AGENDA

Meeting Type:	Z
Date:	07/19/99

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

Monday, July 19,1999

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

Council Agenda

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

ZONING AGENDA

ITEM NO.

PUBLIC HEARINGS

1. (99-64) Hearing on Petition No. 99-64 by Westfield Homes of North Carolina, 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 rule.

   Attachment No. 1

2. (99-68) Hearing 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).

   Attachment No. 2

3 (99-76) Hearing 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

   Attachment No. 3

4. (99-77) Hearing 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.

Attachment No. 4

5. (99-79) Hearing 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).

Attachment No. 5

6. (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 a deferral until September 23, 1999.

A protest petition has been filed.

Attachment No. 6

7. (99-81) Hearing on Petition No. 99-81 by R & J Enterprises 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).

Attachment No. 7

8. (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).

Attachment No. 8

9. (99-83) Hearing 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-1S.C.D. to CC.

Attachment No 9

10. (99-84) Hearing on Petition No. 99-84 by First Presbyterian Church, Charlotte, NC for a change in zoning for approximately 3 acres located on the west side of Church Street, between W. Fifth Street and W. Trade Street and east of S. Poplar Street from UMUD to UMUD-O.

Attachment No. 10

11. (99-85) Hearing 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).

Attachment No. 11

12. (99-87A) Hearing on Petition No. 99-87A by City of Charlotte. for a change in zoning for approximately 23 acres located on the west side of Sardis Road, north of Coach Ridge Trail to establish City zoning jurisdiction in a recently annexed area utilizing the current R-3 zoning classification.

Attachment No. 12

13. (99-87B) Hearing on Petition No. 99-87B by City of Charlotte for a change in zoning for approximately 106 acres located between West Boulevard and West Tyvola Road, east of Billy Graham Parkway to establish zoning jurisdiction in a recently annexed area utilizing the current R-22MF, B-1(CD) and I-1 zoning classifications.

Attachment No. 13

14. (99-87C) Hearing on Petition No. 99-87C by City of Charlotte for a change in zoning for approximately 172 acres located between I-485 and Longleaf Drive on the east and west sides of US Highway 521 to establish zoning jurisdiction in a recently annexed area utilizing the current B-1, B-2 and CC zoning classifications.

Attachment No. 14

15 (99-87D) Hearing on Petition No. 99-87D by City of Charlotte for a change in zoning for approximately 3,484 acres located east and west of US Highway 521 and north and south of I-485 in the vicinity of Ballantyne Commons Parkway to establish 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

Attachment No. 15

16. (99-88) Hearing 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 north of Ballantyne Corporate Parkway from R-3 to CC.

Attachment No. 16

DECISIONS

17. (99-09) Decision on Petition No. 99-09 by Heritage Communities, Inc. for a change in zoning for approximately 31.4 acres located on the north side of East W. T. Harris Boulevard, west of Old Concord Road from R-3 to R-17MF(CD).

The petition was deferred for 30 days on June 21, 1999.

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

- A private road will be realigned to provide connectivity from W. T. Harris Boulevard to Old Concord Road via the adjacent property to the east. The road is designed to accommodate Charlotte transit buses and has no off-street parking spaces with direct access to the private road.
- A 15-unit building has been added to the site, increasing the total number of proposed units from 432 to 447.
- The former 100-foot landscaped setback along W. T. Harris Boulevard is reduced to 50 feet in width to accommodate the private street that will be used for inter-connectivity.

Attachment No. 17

18. (99-34) Decision on Petition No. 99-34 by Park Selwyn LLC for a change in zoning for approximately 1.2 acres located on the north side of Woodlawn Road, west of Selwyn Avenue from R-5 to UR-2(CD)..

The petition was deferred for 30 days on April 19, 1999, 30 days on May 17, 1999 and 30 days on June 21, 1999

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

The Zoning Committee voted to recommend approval of this petition.

Attachment No. 18

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)

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 (99-54) Decision on Petition No. 99-54 by KidZoo Day Care Center for a change in zoning for approximately .52 acres located on Campbell Drive, north of Albemarle Road and west of N Sharon Amity Road from R-4 S U.P to R-8MF(CD) and S U P termination

Zoning Committee voted to recommend approval of this petition

Attachment No. 20

21. (99-55) Decision on Petition No 99-55 by Chris Azar for a change in zoning for approximately 1 2 acres located on the northeast corner of Archdale Drive and Wensley Drive from R-8MF(CD) to R-12MF(CD).

The petition was deferred for 30 days on June 21, 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 building rendering is now a part of the site plan.
- The rear elevation has been modified to include a brick and vinyl combination.
- Along the north side of the property, 60% of the 14-foot class "C" buffer will be located on the Montclaire side of the fence while 40% will be placed on the Arbor Creek side of the fence.
- The reservation to seek a variance for a storage building is deleted from the site plan.
- No pedestrian access will be provided from Wensley Drive to the site.

Attachment No. 21

22. (99-57) Decision on Petition No. 99-57 by Crosland Retail for a change in zoning for approximately 11 acres located on the northeast corner of East W T Harris Boulevard and Idlewild Road from R-4 to B-1(CD).

The petition was deferred for 30 days on June 21, 1999.

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

Zoning Committee voted to recommend denial of this petition, despite the following modifications:

- The petitioner will install screening along the street frontages.
- The site plan now shows Mission Hills Road connecting with Idlewild Road.
- Detention will be provided for the 100-year storm event.
- A Park & Ride facility reserving five parking spaces will be provided.
- The petitioner has committed to a tree save program as recommended by staff.
- A fence will be provided around the storm water detention pond.

Attachment 22

23. (99-63) Decision on Petition No 99-63 by City of Charlotte for a change in zoning for approximately 93.5 acres located on the west side of Mt Holly-Huntersville Road across

from Northwoods Forest Court from R-4 LW-PA/LW-CA to R-4 LW-PA/LW-CA.

Zoning Committee voted to recommend approval of this petition.

Attachment No. 23

24. (99-65) Decision on Petition No. 99-65 by Liberty Homes, Inc. for a change in zoning for approximately 0.45 acres located east of Chesapeake Drive and south of Auten Road from I-2(CD) to R-4.

Zoning Committee voted to recommend approval of this petition.

Attachment No. 24

25. (99-67) Decision on Petition No. 99-67 by Earlville Farms, Inc for a change in zoning for approximately 1.5 acres located south of Albemarle Road, east of Farm Pond Lane from O-1 to B-1.

Zoning Committee voted to recommend approval of this petition.

Attachment No. 25

26 (99-69) Decision on Petition No. 99-69 by Harris Capital Group, Inc. for a change in zoning for approximately 2.9 acres located on the northeast corner of Wallingford Street and W. Exmore Street, north of Woodlawn Road from I-2 to I-1

Zoning Committee voted to recommend approval of this petition.

Attachment No. 26

27. (99-72) Decision on Petition No. 99-72 by Vicky S Gonzalez for a change in zoning for approximately 1.2 acres located on the south side of Central Avenue between Norland Road and Lansdale Drive, north of Evergreen Cemetery from R-22MF to O-1(CD)

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

- The proposed dumpster is no longer blocked by a parking space
- The Class "C" buffer will be undisturbed.

Attachment No. 27

28. (99-73) Decision on Petition No. 99-73 by Capitol Funds, Inc. for a change in zoning for approximately 1.19 acres located on the northwest corner of N. Church Street and W. Seventh Street from UR-2 and UMUD to MUDD(CD).

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

- Notes on the site plan will clarify that a 12-foot setback will be maintained along West 7th Street and a 20-foot yard will be provided along the northwestern and northeastern property lines.
- The number of proposed parking spaces will be added to the site plan.
- The note regarding overhead utilities will be modified to clarify that all utilities will be placed underground.

Attachment No. 28

29. (99-74SUB) Decision on Petition No. 99-74SUB by Charlotte-Mecklenburg Planning Commission to consider a text amendment to the City of Charlotte Subdivision Ordinance to reduce the minimum required building lines to the required setback for lots abutting arterial streets and to delete the sections entitled "average setback" and "average lot sizes" for residential subdivisions.

Zoning Committee voted to recommend approval of this petition.

Attachment No. 29

Resolution calling for public hearings on Thursday, September 23, 1999 at 6:00 p.m. in the Meeting Chamber of the Charlotte-Mecklenburg Government Center for Petitions Nos 99-53, 99-56, 99-86, 99-89 through 99-103.