AGENDA

Meeting Type:	B
Date:	06/17/1985

City of Charlotte, City Clerk's Office

Charlotte

IN MEETING ON JUNE 17, 1985

5:00 - City Council/Planning Commission
Dinner
Rooms 237-239

6:00 - ZONING HEARINGS
Board Room, Education Center

ITEM NO.

1. Invocation by Reverend George Battle, of Gethsemane AME Zion Church.

PUBLIC HEARINGS

2. Hearing to consider designation of the "Stone Entry Gates" at Johnson C. Smith University located at 100 Beatties Ford Road as historic property.

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

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

(1) The stone entry gates symbolize the revitalization of an important black institution of higher education through the generous gift of funds by Mrs. Johnson C. Smith in 1921-22.

council agenda

Mayor Harvey B Gantt Mayor Pro Tem Minette Conrad Trosch

Charlie S Dannelly
Laura Page Frech
Ann Hammond
Paul Francis Juneau
Ron Leeper
Sue Myrick
Pamella G Patterson
Herbert Spaugh, Jr
Richard Vinroot
Velva W Woollen

(2) The stone entry gates designed by New York architect A. G. Lamont, occupy a strategically important site, at the intersection of Beatties Ford Road and West Fifth Street and are a unique element in the built environment of Charlotte-Mecklenburg.

The property owner fully supports the historic designation. This property is tax exempt. The Department Review Process reveals no conflict between the historic designation and City projects.

Recommend adoption of an ordinance designating the "Stone Entry Gates" at Johnson C. Smith University, as historic property.

Attachment No. 1.

3. Hearing to consider designation of the property known as the "Moore-Golden House", located at 1701 East Eighth Street, including the interior and exterior, and the lot upon which the building is situated as "historic property".

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

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

(1) The Moore-Golden House, erected in Elizabeth Heights in 1910, is a rare local example of the English Cottage style of architecture.

(2) Norman A. Cocke, a high official of the Southern Power Company, eventually becoming president, resided in the Moore-Golden House from 1912 until 1915.

(3) The Moore-Golden House was the home of Harry Golden, internationally known author, journalist, and humorist from 1973 until his death in 1981 and is the only home still standing in Charlotte in which Mr. Golden resided.

The property owner fully supports the historic designation. Based on the current assessment and tax rate, the amount of taxes deferrable on the property would be $265.00. The Department Review Process reveals no conflict between the historic designation and City projects.

Recommend adoption of an ordinance designating the property known as "Moore-Golden House" located 1701 East Eighth Street as historic property.

Attachment No. 2.

4. Hearing to consider designation of the "Old Carnegie Library Building" at Johnson C. Smith University, including the exterior and interior of the building and the land upon which the building sits, and extended 20 feet from the perimeter of the building, at 100 Beatties Ford Road, as historic property.

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

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

(1) The old Carnegie Library Building at Johnson C. Smith University, erected in 1911-1912 and designed by the Charlotte architectural firm of Hunter and Gordon, is one of the older examples of the Neo Classical style that survives locally.

(2) Hunter and Gordon were influential architects in Charlotte in the first quarter of the twentieth century.

(3) The building served as the library of Johnson C. Smith University from 1912 until 1978 and continues to contribute to the success of this important black institution of higher education.

The property owner fully supports the historic designation. This property is tax exempt. The Department of Review Process reveals no conflict with the historic designation and City projects.

Recommend adoption of an ordinance designating the property known as the Old Carnegie Library Building at Johnson C. Smith University as historic property.

Attachment No. 3.

5. Hearing to consider designation of the property knows as "William Treloar House" located at 328 North Brevard Street, the exterior of the building and the land upon which the building sits (excluding the one story addition on the right and the rear appendage, and the land upon which the one story addition on the right and the rear appendage sit) as historic property.

The Charlotte-Mecklenburg Historic Properties Commission has proposed the designation, and the North Carolina Division of Archives and history concurs in the proposed designation as historic property.

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

(1) The original owner, William Treloar (1825-1894), a native of Cornwall, England, and, therefore, initially attracted to this region because of the gold mines, established himself as a leading businessman of this community.

(2) The Treloar House is a rare remnant of the Old First Ward Neighborhood.

(3) The Treloar House is one of only two examples of "row house" architecture that survive in the central business district of Charlotte.

The Historic Properties Commission did not receive a letter of endorsement from the property owners; the owners did not respond to the Commission's request that they do so in the event they did not concur with the designation. Based on the current assessment and tax rate, the amount of deferrable taxes would be $199.17. The Department Review Process reveals no conflict between the historic designation and City projects.

Recommend adoption of an ordinance designating the property known as the William Treloar House at 328 North Brevard Street, the exterior of the building and the land upon which the building sits (excluding the one story addition on the right and the rear appendage, and the land upon which the one story addition on the right and the rear appendage sit) as historic property.

Attachment No. 4.

6. Hearing on Petition No. 85-38 by Eastland Limited for a site plan amendment to an already existing B-1SCD for a 79.898 acre site on the north side of Central Avenue, east of Sharon Amity Road (Eastland Shopping Center).

Attachment No. 5-A

7. Hearing on Petition No. 85-39 by B. D. Rogers and Good Shepherd Lutheran Church, Inc., for a change in zoning from O-15(CD) to O-6(CD) and O-15(CD) Site Plan Amendment for a 2.196 acre site at 5301 Albemarle Road.

Attachment No. 5-B

8. Hearing on Petition No. 85-40 by Jesse M. Waller for a site plan amendment to an already existing B-1SCD for a 4.35 acre site along the east side of Delta Road just south of Albemarle Road.

Attachment No. 5-C

9. Hearing on Petition No. 85-41 by Cardinal Industries Development Corporation for a change in zoning from R-9MF to B-1(CD) for a 3.88 acre site located at the northeast corner of Mulberry Church Road and I-85 Service Road.

Attachment No. 5-D

BUSINESS AGENDA

10. Consider issuance of a Floodway Special Use Permit which would allow a chain link fence and storage relocation in the Briar Creek Floodway. Included in the attachment is a letter and map provided by the applicant.

Attachment No. 6.

POLICY AGENDA

11. Decision on Petition No. 84-34 by E. C. Griffith Company for a change in zoning from R-12 to R-15MF(CD) for a 2.416 Acre site fronting on Maryland Avenue, East Boulevard and Queens Road West across from the Nalle Clinic.

A protest petition has been filed and found sufficient to invoke the three-fourths rule requiring affirmative votes of three-fourths of the Mayor and Councilmembers, not excused from voting, in order to rezone the property.

The Planning Commission recommends that the petition be approved.

Attachment No. 7-E

12. Decision on Petition No. 85-22 by Kenneth R. Harris for a change in zoning from R-12 to R-15MF(CD) for a 4.41 acre site located at 1901 Providence Road at Vernon Drive.

A protest petition has been filed and found sufficient to invoke the three-fourths rule requiring affirmative votes of three-fourths of the Mayor and Councilmembers, not excused from voting, in order to rezone the property.

The Planning Commission recommends that the petition be denied.

Attachment No. 7-F

13. Decision on Petition No. 85-27 by Roberta H. Hobbs for a change in zoning from O-6 to I-1 for a 1.47 acre site at the corner of North Church Street and West 25th Street.

The Planning Commission recommends that this petition be denied.

Attachment No. 7-G

14. Decision on Petition No. 85-31 by Evans Construction, Inc. for a change in zoning from R-15 to R-15MF(CD) for a 19.02 acre site on the southeast side of Providence Road between Cloister Drive and McMullen Creek.

A protect petition has been filed and found sufficient to invoke the three-fourths rule. However, all but three of the abutting property owners have withdrawn their protest which now makes it insufficient, and the three-fourths majority vote of the Mayor and Councilmembers is no longer required.

The Planning Commission recommends that the petition be approved.

Attachment No. 7-H

15. Decision on Petition No. 85-33 by Richard E. Atkinson for a change in zoning from B-1(CD) to O-6(CD) for a 52,352 square foot lot at 5101 Monroe Road.

The Planning Commission recommends that the petition be approved.

Attachment No. 7-I

16. Decision on Petition No. 85-37 by The Charlotte-Mecklenburg Planning Commission for a change in zoning from B-2 and I-3 to U-MUD for several tracts fronting on West 4th Street and West 5th Street in the Charlotte Uptown area.

The Planning Commission recommends that the petition be approved.

Attachment No. 7-J

17. Decision on Petition No. 85-35 by J. D. Sims & Company for a change in zoning from R-12MF to B-2 for an 8.001 acre site south of the 7500 block of East Independence Boulevard between Village Lake Drive and McAlpine Creek.

The Planning Commission recommends that the petition be approved for B-2(CD) in lieu of the originally requested B-2.

Attachment No. 8

18. Recommend adoption of a resolution calling for public hearings on Monday, July 15, 1985, at 6:00 p.m., in the Board Room of the Education Center, on Petition Nos. 85-42 through 85-51 for zoning changes.

- PENDING MATTERS -

In meeting on Monday, June 24, 1985, City Council will make nominations for appointment to the Housing Authority to fill the unexpired term of Dr J. Randolph Taylor who has resigned. The term will expire December 17, 1986.

SCHEDULE OF MEETINGS
June 17 - 21, 1985

Monday, June 17	COUNCIL/PLANNING COMMISSION DINNER Education Center Rooms 237-239	5 00 p. m.
	ZONING HEARINGS & DECISIONS Board Room	6 00 p. m.
Tuesday, June 18	TRANSPORTATION COMMITTEE - Southern Section of Belt Road 2nd Floor Conference Room, City Hall	4 00 p. m.
Thursday, June 20	OPERATIONS COMMITTEE - Policies of Auditorium, Coliseum, Convention Center Authority 2nd Floor Conference Room, City Hall	4 00 p. m.

Charlotte

Public Service & Information Department
City Hall 600 E Trade Street
Charlotte North Carolina 28202
704/336-2395

Meetings in June '85

THE WEEK OF JUNE 2 - JUNE 8

3	Monday, 12 Noon	CITY COUNCIL AND PRIVATE INDUSTRY COUNCIL (Luncheon) - Adam's Mark Hotel, McDowell Street
4	Tuesday, 8 a.m	STRATEGIC PLANNING SEMINAR FOR MAYOR, CITY COUNCIL & DEPT. HEADS - Offices of Arthur Anderson & Company, 22nd Floor, Charlotte Plaza
	Tuesday, 7 p m.	PUBLIC BRIEFING & HEARING ON CITY BUDGET - Education Center, 701 E. Second Street, Board Room
5	Wednesday, 10 a.m.	ECONOMIC DEVELOPMENT STUDY COMMISSION - Cameron-Brown Bldg , 5th Floor Conference Room
	Wedesday, 10 a.m.	CIVIL SERVICE BOARD (Hearing) - City Hall, Council Chamber
	Wednesday, 4 p.m.	CITY COUNCIL BUDGET WORKSHOP - City Hall Annex, Training Center
	Wednesday, 7 30 p.m.	PLANNING COMMISSION - Cameron-Brown Bldg., 1st Floor Conference Room
6	Thursday, 7 30 a m	PLANNING COMMISSION/Planning Liaison Committee - Cameron-Brown Bldg., 1st Floor Conference Room
	Thursday, 8 00 a.m.	PLANNING COMMISSION/Planning Committee - Cameron-Brown Bldg , 1st Floor Small Conference Room
7	Friday, 7 30 a m	COUNCIL/MANAGER BREAKFAST (Information Meeting with Utility Dept) - Wastewater Collection Division, 3001 Wilmont Road

THE WEEK OF JUNE 9 - JUNE 15

10	Monday, 10 30 a.m.	AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY - Convention Center, Conference Room
	Mondav 12 Noon	PLANNING COMMISSION (Work Session) - Cameron-Brown Bldg., 1st Floor Conference Room
	Monday, 5 00 p m	COUNCIL/MANAGER DINNER - McClintock Junior High School, 2101 Rama Road
	Monday, 7 p.m	CITIZENS HEARING - McClintock Junior High Schooo, 2101 Rama Road
	Monday, 7 30 p m.	CITY COUNCIL MEETING - McClintock Junior High School, 2101 Rama Road
11	Tuesdav, 9 a.m	HISTORIC DISTRICT COMMISSION - Edwin Towers, Conference Room
	Tuesday, 6 p m	CHARLOTTE PARKS ADVISORY COMMITTEE & MECKLENBURG COUNTY PAKRS & RECREATION COMMISSION - Discovery Place, Board Room (Parking in rear, Entry from Tryon Street.)
12	Wednesday, 8 a m	PRIVATE INDUSTRY COUNCIL - Chamber of Commerce, Action Room A
	Wednesday, 2 p m	SPECIAL USE PERMIT HEARING - City Hall, Council Chamber
	Wednesday, 2 p m	TECHNICAL COORDINATING COMMITTEE - City Hall Annex, Dept of Transportation Conference Room
	Wednesday, 3 p m	CITIZENS ADVISORY COUNCIL FOR HAZARDOUS CHEMICALS - Fire Department, 3rd Floor Conference Room
	Wednesday, 7 p.m	YOUTH INVOLVEMENT COUNCIL - City Hall, Council Chamber
	Wednesday, 7 30 p m	HISTORIC PROPERTIES COMMISSION - City Hall, 2rd Floor Conierence Room

13	Thursday, 8 a m	BUSINESS OPPORTUNITY NETWORK ADVISORY TASK FORCE - Chamber of Commerce, Action Room A
	Thursday, 8 a.m.	PLANNING COMMISSION/Planning Committee - Cameron-Brown Bldg , 1st Floor Conference Room
	Thursday, 2 30 p m.	MAYOR'S DAY & LEGISLATIVE RALLY - Mission Valley Inn, Raleigh

THE WEEK OF JUNE 16 - JUNE 22

17	Monday, 5 p.m	COUNCIL/MANAGER DINNER - Education Center, Rooms 237-239
	Monday, 6 p m.	CITY COUNCIL MEETING (Zoning Hearings) - Education Center, Board Room
18	Tuesday, 2 p m.	HOUSING AUTHORITY - Administrative Offices, 1301 South Boulevard
	Tuesday, 3 p m	COMMUNITY FACILITIES COMMITTEE - Utility Dept., 5100 Brookshire Blvd
	Tuesday, 4 30 p.m	MUNCIPAL INFORMATION ADVISORY BOARD - Cameron-Brown Bldg., 3rd Floor Conference Room
19	Wednesday, 8 30 a m.	CIVIL SERVICE BOARD - City Hall, 3rd Floor Conference Room
	Wednesday, 4 p.m.	CAPITAL NEEDS COMMITTEE - Education Center, 2nd Floor, Central Conference Room
	Wednesday, 7 p m	METROPOLITAN PLANNING ORGANIZATION/Public Hearing - Quail Hollow Junior High School, Rt. 2, Pineville
20	Thursday, 7 30 a m.	PLANNING COMMISSION/Planning Liaison Committee - Cameron-Brown Bldg , 1st Floor Conference Room
	Thursday, 8 a m	CLEAN CITY COMMITTEE - Cameron-Brown Bldg , 5th Floor Conference Room
	Thursday, 4 p m	PLANNING COMMISSION (Deferred Rezoning) - Cameron-Brown Bldg , 1st Floor Conference Room
	Thursday, 7 30 p.m.	CHARLOTTE TREE COMMISSION - Park Operations, 701 Tuckaseegee Road

THE WEEK OF JUNE 23 - JUNE 29

24	Monday, 12 Noon	COUNCIL/MANAGER LUNCHEON - City Hall Annex, Training Center
	Monday, 2 30 p m	CITIZENS HEARING - City Hall, Council Chamber
	Monday, 3 p m	CITY COUNCIL MEETING - City Hall, Council Chamber
	Monday, 4 p.m	PLANNING COMMISSION/Executive Committee - Cameron-Brown Bldg., 1st Floor Conference Room
	Monday 7 30 p.m.	SPECIALIZED TRANSPORTATION ADVISORY COMMITTEE - City Hall, 3rd Floor Conference Room
25	Tuesday, 12 Noon	INSURANCE & RISK MANAGEMENT AGENCY - County Office Bldg., Commissioner's Conference Room
26	Wednesday, 7 p.m	YOUTH INVOLVEMENT COUNCIL - City Hall, Council Chamber
27	Thursday, 3 30 p.m	ADVISORY BOARD FOR CITIZENS WITH DISABILITIES - Metrolina Independent Living Center, Doctors' Bldg , 1012 S Kings Drive

Attachments

#1

AN ORDINANCE DESIGNATING A PROPERTY KNOWN AS THE "STONE ENTRY GATES OF JOHNSON C. SMITH UNIVERSITY" AS HISTORIC PROPERTY, SAID PROPERTY BEING LOCATED ON THE CAMPUS OF JOHNSON C. SMITH UNIVERSITY AT 100 BEATTIES FORD ROAD, CHARLOTTE, NORTH CAROLINA, AND RECORDED ON TAX PARCEL NUMBER 078-201-06, IN THE MECKLENBURG COUNTY TAX OFFICE.

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

WHEREAS, the City Council of Charlotte, North Carolina, has taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Properties Commission on the _____ day of _____, 19____, on the question of designating a property known as the "Stone Entry Gates of Johnson C. Smith University" as historic property; and

WHEREAS, the "Stone Entry Gates of Johnson C. Smith University" symbolize the revitalization of an important black institution of higher education through the generous gift of funds by Mrs. Johnson C. Smith in 1921-22; and

WHEREAS, the "Stone Entry Gates of Johnson C. Smith University", designed by New York architect A. G. Lamont, occupy a strategically important site, at the intersection of Beatties Ford Rd. and W. Fifth St., and are a unique element in the built environment of Charlotte-Mecklenburg; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has demonstrated that the property known as the "Stone Entry Gates of Johnson C. Smith University" possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, the property known as the "Stone Entry Gates of Johnson C. Smith University" possesses integrity of design, setting, workmanship, materials, and/or association; and

WHEREAS, the property known as the "Stone Entry Gates of Johnson C. Smith University" is vested in fee simple to Johnson C. Smith University, Inc.

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

1. That the property known as the "Stone Entry Gates at Johnson C. Smith University" is hereby designated as historic property pursuant to Chapter 160A, Article 19, Part 3B, as amended, of the General Statutes of North Carolina. For purposes of description only, the location of said property is noted as being situated on the Campus of Johnson C. Smith University, 100 Beatties Ford Road, Charlotte, North Carolina, and recorded on Tax Parcel Number 078-201-06, in the Mecklenburg County Tax Office.

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

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

4. That a suitable sign may be posted indicating that said property has been designated as historic property and containing any other appropriate

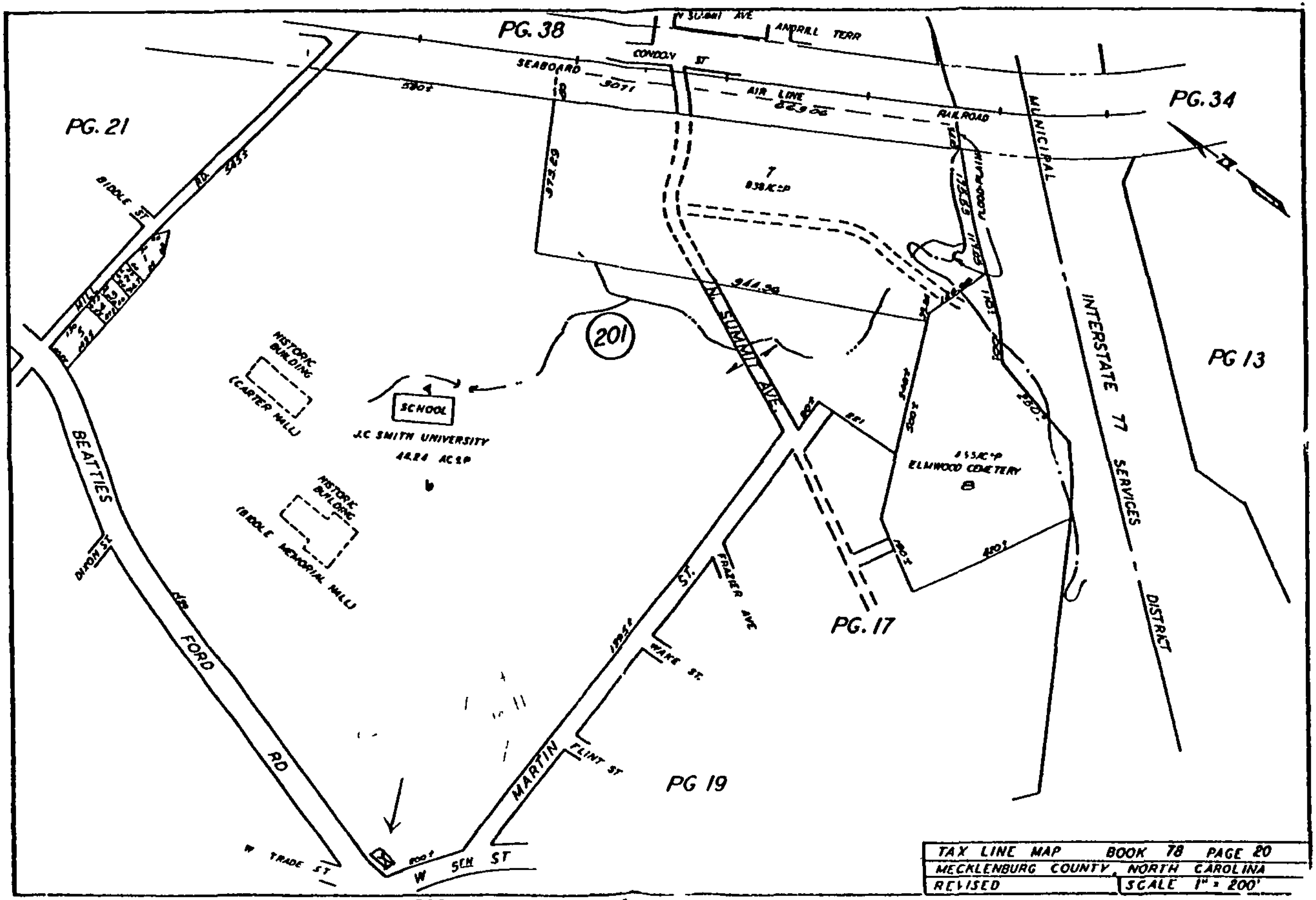
information. If the owner consents, the sign shall be placed on said property.

