## <u>AGENDA</u>

Meeting Type:	20N1NB
Date:	07/18/1994

City of Charlotte, City Clerk's Office

Mayor Richard Vinront

Mayor Pro Tem Patrick McCrory

Charles Baker Stan Campbell Patrick D Cannon

Hovle H Martin Don D Reid

Ella Butler Scarborough

Mike Jackson Nastf Rashad Majeed Sara Spencer Lynn M Wheeler

Council Agenda

Monday, July 18, 1994

5 00 pm - Council-Manager Dinner Meeting Chamber Conference Room

600 pm - ZONING HEARINGS Meeting Chamber

Invocation by

ITEM\_NO

#### PUBLIC HEARINGS

Attachment No 1

(94-60) Hearing on Petition No. 94-60 by Harris Hart Clothing Store Company, Inc. for a change 'in zoning for a 31,500 square foot parcel located on the northeasterly corner of the intersection of South Boulevard and East Park Avenue from B-1 to NS

Hearing on Petition No 94-61 by Ballantyne Development Corporation for a Text Amendment to the City of Charlotte Zoning Ordinance to modify the height standards for signs as outlined in the Planned Development Flexibility Option section of the sign regulations

Attachment No 2

(94-63) Affearing on Petition No 94-63 by Washburn Graphics, Inc., for a change in zoning for approximately 4 6 acres located on the northeasterly corner of the intersection of South McDowell Street and Baxter Street from B-2 to UMUD

Hearing on Petition No 94-65 by Marsh Realty Company, Inc. for a change in zoning for approximately 1 4 acres located on the southwesterly corner of the intersection of West Boulevard and Clanton Road from R-17MF and R-5 to B-1(CD)

A protest petition has been filed 

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Attachment No 4

Hearing on Petition No. 94-66 by Paul R. Williams and Charles Armstrong for a change in zoning for approximately 198 acres located on the east side of W T Harris Boulevard between Williams Road and Grove Park Boulevard from R-3 to O-1(CD)

A protest petition has been filed

DUFFICIENT

Attachment No 5

(94-67) Hearing on Petition No 94-67 by Mecklenburg County for a change in zoning for approximately 9 1 acres located on the southeasterly corner of the intersection of Harris Boulevard and Highway 29 from Institutional to O-2

Attachment No 6

Center (CC) district Attachment No 7

Hearing on Petition No. 94-68 by Robert Bradshaw for a Text Amendment to the City of Charlotte Zoning Ordinance to allow residential development in the Commercial Center (CC) district

(94-69) Hearing on Petition No 94-69 by Platinum Properties, LLC for a change in zoning for Commons Boulevard (Carmel Commons Shopping Center) from B-1SCD to B-1(CD)

Attachment No 8

(94-70) Hearing on Petition No 94-70 by John McDonald for a change in zoning for approximately 1 6 acres located on the north side of Wilson Avenue east of Beatties Ford Road from R-4 to B-1(CD)

Attachment No 9

#### DECISIONS

(94-33)

Decision on Petition No 94-33 by National Income Realty Trust for a change in zoning for approximately 20 89 acres located on the northerly side of North Tryon Street west of West Sugar Creek Road from B-2 to I-1

This petition was deferred for 30 days at the May 16 meeting and the June 20 meeting

The Zoning Committee deferred action on this petition for 30 days

Attachment No 10

Decision on Petition No 94-39 by Charlotte City Council for a text amendment to the City of Charlotte Zoning Ordinance to permit outdoor seasonal sales in residential districts subject to certain performance standards and in non-residential districts as a use

The Zoning Committee recommends that this petition be denied

Attachment No 11

Decision on Petition No 94-40 by Collett & Associates for a change in zoning for approximately 12 33 acres located on the northeasterly corner at the intersection of Albemarle Road and Pagel Oaks Danie Co. Albemarle Road and Regal Oaks Drive from O-1 and R-17MF to B-2(CD)

This petition was deferred for 30 days at the June 20 meeting

The Zoning Committee recommends that this petition be approved

Attachment No 12

Decision on Petition No 94-49 by Zeneca, Inc. for a change in zoning for approximately 5 acres located on the northeasterly corner of the intersection of U S Highway 29 and I-85 from I-1 to I 2(CD)

The Zoning Committee deferred action on this petition for 30 days

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zoning for approximately 16 acres located between Tuckaseegee Road and I-85 east of Westerwood Drive from R-3 to I-1

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 action on this petition for 30 days

Attachment No 14

Decision on Petition No 94-51 by Neuse, Inc., for a change in zoning for approximately 28,273 square feet located on the northeasterly corner of the intersection of Remount Road and Wilkinson Boulevard from O-2 and B-2

The Zoning committee recommends that this petition be approved

Attachment No 15 No - Jackson, Rud, McChory

Décision on Petition No 94 52 by Carolina Foods, Inc. for a change in zoning for approximately 17 33 acres located on the northerly side of North Tryon Street between Hilo Drive and Craighead Road from B-1 to I-1(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 action on this petition for 30 days

zoning for approximately 4.35 acres located on the northerly side of Sharon Road 28.94-2. Decision on Petition No 94-53 by Bruce Keith/New Vision Homes for a change in between Whistlestop Road and Bramwyck Drive from R-3 to R-6(CD)

The Zoning Committee recommends that this petition be approved as modified

Attachment No 17

Decision on Petition No 94-54 by Schaedle Worthington Residential for a change in zoning for approximately 26 27 acres located along the northwesterly side of U S 38957 Highway 29 south of Mallard Creek from CC and R-22MF(CD) to R-17MF(CD) and consideration of a CC Site Plan Amendment

The Zoning Committee recommends that this petition be approved as modified

Attachment No 18

(94-55) Decision on Petition No 94-55 A and B by International Business Machines, Inc. for a change in zoning

Part A - Approximately 35 82 acres located on the easterly side of Neal Road extensing to Doby Creek north of Well Spring Drive from RE 2 to Institutional

Part B - Approximately 43 79 acres located at the end of Ridge Lane Road generally between Mallard Creek Road and I-85 south of Harris Boulevard from RE-2 to R-4

The Zoning Committee recommends that this petition, both A and B, be approved

Attachment No 19

Decision on Petition No 94-56 by Tyvola Associates for a change in zoning for  $\mathcal{D}_{\mathcal{A}}$ approximately 13 84 acres located off of I-77 at the end of Westpark Drive from I-2 to PA

The Zoning Committee recommends that this petition be approved

Attachment No 20

Decision on Petition No. 94-57 by Circuit City Stores, Inc., for a change in zoning for 'J' approximately 19 3 acres located on the northwesterly corner of the intersection of an arrival arithmetic and Independence Rouleward from D 1900. Tarlton Drive and Independence Boulevard from B-1SCD to B-2(CD)

The Zoning Committee recommends that this petition be approved

Attachment No 21

#195A +B

## Status of Streets Involved with the IBM Property Rezonings

## Existing Streets

- o IBM Perimeter Road
  - -A two-lane private street
  - -To be accepted for maintenance by the City (within corporate limits) after being brought up to acceptable standards by the owner
- o Mineral Springs Road
  - -A two-lane, NCDOT maintained roadway which may be turned over to the City for maintenance at a later date
  - -Ranges from 18 feet to 36 feet in width
  - -City staff will ask the NCDOT to widen the road to a minimum of 24 feet. If the road is turned over to the City for maintenance without being improved, the City will plan to widen it by mid-1996 to a minimum of 24 feet using Powell Bill Funds.
- o Neal Road
  - -A two-lane, 16 feet wide roadway
  - -Will be widened by the City to a minimum of 24 feet by mid-1996. Where land development is approved, the widening would be done in conjunction with the owner. The developer would install curb, gutter, drainage and required sidewalk. The City would pave the widening strips. The developer would be responsible for constructing required left- or right-turn lanes (not provided by the widening strips). City cost participation would be through the Powell Bill Fund.

### Proposed Streets


- o Graham Street Extension
  - -A funded, NCDOT project partially on new alignment that will extend Graham Street to Mallard Creek Road as a multi-lane roadway. Construction is scheduled to begin in 1999 and be completed in 2001.

