

## AGENDA

Meeting Type:	B
Date:	10-18-1982

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 October '82

### THE WEEK OF OCTOBER 3 - OCTOBER 9

- |   |                      |   |
|---|----------------------|---|
| 4 | Monday, 12 Noon      | CITY COUNCIL LUNCHEON - City Hall Annex, Training Center  |
|   | Monday, 12 30 p m    | CITY COUNCIL PRESENTATION (Preliminary Findings from the Architect on the Little Rock AME Zion Church in First Ward) - City Hall Annex, Training Center |
| 5 | Tuesday, 7 30 p m    | PLANNING COMMISSION - Cameron-Brown Building, First Floor Conference Room   |
| 6 | Wednesday, 7 30 a m. | AD HOC COMMITTEE ON PLANNING/PLANNING COMMISSION - Cameron-Brown Building, First Floor Conference Room  |
|   | Wednesday, 9 00 a m. | CIVIL SERVICE BOARD/Hearing - City Hall, Council Chamber  |
|   | Wednesday, 4 00 p m. | CITY COUNCIL LONG RANGE FUNDING COMMITTEE - City Hall, Second Floor Conference Room   |
| 7 | Thursday, 2 30 p.m.  | CITY COUNCIL AD HOC SOLID WASTE COMMITTEE - City Hall, Second Floor Conference Room   |
|   | Thursday, 4 00 p m   | SITE PLAN REVIEW COMMITTEE/PLANNING COMMISSION - Cameron-Brown Building, First Floor Conference Room  |

### THE WEEK OF OCTOBER 10 - OCTOBER 16

- |    |                      |  |
|----|----------------------|--|
| 11 | Monday, 12 Noon      | PLANNING COMMISSION (Work Session) - Cameron-Brown Building, First Floor Conference Room             |
|    | Monday, 5 00 p.m.    | CITY COUNCIL EXECUTIVE SESSION/DINNER - South Mecklenburg High School, Park Road Extension           |
|    | Monday, 7 00 p m     | CITIZENS HEARING (District 7) - South Mecklenburg High School, Park Road Extension                   |
|    | Monday, 7 30 p m     | CITY COUNCIL MEETING (District 7) - South Mecklenburg High School, Park Road Extension               |
| 12 | Tuesday, 9 00 a m.   | HISTORIC DISTRICT COMMISSION - Edwin Towers, First Floor Conference Room                             |
|    | Tuesday, 2 30 p m.   | MECHANICAL ADVISORY BOARD - City Hall Annex, Building Inspection Conference Room                     |
| 13 | Wednesday, 11 00 a m | AUDITORIUM-COLISEUM-CIVIC-CENTER AUTHORITY - Civic Center Conference Room                            |
|    | Wednesday, 4 00 p.m. | SITE PLAN REVIEW COMMITTEE/PLANNING COMMISSION - Cameron-Brown Building, First Floor Conference Room |
|    | Wednesday, 7 30 p.m. | HISTORIC PROPERTIES COMMISSION - City Hall, Second Floor Conference Room                             |

(Continued on back)

MEETINGS IN OCTOBER '82 CONTINUED

THE WEEK OF OCTOBER 17 - OCTOBER 23

18 Monday, 6 00 p.m. CITY COUNCIL MEETING/Zoning Hearings and Joint City-County Public Hearing on Urban Center Development Village (UCD-V) - Education Center Board Room

19 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

20 Wednesday, 8 30 a.m. CIVIL SERVICE BOARD - City Hall, Third Floor Conference Room

Wednesday, 4 00 p.m. EMPLOYMENT & TRAINING ADVISORY COUNCIL - Belmont Regional Center, 700 Parkwood Avenue

21 Thursday, 8 00 a.m. CHARLOTTE CLEAN CITY COMMITTEE - Cameron-Brown Building, Fifth Floor Conference Room

Thursday, 1 30 p.m. HANDICAPPED ADVISORY GROUP - Belmont Regional Center, 700 Parkwood Ave.

Thursday, 3 00 p.m. ADVISORY ENERGY COMMISSION - City Hall, Third Floor Conference Room

25 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 ADVISORY COMMITTEE - City Hall, Third Floor Conference Room

26 Tuesday, 12 Noon INSURANCE & RISK MANAGEMENT AGENCY - Cameron-Brown Building, Finance Department Conference Room, Sixth Floor

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

Tuesday, 4 00 p.m. MUNICIPAL INFORMATION ADVISORY BOARD - Cameron-Brown Building, Third Floor Conference Room

27 Wednesday, 4 30 p.m. COMMUNITY RELATIONS COMMITTEE - Covenant Presbyterian Church, 1000 E Morehead Street

28 Thursday, 4 00 p.m. ELECTRICAL ADVISORY BOARD - City Hall Annex, Building Inspection Conference Room

THE WEEK OF OCTOBER 24 - OCTOBER 30

# Charlotte

IN MEETING ON MONDAY, OCTOBER 18, 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 Ronald Heinze of Redeemer Lutheran Church

## PUBLIC HEARINGS

2. Hearing 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)

Attachment No 1

3. Hearing on Petition No 82-65 by the Mecklenburg ABC Board to change zoning from O-15 to B-1 (CD) for a 114.54 feet by 169 24 feet site located on the east side of Carmel Road beginning 208 feet south of Highway 51.

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



ITEM NO

Page -2-

- 4 Hearing on Petition No 82-66 by BCI Property Company No 10 to change zoning from B-1SCD to B-1SCD Site Plan Amendment for a 5 327 acre site at 6525 Morrison Boulevard with frontage on both Roxborough Road and Morrison Boulevard.
- Attachment No 1
5. Hearing on Petition No 82-67 by Acme Retail, Inc to change 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
- Attachment No. 1.
- 6 Hearing on Petition No 82-68 by the Charlotte Mecklenburg Planning Commission to amend the zoning ordinance, Article III (Permitted Uses, Special District, Conditional Uses and Special Use Permits), and Division 2 (Special Requirements for Certain Permitted Uses), Section 23-34 10
- Attachment No 1
7. Hearing on Petition by the Charlotte Mecklenburg Planning Commission to amend the subdivision ordinance text to change the requirements regarding the width of public roadways on each side of a center strip divider
- Attachment No 1

POLICY AGENDA

- 8 Decision on Petition No 82-24 by D L Phillips Investment Builders, Inc. for a change in zoning from R-9, R-6MF, O-6, and I-2 to I-1(CD) for a 10.4 acre tract fronting 1,366 feet on Barringer Drive, approximately 344 feet south of the intersection of Clanton Road and Barringer Drive
- The Planning Commission recommends that the petition be approved.
- Attachment No 2.

9. Decision on Petition No 82-45 by John Simpson for a change in zoning from B-1 to B-2(CD) for a 325 acre site on the southerly side of Shamrock Drive about 153 feet east of the intersection of Shamrock Drive and Florida Avenue.
- A protest petition has been filed and found sufficient to invoke the 3/4 Rule requiring nine affirmative votes of the Mayor and City Council in order to rezone the property.
- The Planning Commission recommends that the petition be denied
- Attachment No. 2
10. Decision on Petition No 82-50 by Catawba Economic Development Association, Inc. for a change in zoning from R-9 to R-9MF (CD) for a 4.3 + acre tract on the westerly side of North Sharon Amity Road at North Sharon Amity/Hickory Grove Road intersection.
- The Planning Commission recommends the petition be approved in accordance with a recently amended site plan.
- Attachment No 2.
- 11 Decision on Petition No. 82-51 by City of Charlotte, Community Development Department, for a change in zoning from R-6MF to I-3 for a 1.276 acre site at the northwest corner of East 12th Street and Alexander Street.
- The Planning Commission recommends that the petition be approved.
- Attachment No 2.
12. Decision on Petition No 82-61 by John Crosland Company for a change in zoning from I-1 to R-12 MF for a 5 074 acre tract fronting 354 feet on the north side of Covedale Drive, about 250 feet west of the intersection of Old Monroe Road and Covedale Drive.
- The Planning Commission recommends that the petition be approved
- Attachment No. 2.

13. Decision on Petition No 82-62 by Mecklenburg Baptist Associational Board, Inc for a change in zoning from R-PUD to R-15 for a 3 2 acre tract on the westerly side of Providence Road, about 300 feet south of the intersection of Cedar Croft Drive and Providence Road.

The Planning Commission recommends that the petition be approved.

Attachment No. 2.

14. Decision on Petition No 82-63 by Philip Thomas for a change in zoning from R-6 to R-9MF(CD) for a .270 acre site fronting about 78 feet on Dilworth Road East, approximately 167 feet south of East Boulevard

The Planning Commission recommends that the petition be approved

Attachment No 2.

15. Decision on Petition No. SUP 82-2 by Lambda Chi Alpha Fraternity for a Special Use Permit to accomodate a fraternity use in an R-9 district for a 3-acre lot fronting 300 feet on the westerly margin of Sugar Creek Road, about 345 feet north of Cushman Street

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

Attachment No 2.

16. Recommend adoption of resolutions providing for public hearings on Monday, November 15, 1982, 6 00 P M., Board Room of Education Center

(A) Resolution providing for public hearing on Petitions No 82-69 through 82-71, for zoning changes.

(B) Resolution providing for a public hearing to consider a change in the Subdivision Ordinance

17. Recommend adoption of resolutions calling joint public hearings of City Council and Historic Properties Commission on November 15, 1982, at 6 00 p m. Board Room of Education Center, to consider designating the following properties as historic.

(A) The "Charles W. Parker House" (interior and exterior), and the land associated therewith, at 901 Central Avenue

(B) The "Crowell-Berryhill Store" (interior and exterior, excluding the cinder block addition at the rear of the building), and the land associated therewith, at 401 West Ninth Street



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SCHEDULE OF MEETINGS  
OCTOBER 18 THRU OCTOBER 22

Monday, October 18 City Council/Planning Commission  
Refreshments  
Rooms 237-38 - Education Center

City Council/Planning Commission  
Zoning Hearings and Decisions  
Board Room - Fourth Floor  
Education Center



ATTACH # 1



# CHARLOTTE-MECKLENBURG PLANNING COMMISSION

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

MARTIN R CRAMTON JR  
Planning Director

September 28, 1982

Mayor and City Council

RE Pre-hearing Reports for Rezoning Petitions to be heard in October, 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 October 18, 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,

Robert G Young  
Zoning Hearing Supervisor

RGY/mh  
B2

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

Petition No <u>82-25</u>
Date Filed <u>3/12/82</u>
Received By <u>S. D. Watkins</u>
OFFICE USE ONLY

Article No II. Zoning Districts. Maps and Gen. Regs. & III. Permitted Uses, Special  
(Title) Districts and Conditional Uses

Division No 1. Purpose of Zoning and Districts & 5. Urban Development Center Districts  
(Title)

Section No 23-4.3. Urban Development Centers & 23-40 Urban Development Center - Village  
(UDC-V)

Purpose of Change

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.

\_\_\_\_\_  
Name of Agent

\_\_\_\_\_  
Agent's Address

\_\_\_\_\_  
Telephone Number

Charlotte-Mecklenburg Planning Commission  
Name of Petitioner(s)  
301 South McDowell Street  
Address of Petitioner(s)  
374-2205  
Telephone Number

\_\_\_\_\_  
Signature

Petition No.:

82-25

Petitioner,

Request:

Amend the zoning ordinance to include a section entitled  
Urban Development Center - Village (UDC-V)

Purpose:

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.

(See attached material)

PUBLIC HEARING DRAFT

OCT. 18, 1982

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, and office

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

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, and office. It also provides for integrated pedestrian, automobile, 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 parameters may be increased by up to 20% of the allowable non-residential and/or residential space and by up to 20% of the maximum site area. In approving such a voluntary application to increase the UDC-V parameters, the City Council shall take into consideration whether the UDC-V location will enhance an area of regional significance with regard to the following

- (1) transit accessibility,
- (2) major existing employment opportunities,
- (3) major employment expansion opportunities,
- (4) home-to-work proximity, or
- (5) mixed use center opportunities

The UDC-V District may also be applied in areas where some development has occurred 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 given radius of the borders of any UDC-V site should be evaluated in terms of their potential to increase strip development. The radius within which such an evaluation should be applicable shall be calculated as follows

Radius of evaluated development = Total site area x 0.015 miles/acre (in miles)

(in acres)

However, where rezonings for higher density housing or commercial or office development do occur, they shall 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



(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 General and specialized retail, personal services, retail services, banks, theatres, or other similar services as a separate use or in conjunction with other uses
4. Museums, libraries, churches, schools, post offices, hospitals, or other similar institutional uses
- 5 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 proffered 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
- 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, mixed use core - that designated area which contains an integrated design of residential and retail and office uses

Permitted site usage. The following site coverage and site usage shall be applicable in the UDC-V District

5

(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 x 3 du/acre (in acres)

(b) The maximum permitted number of dwelling units as designated in the Concept Plan shall be calculated as follows  
 Maximum number of dwelling units = Total site area x 12 du/acre (in acres)

(c) The maximum gross floor area devoted to retail uses, as designated in the Concept Plan shall be calculated as follows  
 Maximum gross floor area = Total site area x 1,563 S F /acre (in sq ft )

(d) The maximum gross floor area devoted to office uses, as designated in the Concept Plan shall be calculated as follows  
 Maximum gross floor area = Total site area x 3,125 S F /acre (in sq ft )

(e) At least 15% of the site shall be unobstructed open space and/or active recreational space

(f) The maximum height above the ground of any building constructed in the UDC-V District shall be 2 stories for commercial and recreational uses, 4 stories for residential and institutional uses, 5 stories for office uses and 11 stories for mixed use structures in the mixed use core that are no closer than 800 feet to any adjacent residentially zoned land

6

Non-residential space transfer provision. An increase of up to 20% of the maximum permitted retail gross floor area and 30% of the maximum permitted office gross floor area is permitted 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

- 7 Institutional and recreational uses permitted There shall be no limit upon the gross floor area devoted to institutional or recreational uses
- 8 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.
- 9 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
  - (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

- 10 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
- 11 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
- 12 Residential character The character of adjoining residential uses must be recognized and addressed
- 13 Circulation and access Street circulation and property access must be designed to minimize the impacts on area streets
- 14 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.
- 15 Site integration The site must be developed so as to integrate pedestrian and transit access with the land uses
- 16 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. Only certain development standards 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 18-41 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 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 building plans 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 development permits 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 are in compliance with the Concept Plan and all other provisions of this ordinance.
- 4 Concept Plan review
  - (a) Application Each applicant 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 square feet of residential gross floor area proposed
    - 2 total gross floor area proposed for retail, office, hotel and institutional uses
    - 3 general location of the mixed use core
    - 4 general location of all non-residential development (whether in mixed use core or not)
    - 5 traffic impact analysis for the use mix sought
    - 6 transit access plan
    - 7 bicycle access plan
    - 8 auto access plan

- 9 pedestrian access plan
- 10 generalized information as to the height, and in especially critical situations, the location of structures
- 11 cross-sections showing proposed treatment of the street-scape 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
- 12. 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 and pedestrian)
- 13 layout of a typical parking lot indicating a description of the plantings to be used in landscaping and maturation periods for these plantings
- (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
  - (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 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. In addition, the applicant shall note which particular development standards are being proposed for modification pursuant to the provisions of subsection (D)15, 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,
- (4) Proposed screening, including fences, walls, or planting areas,

(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

(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, 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.

(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.

(i) Appeal of 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.

(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 additional information as they deem necessary for an adequate review of the proposed development, such as but not limited to, individual dwelling unit concepts, building location, intended use and design of the open space network, recreational amenities, and the like.



