AGENDA

Meeting Type:	Z
Date:	04-21-1986
SUBJECT	

City of Charlotte, City Clerk's Office

Charlotte

FILE COPY

4/21/86

council agenda

Charlotte

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

Meetings in April '86

APRIL 1 - APRIL 5

1	Tuesday, 4 00 p m	CITY COUNCIL (FY87-91 Capital Improvement Program Workshop) - City Hall Annex, Training Center
	Tuesday, 6 00 p m	ADVISORY PARKS TASK FORCE - City Hall, 2nd Floor Conference Room
	Tuesday, 7 00 p.m	PLANNING COMMISSION /Minor Special Use Permit Board - Cameron-Brown Bldg , 1st Floor Conference Room
	Tuesday, 7 30 p m	PLANNING COMMISSION - Cameron-Brown Bldg , 1st Floor Conference Room
2	Wednesday, 7 30 a m	PLANNING COMMISSION/Planning Liaison Com - Cameron-Brown Bldg , 1st Floor Conference Room
	Wednesday, 4 00 p m	SPECIAL CITY COUNCIL MEETING (Award of Structural Steel Bid for Coliseum, FY87-91 Capital Improvement Program Workshop) City Hall Annex, Training Center
	Wednesday, 6 30 p m.	YOUTH INVOLVEMENT COUNCIL - Belmont Regional Center, 700 Parkwood Ave
3	Thursday, 3 30 p.m.	CITIZENS CABLE ADVISORY COMMITTEE/Subcommittee on Needs Assessment - WTVI, 42 Coliseum Drive
	Thursday, 4 00 p.m.	CITY COUNCIL (FY87-91 Capital Improvement Program Workshop) - City Hall Annex, Training Center
	Thursday, 5 00 p.m	CITIZENS CABLE ADVISORY COMMITTEE - WTVI, 42 Coliseum Drive
4	Friday, 3 00 p.m.	CITIZENS REVENUE COMMITTEE (Subcommittees #1 & 3) - Cameron-Brown Bldg Planning Commission, 1st Floor Conference Room

THE WEEK OF APRIL 6 - APRIL 12

8	Tuesday, 9 00 a m	HISTORIC DISTRICT COMMISSION - Edwin Towers, Conference Room
9	Wednesday, 7 00 a m	CITIZENS REVENUE COMMITTEE (Subcommittee #2) - Cameron Brown Bldg Finance Dept Conference Room, 6th Floor
	Wednesday, 7 30 a m	PRIVATE INDUSTRY COUNCIL - Chamber of Commerce - Action Room "A"
	Wednesday, 6 30 p m	YOUTH INVOLVEMENT COUNCIL - Belmont Regional Center, 700 Parkwood Ave
	Wednesday, 7 30 p m	HISTORIC PROPERTIES COMMISSION - City Hall, 2nd Floor Conference Room
11	Friday, 3 00 p m	CITIZENS REVENUE COMMITTEE - Board of Education, Rooms 237-239

(Continued on Back)

THE WEEK OF APRIL 13 - APRIL 19

14	Monday, 12 00 Noon	PLANNING COMMISSION (Work Session) - Cameron-Brown Bldg , 1st Floor Conference Room
	Monday, 7 00 p m	CITIZENS HEARING - Spaugh Middle School, 1901 Herbert Spaugh Lane
	Monday, 7 30 p m	CITY COUNCIL MEETING - Spaugh Middle School, 1901 Herbert Spaugh Lane
15	Tuesday, 10 30 a m	AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY - Convention Center, Conference Room
16	Wednesday, 8 30 a m	CIVIL SERVICE BOARD - City Hall, 2nd Floor Conference Room
	Wednesday, 10 00 a m	CIVIL SERVICE BOARD (Hearing) - City Hall, Council Chamber
	Wednesday, 1 00 p m	HOUSING AUTHORITY Administrative Offices, 1301 S Boulevard
	Wednesday, 2 00 p m	TECHNICAL COORDINATING COMMITTEE - City Hall Annex, Dept. of Transportation Conference Room
	Wednesday, 4 30 p m	COMMUNITY RELATIONS COMMITTEE - Covenant Presbyterian Church, 1000 E. Morehead Street
	Wednesday, 7 00 p m	PUBLIC HEARING ON FY87 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS - City Hall, Council Chamber
17	Thursday, 7 30 p m	CHARLOTTE TREE COMMISSION - Parks Operations, 700 Tuckaseegee Rd
	Thursday, 8 00 p m	CLEAN CITY COMMITTEE - Cameron-Brown Bldg , 5th Floor Conference Room
18	Friday, 7 30 a m	PLANNING COMMISSION/Planning Liaison Committee - Cameron-Brown Bldg , 1st Floor Conference Room

THE WEEK OF APRIL 20 - APRIL 26

21	Monday, 5 00 p m	COUNCIL/MANAGER DINNER - Education Center, Rooms 237-239
	Monday, 6 00 p m	CITY COUNCIL (Zoning Hearing) - Education Center, Board Room
22	Tuesday, 3.00 p.m.	COMMUNITY FACILITIES COMMITTEE Charlotte-Mecklenburg Utility Dept , 5100 Brookshire Blvd
	Tuesday, 4 30 p m	MUNICIPAL INFORMATION ADVISORY BOARD Cameron Brown Building, 3rd Floor Conference Room
24	Thursday, 4 00 p m	PLANNING COMMISSION (Deferred Rezoning) - Cameron-Brown Bldg., 1st Floor Conference Room
	Thursday, 4 00 p m	PLANNING COMMISSION/Minor Special Use Permit Board - Cameron Brown Bldg , 1st Floor Conference Room
	Thursday, 6.00 p.m.	PUBLIC HEARING ON 13 ANNEXATION AREAS - Education Center, Board Room

APRIL 27 - APRIL 30

28	Monday	CITY COUNCIL MEETING CANCELLED
28	Monday, 4 00 p m	PLANNING COMMISSION/Executive Committee - Cameron-Brown Bldg , 1st Floor Conference Room

These organizations will <u>not</u> meet in April

Advisory Energy Commission
Advisory Board For Citizens with Disabilities
Airport Advisory Committee
Citizens Advisory Council for Hazardous Chemicals
Insurance & Risk Management Agency
Metropolitan Planning Organization
Specialized Transportation Advisory Committee
Stormwater Management Committee

FAGREMNADLA

Charlotte

IN MEETING APRIL 21, 1986

4:30 p.m. - CITY COUNCIL/COUNTY COMMISSIONERS/
PLANNING COMMISSION
Domestic Violence Task Force Presentation (Board Room)
Dinner - Room 237-239
Hidden Valley Special Study Review
West Morehead Special Project Plan (time permitting)
West Trade Special Project Plan (time permitting)

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

ITEM NO.

1. Invocation by the Reverend J. T. White, Walls Memorial AME Zion Church.

2. Discussion of Impact of Constitutional Amendment on May 6th ballot providing for election of state and county officers in odd-numbered years. Supervisor of Elections William B. A. Culp, Jr. will be present at this meeting.

3. Adoption of an ordinance to extend the corporate limits of the City of Charlotte to include property located on the northeast intersection of Providence Road and N. C. Highway 51.

A public hearing was held April 14, 1986, on the voluntary annexation petition by Torrence E. Hemby, Jr., Beverly Hemby Leahy, and the Alex Hemby Foundation of Property located at the northeastern intersection of Providence Road and N C. Highway 51.

~~Attachment No. 1~~

council agenda

Mayor Harvey B. Gantt **Mayor Pro Tem Al Rousso**

Charlie S. Dannelly
Gloria Fenning
Ann Hammond
Ron Leeper
Roy Matthews
Cyndee Patterson
Pamella G. Patterson
Minette Conrad Trosch
Richard Vinroot
Velva W. Woollen

The adoption of the ordinance was deferred to April 21, 1986, because the petitioners had not obtained written waivers from each town that is a party with the City of an agreement that states no annexation ordinance may be adopted without first giving sixty days advance notice to each town of the pending annexation.

Attachment No. 1

PUBLIC HEARINGS

4. Hearing on Petition No. 86-32 by Schurgin Development Corporation for a change in zoning from O-15, O-15(CD) and R-9 to B-1(CD) and R-9(CD) for an approximately 7 acre site located off Grafton Place and Albemarle Road.

The hearing was postponed, at the petitioner's request, from the March 17th meeting.

A protest petition has been filed and found sufficient to invoke the 3/4 rule, requiring affirmative votes of 3/4 of the Mayor and Councilmembers, not excused from voting, in order to rezone the property.

Attachment No. 2-A

5. Hearing on Petition No. 86-35 by the Charlotte-Mecklenburg Planning Commission for text amendments to the City of Charlotte Zoning Ordinance, Section No. 3045.2 and 3065.3 to change the development standards for multifamily development in office business districts.

Attachment No. 2-B

6. Hearing on Petition No. 86-36 by the Charlotte-Mecklenburg Planning Commission, for text amendments to the City of Charlotte Zoning Ordinance, Section No. 3053.7, to change the regulations for temporary decorative signs.

This is an amendment to remove the regulations for temporary banners and signs from the zoning regulations which cover the uptown area. The present standards have proven unworkable and of little public value. This proposal is forwarded after discussions with the City Attorney, Operations Department, Planning and Zoning staffs which concluded that the regulations would be better located elsewhere in the City Code. The City Attorney's office is preparing a companion Code amendment. The effective date of the zoning text change should be tied to the adoption of the parallel Code amendment

Attachment No. 2-C

7. Hearing on Petition No. 86-37 by Myers Park Homeowners Association, Inc. for a change in zoning from R-6MF to R-12 for a 2.198 acre site located on Queens Road between Hopedale and Pembroke Avenues.

A protest petition has been filed and found sufficient to invoke the 3/4 rule, requiring affirmative votes of 3/4 of the Mayor and Councilmembers not excused from voting, in order to rezone the property.

Attachment No. 2-D

8. Hearing on Petition No. 86-38 by Tuckaseegee Road Community Organization, for a change in zoning from R-9MF to R-12 for a 10.14 acre site located on Toddville Road, north of its intersection with Tuckaseegee Road.

Attachment No. 2-E

9. Hearing on Petition No. 86-39 by Hickory Grove Baptist Church for a change in zoning from R-12 to R-I (residential institutional), for a 17.31± acre site located at 6050 Hickory Grove Road.

Attachment No. 2-F

10. Hearing on Petition No. 86-40 by Crow Charlotte Retail #2, Ltd. for a change in zoning from O-15 to B-1(CD) for a 5.8 acre site located on Central Avenue, west of Reddman Road, with frontage also on Albemarle Road.

Attachment No. 2-G

11. Hearing on Petition No. 86-41 by Albert Carroll Davis, for a change in zoning from R-6MF to R-6MFH for .246 acre site located at 1936 Park Road.

A protest petition has been filed and found sufficient to invoke the 3/4 rule requiring affirmative votes of 3/4 of the Mayor and Councilmembers not excused from voting, in order to rezone the property.

Attachment No. 2-H

12. Hearing on Petition No. 86-42 by Stuckey Furniture Company, for a change in zoning from R-12 to B-2(CD) for a .66 acre site located on the north side of Gloryland Avenue, off North Tryon Street.

Attachment No. 2-I

13. Hearing on Petition No. 86-43 by Wendover Shopping Center Association, for a change in zoning from B-1(CD) to Site Plan Amendment, for 7.9 acres located on the west side of Wendover Road, south of Latrobe Drive.

Attachment No. 2-J

14. Hearing on Petition No. 86-44 by City of Charlotte and State of North Carolina, to accept the existing zoning of R-15, B-2, R-6MF and I-1, on recently annexed property located in the Billy Graham Parkway/Wilmont Road Area.

Atachment No. 2-K

BUSINESS

15. Recommend award of contract for the foundation concrete package for the new coliseum.

This work will include grade beams, footings, caisson caps, and slab-on-grade seating. Bids will be received on April 17, and additional information will be provided prior to the Council meeting on April 21, 1986.

POLICY AGENDA

16. Recommend adoption of the West Morehead Special Project Plan as a policy guide for future land use and zoning decisions.

The plan specifically recommends· Two government initiated rezonings that retain no non-conforming land uses; the identificaion of infrastructure in need of improvement; and the implementation of the Redevelopment Plan written in conjunction with this project.

In addition, it explores: The possibility of consolidating fragmented land ownership; implementation of a marketing program; promotion of a business owners' association; reuse of abandoned rail line rights-of-way.

Attachment No. 3

17. Recommend adoption of the Third Ward/West Trade Street Special Project Plan as a policy guide for future land use and zoning decisions.

Rezonings will be necessary at the Irwin Avenue School site; for two residential parcels at the corner of North Svcamore and West Sixth Streets; and for the former scrap yard site.

Additionally, several physical improvements are proposed relating to Fraizier Park and pedestrian circulation.

Attachment No. 4

18. Decision on Petition No. 86-23 by Browning Properties, Inc. for a change in zoning from R-12MF(CD) to R-6(CD) for a 9.90 acre site located at 830 Marsh Road (Selwyn Farms).

This petition was deferred from the March 17, 1986 meeting.

The Planning Commission recommends that the petition be approved.

Attachment No. 5

19. Decision on Petition No. 85-73 by Gary W. McCoy, H. Michael McCoy and Edwin R. McCoy, III, for a change in zoning from I-2 Conditional Use to I-2 for a 2.83 acre site located at the northeast corner of Billy Graham Parkway and Old Dowd Road.

The Planning Commission recommends this petition be approved.

Attachment No. 6-L

20. Decision on Petition No. 86-8 by H. C. Gabler, Inc., for a change in zoning from I-1 to I-2(CD) for a 4 acre tract located at 550 Gulf Drive.

The Planning Commission recommends that the petition be approved.

Attachment No. 6-M

21. Decision on Petition No. 86-16 by the Charlotte-Mecklenburg Planning Commission, for a change in zoning from R-9MF to R-15MF for approximately 62 acres located south of I-85 and north of Tom Hunter Road.

Decision on this Petition was deferred from the March 17, 1986 meeting.

The Planning Commission recommends that this petition be approved in part.

Attachment No. 6-N

22. Decision on Petition No. 86-17 by the Charlotte-Mecklenburg Planning Commission, for a change in zoning from R-9MF to R-6 for approximately 25 acres located on Tom Hunter Road, north of Hidden Forest Drive intersection.

Decision on this Petition was deferred from the March 17, 1986 meeting.

The Planning Commission recommends that this petition be approved in part.

Attachment No. 6-O

23. Decision on Petition No. 86-25 by Charlotte-Mecklenburg Planning Commission for a change in zoning for Part 1 from R-9MF to R-15MF, and for Part 2 from R-9MF to R-6 and R-15MF for a total of 21.29 acres. Part 1 is located east of the intersection of Elgywood Lane and Austin Drive; Part 2 is located between Tom Hunter Road and I-85.

The Planning Commission made no recommendation for Part 1 as the vote resulted in a tie. Part 2 is recommended in part.

Attachment No. 6-P

24. Decision on Petition No. 86-26 by the Charlotte-Mecklenburg Planning Commission for a change in zoning for Part 1 from R-9MF to R-12, and for Part 2 from B-2 to O-6 for a total of 3.954 acres. Part 1 is located southwest of the intersection of Oneida Road and Garvis Drive, also the parcel north of the intersection of Oneida Road and Garvis Drive. Part 2 is located east of the intersection of Graham and Princess Street.

The Planning Commission recommends that the petition be approved.

Attachment No. 6-Q

25. Decision on Petition No. 86-27 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from R-9MF, I-1 and O-6 to R-15MF and R-9 for a total of 65 acres located along Glory Street, West Sugar Creek Road, Penney Way and Montgomery Drive.

The Planning Commission recommends that this petition be denied.

Attachment No. 6-R

26. Decision on Petition No. 86-29 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from B-1 and O-6 to R-6MF, R-15MF, and R-9 for a total of 12.14 acres located along West Sugar Creek Road at Cushman Street and Rutgers Avenue north of Sofley Road, and along Cinderella Road and Gondola Avenue.

A protest petition was filed and found sufficient to invoke the 3/4 rule requiring affirmative votes of 3/4 of the Mayor and Councilmembers, not excused from voting with regards to the parcels lying on the east side of Sugar Creek Road. The protest petition was insufficient to invoke the 3/4 rule with regards to the parcels lying on the west side of Sugar Creek Road.

The Planning Commission recommends that the petition be denied.

Attachment No. 6-S

27. Decision on Petition No. 86-30 by Excelsior Lodge No. 261 AF & AM for a change in zoning from R-12 and R-9 to R-12MF(CD) for a 5.3 acre site located at 3900 Litchfield Road.

The Planning Commission recommends that the petition be approved.

Attachment No. 6-T

28. Decision on Petition No. 86-33 by James Howard Cherry, Jr., for a change in zoning from I-1(CD) to B-2 for a 5.107 Acre site located off Village Lake Drive.

The Planning Commission recommends that the petition be approved.

Attachment No. 6-U

29. Recommend adoption of a resolution calling for public hearings on Monday, May 19, 1986, at 6:00 p.m. in the Board Room of the Education Center, on Petition Nos. 86-45 through 86-54 for zoning changes.

30. Adoption of a resolution calling for a public hearing on Petition SUP 86-2 for a Major Special Use Permit for a Hospital in a Residential District.

Council is to set a date and time for this hearing.

31. A Special Use Permit request (SUP-86-1) was filed by Whitner Farms, Inc. for consideration of a retirement center on Park Road near the YWCA, and scheduled for a hearing on January 28, 1986. Prior to the meeting, the petitioner requested a postponement in order to permit continued work with the site plan and with individuals and groups interested in the subject.

The petitioner has written to request that the matter become active and a hearing be scheduled.

Council is to set a date and time for this hearing.

- SCHEDULE OF MEETINGS -
April 21 - May 2, 1986

Monday, April 21	Domestic Violence Task Force Presentation Education Center, Board Room	4 30 p. m
	Dinner/Special Neighborhood Project Plans Rooms 237-239	
	ZONING HEARINGS Board Room	6 00 p. m
Thursday, April 24	PUBLIC HEARINGS ON 13 ANNEXATION AREAS Education Center, Board Room	6 00 p m
Monday, April 28	ANNUAL CHAMBER OF COMMERCE INTER-CITY VISIT TO PHOENIX, ARIZONA	

SURVEY FOR

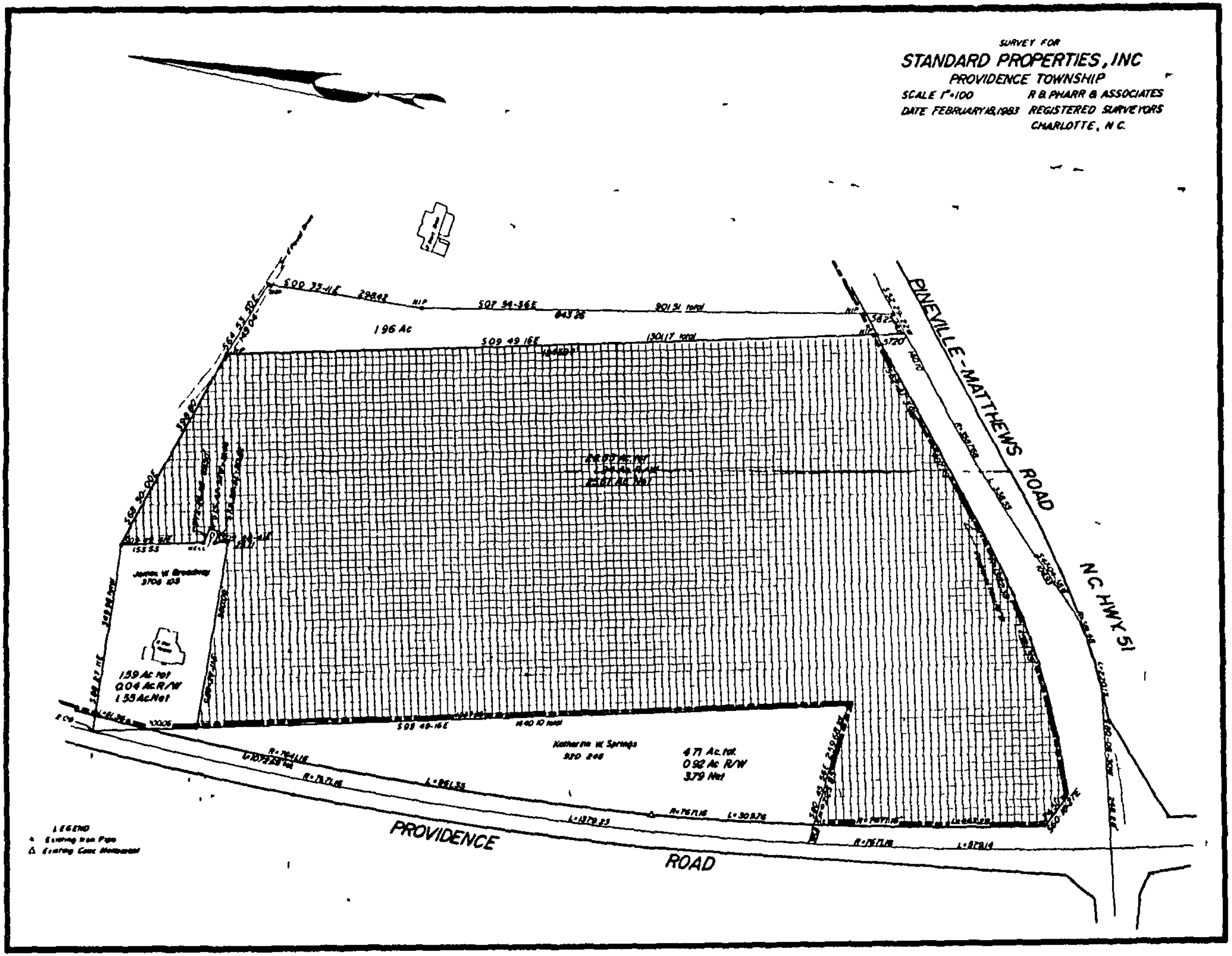
STANDARD PROPERTIES, INC

PROVIDENCE TOWNSHIP

SCALE 1"=100 R. B. PHARR & ASSOCIATES

DATE FEBRUARY 18, 1983 REGISTERED SURVEYORS

CHARLOTTE, N.C.



#2

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

March 17, 1986

Mayor and City Council

RE Rezoning Petitions to be Heard in April, 1986

Attached you will find appropriate maps and copies of each petition, for rezoning petitions scheduled for public hearing on April 21, 1986, at 6 00 o'clock P M , Fourth Floor, Education Center, 701 East Second Street

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

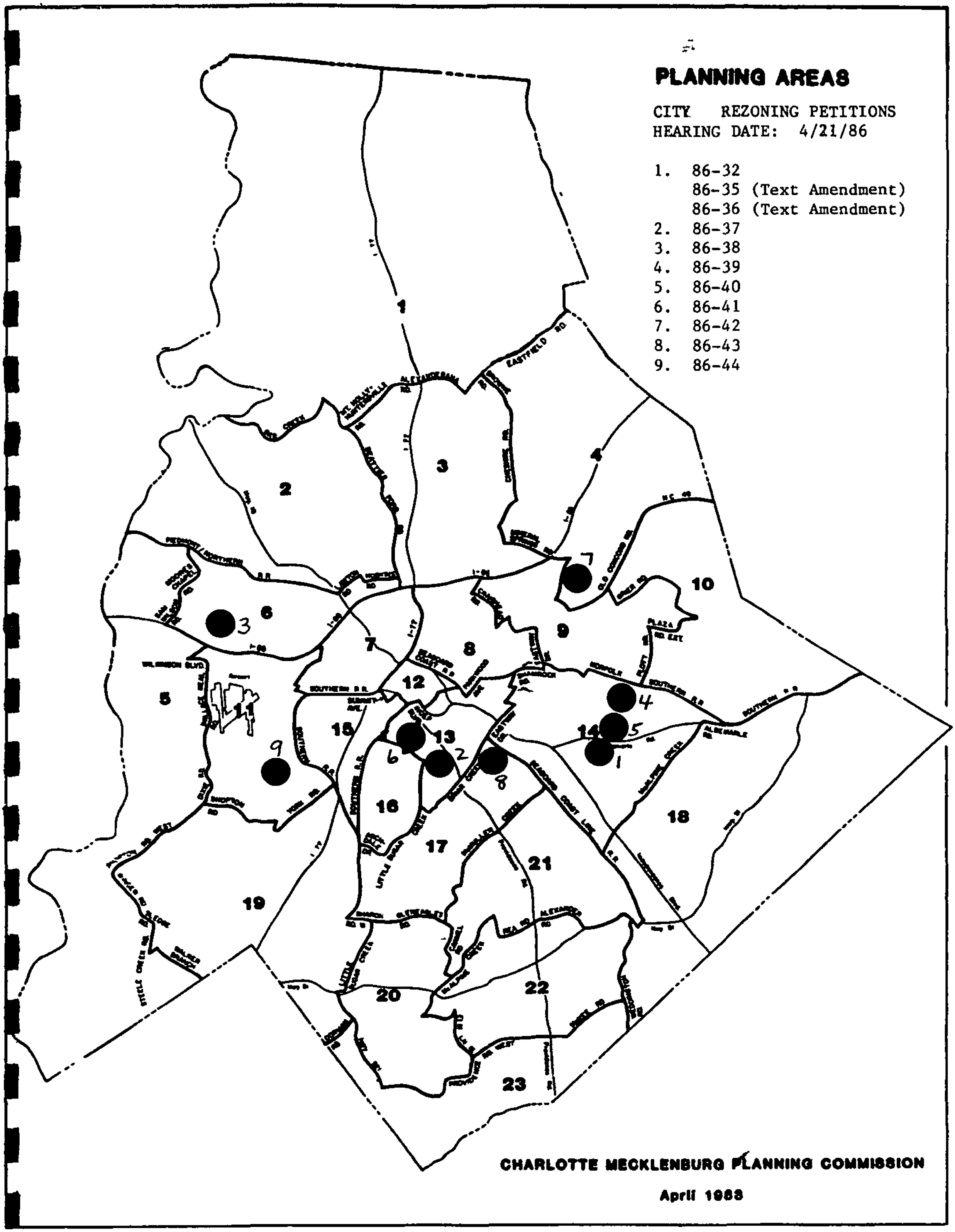
Sincerely,

Robert G Young
Land Development Manager

RGY oj

Attachments

Cameron Brown Building • 301 South McDowell Street • Charlotte North Carolina 28204 • (704) 336 2205

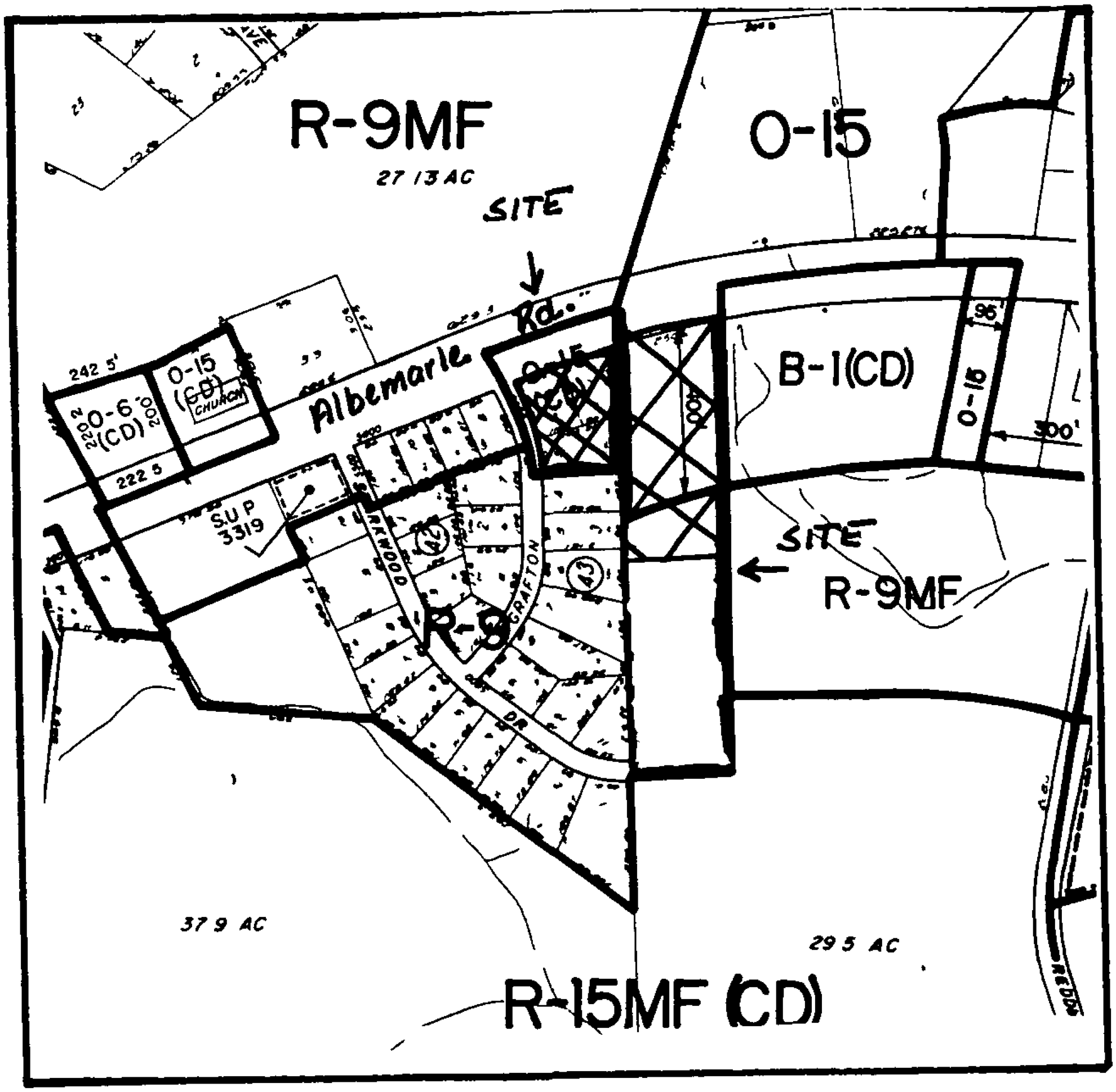

PLANNING AREAS
CITY REZONING PETITIONS
HEARING DATE: 4/21/86
1. 86-32
86-35 (Text Amendment)
86-36 (Text Amendment)
2. 86-37
3. 86-38
4. 86-39
5. 86-40
6. 86-41
7. 86-42
8. 86-43
9. 86-44
CHARLOTTE MECKLENBURG PLANNING COMMISSION
April 1983

PETITIONER SCHURGIN DEVELOPMENT CORPORATION

PETITION NO. 86-32 HEARING DATE 4/21/86

ZONING CLASSIFICATION, EXISTING O-15, O-15(CD), R-9 REQUESTED B-1(CD) and R-9(CD)

LOCATION An approximately 5 acre site located off Grafton Place and Albemarle Road



ZONING MAP NO. 113 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 86-32
Date Filed 2 3 86
Received By CL
OFFICE USE ONLY

Ownership Information

Petitioner ~~Property Owner~~ Schurgin Development Corporation

Petitioner's ~~Owner's~~ Address 3425 McLaughlin Avenue, Suite 201
Los Angeles, California 90066

Date Property Acquired Two tracts - see Attachment A

Deed Reference See Attachment A

Tax Parcel Number 133-043-01
133-043-02
133-043-03
133-051-01

Location Of Property (address or description) See attached survey

Description Of Property

Size (Sq Ft -Acres) See attached survey

Street Frontage (ft) See attached survey

Current Land Use Vacant

Zoning Request

Existing Zoning 0-15 and 0-15(CD) and R-9

Requested Zoning B-1(CD) and R-9(CD)

Purpose of zoning change To accommodate a neighborhood shopping facility as per the attached site plan.

Benjamin S. Horack/Russell J. Schwartz
Horack, Talley, Pharr & Lowndes
Name of Agent

1600 One Tryon Center, Charlotte, NC 28284
Agent's Address

704/377-2500
Telephone Number

Schurgin Development Corporation
Name of Petitioner(s)

3425 McLaughlin Avenue, Suite 201
Address of Petitioner(s) Los Angeles, CA 90066

213/208-2097
Telephone Number

Allen J. Lynch, Asst. V.P.
Signature

ALLEN J. LYNCH, Asst V.P.
~~Signature of Property Owner or Other Petitioner~~

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 86-32

Petitioner	Schurgin Development Corporation
Location	Approximately 7 acres off Grafton Place on the southerly side of Albemarle Road
Request	Change from O-15, O-15(CD) and R-9 to B-1(CD) and R-9(CD).

ISSUES

1 Albemarle Road Small Area Plan Does the rezoning request conform to land use and zoning policies contained in the Albemarle Road Small Area Plan?

2 Site Plan What aspects of the conditional site plan are important to evaluate?

3. Relationship to Neighborhood What is the relationship of this site to adjoining residential properties and to the Grafton/Starkwood neighborhood?

BACKGROUND.

1 Existing Zoning The property involved in this petition is zoned three classifications. O-15, O-15(CD) and R-9. Adjoining the site along its easterly boundary is a B-1(CD) tract as well as an area zoned R-9MF Most of the remaining borders of the southerly and westerly sides of the site are either R-9 or R-9MF Similarly, R-9MF zoning extends across Albemarle Road from the site Along Albemarle Road generally to the east is a combination of O-15 and B-2 zoning. Large areas somewhat further south of the site are zoned R-15MF(CD) and extend generally from Sharon Amity Road to Reddman Road

2 Existing Land Use. The subject property is vacant A number of single family homes are located along Starkwood Drive and Grafton Place, though there is an area which fronts on Albemarle between the two streets which is vacant The Lake Apartments are located across from the site as is the Hartford Insurance Company office The Reddman Square Shopping Center also adjoins the easterly boundary of the site Other commercial and office uses are generally located farther east along Albemarle Road A concentration of multi-family development is occurring along Reddman Road

3 Proposed Site Plan The conditional site plan proposes a shopping center for the site which would include a maximum area of 38,000 square feet Access into the site would be located only from Albemarle Road The plan also provides for an access to the adjoining shopping center A berm will be constructed along the perimeter of the site where it adjoins Grafton Place and generally around the first residential lot on Grafton Place This berm will provide screening between the street and the residence from the shopping center's parking and circulation area

4 Existing 0-15(CD) Plan A portion of the site is presently zoned 0-15(CD), but the plan has never been built. A total of 14,700 square feet is shown Access is from Albemarle Road and Grafton Place A 40 foot sideyard/buffer is shown when the property abuts a residence on Grafton

GENERAL FINDINGS

1 2005 Plan The 2005 Plan specifically shows an area along Albemarle Road as existing employment with other existing residential development generally to the south of the site Community commercial centers are located east and west along with the Eastland Mall to the north.

2 Albemarle/Sharon Amity Intersection Improvements. Intersection improvements will be made at the intersection of Albemarle and Sharon Amity with dual left turn lanes on approaches to Albemarle Road and right turn lanes on approaches to Sharon Amity.

3 Albemarle Road Small Area Plan The petitioned property is located within the study boundaries of the Albemarle Road Small Area Plan. Specifically, a portion of the site is recommended for potential change to a retail classification for neighborhood commercial/service uses An area immediately to the east was also proposed for a similar rezoning and was rezoned accordingly to allow a speciality shopping center Other portions of the property proposed for retail zoning are not called for in the small area plan.

4 Pre-Hearing Staff Input. Staff discussed the matter with the applicant prior to the submission of the application Staff indicated that portions of the site were recommended for retail zoning, but other portions were not. Staff urged that the petitioner needed to work closely with Task Force representatives as well as neighborhood leaders in the development of the site plan

5 Pre-Hearing Departmental Comments (Summary)

1. C-DOT This site could generate between 1700 and 1900 trips per day as currently zoned Under the proposed rezoning it could generate 4700 to 4900 trips per day with 365 occurring during the morning peak hour and 617 trips occurring during the afternoon peak hour Albemarle Road currently has a traffic volume of about 30,600 trips per day. The additional traffic generated by the development would have a noticeable effect on traffic conditions in this area.

2 Fire Department Hydrant tests at Grafton Place and Albemarle Road indicate a low water supply pressure for the development of the proposed shopping center. The Fire Department recommends the proposed building be equipped throughout with an automatic fire sprinkler system Also, additional fire hydrants will be needed on the site to comply with hydrant spacing requirements of the City Fire Code

3 Building Standards Department No comments

4. Engineering Department. No comments except those that are normally associated with the development/permit process

5. C-MUD Water and sewer is available to service the property

6 Neighborhood Context The property is located in the Coventry Woods neighborhood

DETAILED FINDINGS

1 The petitioned property is a 7 acre site located on the southerly side of Albemarle Road at the intersection of Grafton Place The property is zoned a combination of R-9, O-15 and O-15(CD) and the petitioner is requesting the property be changed to B-1(CD) and R-9(CD)

2 The proposed use of the site is a shopping center to contain a maximum of 38,000 square feet. (For further details refer to Background #3)

3 The property is within the boundaries of the Albemarle Road Small Area Plan The plan has called for some retail rezoning to occur in this area some of which already has been accomplished The subject property contains a portion of that area which the plan does call for rezoning to retail purposes. However, the area of the rezoning petition at the corner of Grafton Place is not envisioned in the plan for change to business zoning as proposed in the application here.

4 It should be noted that once before the portion of the site which is envisioned for commercial zoning in the plan has been petitioned for restaurant usage, but that rezoning was denied The principal basis of denial was the fact that the restaurant was seen as a use which would generate a great deal of outside traffic to the area whereas the plan strives more towards neighborhood oriented uses

5 It is understood that nearby residents and overall neighborhood leadership is opposed to the request based on the fact that it does not comply with the objectives of the small area plan Similarly, that is the position of staff in this case

6 Further, staff is concerned that the total rezoning of the site for retail usage here could be very detrimental to the overall neighborhood environment The property is rather strategically located in that the corner area at Grafton provides one of the entrances into the single family neighborhood The current O-15(CD) zoning helps to provide a transition from the Albemarle Road environment, but the extension of commercial zoning combined with the other property to form a shopping center here only leads to the furthance of the Albemarle Road environment closer into the neighborhood fabric.

7 It is known that discussions with the neighborhood have taken place and that those discussions continue There may be the possibility that the

petition may be modified to the extent that the corner area at Grafton may be deleted, thereby leaving only the area of the application called for under the small area plan for retail zoning as the only area for consideration for a zone change. At least from that standpoint the application would be consistent with the small area plan proposal, but it would be necessary, of course, to evaluate a modified plan before making any further judgments as to its suitability and appropriateness.

8 Based upon the above circumstances, the petition is not encouraged for approval.

*Subject to further refinement following public hearing

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 86-35

Date Filed 3-1-86

Received By CL

OFFICE USE ONLY

Section No 3045.2, 3065.3 "Development Standards in Office and Business Districts"

(Title)

Purpose of Change to change the development standards for multifamily development in office business districts, which will have the effect of lowering the permissible density.

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commission

Name of Petitioner(s)
301 South McDowell Street

Address of Petitioner(s)
336-2205

Telephone Number

Signature

ORDINANCE NO _____

AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE - ZONING ORDINANCE

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

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

Section 1 Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows.

1. Amend Section 3045 2 by deleting paragraphs 1 and .2, by renumbering the remaining paragraphs as .2 and 3 respectively, and by substituting a new paragraph as follows.

   1 All residential development in the 0-6 or 0-15 districts must conform to the development standards of the R-9MF or R-15MF district respectively.

2 Amend Section 3065.3 by deleting the language from paragraph 1 and by substituting the following new language

   1 All residential development in either the B-1 or B-2 district must conform to the development standards of the R-6MF district

Section 2 That this ordinance shall become effective upon its adoption

Approved as to form

_____
City Attorney

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

_____
Pat Sharkey, City Clerk

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 86-36

Date Filed 3-1-86

Received By CL

OFFICE USE ONLY

Section No 3053.7 Signs in the Urban Mixed Use District

(Title)

Purpose of Change to change the regulations for temporary decorative signs, which will now be regulated in another part of the city code by deleting those regulations from the zoning ordinance.

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commission

Name of Petitioner(s)
301 South McDowell Street

Address of Petitioner(s)
336-2205

Telephone Number

Signature

ORDINANCE NO._____ AMENDING APPENDIX A-ZONING

AN ORDINANCE AMENDING APPENDIX A-ZONING OF THE CITY CODE OF THE CITY OF CHARLOTTE.

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

Section 1. Appendix A-Zoning, § 3053.7, "Signs", which consists of § 3053.7.1 through 3053.7.6 shall be deleted in its entirety and a new section is substituted in lieu thereof to read as follows:

"§ 3053.7 Reserved."

Section 2. This shall be effective upon adoption.

Approved as to form:

Henry W. Underhill Jr.
City Attorney

CERTIFICATION

I, Pat Sharkey, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an ordinance adopted by the City Council of the City of Charlotte, in meeting held on the _____ day of _____, 1986, and recorded in full in Ordinance Book _____, beginning on page _____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the _____ day of _____, 1986.

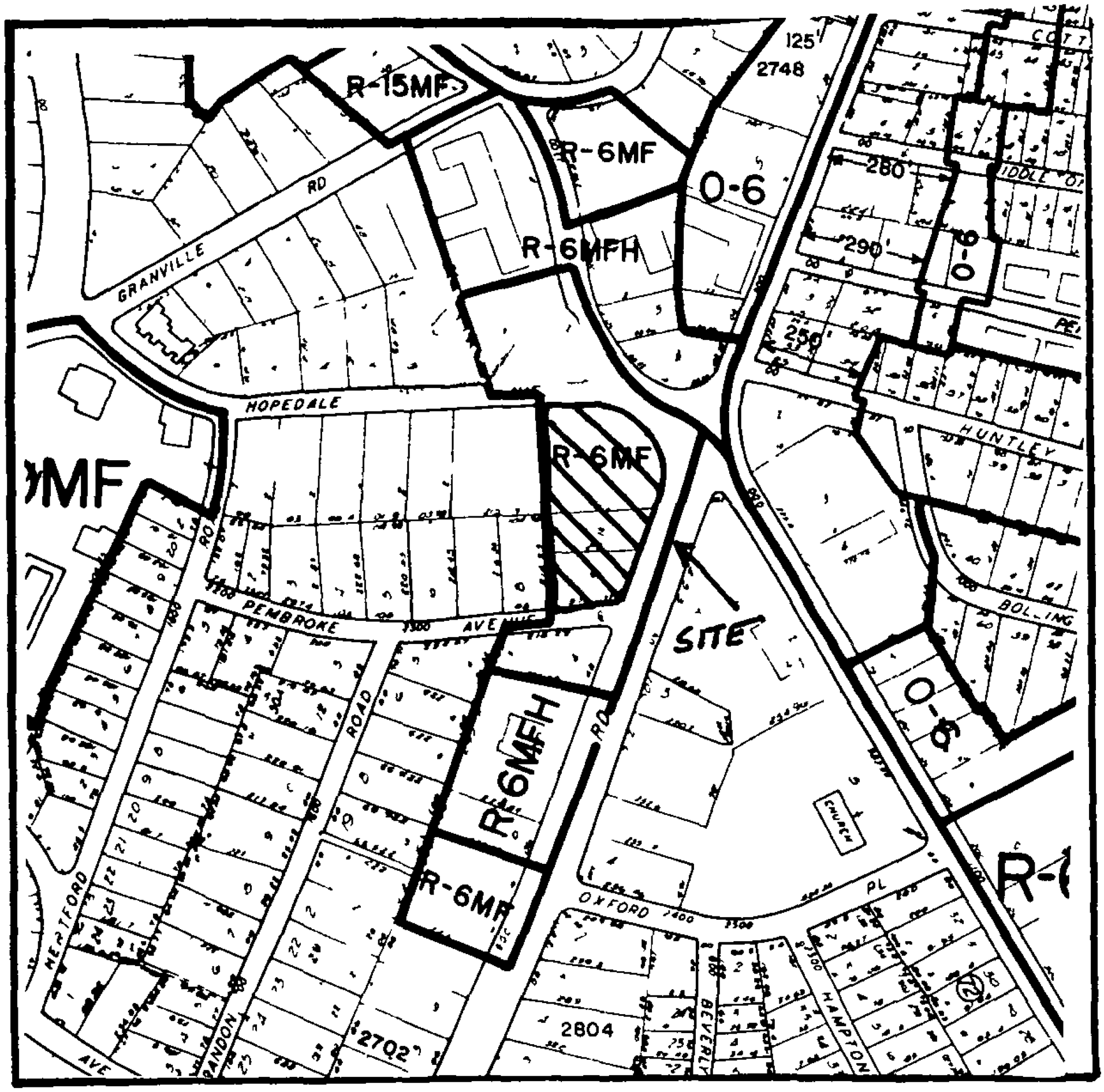
_____
Pat Sharkey, City Clerk

PETITIONER Myers Park Homewoners Association

PETITION NO. 86-37 HEARING DATE 4/21/86

ZONING CLASSIFICATION, EXISTING R-6MF REQUESTED R-12

LOCATION Parcels totaling 2.198 acres on Queens Road between Hopedale and Pembroke Avenue



ZONING MAP NO. 111 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 86-37
Date Filed 3 1·86
Received By CL
OFFICE USE ONLY

Ownership Information

Property Owner Robert H. Morrison

Owner s Address 1333 Queens Road
Charlotte, N.C. 28207

Date Property Acquired Deed Book 4244,Page 292

Deed Reference " " Tax Parcel Number

Location Of Property (address or description)

On Queens Road,between Hopedale and Pembroke Avenues.
1400 Queens Rd. (Tax # 153-064-17), 1422 Queens Rd. (Tax # 153-064-16) and 1426 Queens Rd. (Tax # 153-064-09).

Description Of Property

Size (~~Sq Ft~~ -Acres) 2.198 (1.164 + .502 + .532) Street Frontage (ft) (157.0 + 122.85 + 102.5 + 262.53 + 168.98) 813.86

Current Land Use All is now vacant land. House formerly at 1400 Queens Rd. was demolished January 31,1986.

Zoning Request

Existing Zoning R-6MF Requested Zoning R-12

Purpose of zoning change To conform land to zoning classification of abutting properties along Hopedale Avenue and Pembroke Avenue.

The properties along Hopedale and Pembroke are zoned R-12 and are used for single family residential purposes.

~~Name of Agent~~
Don Gillespie, President
Myers Park Homeowners Association,Inc.

~~Agent Address~~ Suite 980, 212 S. Tryon St.
Charlotte, N.C. 28281
(office address)

(Telephone Number) 372-5700

Name of Petitioner(s)
MYERS PARK HOMEOWNERS ASSOCIATION, INC.

Address of Petitioner(s)
P.O. Box 6072
Charlotte, N.C. 28207

~~Telephone Number~~

Signature
Don Gillespie

~~Signature of Petitioner~~

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 86-37

Petitioner	Myers Park Homeowners Association
Location	Parcels totaling 2 1 acres on Queens Road between Hopedale and Pembroke Avenue
Request·	Change from R-6MF to R-12

ISSUES

1. Property Owner Interests Versus Neighborhood Interests. In evaluating this request, what property owner interests must be weighed against those of the neighborhood and community at large?

2. Zoning History on the Property. What has been the past zoning history on this site, in particular a 1976 City Council petition as part of a larger Myers Park rezoning?

3. Best Use Considering the property is presently zoned multi-family and the request here is for single family, what is the best use of this property?

BACKGROUND:

1 Existing Zoning The subject property is presently zoned R-6MF. Parcels immediately north and south of it are likewise zoned, but other parcels nearby are zoned R-6MFH, which is a very high density district Other sites in the area which focus around minor residential streets are zoned for single family purposes however Parcels which front on the major thoroughfares, especially Providence Road, are zoned either for B-1 or 0-6 purposes.

2 Existing Land Use The subject property is vacant Across the street is the Myers Park Methodist Church on one corner, the south branch library on another and commercial uses on another Although the area is largely developed with single family homes on neighborhood streets, the area nonetheless nearby does have several high density and high rise multi-family projects. There are also a number of office and retail uses which stretch along the easterly side of Providence Road moving northward from the site towards the central business district. In addition to the aforementioned Myers Park Methodist Church the Myers Park Presbyterian Church is also in the general vicinity

3. Zoning History. The same parcels that are involved in this petition were the subject of a 1976 petition That petition was part of a larger effort to rezone substantial areas located in the Myers Park neighborhood The 1976 petition sought to rezone the property which at that time was zoned R-6MFH to R-15MF. However, the Planning Commission and the City Council

decided to instead approve the property for its current R-6MF zoning classification In deciding upon the R-6MF classification in 1976 it was believed that it was a practical decision at that time which reduced substantially the density on the parcel but not all the way to the extent that the petition proposed There was a great deal of sentiment for R-15MF, but due to the fact that other R-6MF areas were being proposed it was felt that all in all the R-6MF classification was the best for the site.

GENERAL FINDINGS

1 2005 Plan. The 2005 Plan denotes the area around the site as existing residential development. The plan further calls for the preservation of existing older neighborhoods.

2. Providence Road/Queens Road Intersection Improvement. This project will add an additional lane on the north approach of Providence Road, a right turn lane on the east approach of Providence Road and realign the other approaches of the intersection. This is scheduled for Fiscal Year 1987

3 Pre-Hearing Staff Input Staff provided assistance and guidance with regard to the submission of the application

4 Pre-Hearing Departmental Comments (Summary)

1. C-MUD Water and sewer are available to service the property

2 Fire Department. No comment

3 C-DOT This site on Queens Road could generate 350 to 400 trips per day as currently zoned Under the proposed zoning it could generate 80 to 100 trips per day This volume of traffic will have no noticeable effect on the traffic conditions in the area

4 Neighborhood Context. The site is located within the Myers Park neighborhood. The petitioner in this case is the Myers Park Homeowners Association and they have filed the application to conform to the zoning classification of abutting properties along Hopedale Avenue and Pembroke Avenue

DETAILED FINDINGS·

1. The property involved in this petition comprises three parcels which total approximately 2 1 acres. The property is located on Queens Road between Hopedale Avenue and Pembroke Avenue and is currently zoned R-6MF The Myers Park Homeowners Association has filed the request and seeks R-12 zoning for the property

2 The neighborhood is seeking the rezoning in order to conform it to the zoning classification of other properties on Hopedale and Pembroke which are zoned R-12 and used for single family residential purposes

3 Under the current zoning about 46 units could be developed on the property whereas only a few (perhaps 3 or 4) single family units could be build if the zoning were changed to single family

4. The site is strategically located. It is a site which has frontage along a major thoroughfare at the point where several major streets converge. Several community, institutional and service functions generally occur in this immediate vicinity and because of the fact that such streets as Queens and Providence intersect here a tremendous amount of traffic daily flows past the site

5. The immediate vicinity has several properties which are currently zoned for high density multi-family development. The R-6MF classification allows about 21 units per acre and the R-6MFH district, which also appears nearby allows for up to about 43 units per acre - Most of these high density districts are developed with mid to high rise projects today.

6. As was noted earlier in the report, the subject property was formerly zoned R-6MFH until a 1976 petition rezoned it to the current district It was recognized then that multi-family zoning was appropriate for this property although there was concern about the extremely high density that R-6MFH would allow

7 As in 1976 there is still today the belief that the property is well suited for some form of higher density residential development Because of its strategic location along major streets as well as its relationship to other high density projects, it is not reasonable to expect single family development to occur on this property

8 Therefore, staff does reject the neighborhood's proposal for R-12 zoning on the property However, there is concern about Myers Park and other older neighborhoods. Public policy, including those in the 2005 Plan, urge the protection of inner city neighborhoods Although staff does not believe R-12 is feasible here there is a strong sentiment to recommend R-15MF zoning for the property instead This would continue to utilize the property for multi-family purposes at a density that could very reasonably relate to the area The R-15MF district also is consistent with the 1976 petition

9 On the other hand it is also quite possible that a higher density project could harmoniously develop on the site utilizing the R-6MF district Thus, it is also staff's belief that if an R-6MF(CD) site plan/petition were to come forward, that given appropriate relationships to the neighborhood it could be a possible zoning for the property as well. Such a plan could help make a statement about the entrance into Myers Park, save trees, secure buffers/landscaping, etc.

10. Based upon the above circumstances, staff would not recommend approval of single family zoning here, but would recommend R-15MF at least as an interim classification. Assuming that a well designed R-6MF(CD) plan could evolve, staff would certainly consider that as an alternative either now or in the future This site is an excellent one on which to expect

higher density housing. With its relationship to public transit and other neighborhood amenities it certainly represents a desirable location for inner city housing

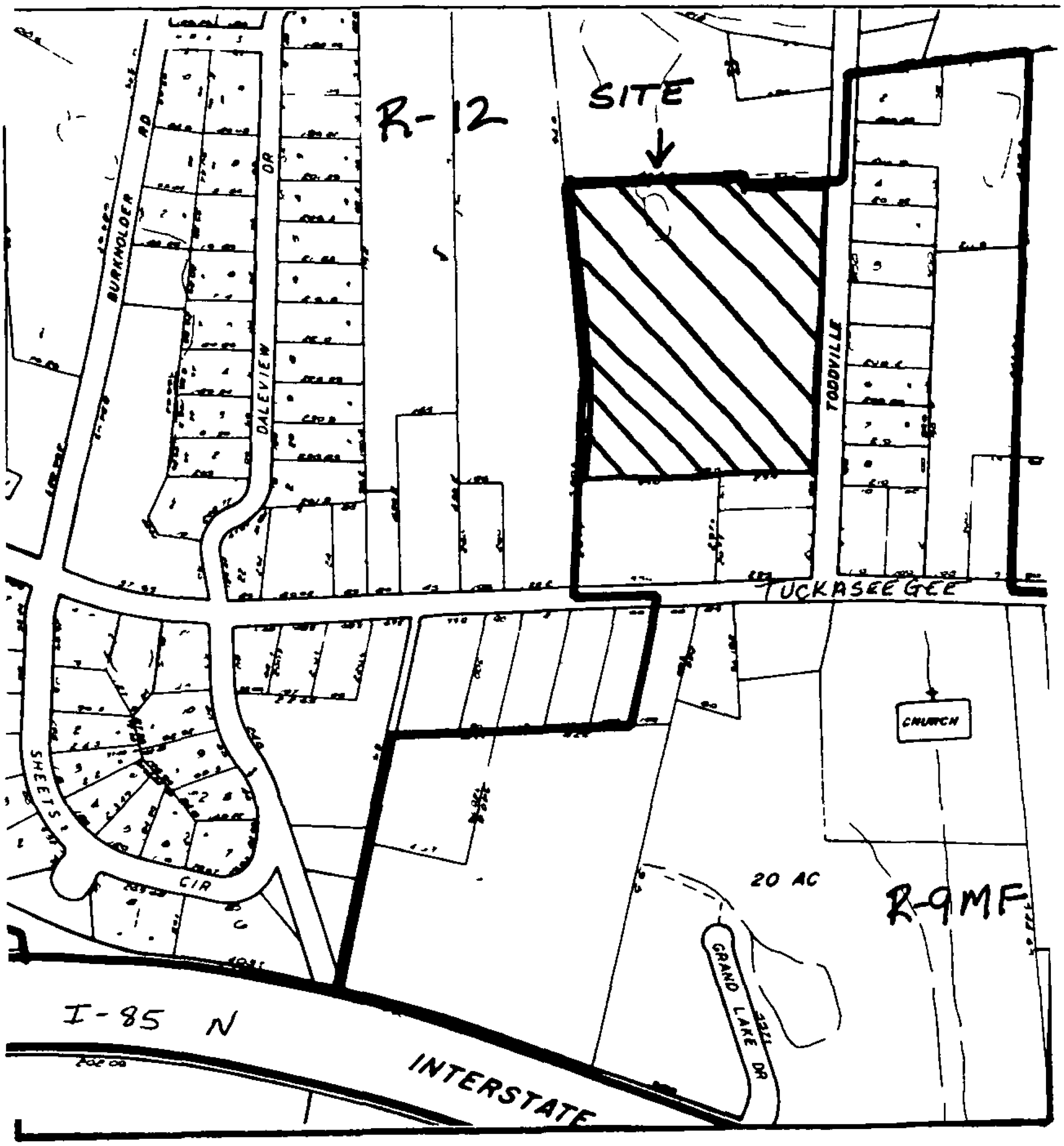
*Subject to further refinement following public hearing.

PETITIONER Tuckasee gee Road Community Organization

PETITION NO. 86-38 HEARING DATE 4-21-86

ZONING CLASSIFICATION, EXISTING R-9MF REQUESTED R-12

LOCATION a 10.14 acre site on Toddville Road north of its intersection with Tuckaseegee



ZONING MAP NO. 86 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 86-38

Date Filed 3 1·86

Received By CL

OFFICE USE ONLY

Ownership Information

Property Owner Roland C. + Mildred Helle

Owner s Address 2718 Toddville Road
Charlotte, N.C. 282014

Date Property Acquired Feb. 1, 1979

Deed Reference 4154-688 Tax Parcel Number 059-113-32

Location Of Property (address or description) APPROX 280 feet North on Toddville Rd. from intersection AT Toddville + Tuckaseegee Rds

Description Of Property

Size (Sq Ft -Acres) 10.14 ACRES Street Frontage (ft) 715 feet

Current Land Use RESIDENTIAL

Zoning Request

Existing Zoning R9-MF Requested Zoning R-12

Purpose of zoning change TO ENABLE this parcel of land to conform to the land use of the SURROUNDING AREA.

Joel M Long
Name of Agent

5601 Tuckaseegee RD.
Agent s Address

399-1009
Telephone Number

Tuckaseegee Road Community Organization
Name of Petitioner(s)

5601 Tuckaseegee RD
Address of Petitioner(s) Charlotte, N.C. 28208

399-1009
Telephone Number

Joel M Long
Signature

Signature of Property Owner If Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 86-38

Petitioner: Tuckaseegee Road Community Organization

Location: A 10 1 acre site on Toddville Road just north of the intersection with Tuckaseegee Road.

Request: Change from R-9MF to R-12.

ISSUES

1. Property Owner Interests Versus Neighborhood Interests. What interests of the property owner as well as those of the neighborhood should be weighed when evaluating this request?

2. Overall Zoning and Land Use Pattern How does the rezoning request relate to existing zoning and development patterns?

3. Potential Compromises What potential compromises with regard to the development of this property could be envisioned that would promote the interests of the developer as well as enhance the overall development of the neighborhood?

BACKGROUND

1. Existing Zoning The subject property is presently zoned R-9MF R-9MF zoning extends generally along Tuckaseegee at Toddville Road and extends southward towards Interstate I-85 The R-9MF classification is also located directly across Toddville from this site Otherwise R-12 single family zoning is located around the site and generally comprises the zoning classification for the area

2. Existing Land Use The property involved in the rezoning petition is undeveloped at the present time Most properties in the area have been developed with single family homes There is, however, one church on the south side of Tuckaseegee at the Toddville intersection and another which is located somewhat west of the site

GENERAL FINDINGS

1. 2005 Plan The 2005 Plan denotes the area surrounding the site as existing residential In this general vicinity it is an overall goal of the 2005 Plan to sitmulate development of quality employment areas, followed by significant residential growth

2. Pre-Hearing Staff Input Staff assisted the petitioner with regard to the necessary information to file the rezoning application Staff has also recently met with the property owner to discuss the petition Staff was presented with a proposal for a multi-family project on the property

Staff urged the property owner to discuss this with the neighborhood group and it is understood that such a meeting will shortly take place

3 Pre-Hearing Departmental Comments (Summary)

1 C-DOT The site on Toddville Road could generate 1400 to 1500 trips per day as currently zoned Under the proposed zoning it could generate 400 to 500 trips per day. Current volume on Toddville Road is 3900 vehicle trips per day, on Tuckaseegee Road, 6900 trips per day The traffic volume generated by the proposed rezoning will have no adverse effect on traffic conditions in this area.

2 C-MUD Water and sewer is available to service the site.

3 Fire Department No comment.

4 Neighborhood Context The site is located within the Toddville Road neighborhood

DETAILED FINDINGS.

1 The property in this petition is a 10 1 acre site on Toddville Road just north of the intersection with Tuckaseegee Road Current zoning is R-9MF and the petition seeks R-12

2. The petitioner in this case is the Tuckaseegee Road Community Organization, a neighborhood group, who has filed the petition in order that this parcel of land conform to the surrounding land uses in the area

3 The subject property is vacant Other parcels across Toddville and nearby, however, are developed with single family homes despite the fact that they zoned for multi-family purposes

4 The neighborhood first became concerned about this property recently when it was proposed for a multi-family project that would utilize the assistance of the N C. Housing Finance Agency Resulting from that was the neighborhood's broader concern about the development of their neighborhood and the future potential development of this site Consequently, they filed this petition

5 Staff has evaluated the petition in light of existing zoning and development patterns as well as the interest of the neighborhood at large and the property owner.

6 In this case staff is sympathetic with the neighborhood concerns about the development of the property as it relates to Toddville Road and the homes across the way as well as the entrance into a larger single family atmosphere. The R-9MF classification would allow about 17 5 units per acre and development of the site under this classification in that manner could present a very negative impact to the neighborhood

7 It would seem that multi-family zoning in the area is better suited for property lying south of Tuckaseegee and extending over to I-85 It appears that the multi-family on the north side of Tuckaseegee here was established in association with the Toddville Road intersection, but no multi-family development has ever occurred Staff certainly questions whether or not this tract of land developed at high density is appropriate given the existing setting of the neighborhood

8. However, there is the interest of the property owner to be considered Staff has indicated that they should be in touch with the neighborhood and see if some mutually satisfiable way to develop the property could be achieved If for example some lower density multi-family project could be developed that pay particular attention to Toddville Road and the perimeters of the site, then perhaps some form of attached or multi-family housing could be appropriate. Staff would very much like to promote the area in general and development of this site would certainly enhance those broad goals

9 Unless and until the property owner can develop a suitable plan for multi-family development, staff would encourage that the petition be approved

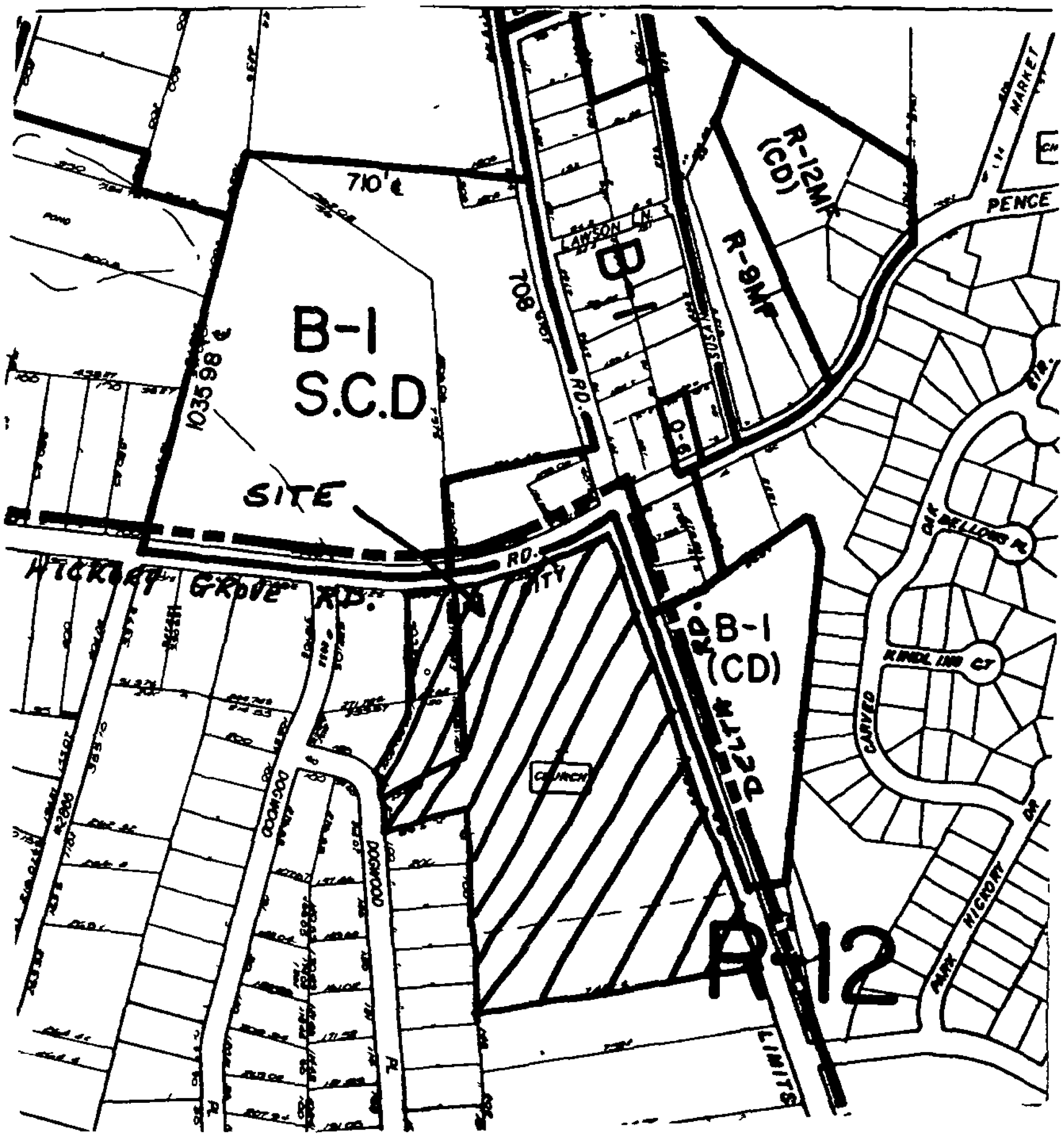
*Subject to further refinement following public hearing

PETITIONER Hickory Grove Baptist Church

PETITION NO. 86-39 HEARING DATE 4-21-86

ZONING CLASSIFICATION, EXISTING R-12 REQUESTED Res.-Inst. (R-I)

LOCATION 17.31 acre site on the southwest corner of Delta Rd. and Hickory Grove Road



ZONING MAP NO. 99 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 86-39

Petitioner	Hickory Grove Baptist Church
Location	A 17.3 acre site at the southwest corner of Delta Road and Hickory Grove Road
Request.	Change from R-12 to Residential-Institutional

ISSUES.

1 Church Expansion/Church Ordinance What is the nature of the proposed expansion of this church and how does it relate to new ordinance requirements which guide the expansion of large churches?

2 Neighborhood Concerns What concerns have surfaced from the neighborhood perspective as it relates to the church expansion?

3 Site Plan What aspects of the conditional site plan are important to evaluate?

BACKGROUND·

1 Existing Zoning. The rezoning site is zoned R-12 at the present time The R-12 classification surrounds the site on the southerly and westerly borders and represents the predominant single family zoning district for the general area. Across the street on Delta Road is a B-1(CD) tract of land There is also an area zoned B-1SCD at the northwesterly corner of Hickory Grove Road and Delta Road. Also, an area of B-1 zoning extends along the easterly side of Delta Road generally at or near the Hickory Grove Road/Pence Road intersection There is also some multi-family zoning located along Pence Road to the northeast of the rezoning site.

2 Existing Land Use The property involved in the petition is the present site of the Hickory Grove Baptist Church Single family development is located nearby on Dogwood Place and other residential streets and neighborhoods in the vicinity A hardware store is currently across Delta Road from the site and a new smaller shopping area is under construction there as well Other retail and neighborhood service oriented uses are located north of the site along Newell-Hickory Grove Road and there is also a new shopping center under construction at the corner as well A fire station is located just south of the site, too.

3. Site Plan The conditional site plan outlines a proposed expansion of the church. The main auditorium seating capacity is proposed for 2,550 seats. Driveway access will be from both Hickory Grove Road and Delta Road The church property also extends to Dogwood Place where an existing single family structure is presently located However, no vehicular access is shown from Dogwood Place to the church campus The plan also shows future

building construction in the area of the present family life center In conjunction with that future parking is also shown. Areas which are currently used as outdoor play areas will become surface parking as a result of the expansion Natural screening as well as a new brick wall will provide screening adjoining single family areas on Dogwood Place.

GENERAL FINDINGS

1. 2005 Plan. The 2005 Plan indicates the area surrounding this site as one of existing residential with a community commercial center shown at the intersection of Hickory Grove Road and Delta Road.

2 Newell-Hickory Grove Road/Delta Road Widening This project would widen Newell-Hickory Grove Road between Albemarle Road and The Plaza to a multi-laned facility. The Harris Boulevard East extension would connect with this project Currently this project is scheduled for Fiscal Year 1992

3. Pre-Hearing Staff Input Staff provided assistance and guidance with regard to the submission of the application. Staff also met with the petitioner to discuss the expansion and indicated to the petitioner that either a major special use permit or a rezoning would be necessary to accomplish the expansion. The matter of which route to take was left to the petitioner

4 Pre-Hearing Departmental Comments (Summary)

1 Engineering Department The Engineering Department commented on the Newell-Hickory Grove Road project and requested an additional 20 feet of right-of-way along Delta Road and an additional 5 feet of right-of-way on Hickory Grove Road

2 Building Standards Department No comments.

3 Fire Department The Fire Department commented that future development of the site may necessitate the provision of on-site water distribution systems and fire hydrants

4 C-DOT Comments on this petition were unavailable as of the preparation of this report, but it is anticipated that information will be available by the time of the public hearing on this matter

5 C-MUD Water and sewer service are available to the site.

5 Neighborhood Context The property is located within the area defined as the Four Seasons neighborhood Staff has received a few calls and comments from the adjoining neighborhood residents about this petition Most of the neighborhood concern appears to center on the use of a residential structure which the church owns and which fronts on Dogwood Place.

DETAILED FINDINGS

1 The property involved in this petition is a 17 3 acre site at the southwest corner of Delta Road and Hickory Grove Road The petitioner in this case is the Hickory Grove Baptist Church Current zoning here is R-12 and the church is requesting the Residential-Institutional district, which is a relatively new one

2 This new district came about as the result of new standards and regulations to guide the development of large churches in our community. As a matter of fact this proposal represents the first such request under those new guidelines. In this case the church is expanding their main auditorium to a seating capacity of over 2500 seats. The new ordinance requires that any sanctuary over 1200 seats either must receive a major special use permit or be rezoned to the Residential-Institutional district

3 The petitioner in this case has filed a conditional site plan which stipulates the expansion of the church as well as other overall development restrictions (For further details refer to Background #3)

4 The proposed expansion has generated some concern on the part of residents of nearby Dogwood Place It is understood that some litigation is in the process due to the church's desire to utilize property which fronts on Dogwood for church purposes The petitioner has attempted to respond to those issues in the site plan Although it is not precisely known as of the preparation of this material, the residence which fronts on Dogwood will either be used for residential purposes or perhaps may be removed In either event the structure will not be used for any church related purposes such as day care, office space, etc

5 The site plan provides for screening around the residential edge of the property either in the form of natural vegetation or in some cases the construction of a wall which would provide a solid barrier between the church and the rear of homes which front on Dogwood Place

6 The Planning staff and other departments have reviewed the application and have not determined any adverse impacts The Engineering Department has requested additional right-of-way along Delta and Hickory Grove Road and that has been made a part of the plan The Planning staff is concerned about the large oak trees which are located along Delta Road as it relates to the future widening of this thoroughfare It is understood that the Engineering Department is looking to save those trees, but the future fate of the trees is not precisely known at this time

7 Approval of the petition will allow the expansion of the church Presently the size of the congregation and the limits of the sanctuary are creating scheduling problems and the expansion is a desired one by the church in order to help fulfill their mission to the community. It is believed that the expansion of the church in accordance with the site plan can be done so in such a manner as to continue to compliment the area By restricting access to the major thoroughfares the expansion of the church will not negatively impact Dogwood Place Clearly the church's main orientation is

to Delta and Hickory Grove Road and approval of this petition is not a signal that any other properties on Dogwood Place beyond those already owned by the church should be considered for church related uses.

8 Based upon the above circumstances, the application is encouraged for approval

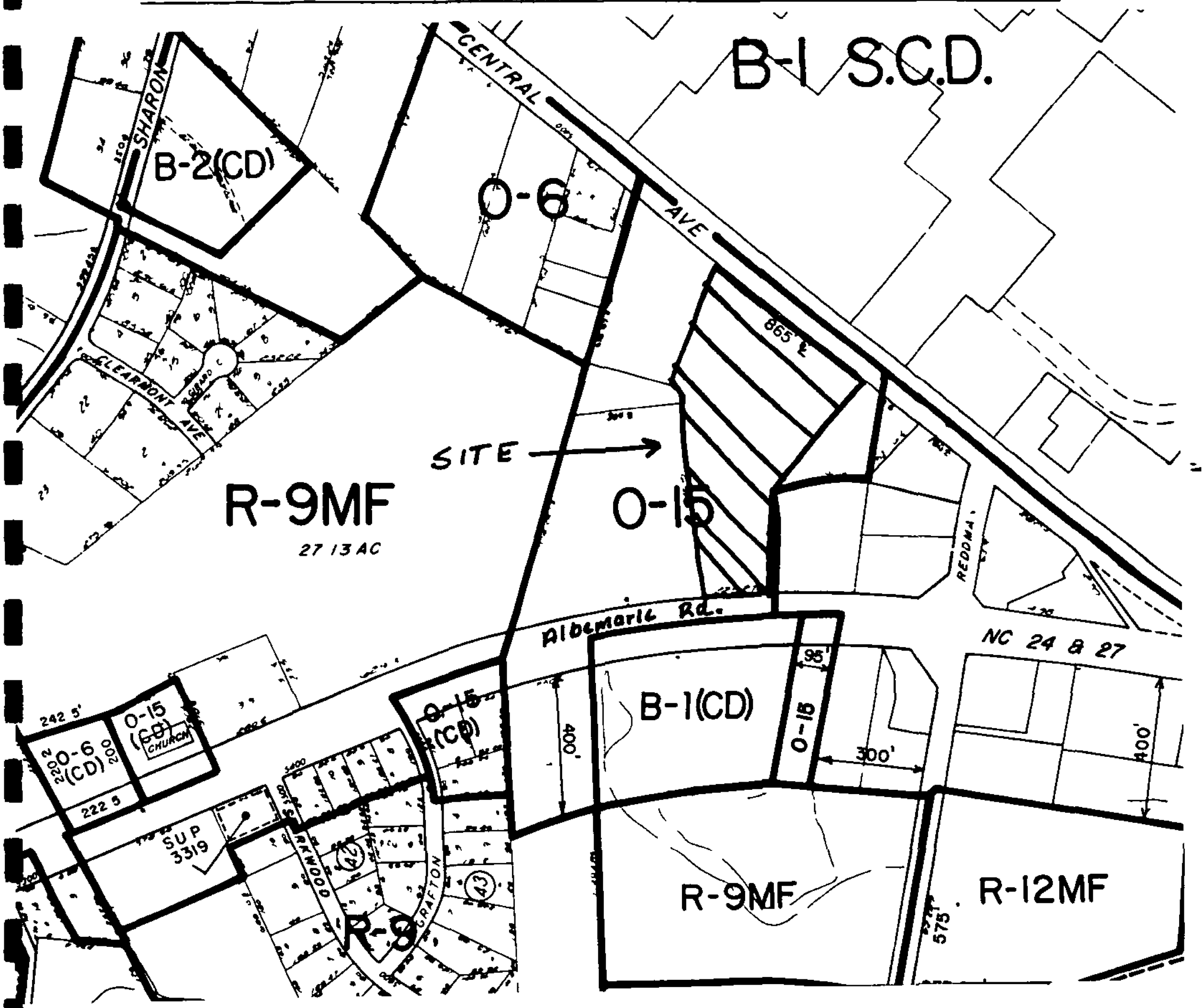
*Subject to further refinement following public hearing.

PETITIONER Crow Charlotte Retail #2 Ltd.

PETITION NO. 86-40 HEARING DATE 4-21-86

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

LOCATION 5.8 acre site fronting on Central Avenue as well as Albemarle Road



ZONING MAP NO. 113 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

Petition No. 86-40

Date Filed 3/1/86

Received By CL

OFFICE USE ONLY

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Ownership Information

Property Owner Horace H. & Mildred H. Pittman and K. Martin Waters & Dorothy Waters

Owner's Address 1447 Ferncliff Road, Charlotte, NC 28211

Date Property Acquired (a) 7/8/66 (b) 7/8/66 (c) 3/1/72

Deed Reference (a) Book 2771 Pg. 197 (c) Book 3404, Pg. 264 Tax Parcel Number 103-021-02
(b) Book 2771 Pg. 197

Location Of Property (address or description) The property fronts Central Avenue approx. 400 feet west of Reddman Road. The property also fronts Albemarle Road approximately 378 feet west of Reddman Road.

Description Of Property

Size (Sq. Ft.-Acres) 5.8 acres Street Frontage (ft.) 511 feet on Central Av
200 feet on Albemarle R

Current Land Use Vacant Land

Zoning Request

Existing Zoning 0-15 Requested Zoning B-1 CD

Purpose of zoning change To allow for the development of a neighborhood specialty shopping center

Name of Agent
Trammell Crow Company Attn: David Miller

Agent's Address
1400 Charlotte Plaza, Charlotte, NC 28244

Telephone Number
(704) 376-5910

Crow Charlotte Retail #2, Ltd.
C/O Trammell Crow Company

Name of Petitioner(s)
1400 Charlotte Plaza

Address of Petitioner(s)
Charlotte, NC 28244

Telephone Number
(704) 376-5910

Signature
David S. Miller

Signature of Property Owner if Other Than Petitioner
K Martin Waters Horace H Pittman
Dorothy N. Waters Mildred H. Pittman

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 86-40

Petitioner. Crow Charlotte Retail No. 2 Limited

Location A 5 8 acre site fronting on Central Avenue and Albemarle Road

Request: Change from O-15 to B-1(CD).

ISSUES:

1. Albemarle Road Small Area Plan. How does this rezoning request compare to policies adopted through the Albemarle Road Small Area Plan?

2. Site Plan What aspects of the conditional site plan are important to evaluate?

3. Traffic Considerations What issues regarding traffic flow, safety, driveway points, etc should be evaluated?

BACKGROUND

1 Existing Zoning. The subject property is zoned O-15 The site is for the most part surrounded by O-15 zoning though one corner of it is adjacent to commercial zoning on the Albemarle Road side The site is also across from a B-1SCD district located on Central Avenue A B-1(CD) classification is likewise located across Albemarle Road from the property The zoning pattern along Albemarle Road extending eastward from the site is one of generally a business pattern whereas to the west of the site towards the intersection with Sharon Amity Road there is a mixture of office and multi-family with some commercial zoning at the immediate intersection Some R-9 single family zoning is located nearby along Starkwood and Grafton and there is other multi-family zoning associated with Reddman Road

2 Existing Land Use The rezoning site is vacant. The property adjoins office, financial and restaurant uses Further, the site is across a small shopping center on Albemarle Road and the Eastland Mall on Central Avenue Various other retail and service/highway uses are located along Albemarle Road A concentration of multi-family development is occurring along Reddman Road whereas some single family development is nearby on Grafton and Starkwood There is also The Lake Apartments which front on Albemarle Road, too

3. Site Plan. The conditional site plan proposes a small shopping facility for the property. A maximum building area of 55,275 square feet is proposed and access to the property would be gained from both Central Avenue and Albemarle Road A restaurant is also shown as one of the uses for the property

GENERAL FINDINGS

1 2005 Plan. The 2005 Plan indicates the area surrounding the site is existing employment, with a major mixed use center shown at the intersection of Sharon Amity and Central Avenue (Eastland Mall).

2 Albemarle Road Small Area Plan. This plan has been adopted as the policy guideline for development along the Albemarle Road corridor. The subject property is located within the study boundaries and indicates that the subject property should be utilized for office purposes The plan did recommend some retail zoning changes for property on the south side of Albemarle Road and some of that has been accomplished A pending rezoning request will examine the remaining area that is proposed by the plan for retail zoning No other retail zoning changes were contemplated in the vicinity.

3. Central Avenue/Sharon Amity Intersection Improvement This project consists of installing dual left turn lanes on both approaches of Central Avenue and installing right-turn only lanes on all approaches.

4. Pre-Hearing Staff Input. Staff met with the petitioner to discuss the matter prior to the submission of the application Staff reviewed the small area plan recommendation and indicated that a potential rezoning to business purposes was not in compliance with the plan Staff urged that the petitioner meet with Albemarle Road residents and participants on the small area plan to see if there was any inclination on the part of neighborhood representatives to support the change

5. Pre-Hearing Departmental Comments (Summary)

1 Fire Department Development of this site may necessitate the installation of public and/or private fire hydrants.

2 Engineering Department Engineering only referenced normal developmental requirements, but did add that no additional right-of-way along Albemarle Road or Central Avenue would be needed Improvements along Central Avenue should be performed to match the cross sections currently established for that street

3 C-MUD. Water and sewer are available to service the site

4 Building Standards Department No comments.

5 C-DOT C-DOT recommends that the petition be denied due to the current traffic conditions on Central Avenue and Albemarle Road. They also commented that one driveway access on Central Avenue is enough and therefore one shown on the plan should be deleted. Other design problems were also cited As far as traffic is concerned current zoning would generate approximately 2000 trips per day whereas the proposed zoning would increase to a total of 6300 trips per day.

6 Neighborhood Context The property is located within the area known as the Eastland neighborhood

DETAILED FINDINGS·

1. The property involved in this petition is a 5.8 acre site which extends between Central Avenue and Albemarle Road. Current zoning is 0-15 and the petitioner is seeking B-1(CD)

2. The petitioner has filed a conditional site plan with the rezoning that proposes a small shopping facility for the property. (For further details refer to Background #3.)

3. The property is located within the study boundaries of the Albemarle Road Small Area Plan. That plan does not envision business zoning for the property. Thus, the rezoning request is not consistent with the small area plan recommendation for the site.

4 Obviously the small area plan was developed to provide guidelines for zoning and land use decisions for the area. To date it has been cited on numerous occasions due to the rezoning activity in the area The neighborhood and task force members have always been concerned that the plan be strictly adhered to and it is understood that there is opposition to the petition in this case due to the fact that it is not consistent with the plan

5. Staff is also concerned about the request since it does violate the plan. Staff further believes that the site is being intensely developed There is a very limited amount devoted to the landscaping and practically all of the site is devoted to either buildings or parking. Areas around the perimeter of the site would only receive marginal attention in terms of the retention of green space Parking areas are also largely devoid of significant landscaping

6 The Charlotte Department of Transportation is quite concerned about the petition citing the fact that area thoroughfares are already overburdened. The addition of a shopping center here will add to that burden

7 Although staff has confidence in the petitioner to develop a quality product it is nonetheless believed that the petition here would result in an adverse land use for the property. Rezoning this property may also open the door for other commercial rezonings in the area that are not anticipated As a matter of fact a pending rezoning petition to be heard on the same night as this request is examining the possibility of a similar rezoning for retail usage. It is imperative that the small area plan be adhered to since it is the adopted public policy

8 Considering the fact that there is at least one remaining parcel vacant that is proposed for retail zoning in the small area plan it seems that additional commercial zoning beyond that is unnecessary

9 Based upon the above considerations, this petition is not encouraged for approval It is contrary to the small area plan projections for the site and the additional traffic will compound an already existing problem for area streets. The site plan is not especially imaginative and appears to maximize the site to its potential by utilizing the property almost entirely for buildings and parking

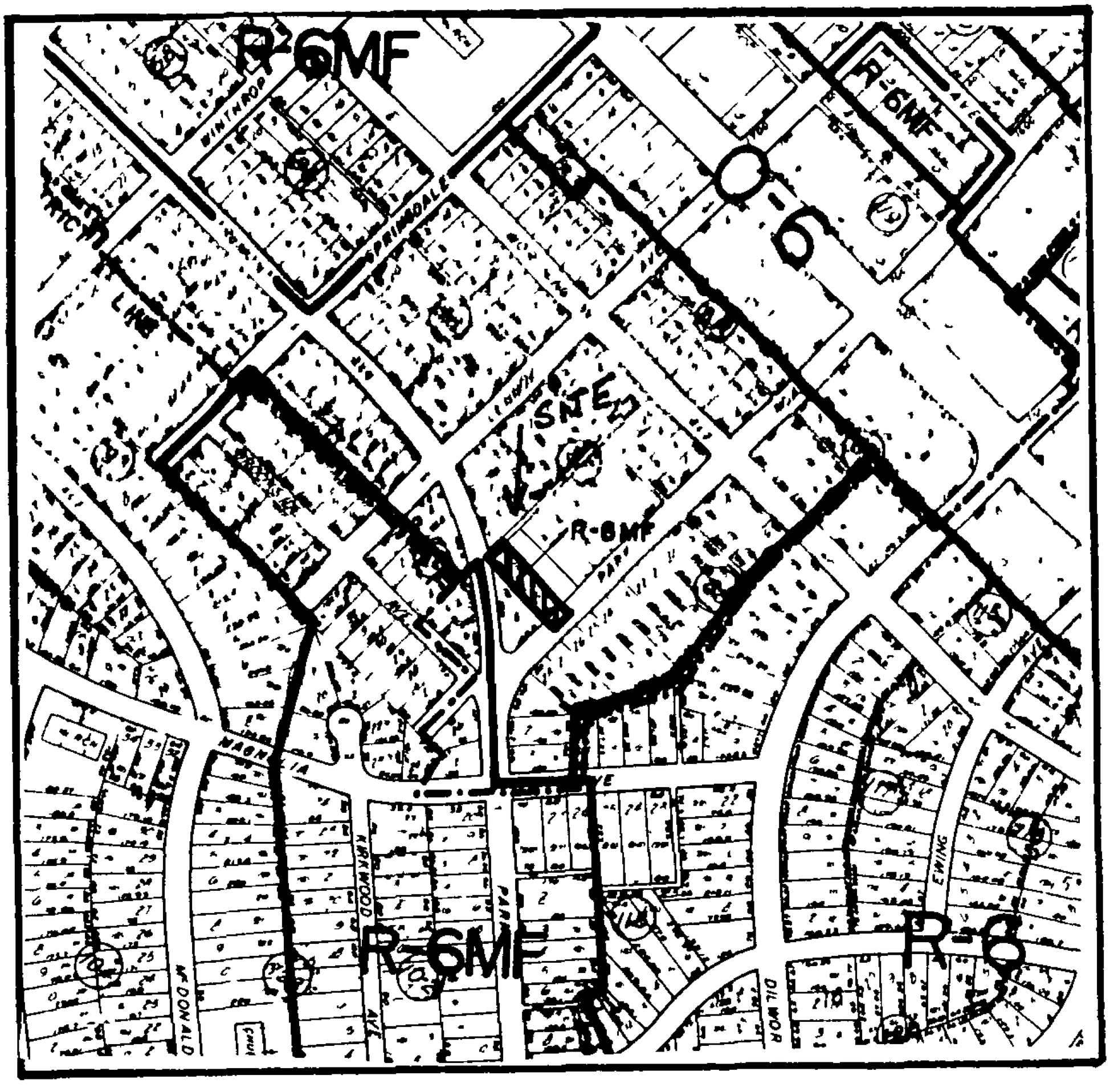
*Subject to further refinement following public hearing

PETITIONER Albert Carroll Davis

PETITION NO. 86-41 HEARING DATE 4-21-86

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

LOCATION .246 acre site at 1936 Park Road near the intersection of Park and Tremont



ZONING MAP NO. 111 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 86-41

Date Filed 3-1-86

Received By CL

OFFICE USE ONLY

Ownership Information

Property Owner ALBERT CARROLL DAVIS

Owner's Address 1936 PARK RD. APT. 2 CHARLOTTE, NC. 28203

Date Property Acquired OCTOBER 3, 1980

Deed Reference 4352 0359 Tax Parcel Number 121 087 05

Location Of Property (address or description) 1936 PARK RD

NEAR INTERSECTION OF PARK RD. AND TREMONT AVE.

Description Of Property

Size (~~Sq Ft~~ -Acres) .246 ACRES Street Frontage (ft) 56 FT.

Current Land Use SEVEN UNIT APARTMENT HOUSE

Zoning Request

Existing Zoning R6MF Requested Zoning R6MF H

Purpose of zoning change SO THAT MY ZONING WILL REFLECT WHAT I AM LEGALLY ENTITLED TO UNDER THE GRANDFATHER CLAUSE AND SO THAT I WILL NOT LOSE MY LIFE SAVINGS WHICH I HAVE INVESTED IN THIS BUILDING. (SEE ATTACHMENT FOR EXPLAINATION)

~~Name of Agent~~ NA

Agent's Address

Telephone Number

ALBERT CARROLL DAVIS

Name of Petitioner(s)

1936 PARK RD. APT. 2

Address of Petitioner(s)

331-9642

Telephone Number

Albert C Davis

Signature

NA

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 86-41

Petitioner. Albert Carroll Davis

Location· A 246 acre site at 1936 Park Road near the intersection of Park and Tremont

Request Change from R-6MF to R-6MFH

ISSUES:

1. Reason for Rezoning Request. What is the background information that leads the petitioner to file this rezoning petition?

2 Variance. In connection with number one above, what issues surrounding a recent request by the petitioner for a variance should be highlighted?

3. Dilworth Rezoning How does this property relate to a Dilworth rezoning petition a few years ago where large scale zoning changes took place in the area?

BACKGROUND.

1. Existing Zoning. The property involved in this petition is zoned R-6MF It is surrounded by an area of R-6 zoning, although one lot to the south begins a large area of R-6MF zoning then extends southerly along Park Road and other streets nearby Other R-6 and R-6MF areas are scattered throughout the Dilworth neighborhood in this general vicinity The exception to this pattern is a band of O-6 zoning that extends on both sides of East Boulevard

2 Existing Land Use The subject property has a multi-family structure on it at the present time The predominant residential structure in the neighborhood, though, is a single family residence Scattered about throughout the larger area are duplex and small apartment buildings East Boulevard is principally used for office purposes

3 Dilworth Rezoning In 1982 a series of rezoning petitions were filed which downzoned large areas in the vicinity The subject property was included in one of those petitions which sought to rezone the area nearby from R-6MF to R-6. That petition was approved with the exception of the subject property.

GENERAL FINDINGS

1. 2005 Plan. The 2005 Plan indicates the area surrounding the site as existing residential. The plan further calls for the preservation of existing, older inner city neighborhoods

2 Pre-Hearing Staff Input. Staff provided assistance/guidance with regard to the submission of the application

3. Pre-Hearing Departmental Comments (Summary)

1. Fire Department. No comment.

2 C-MUD. Water and sewer is available to service this site

3 C-DOT. Current zoning could generate 35 to 45 trips per day whereas the proposed zoning could generate 55 to 65 trips per day. This increase would have no effect on traffic conditions.

4 Neighborhood Context. The site is located in the Dilworth neighborhood.

DETAILED FINDINGS.

1. The subject of this rezoning is a .24 acre site at 1936 Park Road near the intersection of Park Road and Tremont Avenue Current zoning is R-6MF and the petitioner is seeking R-6MFH

2 The R-6MF district allows approximately 21 units per acre whereas the R-6MFH is a high density district and permits up to about 43 units per acre

3. The site was included in a 1982 petition involving the Dilworth neighborhood rezonings The area around it was rezoned R-6, but this site was left zoned the existing R-6MF due to the fact that a multi-family structure was located on the property

4 The petitioner has recently been issued a zoning violation due to the fact that nearby residents complained of remodling/construction which took place on the site and apparently increased the number of units from four to seven According to Building Standard Department officials a building permit was issued for remodling construction but there was no mention of remodling which would increase the number of units Upon complaints Building Standards investigated and due to the violation the petitioner sought a variance before the Zoning Board of Adjustment.

5 The petitioner sought the variance in order to legitimize the seven units for the property, but the variance request was denied by the Board and the petitioner was instructed to alter the site so that the four unit apartment building would return.

6 The petitioner, therefore, filed the rezoning application in order to establish a district for the property which would legally allow the seven units now on the site.

7. Staff does not believe that the rezoning is justified A zoning violation is not sufficient grounds in order to recommend approval of the rezoning.

8 As evidenced by the 1982 rezoning, the flavor of the area is single family and there is tremendous public support for this and other city neighborhoods to rebound and maintain their integrity. Rezonings of this type, particularly brought forward as it has in this case, does not foster the overall goal of inner city preservation.

9 Based upon the above circumstances, the petition is recommended for denial

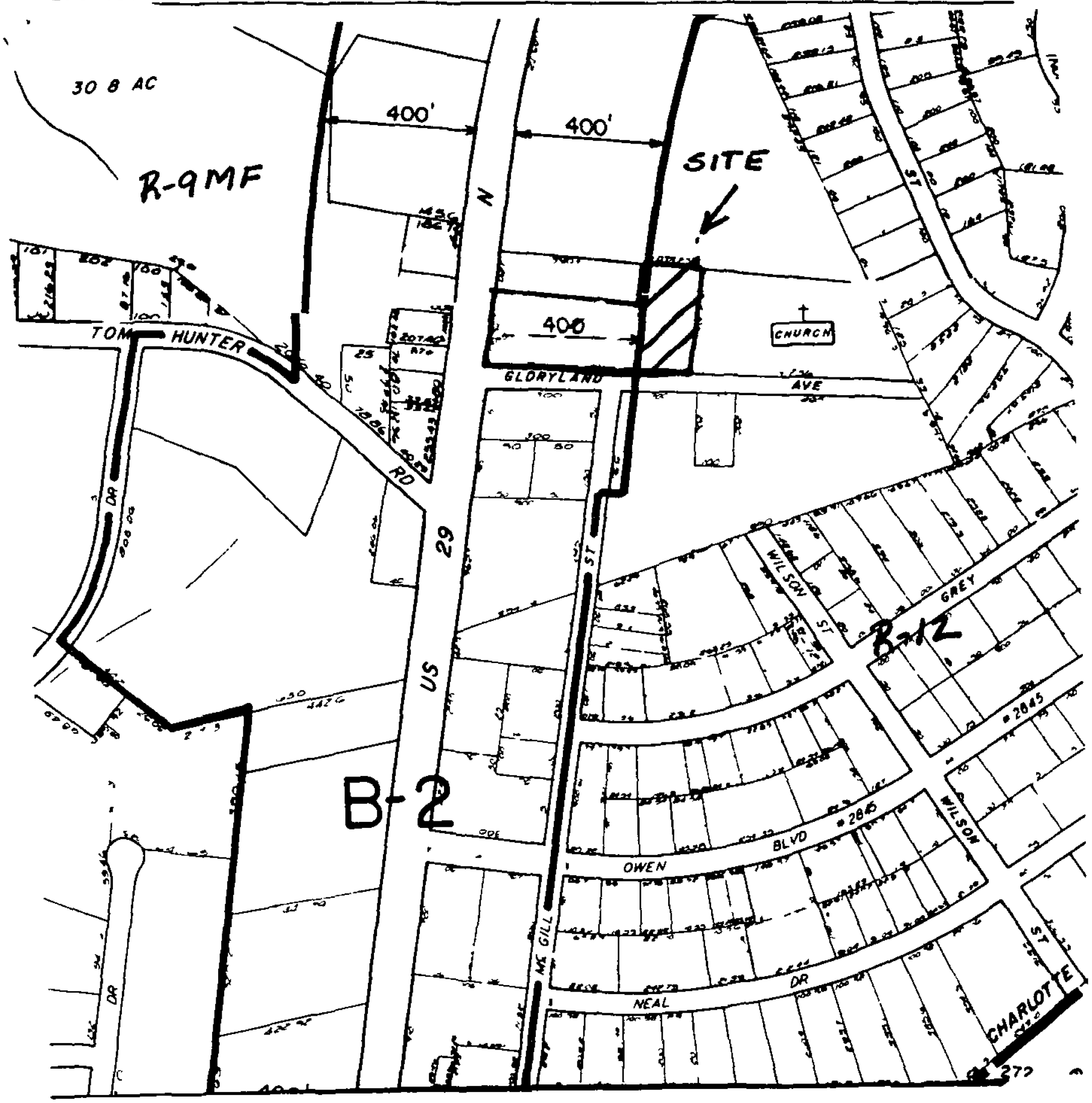
*Subject to further refinement following public hearing.

PETITIONER Lee Stuckey, Stuckey Furniture

PETITION NO. 86-42 HEARING DATE 4-21-86

ZONING CLASSIFICATION, EXISTING R-12 REQUESTED B-2(CD)

LOCATION .66 acre site on the Northside of Gloryland Avenue off N.Tryon St.



ZONING MAP NO. 71,77 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

Petition No. 86-42

Date Filed 3 1.86

Received By CL

OFFICE USE ONLY

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Ownership Information

Property Owner: Mr. Lee Stuckey, Stuckey Furniture

Owner's Address: 6600 N. Tryon Street
Charlotte, NC 28213

Date Property Acquired: November 19, 1946

Deed Reference: 3032-446 Tax Parcel Number: 049-081-05

Location Of Property (address or description)

North side of Gloryland Avenue, off North Tryon Street

Description Of Property

Size (Sq. Ft.-Acres): .66 acres Street Frontage (ft.): 140±

Current Land Use: Vacant

Zoning Request

Existing Zoning: R-12 Requested Zoning: B-2(CD)

Purpose of zoning change: To permit expansion of existing furniture sales and storage facility.

Fred E. Bryant, Planner
Name of Agent

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

333-1680
Telephone Number

Mr. Lee Stuckey, Stuckey Furniture
Name of Petitioner(s)

6600 N. Tryon St., Charlotte, NC 28213
Address of Petitioner(s)

596-1401
Telephone Number

Lee Stuckey
Signature

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 86-42

Petitioner	Lee Stuckey, Stuckey Furniture
Location	A 66 acre site on the north side of Gloryland Avenue off North Tryon Street.
Request:	Change from R-12 to B-2(CD).

ISSUES·

1. Likelihood of Development Under Existing Zoning. Considering the existing zoning and development pattern, what is the realistic likelihood that a single family residence would occur on this property?

2 Site Plan. What aspects of the conditional site plan are important to evaluate?

BACKGROUND·

1 Existing Zoning The rezoning site is presently zoned R-12. R-12 zoning adjoins the site on three sides and represents the zoning district for a large area located generally to the east of the site The remaining property boundary adjoins B-2 zoning and this B-2 district extends along both sides of Tryon Street Farther west to the rear of the B-2 is an area of R-9MF zoning.

2 Existing Land Use The subject property is vacant It adjoins a church along the easterly side and is also across the street from other vacant property On the other side the property adjoins the Stuckey Furniture Company. Other retail and service oriented commercial uses are located nearby at the Tom Hunter and U.S 29 intersection Otherwise there is a strong orientation to single family residential development as there is a significant concentration of single family homes to the east and south of the property Other residential development, though, is mostly multi-family and is located across North Tryon Street and along Tom Hunter Road

3 Site Plan The conditional site plan proposes an expansion of the petitioner's furniture operation Specifically, the property would be used for additional warehouse space. Portions of the site would be occupied with an addition to an existing warehouse which lies on adjoining property and other portions of the site would include a brand new warehouse building. A driveway access from Gloryland Avenue would service the new warehouse space and a parking area is shown in connection with that, also. The plan also provides for a 20 foot landscaped buffer along the easterly side of the property.

GENERAL FINDINGS

1 2005 Plan. The 2005 Plan indicates that the general area surrounding the site is denoted as existing residential with existing employment also shown along North Tryon Street.

2 Pre-Hearing Staff Input. Staff generally encouraged the submission of the application Staff indicated that given existing zoning and development patterns the proposed rezoning appeared reasonable so long as the site plan was a good one that allowed for an adequate buffer around the residential portions of the site.

3 Pre-Hearing Departmental Comments (Summary)

1 Charlotte Department of Transportation The site as currently zoned could generate 20 to 30 trips per day, but would increase to approximately 70 to 80 trips per day as planned However, this increase in traffic would have no measurable effect on the traffic conditions in the area

2. Engineering Department No comments except those that normally would be associated with the permit process

3 Fire Department The Fire Department commented that the site was greater than 500 feet from an existing fire hydrant and therefore it appeared that the extension of a water main and fire hydrant to service the site may be necessary

4. Building Standards Building Standards Department felt that additional information was needed to properly review especially with regard to the total number of parking spaces required

5. C-MUD. Water and sewer are nearby to service the property.

4 Neighborhood Context The site is located within the area defined as the Newell neighborhood

DETAILED FINDINGS·

1 The property involved in this petition is a .66 acre site which is located on Gloryland Avenue just off North Tryon Street The current zoning is R-12 and the petitioner is seeking B-2(CD)

2 The petitioner has filed a site plan in conjunction with the rezoning The property would be used for warehouse purposes in conjunction with the petitioner's furniture business which adjoins the site (For further details regarding the site plan refer to Background #3)

3 The property lies between the aforementioned furniture business and a church Property across the way is still vacant Gloryland Avenue is a gravel street

4 It should also be noted that another rezoning petition is pending in the area. A portion of that site adjoins this one and is the site of a proposed new Post Office. The rezoning request in that one is also B-2(CD)

5. Given the existing pattern of development and the setting of the property relative to that zoning and other uses, it would appear that a single family residence for this property is quite unlikely Though the area along Gloryland here is zoned residential there is no neighborhood to speak of and not likely to be one It seems therefore that the potential for rezoning as envisioned here does have merit.

6. The rezoning will allow the expansion of a viable business that needs additional space The expansion will not adversely impact any other residence and given the conditional approach does set forth appropriate guidelines. The only concern that staff has voiced throughout is the need to provide for a larger buffer than the 20 feet shown on the site plan. If that can be enhanced somewhat then staff would wholeheartedly recommend the approval of the rezoning application

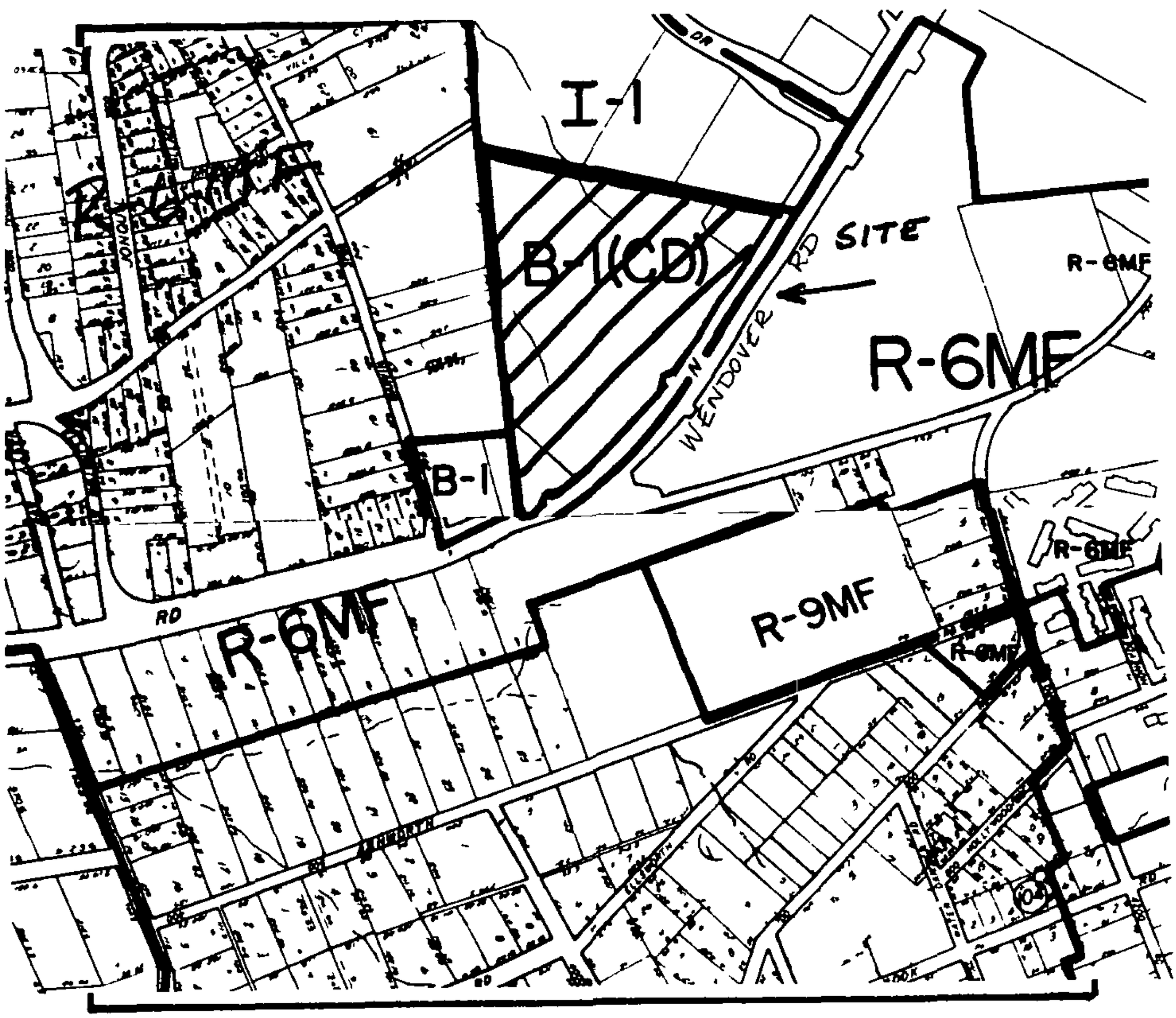
*Subject to further refinement following public hearing

PETITIONER Wendover Shopping Center Association

PETITION NO. 86-43 HEARING DATE 4-21-86

ZONING CLASSIFICATION, EXISTING B-1(CD) REQUESTED Site Plan Amendment

LOCATION 7.9 acres on the west side of Wendover Rd. south of Latrobe Dr.



ZONING MAP NO. 112 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

Petition No. 86-43

Date Filed 3 1 86

Received By CL

OFFICE USE ONLY

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Ownership Information

Property Owner: Wendover Shopping Center Association

Owner's Address: Two Canterbury Road
Pittsburgh, PA 15202

Date Property Acquired: March 20, 1984

Deed Reference: 4804-636, 639

Tax Parcel Number: 157-063-02, 157-063-81

Location Of Property (address or description) West side of Wendover Road, south of Latrobe Drive

Description Of Property

Size (Sq. Ft.-Acres): 7.9 acres ±

Street Frontage (ft.): 675' ±

Current Land Use: Shopping Center

Zoning Request

Existing Zoning: B-1(CD)

Requested Zoning: Site Plan Amendment

Purpose of zoning change: To allow minor adjustments to circulation and access pattern

Fred E. Bryant, Planner
Name of Agent

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

333-1680
Telephone Number

Wendover Shopping Center Association
Name of Petitioner(s)

Two Canterbury Rd., Pittsburgh, PA 15202
Address of Petitioner(s)

412-566-1550
Telephone Number

X S. T. Rodgers
Signature

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 86-43

Petitioner	Wendover Shopping Center Association
Location	A 7 9 acre site along Wendover Road.
Request	Change from B-1(CD) to B-1(CD) Site Plan Amendment

ISSUES.

1 Proposed Plan Amendment. What is the exact nature of the proposed plan amendment and is it consistent with the original goals and objectives of the existing site plan for the property?

2 Traffic. Are there any traffic issues which can be associated with the site plan amendment?

BACKGROUND

1 Existing Zoning. The subject property is presently zoned B-1(CD) It is adjoined for the most part on two sides by R-6MF zoning, I-1 along one side and a small area of B-1 at the corner near Marvin Drive. The R-6MF classification stretches along Wendover nearby as well as other neighborhood streets in the Grier Heights neighborhood Industrial zoning is more closely associated with Monroe Road and the nearby railroad right-of-way

2 Existing Land Use The property is developed with the Three Guys Shopping Center Apartment developments are located directly across the street as well as other new multi-family development nearby. The Grier Heights neighborhood with a mixture of housing types is also nearby There is also a concentration of employment uses along Lathrobe Drive and extending over to Monroe Road A McDonald's restaurant also adjoins the site.

3 Site Plan Amendment. There is only one issue associated with the plan amendment and that is a request to connect a driveway from the shopping center parking lot to the McDonald's restaurant which adjoins the property. No other condition of the existing site plan would change

GENERAL FINDINGS

1 2005 Plan The 2005 Plan indicates the area around the site as being one of existing employment as well as existing residential

2. Pre-Hearing Staff Input. Staff reviewed the request to locate a new driveway early on. Staff was asked to approve this administratively, but staff indicated that no authority existed to approve the driveway in that manner Accordingly the only route to approve the new driveway was through a public hearing and plan amendment process The petitioner was advised of this and staff indicated that so long as there were no traffic

problems associated with that new driveway that Planning staff would have no problem with the plan amendment

3 Pre-Hearing Departmental Comments (Summary)-

1. Fire Department The Fire Department had no comment on this matter

2 Charlotte Department of Transportation. C-DOT has no problems with the driveway opening provided the adjacent property owner has no objection to the proposal.

3 C-MUD. Water and sewer are available to service the property.

4 Engineering The Engineering Department had no comment on this request.

5 Building Standards. No comment except to question whether or not parking was being reduced for the shopping center

4 Neighborhood Context The site is located within the area described as the Grier Heights neighborhood

DETAILED FINDINGS.

1 The property involved in the petition is a 7 9 acre site located along Wendover Road The property is the site of the Three Guys Shopping Center Current zoning here is B-1(CD) and the petitioner is seeking a B-1(CD) plan amendment

2. The plan amendment simply involves the establishment of a new driveway from the shopping center parking lot to an adjoining McDonald's fast food restaurant The shopping center and McDonald's have jointly proposed this driveway connection

3. No other aspects of the conditional site plan would change.

4 Recently the shopping center here has undergone a rather dramatic change in terms of the appearance of the center Another site plan amendment which was recently approved for this property added some additional retail space The shopping center has also provided for new architectural facades as well as new landscaping treatment in the parking lot and around buildings The general appearance of the shopping center has been greatly improved with these changes.

5 Staff has no problem with the proposed plan modification The driveway connection to McDonald's will allow for a convenient flow of traffic between the two and thus will not require motorists to exit out onto Wendover Road to access the McDonald's restaurant. In addition, a benefit is achieved here because motorists can access a signalized intersection at Lathrobe Drive and Wendover Road through the McDonald's restaurant. It can serve to help enhance traffic flow and safety. In association with

the request C-DOT has reviewed the plan and has no problems with the driveway cut

6 Based upon the above circumstances, the request for the plan amendment is encouraged.

*Subject to further refinement following public hearing

PETITIONER City of Charlotte and State of North Carolina

PETITION NO. 86-44 HEARING DATE 4-21-86

ZONING CLASSIFICATION, EXISTING ~~To establish city zoning~~ REQUESTED on recently annexed property

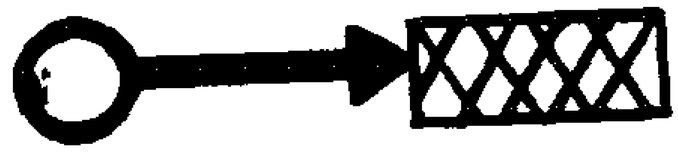
LOCATION Billy Graham Parkway - Wilmont Road Area

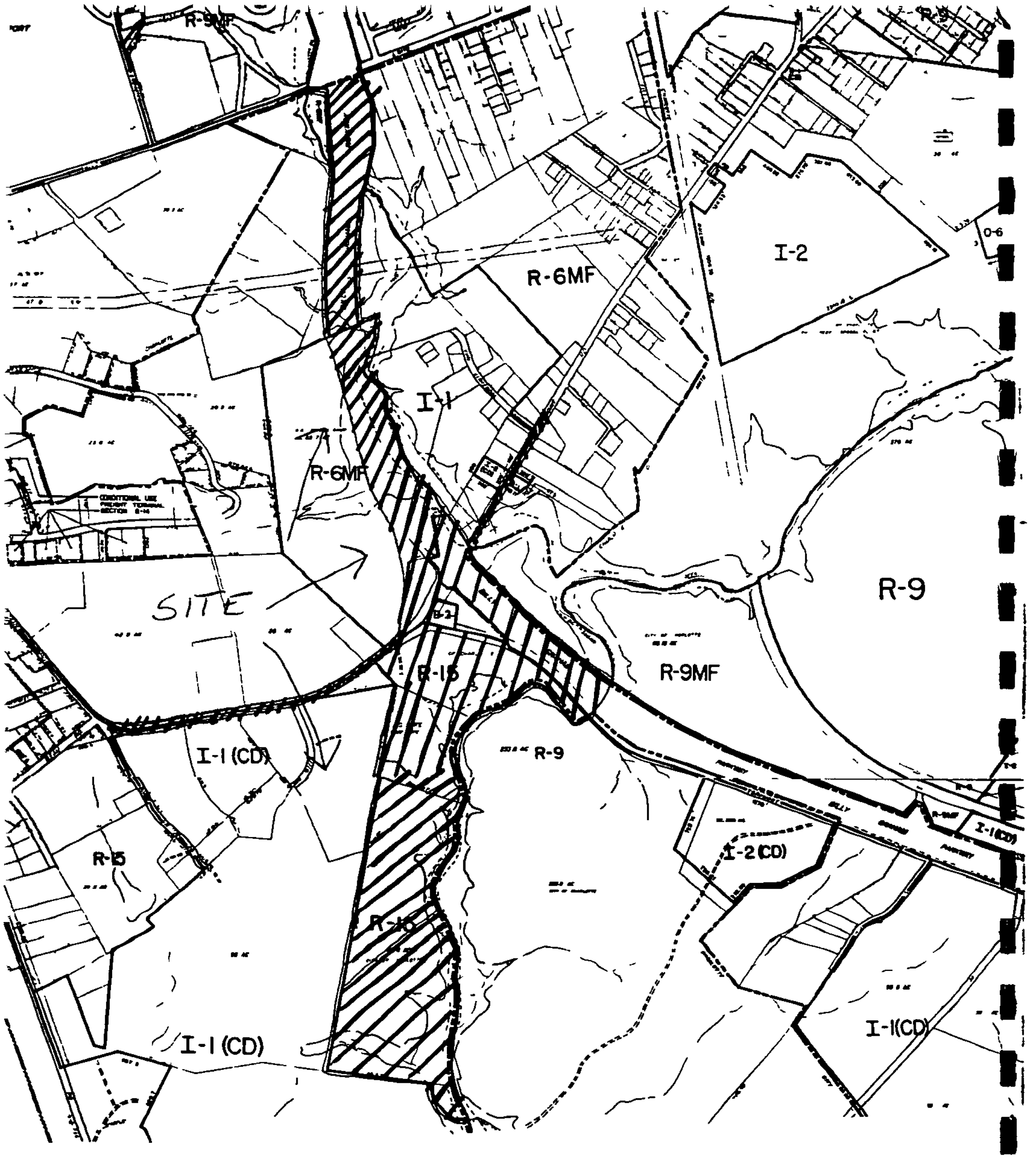
PLEASE SEE ATTACHED MAP SHEET

ZONING MAP NO. 109, 127

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE




R-9MF
R-6MF
I-2
O-6
I-1
R-6MF
SITE
R-9
R-9MF
R-15
I-1 (CD)
R-9
I-2 (CD)
I-1 (CD)
R-15
R-16
I-1 (CD)
I-1 (CD)

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 86-44

Date Filed 3 / 86

Received By CL

OFFICE USE ONLY

Ownership Information

Property Owner City of Charlotte And State of North Carolina

Owner's Address 600 East Trade Street, Charlotte, NC 28202 and Department of Administration, 116 W. Jones Street, Raleigh NC 27611

Date Property Acquired

Deed Reference

Tax Parcel Number

Location Of Property (address or description) Billy Graham Parkway / Wilmont Road Area

Description Of Property Exhibit "A" Legal Description

Size (Sq. Ft.-Acres)

Street Frontage (ft.)

Current Land Use VACANT except for State Highway Department Maintenance Facility

Zoning Request

Existing Zoning

Requested Zoning SAME AS existing

Purpose of zoning change Establish City Zoning in recently surveyed property.

Name of Agent

City of Charlotte and State of North Carolina

Name of Petitioner(s)

Agent's Address

Address of Petitioner(s)

Telephone Number

Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

Request for Council Action

Charlotte

To the City Council
From the City Manager
Action Requested Adopt the West Morehead Special Project Plan as a policy guide for future land use and zoning decisions

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

In 1984, the Charlotte Uptown Development Corporation identified the need to study the West Morehead area, an "industrial slum" located within Charlotte's Uptown Rejuvenation of the adjacent Third Ward neighborhood and the West Trade Street corridor, as well as the continued building boom along Tryon Street, have emphasized the decay in the West Morehead section, the only portion of the Uptown not addressed by a study.

The project occupies the western extreme of Uptown Charlotte bounded by Interstate 77 to the west, the Interstate 277 loop under construction to the south, South Mint and West Fourth Streets forming the eastern flank, the main Norfolk Southern railroad line east of South Cedar Street (between West First and West Fourth Streets), and West First Street between the rail line and I-77

EXPLANATION OF REQUEST

The Council is being asked to adopt the West Morehead Special Project as a policy guide to stimulate redevelopment in the area Specifically, this plan recommends two government initiated rezonings that retain no non-conforming land uses, the identification of infrastructure in need of improvement, and the implementation of the Redevelopment Plan written in conjunction with this project It also explores the possibility of consolidating fragmented land ownership, implementation of a marketing program, promotion of a business owners' association as well as reuse of abandoned rail line rights-of-way

SOURCE OF FUNDING

No additional funds are requested Various city staff people will be involved in the implementation of the plan through normal staff activities Any capital improvements will be funded through the capital improvements program

CLEARANCES

The Charlotte-Mecklenburg Planning Commission and CUDC have coordinated this plan together No conflicts exist with other city departments

BIBLIOGRAPHY

- West Morehead Special Project
- West Morehead Special Project Certification Study
- Redevelopment Plan Number 5

For Office Use Only

Date Submitted April 4, 1986 ~~April 21, 1986~~

Agenda Date Requested

Consequences if Agenda Date is Delayed or Action is Deferred Delay consideration until May, 1986

Contact Person for Questions from the City Manager's Office ~~Dave Howard~~

Authorized by

Department Head

Approved by

Assistant City Manager

List Attachments

1. West Morehead Special Project Plan

THE WEST MOREHEAD SPECIAL PROJECT

INTRODUCTION

In 1984, the Charlotte Uptown Development Corporation identified the need to study the West Morehead area, an "industrial slum" located within Charlotte's Uptown Rejuvenation of the adjacent Third Ward neighborhood and the West Trade Street corridor, as well as the continued building boom along Tryon Street, have emphasized the decay in the West Morehead section, the only portion of the Uptown not addressed by a study

The project occupies the western extreme of Uptown Charlotte bounded by Interstate 77 to the west, the Interstate 277 loop under construction to the south, South Mint and West Fourth Streets forming the eastern flank, the main Norfolk Southern railroad line east of South Cedar Street (between West First and West Fourth Streets), and West First Street between the rail line and I-77

BACKGROUND

LAND USE

(Refer to enclosed maps)

Much of the industrial area of the Uptown is devoted to railroad lines controlled by the Norfolk Southern Railroad These rail lines slice the Uptown into three distinct pieces, each of which has its own land use character as described in the following:

AREA I

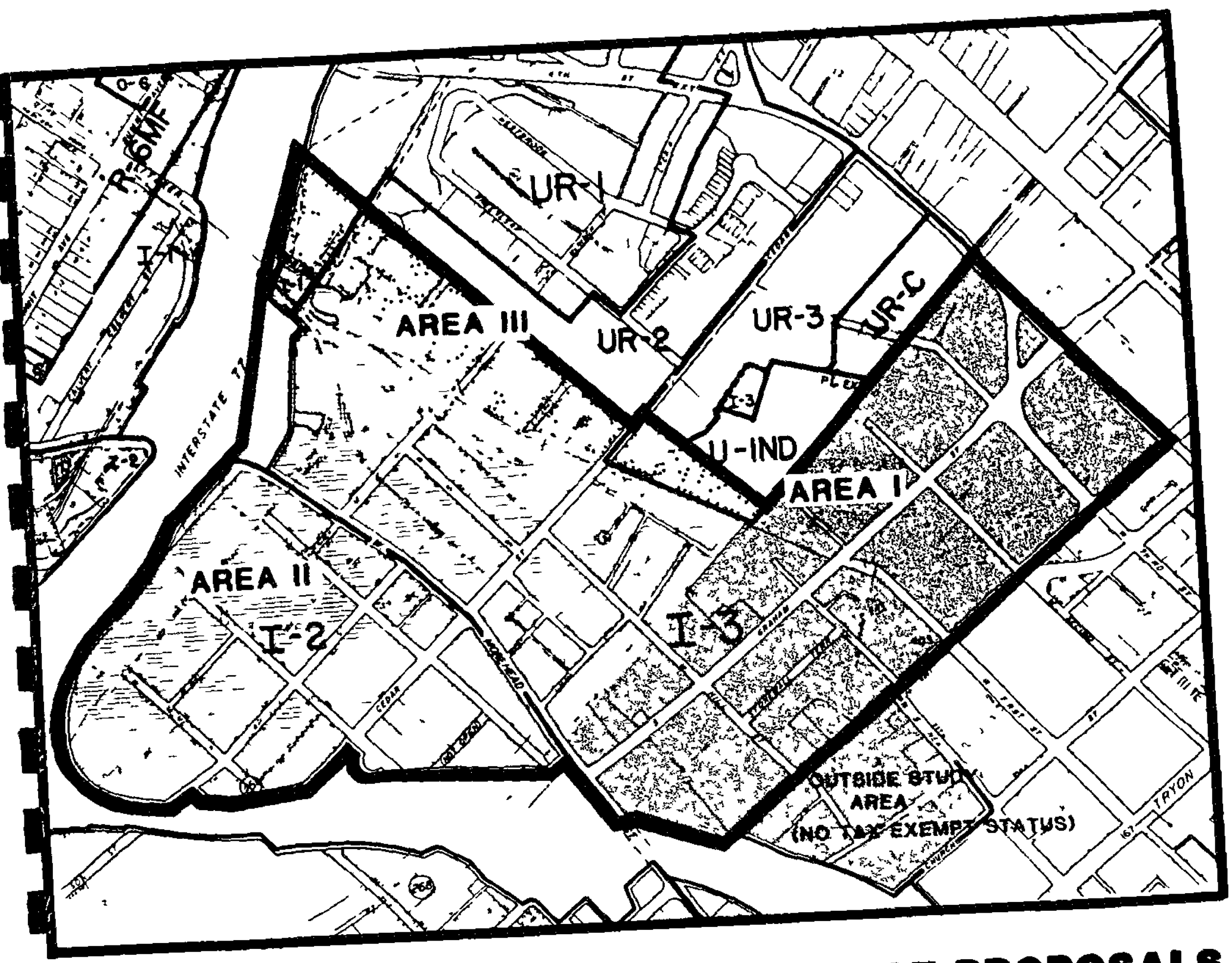
To the east of the main rail line, along South Graham and South Mint Streets, the predominant use is open land devoted to parking for Uptown commuters A mix of retail and wholesale activities follows Magnolias Nursing Home occupies a former hospital site between South Graham and South Mint Streets and houses the only residents in Area I

AREA II

To the west of the main Southern Railway line and to the south of the former Piedmont Northern Railroad spur line is a section characterized by moderate to heavy industry, encompassing wholesale, warehouse and manufacturing facilities Included is a financially troubled foundry on South Cedar Street

AREA III

To the north of the former Piedmont Northern Railroad spur line, sandwiched between rail and West First Street, is an agglomeration of notable old industrial buildings The western section is devoted to manufacturing and wholesale trade, while the eastern two blocks contain a religiously affiliated mission devoted to rehabilitating the indigent (The recycling and resale of refurbished goods help support the operation.) Area III fronts directly on the redeveloping Uptown neighborhood of Third Ward In fact, a high quality condominium development has been constructed next to these aging industrial buildings on the north side of West First Street

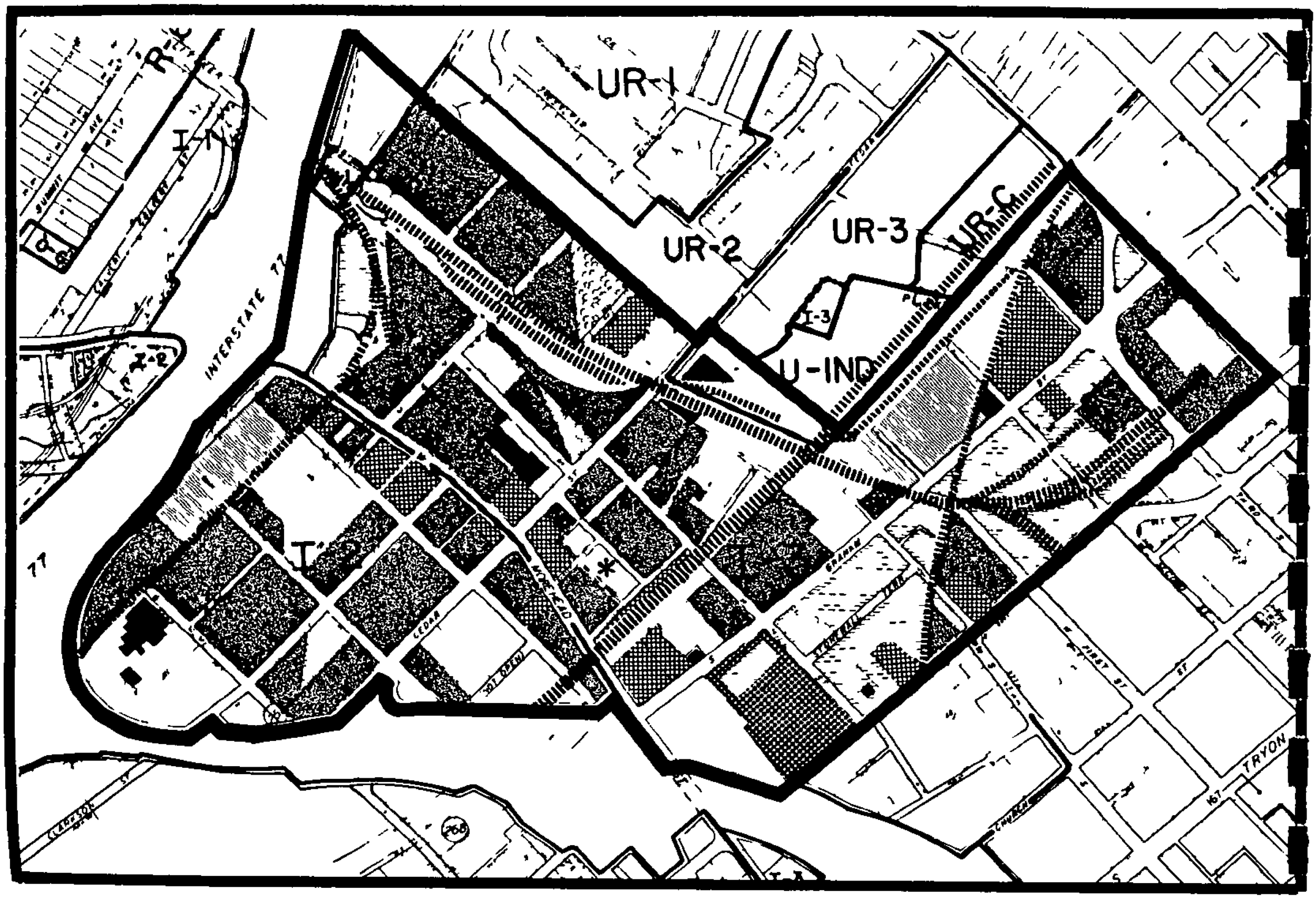


WEST MOREHEAD SPECIAL PROJECT PROPOSALS

TAX EXEMPT STATUS
NO CHANGE IN ZONING

CHANGE ZONING TO U-MUD

TAX EXEMPT STATUS
CHANGE ZONING TO UR-C



WEST MOREHEAD SPECIAL PROJECT
LAND USE

- INDUSTRIAL
- RETAIL
- OFFICE
- UTILITY
- RAILROAD
- INSTITUTIONAL
- PARKING
- HEALTH CARE FACILITY
- VACANT
- VACANT BUILDING

* BUILDING UNDER CONSTRUCTION

PROBLEM IDENTIFICATION

The West Morehead area suffers from neglect. As Charlotte's explosive growth occurred in the post-war period, many industries moved out to newer industrial parks in the suburban fringe Left behind were firms choosing to stay for several reasons First, Industrial (I-2 and I-3) zoned land had few controls on land use and appearance Second, the central location was either essential to the operation or, at least convenient. Finally, business owners occupied delapidated buildings and had no incentives for repairs

Several additional constraints hamper a renewal Currently, the area is adjacent to Interstate 77, as well as the Uptown Unfortunately, transportation access is less than adequate Only a north I-77 entry ramp exists for West Morehead Street South bound trucks must currently drive either to the Trade Street/I-77 interchange (via the Third Ward residential section) or to the U S 74/I-77 cloverleaf by first traveling South Mint Street and the present Independence Boulevard To complicate matters, interstate drivers can only reach this section indirectly through the beforementioned Trade Street/I-77 and U S 74/I-77 interchanges

The area's image as a hard industrial, deteriorating downtown fringe also discourages new investment Reinforcing this image is the view drivers have from I-77, elevated and overlooking much of the West Morehead area The current delapidated condition of aging industrial buildings is the foreground view as interstate travelers pass Charlotte Uptown skyline

Also constraining renewal is the great number of small parcels having fragmented ownership This is especially true along South Cedar, Hill, and West Morehead Streets, west of the Norfolk Southern Rail line, and on South Graham and South Mint Streets, between West Third and Hill Streets Land assemblage is needed to open opportunities for large scale development

Creating yet another problem are the numerous rail lines traversing the area and associated problems of topography The rail lines literally bisect the region into at least three distinct sections In addition, at-grade streets meet or are blocked by many of the lines

Land controlled by utility or railroad ownership presents a challenge to redevelopment Much of this acreage is currently devoted to open space for parking and abandoned tracks This is particularly evident in the section between South Graham and South Mint Streets Obviously, this could affect land assemblage for future development

Finally, current zoning is unacceptable if this section of the Uptown is ever to improve its image I-2 and I-3 industrial zoning predominate and give virtually no control over land use Hence, the area is dotted with exposed storage yards and junked parcles.

POSITIVE FACTORS

Before recommendations are made, several positive factors should be noted. These elements are reviewed with the potential for redevelopment.

1 The location is excellent The study area is part of Charlotte's Uptown where the network of roads and rail lines all converge Also, South Mint and South Graham Streets are only two to three blocks from the high-rise office concentration fronting on Tryon Street

2 Infrastructure is already in place Water, sewer, electricity, natural gas, streets and rail have all been developed with the industrial high-use customer in mind

3 The area is accessible I-77 forms the western boundary of the study area presently constructed as an inadequate gateway to the region Fortunately, the future I-277 loop frames the southern perimeter and will be completed by 1988 This will enhance access, eliminating the need for trucks to traverse Third Ward

4 Presently, a quarter of the area's acreage is vacant Open land coupled with depressed land values could avail needed space for an expanding downtown office market

5 Without public assistance, rennovation and new construction is occurring This includes warehousing and retailing along South Mint and South Graham Streets, warehousing in the vicinity of West Morehead and Morris Streets and rehabilitative services and light manufacturing on West First Street In total, approximately thirteen businesses have built or rehabilitated structures

6 The rebirth of the adjacent Third Ward neighborhood is a plus for the study area's fringe along West First Street Clarkson Green is a new, high quality condominium development between West First Street and Greenleaf Avenue. Nearby, several old, quaint industrial buildings have undergone or are under consideration for rennovation.

7 Public sector actions have already been initiated A certification study was undertaken in the Spring of 1985 to determine the number of blighted buildings A prerequisite to any redevelopment plan, it revealed that 72% of the area's structures were either deteriorated or in completely dilapidated condition Consequently, on November 18, 1985, the Charlotte City Council approved low interest money to aid in rennovation and new construction Entitled "Redevelopment Area No. 5", the objectives included setting certain design standards upon loan recipients in an orchestrated effort to improve the study area's appearance Targeted specifically for the portion west of the Norfolk Southern rail line, the goal of improving appearances may eventually alter the present negative image

8 Because of the flurry of construction around Tryon Street (east of the Norfolk Southern rail line), the natural market forces were considered so strong that a redevelopment plan was not deemed necessary. There are indications that the market may already be working as competition for office space increases "Back of office" uses (those office uses not needed in high profile locations) may dictate the construction of new buildings along South Mint Street and beyond

PRELIMINARY FINDINGS

The Charlotte-Mecklenburg Planning Commission (CMPC), assisted by the Charlotte Uptown Development Corporation (CUDC), set out to explore the area's potential and to design and implement a plan to improve the area A consulting firm, Zuchelli, Hunter and Associates, Inc (ZHA) from Annapolis, Maryland was hired to study the situation The objectives of the study were·

1) To conduct a market analysis to determine land use possibilities
2) To outline the area's constraints and assests
3) To make recommendations

ZHA research included interviews with public officials, local business owners, as well as realtors Statistics included population trends and projections, employment, recent and predicted growth in income, and a survey of key employment sectors such as services, wholesale and retail trade

The ZHA study conclusions centered on six recommendations

1) Expand the urban redevelopment area to include West Morehead
2) Establish a commercial loan program
3) Create a residential loan program
4) Begin a coordinated West Morehead marketing effort
5) Consolidate small parcels of land
6) Establish a multi-tenant business incubator project to facilitate revitalization

Planning staff analysis concurred with the majority of these goals with the exception of the proposal for a residential loan program The boundaries of the study area were reduced to omit the former Third Ward scrap yard site, thus eliminating any potential for housing

CMPC RECOMMENDATIONS

The following recommendations are categorized according to those responsible for implementation Several have already been accomplished

PUBLIC SECTOR

TO BE CARRIED OUT BY THE

CHARLOTTE-MECKLENBURG PLANNING COMMISSION

* Complete a certification study on blighted structures, assessing the area's eligibility for low interest loans (Project completed.)

* Prepare a redevelopment plan based on the certification that sets up a low interest loan program for rehabilitation and new construction (Project completed.)

* Introduce a certification study and redevelopment plan to the Charlotte City Council for approval Designate CUDC as administrator of the redevelopment plan's loan program (Project completed November 18, 1985.)

* Change the zoning in Area I (and an adjacent I-3 portion outside the study area, between I-277 and Stonewall Street) from I-3 to U-MUD

* Change the zoning in Area III from I-3 to UR-C

* Identify infrastructure in need of improvements This includes curb and gutter and sidewalk repairs, better street lighting, possible street tree plantings (especially along heavily traveled roads and gateways), culverts, etc

TO BE CARRIED OUT BY THE

CHARLOTTE UPTOWN DEVELOPMENT CORPORATION

* Implement the Redevelopment Plan with a commercial loan program for renovation or new construction inside Area II and Area III

* Investigate the possibility of public/private partnership ventures that could induce reinvestment into the area

* Explore the idea of a multi-tenant, business incubator project in the study area to facilitate revitalization and development of desired businesses

* Implement a marketing program to lure business into the West Morehead area

* Facilitate a project to consolidate fragmented land ownership and a corresponding marketing program to promote united vacant parcels.

* Promote a West Morehead business owners association whose purpose would be to alter the area's negative image through strategies such as a marketing program and an organized clean-up campaign.

* Explore the possibility of reusing abandoned railroad track acreage either for resale or open space. Of particular interest is the fate of the former Piedmont Northern spur line between West First and Hill Streets A potential reuse may be open space with a pedestrian walkway or a tramway to transport residents between the Third Ward neighborhood and Mint/Tryon Streets employment core.

FUTURE ACTIONS BY THE PUBLIC SECTOR

* Since the region has a history of ground water contamination by local businesses, identify those firms involved in the sale, transport or use of hazardous chemicals and promote its monitoring The North Carolina Department of Human Resources in Raleigh would be responsible for this task

* The Charlotte-Mecklenburg Planning Commission and the Charlotte Uptown Development Corporation should combine efforts to sponsor a design charet for the West Morehead area. The purpose would be to explore the potential for future land use. Following the example of the West Trade Street charet, experts in their respective fields would be invited to collaborate on the project.

PRIVATE SECTOR

* Reserve the portion in Area I as future expansion for Uptown Tryon Street expansion. By not expanding Redevelopment Area No 5 beyond the Norfolk Southern rail line boundary, natural market forces combined with a U-MUD zoning designation will dictate future land uses

CONCLUSIONS

Though the West Morehead area suffers from neglect, it holds many assets that can unlock the barriers to redevelopment Through the coordinated efforts of several agencies, low interest money is now available through the new "Redevelopment Area Number 5" Still to come will be the actual consolidation of parcels, the improvement of infrastructure, corrective rezonings and a marketing strategy The final outcome of these efforts will not only be reflected in a renewed interest in the area but more important, in a fresh image

Request for Council Action

Charlotte

To the City Council
From the City Manager
Action Requested Adopt Third Ward/West Trade Street Special Project Plan as a policy guide for future land use and zoning decisions

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

In January, 1983, Planning Commission staff was asked to prepare a special project addressing the future land use of the West Trade Street Corridor and how it would be affected by the proposed median. This project was limited in scope dealing only with land uses and circulation in the West Trade Corridor.

Since that time several events have occurred that point to the need for a special project that deals with land use and urban design considerations not only in the West Trade Street Corridor, but the surrounding Third Ward neighborhood as well Among these events have been the removal of the scrap yard east of Cedar Street, the construction of the median and other streetscape improvements along West Trade Street, a design charette addressing urban design issues in the West Trade Street Corridor, and the rezoning of the corridor from B-2 to U-MUD.

Third Ward is bound on the west by I-77, on the north by Elmwood-Pinewood Cemetery, on the east by the Southern Railway, and on the south by West First Street

EXPLANATION OF REQUEST

City Council is being asked to adopt the proposed land use plan as a policy guide for future land use and zoning decisions. The following rezonings are necessary to achieve the proposed land use objectives.

- UR-C to UR-3 - Irwin Avenue School Site To eliminate the possibility of non-residential development in this residential area and to promote high density residential development on vacant school property, as well as use the school itself for residential reuse in the long-term.

- O-6 to UR-2 - To establish a residential zoning district for these two (2) residential parcels at the corner of North Sycamore and West Sixth Streets.

- UR-C, U-IND and I-3 to UR-3 - Former Scrap Yard Site Less than half of this 15 acre site is zoned UR-3, high density residential To accommodate a mixture of housing densities with some office/retail the remainder of the site should be zoned UR-3.

For Office Use Only

Date Submitted April 4, 1986

Agenda Date Requested ~~April 21, 1986~~

Consequences if Agenda Date is Delayed or Action is Deferred

Contact Person for Questions
from the City Manager's Office ~~David Howard~~

Authorized by

Department Head

Approved by

Assistant City Manager

List Attachments

In addition, several physical improvements are proposed relating to Frazier Park and pedestrian circulation

If approved by Council the recommendations of this plan would then be incorporated into an amendment to the redevelopment plan by the Community Development Department which would come before Council at a future date with specific cost information

SOURCE OF FUNDING

It is anticipated that the funding necessary to implement this plan would be through C I.P requests and through funds budgeted for implementing Area Plan recommendations

CLEARANCES

This plan has been approved by the Charlotte-Mecklenburg Planning Commission as well as the Third Ward neighborhood The preparation of this plan was coordinated with the Community Development Department, the City and County Park and Recreation Departments, the Board of Education and the CUDC

BIBLIOGRAPHY

Third Ward Redevelopment Plan and subsequent amendments West Trade Street Charette

THIRD WARD PLAN

INTRODUCTION

At one time, Charlotte consisted of four wards The Third Ward neighborhood is a portion of the original Third Ward quadrant A charming uptown neighborhood, Third Ward had many grand homes in the West Trade Street corridor These homes no longer stand and the neighborhood has been divided by several major thoroughfares Strip commercial zoning has also evolved The negative impacts created by the widening of West 5th Street, the construction of the West 4th Street extension, and the Trade-4th connector have significantly contributed to the decline of the neighborhood by separating it into three, disjointed parts with no unity between the three. The strip commercial zoning of the West Trade Street corridor bisecting Third Ward, has led to the piecemeal development of non-neighborhood businesses, many of which are deteriorating and contribute to the blighted image of Third Ward

However, there are some encouraging signs that may eventually lead to a renaissance of Third Ward Beginning in the mid 70's, under the Community Development Department, a substantial number of homes south of West 4th Street extension were renovated Public improvements were also made In the early 80's over 125 new condominiums were built under a low-interest loan program that is still in effect Recently, the streetscape along West Trade Street was improved, which may be yet another catalyst for revitalization.

But Third Ward remains a divided neighborhood This plan was designed to guide development in Third Ward in such a way that the fragmented neighborhood will once again be unified The plan focuses on revitalization of West Trade Street corridor Both land use and urban design components have been evaluated.

PLAN OBJECTIVES

- o conserve the existing housing stock
- o provide for new residential development compatible with Third Ward's character and needs and which helps to unify the fragmented portions.
- o develop a mixture of retail office and residential uses in the West Trade corridor that have a pedestrian scale and enhance it as a gateway to Uptown Charlotte

PLAN PROPOSALS

SOUTH OF WEST 4TH STREET EXTENSION

This area contains the majority of the housing in Third Ward as well as several tracts of vacant land. Objectives for improving this area are·

- o Preserve the existing residential character of the area
- o Provide for infill development on vacant land that would be consistent with the established character of the area

Based upon the objectives, the following improvements are recommended

1 Area A - This area is dominated by single family detached housing, it should remain so The current zoning of UR-1 is appropriate Efforts should be made to rehabilitate deteriorating homes

2 Area B - This area consists primarily of newly constructed townhouses and multiple family units, zoned UR-2. Vacant land should be built in the same manner

3 Area C - This vacant tract of land consists of 2.5 acres and fronts on West 1st Street The current zoning of UR-2 is appropriate Pedestrian access to this parcel from Greenleaf Street should be developed along the old right of way of Elliott and McNinch Streets In addition, the parking lot at the end of West First Street should be connected to Greenleaf Avenue to provide better access to Frazier Park

4 Area D - Formerly occupied by a scrap metal salvage yard and other industrial uses, this vacant tract of land consists of 13-17 acres It is currently zoned UR-3, UR-C, U-IND and 1-3 Development of the tract may include both residential and non-residential uses, however, a significant residential component is required with intensity ranging from medium density along the Cedar Street frontage to high density toward the interior of the site In order to facilitate this type of development, it is proposed that the UR-C, U-IND and 1-3 be rezoned to UR-3

Urban Design Recommendations - Building heights should be a maximum of three stories along Cedar Street to be compatible with development on the west side of Cedar Street They may vary from five to eight stories at the interior of site, but should not block views of uptown A buffer of 100' should be provided along the southern railway within which recreational facilities or parking can be located.

The development of Area C, which has over 1400 feet of street frontage presents an excellent opportunity for improving the appearance of Cedar Street, enhancing the street as a pedestrian link through Third Ward. Specific streetscape proposals for Cedar Street and other Third Ward Streets will be developed as part of the Uptown Streetscape Plan, currently being developed by planning staff

IRWIN AVENUE/WACCAMAW STREET AREA

The construction of the Trade-4th Street connector and West 4th Street extension have made this a rather tenuous area Much of the housing is in good condition, while some has deteriorated considerably But excellent tree cover and hilly terrain help to make this a desirable residential area A portion of the area, west of Sycamore Street, lies within the floodplain of Irwin Creek

The principal objective here is to maintain the existing housing stock and to provide appropriately scaled infill development Recommendations for this segment of Third Ward are as follows·

1 Area E - The housing stock in this area should be conserved, and rehabilitation efforts should be intensified to prevent further deterioration Homes on the north side of Waccamaw should be relocated to the south side of Waccamaw, or to other areas in Third Ward Adding this land to the vacant city-owned tract to the north will not only make it larger and more marketable, but will give it better access and more development potential

2 Area F - Primarily vacant and zoned UR-2, this city-owned parcel is appropriate for medium density, single family attached or multiple family development

Urban Design Recommendations - The location of this parcel, at the beginning of the West Trade corridor, makes it a very strategic parcel. Structures should have a very strong Trade Street orientation with access off Sycamore and Waccamaw Streets, and with parking behind the units Buildings should be no more than three stories to minimize adverse impacts to the neighborhood below Waccamaw Street

3 Area G - This floodplain parcel should be incorporated into Frazier Park, and a pedestrian bridge should be built over Irwin Creek The two existing homes on the tract should be relocated if possible

WEST TRADE STREET CORRIDOR

The two block-wide West Trade Street corridor, passes through the middle of Third Ward A variety of incoherent land uses line the street It is crucial that the redevelopment of this corridor be done in such a way that it unifies the fragmented portions of Third Ward The following objectives have been established.

- o Develop a mixture of retail, office, and limited residential uses compatible with and complementary to the existing neighborhood
- o Provide for pedestrian scaled development that has strong street orientations and that builds upon and improve existing pedestrian linkages

1 Area H - This 5 block area constitutes the heart of Third Ward and lies along the "gateway" portion of West Trade Street. Because of the significance of the gateway aspect of this corridor, careful attention should be given not only to the type of use, but also to the design and orientation of those uses. This area is currently zoned U-MUD, Urban Mixed Use District, which encourages the coordinated development of a wide variety of office, retail and residential uses with special attention given to street level pedestrian relationships Within the context of the U-MUD district the uses within this corridor should blend from freeway service uses near I-77 to an extension of the urban core office/retail towards the railroad. A limited residential component should also be included

Urban Design Recommendations - The design charette of June, 1984 recommends the establishment of a "main street" theme for West Trade Street to build upon the established character of Third Ward and to enhance the pedestrian character of the corridor To achieve this, a strong Trade Street frontage of three to five story buildings should be established These buildings should have a pedestrian scale with balconies, porches, awnings and other architectural features adding to the main street theme Pedestrian scaled lighting would also be appropriate.

4 Area I - Currently occupied by Chesapeake Paper Company, this area consists of a substantial brick warehouse complex These buildings offer a good opportunity for adaptive reuse into specialty shops and offices in the future

5 Area J - With the exception of the southern railway office building and a used car lot, this tract is vacant Mixed use development is recommended with an emphasis on retail and office uses The southern railway building should be the focal point of development

6 Area K - The plan recognizes the existence of Mt Moriah Baptist Church and supports the continuation of this neighborhood institution

NORTH OF 5TH STREET

The area north of West 5th Street is predominantly residential in character with some office and commercial uses fronting 5th Street The Irwin Avenue Optional School and campus, a significant amenity, dominates the area Just north of the school lies Elmwood/Pinewood Cemetery, a valuable open space

The objective is to maintain the residential character while providing for appropriately scaled infill development.

Recommendations are as follows·

1. Area L - Preserve existing housing stock where feasible. New housing should be single family attached or multiple family with a three-story maximum It is proposed that two residential parcels of land at Sycamore and West 6th Streets be rezoned from O-6 to UR-2

2. Area M - Maintain the existing open space of Irwin Avenue School and connect it to Frazier Park with a Greenway along Irwin Creek between West Trade and West Fifth Streets In the future, if the school should cease to function, the school building should be kept and reused for residential purposes Medium to high density infill development should occur on parcels adjacent to the school To facilitate this type of development, it is proposed that the school site be rezoned from UR-C, Urban Commercial, to UR-3

Urban Design Recommendations - Development should not take place on property located directly in front of the school as it would block the view of the attractive building Development adjacent to the existing neighborhood should be limited to three stories, while development adjacent to the cemetery could be five or six stories

3 Area N - Elmwood/Pinewood Cemetery - This represents a valuable open space in the midst of an urban area Because it borders both Third and Fourth Wards there is a good opportunity to provide a pedestrian connection between the two In addition, the cemetery should be developed with jogging and fitness trails more active use The chain link/barbed wire fence that surrounds the cemetery should be removed or replaced with a more attractive fence, and evergreen plantings should be planted along the northern boundary to provide a screen from adjacent, industrial uses.

STREETSCAPE PLANS

One of the principal means through which some degree of unity and connectivity between the fragmented portions of Third Ward can be achieved is through streetscape plans Recommendations for improving all Third Ward streets will be made in the Uptown Streetscape Plan currently being prepared by planning staff

Specifics to be addressed in the streetscape plans are as follows.

- o consistent streetscape patterns particularly on north-south streets in an effort to link together the fragmented portions of Third Ward

- extensive tree plantings along the Trade-4th connector to soften that thoroughfare.
- reconstruction of portions of the West Trade Street bridge over Irwin Creek to include balustrades or stone facing to give it more of a pedestrian scale
- emphasizing Cedar Street as the major north-south auto/pedestrian connector in Third Ward by establishing a consistent streetscape throughout.

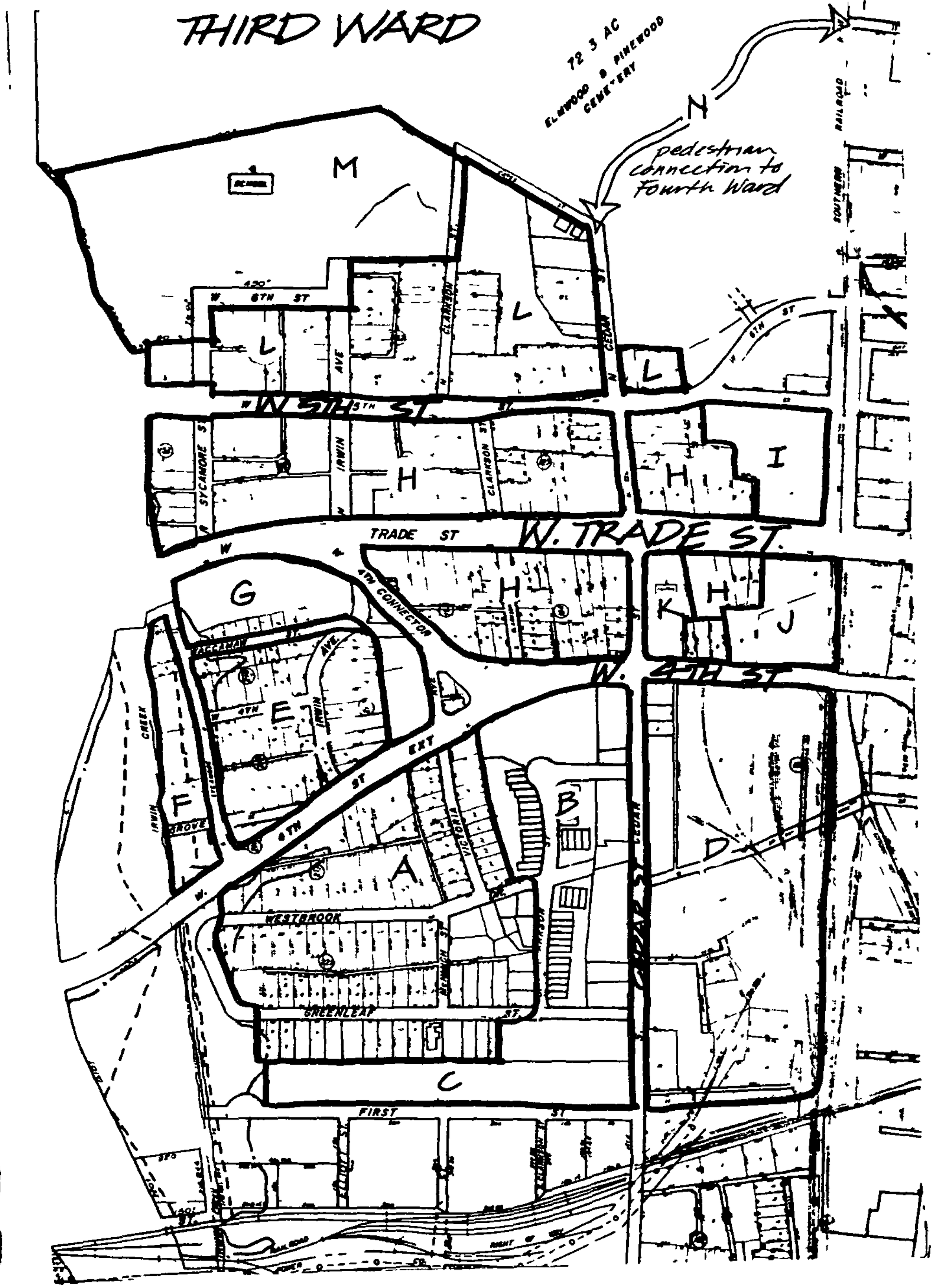
(In all cases, streetscape plans will make recommendations for sidewalks of varying widths to accommodate the amount of expected pedestrian traffic.)

URBAN DESIGN GUIDELINES

Where the plan makes urban design recommendations above and beyond zoning ordinance requirements, basic urban design guidelines will be incorporated into the Third Ward Redevelopment Plan to achieve the desired objectives

CONCLUSION

The proposed land use plan for Third Ward will establish the most appropriate land uses for the area, striking a balance between residential conservation, new multi-family construction and commercial and office development It is imperative that proposals for new development be reviewed within the context of the established urban design guidelines to achieve the highest degree of unity between the different land uses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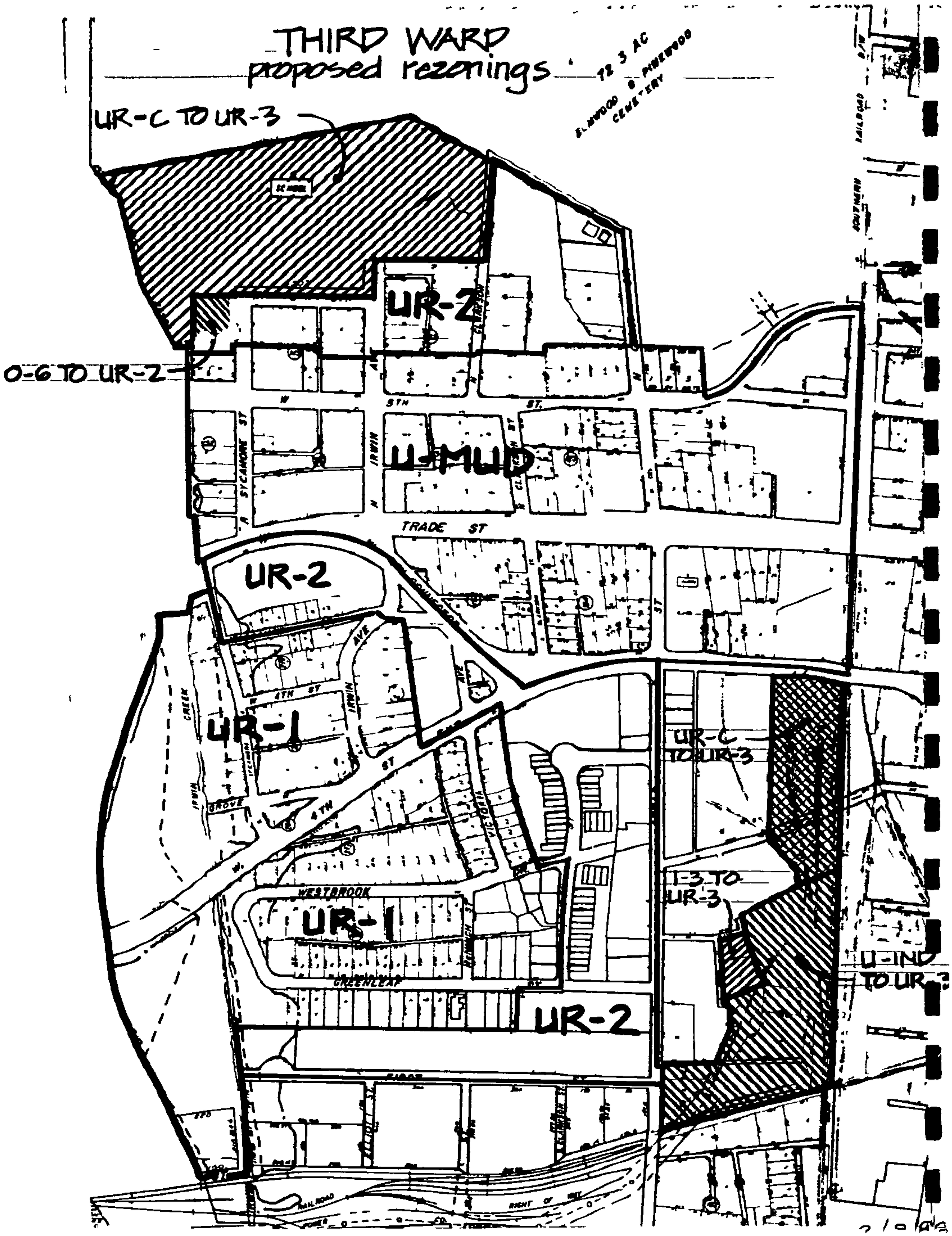


DATE February 20, 1986

PETITION NO . 86-23

PETITIONER(S): Browning Properties, Inc

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

LOCATION. A 9 9080 acre site located in Selwyn Farms at 830 Marsh Road

ACTION. The Planning Commission recommends that the petition be approved

VOTE Yeas Clodfelter, Curry, Emory, Griffin, Lawing, Lewis, M Smith, S Smith and Wheeler

Nays None

(Commissioner Lowery was not present when vote was taken)

REASONS

ISSUES

1 Overall Selwyn Farms Development Objectives How does this rezoning and the amendment to the overall development plan of Selwyn Farms relate to the original goals and objectives for this project?

2 Reason for Rezoning Request. What are the circumstances and reasons behind the rezoning request to change this particular site from multi-family development to single family development?

BACKGROUND

1 Existing Zoning The property involved in this request is presently zoned R-12MF(CD) All of the property which surrounds it is likewise zoned However, nearby are large areas which are generally zoned R-9 for single family development, though there is another R-12MF(CD) area located along Scaleybark Drive south of the rezoning site Other multi-family rezoning classifications are located along and near Marsh Road and Park Road in the vicinity of the site

2 Existing Land Use The subject property is vacant Other portions of the Selwyn Farms development have been developed with attached housing projects along with one single family development across Marsh Road A concentration of single family development borders the site including new single family development which has occurred as a result of the original Selwyn Farms rezoning Other multi-family housing including one public housing project is also in the general vicinity Sedgefield Elementary School is just

north of the site on Marsh Road and other institutional uses including churches, day care centers and the YWCA are located along Park Road

3. Existing Site Plan. The existing site plan approved for this site calls for 100 multi-family dwelling units to be developed The site plan envisions development of buildings which have four to eight units per building and a maximum density of 8 dwelling units per acre. The plan also provides for a 50 foot buffer adjacent to new single family lots

4. Proposed Zoning Change. The proposed change involves rezoning the property from its present R-12MF(CD) to R-6(CD) and replacing the multi-family development with single family homes. A total of 40 lots will be developed in lieu of the 100 units. The plan also provides for special landscaping and streetscape conditions along Selwyn Farms Lane. The plan also removes the proposed 50 foot buffer where the property adjoins new lots on Heather Lane

GENERAL FINDINGS

1 2005 Plan The site is located in an area of existing residential development The strategies included in the plan outline areas of concentrated development along a light rail corridor adjacent to South Boulevard

2 Park Road/Marsh Road Small Area Plan The site of this petition lies within the Park Road/Marsh Road Small Area Plan The site itself is the Selwyn Farms development which provides for a mixture of housing types at densities which will allow affordable prices Sensitive relationships between existing and proposed development are also provided through site design standards imposed by the contitional plan approved for this site

3 Pre-Hearing Staff Input Staff met with the petitioner to discuss this matter and generally concurred with the proposal to rezone the property Staff's biggest issue related to providing for proper streetscape design along Selwyn Farms Lane

4 Neighborhood Context The site is located within the area defined as the Ashbrook neighborhood

5 Pre-Hearing Departmental Comments (Summary)

1 C-DOT The site could currently generate approximately 840-1270 trips per day whereas under the proposed rezoning it would generate 720-940 trips per day This volume of traffic would have no significant impact on traffic conditions in this area

2 Engineering No comments except to indicate that normal development permits will be required at the time of construction development

3 Building Standards No comments except to indicate that the plan is very general

4. Planning. No comments.

5 C-MUD. Water and sewer services available to serve the site.

DETAILED FINDINGS·

1. The property in this request is a 9.9 acre site located on Selwyn Farms Lane within the developing Selwyn Farms neighborhood Current zoning is R-12MF(CD) and the petitioner is seeking R-6(CD)

2 Under the present plan the property is approved for 100 multi-family units Under the zoning change the property's development would alter such that single family development would occur and the number of units would be reduced to a total of 40 Thus this petition represents a downzoning for this parcel

3 The concept undergirding the entire Selwyn Farms development is that a variety of housing types and densities would be available Thus far both detached housing and attached housing has developed on the property

4. The petitioner has identified a market need for single family The single family which has thus far developed has been successful and at the present time the condominium and townhouse market in Charlotte is very soft This has created a demand for more single family development and the petitioner is simply seeking to fill that market void in the Selwyn Farms project

5 No identifiable development impacts have been identified regarding this request The density for this particular parcel has been reduced significantly

6 The conditional plan is a relatively simple in that it outlines the type of housing, number of units and general configuration of streets The plan does provide for landscaping and berming along Selwyn Farms Lane to provide a desirable streetscape image

7 Based upon the above circumstances, the petition is recommended for approval by the Planning Commission

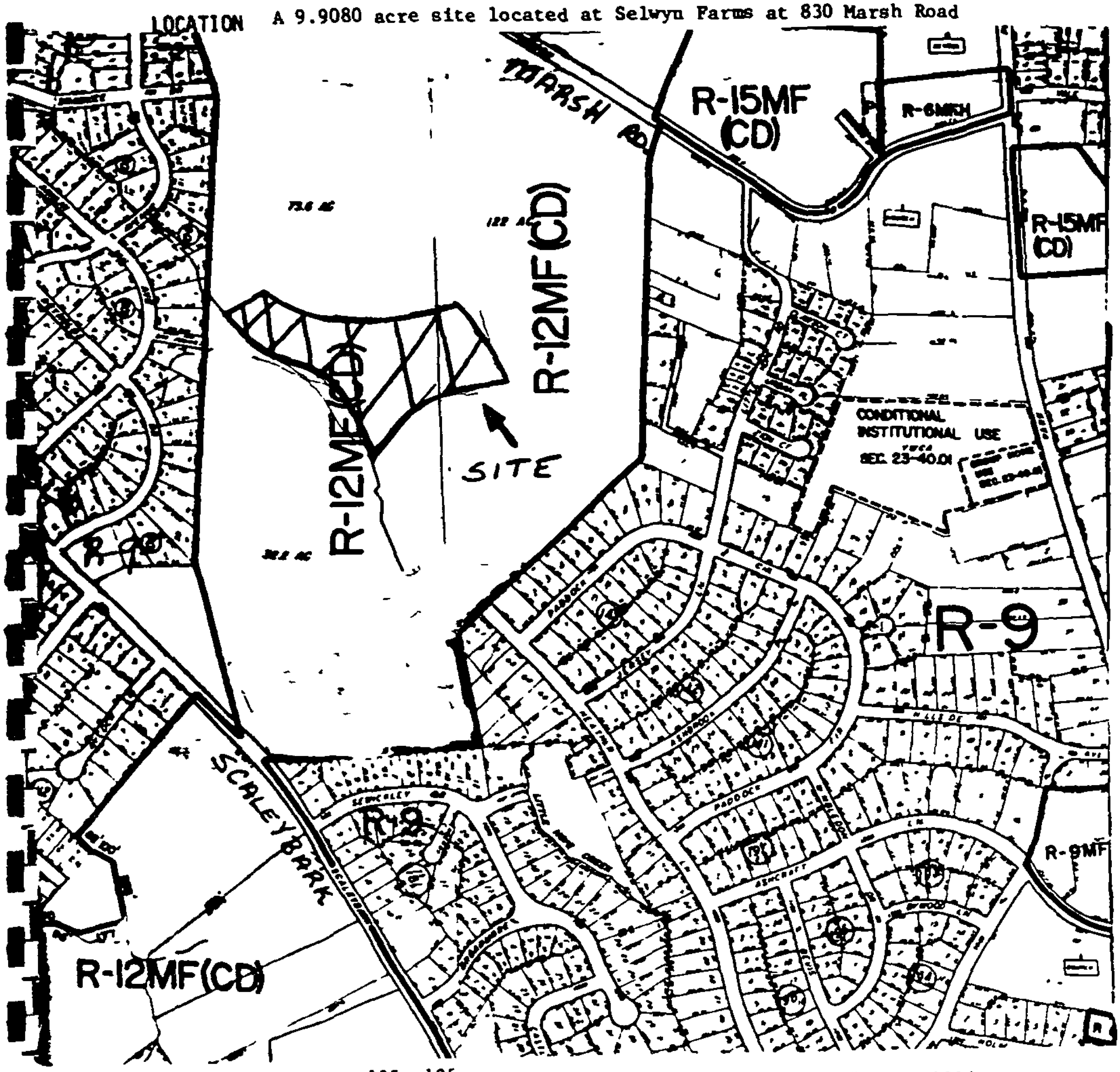
Staff Opinion
The staff agreed with Planning Commission

PETITIONER Browning Properties

PETITION NO. 86-23 HEARING DATE 02/17/86

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

LOCATION A 9.9080 acre site located at Selwyn Farms at 830 Marsh Road



ZONING MAP NO. 125, 126 SCALE 1" = ~~400'~~

PROPERTY PROPOSED FOR CHANGE

This map has been reduced

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

April 3, 1986

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 March 20, and April 1, 1986.

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 April 14, 1986 This will then permit these matters to be placed on your agenda for consideration on April 21, 1986

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

Respectfully submitted,

Robert G Young
Land Development Manager

RGY·oj

Attachments

Cameron Brown Building • 301 South McDowell Street • Charlotte, North Carolina 28204 • (704) 336 2205

DATE March 20, 1986

PETITION NO 85-73

PETITIONER(S) Gary W McCoy, H Michael McCoy, Edwin R. McCoy, III

REQUEST. Change from I-2 and I-2 Conditional Use (Petroleum Storage) to I-1(CD).

LOCATION A 2 83 acre site at the northeast corner of the Billy Graham Parkway and Old Dowd Road

ACTION The Planning Commission recommends that the petition be approved

VOTE Yeas Clodfelter, Curry, Griffin, Lawing, Lewis, Lowery, M Smith and Wheeler

Nays None

(Commissioner S. Smith was not present when vote was taken)

REASONS

ISSUES

1 Parkway/Airport Area Planning Objectives Would the approval of the petition as filed enhance development that is taking place along the Billy Graham Parkway and the Charlotte/Douglas Municipal Airport in general?

2 Conditional Approach How has a conditional rezoning approach enhanced this petition as well as a change to light industrial, rather than the original heavy industrial zoning?

BACKGROUND

1 Existing Zoning The property involved in the petition is zoned I-2, but is also specifically approved for petroleum product storage as a conditional rezoning (Note This conditional use rezoning no longer exists, but is found today as a Special Use Permit.) The property is surrounded by I-2 zoning and the I-2 district is located south of Wilkinson Boulevard and extends back in the direction of the Airport North of Wilkinson Boulevard the pattern changes to B-2

2 Existing Land Use The rezoning site is vacant Directly across Old Dowd Road there is a new business park which is in the very early stages of construction Along Wilkinson Boulevard in this vicinity are a wide variety of highway and commercial uses. One church is located directly

west of the site on Old Dowd Road and there is still a slight scattering of residential structures in the immediate vicinity

3 Site Plan The conditional site plan provides for rezoning the property to I-1(CD) Notes and conditions placed on the plan provide for the screening of parking and service areas. Access is restricted to Old Dowd Road

4. Petition Background The property was rezoned to an I-2 conditional use for the specific purpose of storing petroleum products This conditional use category no longer exists in the zoning ordinance, but has been replaced by a Special Use Permit In order to use the property for anything else other than the petroleum storage the property must be rezoned In this case the petitioner is seeking to return to the original I-2 zoning

GENERAL FINDINGS

1 Comprehensive Plan 1995 (Adopted 1976) The plan indicates an area of industrial uses along with an area of distributive business development in the vicinity of the rezoning site This plan is in the process of being updated.

2 Billy Graham Parkway Special Project Plan. The site is not located within the boundaries of the Billy Graham Parkway Plan

3. Airport Access Road A new Airport access road is planned as a multi-laned freeway from I-85 at Little Rock Road to the Charlotte/Douglas International Airport

4 Pre-Hearing Staff Input Staff consulted with the petitioner prior to the application being filed and advised the applicant that the only way in which the property could be used except for the petroleum product storage was to rezone the parcel Staff suggested rezoning the site back to the original I-2

5 Neighborhood Context The site is located within the area which is defined as the Airport neighborhood

DETAILED FINDINGS.

1 The property involved in this petition is a 2 8 acre site at the northeast corner of Billy Graham Parkway and Old Dowd Road. The present zoning of this parcel is I-2 and I-2 conditional use (petroleum storage) and the applicant is requesting that the conditional use designation be removed and that the property be rezoned to I-1(CD) (Originally the petitioner sought I-2.)

2 I-2 zoning surrounds the site and comprises the zoning classification for the immediate vicinity

3 A new business/office park is under construction directly across Old Dowd from the site This type of development is seen as a positive influence on the general environment of the Airport Hopefully, this type of development will set the standard for other new development or redevelopment in this area With new development taking place and the construction of the Billy Graham Parkway the site involved in this petition has become a very marketable piece of property It enjoys high exposure and easy access to the Parkway However, it is straddled with the old conditional use designation for petroleum product storage and therefore cannot be used except for that specific use Thus the need to rezone the site

4. Generally staff and Planning Commission has had no problem with the rezoning.

5 However, there was originally some concern about an unrestricted I-2 for the site Therefore, staff attempted to work out a conditional approach for the property At first the petitioner was reluctant During this time the matter was finally deferred for several months to allow the petitioner an opportunity to market the property and hopefully find a buyer/developer who could then in turn provide the desired CD plan

6 However at the expiration of the deferral the petitioner not only came back with a plan, but had also changed from I-2 to I-1 and thereby made the site much more restrictive The I-1 designation does not permit outside storage nor many potentially negative uses for the property That designation combined with the conditional site plan made for an acceptable solution

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

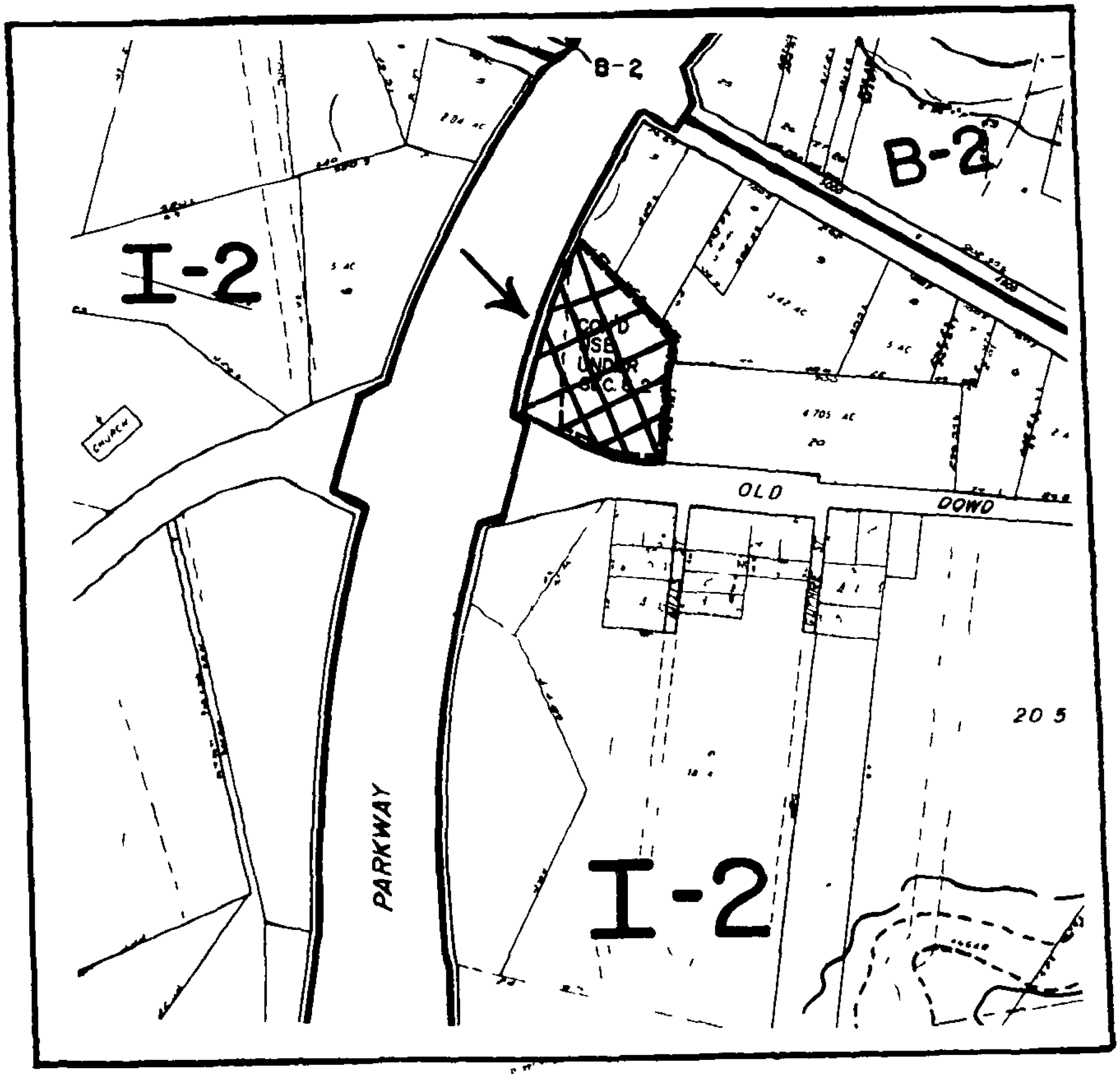
Staff Opinion
The staff agreed with Planning Commission

PETITIONER Gary W. McCoy, H Michael McCoy, Edwin R. McCoy, III

PETITION NO. 85-73 HEARING DATE October 21, 1985

ZONING CLASSIFICATION, EXISTING I-2 conditional Use (petroleum Storage) - (Sec. 8.2) REQUESTED I-1(CD)

LOCATION A 2.83 acre site at the northeast corner of Billy Graham Parkway and Old Dowd Road.



ZONING MAP NO. 104 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE March 20, 1986

PETITION NO 86-8

PETITIONER(S) H C Gabler

REQUEST. Change from I-1 to I-1(CD) and I-2(CD). (See Map)

LOCATION A portion of a 4 acre site located at 550 Gulf Drive off Hovis Road

ACTION· The Planning Commission recommends that the petition be approved.

VOTE· Yeas Clodfelter, Griffin, Lawing, M Smith and Wheeler

Nays. Curry, Lewis and Lowery

(Commissioner S Smith was not present when vote was taken.)

REASONS

ISSUES·

1 Relationship to Adjoining Residential Area What is the relationship of this site to adjoining single family residences and what effect might the approval of this petition have on those areas?

2 Proposed Use/Site Plan What is the proposed use and what aspects of the conditional site plan are appropriate to evaluate?

3 Petition Background What changes in the zoning ordinance several years ago with regard to truck terminal development have occurred which have required the rezoning in this case?

BACKGROUND

1 Existing Zoning. The petitioned property is presently zoned I-1 This I-1 area along with areas on either side of the rezoning site extend for a depth of 200 feet between an area which is zoned I-2 and an area zoned R-6. The I-2 district is generally located along Hovis Road and throughout much of the general vicinity. There are other I-1 districts in the area as well The aforementioned R-6 area is located immediately east of the site

2. Existing Land Use The rezoning site represents a portion of a tract of land which is already developed as a truck terminal. The site is graded at the present time and is probably used for some truck circulation and truck parking. Backing up to the site are the rear yards of several

single family homes which front on Winchester Street These homes are part of a larger subdivision. The development orientation along Hovis Road is one of heavy industrial development including several industrial parks and several large individual industrial uses

3. Site Plan The conditional site plan proposes a warehouse addition and new loading areas to an already existing truck and freight terminal facility. Much of the site would be devoted to parking and circulation in addition to the warehouse expansion. The plan also shows a new earth berm which would be located along the common property line between this site and the rear yards of adjoining residences

4 Amended Site Plan (As recommended by Planning Commission). The revised plan provided for a 100 foot strip of I-1(CD) adjoining the single family zoned area of the site and within that a 25 foot landscaped/berm area at the property line

5 Petition Background. The rezoning site represents a portion of a parcel of land which is already developed as a truck terminal. That portion of the property is zoned I-2. Several years ago the zoning ordinance was amended in such as way as to no longer allow freight and truck terminal as a permitted use in the I-1 district. Such uses are now permitted only in the I-2 district The expansion of this existing terminal, therefore, into the I-1 district is not permitted and requires the necessity of the zoning change in order to accomplish the expansion

6. Postponement The hearing for this matter was postponed for 30 days to allow the petitioner to file a new site plan

GENERAL FINDINGS

1. 2005 Plan The land use plan indicates that the site is located in an area of existing employment with existing residential to the north and south Strategies for the area indicate a proposed land banking program as well as to provide water and sewer, roads and zoning to support a proposed new mixed use center at N.C. 16.

2 Pre-Hearing Staff Input The staff provided assistance to the petitioner regarding the application of the petition, but in general did not generally encourage the submission of the application.

3 Neighborhood Context. The site is located within the Hoskins-Thomasboro neighborhood.

4. Pre-Hearing Departmental Comments (Summary)

   1 Building Standards Building Standards indicated no problems with the application or site plan.

   2 Engineering Department. Other than a mention of standard requirements dealing with various permits, the Engineering Department had no comments

3 Utility Department C-MUD indicates that water and sewer are available to service the site

4 C-DOT Comments from the Charlotte Department of Transportation were unavailable as of the preparation of this material

5 Fire Department The Fire Department had no comment on this petition.

6 Planning The Planning staff identified several concerns regarding the site plan Those dealt with lighting and the detail regarding the earth berm and landscaping associated with that

DETAILED FINDINGS

1. The property in this petition is the rear portion of a parcel of land which fronts on Gulf Drive off Hoskins Road The rezoning site itself is zoned I-1 and the petitioner is seeking I-1(CD) and I-2(CD).

2 The petitioner is planning a truck terminal addition. (For further details regarding the proposal refer to Background #3 and #4)

3. The area along Hoskins is generally devoted to industrial uses and zoning and is mostly comprised of the I-2 classification However there are cases as in the proposal here where an I-1 district serves as a transition between heavy industrial zoning and nearby residential development.

4. As noted under Background #5, truck terminals were formerly permitted in both I-1 and I-2 but are now restricted solely to I-2 zoning The physical expansion of the truck terminal can only be accomplished through rezoning to the heavy industrial classification.

5 Elements of the original site plan when evaluated by staff raised questions regarding the reasonableness of this proposal That plan was severely lacking in desirable detail dealing with the so called "earth barrier" at the rear of the site which would separate the truck terminal from the adjoining residential areas There was also very little in terms of geographic separation between the rear lot line and the truck terminal activity. That plan prompted a public hearing postponement A new plan was prepared

6 Throughout there was a serious question as to the appropriateness of the use notwithstanding how the problem of screening and separation could be dealt with. The I-1 area was designed to be a transition so as to preclude the potential negative impacts of nearby heavy industrial uses The expansion of the truck terminal would seem to fly in the face of that zoning goal

7. It should be noted, however, that the site in question is graded and graveled and is probably used already for truck circulation or parking There is also a noticeable difference in topography between the graveled parking lot level of the truck terminal and the back yard space of the adjoining properties.

8 With the above circumstances in mind the petitioner modified the plan significantly by providing a 100 foot I-1(CD) area, thus scaling back the I-2(CD) area originally proposed This left intact the desired I-1 transition to adjoining single family areas. Secondly, a much better berm/landscaping treatment was devised that finally provided for a suitable screening relationship to the single family areas

9 Based upon the above circumstances, Planning Commission recommends that the petition be approved Their recommended site plan is superior to the original and maintains an adequate separation between the truck terminal and the neighborhood.

Minority Opinion
The minority opinion expressed the viewpoint that the petition could have an adverse impact on adjoining vacant property and single family houses

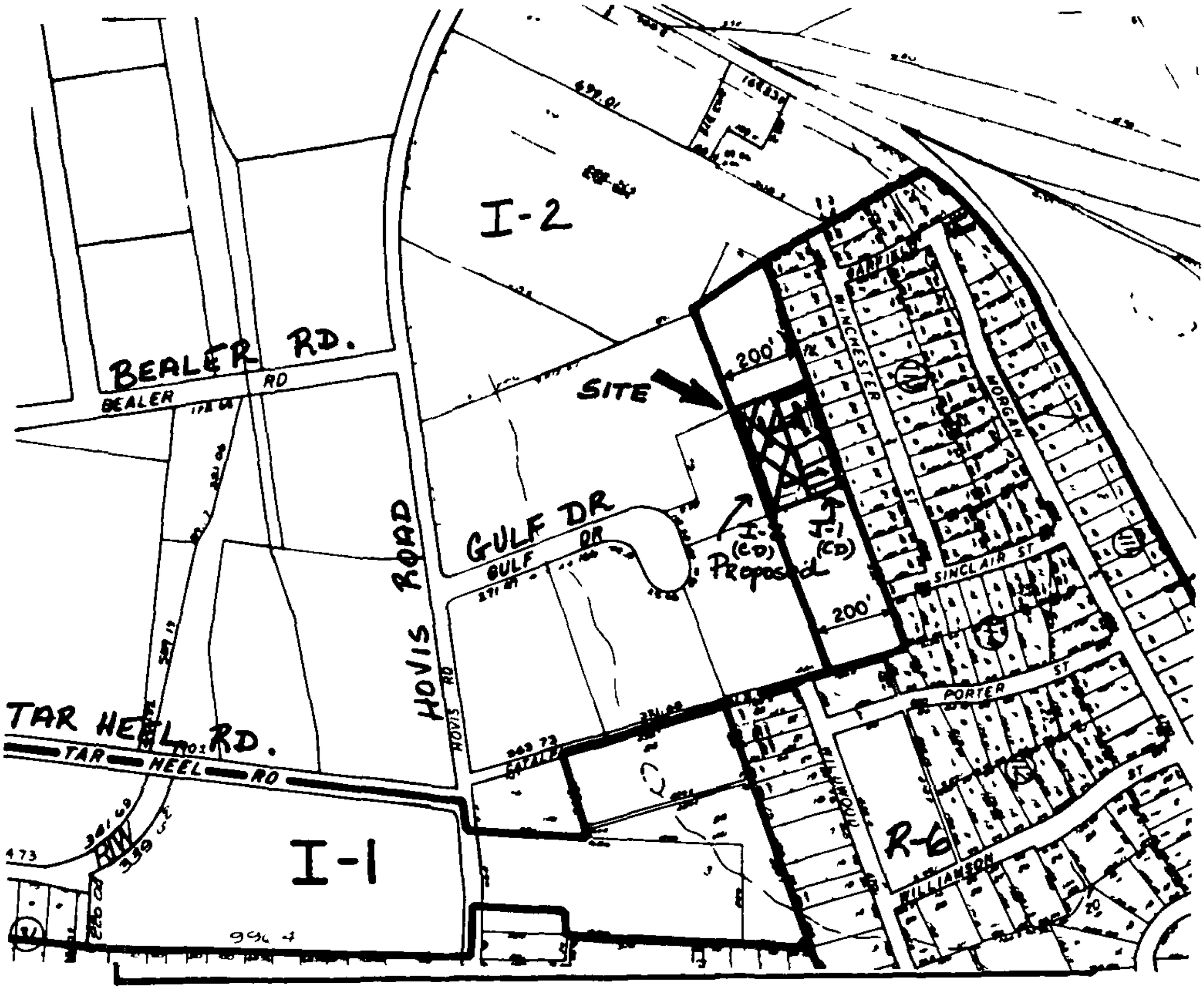
Staff Opinion
The staff agreed with Planning Commission

PETITIONER H. C. Gabler

PETITION NO. 86-8 HEARING DATE February 17, 1986

ZONING CLASSIFICATION, EXISTING I-1 REQUESTED I-2(CD) & I-1(CD)

LOCATION A portion of a 4 acre site located at 550 Gulf Drive



ZONING MAP NO. 80 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE February 20, 1986

PETITION NO 86-16

PETITIONER(S - Charlotte-Mecklenburg Planning Commission

REQUEST Change from R-9MF to R-15MF

LOCATION Approximately 62 acres located south of I-85 and north of Tom Hunter Road

ACTION The Planning Commission recommends that the petition be approved in part (See map)

VOTE Yeas Curry, Emory, Lawing, Lewis, M Smith and S Smith

Nays Clodfelter and Griffin

(Commissioner Lowery was not present when vote was taken Commissioner Wheeler abstained from voting)

REASONS

This petition involves approximately 62 acres located between Tom Hunter Road and Interstate 85 The present zoning for this area is R-9MF and the petition is seeking to rezone it to R-15MF

Much of the land involved in this petition has not been developed to date Portions which have been built upon principally relate to tracts of land which front on Tom Hunter Road Two churches have been built, Landmark Baptist Church and Christ Gospel Church There are also a few single family homes and one mobile home along this area as well The mobile home is non-conforming

Rezoning this area to R-15MF would not create any non-conforming uses

During their deliberations on this matter, Planning Commission recalled that earlier discussion at the time the small area plan was being considered focused on the Duke Power right-of-way as being a logical dividing line Planning Commission felt that idea still had merit After some discussion of this idea and various alternatives Planning Commission passed a motion which recommends that the area south of the right-of-way be changed to R-15MF, but the area between the right-of-way and I-85 should remain R-9MF They believe that the R-9MF area related more directly to I-85 and could better support higher densities whereas the portions which were more oriented to Tom Hunter Road should not be allowed to develop at the R-9MF density

A motion passed reflecting the above discussion (See map)

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO 86-16 HEARING DATE 01/30/86

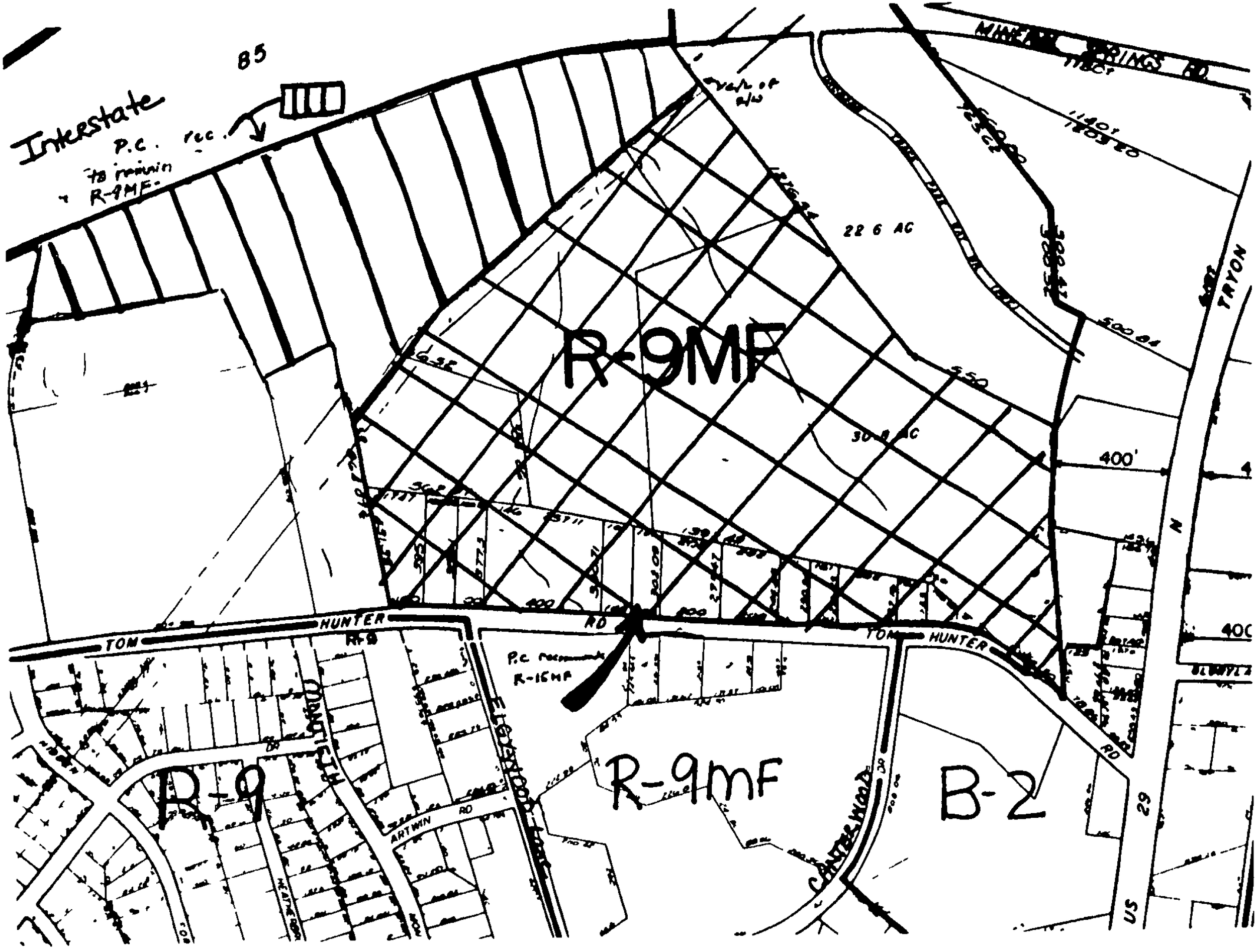
ZONING CLASSIFICATION, EXISTING R-9MF REQUESTED R-15MF

LOCATION Approx 62 acres located south of I-85 and north of Tom Hunter Road

SEE ATTACHED MAP

ZONING MAP NO 71, 77 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


B5
Interstate
P.C. rec.
to remain
R-9MF
R-9MF
22.6 AC
30.8 AC
MINERAL SPRINGS RD
TRYON
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TOM HUNTER RD
TOM HUNTER RD
P.C. recommends
R-16MF
R-9
R-9MF
B-2
ARTWIN RD
US 29

DATE February 20, 1986

PETITION NO 86-17

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Change from R-9MF to R-6

LOCATION Approximately 25 acres located on Tom Hunter Road near Hidden Forest Drive

ACTION The Planning Commission recommends that the petition be approved in part (See map)

VOTE Yeas Curry, Emory, Lawing, Lewis, M Smith and S Smith

Nays Clodfelter and Griffin

(Commissioner Lowery was not present when vote was taken Commissioner Wheeler abstained from voting)

REASONS

This petition requests rezoning on approximately 25 acres of land located on Tom Hunter Road near Hidden Forest Drive This area is presently zoned R-9MF and R-6 zoning was originally requested

Much of the acreage which is associated with this petition has not been built upon at the present time However, there are five single family residences withing the petition boundary Rezoning the area would not create any non-conforming uses

Planning Commission treated this area the same as Petition No 86-16 Using the Duke Power right-of-way as a boundary line The area to the north side was left zoned R-9MF while a small portion of the site to the south was recommended for R-15MF (See map)

(As a matter of information, at public hearing there was a question regarding the zoning boundaries drawn for petitions in this area Staff discovered that several parcels were inadvertently omitted and in one case this created an unusual pattern by leaving one tract of land unpetitioned between #86-16 and 86-17 That tract and a few others will be included in petitions in March)

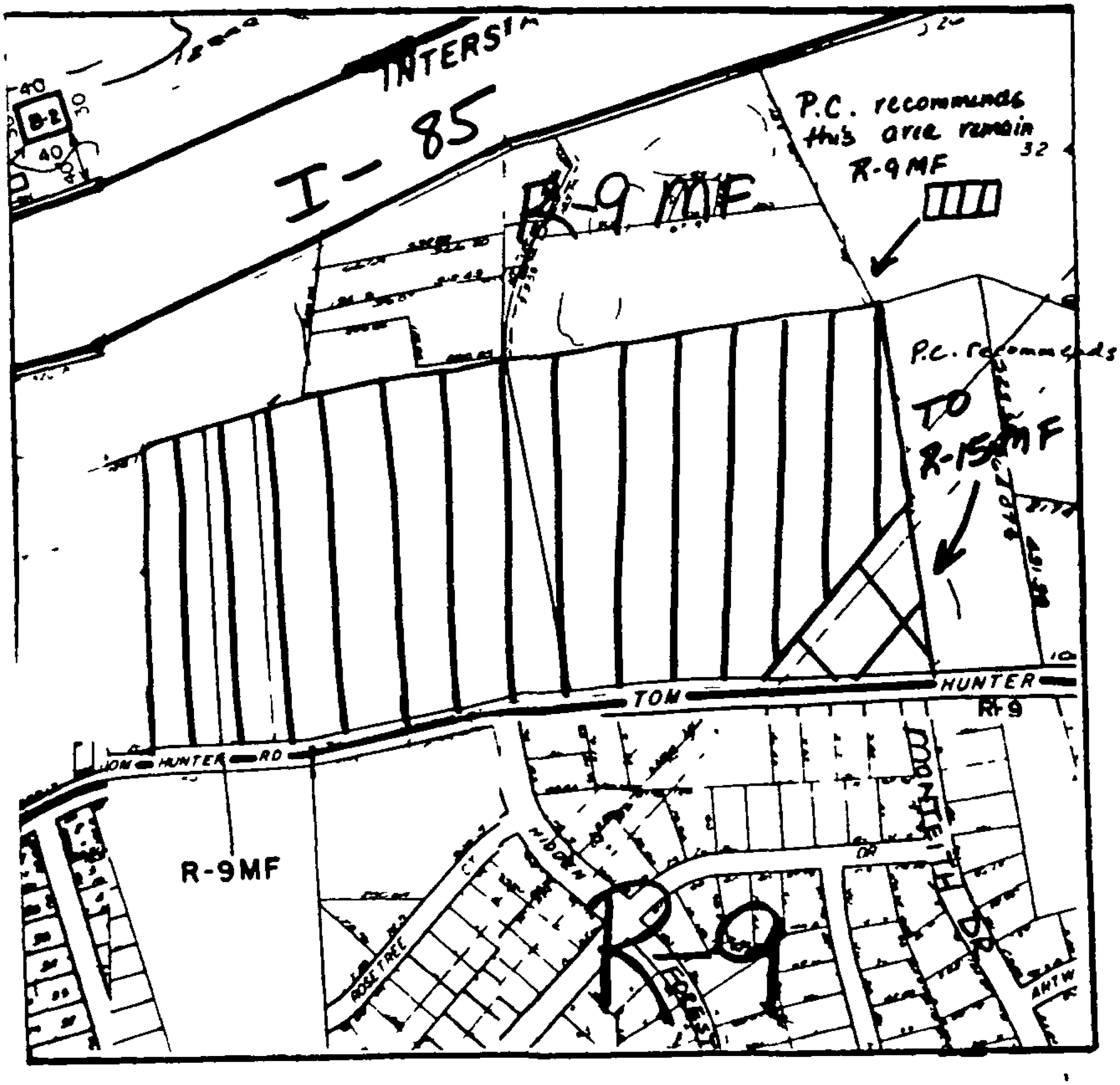
PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 86-17 HEARING DATE 01/30/86

ZONING CLASSIFICATION, EXISTING R-9MF REQUESTED R-15MF

LOCATION Approx. 25 acres located on Tom Hunter Road near Hidden Forest Drive

NOTE: Planning Commission recommended all but a small front portion of the property be omitted.



ZONING MAP NO. 77, 71 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE	March 20, 1986
PETITION NO	86-22
PETITIONER(S)	R M Industrial Products Co , Inc
REQUEST	Change from I-1 to I-2(CD)
LOCATION	A 21 257 acre site on Hamilton Street, bordering also on I-77 and the Seaboard Coastline Railroad right-of-way
ACTION	The Planning Commission deferred action for 120 days as requested by the petitioner

DATE March 20, 1986

PETITION NO 86-25

PETITIONER(S). Charlotte-Mecklenburg Planning Commission

REQUEST Change from R-9MF to R-9 (Part 1); and from R-9MF to R-15MF (Part 2)

LOCATION An approximately 21 29 acre site east of the intersection of Elgywood Lane and Austin Drive, and between Tom Hunter Road and I-85

ACTION Part 1 - Based on a recommendation to approve for R-9, the Planning Commission vote resulted in a tie Therefore no recommendation is transmitted
Part 2 - Planning Commission recommends that this area be approved in part. (See Map)

PART 1

VOTE· Yeas Clodfelter, Curry, M Smith and Wheeler

Nays Griffin, Lawing, Lewis and Lowery

(Commissioner S. Smith was not present when vote was taken.)

PART 2

VOTE Yeas Curry, Lawing, Lewis, Lowery and M. Smith

Nays Clodfelter, Griffin and Wheeler

(Commissioner S Smith was not present when vote was taken)

REASONS

This petition is sponsored by the Charlotte-Mecklenburg Planning Commission and represents the implementation through zoning of goals contained in the Hidden Valley Special Project The petition has two parts Part 1 was originally proposed from R-9MF to R-15MF and Part 2 originally from R-9MF to R-6 as well as a portion which was a change to R-15MF. However, as noted, Planning Commission's recommendation differs

The area included in Part 1 is comprised of several lots which front on Austin Drive between Elgywood Drive and Dawn Circle. All of the lots except one are vacant and the one lot has a single family residence on it Rezoning the property to R-15MF will, therefore, not create a non-conforming situation here

The area included in Part 2 is generally located in the vicinity of Tom Hunter Road and I-85 This area is comprised of several parcels. Two individual

parcels which front on Tom Hunter Road are proposed to go to R-6 zoning whereas several others which are located closer to I-85 are proposed for R-15MF

The properties involved in this petition are either vacant or have a single family residence on it. Approval of the petition will not create any non-conforming use on any individual parcel

Generally, the land use pattern in the overall vicinity is a mixture of vacant property, single family development, some multi-family development as well as a few institutional uses

Regarding Part 1, the Planning Commission felt that the area was more closely tied to the Austin Drive/Dawn Circle area, which has recently been changed to R-9 single family zoning, rather than multi-family zoned areas to the north. Therefore, there was a motion to approve this part for R-9 rather than the requested R-15MF However that vote resulted in a 4-4 tie and no recommendation is transmitted.

Regarding Part 2, the Planning Commission also recalled earlier action on their part as it pertained to Petitions 86-16 and 86-17 (which City Council deferred action on recently) In their opinion a Duke Power right-of-way line running through the area serves as a dividing line separating areas to the'north which are better suited for higher density multi-family from areas south which are better suited for lower density multi-family So as to be consistent with their earlier recommendations in this area (and 86-16 and 86-17) the Planning Commission recommended that this portion be approved in part (see map). the area south of the right-of-way is recommended for R-15MF, but the area north is proposed to remain the existing R-9MF

PETITIONER CHARLOTTE-MECKLENBURG PLANNING COMMISSION

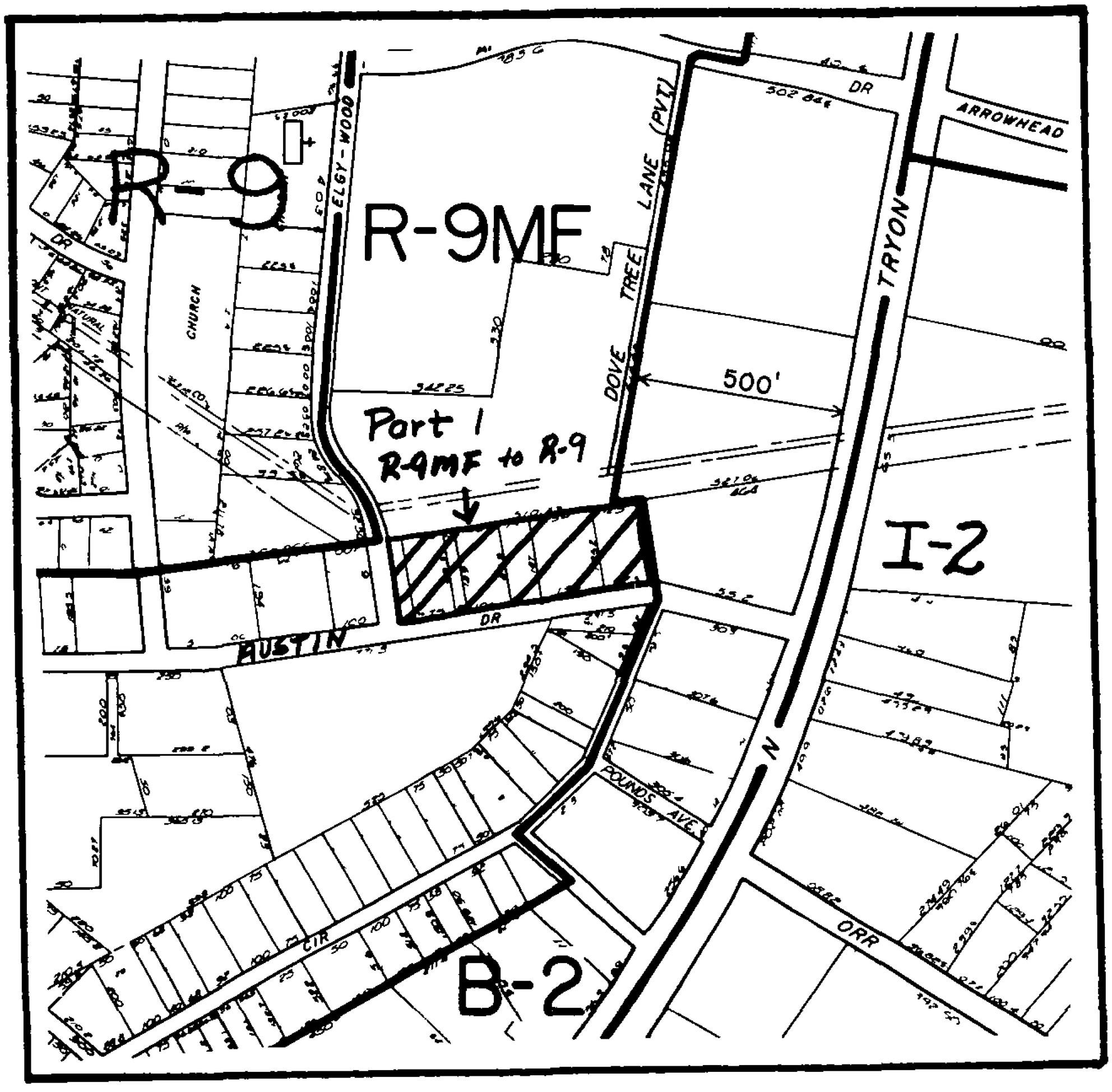
PETITION NO. 86-25 **HEARING DATE** 03/17/86

ZONING CLASSIFICATION, EXISTING Part 1: R-9MF Part 2: R-9MF **REQUESTED** Part 1: R-9 Part 2: R-15MF

LOCATION A 21.29 acre site

Part 1: east of the intersection of Elgywood Lane and Austin Drive

Part 2: between Tom hunter Road and I-85



ZONING MAP NO. 71, 77 **SCALE 1" =** 400'

PROPERTY PROPOSED FOR CHANGE

PETITIONER CHARLOTTE-MECKLENBURG PLANNING COMMISSION

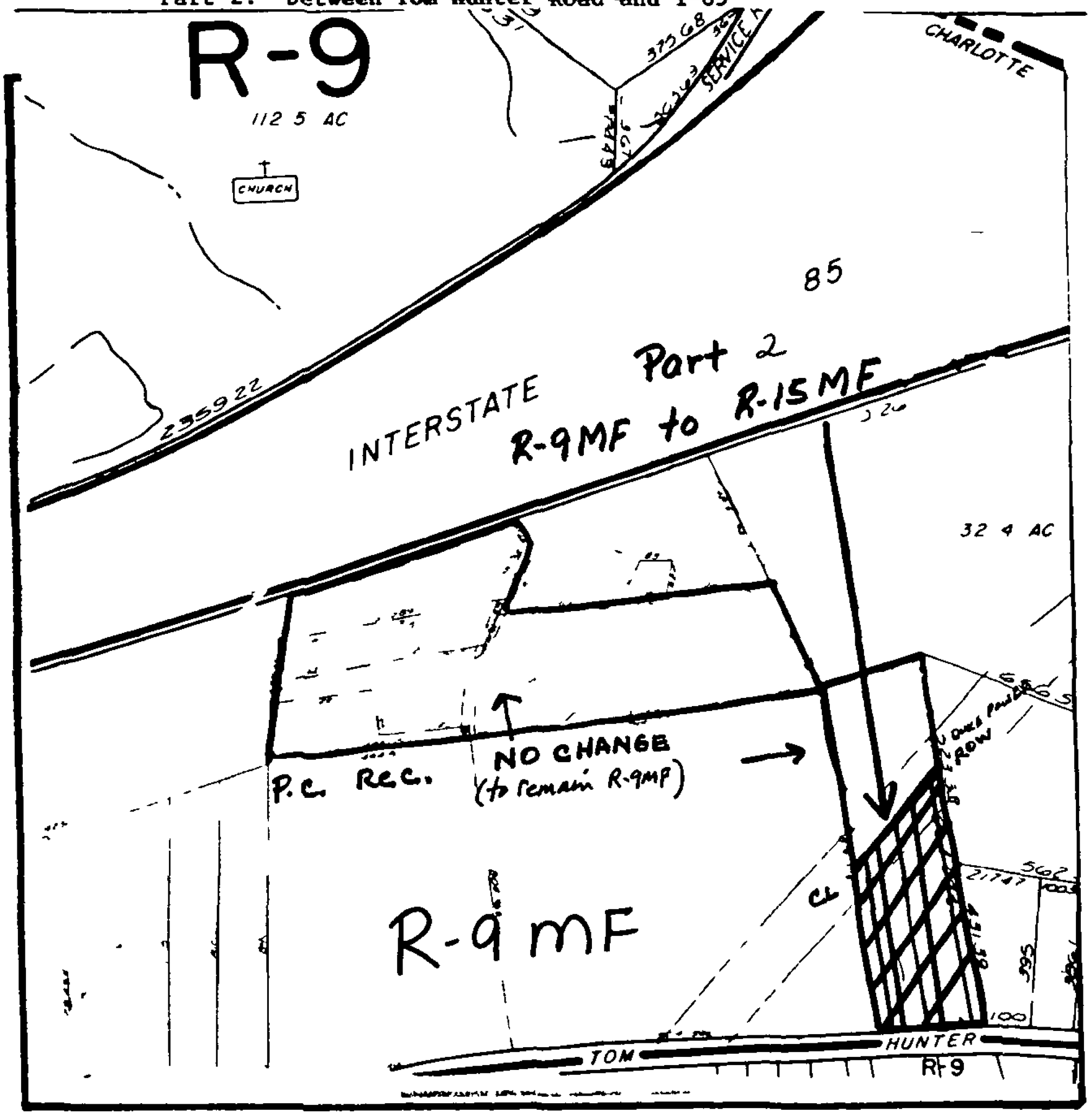
PETITION NO. 86-25 **HEARING DATE** 03/17/86

ZONING CLASSIFICATION, EXISTING Part 1: R-9MF Part 2: R-9MF **REQUESTED** Part 1: R-9 Part 2: R-15MF

LOCATION A 21.29 acre site

Part 1: east of the intersection of Elgywood Lane and Austin Drive

Part 2: between Tom Hunter Road and I-85



ZONING MAP NO. 71

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE. March 20, 1986

PETITION NO. 86-26

PETITIONER(S)· Charlotte-Mecklenburg Planning Commission

REQUEST: Change from R-9MF to R-12 (Part 1), and from B-2 to O-6 (Part 2)

LOCATION An approximately 3 954 acre site located southwest and north of the intersection of Oneida Road and Garvis Drive, and east of the intersection of Graham Street and Princess Avenue

ACTION The Planning Commission recommends that the petition be approved

PART 1

VOTE Yeas Clodfelter, Curry, Griffin, Lawing, Lewis, Lowery, M Smith and Wheeler

Nays· None

(Commissioner S Smith was not present when vote was taken)

PART 2

VOTE: Yeas Clodfelter, Curry, Lowery, M. Smith and Wheeler

Nays Griffin, Lawing and Lewis

(Commissioner S. Smith was not present when vote was taken)

REASONS

The property involved in this petiton is located in two areas The area designated as Part 1 located in an area along Garvis Drive and Onieda Road The property in this petition is presently zoned R-9MF and R-12 is requested The area located in Part 2 is located at the corner of Graham Street and Princess Avenue That property is zoned B-2 and O-6 is requested in the petition

Property located within the boundary of Part 1 is developed with single family residences The zoning line established in this area was a rather arbitrary one and as a result when a subdivision was laid out the lots were partially developed with both single family and multi-family zoning. The change here is simply to recognize the fact that the usage of the property is single family and, thus, rezoning the property to single family will make it consistent with the zoning with other lots in this subdivision. The area located in Part 2 has a single family residence on one parcel at the corner of Princess Avenue and Graham Street, but the rear portion of the property is part of a larger tax parcel upon which is an office. The other half of that tax parcel is already

zoned 0-6 and is used for parking purposes to support the office structure However rezoning both parcels in this request to 0-6 would not create any non-conforming use

These rezonings conform to recommendations in the Derita Small Area Plan. Planning Commission supports these changes and recommends that both parts be approved.

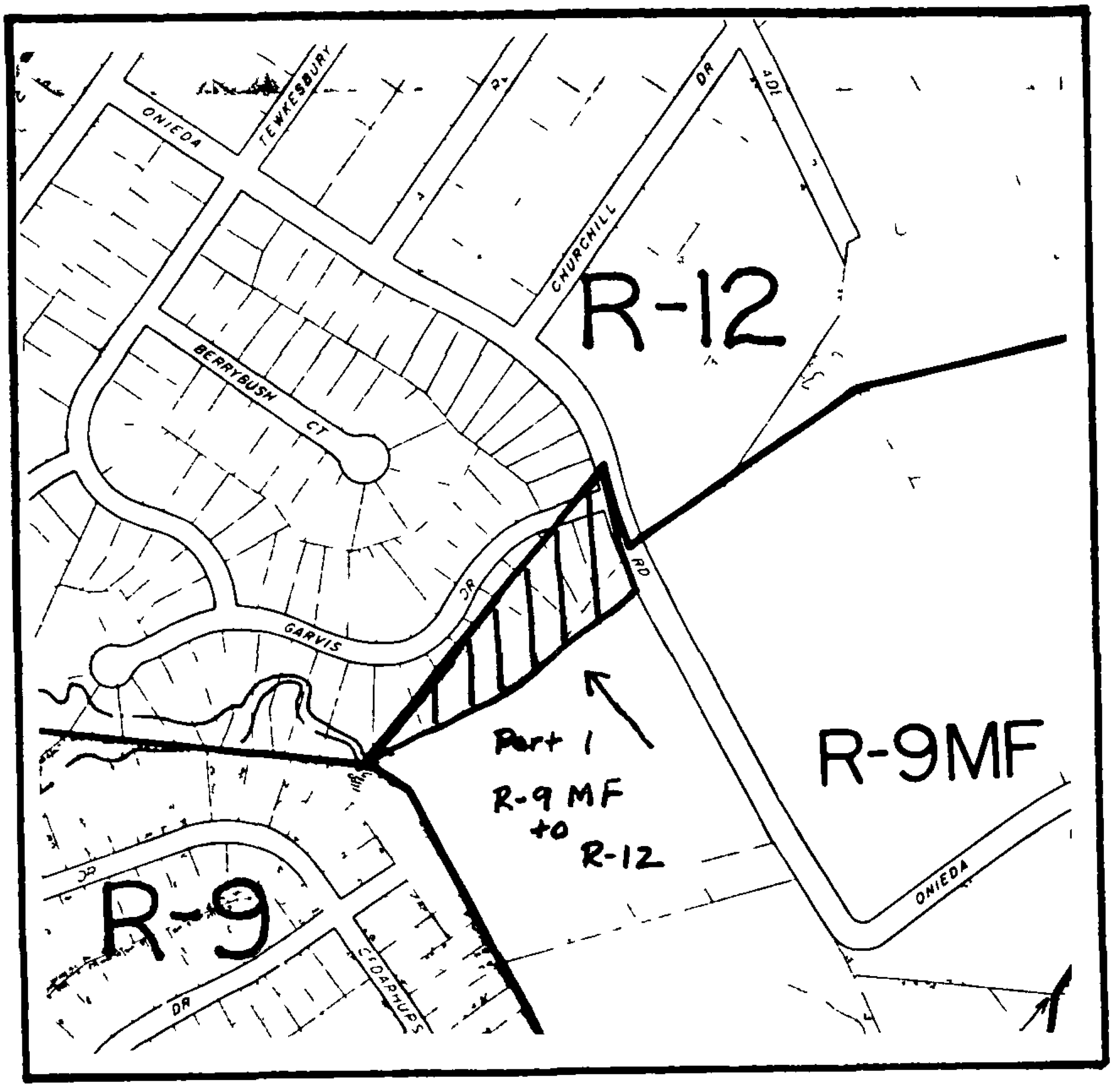
PETITIONER CHARLOTTE-MECKLENBURG PLANNING COMMISSION

PETITION NO. 86-26 **HEARING DATE** 03/17/86

ZONING CLASSIFICATION, EXISTING Part 1: R-9MF Part 2: B-2 **REQUESTED** Part 1: R-12 Part 2: O-6

LOCATION Part 1: southwest of the intersection of Oneida Road and Garvis Drive, also the parcel north of the intersection of Oneida Road and Garvis Drive

Part 2: east of the intersection of Graham and Princess Street



ZONING MAP NO. 20 **SCALE 1" =** 400'

PROPERTY PROPOSED FOR CHANGE

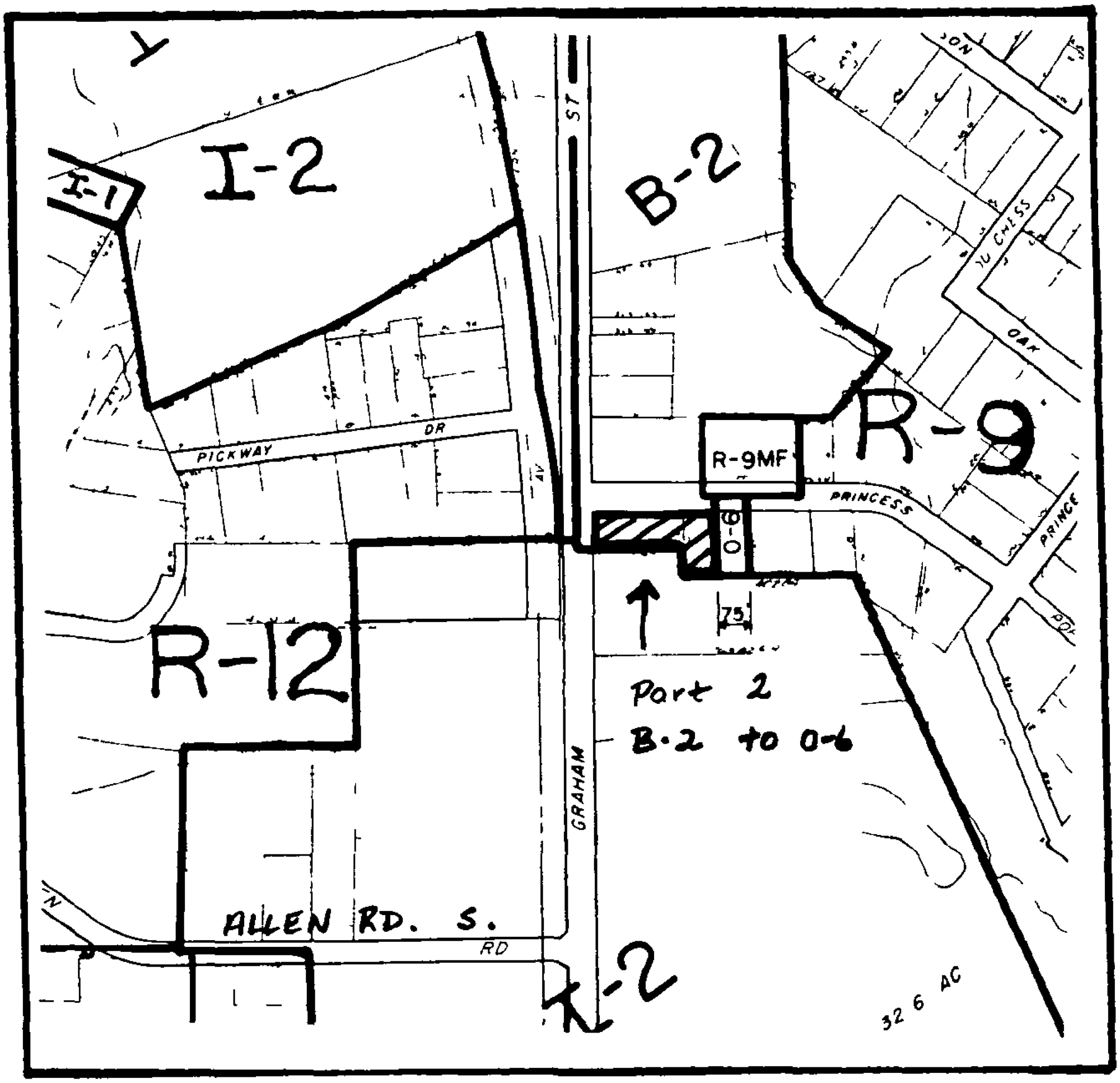
PETITIONER CHARLOTTE-MECKLENBURG PLANNING COMMISSION

PETITION NO. 86-26 **HEARING DATE** 03/17/86

ZONING CLASSIFICATION, EXISTING Part 1. R-9MF Part 2: B-2 **REQUESTED** Part 1· R-12 Part 2: O-6

LOCATION Part 1: southwest of the intersection of Oneida Road and Garvis Drive, also the parcel north of the intersection of Oneida Road and Garvis Drive

Part 2. east of the intersection of Graham and Princess Street



ZONING MAP NO. 20 **SCALE 1" =** 400'

PROPERTY PROPOSED FOR CHANGE

DATE March 20, 1986

PETITION NO 86-27

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Change from R-9MF, I-1 and O-6 to R-15MF and R-9.

LOCATION Approximately 65 acres located along Glory Street, West Sugar Creek Road, Pennyway and Montgomery Drive

ACTION The Planning Commission recommends that the petition be denied

PART 1 (south of Glory Street, west of Sugar Creek Road)

VOTE Yeas Curry, Griffin, Lawing and Lewis

Nays Lowery and Wheeler

(Commissioner M Smith abstained from voting Commissioners Clodfelter and S Smith were not present when vote was taken)

PART 2 (north of Glory Street, east of Sugar Creek Road)

VOTE Yeas Curry, Griffin, Lawing, Lewis, M Smith and Wheeler

Nays· None

(Commissioners Clodfelter, Lowery and S Smith were not present when vote was taken)

PART 3 (south of Rolling Hill Drive)

VOTE Yeas Curry, Griffin and Lawing

Nays M Smith and Wheeler

(Commissioner Lewis abstained from voting Commissioners Clodfelter, Lowery and S Smith were not present when vote was taken)

PART 4 (north of Rolling Hill Drive)

VOTE Yeas Curry, Griffin, Lawing and Lewis.

Nays M Smith and Wheeler

(Commissioners Clodfelter, Lowery and S Smith were not present when vote was taken)

REASONS

This petition involves approximately 65 acres of land located along both sides of Sugar Creek Road generally just north of North Tryon Street to just south of Cinderella Road The current zoning for these properties is a combination of R-9MF, I-1 and O-6 and the petition requests that zoning be changed to a combination of R-15MF and R-9.

Small Area Plan Recommendation

Most of the properties associated with the rezoning are vacant, though there is some single family development Generally, the land use pattern in this area is mostly residential and mostly single family for that matter There are several institutional uses located along Sugar Creek Road including several churches, a day care center and a couple of fraternity houses in association with UNCC There are also a few neighborhood business uses along a strip adjacent to the easterly side of Sugar Creek Road between Cinderella Road and Argyle Drive.

The justification for this rezoning is based on several factors The area in the petition which is located on both sides of Sugar Creek south of Glory Street and Rolling Hill Drive is presently zoned R-9MF but is requested for R-15MF It appears to be best suited for multi-family development given its proximity to two major thoroughfares (North Tryon and Sugar Creek Road) However, in keeping with the main objective of the North Tryon/I-85 Residential Corridor Special Study, which is to reduce the potential housing density in the area, it is recommended that the density be reduced to approximately 12 units per acre or the R-15MF district Further, the area does suffer presently from traffic congestion and the reduction in density would also help alleviate additional future problems associated with traffic

The area of the petition lying north of Glory Street and Rolling Hill is currently zoned a combination of R-9MF and O-6 This area is proposed for R-9 zoning

The overall strategy for this area is to accommodate single family attached development and densities up to 8 units per acre. To accomplish this it is recommended that this area be rezoned initially to R-9 It may be possible also in the future to entertain a conditional rezoning to R-20MF which would permit the attached housing at appropriate densities. Given existing land use and possible intensification under the current zoning pattern, attached single family development would minimize traffic impacts in the area, providing a good relationship with existing land use and maintain a residential character along this portion of Sugar Creek Road

The final area of this petition lies along the south side of Glory Street and is currently zoned R-9MF and I-1 The property is vacant and the proposal is to rezone this property to R-15MF

The majority of the area is currently zoned I-1 It is believed that industrial uses are totally incompatible for this area because of the existing development pattern Adjacent uses are residential and other industrially zoned areas to the south are used for retail purposes and likely to remain so For these reasons it is recommended that Area 13 be changed to R-15MF and used for

multi-family residential The R-15MF district is chosen because of the potential traffic considerations as well as the massing of multi-family in that area The change would result in an overall increase in the number of dwelling units allowed since residential development is not allowed in industrial districts

Planning Commission Discussion/Action

The Planning Commission voted on this petition in four parts, but in each case the vote resulted in a recommendation to deny (See Map) Therefore, the overall recommendation resulted in a denial As in other cases in this vicinity the Planning Commission was concerned about the overall orientation of this petition to area streets, especially Sugar Creek Road Upon consideration of this petition the Planning Commission felt the proposed rezonings to be unreasonable and they, therefore, recommended that the petition be denied

PETITIONER CHARLOTTE-MECKLENBURG PLANNING COMMISSION

PETITION NO. 86-27 **HEARING DATE** 03/17/86

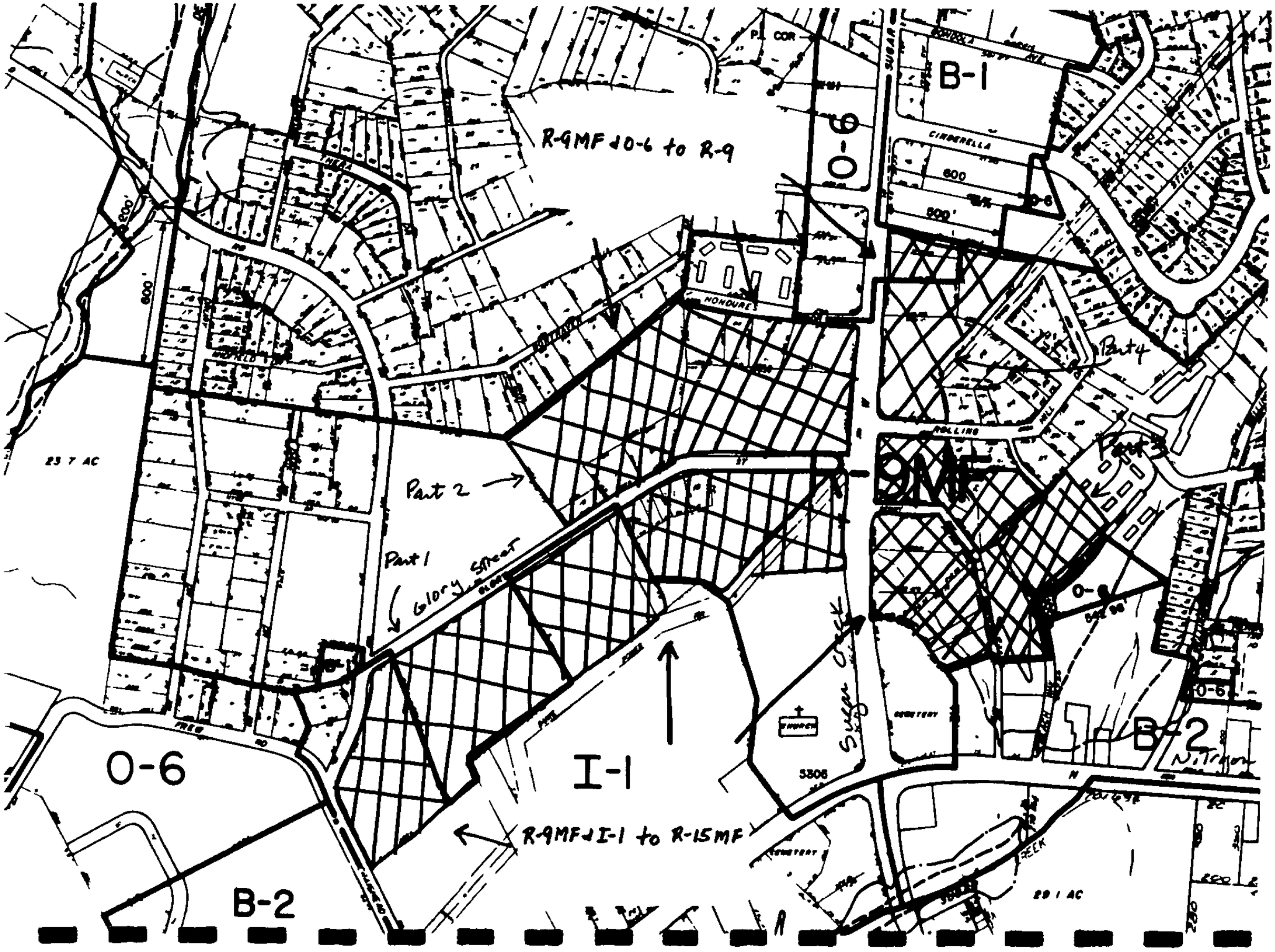
ZONING CLASSIFICATION, EXISTING R-9MF, I-1 and O-6 **REQUESTED** R-15MF and R-9

LOCATION 65 acres located along Glory Street, W. Sugar Creek Road, Penney Way and Montgomery Drive

SEE ATTACHED MAP SHEET

ZONING MAP NO. 78 **SCALE 1" =** 400'

PROPERTY PROPOSED FOR CHANGE


R-9MF to O-6 to R-9
B-1
CINDERELLA
600
600'
O-6
HONDURAS
Part 4
ROLLING
Part 3
Part 2
Part 1
Glory Street
Sugar Creek
O-6
I-1
R-9MF & I-1 to R-15MF
B-2
B-2
23.7 AC
29.1 AC

DATE March 20, 1986

PETITION NO 86-28

PETITIONER(S). Charlotte-Mecklenburg Planning Commission

REQUEST Change from R-9MF to R-9 and R-12MF

LOCATION. An approximately 76 acre site located along Lambeth Drive and north of North Tryon Street

ACTION The Planning Commission deferred action for 60 days in order for the property owner to develop a CD plan.

DATE March 20, 1986

PETITION NO 86-29

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Change from B-1 and O-6 to R-6MF, R-15MF and R-9.

LOCATION· Approximately 12 14 acres located along West Sugar Creek at Cushman Street and Rutgers, north of Sofley Road, and along Cenderella Road and Gondola Avenue

ACTION The Planning Commission recommends that the petition be denied

PART WEST OF SUGAR CREEK ROAD

VOTE Yeas. Curry, Griffin, Lawing and M Smith

Nays: Wheeler.

(Commissioner Lewis abstained from voting Commissioners Clodfelter, Lowery and S Smith were not present when vote was taken)

PART EAST OF SUGAR CREEK ROAD

VOTE Yeas Curry, Griffin and Lawing

Nays M Smith and Wheeler

(Commissioner Lewis abstained from voting Commissioners Clodfelter, Lowery and S Smith were not present when vote was taken)

REASONS

The area in this petition comprises slightly over 12 acres and located along West Sugar Creek at Cushman Street and Rutgers Avenue, north of Sofley Road and along Cincerella Road and Gondola Avenue The application requests to change the present B-1 and O-6 zoning associated with this property to R-6MF, R-15MF and R-9.

Small Area Plan Recommendations

The portion of this request which lies on the southerly side of Cinderella Avenue is presently zoned B-1 and O-6 and the petition seeks R-15MF This area is comprised of two lots of which the majority is zoned B-1. If commercial development of these lots were to occur, it would penetrate too far into the Hidden Valley residential neighborhood If residential development were to occur, it would be of very high densities under current zoning Given these

concerns and considering adjacent land uses, multi-family for this area seems most appropriate and it is therefore recommended that the R-15MF district, which accommodates densities up to approximately 12 units per acre, be utilized for this area.

The area of the petition lying north of Cinderella to Gondola Avenue is presently zoned B-1 and the petition is seeking R-6MF. The property is the site of the Hidden Valley Apartments. The recommendation associated with this is based upon the desire to have zoning reflect the actual land use. Rezoning the site to R-6MF will do that and will preclude and commercial development on this site if it were to ever occur.

The area of the petition located on the north side of Gondola comprises property currently zoned B-1 and the petition seeks R-9 This area is similar in character to the previously described area to the south of Cinderella in that it penetrates into the Hidden Valley neighborhood. However, since single family homes are adjacent to one side a lower density would be more appropriate The recommendation here is to rezone the property to R-9 initially, with the possibility to later consider conditional rezoning to the R-20MF district This would allow single family attached development at densities up to about 8 units per acre

The remaining area of the petition lies along the westerly side of Sugar Creek opposite Gondola Avenue. This area is presently zoned O-6 and the petition seeks R-9 zoning This area is comprised of several lots which are used for single family purposes, though it appears one residential structure is used in conjunction with an office or as an office in and of itself.

In order to prevent further stripping of non-residential uses along Sugar Creek Road and to maintain the existing housing stock it is recommended that this area be rezoned to single family R-9 Subsequently, under a conditional rezoning, single family attached could be entertained at densities up to 8 units per acre utilizing the R-20MF district. Rezoning this property will strengthen a residential character along Sugar Creek Road and will serve to impede further commercial and office use in the general area

Planning Commission Discussion/Action

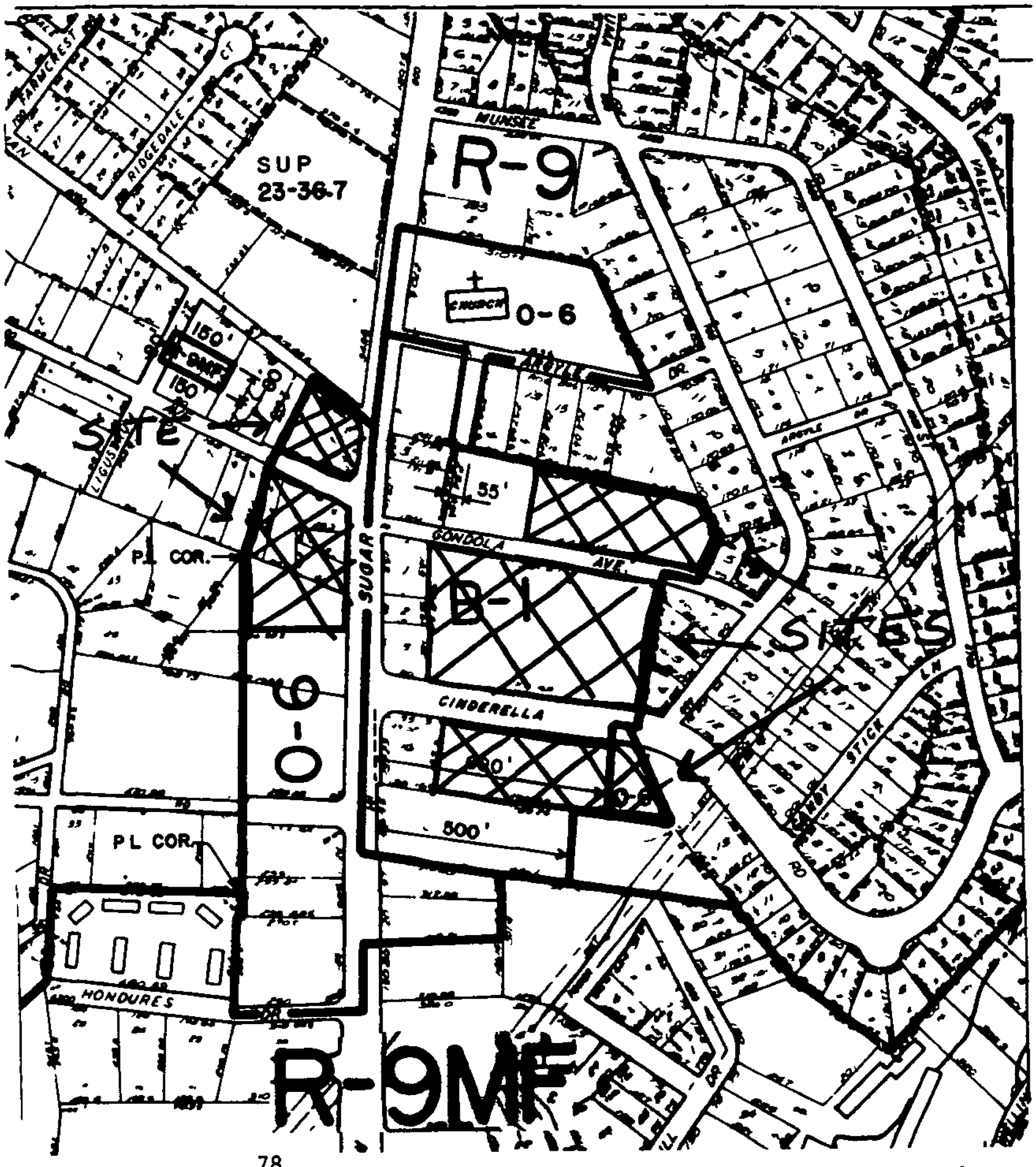
The Planning Commission handled this matter with two votes. The area of the petition was divided along Sugar Creek Road The area east of Sugar Creek Road was recommended for denial by a 3-2 vote while the area on the west side was recommended for denial by a 4-1 vote There was little discussion prior to the voting, but Planning Commission was concerned about the orientation and relationship of this property to Sugar Creek Road. Planning Commission believed that the recommendations of the small area plan, especially those to single family zoning, were not reasonable Therefore, Planning Commission recommends that the petition be denied

PETITIONER CHARLOTTE-MECKLENBURG PLANNING COMMISSION

PETITION NO. 86-29 HEARING DATE 03/17/86

ZONING CLASSIFICATION, EXISTING B-1, O-6 REQUESTED R-6MF, R-15MF and R-9

LOCATION 12.14 acres located along W. Sugar Creek at Cushman Street and Rutgers Avenue, north of Sofley Road and along Cinderella Road and Gondola Avenue



ZONING MAP NO. 78 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE April 1, 1986

PETITION NO 86-30

PETITIONER(S) Excelsior Lodge

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

LOCATION A 5 3 acre site at 3900 Litchfield Road

ACTION The Planning Commission recommends that the petition be approved

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

Nays None

REASONS

ISSUES

1 Proposed Use/Site Plan What is the proposed use for the property and what aspects of the conditional site plan are important to evaluate?

2 Existing Use Versus Proposed Use Considering the fact that there is an existing school on this property, what similarities between the school operation and the fraternal lodge can be expected? Would there be any significant change to the site or its effect on the adjoining neighborhood?

BACKGROUND

1 Existing Zoning The property involved in the petition is currently zoned a combination of R-12 and R-9 However, the bulk of the site is zoned R-12 and only a very small portion of the site with access to Litchfield Road is actually zoned R-9 Properties along Litchfield and other nearby streets are zoned R-9 Otherwise single family zoning in the area is R-12 and the R-12 pattern does border the site on the southerly and westerly sides There is also multi-family zoning in the general vicinity Finally, there is an area of I-1 zoning just off of Craig Avenue

2. Existing Land Use. The property involved in the petition is currently used as a school The northerly boundary of the site borders several single family lots which front on Litchfield Road There are also a couple of single family homes which border the site along the westerly edge. The general pattern in the immediate vicinity is a concentration of single family homes along Litchfield, Richland Drive and Topsfield Road along with Craig Avenue. There is also another concentration of single family along Walker Road and nearby streets. The area is also developed

with several multi-family projects and, again, these are located along both Walker Road and Craig Avenue.

3 Site Plan (Amended). The conditional site plan proposes a Masonic Lodge for the property which would utilize an existing 5,720 square foot building on the property The site has access currently from Litchfield Road and that access would continue to be used There is no access to Goshen Place. Parking will be located in front of the existing building and use of the property is restricted to Masonic purposes only.

GENERAL FINDINGS

1. 2005 Plan Specifically this site is located in an area of existing residential development. The only major strategy plan for this area is the development of a light rail system along the existing railroad right-of-way near Monroe Road

2 Pre-Hearing Staff Input. Staff assisted the petitioner in the preparation of the application.

3 Neighborhood Context This site is located within the area defined as the Cotswold neighborhood.

4 Pre-Hearing Departmental Comments (Summary)

1 Engineering No comments except for normal development permit requirements.

2 Fire Department No comment

3 Building Standards No comment.

4 C-MUD. Water and sewer is available to service the site.

5. C-DOT The change in zoning will have no significant impact on traffic conditions.

DETAILED FINDINGS

1 The property requested for rezoning is a 5 3 acre site at 3900 Litchfield Road The current zoning on this property is R-12 and R-9 and the petitioner is seeking R-12MF(CD)

2 The petitioner has filed a conditional site plan which would establish a Masonic Lodge on the site. The property is presently used as a private school. (For further information refer to Background #3)

3 Until recently the proposed use would have required a minor special use permit and no zoning change, but due to recent text changes this type of use now requires a multi-family zoning classification and therefore the necessity to rezone the property

4. As has been noted above, the site is already used as a private school and an existing building and parking is associated with the property. No change in building configuration is planned nor any change in access to the site Some additional parking is being added and that will be located in front of the building where existing parking is located.

5 No development impacts resulting from the change in use on the property have been identified

6 At the public hearing on this matter several areas of concern were identified Some neighbors complained of a potential access to Goshen Place while others were concerned about the proximity of new parking areas near their backyards City Council was concerned about the potential latitude of other fraternal uses for the property

7. These problems have been cleared up due to site plan changes. The access to Goshen has been eliminated, parking is now entirely located in front of the building and the use of the property is restricted to Masonic purposes only With these changes neighborhood opposition was removed and Planning Commission felt satisfied that the plan was an acceptable one

8 Based upon the above circumstances Planning Commission recommends that it be approved.

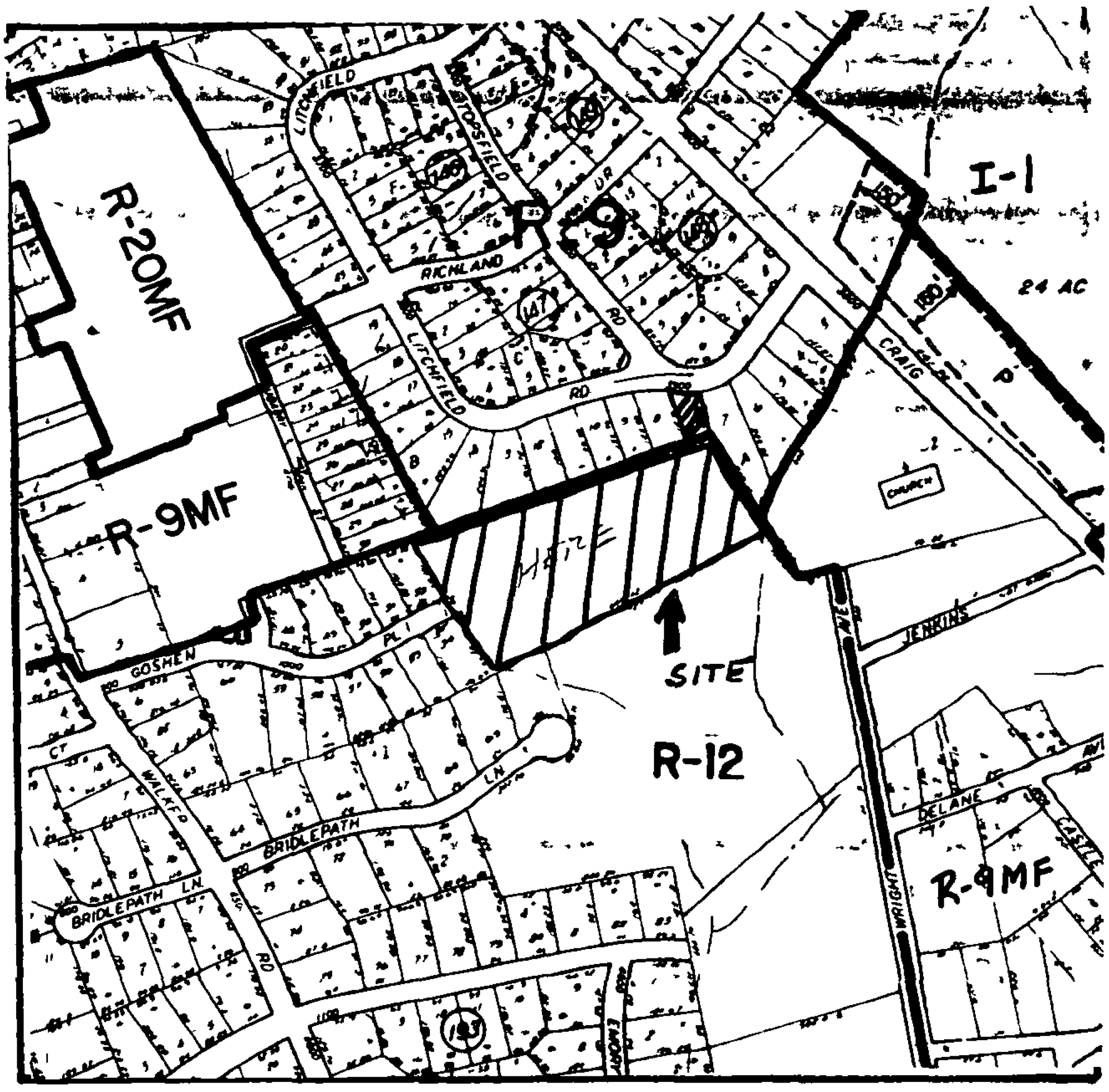
Staff Opinion
The staff agreed with Planning Commission

PETITIONER EXCELSIOR LODGE

PETITION NO. 86-30 HEARING DATE 03/17/86

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

LOCATION 5.3 acre site at 3900 Litchfield Road



ZONING MAP NO. 124 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE March 20, 1986

PETITION NO 86-31

PETITIONER(S) Charlotte-Mecklenburg Hospital Authority

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

LOCATION Approximately 40 acres located at 1000 Blythe Boulevard

ACTION. The Planning Commission deferred action pending further study

DATE March 20, 1986

PETITION NO.. 86-33

PETITIONER(S) James Howard Cherry

REQUEST. Change from I-2(CD) to B-2.

LOCATION. A 5 1 acre site off of Village Lake Drive near Independence Boulevard

ACTION: The Planning Commission recommends that the petition be approved

VOTE Yeas· Griffin, Lawing, Lewis and M Smith

Nays· Wheeler

(Commissioner Curry abstained from voting. Commissioners Clodfelter, Lowery and S. Smith were not present when vote was taken.)

REASONS

ISSUES

1. Area Patterns How does the proposal in this case relate to existing zoning patterns in the vicinity?

2. Status of Existing I-2(CD) on This Property This site was rezoned to the current I-2(CD) in 1979 What is the current development status of this site?

BACKGROUND

1 Existing Zoning The property involved in the request is presently zoned I-2(CD). It is surrounded by B-2 zoning. The B-2 classification generally stretches along both sides of Independence Boulevard in this vicinity There is one parcel at the corner of Independence Boulevard and Margaret Wallace Road which is zoned B-D(CD). Other areas nearby on Village Lake Drive are zoned R-12MF.

2 Existing Land Use. The petitioned property is vacant. The site adjoins a corner lot at Village Lake Drive and Independence Boulevard which is the site of an ABC store A mini warehouse project is located across Independence Boulevard from the site. Other portions of the site which adjoin frontage property on Independence Boulevard is generally associated with small business uses and much of the property which currently fronts on Independence Boulevard is developed for commercial purposes, particularly

those that are oriented to automobiles and automobile dealerships. There is, however, a relatively large B-2 site which is vacant on the south side of Village Lake Drive at Independence Otherwise much of Village Lake Drive is developed with multi-family uses

GENERAL FINDINGS

1 2005 Plan The site is located within an area of existing employment as well as existing residential to the west. McAlpine Greenway is located south of the site and community commercial centers are located along Independence Boulevard

2. Independence Boulevard Improvements As both part of the TIP and the 1990 Transportation and Land Development Policy, Independence Boulevard is scheluled for widening from Wallace Lane to N.C 51 The project would widen Independence to six lanes and possibly in the long term become an expressway design. Such a project would increase capacity and help alleviate present congestion Priority for such a project is 10th of 15 and cost is estimated at $7,000,000.

3 Pre-Hearing Staff Input. Staff provided assistance and guidance to the petitioner in the preparation of this petition

4 Neighborhood Context The site is located in the Village Lake neighborhood.

5 Pre-Hearing Departmental Comments (Summary)

No comments since petition is not conditional in nature

DETAILED FINDINGS.

1 The petitioner in this case is requesting a change from I-2(CD) to B-2. The property is slightly over 5 acres in size and is located on the north side of Village Lake Drive just off of Independence Boulevard

2 The petitioner states in his application that there is no usage for the conditional zoning on the property and simply requests the return to the original B-2 zoning on the site.

3 The property was rezoned in 1979, but development under the plan has never taken place. The current plan involves a maintenance facility for vehicles, both to service and equip them for their activities and to be a storage site for cables and poles The approval of the rezoning was based upon the special needs of the utility company to have facilities which must service the community.

4 The site in 1979 was surrounded by B-2 zoning and is still surrounded as such Returning the site to B-2 would therefore make for a more consistent zoning pattern.

5. The request is not conditionally natured and there was some discussion about this point. However, inasmuch as the property surrounding it is B-2

and areas along Independence Boulevard are devoted to B-2 uses it seems unnecessary to approach the reversion of this site back to B-2 on a conditional basis. The area development and zoning pattern speaks for itself.

6. Based upon the above circumstances Planning Commission does recommend approval of the petition

Minority Opinion
No reason stated

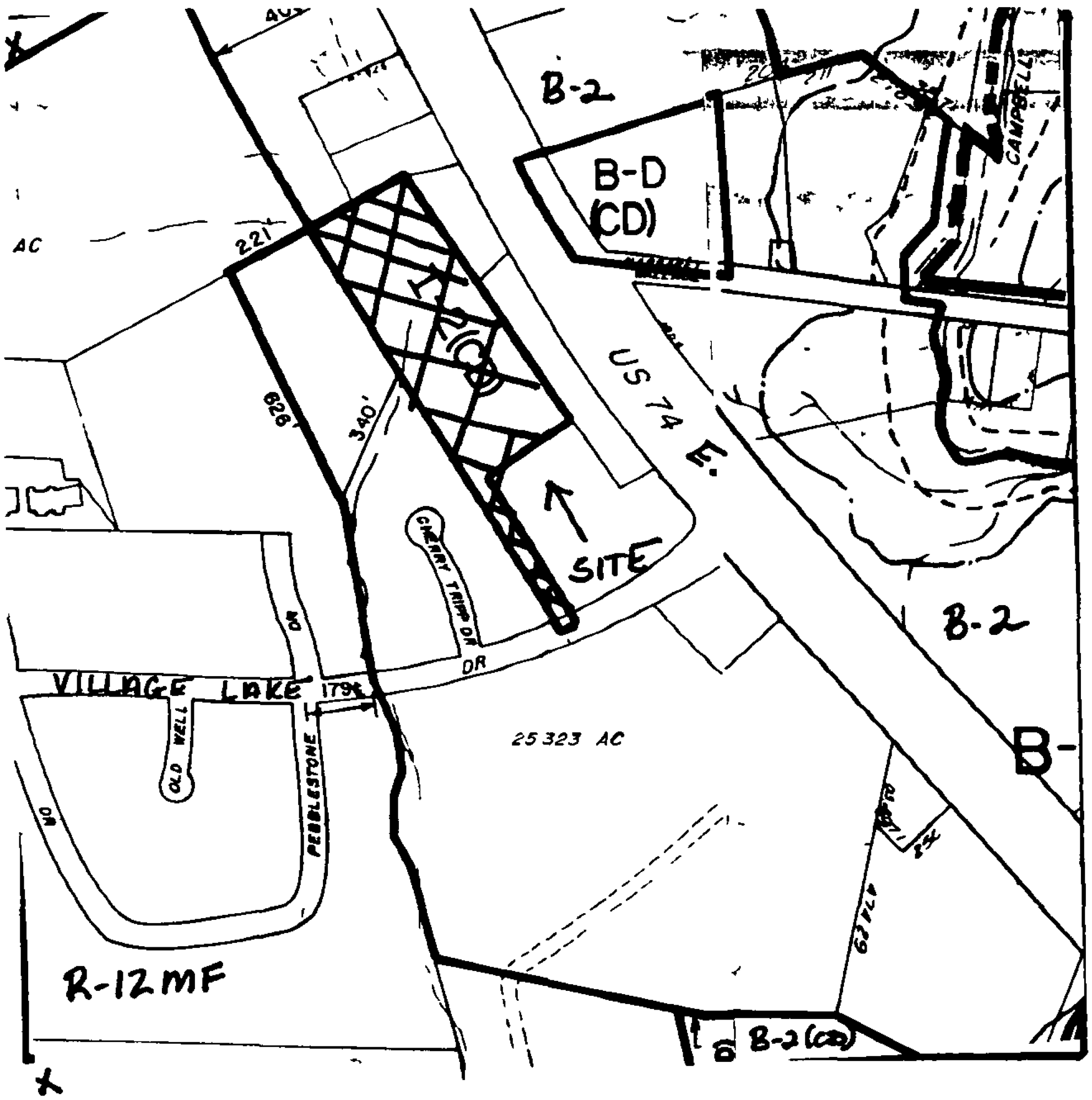
Staff Opinion
The staff agreed with Planning Commission

PETITIONER JAMES HOWARD CHERRY

PETITION NO. 86-33 HEARING DATE 03/17/86

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

LOCATION 5.107 acre site off Village Lake Drive



ZONING MAP NO. 137 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE March 20, 1986

PETITION NO 86-34

PETITIONER(S) John Crosland, Jr.

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

LOCATION· A 6 742 acre site at 800 Clanton Road at the intersection of I-77 and Clanton Road

ACTION: The Planning Commission deferred action pending further study.