AGENDA

Meeting Type:	B
Date	12-20-1982

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 '82

DECEMBER 1 - DECEMBER 4

1	Wednesday, 3 30 p.m.	POLICE COMMUNITY RELATIONS AWARDS TASK FORCE/COMMUNITY RELATIONS COMMITTEE - Covenant Presbyterian Church, 1000, E Morehead St.
	Wednesday, 4 30 p m.	COMMUNITY RELATIONS COMMITTEE - Covenant Presbyterian Church, 1000 E. Morehead Street
2	Thursday, 2.00 p.m.	TAXICAB REVIEW BOARD (Hearing/Closed) - City Hall, Council Chamber

THE WEEK OF DECEMBER 5 - DECEMBER 11

7	TUESDAY, 2 00 p.m.	TAXICAB REVIEW BOARD (Hearing/Closed) - City Hall, Council Chamber
	Tuesday, 4 00 p.m.	CITY COUNCIL LONG RANGE FUNDING COMMITTEE - City Hall, Second Floor Conference Room
	Tuesday, 6.00 p m	CHARLOTTE ADVISORY PARKS COMMITTEE - Park Center, 310 N Kings Drive
	Tuesday, 7 30 p.m.	PLANNING COMMISSION - Cameron-Brown Building, First Floor Conf. Room
8	Wednesday, 5 30 p.m.	CHARLOTTE SISTER CITIES COMMITTEE - City Hall Annex, Training Center
	Wednesday, 7 30 p.m.	HISTORIC PROPERTIES COMMISSION - Commission Office, 218 N Tryon St.
9	Thursday, 4 00 p.m.	CITY COUNCIL TRANSPORTATION COMMITTEE & PLANNING COMMISSION (Short Range Transportation Action PLan) - Cameron-Brown Building, First Floor Conference Room
10	Friday, 12 Noon	PRIVATE INDUSTRY COUNCIL - Chamber of Commerce, 129 W. Trade St.
11	Saturday, 8 30 - Until	CITY COUNCIL RETREAT - Johnson C. Smith University

THE WEEK OF DECEMBER 12 - DECEMBER 18

13	Monday, 12 Noon	CITY COUNCIL/MANAGER LUNCHEON - City Hall Annex, Training Center
	Monday, 2 00 p.m.	CITIZENS HEARING - City Hall, Council Chamber
	Monday, 3 00 p.m.	CITY COUNCIL MEETING - City Hall, Council Chamber
14	Tuesday, 8 00 a m.	AIRPORT ADVISORY COMMITTEE - Charlotte/Douglas International Airport, Conference Room
	Tuesday, 9·00 a m.	HISTORIC DISTRICT COMMISSION - Edwin Towers, First Floor Conference Room
	Tuesday, 2 00 p.m	TAXICAB REVIEW BOARD (Hearing/Closed) - City Hall, Council Chamber

(Continued on back)

THE WEEK OF DECEMBER 12 - DECEMBER 18 (Continued)

15	Wednesday, 8·30 a.m.	CIVIL SERVICE BOARD - City Hall, Third Floor Conference Room
	Wednesday, 12 Noon	INSURANCE & RISK MANAGEMENT COMMITTEE - Cameron-Brown Building, Sixth Floor Conference Room, Finance Department
16	Wednesday, 7·30 a.m.	CITY COUNCIL/MECKLENBURG DELEGATION (Presentation of City Lesgislative Package) - Sheraton Center, 555 S. McDowell Street
	Wednesday, 11 00 a.m.	AUDITORIUM-COLISEUM-CIVIC CENTER AUTHORITY - Civic Center Conference Room
	Wednesday, 1 30 p.m.	FIREMENS RETIREMENT SYSTEM - Cameron-Brown Building, Sixth Floor Conference Room, Finance Department
	Wednesday, 3 00 p.m.	ADVISORY ENERGY COMMISSION - City Hall, Third Floor Conference Room

THE WEEK OF DECEMBER 19 - DECEMBER 25

20	Monday, 6 00 p.m.	CITY COUNCIL MEETING (Zoning Hearings) - Education Center, Board Room
21	Tuesday, 2 00 p.m.	HOUSING AUTHORITY - 1301 South Boulevard
22	Wednesday, 4.00 p.m.	ELECTRICAL ADVISORY BOARD - Cameron-Brown Building, Building Inspection Conference Room
24	Friday	ALL CITY OFFICES CLOSED FOR CHRISTMAS HOLIDAY.

THE WEEK OF DECEMBER 26 - DECEMBER 31

27	Monday	ALL CITY OFFICES CLOSED FOR CHRISTMAS HOLIDAY.

Charlotte

IN MEETING ON MONDAY, DECEMBER 20, 1982

5:00 p.m. - COUNCIL/PLANNING COMMISSION
Refreshments - Rooms 237-38

6:00 p.m. - ZONING HEARINGS
Board Room, Education Center

ITEM NO.

1. Invocation by the Reverend Richard P. Shaw, Albemarle Road Presbyterian Church.

PUBLIC HEARINGS

2. Hearing on Petition No. 82-72 by Colonial Storage Centers II, Ltd., for a change in zoning from B-2 to BD(CD) for a 2.1 acre site located at the southeast corner of Pineville Road and Sharon Lakes Road.

   Attachment No. 1.

3. Hearing on Petition No. 82-73 by Shotwell and Partners, Inc., for a change in zoning from O-6 to B-2(CD) for a .37 acre site with 276 feet of frontage along the easterly right-of-way of Harding Place, about 150 feet north of East Morehead Street.

   Attachment No. 1.

council agenda

Mayor Eddie Knox Mayor Pro Tem Harvey B Gantt

Dave Berryhill
Charlie S Dannelly
Laura Page Frech
Ron Leeper
Ralph Reiss McMillan
Pamella G Patterson
Edwin B Peacock, Jr
George K Selden, Jr
Herbert Spaugh, Jr
Minette Conrad Trosch

3. Hearing on Petition No. 82-74 by James R. McKee for a change in zoning from R-6MF to B-1(CD) for a .69 acre site at the northeast corner of Oaklawn Avenue and Wayt Street.

Attachment No. 1.

4. Hearing on Petition No. 82-75 by Ray C. Mozeley and L. E. Pinkerton for a change in zoning from R-6MF to I-1(CD) for a 3.837 acre site fronting on Rozzelles Ferry Road, about 554 feet west of Ramsey Street.

Attachment No. 1.

5. Hearing on Petition No. 82-76 by Province Development, Ltd., for a change in zoning from R-12 to R-15MF(CD) for a 15.5 acre site at the southerly end of Valleyview Drive and north of Verndale Road, about 1/4 mile from North Sharon Amity 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. 82-77 by the Charlotte-Mecklenburg Planning Commission to amend the text of the Zoning Ordinance to prohibit business and industrial parking in office districts.

Attachment No. 1.

7. Hearing on Petition No. 82-78 by the Charlotte-Mecklenburg Planning Commission to amend the text of the Zoning Ordinance to aid in the implementation of small area plans by making allowances for certain pre-existing uses which are not in conflict with the adopted plan to continue or expand with appropriate safeguards.

Attachment No. 1.

8. Hearing on Petition No. 82-79 by McQueen Properties, Ltd., for a site plan amendment to an existing R-15MF(CD) classification for a 5.92 acre tract fronting 546 feet on the easterly side of Park Road, about 195 feet south of Yale Place.

(continued)

8. (continued)

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.

POLICY AGENDA

9. Decision on Petition No. 82-53 by Roger R. Lee for a change in zoning from I-1 to I-2(CD) for a 3.189 acre site on the northerly side of Mount Holly Road, near the Lee Drive/Mt. Holly Road intersection.

The Planning Commission recommends that the petition be approved in accordance with a recently submitted site plan. The Planning Commission also added an additional condition.

Attachment No. 2.

10. Decision on Petition No. 82-66 by BCI Property Company No. 10 for a site plan amendment to an existing B-1SCD classification for a 5.3 acre site located at 6525 Morrison Boulevard, with frontage on both Roxborough Road and Morrison Boulevard.

The Planning Commission recommends that the site plan amendment be approved.

Attachment No. 2.

11. Decision on Petition No. 82-30 by Farmington, Inc., for a change in zoning from R-15 to R-15MF(CD) for a 2.45 acre tract located at the most southerly corner of the intersection of Sharon Road and Sharon Hills 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.

The decision on this petition was deferred from the Council meeting of November 15, 1982.

The Planning Commission recommends that the petition be approved in accordance with a recently revised site plan.

Attachment No. 2.

12. Decision on Petition No. 82-67 by Acme Retail, Inc., for a change in zoning from R-6MF to B-1(CD) for a 1.208 acre site located at the western corner of Belhaven Boulevard and Linwood Avenue.

The decision on this petition was deferred from the Council meeting of November 15, 1982.

The Planning Commission recommends that the petition be denied.

Attachment No. 2.

13. Decision on petition of the Charlotte-Mecklenburg Planning Commission for a text amendment to the Subdivision Ordinance, Section 18-13(a), to change the maximum distance that a multi-family dwelling unit may be located from either a public or private street from 300 feet to 400 feet.

The Planning Commission recommends that the petition be approved.

Attachment No. 3.

14. Decision on Petition No. 82-69 by Gam Chee Jung and wife, Lee Lai Ming, for a change in zoning from R-15 to R-9MF(CD) for a 2.2± acre site located on the west side of Park Road Extension, about 300 feet south of the intersection of Park Road and Fairview Road.

A protest petition has been filed and found not to be 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 that the petition be approved.

Attachment No. 3.

15. Decision on Petition No. 82-70 by the Charlotte-Mecklenburg Planning Commission for a text amendment to the Zoning Ordinance, Section 23-32(b)(4), to change the maximum distance that a multi-family dwelling unit may be located from either a public or private street from 300 feet to 400 feet.

The Planning Commission recommends that the petition be approved.

Attachment No. 3.

16. Decision on Petition No. 82-71 by Martha T. and Ted O. Gillis for a change in zoning from R-6MF to O-6 for a 9,579 square foot site located at 4313 The Plaza, about 200 feet west of Eastway Drive.

The Planning Commission recommends that the petition be approved.

Attachment No. 3.

17. Decision on Petition No. 82-25 by the Charlotte-Mecklenburg Planning Commission to amend the Zoning Ordinance to include a section entitled Urban Development Center - Village (UDC-V).

The Planning Commission recommends that a recently revised version of the text amendment be approved.

Attachment No. 3.

18. Consider authorization for staff to initiate negotiations with Mint Hill for an agreement that will permit the extension of City water/sewer facilities to serve property inside the corporate limits of Mint Hill, based on a request from the Ralph Squires Company.

This item was deferred from the Council meeting on December 13th.

The current Connection Policy approved by City Council regarding connections to existing Charlotte-Mecklenburg Utility Department mains within the corporate limits of other municipalities in Mecklenburg County does not permit the type of service line extension that is being requested here by the Squires Company. City staff, with City Council authorization, will need to draft an agreement that would allow construction of a main service line within the Town of Matthews in order for this request to be handled.

The chronological order of events concerning this request from the Ralph Squires Company is as follows:

1. June 27, 1980: Ralph Squires Homes requested a contract with the revenues of approximately $2,900,000 by 1985.

   City to construct a pump station on Lawyers Road at Irvings Creek, a pressure line along Lawyers Road to Wilson Grove Road, and a gravity line along Lawyers Road to the City's McAlpine Creek Outfall. The property to be served by this pump station was totally in Mecklenburg County, but was surrounded by the incorporated limits of Mint Hill.

(continued)

18. (continued)

2. February 9, 1981: Council approved a contract with J.R.S. Enterprises, Inc., for the construction of a 450 GPM pump station, 4,050 feet of 8-inch sewer force main, and 5,905 feet of 10-inch gravity sewer main to serve Lawyers Station. Estimated cost is $200,000.00.

3. July 2, 1981: Ralph Squires Homes requested a contract for the extension of gravity sewer lines into Lawyers Station Subdivision, Phase I.

4. October 12, 1981: Council approved a contract with Ralph Squires Homes for the construction of sewer lines to serve Lawyers Station Subdivision, Phase I.

5. July 1, 1982: The Town of Mint Hill annexed all of Ralph Squires property, including Phase I of Lawyers Station.

6. November 9, 1982: Ralph Squires Homes requested a contract for the extension of gravity sewer mains into Lawyers Station, Phase II. Phase II is totally within the incorporated limits of Mint Hill. The Charlotte-Mecklenburg Utility Department cannot process Squires' request since the City does not have an agreement with Mint Hill for extending utility lines to serve property within the town limits.

Attached for your information is a map and letter from the Attorney representing J.R.S. Enterprises, Inc.

Attachment No. 4.

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SCHEDULE OF MEETINGS
DECEMBER 20, 1982 - JANUARY 7, 1983

Monday, December 20	COUNCIL/PLANNING COMMISSION Refreshments - Rooms 237-38	5:00 p. m.
	ZONING HEARINGS Board Room Education Center	6:00 p. m.
Friday, December 24	CHRISTMAS HOLIDAY All City Offices Closed	
Monday, December 27	CHRISTMAS HOLIDAY All City Offices Closed	
Monday, January 3	NEW YEAR'S HOLIDAY All City Offices Closed	

Attachments

ATTACH # 1

CHARLOTTE-MECKLENBURG PLANNING COMMISSION

CAMERON BROWN BUILDING
301 SOUTH McDOWELL STREET
CHARLOTTE, NORTH CAROLINA 28204

MARTIN R CRAMTON JR
Planning Director

November 26, 1982

Mayor and City Council

RE Pre-hearing Reports for Rezoning Petitions to be heard in December, 1982

Attached you will find the pre-hearing reports, including appropriate maps and copies of each petition, for rezoning petitions scheduled for public hearing on December 20, 1982 at 6:00 P.M., Fourth Floor, Education Center, 701 E. Second St.

These pre-hearing reports are intended to provide background information concerning the requests and the area in which the properties are located

Sincerely,

Bob Young

Robert G Young
Zoning Hearing Supervisor

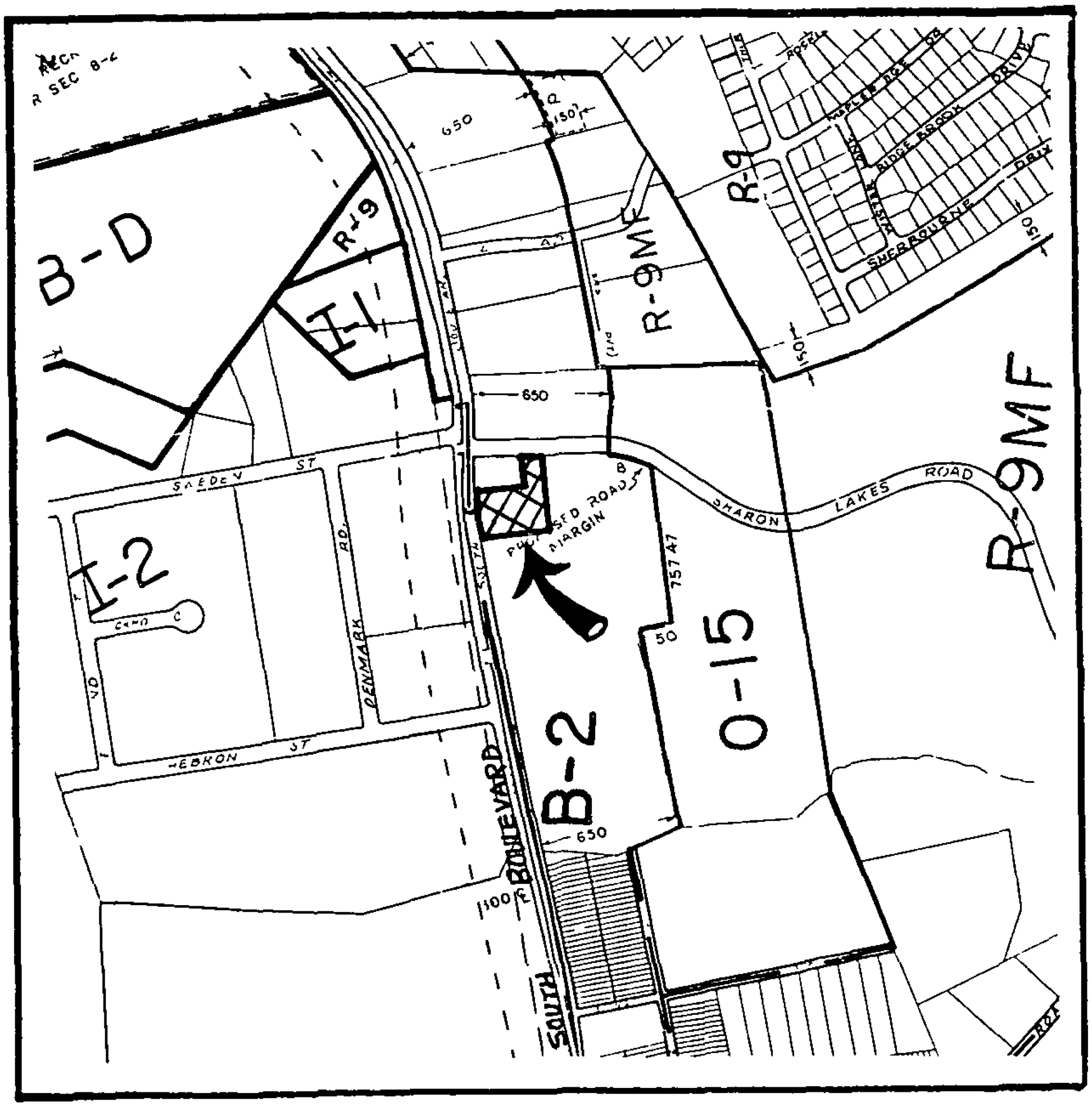
RGY/mh
B2

PETITIONER Colonial Storage Centers II, Ltd.

PETITION NO. 82-72 HEARING DATE 12-20-82

ZONING CLASSIFICATION, EXISTING B-2 REQUESTED BD(CD)

LOCATION A 2.1 acre site located at the southeast corner of Pineville Road and Sharon Lakes Road.



ZONING MAP NO. 33 SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 82-72
Date Filed Nov. 1, 82
Received By
OFFICE USE ONLY

Ownership Information

Property Owner The Trust Company of New Jersy

Owner's Address 35 Journal Square

Jersey City, New Jersey 07306

Date Property Acquired March 1, 1976

Deed Reference # 3831 - Page 254 Tax Parcel Number 173-241-13

Location Of Property (address or description) Fronting 230 ft.± on the east side of Pineville Rd. 150 ft.± south of the intersection of Sharon Lakes Dr. & Pineville Road. (see attached map)

Description Of Property

Size (Sq Ft Acres) 92,000 ± s.f. Street Frontage (ft) 230±ft. on Pinevil Road and 75±ft. on Sharon Lakes Drive

Current Land Use VACANT

Zoning Request

Existing Zoning B-2 Requested Zoning BD (CD)

Purpose of zoning change is to accomodate self storage units to serve a demonstrated market need for such a facility in the area.

X Lee R. McLaren - DPR Associates
Name of Agent

2036 East Seventh Street, Charlotte, NC 28204
Agent s Address

332-1204
Telephone Number

COLONIAL STORAGE CTRS II,
Name of Petitioner(s)

3508 UNIVERSITY DR DURHAM
Address of Petitioner(s)

919 493 3591
Telephone Number

Signature PRES

X Sr. Vice - President
Signature of Property Owner if Other Than Petitioner F. Bollhorst

JERSEY CITY, N.J.

Petition No	82-72
Petitioner	Colonial Storage Centers II, Ltd
Request	B-2 to BD(CD)
Purpose	To accommodate self storage units to serve a demonstrated market need for such a facility in the area.

PROPERTY INFORMATION

Property Owners	The Trust Company of New Jersey
Date Acquired	March 1, 1976
Deed Reference	Book 3831, Page 254
Tax Parcel No	173-241-13 (part)
Current Tax Value	$28,605 (est.)
Size	92,000 sq ft (2 1 acres)
Street Frontage	230' on Pineville Road - 75' on Sharon Lakes Drive
Current Land Use	Vacant

ZONING HISTORY

Present Zoning B-2

Date Established. January, 1962

Past Zoning Proposals or Changes on Property Within Area Parts of the petitioner's total parcel of 66 8 acres have had several zoning changes over the years In 1968 a section of the tract was rezoned from R-9MF to B-2, in 1972 another segment from R-9MF to 0-9, (later changed to 0-15 as a result of the 1974 annexation) with an additional section also rezoned in 1972 from 0-9 to B-2 Land to the north of the petitioner's request was rezoned to B-2 and 0-6 in 1970, to conditional parking in 1971, and R-9MF in 1973 A large parcel to the northwest of the petitioner's request was approved for B-D and I-1 in 1981

NEIGHBORHOOD FEATURES/CHARACTERISTICS

Defined Neighborhood Sharon Lakes

Transportation Facilities

Adjacent Roadways	Road Characteristics	Traffic Volumes
Pineville Road	Major Thoroughfare (4 lanes)	16,000 AADT (1982)
Sharon Lakes Drive	Collector Street	----

Transit Service Route No 41X Archdale Express provides peak hour service in the vicinity of the petitioner's property Monday-Friday with three morning and four afternoon runs during peak periods only

PLANS AND PROGRAMS IN THE AREA

Comprehensive Plan 1995 The Plan Map generally indicates residential development (0-6 dwelling units per acre) in the vicinity of the petitioner's property

Transportation Improvement Program (TIP) No major transportation programs are identified in the vicinity of the subject property

Other Plans and Programs None

SIGNIFICANT ZONING DISTINCTIONS

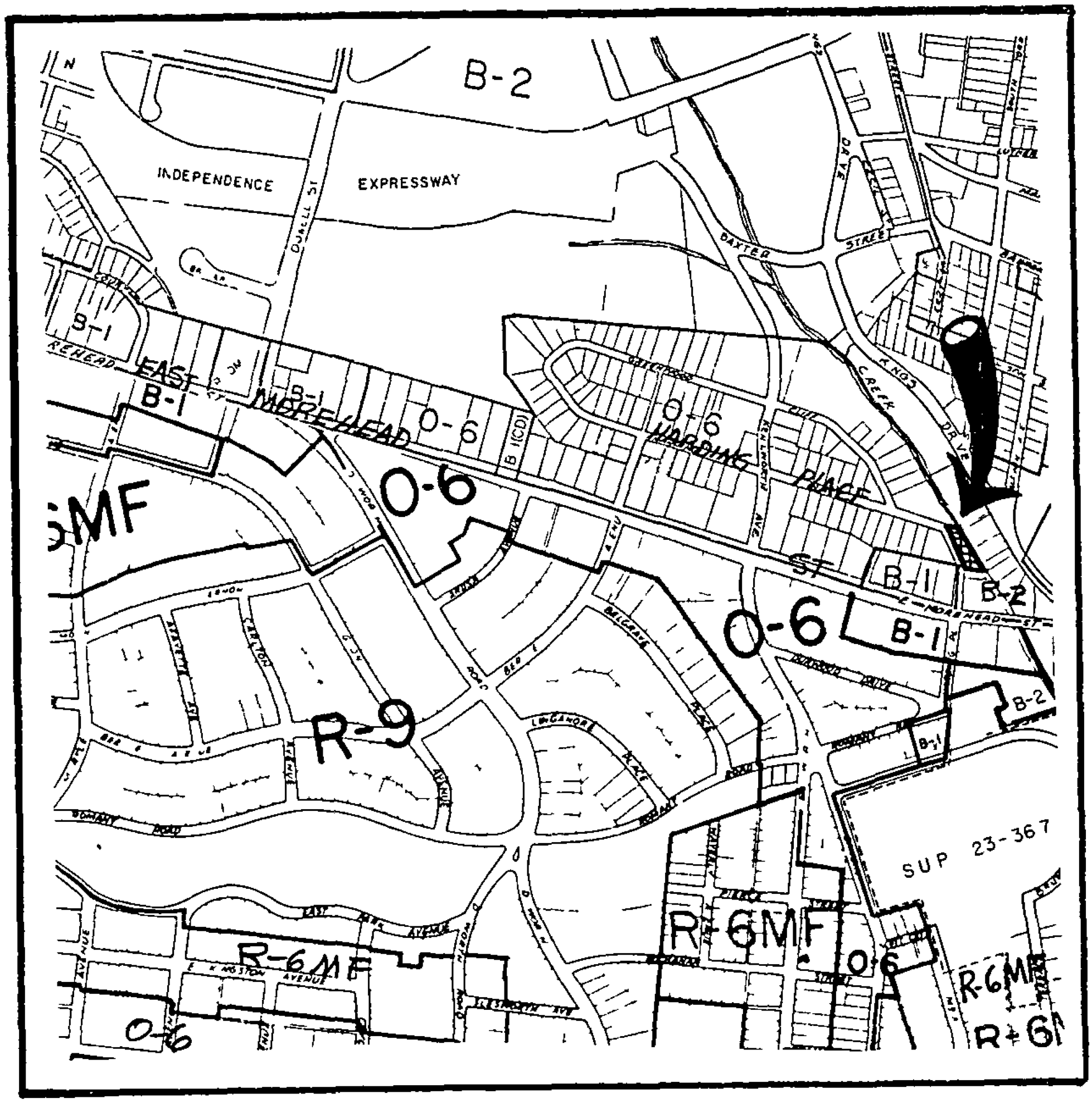
	Present Zoning B-2	Proposed Zoning B-D(CD)
Use	Commercial	Distributive Business
Density	Not Applicable	Not Applicable
Development Standards		
Lot Size	Not Applicable	Not Applicable
Setback	Minimum is 20 feet	Minimum is 40 feet
Side Yard	None required, minimum 8 feet first side and 4 feet other side, if side yards provided Minimum is 10 feet if adjoining residential district	Minimum is 10 feet
Rear Yard	Minimum is 10 feet Minimum is 20 feet when adjoining residential district	Minimum is 10 feet Minimum is 40 feet when adjoining residential district

PETITIONER Shotwell and Partners, Inc.

PETITION NO. 82-73 HEARING DATE 12-20-82

ZONING CLASSIFICATION, EXISTING O-6 REQUESTED B-2(CD)

LOCATION A .37 acre site with 276 feet of frontage along the easterly right-of-way of Harding Place about 150 feet north of East Morehead Street.



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

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 82-73
Date Filed 11/4/82
Received By 230
OFFICE USE ONLY

Ownership Information

Property Owner Shotwell, Craven and Varner, Inc. (Shotwell and Partners, Incorporated)

Owner's Address 1400 Harding Place
Charlotte, North Carolina 28204

Date Property Acquired June 18, 1976

Deed Reference D.B. 3855 - P. 0123 Tax Parcel Number 125-213-06

Location Of Property (address or description) On East Side of Harding Place across from owners business at 1400 Harding Place

Description Of Property

Size (Sq. Ft.-Acres) (15,917 S.F. or 0.37 Acres - Includes to center of Creek) Street Frontage (ft.) 276' ±
(7494 S.F. or 0.17 Acres-Excluding Creek)

Current Land Use VACANT

Zoning Request

Existing Zoning O - 6 Requested Zoning B2 - CD

Purpose of zoning change To obtain some use of property which owners pay taxes on - namely parking for office personnel at 1400 Harding Place

General Surveyors, P.A. (Gerald M. Ellis)
Name of Agent

222 South Church Street, Charlotte, N.C. 28202
Agent's Address

376-5763
Telephone Number

Shotwell and Partners, Incorporate
Name of Petitioner(s)

1400 Harding Place, Charlotte, N.
Address of Petitioner(s)

372-8880
Telephone Number

William L. Shotwell, President
Signature

Signature of Property Owner if Other Than Petitioner

Petition No	82-73
Petitioner	Shotwell and Partners, Inc
Request.	0-6 to B-2(CD)
Purpose	To use property for parking for office personnel at 1400 Harding Place

PROPERTY INFORMATION

Property Owners	Shotwell, Craven and Varner, Inc.
Date Acquired	June 18, 1976
Deed Reference	Book 3855, Page 123
Tax Parcel No	125-213-06
Current Tax Value	$1,130
Size	37 acres - to centerline of Little Sugar Creek 17 acres - excluding creek
Street Frontage	276' on Harding Place
Current Land Use	Vacant

ZONING HISTORY

Present Zoning 0-6

Date Established January, 1962

Past Zoning Proposals or Changes on Property Within Area This property was part of a larger request for rezoning on both sides of Harding Place which was denied for B-1 in 1969 The petitioner at that time had intended to use the site as parking for the office building across the street Property to the north of the present rezoning request on Greenwood Cliff was approved for 0-6 in 1963. A request along Harding Place south of East Morehead Street was rezoned from R-9MF to B-2 in 1975

NEIGHBORHOOD FEATURES/CHARACTERISTICS

Define Neighborhood Dilworth

Transportation Facilities

Adjacent Roadways	Roadway Characteristics	Traffic Volumes
Harding Place	Local/residential (2 lanes)	-----
E Morehead Street	Major Thoroughfares (4 lanes)	15,000 AADT (1981)

Transit Service Route No 6 Kings Drive provides daily service in the vicinity of the petitioner's property between the hours of 6 00 A M and 12 00 P M on 25 minute headways

PLANS AND PROGRAMS IN THE AREA

Comprehensive Plan 1995 The Plan Map generally indicates residential development (0-6 dwelling units per acre) in the vicinity of the petitioner's property, along with multi-family (6-10 dwelling units per acre) and commercial

Transportation Improvement Program (TIP) East Morehead Street between Kenilworth Avenue and Queens Road will become a part of the Charlotte Traffic Signal System which will place the four intersections along this segment of the roadway in a progressive system which will have the capability to change the timing plans several times per day on an automatic basis These four intersections will be a part of eleven intersections coordinated into the system This project has a very high priority and is estimated to cost $190,000 Funding is undetermined at this time

Other Plans and Programs This area was not included as a part of the final Dilworth Plan

SIGNIFICANT ZONING DISTINCTIONS

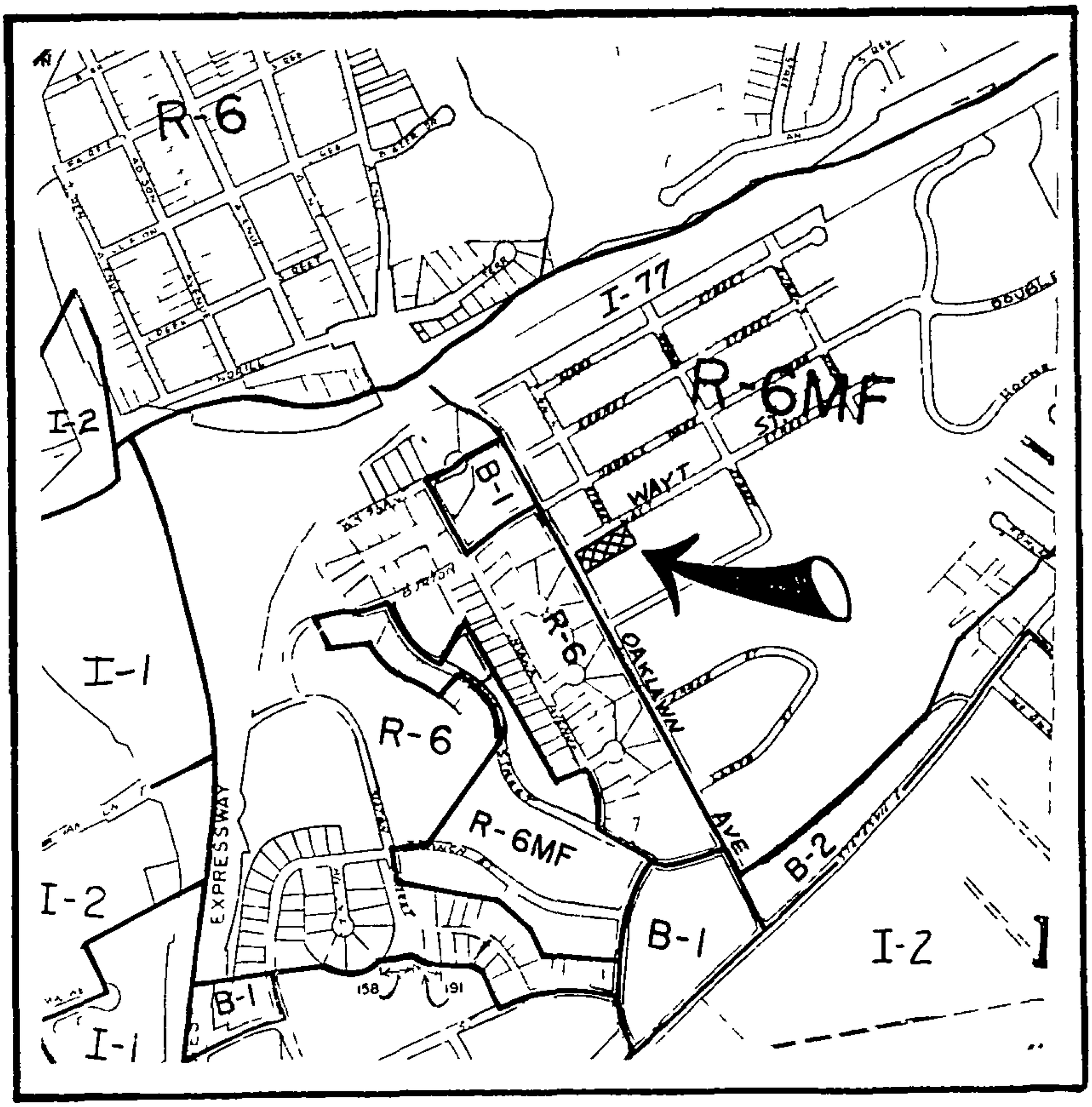
	Present Zoning (O-6)	Proposed Zoning [B-2(CD)]
Use	Office	Commercial (parking lot)
Density	Not Applicable	Not Applicable
Development Standards		
Lot Size	Minimum is 6,000 sq ft	Not Applicable
Setback	Minimum is 20 feet	Minimum is 20 feet
Side Yard	Minimum is 8 feet one side, 6 feet other side	None required, minimum is 8 feet first side and 4 feet other side if side yards provided Minimum is 10 feet if adjacent to residential district
Rear Yard	Minimum is 20 feet If adjacent to residential district, minimum is 40 feet	Minimum is 10 feet If adjacent to Residential district, minimum is 20 feet

PETITIONER James R. McKee

PETITION NO. 82-74 HEARING DATE 12-20-82

ZONING CLASSIFICATION, EXISTING R-6MF REQUESTED B-1(CD)

LOCATION A .69 acre site at the northeast corner of Oaklawn Avenue and Wayt Street.



ZONING MAP NO. 5 SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 82-74
Date Filed 1/4/82
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner James R. McKee and wife, Minnie J. McKee

Owner's Address 1607 Oaklawn Avenue, Charlotte, North Carolina 28216

Date Property Acquired October 16, 1962

Deed Reference Deed Book 2377, Page 149 Tax Parcel Number 075-105-26

Location Of Property (address or description) 1222 Oaklawn Avenue,

Charlotte, Mecklenburg County, North Carolina 28216

Description Of Property

Size (Sq Ft -Acres) ~~2,000~~ .69 ACRE Street Frontage (ft) 100

Current Land Use Office Building

Zoning Request

Existing Zoning R6MF Requested Zoning B1-CD

Purpose of zoning change To operate a commercial business (Video Game Room)

Calvin L. Brown, Attorney
Name of Agent

401 East Second St., Suite 111, Char., NC
Agent s Address

704/376-1521
Telephone Number

James R. McKee
Name of Petitioner(s)

1607 Oaklawn Ave., Char., NC
Address of Petitioner(s)

704/375-4927
Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

To

Charlotte Mecklenburg Planning Commission
301 South McDowell Street
Charlotte, North Carolina 28204

Petitioner James R. McKee

The Petitioner requests a conditional zone change for his property located at 1222 Oaklawn Avenue, Charlotte, North Carolina.

The proposed use of the land and building is for the establishment of a commercial amusement center consisting mainly of video game rooms and related recreational activities.

The adjoining property owners is the City of Charlotte-Housing Authority. Tax Code Number 075-105-27 and the City of Charlotte Tax Code 075-105-23.

There will be no signs erected on the premises except one which will be attached to the structure, said sign to be of a nature and size that will be in compliance with the regulations in existence.

The structure proposed to be used has been used for a number of years as an office building and is within the set-back guide lines established for the area.

Respectfully Submitted,

Calvin L. Brown

Calvin L. Brown, Attorney
Agent for Petitioner

Petition No	82-74
Petitioner	James R McKee and Wife, Minnie J
Request	R-6MF to B-1(CD)
Purpose	To operate a commercial business (video game room)

PROPERTY INFORMATION

Property Owners·	James R McKee and Wife
Date Acquired	October 16, 1962
Deed Reference	Book 2377, Page 149
Tax Parcel No	075-105-26
Current Tax Value	$42,330
Size	69 acres
Street Frontage	100' on Oaklawn Avenue - 280' on Wayt Street
Current Land Use	Office building

ZONING HISTORY

Present Zoning 0-6

Date Established January, 1962

Past Zoning Proposals or Changes on Property Within Area A number of zoning changes south of the petitioner's property have taken place as a part of the Greenville Urban Renewal Plan Two requests by the City of Charlotte were approved for R-9MF in 1974 Then in 1978 a request by the Community Development Department involving land to the northeast of the Northwest Expressway was extensively rezoned from R-6MF, B-1, B-2 and I-2 to R-6, R-9MF and B-1

NEIGHBORHOOD FEATURES/CHARACTERISTICS

Defined Neighborhood Greenville

Transportation Facilities

Adjacent Roadways	Roadway Characteristics	Traffic Volumes
Oaklawn Avenue	Minor Thoroughfare (4 lanes)	3,900 AADT (1981)
Wayt Street	Local/Residential street (2 lanes)	-----

Transit Service Route No 16 Double Oaks provides daily service by the petitioner's property between the hours of 6 00 A M and 12 00 P M on 15 minutes headways during rush hours and 25 minute headways normally

PLAND AND PROGRAMS IN THE AREA

Comprehensive Plan 1995 The Plan Map generally indicates residential development (10-20 dwelling units per acre) in the vicinity of the petitioner's property

Transportation Improvement Program (TIP) No major transportation programs are identified in the vicinity of the subject property

Other Plans and Programs None

SIGNIFICANT ZONING DISTINCTIONS

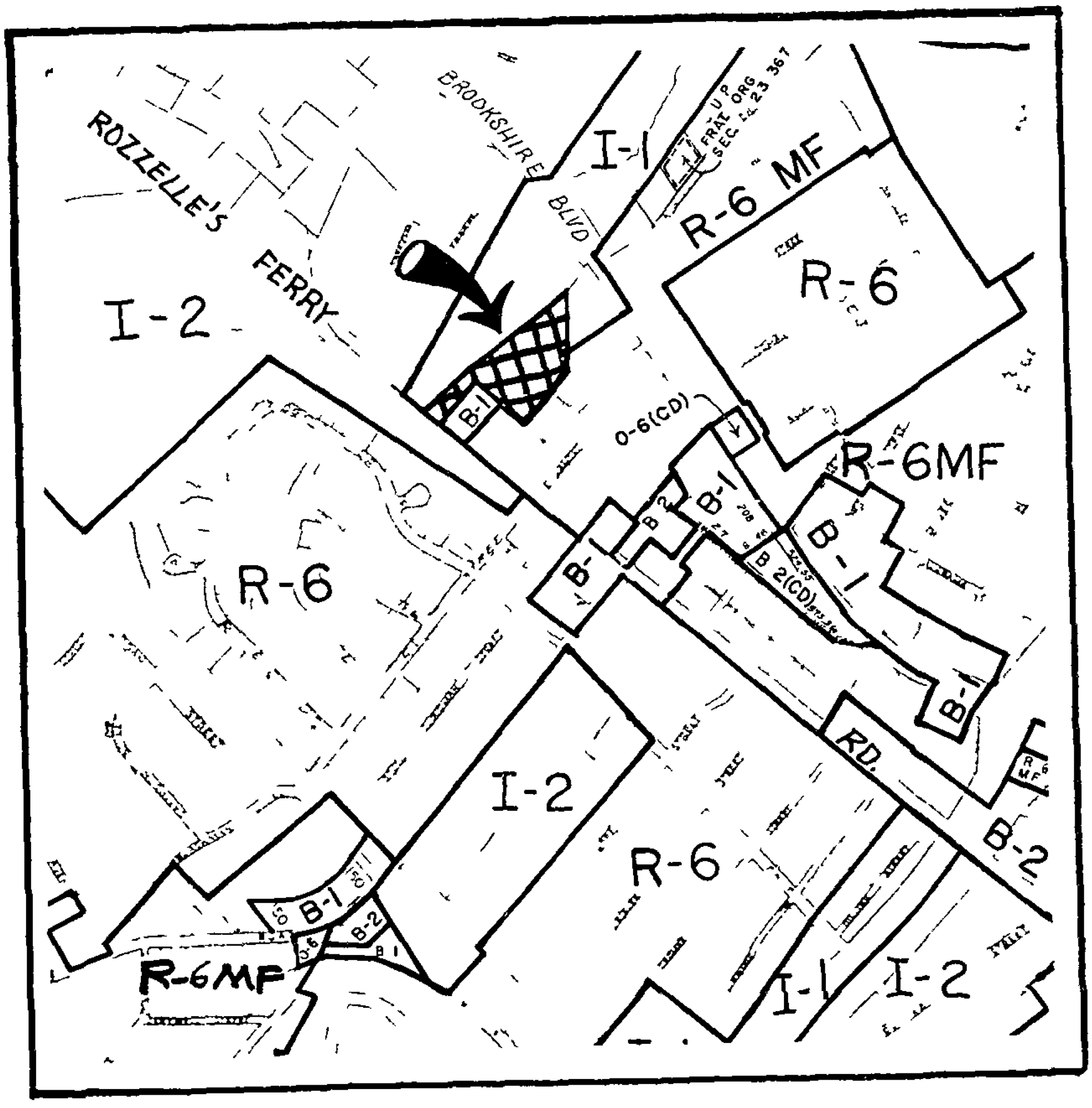
	Present Zoning R-6MF	Proposed Zoning B-1(CD)
Use	Residential	Commercial
Density	19 78 units to the first acre, 21 78 units for each additional acre	Not Applicable
Development Standards		
Lot Size	Minimum is 6,000 sq ft for the first unit, 2,000 sq ft for each additional unit	Not Applicable
Setback	Minimum is 25 feet	Minimum is 20 feet
Side Yard	Minimum is 8 feet one side, 6 feet other side.	None required, minimum is 8 feet first side and 4 feet other side, if side yards provided Minimum is 10 feet if adjoining residential district
Rear Yard	Minimum is 40 feet	Minimum is 10 feet Minimum is 20 feet if adjoining residential district

PETITIONER Ray C. Mozelev and L. E. Pinkerton

PETITION NO. 82-75 HEARING DATE 12-20-82

ZONING CLASSIFICATION, EXISTING R-6MF REQUESTED I-1(CD)

LOCATION A 3.837 acre site fronting on Rozzelles Ferry Road about 554 feet west of Ramsey Street.



ZONING MAP NO. 14 SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE

Petition No. 82-75
Date Filed 11/4/82
Received By
OFFICE USE ONLY

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Ownership Information

Property Owner Ray C. Mozeley & L. E. Pinkerton

Owner's Address P. O. Box 31894, Rozzelle Ferry Road, Charlotte, N. C. 28231

Date Property Acquired October 6, 1981

Deed Reference 4492-931 Tax Parcel Number 39-34-12

Location Of Property (address or description) 70ft. entrance on Rozzelle's Ferry Road 554ft. west of Ramsey Street

Description Of Property

Size (Sq. Ft -Acres) 167,160 sq. ft., 3.837 Ac. Street Frontage (ft.) 70ft.

Current Land Use vacant

Zoning Request

Existing Zoning R-6MF Requested Zoning I-1CD

Purpose of zoning change To permit controlled light industrial uses on land located in a transition area between residential and industrial.

Fred E. Bryant
Name of Agent

1850 E. Third Street, Charlotte, N. C. 28204
Agent's Address

333-1680
Telephone Number

Ray C. Mozeley & L. E. Pinkerton
Name of Petitioner(s)

P. O. Box 31894, Charlotte, N. C. 28231
Address of Petitioner(s)

399-0695
Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

Petition No	82-75
Petitioner	Ray C Mozeley and L E Pinkerton
Request	R-6MF to I-1(CD)
Purpose	To permit controlled light industrial uses on land located in a transition area between residential and industrial

PROPERTY INFORMATION

Property Owners	Ray C Mozeley and L E Pinkerton
Date Acquired	October 6, 1981
Deed Reference	Book 4492, Page 931
Tax Parcel No	039-034-12
Current Tax Value	$19,820
Size	3 837 acres
Street Frontage	70' on Rozzelles Ferry Road
Current Land Use	Vacant

ZONING HISTORY

Present Zoning R-6MF

Date Established January, 1962

Past Zoning Proposals or Changes on Property Within Area This property was recently denied for rezoning to I-1 on September 1980. Southeast and immediately adjacent to the subject property a petition was approved for rezoning from R-6MF to B-1 in 1972 Another piece of property bordering the subject property to the northeast was approved for rezoning from R-6MF to I-1 in 1967 Two petitions for rezoning on the southerly side of Cloudman Street south of the petitioner's property were denied from R-6MF to B-2, one in 1971 and the second in 1982

NEIGHBORHOOD FEATURES/CHARACTERISTICS

Define Neighborhood Hoskins

Transportation Facilities

Adjacent Roadways	Roadway Characteristics	Traffic Volume
Rozzelles Ferry Rd	Minor Thorougfare (2 lanes)	9,000 AADT (1981)

Transit Service Route No 1 Mt Holly provides full day service to the intersection of Rozzelles Ferry Road and Hoskins Road which is approximately 1,000 feet from the subject property The hours of operation are from 5 45 A M until 11 45 P M Additionally, the subject property is directly serviced with peak hour routes between the hours of 5 45 A M to 9 07 A M and 3 11 P M to 6 40 P M when Route No 1 Mt Holly is expanded to provide additional service to the area.

PLANS AND PROGRAMS IN THE AREA

Comprehensive Plan 1995 The Plan Map generally indicates residential use (0-6 dwelling units per acre) and distributive business in the vicinity of the subject property

Capital Improvement Program No major Capital Improvement Program projects are identified in the area

Other Plans and Programs None

SIGNIFICANT ZONING DISTINCTIONS

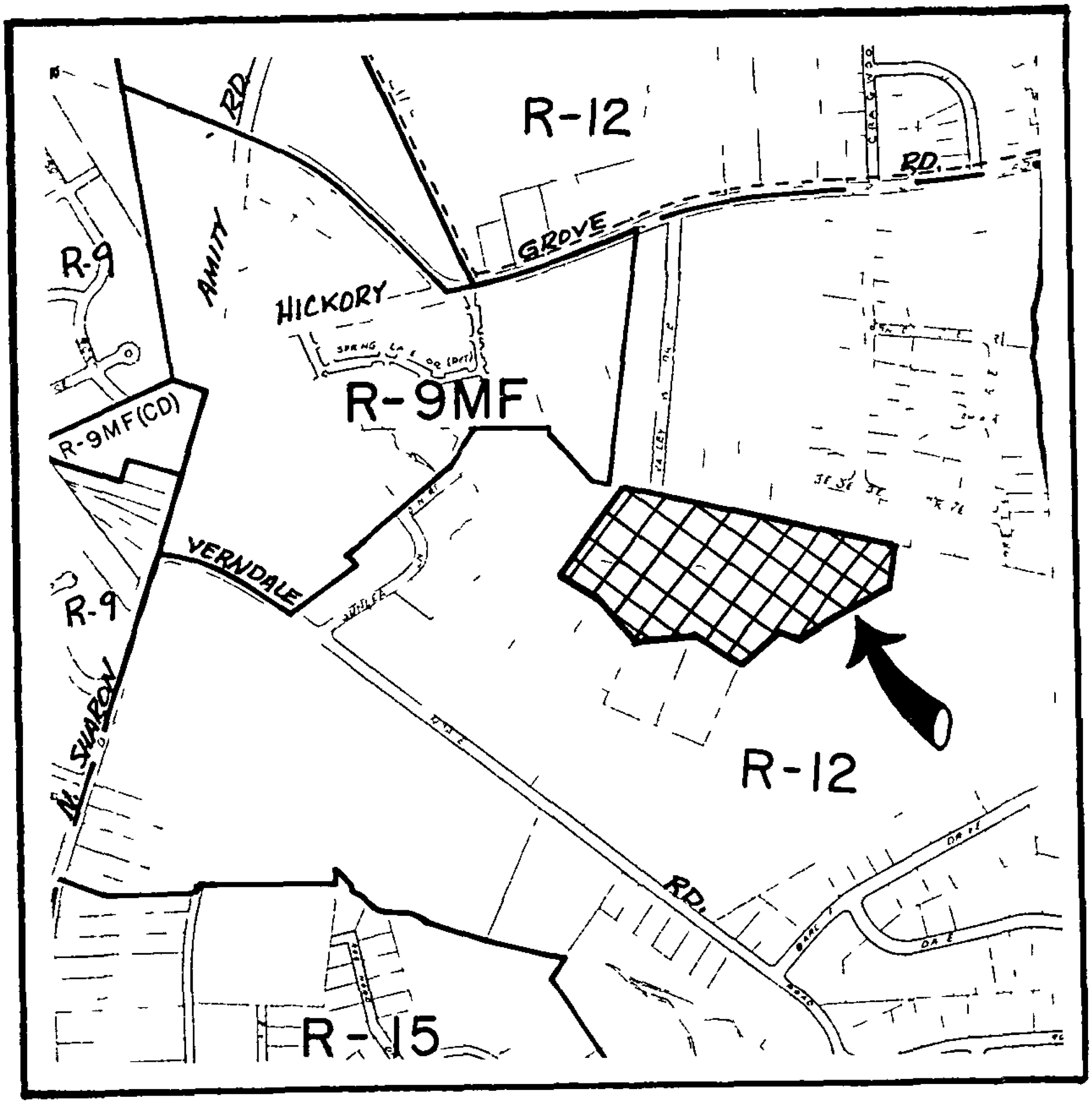
	Present Zoning (R-6MF)	Proposed Zoning [I-1(CD)]
Use	Multi-Family	Light Industrial
Density	19 78 units to the first acre, 21 78 for each additional acre	Not Applicable
Development Standards		
Lot Size	Minimum lot size is 6,000 sq ft for the first unit and 2,000 sq ft for each additional unit	Not Applicable
Setback	Minimum is 25 feet	Minimum is 20 feet
Rear Yard	Minimum is 40 feet	Minimum is 10 feet Minimum is 20 feet adjoining a residential district
Side Yard	Minimum is 8 feet one side, 6 feet other side	None required, however, where they are provided the minimum is 4 feet Minimum is 20 feet on property adjoining a residential district

PETITIONER Province Development, Ltd.

PETITION NO. 82-76 HEARING DATE 12-20-82

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

LOCATION A 15.5 acre site at the southerly end of Valleyview Drive and north of Verndale Road about 1/4 mile from North Sharon Amity Road.



ZONING MAP NO. 21 SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 82-76
Date Filed 11/4/82
Received By KSO
OFFICE USE ONLY

Ownership Information

Property Owner Province Development, Ltd.

Owner's Address P. O. Box 1624, Matthews, N. C. 28105

Date Property Acquired December 15, 1980

Deed Reference 4380-469 Tax Parcel Number 103-91-2

Location Of Property (address or description) A portion of property owned by the petitioner, 15.5 acres in size at the southerly dead end of Valleyview Drive and north of Verndale Road approximately ¼ mile from N. Sharon Amity Rd

Description Of Property

Size (Sq. Ft.-Acres) 15.5 acres Street Frontage (ft) 60'

Current Land Use Vacant

Zoning Request

Existing Zoning R-12 Requested Zoning R-15MF(CD)

Purpose of zoning change To permit the development of low density, for sale attached housing in keeping with the property and the housing market.

Fred E. Bryant
Name of Agent

1850 E. Third Street, Charlotte, N. C. 28204
Agent's Address

333-1680
Telephone Number

Province Development, Ltd.
Name of Petitioner(s)

P. O. Box 1624, Matthews, N. C. 28105
Address of Petitioner(s)

847-1200
Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

Petition No	82-76
Petitioner	Province Development, Ltd
Request	R-12 to R-15MF(CD)
Purpose	To permit the development of low density, for sale attached housing

PROPERTY INFORMATION

Property Owners.	Province Development, Ltd
Date Acquired	December 15, 1980
Deed Reference	Book 4380, Page 469
Tax Parcel No	103-091-02 (part)
Current Tax Value	$37,200 (est)
Size	15 5 acres
Street Frontage	60' on Valleyview Drive
Current Land Use	Vacant

ZONING HISTORY

Present Zoning R-12

Date Established January, 1962

Past Zoning Proposals or Changes on Property Within Area A request for rezoning on the northerly side of Hickory Grove Road at its intersection with Valleyview by the Hickory Grove Improvement from R-9MF and R-9 to R-12 was approved in part in 1972 A recent rezoning on Sharon Amity near the intersection of Hickory Grove Road was approved for rezoning from R-9 to R-9MF(CD) in 1982 An attempt at rezoning on the southerly side of Verndale from R-12 to R-9MF was denied in 1972

NEIGHBORHOOD FEATURES/CHARACTERISTICS

Defined Neighborhood Hickory Grove

Transportation Facilities

Adjacent Roadways	Roadway Characteristics	Traffic Volumes
Valleyview Drive	Local/residential street (2 lanes)	-----
Hickory Grove Rd	Minor Thoroughfare (2 lanes)	5,400 AADT (1981)

Transit Service The nearest bus service is at the intersection of Sharon Amity Road and Shamrock Drive Daily service is provided by Route No 29 (UNCC) between the hours of 6 00 A M to 6 00 P M Monday-Fridays with approximate 1 hour leadways geared to meet UNCC class times

Public Schools Serving the Area

	Design Capacity*	1982-83 Enrollment
Hickory Grove Elementary	700	699
Williams Jr. High School	750	814
Independence High School	1975	2029

*Physical structures only, does not include mobile classrooms

PLANS AND PROGRAMS IN THE AREA

Comprehensive Plan 1995 The Plan Map generally indicates residential development (0-6 dwelling units per acre) in the area of the petitioner's property

Transportation Improvement Program (TIP) This project would study the widening and improvement of Shamrock Drive from Eastway Drive to Sharon Amity Road Present traffic is nearing capacity of the road The project has a medium priority and funding is undetermined at the present time

Other Plans and Programs None

SIGNIFICANT ZONING DISTINCTIONS

	Present Zoning (R-12)	Proposed Zoning [R-15(CD)]
Use	Single family residential	Multi-family residential
Density	3 63 units to the acre	9 16 units to the first acre, 12 44 units for each additional acre NOTE Excluding the lake approximately 118 units could be built under conventional R-15MF Petitioner intends to construct 69 units as indicated in CD plan
Development Standards		
Lot Size	Minimum is 12,000 sq ft	Minimum 15,000 sq ft for first unit, 3,500 sq ft for each additional unit
Setback	Minimum is 35 feet	Minimum is 40 feet
Side Yard	Minimum is 10 feet	Minimum is 10 feet
Rear Yard	Minimum is 50 feet	Minimum is 55 feet

Petition No.:	82-77
Petitioner:	Charlotte-Mecklenburg Planning Commission
Request:	To prohibit business and industrial parking in office districts.
Purpose:	To prohibit business and industrial parking in office districts.

ZONING ORDINANCE
TEXT AMENDMENT APPLICATION
CITY OF CHARLOTTE

Petition No 82-77

Date Filed November 4, 1982

Received By Kenneth S. Davis

OFFICE USE ONLY

Article No 3 Permitted Uses, Special Districts, Conditional Uses and Special Use Permits

Division No 1 Permitted Uses

Section No 23-31 Table of Permitted Uses

Article No. 5 Off-Street Parking and Loading Requirements

(Title)

Division No. 1 Off-Street Parking Requirements

(Title)

Section No 23-65(b) Locations of Parking Spaces

Purpose of Change

To prohibit business and industrial parking in office districts.

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commission

Name of Petitioner(s)

301 S McDowell St , Charlotte, N C 2820

Address of Petitioner(s)

374-2205

Telephone Number

Signature

Ordinance No._____

An Ordinance Amending Chapter 23
of the City Code - Zoning Ordinance

An Ordinance Amending the City Code
with respect to the Zoning Ordinance

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

Section 1. Chapter 23, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

1. Amend Article 3, Division 1, Section 23-31. Table of Permitted Uses. by deleting in its entirety the item labelled "Off-street parking for offices, business and industrial uses." and by deleting all "X" notations for this item in (d) Miscellaneous Uses.

2. Amend Article 3, Division 1, Section 23-31. Table of Permitted Uses. by adding to (d) Miscellaneous Uses. in the proper alphabetical order, the following items "Off-street parking as a principal use" and by indicating with the symbol "X" that this use is permitted in the B-1, B-2, B-3, B-3T, B-D, I-1, I-2 and I-3 districts, and "Off-street parking for office district uses only" and by indicating with the symbol "X" that this use is permitted in the O-6 and O-15 districts.

3. Amend Article V, Division 1, Section 23-65. Location of parking spaces. by adding the notation "(a)" before the existing language and by adding the following new subsection.

   (b) Required parking shall be treated as a part of the principal use with which it is associated.

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

APPROVED AS TO FORM

_____
City Attorney

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

Pat Sharkey,
City Clerk

Petition No.:	82-78
Petitioner.	Charlotte-Mecklenburg Planning Commission
Request:	To provide for the creation of two classes of pre-existing use of a structure. One class would be the same as is presently provided for in Section 23-100 under which no expansion or significant change is allowed. The other class would allow certain changes in this type of use after a hearing and findings by the Planning Commission.
Purpose:	To aid in the implementation of small area plans by making allowances for certain pre-existing uses which are not in conflict with the adopted plan to continue or expand with appropriate safeguards.

ZONING ORDINANCE
TEXT AMENDMENT APPLICATION
CITY OF CHARLOTTE

Petition No 82-78

Date Filed November 4, 1982

Received By Kenneth S. Davis

OFFICE USE ONLY

Article No VII — Administrative Provisions (Title)

Division No 4 — Nonconformances (Title)

Section No 23-100 — Nonconforming Uses of Structures

Purpose of Change

Action Requested·

The attached proposal, developed to aid in implementing small area plans, is presented for your review and consideration for a public hearing.

What Amendment Accomplishes

The proposal provides for the creation of two classes of pre-existing use of a structure. One class would be the same as is presently provided for in Section 23-100 under which no expansion or significant change is allowed. The other class would allow certain changes in this type of use after a hearing and findings by the Planning Commission.

Why Proposed

This amendment is proposed to aid in the implementation of small area plans by making allowances for certain pre-existing uses which are not in conflict with the adopted plan to continue or expand with appropriate safeguards.

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commission
Name of Petitioner(s)

301 S McDowell St , Charlotte, NC 28204
Address of Petitioner(s)

374-2205
Telephone Number

Signature

Ordinance No _____

An Ordinance Amending Chapter 23
of the City Code - Zoning Ordinance

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

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

Section 1 Chapter 23, "Zoning" of the Code of the City of Charlotte is hereby amended as follows

1 Amend Article VII, Division 4 Nonconformances by deleting Section 23-100 in its entirety and substituting in its place the following new language

23-100 Nonconforming Uses of Structures A nonconforming use of a structure is a use in a structure which existed prior to the adoption of this ordinance or amendments to this ordinance and which would not now be permitted by the ordinance in the district in which it is located This section recognizes two distinct classes of this type of non-conformancy, Class A and Class B

23-100 1 Class A A Class A nonconformancy is one which has been so designated by the Charlotte-Mecklenburg Planning Commission Any property owner or the Planning Director may request a Class A designation As a prerequisite to the approval of an application for a Class A designation the Planning Commission must make findings of fact based on evidence presented at the hearing that establishes the following standards The term "use" stated in the following standards is meant to include the potential expansion of the use and the right to revert to an original, specific, non-conforming use as stated in Section 23-100 6 2 The following standards must be met to receive a Class A non-conforming designation

1 The use will not be contrary to the public health or safety
2 The use of the structure will not substantially reduce the value of adjoining properties
3 The use was lawful at the time of its inception
4 No useful purpose would be served by the strict application of the provisions of this ordinance with which the use does not conform
5 The use will be consistent with any detailed public plans or policies which have been adopted as a part of the City's overall Comprehensive Plan for the specific area in which the use is located
6 The use will conform to the regulations in Section 23-100 6

All nonconforming uses which are not specifically designated as Class A are Class B nonconforming uses

23-100 2 Application for Class A Designation The owner or agent for any use which is nonconforming may apply for a Class A designation In addition the Planning Director may recommend that a Class A designation be granted when the specific recommendations of a detailed

public plan would result in a use becoming nonconforming The applicant must provide adequate information as to the ownership of the property, its present use, and the reasons and evidence which would support the approval of the request The Planning Commission may request additional information if needed to reach a decision

23-100 3 Hearing The Planning Commission will hold a public hearing on any such request which may come before it Notice of the time, place and subject of the hearing will be provided in accordance with the procedures used for a rezoning application, except that the property in question will not be posted The hearing will be conducted in accordance with the "Rules of Hearing Procedure for Special Use Permits" adopted by the City Council and on record in the office of the City Clerk

The decision of the Planning Commission must state the findings and reasons on which it is based In granting approval of a Class A designation, the Planning Commission may attach reasonable conditions to the continued use of the property in order to protect established property values in the surrounding area, to promote the public safety and general welfare, and to assure compliance with any detailed public plans which may have been adopted for the area An affirmative vote of four fifths of the members of all of the Planning Commission is required to grant a Class A designation No vested interest shall arise out of a Class A designation

23-100 4 Revocation A Class A designation may be revoked, following the same process used for designation, upon a finding that the use no longer complies with the provisions of the ordinance for its designation or that the conditions attached to its approval have not been met

23-100 5 Appeals Any appeal from the decision of the Planning Commission pertaining to the designation or denial of a designation for a Class A nonconforming use may be taken to the Superior Court in the same manner as an appeal from a decision of the Board of Adjustment

23-100 6 Pegulations Pertaining to Class A Nonconformancies The following regulations apply to the use, modification and expansion of Class A nonconforming uses of structures

1 A nonconforming use of a structure may be changed to another nonconforming use of the same classification or of a higher classification or to a conforming use The determination of the classification of the use is based on the district in which the use would be allowed in by right under the ordinance The change of a nonconforming use to another nonconforming use must not generate any more automobile or truck traffic, noise, vibration, smoke or dust than the original nonconforming use

2 Once a nonconforming use of a structure has been changed to a conforming use it will not be allowed to return to any nonconforming use except that the original specific use may be reestablished as it previously existed in accordance with all conditions which were attached to the Class A designation

3 Maintenance and repairs which are necessary to keep the structure housing a nonconforming use in a safe and sound condition are permitted

4 A nonconforming use of a structure may be enlarged or extended only in accordance with the specific provisions of its Class A designation Structural alterations required by law or an order from the superintendent of building inspections are allowed whether or not they are specified in the Class A designation process Existing nonconforming residential uses in an industrial district may be enlarged or extended as long as no additional dwelling units result from the extension and all improvements are completed in accordance with the development standards in the R-6MF district

5 A nonconforming use of a structure that is abandoned for more than one year may not be re-established and all subsequent uses of the structure must be in conformance with the particular district regulations

23-100 7 Regulations Pertaining to Class B Nonconformances The following regulations apply to all Class B nonconforming uses of structures

1 A nonconforming use of a structure may be changed to another nonconforming use of the same classification or of a higher classification or to a conforming use The determination of the classification of the use is based on the district in which the use would be allowed in by right under the ordinance The change of a nonconforming use to another nonconforming use must not generate any more automobile or truck traffic, noise, vibration, smoke or dust than the original nonconforming use

2 Once a nonconforming use of a structure has been changed to a conforming use it will not be allowed to return to any nonconforming use

3 Maintenance and repairs which are necessary to keep the structure housing a nonconforming use in a safe and sound condition are permitted

4 A nonconforming use of a structure may be enlarged or extended only into portions of the structure which existed at the time that the use became nonconforming and which were designed or arranged to accommodate the use No structural alterations are allowed to any structure containing a nonconforming use except for those required by law or an order from the superintendent of building inspection to insure the safety of the structure Existing nonconforming residential uses in an industrial district may be enlarged or extended as long as no additional dwelling units result from the extension and all improvements are completed in accordance with the development standards in the R-6MF district

5 A nonconforming use of a structure that is abandoned for more than one year may not be re-established and all subsequent uses of the structure must be in conformance with the particular district regulations

Section 2 This ordinance shall become effective upon adoption

Approved as to form

_____
City Attorney

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

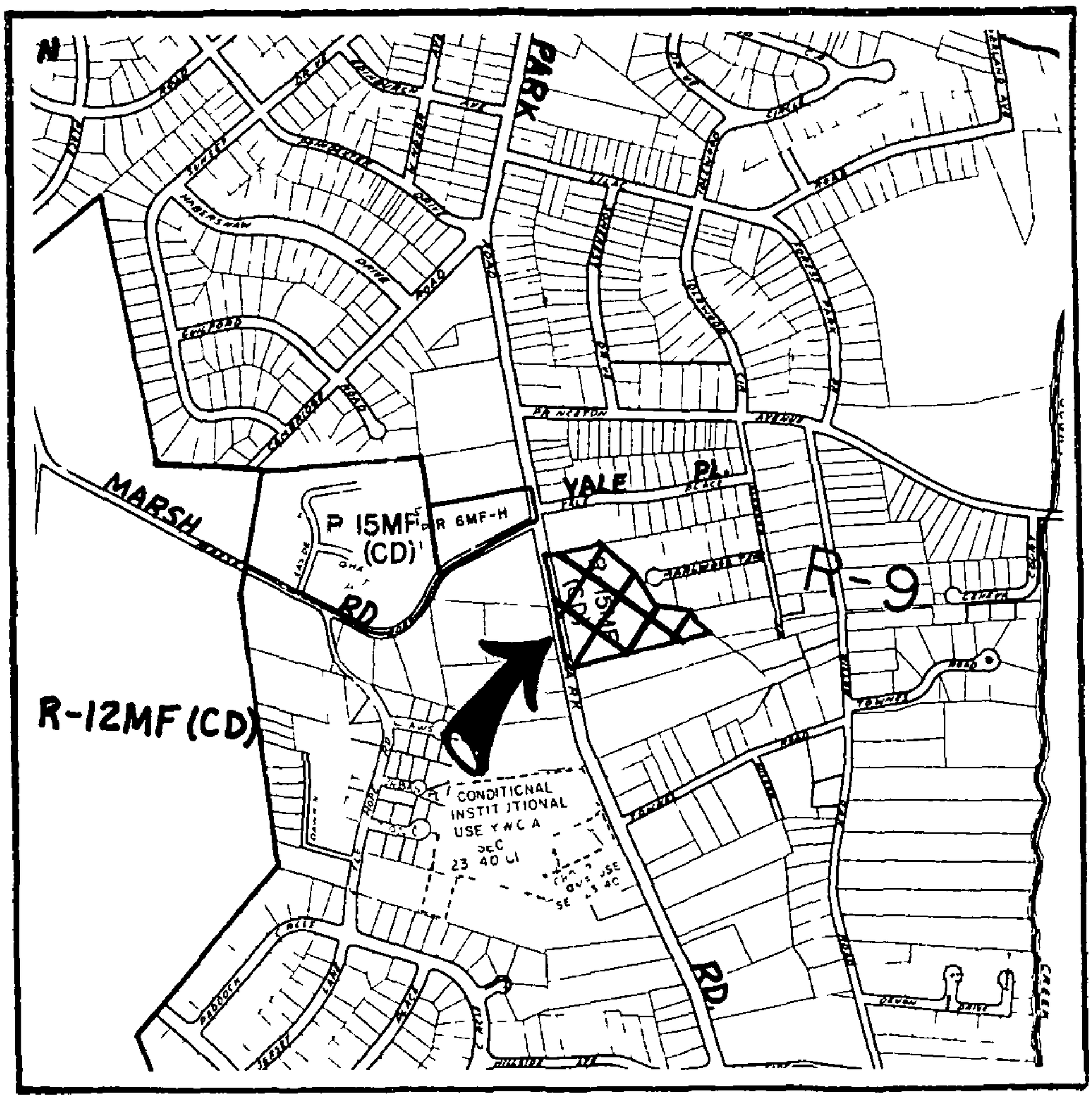
Pat Sharkey,
City Clerk

PETITIONER McQueen Properties, Ltd.

PETITION NO. 82-79 HEARING DATE 12-20-82

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

LOCATION A 5.92 acre tract fronting 546 feet on the easterly side of Park Road about 195 feet south of Yale Place.



ZONING MAP NO. 10 SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 82-71
Date Filed 11/4/82
Received By
OFFICE USE ONLY

Ownership Information

Property Owner James Douglas McQueen

Owner's Address P. O. Box 6007
Charlotte, NC 28207

Date Property Acquired August 1977

Deed Reference Deed Book 4079 Page 342 Tax Parcel Number 151-092-29

Location Of Property (address or description) 3300 Park Road
Charlotte, NC

Description Of Property

Size (Sq Ft Acres) 5.92 +- Street Frontage (ft) 546.37

Current Land Use unused

Zoning Request

Existing Zoning R-15MFCD Requested Zoning ~~site plan amendmen~~ swimming pool

Purpose of zoning change

Name of Agent N/A

Agent's Address

Telephone Number

James Douglas McQueen
Name of Petitioner(s)

P. O. Box 6007
Address of Petitioner(s)

373-1200
Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

Petition No	82-79
Petitioner	McQueen Properties, Ltd
Request	Site Plan Amendment
Purpose	To add a swimming pool

PROPERTY INFORMATION

Property Owner	McQueen Properties, Ltd
Date Acquired	August, 1977
Deed Reference	4079-342
Tax Parcel No	151-092-29
Current Tax Value·	$42,330
Size	5.92 acres
Street Frontage	546 37 feet on Park Road
Current Lane Use	Vacant

ZONING HISTORY

Present Zoning	R-15MF(CD)
Date Established	October, 1980

Past Zoning Proposals or Changes on Property Within Area The subject property is zoned R-15MF(CD) as per rezoning in 1980 There have been numerous petitions initiated in the area of the subject property Of those instituted, three included the petitioner's property. The first was a request in 1966 from R-9 to R-6MF that was amended and approved R-9MF However, the petition was later declared invalid by the court

The second petition was initiated in March, 1978 for a rezoning from R-9 to R-9MF(CD) The Planning Commission recommended approval to R-15MF(CD). However, City Council denied the petition In October, 1978, the above petition was resubmitted for re-hearing, but the re-hearing was denied by City Council

In 1974, the adjacent tract of land to the south of the subject property was considered for a Special Use Permit for the Scottish Rites Fraternal Organization The petition was approved, but the site was not utilized for the approved purpose

The third request involving the subject property was a major rezoning initiated by the Charlotte-Mecklenburg Planning Commission in 1969 to rezone a large area fronting on Park Road between Marsh Road and Hillside Avenue from R-9 to R-9MF The petition was later denied by City Council

Other rezoning proposals in the vicinity of the subject property include two properties on Marsh Road northwest of the subject property The first property, which is at the corner of Park Road and Marsh Road was approved in 1966 to add

conditional parking to its R-6MFH zoning The second property, which is immediately adjacent to the first was rezoned from R-9 to R-15MD(CD) in February, 1980 Southwest of the subject property on the westerly side of Park Road, three other rezoning proposals have occurred Two involved the YWCA with the first in February, 1976 being a conditional approval for institutional in an R-9 district which was approved The second was in December of 1976 and it involved a rezoning from R-9 to Conditional Group Home and it was approved Immediately south of the YWCA property, a petition was proposed to rezone a piece of property from R-9 to R-12MF in 1972 That petition was denied

NEIGHBORHOOD FEATURES/CHARACTERISTICS

Defined Neighborhood Park Road

Transportation Facilities

Adjacent Roadways	Roadway Characteristics	Traffic Volumes
Park Road	Major Thoroughfare (4 lanes)	16,700 ADT (1980)

Transit Service Route No 4 Park Road provides full day service directly by the subject property The hours of operation are from 5 45 A.M to 11 45 P M daily on 30 minutes headways

Public Schools Serving Area

	Design Capacity	1982-83 Enrollment
Park Road Elementary (K-3)	425	229
Marie Davis Elementary (4-6)	625	481
Sedgefield Junior High	900	619
Myers Park High School	1775	1514

PLANS AND PROGRAMS IN THE AREA

Comprehensive Plan 1995 The Plan Map generally indicates residential use (0-6 dwelling units per acre) in the vicinity of the subject property

Capital Improvement Programs No major capital improvement programs are identified for the area

Other Plans and Programs None

SIGNIFICANT ZONING DISTINCTONS

	Present Zoning [R-15MF(CD)]	Proposed Zoning [R-15MD(CD)] (Site Plan Amendment)
Use	Multi-family residential use	Swimming pool

Density	Maximum number of dwelling units permitted under R-15MF zoning is 68 units @ 11 8 units per acre However, the petitioner is proposing to construct 60 units @ 10 4 units per acre	Not Applicable
Development Standards		
Lot Size·	For multi-family development the minimum lot size is 15,000 sq ft. for the first unit and 3,500 for each additional unit	Not Applicable
Setback	40 ft is the minimum setback required The setback shown in the proposed plan is approximately 138 feet to the closest building	Minimum required setback for pool shed is 40 ft Pool shed shown on plan is setback 48± ft Privacy fence around the pool is setback 42± ft from Park Road
& Side Yard. The one building which constitutes a side yard is approximately 40 ft from the side lot line (minimum is 30 ft) Other buildings which require a rear yard of 45 ft are a minimum of approximately 60 ft off the property line	is 30 to 45 ft depending upon building orientation	Privacy fence around the pool is located 128± feet from the side yard property line

ATTACH # 29

CHARLOTTE-MECKLENBURG PLANNING COMMISSION
CAMERON BROWN BUILDING
301 SOUTH McDOWELL STREET
CHARLOTTE NORTH CAROLINA 28204

MARTIN R CRAMTON JR
Planning Director

November 16, 1982

Mayor Eddie Knox
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members:

Attached are 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 a meeting of the Planning Commission held on November 3, 1982.

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 29, 1982. This will then permit these matters to be placed on your agenda for consideration on December 20, 1982.

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

Respectfully submitted,

Bob Young

Robert G. Young
Zoning Hearing Supervisor

RGY·oj

Attachments

DATE November 3, 1982

PETITION NO. 82-26

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Amend the text of the Charlotte Zoning Ordinance to provide for non-residential park signs.

LOCATION

ACTION The Planning Commission deferred action on this request pending further study.

VOTE

REASONS

DATE November 3, 1982

PETITION NO. 82-53

PETITIONER(S) Roger R. Lee

REQUEST Change from I-1 to I-2(CD)

LOCATION A 3.189 acre site on the northerly side of Mount Holly Road near the Lee Drive/Mt. Holly Road intersection.

ACTION The Planning Commission recommends that the petition be approved in accordance with a recently submitted site plan. The Planning Commission also added an additional condition (see Detailed Finding #8).

VOTE Yeas Boyce, Culbertson, Curry, Jernigan, Lawing, McCoy, Smith and Trotter.
Nays· None.
(Commissioners Evans and Greene were not present when vote was taken.)

REASONS

The following issues associated with this request can be identified:

1 Zoning/Land Use Relationships Would the approval of this request be consistent with existing and anticipated zoning and land use patterns in the area?

2 Future Effect. What effect would the approval of this request have on future land use and zoning decisions in the area?

3 Mt Holly Road Mt Holly Road serves as a "community" road Is heavy industrial zoning appropriate along this important thoroughfare?

4. Site Plan. Does the site plan submitted as a part of this request provide for reasonable land use relationships considering the use and nature of the site?

In arriving at answers to the above questions, the following facts should be considered·

1 Existing Zoning The site in question is presently zoned I-1 as is property on both sides of the parcel To the north begins a large concentration of residentially zoned areas, both R-9MF multi-family and R-15 single family Along the southerly side of Mt Holly Road land is zoned for multi-family purposes with the exception of a small area zoned B-1 at Hansard Drive Continuing farther south land relating to the Seaboard Coast Line and Piedmont and Northern railroads is zoned I-1 while south of the land begins another large area generally zoned for residential purposes

2 Existing Land Use The site under consideration is developed with a single family residence and a paving and grading company Immediately to the east is a service station while farther east land is sparsely developed with a scattering of single family and mobile homes and commercial establishments Along the southerly side of Mt Holly Road this pattern repeats itself, except that the single family development is more predominate To the west is more single family development and a church

3. Site Plan. The recently submitted site plan now provides for a controlled site development plan for the property. A 5,000 square foot addition is proposed for the purpose of manfacturing motor graders. One driveway entrance (presently there are four) has been eliminated. Screening will be provided along the front to shield the industrial activities from Mt. Holly Road. Equipment storage and vehicle parking will be located on the interior and rear of the site, which should help the overall appearance of the site. In addition, a 50 foot buffer to the rear will be observed to keep equipment parking/storage away from residentially zoned property. The plan also indicates that an existing vacant structure will be used for office purposes in the future.

The following general findings can be arrived at.

1. Comprehensive Plan 1995. The Plan Map indicates residential development (0-6 du/acre) and industrial in the vicinity of the petitioner's property.

2. Transportation Improvement Program (TIP). No major transportation programs are identified in the vicinity of the subject property.

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

1. The petitioned property is zoned I-1. A non-conforming grading and paving company is seeking I-2(CD) zoning in order to expand its operation to allow the manufacture of motor graders.

2. The existing use, with its storage of equipment and vehicles, presents a cluttered appearance.

3. Mt. Holly Road is a community thoroughfare and every effort should be taken to maintain its character and environment.

4. Presently there is no general industrial I-2 zoning in the immediate area.

5. General industrial zoning at this location is considered to be inappropriate and undesirable, but a conditional approach utilizing I-2(CD) zoning and the accompanying site plan provides for satisfactory land use relationships.

6. The site plan provides for controlled development of the site. Screening along the front will be provided and vehicle parking and equipment storage will be located to the middle and rear.

7. In recommending approval of this request, the Planning Commission is recognizing the fact that a long standing heavy industrial use has been in operation on the site and that a conditional rezoning is an appropriate way in which to both recognize it and a proposed expansion. The approval of this request is not reflecting a basic change in the existing light industrial zoning which exists in the area.

8. Also, in recommending approval the Planning Commission has added an additional condition, which the petitioner has agreed to. In this case the proposed screening along the front of the property must be installed prior to the issuance of any building permits needed for the expansion of the site's industrial operation. The Planning Commission spent considerable time discussing this request in order to insure, to the extent possible, that site activities could be screened from view and make the site's appearance from Mt. Holly Road more pleasing.

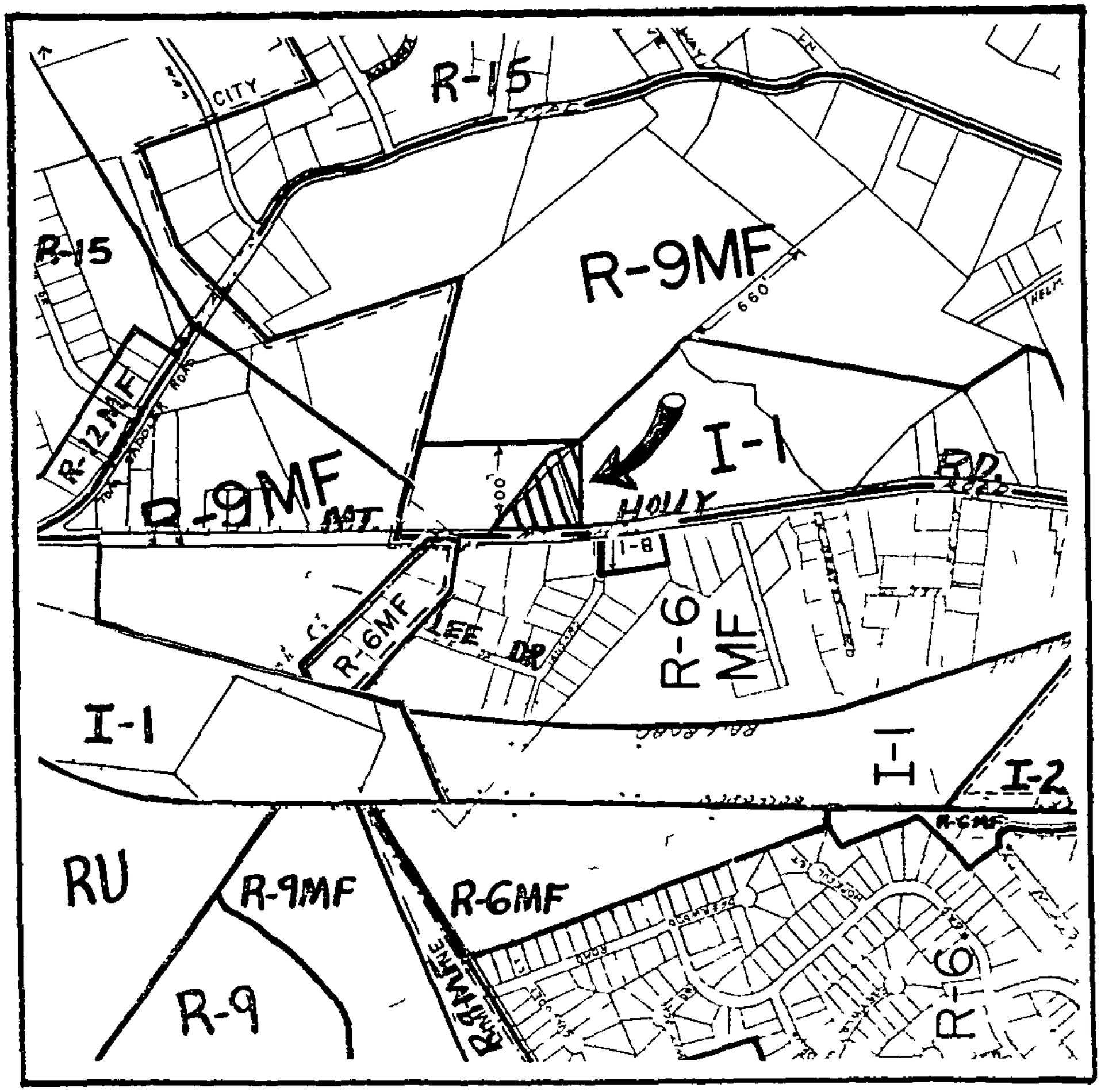
9. Based on the above considerations, this request can be justified.

PETITIONER Roger R. Lee

PETITION NO. 82-53 HEARING DATE August 16, 1982

ZONING CLASSIFICATION, EXISTING I-1 REQUESTED I-2

LOCATION A 3.189 acre site fronting 421.40 feet on the northerly side of Mount Holly Road (N.C. Hwy. #27) near the intersection of Mount Holly Road and Lee Drive.



ZONING MAP NO. 50 SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE

DATE November 3, 1982

PETITION NO. 82-66

PETITIONER(S) BCI Property Company No. 10

REQUEST Change from B-1SCD to Site Plan Amendment

LOCATION A 5.3 acre site at 6525 Morrison Boulevard.

ACTION The Planning Commission recommends that the site plan amendment be approved

VOTE Yeas Boyce, Culbertson, Curry, Jernigan, Lawing, McCoy, Smith and Trotter.
Nays None.
(Commissioners Evans and Greene were not present when vote was taken.)

REASONS

The following issues associated with this request can be identified

1. Overall Objectives. Would the approval of this request be compatible with overall planning goals and objectives for this area?

2. SouthPark Policies. Is the proposal consistent with development objectives for the SouthPark area?

3. Site Plan. Does the site plan amendment provide for adequate and reasonable land use relationships?

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

1. Existing Zoning. The petitioned property is zoned B-1SCD Adjacent property on both sides is also zoned B-1SCD as is a larger area to the south Contiguous property to the north is zoned R-12MF East of the site is an area zoned for office purposes North of this area and east of Sharon Road begins a large area zoned for single family residential purposes

2. Existing Land Use. At the present time the site is developed with one office building. A variety of commercial uses are located along Morrison Boulevard with the SouthPark Mall being the predominate feature Celanese and other offices are nearby on Barclay Downs, Morrison Boulevard and Fairview Road. Multi-family development, both condos and apartments, are located along Colony Road.

3. Site Plan. The site plan amendment proposes to enlarge a previously approved second phase office building and parking deck.

The following general findings can be arrived at:

1. Comprehensive Plan 1995. The Plan Map generally indicates a regional shopping center (SouthPark) in the vicinity of the petitioner's property.

2. Transportation Improvement Program (TIP). The project would widen Fairview Road between Park Road and Barclay Downs Drive to provide an unbalanced six-lane section comprised of three east bound lanes, two west bound lanes, and a sixth lane for left turns. The total cost of the project is estimated at $777,000. It has a very high priority yet funding is undetermined at this time.

3. SouthPark Study. The policy recommendation of the SouthPark Study for the Morrison Boulevard/SouthPark Mall area states that "any additional plans for office, commercial or other uses should make use of the already built-in facilities of the area and accommodate the intense development conditions that prevail here. Intense non-residential should continue to concentrate and not be allowed to gravitate away from the SouthPark Mall block and Morrison Boulevard area."

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

1. The property in question is presently zoned B-1SCD.

2. The conditional plan for this site is approved for a Phase 1 office building (already developed) and a Phase 2 office building and parking deck. The proposal here is to slightly increase the size of the second office building and parking deck.

3. The proposal to amend the site plan is a very minor adjustment. The office building is increasing in size from 64,100 square feet to a maximum of 68,500 square feet and the parking deck is remaining the same height. Total site parking is increasing from 530 spaces to a maximum of 594 spaces.

4. Basic land use relationships as now approved will remain in effect with the proposed change.

5. Development of this site in accordance with the plan is consistent with SouthPark area policies.

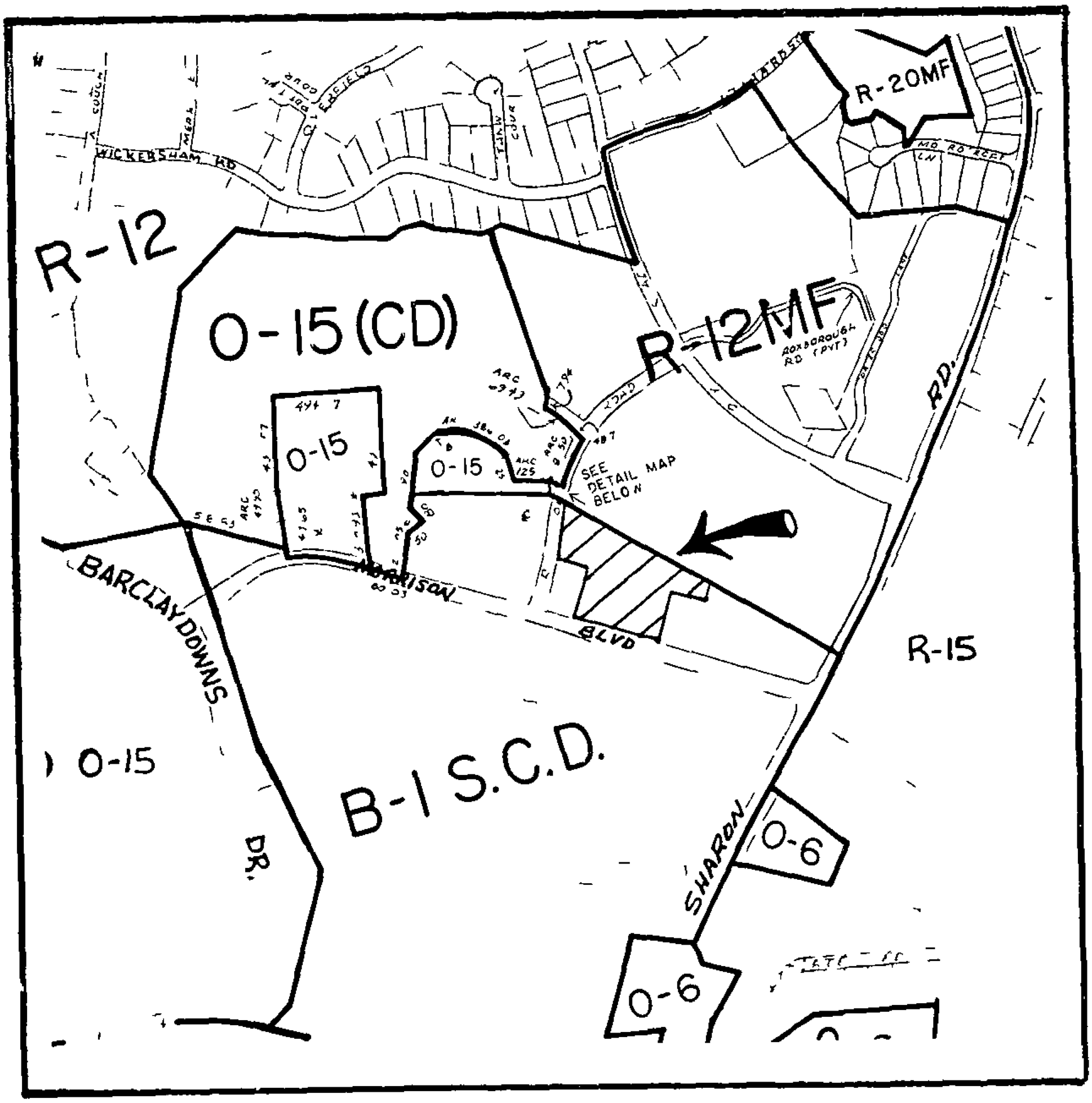
6. In light of the above, it is felt that the proposed site plan amendment represents a reasonable request. It is consistent with plans and policies for the area.

PETITIONER BCI Property Company No. 10

PETITION NO. 82-66 HEARING DATE October 18, 1982

ZONING CLASSIFICATION, EXISTING B-1SCD REQUESTED B-1SCD Site Plan Amendment

LOCATION A 5.327 acre site at 6525 Morrison Boulevard with frontage on both Roxborough Road and Morrison Boulevard.



ZONING MAP NO. 27 SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE

DATE October 18, 1982

PETITION NO. 82-30

PETITIONER(S) Farmington, Inc.

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

LOCATION A 2.5± acre tract located at the southerly corner of Sharon Road and Sharon Hills Road.

ACTION The Planning Commission recommends that the petition be approved in accordance with a recently revised site plan.

VOTE Yeas: Boyce, Culbertson, Curry, Evans, Greene, Jernigan, Lawing, McCoy and Trotter.
Nays Smith

REASONS

The following issues associated with this request can be identified

1. Area Objectives Would the approval of this request be consistent with overall zoning and land use objectives for this area?

2. Future Effect. If approved what effect would this change have on future land use and zoning decisions in this area?

3. Site Plan. Does the site plan submitted as a part of this request represent a reasonable plan for development that is sensitive to existing development?

4. Housing Objectives. Is this proposal consistent with housing policies and objectives for the area?

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

1. Existing Zoning. The subject property is currently zoned R-15 for single family residences The general development pattern reflects single family zoning, both R-15 and R-12 The exception to this is an area zoned R-15MF at and just southeast of the Sharon Road/Quail Hollow Road intersection A special use permit for a YMCA is on property beside the site at the Sharon Road/Quail Hollow Road intersection

2. Existing Land Use. The petitioned property is undeveloped. The James J. Harris YMCA is across Sharon Hills Road from the site. The land use pattern in the area is residential in nature, most of which is single family detached residences. The Southwood and Quail Hollow condominiums as well as the Heathstead Apartments are nearby.

3. Site Plan. The revised site plan submitted with this request indicates a total of 20 attached for sale dwelling units to be constructed on the 2.45 acre site. The density of this project, then, would be about 8 du's/acre. One point of access is shown on Sharon Hills Road. In addition, undisturbed buffer areas ranging from 20 to 35 feet in depth are shown around the perimeter of the property. Also, the plan now indicates more detail concerning building concepts and arrangements and other performance standards as well as information dealing with parking lot landscaping.

The following general findings can be arrived at

1. Comprehensive Plan 1995. The Plan Map generally indicates residential development, 0-6 dwelling units/acre and 10-20 dwelling units/acre in the vicinity of the petitioner's property.

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

1. The subject property is a 2.45± acre parcel zoned R-15 and adjacent development is single family detached residences and an institutional use, the James J Harris YMCA

2. The petitioner seeks approval of a controlled, conditional development plan for the site to construct for sale attached residential dwellings.

3. Subsequent to the public hearing the petitioner has twice revised the conditional plan. First, the number of dwelling units was reduced from 26 to 20 and noted that the units would be for sale. Later more detailed information concerning building concepts and overall development performance standards were added.

4. Although the surrounding neighborhood has not been receptive to the plan changes, it is felt that the plan as now presented offers many desirable land development opportunities.

5. Development of this property will only require one driveway cut on Sharon Hills Road No driveway cuts at all along Sharon Road will occur. This is desirable from a traffic flow and safety standpoint Undisturbed natural areas will be maintained around the perimeter of the property as well.

6. The density of the project is moderate, about 8 dwelling units/acre. New plan details about parking lot landscaping, building arrangements and treatment of building mass and scale and end of buildings insures design compatibility.

7. Approval of this request does not necessarily indicate that other rezoning requests would be likewise favorably received.

8. Today, more and more petitions for attached housing are being requested. These requests are in response to today's housing market and housing needs. In this case, the parcel in question is a vacant, infill tract. When appropriately designed to be sensitive to the existing environment, as in this case, these requests should be encouraged.

9. In light of the above, the proposed development of this site is consistent and compatible with area zoning, land use and housing objectives for this area.

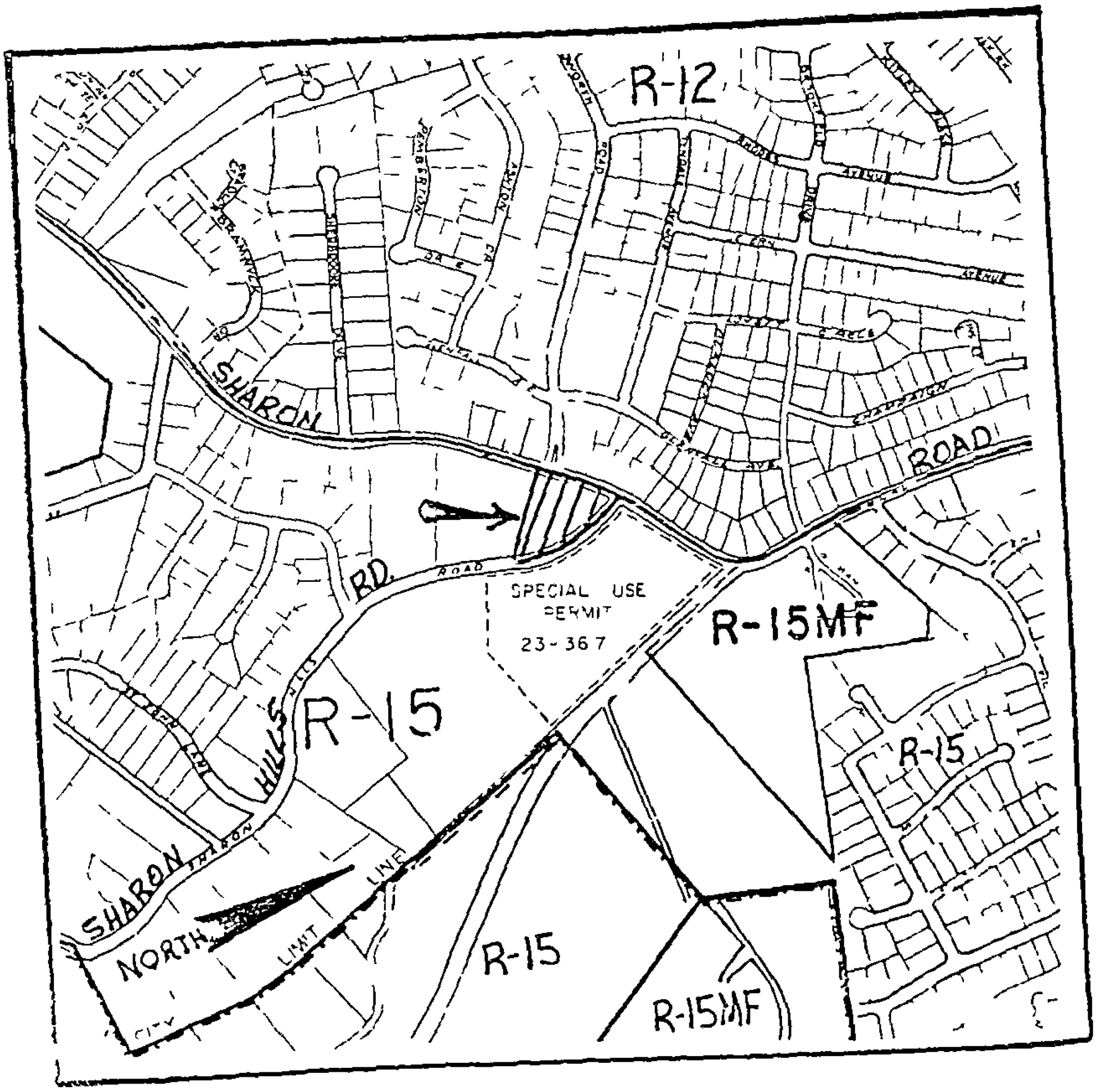
PETITIONER Farmington, Incorporated

PETITION NO. 82-30 HEARING DATE 5/17

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

LOCATION A 2.45 acre tract located at the most southerly corner of the intersection of Sharon Road and Sharon Hills Road.

Acreage. 2.45



ZONING MAP NO. 30

SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE

DATE October 18, 1982

PETITION NO. 82-67

PETITIONER(S) Acme Retail, Inc.

REQUEST Change from R-6MF to B-1(CD)

LOCATION A 1.2± acre site located at the western corner of Belhaven Boulevard and Linwood Avenue.

ACTION The Planning Commission recommends that the petition be denied.

VOTE Yeas Boyce, Culbertson, Evans, Jernigan, McCoy and Smith.

Nays Curry, Greene, Lawing and Trotter.

REASONS

The following issues associated with this request can be identified

1 Overall Objectives. Would the approval of this request be consistent with overall zoning and land use objectives for this area?

2. Future Effect. If approved what effect would this zoning change have on future zoning and land use decisions in this area?

3. Need for Business Zoning. Is there an identified need for additional business zoning in this area?

4. Housing Stock. What might be the effect on the housing stock in this area if this petition is approved?

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

1. Existing Zoning. The petitioned property is zoned R-6MF. The property is adjacent to land zoned B-1, B-2 and R-6MF Parcels nearby which generally relates to Belhaven Boulevard and Rozzells Ferry Road are zoned for commercial purposes. Residential zoning that is in the area reflects both R-6 single family and R-6MF multi-family districts.

2. Existing Land Use. The property currently has on it three single family structures. Along Belhaven Boulevard are a number of restaurants and other commercial uses. Along Rozzells Ferry Road are single family structures. At the intersection of Linwood Avenue and Rozzells Ferry Road is a restaurant, while at the Linwood/Belhaven intersection is a vacant service station

3. Site Plan. The site plan submitted as a part of this request indicates that the site will be developed with a convenience store. Screening in accordance with zoning ordinance provisions will be provided adjacent to residentially zoned areas.

The following general findings can be arrived at·

1. Comprehensive Plan 1995 The Plan Map generally indicates residential development at a density of 0-6 dwelling units per acre in the vicinity of petitioner's property.

2. Transportation Improvement Program (TIP). The proposed project consists of upgrading approximately 15.6 miles of existing I-85 through Charlotte from N C. 273 in Gaston County to the US 29 - NC 49 Connector in Mecklenburg County The proposed improvements consist of widening the existing roadway from four to six lanes and reconstructing all deficient interchanges and structures. The estimated project cost is $113,466,000 Construction is to begin in FY 84

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

1. The subject property is zoned R-6MF and presently partially developed with three single family structures. The remaining site area is vacant

2. The site has frontage on Belhaven Boulevard, Linwood Avenue, and North Crigler Street. The latter two streets are minor, residential streets

3. The Belhaven/I-85 intersection is quite congested with car and truck traffic These two thoroughfares carry both local and regional traffic

4. Additional business zoning will generate more traffic and compound traffic problems in this area.

5. In recent years the immediate vicinity of the site has been subjected to pressures to rezone land from residential to non-residential classifications.

6. As a result of zoning pressures, the housing stock in this area has been subjected to pressures. This housing stock meets a market need and should be protected form deterioration or erosion due to zoning changes

7 If this petition is approved it is possible that other nearby [illegible] zoned property will be petitioned for a zoning change

8. There already exists in the area business-zoned property that is not being used as such. Therefore, it is not necessary to add additional business zoning.

9. The petitioner indicated at public hearing that gasoline sales would be a significant part of the overall use of the property. A relatively new service station at the Belhaven/Linwood intersection is vacant and thus it seems unnecessary to add additional like uses to the area when existing ones are not being used.

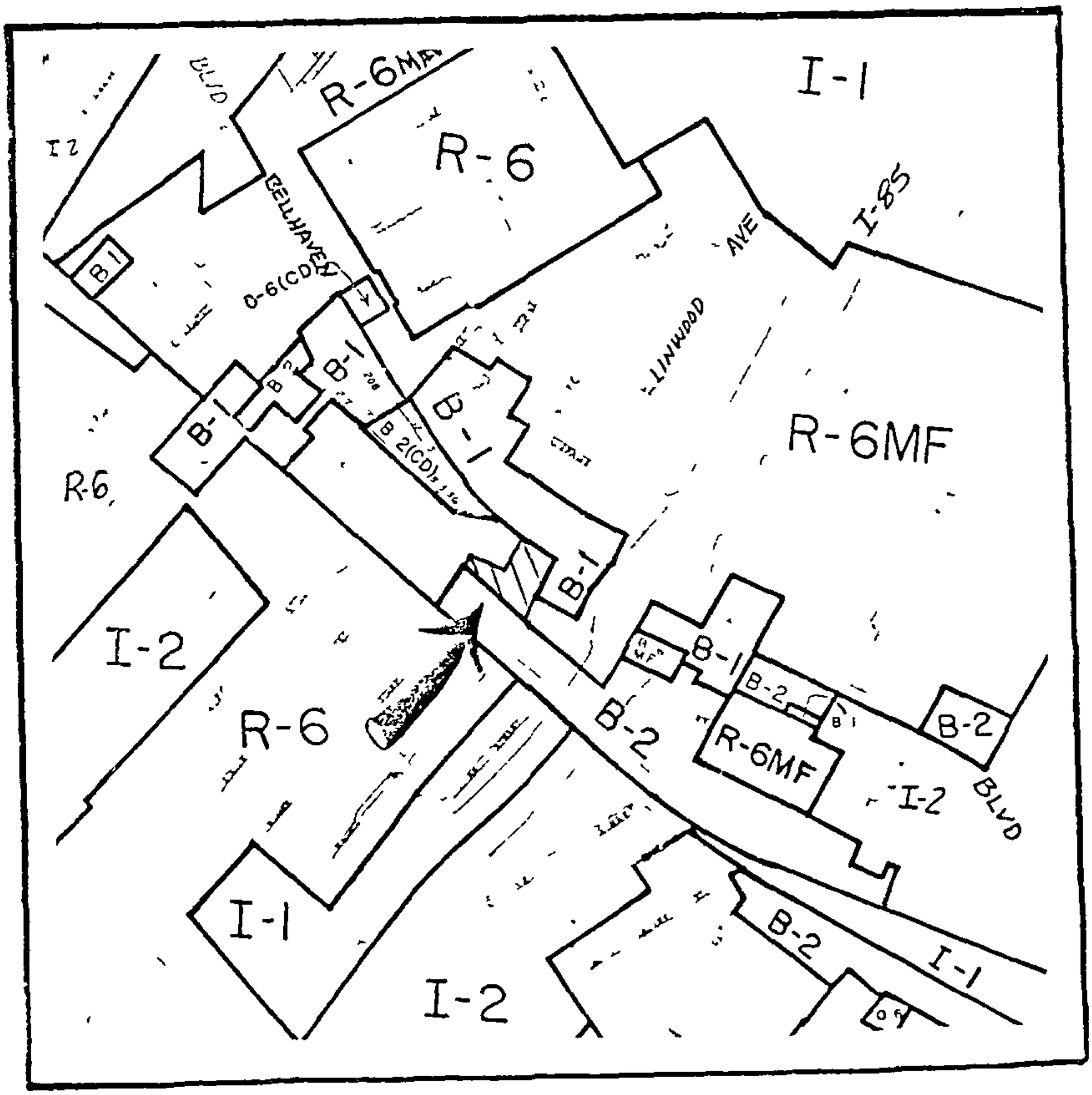
10. Based on the above, this request is not consistent with plans and objectives for the area and should be discouraged.

PETITIONER Acme Retail, Inc

PETITION NO. 82-67 HEARING DATE October 18, 1982

ZONING CLASSIFICATION, EXISTING R-6MF REQUESTED B-1(CD)

LOCATION A 1 208 acre site located at the western corner of Belhaven Boulevard and Linwood Avenue.



ZONING MAP NO. 14 SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE

ATTACH # 3

CHARLOTTE-MECKLENBURG PLANNING COMMISSION

CAMERON BROWN BUILDING
301 SOUTH McDOWELL STREET
CHARLOTTE, NORTH CAROLINA 28204

MARTIN R CRAMTON JR
Planning Director

November 29, 1982

Mayor Eddie Knox
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members.

Attached are recommendations of the Charlotte-Mecklenburg Planning Commission on petitions for rezoning which have been heard at public hearings and referred to the Planning Commission for consideration. The recommendations as reflected herein were arrived at in a meeting of the Planning Commission held on November 15, 1982.

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 December 9, 1982. This will then permit these matters to be placed on your agenda for consideration of decisions on December 20, 1982.

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

Respectfully submitted,

Bob Young

Robert G. Young,
Zoning Hearing Supervisor

RGY:dmb

Attachment

DATE November 15, 1982

PETITION NO.

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Consideration of a text amendment to the Charlotte Subdivision Ordinance Section 18-13(a) to change the maximum distance that a multi-family dwelling unit may be located from either a public or private street from 300 feet to 400 feet.

ACTION The Planning Commission recommends that the petition be approved.

VOTE Yeas Boyce, Culbertson, Curry, Evans, Greene, Jernigan, McCoy, Smith and Trotter.
Nays: None

REASONS

The amendment will change the maximum distance that a multi-family dwelling unit may be located from either a public or a private street from 300 feet to 400 feet.

The change has been recommended by the Housing Cost Task Force and accepted previously in principle by the City Council.

The effect of the change is to provide greater flexibility in the design of multi-family projects, particularly with respect to the relationship between dwelling placement, parking and circulation features.

The proposal is consistent with the Urban Policy Program and residential development objectives.

Charlotte-Mecklenburg
Planning Commission

ORDINANCE NO _____

AMENDING CHAPTER 18
ARTICLE II

AN ORDINANCE AMENDING CHAPTER 18, ARTICLE II, SECTION 26 (SUBDIVISION REGULATIONS) OF THE CODE OF THE CITY OF CHARLOTTE

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

Section 1 The Charlotte Subdivision Regulations as embodied in the Subdivision Ordinance are hereby amended as follows

1 Amend Section 18-13 Standards of Design Lots, subsection 18-13(a) by changing the second sentence to read as follows

" However, lots designed for one-family attached dwellings need not front on a street provided that all portions of the dwelling unit proposed for such lots shall be located within four hundred (400) feet of a public street or private street (as defined in the Charlotte Zoning Ordinance) that furnishes direct access to the property and that access to each such lot be made available via either a public right-of-way or a private vehicular or pedestrian way owned by the individual lot owner in fee or in common ownership "

Section 2 This ordinance shall become effective upon adoption

Approved as to form

_____
City Attorney

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

_____
City Clerk

DATE November 15, 1982

PETITION NO. 82-69

PETITIONER(S) Gam Chee Jung and wife, Lee Lai Ming

REQUEST Change from R-15 to R-9MF(CD)

LOCATION A 2.2± acre site located on the west side of Park Road Extension about 300 feet south of the intersection of Park Road and Fairview Road.

ACTION The Planning Commission recommends that the petition be approved.

VOTE Yeas Culbertson, Curry, Evans, Greene and Trotter.

Nays Boyce, Jernigan, McCoy and Smith.

REASONS

The following issues associated with this request can be identified:

1. Zoning/Land Use Relationships. Is the proposed zoning request and use of the property compatible with existing patterns of development?

2. Future Effect. What would the approval of this petition have on future land use and zoning decisions in this area?

3. Site Plan. Does the site plan submitted as a part of this request offer a reasonable plan of development, particularly with respect to building height, scale and mass and parking and screening standards?

4. Park Road Extension. Does the property's relationship to Park Road Extension offer the opportunity for higher density housing?

In arriving at answers to the above questions, the following facts should be considered·

1 Existing Zoning. The subject property is zoned R-15 Adjacent property to the south and east is likewise zoned. Property to the north and fronting on Park Road is zoned R-6MF-H Land along both sides of Fairview Road is zoned O-15. Generally thereafter, land in the immediate vicinity of the site is zoned R-12.

2. Existing Land Use. The site is developed with a single family residence. Property to the south and west is also developed with single family homes. Property to the north of the site is developed with the Housing Authority's Park Towne Terrace housing project for the elderly. Across Park Road Extension is the South Executive Park and on the northerly side of Fairview Road is the Celanese facility. SouthPark is farther east along Fairview Road.

3. Site Plan. The site plan submitted as a part of this request indicates that a housing project consisting of 34 dwelling units will be constructed. A minimum of 68 parking spaces will be provided and the parking area will be screened from adjacent property.

The following general findings can be arrived at·

1. Comprehensive Plan 1995. The Plan Map generally indicates residential development (0-6 dwelling units per acre) in the vicinity of the petitioner's property.

2. Transportation Improvement Program (TIP). The project would widen Fairview Road between Park Road and Barclay Downs Drive to provide an unbalanced six-lane section comprised of three east bound lanes, two west bound lanes, and a sixth lane for left turns. The total cost of the project is estimated at $777,000 It has a very high priority yet funding is undetermined at this time.

3. Transportation Action Plan (TAP). This project would straighten out Park Road by extending the roadway due south at its intersection with Tyvola Road This would improve traffic flow along Park Road as well as relieving the present congestion at the Park Road and Fairview Road intersection. The project has a very high priority yet funding is undetermined at this time.

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

1. The subject property is a 2.2± acre site zoned R-15. The petitioner seeks approval for conditional multi-family zoning district to construct a maximum of 34 condominium dwelling units to be contained in a single structure.

2. Immediate land use features in the vicinity of the site include high-rise office buildings, a high-rise residential structure and single family homes. Zoning patterns likewise reflect a mixture of office, multi-family and single family residential districts.

3. In light of existing land use and zoning patterns, the request to rezone this property to a higher density residential classification is reasonable.

4. The request also involves a conditional site plan which offers additional development restrictions and controls.

5. The plan stipulates that the building will be a maximum of three stories in height. In addition, 10% of the parking lot area will be devoted to landscaping and a 6 foot high fence or wall will be installed around south and west sides of the property to screen the parking areas from nearby residential structures.

6. The property's size and shape and relationship to Park Road Extension, urban services and adjacent high-rise buildings makes it particularly suitable for higher density housing.

7. The proposal to rezone the site and the resulting 3-story residential structure will serve as a transition between the high density, high-rise Park Towne Terrace and low density single family areas. This transition makes a compatible land use and zoning district relationship.

8. At public hearing concerns were expressed regarding traffic safety and congestion as well as potential problems associated with storm water run-off associated with this project. The intersection of Park Road/Fairview and Park Road Extension is certainly one of Charlotte's more heavily traveled intersections. However, the Charlotte Department of Transportation has reviewed the plans for this project and did not identify any safety problems associated with the driveway location, access and so forth. In addition, there are roadway improvements planned for the area (see general findings) which should lessen the congestion considerably. As far as storm water run-off is concerned, the project will have to receive approval from the Engineering Department for a storm drainage plan if more than 20,000 square feet of the site becomes impervious cover. This is a normal development requirement of any project where there will be more than 20,000 square feet of impervious cover and, as proposed, the project will cover more than that.

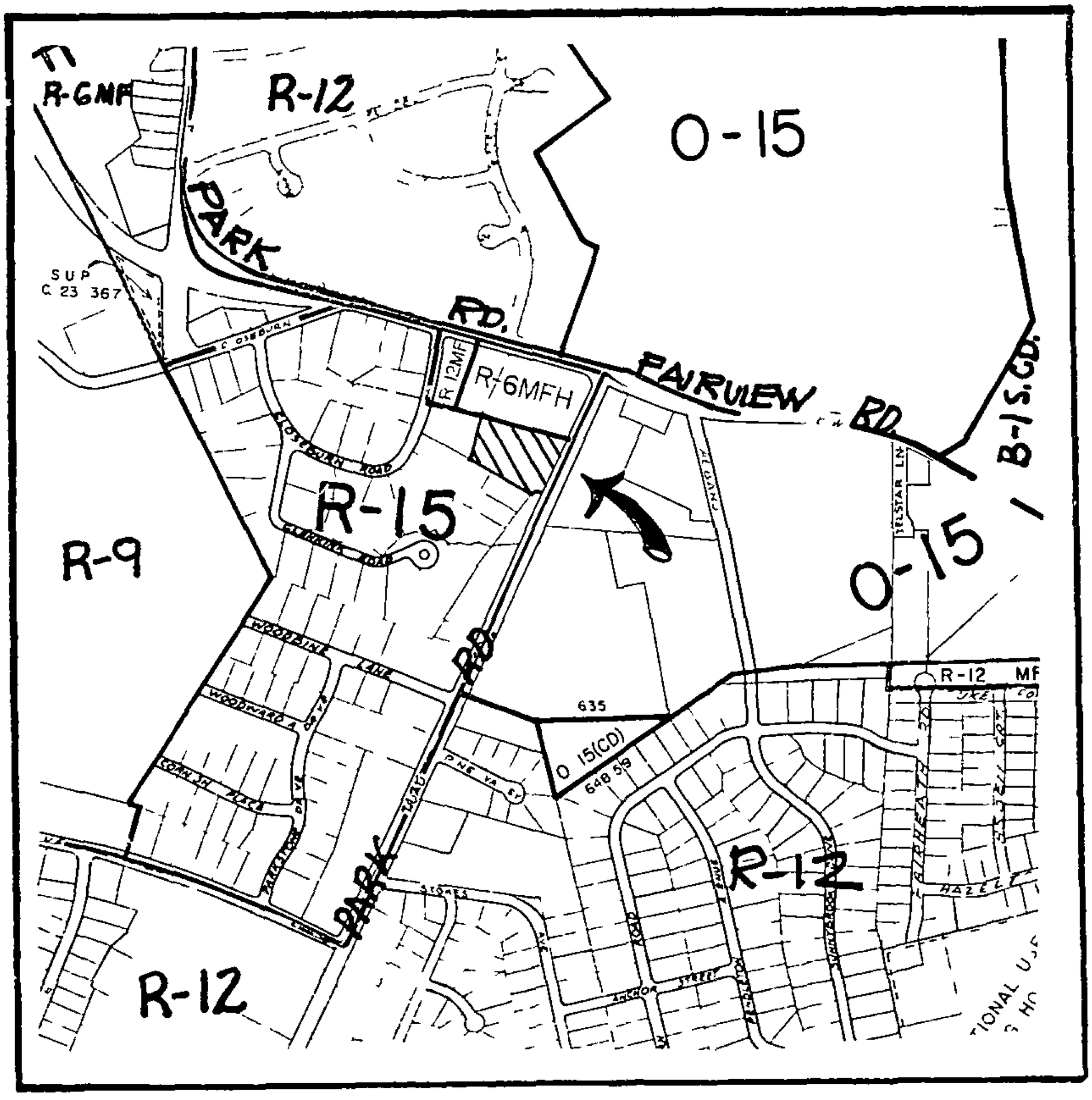
9. Based on the above considerations, this proposal is justifiable. It is compatible with development patterns and policies for this area. It offers the opportunity for higher density housing close to shopping and employment centers and, thus, should be encouraged.

PETITIONER Gam Chee Jung and wife, Lee Lai Ming

PETITION NO. 82-69 HEARING DATE 11-15-82

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

LOCATION A 2.289 acre site located on the west side of Park Road Extention about 300 feet south of the intersection of Park Road and Fairview Road.



ZONING MAP NO. 32 SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE

DATE November 15, 1982

PETITION NO. 82-70

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Consideration of a text amendment to the Charlotte Zoning Ordinance Section 23-32(b)(4) to change the maximum distance that a multi-family dwelling unit may be located from either a public or private street from 300 feet to 400 feet.

ACTION The Planning Commission recommends that the petition be approved.

VOTE Yeas Boyce, Culbertson, Curry, Evans, Greene, Jernigan, McCoy, Smith and Trotter.
Nays None.

REASONS

The amendment will change the maximum distance that a multi-family dwelling unit may be located from either a public or a private street from 300 feet to 400 feet

The change has been recommended by the Housing Cost Task Force and accepted previously in principle by the City Council.

The effect of the change is to provide greater flexibility in the design of multi-family projects, particularly with respect to the relationship between dwelling placement, parking and circulation features.

The proposal is consistent with the Urban Policy Program and residential development objectives.

Petition No. 82-70
Charlotte-Mecklenburg Planning Commission

Ordinance No _____

An Ordinance Amending Chapter 23
of the City Code - Zoning Ordinance

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

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

Section 1 Chapter 23, "Zoning" of the Code of the City of Charlotte is hereby amended as follows

1 Amend Section 23-32 Planned Multi-family Development in Residential Districts Subsection 23-32(b)(4) by changing the first sentence to read as follows

"All portions of every residential building shall be located within four hundred (400) feet to a public street or private street that furnishes direct access to it "

Section 2 That this ordinance shall become effective upon its adoption

Approved as to form

_____
City Attorney

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

Pat Sharkey
City Clerk

DATE November 15, 1982

PETITION NO. 82-71

PETITIONER(S) Martha T. and Ted O. Gillis

REQUEST Change from R-6MF to O-6

LOCATION A 9,579 square foot site located at 4313 The Plaza about 200 feet west of Eastway Drive.

ACTION The Planning Commission recommends that the petition be approved.

VOTE Yeas: Boyce, Culbertson, Curry, Evans, Greene, Jernigan, McCoy, Smith and Trotter.
Nays None.

REASONS

The following issues associated with this request can be identified

1. Overall Objectives. Would the approval of this request be consistent with overall planning goals for this area?

2. Zoning/Land Use Relationships. Would the approval of this request result in any substantial change to the existing land use and zoning patterns in the area?

3. Future Effect. Would the approval of this request have any effect on future land use and zoning decisions in the area?

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

1. Existing Zoning The petitioned property is presently zoned R-6MF. Property owned by the applicant immediately beside the petitioned property is zoned O-6, while property that generally relates to the Eastway Drive/Plaza Road intersection is zoned B-1 South of the site along Plaza Road property is zoned R-6MF, but the district changes to R-6 on nearby minor residential streets Along Eastway Drive is a mixture of multi-family residential, office and business zoning.

2. Existing Land Use. The petitioned property is the site of an existing dav care facility. (As a matter of fact, the building is split by two zoning classifications, buth R-6MF and 0-6). At the Eastway Drive/Plaza Road intersection are a number of personal service and neighborhood retail uses. The Eastwood Golf Course is nearbv also. Along The Plaza south of the site is a solid pattern of single family homes until the intersection of Commercial Avenue, which has a car wash facility and a 7-11 convenience store as well as other commercial uses nearby.

The following general findings can be arrived at

1. Comprehensive Plan 1995. The Plan Map generally indicates residential development (0-6 dwelling units pre acre) in the vicinity of the petitioner's property

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

1. The subject property is zoned R-6MF. This lot along with another form the site of an existing day care facility.

2. The petitioner desires to add a new service, night care, to the dav care operation. The Zoning Administrator and the Attorney's Office have indicated that night care service will require office zoning and, thus, the necessitv for the rezoning request

3. The approval of this request will mean no change to the existing physical structure. The building is currently split by zoning boundaries. Approval of this will make the entire site zoned 0-6.

4. The office district will continue to provide a transition between residential uses and business uses in this area.

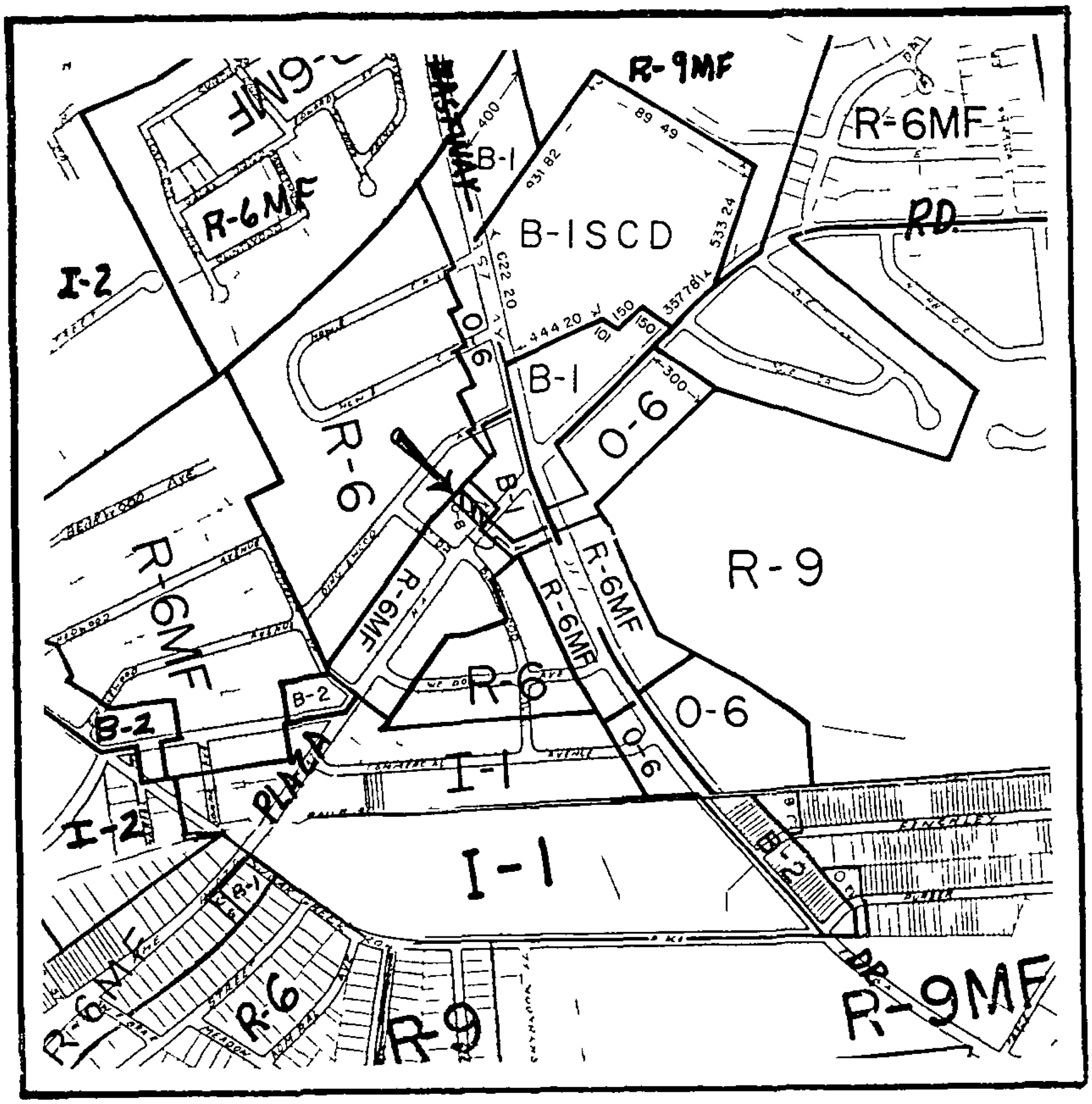
5. This zoning change request is a minor adjustment to the existing zoning pattern. Approval of the request will mean that an existing use will be able to expand its services to the community. The proposal is compatible with existing land use and zoning patterns and should be encouraged.

PETITIONER Martha T. and Ted O. Gillis

PETITION NO. 82-71 HEARING DATE 11/15/82

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

LOCATION A 9,579.0 square foot site located at 4313 The Plaza about 200 feet west of Eastway Drive.



ZONING MAP NO. 18 SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE

DATE November 15, 1982

PETITION NO. 82-25

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Consideration of a zoning ordinance text amendment to provide for urban development centers

LOCATION

ACTION The Planning Commission recommends that a recently revised version of the text amendment be approved

VOTE Yeas Boyce, Culbertson, Curry, Evans, Jernigan, McCoy, Smith and Trotter.

Nays Greene.

REASONS:

The Urban Development Center-Village ordinance amendment was originally proposed to allow mixed use development, to accurately predict and plan for project impacts on surrounding communities and public facilities, to allow flexibility tempered by sensitivity in project design, and to promote procedural simplicity for multi-phased and multi-faceted projects Mixed use developments are expected to help address a number of community issues by shortening trips, decreasing strip development, meeting market needs and decreasing market risks

By shortening trips we may be able to extend the effective life of our transportation systems, and thereby delay costly future improvements By decreasing strip development we may be able to preserve pleasing streetscapes and scenic vistas. By meeting market needs we may be able to develop a more balanced community while softening the adversarial stances assumed by the public and private sectors over every proposal for significant new development By decreasing market risks we may be able to maintain our competitive edge in an economic environment that is at least volatile and often calamitous

The result of the first phase of the process which produced this proposal were two draft ordinances which differed substantially from the present proposal Some of those differences included

- more office floor area allowed
- height limits related to land use types
- higher residential densities allowed

- provisions to allow the size of the site and the gross floor area to be increased under prescribed conditions
- formulas relating the areas within which rezonings would be evaluated for strip development potential to site size.

After three public work sessions, numerous information-gathering visits by neighborhood representatives, and more than two months of regular meetings with an Ad Hoc Committee of developers and neighborhood representatives - a compromise draft ordinance was produced. Public reaction to this draft was presented at a continued public hearing on October 18, and formed the basis for the Planning Commission's discussion of the compromise or final version of the ordinance amendment proposal, a copy of which is attached for your convenience. Also find attached an annotated draft which highlights the second hearing version and the one approved by the Planning Commission.

In coming to its decision to approve the final version of this ordinance amendment proposal, the Planning Commission focused particularly on the following questions.

1. Is there adequate protection in the ordinance against strip development, especially non-residential, along the roads leading to a UDC-V site?

After discussion about whether the staff - and Ad Hoc Committee - generated prohibitions against strip development were sufficient or whether they should be extended to residential strip development as well, the Planning Commission decided not to apply this condition to residential development. The reason behind this was that to do so might conflict with other policies regarding higher density housing in transportation corridors.

2. Is the intent of this ordinance amendment proposal, which is to allow concentrations of mixed use development while discouraging strip development, adequately emphasized?

Response to discussion on this issue resulted in a reorganization and slight rewording of the Intent. section placing statements on mixed use concentrations and discouraging strip development at the beginning of the section to emphasize their importance in this development concept

3. Should institutional and recreational uses be limited in some way?

The Commission decided to charge institutional uses against allowable office gross floor area and to charge recreational uses not primarily for the use of residents against allowable retail gross floor area. These provisions will limit the overall impact of these types of uses and prevent any abuse of the original proposal which did not provide for limitations

4. Should a periodic review of project progress be made to determine if construction is proceeding in compliance with the approved Concept Plan?

Concern was raised over whether some slowing or cessation of development for economic or other reasons would endanger the zoning status and possibly result in the withdrawal of the zoning category. In response the Commission approved a periodic review process keyed to compliance with an approved Concept Plan and not to the rate of progress.

Other issues which the Commission addressed in response to questions and concerns raised during and after the public hearing included.

- allowing UDC-V's to have access to only one thoroughfare
- keeping minutes of the required community meeting
- relating open spaces to the housing they are intended to serve
- relating building height and mass to separation from site borders
- requiring signage and lighting programs consistent with the character of the area
- requiring notification of interested parties of any administratively approved minor plan changes.

Having addressed these issues, the Commission found the concept of mixed use centers with strong design and community involvement components viable, and approved the ordinance amendment proposal to allow such to occur on a voluntary basis The only concern which directly contributed to the lone dissenting vote centered around the inability of small, independent business persons to participate in such a concept as easily as a larger business concern

Ordinance No _____

An Ordinance Amending Chapter 23
of the City Code - Zoning Ordinance

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

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

Section 1 Chapter 23, "Zoning" of the Code of the City of Charlotte is hereby amended as follows

1 Amend Article II, Division 1, by adding a new Section 23-4 3 Urban Development Center as follows

Sec 23-4 3 Urban Development Centers

(a) UDC-V Urban Development Center-Village This district is intended for application at select locations throughout the urbanized and urbanizing area This district provides areas where moderate scale mixed use centers can locate with an emphasis on the development of a balance of residential, institutional, retail, office and conference center/hotel uses

2 Amend Article III by adding a new Division 5 Urban Development Center Districts as follows

Sec 23-40 Urban Development Center - Village (UDC-V)

(A) Intent The adopted Comprehensive Plan - 1995 calls for mixed use centers integrated within the urban fabric of this community The intent of these centers is to

1 Provide mixed use development areas where a wide range of personal and professional services are available in close proximity to and in harmony with residential environments and employment concentrations,

2 Work in concert with public policies to discourage strip development and to limit higher density and intensity development within a given distance of the borders of this District

3 Provide the focal point for public utilities and services in the area,

4 Provide the focal point for major urban land uses in the area

5 Avoid traffic congestion through use of optional modes of transportation,

6 Decrease pedestrian hazards,

7 Encourage high aesthetic and design standards, and

8 Decrease the anxiety of area residents regarding the nature and amount of new developments coming to their area by informing them of proposed plans at an early stage

The Urban Development Center-Village (UDC-V) permits moderate scale mixed use centers with an emphasis on the development of a balance of residential, institutional, retail, office and hotel/conference center uses It also provides for integrated pedestrian, automotive, bicycle and transit circulation and access

(B) Applicability The UDC-V District is intended for application at select locations throughout the urbanized and urbanizing area Sites to which this District are applied must contain a minimum area of 50 acres and a maximum area of 160 acres Such sites must also have direct access to at least one thoroughfare as defined on the current Thoroughfare Plan Such sites must have water and sewer service, or executed contracts to extend such service, before any construction begins that is subject to these provisions The site also must be on an existing transit route or located so that transit could be easily extended from existing routes in the foreseeable future The UDC-V District may also be applied in areas where some development has occured previously In such cases UDC-V development must still comply with all of the provisions of this ordinance

Recognizing the intent and applicability of this District in conjunction with public land use policies to limit strip non-residential development, a rezoning application for non-residential use(s) along the thoroughfares accessing a UDC-V site, and within 2 5 miles of the borders of said site, should be evaluated in terms of their potential to run against land use policies discouraging strip non-residential development This shall not prevent rezoning for non-residential uses, but where these rezonings are permitted they should be handled through a conditional district-type process This is intended to focus appropriate attention to site design and project impacts upon the local area Likewise, UDC-V sites should be located so that there is a minimum of 2 5 miles between the borders of any two sites

(C) Permitted Uses

1 Residential uses - single family detached, single family attached and multi-family - separately or in conjunction with retail and/or office uses

2 Office uses - professional, business and corporate

3 Hotels and facilities for conferences, meetings, or similar activities as a separate use or in conjunction with other office or retail uses

4 Retail uses - personal services, specialized retail, banks, theatres, or other similar services as a separate use or in conjunction with other uses

5 Museums, libraries, churches, schools, post offices, hospitals, or other similar institutional uses

6 Parks, playground, YMCA's, YWCA's, or similar public or private recreational facilities

(D) Development Standards

1 Concept Plan To insure the appropriate consideration of the impacts of development upon adjacent uses, a Concept Plan shall be submitted and reviewed in accordance with Section E Concept Plan The Concept Plan shall govern the review of edge conditions, development coordination and off-site assessment in the UDC-V District

2 Application At the time of application for a change of zoning to the UDC-V District, all property owners or their agents shall certify that they have the authority to bind the property to the Concept Plan and that the property will be so bound if the zoning change sought for it is approved by the City Council

3 Community meeting required At some time not more than ten business days following the filing of an application for change in zoning to the UDC-V District, there shall be a meeting between the property owners/developers, or their agents, and representatives of interested neighborhood groups The notice of this meeting to the neighborhood groups, as well as the time and place for it, shall be arranged by the Planning Director or his designated agent The purpose of this meeting shall be to give the property owners/developers an opportunity to explain their proposed plan and to answer any questions about it The Planning Director, or his designated agent, shall moderate at the meeting and shall keep action minutes which shall be made a part of the application file The property owners/developers are encouraged to consider modifications to their plan based upon input from this meeting

4 Definitions For the purposes of this District the following definitions shall be applicable

(a) single family detached - a structure which contains one (1) dwelling unit,
(b) single family attached - a dwelling unit which shares by attachment or other means of fixture a common roof, wall or design element with another dwelling unit and which is not located above or below another dwelling unit and which contains its own exclusive entry,
(c) multi-family - a structure containing two (2) or more dwelling units either sharing a common means of entry and/or designed with one dwelling unit above or below another dwelling unit,
(d) mixed use core - that designated area which contains an integrated design of residential and retail and office uses
(e) open space - the area upon which no buildings or improvements are constructed except for landscaping, lighting fixtures, signs, drives and roads for ingress and egress, walls, fences and buildings primarily for the recreational use of the residents

5 Permitted site usage The following site usage shall be applicable in the UDC-V District

(a) The minimum permitted number of dwelling units as designated in the Concept Plan shall be calculated as follows

Minimum number of dwelling units = Total site area (in acres) x 4 du/acre

(b) The maximum permitted number of dwelling units as designated in the Concept Plan when no hotel/conference center is proposed shall be calculated as follows

Maximum number of dwelling units = Total site area (in acres) x 10 du/acre

(c) The maximum permitted number of dwelling units as designated in the Concept Plan when a hotel/conference center is proposed shall be calculated as follows

Maximum number of dwelling units = Total site area (in acre) x 8 du/acre

(d) The maximum gross floor area devoted to retail uses, as designated in the Concept Plan shall be calculated as follows

Maximum gross floor area (in sq ft) = Total site area (in acres) x 1,563 S F /acre

(e) The maximum gross floor area devoted to office uses, as designated in the Concept Plan shall be calculated as follows

Maximum gross floor area (in sq ft) = Total site area (in acres) x 2,813 S F /acre

(f) The uses in mixed use buildings shall be subtracted from and considered a part of the appropriate use categories, as though they were freestanding uses

(g) At least 15% of the site shall be open space and/or active recreational space All open space, including that above and beyond the required 15%, which may be designated as open space on any development permit application, shall be restricted from future development Open spaces shall be located in proximity to the residential units they are intended to serve

6 Building height limits The following height limits shall apply to buildings within the UDC-V District

(a) Within 100 feet of any thoroughfare - no above ground buildings
(b) Between 100 and 150 feet from any thoroughfare - 3 stories, not exceeding 45 feet, plus appendages

(c) Between 150 and 200 feet from any thoroughfare - 4 stories, not exceeding 55 feet, plus appendages
(d) More than 200 feet from any thoroughfare - 6 stories plus appendages
(e) Within 75 feet of any residentially zoned land - no above ground buildings
(f) Between 75 and 100 feet of any residentially zoned land - 2 stories, not exceeding 35 feet plus appendages provide the building abuts no more than 50% of the border of any adjoining single lot so zoned, if extended to the border of the building
(g) Between 100 and 175 feet of any residentially zoned land - 2 stories not exceeding 35 feet plus appendages
(h) Between 175 and 250 feet of any residentially zoned land - 4 stories, not exceeding 55 feet, plus appendages
(i) More than 250 feet from any residentially zoned land - 6 stories plus appendages
(j) Where land across any thoroughfare is not a part of the UDC-V site and is residentially zoned, the building height limits noted in parts e through h of this subsection shall apply
(k) The advisability of increasing building height limits noted in this subsection shall be re-evaluated by the Charlotte-Mecklenburg Planning Commission 12 months after the adoption of these provisions This evaluation shall be the basis for any increase in these building height limits if they should determine that the building height limits are inappropriate

7 Hotel size permitted Any hotel built subject to these provisions shall have no more than 150 bedrooms for rent

8 Non-residential space transfer provision A maximum of 20% of the approved retail gross floor area may be changed to office gross floor area, and vice versa, under the following conditions

(a) Retail gross floor area may be added up to the limits defined above provided that for every one square foot of retail gross floor area added two square feet of office gross floor area is deleted
(b) Office gross floor area may be added up to the limits defined above provided that for every two square feet of office gross floor area one square foot of retail gross floor area is deleted

9 Institutional and recreational uses permitted The gross floor area devoted to institutional uses shall be subtracted from and considered a part of the gross floor area permitted for office uses The gross floor area devoted to recreational facilities not intended primarily for the use of residents shall be subtracted from and considered a part of the gross floor area permitted for retail uses

10 Development phasing No more than 50% of the approved retail and office gross floor area may be constructed until at least 25% of

the approved number of dwelling units has been constructed or is under construction No more 75% of the approved retail and office gross floor area may be constructed until at least 50% of the approved number of dwelling units has been constructed or is under construction

11 Parking Parking for the permitted uses in the UDC-V District is subject to the following regulations

(a) For the first 50% of the approved retail and office gross floor area, parking may be provided at not more than 1 space per 180 square feet of gross floor area
(b) For the second 50% of the approved retail and office gross floor area, parking may be provided at not more than 1 space per 200 square feet of gross floor area
(c) Parking for medical office uses anywhere in the UDC-V District and at any phase in development may be provided at not more than 1 space per 150 square feet of gross floor area even if the result is that more parking is provided than would have been under parts (a) and (b) of this section
(d) Parking shall be provided for permitted land uses for which no specific requirements are listed in this section in accordance with the parking standards in Sec 23-61 1 through 23-75
(e) All parking lots shall have landscaped and planted areas equal to at least 10% of their paved area In addition the periphery of each parking lot is to be landscaped and planted so as to protect and preserve the character of the project
(f) For every parking space provided and maintained for park-and-ride or ridesharing purposes, one additional space not used for ridesaring or park-and-ride purposes may be added to the general inventory of parking spaces above the maximum normally permitted
(g) A percentage of the parking spaces provided may be for compact or small automobiles Such spaces shall have minimum dimensions of 7 5 feet in width and 15 feet in length For each parking space built for compact or small automobiles an additional 0 25 spaces may be added to the general inventory of parking spaces above the maximum generally permitted The percentage of spaces which may be provided for compact or small automobiles shall be specified by the City Department of Transportation This percentage shall be equal to the percentage of all automobiles registered in Mecklenburg County for the previous year with the North Carolina Department of Motor Vehicles that are classified as compact or subcompact
(h) Surface parking lots may be located no closer than 50 feet from any thoroughfare Surface parking lots may be as close as 50 feet to residentially zoned land, provided no more than 50% of the border of any adjoining single lot so zoned, if extended to the border of the parking lot, would be abutted by the surface parking lot Otherwise no surface parking lots mav be located closer than 100 feet from residentially zoned land

12 Edge conditions The uses to which the site is devoted at the points where the UDC-V District abuts other developed property must be compatible with the adjoining uses Furthermore, development impacts on the natural features at site edges must be addressed

13 Storm water runoff The storm water runoff from the UDC-V site must comply with existing State and local standards at every phase of development

14 Residential character The character of adjoining residential uses must be recognized and addressed

15 Circulation and access Street circulation and property access must be designed to minimize the impacts on area streets

16 Transit and rideshare service Adequate land area must be provided for the loading and unloading of transit and rideshare users within the mixed use core of the site

17 Site integration The site must be developed so as to integrate pedestrian and transit access with the land uses

18 Development standards exemptions The intent of this subsection is to provide a mechanism to evaluate each application for a development permit on its own merit Furthermore it is recognized that some concepts will be more successful than others and the approval of an application in one situation does not necessarily indicate the development will be applicable in other situations Finally it should be emphasized that this subsection is not to be confused with nor designed to circumvent the normal variance process as described in Section 23-95 of this chapter and Section 18-27 of the Charlotte Subdivision Ordinance This subsection is designed to evaluate only those innovative concepts that propose to meet a community need that would not otherwise be met or provided Therefore, the opportunity for innovative development may be included as a part of the development permit approval process for a UDC-V District No development standard established under the UDC-V District may be modified However, certain development standards from other portions of the Charlotte Zoning Ordinance and the Charlotte Subdivision Ordinance, as listed below, may be modified under these provisions

(a) lot area,
(b) lot width,
(c) frontage on a public street,
(d) setback and yards,
(e) building separations,
(f) height of fences and walls,
(g) off-street parking,
(h) open space,

In addition, in accordance with the provisions of Section 18-4 1 of the Charlotte Subdivision Ordinance, the following subdivision standards may also be modified under this subsection

(i) street right-of-way,
(j) sidewalks,
(k) curb and gutter, and
(l) street type (public or private)

(E) Concept Plan

1 Intent By virtue of the special nature of mixed use centers and the significant role they are expected to play in the management of growth and development within the Charlotte-Mecklenburg urban area, a special process to review development is created The emphasis of this process is on the impact a development proposal will have on its environment, on how the development will be managed at critical locations and on the establishment of the upper limits of the development proposed It is therefore the purpose of this section to insure that minimum standards establshed for the UDC-V District are achieved and that the administrative approval of any specific development permits is accomplished in an efficient and timely manner

2 Elements of the Concept Plan The elements of the Concept Plan are the Development Program and the Off-Site Inventory

3 Concept Plan review required The proposed construction of any component approved in the Concept Plan shall not be approved for any development permit by the Building Inspection Department until the Planning Director, or his designated agent, acting as an agent of the Superintendent of the Building Inspection Department has determined that the structures proposed are in compliance with the Concept Plan and all provisions of this ordinance

4 Concept Plan review

(a) Application Each application for a change of zoning to the UDC-V District must be accompanied by a Concept Plan for the proposed development The Concept Plan and the application must be filed with the Planning Commission, and must be accompanied by a Development Program and an Off-Site Inventory

(b) Development Program A Development Program shall indicate the following

1 total number of residential units proposed
2 total gross floor area proposed for retail, office, hotel/conference center and institutional uses
3 total number of hotel rooms and/or suites proposed
4 general location of the mixed use core
5 general location of all non-residential development proposed (whether in mixed use core or not)
6 general location of all buildings more than 4 stories tall
7 traffic impact analysis for the use mix sought
8 transit access plan

9 bicycle access plan
10 auto access plan
11 pedestrian access plan
12 generalized information as to the height, and in especially critical situations, the location of structures
13 cross-sections showing proposed treatment of the streetscape along thoroughfares at typical locations and at areas of significant change in topography and intensity of use These cross sections should include such factors as mass, bulk, screening, buffering, curb cuts, signs, graphics, and lighting The detail shall include at least the right-of-way of the thoroughfare as well as 50 feet on either side of the right-of-way
14 cross-sections at typical locations, and to a depth of 55 feet on either side of a property line, where the site proposed for the UDC-V District abuts residentially zoned or developed property to show typical techniques to be employed in recognizing and addressing the character of adjoining residential properties These cross sections should include such factors as privacy, bulk, height, surface water runoff, security, traffic and circulation (auto, bicycle and pedestrian)
15 layout of a typical parking lot indicating a description of the plantings to be used in landscaping and maturation periods for these plantings
16 signage and exterior lighting programs consistent with the character of the area, proposed overall design of the development and the proposed edge treatment

(c) Optional Project Information Additional information concerning various aspects of the proposed development may be presented such as the following

1 detail of intended development treatment at points of environmental sensitivity, dramatic and principal views, historic and significant sites, physiographic obstruction or great opportunity
2 information on the significant trees and vegetation to be retained on the site

(d) Off-Site Inventory The Off-Site Inventory shall consist of

1 a map depicting generalized land use for all properties abutting the site with the names and addresses of all owners of this property based on the latest information available in the office of the City-County Tax Collector
2 the locations and capacities of applicable existing public utilities and facilities such as schools, water service, sewer service, roads and storm water management Information on how the proposed development affects any approved plans for public utilities and facilities, as well as how storm water runoff will be managed, shall

be supplied The purpose for providing this information is to assist the Charlotte City Council in assessing the impacts of the proposed development upon public facilities and utilities, as well as overall community growth and planning goals

(e) Pre-application consultation Applicants are encouraged to seek a pre-application consultation with the Planning Director or his designated agent to discuss the proposed Concept Plan and its relationship to the criteria and standards listed for this District

(f) Amendments to the Concept Plan before the public hearing The applicant may make changes to the Concept Plan up to ten business days before the scheduled public hearing Should such changes be made, the applicant shall place three copies of the amended Concept Plan on file for public viewing in the offices of the Planning Commission Any changes to the Concept Plan submitted within less than ten days of the scheduled public hearing shall require that the public hearing be rescheduled in the manner normally prescribed

(g) Decision on Concept Plan With respect to each application, the City Council may approve the Concept Plan, disapprove it or approve it with such modifications and conditions as may be consistent with the criteria and standards listed in this District Within 5 business days following the City Council's determination with respect to an application for a change in zoning to the UDC-V District, the Planning Director or his designated agent shall inform the applicant, and other persons who request it, of the City Council's decision on the Concept Plan

(h) Development Permit Approval Within 15 business days following the submission of an application for a development permit to construct any uses subject to this District, the Planning Director or his designated agent shall make a recommendation to the Superintendent of the Building Inspection Department The conclusions of this recommendation shall specifically address the relationship between the proposed construction and the Concept Plan and the criteria and standards listed in this District

In applying for approval of development permits to construct any uses subject to this district, the applicant shall include, by letter to the Planning Director a statement of intent outlining the purpose and objectives for the portion of the UDC-V site for which development permit approval is being requested If there is a proposal to vary the development standards in accordance with subsection (D)18 , the applicant shall note which particular development standards are being proposed for modification pursuant to the provisions of subsection (D)18 , the number and sizes of buildings proposed, what special design features or amenities are

being incorporated which make the proposed development significant and worthy of approval, and any other applicable information that the applicant may deem appropriate In addition, the applicant shall submit a site development plan, for the uses for which development permits are requested, drawn to scale showing the following information

(1) Proposed lot configuration(s),
(2) Proposed vehicular circulatory system and off-street parking arrangements,
(3) Proposed pedestrian facilities, unobstructed open space and active recreational space, if any,
(4) Proposed screening, including fences, walls, or planting areas,
(5) Proposed treatment of any existing significant natural features, and
(6) Proposed storm water management plan

The Planning Director or the Superintendent of the Building Inspection Department may request such additional information as either may deem necessary for an adequate review of the proposed development including but not limited to individual dwelling unit concepts, building locations, intended use and design of the open space network and recreational amenities

(i) Appeal from Development Permit Disapproval If the Planning Director or his designated agent recommends disapproval of a development permit to construct any uses subject to this District, the grounds for such disapproval shall be stated in writing to the Superintendent of the Building Inspection Department and the applicant After such disapproval an appeal from the recommendation of the Planning Director may be taken to the Planning Commission The Planning Commission may disapprove in whole or in part, or otherwise modify the action of the Planning Director A development permit to construct any uses subject to the District recommended for approval by the Planning Commission shall be eligible for consideration by the Superintendent of the Building Inspection Department

(j) Procedures Applicants for a change of zoning to the UDC-V District shall be given the opportunity to present their petition to the City Council within a time not to exceed 45 minutes Opponents of such a proposed change in zoning, as a group, shall be allowed an equal amount of time With the exception of these time provisions, all other rules of procedure governing hearings for a change of zoning shall be applicable

(k) Amendments to an approved Concept Plan Changes to approved plans and conditions of development shall be considered the same as changes to the zoning map and shall be processed in accordance with the provisions of Section 23-96 of the Charlotte Zoning Ordinance, except that paragraph (d) shall

not apply However, changes of detail which do not alter the basic relationship of the proposed development to adjacent property, which do not alter the uses permitted or increase the density, which do not increase the intensity of development, which do not increase building height or traffic access, which do not decrease the off-street parking ratio, or reduce the yards provided at the boundary of the site may be requested by the applicant and authorized by the Planning Director Any applicant or speaker registered at the public hearing may appeal the decision of the Planning Director to the Planning Commission within 10 business days for review and decision as to whether an amendment to the Concept Plan shall be required The Planning Director, or his designated agent, shall notify all speakers registered at the public hearing of any amendments which he authorizes to an approved Concept Plan within 5 business days of the day that such amendment(s) are authorized

(1) Effect of approval If an application is approved, the UDC-V District thus established and all conditions attached thereto shall be binding upon the property and all subsequent development and use of the property shall be in accordance with the approved plan and conditions The intent of this type of zoning is to provide a voluntary alternative procedure for specific development proposals and as such it is intended that all property zoned be in accordance with firm plans to develop Therefore, every 3 years from the date of approval of a Concept Plan, the Planning Commission shall examine development progress to determine if it is in compliance with provisions, conditions and restrictions - if any - of the approved Concept Plan If such development does not comply, a report shall be forwarded to City Council which may recommend appropriate remedial action including action to remove the UDC-V zoning in accordance to procedures outlined in Section 23-96 of the Charlotte Zoning Ordinance Furthermore, every 3 years thereafter from the date of approval of a Concept Plan, the Planning Commission shall examine the progress made to develop in accordance with the approved Concept Plans to determine if development complies with provisions, conditions and restrictions - if any - of the approved Concept Plan If such development does not comply, a report shall be forwarded to City Council which may recommend that action be initiated to remove the UDC-V zoning in accordance to procedures outlined in Section 23-96 of the Charlotte Zoning Ordinance

Section 2 That this ordinance shall become effective upon its adoption

Approved as to form

_____
City Attorney

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

Pat Sharkey,
City Clerk

"Compromise Position" Draft

October 21, 1982

CMPC - APPROVED CHANGES

Ordinance No _____

An Ordinance Amending Chapter 23 of the City Code Zoning Ordinance

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

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

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(A) Intent The adopted Comprehensive Plan - 1995 calls for mixed use centers integrated within the urban fabric of this community The intent of these centers is to

1 Provide areas where a wide range of personal and professional services are available in close proximity to and in harmony with residential environments and employment concentrations

2 Provide a focal point for public utilities and services in the area

3 Provide a focal point for major urban land uses in the area

4 Avoid traffic congestion through use of optional modes of transportation

5 Decrease pedestrian hazards

6 Encourage high aesthetic and design standards

7 Decrease the anxiety of area residents regarding the nature and amount of new developments coming to their area by informing them of proposed plans at an early stage and

8 Work in concert with public policies to prevent strip development and to limit higher density and intensity development within a given distance of the borders of this District

1 Provide mixed use development areas where a wide range of personal and professional services are available in close proximity to and in harmony with residential environments and employment concentrations

2 Work in concert with public policies to discourage strip development and to limit higher density and intensity development within a given distance of the borders of this District

3 Provide the focal point for public utilities and services in the area

4 Provide the focal point for major urban land uses in the area

COMMUNITY IMPACT

CMPC-APPROVED CHANGES

The Urban Development Center-Village (UDC V) permits moderate scale mixed use centers with an emphasis on the development of a balance of residential, institutional retail office and hotel/conference center uses It also provides for integrated pedestrian, automotive bicycle and transit circulation and access Bonuses and transfers, which allow greater amounts of development are granted when not in conflict with the overall objectives of specific area plans for the vicinity in which the UDC-V District is applied

(B) Applicability The UDC-V District is intended for application at select locations throughout the urbanized and urbanizing area Sites to which this District are applied must contain a minimum area of 50 acres and a maximum area of 160 acres Such sites must also be accessed directly by at least two thoroughfares as defined on the current Thoroughfare Plan Such sites must have water and sewer service, or executed contracts to extend such service before any construction begins that is subject to these provisions The site also must be on an existing transit route or located so that transit could be easily extended from existing routes in the foreseeable future The UDC-V District may also be applied in areas where some development has occured previously In such cases UDC-V development must still comply *with all of the provisions of this ordinance*

Recognizing that the objectives of the UDC-V District include serving as focal points for major urban land uses and working in concert with public policies to prevent strip development - any rezoning application for office commercial, higher density housing or for other UDC V Districts within a distance of 2 5 miles from the borders of any UDC V site should be evaluated in terms of their potential to increase strip development Where these rezonings for higher density housing or *commercial or office development do occur* they should be handled through a conditional district type of process In this way added attention may be given to site design and project impacts upon the local area Likewise, UDC-V sites should be located so that there is a minimum of 2 5 miles between the borders of any two sites

(C) Permitted Uses

1 Residential uses - single family detached single family attached and multi-family - separately or in conjunction with retail and/or office uses
2 Office uses - professional business and corporate
3 Hotels and facilities for conferences meetings or similar activities as a separate use or in conjunction with other office or retail uses
4 General and specialized retail, personal services retail services banks theatres or other similar services as a separate use or in conjunction with other uses
5 Museums libraries churches schools post offices hospitals or other similar institutional uses
6 Parks playgrounds YMCA s YWCA s or similar public or private recreational facilities

DELETED

(B) Applicability The UDC-V District is intended for application at select locations throughout the urbanized and urbanizing area Sites to which this District are applied must contain a minimum area of 50 acres and a maximum area of 160 acres Such sites must also have direct access to at least one thoroughfare as defined on the current Thoroughfare Plan Such sites must have water and sewer service or executed contracts to extend such services before any construction begins that is subject to *these provisions The site also must be on* an existing transit route or located so that transit could be easily extended from existing routes in the foreseeable future The UDC V District may also be applied in areas where some development has occured previously In such cases UDC-V development must comply with all provisions of this ordinance

Recognizing the intent and applicability of this District in conjunction with public land use policies to limit strip non residential development a rezoning application for non-residential use(s) along the thoroughfares accessing a UDC-V site and within 2.5 miles of the borders of said site should be evaluated in terms of their potential to run against land use policies discouraging strip non residential development This shall not prevent rezoning for non residential *uses but where these rezonings are permitted they should be handled* through a conditional district-type process This is intended to focus appropriate attention to site design and project impact upon the local area Likewise, UDC-V sites should be located so that there is a minimum of 2 5 miles between the borders of any two sites

4 Retail uses - personal services specialized retail banks theatres or other similar services as a separate use or in conjunction with other uses

COMPROMISE DRAFT

CMPC-APPROVED CHANGES

(D) Development Standards

1 Concept Plan To insure the appropriate consideration of the impacts of development upon adjacent uses, a Concept Plan shall be submitted and reviewed in accordance with Section E Concept Plan The Concept Plan shall govern the review of edge conditions development coordination and off-site assessment in the UDC-V District

2 Application At the time of application for a change of zoning to the UDC-V District all property owners or their agents shall certify that they have the authority to bind the property to the Concept Plan and that the property will be so bound if the zoning change sought for it is approved by the City Council

3 Community meeting required At some time not more than ten business days following the filing of an application for change in zoning to the UDC-V District there shall be a meeting between the property owners/developers or their agents and representatives of interested neighborhood groups The notice of this meeting to the neighborhood groups, as well as the time and place for it shall be arranged by the Planning Director or his designated agent The purpose of this meeting shall be to give the property owners/developers an opportunity to explain their proposed plan and to answer any questions about it The Planning Director or his designated agent, shall moderate at the meeting The property owners/developers are encouraged to consider modifications to their plan based upon input from this meeting

3 Community meeting required At some time not more than ten business days following the filing of an application for change in zoning to the UDC V District there shall be a meeting between the property owners/developers or their agents and representatives of interested neighborhood groups The notice of this meeting to the neighborhood groups as well as the time and place for it shall be arranged by the Planning Director or his designated agent The purpose of this meeting shall be to give the property owners/developers an opportunity to explain their proposed plan and to answer any questions about it The Planning Director or his designated agent, shall moderate at the meeting and hold keep action minutes which shall be made a part of the application file The property owners/developers are encouraged to consider modifications to their plan based upon input from this meeting

4 Definitions For the purposes of this District the following definitions shall be applicable

(a) single family detached - a structure which contains one (1) dwelling unit
(b) single family attached - a dwelling unit which shares by attachment or other means of fixture a common roof wall or design element with another dwelling unit and which is not located above or below another dwelling unit and which contains its own exclusive entry
(c) multi family - a structure containing two (2) or more dwelling units either sharing a common means of entry and/or designed with one dwelling unit above or below another dwelling unit
(d) mixed use core - that designated area which contains an integrated design of residential and retail and office uses
(e) open space - the area upon which no buildings or improvements are constructed except for landscaping lighting fixtures, signs drives and roads for ingress and egress and buildings primarily for the recreational use of the residents

(e) open space - the area upon which no buildings or improvements are constructed except for landscaping lighting fixtures signs drives and roads for ingress and egress walls and fences and buildings primarily for the recreational use of the residents

5 Permitted site usage The following site usage shall be applicable in the UDC V District

(a) The minimum permitted number of dwelling units as designated in the Concept Plan shall be calculated as follows

Minimum number of dwelling units = Total site area (in acres) x 4 du/acre

(b) The maximum permitted number of dwelling units as designated in the Concept Plan when no hotel/conference center is proposed shall be calculated as follows

Maximum number of dwelling units = Total site area (in acres) x 10 du/acre

(c) The maximum permitted number of dwelling units as designated in the Concept Plan when a hotel/conference center is proposed shall be calculated as follows

Maximum number of dwelling units = Total site area (in acre) x 8 du/acre

(d) The maximum gross floor area devoted to retail uses as designated in the Concept Plan shall be calculated as follows

Maximum gross floor area (in sq ft) = Total site area (in acres) x 1,563 S F /acre

(e) The maximum gross floor area devoted to office uses as designated in the Concept Plan shall be calculated as follows

Maximum gross floor area (in sq ft) = Total site area (in acres) x 2,813 S F /acre

(f) At least 15% of the site shall be open space and/or active recreational space All open space, including that above and beyond the required 15%, shall be restricted from future development

6 Building height limits The following height limits shall apply to buildings within the UDC-V District

(a) Within 100 feet of any thoroughfare no above ground buildings
(b) Between 100 and 150 feet from any thoroughfare - 3 stories not exceeding 45 feet plus appendages
(c) Between 150 and 200 feet from any thoroughfare - 4 stories, not exceeding 55 feet plus appendages
(d) More than 200 feet from any thoroughfare - 6 stories plus appendages
(e) Within 75 feet of any residentially zoned land - no above ground buildings
(f) Between 75 and 175 feet of any residentially zoned land 2 stories not exceeding 35 feet plus appendages provide the building abuts no more than 50% of any single lot so zoned
(g) Between 175 and 250 feet of any residentially zoned land - 4 stories not exceeding 55 feet, plus appendages
(h) More than 250 feet from any residentially zoned land - 6 stories plus appendages

CMPC-APPROVED CHANGES

(b) The maximum permitted number of dwelling units designated in the Concept Plan when no hotel/conference center is proposed shall be calculated as follows

(f) The uses in mixed use buildings shall be subtracted from and considered a part of the appropriate use categories as though they were freestanding uses

(g) At least 15% of the site shall be open space and/or active recreational space All open space including that above and beyond the required 15% which may be designated as open space on any development permit application, shall be restricted from future development Open spaces shall be located in proximity to the residential units they are intended to serve.

(f) Between 75 and 100 feet of any residentially zoned land 2 stories not exceeding 35 feet plus appendages provide the building abuts no more than 50% of the border of any adjoining single lot so zoned if extended to the border of the building
(g) Between 100 and 175 feet of any residentially zoned land 2 stories not exceeding 35 feet plus appendages

COMPROMISE DRAFT

(i) Where land across any thoroughfare is not a part of the UDC-V site and is residentially zoned the building height limits noted in parts e through h of this subsection shall apply

(j) The building height limits noted in this subsection shall be re-evaluated by the Charlotte Mecklenburg Planning Commission 12 months after the adoption of these provisions Their evaluation shall be the basis for any modifications in these building height limits if they should determine that the building height limits are inappropriate

7 Hotel size permitted Any hotel built subject to these provisions shall have no more than 150 rooms and/or suites for rent

8 Non-residential space transfer provision A maximum of 20% of the approved retail gross floor area may be changed to office gross floor area and vice versa, under the following conditions

(a) Retail gross floor area may be added up to the limits defined above provided that for every one square foot of retail gross floor area added two square feet of office gross floor area is deleted

(b) Office gross floor area may be added up to the limits defined above provided that for every two square feet of office gross floor area one square foot of retail gross floor area is deleted

9 Institutional and recreational uses permitted There shall be no limit upon the gross floor area devoted to institutional or recreational uses

10 Development phasing No more than 50% of the approved retail and office gross floor area may be constructed until at least 25% of the approved number of dwelling units has been constructed or is under construction No more 75% of the approved retail and office gross floor area may be constructed until at least 50% of the approved number of dwelling units has been constructed or is under construction

11 Parking Parking for the permitted uses in the UDC-V District is subject to the following regulations

(a) For the first 50% of the approved retail and office gross floor area parking may be provided at not more than 1 space per 180 square feet of gross floor area

(b) For the second 50% of the approved retail and office gross floor area parking may be provided at not more than 1 space per 200 square feet of gross floor area

(c) Parking for medical office uses anywhere in the UDC-V District and at any phase in development may be provided at not more than 1 space per 150 square feet gross floor area even if the result is that more parking is provided than would have been under parts (a) and (b) of this section

CMPC-APPROVED CHANGES

(j) The advisability of increasing building height limits [illegible] in this subsection shall be re evaluated by the Charlotte Mecklenburg Planning Commission 12 months after the [illegible] of these provisions This evaluation shall be the basis for any increase in these building height limits if the Planning Commission should determine that the building height limits are inappropriate

7 Hotel size permitted Any hotel built subject to these provisions shall have no more than 150 bedrooms for rent

9 Institutional and recreational uses permitted The gross floor area devoted to institutional uses shall be subtracted from and considered a part of the gross floor area permitted for office uses The gross floor area devoted to recreational facilities not intended primarily for the use of residents shall be subtracted from and considered a part of the gross floor area permitted for retail uses

(c) Parking for medical office uses anywhere in the UDC-V District and at any phase in development may be provided at not more than 1 space per 150 square feet of gross floor area even if the result is that more parking is provided than would have been under parts (a) and (b) of this section

(d) Parking shall be provided for permitted land uses for which no specific requirements are listed in this section in accordance with the parking standards in Sec 23 61 1 through 23-75

(e) All parking lots shall have at least 10% of their area landscaped and planted In addition the periphery of each parking lot is to be landscaped and planted so as to protect and preserve the character of the project

(f) For every parking space provided and maintained for park-and-ride or ridesharing purposes one additional space may be added to the general inventory of parking spaces above the maximum normally permitted

(g) A percentage of the parking spaces provided may be for compact or small cars Such spaces shall have minimum dimensions of 7 5 feet in width and 15 feet in length For each parking space built for compact or small cars an additional 0 25 spaces may be added to the general inventory of parking spaces above the maximum generally permitted The percentage of spaces which may be provided for compact or small cars shall be specified by the City Department of Transportation This percentage shall be equal to the percentage of all cars registered in Mecklenburg County or the previous year with the North Carolina Department of Motor Vehicles that are classified as compact or subcompact

(h) Surface parking lots may be located no closer than 50 feet from any thoroughfare Surface parking lots may be as close as 50 feet to residentially zoned land, provided no more than 50% of the border of any single lot so zoned is abutted by the surface parking lot Otherwise no surface parking lots may be located closer than 100 feet from residentially zoned land

12 Edge conditions The uses to which the site is devoted at the points where the UDC-V District abuts other developed property must be compatible with the adjoining uses Furthermore development impacts on the natural features at site edges must be addressed

13 Storm water runoff The storm water runoff from the UDC-V site must comply with existing State and local standards at every phase in development

14 Residential character The character of adjoining residential uses must be recognized and addressed

15 Circulation and access Street circulation and property access must be designed to minimize the impacts on area streets

16 Transit and ride share service Adequate land area must be provided for the loading and unloading of transit and rideshare users within the mixed use core of the site

17 Site integration The site must be developed so as to integrate pedestrian and transit access with the land uses

(e) All parking lots shall have landscaped and planted areas equal to at least 10% of their paved areas In addition the periphery of each parking lot shall be landscaped and planted so as to protect and preserve the character of the project

(f) For every parking space provided and maintained for park and ride or ridesharing purposes one additional space lots for ridesharing or park-and ride purposes may be added to the general inventory of parking spaces above the maximum normally permitted

(g) A percentage of the parking spaces provided may be for compact or small automobiles Such spaces shall have minimum dimensions of 7 5 feet in width and 15 feet in length For each parking space built for compact or small automobiles an additional 0 25 spaces may be added to the general inventory of parking spaces above the maximum generally permitted The percentage of spaces which may be provided for compact or small automobiles shall be specified by the City Department of Transportation This percentage shall be equal to the percentage of all automobiles registered in Mecklenburg County for the previous year with the North Carolina Department of Motor Vehicles that are classified as compact or subcompact

(h) Surface parking lots may be located no closer than 50 feet from any thoroughfare Surface parking lots may be as close as 50 feet to residentially zoned land provided no more than 50% of the border of any adjoining single lot so zoned if extended to the border of the parking lot would be abutted by the surface parking lot Otherwise no surface parking lots may be located closer than 100 feet from residentially zoned land

13 Storm water runoff The storm water runoff from the UDC-V site must comply with existing State and local standards at every phase of development

COMPROMISE DRAFT

CMPC-APPROVED CHANGES

18 Development standards exemptions The intent of this subsection is to provide a mechanism to evaluate each application for a development permit on its own merit Furthermore it is recognized that some concepts will be more successful than others and the approval of an application in one situation does not necessarily indicate the development will be applicable in other situations Finally it should be emphasized that this subsection is not to be confused with nor designed to circumvent the normal variance process as described in Section 23-95 of this chapter and Section 18-27 of the Charlotte Subdivision Ordinance This subsection is designed to evaluate only those innovative concepts that propose to meet a community need that would not otherwise be met or provided Therefore the opportunity for innovative development may be included as a part of the development permit approval process when establishing a UDC-V District No development standard established under the UDC-V District may be modified However, certain development standards from other portions of the Charlotte Zoning Ordinance and the Charlotte Subdivision Ordinance, as listed below, may be modified under these provisions

(a) lot area
(b) lot width
(c) frontage on a public street,
(d) setback and yards
(e) building separations
(f) height of fences and walls,
(g) off-street parking,
(h) open space

In addition in accordance with the provisions of Section 18 4 1 of the Charlotte Subdivision Ordinance the following subdivision standards may also be modified under this subsection

(i) street right-of-way
(j) sidewalks
(k) curb and gutter and
(l) street type (public or private)

(F) Concept Plan

1 Intent By virtue of the special nature of mixed use centers and the significant role they are expected to play in the management of growth and development within the Charlotte-Mecklenburg urban area a special process to review development is created The emphasis of this process is on how the development proposal will impact its environment on how the development will be managed at critical locations and on the establishment of the upper limits of the development proposed It is therefore the purpose of this section to insure that minimum standards established for the UDC V District are achieved and that the administrative approval of any specific development permits is accomplished in an efficient and timely manner

2 Elements of the Concept Plan The elements of the Concept Plan are the Development Program and the Off Site Inventory

18 Development standard exemptions The intent of this subsection is to provide a mechanism to evaluate each application for a development permit on its own merit Furthermore it is recognized that some concepts will be more successful than others and the approval of an application in one situation does not necessarily indicate the development will be applicable in other situations Finally it should be emphasized that this subsection is not to be confused with nor designed to circumvent the normal variance process as described in Section 23-95 of this chapter and Section 18 27 of the Charlotte Subdivision Ordinance This subsection is designed to evaluate only those innovative concepts that propose to meet a community need that would not otherwise be met or provided Therefore the opportunity for innovative development may be included as a part of the development permit approval process for a UDC-V District No development standard established under the UDC-V District may be modified However certain development standards from other portions of the Charlotte Zoning Ordinance and the Charlotte Subdivision Ordinance as listed below may be modified under these provisions

1 Intent By virtue of the special nature of mixed use centers and the significant role they are expected to play in the management of growth and development within the Charlotte-Mecklenburg urban area a special process to review development is created The emphasis of this process is on the impact a development proposal will have on its environment on how the development will be managed at critical locations and on the establishment of the upper limits of the development proposed It is therefore the purpose of this section to insure that standards established for the UDC V District are achieved and that the administrative approval of any specific development permit is accomplished in an efficient and timely manner

3 Concept Plan review required The proposed construction of any component approved in the Concept Plan shall not be approved for any development permit by the Building Inspection Department until the Planning Director or his designated agent acting as an agent of the Superintendent of the Building Inspection Department has determined that the structures proposed are in compliance with the Concept Plan and all provisions of this ordinance

4 Concept Plan review

(a) Application Each application for a change of zoning to the *UDC-V District must be accompanied by a Concept Plan for the* proposed development The Concept Plan and the application must be filed with the Planning Commission and must be accompanied by a Development Program and an Off-Site Inventory

(b) Development Program A Development Program shall indicate the following

1 total number of residential units proposed
2 total gross floor area proposed for retail office, hotel/conference center and institutional uses
3 total number of hotel rooms and/or suites proposed
4 general location of the mixed use core
5 general location of all non-residential development proposed (whether in mixed use core or not)
6 general location of all buildings more than 4 stories tall
7 traffic impact analysis for the use mix sought
8 transit access plan
9 bicycle access plan
10 auto access plan
11 pedestrian access plan
12 generalized information as to the height and in especially critical situations the location of structures
13 cross-sections showing proposed treatment of the streetscape along thoroughfares at areas of significant change in topography and intensity of use These cross sections may include such factors as mass bulk screening, buffering curb cuts signs graphics and lighting The detail shall include at least the right-of way of the thoroughfare as well as 40 feet on either side of the right-of way
14 cross sections at typical locations and to a depth of 55 feet on either side of a property line where the site proposed for the UDC V District abuts residentially zoned or developed property to show typical techniques to be employed in recognizing and addressing the character of adjoining residential properties These cross sections may include such factors as privacy bulk height surface water runoff security traffic and circulation (auto, bicycle and pedestrian)
15 layout of a typical parking lot indicating a description of the plantings to be used in landscaping and maturation periods for these plantings

CMPC-APPROVED CHANGES

13 cross-sections showing proposed treatment of the streetscape along thoroughfares at typical locations and at areas of significant change in topography and intensity of use These cross sections should include such factors as mass bulk screening buffering curb cuts signs graphics and lighting The detail shall include at least the right of-way of the thoroughfare as well as 50 feet on either side of the right of way
14 cross-sections at typical locations and to a depth of 55 feet on either side of a property line where the site proposed for the UDC V District abuts residentially zoned or developed property to show typical techniques to be employed in recognizing and addressing the character of adjoining residential properties These cross sections should include such factors as privacy bulk height surface water runoff security traffic and circulation (auto bicycle and pedestrian)

COMPROMISE DRAFT

16 performance standards governing how exterior lighting and signs will be designed and located

(c) Optional Project Information Additional information concerning various aspects of the proposed development may be presented such as the following

1 detail of intended development treatment at points of environmental sensitivity, dramatic and principal views historic and significant sites physiographic obstruction or great opportunity
2 information on the significant trees and vegetation to be retained on the site

(d) Off-Site Inventory The Off-Site Inventory shall consist of

1 a map depicting generalized land use for all properties abutting the site with the names and addresses of all owners of this property based on the latest information available in the office of the City County Tax Collector
2 the locations and capacity of applicable existing public utilities and facilities such as schools water service sewer service roads and storm water management Information on how the proposed development affects any approved plans for public utilities and facilities as well as how storm water runoff will be managed shall be supplied The purpose for providing this information is to assist the Charlotte City Council in assessing the impacts of the proposed development upon public facilities and utilities

(e) Pre-application consultation Applicants are encouraged to seek a pre-application consultation with the Planning Director or his designated agent to discuss the proposed Concept Plan and its relationship to the criteria and standards listed for this District

(f) Amendments to the Concept Plan before the public hearing The applicant may make changes to the Concept Plan up to ten business days before the scheduled public hearing Such changes shall be on file and available for public viewing in the offices of the Planning Commission Any changes to the Concept Plan submitted within less than ten days of the scheduled public hearing shall require that the public hearing be rescheduled in the manner normally prescribed

(g) Decision on Concept Plan With respect to each application the City Council may approve the Concept Plan disapprove it or approve it with such modifications and conditions as may be consistent with the criteria and standards listed in this District Within 5 business days following the City Council s determination with respect to an application for a change in zoning to the UDC V District, the Planning Director or his

CMPC-APPROVED CHANGES

16 signage and exterior lighting programs consistent with the character of the area proposed overall design of the development and the proposed edge treatment

(d) Off-Site Inventory The Off-Site Inventory shall consist of

2 the locations and capacities of applicable existing public utilities and facilities such as schools water service sewer service roads and storm water management Information on how the proposed development affects any approved plans for public utilities and facilities as well as how storm water runoff will be managed shall be supplied The purpose for providing this information is to assist the Charlotte City Council in assessing the impacts of the proposed development upon public facilities and utilities as well as overall community growth and planning goals

(f) Amendments to the Concept Plan before the public hearing The applicant may make changes to the Concept Plan up to ten business days before the scheduled public hearing Such changes to the Concept Plan shall be on file the applicant shall place three copies of the amended Concept Plan on file for public viewing in the offices of the Planning Commission Any changes to the Concept Plan submitted within less than ten days of the scheduled public hearing shall require that the public hearing be rescheduled in the manner normally prescribed

designated agent shall inform the applicant, and other persons who request it of the City Council decision on the Concept Plan

(h) Development Permit Approval Within 15 business days following the submission of an application for a development permit to construct any uses subject to this District the Planning Director or his designated agent shall make a recommendation to the Superintendent of the Building Inspection Department The conclusions of this recommendation shall specifically address the relationship between the proposed construction and the Concept Plan and the criteria and standards listed in this District

In applying for approval of development permits to construct any uses subject to this district the applicant shall include by letter to the Planning Director a statement of intent outlining the purpose and objectives for the portion of the UDC-V site for which development permit approval is being requested If there is a proposal to vary the development standards in accordance with subsection (D)18 , the applicant shall note which particular development standards are being proposed for modification pursuant to the provisions of subsection (D)18 the number and sizes of buildings proposed what special design features or amenities are being incorporated which make the proposed development significant and worthy of approval, and any other applicable information that the applicant may deem appropriate In addition the applicant shall submit a site development plan for the uses for which development permits are requested, drawn to scale showing the following information

(1) Proposed lot configuration(s)
(2) Proposed vehicular circulatory system and off-street parking arrangements
(3) Proposed pedestrian facilities unobstructed open space and active recreational space, if any,
(4) Proposed screening, including fences, walls or planting areas
(5) Proposed treatment of any existing significant natural features and
(6) Proposed storm water management plan

The Planning Director or the Superintendent of the Building Inspection Department may request such additional information as either may deem necessary for an adequate review of the proposed development but not limited to individual dwelling unit concepts building locations intended use and design of the open space network and recreational amenities

(i) Appeal from Development Permit Disapproval If the Planning Director or his designated agent recommends disapproval of a development permit to construct any uses subject to this District the grounds for such disapproval shall be stated

designated agent shall inform the applicant and other persons who request it of the City Council decision on the Concept Plan

The Planning Director or the Superintendent of the Building Inspection Department may request such additional information as either may deem necessary for an adequate review of the proposed development including but not limited to individual dwelling unit concepts building locations intended use and design of the open space network and recreational amenities

in writing to the Superintendent of the Building Inspection Department and the applicant After such disapproval an appeal from the recommendation of the Planning Director may be taken to the Planning Commission The Planning Commission may disapprove in whole or in part, or otherwise modify the action of the Planning Director A development permit to construct any uses subject to the District recommended for approval by the Planning Commission shall be eligible for consideration by the Superintendent of the Building Inspection Department

(j) Procedures Applicants for a change of zoning to the UDC-V District shall be given the opportunity to present their petition to the City Council within a time not to exceed 45 minutes Opponents of such a proposed change in zoning as a group, shall be allowed an equal amount of time With the exception of these time provisions, all other rules of procedure governing hearings for a change of zoning shall be applicable

(k) Amendments to an approved Concept Plan Changes to approved plans and conditions of development shall be considered the same as changes to the zoning map and shall be processed in accordance with the provisions of Section 23-96 of the Charlotte Zoning Ordinance except that paragraph (d) shall not apply However changes of detail which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density or intensity of development or which do not decrease the off street parking ratio, or reduce the yards provided at the boundary of the site may be authorized by the Planning Director Any applicant may appeal the decision of the Planning Director to the Planning Commission for review and decision as to whether an amendment to the UDC-V zoning district shall be required

(l) Effect of approval If an application is approved the UDC V District thus established and all conditions attached thereto shall be binding upon the property and all subsequent development and use of the property shall be in accordance with the approved plan and conditions The intent of this type of zoning is to provide a voluntary alternative procedure for specific development proposals and as such it is intended that all property zoned be in accordance with firm plans to develop Therefore, five (5) years from the date of approval the Planning Commission shall examine progress made to develop in accordance with approved Concept Plans to determine if active efforts to so develop are proceeding If it is determined by the Planning Commission that active efforts to so develop are not proceeding a report shall be forwarded to the City Council which may recommend that action be initiated to remove the UDC V District in accordance with procedures outlined in Section 23 96 of the Charlotte Zoning Ordinance Furthermore every 3 years thereafter

(k) Amendments to an approved Concept Plan Changes to approved plans and conditions of development shall be considered the same as changes to the zoning map and shall be processed in accordance with the provisions of Section 23 96 of the Charlotte Zoning Ordinance except that paragraph (d) shall not apply However changes of detail which do not alter the basic relationship of the proposed development to adjacent property which do not alter the uses permitted or increase the density which do not increase the intensity of development which do not increase building height or traffic access which do not decrease the off street parking or reduce the yards provided at the boundary of the site may be requested by the applicant and authorized by the Planning Director Any applicant or speaker registered at the public hearing may appeal the decision of the Planning Director to the Planning Commission within 10 business days for review and decision as to whether an amendment to the UDC V zoning district shall be required The Planning Director or his designated agent shall notify all speakers registered at the public hearing of any amendments which have been made to an approved Concept Plan within 5 business days of the decision that such amendment(s) are authorized

(l) Effect of approval If an application is approved the UDC V District thus established and all conditions attached thereto shall be binding upon the property and all subsequent development and use of the property shall be in accordance with the approved plan and conditions The intent of this type of zoning is to provide a voluntary alternative procedure for specific development proposals and as such it is intended that all property zoned be in accordance with firm plans to develop Therefore, every 3 years from the date of approval of a Concept Plan the Planning Commission shall review the development progress to determine if it is ~~[illegible]~~ in compliance with provisions conditions and restrictions of any of the approved Concept Plans If the development does not comply a report shall be forwarded to City Council which may recommend appropriate remedial action including action to remove the UDC V zoning in accordance to procedures outlined in Section 23-96 of the Charlotte Zoning Ordinance

from the date of approval of a Concept Plan the Planning Commission shall examine the progress made to develop in accordance with the approved Concept Plans to determine if development complies with provisions, conditions and restrictions - if any - of the approved Concept Plan If such development does not comply a report shall be forwarded to City Council which may recommend that action be initiated to remove the UDC V zoning in accordance to procedures outlined in Section 23-96 of the Charlotte Zoning Ordinance

Section 2 That this ordinance shall become effective upon its adoption

Approved as to form

_____
City Attorney

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

Pat Sharkey,
City Clerk

Item # 4 Item # 18

Request for Council Action

Charlotte

To the City Council
From the City Manager
Action Requested Consider a recommendation from CMUD for the City to initiate negotiations with Mint Hill for an agreement that will permit the extension of City water/sewer facilities to serve property inside the corporate limits of Mint Hill, based on a request from Ralph Squires Company.

Responsible Department Charlotte-Mecklenburg Utility Department

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

The chronological order of events concerning this request from Ralph Squires Company is as follows:

1. June 27, 1980: Ralph Squires Homes requested a contract with the City to construct a pump station on Lawyers Road at Irvings Creek, a pressure line along Lawyers Road to Wilson Grove Road and a gravity line along Lawyers Road to the City's McAlpine Creek Outfall. The property to be served by this pump station was totally in Mecklenburg County, but was surrounded by the incorporated limits of Mint Hill.

2. February 9, 1981: Council approved a contract with J.R.S. Enterprises Inc. for the construction of a 450 GPM pump station, 4,050 feet of 8-inch sewer force main, and 5,905 feet of 10-inch gravity sewer main to serve Lawyers Station. Estimated cost is $200,000.00.

3. July 2, 1981: Ralph Squires Homes requested a contract for the extension of gravity sewer lines into Lawyers Station Subdivision, Phase I.

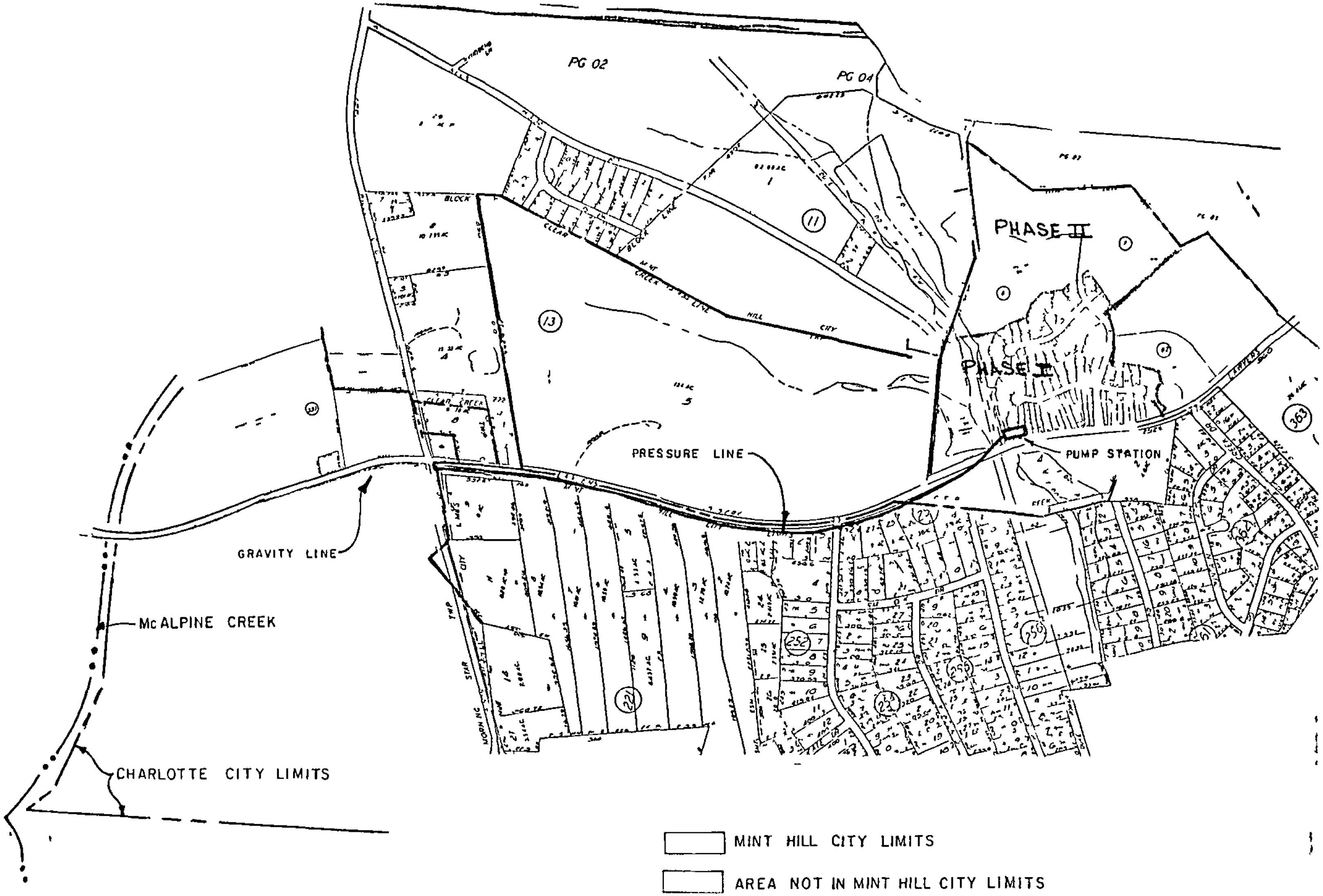
4. October 12, 1981: Council approved a contract with Ralph Squires Homes for the construction of sewer lines to serve Lawyers Station Subdivision, Phase I.

5. July 1, 1982: The town of Mint Hill annexed all of Ralph Squires property, including Phase I of Lawyers Station.

6. November 9, 1982: Ralph Squires Homes requested a contract for the extension of gravity sewer mains into Lawyers Station, Phase II. Phase II is totally within the incorporated limits of Mint Hill. The Charlotte-Mecklenburg Utility Department cannot process Squire's request since the City does not have an agreement with Mint Hill for extending utility lines to serve property with the town limits.

cc: Files

ELL/ae


PG 02
PG 04
PHASE II
PHASE I
PRESSURE LINE
PUMP STATION
GRAVITY LINE
McALPINE CREEK
CHARLOTTE CITY LIMITS
MINT HILL CITY LIMITS
AREA NOT IN MINT HILL CITY LIMITS

Law Offices

PARHAM, HELMS & KELLAM

LEWIS H PARHAM JR.
NEAL G HELMS
W J KELLAM JR.
JAMES H MORTON
RALPH C HARRIS JR.
RALPH R. McMILLAN

215 EXECUTIVE PARK
831 BAXTER STREET
Charlotte, North Carolina 28202
377-1511
AREA CODE 704

December 1, 1982

The Honorable Eddie Knox, Mayor
City of Charlotte and
Charlotte City Council Members
City Hall
Charlotte, North Carolina

Re: Extension of C-MUD Sewer Main to Lawyers Station

JRS Enterprises, Inc. has requested the Charlotte-Mecklenburg Utility Department (hereinafter called "C-MUD") for a contract to extend sewer within its Lawyers Station subdivision.

This request has been denied because Lawyers Station is now in the town limits of Mint Hill and C-MUD expressed that it has no authority to extend sewer within the corporate limits of any one of Mecklenburg's six (6) small towns.

For the following reasons, we hereby request that if, in fact, that is the case, the City Council grant a variance of this policy to allow sewer extensions within Lawyers Station:

1. On February 9, 1981, a sewer contract was presented to Charlotte City Council to allow a $200,000.00, two-mile sewer extension to serve Lawyers Station through use of a pumping station. (By requirement of C-MUD, this pumping station was designed to serve not only Lawyers Station, but an area of approximately 275 acres or 1100 dwelling units.) <u>At this time, Lawyers Station was not a part of the Mint Hill corporate limits, but was, along with an adjoining tract, totally encapsulated by the town limits</u>. (See attachment A).

Mayor Troy Pollard of Mint Hill appeared at this meeting to protest the sewer extension into an area which would certainly be a part of Mint Hill at some future date.

Over Mint HIll's protests, Charlotte City Council approved the sewer extension on this date. (See attachment B).

2. On February 27, 1982, C-MUD provided the Mecklenburg Environmental Health Department with a letter agreeing to accept and treat the sewer effluent from Lawyers Station. (See attachment C).

3. In March, 1981, Mint Hill attempted to gain special legislation from the North Carolina Legislature which would allow Mint Hill to annex Lawyers Station prior to its meeting statutory requirements for annexation. Mint Hill was unsuccessful in this attempt.

4. In June, 1981, the Town of Mint Hill filed suit against the City of Charlotte and JRS Entrprises, Inc. requesting that the Superior Court enjoin construction of the sewer line pursuant to the sewer contract between the City of Charlotte and JRS Enterprises, Inc. referenced in paragraph 1. Mint Hill obtained an ex-parte injunction which was dissolved by Judge Frank Snepp at the preliminary hearing. Mint Hill subsequently appealed Judge Snepp's ruling to the North Carolina Court of Appeals and the Supreme Court. Both Courts affirmed Judge Snepp's ruling.

5. While awaiting trial of the main issue in the lawsuit referenced in paragraph numbered 4, Mint Hill began annexation proceedings on a strip of land around Lawyers Station which was 20 feet wide by approximately 6,000 feet long. Mint Hill achieved its density as the result of a rental house which was located within Lawyers Station. JRS filed an action in the Superior Court to enjoin this annexation. During the course of the proceedings, Mint Hill attempted to zone the annexed property and JRS filed a motion to enjoin the zoning. JRS's motion was granted by Judge William Grist. In order to terminate the litigation set forth in this paragraph and in paragraph 4 and to proceed with the development of Lawyers Station, the parties to the lawsuit entered into a compromise agreement which resulted in a slight revision of the subdivision plan, the approval of same by the Charlotte-Mecklenburg Planning Commission, and the agreement of the Town of Mint Hill to accept such zoning in exchange for the agreement of JRS to have its property annexed by the Town of Mint Hill.

6. Phases II and III were subsequently redesigned, informally approved by Mint Hill, and submitted to the Charlotte-Mecklenburg Planning Commission for approval in October, 1981. Planning Commission approval was granted in November, 1981, based in part on C-MUD's agreement to accept and treat the sewer effluent. (See attachment D).

7. On October 12, 1981, Charlotte City Council approved the contract for sewer main extension to serve Section I of Lawyers Station, Phase I. (See attachment E.)

8. Formal application was made for voluntary annexation into Mint Hill and Mint Hill agreed to accept the development plan approved by the Charlotte-Mecklenburg Planning Commission. Lawyers Station officially became a part of Mint Hill on July 1, 1982.

Mint Hill has cooperated in every way with the development of Lawyers Station since the compromise agreement. Mint Hill anticipated that the entire project was to be developed with C-MUD sewer service now.

In light of the foregoing, and particularly in view of Mayor Pollard's appearance before the City Council, and the City of Charlotte being named as a party to the injunction action by the Town of Mint Hill, City officials were aware that Mint Hill intended to annex the property which is now known as Lawyers Station as soon as annexation laws would permit. All parties were, or should have been, aware that Mint Hill would annex all of the land constituting the project prior to the complete development of same.

Accordingly, the situation which now exists is that in reliance upon the sewer extension agreement, JRS Enterprises, Inc. has expended approximately $1,000,000.00 in constructing sewer lines, both outside and within the project, and in constructing streets and other improvements within the project. At no time was it anticipated by any party that C-MUD sewage service would be furnished to only a part of the project. The project cannot be completed without C-MUD sewer services and unless extension agreements are entered into between Charlotte and JRS Enterprises, Inc., work on the project must cease, with the resulting hardship to JRS Enterprises, Inc. For the foregoing reasons, we respectfully request that C-MUD be authorized to continue to provide sewer service extensions to Lawyers Station subdivision until the project is completed.

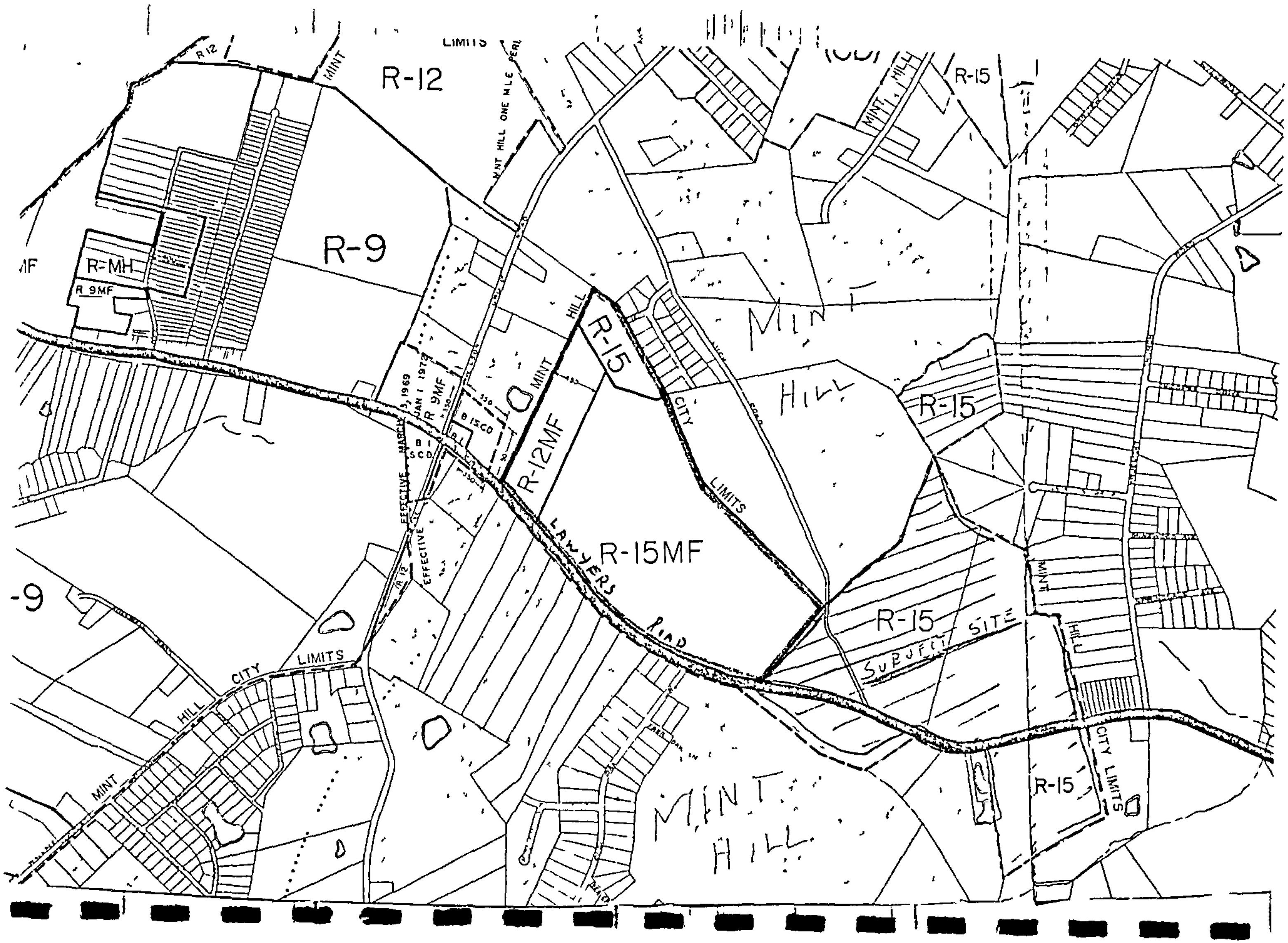
Very truly yours,

PARHAM, HELMS & KELLAM

By: Lewis H. Parham, Jr.
Lewis H. Parham, Jr.

gd
Enclosures

ATTACHMENT A



ATTACHMENT B

SEWER CONSTRUCTION CONTRACT

CONSTRUCTION BY APPLICANT

STATE OF NORTH CAROLINA

MECKLENBURG COUNTY

EFFECTIVE: February 9, 19 81

J R.S ENTERPRISES, INCORPORATED
APPLICANT

THIS CONTRACT, made and entered into this the 31st day of December, 19 80, between J.R S. Enterprises, Incorporated, whose address is Post Office Box 25178, Charlotte, said County and State, hereinafter referred to as the "APPLICANT", and the CITY OF CHARLOTTE, a municipal corporation of said County and State, hereinafter referred to as the "CITY":

WITNESSETH

THAT WHEREAS, the Applicant desires to construct sanitary sewer lines to serve certain properties outside of the corporate boundaries of the City, and such sanitary sewer lines to be outside of the City and to be constructed at the Applicant's own proper cost and expense, and,

WHEREAS, the Applicant has requested permission from the City to connect these certain sanitary sewer lines to the City's sanitary sewerage system, said sanitary sewer lines and location of connection to the City's system being more particularly described as follows.

Proposed Lift Station, Force Main, And Gravity Sewer Main To Serve Lawyers Station Subdivision

Gravity Sewer Main In Lawyers Road

Proposed 10" sanitary sewer beginning at a proposed manhole to be built on the McAlpine Creek Outfall where it intersects Lawyers Road, thence, running in a southeasterly direction along the northern side of Lawyers Road a total distance of approximately 5,900 linear feet to a proposed manhole approximately 600 linear feet southeast of the intersection of Wilson Grove Road and Lawyers Road.

Force Main

Proposed 8" force main beginning at the end of the proposed gravity main, thence running along the northern side of Lawyers Road a total distance of approximately 4,050 linear feet to a proposed lift station where Lawyers Road crosses Irving Creek.

Lift Station

Proposed 450 GPM factory built pumping station with a total dynamic head capacity of 91 feet with all accessories required to furnish complete system that meets all Charlotte-Mecklenburg Utility Department requirements.

Proportional share of previous contracts: None

Contract	Date	Payable To	Cost
		TOTAL	

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed, the day and year first above written.

ATTEST

WITNESS

BY: Howard G. Cain
APPLICANT

CITY OF CHARLOTTE, NORTH CAROLINA

ATTEST

CITY CLERK

BY
MAYOR

APPROVED AS TO FORM

BY Henry W. Underhill Jr.
CITY ATTORNEY

ATTACHMENT C

CHARLOTTE MECKLENBURG
UTILITY DEPARTMENT
ENGINEERING DIVISION

5100 BROOKSHIRE BOULEVARD
TELEPHONE 704 399 2551

City of Charlotte

Charlotte, North Carolina 28216

February 27, 1981

Mr. T. W. Bivens, Director
Environmental Health Division
Mecklenburg County Health Division
1200 Blythe Boulevard
Charlotte, North Carolina 28203

SUBJECT: Sanitary Sewer To Serve Lawyers Station Subdivision

Dear Mr. Bivens:

We have a request from J.R.S. Enterprises for a letter regarding sewer service to the proposed Lawyers Station Subdivision.

This matter has been investigated and the Charlotte-Mecklenburg Utility Department agrees to accept the flow from this project for transmission to the McAlpine Creek Wastewater Treatment Plant for treatment, contingent upon final acceptance and issuance of a discharge permit from the appropriate County, State, or Federal Agency, whichever might have control.

Very truly yours,

CHARLOTTE-MECKLENBURG UTILITY DEPARTMENT

Earl Lineberger

Earl Lineberger, P. E.
Chief Engineer

cc: W. C. Odell
Files

WCO/ds

ATTACHMENT D

CHARLOTTE MECKLENBURG
UTILITY DEPARTMENT
ENGINEERING DIVISION

5100 BROOKSHIRE BOULEVARD
TELEPHONE 704 399 2551

City of Charlotte

Charlotte, North Carolina 28216

October 27, 1981

Mr. T. W. Bivens, Director
Environmental Health Division
Mecklenburg County Health Division
1200 Blythe Boulevard
Charlotte, North Carolina 28203

SUBJECT: Sanitary Sewer To Serve Lawyers Station, Phases II & III

Dear Mr. Bivens:

We have a request from Ralph Squires Homes for a letter regarding sewer service to the proposed Lawyers Station, Phases II and III.

This matter has been investigated and the Charlotte-Mecklenburg Utility Department agrees to accept the flow from this project for transmission to the McAlpine Creek Wastewater Treatment Plant for treatment, contingent upon final acceptance and issuance of a discharge permit from the appropriate County, State, or Federal Agency, whichever might have control.

Very truly yours,

CHARLOTTE-MECKLENBURG UTILITY DEPARTMENT

for Earl L. Lineberger, P. E.
Chief Engineer

cc: J. E. Lentz
Files

JEL/ds

ATTACHMENT E

CHARLOTTE MECKLENBURG
UTILITY DEPARTMENT
ADMINISTRATION DIVISION

5100 BROOKSHIRE BOULEVARD
TELEPHONE 704 399 2221

City of Charlotte

Charlotte, North Carolina 28216

October 20, 1981

Ralph Squires Homes
Post Office Box 25178
Charlotte, North Carolina 28212

SUBJECT: Lawyers Station Subdivision - Contract No. 621-81-375

Gentlemen:

We are attaching herewith a fully executed copy of the contract between Ralph Squires Homes and the City of Charlotte for sanitary sewer to serve the subject location. This copy is for your files.

The attached contract was approved by City Council on October 12, 1981.

Very truly yours,

CHARLOTTE-MECKLENBURG UTILITY DEPARTMENT

R. D. Campbell

R. D. Campbell, P. E.
Director

cc W. C. Odell
J. W. Sailers
Files

Attachment

ELL/ae

Sewer Contract No.
621-81-375

SEWER CONSTRUCTION CONTRACT

CONSTRUCTION BY APPLICANT

STATE OF NORTH CAROLINA

MECKLENBURG COUNTY

EFFECTIVE: October 12, 1981

RALPH SQUIRES HOMES
APPLICANT

THIS CONTRACT, made and entered into this the 15 day of September, 1981, between Ralph Squires Homes, whose address is Post Office Box 25178, Charlotte, said County and State, hereinafter referred to as the "APPLICANT", and the CITY OF CHARLOTTE, a municipal corporation of said County and State, hereinafter referred to as the "CITY":

WITNESSETH

THAT WHEREAS, the Applicant desires to construct sanitary sewer lines to serve certain properties outside of the corporate boundaries of the City, and such sanitary sewer lines to be outside of the City and to be constructed at the Applicant's own proper cost and expense; and,

WHEREAS, the Applicant has requested permission from the City to connect these certain sanitary sewer lines to the City's sanitary sewerage system, said sanitary sewer lines and location of connection to the City's system being more particularly described as follows:

Proposed 8" sanitary sewer to serve Lawyers Station Subdivision:

LAWYERS ROAD TRUNK:

Beginning at an existing pump station on Irvins Creek; thence, in a southwesterly direction a distance of approximately 24 linear feet to a proposed manhole #1 in Lawyers Road; thence in a southeasterly direction a distance of approximately 320 linear feet to a proposed manhole #2; thence in a northeasterly direction a distance of approximately 325 linear feet to a proposed manhole #3 in the cul-de-sac of Grand Junction Road; thence in a northeasterly direction a distance of approximately 100 linear feet to a proposed manhole #4; thence, in a northeasterly direction a distance of approximately 145 linear feet to a proposed manhole #5; thence in a northeasterly direction a distance of approximately 155 linear feet to a proposed manhole #6 in the cul-de-sac of Topeka Drive; thence in a northeasterly direction a distance of approximately 90 linear feet to a proposed manhole #7; thence in a northeasterly direction a distance of approximately 135 linear feet to a proposed manhole #8.

GRAND JUNCTION ROAD:

Beginning at a proposed manhole #3 in the western cul-de-sac; thence, in a southeasterly direction a distance of approximately 205 linear feet to a proposed manhole #9; thence in a southeasterly direction a distance of approximately 275 linear feet to a proposed manhole #10; thence in a southeasterly direction a distance of approximately 190 linear feet to a proposed manhole #11 at the intersection of Lawyers Station Road; thence, in a southeasterly direction a distance of approximately 380 linear feet to a proposed manhole #12 in the eastern cul-de-sac; thence, in a southwesterly direction a distance of approximately 145 linear feet to a proposed manhole #13; thence, in a southeasterly direction a distance of approximately 170 linear feet to a proposed manhole #14.

TOPEKA DRIVE:

Beginning at a proposed manhole #6 in the cul-de-sac; thence, in a northeasterly direction a distance of approximately 160 linear feet to a proposed manhole #15; thence, in a southeasterly direction a distance of approximately 130 linear feet to a proposed manhole #16; thence, in a northeasterly direction a distance of approximately 125 linear feet to a proposed manhole #17 at the intersection of Iron Horse Court; thence, in a northeasterly direction a distance of approximately 335 linear feet to a proposed manhole #18 at the intersection of Lawyers Station Drive; thence in a northeasterly direction a distance of approximately 250 linear feet to a proposed manhole #19; thence, in a northeasterly direction a distance of approximately 185 linear feet to a proposed manhole #20; thence, in a northeasterly direction a distance of approximately 120 linear feet to a proposed manhole #21 at the intersection of Boxcar Court; thence, in a northeasterly direction a distance of approximately 110 linear feet to a proposed manhole #22.

IRON HORSE COURT:

Beginning at a proposed manhole #17 at the intersection of Topeka Drive; thence in a northeasterly direction a distance of approximately 130 linear to a proposed manhole #23 in the cul-de-sac.

LAWYERS STATION DRIVE:

Beginning at a proposed manhole #11 at the intersection of Grand Junction Drive; thence, in a southeasterly direction a distance of approximately 310 linear feet to a proposed manhole #25; thence, in a southeasterly direction a distance of approximately 125 linear feet to a proposed manhole #26 at the intersection of Alchison Drive.

BOXCAR COURT:

Beginning at a proposed manhole #21 at the intersection of Topeka Drive; thence, in a southeasterly direction a distance of approximately 190 linear feet to a proposed manhole #24 in the cul-de-sac.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed, the day and year first above written.

ATTEST:

WITNESS

BY: J. Ralph Squire
APPLICANT

CITY OF CHARLOTTE, NORTH CAROLINA

ATTEST:

CITY CLERK

BY: Eddie King
MAYOR

APPROVED AS TO FORM:

BY: Henry W. Underhill Jr.
CITY ATTORNEY