AGENDA

Meeting Type:	ZONING
Date:	09/19/1988

City of Charlotte, City Clerk's Office

CHARLOTTE

Mayor Sue Myrick *Mayor Pro Tem Al Rousso*

John A (Gus) Campbell *Roy Mattheus*
Stanley M Campbell *Cyndee Patterson*
Dan Clodfelter *Lila Butler Scarborough*
Charlie S Dannelly *Richard Vinroot*
Gloria Fenning *Velva W Woollen*

Council Agenda

Monday, September 19, 1988

5:00 p.m. - Dinner - No Presentation
Rooms 237 and 239, Education Center

6:00 p.m. - ZONING HEARINGS
Board Room, Education Center

ITEM NO.

1. Invocation by Rabbi Robert Seigel, Temple Beth El v'Shalom

PUBLIC HEARINGS

2. Hearing on Petition No. 88-48 by Sayre Lineberger Meyer for a change in zoning from B-1 and O-6 to R-12MF for a 2.76 acre site located on Providence Road at the corner of Ardsley and Providence Roads.

This hearing was deferred at the July 18, meeting.

A protest petition has been filed and found sufficient to invoke the 3/4 rule requiring affirmative vote of 3/4 of the Mayor and Council, not excused from voting, in order to rezone the property.

Attachment No. 1

3. Hearing on Petition No. 88-34 by Strawberry Hill Associates for a change in zoning from R-15MF to B-1(CD) for a 6.2± acre site located just off the northeasterly corner of Providence Road and Old Sardis Road.

This hearing was deferred at both the June 20 and July 18 meetings.

Attachment No. 2-A

4. Hearing on Petition No. 88-78 by Kings Investors for a Site Plan Amendment to an existing O-6(CD) zoning for a .95 acre site located to the rear of the Kings Court Retail Center on Kings Drive near Baldwin Avenue.

Attachment No. 2-B

5. Hearing on Petition No. 88-79 by James E. Merrifield for a change in zoning from B-1 and B-2(CD) to B-1(CD) for a 1.55 acre site located on the northerly side of Clanton Road west of I-77.

Attachment No. 2-C

POLICY AGENDA

6. Decision on Petition No. SUB 88-3 by the Charlotte City Council for a text amendment to Chapter 20 of the Charlotte City Code, Subdivision Regulations.

The Planning Committee recommends approval of #1, metes and bounds proposal; and #2, nonresidential multiple building sites - proposal A.

Attachment No. 3

7. Decision on Petition No. 88-38 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from I-3 to UR-C for a 9.5 acre site bounded by West First Street on the north, South Cedar Street on the east, Southern Railroad on the south, and I-77 on the west.

This decision was deferred at the July 18 meetings.

The Zoning Committee recommends that the petition be approved.

Attachment No. 4

8. Decision on Petition No. 88-49 by Myers Park United Methodist Church for a change in zoning from R-12 to R-I for 2.2 acres located on the west side of Queens Road from Hopedale Avenue to Pembroke Avenue.

This decision was deferred at the August 15 meeting.

The Zoning Committee recommends that the petition be approved.

Attachment No. 5

9. Decision on Petition No. 88-41 by B. J. Pierce for a change in zoning from R-6MF to O-6 for a 1.14 acre site located south of the intersection of Park Road and Tyvola Road.

A protest petition has been filed and found sufficient to invoke the 3/4 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 that the petition be denied.

Attachment No. 6-D

10. Decision on Petition No. 88-53 by Crow Charlotte Retail #3 for a change in zoning from R-9 to B-1(CD) for a 5.7 acre site located on the southeasterly corner of Idlewild Road and Idlewild Road North, and a portion of Piney Grove Road.

This decision was deferred at the August 15 meeting.

The Zoning Committee recommends that this petition, as modified, be approved.

Attachment No. 6-E

11. Decision on Petition No. 88-58 by Hope Haven, Inc., for a change in zoning from R-9 to Institutional (CD) for a .95 acre site located on the westerly side of Park Road across from Salem Drive.

A protest petition has been filed and found sufficient to invoke the 3/4 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 that the petition be approved.

Attachment No. 6-F

12. Decision on Petition No. 88-59 by Raymond V. Jones, Summitt Properties, for a Site Plan Amendment to an existing R-12MF(CD) zoning for a 19.7 acre site located on the southerly side of Marsh Road bounded by Selwyn Farms Lane.

After further review, the City Attorney's office has concluded that the protest petition is valid. Therefore, affirmative votes of 3/4 of the Mayor and Councilmembers, not excused from voting, are required in order to rezone the property.

The Zoning Committee recommends that the petition be denied.

Attachment No. 6-G

13. Decision on Petition No. 88-61 by W. C. Hunter and Michael D. Hunter for a change in zoning from R-15 to R-15MF(CD) for a 10.84 acre tract located on the northerly side of Albemarle Road west of Harrisburg Road.

The Zoning Committee deferred action on this request for 60 days to allow the petitioner time to revise their site plan.

Attachment No. 6-H

14. Decision on Petition No. 88-62 by Roger R. Lee for a change in zoning from R-9MF, I-1 and I-2(CD) to I-2(CD) and a Site Plan Amendment to an exiting I-2(CD) zoning, for 4.029 acre site located on the northerly side of Mount Holly Road (N.C. Hwy. 27) east of Lee Drive.

The Zoning Committee recommends that the petition be approved.

Attachment No. 6-I

15. Decision on Petition No. 88-64 by PDH-1 Development Company for a Site Plan Amendment to an existing B-1(CD) zoning for a 6.15 acre site located on the southwesterly corner of Sardis Road North and Monroe Road.

The Zoning Committee recommends that the petition be approved.

Attachment No. 6-J

16. Decision on Petition No. 88-65 by NCF Financial Corporation for a change in zoning from R-9(MSUP Day Care Center) to R-9MF(CD) for a 1.79 acre site located adjacent to the proposed Lamarka Thoroughfare approximately 1,500 feet south of the intersection of Idlewild Road and Idlewild Road North.

The Zoning Committee recommends that the petition be approved.

Attachment No. 6-K

17. Decision on Petition No. 88-66 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from UR-3 to U-MUD for a 4.8 acre site bounded by West Sixth Street, North Poplar Street, Pine Street and West Trade Street.

The Zoning Committee recommends that the petition be approved.

Attachment No. 6-L

18. Decision on Petition No. 88-67 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from I-3 to U-MUD for a 3.4 acre site bounded by West Sixth Street, West Fifth Street, Southern Railroad right-of-way, and North Graham Street.

A protest petition has been filed and found sufficient to invoke the 3/4 rule requiring affirmative votes of 3/4 of Mayor and Councilmembers, not excused from voting, in order to rezone the property.

The Zoning Committee deferred action on this request for 30 days to allow staff time to investigate the appropriateness of the Urban Industrial category for this site.

Attachment No. 6-M

19. Recommend adoption of a resolution calling for a public hearing on Monday, October 17, 1988, by the City Council and the Charlotte-Mecklenburg Historic Properties Commission concerning the designation of the Mayer House, and the land associated therewith as, historic property.

20. Recommend adoption of a resolution calling for a public hearing on Monday, October 17, 1988, by the City Council and the Charlotte-Mecklenburg Historic Properties Commission concerning the designation of St. Peter's Episcopal Church, and the land associated therewith as, historic property.

21. Recommend adoption of a resolution calling for a public hearing on Monday, October 17, 1988, by the City Council and the Charlotte-Mecklenburg Historic Properties Commission concerning the designation of the Randolph Scott House, and the land associated therewith as, historic property.

22. Recommend adoption of a resolution calling for a public hearing on Monday, October 17, 1988, by the City Council and the Charlotte-Mecklenburg Historic Properties Commission concerning the designation of the Hoskins Mill, and the land associated therewith, as historic property.

23. Recommend adoption of a resolution calling for public hearings on Monday, October 17, 1988, at 6:00 p.m. in the Meeting Chamber 600 East Fourth Street, on Petitions 88-80 through 88-86 for zoning changes.

- ADDENDUM -

18A. Decision on Petition No. 88-54 by Paw Creek Associates for a change in zoning from O-15 to I-1(CD) for a 154-acre site located north of North Hoskins Road, west of Stewart Creek along future Auten Road Extension.

The Zoning Committee recommends that the petition be approved.

A decision on this petition was deferred on August 15. Counsel for the petitioner now advises that questions relating to the subdivision process for this property have been resolved satisfactorily and has requested it be placed on the agenda for a decision.

DATE. July 21, 1988

PETITION NO.. 88-54

PETITIONER(S). Paw Creek Association.

REQUEST Change from O-15 to I-1(CD).

LOCATION: A 15.4 acre site located north of North Hoskins Road west of Stewart Creek along future Auten Road Extension.

ACTION: The Zoning Committee recommends that the petition be approved.

VOTE: Yeas· Burns, McClure, Spencer, Thomasson, Vaughan, Wheeler and Winget

Nays: None.

REASONS

The Zoning Committee discussed this case for some time. The petition involved the rezoning of properties from O-15 to I-1(CD) along the edge of a existing industrial park area and an existing neighborhood. The property also involved the extension of a thoroughfare street and the establishment of a buffer area along the thoroughfare to protect the residentially zoned properties from both the street itself and the industrially zoned properties to the east. Considerable discussion occurred at the public hearing regarding the desirability of this use in this area. However, the Zoning Committee felt that this plan represented a balance between the protection of the existing neighborhood and the development of the industrial park which is already underway. The Zoning Committee did note however, that the site plan shows a street connection which would tie Hoskins Road through the industrial development to the future thoroughfare. They expressed concern that such a road connection could negatively impact the residential area by channeling industrial park traffic through an existing neighborhood. They indicated that at the time the property is proposed for subdivision approval it should not be connected to the new thoroughfare. Staff indicated that matter would be addressed at the time that the road is submitted for subdivision approval.

STAFF OPINION

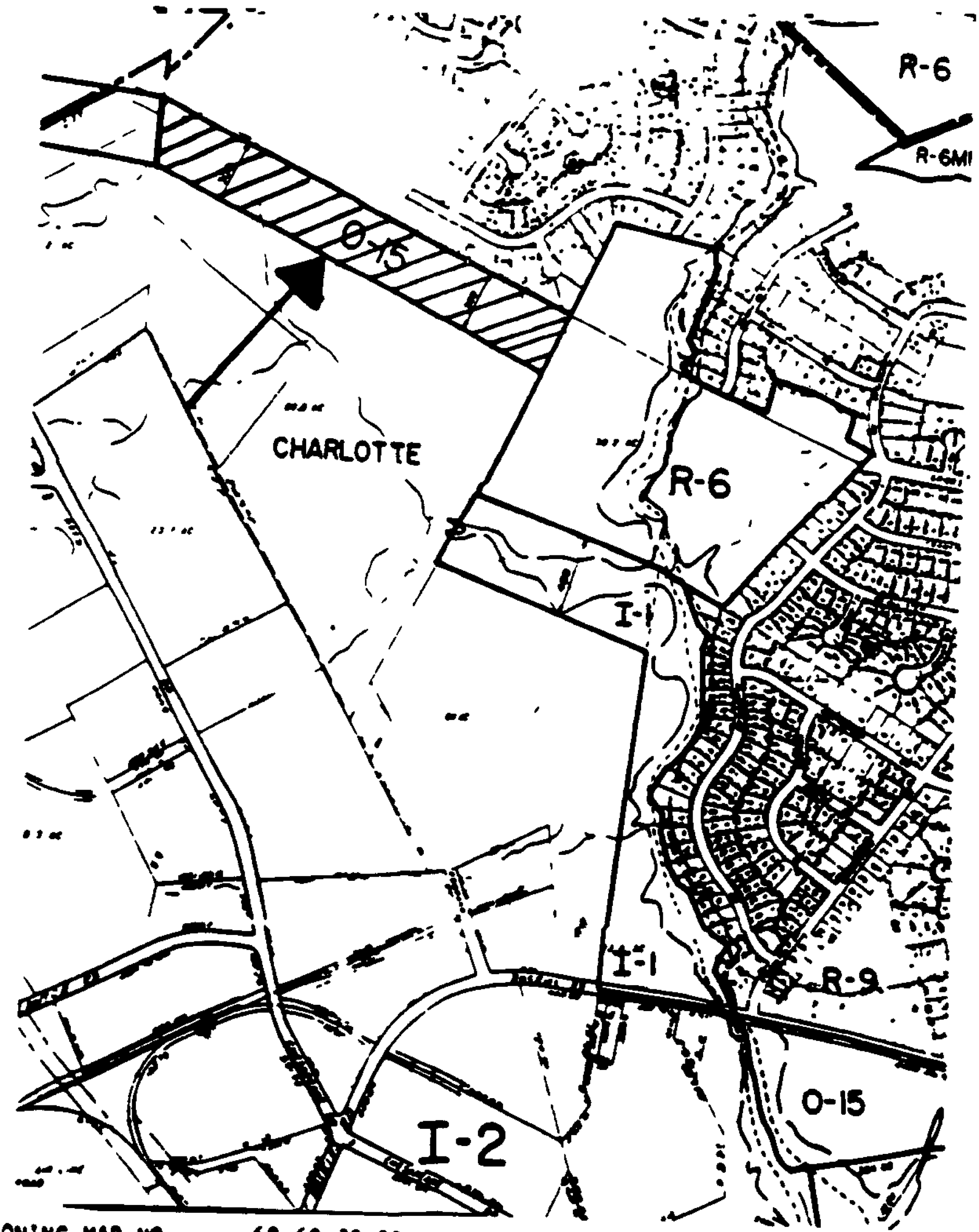
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Paw Creek Association

PETITION NO. 88-54 HEARING DATE July 18, 1988

ZONING CLASSIFICATION, EXISTING O-15 REQUESTED I-1(CD)

LOCATION Approximately 15 4 acres located on North Hoskins Road between Pompano Street and Cricketeer Drive



ZONING MAP NO. 68,69,79,80

SCALE 1" = ~~100'~~ Reduced

PROPERTY PROPOSED FOR CHANGE

UNDERWOOD, KINSEY & WARREN, P A
ATTORNEYS AT LAW
2020 CHARLOTTE PLAZA
CHARLOTTE NORTH CAROLINA 28244

W LL AM E UNDERWOOD JR
C RALPH K NSEY JR
JOSEPH WARREN III
JOHN H NORTHEY III
SH RLEY J L NN
KENNETH S CANNADAY
W LL AM L S TTON JR
NANCY D GUY
CARLTON A SHANNON JR
HELEN R BRADFORD
R CHARD L FARLEY

TELEPHONE
704 333 200

TELECOP ER
704 3779630

September 15, 1988

HAND DELIVERED

Mrs. Pat Sharkey
City Clerk
City Clerk's Office
600 East Fourth Street
Charlotte, NC 28202

RE: Rezoning Petition #88-54
for Paw Creek Associates

Dear Mrs. Sharkey:

The above petition was on the Council's August 15 agenda for decision. At our request, as counsel for Paw Creek Associates, the Council deferred its decision on the petition for thirty days with the understanding on our part that the petition would automatically appear on the Council's September 19 agenda. The deferral was for the purpose of resolving some questions relating to the subdivision process for this property. These questions have been satisfactorily resolved and we understand from Laura Simmons that this petition requires no further action by the Planning Commission and that it is ready for Council's decision.

In your absence I discussed this matter with Ms. Laney who advised that the petition was not on the Council's September 19 agenda. I then telephoned City Attorney Henry Underhill for his advice. He suggested that I request that you add the petition to the Council's September 19 agenda for its decision. The timing of the Council's anticipated approval of this petition is critical to our client's timely development of its property since the agreed subdivision planning process cannot be completed until after the rezoning petition has been approved.

OFFICE OF CITY CLERK

On behalf of our client, Paw Creek Associates, we respectfully request that its petition be added to the Council's agenda and that you notify the Manager's office accordingly so that members of Council will be advised thereof prior to their September 19 meeting.

Your favorable consideration is appreciated.

Very truly yours,

C. Ralph Kinsey Jr.

C. Ralph Kinsey, Jr.
For the Firm

CRKjr/jsb