AGENDA

Meeting Type:	Z
Date	08-18-1986
SUBJECT	

City of Charlotte, City Clerk's Office

Charlotte

FILE COPY

8/18/86

council agenda

Charlotte

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

Meetings in August '86

THE WEEK OF AUGUST 3 - AUGUST 9

5	Tuesday, 8 00 a.m.	AIRPORT ADVISORY COMMITTEE - Charlotte-Douglas International Airport, Conference Room A
	Tuesday, 6 00 p.m.	CHARLOTTE ADVISORY PARKS COMMITTEE - McDowell Park, Nature Center
6	Wednesday, 9 00 a.m	CIVIL SERVICE BOARD - City Hall, 3rd Floor Conference Room

THE WEEK OF AUGUST 10 - AUGUST 16

11	Monday, 12 Noon	COUNCIL/MANAGER LUNCHEON - City Hall Annex, Training Center
	Monday, 12 Noon	PLANNING COMMISSION (Regular Meeting) - Cameron-Brown Bldg , 1st Floor Conference Room
	Monday, 2 00 p m	CITIZENS HEARING - City Hall, Council Chamber
	Monday, 3 00 p.m.	CITY COUNCIL MEETING - City Hall, Council Chamber
12	Tuesday, 9 00 a m	HISTORIC DISTRICT COMMISSION - Edwin Towers, Conference Room
13	Wednesday, 4 00 p.m.	CITY COUNCIL/STORMWATER MANAGEMENT ADVISORY AGENCY - City Hall Annex, Training Center
	Wednesday, 6 30 p.m.	YOUTH INVOLVEMENT COUNCIL - City Hall, Council Chamber
	Wednesday, 7 30 p m	HISTORIC PROPERTIES COMMISSION - City Hall, 2nd floor Conference Room
14	Thursday, 8 15 a m	BUSINESS OPPORTUNITY NETWORK - Chamber of Commerce
	Thursday, 4 00 p.m.	CITY COUNCIL PLANNING & PUBLIC WORKS COMMITTEE - City Hall, 2nd Floor Conference Room

THE WEEK OF AUGUST 17 - AUGUST 23

18	Monday, 5 00 p m.	CITY COUNCIL/PLANNING COMMISSION DINNER - Education Center, Rooms 237-239
	Monday, 6 00 p m.	CITY COUNCIL MEETING (Zoning Hearing) - Education Center, Board Room
20	Wednesday, 8 00 a.m.	PLANNING COMMISSION/Planning Committee - Cameron-Brown Bldg., 1st Floor Conference Room
	Wednesday, 1 00 p.m.	HOUSING AUTHORITY - Administrative Offices, 1301 South Boulevard
	Wednesday, 2 00 p.m.	TECHNICAL COORDINATING COMMITTEE - City Hall Annex, Dept. of Transportation Conference Room
	Wednesday, 7 30 p.m.	METROPOLITAN PLANNING ORGANIZATION/Public Hearing on Western Outer Loop-Olympic High School, 4301 Sandy Porter Road
21	Thursday, 7 30 a.m.	PLANNING COMMISSION/Ordinance Revision Task Force - Cameron-Brown Bldg , 1st Floor Conference Room
	Thursday, 8 00 a.m.	CLEAN CITY COMMITTEE - Cameron-Brown Bldg., 5th Floor Conference Room
	Thursday, 4 00 p.m	PLANNING COMMISSION (Deferred Rezoning) - Cameron-Brown Bldg., 1st Floor Conference Room
	Thursday, 7 30 p.m	CHARLOTTE TREE ADVISORY COMMITTEE - Park Operations, 701 Tuckaseegee Road

(Continued on Back)

THE WEEK OF AUGUST 24 - AUGUST 30

25	Monday, 4.00 p.m.	PLANNING COMMISSION/Executive Committee - Cameron-Brown Bldg., 1st Floor Conference Room
26	Tuesday, 3 00 p.m.	COMMUNITY FACILITIES COMMITTEE - Utility Dept., 5100 Brookshire Blvd.
	Tuesday, 4·30 p m	MUNICIPAL INFORMATION ADVISORY BOARD - Cameron-Brown Bldg., 3rd Floor Conference Room
27	Wednesday, 8.00 a.m.	PLANNING COMMISSION/Planning Committee - Cameron-Brown Bldg., 1st Floor Conference Room
	Wednesday, 6·30 p.m.	YOUTH INVOLVEMENT COUNCIL - City Hall, Council Chamber

These organizations will <u>not</u> meet in August:

Advisory Board for Citizens with Disabilities
Advisory Energy Commission
Auditorium-Coliseum-Convention Center Authority
Citizens Advisory Council for Hazardous Materials
Specialized Transportation Advisory Committee

FAGEREMNADLA

Charlotte

CITY COUNCIL AGENDA
Monday, August 18, 1986

5:00 p.m. - Dinner
Rooms 237 and 239, Education Center
Presentation of design for Rama/Monroe/Idlewild Roads intersection.

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

ITEM NO.

1. Invocation by Father McCreesh, St. Peter's Catholic Church.

PUBLIC HEARINGS

2. Hearing on Petition No. 86-45 by Trammell Crow Company for a change in zoning from UDCV and R-15 to B-ISCD and R-15(CD) for a 139 acre site located on all four corners at the intersection of NC Highway 16 and NC Highway 51.

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

Attachment No. 1-A

3. Hearing on Petition No. 86-86 by the Charlotte-Mecklenburg Planning Commission for a text amendment to Section No. 3053 (Urban Mixed Use District) of the Zoning Appendix to the City Code, to incorporate a number of recommended changes as a result of periodic review and update of the ordinance.

Attachment No. 1-B

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

4. Hearing on Petition No. 86-87 by Forest Hill Presbyterian Church for a change in zoning from R-12 to R-I for a 23.82 acre site located at 7224 Park Road between Goneaway Road and Huntingtowne Farm Road.

Attachment No. 1-C

5. Hearing on Petition No. 86-88 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MF to R-12MF for a 34 acre site located on the northern side of Brookshire Boulevard and east of I-85, and the area south and east of Kentucky Avenue.

Attachment No. 1-D

6. Hearing on Petition No. 86-89 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MF to R-6 for a 63 acre site located north of Kentucky Avenue and east of I-85.

Attachment No. 1-E

7. Hearing on Petition No. 86-90 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MF to R-9MF for a 7.81 acre site located at the end of Southwest Boulevard.

Attachment No. 1-F

8. Hearing on Petition No. 86-91 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from I-2 to R-9 for a 30 acre site located north of Brookshire Freeway, south of Venice Street, west of the proposed greenway, and east of the R-6MF zone line.

Attachment No. 1-G

9. Hearing on Petition No. 86-92 by NCF Financial Corporation for a change in zoning from UR-2 to UR-C for a .67 acre site located at the corner of West 9th and North Smith Streets.

Attachment No. 1-H

10. Hearing on Petition No. 86-93 by JACMACBRUTER Associates for a change in zoning from I-3 to U-MUD for 49,963.32 square feet located at the 427 West Fourth Street between Graham and Mint Streets.

Attachment No. 1-I

11. Hearing on Petition No. 86-94 by JACMACBRUTER Associates for a change in zoning from I-3 to U-MUD for 35,518.19 square feet located at 416 West Third Street between Graham and Mint Streets.

Attachment No. 1-J

12. Hearing on Petition No. 86-95 by the City of Charlotte to establish City zoning on recently annexed property in the Autumnwood, Deerhurst, Sardis Road, Settlers Landing, Alexander Road, Plantation Road, Providence Forest, Four Mile Creek Road, Park Road/Quail Hollow, Forest Pawtuckett, Coulwood Oaks, and Beatties Ford Road areas.

Planning staff recommends that the petition be approved. State law requires the annexing municipality establish zoning within 60 days of the effective date of annexation which was June 30, 1986.

Attachment No. 2

BUSINESS AGENDA

13. Recommend adoption of a joint resolution with Mecklenburg County regarding the zoning and subdivision regulations of certain "boundary strips" created by the June 30, 1986 annexation of the Autumnwood, Sardis Road, Settlers Landing, Plantation Road, Four Mile Creek Road, Park Road/Quail Hollow, and Beatties Ford Road areas.

Attachment No. 3

POLICY AGENDA

14. Decision on Petition No. 86-22 by R. M. Industrial Products Company, Inc. for a change in zoning from I-1 to I-2(CD) for a 21.257 acre site located on Hamilton Street, bordering on I-77 and Seaboard Coastline Right-of-way.

The Planning Commission recommends that the petition be approved.

Approval of this Petition will enable Council to adopt the amendment to the Greenville Redevelopment Plan at its meeting on September 8, 1986. Legal requirements for advertising notice prohibited placing the amendment on tonight's agenda.

Attachment No. 4-A

15. Decision on Petition No. 86-52 by Maurice and Laura McClettie for a change in zoning from R-6 to B-1(CD) for a 7000 square foot site located at 1905 Beatties Ford Road.

The Planning Commission recommends that the petition be denied.

Attachment No. 4-B

16. Decision on Petition No. 86-53 by Tommy L. Helms and Joe G. Clark for a change in zoning from R-6 to B-2 for a 11,446 square foot tract located at 4131 Avalon Avenue.

The Planning Commission recommends that the petition be denied.

Attachment No. 4-C

17. Decision on Petition No. 86-55 by Myers Park Homeowners Association, Inc. for a change in zoning from R-6MF to R-12 for three lots, a total of 2.387 acres, located at 2200, 2205 and 2217 Selwyn Avenue.

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

The Planning Commission recommends that the petition be approved.

Attachment No. 4-D

18. Decision on Petition No. 86-56 by Myers Park Homeowners Association for a change in zoning from R-6MF and R-6MFH to R-12 for two parcels at 1550 Queens Road totaling 1.059 acres.

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.

The Planning Commission's vote ended in a tie, therefore no recommendation was made on this petition.

Attachment No. 4-E

19. Decision on Petition No. 86-58 by Myers Park Homeowners Association for a change in zoning from R-15MF and R-12MF to R-12 for 9 lots (a total of 4.958 acres) located in the vicinity of Queens Road, Granville, Queens Road West and Ardsley Road.

A protest petition has been filed and found sufficient to invoke the 3/4 rule on seven of the parcels; rezoning of the remaining two parcels which are not contiguous to the other seven, may be accomplished by six affirmative votes. One is located at the corner of Queens and Granville Roads, the other at 1212 Queens Road.

The Planning Commission recommends approval of the request to R-12, with the exception of a lot on the corner of Ardsley Road and Queens Road West which is recommended to remain R-15MF.

Attachment No. 4-F

20. Decision on Petition No. 86-59 by Myers Park Homeowners Association for a change in zoning from R-6MFH to R-6MF for a .917 acre site located at 453 Edgehill Road.

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

Councilmember Vinroot previously was excused from participating in the hearing on this petition.

The Planning Commission recommends that the petition be approved.

Attachment No. 4-G

21. Decision on Petition No. 86-60 by Myers Park Homeowners Association for a change in zoning from O-6 and R-15MF to R-9 for 8 lots (a total of 4.48 acres) located at the intersection of Queens Road and East Morehead Street.

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

Councilmember Vinroot previously was excused from participating in the hearing on this petition.

The Planning Commission recommends the following actions:

1. Deny the rezoning of the lot at the corner of Bromley Road and East Morehead Street, thus leaving the lot zoned O-6.
2. Approve the rezoning of the lot at the corner of Queens Road and East Morehead Street to R-15MF rather than the requested R-9.
3. Approve the rezoning of the remaining lots to R-9 as requested.

Attachment No. 4-H

22. Decision on Petition No. 86-61 by Myers Park Homeowners Association for a change in zoning from R-15MF to R-12 for 7 lots (a total of 4.2 acres) located on the east side of Queens Road from Edgehill Road north and past Bromley Road.

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

The Planning Commission's vote ended in a tie, therefore no recommendation was made on this petition.

Attachment No. 4-I

23. Hearing on Petition No. 86-62 by Myers Park Homeowners Association for a change in zoning from R-15MF to R-12 for 8 lots (a total of 3.84 acres) located on the west side of Queens Road from Bromley Road to Hermitage Place.

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

The Planning Commission recommends the following actions:

1. No recommendation is forwarded with regard to the lot at the corner of Bromley Road and Queens Road.
2. Approve the rezoning of the remaining lots in the petition to R-12 as requested.

Attachment No. 4-J

24. Decision on Petition No. 86-63 by Myers Park Homeowners Association for a change in zoning from B-1 and O-6 to R-15MF for 5 lots (a total of 2.319 acres) located on East Morehead between Henley Place and Bromley Road, and at the intersection of Henley and Kings Drive.

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

Councilmember Vinroot previously was excused from participating in the hearing on this petition.

The Planning Commission recommends that the petition be approved.

Attachment No. 4-K

25. Decision on Petition No. 86-71 by Michael L. Stout, for a change in zoning from R-6MF to O-6(CD) for a 12,000 square foot site located at 628 Eastway Drive near The Plaza.

The Planning Commission recommends that the petition be denied.

Attachment No. 4-L

26. Decision on Petition No. 86-76 by Bascom V. Belk, Jr. for a change in zoning from R-12 to R-12MF(CD) for a 13.72 acre site located on the south side of Wallace Lane, west of Delta Road.

Two protest petitions have been filed and both found sufficient to invoke the 3/4 rule requiring affirmative vote of 3/4 of Mayor and Councilmembers, not excused from voting, in order to rezone the property.

The Planning Commission recommends that the petition be denied.

Attachment No. 4-M

27. Decision on Petition No. 86-77 by Tuckaseegee Road Community Organization for a change in zoning from R-9MF to R-12, for an approximate 16 acre site located at the intersection of Toddville and Tuckaseegee Roads.

The Planning Commission recommends that the petition be approved.

Attachment No. 4-N

28. Decision on Petition No. 86-79 by Butterfly Seven, Limited for a change in zoning from R-6 to O-6(CD) for a .165 acre site located on Seneca Place approximately 100 feet west of Park Road.

The Planning Commission recommends that the petition be denied.

Attachment No. 4-O

29. Decision on Petition No. 86-80 by Drs. J. Estwanik and Thomas Hampton for a change in zoning from R-6MF to O-15(CD) for a 2.9 acre site located on the north side of Billingsly Road east of Randolph Road.

The Planning Commission recommends that the petition be approved.

Attachment No. 4-P

30. Decision on Petition No. 86-82 by Drs. Joseph Woody and Walter Bullington for a change in zoning from R-15 to O-15 for a 1.373 acre site located at 4814 Randolph Road north of Rutledge Avenue.

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

The Planning Commission recommends that the petition be denied.

Attachment No. 4-Q

31. Decision on Petition No. 86-83 by John Crosland Company for a Site Plan Amendment to an existing R-9(CD) and R-9MF(CD) zoning for a 67.85 acre site located on the southeasterly side of Idlewild Road North, approximately 850 feet southwest of Lawyers Road.

The Planning Commission recommends that the petition be approved.

Attachment No. 4-R

32. Decision on Petition No. 86-84 by Charlotte-Mecklenburg Planning Commission for a text amendment to the Zoning Appendix, Section 1206.2, (Sign Permits) to require the owner of a parcel for which a sign permit is sought, to sign the advertising sign permit application; and if a state advertising sign permit is required, it must be presented to the Building Standards Department within 30 days after the issuance of the local sign permit.

The Planning Commission recommends that the text amendment be approved, as modified, to lengthen the time limit to 45 days.

Attachment No. 4-S

33. Recommend adoption of a resolution calling for public hearings on Monday, September 15, 1986, at 6:00 p.m. in the Board Room of the Education Center, on Petition Nos. 86-96 through 86-101 for zoning changes.

- SCHEDULE OF MEETINGS -
August 18 - 22, 1986

Monday, August 18	COUNCIL/MANAGER DINNER Presentation - Design for Rama/ Monroe/Idlewild Roads Intersection. Rooms 237-239	5:00 p.m.
	ZONING HEARINGS & DECISIONS Board Room, Education Center	6:00 p.m
Thursday, August 21	COUNCIL/COUNTY COMMISSIONERS BREAKFAST *Discussion - Strategic Planning* Training Center, City Hall Annex	7:30 a.m

#1

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

July 18, 1986

Mayor and City Council

RE Rezoning Petitions to be Heard in August, 1986

Attached you will find appropriate maps and copies of each petition, for rezoning petitions scheduled for public hearing on August 18, 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,

Bob Young

Robert G Young
Land Development Manager

RGY oj

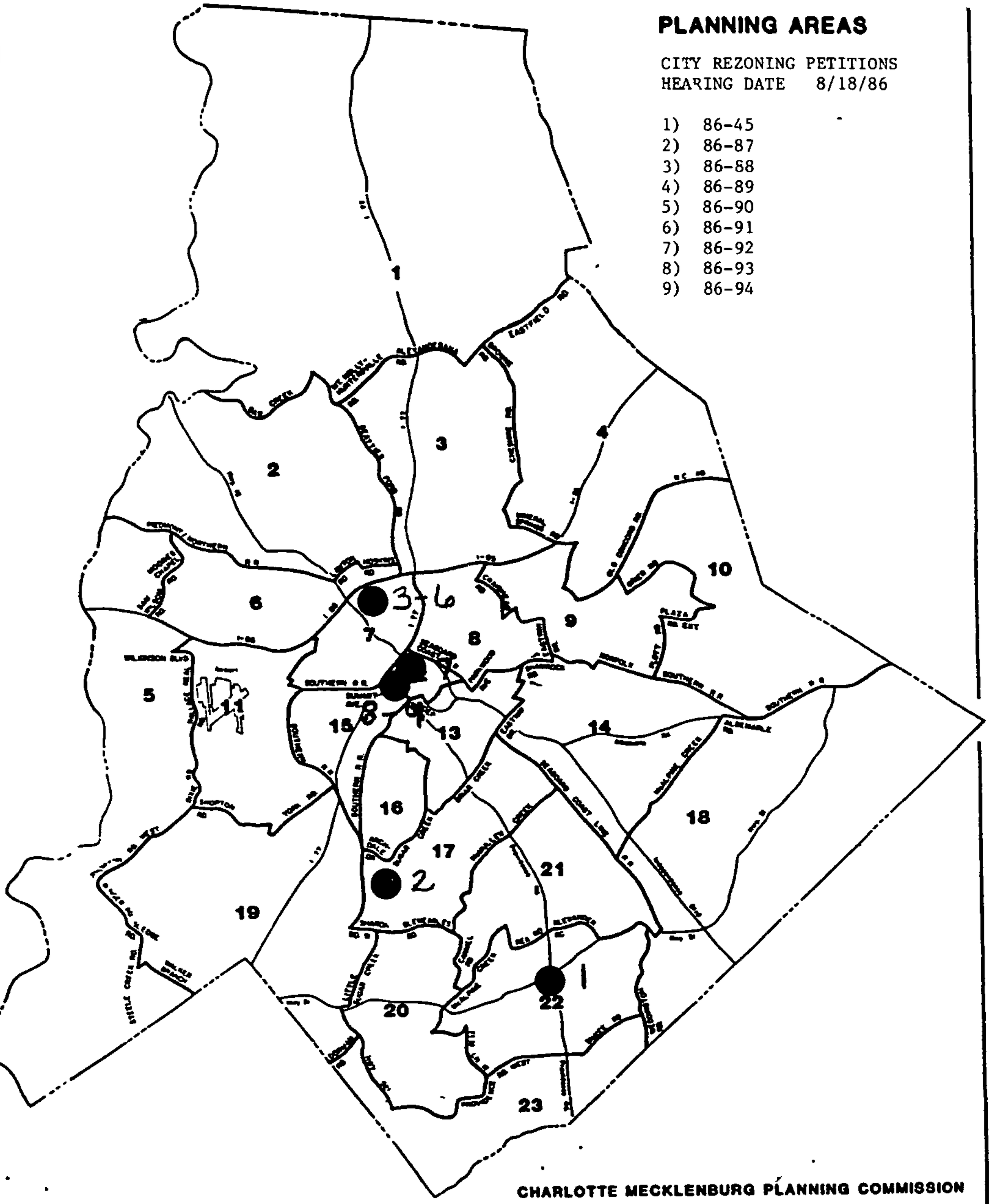
Attachments

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

PLANNING AREAS

CITY REZONING PETITIONS
HEARING DATE 8/18/86

1) 86-45
2) 86-87
3) 86-88
4) 86-89
5) 86-90
6) 86-91
7) 86-92
8) 86-93
9) 86-94



CHARLOTTE MECKLENBURG PLANNING COMMISSION

April 1983

PETITIONER Trammell Crow Company

PETITION NO. 86-45 HEARING DATE August 18, 1986

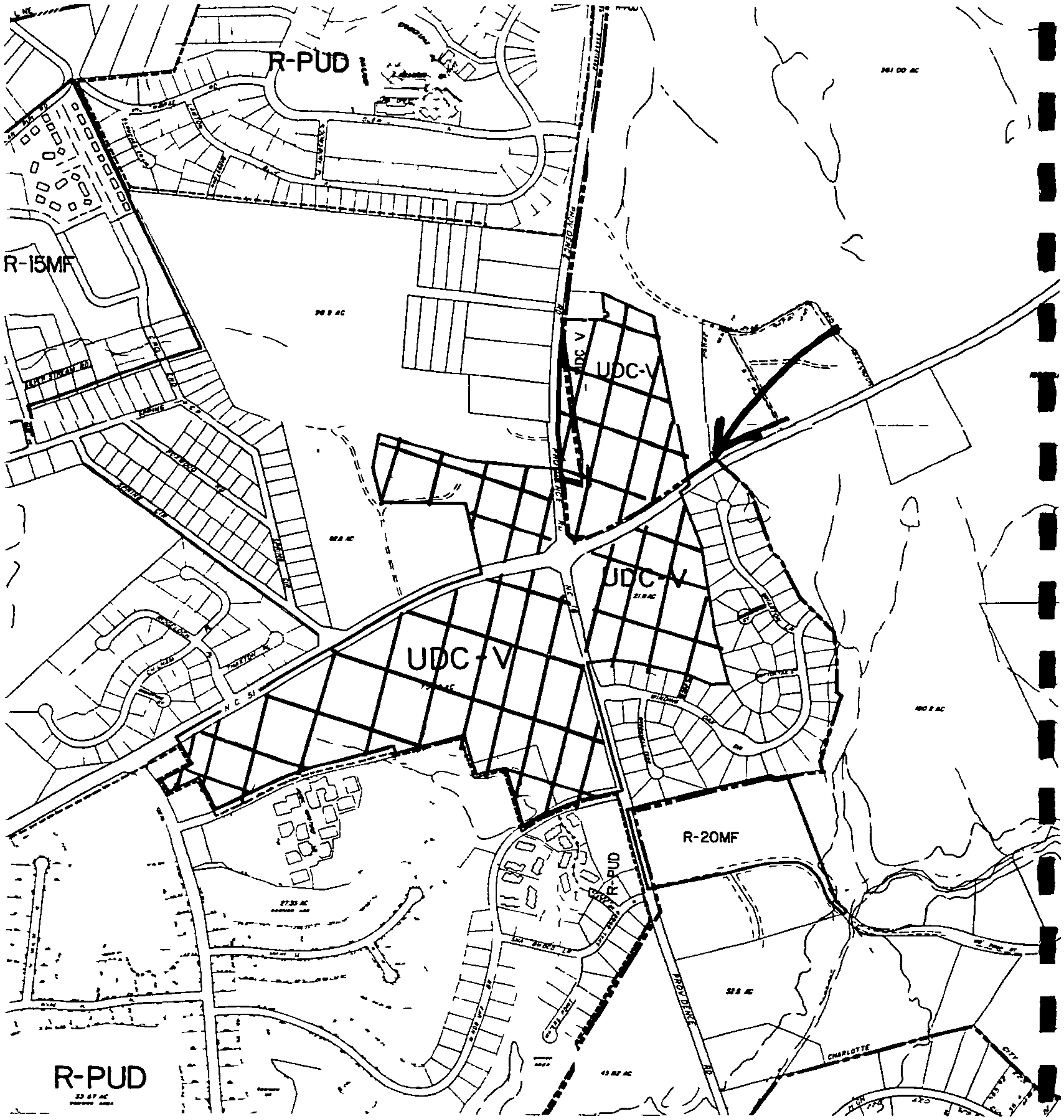
ZONING CLASSIFICATION, EXISTING UDC-V & R-15 REQUESTED B-1SCD & R-15(CD)

LOCATION Approximately 139 acres located on all four corners of the intersection of N.C. 16 and N.C. 51.

(See Attached Map)

ZONING MAP NO. 159, 165 & 166 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


R-PUD
R-15MF
UDC-V
UDC-V
UDC-V
R-20MF
R-PUD
R-PUD
PROVIDENCE RD
CHARLOTTE
N C 51

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 86-45
Date Filed 4/1/86
Received By DR-S
OFFICE USE ONLY

Ownership Information

Property Owner Crow Charlotte Retail #2, Ltd., et al

Owner s Address 1400 Charlotte Plaza, Charlotte, North Carolina 28244

Date Property Acquired December 1984

Deed Reference Partial: Book 4947 Pg. 192 and Pg. 189

Tax Parcel Number 211-271-02 and 225-151-01 A portion 213-051-5 and 213-051-02 and 227-251-99

Location Of Property (address or description) All four corners at the intersection of NC Highway 16 and NC Highway 51.

Description Of Property

Size (Sq Ft -Acres) 139 Acres Approximately

Street Frontage (ft)

Current Land Use Vacant land

Zoning Request

Existing Zoning UDCV and R-15

Requested Zoning BISCD/R15~~PUD~~ (CD)

Purpose of zoning change To allow for retail and office development at the four corners of NC 16 and NC 51, subject to a unified and conditional development plan.

David Miller
Name of Agent

1400 Charlotte Plaza, Charlotte, NC 28244
Agent s Address

(704) 376-5910
Telephone Number

Trammell Crow Company
Name of Petitioner(s)

1400 Charlotte Plaza
Address of Petitioner(s)

(704) 376-5910
Telephone Number

David S. Miller
Signature

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No 86-45

Petitioner	Trammell Crow Company
Location	Approximately 139 acres located on all four corners of the intersection of N C 16 and N C 51
Request	Change from UDC-V and R-15 to B-1SCD and R-15(CD)

ISSUES

1 Relationship to Overall South Mecklenburg Planning Goals How does this rezoning request relate to overall planning, zoning and land use objectives for southern Mecklenburg County?

2. Traffic What traffic and transportation related issues should be considered when evaluating this request?

3 Site Plan What aspects of the conditional site plan are important to evaluate including such things as edge relationships and land use relationships to adjoining property?

4 Relationship to Planned Retail Development in the Area How does the shopping and office development in this proposal relate to known or planned retail activity in other parts of the area? Is there a demand for as much retail space as is being planned for at the present time?

5 Comparison to Existing UDC-V Plan How do the conditions and overall restrictions of this proposal compare to those contained in the existing site plan for the planned UDC-V at this intersection?

BACKGROUND

1 Existing Zoning The property in this petition is zoned UDC-V (Urban Development Center) with the exception of a slender strip of land along the easterly side of Highway 16 north of Highway 51 which is presently zoned R-15 The general zoning pattern in the area reflects the R-15 single family district for the most part, although southwest of and adjoining the site is an R-15 PUD classification Another PUD classification is located somewhat north on the westerly side of N C Highway 16 A small amount of R-20MF multi-family zoning is south of the property on Providence Road and other smaller parcels are zoned for multi-family purposes in the area as well

2 Existing Land Use The property involved in the petition is substantially vacant although on the northwest corner there is a single family residence Single family development does comprise the predominant land use pattern for the area and is found throughout such subdivisions as Hemstead, Raintree, Ridgeloch, Candlewyck and others The Raintree Community also

contains multi-family development as well A very small neighborhood commercial center is located near the entrance to the Raintree Community, too Golf courses are located in Raintree as well as the Cedarwood course on the north side of N C 51 nearby Some churches, which are relatively new to the area, are also in the immediate vicinity

3 Existing UDC-V Site Plan/Conditions The existing UDC-V plan is an extremely complex one which combines a mixed use project containing residential, office and retail development combined with many design controls and plans for street and right-of-way improvements The retail usage in the present plan shall not exceed 210,380 square feet Office use is limited to a grand total of 378,630 square feet of which 214,605 square feet is permissible on the southwest corner Right-of-way adjacent to N C 51 and N C 16 is planned for dedication as is a fund which totals $605,000 towards street improvements (Note· Funds and right-of-way have been secured from the petitioner) A total of 50 Park-N-Ride parking spaces is also provided This plan also contains a maximum of 666 dwelling units.

4a. Proposed Site Plan The proposed site plan combines office and retail space on the four corners Specifically, retail development will be located on the northeast, southeast and southwest corners and office development on the northwest corner The office use will contain 180,000 square feet of leasable space and a grand total of 1,465,000 square feet of retail and restaurant space on the other three corners The southwest quadrant will contain the largest concentration of retail and will include a shopping center containing 815,000 square feet of leasable space There is also a small area of land adjacent to Raintree Lane which is being rezoned to R-15(CD) and will be restricted to open space and park uses No residential development will be a part of this plan Landscaped buffer areas around the perimeter of the site will be observed and there are many conditions dealing with site design contained in a development program manual which is developed in association with the site plan

4b Recent Discussions Regarding Proposed Site Plan Recently staff has met with representatives of the Trammell Crow Company to discuss revisions to the site plan As of the preparation of this material those revisions are not official, but it is expected that they will be made official in time to be presented as part of the public hearing on this matter These changes have generally dealt with phasing restrictions which would tie the opening of the first phase of the shopping complex on the southwest corner to the beginning of construction or improvements to N C Highway 16 (Providence Road) from the Highway 51 intersection north to the vicinity of Old Providence Road In addition, the southeast corner has been changed from retail and restaurant development to office development to include 240,000 square feet of leasable space The southwest quadrant has been reduced slightly to 805,000 square feet of leasable space and includes a first phase of 635,000 square feet and a second phase of 170,000 square feet The revised plan would allow the immediate construction of 200,000 square feet of retail on the northeast corner with the other 100,000 additional square feet available when the improvements to Highway 51 and proposed improvements to Highway 16 are complete Similarly the northwest

quadrant would be allowed to construct 60,000 square feet of office now and the remaining 120,000 square feet when the road improvements are completed

GENERAL FINDINGS

1 2005 Plan The 2005 Plan indicates a mixed use center at the intersection of N C 16 and N C 51 Road improvements are also proposed for both thoroughfares The plan also envisions a major mixed use center southwest from the intersection of N C 16 and N C 51

2 Highway 51 Policies The plan indicates the location of a UDC-V at the intersection of N C 16 and N C 51 Further, the plan envisions an urban parkway along N C 51 and stresses the need to avoid strip commercial along this thoroughfare Except for the UDC-V, land uses are expected to be a mixture of single family and multi-family development

3 South Mecklenburg Plan Staff has recently completed a draft of an interim South Mecklenburg District Plan The plan should be presented to Planning Commission in late August The plan is in response to rapid growth in the area and the need to provide a framework for planning and capital needs in the area

4 N C 51 Widening This project would widen N C 51 from Pineville to Matthews to a multi-lane facility The first phase of this project is expected to begin construction shortly That will include the redesign and reconstruction of the N C 51 and N C 16 intersection Other phases are expected to begin construction later with an estimated completion time for the entire project in 1990 The plan calls for a median divided road with supplemental landscaping which will enhance the urban parkway proposal contained in the Highway 51 Policy Study

5 Recent Rezonings in South Mecklenburg During the last year several major rezonings have occurred in the South Mecklenburg area including a proposal by the John Crosland Company called Landon, which is located at the extreme southern edge of Mecklenburg County and a development by Glenn Terrell called Piper Glen between N C 51 and Providence Road West Part of the Piper Glen plan is now approved for a regional shopping mall containing just over 1,000,000 square feet The location of that mall coincides with the 2005 Plan projection for a major mixed use center Phasing restrictions provide that the shopping mall will not open until portions of the Outer Belt and other major thoroughfares are constructed and, thus, it is anticipated that the opening of that center is perhaps ten years away The Landon proposal contains a shopping center of approximately 250,000 square feet It too is phased based upon thoroughfare improvements

6 Pre-Hearing Staff Input Staff met with the petitioner on several occasions prior to the submission of the application and the public hearing Staff has consistently taken the position that current public policy supports the present UDC-V zoning Further, a regional mall has already been established through zoning with the approval of the Piper Glen development

Staff has warned that the proposal in this case will dramatically increase traffic congestion and because of land use relationships proposed by the petition it may well lead to other non-residential zonings and, therefore, destroy the goal of keeping N C 51 basically a residential thoroughfare

7 Pre-Hearing Departmental Comments (Summary)

1 C-DOT The petitioner and C-DOT have been working closely but as of the preparation of this material final comments from C-DOT have not arrived due to the fact that C-DOT has not received a traffic impact study It is anticipated that the study will have been received by the time of the public hearing and some preliminary comments as to its findings may be available by the public hearing

2 Fire Department The extension of the 54 inch water main under construction should alleviate any utility concerns for fire protection

3 Building Standards. No comment

4 Engineering Department Usual comments associated with development requests, but did indicate the need to provide coordination of driveway/roadway improvements as anticipated under UDC-V plans

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

8 Neighborhood Context The site is located in the area known as Raintree and Old Providence The petition has generated many calls and inquiries and it is expected that considerable protest will be heard at public hearing

9 Annexation/Zoning on Northeast Quadrant The northeast corner of the intersection of N C 16 and N C 51 was annexed on May 5, 1986 State law requires that within 60 days of an annexation, zoning authority should transfer from the County to the City In this case, that was not done due to the fact that Trammell Crow Company had submitted their petition and a hearing was scheduled for May, 1986 Consequently, it was decided that rather than go through a hearing to establish zoning and then immediately have another hearing to consider Trammell Crow's zoning petition that no action would be taken to establish zoning jurisdiction following the annexation Staff secured written agreement from Trammell Crow that that procedure would be okay

10. Planned Retail/Shopping Malls in South Mecklenburg Several major retail/shopping malls are in the construction or planning stages Piper Glen was referenced under Background #5 Further it is known that a major mall is planned in both Matthews and Pineville Another mall is under construction at McMullen Creek and Highway 51 Staff has also recently discussed a rezoning petition for another major mall at the Outer Belt/Highway 521 intersection

11 Preliminary C-DOT Evaluation Although final comments from C-DOT are unavailable (see Detailed Finding #9), C-DOT did prepare some preliminary

comparisons as to UDC-V plans vs retail at this intersection That information is attached

DETAILED FINDINGS

1 This application involves land located at the four corners of the intersection of N C 16 and N C 51 The present zoning for the land involved is UDC-V with the exception of a small area which is zoned R-15 and which lies north of Highway 51 along the westerly side of Providence Road The petitioner has requested that the land be rezoned to B-1SCD and R-15(CD) The only area zoned R-15(CD) will be a small portion near the entrance to the Raintree Subdivision

2 The petitioner has filed a conditional site plan which proposes a major retail and office development for this intersection (For further details refer to Background #4a)

3 The area of the petition is one of the most sensitive in terms of growth and growth management Over the years there have been policy studies regarding the Highway 51 corridor which have attempted to react to the market pressures for growth along this major corridor Now, however, there is even more pressure to develop the South Mecklenburg area and accordingly staff has undertaken an interim South Mecklenburg District Plan which attempts to provide the policies necessary to manage growth in the region. This report has recently been finished by the staff and is expected to be presented to the Planning Commission in late August

4 Obviously, this request has generated a tremendous amount of discussion Much of that discussion, as far as staff and many neighborhoods is concerned, has focused on concerns about the potential negative influence which the approval of this request would represent

5 For example, staff is extremely concerned about the increase in traffic which will result with the intensification of development at this corner That concern is shared by neighborhoods in the area, too In addition, there are also land use considerations to be addressed including the potential effect that with the approval of this petition will come more pressure to add to the non-residential and higher density development associated with the intersection

6 In conjunction with this, one of the positive things about a UDC-V zoning is that it not only provides for necessary retail and office functions at the intersection, it also provides a land use transition immediately at the intersection by providing for multi-family development on all of the corners This enables single family development to fill in the areas which are left Approval of this petition removes that desirable pattern and will mean that once again staff, developers and neighborhood groups will have to start over in terms of identifying a transitional relationship to adjoining and nearby properties That could lead to the spread of non-residential development along N C 51 and N C 16 This is clearly undesirable Also, it will mean the development of multi-family development and probably more than under the current UDC-V plan The petitioner

has stated that one of the positive benefits of this plan is the removal of multi-family here, but in reality the approval of the request opens the door wide open for multi-family to reappear at or near the intersection

7. It is also important to remember that the current UDC-V was developed over a long period of time and included the support and help of many individuals and groups It was a cooperative effort that came about because of public policy demands for the area Public policy reinforced the UDC-V concept and is once again being supported in the interim South Mecklenburg Plan

8 There is no doubt that there is a need for retail services in the area This is evidenced by the construction which is taking place and the efforts to locate regional malls in the area Again, though, it must be remembered that the UDC-V presently is approved for a shopping center close to the size of Cotswold This type of center is available for construction now to meet the demands and can compliment a regional mall which will surely locate in the area As far as staff is concerned that regional mall site is already located in the Piper Glen development That site enjoys a premier location both geographically as well as to planned thoroughfares for the area

9. Even though there is definitely a market demand for a regional mall its development at the proposed location here does not justify the expense of continued roadway congestion Unlike the Piper Glen site, the property here does not enjoy favorable roadway access Traffic will play an important role in the final determination of this case and while the petitioner's representatives and C-DOT staff has discussed this matter on several occasions, nevertheless C-DOT had not received a traffic impact study in time for their final comments Their assistance and comments on this case is vital

10 As far as the site plan itself is concerned, staff has little comment to make. Technically the plan is fine and from a design perspective it is also fine.

11. As was noted earlier in the report it is already known that several regional mall sites have been chosen and/or approved Clearly the development community is racing to outdo one another in terms of location, but most importantly to "get out of the ground" first. It appears that whichever mall is located first will become the regional mall for the area at least for the foreseeable future With all those that are presently known, the question is whether or not to establish yet another regional mall location. Staff believes the answer is definitely no.

12 In summary, as the public hearing on this matter approaches, staff has many concerns about the proposal both from a traffic standpoint as well as a land use perspective Unfortunately some significant information is late coming from the petitioner regarding traffic and has meant that C-DOT will not be able to comment until a time closer to the public hearing or perhaps even at the public hearing itself New site plan information is also anticipated and will have to be studied Planning staff believes that information is vital for a final determination as to the suitability

of the proposal or parts of the proposal and therefore will withhold a final recommendation until that time However it is clear that as far as the original plan presented to Planning Commission staff is concerned, staff definitely recommends against it This is a position that staff has been consistent on throughout discussions with the petitioner

*Subject to further refinement following public hearing

File

MEMORANDUM

DATE: July 23, 1986

TO: Dave Howard, Manager
Charlotte-Mecklenburg Planning Commission

FROM: Bill Finger, Manager
Transportation Planning Division

SUBJECT: Transportation Impacts Equivalent to UDC-V

As you requested, we have determined the traffic impacts of multi-use development at the intersection of NC 16 and NC 51 comparable to the impacts resulting from implementation of the UDC-V. We utilized a three-step process (Traffic Generation, Distribution, and Assignment) in comparing the UDC-V to an alternative including a combined total of 166 apartment dwelling units on the northwest, northeast and southeast corners as well as 75,000 square feet of office development and different levels of retail development on the southwest quadrant. The comparative analysis considered factors such as diverted drive-by traffic and trip sharing due to different uses in close proximity.

Our analysis indicates the following:

- A total of 350,000 square feet of retail development on the southwest corner in conjunction with the aforementioned uses would have comparable impacts on the intersection of NC 16 and NC 51 as the UDC-V, based on daily traffic generated, distributed, and assigned. The 75,000 square feet of office use could be exchanged for an additional 50,000 square feet in retail development, increasing the retail component to 400,000 square feet.

- A total of 550,000 square feet in retail construction on the southwest quadrant plus the residential and office uses cited above would be equivalent to the UDC-V when comparing PM peak-hour intersection impacts of both alternatives. Exchange of office development for retail space would increase this figure to 600,000 retail square feet.

Our recommendation is to utilize the lower figure (350,000 square feet of retail development) for comparison purposes since "all day" traffic impacts of both alternatives would be equal. Use of this figure would provide for improved traffic conditions during the PM peak period when compared to the UDC-V.

It is important to note that PM peak-hour impacts of the UDC-V were substantial, and the intersection impacts resulting from use of the 350,000 square-foot retail component would be more acceptable. In contrast, a 550,000 square-foot retail center would result in PM peak-hour impacts equivalent to the UDC-V, but in much greater traffic impacts during afternoon and evening hours and on weekends.

If we can provide additional information or analysis, please advise.

BF:LP:bas

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 86-86

Date Filed 7/1/86

Received By LS

OFFICE USE ONLY

Section No 3053 Urban Mixed Use District

(Title)

Purpose of Change

This amendment incorporates a number of recommended changes from various sources and is submitted in compliance with the requirement contained in the ordinance itself for periodic review and update. It relates to setbacks and yards, parking standards, landscaping, building facades, open space, plan review, renovated and rehabilitated buildings, access to Transit Mall, tree size and spacing, retail uses in new buildings, canopies, and other minor technical changes.

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commission
Name of Petitioner(s)

301 S. McDowell St., Charlotte, N.C. 28204
Address of Petitioner(s)

336-2205
Telephone Number

Signature

ORDINANCE NO _____

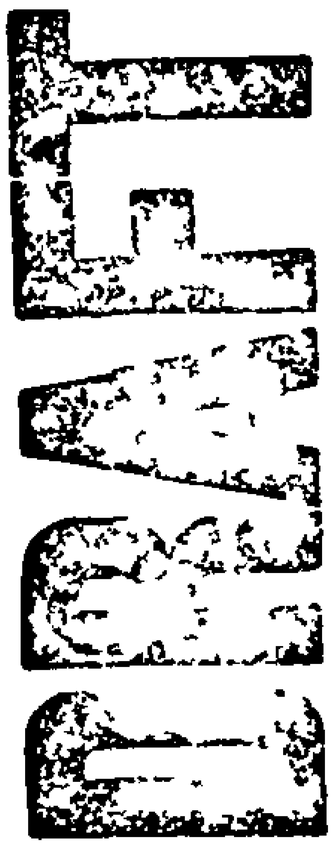
AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE - ZONING ORDINANCE

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 3053 1 2 by adeleting the existing language and by substituting the following new language.



Periodic Review In order to assure that the regulations contained in this section are functioning in an efficient fashion to accomplish the purpose of the district, the Charlotte Uptown Development Corporation and other interested parties may furnish suggestions and comments to the Charlotte-Mecklenburg Planning Commission. These suggestions may be submitted every two years on the anniversary of the ordinance adoption (November 17, 1983) The Planning Commission will evaluate any comments or suggestions that it receives and will consider whether amendments are appropriate If the Planning Commission concludes that amendment of the ordinance is necessary or desirable, an amendment will be initiated by the Planning Commission If the Planning Commission concludes that amendment is not necessary or desirable, a report to that affect will be transmitted to the City Council Nothing in this section prevents the City Council or the Planning Commission from initiating an amendment to this ordinance at any time, nor does it prevent any party from filing a petition for an amendment to this ordinance at any time

2 Amend Section 3053 2 5 by deleting the existing language in its entirety and by substituting the following language

Institutional uses such as churches, synagogues, parish houses, Sunday school buildings, covents, community recreation centers, country and swim clubs, athletic and sports facilities, libraries, museums, theatres, and art galleries, orphanages, children's homes and similar non-profit institutions providing domiciliary care for children, police and fire stations, public and private elementary, junior and senior high schools, and pumping stations

3 Amend Section 3053 2 12 by adding the following language before the period

, including open air or sidewalk cafes

4 Amend Section 3053.2.16 by adding the following language after the word "parking",

structures, but not surface lots, as a principal use providing for public parking, private parking, or parking in conjunction with other permitted uses Surface parking lots may only be established to meet the minimum parking standards of a specific principal use;

and by deleting the remainder of the sentence

5 Amend Section 3053 3.1 by deleting the existing language in its entirety and by substituting the following language

Entertainment establishments such as lounges, night clubs, bars taverns and cabarates provided they are located at least 100 feet from any residential structure located in a residential district.

6 Amend Section 3053.3.2 by deleting the present language after the word "centers" and by adding the following new language,

, nursing homes, rest homes and homes for the aged in accordance with the standards of Mecklenburg County and the State of North Carolina for the licensing and operation of such facilities

7 Amend Section 3053.3 3 by deleting the existing language in its entirety and by renumbering the remaining items from 4 to 10 respectively.

8. Amend Section 3053 4 1 by placing a period often the word "use" and by deleting the remainder of the sentence

9 Amend Section 3053.4.4 by placing a period after the word "building" and by deleting the remainder of the sentence.

10 Amend Section 3053 5 1 by deleting the first and second sentence under "minimum setback," by substituting the following new language,

12 feet from the back of the curb

and by adding new language at the end of the paragraph as follows

For the purposes of this section, the setback applies to all street frontages, not just to the street toward which the structure in oriented The public is responsible for at least 6' of sidewalk or planting strip on the public right-of-way in all cases and no more than 6' of sidewalk may be required to be located and constructed on private property The intent of this requirement is to assure the provision of adequate sidewalk and planting strips in all cases

11. Amend Section 3053 5 1 by deleting the parenthetical phrase "(excluding UR-C)" from the first sentence under the heading "Maximum Height"

12 Amend Section 3053.5 1 by adding the following language to the "minimum side yard" requirement

, but if any side yard is provided, it must be at least 12' wide.

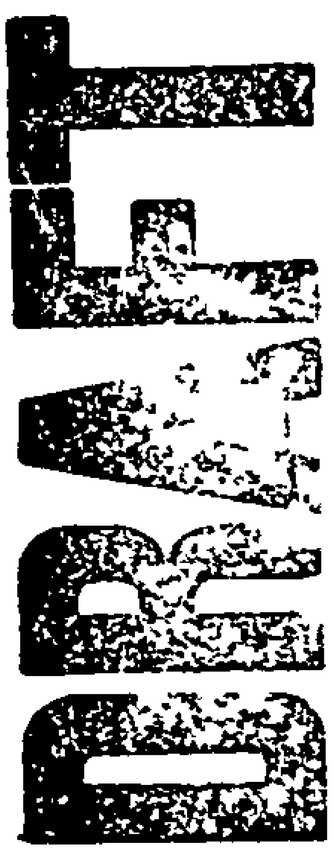
13 Amend Section 3053 6 1 by deleting the phrase ", except renovated and rehabilitated buildings," from the second sentence, by adding a new third sentence to the existing paragraph as follows,

rehabilitated and renovated buildings must meet all of the requirements of this district except those for setback and urban open space

and by adding the following new language to the end of the first paragraph.

This includes the adopted Central Area Plan and any more specific or detailed plans which may be adopted in the future.

14. Amend Section 3053 6 1 2 by deleting the existing language and by substituting the following new language.



Street Walls. The first floors of all buildings, including structured parking, must be designed to encourage and compliment pedestrian-scale activity It is intended that this be accomplished principally by the use of windows and doors arranged so that the uses are visible from and accessible to the street on at least 70% of the length of the first floor street frontage. Works of art, fountains and pools, street furniture, landscaping and garden areas, architecturally articulated facades, and display areas may also be considered in meeting this requirement. Where windows are used they must be transparent Where expanses of solid wall are necessary, they may not exceed 20 feet in length. The first floor and street level must be designed with attention to adjacent public or private open spaces and existing streetscape improvements The provision of multiple entrances from the public sidewalk or open spaces is encouraged

Amend Section 3053 6 1.2 by adding the following language to the end of the paragraph

Structured parking facilities must be designed so that the only openings at the street level are those to accommodate vehicle entrances and pedestrian access to the structure The remainder of the street level frontage must be either occupied retail space or an architecturally articulated facade designed to screen the parking areas of the structure, to encourage pedestrian scale activity, and to provide for urban open space

16 Amend Section 3053 6 1 3 by deleting the word "Permanent" from the beginning of the second sentence, by deleting all of the language in the second sentence after the word "shrubs" and by substituting the following new language in its place,

and/or evergreen trees planted at the most appropriate spacing for the species used or by solid walls or fences not exceeding 4 feet in height

and by deleting the forth sentence, and by adding the following new language to the end of the third sentence,

on private property in planters, a planting strip, berm, or tree lawn, any of which must be at least 8' wide and at least 2' deep; the areas between the trees to be landscaped or grassed. The trees must be of a small maturing evergreen variety and be at least 10' tall at the time of planting Plant material used to fulfill this requirement must be provided with an automatic irrigation system which does not rely on drainage from the street, sidewalk, or buildings All plant material must conform to the "American Standard for Nursery Stock" published by the American Association of Nurserymen The developer must provide written certification that the plant material meets this standard. Trees employed to meet the screening requirement may not be counted toward the street tree planting or urban open space tree requirements. Any lot which becomes vacant through the removal of a structure for any reason must be screened from all abutting public rights-of-way in accordance with the provisions of this section.

17. Amend Section 3053.6.1.4 by adding the following new sentence to the end of the paragraph

    No vehicular access from surface or structured parking will be allowed from the Transit Mall.

18 Amend Section 3053.6 1 6 by adding the following new sentence to the end of the paragraph

    Renovated and rehabilitated structures that are already in place do not have to comply with the setback requirements or urban open space requirements, but must not modify or add to the existing structure in any fashion that would result in a reduction in the distance from the back of the curb to the existing building front

19 Amend Section 3053 6.1 7 by deleting the existing language and substituting the following new language in its place

    Street Trees In addition to all other requirements of this subsection, at least one tree of 5 inches caliper for large maturing trees or 3 inch caliper for small maturing trees must be planted for each 25 feet or fraction over 25 feet for small maturing trees and for each 35 feet or fraction of 35 feet for large maturing trees of the entire building lot which abuts any public right-of-way Trees must not be planted closer than 2 5 feet to the back of the curb Above ground planters may not be used to fulfill the street tree requirement

    For the purposes of this section all specifications for measurement and quality of trees must be in accordance with the "American Standard for Nursery Stock" published by the American Association of Nurserymen. The developer must provide within certification that the plant material meets this standard. Trees used to fulfill this requirement may be located on public or private property Any such trees proposed to be located on public property must conform to the permit requirements in Chapter 21 of the City Code Any such trees proposed to be located on private property

must relate to the street frontage for which they are required. All trees planted to comply with this requirement must be approved by the City Park and Recreation Department as to compliance with the Street Tree Planting program and must be irrigated by an automated system, sidewalks, or building surfaces Trees planted under this section may not be used to satisfy the tree planting requirements for screening or urban open space

20 Amend Section 3053 6 1 by adding a new paragraph as follows.

3053 6 1 9 Building Facade. The design of the base of the building is most important because it is an integral part of the streetscape For this reason, this section specifies the inclusion of certain design features to better relate the building to the pedestrian environment. Buildings up to 5 stories in height must be topped by a cornice. Buildings over 5 stories in height must include a cornice line at the top of the third floor level The cornice must extend at least 6 inches from the face of the building or the upper floors of the building above the cornice must be set back at least 18 inches from the lower floors on the street side of the building to create a visual break in the building facade Windows at the street level must be recessed at least 6 inches from the face of the building Doorways must be placed in a recess designed to provide shelter and protection from the elements and to enhance the sense of entry. The size of the entry recess must be at least 15 square feet but need not exceed 100 square feet for each separate entrance. Multiple doorways in one location will be treated as a single entrance.

21. Amend Section 3053 6 3 1 by deleting the second sentence.

22 Amend Section 3053 6 3.4 by changing "18" to "24" in the second sentence, by changing "12" and "20" to "16" and "36" respectively in the third sentence, and by adding the following language between the words "inches" and "and" in the sixth sentence,

, a maximum height of 36 inches,

23 Amend Section 3053 6.3 5 by deleting the existing language and by substituting the following new language

Trees Within the open spaces area(s), 1 tree must be planted for each 500 square feet or portion thereof up to 2,000 square feet One additional tree is required for each additional 1,000 square feet of urban open space. Trees planted on unenclosed urban open spaces must have minimum caliper of 5 inches at the time of planting. Trees planted on enclosed urban open spaces must have a minimum caliper of 3 inches at the time of planting. Maintenance of trees required under these provisions must conform to Section 1601 6 All specifications for measurement and quality of trees must be in accordance with the "American Standard for Nursery Stock" published by the American Association of Nurserymen.

All specifications for measurment and quality of trees must be in accordance with the "American Standard for Nursery Stock" published by the American Association of Nurserymen

DRAFT

24. Amend Section 3053 6.3.6 by changing the word "third" to"half" in the third sentence, and by deleting the fourth sentence

25 Amend Section 3053 6 3 8 by changing the word "is" to "are" and by adding the words "jointly and severaly" after the word "are" in the first sentence

26 Amend Section 3053 6 5 by deleting the existing language and substituting the following new language in its place,

Preliminary Review Applicants planning any development or redevelopment are required to meet with the Charlotte-Mecklenburg Planning staff at 2 points in the design process: (1) during the conceptual design process in order that the staff may offer input into urban design objectives and to interpret the approved streetscape plan for that area, and (2) during the design development stage to insure that the plans meet the desired objectives and the minimum standards for the district Building permits will not be issued until the planning staff approves the proposal as in conformance with this ordinance

27 Amend Section 3053.6 by adding the following new paragraph

3053 6 7 First Floor Retail Required In order to stimulate pedestrian activity at the street level, the first floor (street level) of any new building must devote 75% of the net floor area to retail activities No more than 30% of this area may be occupied by financial or branch banking activities. This requirement may be reduced on a 1 for 1 basis when enclosed urban open space is provided on the first floor up to a maximum of 30%, which is the upper limit for enclosed urban open space For the purposes of this section, net floor area does not include stairways, elevator shafts, elevator lobbies, rest rooms, mechanical areas, security areas, or service areas All street level retail tenants which have sidewalk frontage must be furnished with direct access to the sidewalk in addition to any other access that may be provided The street level walls must have at least 70% glass window or door area and the glass may be transparent or lightly tinted but not reflective This standard applies to all new development which occurs in the area bounded by or along either side of College Street, 10th Street, Church Street, and Stonewall Street

28 Amend Section 3053 6 by adding the following new paragraph

3053 6 8 Canopies and other Building Entrances In addition to being permitted in urban open spaces areas, canopies, awning and similar appurtenances are permitted at the entrances to buildings Such a feature may be constructed of ridgid or flexible material designed to compliment the streetscape of the area Any such facility may extend from the building up to one half of the width of the sidewalk area in front of the building or nine feet, which ever is less If this extension would reach into the public right-of-way, an encroachment agreement from the City or State is required. In no case may any such facility extend beyond the curb line of any public street, nor should it interfere with the growth or maintenance of street trees An overhead clearance of 8 feet from the sidewalk must be maintained

29 Amend Section 3053 8 1.1 by deleting the existing language and by substituting the following new language in its place

3053 8 1 1 New office and commercial uses which contain more than 20,000 square feet of gross floor area and are located on lots with a street frontage greater than 40 on any single street must provide parking at the rates specified below

Floor Area	Parking spaces per 1000 sq. ft
Up to 200,000	0 5 for each 1000 sq. ft
200,001 - 500,000	0.75 for each 1000 sq ft. over 200,000
500,001 - 800,000	1.0 for each 1000 sq. ft. over 500,000
Over - 800,000	1.25 for each 1000 sq ft. over 800,000

30 Amend Section 3053.8.1.9 by adding the following new sentence to the end of the present language.

This limitation does not apply to parking which extends into the setback area in a parking structure above the 20 foot limit

31 Amend Section 3053.8.3 by deleting the section in its entirety

32 Amend Section 2111.2 by deleting the words "this section" and by substituting the words "Section 3053.6 8" in the first sentence

Section 2 That this ordinance shall become effective upon its adoption

Approved as to form

_____
City Attorney

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

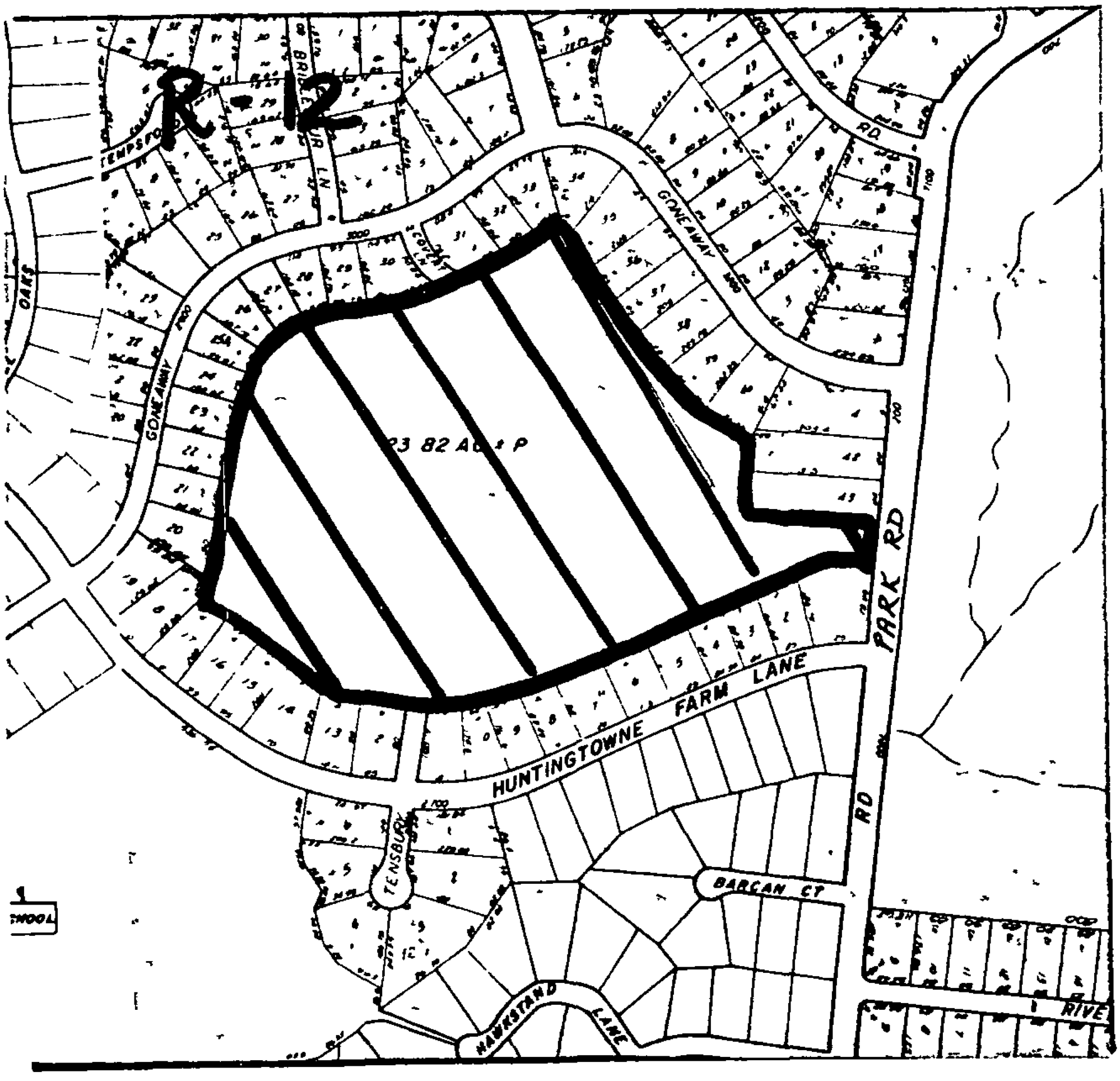
_____
Pat Sharkey, City Clerk

PETITIONER Forest Hill Presbyterian Church

PETITION NO. 86-87 HEARING DATE August 18, 1986

ZONING CLASSIFICATION, EXISTING R-12 REQUESTED R-I

LOCATION A 23.82 acre site located at 7224 Park Road between Goneaway Road and Huntingtowne Farm Road.



ZONING MAP NO. 147 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 86-87
Date Filed 7/1/86
Received By LS
OFFICE USE ONLY

Ownership Information

Property Owner Heritage Village Church & Missionary Fellowship, Inc.

Owner s Address Charlotte, N.C. 28279

Date Property Acquired November 19, 1976

Deed Reference 3952-279 Tax Parcel Number 173-191-44

Location Of Property (address or description) 7224 Park Road

Description Of Property

Size (Sq Ft -Acres) 23.82 Acres Street Frontage (ft) 100 Ft

Current Land Use Church Facility and Television Studio

Zoning Request

Existing Zoning R-12 Requested Zoning R-I

Purpose of zoning change For use by Forest Hill Presbyterian Church with a seating capacity of 1200 or more in the largest place of assembly.

Jay H. Montgomery, P.E.
Name of Agent

1227 Mockingbird Ln., Charlotte, N.C. 28209
Agent s Address

Office 336-2291 Home 525-3718
Telephone Number

Forest Hill Presbyterian Church
Name of Petitioner(s)

1040 Woodlawn Rd., Charlotte, N.C
Address of Petitioner(s)

523-0642
Telephone Number

David E Chalack
Signature Pastor, Forest Hill Pres

Peter D. Binkley - VP
Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 86-87

Petitioner	Forest Hill Presbyterian Church
Location	A 23 8 acre site located at 7224 Park Road between Goneaway Road and Huntingtowne Farm Road
Request	Change from R-12 to R-I

ISSUES

1 Relationship to Surrounding Neighborhood How would the development of the proposed church for this site relate to the surrounding homes and neighborhood?

2 Site Plan What aspects of the conditional site plan are important to evaluate, particularly in light of Issue #1 above?

BACKGROUND

1 Existing Zoning The subject property is zoned R-12 as is all of the land in the immediate vicinity surrounding the property

2 Existing Land Use The site is the former location of the PTL Club and its broadcasting facilities Those buildings are still on the site The property is surrounded by single family homes which back up to the property and those homes along with others in the area comprise the Huntingtowne Farms neighborhood Other single family development is located along Park Road including some newer homes to the south Across Park Road from the site is the Sharon Golf Club and somewhat farther north at the Old Reid Road/Park Road intersection is the Baucom's Nursery facility along with a fire station and church

3 Site Plan The conditional site plan proposes to locate the Forest Hill Presbyterian Church on the site Existing buildings on the property will be retained as well as the construction of a new sanctuary and other administrative and accessory buildings The sanctuary size will include a maximum of 3400 seats Access to the property will be by way of a driveway connection to Park Road and other street stubs into the site will not be opened Parking areas for the church will be located around the periphery of the buildings and will be shielded from adjoining residences by way of landscaped berms, new landscaping or existing natural screening

GENERAL FINDINGS

1 2005 Plan The 2005 Plan indicates existing residential land uses for the general area Strategies for the area include the widening and extension of Park Road, the Little Sugar Creek Greenway running to the west of the

site, Park Road streetscape improvements and sewer extensions along Little Sugar Creek

2 Park Road Relocation. This project is scheduled for construction in Fiscal Year 89 The project would extend Park Road from Tyvola to Frederick Place utilizing the existing Linford Drive The widening of Park Road from Frederick Place to N.C 51 from two lanes to a multi-lane facility is scheduled to tie in to the Park Road relocation project in the future

3. Pre-Hearing Staff Input. Staff met with the petitioner prior to the submittal of the application. Staff generally encouraged the request and spent most of the time during discussions on site plan details, particularly the edge treatment around the site

4 Pre-Hearing Departmental Comments (Summary)

1 Engineering Department Normal comments along with a request for an additional 20 feet of right-of-way along the frontage of this parcel adjacent to Park Road.

2 C-DOT This site on Park Road could generate 800 to 900 trips for its services on Sunday morning It would generate approximately 250 for its Wednesday evening services The Wednesday evening services occur near the P.M peak hour and will have a minor impact on traffic conditions in the area C-DOT also commented on some internal reconfiguration of intersections and like Engineering recognized the need for 20 feet of additional right-of-way for future widening purposes

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

4 Fire Department The existing water system supply appears supportive of the proposed use Other issues relating to on-site fire protection can be addressed during the permit process

5 Building Standards Department Comments were unavailable as of the preparation of this material, but are expected by the time of the public hearing on this petition

5 Neighborhood Context. The property is located in the Huntingtowne Farms neighborhood Only a few calls have been received regarding the application and some correspondence, most of which has been supportive of the request

DETAILED FINDINGS

1 This petition involves a request by Forest Hill Presbyterian Church to relocate from its present Woodlawn Road site to the property in this case, which is just off Park Road. The site is currently zoned R-12 and the petition is seeking the R-I classification, which is the relatively new residential institutional district

2 This district is specifically designed to accommodate the development of large churches with sanctuaries of a seating capacity of 1200 seats or greater Such large churches have the option of either a rezoning application or a major special use permit Obviously, in this case the church has chosen the rezoning route

3 The church plans a sanctuary facility that will ultimately include 3400 seats Other accessory buildings are planned in addition to the retention of existing buildings on the site The facility will include a family life center and other outdoor amenity and play areas

4 Staff has recently discussed minor site plan adjustments with the petitioner These include such things as a request for additional right-of-way and supplemental information regarding the edge treatment/conditions of the property along with additional information about building size and height The petitioner was very receptive to these and it is anticipated that those changes will be made in time for public hearing consideration With those changes staff has no problems with the site plan or its components

5 Staff does believe that the relationships which now exists and which will be further established through new construction can relate satisfactorily to the adjoining residences The basic perimeter parking and circulation area is already in place as is much of the existing trees and berming and, thus, the basic edge relationship of the site will remain intact It appears that due to the few calls that staff has received that most adjoining and nearby residences are satisfied with the proposal

6 Approval of the request will enable the church to relocate and facilitate its growing congregation. It will also help to utilize a stagnant piece of property and enable the church to become a viable part of the neighborhood It is believed that the church will be a good neighbor and compliment the area's development pattern

7 Based upon the above circumstances, staff would encourage the approval of the request

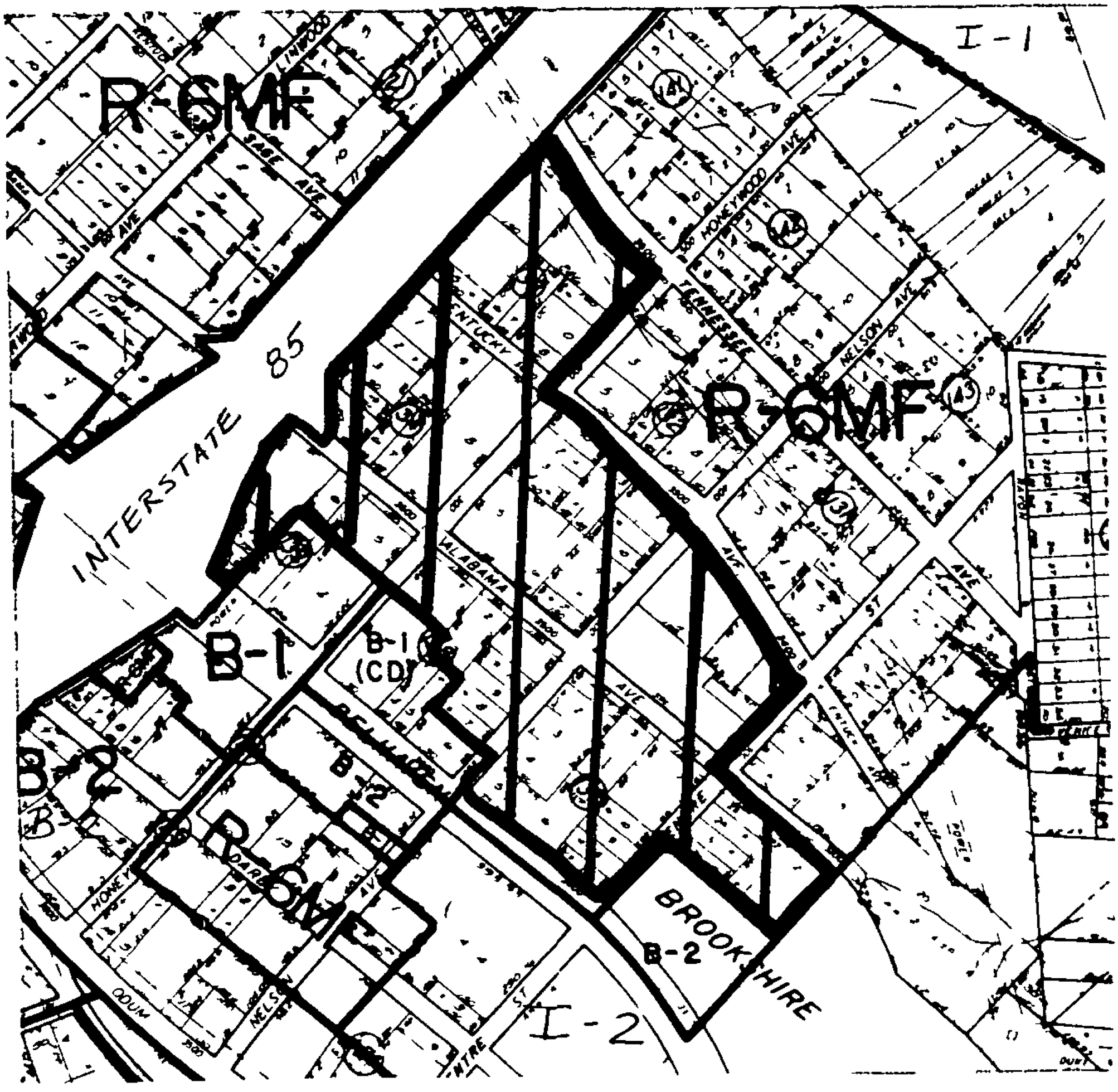
*Subject to further refinement following public hearing

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 86-88 HEARING DATE August 18, 1986

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

LOCATION A 34 acre site located north of Brookshire Blvd. and east of I-85 which includes the frontage on the northern side of Brookshire Blvd. and the area south and east of Kentucky Avenue.



ZONING MAP NO. 80 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

Section I

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 86-88
Date Filed 7/1/86
Received By LS
OFFICE USE ONLY

Ownership Information

Property Owner see attached list

Owner s Address see attached list

Date Property Acquired n/a

Deed Reference See attached list Tax Parcel Number see attached list

Location Of Property (address or description) The frontage on the northern side of Brookshire Boulevard, and the area south and east of Kentucky Avenue

Description Of Property

Size (Sq Ft -Acres) 34 acres Street Frontage (ft)

Current Land Use vacant, single family, multi family, duplex and business

Zoning Request

Existing Zoning R-6MF Requested Zoning R-12MF

Purpose of zoning change to comply with the Beatties Ford Community Small Area Plan

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

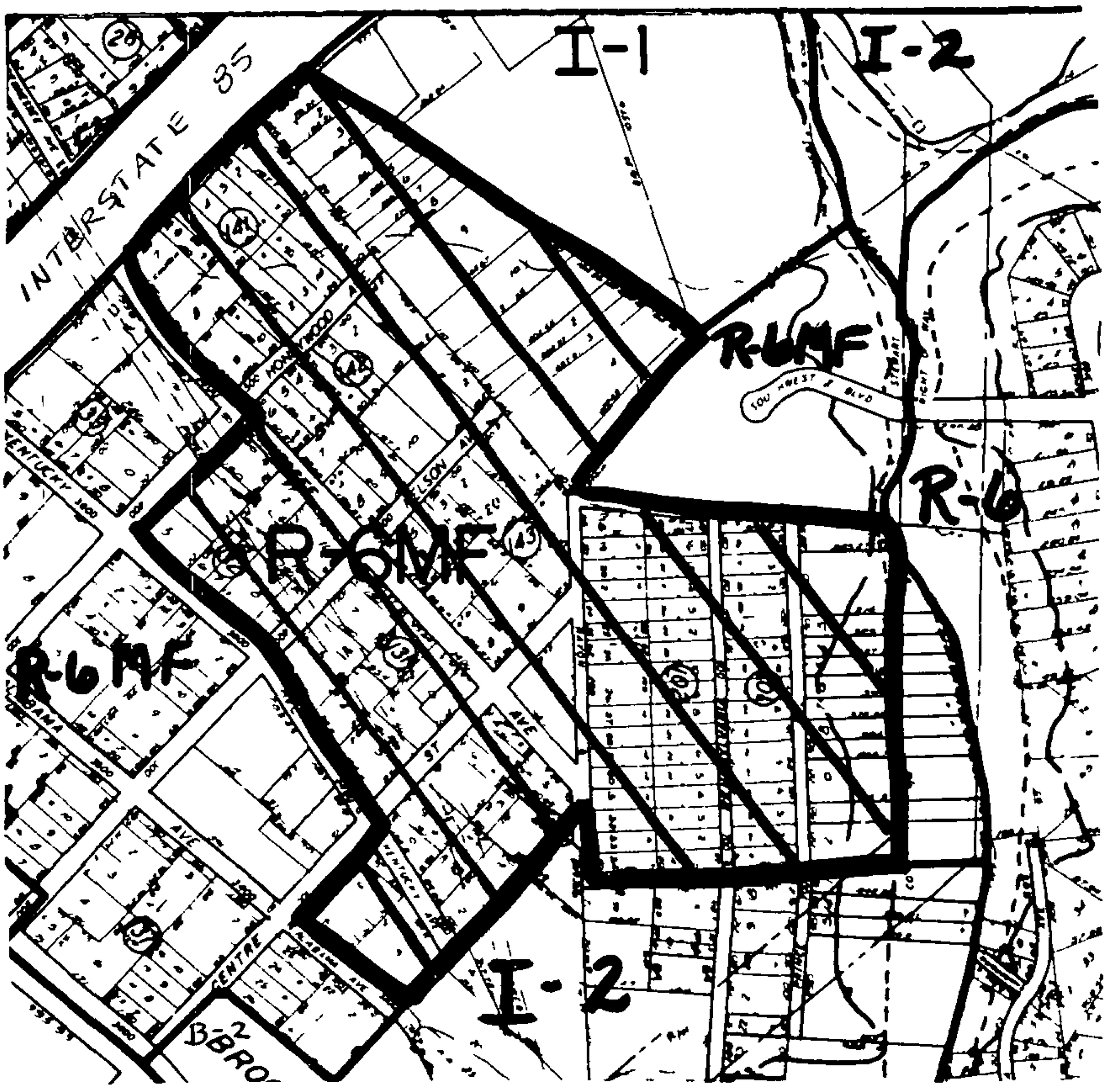
Signature of Property Owner if Other Than Petitioner

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 86-89 HEARING DATE August 18, 1986

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

LOCATION A 63 acre site located north of Kentucky Avenue and east of I-85.



ZONING MAP NO. 80 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

Section II

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 86-89
Date Filed 7/1/86
Received By LS
OFFICE USE ONLY

Ownership Information

Property Owner see attached list

Owner's Address see attached list

Date Property Acquired n/a

Deed Reference see attached list Tax Parcel Number see attached list

Location Of Property *(address or description)* the area north of Kentucky Avenue

Description Of Property

Size (Sq Ft -Acres) 63 acres Street Frontage (ft)

Current Land Use vacant, single family, multi family, duplex and institutional

Zoning Request

Existing Zoning R-6MF Requested Zoning R-6

Purpose of zoning change to comply with the Beatties Ford Community Small Area Plan

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

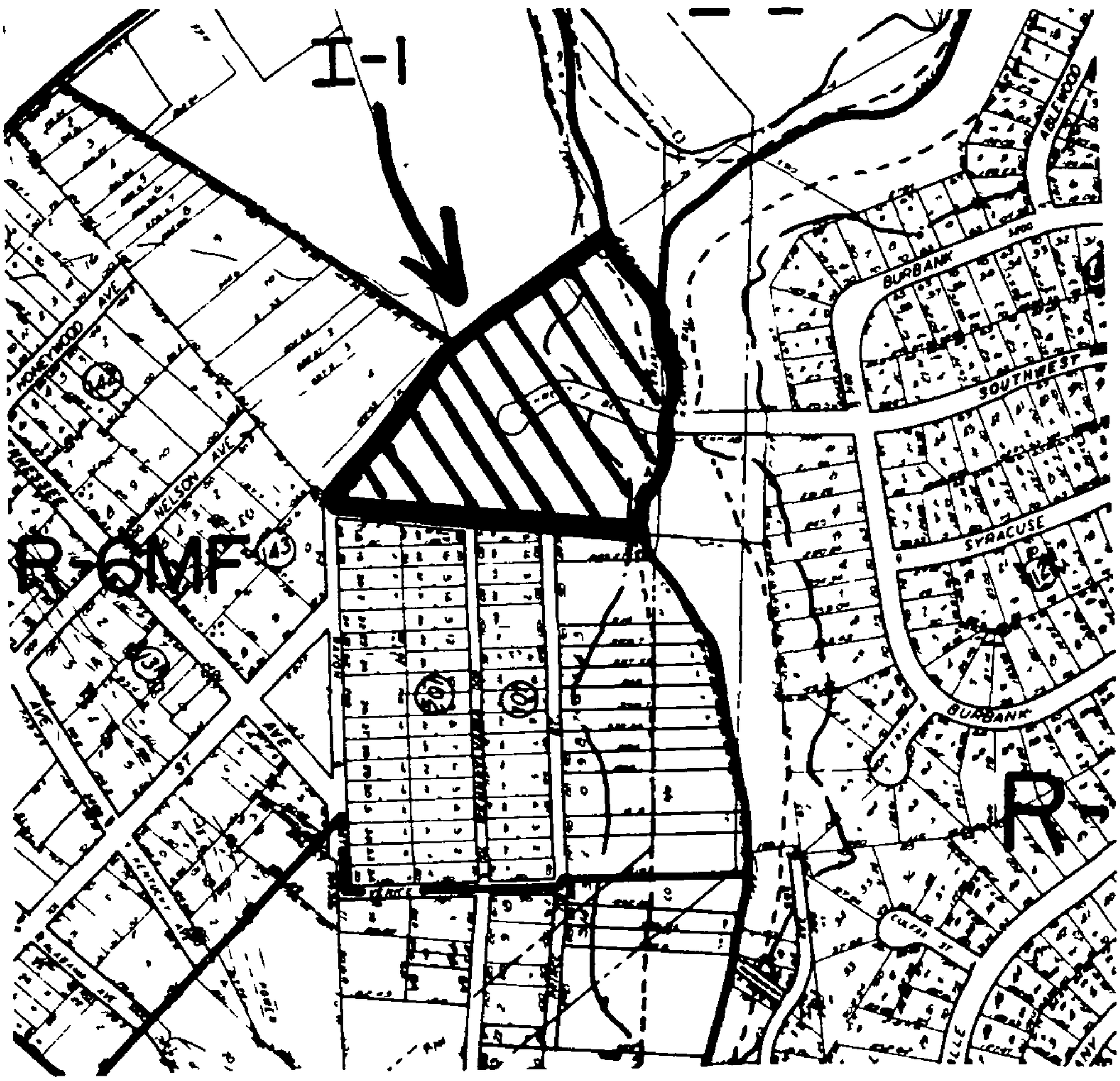
Signature of Property Owner if Other Than Petitioner

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 86-90 HEARING DATE August 18, 1986

ZONING CLASSIFICATION, EXISTING R-6MF REQUESTED R-9MF

LOCATION A 7.81 acre parcel located at the end of Southwest Blvd. bounded by the Duke Power right-of-way to the east and I-1 and I-2 zone lines to the north.



ZONING MAP NO. 80 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

Section III

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 86-90
Date Filed 7/1/86
Received By LA
OFFICE USE ONLY

Ownership Information

Property Owner University Garden Associates

Owner's Address %Citicorp Real Estate Inc.
399 Park Avenue, 9th Floor, New York, NY 10043

Date Property Acquired N/A

Deed Reference 010175 Deed 2940-376 Tax Parcel Number 06914420

Location Of Property (address or description) the 7.81 acre parcel located at the end of Southwest Blvd. bounded by the Duke Power R/W to the east and I-1 and I-2 zone lines to the north

Description Of Property

Size (Sq Ft -Acres) 7.81 acres Street Frontage (ft)

Current Land Use Multi-Family

Zoning Request

Existing Zoning R-6MF Requested Zoning R-9MF

Purpose of zoning change to comply with the Beatties Ford Community Small Area Plan

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

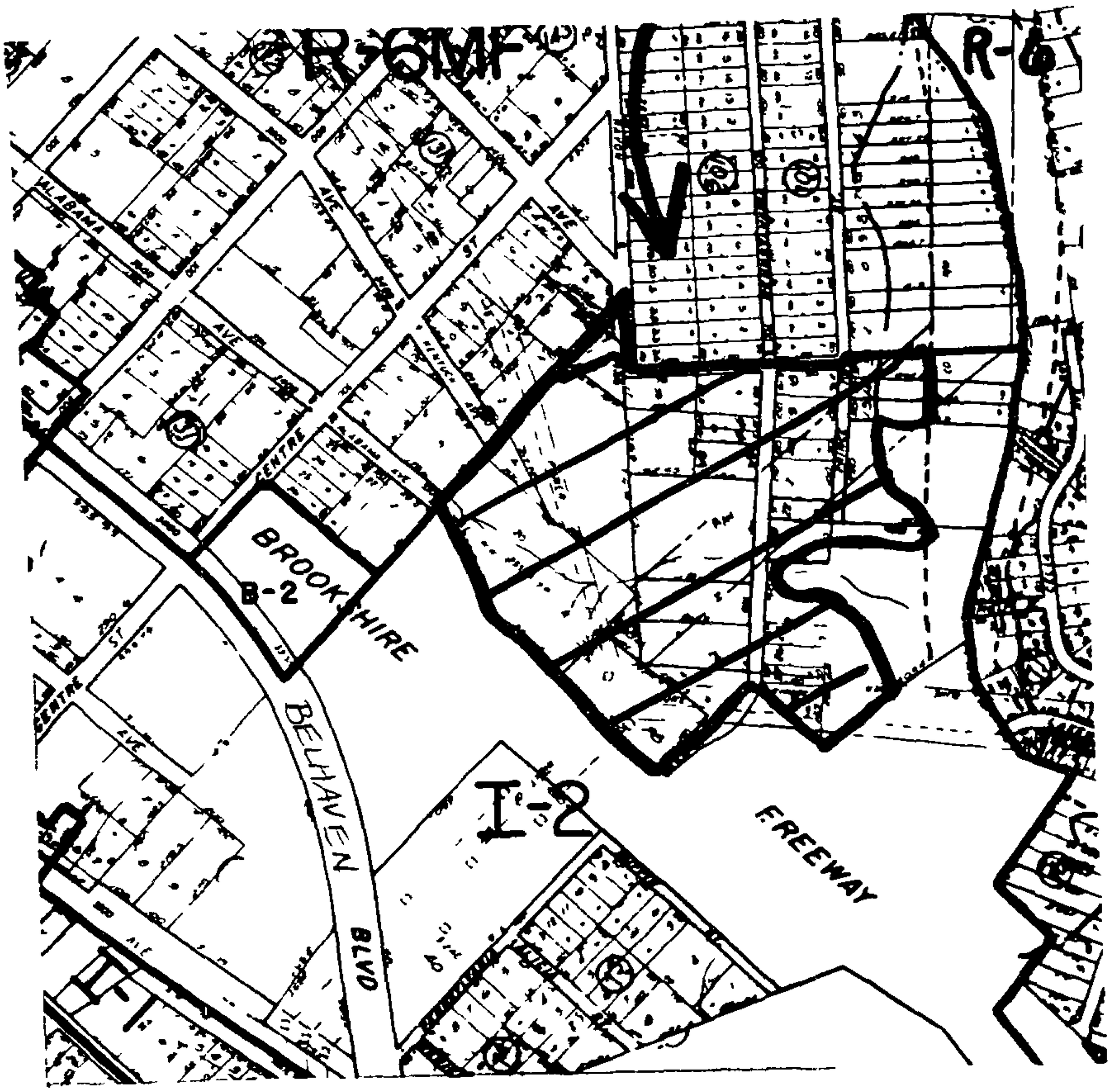
Signature of Property Owner if Other Than Petitioner

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 86-91 HEARING DATE August 18, 1986

ZONING CLASSIFICATION, EXISTING I-2 REQUESTED R-9

LOCATION A 30 acre site north of Brookshire Freeway, south of Venice Street, west of the proposed Greenway, and east of the R-6MF zone line.



ZONING MAP NO. 80 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

Section IV

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 86-91
Date Filed 7/1/86
Received By LS
OFFICE USE ONLY

Ownership Information

Property Owner: See Attached List

Owner s Address: See Attached List

Date Property Acquired: N/A

Deed Reference: See Attached List

Tax Parcel Number: See Attached List

Location Of Property (address or description)

The I-2 Parcels north of Brookshire Freedway, south of Venice Street, west of the proposed greenway and east of the R-6MF zone line.

Description Of Property

Size (Sq Ft Acres): 30 acres

Street Frontage (ft):

Current Land Use: vacant and single family

Zoning Request

Existing Zoning: I-2

Requested Zoning: R-9

Purpose of zoning change: To comply with the Beatties Ford Community Small Area Plan

Name of Agent

Agent s Address

Telephone Number

Name of Petitioner(s): Charlotte-Mecklenburg Planning Commission

Address of Petitioner(s): 301 South McDowell Street

Telephone Number: 336-2205

Signature

Signature of Property Owner if Other Than Petitioner

BEATTIES FORD ROAD SMALL AREA PLAN REZONINGS

BACKGROUND

The following rezoning petitions represent a part of the implementation of rezoning goals contained in the Beatties Ford Road Small Area Plan, which was adopted by the City Council in November of 1985 The plan contains recommendations for zone changes as well as capital improvements The Beatties Ford Road Small Area Plan is to be used as a general policy guide for land use decisions in the community

The Beatties Ford Community is located northwest of and adjacent to the Charlotte central business district It is comprised of several neighborhoods The following petitions are located in the area known as Oakview Terrace

Although the community in general does have much to offer to its residents there are on the other hand some problems which need to be addressed Oakview Terrace in particular is plagued with crime problems Other problems include the steady loss of population, deteriorating housing, the lack of adequate open space/park land, etc

As the plan states Oakview Terrace is a neighborhood in trouble A housing survey conducted by the Planning staff found that 86 percent of the housing units in the area are either deteriorated or dilapidated The plan's recommendations are based upon the desire to retain the residential character of this neighborhood while recognizing that many improvements are needed Staff also found that 44 percent of the total land in the neighborhood is vacant and, therefore, the introduction of new housing is extremely important

Petition No 86-88

This petition is sponsored by the Charlotte-Mecklenburg Planning Commission and covers approximately 34 acres of land located on the north side of Brookshire Boulevard and on the south side of I-85 The area is currently zoned R-6MF and the proposal is to change the zoning to R-12MF Both designations are multi-family but the R-6MF classification allows about 21 units per acre whereas R-12MF allows about 14 units per acre

Land uses within the area are varied, but are almost entirely residential of some sort This would include single family as well as duplex and multi-family structures, many of which are smaller apartment buildings or clusters of duplex units Some land is vacant and there are a few businesses Any business use, however, is presently a non-conforming use

Since the entire area is presently zoned multi-family, the multi-family development which has occurred is spread throughout the petitioned area and is not located in any one spot Rezoning to the R-12MF classification will reduce the intensity and density of future development on those parcels which are still vacant at the present time The reduction of density is seen as a positive

influence on the stabilization of the neighborhood, while at the same time maintaining the flexability for various housing opportunities

Petition No 86-89

This petition is sponsored by the Charlotte-Mecklenburg Planning Commission and is comprised of approximately 63 acres located to the northeast of Kentucky Avenue and south of I-85 The area is currently zoned R-6MF and the proposal is to change the zoning to R-6 The R-6MF district is a multi-family classification whereas R-6 is a single family district

As in the previous petition the land uses within this area are varied and are mostly residential of some type. Some institutional uses such as churches are also located in this petition There are also areas of vacant parcels, too

Changing the zoning from the present multi-family to a single family classification will result in the creation of non-conforming uses where duplex and apartment development has occurred Those parcels are spread throughout the boundaries of the petitioned area If approved, the vacant tracts will be restricted to single family development in the future Once again as in the previous petition the introduction of new housing at lower densities is seen as a positive and stabilizing factor for the area

Petition No 86-90

This petition is sponsored by the Charlotte-Mecklenburg Planning Commission and involves a 7 8 acre parcel located at the end of Southwest Boulevard The property is presently zoned R-6MF and the request is to change the petitioned area to R-9MF

The site is developed with the University Garden Apartments The R-6MF classification does allow development at about 21 units per acre, but this project is not developed at that density The R-9MF district is proposed in order to conform to the existing apartment complex

Petition No 86-91

This petition is sponsored by the Charlotte-Mecklenburg Planning Commission The area includes about 30 acres north of the Brookshire Freeway, south of Venice Street, west of a proposed greenway and east of an existing R-6MF zoning line in the area The current zoning for this property is I-2 and the R-9 classification is requested I-2 is the heavy industrial district and the R-9 is a single family district

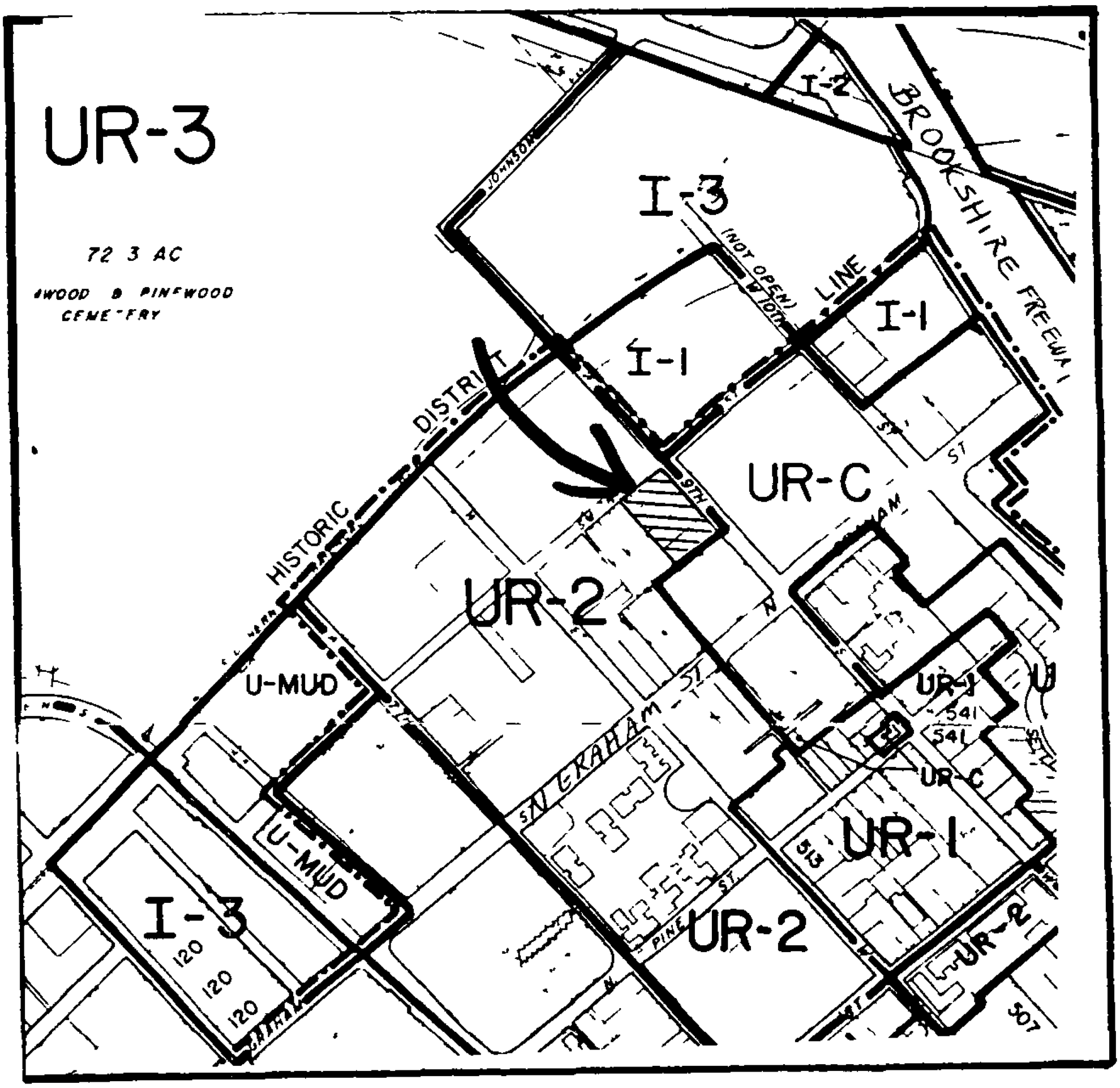
As far as the current land use pattern is concerned the area is comprised of vacant property as well as single family development Rezoning the land to the R-9 classification will conform to the developed land pattern while removing the threat of industrial zoning and its development from the neighborhood environment

PETITIONER NCF Financial Corporation

PETITION NO. 86-92 HEARING DATE August 18, 1986

ZONING CLASSIFICATION, EXISTING UR-2 REQUESTED UR-C

LOCATION A .67 acre site located at the corner of West 9th and North Smith Streets.



ZONING MAP NO. 88 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 86-92
Date Filed 7/1/86
Received By LS
OFFICE USE ONLY

Ownership Information

Property Owner NCF FINANCIAL CORPORATION

Owner s Address 230 S. Tryon St., Suite 1090
Charlotte, N. C. 28202

Date Property Acquired 4/25/85

Deed Reference 5007-394 Tax Parcel Number 078-075-01 (part)

Location Of Property (address or description) corner of W. 9th & N. Smith Streets

Description Of Property

Size (Sq Ft -Acres) 29,250± (.67 ac) Street Frontage (ft) Smith - 210± 9th - 129±

Current Land Use Vacant Boarding House

Zoning Request

Existing Zoning UR-2 Requested Zoning UR-C

Purpose of zoning change To expand an existing UR-C zone in order to develop a commercial area to serve the Fourth Ward

N/A
Name of Agent

Agent s Address

Telephone Number

NCF Financial Corporation
Name of Petitioner(s)

230 S. Tryon St., Suite 1090
Address of Petitioner(s)

372-6233
Telephone Number

William A. Coffin
Signature PRES.

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 86-92

Petitioner NCF Financial Corporation

Location A 67 acre site located at the corner of West Ninth and North Smith Streets

Request· Change from UR-2 to UR-C

ISSUES

1 Fourth Ward Developmental Goals How does this request relate to overall developmental goals for the Fourth Ward area?

2 Need for Conditional District Approach This request is not conditional in nature, but considering the fact that it is located in the Fourth Ward Historic District, is there a need for a CD approach?

3 Likely Benefits of Zone Change If this zoning request were to be approved, what likely benefits could be expected?

BACKGROUND

1 Existing Zoning. This request involves a tract of land which is presently zoned UR-2 This classification allows for a wide variety of residential densities and is the predominant classification for much of the development in the Fourth Ward neighborhood The site is, however, bounded on two sides by existing UR-C zoning, which in addition to allowing residential also allows commercial development Other areas nearby are zoned other urban residential districts There is also some industrial zoning on the periphery of the neighborhood, particularly along the Brookshire Freeway

2 Existing Land Use The subject property is undeveloped with the exception of an abandoned multi-family structure Over the last decade the Fourth Ward neighborhood has enjoyed tremendous success as many new multi-family projects have been developed throughout the area as well as the refurbishing of some single family homes One new apartment complex, the Arbors, is located in the block adjacent to the site St Mark's Center is also located across Ninth Street from the property Elmwood and Pinewood Cemeteries are northwest of the property across the Southern Railroad right-of-way and some industrial development is located adjacent to the Brookshire Freeway Some property remains undeveloped particularly some areas on the west side of Graham Street Finally, across North Smith from the site is a garage for commercial buses

3 RTKL Plan The site is located within the boundaries of the RTKL (Central Area) Plan In general the plan recommends the initiation of ongoing programs to reduce negative environmental impacts and intrusion into developing areas of the Fourth Ward neighborhood The UR-C district is

seen as being designated for areas where a high level of commercial service is desired to provide services for the Fourth Ward neighborhood The plan also proposes a direct connection between Graham Street and the east bound Brookshire Freeway via Eleventh Street This new connector would be heavily landscaped to provide a buffer from nearby residential areas

GENERAL FINDINGS

1. 2005 Plan The 2005 Plan indicates the site as an existing residential area. Generally the 2005 Plan as far as central Charlotte is concerned promotes the conservation of inner city neighborhoods and housing and the revitalization of those neighborhoods which might be deteriorating as well as businesses.

2 Pre-Hearing Staff Input Staff met with the petitioner prior to the submission of the application and generally encouraged the request. There was some discussion about whether or not a CD approach would be desirable, but it was staff's belief that such an approach was not necessary due to the fact that the site lies within the Fourth Ward Historic District and will receive architectural review by the Historic District Commission

3. Pre-Hearing Departmental Comments (Summary)

Due to the fact that this request is not conditional in nature, most departments had no comment The Charlotte Department of Transportation basically had no comment but did indicate that more trips could be generated with the commercial zoning that the existing residential, but this increase would have a minor impact on traffic conditions in the area

4 Neighborhood Context The property lies within the boundaries of the Fourth Ward neighborhood

DETAILED FINDINGS

1. This rezoning request involves a 67 acre site located at the corner of West Ninth Street and North Smith Street The current zoning is UR-2 and the petitioner is requesting UR-C

2 The property is presently contiguous to both UR-2 zoning and UR-C zoning The UR-2 classification is the predominant residential district in the Fourth Ward neighborhood

3 The petitioner indicates that the purpose of the zoning change is to expand the existing UR-C zone in order to develop a commercial area to serve the Fourth Ward neighborhood Although there are some areas of UR-C zoning immediately in the area, practically none of it is used for commercial purposes For example, one entire block is devoted to the St Mark's Center and other areas lie either vacant or contain derelict buildings One small area of commercial development at the corner of Graham Street

and Tenth Street does not provide any substantial neighborhood services or benefits

4 As this area continues to grow and the forecast is for continued growth, it will be necessary to provide some convenience retail and support services for area residents The UR-C is specifically designed to accomplish that The petitioner in this case plans a residential development in conjunction with a proposed retail area, all of which is being preliminarily called Bentley Square

5 It is believed that the zone change will benefit the area The zone change will be compatible with area zoning patterns in that it will represent an extension of an already existing UR-C area This extension will allow for the development of a proposed retail area which is needed in the area In conjunction with a residential development also planned by the petitioner it will allow the construction of what amounts to a small mixed use project, which will also compliment the Fourth Ward area

6 As of the preparation of this report, the zone change has not generated much, if any, negative comment and in fact is being promoted by the Charlotte Uptown Development Corporation

7 Staff weighed the desirability of a CD approach here vs the application as submitted It is staff's opinion that there is no need for a site plan in this case since the property falls under the jurisdiction of the Historic District Commission, which will require a detailed plan review

8 Some well designed convenient retail services for this area has been long awaited The approval of this zone change will set in motion the probability of the first significant retail development in the area Based upon the above reasons and circumstances, staff would encourage the approval of the petition

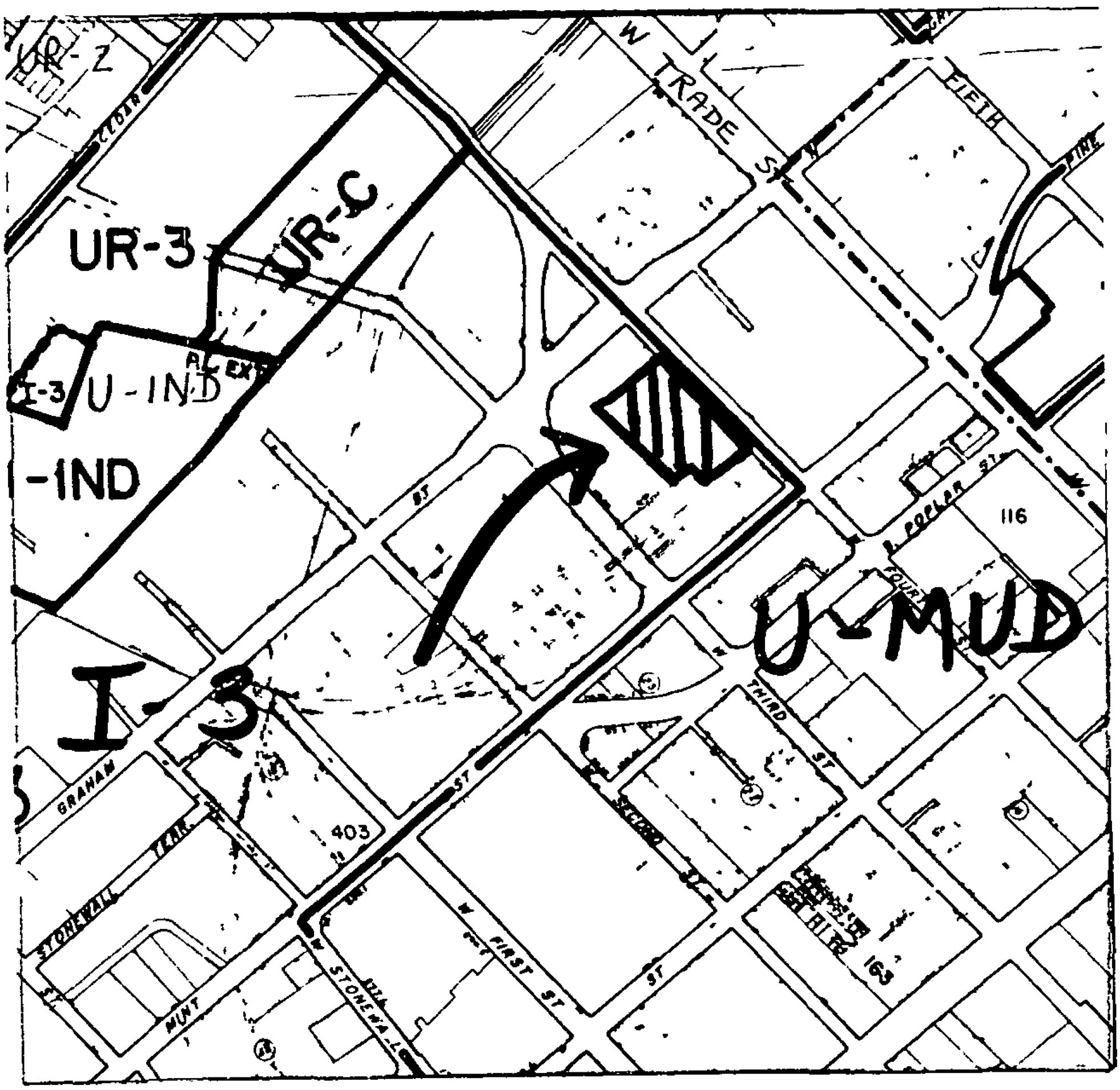
*Subject to further refinement following public hearing

PETITIONER JACMACBRUTER Associates

PETITION NO. 86-93 HEARING DATE August 18, 1986

ZONING CLASSIFICATION, EXISTING I-3 REQUESTED U MUD

LOCATION A 49,963.32 square foot site located at 427 West 4th Street between Graham Street and Mint Street.



ZONING MAP NO. 102 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 86-93
Date Filed 7/1/86
Received By L S
OFFICE USE ONLY

Ownership Information

Property Owner JACMACBRUTER Associates, a North Carolina Partnership

Owner s Address 2944 St. Andrews Lane, Charlotte, N.C. 28205

Date Property Acquired August 19, 1980

Deed Reference Book 4337 Page 384 Tax Parcel Number 73-112-07

Location Of Property (address or description)

427 W. Fourth Street

Description Of Property

Size (Sq Ft -Acres) 49,963.32 sq. ft. Street Frontage (ft) 294.08 ft.

Current Land Use

~~Office-administrative~~

Zoning Request

Existing Zoning I-3 Requested Zoning U-MUD

Purpose of zoning change To conform to desired uptown zoning.

Bruce H. Rinehart, Managing Partner
Name of Agent

Above
Agent s Address

374-0827 and 377-0060
Telephone Number

JACMACBRUTER Associates
Name of Petitioner(s)

Above
Address of Petitioner(s)

Telephone Number

Bruce H Rinehart
Signature

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 86-93

Petitioner	JACMACBRUTER Associates
Location	A 49,963 square foot site located at 427 West Fourth Street between Graham Street and Mint Street
Request	Change from I-3 to U-MUD

ISSUES

1 Uptown Goals How does this request relate to overall development goals for the uptown area?

BACKGROUND

1 Existing Zoning The petition involves property which is currently zoned I-3 The site is surrounded on three sides by other I-3 zoning which is generally located along the Graham Street Corridor in the immediate vicinity The U-MUD district is also located throughout the general vicinity as well including land directly across Fourth Street from the site In addition, residential areas contained in the Third Ward neighborhood are zoned a variety of the Urban Residential classifications

2 Existing Land Use The subject property is developed with an office building The general area is comprised of a wide variety of land uses Many parcels in the area, however, are used for surface parking lots to support the parking needs of the uptown area Otherwise the area contains a mixture of office and industrial uses along with small amounts of retail In addition, some institutional uses such as the Federal Courthouse, which is located directly across Fourth Street from the site, are scattered throughout the area, too Residential development is concentrated in the Third Ward neighborhood a few blocks away

3 Adjoining Petition It should be noted that rezoning petition 86-94 is comprised of another petition by the same petitioner as in this case That site is a 35,518 square foot parcel which fronts on Third Street and is also zoned I-3 As in this case the petitioner is also requesting the U-MUD classification and that petition will be heard at public hearing the same time as the petition in this case

GENERAL FINDINGS

1 2005 Plan The 2005 Plan indicates the area as one of existing, concentrated employment activity It is the focus of major mixed use development

2 RTKL (Central Area) Plan The RTKL Plan is an approved public document which provides a planning framework for overall development goals for the uptown area As far as this immediate area is concerned, the plan suggests

the removal of obtrusive industrial uses while recommending that other types of industry which are more consistent with employment goals for the uptown area should be developed This general vicinity has also seen a resurgence with small businesses, particularly those along and in the vicinity of West Morehead where there has been a renewed effort to revitalize that area The plan encourages that In addition, the plan has encouraged the revitalization of residential areas which would obviously include the Third Ward neighborhood a few blocks away

3 Pre-Hearing Staff Input Prior to the submission of this application, staff had no formal contact with the petitioner

4 Neighborhood Context. The site is located in the Uptown area

5 Pre-Hearing Departmental Comments (Summary)

Due to the fact that this request is not conditional in nature, most departments who normally comment on such petitions did not this time However, the Charlotte Department of Transportation did indicate that the I-3 and U-MUD zoning categories can accommodate similar developments and therefore can have similar traffic impacts

DETAILED FINDINGS

1 The site in this case involves land which fronts on West Fourth Street between Graham Street and Mint Street The current zoning is I-3 which is the central industrial district and the petitioner is requesting the U-MUD classification, which is the uptown mixed use district

2 The area zoning pattern already indicates a strong preference for the U-MUD district in that it is the designated and preferred zoning for much of the uptown area Much of the area including many blocks nearby are already zoned the U-MUD classification including land directly across the street from the site

3 The land use pattern for the area is a mixture of surface parking lots, old warehouse buildings, office, institutional and some retail development

4 This general area of the uptown area has received greater attention in recent months and years through a variety of public promoted policies and plans For example, there is renewed interest in revitalization along West Trade Street and in the industrial district along West Morehead Street Some older buildings in the area have been refurbished and there are plans underway for similar treatment along the edges of the Third Ward neighborhood Obviously the residential areas contained in Third Ward have also received similar public and private renewal

5 The petitioner states in his application that the reason for the zoning is to "conform to desired uptown zoning" Clearly, this type of zoning classification is preferred to the I-3 district The U-MUD will afford greater staff involvement and review when planning the development or redevelopment of this property and require greater design considerations

than the wide open and virtually unrestricted I-3 district The U-MUD district has gradually been increased to include many blocks in the area and is anticipated that the continuation of this district throughout other blocks will also occur Thus, staff would agree with the petitioner's assessment about the requested zoning classification and would support the zone change request

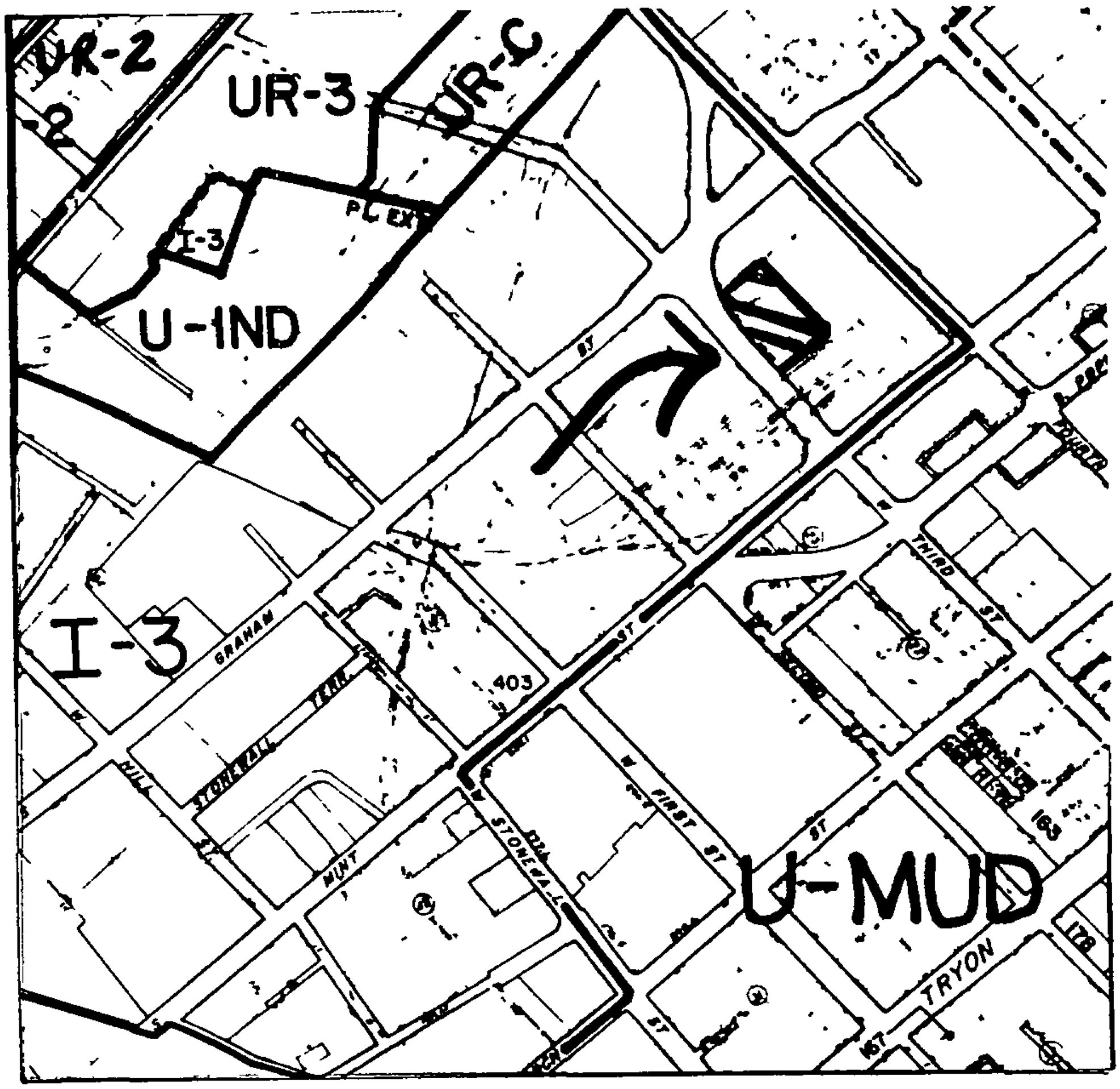
*Subject to further refinement following public hearing

PETITIONER JACMACBRUTER Associates

PETITION NO. 86-94 HEARING DATE August 18, 1986

ZONING CLASSIFICATION, EXISTING I-3 REQUESTED U MUD

LOCATION A 35,518.19 square foot lot located at 416 West 3rd Street between Graham Street and Mint Street.



ZONING MAP NO. 102 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 86-94
Date Filed 7/1/86
Received By LA
OFFICE USE ONLY

Ownership Information

Property Owner JACMACBRUTER Associates, a North Carolina Partnership

Owner's Address 2944 St. Andrews Lane, Charlotte, N.C. 28205

Date Property Acquired January 17, 1986

Deed Reference Book 5159, Page 426 Tax Parcel Number 73-112-4,5,9

Location Of Property (address or description) 416 W. Third St.

Description Of Property

Size (Sq Ft -Acres) 35,518.19 sq. ft. Street Frontage (ft) 235.59 ft.

Current Land Use warehouse - distribution (vacant)

Zoning Request

Existing Zoning I-3 Requested Zoning U-MUD

Purpose of zoning change To conform to desired uptown zoning.

Bruce H. Rinehart, Managing Partner
Name of Agent

above
Agent's Address

374-0827 and 377-0060
Telephone Number

JACMACBRUTER Assoaciates
Name of Petitioner(s)

above
Address of Petitioner(s)

Telephone Number

Bruce H. Rinehart
Signature

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 86-94

Petitioner	JACMACBRUTER Associates
Location	A 35,518 square foot lot located at 415 West Third Street between Graham Street and Mint Street
Request	Change from I-3 to U-MUD

ISSUES

1 Uptown Goals How does this request relate to overall development goals for the uptown area?

BACKGROUND

1 Existing Zoning The petition involves property which is currently zoned I-3 The site is surrounded on three sides by other I-3 zoning which is generally located along the Graham Street Corridor in the immediate vicinity The U-MUD district is also located throughout the general vicinity as well including land directly across Fourth Street from the site In addition, residential areas contained in the Third Ward neighborhood are zoned a variety of the Urban Residential classifications

2 Existing Land Use The subject property is developed with a warehouse building The general area is comprised of a wide variety of land uses Many parcels in the area, however, are used for surface parking lots to support the parking needs of the uptown area Otherwise the area contains a mixture of office and industrial uses along with small amounts of retail In addition, some institutional uses such as the Federal Courthouse, which is located directly across Fourth Street from the site, are scattered throughout the area, too Residential development is concentrated in the Third Ward neighborhood a few blocks away

3 Adjoining Petition It should be noted that rezoning petition 86-93 is comprised of another petition by the same petitioner as in this case That site is a 49,963 square foot parcel which fronts on Fourth Street and is also zoned I-3 As in this case the petitioner is also requesting the U-MUD classification and that petition will be heard at public hearing the same time as the petition in this case

GENERAL FINDINGS

1 2005 Plan The 2005 Plan indicates the area as one of existing, concentrated employment activity It is the focus of major mixed use development

2 RTKL (Central Area) Plan The RTKL Plan is an approved public document which provides a planning framework for overall development goals for the uptown area. As far as this immediate area is concerned, the plan suggests

the removal of obtrusive industrial uses while recommending that other types of industry which are more consistent with employment goals for the uptown area should be developed. This general vicinity has also seen a resurgence with small businesses, particularly those along and in the vicinity of West Morehead where there has been a renewed effort to revitalize that area The plan encourages that In addition, the plan has encouraged the revitalization of residential areas which would obviously include the Third Ward neighborhood a few blocks away

3 Pre-Hearing Staff Input Prior to the submission of this application, staff had no formal contact with the petitioner

4 Neighborhood Context The site is located in the Uptown area

5 Pre-Hearing Departmental Comments (Summary)

Due to the fact that this request is not conditional in nature, most departments who normally comment on such petitions did not this time However, the Charlotte Department of Transportation did indicate that the I-3 and U-MUD zoning categories can accommodate similar developments and therefore can have similar traffic impacts

DETAILED FINDINGS

1 The site in this case involves land which fronts on West Fourth Street between Graham Street and Mint Street The current zoning is I-3 which is the central industrial district and the petitioner is requesting the U-MUD classification, which is the uptown mixed use district

2 The area zoning pattern already indicates a strong preference for the U-MUD district in that it is the designated and preferred zoning for much of the uptown area Much of the area including many blocks nearby are already zoned the U-MUD classification including land directly across the street from the site

3 The land use pattern for the area is a mixture of surface parking lots, old warehouse buildings, office, institutional and some retail development

4 This general area of the uptown area has received greater attention in recent months and years through a variety of public promoted policies and plans For example, there is renewed interest in revitalization along West Trade Street and in the industrial district along West Morehead Street Some older buildings in the area have been refurbished and there are plans underway for similar treatment along the edges of the Third Ward neighborhood Obviously the residential areas contained in Third Ward have also received similar public and private renewal

5 The petitioner states in his application that the reason for the zoning is to "conform to desired uptown zoning" Clearly, this type of zoning classification is preferred to the I-3 district The U-MUD will afford greater staff involvement and review when planning the development or redevelopment of this property and require greater design considerations

than the wide open and virtually unrestricted I-3 district The U-MUD district has gradually been increased to include many blocks in the area and is anticipated that the continuation of this district throughout other blocks will also occur Thus, staff would agree with the petitioner's assessment about the requested zoning classification and would support the zone change request

*Subject to further refinement following public hearing

#2

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 86-95
Date Filed 7/1/86
Received By L.S.
OFFICE USE ONLY

Ownership Information

Property Owner 12 Annexation Areas

Owner s Address

Date Property Acquired Annexations to become effective June 30, 1986

Deed Reference Tax Parcel Number

Location Of Property (address or description) Areas - Autumnwood, Deerhurst, Sardis Road, Settlers Landing, Alexander Road, Plantation Road, Providence Farms, Fore Mile Creek, Park Road/Quail Hollow, Forest Plantation, Cotland Oaks, Beatties Ford Rd.

Description Of Property

Size (Sq Ft -Acres) 4,406 Acres Street Frontage (ft)

Current Land Use Residential, Commercial, Institutional

Zoning Request

Existing Zoning R-15, R-12, R-9, R-12MF(CD), R-20MF, R-6 PUD, R-15MF PUD, R-PUD, R-MH, R-15(CD), R-15MF, R-12MF, R-9MF, R-15MF(CD), O-15, O-9, B-1, B-2, B-2(CD), B-1SCD, I-2(CD) and I-2 Requested Zoning (see note) Existing Zoning

Purpose of zoning change To establish City zoning on recently annexed property.

Name of Agent

City of Charlotte
Name of Petitioner(s)

600 E. Trade Street
Address of Petitioner(s)

Agent s Address

Telephone Number

Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

Note: 12 parcels in the Beatties Ford Road Area are zoned O-9. City has no O-9 District, therefore, these parcels are recommended for O-6.

PETITIONER City of Charlotte

PETITION NO. 86-95 HEARING DATE August 18, 1986

ZONING CLASSIFICATION, EXISTING *See Below REQUESTED Existing Zoning (See Note)

LOCATION Establish zoning on 4,406 acres of recently annexed property in various areas throughout the City of Charlotte.

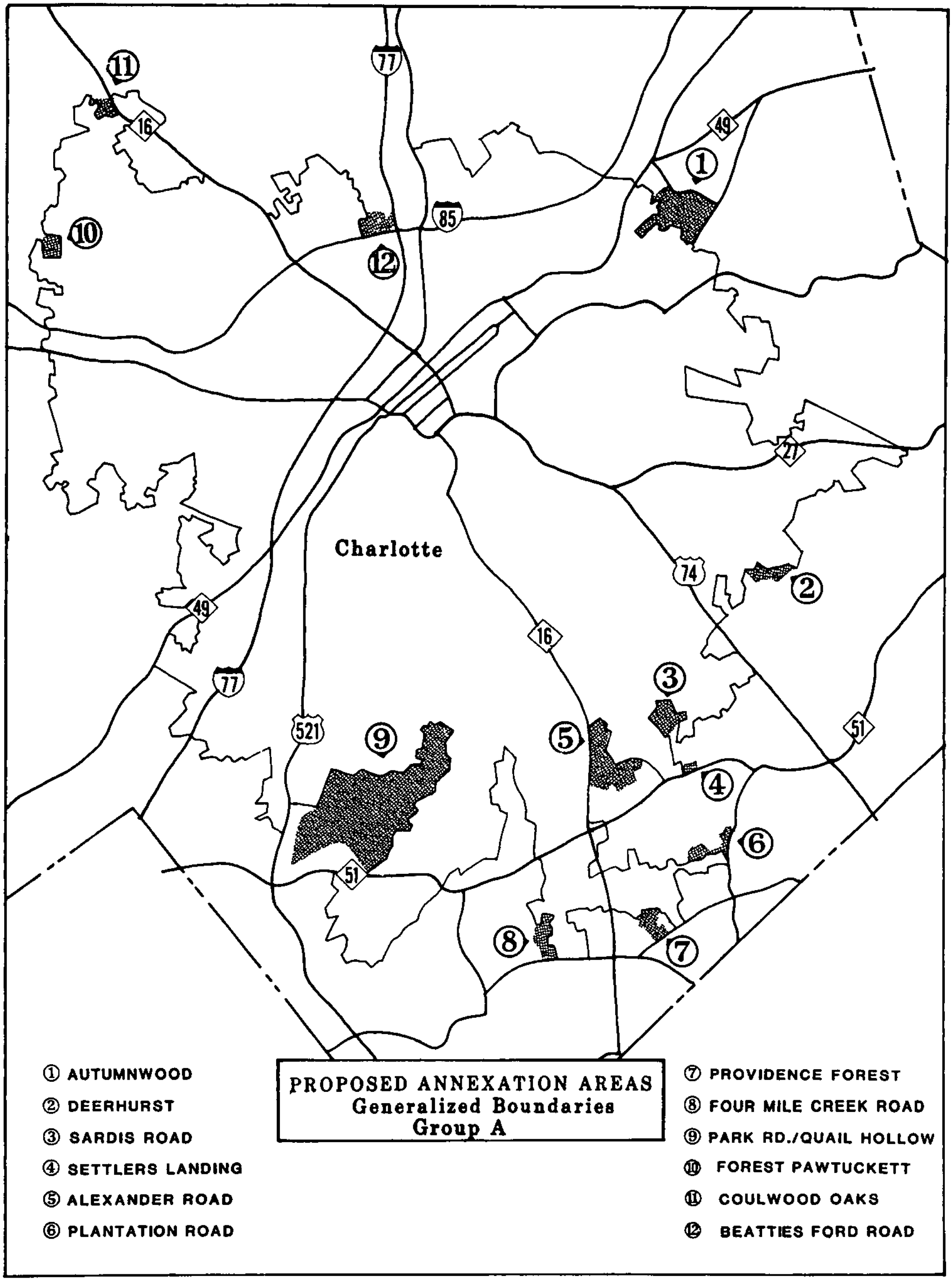
*R-15, R-12, R-9, R-12(CD), R-15(CD), R-15MF, R-12MF, R-9MF, R-15MF(CD) R-12MF(CD), R-20MF, R-6PUD, R-15MFPUD, R-PUD, R-MH, O-15, O-9, B-1, B-2, B-2(CD), B-1SCD, I-2(CD) and I-2

SEE ATTACHED MAP

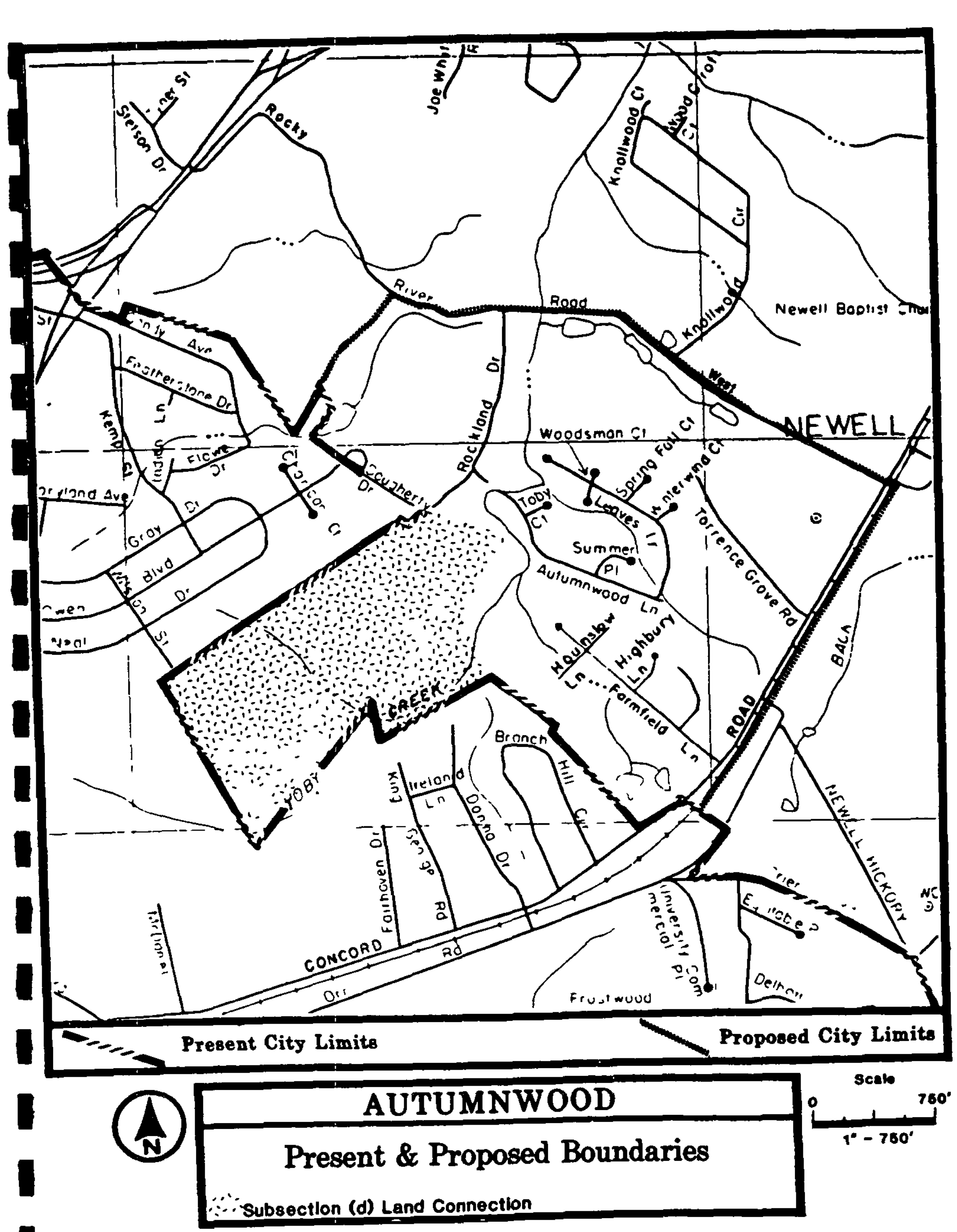
Note: 12 parcels in the Beatties Ford Road Area are zoned O-9. City has no O-9 district; therefore, these parcels are recommended for O-6.

ZONING MAP NO. Several SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE



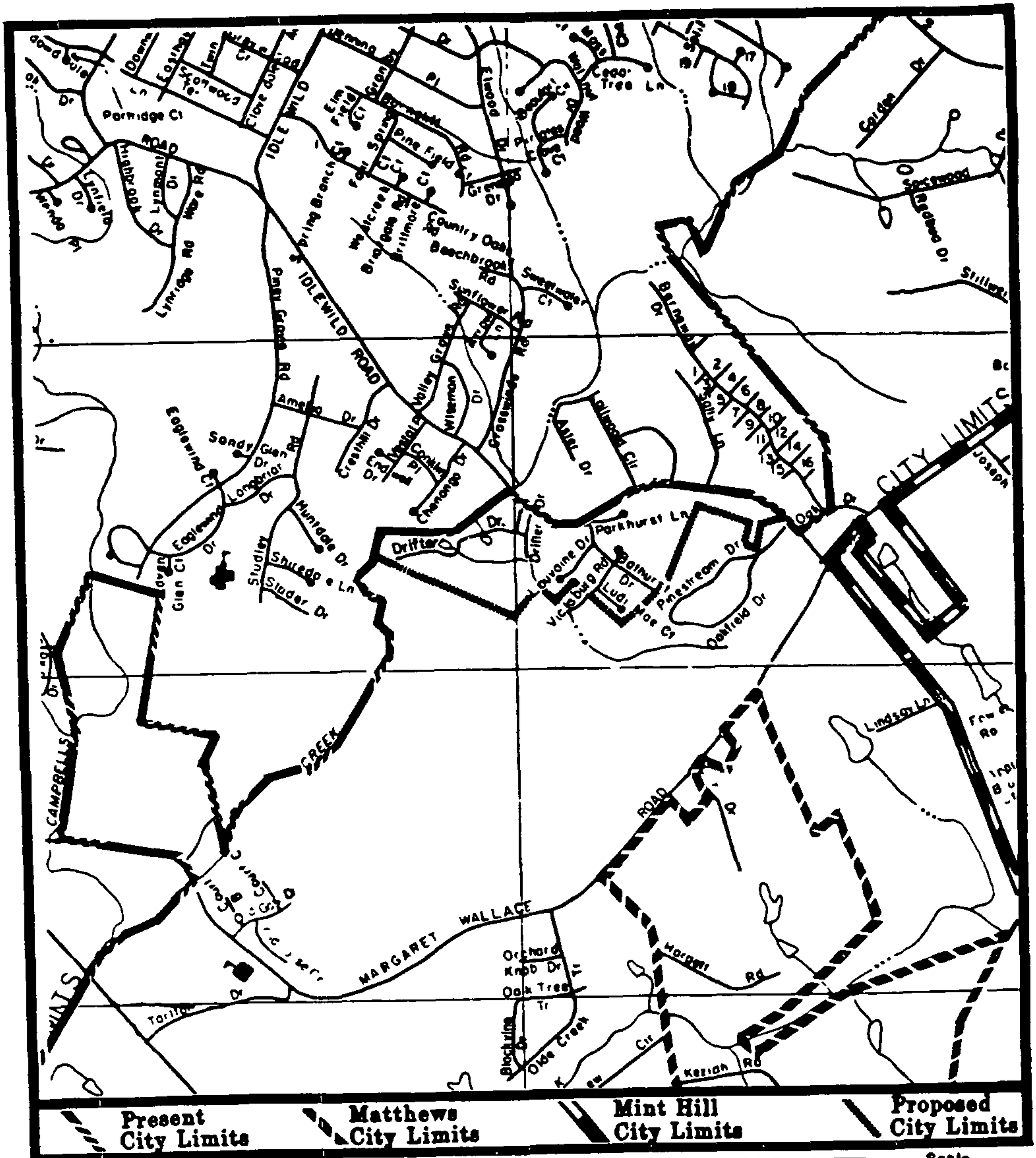
PROPOSED ANNEXATION AREAS
Generalized Boundaries
Group A



AUTUMNWOOD

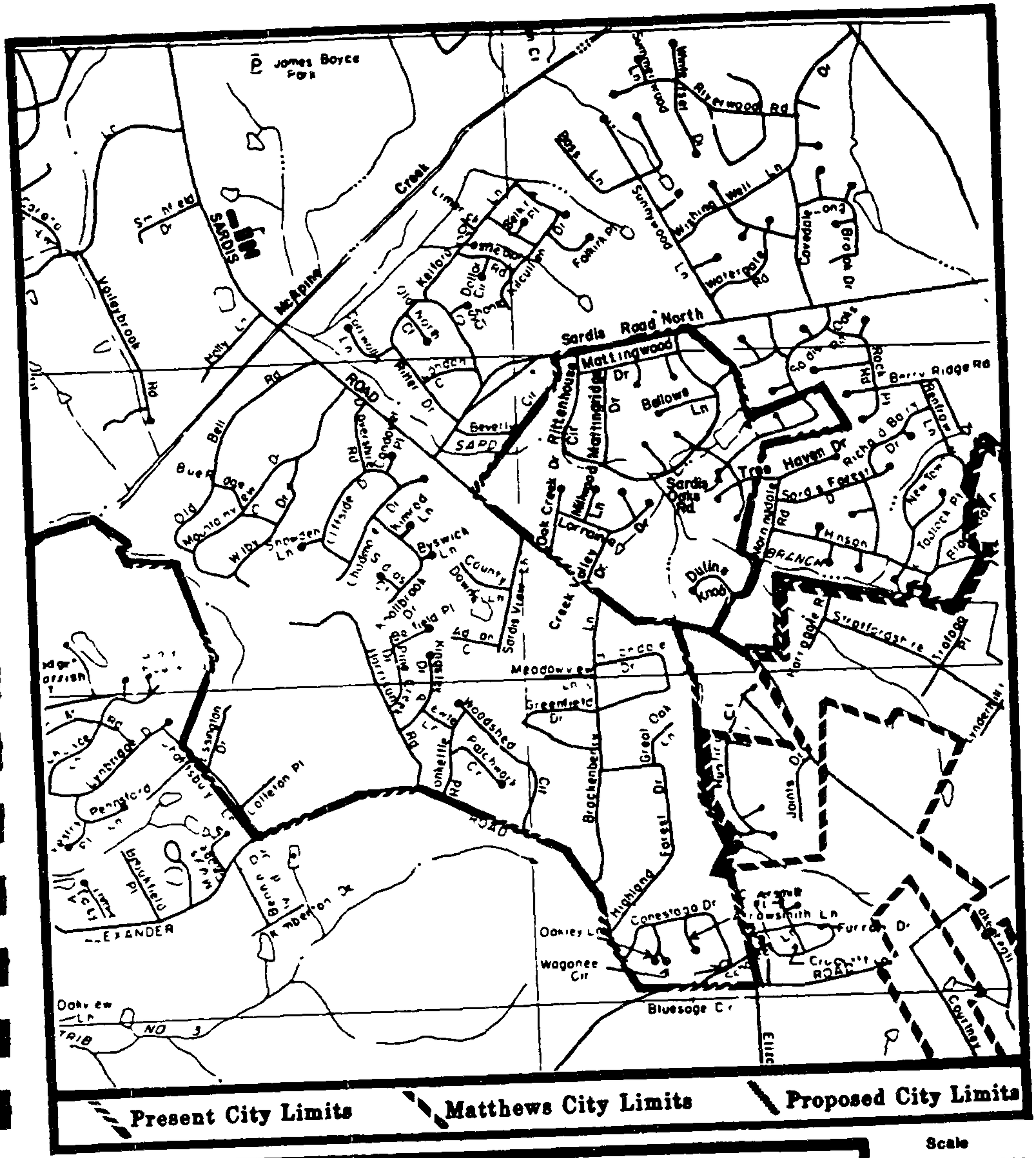
Present & Proposed Boundaries

Subsection (d) Land Connection



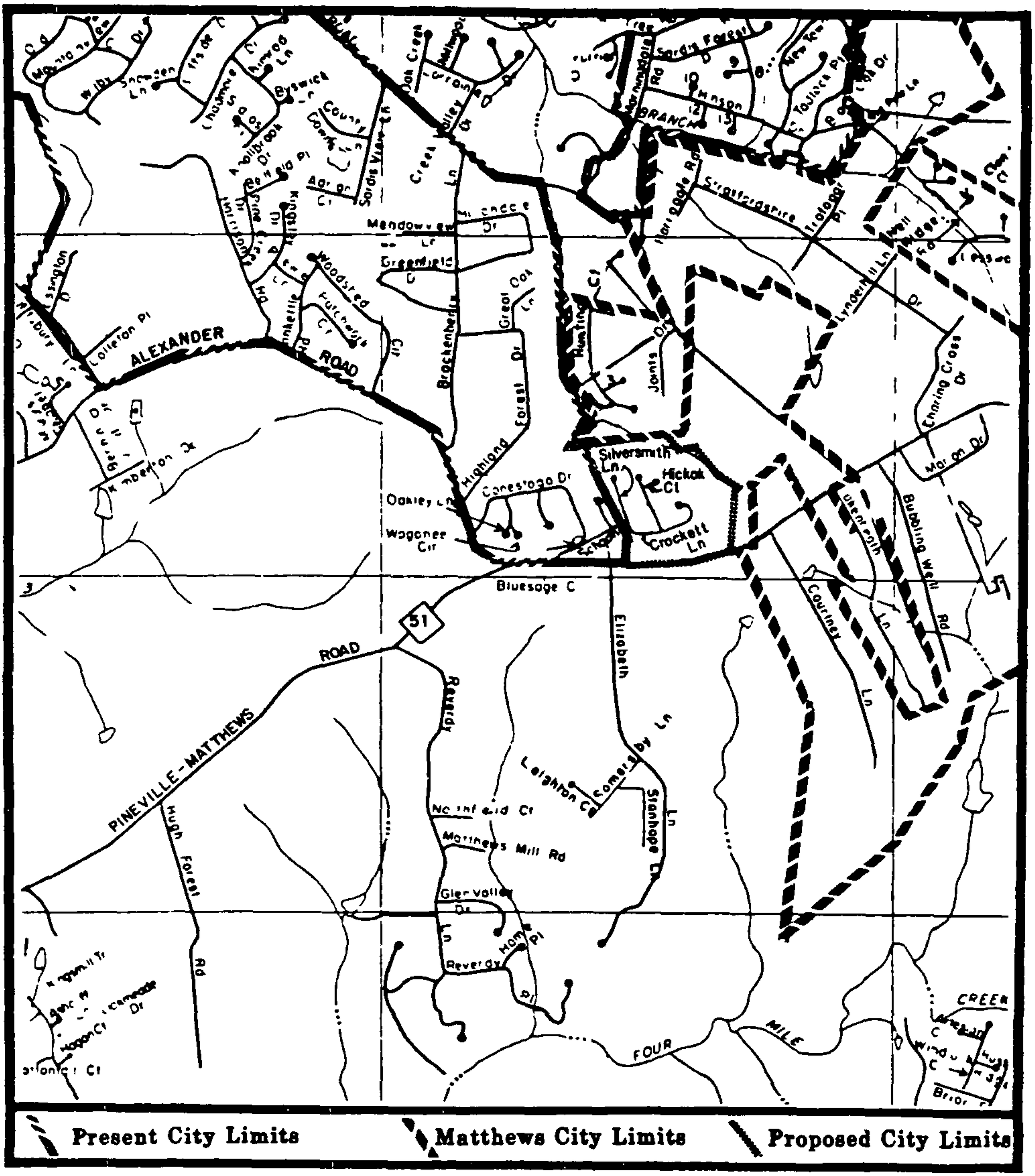
DEERHURST

Present & Proposed Boundaries



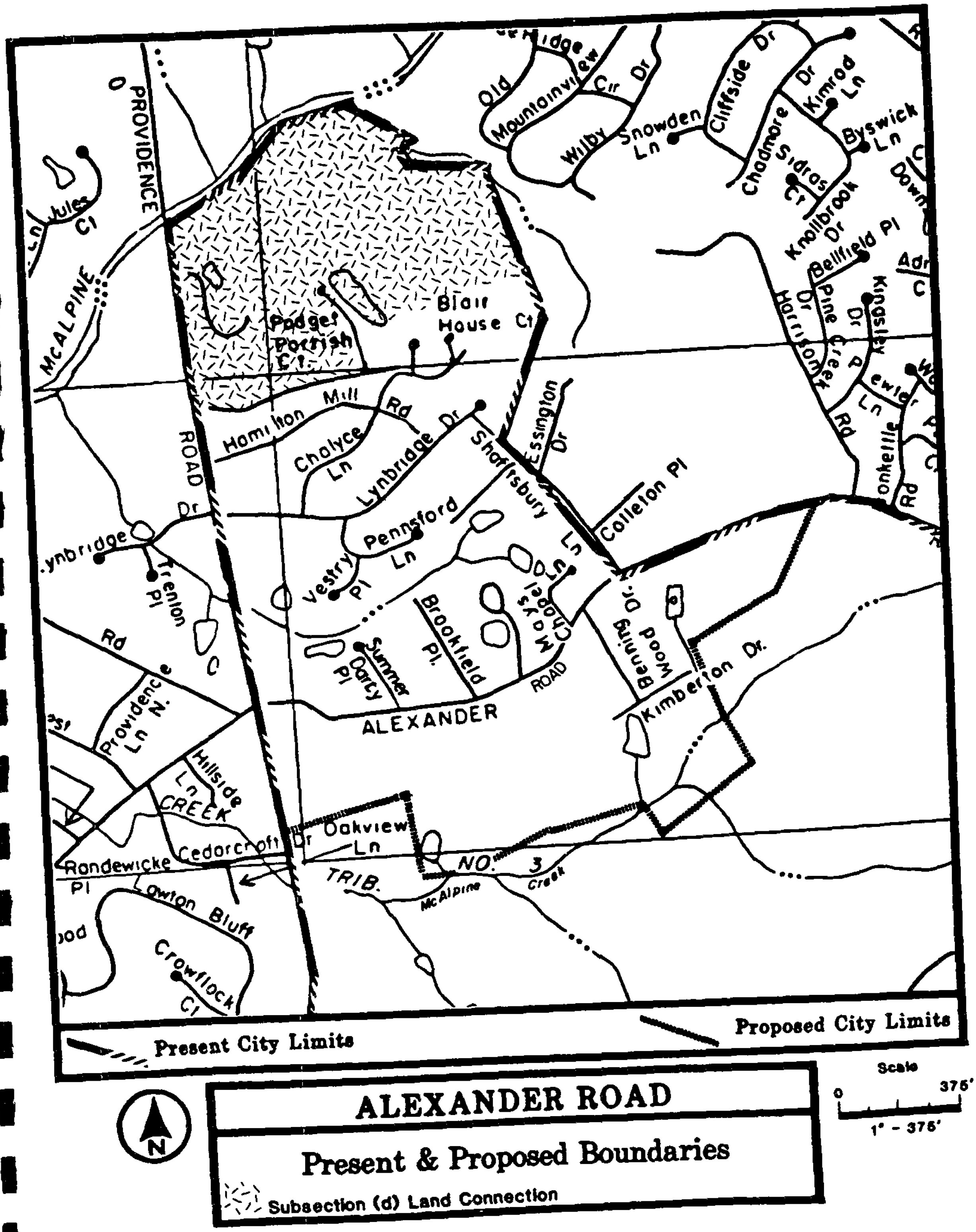
SARDIS ROAD

Present & Proposed Boundaries



SETTLERS LANDING

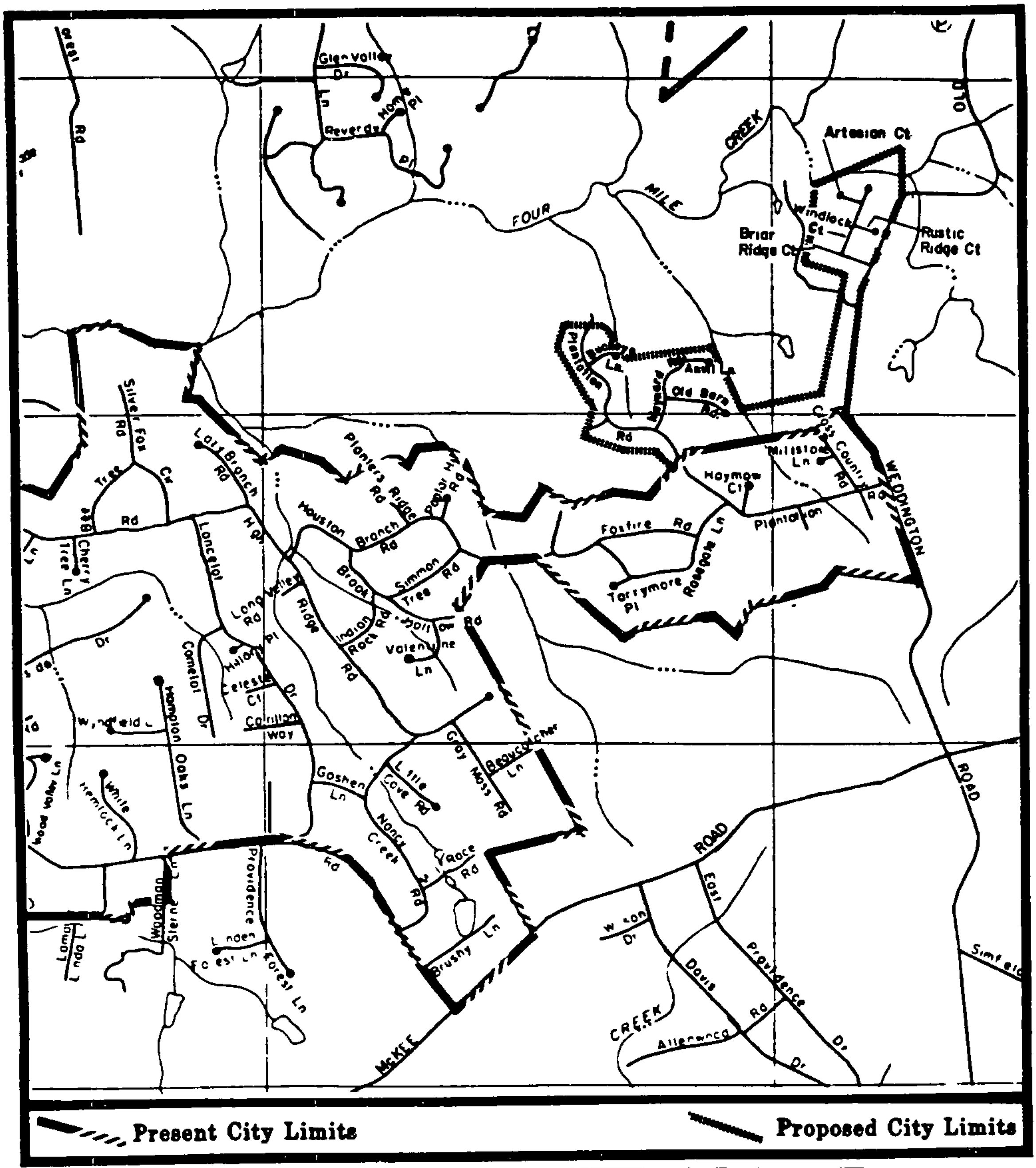
Present & Proposed Boundaries



ALEXANDER ROAD

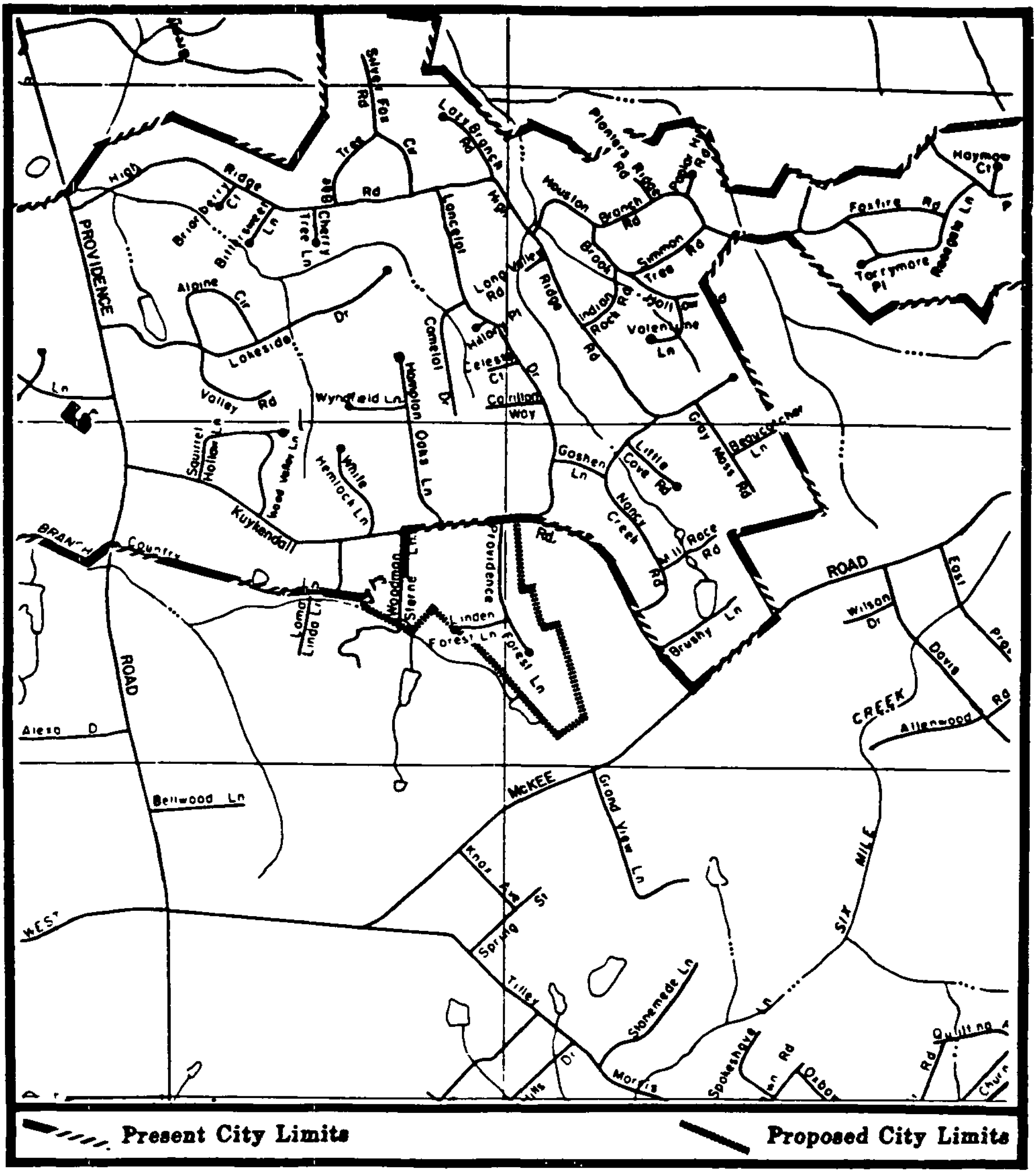
Present & Proposed Boundaries

Subsection (d) Land Connection



PLANTATION ROAD

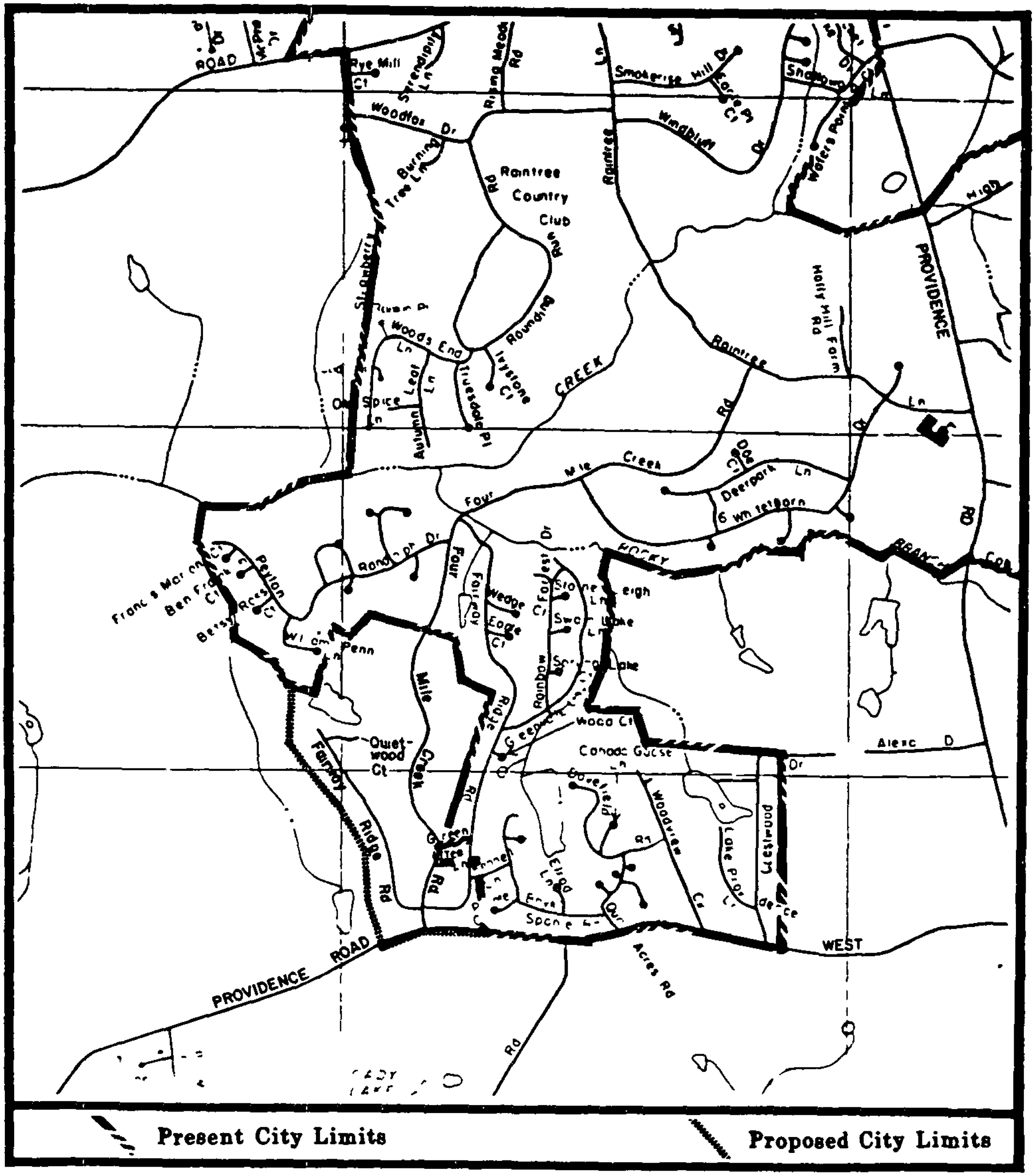
Present & Proposed Boundaries



PROVIDENCE FOREST

Present & Proposed Boundaries

Scale
0 1000
1" - 1000'

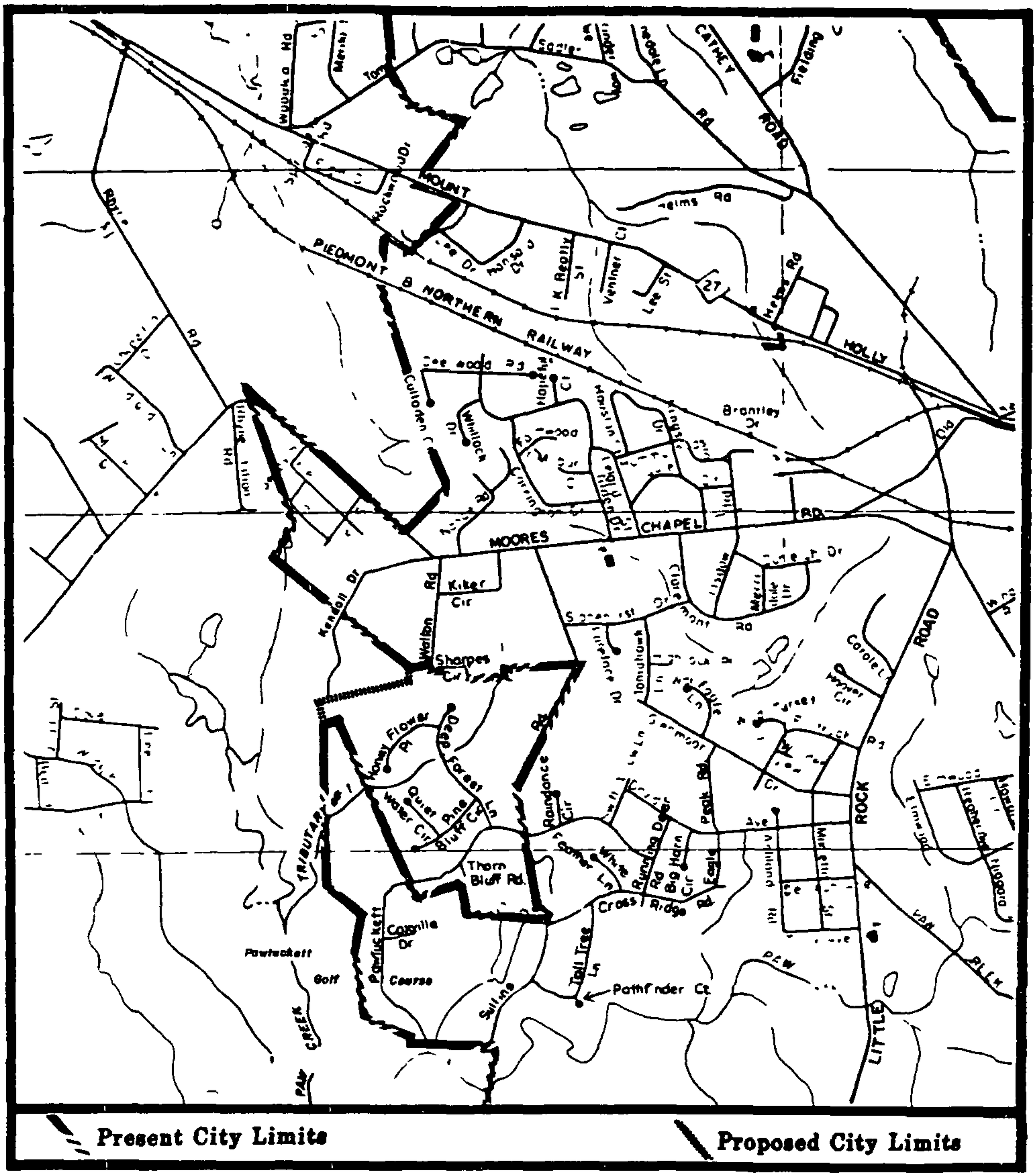


FOUR MILE CREEK ROAD

Present & Proposed Boundaries

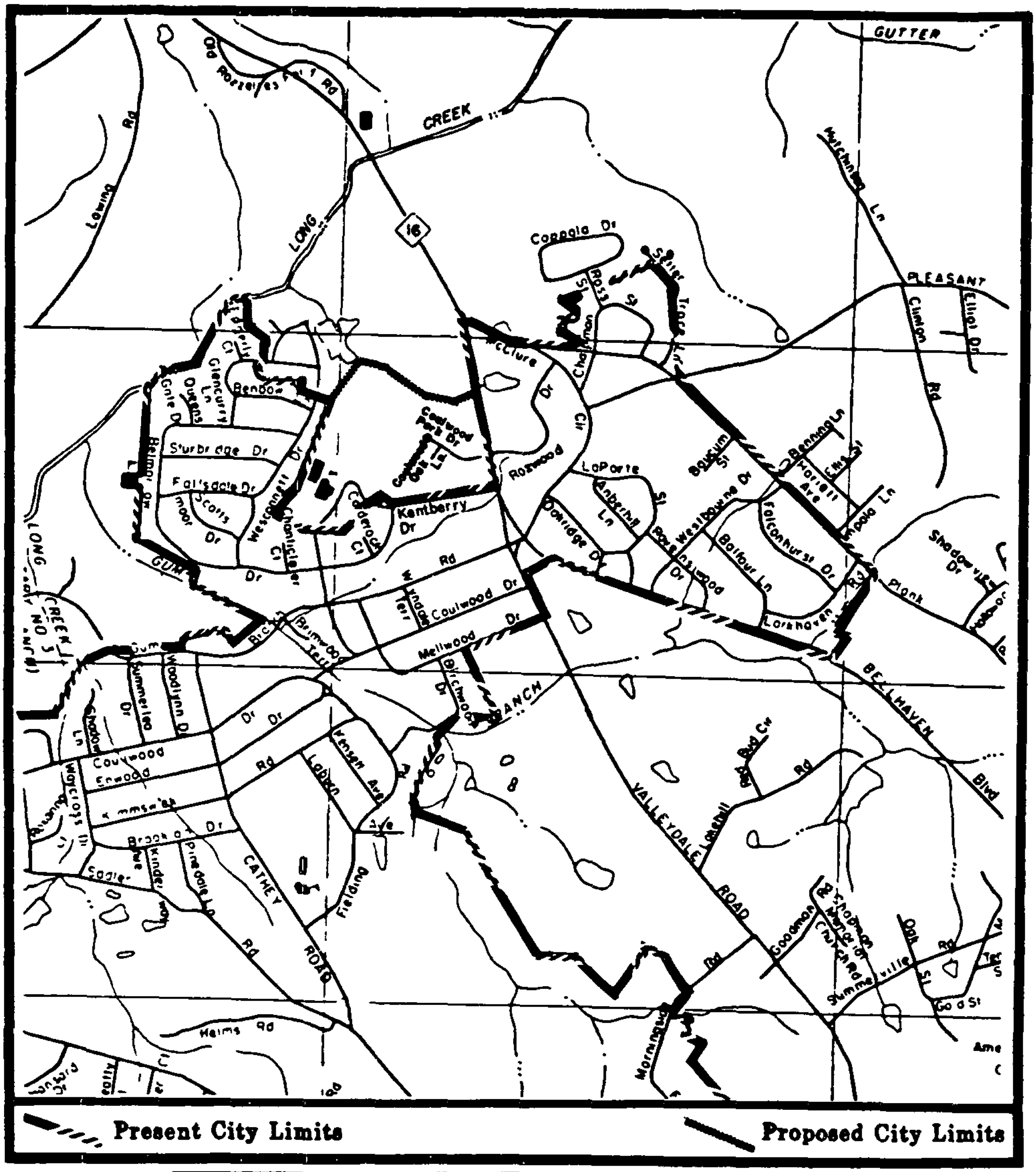
PARK ROAD/QUAIL HOLLOW

Present & Proposed Boundaries



FOREST PAWTUCKETT

Present & Proposed Boundaries



Present City Limits

Proposed City Limits

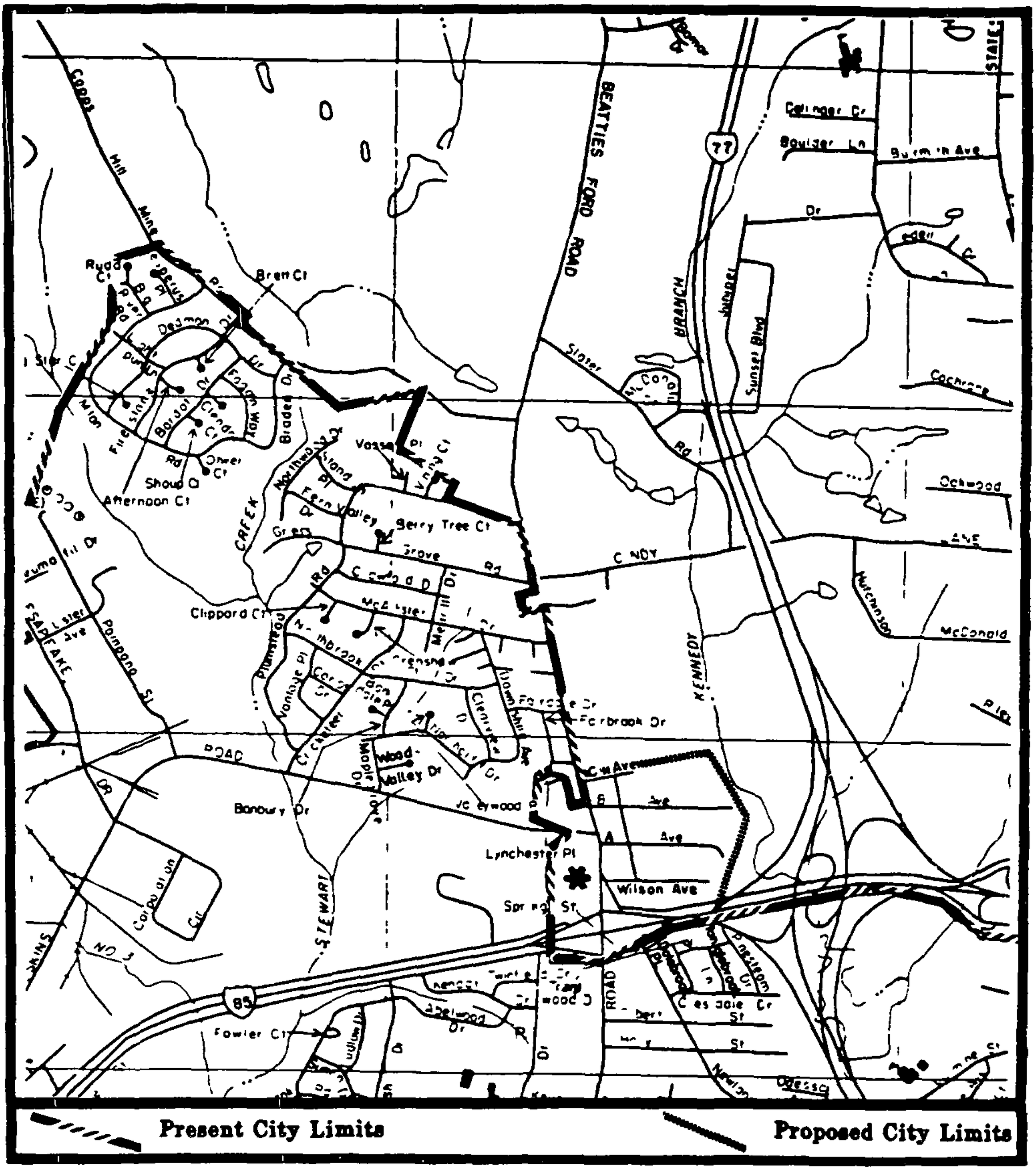
COULWOOD OAKS

Present & Proposed Boundaries

Scale

0 1000

1" - 1000'

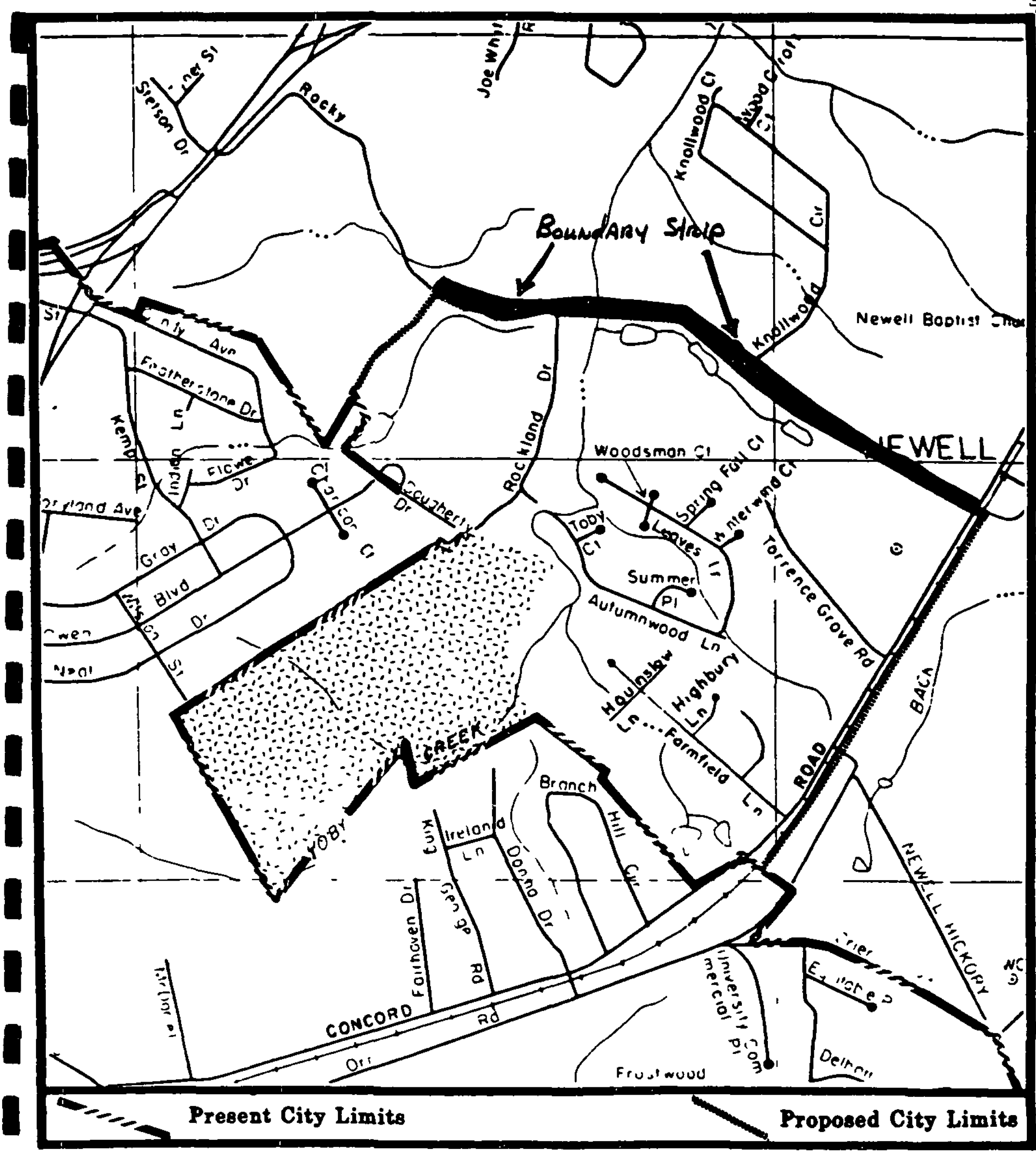


BEATTIES FORD ROAD

Present & Proposed Boundaries

Scale
0 1000
1" - 1000'

#3



N

AUTUMNWOOD

Present & Proposed Boundaries

Subsection (d) Land Connection

Scale
0 760'
1" - 760'

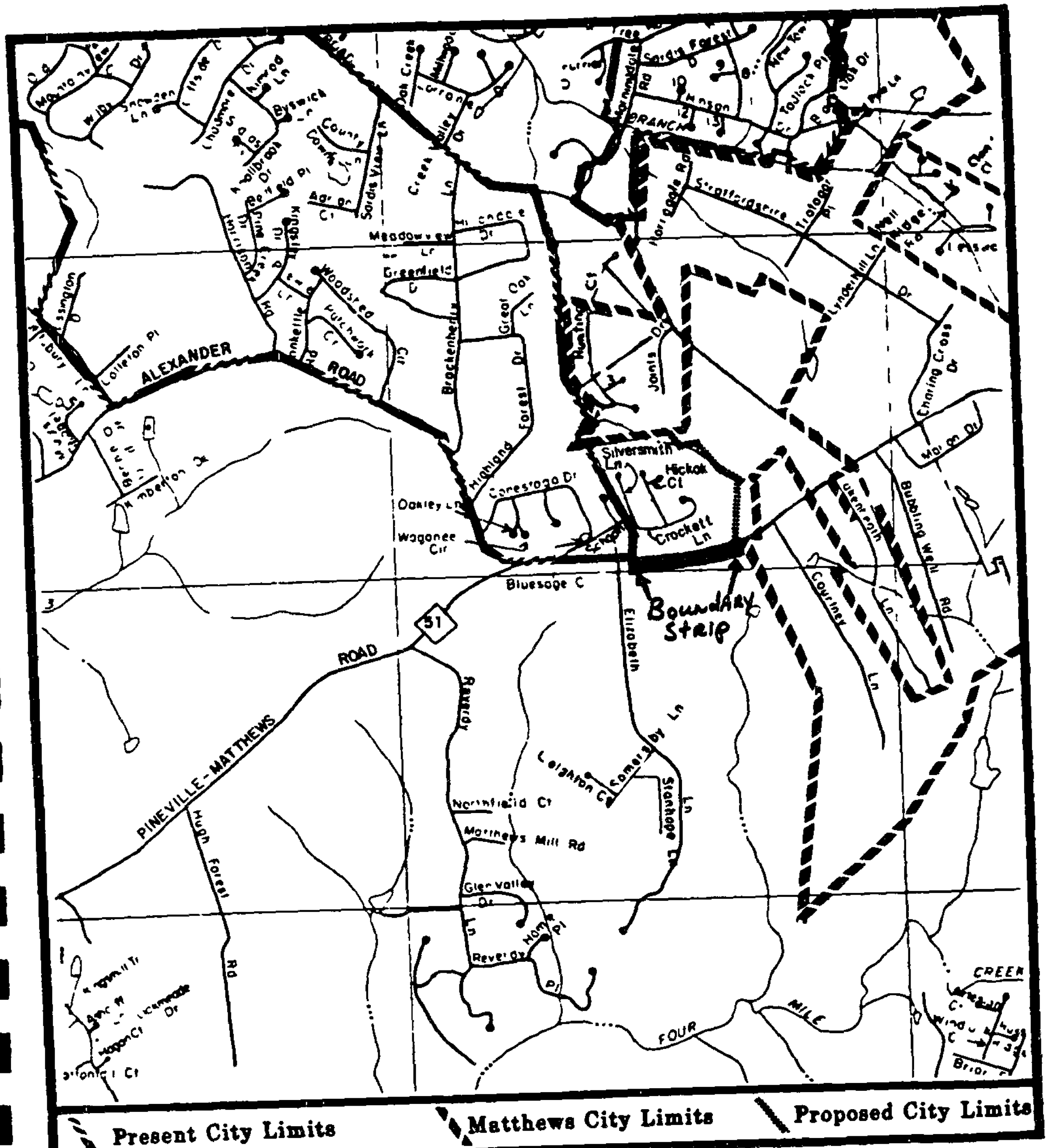
SARDIS ROAD

Present & Proposed Boundaries

Scale

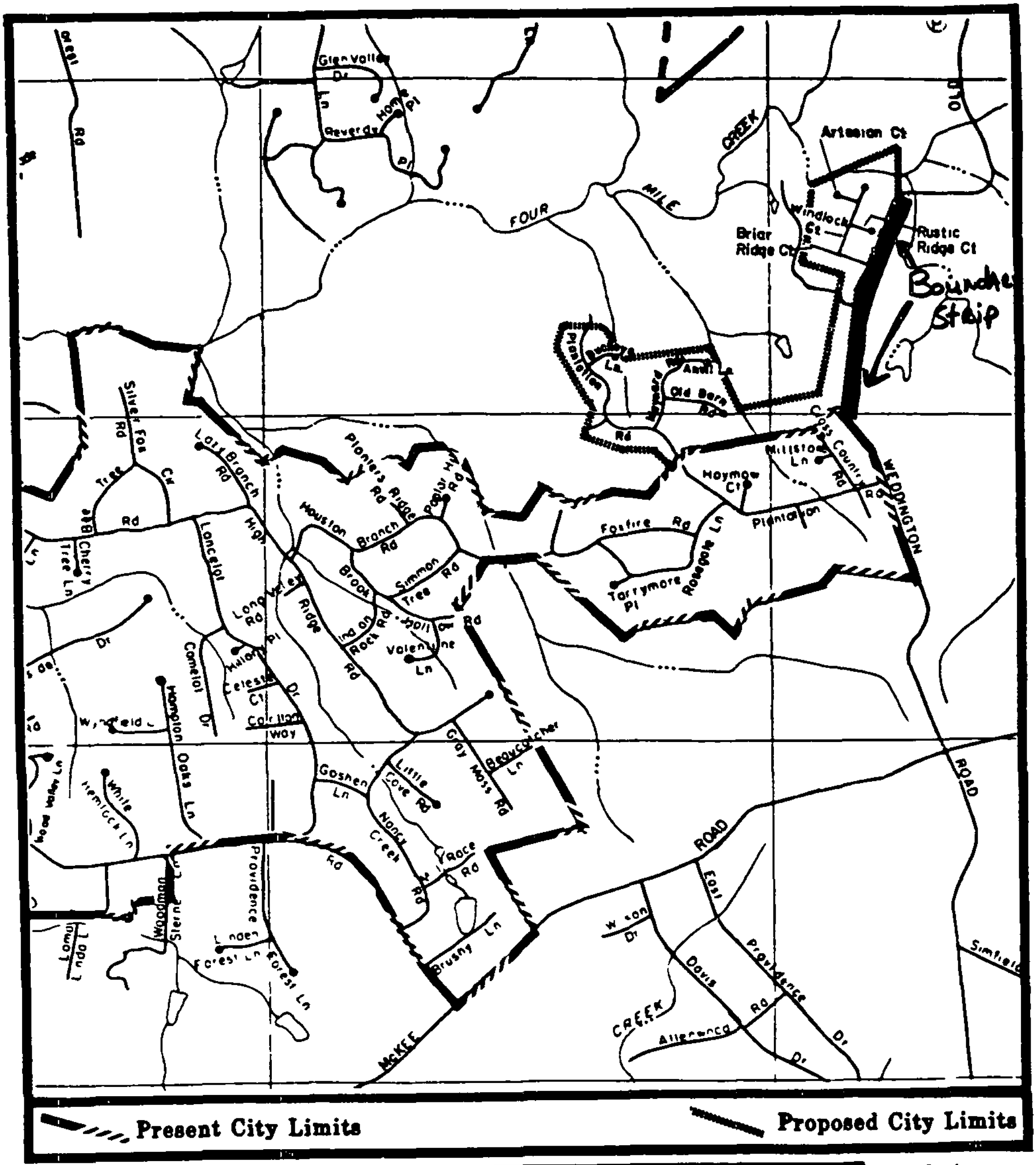
0 1000

1" - 1000'



SETTLERS LANDING

Present & Proposed Boundaries



Present City Limits

Proposed City Limits

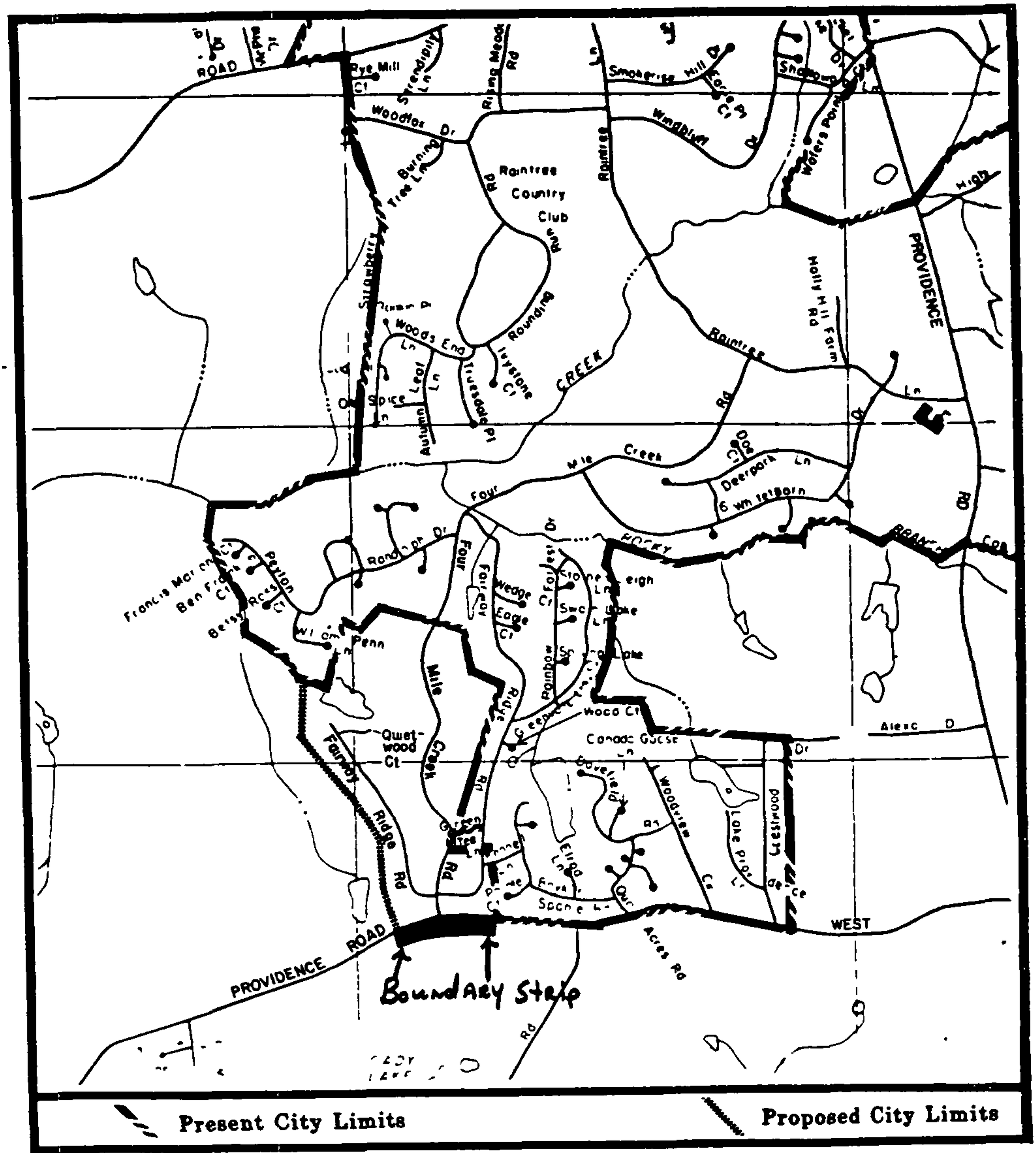
Scale

0 1000

1" - 1000'

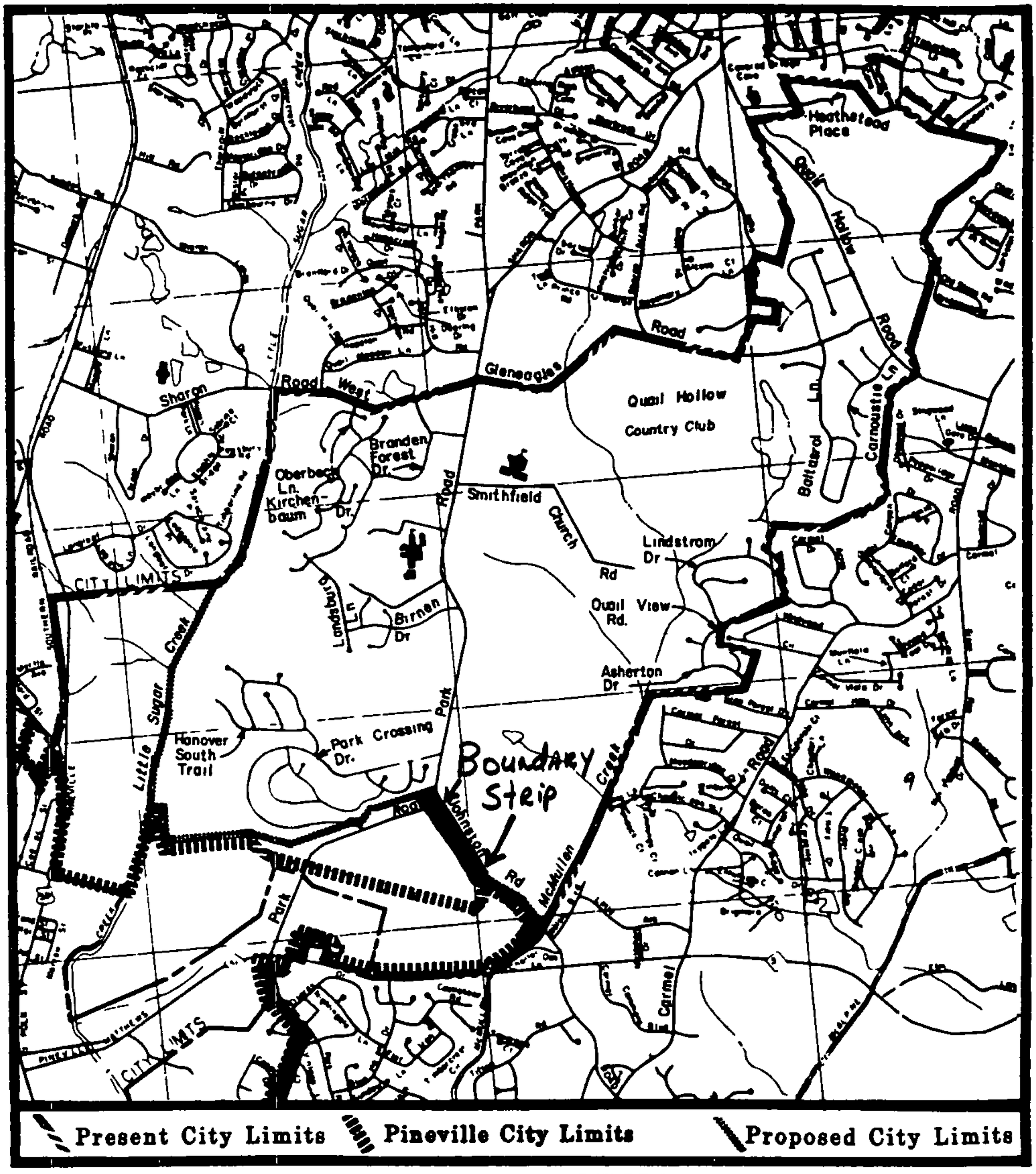
PLANTATION ROAD

Present & Proposed Boundaries



FOUR MILE CREEK ROAD

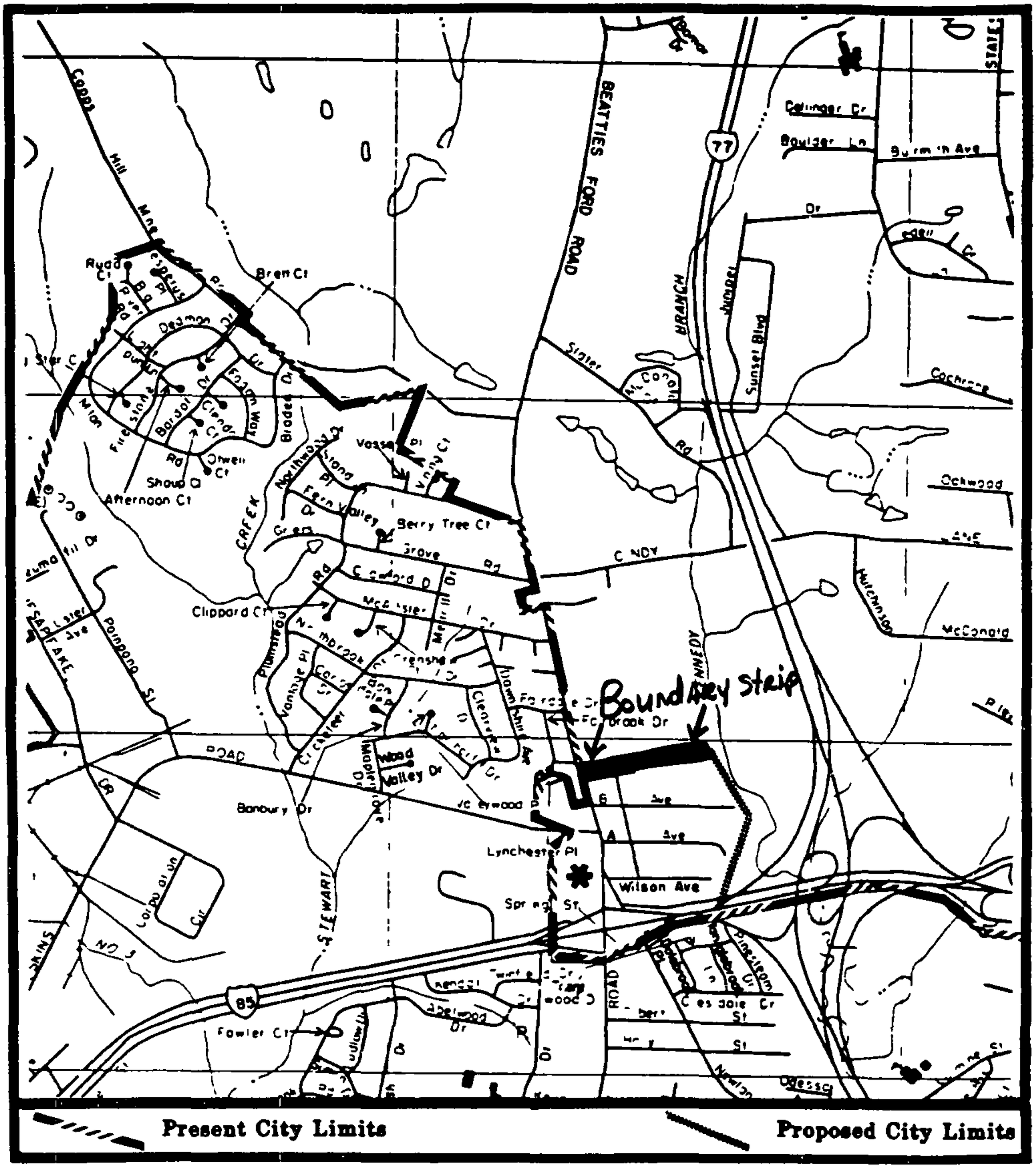
Present & Proposed Boundaries



PARK ROAD/QUAIL HOLLOW

Present & Proposed Boundaries

Scale
0 1700'
1" - 1700'



BEATTIES FORD ROAD

Present & Proposed Boundaries

Scale
0 1000
1" - 1000'

#4

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

August 1, 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 a meeting of the Planning Commission on July 24, 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 August 11, 1986 This will then permit these matters to be placed on your agenda for consideration on August 18, 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 July 24, 1986

PETITION NO 86-22

PETITIONER(S) R. M. Industrial Products Company, Inc

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

LOCATION A 21 25 acre site on Hamilton Street, bordering I-77 and Seaboard Coastline Railroad right-of-way

ACTION The Planning Commission recommends that the petition be approved.

VOTE Yeas· Curry, Lawing, Lowery, M Smith and Wheeler

Nays Emory and S Smith

(Commissioner Clodfelter was not present when vote was taken)

REASONS

ISSUES

1 Area/Community Development Goals and Objectives How does the request here relate to area development patterns as well as the objectives of the Redevelopment Plan for this area?

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

BACKGROUND

1 Existing Zoning The subject property is zoned I-1 Property directly across Hamilton Street is zoned I-2 Land which lies directly across the Seaboard Coastline right-of-way is zoned UR-3 whereas other residential zoning classifications also exist across the Brookshire Freeway from the site

2 Existing Land Use The rezoning site is presently vacant Across the railroad right-of-way from the property is a cemetery, but nearby is also located industrial development including Interstate Milling Company Across I-77 from the site is the Greenville neighborhood

3 Site Plan The conditional site plan outlines an industrial development for the property Specifically the maximum building square footage for all buildings on the site will be 325,000 square feet Interior landscaping within the project will be provided and a 25 foot buffer zone will be observed around the entire site preimeter except for one area which is specifically delineated as phase one Development of this site will also

comply with Greenville Urban Renewal controls which are applicable at the time of development including those regulating parking and signage

GENERAL FINDINGS

1 2005 Plan The site lies within an area of existing employment with community commercial centers located to the east and west A key strategy for this general area includes the preparation of the Central Area District Plan which will identify the key issues for the area This will be used to set priorities for individual small area plans

2 Pre-Hearing Staff Input. Staff met with the petitioner prior to the submission of the application and provided technical assistance and guidance with regard to the conditional site plan

3. Neighborhood Context The site lies within the area defined as Double Oaks and Greenville

4 Pre-Hearing Departmental Comments (Summary)

1. C-DOT The site under existing zoning could generate approximately 1115 trips per day whereas under the new zoning the number would increase to 2450 trips per day, 290 of which would be expected during the morning peak hour and 312 during the afternoon peak hour The additional trips would not severely affect traffic conditions or levels of service on adjacent streets or intersections

2 Engineering Department No comments except that normal development permits would be required

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

4 Building Standards Building Standards commented on the fact that the list of uses should be more specific as well as the fact that screening would be required

5 Planning The Planning staff commented on some of the administrative details of the site plan

5 Greenville Urban Redevelopment Plan The site is located within the Greenville Urban Redevelopment Plan That plan calls for industrial development of the site The City is under contract to sell the property to R M. Industrial Products, Inc The Community Development Department acting on behalf of the City joins the petitioner in requesting the rezoning of the subject property

DETAILED FINDINGS

1 The property involved in this request is a 21.2 acre site on Hamilton Street between I-77 and the Seaboard Coastline Railroad right-of-way. Current zoning is I-1 and the petitioner is seeking I-2(CD)

2 The petitioner envisions industrial development of the site The petitioner has filed a conditional site plan outlining development conditions

3 The site is located on Hamilton Street, which is already zoned I-2 across from the rezoning site Further, the site is bordered not only by Hamilton Street but also by the Brookshire Freeway and railroad right-of-way The immediately adjoining land uses include an existing manufacturing plant on Hamilton as well as a cemetery across the railroad right-of-way

4 The property is located within the Greenville Urban Redevelopment Plan The property is under contract for sale in the Community Development Department on behalf of the City It joins in with the petitioner in requesting the rezoning

5 Based upon existing development conditions and zoning patterns the I-2(CD) appears very reasonable Industrial development is already occuring in the area and the change to the general industrial classification is consistent with areawide patterns. Due to the property's configuration and the fact that it is surrounded by street rights-of-way and separated from nearby residential areas, the change would have no direct bearing on any of those residential areas The only potential concerns that remained after the hearing were the need for more specificity regarding the types of uses that will be developed on the site and the matter of the types, amount, and routes of traffic to the site That information has been provided and has dealt with any problems that were associated with the request

6 Based upon the above circumstances, the Planning Commission recommends that the petition be approved

Minority Opinion
The minority expressed the view that this use was inappropriate for this area of the community

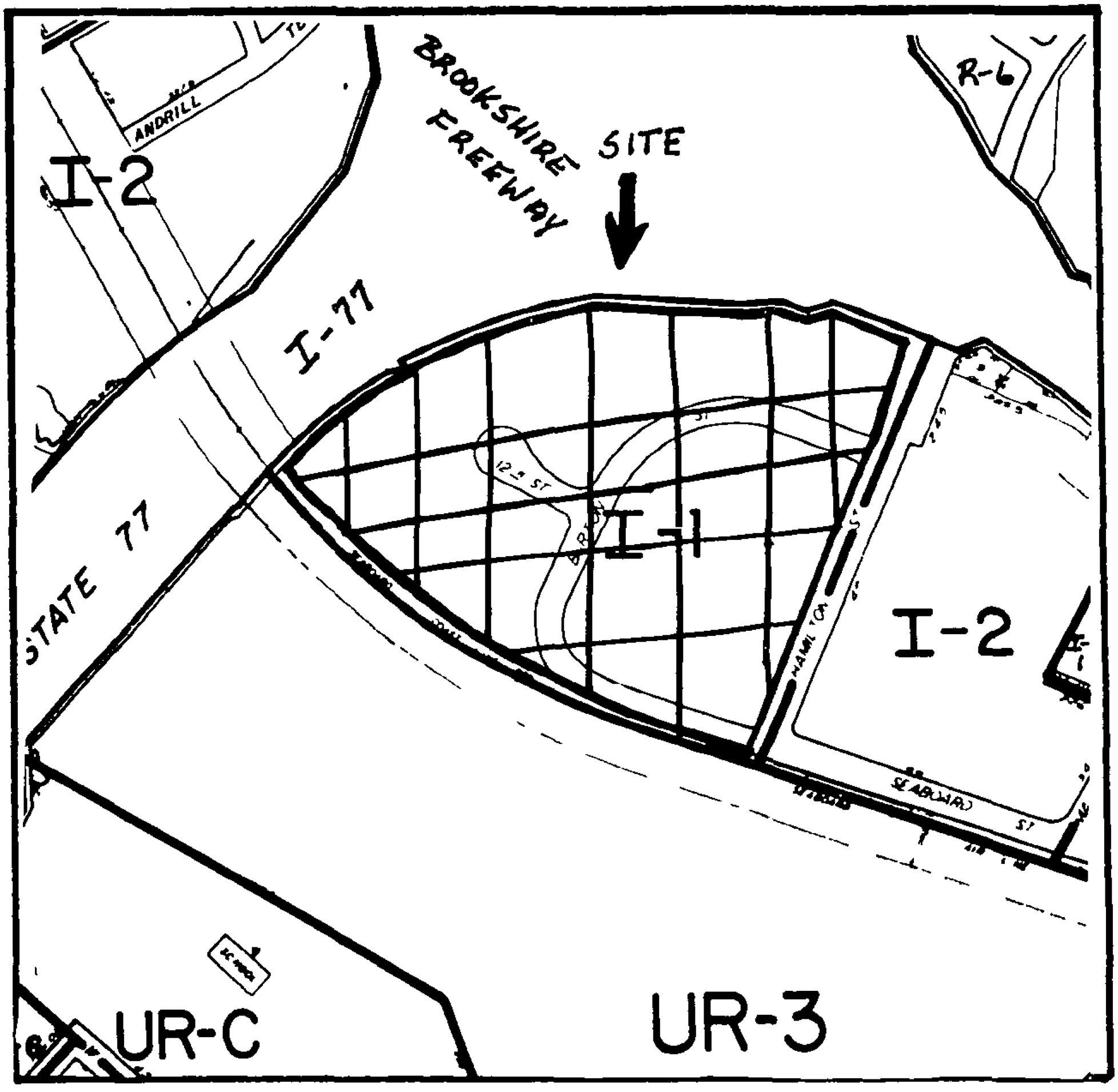
Staff Opinion
Staff agreed with Planning Commission

PETITIONER R. M. Industrial Products Co., Inc.

PETITION NO. 86-22 HEARING DATE 02/17/86

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

LOCATION A 21.257 acre site on Hamilton St., bordering also on I-77 and Seaboard Coastline right-of-way.



ZONING MAP NO. 88 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE	July 24, 1986
PETITION NO	86-28
PETITIONER(S)	Charlotte-Mecklenburg Planning Commission
REQUEST	Change from R-9MF to R-9
LOCATION	An approximately 76 acre site located along Lambeth Drive and north of North Tryon Street
ACTION	The Planning Commission deferred action for 30 days

DATE July 24, 1986

PETITION NO 86-52

PETITIONER(S) Maurice and Laura McClettie

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

LOCATION A 7,000 square foot site located at 1905 Beatties Ford Road

ACTION The Planning Commission recommends that the petition be denied

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

Nays None.

(Commissioner Emory was not present when vote was taken)

REASONS

ISSUES

1 Beatties Ford Small Area Plan How does this request relate to goals contained in the Beatties Ford Small Area Plan?

2 Site Plan What aspects of the conditional site plan are important to evaluate? What technical problems have been identified?

3 Effect of Neighborhood What potential effects on the neighborhood character and stability could result if this zoning change were approved?

BACKGROUND

1 Existing Zoning The subject property is presently zoned R-6 The site is surrounded on three sides by R-6 zoning and this district is representative of the zoning for a large area in the Beatties Ford neighborhood The northerly boundary of the site does lie adjacent to an O-6 area and farther north of that near the LaSalle intersection and stretching towards I-85 the pattern changes to B-1 along Beatties Ford Road

2 Existing Land Use The property in question has a single family residence on it Other single family residences are concentrated throughout the vicinity, both along Beatties Ford itself and various other neighborhood streets North of the site the pattern changes to non-residential and includes a mixture of various commercial uses that extend towards the direction of I-85.

3 Site Plan The conditional site plan proposes to use the property for business purposes, specifically a catering service The existing structure would be retained and parking for the business would be located to the rear of the structure Screening along the side adjoining the residential zoning would be required

GENERAL FINDINGS

1 2005 Plan The 2005 Plan shows an area of existing residential development surrounding the site

2 Beatties Ford Small Area Plan The plan calls for the University Park neighborhood to be maintained and protected as a single family neighborhood

3 Beatties Ford Road Widening This project would widen Beatties Ford Road to a multi-lane facility from I-85 to Capps Hill Mine Road

4 Pre-Hearing Departmental Comments (Summary)

1. Building Standards The Building Standards Department identified the fact that a catering business is not a use eligible under a B-1 zoning classification The business requires at least a B-2 zoning.

2 C-DOT The site could generate 12 to 16 trips per day as currently zoned and 30 to 35 trips per day if rezoned This increase would have no effect on traffic conditions The driveway as shown does not comply with the minimum width to meet Charlotte code regulations Beatties Ford is a major thoroughfare The petitioner should reserve or dedicate at least five feet of additional right-of-way to meet current needs

3 Engineering The Engineering Department has no comments except to indicate Beatties Ford would need additional right-of-way The Engineering Department indicates an additional 20 feet of right-of-way would be necessary in order to comply with its status as a major thoroughfare

4 Fire Department No comments

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

5 Pre-Hearing Staff Input Staff had no contact with the petitioner prior to the submission of the application

6. Neighborhood Context The property is located in the University Park neighborhood.

DETAILED FINDINGS

1 This petition involves a parcel of land which fronts on Beatties Ford Road The property is currently zoned R-6 and the petitioner is seeking B-1(CD)

2 The petitioner stated on the application that the property would be used for a catering business The petitioner has also filed a site plan in conjunction with the request

3 It is vital to point out that a catering business is not allowed in a B-1 category Staff attempted to reach the petitioner to further discuss the application and indeed to seek a withdrawal of the request A couple of meetings which had been set up were cancelled by the petitioner Subsequent conversations with the petitioner regarding the need for changes to the site plan to meet minimum requirements have led to little or no improvement The petitioner has, however, amended the plan to indicate that the site would be used for a business office and answering and maid services

4 However, it is the Planning Commission's belief that the petition should be denied. The Beatties Ford frontage and overall neighborhood should be protected from zone change requests such as this one The neighborhood stability is fragil and a zone change of this type is a step in the wrong direction

5 The Beatties Ford Small Area Plan would not envision this type of change and would seek to preserve the neighborhood stability.

6 Further, a change of this type would very well lead to others and those would totally break down the overall quality and living environment of the neighborhood

7 Based upon the above reasons, the Planning Commission recommends that the petition be denied It suffers from not only technical problems but major problems in terms of overall planning and publicly adopted goals for the area

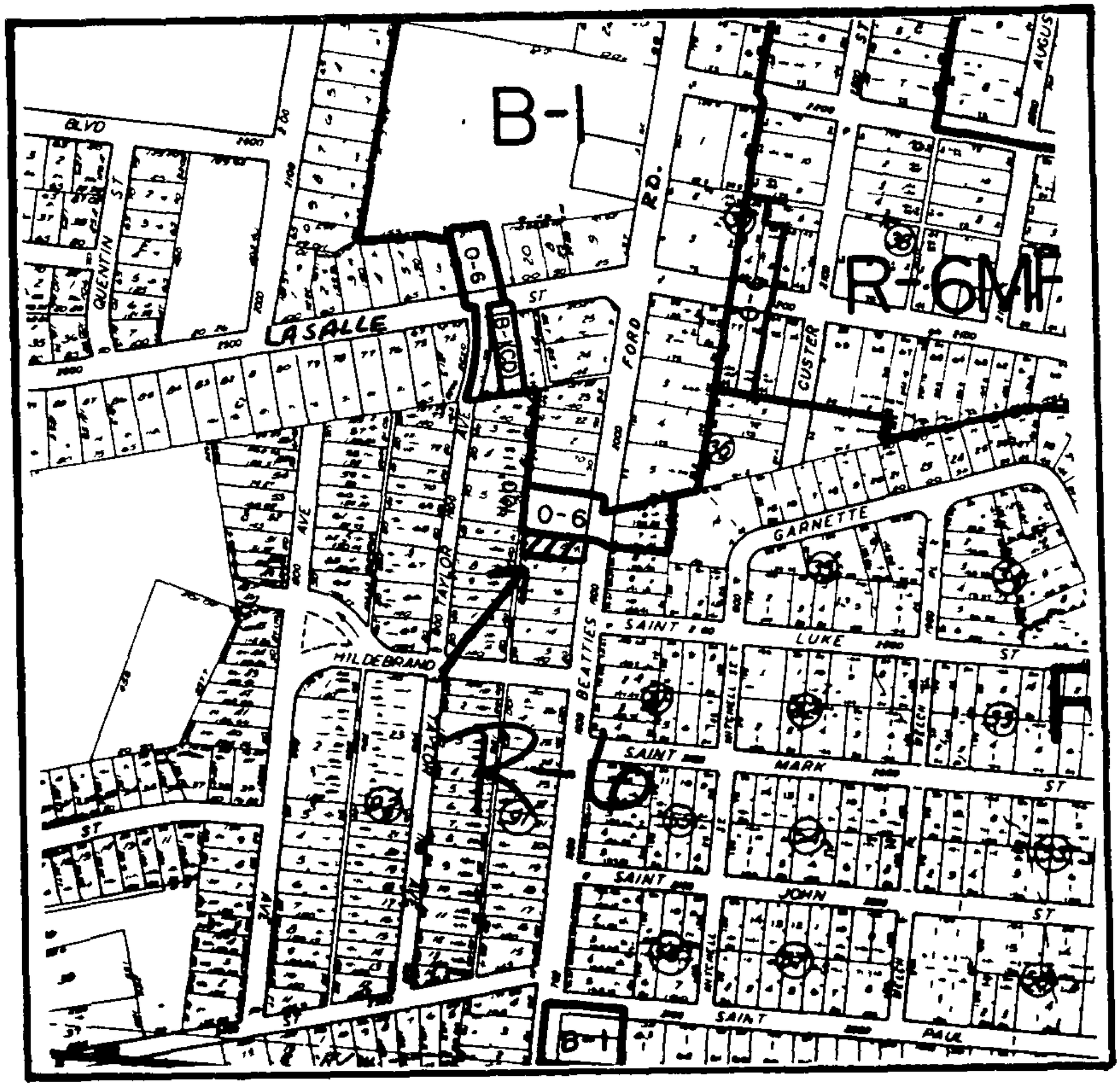
Staff Opinion
Staff agreed with Planning Commission

PETITIONER Maurice and Laura McClettie

PETITION NO. 86-52 HEARING DATE May 19, 1986

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

LOCATION A 7,000 square foot site located at 1905 Beatties Ford Road.



ZONING MAP NO. 79 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE July 24, 1986

PETITION NO 86-53

PETITIONER(S) Tommy L Helms and Joe G Clark

REQUEST Change from R-6 to B-2

LOCATION An 11,446 square foot site located at 4131 Avalon Avenue

ACTION The Planning Commission recommends that the petition be denied

VOTE Yeas· Clodfelter, Emory, Lawing, Lowery, M Smith, S Smith and Wheeler

Nays Curry

REASONS

ISSUES

1 Relationship to Neighborhood How does the property relate to the existing neighborhood and what impacts to the neighborhood would result if the zoning change were granted?

2 Future Effect If this request were approved, what potential effects on land use and zoning decisions in the future could result?

BACKGROUND

1 Existing Zoning The parcel involved in the request is presently zoned R-6 The R-6 category spreads out among other neighborhood streets in the vicinity To the south of the property is a parcel zoned B-2 and other parcels along Triangle Drive and Tuckaseegee Road are zoned B-1 Other business and industrial zoning is located at the Freedom Drive and I-85 interchange area

2 Existing Land Use A single family structure is located on the lot Other single family homes are located along Avalon and other nearby neighborhood streets in this area Nearby along Triangle Drive the pattern changes to non-residential and there is a mixture of office and business development The concentration of commercial development increases along Freedom Drive where there is a wide variety of commercial uses and shopping opportunities, including Freedom Mall

GENERAL FINDINGS

1 2005 Plan The 2005 Plan indicates an area of existing residential development surrounding the subject property

2 I-85 Improvements This project would widen I-85 from four lanes to eight lanes and reconstruct interchanges when needed

3 Pre-Hearing Departmental Comments (Summary)

1 Fire Department No comment

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

3 C-DOT Comments from C-DOT expressed concern over potential cut-through traffic problems which could occur if traffic to the site did not use the I-85 access road

4 Building Standards No comment

4 Pre-Hearing Staff Input Staff received the application and had no prior contact before the submission of the request

5 Neighborhood Context The site is located in the Hoskins/Thomasboro neighborhood

DETAILED FINDINGS

1 The property involved in this request is a parcel of land that fronts on Avalon Avenue The present zoning is R-6 and the petitioner is requesting B-2

2 The petitioner states in his application that the purpose of the zone change is to make the zoning more appropriate because of its relationship to I-85 The petitioner states that the highest best use for the property is for business purposes

3 Business zoning is located to the rear of the property B-2 zoning and a larger area of B-1 zoning are associated with Triangle Drive and Tuckaseegee and Freedom Drive However, Avalon is a quite neighborhood street and has no business zoning associated with it at the present time

4 Even though the property does lie adjacent to the I-85 right-of-way it nonetheless is part of a strong area of single family homes. The proposed rezoning would clearly impact the neighborhood and might very well possibly lead to other similar requests in this area This zone change and those that could potentially follow would have detrimental impacts on the overall quality and stability of the neighborhood

5 Further, the request is unconditional in nature and a wide variety of potential business uses could result here including many which could be harmful in terms of noise, lights, traffic, etc A billboard would also

be possible under this requested zoning classification Even if a conditional approach were involved and one is not advised here, the Planning Commission would not favor this request

6 There are improvements planned to I-85, but in the case of the Tuckaseegee Road and Freedom Drive improvements, all of those would take place within the existing right-of-way according to preliminary designs There would be no impact on the site involved in this request Thus the property's existing relationship to I-85 will be the same as in the future The property seems well suited under its current zoning

7 Based on the above circumstances, the Planning Commission recommends that this petition be denied

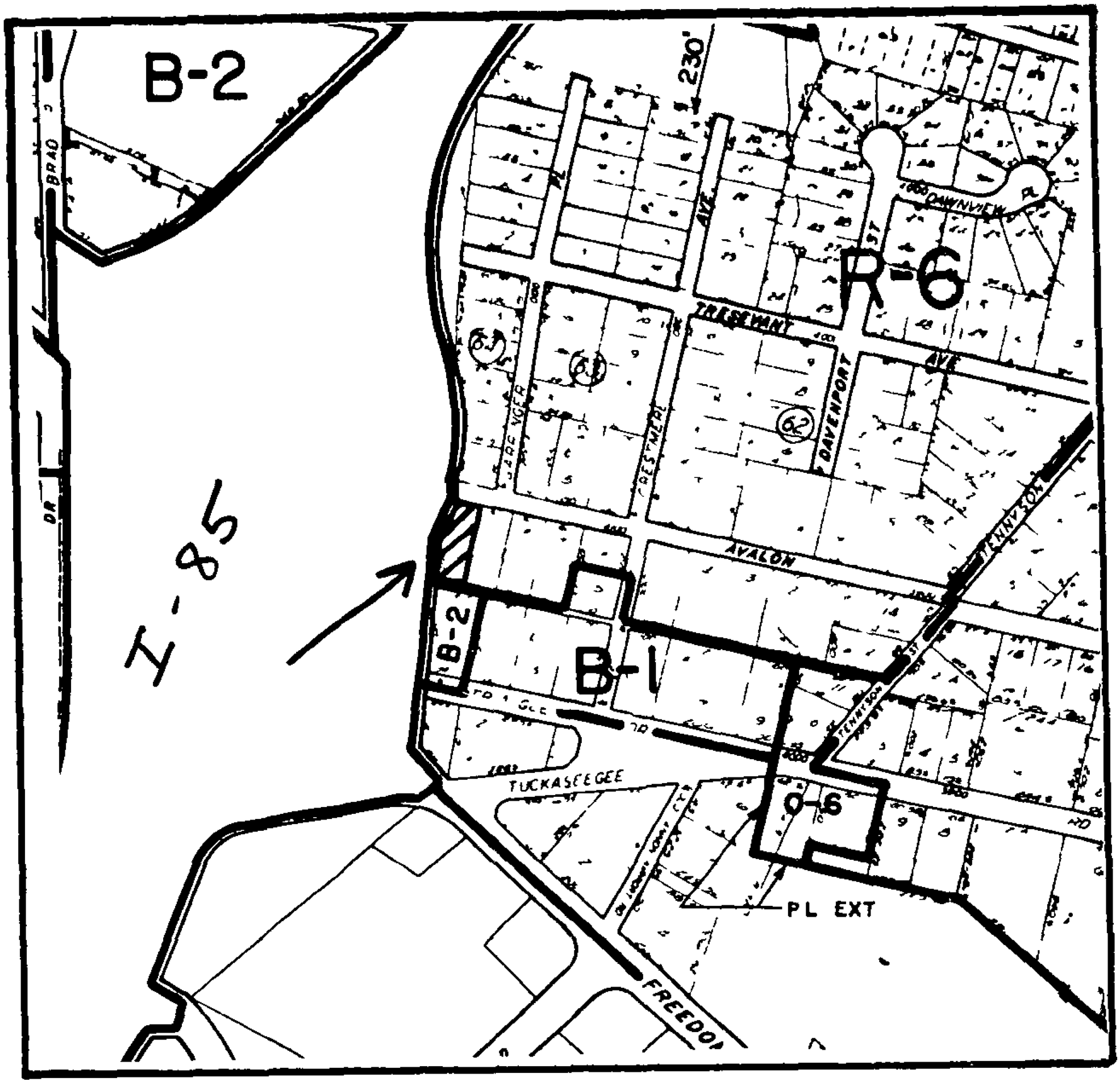
Staff Opinion
Staff agreed with Planning Commission

PETITIONER Tommy L. Helms and Joe G. Clark

PETITION NO. 86-53 HEARING DATE May 19, 1986

ZONING CLASSIFICATION, EXISTING R-6 REQUESTED B-2

LOCATION A 11,446 square foot site located at 4131 Avalon Avenue.



ZONING MAP NO. 87 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE. July 24, 1986

PETITION NO 86-55

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Change from R-6MF to R-12

LOCATION Three lots totaling approximately 2 387 acres on Selwyn Avenue between Westfield and Bucknell, known as 2200, 2205 and 2217 Selwyn Avenue

ACTION The Planning Commission recommends that the petition be approved

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

Nays Lawing

REASONS

This petition is for three parcels of land located on Selwyn Avenue at Bucknell Avenue The present zoning is R-6MF and the petition is requesting that the lots be rezoned to R-12

Each of the parcels is developed with a single family home For the most part much of the general vicinity is likewise developed, although in this immediate vicinity there are several multi-family developments

The petitioner wishes to rezone these lots in order to conform the land use to the appropriate zoning category Since the properties are developed with single family homes rezoning the parcels in question to a single family category will be consistent with the land use and no non-conforming use will be created The requested rezoning to a single family classification for the parcels is not only consistent with the land use but the general zoning pattern of the area

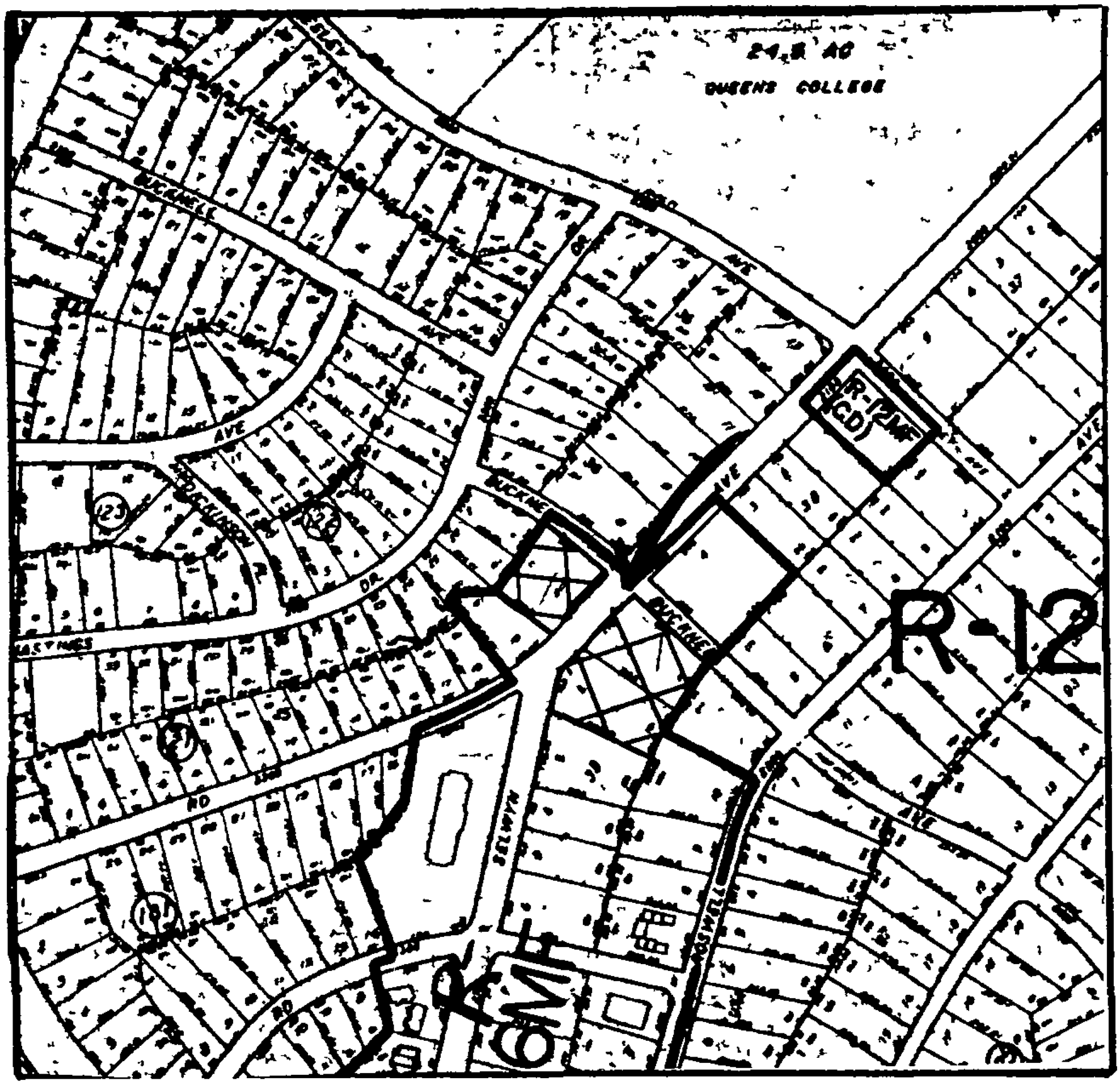
Staff Opinion
The staff agreed with the Planning Commission

PETITIONER Myers Park Homeowners Association, Inc.

PETITION NO. 86-55 HEARING DATE 6/2/86

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

LOCATION Approximately 2.387 acres located at 2200, 2205, 2217 Selwyn Avenue



ZONING MAP NO. 125 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE July 24, 1986

PETITION NO 86-56

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Change from R-6MF and R-6MFH to R-12

LOCATION Two parcels at 1550 Queens Road totaling 1 059 acres

ACTION This petition is forwarded without a recommendation

Change to R-9MF

VOTE Yeas Curry, Emory, Lawing and Lowery

Nays Clodfelter, M Smith, S Smith and Wheeler

Approval of 86-56

VOTE Yeas Clodfelter, M Smith, S Smith and Wheeler

Nays Curry, Emory, Lawing and Lowery

REASONS

The property involved in this petition is comprised of two parcels of land which front on Queens Road opposite the intersection of Oxford Place The site is presently zoned R-6MF and R-6MF-H and the petition requests R-12 zoning for the property

The present development pattern along Queens Road in this immediate vicinity is largely single family development although some multi-family development is located nearby The high rise Carlton is next door Two large churches, Myers Park Methodist and Myers Park Presbyterian, are also in the vicinity

The site has two single family homes on it at the present time Rezoning the property as requested will not create a non-conforming use Given the current usage of the property and its location away from the major intersection of the area, there is some merit that single family zoning can be appropriately located here However, a more appropriate zoning for this site is multi-family due to its relationship to the adjoining R-6MF-H parcel, which is The Carlton The current high density multi-family zoning does potentially represent a development potential that is too intense and R-9MF could be considered as a compromise This zoning will achieve a reasonable transition and allow for multi-family development of the property This transition can be reasonably achieved since The Carlton is abuting on one side and a small apartment building on the other

Those members of the Planning Commission that favored the petition cited the following reasons

1. The lots are presently used for single family purposes

2 The R-12 requested classification is appropriate for those lots to protect the existing structures and other adjoining single family lots

3 Leaving these lots in any multi-family classification could lead to a further erosion of single family uses along the street.

Those members of the Planning Commission that favored the compromise R-9MF classification cited the following reasons

1 Properties on both sides of the subject lots are in multi-family use, including one highrise use.

2. The R-9MF makes a logical transitional district between the highrise use and single family uses in the area

3 There are a number of non-residential (institutional) uses in the immediate area which further detract from a pure single family environment

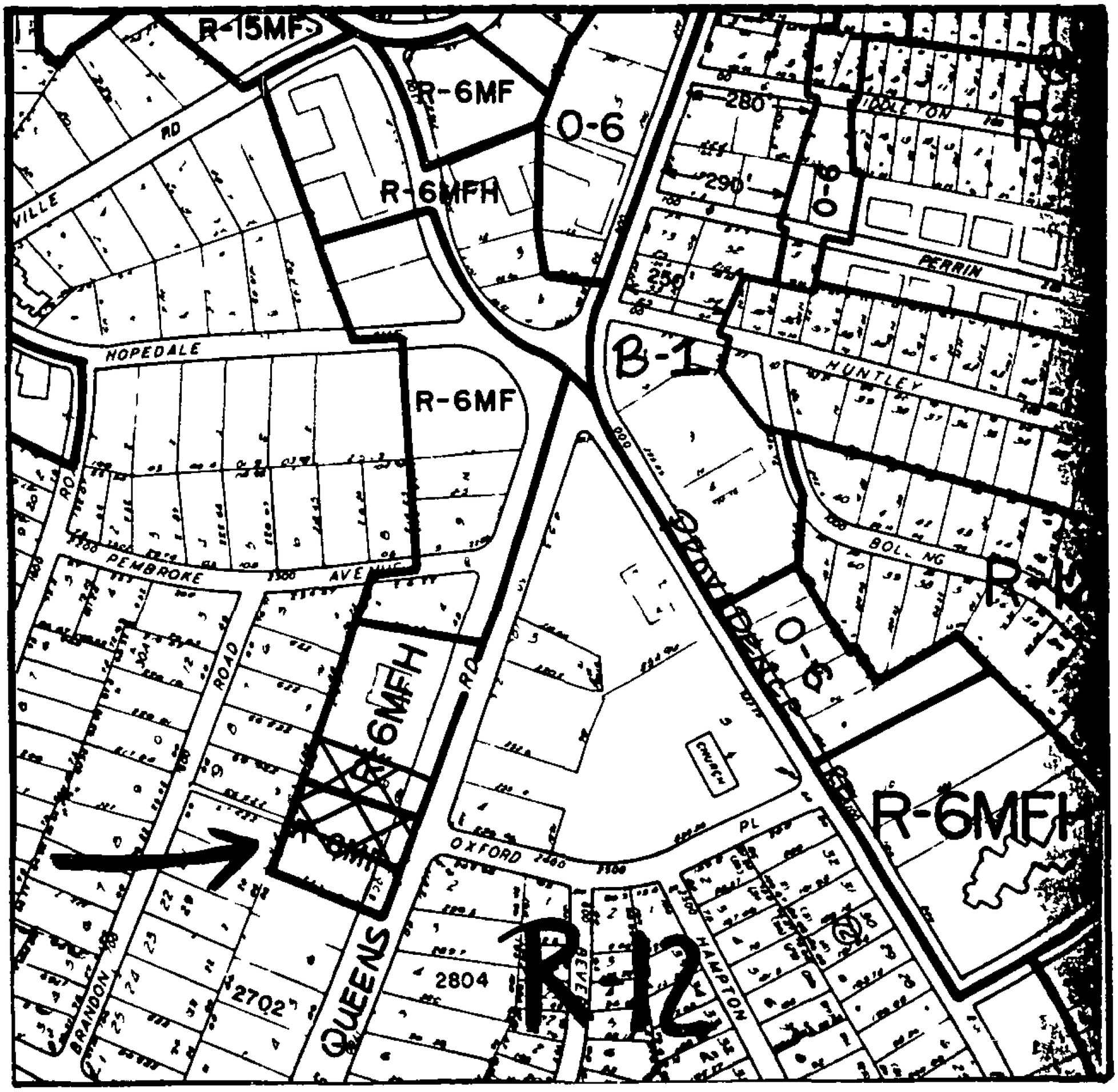
Staff Opinion
The staff favored the R-9MF classification as a reasonable compromise

PETITIONER Myers Park Homeowners Association , Inc.

PETITION NO. 86-56 HEARING DATE 6-2-86

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

LOCATION Approximately 1.05 acres located at 1550 Queen Road



ZONING MAP NO. 11D SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE· July 24, 1986

PETITION NO 86-57

PETITIONER(S) Myers Park Homeowners Association, Inc

REQUEST Change from R-6MF and 0-6 to R-12 and R-15MF

LOCATION Several parcels totaling approximately 4 37 acres near the intersection of Queens Road and Providence Road

ACTION The Planning Commission deferred action on this petition for 30 days pending further consideration of a conditional site plan for one of the subject parcels

DATE July 24, 1986

PETITION NO 86-58

PETITIONER(S) Myers Park Homeowners Association, Inc

REQUEST Change from R-15MF and R-12MF to R-12

LOCATION Several parcels totaling approximately 4 95 acres located in the vicinity of Queens Road, Granville Road, Queens Road West and Ardsley Road

ACTION The Planning Commission recommends approval of the request to R-12, with the exception of a lot on the corner of Ardsley Road and Queens Road West which is recommended to remain R-15MF

VOTE Yeas Clodfelter, Curry, Emory, M Smith and S Smith

Nays Lawing, Lowery and Wheeler.

REASONS

The area encompassed in this petition is comprised of seven parcels of land which are zoned either R-12MF or R-15MF Parcels front on Queens Road generally on either side of the intersection with Queens Road West The zoning requests R-12 for these lots

All of the lots are characterized by single family development except a corner lot at the Queens Road West/Ardsley Road intersection A large old single family dwelling is apparently now used as five apartment units One house also apparently has a garage apartment Across Queens from the property are other single family homes Some multi-family development is located on either end outside of the petitioned property but for the most part the immediate vicinity is single family in character Rezoning these properties to the requested single family classification will not create any non-conforming use, except for the aforementioned corner The Planning Commission does not feel that leaving this lot with its present R-15MF classification is detrimental to the overall petition The other homes represent a solid row of single family development and such a zoning pattern would be consistent with other lots which are located across Queens Road

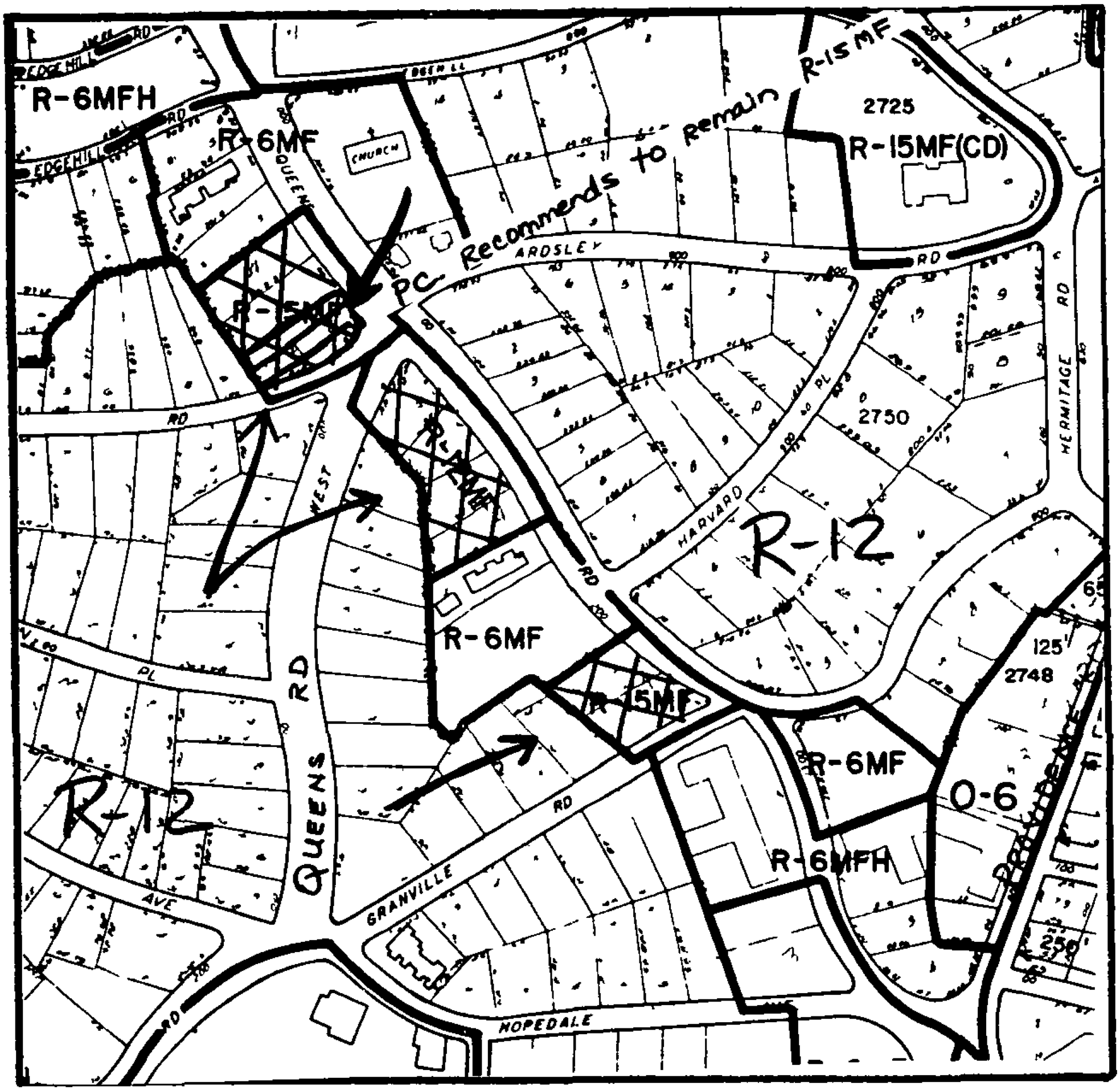
Staff Opinion
Staff agreed with Planning Commission

PETITIONER Myers Park Homeowners Association, Inc.

PETITION NO. 86-58 HEARING DATE 6-2-86

ZONING CLASSIFICATION, EXISTING R-12MF, R-15MF REQUESTED R-12

LOCATION Approximately 5 acres located in the vicinity of Queens Road, Granville, Queens Road West and Ardsley Road



ZONING MAP NO. 111 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE July 24, 1986

PETITION NO 86-59

PETITIONER(S) Myers Park Homeowners Association, Inc

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

LOCATION A 917 acre tract at 453 Edgehill Road

ACTION The Planning Commission recommends that this petition be approved

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

Nays Lawing

REASONS

This site involves a single tract of land which is slightly under one acre in size and bounded by Edgehill Road on two sides and Queens Road on a third side The property is presently zoned R-6MFH and the request seeks a change to R-6MF

The R-6MFH district is a high density classification which permits approximately 43 units per acre Under the recommended rezoning the number of units allowed would be cut about in half

Topographically the property is situated somewhat below the grade of nearby streets Further, the site is surrounded on three sides by street rights-of-way As far as the development setting is concerned the property is at the intersection of Morehead Street and Queens Road and the area is characterized by a mixture of residential and office development Across Queens Road from the site is Edgehill Park, also An existing multi-family project, Edgehill Terrace, adjoins the rezoning site

Considering the area's development pattern, the property's location and its topography it is believed that the possibility of a high density project here can be very appealing However, if done with poor design sensitivity then a potentially disastrous result could happen It is therefore the Planning Commission's recommendation that a change to R-6MF be approved

The Planning Commission notes, however that a midrise/highrise building at the convergence of these major roads across from a public park does have appeal Obviously its relationship to the uptown area as well as the medical campus of Memorial Hospital has appeal as a superior location for inner city housing As an inner city infill lot it has definite potential to be compatible with the area Therefore, further consideration could be given to a well conceived, quality housing project on this site as part of an R-6MFH(CD) proposal

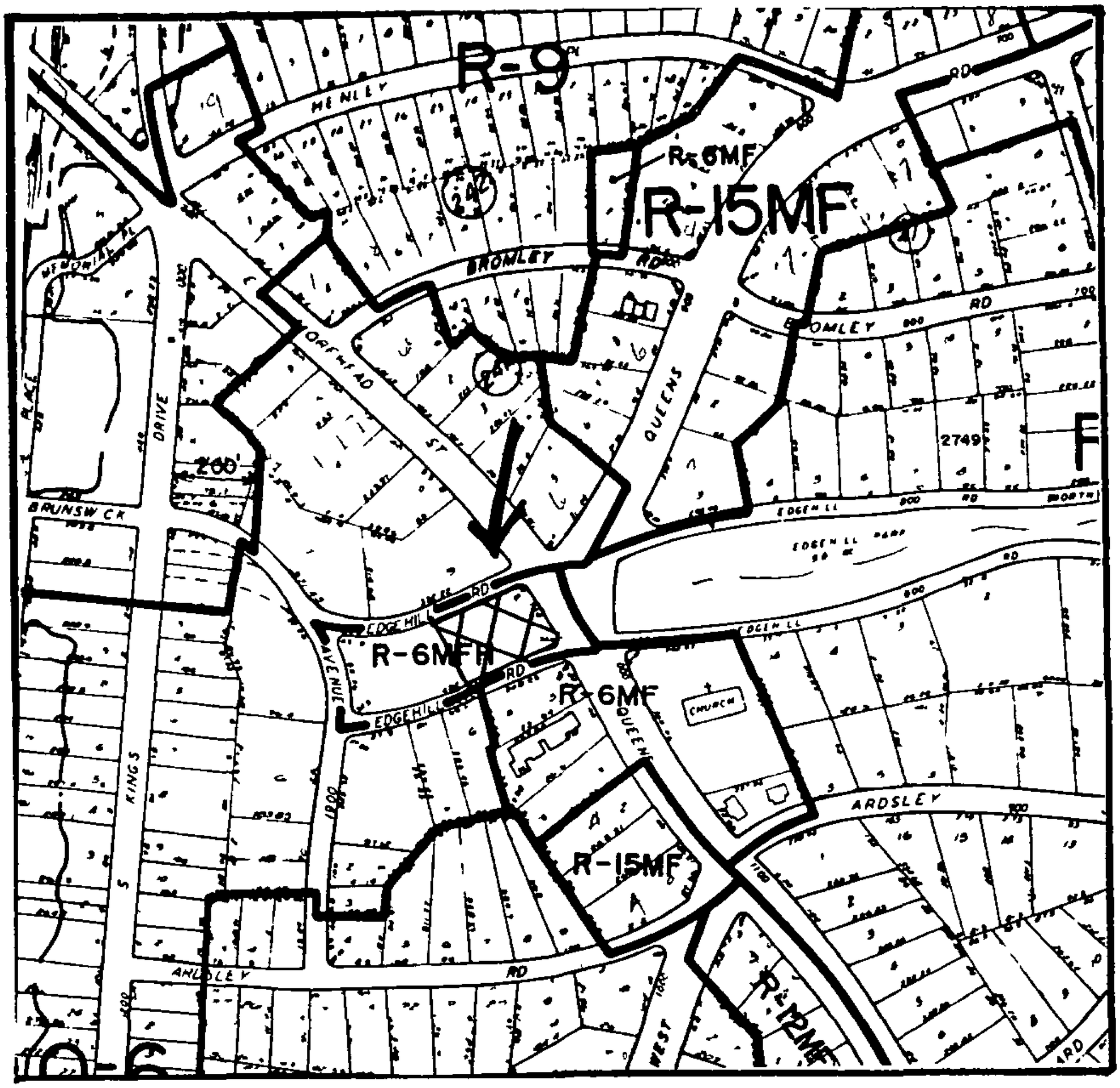
Staff Opinion
The staff agreed with Planning Commission

PETITIONER Myers Park Homeowners Association, Inc

PETITION NO. 86-59 HEARING DATE 6-2-86

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

LOCATION a .917 acre site located at 453 Edgehill Road



ZONING MAP NO. 111 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE July 24, 1986

PETITION NO 86-60

PETITIONER(S) Myers Park Homeowners Association, Inc

REQUEST Change from O-6 and R-15MF to R-9

LOCATION Several parcels totaling approximately 4 48 acres at the intersection of Queens Road and East Morehead Street

ACTION The Planning Commission recommends the following actions with regard to this petition

1 Deny the rezoning of the lot at the corner of Bromley Road and East Morehead Street, thus leaving the lot zoned O-6
2 Approve the rezoning of the lot at the corner of Queens Road and East Morehead Street to R-15MF rather than the requested R-9
3 Approve the rezoning of the remaining lots to R-9 as requested

Part 1 Move denial - Corner of Bromley and Morehead - 1 lot

VOTE Yeas Clodfelter, Curry, Emory, Lawing and Lowery

Nays M Smith and S Smith

(Commissioner Wheeler abstained from voting, declaring a conflict of interest)

Part 2 Rezone corner lot in accordance with staff recommendation - R-15MF

VOTE Yeas Curry, Emory, Lowery, M Smith and S Smith

Nays Clodfelter and Lawing

(Commissioner Wheeler abstained from voting, declaring a conflict of interest)

Part 3 Approve balance of petition to R-9

VOTE Yeas. Clodfelter, Curry, Emory, M Smith and S Smith

Nays Lawing and Lowery

(Commissioner Wheeler abstained from voting, declaring a conflict of interest)

REASONS

This petition is comprised of eight parcels of land which front either on Morehead Street or Queens Road, on either side of the intersection formed by Morehead Street and Queens Road Parcels which are oriented to the Morehead Street side are zoned O-6 and the remaining parcels oriented to Queens Road are zoned R-15MF. The petition is requesting that all of these parcels be rezoned to R-9

Seven of the eight parcels are residential in nature with one (possibly two) of the lots used for duplex purposes and four for single family purposes One office is located on the parcel at the corner formed by Bromley Road and Morehead Street At least one apartment building is located at the intersection and another (or possibly a duplex) two lots away on Queens Road. The area immediately close by is mostly a pattern of single family homes although there is a mixture of an occasional duplex or small apartment building along streets in the area Across Morehead from the subject property is a concentration of office development that generally extends towards the area of Kings Drive

If the zoning change as requested were to be approved four non-conforming uses would be created the office at the corner of Bromley and Morehead and the three multi-family/duplex structures

The Planning Commission supports the petition with the exception of the parcels used as an office and those for multi-family purposes Whereas the Planning Commission does not object to creating a non-conforming duplex use, there is on the other hand concern about the office parcel at Morehead/Bromley becoming non-conforming The use is established and should remain undisturbed as is Similar justification applies for recommending that the multi-family parcel be rezoned to an appropriate category, in this case R-15MF, rather than R-9 Although a mixed zoning pattern would result it would not be unique to an inner city location

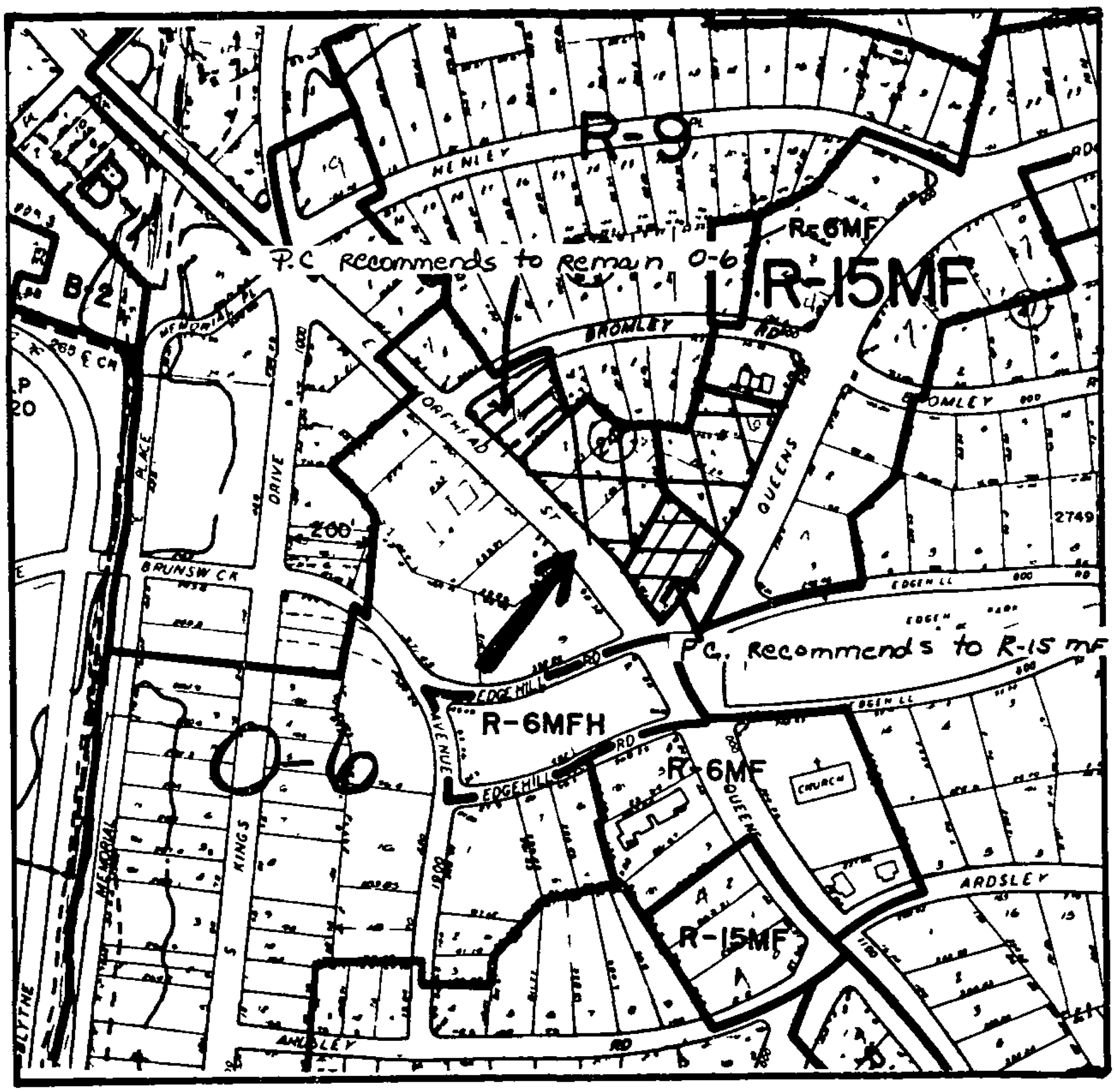
Staff Opinion
Staff agreed with Planning Commission

PETITIONER Myers Park Homeowners Association, Inc.

PETITION NO. 86-60 HEARING DATE 6-2-86

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

LOCATION Approximately 4.48 acres located at the intersection of Queens Road and East Morehead



ZONING MAP NO. 111 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE July 24, 1986

PETITION NO 86-61

PETITIONER(S) Myers Park Homeowners Association, Inc

REQUEST Change from R-15MF to R-12

LOCATION Several parcels totaling approximately 4 2 acres located along the east side of Queens Road in the area generally between Edgehill Road and Bromley Road

ACTION This petition is forwarded without a recommendation

VOTE Yeas Lowery, M Smith, S Smith and Wheeler

Nays Clodfelter, Curry, Emory and Lawing

REASONS

This petition involves several parcels of land located along the easterly side of Queens Road between Edgehill Road and Henley Place The current zoning is R-15MF and the petition requests R-12

Specifically, seven tracts of land are located within the boundaries of the petition and of those four are developed with single family homes One lot is developed with a duplex and two apartment buildings are located on the remaining parcels Generally, single family homes make up the predominant residential unit for the area though a mixture of small multi-family projects can be found scattered about

Those members of the Planning Commission which favored the petition cited the following reasons

1 The overall objective of protecting the single family environment is better served by removing all of the multi-family zoning

2 The creation of two non-conforming multi-family uses is not the principal that should guide the decision

3 Removing the multi-family zoning offered more protection to both single family and the presently established multi-family uses

Those members of the Planning Commission which did not favor the petition as submitted cited the following reasons

1 Creating two non-conforming uses in this petition is inconsistent with other similar situations in the immediate area

2 The overall objective of the petition which was to remove the development potential which could lead to the loss of single family structures is not advanced by this action

3 The existing multi-family uses should be protected with the appropriate multi-family classification, not an inappropriate single family classification

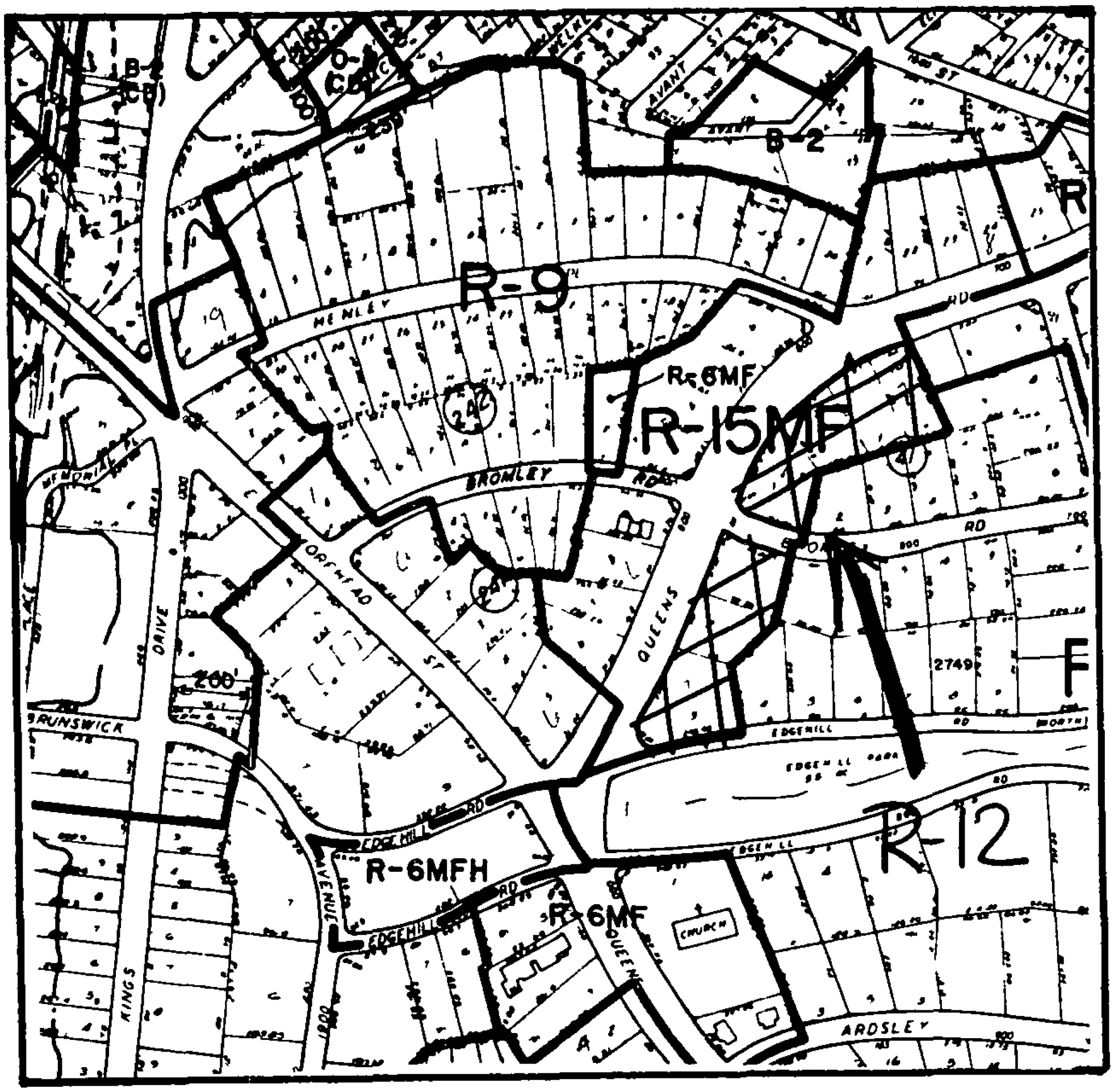
Staff Opinion
The staff supported the petition with the exception of the two lots which contain existing multi-family structures, which should remain R-15MF

PETITIONER Myers Park Homeowners Association, Inc.

PETITION NO. 86-61 HEARING DATE 6-2-86

ZONING CLASSIFICATION, EXISTING R-15MF REQUESTED R-12

LOCATION Approximately 4.2 acres located on the east side of Queens Road from Edgehill Road north past Bromley Road



ZONING MAP NO. 111 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE July 24, 1986

PETITION NO 86-62

PETITIONER(S) Myers Park Homeowners Association, Inc

REQUEST Change from R-15MF to R-12

LOCATION Several parcels on the west side of Queens Road in the area generally between Bromley Road and Hermitage Place

ACTION The Planning Commission recommends the following actions with regard to this petition

1 No recommendation is forwarded with regard to the lot at the corner of Bromley Road and Queens Road
2 Approve the rezoning of the remaining lots in the petition to R-12 as requested

Multi-Family lot stay same as staff recommendation
VOTE Yeas Clodfelter, Curry, Emory and Lawing

Nays Lowery, M Smith, S Smith and Wheeler

Approve balance of petition
VOTE Yeas Clodfelter, Curry, Emory, Lowery, M Smith, S Smith and Wheeler

Nays Lawing

REASONS

The property in this petition is currently zoned R-15MF and the petition is seeking R-12 zoning The property lies on the westerly side of Queens Road between Henley Place and Bromley Road The total acreage here is approximately 3 8 acres Of the lots involved in this petition five are developed with single family homes, one lot is an apartment and one lot is vacant

In acting on this request, the Planning Commission supported the request for R-12 on all but one of the lots The exception is the lot at the corner of Bromley Road and Queens Road which is presently used for multi-family purposes Here the Planning Commission split on the issue of creating a non-conforming use and therefore no recommendation is forwarded for that particular lot

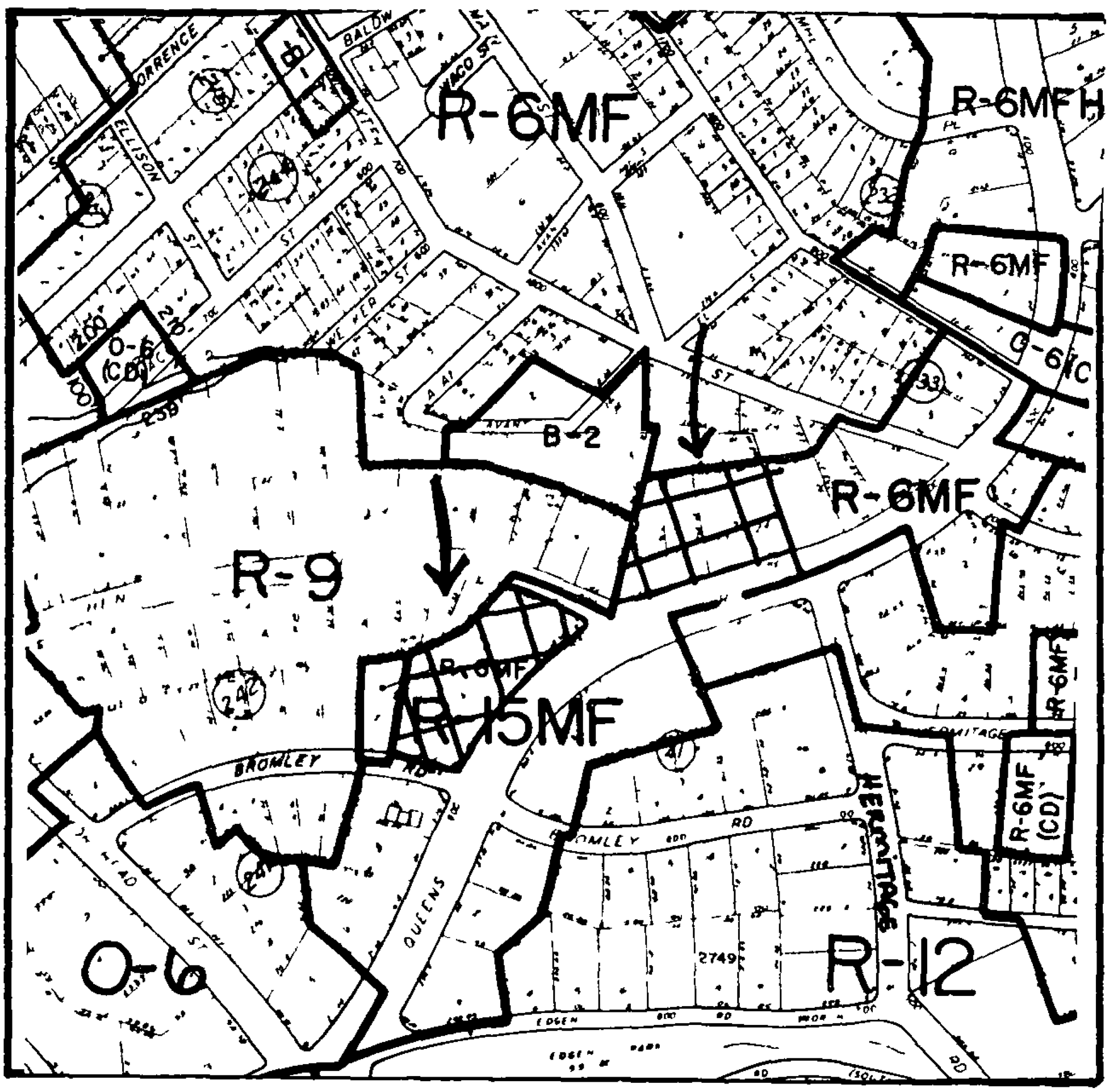
Staff Opinion
Staff supported the request with the exception of one lot which contains an existing multi-family use which should remain R-15MF

PETITIONER Myers Park Homeowners Association, Inc.

PETITION NO. 86-62 HEARING DATE 6-2-86

ZONING CLASSIFICATION, EXISTING R-15MF REQUESTED R-12

LOCATION Located approximately 3.84 acres located on the west side of Queens Road from Bromley Road to Hermitage



ZONING MAP NO. 111

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE July 24, 1986

PETITION NO. 86-63

PETITIONER(S) Myers Park Homeowners Association, Inc

REQUEST Change from B-1 and 0-6 to R-15MF

LOCATION Several parcels totaling approximately 2 319 acres located generally in the area of East Morehead Street between Henley Place and Bromley Road, and at the intersection of Henley Place and Kings Drive

ACTION The Planning Commission recommends that the petition be approved

Part 1 Motion to approve, R-15MF for the northeast corner lot at Henley and Morehead

VOTE Yeas Clodfelter, Emory, M Smith, S Smith and Wheeler

Nays Curry, Lawing and Lowery

Part 2 Approve balance of petition - R-15MF

VOTE Yeas Clodfelter, Emory, Lowery, M Smith, S Smith and Wheeler

Nays Curry and Lawing

REASONS

This petition requests R-15MF zoning for parcels which are currently zoned B-1 and 0-6 The properties involved are located along Kings Drive and Morehead Street generally between Bromley Road and Henley Place The total acreage of the parcels combined is approximately 2 3 acres

Of the five tax parcels which are involved here three are vacant and two are used as duplex structures Because the property is located at the convergence of several streets including two major thoroughfares there is a concentration of non-residential uses Some new commercial development is being constructed across Kings Drive from the property and there is in general a wide assortment of other retail and personal service uses along Morehead and Kings Otherwise as parcels move geographically away from this intersection, the pattern changes to one that is more residential in character along streets such as Henley and Bromley

Parcels here are strategically located in that they signal the entrance into the Myers Park neighborhood Abuting parcels in the neighborhood are residentially developed None of the parcels are used for non-residential purposes Commercial and office usage of these parcels represent a real threat to the neighborhood since they are located on a sensitive edge of the neighborhood in

general. Such non-residential development could pose negative effects on the residential properties nearby

Therefore, the Planning Commission believes that this request has merit The lots which are developed are done so already with residential development and the vacant lots developed for residential purposes can combine to create a gateway entrance into the Myers Park neighborhood much better than non-residential uses of the property can

Minority Opinion
A minority felt that the lot at the corner northeast of Henley Place and East Morehead was inappropriate for multi-family use and that the existing B-1 zoning was appropriate

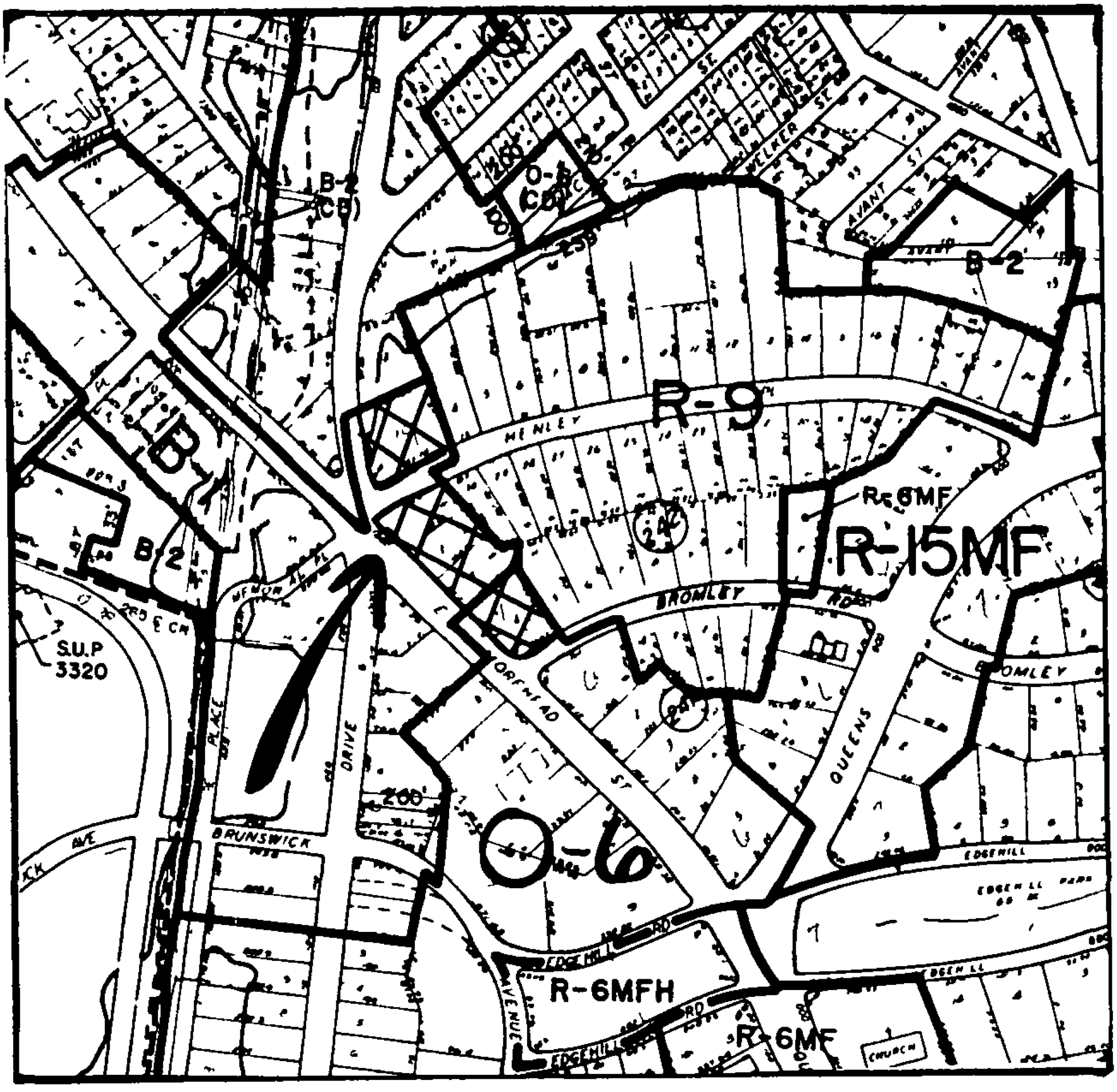
Staff Opinion
The staff agreed with Planning Commission

PETITIONER Myers Park Homeowners Association, Inc.

PETITION NO. 86-63 HEARING DATE 6-2-86

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

LOCATION Approximately 2.3 acres located on East Morehead between Henley Place and Bromley Road, and at the intersection of Henley and Kings Drive



ZONING MAP NO. 111 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE	Julu 24, 1986
PETITION NO	86-70
PETITIONER(S)	Fairfax Properties
REQUEST	Change from R-6MF to I-1(CD)
LOCATION	A 53 3 acre site located on the southeast side of Morris Field Drive, east of Billy Graham Parkway
ACTION	The Planning Commission deferred action for 30 days.

DATE July 24, 1986

PETITION NO 86-71

PETITIONER(S) Michael L. Stout

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

LOCATION A 12,000 square foot site located at 628 Eastway Drive near The Plaza

ACTION The Planning Commission recommends that the petition be denied

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

Nays None

REASONS

ISSUES

1 Zoning Pattern/Area Compatibility Would the approval of this request be consistent with established zoning and area development patterns, both existing as well as those anticipated?

2 Future Effect If this petition were approved, what potential negative effects could result to the existing pattern?

3 Eastway Drive Objectives How does the rezoning request relate to overall planning goals and objectives for Eastway Drive?

BACKGROUND

1 Existing Zoning The subject property is presently zoned R-6MF Other parcels located across Eastway Drive and north and south of the site are likewise zoned Some O-6 zoning is located further to the south at the Commercial Avenue intersection as well as areas further north along The Plaza and Eastway Drive The Eastway Drive/The Plaza intersection is zoned B-1 and other commercial zoning in the form of B-1SCD is nearby Residential areas in the vicinity are zoned R-6 and R-6MF

2 Existing Land Use The property is presently used for residential purposes Most of the lots situated nearby are used for single family purposes There is a concentration of commercial and some office usage, however, at the Eastway Drive/Plaza Road intersection Other non-residential development is located along Commercial Avenue and there is one insurance office located south of the rezoning site on Eastway opposite the Commercial

Avenue intersection The Eastwood Golf Course is located just to the east of the site Single family development is the predominant residential unit for the area although some multi-family development is in the area as well

GENERAL FINDINGS

1 2005 Plan The 2005 Plan indicates the area as one of both existing employment and existing residential development

2 Pre-Hearing Staff Input Staff provided technical assistance and guidance

3 Pre-Hearing Departmental Comments (Summary).

Since the request is not conditional in nature, few definitive comments were received from departments which normally comment on rezoning applications.

4 Neighborhood Context The site is located in The Plaza Hills neighborhood

DETAILED FINDINGS.

1 The property involved in this case is a single parcel of land at 628 Eastway Drive just south of the intersection with The Plaza The current zoning is R-6MF and the petitioner is seeking 0-6

2 The petitioner seeks the rezoning in order to allow the establishment of a dental office on the property

3 Parcels located immediately adjoining the site are zoned for multi-family purposes along Eastway Drive and single family purposes for parcels located to the rear Office and business zoning is located just to the north near the Eastway and The Plaza intersection and farther south opposite the Commercial Avenue/Eastway Drive intersection

4 Thus, even though some non-residential zoning is nearby the site in this case is completely circled by both residential zoning and residential development Rezoning the site as requested would create a clear inconsistency to the established pattern

5 This pattern has been in effect for a number of years and it is anticipated that zoning changes of the type here should not be encouraged Such a request would break the established pattern and very likely lead to other similar requests along this portion of Eastway Drive

6 Eastway Drive has been generally protected from zoning changes of the sort here for fear that a parcel change such as this will lead to the aforementioned request of other parcels and thereby establish a strip non-residential pattern It may be remembered that a similar situation for another piece of property on Eastway Drive just north of Central Avenue was recently denied for rezoning based upon some of the similar concerns expressed in this case.

7 Subsequent to the public hearing, the petitioner submitted a conditional site plan for this property The plan provided little additional information which would change the overall impact of this proposal on surrounding properties and has many technical problems which would question the validity of the proposed use on the site.

8 In summary, the petition even as amended with a conditional site plan, is inconsistent with overall goals for the Eastway Drive corridor and the area in general Such a change would potentially lead to others and the removal of valuable housing stock for the area as well as create a proliferation of unwanted signs, driveways, etc along this thoroughfare

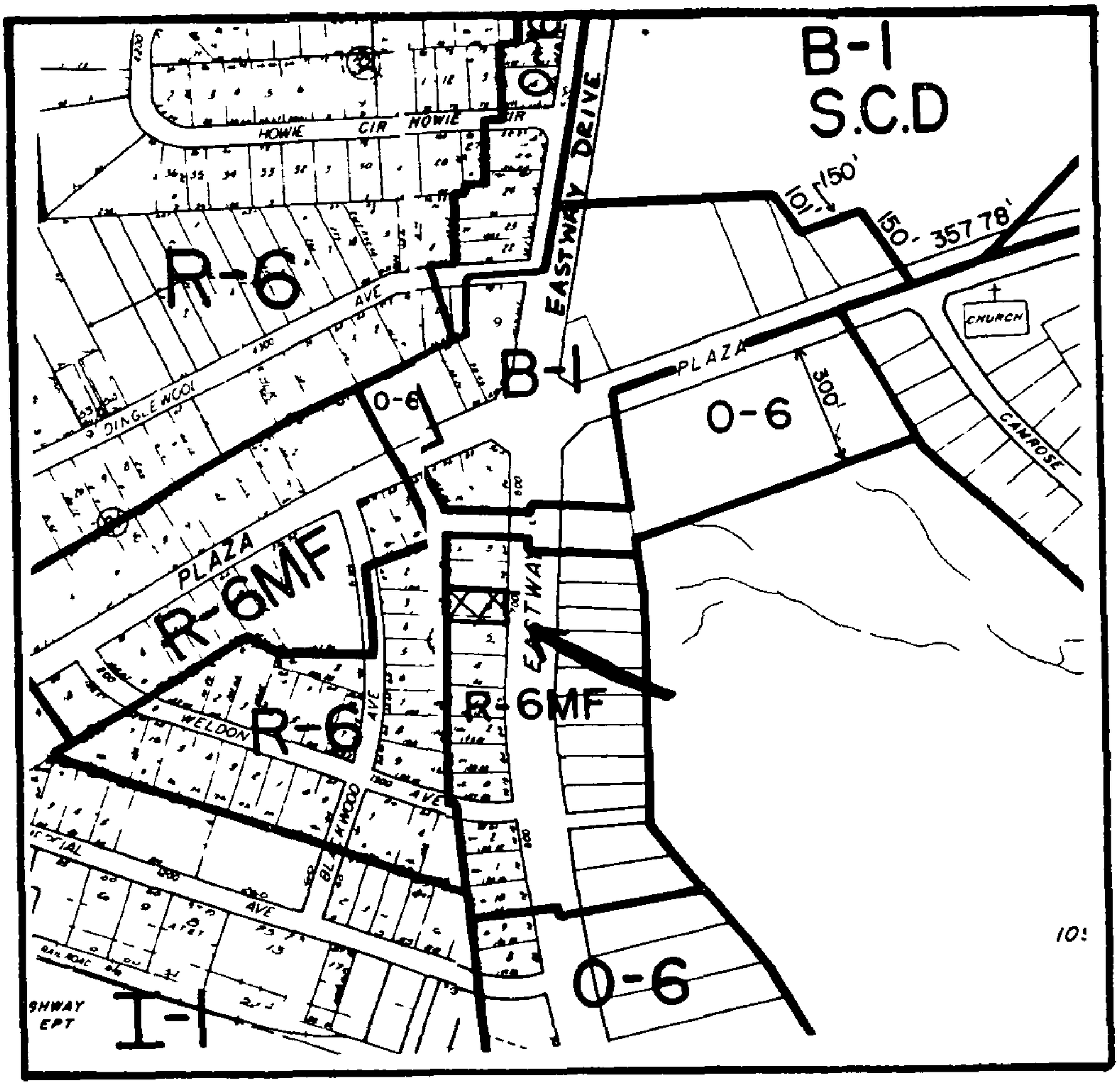
Staff Opinion
Staff agreed with Planning Commission

PETITIONER Michael L. Stout

PETITION NO. 86-71 HEARING DATE 6/16/86

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

LOCATION a 12,000 square foot site located at 628 Eastway Drive near the Plaza



ZONING MAP NO. 89 & 90 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE	July 24, 1986
PETITION NO	86-72
PETITIONER(S)	Slag Realty
REQUEST	Change from R-6MF to O-6(CD)
LOCATION	A 27,747 square foot site located on the corner of Central Avenue and Medallion Drive
ACTION	The Planning Commission deferred action for 30 days

DATE. July 24, 1986

PETITION NO 86-76

PETITIONER(S) Bascom V Belk, Jr

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

LOCATION A 13 72 acre site located on the south side of Wallace Avenue west of Delta Road

ACTION The Planning Commission recommends that the petition be denied

VOTE Yeas Emory, Lowery, M Smith, S Smith and Wheeler

Nays Clodfelter and Curry

(Commissioner Lawing was not present when vote was taken)

REASONS

ISSUES

1 Relationship to Plans for the Area (Albemarle Road Small Area Plan) How does this request relate to the plan objectives for this area including its relationship to adjoining properties and existing residential communities?

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

BACKGROUND

1 Existing Zoning The property involved in this petition is zoned R-12, a single family classification The zoning pattern for the area is a mixture of single family, multi-family and office catagories with single family classification R-12 adjoining the site to the west, the north and the east and multi-family classification R-12MF adjoining the site to the south Some of the R-12 zoning to the west of the site is developed in a cluster configuration with small single family detached lots surrounded by a common open space network

2 Existing Land Use The subject property is presently undeveloped It fronts along a portion of Wallace Avenue that is unopened A portion of Wallace Avenue in the Four Seasons Community has been constructed but is barricaded at the edge of the subdivision The land use pattern for the area is one of predominantly residential uses Land generally to the west of the site is developed with single family detached housing and land

which adjoins the site to the south is presently being developed for multi-family housing with its orientation and access related to Albemarle Road Land along Wallace Avenue between the subject property and Delta Road is largely undeveloped except for a few scattered single family detached homes Albemarle Road lies a short distance to the south of the site and is developed with office and commercial uses

3 Site Plan The proposed site plan indicates a residential development pattern of multi-family housing adjoining two lakes The plan calls for 128 total dwelling units or a proposed project density of approximately 9 3 dwelling units per acre The plan indicates that Wallace Avenue will provide the only access to the site and shows a cul-de-sac along Wallace Avenue which would indicate no connection to the Four Seasons Community The plan indicates the provision of buffer areas along the existing single family properties to the west and south and minimum yard requirements for the remainder of the property A note on the plan specifies that additional screening and planting will be provided in those buffer areas where existing vegetation is insufficient

GENERAL FINDINGS

1. 2005 Plan The 2005 Plan indicates existing residential development in the vicinity of the subject property The 2005 Plan also recommends the preparation of a Four Seasons Small Area Plan to help conserve the existing neighborhood

2 Albemarle Road Small Area Plan The subject property lies just outside the area considered in the Albemarle Road Small Area Plan

3 Newell-Hickory Grove/Delta Road Improvements The widening of Newell-Hickory Grove/Deltal Road from Sharon Amity to Albemarle Road is scheduled for construction in FY 1992

4 Pre-Hearing Staff Input The staff had no formal discussion with the petitioner regarding this application prior to its being filed

5 Pre-Hearing Departmental Comments (Summary)

1 City Engineering Comments from the Engineering Department relate to improvements which will be required along Wallace Avenue, to grading, storm water detention and driveway permits, and to the need for the necessary right-of-way to be dedicated along Wallace Avenue if a cul-de-sac is approved

2 Building Standards No comments

3 C-MUD Comments from C-MUD indicate that water and sewer is available to the site

4. Fire Department Comments from the Fire Department indicate that the water mains in Lawrence Orr Road are not sufficient to provide protection for multi-family housing Further, the site plan indicates

that some of the buildings may be located too far away from the private street which provides access to the site to ensure accessibility by emergency equipment.

5 Department of Transportation Comments included an assessment of only minor traffic impacts of this proposal, need for additional right-of-way on Wallace Avenue, and several technical matters

6 Neighborhood Context The property is located in an area defined as being the Four Seasons Community

DETAILED FINDINGS

1 The property involved in this petition is a 13 7 acre tract of land located in the Four Seasons area off of Albemarle and Delta Roads It is proposed to be developed along Wallace Avenue which is presently an unopened street which connects to Delta Road The request is for R-12MF(CD) for the construction of 128 multi-family housing units

2 The petitioner has filed a conditional site plan which indicates a configuration of multi-family housing units around two lakes on the site

3 The site lies in an area of mixed zoning and land uses. Properties which adjoin the site to the north, west and south are zoned for and used for single family purposes Other properties which adjoin the site to the south are zoned for and used for multi-family purposes with their orientation and access towards Albemarle Road The 2005 Plan calls for this portion of the community to remain in residential use and indicates the need for a Four Seasons Small Area Plan to help conserve the existing residential neighborhood

4 A number of issues arise out of the proposal with regard to the site plan and its access on Wallace Avenue While the right-of-way for Wallace Avenue exists from Delta Road all the way into the Four Seasons Community, a large portion of that road remains unopened This site would gain its access off of a portion of that unopened section The site plan indicates that Wallace Avenue would be terminated with a cul-de-sac and that a private street would serve the site There appear to be a number of technical problems with the site plan, especially regarding the distance buildings are located from the street, the provision of adequate buffers and screening, the disposition of the remainder of the unopened portion of the Wallace Avenue right-of-way, and the existance and long-term viability of the two lakes indicated on the site plan

5 A fundamental issue regarding this petition is the matter of the appropriateness of multi-family housing in this location Virtually all of the property which adjoins this site is zoned for single family use and is in single family usage at this time A small portion of the site adjoins an area which is zoned for and used for multi-family use, but that use has its orientation and access from Albemarle Road If this site were to be zoned for multi-family uses, it would not be unreasonable to expect the remaining properties along Wallace Avenue back towards Delta Road to also

be petitioned for multi-family rezonings Delta Road provides a logical and strong physical barrier between single family zoning to the west along Wallace Avenue and multi-family zoning to the east and south along Delta Road Inasmuch as there are a number of single family uses already located along Wallace Avenue, it is believed that maintaining a strong single family residential environment along Wallace Avenue is desirable

6 Substantial opposition to this request was voiced at the public hearing Opponents had not been approached by the petitioner and were firm in their resolve to protect the single family character of their area

7 At the public hearing, the petitioner offered to amend the request to seek a R-20MF Innovative approval and to submit a revised site plan That plan may have reduced the number of units and called for more of a detached development However, the Planning Commission chose not to delay action on the original petition They felt that the applicant should have proposed a better plan from the outset and that any "testing the waters" should take place prior to the filing of the application, including discussions with staff and neighborhood interests in the area

8 Based on the above circumstances, the Planning Commission recommends that this petition be denied

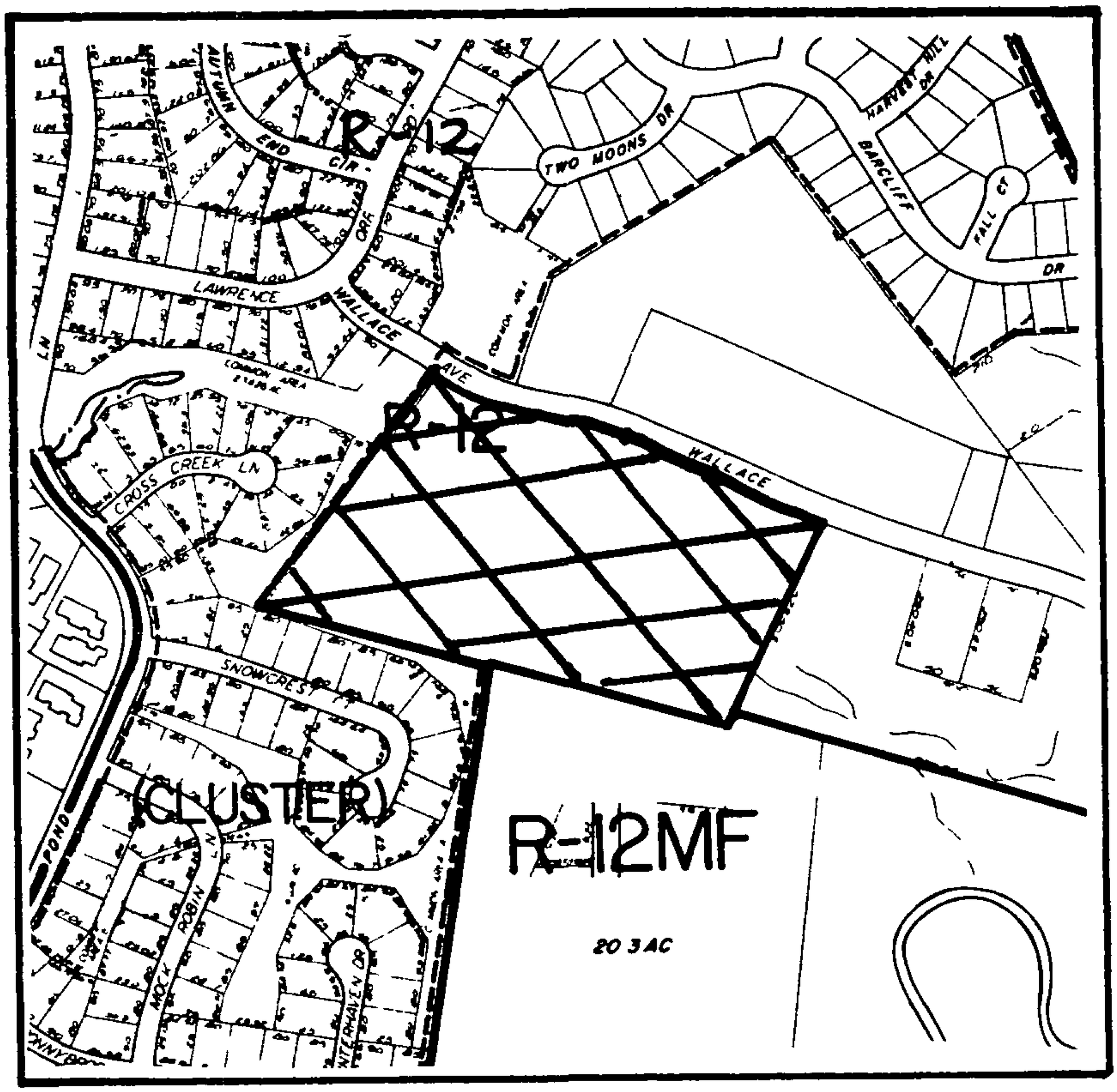
Staff Opinion
The staff agreed with Planning Commission.

PETITIONER Bascom V. Belk, Jr.

PETITION NO. 86-76 HEARING DATE 7/21/86

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

LOCATION 13.72 acres located on the south side of Wallace Avenue, west of Delta Road



ZONING MAP NO. 114 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE July 24, 1986

PETITION NO 86-77

PETITIONER(S) Tuckaseegee Road Community Organization

REQUEST Change from R-9MF to R-12

LOCATION Approximately 16 079 acres located at the intersection of Toddville Road and Tuckaseegee Road

ACTION The Planning Commission recommends that the petition be approved

VOTE Yeas Clodfelter, Curry, Lowery, M Smith, S Smith and Wheeler

Nays None

(Commissioners Emory and Lawing were not present when vote was taken)

REASONS

ISSUES

1 Overall Zoning and Land Use Pattern How does the rezoning request relate to the existing zoning and land use patterns of the area?

BACKGROUND

1 Existing Zoning The subject property is presently zoned R-9MF, a multi-family classification The R-9MF classification extends along Tuckaseegee Road in both directions from Toddville Road and is located almost exclusively to the south side of Tuckaseegee Road Property on the north side of Tuckaseegee Road with the exception of the site in this case is zoned R-12, a single family classification A site on Toddville Road which adjoins the property in question in this petition was recently rezoned from R-9MF to R-12

2 Existing Land Use The property involved in this rezoning petition is comprised of a number of individual lots Many of the lots are already developed for single family use. The land use pattern in the surrounding area is one of vacant tracts, single family subdivisions and a number of institutional uses, specifically churches The usage along Toddville Road and along Tuckaseegee Road in the vicinity of the subject property is all single family in nature, even in those areas presently zoned for multi-family uses

GENERAL FINDINGS

1 2005 Plan The 2005 Plan indicates the area as existing residential uses The 2005 Plan's overall goal for the general area is to stimulate the development of quality employment areas followed by significant residential growth in outlying areas of the northwest. There is no small area plan for this area

2 Pre-Hearing Staff Input Staff assisted the petitioner with regard to the necessary information to file the rezoning application.

3 Pre-Hearing Departmental Comments (Summary).

1. C-MUD. Comments from C-MUD indicate that water and sewer is available in the area

2. Fire Department No comment

3. Building Standards Department. No comment

4 Department of Transportation Comments indicate that the change would reduce the potential traffic of the existing zoning

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

DETAILED FINDINGS

1 The property in question is a 16 acre site located on both sides of Toddville Road north of its intersection with Tuckaseegee Road The current zoning of the site is R-9MF and the petition seeks R-12

2 The petitioner in this case is the Tuckaseegee Road Community Organization The purpose of the petition is to bring the zoning of this site, made up of a number of individual lots, into conformity with the existing land use and the existing zoning pattern for the surrounding area

3 The subject property is composed of a number of individual lots, many of which already are developed for single family detached purposes The remaining lots are vacant

4 The Planning Commission evaluated the petition in light of existing zoning and development patterns as well as the interest of the neighborhood at large This review has taken specific note of the fact that property immediately adjoining the subject site was recently rezoned from R-9MF to R-12 at the request of the Tuckaseegee Road Community Organization The subject property is the only property remaining in this area north of Tuckaseegee Road which carries a multi-family zoning classification

5 As noted in the previous petition, the Planning Commission feels that multi-family zoning in the area is better suited for property lying south of Tuckaseegee Road and extending south towards Interstate 85 It appears

that multi-family on the north side of Tuckaseegee was established in association with the Toddville Road intersection but no multi-family development has ever occurred In view of the fact that many of the lots in this particular petition are already developed for single family purposes, the Planning Commission questions whether the remaining lots could be appropriately developed at an R-9MF density at all

6 Based on the above circumstances, the Planning Commission would recommend that this petition be approved

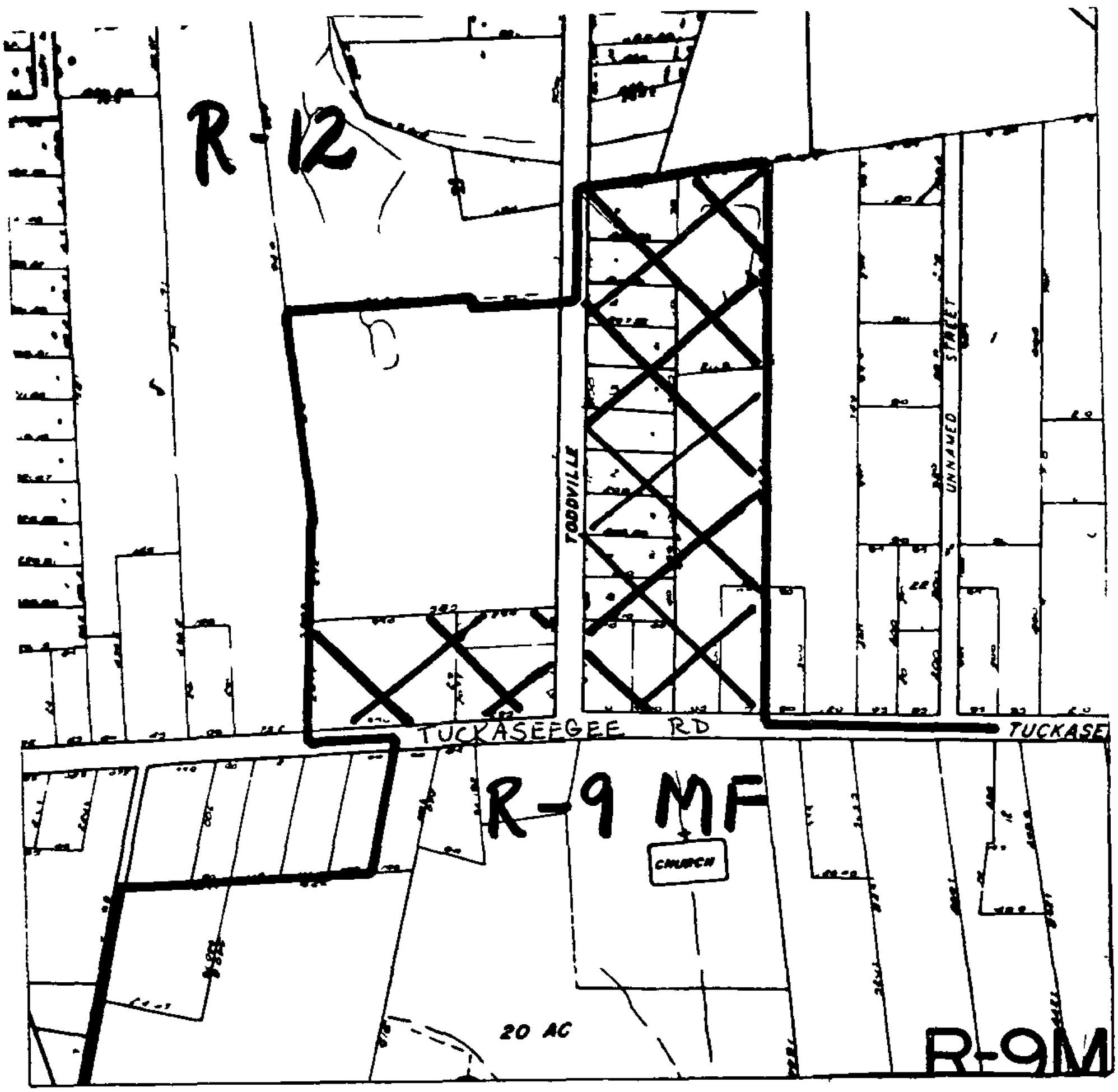
Staff Opinion
The staff agreed with Planning Commission

PETITIONER Tuckaseegee Road Community Organization

PETITION NO. 86-77 HEARING DATE 7/21/86

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

LOCATION 16.079 acres located near the intersection of Toddville ROad and Tickaseegee Road



ZONING MAP NO. 86 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE	July 24, 1986
PETITION NO	86-78
PETITIONER(S)	J. D. Sims and Company and Piedmont Kennel Club
REQUEST	Change from R-9MF to B-1SCD
LOCATION	Approximately 25 acres adjoining I-77 just north of Tyvola Road Extension and east of Nations Ford Road
ACTION	The Planning Commission deferred action for 30 days

DATE July 24, 1986

PETITION NO 86-79

PETITIONER(S)· Butterfly Seven Limited

REQUEST Change from R-6 to 0-6(CD)

LOCATION· A 165 acre parcel located on Seneca Place approximately 100 feet west of the intersection of Seneca Place and Park Road

ACTION The Planning Commission recommends that the petition be denied

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

Nays None

(Commissioner Lawing was not present when vote was taken)

REASONS

ISSUES

1 Relationship to the Surrounding Area How does this request relate to the overall land use and zoning patterns for the surrounding area?

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

BACKGROUND

1 Existing Zoning The property involved in this petition is presently zoned R-6, a single family classification Properties generally located to the west of the site are also zoned R-6 Properties generally located east of the site which have frontage along Park Road carry a number of zoning classifications including multi-family and office The property which adjoins this site immediately to the west is zoned 0-6

2 Existing Land Use The subject property is presently occupied by a single family structure Properties to the west of the subject property are developed in a single family detached land use pattern The property immediately north and east of the site are developed for office uses Properties along the frontage of Park Road are developed in a variety of uses including commercial, single family, multi-family, and office uses

3 Site Plan The site plan for this petition indicates that the property in question will be used exclusively for parking The site plan shows an

office structure to be constructed on adjoining parcels, however, those parcels are not part of this petition. The plan contains only one condition for the development of this site which is the construction of a decorative brick wall between this property and the single family zoned property to the west The site plan lists the yard and setback requirements for the 0-6 district but those requirements do not apply to parking and therefore the entire site is proposed to be used for parking purposes

GENERAL FINDINGS

1 2005 Plan The 2005 Plan denotes the subject property as lying in a border area between existing residential uses and existing employment uses along Park Road One of the major goals of the 2005 Plan with regards to the central area is the conservation of existing neighborhoods and the preservation of housing therein No small area plan has been prepared which includes the subject area.

2 Pre-Hearing Staff Input. The staff has only had informal discussions with the petitioner prior to the filing of the application During those discussions, the staff advised the petitioner that this proposal as submitted was inappropriate for this site

3 Pre-Hearing Departmental Comments (Summary).

1 Engineering Department Comments from the Engineering Department noted a number of concerns including sidewalk along Seneca Place, storm water detention, driveway considerations, and the need for five feet of additional right-of-way along Seneca Place

2 Building Standards No comments

3 Fire Department No comments

4 C-MUD Comments from C-MUD indicate that water and sewer service is available to the site

5 Department of Transportation The Department of Transportation's comments included concerns about the driveway on Seneca Place, adequate site distance between the driveway and the street, and the extent to which the decorative brick wall extends all the way up to the right-of-way line

4 Neighborhood Context. The property is located in the Madison Park neighborhood.

DETAILED FINDINGS

1 The property involved in this request is a small tract of land, approximately 16 acres in size, located on Seneca Place near its intersection with Park Road. The present zoning of the site is R-6 and the requested zoning classification is 0-6(CD)

2 The petitioner has filed a conditional site plan which shows the future use of the subject property as exclusively parking to support office development on adjoining tracts which are not part of this petition The site plan shows only one detailed condition which is the location of a brick wall between this property and the adjoining single family zoned property to the west

3 This property falls along a dividing line between a solid well established single family community to the west of Park Road and the corridor development of Park Road for non-residential uses, specifically office and multi-family uses in this area

4 Land uses along Park Road have frontage on and are oriented towards Park Road This particular site has frontage on and is oriented to Seneca Place The conversion of this property from a single family use to a parking lot with its orientation on Seneca Place, marks a significant change in the orientation of land uses in this area, particularly as they relate to streets which intersect Park Road A similar situation occurred along Mockingbird Land just north of the subject site where office zoning is used exclusively for parking purposes and abuts a single family neighborhood

5 The Planning Commission is also concerned about the impact of this rezoning and its relationship to adjoining properties along Seneca Place Many of those lots also adjoin land zoned for office uses The incremental conversion of single family structures to non-residential uses, especially for parking, should be discouraged

6 At the public hearing, the petitioner introduced the concept of a portion of this site also being used to afford access to other non-residential properties in the area This was not proposed or discussed as part of the application, but would further deepen the concerns over the impact of this request on nearby residential areas and local traffic

7 Based on the circumstances cited above, the Planning Commission recommends that this request be denied

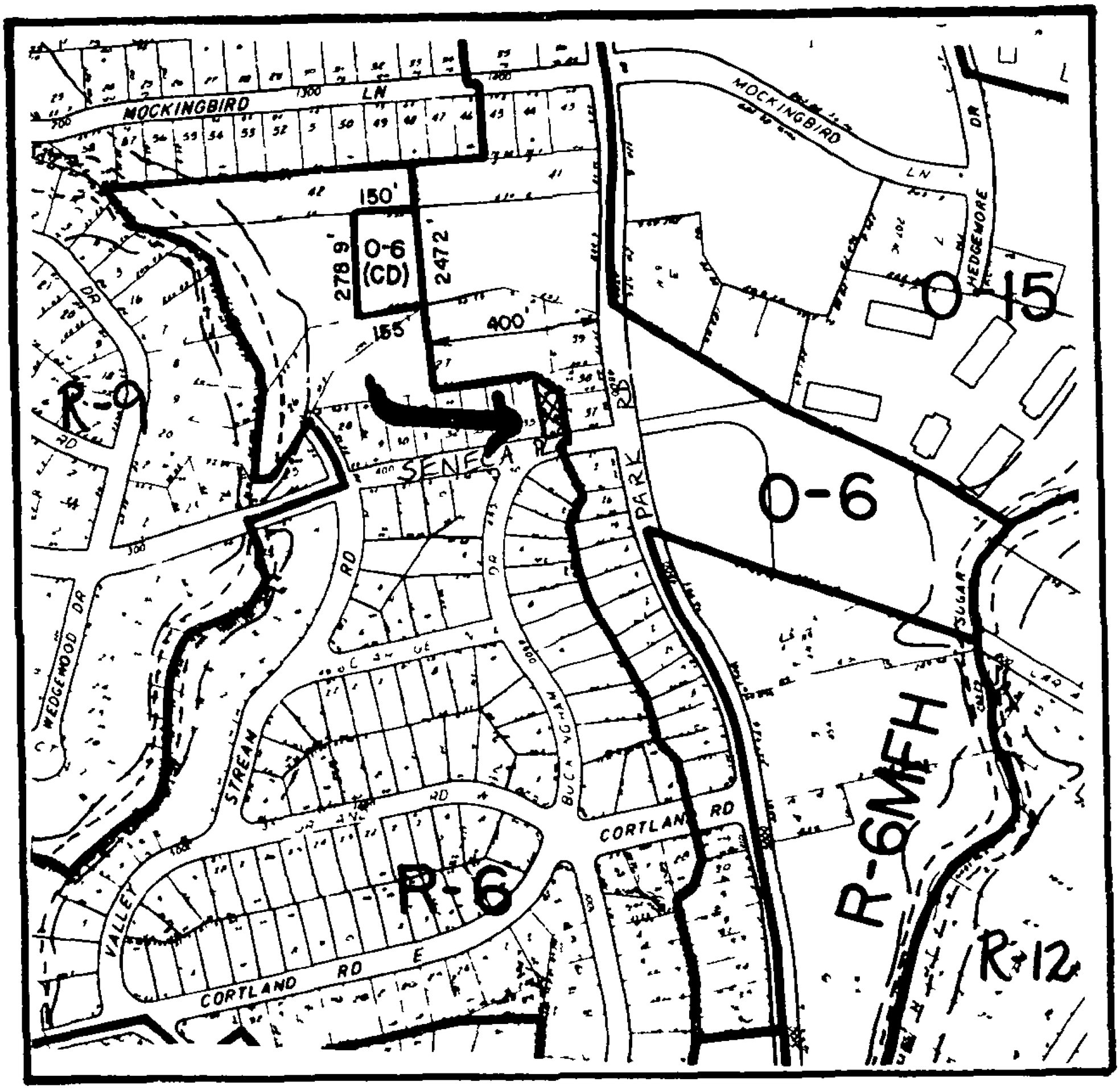
<u>Staff Opinion</u>
The staff agreed with Planning Commission

PETITIONER Butterfly Seven, Limited

PETITION NO. 86-79 HEARING DATE 7/21/86

ZONING CLASSIFICATION, EXISTING R-6 REQUESTED O-6(CD)

LOCATION a .165 acre site 100 feet west of the corner of Seneca Place and Park Road



ZONING MAP NO. 135 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE· July 24, 1986

PETITION NO 86-80

PETITIONER(S) Drs Joseph Estwanik and Thomas Hampton

REQUEST Change from R-6MF to 0-15(CD)

LOCATION A 2 9 acre site on the north side of Billingsley Road east of Randloph Road

ACTION The Planning Commission recommends that the petition be approved

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

Nays None

(Commissioner Lawing was not present when vote was taken)

REASONS

ISSUES

1 Relationship to Adjoining Land Uses in the Surrounding Area How does this request relate to the overall land use in the surrounding area?

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

BACKGROUND

1 Existing Zoning The property involved in this rezoning request is composed of five small lots all presently zoned R-6MF There are two small lots on either side of the property in question which are also zoned R-6MF and a small R-6MF tract across from the subject property on the south side of Billingsley Road Property immediately to the rear of the subject tract and property directly across the street is zoned 0-15 and there is a large amount of 0-15 zoning in the vicinity of Billingsley Road/Randolph Road intersection Further east along Billingsley Road the predominant zoning pattern is R-6MF and further south along Randolph Road and Wendover Road the predominant zoning pattern is R-12

2 Existing Land Use The subject property is presently vacant Along the north side of Billingsley Road there is a large recreational facility and the Mecklenburg County Social Services and Mental Health Services offices Directly across from the subject property is a new medical office complex Along Billingsley Road to the east there exists a combination of single family and multi-family housing and along Billingsley Road to the west

towards Randolph Road there exists an institutional use, specifically a church and a large medical complex at the intersection Properties to the south of the subject site along Wendover and Randolph Road are used primarily for single family detached housing The subject site is almost completely surrounded by existing office uses.

3 Site Plan The proposed site plan indicates a maximum development potential of 40,000 square feet of office floor area on this site in three buildings The site plan indicates minimum front, side, and rear yards with the bulk of the lot being used to accommodate parking The plan indicates tree planting and landscaping in the parking areas

GENERAL FINDINGS

1 2005 Plan The 2005 Plan denotes existing employment type land uses in the area of the subject property No small area plan has been developed for this area

2 Pre-Hearing Staff Input The staff has had no formal discussions with the applicant prior to the filing of this application

3 Pre-Hearing Departmental Comments (Summary)

1 City Engineering Comments from the City Engineering Department include notations for curb and gutter along Billingsley Road, grading permits, storm water detention facilities, driveway permits and trees and landscaping

2 Building Standards Department Comments from the Building Standards Department note that if the use is to be medical offices the site plan shows insufficient parking and that there is no mention of the type and placement of signs

3 Fire Department No comment

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

5 Department of Transportation Comments from the Department of Transportation relate to the type and placement of driveway entrances

4 Neighborhood Context The property is located in the Grier Heights neighborhood

DETAILED FINDINGS

1 The property involved in this request is a 2.9 acre site on the north side of Billingsley Road It is presently vacant and consists of five small lots The present zoning is R-6MF and the requested zoning is O-15(CD).

2 The petitioner has filed a conditional site plan The site plan indicates a maximum of 40,000 square feet to be placed on the site in three buildings with the remainder of the site used for parking and yards

3. The site is located in an area which is used principally for office purposes Local government has a large mental health and social service complex which almost surrounds the site and directly across Billingsley Road from the site exists a new medical office complex Land generally to the east of the site is used for single family and multi-family residential purposes and land generally to the west along Billingsley Road is used for recreational and medical office purposes

4 Two small tracts of land remain on either side of the petitioner's property with frontage on Billingsley Road. The future of these two tracts which would remain zoned R-6MF is somewhat in doubt However, an appropriate classification for the properties in the future might also be O-15 so that their development is in concert with the surrounding development. The only other remaining tract of R-6MF land which would be surrounded by office zoning along Billingsley Road is presently occupied by a church

5 The rezoning of this property to an O-15(CD) classification is consistent with both the land use and zoning patterns in the surrounding area

6 Based on the circumstances above the Planning Commission recommends that the petition be approved

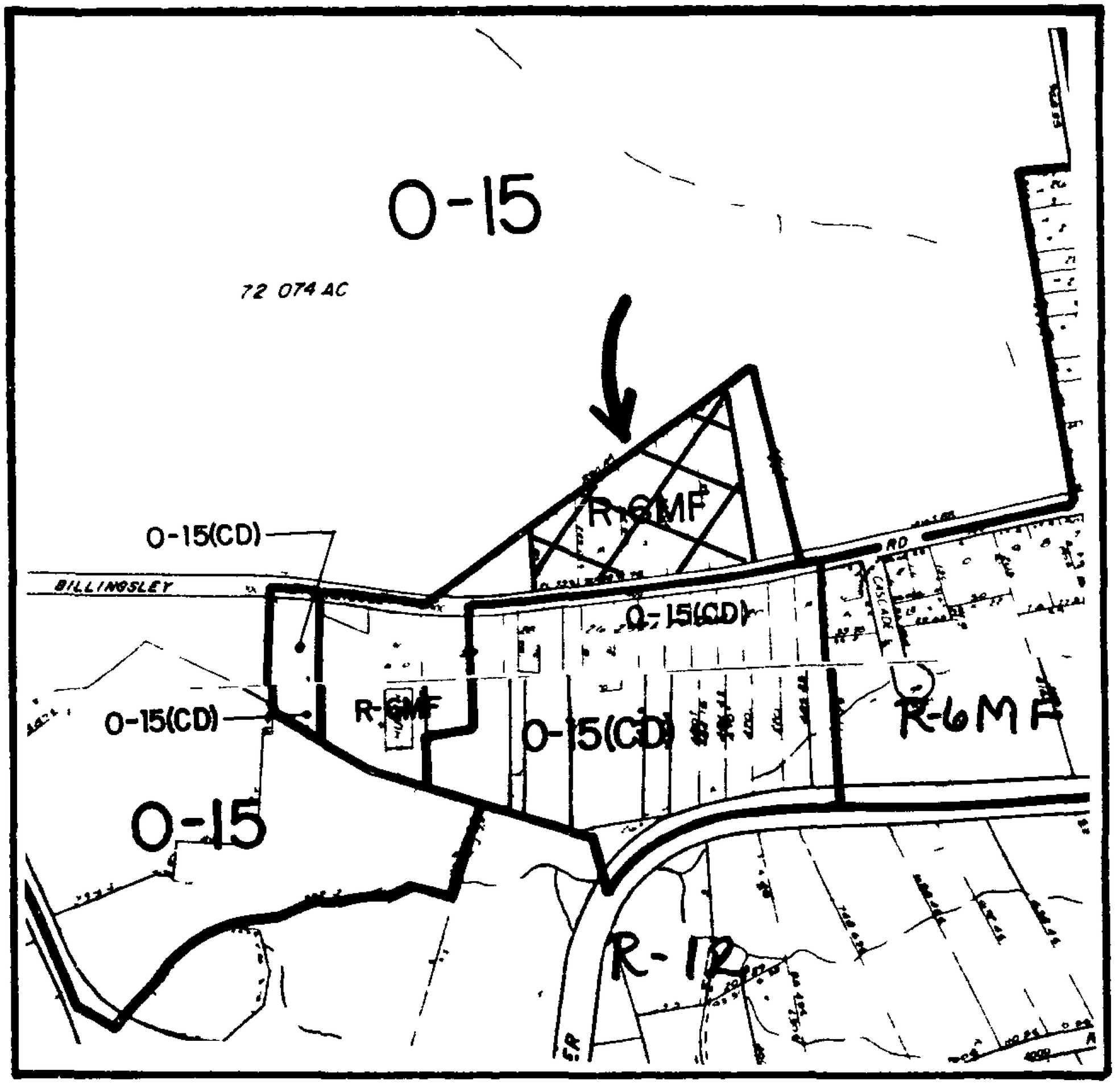
Staff Opinion
The staff agreed with Planning Commission

PETITIONER Dr. Joseph Estwanik and Dr. Thomas Hampton

PETITION NO. 86-80 HEARING DATE 7/21/86

ZONING CLASSIFICATION, EXISTING R-6MF REQUESTED O-15(CD)

LOCATION 2.9 acres located on the north side of Billingsley Road east of Randolph Road



ZONING MAP NO. 112 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE	July 24, 1986
PETITION NO	86-81
PETITIONER(S)	HouReal Corporation
REQUEST	Change from R-9, R-9MF and R-6MF to B-2(CD)
LOCATION	Approximately 16 265 acres located on the southeast corner of Billy Graham Parkway and Morris Field Road
ACTION	The Planning Commission deferred action until the August 11 Work Session.

DATE July 24, 1986

PETITION NO 86-82

PETITIONER(S) Dr Joseph Woody and Dr Walter Bullington

REQUEST Change from R-15 to 0-15

LOCATION A 1 373 acre site on the west side of Randolph Road north of Rutledge Avenue

ACTION The Planning Commission recommends that the petition be denied

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

Nays None

(Commissioner Lawing was not present when vote was taken)

REASONS

ISSUES

1 Relationship to Surrounding Land Use and Zoning Patterns How does this request relate to the overall land use and zoning patterns for the surrounding area?

BACKGROUND

1 Existing Zoning The property in involved in this petition is presently zoned R-15, a single family classification All of the surrounding property is also zoned R-15 with the exception of one lot near the subject property which is zoned R-12 with a conditional district for a nursing home Some distance to the north of the subject site along Randolpn Road exists a pattern of multi-family, office and commercial zoning in the vicinity of the Cotswold Shopping Center

2 Existing Land Use The subject property is presently occupied by a single family structure The predominant use of land in the surrounding area is for single family detached purposes with an occasional duplex located on a corner lot and three institutional uses along Randolph Road Those uses include Providence Baptist Church, a nursing home, and a fraternal organization which lies immediately north of the site

3 Site Plan This request is for an 0-15 classification Therefore, no site plan is submitted However, the petition indicates that the property would be used for medical offices

GENERAL FINDINGS

1 2005 Plan. The 2005 Plan identifies the area of the subject property as existing residential It also identifies a community commercial center surrounded by employment at the intersection of Randolph Road and Sharon Amity Road This is the area of the existing Cotswold Shopping Center No small area plan has been developed for this area

2 Pre-Hearing Staff Input The staff has had no formal discussions with the applicant prior to the filing of this application

3. Pre-Hearing Departmental Comments (Summary)

   1 Fire Department No comment.

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

   3. Building Standards No comment

   4 Department of Transportation. Comments from the Department of Transportation indicate the need for additional right-of-way along Randolph Road

4. Neighborhood Context The property is located in the Providence Park/ Randolph Park Community

DETAILED FINDINGS

1 The property involved in this request is a 1 37 acre site on the west side of Randolph Road near Rutledge Avenue The present zoning of the site is R-15 and the requested zoning is O-15

2 Both the land use and zoning patterns for the surrounding area are almost exclusively for single family detached use Several institutional uses exist in the area of the subject site but the prevailing land use is single family

3 There is no site plan which accompanies this application Inasmuch as the request is for a conventional O-15 district a site plan is not allowed However, the application indicates that the proposed use of the property is for medical offices.

4 There is existing non-residential office and business zoning in the general vicinity of the subject property Those zoning classifications are located around the Randolph Road/Sharon Amity Road intersection at which may be found the Cotswold Shopping Center and a number of additional office and commercial uses

5 The 2005 Plan indicates a community commercial center surrounded by employment opportunities in the Cotswold area The plan indicates that the rest of the surrounding area will remain zoned for residential uses

6 In view of the availability of existing commercial and office zoning in the Cotswold area as called for by the 2005 Plan, the conversion of this single lot to an office use would be inappropriate and would be disruptive to both the land use and the zoning pattern in the area Even if the petition included a site plan for a conditional request, the use of this property for office should be discouraged

7 Based on the circumstances cited above, the Planning Commission recommends that this petition be denied

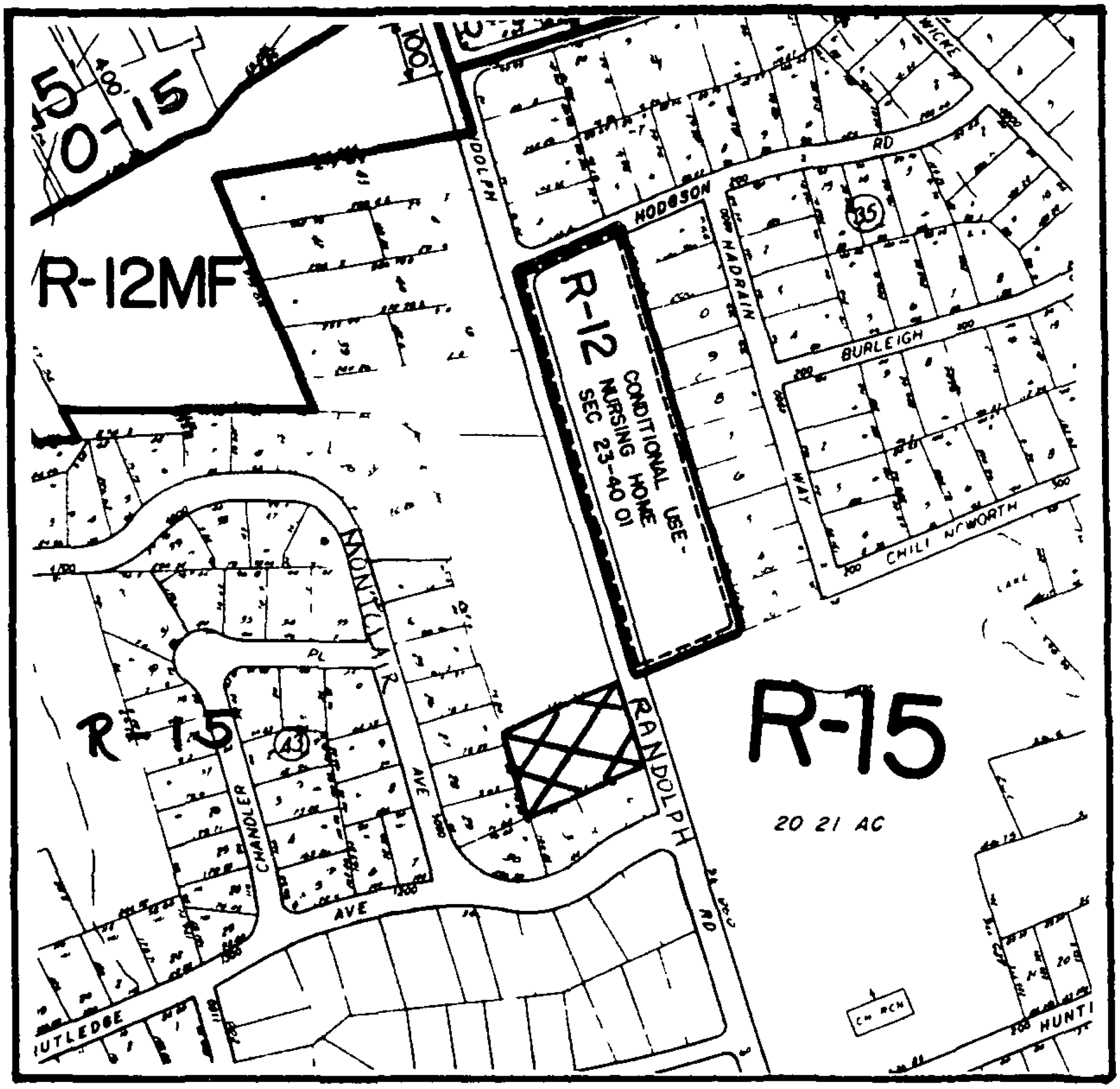
Staff Opinion
The staff agreed with Planning Commission

PETITIONER Dr. Joseph Woody and Dr. Walter Bullington

PETITION NO. 86-82 HEARING DATE 7/21/86

ZONING CLASSIFICATION, EXISTING R-15 REQUESTED O-15

LOCATION a 1.373 acre site on the west side of Randolph Road north of Rutledge Avenue (4814 Randolph Road)



ZONING MAP NO. 124 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE July 24, 1986

PETITION NO 86-83

PETITIONER(S) John Crosland Company

REQUEST Change from R-9(CD) and R-9MF(CD) to R-9(CD) and R-9MF(CD) Site Plan Amendment

LOCATION A 67 851 acre site on the southeasterly side of Idlewild Road North approximately 850 feet southwest of Lawyers Road

ACTION The Planning Commission recommends that the petition be approved

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

Nays None

(Commissioner Lawing was not present when vote was taken)

REASONS

ISSUES

1 Proposed Plan Amendment What specific portions of the existing approved conditional site plan are being proposed to be amended? Will that amendment be consistent with the overall objectives for the site and the area?

BACKGROUND

1 Existing Zoning The site is question is presently zoned R-9(CD) and R-9MF(CD) The conditional site plan covers both of these zoning districts However, the site plan amendment relates only to that portion of the site zoned R-9MF(CD) Property directly across Idlewild Road North from the subject site is zoned R-9MF The general zoning classification for the remainder of the area is zoned R-9, a single family classification However, there is a concentration of office and business zoning in the vicinity of Albemarle Road at its intersection with Lawyers Road and Delta Road

2 Existing Land Use The R-9MF(CD) portion of the existing site plan is presently vacant The R-9(CD) portion of the existing site plan is presently being developed for single family detached housing Directly across from the subject site exists a number of existing multi-family projects as well as a public recreational facility and a public park Land surrounding the remainder of the subject site is developed and used for single family detached housing In the vicinity of the intersection

of Albemarle Road, Delta Road and Lawyers Road there exists a concentration of existing office and commercial uses

3 Site Plan The existing site plan shows virtually no detail about the subject property with the exception of a notation of a 40 foot natural buffer between the R-9MF zoning and the R-9 zoning to the south and east The petitioner requests that the site plan be amended to allow three entry points from the R-9MF portion of the site onto Idlewild Road North The present site plan allows only two entry points This is the only change proposed in this request

GENERAL FINDINGS

1 2005 Plan The 2005 Plan indicates residential land uses in the area of the subject property It also identifies a community commercial center at the intersection of Albemarle Road and Delta Road The 2005 Plan also seeks to conserve the established residential areas which exist in this portion of the community while accommodating the area's strong growth pressures

2. Pre-Hearing Staff Input The staff contacted the petitioner and requested additional, more detailed information about the site plan amendment

3 Pre-Hearing Departmental Comments (Summary)

1 Fire Department No comment

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

3 Building Standards Comments from Building Standards indicated that they would need more information in order to be able to evaluate the request

4 Department of Transportation Comments from the Department of Transportation indicated an insufficient amount of information on the site plan to make a determination about the request However, they note that a maximum of three driveways will be allowed from the subject property to Idlewild Road North and noted that the type of that driveway will determine the particular spacing required

5 Engineering Department Comments from the Engineering Department include concerns about curb and gutter and sidewalk on Idlewild Road North, grading permits, storm water detention facilities, driveway permits, and trees and landscaping

4. Neighborhood Context The site is located in the Chestnut Lake Community

DETAILED FINDINGS

1. The petition requests a site plan amendment for an R-9MF(CD) parcel on the southeasterly side of Idlewild Road North near its intersection with Lawyers Road The site is presently undeveloped and the petition requests

the addition of a third access point from the subject parcel to Idlewild Road North

2 Comments from the Engineering Department and Department of Transportation indicate that a maximum of three access points from Idlewild Road North would be allowed to the subject site The only matters that remain to be resolved are the configuration and location of those access points Those matters are routinely approved through the subdivision and planned multi-family review processes

3 This site plan amendment is consistent with the originally approved site plan for the site and, therefore, the Planning Commission recommends that the petition be approved.

Staff Opinion
The staff agreed with Planning Commission

PETITIONER John Crosland Company

PETITION NO. 86-83 HEARING DATE 7/21/86

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

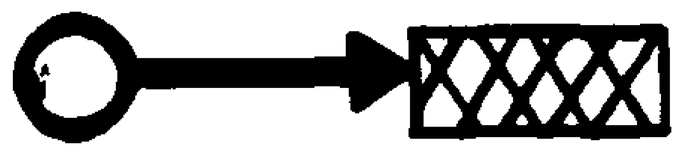
LOCATION 67-851 acres on the southeasterly side of Idlewild Road north

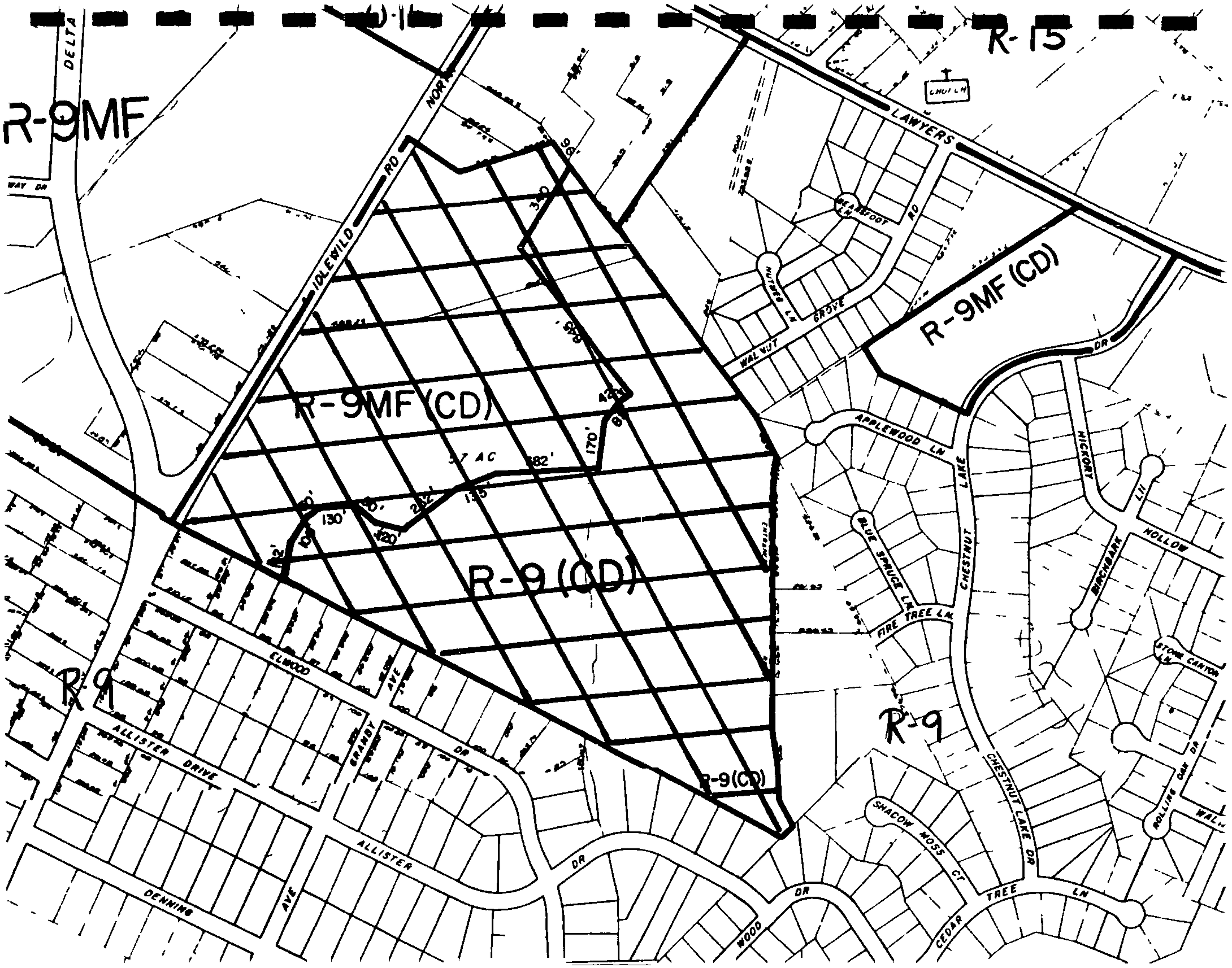
beginning approximately 850 feet southwest of Lawyers Road

PLEASE SEE ATTACHED MAP

ZONING MAP NO. 114 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE




R-15
R-9MF
DELTA
WAY DR
IDLEWILD RD
NOR
LAWYERS
CHUR LN
BEARSFOOT RD
WALNUT GROVE
R-9MF (CD)
R-9MF (CD)
R-9 (CD)
R-9 (CD)
APPLEWOOD LN
LAKE
HICKORY
LN
NOLLOW
BIRCHBARK
STONE CANYON LN
BLUE SPRUCE LN
FIRE TREE LN
CHESTNUT
R-9
R-9
ELWOOD
AVE
GRANDY
DR
ALLISTER DRIVE
ALLISTER
DR
DENNING
AVE
WOOD
DR
SHADOW MOSS CT
CHESTNUT LAKE DR
CEDAR
TREE
LN
ROLLING OAK DR
WAL
170'
130'
120'
135'
382'
340'
649'
57 AC

DATE July 24, 1986

PETITION NO 86-84

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Consideration of a text amendment to the City of Charlotte Zoning Ordinance, Section No 1206 2 Sign Permits

ACTION The Planning Commission recommends that the text amendment be approved, as modified, to lengthen the time limit.

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

Nays None

(Commissioner Lawing was not present when vote was taken)

REASONS

This amendment was requested by the Building Standards Department to aid in the issuance of sign permits It was developed in concert with the City Attorney and Planning staffs

The amendment would require a sign permit application to include the signature of the property owner for which the permit is sought In addition, it would require that the applicant for any sign for which a state permit is also required furnish a copy of the approved state permit to the Building Standards Department within a specified period of time

Concerns were raised at the public hearing about two parts of the proposal the need for the owner's signature and the time limit to submit an approved state permit if one is required The Planning Commission agreed that the originally proposed 30 day time limit may be too short and recommends extending that time to 45 days However, the Planning Commission did not agree that the requirement for the owner's signature was an unreasonable or impractical requirement They felt that any attempt to establish other forms of "proof of consent" simply opened the door to further complications for the administrative staff and that with few exceptions, the owner's signature could usually be easily acquired

Staff Opinion
The staff agreed with the Planning Commission

ORDINANCE NO._____ ORDINANCE AMENDING APPENDIX A-ZONING

AN ORDINANCE AMENDING THE ZONING ORDINANCE, APPENDIX A-ZONING OF THE 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, § 1206.2 of the City Code shall be amended by adding a new paragraph to read as follows:

> "If the applicant for an outdoor advertising sign permit is not the owner of the property upon the which the advertising sign is to be located, then the owner of the property must sign the advertising sign application. If the applicant must also receive an advertising sign permit from the State of North Carolina, then the applicant must submit a sign permit from the State of North Carolina within 45 days after the filing of the application with the department for a sign permit. The department shall have the authority to revoke any sign permit upon the same basis as stated in N.C. Gen. Stat. § 160A-422, 'Revocation of permit'."

Section 2. This ordinance shall be effective 60 days after adoption.

adoption.

Approved as to form:

Harry 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, North Carolina, 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