# <u>AGENDA</u>

| Meeting Type: | 20NING     |
|---------------|------------|
| Date:         | 05/15/1995 |
|               |            |

City of Charlotte, City Clerk's Office



Mayor Richard Vinroot

Charles Baker

Stan Campbell

Patrick D Cannon

Mike Jackson

Nasif Rashad Majeed

Mayor Pro Tem Patrick McCrory

Hovie H Martin

Don D Reid

Ella Butler Scarborough

Sara Spencer

Lynn M Wheeler

Council Agenda

Monday, May 15, 1995

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

6 00 p m - ZONING HEARINGS Meeting Chamber

Invocation by

#### <u>ITEM NO</u>

### PUBLIC HEARINGS

1 (95-34) Hearing on Petition No 95-34 by Harry & Elise Grimmer for a change in zoning for approximately 1 577 acres located on the northerly side of Highway 51 across from Carmel Commons Boulevard east of Johnston Road from O-1 to B-1(CD)

Attachment No 1

2 (95-35) Hearing on Petition No 95-35 by Sunset Properties and Trammel Crow Company for consideration of an I-1(CD) Site Plan Amendment for a 1 98 acre site located on the northerly side of Sunset Road between Northpark Boulevard and Reames Road

Attachment No 2

3 (95-36) Hearing on Petition No 95-36 by Louis P Lagana for a change in zoning for approximately 60 acres located on the easterly side of Harris Boulevard north of Albemarle Road from R-17MF to O-1

ITEM NO.
Page 2

4 (95-37) Hearing on Petition No 95-37 by The Shelton Companies for a change in zoning for approximately 2 91 acres located on the west side of W T Harris Boulevard north of Kimmerly Glen Lane from I-2 and O-1 to B-D(CD)

Attachment No 4

Hearing on Petition No 95-38 by Bruce Stanley for a change in zoning for approximately 2 14 acres located on the southeast corner of the intersection of Cindy Lane and Hutchinson-McDonald Road from R-4 to I-1(CD)

Attachment No 5

6 (95-39) Hearing on Petition No 95-39 by Carolion Associates Limited Partnership and Quincy's Realty, Inc. for a change in zoning for approximately 4 324 acres located on the west side of Little Rock Road south of Tuckaseegee Road from B-1SCD to B-1(CD)

Attachment No 6

7 (95-41) Hearing on Petition No 95-41 by Charlotte-Mecklenburg Planning Commission for consideration of a text amendment to the City of Charlotte Zoning Ordinance, Part 9, Uptown Mixed Use District

Attachment No 7

Hearing on Petition No 95-42 by Security Capital Industrial Trust for a change in zoning for approximately 15 acres located on the south side of Hutchinson-McDonald Road west of Statesville Avenue from R-4 to I-1(CD)

Attachment No 8

9 (95-43) Hearing on Petition No 95-43 by Whitehall Development Limited Partnership, Crosland Investors, Inc. for a change in zoning for approximately 24.74 acres located on the westerly side of York Road (N C 49) north of Coffey Creek and across from Arrowood Road from R-3 and B-1SCD to R-17MF(CD) and B-1(CD)

10 (95-54) Hearing on Petition No 95-54 by Charlotte City Council for consideration of an amendment to the City of Charlotte Zoning Ordinance to amend the definition of the term "adult establishment" to clarify that adult bookstore publications include books, magazines, other periodicals, movies, video tapes, and other products offered in photographic, electronic, magnetic, digital or other imaging medium

Attachment No 10

### DECISIONS

Decision on Petition No 95-2 by David H Poer for a change in zoning for approximately 10 12 acres locate on the easterly side of Little Rock Road south of the intersection of Moores Chapel Road, Little Rock Road and Freedom Drive (Thrift Road) from R-3 and B-1(CD) to CC

This petition was deferred for 30 days at the February 20 and March 20 meetings, then send back to the Zoning Committee for a recommendation

The Zoning Committee recommends this petition be approved as modified

Attachment No 11

Decision on Petition No 95-3 by New St John Baptist Church for a change in zoning for approximately 5 3 acres located off the westerly side of East W T Harris Boulevard at the end of St John's Church Road from R-4 to R-8MF(CD)

The Zoning Committee recommend this petition be denied

Attachment No 12

Decision on Petition No 95-7 by Childress Klein Properties for a change in zoning for approximately 18 6 acres located on the south side of Highway 51 east of Raintree Lane from B-1SCD to CC

A protest petition has been filed and was sufficient to invoke the 20% rule, however that protest has been withdrawn

Hearing on this petition was deferred for 30 days at the January 23, 1995 meeting. The hearing was opened and continued for 60 days at the February 20, 1995 meeting.

The Zoning Committee vote resulted in a tie and therefore, this petition is automatically deferred for one month

ITEM NO.
Page 4

14 (95-16) Decision on Petition No 95-16 by Home Depot USA, Inc. for a change in zoning for approximately 12 27 acres located between Wendover Road and McAlway Road south of Monroe Road from I-2 and R-22MF to CC and B-2

The Zoning Committee recommends this petition be approved, if the joint driveway issue is resolved

Attachment No 14

15 (95-18) Decision on Petition No 95-18 by F Evelyn Springstead, Grantor Trustee for a change in zoning for approximately 18 08 acres located on the southwest corner of Idlewild Road and Margaret Wallace Road from B-1, R-17MF and R-4 to CC

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 March 20, and April 17, 1995 meetings

The Zoning Committee deferred action on this petition for one month at their April 24, 1995 meeting

Attachment No 15

16 (95-27) Decision on Petition No 95-27 by Charlotte-Mecklenburg Planning Commission to consider a text amendment to the City Zoning Ordinance to incorporate a definition of and standards for Bed and Breakfast lodging facilities

The Zoning Committee deferred action on this petition for one month

Attachment No 16

17 (95-28) Decision on Petition No 95-28 by Charlotte-Mecklenburg Planning Commission to consider a text amendment to the City Zoning Ordinance regarding boarding houses

The Zoning Committee deferred action on this petition for one month

18 (95-29) Decision on Petition No 95-29 by William G Curlin, Bishop of the Roman Catholic Diocese for a change in zoning for approximately 10 acres located on the southerly side of Suther Road at Margie Ann Drive from R-3 to Institutional (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 one month

Attachment No 18

19 (95-30) Decision on Petition No 95-30 by College Town Properties Limited Partnership for a change in zoning for approximately 2.54 acres located on the westerly side of US Highway 29 south of Harris Boulevard from O-2 and B-1(CD) to B-2(CD)

The Zoning Committee recommends this petition be approved

Attachment No 19

20 (95-31) Decision on Petition No 95-31 by Audrey McCaskill/Temple Baptist Church for a change in zoning for approximately 43 acres locate on the northwesterly corner of the intersection of Parkway Avenue and Tuckaseegee Road from R-22MF(CD) to O-1(CD)

The Zoning Committee recommends this petition be approved

Attachment No 20

Decision on Petition No 95-32 by Public Library of Charlotte and Mecklenburg County for a change in zoning for approximately 2 08 acres located on the easterly side of Beatties Ford Road between Gilbert and Holly Streets from B-2(CD), B-1 and R-17MF to O-1(CD)

The Zoning Committee recommends this petition be approved

Attachment No 21

22 (95-33) Decision on Petition No 95-33 by Charlotte-Mecklenburg Planning Commission to consider a text amendment to the City Zoning Ordinance to revise the definition and standards for group homes

The Zoning Committee deferred action on this petition for one month

ITEM NO.

Resolution calling for public hearings on Monday, June 19, 1995, at 6 00 p m in the Meeting Chamber of the Charlotte-Mecklenburg Government Center for Petition Nos 95-44 through 95-53 and 95-61 for zoning changes

## Request for Council Action

Suffletown Dragway

Action:

Give direction to staff regarding enforcement actions on Shuffletown Dragstrip

Staff Resource:

DeWitt F McCarley, C Don Steger, Chief Dennis Nowicki

Explanation of Request

On May 8, City Council voted to add this item to the May 15 agenda. Several enforcement actions have already begun regarding this problem, and staff would like Council authorization before proceeding on the last option. The following four actions are either in process, or are available at Council direction.

- 1 Collection of unpaid citations In 1993, officers of the Charlotte Police Department issued noise ordinance tickets on four occasions to Clinton Mashburn, the track manager, and on one occasion (September 19, 1993) to drivers who participated in races. These tickets carried a civil penalty of \$100. To date, none of the citations have been paid. In the wake of the recent concerns expressed over the reopening of the dragway, the Police Department and Finance Department have begun efforts to collect the 1993 citations.
- 2. Aggressively enforce noise ordinance Effective immediately, and continuing until this matter is resolved, the Charlotte-Mecklenburg Police Department will aggressively enforce the noise ordinance at the Shuffletown Dragway
- 3 Unlawful expansion of the nonconforming use in 1992 On March 25, 1992, a notice of zoning violation was issued regarding the unlawful expansion of the nonconforming use of the property as a dragway. The six violations were the addition of (1) a go-kart track, (2) a press box for the go-kart track, (3) a Pepsi "go-kart" sign

structure, (4) a grand stand adjacent to the go-kart track, (5) a shed adjacent to the go kart track, and (6) a storage structure. Letters were mailed to Mr Mashburn in 1993 requesting compliance with the zoning ordinance, and specifically requesting the removal of these additions. To date, no compliance has been noted. On May 8, the City Attorney's office requested that the Zoning Administrator take immediate action to enforce the ordinance with regard to these existing violations.

4 Determine whether lawful status as a nonconforming dragway was lost by abandonment of the use for 12 months. The zoning ordinance provides that a lawful nonconforming use loses its right to continue if the use is visibly discontinued for 12 months. The City Attorney's office has requested that the Zoning Administrator conduct inspections and an investigation to determine whether the Shuffletown Dragway lost its lawful nonconforming status by visibly discontinuing use for 12 months. If evidence indicates that the use was visibly discontinued for the required length of time, the Zoning Administrator would normally begin enforcement action.

Staff would like direction on whether to use routine and normal enforcement procedures in this case, or whether Council would like more aggressive measures pursued, up to and including the filing of a lawsuit seeking injunctive relief