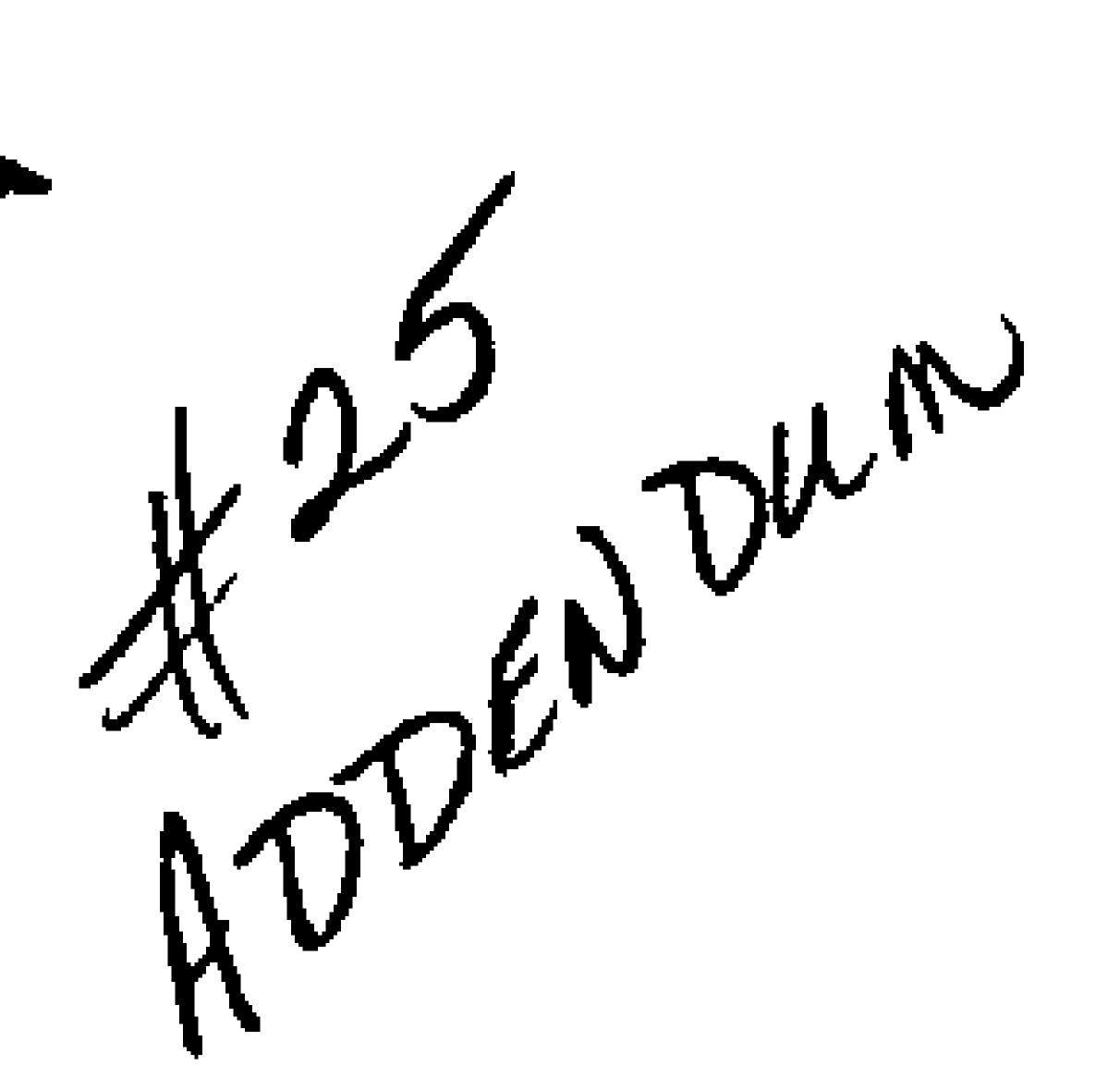
#### o Graham Street/NC 49 Connector

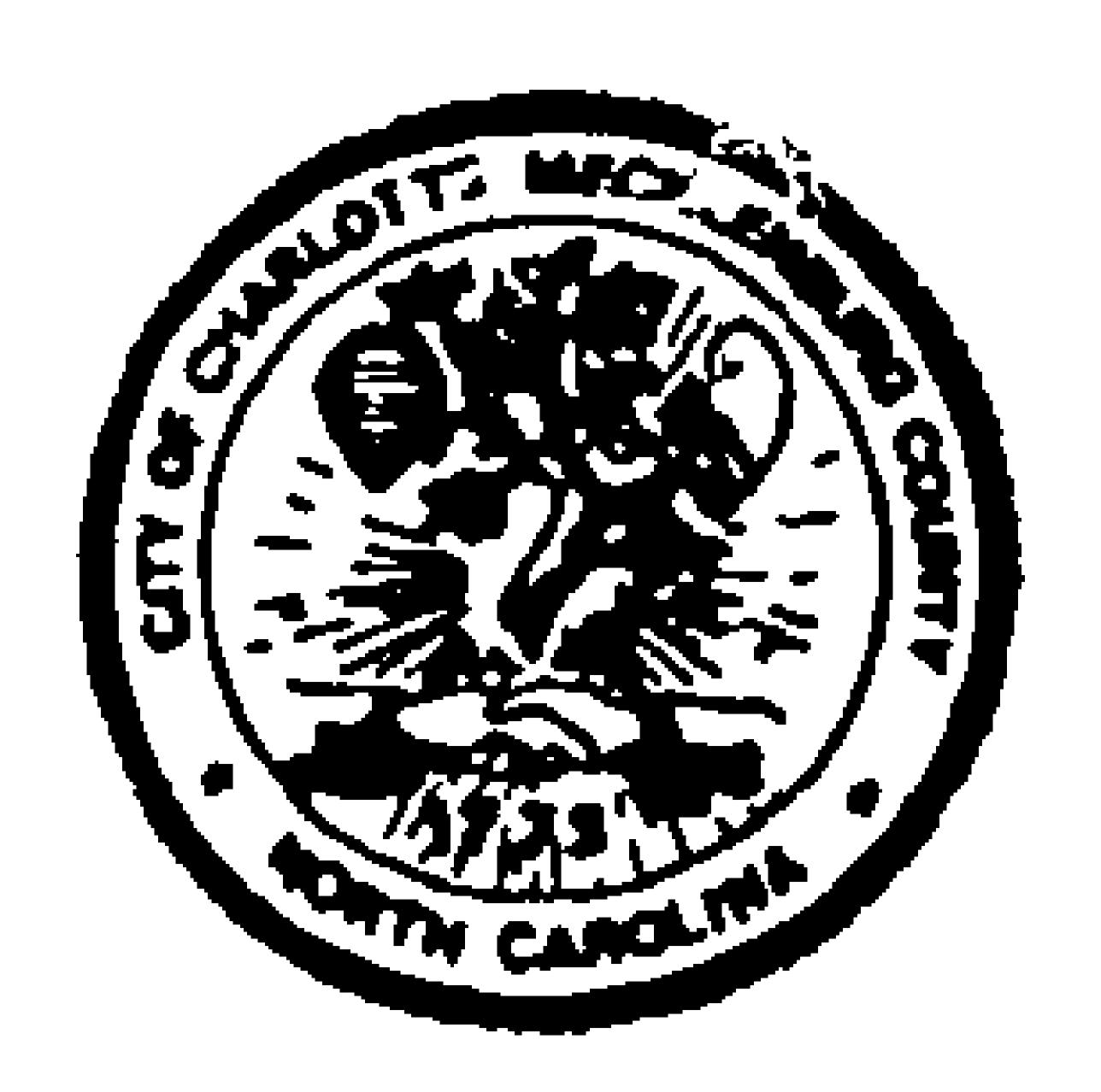
- -Identified as a future, unfunded need in the NCDOT's 1995-2001 Transportation Improvement Program
- -Would be a four-lane divided facility with interchanges at I-85 and North Tryon Street (US 29)

#### o Nevin Road Extension

- -An addition to the thoroughfare plan to be voted on by Council July 25, 1994 The plan change would extend Nevin Road from its current proposed terminus at Mallard Creek Road to an alignment following an abandoned railroad spur track, IBM Perimeter Drive, Research Drive, and David Taylor Road and then a new alignment with a grade separation across I-85 and a new intersection with North Tryon Street
- The Metropolitan Planning Organization is scheduled to vote on a long list of thoroughfare plan changes including the Nevin Road Extension at its July 27, 1994 meeting. New segments of Nevin Road Extension used to access development would be built by the property owner through the subdivision process. Other segments would be improved by the City, and funds would have to be programmed for that purpose







### CHARLOTTE - MECKLENBURG PLANNING COMMISSION

July 11, 1994

Mayor Richard Vinroot Members, City Council

Re: Proposed Policy On Conditional Rezoning Site Plan Submittals

Dear Mayor Vinroot:

Enclosed please find background information and a proposed policy on conditional rezoning site plan submittals. This proposed policy was drafted by Planning Staff as a result of Council's dinner discussion on June 20. The proposed policy is scheduled for discussion and/or adoption on July 18, 1994. Please contact me if there are any questions on this matter.

