AGENDA

Meeting Type:	B
Date:	11-15-1982

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 November '82

THE WEEK OF NOVEMBER 1 - NOVEMBER 6

1-2	Monday - Tuesday	N C. LEAGUE OF MUNICIPALITIES - Greensboro, North Carolina
2	Tuesday, 6 30 a.m. - 7 30 p.m.	ELECTION DAY. Polls Open
3	Wednesday, 10 00 a.m.	CIVIL SERVICE BOARD/Hearing - City Hall, Council Chamber
	Wednesday, 4 00 p m	CITY COUNCIL TRANSPORTATION COMMITTEE - City Hall, Second Floor Conference Room
	Wednesday, 6 00 p.m.	CHARLOTTE ADVISORY PARK COMMITTEE - Park Center, 310 N. Kings Drive,Director's Office
	Wednesday, 7 30 p.m	PLANNING COMMISSION - Cameron-Brown Building, First Floor Conference Room
4	Thursday, 4 00 p.m	PLANNING COMMITTEE/PLANNING COMMISSION - Cameron-Brown Building, First Floor Conference Room

THE WEEK OF NOVEMBER 7 - NOVEMBER 13

8	Monday, 12 Noon	PLANNING COMMISSION/Work Session - Cameron-Brown Building, First Floor Conference Room
	Monday, 2 00 p m.	EXECUTIVE COMMITTEE/PLANNING COMMISSION & REPRESENTATIVES OF HISTORIC DISTRICT COMMISSION - Cameron-Brown Building, First Floor Conference Room
	Monday, 2 00 p m.	CITIZENS HEARING - City Hall, Council Chamber
	Monday, 3 00 p m.	CITY COUNCIL MEETING - City Hall, Council Chamber
9	Tuesday, 7 30 a m.	AD HOC COMMITTEE ON PLANNING/PLANNING COMMISSION - Cameron-Brown Building, First Floor Conference Room
	Tuesday, 8 00 a m.	AIRPORT ADVISORY COMMITTEE - Charlotte/Douglas International Airport, 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 - City Hall, Council Chamber
	Tuesday, 3 30 p m	PLUMBING ADVISORY BOARD - City Hall Annex, Building Inspection Conference Room
10	Wednesday, 7 30 p m	HISTORIC PROPERTIES COMMISSION - City Hall, Second Floor Conference Room
11	Thursday	VETERANS DAY HOLIDAY All City Offices Closed

(Continued on next page)

MEETINGS IN NOVEMBER '82 CONTINUED

THE WEEK OF NOVEMBER 14 - NOVEMBER 20

15	Monday, 6 00 p m	CITY COUNCIL MEETING/Zoning Hearings - Education Center, Board Room
16	Tuesday, 2 00 p m.	HOUSING AUTHORITY - 1301 South Boulevard
	Tuesday, 3 00 p.m	COMMUNITY FACILITIES COMMITTEE - Utility Department Conference Room, 5100 Brookshire Boulevard
	Tuesday, 7 30 p.m.	CHARLOTTE TREE COMMISSION - Park Operations Conference Room, 701 Tuckaseegee Road
17	Wednesday, 8 30 a.m.	CIVIL SERVICE BOARD - City Hall, Third Floor Conference Room
	Wednesday, 9 30 a m.	CIVIL SERVICE BOARD/Hearing - City Hall, Council Chamber
	Wednesday, 4 00 p.m.	MUNICIPAL INFORMATION ADVISORY BOARD - Cameron-Brown Building, Third Floor Conference Room
	Wednesday, 4 00 p m.	EMPLOYMENT & TRAINING ADVISORY COMMITTEE - Belmont Regional Center, 700 Parkwood Avenue
18	Thursday, 8 00 a m	CLEAN CITY COMMITTEE - Cameron-Brown Building, Fifth Floor Conference Room
	Thursday, 3 00 p m	ADVISORY ENERGY COMMISSION - City Hall, Third Floor Conference Room
	Thursday, 4 00 p.m.	CITY COUNCIL OPERATIONS COMMITTEE - City Hall, Second Floor Conference Room
19	Friday, 11 00 a m.	AUDITORIUM-COLISEUM-CIVIC CENTER AUTHORITY - Civic Center, Conference Room
20	Saturday, 8 30 a m.	PLANNING COMMISSION/Retreat - Sheraton Center, 555 S McDowell Street

THE WEEK OF NOVEMBER 21 - NOVEMBER 27

22	Monday, 2 00 p m.	CITIZENS HEARING - City Hall, Council Chamber
	Monday, 3 00 p.m	CITY COUNCIL MEETING - City Hall, Council Chamber
	Monday, 7 30 p.m.	SPECIALIZED TRANSPORTATION ADIVSORY COMMITTEE - City Hall, Third Floor Conference Room
23	Tuesday, 2 00 p m	TAXICAB REVIEW BOARD/Hearing - City Hall, Council Chamber
24	Wednesday, 12 Noon	INSURANCE & RISK MANAGEMENT AGENCY - Cameron-Brown Building, Sixth Floor Conference Room, Finance Department
	Wednesday, 4 30 p.m.	COMMUNITY RELATIONS COMMITTEE - Covenant Presbyterian Church, 1000 E Morehead St
25	Thursday	THANKSGIVING HOLIDAY All City Offices Closed.
27-Dec 2	Saturday - Wednesday	NATIONAL LEAGUE OF CITIES - Los Angeles, California

NOVEMBER 28 - NOVEMBER 30

30	Tuesday, 3 00 p m	ZONING BOARD OF ADJUSTMENT - City Hall, Council Chamber

Charlotte

IN MEETING ON MONDAY, NOVEMBER 15, 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 John A. Lowder, Belmont Park United Methodist Church.

PUBLIC HEARINGS

2. Hearing 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 2.289 acre site located on the west side of Park Road Extension, about 300 feet south of the intersection of Park Road and Fairview Road.

   Attachment No. 1.

3. Hearing on Petition No. 82-70 by the Charlotte-Mecklenburg Planning Commission to consider a change in the Zoning Ordinance - Article III, Permitted Uses, Special Districts, Conditional Uses and Special Permits - to 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.

   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

4. Hearing 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.

Attachment No. 1.

5. Hearing on petition of the Charlotte-Mecklenburg Planning Commission to consider a change in the Subdivision Ordinance, Article II, to 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.

Attachment No. 1.

6. Hearing on Petition No. 82-60 by Omera B. Hayes for a change in zoning from O-6 to B-1 for a .160 acre site fronting 50 feet on Beatties Ford Road, approximately 155 feet north of the intersection of Estelle Street and Beatties Ford Road.

This hearing was continued September 20, 1982, pending investigation into a possible B-1(CD) request.

Attachment No. 1.

7. Hearing to consider designation of the property known as the "Charles W. Parker House", (interior and exterior of building), and the land associated therewith, located at 901 Central Avenue, as historic property.

The Charlotte-Mecklenburg Historic Properties Commission has proposed the designation, and the North Carolina Division of Archives and History concurs in the proposal.

The Historic Properties Commission bases its judgement on the following considerations:

1) The Charles W. Parker house was built in 1903-1904 and is, therefore, one of the earliest houses in Piedmont Park, a streetcar suburb which opened in March, 1902, and which was developed by F. C. Abbott and George Stephens, the latter being the developer of Myers Park a decade later;

2) The house is one of the finest local examples of the Four Square style; and

7. (continued)

3) Charles W. Parker (1886-1950) was a prominent and resourceful businessman of local and regional importance.

Based on the current assessment and tax rate, the amount of taxes deferrable on the property would be $264.83. The property owners have requested this historic designation.

The Department Review Process reveals no conflicts between the historic designation and City Projects.

Recommend adoption of an ordinance designating the property known as the "Charles W. Parker House", and the land associated therewith, located at 901 Central Avenue, as historic property.

Attachment No. 2.

8. Hearing to consider designation of the property known as the "Crowell-Berryhill Store" (interior and exterior of the building, excluding the cinder block addition at the rear of the building), and the land associated therewith, located at 401 West 9th Street, as historic property.

The Charlotte-Mecklenburg Historic Properties Commission has proposed the designation, and the North Carolina Division of Archives and History concurs in the proposal.

The Historic Properties Commission bases its judgement on the following considerations:

1) The Crowell-Berryhill Store, which opened in 1897 as a branch of the Star Mills Grocery Company, is the only turn-of-the-century grocery store which survives in uptown Charlotte;

2) The grocery store served as the social, political, and economic centerpiece of neighborhoods in Charlotte at the turn of the century;

3) The Crowell-Berryhill Store is an excellent example of sensitive adaptive reuse; and

4) The Crowell-Berryhill Store is an important component of Fourth Ward, a local historic district.

8. (continued)

Based on the current assessment and tax rate, the amount of taxes deferrable on the property would be $99.83. The property owners fully support the historic designation.

The Department Review Process reveals no conflicts between the historic designation and City projects.

Recommend adoption of an ordinance designating the property known as the "Crowell-Berryhill Store", and the land associated therewith, located at 401 West 9th Street, as historic property.

Attachment No. 3.

POLICY AGENDA

9. Decision on Petition No. 82-49 by the John Crosland Company for a change in zoning from R-9 and R-12 to R-15MF(CD) for a 36.87± acre site fronting 319.40 feet on Old Reid Road, approximately 560 feet south of the intersection of Old Reid Road and Archdale Drive.

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

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

Attachment No. 4.

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

Attachment No. 5.

11. Decision on Petition No. 82-60 by Omera B. Hayes for a change in zoning from O-6 to B-1 for a .160 acre site fronting 50 feet on Beatties Ford Road, approximately 155 feet north of the intersection of Estelle Street and Beatties Ford Road.

The Planning Commission recommends the petition be denied.

Attachment No. 5.

12. Decision on Petition No. 82-65 by the Mecklenburg ABC Board for a change in zoning from O-15 to B-1(CD) for a site 114.54 feet by 169.24 feet, located on the east side of Carmel Road, beginning 208 feet south of Highway 51.

The Planning Commission recommends the petition be denied.

Attachment No. 5.

13. 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 Planning Commission recommends the petition be denied.

Attachment No. 5.

14. Decision on Petition No. 82-68 by the Charlotte-Mecklenburg Planning Commission to amend the text of the Zoning Ordinance to provide for certain accessory uses in conjunction with churches and synagogues.

The Planning Commission recommends the petition be approved.

Attachment No. 5.

15. Decision on petition of the Charlotte-Mecklenburg Planning Commission to amend the text of the Subdivision Ordinance to change the requirement regarding the width of public roadways on each side of a center strip divider.

The Planning Commission recommends the petition be approved.

Attachment No. 5.

16. Consideration of the following motion by Councilmember Peacock, seconded by Councilmember Trosch, at the meeting on November 8, 1982, as it pertained to the request of the north Mecklenburg County towns for a single sewer rate:

"1) That Council authorize staff to enter into good faith negotiations for the acquisition of any of the small towns' utility systems;

2) That Council vote to affirm the current double rate for any user outside the City limits of Charlotte; and,

3) That they not link the questions of utilities and Spheres of Influence."

This motion was adopted by City Council by an 8 to 3 vote, but was vetoed by the Mayor at the same meeting. Under the City Charter, any action vetoed by the Mayor must appear on the agenda at the following Council meeting. Seven (7) votes are required to override a veto by the Mayor.

17. Recommend adoption of a resolution providing for public hearings on Monday, December 20, 1982, 6:00 p.m., Board Room of the Education Center, on Petition Nos. 82-72 through 82-79 for zoning changes.

- - - - - -

SCHEDULE OF MEETINGS
November 15 through November 19, 1982

Monday, November 15	COUNCIL/PLANNING COMMISSION Refreshments - Rooms 237-38 Education Center	5.00 p m.
	COUNCIL/PLANNING COMMISSION Zoning Hearings & Decisions Board Room - Fourth Floor Education Center	6.00 p m.
Thursday, November 18	COUNCIL OPERATIONS COMMITTEE Second Floor Conference Room City Hall	4 00 p.m.

Attachments

ATTACH #1

CHARLOTTE-MECKLENBURG PLANNING COMMISSION

CAMERON BROWN BUILDING
301 SOUTH McDOWELL STREET
CHARLOTTE NORTH CAROLINA 28204

MARTIN R CRAMTON JR
Planning Director

October 26, 1982

Mayor and City Council

RE Pre-hearing Reports for Rezoning Petitions to be heard in November, 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 November 15, 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

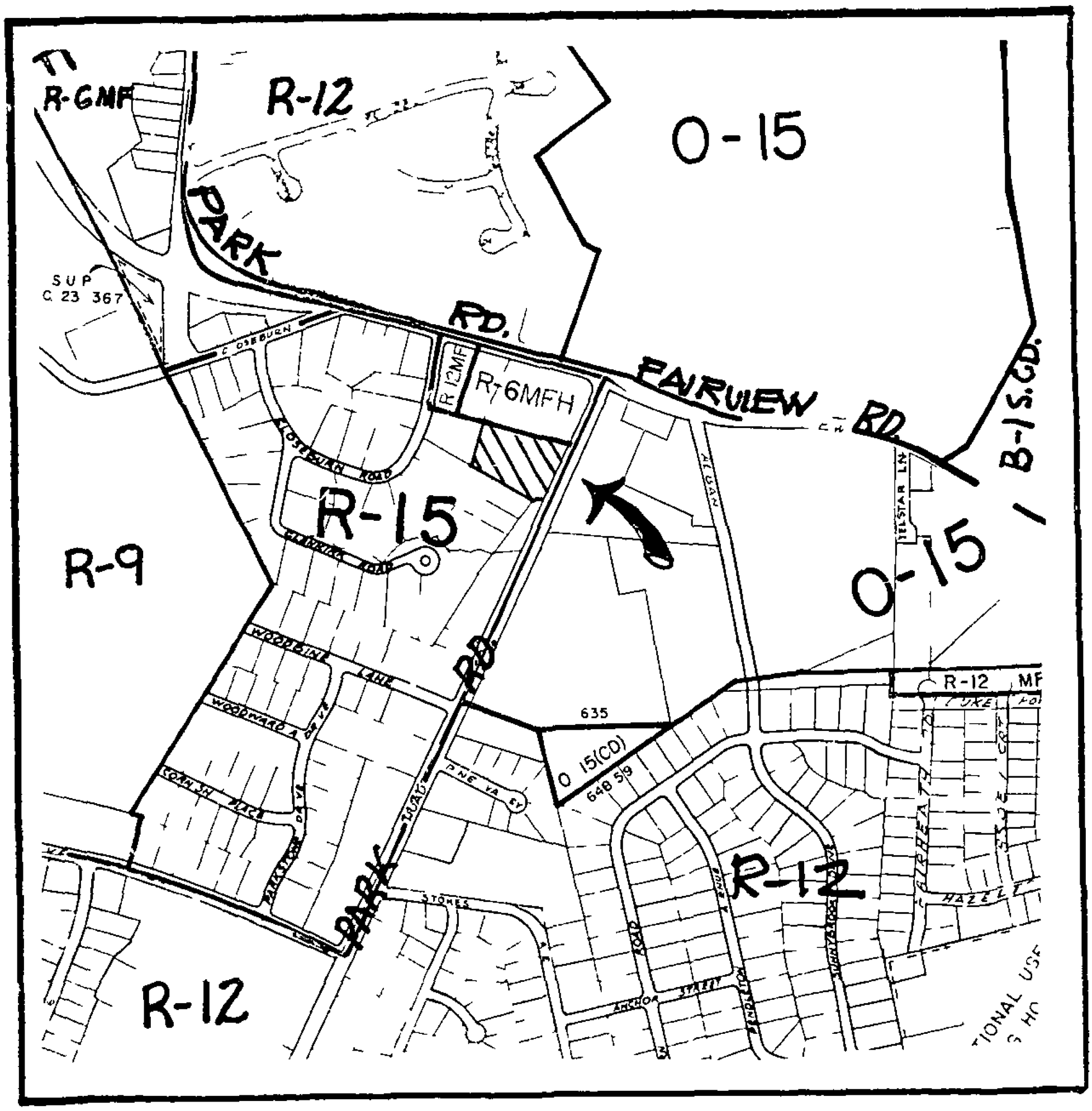
RGY/mh
B2

PETITIONER 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

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 82-69
Date Filed 8/31/82
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner: Chas. Jung & wife Lee Lai Jung

Owner's Address: 2231 Richardson Drive, Charlotte, N. C.

Date Property Acquired: 1-17-62

Deed Reference: Book 2302, page 337 Tax Parcel Number: 171-252-13

Location Of Property (address or description) 5532 Park Road

Description Of Property

Size (Sq Ft Acres): 2.289 acres 99,708.04 sq. ft. Street Frontage (ft): 281.97'

Current Land Use: Residential - one family

Zoning Request

Existing Zoning: R-15 Requested Zoning: R9MF(CD)

Purpose of zoning change: To erect Condominiums

William L. Farris, Jr., Realtor
Name of Agent

1109 East Boulevard, Suite 116-A
Agent's Address

333-4283
Telephone Number

Louis H. Pardim - attorney
377-1511

Name of Petitioner(s)
2231 Richardson Drive
Address of Petitioner(s)

333-0101
Telephone Number

Signature
Lee Lai Ming Jung
Signature of Property Owner if Other Than Petitioner

Petition No. 82-69
Petitioner. Gam Chee Jung and wife, Lee Lai Ming
Request: R-15 to R-9MF(CD)
Purpose: To construct condominiums.

PROPERTY INFORMATION

Property Owners	Gam Chee Jung and wife, Lee Lai Ming
Date Acquired:	January 17, 1962
Deed Reference:	Book 2302, Page 337
Tax Parcel No.:	171-252-13
Current Tax Value:	$73,360
Size:	2.289 acres
Street Frontage·	281.97 feet on Park Road
Current Land Use	Single family residential

ZONING HISTORY

Present Zoning: R-15

Date Established· January, 1962

Past Zoning Proposals or Changes on Property Within Area· The petitioner's property was denied for rezoning to 0-15 in July, 1974 as was the adjacent property to the south. The parcel at the intersection of the two Park Roads owned by the Housing Authority was rezoned from R-15 to R-6MFH in 1975. The high rise structure for the elderly and handicapped is situated on the parcel. Another tract at the corner of Closeburn Road and Park Road was rezoned in 1975 to R-6MFH. A parcel on the northerly side of Park Road adjacent to Celanese was changed from R-15 to 0-15 in 1964. In addition, a tract of approximately 25 acres on the easterly side of Park Road south of the petitioner's property was rezoned from R-12 and R-12MF to 0-15 in 1968.

NEIGHBORHOOD FEATURES/CHARACTERISTICS

Defined Neighborhood· Glenkirk

Transportation Facilities:

Adjacent Roadways	Roadway Characteristics	Traffic Volumes
Park Road	3-Lane/Major Thoroughfare	16,000 AADT (1982)
Fairview Road	4-Lane/Major Thoroughfare	28,400 AADT (1982)

Transit Service Route 4 (Park Road) serves the site with service every 30 minutes, 6 00 A M. to midnight, seven days a week.

Public Schools Serving the Area:

	Design Capacity*	1982-83 Enrollment
Huntingtowne Farms (K-3)	525	412
Burns Avenue (4-6)	475	519
Quail Hollow Jr. High	1,200	1,165
South Mecklenburg High	1,800	2,025

* Physical structure 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 vicinity of the petitioner's property.

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.

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.

Other Plans and Programs. None

SIGNIFICANT ZONING DISTINCTIONS

	Present Zoning (R-15)	Proposed Zoning (R-9MF(CD))
Use	Residential	Multi-family Residential
Density·	2.9 units per acre	14.82 units to the first acre; 17.42 units for each additional acre
Development Standards		
Lot Size	Minimum is 15,000 sq. ft.	Minimum is 9,000 sq. ft. for first unit and 2,500 sq. ft. for each additional unit
Setback	Minimum is 40 feet	Minimum is 30 feet
Side Yard	Minimum is 10 feet	Minimum is 8 feet one side, 6 feet other side
Rear Yard	Minimum is 55 feet	Minimum is 45 feet
		(Site would permit about 37 units under R-9MF zoning. Petitioner proposes 37 under R-9MF(CD).)

ZONING ORDINANCE
TEXT AMENDMENT APPLICATION
CITY OF CHARLOTTE

Petition No 82-70

Date Filed 10/5/82

Received By Kenneth S. Davis

OFFICE USE ONLY

Article No III Permitted Uses, Special Districts, Conditional Uses and Special Permits
(Title)

Division No 2 Special Requirements for Certain Permitted Uses
(Title)

Section No 23-32(b)(4) Planned multi-family developments in residential districts

Purpose of Change

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 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.

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

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 _____

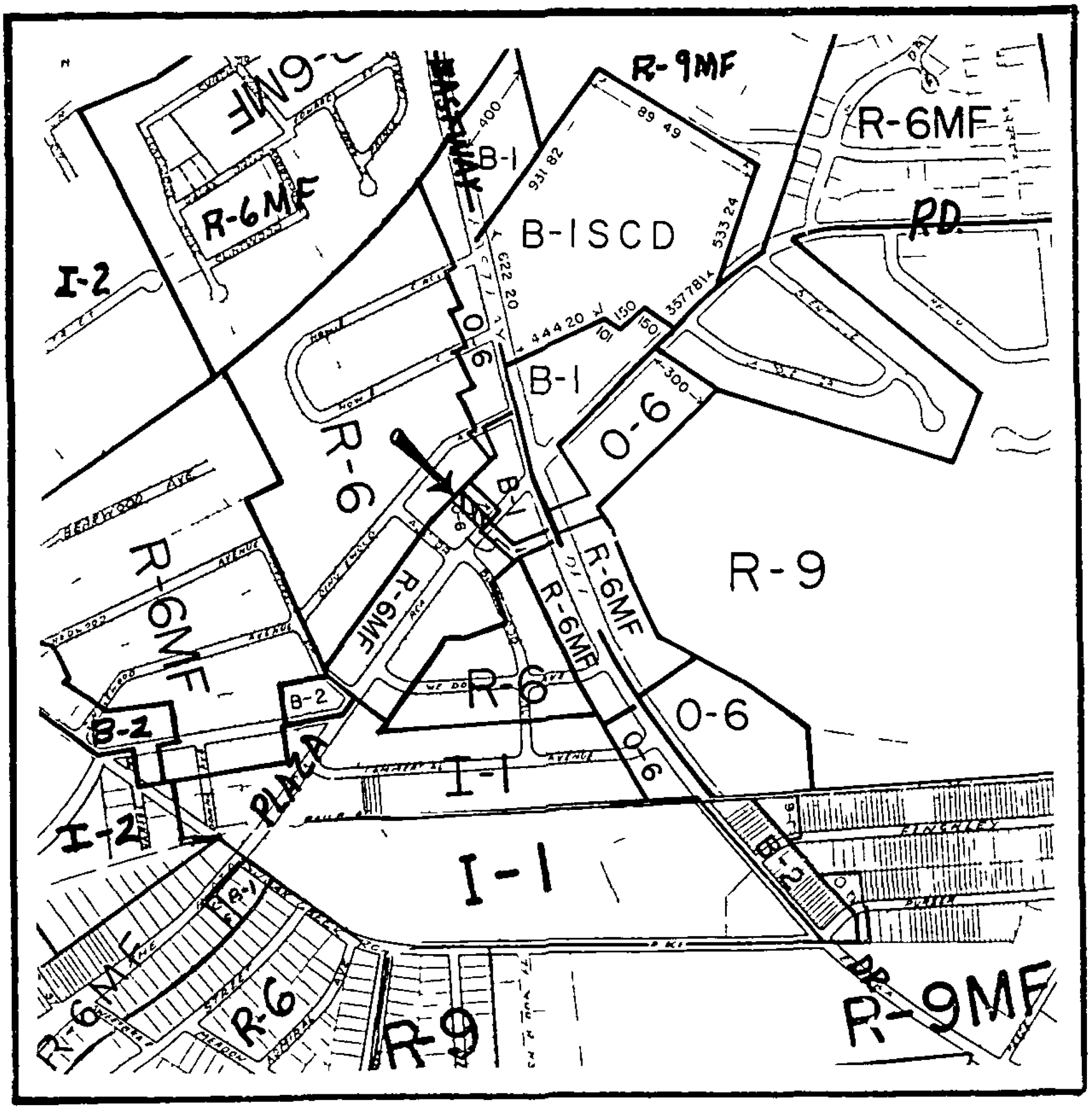
Pat Sharkey
City Clerk

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

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 82-71
Date Filed 10/7/82
Received By KSC
OFFICE USE ONLY

Ownership Information

Property Owner Martha T & Ed O Gillis

Owner's Address 8105 Lawyers Rd
Charlotte, N.C 28212

Date Property Acquired September 14, 1982

Deed Reference Book 3313- Page 464 Tax Parcel Number 091-031-25 (part of)
Meck County Register of Deeds

Location Of Property (address or description) 4313 The Plaza
Charlotte, N.C

Description Of Property

Size (Sq Ft Acres) 9579.0 SQ. FT Street Frontage (ft) 60

Current Land Use DAY CARE

Zoning Request

Existing Zoning R6MF Requested Zoning C-2

Purpose of zoning change To Use Facility for Night Care

Name of Agent

Agent s Address

Telephone Number

Martha T Gillis
Name of Petitioner(s)

Ed O Gillis
Address of Petitioner(s)
8105 Lawyers Rd

Telephone Number
375 7655 & 535 2127

Signature

Signature of Property Owner if Other Than Petitioner

Petition No.	82-71
Petitioner	Martha T. and Ted O. Gillis
Request	R-6MF to O-6
Purpose	To use facility for night care.

PROPERTY INFORMATION

Property Owner	Martha T. and Ted O. Gillis
Date Acquired:	September 14, 1982
Deed Reference·	Book 3313, Page 464
Tax Parcel No..	091-031-25 (part of)
Current Tax Value:	$27,995 (estimate)
Size:	9,579 square feet
Street Frontage	60 feet on The Plaza
Current Land Use	Day Care Facility

ZONING HISTORY

Present Zoning R-6MF

Date Established January, 1962

Past Zoning Proposals or Changes on Property Within Area A section of the petitioner's property was rezoned from R-6MF and O-6 to O-6 and B-1 in January, 1974. A parcel to the west of the petitioner's request, on the south side of The Plaza was denied for rezoning from R-6MF to O-6 in 1973. A request to rezone property on Eastway Drive near The Plaza from O-6 to B-1 was denied in 1966 as was a request in 1970 from R-6MF to O-6.

NEIGHBORHOOD FEATURES/CHARACTERISTICS

Defined Neighborhood: North Charlotte

Transportation Facilities·

Adjacent Roadways	Roadway Characteristics	Traffic Volumes
Eastway Drive	4-Lane/Major Thoroughfare	21,800 AADT (1982)
The Plaza	4-Lane/Major Thoroughfare	19,600 AADT (1982)

(Eastway Drive and The Plaza intersection is a high accident location.)

Transit Service· Route 3 (Plaza Road) serves the site with service Monday thru Saturday between the hours of 6 00 A M. to 6 00 P.M. on 30 minute headways during rush hours and 60 minute headways normally.

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.

Capital Improvement Program (CAP). No major Capital Improvement Programs are in the immediate vicinity of the petitioner's property.

Other Plans and Programs. None

SIGNIFICANT ZONING DISTINCTIONS

	Present Zoning (R-6MF)	Proposed Zoning (O-6)
Use.	Day Care Facility	Night Care Facility
Density·	Not Applicable	Not Applicable

Development Standards

Lot Size·	The minimum lot area for the first eight (8) children is 6,000 sq. ft. The minimum additional eight (8) children (or remainder over the multiple of eight (8))is 2,000 sq. ft.	The minimum lot area for the first eight (8) children is 6,000 sq. ft. The minimum additional eight (8) children (or remainder over the multiple of eight (8))is 1,000 sq. ft.
Setback	Minimum is 25 feet	Minimum is 20 feet
Side Yard·	Minimum is 8 feet one side; 6 feet other side	Minimum is 8 feet one side; 6 feet other side
Rear Yard	Minimum is 40 feet	Minimum is 20 feet, Adjacent to residential district, minimum is 40 feet.

SUBDIVISION

~~ZONING~~ ORDINANCE
TEXT AMENDMENT APPLICATION
CITY OF CHARLOTTE

Petition No _____

Date Filed 10/5/82

Received By Kenneth S. Davis

OFFICE USE ONLY

Article No Chapter 18, Subdivisions
(Title)

Division No Article II, Improvements
(Title)

Section No Section 18-13(a) (Modification of Requirements· Bond)

Purpose of Change

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 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.

_____
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

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 October 18, 1982

PETITION NO. 82-60

PETITIONER(S) Omera B. Hayes

REQUEST Change from O-6 to B-1

LOCATION A .16 acre parcel fronting 50 feet on Beatties Ford Road about 155 feet north of the intersection of Estelle Street and Beatties Ford Road.

ACTION The Planning Commission recommends that the petition be denied.

(NOTE City Council continued the original hearing in order for the petitioner to prepare a conditional plan, but the petitioner is no longer pursuing this request at all.)

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

Nays None

REASONS

The following issues associated with this request can be identified

1. Zoning Relationship. Would the approval of this request be consistent with existing or anticipated zoning patterns and relationships in this area?

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

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

1. Existing Zoning. The petitioned property is zoned R-6. The R-6 classification is the predominate classification throughout the surrounding area. Several blocks to the north and south of the site are areas zoned for office and commercial uses.

2. Existing Land Use. The site is occupied by a single family residence. A solid pattern of residential development exists in the immediate vicinity of the applicant's property

The following general findings can be arrived at:

1. Comprehensive Plan 1995. The Plan Map indicates a residential transition area in the vicinity of petitioner's property.

2. Transportation Improvement Program (TIP). Beatties Ford Road Arterial Signal System project would place signals along Beatties Ford Road from Dixon Avenue to I-85 in a progressive system which will have the capability to change the timing plans several times per day on an automatic basis. Project has a high priority, but does not have a completion schedule as of June, 1982. Cost of project is $130,000.

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

1. The subject property is presently zoned R-6 and is located in a single family residential area.

2. The site is surrounded by single family zoning.

3. To rezone this property to B-1 would introduce a zoning classification that is totally inconsistent with the existing or anticipated zoning pattern.

4. The approval of this request might lead to other similar requests. Such changes in zoning would not be desirable.

5. Efforts to rezone this property or others similarly situated should be discouraged. The cumulative effect of these changes would compromise the integrity of the residential setting here.

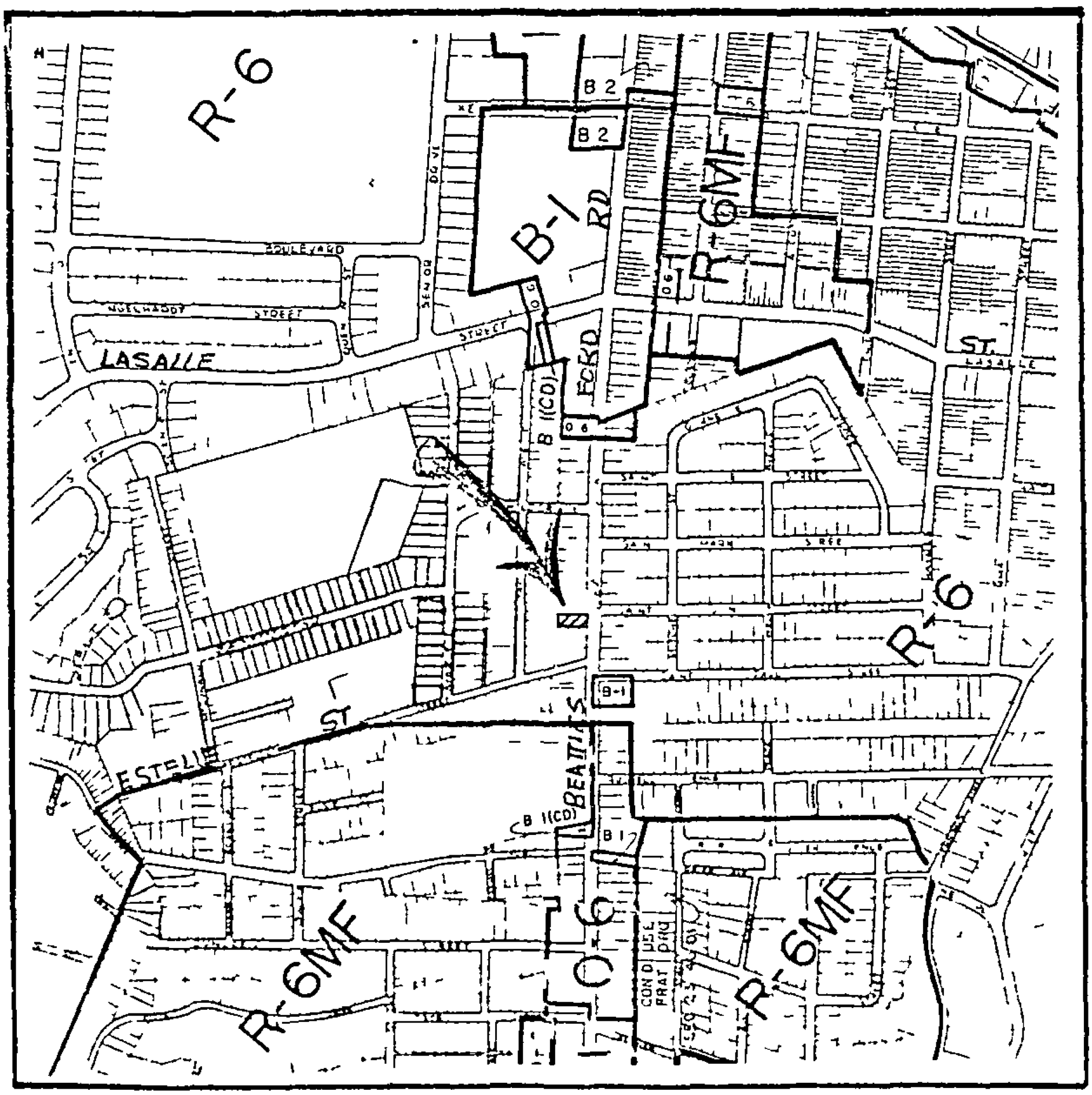
6. In light of the above considerations this request cannot be justified.

PETITIONER Omera B. Hayes

PETITION NO. 82-60 HEARING DATE 9/20/82

ZONING CLASSIFICATION, EXISTING R-6 REQUESTED B-1

LOCATION A .160 acre site fronting 50 feet on Beatties Ford Road, approximately 155 feet north of the intersection of Estelle Street and Beatties Ford Road.



ZONING MAP NO. 4 SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE

ATTACH # 2

AN ORDINANCE DESIGNATING THE PROPERTY KNOWN AS THE "CHARLES W. PARKER HOUSE" (INTERIOR AND EXTERIOR OF THE BUILDING) AND THE LAND ASSOCIATED THEREWITH, AS HISTORIC PROPERTY, AT 901 CENTRAL AVENUE, CHARLOTTE, NORTH CAROLINA, AND RECORDED ON TAX PARCEL NUMBER 080-211-07 IN THE MECKLENBURG COUNTY TAX OFFICE.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Part 3B, Article 19, Chapter 160A, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the City Council of Charlotte, North Carolina, has taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Properties Commission on the _____ day of _____, 19____, on the question of designation the property known as the "Charles W. Parker House" (interior and exterior of the building) and the land associated therewith as historic property; and

WHEREAS, the "Charles W. Parker House" was built in 1903-04 and is one of the earliest houses in Piedmont Park, a streetcar suburb which opened in 1902, and which was developed by F. C. Abbott and George Stephens, and

WHEREAS, the "Charles W. Parker House" is one of the finest examples of the Four Square style of architecture, and

WHEREAS, Charles W Parker (1886-1950), the original owner, was a business-man of local and regional importance, and

WHEREAS, the grounds of the "Charles W. Parker House" retain their original ambience, and

WHEREAS, the property known as the "Charles W. Parker House" is vested in fee simple to Mr. Michael W. Normile and his wife, Mediana Normile,

NOW, THEREFORE BE IT ORDAINED by the City of Charlotte, North Carolina:

1. That the property known as the "Charles W. Parker House" (interior and exterior of the building) and the land associated therewith, is hereby designated as historic property pursuant to Part 3B, Article 19, Chapter 160A, of the General Statutes of North Carolina. For purposes of description only, the location of

said property is noted as being situated on a tract of property at 901 Central Avenue, Charlotte, North Carolina, as recorded on Parcel Number 080-211-07 in the Tax Office of Mecklenburg County, North Carolina.

2. That said designated property may be materially altered, restored, moved, or demolished only following the issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Properties Commission. An Application for a Certificate of Appropriateness authorizing the demolition of said property may not be denied. However, the effective date of such a Certificate may be delayed in accordance with Chapter 160A, Article 19, Part 3B, and amendments thereto and hereinafter adopted.

3. That nothing in this ordinance shall be construed to prevent or delay the ordinary maintenance or repair of any architectural feature in or on said property that does not involve a change of design, material, or outer appearance thereof, nor to prevent or delay the making of emergency repairs, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition, or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the property owner from making any use of this property not prohibited by other statutes, ordinances, or regulations.

4. That a suitable sign may be posted indicating that said property has been designated as historic property and containing any other appropriate information. If the owner consents, the sign shall be placed on said property. If the owner objects, the sign shall be placed on a nearby public right-of-way.

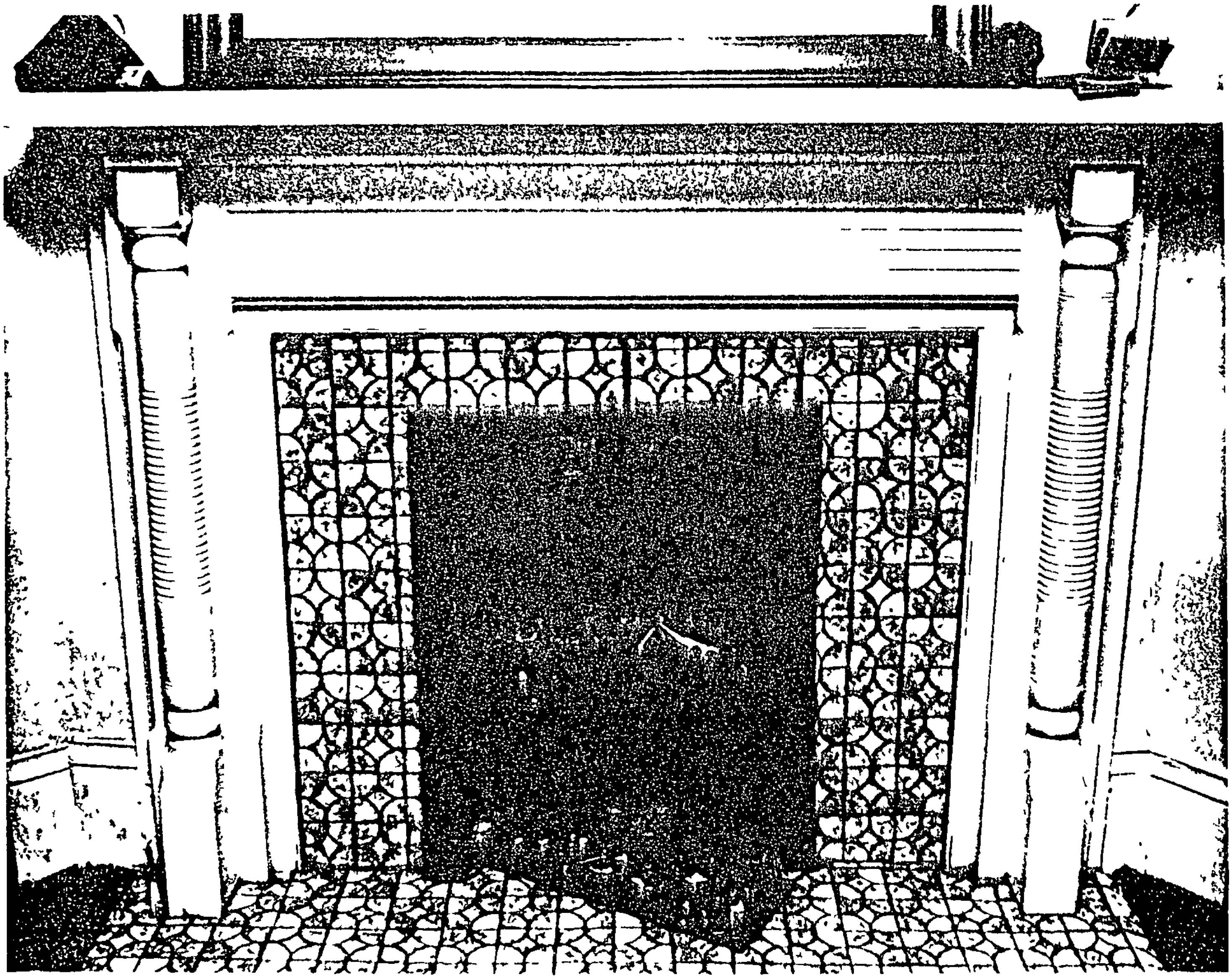
5. That the owners and occupants of the property known as the "Charles W. Parker House" be given the notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Inspection Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

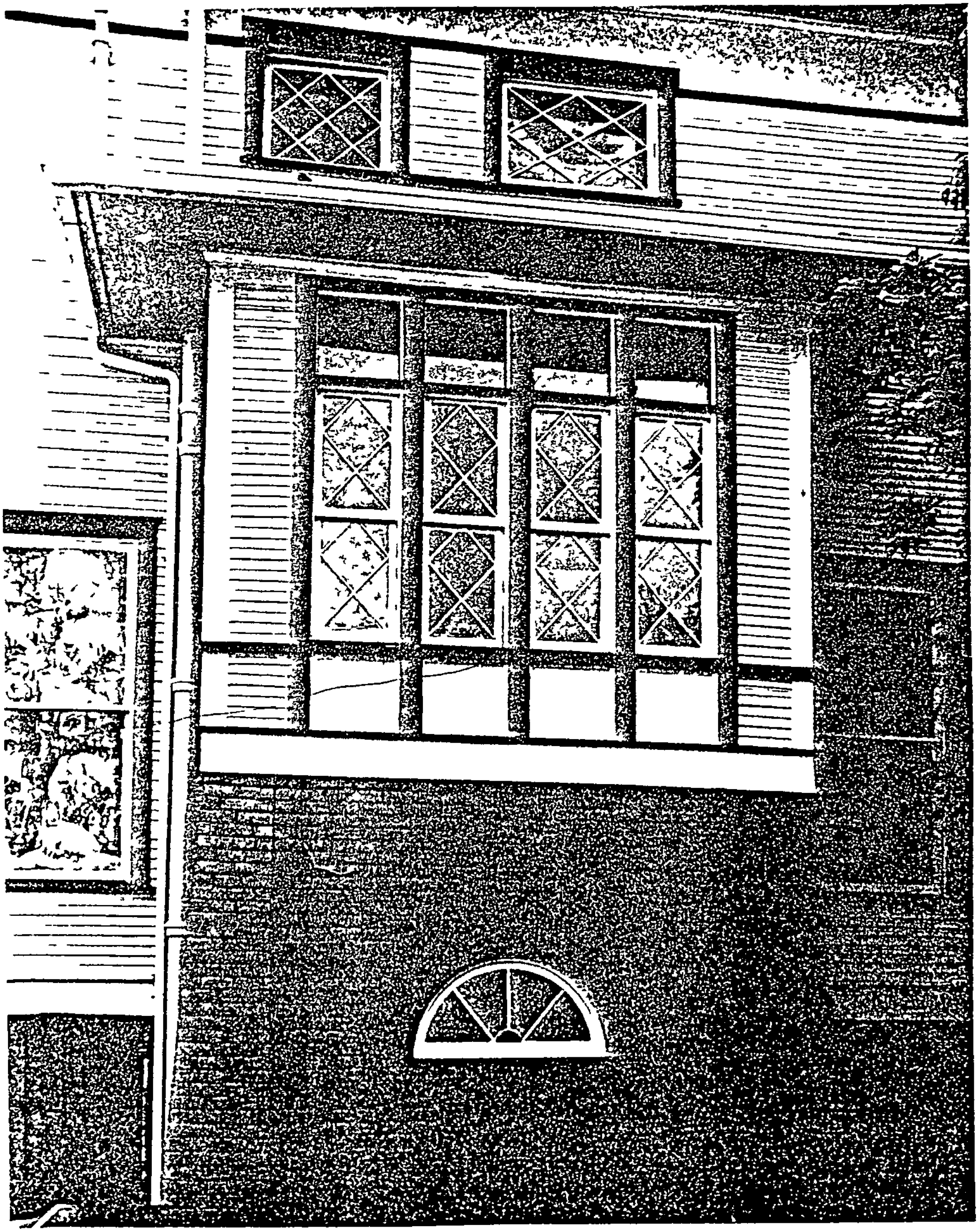
6. That which is designated as historic property shall be subject to Chapter 160A, Article 19, Part 3B, and any amendments to it and any amendments hereinafter adopted.

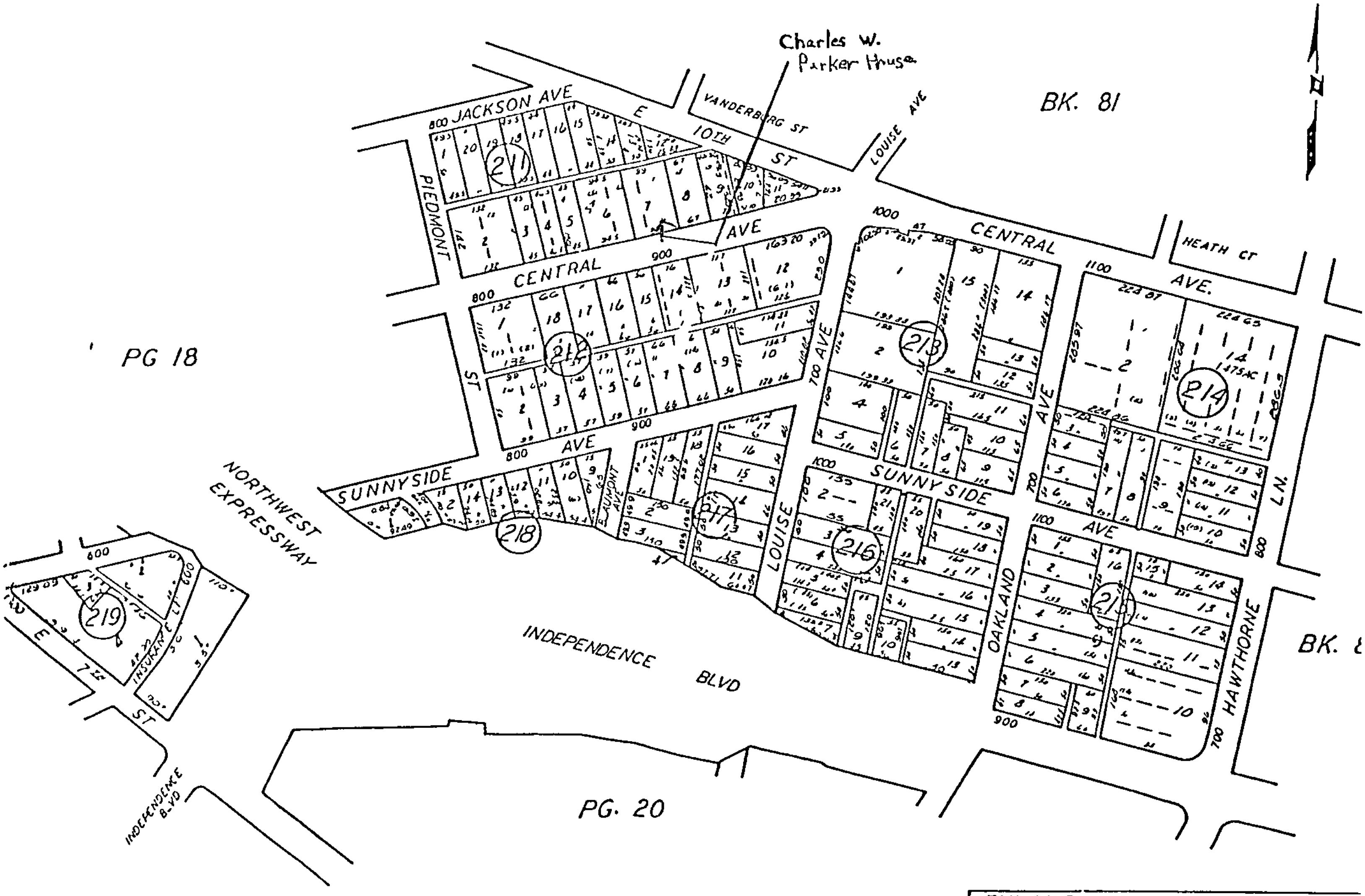
Approved as to form:

Henry W. Underhill Jr.
City Attorney

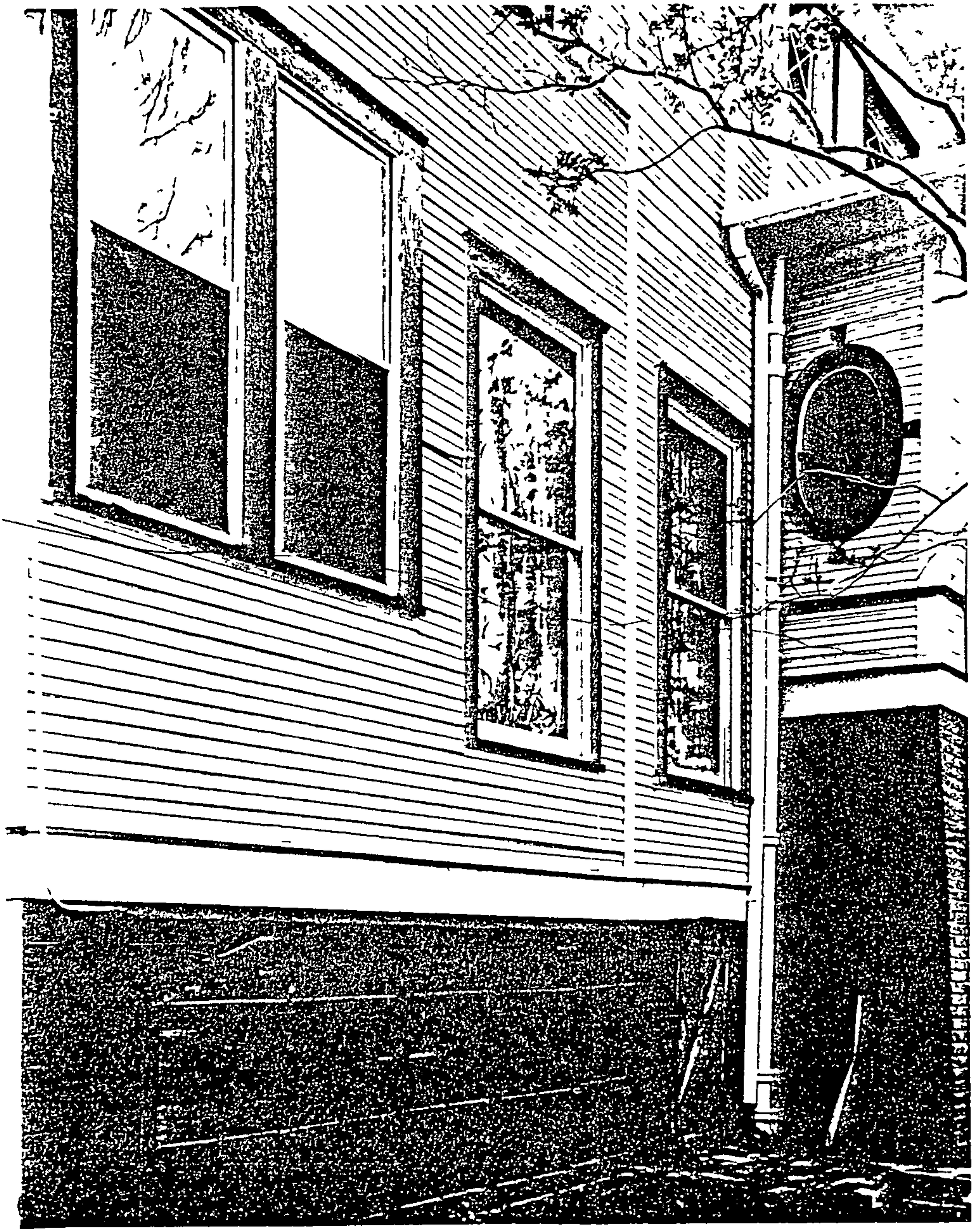
JM







TAX LINE MAP	BOOK 80	PAGE 2
MECKLENBURG COUNTY	NORTH CAROLINA	
REVISED	SCALE 1 = 200	



ATTACH # 3

AN ORDINANCE DESIGNATING THE PROPERTY KNOWN AS THE "CROWELL-BERRYHILL STORE" (INTERIOR AND EXTERIOR OF THE BUILDING, EXCLUDING THE CINDER BLOCK ADDITION AT THE REAR OF THE BUILDING) AND THE LAND ASSOCIATED THEREWITH, AS HISTORIC PROPERTY, AT 401 WEST NINTH STREET, CHARLOTTE, NORTH CAROLINA, AND RECORDED ON TAX PARCEL NUMBER 078-074-15 IN THE MECKLENBURG COUNTY TAX OFFICE.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Part 3B, Article 19, Chapter 160A, as amended, of the General Statutes of North Carolina have been met, and

WHEREAS, the City Council of Charlotte, North Carolina, has taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Properties Commission on the _____ day of _____, 19_____, on the question of designating the property known as the "Crowell-Berryhill Store" (interior and exterior of the building, excluding the cinder block addition at the rear of the building), and the land associated therewith as historic property; and

WHEREAS, the "Crowell-Berryhill Store" was built in 1897 as a branch of the Star Mills Grocery Company; and

WHEREAS, the "Crowell-Berryhill Store" is the only turn-of-the-century grocery store which survives in uptown Charlotte, and

WHEREAS, Earnest Wiley Berryhill, long-time resident of the Berryhill House, acquired the "Crowell-Berryhill Store" in 1907 and operated it until his death in 1931; and

WHEREAS, the "Crowell-Berryhill Store" is an excellent example of adaptive reuse, and

WHEREAS, the grounds of the "Crowell-Berryhill Store retain their original ambience, and

WHEREAS, the property known as the "Crowell-Berryhill Store" is vested in fee simple to Mr. Cullie M. Tarleton and his wife, Sylvia D. Tarleton,

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

1. That the property known as the "Crowell-Berryhill Store" (interior and exterior of the building, excluding the cinder block addition at the rear of the

of the building) and the land associated therewith, is hereby designated as historic property pursuant to Part 3B, Article 19, Chapter 160A, of the General Statutes of North Carolina. For purposes of description only, the location of said property is noted as being situated on a tract of property at 401 West Ninth Street, Charlotte, North Carolina, as recorded on Parcel Number 078-074-15 in the Tax Office of Mecklenburg County, North Carolina.

2. That said designated property may be materially altered, restored, moved, or demolished only following the issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Properties Commission. An Application for a Certificate of Appropriateness authorizing the demolition of said property may not be denied However, the effective date of such a Certificate may be delaved in accordance with Chapter 160A, Article 19, Part 3B, and amendments thereto and hereinafter adopted.

3. That nothing in this ordinance shall be construed to prevent or delay the ordinary maintenance or repair of anv architectural feature in or on said propertv that does not involve a change of design, material, or outer appearance thereof, nor to prevent or delay the making of emergency repairs, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition, or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the property owner from making any use of this property not prohibited by other statutes, ordinances, or regulations.

4. That a suitable sign may be posted indicating that said property has been designated as historic property and containing any other appropriate information. If the owner consents, the sign shall be placed on said property. If the owner objects, the sign shall be placed on a nearby public right-of-way.

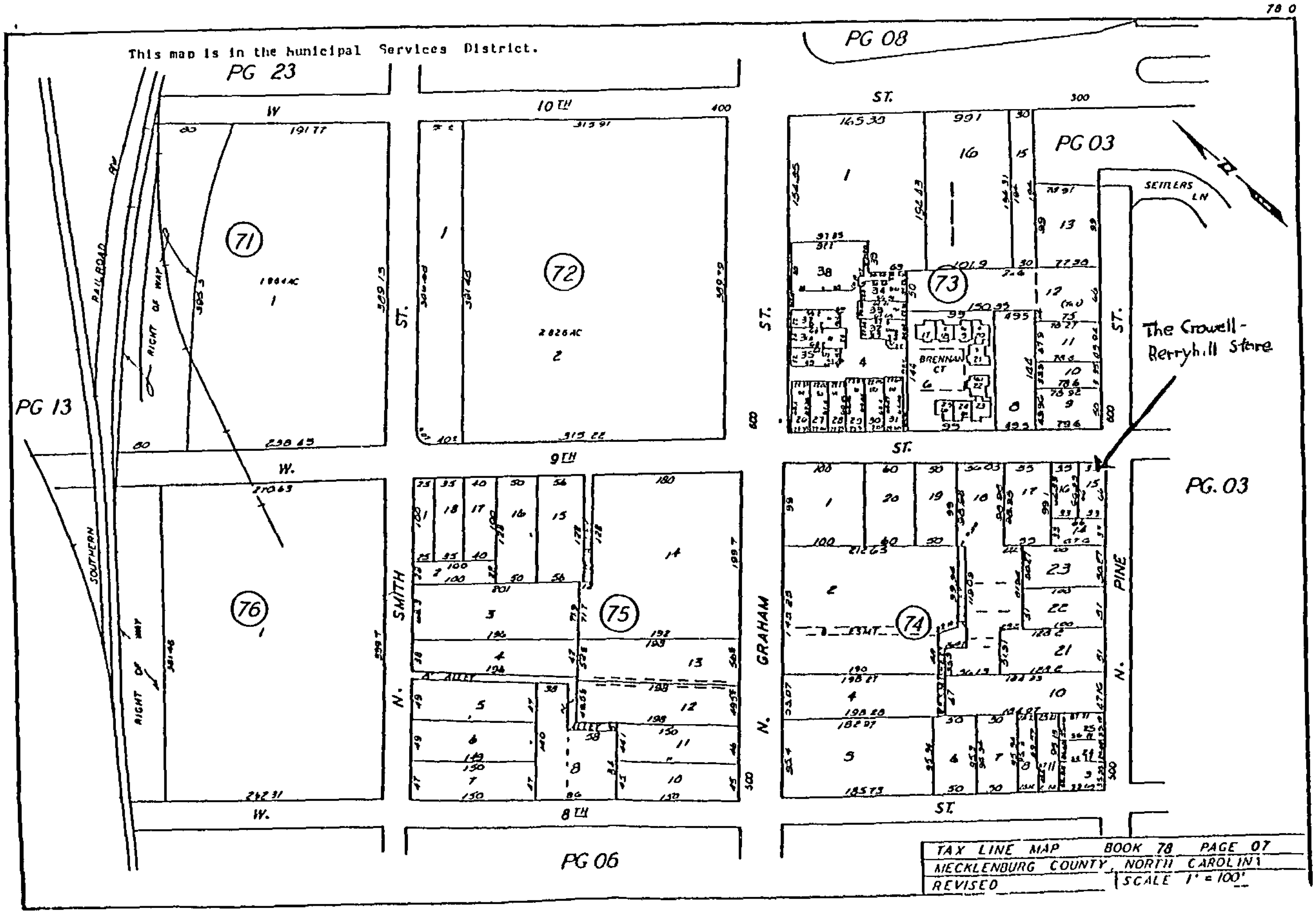
5. That the owners and occupants of the property known as the "Crowell-Berryhill Store" be given the notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Inspection Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

6. That which is designated as historic property shall be subject to Chapter 160A, Article 19, Part 3B, and any amendments to it and any amendments hereinafter adopted.

Approved as to form:

Henry W. Underhill Jr.
City Attorney

STOP


This map is in the Municipal Services District.
PG 23
PG 08
PG 03
PG 13
PG 06
PG. 03
W.
10TH
9TH
8TH
ST.
SMITH
GRAHAM
PINE
N.
SOUTHERN
RAILROAD
RIGHT OF WAY
SETTLERS LN
BRENNAN CT
The Crowell - Berryhill Store
71
72
73
74
75
76
TAX LINE MAP BOOK 78 PAGE 07
MECKLENBURG COUNTY, NORTH CAROLINA
REVISED
SCALE 1" = 100'

ATTACH # 4

CHARLOTTE-MECKLENBURG PLANNING COMMISSION

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

MARTIN R CRAMTON JR
Planning Director

October 6, 1982

Mayor Eddie Knox
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members:

Attached is a recommendation of the Charlotte-Mecklenburg Planning Commission on a petition for rezoning which has been heard and referred to the Planning Commission for consideration. The recommendation as reflected herein was arrived at in a meeting of the Planning Commission held on October 5, 1982.

According to the adopted rules of procedure, this recommendation will be sent to the interested parties with a time period for the conveyance of any written statement set to elapse on October 18, 1982. This will then permit this matter to be placed on your agenda for consideration on November 15, 1982.

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

Respectfully submitted,

Bob Young

Robert G. Young
Zoning Hearing Supervisor

RGY:oj

Attachment

DATE October 5, 1982

PETITION NO. 82-49

PETITIONER(S) John Crosland Company

REQUEST Change from R-9 and R-12 to R-15MF(CD)

LOCATION 36.87 acres located between Sugar Creek and Colchester Place.

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

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

Nays: None

(Commissioner Smith abstained from voting.)

REASONS:

The following issues associated with this request can be identified

1. Overall Objectives. Would the approval of this request be compatible with overall zoning and land use patterns?

2. Site Relationships. Is the size, shape, topographic features, access and other features of this site compatible with an attached housing project as proposed in this case?

3. Site Plan. Does the site plan submitted as a part of this request offer a development plan that is sensitive to and compatible with adjacent and nearby property?

4. Traffic Considerations. What traffic flow and transportation impacts should be considered as a part of this request?

5. Infill Housing. How does this proposal relate to policies and objectives concerning housing needs, particularly as it relates to infill housing?

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

1. Existing Zoning. The site is presently zoned R-12/R-9. The R-12 classification covers a large area south of the site. Across Archdale Drive the zoning remains single family, but the district changes to R-9. On the northerly side of Sugar Creek contiguous property is also zoned R-9, but continuing generally north there is a small area zoned R-20MF and a larger area zoned I-1.

2. Existing Land Use. The site in question is not developed at the present time. Single family development predominates the general area. Three churches are in the immediate vicinity as is the Spring Valley Racquet and Swim Club. The Leafcrest Apartments are across and somewhat north of the property and Park Road Park is nearby as well. The Celanese facility is located on Archdale Drive opposite Shadyview Drive.

3. Site Plan. The site plan proposes a housing development containing 179 dwelling units. Twenty one detached units will be developed and will be accessed via the extension of Rexwood Place. One hundred and fifty eight attached units will be accessed via a new entrance off Old Reid Road. The attached units will be arranged in three building clusters. Rather substantial natural and buffer areas are shown. A new landscaped traffic island, which will complement the existing one in Old Reid Road, will provide an entrance into the attached housing area. An area along Sugar Creek will be dedicated to the Mecklenburg County Park and Recreation Department to be used as part of the greenway system in this area.

The following general findings can be arrived at:

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

2. Transportation Improvement Program (TIP). South Boulevard at Archdale Drive project would widen Archdale Drive to a standard four-lane section between Old Pineville Road and Ingleside Drive, revise signal and coordinate with signal at Archdale and Old Pineville Road. Cost of project is estimated at $122,500. No funds have been appropriated as of October 31, 1980.

3. Capital Improvement Program (CIP). Park Road Park Sedimentation Dam project will construct a dam at the mouth of the park lake to prevent the lake from filling up with silt. Cost of project is estimated at $57,000. Project is unfinanced as of October 31, 1981.

4. Capital Improvement Program (CIP). The Park Road Park Tennis Improvements project will finance the addition of 12 lighted, surfaced tennis courts, 1200 square foot tennis facility with meeting room, restroom shower, dressing room, and a concession and pro-shop area. Project has a low priority and is unfinanced as of October 31, 1981. Cost of project is estimated at $346,000.

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

1. The subject property is zoned for single family purposes and is located on the edge of the Spring Valley/Brandon neighborhoods. Current zoning would permit about 113± detached homes on the site.

2. The site is a 37± acre tract which is heavily wooded and includes in some parts rather steep topography.

3. The property is bordered by Sugar Creek, a church, a swim club and single family homes which front on Old Reid Road and Colchester Place.

4. In evaluating this rezoning request, consideration has been given to such things as site features, land use relationships (both internal and external), traffic, drainage and overall zoning/land use and housing policies. It is believed that this request and the accompanying site plan are consistent with desired planning principles and goals for the area and has been designed so as to not adversely affect the above considerations.

5. The petitioner has commissioned a traffic study which indicates traffic generated by the proposed development will only be somewhat higher than the traffic generated by development under current zoning. Specifically, a total of about 1200 trips per day will be generated by the development of this property entirely as single family. An additional 62 vehicles will use Old Reid Road during the P.M. peak hour. Single family/multi-family development of the site will generate about 1600 trips/day and 108 vehicles during the P.M. peak hour. Also, Old Reid Road traffic volumes would only be 8% higher under the single family/multi-family plan rather than single family development.

6. The petitioner has held meetings with neighborhood residents and representatives in an attempt to arrive at a plan that both sides could agree on. This process has produced several land use alternatives. Although the neighborhood has not been receptive to these plans, it is believed that the plan as now proposed offers environmental sensitivity, very reasonable land use relationships and other considerations under a controlled plan which, when implemented, will result in a development project which will complement the neighborhood environment.

7. The revised site plan proposes a number of desirable land development and land use relationship features. Large areas will remain undeveloped with generous buffer areas around the edge of the site. A mix of housing types is proposed and the resulting overall density is low. Recreation amenities are centrally located and a greenway dedication is proposed. A landscaped traffic median at Old Reid Road will present an attractive entry.

8. The actual density of the project is 4.86 du's/acre, which is well within Comprehensive Plan objectives.

9. The site's size, shape, location and external boundary relationship to the existing natural and man-made environment makes the property quite suitable for attached and detached housing.

10. The proposal to develop this property offers the opportunity to develop a parcel of land which has long remained undeveloped. Through the conditional zoning process a plan of development control is provided. Site plan features are sensitive to the site's environment and immediate properties.

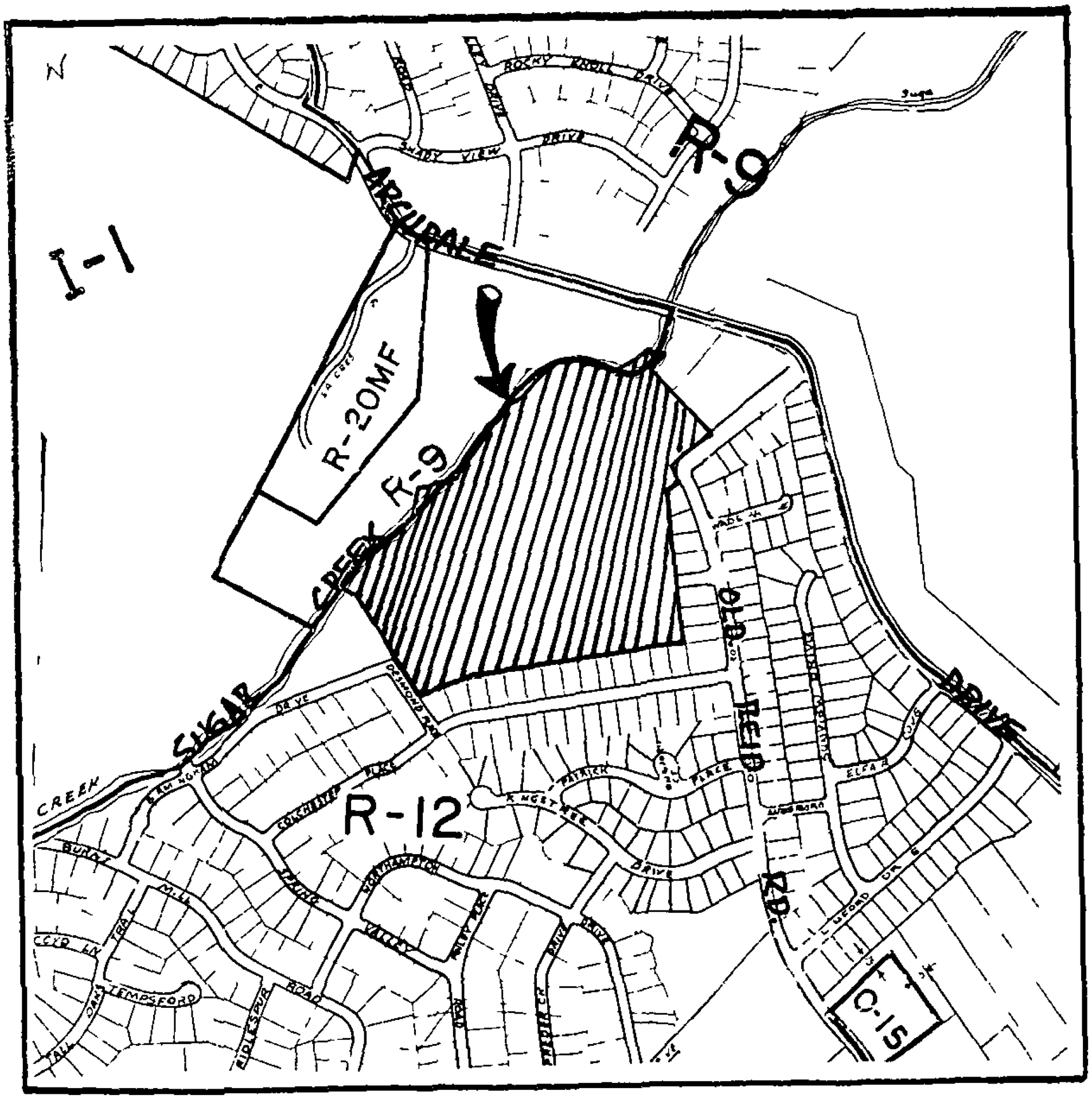
11. Whenever appropriate, as in this case, opportunities to fulfill housing needs should be encouraged. Infill housing projects, as illustrated in this case, can successfully integrate into existing neighborhoods when designed appropriately and with sensitivity and should likewise be encouraged.

PETITIONER John Crosland Company

PETITION NO. 82-49 HEARING DATE 7-19-82

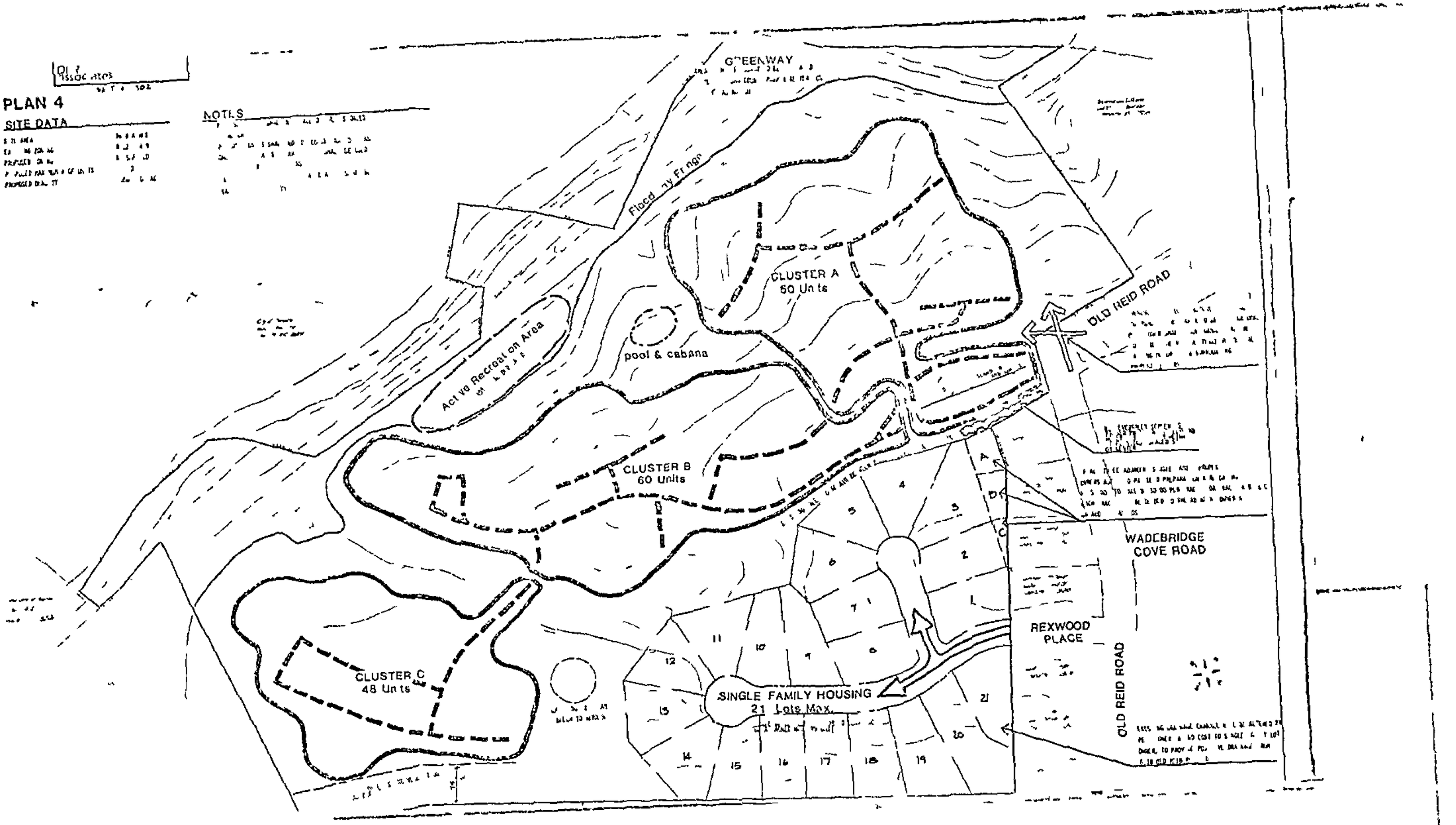
ZONING CLASSIFICATION, EXISTING R-9 and R-12 REQUESTED R-15MF(CD)

LOCATION A36.87± acre site fronting 319.40 feet on Old Reid Road, approximately 560 feet south of the intersection of Old Reid Road and Archdale Drive.



ZONING MAP NO. 31 SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE



JOHN CROSLAND COMPANY
PETITION NO. 82-49

ATTACH # 5

CHARLOTTE-MECKLENBURG PLANNING COMMISSION

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

MARTIN R CRAMTON JR
Planning Director

October 22, 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 October 18, 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 2, 1982. This will then permit these matters to be placed on your agenda for consideration on November 15, 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

Attachments

DATE October 18, 1982

PETITION NO. 82-25

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Amend the text of the zoning ordinance to provide for the Urban Development Center - Village zoning district.

LOCATION

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

VOTE

REASONS.

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.

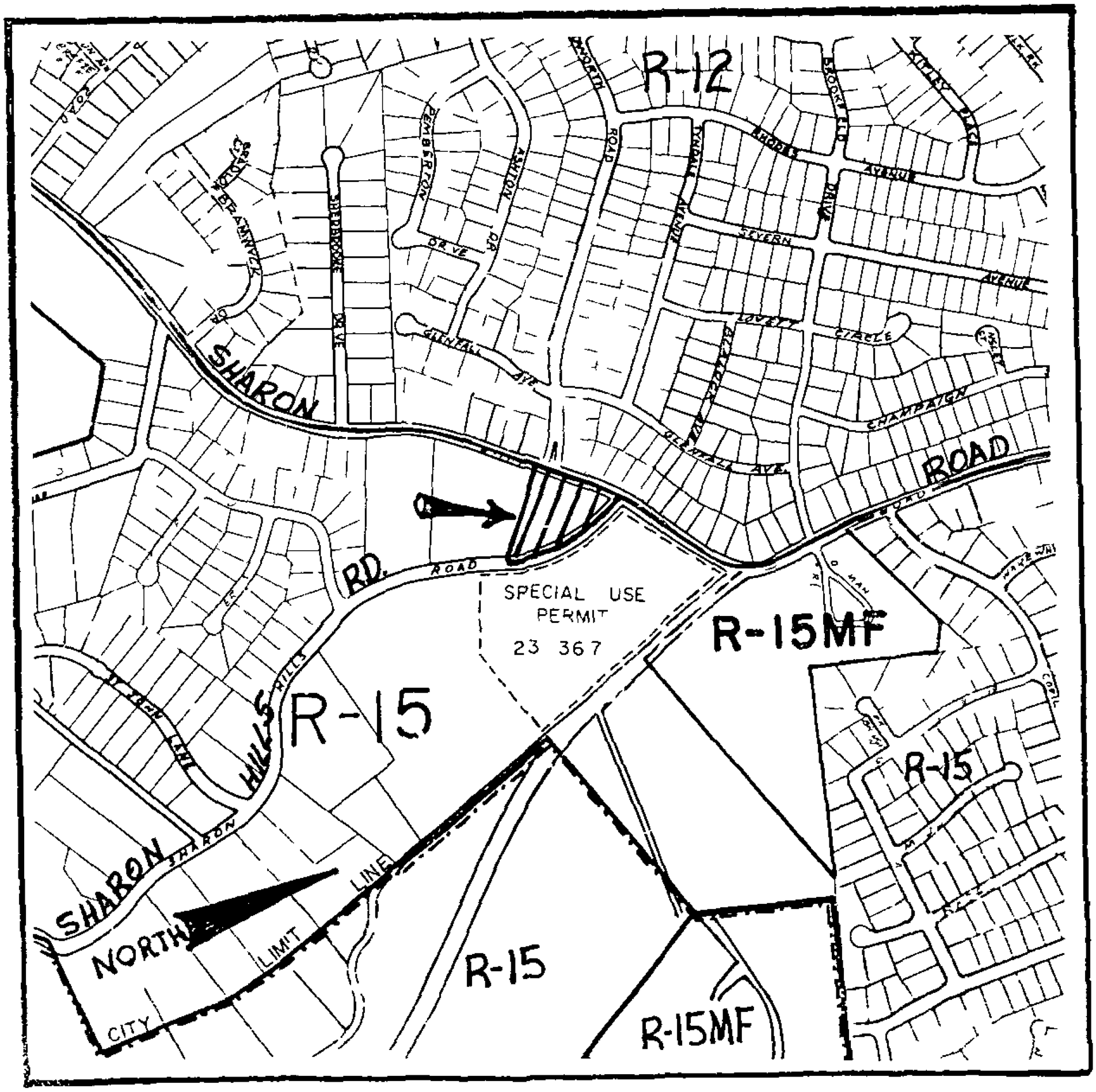
PETITIONER Farmington, Incorporated

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. 82-53

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/Mount Holly Road intersection.

ACTION The Planning Commission deferred action on this request pending further study of the petitioner's recently submitted site plan.

VOTE

REASONS

DATE October 18, 1982

PETITION NO. 82-57

PETITIONER(S) John and Catherine Adams

REQUEST Change from R-6MF to I-1

LOCATION A 1.06 acre parcel located to the rear of property at the 500 block of West Tremont.

ACTION The Planning Commission deferred action on this request and instructed staff to discuss a conditional plan of development for the property.

VOTE

REASONS.

DATE October 18, 1982

PETITION NO. 82-60

PETITIONER(S) Omera B. Hayes

REQUEST Change from O-6 to B-1

LOCATION A .16 acre parcel fronting 50 feet on Beatties Ford Road about 155 feet north of the intersection of Estelle Street and Beatties Ford Road.

ACTION The Planning Commission recommends that the petition be denied.

(NOTE City Council continued the original hearing in order for the petitioner to prepare a conditional plan, but the petitioner is no longer pursuing this request at all.)

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

Nays: None

REASONS

The following issues associated with this request can be identified

1. Zoning Relationship. Would the approval of this request be consistent with existing or anticipated zoning patterns and relationships in this area?

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

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

1. Existing Zoning The petitioned property is zoned R-6. The R-6 classification is the predominate classification throughout the surrounding area. Several blocks to the north and south of the site are areas zoned for office and commercial uses.

2 Existing Land Use. The site is occupied by a single family residence. A solid pattern of residential development exists in the immediate vicinity of the applicant's property

The following general findings can be arrived at

1. Comprehensive Plan 1995. The Plan Map indicates a residential transition area in the vicinity of petitioner's property.

2. Transportation Improvement Program (TIP). Beatties Ford Road Arterial Signal System project would place signals along Beatties Ford Road from Dixon Avenue to I-85 in a progressive system which will have the capability to change the timing plans several times per day on an automatic basis. Project has a high priority, but does not have a completion schedule as of June, 1982. Cost of project is $130,000.

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

1. The subject property is presently zoned R-6 and is located in a single family residential area.

2. The site is surrounded by single family zoning.

3. To rezone this property to B-1 would introduce a zoning classification that is totally inconsistent with the existing or anticipated zoning pattern.

4. The approval of this request might lead to other similar requests Such changes in zoning would not be desirable.

5. Efforts to rezone this property or others similarly situated should be discouraged. The cumulative effect of these changes would compromise the integrity of the residential setting here

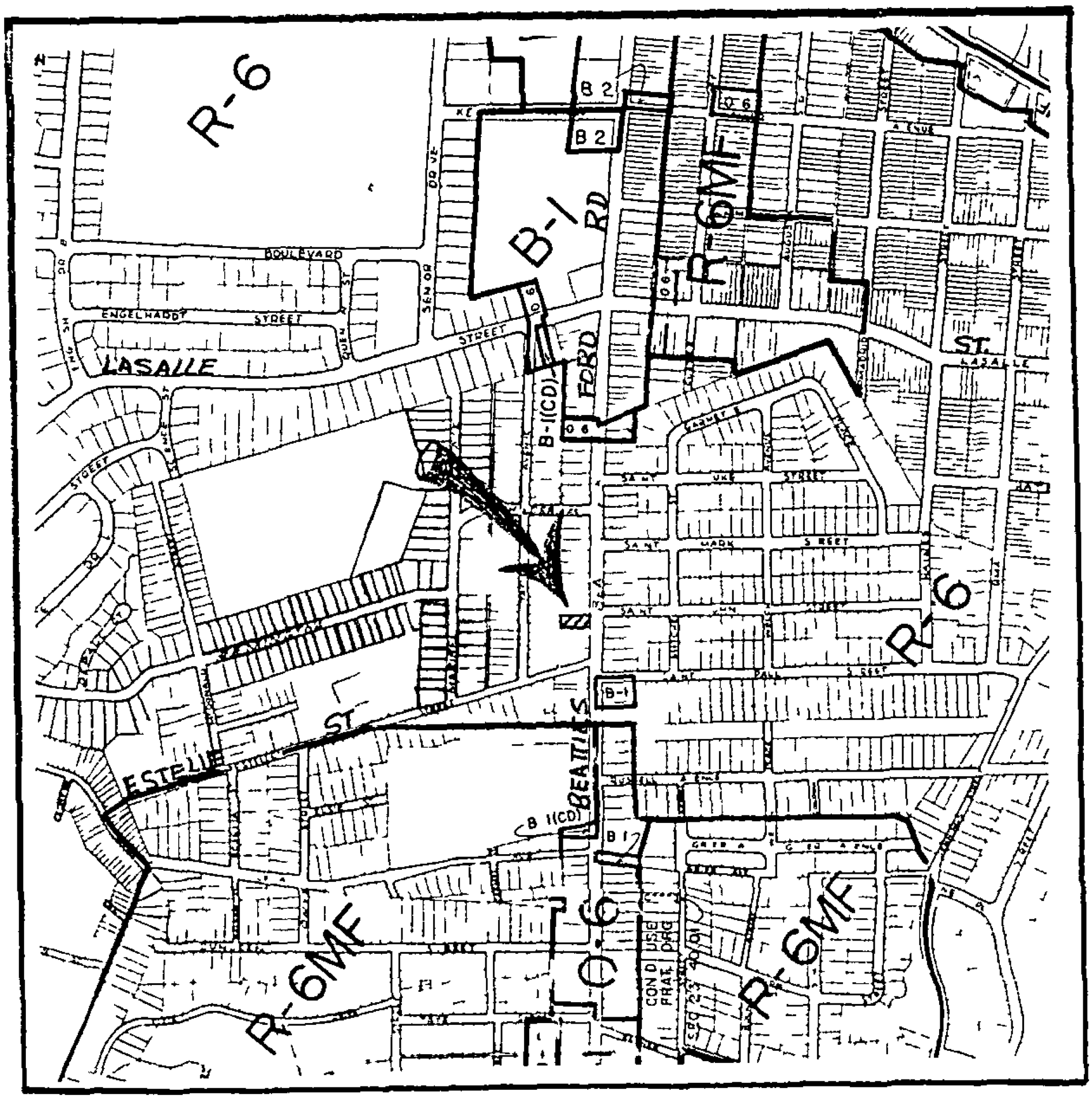
6. In light of the above considerations this request cannot be justified.

PETITIONER Omera B. Hayes

PETITION NO. 82-60 HEARING DATE 9/20/82

ZONING CLASSIFICATION, EXISTING R-6 REQUESTED B-1

LOCATION A .160 acre site fronting 50 feet on Beatties Ford Road, approximately 155 feet north of the intersection of Estelle Street and Beatties Ford Road.



ZONING MAP NO. 4 SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE

DATE October 18, 1982

PETITION NO. 82-65

PETITIONER(S) Mecklenburg ABC Board

REQUEST Change from O-15 to B-1(CD)

LOCATION A 114.54 feet by 169.24 feet site located on the east side of Carmel Road beginning 208 feet south of Hwy. 51.

ACTION The Planning Commission recommends the petition be denied.

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

Nays: Boyce, Curry and Greene.

(Commissioner Smith abstained from voting.)

REASONS

The following issues associated with this request can be identified

1. Zoning Pattern/Relationship. Would the approval of B-1(CD) at this location be consistent with existing or anticipated zoning patterns?

2. Highway 51 Policies. Would the approval of this request be consistent with policies developed for land development along and near N.C. Highway 51?

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

4. Carmel Road Ext. Is this proposal consistent with overall development policies for Carmel Road Ext.?

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

1. Existing Land Use. The site is presently vacant. Beside it to the north is a bank, while to the rear is an office building. Across Carmel Road from the site is the Carmel Commons Shopping Center Related to the Carmel Road/ N.C. 51 intersection are a number of office buildings. Farther south along Carmel Road begins a large concentration of residential development, both single family and multi-family housing. There is also a small church and a Southern Bell facility in the vicinity.

2. Existing Zoning. The site is zoned O-15 as is adjacent property on three sides of the property. The O-15 district covers a rather large area which is generally related to the Carmel Road/Hwy. 51 intersection. The exception to this is an area zoned B-1SCD at the southwest corner of the intersection. Thereafter the zoning pattern shifts to either single family or multi-family zoning. One exception to this is a small area zoned B-1 on the easterly side of Carmel Road just south of Rural Park Place.

3. Site Plan. The site plan presented as a part of this petition requests approval for an ABC store. Total building size will be 3,500 square feet with a retail area of 2,000 square feet. Thirteen parking spaces are required for this use; the petitioner proposes eighteen spaces. An architectural rendering of the building is also included

The following general findings can be arrived at

1. Comprehensive Plan 1995. The Plan Map generally indicates office development in the vicinity of the petitioner's property

2. Transportation Improvement Program (TIP). The proposed widening of N.C. 51 to four lanes between Pineville and Matthews would accommodate anticipated increases in future traffic volumes. The project is estimated to cost $3,600,000 and has a very high priority Funding is undetermined at this time.

3. N C. 51 Policies. The adopted policy of the N C 51 Study states that 'land along N C. 51 or along its intersecting cross streets, should be favorably considered for rezoning to non-residential uses only when part of an overall plan for development of a larger area and is designed to blend satisfactorily with the area to be developed."

   An update of the N.C. 51 Study is underway and both alternatives thus far proposed recommended office development 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 O-15 All property on the easterly side of Carmel Road in the immediate vicinity of the site is zoned O-15.

2. The commercial zoning in this area is limited to B-1SCD zoning at the southwesterly corner of Carmel Road and N.C. 51, which is the location of Carmel Commons Shopping Center. Also, there is a small area zoned B-1 south of the petitioned property which was established in recognition of the Southern Bell facility at that location

3. The proposal to rezone the parcel for commercial purposes is inconsistent with the zoning pattern established for this area, both existing and anticipated.

4. The proposal to rezone this parcel is also inconsistent with adopted policies for N.C. 51. An updated version of these policies now under consideration also does not recommend business zoning/uses at this location.

5. The approval of this request would most likely lead to other similar requests. Rezoning requests such as these should not be encouraged.

6. The development of commercial uses in this area has been accomplished through planned, comprehensive development schemes. Free standing structures, of the type in this case, have been discouraged and should continue to be discouraged. A proliferation of such uses will lead to a strip commercial look, which is obviously not desirable.

7. Similarly, Carmel Road Ext. has been carefully planned in terms of appearance, driveway cuts, etc. The approval of this request would be inconsistent with Carmel Road Ext. objectives.

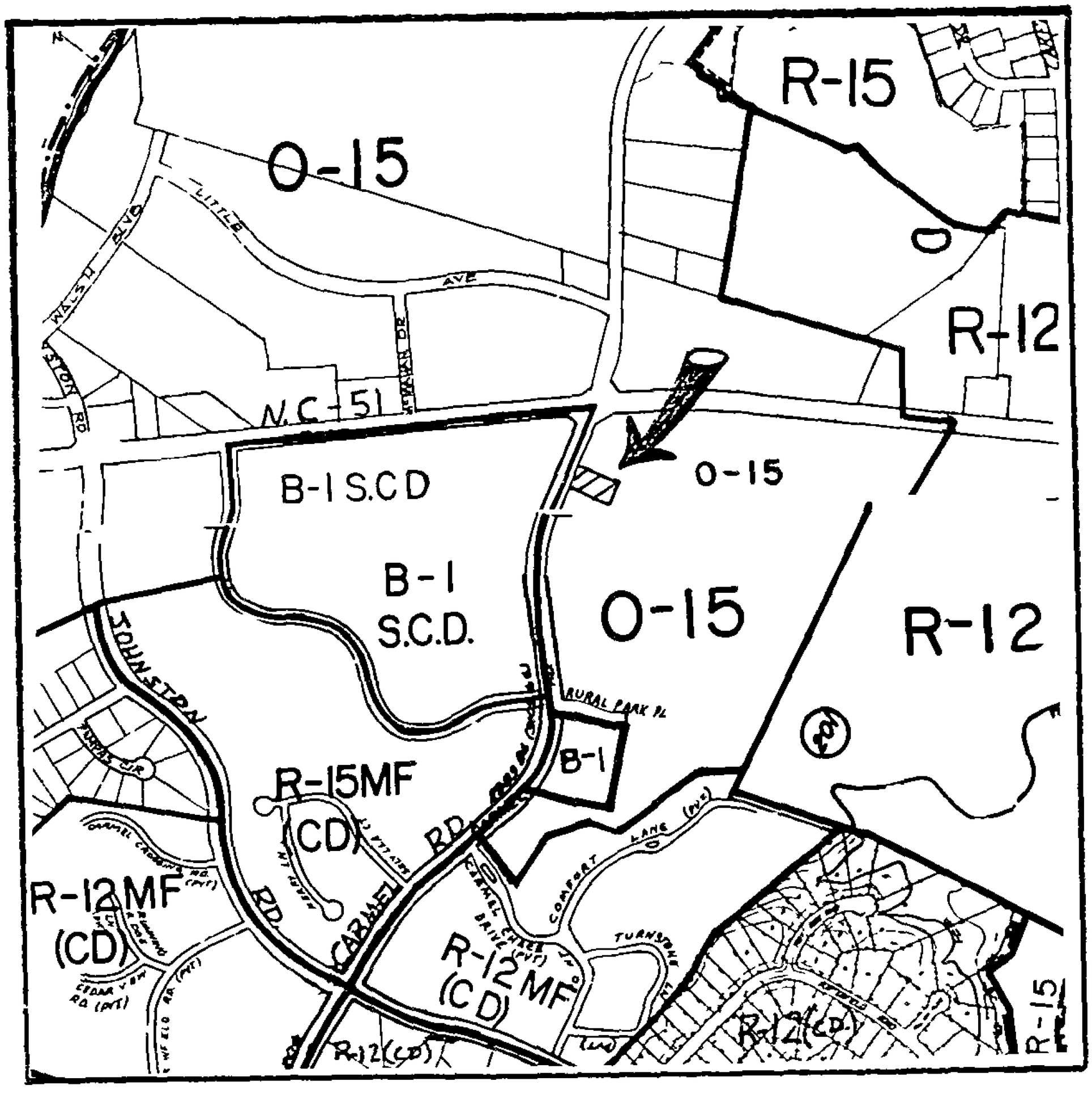
8. In evaluating this request the Planning Commission recognized the uniqueness of the use and the conditional zoning aspect. However, it is firmly believed that approval of this request will lead to strip development along Carmel Road in this area. In recommending denial of this request, Planning Commission wishes to strongly convey the desirability of avoiding strip development at this location and others throughout the community.

PETITIONER Mecklenburg ABC Board

PETITION NO. 82-65 HEARING DATE October 18, 1982

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

LOCATION A 114.54 feet by 169.24 feet site located on the east side of Carmel Road beginning 208 feet south of Hwy. 51.



ZONING MAP NO. 53 SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE

DATE October 18, 1982

PETITION NO. 82-66

PETITIONER(S) BCI Property Company No. 10

REQUEST Change from B-1SCD to B-1SCD Site Plan Amendment

LOCATION A 5.3 acre site at 6525 Morrison Boulevard.

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

VOTE

REASONS

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 residentially 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.

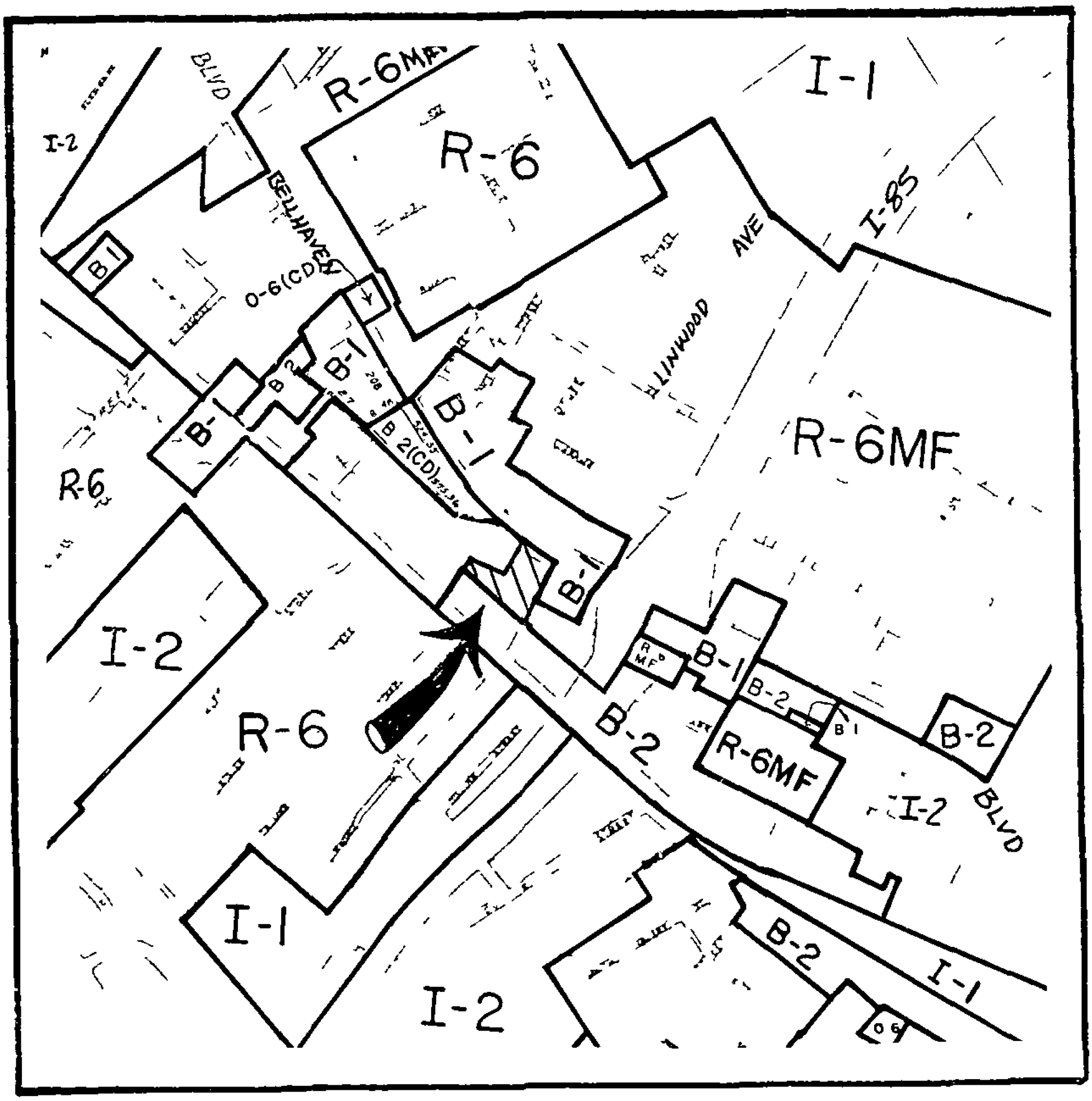
10. Based on the above, this request is not consistent with plans and objectives for the area and should be discouraged.

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

DATE October 18, 1982

PETITION NO. 82-68

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Amend the text of the zoning ordinance to provide for certain accessory uses in conjunction with churches and synagogues.

LOCATION

ACTION The Planning Commission recommends that the petition be approved.

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

Nays None

REASONS:

The request seeks to amend the text of the Charlotte Zoning Ordinance by establishing a new use in the Table of Permitted Uses under Residential Districts concerning certain allowable accessory uses to churches and synagogues. In accordance with these new provisions, churches and synagogues will be permitted to have such accessory uses as bookstores, offices, printing and distribution functions as long as they are located on the same lot as the church. Other provisions insure that these accessory uses will not adversely effect nearby residential areas by restricting display windows and signs. Thus, these uses should fit compatibly with the principal church and function in harmony with surrounding areas.

This text amendment is in response to a specific rezoning request heard at public hearing a few months ago. Since that time members of City Council, County Commission and Planning Commission have been studying the issue of churches, schools and other institutional uses in residential districts. That work is continuing. However, in response to the request mentioned above, it is believed that this text amendment is a good interim response to the question of churches and accessory uses and will not detract from the discussion that is continuing on this subject.

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 III, Division 1, Section 23-31(a). Business Uses in the Table of Permitted Uses by denoting with an "X" in the columns labelled "Residential District" and by adding in the proper order the following:

   Churches and synagogues - accessory uses such as bookstores; offices, printing and distribution, and similar uses on the same lot in Residential Districts subject to the requirements in Section 23-34.10.

2. Amend Article III, Division 2. Special Requirements for Certain Permitted Uses by adding a new Section 23-34.10. Accessory uses associated with churches on the same lot in residential districts as follows:

   Certain limited uses may be established as accessory uses on the same lot with churches and synagogues in any Residential Districts. The following requirements shall apply in addition to any other applicable requirements of this ordinance.

   (a) No merchandise or merchandise display window shall be visible from outside the building
   (b) No business or identification sign pertaining to the accessory uses shall be visible from outside the building.
   (c) All parking shall be screened in accordance with Section 23-30.10.
   (d) Accessory uses must not violate the yards, separation or open space requirements which apply to principal church structures.

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

DATE October 18, 1982

PETITION NO.

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Amend the text of the subdivision ordinance to change the requirement regarding the width of public roadways on each side of a center strip divider.

ACTION The Planning Commission recommends that the petition be approved.

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

Nays· None

REASONS

This text amendment is in response to a recent problem encountered when local subdivision regulations conflicted with development actions desired by State officials. Specifically, the subdivision ordinance now requires that whenever a roadway is divided with a center strip median, the minimum roadway width shall be 19 feet. Regarding this particular situation the State desired a 16 foot roadway, believing this to be better from a traffic flow and safety standpoint. Following this local staff, including Planning, City Engineering and County Engineering, got together and investigated the problem. As a result this text amendment was proposed with everyone's cooperation and agreement.

This text change is desirable for several reasons. First, it is beneficial in that it will eliminate excessive pavement widths where they are not needed. Secondly, the text change is structured in such a way as to make the actual pavement width flexible depending upon each individual circumstance. For example, in one situation the minimum 16 foot width might be desirable, while in another the best approach might be 18 feet. Thus, it is possible to require only the minimum in some cases and more in other situations where desirable, thereby removing the now rigid and inflexible 19 foot standard

Based on the above it is believed that this text change is desirable and Planning Commission recommends its approval

AMENDING CHAPTER 18
ARTICLE II

ORDINANCE NO._____

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. Chapter 18, Article II Improvements, Section 26(c), is amended by replacing the entire paragraph with the following paragraph to read as follows:

> "Sec. 18-26(c). Where a subdivider elects to establish a public roadway divided with a center strip, the width of the roadway on each side of the center strip divider shall be determined on an individual need basis, but shall not be less than sixteen (16) feet wide from face of curb to face of curb except a lesser width may be acceptable at intersections due to traffic control considerations. Except for specific provisions to the contrary contained in this section, the requirements of Section 18-18 shall apply to divided roadways and related street rights-of-way."

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