

AGENDA

Meeting Type:	ZONING
Date:	11/18/1996

City of Charlotte, City Clerk's Office



Mayor Patrick McCrory Mayor Pro Tem Al Rousso

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

Council Agenda

Monday, November 18, 1996

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

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

ITEM NO.

PUBLIC HEARINGS

1. (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.

This petition was deferred for 30 days at the October 21, 1996 hearing.

Attachment No. 1

2. (96-76) Hearing on Petition No. 96-76 by Myers Park Presbyterian Church for a change in zoning for approximately 2.1 acres on the east side of Providence Road, north of Cherokee Road from R-43MF to O-2(CD).

A protest petition has been filed.

Attachment No. 2

3. (96-85) Hearing on Petition No. 96-85 by Edgar L. Norris, Jr. for a change in zoning for a .07 acre site located on the northeast corner of the intersection between Statesville Road and Durham Lane from R-3 to R-12MF.

A protest petition has been filed.

Attachment No. 3

4. (96-87) Hearing on Petition No. 96-87 by SCI North Carolina Limited Partnership for a change in zoning for approximately 26 acres located on the south side of Hutchinson-McDonald Road, west of Statesville Road from I-1(CD) and R-4 to I-1(CD) and I-1(CD) Site Plan Amendment.

Attachment No. 4

5. (96-88) Hearing on Petition No. 96-88 by Charlotte Mecklenburg Planning Commission for consideration of a Text Amendment to the City of Charlotte Zoning Ordinance to increase the retail square footage permitted in the B-1 districts from 70,000 square feet to 100,000 square feet.

Attachment No. 5

6. (96-89) Hearing on Petition No. 96-89 by Charlotte Mecklenburg Planning Commission (Mt. Holly Road Special Project Plan) for a change in zoning for approximately 42.4 acres located along the northerly side of Mount Holly Road extending from Mount Holly-Huntersville Road to Stoney Ridge Road from R-17MF to R-3.

Attachment No. 6

7. (96-90) Hearing on Petition No. 96-90 by Charlotte Mecklenburg Planning Commission (Mt. Holly Road Special Project Plan) for a change in zoning for approximately 49.01 acres bounded by Mount Holly Road and the CSX Railroad right-of-way extending from east of Lee Street to Lee Drive from R-22MF to R-5.

Attachment No. 7

8. (96-91) Hearing on Petition No. 96-91 by Charlotte Mecklenburg Planning Commission (Mt. Holly Road Special Project Plan) for a change in zoning for approximately 161.7 acres bounded by Tom Sadler Road and Mount Holly Road, east of Cathey Road from R-17MF to R-4.

A protest petition has been filed.

Attachment No. 8

9. (96-92) Hearing on Petition No. 96-92 by Charlotte Mecklenburg Planning Commission (Mt. Holly Road Special Project Plan) for a change in zoning for approximately 190 acres located north of Mount Holly Road and west of Valleydale Road from R-17MF to I-1, R-4 and R-8.

Attachment No. 9

10. (96-93) Hearing on Petition No. 96-93 by Charlotte Mecklenburg Planning Commission (Mt. Holly Road Special Project Plan) for a change in zoning for approximately 29.8 acres located east of Valleydale Road along the Duke Power right-of-way from I-2 to R-4.

Attachment No. 10

11. (96-94) Hearing on Petition No. 96-94 by Charlotte Mecklenburg Planning Commission (Mt. Holly Road Special Project Plan) for a change in zoning for approximately 30.6 acres located southwest of the intersection of Belhaven Boulevard and Brookshire Boulevard from I-2, I-1, and R-4 to R-8.

Attachment No. 11

12. (96-105) Hearing on Petition No. 96-105 by Charlotte City Council for consideration of a Text Amendment to the City of Charlotte Zoning Ordinance, to add a new section, Moratorium on the establishment or the expansion of certain land uses.

Attachment No. 12

DECISIONS

13. (96-40) Decision on Petition No. 96-40 by Theis 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, September 16 and October 21 meetings.

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

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, September 16 and October 21 meetings.

The Zoning Committee recommends that this petition be denied.

Attachment No. 14

15. (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-12MF(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.

This petition was deferred for 30 days at the October 21 meeting.

The Zoning Committee recommends this petition be approved, with the following modifications:

- The requested zoning is modified to R-12MF(CD).
- The number of units is reduced to five.
- No variances are requested.

Attachment No. 15

16. (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.

This petition was deferred for 30 days at the October 21 meeting.

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

Attachment No. 16

17. (96-67) Decision 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 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.

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

Attachment No. 17

18. (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.

This petition was deferred for 30 days at the October 21 meeting.

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

Attachment No. 18

19. (96-75) Decision 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).

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

Attachment No. 19

20. (96-77) Decision 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.

The Zoning Committee recommends this petition be approved, with the following modifications:

- The rezoning is modified to an R-8MF(CD) for the Bed and Breakfast portion of the petition.
- The additional masonry/wood wall would be allowed in the buffer but would not reduce the width of the required buffer.

Attachment No. 20

21. (96-78) Decision 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).

The Zoning Committee recommends this petition be approved.

Attachment No. 21

22. (96-79) Decision 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).

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 this petition be deferred for 60 days.

Attachment No. 22

23. (96-80) Decision on Petition No. 96-80 by William E. Ray and Delores K. Ray for a change in zoning from approximately 4.4 acres on the northwest corner of the intersection between Ardsley Road and Hermitage Road from R-15MF(CD) to Institutional (CD).

The Zoning Committee recommends this petition be approved.

Attachment No. 23

24. (96-81) Decision on Petition No. 96-81 by Land Craft Properties, Inc. for a change in zoning for approximately 47.2 acres on the east side of Hubbard Road, south of Wade E. Morgan Road 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.

The Zoning Committee recommends this petition be approved.

Attachment No. 24

25. (96-82) Decision on Petition No. 96-82 by Vincent Moore and Della J. McCullough for a change in zoning for approximately 0.35 acres on the south side of Shamrock Drive, east of Eastway Drive from R-17MF to O-1.

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

Attachment No. 25

26. (96-83) Decision 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.

The Zoning Committee recommends this petition be approved.

Attachment No. 26

27. (96-84) Decision 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.

The Zoning Committee recommends this petition be approved with the following modification:

- The note on notification of neighbors that an administrative approval has been requested is modified by adding "by petitioner with a copy to staff".

Attachment No. 27

28. Resolution calling for a joint public hearing by the City Council and the Charlotte-Mecklenburg Historic Landmarks Commission regarding designation of the Ratcliffe-Otterbourg House as a historic landmark.

Attachment No. 28

29. Resolution calling for a joint public hearing by the City Council and the Charlotte-Mecklenburg Historic Landmarks Commission regarding designation of the David Jenkins Craig, Sr. House as a historic landmark.

Attachment No. 29

30. Resolution calling for public hearings on Monday, December 16, 1996 at 6:00 p.m. in the Meeting Chamber of the Charlotte-Mecklenburg Government Center for Petition Nos. 96-95 through 96-98 and 96-101 through 96-104 for zoning changes