AGENDA

Meeting Type:	B
Date:	10-19-1981

City of Charlotte, City Clerk's Office

Charlotte

Meetings in October '81

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

OCTOBER 1 – OCTOBER 3

1	Thursday, 4 00 p m	CITY COUNCIL TRANSPORTATION COMMITTEE – City Hall, Council Chamber
	Thursday, 7 30 p m	MAYOR'S TASK FORCE ON RESIDENTIAL BURGLARY – Law Enforcement Center, Third Floor Conference Room

THE WEEK OF OCTOBER 4 – OCTOBER 10

5	Monday	NO CITY COUNCIL MEETING
6	Tuesday, 4 00 p m	CITY COUNCIL PLANNING & PUBLIC WORKS COMMITTEE – City Hall, Second Floor
	Tuesday, 7 30 p m	CHARLOTTE TREE COMMISSION – Cameron Brown Building, Fifth Floor Conference Room
	Tuesday, 7 30 p.m	PLANNING COMMISSION – Cameron Brown Building, First Floor Conference Room
7	Wednesday, 12 Noon	INSURANCE & RISK MANAGEMENT AGENCY – Education Center, Room 239
	Wednesday, 4 00 p m	CITY COUNCIL ENVIRONMENTAL HEALTH & PROTECTION COMMITTEE – City Hall, Council Chamber
8	Thursday, 4 00 p.m.	CITIZEN PARTICIPATION TASK FORCE – Cameron Brown Building, First Floor Conference Room

THE WEEK OF OCTOBER 11 – OCTOBER 17

12	Monday, 12 Noon	PLANNING COMMISSION (Work Session) – Cameron-Brown Building, First Floor Conference Room
	Monday, 7 00 p m	CITIZENS HEARING (District 7) – Huntingtowne Farms Elementary School, 2520 Starbrook Drive
	Monday, 7 30 p m	CITY COUNCIL MEETING – Huntingtowne Farms Elementary School, 2520 Starbrook Drive
13	Tuesday, 8 00 a m	AIRPORT ADVISORY COMMITTEE – Douglas Municipal Airport, Conference Room
	Tuesday, 9 00 a m	HISTORIC DISTRICT COMMISSION – Edwin Towers, First Floor Conference Room
	Tuesday, 3 30 p m	MECHANICAL ADVISORY BOARD – City Hall Annex, Building Inspection Conference Room
14	Wednesday, 7 30 p m	HISTORIC PROPERTIES COMMISSION – City Hall, Second Floor Conference Room
15	Thursday, 8 00 a m.	CHARLOTTE CLEAN CITY COMMITTEE – Cameron Brown Building, Fifth Floor Conference Room
	Thursday, 3 00 p m	ADVISORY ENERGY COMMISSION – City Hall, Second Floor Conference Room
	Thursday, 7 00 p.m	PUBLIC HEARING ON FEDERAL TRANSPORTATION FUNDING REQUESTS – City Hall, Council Chamber

MORE

THE WEEK OF OCTOBER 18 – OCTOBER 24

19	Monday, 6 00 p m.	CITY COUNCIL MEETING – Zoning Hearings Education Center Board Room
20	Tuesday, 2 00 p m	HOUSING AUTHORITY – 1301 South Boulevard
	Tuesday, 3 00 p m	COMMUNITY FACILITIES COMMITTEE – Utility Department, Conference Room, 5100 Brookshire Boulevard
	Wednesday, 8 30 a m.	CIVIL SERVICE BOARD – City Hall, Third Floor Conference Room
	Wednesday, 11 00 a m	AUDITORIUM-COLISEUM-CIVIC CENTER AUTHORITY – Civic Center Conference Room
	Wednesday, 2 00 p m	TECHNICAL COORDINATING COMMITTEE – City Hall Annex, Department of Transportation Conference Room
	Wednesday, 4 00 p.m	EMPLOYMENT & TRAINING ADVISORY COUNCIL – Belmont Regional Center, 700 Parkwood Avenue
	Wednesday, 7 30 p m	MAYOR'S TASK FORCE ON RESIDENTIAL BURGLARY – Law Enforcement Center, Third Floor Conference Room
21	Wednesday, 10 00 a m	CIVIL SERVICE BOARD – City Hall, Third Floor Conference Room
22	Thursday, 4 00 p m.	CITIZENS PARTICIPATION TASK FORCE – Cameron-Brown Building, First Floor Conference Room
	Thursday, 4 00 p m.	ELECTRICAL ADVISORY BOARD – City Hall Annex, Building Inspection Conference Room
	Thursday, 6 00 p m	SPECIAL USE HEARING – City Hall, Council Chamber

THE WEEK OF OCTOBER 25 – OCTOBER 31

26	Monday, 2 00 p m	CITIZENS HEARING – City Hall, Council Chamber
	Monday, 3 00 p m	CITY COUNCIL MEETING – City Hall, Council Chamber
	Monday, 7 00 p m.	SPECIALIZED TRANSPORTATION ADVISORY COMMITTEE – Belmont Regional Center, 700 Parkwood Avenue
27	Tuesday, 3 00 p m	ZONING BOARD OF ADJUSTMENT – City Hall Council Chamber
	Tuesday, 4 00 p m	MUNICIPAL INFORMATION ADVISORY BOARD – Cameron Brown Building, Third Floor Conference Room
28	Wednesday, 4 30 p m	COMMUNITY RELATIONS COMMITTEE – Covenant Presbyterian Church, 1000 East Morehead Street
31	Saturday, 10 30 a m.	PARADE – Discovery Place Grand Opening, Uptown
	Saturday, 12 15 p m.	RIBBON-CUTTING – GRAND-OPENING – Discovery Place, 301 N. Tryon Street

Charlotte

IN MEETING ON MONDAY, OCTOBER 19, 1981

6:00 P.M. - ZONING HEARINGS and
Zoning Decisions
Board Room - Fourth Floor
Education Center

ITEM NO.

1. Invocation

2. Consideration of minutes of the last meeting on Monday, October 12, 1981.

PUBLIC HEARINGS

3. Hearing on Petition No. 81-60 by C. B. Moore Heirs for change in zoning from R-9 to R-12MF(CD) for a 145 acre tract fronting on 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 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.

   Attachment No. 1.

   Staff Resource: Assistant Planning Director for Agenda Item No. 3 through No.

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. Hearing 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.

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.

Attachment No. 1.

5. Hearing 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 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.

Attachment No. 1.

6. Hearing 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 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.

Attachment No. 1.

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

Attachment No. 1.

8. Hearing 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.

Attachment No. 1.

9. Hearing 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.

Attachment No. 1.

10. Hearing 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.
Protest Petition filed & found sufficient
Attachment No. 1.

11. Hearing 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.

Attachment No. 1.

12. Hearing 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.

Attachment No. 1.

POLICY AGENDA

Community & Economic Development

13. Decision on Petition No. 81-46 by Virgie H. Duncan for a change in zoning from R-9MF to B-1(CD) for a .909 acre parcel fronting 271 feet on the west side of Newell-Hickory Grove Road, about 70 feet south from the intersection with Grier Road.

The Planning Commission recommends the petition be denied.

Attachment No. 2.

14. Decision on Petition No. 81-47 by Martin, McGuire, Inc., for a change in zoning from O-6 to UR-30 of a .57 acre parcel fronting 147 feet on the north side of West Tenth Street about 126 feet east of North Poplar Street.

The Planning Commission recommends the petition be approved.

Attachment No. 2.

15. 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.

16. Decision on Petition No. 81-50 by Carmel Land Company for a change in zoning from R-12MF to O-6(CD) of a .966 acre parcel fronting 233.6 feet on the south side of Albemarle Road, about 550 feet west of Lake Forest Drive.

The Planning Commission recommends the petition be approved.

Attachment No. 2.

17. Decision on Petition No. 81-53 by Foster Drakeford for a change in zoning from O-6 to B-1 of a .48 acre parcel fronting 150 feet on the west side of Beatties Ford Road, about 400 feet south of LaSalle Street.

The Planning Commission recommends the petition be denied.

Attachment No. 2.

18. Decision on Petition No. 81-54 by Army-Navy Union for a change in zoning from B-1 to B-2 for a 1.55 acre parcel located at the northwest corner of the intersection of The Plaza and Clemson 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 denied.

Attachment No. 2.

19. Decision on Petition No. 81-55 by the Operations Department of the City of Charlotte to change the zoning from R-6MF to O-15 on an 8.24 acre tract fronting 1,040 feet on the east side and 310 feet on the west side of Toomey Avenue, about 250 feet south of Remount 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.

Attachment No. 2.

20. Decision on Petition No. 81-57 by Mrs. Eliza B. Bumgardner for a change in zoning from R-12 to R-12MF on a 6.6 acre tract fronting 200 feet on the south side of Sardis Road North about 500 feet west of Monroe Road.

The Planning Commission recommends the petition be approved

Attachment No. 2.

21. Decision on Special Use Permit No. 81-2 by Knights of the Star of the Guiding Star of the East for a special use permit approval for a fraternal organization in an R-6MF zoning district for a .207 acre parcel located at the southwest corner of Mattoon Street and Campus Street.

The Planning Commission recommends the petition be approved.

In making a decision on the petition, City Council may use the findings of fact as set out by the Planning Commission.

Attachment No. 2.

- - - - - -

SCHEDULE OF MEETINGS
OCTOBER 19 - 23, 1981

Monday, October 19	City Council/Planning Commission Refreshments Room 200 Educational Center	5·00 P.M.
	City Council Zoning Hearings Board Room Education Center	6 00 P.M.
Thursday, October 22	City Council Special Use Permit Hearing Council Chamber City Hall	6·00 P.M.

Attachments

Attach # 1

PETITIONER C. B. Moore Heirs

PETITION NO. 81-60 HEARING DATE 10/19

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

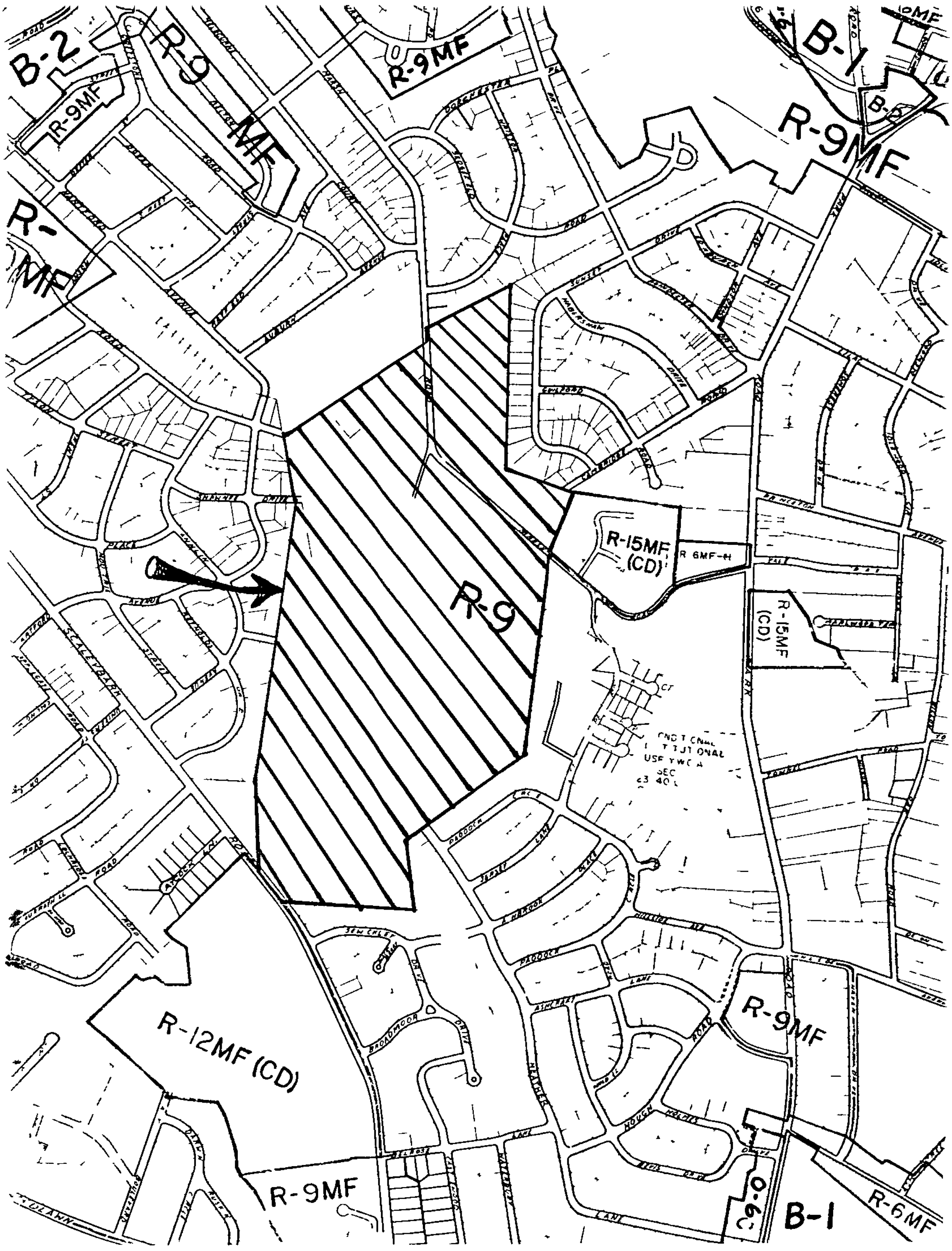
LOCATION A 145± acre tract fronting on both sides of Marsh Road approximately ½ mile west of the intersection of Marsh Road and Park Road.

Acreage: 145

SEE MAP ATTACHED

ZONING MAP NO. _____ SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE


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

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 81-60
Date Filed 9/9/81
Received By D. Watkins
OFFICE USE ONLY

Ownership Information

Property Owner Heirs of Edgar B. Moore, Jr.

Owner's Address C/O Benjamin S. Horack, 1250 City National Center, 200 S. Tryon Street
Charlotte, North Carolina 28202

Date Property Acquired July 22, 1980 (date of death of Edgar B. Moore, Jr. who died intestate)

Deed Reference See Deeds in Book 283, page 377 (11/28/11) and Book 305, page 560 (1/25/13) Tax Parcel Number 147-101-69 149-121-02

Location Of Property (address or description) On the northerly and southerly margins of Marsh Road and the northerly margin of Scaleybark Road as shown on the Land Use Plan filed herewith.

Description Of Property

Size (Sq Ft-Acres) Approx. 145 acres Street Frontage (ft.) 1,800± ft. on Marsh R 182± ft. on Scaleybar R

Current Land Use Vacant Land

Zoning Request

Existing Zoning Residence R-9 Requested Zoning Residence R-12MF (CD)

Purpose of zoning change To accommodate a proposed 1091 (maximum) units composed of a "mix" of sing family detached, "For Sale" attached and multi-family housing upon a "CD" basis that prescribes a number of special stipulations with respect to buffers, open areas, limitation of traffic circulation and access, etc., as shown on the Land Use Plan filed herewith.

Benj. S. Horack, Esq.
Name of Agent

1250 City National Center, 200 South Tryon Street
Agent's Address Charlotte, North Carolina 28202

377-2500
Telephone Number

Heirs of Edgar B. Moore, Jr.
Name of Petitioner(s)

C/O Benj. S. Horack, Esq.
Address of Petitioner(s)

377-2500
Telephone Number

Benj. S. Horack
Signature Benj. S. Horack, Esq.

Signature of Property Owner if Other Than Petitioner

703 Tennyson Avenue
Winchester, VA 22601
September 8, 1981

Charlotte-Mecklenburg Planning Commission
Charlotte
North Carolina 28202

Re: Rezoning of Marsh Road Property
Edgar B. Moore, Jr. Heirs

Gentlemen:

Please be advised that Benj. S. Horack is our attorney and has full authority to represent us in connection with any and all matters relating to the above mentioned rezoning proposal - including the authority to file on our behalf any rezoning application he thinks appropriate.

