

AGENDA

Meeting Type:	ZONING
Date:	10/21/1996

City of Charlotte, City Clerk's Office



Mayor Patrick McCrory Mayor Pro Tem Al Rousso

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

Council Agenda

Monday, October 21, 1996

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

- * Discuss Economic Development and Planning Committee Recommendation for Moratorium on Landfills, Demolition Landfills, Quarries, Solid Waste Transfer Stations and Medical Waste Incinerators.

Attachment A

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

ITEM NO.

PUBLIC HEARINGS

1. (96-57) Hearing on Petition No. 96-57 by Cindy 77 Associates for a change in zoning for approximately 41.8 acres located on the northerly side of Cindy Lane opposite the intersection with Hutchinson-McDonald Road from R-4 to R-17MF(CD).

A request has been received from the petitioner to withdraw Petition No. 96-57. Letters supporting this request are attached.

Attachment No. 1

2. (6-67) Hearing 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 proposed).

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.

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).

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.

Attachment No. 3

4. (96-75) Hearing 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).

Attachment No. 4

5. (96-77) Hearing 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.

Attachment No. 5

- 6. (96-78) Hearing on Petition No. 96-78 by Central Piedmont Community College for a change in zoning for approximately 22.4 acres on the south side of Morris Field Drive, east of Billy Graham Parkway from I-1(CD) and B-1(CD) to Institutional (CD).

Attachment No. 6

- 7. (96-79) Hearing 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).

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.

Attachment No. 7

- 8. (96-80) Hearing on Petition No. 96-80 by William E. Ray and Delores K. Ray for a change in zoning for approximately 4.4 acres on the northwest corner of the intersection between Ardsley Road and Hermitage Road from R-15MF(CD) to Institutional (CD).

Attachment No. 8

Subdivided *Parking* *Subdivided* *Commercial*
Proper *Use*
Attachment
Education

- 9. (96-81) Hearing on Petition No. 96-81 by Land Craft Properties, Inc. for a change in zoning for approximately 47 acres on the east side of Hubbard Road, south of Mallard Creek from R-3 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.

Attachment No. 9

- 10. (96-82) Hearing on Petition No. 96-82 by Vincent Moore and Della J. McCullough for a change in zoning for approximately 1.2 acres on the south side of Shamrock Drive, east of Eastway Drive from R-17MF to O-2.

Attachment No. 10

11. (96-83) Hearing on Petition No. 96-83 by Robert Systems, Inc. for a change in zoning for approximately 1.9 acres on the north side of York Road, east of Sandy Porter Road from R-17MF to I-1.

Attachment No. 11

- McDonald*
12. (96-84) Hearing on Petition No. 96-84 by The Crosland Group, Inc. for consideration of a CC Site Plan Amendment for approximately 14.7 acres located on the southwesterly corner of the intersection of Sharon Road West and Park Road.

Protest petitions have been filed, but the City Attorney's Office has determined that, based upon G.S. § 160A-385, a protest petition cannot be filed against this amendment to an approved conditional district site plan, because the amendment does not change the types of uses that are permitted within the district.

Attachment No. 12

DECISIONS

13. (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, June 17 and September 16 meetings.

The Zoning Committee recommends this petition be deferred for 30 days.

Attachment No. 13

14. (96-50) Decision on Petition No. 96-50 by Cherry Community Organization for a change in zoning for several parcels located on the north and south sides of South Torrence Street at Ranlo Avenue from R-22MF to R-6.

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 at the July 15 and September 16 meetings.

The Zoning Committee recommends this petition be denied.

Attachment No. 14

15. (96-56) Decision on Petition No. 96-56 by Karrington Communities for a change in zoning for approximately 3.5 acres located on the west side of Randolph Road north of Meadowbrook Road from R-3 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 September 16 meeting.

The Zoning Committee recommends approval of this petition, with the following modifications:

- Inclusion of a full 50 foot buffer along the southerly side of the property adjacent to the single family lots. Alteration of the building footprint which reduces the height of the structure from a combination of three and four stories to a two and three-story building,
- reduction in the number of beds from 105 to 88 which consequently reduces the total building area to 59,687 square feet,
- increased distance for the building, circulation, and parking away from the existing single family housing,
- exterior materials to consist of at least 50% brick and supplemental vegetation to be added to the buffer area on the single family side of the development,
- Hurricane Hugo debris to be removed, and relocation and full enclosure of the trash dumpster.

Attachment No. 15

16. (96-60) Decision on Petition No. 96-60 by Albemarle Road Costing for a change in zoning for approximately 36.3 acres located on the south side of Albemarle Road west of Dwightware Boulevard from R-3 to CC and R-12MF(CD). (R-27MF(CD) originally proposed).

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, with the following modifications:

- addition of a 75 foot undisturbed buffer around the entire multifamily portion of the property,
- all multifamily buildings will be at least 100 feet from the property line.
- a six foot high privacy fence will be built at the inside of the 75 foot buffer,
- the number of multifamily units is reduced from 230 to 169, resulting in a modification of the rezoning request to R-12MF instead of R-17MF,
- the multifamily project will be restricted to a "for sale" development with adoption of a restrictive covenant to permit enforcement of this provision by adjacent property owners,
- additional detailed modifications as contained in the "Table of Major Concessions per Neighbors and Staff Requests."

Attachment No. 16

17. (96-64) Decision on Petition No. 96-64 by CK-Land Development, Inc. for a change in zoning for approximately 1.2 acres on the northwest corner of the intersection between East W. T. Harris Boulevard and The Plaza from R-4 to B-1(CD).

The Zoning Committee recommends approval of this petition.

Attachment No. 17

18. (96-65) Decision on Petition No. 96-65 by Melaragno Design Build, Inc., for a change in zoning for approximately 0.5 acres on the west side of North Laurel Avenue, north of Vale 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.

The Zoning Committee deferred this petition for one month.

Attachment No. 18

19. (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.

The Zoning Committee recommends deferral of this petition for one month.

Attachment No. 19

20. (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.

The Zoning Committee recommends deferral of this petition.

Attachment No. 20

21. (96-71) Decision on Petition No. 96-71 by Devon Capital Management for a change in zoning for approximately 8.8 acres on the east side of South Boulevard north of Emerywood Drive from B-2 and B-D(CD).

The Zoning Committee recommends approval of this petition with the following modifications:

- Addition of a statement that "no wall signs shall be permitted on building sides which are primarily oriented to residential uses. Wall signs will only be placed on the highway oriented walls which are located generally along the westerly and southerly sides of the property."

Attachment No. 21

22. (96-72) Decision on Petition No. 96-72 by City of Charlotte/Ivan C. Hinrichs for a change in zoning for approximately 2.5 acres on the west side of Yorkmont Road, south of Bynum Drive from R-3 to I-1(CD).

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

- Addition of a note to the site plan stating "The first row of large oak trees along Yorkmont Road presently standing on Parcel A will be preserved. The first row of large oak trees along Yorkmont Road presently standing on Parcel B will be preserved, subject only to the right of the owner thereof to request administratively a waiver or waivers with respect to one or more of these trees for just cause, with the determination of just cause to be left solely in the discretion of the Planning Director of his nominee."

Attachment No. 22

23. (96-73) Decision on Petition No. 96-73 by Guignard Freight Lines, Inc. for a change in zoning for approximately 15 acres on the west side of Statesville Road, (US 21) and the south side of Lakeview Drive from I-1 to I-2.

The Zoning Committee recommends approval of this petition.

Attachment No. 23

24. Resolution calling for public hearings on Monday, November 18, 1996 at 6:00 p.m. in the Meeting Chamber of the Charlotte-Mecklenburg Government Center for Petition Nos. 96-76, 96-85, 96-87 through 96-94 and 96-105 for zoning changes.

25. **CLOSED SESSION**

Council to go into closed session to consider the qualifications, competence, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee.