AGENDA

Meeting Type:	S
Date.	01-08-1990
SUBJECT	Joint City County Center City Urban Design Plan

City of Charlotte, City Clerk's Office

CHARLOTTE

Council Agenda

January 16, 1990

FILE COPY

CHARLOTTE

Meetings in January '90

THE WEEK OF JANUARY 1 - JANUARY 6

1	Monday	NEW YEAR'S DAY - City Offices Closed
2	Tuesday, 2 00 p m	CIVIL SERVICE HEARING - CMGC, Rooms 270 & 271
4	Thursday, 9 00 a m	HOUSING AUTHORITY - 1301 South Boulevard
	Thursday, 10 00 a m	PARADE PERMIT COMMITTEE - CMGC, 6th Floor Conference Room

THE WEEK OF WEEK OF JANUARY 7 - JANUARY 13

7	Sunday, 9 00 a m	CHARLOTTE-MECKLENBURG ART COMMISSION/Ad Hoc Committee for Aquatic Center - Public Library, 310 N Tryon Street
8	Monday, 6 00 p m	COUNCIL/MANAGER DINNER - CMGC, Meeting Chamber Conference Room
	Monday, 6 30 p m	CITIZENS HEARING - CMGC, Meeting Chamber
	Monday, 7 00 p m	CITY COUNCIL MEETING - CMGC, Meeting Chamber
	Monday, 7 30 p m	HISTORIC LANDMARKS COMMISSION - 1221 South Caldwell Street
9	Tuesday, 8 00 a m	CLEAN CITY COMMITTEE - CMGC, Room 270
	Tuesday, 12 Noon	AIRPORT ADVISORY COMMITTEE - Charlotte/Douglas International Airport, Conference Room A
	Tuesday, 12 Noon	PLANNING COMMISSION RETREAT - CMGC, 8th Floor Conference Room
	Tuesday, 3 00 p m	HOUSING APPEALS BOARD - CMGC, 5th Floor Conference Room
10	Wednesday, 7 30 a m	ZONING STAKEHOLDERS COMMITTEE - CMGC, 8th Floor Conference Room
	Wednesday, 7 45 a m	PRIVATE INDUSTRY COUNCIL - CMGC, Room 119
	Wednesday, 8 30 a m	CIVIL SERVICE BOARD - CMGC, 7th Floor Conference Room
	Wednesday, 4 30 p m	CITIZENS CABLE OVERSIGHT COMMITTEE - CMGC, Room 119
	Wednesday, 6 30 p m	YOUTH INVOLVEMENT COUNCIL - CMGC, Room 118
11	Thursday, 4 00 p m	PLANNING COMMITTEE/E District Plan Overview - CMGC, 8th Floor Conference Room
	Thursday, 4 30 p m	CHARLOTTE-MECKLENBURG ART COMMISSION/Reedy Creek Ad Hoc Committee - CMGC, 8th Floor Conference Room
	Thursday, 5 00 p m	CHARLOTTE-MECKLENBURG ART COMMISSION/Executive Committee - CMGC, 8th Floor Conference Room
	Thursday, 6 00 p m	CHARLOTTE-MECKLENBURG ART COMMISSION/Special Committee Meeting - CMGC, 8th Floor Conference Room
12	Friday, 12 Noon	DIVISION OF INSURANCE & RISK MANAGEMENT - CMGC, 10th Floor Conference Room

(CONTINUED ON BACK)

Public Service And Information Department

600 East Fourth Street

Charlotte NC 28202 2861

704/336-2395

THE WEEK OF JANUARY 14 - JANUARY 20

15	Monday	MARTIN LUTHER KING HOLIDAY - All City Offices Closed
16	Tuesday, 7 30 a m	ZONING STAKEHOLDERS COMMITTEE - CMGC, 8th Floor Conference Room
	Tuesday, 7 30 a m	PERFORMING ARTS CENTER BOARD MEETING - CMGC, Room 270
	Tuesday, 2 00 p m	HOUSING AUTHORITY - 1301 South Boulevard
	Tuesday, 5 00 p m	COUNCIL/MANAGER DINNER - CMGC, Meeting Chamber Conference Room
	Tuesday, 6 00 p m	CITY COUNCIL/Zoning Hearings - CMGC, Meeting Chamber
	Tuesday, 7 30 p m	PLANNING COMMITTEE/E District Community Meeting - Idlewild Christian Church, 8005 Lawyers Road
17	Wednesday, 7 00 p m	METROPOLITAN PLANNING ORGANIZATION - Mint Hill Town Hall
19	Friday, 7 30 a m	PLANNING LIAISON COMMITTEE - CMGC, 8th Floor Conference Room

THE WEEK OF JANUARY 21 - JANUARY 27

22	Monday, 1 00 p m	COUNCIL/MANAGER LUNCHEON - CMGC, Meeting Chamber Conference Room
	Monday, 2 00 p m	CITIZENS HEARING - CMGC, Meeting Chamber
	Monday, 2 30 p m	CITY COUNCIL MEETING - CMGC, Meeting Chamber
	Monday, 4 30 p m	PLANNING COMMISSION/Zoning Work Session - CMGC, 8th Floor Conference Room
23	Tuesday, 10·30 a.m	AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY- Charlotte Convention Center, 101 South College Street
	Tuesday, 3 00 p m	COMMUNITY FACILITIES COMMITTEE - 5100 Brookshire Blvd
	Tuesday, 4 00 p m	PLANNING COMMITTEE/E. District Plan Discussion - CMGC, 8th Floor Conference Room
24	Wednesday, 4·00 p m	YOUTH INVOLVEMENT COUNCIL - CMGC, Room 118
25	Thursday, 3·00 p m	ADVISORY BOARD FOR CITIZENS WITH DISABILITIES - CMGC, Room 119
	Thursday, 4 00 p m	CHARLOTTE-MECKELNBURG ART COMMISSION/Executive Committee - CMGC, 8th Floor Conference Room
	Thursday, 5 00 p m	CHARLOTTE-MECKLENBURG ART COMMISSION/Board Meeting - CMGC, 8th Floor Conference Room

THE WEEK OF JANUARY 28 - JANUARY 31

30	Tuesday, 2 00 p m	CITY ZONING BOARD OF ADJUSTMENT - Hal Marshall Center, Agriculture Extesion Conference Room
	Tuesday, 4·00 p m	PLANNING COMMITTEE/E District Plan & R-20MF Discussion - CMGC, 8th Floor Conference Room
31	Wednesday, 7 30 a m	ZONING STAKEHOLDERS COMMITTEE - CMGC, 8th Floor Conference Room

These organizations will <u>not</u> meet in January
Specialized Transportation Advisory Committee

CHARLOTTE

Mayor Sue Myrick *Mayor Pro Tem Cyndee Patterson*

Stanley M Campbell *Hoyle H Martin*
Daniel G Clodfelter *Roy Mattheus*
Ann Hammond *Ella Butler Scarborough*
Pat McCrory *Richard Vinroot*
Tom Mangum *Lynn M Wheeler*

Tuesday, January 16, 1990

Council Agenda

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

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

Invocation by The Reverend James Byer of St. Ann's Catholic Church.

ITEM NO.

BUSINESS AGENDA

1. Recommend approval of the site location for a 489 foot radio antenna at 230 Heatherway Drive off the 6300 block of North Tryon Street.

   Attachment No. 1

PUBLIC HEARINGS

2. (89-88) Hearing on Petition No. 89-88 by Douglas Burns/AEC, PA for a change in zoning from UMUD to UMUD-O for a 1.12 acre site located on the northwesterly corner of North Tryon Street and West 11th Street.

   This petition was deferred from the December meeting to the January meeting.

   Attachment No. 2

3. (89-91) Hearing on Petition No. 89-91 by CK Charlotte Industrial Land Development, Inc. for a change in zoning from O-15 to I-1(CD) for a 33.2 acre site located on the south side of North Hoskins Road, north of Interstate 85 and west of Beatties Ford Road.

A protest petition has been filed and is not sufficient to invoke the 3/4 rule.

The petitioner has requested that this petition be withdrawn.

Attachment No. 3

4. (90-1) Hearing on Petition No. 90-1 by Stephen L. Vermillion for a site plan amendment to an existing B-1SCD site plan for a 13.6 acre site located on the southeasterly side of Sardis Road North approximately 400 feet southwest of Independence Boulevard.

Attachment No. 4

5. (90-2) Hearing on Petition No. 90-2 by NCNB TR U/A The FNB of Boston for a change in zoning from B-1 to B-1SCD for approximately 21.7 acres located on the northwesterly corner of the intersection of Sharon Amity Road and Randolph Road (Cotswold Mall).

Attachment No. 5

6. (90-3) Hearing on Petition No. 90-3 by Carmel Retail, Inc. for a change in zoning from R-15 to B-1(CD) for a .62 acre site located along the easterly side of Carmel Road across from Carmel Forest Drive.

Attachment No. 6

7. (90-4) Hearing on Petition No. 90-4 by Carriage Club of Charlotte for a change in zoning from R-15 with a special use permit for a retirement center to O-15(CD) for a 1.5 acre site located on the westerly side of Old Providence Road south of the intersection of Providence Road and Old Providence Road.

Attachment No. 7

8. (90-5) Hearing on Petition No. 90-5 by Thomas M. and Dorothy K. McMillan for a change in zoning from R-15MF to I-1 for a .701 acre site located on the northerly side of Alleghany Street to the west of Haywood Avenue.

Attachment No. 8

9. (90-6) Hearing on Petition No. 90-6 by the Charlotte-Mecklenburg Planning Commission for a text amendment to Section 1019 to grant density credit for land dedication for public community service facilities in addition to certain road right-of-way.

Attachment No. 9

10. (90-7) Hearing on Petition No. 90-7 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from O-6 to R-9MF for approximately 3.4 acres located along the east side of Beatties Ford Road, north and south of B Avenue, and north from B Avenue to C Avenue.

Attachment No. 10

11. (90-8) Hearing on Petition No. 90-8 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from O-6 to R-9 for approximately 2.4 acres bounded by Beatties Ford Road on the west, B Avenue to the north and A Avenue to the south.

Attachment No. 11

POLICY AGENDA

12. (89-60) Decision on Petition No. 89-60 by Frank LaPointe for a change in zoning from R-9 to R-9MF(CD) and B-2(CD) [Original request: R-9 to O-15(CD) and B-2(CD)] for a 15.4 acre site located on the easterly side of Independence Boulevard along both sides of East W. T. Harris Boulevard.

A protest petition has been filed and found sufficient to invoke the 3/4 rule, requiring affirmative votes of 3/4 of the Mayor and Council Members, not excused from voting, in order to rezone the property.

The Zoning Committee recommends that this petition be approved.

Attachment No. 12

13. (89-86) Decision on Petition No. 89-86 by Zaremba CenterPoint Company for a change in zoning from O-6 and R-6MF to B-1SCD for a 13.8 acre site located on the northeasterly corner of the intersection of Eastway Drive and Biscayne Drive.

Councilmember Clodfelter was excused from the public hearing.

This petition was deferred at the November and December meetings.

The Zoning Committee deferred action on this request for an additional 30 days due to a change made to the site plan by the petitioner dealing with access.

Attachment No. 13

14. (89-89) Decision on Petition No. 89-89 by Metrolina Landscape Maintenance Incorporated for a change in zoning from R-9MF to I-1(CD) for a .9 acre site located on the westerly side of Morningside Drive north of Mt. Holly Road.

The Zoning Committee recommended that this petition be approved.

Attachment No. 14

15. (89-90) Decision on Petition No. 89-90 by Vulvan Materials Company for a change in zoning from R-9MF and I-1 to I-1(CD) and I-2(CD) for a 69.8 acre site located on the southeasterly side of Nations Ford Road extending from Old Nations Ford Road to Sugar Creek.

A protest petition has been filed and found sufficient to invoke the 3/4 rule requiring affirmative votes of 3/4 of the Mayor and Council Members, not excused from voting, in order to rezone the property.

The Zoning Committee deferred action on this request for 30 days at the request of the petitioner.

Attachment No. 15

16. (89-92) Decision on Petition No. 89-92 by Wood Keith Design for a change in zoning from R-15 to R-15MF(CD) for a 3.4 acre site located on the easterly side of Sharon Road south of Chandworth Road.

A protest petition has been filed and found sufficient to invoke the 3/4 rule requiring affirmative votes of 3/4 of the Mayor and Council Members, not excused from voting, in order to rezone the property.

The Zoning Committee deferred action on this request for 30 days.

Attachment No. 16

17. (89-93) Decision on Petition No. 89-93 by Spectrum Properties for a change in zoning from R-9 to I-1(CD) for 44 acres located in the northeast quadrant of the intersection of Interstate 77 and Interstate 85.

The Zoning Committee recommends that this petition be approved.

Attachment No. 17

18. (89-94) Decision on Petition No. 89-94 by Rick Lambeth for a change in zoning from R-15MF to R-12MF(CD) for a 14.6 acre site located on the northerly side of Oneida Road to the west of Graham Street.

A protest petition has been filed and is not sufficient to invoke the 3/4 rule.

The Zoning Committee recommends that this petition be approved.

Attachment No. 18

19. (89-95) Decision on Petition No. 89-95 by City View Development Corporation for a change in zoning from R-9MF to I-1(CD) for approximately 32 acres located on the east side of Ashley Road across from Alleghany Street, extending to the rear of properties along Royston Drive.

The Zoning Committee deferred action on this request for 30 days.

Attachment No. 19

20. (89-96) Decision on Petition No. 89-96 by Aston Properties, Inc. for a change in zoning from B-2 and R-6MF to B-1SCD and R-9)CD) for approximately 30.5 acres located on the southwesterly corner of the intersection of Central Avenue and Eastway Drive.

A protest petition has been filed and found sufficient to invoke the 3/4 rule, requiring affirmative votes of 3/4 of the Mayor and Council Members, not excused from voting, in order to rezone the property.

The Zoning Committee recommends that this petition be approved.

Attachment No. 20

21. (89-97) Decision on Petition No. 89-97 by Miller Newton for a change in zoning from O-15 to B-2(CD) for approximately 3 acres located on the south side of Milton Road west of Sharon Amity Road.

The Zoning Committee recommends that this petition be approved.

Attachment No. 21

22. (89-117) Decision on Petition No. 89-117 by the Charlotte-Mecklenburg Planning Commission for a Text Amendment to Section 16.29 of the City Zoning Ordinance regarding citations in the Historic District Regulations.

The Zoning Committee recommends that this petition be approved.

Attachment No. 22

23. Recommend adoption of Resolution setting public hearings for February 19, 1990, at 6:00 p.m. in the Meeting Chamber, 600 East Fourth Street, on Petitions 90-9 through 90-15 for zoning changes.

CHARLOTTE

#1

Request for Council Action

To the City Council from the City Manager

Action Requested: **APPROVAL OF THE SITE LOCATION FOR A 489' RADIO ANTENNA AT 230 HEATHWAY DRIVE OFF THE 6300 BLOCK OF NORTH TRYON STREET.**

Responsible Department

GENERAL SERVICES

The request should be organized according to the following categories:
Background Explanation of Request Source of Funding Clearances Bibliography

Background:
On March 27, 1989 City Council approved a contract to provide and construct a 489 foot radio antenna at a cost of $247,000. This tower is a necessary and critical part of the City's conventional (not trunking) radio communication system and will pay for itself by cost avoidance in less than ten years. The antenna will serve 14 radio base stations that provide communication services for eight City departments. A 30' x 30' equipment building will be constructed directly under the antenna. The Heathway Drive site is recommended for it meets all site criteria, is City owned property, is properly zoned, and is the current site of one radio antenna tower and a water tower. The existing tower will be dismantled upon the completion of the new tower. The existing tree line that surrounds the proposed site will completely obscure this tower base and equipment building from view.

Citizens and businesses adjacent to the site were notified of the City's intent by mail on October 9, 1989. This resulted in one concern being addressed by the Lormic Corporation whose firm is presently developing the adjacent North Hills Commerce Center. In our meeting with the Lormic Corporation on October 31, 1989, we agreed to examine other City owned property to determine if there was an alternate site for consideration. The Lormic Corporation was notified by letter on December 18, 1989 that none of the sites reviewed were satisfactory and that the City intended to construct the antenna on the Heathway Avenue site. All site engineering has been performed and the antenna has been delivered to the site awaiting approval to proceed with construction.

Explanation of Request:
City Council is requested to approve the 230 Heathway Ave. site for tower construction.

For Office Use Only

Date Submitted 1/10/90

Agenda Date Requested 1/16/90

Consequences if Agenda Date is Delayed or Action is Deferred 1) Continued poor radio communications, frequency interference, shadowing, and dead spots due to Charlotte Plaza location; 2) continued space rental at $3,590 per month; and 3) site relocation costs of $2,600 for soil and foundation engineering and $4,200 to relocate antenna parts.

Contact Person for Questions from the City Manager's Office Ed Sizer, 336-2582

Authorized by Ed Sizer, General Services Director
Department Head

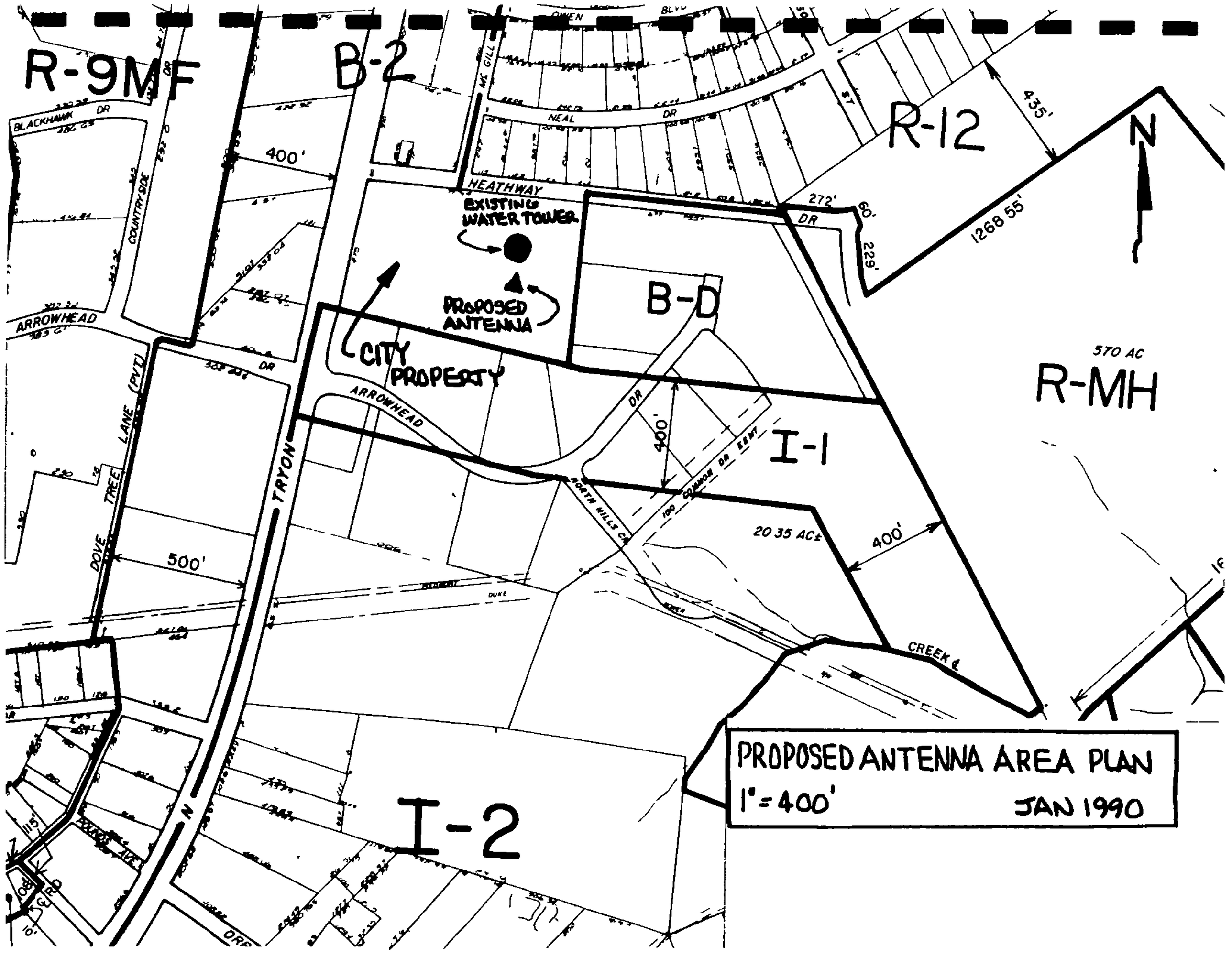
Approved by Pam Syfert
Assistant City Manager

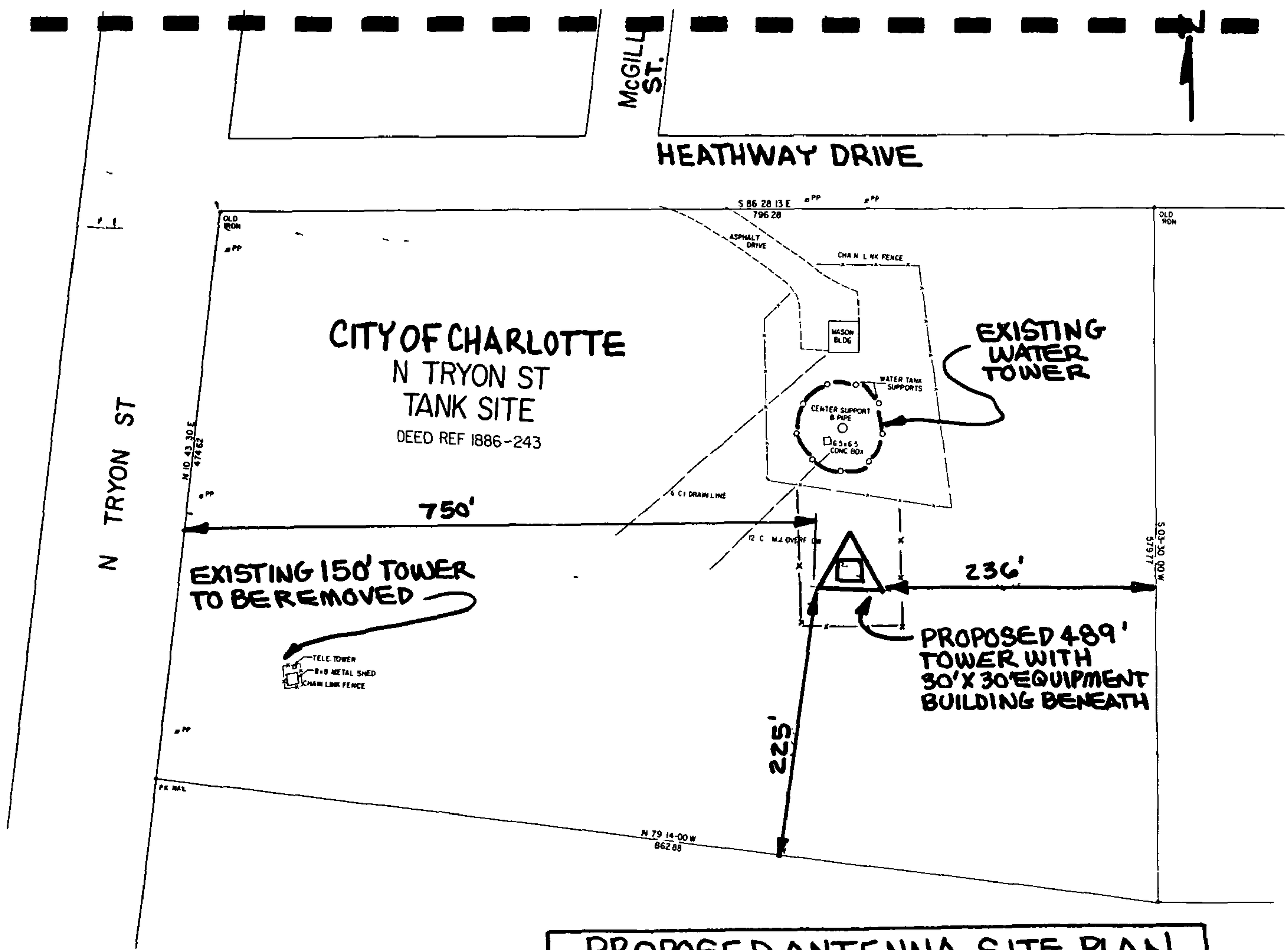
List Attachments Attachments to be provided with the Council/Manager memo Friday, 1/12/90.

Source of Funding:
N/A. Request for site approval only.

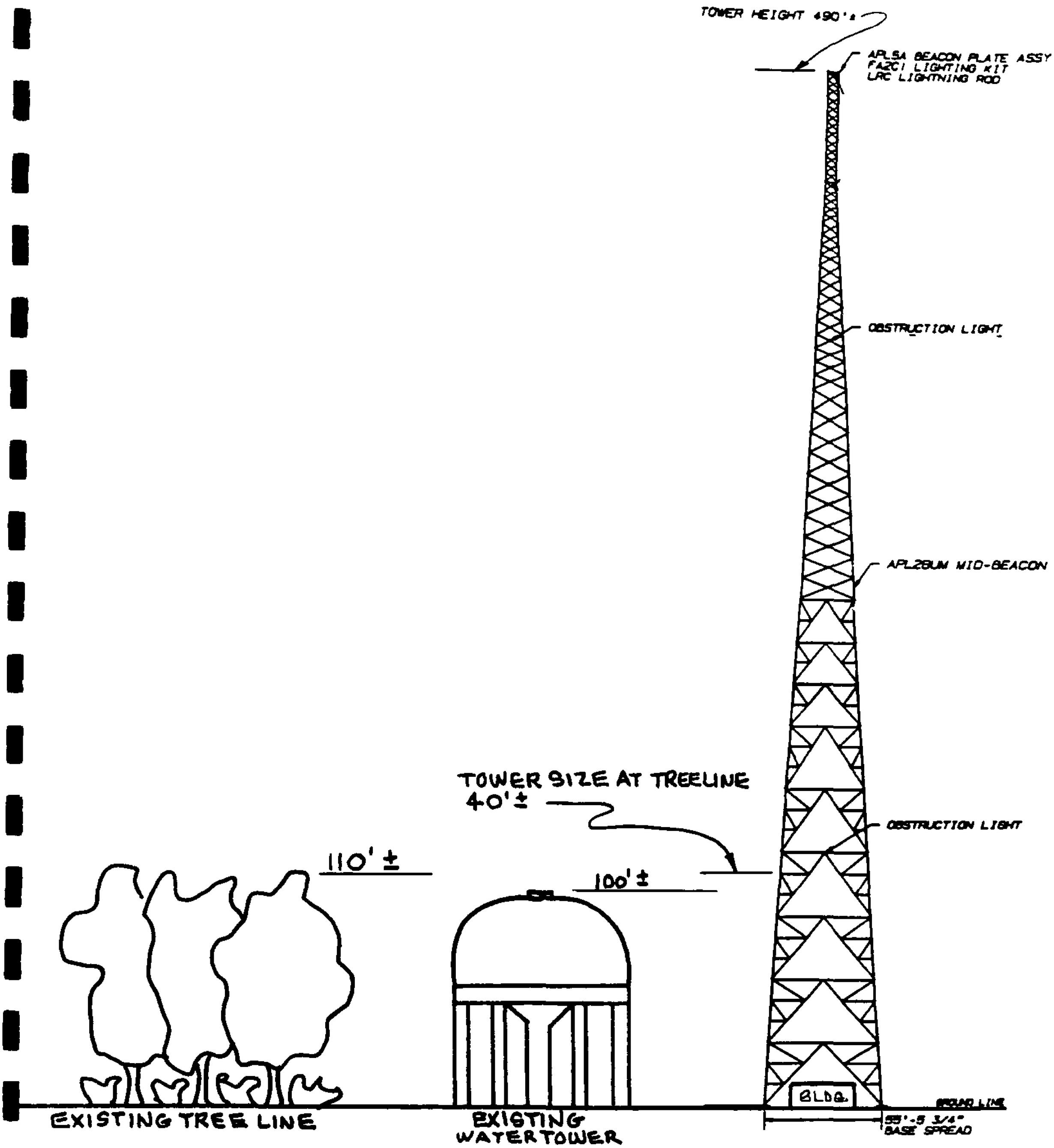
Clearances:
This site location was unanimously approved by the Planning Commission's Planning Committee on September 28, 1989. Appropriate building permit, FCC License, and FAA approval for the site have been received.

Bibliography:


R-9MF
B-2
R-12
R-MH
B-D
I-1
I-2
N
BLACKHAWK DR
COUNTRY SIDE
ARROWHEAD
TREE LANE (PVT)
DOVE
TRYON
MC GILL
NEAL DR
HEATHWAY DR
EXISTING WATER TOWER
PROPOSED ANTENNA
CITY PROPERTY
ARROWHEAD DR
NORTH HILLS CR
100' COMMON DR EASM
DUKE EASMT
CREEK
POINDEXTER AVE
OLD TRYON RD
400'
500'
435'
272'
60'
229'
1268 55'
20 35 ACE
570 AC
PROPOSED ANTENNA AREA PLAN
1" = 400'
JAN 1990



PROPOSED ANTENNA SITE PLAN
1" = 100'
JAN 1990



PROPOSED ANTENNA SIDE VIEW
1" = 60'
JAN 1990

2

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-88

Petitioner: Douglas Burns/AEC, PA

Location: Approximately 1.12 acres located on the northwesterly corner of North Tryon Street and West 11th Street.

Request: Change from UMUD to UMUD-O.

NOTE: This petition was originally deferred for thirty days. This is an updated staff analysis.

BACKGROUND

1. Existing Zoning. The property involved in this request is presently zoned UMUD. The property directly across Eleventh Street is zoned B-2 and UMUD. All the property across North Tryon Street and adjacent to the site is zoned UMUD. The property to the North and across North Church Street is zoned UR-C, UR-3 and UR-2. In general the property to the Northwest of the site is zoned Urban Residential whereas the property to the south and southeast is zoned UMUD.

2. Existing Land Use. The property involved in this request is presently the site of an abandoned church and rectory. The property across Eleventh Street is used as a dry cleaners and athletic shoe store. The property across North Tryon Street is used as office space and retail with the office use occupying four fifths of the block. The property adjacent to the site is a hotel. Further south on Tryon and across Tenth Street is a recently completed renovation of a hotel into a retirement center. The property to the rear of the site across North Church Street is vacant. Further along North Church Street there are office and multi-family uses.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan shows the area as an existing and developing employment corridor along North Tryon Street and North College Street. The plan also calls for the area to the northeast across North Church Street to develop with residential land uses. The plan identifies the whole uptown as a Development Enterprise Area, with a major mixed use center located to the south of the site along Tryon Street. The Central Area Plan further defines the area of this petition as developing with office, residential, and retail uses. Some of the 2005 Plan strategies include extension of the Tryon Streetscape Plan (Transit Mall design and standards) and further development of the Development Enterprise Area.

2. Transportation Improvement Program. The Transportation Improvement Program calls for a study of improving U.S. 29/North Tryon Street from Eleventh Street to Tom Hunter Road.

4. Site Plan. The site plan which accompanies this application purposes to renovate the two existing structures on the site into a mix of retail and office uses. The old church will house approximately 33,885 square feet of office and retail space. The former rectory will be redeveloped into a 2,688 square foot office. The plan also provides 57 parking spaces served by three driveways. The parking spaces are split up into two lots. The smaller of the two lots has 8 spaces and is located in front of the church with access from North Tryon Street. The larger parking lot is located at the rear of the site, in a 'L' shape around the rectory and is connected to the smaller lot at the front by a one way drive. This larger lot also has access from Eleventh Street and North Church Street.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

1.	67-74	R-1MF to B-2	Approved	11/27/67
2.	71-45	R-1MF to O-6	Approved	07/12/71
3.	80-17	O-6 to UR-3	Approved	06/09/80
4.	80-61	B-3 to I-3(CD)	Denied	02/02/81
5.	81-22	O-6 to UR-3	Approved	06/08/81
6.	81-28	O-6 to UR-3	Approved	06/22/81
7.	81-47	O-6 to UR-3	Approved	10/19/81

7. Neighborhood. This property falls within the area defined as Fourth Ward.

REVIEWS

1. Plan Consistency. This petition's proposal of office and retail uses is consistent with the 2005 Plan as well as the Central Area Plan. Both plans see the area developing with employment and retail uses. The one inconsistency with adopted policy is the request for a driveway along North Tryon Street. Public policy for several years disallows new connections to Tryon Street (Transit Mall) for new parking facilities.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with the petitioner prior to the filing of this application to discuss the proposed plan. Subsequently, the staff has again met with the petitioner to convey a number of questions and/or comments

regarding the site plan. The petitioner has submitted a revised site plan pursuant to discussion with the staff.

2. Departmental Comments. Comments from reviewing agencies include the need for right-of-way dedication to match the existing Transit Mall, clarification of the specific items requested for UMUD-O consideration and the need for the site plan to indicate required streetscape improvements (street trees, tree grates, sidewalks, and irrigation). The plan also needs to indicate required setbacks and screening for the proposed surface parking lots. All of these comments have been addressed by the revised plan.

ISSUES

1. Land Use. This petition is requesting a change from the UMUD zoning classification to UMUD-O. The UMUD-O zoning classification is different from other zoning classifications in that it allows the petitioner to seek relief from specific requirements of the zoning ordinance. The proposed land uses are allowed in both the UMUD and UMUD-O zoning classifications and are in accordance with the Central Area Plan and the 2005 Plan. In this case the petitioner is requesting UMUD-O to add a driveway to North Tryon Street, reduce the required twelve foot sidewalk in two areas, and be allowed to provide less than the required eight foot planting strip for required screening. The request to allow a driveway is the most significant land use issue. The Transit Mall plans and implementing ordinances restrict access to new parking from Tryon Street. Approval of this request would be inconsistent with that policy and would represent an inappropriate precedent for similar requests. Therefore, from a land use standpoint, this petition is not appropriate for approval.

2. Site Plan. The site plan issue relates to the land use issue. The petitioner requests a driveway from North Tryon Street to serve a 8 space parking lot and a one way drive to the rear of the site. This parking lot is in front of the present church building and has been reduced in size from 16 to 8 spaces. The proposed driveway with its connector to the rear of the site does help provide better access. The petitioner feels that this driveway is the only way the site can be conveniently accessed since both Eleventh and Church Streets are one-way streets. Eventhough access to the site is awkward it is not unique to this property. Since this is the first block of North Tryon Street and will eventually become one of the gateways into the uptown area it would seem inappropriate to allow new driveways. The approval of this driveway could also set a precedence for future development along the Tryon Street Mall. The request to reduce the required twelve foot sidewalk in two areas to save two existing oaks is a valid request which we can support. However, the reduction of the required planting strip for screening is not necessary. The UMUD ordinance allows the

developer to screen surface parking with a wall where vegetation would not be appropriate. The use of a wall relieves the developer of providing an eight foot planting strip.

CONCLUSION

This petition is not appropriate for approval in its entirety. While the staff applauds the developers proposal to renovate the former church and understand the access problem, we believe that the petitioner should be encouraged to find off-site parking that is easily accessible and use a wall for screening. The petitioner should be relieved of the twelve foot sidewalk only.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-88
Date Filed October 16, 1989
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner: The North Church Corporation

Owner's Address: % Mr. Bill White Phone #: 011-44-372-372218
Juniper House Givens Grove Leatherhead Surrey, England

Date Property Acquired: October 13, 1986

Tax Parcel Number: 078-045-03

Location Of Property (address or description): 721 N. Tryon Street/The Corner of N. Tryon St. and West 11th Street.

Description Of Property

Tryon St: 125.64'
W.11th St: 396.09'

Size (Sq Ft -Acres): 1.117 Acres Street Frontage (ft.):

Current Land Use: Abandoned burned out sanctuary and rectary buildings (currently unoccupied)

Zoning Request

Existing Zoning: ~~[illegible]~~ UMUD Requested Zoning: ~~[illegible]~~ UMUD-O

Purpose of Zoning Change: To allow for a curb cut on Tryon St. and parking to the front of the existing sanctuary along Tryon St.

Name Of Agent: Mr. Bill White

Agent's Address: Juniper House, Givens Grove, Leatherhead Surrey, England

Telephone Number: 011-44-372-372218

Name of Petitioner(s): Douglas Burns / AEC, PA Architect

Address of Petitioner(s): 1043 E. Morehead ST. Suite 200 Charlotte, NC 28204

Telephone Number: 334-4658

Douglas C Burns
Signature

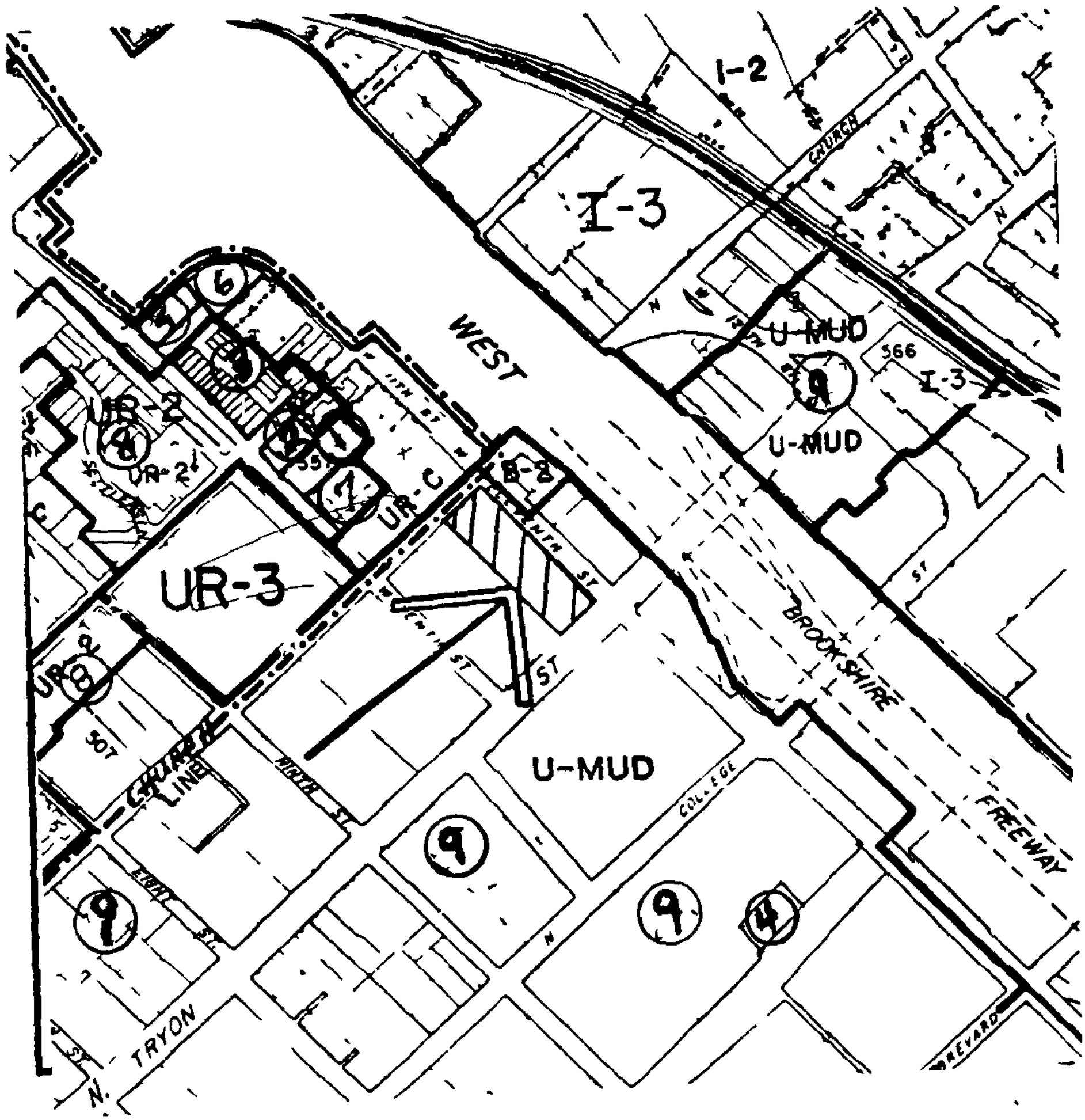
William C White
Signature of Property Owner if Other Than Petitioner

PETITIONER Douglas Burns/AEC, PA Architects

PETITION NO. 89-88 HEARING DATE December 18, 1989

ZONING CLASSIFICATION, EXISTING U-MUD REQUESTED U-MUD-O

LOCATION Approximately 1.12 acres located on the northwesterly corner of N. Tryon Street and W. 11th Street.



ZONING MAP NO. 88 & 102 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

CHILDRESS KLEIN PROPERTIES

December 22, 1989

Mr. Hoyle H. Martin
3012 Burbank Drive
Charlotte, North Carolina 28216

RE: Rezoning Petition No. 89-91

Dear Hoyle:

On behalf of the petitioner, we would like to formally request a withdrawal of Rezoning Petition No. 89-91, the public hearing of which was deferred until January, 1990. We have met a number of times with neighborhood and business leaders as well as neighborhood groups from the Beatties Ford area. It is apparent from those meetings that our proposed change in land use is not consistent with the goals and objectives which the citizens of that area have set for their area. While a broader market exists for our proposed land use, it is neither our intent nor our desire to be an unwanted corporate neighbor. Had this been an issue of site plan detail, traffic or other treatment issues, we would continue to endeavor to find common ground. Unfortunately, there is no common ground upon which to base a solution. Therefore, it is in the spirit of honoring the goals of the citizens of the Beatties Ford area that we respectfully request a withdrawl of our petition. By copy of this letter to Walter Fields, I am asking that he coordinate with the City Clerk to eliminate Petition No. 89-91 from consideration.

We have contacted the neighborhood leaders to let them know of our decision. Our intent from the start was to provide quality economic development for the area. In the absence of a workable plan, it is in the best interest of all concerned to withdraw at this point. We sincerely appreciate your time and consideration.

Very truly yours,

CHILDRESS KLEIN PROPERTIES

Landon Wyatt

Landon R. Wyatt, III
Partner

LRW:sl/7lrw70

800 ONE FIRST UNION CENTER
301 S COLLEGE ST
CHARLOTTE NC 28202-6021
704 347 9000
FAX 704 347 9139

MEMORANDUM

CHILDRESS KLEIN PROPERTIES

TO Walter Fields

FROM Landon Wyatt

SUBJECT Rezoning Petition No. 89-91

DATE December 22, 1989

Per our conversation, we are requesting that Rezoning Petition No. 89-91 be withdrawn. I am enclosing copies of letters sent to the Zoning Committee and Councilmembers. Please call should you have any questions or concerns.

LRW.sl

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-91

Petitioner: CK Charlotte Industrial Land Development Inc.

Location: Approximately 33.2 acres located on the south side of North Hoskins Road, north of Interstate 85 and west of Beatties Ford Road.

Request: Change from O-15 to I-1(CD).

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned O-15 as are nearby properties to the east. Properties generally to the south of the site are zoned for a variety of nonresidential purposes including B-1, B-2, B-D(CD), and I-1. All of these areas have their orientation toward Interstate 85. To the north of the site can be found properties zoned for a variety of districts including R-9, R-6MF, O-15, and I-2, all with their orientation to Hoskins Road.

2. Existing Land Use. The property involved with this request is presently the site of a former elementary school and then former County office building. Properties generally to the west of the site with access along the Interstate 85 frontage road are used for a variety of nonresidential business and industrial uses. Properties to the east of the site with their orientation toward Beatties Ford Road are used for a variety of purposes including single family detached housing, churches, and retail facilities. Properties to the north of the site across Hoskins Road are used almost exclusively for single family detached housing. Properties to the south of the site across Interstate 85 are also used for single family detached housing.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates residential land uses in the area of the subject property and a community commercial center nearby. The 2005 strategies include widening and improving the streetscape along Beatties Ford Road.

   2. Transportation Improvement Program. The TIP calls for the widening of Beatties Ford Road from I-85 to Capps Hill Mine Road with construction scheduled to begin in FY90.

   3. Westside Policy Plan. The Westside Policy Plan states that the current zoning pattern is sufficient to provide for future employment and expansion in the area.

4. Northwest District Plan (unadopted). The draft Northwest District Plan indicates office type uses in the area of the subject property.

4. Site Plan. The site plan which accompanies this application proposes the development of this property to accommodate up to 580,000 square feet of floor area. The plan indicates that the proposed use of the site will be a business park with a associated uses permitted by BP zoning. The zoning requested in this application, however, is I-1(CD). The plan indicates that access to the three building sites will come from a reconfigured I-85 Service Road and none of the building sites will have any direct access to North Hoskins Road. The plan indicates the property will have 40 foot buffers around the perimeter of the site and the configuration of the buffers will vary depending on whether they are at grade, a cut slope, or a fill slope. The petitioner proposes to dedicate 35 feet of right-of-way from the centerline of North Hoskins Road in accordance with the thoroughfare plan.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

1.	65-73	R-6 to 0-15 & B-2	Approved	08/30/56
2.	66-27B	R-6 to R-6MF	Approved	03/28/66
3.	69-39	B-2 & R-6MF to I-1	Approved	06/16/69
4.	76-12(c)	0-15 to B-2	Denied	07-19-76
5.	76-36(c)	I-2 to R-9	Denied	07/19/76
6.	76-66	R-6, R-6MF, 0-6, 0-9, & I-1 to R-9, R-15MF, & 0-15	Approved	01/17/77
7.	87-78	0-15 & B-2 to B-D(CD)	Approved	10/19/78

7. Neighborhood. The project falls within the area defined as the Northwood neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of properties from office to industrial to accommodate a business park type development. While the 2005 Plan indicates residential type land uses in the area of the subject property, the more detailed draft Northwest District Plan proposes office type uses. While this petition proposes to restrict the use of the site to those uses permitted under the business park zoning category which includes office uses, a wide variety of other uses could also be located on the site including wholesale distribution, light manufacturing, hotels, and even certain limited retail uses. The petitioner's site plan shows three building sites but no building or parking envelops or indications about the type of uses

anticipated. Therefore, it must be assumed that the petitioner would be allowed to build any of the uses provided for in the BP district, many of which would be inconsistent with the office type future for this area as called for in the draft Northwest District Plan. Therefore, this petition is not consistent with present or proposed plans for the long-term future of this area.

2. Technical Consistency.

1. Pre-Hearing Staff Input. Petitioner met with the staff prior to the filing of the application and discussed the proposal. The staff indicated at that time some concern about the conversion of this site from an office category to an industrial category. The staff advised the petitioner to pay special attention to the streetscape and building relationships along North Hoskins Road.

2. Departmental Comments. There were several comments relayed to the petitioner regarding the site plan which have not been adequately addressed. The Fire Department asked for a notation on the plan regarding the location of hydrants and a notation indicating necessary turnarounds. The site plan has not been modified to address these points. The City's Department of Transportation asked for a notation on the plan regarding the dedication of the right-of-way of North Hoskins Road to be completed prior to the issuance of any building permits. While the plan does indicate a willingness to dedicate the right-of-way, no time-frame is provided. The Department of Transportation also expressed concern about site distance relationship at the various entry drives and the site plan is not clear that these site distances will be adequately protected. City Engineering Department indicated that curb, gutter, and sidewalk will be required along Hoskins Road and that the plan should demonstrate compliance with the Tree Ordinance including notations of areas where trees are to be saved. None of this information appears on the plan. The Planning staff had suggested to the petitioner that rather than show individual buildings with specific floor areas that the illustration of the site could be accomplish with building and parking envelopes. The petitioner however removed all references to building and parking and simply shows large building sites on the plan. The petitioner was also asked to delineate minimum required yards on the plan and those yards are not illustrated on the revised plan. In general, it appears that the notes on the plan illustrates that only a minimum development standards will be met.

ISSUES

1. Land Use. This petition raises a significant land use issue. The long-term land use plans for this area call for this property to be used for office purposes as it is currently zoned. The office uses will provide transition between the heavier industrial uses to the west and single family and other residential uses to the north and east. This petition proposes the development of a business park under the industrial zoning classification. Eventhough business park type uses include office uses, that category also allows for a wide variety of other uses which would not be consistent with an office future. Therefore, from a land use standpoint, this petition is not appropriate for approval.

2. Site Plan. The revised site plan which accompanies this application still contains a number of deficiencies. The petitioner has not provided some of the minimum required information as noted and comments which were relayed to the petitioner. In addition, the revised site plan contains less information than the one originally submitted with the zoning request in terms of the location of building and parking areas. In order for a conditional rezoning to be considered, the minimum requirements must be met with regard to the site plan. As revised, this plan does not met those minimum requirements and, therefore, is not appropriate for approval.

CONCLUSION

This petition is not appropriate for approval. The land use is inconsistent with long-term plans for the area and the site plan does not meet minimum requirements for conditional rezoning.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 89-91
Date Filed October 16, 1989
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner I85-77 Ltd.

Owner's Address c/o Mfg. Association of the South, Inc.
P. O. Box 32215, Charlotte, NC 28232

Date Property Acquired May 24, 1966

Tax Parcel Number 039-061-06

Location Of Property (address or description) Northerly side of Interstate 85, south of North Hoskins Road, west of Beatties Ford Road

Description Of Property

Size (Sq. Ft.-Acres) 33.268 Acres

Street Frontage (ft.) 1256' N. Hoskins Rd.
1800' I-85 Service Rd.

Current Land Use

Zoning Request

Existing Zoning O-15

Requested Zoning I1CD

Purpose of Zoning Change To permit the development of an office/distribution park as a transition use to industrial area to the west and commercial area to the east.

Name Of Agent
N/A

Agent's Address
N/A

Telephone Number
N/A

Name of Petitioner(s)
CK Charlotte Industrial Land Development, Inc.

Address of Petitioner(s)
2800 One First Union Center
Charlotte, NC 28202

Telephone Number
704/342-9000

Patrick Plein
Signature

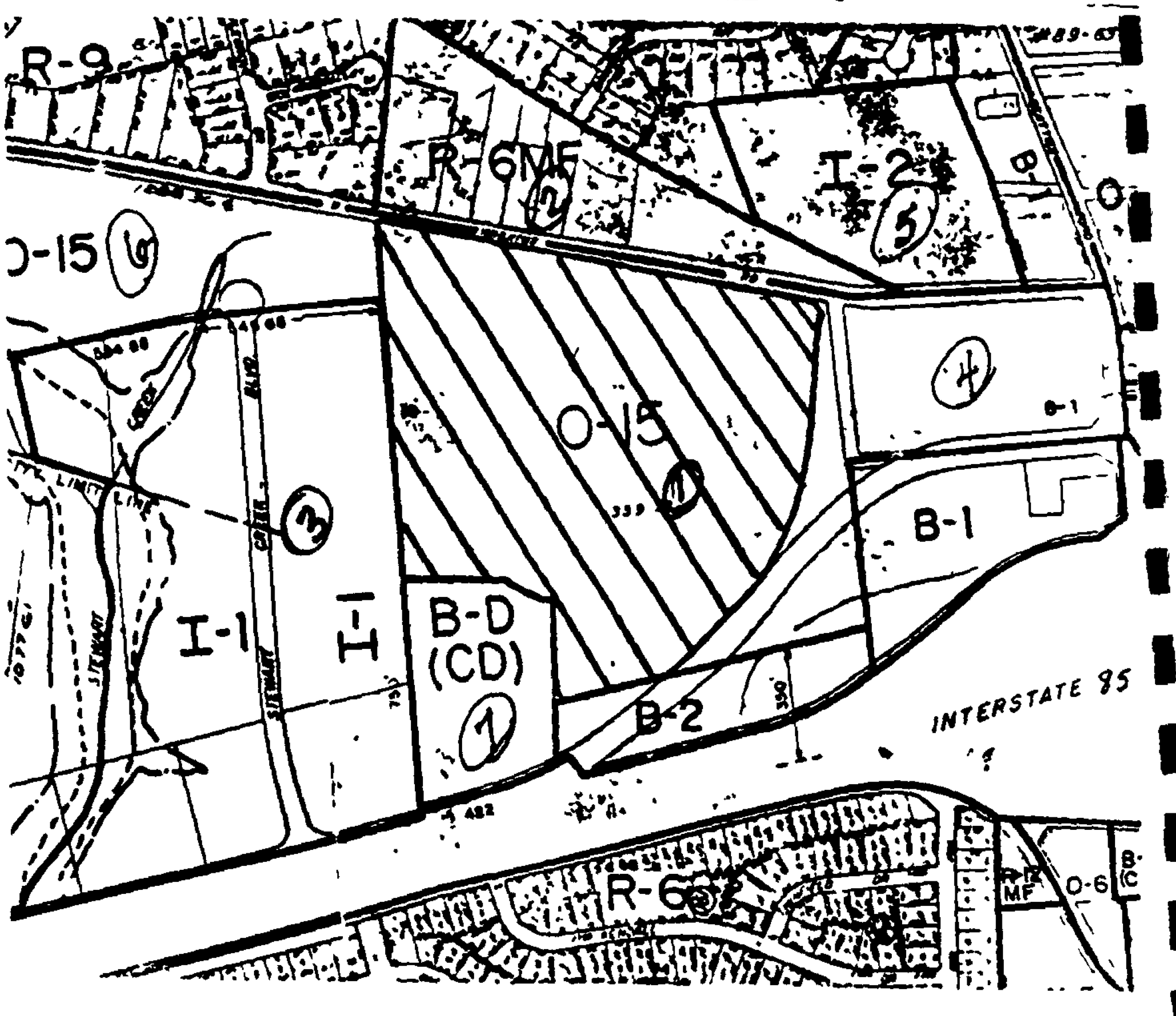
(See Attached Sheet)
Signature of Property Owner if Other Than Petitioner

PETITIONER CK Charlotte Industrial Land Development, Inc.

PETITION NO. 89-91 HEARING DATE December 18, 1989

ZONING CLASSIFICATION, EXISTING O-15 REQUESTED I-1(CD)

LOCATION Approximately 33.2 acres located on the south side of N. Hoskins Road, north of I-85, east of Stewart Creek, and west of Beatties Ford Road.



ZONING MAP NO 74 [illegible]

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-1

Petitioner: Stephen L. Vermillion

Location: Approximately 13.6 acres located on the southeasterly side of Sardis Road North approximately 400' southwest of Independence Boulevard.

Request: Consideration of a B-1SCD Site Plan Amendment

BACKGROUND

1. Existing Zoning. The subject property is part of a site which was rezoned to B-1SCD in 1985. A large tract located across Sardis Road North from the subject property is also zoned B-1SCD. The intersection of Sardis Road North and Independence Boulevard is zoned a combination of I-1 and B-D districts. Across Independence Boulevard from the petitioned site, properties are zoned R-9MF. To the south of the subject property along Crown Point Executive Drive, properties are predominately zoned I-1.

2. Existing Land Use. The petitioned property is the portion of the Crown Point Shopping Center which is undeveloped and located between Pace Warehouse and Brendle's. Across Sardis Road North is a hotel and a restaurant. To the southeast of the subject property along Independence Boulevard are additional commercial developments including restaurants and a car dealership. Other Independence Boulevard properties in the general area are heavily developed with commercial uses.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates developing employment land uses and recognizes Crown Point as a community commercial center for the area. 2005 Strategies include improvement of Independence Boulevard, the Independence Boulevard collector street system, water and sewer line extensions, and extension of the county greenway system.

   2. Transportation Improvement Program. The Transportation Improvement Program's listing of proposed roadway improvements includes the U.S. 74 collector street system from McAlpine Creek to N.C. 51. This project will provide for the construction of a parallel roadway system north and south of U.S. 74.

   3. U.S. 74 Special Project Plan. The U.S. 74 Special Project Plan, adopted in 1987, recognizes Crown Point as an existing commercial center. The plan also calls for implementation of the collector street system and construction of necessary lanes through the development process.

4. Site Plan. The site plan submitted as part of this rezoning request proposes an increase in the total building floor area allowed by the site plan from the present 299,900 square feet to a total of 325,700 square feet, an increase of 25,800 square feet. The site plan proposes no change in the access to the property and indicates the site will comply with the City of Charlotte Tree Ordinance. The plan carries forward original commitments regarding right-of-way reservation for the U.S. 74/Sardis Road North interchange and dedication and construction of the collector street system in the area of the subject property, commitments to maintain architectural compatibility between the shopping center and the outparcels and notes regarding access to the site along Independence Boulevard and Sardis Road North.

5. School Information. Not Applicable.

6. Zoning History (See Attached Map).

1.	84-76	B-D and I-1 to B-1SCD	Approved	01/21/85
2.	88-33	I-1 and B-D to B-1SCD	Approved	07/18/88

7. Neighborhood. This site does not fall within any defined neighborhood.

REVIEWS

1. Plan Consistency. This petition seeks an increase in the allowable square footage on a site already zoned for a shopping center. The 2005 Plan, the U.S. 74 Special Project Plan, and the pending East District Plan all recognize this site as one suitable for shopping center purposes. Therefore, this petition is consistent with publicly adopted plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff discussed this case with the petitioner briefly prior to the filing of the application. Subsequent to the filing of the petition, staff relayed several comments regarding the site plan to the petitioner.

   2. Departmental Comments. Comments from reviewing agencies included the need for a parking calculation breakdown, and reference on the site plan to the project's current commitment to provision of 12 Park and Ride spaces. Information from CDOT regarding trip generation indicates the site could generate approximately 14,489 trips per day as currently zoned. Under the proposed zoning, the site could generate approximately 15,188 trips per day. The revised plan submitted by the petitioner incorporates all of the departmental comments.

ISSUES

1. Land Use. The subject petition proposes an increase in the allowable square footage on a site previously zoned for shopping center purposes. The publicly adopted and pending plans for the area including the 2005 Plan, the U.S. 74 Special Project Plan, and the pending East District Plan all have recognized the subject property as a community commercial center providing retail services for the nearby area. Therefore, the requested amendment is considered appropriate for approval from a land use standpoint.

2. Site Plan. The site plan submitted as part of this application proposes an increase in the allowable square footage from the currently allowed 299,900 square feet to 325,700 square feet. The request does not propose any changes to the site plan regarding access, the previous commitments to right-of-way dedication and reservation for the collector street system and the U.S. 74/Sardis Road North interchange, construction of the collector street system in the area, or uses allowed by the site plan. The plan indicates compliance with the City of Charlotte Tree Ordinance and other required development standards. Therefore, the petition is appropriate for approval from the site plan standpoint.

CONCLUSION

This petition is considered appropriate for approval from both the land use standpoint as well as the site plan standpoint.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 90-1
Date Filed November 14, 1989
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner: CrownPoint Plaza Associates

Owner's Address: 125 Scaleybark Road
Charlotte, North Carolina 28209

Date Property Acquired: December, 1987

Deed Reference: 5657-902 Tax Parcel Number: 193-111-01

Location Of Property (address or description)

Sardis Road North at Independence Boulevard (US 74)

Description Of Property

Size (Sq. Ft.-Acres): 13.609 AC (34.78 AC entire shopping cntr) Street Frontage (Ft.): 532' (Sardis Road N.

Current Land Use: Shopping Center

Zoning Request

Existing Zoning: B1-SCD Requested Zoning: Same

Purpose of zoning change: To increase allowable square footage by 20,800.

Name of Agent:

Agent's Address:

Telephone Number:

Stephen L. Vermillion
Name of Petitioner(s)

125 Scaleybark Road
Address of Petitioner(s)

523-0272
Telephone Number

[signature]
Signature

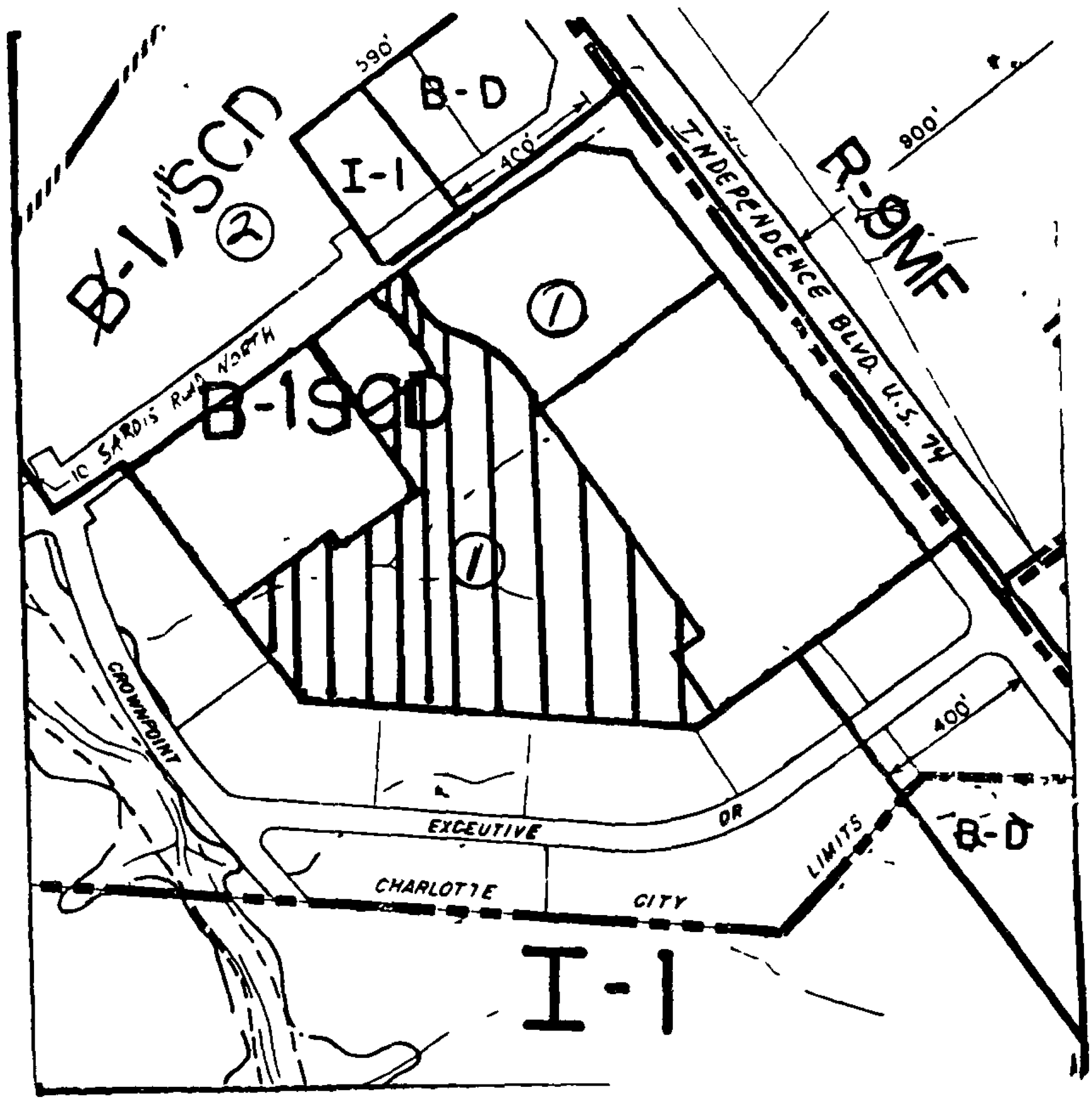
Signature of Property Owner if Other Than Petitioner

PETITIONER Stephen L. Vermillion

PETITION NO. 90-1 HEARING DATE January 16, 1990

ZONING CLASSIFICATION, EXISTING B-1SCD REQUESTED B-1SCD S P A.

LOCATION Approximately 13 609 acres located on the Southerly side of Sardis Road N. at Independence Boulevard.



ZONING MAP NO. 138 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-2

Petitioner: NCNB TR U/A The FNB of Boston

Location: Approximately 21.7 acres located on the northwesterly corner of the intersection of Sharon Amity Road and Randolph Road (Cotswold Mall).

Request: Change from B-1 to B-1SCD

BACKGROUND

1. Existing Zoning. The petitioned property is zoned B-1 as are the other corners of the intersection of Sharon Amity Road and Randolph Road. Properties located across Randolph Road from the subject property are also zoned B-1 with a thin strip of O-6 zoning lying to the east of Colwick Road. Properties located across Sharon Amity Road from the petitioned site are zoned O-15. To the rear of the subject property along Woodlark Lane, properties are zoned R-12MF.

2. Existing Land Use. The property involved in this request is the site of the Cotswold Shopping Center. Properties located across Randolph Road are developed with commercial and office uses including gas stations, fast food restaurants, and banks. Cotswold Elementary School is located further to the east across Randolph Road. Properties located across Sharon Amity Road from the subject property are developed with office and commercial uses including banks and gas stations. The adjoining properties located to the rear along Woodlark Lane are developed with condominiums. Moving away from the intersection of Randolph Road and Sharon Amity Road, properties begin a pattern of solid single family residential development.

3. Public Plans and Policies.

    1. 2005 Plan. The 2005 Plan recognizes Cotswold Shopping Center as a community commercial center for the area and indicates existing employment land uses nearby.

    2. Transportation Improvement Program. The Transportation Improvement Program schedules the Randolph Road/Sharon Amity Road intersection improvement for implementation in FY90.

4. Site Plan. The site plan which accompanies this application proposes a minor increase in the total square footage of the existing shopping center. The existing shopping center totals 280,061 square feet. This rezoning proposes an expansion of 7,064 square feet for a total of 287,125 square feet. The plan indicates the expansion is to be located in the area of the existing Harris Teeter. No other changes for the shopping center are proposed in

terms of new access or new buildings. The plan does indicate additional tree plantings to bring the site into compliance with the City of Charlotte Tree Ordinance.

5. School Information. Not Applicable.

6. Zoning History (See Attached Map).

1.	66-85	R-12MF, 0-15 to B-1	Denied	10/24/66
2.	69-26	R-12MF to Conditional Parking	Denied	03/24/69
3.	70-1_7	R-12MF to 0-15	Approved	11/23/70
4.	72-7	R-12 to 0-15	Approved	03/20/72
5.	72-9	R-15 to 0-15	Approved	03/27/72
6.	79-56	R-15 to 0-15	Denied	01/07/80

7. Neighborhood. This site lies within the area defined as the Cotswold Neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes a rezoning from the B-1 district to the B-1SCD district to accommodate a minor expansion of the existing Cotswold Mall. The 2005 Plan recognizes the existing mall as a community commercial center providing necessary retail services for the area. Therefore, the requested site plan amendment is consistent with publicly adopted plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with the petitioner briefly prior to the filing of the application. Subsequent to the submittal of the application staff relayed several comments from reviewing agencies regarding the site plan.

   2. Departmental Comments. Departmental comments indicated the need for screening along the rear of the shopping center, a complete parking calculation breakdown, compliance with the City of Charlotte Tree Ordinance, dedication of 60' of right-of-way from the centerline of Sharon Amity Road and 70' of right-of-way from the centerline of Randolph Road for 500' back from the intersection and then 50' from the centerline elsewhere, and labeling of the most westerly driveway on Sharon Amity Road as right turns in and out only. The revised site plan addresses all of the departmental comments with the exception of the right-of-way dedication.

ISSUES

1. Land Use. There are no land use issues which accompany this application. The petition seeks a change from the B-1 category to the B-1SCD category to accommodate a minor expansion of an existing shopping center. The 2005 Plan specifically recognizes the existing shopping center as the community commercial center for the area. Therefore, in terms of land use, the petition is considered appropriate for approval.

2. Site Plan. The site plan which accompanies this application proposes no changes to the existing shopping center other than the addition of 7,064 square feet in the area of the existing Harris Teeter, compliance with the City of Charlotte Tree Ordinance and restriction of one of the driveways to right turns only. Comments regarding the site plan from reviewing agencies including the City Department of Transportation requested additional right-of-way along Sharon Amity and Randolph Road. The revised site plan does not include the right-of-way dedication. Under ideal circumstances the site plan would indicate a commitment to a total of 130' of right-of-way at the immediate intersection of Sharon Amity and Randolph Road and 50' from the centerline on Sharon Amity Road and Randolph Road thereafter. In this particular case, the additional right-of-way dedication would render the site nonconforming in terms of provision of required parking spaces. This is a very minor addition to an already built shopping center in which compliance with public right-of-way needs would severely impact the proposed expansion. Inasmuch as the site plan complies with all the ordinance requirements and in view of the limited scope of the proposed expansion relative to the impact of right-of-way dedication, the site plan is considered appropriate for approval as submitted without the normal right-of-way dedication.

CONCLUSION

This petition is appropriate for approval. The proposed expansion is in conformance with publicly adopted land use plans for the area.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-2
Date Filed November 4
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner NCNB TR U/A The FNB of Boston TR Real Est. Inv.

Owner's Address R/E T10-1
Charlotte, NC 28255

Date Property Acquired September 28, 1978

Deed Reference 4108-916 Tax Parcel Number 181-124-03

Location Of Property (address or description) Randolph Road and Sharon Amity Road

(Cotswold Mall Shopping Center)

Description Of Property

Size (Sq Ft Acres) 21.798 acres Street Frontage (ft) 1,134.91'-Sharon Amity
895.65'-Randol

Current Land Use Shopping Center

Zoning Request

Existing Zoning B-1 Requested Zoning B-1SCD

Purpose of Zoning Change To place the proper current zoning classification on an existing shopping center and permit a small expansion of the existing building.

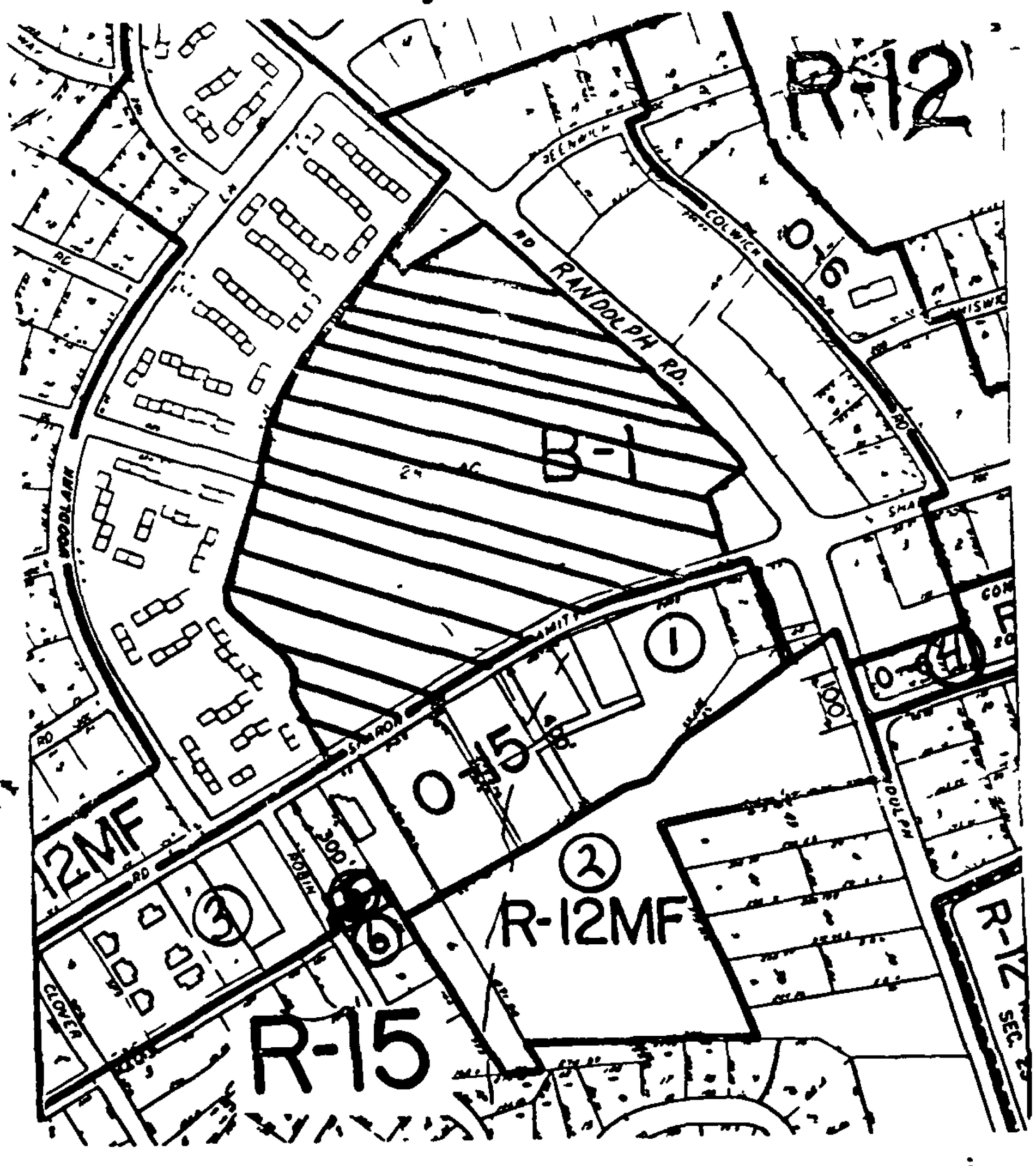
Fred E. Bryant, Planner Name Of Agent		NCNB TR U/A The FNB of Boston Name of Petitioner(s) Real Est. Inv. R/E T10-1
1850 E. Third St., Suite 216 Agent's Address	NCNB National Bank of North Carolina, Trustee under Agreement	Address of Petitioner(s)
Charlotte, NC 28204 Telephone Number	The First Naitonal Bank of Boston Trust	Charlotte, NC 28255 Telephone Number
(704) 333-1680		(617) 434-7324
	By: D. Leonard Richardson Jr Vice President, NCNB	Vice Presi Signature THE FIRST NATIONAL BAN BOSTON, AS TRUSTEE

PETITIONER NCNB TR U/A The FNB of Boston TR

PETITION NO. 90-2 HEARING DATE January 16, 1990

ZONING CLASSIFICATION, EXISTING B-1 REQUESTED B-1SCD

LOCATION Approximately 21.7 acres located on the northwest corner of Sharon Amity Road and Randolph Road (Cotswold Mall).



ZONING MAP NO. 124

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-3

Petitioner: Carmel Retail, Inc.

Location: Approximately .62 acres located along the easterly side of Carmel Road across from Carmel Forest Drive.

Request: Change from R-15 to B-1(CD).

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned R-15 as are most of the nearby properties. A site located on the west side of Carmel Road south of Carmel Forest Drive is zoned R-15MF(CD). A site located to the north is governed by a special use permit for a retirement center.

2. Existing Land Use. The property involved with this request is the site of a nonconforming convenience store. The adjacent site to the south is developed with a church. Otherwise, nearby properties are solidly developed for single family residential purposes.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential type land uses in the area of the subject property. 2005 strategies for the area include extending the McMullen Creek greenway.

   2. Transportation Improvement Program. The Transportation Improvement Program schedules the widening of Carmel Road for construction in FY93. This project will widen Carmel Road from Quail Hollow Road to N.C. 51 to four lanes with turn lanes at major intersections.

4. Site Plan. The site plan which accompanies this application proposes rezoning from R-15 to B-1(CD) to allow reconstruction of the existing convenience store and associated gas pumps. The Carmel Road widening project will require removal of the gas pumps but the existing building is not being acquired. The site plan proposes replacement of the existing, 2,830 square foot building and existing gas pumps with a new 3,300 square foot building and new gas pumps. The building is to be residential in character and utilize features such as a pitched roof, masonry construction, dormers, and roof overhangs. The plan indicates additional right-of-way to be dedicated along Carmel Road and compliance with the City of Charlotte Tree Ordinance. The plan indicates two driveway connections along Carmel Road, a 20' landscaped rear yard, a 5' landscaped side yard on the northerly property edge and a 10' landscaped side yard on the southerly property edge adjacent to the church.

5. School Information. Not Applicable.

6. Zoning History (See Attached Map).

1.	83-72	R-15 to R-15MF(CD)	Approved	11/21/83
2.	MSUP85-3	R-15 to MSUP-Retirement Center	Approved	07/08/85
3.	88-81	R-15MF(CD) to R-12(CD) & R-15MF(CD)	Denied	12/19/88

7. Neighborhood. This site falls within the area defined as the Carmel Neighborhood.

REVIEWS

1. Plan Consistency. This petition requests rezoning of a small tract from a single family residential zoning district to a conditional business district. The 2005 Plan indicates that this area of the community has a residential future. Therefore, in terms of the proposed land use, this petition is not consistent with the publicly adopted plans for this portion of the community.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with agents for the petitioner prior to the filing of this application. Subsequent to the application being filed, the staff relayed several comments regarding the site plan.

   2. Departmental Comments. Comments regarding the site plan from the reviewing agencies revolved around the need for clarification of right-of-way dedication, addition of a note committing to the installation of left turn lanes at both driveways, showing the location of the existing building and gas pumps in relation to the proposed building, addition of a note stating no mechanical equipment is to be placed in required yards and other minor site plan clarifications. All of the comments from reviewing agencies have been incorporated into the revised site plan. The staff expressed some concern regarding the canopy over the gas pumps as to its impact on the "residential character" of the proposal.

ISSUES

1. Land Use. This petition proposes rezoning from a single family residential district to a conditional commercial district to allow an existing nonconforming convenience store to be replaced with another similarly sized convenience store. This case presents a somewhat unusual and difficult land use issue. The commercial zoning classification proposed by this petition is clearly

inconsistent with publicly adopted plans for the area which call for continued residential development. However, the subject property is already occupied by a convenience store which is allowed by zoning regulations to continue operating indefinitely. Zoning regulations would also permit the use of the structure to be changed to another nonconforming use within certain parameters. The effect of the Carmel Road widening project will be to require removal of the existing gas pumps in front of the convenience store. The site could continue to be used as a convenience store without gas pumps or reused for some other nonconforming commercial purpose under present zoning regulations.

The request at hand proposes to reconstruct another building on the site further to the rear which will be only slightly larger than the existing building and the use would be limited to a convenience store. In fact, the proposed site plan offers an opportunity for the site to be improved both in terms of the grounds and the building itself. The impact on nearby properties of the introduction of commercial zoning onto this site should be minimal under these circumstances. However, any approval of this petition should merely be a recognition of the unusual situation at hand. As noted above, nonresidential zoning is not appropriate for the future development pattern of Carmel Road and is clearly inconsistent with publicly adopted plans and policies long in effect for the area. Any positive comments regarding the commercial zoning here are due only to the circumstances surrounding this case. In summary, the proposed commercial zoning classification is considered appropriate for approval only as a recognition of the unusual circumstances surrounding the subject property.

2. Site Plan. The site plan which accompanies this application raises no issues. It proposes replacement of the existing 2,830 square foot convenience store with a new 3,300 square foot convenience store located further to the rear of the property to accommodate the Carmel Road widening project. The site plan indicates two driveways to Carmel Road, right-of-way dedication, left turn lanes as requested by CDOT, and compliance with the Tree Ordinance and standard zoning requirements. The plan also commits to architectural treatment of the new building so that its design will be residential in character utilizing features such as a pitched roof, masonry construction, dormers, roof overhangs, etc. All of the original issues identified by the staff regarding the site plan have been addressed by the petitioner. Therefore, from a site plan standpoint, this petition is considered appropriate for approval.

CONCLUSION -

This petition is appropriate for approval. The proposed commercial zoning classification associated with this petition is inconsistent with publicly adopted plans and policies for the area. In this case, however, that inconsistency should be weighed against the quality of the site plan and the unusual circumstances involved with this particular site with regards to the Carmel Road widening project and the site's nonconforming status.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-3
Date Filed [illegible]
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner A. J Blanchard and Melvene S. Blanchard; Carmel Retail, Inc.

Owner s Address 5615 Carmel Road 5721 Carmel Road
Charlotte, NC 28226 Charlotte, NC 28226

Date Property Acquired April 28, 1945; December 31, 1956

Deed Reference 1168-051; 5399-210 Tax Parcel Number 211-411-14 (Port 211-411-15

Location Of Property (address or description) 5721 Carmel Road (East side of Carmel Road at Conner Blvd.

Description Of Property

Size (Sq Ft Acres) .616 acres Street Frontage (ft) 165' - Carmel Rd.

Current Land Use Convenience store with gasoline sales

Zoning Request

Existing Zoning R-15 Requested Zoning B-1(CD)

Purpose of Zoning Change To permit the redesign and reconstruction of a non-conforming facility to correspond with widening of Carmel Road.

Fred E. Bryant, Planner
Name Of Agent

1850 E. Third Street, Suite 216
Agent's Address

Charlotte, NC 28204
Telephone Number

333-1680

Carmel Retail, Inc.
Name of Petitioner(s)

5721 Carmel Road
Address of Petitioner(s)

Charlotte, NC 28226
Telephone Number

845-2002

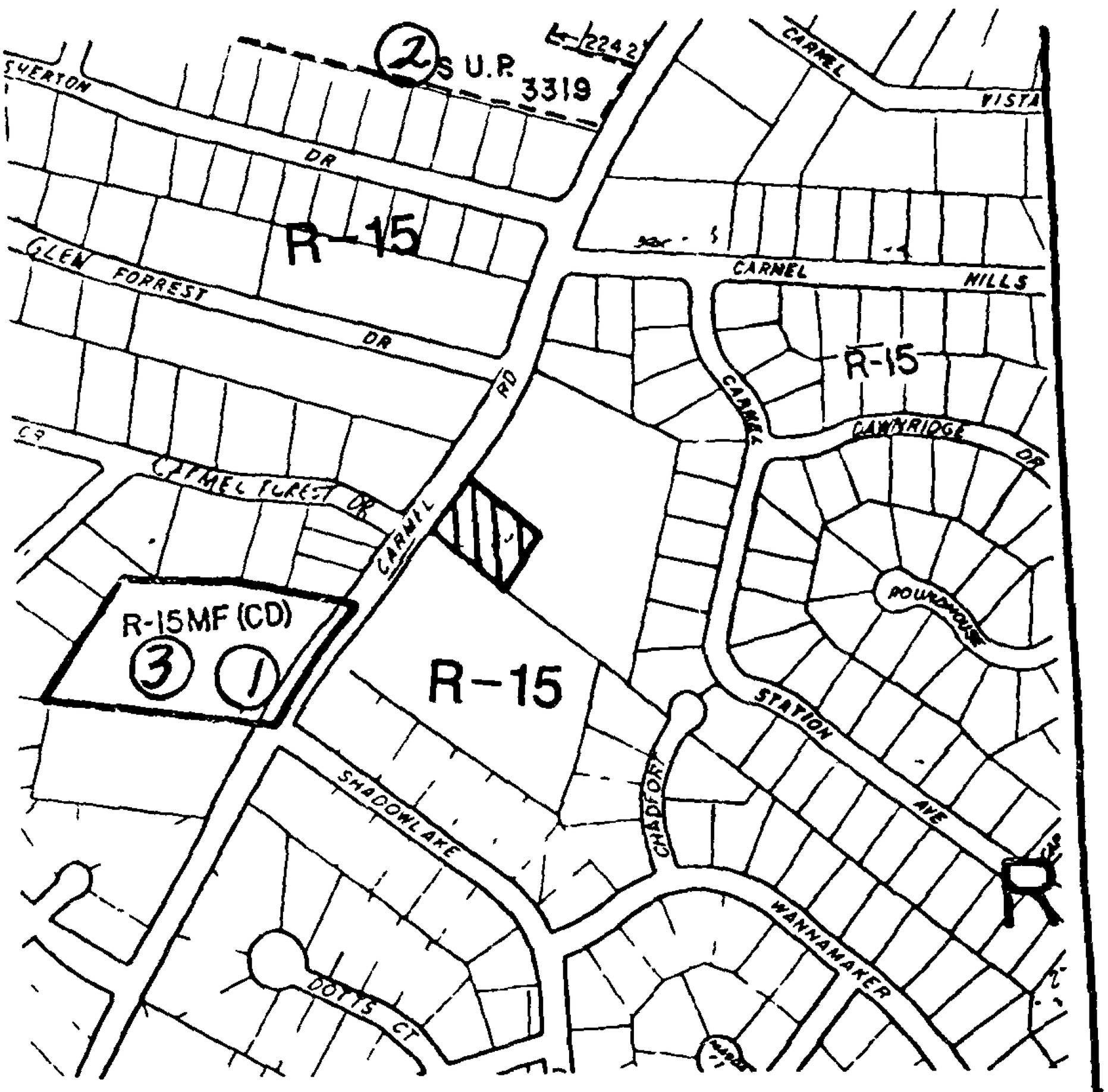
A. J. Blanchard Jr.
Signature

PETITIONER Carmel Retail, Inc.

PETITION NO. 90-3 HEARING DATE January 16, 1990

ZONING CLASSIFICATION, EXISTING R-15 REQUESTED B-1(CD)

LOCATION Approximately .62 acres located on the easterly side of Carmel Road between Carmel Forest Drive and Glen Forest Drive.



ZONING MAP NO. 167

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-4

Petitioner: Carriage Club of Charlotte

Location: Approximately 1.5 acres located on the westerly side of Old Providence Road south of the intersection of Providence Road and Old Providence Road.

Request: Change from R-15 with a special use permit for a retirement center to O-15(CD).

BACKGROUND

1. Existing Zoning. The property involved with this request is part of a special use permit for a retirement center. Properties located across Old Providence Road from the petitioned site are zoned R-20MF. Immediately south of the intersection of Providence Road and Old Providence Road is a small site zoned B-1. Elsewhere in the area of the subject property, the predominate zoning classification is R-15.

2. Existing Land Use. The petitioned property is currently developed with a building used as the sales office for the Carriage Club Retirement Community. A portion of the overall retirement community has been developed nearby. An apartment complex and small commercial development are located between Old Providence Road and Providence Road. Across Providence Road is additional multi-family development including Calibre Walk Apartments and Bluff's Apartments. Sardis Lane is developed with institutional uses including a fire station and Hebrew Academy. Otherwise, the area is developed with single family residential development.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area of the subject property and recognizes Providence Square as a community commercial center. 2005 strategies include extension of the McAlpine Creek greenway and widening of Providence Road south of the subject property from McAlpine Creek to the County line.

   2. Transportation Improvement Program. The Transportation Improvement Program's listing of proposed roadway improvements includes the widening of Providence Road from International Drive to High Ridge Road to four lanes.

4. Site Plan. The subject property is a portion of a special use permit site which permitted the development of the Carriage Club Retirement Community. The building which occupies the subject property is indicated on the special use permit site plan as the temporary sales office and model apartment for the Carriage Club

development. The plan also indicates the building's later permanent use to be limited to no more than two guest units. The site plan which accompanies this rezoning application proposes use of the existing building as a medical office. The plan further indicates the existing building is to be used without any significant exterior alterations so as to maintain the existing residential look and design. The site plan indicates access to the site will be provided by way of a new driveway connection to Old Providence Road in the southerly portion of the site. The plan also indicates a buffer along Old Providence Road ranging from 40 feet to 80 feet which is to be maintained in its present condition except for the indicated driveway crossing and any required utility crossing and signage. The plan indicates retention of several existing trees on the site and indicates appropriate side and rear yards as well.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

1.	66-6	R-15 to B-1SCD	Denied	01/24/66
2.	71-90	R-15 to B-1SCD	Denied	11/22/71
3.	72-35(c)	R-15 to R-20MF & B-1	Approved	07/17/72
4.	77-17	R-20MF to R-15MF(CD)	Approved	08/01/77
5.	80-62	R-20MF Site Plan Amendment	Approved	02/09/81
6.	84-86	R-15 to R-15MF(CD)	Denied	03/04/85
7.	MSUP85-16	R-15 to SUP for Retirement Center	Approved	01/04/86

7. Neighborhood. This site falls within the area defined as the Carmel/Providence neighborhood.

REVIEWS

1. Plan Consistency. The site involved in this rezoning request is indicated on the 2005 Plan as having a residential future. This petition requests rezoning of a tract from a residential zoning classification to an office classification. Therefore, in terms of the proposed land use, this petition is not consistent with the publicly adopted plans for this portion of the community.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with the petitioner prior to the filing of the application. Subsequent to the filing of the application, the staff conveyed to the petitioner several comments regarding details on the site plan.

2. Departmental Comments. Comments from reviewing agencies indicate water and sewer service is available to the site. Comments from other agencies indicate the need for showing required screening on the site plan, removal of parking from the setback, dedication of right-of-way along Old Providence Road, and compliance with the City of Charlotte Tree Ordinance. Additionally, Planning staff questioned the need for the addition of a new driveway to access the office building.

ISSUES

1. Land Use. This petition proposes the conversion of an existing building which is limited to use as a temporary sales office and model apartment and subsequent use as residential guest units to a medical office. The 2005 Plan indicates that land in this general vicinity should be used for residential purposes. Therefore, in terms of the proposed office zoning classification, this proposal must be viewed as inconsistent with publicly adopted plans and policies for the area. However, due to the fact that the surrounding properties are controlled by the existing special use permit site plan for the Carriage Club residential community, the petitioned property is in a somewhat contained environment. Its location and the fact that it is a part of the established retirement community offers the possibility of allowing the conversion to a medical office without also creating an environment with a potentially negative impact on nearby properties by setting a precedent for future nonresidential development along this corridor. Therefore, in terms of land use, the petition is considered appropriate for approval due to its limited scope and its setting within an established retirement community. It should be stressed, however, that approval of this rezoning is not an indicator that additional sections of Old Providence Road are appropriate for nonresidential development.

2. Site Plan. The site plan which accompanies this application proposes conversion of the existing building which is now being used as a temporary sales office for the Carriage Club Community to a medical office. The site plan which accompanies the application proposes access to the site to be provided via a new driveway connection to Old Providence Road and further indicates landscaping and buffer treatments along Old Providence Road and the project boundaries. The petitioner has addressed all of the original site plan comments with the exception of the relatively minor concern regarding the new driveway. The site has a former driveway to Old Providence Road and the main Carriage Club entrance is located immediately north of the subject property. The site plan proposes a secondary access to the main Carriage Club entrance in addition to the new driveway on Old Providence Road. Elimination of the new direct access to Old Providence and utilizing the former driveway

still provides adequate internal traffic flow and would be less disruptive to the site than the creation of a new driveway. Therefore, the petition is considered appropriate for approval from a site plan standpoint with the deletion of the proposed new driveway on Old Providence Road and use of the former driveway the preferential design.

CONCLUSION

The petition is considered appropriate for approval. The review of this petition against adopted land use plans indicates that it is not consistent with those plans and policies for this area of the community. However, the subject property is contained within an existing retirement community and the proposed office conversion would have little impact on adjoining properties. The limited nature of the proposal in terms of physical size and proposed use offer an opportunity in this very limited situation to introduce a nonresidential zoning classification while not negatively impacting adjacent properties.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-4
Date Filed November 14, 1989
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner: Carriage Club Ltd. Partnership

Owner's Address: 600 E. John Carpenter Freeway, Suite 339
Irving, TX 75062

Date Property Acquired: December 7, 1988

Deed Reference: 5918-671 Tax Parcel Number: 187-251-20

Location Of Property (address or description) West side of Old Providence Road

South of Providence Road

Description Of Property

Size (Sq Ft Acres): 1.53 acres Street Frontage (ft): 276' - Old Providen

Current Land Use: Existing building used for Sales Office

Zoning Request

Existing Zoning: R-15 with Retirement Center SUP Requested Zoning: O-15(CD)

Purpose of Zoning Change: To permit the establishment of a medical doctor's office to serve the adjacent retirement center and the immediate neighborhood.

Fred E. Bryant, Planner
Name Of Agent

1850 E. Third Street, Suite 216
Agent's Address

Charlotte, NC 28204

Telephone Number
333-1680

Carriage Club of Charlotte
Name of Petitioner(s)

5800 Old Providence Road
Address of Petitioner(s)

Charlotte, NC 28226

Telephone Number
365-8551

Signature

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-4
Date Filed November 14, 198
Received By MCH
OFFICE USE ONLY

Ownership Information

Property Owner Carriage Club Ltd. Partnership

Owner's Address 600 E. John Carpenter Freeway, Suite 339
Irving, TX 75062

Date Property Acquired December 7, 1988

Deed Reference 5918-671 Tax Parcel Number 187-251-20

Location Of Property (address or description) West side of Old Providence Road

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Description Of Property

Size (Sq Ft Acres) 1.53 acres Street Frontage (ft) 276' - Old Provid

Current Land Use Existing building used for Sales Office

Zoning Request

Existing Zoning R-15 with Retirement Center SUP Requested Zoning O-15(CD)

Purpose of Zoning Change To permit the establishment of a medical doctor's office to serve the adjacent retirement center and the immediate neighborhood.

Fred E. Bryant, Planner
Name Of Agent

1850 E. Third Street, Suite 216
Agent's Address

Charlotte, NC 28204

Telephone Number
333-1680

Carriage Club of Charlotte
Name of Petitioner(s)

5800 Old Providence Road
Address of Petitioner(s)

Charlotte, NC 28226

Telephone Number
365-8551

Signature

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-5

Petitioner: Thomas M. and Dorothy K. McMillan

Location: Approximately .701 acres located on the northerly side of Alleghany Street to the west of Haywood Avenue.

Request: Change from R-15MF to I-1.

BACKGROUND

1. Existing Zoning. Property involved with this request is presently zoned R-15MF as are other properties generally to the south of the subject site. Properties to the north are predominantly zoned I-1. Across Ashley Road, properties are zoned a combination of multi-family and industrial districts.

2. Existing Land Use. The property involved with this request is presently vacant. To the north, properties are developed with a combination of commercial and office uses including a gas station, a mini-warehouse, and a U-haul service. To the south across Alleghany Street is Harding High School. Across Ashley Road is the Freedom Mall Shopping Center. Other properties located in the general vicinity are developed with single family residential homes and churches.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates properties lying along I-85 and Freedom Drive are developed with existing employment land uses and properties to the south are developed with existing residential land uses. The subject property lies in the transitional area between the existing employment uses and existing residential uses. The 2005 Plan also recognizes Freedom Mall as a community commercial center. Strategies for the area include the widening of I-85.

   2. Westerly Hills-Ashley Park Small Area Plan. The subject property is included within the scope of the Westerly Hills-Ashley Park Small Area Plan. The plan does not contain any specific recommendations for the subject property though general themes outlined in the plan are to support existing viable neighborhoods by resolving relationships between different land uses as well as land use and zoning conflicts, to identify areas of opportunity and to encourage high quality development in these areas and to address areas that have an image problem.

   3. Central District Plan (pending). The pending Central District Plan envisions the subject property and the adjoining residentially zoned properties as having a residential future.

4. Site Plan. There is no site plan which accompanies this application inasmuch as the petition is conventional in nature.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

1.	72-45	R-9MF to R-15MF	Approved	09/21/72

7. Neighborhood. This site falls within the area defined as the Westerly Hills neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of properties from a multi-family residential classification to an industrial classification. The subject property lies between an area designated as one of existing employment uses and an area designated as one of existing residential uses by the 2005 Plan. In this case it is difficult to determine the 2005 Plan recommendation on such a small piece of property. However, the more detailed pending Central District Plan does envision the subject property as having a residential future. The Central District Plan recommendation for properties with frontage along Alleghany Street to be developed for residential purposes recognizes the approximately 200 foot wide strip of residential zoning which runs along the northerly side of Alleghany Street as a buffer between the industrial development oriented to I-85 and the multi-family and single family residential uses along Alleghany Street. Therefore in terms of the Central District Plan recommendation, the petition is inconsistent with plans for this area of the community.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The petitioner discussed this matter with the staff prior to the filing of the application. Staff indicated the need for the application to be submitted through the conditional district approach.

   2. Departmental Comments. Due to the conventional nature of the application, there were very few comments from reviewing agencies. CDOT indicates that the site would generate approximately 35 to 45 trips per day as currently zoned. Under the requested I-1 zoning, the site would result in approximately 42 trips per day.

ISSUES

1. Land Use. This petition proposes the rezoning of properties from a residential district to an industrial district in an area in which the pending district plan calls for residential land uses to be established. The subject property is part of an approximately 200 foot wide strip of multi-family residential zoning which runs along the northerly side of Alleghany Street providing a transition between industrial development oriented toward I-85 to the north and single family and multi-family residential land uses located to the south. Pending plans for the area recognize Alleghany Street as a residential corridor composed predominantly of single family residential homes located further to the southwest of the subject property. The petition proposes an extension of industrial zoning into an already narrow strip of residential zoning. From a land use standpoint, the petition is not considered appropriate for approval without being accompanied by a conditional site plan which could offer an exceptional system of screening to offset the potential impact of additional industrial development. An exceptional system of screening would maintain the goal of the existing residential zoning which is to a provide buffer between the industrial development to the north and the area envisioned for a residential future along Alleghany Street.

2. Site Plan. There is no site plan which accompanies this application. Inasmuch as the subject petition represents an encroachment into an area designed to provide a buffer between industrial development and residential development, the petition should be amended to be considered through the conditional district process to provide an exceptional system of screening for any future residential development along Alleghany Street. Therefore, this petition is not appropriate for approval as submitted.

CONCLUSION

This petition is not appropriate for approval as submitted. It is inconsistent with publicly adopted and pending plans which call for residential development in the area of the subject property. Additionally, the petition as submitted offers no site plan by which to access the impact of the creation of more industrial zoning on adjacent residentially zoned properties.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-5
Date Filed November 14, 1989
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner Thomas M. & Dorothy K. McMillan

Owner s Address c/o OliverMcMillan, 4660 La Jolla Village Drive, Suite 800, San Diego, California, 92122

Date Property Acquired April 28, 1981

Tax Parcel Number 061-133-07 (part)

Location Of Property (address or description) ~~[illegible]~~ Alleghany Street

Description Of Property

Size (Sq Ft -Acres) 7.01 Acres

Street Frontage (ft) 261 ft. - Alleghany St

Current Land Use Vacant

Zoning Request

Existing Zoning ~~[illegible]~~ / R15MF-~~[illegible]~~c.

Requested Zoning Increase I-1 property by approx. 30,000 sq. ft

Purpose of Zoning Change An increase in the amount of Industrial zoning is requested to permit development of the site with an extension of Lindbergh Street and rear loaded industrial-warehouse buildings. The proposal would reduce the residential buffer from 200 to 150 feet from the Alleghany St. Right-of-Way.

Name Of Agent

Charles E. Knox

Agent's Address

817 E. Trade Street, Charlotte, NC 28202

Telephone Number

(704) 372-1360

Name of Petitioner(s)

Thomas M. & Dorothy K. McMillan

Address of Petitioner(s)

c/o OliverMcMillan, 4660 La Jolla Village Dr., Suite 800, San Diego, CA. 92122

Telephone Number

(619) 457-0911

X Thomas M. McMillan

Signature

X Dorothy K McMillan

Signature ~~[illegible]~~

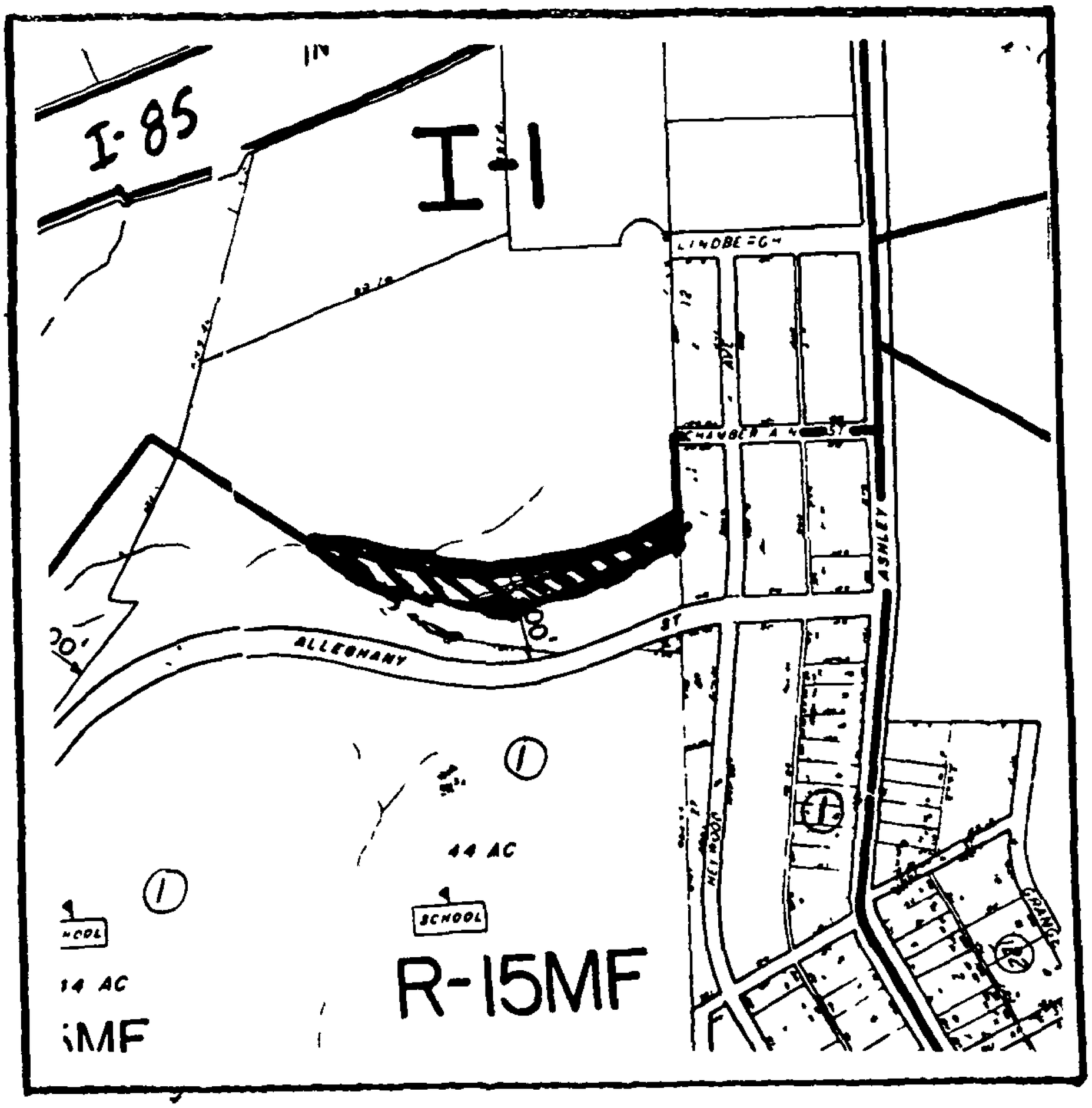
Corrected Copy

PETITIONER Thomas M. & Dorothy K. McMillan

PETITION NO. 90-5 HEARING DATE January 16, 1990

ZONING CLASSIFICATION, EXISTING R-15MF REQUESTED I-1

LOCATION Approximately .701 acres located off of the northerly side of Alleghany Street west of Haywood Avenue.



ZONING MAP NO. 86 & 87 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-6

Petitioner - Charlotte-Mecklenburg Planning Commission

Request - Text amendment to grant density credit for land dedication for public community service facilities in addition to certain road right-of-way (Section 1019).

BACKGROUND

The City and County zoning ordinances were amended in 1986 to give credit for arterial street right-of-way dedication in computing the number of permitted residential dwelling units. The 1988 revisions to the City and County subdivision ordinances included a provision that would also give density credit for land dedication for other public community service facilities such as schools, parks, fire stations, etc. according to Zoning Section 1019. However, since the Zoning Section 1019. only refers to street right-of-way dedication, it needs to be amended to permit the density credit for these other public community service facilities as referred to in the subdivision regulations.

CONCLUSION

These zoning amendments would follow through with what is stated in the revised subdivision regulations by permitting density credit for land dedication for other public service facilities besides arterial street right-of-way.

*Subject to further refinement following public hearing.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No. 90-6
Date Filed November 14, 1989
Received By MCM
OFFICE USE ONLY

Section No. 1019. Effect of Certain Street Dedication on Computation of Density
(Title)

Purpose of Change:

This zoning amendment would follow through with what is stated in the revised subdivision regulations by permitting density credit for land dedication for other public service facilities besides arterial street right-of-way.

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commission
Name of Petitioner(s)

600 East Fourth Street
Address of Petitioner(s)

Charlotte, NC 28202-2853 (704) 336-2205
Telephone Number

Signature

ORDINANCE NO. _____

AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE ZONING ORDINANCE

AN ORDINANCE AMENDING THE CITY CODE
WITH RESPECT TO THE ZONING ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. Appendix A, "Zoning" of the City of Charlotte is hereby amended as follows:

1. Amend Section 1019. by changing the existing title of the section which reads as follows:

   Effect of Certain Street Dedication on Computation of Density,

   to read:

   Effect of Certain Street and other Public Land Dedication on Computation of Density.

2. Amend Section 1019. by adding the following paragraph at the end of the existing section

   Land dedicated for any public community service facility, including but not limited to public schools, parks, greenways, open space, police and fire stations, libraries, public housing, or other public use sites, may also be used to compute the number of lots or dwelling units as described in the preceding paragraphs of this section. However, none of the provisions of this Section (1019.) apply to projects developed under the provisions of Section 1628, Cluster Development and Section 3212, R-PUD Planned Unit Development District.

Section 2. That this ordinance shall become effective upon adoption.

Approved as to form:

_____
City Attorney

Read, approved, and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the _____ day of _____, 19 ____, the reference having been made in Minute Book _____, and recorded in full in Ordinance Book _____, at page _____.

_____
Pat Sharkey, City Clerk

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-7

ABC Special Project Plan

BACKGROUND

In November, 1987, City Council approved the ABC Special Project Plan. Bounded by I-85/I-77, Beatties Ford Road and a vacant tract on the north side of C Avenue, the area is comprised of five cul-de-sacs and one unnamed street. In conjunction with a bond referendum targeted to provide assistance money for water and sewer improvements to this area, the plan identifies issues and makes recommendations in order to focus resources and strategies towards revitalization. Corrective rezonings are recommended in order to strengthen the residential nature of the ABC neighborhood. These recommendations for rezonings are contained in Petition Nos. 90-7 and 90-8.

PETITION NO. 90-7

This petition includes approximately 3.4 acres located along the east side of Beatties Ford Road, north and south of B Avenue, and north from B Avenue to C Avenue. Presently zoned O-6, its current land use consists of the Magnolia Garden Apartments, a hair salon and vacant tracts. (The hair salon occupies a structure which was a single family residence at the time the ABC plan was formulated). The proposed rezoning to R-9MF is intended to match the current land use with its zoning, to provide the private sector with additional incentive to build residential structures in the Beatties Ford Road vicinity, and to strengthen the residential edge of the ABC area. Due to the conversion of a home into a hair salon, rezoning of the salon property to a residential district would make the salon a nonconforming use.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-7
Date Filed November 14, 1989
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner See Attached List

Owner s Address See Attached List

Date Property Acquired N/A

Deed Reference _____ Tax Parcel Number See Attached List

Location Of Property (address or description) These properties are located on the East side of Beatties Ford Road, north and south of B Avenue, and north from B Avenue to C Avenue.

Description Of Property

Size (Sq. Ft.-Acres) 3.4 acres Street Frontage (ft.) _____

Current Land Use Multi-family, single family residences and vacant.

Zoning Request

Existing Zoning O-6 Requested Zoning R-9MF

Purpose of Zoning Change To bring properties into conformance with the recommendations of the ABC Special Project Plan adopted by City Council in November 1987.

Name Of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commiss

Name of Petitioner(s)

600 East Fourth Street

Address of Petitioner(s)

336-2205

Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

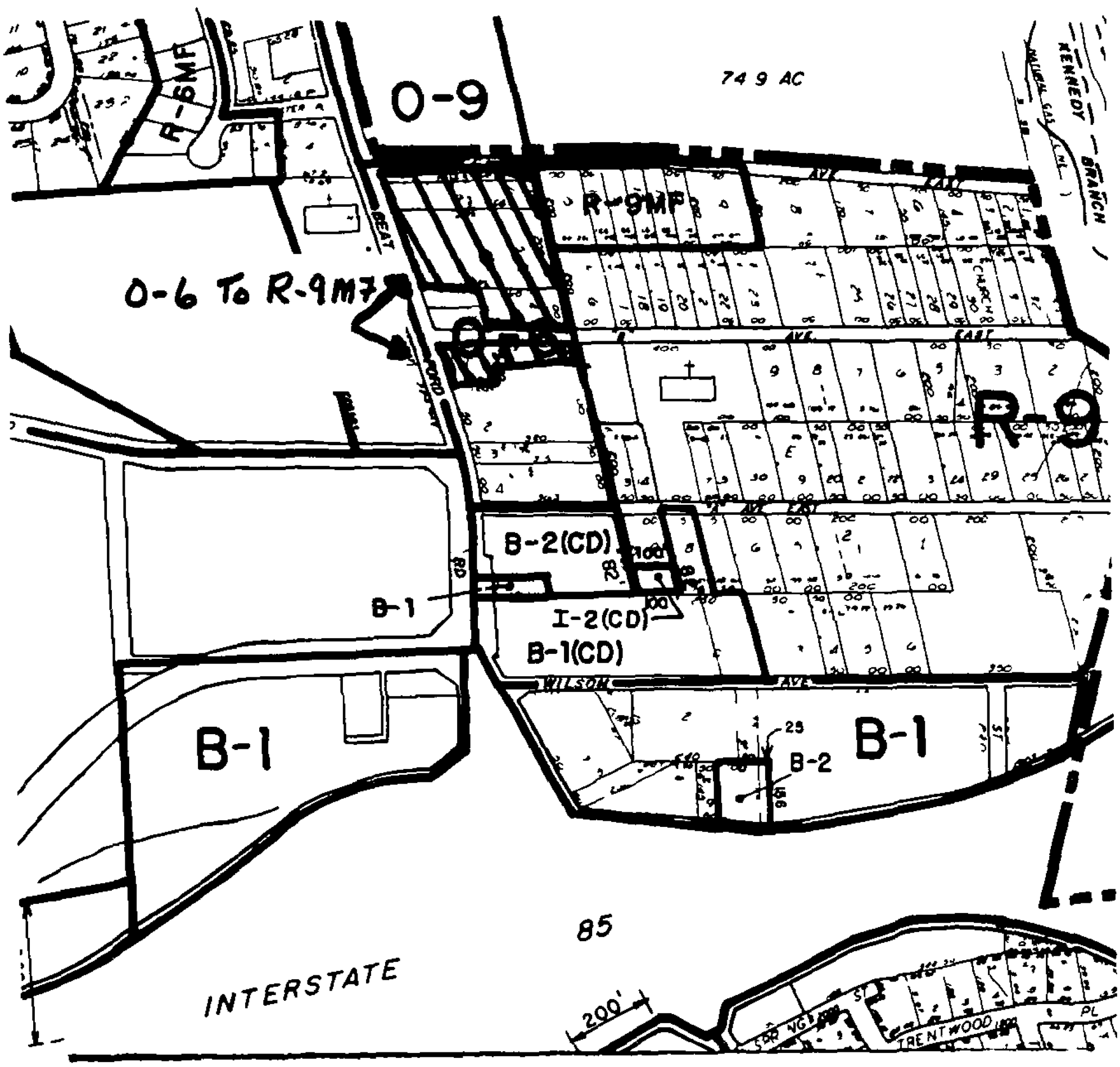
ABC #1

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 90-7 HEARING DATE January 16, 1990

ZONING CLASSIFICATION, EXISTING 0-6 REQUESTED R-9MF

LOCATION Approximately 3.4 acres located on the east side of Beatties Ford Road south of "C" Avenue to just south of "B" Avenue.



ZONING MAP NO. 69 & 79 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-8

ABC Special Project Plan

BACKGROUND

In November, 1987, City Council approved the ABC Special Project Plan. Bounded by I-85/I-77, Beatties Ford Road and a vacant tract on the north side of C Avenue, the area is comprised of five cul-de-sacs and one unnamed street. In conjunction with a bond referendum targeted to provide assistance money for water and sewer improvements to this area, the plan identifies issues and makes recommendations in order to focus resources and strategies towards revitalization. Corrective rezonings are recommended in order to strengthen the residential nature of ABC neighborhood. These recommendations for rezonings are contained in Petition Nos. 90-7 and 90-8.

PETITION NO. 90-8

This petition contains approximately 2.4 acres bounded by Beatties Ford Road on the west, B Avenue to the north and A Avenue to the south. Public records and field inspection indicates the subject property is developed with single family residences only. However, recent communication with one of the subject property owners indicates that a structure near the corner of Beatties Ford Road and A Avenue has been converted into an engineering firm's office. The proposed rezoning to R-9 is intended to more closely match the existing land uses with the zoning of the property and to strengthen and preserve this small residential community. Due to the conversion of a single family residence into the engineering office, the rezoning to a residential district would make the office a nonconforming use.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-8
Date Filed December 14, 1989
Received By DMC
OFFICE USE ONLY

Ownership Information

Property Owner See Attached List

Owner s Address See Attached List

Date Property Acquired N/A

Deed Reference _____ Tax Parcel Number See Attached List

Location Of Property (address or description) These properties are bounded on the west by Beatties Ford Road, B Avenue to the north and A Avenue to the south.

Description Of Property

Size (Sq. Ft.-Acres) 2.4 acres Street Frontage (ft.) _____

Current Land Use Single-family residences and vacant.

Zoning Request

Existing Zoning O-6 Requested Zoning R-9

Purpose of Zoning Change To bring properties into compliance with the recommendations in the ABC Special Project Plan adopted by City Council in November 1987.

Name Of Agent

Agent's Address

Telephone Number

Name of Petitioner(s) Charlotte-Mecklenburg Planning Commissi

Address of Petitioner(s) 600 East Fourth Street

Telephone Number 336-2205

Signature

Signature of Property Owner if Other Than Petitioner

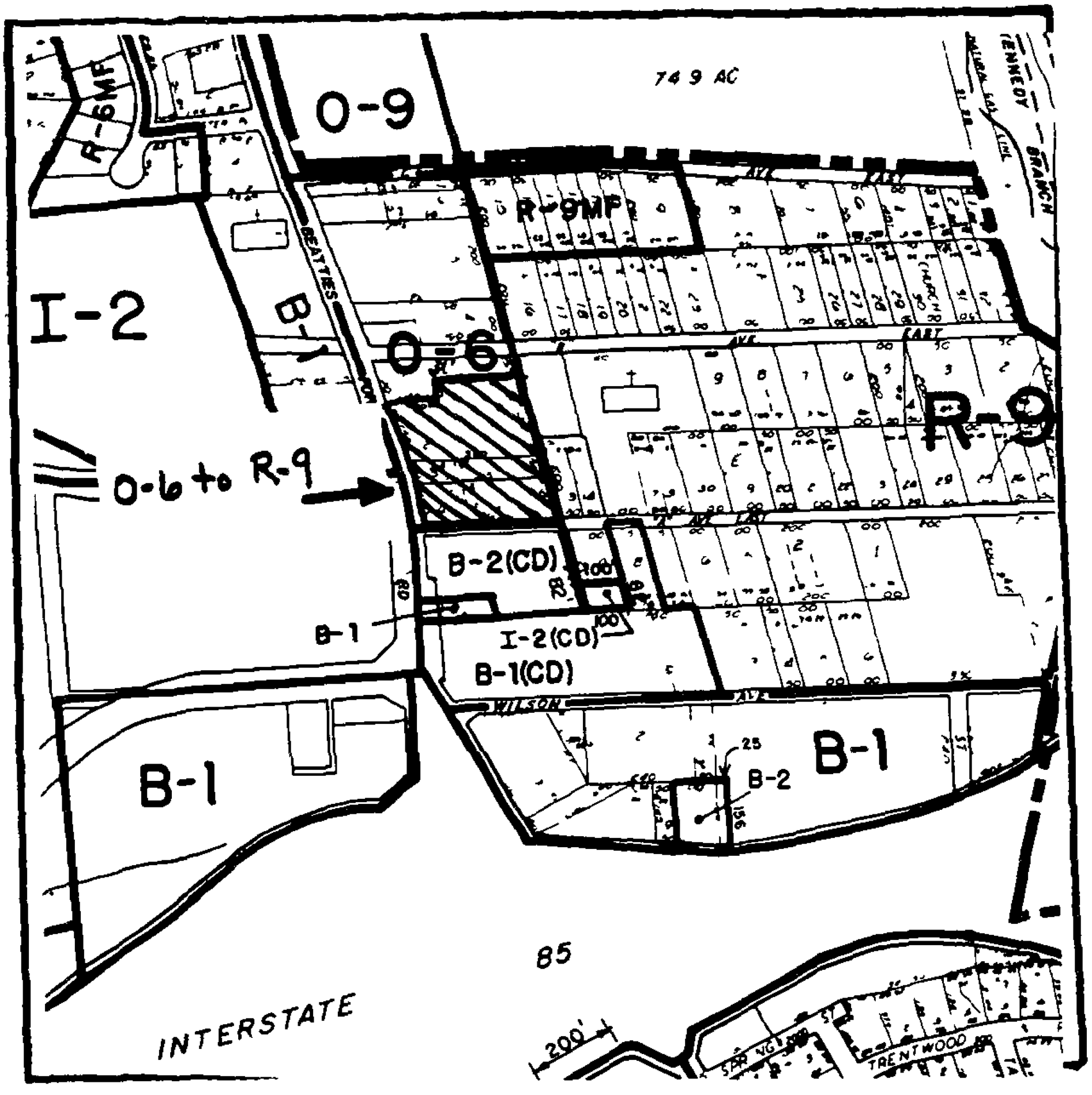
ABC #2

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 90-8 HEARING DATE January 16, 1990

ZONING CLASSIFICATION, EXISTING 0-6 REQUESTED R-9

LOCATION Approximately 2.4 acres located on the east side of Beatties Ford Road between "A" Avenue and "B" Avenue.



ZONING MAP NO. 79 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: December 21, 1989

PETITION NO.: 89-60

PETITIONER(S): Frank LaPointe

REQUEST: Change from R-9 to B-2(CD) and R-9MF(CD).

LOCATION: A 15.4 acre site located on the easterly side of Independence Boulevard along both sides of East W.T. Harris Boulevard.

ACTION: The Zoning Committee recommends that this petition be approved.

VOTE: Yeas: Davis, Lassiter, Latham, Majeed, Vaughan and Winget.

Nays: Mead.

REASONS

This petition proposes the rezoning of properties to provide for an automobile dealership and multi-family housing with frontage and access on East W.T. Harris Boulevard. The petitioner had originally proposed the car dealership and office development but after considerable concerns were raised at the first public hearing the plan was modified to include multi-family housing and a second public hearing was held. The Zoning Committee discussed this petition for some time and concentrated on the site plan issues. They were especially concerned that the petitioner still showed more driveways than staff had indicated were appropriate. An agent for the petitioner at the work session indicated that they would restrict the total number of driveways on the south side of East W.T. Harris Boulevard to three. A minority of the Zoning Committee expressed concern that this petition could set in motion further requests for nonresidential zoning along this portion of W.T. Harris Boulevard. However, the majority of the Zoning Committee felt that the applicant had modified the plan to address the concerns of the community and that the petition was appropriate for approval.

STAFF OPINION

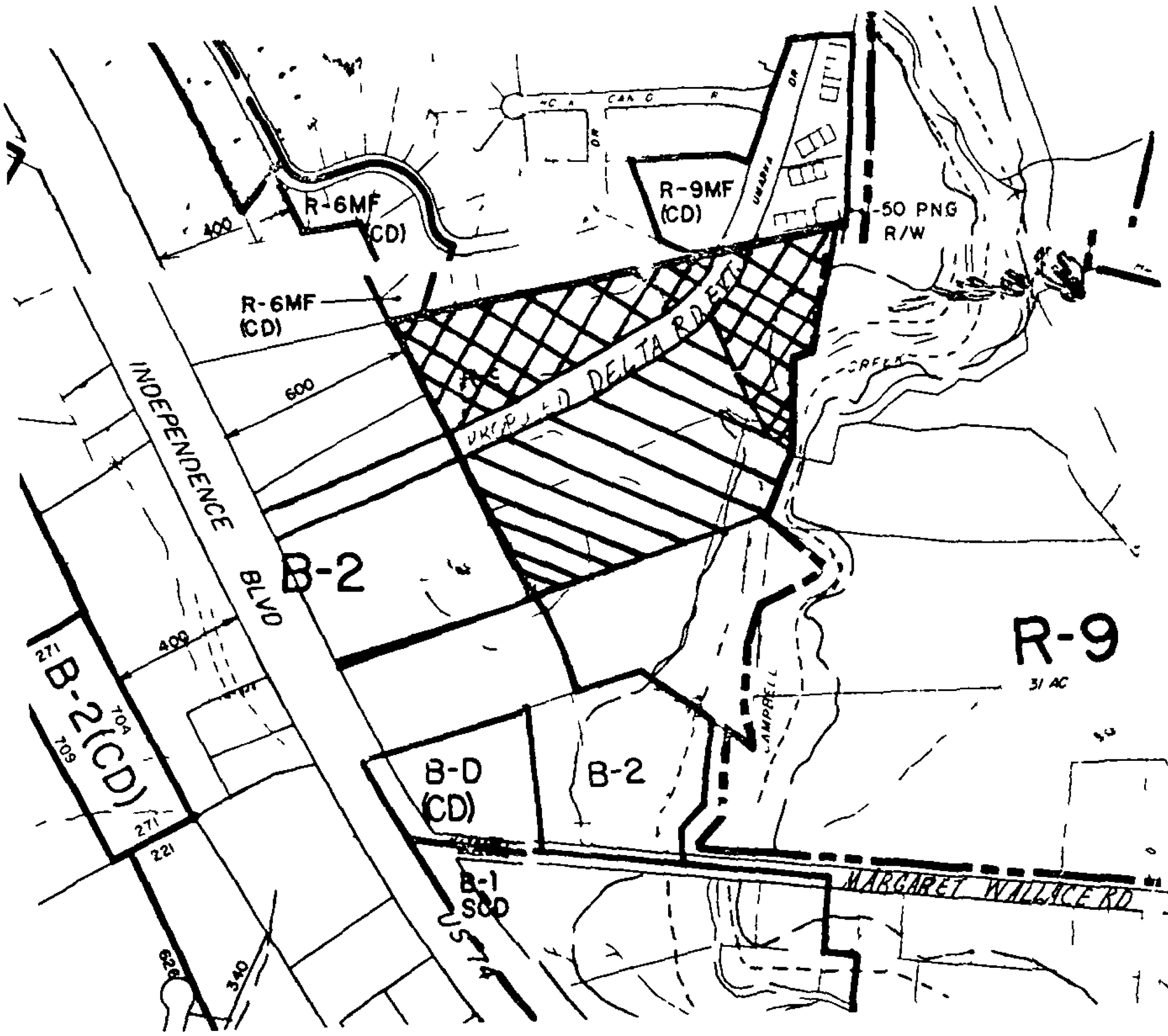
The staff disagrees with the recommendation of the Zoning Committee. The staff continues to believe that the establishment of a highway type commercial use with frontage along W.T. Harris Boulevard is an inappropriate land use.

PETITIONER Frank J. LaPointe

PETITION NO. 89-60 HEARING DATE December 18, 1989

ZONING CLASSIFICATION, EXISTING R-9 REQUESTED ~~O-15(CD)~~ R-9MF(CD) & B-2(CD)

LOCATION Approximately 15.4 acres located off the east side of Independence Boulevard north of Margaret Wallace Road along both sides of Delta Road (Proposed) Extension



ZONING MAP NO. 122, 123, 137,& 138 SCALE 1" = ~~300'~~ Reduced

PROPERTY PROPOSED FOR CHANGE

DATE: December 21, 1989

PETITION NO.: 89-86

PETITIONER(S): Zaremba Centerpoint Company.

REQUEST: Change from O-6 and R-6MF to B-1SCD.

LOCATION: A 13.8 acre site located on the northeasterly corner of the intersection of Eastway Drive and Biscayne Drive.

ACTION: The Zoning Committee deferred action on this request for 30 days due to change made to the site plan by the petitioner dealing with access.

VOTE: Yeas: Davis, Lassiter, Latham, Majeed, Mead, Vaughan and Winget.

Nays: None.

REASONS

The petitioner submitted their potential site plan configurations to address the access issue. The committee felt that inasmuch as these changes had not been reviewed by staff that a deferral was appropriate.

DATE: December 21, 1989

PETITION NO.: 89-89

PETITIONER(S): Metrolina Landscape Maintenance Incorporated.

REQUEST: Change from R-9MF to I-1(CD).

LOCATION: A .9 acre site located on the westerly side of Morningside Drive north of Mt. Holly Road.

ACTION: The Zoning Committee recommended that this petition be approved.

VOTE: Yeas: Davis, Lassiter, Latham, Majeed, Mead and Winget.

Nays: Vaughan

REASONS

This petition requests the rezoning of a small tract of land to provide for the continuation of an industrial use on the remainder of the site. The rear portion of the site is zoned industrial and the front portion of the site had been zoned multi-family for a number of years. The petitioner proposes to use this site only for parking and proposes to add additional landscaping and buffering along the front portion of the site adjacent to Morningside Drive. The Zoning Committee believes that the petitioner has made an effort to address the relationship of this property to adjoining properties in the area and that the continuation of this use is an appropriate use of the property. Therefore the Zoning Committee recommends that this petition be approved.

STAFF OPINION

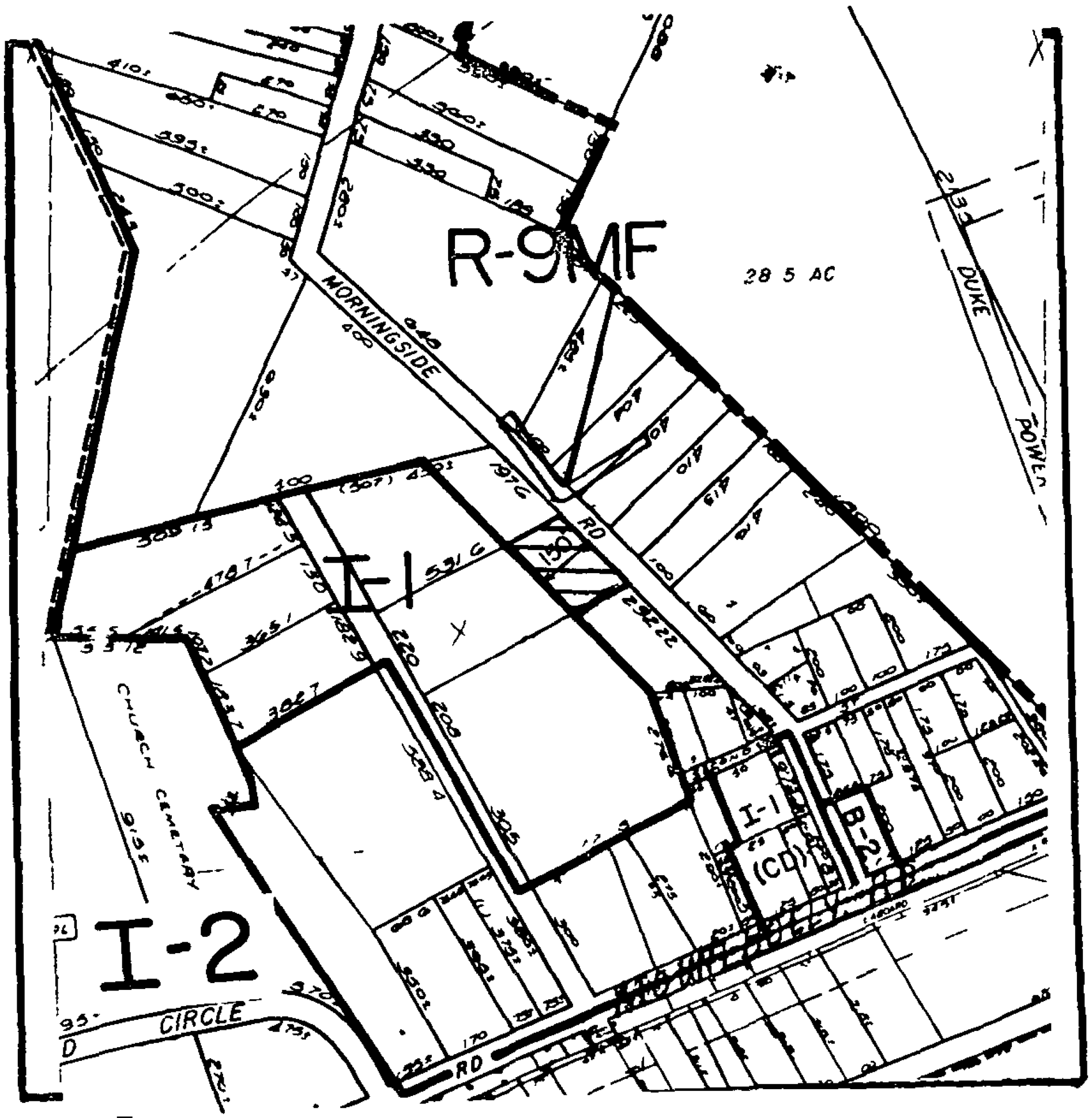
While the staff appreciates the factual situation that accompanies this particular application, the staff still believes that the rezoning is inappropriate for approval. Long-term expectations for this area call for the minimization of industrial land uses in favor of the stabilization of residential land uses.

PETITIONER Metrolina Landscape Maintenance, Inc.

PETITION NO. 89-89 HEARING DATE December 18, 1989

ZONING CLASSIFICATION, EXISTING R-9MF REQUESTED I-1(CD)

LOCATION Approximately .9 acres located on the westerly side of Morningside Drive north of Mount Holly Road.



ZONING MAP NO. 67 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: December 21, 1989

PETITION NO.: 89-90

PETITIONER(S): Vulcan Materials Company.

REQUEST: Change from R-9MF and I-1 to I-1(CD) and I-2(CD).

LOCATION: A 69.8 acre site located on the southerly side of Nations Ford Road extending from Old Nations Ford Road to Sugar Creek.

ACTION: The Zoning Committee deferred action on this request for 30 days at the request of the petitioner.

VOTE: Yeas: Davis, Lassiter, Latham, Majeed, Mead, Vaughan and Winget.

Nays: None.

REASONS

The petitioner requested a deferral of this matter in order to address a number of issues which arose at the public hearing. Specifically, the petitioner had indicated a willingness to assess the potential impact of quarrying operations on adjoining properties that could result from the approval of this petition versus those which could result with the existing zoning.

DATE: December 21, 1989

PETITION NO.: 89-92

PETITIONER(S): Wood Keith

REQUEST: Change from R-15 to R-15MF(CD).

LOCATION: A 3.4 acre site located on the easterly side Sharon Road south of Chandworth Road.

ACTION: The Zoning Committee deferred action on this request for 30 days.

VOTE: Yeas: Davis, Lassiter, Latham, Majeed, Mead, Vaughan and Winget.

Nays: None.

REASONS

The Zoning Committee discussed this petition for some time. A principal issue which arose at the public hearing was that of drainage and off-site drainage problems in the immediate vicinity. The Zoning Committee deferred action on this request in order for the petitioner to work with the City's Engineering Department in assessing the stormwater problems in the area and determining if the applicant can address any of those concerns through their site design.

DATE: December 21, 1989

PETITION NO.: 89-93

PETITIONER(S): Spectrum Properties.

REQUEST: Change from R-9 to I-1(CD).

LOCATION: A 44 acre site located on the northeast quadrant of the intersection of Interstate 77 and Interstate 85.

ACTION: The Zoning Committee recommends that this petition be approved.

VOTE: Yeas: Davis, Lassiter, Latham, Mead, Vaughan and Winget.

Nays: Majeed.

REASONS

This petition proposes the rezoning of properties to accommodate a business park type facility directly adjacent to two interstate rights-of-way. Plans for the area have long called for the development of this property and other properties nearby for employment type uses. There are no site plan issues which accompany this application and therefore the Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Specrum Properties

PETITION NO. 89-93 HEARING DATE December 18, 1989

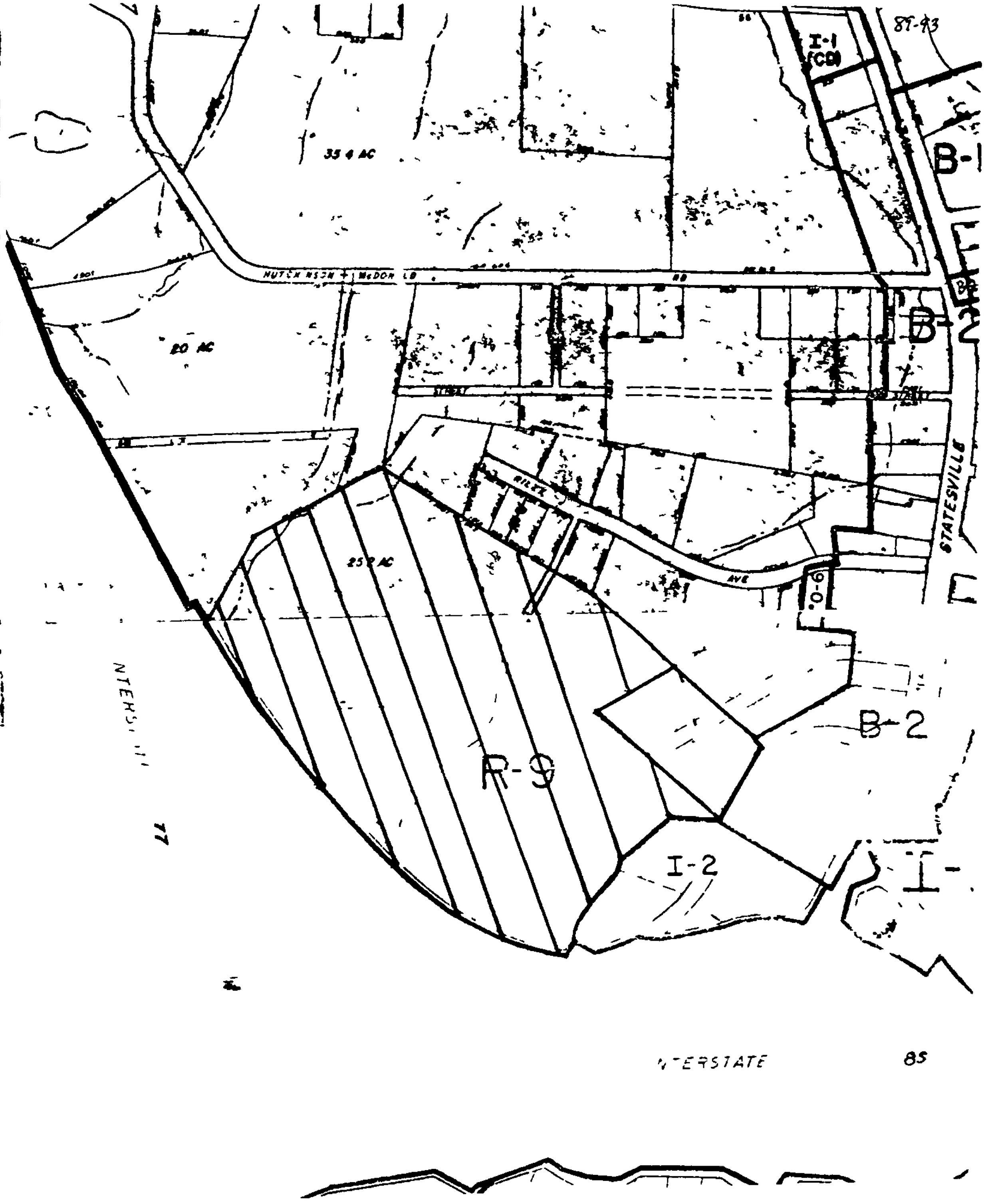
ZONING CLASSIFICATION, EXISTING R-9 REQUESTED I-1(CD)

LOCATION Approximately 44 acres located within the northeast quadrant of I-77 and I-85.

SEE ATTACHED MAP

ZONING MAP NO. 69 & 79 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


I-1
(CD)
87-93
B-1
35.4 AC
HUTCHINSON + McDONALD
B-2
20 AC
STATESVILLE
AVE
25.2 AC
O-6
NTERSTATE 77
B-2
R-9
I-2
I-
NTERSTATE 85

15

DATE: December 21, 1989

PETITION NO.: 89-94

PETITIONER(S): Rick Lambeth

REQUEST: Change from R-15MF to R-12MF(CD).

LOCATION: A 14.6 acre site located on the northerly side Oneida Road west of Graham Street.

ACTION: The Zoning Committee recommends that this petition be approved.

VOTE: Yeas: Davis, Lassiter, Latham, Majeed, Mead, Vaughan and Winget.

Nays: None.

REASONS

This petition proposes the rezoning of properties from one multi-family category to another to accommodate a development of up to 192 units of multi-family housing. The overall density of this development would be approximately 13 dwelling units per acre and the petitioner proposes to make numerous improvements to Oneida Road as well as establishing a substantial buffer on the side of the site most closely related to existing single family zoned properties. The only issue which arose at the public hearing dealt with access to the area and the Zoning Committee felt that that issue is of such a nature that this individual petitioner should not be held responsible for solving the problem. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Rich Lambeth

PETITION NO. 89-94 HEARING DATE December 18, 1989

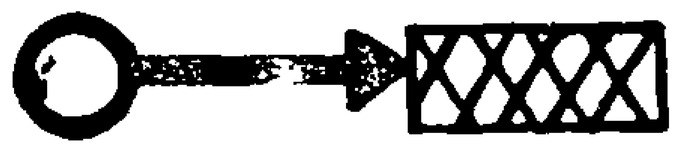
ZONING CLASSIFICATION, EXISTING R-15MF REQUESTED R-12MF(CD)

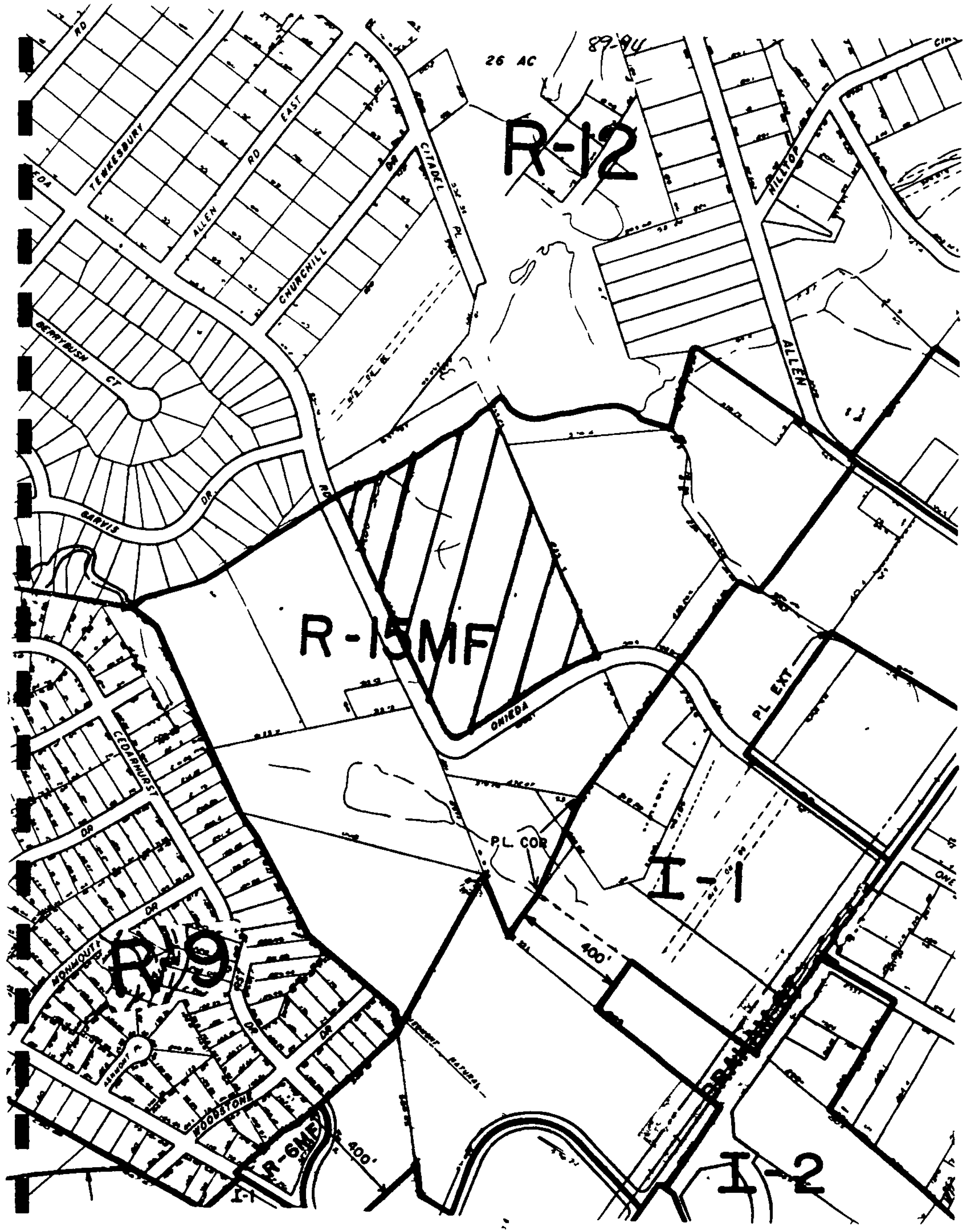
LOCATION Approximately 14.6 acres located on the northerly side of Oneida Road west of Graham Street.

SEE ATTACHED MAP

ZONING MAP NO. 70 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE




26 AC
89-94
R-12
R-15MF
R-9
R-6MF
I-1
I-2
TEWKESBURY
ALLEN RD EAST
CHURCHILL
CITADEL PL
HILLTOP
ALLEN
BERRYBUSH CT
GARVIS DR
ONEIDA
PL EXT
CEDARHURST DR
MONMOUTH DR
ANTHONY
WOODSTONE
P.L. COR
400'
400'
NATURAL

DATE: December 21, 1989

PETITION NO.: 89-95

PETITIONER(S): City View Development Corporation

REQUEST: Change from R-9MF to I-1(CD).

LOCATION: Approximately 32.3 acres located on the east side of Ashley Road across from Alleghany Street extending to the rear of properties along Royston Drive.

ACTION: The Zoning Committee deferred action on this request for 30 days.

VOTE: Yeas: Davis, Lassiter, Latham, Majeed, Mead, Vaughan and Winget.

Nays: None.

REASONS

This petition raised a number of issues which have not yet been addressed. Eventhough the plan is for only 32 acres it is a portion of a much larger development which is not subject to the rezoning. The Zoning Committee felt that they needed additional information with regard to the future of this property including the degree to which it is impacted by noise contours from Charlotte-Douglas International Airport.

DATE: December 21, 1989

PETITION NO.: 89-96

PETITIONER(S): Aston Properties Incorporated

REQUEST: Change from B-2 and R-6MF to B-1SCD and R-9(CD).

LOCATION: A 30.5 acre site located on the northeast corner of Central Avenue and Eastway Drive.

ACTION: The Zoning Committee recommends that this petition be approved.

VOTE: Yeas: Davis, Lassiter, Latham, Majeed, Mead, Vaughan and Winget.

Nays: None.

REASONS

This petition proposes the rezoning of properties to accommodate an expanded retail center along Eastway Drive. The petition covers the existing retail center presently at that location as well as additional properties where additional floor area will be added. Plans for the area indicate that this is the appropriate location for intensified retail services for the area and the petitioner has addressed all of the specific site plan issues raised by the staff as well as by neighboring property owners. Therefore, the Zoning Committee believes that this petition is appropriate for approval.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee. The staff had expressed some concern that changes to the site plan should warrant a 30 day delay in accordance with the conditional plan policy. However, the Zoning Committee believed that those changes were minor in nature and arose directly from issues raised at the public hearing.

PETITIONER Aston Properties Inc.

PETITION NO. 89-96 HEARING DATE December 18, 1989

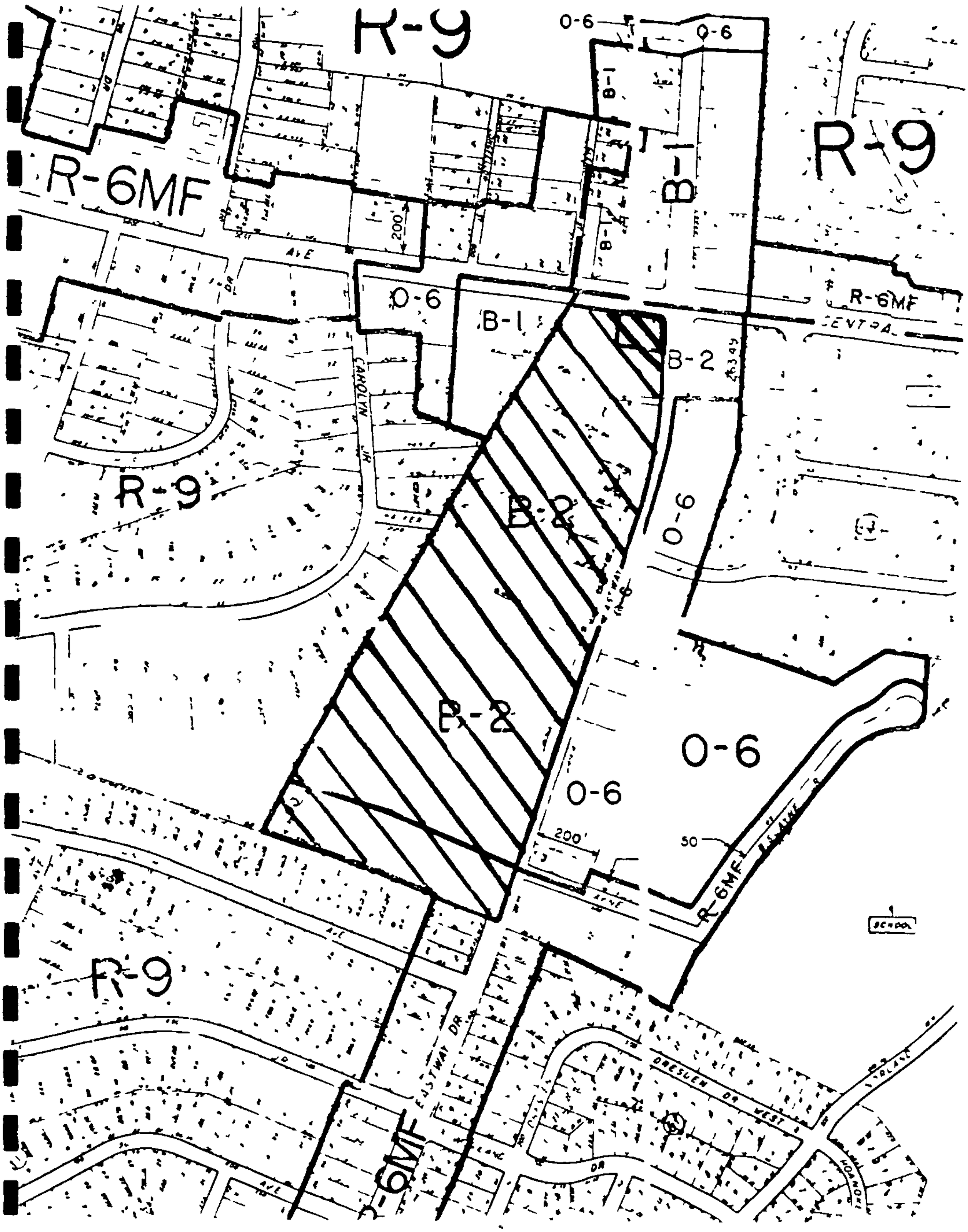
ZONING CLASSIFICATION, EXISTING B-2 & R-6MF REQUESTED B-1SCD

LOCATION Approx 30.5 acres located on the Southwest corner of Central Ave and Eastway Drive.

SEE ATTACHED MAP

ZONING MAP NO. 100 & 101 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


K-9
O-6
O-6
B-1
B-1
B-1
R-9
R-6MF
200'
AVE
O-6
B-1
R-6MF
B-2
B-2
R-9
O-6
B-2
O-6
O-6
200'
50
R-6MF
AVE
SCHOOL
R-9
EASTWAY DR
DRESDEN DR WEST
R-6MF
LANE
DR
AVE

DATE: December 21, 1989

PETITION NO.: 89-97

PETITIONER(S): Miller Newton

REQUEST: Change from O-15 to B-2(CD).

LOCATION: A 3.01 acre site located on the south side of Milton Road west of Sharon Amity Road.

ACTION: The Zoning Committee recommends that this petition be approved.

VOTE: Yeas: Latham, Majeed, Vaughan and Winget.

Nays: Davis, Lassiter and Mead.

REASONS

This petition requests the rezoning of a small tract of land to a commercial category. Other properties in the area are zoned for office and some of those are even used for multi-family purposes. Plans for the area call for the eventual reduction of commercial and other nonresidential properties in this area in favor of residential zoning. A majority of the Zoning Committee believed that this plan represented an appropriate use for this site and was of a low intensity relative to other commercial developments often proposed. The petitioner had addressed concerns with regard to right-of-way, building setback, and screening along Milton Road. A minority of the Zoning Committee believes that the petition should not be approved. They cited concerns about plans for the area as well as a belief that no more commercial zoning was needed in the area. However, the majority of the Zoning Committee believes that this petition is appropriate for approval.

STAFF OPINION

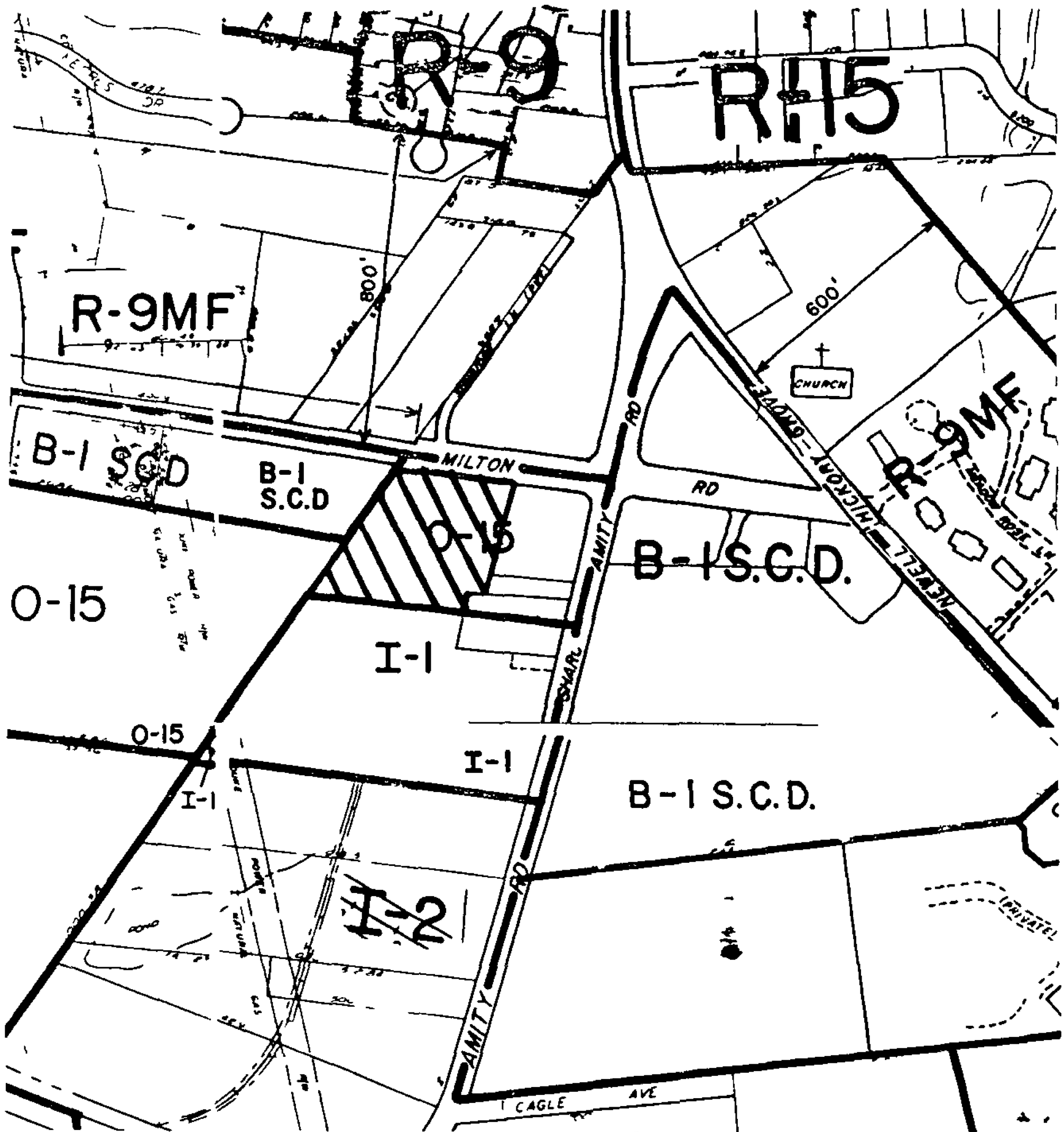
The staff disagrees with the Zoning Committee recommendation. The staff believes that there is sufficient commercial zoning in this area to accommodate the proposed uses and that the long-term future of this and other properties nearby should be for residential purposes.

PETITIONER Miller Newton

PETITION NO. 89-97 HEARING DATE December 18, 1989

ZONING CLASSIFICATION, EXISTING 0-15 REQUESTED B-2(CD)

LOCATION Approx. 3.01 acres located on the south side of Milton Rd. west of Sharon Amity Rd.



ZONING MAP NO. 90, 91, 99, 100 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: December 21, 1989

PETITION NO.: 89-117

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Consideration of a text amendment to section 16.29 of the City Zoning Ordinance regarding citations in the Historic District Regulations.

ACTION: The Zoning Committee recommends that this petition be approved.

VOTE: Yeas: Davis, Lassiter, Latham, Majeed, Mead, Vaughan and Winget.

Nays: None.

REASONS

This text amendment proposes the correction of an error in the existing language dealing with citations in the Historic District. In addition it brings the citation section into conformance with other similar sections in the City Code. This is a minor technical change in the ordinance which does not relate to the substantive provisions of the Historic District Regulations or to the enforcement of those regulations.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 89-117
Date Filed October 16, 1989
Received By MCM

OFFICE USE ONLY

Section No ' 1629.9.5 Historic Districts "Citations"
(Title)

Purpose of Change:

1. To correct an erroneous citation to Section 3-24 of the City Code.
2. To add that a civil complaint or criminal summons will be filed if a citation is not paid within 15 days of issuance.

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commission
Name of Petitioner(s)
600 E. Fourth St., Charlotte, NC 28202
Address of Petitioner(s)
336-2205
Telephone Number

Signature

ORDINANCE NO. _____ AMENDING APPENDIX A-ZONING

AN ORDINANCE AMENDING THE ZONING ORDINANCE, APPENDIX A-ZONING, OF THE CODE OF THE CITY OF CHARLOTTE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, THAT

Section 1 Appendix A-Zoning § 1629 9 5, "Citations", shall be amended by deleting in its entirety the second complete paragraph of § 1629 9 5 beginning with the words "If the warning citation" and ending with the words "with these provisions " and substituting in lieu thereof a new second paragraph to read as follows

"If there has not been compliance with the warning citation, then a citation in the amount of fifty dollars ($50 00) may be issued Each day shall constitute a separate violation and a new citation may be issued for each day of a continuing violation This citation shall inform the violator that a civil complaint or criminal summons will be filed if the citation is not paid within fifteen (15) days of the date of the citation The director shall have the authority to void any citations if the offender has taken corrective action satisfactory to the director and/or Commission to ensure compliance with these provisions "

Section 2 This Ordinance shall become effective upon adoption

Approved as to form

City Attorney