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, three (3) 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. 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.

5  
11  
6

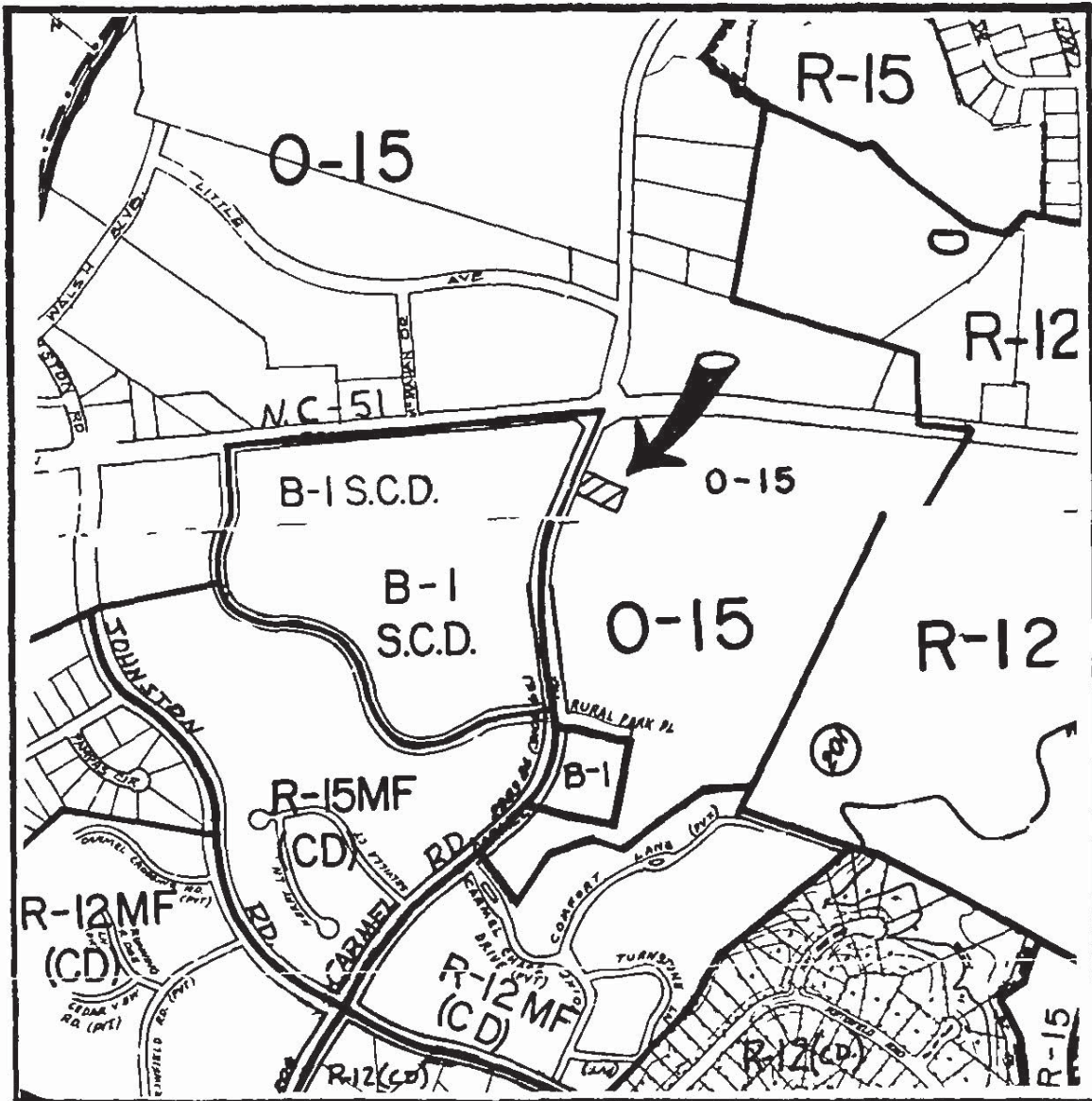


PETITIONER Mecklenburg ABC Board

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

ZONING CLASSIFICATION, EXISTING 0-15 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



# OFFICIAL REZONING APPLICATION

## CITY OF CHARLOTTE

### Ownership Information

Property Owner North Carolina National Bank

Owner's Address One NCNB Plaza

Charlotte, North Carolina 28280

Date Property Acquired March 27, 1980

Deed Reference 4921 - 812

Tax Parcel Number Portion 221-201-9

Location Of Property (address or description) East side of Carmel Road

beginning 208 feet south of N. C. 51.

### Description Of Property

Size (Sq Ft Acres) 114.54 feet x 169.24 feet

Street Frontage (ft) 114.54

Current Land Use Vacant Land

### Zoning Request

Existing Zoning 0-15

Requested Zoning B-1 (CD)

Purpose of zoning change To permit the construction of an ABC Store as per

Conditional Plan.

Fred E. Bryant

Name of Agent

1850 E. Third St., Charlotte, N. C. 28204

Agent's Address

333-1680

Telephone Number

Mecklenburg ABC Board

Name of Petitioner(s)

400 E. Second St., Charlotte, N.C.

Address of Petitioner(s)

376-7444

Telephone Number

Signature

[Signature]

Signature of Property Owner if Other  
Than Petitioner

NCNB By [Signature]

OFFICE USE ONLY

Received By [Signature]

Date Filed 9/3/82

Petition No 82-65

Petition No. 82-65  
 Petitioner: Mecklenburg ABC Board  
 Request: 0-15 to B-1(CD)  
 Purpose: To permit the construction of an ABC Store

PROPERTY INFORMATION

Property Owner: NCNB  
 Date Acquired: March 27, 1980  
 Deed Reference: Book 4921, Page 812  
 Tax Parcel No.: 221-201-09 (portion)  
 Current Tax Value: \$31,044 (estimate)  
 Size: .445 acre  
 Street Frontage: 114.54 feet on Carmel Road Extension  
 Current Land Use: Vacant

ZONING HISTORY

Present Zoning: 0-15  
 Date Established: September, 1970

Past Zoning Proposals or Changes on Property Within Area: The petitioner's property was rezoned from R-12 and R-15 to 0-15 in September, 1970. This rezoning was a part of a large tract of approximately 54 acres which was also changed to 0-15. There have been numerous rezoning petitions at the northeast corner of N.C. 51 and Carmel Road between 1969 and 1981 which have been approved for 0-15. On the westerly side of Carmel Road Extension across from the petitioner's property a tract of about 81 acres was rezoned from R-12 to B-1SCD in 1970. Then in 1978 the B-1SCD was scaled down in size to approximately 37 acres and R-15MF(CD) approved for the remainder of the property. The Carmel Commons Shopping Center is now located on N.C. 51 and Carmel Road Extension. To the south of the petitioner's property on the easterly side of Carmel Road Extension at Rural Park Place a petition was approved for rezoning from 0-15 to B-1 in 1972 to accommodate a Southern Bell operation.

NEIGHBORHOOD FEATURES/CHARACTERISTICS

Defined Neighborhood: Carmel

Transportation Facilities:

<u>Adjacent Roadways</u>	<u>Roadway Characteristics</u>	<u>Traffic Volumes</u>
N.C. 51	2-Lane/Major Thoroughfare	14,400 AADT (1982)
Carmel Road Extension	4-Lane/Local Residential	5,000 AADT (1981)

Transit Service: Route 45X (Carmel Road Express) provides weekday service with two A M and two P M runs during the rush hours

PLANS AND PROGRAMS IN THE AREA

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

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.

Other Plans and Programs, 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.

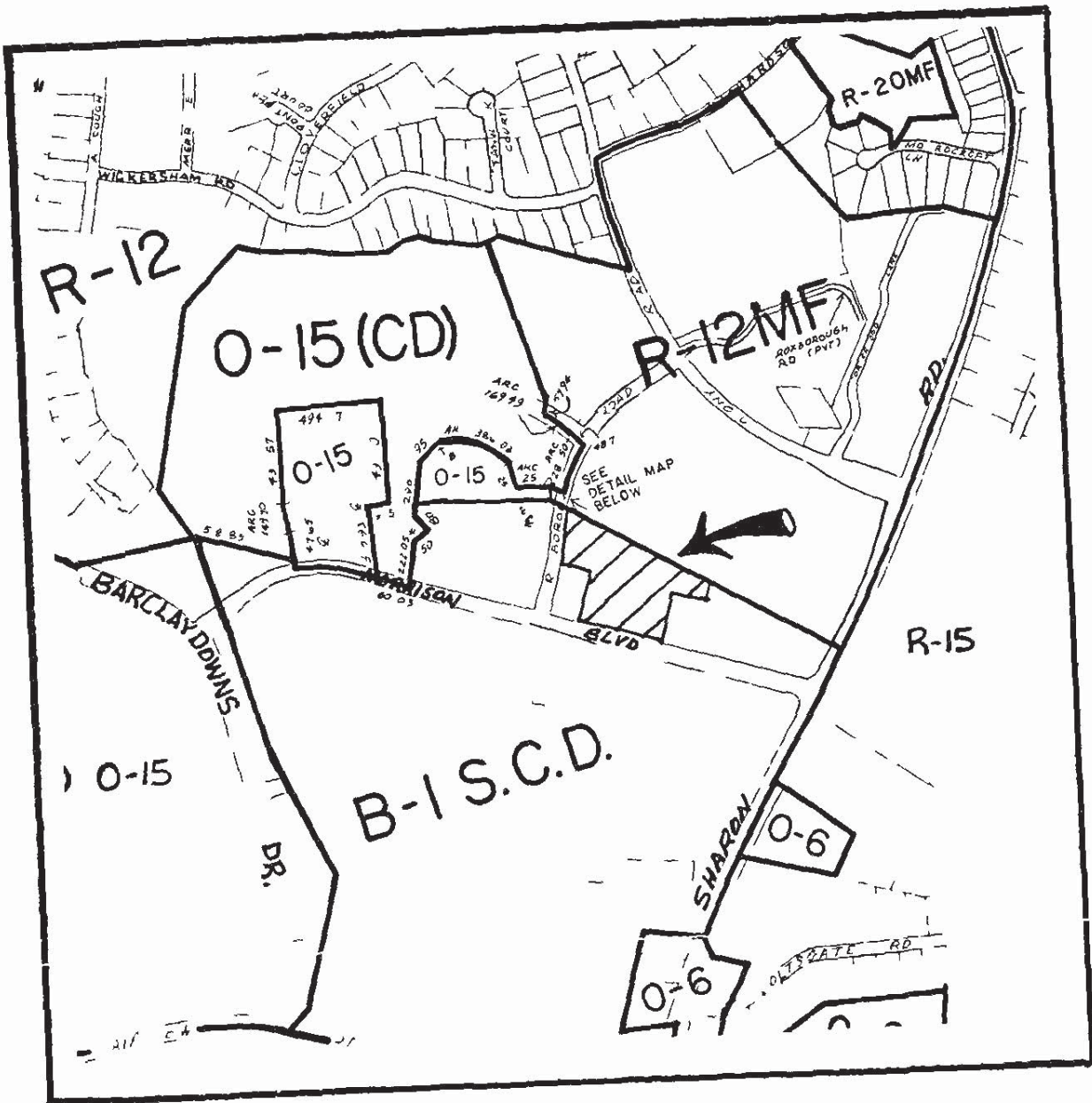
SIGNIFICANT ZONING DISTINCTIONS

	<u>Present Zoning (0-15)</u>	<u>Proposed Zoning (B-1(CD))</u>
Use:	Office	Neighborhood Business
Density:	Not Applicable	Not Applicable

Development Standards

Lot Size:	Minimum is 15,000 sq. ft.	Not Applicable
Setback:	Minimum is 40 feet	Minimum is 20 feet
Side Yard:	Minimum is 8 feet	None required; minimum 8 feet first side and 4 feet other side, if side yards are provided.
Rear Yard:	Minimum is 20 feet.	Minimum is 10 feet. Adjoining a residential district, minimum is 20 feet.

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



# OFFICIAL REZONING APPLICATION

## CITY OF CHARLOTTE

### Ownership Information

Property Owner BCI Property Company No. 10 (A North Carolina General Partnership)

Owner's Address 4423 Sharon Road, Charlotte, North Carolina 28211

Date Property Acquired January 1, 1978

Deed Reference 4019/916 Tax Parcel Number 177-079-01

Location Of Property (address or description) 6525 Morrison Boulevard

(Corner of Morrison Boulevard and Roxborough Road)

### Description Of Property

Size (Sq Ft Acres) 6.0429 Acres (263,230 SF)

Current Land Use Office

### Zoning Request

Existing Zoning B1-SCD Requested Zoning B1-SCD

Purpose of zoning change Site modification to approved plan (June, 1973)

Site Plan Amendment to alter Office Building and Parking Deck

Widaleton, McMillan, Architects, Inc.

Name of Agent 6230 Fairview Road  
Charlotte, North Carolina 28210

Agent's Address (704) 364-8660

Telephone Number

Signature [Handwritten Signature]

Signature of Property Owner if Other Than Petitioner

OFFICE USE ONLY

Received By [Handwritten Signature]

Date Filed 9/9/82

Petition No 82-66



Petition No. 82-66  
Petitioner: BCI Property Company No. 10  
Request B-1SCD Site Plan Amendment  
Purpose Site plan amendment to alter office building and parking deck.

PROPERTY INFORMATION

Property Owner: BCI Property Company No. 10  
Date Acquired: January 1, 1978  
Deed Reference: Book 4019, Page 916  
Tax Parcel No.: 177-079-01  
Current Tax Value: \$3,142,330  
Size 5.327 acres  
Street Frontage: 417 feet on Morrison Boulevard and 271 feet on Roxborough Road  
Current Land Use: Office

ZONING HISTORY

Present Zoning. B-1SCD  
Date Established: May, 1965

Past Zoning Proposals or Changes on Property Within Area There have been numerous rezoning requests in the vicinity of the petitioner's property since the zoning was approved in May, 1965 as a part of the SouthPark B-1SCD. An amendment to the B-1SCD was approved in November, 1977 to permit construction of the Specialty Shops on the Park Shopping Center at the intersection of Morrison Boulevard and Roxborough Road. Also in 1977 petitions to rezone to O-15 and O-15(CD) on the northerly side of Morrison Boulevard were approved. In 1980 an amendment to the B-1SCD plan was approved to allow Wachovia Bank on Morrison Boulevard to expand its operation. In 1981 another amendment to the B-1SCD site plan on the northerly side of Morrison Boulevard near the Barclay Downs Drive intersection was approved. In addition, a request was approved at the intersection of Colony Road and the westerly side of Roxborough Road to rezone to R-12MF and O-15. The most recent change once again involved an amendment to the B-1SCD site plan to permit construction of a hotel on the southerly side of Morrison Boulevard near Barclay Downs Drive.

NEIGHBORHOOD FEATURES/CHARACTERISTICS

Defined Neighborhood: SouthPark

Transportation Facilities

<u>Adjacent Roadways</u>	<u>Roadway Characteristics</u>	<u>Traffic Volumes</u>
Morrison Boulevard	4-Lane/Collector	9,800 AADT (1981)
Roxborough Road	2-Lane/Local Residential	3,500 AADT (1980)

Transit Service: Route 3 (Selwyn Avenue) serves the site at SouthPark with service every 30 minutes, 6 00 A.M. to midnight, seven days a week.

PLANS AND PROGRAMS IN THE AREA

Comprehensive Plan 1995. The Plan Map generally indicates a regional shopping center (SouthPark) 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. Other Plans and Programs. 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."

SIGNIFICANT ZONING DISTINCTIONS

	<u>Present Zoning (B-1SCD)</u>	<u>Proposed Zoning (B-1SCD) Site Plan Amendment</u>
Use.	Office	Office
Density.	Not Applicable	Not Applicable

Development Standards

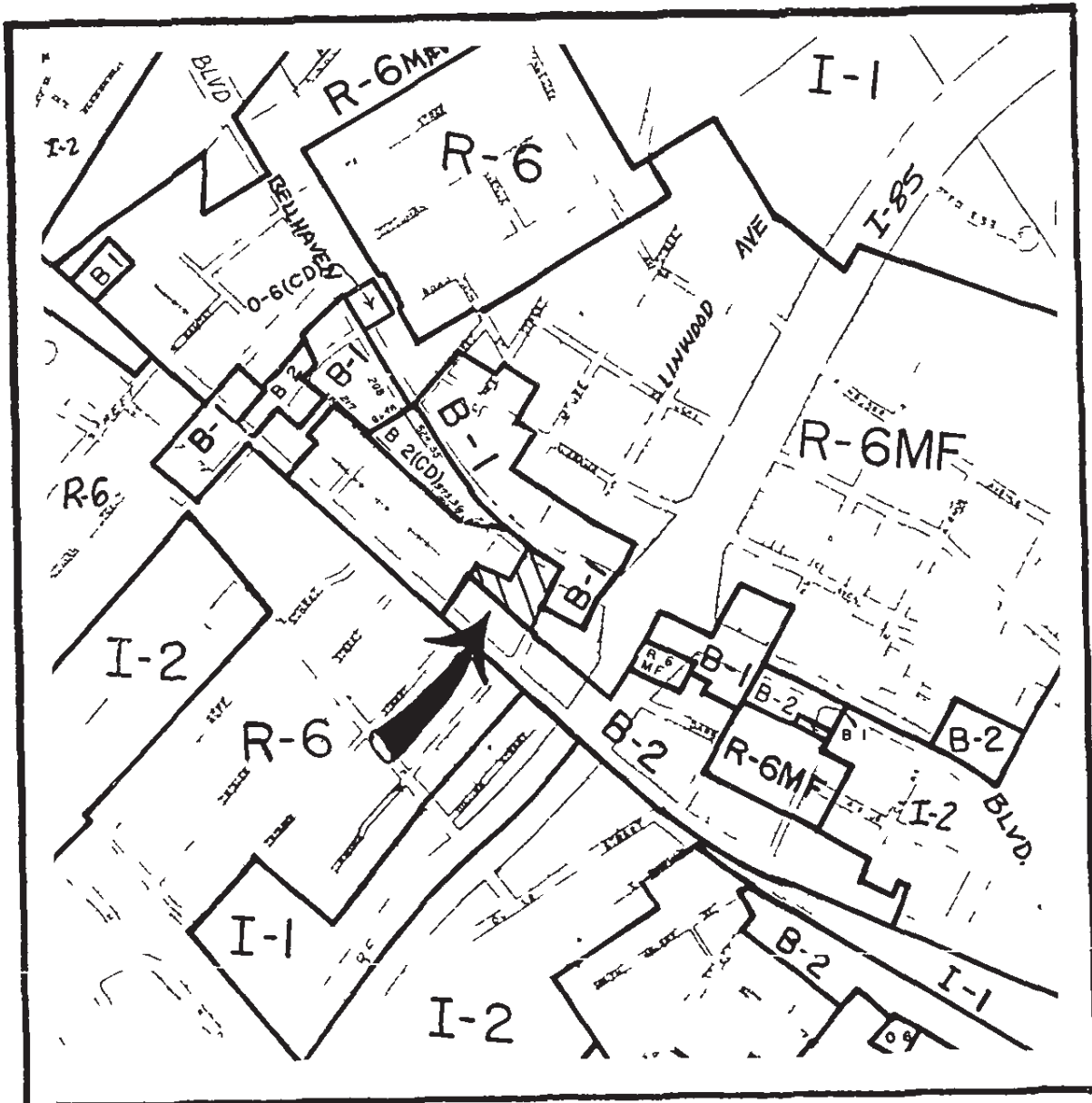
	<u>Not Applicable</u>	<u>Not Applicable</u>
Lot Size.	Not Applicable	Not Applicable
Setback.	Minimum is 35 feet	Minimum is 35 feet
Side Yard.	The minimum distance from other property lines to any building shall be twenty-five (25) feet for any building under forty (40) feet in height, height, under forty (40) feet in height, shall be thirty-five (35) feet.	The minimum distance from other property lines to any building shall be twenty-five (25) feet for any building under forty (40) feet in height; The minimum distance from other property lines to any building shall be thirty-five (35) feet.
Rear Yard	Not Applicable	Not Applicable

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



# OFFICIAL REZONING APPLICATION

## CITY OF CHARLOTTE

Petition No.	82-67
Date Filed	9/9/82
Received By	<i>[Signature]</i>
OFFICE USE ONLY	

### Ownership Information

Property Owner Attached

Owner's Address Attached

Date Property Acquired Attached

Deed Reference Attached

Location Of Property (address or description) Attached

### Description Of Property

Size (Sq Ft-Acres) Attached

Street Frontage (ft) Attached

Current Land Use Attached

### Zoning Request

Existing Zoning R&M

Requested Zoning B-1 (GD)

Purpose of zoning change To construct a convenience store with gasoline

Name of Agent

Acme Retail Inc.

Name of Petitioner(s)

P.O. Box 2359 Gastonia, N.C.

Address of Petitioner(s)

704-867-2336

Telephone Number

*[Signature]*

Signature

Attached

Signature of Property Owner if Other

Than Petitioner



GARY BILLINGS  
SUPERVISOR

Bus Ph 704/867 2336  
Hm Ph 704/864-0999

P O Box 2359  
903 N Marietta Street  
Gastonia NC 28052



ACME RETAIL INC.

903 NORTH MARIETTA STREET • P O BOX 2359

GASTONIA N C 28052 (704) 867 2336

OWNERSHIP INFORMATION

#3 Cornelia A. Green  
RFD 6, Box 606-I  
Charlotte, N.C. 28208

Date Property Acquired: 12/1/82  
Deed Reference: 1578-68  
Tax Parcel #: 039-018-03

Location Of Property  
110 N. Crigler  
Charlotte, N.C.

Description Of Property  
Size .292 Acers  
Street Frontage: 60 feet  
Current Land Use: Rental Property

**ACME RETAIL INC.**  
903 NORTH MARIETTA STREET • P O BOX 2359  
GASTONIA N C 28052 (704) 867 2336



September 6, 1982

To whom it may concern:

Acme Retail Inc. has my permission to change the zoning on the piece of property I presently own from R6MF to B1. This property is noted in the Mecklenburg County, North Carolina Tax Book # 57 on page 018, plat # 03.

Signed,

*Conrad A. Shuman*  
\_\_\_\_\_  
Property owner



**ACME RETAIL INC.**

903 NORTH MARIETTA STREET • P O BOX 2359

GASTONIA N C 28052 (704) 867 2336

OWNERSHIP INFORMATION

#10 Robert F. Catoe & Betty O. Catoe  
1228 Oakdale Rd.  
Charlotte, N.C. 28216

Date Property Acquired: 4/22/67  
Deed Reference: 2926-69  
Tax Parcel #: 039-018-10

Location Of Property  
115 & 117 N. Linwood St.  
Charlotte, N.C.

Description Of Property  
Size: .227  
Street Frontage: 82 feet  
Current Land Use: Rental Property

**ACME RETAIL INC.**  
903 NORTH MARIETTA STREET • P O BOX 2359  
GASTONIA N C 28052 (704) 867 2336



September 6, 1982

To whom it may concern:

Acme Retail Inc. has my permission to change the zoning on the piece of property I presently own from R6MF to B1. This property is noted in the Mecklenburg County, North Carolina Tax Book # 439 on page 018, plat # 1C.

Signed,

*Robert F. Carter Jr.*  
property owner  
*Betty O Carter*





ACME RETAIL INC.®

903 NORTH MARIETTA STREET • P O BOX 2359

GASTONIA N C 28052 (704) 867 2336

OWNERSHIP INFORMATION

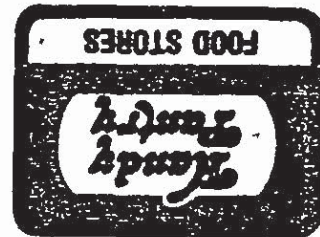
#11 Warren B. Rogers, Sr.  
5029 Glenbrair Dr.  
Charlotte, N.C. 28212

Date Property Acquired: 1/20/82  
Deed Reference: 4503-277  
Tax Parcel #: 039-018-11

Location Of Property  
119 N. Linwood St.  
Charlotte, N.C.

Description Of Property  
Size: .172 Acres  
Street Frontage: 50 feet  
Current Land Use: Rental Property

**ACME RETAIL INC.**  
903 NORTH MARIETTA STREET • P O BOX 2358  
GASTONIA N C 28052 (704) 867 2336



September 6, 1982

To whom it may concern:

Acme Retail Inc. has my permission to change the zoning on the piece of property I presently own from R6MF to B1. This property is noted in the Mecklenburg County, North Carolina Tax Book # CS4 on page 278, plat # 11.

Signed,

M. R. O'Neil  
property owner



ACME RETAIL INC.

903 NORTH MARIETTA STREET • P O BOX 2359

GASTONIA, N C 28052 (704) 867 2336

OWNERSHIP INFORMATION

#12 Suddreth Electronic Supply  
3626 Rozzells Ferry Rd.  
Charlotte, N.C. 28216

Date Property Acquired: 3/20/74  
Deed Reference: 3633-204  
Tax Parcel #: 039-018-12

Location Of Property  
Southwest corner of N. Linwood St. and N.C. Hwy. 16  
Charlotte, N.C.

Description of Property  
Size: .517  
Street Frontage: 135.9 Hwy. 16; 161.62 N. Linwood St.  
Current Land Use: Vacant Lot

**ACME RETAIL INC.**

903 NORTH MARIETTA STREET • P O BOX 2359

GASTONIA N C 28052 (704) 867 2336



September 6, 1982

To whom it may concern:

Acme Retail Inc. has my permission to change the zoning on the piece of property I presently own from R6M to R1. This property is noted in the Mecklenburg County, North Carolina Tax Book # 134 on page 018, plat # 12.

Signed,

*[Handwritten signature]*  
Property owner

Petition No.: 82-67  
Petitioner Acme Retail, Inc.  
Request R-6MF to B-1(CD)  
Purpose To construct a convenience store with gasoline pumps.

PROPERTY INFORMATION

Property Owners 1) Cornelia A. Green; 2) Robert F. and Betty O. Catoe;  
3) Warren B. Rogers, Sr., 4) Suddreth Electronic Supply  
Date Acquired 1) December 1, 1982; 2) April 22, 1967, 3) January 20, 1982,  
4) March 20, 1974  
Deed Reference: 1) Book 1578, Page 68; 2) Book 2926, Page 69; 3) Book 4503,  
Page 277; 4) Book 3633, Page 204  
Tax Parcel No. 1) 039-018-03; 2) 039-018-10, 3) 039-018-11; 4) 039-018-12  
Current Tax Value 1) \$6,730; 2) \$10,520; 3) \$8,350, 4) \$2,810 (Total \$28,410)  
Size 1) .292 acres; 2) .227 acres; 3) .172 acres, 4) .517 acres  
(Total 1 208 acres)  
Street Frontage 1) 60 feet on N. Crigler St.; 2) 82 feet on N Linwood St.;  
3) 50 feet on N. Linwood St.; 4) 161.62 feet on N. Linwood St.  
and 135.9 feet on Belhaven Blvd.  
Current Land Use 1) residential, 2) residential, 3) residential; 4) vacant

ZONING HISTORY

Present Zoning R-6MF  
Date Established: January, 1962

Past Zoning Proposals or Changes on Property Within Area: A part of the petitioner's request, three lots which front on Linwood Avenue, were rejected for rezoning to B-1 in August, 1970. On the northern side of Belhaven Boulevard on both sides of Crigler Street, a rezoning from R-6MF to B-1 was approved in 1967. At the northwest corner of Linwood Avenue and Belhaven Boulevard, across the street from the petitioner's property, a zoning change was approved from R-6MF to B-1 in 1978. A request to rezone from R-6MF to B-2(CD) north of the petitioner's property along Belhaven Boulevard was approved in 1980. At a subsequent rezoning in 1981 the B-2(CD) site plan was amended. The latest attempt to rezone a single lot in December, 1981 from R-6MF to B-2 near the petitioner's property on Rozzells Ferry Road was denied.

NEIGHBORHOOD FEATURES/CHARACTERISTICS

Defined Neighborhood: Hoskins

Transportation Facilities:

<u>Adjacent Roadways</u>	<u>Roadway Characteristics</u>	<u>Traffic Volumes</u>
Brookshire Boulevard	4-Lane/Major Thoroughfare	22,900 AADT (1982)
Linwood Avenue	2-Lane/Local Residential	Not Available

Transit Service: Route #1 (Mt. Holly Road) serves Rozzells Ferry Road (one block from the petitioner's property) with service seven days a week from 6:00 A.M. until midnight on 15 minute headways during rush hour and 30 minute headways normally.

PLANS AND PROGRAMS IN THE AREA

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.

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.

Other Plans and Programs. None

SIGNIFICANT ZONING DISTINCTIONS

<u>Present Zoning (R-6MF)</u>	<u>Proposed Zoning (B-1(CD))</u>
-------------------------------	----------------------------------

Use:	Neighborhood Business
3 parcels residential	
1 parcel vacant	

Density:	Not Applicable
19.78 units to the first acre and 21.78 units for each additional acre.	

Development Standards

Lot Size:	Not Applicable
Minimum is 6,000 sq. ft. for the first dwelling unit and 2,000 sq. ft. for each additional dwelling unit.	

Setback:	Minimum is 20 feet
Minimum is 8 feet one side; 6 feet other side	

Side Yard:	None required, minimum 8 feet first side and 4 feet other side, if side yards are provided.
Rear Yard:	Minimum is 10 feet. Adjoining a residential district, minimum is 20 feet.

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

Petition No <u>82-68</u>
Date Filed <u>9/9/82</u>
Received By <u>Ken Davis</u>
OFFICE USE ONLY

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

Division No Division 1 (permitted Uses) | Division 2 (Special Requirements for Certain  
Permitted Uses)  
(Title)

Section No 23-31(a) | Section: 23-34.10

Purpose of Change      To allow certain limited accessory uses to churches in residential districts under prescribed conditions.

\_\_\_\_\_  
Name of Agent

\_\_\_\_\_  
Agent's Address

\_\_\_\_\_  
Telephone Number

CHARLOTTE-MECK. PL. COMMISSION  
Name of Petitioner(s)  
301 S MCDOWELL  
Address of Petitioner(s)  
374-2205  
Telephone Number

\_\_\_\_\_  
Signature

Petition No.

82-68

Petitioner.

Request:

Charlotte-Mecklenburg Planning Commission  
Amend the zoning ordinance, Article III (Permitted Uses, Special District, Conditional Use Permits), Division I (Permitted Uses), Section 23-31(a), and Division 2 (Special Requirements for Certain Permitted Uses), Section 23-34.10.  
To allow certain limited accessory uses to churches in residential districts under prescribed conditions.

(See attached material)



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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SUBDIVISION

~~ZONING~~ ORDINANCE

TEXT AMENDMENT APPLICATION  
CITY OF CHARLOTTE

Petition No \_\_\_\_\_

Date Filed Sept. 9, 1982

Received By Ken Davis

OFFICE USE ONLY

Article No Chapter 18, Subdivisions (Title)

Division No Article II, Improvements (Title)

Section No Section 18-26(c) (Modification of Requirements; Bond)

Purpose of Change To change the requirements regarding the width of public roadways on each side of a center strip divider.

\_\_\_\_\_  
Name of Agent

\_\_\_\_\_  
Agent's Address

\_\_\_\_\_  
Telephone Number

Charlotte-Mecklenburg Planning Commission

\_\_\_\_\_  
Name of Petitioner(s)

301 South McDowell Street

\_\_\_\_\_  
Address of Petitioner(s)

374-2205

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Signature

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. Chapter 18, Article II Improvements, Section 26(c), as 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



ATTACH # 2

## CHARLOTTE-MECKLENBURG PLANNING COMMISSION

CAMERON BROWN BUILDING  
301 SOUTH McDOWELL STREET  
CHARLOTTE, NORTH CAROLINA

MARTIN R CRAMTON JR  
Planning Director

September 23, 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 meetings of the Planning Commission held on September 7, 13 and 20, 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 October 5, 1982. This will then permit these matters to be placed on your agenda for consideration on October 18, 1982.

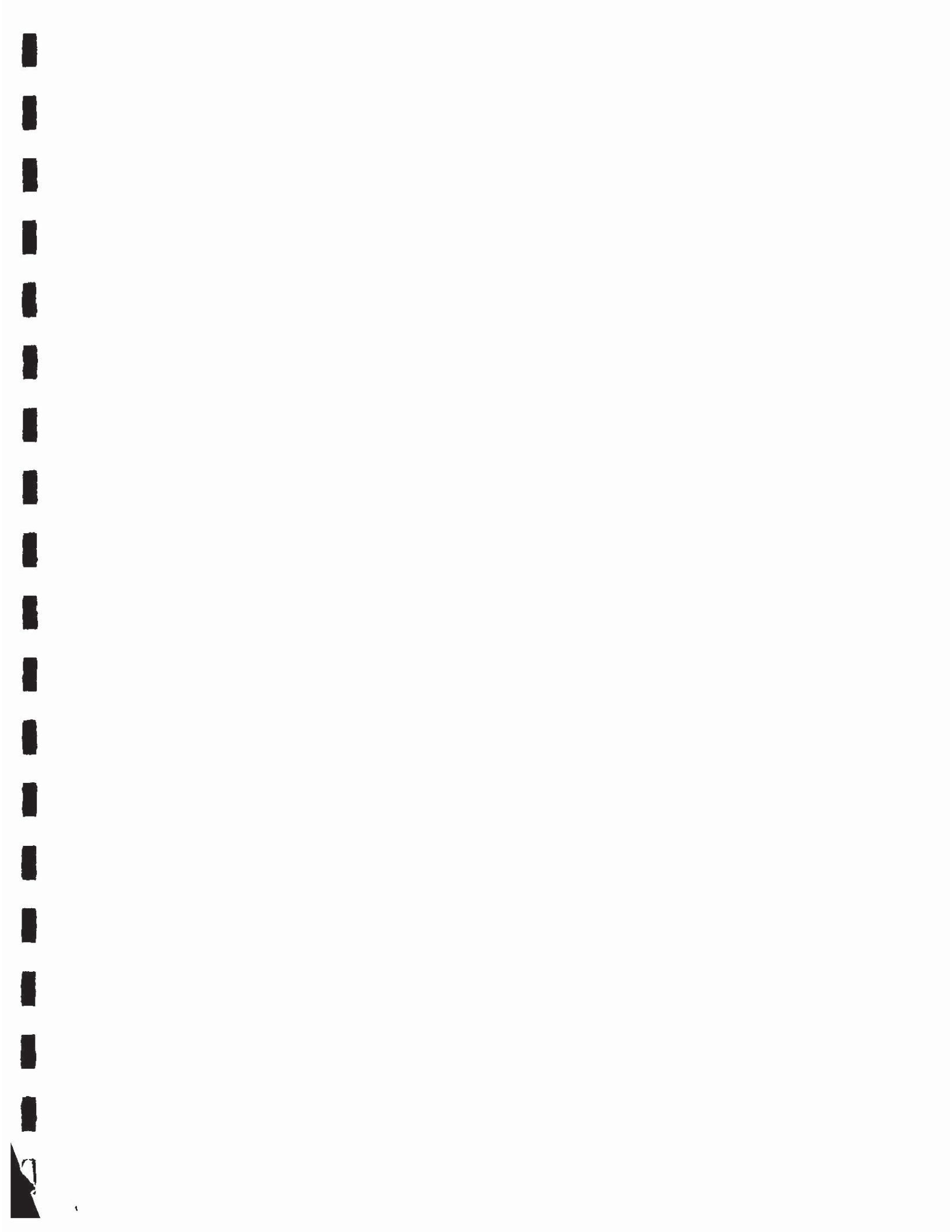
If you have any questions or wish to discuss any aspect of these recommendations, please let me know.

Respectfully submitted,

Robert G. Young  
Zoning Hearing Supervisor

RGY:oj

Attachments



DATE September 7, 1982

PETITION NO. 82-24

PETITIONER(S) D. L. Phillips Investment Builders, Inc.

REQUEST Change from R-9, R-6MF, O-6, and I-2 to I-1(CD)

LOCATION A 10.4 acre tract fronting 1,366 feet on Barringer Drive,  
approximately 344 feet south of the intersection of Clanton  
Road and Barringer Drive.

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 following issues associated with this request can be identified

1. Area Objectives. Would the approval of this request be consistent with existing and anticipated land use and zoning patterns?
2. Site Plan. Does the site plan submitted in conjunction with this request represent a reasonable plan for development?
3. Industrial/Residential Relationship. What is the edge relationship between the adjacent residential development and the proposed industrial development? Is that relationship satisfactory?

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

1. Existing Zoning. The petitioned property is configured in such a way as to contain four different zoning classifications. The majority of the property is zoned R-6MF. The remaining three classifications are R-9, O-6 and I-2. Across Barringer Drive from the site is a large area zoned for general industrial purposes. R-9 and R-9MF surrounds most of the property on the other sides, with an area zoned O-6 also contiguous to the west. At the Clanton Road/I-77 interchange property is zoned B-1 for commercial purposes.

2. Existing Land Use. The subject property is vacant. Property located directly across the street is developed with the Phillips Industrial Park. The area between Barringer Drive and I-77 is industrially developed. To the north is the St. Mark's United Methodist Church. Also adjacent to the site are single family homes along Blackwood Drive and generally the land use patterns to the north and east are single family residential. Also nearby are the Roseland Apartments.

3. Site Plan. The original site plan submitted indicated the development of not more than 135,000 square feet of buildings and with uses normally permitted in the I-1 district. In addition a thirty foot buffer area to the left in its natural state or supplemented with screening was to be established along all sides, except those areas where the adjacent property is zoned I-2. Subsequent to the public hearing a revised plan, developed in cooperation with the surrounding neighborhood residents, was created. This new plan now calls for a fifty foot buffer and also details the location of supplemental screening along portions of the boundary of the property. In addition no building constructed on the site shall exceed one story or 24 feet in height. Finally, and perhaps most dramatically, the number of permissible uses has been substantially reduced. Instead of all uses normally permitted in the I-1 district, now only about a half dozen types of uses will be allowed.

The following general findings can be arrived at:

1. Comprehensive Plan 1995. The Plan Map indicated residential development, 0-6 and 10-20 dwelling units/acre, and commercial/office mix 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 vacant parcel located on Barringer Drive between existing light industrial uses and single family residences. The existing development environment along this section of Barringer Drive reflects an industrial nature and character.

2. The request for I-1(CD) incorporates a plan for control and development of the property, which helps to insure compatible land use relationships.

3. Following the public hearing, the petitioner worked closely with neighborhood residents to develop a revised site plan which would be amenable to both sides.

4. The plan proposes a maximum building area of 135,000 square feet and incorporates a 50 foot natural screen/buffer around the perimeter of the property. Also, additional screen planting will be installed where the natural vegetation is sparse to insure an adequate buffer in those areas. A minimum height



level of one story or 24 feet has been established as a part of this plan. Finally, the list of industrial uses is extremely restrictive, with only a few uses permitted rather than the whole range of light industrial uses as originally requested.

5. Considering the restrictive conditional plan and in light of the property's frontage relationship and orientation to the existing industrial uses located across the street on Barringer Drive, this request is a justifiable and reasonable approach to development of the subject site.

PETITIONER D. L. Phillips Investment Builders, Inc.

PETITION NO. 82-24

HEARING DATE 5/17

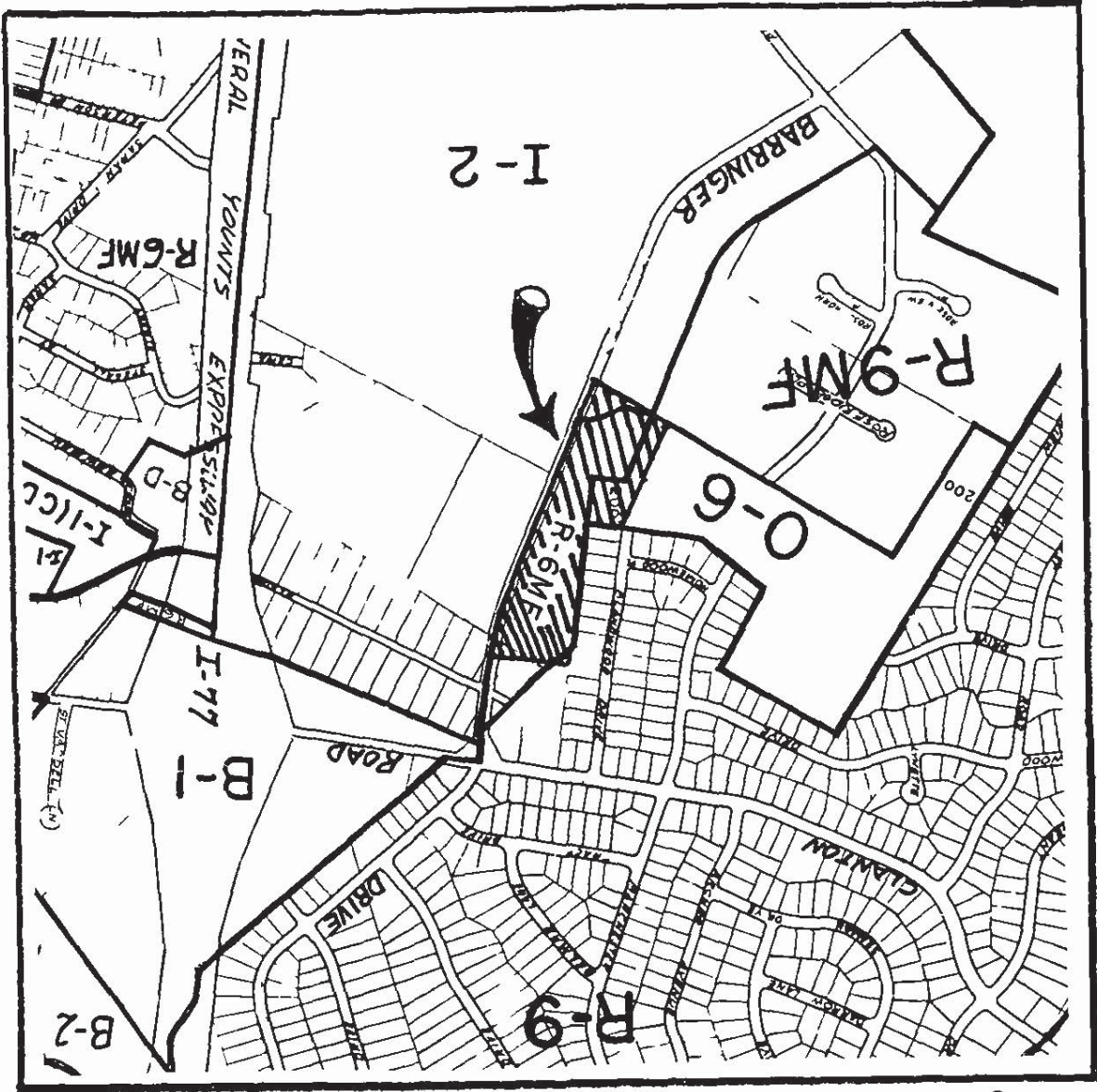
R-9, R-6MF, I-1(CD) REQUESTED

LOCATION A 10.40 acre tract fronting 1366.22 feet on the northerly side of

Barringer Drive, approximately 344 feet south of the intersection of Clanton

Road and Barringer Drive.

Acres: 10.40

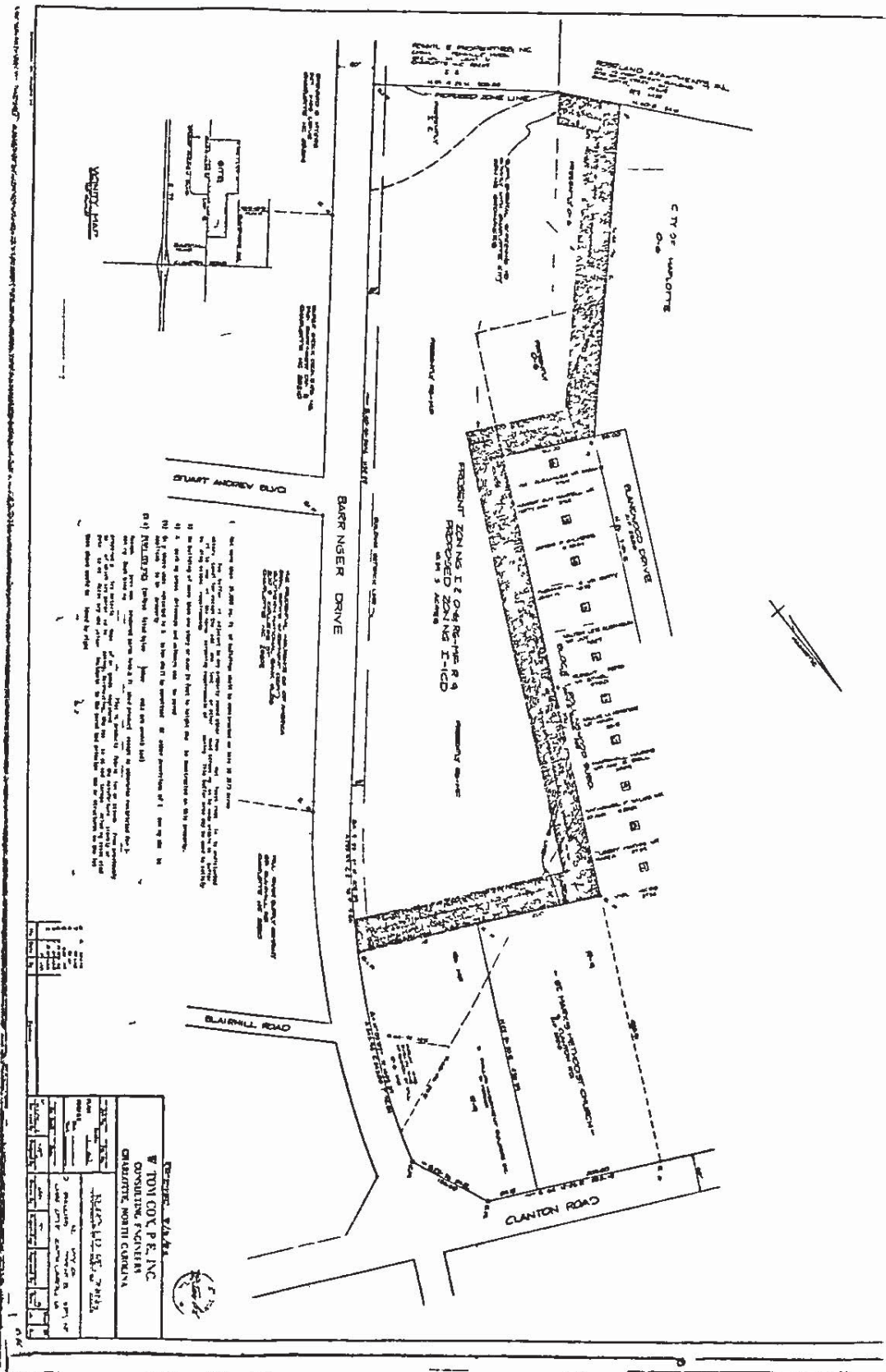


PROPERTY PROPOSED FOR CHANGE

ZONING MAP NO. 11

SCALE 1" = 800'





1. The site plan shall be in accordance with the provisions of the City of Charlotte, North Carolina, and the provisions of the following:

(a) The provisions of the City of Charlotte, North Carolina, and the provisions of the following:

(b) The provisions of the City of Charlotte, North Carolina, and the provisions of the following:

(c) The provisions of the City of Charlotte, North Carolina, and the provisions of the following:

(d) The provisions of the City of Charlotte, North Carolina, and the provisions of the following:

(e) The provisions of the City of Charlotte, North Carolina, and the provisions of the following:

(f) The provisions of the City of Charlotte, North Carolina, and the provisions of the following:

(g) The provisions of the City of Charlotte, North Carolina, and the provisions of the following:

(h) The provisions of the City of Charlotte, North Carolina, and the provisions of the following:

(i) The provisions of the City of Charlotte, North Carolina, and the provisions of the following:

(j) The provisions of the City of Charlotte, North Carolina, and the provisions of the following:

(k) The provisions of the City of Charlotte, North Carolina, and the provisions of the following:

(l) The provisions of the City of Charlotte, North Carolina, and the provisions of the following:

(m) The provisions of the City of Charlotte, North Carolina, and the provisions of the following:

(n) The provisions of the City of Charlotte, North Carolina, and the provisions of the following:

(o) The provisions of the City of Charlotte, North Carolina, and the provisions of the following:

(p) The provisions of the City of Charlotte, North Carolina, and the provisions of the following:

(q) The provisions of the City of Charlotte, North Carolina, and the provisions of the following:

(r) The provisions of the City of Charlotte, North Carolina, and the provisions of the following:

(s) The provisions of the City of Charlotte, North Carolina, and the provisions of the following:

(t) The provisions of the City of Charlotte, North Carolina, and the provisions of the following:

(u) The provisions of the City of Charlotte, North Carolina, and the provisions of the following:

(v) The provisions of the City of Charlotte, North Carolina, and the provisions of the following:

(w) The provisions of the City of Charlotte, North Carolina, and the provisions of the following:

(x) The provisions of the City of Charlotte, North Carolina, and the provisions of the following:

(y) The provisions of the City of Charlotte, North Carolina, and the provisions of the following:

(z) The provisions of the City of Charlotte, North Carolina, and the provisions of the following:

ENGINEER: <b>WALTER</b> <b>W. TOM COX P.E. INC.</b> CHARLOTTE, NORTH CAROLINA	
PROJECT NO.: <b>111111</b> SHEET NO.: <b>1</b>	DATE: <b>11/11/11</b> SCALE: <b>AS SHOWN</b>
CLIENT: <b>ABC COMPANY</b> ADDRESS: <b>1234 MAIN ST.</b> CITY: <b>CHARLOTTE, NC</b>	PROJECT: <b>NEW CONSTRUCTION</b> SITE: <b>1234 MAIN ST.</b>

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

DATE September 20, 1982

PETITION NO. 82-45

PETITIONER(S) John Simpson

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

LOCATION A .325 acre site on the southerly side of Shamrock Drive about 153 feet east of the intersection of Shamrock Drive and Florida Avenue.

ACTION The Planning Commission recommends that the petition be denied.

VOTE Yeas: Boyce, Culbertson, Curry, Evans, Jernigan, Lawing, 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 zoning and land use objectives for this area?
2. Proposed Use. Would the proposed use, a repair garage, be compatible with the surrounding area?

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

1. Existing Zoning. The petitioned property is presently zoned B-1 as is property on both sides. The predominate zoning district in the immediate area, however, is the R-6MF district. The broader area pattern reflects other multi-family and single family classifications.
2. Existing Land Use. The petitioner's property is currently being used as an automobile repair garage. Neighborhood-oriented uses such as convenience stores are also nearby. The predominate land use in the area is residential development. This mostly reflects a single family pattern, but a large concentration of duplex structures, Shamrock Terrace, is also in the immediate vicinity.

3. Site Plan. The site plan submitted as a part of this request indicates that the property will be used for an automobile repair garage. An existing garage is already in operation on the site. Screening will be provided in accordance with ordinance requirements.

The following general findings can be arrived at

1. Comprehensive Plan 1995. The Plan Map indicates residential development, 0-6 dwelling units per 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 neighborhood retail as is all the business-zoned property adjacent and nearby. No B-2 general business zoning exists.
2. The site is developed with a repair garage. This use is not permitted in B-1 and, thus, the necessity by the petitioner to request a zoning change.
3. General business zoning at this location would be inconsistent with the neighborhood-oriented commercial zoning in the area.

4. An automobile repair garage is a characteristically noisy operation and usually presents a very cluttered appearance. Such a use would not be compatible with the existing uses in the area, particularly with respect to homes adjacent to the rear and across the street on Shamrock Drive.

5. The neighborhood retail uses in this vicinity have experienced some marketing difficulty. For example, one convenience store that opened is now not in use and presents a somewhat negative appearance and a service station nearby was demolished several years ago. Therefore, any attempt to intensify business zoning, particularly with respect to the proposed use, will only add to visual problems associated with this commercial area and should be discouraged.

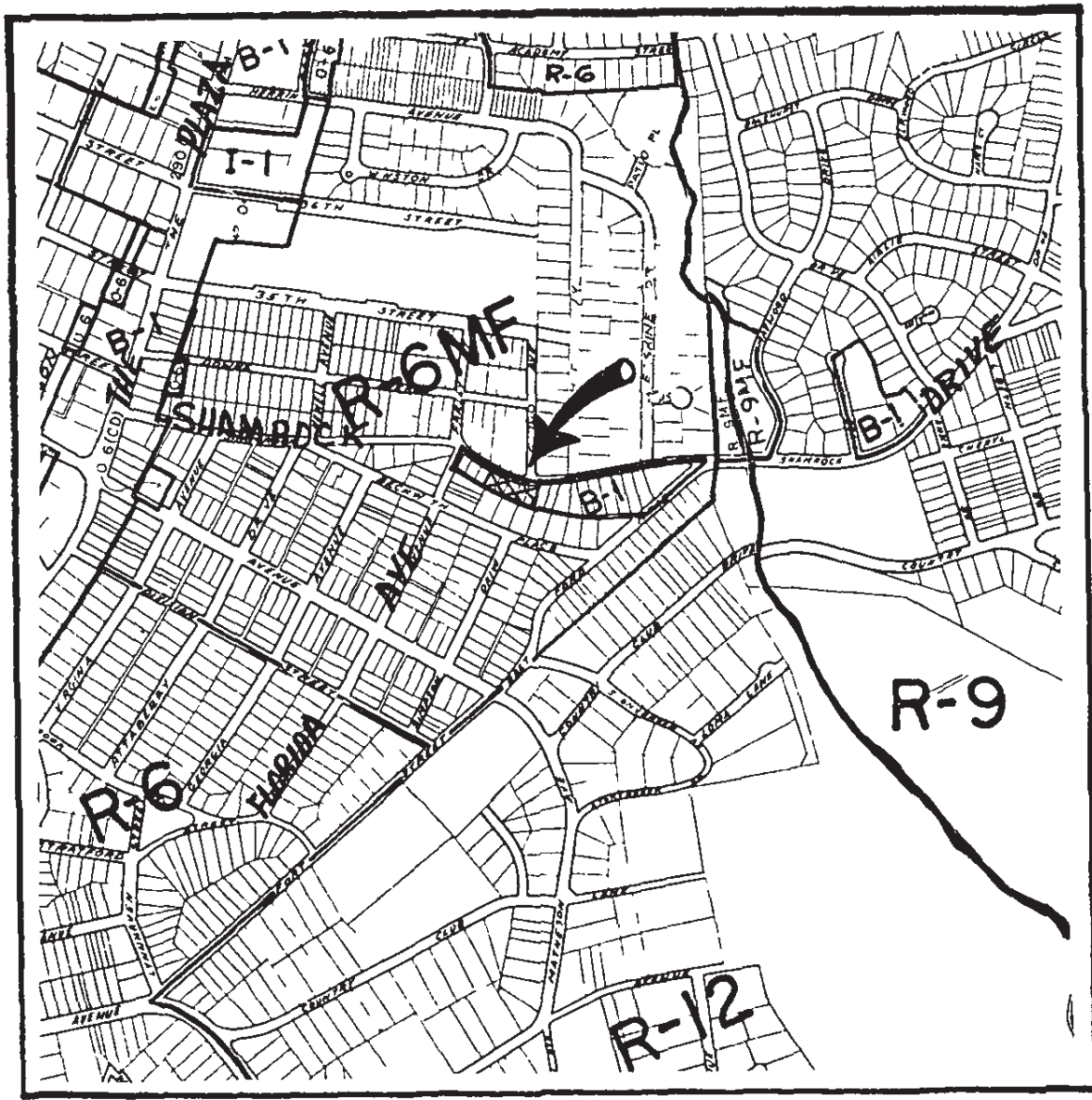
6. In light of the above, this request cannot be justified.

PETITIONER John Simpson

PETITION NO. 82-45 HEARING DATE 9/20/82

ZONING CLASSIFICATION, EXISTING B-1 REQUESTED B-2(CD)

LOCATION A .325 acre site fronting 205+ feet on the southerly side of Shamrock Drive approximately 153 feet east of the intersection of Shamrock Drive and Florida Avenue.



ZONING MAP NO. 6

SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE







DATE September 13, 1982

PETITION NO. 82-50

PETITIONER(S) Catawba Economic Development Association, Inc.

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

LOCATION A 4.3<sup>+</sup> acre tract located on the westerly side of North Sharon  
Amity Road at North Sharon Amity/Hickory Grove Road intersection.

ACTION The Planning Commission recommends the petition be approved in  
accordance with a recently amended 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. Overall objectives Would the approval of this request be compatible with overall zoning and land use objectives for the area?
2. Relationship to single family homes What impact, if any, on existing single family homes would result from the construction of a multi-family project on this site?
3. Sharon Amity relationship. What design relationships with regard to frontage areas along Sharon Amity and the landscaped medium in Sharon Amity are desirable?
4. Site Plan. Does the site plan offer a development plan that is compatible with the surrounding environment?

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

- 1 Existing Zoning The subject property is zoned R-9 as is a large area generally to the west Single family zoning is the dominate zoning pattern in the vicinity The exception to this is an area zoned R-9MF in the area of the N Sharon Amity/Hickory Grove Road intersection

2. Existing land use The property presently has on it three single family structures. Single family development is the dominant land use pattern. Spring Lake condominiums are located on the southerly side of Hickory Grove Road at the Sharon Amity Road intersection. In addition a small apartment building is south of the petitioned property on Sharon Amity. Two small churches are in the vicinity also.

3. Site Plan. The site plan indicates that the 4.3 acre site will be developed with 51 dwelling units for the elderly. This results in an overall density of about 11.8 dwelling units/acre. Natural vegetation and new screen planting will be utilized around the perimeter of the site to buffer the multi-family housing from nearby single family areas. Dwelling units are arranged along a central drive with two areas of parking providing a total of 18 parking spaces. Structures along the northerly boundary shall be a total of 55 feet from the adjoining property line and included in that is a 35 foot buffer area.

The following general findings can be arrived at.

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

2. Transportation Improvement Program. Shamrock Drive widening project would study widening and improvement of Shamrock Drive from Eastway Drive to North Sharon Amity Road. The cost of the study is estimated at \$40,000. Study has a medium priority. No funds have been appropriated as of October 31, 1980.

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

1. The subject property is zoned R-9.

2. Single family homes adjoin the property, particularly along the northerly edge where homes which front on Ivanhoe Place back up to the subject property.

3. The size and shape of this property is of such a nature to reasonably provide for multi-family housing compatible with the neighborhood.

4. In addition, the property's relationship to a major thoroughfare and the existence of multi-family zoning at the Sharon Amity/Hickory Grove intersection further enhances the reasonableness of this request.

5. Public expenditures have resulted in improvements to North Sharon Amity, including a landscaped median. The median, in addition to providing safety, has visually improved the roadway.

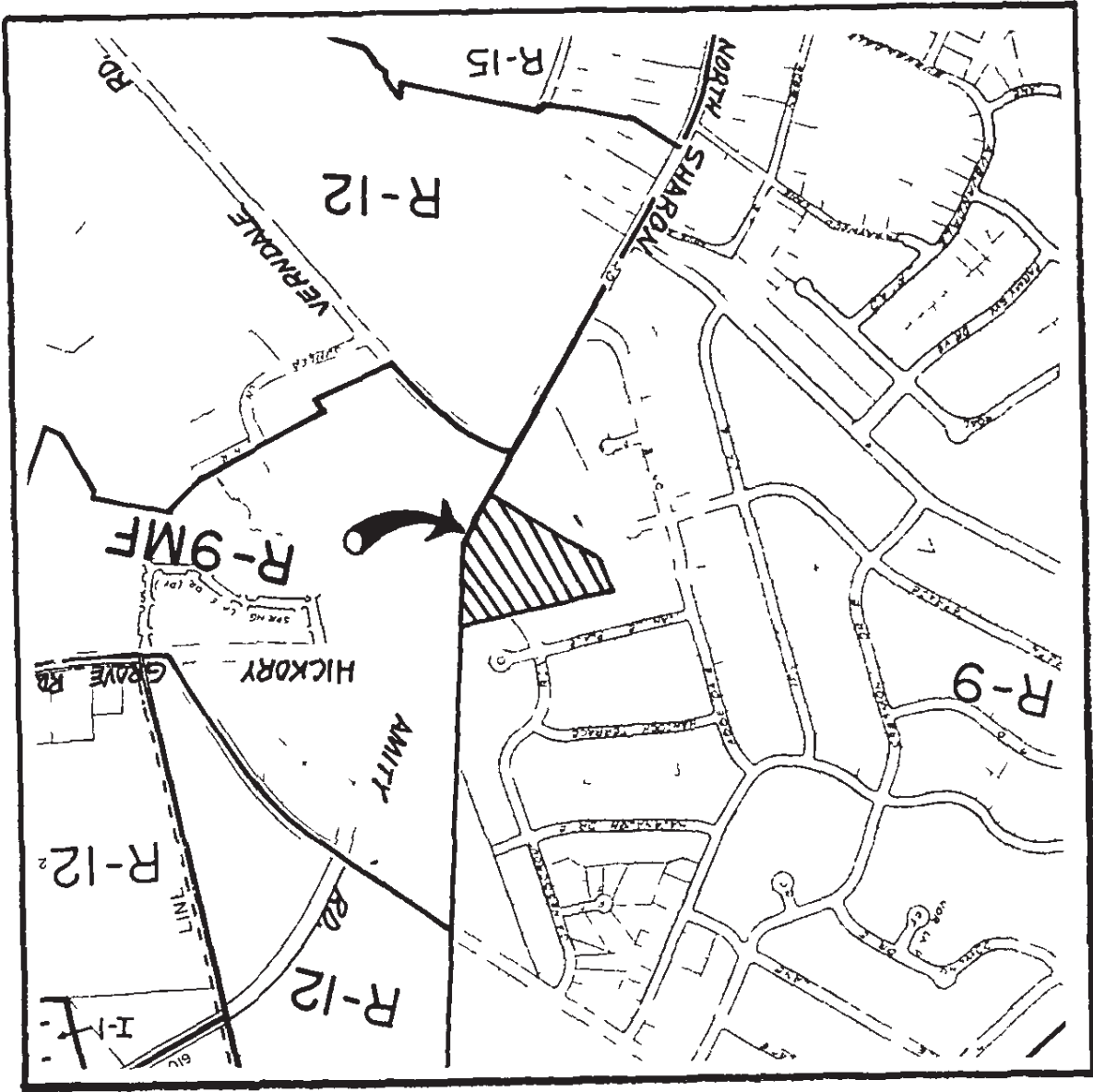
6. In response to questions raised at public hearing and by the Planning Commission, the petitioner developed a more detailed site plan following the public hearing which more specifically outlined the development plan for the site.
7. The site plan offers control over the development of the property and insures that the property can only be developed in accordance with the plan. This site plan which has been amended to reflect more detail, offers a reasonable plan that is compatible with the existing development setting. It is sensitive to existing homes in the area by providing screening and buffering areas. In addition it provides for a screening/landscaped entrance that should compliment the landscaped median along North Sharon Amity. The overall density (11.8 du's/acre) is quite a bit less than the 17 du's/acre normally permitted in the R-9MF district.
8. With the above considerations, especially the detailed conditional site plan, it is felt that the zoning change request can be justified and is a desirable response to the need to provide housing opportunities for the elderly.



PROPERTY PROPOSED FOR CHANGE

SCALE 1" = 800'

ZONING MAP NO. 21



Intersection of North Sharon Amity Road and Hickory Grove Road.

of North Sharon Amity Road, approximately 379 feet south of the

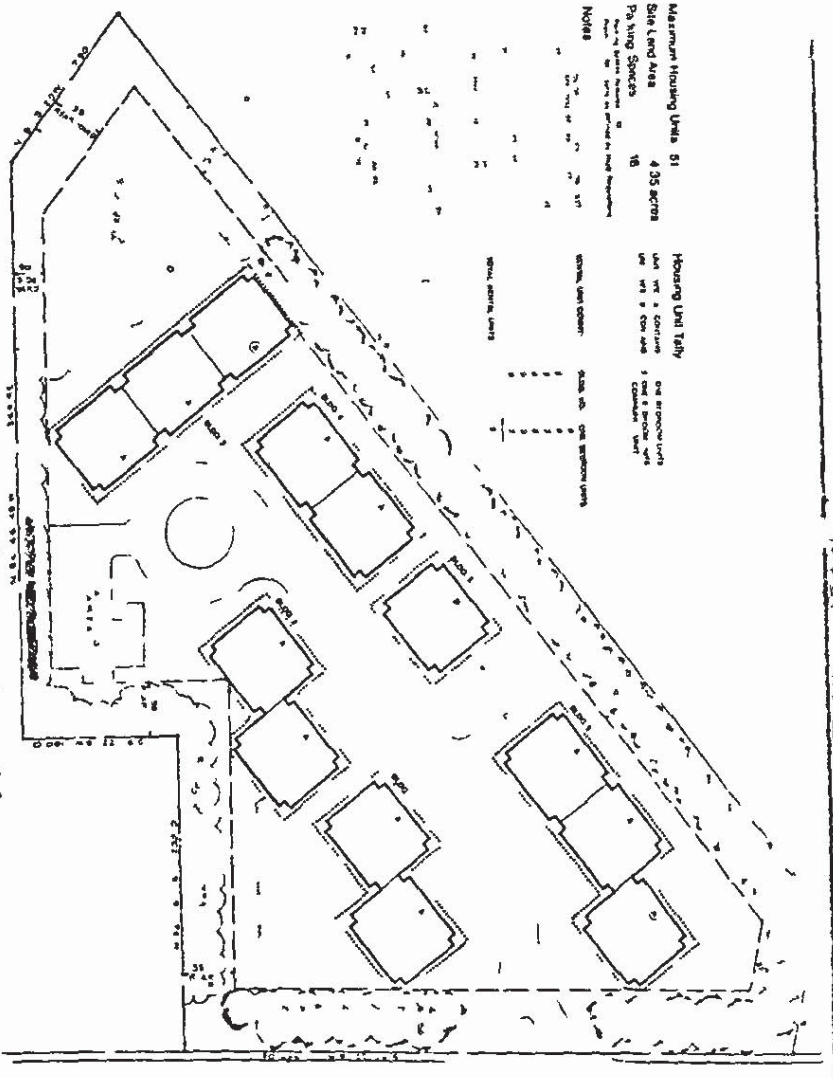
LOCATION A 4.634 acre site fronting 334.47 feet on the westerly side

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

PETITION NO. 82-50 HEARING DATE August 16, 1982

PETITIONER Catamba Economic Development Association, Inc.

Maximum Housing Units 51  
 Site Land Area 4.35 acres  
 Parking Spaces 18  
 Notes: 1. All units are to be constructed in accordance with the approved plans.  
 2. All units are to be constructed in accordance with the approved plans.  
 3. All units are to be constructed in accordance with the approved plans.



**Site Plan**  
 R 30  
**Gantt/Huberman Associates Architects and Planners**  
 Charlotte NC Project No 209 Date 8/25/82

**Sharon Amity Homes for Senior Citizens**  
 Charlotte NC  
**Catawba Economic Development Association**  
 Charlotte NC P.U. No. 82 50 Application for P.U. to P.U. No. 82 50

For Approval  
 8/25/82

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

DATE September 7, 1982

PETITION NO. 82-51

PETITIONER(S) City of Charlotte - Community Development Department

REQUEST Change from R-6MF to I-3

LOCATION A 1.276 acre site at the northwest corner of East 12th Street  
and Alexander Street.

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 following issues associated with this request can be identified

- 1 Land Use/Zoning Pattern Would the approval of this request be consistent with existing and anticipated land use and zoning patterns in this area?
- 2 Consistency with Urban Renewal Plan Would I-3 zoning be consistent with the First Ward Urban Renewal Plan?

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

- 1 Existing Zoning The subject property is zoned R-6MF Contiguous property on two sides is likewise zoned R-6MF Property to the east is zoned O-6 Generally land on the northerly side and within close proximity of the Brookshire Freeway is zoned for non-residential purposes The exception to this is an area zoned R-6MF somewhat east of the site To the south of the expressway land relating to the First Ward neighborhood is zoned Urban Residential
- 2 Existing Land Use the petitioned property is presently vacant Property on two sides is also vacant Brookshire Freeway is to the south and the Neighborhood Centers Department facility is on the remaining side South-east is the Piedmont Courts housing project Some industrial facilities are nearby to the north as well as a scattering of single family homes Generally the area immediately surrounding the site is vacant

The following general findings can be arrived at:

1 Comprehensive Plan 1995 The Plan Map indicates a residential transition area of 10-20 dwelling units per acre in the vicinity of petitioner's property

2 First Ward Urban Renewal Plan The Renewal Plan recommends the subject project be rezoned from R-6MF to I-3 The Renewal Plan was amended by City Council on September 8, 1980

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

1 The subject property is a relatively small area currently zoned R-6MF

2 The property is bounded by large areas zoned I-3 and an area zoned 0-6 and is bounded by the Brookshire Freeway on the remaining side

3 The proposal to rezone this property is consistent with the First Ward Urban Renewal Plan The property will be used to allow for the construction of the new transit maintenance facility

4 The proposal to rezone this property to I-3 provides for a reasonable zoning and land use pattern for this area that is consistent with existing plans and patterns



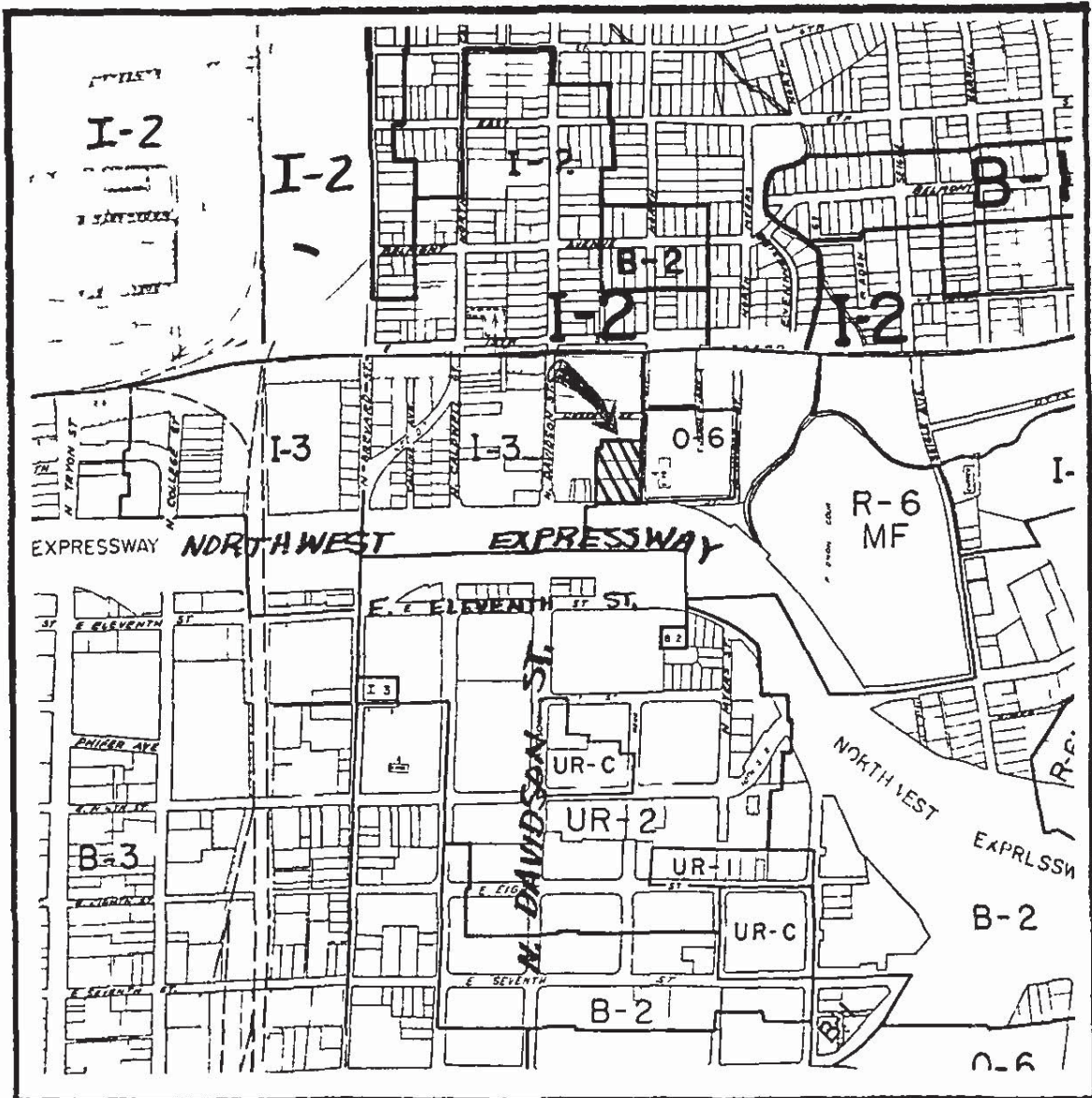
PETITIONER City of Charlotte - Community Development Department

PETITION NO. 82-51 HEARING DATE 8/16

ZONING CLASSIFICATION, EXISTING R-6MF REQUESTED I-3

LOCATION An 1.276 acre site at the northwest corner of East 12th Street  
and Alexander Street

Acreage: 1.276



ZONING MAP NO. 1-E

SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

DATE September 20, 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  
500 block of West Tremont.

ACTION The Planning Commission deferred action on this request in order  
to secure additional information.

VOTE \_\_\_\_\_

REASONS:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

DATE September 20, 1982

PETITION NO. 82-58

PETITIONER(S) Louise H. Bagwell

REQUEST Change from R-6 to O-6

LOCATION A .173 acre parcel fronting 60 feet on the easterly side of  
Morningside Drive, approximately 200 feet from the intersection  
of Central Avenue and Morningside Drive.

ACTION The Planning Commission deferred action on this request in order  
to secure additional information.

VOTE \_\_\_\_\_

REASONS:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

DATE September 20, 1982

PETITION NO. 82-59

PETITIONER(S) Good Shepherd Lutheran Church, Inc.

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

LOCATION A 2.196 acre site fronting on the northerly side of Albemarle Road, about 565 feet east of the intersection of North Sharon Amity and Albemarle Road.

ACTION The Planning Commission deferred action in order to allow the petitioner to continue working on this request with neighborhood representatives.

VOTE \_\_\_\_\_

REASONS:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



DATE September 20, 1982

PETITION NO. 82-61

PETITIONER(S) John Crosland Company

REQUEST Change from I-1 to R-12MF

LOCATION A 5.074 acre tract fronting 354 feet on the north side of Covedale Drive, about 250 feet west of the intersection of Old Monroe Road and Covedale Drive.

ACTION The Planning Commission recommends that the petition be approved.

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

Nays None

(Commissioner Smith abstained from voting.)

REASONS:

The following issues associated with this request can be identified:

1. Relationship to Adjoining Properties. Would the approval of this zoning change from industrial to multi-family be compatible with adjoining properties?
2. Overall Objectives. Would this change be compatible with overall planning goals for this area?

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

1. Existing Zoning. The petitioned property is presently zoned I-1 as is contiguous property on three sides of the site. A large area in the general vicinity relating to Old Monroe Road is zoned I-1. On the westerly side of the site property is zoned R-12MF. Generally property thereafter is zoned R-12 single family.
2. Existing Land Use. At the present time the site is undeveloped. Property immediately to the west is developed with the Sardis Cove attached residential community. Therefore, along Covedale Drive and other nearby streets, lots are developed with single family detached homes. Adjacent to the site to the east is a convenience/service facility. Along Monroe Road in the general vicinity are a few small business and the entrance to McAlpine Creek Greenway.

The following general findings can be arrived at.

1. Comprehensive Plan 1995. The Plan Map generally indicates residential usage in the area of the petitioner's property with 0-6 dwelling units per acre.
2. Transportation Improvement Program (TIP). The Monroe Road widening project would improve Old Monroe Road to four lanes from Village Lake Road to Sardis Road North just east of the petitioner's property. The improved road would improve access to and from southeast Charlotte and help alleviate congestion on Independence Boulevard. The estimated cost is \$5,929,000 and the project has a very high priority. Funding is undetermined at this time. Project scheduled to be completed during FY'87.

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

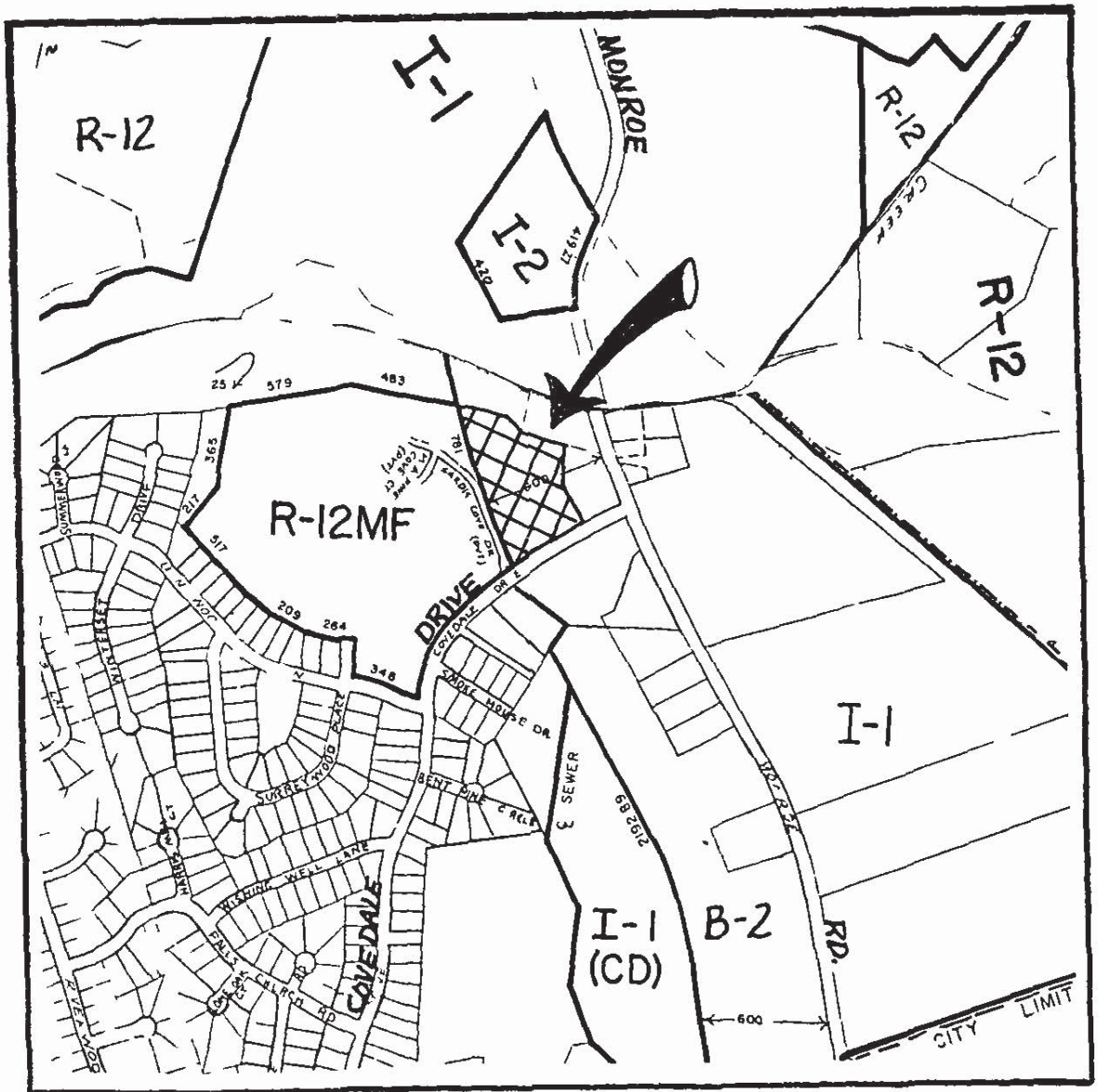
1. The property in question is zoned I-1 and is undeveloped at the present time.
2. Adjacent to the site on the westerly side is the Sardis Cove attached residential development. This residential for sale community has been successful and the petitioner seeks to expand this development onto the petitioned property. Zoning regulations do not permit residential development in industrial districts.
3. The request to rezone this land is desirable for several reasons.
  4. The size and shape of this parcel and its relationship to developed attached housing makes for a very reasonable use of the site and a compatible relationship to the developed attached housing will result.
  5. Residential development of this site rather than industrial will enhance the appearance and residential environment of Covadale Drive and the surrounding homes in the area.
  6. Development of the site as proposed will help meet a market demand for this type of housing and should be encouraged.
  7. In light of the above considerations this request appears to reflect a very compatible and reasonable use of this site and is, therefore, justified in light of overall objectives for this area.

PETITIONER John Crosland Company

PETITION NO. 82-61 HEARING DATE 9/20/82

ZONING CLASSIFICATION, EXISTING I-1 REQUESTED R-12MF

LOCATION A 5.074 acre site fronting 354 feet on the north side of  
Covedale Drive, approximately 250 feet west of the inter-  
section of Old Monroe Road and Covedale Drive.



ZONING MAP NO. 54

SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

DATE September 20, 1982

PETITION NO. 82-62

PETITIONER(S) Mecklenburg Baptist Associational Board, Inc.

REQUEST Change from R-PUD to R-15

LOCATION A 3.2 acre tract on the westerly side of Providence Road, about 300 feet south of the intersection of Cedar Croft Drive and Providence Road.

ACTION The Planning Commission recommends that the petition be approved.

VOTE Yeas: Boyce, Culbertson, Curry, Evans, Jernigan, Lawing, 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 inconsistent with overall land use and zoning objectives for this area?
2. Relationship to Candlewyck PUD. Would any adverse design/land use relationships with regard to the Candlewyck PUD result if this petition were approved?

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

1. Existing Zoning. The subject property is zoned R-PUD and is a part of the Candlewyck planned unit development. With the exception of the PUD zoning all other land in the immediate vicinity of the site is zoned R-15.
2. Existing Land Use. At the present time the petitioned property is vacant. The site is a small portion of the Candlewyck PUD, which is developed with single family detached homes. Also, at the intersection of Candlewyck Lane and Providence Road is the Candlewyck Baptist Church. Land on the easterly side of Providence Road is largely vacant or in farm use.
3. Candlewyck PUD The property under consideration is currently approved for church purposes under the existing land use plan approved for the Candlewyck PUD. Previously this area had been approved for single family purposes.

The following general findings can be arrived at

1. Comprehensive Plan 1995. The Plan Map generally indicates residential usage in the area of the petitioner's property with 0-6 dwelling units per acre.
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.

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

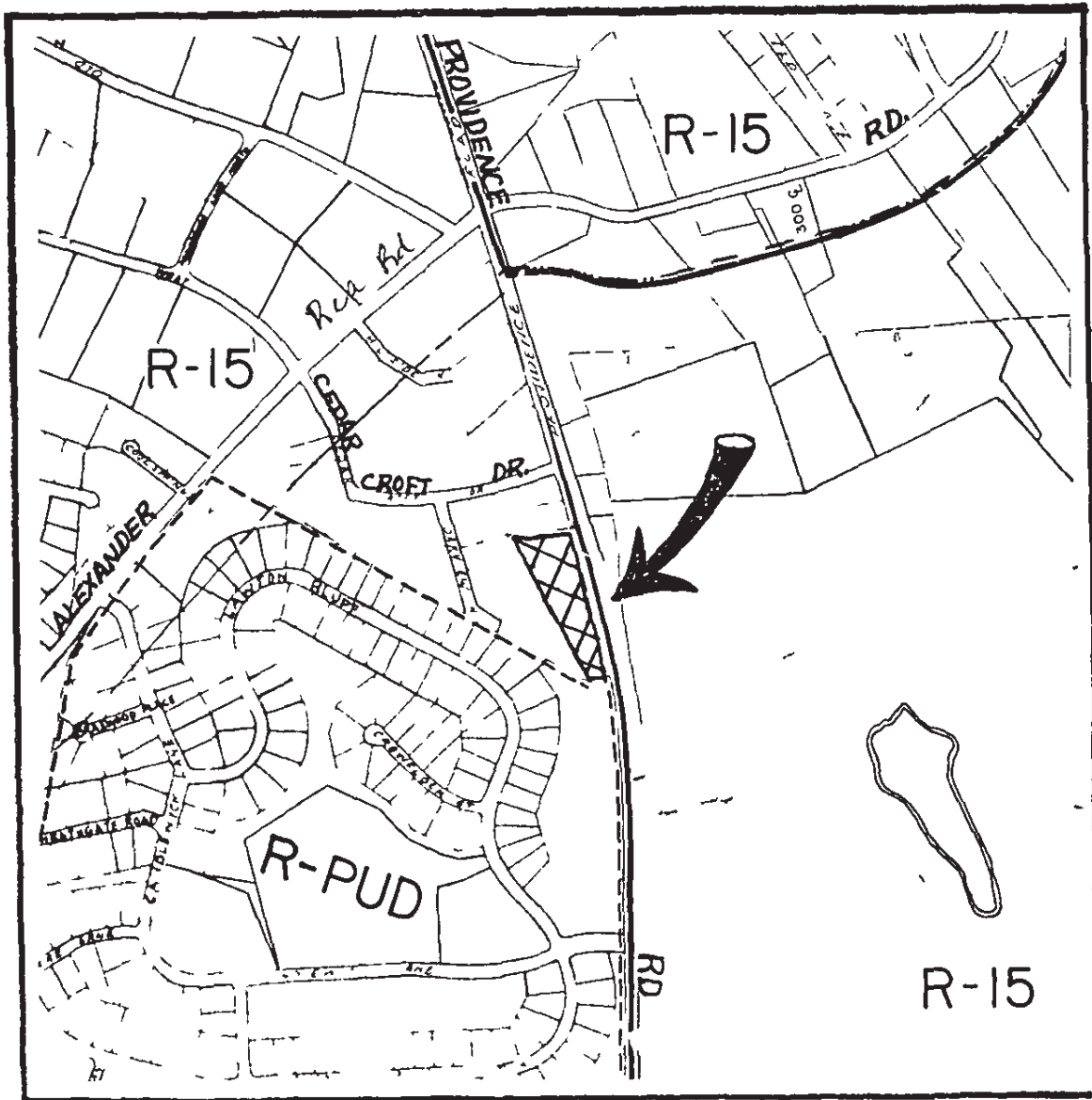
1. The subject property is presently zoned R-PUD and approved for church purposes.
2. If approved the petitioned property will be removed from the Candlewyck PUD and be zoned for single family residential purposes.
3. The predominate zoning classification in the area of the petitioned property is R-15.
4. The proposal to rezone this property is the same as earlier plans for this site and, thus, it is felt that the request is a reasonable one. The existing and anticipated land use pattern for this area is single family homes.
5. In light of plans and policies for this area the request to rezone this land is justifiable.

PETITIONER Mecklenburg Baptist Associational Board, Inc.

PETITION NO. 82-62 HEARING DATE 9/20/82

ZONING CLASSIFICATION, EXISTING R-PUD REQUESTED R-15

LOCATION A 3.2 acre site fronting 584.03 feet on the west side of  
Providence Road, approximately 300 feet south of the  
intersection of Cedar Croft Drive and Providence Road.



ZONING MAP NO. 29

SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100



DATE September 20, 1982

PETITION NO. 82-63

PETITIONER(S) Philip Thomas

REQUEST Change from R-6 to R-9MF(CD)

LOCATION A .270 acre site fronting about 78 feet on Dilworth Road East,  
approximately 167 feet south of East Boulevard.

ACTION The Planning Commission recommends that the petition be approved.

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

Nays: None

REASONS:

The following issues associated with this request can be identified.

1. Neighborhood/Overall Objectives. Is the proposal compatible with overall neighborhood planning objectives?
2. Dilworth Plan. How does this request relate to plans and policies contained in the Dilworth Small Area Plan.
3. Site Plan. Does the site plan presented with this request offer a reasonable plan for development that is compatible with existing character of the neighborhood?
4. Infill. Is the proposal to construct a 2-unit residence on this vacant lot generally consistent with concepts associated with infill development?

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

1. Existing Zoning. The site is presently zoned R-6 as is property on three sides of the lot. The remaining side is zoned O-6. This O-6 classification relates to property which fronts on East Boulevard. Nearby on East Boulevard are lots zoned for commercial purposes, while nearby residential areas are zoned for both single family and multi-family purposes.

2. Existing Land Use. The petitioner's lot is presently vacant. The predominant development pattern in the neighborhood is reflective of single family homes. Along one side of the site is a hair salon and across the street on Dilworth Road is the First Christian Church. Along East Boulevard, particularly north of the site, are a number of office uses.
  3. Site Plan. The site plan indicates that the site will be developed with a 2-unit residential structure. Two driveways will be provided. A minimum setback of 40 feet will be established with side yards of 8 feet and 6 feet and a minimum rear yard of 45 feet.
- The following general findings can be arrived at.

1. Comprehensive Plan 1995. The Plan Map generally indicates residential usage in the area of the petitioner's property with 0-6 dwelling units per acre.
2. Dilworth Small Area Plan. The Dilworth Small Area Plan is presently being deliberated by City Council. The Plan recommends no change from the current R-6 zoning of the subject property.

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

1. The subject property is a vacant lot zoned R-6 and is in an area developed with single family homes.
2. In recognition of the solid single family character, the Dilworth Small Area Plan does not contemplate any zoning changes that would disrupt the single family environment.
3. The petitioner proposes a conditional plan to construct a two-family dwelling.

4. One lot zoned conditional multi-family and developed with a single duplex, as proposed, will provide a reasonable, satisfactory zoning and land use pattern. Multi-family zoning can provide a transitional district between existing office and single family zoning. Similarly the duplex is a compatible transitional land use as well in this case.
5. This request is a good example of infill housing and should be encouraged.

6. The petitioner has worked with the Dilworth Neighborhood Organization. Architectural renderings (not a part of the conditional rezoning) have been provided to the group such that the neighborhood organization is satisfied that the petition is compatible with the neighborhood and should be approved.

7. This project proposal represents a desirable development approach for this vacant lot. Based on the specific use, conditional zoning and developer/neighborhood cooperation it is consistent with the broad goals outlined in the Dilworth Plan.

PETITIONER Philip Thomas

PETITION NO. 82-63 HEARING DATE 9/20/82

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

LOCATION A .270 acre site fronting 78.31 feet on Dilworth Road East,  
approximately 167 feet south from East Boulevard.



ZONING MAP NO. 9

SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE



NORTH

A PROPOSED DUPLEX  
DILWORTH ROAD EAST  
CHARLOTTE NORTH CAROLINA

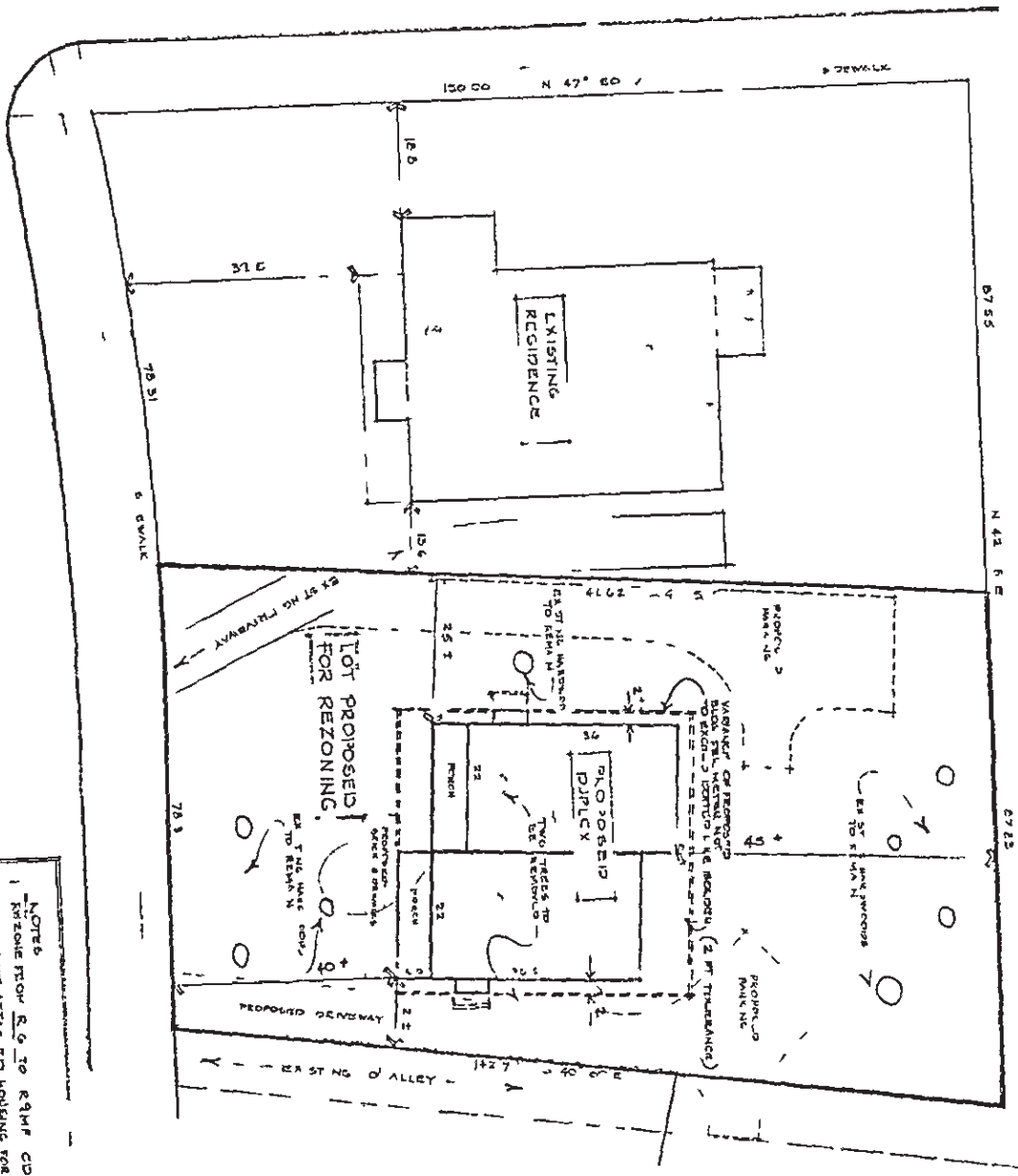
MR. PHILIP THOMAS OWNER

SCALE 1" = 10' 0"

E WORTHINGTON AVE

DILWORTH RD.  
EAST

- NOTES
1. KITCHEN FROM S.G. TO RAMP CD
  2. TWO DRIVE ATTRA EID HOUSING FOR SALE
  3. TWO DRIVEWAY ACCESS TO BE PROVIDED
  4. COMMON DRIVEWAY ACCESS EAGERENT TO BE GRANTED TO AN OTHER STRUCTURE TO LEFT OR ADJACENT LOT



DATE September 20, 1982

PETITION NO. 82-64

PETITIONER(S) Great Southeast Corporation

REQUEST Change from UR-2 to UR-C

LOCATION A .809 acre site fronting about 196 feet on North Graham Street  
at West Eighth Street.

ACTION The Planning Commission deferred action on this request in order  
to pursue a conditional plan of development for the site.

VOTE \_\_\_\_\_

REASONS:

DATE September 13, 1982

PETITION NO SUP 82-2

PETITIONER(S) Lambda Chi Alpha Fraternity

REQUEST Special Use Permit to accomodate a fraternity use  
in an R-9 district

LOCATION 3-acre lot fronting 300 feet on westerly margin of  
Sugar Creek Road about 345 feet north of Cushman Street

ACTION The Planning Commission Recommends that the Special Use  
Permit be approved

VOTE Yeas Boyce, Culbertson, Greene, Jernigan and Trotter.  
Nays None

(Commissioners Curry, Evans, Lawing and Smith abstained from voting.)  
REASONS (Commissioner McCoy was not present when vote was taken.)

FINDINGS REGARDING REQUIREMENTS PRESCRIBED FOR SCHEMATIC PLANS

The schematic plan and other material submitted with the petition at the time of filing fully comply with each of the requirements of Section 23-36(b), (1)-(7) and of Section 23-36 7(a), (1), (3) and (6) (Young, page 8 )

FINDINGS REGARDING PRESCRIBED STANDARDS

The following findings were made from the record evidence presented at the hearing with respect to the four standards prescribed by Section 23-36 7(c), the basic facts relied on in support of each being set forth below

Finding (Standard) No 1

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

1 The proposed use is to house a maximum of 15 resident members of UMC-Chapter of the Lambda Chi Alpha Fraternity in the existing 3400 square foot two-story white frame residence on a 3-acre lot (Staff Ex 3) Such use will not generate any significant volume of traffic on Sugar Creek Road, which is a high-volume major thoroughfare (Young, p 11) Ingress and egress to and from Sugar Creek Road will be provided by the existing drive and potentially by a second drive, neither of which presents any hazard with respect to obstructed views or traffic conflicts with the closest streets (Cushman St and Wilson St) on the westerly side of Sugar Creek Road (Staff Ex 3, Young page 14, Demmitt, pp 32, 33) There is nothing about the proposed use which suggests any danger to public health or safety (Young, p 16, Turner pp 22, 23, Abernethy p 44)

2 There will be no structure on the 3-acre lot other than the existing 2-story white frame residence (Staff Ex 3, Pet Ex 3), which will not be expanded or changed in any way (Demmitt pp 29, 30, 35) Absent destruction or practical necessity, major trees will remain (Staff Ex 3) The lot is a large one for the area (Demmitt p 30), the existing residence is located considerable distances from those on adjoining properties (Pet Ex 1, Demmitt p 33, 34), buffers and screening will be afforded by existing fences at the rear and plantings around the parking area (Staff Ex 3, Demmitt p 32) The residence will look the same as it previously did (Demmitt p 35, Teagarden p 47) and the use of the house and its grounds will not be significantly different than what would normally be associated with conventional residential use (Abernethy p 44)

3 Existing zoning patterns and land use (Staff Ex 1 and 2) show the subject property to be located on the westerly side of Sugar Creek Road across from an existing church (zoned 0-6) and in the vicinity of established retail (B-1) use along Sugar Creek Road In addition to the fact that the single structure will be located upon a 3-acre lot with significant separation and buffering from adjoining residences, because of the general nature of the area, the frontage of the property on a high-volume thoroughfare and the nearby commercial development, the proposed use will not adversely affect property values of single-family homes in the area or of other adjoining and nearby properties (Turner pp 23-25, Abernethy p 45)

Finding (Standard) No 2

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

Facts Supporting No 2

- 1 There will be no other structures on the lot or any changes in or expansion of the existing residence, which will look no different than previously (Demmitt pp 29, 30, 35, Pet Ex 3) Fraternity use of both the house and its ground will not be significantly different than what would normally be associated with conventional residential uses of property (Abernethy p 44) The 2-story white house is indistinguishable with respect to its location, size and exterior features from a single-family residence which is what it was originally designed and used for (Abernethy pp 44, 45)
- 2 The Site Plan (Staff Ex 3) provides for a maximum of 15 cars (plus temporary overflow parking) in a defined parking area located at the southwesterly rear portion of the property (Young p 7, Demmitt p 30) As shown on the Site Plan, new screening will be provided to shield the parking area from adjoining properties (Staff Ex 3, Young p 8) In addition, existing fences, on-site greenery and large trees will further screen the parking area from adjoining and nearby properties (Demmitt p 32)
- 3 The proposal provides for only one 3-letter Greek identification sign at the front of the residence (Staff Ex 3, Demmitt p 34), which the Petitioner has agreed shall not be in excess of 10-square feet (Staff Ex 3, as amended, Young p 17, Demmitt p 34) The sign will have no illumination and will be unobtrusive (Demmitt p 35) There are a great variety of existing signs in the immediate vicinity for the church, businesses, etc (Young p 17) The proposed 3-letter Greek identification sign will be compatible with the area (Young p 17)

Finding (Standard) No 3

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

Facts Supporting Finding No 3

- 1 The subject property fronts on the westerly side of Sugar Creek Road which is a 5-lane major thoroughfare that carries a high volume of traffic (Young p 11) Typically, the student residents of the house have only a total of 7-8 cars in the rear parking area at any one time (Abernethy p 44, Teagarden p 49) Because of staggered class schedules of the students, normally their cars depart for UNC-C before peak traffic hours of the morning and return mid-afternoon before the peak traffic hours in the afternoon (Abernethy p 44, Teagarden p 49) The cars of the prescribed maximum of 15 students residents will not generate a sufficient amount of traffic to impact or adversely affect the existing traffic volume on Sugar Creek Road (Young p 11)



4 The closest resident stated that the fraternity boys had been friendly, orderly, considerate and good neighbors, that he had found nothing

gone (Abernethy p 43, Witherspoon p 61) vacations and summer sessions when most of the fraternity boys are cant lessening of activity at the subject site during weekends, accommodate them (Witherspoon pp 58, 62, 65) There is a significant house is not suited for large gatherings and because of this most of the residence may be used for some social gatherings, the existing from those on adjoining properties (Demmitt pp 33, 34) Although of the lot and the distances that separate the existing residence only as a visual, but also as an effective noise barrier (Demmitt pp 31, 32) These barriers are further enhanced by the 3-acre size The large existing trees, fences and new screening will serve not

2 The subject property fronts on the 5-lane Sugar Creek Road thoroughfare which carries a high volume of traffic (Young pp 6, 11) and is located within an area which is commercial in nature and its use for fraternity purposes will not adversely affect the living environment of the area (Turner p 27)

1 The Site Plan provides for the retention and use of only one structure on the 3-acre lot, namely, the existing white 2-story residence (Staff Ex 3, Young p 15) There will be no expansion of the existing house (Young p 15) There is natural screening along the side and rear lines and existing large trees will be retained (Turner p 22) The property has been well maintained (Young p 15, Abernethy p 44) and its future use by the fraternity will be the same as it has been for the past year (Witherspoon p 63, The existing residence looks like any other house in the area (Pet Ex 3, Young p 16) There will be no change in the appearance of the house (Demmitt pp 29, 30, Teagarden p 47) The existing fences, growth and trees, form a natural barrier from the adjoining properties (Turner p 25)

Facts Supporting Finding No 4

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

Finding (Standard) No 4

2 The Site Plan shows the subject property to have a Sugar Creek Road frontage of about 300 feet (Staff Ex 3) If utilized for single-family dwellings purposes, the subject lot could be divided into four lots having a 75-foot frontage--each with its separate driveway (Young p 12), instead of the limit of two potential driveways provided by the Plan (Staff Ex 3)

objectionable about their gatherings and meetings with respect to noise or anything else and that the continued use of the 3-acre house and lot by the fraternity will be compatible with the general living environment of the area (Abernethy p 45)

Based on the above findings, it is recommended that the request for a Special Use Permit be approved for use of the subject property for fraternity purposes as shown on the Site Plan, as amended

PETITIONER Lambda Chi Alpha Fraternity

PETITION NO. SUP 82-2

HEARING DATE 7-20-82

Special Use Permit for a

ZONING CLASSIFICATION, EXISTING R-9

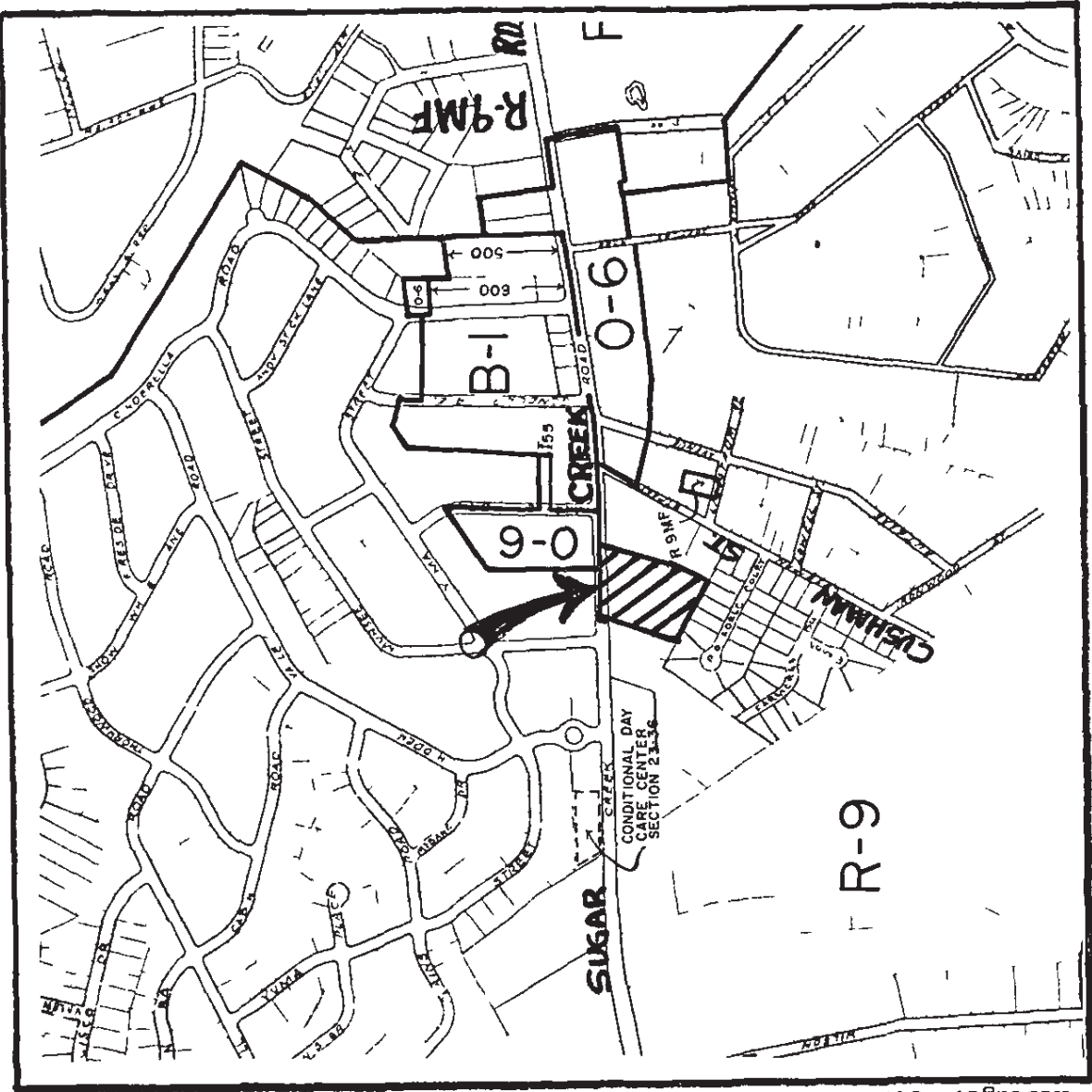
REQUESTED Fraternal Organization in R-9 District.

LOCATION A 3.11 acre tract of land fronting 304.67 feet on the westerly side

of Sugar Creek Road, approximately 345 feet north of the intersection of

Sugar Creek Road and Cushman Avenue.

Acreage: 3.11



SCALE 1" = 800'

ZONING MAP NO. 18

PROPERTY PROPOSED FOR CHANGE

