adjustment**

Two alternate positions for three years beginning February, 1997. James Ewers is not eligible for reappointment. Patrick Hunter is eligible to be reappointed.

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One regular, three year position beginning February, 1997 to replace James Carter who is not eligible to be reappointed.

Applications may be obtained by calling the Office of the City Clerk at 336-2248. All applications must be returned by 5:00 p.m. on Monday, January 6.