<u>AGENDA</u>

Meeting	g Type:	ZONING
Date:		02/17/97

City of Charlotte, City Clerk's Office



Mayor Patrick McCrory Mayor Pro Tem Al Rousso

Charles Baker

Don Reid

Patrick Cannon

Ella Butler Scarborough

Malachi Greene

Tim Sellers

Mike Jackson Nasif Rashad Majeed Sara Spencer Lynn Wheeler

Council Agenda

Monday, February 17, 1997

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

• Discussion of Oakhurst Rezonings

6 00 p m - ZONING HEARINGS Meeting Chamber

ITEM NO.

PUBLIC HEARINGS

1 (97-11) Hearing on Petition No 97-11 by Sign Art, Inc., Zeke Foard for a Text Amendment to the City of Charlotte Zoning Ordinance to allow signs within roof parapets to extend six feet above the roof line of a building under prescribed conditions

Attachment No 1

2 (97-12) Hearing on Petition No 97-12 by Wireless Communications Coalition for a Text Amendment to the City of Charlotte Zoning Ordinance to make a series of changes to the development standards for telecommunications towers

Attachment No 2

Hearing on Petition No 97-13 by Copsis Enterprises for a change in zoning for approximately 1 107 acres located on the southeast corner of the intersection of Albemarle Road and Dwightware Boulevard from O-1 and B-1 to B-2(CD)

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4 (97-14) Hearing on Petition No 97-14 by H. C. Bissell for a change in zoning for approximately 10 32 acres located on the west side of Runnymede Lane between Sagamore Road and Michael Baker Place from R-3 to Institutional (CD).

A protest petition has been filed

Attachment No. 4

5 (97-15) Hearing on Petition No 97-15 by Feld Development Corporation for a change in zoning for approximately 22.25 acres bounded by I-77 to the east, Nations Ford Road to the west and Tyvola Road to the south from B-1S(CD) to CC.

Attachment No 5

Hearing on Petition No. 97-18 by Southeastern Freight Lines, Inc. for a change in zoning for approximately 19.45 acres located south of the existing Southeastern Freight Lines Site, west of Sugar Creek Road, east of Graham Street and south of I-85 from R-4 and R-9(CD) to I-2(CD) and R-4(CD)

Attachment No 6

7. (97-19) Hearing on Petition No. 97-19 by Studio Plus Properties, Inc. for a consideration of an O-1(CD) Site Plan Amendment for approximately 3.8 acres located on the northeast corner of the intersection of North Tryon Street (US 29) and McCullough Drive.

Attachment No 7

8 (97-20) Hearing on Petition No 97-20 by Browder Harris Company for a change in zoning for approximately 65 acres located on the northerly corner of the intersection of South Boulevard and Kingston Avenue from B-1 to NS

Attachment No. 8

9. (97-22) Hearing on Petition No 97-22 by Browder Harris Company for a change in zoning for approximately 2.14 acres located on the southerly side of South Tryon Street at the intersection of South College Street and East Bland Street from I-2 to NS

DECISIONS

10 (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 at the October 21, November 18, December 16, 1996 meetings and the January 21, 1997 meeting

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

Attachment No. 10

11 (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) and R-8MF(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 at the November 18 and December 16, 1996 meetings and the January 21, 1997 meeting

The Zoning Committee recommends approval of the proposed land use, but finds the earlier site plan preferable to the latest revised site plan

Attachment No. 11

Decision 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

This petition was deferred for 60 days at the December 16, 1996 meeting.

The Zoning Committee recommends approval of this Mount Holly Road Special Project Plan rezoning.

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13 (96-90) Decision on Petition No. 96-90 by Charlotte-Mecklenburg Planning Commission (Mt. Holly Road Special Project Plan) for a change in zoning for approximately 49 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.

This petition was deferred for 60 days at the December 16, 1996 meeting.

The Zoning Committee recommends approval of this Mount Holly Road Special Project Plan rezoning.

Attachment No 13

14 (96-91) Decision 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 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 60 days at the December 16, 1996 meeting.

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

Attachment No. 14

15. (96-92) Decision 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 north of Mount Holly Road and west of Valleydale Road from R-17MF to I-1, R-4 and R-8.

This petition was deferred for 60 days at the December 16, 1996 meeting.

The Zoning Committee recommends approval of this petition with the following modifications

- deletion of the I-1 upzoning from the petition,
- modifying tax parcel #031-012-30 to R-6 instead of R-4

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16. (96-93) Decision 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.

This petition was deferred for 60 days at the December 16, 1996 meeting.

The Zoning Committee recommends approval of this petition with the following modification.

• The area of the petition south of the proposed northwest circumferential road should be deleted from the petition and retained with I-2 (heavy industrial) zoning.

Attachment No 16

17. (96-94) Decision on Petition 96-94 by Charlotte-Mecklenburg Planning Commission (Mt. Holly Road Special Project Plan) for a change in zoning for approximately 30.6 acres southwest of the intersection of Belhaven Boulevard and Brookshire Boulevard from I-2, I-1 and R-4 to R-MH.

This petition was deferred for 60 days at the December 16, 1996 meeting.

The Zoning Committee recommends deferral of this petition for one month

Attachment No. 17.

18 (96-97) Decision on Petition No.96-97 by Faison Arrowood Property, Inc. or a change in zoning for approximately 35.92 acres located on the northeast corner of the intersection of Arrowood Road and I-77 from B-D(CD) to B-2(CD)

This petition was deferred for 30 days at the January 21, 1997 meeting

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

- Incorporation of the modifications contained in a letter by Fred Bryant dated January 27, 1997
- If the site abutting Colony Acres is not developed as a hotel, then a 100 foot buffer will be provided

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* The proposed structure on this portion of the site will be no more than four stories and,

- * no fast food restaurants will be allowed on this portion of the site.
- Additional transportation and signage provisions contained in a document entitled "Development Notes to be added to Technical Data Sheet Rezoning Plan for Faison Arrowood Properties, Inc."

Attachment No. 18

19. (96-101) Decision on Petition No. 96-101 by Charlotte-Mecklenburg Planning Commission (Oakhurst Land Use and Zoning Plan) for a change in zoning for approximately 96 acres located north of Monroe Road, east of Wendover Road and south of Independence Boulevard from R-17MF to R-8MF and R-5

This petition was deferred for 30 days at the January 21, 1997 meeting.

The Zoning Committee recommends this petition be approved

Attachment No. 19

20 (96-102) Decision on Petition No. 96-102 by Charlotte-Mecklenburg Planning Commission (Oakhurst Land Use and Zoning Plan) for a change in zoning for approximately 12 acres generally bounded by North Sharon Amity Road, Monroe Road, Lanier Avenue and Buena Vista Avenue from R-17MF to R-6, R-8 and R-4.

This petition was deferred for 30 days at the January 21, 1997 meeting.

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

 Tax Parcels 161-064-20 and 161-064-21 would be rezoned to R-8 rather than R-6.

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21. (96-103) Decision on Petition No 96-103 by Charlotte-Mecklenburg Planning Commission (Oakhurst Land Use and Zoning Plan) for a change in zoning for approximately 15 acres located to the west of North Sharon Amity Road, extending from Kelly Street to Purvey Road from R-17MF to R-8MF and R-5.

This petition was deferred for 30 days at the January 21, 1997 meeting

The Zoning Committee recommends this petition be approved.

Attachment No 21

Decision on Petition No 97-3 by Thomas J. Holden for a change in zoning for approximately .091 acres on the northeast corner of the intersection of North Davidson Street and East 35th Street from B-1 to NS (Neighborhood Services)

The Zoning Committee recommends this petition be approved.

Attachment No 22

Decision on Petition No. 97-4 by The Bissell Companies, Inc. and Atlantic Homestead Village Limited Partnership for a change in zoning for approximately 4.92 acres located on the east side of Sharon Road across from Hazelton Drive and north of Sharon View Road from R-3 and R-15MF(CD) to O-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 recommends this petition be deferred for one month.

Attachment No. 23

Decision on Petition No. 97-5 by Karen A C. Shaw for a change in zoning for approximately 1.35 acres located on the east side of China Grove Church Road along the northern boundary of the I-485 right-of-way from R-17MF and R-17MF(CD) and R-17MF(CD) Site Plan Amendment

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

• dedition of the note allowing a three story building.

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Decision on Petition No. 97-6 by Neighborhood Development Department for a change in zoning for approximately 36 acres located on the northwest corner of the intersection of East 35th Street and Yadkin Avenue from UR-2(CD) to UR-C(CD)

The Zoning Committee recommends this petition be approved.

Attachment No. 25

26. (97-7) Decision on Petition No 97-7 by Charlotte-Mecklenburg Planning Commission for consideration of a Text Amendment to the City of Charlotte Zoning Ordinance to allow hotels and motels as a permitted use in the heavy industrial (I-2) zoning category.

The Zoning Committee recommends this petition be deferred for one month.

Attachment No. 26

Decision on Petition No. 97-8 by City of Charlotte City Attorney for consideration of a Text Amendment to the City of Charlotte Zoning Ordinance to clarify that the Board of Adjustment does not have jurisdiction to rule on Constitutional, Federal or State statutory issues.

The Zoning Committee recommends this petition be approved.

Attachment No. 27

Decision on Petition No 97-9 by City of Charlotte City Attorney for consideration of a Text Amendment to the City of Charlotte Zoning Ordinance that would require the losing party (i.e., the applicant or the county for the zoning administrator) to pay the court reporter for original transcripts. Requiring the losing party to pay for the transcript complies with standard practice when someone loses in superior court and wishes to appeal to an appellate court

The Zoning Committee recommends this petition be approved.

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29. (97-10) Decision on Petition No. 97-10 by Charlotte Mecklenburg Planning Commission for a change in zoning for approximately 3.6 acres located on the north side of Albemarle Road between Faulconbridge Road and Hollirose Drive from R-4(CD) and B-2(CD) to R-3.

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. 29

Decision on Petition No 97-21 by Charlotte Mecklenburg Planning Commission for consideration of a text amendment to various sections of Chapter 10, Part 6. Catawba River/Lake Wylie Watershed Overlay in order to make corrections as required by the State of North Carolina Department of Environment, Health and Natural Resources, Division of Water Quality

The Zoning Committee recommends approval of this petition

Attachment No. 30

Ordinance for design standards for lots within the Catawba River/Lake Wylie Watershed Protection Area to make corrections as required by the State of North Carolina Department of Environment, Health and Natural Resources, Division of

The Zoning Committee recommends this petition be approved

Attachment No. 31

Water Quality

32. Resolution calling for public hearings on Monday, March 17, 1997, at 6.00 p m. in the Meeting Chamber of the Charlotte-Mecklenburg Government Center for Petition Nos 97-16 and 97-23 through 97-30 for zoning changes.

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BUSINESS AGENDA

33. Sardis Road Widening, Landscaping

Engineering and Property Management

Recommendation: The City Engineer recommends the low bid of \$110,661.60 from Ingle & Son Landscaping, Inc., of Conover, NC be accepted.

MWBE Status: Service contracts are typically self-performed by prime contractor; therefore subcontracting goals were not set on this project.

Compliance: Yes

Summary of Bids:	Piowman & Associates	\$ 99,921.80
	Coogan's Landscaping	\$109,884.44
	Ingle & Son Landscaping, Inc.	\$110,661.60
	Merecom Corporation	\$111,917.19
	Gilmore Plant & Bulb	\$138,396.50

Factors Affecting Bid:

Low bidder not properly licensed

Second low bidder qualified their bid by omitting and substituting various bid items.

Third low bid is the lowest responsive and responsible bidder

Consequences if item deferred: 1997 planting season will be missed.