AGENDA

Meeting Type	B
Date:	12-03-1981

City of Charlotte, City Clerk's Office

Charlotte

Public Service & Information Department
City Hall, 600 E Trade Street
Charlotte, North Carolina 28202
704/374 2395

Meetings in December '81

DECEMBER 1 - DECEMBER 5

1	Tuesday, 4 00 p m.	PUBLIC PRESENTATION FOR TRANSIT/PEDESTRIAN MALL IDEAS Chamber of Commerce, Action Center
	Tuesday, 7 30 p m.	PLANNING COMMISSION Cameron-Brown Building, First Floor Conference Room
2	Wednesday, 7 30 a m.	COMMUNITY FACILITIES COMMITTEE Ramada Inn, 600 S Kings Dr , Fifth Floor, Gold Room
	Wednesday, 9·00 a m	CIVIL SERVICE BOARD/HEARING (Closed) City Hall, Council Chamber
	Wednesday, 4.30 p m	COMMUNITY RELATIONS COMMITTEE - Covenant Presbyterian Church, 1000 E Morehead Street
3	Thursday, 6.00 p m.	SPECIAL CITY COUNCIL MEETING - City Hall, Council Chamber

THE WEEK OF DECEMBER 6 DECEMBER 12

7	Monday, 7 00 p.m	SWEARING IN CEREMONIES FOR MAYOR AND CITY COUNCIL Spirit Square, Performance Place, RECEPTION FOLLOWING Discovery Place
8	Tuesday, 8 00 a.m	HISTORIC DISTRICT COMMISSION - Edwin Towers, First Floor Conference Room
	Tuesday, 9 00 a.m	CIVIL SERVICE BOARD/HEARING (Closed) City Hall, Council Chamber
	Tuesday, 11 00 a.m.	AUDITORIUM-COLISEUM-CIVIC CENTER AUTHORITY Civic Center Conference Room
	Tuesday, 7 30 p m	CHARLOTTE TREE COMMISSION Park Operations Conference Room, 701 Tuckaseegee Road
9	Wednesday, 8 00 a.m.	AIRPORT ADVISORY COMMITTEE Douglas Municipal Airport, Airport Manager's Office
	Wednesday, 9 00 a m.	CIVIL SERVICE BOARD/HEARING (Closed) City Hall, Council Chamber
	Wednesday, 12 Noon	COUNCIL/MANAGER LUNCHEON/Policy Issues Briefing City Hall Annex, Training Center
	Wednesday, 7 30 p m.	HISTORIC PROPERTIES COMMISSION City Hall, Second Floor Conference Room
10	Thursday, 4 15 p.m.	CLEAN CITY COMMITTEE/Orientation Social Cameron Brown Building, Fifth Floor Conference Room

THE WEEK OF DECEMBER 13 - DECEMBER 19

14	Monday, 12 Noon	PLANNING COMMISSION (Work Session) Cameron-Brown Building, First Floor Conference Room
	Monday, 2 00 p m	CITIZENS HEARING City Hall, Council Chamber
	Monday, 3.00 p m.	CITY COUNCIL MEETING - City Hall, Council Chamber
	Monday, 3 00 p m	CONTINUATION OF PUBLIC HEARING ON UNENCUMBERED FUNDS & PROGRAM INCOME OF THE CITY'S COMMUNITY DEVELOPMENT PROGRAM City Hall, Council Chamber
15	Tuesday, 12 Noon	INSURANCE & RISK MANAGEMENT AGENCY - Education Center, Room 237
	Tuesday, 2 00 p m	HOUSING AUTHORITY 1301 South Boulevard
	Tuesday, 3 00 p.m	COMMUNITY FACILITIES COMMITTEE Utility Dept Conference Room, 5100 Brookshire Blvd
16	Wednesday, 8 30 a m	CIVIL SERVICE BOARD City Hall, Third Floor Conference Room
	Wednesday, 9 30 a m	CIVIL SERVICE BOARD/HEARING City Hall, Council Chamber
	Wednesday, 4 00 p.m.	EDUCATION SUBCOMMITTEE OF THE COMMUNITY RELATIONS COMMITTEE Community Relations Conference Room, 623 E Trade Street
	Wednesday, 7 00 p m	COMMUNITY DEVELOPMENT DEPT PERFORMANCE HEARING City Hall, Council Chamber
17	Thursday, 3 00 p.m	SPECIAL MEETING OF CITY COUNCIL TO CONSIDER LOAN APPLICATIONS/THIRD & FOURTH WARD LOAN PROGRAMS City Hall, Council Chamber
	Thursday, 4 00 p m.	ELECTRICAL ADVISORY BOARD City Hall Annex, Building Inspection Conference Room

(Continued)

THE WEEK OF DECEMBER 20 - DECEMBER 26

21	Monday, 6.00 p m.	CITY COUNCIL MEETING/ZONING HEARINGS Education Center, Board Room
24	Thursday	CITY HALL CLOSED FOR CHRISTMAS HOLIDAYS
25	Friday	CITY HALL CLOSED FOR CHIRSTMAS HOLIDAYS

DECEMBER 27 - DECEMBER 30

28	Monday	NO CITY COUNCIL MEETING
	Monday, 7 00 p m.	SPECIALIZED TRANSPORTATION ADVISORY COMMITTEE Belmont Regional Center, 700 Parkwood Avenue

Charlotte

IN SPECIAL MEETING ON THURSDAY, DECEMBER 3, 1981

5 00 P M. - Refreshments
Second Floor Conference Room

6 00 P M. - Council Meeting
Council Chamber
City Hall

ITEM NO

1 Invocation by the Reverend Terry L. Hammill, Mouzon United Methodist Church

2 Resolution extending sympathy and honoring the memory of Police Officer Edmond N Cannon

3 Consideration of approval of minutes of the Council Meetings on Monday, November 16 and Monday, November 23, 1981

POLICY AGENDA

Community & Economic Development

4 Decision on Petition No 77-16 by John Dwelle for a change in zoning from R-9 and R-6MF to B-2 several parcels of land fronting on the east side of Baldwin Avenue, fronting on both sides of Waco Street, located northeast from Kings Drive

A protest petition has been filed sufficient to invoke the 3/4 Rule requiring nine affirmative votes of the Mayor and City Council in order to rezone the property

(continued)

council agenda

Mayor Eddie Knox Mayor Pro Tem Betty Chafin

L David Berryhill, Jr
Don Carroll
Tom Cox, Jr
Charlie Dannelly
Laura Frech
Ron Leeper
Pat Locke
George K Selden, Jr
Herbert Spaugh, Jr
Minette Conrad Trosch

4 (continued)

The Planning Commission recommends the petition be denied except change to O-6(CD) an area extending approximately 190 feet away from the business zoning on Kings Drive

Attachment No 1

5 Decision on Petition No. 78-14 by George and Mary Kesiah for a change in zoning from R-6MF to B-1 property fronting the north side of Rozzelles Ferry Road, about 900 feet southeast from the intersection of Rozzelles Ferry Road and Hoskins Road.

The Planning Commission recommends the petition be denied.

Attachment No 1

6 Decision on Petition No. 78-43 by Mr James Hill for a change in zoning from R-12 to B-2(CD) to accommodate an auto repair garage on property fronting the west side of Delta Road, approximately 2,800 feet south of the Delta Road and Hickory Grove Road intersection

The Planning Commission recommends the petition be denied.

Attachment No. 1

7 Decision on Petition No 79-23 by Dr and Mrs. Thomas H. McMillan for a change in zoning from R-15 to O-15(CD) of an 11.29 acre tract fronting 548 feet on the south side of Fairview Road and 855 feet on the westerly side of Providence Road

A protest petition has been filed sufficient to invoke the 3/4 Rule requiring nine affirmative votes of the Mayor and City Council in order to rezone the property

The Planning Commission recommends the petition be approved for R-15MF(CD) in accordance with the most recently presented site plan

Attachment No. 2

8 Decision on Petition No 80-12 by Charlotte-Mecklenburg Planning Commission to amend the text of the zoning ordinance to permit "Governmental Operational Yards", in B-3, B-D, I-1 and I-2 Districts, and as a Special Use in other non-residential districts

The Planning Commission recommends the petition be denied

Attachment No 2

9 Decision on Petition No 80-50 by Vincent J. Cardinal for a change in zoning from R-9 to R-9MF of a 942 acre parcel fronting the south side of Shamrock Drive beginning about 200 feet west of Flamingo Avenue.

A protest petition has been filed and found sufficient to invoke the 3/4 Rule requiring nine affirmative votes of the Mayor and City Council in order to rezone the property.

The Planning Commission recommends the petition be approved for R-9MF(CD) in lieu of the requested R-9MF to accommodate a duplex structure.

Attachment No 2

10 Decision on Petition No. 81-24 by Alif Lotfi for a change in zoning from R-9 to R-9MF of a 3.46 acre tract of land fronting approximately 924 feet on the west side of Milton Road across from Perth Court

The Planning Commission recommends the petition be denied.

Attachment No 2.

11 Decision on Petition No 81-26 by Lyndell D Thompson for a change in zoning from R-9MF and R-9 to O-15 of three parcels totaling 1 33 acres located on the south side of Albemarle Road, and the east side of Grafton Place.

A protest petition has been filed and found sufficient to invoke the 3/4 Rule requiring nine affirmative votes of the Mayor and City Council in order to rezone the property

The Planning Commission recommends the petition be approved for O-15(CD) in accordance with the site plan submitted

Attachment No. 2.

12 Decision on Petition No 81-48 by Grand Cafe, Inc for a change in zoning from O-6 to B-1 of a 04 acre parcel located about 230 feet off the east side of Providence Road, in the block bounded by Fenton Place and Altondale Avenue

A protest petition has been filed sufficient to invoke the 3/4 Rule requiring nine affirmative votes of the Mayor and City Council in order to rezone the property

The Planning Commission recommends the petition be approved.

Attachment No. 2

13. Decision on Petition No 81-49 by James C Breneman for a change in zoning from R-6MF to B-2 of a 344 acre parcel fronting 100 feet on the east side of Landis Avenue, about 90 feet south of Hamorton Place

The Planning Commission recommends the petition be denied.

Attachment No 2

14 Decision on Petition No 81-52 by Placo Development for a change in zoning from R-12 to R-12MF(CD) of a 2.05 acre tract located at the northwest corner of Randolph Road and Wendover Road

A protest petition has been filed sufficient to invoke the 3/4 Rule requiring nine affirmative votes of the Mayor and City Council in order to rezone the property.

The Planning Commission recommends the petition be approved based on a revised site plan which reduces the total number of units on the site to eight

Attachment No 2

15 Decision on Petition No 81-58 by Joseph M Griffin, Trustee, for a change in zoning from B-1SCD to B-1 for a 6 29 acre tract located at the southeast corner of the intersection of York Road and Longdale Drive, with frontages of 412 79 feet on York Road, 494.60 feet on Longdale Drive, and 205 74 feet on Arrowood Road

The Planning Commission recommends the petition be approved

Attachment No 2

16. Decision on Petition No. 81-59 by Anil B Dholakia for a change in zoning from O-15 to B-1 of a 5.99 acre tract fronting 340 feet on the north side of Nations Ford Road, about 300 feet northwest of the intersection of Nations Ford Road and Interstate 77

The Planning Commission recommends the petition be approved.

Attachment No. 2.

ITEM NO.

17 Decision on Petition No. 81-60 by C B. Moore Heirs for a change in zoning from R-9 to R-12MF(CD) for a 145 acre tract fronting both sides of Marsh Road approximately one half mile west of the intersection of Park Road and Marsh Road

A protest petition has been filed sufficient to invoke the 3/4 Rule requiring nine affirmative votes of the Mayor and City Council in order to rezone the property

The Planning Commission recommends the petition be approved with the site plan as amended

Attachment No. 2

18 Decision on Petition No. 81-61 by Evans Development Company, Inc for a change in zoning from R-15 to R-15MF(CD) of a 16 29 acre tract fronting 569 95 feet on the south side of Sharon View Road on the west side of Swan Run Branch.

A protest petition has been filed sufficient to invoke the 3/4 Rule requiring nine affirmative votes of the Mayor and City Council in order to rezone the property

The Planning Commission recommends the petition be approved.

Attachment No 2.

19 Decision on Petition No. 81-62 by First Colony Corporation for a change in zoning from R-15 to O-6(CD) for a 6 5 acre tract fronting 600 feet on the north side of Fairview Road, about 600 feet east of the intersection of Fairview Road and Sharon Road

The protest petition which was filed invoking the 3/4 Rule has been withdrawn, and the 3/4 majority vote of City Council is no longer required

Based on a motion to approve, the Commission reflected a tie vote which means the matter is transmitted to City Council with a discussion of both viewpoints

Attachment No 2

20 Decision on Petition No 81-63 by Walter P Watson for a change in zoning from R-15MF, R-9 and O-6 to O-15(CD) of a 12 507 acre tract fronting 459 49 feet on the north side of Monroe Road approximately 180 feet west of the intersection of Monroe Road and Glendora Drive

The Planning Commission recommends the petition be approved.

Attachment No 2

21 Decision on Petition No 81-64 by John Crosland Company to consider an R-20MF Site Plan Amendment for a 5.74 acre tract fronting on the north side of Quail Hollow Road and the west side of Quail Forest Drive

The Planning Commission recommends the petition be approved

Attachment No. 2

22. Decision on Petition No 81-65 by Calvin B. Baird and Emory H. and Marilyn T Blanton for a change in zoning from R-15 to R-12MF(CD) for a 9 4 acre tract fronting 865 feet on the south side of Sardis Road, approximately 565 feet west of the intersection of Sardis Road and Rama Road.

A protest petition has been filed sufficient to invoke the 3/4 Rule requiring nine affirmative votes of the Mayor and City Council in order to rezone the property

The Planning Commission did not feel it had sufficient information in front of it to present a final recommendation to the City Council It is placing the matter back in front of City Council without a specific recommendation in order that Council may dispose of the matter if it wishes or defer for a future Council's consideration.

Attachment No. 2.

23 Decision on Petition No. 81-66 by Marzie Godfrey for a change in zoning from R-15 to B-1 for a 1 6 acre tract fronting 440 feet on the north side of Fairview Road, approximately 150 feet from the intersection of Fairview Road and Sharon Road.

A protest petition has been filed sufficient to invoke the 3/4 Rule requiring nine affirmative votes of the Mayor and City Council in order to rezone the property

The Planning Commission recommends the petition be approved for O-6(CD) in lieu of the original B-1

Attachment No. 2

24 Decision on Petition No. SUP 81-3 by St. Andrews Lodge No. 702 for consideration of a Special Use Permit approval for a fraternal organization in an R-9 zoning district on a 93 acre parcel fronting 150 feet on the north side of Tuckaseegee Road, approximately 397 feet east of the intersection of Tuckaseegee Road and Brown Avenue

(continued)

24 (continued)

The Planning Commission recommends the Special Use Permit be approved.

In making the decision, City Council may use the Findings of Fact as set out by the Planning Commission

Attachment No 2

25 Consideration of a resolution calling for adoption of the Albemarle Road Neighborhood Plan to be used as a general policy guide in land use decisions by both the private and public sector

Attachment No. 3

26. Recommend the following actions to establish a Local Development Company to help small businesses secure long term financing for capital improvements and fixed assets by working with local banks and other lending institutions

(a) Adopt a resolution of the City Council creating a private non-profit Small Business Administration 503 Certified Local Development Company, and appointing a minimum of 25 board members

If City Council adopts this resolution, nominations could be received at the next regularly scheduled business meeting on December 14, 1981.

(b) Adopt a budget ordinance transferring funds in the sum of $5,200 from general fund contingency to the Office of Special Projects to finance start-up operation of the Certified Development Corporation (CDC).

Attachment No. 4

Policy Formulation & Administration

27 Consideration of an appointment to the Charlotte Historic District Committee

The following nominations have been made

1) Professor Eric Sauda, nominated by Councilmember Carroll
2) H Joe King, nominated by Councilmember Berryhill

BUSINESS AGENDA

28. Recommend the following actions to acquire land for development of a public parking lot in accordance with the approved Central-Plaza Avenue Plan Both property owners have refused to accept offer from the city

(a) Adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to L & S Fashion Shops, Inc , located at 1520 Central Avenue

(b) Adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to City Electric Company of Charlotte, Inc , Gary A Watts Realty, Inc , and A Stuart McKaig, Trustee, and Bruce D Thompson, Beneficiary, located at 1233 Thomas Avenue

Attachment No 5.

29. Recommend award of contract to the low bidder, Ellington Building Corporation, in the amount of $15,686, on a lump sum price basis for Grier Heights Community Development Area bus shelter construction.

Attachment No 6

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- ADDENDUM -

ITEM NO

30 Recommend approval of a loan to W Edward Myrick, Jr and Suellen Myrick, in the amount of $97,500, for permanent financing to purchase property at 310 West 8th Street, in the Fourth Ward Redevelopment Project Area

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Attachments

#1 (1)

DATE October 18, 1977

PETITION NO. 77-16

PETITIONER(S) John Dwelle

REQUEST Change from R-9 and R-6HF to B-2

LOCATION East of Baldwin Avenue and northeast of Kings Drive

ACTION The Commission recommends that the petition be disapproved except for changing to O-6(CD) an area extending approximately 190 feet away from the business zoning on Kings Drive

VOTE Yeas: Curry, Ervin, Kirk, Marrash, Royal, Tate and Tye.

Nays: Campbell. (Jolly and Broadway abstained from voting.)

REASONS: This request was initiated as a proposal to change to B-2 an extremely irregular shaped parcel of land which had some frontage on Baldwin Avenue along both sides of Waco Street and even extended to the rear of some lots facing Henley Place. As was discussed at the time this matter was heard at public hearing, the Community Development Department was preparing a plan for the Cherry Community and the use of this property in its entirety for commercial purposes would certainly be contrary to the overall objectives of that planning process. It would provide for the extension of commercial interests into a segment of the Cherry neighborhood which would be closely associated with efforts to stabilize the residential environment for this vicinity. Therefore, the Planning Commission early in the process identified that much of the proposal as presented would be contrary to the evolving development plan for this neighborhood and decided to defer action on the petition until the development plan process could be resolved. Subsequent to that deferral, the petitioner determined that he could utilize the property on Kings Drive now zoned for business purposes if he was granted the right to use a portion of the subject property for off-street parking purposes. After a considerable amount of discussion, the petitioner presented a plan which is now receiving the favorable recommendation of Planning Commission.

This plan proposes to erect an office building on the Kings Drive/Baldwin Avenue intersection portion of this property which is already zoned for business purposes. In addition, it proposes to expand and extend an off-street parking

area behind lots fronting on Baldwin Avenue and extending approximately 190 feet away from the existing business-zoned line. This plan has been reviewed by the Community Development Department and found to be compatible with their general objectives for the vicinity It would still leave sufficient land along Waco Street at Ellison Street to perhaps encourage new residential development to occur which would be oriented back to the Cherry neighborhood and thus this development could be somewhat isolated from the Cherry area and related more significantly to Kings Drive The petitioner has agreed to the zoning of the property as O-6(CD) and has filed the required plan to limit the use of his property to an off-street parking facility It should be noted that a majority of the original request would be recommended for disapproval

In voting on this recommendation, Rev Campbell opposed its approval out of continued concern for the Cherry area and the influence which this type of usage could have on the immediate vicinity. Mrs. Jolly abstained from voting because, while she did not necessarily disagree with the planned use of the property, she believed that those persons speaking at the public hearing in opposition should have an opportunity to respond to this proposal.

#12

DATE March 20, 1978

PETITION NO. 78-14

PETITIONER(S) George and Mary Keziah

REQUEST Change from R-6MF to B-1

LOCATION Property on the northerly side of Rozzelles Ferry Road, 900 feet southeast of Hoskins Road

ACTION The Commission recommends that this petition be denied

VOTE Yeas Campbell, Jolly, Harrash and Tye

Nays Curry, Kirk and Tate (Mr. Broadway and Mr. Royal abstained from voting)

PERSONS: This petition requests rezoning of a lot on the northerly side of Rozzelles Ferry Road about mid-block between McGee Street and Hoskins Road from R-6MF to B-1 in order to continue to operate a television repair business. The business has been established in a residential structure in violation of use restrictions for the district. The property owner had been notified of the violation and accordingly, seeks rezoning.

The property is located within a residential area that is subject to a number of adverse urban forces. Rozzelles Ferry Road is an older thoroughfare leading to the northwestern portion of the City. Seaboard Coastline Railroad runs along the southwesterly margin of Rozzelles Ferry Road. Both sever this area from residences to the southwest. Brookshire Boulevard (N.C. 16) is northeast of the property and also forms a barrier to those residences to the northeast. Thus, the subject site and adjoining residences exist as an enclave bounded by the railroad, Hoskins Road, Brookshire Boulevard and McGee Street.

However, in spite of adverse conditions, the residences within this enclave have continued for many years. The structures, though old, do provided needed housing. The subject site is located at the very center of this enclave. Rezoning to B-1 may be interpreted as a signal for abandonment of the entire length of this segment of Rozzelles Ferry Road and could ultimately result in a business strip extending well beyond Hoskins Road. Such a pattern would significantly alter the relationship of this area to the extended neighborhood.

The Planning staff is presently carrying out a total study of zoning in relation to the Comprehensive Plan This is a major project and will not be completed during this calendar year However, the study will address such critical areas as this and will propose appropriate districting and requirements to achieve the goals of the Plan Because the subject site is so critical to the fate of the entire enclave, the Commission does feel that it is appropriate to retain the present zoning until the overall zoning study is completed For these reasons, the Planning Commission does recommend that the petition be denied

Rozzells Ferry Road Study

Background

As requested by the Planning Commission, a study of Rozzells Ferry Road between Hoskins Avenue and I-85 was conducted. Because of the nature of the request, the study area was expanded to include the area bordered by Hoskins Avenue, Brookshire Boulevard (Hwy. 16), I-85, and the Seaboard Railroad. The request included a check of the land use, and possible alternative uses, if any, that should be allowed in this area. The request originated with rezoning petition 78-14 by George and Mary Keziah which involved a rezoning from R-6MF to B-1 to allow for a television repair shop.

The development on the street presents a solid single family residential front except in three places - the intersection of North Hoskins and Rozzells Ferry which is business, the intersection of Linwood and Rozzells Ferry which contains a vacant warehouse and a vacant lounge, both zoned for business, and the subject property of the petition which is zoned R-6MF, but used for a TV repair shop. These uses are all on the easterly side of Rozzells Ferry. The westerly side, bordered by the railroad track is all zoned and developed single family. The zoning on the easterly side is a mixture of business and multi-family. Business zoning stretches for two blocks from I-85 to North Crigler Street. Multi-family zoning extends from North Crigler to a half block from North Hoskins, where business again picks up to the intersection

Analysis

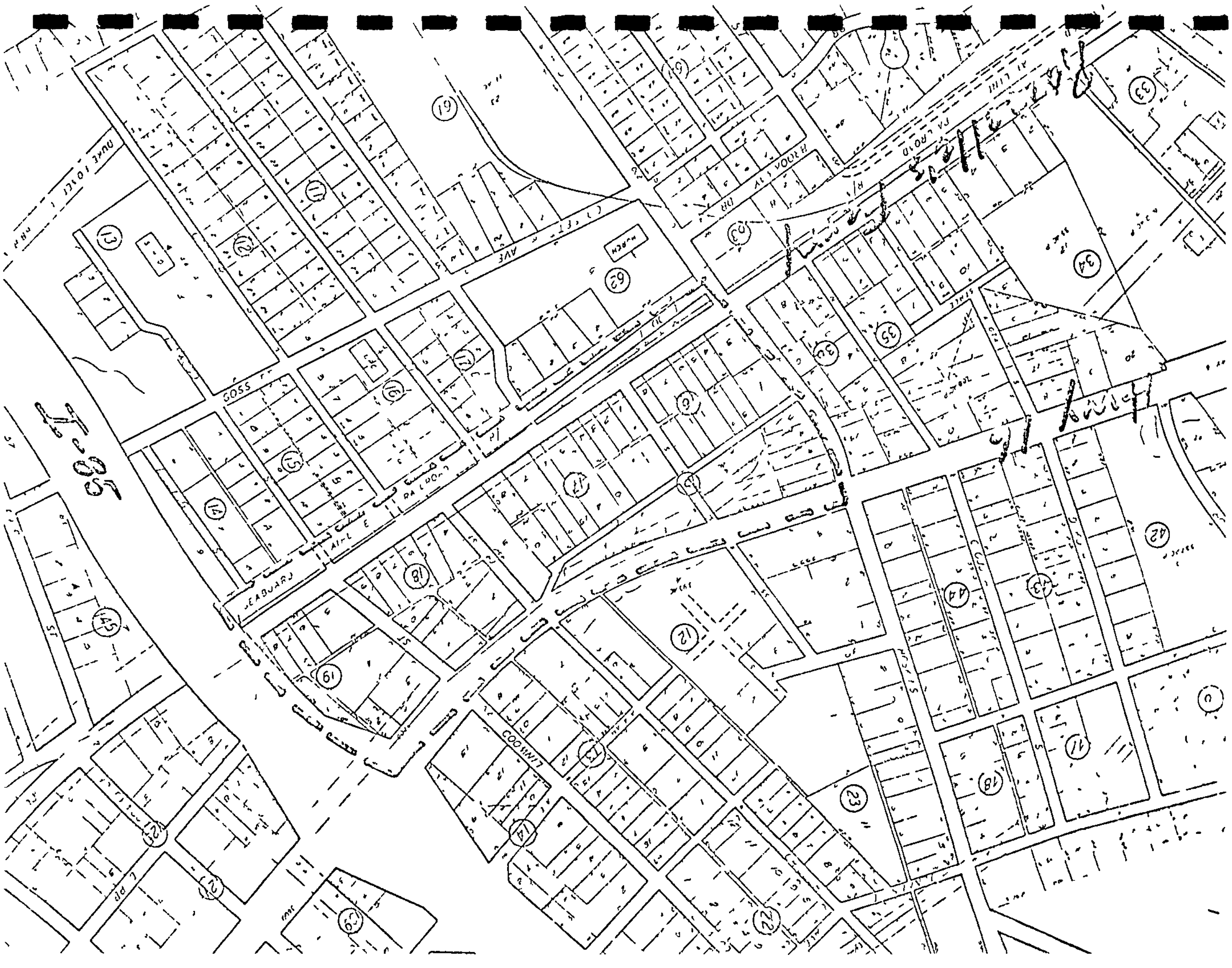
The Hoskins area is a neighborhood of low to moderate income housing, and, although deteriorating provides an extremely valuable housing stock in the city. Last year staff members of the Planning Commission and the Community Development Department met with the Hoskins neighborhood at City Council's request to assess the needs of the neighborhood. Council at that time desired to fund some sort of program to assist the neighborhood, but lacked the funds. If the Community Development Act of 1974 is extended beyond 1980 Hoskins will most likely receive a commitment of funds from the program.

The City Council has gone on record in support of saving the low and moderate income housing stock when it can be. In support of that, the Planning Commission should do what it can to prevent the destruction of housing such as is located along this segment of Rozzells Ferry Road.

The question was also raised about this segment of Rozzells Ferry being zoned for business. Business zoning and development already exists along North Hoskins Avenue and Brookshire Boulevard. Several of the buildings are presently vacant and several parcels zoned business are vacant. Over two blocks of the subject property has been zoned for business since 1962, and only three parcels, two of which contain vacant structures, have been developed. There is clearly no need for additional business zoning at this time. In fact the Commission may want to consider rezoning part of the business property on Rozzells Ferry to multi-family to prevent any further business encroachment in the area, and thus hold the structures for a future community development program.

In addition, the Comprehensive Plan calls for this area to remain residential in character. Therefore, because of the reasons stated above the portion of Rozzells Ferry Road between I-85 and North Hoskins Avenue should not be zoned for any alternative zoning at this time.

This study was requested by Lee Curry on 4/10/78.
Study was approved by Planning Commission on 5/31/78


DUKE TOWER
GOSS
AVE
HYDE PARK
PA LINE
COOLIDGE
STREET
SEABOARD
ALLEY
LINWOOD
STREET
DR
ST
AVE

#1 (3)

DATE September 25, 1978

PETITION NO. 78-43

PETITIONER(S) James Hill

REQUEST Change from R-12 to B-2(CD) for an automobile repair garage

LOCATION Property fronting the west side of Delta Road about 2800' south of the Delta Road and Hickory Grove Road intersection

ACTION The Planning Commission recommends that this petition be denied

VOTE Yeas. Broadway, Campbell, Culbertson, McCoy and Tye
Nays Curry, Kirk and Tate.
(Mr. Royal abstained)

REASONS:

This petition requests rezoning of property located on the west side of Delta Road from R-12 to B-2(CD) for an automobile repair garage Development within this area is scattered and generally single family R-12 single family predominates the area for both the City and the County jurisdictions with commercial opportunities focused on the intersection areas of Delta Road with Albemarle Road and with Hickory Grove Road. Land occupied by the Charlotte Aircraft Company has been conditionally zoned R-20MF for multi-family development This zoning was established in 1972, but there are no known intentions for development in the near future

Delta Road is a designated major thoroughfare and provides an essential link between the eastern portions of the community and the university area The state is just completing the long planned for realignment joining Delta Road and Idlewild Road north just south of Albemarle Road The Comprehensive Plan 1995 indicates that land along Delta Road should continue to develop for low density residential uses

The petition requests rezoning to B-2(CD) in order to improve and expand an existing, nonconforming automobile repair garage. The site is slightly less than one acre in area and extends back from Delta Road over 350 feet There are now on the property a house and carport plus three accessory buildings The house is the principal residence of the petitioner Except for the house and perhaps the carport, the nonconforming repair activity occupies most of the property There are typically 30 or more vehicles on the site The plan proposes removal of the existing 20 foot by 28 foot garage and replacing it with a new 40 foot by 50 foot garage. A total of 14 parking spaces would be provided, four of which are within the proposed garage and two within the existing carport behind the house Of the 14 spaces, three are designated for

employees' parking and 11 are for vehicles being serviced. Screening would be installed around the perimeter of the property from the house back to and around the rear lot line.

The Planning Commission in recommending denial of this petition recognizes that this activity as a nonconforming use may continue as presently operated with no zoning action. The goal of the nonconforming policy is that the property, over time, would move toward greater conformity with the zoning policy for the overall area The petition, then, in essence, requests that this policy be set aside and the property be officially recognized for commercial purposes. However, there are several features concerning the petition which the Commission believes to be incompatible with the overall zoning and land use policy for this area First, the automobile repair activity is not a type of use which, even through conditional zoning, can be considered compatible with the surrounding residential property. It should be noted and underscored that the purpose of the conditional zoning is to provide an alternative procedure for those " .instances where a general zoning district designation is clearly inappropriate for a certain property but a specific use permitted under that district and subject to restrictive conditions would be consistent with the spirit and objectives of . " Zoning Ordinance Approval of the petition would suggest the installation of "screening" is all that is needed to assure compatibility of a heavy commercial activity with adjoining residential areas

Second, the Commission would point out that the property has access to Delta Road on the inside of a definite curve of this thoroughfare and at a point where site distances are relatively short and therefore dangerous. Because of this fixed feature, it cannot be said that safe and convenient access is provided to the property.

Third, the Planning Commission notes the distinction between the actual number of vehicles presently on the site and that shown on the proposed plan. The plan provides for only half the cars now on the site. While it may be suggested that the petitioner intends to substantially reduce the number of vehicles, enforcement of this type standard is extremely difficult, for such would require continuing periodic inspection.

Finally, as a matter of detail, it should be noted that for residentially used property the Zoning Ordinance permits only one principal building per lot. That is, where there is a single family dwelling on a lot, that dwelling is to be the only principal structure. Even if the property is zoned for a business classification, the proposed automobile repair garage represents a second principal building on this site and is in conflict with this general requirement of the Zoning Ordinance In fact, if the property were now zoned simply B-2, it would not be possible to initiate the principal commercial use without first ceasing the residential use.

It will be noted that the Planning Commission recommendation as presented here is not unanimous. A minority significant number of the membership have expressed concern that the applicant be supported in view of his long number of years of service and operation at this location These members generally feel that the conditional zoning would provide for the improvement and continued use of the property without adversely impacting the area or encouraging additional similar petitions

In summary, however, a majority of the Planning Commission does feel that the proposed

zoning is not consistent with the overall development goals for this portion of the city. Access to the site is marginal and the scope of the operation is perhaps understated. For these reasons, the Planning Commission does recommend that the petition be denied.

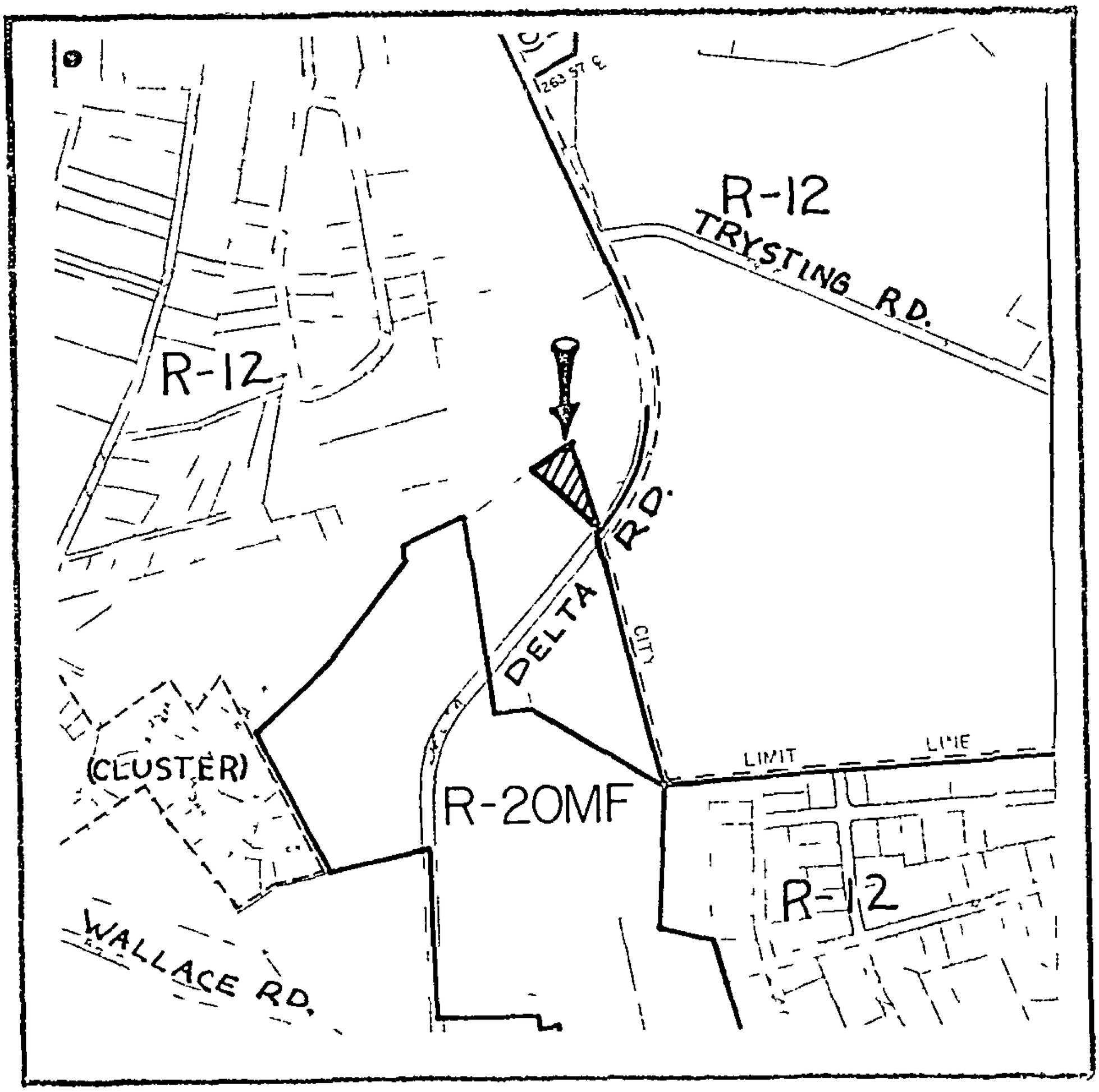
PETITIONER James Hill

PETITION NO. 78-43 HEARING DATE 8/21/78

ZONING CLASSIFICATION, EXISTING R-12 REQUESTED B-2(CD)

LOCATION Property fronting the west side of Delta Road about 2 800 feet south of the Delta Road and Hickory Grove Road intersection

Approx. 0.8 acre



ZONING MAP NO. 45 SCALE 1" = 800'

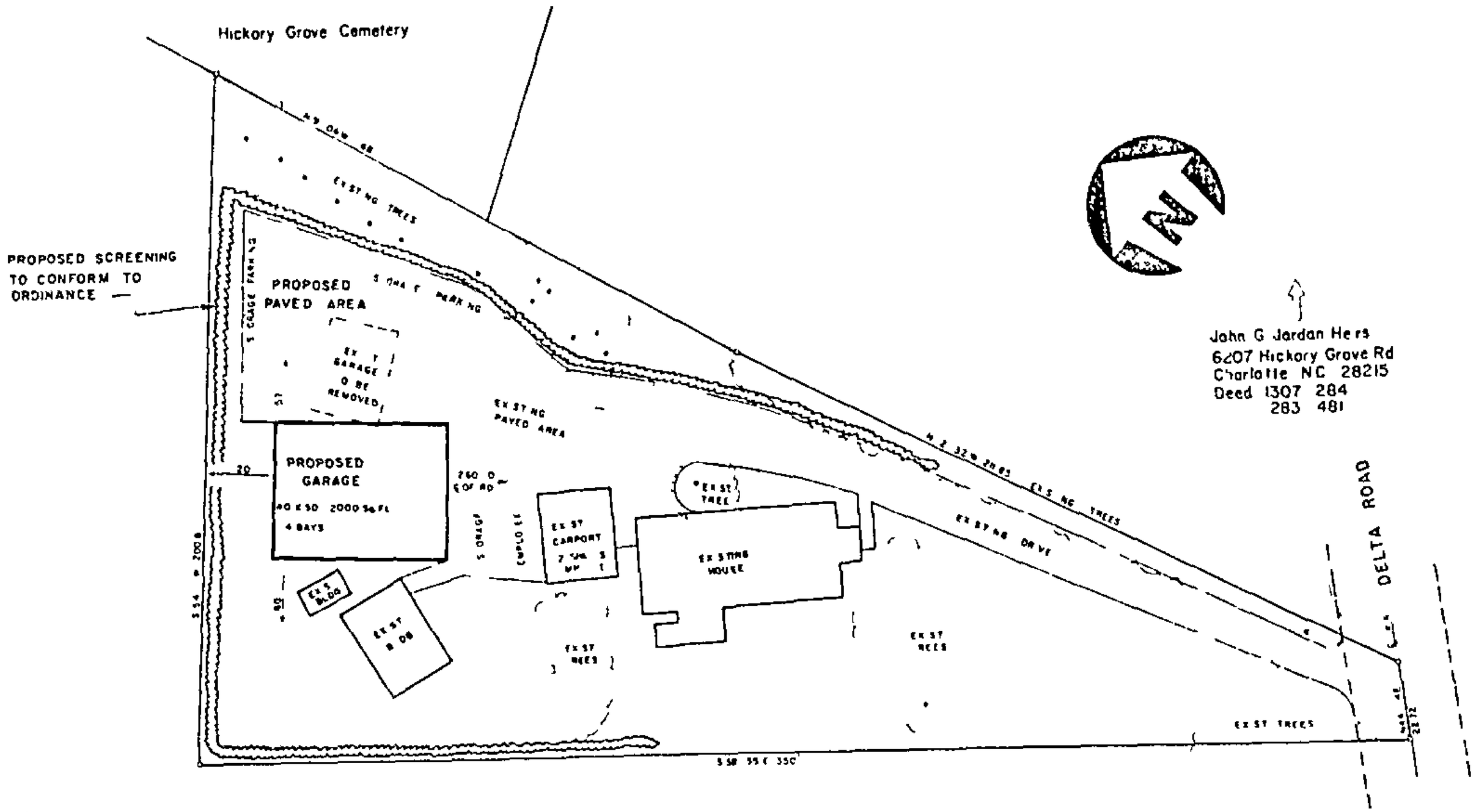
PROPERTY PROPOSED FOR CHANGE

PARKING REQUIRED

1 Space per car stored
1 Space each employee

No of employees — 3
No of cars stored — 11

Parking spaces provided 14



John G Jordan Hers
6207 Hickory Grove Rd
Charlotte NC 28215
Deed 1307 284
283 481

Fred Stewart
PO.Box 25752
Charlotte NC 28212
Deed 2339 348

Proposed Auto Repair Garage On

The James L. & Eloise Hill Property

Existing Non-conformance R-12 To Parallel Conditional B-2

6057 DELTA ROAD CHARLOTTE NORTH CAROLINA DEED 1485 153 SCALE 1" = 20

MARTIN R CRAMTON JR
Planning Director

CHARLOTTE-MECKLENBURG PLANNING COMMISSION

CAMERON BROWN BUILDING
301 SOUTH McDOWELL STREET
CHARLOTTE, NORTH CAROLINA

November 13, 1981

Mayor Eddie Knox
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members:

Attached you will find a large number of zoning recommendations which have been arrived at by the Charlotte-Mecklenburg Planning Commission. These recommendations have been arrived at in a series of meetings held by the Planning Commission with the objective of presenting to you findings and recommendations on all zoning matters which have been heard by the present Council in order that determination related to each of them may be arrived at by you prior to the Council reorganization on December 7, 1981. A majority of these recommendations relate to petitions which were heard at public hearing on October 19, 1981, but several reflect matters heard prior to that time and deferred for various reasons.

According to the adopted rules of procedure, these recommendations will be sent to the interested parties with a time period for the conveyance of any written statement set to elapse on November 25, 1981. This will then permit these matters to be placed on your agenda for consideration of decisions at a special meeting which I understand you will establish for December 3, 1981.

If you have any questions or wish to discuss any aspect of these recommendations, please let me know.

Respectfully submitted,

Fred E. Bryant

Fred E. Bryant,
Assistant Planning Director

FEB:dmb

Attachments

DATE November 9, 1981

PETITION NO. 79-23

PETITIONER(S) Dr. and Mrs. Thomas M. McMillan

REQUEST Change from R-15 to O-15(CD)

LOCATION 11.29 acres at the southeasterly corner of Providence Road and Fairview Road.

ACTION The Planning Commission recommends that the petition be approved for R-15MF(CD) in accordance with the most recently presented site plan.

VOTE Yeas: Boyce, Culbertson, Cummings, Curry, Ervin, Evans, McCoy, Jernigan & Trotter

Nays: None.

REASONS:

This request involves an original proposal to rezone this property to an office classification but has undergone a series of adjustments and plan proposals and the current recommendation represents the fourth plan which has been considered. The full description of all plans presented including the latest one is contained in the following discussion.

The following issues associated with this request can be identified:

1. Changes in residential land use concepts. What changes are occurring in consideration of residential land use relationships, both as to housing types and densities?

2. Area considerations. How does this proposal relate to immediate, as well as more removed, surroundings? What are its advantages and disadvantages in this respect?

3. Physical design. Does this proposal incorporate physical design features which satisfactorily relate to both on site and surrounding conditions?

4. Future effects. If approved, what influence would this change have on future land use questions in the vicinity?

5. Broad community interest. Does this proposal reflect overall community needs and interest in land use planning?

In arriving at the answers to the above issues, the following facts should be considered:

1. Land use and zoning history of area. The area around the intersections of Providence Road, Sardis Road and Fairview Road (formerly Carmel Road) has had a long and sustained involvement with land use and zoning questions. The 1960 general plan indicated originally the desirability of a neighborhood retail center around this intersection. This was subsequently removed from the plan after substantial opposition to early requests for commercial recognition of specific properties. Over a period of time, a number of requests for rezoning have been considered with only a few having been approved, 1) a request for office zoning to build a bank at the intersection of Sardis and Providence, and 2) a request to zone a parcel on Providence Road B-1 in order to replace a nonconforming commercial structure. Additionally, a substantial amount of attached housing has developed in this area, taking advantage of multi-family zoning which was applied as a zoning follow up to the 1960 plan. Beyond these areas, the overall vicinity is characterized by high quality single family residential development.

2. Land use and zoning history of subject site. The subject parcel has shared in the history of zoning considerations for the general vicinity having gone through several past requests for rezoning which have, to this point, been denied. Prior to the present petition, these requests however have involved proposals for business and shopping center usage of the tract. The property at the present time is occupied by a large, single family structure with the remaining land being landscaped as part of that facility.

3. Physical setting of site. The subject property is at the intersection of Fairview Road and Providence Road, both of which are major traffic carriers and part of the thoroughfare system. Other corners of that intersection have been used for non single family purposes with a bank being located on one corner and zoned O-15 with the other two corners being occupied by attached housing projects zoned R-15MF. The subject parcel, therefore, is the one remaining segment of that intersection which is still restricted to single family residential zoning. Other immediate existing land uses include a single family residence and a church across Providence Road, a single family structure adjacent on Providence and a single family structure adjacent on Fairview Road. Densities of the two existing attached housing projects related to the subject intersection is approximately 11 units per acre for Carmel on Providence and approximately 12 units per acre for the Essex.

4. Current proposal. In 1979, this petition was originally filed associated with the site plan indicating office development of this site proposing a total of 209,000 square feet of office space. Subsequent to that public hearing, the Planning Commission indicated to the petitioner that it did not believe that it was proper land use planning to consider that type of development for this site. In an interval following the process of refinement of a combination use plan for the site which proposed 100,000 square feet of office space and 70 attached housing units. This, in effect, was therefore a mixed use plan which proposed to arrange and relate the office portion of the use to the intersection in a diagonal fashion with gradual diminishing residential densities from there to the rear of the property Due to the utilization of underground parking,

almost 60% of the entire site was proposed for open space under that plan process. After additional public hearings, the Planning Commission recommended approval of that particular plan of development but City Council determined they could not find the plan acceptable and instructed the petitioner to consider additional usage of the property based on all residential expectations. After considerable time, another proposal was submitted for consideration which constituted the third plan proposed under the original zoning petition. This plan consisted of 192 units of housing to be contained in a circular building pattern with building heights ranging from single story to a maximum of six stories. The plan called for underground parking and the existing house on the site would be retained for possible use as a club facility for tenants of the project

The latest plan and one which is receiving a favorable recommendation from the Planning Commission consists of a proposal to develop the property in relation to R-15MF densities and standards with a maximum of 135 units of attached housing to be placed on the site. This reflects a density of approximately 12 units per acre with most of the structures being placed on the internal portion of the property with parking and a circular trafficway around the outside. Additionally, extensive berming and screening would occur in order to separate the development from both adjoining streets and the adjacent properties.

5. Traffic factors. The initial all office proposal would have, it was estimated, incurred a traffic generation factor of 2,570 to 2,800 trips per day. The second, mixed use proposal, was estimated to involve development which would have generated 1,650 to 1,840 trips per day. The first all residential proposal has been estimated to generate approximately 1,350 trips per day. The current proposal which reduces the number of residential units to 135 would generate approximately 950 trips per day and would have access at one point from Providence and at one point from Fairview Road.

The following general findings can be arrived at:

1. Comprehensive Plan. The Comprehensive Plan generally indicates residential usage in the vicinity of the subject property at a 0 - 6 units per acre density. Statements within the plan itself, however, indicate sites such as that involved in the proposal to be eligible for consideration of higher density activities which would be particularly relevant in the subject instance since other nearby properties are already committed to higher density activities. The Essex is developed at 12 units per acre and Carmel on Providence at 11 units per acre.

2. Transportation Plan. The subject property is located at the intersection of two major arterials shown on the Thoroughfare Plan and in a location suitable for provision of substantial transit service.

Based on the above issues, facts and general findings, the following detailed findings may also be made

1. Formulation of development concepts evolving from communitywide discussion of planning goals and objectives indicate that new perspectives relative to develop-

ment density and housing types are indicated for the future.

2. Concerns involving energy consumption and economic factors related to the cost of housing indicate that a broader range of housing types and density allowances must be recognized in a variety of locations and circumstances.

3. Higher than single family residential densities in appropriate locations can increase transit opportunities and usage, thus relating to the energy concerns.

4. In some circumstances, higher densities can make a quality design feasible from an economic perspective resulting in a more pleasing environment for the overall area.

5. In relation to development which has already occurred in the immediate vicinity, it would appear that density considerations for the subject parcel could appropriately relate to 12 units per acre if justified by good design and building relationships in scale with adjoining properties.

6. Since the current proposal involves development at approximately 12 units per acre, careful consideration must be given to the design element of the project to determine if it is indeed warranted.

7. Since there is an immediate property relationship of the subject parcel to single family uses, the building scale and design features should relate satisfactorily to that type of usage.

8. Based on statements supplied with earlier versions of the planned usage for this site which generated a higher level of traffic than the current proposal, it can be concluded that the indicated level of traffic generation at the site as proposed will be within acceptable limits.

9. Storm water runoff must be controlled through the appropriate detention facilities as required by ordinance, thereby water effects to the area as a result of utilization of this site should be minimal.

10. The plan which has been submitted for consideration is comparable in density to development already in place on two adjacent corners of this intersection and reflect a considerably more generous building setback relationship to the intersection than do either of those developments.

11. The plan as conceived effectively utilizes the natural terrain features of the site in order to minimize visual and physical impact on nearby single family properties.

12. By using three story structures set in the terrain in such a manner as to reflect a two story front and three story rear, density has been accumulated without a large amount of ground coverage.

13. In comparison to a recently approved innovative housing R-20MF project, this plan reflects less ground coverage involving buildings and parking than does that plan which consists primarily of single family detached housing.

14. At first concluding that some non-conventional single family detached use is

appropriate for the subject property, the currently submitted plan presents an acceptable usage pattern for the subject property, both in relation to adjoining properties and overall community objectives.

15. By recognizing a higher density development for the subject property, further breakdown in the general development pattern for the area would not be supported since no other properties have the exact relationship to the major intersection as indicated by this site. Any additional site proposed for similar development would have to be evaluated on its own design merits and should not be influenced by the existence of development on the subject property.

16. Overall community interest (such as energy concerns, feasible economic development of land, improved development costs through higher densities and increased accessibility to transit) must be taken into consideration in reviewing this type of development proposal. Continued restriction for single family use of the subject property would not appear to present a reasonable development alternative in view of its location and relation to other development in the vicinity. In this respect, broad overall community based objectives must be considered which can conflict with the immediate desires of adjoining property owners.

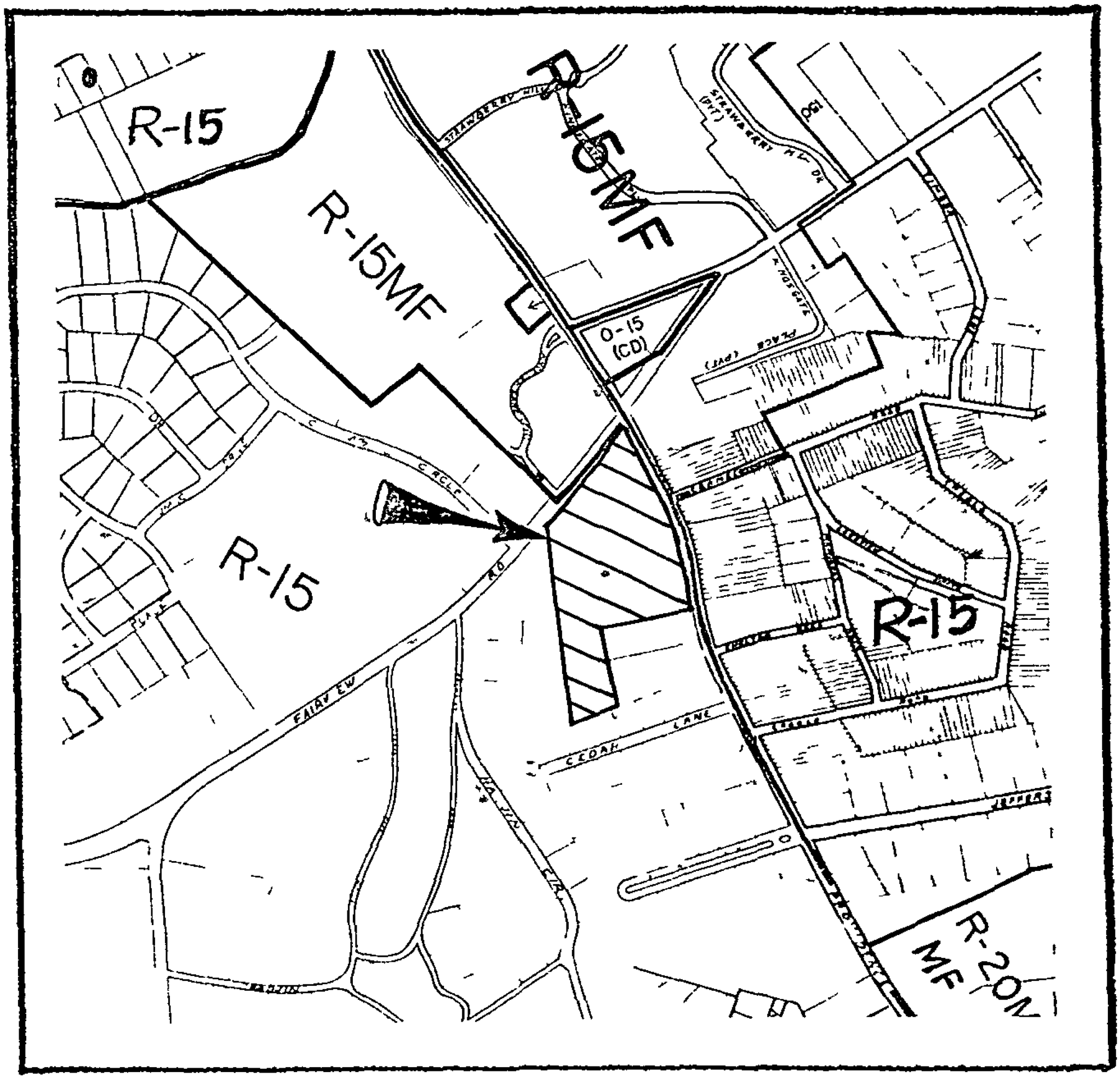
Based on the above findings, the Planning Commission recommends that the petition be approved for R-15MF(CD) in lieu of the originally requested O-15(CD).

PETITIONER Dr. & Mrs. Thomas M. McMillan

PETITION NO. 79-23 HEARING DATE August 24, 1981

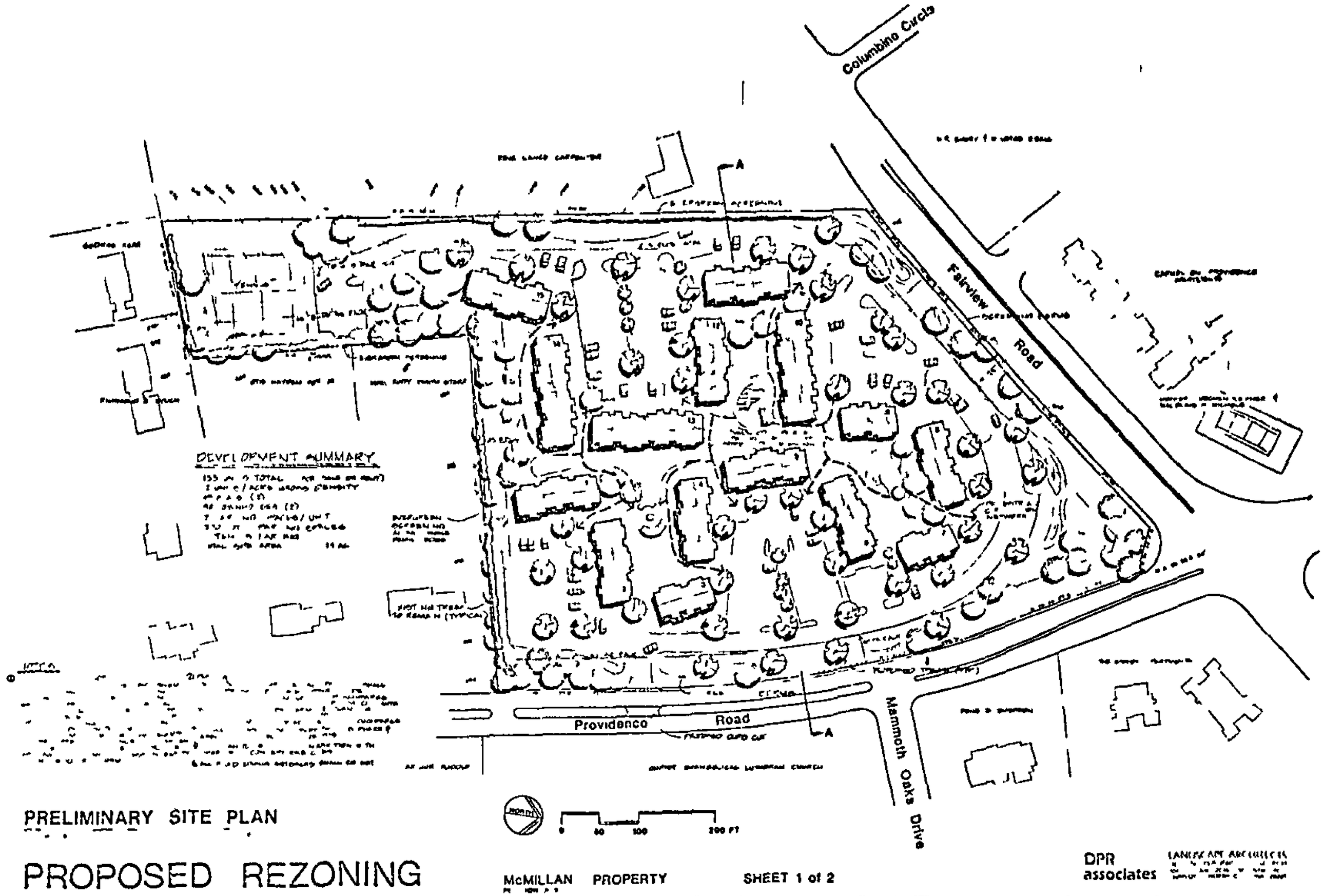
ZONING CLASSIFICATION, EXISTING R-15 REQUESTED O-15(CD)

LOCATION A 11.29 acre tract fronting 548 feet on the southerly side of Fairview Road and 855 feet on the westerly side of Providence Road.



ZONING MAP NO. 28 SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE



PRELIMINARY SITE PLAN

PROPOSED REZONING

McMILLAN PROPERTY

SHEET 1 of 2

#2 (2)

DATE April 21, 1980

PETITION NO. 80-12

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Amend the text of the zoning regulations to permit a wider district choice in locating governmental operational yards

LOCATION

ACTION The Planning Commission recommends that the petition be disapproved.

VOTE Yeas: Broadway, Culbertson, Curry and Royal.

Nays: Ervin, Cummings and McCoy.

REASONS:

This petition involves consideration of an amendment to the text of the zoning ordinance which would broaden the opportunity for location of governmental operational yards. At the present time, the government operational yard which includes a facility for maintenance and service, storage or distribution of materials, equipment or manpower related to the discharge of governmental service functions is allowed only under an I-2 heavy industrial zoning category. In discussing with the staff of several operating departments, it was determined that this places difficult choice in being able to relate the location of such service facilities to the actual area which is needed to be served. Therefore, it was determined that an ordinance would be proposed for consideration which would broaden the opportunity of locating these facilities by expanding them as a permitted by right in I-1, B-3, B-D and I-1 districts. At the same time, it was proposed to offer the opportunity of locating them in office, institutional and business districts provided a special use permit was approved.

After consideration of this matter, the Planning Commission recommends that the request be disapproved primarily due to concern about having this type of use recognized in many areas where other open storage uses would not be appropriate. It was agreed that the imposition of special use permit consideration would involve a considerable amount of procedure which perhaps would not be justified by the overall results obtained. Some concern was expressed that care needed to be exercised not to offer government unusual opportunities which were not available to similar uses being operated on a private basis.

It was also recognized that even though they are now restricted to I-2 zoning dis-

tricts, a request for rezoning to I-2 conditional would be possible and therefore the same results would be achieved as by considering them under a special use permit procedure.

The Planning Commission does recognize the unusal situation which government finds itself in concerning the necessity of providing services to residential areas in parcicular which are widely separated from existing industrial locations and thereby separated from the city's ability to concentrate material, equipment and manpower to provide services to them. Therefore, the Planning Commission would indicate even assuming this proposal is disapproved, it would attempt to recognize in the future this unusual situation and would view requests for I-2(CD) in somewhat of a different manner from what normal requests for rezoning would be viewed. But overall the Planning Commission does believe that the need for this change has not been strong enough to warrant amending the ordinance in the fashion which is proposed.

ZONING ORDINANCE
TEXT AMENDMENT APPLICATION
CITY OF CHARLOTTE

Petition No. 80-12

Date Filed 3/5/80

Received By Steve Horton

OFFICE USE ONLY

Article No. I, III — Various (Title)

Division No. — Various (Title)

Section No. 23-2, 23-31, 23-36 — Various

Purpose of Change:

To permit "Governmental Operational Yards" in B-3, B-D, I-1 and I-2 Districts and as a Special Use in other non-residential districts.

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commissio
Name of Petitioner(s)

301 South McDowell Street
Address of Petitioner(s)

374-2205
Telephone Number

Signature

DATE October 22, 1981

PETITION NO. 80-50

PETITIONER(S) Vincent J. Cardinal

REQUEST Change from R-9 to R-9MF

LOCATION A parcel of land located in the curve of Shamrock Drive near Elkwood Circle

ACTION The Planning Commission recommends this petition be approved for R-9MF(CD) in lieu of the requested R-9MF to accommodate a duplex structure based on the circumstances indicated below.

VOTE Yeas: Culbertson, Cummings, Curry, Ervin, Evans, Jernigan, Lawing, McCoy & Trotter

Nays: None.

(Commissioner Boyce abstained since she was not on the Commission when this matter was heard)

REASONS:

In October of 1980, a public hearing was held to consider the original request for change of this property. At that time it consisted of almost an acre of land located in the curve of Shamrock Drive and was originally filed as a proposal for conventional R-9MF zoning. After the hearing, the Planning Commission deferred action on the matter and contacted the petitioner to suggest that the most appropriate way to consider rezoning of the property was under a conditional procedure. This was necessitated by the extremely critical relationship which the property has to the traffic flow on Shamrock and the need to relate development proposals to that concern.

After some time, the petitioner submitted a proposal which on December 8, 1980 the Commission recommended approval. That plan consisted of a single building containing four units of housing situated on the lot in such a manner as to protect the interest of adjoining property owners. Subsequent to that action and prior to a decision being reached by the City Council, a determination was made that a portion of the subject property would be needed if future improvement plans for Shamrock Drive were ever to be achieved. Consequently the matter was deferred pending resolution of an attempt to purchase the portion of the property which would be needed for that future improvement.

The matter has now been culminated with action by the City of Charlotte to acquire all of the petitioner's property with the exception of 14,287 square feet which is triangular in shape and located near what was the original rear portion of the prop-

erty. With that action, the original plan of usage was rendered useless and the property owner has now presented a revised plan for use of the remaining property.

The above action by the Planning Commission is now to recommend to the City Council in lieu of the original plan the conditional plan which indicates a duplex structure to be located on the remaining property with a conventional siting arrangement in relation to the street and to adjoining properties.

A copy of the recommended site plan is attached along with a copy of the original Planning Commission recommendation which cites the factors which now indicate that the property should reasonably be made available for something other than just a single family residence.

DATE December 8, 1980

PETITION NO. 80-50

PETITIONER(S) Vincent J. Cardinal

REQUEST Change from R-9 to R-9MF

LOCATION An approximate one acre parcel located on the southerly and easterly sides of Shamrock Drive near Flamingo Avenue.

ACTION The Planning Commission recommends that this petition be approved for R-9MF(CD) in lieu of the requested R-9MF.

VOTE Yeas: Culbertson, Ervin, Jernigan, Kirk, Lawing, McCoy, Mims, Royal & Trotter.

Nays: None.

REASONS:

This petition represents a proposal to rezone a single parcel of land from single family to multi-family residential. The original request was for conventional multi-family zoning but in the process of discussion, the petitioner submitted a conditional plan which is now part of the petition consideration.

The following issues associated with this request can be identified:

1. Spot zoning. Is this a situation where the zoning of one parcel is contrary to area objectives?

2. Location. Is the location of this property good for higher density usage in regards to traffic flow?

3. Alternative. Would an alternative proposal permit some use of property on a controlled basis?

In arriving at the answers to the above issues, the following facts should be considered:

1. Existing land use. The subject property is vacant at the present time but is completely surrounded by single family residential uses.

2 Existing zoning The entire area in the vicinity of the subject property is zoned R-9 single family.

3. Relationship to Shamrock Drive. The subject property is located in a curve on Shamrock Drive which is the source of some concern since Shamrock Drive carries a large amount of traffic.

4. Proposed usage. The petitioner has not indicated the exact nature of the proposed use but the subject property could accommodate as many as 14 dwelling units under the R-9MF classification. Later discussions resulted in the submission of a CD plan for four units of housing.

The following general finding can be arrived at:

1. Comprehensive Plan. The Comprehensive Plan generally indicates the area to be available for residential usage at a density of 0 - 6 units per acre.

Based on the issues, facts and general findings, the following detailed findings may also be made:

1. The property is located in an area which has a heavy commitment to single family development.

2. Driveway access from a multi-family project could be extremely hazardous due to its relationship to the configuration of Shamrock Drive.

3. A driveway to Garinger High School is located on Elkwood Circle almost at its intersection with Shamorck Drive, thus creating additional potential traffic problems for the vicinity.

4. Previous decisions have indicated this area should retain its basic single family characteristic.

5. The characteristics of a potential 14 unit multi-family project on the subject property would not be in keeping with the general character of the immediate neighborhood.

6. The detailed CD plan submitted provides a very limited use for the property which should continue to be in keeping with the area objectives.

7. An acceptable single driveway has been located on the side approved by Traffic Engineers.

8. The revised use will permit a use which can provide a reasonable amount of housing but at a basic single family density.

Based on the above findings, the Planning Commission recommends that the petition be approved for R-9MF(CD) with a site plan limiting the use to a single building with four dwelling units in it.

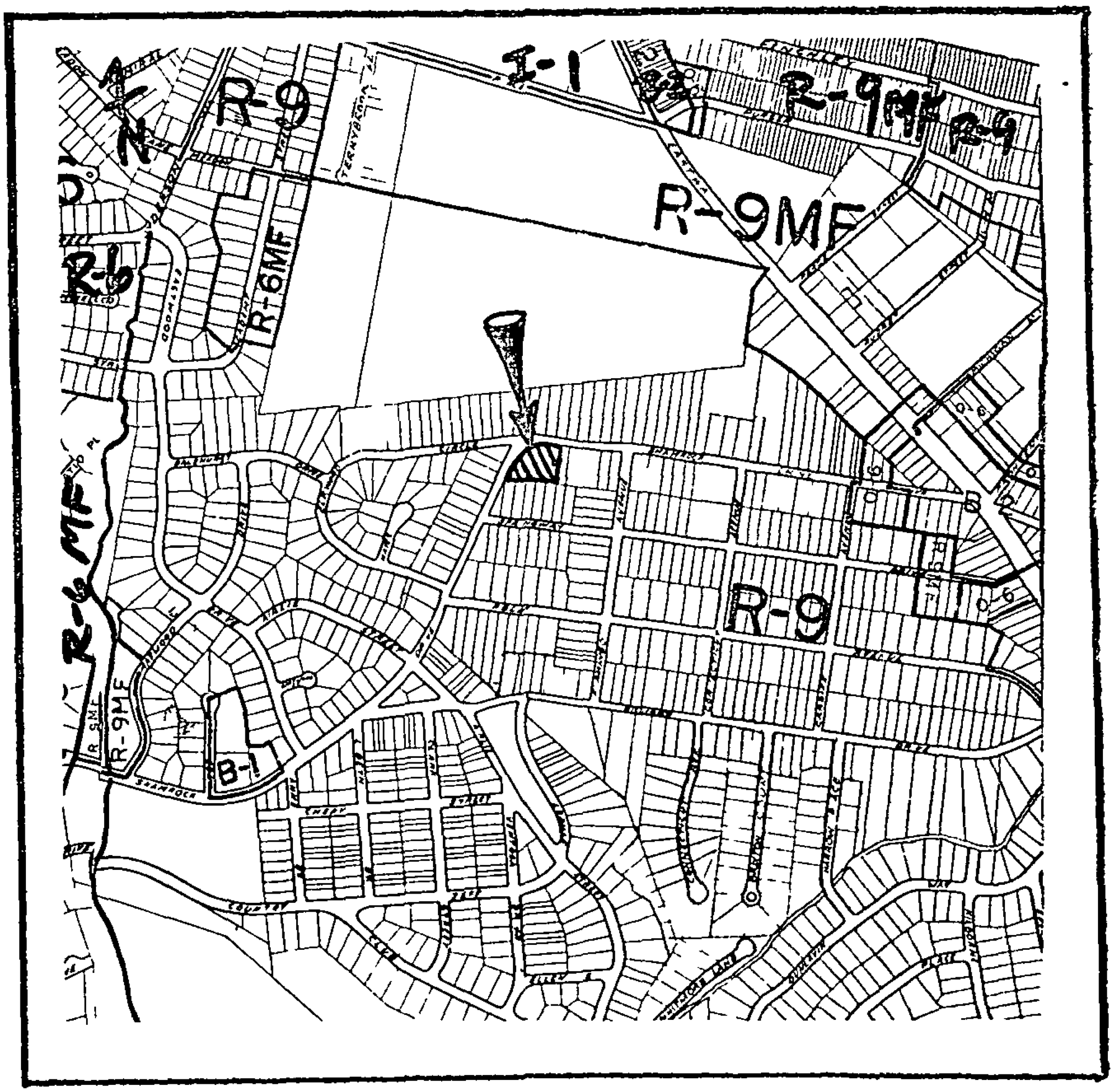
PETITIONER Vincent J. Cardinal

PETITION NO. 80-50 HEARING DATE 10/27

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

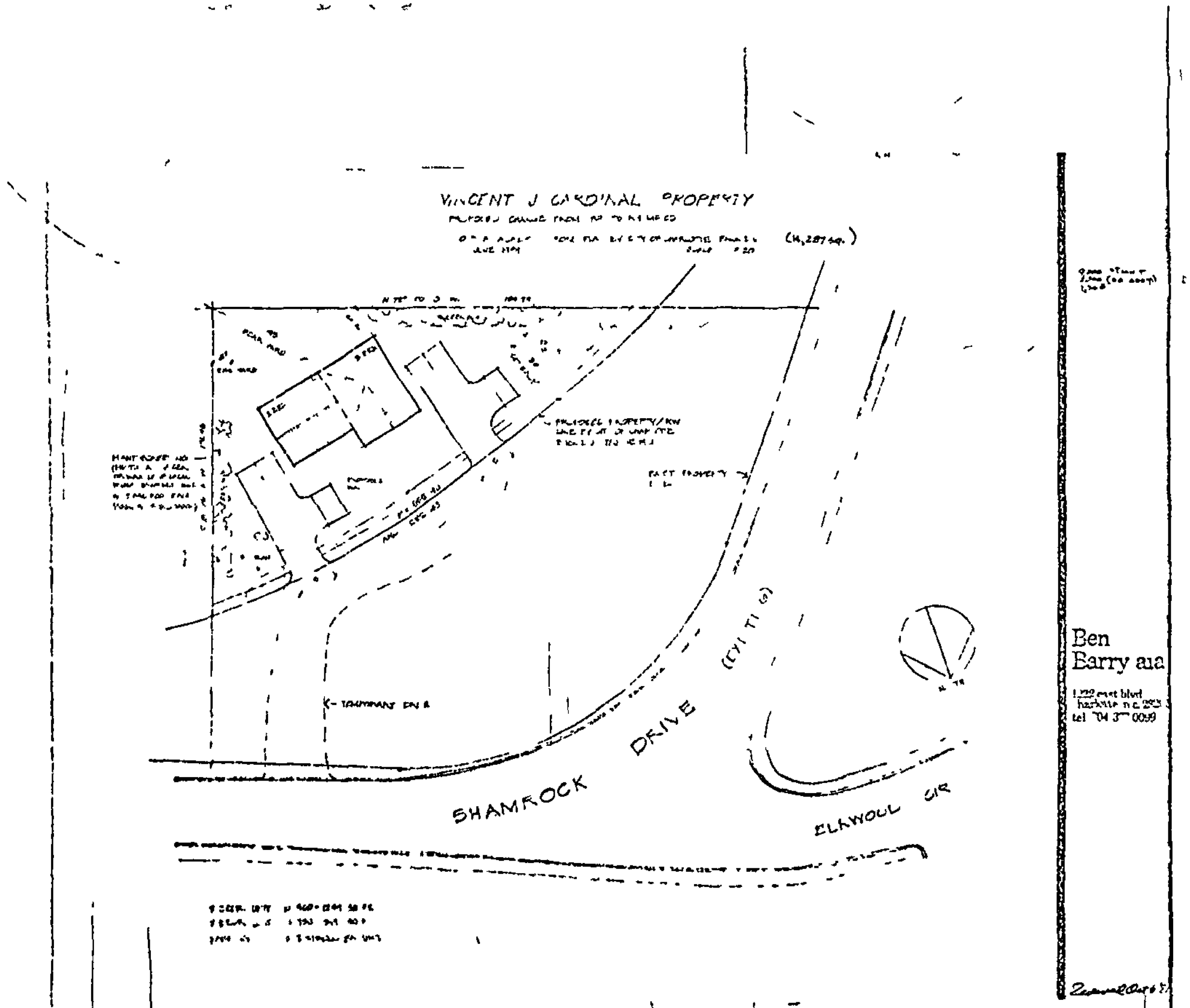
LOCATION A .942 acre parcel fronting the southerly side of Shamrock Drive beginning about 200 feet west of Flamingo Avenue.

Acreage: .942



ZONING MAP NO. 20 SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE


VINCENT J CARDINAL PROPERTY
SHAMROCK DRIVE
ELKWOOD CIR
Ben
Barry aia

DATE October 22, 1981

PETITION NO. 81-24

PETITIONER(S) Ali Lotfi

REQUEST Change from R-9 to R-9MF

LOCATION 3.46 acres fronting approximately 924 feet on the southwesterly side of Milton Road across from Perth Court.

ACTION The Planning Commission recommends that the petition be disapproved.

VOTE Yeas: Culbertson, Cummings, Curry, Ervin, Evans, Jernigan, Lawing, McCoy & Trotter

Nays: None.

REASONS: (Mrs. Boyce abstained due to the fact that she was not on the Commission when this matter was heard.)

This proposal involves a parcel of land located on Milton Road being requested for change from single family zoning to multi-family zoning.

The following issues associated with this request can be identified:

1. Relation to rea pattern. Would this request relate satisfactorily to the existing pattern of land use and zoning in the immediate vicinity?

2. Property configuration. Does the shape and size of this parcel lend itself satisfactorily to multi-family development?

In arriving at answers to the above issues, the following facts should be considered:

1. Existing zoning. The subject property is now zoned R-9 single family as is property on all sides except for facing R-9MF zoning across Milton Road. There is approved a Special Use Permit for property which is immediately to the rear to be developed for housing for the elderly, which has not been built to this point in time.

2. Existing land use. The subject property is vacant as is property to the rear. Other adjoining land uses consist of single family development to the northwest and southeast with Milton Road Apartments being located directly across Milton Road.

3. Proposal. This is a proposal to rezone the subject property from a single family to multi-family district without a specific indication of how the property will be utilized. The tract is a shallow, long parcel basically only deep enough for one tier of development.

The following general finding can be made:

1. Comprehensive Plan. The Comprehensive Plan indicates residential development at 0 - 6 units per acre in the general vicinity of the subject parcel. Obviously this objective is not currently fully being met since the adjoining property is being developed for apartments under R-9MF zoning.

Based on the issues, facts and general findings, the following detailed findings may also be made.

1. The subject property is in an area with mixed residential usage, including multi-family and single family.

2. A portion of the property is located adjacent to land which is approved for development as a home for the aged.

3. A portion of the property is related to a creek and needs to be carefully planned in order to make the best usage of it. Additionally, the parcel is long and shallow, which could encourage a more or less continuous building pattern along the street itself.

4. While some use other than single family would be appropriate for the property, there should be an opportunity to consider the density and design which might be proposed for the site in order to maximize acceptability to the overall area pattern.

5. The Planning Commission has repeatedly sought a conditional plan from the petitioner in order to adequately assess the impact of this change. No plan has been submitted.

6. The property has changed ownership since the request was filed and no indication has been received from the present owner as to the intent of usage.

Based on the above findings, the Planning Commission recommends that the petition be disapproved.

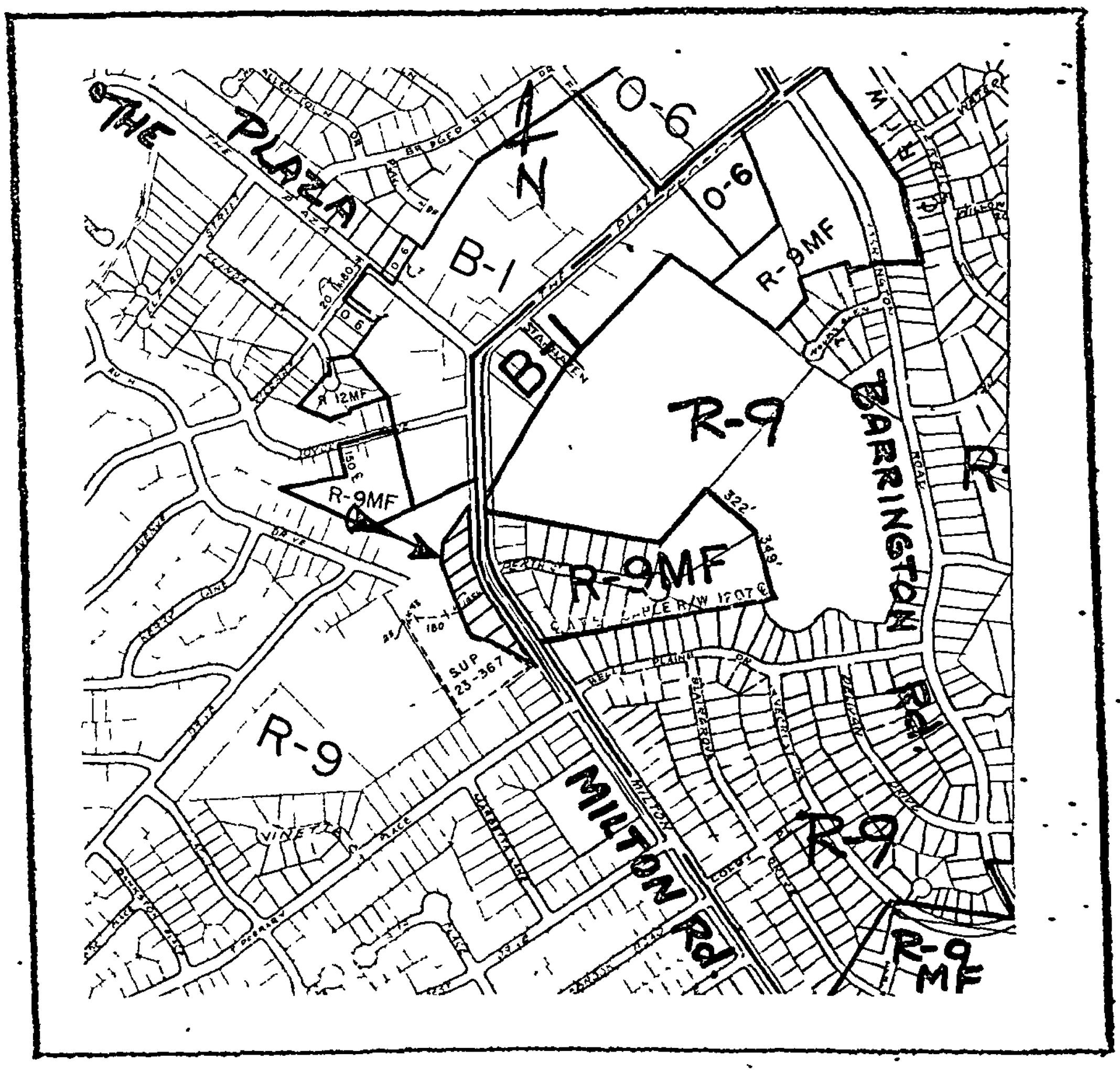
PETITIONER Ali Lotfi

PETITION NO. 81-24 HEARING DATE 4/27

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

LOCATION A 3.46 acre tract fronting approximately 924 feet on the westerly side of Milton Road across from Perth Court.

Acreage 3.46



ZONING MAP NO. 19 SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE

DATE October 22, 1981

PETITION NO. 81-26

PETITIONER(S) Lyndell D. Thompson

REQUEST Change from R-9 and R-9MF to O-15.

LOCATION 1.33 acres located at the southeasterly corner of Albemarle Road and Grafton Place

ACTION The Planning Commission recommends that the petition be approved for O-15(CD) in accordance with the attached site plan.

VOTE Yeas: Culbertson, Cummings, Curry, Evans, Jernigan, Lawing, McCoy and Trotter.

Nays: None.

REASONS: (Mrs. Boyce abstained since she was not on the Commission when this matter was heard.)
(Mr. Ervin was not present when vote was taken.)

This proposal involves a request to change from a combination of single family and multi-family residential to an office classification with the result that a conditional office classification is being recommended.

The following issues associated with this request can be identified:

1. Office expansion. Is expansion of the existing office pattern in this area reasonable in view of the total development potential of the vicinity?

2. Use control. Can a perspective use for this site be controlled to insure compatibility with Albemarle Road in the existing residential neighbors?

In arriving at answers to the above issues, the following facts should be considered:

1. Existing zoning. The portion of the subject property fronting on Albemarle Road is now zoned An R-9MF classification with a portion of the property fronting on Grafton Place being zoned R-9. The property is related to either multi-family or single-family zoning on all sides with the exception of O-15 zoning which is adjacent on the easterly side along Albemarle Road. The general pattern of zoning along Albemarle Road is either business or office with the exception of an approximate 1500 foot strip with the subject property being at the eastern extremity of that strip

2. Existing land use. The subject property is vacant at the present time as is property on either side of it with frontage relationship to Albemarle Road. There is a single family residential subdivision which joins the property to the rear and an existing apartment development (The Lake) opposite the subject property on Albemarle Road. The usage pattern generally to the east is a combination of office and various business development for a long distance. To the west, there is a combination pattern of some single family residential usage, institutional and office use before encountering the commercial uses that begin near Sharon Amity Road.

3. Area history. The general area related to the subject property is one which has not undergone a substantial development process over the last several years, partially as the result of the establishment of Eastland Mall. The traffic and development problems associated with Albemarle Road have been extensive and most recently a citizen task force has been looking at desirable land use patterns for the area, particularly as it relates to the closure of Reddman Road.

4. Immediate area setting. The subject property is actually part of a residential subdivision lotting pattern which was established many years ago with most of the subdivision having been developed for single family residential purposes with the exception of the lots along Albemarle Road. Now that these lots have remained undeveloped, the basic issue is whether or not with their direct frontage relationship to Albemarle they should be encouraged to develop residentially or would some non-residential use be preferable.

The following general findings can be made:

1. Comprehensive Plan. The Comprehensive Plan generally indicates a combination of office development and residential development at 0 - 6 dwelling units per acre in the vicinity of the subject property.

2. Albemarle Road Task Force. The Albemarle Road Citizens Task Force has proposed office use for at least the frontage portion of the subject property.

Based on the issues, facts and general findings, the following detailed findings may also be made:

1. The petitioned property is located in a general area which has predominantly been made available for non-residential usage.

2. Principal concerns involved in this request appear to relate to the potential design of a use on this site rather than to the basic office usage itself.

3. If properly designed, a reasonable office use for this site would perhaps be less disruptive to both the thoroughfare relationship and to the adjoining residential area than would a maximum density apartment development.

4. With a portion of the property intruding into the residential relationship of existing housing, site plan design becomes extremely significant.

5. A proposed conditional plan has been submitted which adequately addresses the issues of the site and meets with the approval of nearby property owners.

Based on the above findings, the Planning Commission recommends the petition be approved.

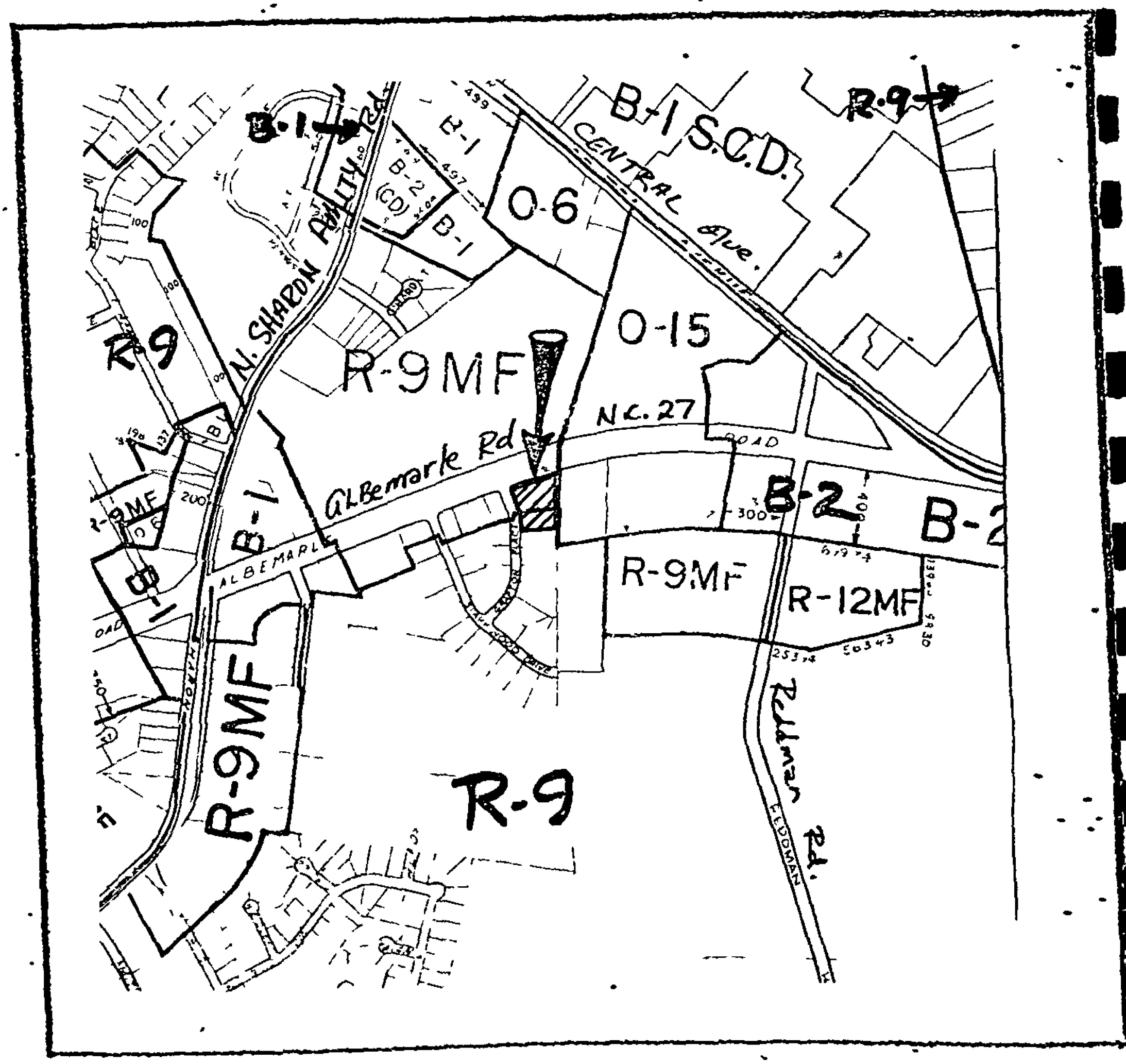
PETITIONER Lyndell D. Thompson

PETITION NO. 81-26 HEARING DATE 5/18

ZONING CLASSIFICATION, EXISTING R-9MF & R-9 REQUESTED O-15

LOCATION Three parcels totaling 1.33 acres located at the southerly side of Albemarle Road and the easterly side of Grafton Place.

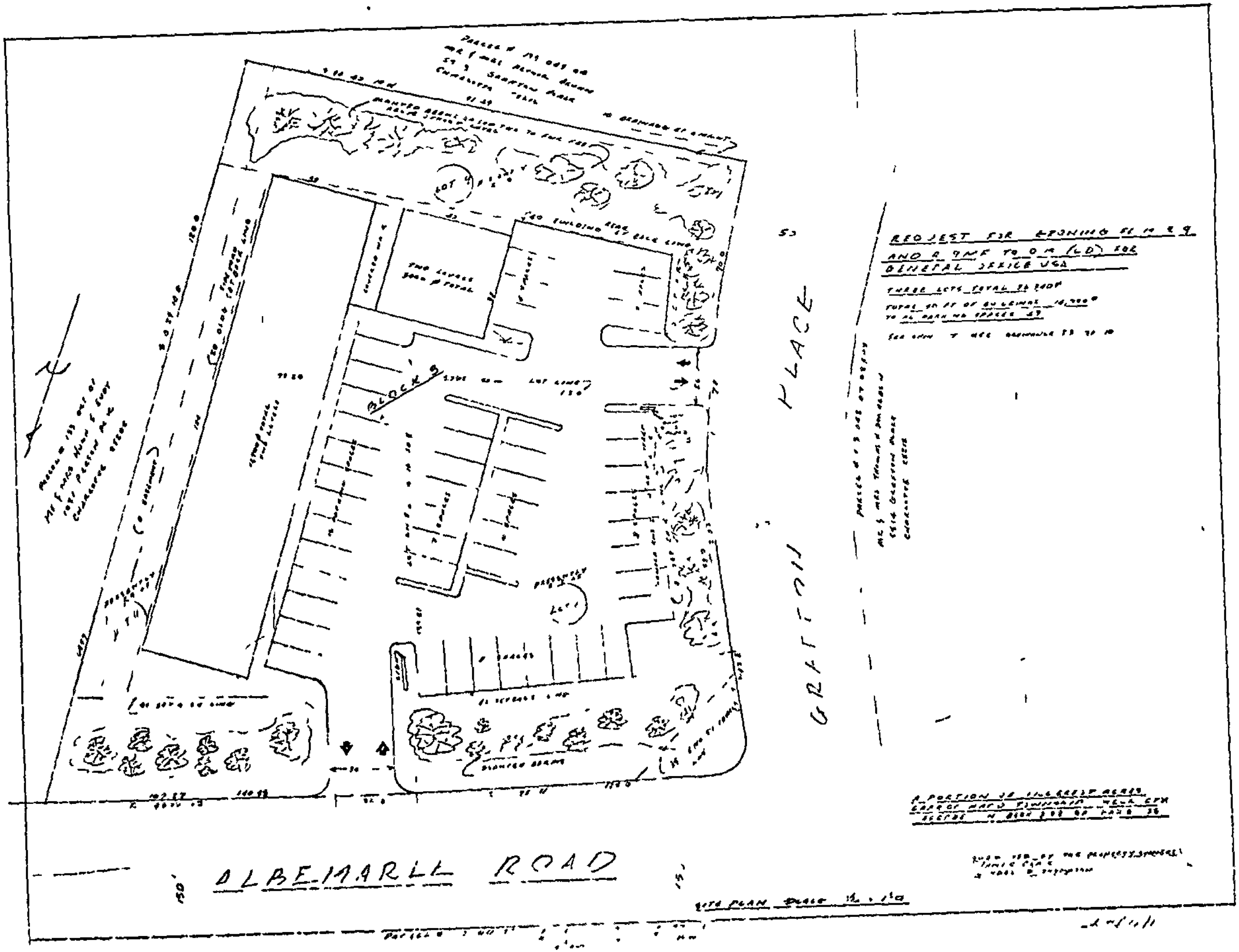
Acreage 1.33



ZONING MAP NO. 23

SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE


ALBEMARLE ROAD
BLOCK 9
PLACE
GRATTAN
REQUEST FOR REZONING
AND A TMF TO O-A (LD) FOR
GENERAL SERVICE USA
SITE PLAN

2(5)

DATE September 21, 1981

PETITION NO. 81-48

PETITIONER(S) Grand Cafe, Inc.

REQUEST Change from O-6 to B-1.

LOCATION A small triangular shaped parcel located about 230 feet east of Providence Road between Fenton Place and Altondale Avenue.

ACTION The Planning Commission recommends the petition be approved.

VOTE Yeas: Boyce, Culbertson, Curry, Evans, Ervin, Jernigan, Lawing, McCoy & Trotter.

Nays: None.

REASONS:

This proposal involves the changing of a small parcel of land from an O-6 office classification to a B-1 neighborhood retail business classification.

The following issues associated with this request can be identified:

1. Relation to adjoining uses. Does this change in a small parcel relate satisfactorily to adjoining and nearby land uses?

2. Neighborhood objectives. Does this proposed change relate satisfactorily to broader neighborhood objectives, especially in relation to vehicular traffic?

In arriving at answers to the above issues, the following facts should be considered:

1. Existing zoning. The subject property is now zoned an O-6 office classification as is a substantial amount of property surrounding it. Generally the land between the requested parcel and Providence Road is now zoned a B-1 business classification while other properties to the east along Altondale and Fenton Place are zoned R-6MF multi-family. This request constitutes a minor expansion of existing B-1 zoning into the existing O-6.

2. Existing land use. The subject parcel is part of a designated use area related to the operation of a restaurant. Specifically, it is the rear portion of a combination restaurant and retail outlet development known as El Villa. The

immediately adjoining use to the rear is parking for the subject development while other lands in the immediate vicinity are used for a combination of business and office purposes fronting on Fenton Place with residential usage located further along Fenton in the direction of Cherokee Road. A similar pattern exists along Altondale Avenue with business usage beginning at Providence, then office and then single family residential usage.

3. Request background and detail. The subject parcel has always been part of a rear yard outdoor area connected to a restaurant located in the main structure known as El Villa. Over a period of time, this area which is partially already zoned for business purposes has had some outdoor usage related to the restaurant with some tables being placed around and adjacent to a pool area. More recently, the property owner secured a building permit to erect a wooden deck area with the intent of formalizing the use of the area in conjunction with the restaurant process. In actually building the deck, an encroachment occurred into the area which is now zoned for office purposes and this constitutes a violation. This petition, therefore, seeks rezoning of the area covered by the deck which is located in the existing office d strict with the intended use of the deck to be for the serving of drinks and other items in relation to the attached restaurant operation.

4. Parking relationships. While concerns and questions have been raised from time to time concerning the parking relationship of this overall development, a recent examination by the Transportation Department, Inspection Department and City Attorney's Office indicates that even with the deck in place, off-street parking requirements of the zoning ordinance will continue to be met. According to calculations related to the seating capacity of the restaurant and the operation of other shops as they now exist in the El Villa development, 111 total parking spaces would be required whereas 113 are available.

The following general finding can be made:

1. Comprehensive Plan. The Comprehensive Plan generally recognizes commercial and office usage along Providence Road in the immediate vicinity with residential usage predominating to the east.

Based on the issues, facts and general findings, the following detailed findings may also be made:

1. The subject parcel is part of a development which has permitted the retention of an historic structure with a quality urban atmosphere.

2. The change which is proposed constitutes an internal project rearrangement instead of a substantial external one.

3. The overall proposal does not involve an increase in the allowable seating capacity of the restaurant, but reflects a shift from the original plan which recognized a primary restaurant and a smaller, secondary food service facility.

4. The change as requested will not result in a parking deficiency as has been

certified by the Building Inspection and Transportation Departments.

5. The problems which have occurred in the past with overflow parking should have been relieved with the abandonment of the smaller food service area.

6. Overall, this constitutes a minor internal change in an already developed project which should not adversely affect or impact on either immediately adjoining properties nor broader neighborhood interests.

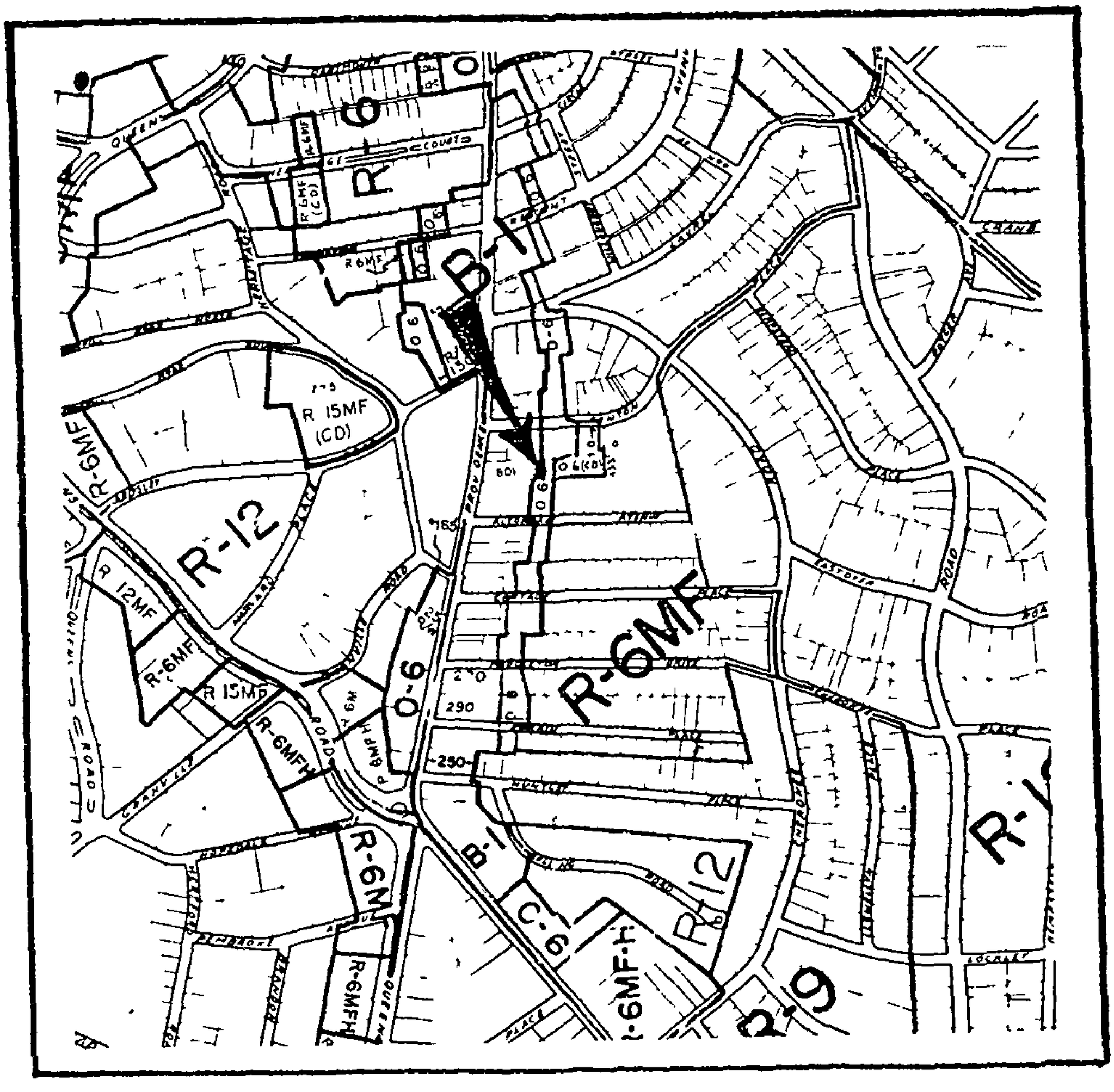
Based on the above findings, the Planning Commission recommends the petition be approved.

PETITIONER Grand Cafe, Inc.

PETITION NO. 81-48 HEARING DATE August 24, 1981

ZONING CLASSIFICATION, EXISTING O-6 REQUESTED B-1

LOCATION A .04 acre parcel located about 230 feet off the east side of Providence Road in the block bounded by Fenton Place and Altondale Avenue.


R-12
R 15MF (CD)
R-6MF
R 12MF
R-6MF
R 15MF
O-6
R-6MF
B-1
R-6MF
C-6
R-12
R-6MF
R-6MF-H
R-6MF-H
R-6MF
R-6MF
R-6MF

DATE October 22, 1981

PETITION NO. 81-49

PETITIONER(S) James C. Breneman

REQUEST Change from R-6MF to B-2.

LOCATION A single parcel of land fronting 150 feet on the easterly side of Landis Avenue between Hamorton and Central Avenues.

ACTION The Planning Commission recommends that this petition be disapproved.

VOTE Yeas: Boyce, Culbertson, Cummings, Curry, Evans, Jernigan, Lawing, McCoy & Trotter

Nays: None.

(Mr. Ervin was not present when the vote was taken.)

REASONS:

This proposal involves the consideration of a change from multi-family residential to general business.

The following issues associated with this request can be identified:

1. Area relationships. Would business zoning of this property agree with existing land use and zoning relationships within the vicinity?

2. Plan objectives. Would business zoning at this location agree with overall objectives of plans related to this area?

In arriving at answers to the above issues, the following facts should be considered:

1. Existing zoning. The subject property is zoned an R-6MF classification as is all immediately surrounding land. The nearest substantial amount of business zoning consists of frontage property along Central Avenue and there is also a small amount of O-6 office zoning near the subject property and related to the business zoning on Central Avenue. The only other non-residential zoning in the area is a B-2(CD) parcel at the corner of Hamorton and Landis which was placed there to recognize a nonconforming use which existed prior to zoning controls.

2. Existing land use. The subject parcel is vacant at the present time, is adjoined on the Central Avenue side by land which is similarly vacant and is then immed-

iately related to a combination of single family and multi-family uses on all other sides. There does exist along Landis Avenue near Central Avenue a combination of business usage as well as business activities along Central itself. A short distance to the north there does exist at the corner of Landis and Hamorton a combination of residential and used appliance repair and sales facility. This operation was there prior to effective zoning of the area and has since been recognized with a conditional zoning designation in order both to permit some change in the use and install additional control for future purposes.

The following general findings can be made:

1. Comprehensive Plan. The Comprehensive Plan generally indicates residential usage at 6 - 10 units per acre in the immediate vicinity of the subject property.

2. Neighborhood Housing Services. The subject property is located within the boundaries of the Neighborhood Housing Service project area with the chief aim of promoting residential stability in the area.

Based on the issues, facts and general findings, the following detailed findings may also be made:

1. The subject property is in a location which is either utilized for single family purposes or overall plans indicate the desirability of such uses.

2. Further extension of commercial influences away from Central Avenue would be detrimental to overall objectives for the area.

3. If this change is made, additional vacant residentially zoned land near Central Avenue would undoubtedly have to receive similar zoning treatment.

4. The objective of bringing residential stability to the area would be compromised if this change is approved.

5. No identified neighborhood need for additional commercial opportunity has been defined.

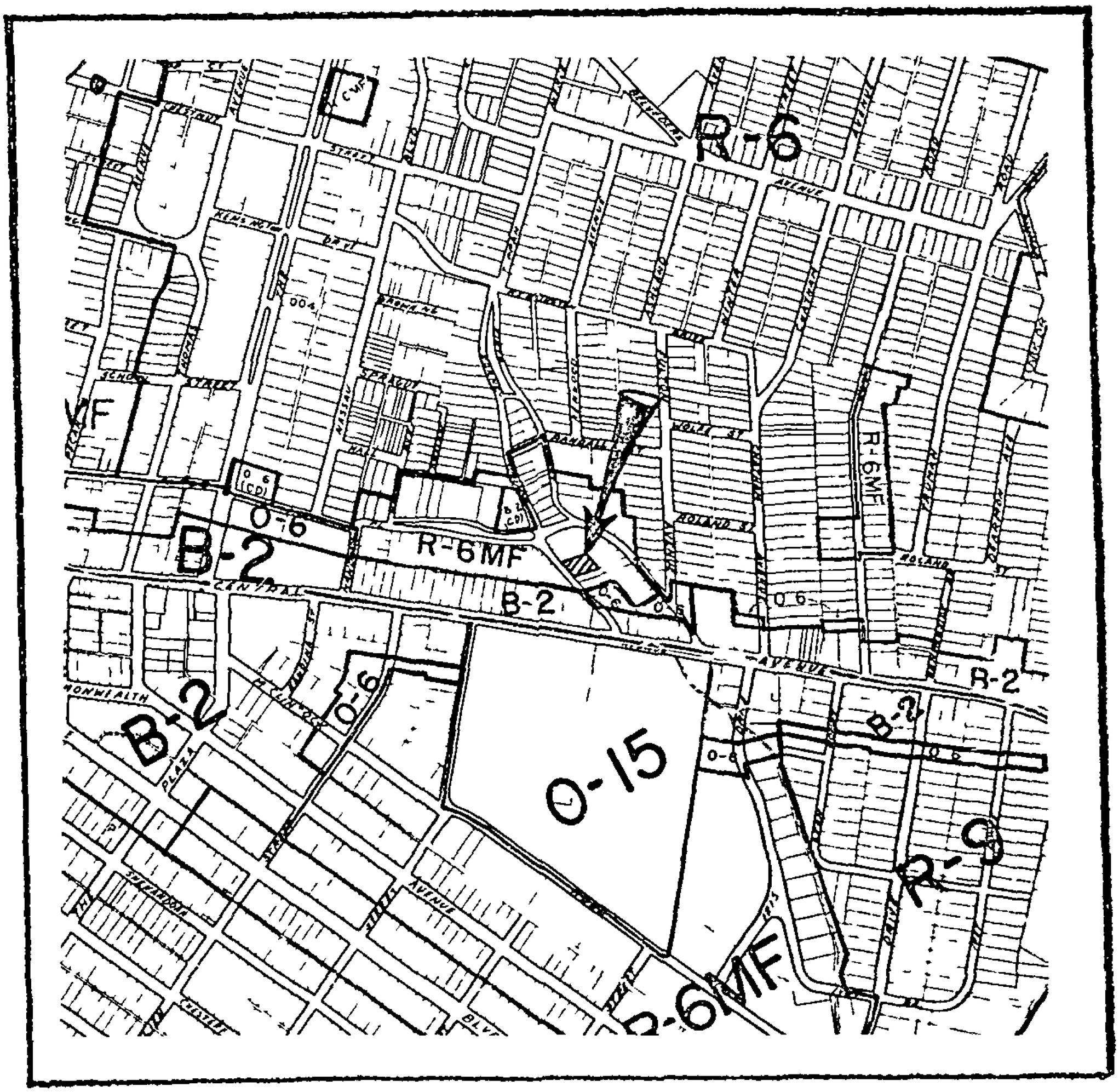
Based on the above findings, the Planning Commission recommends the petition be disapproved.

PETITIONER James C. Breneman

PETITION NO. 81-49 HEARING DATE 10/19

ZONING CLASSIFICATION, EXISTING R-6MF REQUESTED B-2

LOCATION A .344 acre parcel fronting 100 feet on the easterly side of Landis Avenue about 90 feet south of Hamorton Place.



ZONING MAP NO. 6 SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE

DATE November 9, 1981

PETITION NO. 81-52

PETITIONER(S) Placo Development

REQUEST Change from R-12 to R-12MF(CD)

LOCATION A 2.05 acre parcel located at the northwest corner of Randolph Road and Wendover Road.

ACTION The Planning Commission recommends that the petition be approved based on a revised site plan which reduces the total number of units on the site to eight.

VOTE Yeas: Boyce, Culbertson, Cummings, Curry, Ervin, Evans, McCoy, Jernigan & Trotter

Nays: None

REASONS:

This request includes a proposal to change from single family to multi-family property as indicated on Randolph and Wendover Roads.

The following issues associated with this request can be identified:

1. Locational considerations. Does the relationship of the subject parcel to surrounding land use and zoning patterns warrant consideration for change to multi-family?

2. Thoroughfare relationships. Does the site relationship to major thoroughfares indicate its acceptability for multi-family purposes?

3. Design considerations. Do the design details of the site plan submitted relate the development satisfactorily to adjoining land areas?

In arriving at the answers to the above issues, the following facts should be considered:

1. Existing zoning. The subject property and everything west of Wendover and north of Randolph is now zoned R-12 single family. Other properties across Wendover in the general vicinity are zoned R-15 single family so that no existing multi-family zoning is within the immediate area of the subject parcel.

2. Existing land use. The subject property is vacant at the present time and

is generally related to existing single family usage on all sides. Adjoining properties, especially on Randolph Road, are single family structures located on very large parcels which actually give the impression of unused land.

3. Plan details. The site plan originally submitted with this proposal indicates four building structures to be located on the property with each having four housing units contained within it for a total of 16 units. Two of the buildings, or 8 units, would have access from and be directly related to Randolph Road. The other two clusters, for a total of 8 units, would have access from Wendover Road and be related to that roadway. Building design proposes to have large structures with enclosed garages so that there is a minimum of outside parking visible. No through traffic circulation is provided for so that the development almost consists of two parts as related to traffic considerations.

   A revised site plan was subsequently submitted reducing the number of proposed units to 8 located in two buildings with full traffic access to Wendover Road. This permits considerable additional preservation of existing tree cover, particularly as it relates to Randolph and Wendover Road frontages.

The following general findings can be arrived at:

1. Comprehensive Plan. The Comprehensive Plan generally indicates the overall area to be available for residential development at 0 - 6 units per acre.

2. Thoroughfare Plan. The subject property is related to two thoroughfares as reflected on the arterial street plan.

3. Transit availability. The site is served directly by transit providing direct access to the central city area.

Based on the above issues, facts and general findings, the following detailed findings may also be made:

1. While obviously a different type of residential building for this immediate area, the subject plan is designed to satisfactorily compliment adjoining single family homes.

2. Because of the limited number of structures and the general design proposed, the project overall should not be offensive to single family standards.

3. With adjoining single family structures being located on extremely large parcels, the physical relationship of this project to the existing houses is satisfactory.

4. With its location on two major thoroughfares, the site conforms with recently stated objectives to encourage infill development in areas more closely related to the central city.

5. With transit access available, the somewhat higher density will also meet objectives for development under these circumstances.

6. The revised site plan reflects a number of concerns expressed by adjoining and nearby property owners These include identification of a number of existing

large trees with an indication that all except two of these will be preserved, the erection of a brick wall 6 feet in height to directly screen the possible future swimming pool and the identification of additional new screen planting which would be installed on the side perpendicular to Wendover Road and along the rear portion, which is most exposed to the adjoining housing.

7. Due to the low density and site plan details as well as the size and nature of the buildings proposed, this development appears to be more in keeping with the general design characteristics of the area than would a number of smaller, single family houses which could be built on the site at the present time.

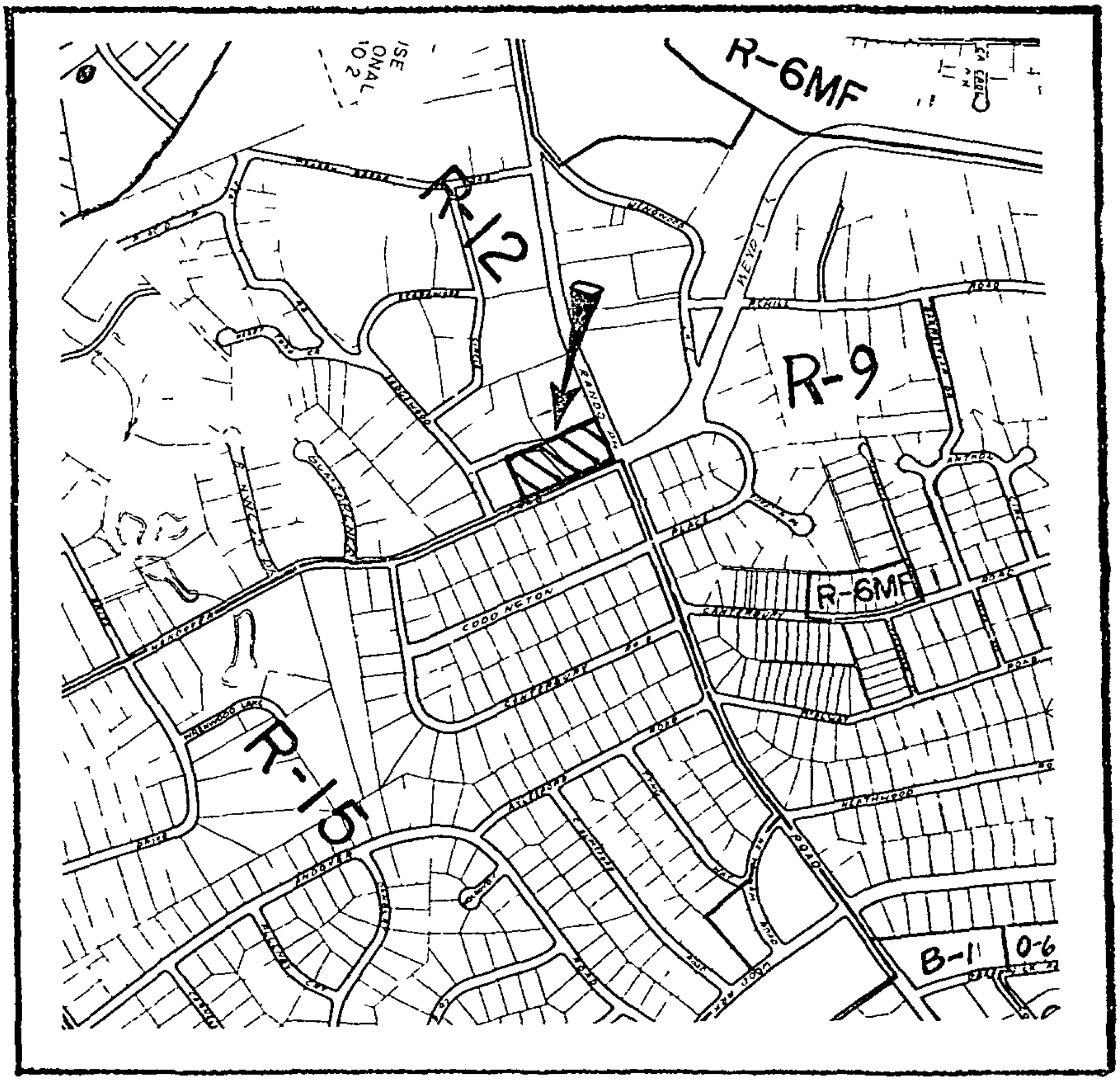
Based on the above findings, the Planning Commission recommends that the petition be approved as amended.

PETITIONER Placo Development

PETITION NO. 81-52 HEARING DATE August 24, 1981

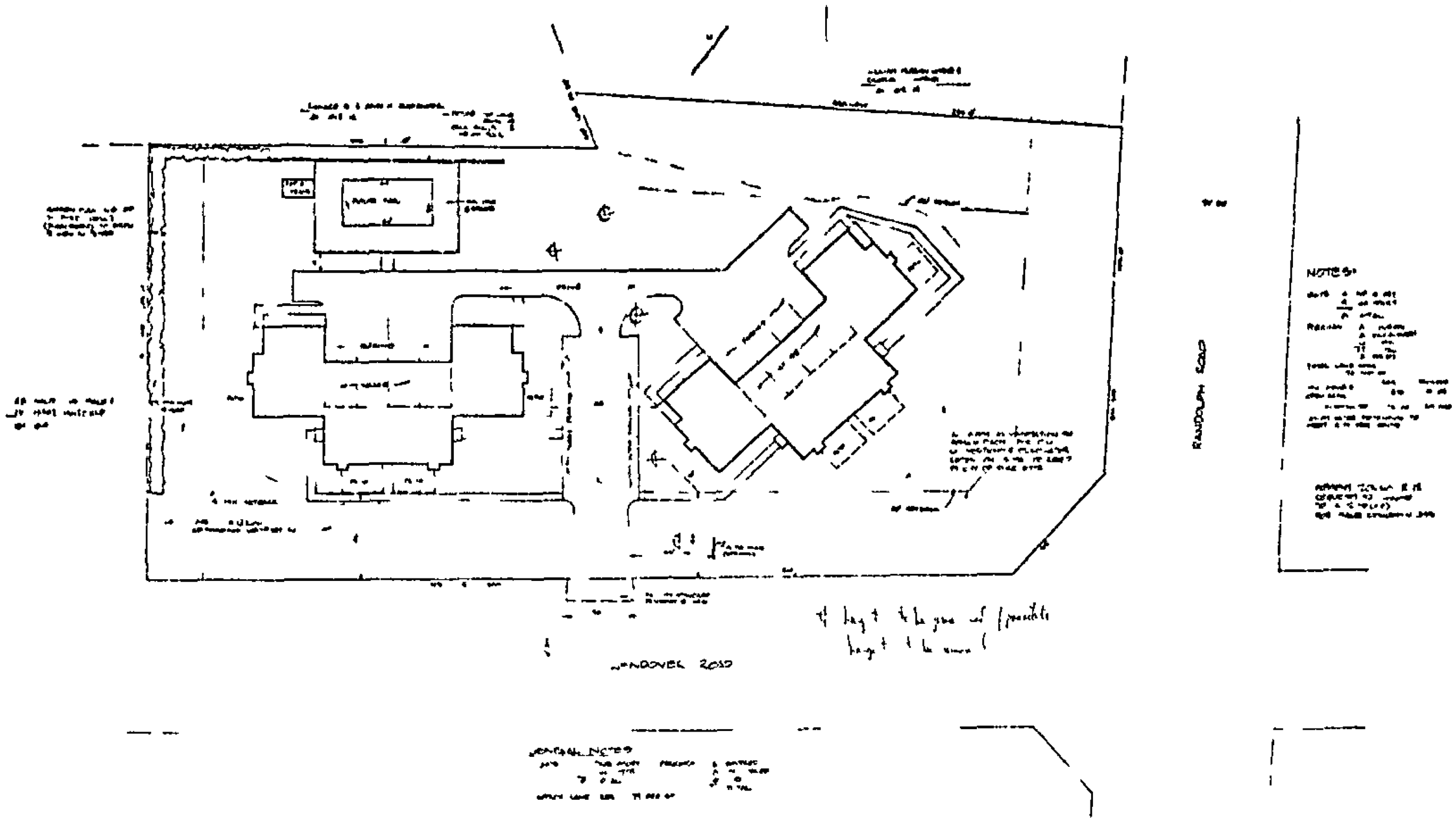
ZONING CLASSIFICATION, EXISTING R-12 REQUESTED R-12MF(CD)

LOCATION A 2.05 acre tract located at the northwest corner of Randolph Road and Wendover Road.



ZONING MAP NO. 24 SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE


RANDOLPH ROAD
NOTES:
HANOVER 2010

DATE October 22, 1981

PETITION NO. 81-58

PETITIONER(S) Joseph M. Griffin, Trustee

REQUEST Change from B-1SCD to B-1

LOCATION 6.3 acre parcel located in the southeasterly corner of York Road and Arrowood Road.

ACTION The Planning Commission recommends that the petition be approved.

VOTE Yeas: Boyce, Culbertson, Cummings, Curry, Ervin, Evans, Jernigan, Lawing, McCoy & Trotter.

Nays: None.

REASONS:

This proposal involves a request to change from a neighborhood shopping center district to a general neighborhood business district.

The following issues associated with this request can be identified:

1. Shopping Center control objectives. Do the original objectives in applying conditional type shopping center zoning to this property still exist?

2. Area relationships. Will the relationship between commercial use of this property and adjoining residential areas continue to be protected by B-1 zoning?

3. Development likelihood. Is the subject property likely to develop at all under current plan control?

In arriving at answers to the above issues, the following facts should be considered:

1. Existing zoning. The subject property and one small adjacent lot is now zoned a B-1SCD category. Surrounding zoning is all residential with single family zoning to the east and west and multi-family zoning to the north and south.

2. Existing land use. The subject property is vacant at the present time, is adjoined on the southwest by a convenience store with vacant properties to the west across N. C. 49 and to the north across Longdale Drive. To the east, there is

a large area of single family residential usage and there is a single family residence located to the south across Arrowood Road.

3. Site history. The subject property was zoned the B-1SCD category in 1971 along with the small parcel which has been developed for a convenience food store to the southwest. At that time the site was approved as a neighborhood service center to provide facilities for the developing nearby residential community. The only development to occur on the entire B-1SCD site during that time period has been the convenience store and it has now been adjudged by the petitioner that the site plan related to the property is no longer applicable and that the best possibility of securing commercial development will be within the conventional B-1 controls rather than to attempt to complete development in accordance with the site plan.

The following general finding can be made:

1. Comprehensive Plan. The Comprehensive Plan overall for the area indicates the potential for a metropolitan service center but in closer detail to the subject site would recognize the subject corner of N. C. 49 and Arrowood Road as a desirable location for a neighborhood service facility with adjoining and nearby lands to be developed residentially.

Based on the issues, facts and general findings, the following detailed findings may also be made:

1. The subject property has been zoned B-1SCD for almost ten years without substantial activity occurring toward carrying out the approved plna.

2. The adjoining parcel was the subject of a plan revision several years ago in order to permit the convenience food store to be built there.

3. The likelihood of a full planned neighborhood center being developed at this location is not strong.

4. The best opportunity to have additional neighborhood services provided at this location apparently resides with the possibility of developing individual uses rather than securing an overall plan development.

5. Current development requirements related to the general business district, particularly with emphasis on screening, should provide sufficient protection for adjoining properties.

6. It would appear that the overall interest of the neighborhood in securing adequate commercial services will best be achieved by this change of zone.

Based on the above findings, the Planning Commission recommends that the petition be approved.

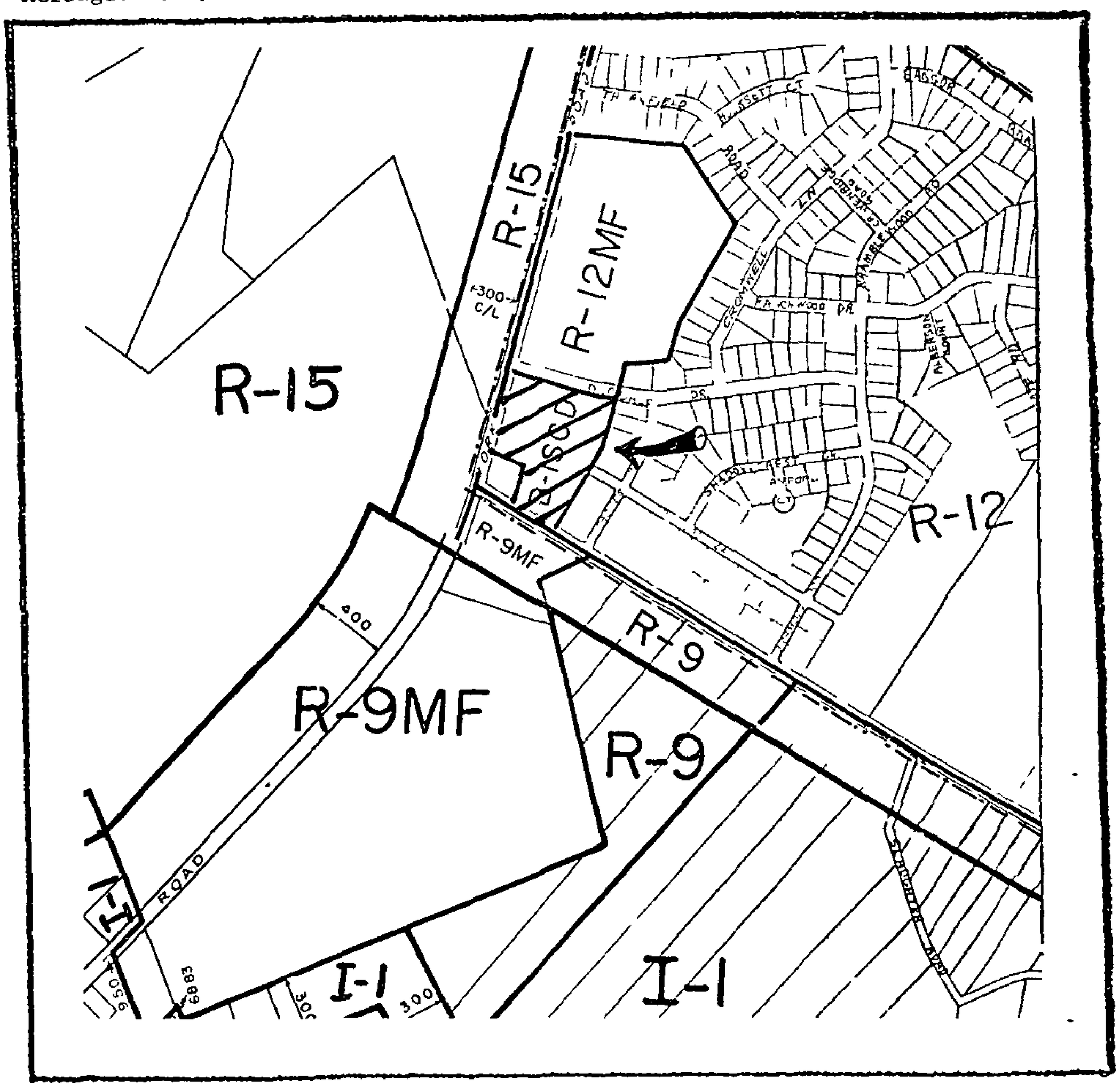
PETITIONER Joseph M. Griffin, Trustee

PETITION NO. 81-58 HEARING DATE 10/19

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

LOCATION A 6.29 acre tract located at the southeasterly corner of the intersection of Longdale Drive and York Road with frontages of 412.79 feet on York Road, 494.60 feet on Longdale Road and 205.74 feet on Arrowood Road.

Acreage: 6.29



ZONING MAP NO. 35 SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE

DATE October 22, 1981

PETITION NO. 81-59

PETITIONER(S) Anil B. Dholakia

REQUEST Change from O-15 to B-1

LOCATION A 6 acre parcel fronting 340 feet on the easterly side of Nations Ford Road about 300 feet north of Interstate 77.

ACTION The Planning Commission recommends the petition be approved.

VOTE Yeas: Boyce, Culbertson, Cummings, Curry, Evans, Jernigan, Lawing, McCoy & Trotter

Nays: None.

(Mr. Ervin was not present when vote was taken.)

REASONS:

This request involves a proposal to change from an office classification to a business district property located on Nations Ford Road.

The following issues associated with this request can be identified:

1. Area relationship. Would business zoning of this property relate satisfactorily to existing and expected land use and zoning patterns in the vicinity?

2. Future impacts. Would this change have any implications as to encouraging additional requests for change to business in this general vicinity?

In arriving at the answers to the above issues, the following facts should be considered:

1. Existing zoning. The subject property is part of a larger parcel of land owned by the petitioner, all of which is zoned O-15 at the present time. The O-15 pattern of zoning extends a significant distance along both sides of Nations Ford Road to the north of the subject property including property immediately opposite the site. There is existing B-1 zoning to the south of the subject property and a small single lot portion of B-2(CD) zoning to the west across Nations Ford Road. The nearest residential zoning pattern is to the west of Nations Ford Road where R-9 single family zoning exists and to the northwest of the site where a combination of R-9 and R-20MF is located.

2. Existing land use. The subject property is vacant at the present time as is property both to the north and the south. To the west across Nations Ford Road, there is predominantly single family residential development with an office located on a single parcel with a church located to the northwest of the site fronting on Nations Ford Road. To the rear of the property is Interstate 77.

3. Property ownership. The subject parcel is owned by the petitioner along with a larger approximately 22 acre parcel adjoining and directly north of the subject site. While this is not a conditional plan, the petitioner does indicate that the larger parcel now zoned office will be developed with an office park. The subject property then would, in conjunction with already zoned business property to the south, directly relate to a pattern of business and then office as you proceed northerly along Nations Ford Road.

The following general findings can be made:

1. Comprehensive Plan. The Comprehensive Plan generally indicates residential development in the vicinity of the petitioner's property although the entire area is now zoned an office classification.

2. Thoroughfare Plan. Nations Ford Road, as a designated arterial roadway, is proposed for eventual widening to a multi-lane facility.

Based on the issues, facts and general findings, the following detailed findings may also be made.

1. The subject property is in an area which at the present time is zoned entirely for a combination of business and office purposes.

2. The site is now bordered by a small amount of business B-1 zoning to the south.

3. The result of this change, if approved, would be to extend the boundary between office and business approximately 300 feet northerly along Nations Ford Road.

4. The petitioner has indicated a desire to utilize this property as a transition between the existing business zoning to the south and a planned office development to the north.

5. The petitioner owns the adjoining property to the north, which is proposed for office development purposes, and a business use would appear reasonable to provide for a combination planned office and business development.

6. With the petitioner controlling the land to the north and proposing office usage of it, this should form the ultimate boundary for expansion of business usage northerly along Nations Ford Road in this vicinity.

7. Under these developmental proposals, no additional justification for other business zoning of property in the immediate vicinity.

Based on the above findings, the Planning Commission recommends that the petition be approved.

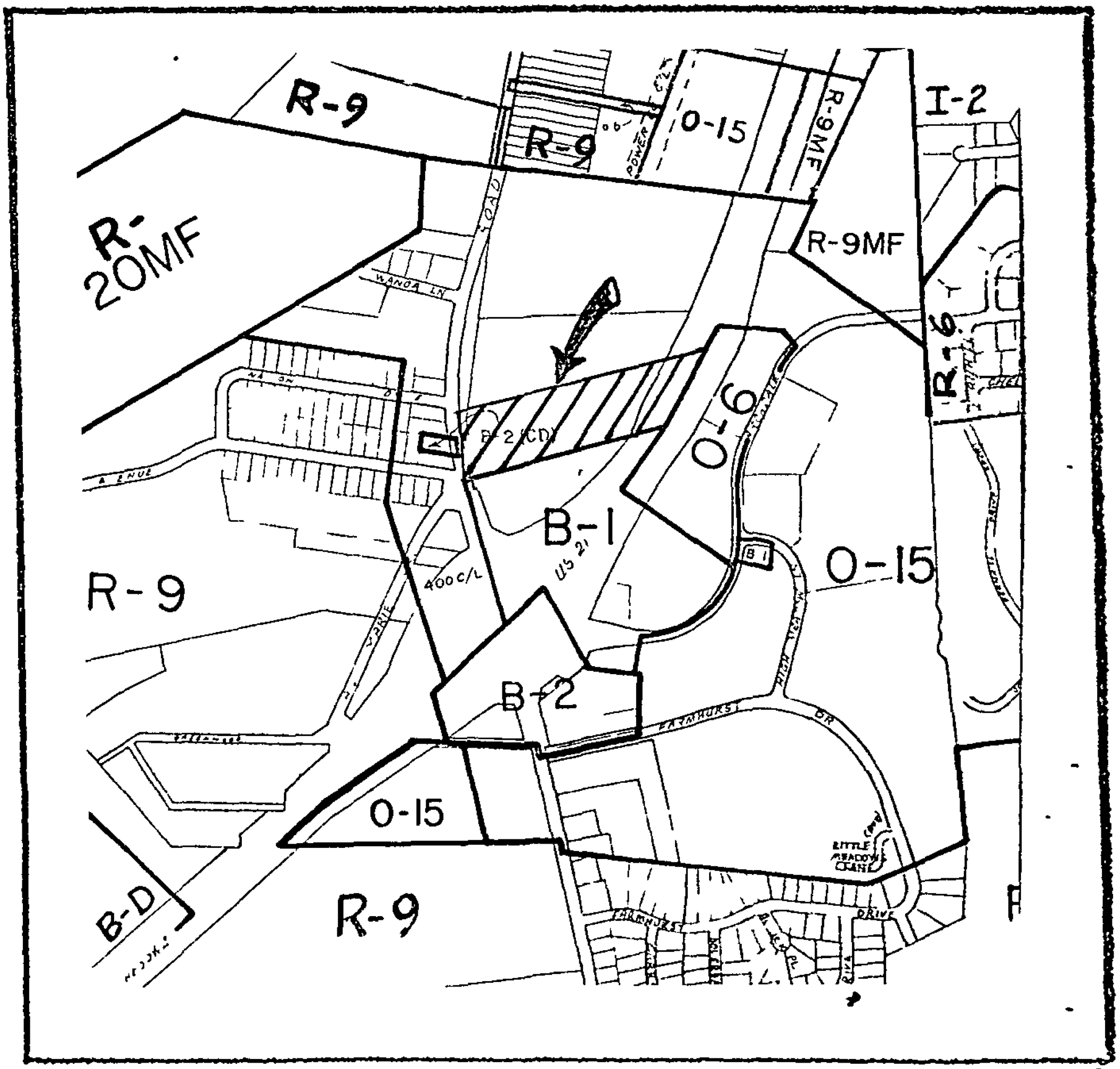
PETITIONER Anil B. Dholakia

PETITION NO. 81-59 HEARING DATE 10/19

ZONING CLASSIFICATION, EXISTING 0-15 REQUESTED B-1

LOCATION A 5.99 acre tract fronting approximately 340 feet on the northerly side of Nations Ford Road about 300 feet northwest of Nations Ford Road and I-77.

Acreage: 5.99



ZONING MAP NO. 35 SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE

DATE November 9, 1981

PETITION NO. 81-60

PETITIONER(S) C. B. Moore Heirs

REQUEST Change from R-9 to R-12MF(CD).

LOCATION 143 acres located on both sides of Marsh Road extending through Scaleybark Road.

ACTION The Planning Commission recommends the petition be approved with site plan amended as indicated in the description below.

VOTE Yeas: Boyce, Culbertson, Cummings, Curry, Ervin, Evans, McCoy, Jernigan & Trotter.

Nays: None.

REASONS:

This request involves a proposal to change from R-9 to R-12MF(CD) a large parcel of undeveloped property located along Marsh and Scaleybark Roads between Park Road and South Boulevard.

The following issues associated with this request can be identified:

1. General area conditions. How does the location and size of this property reflect on developmental objectives for the general vicinity?

2. Plan implications. What are the implications of the development plan for this property as it relates to the ability to fit into the surrounding pattern?

3. Development impacts. Have the impacts of development as proposed been adequately addressed, particularly as to such matters as traffic, density, and housing types?

In arriving at the answers to the above issues, the following facts should be considered:

1. Existing zoning. The majority of land adjacent to the subject parcel is now zoned an R-9 single family residential district. Exceptions to this are adjoining R-15MF(CD) zoning on the north side of Marsh Road and R-12MF(CD) zoning opposite the subject property on Scaleybark Road.

2. Existing land use. The subject property, while until recently having been utilized for farm oriented purposes, is now vacant. Adjoining land uses on all sides are principally single family in nature with the exception being a church located on Scaleybark Road, an elementary school on Marsh Road and multi-family now under construction on the north side of Marsh Road. Other nonresidential uses in the general vicinity are located along Park Road consisting of a private school, a church, a day care center and a Y. W. C. A.

3. Site history. The subject property has for many years been known as the Marsh Road Property, the Moore Property, or Selwyn Farms and is the largest single undeveloped parcel of land anywhere in the general area and perhaps one of the largest single ownership parcels undeveloped in the City of Charlotte. The property has for many years been restricted from development because of ownership constraints but has recently been freed for development purposes. Obviously development in adjoining areas occurred many years ago and, in effect, the subject property has been bypassed with the urban development process. This circumstance certainly creates a unique situation and now offers the opportunity to develop a large land parcel located in a very urban setting.

4. Plan proposal. The development plan as submitted with this petition proposes to utilize the property predominantly for attached housing purposes with some single family detached proposed as an extension of Heather Lane and as an extension of existing streets from the Colonial Park area. Otherwise the proposal is to develop the property with attached housing primarily related to access along Marsh Road and a smaller portion with access along Scaleybark Road. The plan proposes a total of 1,091 units as a maximum to be constructed on the 143 acres resulting in an overall density of 7.5 units per acre. It is proposed to make available to the Broadmoor Athletic Association a 4 acre parcel now used by that organization on Marsh Road and also to create minimum 50 foot buffer areas around all portions of the property adjacent to any developed area.

   Subsequent to the public hearing and based on comments from both opponents and planning staff, the site plan has been revised to include a substantial amount of additional information. The plan has been broken down into a number of different housing type and density areas with various portions now having a density factor of from 4.9 units per acre to 12 units per acre. In addition, material has been added to the site plan which illustrates the building types which would be placed in each of the various density areas and give further indication that there will be a variety of housing and housing types within the project. A lower density area has also been created adjacent to the rear of houses along Sewickley Drive off Scaleybark Road with the result that the overall density for the project has been reduced slightly to 1,071 units. Finally, language has been added to the plan to insure review of development plans as the project progresses to monitor compliance with intent of conditions.

5. Traffic calculations. The critical area of traffic concentration as would be created by this proposal relates to Marsh Road. Both the planning staff and the transportation staff have examined the situation and submit the following factors related to that situation. The plan as presented proposes a maximum of 750 housing units which would be constructed with access to Marsh Road. It has been estimated, based on standard criteria, that between 4,000 and 6,000 trips per day

would be generated by that number of units. With Marsh Road being a through street from Park Road to South Boulevard, it has been concluded that an almost equal split could be expected for those trips to go to either Park Road or South Boulevard. This means that the maximum addition to the traffic volume on Marsh Road in either direction would be somewhere between 2,000 and 3,000 trips per day The maximum capacity of a roadway of the Marsh Road type is between 8,000 and 10,000 trips per day with an existing count of between 3,000 and 3,400 trips per day now on the street. This means that after the project is completed, it is estimated that the maximum total volume on the street will be about 6,400 trips per day. Even utilizing the lower end of the capacity figure (8,000), this means that after completion of the project, Marsh Road would still have a 1,600 trip capacity remaining before reaching the maximum desirable amount.

The following general findings can be arrived at:

1. Comprehensive Plan. The Comprehensive Plan generally indicates residential usage of this property at a density level of 6 - 10 units per acre.

2. Thoroughfare Plan. The subject property is related to Scaleybark Road which is a part of the major thoroughfare system eventually scheduled for improvement to a multi-lane facility. Marsh Road, which is the primary point of access for the subject property, is a designated secondary or collector roadway.

3. Area Study. There is at the present time an on going study process related to the surrounding neighborhoods but that study has not culminated at this point with any overall recommendations for the area. Preliminary discussion by the study group of this particular request has resulted in a majority opinion to support the development proposed by this request.

Based on the above issues, facts and general findings, the following detailed findings may also be made:

1. The use of the subject property for a higher density and a variety of housing types generally agrees with the objectives as stated in the Urban Symposium Program.

2. The proposed 7.5 dwelling units per acre is less than the maximum 10 units per acre as identified for this property by the Comprehensive Plan.

3. This proposal has been exposed to a lengthy and complete analysis by a number of groups representing the area surrounding the property and including the Park Road-Marsh Road Study Group appointed by the Planning Commission, the Sedgefield-Park Road Association and other neighborhood interests.

4. The initial plan submitted contained the following features designed to present a development which would be generally compatible with the surrounding area and with area objectives.

   a - The proposed number of dwelling units was designed to relate to the lower side of traffic capacity projections for both Marsh Road and Scaleybark Road.
   b - Two areas with greatest exposure to existing single family housing have been planned to be developed with similar single family detached units.

c - The plan assures that there can be no cut-through traffic from Hollis Road, Shawnee Drive, Heather Lane or Cambridge Road, all of which are stub dead end streets into the property at the present time.
d - An area now being used for athletic purposes is indicated for transfer to the Broadmoor Athletic Association for continued athletic field use.
e - The separation of development areas is effectuated by utilizing natural features such as hedgerow plantings and Little Hope Creek.
f - Special attention was given to Marsh Road by creating a 60 foot setback on either side which, when combined with the 60 foot right of way, would provide a minimum 180 foot separation between development along the roadway.
g - A 50 foot setback was provided as a buffer around the entire tract.
h - A special buffer was created at the point of contact with Scaleybark Road in order to permit better control of access.
i - The entire area was divided into six separate development tracts with no traffic access from one area to the other or from those areas to adjoining neighborhoods except in relation to proposed single family development which is an extension of existing similar developed areas.
j - Limited access to Marsh Road has been determined in order to preclude a large number of driveways which would now be permitted under existing single family zoning.

5. Additional changes in the plan have occurred as a result of either imput from the area interests or from planning staff as follows:

a - All housing proposed to be related to Marsh Road has been designated as "Housing for Sale".
b - An original 12 to 15 acre park located near Little Hope Creek has been eliminated and the area incorporated into development areas to provide for privacy, security and ease of maintenance rather than propose a public park facility.
c - Additional attention was centered on the preservation of existing hedgerows throughout the project.
d - Additional attention was focused on the concern about future design of Marsh Road by reemphasizing that the 180 foot divider between development could accommodate a variety of design opportunities for the roadway in the future.
e - The entire site plan was subdivided into a number of varying housing type and density areas in order to achieve assurance of a variety of housing throughout the project area rather than continuance of the same type.
f - As part of this process, the subareas closest to existing neighborhoods around the boundary have been identified for lowest densities, some of which would be as low as 4.7 units per acre.
g - Additional emphasis on the arrangement and control of ingress and egress points to Marsh Road by placing additional interior circulation information on the plan.
h - The original 50 foot setback designation around the perimeter was modified to an increased 75 feet with 50 feet of that being designated inviolate without any development to occur within it.
i - Placement on the plan of illustrative material to illustrate the meaning of the different housing types referred to by the plan itself.
j - Insertion of a new low density area of development adjacent to housing on Sewickley Drive near Scaleybark Road.

k - An overall minor reduction of 20 units in the entire development proposal resulting in a total of the maximum of 1,071 dwelling units.

l - Language has been inserted onto the plan to indicate that the final development plans will be reviewed with the objective of reflecting a variety in building heights and exteriors in each density area. Additionally, wording would indicate that the Planning Commission will review submitted development plans to monitor and determine that the overall conditional objectives related to achieving a variety of housing in the area is being met. These statements reflect a substantial additional step in the conditional zoning procedures geared to secure a specific result, not only in the usual density and screening standards but to secure a variety of housing types and designs to prevent unsightly repetitious development.

6. Conclusions drawn by both the planning staff and transportation staff indicate that the amount of traffic generated by this development can adequately be handled by both Marsh Road and Scaleybark Road.

7. Any concerns about flooding problems created by the development of the subject property should be less under the development plan than under entirely single family development since the subject plan will be required to relate to the flood water detention ordinance where single family development would not.

8. Based on all of the above elements which have been inserted into the plan for the use of the subject property, this development will be compatible with, not only design relationship to the immediate area, but overall objectives for the entire vicinity.

Based on the above findings, the Planning Commission recommends that the petition be approved as noted.

PETITIONER C. B. Moore Heirs

PETITION NO. 81-60 HEARING DATE 10/19

ZONING CLASSIFICATION, EXISTING R-9 REQUESTED R-12MF(CD)

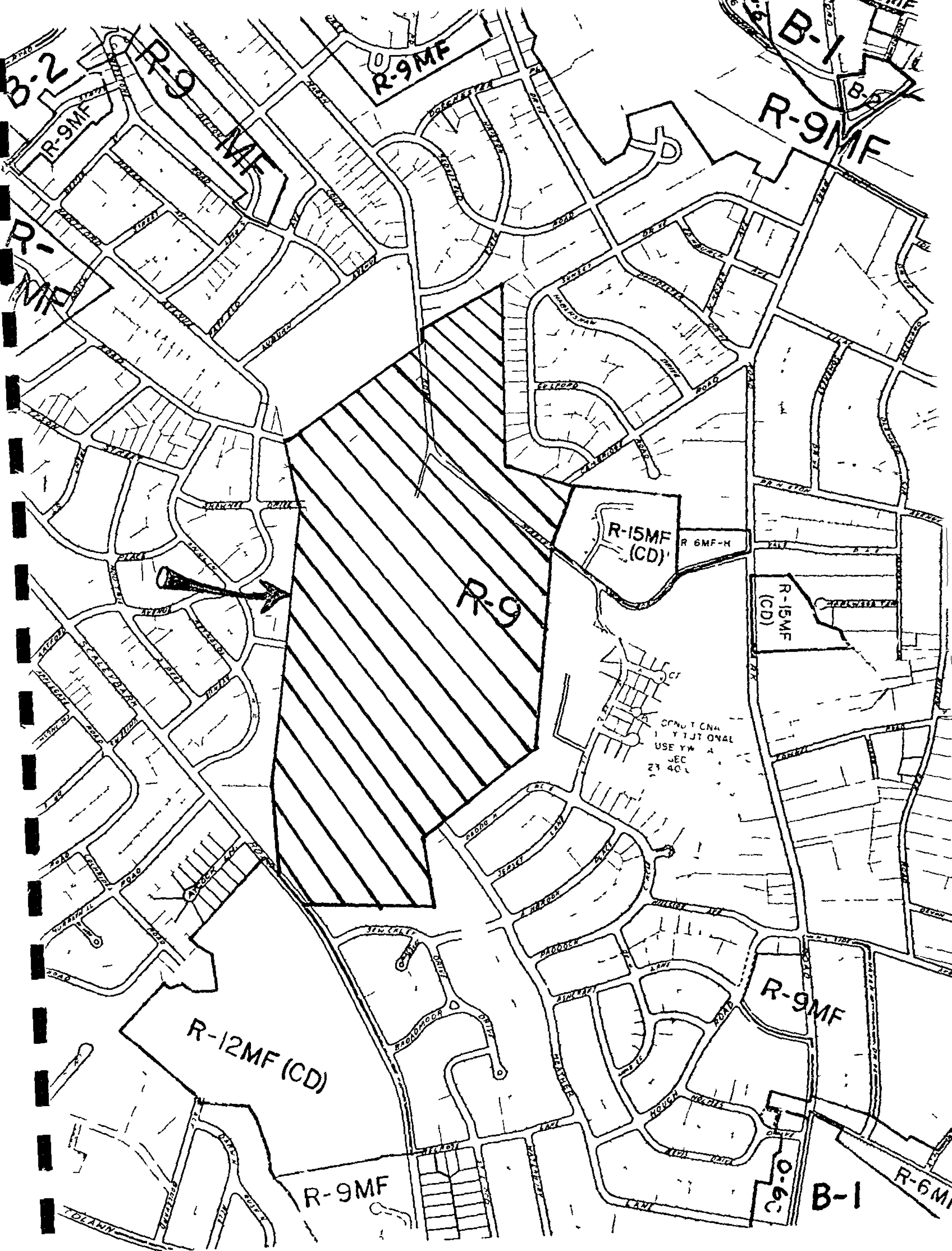
LOCATION A 145± acre tract fronting on both sides of Marsh Road approximately ½ mile west of the intersection of Marsh Road and Park Road.

Acreage: 145

SEE MAP ATTACHED

ZONING MAP NO. _____ SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE


B-2
R-9
R-9MF
R-9MF
R-9MF
B-1
R-9MF
R-9MF
R-15MF (CD)
R 6MF-H
R-15MF (CD)
R-9
R-12MF (CD)
R-9MF
R-9MF
B-1
R-6MF

DATE October 22, 1981

PETITION NO. 81-61

PETITIONER(S) Evans Development Company, Inc.

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

LOCATION An approximate 16 acre parcel located on the southerly side of Sharon View Road adjacent to Swan Run Branch and west of Old Providence Road.

ACTION The Planning Commission recommends the petition be approved.

VOTE Yeas Boyce, Culbertson, Cummings, Curry, Ervin, Evans, Jernigan, Lawing, McCoy & Trotter.

Nays: None.

REASONS:

This proposal involves changing a parcel of land from an existing single family residential classification to a multi-family classification with site plan attached.

The following issues associated with this request can be identified:

1. Relation to area. Would the utilization of this property for low density attached housing relate satisfactorily to nearby and area usage as well as housing objectives?

2. Plan detail. Does the plan as presented utilize the property in such a manner as to provide adequate protection to adjoining properties and relate satisfactorily to density and design concerns?

In arriving at answers to the above issues, the following facts should be considered:

1. Existing zoning. The entire area surrounding the subject property is now zoned R-15 single family residential.

2. Existing land use. The subject property is vacant at the present time but is related to single family residential development on large tracts to the west, a more concentrated subdivision type pattern of single family usage across Sharon View Road, and a combination of vacant land and single family usage on the east side. To the south is located the parking area associated with the Olde Provi-

dence Swim and Racquet Club facility which is non residential usage but is located in the vicinity.

3. Plan proposal. The plan which has been proposed for application to the site involves the placement of 90 units of housing on the 16+ acres at a density of 5.52 units per acre. One access drive is proposed from Sharon View Road to serve a series of clusters of attached housing. A 100 foot undisturbed buffer area has been indicated along Sharon View Road as well as along the easterly side of the property adjacent to Swan Run Branch. A driveway access to the parking area for Olde Providence Racquet and Swim Club is now existing and would remain along the westerly side of the parcel. No access to that drive, however, would be available from within the project itself.

The following general findings can be made:

1. Comprehensive Plan. The Comprehensive Plan indicates residential usage of the general vicinity at a density of 0 - 6 units per acre.

2. Thoroughfare Plan. The subject property has access to Sharon View Road which is defined as an arterial roadway under the thoroughfare system plan and eventually would be expected to be improved to a multi-lane facility.

Based on the issues, facts and general findings, the following detailed findings may also be made:

1. The site, while located in an area which is predominantly developed with single family usage is adjacent to a major private recreational facility which at times attracts a significant amount of pedestrian and vehicular traffic.

2. The property is adjacent to a creek which has a defined floodway area along it, thus effectively separating the development from potential additional single family development to the east.

3. The tract is, in fact, surrounded by features which would tend to provide an opportunity for separation from existing or future adjacent single family usage with frontage on Sharon View Road, Swan Run Creek on the east, the swim and racquet club parking on the south and a 40 foot driveway access to that parking located along the west.

4. General housing objectives have been defined to include offering a greater opportunity in the future for a variety of housing types with some flexibility in densities in order to recognize the ever increasing difficulty of providing satisfactory housing.

5. Density of the project does conform with general plan determinations for the area.

6. The site plan as prepared reflects a sensitivity to existing single family commitments with a 100 foot buffer area to be maintained along Sharon View Road and a permanent retention of the driveway access to the swim and racquet club on the west.

7. General design details of the plan would appear to provide a significant amount

of protection to the nearby area and does include design elements which should make the project blend with the nearby areas.

Based on the above findings, the Planning Commission recommends the petition be approved.

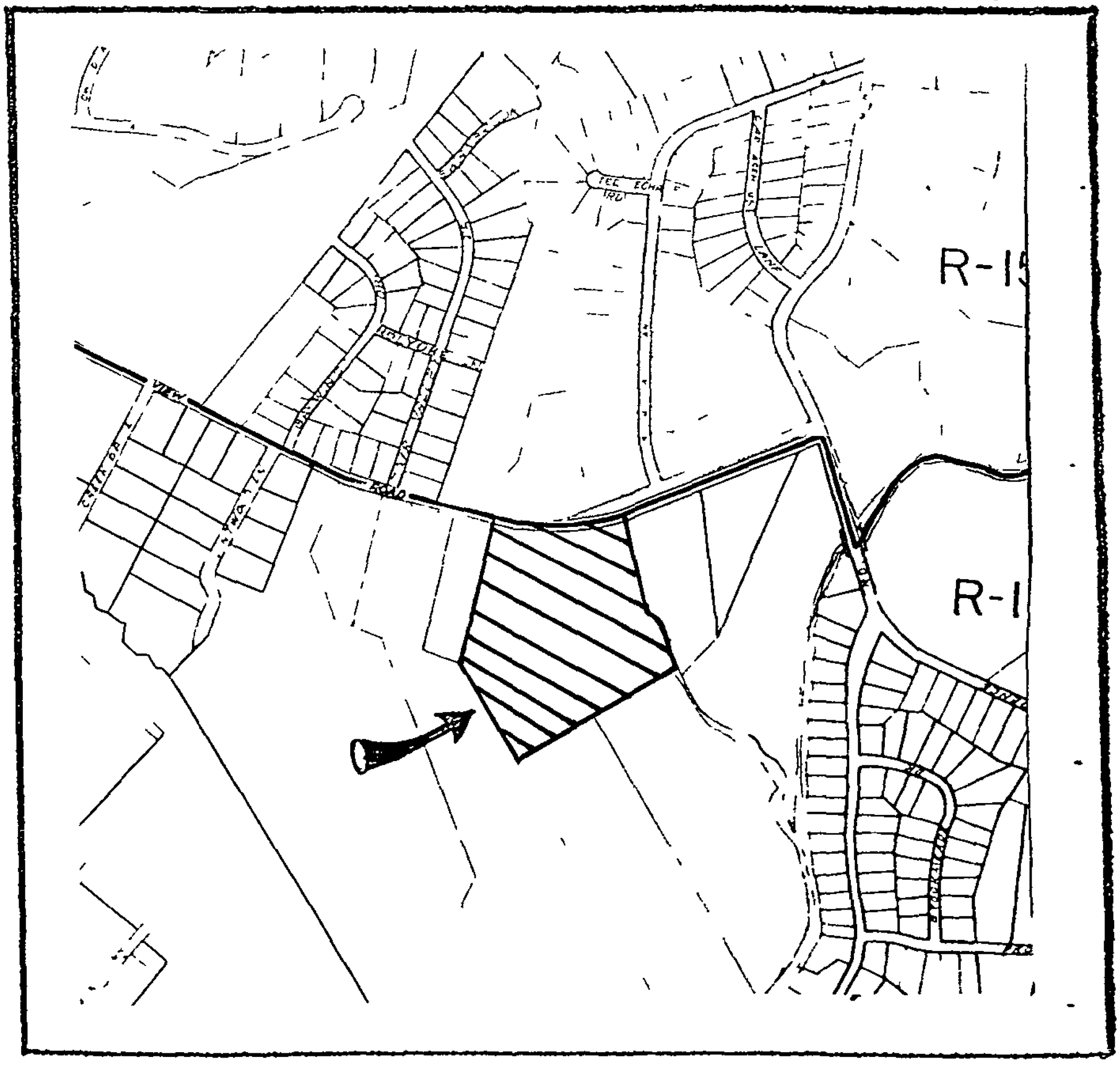
PETITIONER Evans Development Company, Inc.

PETITION NO. 81-61 HEARING DATE 10/19

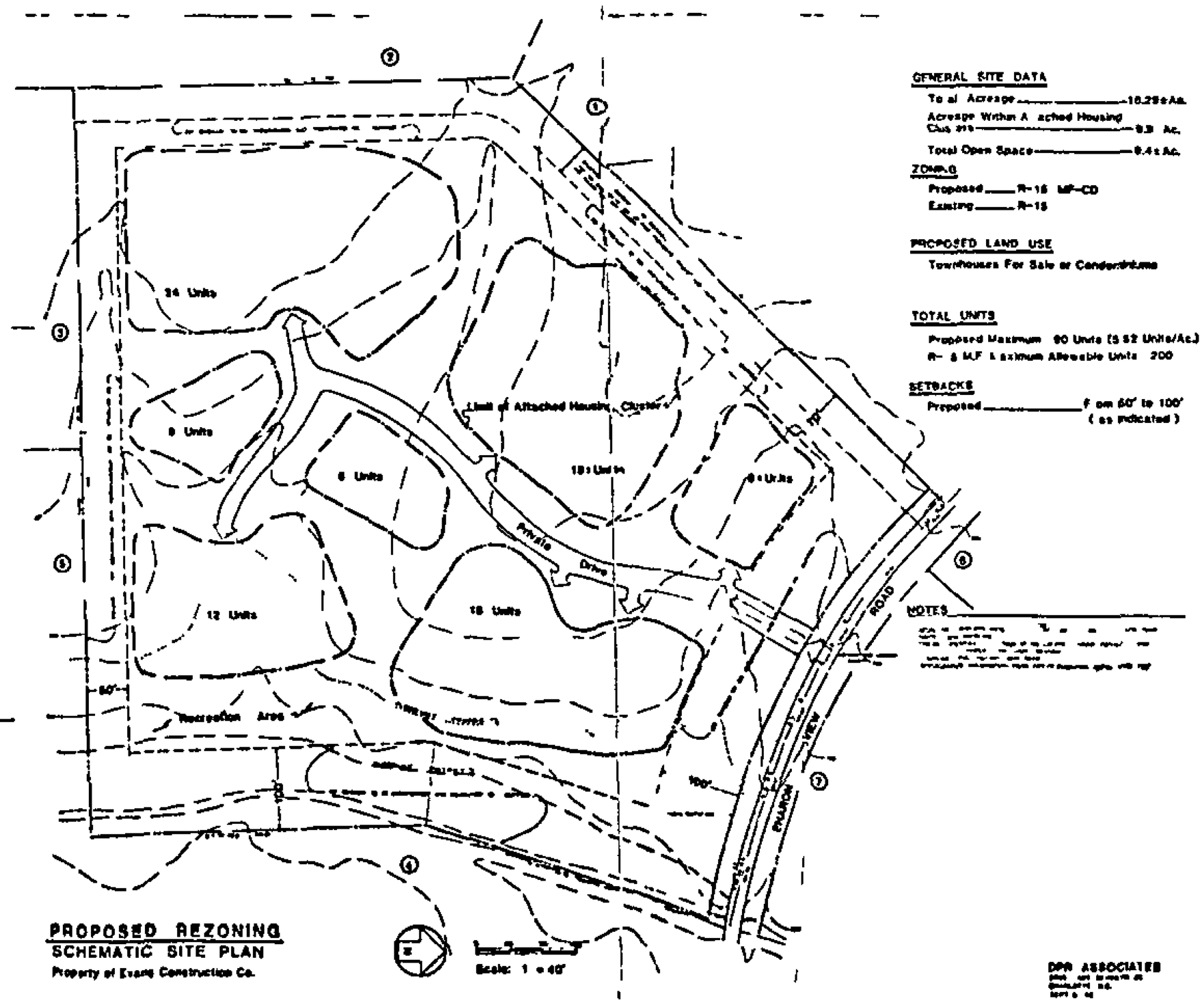
ZONING CLASSIFICATION, EXISTING R-15 REQUESTED R-15MF(CD)

LOCATION A 16.29+ acre tract fronting 569.95 feet on the southerly side of Sharon View Road on the westerly side of Swan Run Branch.

Acreage: 16.29



ZONING MAP NO. 29 SCALE 1" = 800'



PROPOSED REZONING
SCHEMATIC SITE PLAN
Property of Evans Construction Co.

GENERAL SITE DATA

Total Acreage ——— 18.29± Ac.
Acreage Within Attached Housing Clusters ——— 9.3 Ac.
Total Open Space ——— 9.4± Ac.

ZONING

Proposed ——— R-15 MF-CD
Existing ——— R-15

PROPOSED LAND USE

Townhouses For Sale or Condominiums

TOTAL UNITS

Proposed Maximum 90 Units (5.92 Units/Ac.)
R-15 MF Maximum Allowable Units 200

SETBACKS

Proposed ——— From 60' to 100' (as indicated)

NOTES

DPR ASSOCIATES

DATE November 9, 1981

PETITION NO. 81-62

PETITIONER(S) First Colony Corporation

REQUEST Change from R-15 to O-6(CD)

LOCATION An approximate 6½ acre parcel on the northerly side of Fairview Road beginning about 600 feet east of Sharon Road.

ACTION Based on a motion to approve, the Commission reflected a tie vote which means the matter is transmitted to City Council with a discussion of both viewpoints.

VOTE Yeas: Boyce, Culbertson, Curry & Trotter.

Nays: Evans, Ervin, Jernigan & McCoy.

(Commissioner Cummings was not present when vote was taken.)

REASONS:

As noted above, the Planning Commission arrived at a 4 - 4 tie in determining a recommendation on this petition. In accordance with agreed upon policy, this matter is being transmitted to the City Council without a majority recommendation from Planning Commission. Discussion is attached hereto reflecting the views of both voting groups indicating some reason as to why the petition should be approved and likewise disapproved.

The original site plan which was submitted with this petition reflected a proposal to place two three-story buildings on the site, each of which would accommodate 54,200 square feet of space, or a total of 108,400 square feet on the site. Parking would have occurred on three sides of the development with the majority of the parking to either side of the structures. Subsequent to the public hearing, the matter was deferred by the Planning Commission at the request of the petitioner's representative in order that continued discussion could occur between the petitioner and adjoining property owners. That discussion has resulted in withdrawal of objection from the immediately adjoining property owners based on an agreement to revise the site plan which will reduce the height of the buildings to two stories with each building now containing a total of 43,360 square feet, or a total of 86,720 square feet on the site. Additionally, parking to the rear of the buildings has been reduced to only a few visitor spaces with the parking now to be provided in total to either side of the structures. It is on this plan that the Planning Commission consideration was based and on which the following comments reflecting the positions of the Planning Commission are stated.

Planning Commission members voting in favor of rezoning approval noted that while the overall SouthPark Study does not recommend the subject property being considered for office zoning, details of the plan itself are such that make it a reasonable use for the subject property. It is noted that the overall density of development is not excessive and that the traffic generated by the project will probably be no more, perhaps even less than that generated by a high density residential development. While it is also noted that the changing of this property may influence additional changes of property across Fairview Road, the overall boundary relationships established by the easterly side of the subject property would form a regular boundary to the south and that some additional change on that side might be supportable. Significance is also placed on the fact that the immediately adjoining property owners have expressed approval of this site plan and indeed has stated that it would be preferable to some types of multi-family development which might be placed on the property. Details of the nature of the development proposed on the site as reflected by the plan would indicate a high level of design which would make it entirely compatible with the overall objectives of the entire SouthPark area.

Those members of the Planning Commission voting against the motion to approve the change would reemphasize the findings of the SouthPark Study which concluded very strongly that the boundary between residential and non residential zoning along Fairview Road should occur at Savings Place, which is west of the subject property. It notes that a beginning of a breakdown in that recommended established line can only lead to further encouragement for change along Fairview and with each change it becomes more difficult to justify a final stopping point. In this respect, it is recognized that the overall objectives for the site plan are desirable, but while it meets the concerns of the immediate adjoining property owners, the basic reasons for objecting to the change are of a broader community nature and more related to overall objectives for controlling development along Fairview than to the immediate adjoining property owner concerns. The subject property would be entirely functional as a site for controlled multi-family development and while the adjoining property owners may express concern about the nature of multi-family to be placed there, it should be pointed out that any multi-family use of the property will be subject to a rezoning decision and no doubt subject to a conditional plan which would be considered at that time. While the concerns of immediately adjoining property owners have been alayed by the site plan conditions, it should be pointed out that objections to the rezoning also oocurred from a broader community perspective and these concerns have not been changed by modifications in the site plan. Overall, it would be believed that adopted policies, both by Planning Commission and the City Council relative to development of the SouthPark area should be adhered to unless and until a reexamination of those basic objectives has occurred and different ones formed. Without this action, similar attack on other portions of those policy statements can occur and can point to this action as supporting the non adherence to those policies.

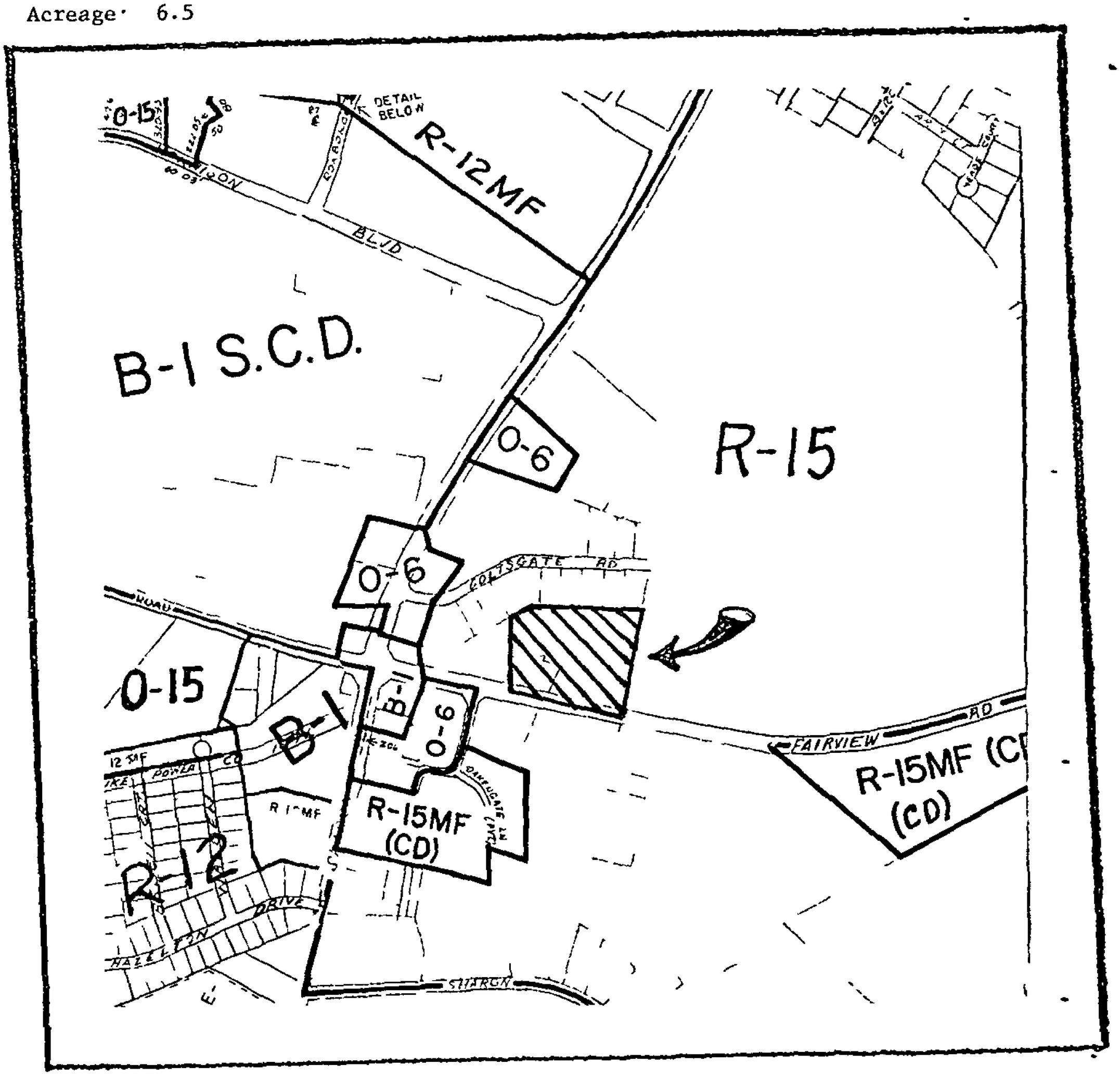
PETITIONER First Colony Corporation

PETITION NO. 81-62 HEARING DATE 10/19

ZONING CLASSIFICATION, EXISTING R-15 REQUESTED O-6(CD)

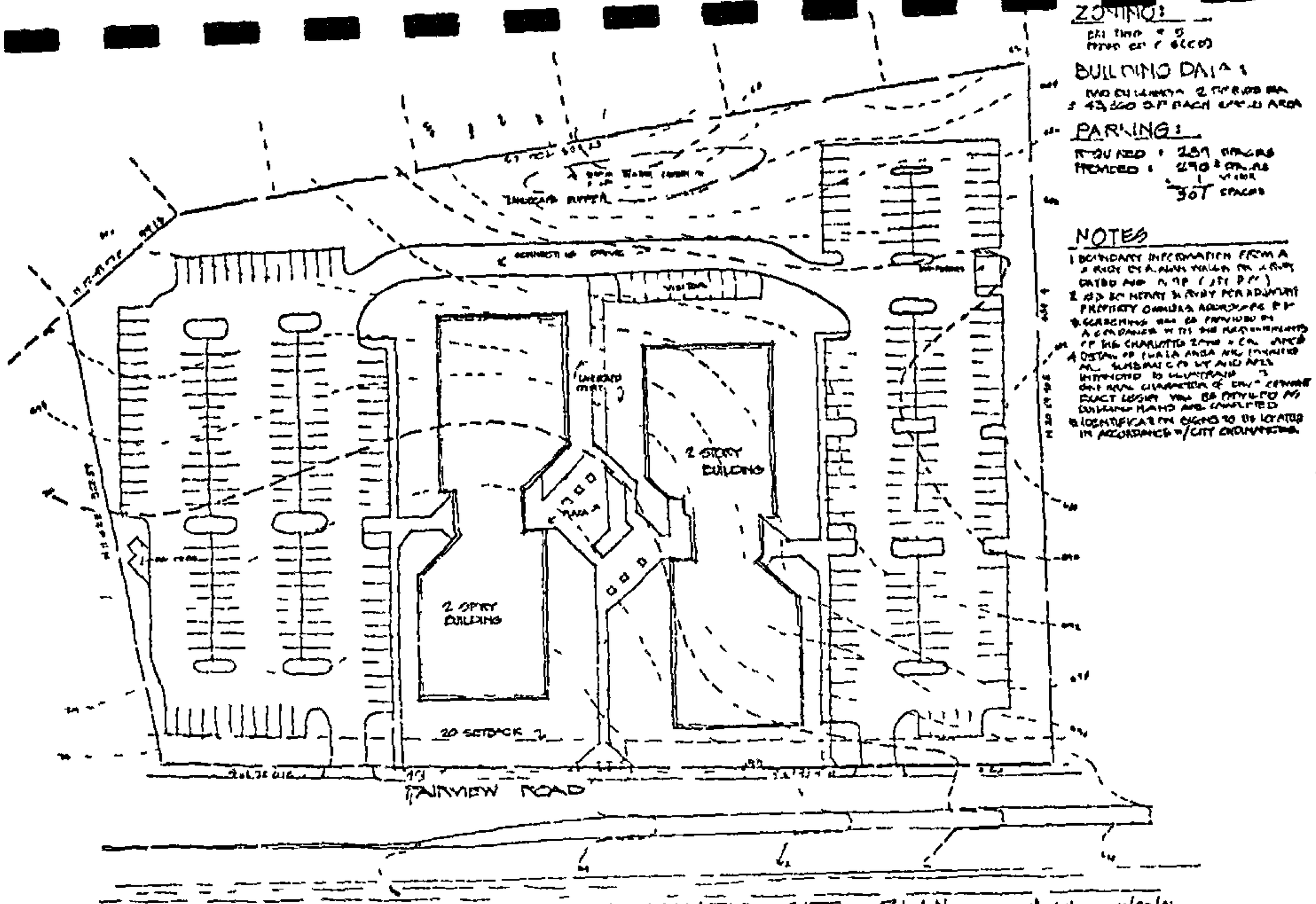
LOCATION An approximately 6.5 acre tract fronting approximately 600 feet on the northerly side of Fairview Road about 600 feet east of the intersection of Fairview Road and Sharon Road.

Acreage: 6.5



ZONING MAP NO. 27 SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE



REVISED SCHEMATIC SITE PLAN 1"=40' 10/20/81

FAIRVIEW OFFICE CENTER for MOT COLONY CORPORATION

DPR ASSOCIATES LANDSCAPE ARCHITECTS

NEWMAN POWER ARCHITECTS ARCHITECTS

DATE October 22, 1981

PETITION NO. 81-63

PETITIONER(S) Walter P. Watson

REQUEST Change from R-9, R-15MF and O-6 to O-15(CD).

LOCATION A 12½ acre parcel located on the northerly side of Monroe Road west of Glendora Drive and extending toward Independence Boulevard to a point near Yardley Place.

ACTION The Planning Commission recommends the petition be approved.

VOTE Yeas: Boyce, Culbertson, Cummings, Curry, Evans, Lawing, and Trotter.

Nays: Jernigan and McCoy.

(Mr. Ervin was not present when the vote was taken.)

REASONS:

This proposal involves changing property which is now zoned a combination of single family residential, multi-family residential and O-6 office to O-15(CD), which is an office classification with conditional plan attached.

The following issues associated with this request can be identified:

1. Pattern of proposed usage: Does the shape and size of the area proposed for change relate reasonably to adjoining and nearby patterns of land use and zoning?

2. Existing use potential. Does the present zoning of the property present a realistic potential for developing the property?

3. Plan content. Does the conditional plan submitted with this request provide reasonable assurance of the design relationship between the subject property and adjoining areas?

In arriving at answers to the above issues, the following facts should be considered:

1. Existing zoning. The subject property is now zoned a combination of office, multi-family and single family districts. The frontage property along Monroe Road is now zoned the O-6 classification with a majority of the remainder of the tract now zoned an R-15MF category. A single lot located on Lantana Avenue is now zoned R-9. Adjoining properties to the west, the north and the east

are now zoned a single family residential classification. Additional office zoning does exist along the northerly side of Monroe Road and to the west of the subject property.

2. Existing land uses. The subject property is vacant at the present time but is adjoined by a generally single family development to the west, to the north and to the east. Some vacant property exists along Monroe Road immediately to the east while a combination of residential and office development exist along Monroe immediately to the east while a combination of residential and office development exists along Monroe Road to the west. Across Monroe Road to the south is located a cemetery.

3. Conditional plan details. The plan submitted with this request indicates that a maximum of 100,000 square feet of office space would be developed on the site and defining yard requirements around the perimeter including 16 foot side yards adjacent to residential development on Lantana and 16 foot side yards adjacent to the rear of residences on Glendora Drive. a 55 foot yard is proposed adjacent to residential uses on Yardley Place and a 40 foot setback stipulated from Monroe Road. No detail of potential building layout is shown but a notation indicates that the only vehicular access point would be from Monroe Road.

The following general finding can be made.

1. Comprehensive Plan. The Comprehensive Plan indicates office development along Monroe Road in the vicinity of the subject property with the remainder of the area indicated as being residential at a 0 - 6 dwelling units per acre figure.

Based on the issues, facts and general findings, the following detailed findings may also be made:

1. The subject property is now already partially zoned an 0-6 classification.

2. While extending in an irregular fashion northerly away from Monroe Road, the property relates to the rear of lots on the east and to a large land parcel containing a lake on the west.

3. Present multi-family zoning of much of the property which would be accessed by Lantana Avenue would create more traffic problems for the adjacent single family area than would the proposed office.

4. Access to the site is limited to Monroe Road, thus preventing any additional traffic extending through the adjoining residential area.

5. With a maximum of 100,000 square feet on 12½ acres, the overall density of development is likely to be very low.

6. While some concern has been expressed about the topography of the property in relation to drainage, the development will be subject to storm water retention regulations and thus water problems should be no greater than at the present time.

7. Adjoining properties on Monroe Road have already been committed to office development and this proposal blends satisfactorily with that land use pattern.

Based on the above findings, the Planning Commission recommends the petition be approved.

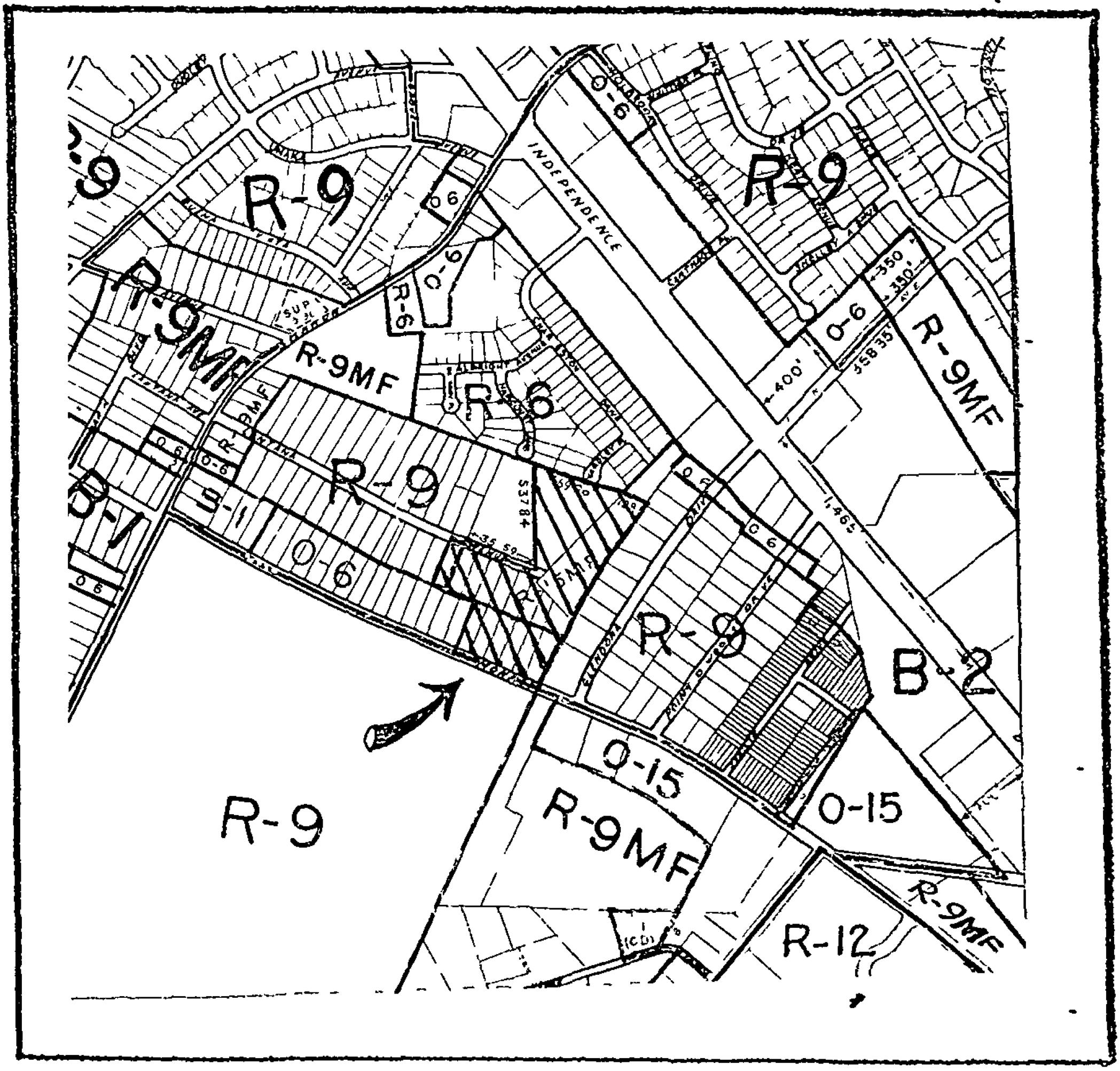
PETITIONER Walter P. Watson

PETITION NO. 81-63 HEARING DATE 10/19

ZONING CLASSIFICATION, EXISTING R-15MF, R-9, O-6, REQUESTED O-15(CD)

LOCATION A 12.507 acre tract fronting 459.49 feet on the northerly side of Monroe Road approximately 180 feet west of the intersection of Monroe Road and Glendora Drive.

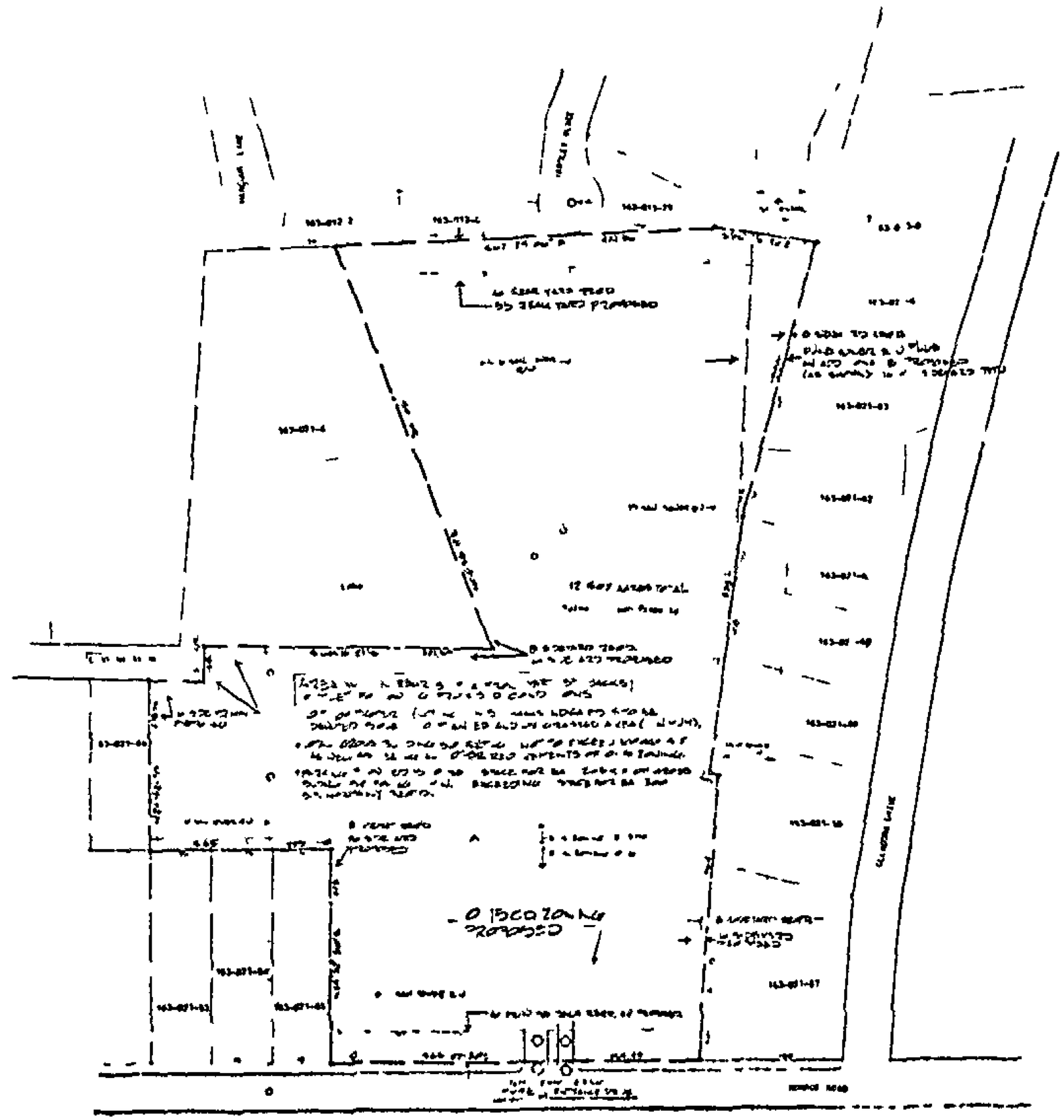
Acreage: 12.507



ZONING MAP NO. 23 SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE

Tax Lot No.	Owner	Mailing Address
163 021 55	Aaron T Baker and wife Joan P Bak	1519 C Independence B vd Cha lot e NC 28205
163 023 54	Acme Realty & Investments Inc	301 S McDowell S et Cha ot e NC 2420
163-021 53	Charles R Mays	562 Monroe Road Cha lotte NC 28212
163-021 66	Mitchell C Burgess and wife Duke ah G Burgess	5612 Lawless Avenue Charlot e NC 28212
163 021 67	Billy Blake Roberts J and wife Ga d e T Roberts	5715 Lon ane Avenue Charlotte NC 282 2
163-0 2 22	A hon P Pappas and w fe Lucy L Pappas	4035 Ro rou t Lane Charlo e NC 28212
163-013-01	Malcolm P Hicks Jr and wife Cha yl G H s	4020 Ya dley Place Charlo e NC 28205
163-4 1 25	C y of Cha ot e	
163-013 01	Ro J W P Hamak E Pau l W l e McNamal	515 C ando e D ve Cha lo t NC 28212
163 333 66	R e W L Hart A Jr (cond)	5 2 Rosem h Oaks Dr ve Charlo e NC 282 1
163 021 63	Do t e A Moss and wife Ovada M Mo s	88 Clendor D ive Harlot e NC 28212
163-021 63	Dolan P Starnes and wife June H Sta nes	1r G ando e Dr ve Cha l t e NC 28212
163-021 61	Billy L Wood Crayton and life Add e B C ayton	725 Glendora Drive Cha lo te NC 28212
163-021 60	Judson Odell Gregory and wife Fra ces C G egory	731 G endora Dr ve Char ot e NC 282 2
163-021 9	Larry Clyde Holshouser Vna B Holshouser	735 Glendora Dr ve Char ot e NC 28212
163 021 10	Jordan J Hobart	1221 San Vincen e Blvd Bonita Beaches Cal fo 9 03
163 021 5	Hubert C Mo nes	4021 G ayward B ve Cha lot e NC 28212
163-041 016	Presbyterian Memorial Assoc. Inc	P O Box 15298 Houston Texas 77002



proposed

D Max Molpod Architect

PROJECT NO

Palmer Watson Property

REVISIONS

SHEET NUMBER

2

TOTAL SHEETS

DATE October 22, 1981

PETITION NO. 81-64

PETITIONER(S) John Crosland Company

REQUEST Consider an amendment to an existing R-20MF site plan.

LOCATION A 5.7 acre parcel on the northerly side of Quail Hollow Road between McMullen Creek and Quail Forest Drive.

ACTION The Planning Commission recommends the petition be approved.

VOTE Yeas: Boyce, Culbertson, Cummings, Curry, Evans, Jernigan, Lawing, McCoy & Trotte
Nays. None.

REASONS: (Mr. Ervin was not present when the vote was taken.)

This proposal does not involve a change of zoning but instead proposes an amendment to an existing multi-family site plan previously approved under the R-20MF requirements.

The following issues associated with this request can be identified:

1. Plan details. Does the revised plan continue a satisfactory design relationship both to the subject property itself and to surrounding development?

In arriving at answers to the above issue, the following facts should be considered:

1. Existing zoning. The subject property is now zoned R-20MF as is the adjoining properties both to the north and to the south across Quail Hollow Road. A combination of B-1SCD business zoning and a small amount of single family R-15 is located to the east near Carmel Road while generally single family zoning exists to the west across McMullen Creek.

2. Existing land use. The subject property is vacant at the present time but is adjoined on the north by an existing apartment development and to the south across Quail Hollow by an almost completed condominium attached housing project. To the east, the property is adjacent to a small shopping center which is located across Quail Forest Drive, while to the west there is generally vacant land existing.

3. Site plan proposal. The existing site plan proposes developing the property with a total of 32 for sale attached units to be located in 8 buildings. The revised plan proposes to retain the exact number of units but to reduce the number of buildings to 4, thereby placing 8 units in each building and changing the previous one story design to two stores. Other details of the plan, including point of access and general circulation pattern, remains the same. The revised plan does create more unused land space, particularly to the west side of the parcel.

The following general finding can be made:

1. Comprehensive Plan. The Comprehensive Plan generally indicates residential development at 6 - 10 units per acre and a neighborhood shopping center in the vicinity of the subject property.

Based on the issues, facts and general findings, the following detailed findings may also be made:

1. The change as proposed by this amendment is minimal in nature and does not reflect any amendment to the density or number of units proposed.

2. The primary change in the site plan by reducing the number of buildings from 8 to 4 generally has an advantageous effect on the amount of the actual property to be used for development purposes.

3. The revised site plan in all respects presents an equally acceptable design relationship to adjoining areas as did the already approved version.

Based on the above findings, the Planning Commission recommends the petition be approved.

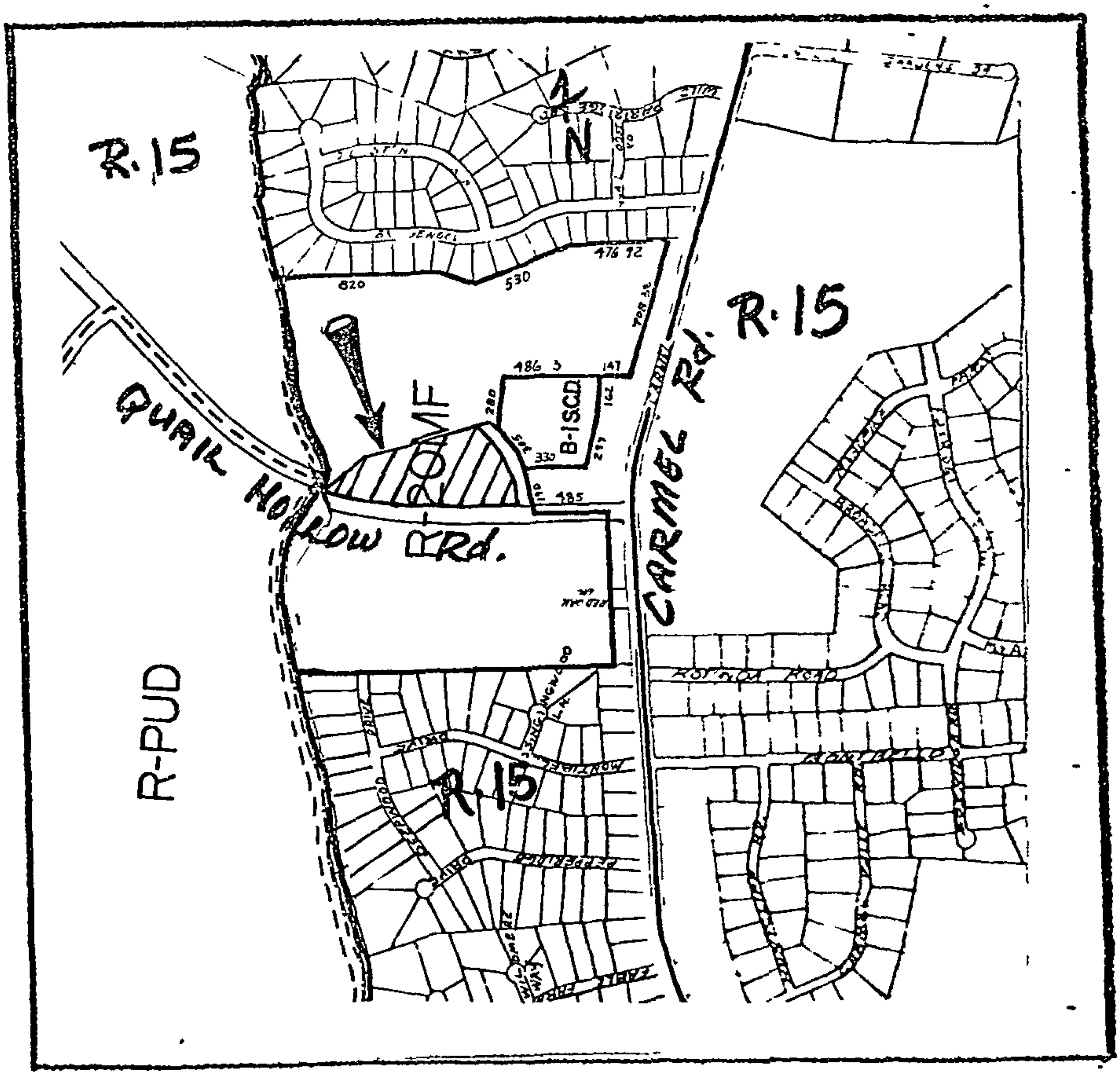
PETITIONER John Crosland Company

PETITION NO. 81-64 HEARING DATE 10/19

ZONING CLASSIFICATION, EXISTING R-20MF REQUESTED Site Plan Amendment

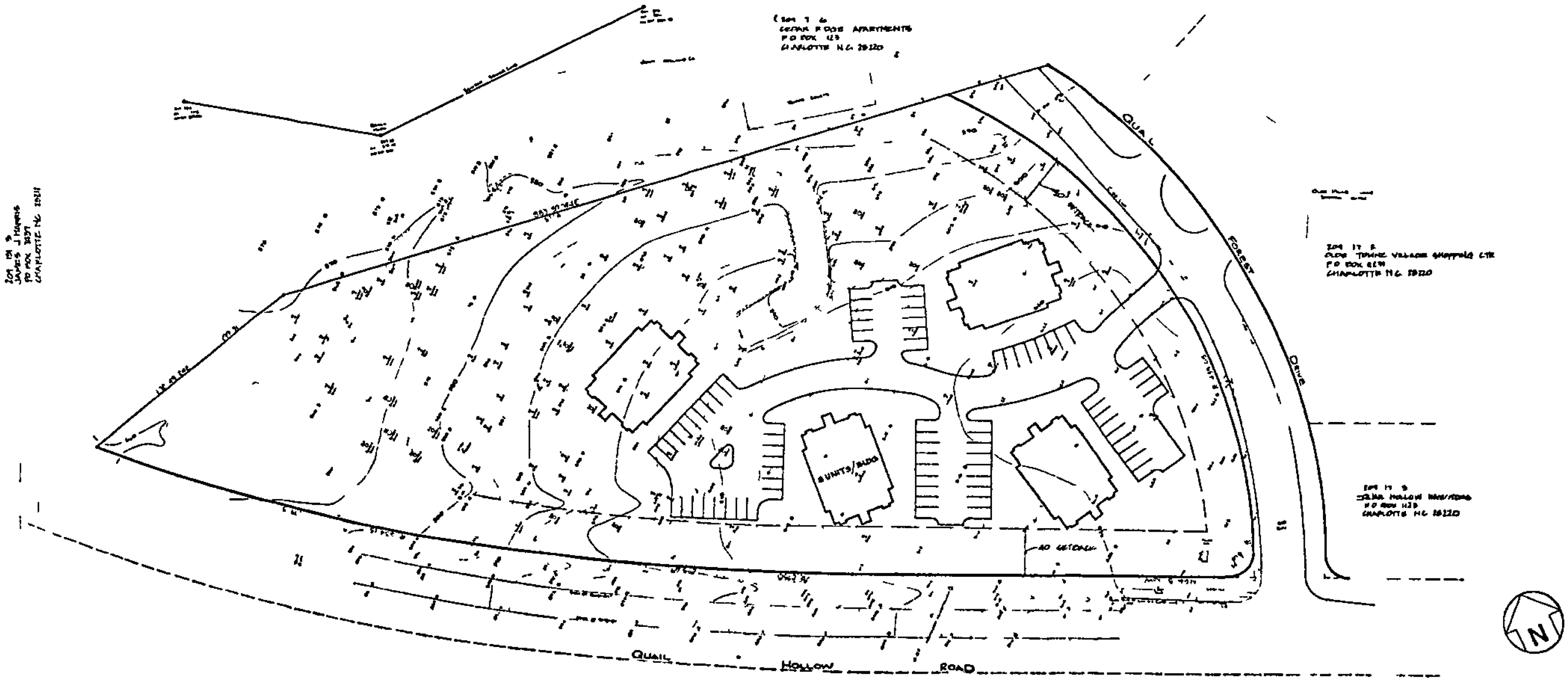
LOCATION A 5.74 acre tract fronting the northerly side of Quail Hollow Road and the westerly side of Quail Forest Drive.

Acreage. 5.74



ZONING MAP NO. 30 SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE



SITE TABULATION - CONDOMINIUMS

SITE AREA	[illegible] ACRES
[illegible]	
ALLOWABLE DENSITY	[illegible] UNITS
PROJECT DENSITY	[illegible] UNITS
REQUIRED PARKING @ [illegible] SPACES	[illegible] SPACES
PROVIDED PARKING	[illegible] SPACES

QUAIL FOREST

John Crosland Co

1 = 40	[illegible]	PRELIMINARY SITE PLA
8-9-81	SA	

DPR associates

LANDSCAPE ARCHITECTS
DESIGN PLANNING RESEARCH
[illegible]

DATE November 9, 1981

PETITION NO. 81-65

PETITIONER(S) Calvin B. Baird and Emroy H. and Marilyn B. Blanton

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

LOCATION A 9.4 acre parcel located on the southerly side of Sardis Road west of the intersection of Sardis and Rama Roads.

ACTION See discussion below.

VOTE Yeas: Boyce, Culbertson, Cummings, Curry, Ervin, Evans, Jernigan & Trotter.

Nays. McCoy.

REASONS:

This request involves a proposal to rezone the described property from its present single family classification to a multi-family one with a conditional plan attached. At the public hearing, the petitioner amended the original request which proposed to place 122 units on the site in three six-story structures. The amended plan reduced the number of units to 85, placed them in 8 building areas located on either side of the large structure located on the property at the present time which, under the revised plan, would be preserved.

At a Planning Commission meeting earlier, the discussion centered upon the desirability of encouraging a reduction in the number of units to be placed on the site and also reflected a desire to have the petitioner respond to several issues presented by Engineering and Transportation Departments related to their desire to have installed a left-turn lane from Sardis Road to the project, dedication of additional right-of-way in order to accomplish the left-turn lane, and the possibility of a new driveway to serve the adjoining Providence School, which would be partially on the subject property. The Planning Commission deferred the matter at that time with instructions to the staff to contact and work with the petitioner in order to address these factors.

During the interval since that meeting, the petitioner has responded that they would be desirous of working with all elements as discussed by the Planning Commission but that time had not permitted completion of discussions with the Engineering and Transportation Departments relative to those issues and that a determination as to a reasonable density factor for the property cannot be determined until those issues have been settled. Therefore, the petitioner requested that the Planning Commission

not take action of the matter at the present time but instead give additional opportunity to continue to address the issues outlined and come back at a later date with answers to each of them.

Based on these circumstances, the Planning Commission did not feel that it had sufficient information in front of it to present a final recommendation to the City Council. However, in view of the Council's expressed desire to dispose of all matters currently in front of it, the Planning Commission wanted to make available to City Council an opportunity to take whatever action it deemed desirable relative to this property. Therefore, while the Commission does feel that additional discussion of this matter needs to occur before final disposition, it is placing the matter back in front of City Council without a specific recommendation in order that Council may dispose of the matter if it wishes or defer for a future Council's consideration. The Planning Commission is aware that City Council legally can act on zoning matters without a precise Planning Commission recommendation and while it desires additional time to consider this matter, recognizes that this is a possibility which Council may wish to pursue.

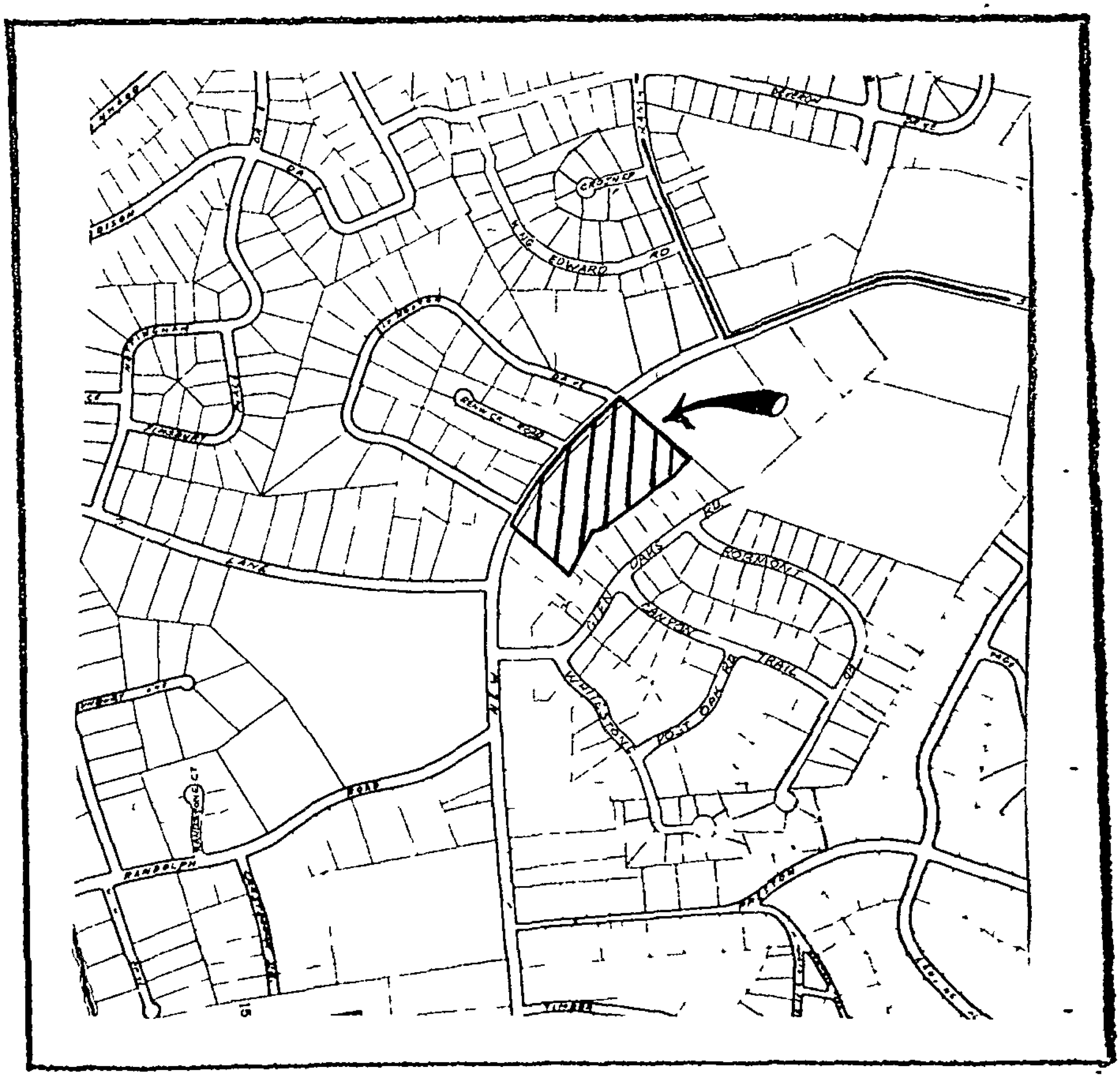
PETITIONER Calvin B. Baird & Emroy H. and Marillyn T. Blanton

PETITION NO. 81-65 HEARING DATE 10/19

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

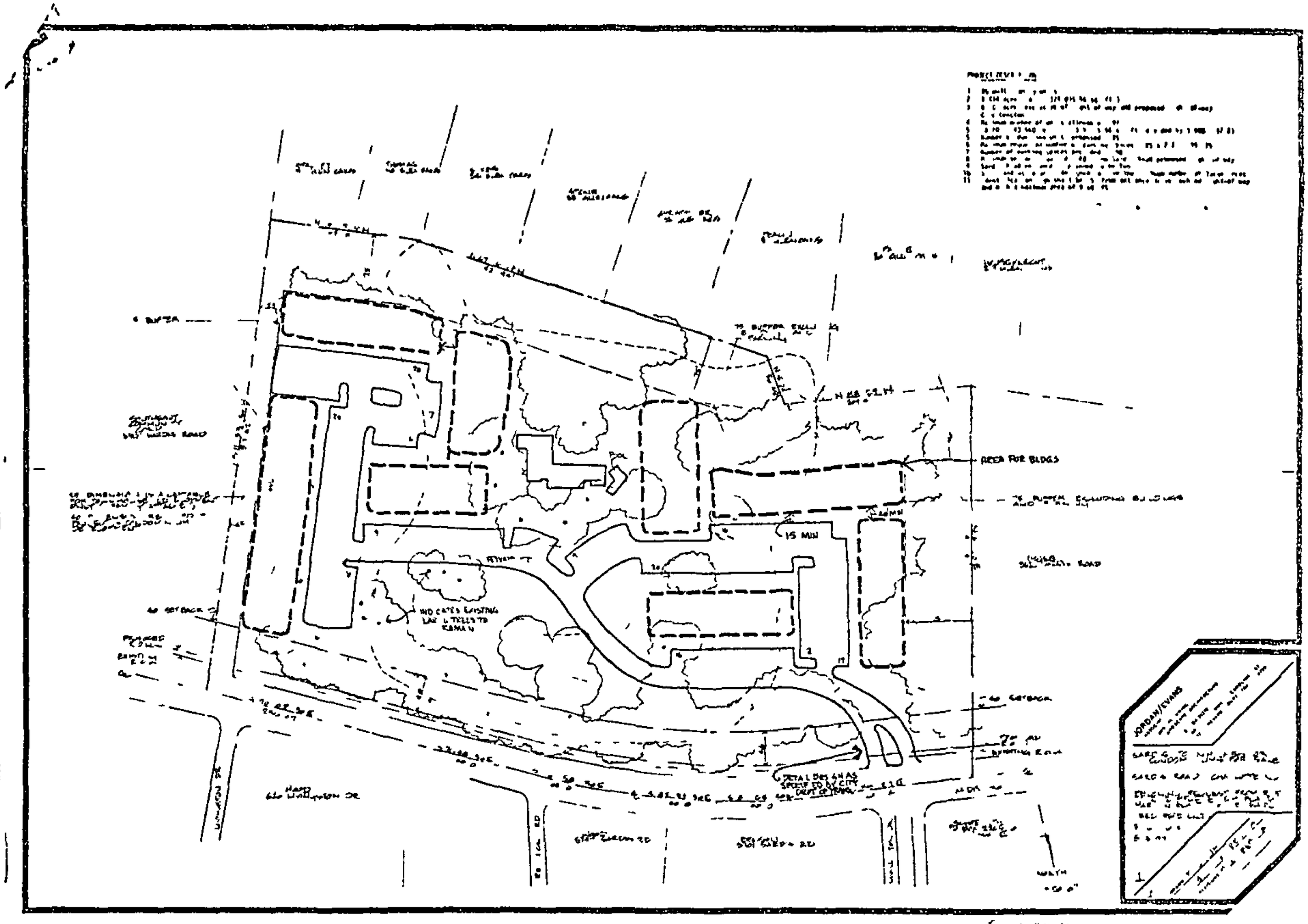
LOCATION A 9.4± acre tract fronting 865± feet on the southerly side of Sardis Road approximately 569 feet west of the intersection of Sardis Road and Bama Road.

Acreage: 9.4



ZONING MAP NO. 26 SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE


AREA FOR BLDGS
15 MIN
INDICATES EXISTING TREES TO REMAIN
DETAILS AS SPECIFIED BY CITY DEPT OF TRANS
JORDAN/EVANS

DATE November 9, 1981

PETITION NO. 81-66

PETITIONER(S) Marzie Godfrey

REQUEST Change from R-15 to B-1. (Later changed to request O-6(CD)).

LOCATION A 1.6 acre parcel located on the northerly side of Fairview Road beginning approximately 150 feet east of Sharon Road.

ACTION The Planning Commission recommends the petition be approved for O-6(CD) in lieu of the original B-1.

VOTE Yeas: Boyce, Culbertson, Curry, Ervin, Jernigan & Trotter.
Nays: None.
(Commissioners Evans and Cummings were not present when vote was taken.)

REASONS:

This request involves a proposal as amended to establish conditional office zoning on the subject parcel which is now zoned a residential classification.

The following issues associated with this request can be identified:

1. Area relationships. Would business or office development of the subject property be in keeping with defined objectives for the general area of which this is a part?

2. Future impacts. Would rezoning this property to business or office have any potential impacts as it would influence future changes of other property in the area?

3. Traffic relationships. What impacts on traffic conditions in the area would be experienced if the subject request is approved?

In arriving at the answers to the above issues, the following facts should be considered:

1. Existing zoning. The subject property is now zoned an R-15 single family residential classification as is all property to the east and north with a combination of office and single family residential zoning to the south across Fairview Road. A small amount of business zoning is related immediately on the

west extending out to the intersection of Sharon Road.

2. Existing land uses. The subject property has on it at the present time a single family residential structure with similar uses existing to the rear and to the east. A combination of office, business and vacant land exists to the south across Fairview Road while a service station is located immediately west of the tip of the subject property.

3. Request details. The request was originally submitted as a straight request for change to B-1 business zoning. Subsequently the petitioner, through his attorney, has filed a statement indicating that in lieu of business zoning, office zoning would be acceptable. Obviously, under these conditions the request may be considered as a change for either business or office purposes. A later revision by the petitioner reflects conditional zoning but only imposes added screening as an added condition.

4. Existing traffic conditions. The subject property is located on the northerly side of Fairview Road in a location where a median divides the traffic flow and therefore access to the site would be one directional in nature. Traffic entering the property would have to enter from the east while existing traffic would be able to move only in a westerly direction. Indications from the Department of Transportation are that the median is extremely important in this area and is not likely to be available for cutting. Additionally, the subject property is very close to the intersection of Sharon Road, which is an extremely congested site and ingress and egress to the property could become very difficult.

The following general findings can be arrived at:

1. Comprehensive Plan. The Comprehensive Plan indicates the subject area to be generally available for residential development with some office indication around the Sharon Road/Fairview Road intersection.

2. SouthPark Study. The adopted study for the SouthPark area indicates that the subject area should be made available for higher density residential development and contains statements intended to discourage the expansion of non-residential zoning generally easterly along Fairview Road. The plan does indicate that some office zoning and use would be appropriate along the northerly side of Fairview Road generally related to the intersection of Savings Place.

Based on the above issues, facts and general findings, the following detailed findings may also be made:

1. The subject property is located in an area which is extremely sensitive in terms of development potential.

2. Careful delineation of use activities in this area is essential if a workable development system is to be maintained.

3. With the opening of Fairview Road, repeated statements were made concerning the inadvisability of permitting non-residential development generally to extend easterly along that roadway

4. The subject property is in a location which, if approved for business development, certainly at a minimum would influence development of additional business

potential along Fairview Road.

5. The SouthPark Study, adopted several years ago, contains specific policy statements reflecting the need to control non-residential development along this segment of Fairview Road.

6. It is recognized that the subject property is perhaps not suitable for single family development but that it should be the transitional parcel between business on the west and higher density residential development to the east.

7. Under the circumstances outlined, office zoning for the site can be justified but not the business which was originally requested.

Based on the above findings, the Planning Commission recommends the petition be approved for O-6(CD).

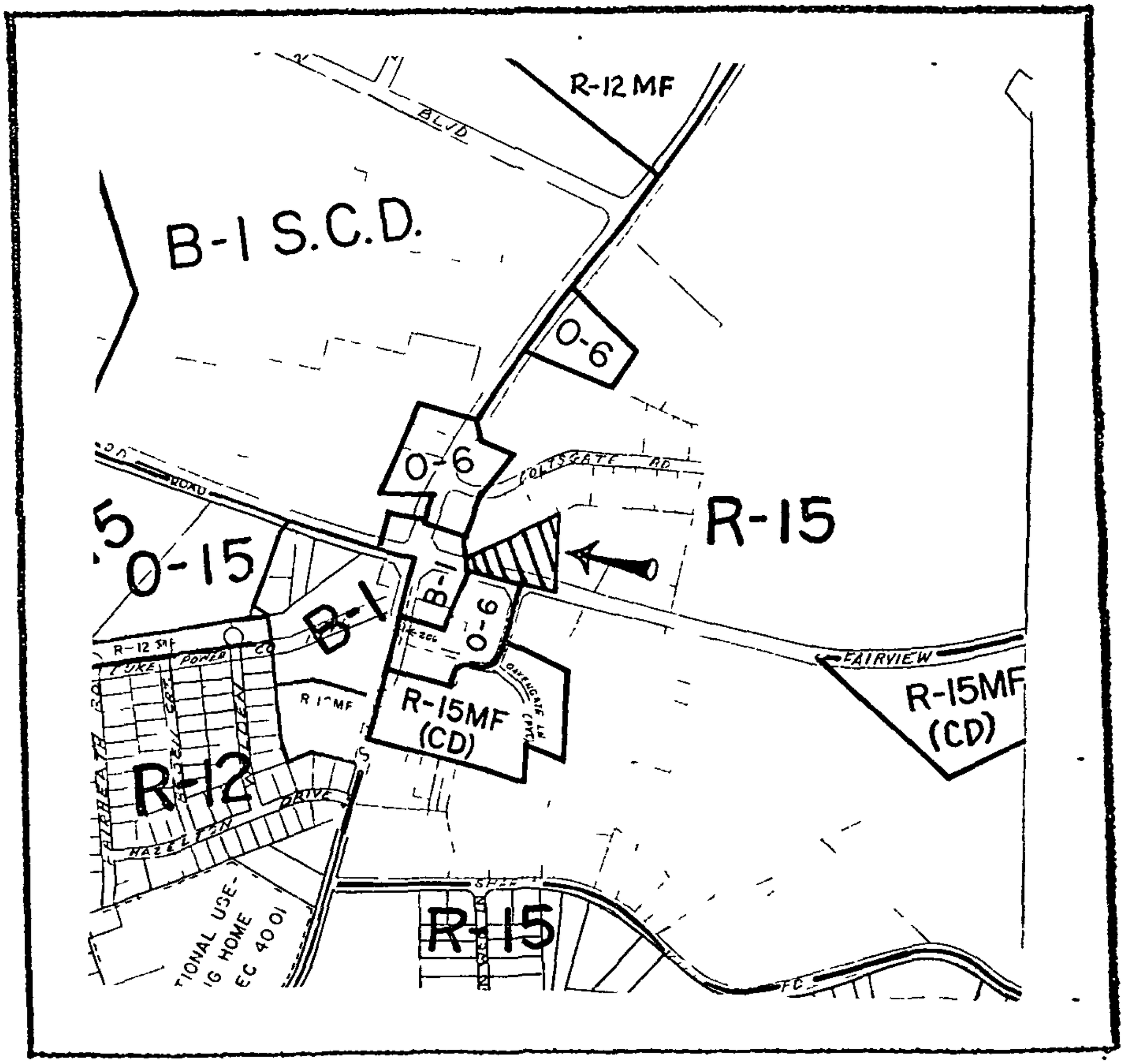
PETITIONER Marzie Godfrey

PETITION NO. 81-66 HEARING DATE 10/19

ZONING CLASSIFICATION, EXISTING R-15 REQUESTED B-1

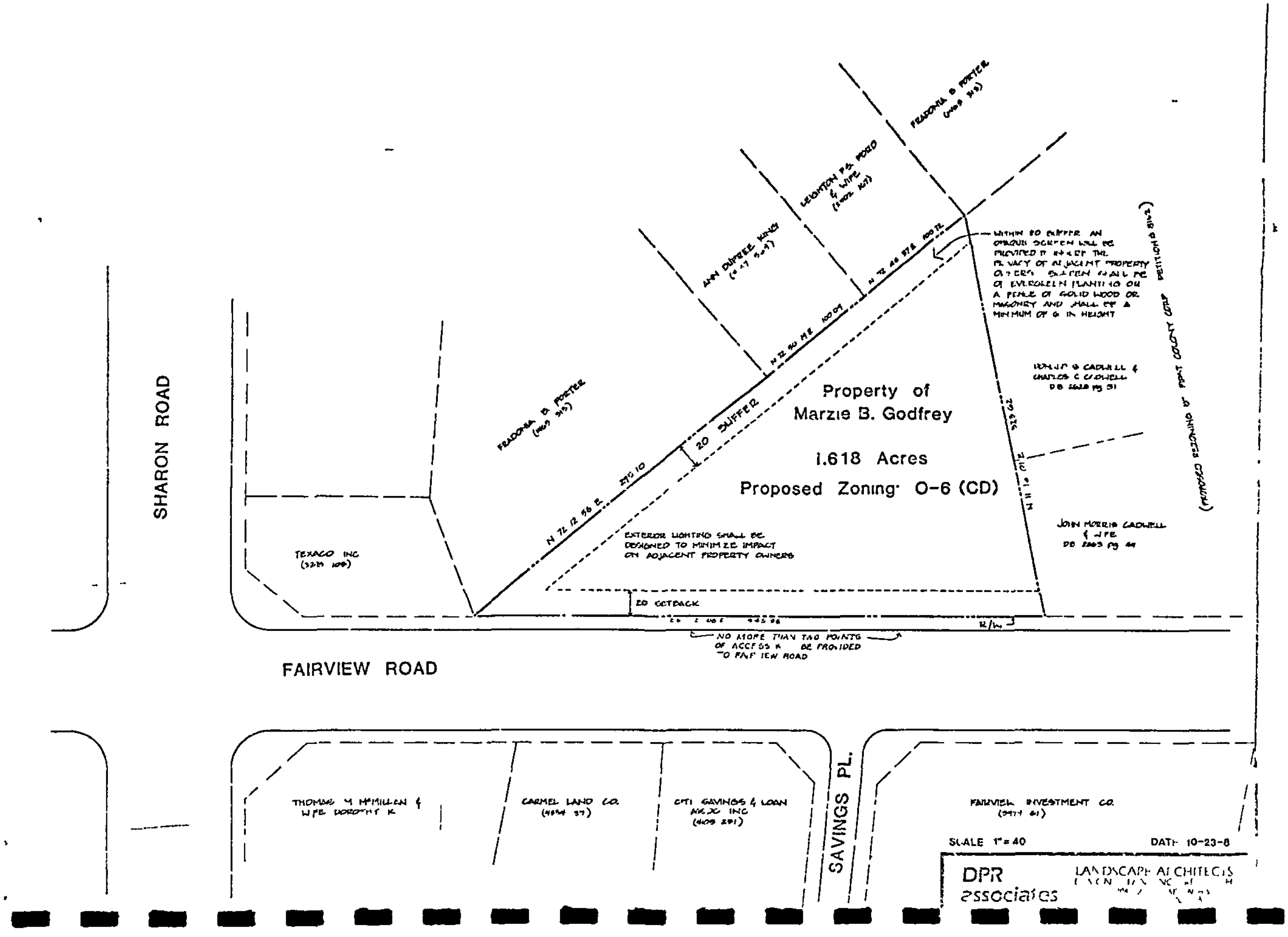
LOCATION A 1.6± acre tract fronting 440± feet on the northerly side of Fairview Road approximately 150 feet east of the intersection of Fairview Road and Sharon Road.

Acreage: 1.6



ZONING MAP NO. 27 SCALE 1" = 800'

PROPERTY PROPOSED FOR RAISE


SHARON ROAD
FAIRVIEW ROAD
SAVINGS PL.
Property of
Marzie B. Godfrey
1.618 Acres
Proposed Zoning: O-6 (CD)
20 BUFFER
20 SETBACK
EXTERIOR LIGHTING SHALL BE DESIGNED TO MINIMIZE IMPACT ON ADJACENT PROPERTY OWNERS
NO MORE THAN TWO POINTS OF ACCESS WILL BE PROVIDED TO FAIRVIEW ROAD
TEXACO INC
THOMAS M MCMILLAN & WIFE DOROTHY K
CARMEL LAND CO.
CITI SAVINGS & LOAN ASSOC INC
FAIRVIEW INVESTMENT CO.
JOHN MORRIS CADWELL & WIFE
SCALE 1" = 40
DATE 10-23-8
DPR associates
LANDSCAPE ARCHITECTS

DATE November 4, 1981

PETITION NO. SUP 81-3

PETITIONER(S) St. Andrews Lodge No. 702

REQUEST Consider a Special Use Permit for a fraternal organization in an R-9 district under Section 23-36.7.

LOCATION A .93 acre parcel fronting 150 feet on the northerly side of Tuckaseegee Road approximately 400 feet east of the intersection of Tuckaseegee and Brown Avenue.

ACTION The Planning Commission recommends that this Special Use Permit be approved.

VOTE Yeas. Boyce, Culbertson, Cummings, Curry, Ervin, Jernigan, Lawing, McCoy & Trotter

Nays: None.

REASONS:

FINDINGS REGARDING REQUIREMENTS PRESCRIBED FOR SCHEMATIC PLANS

The schematic plan and the other material submitted with the petition at the time of filing comply with each of the requirements of Section 23-36(b), (1- 7) and of Section 23-36.7(a), (1), (4) and (6).

FINDINGS REGARDING PRESCRIBED STANDARDS.

The following findings were made from the record evidence presented at the hearing with respect to the four standards prescribed by Section 23-36.7(c), the basic facts relied on in support of each being set forth below:

Finding (Standard) No. 1.

That the proposed use will not endanger public health and safety or substantially reduce the value of adjoining and nearby properties.

Facts Indicating Compliance with Finding No. 1

1. Property across Tuckaseegee Road from the site is now used for a day care center and a church in the near vicinity. (See testimony of Bryant, page 6.)

2 Existing zoning across Tuckaseegee Road from the site now permits office uses under a combination of O-15 and O-15(CD) districts. (See testimony of Bryant, page 6.)

3. The proposed use would not endanger the public health and safety of adjoining properties and would not reduce the value of property. (See testimony of Wagner, page 11.)

Finding (Standard) No. 2

That the proposed use will be compatible with the general characteristics of the area with respect to location, size and exterior features of the structure, the location, design and screening of the parking areas and the location and size of signs.

1. The area along the two side lines of the property will be screened with either a planning strip or wood fence and a substantial amount of existing natural tree cover will be retained both in front and to the rear of the site. (See testimony of Bryant, page 7.)

2. The building will be two story in height with the front portion entry level at grade and the lower floor set to the natural contour of the site, thereby creating a building profile of a single story structure from the front. (See testimony of Wagner, pages 9 and 10.)

3. A substantial amount of the area will be retained in natural wooded area with side yards being supplemented with planting buffer or rustic wood fence. (See testimony of Wagner, page 10.)

4. The proposed structure will be compatible with the general characteristics of the area as outlined in the required findings. (See testimony of Wagner, page 12.)

Finding (Standard) No. 3

That the proposed use will not substantially increase the volume of vehicular traffic within the area.

Facts Supporting Finding No. 3

1. The proposed structure, based on the usage indicated by the petitioner, will not increase vehicular traffic in the area. (See testimony of Wagner, page 12.)

2. Traffic in the area will not be substantially impaired by the use as proposed. (See statement filed by Traffic Division of the City of Charlotte.) (See reference on page 14.)

Finding (Standard) No. 4

That the proposed use will be compatible with the general living environment of the area, particularly with respect to noise levels.

Facts Indicating Compliance with Finding No. 4

1. The proposed usage as related to a day care center and church which is already located in the vicinity across Tuckaseegee Road (See testimony of Bryant, page 6)

2. The subject property is related to property already zoned for office purposes across Tuckaseegee Road. (See testimony of Bryant, page 6.)

3. Monthly meetings will usually involve less than 30 people in attendance. (See testimony of Wagner, page 10.)

4. The proposed use will be compatible with the general living environment of the area, particularly with regard to noise levels. (See testimony of Wagner, page 12.)

5. The facility will not be available for rent to the general public nor will it be available for parties or anything of that type. (See testimony of Hundley, page 13.)

Based on the above findings, it is recommended that the petition be approved.

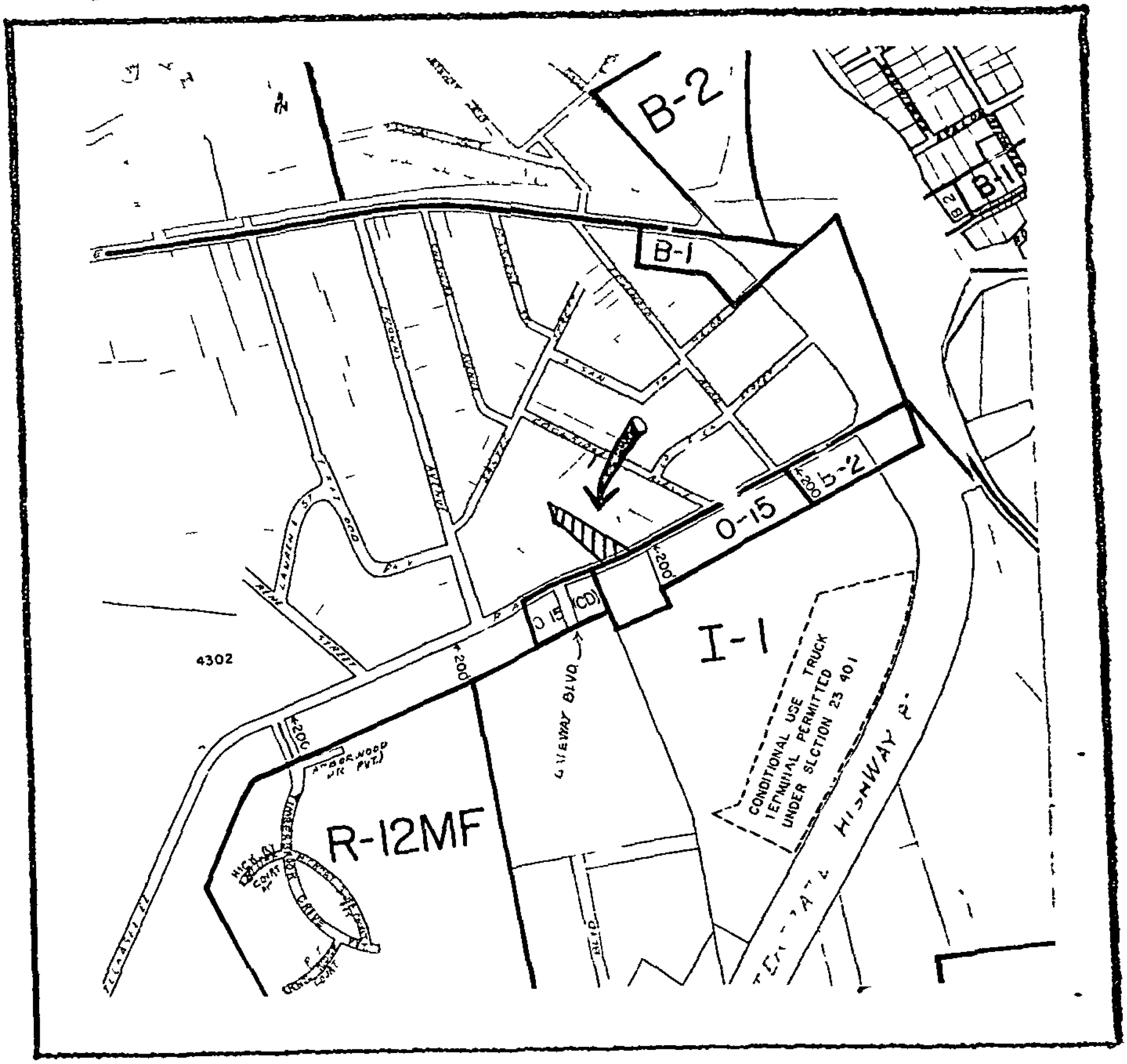
PETITIONER St. Andrews Lodge No. 702

PETITION NO. SUP 81-3 HEARING DATE 10/20

ZONING CLASSIFICATION, EXISTING R-9 REQUESTED Special Use Permit for a Fraternal Organization

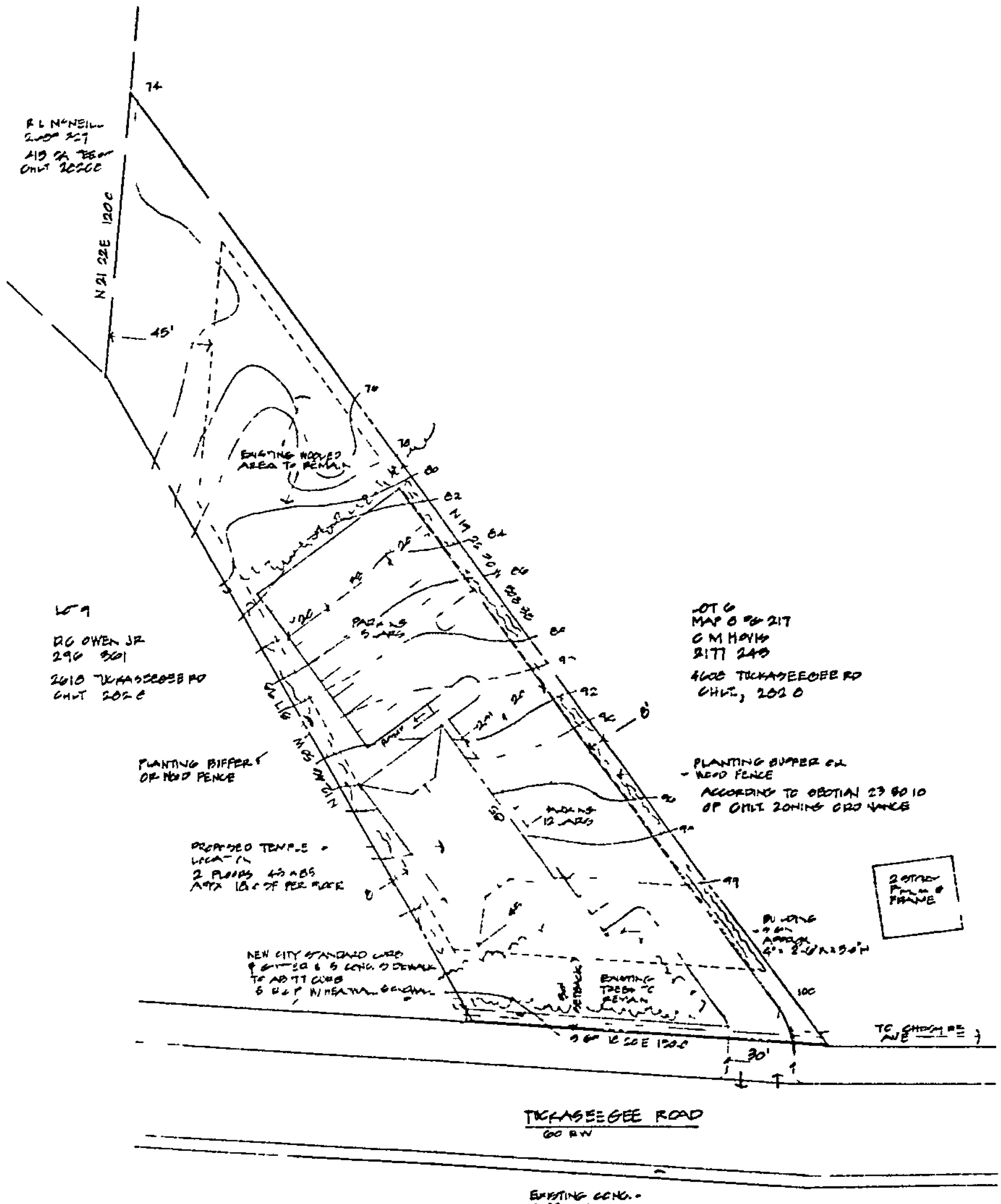
LOCATION A .93 acre parcel fronting 150 feet on the northerly side of Tuckaseegee Road approximately 397 feet east of the intersection of Tuckaseegee Road and Brown Avenue.

Acreage: .93



ZONING MAP NO. 13 SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE



DW

Design ARCHITECTS
830 Providence Road Charlotte NC 28207
704 372 2506

ST ANDREWS MASONIC TEMPLE

CHARLOTTE NC

PRESENT ZONING R 8
REQUESTING SPECIAL USE PERMIT
AS PER FOR ALREADY
PARKING REQ'D 25 CARS 2 PROVIDED ACCORDING TO ORD
28 02 CHLT ZONING ORD (BASED ON A PLAN DONE IN 1964)

Drawn
Date 8 8 91
Job 8.14
Revisions 9 9 91

SITE PLAN

REQUEST FOR SPECIAL USE PERMIT
ST ANDREWS MASONIC TEMPLE IS A BS USED STRICTLY FOR MASONIC FUNCTIONS

#3

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE CALLING FOR ADOPTION OF ALBEMARLE ROAD NEIGHBORHOOD PLAN

WHEREAS, the City Council of the City of Charlotte directed the Charlotte-Mecklenburg Planning Commission to prepare a plan for the Albemarle Road area involving representatives of the surrounding neighborhoods, property owners, businesses and development community; and

WHEREAS, the Charlotte-Mecklenburg Planning Commission, working with a task force, has identified specific issues and proposed solutions for the Albemarle Road Neighborhood; and

WHEREAS, the Charlotte-Mecklenburg Planning Commission has prepared the Albemarle Road Neighborhood Plan based on the Albemarle Road Task Force proposal.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, in regular session duly assembled, to accept the Albemarle Road Neighborhood Plan, to be used as a general policy guide in land use decisions by both the public and private sector.

BE IT FURTHER RESOLVED that the City Council of the City of Charlotte:

1. Acknowledges that the Albemarle Road Neighborhood Plan is consistent with the goals and objectives of the Comprehensive Development Plan and the Urban Policy Program.

2. Authorizes the City Manager to direct City departments to use the plan as a conceptual guide for departmental activities.

3. Authorizes the City Manager to incorporate the plan elements into the normal Capital Improvement process and to prioritize the proposed projects according to the standard review and ranking criteria.

RESOLVED, this the ____ day of _____, 1981.

Approved as to form:

J. Douglas Canty

Asst. City Attorney

14 Attch.

Request for Council Action

Charlotte

To the City Manager Vernon L. Sawyer November 10, 1981

From Vernon L. Sawyer, Director, Economic Development Program Date

Action Requested Recommend adoption of "Resolution Of The City Council Of The City Of Charlotte Creating A Private Non-profit Small Business Administration 503 Certified Local Development Company And Appointing A Minimum Of 25 Board Members"

Creation of a Certified Development Company (CDC),also known as a Local Development Company (LDC), will help small businesses to secure long-term financing for capital improvements and fixed assets by working cooperatively with local banks and other lending institutions.

The City is developing a small business and industry retention and expansion program. A major focus of this program will be assisting small businesses to obtain long-term financing for capital improvements and fixed assets.

The CDC Program requires that a minimum of 25 board members be appointed. Two of the following four groups must be represented on the board: local government, private lending institutions, community organizations and a business association. The CDC can be formed immediately after appointment of the 25 board members and the filing of an application for certification by the Small Business Administration. The staff needs include a director, loan packager, and bookkeeper. Accounting and legal services must be available.

The CDC will work with a small business needing long-term financing and its private bank to package a loan. The loan package will then be sent to the Small Business Administration for approval. Once approved by the Small Business Administration, it arranges, through the Federal Financing Bank, for the Small Business Administration 100% guaranteed debenture to be sold to finance up to 40% of the total project cost. The proceeds are then loaned for up to 25 years for land acquisition, building construction, expansion, renovation and modernization or machinery and equipment. The CDC financing cannot exceed $500,000 nor exceed 40% of the cost of the project. The borrowing business must finance 10% of the cost of the project and the remaining 50% must come from the private bank.

A processing fee not exceeding 1½% of the amount of the debenture to cover administrative costs of the loan, and a servicing fee not to

exceed 1/2% on the outstanding loan balance can be charged. City staff could serve the CDC's professional staff needs during its start-up operation. It is estimated that by the time $10-12 million in loans are placed, the CDC will be generating sufficient funds from loan processing and servicing fees to be financially independent.

The start-up cost involved during the first year will be in the total amount of $5,200. This amount will cover training expenses for the loan packager and telephone installation and service fees. The loan packager will need to be trained to prepare the loan applications and to work with the lending officers of the local banks and Small Business Administration financing staff. The training courses are offered by The National Development Council in four separate one-week courses. Adoption of the attached Ordinance will appropriate the necessary funds.

VLS:kmd

Attachment
Resolution
Ordinance

"RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE CREATING A PRIVATE NON-PROFIT SMALL BUSINESS ADMINISTRATION 503 CERTIFIED LOCAL DEVELOPMENT COMPANY AND APPOINTING A MINIMUM OF 25 BOARD MEMBERS"

WHEREAS, the United States Small Business Administration (SBA) has a 503 Certified Development Company Program created for the purpose of helping communities by stimulating the growth and expansion of small business within a defined area of operation; and

WHEREAS, the Certified Development Company Program allows private lenders to meet small business needs for long-term financing for land, improvements and expansion through SBA-supported loans based on subordinate SBA second mortgage financing in the form of 100% SBA-guaranteed debentures.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte that it shall be the policy of the City of Charlotte to support and assist in the formation of a Private Non-profit SBA 503 Certified Development Company, referred to as a Local Development Company (LDC), in order to work in cooperation with private lenders to meet the needs of small businesses for long-term, fixed asset financing, stimulate business growth and expansion, create new jobs, expand the tax base and otherwise enjoy the benefits of increased business activity. BE IT FURTHER RESOLVED that the Mayor and City Council of the City of Charlotte shall jointly appoint a minimum of 25 board members with authorization to do all things necessary to meet the SBA's requirements for creation of a Private Non-profit 503 Certified Development Company for Charlotte.

Approved as to form:

Henry W. Underhill Jr.
City Attorney

ORDINANCE NO._____

AN ORDINANCE TO AMEND BUDGET ORDINANCE NO. 980-X, THE 1981-82 BUDGET ORDINANCE, TO TRANSFER FUNDS FROM GENERAL FUND CONTINGENCY TO THE OFFICE OF SPECIAL PROJECTS FOR THE DEVELOPMENT OF A CERTIFIED DEVELOPMENT COMPANY PROGRAM SPONSORED BY THE SMALL BUSINESS ADMINISTRATION.

BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina,

Section 1. That the sum of $5,200 is hereby transferred from General Fund Contingency (530.00) to the Office of Special Projects (116.00) These funds will be used to develop a Certified Development Company program by the City to stimulate growth and expansion of small businesses in Charlotte.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall become effective upon its adoption.

Approved as to form:

Henry W. Underhill Jr.
City Attorney

CITY OF CHARLOTTE

PUBLIC WORKS DEPARTMENT

INTER-OFFICE COMMUNICATION

DATE December 1, 1981

Jack N. McWhirter for

TO Mr. L. P. Bobo
Assistant City Manager

FROM C. D. Readling
City Engineer

SUBJECT Status of Negotiations Prior to Request for Council Action to Condemn for Certain Parcels on the Plaza Central Parking Project

Per your request, we offer the following on Engineering/Real Estate negotiations for the above project. There are three parcels to be acquired to accomplish this parking facility on Central Avenue.

Parcel #43 - Duron Paint, Inc. of Beltsville, Maryland

Mr. Gary T. Maufer is the executive we have contacted. Mr. Maufer has indicated they would like to secure an appraisal and possibly they might settle. Their paint store is on an adjoining lot.

Parcel #45 - L & S Fashion Shops, Inc. - Mr. Jerry Hannes, President

Mr. Hannes indicated he would like to get an appraisal and he would consider negotiating for this property if the City would use metered parking on this lot. This or gates of some kind would control parking or discourage all day parking, thus defeating the purpose of parking off street along Central Avenue. This owner has a children's store across street from this lot.

Parcel #44 - City Electric Company - Mr. Gary Watts and Mr. Jack Foy

These two men purchased this parcel within a week after announcement was made to purchase these three lots for this off street parking project. Stamps on deed indicated this property was purchased for $30,000. When our Real Estate Agent called on these owners, their asking price was $60,000 or condemn.

It is requested that Council approve condemnation on Parcels #43 and #45 to prevent any speculation on the purchase of either of these two lots. Parcel #44 will require condemnation because of the price. The appraised price for this parcel is $45,000.

A further problem is N. C. Statute allowing the City the "Quick Take" in condemnation actions will expire December 31, 1981. The replacement Statute will probably be more cumbersome, require longer time to get title to the land, and finally will add greatly to the cost of acquiring land for all projects in the future.

It is felt that Parcels #43 and #45 will be successfully negotiated rather than file the condemnation.

5a

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO L & S FASHION SHOPS, INC., LOCATED AT 1520 CENTRAL AVENUE IN THE CITY OF CHARLOTTE FOR THE CENTRAL-PLAZA AREA PLAN

WHEREAS, the City Council finds as a fact that it is necessary to acquire certain property belonging to L & S FASHION SHOPS, INC., located at 1520 Central Avenue in the City of Charlotte for a municipal parking facility for the Central-Plaza Area Plan; and

WHEREAS, the City has in good faith undertaken to negotiate for the purchase of this property, but has been unable to reach an agreement with the owners for the purchase price.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, that pursuant to Section 7.81, Chapter 713 of the 1965 Session Laws of North Carolina, being the Charter of the City of Charlotte, as amended, and the authority granted in Chapter 160A-241 of the General Statutes of North Carolina, condemnation proceedings are hereby authorized to be instituted against the property of L & S FASHION SHOPS, INC., located at 1520 Central Avenue in the City of Charlotte, under the procedures set forth in Article 9, Chapter 136 of the General Statutes of North Carolina, as amended; and

BE IT FURTHER RESOLVED that $18,700.00, the amount of the appraised value of said property, is hereby authorized to be deposited in the Office of the Clerk of Superior Court of Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

Approved as to form:

Henry W. Underhill Jr.
City Attorney

CERTIFICATION

I, RUTH ARMSTRONG, City Clerk of The City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the City Council of The City of Charlotte, North Carolina, in regular session convened on the _____ day of _____, 1981, and the reference having been made in Minute Book _____, Page _____, and recorded in full in Resolutions Book _____, Page _____.

WITNESS my hand and the corporate seal of The City of Charlotte, North Carolina, this the _____ day of _____, 1981.

_____
Ruth Armstrong, City Clerk

Form RW-02

CITY OF CHARLOTTE
RIGHT OF WAY DIVISION
CONDEMNATION
APPROVAL FOR ~~PROPERTY AND~~ R/W ACQUISITION

622

November 23 19 81

Tax Code - 081-176-45

Project Central - Plaza Area Plan

Parcel 45 Charge to (Code) 2010 - 480.10.

Owner(s) L & S Fashion Shops, Inc.

Address of Property 1520 Central Avenue

Total Land Area 0.143 acre Lot Size see attached map

Portion to Be Acquired 0.143 acre

Residue 0

Improvements 0

Condemnation Price $ 18,700.00 Negotiated By George W. Pickett

Appraised By Charles E. Owens ($18,700.00) and Leo H. Phelan, Jr. ($18,000.00)

Recommended Condemnation Price Is Within The Values Estimated By The Appraisers yes

REMARKS Property owner refused to accept City's offer based on the high appraisal.

Declined to make any counter-offer.

CERTIFIED CORRECT

Joe N. McWhirter
~~Engineering Accountant~~
Real Estate Supervisor

Sharon J. Davis
~~Chief Right of Way Agent~~
Real Estate Accountant

APPROVED FOR PAYMENT

[illegible]
~~City Auditor~~
Engineering Fiscal Control

C. O. Readling
~~Director of Public Works~~
City Engineer

COUNCIL APPROVAL

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO CITY ELECTRIC COMPANY OF CHARLOTTE, INC., GARY A. WATTS REALTY, INC., AND A. STUART McKAIG, TRUSTEE, AND BRUCE D. THOMPSON, BENEFICIARY, LOCATED AT 1233 THOMAS AVENUE IN THE CITY OF CHARLOTTE FOR THE CENTRAL-PLAZA AREA PLAN

WHEREAS, the City Council finds as a fact that it is necessary to acquire certain property belonging to CITY ELECTRIC COMPANY OF CHARLOTTE, INC., GARY A. WATTS REALTY, INC., AND A. STUART McKAIG, TRUSTEE, AND BRUCE D. THOMPSON, BENEFICIARY, located at 1233 Thomas Avenue in the City of Charlotte for a municipal parking facility for the Central-Plaza Area Plan; and

WHEREAS, the City has in good faith undertaken to negotiate for the purchase of this property, but has been unable to reach an agreement with the owners for the purchase price.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, that pursuant to Section 7.81, Chapter 713 of the 1965 Session Laws of North Carolina, being the Charter of the City of Charlotte, as amended, and the authority granted in Chapter 160A-241 of the General Statutes of North Carolina, condemnation proceedings are hereby authorized to be instituted against the property of CITY ELECTRIC COMPANY OF CHARLOTTE, INC., GARY A. WATTS REALTY, INC., AND A. STUART McKAIG, TRUSTEE, AND BRUCE D. THOMPSON, BENEFICIARY, located at 1233 Thomas Avenue in the City of Charlotte, under the procedures set forth in Article 9, Chapter 136 of the General Statutes of North Carolina, as amended; and

BE IT FURTHER RESOLVED that $45,000.00, the amount of the appraised value of said property, is hereby authorized to be deposited in the Office of the Clerk of Superior Court of Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

Approved as to form:

Henry W. Underhill Jr.
City Attorney

CERTIFICATION

I, RUTH ARMSTRONG, City Clerk of The City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the City Council of The City of Charlotte, North Carolina, in regular session convened on the _____ day of _____, 1981, and the reference having been made in Minute Book _____, Page _____, and recorded in full in Resolutions Book _____, Page _____.

WITNESS my hand and the corporate seal of The City of Charlotte, North Carolina, this the _____ day of _____, 1981.

_____
Ruth Armstrong, City Clerk

Form RW-02

CITY OF CHARLOTTE
RIGHT OF WAY DIVISION
CONDEMNATION
APPROVAL FOR PROPERTY AND R/W ACQUISITION

C21

November 23 1981

Tax Code - 081-176-45

Project Central - Plaza Area Plan

Parcel 44 Charge to (Code) 2010 - 480.10

Owner(s) City Electric Company of Charlotte, Inc. and Gary A. Watts Realty, Inc.

Address of Property 1233 Thomas Avenue

Total Land Area 0.167 acre Lot Size see attached map

Portion to Be Acquired 0.167 acre

Residue 0

Improvements 1 commercial building - 4,160 square feet

Condemnation Price $ 45,000.00 Negotiated By George W. Pickett

Appraised By Charles E. Owens ($45,000.00) and Leo H. Phelan, Jr. ($45,000.00)

Recommended Condemnation Price Is Within The Values Estimated By The Appraisers yes

REMARKS Property owners refused to accept City's offer based on appraisals. Their counter-offer was $80,000.00.

CERTIFIED CORRECT

~~XXXXXXXXXXXXXXXXXX~~
Real Estate Supervisor

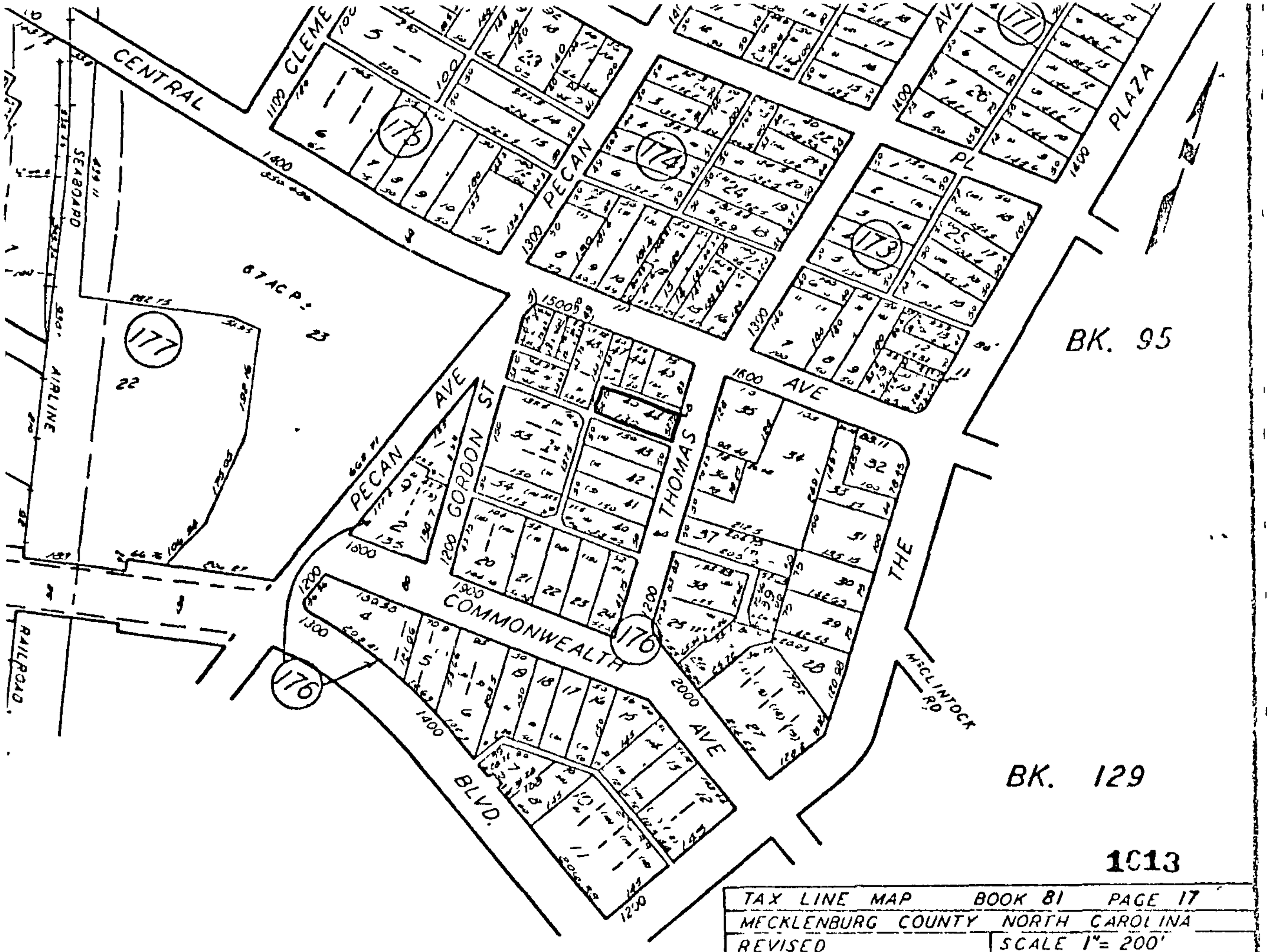
~~XXXXXXXXXXXXXXXXXX~~
Real Estate Accountant

APPROVED FOR PAYMENT

~~XXXXXXXXXXXXXXXXXX~~
Engineering Fiscal Control

~~XXXXXXXXXXXXXXXXXX~~
City Engineer

COUNCIL APPROVAL:



1013

TAX LINE MAP	BOOK 81	PAGE 17
MECKLENBURG COUNTY	NORTH CAROLINA	
REVISED	SCALE 1"= 200'	

FOR TAX PURPOSES ONLY

GRIER HEIGHTS C. D. AREA
BUS SHELTER CONSTRUCTION
****

ENGINEERING DEPARTMENT

The following bids have been received for "Grier Heights C. D. Area Bus Shelter Construction, Project Number 512-75-099." This project will include the installation of two bus shelters in the Community Development area. One will be installed on Ellington Street near Billingsley Road, the other will be installed on Drenan Street at Stancil Place. The completion date for this project will be 90 days after the Contractor receives his Notice to Proceed. Liquidated damages will be assessed at the rate of $25.00 per site per day thereafter.

Advertisement was carried in The Charlotte News on October 12, 1981. Bids were received by the City on October 29, 1981.

BIDS:

Ellington Building Corporation	Gastonia, N.C.	$ 15,686.00
Jones Fencing & Grading Co.	Charlotte, N.C.	23,360.00
Moretti Construction, Inc.	Charlotte, N.C.	23,495.00

Recommendation: By the City Engineer that the low bid of $15,686.00 as submitted by Ellington Building Corporation, Gastonia, North Carolina, be accepted for award of contract on a lump sum price basis.

Action: Motion to accept low bid for award of contract on a lump sum price basis.

Unencumbered balance prior to contract award - Community Development Target Areas Fund, Grier Heights (6911, 110.00) - $983,900.

FACT SHEET

Title of Project:	GRIER HEIGHTS C D. AREA BUS SHELTER CONSTRUCTION Project Number 512-75-099
Description of Project:	This project will include the installation of two bus shelters in the Community Development area. One will be installed on Ellington Street near Billingsley Road, the other will be installed on Drenan Street at Stancil Place.
Project History:	This contract is a part of the overall redevelopment plan for the Grier Heights Neighborhood Strategy Area. During the project planning stage, the neighborhood and property owners identified this work as part of the public improvements needed for this area.
Advertised:	October 12, 1981
Bids Taken:	October 29, 1981
Construction Cost:	$15,686.00
Contractor:	Ellington Building Corporation Gastonia, North Carolina
Completion Date:	The completion date for this project will be 90 days after the Contractor receives his Notice to Proceed.
Liquidated Damages:	$25.00 per site per day
Funding	Community Development Block Grant