5. That the owners and occupants of the property known as the "Stone Entry Gates of Johnson C. Smith University" be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Inspection Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

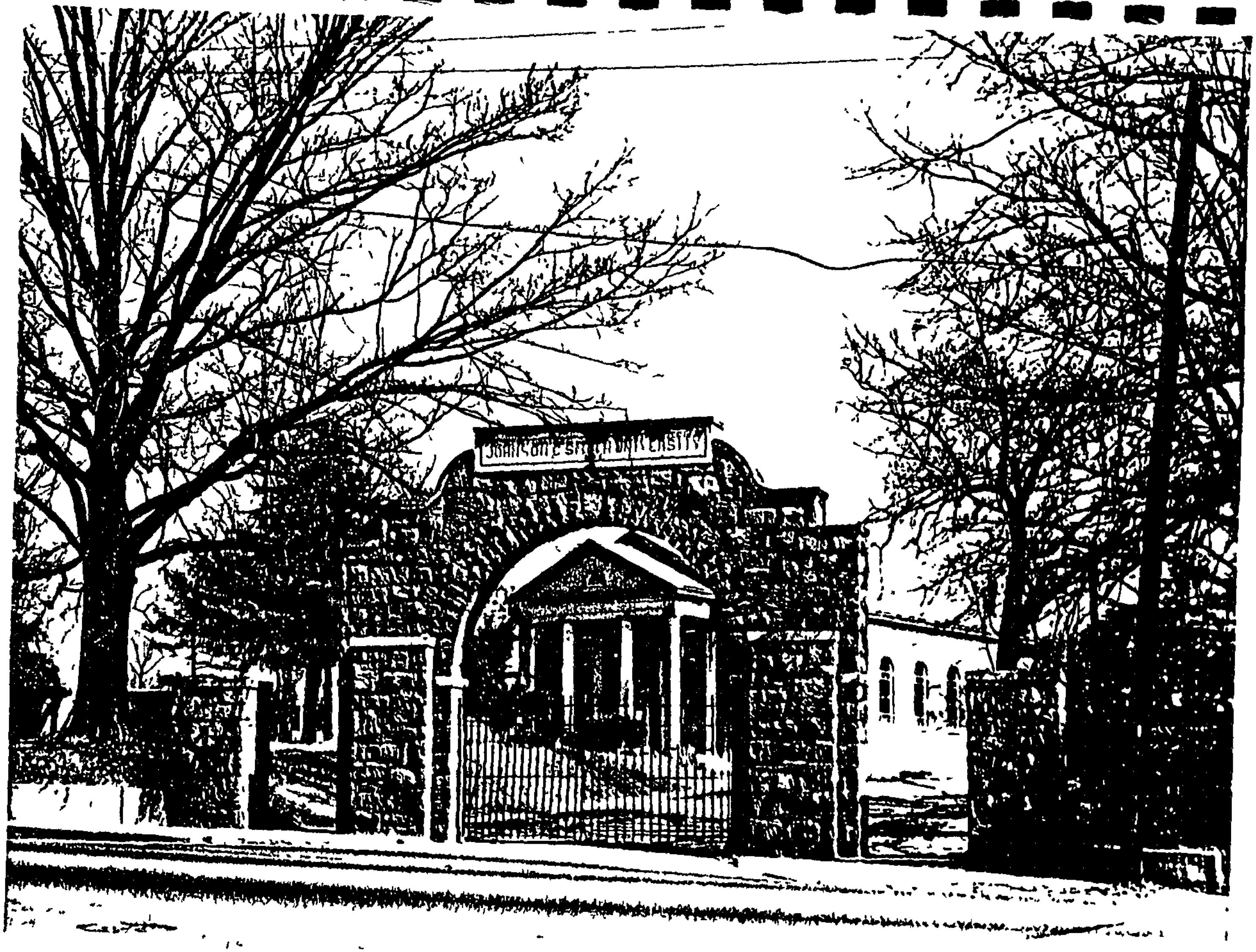
6. That which is designated as historic property shall be subject to Chapter 160A, Article 19, Part 3B, and any amendments to it and any amendments hereinafter adopted.

Approved as to form:

Henry W. Underhill Jr.
City Attorney



TAX LINE MAP	BOOK 78	PAGE 20
MECKLENBURG COUNTY, NORTH CAROLINA		
REVISED	SCALE 1" = 200'	



#2

AN ORDINANCE DESIGNATING A PROPERTY KNOWN AS THE "MOORE-GOLDEN HOUSE" (THE EXTERIOR AND THE INTERIOR OF THE BUILDING AND THE LOT UPON WHICH THE BUILDING IS SITUATED) AS HISTORIC PROPERTY, SAID PROPERTY BEING LOCATED AT 1701 EAST EIGHTH STREET, CHARLOTTE, NORTH CAROLINA, AND RECORDED ON TAX PARCEL NUMBER 127-012-01 IN THE MECKLENBURG COUNTY TAX OFFICE.

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

WHEREAS, the City Council of Charlotte, North Carolina, has taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Properties Commission on the _____ day of _____, 19____, on the question of designating a property known as the "Moore-Golden House" as historic property; and

WHEREAS, the "Moore Golden House", erected in Elizabeth Heights in 1910, is a rare local example of the English Cottage style; and

WHEREAS, Norman A. Cocke, a high official of the Southern Power Company, eventually becoming president, resided in the "Moore-Golden House" from 1912 until 1915; and

WHEREAS, the "Moore-Golden House" was the home of Harry Golden, internationally-known author, journalist, and humorist, from 1973 until his death in 1981 and is the only home still standing in Charlotte in which Mr. Golden resided; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has demonstrated that the property known as the "Moore-Golden House" possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, the property known as the "Moore-Golden House" possesses integrity of design, setting, workmanship, materials, and/or association; and

WHEREAS, the property known as the "Moore-Golden House" is vested in fee simple to Anita Stewart Brown.

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

1. That the property known as the "Moore-Golden House" (the exterior and the interior of the building and the lot upon which the building is situated) is hereby designated as historic property pursuant to Chapter 160A, Article 19, Part 3B, as amended, of the General Statutes of North Carolina. For purposes of description only, the location of said property is noted as being situated at 1701 East Eighth Street, Charlotte, North Carolina, and recorded on Tax Parcel Number 127-012-01, in the Mecklenburg County Tax Office.

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

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

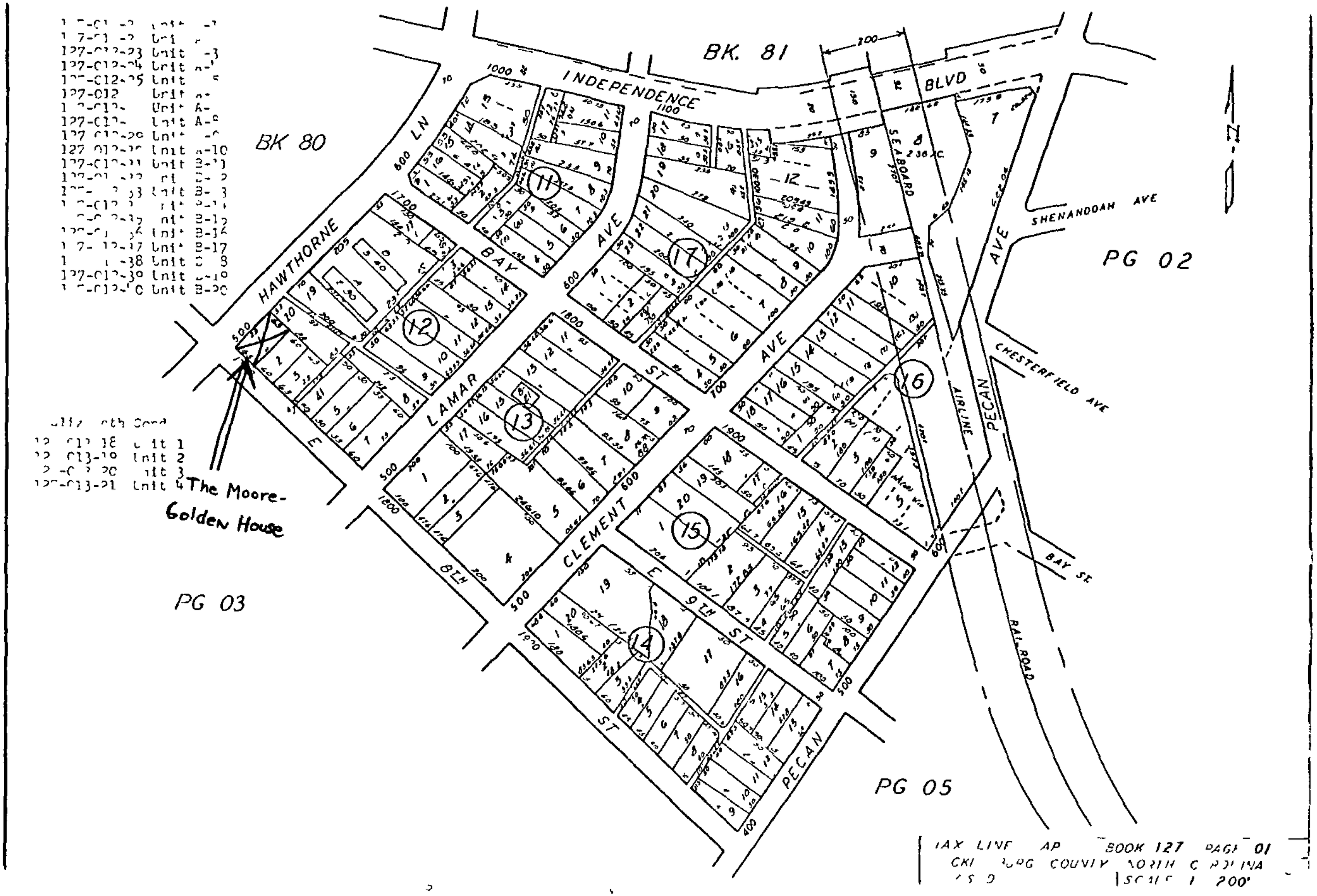
4. That a suitable sign may be posted indicating that said property has been designated as historic property and containing any other appropriate information. If the owner consents, the sign shall be placed on said property.

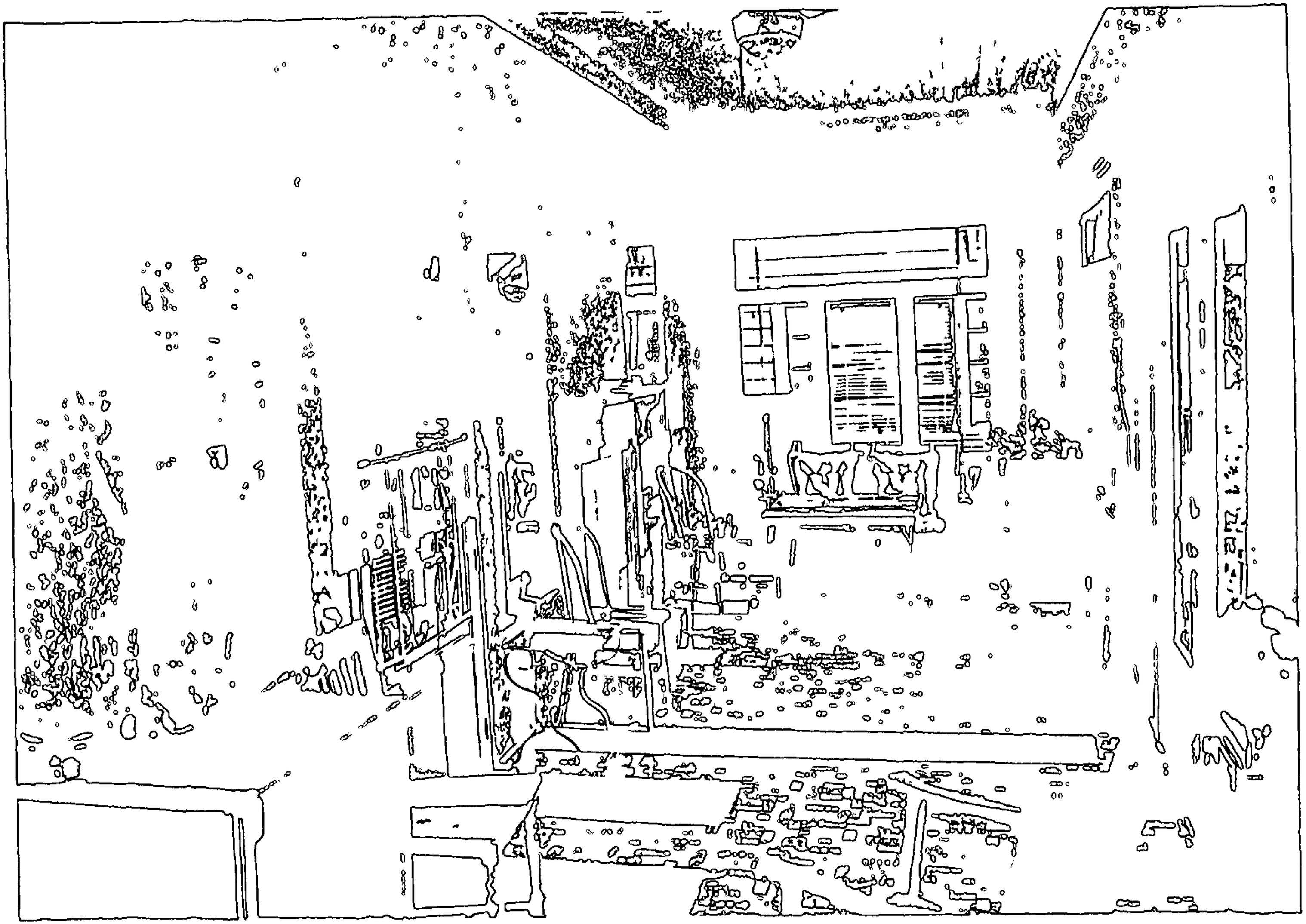
5. That the owners and occupants of the property known as the "Moore-Golden House" be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Inspection Department, Mecklenburg County Register of Deeds,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

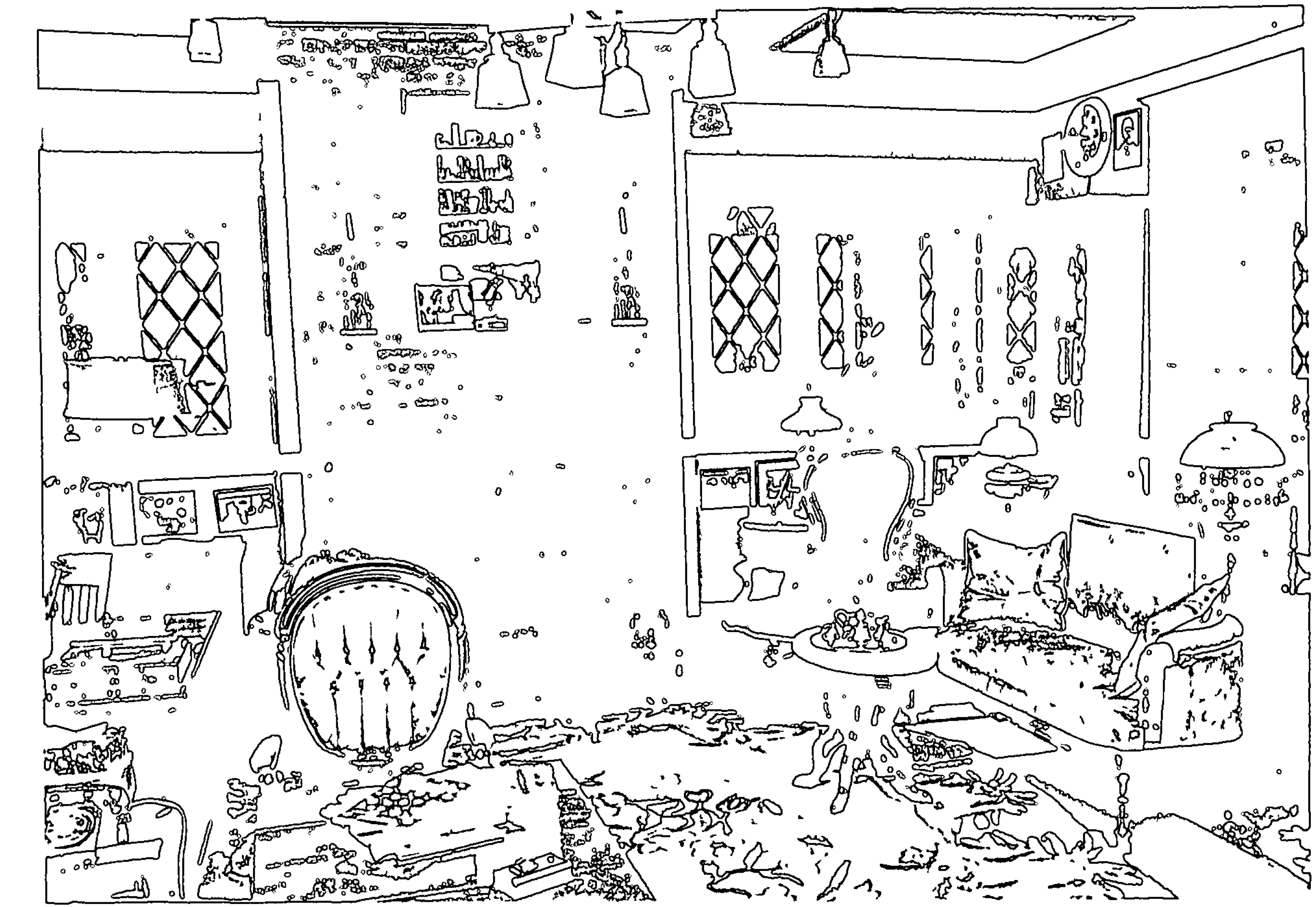
6. That which is designated as historic property shall be subject to Chapter 160A, Article 19, Part 3B, and any amendments to it and any amendments hereinafter adopted.

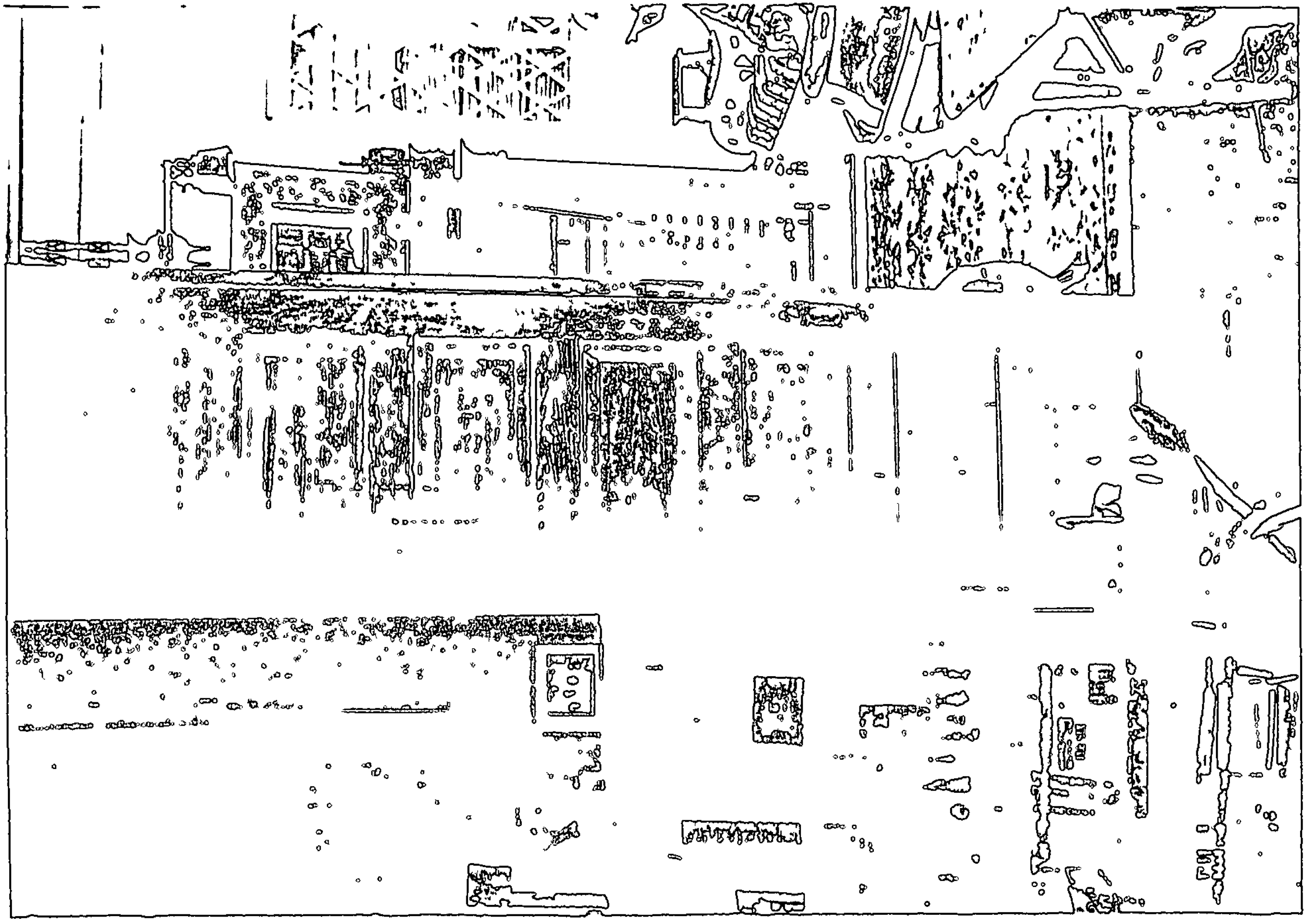
Approved as to form

Henry W Underhill Jr
City Attorney


BK. 81
BK 80
INDEPENDENCE BLVD
HAWTHORNE LN
BAY AVE
LAMAR ST
CLEMENT AVE
9TH ST
PECAN AVE
SEABOARD AIRLINE RAILROAD
SHENANDOAH AVE
CHESTERFIELD AVE
BAY ST
PG 02
PG 03
PG 05
The Moore-Golden House
TAX LINE MAP BOOK 127 PAGE 01
CHARLOTTE COUNTY NORTH CAROLINA
SCALE 1" 200'







AN ORDINANCE DESIGNATING A PROPERTY KNOWN AS THE "OLD CARNEGIE LIBRARY" (EXTERIOR AND INTERIOR OF THE BUILDING AND A PARCEL OF LAND UPON WHICH THE BUILDING SITS AND EXTENDING TWENTY FEET FROM THE PERIMETER OF THE BUILDING) AS HISTORIC PROPERTY, SAID PROPERTY BEING LOCATED ON THE CAMPUS OF JOHNSON C. SMITH UNIVERSITY AT 100 BEATTIES FORD ROAD, CHARLOTTE, NORTH CAROLINA, AND RECORDED ON TAX PARCEL NUMBER 078-201-06, IN THE MECKLENBURG COUNTY TAX OFFICE.

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

WHEREAS, the City Council of Charlotte, North Carolina, has taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Properties Commission on the _____ day of _____, 19____, on the question of designating a property known as the "Old Carnegie Library" as historic property; and

WHEREAS, the "Old Carnegie Library" at Johnson C. Smith University, erected in 1911-12 and designed by the Charlotte architectural firm of Hunter and Gordon, is one of the older examples of the Neo Classical style that survives locally; and

WHEREAS, Hunter and Gordon were influential architects in Charlotte in the first quarter of the twentieth century; and

WHEREAS, the "Old Carnegie Library" served as the library of Johnson C. Smith University from 1912 until 1978 and continues to contribute to the successs of this important black institution of higher learning; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has demonstrated that the property known as the "Old Carnegie Library" possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, the property known as the "Old Carneigie Library" possesses integrity of design, setting, workmanship, materials, and/or association; and

WHEREAS, the property known as the "Old Carnegie Library" is vested in fee simple to Johnson C. Smith University, Inc.

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

1. That the property known as the "Old Carnegie Library" (exterior and interior of the building and a parcel of land upon which the building sits and extending twenty feet from the perimeter of the building) is hereby designated as historic property pursuant to Chapter 160A, Article 19, Part 3B, as amended, of the General Statutes of North Carolina. For purposes of description only, the location of said property is noted as being situated on the Campus of Johnson C. Smith University, 100 Beatties Ford Road, Charlotte, North Carolina, and recorded on Tax Parcel Number 078-201-06, in the Mecklenburg County Tax Office.

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

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

other statutes, ordinances, or regulations.