Sincerely,

Walter G. Fields

Land Development Manager

Attachment

## CHARLOTTE CITY COUNCIL POLICY REGARDING CONDITIONAL REZONING SITE PLAN SUBMITTAL

ISSUE: The City and County Zoning Ordinances require the petitioner for a conditional rezoning to submit revised, corrected site plans no later than four weeks prior to the scheduled public hearing (Sec. 6.108). The Planning Staff has attempted to be flexible and reasonable with regard to the deadline in a positive attempt to be responsive to the customers of the zoning process. However, there has been an ever-increasing incidence of petitioners failing to submit revised and correct site plans by the deadline or even within a reasonable period of time after the deadline. The result has been numerous pre-hearing staff reports and CDOT memos based on incomplete or inaccurate site plans. In addition, these petitions are scheduled for public hearing as a result of the public hearing resolution which is usually adopted on the same day that the revised site plans are due. Therefore, these rezoning petitions are being fully processed even though Council could not approve the associated inaccurate site plan.

PROPOSED POLICY: It is proposed that Council adopt a policy to automatically delay the public hearing on a petition in the event that the petitioner fails to submit revised and correct site plans by the ordinance provided deadline. The policy would be implemented by staff via the following procedure once the deadline has passed and no revised and correct site plan has been submitted:

- 1. No notice of the public hearing would occur
  - No newspaper ad would run and no notice to adjoining owners would occur
  - No "Z" sign would be posted
- 2. The petitioner or petitioner's agent would be notified by mail that the hearing has been delayed until technically correct site plans have been submitted.
- 3. No further processing of the case will occur until receipt of revised, correct site plans by the next site plan deadline.
- 4. A conspicuous notice of this policy will be attached to every zoning application.

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22 (94-58). Decision on Petition No 94-58 by Metrolina Real Estate Group for a change in zoning for approximately 8 2 acres located along the northeasterly corner of the intersection of W T Harris Boulevard and Idlewild Road from R-4 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 recommends that this petition be approved as modified

Attachment No 22

23 (94-59) Decision on Petition No 94-59 by Ronald S Ferrell for a change in zoning for approximately 1 55 acres located on the west side of Prosperity Church Road, south of Katelyn Drive from R-3 to R-8MF(CD)

The Zoning Committee deferred action on this petition for 30 days

Attachment No 23

(94-64), Decision on Petition No. 94-64 by McGee Presbyterian Church for a change in zoning for approximately 57,880 square feet located on the northeast corner of the intersection 3700-282 between North Cloudman Street and Rozzelles Ferry Road from R-22MF to O-2(CD)

The Zoning Committee recommends that this petition be approved

Attachment No 24

SUBMITTALS.

POLICY ON CONDITIONAL REZONING SL

# MECKLENBURG MILL AMENDED

Authorize the City Manager to begin process to apply for CDBG Section 108 loan in the amount of \$1,621,315.

(Action is needed to begin federal regulatory process to secure permanent source of financing)

Approve \$640,625 loan to Mecklenburg Mill Associates Limited Partnership as part of the permanent financing of the Mecklenburg Mill from existing CDBG funds; 30 years 3% deferred payment loan

(Action is needed to identify additional permanent source of financing)

3. Approve a \$500,000 bridge loan to First Meridian Management, Inc. for interim financing of the Mecklenburg Mill to be used as follows:

(a) Restoration of the basic structure of
 Mecklenburg Mill \$204,740
 (b) Completion of the construction of
 day care facility 90,000

(c) Reimbursement to First Meridian Construction
Corp. for Mecklenburg Mill costs completed
and paid for in Phase I 205,260
\$500,000

The source of funds has to be non federal funds.

The Manager will use his discretion to identify, and funds will be repaid from CDBG funds once Environmental Impact study is completed.

(Action is needed to move project forward while applying for permanent source of financing.)

4. Authorize the Mayor to send a committment letter to the North Carolina Housing Finance Agency in the amount of \$2.262,000, contingent upon City receiving CDBG Section 108 loan in the amount of \$1,621,375

(Action is needed so the Developer can proceed with his Tax Credit Application before the State deadline expires)