Sincerely yours,

Dorothy Parker Moore

Dorothy Parker (Mrs. Edgar B., Jr.) Moore,
Individually and on behalf of other
heirs of Edgar B. Moore, Jr., namely,
Louise Moore Nelson, Romni Moore Cash
and Margaret Moore Lawrence

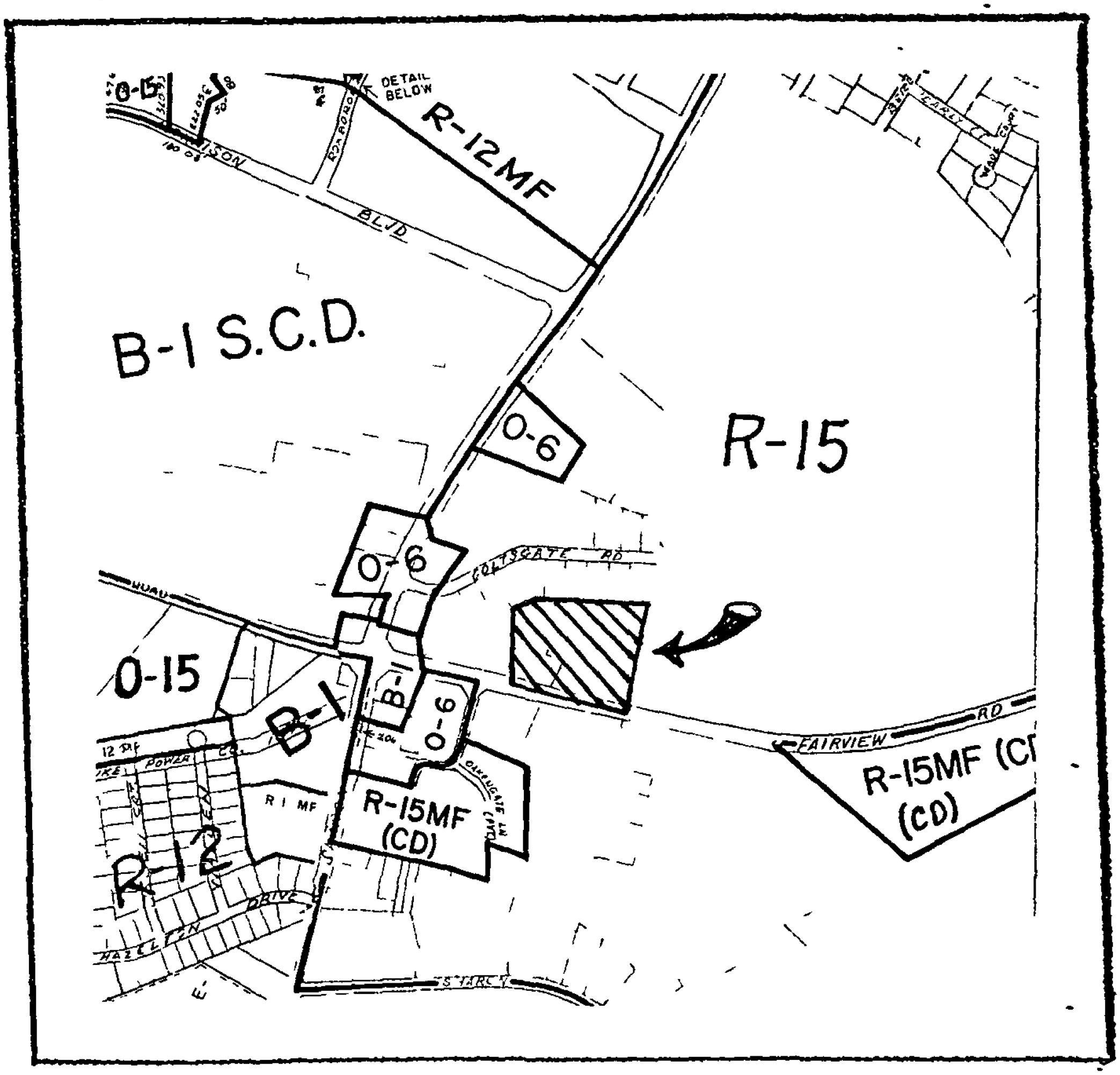
PETITIONER First Colony Corporation

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

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 81-62
Date Filed 9/9/81
Received By S.D. Watkins
OFFICE USE ONLY

Ownership Information (Three Parcels)

Property Owner (1) J. Morris Caldwell and Elfreida W. Caldwell; (2) Mary C. Gibson and John B. Gibson; (3a) Donald S. Caldwell and Marilyn E. Caldwell; (3b) Charles C. Caldwell and Harriett S. Caldwell

Owner's Address (1) 6721 Fairview Road, Charlotte, N. C. 28210; (2) 6737 Fairview Road, Charlotte, N. C. 28210; (3a) 6428 Beatties Ford Road, Charlotte, N. C. 28216; (3b) 124 Churchill Avenue, Greer, S. C. 29651

Date Property Acquired (1) 7/28/65; (2) 3/24/65; (3a) 3/24/65; (3b) 3/24/65

Deed Reference (1) 2663/149; (2) 2628/37; (3a) 2628/81 (3b) 2628/81

Tax Parcel Number (1) 183-132-01 (2) 183-132-02 (3a) 183-132-03 (3b) 183-132-03

Location Of Property (address or description) About 400 feet deep by about 600 feet along north side of Fairview Road, beginning about 600 feet east of the intersection with Sharon Road.

Description Of Property

Size (Sq Ft -Acres) Approximately 6.5 Acres

Street Frontage (ft) 602 Feet

Current Land Use Single Family Residence

Zoning Request

Existing Zoning R-15

Requested Zoning O-6 Conditional Use

Purpose of zoning change When rezoned, the combined holdings of the above named landowners will be sold and two office buildings will be constructed on the consolidated parcel.

FIRST COLONY CORP. BY/
I.B. Grainger ...

Farris, Mallard & Underwood, P. A.
Name of Agent

1700 Southern National Center, Charlotte, N. C. 28202
Agent's Address

704/372-9110
Telephone Number

Name of Petitioner(s)

2711 RANDOLPH RD. - SUITE 600
Address of Petitioner(s)

375-9373
Telephone Number

I.B. Grainger ...
Signature

Signature of Property Owner if Other Than Petitioner

Charlotte-Mecklenburg Planning Commission

The undersigned owners of a parcel of land being considered for rezoning approve of the requested zoning change to O-6 Conditional Use and affirm that First Colony Corporation is entitled to file the rezoning petition.

Donald S. Caldwell

Donald S. Caldwell

Marilyn E. Caldwell

Marilyn E. Caldwell

9-12-81

Date

Charlotte-Mecklenburg Planning Commission

The undersigned owners of a parcel of land being considered for rezoning approve of the requested zoning change to O-6 Conditional Use and affirm that First Colony Corporation is entitled to file the rezoning petition.

J. Morris Caldwell
J. Morris Caldwell

Elfreida W. Caldwell
Elfreida W. Caldwell

Sept. 12, 1981
Date

Charlotte-Mecklenburg Planning Commission

The undersigned owners of a parcel of land being considered for rezoning approve of the requested zoning change to O-6 Conditional Use and affirm that First Colony Corporation is entitled to file the rezoning petition.

Charles C. Caldwell

Charles C. Caldwell

Harriett S. Caldwell

Harriett S. Caldwell

9-12-81

Date

Charlotte-Mecklenburg Planning Commission

The undersigned owners of a parcel of land being considered for rezoning approve of the requested zoning change to O-6 Conditional Use and affirm that First Colony Corporation is entitled to file the rezoning petition.

Mary C. Gibson

Mary C. Gibson

John B. Gibson

John B. Gibson

9-12-81

Date

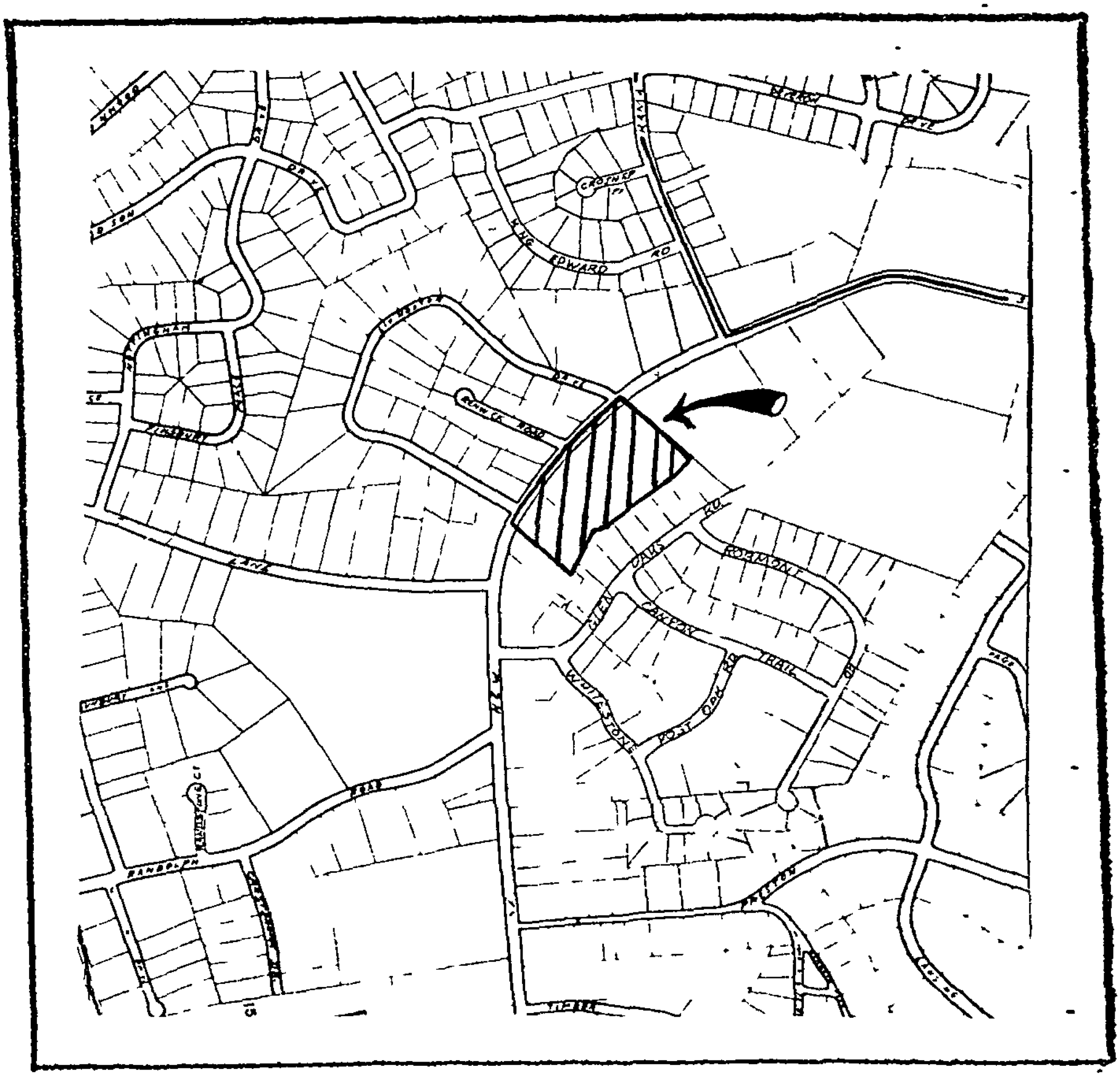
PETITIONER Calvin B. Baird & Emroy H. and Marillyn T. Blanton

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 Rama Road.

Acreage: 9.4



ZONING MAP NO. 26 SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 81-65
Date Filed 9/10/81
Received By S. R. Watkins
OFFICE USE ONLY

Ownership Information

Property Owner A. Calvin B. Baird B. Emroy H. & Marillyn T. Blanton

Owner's Address 5700 Sardis Road 5732 Sardis Road

Charlotte, NC, 28211 Charlotte, N.C., 28211

Date Property Acquired A. 1935 B. 1977 3976-493 & 496

Deed Reference 873-99 Tax Parcel Number 187-33-4 & 5

Location Of Property (address or description) southerly side Sardis Road

adjoining Providence Day School and opposite 2 nds of Livingston Drive

Description Of Property

Size (Sq Ft -Acres) approx. 9.4 acres Street Frontage (ft) ~~approx. 865~~

Current Land Use 2 residences

Zoning Request

Existing Zoning R-15 Requested Zoning R-12 MF (C.D.)

Purpose of zoning change To permit development of luxury condos hidden in grove of huge trees.

Charles J. Henderson, Attorney
Name of Agent
400 Law Bldg., Charlotte, NC, 28202
Agent's Address
333-4183
Telephone Number
Robert M. Jordan, Land Planner
Jordan/Evans Associates
127 Brevard Court
Charlotte, NC
333-4729

Above
Name of Petitioner(s)
Above
Address of Petitioner(s)
A. 366-2131 B. 372-2032
Telephone Number
A Calvin B. Baird
Signature
B Emroy H. Blanton
Signature ~~of Property Owner if Other Than Petitioner~~
B. Marillyn T Blanton
Signature

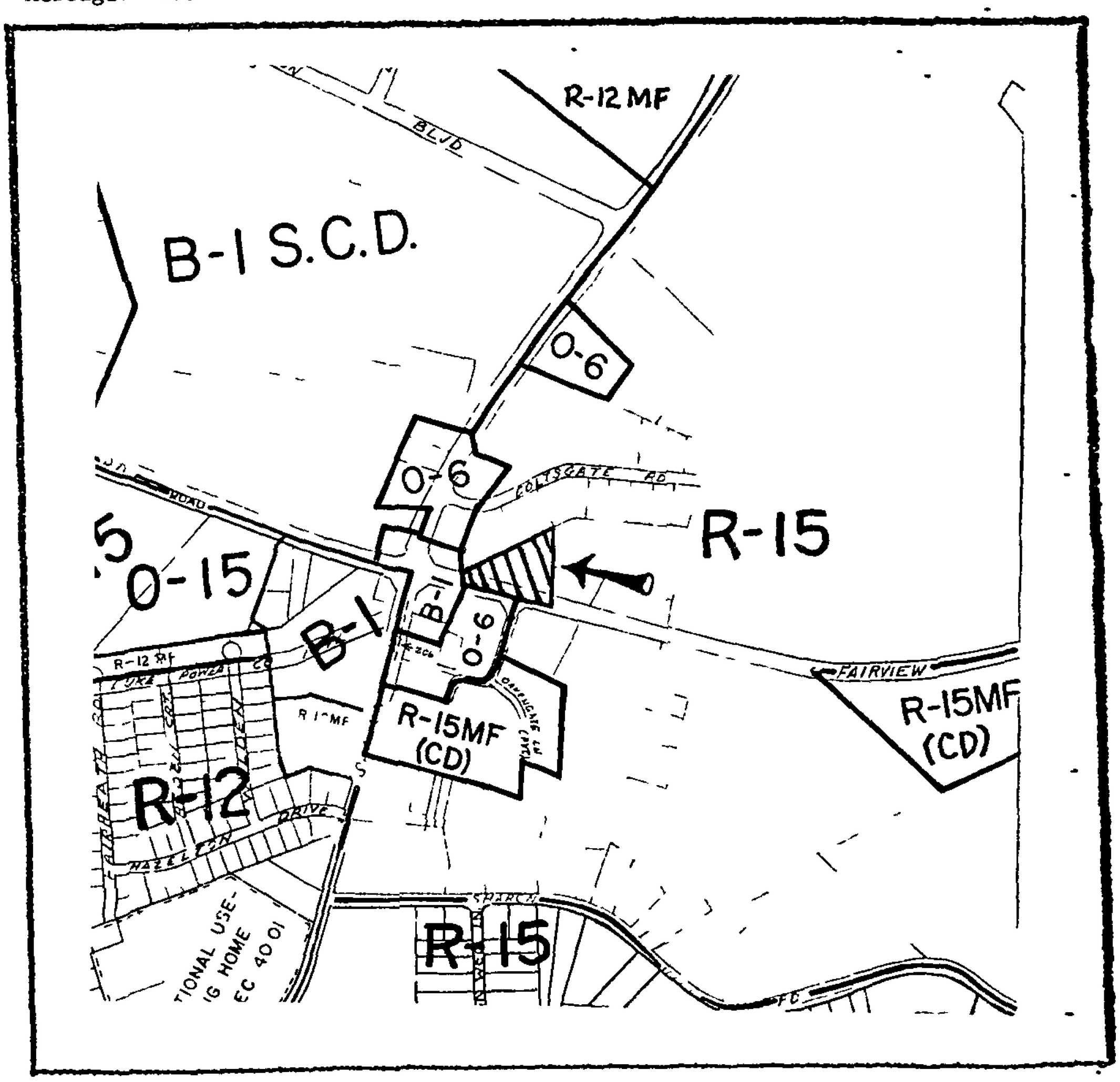
PETITIONER Marzie Godfrey

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 CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 81-66
Date Filed 9/10/81
Received By S D Watkins
OFFICE USE ONLY

Ownership Information

Property Owner Marzie Godfrey

Owner's Address 6625 Fairview Road, Charlotte, North Carolina 28210

Date Property Acquired 5/4/40 and 11/5/36

Deed Reference 1005/297 and 898/282 Tax Parcel Number 183-132-12

Location Of Property (address or description) Triangular parcel about 440 feet along the north side of Fairview Road, beginning about 150 feet east of the Sharon Road intersection and deepening to about 330 feet on easternmost side.

Description Of Property

Size (Sq Ft -Acres) Approximately 1.6 Acres Street Frontage (ft) About 440 Feet

Current Land Use A Single Family Residence

Zoning Request

Existing Zoning R-15 Requested Zoning B-1

Purpose of zoning change To allow for future development of the parcel and to make the property use designation compatible with development in the immediate area.

Farris, Mallard & Underwood, P. A.
Name of Agent
1700 Southern National Center, Charlotte, N. C. 28202
Agent's Address
372-9110
Telephone Number

Marzie Godfrey
Name of Petitioner(s)
6625 Fairview Road, Charlotte, N.C.
Address of Petitioner(s)
366-1491
Telephone Number
Marzie B Godfrey
Signature

Signature of Property Owner if Other Than Petitioner

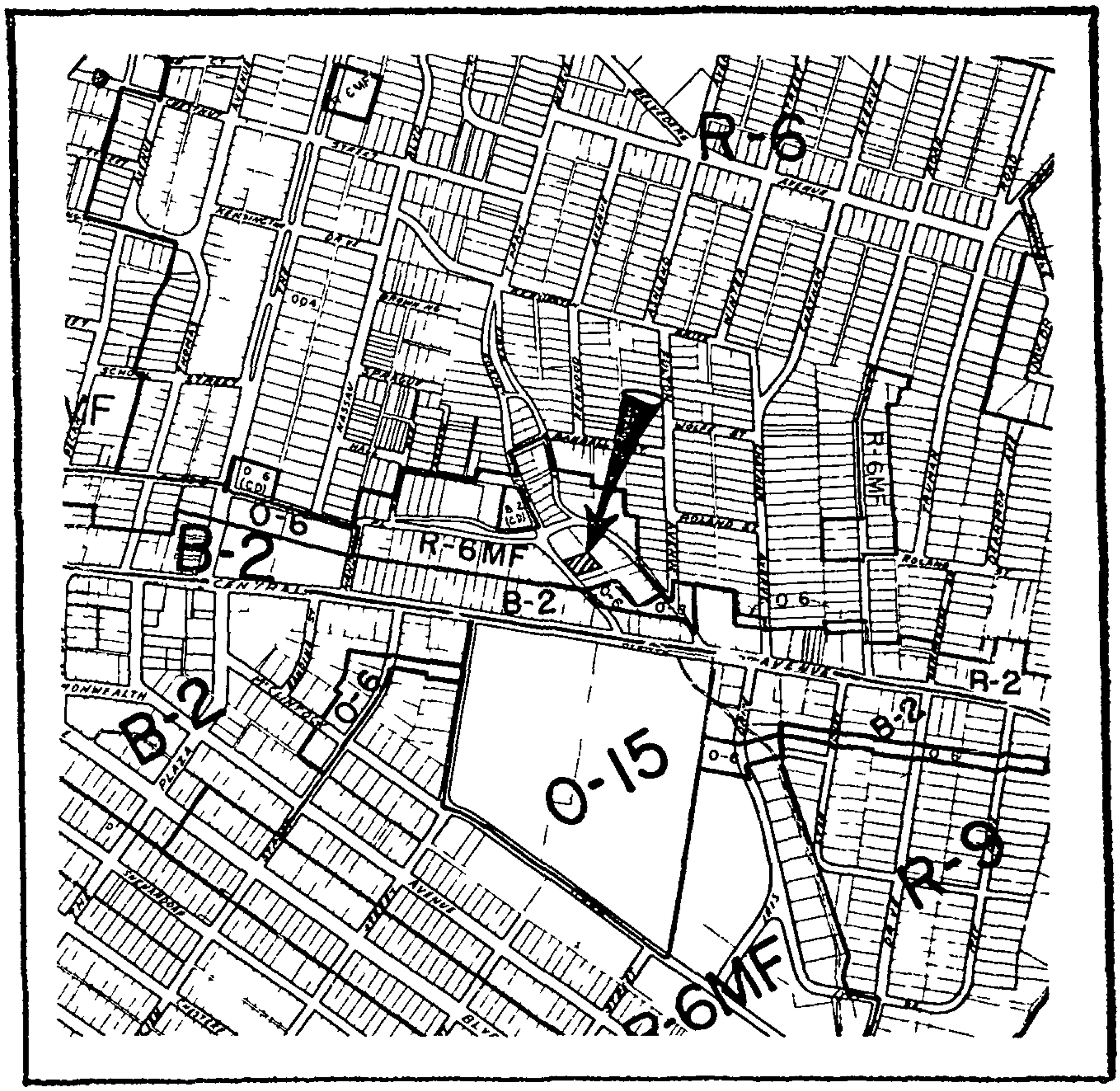
Attach #1
10/19/81

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

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 81-49
Date Filed 7/16/81
Received By Steve Hasty
OFFICE USE ONLY

Ownership Information

Property Owner James C. Brenegan and wife, Sadie R. Brenegan

Owner's Address 3101 Colony Road, Charlotte, NC 28211

Date Property Acquired July 1[illegible], 19[illegible]

Deed Reference [illegible], Page 011

Tax Parcel Number [illegible]
[illegible] all of Lots [illegible]
shown on a map o[illegible]
property [illegible]

Location Of Property (address or description)

in the Mecklenburg County Public Registry in Map Book 5 at Page 223.

Description Of Property

Size (Sq Ft -Acres) .344 acres

Street Frontage (ft) 100' on Landis Avenue (formerly Firth Court West)

Current Land Use vacant land

Zoning Request

Existing Zoning R-6MF

Requested Zoning [illegible]

Purpose of zoning change To allow construction on property and thus putting it to its best use and to expand the tax base.

Fenton T. Erwin, Jr., Attorney at Law
Name of Agent ~~Erwin and Beddow, P. A.~~
2[illegible] Randolph Road
Agent's Address
Charlotte, NC 28207 704/375-8012
Telephone Number

Jim Charles

James C. Brenegan
Name of Petitioner(s)
3101 Colony Road, Charlotte, NC 28211
Address of Petitioner(s)
366-9490
Telephone Number

James C. Brenegan
Signature

Sadie R. Brenegan
Signature of Property Owner if Other Than Petitioner

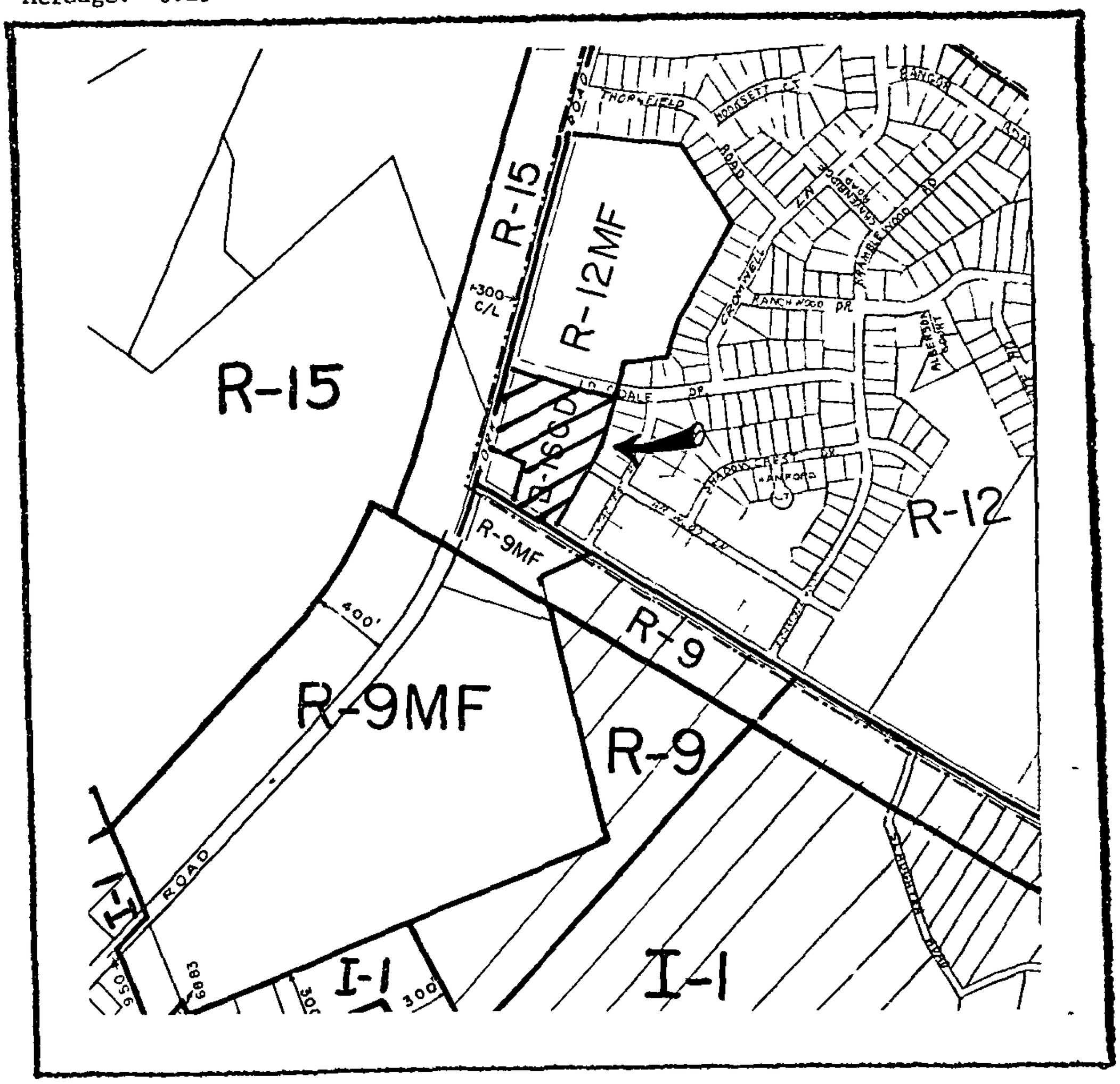
PETITIONER Joseph M. Griffin, Trustee

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

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 81-58
Date Filed 9/4/81
Received By S.A. Watkins
OFFICE USE ONLY

Ownership Information

Property Owner Joseph M. Griffin, Trustee

Owner's Address 1001 Cameron-Brown Building, 301 S. McDowell Street
Charlotte, North Carolina 28204

Date Property Acquired February 15, 1975

Deed Reference Book 3737, page 511 Tax Parcel Number 167-164-06

Location Of Property (address or description) Property located at the

Southeasterly corner of the intersection of Longdale Drive and York Road and also having frontage on Arrowood Road, Charlotte, North Carolina

Description Of Property

Size (Sq Ft -Acres) 6.2915 acres Street Frontage (ft) 412.79 on York Road 494.60 on Longdale Road, 205.74 on Arrowood Road

Current Land Use Undeveloped

Zoning Request

Existing Zoning B-1-S.C.D. Requested Zoning B-1

Purpose of zoning change Owner has been unable to develop the property under the current zoning for a number of years, and now has a contract to sell a portion of the property, contingent upon this B-1 zoning.

Name of Agent

Agent's Address

Telephone Number

Joseph M. Griffin, Trustee
Name of Petitioner(s) 301 S. McDowell S
Charlotte, NC 28204
Address of Petitioner(s)
(704) 372-3180
Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

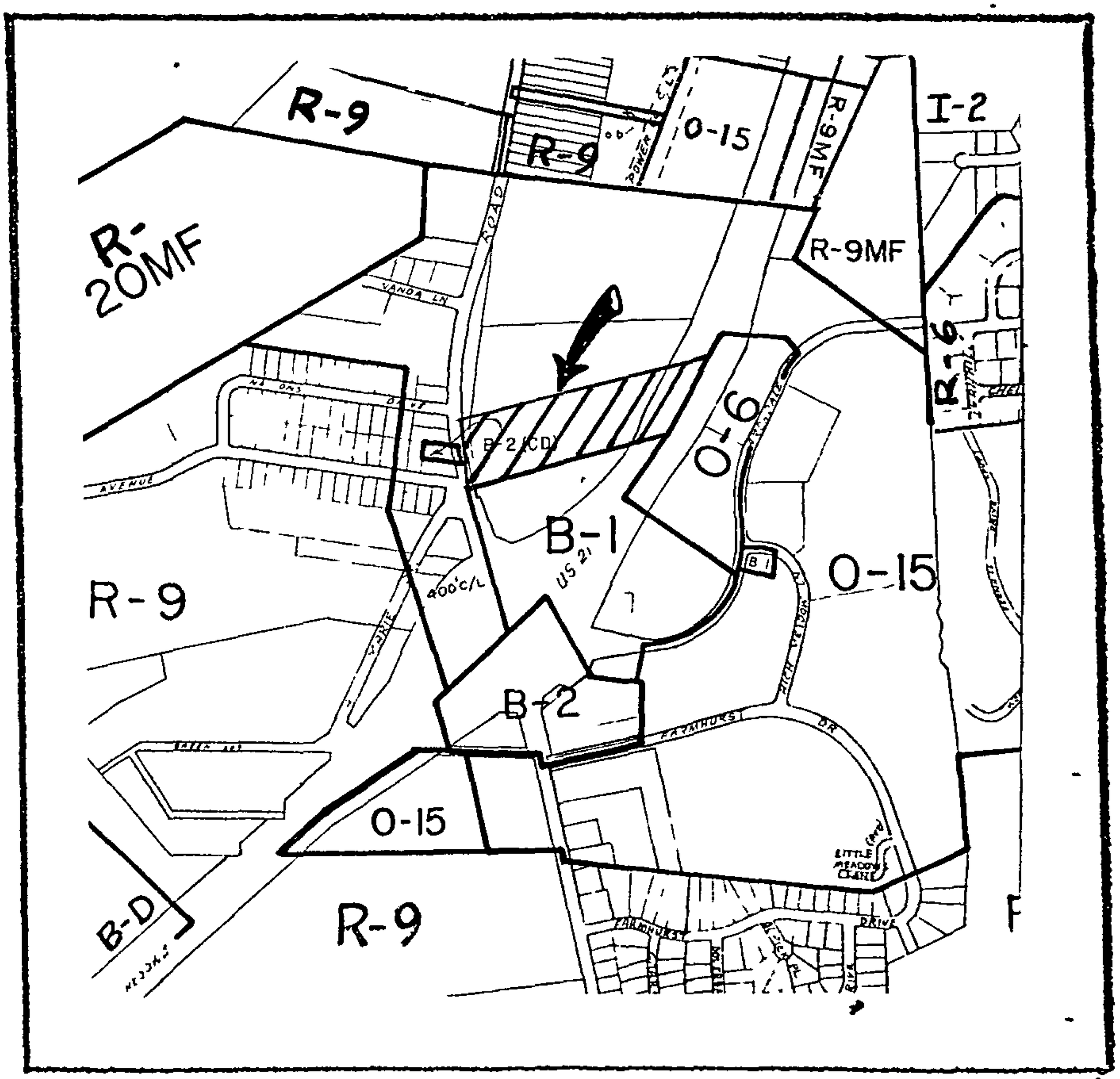
PETITIONER Anil B. Dholakia

PETITION NO. 81-59 HEARING DATE 10/19

ZONING CLASSIFICATION, EXISTING O-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

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 81-59
Date Filed 9/4/81
Received By S. D. Watkins
OFFICE USE ONLY

Ownership Information

Property Owner: Anil B. Dholakia

Owner's Address: 565 Fifth Avenue Suite 1115
New York, N. Y. 10017

Date Property Acquired: February 1981

Deed Reference: Book 443 Page 134 Tax Parcel Number: 169-191-9

Location Of Property (address or description)

Nations Ford Rd. at Nations Drive, Charlotte, N. C.

Description Of Property

Size (Sq. Ft -Acres): 6 Acres261,515 Sq. Ft. Street Frontage (ft): 330 Ft.

Current Land Use: Vacant

Zoning Request

Existing Zoning: O-15 Requested Zoning: B-1

Purpose of zoning change: To permit a controlled Business Buffer adjacent to property currently zoned B-1 between planned Office Park on my property for Hotel or some other desirable use. North Carolina is second only to New York in Gemstone Traders on the East Coast and there is no Jewelry Exchange such as exists in Los Angeles, San Fransisco, Chicago or New York in the South which requires Business Zoning. There are more Gem Stone Cutters in North Carolina than any other place except New York, in the USA.

Freeman Daniel
Name of Agent

5358 Perk Rd. Charlotte, N. C. 28209
Agent's Address

392 9191
Telephone Number

212-

Name of Petitioner(s)
565 Fifth Avenue Suite 1115
Address of Petitioner(s)
New York, N. Y. 10017
Telephone Number
98660720

Signature

Signature of Property Owner if Other Than Petitioner

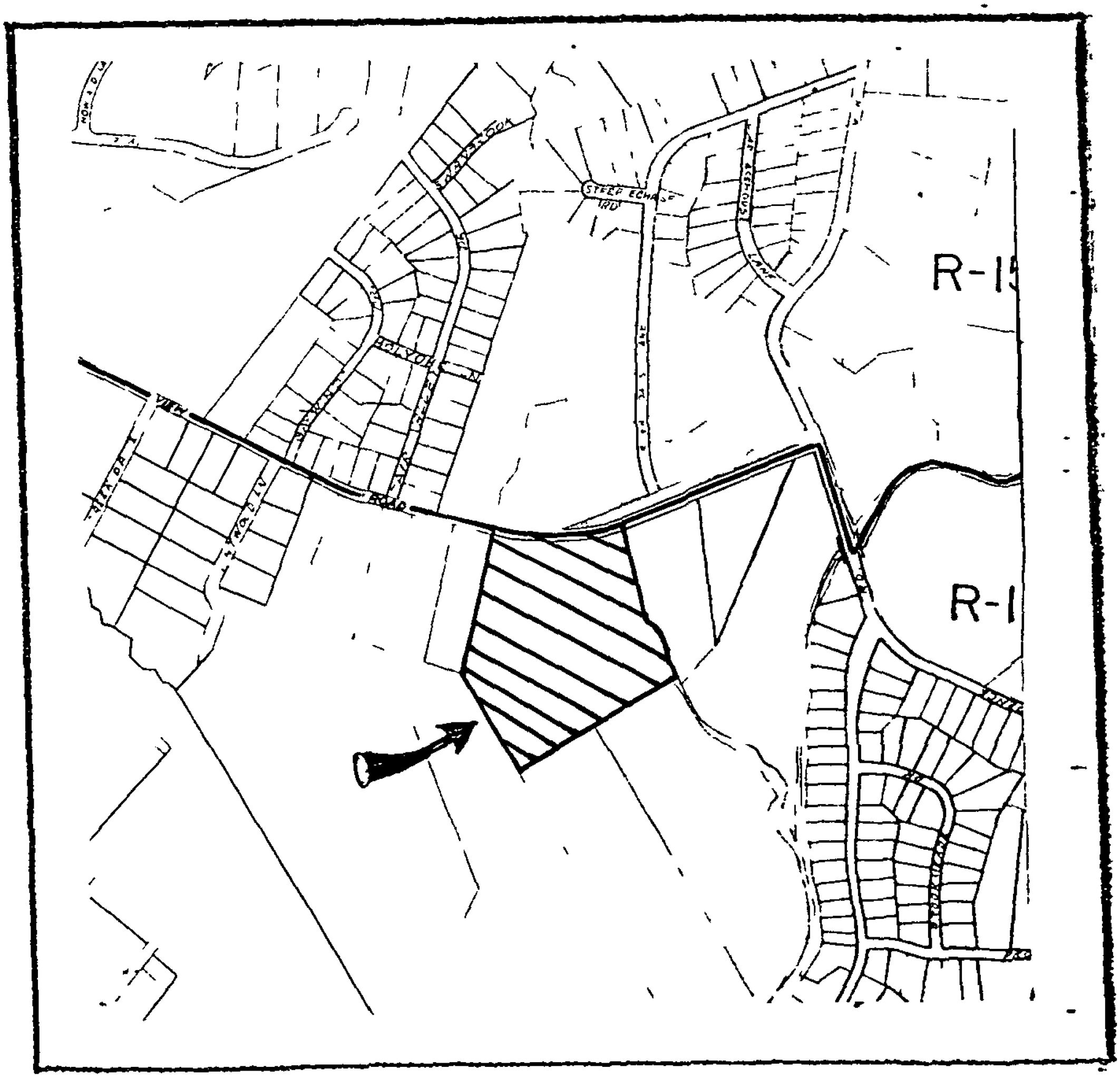
PETITIONER Evans Development Company, Inc.

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'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 81-61
Date Filed September 10, 1981
Received By S.H. Watkins
OFFICE USE ONLY

Ownership Information

Property Owner Evans Development Company, Inc.

Owner's Address 401 Hawthorne Lane, Charlotte, North Carolina 28204

Date Property Acquired August 31, 1981

Deed Reference Book 4465, Page 892 Tax Parcel Number 211-112-10

Location Of Property (address or description) Southerly margin of Sharon View Road as shown on Site Plan filed herewith

Description Of Property

Size (Sq. Ft Acres) Approx. 16.29 acres Street Frontage (ft) 569.95 feet

Current Land Use Vacant Land

Zoning Request

Existing Zoning Residence-15 Requested Zoning Residence-15MF (CD)

Purpose of zoning change To accommodate proposed 90 units of "For Sale" houses upon a "CD" basis that prescribes special stipulations with respect to buffers, open areas, limited access, etc. as shown on Site Plan filed herewith.

Benj. S. Horack, Esq.
Name of Agent
1250 City National Center, 200 South Tryon Street
Agent's Address Charlotte, North Carolina 28202
377-2500
Telephone Number

Evans Development Company, Inc.
Name of Petitioner(s)
401 Hawthorne Lane, Charlotte, N.C.
Address of Petitioner(s)
334-6877
Telephone Number
EVANS DEVELOPMENT COMPANY, INC.
Signature
BY: J. Evans, Pres.
Signature of Property Owner if Other Than Petitioner

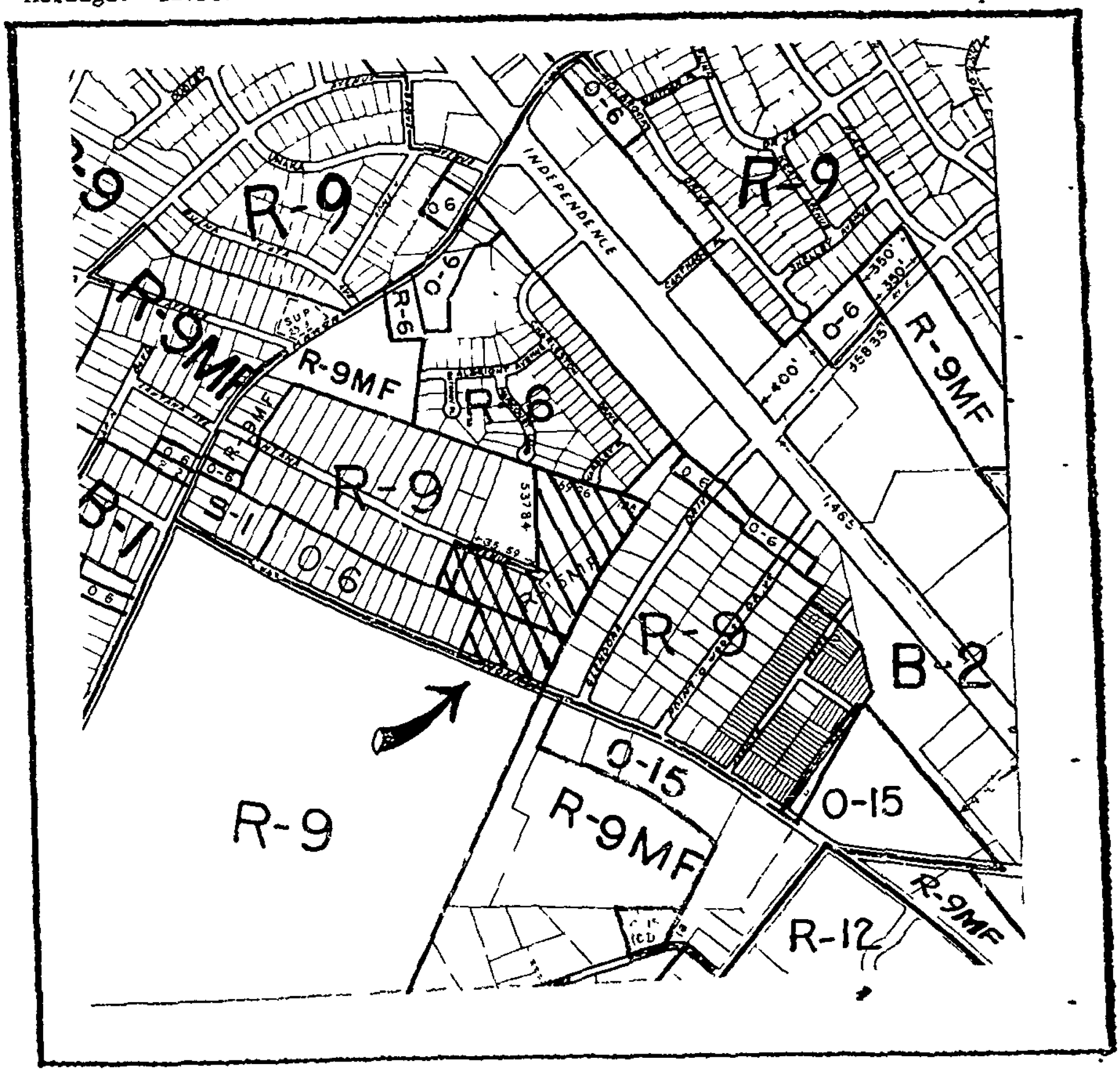
PETITIONER Walter P. Watson

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

Petition No 81-63
Date Filed 9/10/81
Received By S P Watson
OFFICE USE ONLY

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Ownership Information

Property Owner: Walter P. Watson

Owner's Address: 4921 Quail Ridge Road
Charlotte, North Carolina 28212

Date Property Acquired: (1) October 4, 1973 (2) April 15, 1981

Deed Reference: (1) 3625/64 (2) 4418/984

Tax Parcel Number: (1) 163-021-56
(2) 163-021-20

Location Of Property (address or description) 5733 Monroe Road, Charlotte, North Carolina - see attached photocopy of tax map.

Description Of Property

Size (Sq Ft -Acres): 12.507 acres

Street Frontage (ft.): 459.49'

Current Land Use: vacant

Zoning Request

Existing Zoning: R-15 MF and O-6 & R-9

Requested Zoning: O-15 CD

Purpose of zoning change: Development, in stages, of office park.

Thomas C. Ruff, Jr.
Name of Agent

204 Court Plaza Bldg, 901 Elizabeth Ave.
Agent's Address Charlotte, NC 28204

(704) 373-1322
Telephone Number

Walter P. Watson
Name of Petitioner(s)

4921 Quail Ridge Rd., Charlotte, NC 2821
Address of Petitioner(s)

(704) 375-7371
Telephone Number

Walter P. Watson
Signature

Signature of Property Owner if Other Than Petitioner

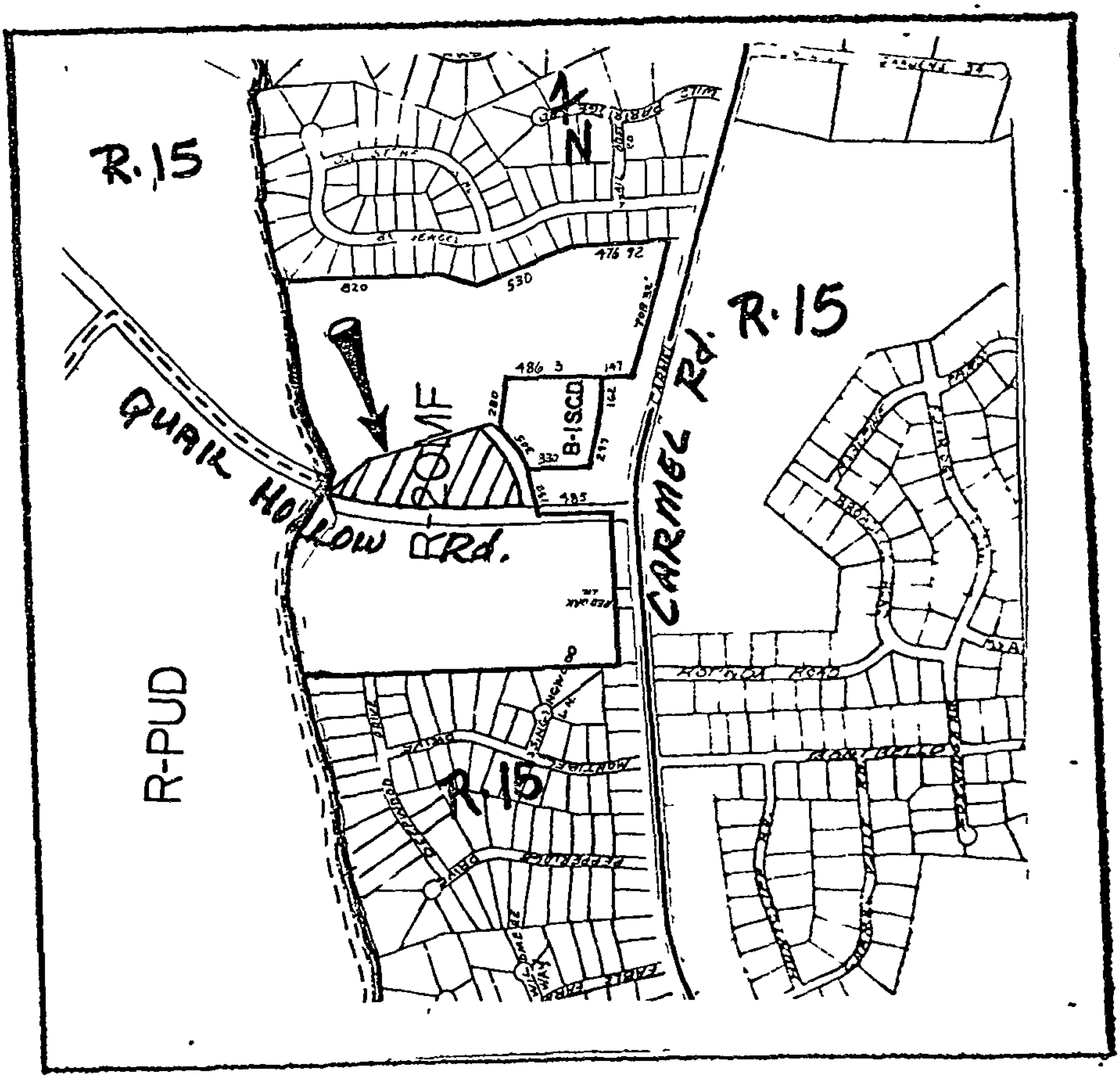
PETITIONER John Crosland Company

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

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 81-64
Date Filed 9/10/81
Received By SW Watkins
OFFICE USE ONLY

Ownership Information

Property Owner John Crosland Company

Owner's Address P.O. Box 11231

Charlotte, North Carolina 28209

Date Property Acquired February 12, 1968

Deed Reference Book 17, Page 340 Tax Parcel Number 209-171-1

Location Of Property (address or description) north of Quail Hollow Rd. along

east bank of McMullen Creek, bounded by Cedar Ridge Apts., McMullen Creek, Quail Hollow Rd. and Olde Towne Shopping Center

Description Of Property

Size (Sq Ft-Acres) 5.740 acres Street Frontage (ft) 967.84

Current Land Use vacant

Zoning Request

Existing Zoning R-20 MF Requested Zoning R-20 MF (plan amendment)

Purpose of zoning change Site Plan Approval - see site plan dated 9-9-81

Lee R. McLaren - DPR ASSOCIATES
Name of Agent

2036 East Seventh Street, Charlotte, N.C. 28204
Agent's Address

332-1204
Telephone Number

John Crosland Company
Robert W. Donaldson, Jr.
Name of Petitioner(s)

P.O. Box 11231, Charlotte, N.C 28209
Address of Petitioner(s)

523-8111
Telephone Number

Robert W. Donaldson, Jr.
Signature

Signature of Property Owner if Other Than Petitioner

Attach #2
10/19/81

CHARLOTTE-MECKLENBURG PLANNING COMMISSION

CAMERON BROWN BUILDING
301 SOUTH McDOWELL STREET
CHARLOTTE, NORTH CAROLINA

MARTIN R CRAMTON JR
Planning Director

September 23, 1981

Mayor Eddie Knox
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members:

Attached are several recommendations of the Charlotte-Mecklenburg Planning Commission on petitions for rezoning which have been heard and referred to the Planning Commission for consideration. The recommendations as reflected herein were arrived at in meetings of the Planning Commission held on September 14 and September 21, 1981.

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 October 7, 1981. This will then permit these matters to be placed on your agenda for consideration of decisions on October 19, 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 September 14, 1981

PETITION NO. 81-46

PETITIONER(S) Virgie H. Duncan

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

LOCATION A .9 acre parcel fronting on the westerly side of Newell-Hickory Grove Road south of the Grier Road intersection.

ACTION The Planning Commission recommends that the petition be disapproved.

VOTE Yeas: Boyce, Culbertson, Curry, Jernigan, Lawing and McCoy.

Nays: None.

(Commissioner Ervin abstained from voting.)

REASONS:

This proposal involves changing a single parcel of land from an existing R-9MF multi-family residential classification to a B-1(CD) classification proposing to utilize the property for business purposes in conjunction with a specific plan submitted.

The following issues associated with this request can be identified:

1. Land use relationships. Does a business use at this location conform satisfactorily to surrounding patterns of existing and expected land uses?

2. Need for additional business zoning. Can a need for additional business zoning in this vicinity be identified?

3. Traffic considerations. Is the subject site an acceptable location for business purposes with a relationship to the thoroughfare it fronts on as well as to a nearby intersection?

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

1. Existing zoning. The subject property is now zoned a multi-family R-9MF category as is all the immediately adjoining property surrounding it. A short distance north, there is existing business zoned land and to the south there begins a

very extensive area of single family R-9 and R-12 zoning.

2. Existing land use. A portion of the subject property is now used as a location for a single family structure with one additional single family house located immediately to the north and others located to the east across Hickory Grove-Newell Road. To the west of the property, there is an existing apartment development while vacant land adjoins to the south.

3. Planned usage. A conditional site plan has been submitted with this request which indicates a desire to utilize the property as a lawn and garden center with both a retail sales building and a green house to be constructed on the property. While the petitioner has submitted a plan which indicates two driveway accesses to Hickory Grove-Newell Road, Traffic Engineering Department indicates that only one would be approved and that there needs to be some rearrangement of the parking if the plan is to be favorably considered.

The following general findings can be made:

1. Comprehensive Plan. The Comprehensive Plan indicates residential usage in the vicinity of the subject property with a majority of the area being shown at a 0 - 6 density rate but with some higher density 10 - 20 units per acre within the general vicinity.

2. Thoroughfare Plan. The Thoroughfare Plan indicates Newell-Hickory Grove Road as a significant part of the major thoroughfare system which will assume additional status in the future as Harris Boulevard extension connects with the Newell-Hickory Grove Road in the general vicinity of the subject property.

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

1. The subject property has a close physical relationship to lands which are committed to residential usage and, in particular, to an apartment development which is located adjacent and on the west side.

2. There is a substantial amount of B-1 zoning which already exists just a few hundred feet north of the property and a substantially larger amount which is located to the south at the intersection of Plaza Road with both of these locations offering vacant land which is suitable for commercial development.

3. With conditions as stated in "2" above, little need for business recognition in this immediate vicinity can be identified.

4. The subject property is located on Hickory Grove-Newell Road both on a curve and close to a somewhat hazardous intersection.

5. Commercial traffic concentrated at the site of the subject property would create additional hazards in gaining access to Hickory Grove-Newell Road.

6. Overall neighborhood patterns would indicate a desirable retention of the residential zoning for this property and encouragement to continue residential occupancy.

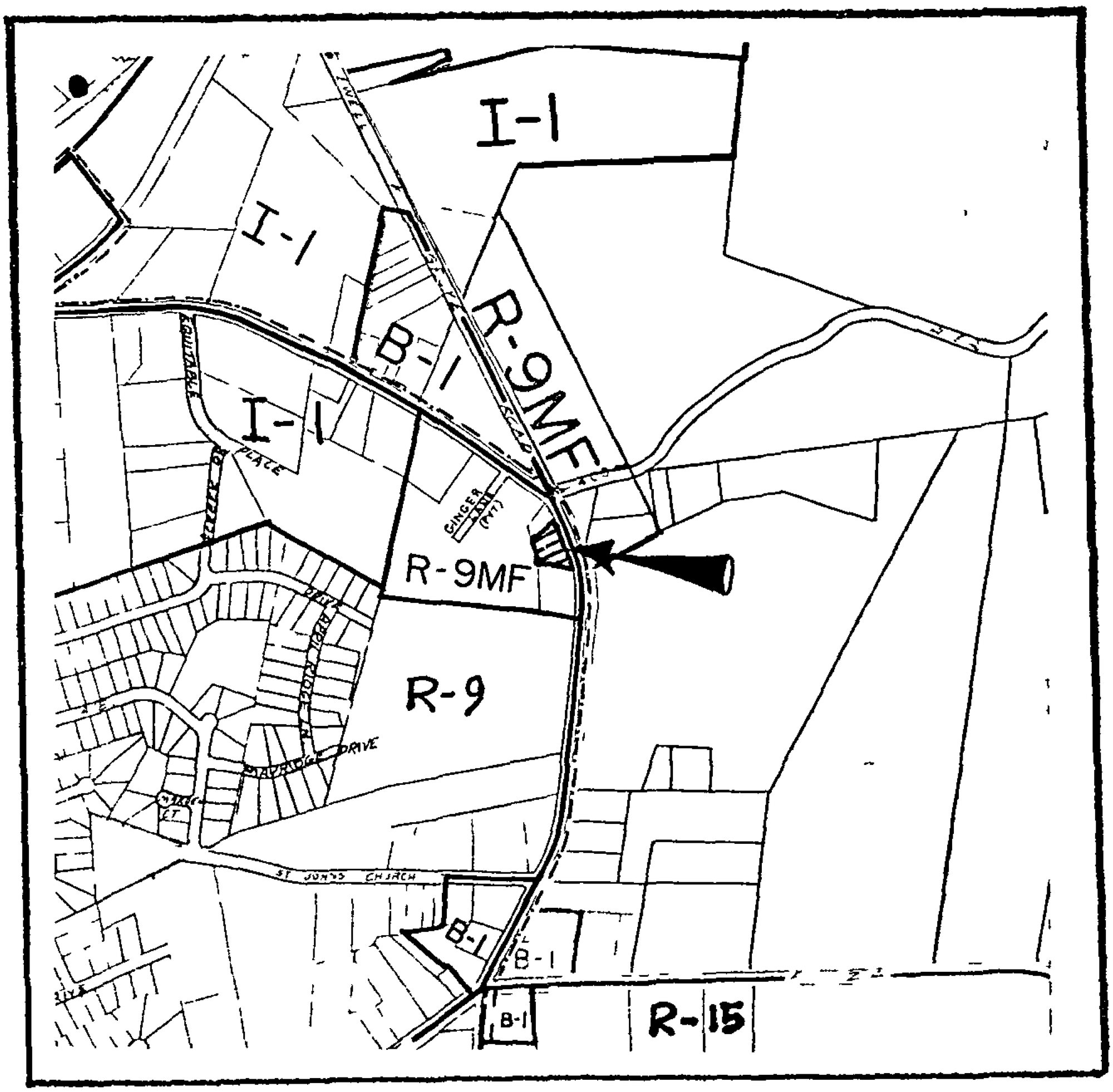
Based on the above findings, the Planning Commission recommends that the petition be disapproved.

PETITIONER Virgie H. Duncan

PETITION NO. 81-46 HEARING DATE August 24, 1981

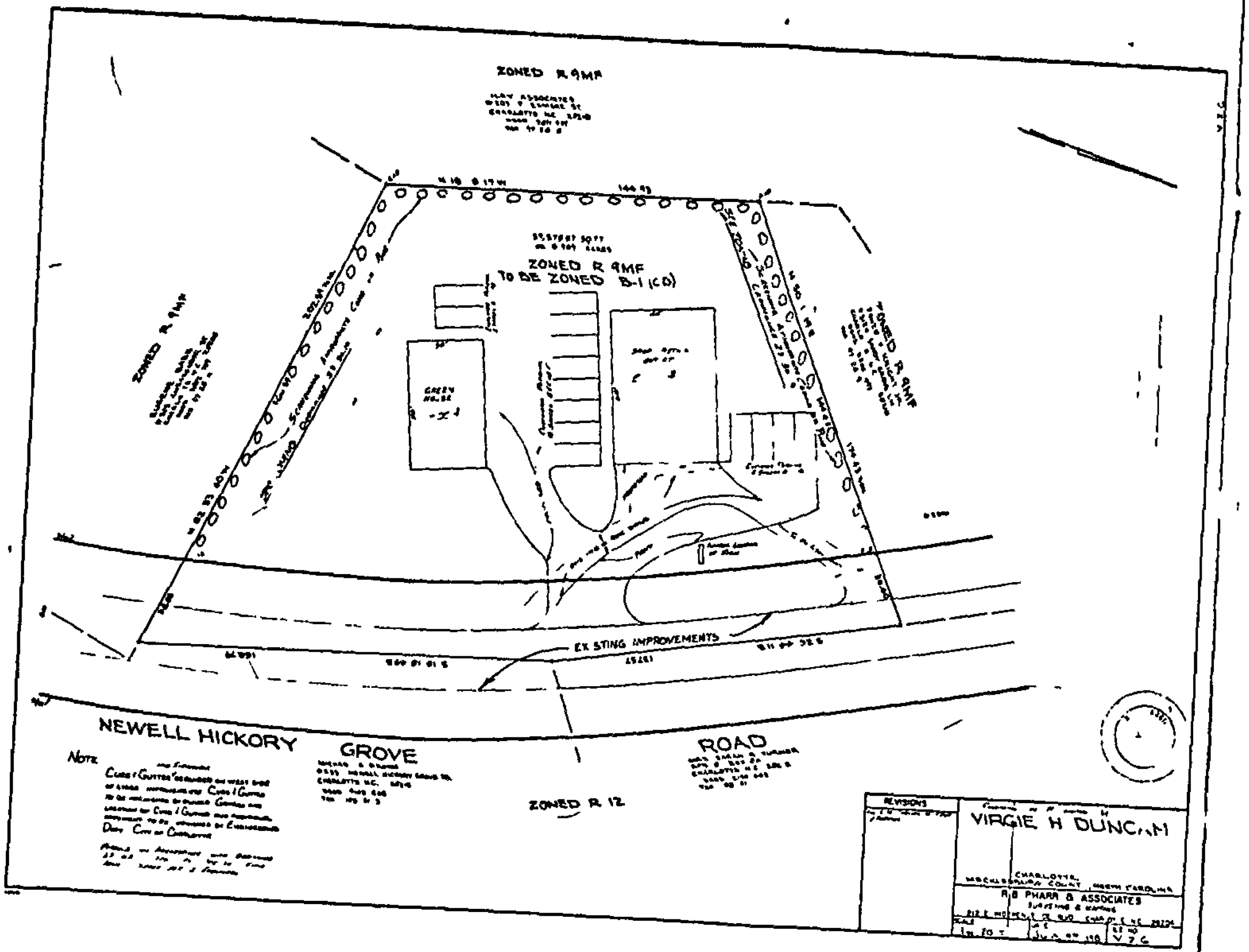
ZONING CLASSIFICATION, EXISTING R-9MF REQUESTED B-1(CD)

LOCATION A .909 acre parcel fronting 271 feet on the westerly side of Newell-Hickory Grove Road about 70 feet south from the intersection with Grier Road.



ZONING MAP NO. 44 SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE


ZONED R 9MF
ZONED R 9MF
TO BE ZONED B-1 (CD)
ZONED R 9MF
ZONED R 9MF
EX STING IMPROVEMENTS
NEWELL HICKORY GROVE ROAD
ZONED R 12
NOTE
REVISIONS
VIRGIE H DUNCAN
CHARLOTTE
MECKLENBURG COUNTY NORTH CAROLINA
R B PHARR & ASSOCIATES
8/13/71

DATE September 14, 1981

PETITION NO. 81-47

PETITIONER(S) Martin McGuire, Inc.

REQUEST Change from O-6 to UR-30.

LOCATION A .57 acre parcel fronting 147 feet on the northerly side of West Tenth Street east of North Poplar Street.

ACTION The Planning Commission recommends that the petition be approved.

VOTE Yeas: Boyce, Culbertson, Curry, Jernigan, Lawing and McCoy.

Nays: None.

(Commissioner Ervin abstained from voting.)

REASONS:

This proposal involves changing a parcel of land from an existing O-6 office classification to a UR-30 which is an urban residential district.

The following issues associated with this request can be identified:

1. Area relationships. Is this change in keeping with the development pattern of usage now occurring in the area?

2. Conformance with controlling plans. Would this change conform with the several plans which indicate future desirable usage of this area?

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 O-6 office classification as is property immediately adjacent to it on both sides and to the rear. Across Tenth Street, there is existing UR-100 zoning. Generally, within the immediate vicinity there is a combination of urban residential districts reflecting the development of the Fourth Ward area.

2. Existing land use. The subject property is vacant at the present time with an office use located on each side of the property. The remainder of the block in

which the subject parcel is located is vacant with the exception of one occupied house and two vacant residential type structures. The majority of the development in the immediate vicinity consists of condominium and attached housing development which is occurring as part of the Fourth Ward redevelopment activity.

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 at 20 - 50 dwelling units per acre.

2. Fourth Ward Urban Renewal Plan. The petitioned property is just outside the adopted boundaries of the Fourth Ward Plan but that plan proposes residential usage in the general vicinity and this request would support it.

3. Central Area Plan. The residential usage of this area would conform with the recommendation of the Central Area Plan calling for housing in the vicinity of the petitioner's property.

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

1. The subject property is located in an area which is undergoing rapid development for urban residential purposes.

2. The block within which the subject property is located has already experienced one change in recent months with several other changes in the adjoining block gradually replacing the office zoning with residential zoning.

3. The soon to be adopted new zoning districts for this area will reflect the residential characteristic of the subject property.

4. Urban residential usage of the requested property would be in keeping with all objectives defined by plans for this vicinity.

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

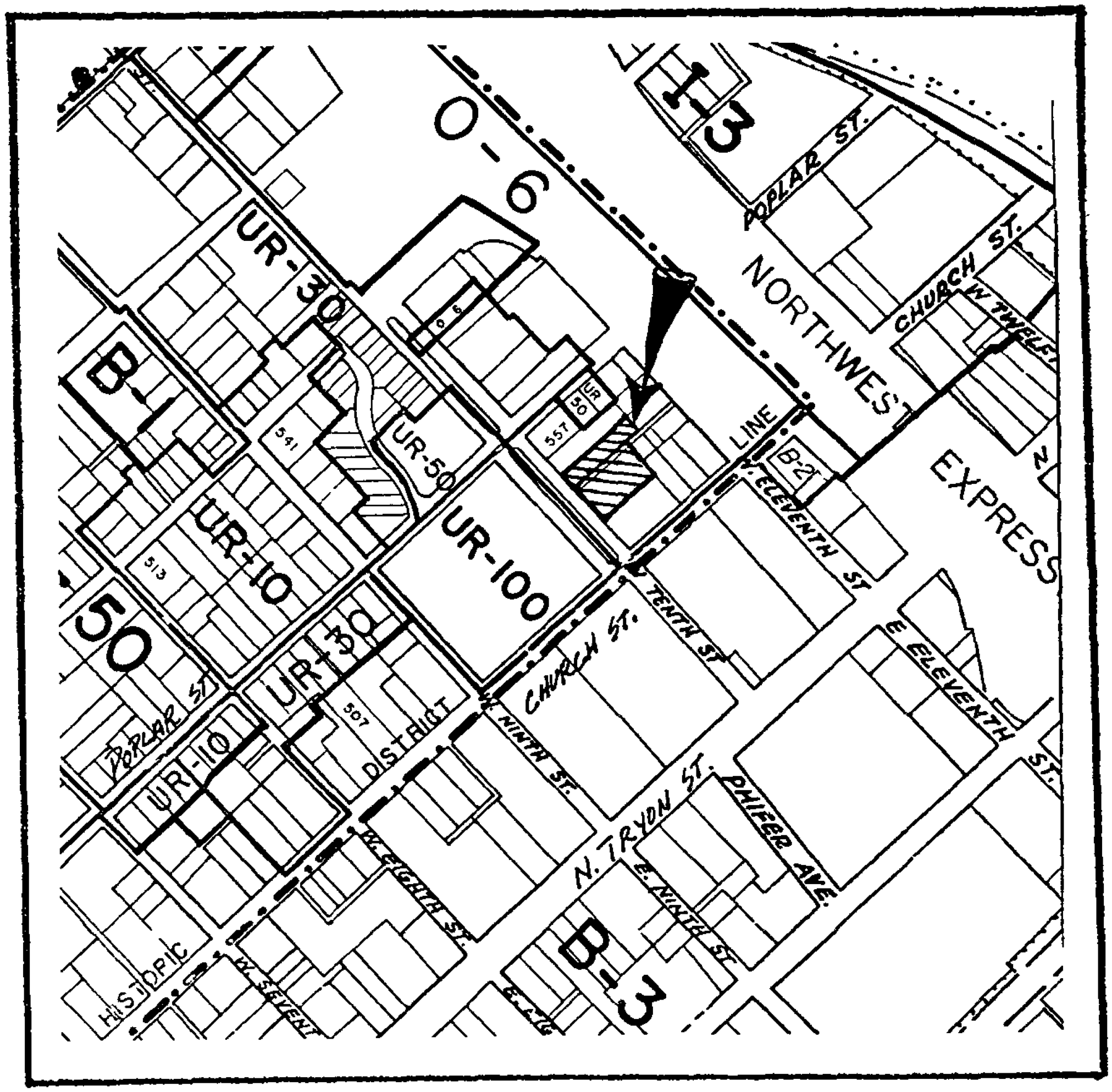
PETITIONER Martin McGuire, Inc.

PETITION NO. 81-47 HEARING DATE 8/24

ZONING CLASSIFICATION, EXISTING 0-6 REQUESTED UR-30

LOCATION A .57 acre parcel fronting 147 feet on the northerly side of West Tenth Street about 126 feet east of North Poplar Street.

Acreage: .57



ZONING MAP NO. 1-N SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE

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 district 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.

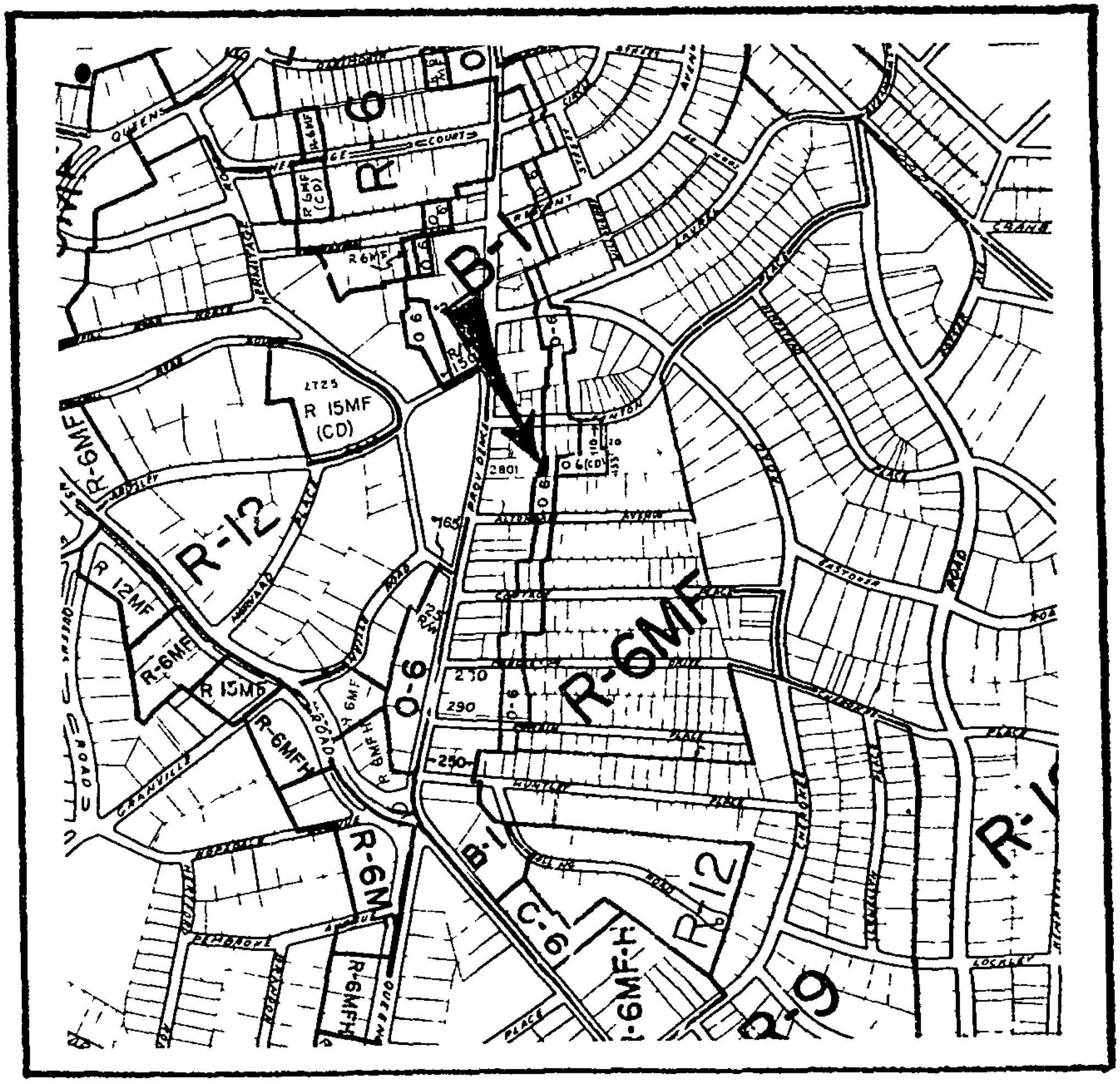
Based on the above findings, the Planning Commission recommends the petition be approved.

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.



ZONING MAP NO. 7 SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE

DATE September 14, 1981

PETITION NO. 81-50

PETITIONER(S) Carmel Land Company

REQUEST Change from R-12MF to O-6(CD).

LOCATION An approximate one acre parcel fronting on the southerly side of Albemarle Road about 550 feet west of Lake Forest Drive.

ACTION The Planning Commission recommends the petition be approved.

VOTE Yeas: Boyce, Culbertson, Curry, Jernigan, Lawing and McCoy.

Nays: None.

REASONS: (Commissioner Ervin abstained from voting.)

This proposal involves changing a one acre parcel from an existing R-12MF multi-family residential classification to O-6(CD), which is an office district with a conditional plan attached.

The following issues associated with this request can be identified:

1. Relation to Albemarle Road pattern. Would this change constitute a reasonable land use component recognizing the overall concerns about land use in the Albemarle Road area?

2. Immediate area objectives. Would this use as proposed relate satisfactorily to the immediately adjoining existing and expected land use pattern?

3. Traffic considerations. Will the change proposed by this request constitute any increase in the traffic problems already present in this area?

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

1. Existing zoning. The property involved in this request is now zoned R-12MF multi-family with similar zoning existing to the east and south of the parcel. A combination of B-2 zoning to the west and B-1 zoning across Albemarle Road to the north constitutes the relationship this property has to commercial zoning.

2. Existing land use. The property included is vacant at the present time as is property on three immediate sides. The nearest existing use is a billiard parlor located across Albemarle Road and a convenience store located somewhat to the west of the subject parcel. While adjoining land to the east and south is vacant at the present time, a planned multi-family project is already being reviewed for this location.

3. Petition proposal. Since this is a conditional request, the petitioner has submitted a site plan indicating an office building to be built on the westerly portion of the tract containing 3,782 square feet. Parking would be provided along the easterly portion of the site with 17 spaces being indicated. One driveway access would come from Albemarle Road and the building setback would be more than that which is required indicating a relationship to the widened right-of-way needs for Albemarle Road.

The following general findings can be made:

1. Comprehensive Plan. The Comprehensive Plan generally indicates residential usage in the vicinity of the subject property, but does not indicate in detail the existing commercial relationships to the site.

2. Thoroughfare Plan. The Thoroughfare Plan indicates a future widening of Albemarle Road to accommodate the volume of traffic which both exists and is expected in the future.

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

1. The general expectations for this area indicate the need to stop commercial strip expansion along Albemarle Road and enhance the residential environment to the east.

2. The subject property which now relates to business zoning on two sides will effectively create a recognizable end to the commercial strip along this section of Albemarle Road.

3. With the petitioner also developing the adjoining lands to the east and south for multi-family purposes, this will further strengthen the transitional nature of office use for this property and solidify the overall pattern goals for the vicinity.

4. With the proposed building setback from anticipated future right-of-way needs, this development should relate well to the expansion of Albemarle Road.

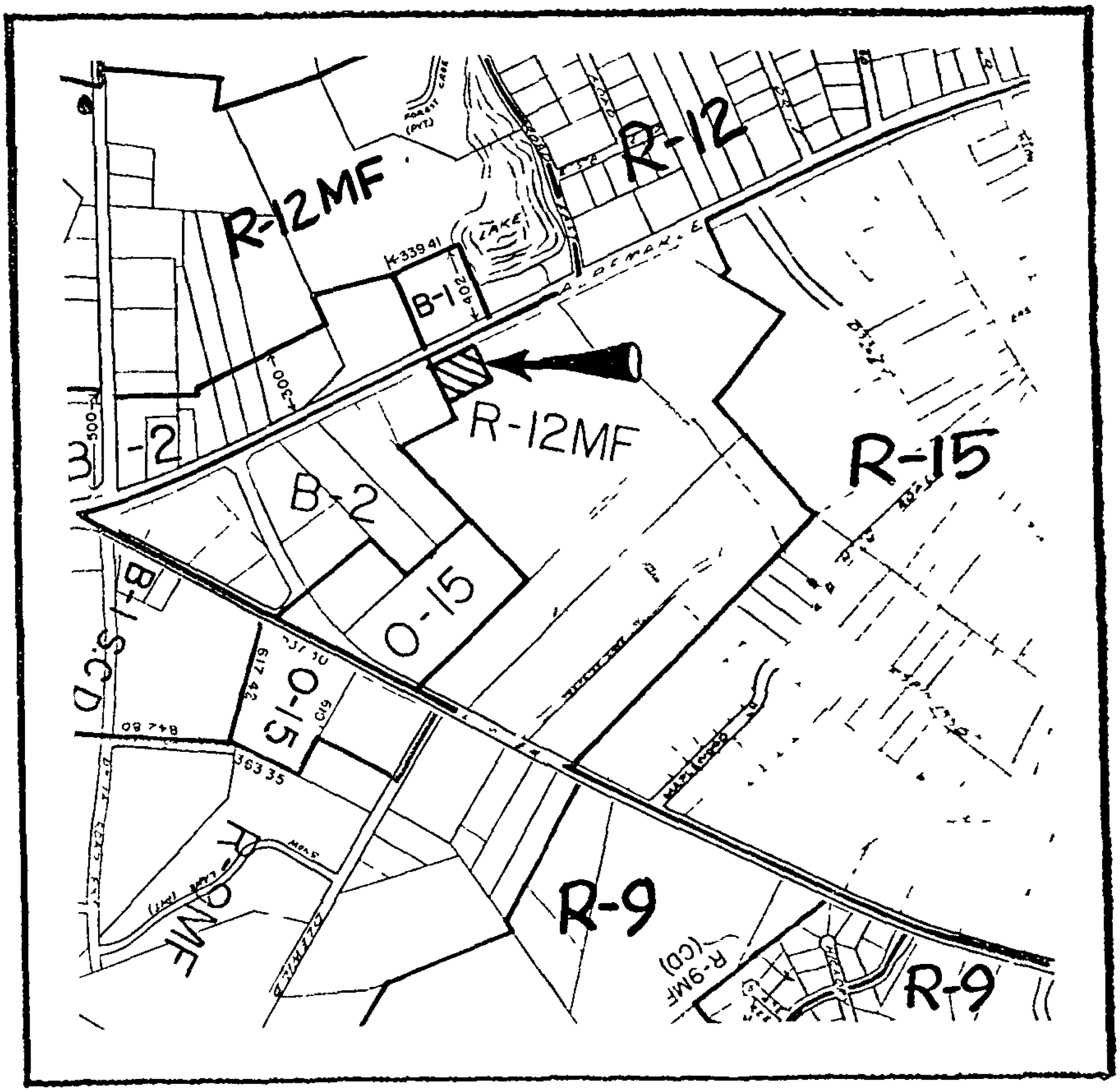
Based on the above findings, the Planning Commission recommends the petition be approved.

PETITIONER Carmel Land Company

PETITION NO. 81-50 HEARING DATE August 24, 1981

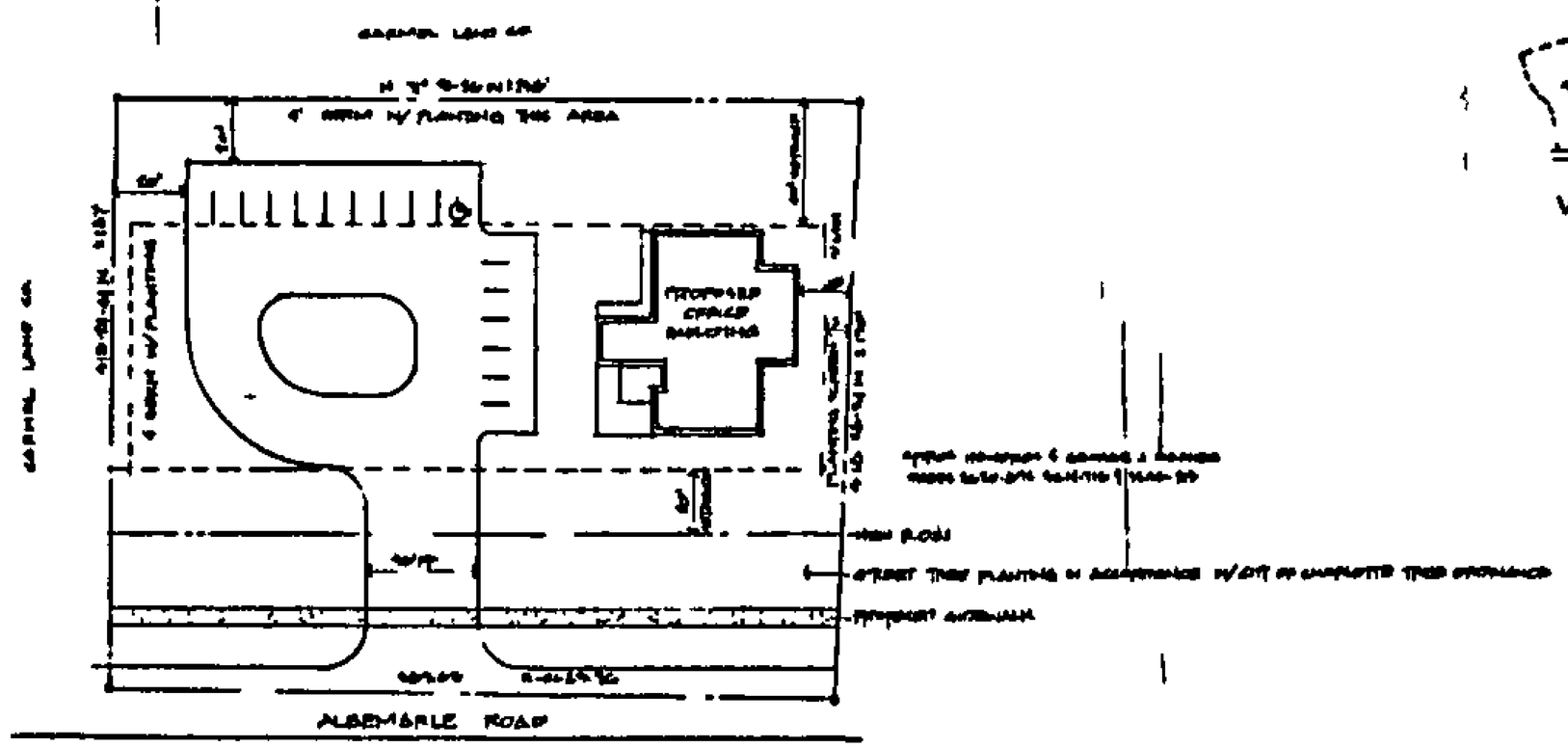
ZONING CLASSIFICATION, EXISTING R-12MF REQUESTED O-6(CD)

LOCATION A .966 acre parcel fronting 233.6 feet on the southerly side of Albemalre Road about 550 feet west of Lake Forest Drive.

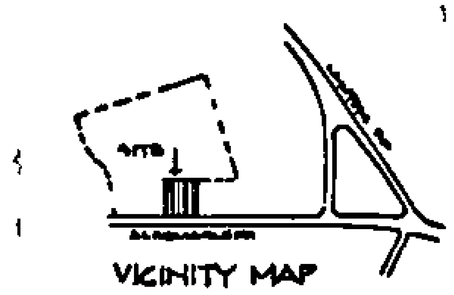


ZONING MAP NO. 46 SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE



SITE PLAN



VICINITY MAP

SITE TABULATION

EXISTING ZONING	R 1-MF
PROPOSED ZONING	DO CP
BUILDING AREA SF	9,787 ±
PARKING REQUIRED	12.0 SPACES
PARKING PROVIDED	11.0 SPACES
SITE AREA ACTIVE (INCLUDING NEW R.O.W.)	70 ACRE

DEERINGS OFFICE BUILDING

CARMEL LAND COMPANY

Landscape Architects and Planners

LandDesign

Charlotte NC

DATE

REVISIONS

SHEET OF

DATE September 14, 1981

PETITION NO. 81-53

PETITIONER(S) Foster Drakeford

REQUEST Change from O-6 to B-1.

LOCATION An approximate half acre parcel fronting on the westerly side of Beatties Ford Road about 400 feet south of LaSalle Street.

ACTION The Planning Commission recommends the petition be disapproved.

VOTE Yeas: Boyce, Culbertson, Curry, Jernigan, Lawing and McCoy.

Nays: None.

REASONS: (Commissioner Ervin abstained from voting.)

This proposal involves changing a parcel of land from an existing O-6 office classification to B-1, neighborhood business district.

The following issues associated with this request can be identified:

1. Area objective. Would this change conform to overall objectives for land development in this area?

2. Business area need. Can there be established a need for additional business opportunities 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 now zoned an O-6 office classification as is property directly east of and across Beatties Ford Road from the site. To the north, there is existing B-1 zoning including one 50 foot lot which is owned by the petitioner. To the south and to the west, there is a very large pattern of R-6 single family zoning.

2. Existing land use. The subject property is vacant at the present time as is the immediately adjoining lot to the north with single family usage to the west, to

the south and a combination of single family, vacant and business development across Beatties Ford Road to the east. Farther to the north along Beatties Ford Road, there is a very large pattern of business usage, including gasoline service, automobile repair, restaurants, gaming room, grocery store and other business services.

3. Land configuration. The petitioner is the owner of three lots located on the west side of Beatties Ford Road with two of the lots being now zoned for O-6 purposes and being the subject of this request while one adjoining lot to the north is already zoned for B-1 purposes.

The following general finding can be made:

1. Comprehensive Plan. The Comprehensive Plan generally indicates the vicinity of the subject property to be available for residential and transition residential purposes with a concentration of business usage immediately adjoining to the north.

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

1. The subject property at the present time serves a transition zoning function with the assignment of an office classification to encourage a use which would be compatible with both business activities to the north and single family residential usage to the south.

2. Immediately adjoining to the south, there begins a several blocks long section of single family usage which is very strong in nature and a very integral part of the general community.

3. This area to the south was one of the first neighborhood areas to seek and secure a more favorable category of zoning and much of the area was changed several years ago from multi-family to single family categories.

4. With the vast amount of business zoning and business land use which exists to the north, little reason can be found to indicate need for additional commercialization in this area.

5. While the petitioner owns property which is partially zoned business and partially zoned office, the entire tract would be available for office usage and should not be viewed as a split zoning relationship which would preclude reasonable usage of the property.

6. It is believed that the overall best interest of the neighborhood will be better served by retaining the office zoning at the subject location.

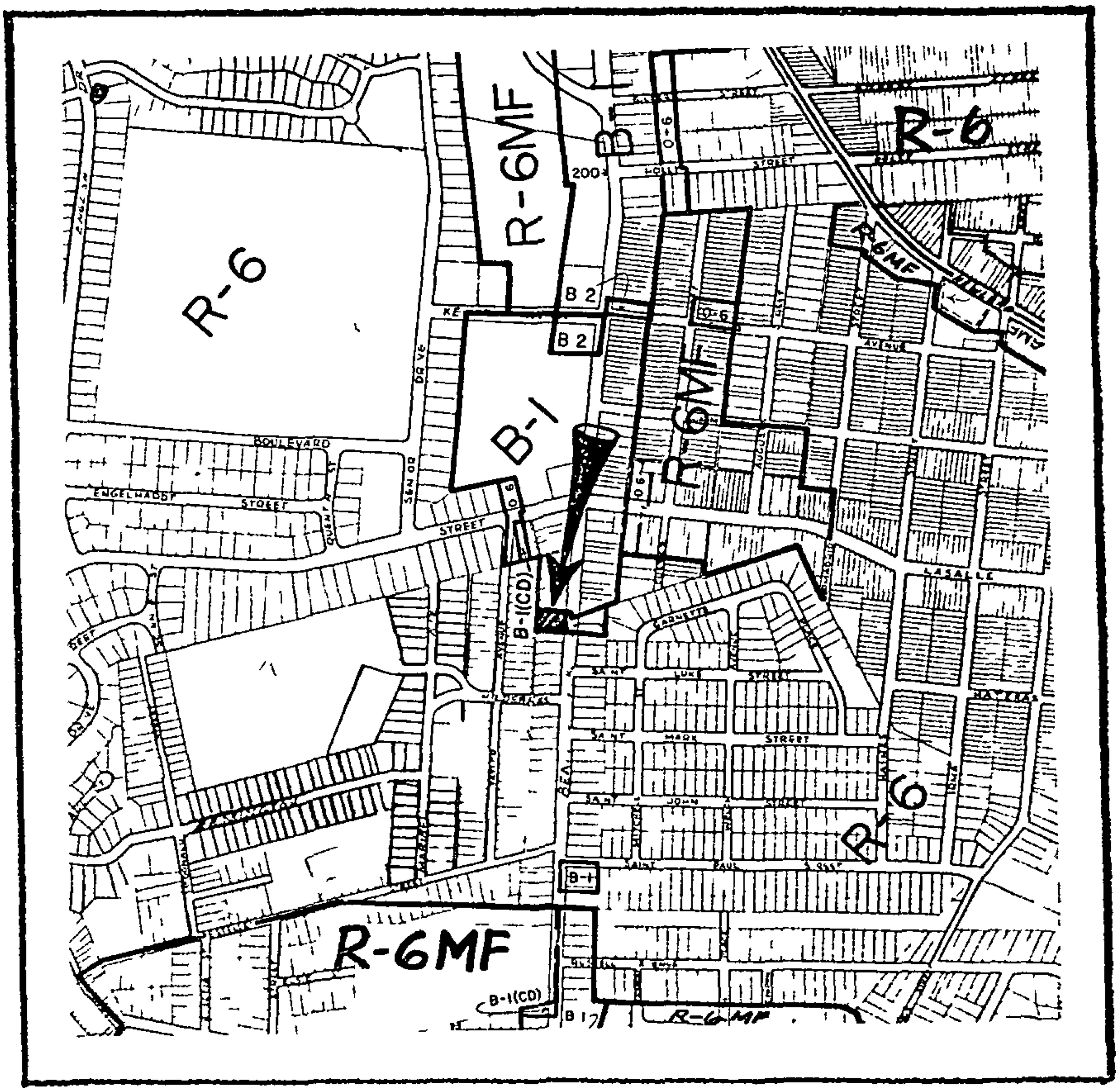
Based on the above findings, the Planning Commission recommends the petition be disapproved.

PETITIONER Foster Drakeford & Co., Inc.

PETITION NO. 81-53 HEARING DATE August 24, 1981

ZONING CLASSIFICATION, EXISTING O-6 REQUESTED B-1

LOCATION A .48 acre parcel fronting 150 feet on the westerly side of Beatties Ford Road about 400 feet south of LaSalle Street.



ZONING MAP NO. 4 SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE

DATE September 21, 1981

PETITION NO. 81-54

PETITIONER(S) Army-Navy Union

REQUEST Change from B-1 to B-2.

LOCATION 1.55 acre parcel at the northwest corner of the intersection of The Plaza and Clemson Avenue.

ACTION The Planning Commission recommends the petition be disapproved.

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

Nays: None.

REASONS:

This proposal involves a request to change a parcel of land from B-1 neighborhood business district to B-2 general business district.

The following issues associated with this request can be identified:

1. Area relationships. Would B-2 zoning be compatible with the existing area relationships regarding current land use commitments?

2. Neighborhood business needs. Is there identified a need for general business type usage to serve this vicinity in contrast to the opportunity now existing for neighborhood type uses?

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

1. Existing zoning. The subject parcel is now zoned a B-1 classification as is property to the north across Clemson Avenue and property across The Plaza. The westerly side of the property is adjacent to a combination of office zoning and single family residential zoning. The predominant pattern of zoning to the rear is single family R-6 classification.

2. Existing land use. The subject property has on it a structure which at one time was utilized as a grocery store but has more recently been occupied by the petitioner as a location for holding Bingo games and most recently having the parking

area utilized as a flea market site. With the exception of a convenience type store located across Clemson Avenue and a gasoline station and auto repair facility located across Drummond Avenue, the remaining surrounding land uses are residential in nature with a predominance of single family usage to the rear as well as across The Plaza with low density, multi-family being adjacent immediately on the Drummond Avenue frontage side.

3. Petition details. This request involves a proposal to change the zoning of this property from B-1 to B-2 in order to permit the continuation of the flea market activity now being conducted on the site. The petitioner has been served a notice of violation for this activity and without this change, this use would have to cease.

The following general findings can be made:

1. Comprehensive Plan. The Comprehensive Plan generally recognizes the existence of commercial zoning along The Plaza with residential identification for all adjoining areas.

2. Area Programs. While the subject property is not directly involved in them, several area programs have and are existing which relate to enhancement of the residential characteristics of this general area. For example, the North Charlotte Community Target Area has been in existence for a number of years and more recently the Plaza-Midwood Neighborhood Housing Services has been designated for an area to the south.

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

1. The overall pattern of land use commitment for this general area is residential in nature.

2. Substantial efforts have been underway to strengthen the residential characteristics of the area and a change of zoning on this property could effect those overall objectives.

3. While a substantial amount of strip B-1 zoning now exists in the area along The Plaza, a majority of the land so zoned is still utilized for residential purposes.

4. The need for commercial activities in this area should be limited to those included in the neighborhood business concept.

5. Other requests for change from B-1 to B-2 have been denied in the past in the general area with further deterioration of the area generally being the primary source of concern.

6. The type of use which this change would permit to continue on the site has caused significant problems in the area, particularly as it relates to supervision of parking.

7. A spinoff violation of zoning has occurred as a result of the use of the subject property with the establishment of a parking area on land which is now zoned for residential purposes.

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

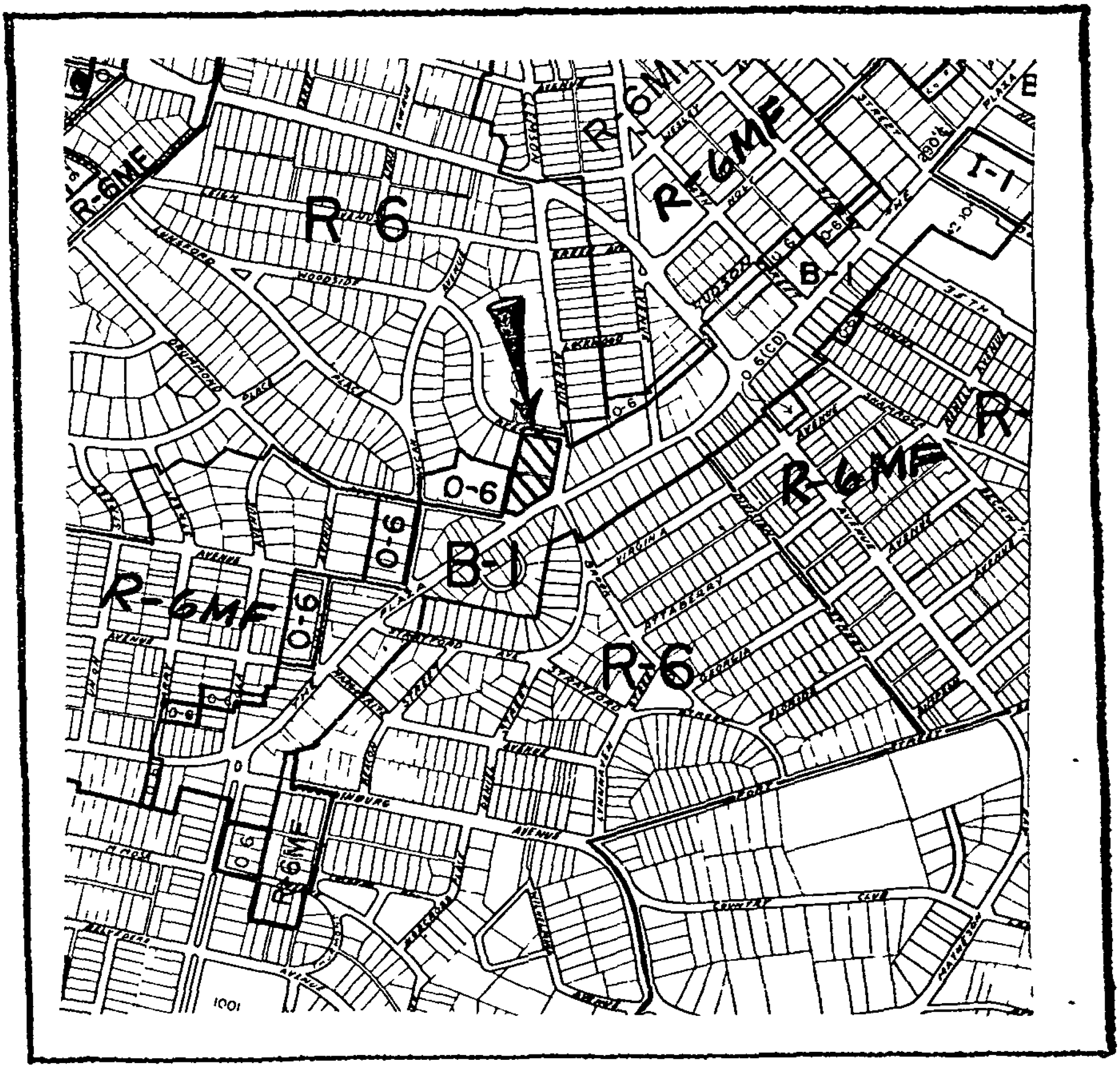
PETITIONER Army-Navy Union

PETITION NO. 81-54 HEARING DATE 9/21

ZONING CLASSIFICATION, EXISTING B-1 REQUESTED B-2

LOCATION A 1.550 acre parcel located at the northwest corner of the intersection of The Plaza and Clemson Avenue.

Acreage: 1.550


R-6
R-6MF
B-1
O-6
I-1
R-6MF
R-6
B-1
O-6
R-6MF
R-6
O-6
R-6MF
O-6
O-6(CD)
R-6MF
R-6
O-6
O-6
R-6MF
O-6
O-6
R-6MF
O-6
O-6
R-6MF

DATE September 21, 1981

PETITION NO. 81-55

PETITIONER(S) City of Charlotte - Operations Department

REQUEST Change from R-6MF to O-15

LOCATION 8.2 acres on Toomey Avenue south of Remount Road.

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 changing several acres of land adjacent to the Charlotte Animal Shelter from an existing R-6MF multi-family residential district to O-15 office district.

The following issues associated with this request can be identified:

1. Petition objective. Do the unusual circumstances related to this request merit its favorable consideration?

2. Area effect. Will there be any undesirable effects from this change in relation to nearby properties?

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

1. Existing zoning. The subject property is now zoned an R-6MF multi-family residential classification as is all the immediately adjoining property on the south, east and north sides. Adjoining zoning to the west is I-1 light industrial.

2. Existing land use. The subject property is now vacant except that a portion of it along the easterly side of Toomey Avenue is part of the Southside Park area with parking facilities located on it. The immediately adjoining use to the west is the City of Charlotte Animal Shelter facility, while both multi-family and single family residential uses adjoin to the south and for a portion of the

distance to the east. The general character of the area related to the subject property is generally either park use or vacant land.

3. Request circumstances. In 1978 as part of a plan to change zoning in the Southside Park Target Area, the subject property was rezoned from industrial to multi-family residential. This action places residential zoning immediately adjacent to the animal shelter and since there is a requirement that such facility be at least 300 feet from residential zoning boundaries, further expansion of the shelter is therefore prohibited. It is the desire of the City of Charlotte to now construct on the shelter site additional facilities to accommodate a spay-neuter clinic which would not be permitted unless the subject property is changed to a non-residential zoning category.

The following general findings can be made:

1. Comprehensive Plan. The Comprehensive Plan generally indicates a combination of park land and residential development at 6 - 10 dwelling units per acre in the general vicinity of the subject property.

2. Southside Redevelopment Plan. The adopted Southside Redevelopment Plan indicates open space uses for the subject property.

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

1. The subject property is all owned by the City of Charlotte and would not be subject to private development decisions.

2. The subject property is generally occupied by and related to park area.

3. The only adjoining single family residential area is separated from the subject property by a very high earth embankment.

4. The animal shelter operated on adjoining properties is relatively new and does not create any apparent problem for nearby land uses.

5. The site would be the ideal location for locating the spay-neuter clinic, the need for which has been determined by City Council.

6. While this change constitutes a zoning district consideration, the result is more technical in nature since it will not offer the opportunity of any land expansion for the animal shelter.

7. The general well being of Charlotte citizens will be served by this change without any apparent harm to the immediate surrounding area.

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

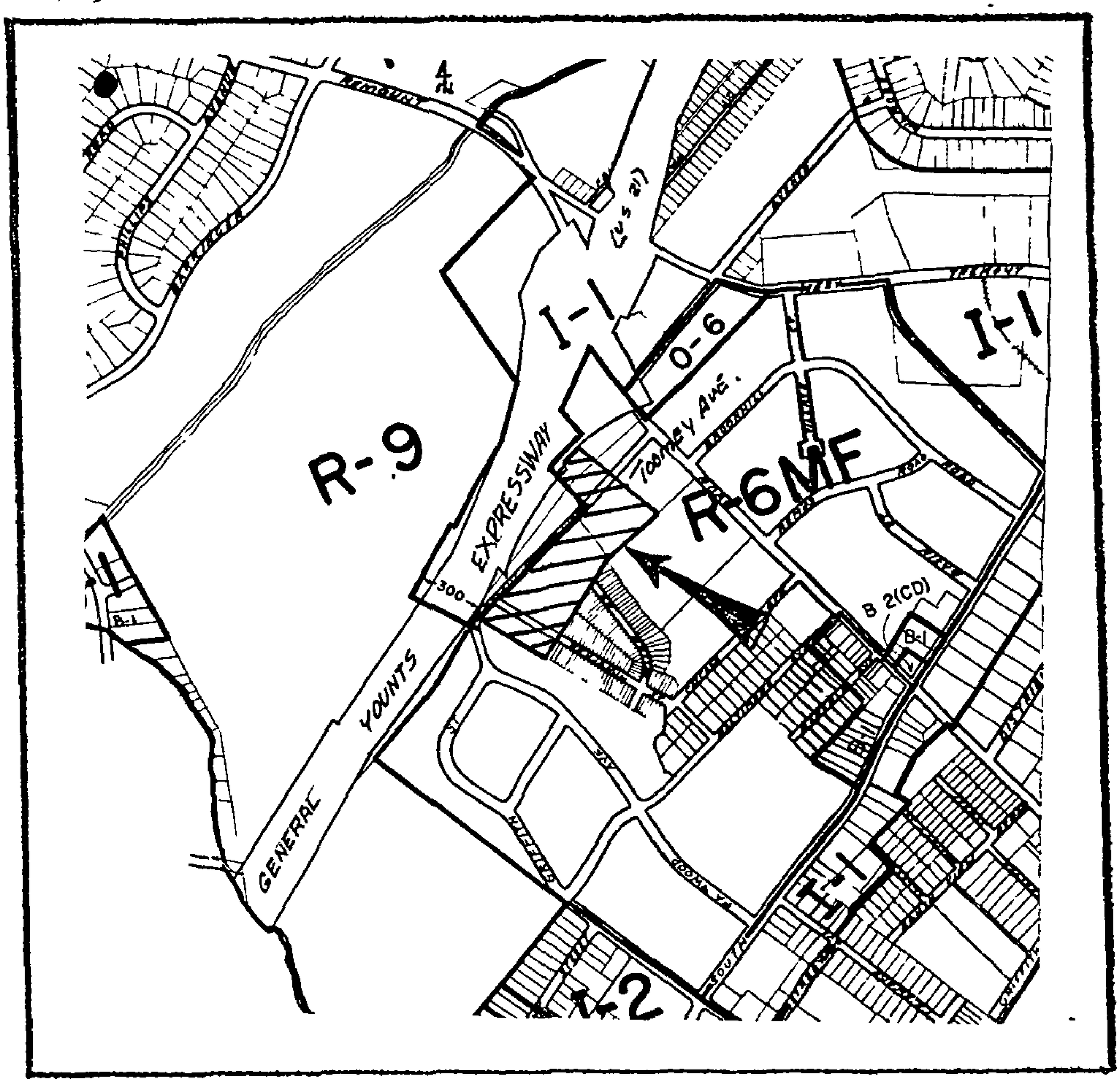
PETITIONER City of Charlotte - Operations Department

PETITION NO. 81-55 HEARING DATE 9/21

ZONING CLASSIFICATION, EXISTING R-6MF REQUESTED O-15

LOCATION An 8.235 acre tract fronting 1,040 feet on the northerly side and 310 feet on the southerly side of Toomey Avenue about 250 feet south of Remount Road.

Acreage: 8.235



ZONING MAP NO. 2 SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE

DATE September 21, 1981

PETITION NO. 81-57

PETITIONER(S) Eliza B. Bumgardner

REQUEST Change from R-12 to R-12MF.

LOCATION A 6.6 acre parcel fronting on the southerly side of Sardis Road North about 500 feet west of Monroe Road.

ACTION The Planning Commission recommended the petition be approved.

VOTE Yeas: Boyce, Culbertson, Curry, Evans, Ervin, Jernigan, Lawing, McCoy, & Trotter.
Nays: None.

REASONS:

This proposal involves changing an existing single family R-12 property to an R-12MF multi-family residential.

The following issues associated with this request can be identified:

1. Area pattern. Does use of the subject property for multi-family purposes relate satisfactorily to existing land use and zoning patterns?

2. Future trends. Would this change dictate additional changes to higher density, particularly in the area south along Sardis Road North?

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

1. Existing zoning. The subject property is zoned single family residential at the present time with adjoining property to the south being similarly designated. Multi-family zoning already exists to the east, to the north and to the west of the subject parcel. Additionally, a combination of B-2, B-1 and O-15 zoning is related to the northerly side of the property.

2. Existing land use. The parcel involved in this request has on it at the present time one single family residential structure with property to the south being similarly treated since there are several large acreage parcels, each with a single family house on it. Property to the east and west of the site is now

vacant while there are adjoining commercial uses to the north consisting of a shopping center and a day care center.

The following general findings can be made.

1. Comprehensive Plan. The Comprehensive Plan generally indicates residential usage in the general vicinity of the subject property and industrial usage north of Monroe Road.

2. Transportation Program. Both Sardis Road North on which the subject property fronts and Monroe Road, which is located just to the north, are designated thoroughfares and as such as expected to be improved to four lane facilities at some time in the future.

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

1. With the exception of adjoining property to the south, the subject parcel is related on all other sides to either vacant land which is zoned for multi-family purposes or to commercial lands which are zoned for and utilized for non-residential purposes.

2. The use for the subject property for further single family activities does not seem reasonable in view of the relationship to the shopping center and to other multi-family zoned lands.

3. Use of the subject property for attached housing purposes can constitute a transition relationship between the commercial on the north and single family uses to the south.

4. With the peculiar relationship which this property has to existing commercial and multi-family zoned land, the changing of this zoning would not, by itself, indicate that adjoining properties should also be so considered.

5. With access to two major thoroughfares, traffic generated by multi-family use of this property should not be significant.

6. It would appear that the multi-family zoning of this property would be in keeping with overall area patterns of land use and zoning and would not constitute the sole source of additional changes in the vicinity.

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

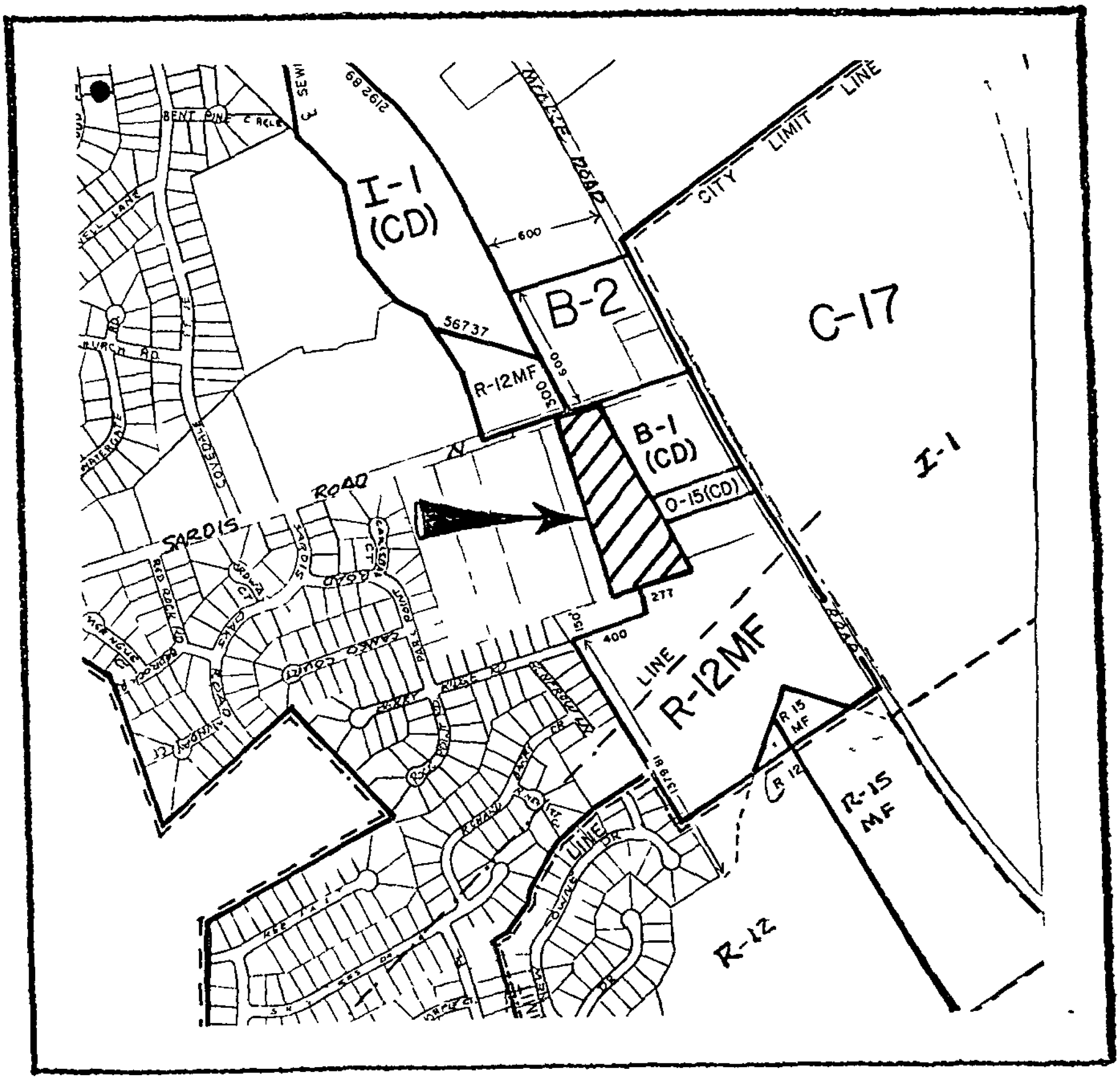
PETITIONER Mrs. Eliza B. Bumgardner

PETITION NO. 81-57 HEARING DATE 9/21

ZONING CLASSIFICATION, EXISTING R-12 REQUESTED R-12MF

LOCATION A 6.6± acre tract fronting 200 feet on the southerly side of Sardis Road North about 500 feet west of Monroe Road.

Acreage: 6.6±



ZONING MAP NO. 54 SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE

DATE September 21, 1981

PETITION NO. S.U.P. 81-2

PETITIONER (S) Knights of the Guiding Star of the East

REQUEST Consider a Special Use Permit for a fraternal organization in an R-6MF District under Section 23-36.7.

LOCATION A .2 acre parcel at the southwesterly corner of Matoon Street and Campus Street.

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

VOTES Yeas: Boyce, Culbertson, Jernigan, Lawing and McCoy.

Nays: None.

REASONS; (Commissioners Curry, Ervin, Evans and Trotter abstained from voting.)

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 are made from the record evidence presented at the hearing with respect to the four standard 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 or nearby properties.

Facts Indicating Compliance with Finding No. 1

1. The objective of this location for the petitioner would be to locate at a place which would constitute a safe location particularly for ladies traveling alone. (See Testimony of Phifer, page 15.)

2. The nature of the proposed use is to offer service to the community without having noisy meetings and activities. (See Testimony of Phifer, page 15.)

3. The structure which is proposed would be built in conformity with the houses now in that area. (See Testimony of Phifer, page 18.)

4. The area around the building will be constantly lighted. (See testimony of Phifer, page 24.)

5. The building would be used for only five meetings per month. (See Testimony of Phifer, page 27).

6. The building will comply with all building, zoning and health regulations and would actually enhance the immediate surrounding area since it now consists of two abandoned houses adjoining. (See Testimony of Montague, page 28.)

7. The size of the structure will be in keeping with a moderate house size with parking area screened by plantings. (See Testimony of Montague, page 29.)

8. The building will be designed without a large number of windows in order to avoid vandalism as well as encouraging energy efficiency. (See Testimony of Montague, page 32.)

9. The structure as proposed substantially complies with the provision of finding No. 1 (See Testimony of Montague, page 34.)

10. The structure is a nice looking building with a normal residential type of construction. (See Testimony of Nance, page 34.)

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.

Facts Indicating Compliance with Finding No. 2

1. The site is located on a dead-end street and would not create a lot of additional traffic or hazards to the area. (See Testimony of Montague, page 28.)

2. The proposed building would be of residential, brick construction with a standard-pitched roof and a low profile which would blend into the surrounding area. (See Testimony of Montague, page 28.)

3. There would be no signs on the property and, therefore, no particular attention would be called to it. (See Testimony of Montague, page 29.)

4. There will be solid walls and plantings adjacent to the nearest houses with the entrance from the structure being toward the park area. (See Testimony of Montague, page 29.)

5. The structure to be built will be in the same general scheme of housing in the area at the present time and with the exception of having few windows could be converted into a house. (See Testimony of Montague, page 32).

6. There will be provided 14 parking spaces with the zoning ordinance requiring only 10. (See Testimony of Montague, page 33.)

7. The structure will substantially comply with the provisions of finding No. 2. (See Testimony of Montague, page 34.)

8. The building proposed is normal residential construction with brick veneer and having a hip roof of a residential type. (See Testimony of Nance, page 35.)

9. There will be provided parking on the site without necessitating parking on the streets which will further relate satisfactorily to the residential characteristics of the nearby area. (See Testimony of Faust, page 37.)

Finding (Standard) No. 3

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

Facts Supporting Finding No. 3

1. All parking will be provided on site without any parking related to adjoining streets thereby decreasing any traffic congestion. (See Testimony of Faust, page 37).

2. A facility of this sort will generate approximately three trips per one space of parking which in this instance would translate into fifty-two trips generated for maximum usage of the parking facility which would constitute a very small percentage of traffic in relation to the amount now traveled by nearby thoroughfares. (See Exhibit C introduced at page 38 and consisting of a memorandum from Mr. Doug Gillis of the Charlotte Department of Transportation)

Finding (Standard) No. 4

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

Facts Indicating Compliance with Finding No. 4

1. There will be a maximum of five organizations using the facility with each of them meeting on a separate day. (See Testimony of Phifer, page 17.)

2. There will be approximately 25 to 50 people attending each of the five meetings. (See Testimony of Phifer, page 17.)

3. There will be a joint meeting of delegates from all organizations twice annually, but would not be in sufficient attendance to create unusual noise levels for the area. (See Testimony of Phifer, page 21.)

4. Fund raising activities will be carried on at locations other than on site with no fish frys or anything that would bring large crowds to the location. (See Testimony of Phifer, page 25.)

5. The average length of the meeting is 1½ hours consisting of a prayer meeting and business session. (See Testimony of Phifer, page 27.)

6. The structure as proposed will substantially comply with the provisions of Finding No. 4. (See Testimony of Monague, page 35.)

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

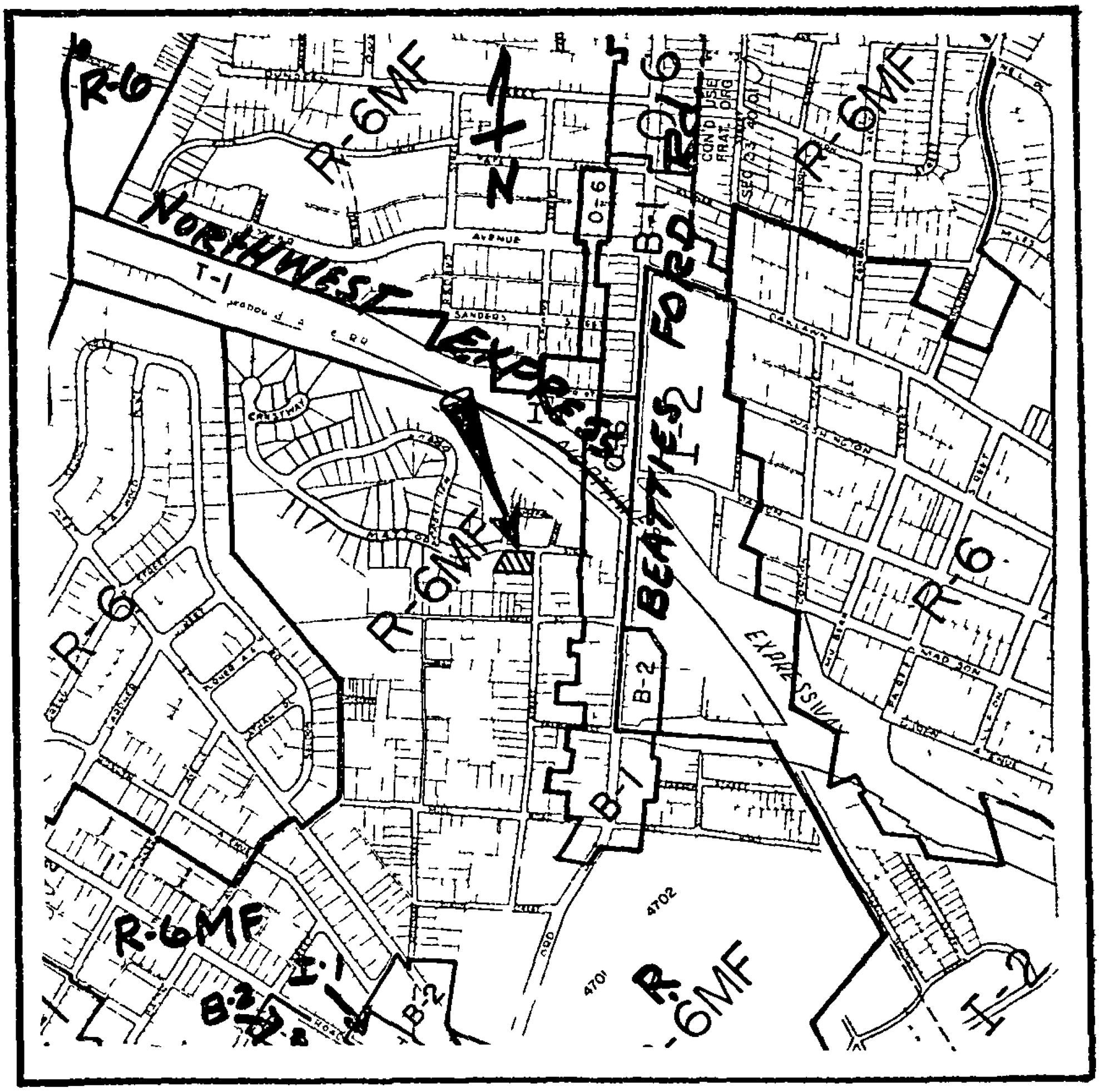
PETITIONER Knights of the Guiding Star of the East

PETITION NO. SUP 81-2 HEARING DATE 8/25

ZONING CLASSIFICATION, EXISTING R-6MF REQUESTED Special Use Permit request for a Fraternal Organization in an R-6MF zoning district

LOCATION A .207 acre parcel located at the southwesterly corner of Mattoon Street and Campus Street.

Acreage: .207



ZONING MAP NO. 4 SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE