# <u>AGENDA</u>

| Meeting Type: |            |
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|               | 44454000   |
| Date:         | 11/15/1999 |
|               |            |

City of Charlotte, City Clerk's Office



Mayor Patrick McCrory

Mayor Pro Tem Lynn Wheeler

Rod Autrey
Charles Baker
Patrick D Cannon
David Erdman
Malachi Greene

Mike Jackson Nasif Rashad Majeed Don Reid Tim Sellers Sara Spencer

## Council Agenda

OFFICE COPY

Monday, November 15, 1999

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

- Consideration to add an additional rezoning case to the December public hearing (Petition No 99-137, Text Amendment proposed by the City Engineering and Property Management Dept to add provisions that are applied in land use regulation to the City of Charlotte Zoning Ordinance)
- Consideration to add an additional rezoning case to the December public hearing (Petition No 99-138, Text Amendment proposed by the Charlotte-Mecklenburg Planning Commission to add the Mountain Island Lake Watershed Overlay District to the City of Charlotte Zoning Ordinance
- Consideration to add four (4) additional rezoning cases to the January public hearing. The additional cases are necessitated by the proposed ETJ ordinance
- Discuss amending the City's monthly rezoning case load (Attachment No 1)
- Consideration to add an additional rezoning case to the January public hearing (Petition No 00-13, proposed by the Charlotte-Mecklenburg Board of Education to construct an elementary school)
- Consideration to defer the public hearing on Petition 99-06 from December 1999 to March 2000 (Petition was originally filed and scheduled for a January 20,1999 public hearing Petitioner has requested continuous deferrals and no resolution has been adopted on this petition

6 00 p m - ZONING DECISIONS Meeting Chamber

### ZONING AGENDA

### ITEM NO

#### **DECISIONS**

2 (99-53) Decision on Petition No 99-53 by Crosland Retail for a change in zoning for approximately 37 5 acres located on the northwest corner of Providence Road West and Providence Road (NC 16) from B-1S C D to CC

Zoning Committee voted to recommend approval of this petition, with the following modifications

- A landscaped berm has been added to the western edge of the developed portion of this site
- No deliveries will occur between the hours of 9 00 P M and 6 00 A M and not forklifts may operate outside the building after 9 00 P M. Amplified paging may only be placed in the garden area and the Berkley Homeowner's Association can discontinue this paging if the noise becomes objectionable.
- With the exception of security lighting, all lighting shall be turned off one hour after closing until one hour before opening
- A masonry wall will be provided around the detention pond on three sides. The
  petitioner/developer will control insects and other nuisances associated with the
  detention pond.
- A restrictive covenant well be executed (with all Berkley Homeowners as
  participants) to ensure that the 300 feet of open space along the western portion of
  the property remains natural and undisturbed except for utility crossings and similar
  specified exceptions
- The petitioner/developer will meet semi-annually with the Berkley Homeowner's Association to discuss operation of the shopping center
- Petitioners agreed to restrict the adjacent property to the north to attached residential units at a maximum of six (6) dwelling units per acre or single family detached development at a maximum of three (3) dwelling units per acre Petitioner/developer will undertake agreed upon improvements to Alexa Road area, including replacement of entrance walls lost to the Providence Road widening. A \$30,000 screening fund will be established for use by the Berkley Homeowner's Association.

#### Attachment No 2

3 (99-79) Decision on Petition No 99-79 by City of Charlotte for a change in zoning for approximately 26 acres located on the northwest corner of Shopton Road and Beam Road from R-3, R-17MF and O-1(CD0 to B-2(CD)

The petition was deferred for 60 days on September 23, 1999

Zoning Committee recommended approval of this petition, with the following modifications

- The driver training facility has been relocated to the southern end of the property
- A 100-foot buffer has been added along Shopton Road

Attachment No 3

4 (99-96) Decision on Petition No 99-96 by Providence Court LLC for a change in zoning for approximately 2 2 acres located on the southwest corner of Sharon View Road and Flintwood Lane from R-3 to R-5(CD)

Protest petitions have been filed and are sufficient to invoke the ¾ rule

The petition was deferred for 30 days on October 18, 1999

Zoning Committee voted to recommend approval of his petition, with the following modifications

- The number of proposed lots is reduced from eight (8) to six (6)
- Sidewalk will be added along both sides of the proposed cul-de-sac or sidewalk improvements will be made along Sharon View Road
- Street trees will be added along the cul-de-sac and along Sharon View Road and Flintwood Lane
- The petitioner will pay one-half (1/2) of the construction cost of correcting an existing drainage problem on two adjacent properties across Flintwood Lane from the petitioned site

Attachment No 4

5 (99-97) Decision on Petition No. 99-97 by Robert T. Drakeford for a change in zoning for approximately 7 acres located on the southwest corner of Clanton Road and West Boulevard from R-5, R-17MF and R-22MF to B-1(CD)

Zoning Committee voted to recommend a one month deferral of this petition

Attachment No 5

6 (99-100) Decision on Petition No 99-100 by Robert L Brandon, Zoning Administrator to consider a text amendment to the City of Charlotte Zoning Ordinance to make the civil penalties for sign violations the same as any other Zoning Ordinance violations, except that sign violations would still receive a warning citation before the issuance of a civil penalty

Petition was deferred for 30 days on October 18, 1999

Zoning Committee voted to recommend approval of the proposed text amendment

Attachment No 6

7 (99-104) Decision on Petition No 99-104 by Gulf South Development for a change in zoning for approximately 22 acres located on the north side of Providence Road West, west of Houston Ridge Road from R-3 to R-8(CD)

The petition was deferred for 21 days on October 18, 1999 and for seven days on November 8, 1999

A protest petition has been filed and is sufficient to invoke the ¼ voting rule

Zoning Committee voted to recommend approval of this petition, with the following modifications

- A 30 foot buffer will be placed at the property line along the northern portion of the site to be in addition to the proposed 45-foot rear yards for those lots
- The site plan will be modified to provide for and 8-foot solid privacy fence along the northern edge of the site

Attachment No. 7

Decision on Petition No 99-106 by Land Development & Consulting Services, Inc. for a change in zoning for approximately 18 acres located on the east side of Lawing School Road, west of Belmorrow Drive and south of Bellhaven Boulevard from R-3 to R-4

Zoning Committee voted to recommend approval of this petition

Attachment No 8

9 (99-107) Decision on Petition No 99-107 by The Conformity Group for a change in zoning for approximately 85 acres located on the southeast corner of West Morehead Street and Elliot Street, east of Interstate 77 from I-2 to MUDD

Zoning Committee voted to recommend approval of this petition

Attachment No 9

10 (99-108) Decision on Petition No 99-108 by LandCraft Properties for a change in zoning for approximately 19 5 acres located on the north side of Hayden Drive, west of Mallard Ridge Drive from R-3 to R-4(CD) Petition originally filed to request R-6(CD).

A protest petition has been filed and is sufficient to invoke the ¾ voting rule

Zoning Committee voted to recommend denial of this petition, including the following modifications

• A note has been added to the site plan clarifying that the deed restricted buffer area well be calculated from the exterior property line so that the buffer area will be included in the rear yard of each lot

Attachment No 10

Decision on Petition No 99-109 by Lincoln-Harris/JDN for a change in zoning for approximately 96 acres located on the east side of Independence Boulevard, east of Sardis Road North and west of Lakeview Circle from R-4 and R-17MF to R-17MF(CD) and CC

A protest petition has been filed and is sufficient to invoke the ¾ voting rule

Zoning Committee voted to recommend a one-month deferral of this petition

Attachment No 11

12 (99-110) Decision on Petition No 99-110 by Diamond Oak Development, Inc. for a change in zoning for approximately 22 acres located on the west side of Nations Ford Road, east of Lenoir Road from R-4 to R-8MF(CD)

Zoning Committee voted to recommend approval of this petition, with the following modifications

- The buffer at the rear of the property will be increased from 50 feet to 100 feet
- A two-way, gated private street connection will be added at the rear of the property to provide a secondary access for residents of this development via Lenoir Road
- Building elevations are now included as part of the site plan for this petition

Attachment No 12

13 (99-111) Decision on Petition No 99-111 by Dr Rufus G Pettis for a change in zoning for for approximately 1 8 acres located on the southwest corner of Clark Boulevard and North Tryon Street from O-2 to B-1(CD)

Zoning Committee voted to recommend approval of this petition

Attachment No 13

14 (99-113) Decision on Petition No 99-113 by Michael O'Brien for a change in zoning for approximately 37 acres located north of Fourth Street on the east side of Summit Avenue and west of Interstate 77 from O-2 to UR-2

Petitioner plans to add acreage, which will require a new public hearing. Petitioner requests a deferral to the December 20, 1999 public hearing.

Zoning Committee voted to recommend approval of this petition

Attachment No 14

15 (99-114) Decision on Petition No 99-114 by Albemarle Land Company, LLC for a change in zoning for approximately 42 18 acres located on the south side of Albemarle Road, west of Harrisburg Road and east of Olde Savannah Road from R-3 to CC

Zoning Committee voted to recommend denial of this petition

Attachment No 15

16 (99-115) Decision on Petition No 99-115 by ColeJenest & Stone for a change in zoning for approximately 28 acres located on the north side of Trade Street, south of W Fifth Street, on the east and west sides of Clarkson Street from UMUD to UMUD-O

Zoning Committee voted to recommend approval of this petition

Attachment No. 16

17 (99-116) Decision on Petition No 99-116 by The Methodist Home, Inc. for a change in zoning for approximately 80 acres located on the south side of Shamrock Drive, east of Eastway Drive and north of Sudbury Road from INST(CD) to INST(CD) S P A

Zoning Committee voted to recommend approval of this petition

Attachment No 17

18 (99-117) Decision on Petition No 99-117 by Fisher Harriss Development Company for a change in zoning for approximately 4 acres located on the east side of Prosperity Church Road, west of Mallard Creek Road from R-3 to O-1(CD)

Zoning Committee voted to recommend approval of this petition, with the following modifications

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- Building elevations are now included as part of the site plan
- The southern driveway has been relocated to limit access to right-in/right-out traffic only
- The entire buffer will be planted as part of the initial development of the site, even if the portion of the site adjacent to the multi-family development is not immediately occupied by a building

Attachment No 18

Decision on Petition No 99-118 by Charlotte-Mecklenburg Planning Commission to consider a text amendment to Section 9 906 of the City of Charlotte Zoning Ordinance to add a new subsection (9) entitled Rail Transit Corridors in order to protect specific rail corridors and to encourage them to serve as multi-modal transportation facilities, such as rail-trolley, bus, and pedestrian ways, while preserving the opportunity to add other transit related facilities in the future

Zoning Committee voted to recommend approval of this text amendment

### Attachment No. 19

20 (99-119) Decision on Petition No 99-119 by Mecklenburg County Department of
Environmental Protection Department to consider a text amendment to Chapter 12 of
the City of Charlotte Zoning Ordinance to implement the previously adopted Surface
Water Improvement and Management (SWIM) Buffer Plan, the purpose of which is to
establish regulations and standards to ensure that streams and adjacent lands will fulfill
their natural functions

Planning Committee voted to recommend approval of this text amendment

Attachment No 20

21 (99-120) Decision on Petition No 99-120 by Crosland Retail for a change in zoning for approximately 15 acres located on the northeast corner of John Price Road and York Road from CC to CC S P A

Zoning Committee voted to recommend approval of this petition, with the following modifications

- The petitioner will extend the concrete median that NCDOT will build at this intersection, such that it will extend to just beyond the first driveway and restrict movements to right-in/right-out only
- No more than one outparcel may be utilized as a fast food restaurant

Attachment No 21

22 (99-121) Decision on Petition No 99-121 by DeWitt F McCarley, City Attorney to consider a text amendment to Sections 2 201 and 12 522 of the City of Charlotte Zoning Ordinance to conform the Zoning Ordinance definition of adult establishment to the definition found in the City's recently enacted Sexually Oriented Businesses Licensing Ordinance

Zoning Committee voted to recommend approval of this text amendment

Attachment No 22

Resolution calling for public hearings on Monday, December 20, 1999 at 6 00 p m in the Meeting Chamber of the Charlotte-Mecklenburg Government Center for Petitions Nos 99-56, 99-80, 99-82, 99-86, 99-89, 99-105, 99-112, 99-123 through 99-128, 99-130 through 99-134, 99-136 and 99-137