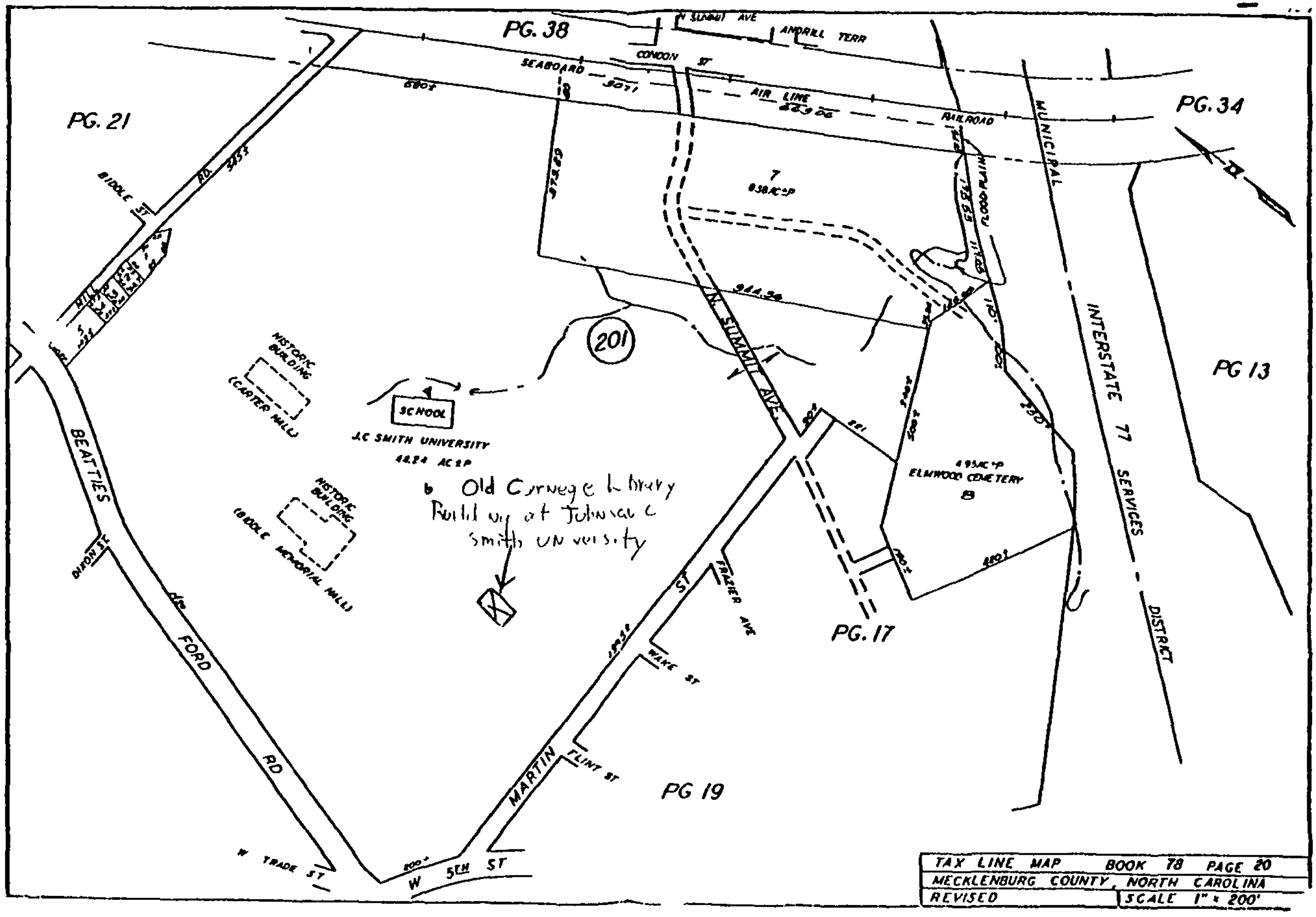
4. That a suitable sign may be posted indicating that said property has been designated as historic property and containing any other appropriate information. If the owner consents, the sign shall be placed on said property.

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

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

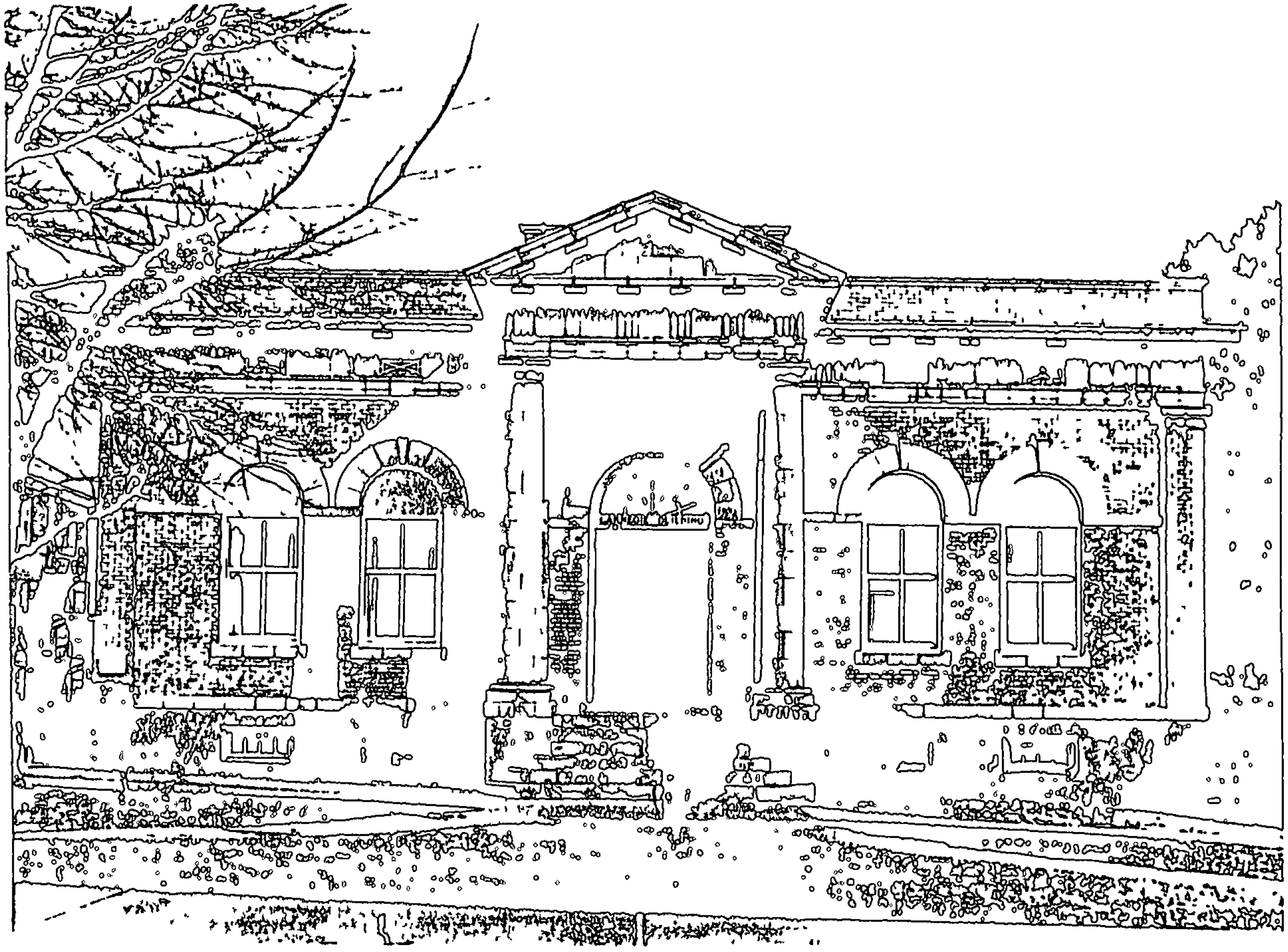
Approved as to form:

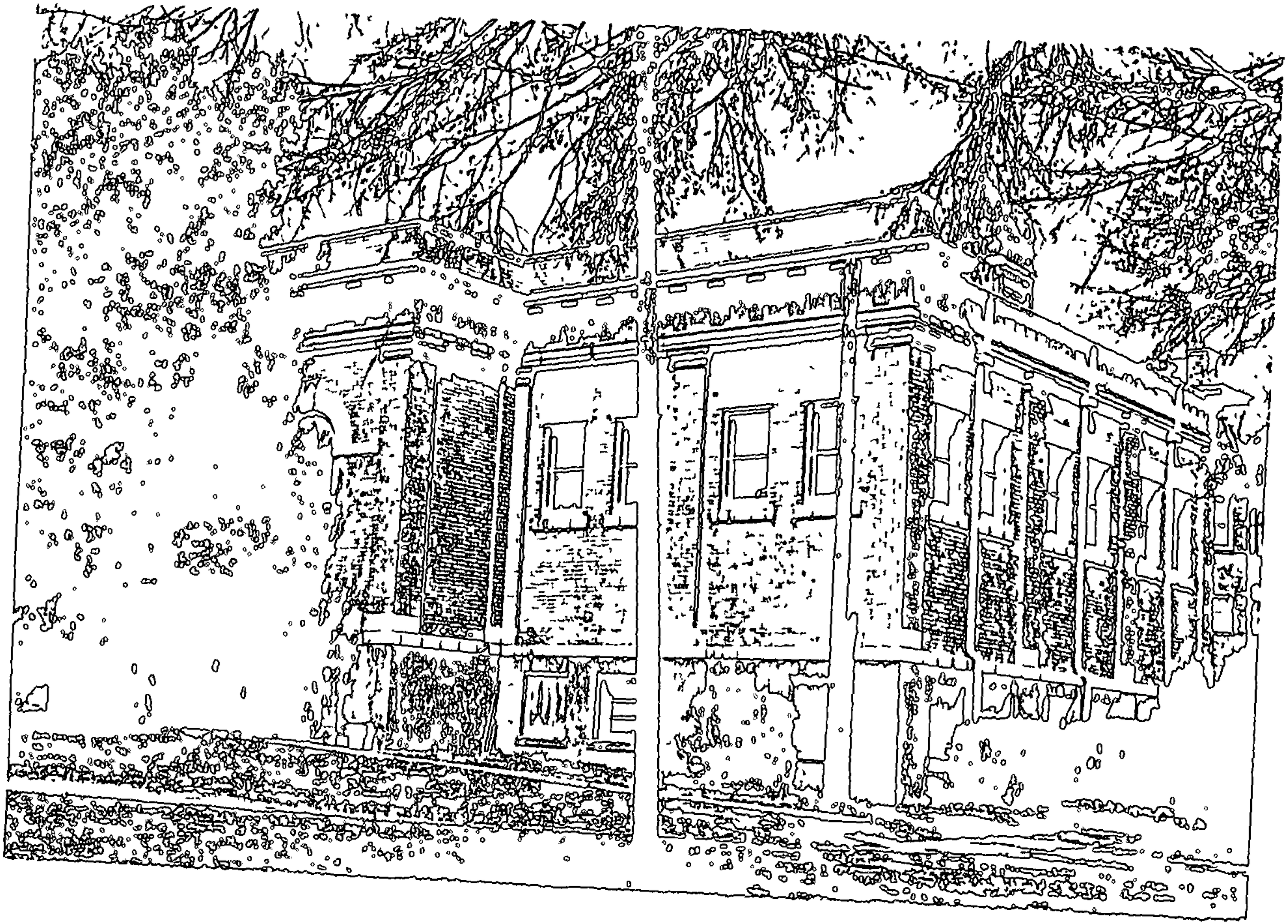
Henry W. Underhill Jr.
City Attorney



b Old Carnegie Library Building at Johnson & Smith University

TAX LINE MAP BOOK 78 PAGE 20	
MECKLENBURG COUNTY, NORTH CAROLINA	
REVISED	SCALE 1" = 200'





#4

AN ORDINANCE DESIGNATING A PROPERTY KNOWN AS THE "WILLIAM TRELOAR HOUSE" (THE EXTERIOR OF THE BUILDING, EXCLUDING THE ONE STORY ADDITION ON THE RIGHT AND THE REAR APPENDAGE, AND THE LAND UPON WHICH THE BUILDING SITS, EXCLUDING THE LAND UPON WHICH THE ONE STORY ADDITION ON THE RIGHT AND THE REAR APPENDAGE SIT) AS HISTORIC PROPERTY, SAID PROPERTY BEING LOCATED AT 328 NORTH BREVARD STREET, CHARLOTTE, NORTH CAROLINA, AND RECORDED ON TAX PARCEL NUMBER 080-051-16 IN THE MECKLENBURG COUNTY TAX OFFICE.

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

WHEREAS, the City Council of Charlotte, North Carolina, has taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Properties Commission on the _____ day of _____, 19____, on the question of designating a property known as the "William Treloar House" as historic property; and

WHEREAS, the "William Treloar House" is a rare remnant of the Old First Ward neighborhood; and

WHEREAS, the "William Treloar House" is one of only two examples of "row house" architecture that survive in the central business district of Charlotte; and

WHEREAS, the original owner, William Treloar (1825-1894), a native of Cornwall, England, and, therefore, initially attracted to this region because of the gold mines, established himself as a leading businessman of this community; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has demonstrated that the property known as the "William Treloar House" possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, the property known as the "William Treloar House" possesses integrity of design, setting, workmanship, materials, and/or association; and

WHEREAS, the property known as the "William Treloar House" is vested in fee simple to Dora M. Dellinger.

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

1. That the property known as the "William Treloar House" (the exterior of the building, excluding the one story addition on the right and the rear appendage, and the land upon which the building sits, excluding the land upon which the one story addition on the right and the rear appendage sit) is hereby designated as historic property pursuant to Chapter 160A, Article 19, Part 3B, as amended, of the General Statutes of North Carolina. For purposes of description only, the location of said property is noted as being situated at 328 North Brevard Street, Charlotte, North Carolina, and recorded on Tax Parcel Number 080-051-16, in the Mecklenburg County Tax Office.

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

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

the property owner from making any use of this property not prohibited by other statutes, ordinances, or regulations.

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

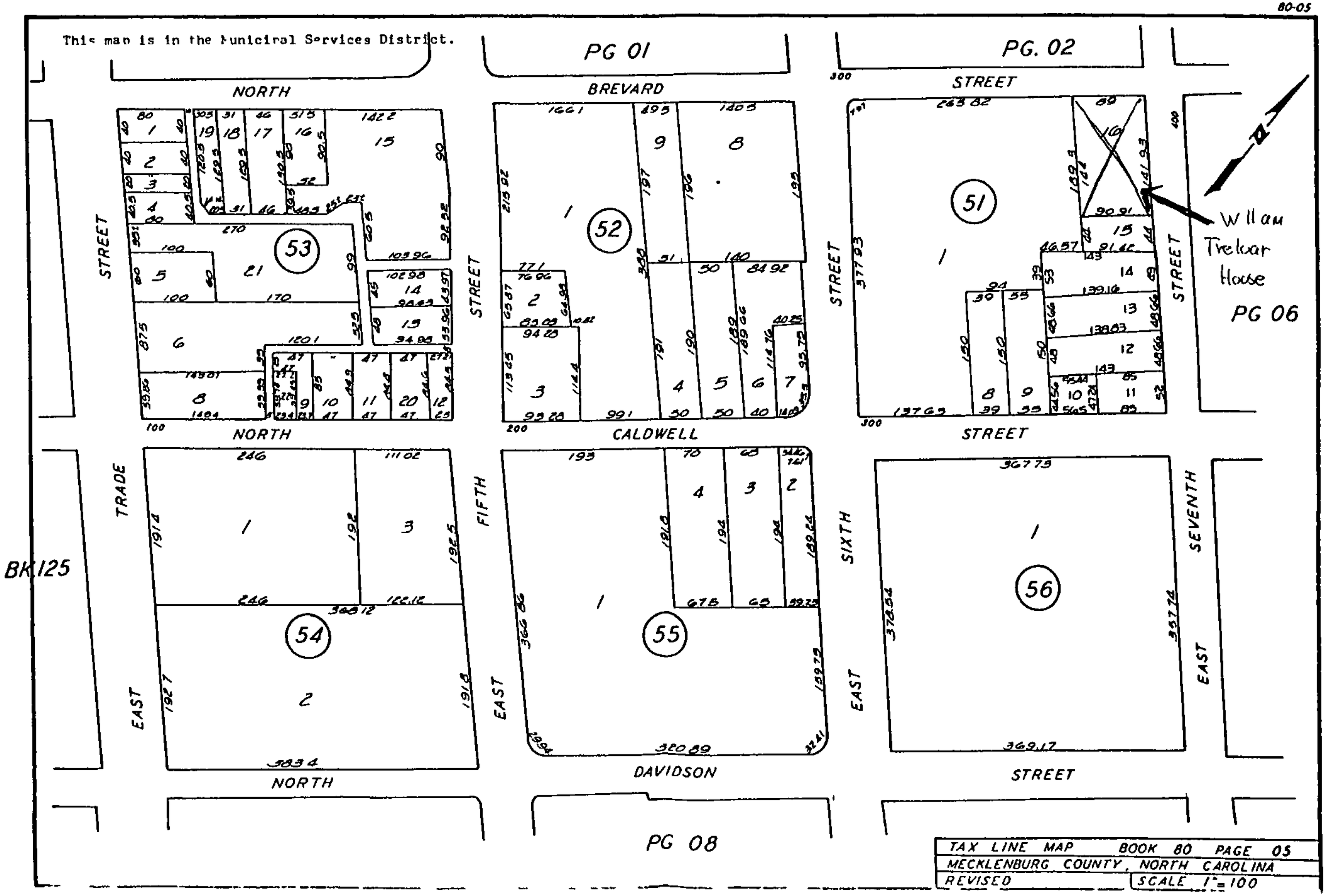
5. That the owners and occupants of the property known as the "William Treloar House" be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Inspection Department, Mecklenburg County Register of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

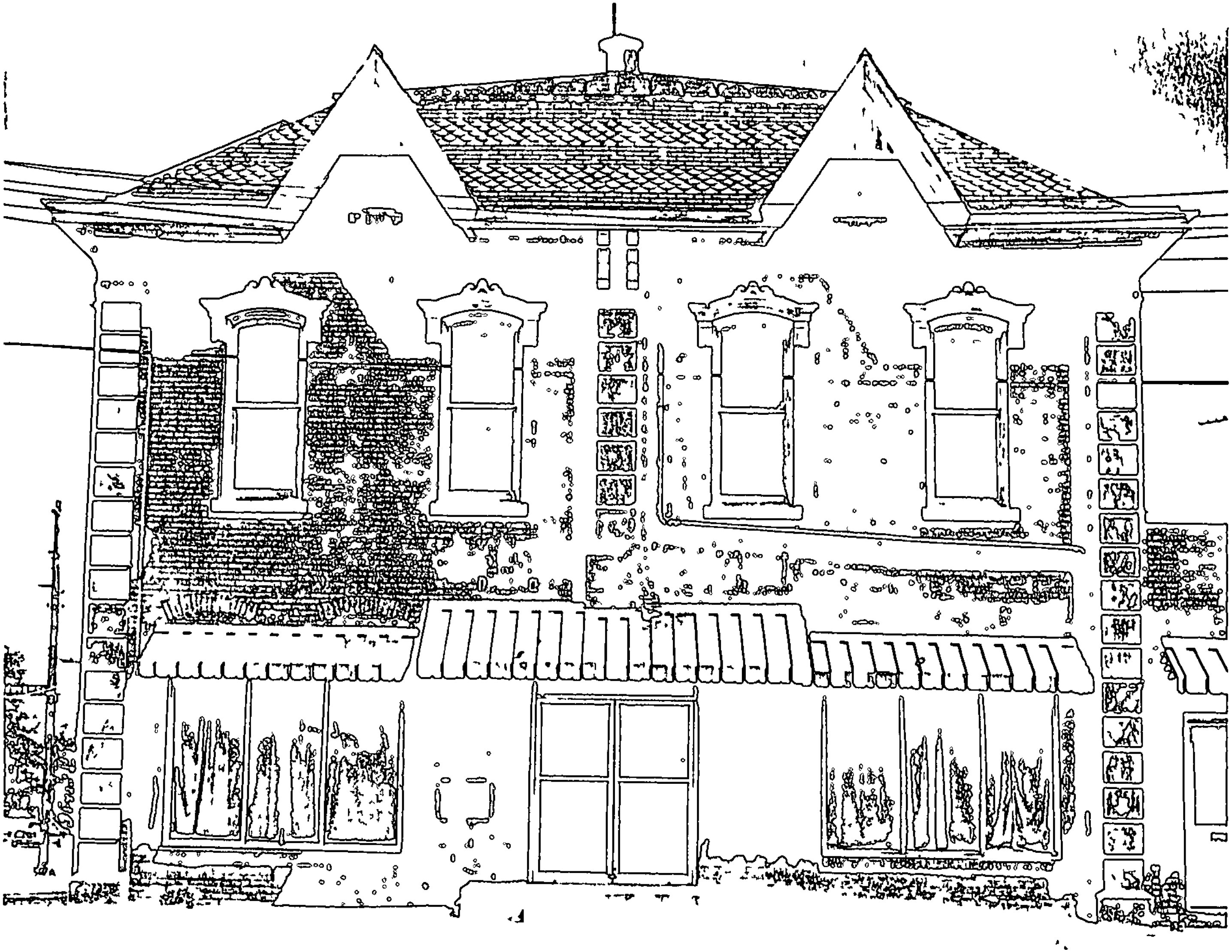
6. That which is designated as historic property shall be subject to Chapter 160A, Article 19, Part 3B, and any amendments to it and any amendments hereinafter adopted.

Approve as to form

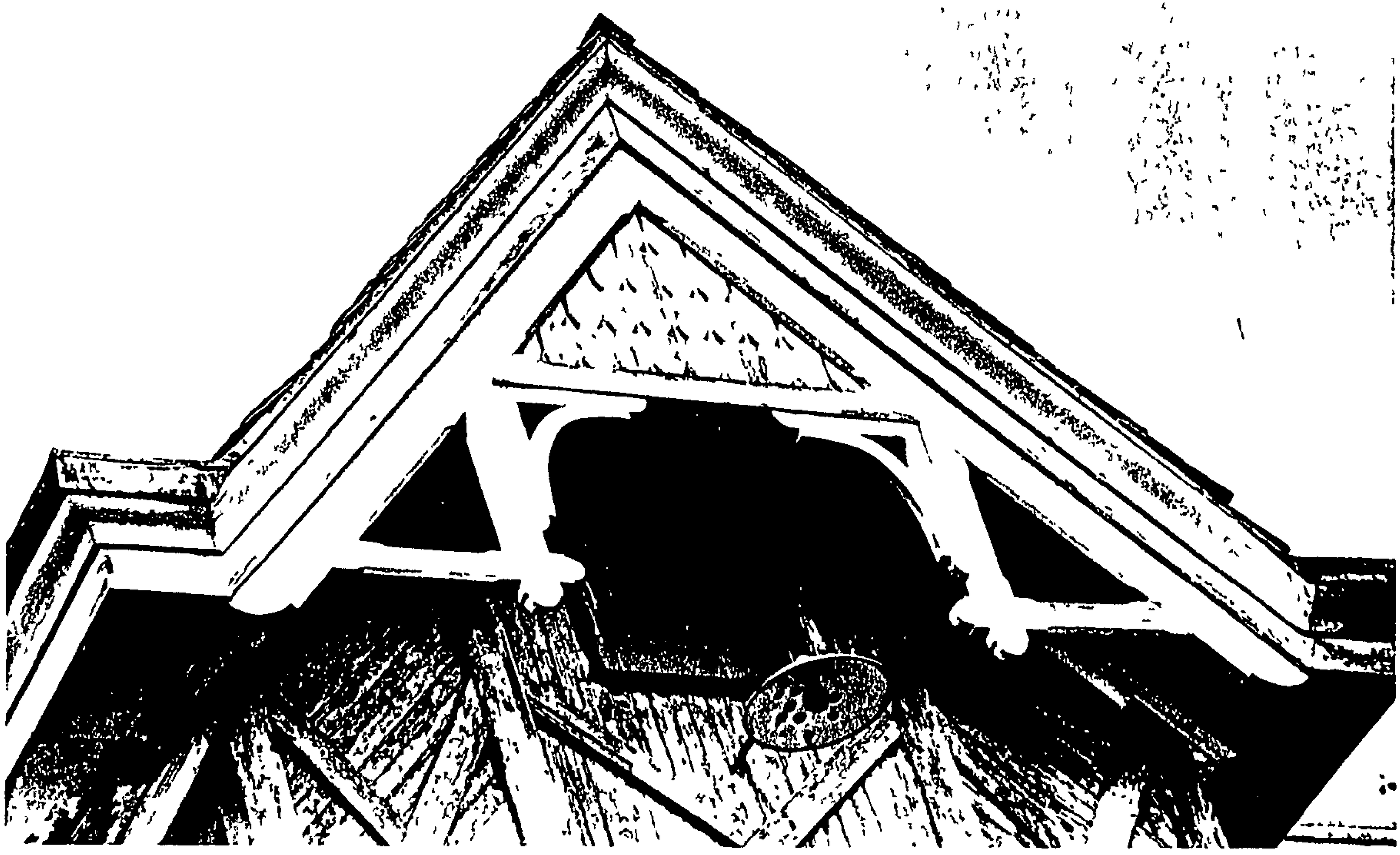
Henry W. Underhill Jr.
City Attorney

This map is in the Municipal Services District.





ONE WAY
BREVARD ST
300



ATTACH # 5

CHARLOTTE

May 21, 1985

Mayor and City Council

RE Rezoning Petitions to be Heard in June, 1985

Attached you will find appropriate maps and copies of each petition, for rezoning petitions scheduled for public hearing on June 17, 1985 at 6 00 o'clock P M , Fourth Floor, Education Center, 701 East Second Street

This information is intended to provide background information concerning the requests and the area in which the properties are located

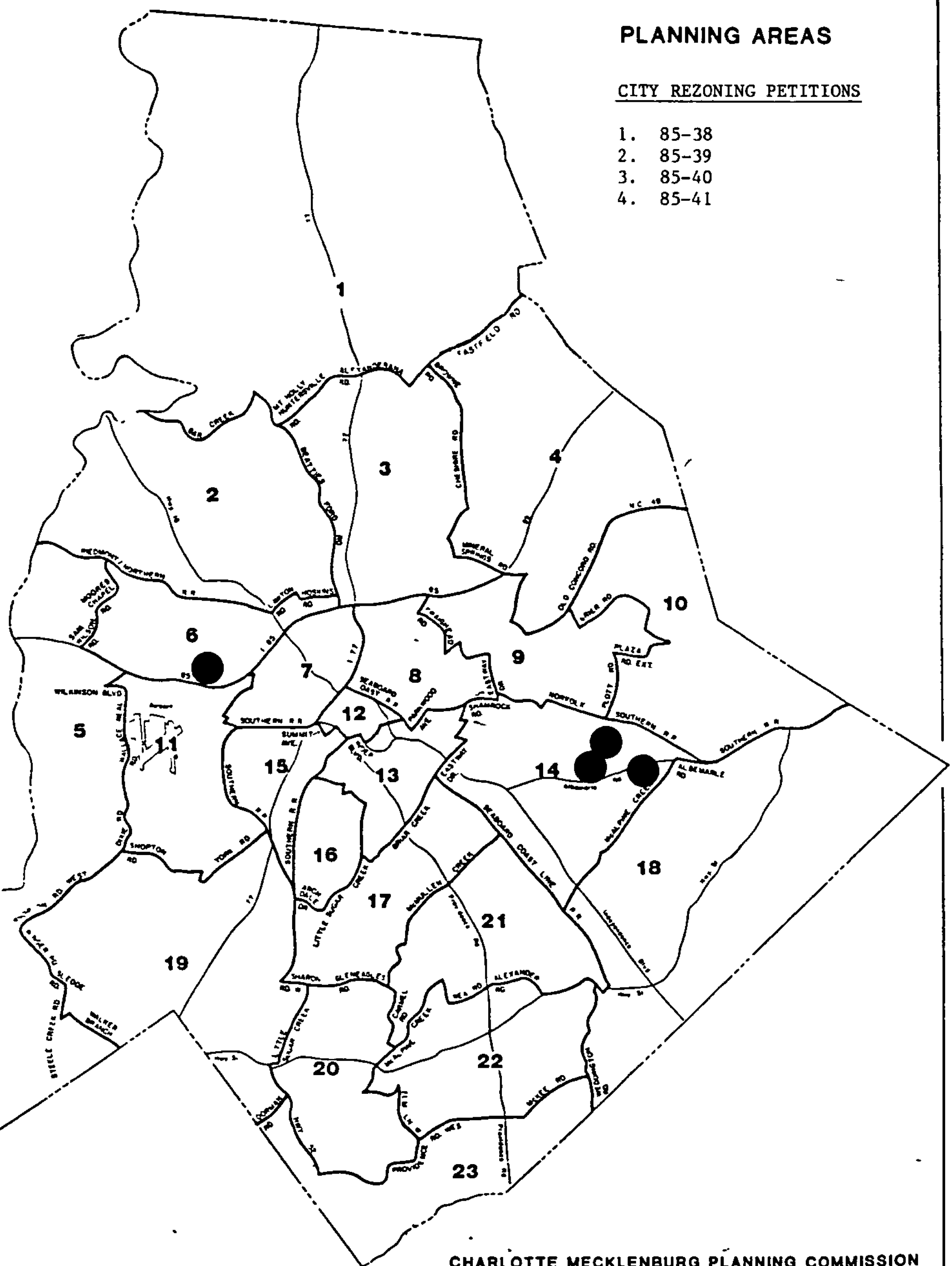
Sincerely,

Robert G Young
Zoning Coordinator

RGY oj

Attachments

NOTE Due to staff time and constraints the pre-hearing report is temporarily being discontinued for three months However the staff analysis will be continued and you will receive copies of that approximately one week prior to the hearings



CHARLOTTE MECKLENBURG PLANNING COMMISSION

April 1983

PETITIONER Eastland Ltd.

PETITION NO. 85-38 HEARING DATE June 17, 1985

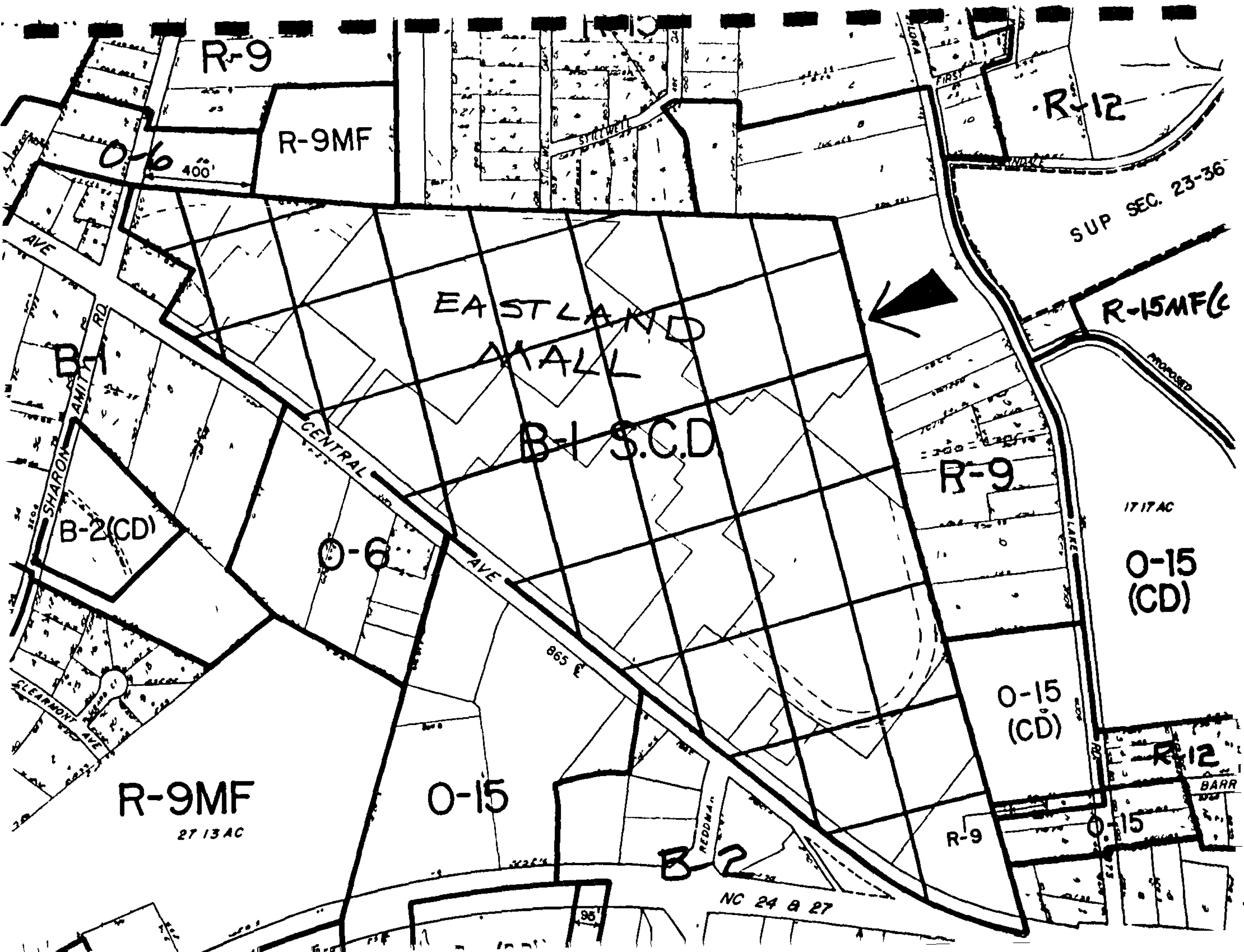
ZONING CLASSIFICATION, EXISTING B-1SCD REQUESTED Site Plan Amendment

LOCATION A 79.898 acre site which is the location of Eastland Mall along Central Avenue.

See Attached Map

ZONING MAP NO. 113 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


R-9
R-9MF
O-6
400'
R-12
SUP SEC. 23-36
EASTLAND
MALL
B-1 S.C.D
R-15MF(C
PROPOSED
B-1
SHARON AMITY RD
CENTRAL AVE
B-2(CD)
O-6
865 ℄
R-9
17.17 AC
O-15
(CD)
O-15
(CD)
R-12
BARR
CLEARMONT AVE
R-9MF
27.13 AC
O-15
REDMAN
B-2
R-9
O-15
NC 24 & 27
95

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 85-36
Date Filed 5/1/85
Received By
OFFICE USE ONLY

Ownership Information

Property Owner Eastland Limited

Owner's Address 122 East Stonewall Street
Charlotte, NC 28202

Date Property Acquired August 7, 1974

Deed Reference 3646-389 Tax Parcel Number 103-041-20,21,23-27, 29-34

Location Of Property (address or description) North side of Central Avenue, east of Sharon Amity Road (Eastland Shopping Center)

Description Of Property

Size (Sq Ft Acres) 79.898 acres Street Frontage (ft) 3,312.39 feet

Current Land Use Regional Shopping Center

Zoning Request

Existing Zoning B-1SCD Requested Zoning Site Plan Amendment

Purpose of zoning change to permit driveway connection which will connect with Wilora Lake Road and permit access to Albemarle Road via Wilora Lake and Jenkins Drive

Fred E. Bryant, Planner
Name of Agent
1850 E. Third St., Charlotte, NC 28204
Agent's Address
333-1680
Telephone Number

Eastland Limited
Name of Petitioner(s)
122 East Stonewall St., Charlotte, NC 28202
Address of Petitioner(s)
374-1711
Telephone Number Coy Shields
X
Signature

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 85-38

Petitioner Eastland Limited

Location. A 79 8 acre site which is the existing location of Eastland Mall

Request Change from B-1 SCD to a B-1 SCD Site Plan Amendment

ISSUES.

1 Traffic/Access. Since the request only seeks to amend the plan by adding a new public street access to Eastland, what traffic impacts can be expected from the connection of Eastland to the Wilora Lake/Jenkins Drive area?

BACKGROUND

1 Existing Zoning The property in this petition is currently zoned B-1 SCD Nearby are district which represent a tremendous variety of classifications. For example, 0-6 and 0-15 districts are located directly across Central Avenue from the site as well as areas of B-2 zoning at Reddman Road and B-1 zoning at Sharon Amity Road. Along Wilora Lake are other areas of 0-15(CD) zoning and R-15MF(CD) zoning as well as long-standing R-9 single family zoning To the north, other residential districts are represented by R-9 and R-9MF in addition to a large area of R-15

2. Existing Land Use The petition involves the site of the Eastland Mall Shopping Center. Across Central Avenue from the property land is mostly developed with business or office type uses and there is still a small area which is yet to be developed Adjoining the easterly boundary are a number of older single family residences which front on Wilora Lake Road Along the Sharon Amity corridor is a mixture of business, office and residential development, which includes both multi-family and single family development. A similar setting is seen along Albemarle Road in the vicinity as well.

3 Proposed Plan Amendment. The proposed plan amendment in this case is technically a simple one in that it proposes to establish a new public street access. The new access will be generally located along the easterly edge of the site and with it will come a new street which would connect into Wilora Lake at the proposed location of a new street which has been approved which would eventually tie in at Jenkins Drive and Albemarle Road.

4. Existing Site Plan. The existing B-1 SCD plan here is approved for a regional mall. The Eastland Mall plan contains approximately 1.2 million square feet of building area. Current access points are limited to Central Avenue and one at Sharon Amity Road

GENERAL FINDINGS

1. Comprehensive Plan 1995 (Adopted 1976) The plan indicates a retail shopping area at this location This document is in the process of being updated.

2. Albemarle Road Small Area Plan. The site is located within the boundaries of the Albemarle Road Small Area Plan, but the plan does not make any specific reference to Eastland Mall itself However, the plan does envision addition office and multi-family development mixed together in the area along and near Wilora Lake Drive The plan also called for improvements to the Jenkins/Albemarle Road intersection

3. Central Avenue/Sharon Amity Intersection Improvements This project will provide for additional turn lanes at this intersection Anticipated construction is early in FY-86.

4 Pre-Hearing Staff Input Staff only very briefly discussed the matter with the petitioner prior to the submission of the application, but did not offer any opinion or advice

5. Neighborhood Context. The property is located in the Eastland neighborhood

DETAILED FINDINGS

1. The rezoning site involves the area which is the location of the Eastland Mall Shopping Center. Current zoning here is B-1 SCD and the petitioner is requesting a plan amendment which seeks to add an additional public street access along the easterly boundary of the site

2. The new access will represent a new street constructed off site (land under the control of the petitioner), which will tie in to the Wilora Lake Drive opposite a new street which is presently being planned for. The street will continue from that point towards its ultimate intersection with Jenkins Drive and then to Albemarle Road. The new access will connect to Eastland's existing parking/circulation system.

3. Obviously the major issue which must be confronted in this case is that of traffic. A new access in street will have the added benefits to Eastland Mall by helping to disperse traffic as well as the opportunity to create a new entrance. But on the other hand, such a new access could bring with it enormous problems and impacts.

4. For example, the city is about to reconstruct the Albemarle Road/Jenkins Drive intersection, but its present design would be totally inadequate to service the area if this connection were made to Eastland Mall. Similarly,

the new street which is planned to tie Jenkins and Wilora Lake together is currently planned for two lanes and that, too, will probably be inadequate

5. It is interesting to note that due to the congestion on streets and the inadequacy of existing ingress and egress to the mall, that the parking lot in Eastland now serves as a tremendous storage area for cars wishing to enter the street system. It is conceivable that an additional access could dump that much more traffic at a quicker pace onto the street system and thereby add to the congestion even more

6. Suffice it to say that at this point the issue of traffic and its impacts have not been fully evaluated in the context of probable changes in traffic flow on the streets and through neighborhoods. Planning staff has requested that the Charlotte Department of Transportation provide more detailed information with regard to their evaluation of this petition and their guidance and expertise it is believed will and should be a significant factor in the ultimate disposition of this petition. This is an issue which centers very heavily on traffic and to some degree the land use perspective is secondary

7. It is recommended, then, that this matter be deferred until such time as information can be received from CDOT. Any other recommendation at this point would be premature and ill advised.

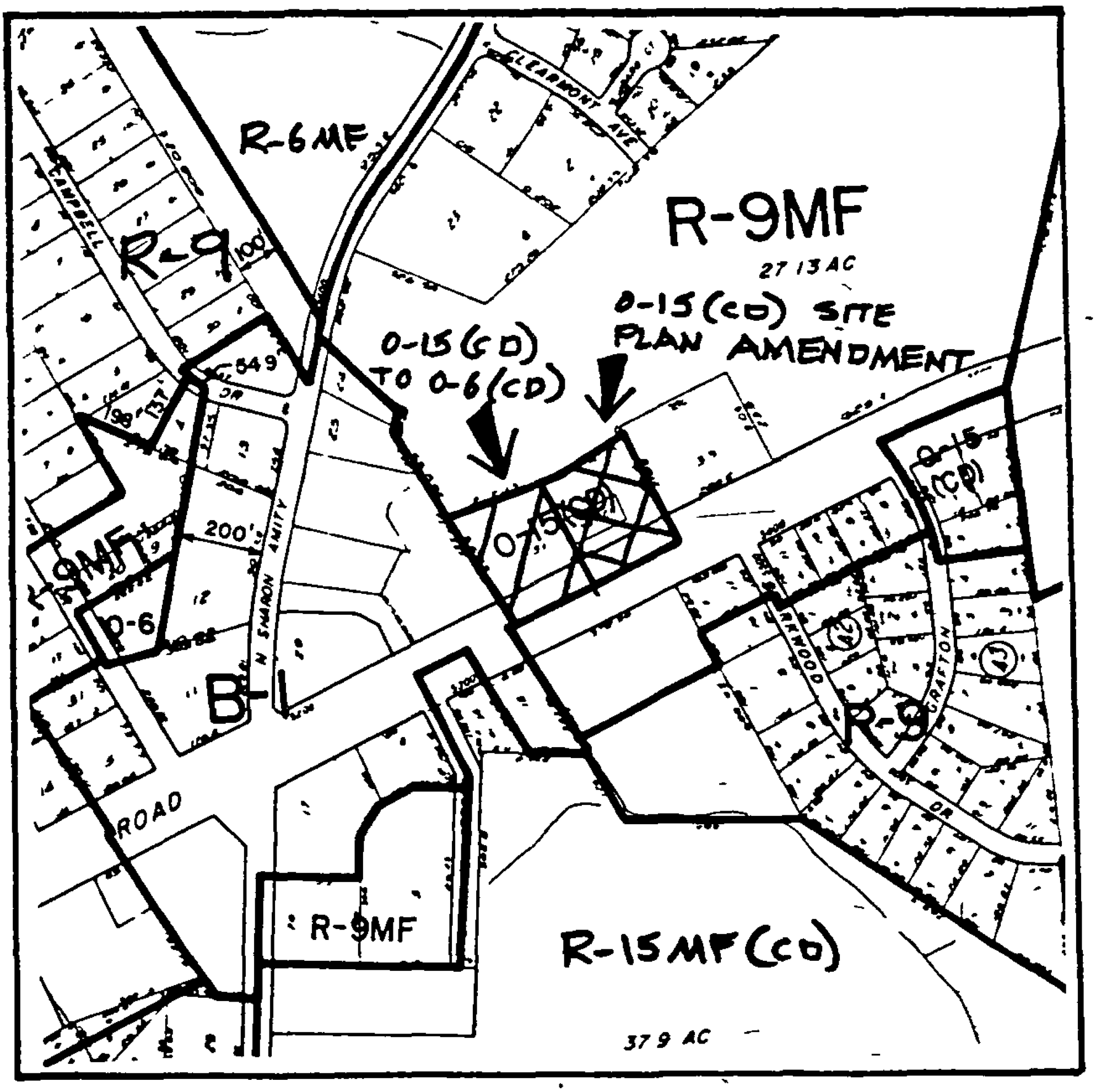
*Subject to further refinement following public hearing

PETITIONER B. D. Rodgers and Good Shepherd Lutheran Church, Inc.

PETITION NO. 85-39 HEARING DATE June 17, 1985

ZONING CLASSIFICATION, EXISTING O-15(CD) REQUESTED O-6(CD) and O-15(CD) Site Plan Amendment

LOCATION A 2.196 acre site at 5301 Albemarle Road



ZONING MAP NO. 113 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

Petition No 85-39
Date Filed 5/1/85
Received By [illegible]
OFFICE USE ONLY

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Ownership Information

Property Owner: Good Shepherd Lutheran Church, Inc.

Owner's Address: 5301 Albemarle Road
Charlotte, NC 28212

Date Property Acquired: January 23, 1975

Deed Reference: 3732-775 Tax Parcel Number: 103-011-31

Location Of Property (address or description) 5301 Albemarle road

Description Of Property

Size (Sq Ft.-Acres): 2 196 acres Street Frontage (ft): 440 feet

Current Land Use: Church building on westerly portion, remainder vacant

Zoning Request

Existing Zoning: O-15(CD) Requested Zoning: O-6(CD) & O-15(CD) Site Plan Amendment

Purpose of zoning change: to allow a portion of the site to be used for funeral home purposes with minor plan amendment for the remainder

Fred E. Bryant, Planner
Name of Agent

1850 E. Third St., Charlotte, NC 28204
Agent's Address

333-1680
Telephone Number

B D. Rodgers and Good Shepherd Lutheran Church, Inc.
Name of Petitioner(s)

Rodgers Builders, Inc , P. O. Box 1844
Address of Petitioner(s) Charlotte, NC 28218

537-6044
Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 85-39

Petitioner	B D Rodgers and Good Shepherd Lutheran Church
Location·	A 2 19 acre site at 5301 Albemarle Road
Request	Change from 0-15(CD) to 0-6(CD) and 0-15(CD) Site Plan Amendment 0-15(CD) = Office development with a conditional plan, 0-6(CD) = Office development with a conditional plan

ISSUES·

1. Existing Plan Versus Proposed Plan. How does the proposal under the rezoning and plan amendment here compare to the existing plan now approved for this property?

2. Albemarle Road Small Area Plan. How does the rezoning relate to goals and policies contained in the Albemarle Road Small Area Plan?

3 Traffic What differences, if any, might be anticipated with regard to traffic generated from the proposed plan versus the development now approved for this site?

BACKGROUND.

1. Existing Zoning This site is currently zoned 0-15(CD). The site is surrounded on three sides by property zoned R-9MF while the fourth side is adjacent to B-1 zoning. The B-1 district is situated at the intersection of Sharon Amity Road and Albemarle Road. Nearby are other districts including R-6MF, R-15MF(CD), and R-9 There is also an area of 0-15(CD) zoning nearby at the intersection of Grafton Place and Albemarle Road.

2 Existing Land Use. The property involved in the petition has a church on it at the present time. Property which is oriented to the Sharon Amity/ Albemarle Road intersection is developed with a variety of commercial and personal service uses Adjoining the property on the easterly side is a day care center and a portion of the Lakes Apartments lies to the rear of the rezoning site, also. Nearby along Starkwood Drive and Grafton Place is a small neighborhood comprised of single family residences. Other multi-family development in the form of the Firethorne Condominiums is under construction on Sharon Amity. Otherwise, development to the east of the site along Albemarle Road is generally oriented to non-residential development.

3. Site Plan. The proposed rezoning and plan amendment involves dividing the property in half and developing each side independent of the other. On the westerly half of the site, the existing church building will be retained and used as a funeral home. Two driveways from Albemarle Road

will service the property. A total of 42 spaces are shown on the plan Evergreen shrubs will be used when necessary to provide screening in order to suppliment the existing white pine screening which is located on adjacent property On the easterly half of the site, a new office building will be constructed which will be three stories tall and contain a maximum of 17,400 square feet One driveway will services the property from Albemarle Road. A total of 61 parking places is shown and the parking area will be screened.

4 Existing Site Plan The currently approved plan for this property calls for two office buildings to be constructed on the property. Both will be a maximum of three stories tall and contain 17,400 square feet in each. Two points of access from Albemarle Road are shown and parking areas will be screened by new as well as existing trees and shrubs

GENERAL FINDINGS

1. Comprehensive Plan 1995 (Adopted 1976) The plan indicates residential development, 10 to 20 dwelling units per acre, in the vicinity of the petitioner's property. This document is in the process of being updated.

2. Albemarle Road Small Area Plan The site is located within the boundaries of the small area plan, but there is no specific reference to this site contained in the plan

3. Transportation Improvement Program (TIP). The Albemarle Road/Sharon Amity Road intersection project will install addition left turn lanes for each approach of Albemarle Road and right turn only lanes of each approach of Sharon Amity Road. The intersection is one of the most congested in the city and it has been a high accident location. Construction on this project is expected to begin sometime this summer

   Sharon Amity Road traffic signal system will place signals along Sharon Amity Road from Sharon Road to Central Avenue in a progressive system which will have the capability to change timing plans several times per day on an automatic basis.

4. Pre-Hearing Staff Input. Staff discussed this matter with the petitioner prior to the submission of the application Staff indicated that considering the property was presently zoned for new office development that a combination zoned change and plan amendment which will basically keep one of the new buildings planned as well as to keep the existing church for reuse will probably be acceptable

5. Neighborhood Context. The site is located in the Coventry Woods neighborhood.

DETAILED FINDINGS·

1. The rezoning site involves a 2.1 acre site at 5301 Albemarle Road Currently zoning for this property is O-15(CD) and the petitioner is requesting to rezone a portion of that site to O-6(CD) while at the same

time amending the remaining area, which will retain the 0-15(CD) classification.

2 Under the existing plan the property is approved for office development, which would be contained in two new office buildings Under that plan, the existing church which occupies approximately one-half of the site would be removed and replaced by one of the new office buildings.

3 Under the proposed plan, the church would be retained and that portion of the site would be rezoned to 0-6(CD) in order to allow a funeral home on the property. A funeral home is not permitted in an 0-15 district, but is permitted in an 0-6 district. The other half of the site would remain more or less the same as under the existing plan. (For further details see Background #3 and #4)

4 Though the site is contained within the geographic boundaries of the Albemarle Road Small Area Plan, it is not specifically addressed by way of zoning or land use changes The rezoning of this site in 1983 to 0-15(CD) was based upon the fact that it provided a transition between commercial areas and residential areas as well as the fact that the conditional plan stipulated landscaping and other performance standards which would help it relate to Albemarle Road and the area in general The rezoning and plan amendment proposed here accomplishes primarily the same relationships, but perhaps even goes a step further.

5. For example, the existing church will be retained and the new construction which will occur on the easterly half of the property can still relate satisfactorily to the existing environment The retention of the church structure means that much of the built environment already associated with the property will stay as is.

6 Further, traffic will be lessened from this new proposal due to less of a concentration of office development as well as the fact that the peak hour traffic loads on area thoroughfares will be reduced in that the funeral home and its operational characteristics will not place traffic on these roads at the heaviest traffic peaks.

7 In summary, the requested rezoning and plan change is consistent with the earlier reasons and objectives for rezoning of this site. Traffic congestion, particularly at peak hours, will be reduced. The petition is encouraged, therefore, for approval.

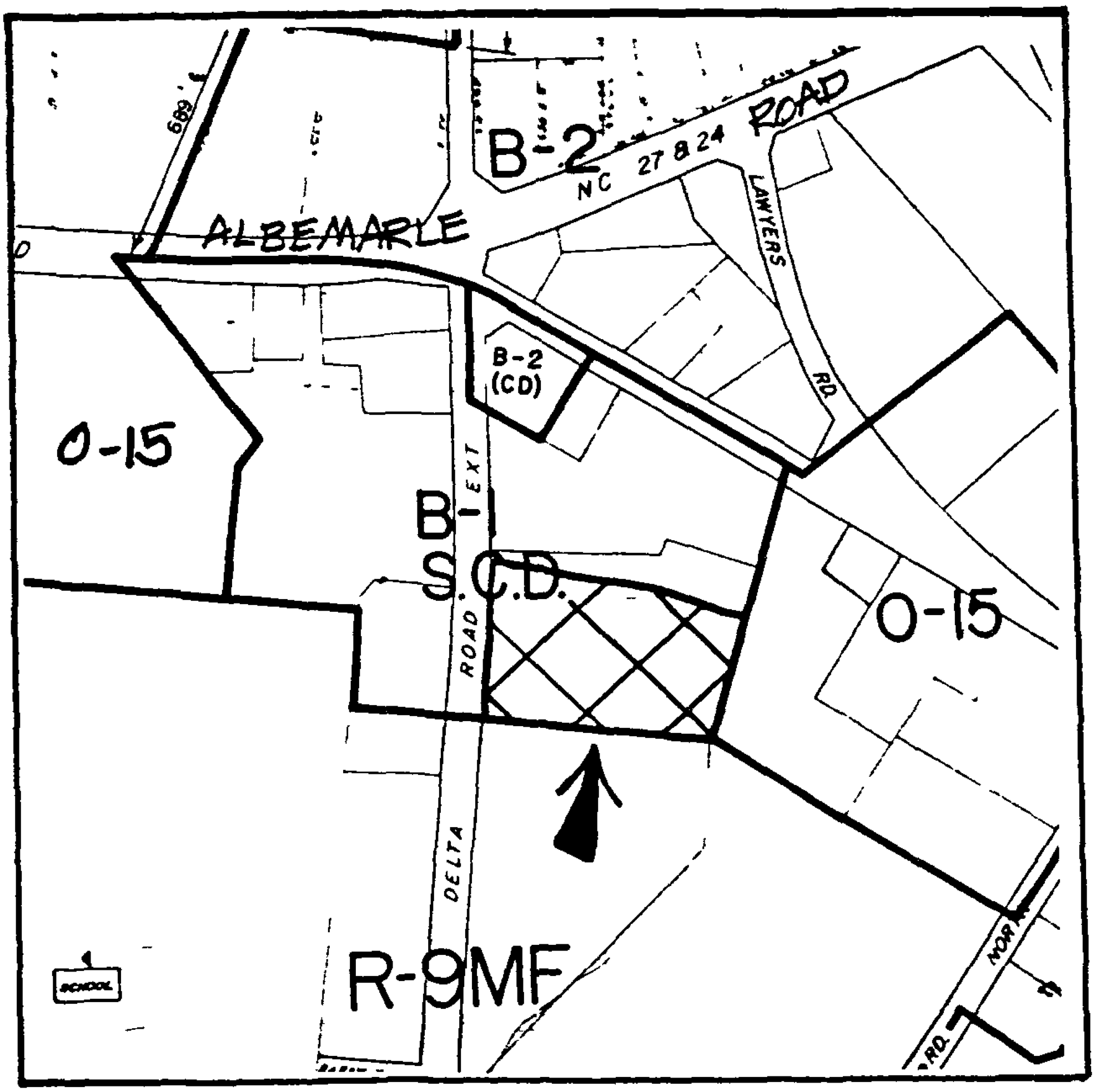
*Subject to further refinement following public hearing

PETITIONER Jesse M. Waller

PETITION NO. 85-40 HEARING DATE June 17, 1985

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

LOCATION A 4.35 acre site along the east side of Delta Road just south of Albemarle Road.



ZONING MAP NO. 114 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 85-40
Date Filed 5/1/85
Received By
OFFICE USE ONLY

Ownership Information

Property Owner: Delta Ten Group

Owner's Address: 8901 Covedale Drive
Matthews, NC 28105

Date Property Acquired: XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

Deed Reference: Deed Bk 4411, p. 396 Meck Co. Pub Tax Parcel Number: 133-251-13

Location Of Property (address or description)

Delta Rd. next to Food Town property with approximately 374 ft. frontage on Delta Rd.

Description Of Property

Size (Sq. Ft.-Acres): 4.35 Street Frontage (ft.): 374 approx.

Current Land Use: Vacant

Zoning Request

Existing Zoning: B1-SCD Requested Zoning: No change

Purpose of zoning change: Request change in configuration of buildings for more marketable retail spaces.

Name of Agent

Agent's Address

Telephone Number

Name of Petitioner(s): Jesse M. Waller

Address of Petitioner(s): PO Box 6094, Charlotte 28207

Telephone Number: 334-1256

Signature: Jesse M. Waller

Signature of Property Owner if Other Than Petitioner: Carl J. Schneider

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 85-40

Petitioner	Jesse M. Waller
Location.	A 4 3 acre site along the east side of Delta Road just south of Albemarle Road
Request	Change from B-1 SCD to a B-1 SCD Site Plan Amendment B-1 SCD = Conditional shopping district.

ISSUES.

1 Existing Plan Versus Proposed Plan. How does the proposal in the petition in this case relate to the existing conditions now placed upon this property?

2 Staff Review of Older CD Petitions. Considering the fact that this petition represents an older, undeveloped conditional district plan, what bearing on that should be considered as this plan amendment is evaluated?

3 Area Development Patterns. If approved, how would the development of this site relate to existing development patterns in the vicinity?

BACKGROUND:

1. Existing Zoning The site which is under consideration in this petition is currently zoned B-1 SCD. Property which is generally related to Delta Road on the south side of Albemarle Road is likewise zoned, except that one parcel directly at the intersection is zoned B-2(CD). On the northerly side of Albemarle Road/Lawyers Road the zoning district changes to B-2. Office zoning in the form of 0-15 is also located nearby, both along Albemarle Road as well as an area along Lawyers Road and a portion of that abuts this site South of the property is a large area of R-9MF zoning

2 Existing Land Use The site is vacant at the present time. An area just north of the site is developed with a small neighborhood shopping center consisting of a grocery store and drug store. Various other commercial and personal service uses are located nearby at the Delta Road/Albemarle Road intersection as well as up and down along Albemarle Road in general Some office development along Lawyers Road has been constructed, but there is a larger concentration of office development west of the site along Albemarle Road Several apartment projects are generally south of the property as well as condominium developments which are more closely related to Lawyers Road and Albemarle Road. Several institutional uses including schools, churches, and YMCA activities also comprise the development pattern for the area

3. Site Plan. The conditional site plan outlines a shopping center complex on the property which will total 52,800 square feet of gross floor area. The main center will contain 48,000 square feet and two other smaller detached buildings will contain 2,400 square feet each. Driveway access shall be from Delta Road. Screen planting along the southerly edge as well as the easterly edge is shown

4. Existing Plan The existing plan which includes the site under consideration and property adjoining on the north, is approved for 103,000 square feet Thus far, about 27,400 feet have been built, all on the northerly half. (Note the rezoning site is vacant)

GENERAL FINDINGS

1 Comprehensive Plan 1995 (Adopted 1976) The plan indicates a concentration of commercial activity near Albemarle Road in the vicinity of the petitioner's property. This document is in the process of being updated.

2. Albemarle Road Small Area Plan. The site lies just outside the study boundaries of the Plan, although the Plan does look to future study east along Albemarle Road.

3. Pre-Hearing Staff Input Staff has advised the petitioner that the continuation of B-1 SCD zoning on this site does not appear to be reasonable any longer. The site has been reviewed as part of staff's work program to evaluate older CD sites and has concluded that a more appropriate zoning classification for the property should be 0-15.

4. Neighborhood Context. The property lies within the Albemarle Road neighborhood.

DETAILED FINDINGS:

1. The petition involves a tract of land which is 4.3 acres in size and located on Delta Road just south of Albemarle Road. Existing zoning is B-1 SCD and the petitioner is seeking a site plan amendment.

2. The petitioner has filed a plan amendment which outlines a shopping center containing retail shops which total 52,800 square feet of building area.

3. This site was zoned B-1SCD in the early 1970's and at that time was part of a larger tract of land which extended north to Lawyers Road. Portions of that plan have been developed and now include a Food Lion Grocery Store and Revco Drug Store. The remaining area approved under the plan, including this site, has never been developed. Now this property is a separate tax parcel from the other half of the site.

4. Dividing the site in half has left questionable how the northerly property may expand as well as the development of the half involved in this petition. Clearly though, an amendment to the plan will probably necessitate some sort of amendment on the other half as well so that the two parcels can function independent of one another.

5 Because this is an older and vacant CD site, staff has recently reviewed it as part of a work program item as required by the zoning ordinance. A preliminary assessment by staff and Planning Commission has concluded that O-15 zoning on the property would be better suited for the area This is based on the belief that the office will provide a transition between retail and residential uses as well as the fact that the area in general already has a tremendous amount of retail, mostly strip center, activity and yet there are still other vacant commercial sites to be developed.

6 As far as this site plan is concerned, it is unimaginative and again repeats the familiar strip-style center. Building and parking cover the site along with three driveways There is simply no need to continue to heap this kind of development onto an already congested area.

7 As mentioned above, it is felt that an office classification on this property will provide the means for a small office park or similar type office development Such development can compliment the area by providing needed neighborhood professional services which barely exist, such as doctors, dentists, lawyers, insurance/real estate services, etc. The O-15 district would also require a 40 foot setback in which no parking would be allowed and at least then some measure of better relationship to Delta Road could be achieved. Under the B-1 SCD plan, parking is located directly adjacent to the street. Also, service areas for the shopping center would backup to existing residential and the screen planting which is shown would provide little, if any, relief to those residences.

8. Based upon the above conditions, it is recommended that this petition not be encouraged. It represents a perpetuation of strip commercial usage, which the area is already saturated with The design is unimaginative. The existing B-1 SCD zoning at Delta Road/Albemarle Road has been constantly amended over the years to the point where no comprehensive or systematic retail design is left. This type of change simply adds to that

*Subject to further refinement following public hearing

PETITIONER Cardinal Industries Development Corporation

PETITION NO. 85-41 HEARING DATE June 17, 1985

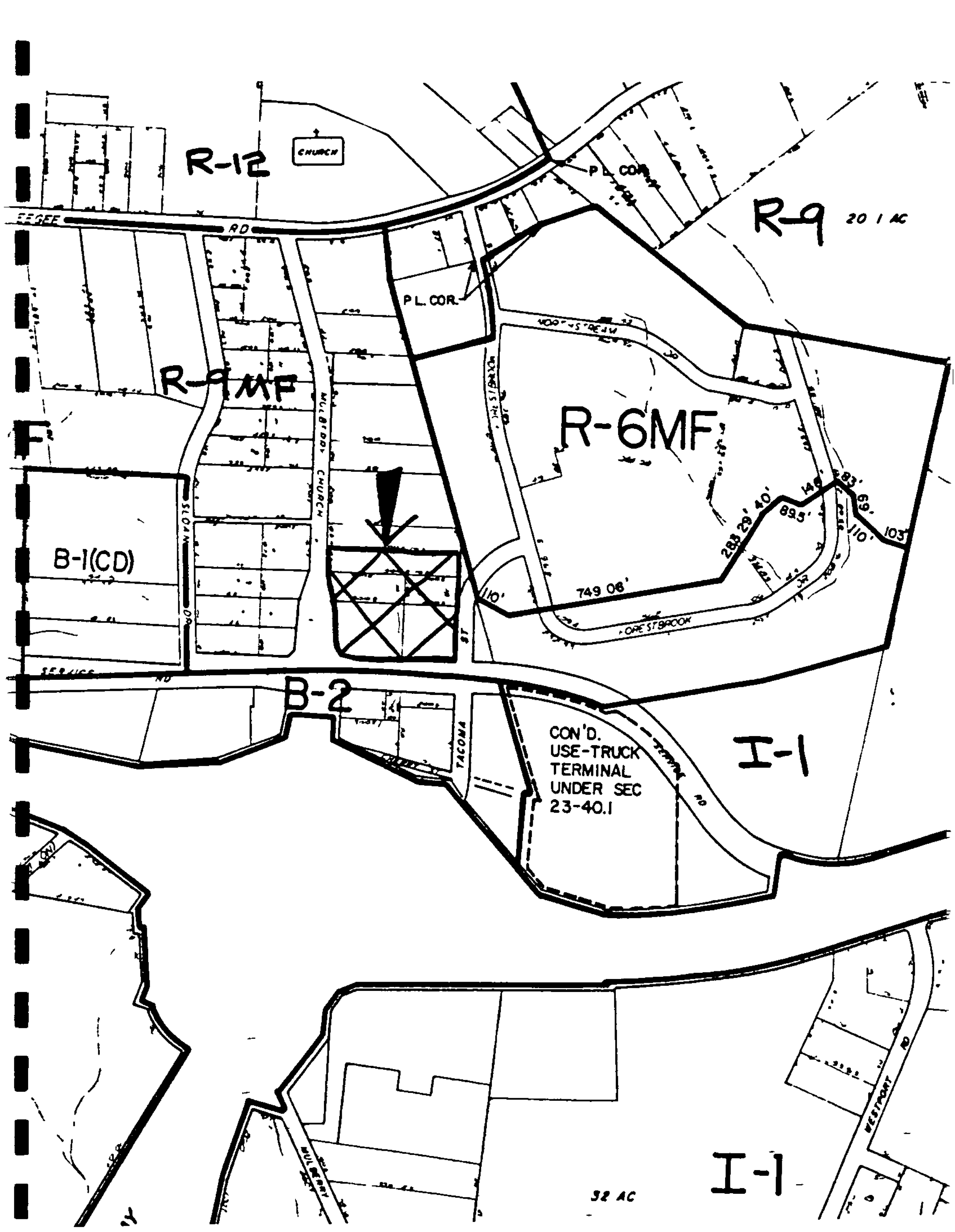
ZONING CLASSIFICATION, EXISTING R-9MF REQUESTED B-1(CD)

LOCATION A 3.88 acre site at the northeast corner of Mulberry Church Road and I-85 Service Road.

See Attached Map

ZONING MAP NO. 86 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


R-12
CHURCH
SEGEE RD
P.L. COR.
R-9
20.1 AC
R-9MF
R-6MF
MULBERRY CHURCH
SLOAN
B-1(CD)
749.06'
110'
CREEK
B-2
TACOMA
CON'D.
USE-TRUCK
TERMINAL
UNDER SEC
23-40.1
I-1
32 AC
I-1
WESTPORT RD

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 85-41
Date Filed 5/1/85
Received By KBD
OFFICE USE ONLY

Ownership Information

Petitioner: ~~Property Owner~~ Cardinal Industries Development Corporation

Petitioner's address: ~~Owner's Address~~ 4601 Welcome All Road

College Park, Georgia 30349

Date Property Acquired See attached list

Deed Reference See attached list

Tax Parcel Number 061-221-07 through 09 and 14 and 15

Location Of Property (address or description) Northeast corner of Intersection of Mulberry Church Road and I-85 Service Road

Description Of Property

Size (Sq Ft -Acres) See attached plat 3.88 ac Street Frontage (ft.) See attached plat

Current Land Use All lots vacant, except for Tax Lots Nos. 061-221-07 and 08 which contain single family dwellings

Zoning Request

Existing Zoning R-9MF Requested Zoning B-1(CD)

Purpose of zoning change To accommodate development of a motel

Saxby M. Chaplin, Attorney
Name of Agent

227 N. Tryon Street, Charlotte, N.C. 28202
Agent's Address

(704) 372-9510
Telephone Number

Cardinal Industries Development Corporation
Name of Petitioner(s)

See above
Address of Petitioner(s)

(305) 321-3690
Telephone Number

Signature Richard Lester, Vice President

See attached list
Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 85-41

Petitioner.	Cardinal Industries Development, Corp
Location	A 3 88 acre site at the northeast corner of Mulberry Church Road and the I-85 frontage road
Request	Change from R-9MF to B-1(CD) R-9MF = multi-family residential, B-1(CD) = neighborhood business development with a conditional plan

ISSUES

1. Recent Rezoning Petitions. How does the proposal involved in this zoning request relate to other recent rezoning petitions?

2. Relationship to I-85 and Mulberry Church Road How does the property's size, configuration, and location relate to I-85 and Mulberry Church Road?

3 Site Plan What aspects of a conditional site plan are important to evaluate? Are there any deficiencies which can be identified?

4. Long Term Objectives If this petition were to be approved, what long term planning, zoning, and land use relationships should be established and kept in line?

BACKGROUND:

1 Existing Zoning The property involved in the request is currently zoned R-9MF Other areas of R-9MF zoning are located generally along Mulberry Church Road and nearby to Tuckaseegee Road. Immediately to the east of the site is an area of R-6MF zoning as well. Otherwise residential zoning is comprised of R-12 and R-9 districts Immediately south of the site across the service road land is zoned B-2 while property at the corner of the service road and Sloan Drive is zoned B-1(CD). South of I-85 zoning is industrial in nature.

2 Existing Land Use. This site is currently developed with two single family dwellings Other single family development is located along Mulberry Church Road and Tuckaseegee Road Multi-family development has taken place immediately east of the site. Several highway related uses, such as restaurants and hotels, have been developed in association with I-85/Billy Graham Parkway/Mulberry Church Road. One relatively small trucking terminal is also in the vicinity between I-85 and the service road east of the rezoning site

3. Site Plan. The conditional site plan outlines a motel project for the site. Access will be gained via Mulberry Church Road A total of 108 motel units are shown and will be located in three buildings. A total of

113 parking spaces will be provided and a 70 foot setback/buffer from the northerly property line will be observed

GENERAL FINDINGS

1. Comprehensive Plan 1995 (Adopted 1976) The plan indicates distributive business/industrial in the vicinity of the petitioner's property. This plan is in the process of being updated.

2. I-85 Improvements This project will widen I-85 from NC 273 west of the Catawba River to the US 29/NC 49 connector from four lanes to eight lanes and reconstruct interchanges that are needed. This project is scheduled to be completed by 1989

3. Pre-Hearing Staff Input Staff advised the petitioner that a conditional district approach would be advisable. Staff has further advised the petitioner since the application has been filed that the plan is rather unimaginative and needs some adjustment in terms of building and parking layout

4 Neighborhood Context The property is located in the neighborhood area known as Toddville Road

DETAILED FINDINGS·

1. This petition involves a tract of land located at the northeast corner of Mulberry Church Road and the I-85 frontage road. It is 3.8 acres in size and current zoning is R-9MF The petitioner is seeking B-1(CD).

2. The petitioner has filed a conditional plan which indicates that a motel will be constructed on the property.

3. Recently, a couple of petitions regarding motel development have been proposed for the area. One in 1983 was approved at the corner of the frontage road and Sloan Drive and very recently one was proposed directly across Mulberry Church Road from the site The Planning Commission has deferred action on that request until the public hearing on the proposed motel in this case could be heard so that they may consider both petitions at one time.

4. Staff had recommended against the Sloan Drive petition, but has indicated that approval of the recent one can be considered appropriate

5. Staff believes that this site has a strong orientation to I-85 and as such the R-9MF district, combined with the other petitions, perhaps is no longer reasonable. However, it must be clearly understood and stongly stressed that staff is stridently opposed to any further extension of non-residential zoning north along Mulberry Church Road The property rises very quickly away from the interstate and with the existing trees and non-relationship to the interstate, that area can very appropriately remain residential or redevelop under the existing R-9MF

6. In the case of the site plan here, however, staff is disappointed at the lack of imagination and quality of the proposal. The building and parking arrangment is extremely rigid and does not appear to provide much relief by way of open space. This is particularly true closest to Tacoma Avenue where existing residential development has occurred The site plan needs to be adjusted in order to create a better site plan that relates more satisfactorily to residential areas as well as to move away from what looks like a "bowling alley" or "mini warehouse" look Without such changes, staff would not recommend the approval of this request

7. Because this site is so closely aligned with the interstate and its environment as well as the fact that B-2 zoning is located directly across from the property, it does seem somewhat logical to expect some form of business development to occur here As presently constituted, this petition and the resulting use may not be appropriate, but at some point given the influence of the Billy Graham Parkway and general growth of the airport area, it does seem that the site is suitable for development associated with the Parkway, I-85, and highway services for this growing area

*Subject to further refinement following public hearing

Request for Council Action

Charlotte

To the City Council
From the City Manager
Action Requested City Council is requested to consider issuance of a Floodway Special Use Permit which would allow a chain link fence and storage building relocation in the Briar Creek Floodway.

Responsible Department Charlotte-Mecklenburg Planning Commission

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

BACKGROUND

The Charlotte Floodway Regulations generally prohibit any encroachment into areas designated as Floodway Districts. These same regulations provide, however, for the issuance of Floodway Special Use Permits which if granted would allow some minor degree of encroachment into these restricted areas. Section 8A-5 of the Charlotte Floodway Regulations prescribe the method and consideration which should be given to such requests. City Council upon recommendation from Planning Commission takes final action on this type request. This process does not involve a public hearing, but does involve notifying adjacent property owners about the request and when the request will be considered at a public meeting.

EXPLANATION OF REQUEST

In accordance with Section 8A-5 of the Charlotte Floodway Regulations a Floodway Special Use Permit has been applied for by H. D. Purser. The proposal is to locate a chain link fence and storage building relocation in the Briar Creek Floodway.

The Planning staff, Zoning Administrator and Engineering Department staff find that this request is approvable and that the effect of the proposed structure on the Briar Creek Floodway is not significant.

At the Thursday, May 23, 1985 meeting of the Charlotte-Mecklenburg Planning Commission, the Commission voted to recommend approval of the request which failed by the following vote:

Yeas: Clodfelter, Griffin, Jernigan and Lawing.

Nays: Curry, Greene, Lewis, Lowery, M. Smith and S. Smith.

STAFF OPINION

It is the opinion of the Charlotte-Mecklenburg Planning Commission staff that this Floodway Special Use Permit should be approved. The storage building is presently within the Floodway and is being relocated about 60 feet to its proposed location; the new chain link fence will enclose an area around the relocated building. In accordance with Floodway Ordinance requirements, both the Zoning Administrator and Engineering Department have approved this request as a minor change with no significant effect on the 100-year water surface of Briar Creek. If you have need for more detailed information, please let us know.

SOURCE OF FUNDING
N/A

CLEARANCES
Planning Commission, City Zoning Administrator, City Engineering and City Manager.

BIBLIOGRAPHY
Charlotte Floodway Regulations.

APPLICATION
FLOODWAY SPECIAL USE PERMIT
CHAPTER 8A-CITY CODE
FLOODWAY REGULATIONS
CHARLOTTE, NORTH CAROLINA

No. FSUP 85-2

4/5/85
DATE SUBMITTED

What will occur in the Floodway District that will require a Special Use Permit? (structure,fill,dredging,etc.) Remove existing chain link fence now separating new lot and old property and enclosing all with new 7' chain link fence as designated in submitted drawing. Move existing storage bldg. from old property to site on new ~~lot, as shown on drawing, with 6' clearance from adjoining property and 20'~~ from right of way. Also to be used for parking, with 25' clearance from creek bank in rear...

Proposed activity will occur at: 1536 St. George St., Charlotte, N. C.

129 041 40	Briarcreek	23
Parcel Number	Floodway Involved	Floodway Sheet No.

From grade proposed vertical encroachment is 7 feet.

Proposed Horizontal Encroachment into the Floodway District is 156' feet.

Four plans are attached as required by Section 8A-5(b) of The City Code.

APPLICANT	(If different than applicant) PROPERTY OWNER
H. D. Purser H. D. Purser	
Signature	Signature
St. George Street	
Street Number	Street Number
Charlotte, N. C.	
City State	City State
(704) 333-3775	
Phone	Phone

PURSER OIL CO.

Fuel For Modern Living

Charlotte City Council Members:

I am H. D. Purser, owner and operator of Purser Oil Company., 1544 Saint George Street, Charlotte.

At the meeting of the planning commission on Thursday, May 23, our request for extending an existing fence and moving an existing storage building some few feet from it's present location was denied.

Although we have great respect for this commission, and don't believe any discrimination was intended, we sincerely believe that they didn't understand our request and that they may have been sidetracked by issues not pertinent to our specific request.

We feel this is a small request which entails no risk for anyone, but holds a great deal of importance to the future of Purser Oil Company. Below is our request, in two points, with attached diagram of the proposed changes for your convenience in review.

1. We propose to extend the present fence which runs parallel with Briar Creek, by 87 feet (See diagram)....enclosing gravel lot to a depth of 150 feet from creek. Old dividing section of fence to be removed. There would be no alteration of ground contour.
2. Move existing frame storage building (22X36 ft.)...still the same parallel distance from the creek as it is presently located, only some 80 feet South.

It is our intention to be an asset to Charlotte in any way possible. We are a member of the Charlotte Chamber of Commerce and The Charlotte Better Business Bureau. We endeavor to do an excellent job in representing the Charlotte business community in our type of business.

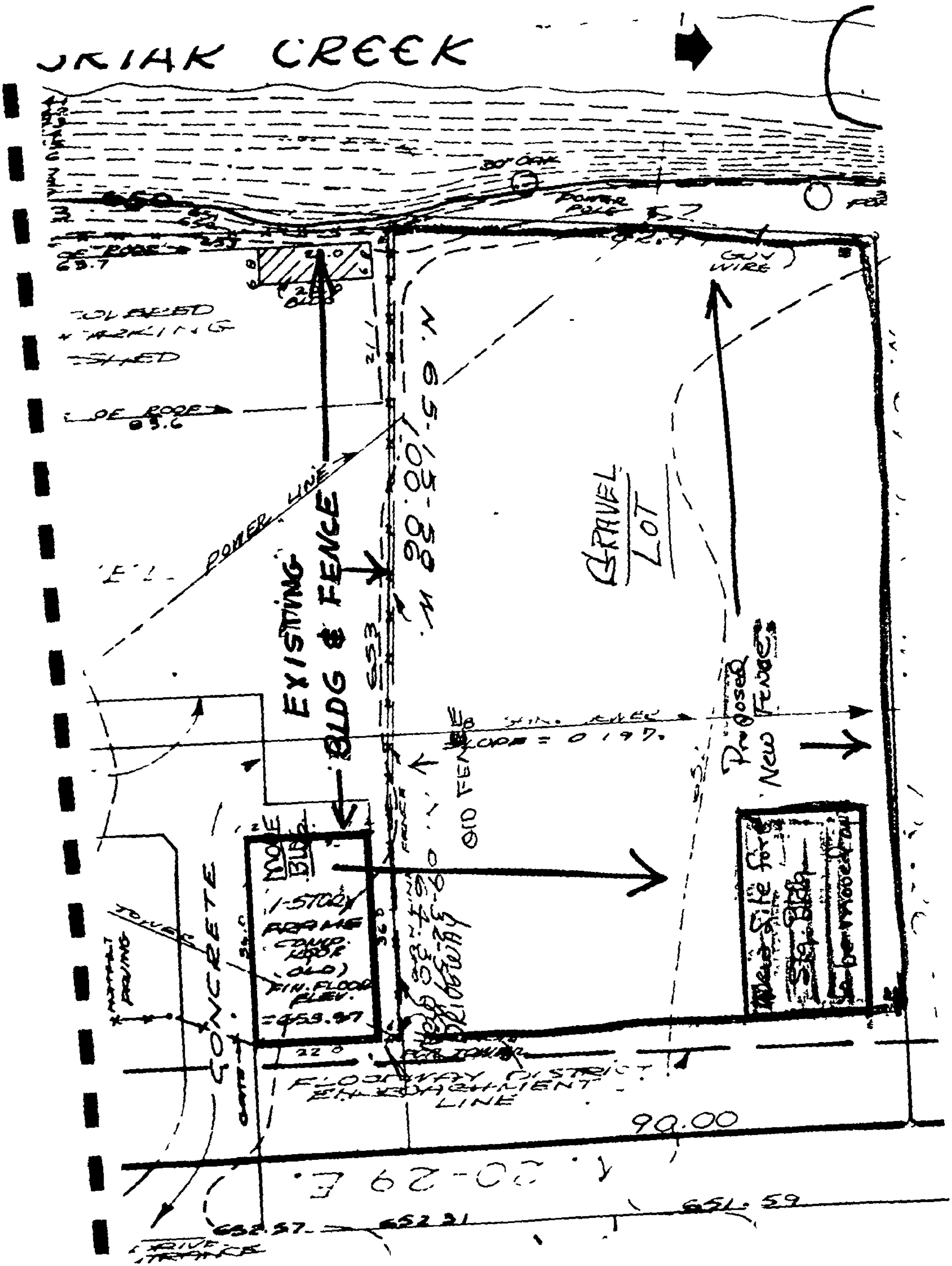
We will appreciate your consideration in our request, as we have operated this business at this location for twenty-three years, and have had no problem with flooding.

I am in the audience here, and will be happy to answer any questions concerning our request.

Thermo Pride

P. O. Box 9305, Charlotte, N.C. 28299/Phone 333-3775

Heating & Cooling • Heating Oils • Diesel Fuel • Tank Installation • Industrial Lubricants


JKIAK CREEK
GUY WIRE
POWER LINE
EXISTING BLDG & FENCE
GRAVEL LOT
Proposed New Fence
CONCRETE
1-STORY FRAME
FLOODWAY DISTRICT ENCROACHMENT LINE
90.00
N. 20-29 E.
652.57
652.21

ATTACH # 7

CHARLOTTE

May 30, 1985

Mayor Harvey Gantt
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 on May 7, and May 23, 1985

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 June 10, 1985 This will then permit these matters to be placed on your agenda for consideration on June 17, 1985

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

Respectfully submitted,

Robert G Young
Zoning Coordinator

RGY bd

Attachments

DATE	May 23, 1985
PETITION NO .	85-24
PETITIONER(S)	JTR Land Partnership
REQUEST	Change From B-D, I-1, I-2, R-9, and R-15MF(CD) to R-12MF(CD)
LOCATION	A 74 34 acre site west of South Boulevard between Sweden Road and the proposed relocation of Arrowood Road.
ACTION	The Planning Commission deferred action on this matter pending further study

DATE May 23, 1985

PETITION NO 85-30

PETITIONER(S) McMahan-Carver Properties, Inc

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

LOCATION An 11 86 acre site at Old Reid Road and Park Road

ACTION The Planning Commission deferred action on this matter pending further study

DATE	May 23, 1985
PETITION NO ·	85-32
PETITIONER(S)	LaQuinta Motor Inns, Inc
REQUEST	Change from O-15 to O-6(CD) and B-1(CD)
LOCATION	A 2 42 acre site at the southeast corner of Nations Ford Road and Greenwood Drive
ACTION	The Planning Commission deferred action on this matter pending further study

DATE May 23, 1985

PETITION NO · 85-34

PETITIONER(S) American Medical Financial Corporation

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

LOCATION. A 2 379 acre site north of I-85 between Sloan Drive and Mulberry Church Road

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

DATE. May 23, 1985

PETITION NO.: 85-35

PETITIONER(S). J D Sims and Company

REQUEST Change from R-12MF to B-2

LOCATION An 8 001 acre site south of the 7500 block of E Independence Boulevard between Village Lake Drive and McAlpine Creek

ACTION The Planning Commission deferred action on this matter pending further study

DATE. May 23, 1985

PETITION NO . 85-36

PETITIONER(S)· Jim Harris Auto Sales, Inc.

REQUEST Change from B-1 to B-2

LOCATION. A 1 21 acre site at the northeast corner of Harrisburg Road and Albemarle Road

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

DATE May 7, 1985

PETITION NO 84-34

PETITIONER(S) E. C. Griffith Company

REQUEST Change from R-12 to R-15MF(CD) R-12 = single family residential, R-15MF(CD) = multi-family residential with a conditional plan

LOCATION A 2 4 acre site fronting on Maryland Avenue, East Boulevard, and Queens Road West

ACTION The Planning Commission recommends that the petition be approved.

VOTE Yeas· Clodfelter, Curry, Greene, Griffin, Jernigan, Lawing, Lewis, and Lowery

Nays. None

REASONS·

ISSUES

1 Infill Housing. How does this proposal relate to policies designed to promote infill housing opportunities?

2 Site Plan What site plan conditions and features are important to consider?

3 Zoning/Land Use Relationships How would the approval and implementation of this request relate to existing zoning and land use patterns?

4 New Plan/Hearing How does the site plan in this case compare to an earlier version?

BACKGROUND

1 Existing Zoning The rezoning site is zoned R-12. A large area nearby is also zoned R-12 Other single family areas in the vicinity are zoned R-6 Multi-family zoning exists in the form of small areas zoned R-20MF and R-6MF Office zoning is located along both sides of Kings Drive from Brunswick Avenue to Queens Road as well as along East Boulevard from Lombardy Circle to Queens Road

2 Existing Land Use. The site is vacant. Surrounding the site are single family homes, the Junior League, tennis courts at Freedom Park and the Nalle Clinic Other single family homes relating to the Dilworth and

Myers Park neighborhoods comprises the major land use pattern of the vicinity Office and business uses are close by along East Boulevard Myers Park Elementary School is a few blocks away.

3 Site Plan The conditional site plan proposes a townhouse for-sale project consisting of 18 dwelling units One point of access from Maryland Avenue is shown The units are arranged in three clusters and create courtyard type settings The site is heavily wooded and major trees will remain Screening adjacent to single family areas will also be provided Overall density is 7 4 du's/acre The plan also shows a typical architectural elevation A five foot screen wall will be constructed adjacent to single family areas Setbacks from Maryland Avenue and East Boulevard shall be 50 feet

4 Infill Housing Policy. The Charlotte-Mecklenburg Planning Commission endorses the concept of infill housing development on vacant sites Infill housing development means the construction of housing units on vacant sites within the urban/suburban area where water and sewer, as well as other urban services, are available Locational factors to consider are those which relate to major transportation corridors, proximity to higher density zoning and uses, proximity to natural open spaces and public lands Density and design are also important features to consider

5 Previous Public Hearing This petition was previously heard at public hearing on May 21, 1984 That plan proposed 14 units Since that time the Martin Development Group has become involved and proposes the plan in this case

GENERAL FINDINGS

1. Comprehensive Plan (1976) Indicates residential development at an overall density of 0-6 dwelling units per acre in the immediate vicinity of the petitioner's property This document is in the process of being updated

2 Pre-Hearing Staff Input Staff worked with the petitioner and encouraged the plan and its application

3 Neighborhood Context The site is located in Myers Park Several inquiries have been received by staff The neighborhood leadership has expressed concern/opposition to the request

DETAILED FINDINGS

1. The rezoning site is currently zoned R-12. The petitioner is proposing R-15MF(CD) so that a townhouse for-sale project can be constructed

2 A total of 18 units at an overall density of 7 4 du's/acre is proposed (Refer to Background #3 for site plan details)

3 The site is rather uniquely situated in that it directly relates to adjoining residential, non-residential and recreational uses It is well

within convenient distance of other commercial, convenience, personal services, medical and educational opportunities For example, Freedom Park is adjacent as is the Nalle Clinic

4. The request is conditional in nature and the site plan offers many desirable features The units are arranged in small clusters Circulation areas are internal. In addition, the site is wooded and perimeter areas will be left substantially undisturbed and other significant trees will also remain These features will help reduce impacts at the edge of the property.

5. The site offers an excellent opportunity to provide an infill housing proposal. It is felt to be a "classic" site in that it meets the significant criteria established by policy for consideration it is surrounded by residential, non-residential and institutional uses, along major transportation corridors, adjacent to public recreational spaces, available for water, sewer and other services, and offers a naturally wooded site in combination with a conditional plan which stipulates desirable features, which when implemented, will compliment the existing neighborhood No impacts dealing with traffic, drainage, etc , have been identified

6. Housing opportunities of the type proposed here should be encouraged Such proposals are consistent with overall planning objectives for this area Architecturally, the petitioner has tried to be sensitive and has indicated on the plan renderings which incorporate elements of the Tudor style, which is often seen in the Myers Park area

7 It should be noted that the plan in this case proposes four more units than the previous plan, but is just as good, if not better, than the earlier version The Martin Development Group, who is proposing this plan, has worked hard to secure approval from both Planning and the neighborhood. Though they may not have been successful with the neighborhood, it is the Planning Commission's opinion that this will result in a quality housing development which will not be detrimental to the neighborhood or adjoining properties

8 Based upon the above, the request is recommended for approval Overall site planning features outline a very fine infill housing concept Implementation of the petition will compliment the area and offer an alternative housing style that will both be harmonious with the immediate surroundings and help meet housing demands for this desirable in-town location

<u>Staff Opinion</u>

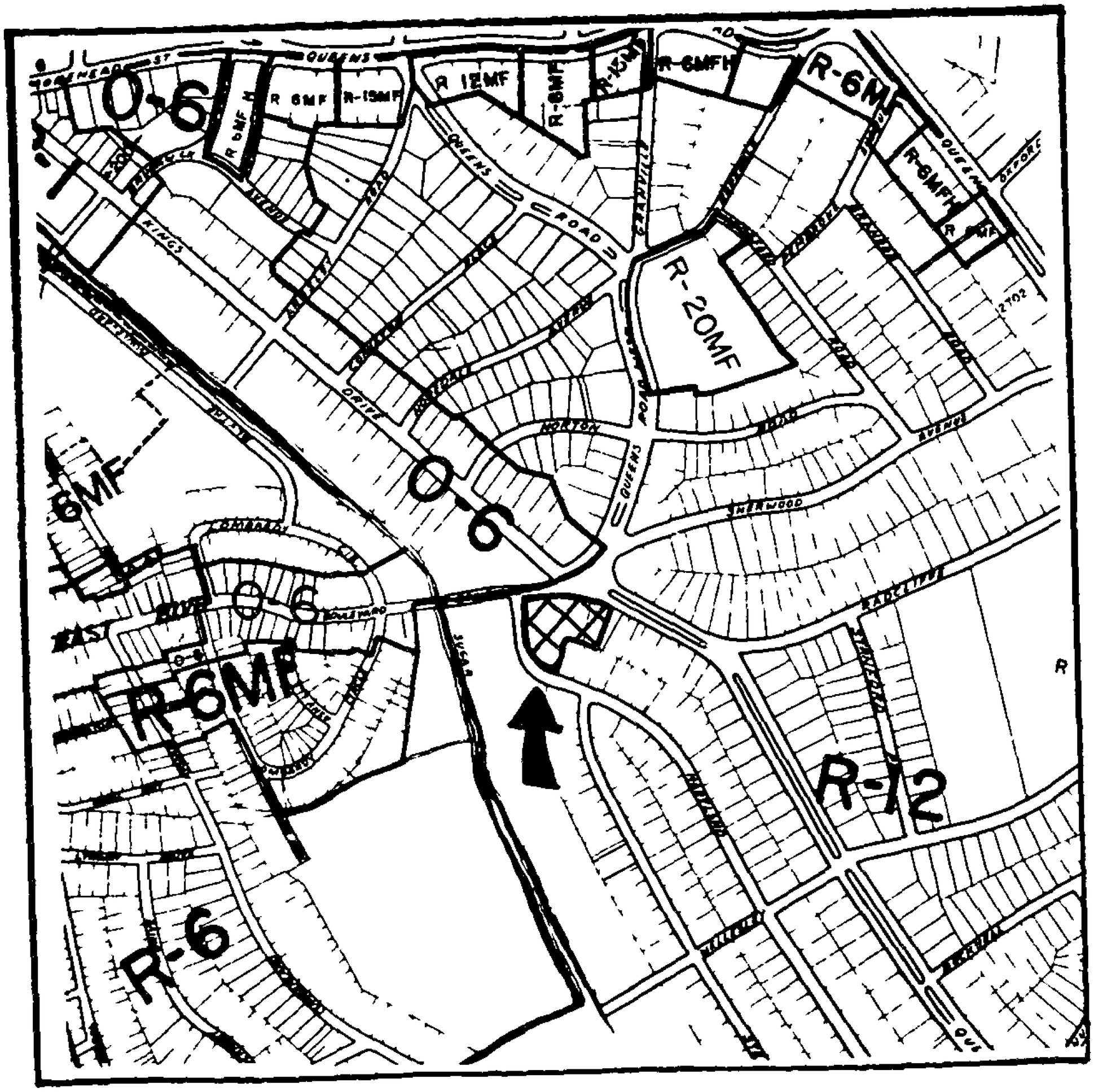
The staff agreed with the Planning Commission

PETITIONER E. C. Griffith Company

PETITION NO. 84-34 HEARING DATE April 15, 1985

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

LOCATION A 2.416 acre site fronting on Maryland Avenue, East Boulevard and Queens Road West across from the Nalle Clinic.



ZONING MAP NO. 8 SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE

DATE May 7, 1985

PETITION NO 85-22

PETITIONER(S) Kenneth R. Harris

REQUEST Change from R-12 to R-15MF(CD) R-12 = single family residential R-15MF(CD) = multi-family residential with a conditional plan

LOCATION A 4 4 acre site at 1901 Providence Road at the intersection of Vernon Drive

ACTION The Planning Commission recommends that the petition be denied

VOTE Yeas Clodfelter, Curry, Griffin, Jernigan, Lawing, Lewis, and Lowery

Nays Greene

REASONS

ISSUES

1 Site Plan What aspects and conditions of the conditional site plan are important to consider in evaluating this request?

2 Infill Housing Policies How does this request relate to housing objectives and policies related to infill?

3 Overall Zoning, Land Use and Housing Objectives If this petition were to be approved how would it relate to land use and zoning patterns for the area?

BACKGROUND

1 Existing Zoning The property involved in this request is zoned R-12 and is surrounded by R-12 zoning as well The R-12 classification begins at Briar Creek and generally covers an area south of the petition to Wendover Road where the district changes to R-15 North of Briar Creek single family areas are generally zoned R-12 as well as a smaller area of R-9 zoning whereas across Providence Road is another area of R-15. Northwest of the site along the northly side of Briar Creek is an area zoned R-20MF

2 Existing Land Use The site has a single family residence on it The predominant land use pattern throughout the vicinity is that of single family homes Northwest of the site along Briar Creek and Providence Road is a day care center A small non-conforming business area is also

located north of the site along Providence Road just south of Beverly Drive.

3. Site Plan The conditional site plan proposes a condominium development which would contain a total of 22 units Three units would be located in the existing home on the site which would be retained The overall density would be 5.3 units per acre. Access to the site would be gained via two driveways from Vernon Drive The units would be arranged around the house in a series of four clusters Setback from Providence Road would be a minimum of 40 feet and a minium of 30 feet from Vernon Drive Along he southerly edge of the site adjacent to single family areas a screen wall and planting buffer will be established as well as an evergreen planting buffer along the driveway which exits along Vernon Drive adjacent to other single family areas. Existing trees will be retained where it is possible and 20 feet of new right-of-way is to be dedicated along Providence Road.

GENERAL FINDINGS

1 Comprehensive Plan 1995 (Adopted 1976) The plan indicates residential development at an overall density of 0-6 dwelling units per acre in the vicinity of the petitioner's property This plan is in the process of being updated

2 Pre-Hearing Staff Input Staff discussed this matter with the petitioner and generally offered encouragement of the concept of some higher density housing on the site It was indicated that the plan would have to relate to the area in terms of density, housing style, etc. in order to be successful

3. Neighborhood Context. The site is located within the area defined as the Wendover neighborhood. Staff has received a number of inquiries from nearby residents and a protest petition has been filed

DETAILED FINDINGS

1. The property involved in this request is 4.4 acres in size and located at the intersection of Providence Road and Vernon Drive The current zoning is R-12 and the petitioner is seeking R-15MF(CD)

2. As part of the rezoning request the petitioner has filed a conditional site plan which stipulates a for-sale townhouse project A total of 22 units at an overall density of 5.3 units per acre is proposed. (For further details see Background #3).

3. The site has frontage on Providence Road which is a major thoroughfare as well as Vernon Drive which is a neighborhood street The immediate area is completely related to single family zoning and development and in particular Vernon Drive is a street characterized by large homes on generally large lots

4. The Planning Commission expressed a good deal of concern about this proposal Most of the comments dealt with site design and the effect this petition would have on the area, particularly the incompatibility of this use when viewed against the larger context of surrounding land use patterns

5. For example, the Planning Commission felt this petition represented the beginning of other similar proposals for the area This use is not the most appropriate use for the property and should be discouraged and in so doing should discourage others

6 Many were concerned about this use or similar ones spreading down Providence Road Further, there were concerns about the view of the site once the property was developed i e , building massing is inappropriate

7 Perhaps several years from now this proposal might be better suited, but right now is premature Further, many felt this was not a good site for infill housing Unlike rezoning petition 84-34 by E C Griffith, this property does not enjoy as many of the components necessary to be judged appropriate for infill housing

8 There was also a comment related to concern about the re-use of the Temple Bethel once it is relocated That re-use and this proposal could produce negative effects

9. Based upon the above circumstances, the Planning Commission recommends that the petition be denied

Minority Opinion

The minority opinion expressed the viewpoint that the use was an appropriate one This site is relatively inner city in nature and approval of it would help provide housing close-in and reduce the need for housing sprawl

Staff Opinion

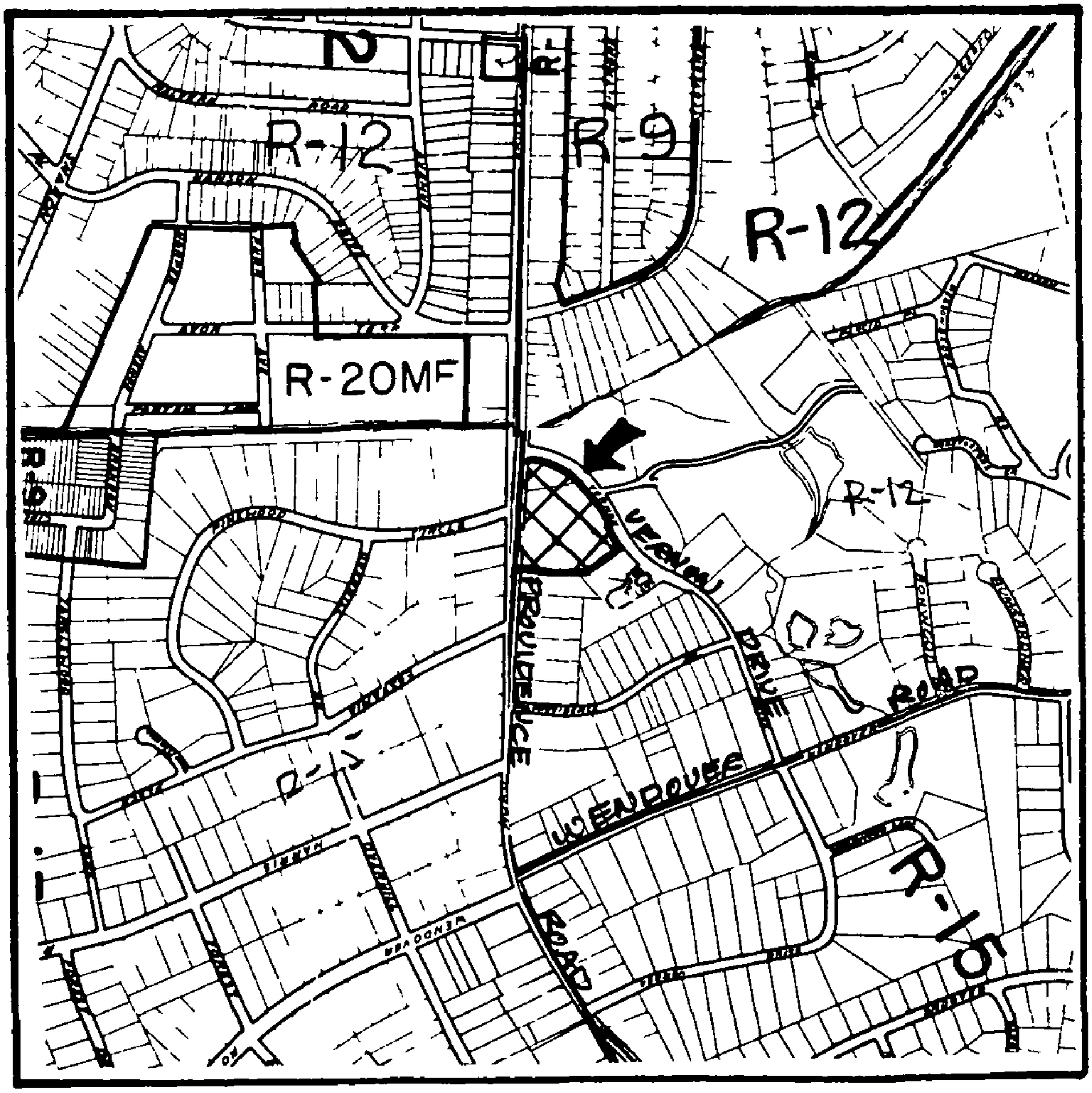
The staff disagreed with the Planning Commission The site plan was a good one that proposed a quality housing project Further, the proposal is generally consistent with infill housing policies which have been designed to fit such sites as the one involved in this petition The density of this project was rather low The implementation of the proposal could appropriately fit into the area

PETITIONER Kenneth R. Harris

PETITION NO. 85-22 HEARING DATE April 15, 1985

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

LOCATION A. 4.41 acre site at 1901 Providence Road at Vernon Drive.



ZONING MAP NO. 24 SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE

DATE May 23, 1985

PETITION NO 85-27

PETITIONER(S) Roberta H Hobbs

REQUEST· Change fro 0-6 to I-1 0-6 = office development, I-1 = light industrial development

LOCATION A 1 47 acre site at the corner of North Church Street and West 25th Street

ACTION The Planning Commission recommends that the petition be denied

VOTE Yeas Curry, Greene, Griffin, Jernigan, Lawing, Lewis, Lowery, M Smith, and S Smith

Nays None

(Commissioner Clodfelter abstained from voting)

REASONS

ISSUES

1. Relationship to Adjoining Neighborhood How does this request relate to an adjoining residential area? What negative results are foreseen if this petition is approved?

2. Overall Zoning/Land Use Pattern How does the site currently relate to existing zoning and land use patterns?

BACKGROUND

1 Existing Zoning The subject property is currently zoned 0-6 Land adjacent to it is zoned 0-6 and I-2 The I-2 classification is primarily related to major thoroughfares and railroad rights-of-way along North Tryon Street and Graham Street Residential areas nearby are zoned R-6MF and R-6 A protion of the rezoning site lies adjacent to R-6MF zoning

2 Existing Land Use The rezoning site is currently vacant. A small portion of one boundary of the site is also vacant but otherwise the site is related to either existing industrial development or existing residential development Along North Tryon Street is a concentration of a wide variety of non-residential uses and the same can be said for North Graham Street as well Lying between these two thoroughfares are a number of residential areas including the Tryon Hills area. The Tryon Hills Apartments lie directly adjacent to the site at one corner

GENERAL FINDINGS

1. Comprehensive Plan 1995 (Adopted 1976) The plan indicates a commercial/ office mix in the immediate vicinity of the petitioner's property. This plan is in the process of being updated

2. North Tryon Corridor Special Project The rezoning site is located within the North Tryon Corridor Special Project study area No recommendations have been made regarding the subject property as of this date The study has not yet been completed

3. Pre-Hearing Staff Input. Staff discussed the application with the petitioner, but did not encourage the application

4. Neighborhood Context. The site lies within the Tryon Hills neighborhood

DETAILED FINDINGS

1. This rezoning involves a 1.47 acre site at the corner of North Church Street and West 25th Street Current zoning on the property is 0-6 and the petitioner is seeking I-1 in order that a warehouse can be constructed on the property

2 The site has a relationship to properties that are zoned both I-2 as well as R-6MF The I-2 zoning in the area is, however, primarily oriented to North Tryon Street while the multi-family zoning is oriented to West 25th Street and other nearby residential streets

3 The existing 0-6 classification was established to provide a transition or a buffer between the neighborhood and industrial areas It is believed that the 0-6 zoning is still relevant to with regard to that purpose and that the I-1 will be a detriment to the nearby neighborhood environment

4 As the petitioner states the purpose of the rezoning is to construct a warehouse This type of construction and activity associated with it will tend to bring more noise, more trucks, etc. and thereby have an adverse impact on the Tryon Hills Apartments and neighborhood

5 The housing stock in the Tryon Hills Apartments is representative of a housing stock that is needed to be maintained for the area. The apartments themselves are well maintained and provide a nice living environment for the residents. Every effort should be made to maintain the area The zoning request is seen as one which would move in the opposite direction of that goal

6. The site does lie withing the North Tryon Corridor Special Project Study, but that study has not yet been completed Staff had some discussion about recommending deferral of this request until that study is done, but in the final analysis felt that the more appropriate recommendation would be to deny the request based upon the information listed just above

7. Based upon the above, then, it is believed that the rezoning is not in the best interest of the overall zoning and land use patterns anticipated for the area nor for the Tryon Hills area It is recommended by the Planning Commission that the petition be denied

Staff Opinion

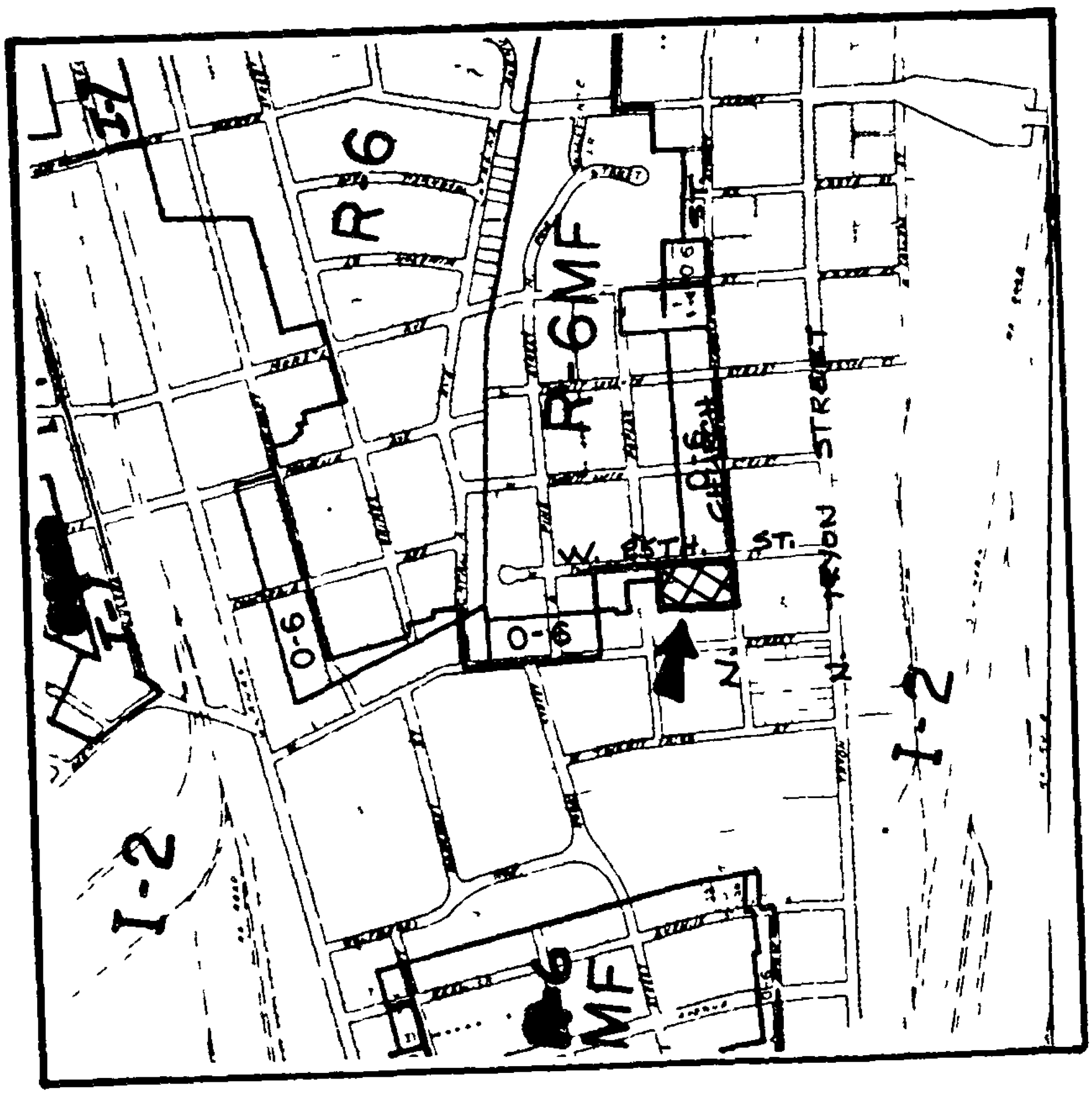
The staff agreed with the Planning Commission

PETITIONER Roberta H. Hobbs

PETITION NO. 85-27 HEARING DATE April 15, 1985

ZONING CLASSIFICATION, EXISTING O-6 REQUESTED I-1

LOCATION A 1.47 acre site at the corner of North Church Street and W. 25th Street.



ZONING MAP NO. 5 SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE

DATE May 23, 1985

PETITION NO 85-31

PETITIONER(S) Evans Construction Company

REQUEST Change from R-15 to R-15MF(CD) R-15 = single family residential, R-15MF(CD) = multi-family residential with a conditiona plan

LOCATION A 19 acre site on the southeast side of Providence Road between Cloister Drive and McMullen Creek

ACTION The Planning Commission recommends that the petition be approved

VOTE· Yeas Curry, Greene, Griffin, Jernigan, Lewis, Lowery, M Smith, and S Smith

Nays None

(Commissioners Clodfelter and Lawing abstained from voting)

REASONS

ISSUES

1. Infill Policy How does the project proposed in this petition relate to infill housing opportunities?

2 Site Plan What aspects of the conditional site plan are important to evaluate and consider in this request?

3 McMullen Creek Flood Plain What aspects of the proposed plan should be kept in mind with regard to the regulated flood plain associated with McMullen Creek?

BACKGROUND

1. Existing Zoning The rezoning site is presently zoned R-15 Land along the northerly side of McMullen Creek is also zoned R-15 as is an area to the southwest of the site Directly across the creek from the property is an area zoned R-15MF Near the Providence/Fairview Road intersection are two small parcels zoned B-1(CD) as well as a tract of land zoned 0-15(CD) There is also an area zoned R-PUD to the west of the site which joins McMullen Creek

2. Existing Land Use The property has at the present time a single family residential structure on it The Cloisters Subdivision immediately adjoins the site to the north and other single family development is generally associated with Providence Road and residential streets to the north Just south of the site just across McMullen Creek are the Pinehurst Apartments, Strawberry Hill Apartments, and Carmel on Providence Apartments Two convenient stores on either side of Providence Road are in the area as well as a bank which is located at Providence Road and Sardis Road

3 Site Plan The conditional site plan proposes an attached for sale project with a maximum of 43 units Overall density is slightly in excess of two units per acre Access to the property would be gained via a private street off Providence Road opposite Meadowwood Lane The units are arranged in a series of triplex structures with the exception of one building which contains four units Areas which are associated with the flood way district of McMullen Creek will not be encroached upon and therefore reserved as open space Landscaping and decorative screening will be provided along the northerly boundary closest to the Cloisters Subdivision

GENERAL FINDINGS

1 Comprehensive Plan 1995 (Adopted 1976) Plan indicates residential development at an overall density of 0-6 dwelling units per acre in the vicinity of the petitioner's property This plan is in the process of being updated.

2 Infill Policy The Charlotte-Mecklenburg Planning Commission endorses the concept of infill housing development Infill housing is to be allowed consistent with any one of the following locational factors

a Within major transporation corridors,
b Within close proximity to high density residential zoning and uses,
c Within close proximity to non-residential zoning and uses,
d Within close proximity to natural open spaces in public lands, or
e Within any residential district, provided the density to be allowed is no more than 4 units per acre

A combination of several factors enhances the locational desirability of an infill site Further, overall design is an element to be considered

3 Pre-Hearing Staff Input Staff discussed this matter on a couple of occassions with the petitioner prior to the submission of the application Staff generally endorsed the concept of infill housing on this property Final evaluation and acceptance of the proposed project would be based upon the plan submission and details

4 Neighborhood Context The property is located within the area generally known as Providence Park

DETAILED FINDINGS

1 The property involved in this rezoning is a 19 acre tract which is presently zoned R-15 The petitioner is asking that the site be rezoned to R-15MF(CD) in order to construct a townhouse for sale project

2. In association with the request, the petitioner has filed a conditional site plan A maximum of 43 units would be provided at an overall density of about 2.2 units per acre (For further details refer to Background #3)

3. The property is physically related to McMullen Creek on the southerly side and adjoins the Cloisters Subdivision on the northerly side However, pursuent to plan conditions, there will be no access to the site from the Cloisters Subdivision, and will only derive access from Providence Road

4 Overall density of this project is very low and in fact is within the density limitations of an R-15 single family district Other conditions of the plan relating to units style, arrangement and orientation, open space, etc., are desirable Because of the properties relationship to McMullen Creek and the Pinehurst Apartments, attached housing is very compatible for this site

5 The property is associated with the regulated flood plain of McMullen Creek The dwelling units proposed are allowed within the floodway fringe as long as applicable floodway regulations are met, but there are also portions of the site within the floodway district In that area, no habitable dwellings can be constructed and the plan observes that

6 Due to the site's relationship to a major thoroughfare, open space, higher density development, non-residential development, etc , the site is one which is acceptable and appropriate to be considered for infill housing The density is low and the design concept and overall housing appears to be such that a high-quality development will result if approved

7 The proposed rezoning would have no negative impact on local traffic according the Charlotte Department of Transportation

8. It should be noted that at public hearing a neighborhood representative questioned the need for a sidewalk along Cloister Drive That is a requirement It is administered by the City Engineering Department Any variance from that requirement would be determined by the City Engineer

9 In summary, the density and overall design are compatible with the area and the housing which is proposed will not have an impact on adjoining properties No technical problems from the standpoint of McMullen Creek and associated floodway have been identified nor any problems associated with additional traffic from the site. The site is one which is relatively close in relation to central Charlotte and provides the opportunity for

housing at a desirable location Based upon all these factors, the rezoning is compatible with overall objectives for the vicinity and the Planning Commission recommends that the petition be approved

Staff Opinion

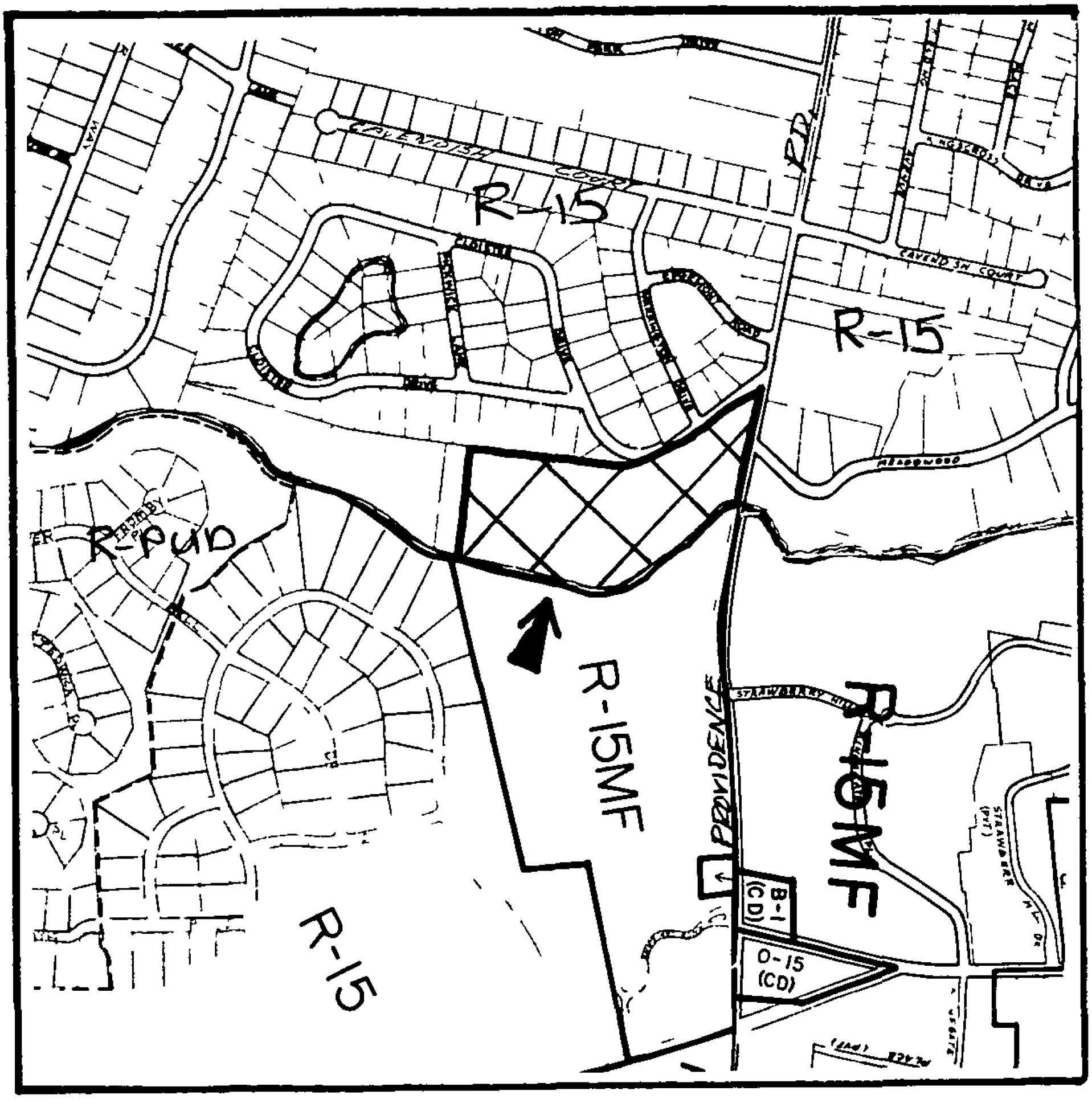
The staff agreed with the Planning Commission

PETITIONER Evans Construction Compnay

PETITION NO. 85-31 HEARING DATE May 20, 1985

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

LOCATION A 19.02 acre site on the southeast side of Providence Road between Cloister Dr. and McMullen Creek.



ZONING MAP NO. 27 SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE

DATE May 23, 1985

PETITION NO 85-33

PETITIONER(S) Richard E Atkinson

REQUEST Change from B-1(CD) to 0-6(CD) B-1(CD) = neighborhood business with a conditional plan, 0-6(CD) = office development with a conditional plan

LOCATION A 52,352 square foot lot at 5101 Monroe Road

ACTION The Planning Commission recommends that the petition be approved

VOTE· Yeas. Clodfelter, Curry, Greene, Griffin, Jernigan, Lawing, Lewis, Lowery, M Smith, and S Smith

Nays None

REASONS

ISSUES

1 Existing Plan Versus New Plan What existing conditions are now approved for this site in terms of use and other related development environment as compared to the proposed new use?

2 Neighborhood Objectives How would the approval of this petition relate to overall neighborhood planning objectives?

BACKGROUND

1 Existing Zoning The property involved in this petition is currently zoned B-1(CD) The site adjoins property zoned 0-6, R-9, and R-9MF districts The 0-6 classification is generally associated with properties which front along Monroe Road and there are also small areas of B-1 near Sharon Amity and near Richland Avenue. Single family areas nearby are zoned R-9, but there are also other areas which are zoned R-9MF

2. Existing Land Use The site presently has a large single family structure on it, but has not been used as such for several years A church is located directly across Eaton Road from the site and the remainder of Eaton Road is devoted to single family residences Along Monroe Road is a concentration of various office uses The Lake Hill Apartments are located nearby on Shade Valley Road Several business uses are located at the Sharon Amity and Monroe Road intersection as well as Sharon Memorial Park

3. Existing Conditional Plan The plan which is now approved for this site permits a restaurant. The existing structure would be retained. Access is gained from both Monroe Road and Eaton Road The plan also allowed for expansion of the parking lot at the extreme northerly edge of the property

4. Proposed Site Plan. The proposed new plan outlines an office development proposal for the property The existing large residential structure as well as a second smaller one will be retained and used for a total of 4,800 square feet of office space. Two other lots to the rear are proposed for two new buildings which would contain a total of 8,000 square feet of office space Total parking requirements for the two phases shall be 49 spaces Access is gained from one driveway point off Monroe Road and four off Eaton Road

GENERAL FINDINGS

1 Comprehensive Plan 1995 (Adopted 1976) The plan indicates a commercial/ office mix in the vicinity of the petitioner's property This plan is in the process of being updated

2 Pre-Hearing Staff Input Staff discussed the matter with the petitioner prior to the submission of the application and generally encouraged the zoning change Staff did caution that new construction should be compatible in scale and appearance with adjoining residential development

3 Neighborhood Context The site is located in the Oakhurst Neighborhood

DETAILED FINDINGS

1 This property is a tract of land located at the corner of Monroe Road and Eaton Road Current zoning is B-1(CD) and the petitioner wishes to rezone the site to O-6(CD) in order to develop an office park. Total square footage of the property is 52,352 square feet

2 As approved under the B-1(CD) at the present time, a restaurant could locate at this site. Under the new proposal, that idea is being abandoned in favor of a small office complex which would utilize a large residential structure that exists on the site as well as a smaller one in combination with two other new buildings to be constructed.

3. The resulting change should relate satisfactorily to the neighborhood Architecturally the new construction will be similar to a residential setting and office development is generally more compatible than business uses in this setting anyway

4. The depth of this property along Eaton Road matches the church across the way and its associated parking lot

5. The approval of this petition is not only compatible with neighborhood objectives, but also Monroe Road as well The approval for B-1(CD) was done with caution to retain the large old home on the site, but there was nonetheless at the time of earlier rezoning caution about a long-standing

concern for commercial zoning along this corridor Removing the B-1(CD) will move back in the direction of less intensive zoning along this street

6. Based upon the above considerations, the rezoning and proposed use is recommended for approval by the Planning Commission

Staff Opinion

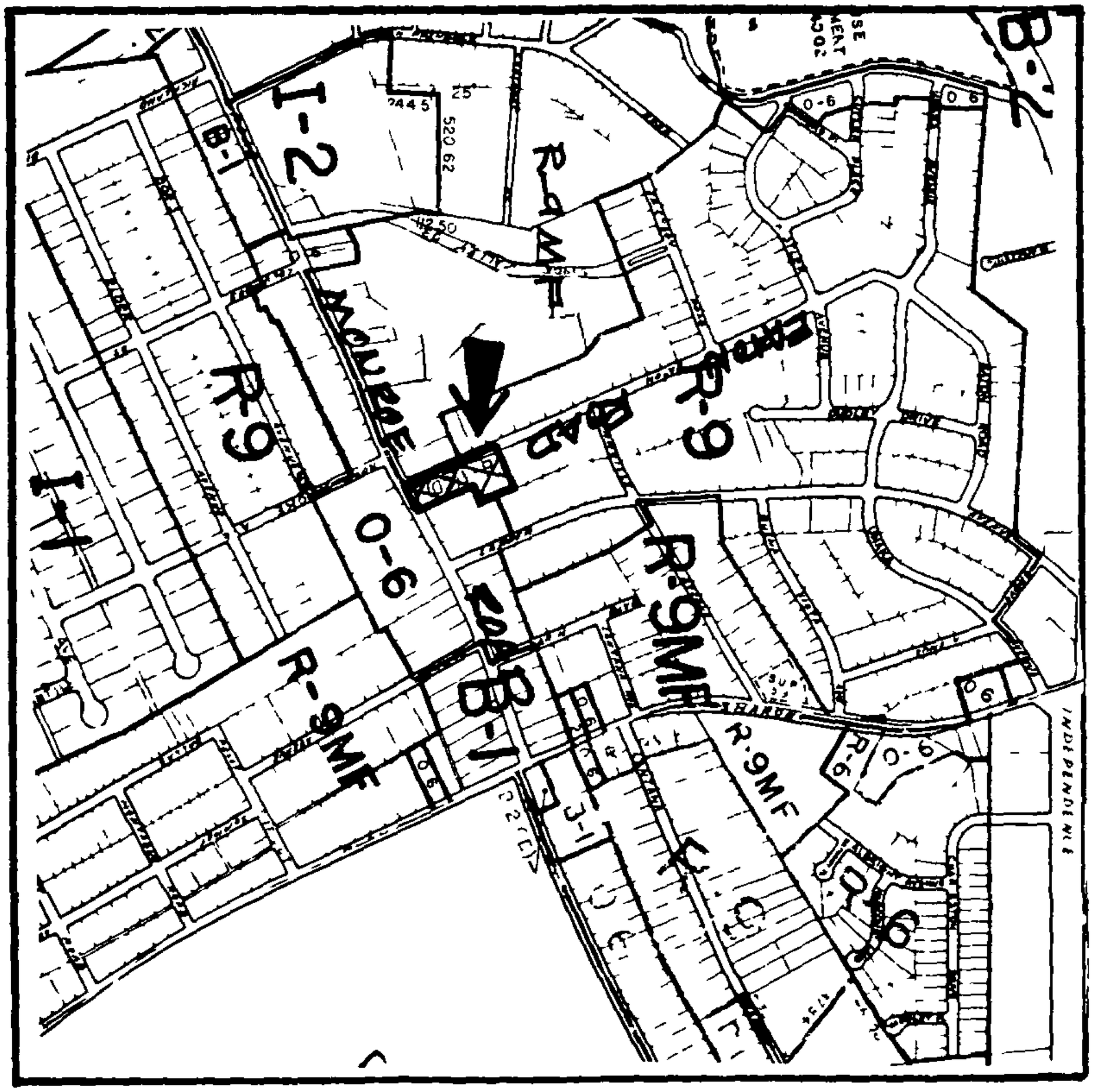
The staff agreed with the Planning Commission

PETITIONER Richard E. Atkinson

PETITION NO. 85-33 HEARING DATE May 20, 1985

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

LOCATION A 52,352 square foot lot at 5101 Monroe Road.


I-2
B-1
R-9MF
O-6
R-9MF
R-9MF
R-9MF

DATE May 23, 1985

PETITION NO . 85-37

PETITIONER(S) Charlotte-mecklenburg Planning Commission

REQUEST· Change fro B-2 and I-3 to U-MUD B-2 = highway business, I-3 = central industrial development, U-MUD = uptown mixed use development

LOCATION Several tracts fronting on West Fourth Street and West Fifth Street

ACTION The Planning Commission recommends that the petition be approved

VOTE Yeas Clodfelter, Curry, Greene, Griffin, Jernigan, Lawing, Lewis, Lowery, M Smith, and S Smith

Nays None

REASONS

ISSUES

1 Uptown Planning Objectives How would the approval of this petition foster overall uptown planning goals including areas along and near West Trade Street?

2 Petition Background How is it that this particular request comes forward to public hearing?

3 Non-conforming Uses Would any non-conforming uses result if this petition is approved?

BACKGROUND

1. Existing Zoning The property involved in the rezoning petition is zoned a combination of B-2 and I-3 Areas nearby which are more or less centered along West Trade Street have recently been rezoned to the U-MUD classification The U-MUD area comprises most of the central business district Otherwise, areas in the vicinity are zoned for urban residential purposes

2 Existing Land Use Because of several different parcels involved in the petition, there are various sorts of land uses associated with the request These range from the Chesapeake Paper facility to a variety of business/ office uses Some parcels are used for parking Up and down West Trade Street is again a variety of various commercial and office uses with some

limited residential, mostly in the area near Third Ward The area closest to Trade and Tryon comprises the most intense land use development in the city, again, a combination of office and retail uses

3. Recent Rezoning Petition A recent rezoning petition, also sponsored by the Charlotte-Mecklenburg Planning Commission, resulted in zoning changes along West Trade Street That petition rezoned that area from B-2 to U-MUD and was approved by City Council on March 18, 1985

GENERAL FINDINGS

1 Comprehensive Plan 1995 (Adopted 1976) The plan indicates commercial and industrial development in the vicinity of the subject property This plan is in the process of being updated

2 West Trade Street Study A study is underway that will address planning and development concepts for the area No recommendations have been made regarding the subject property as of this date

3 RTKL Plan This plan provides a guideline for overall goals and policies for development for the central business district Part of the focus of that plan relates to West Trade Street and areas nearby That plan would encourage a mixture of uses including residential as well as a design emphasis for streetscape areas and the needs of pedestrians

DETAILED FINDINGS

1 Several tracts of land are located in this petition, which is being sponsored by the Charlotte-Mecklenburg Planning Commission Existing zoning is a combination of B-2 and I-3 and the petition is requesting the U-MUD district for these parcels

2 The U-MUD district is a relatively new one which has been established to foster development in the central area This district gives emphasis to design guidelines

3 Recently, a petition was initiated and approved for an area along West Trade Street in this immediate vicinity That petition was the result of desired patterns and goals for West Trade to foster its revitalization Many groups and individuals interested in this area backed that rezoning

4 As a spin-off of that rezoning, this petition resulted It was believed at the time of that hearing that these areas should also be included in a new petition which would in effect round out the pattern of U-MUD zoning in this area and provide the same assurances and guidelines as the other areas nearby In recommending approval of the above mentioned rezoning, Planning Commission decided to take a look at this area and subsequently did decide to sponsor this petition

5 In reviewing this application, it is believed that approval of this request will be consistent with the earlier rezoning and overall uptown

development plans The U-MUD district offers a level of design assurances which the existing B-2 and I-3 districts do not

6 It should be pointed out that at least one non-conforming use would be created by this rezoning The Chesapeake Paper facility on West Trade Street, which is now zoned I-3, would become a non-conforming use It would be allowed to continue operations, but would not be allowed to expand No one spoke in behalf of Chesapeake at the public hearing Further, their expansion capabilities are probably rather limited anyway due to site constraints.

7 Based upon the above circumstances, the petition is recommended for approval by the Planning Commission It is consistent with the RTKL Plan and overall policies designed to revitalize this important gateway area to the Charlotte central business district

Staff Opinion

The staff agreed with the Planning Commission

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 85-37 HEARING DATE May 20, 1985

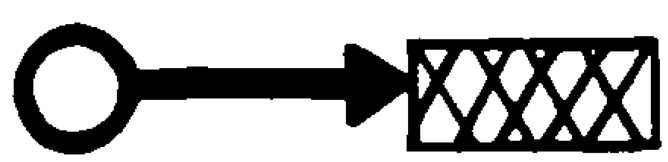
ZONING CLASSIFICATION, EXISTING B-2 & I-3 REQUESTED U-MUD

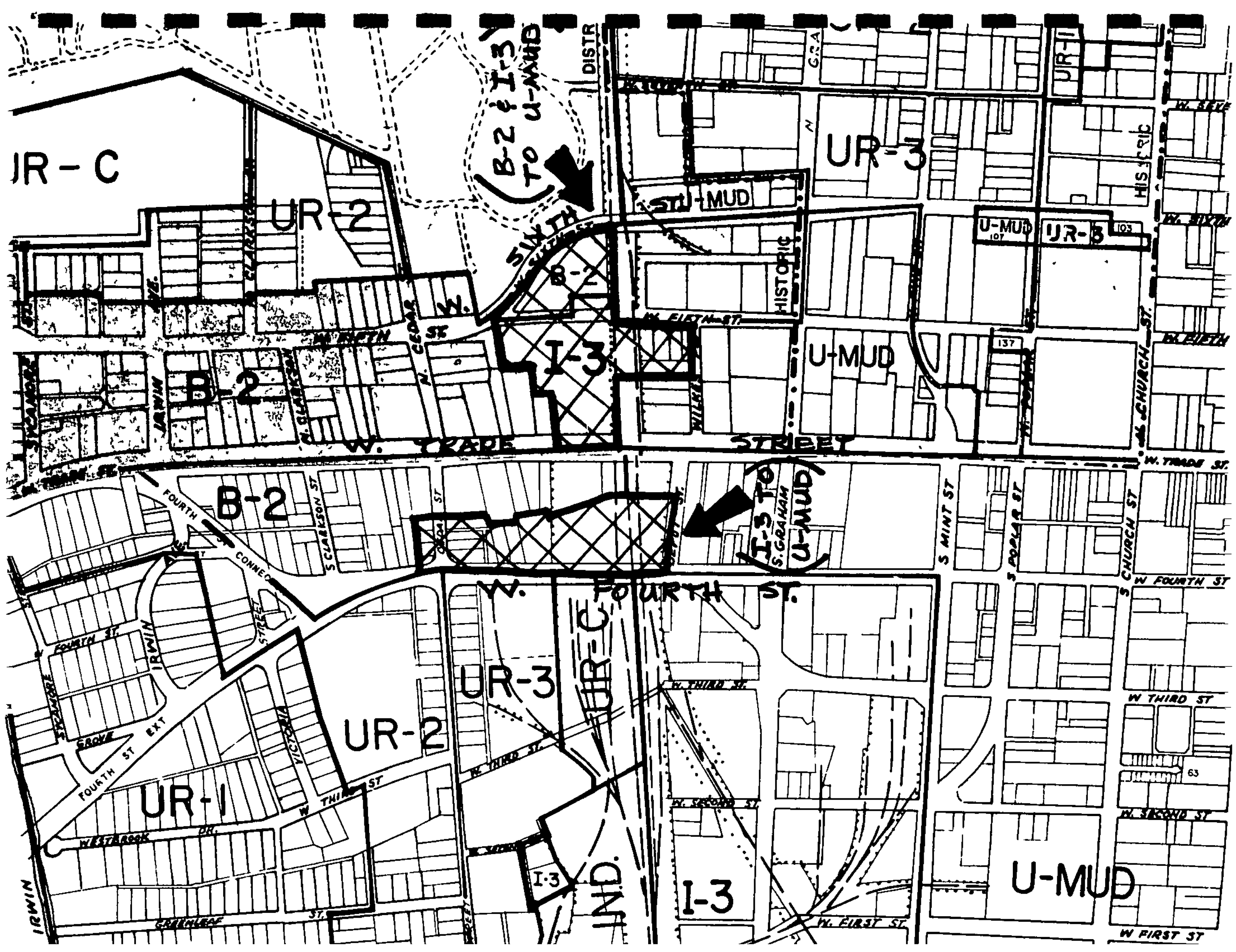
LOCATION Several tracts fronting on W. 4th Street and W. 5th Street in the Charlotte Uptown area.

SEE ATTACHED MAP

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

PROPERTY PROPOSED FOR CHANGE




UR-C
UR-2
B-2 & I-3 TO U-MUD
DISTR
UR-3
U-MUD
HISTORIC
UR-1
W. SIXTH
W. FIFTH ST.
W. FIFTH
I-3
B-2
W. TRADE STREET
W. TRADE ST.
N. CHURCH ST.
FOURTH
CONNEC
S. CLARKSON ST
I-3 TO U-MUD
S. GRAHAM
S MINT ST
S POPLAR ST
S CHURCH ST
W FOURTH ST
W. FOURTH ST.
FOURTH ST.
IRWIN
VICTORIA
UR-3
UR-C
W. THIRD ST.
W THIRD ST
UR-2
FOURTH ST EXT
GROVE
UR-1
WESTBROOK DR.
W. SECOND ST.
W SECOND ST
I-3
I-3
U-MUD
GREENLEAF ST.
W. FIRST ST.
W FIRST ST

ATTACH # 8

CHARLOTTE

June 6, 1985

Mayor Harvey Gantt
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members.

Attached is a recommendation of the Charlotte-Mecklenburg Planning Commission on a petition for rezoning which has been heard and referred to the Planning Commission for consideration. The recommendation as reflected herein was arrived at in a meeting of the Planning Commission on June 4, 1985 This matter will now be placed on your agenda for decision on June 17, 1985

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

Respectfully submitted,

Robert G Young
Zoning Coordinator

RGY.bd

Attachments

DATE June 4, 1985

PETITION NO · 85-35

PETITIONER(S) J D Sims and Company

REQUEST Change from R-12MF to B-2(CD)

LOCATION An 8 acre site south of the 7500 block of East Independence Boulevard between Village Lake Drive and McAlpine Creek

ACTION The Planning Commission recommends that the petition be approved for B-2(CD) in lieu of the originally requested B-2

VOTE Yeas Clodfelter, Curry, Griffin, Jernigan, Lawing, Lowery, M Smith and S Smith.

Nays None

(Lewis abstained from voting)

REASONS.

ISSUES

1. Relationship to McAlpine Greenway How does the property relate to the McAlpine Greenway and what issues should be considered in light of that relationship?

2. Relationship to Other Adjoining Properties Conversely, what is the property's relationship to other property which the petitioner owns and is developing?

3 Overall Pattern. Would the approval of this request be consistent with existing as well as anticipated zoning and land use patterns for the vicinity?

BACKGROUND

1 Existing Zoning. The property involved in this petition is currently zoned R-12MF. It is bordered on one side by other R-12MF property, by R-12 zoning along the southerly side, and the other two sides adjoin B-2 zoning The B-2 zoning extends along Independence Boulevard in this vicinity North of the site there are also two small tracts which are zoned I-2(CD) and B-D(CD) Generally, land along Eastlake Village Drive is zoned R-12MF for multi-family purposes.

5. Following the public hearing on this matter, the Planning Commission deferred action on the request in order that the petitioner could work with staff to develop a CD plan Staff had identified a few minor concerns which would be handled in CD approach The Planning Commission was receptive to that, but wanted to make sure that the plan should be a general one (See Background #3 for plan details)

6. Primarily, the concern focused on the area of the site which adjoins the McAlpine Creek Greenway The site plan now addresses those concerns by providing that any service areas associated with the development will be located internally and, thus, not be exposed to the Greenway Also, pedestrian and maintenance easements will be granted This will facilitate use and enjoyment of the Greenway by workers at Quorum as well as nearby apartment dwellers

7 Based upon the above, the Planning Commission recommends that the petition be approved.

Staff Opinion

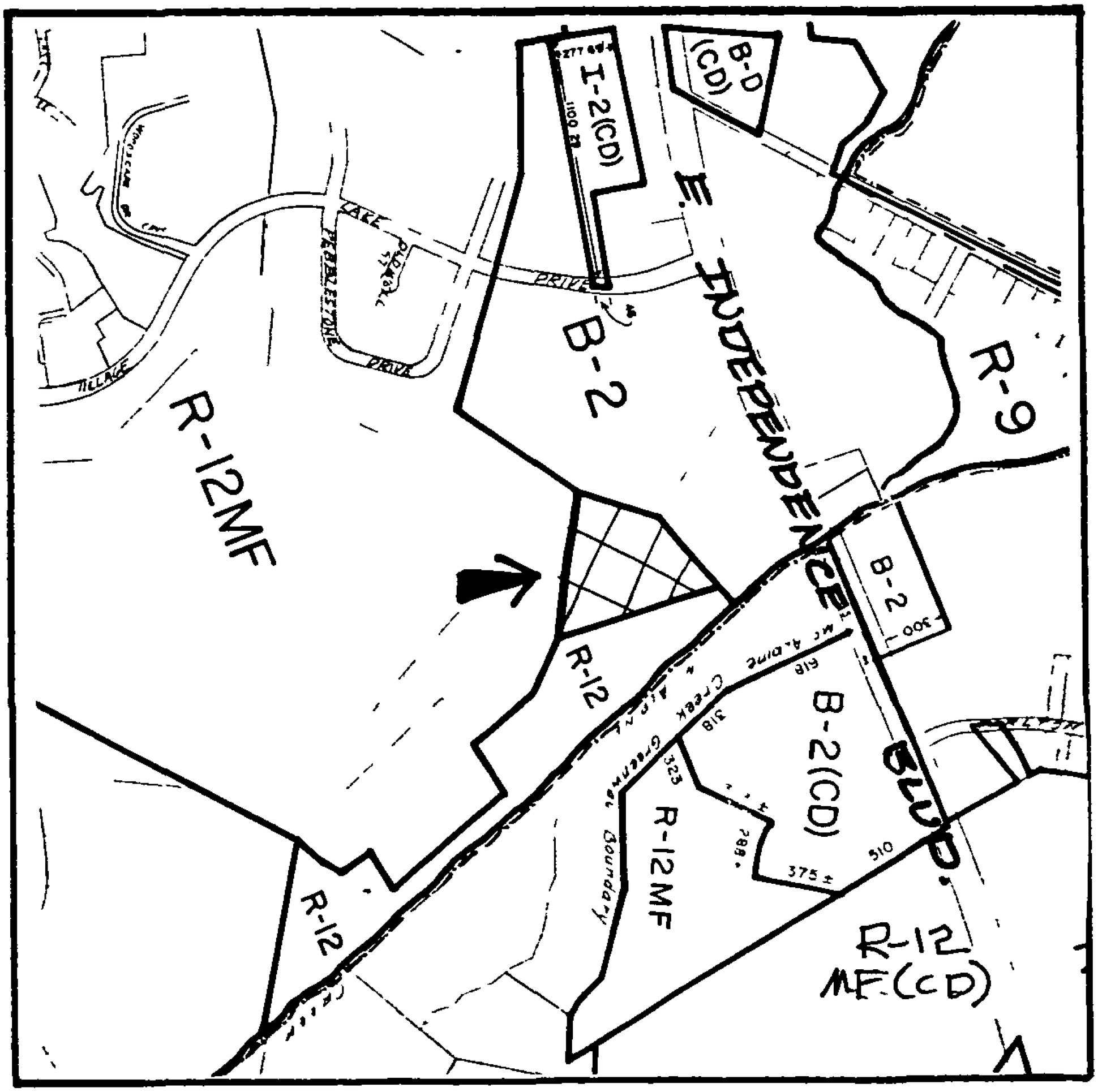
The staff agreed with the Planning Commission.

PETITIONER J. D. Sims and Company

PETITION NO. 85-35 HEARING DATE May 20, 1985

ZONING CLASSIFICATION, EXISTING R-12MF REQUESTED B-2

LOCATION An 8.001 acre site south of the 7500 block of East Independence Blvd. between Village Lake Drive and McAlpine Creek.



ZONING MAP NO. 25 SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE