<u>AGENDA</u>

Meeting Type:	20NING
Date:	05/19/1997

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 Mike Jackson Tim Sellers
Sara Spencer

Nasif Rashad Majeed

Lynn Wheeler

Council Agenda

Monday, May 19, 1997

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

6 00 p m - ZONING HEARINGS Meeting Chamber

ITEM NO.

PUBLIC HEARINGS

Hearing on Petition No 97-16 by Ghazi Properties, Inc. and Collett Properties, Inc. for a change in zoning for approximately 2 254 acres located adjacent to Phillips Place on the southeast corner of Fairview Road and Savings Place from O-1(CD), CC and R-15MF(CD) to O-2(CD)

This petition was deferred for 60 days at the March 17 meeting

Attachment No 1

Hearing on Petition No 97-29 by Young Women's Christian Association for a change in zoning for approximately 9 65 acres located on the west side of Park Road at the intersection with Townes Road from R-4 with a Special Use Permit to Institutional CD and termination of the Special Use Permit

This hearing was opened at the April 22 meeting and continued to the June Zoning Meeting, however the petitioner now wishes to withdraw this petition as they are no longer pursuing the rezoning

<u>ITEM NO.</u>

Hearing on Petition No 97-38 by James and Betty Hill for a change in zoning for approximately 1 01 acres located on the west side of Wilora Lake Road, east of Eastland Mall from O-1(CD) to R-3

Attachment No 3

4 (97-39) Hearing on Petition No 97-39 by Elaine Worthey for a change in zoning for approximately 0 792 acres located on the east side of Little Rock Road, north of Tuckaseegee Road from R-3 to R-8MF(CD)

Protest petitions have been filed and one 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

Attachment No 4

Hearing on Petition No 97-40 by Glen A Roberts for a change in zoning for approximately 1 96 acres located on the west side of Providence Road between Jefferson Drive and East Barden Road from R-3 to 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

Attachment No 5

Hearing on Petition No 97-41 by COAB, L L C for a change in zoning for approximately 2 6 acres located on the northwest corner of Tuckaseegee Road and Little Rock Road from R-3 to B-1(CD)

Attachment No 6

7 (97-43) Hearing on Petition No 97-43 by William Putnam Ross, R. Marion Ross, Jr. and Robbie G. Ross for a change in zoning for approximately 113 6 acres located south of the intersection of West Tyvola Road and York Road from R-4 to BP(CD) and R-12MF(CD)

DECISIONS

8 (97-1) Decision on Petition No 97-1 by Max E McBrayer, Jr for a change in zoning for approximately 1 88 acres located northwest of the I-85 and Brookshire Boulevard (NC-16) Interchange from R-22MF to B-1(CD)

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

• Petitioner agrees to dedicate an additional 15 feet of right-of-way along Brookshire Boulevard

Attachment No 8

9 (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 district

This petition was deferred for 30 days at the February 17, March 17 and April 22 meetings

The Zoning Committee recommends this petition be approved

Attachment No 9

10 (97-12) Decision 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 telecommunication towers

This hearing was opened and continued for 60 days at the February 17 meeting

Mayor McCrory was excused from voting on this at the April 22 meeting, and the hearing was held and closed

Recommendation on this petition will be made by the Planning Committee rather than the Zoning Committee The Planning Committee will not meet until May 20, therefore no recommendation is available at this time

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11 (97-23) Decision on Petition No 97-23 by New Horizon Hospitality, LLC for a change in zoning for approximately 4 8 acres located on the southeast corner of the intersection of East W T Harris Boulevard and US 29 (North Tryon Street) from O-2 to B-1(CD)

Councilmember Sellers was excused from voting on this petition at the April 22 meeting, and the decision was deferred to May

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

• The allowable retail square footage is increased to 22,000 square feet

Attachment No 11

Decision on Petition No 97-30 by Housing Authority of the City of Charlotte for a change in zoning for approximately 1.9 acres located on the southern and eastern corner of East Eighth Street and North Alexander Streets from UR-2 to R-12MF(CD)

This petition was deferred for 30 days at the April 22 meeting

The Zoning Committee recommends this petition be approved

Attachment No 12

Decision on Petition No 97-31 by DHS Associates, L L C for a change in zoning for approximately 0.9 acres located on the southwesterly corner of Randolph Road and South Sharon Amity Road from B-1 and O-1 to B-1(CD)

The Zoning Committee recommends this petition be approved

Attachment No 13

14 (97-32) Decision on Petition No 97-32 by First Methodist Church for a change in zoning for approximately 1 4 acres on the northern corner of North Tryon Street and West Eighth Street from UMUD to UMUD-O

The Zoning Committee recommends this petition be approved

<u>ITEM NO.</u>

15 (97-33) Decision on Petition No 97-33 by T J Orr, City of Charlotte, and R L Davis for a change in zoning for approximately 12 3 acres located on the north and south sides of Denver Avenue off Mulberry Church Road and Wilkinson Boulevard from R-22MF to I-1 and O-1

The Zoning Committee recommends this petition be approved. The Zoning Committee also voted to send this rezoning to the Joint Use Task Force to explore what other public uses might be feasible on this site.

Attachment No 15

Decision on Petition No 97-34 by Crescent Resources, Inc. for a change in zoning for approximately 18 7 acres on the southeastern corner of the intersection of West Tyvola Road and Yorkmont Road from O-15(CD) and B-1(CD) to O-1(CD) and B-1(CD)

Mayor McCrory and Councilmember Scarborough were excused from voting on this at the April 22 meeting

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

• The removal of fast food restaurants from the list of permitted uses on the site

Attachment No 16

17 (97-35) Decision on Petition No 97-35 by Portrait Homes Construction Company for a change in zoning for approximately 20 7 acres located on the east side of East W T Harris Boulevard, south of Trysting Road from R-3 to R-12MF(CD)

The Zoning Committee recommends this petition be approved

Attachment No 17

18 (97-36) Decision on Petition No 97-36 by Estates, Inc. for a change in zoning for approximately 8 6 acres located on the west side of Park Road between Mockingbird Lane and Seneca Place from R-5, O-2 and O-6(CD) to R-43MF(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 Council, not excused from voting, in order to rezone the property

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

• There will be no filling of the floodplain fringe

- A detail of the fence provided as part of the buffer will be shown on the plan
- Building heights must be shown in feet

Attachment No 18

19 (97-37) Decision on Petition No 97-37 by Legends Entertainment Corporation for consideration of a B-2(CD) Site Plan Amendment for approximately 10 5 acres on the south side of North Tryon Street (US 29) at Rocky River Road

The Zoning Committee recommends this petition be approved, subject to the following modifications and conditions

- The Zoning committee's recommendation for approval is conditioned upon the ability of the petitioner to control traffic in both directions on North Tryon Street during events (Subsequent to the Zoning Committee meeting, CDOT suggested that the petitioner commit to an "event traffic control plan" An acceptable plan would be required before driveway permits would be issued. The plan might utilize off-duty police, signalization, or other mechanism.)
- If access is provided to Rocky River Road it will consist of "left turn only exits" during events
- If required, "no parking" signs will be placed along Rocky River Road from US 29 to the exit from petitioner's facility
- If a traffic signal is warranted and constructed within three years, petitioner will contribute its "fair share" to the cost of the signal

Attachment No 19

Resolution calling for public hearings on Monday, June 16, 1997 at 6 00 p m in the Meeting Chamber of the Charlotte-Mecklenburg Government Center for Petition Nos 94-52, 97-44 through 97-52, 97-54 and 97-64 for zoning changes

BUSINESS AGENDA

21 City Council District Boundary Realignment

Action

City Council is asked to approve the list of factors used in developing the re-districting options and adopt a resolution approving new election district boundaries in order to maintain substantial population equality among the districts. This revision of district lines involves (1) the assignment of newly annexed residents to City Council Districts and (2) the shifting of precincts to adjoining districts.

Staff Resource Dick Black and Mike Boyd

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Policy

The U S Constitution requires that the population of each election district be substantially equal Annexed areas must be included in election districts and necessary changes made to district boundaries to achieve substantial population equality in each district

Request

Explanation of The Re-Districting Committee presents four options to City Council meeting the required population balance among City Council election districts. In proposing these options, the Committee developed a list of factors that may be considered in re-districting and also determined their degree of importance in the re-districting process

> City Council is asked to review the factors that may be considered in re-districting, as utilized by the Re-Districting Committee

Funding

Not applicable

Background

The June 30, 1997 Annexations and the increased population growth within existing districts will make it necessary to revise Council district boundaries in order to maintain the required population balance. The population differential between the largest and the smallest districts should not vary by more than (10%) ten percent, on an average basis Two realignment options were presented at the April 14 dinner meeting and two additional options were presented at the Workshop on May 5