



Date:	10/18/1999

City of Charlotte, City Clerk's Office



Maxor Pro Tem Lynn Wheeler Mayor Panick McCrory

Rod Autres Charles Baker Panick D. Cannon David Fidman Malacht Greene

Mike Jackson Nasıf Rashad Majeed Don Reid Tim Sellers Sara Spencer

Monday, October 18, 1999

Council Agenda

500 pm - Council Manager Dinner Meeting Chamber Conference Room

 Consideration to add an additional rezoning case to the December hearing (99-136 Text Amendment proposed by the Charlotte-Mecklenburg Planning Commission to add the RE-3 zoning district to the City of Charlotte Zoning Ordinance)

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Briefing on proposed SWIM Buffer Text ۲ Amendment and proposed Floodway Regulations revisions, presented by Rusty Rozzelle, Department of Environmental Protection, and

Steve Sands, City Engineering Department, Storm Water Division (Attachment 1)

600 pm - ZONING HEARINGS Meeting Chamber





DECISIONS

- Decision on Petition No 99-90 by Clariant Corporation for a change in zoning for approximately 97 acres located on the southeast corner of Monroe Road and Stanley (99-90) 2 Avenue, west of Wendover Road from I 2 to I-1
 - Zoning Committee voted to recommend approval of this petition
 - Attachment No 2

3 (99-92) Decision on Petition No 99-92 by Allen C and Joyce Johnson for a change in zoning for approximately 5.2 acres located on the east and west sides of Distribution Center Drive, north of Interstate 85 and west of Statesville Avenue

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

• The site plan will be modified to indicate a double row of trees and a row of shrubs to be planted within the 20-foot setback along the I-85 right-of-way

Attachment No 3

4 (99-93) Decision on Petition No 99-68 by Donald M Porter for a change in zoning for approximately 1 5 acres located on the north side of Pence Road, east of Holly Hill Road from BD to I-1(CD)

The Zoning Committee voted to recommend approval of this petition

Attachment No 4

5 (99-94) Decision on Petition No 99 94 by Home Depot for a change in zoning for approximately 17 acres located between Albemarle Road and Parkton Road, east of Harrisburg Road and across from Manchester Lane from B-2 to CC

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

- The building's roofline will be modified at the contractor's entrance
- A chain link fence with black vinyl coating will be provided around the proposed garden center

Attachment No 5

6 (99-95) Decision on Petition No 99-95 by Ziad Nasrallah for a change in zoning for approximately 0 62 acres located on the east side of York Road (NC 49) across from Yorkmont Road and south of Billy Graham Parkway from B-1 to B-2

Zoning Committee voted to recommend denial of this petition

Decision on Petition No 99-96 by Providence Court LLC for a change in zoning for (99-96) 7 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 34 rule

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

Attachment No 7

Decision on Petition No 99-98 by Ghazi-Cornelson Group for a change in zoning for (99-98) approximately 5.2 acres located on the south side of East W T Harris Boulevard and east of U S 29 from O-2 and B 1(CD) to B-1(CD) and B-1(CD) S P A

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

- A note will be added to the site plan agreeing to phase the project based upon closing the North Tryon Street median opening and providing access to the site from Ken Hoffman Drive or McCullough Drive
- A note will be added to the site plan agreeing to release the petitioner's access • easement to W T Harris Boulevard, if and when McCullough Drive is extended to the petitoner's property
- A note will be added to the site plan whereby the petitioner agrees to construct that portion of McCullough Drive that borders the petitioner's property, if and when McCullough Drive is extended through to W T Harris Boulevard
- Only two detached signs will be permitted on the site •
- The site plan will be revised to reflect a minimum size for the "pedestrian plazas" •

Attachment 8

Decision on Petition No 99-99 by Mulvaney Group, Ltd for a change in zoning for (99-99) 9 approximately 128 acres located on the south side of Plaza Road, east of Eastway Drive from R-4 to R-17MF(CD), MX-2 and B-1(CD)

A protest petition has been filed and is not sufficient to invoke the 34 voting rule

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

The petitioner will modify the site plan or otherwise commit to the provision of one • full movement connection to Eastway Drive and two right-in/right-out connections to

Eastway Drive Since these Eastway Drive connections are technically off-site, the right-of-ways for public street connections must be dedicated prior to the issuance of any building permits The left turn lane at the full movement access point is the responsibility of the petitioner/developer An access easement to the church site must be provided

- The petitioner will realign the existing driveway across The Plaza from the main ۰ spine road into this site. Left turn lanes must also be provided at this access point
- The number of apartments is reduced to 296 units. No drive-thru restaurants, • commercial laundromats, gas station/convenience stores, or similar highway oriented businesses will be permitted within the neighborhood shopping center
- A minimum of 150 single family detached units will be provided within the MX-2 zoning district

Attachment No 9

Decision on Petition No 99-100 by Robert L Brandon, Zoning Administrator to (99-100)10 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

Zoning Committee voted to recommend approval of the proposed text amendment

Attachment No 10

11

Decision on Petition No 99-101 by Charlotte City Attorney's Office to consider a text (99-101)amendment to Section 6 206, subsection 2 of the City of Charlotte Zoning Ordinance to eliminate an appeal to the City Council due to the denial of an amendment to an approved site plan. Said amendment also requires that abutting property owners be notified within fifteen days when an applicant appeals a denial to the Planning Committee of the Planning Commission and that abutting property owners shall be entitled to appeal the Planning Director's (or designee) approval of an amendment within fifteen days of knowledge of the approval

Zoning Committee voted to recommend approval of the proposed text amendment

Attachment No 11

12 (99-102) Decision on Petition No 99-102 by Judson Stringfellow-Triven Properties, LLC to consider a text amendment to Section 9.205 of the City of Charlotte Zoning Ordinance to change the side yard requirement for R-4 and R-5 zoning districts from six (6) feet to five (5) feet

Zoning Committee voted to recommend approval of this petition

Attachment No 12

13 (99-103) Decision on Petition No 99-103 by Columbus Club of South Charlotte for a change in zoning for approximately 3 acres located on the south side of Providence Road West, west of Houston Ridge Road from R-3 to INST(CD)

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

• The parking area will be removed from the required buffer

Attachment No 13

14 (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)

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

The 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 an 8-foot solid privacy fence along the northern edge of the site.

- 15 Recommend adoption of revisions to the proposed Floodway Regulations which include
 - Increase interim flood protection by 5 7 feet '
 - Revise the definition of substantial damage
 - Reduce the amount of floodplain filling from 50 percent to 25 percent

Attached is the proposed ordinance (Proposed additions are hi-lited in <u>bold/underline</u> Proposed deletions are identified by strikethrough text)

A more complete Request for Council Action (RCA) will be sent in the October 15, 1999 Council/ Manager Memo

Attachment No 15

PUBLIC HEARINGS

16 (A) Hearing to consider designation of the property known as the "S Bryce McLaughlin House" listed under tax parcel 127-046-09 in the Mecklenburg County Tax Office and including the entire exterior and interior of the house, the entire interior and exterior of the garage, and the

entire parcel of land located within the boundaries of such tax parcel located at 2027 Greenway Avenue in Charlotte, North Carolina as an historic landmark

(B) Adopt an ordinance designating the S Bryce McLaughlin House as an historic landmark

Attachment No 16

17 (99-56) Hearing on Petition No 99-56 by John H Tabor to consider a text amendment to the City of Charlotte Zoning Ordinance to allow compatible uses for Outdoor Recreational Facilities adjacent to single family residential properties

Attachment No 17

18 (99-53) Hearing 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

Attachment No 18

19 (99-82) Hearing on Petition No 99-82 by Fairfield Residential, LLC for a change in zoning for approximately 3 3 acres located on the east side of S Tryon Street, south of East Carson Boulevard from I-2 to MUDD-O

20 (99-91) Hearing on Petition No 99-91 by LandCraft Properties for a change in zoning for approximately 9 4 acres located on the northwest corner of Old Plank Road and Dale Avenue from R-4 to R-5(CD)

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

Attachment No 20

21 (99-97) Hearing 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)

Attachment No 21

22 (99-106) Hearing 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

Attachment No 22

23 (99-107) Hearing 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

Attachment No 23

24 (99-108) Hearing 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 34 voting rule

Attachment No 24

25 (99-109) Hearing 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

Attachment No 25

26 (99-110) Hearing 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)

Attachment No 26

27 (99-111) Hearing 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)

Attachment No 27

28 (99-112) Hearing on Petition No 99-112 by Portrait Homes Construction Co for a change in zoning for approximately 21 acres located on the west side of Prosperity Church Road, north of White Cascade Drive from R-3 to R-8MF(CD) Petitioner requests a deferral to December 20, 1999

Attachment No 28

29 (99-113) Hearing 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

Attachment No 29

30 (99-114) Hearing 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

Attachment No 30

31 (99-115) Hearing 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

32 (99-116) Hearing 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

Attachment No 32

33 (99-117) Hearing 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)

Attachment No 33

34 (99-118) Hearing 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

Attachment No 34

35 (99-119) Hearing 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

Attachment No 35

36 (99-120) Hearing 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

Attachment No 36

37 (99-121) Hearing 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