CHARLOTTE

*Council Agenda* December 15, 1986

FILE COPY

Charlotte

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

# Meetings in December '86

## THE WEEK OF DECEMBER 1 - DECEMBER 6

| | | |
|---|---|---|
| 2 | Tuesday, 2 45 p.m. | HOUSING APPEALS BOARD - Cameron-Brown Bldg., 5th Floor Conference Room |
| | Tuesday, 6 00 p.m. | CHARLOTTE ADVISORY PARKS COMMITTEE - Park Center, 310 N. Kings Drive, Director's Office |
| | Tuesday, 7 00 p.m. | PLANNING COMMISSION - Cameron-Brown Bldg., 1st Floor Conference Room |
| 4 | Thursday, 7.30 a.m. | PLANNING COMMISSION/Ordinance Revision Advisory Task Force - Cameron-Brown Bldg., 1st Floor Conference Room |
| | Thursday, 10:30 a.m. | AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY - Charlotte Convention Center, VIP Meeting Room |

## THE WEEK OF DECEMBER 7 - DECEMBER 13

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|---|---|---|
| 8 | Monday, 11.30 a.m. | ANNUAL CHRISTMAS TREE LIGHTING - City Hall Lobby, 600 E. Trade Street |
| | Monday, 12 Noon | COUNCIL/MANAGER LUNCHEON - City Hall Annex, Training Center |
| | Monday, 2 00 p.m. | CITIZENS HEARING - City Hall, Council Chamber |
| | Monday, 3.00 p.m. | CITY COUNCIL MEETING - City Hall, Council Chamber |
| 9 | Tuesday, 8 00 a.m. | AIRPORT ADVISORY COMMITTEE - Charlotte-Douglas International Airport, Airport Manager's Conference Room |
| | Tuesday, 9·00 a.m. | HISTORIC DISTRICT COMMISSION - Edwin Towers, Conference Room |
| | Tuesday, 12 Noon | INSURANCE & RISK MANAGEMENT AGENCY - Cameron-Brown Bldg., 6th Floor Conference Room |
| 10 | Wednesday, 7:30 a.m. | PLANNING COMMISSION (Meet with Consultant on Ordinance Revision) - Cameron-Brown Bldg., 1st Floor Conference Room |
| | Wednesday, 8 30 a.m. | CIVIL SERVICE BOARD - City Hall, 3rd Floor Conference Room |
| | Wednesday, 7.30 p.m. | HISTORIC PROPERTIES COMMISSION - City Hall, 2nd Floor Conference Room |
| 11 | Thursday, 7 30 a.m. | PLANNING COMMISSION/Ordinance Revision Advisory Task Force - Cameron-Brown Bldg., 1st Floor Conference Room |
| | Thursday, 8 20 a.m. | BUSINESS OPPORTUNITY NETWORK - Chamber of Commerce, Briefing Center |
| | Thursday, 4 00 p.m | CITY COUNCIL (Planning Workshop on New Zoning Ordinance) - Education Center, Board Room |
| 12 | Friday, 7 30 a.m. | PLANNING COMMISSION/Planning Liaison Committee - Cameron-Brown Bldg , 1st Floor Conference Room |

(Continued on Back)

THE WEEK OF DECEMBER 14 - DECEMBER 20

| | | |
|---|---|---|
| 15 | Monday, 5 00 p.m. | COUNCIL/MANAGER DINNER - Education Center, Rooms 237-239 |
| | Monday, 6 00 p.m. | COUNCIL MEETING (Zoning Hearings) - Education Center, Board Room |
| 16 | Tuesday, 4 00 p.m. | CITY COUNCIL PLANNING & PUBLIC WORKS COMMITTEE - City Hall, 2nd Floor Conference Room |
| 17 | Wednesday, 7.45 a.m. | PRIVATE INDUSTRY COUNCIL - Chamber of Commerce, Action Room A |
| | Wednesday, 1.00 p.m. | HOUSING AUTHORITY - Administrative Office, 1301 South Boulevard |
| | Wednesday, 5 00 p.m. | CITY COUNCIL WORKSHOP (Discussion of Baseball, Housing Symposium Follow-Up, and the Performing Arts) - City Hall Annex, Training Center |
| 18 | Thursday, 8·00 a.m | CLEAN CITY COMMITTEE - Cameron-Brown Bldg., 5th Floor Conference Room |
| | Thursday, 3 30 p.m. | PLANNING COMMISSION - Cameron-Brown Bldg., 1st 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 COMMISSION - Park Operations, 700 Tuckaseegee Road |

THE WEEK OF DECEMBER 21 - DECEMBER 27

| | | |
|---|---|---|
| 22 | Monday, 12 Noon | COUNCIL/MANAGER LUNCHEON - City Hall Annex, Training Center |
| | Monday, 2 00 p.m. | CITIZENS HEARING - City Hall, Council Chamber |
| | Monday, 3·00 p.m | COUNCIL MEETING - City Hall, Council Chamber |
| | Monday, 4 30 p.m. | SPECIALIZED TRANSPORTATION ADVISORY COMMITTEE - Belmont Regional Center, 700 Parkwood Avenue |
| 25 | Thursday | CHRISTMAS DAY City Holiday All City Government Offices Closed. |
| 26 | Friday | CHRISTMAS HOLIDAY. (Pending City Council Approval.) |

These organizations will <u>not</u> meeting during December:

Advisory Energy Commission
Citizens Advisory Council for Hazardous Chemicals
Community Facilities Committee
Community Relations Committee
Municipal Information Advisory Board
Parade Permit Committee

CHARLOTTE

Mayor Harvey B. Gantt  Mayor Pro Tem Al Rousso

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

# Council Agenda

CITY COUNCIL AGENDA
Monday, December 15, 1986

5:00 p.m. . . . Dinner
Rooms 237 and 239, Education Center

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

ITEM NO.

1. Invocation by Reverend Frank McCullough, Philadelphia Baptist Church.

PUBLIC HEARINGS

2. Hearing on Petition No. 86-57 by NCF Financial Corporation and Myers Park Homeowners Association for a change in zoning from R-6MF to R-6MF(CD) for a .8035 acre site located at 1348 Queens Road (corner of Queens Road and Hopedale Avenue).

   Attachment No. 1-A

3. Hearing on Petition No. 86-112 by Trammell Crow Company for a change in zoning from UDC-V, R-PUD and R-15 to B-1SCD, O-15(CD), R-15MF(CD) and R-15(CD) for a 139 acre site lying on all four corners of the intersection of NC Highway 16 and NC Highway 51.

   Attachment No. 1-B

4. Hearing on Petition No. 86-113 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from B-2 to U-MUD for a 21 acre site located along Brevard and Caldwell Streets between Third Street and Independence Boulevard adjacent to the John Belk Freeway.

   Attachment No. 1-C

5. Hearing on Petition No. 86-114 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from B-1 to R-6 for two parcels totaling 1.67 acres bounded by Spring Street to the south and I-85 to the north.

Attachment No. 1-D

6. Hearing on Petition No. 86-115 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from O-6 to R-6 for a 1.66 acre site located west of Beatties Ford Road between Tate Street and the Brookshire Freeway.

Attachment No. 1-E

7. Hearing on Petition No. 86-116 by Edward F. Walsh and Donald W. Tibbs, Jr. for a change in zoning from R-MH to R-12 for a 57.52 acre site located east of US 29 between Old Concord Road and Neal Drive.

Attachment No. 1-F

8. Hearing on Petition No. 86-117 by Frances Pitts for a change in zoning from R-15 to R-12 for an .826 acre parcel located at the intersection of Crosby Road and Westbury Road.

Attachment No. 1-G

9. Hearing on Petition No. 86-118 by Charlotte Pipe and Foundry Company for a change in zoning from R-6 to O-6(CD) for a 3300 square foot site located at the intersection of Durham Avenue and Vail Avenue.

Attachment No. 1-H

10. Hearing on Petition No. 86-119 by Dr. Thomas Hampton and Dr. Joseph Estwanik for a change in zoning from R-6MF to O-15(CD) and a Site Plan Amendment to an existing O-15(CD) for a 4.55 acre site located on the south side of Billingsley Road across from the Mecklenburg County Social Services Building.

Attachment No. 1-I

11. Hearing on Petition No. 86-120 by Roll-A-Round, Inc., for a Site Plan Amendment to an existing B-1SCD zoning for a 1.7 acre site located southwest of the intersection of Albemarle Road and Delta Road.

Attachment No. 1-J

12. Hearing on Petition No. 86-121 by Associated Realty Investors Carmel Center by its general partner, Synco, Inc. for a text amendment to Section 3042 (Permitted uses in Office Districts) of the Zoning Ordinance of the City Code, to bring the Ordinance into conformity with the County Zoning Ordinance.

Attachment No. 1-K

## BUSINESS AGENDA

13. Recommend adoption of the floodway maps affected by the June 30, 1986, annexation of the Autumnwood, Deerhurst, Sardis Road, Settler's Landing, Alexander Road, Plantation Road, Providence Forest, Four Mile Creek, Park Road/Quail Hollow, Forest Pawtuckett, Coulwood Oaks and Beatties Ford Road.

## POLICY AGENDA

14. Decision 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.

The Planning Commission recommended that the text amendment, as modified, be approved.

Attachment No. 2-L

15. Decision on Petition No. 86-102 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MF to R-15MF for a 9.5 acre site located east of Beatties Ford Road, north of Vinton Street and south of Russell Avenue along Grier Avenue and Boone Street.

The Planning Commission recommends that the petition be approved.

Attachment No. 2-M

16. Decision on Petition No. 86-103 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MF to R-6 for a 34 acre site located east of Beatties Ford Road, north of Oaklawn Avenue and south of Russell Avenue.

The Planning Commission recommends that the petition be approved.

Attachment No. 2-N

17. Decision on Petition No. 86-106 by John W. McDonald for a change in zoning from R-9 and B-1 to B-1(CD) for a 3.092 acre site located east of Beatties Ford Road between "A" Avenue East and Wilson Avenue.

Mayor Gantt was excused from the hearing on this petition.

The Planning Commission recommends that the petition be approved.

Attachment No. 2-O

18 Decision on Petition No. 86-107 by Dr. Mark A. Goodson, D.C. for a change in zoning from R-9 to O-6(CD) for a .3157 acre site located at 4601 Central Avenue (northeast corner of the intersection of Central Avenue and Lansdale Drive).

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 recommends that the petition be denied.

Attachment No. 2-P

19. Decision on Petition No. 86-108 by Byrel M. Triggs for a change in zoning from R-15 to B-1 for a 9.3908 acre site located at 3327 Carmel Road, between Dovewood and English Garden Drive.

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 recommends that the petition be denied.

Attachment No. 2-Q

20. Decision on Petition No. 86-109 by Mammoth Oaks Homeowners Association for a change in zoning from R-15MF to R-15 for approximately 7 acres bounded by Providence Road, Sardis Road and Mammoth Oaks Drive.

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 recommendations are as follows:

a) Everette Property (on Sardis Road) should be retained for multifamily, R-15MF.

b) Six lots at the rear of Mammoth Oaks Drive homes changed to R-15; except the four foot strip at the rear of the Paige residence which would remain R-15MF.

c) Essex Condo property (on Mammoth Oaks Drive) remain R-15MF.

d) Corner lot at Providence Road/Mammoth Oaks, remain R-15MF.

Attachment No. 2-R

21. Decision on Petition No. 86-110 by University Research Park, Inc. for a text amendment to the Zoning Appendix, sections 2108, 3024, 3025, 3026 and 3028, relating to standards for satellite dishes and towers; increased sideyard requirements on corner lots; standards for maintaining vegetation and natural features around sites and parking lots; standards for parking lot locations; and standards for signage to be located on development sites.

The Planning Commission recommends that the text amendment be approved.

Attachment No. 2-S

22. Decision on Petition No. 86-111 by Hope Haven, Inc. for a text amendment to the Zoning Appendix, Section 3032, relating to Institutional District-Permitted Uses by adding group homes for up to 10 clients.

The Planning Commission recommends that the text amendment be approved.

Attachment No. 2-T

23. Recommend adoption of a resolution calling for public hearings on Tuesday, January 20, 1987, at 6:00 p.m. in the Board Room of the Education Center, on Petition Nos. 87-1 - 87-10 for zoning changes.

- SCHEDULE OF MEETINGS -
December 15 - 19, 1986

| | | |
|---|---|---|
| Monday, December 15 | DINNER<br>Education Center - Rooms 237-239 | 5 00 p. m. |
| | ZONING HEARINGS<br>Board Room | 6.00 p. m |
| Tuesday, December 16 | PLANNING & PUBLIC WORKS COMMITTEE<br>City Hall, 2nd Floor Conference Room | 4 00 p. m |
| Wednesday, December 17 | CITY COUNCIL WORKSHOP<br>City Hall Annex, Training Center | 5·00 p. m. |

#1

# CHARLOTTE - MECKLENBURG PLANNING COMMISSION

November 14, 1986

Mayor and City Council

RE Rezoning Petitions to be Heard in December, 1986

Attached you will find appropriate maps and copies of each petition, for rezoning petitions scheduled for public hearing on December 15, 1986 at 6 00 o'clock P M , Fourth Floor, Education Center, 701 East Second Street

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

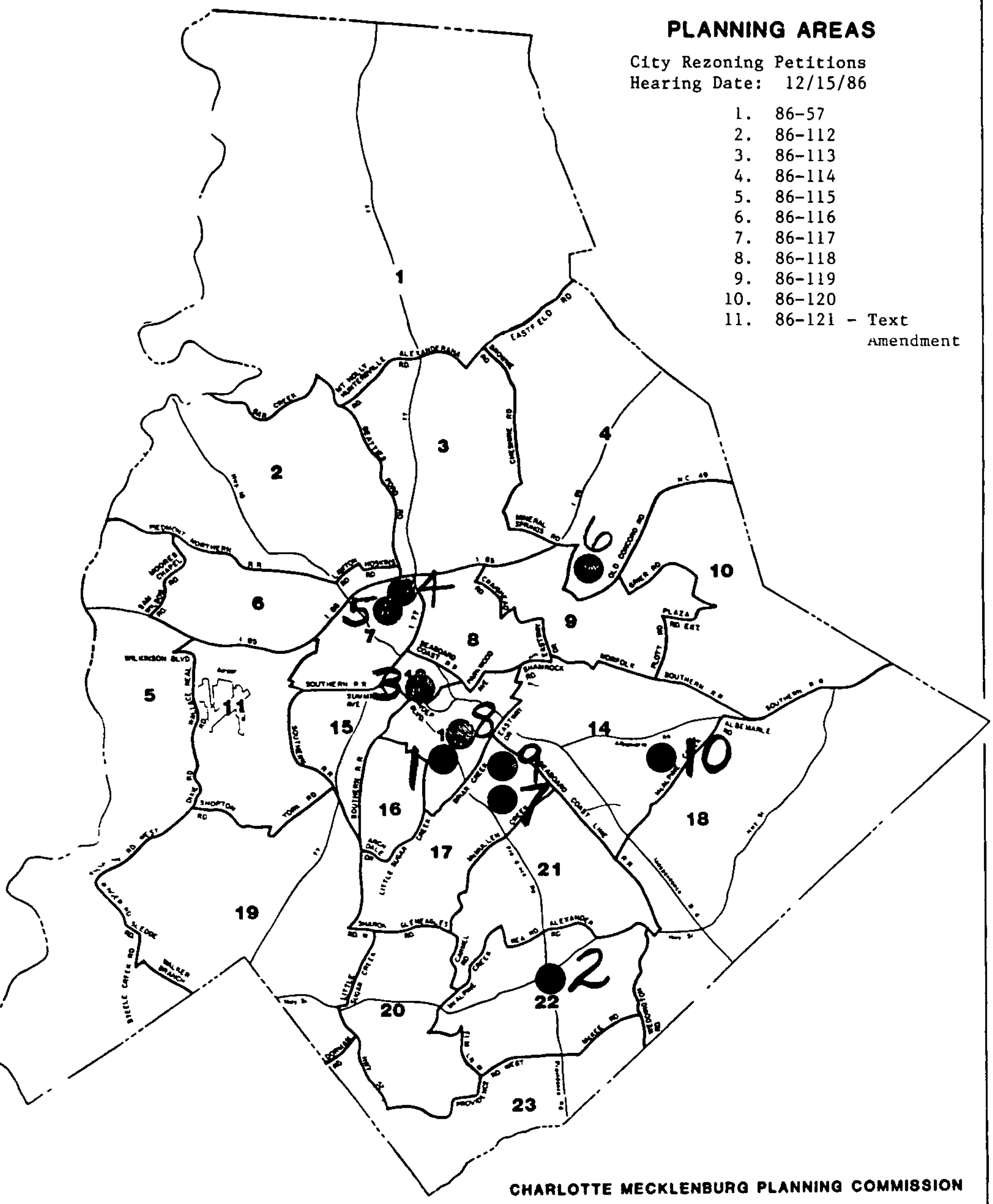
Sincerely,

Robert G Young
Land Development Manager

RGY oj

Attachments

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


PLANNING AREAS
City Rezoning Petitions
Hearing Date: 12/15/86
1. 86-57
2. 86-112
3. 86-113
4. 86-114
5. 86-115
6. 86-116
7. 86-117
8. 86-118
9. 86-119
10. 86-120
11. 86-121 - Text Amendment
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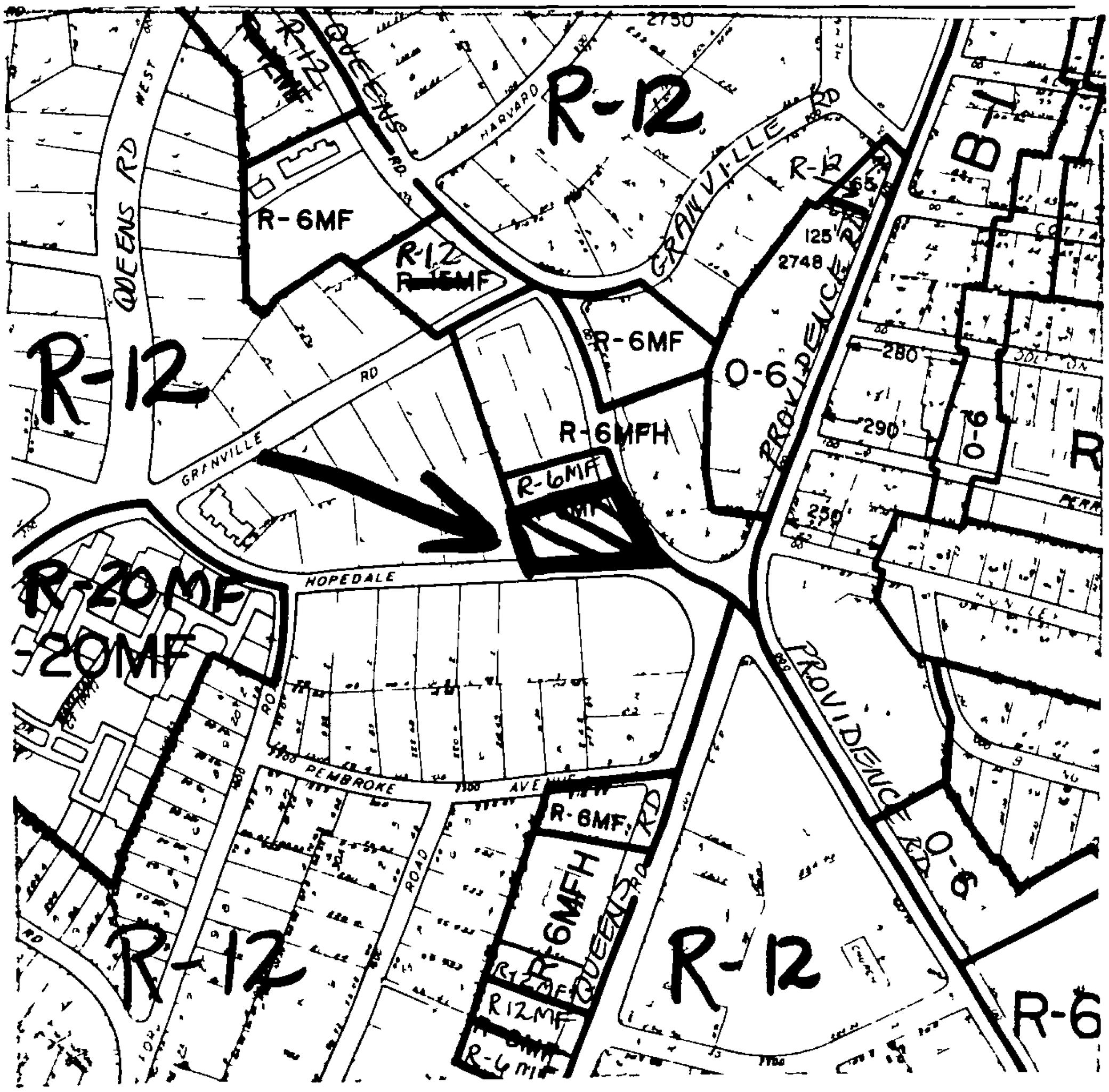
CHARLOTTE MECKLENBURG PLANNING COMMISSION
April 1983

PETITIONER NCF Financial Corporation and Myers Park Homeowners Association

PETITION NO 86-57 HEARING DATE 12-15-86

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

LOCATION A 35,004 square foot parcel located at the corner of Queens Road and Hopedale Avenue




ZONING MAP NO. 111 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

# OFFICIAL REZONING APPLICATION
# CITY OF CHARLOTTE

Petition No 86-57
Date Filed 11-3-86
Received By LS
OFFICE USE ONLY

## Ownership Information

Property Owner NCF FINANCIAL CORPORATION

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

Date Property Acquired May 23, 1986

Deed Reference 5192-635 Tax Parcel Number 153-041-08

## Location Of Property (address or description)

1348 Queens Road (Corner of Queens & Hopedale)

## Description Of Property

Size (Sq Ft -Acres) 35,004 sq. ft ( 8035 acres) Street Frontage (ft ) Queens 140± Hopedale 255±

Current Land Use Vacant single-family house

## Zoning Request

Existing Zoning R-6MF Requested Zoning R-6MF(CD)

Purpose of zoning change To bind property to a "CD" Plan in order to develop 16 units as permitted under current zoning.

N/A
Name of Agent

Agent s Address

Telephone Number

NCF FINANCIAL CORPORATION
Name of Petitioner(s)

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

372-6233
Telephone Number

Signature

Signature of Property Owner if ner Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 86-57

| | |
|---|---|
| Petitioner | NCF Financial Corporation |
| Location | A corner lot at the intersection of Queens Road and Hopedale Avenue. |
| Request. | Change from R-6MF to R-6MF(CD). |

ISSUES

1 Proposed Use/Site Plan. What is the proposed use for the property and what conditions of the site plan are important to evaluate, particularly in the context of adjoining properties?

2. Myers Park Petitions. How does this petition relate to the recently heard Myers Park neighborhood rezoning petitions?

3. Recent Zone Changes. What recent zone changes have taken place in the area including land across Hopedale from the site which was not included in the Myers Park neighborhood petitions? What discussions at that time as well as discussions involving this property are important to remember when evaluating the possibility of multi-family development on this property?

BACKGROUND:

1. Existing Zoning The subject property is presently zoned R-6MF. The property adjoining this site is likewise zoned Other properties across Queens Road are zoned R-6MFH and a variety of other single family and multi-family zoning districts are located throughout the area. Property on Hopedale, including property across the street from this site, is zoned R-12. Around the corner from the site extending northward on Providence Road is an area of B-1 zoning, which is then followed by a strip of O-6 zoning to the east. The O-6 provides a transition between the B-1 zoning along Providence and residential zoning along many neighborhood streets.

2 Existing Land Use The petitioned property has a single family dwelling on it. A small multi-family project adjoins the site along the northerly boundary and other multi-family projects are located on both sides of Queens Road Single family homes are located on Hopedale as are other single family homes throughout the Myers Park neighborhood Other multi-family projects include the Carleton, which is somewhat south on Queens Road Institutional uses in the form of the South Mecklenburg Branch Library, Myers Park Methodist and Myers Park Presbyterian Churches are also immediately in the vicinity Small retail businesses stretch along the easterly side of Providence Road beginning at the Queens Road intersection and extending northward for many blocks

3. Site Plan. The conditional site plan proposes a four-story, 16 unit multi-family project on the site. The units would be contained in one building Access to the site will come from a driveway connection to Queens Road and two driveways from Hopedale Avenue. Many large existing trees will be retained and other screening in the form of a brick wall and evergreen shurbs and trees will be provided along the northerly and westerly property lines.

4. Petition Background. This parcel comes to public hearing by way of the previously submitted Myers Park Homeowners petition This one parcel was not acted upon at the time that the remaining area under 86-57 was acted upon by City Council. At the time of action Council indicated that the petitioner could come back with a conditional approach for this property and they would consider it at public hearing.

GENERAL FINDINGS

1. 2005 Plan The 2005 Plan indicates existing residential land uses in the vicinity One of the basic themes guiding development of the central area of Charlotte is the conservation of inner-city neighborhoods.

2 Transportation Improvement Program. The TIP includes the Providence Road/Queens Road intersection improvement in the CIP. This project is scheduled for implementation in FY 86-88.

3 Pre-Hearing Staff Input Staff met with the petitioner prior to the submission of the application to discuss the site plan. The site plan had been originally offered by the property owner during the deliberations by the Planning Commission at the time the balance of petition 86-57 was being discussed Staff indicated at that time that the general concept and conditions of the site plan were reasonable in light of surrounding zoning and development patterns.

4. Pre-Hearing Departmental Comments (Summary).

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

   2. Fire Department. No comment

   3. Building Standards. No comments were available as of the preparation of this material, but are expected by the time the public hearing is held.

   4 C-DOT. No comments were available as of the preparation of this material, but are expected by the time the public hearing is held.

   5 Engineering Department Concepts are currently being developed for the Queens/Providence Road intersection. No additional right-of-way is needed.

5 Neighborhood Context. This site is located in the Myers Park neighborhood

DETAILED FINDINGS·

1. The property involved in this petition is a 35,004 square foot parcel located at the corner of Queens Road and Hopedale Avenue. The present zoning is R-6MF and the petitioner has requested R-6MF(CD)

2. It should be explained that the property owner has submitted the conditional plan pursuant to a directive of City Council when the bulk of 86-57 was acted upon. That petition was sponsored by the Myers Park Homeowners Association Technically this matter is included as a continuation of that petition. This one parcel of land was not acted upon by City Council. Thus, this petition has been setup as one sponsored by both NCF Financial Corporation and Myers Park Homeowners Association

3. The property owner has submitted a CD plan proposing a residential complex for the property (For futher details, refer to Background #3.)

4. The site is located in the Myers Park neighborhood. Recently the neighborhood sponsored a series of petitions which were generally approved by City Council and resulted in many properties being downzoned

5. This property is located at the intersection of several streets including the major intersection of Providence Road and Queens Road. Development activity at this intersection is among the most intense in Charlotte in terms of residential development For example, such developments as Providence Place, Charlotte House and Queens Tower are multi-story in height Providence Place and Charlotte House have densities around 40+ units per acre while Queens Tower and the adjoining King Richard Condos are 19 5 and 18.6, respectively. Also, the high-rise Carlton is nearby.

6 It should be remembered that recently City Council approved a downzoning to single family for property directly across Oakdale from this site, but in so doing recognized that it was not a single family development tract of land. Council recognized that given its location, multi-family was the highest and best use and all that was needed was a suitable CD plan in order to develop the property for multi-family purposes. The property owner in this case has supplied a CD plan which in staff's opinion is acceptable.

7 The plan provides for adequate screening and the preservation of significantly large street trees The four-story maximum is not out of context for the area nearby.

8 Further, this site is deserving of multi-family development due to its relationship to other multi-family projects which it already is adjacent to, or will be adjacent to in all likelihood in the future The neighborhood nearby also has a pattern which is mixed use in character· institutional, retail, personal services, etc Single family zoning on this piece of property is not logical given the context of the setting.

9. The Myers Park neighborhood has benefited through zone changes recently made by City Council as well as in years past Many multi-family areas

have been rightfully changed to single family due to the circumstances of usage, location, etc Development of this site for multi-family will not be detrimental to the neighborhood and simply is a recognition of the highest and best use for this property.

10. Based upon the above circumstances, the petition is encouraged for approval.

*Subject to further refinement following public hearing

PETITIONER Trammell Crow Company

PETITION NO. 86-112 HEARING DATE 12/15/86

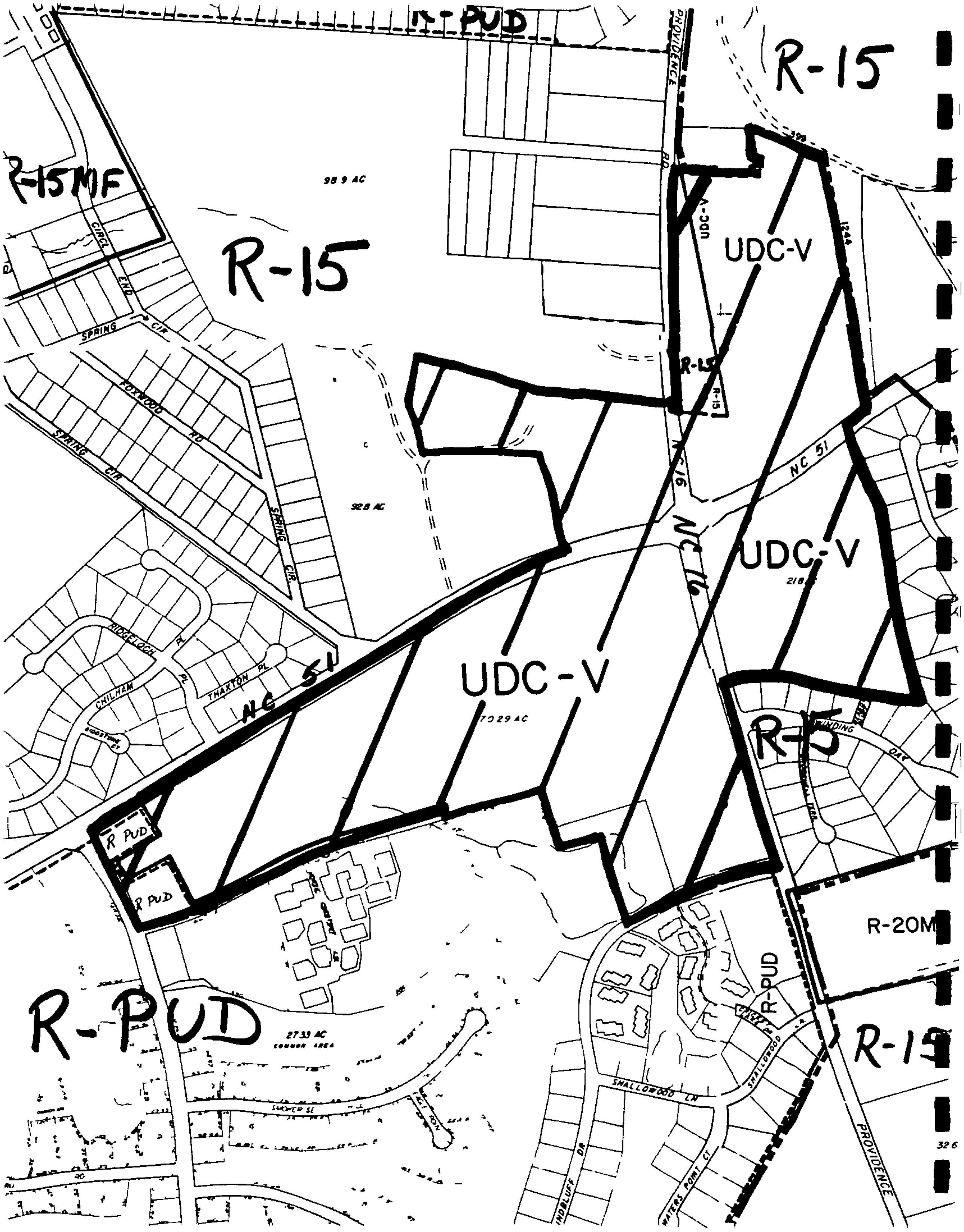
ZONING CLASSIFICATION, EXISTING UDC-V, R-PUD R-15 REQUESTED B-1SCD, O-15(CD), R-15MF(CD) R-15(CD)

LOCATION An approximately 139 acre site lying on all four corners of the intersection of Providence Road and Highway 51.

PLEASE SEE ATTACHED MAP

ZONING MAP NO. 159, 160, 165 & 166 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


R-PUD
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R-PUD
R-PUD
R-20M
R-PUD
R-15
PROVIDENCE RD
NC 51
NC 16
SPRING CIR
FOXWOOD RD
RIDGELOCH PL
CHILHAM PL
THAXTON PL
WINDING OAK
SHALLOWWOOD LN
WATERS POINT CT
PROVIDENCE
98.9 AC
92.8 AC
70.29 AC
27.33 AC
COMMON AREA

# OFFICIAL REZONING APPLICATION
# CITY OF CHARLOTTE

Petition No. 86-112
Date Filed 11-3-86
Received By LS
OFFICE USE ONLY

## Ownership Information

Property Owner Trammell Crow Company, et al

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

Date Property Acquired December 1984

Deed Reference Partial Book 4947, Page 192 & Page 189 Tax Parcel Number Portion of 213-051-05 & 211-271-02, 225-151-01 213-051-02, 227-251-99

## Location Of Property (address or description)

All four corners at the intersection of NC Highwy 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/O-15CD/R-15MFCD/R-15CD

Purpose of zoning change To allow for a retail/office/residential mixed use development at the corners of NC Highway 16 and NC Highway 51, subject to a unified and conditional development program.

Fred W. Klein
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, Charlotte, NC
Address of Petitioner(s)

(704) 376-5910
Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 86-112

| | |
|---|---|
| Petitioner | Trammell Crow Company |
| Location | Approximately 139 acres located on all four corners of the intersection of Providence Road and NC 51 |
| Request· | Change from UDC-V, R-PUD and R-15 to B-1SCD, 0-15(CD), R-15MF(CD) 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-Amendments. What aspects of the conditional site plan are important to evaluate including such things as edge relationships and land use relationships to adjoining property? What amendments to the earlier version under 86-45 have occurred?

4 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 and two parcels abutting Raintree Lane which are presently zoned R-PUD 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 NC 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 NC 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 NC 51 and NC 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 retains many of the conditions of the existing UDC-V plan cited just above. Specifically, the nowthwest, northeast and southeast corners remain the same in terms of development intensity. The northwest corner calls for a maximum of 44,025 square feet of office space and 87 dwelling units, the northeast corner has a maximum of 26,000 square feet of office and 185 units (which is a slight increase due to the addition of some land at the immediate area of the corner of 51 and 16) and the southeast corner will have a maximum of 94,000 square feet of office and 92 dwelling units. Other conditions related to heights, building setbacks, buffers, etc. remain intact The basic change of this plan from the existing UDC-V concerns the southwest corner Under this plan a total of 600,000 square feet of retail shopping space is proposed with 400,000 square feet being permitted in Phase 1 The additional 200,000 square feet is specifically restricted to a phasing requirement which would require the widening of Providence Road from Old Providence Road to High Ridge Road before the additional space could be added. The rezoning also includes a small area at the corner of Raintree Lane and Highway 51 which will be designated as open space and transferred to the Raintree Homeowners Association for recreation purposes. The site plan also relies upon a development program manual which contains many other conditions relating to development restrictions, design and overall site planning.

4b. Recent Discussions Regarding Proposed Site Plan. Recently staff has met with representatives of the Trammell Crow Company to discuss the revised site plan. Staff advised the petitioner that at least one major issue had arisen and along with a few others that needed some clarification. The B-1SCD district requires a footprint and other particular information dealing with the operation of the shopping center as part of the application A footprint was not included in the site plan. Staff had not stressed that requirement for a footprint per se, but had relied upon other conditions dealing with buffers, setbacks and performance criteria to achieve restrictions on the development of the southwest corner After discussions with neighborhood groups and the City Attornery, the petitioner was advised of the need to provide a footprint on the southwest corner The petitioner was also advised of a growing issue as to whether or not

the retail space would be enclosed within a mall concept or not. Finally, they were also advised of some changes which were desirable regarding the architectural control section of the development program manual.

5 Petition Background This petition represents the second hearing for the property involved in this matter The petitioner encountered strenuous opposition from neighborhood leaders, Planning staff, Planning Commission and others regarding their original effort under Rezoning Petition 86-45 The petitioner requested a deferral from the Planning Commission recommendation under that petition in order to develop new conditions, which eventually were finalized and resulted in a brand new application Planning staff along with representatives of the Department of Transportation arrived at some conclusions as to the intensity and type of development here which would be appropriate under a new application. C-DOT staff indicated that approximately 400,000 square feet of retail space would be acceptable and had preliminarily agreed that an additional 200,000 square feet would be acceptable with an improved Highway 16 from High Ridge Road to Old Providence Road. This change on the southwest corner was appropriate so long as the other conditions remained the same on the other three corners. Trammell Crow representatives agreed to these new development restrictions and proposed them to the Planning Commission The Planning Commission accepted these new conditions and allowed the Trammell Crow Company to file a new application incorporating these new restrictions

GENERAL FINDINGS

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

2. Highway 51 Policies. The plan indicates the location of a UDC-V at the intersection of NC 16 and NC 51 Further, the plan envisions an urban parkway along NC 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 the South Mecklenburg Interim District Plan. This plan has been discussed by the Planning Commission on several occasions The Planning Commission has concluded their deliberations and forwarded their recommendation to elected officials. This 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. NC 51 Widening. This project would widen NC 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 NC 51 and NC 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 supplemen-

tal 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 NC 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 has met with the petitioner on several occasions regarding this application. Staff has also had meetings with neighborhood representatives. Recently staff has indicated to the petitioner that the basic framework of this proposal is acceptable (i.e., land use relationships, intensity of development, overall conditions, etc.). As mentioned above, staff did indicate that a building footprint would have to accompany the final site plan to be presented at public hearing

7. Pre-Hearing Departmental Comments (Summary).

1. C-DOT Final comments were unavailable as of the preparation of this material, but are expected in time for 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. Engineering provided their usual comments regarding normal development permits Engineering also commented that City Council has recently awarded a contract for the reconstruction of the 51/16 intersection. Further, they will require the developer to bear the total responsibility for any additional roadway construction warranted as the result of the rezoning request Trammell Crow has indicated, as a condition of their rezoning, their willingness to respond to this

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. This second petition has still generated many calls and inquiries and it is expected that there will continue to be concern and protest regarding this second application at public hearing

9 Annexation/Zoning on Northeast Quadrant. The northeast corner of the intersection of NC 16 and NC 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 General Findings #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, C-DOT did prepare some preliminary findings which are attached as part of this analysis.

DETAILED FINDINGS:

1. This application involves land located at the four corners of the intersection of NC 16 and NC 51 The present zoning for the land involved is UDC-V with the exception of a small area which lies north of Highway 51 along the westerly side of Providence Road which is zoned R-15 and two parcels which abut Raintree Lane south of 51 which are zoned R-PUD The petitioner has requested that the land be rezoned to B-1SCD and R-15(CD) on the southwest quadrant whereas the other three corners will each be zoned a combination of 0-15(CD) and R-15MF(CD)

2 The petitioner has filed a conditional site plan which proposes a major retail, office and residential 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 the Planning Commission has recently concluded discussions and forwarded the plan to elected officials.

4 Obviously, this request has generated a tremendous amount of discussion Much of that discussion, as far as staff and many neighborhoods is con-

cerned, has focused on concerns about the potential negative influence which the approval of this request would represent

5 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

6. This petition represents a drastic modification from the previous one The petitioner has modified the plan so as to be consistent with staff objectives, particularly from the standpoint of relating the intensity of development to traffic impacts associated at the same level as the current UDC-V zoning/traffic impact. Three of the corners have remained the same and the southwest corner has an equivalent amount of retail development as compared to the previous amount of retail, office and residential development.

7 Therefore, from a zoning and land use standpoint staff is far more satisfied this time around than the previous effort The concept of land uses and their relationship to the intersection and adjoining properties have remained intact and the development intensity is equivalent to the current development plans already approved under the UDC-V This was a condition that Planning staff always sought throughout many hours of discussion with the petitioner. One consistent theme as far as an issue is concerned has been that of traffic C-DOT has developed some preliminary findings which are attached to this analysis, but as of the preparation of this material their final analysis has not been received It is expected by the time the public hearing on the matter is held, however.

8. Further, a more recent issue has surfaced regarding a requirement for a building footprint for the shopping center The petitioner has been advised of that requirement along with a few other details regarding the site plan. The petitioner has expressed some frustration about the footprint and has sought staff advice regarding some flexibility which might be appropriate. In this context, the idea of a "building envelope" has surfaced as one means which would provide a level of flexibility for the petitioner It would seem that a degree of flexibility would be reasonable so long as the restrictions were tight enough so as to not allow large variations from the footprint Also, an issue has been raised by some neighborhoods as to whether or not the shopping center will be an enclosed mall or not. Whether or not this eventually becomes a site plan condition is not crucial to staff However, in the event it does become a condition, it will not be a matter that staff will administratively alter at a later date if the developer requests such a change.

9 As far as the remaining conditions of the site plan are concerned, staff has little comment to make. Many of these conditions are now directly lifted from the existing UDC-V conditions

10 In summary, as the public hearing on this petition approaches, staff feels generally comfortable with the application The concepts, land use

relationships and overall conditions are similar in nature to the on-site development that would have occurred under the existing UDC-V plan As mentioned above, in fact, three of the corners are identical Traffic impacts are equivalent As this information is prepared the most significant technical issue involves the delineation of a building footprint for the shopping center Assuming that footprint and the conditions associated with it are acceptable, then staff stands prepared to recommend the application for approval.

*Subject to further refinement following the public hearing

# M E M O R A N D U M

**DATE:** October 15, 1986

**TO:** Dave Howard
Planning Commission

Bill Finger

**FROM:** Bill Finger, Manager
Transportation Planning Division

**SUBJECT:** Trammel Crow's Rezoning Request for NC 51/NC 16

The consultant for Trammel Crow's rezoning proposal, for the intersection of NC 51 and NC 16, has conducted more analysis of the proposal as it compares to the UDCV. The attached Table 1, from their recent analysis, indicates equivalent levels of retail development (assumming only retail for the southwest corner) as compared to the UDCV. Please note that this is comparable to our earlier analysis, which indicated that impacts would be equivalent on a daily basis with 300,000 sq. ft. of development or on a PM peak hour basis with 450,000 sq. ft.

The consultant has also analyzed the overall impacts of a 445,000 sq. ft. of retail development on the southwest corner. The hourly results are presented in their Table 2. We have presented these same results in a different way in our Table 3. Please note that for typical low volume days congestion would be reduced during AM and PM peaks but would be greater on evenings and Saturdays. For typical high volume days, a 445,000 sq. ft. center would result in an improved AM peak condition, equal congestion during the PM peak, and significantly greater (but acceptable) levels of congestion during evenings and on Saturdays.

We feel that 445,000 sq. ft. is not an unreasonable number for equivalency with the UDCV. However, considering the information in all three tables, we feel most comfortable that 400,000 sq. ft. of retail would result in the overall net impact on traffic being generally equivalent (if the UDCV plan were modified to remove all multi-family and office uses for the southwest corner). Please note that because this is 45,000 sq. ft. less than the analysis presented in Tables 2 and 3, the projected traffic impact would be improved for <u>both</u> peak-hours with the 400,000 sq. ft. scenario.

BF:bas

Attachments

cc: R. N. Pressley, Jr.

**Table 1**
**RETAIL DEVELOPMENT LEVELS IN THE SW QUADRANT THAT PRODUCE SIMILAR TRAFFIC IMPACTS AS THE PRESENTLY APPROVED DEVELOPMENT PROGRAM FOR THE SW QUADRANT**

| Term of Comparison | Retail Development Levels |
|---|---|
| Generated Daily Trips | 300,000 s.f. |
| Impact on the AM Peak Level of Service at NC 16 and NC 51 | 1,400,000 s.f. – 1,700,000 s.f. |
| Impact on the PM Peak Level of Service at NC 16 and NC 51 | 420,000 s.f. – 450,000 s.f. |
| Impact on the Evening Peak Level of Service at NC 16 and NC 51 | 250,000 s.f. – 260,000 s.f. |
| Impact on the Saturday Peak Level of Service at NC 16 and NC 51 | 225,000 s.f. – 230,000 s.f. |

**Barton-Aschman Associates, Inc.**

**Table 2**
**RESULTS OF CAPACITY ANALYSES FOR THE INTERSECTION OF NC 16 AND NC 51**

| | Weekday 7:30-8:30 AM | Weekday 5:00-6:00 PM | Weekday 7:00-8:00 PM | Saturday 2:00-3:00 PM |
|---|---|---|---|---|
| Average Conditions | | | | |
| UDC-V (Alone) | F/1513 | E/1428 | B/978 | B/992 |
| UDC-V and Pineville and Matthews Malls | F/1532 | F/1557 | B/1062 | C/1124 |
| Proposed Development | E/1441 | E/1389 | B/1044 | B/1057 |
| Design Conditions | | | | |
| UDC-V (Alone) | F/1513 | E/1490 | B/1068 | B/1066 |
| UDC-V and Pineville and Matthews Malls | F/1532 | F/1734 | D/1299 | E/1394 |
| Proposed Development | E/1441 | E/1490 | C/1228 | C/1221 |

Numerical values represent total critical lane volumes using City of Charlotte intersection capacity analysis procedure.

TABLE 3
Congestion Impact of 445,000 Square-Foot Retail Center
As Compared to UDCV For SW Quadrant of NC 51/NC 16*

| | Change In Congestion |
|---|---|
| Average Conditions (Typical Low Volume Day): | |
| AM Peak | 5% Less Congestion |
| PM Peak | 3% Less Congestion |
| Evenings | 7% More Congestion |
| Saturday | 7% More Congestion |
| Design Conditions (Typical High Volume Day): | |
| AM Peak - 7:30 to 8:30 am | 5% Less Congestion |
| PM Peak - 5:00 to 6:00 pm | Equal Congestion |
| Evenings - 7:00 to 8:00 pm | 15% More Congestion |
| Saturday Afternoon - 2:00 to 3:00 pm | 15% More Congestion |

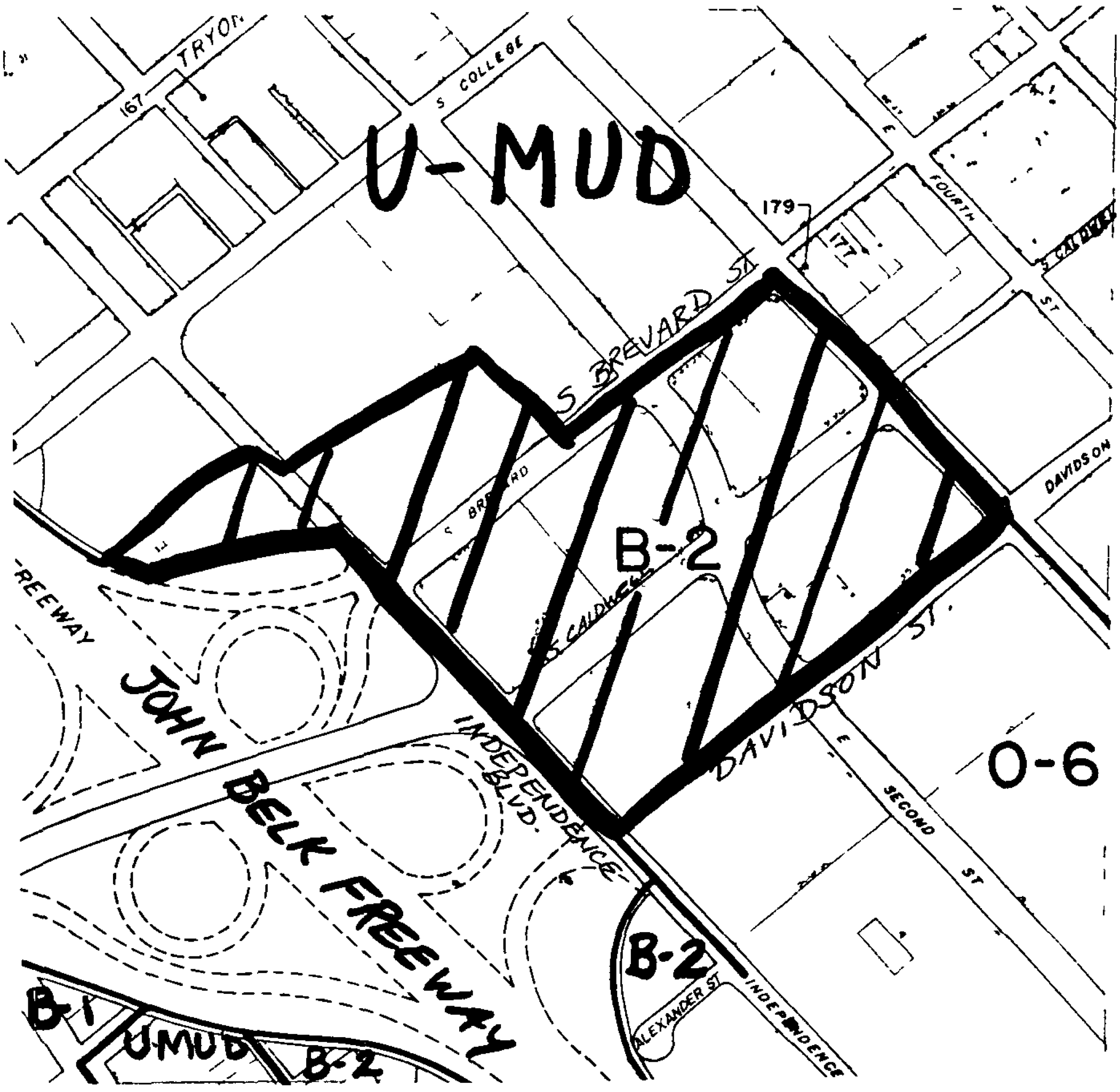
*Assumes UDCV configuration for other quadrants

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 86-113 HEARING DATE 12-15-86

ZONING CLASSIFICATION, EXISTING B-2 REQUESTED U-MUD

LOCATION An approximately 21 acre site located along Brevard and Caldwell Streets between Third Street and Independence Boulevard and adjacent to the John Belk Freeway.




ZONING MAP NO. 102 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

# OFFICIAL REZONING APPLICATION
# CITY OF CHARLOTTE

Petition No 86-113
Date Filed 11-3-86
Received By LaS
OFFICE USE ONLY

## Ownership Information

Property Owner: See attached list

Owner's Address: See attached list

Date Property Acquired:

Deed Reference: Tax Parcel Number: See attached

## Location Of Property (address or description)

along Brevard and Caldwell Streets between Third St. and Independence Blvd. & adjacent to the John Belk Freeway

## Description Of Property

Size (Sq Ft -Acres): Approximately ± 21 acres Street Frontage (ft.):

Current Land Use: Institutional, business, car dealership, restaurant, vacant.

## Zoning Request

Existing Zoning: B-2 Requested Zoning: U-MUD

Purpose of zoning change: To permit the enhancement of the Uptown area by providing for the implementation of the Central Area Plan.

Name of Agent

Agent's Address

Telephone Number

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

Address of Petitioner(s): 301 S. McDowell St. Charlotte, NC 28204

Telephone Number: 336-2205

Signature

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 86-113

| | |
|---|---|
| Petitioner | Charlotte-Mecklenburg Planning Commission |
| Location: | Approximately 21 acres located along Brevard and Caldwell Streets between Third Street and Independence Boulevard adjacent to the John Belk Freeway. |
| Request: | Change from B-2 to U-MUD. |

ISSUES

1. Uptown Objectives. How would the approval of this petition foster and enhance overall development goals for the uptown area?

2. Zoning Impacts. Would any zoning impacts regarding any of these parcels result if the zone change is approved?

BACKGROUND.

1 Existing Zoning. The parcels involved in this request are currently zoned B-2. Much of the area, particularly along the northerly boundaries of the site, is zoned U-MUD Other areas adjoining this site are zoned 0-6 Other 0-6 and B-2 areas are located a couple of blocks to the east along East Trade Street near the South McDowell Street intersection.

2 Existing Land Use. The properties involved in this petition are developed with a number of different types of uses including institutional, businesses, car dealerships, a restaurant, etc This type of pattern is indicative of the development throughout the area. The general area of the uptown includes a wide assortment of business, personal service and office uses Nearby is also the Governmental Complex of City Hall and the County Office Building. The Board of Education and Metro School are also just south of the property on either side of East Second Street.

3. Brooklyn Urban Renewal Plan. Much of the affected property in this petition is located within the boundaries of the Brooklyn Urban Renewal Plan. The redevelopment plan identifies these areas for general business and therefore the U-MUD district which allows such uses does not effect the land use. A plan amendment to recognize the U-MUD zoning would be required.

GENERAL FINDINGS

1. 2005 Plan The 2005 Plan indicates existing employment land uses in the area Strategies proposed for the area include the completion of I-277 and streetscape plans along Second Street.

2. Central Area Plan. The Central Area Plan recognizes that the B-2 district is essentially a highway oriented, strip commercial district The districts use, mix and setback and yard requirements are not appropriate to locations within the central area. The plan recommends that the subject property be a part of the mixed use district associated with uptown

3. Pre-Hearing Staff Input. The petitioner in this case is the Charlotte-Mecklenburg Planning Commission Staff advised the Commission of the desirability to rezone this area to the U-MUD district to conform to uptown goals and to avoid potential development problems as the nearby John Belk Freeway is completed

4. Pre-Hearing Departmental Comments (Summary).

   Due to the fact that this petition is not conditional in nature, departments which normally comment did not in this case.

5. Neighborhood Context This site is located in the uptown area.

DETAILED FINDINGS.

1. The petitioned area encompasses 21 acres spread over several blocks along Brevard and Caldwell Streets between Third Street and Independence Boulevard adjacent to the John Belk Freeway All of the properties involved are currently zoned B-2 and the petition seeks the U-MUD district.

2. The U-MUD classification is the new district associated with uptown development. It has been an extremely successful district which has fostered uptown goals and development.

3. The B-2 classification is a highway oriented, strip commercial development district. The area of this petition is strategically located in the uptown area and adjacent to the John Belk Freeway, which is currently under construction adjoining this site

4. The B-2 zoning is out of place in this location This property is clearly a significant part of the uptown area.

5. The U-MUD classification will ensure quality development with a greater degree of public scrutiny. The district also has high standards for development, landscaping, site design, etc. The B-2 district does not have such standards.

6. Staff and the Planning Commission were concerned about the current zoning on this property and feared that such zoning might lead to redevelopment of the properties in question since these properties were immediately at the interchange with the John Belk Freeway. Development typically under B-2 type zoning would not enhance the uptown area.

7. If the rezoning were to take place, none of the uses presently on the ground would be adversely effected They are all permitted uses under the U-MUD classification.

8 This petition is seen as a continuing effort to maintain the uptown area. The U-MUD classification encompasses significant areas of uptown and has been expanded on several occasions to include other areas, such as West Trade Street All in all this is seen as a very positive move for the uptown area and the approval of the petition is strongly encouraged

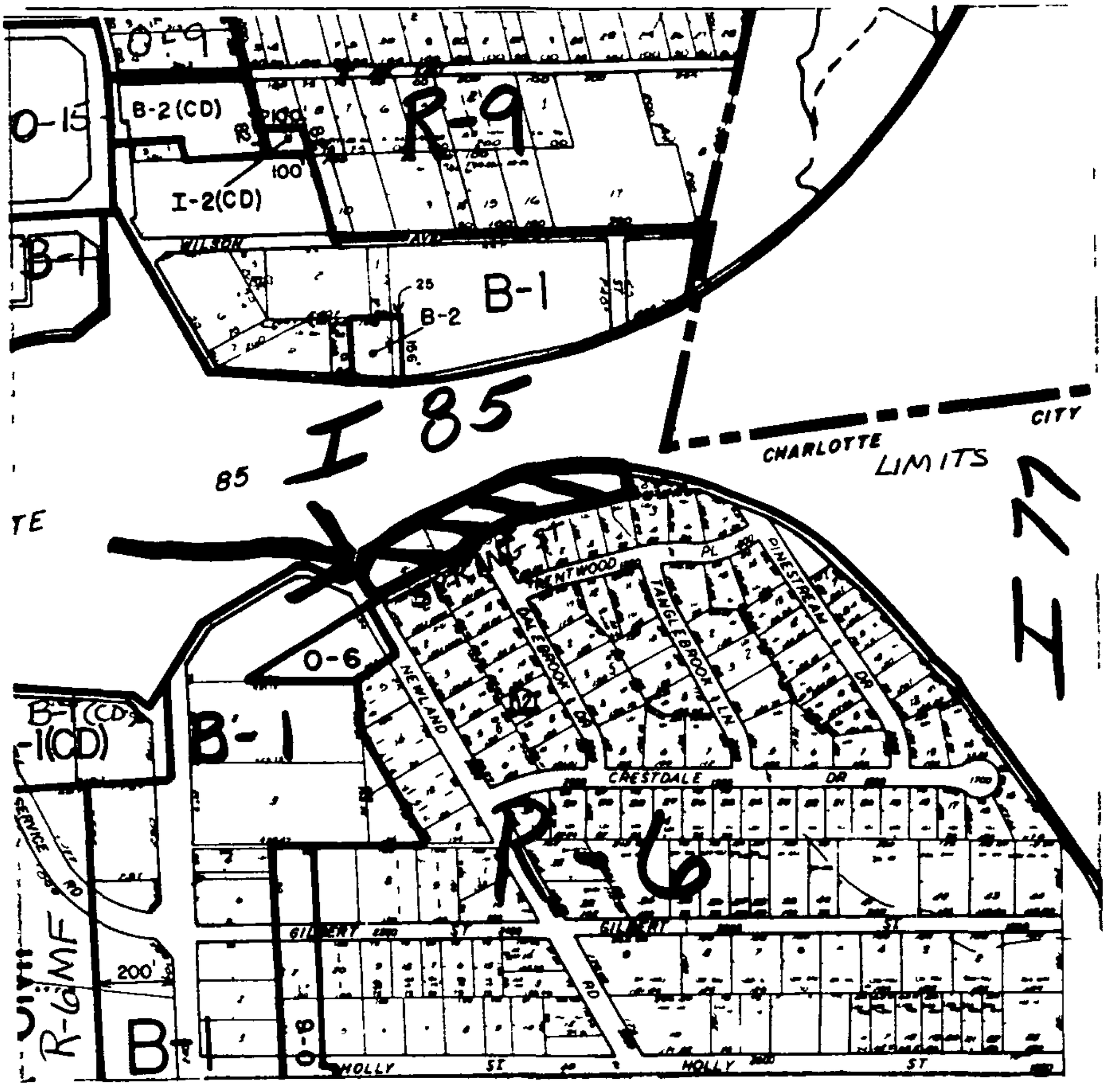
*Subject to further refinement following public hearing

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 86-114 HEARING DATE 12/15/86

ZONING CLASSIFICATION, EXISTING B-1 REQUESTED R-6

LOCATION Two parcels totaling 1.67 acres bounded by Spring Street to the south and I-85 to the north.




ZONING MAP NO. 79 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

# OFFICIAL REZONING APPLICATION
# CITY OF CHARLOTTE

Petition No 86-114
Date Filed 11-3-86
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 two parcels fronting Spring Street to the south and I-85 to the north

## Description Of Property

Size (Sq Ft -Acres): 1.67 ac  Street Frontage (ft.):

Current Land Use: Vacant and Institutional

## Zoning Request

Existing Zoning: B-2  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

Name of Petitioner(s): Charlotte Mecklenburg Planning Commission

Address of Petitioner(s): 301 South McDowell Street

Telephone Number: 336-2205

Signature

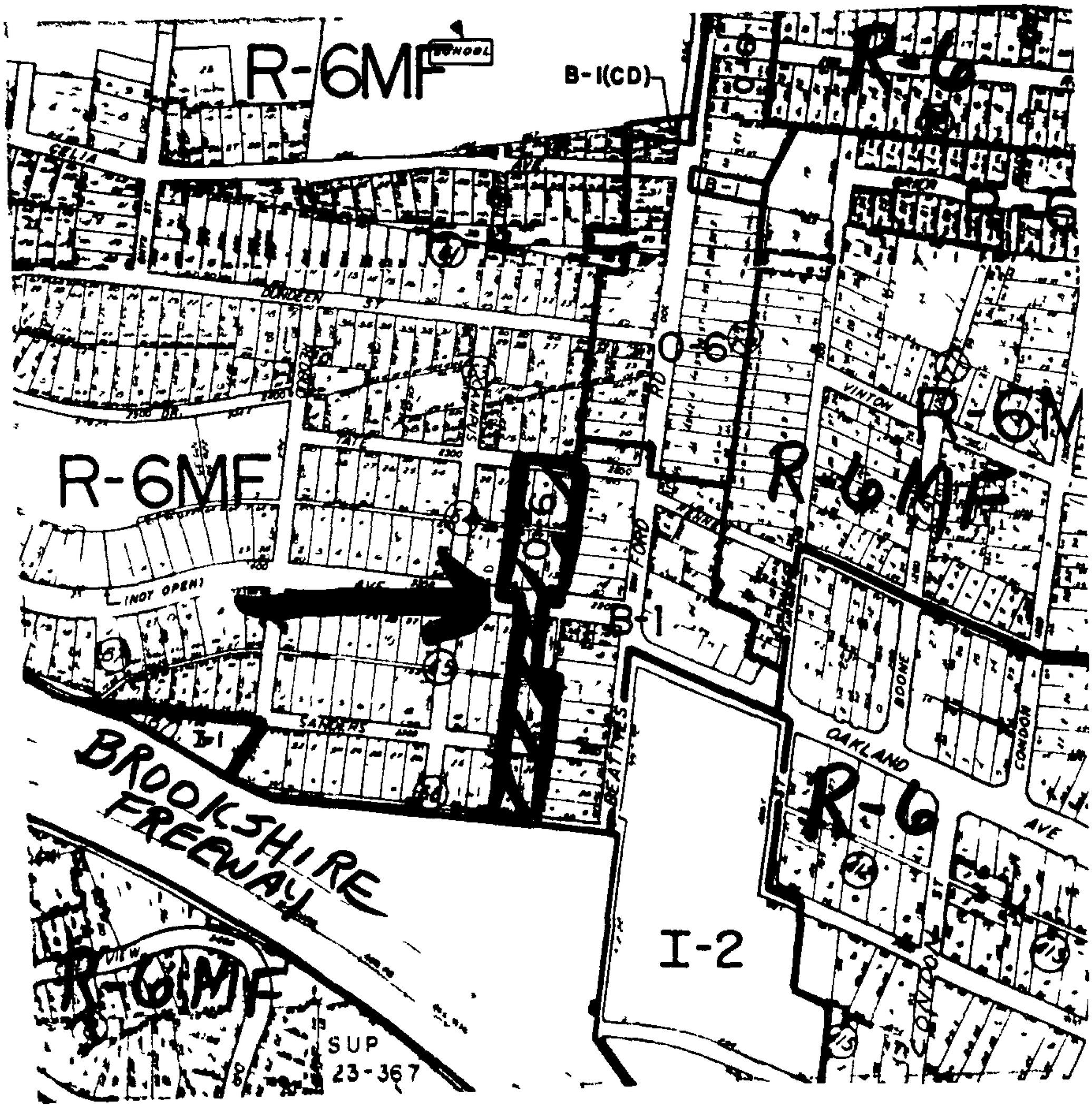
Signature of Property Owner if Other Than Petitioner

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 86-115 HEARING DATE 12-15-86

ZONING CLASSIFICATION, EXISTING O-6 REQUESTED R-6

LOCATION A 1.66 acre site located west of Beatties Ford Road between Tate Street and Brookshire Freeway.




ZONING MAP NO. 88

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

# OFFICIAL REZONING APPLICATION
# CITY OF CHARLOTTE

Petition No. 86-115
Date Filed 11 3 86
Received By LAS
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 properties are located west of Beatties Ford Road between Tate Street and Brookshire Freeway

## Description Of Property

Size (Sq Ft.-Acres): 1.66 acres  Street Frontage (ft.)

Current Land Use: Single Family, Duplex and Vacant

## Zoning Request

Existing Zoning: O-6  Requested Zoning: R-6

Purpose of zoning change: To comply with the adopted Beatties Ford Road 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

PRE-HEARING STAFF ANALYSIS

BEATTIES FORD ROAD REZONINGS

Petition No 86-114

This petition is sponsored by the Charlotte-Mecklenburg Planning Commission and includes two parcels of land which total about 1 6 acres. The property is located along the southerly edge of the I-85 right-of-way where Newland Road adjoins the Interstate. The current zoning is B-1 and the petition seeks R-6 zoning.

The property in question is vacant at the present time Several single family lots fronting on Trentwood Place back up to the site. Other single family homes located in the Dalebrook Subdivision are located throughout the area Also, the site adjoing the Spring Street right-of-way and across Spring Street is the Teamer's School. Elsewhere in the vicinity non-residential development is located along Beatties Ford Road.

The current zoning adjoining the site is already R-6. The R-6 is the district which has enabled the Dalebrook Subdivision to develop. Rezoning the property from the B-1 to the R-6 will protect the neighborhood and implement the small area plan recommendation.

The plan recognizes that Dalebrook is a solid, stable single family neighborhood which should be maintained and protected In rezoning the property to R-6, the plan also indicates that the future use of the site would best be used for park or open space purposes. Since the property is vacant, no non-conforming use would be created by the zone change

Petition No. 86-115

This property involves several tracts of land which total about 1.6 acres located west of Beatties Ford Road between Tate Street and the Brookshire Freeway The present zoning is 0-6 and the petition seeks R-6 The petition is sponsored by the Charlotte-Mecklenburg Planning Commission.

Recently other Beatties Ford Road petitions have resulted in zoning changes which have sought to strengthen and stabilize nearby residential areas. At the time of the public hearings regarding those petitions, the area of this petition was mentioned and discussed for possible changes as well. Despite the fact that the area is zoned for office purposes, it is developed with single family and multi-family development Discussion at that time focused around changing the zoning to comply with the land uses on the ground.

The Beatties Ford Road Small Area Plan recognizes that the corridor along Beatties Ford is the main spine of the community and upgrading the corridor will be the catalyst for improving the entire study area The plan recognized that potential urban design considerations could come into play here, also

The Planning Commission in reaction to the earlier petitions has decided to sponsor a petition and bring forward to public hearing this area now for zone change considerations.

As mentioned above, the lots in this petition are residentially developed Most are single family, although there are two duplex structures and one vacant parcel of land The duplex structures would become non-conforming under the zone change The R-6 classification would be consistent with the single family usage of the other parcels and would also be consistent with other zone changes which have recently taken place.

Implementation of this request will further implement goals and objectives contained in the Beatties Ford Road Small Area Plan.

PETITIONER Edward F. Walsh and Donald W. Tibbs, Jr.

PETITION NO. 86-116 HEARING DATE 12-15-86

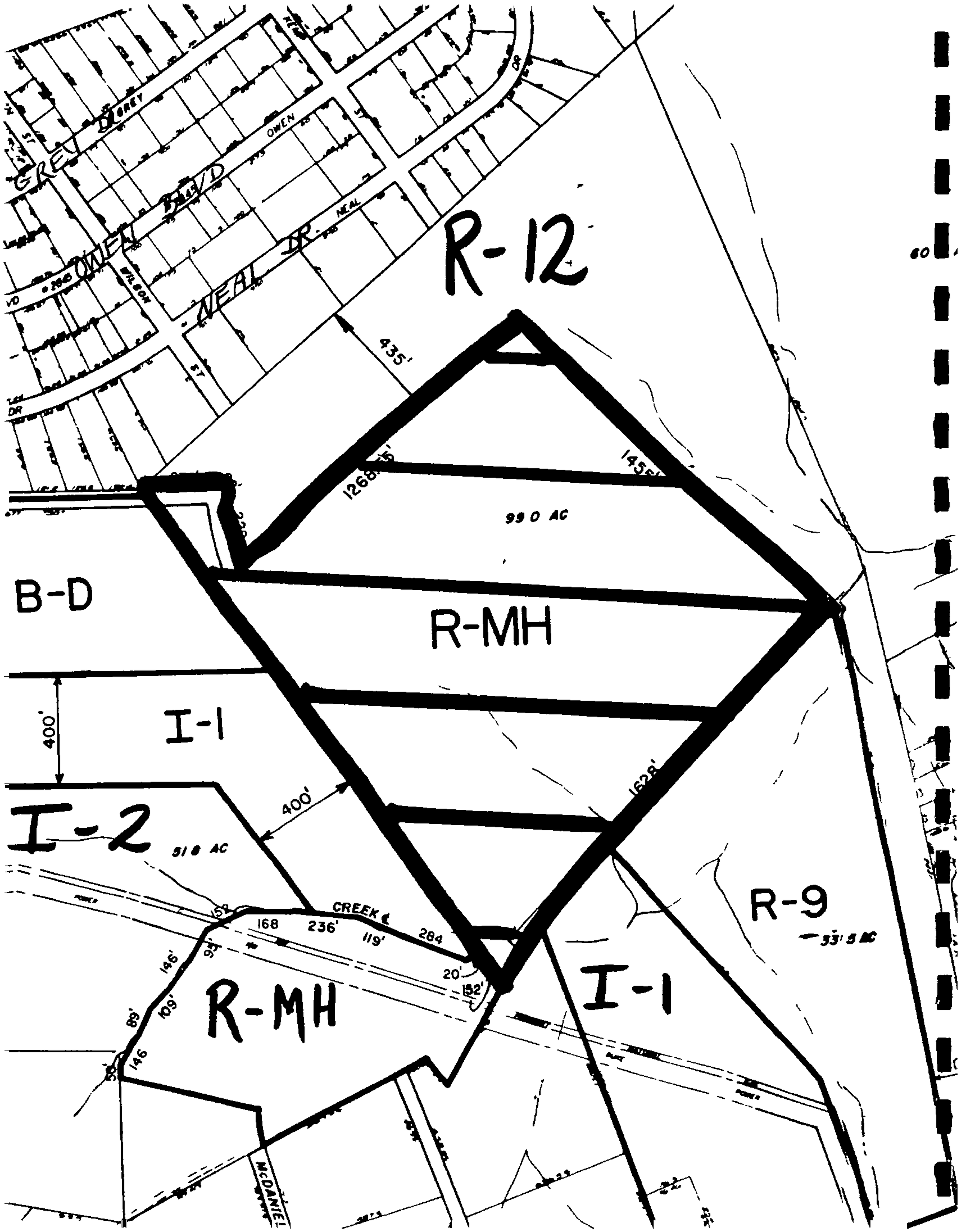
ZONING CLASSIFICATION, EXISTING R-MH REQUESTED R-12

LOCATION A 57.52 acre site located east of US 29 between Old Concord Road and Neal Drive

PLEASE SEE ATTACHED MAP

ZONING MAP NO. 77 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


GREY DR
OWEN BLVD
NEAL DR
WILSON
R-12
435'
1268.5'
1455'
99.0 AC
B-D
R-MH
I-1
400'
I-2
51.8 AC
400'
1628'
R-9
33.5 AC
CREEK ℄
168
236'
119'
284
20'
152'
146'
94'
89'
109'
146
50'
R-MH
I-1
McDANIEL

# OFFICIAL REZONING APPLICATION
# CITY OF CHARLOTTE

Petition No. 86-116
Date Filed 11-3-86
Received By LS
OFFICE USE ONLY

## Ownership Information

Property Owner Malcolm B Blankenship

Owner's Address 428 West Bank Street
Salisbury, NC 28144

Date Property Acquired 1946

Deed Reference 3908-443 Tax Parcel Number 049 071 01

## Location Of Property (address or description) East of US 29 between Old Concord Road and Neal Drive

## Description Of Property

Size (Sq Ft -Acres) 57.52 acres ± Street Frontage (ft) none

Current Land Use vacant

## Zoning Request

Existing Zoning R-MH Requested Zoning R-12

Purpose of zoning change to protect single-family neighborhood from mobile home park development

Edward Walsh
Name of Agent

234 Neal Drive
Agent's Address

Charlotte NC 28213

Telephone Number
596-6773

Edward F Walsh, Jr.
Donald W. Tibbs Jr.
Name of Petitioner(s)
234 NEAL DR CHARLOTTE, N.C. 28213
228 Neal Dr.
Address of Petitioner(s)
596-6773
596-3406
Telephone Number
Edward F Walsh, Jr.
Donald W Tibbs Jr.
Signature

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 86-116

Petitioner: Edward F Walsh and Donald W. Tibbs, Jr

Location A 57.5 acre site located east of US 29 between Old Concord Road and Neal Drive.

Request· Change from R-MH to R-12.

ISSUES.

1. Neighborhood Concern. This petition is a neighborhood sponsored petition. What concerns have been expressed by adjoining single family areas regarding the proposed mobile home development of this property?

2 Existing Mobile Home Plan for the Subject Property What aspects of the existing mobile home plan are important to evaluate including such things as the relationship to adjoining properties, density, access, etc ?

3. Area Patterns How would the development of the property under the current zoning relate to existing development patterns in the area? Given the existing setting, is the mobile home development here appropriate?

BACKGROUND·

1. Existing Zoning. The subject property is zoned R-MH, which is a conditional mobile home development district. The property is surrounded on two sides by R-12 zoning which extends generally to the north and east Other contiguous property is zoned B-D, I-1, R-9 and R-MH. Generally, property to the south is zoned for industrial purposes

2. Existing Land Use. The petitioned property is undeveloped at the present time. The area in general has a mixed development pattern. Slightly to the north and to the southeast of the site are areas developed with single family homes Other property immediately adjoining this site is still vacant at the present time. To the south are other small mobile home parks which have access to streets which are oriented to Old Concord Road Development along Orr Road extending to North Tryon Street is a mixture of industrial, residential and business development

3 Existing Mobile Home Plan. The property owner amended the development plans for this site in 1985. At that time the property was under the County's jurisdiction, but has since been annexed into the City of Charlotte. Current plans for the site include a total of 237 mobile home lots. This results in an overall gross density of about 4 1 units per acre. The minimum mobile home lot size will be 6,050 square feet and the average lot size 8,515 square feet. Access to this property will come by way of a street connection to US Highway 29. About 4 6 acres of the total tract will be devoted to open space and recreation areas

GENERAL FINDINGS

1. 2005 Plan. The 2005 Plan indicates existing employment land uses for the area. Strategies include streetscape improvements along US 29 and the extension of water lines to the area.

2 UNCC District Plan. The property is located within the study bounds of the plan and defines the subject property as an area of urban residential land uses.

3 Transportation Improvement Program The TIP includes a study of the US 29-North 29 Corridor This project would fund planning studies for a North Tryon Improvement Project.

4. Annexation. The property was included in an area annexation which took effect on June 30, 1986

5 Pre-Hearing Staff Input Staff helped the petitioner in this case with the application. Staff also did not generally encourage the application feeling that the mobile home designation was appropriate and the fact that the property owner was in the process of securing development permits for the property

6. Pre-Hearing Departmental Comments (Summary).

   1. Fire Department. No comment.

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

   3 Building Standards. No comments have been received as of the preparation of this material, but are expected by the time the public hearing is held.

   4 C-DOT. The site could generate 3200 to 3400 trips per day as currently zoned and under the proposed zoning could generate 2400 to 2600 trips per day. C-DOT staff has recently reviewed a mobile home park plan for this property.

7. Neighborhood Context. This site is located in the Newell Community.

DETAILED FINDINGS:

1 The property in this case is about 57.5 acres located east of US 29 between Old Concord Road and Neal Drive The current zoning is R-MH and the request seeks R-12 The petitioner in this case is not the property owner, but has been filed on behalf of a nearby single family neighborhood.

2. The petitioners have expressed concern in their application about the proposed development of a mobile home park for this property The rezoning will remove the mobile home designation and replace it with a single family classification.

3. The property owner as of last year amended the mobile home plan. The new plan is a superior version to an older one which had been long-standing. The density was reduced to just over 4 units per acre and the plan represented a general update and modernization of the older plan. The Planning Commission recommended the plan amendment last year and it was adopted by the County Commission

4 It is vital to note that the property owner is in the process of having plans reviewed for a mobile home park development for this property. Development permits may shortly be issued for this project, if in fact they have not already. If that is the case then changing the zoning will not prevent the mobile home development as called for under the mobile home plan.

5 Regardless of the development permit standing, it is believed that the mobile home development is appropriate given the development pattern for the area Mobile home parks are located elsewhere in the immediate vicinity, including a small portion which directly abuts this site

6 Further, the site plan as mentioned above is a good one and improved over an older version. Access to this site will not go through the existing single family subdivision to the north, but will be directed to North 29 through a new street.

7. Also, no single family lot directly adjoins the mobile home park In fact several hundred feet separate single family development from this proposed park. The intervening area is already zoned R-12

8. The mobile home development will provide housing for the area Mobile home opportunities are very limited in Charlotte and this does appear to be one place where such housing is reasonable and should be encouraged.

9. Finally, the zoning surrounding the site is mixed Much of the site, in fact, lies directly adjacent to industrial zoning It seems unreasonable to expect single family development of this site given this type of pattern.

10 Based upon the above circumstances, the petition is not encouraged for approval The development of this site is about to commence and will implement long-standing zoning plans for the property Further, the development will not impact nearby single family areas. The site is separated by already existing single family zoning and will be accessed by a new street which is entirely separate from any single family development. Given these facts and the existing zoning in the area, the neighborhood petition does not have merit

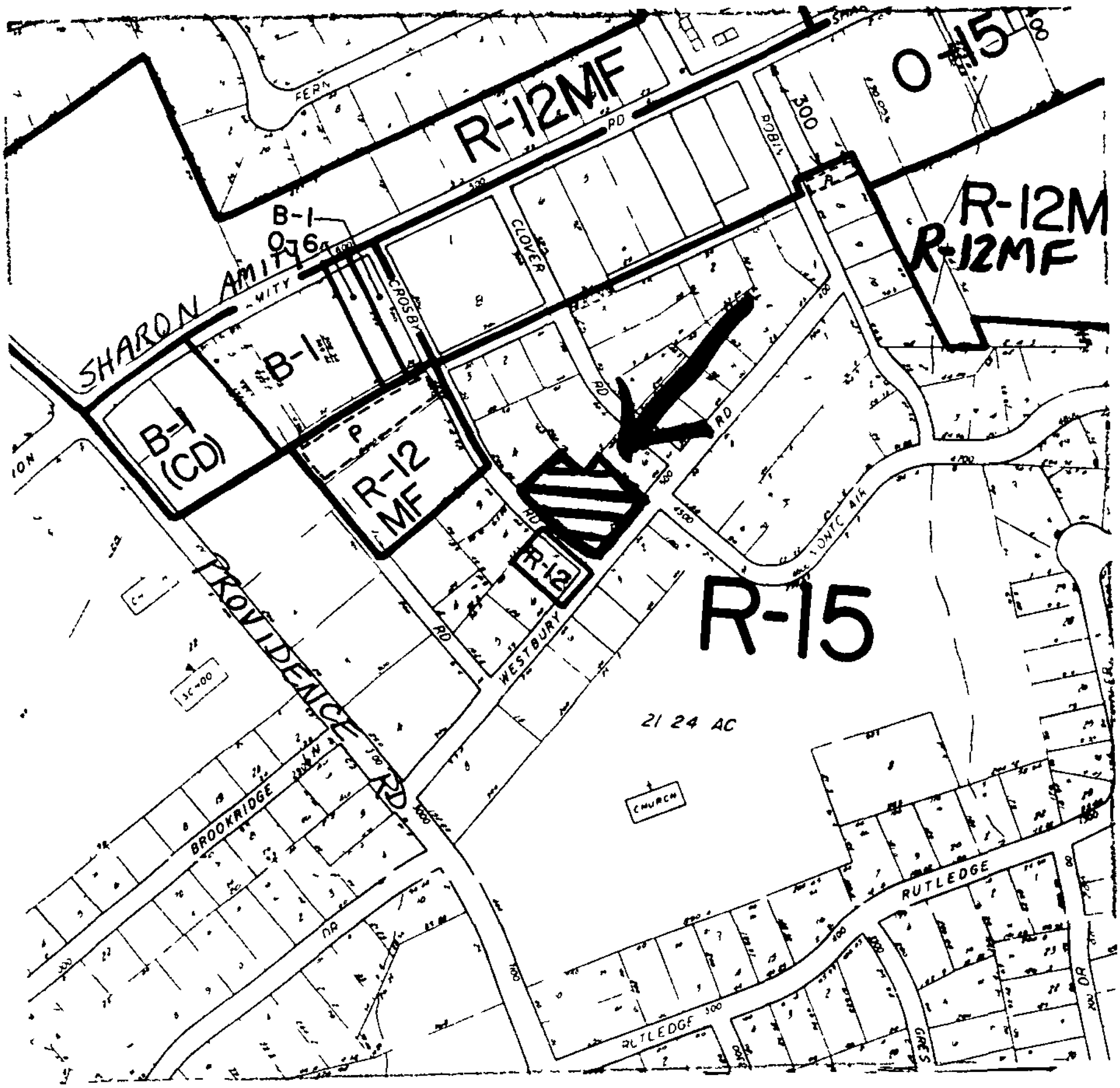
*Subject to further refinement following public hearing.

PETITIONER Frances Pitts

PETITION NO 86-117 HEARING DATE 12-15-86

ZONING CLASSIFICATION, EXISTING R-15 REQUESTED R-12

LOCATION An .826 acre parcel located at the intersection of Crosby Road and Westbury Road




ZONING MAP NO. 124 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

# OFFICIAL REZONING APPLICATION
# CITY OF CHARLOTTE

Petition No. 86-117
Date Filed 11-3-86
Received By LS
OFFICE USE ONLY

## Ownership Information

Property Owner MR. & MRS RICHARD A. PITTS

Owner s Address 508 WESTBURY RD.
CHARLOTTE

Date Property Acquired June, 1946

Deed Reference 1195 PG. 463 Tax Parcel Number 185-016-05

## Location Of Property (address or description) CORNER OF WESTBURY & CROSBY - NEAR PROVIDENCE

## Description Of Property

Size (Sq Ft -Acres) .826 AC Street Frontage (ft) 200' WESTBURY 253.26' CROSBY

Current Land Use SINGLE FAMILY RESIDENCE

## Zoning Request

Existing Zoning R15 Requested Zoning R12

Purpose of zoning change TO ALLOW 1 DUPLEX ON CORNER LOT & A SINGLE FAMILY HOME ON EACH SIDE

ELAINE YARBROUGH OR ELOISE CLAPP
Name of Agent

10613 JOHNSTON RD. - PINEVILLE, N.C. 28134
Agent s Address

541-6200
Telephone Number

MRS. FRANCES PITTS
Name of Petitioner(s)

508 WESTBURY RD.
Address of Petitioner(s)

366-1274
Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 86-117

Petitioner: Frances Pitts

Location. A tract of land located at the intersection of Crosby Road and Westbury Road.

Request: Change from R-15 to R-12.

ISSUES:

1 Reason for Petitioner Request. Why has the petitioner chosen to rezone the property from one single family classification to another?

2 Neighborhood Impacts. What neighborhood impacts, if any, can be identified regarding the zone change request?

BACKGROUND:

1. Existing Zoning The property involved in this petition is presently zoned R-15 The R-15 district is the principal one for residential zoning throughout the area. One slight difference to this pattern is one lot directly across Crosby Road from the site which is zoned R-12 There is also some R-12MF zoning in the area as well At the Providence Road/Sharon Amity intersection are two areas zoned B-1(CD) and B-1 There is also an area of O-15 zoning which extends along the southerly side of Sharon Amity towards Randolph Road.

2 Existing Land Use The subject property has a single family residence on it Other single family dwellings are built in the area. A multi-family project is located half a block away on Crosby. Two large churches are in the neighborhood, St Gabriel's and Trinity Presbyterian Commercial development is located at the corner of Sharon Amity and Providence Road along with office development which extends along the southerly side of Sharon Amity

GENERAL FINDINGS

1 2005 Plan The 2005 Plan indicates existing residential land uses in the area. Strategies in the area include the extension of water lines along Providence Road

2 Transportation Improvement Program. The TIP includes the Providence Road widening and the Providence/Sharon Amity intersection improvement in the listing of proposed roadway projects.

3 Pre-Hearing Departmental Comments (Summary)

Due to the fact that the condition is not conditional in nature, most departments did not comment. C-DOT did indicate that no noticeable impact on traffic conditions would result if the zoning were changed.

4 Pre-Hearing Staff Input. Staff provided assistance regarding the preparation of the application.

5 Neighborhood Context. The site is located in the Providence Park/Randolph Park neighborhood.

DETAILED FINDINGS.

1. This petition involves a corner lot at the intersection of Crosby Road and Westbury Road. Current zoning is R-15 and the petitioner is seeking R-12. Both of these districts are single family classifications.

2 The petitioner states in her application that the purpose of the zoning change is to allow a duplex on a corner lot and a single family home on each side of that structure.

3 The duplex structure is permitted on a corner lot in single family zoning. The land area involved in this petition is large enough to construct the units as requested on the application form

4 Apparently the existing single family home on this lot will be removed and replaced with a new duplex on the corner as well as the construction of two other new single family dewllings.

5 One lot directly across Crosby from this site was rezoned to R-12 in 1972 Thus the proposal for R-12 here is not unique to the neighborhood Also, multi-family zoning and development is half a block away

6 A recent rezoning proposal at the corner of Westbury and Providence for non-residential zoning was defeated. The principal reasons evolved around strong neighborhood opposition as well as the fact that such a zoning pattern was inconsistent with existing patterns and neighborhood preservation goals.

7. In this case it is believed that the R-12 residential zoning is compatible with the neighborhood. The current residence now sits on slightly more than one acre of property whereas if the zoning is approved the new structures will be erected No significant impacts, if any at all, can be identified by the zone change request.

8. Based upon the above circumstances, the petition is encouraged for approval

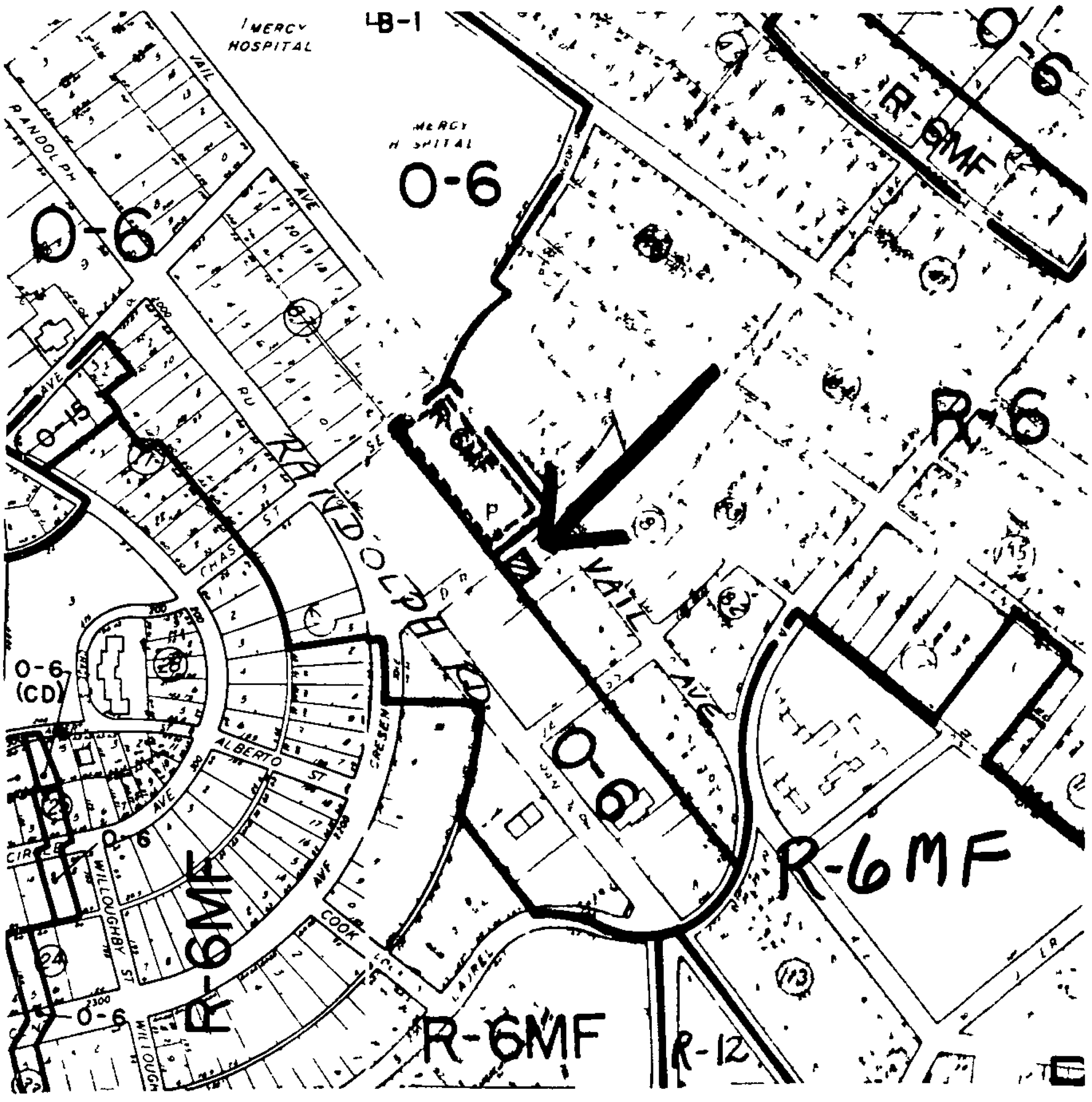
*Subject to further refinement following public hearing.

PETITIONER Charlotte Pipe and Foundry Company

PETITION NO 86-118 HEARING DATE 12-15-86

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

LOCATION a 3300 sqaure foot site located at the intersection of Durham Avenue and Vail Avenue




ZONING MAP NO. 111, 112 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

Petition No 86-118
Date Filed 11-3-86
Received By LS
OFFICE USE ONLY

# OFFICIAL REZONING APPLICATION
# CITY OF CHARLOTTE

100 00

## Ownership Information

Property Owner Charlotte Pipe and Foundry Company

Owner's Address 2109 Randolph Road
Charlotte, North Carolina 28207

Date Property Acquired July 20, 1984

Deed Reference Book 4999, Page 227 Tax Parcel Number 127-111-11

## Location Of Property (address or description) 116 Durham Avenue, Charlotte North Carolina

## Description Of Property

Size (Sq Ft -Acres) 55 feet by 60 feet Street Frontage (ft) 55 feet

Current Land Use Vacant lot (Part of Lot 1, Block 14 Crescent Heights Subdivision, Map recorded in map book 230 at page 24)

## Zoning Request

Existing Zoning R-6 Requested Zoning O-6 (CD)

Purpose of zoning change To allow property to be devoted to off-street parking for purposes of serving Petitioner's adjoining office building at 2201 Randolph Road, Charlotte, North Carolina.

Bailey Patrick, Jr., Attorney
Name of Agent

P.O. Box 35566 Charlotte, NC 28235
Agent's Address

(704) 372-1120
Telephone Number

Charlotte Pipe and Foundry Company
Name of Petitioner(s)

P. O. Box 35430 Charlotte, NC 28235
Address of Petitioner(s)

(704) 372-5030
Telephone Number

[redacted] CH
Signature

Signature of Property Owner if other than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 86-118

| | |
|---|---|
| Petitioner | Charlotte Pipe and Foundry Company |
| Location | A 3300 square foot site located at the intersection of Durham Avenue and Vail Avenue |
| Request. | Change from R-6 to O-6(CD) |

ISSUES.

1 Zoning/Neighborhood Intrusion If this petition were approved, how would it change present zoning patterns in the neighborhood? Would such a change be consistent with overall neighborhood planning and zoning objectives?

2 Proposed Use/Site Plan What is the proposed use in this case and what site plan conditions are important to evaluate?

3 Future Effect. If this request were approved, what potential effect on future zoning and land use decisions in this neighborhood could result?

BACKGROUND.

1 Existing Zoning. The property in this request is presently zoned R-6 Two sides of the site are contiguous to R-6 zoning whereas directly across Durham Avenue is an area of R-6MF zoning, but is conditionally approved for parking The remaining side of the petitioned property is adjacent to O-6 zoning which relates to properties which front on Randolph Road The R-6 zoning is spread throughout on many of the neighborhood streets. Other residential zoning, principally in the form of R-6MF, are also located throughout the vicinity The O-6 pattern continues northward along Randolph Road and also spreads to other streets.

2 Existing Land Use. The subject property is undeveloped at the present time. Two sides of the site adjoin residential development, the side across Durham Avenue adjoins a parking lot and the remaining side is adjacent to office development The area immediately around the site along Vail Avenue is residentially developed, but that pattern changes approximately one block north where Mercy Hospital and other medical and office uses are located. Other residential uses are located along Randolph Road, also Mostly single family homes are located in the neighborhood, but there are scattered apartment buildings and other multi-family properties.

3. Site Plan The petitioned property is proposed to be used as a parking lot. A total of 12 parking spaces would be provided on this lot and would be screened from Durham Avenue by way of evergreen shrubs There would also be a six foot eight inch decorative brick wall located around sides

adjacent to residential development. The parking would be used in conjunction with the petitioner's existing office building which adjoins this lot

GENERAL FINDINGS

1 2005 Plan. The 2005 Plan indicates existing residential uses in the area No specific strategies are proposed.

2. Elizabeth Urban Design Plan and Transportation Study. This plan does include the subject property, but doesn't indicate a specific recommendation regarding this site The plan does recommend the establishment of a new zoning district, which would be some form of a neighborhood mixed use development district for some areas of the Elizabeth neighborhood.

3 Pre-Hearing Staff Input. Staff met with the petitioner prior to the submission of the application to discuss the matter. The petitioner indicated that some discussions with neighborhood representatives had already taken place, but staff offered no definitive opinions regarding the desirability of the request.

4 Pre-Hearing Departmental Comments (Summary).

1 Fire Department. No comment.

2 C-MUD. Water and sewer are available to the area.

3 C-DOT Written comments were unavailable as of the preparation of this material, but are expected by the time the public hearing on the matter is held

4 Building Standards Written comments were unavailable as of the preparation of this material, but are expected by the time the public hearing on the matter is held

5 Engineering Department No comments

5. Neighborhood Context The site is located in the Elizabeth neighborhood

DETAILED FINDINGS

1. The subject property is a small parcel of land which is located near the intersection of Durham Avenue and Vail Avenue. (The property is adjacent to Durham Avenue.) The current zoning is R-6 and the petitioner is seeking O-6(CD)

2. The proposed use for the property is a parking lot which would be devoted to serving the petitioner's adjoining office building at 2201 Randolph Road. (For further details regarding the site plan, refer to Background #3.)

3. The property is located in the Elizabeth neighborhood. This neighborhood and other inner-city neighborhoods comprise a significant amenity to the overall City of Charlotte. The inner-city neighborhoods are a valuable commodity and have been recognized repeatedly in many planning studies, including the 2005 Plan

4 Further, the Elizabeth neighborhood has recently been included in an urban design study Although no specific recommendations are included about this site, the property is nonetheless included in the study boundaries.

5. At the present time the boundary between the O-6 zoning and the R-6 zoning in this area is split mid-block between Randolph Road and Vail Avenue Properties which front on Randolph and oriented to that major street are zoned O-6 This petition would pierce that line by extending the O-6 boundary towards Vail Avenue.

6. Although the property is small geographically, it is believed that the potential consequences here loom large From a neighborhood perspective the change here represents a departure from existing and long established zoning patterns The O-6 change would represent an intrusion into the neighborhood and could potentially lead to others.

7 Although the site plan itself is a sensitive one regarding the neighborhood by providing such features as a brick wall and evergreen screening, it does nonetheless not provide the kind of overall protection that the neighborhood deserves. This has been an area which has experienced pressure because of Mercy Hospital and the growing medical community. Such changes as this one should be resisted As a neighbor in the Elizabeth neighborhood, the Charlotte Pipe and Foundry office has been a good one. The office is tastefully designed and is physically oriented to Randolph Road, but that is the way it should be. No intrusion towards the neighborhood and existing residential zoning should be allowed.

8 Based upon the above circumstances, the petition is not encouraged for approval It is contrary to policy goals contained in the 2005 Plan and does not foster overall neighborhood preservation goals either

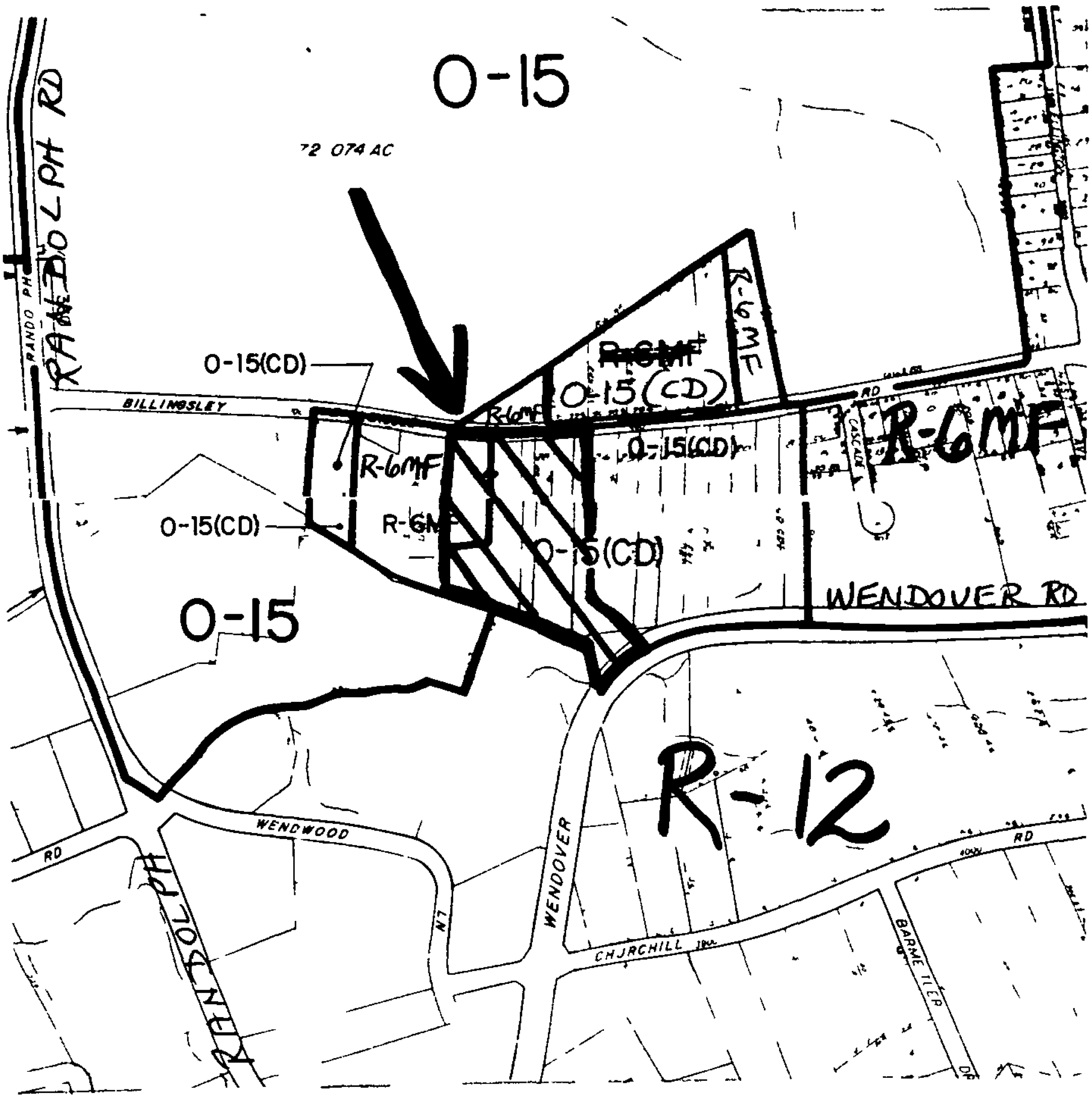
*Subject to further refinement following public hearing

PETITIONER Dr. Thomas Hampton and Dr. Joseph Estwanik

PETITION NO. 86-119 HEARING DATE 12-15-86

ZONING CLASSIFICATION, EXISTING R-6MF REQUESTED 0-15(CD) and an 0-15(CD) Site Plan Amendment

LOCATION a 4.55 acre site located on the south side of Billingsley Road across from the Mecklenburg County Social Services Building




ZONING MAP NO. 112, 124 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

# OFFICIAL REZONING APPLICATION
# CITY OF CHARLOTTE

Petition No 86-19
Date Filed 11 3-86
Received By KS
OFFICE USE ONLY

## Ownership Information

Property Owner Dr. Tom Hampton & Dr. Joseph Estwanik

Owner's Address 1516 Elizabeth Avenue, Charlotte, N.C. 28204

Date Property Acquired 10-28-82, 4590 @ 559, 9-79, 4231 page 346, 9-79, 4231 @ 348; 11-22-82, 4596 @ 903, 7-17-80, 4323 @21, 3-12-80, 4288 @ 9; 2-27-81, 4404 @ 438, 10-29-82, 4590 @ 507, 8-6-82, 4563-450; 10-25-82, 4586-934;

Deed Reference 2758 @ 498 Tax Parcel Number 157-072-29 & 157-072-27

## Location Of Property (address or description) south side of Billingsley Road

across from Mecklenburg County social Services Building

## Description Of Property

Size (Sq Ft -Acres) 4.55 acre Street Frontage (ft) 365' on Billingsley 140' on Wendover

Current Land Use

## Zoning Request

Existing Zoning 0-15 (CD) & R-6 MF Requested Zoning 0-15 (CD)

Purpose of zoning change To accomodate medical & professional offices

Lee R. McLaren - DPR ASSOCIATES,
Name of Agent

2036 E. 7th Street
Agent's Address

332-1204
Telephone Number

Dr. Thomas Hampton
Dr. Joseph Estwanik
Name of Petitioner(s)

1516 Elizabeth Avenue
Address of Petitioner(s)

(704) 376-3947
Telephone Number

Joseph A. Estwanik III
Signature

Thomas M. Hampton
Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 86-119

| | |
|---|---|
| Petitioner | Dr Thomas Hampton and Dr. Joseph Estwanik |
| Location. | A 4.5 acre site located on the south side of Billingsley Road across from the Mecklenburg County Social Services Building |
| Request. | Change from R-6MF and 0-15(CD) to 0-15(CD) and a Site Plan Amendment. |

ISSUES

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

2. Grier Heights Redevelopment Plan How does the request compare to guidelines contained in the redevelopment plan for the area?

3 Zoning/Land Use Patterns How would the approval of the request relate to existing or anticipated zoning or land use patterns in the area?

BACKGROUND:

1 Existing Zoning The property involved in this request is zoned a combination of R-6MF and 0-15(CD) Property lying immediately east of the site is also zoned 0-15(CD) and other office zoning is located across Billingsley Road from the site R-6MF classifications are located further east and west of the site and R-12 zoning is located south of the site throughout a large area in the vicinity

2 Existing Land Use The petitioned property is undeveloped The site is adjacent to an office building which has been recently completed as part of a medical office complex Across from the site is vacant property, but much of the land across from Billingsley is devoted to the site and services of Mecklenburg County's Social Services Department Other medical related offices are located at the intersection of Billingsley and Randolph Roads. Multi-family and single family residential development, as part of the Grier Heights neighborhood, is developed to the east of the site and other single family development along other streets off of Randolph and Wendover are nearby.

3 Site Plan The conditional site plan proposes to rezone one portion of the property for office purposes and amend the remaining balance of the site which is already zoned 0-15(CD) This petition will now encompass about 4 5 acres and allow 58,500 square feet in maximum building square footage Vehicular access will be by way of two driveways from Billingsley Road as well as an internal driveway from the adjoining Park Place Profes-

sional Park An area adjoining Wendover Road will be observed as a 150 foot undisturbed buffer. No access from Wendover will be permitted.

GENERAL FINDINGS

1. 2005 Plan. The 2005 Plan indicates existing employment-type land uses in the area of the subject property Strategies include the extension of the County Greenway System along Briar Creek

2. Grier Heights Redevelopment Plan The plan indicates office-type land uses in the area of the subject property Rezoning the site and the resulting site plan amendment is consistent with this plan.

3. Pre-Hearing Staff Input. Staff met with the petitioner prior to the submission of the application Staff indicated that the plan would be in conformance with the redevelopment plan and due to the preponderance of office zoning in and around the area the rezoning/plan amendment was generally acceptable

4. Pre-Hearing Departmental Comments (Summary)

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

   2 Building Standards Comments were not available as of the preparation of this material, but are expected by the time the public hearing is held

   3. Fire Department The Fire Department recommends that the proposed buildings be equipped with a fire sprinkler system.

   4 C-DOT Comments were not available as of the preparation of this material, but are expected by the time the public hearing is held.

   5 Engineering Department The department requests that additional right-of-way shown on the site plan be dedicated regarding Billingsley Road There is also an additional 10 feet of right-of-way which is requested along Wendover Road

5 Neighborhood Context The site is located in the Wendover neighborhood

DETAILED FINDINGS

1 The subject property involves two tracts of land which are zoned O-15(CD) and R-6MF The property extends between Wendover Road and Billingsley Road. A total of 4.5 acres is involved in the rezoning petition

2 The petitioner has filed a conditional plan which will develop 58,500 square feet of office development on the site. Access will be entirely restricted to Billingsley Road (For further details, refer to Background #3 )

3 The adjoining property has previously been zoned O-15(CD) and has recently been developed as part of the Park Place Professional Park development Other developments on Billingsley Road are devoted to medical or social service-type activities.

4 The rezoning and plan amendment is consistent with existing patterns and zoning for the area. It is anticipated that what few residential zoning lots are left in this immediate vicinity will likewise be potential candidates for office development as well

5 The Grier Heights Redevelopment Plan recognizes this rezoning and additional ones as mentioned just above. Thus, this rezoning is consistent with that plan

6 This plan maintains a very large buffer adjacent to Wendover Road nor does it provide for any access to Wendover Road These are important conditions The orientation of this site is definitely limited to Billingsley Road

7. Based upon the above circumstances, the petition is encouraged for approval.

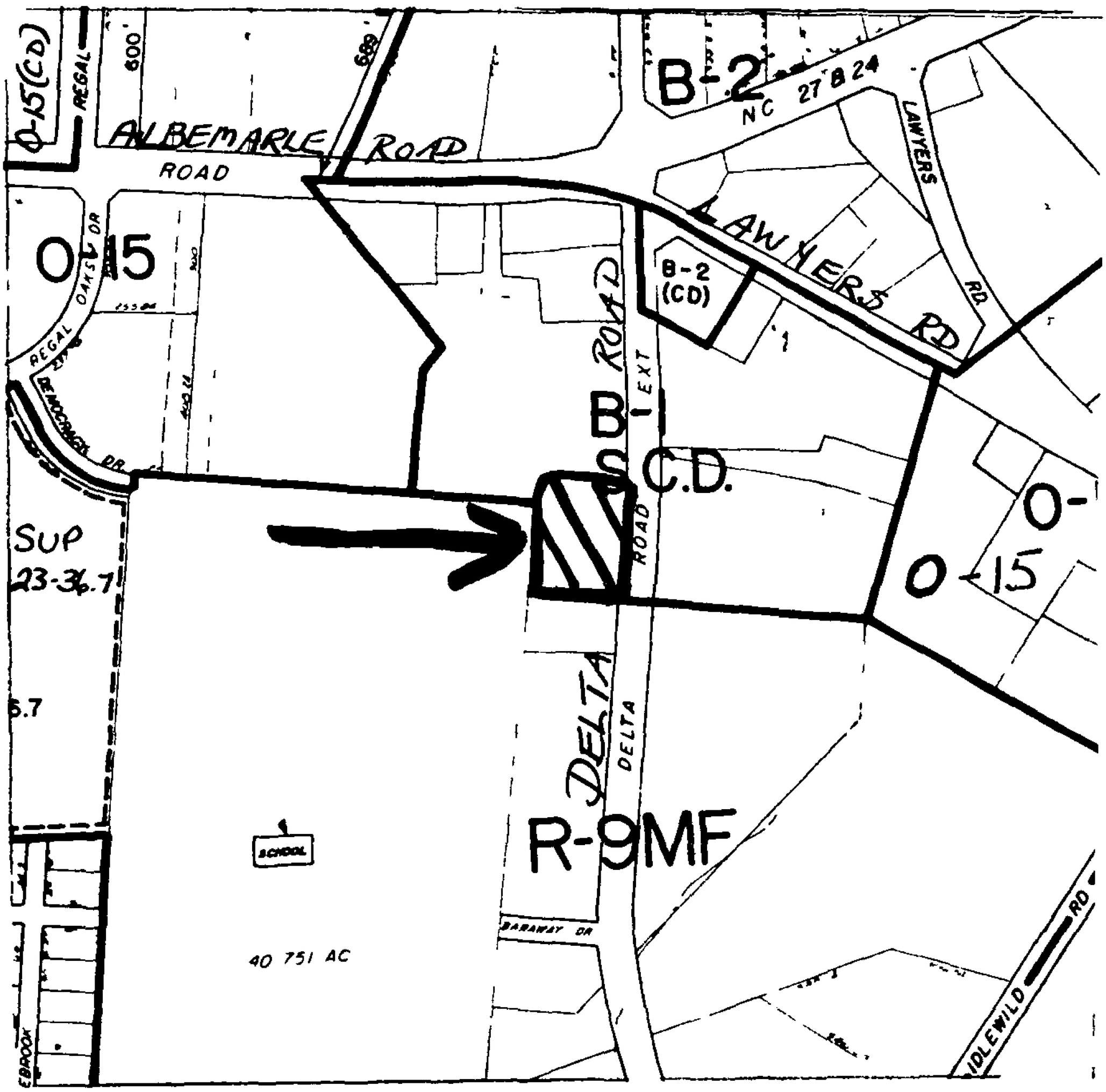
*Subject to further refinement following public hearing.

PETITIONER Roll-A-Round, Inc

PETITION NO. 86-120 HEARING DATE 12-15-86

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

LOCATION A 1.7 acre site located southwest of the intersection of Albemarle Road and Delta Road.




ZONING MAP NO. 114 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

# OFFICIAL REZONING APPLICATION
# CITY OF CHARLOTTE

Petition No. 86-120
Date Filed 11-3-86
Received By LS.
OFFICE USE ONLY

## Ownership Information

Property Owner: Roll-A-Round, Inc.

Owner's Address: 940 Queens Road
Charlotte, N.C. 28207

Date Property Acquired: July 15, 1976

Deed Reference: 3860-835

Tax Parcel Number: 133-252-06

## Location Of Property (address or description)

5417 Delta Road
Charlotte, N.C. 28212

## Description Of Property

Size (Sq. Ft -Acres): 1.7 Acres

Street Frontage (ft.): 300 Feet

Current Land Use: Roller Skating Rink

## Zoning Request

Existing Zoning: B1-SCD

Requested Zoning: ~~No Change~~ Site Plan Amendment

Purpose of zoning change: To allow the property to be used for retail space and retail shops in addition to current use.

Name of Agent

Agent s Address

Telephone Number

Roll-A-Round, Inc
Name of Petitioner(s)

940 Queens Road, Charlotte
Address of Petitioner(s)

333-3131
Telephone Number

James G Cavalaris
Signature PRESIDENT.

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 86-120

Petitioner. Roll-A-Round, Inc.

Location A 1 7 acre site located southwest of the intersection of Albemarle Road and Delta Road.

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

ISSUES

1 Original Plan Versus Plan Amendment Is the request to amend this plan consistent with the overall plan here and the original objectives for the development of this property?

BACKGROUND·

1 Existing Zoning The subject property is currently zoned B-1SCD. It is part of a larger area zoned B-1SCD which is generally located on either side of Delta Road extending northward to the Albemarle Road intersection Other commercial zoning in the form of B-2 and B-2(CD) is presently at or near the intersection as well. Beginning south of the site is a large area devoted to R-9MF zoning There are also large areas of office zoning including some located on both sides of Albemarle Road to the northwest of the site as well as a smaller area to the east near the Lawyers/Idlewild Road North intersection

2 Existing Land Use The property in this case is presently developed with a roller skating rink. The area adjoining the site as well as other nearby properties along Delta to Albemarle are developed for a series of commercial activities This commercial development extends along other portions of Albemarle Road nearby. Some new commercial development is locating directly across the site on Delta Road, also Several multi-family projects are located on Delta Road south of the site, while single family development is more prevalent in other areas away from major streets and thoroughfares. Schools and churches are nearby along with major concentrations of office development, particularly along Albemarle Road where such projects as the East Park Office complex and Kroger Executive Park are located.

3 Site Plan The existing site plan calls for the use of this property to be restricted only to a roller staking rink. The plan amendment only seeks to adjust the usage of the property so as to add retail stores and shops as a permitted use as well The existing building which is a one-story 20,250 square foot building would remain

GENERAL FINDINGS

1. 2005 Plan The 2005 Plan recognizes a community commercial center at the intersection of Delta Road and Albemarle Road. Strategies for the area include the widening of Delta Road, which will become part of an eastern thoroughfare belt road and the widening of Lawyers Road along with the widening of Albemarle Road.

2. Albemarle Road Small Area Plan The plan recognizes the area of the subject property as one for retail land uses.

3. Transportation Improvement Program The current TIP schedules the widening of Albemarle Road from Lawyers Road to NC 51 for construction in FY 90 It schedules the Newell-Hickory Grove/Delta Road widening for construction in FY 92.

4. Pre-Hearing Staff Input. Staff met briefly with the petitioner regarding the request for the plan amendment Staff generally did not have any problems with the request.

5. Pre-Hearing Departmental Comments (Summary).

   1 Fire Department. No comments

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

   3 Building Standards. No comments have been received as of the preparation of this material, but are expected by the time the public hearing is held

   4 C-DOT. No comments have been recieved as of the preparation of this material, but are expected by the time the public hearing is held.

   5 Engineering Department Delta Road needs an additional 20 feet of right-of-way.

   6 Neighborhood Context. The site is located in the Idlewild Farms/Easthaven neighborhood.

DETAILED FINDINGS.

1 The subject property is a 1 7 acre site located southwest of the intersection of Albemarle Road and Delta Road The petitioner is requesting a B-1SCD Site Plan Amendment which will enable the use of the property, which is currently restricted to a roller skating rink, for a variety of retail stores and shops

2. The B-1SCD district in this case has seen many plan amendments over the years. The most recent one involved a case regarding a piece of property located directly across the subject site on Delta Road That property is currently under development as a small neighborhood-sized shopping center.

3 The Alebmarle Road Small Area Plan recognizes commercial activity at this location A wide variety of commercial and retail uses are presently associated with the intersection.

4. The B-1SCD plan is very restrictive at the present time and allows only one use. Widening the uses for other retail purposes is not inconsistent with other land development patterns at the intersection and will enable the petitioner to utilize the property with greater flexibility.

5 While staff finds no problem with the amendment, the amendment process does offer the opportunity to have donated an additional 20 feet of right-of-way along Delta Road The petitioner has been apprised of this. Staff has also pointed out some deficiencies with regard to screening as called for under the existing plan Before approval is granted of this plan amendment that screening should be brought into compliance.

6 Finally, one administrative note This site plan has been used by many others in the amendment process as mentioned above. This plan is somewhat dated in terms of its information and should be more accurate as well as made to read easier than it does at the present time.

7 All in all, staff judges the plan amendment to be compatible with and consistent with current patterns and the original goals and objectives of the B-1SCD when established here back in the 1970's If the above changes to the site plan can be achieved, then staff would certainly encourage the approval of the petition

*Subject to further refinement following public hearing

# ZONING ORDINANCE TEXT AMENDMENT APPLICATION

# CITY OF CHARLOTTE

Petition No 86-121

Date Filed 11-3-86

Received By LS

OFFICE USE ONLY

Section No 3042 (Permitted Uses in Office Districts) of the City of Charlotte Zoning Ordinance
(Appendix A, Code of the City of Charlotte) (Title)

Purpose of Change

To amend the City of Charlotte Zoning Ordinance to permit post offices as a matter of right in any Office District so as to bring the City of Charlotte Zoning Ordinance into conformity with the Mecklenburg County Zoning Ordinance.

Petitioner desires to lease a portion of a facility located on a parcel zoned O-15 for use as a U.S. Postal Service facility. The City Ordinance presently allows such use in an O-6 district only. The County Zoning Ordinance makes no such distinction.

The proposed amendment would delete the limitation "(O-6 only)" from paragraph 29 of Section 3042 and permit Post Offices as a matter of right in any Office District.

J. Donnell Lassiter
Name of Agent

3300 NCNB Plaza, Charlotte, NC 28280
Agent s Address

(704) 377-6000
Telephone Number

Associated Realty Investors/Carmel Center
By Its General Partner, Synco, Inc.
Name of Petitioner(s)

112 S. Tryon St., Suite 700, Charlotte, NC 28284
Address of Petitioner(s)

(704) 376-9500
Telephone Number

Signature

ORDINANCE NO._____

AN ORDINANCE AMENDING CHAPTER 23
OF THE CITY CODE - ZONING ORDINANCE

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

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

Section 1. Chapter 23, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

1. Amend paragraph 29 of Section 3042 of Chapter 23 "Zoning" of the Code of the City of Charlotte to delete the limitation "(0-6 only)" so that paragraph 29 will now read as follows:

   "29. Post Offices."

Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:

_____
City Attorney

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

_____
Pat Sharkey, City Clerk

#2

# CHARLOTTE - MECKLENBURG PLANNING COMMISSION

November 28, 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 which have been heard and referred to the Planning Commission for consideration The recommendations as reflected herein were arrived at in meetings of the Planning Commission on November 5, and November 20, 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 December 8, 1986 This will then permit these matters to be placed on your agenda for consideration on December 15, 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 November 20, 1986

PETITION NO 85-79

PETITIONER(S) City of Charlotte Community Development Department

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

LOCATION A 2 6 acre site bounded by Statesville Avenue, Spratt Street and Oliver Street

ACTION. The Planning Commission deferred action on this petition

| | |
|---|---|
| DATE | November 20, 1986 |
| PETITION NO | 86-28 |
| PETITIONER(S) | Charlotte-Mecklenburg Planning Commission |
| REQUEST | Change from R-9MF to R-9 and R-12MF |
| LOCATION | An approximately 76 acre site located along Lambeth Drive and north of North Tryon Street |
| ACTION | The Planning Commission deferred action on this petition |

DATE November 5, 1986

PETITION NO 86-86

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Consideration of a text amendment to the City of Charlotte Zoning Ordinance, Section 3053 Uptown Mixed Use District The purpose of the change is to incorporate a number of recommendations 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

ACTION The Planning Commission recommended that the text amendment, as modified, be approved

VOTE. Yeas· Clodfelter, Emory, Griffin, Lewis, Lowery, S Smith and Wheeler

Nays None

(Commissioner Curry was not present when vote was taken. Commissioner M Smith abstained from voting )

REASONS·

This package of amendments has been developed and discussed over almost two years in compliance with the built-in "periodic review" requirement in the U-MUD regulations (see attached case history) The ideas, complaints, problems, experiences, and recommendations from public and private sources went into the proposals which comprise this amendment Many of the changes are small, technical improvements to facilitate plan review and enforcement Others are minor changes which modify certain of the existing development standards or propose new standards where the ordinance seemed to be weak or neglect a problem Still other changes were proposed to "take the next step" in the implementation of the adopted Central Area Plan and to recognize and enhance the streetscape in the Uptown area and to increase minimum levels of required parking

A number of the new proposals generated a substantial amount of discussion both during the months of background work and at the public hearing Several of these warrant individual discussion

1 While the Planning Commission supports the requirement which increases the minimum parking needed for development, it did not recommend that limitations be placed on the creation of new surface parking lots through the removal of structures The Planning Commission felt that this could

impose severe hardships on the owners of obsolete structures and would tend to exacerbate the existing and future parking shortage (Item 4)

2 A matter raised at the public hearing regarding side yards which adjoin residential uses is treated by additional language added to Item 11 This language would maintain an eight foot side yard adjoining residential uses

3 The Planning Commission supports a new requirement for the treatment of the street grade of parking structures to enhance the streetscape and the pedestrian environment (Item 15)

4 The Planning Commission supports a reduction in the size of required street trees from six inches to four inches and using a standardized measurement. The larger trees have proven very difficult if not impossible to acquire and the smaller trees will likely survive better in the long run (Item 19)

5 The Planning Commission supports the inclusion of several new standards relating to building entrances, the facade of the building as it relates to the street and the extension of the Overstreet Walkway System. The design standards begin to address deficiencies in the existing ordinance and move toward a greater recognition of the need to integrate the old and the new and to relate more to the streetscape Regarding future Overstreet connections, public or private, the mechanism of the U-MUD Optional process affords a case by case review of future proposals. (Item 20)

6 While maintaining some reservations about the "economics" of this requirement, the Planning Commission supports the inclusion of a standard for a minimum amount of retail space to be provided in new buildings over 100,000 square feet By expanding the concept of what the term "retail" would include and by reducing the requirement from 75% to 50% of the first floor area, the Planning Commission felt that the effort to create the opportunities for more retail activity at the street level should be pursued (Item 27)

On the whole, this package of amendments represents a timely and progressive move toward a vital Uptown Area and, therefore, the Planning Commission recommends that the amendment package, as modified, be approved

Staff Opinion

The staff agreed with the Planning Commission with the exception of the matter of surface parking lots (Item 4) The staff supports the limitation on the demolition of existing structures in order to create surface parking lots, unless those lots are needed to fulfill the minimum parking requirements for a specific structure.

U-MUD AMENDMENT CASE HISTORY

(Abbreviated)

| | |
|---|---|
| December 10, 1984 | Received letter from Central Charlotte Association requesting consideration of several items, including a 60% mandatory retail requirement. |
| March, 1985 | Planning Commission agenda item to adopt a schedule for the U-MUD update. |
| April 25, 1985 | Met with Planning Commission Chairman and CCA representatives to discuss changes to U-MUD ordinance. |
| May 1, 1985 | Letter sent from CUDC Executive Director to all CUDC Board members soliciting comments on needed changes. |
| June 4, 1985 | Letter from CUDC Executive Director to Planning Commission Chairman commenting on and generally supporting the concept of some mandatory retail requirement. |
| June 20, 1985 | Implementation Committee approves revised UMUD amendment schedule. |
| June, 1985 | Planning Commission authorizes staff to "fast track" several items in the U-MUD package dealing with right-of-way and the U-MUD optional procedures. |
| June through July, 1985 | Staff and interdepartmental review and development of initial draft. |
| July 2, 1985 | As an agenda item, Planning Commission approves revised U-MUD amendment schedule. |
| August 6, 1986 | Planning Commission receives first staff draft of U-MUD amendments for information. |
| August 19, 1985 | After a Public Hearing, the City Council adopts the U-MUD "fast tract" amendments. |
| August 23, 1986 | Staff holds open meeting with interested parties on proposed amendment package. |
| August 27, 1985 | Staff briefs CUDC Board on U-MUD amendment process. |
| August 28, 1985 | Staff presents revised U-MUD amendments to Implementation Committee. |
| September 3, 1985 | Planning Commission receives revised U-MUD amendments, regular agenda item. |

| | |
|---|---|
| September 5, 1985 | Staff holds open meeting with interested parties on possible revisions to proposed amendments. |
| September 16, 1985 | Staff concludes revisions and transmits package to Planning Commission's Implementation Committee for review. |
| November 11, 1985 | Implementation Committee approves draft of U-MUD amendments and forwards to full Planning Commisison. |
| December, 1985 - May, 1986 | Staff made several changes and additions to the proposed amendments responding to additional concerns and comments. |
| June 3, 1986 | As a regular agenda item, the Planning Commission discussed the revised package and adoption schedule and voted to send the amendments forward for Public Hearing. |
| July 14, 1986 | Staff reports to Planning Commission on several questions which arose at previous meeting; affirmed the authorization for Public Hearing. |
| August 18, 1986 | City Council holds Public Hearing on proposed amendments which is continued until September. |
| September 5, 1986 | Staff conducted a briefing and discussion on the proposed amendment for any interested parties at the Chamber of Commerce; CUDC handled notification. Approximately 15 attended. |
| September 15, 1986 | City Council continues Public Hearing and instructs the staff to conduct a "workshop" on the proposed amendment. |
| September 25, 1986 | Planning Commission defers action on the amendments and instructs staff to hold "workshop" for interested parties. |
| October 3, 1986 | Announcements of workshop mailed to 30 interested parties and Mayor and City Council. |
| October 15, 1986 | Workshop on proposed amendments; 9 attended workshop. |
| October 23, 1986 | Planning Commission considers proposed amendment package. No one representing interests in the Uptown area was present for the discussion. |
| November 5, 1986 | Planning Commission continues consideration of amendment package and recommends adoption of a modified proposal. |
| December 15, 1986 | City Council Decision. |

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 deleting 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",

as a principal use providing for public parking, private parking, or parking in conjunction with other permitted uses

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 3 to 10 respectively

8 Amend Section 3053 4 1 by placing a period after 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, without regard to the location of the property line

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 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 existing language dealing with side and rear yards in its entirety and by substituting the following new language in its place

Minimum side and rear yards - none required However, if the adjoining lot contains an existing residential structure, a building separation of at least 8' must be maintained to assure the adequate provision of light and air to the existing residential uses Otherwide, if lot spaces remain in a side or rear yard that are less than 8', those spaces must be closed off from any public street by a wing wall or other architectural extensions of the building facade

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

13 Amend Section 3053 6 1 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/or accessible to the street on at least 50% 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

15 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 third and forth sentences in their entirety, and by adding the following new language in place of the third and fourth sentences

Trees used to fulfill this requirement must be located 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 street 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 to or 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 4 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 street right-of-way Trees must not be planted closer than 2 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 as to compliance with the Street Tree Planting program or any adopted streetscape plan for the area and must be irrigated 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 three new paragraphs as follows

3053 6 1 10 Building Entrances Doorways must be recessed into the face of the building to provide a sense of entry and to add variety to the streetscape For structures less than 100,000 square feet the entry way must be 1 square foot for each 1,000 square feet of floor area with a 15 square foot minimum For buildings over 100,000 square feet, the entry way must be at least 100 square feet

3053 6 1 11 Base of High Rise Building (Those exceeding 5 stories ) The base of high rise buildings (equivalent to the 1st 3 floors above street grade) must be distinguished from the remainder of the building with an emphasis on providing design elements that will enhance the pedestrian environment Such elements as cornices, belt courses, corbelling, molding, stringcourses, ornamentation, changes in material or color, and other sculpturing of the base must be provided to add special interest to the base In addition special attention must be given to the design of windows in the base Band windows are discouraged Recessed windows that are distinguished from the shaft of the building through the use of arches, pediments, mullions, and other treatments is encouraged

3053 6 1 12 Overstreet Connections No connections between structures which pass over a public street may be approved except through the UMUD Optional Process In evaluating a request for an overstreet connection, the Council will consider at least the Adopted Central Area Plan, any specific public policies relative to such a facility, the use of the air rights over the public street, and the relationship of the proposed connection to the street and street level objectives and activities

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 4 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

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 over 100,000 square feet must devote 50% of the net first floor floor area to retail activities The term retail includes not only sales of merchandise at retail but will also be construed to mean personal and business services, restaurants, galleries, and similar uses, but not financial institutions 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. It is encouraged but not mandated that all street level retail tenants which have sidewalk frontage be furnished with direct access to the sidewalk in addition to any other access that may be provided This standard applies to all new development which occurs in the area bounded by or along either side of College Street, 8th Street, Church Street, and Stonewall Street. This standard does not apply to any building with a street frontage of less than 24 feet

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 A minimum 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

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

_____
Pat Sharkey, City Clerk

DATE November 20, 1986

PETITION NO 86-102

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Change from R-6MF to R-15MF

LOCATION 9 5 acres located east of Beatties Ford Road, north of Vinton Street, and south of Russell Avenue along Grier Avenue and Boone Street

ACTION The Planning Commission recommends that the petition be approved

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

Nays None

(Commissioner Emory was not present when vote was taken )

REASONS

This petition is sponsored by the Charlotte-Mecklenburg Planning Commission and encompasses about 9 5 acres east of Beatties Ford Road, north of Vinton Street and south of Russell Avenue along Grier Avenue and Boone Street Zoning in this area is R-6MF and the request seeks R-15MF

Both of these districts are multi-family, but the R-6MF district allows about 21 units per acre whereas the R-15MF district allows about 12 5 units per acre Practically all of the area included within this petition is developed, there being only a couple or three lots which have yet to develop The area is generally some form of multi-family housing with a concentration of duplex units located on both sides of Grier Avenue and other smaller apartment buildings/complexes located throughout the remaining areas of the petition Therefore, the plan recognizes the fact that multi-family housing represents the character of this area and simply seeks to change the district so that the land use and zoning will more closely correlate with one another Rezoning the area to R-15MF will not create any non-conforming uses

Planning Commission recommends that the petition be approved Approval will implement the small area plan recommendation

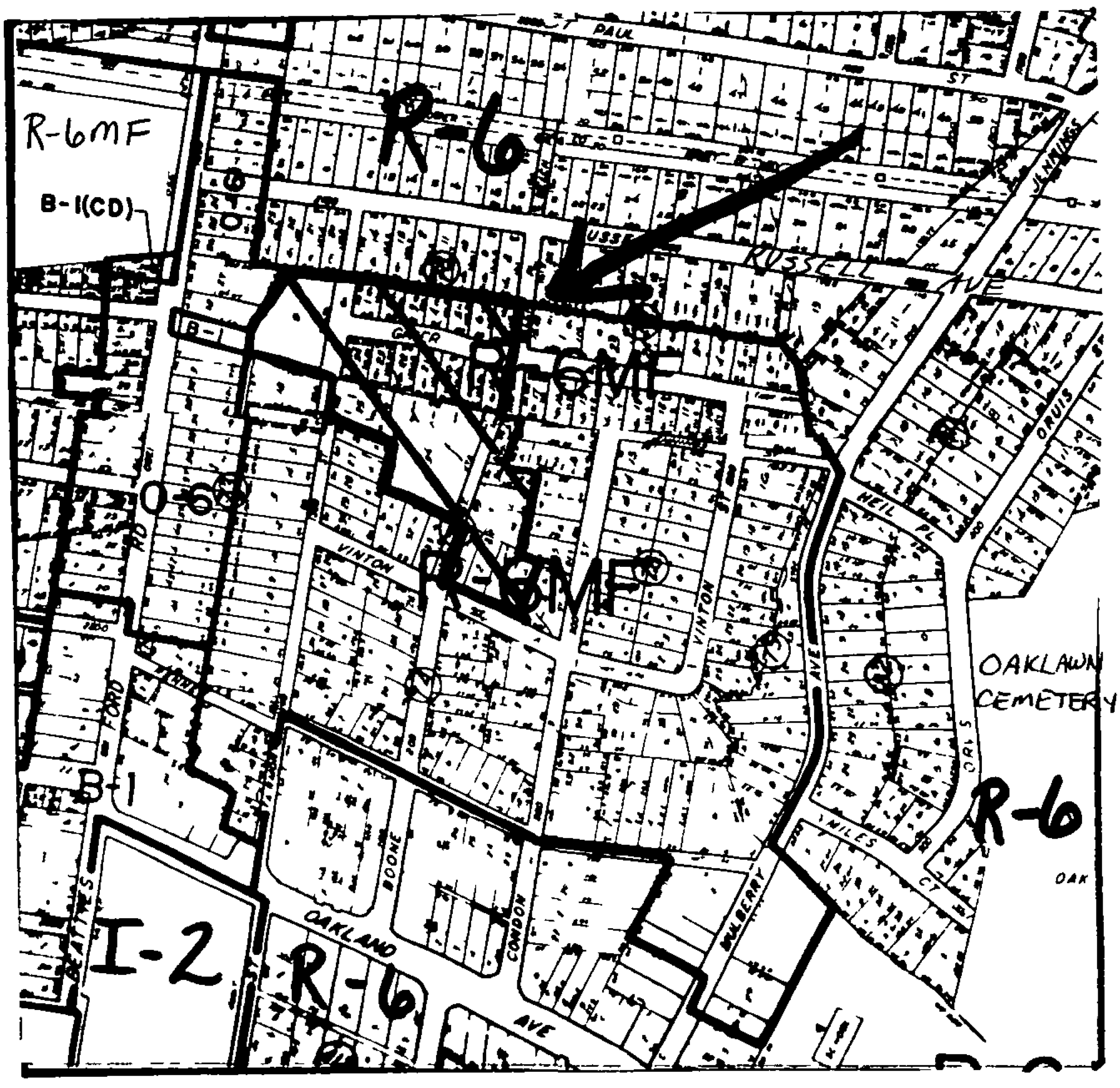
Staff Opinion
The staff agreed with Planning Commission

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 86-102 HEARING DATE 11/17/86

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

LOCATION A 9.5 acre site east of Beatties Ford Road, north of Vinton Street and south of Russell Avenue along Grier Avenue and Boone Street




ZONING MAP NO. 79 & 88 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE November 20, 1986

PETITION NO 86-103

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Change from R-6MF to R-6

LOCATION Approximately 34 acres located east of Beatties Ford Road, north of Oaklawn Avenue and south of Russell Avenue

ACTION The Planning Commission recommends that the petition be approved

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

Nays None

(Commissioner Emory was not present when vote was taken.)

REASONS

This petition is sponsored by the Charlotte-Mecklenburg Planning Commission The area is approximately 34 acres and is located generally east of Beatties Ford Road, north of Oaklawn Avenue and south of Russell Avenue The current zoning is R-6MF and the request in this case is for R-6

The R-6MF district is a multi-family one which allows about 21 units per acre, but the R-6 district is single family residential The area is dominated by single family homes although there are a few duplexes interspersed throughout the area and two small apartment complexes In addition, several lots are undeveloped and there is one non-conforming dry cleaning business which apparently is vacant A small portion of the Oaklawn Elementary School site is included in this petition, also

Because the area is so strongly oriented to single family development, the petition recognizes the need to provide the corresponding stability that an R-6 district would have Any duplex structure which is not located on a corner lot would become non-conforming as would the two small apartment complexes Further, vacant lots which would now permit multi-family development would be restricted to future single family if proposed for development

Planning Commission recommends that the petition be approved Approval will implement the small area plan

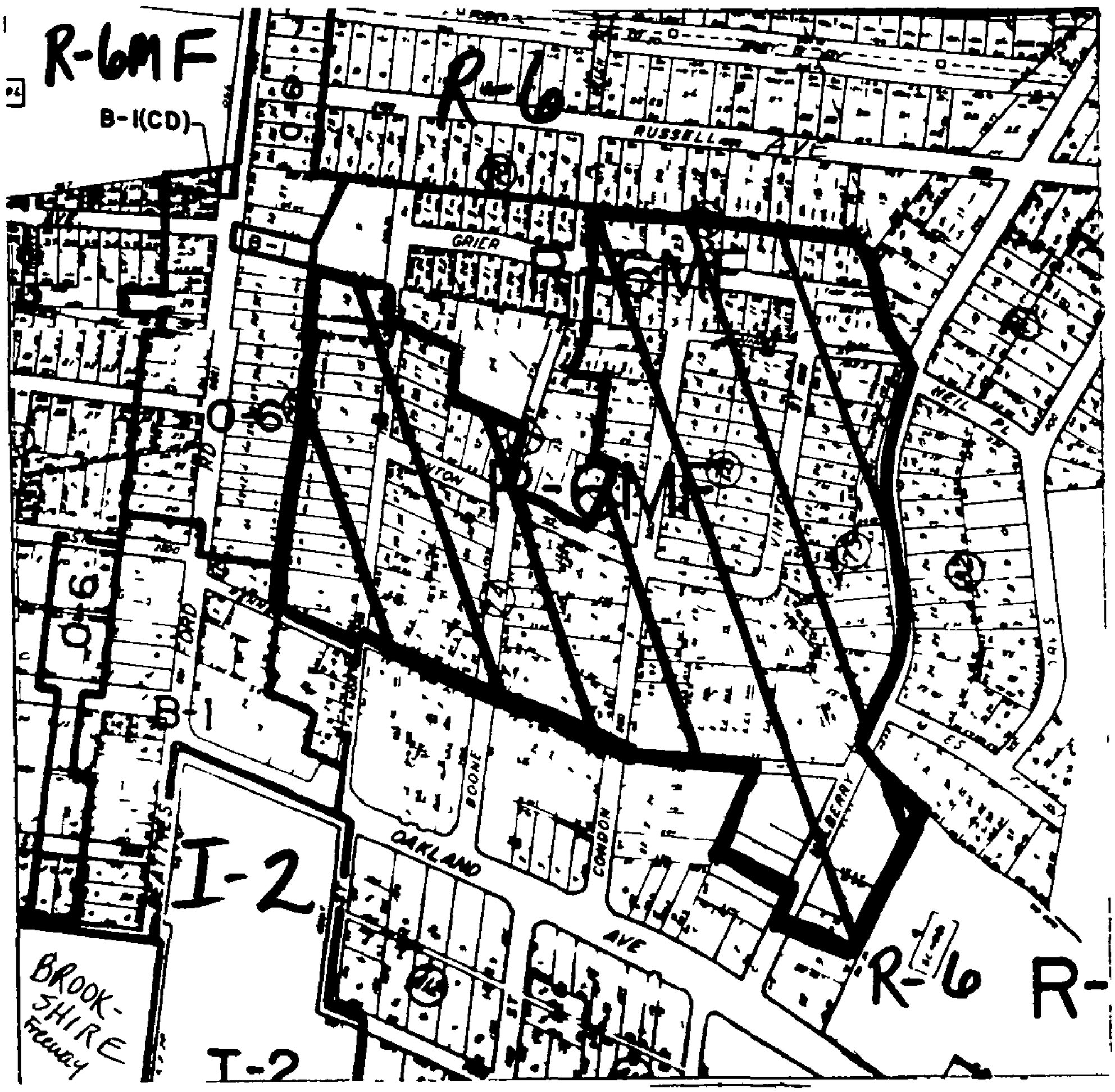
Staff Opinion
The staff agreed with Planning Commission

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 86-103 HEARING DATE 11/17/86

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

LOCATION A 34 acre site located east of Beatties Ford Road, north of Oaklawn Avenue and south of Russell Avenue




ZONING MAP NO. 79 & 88 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

| | |
|---|---|
| DATE | November 20, 1986 |
| PETITION NO | 86-104 |
| PETITIONER(S) | Charlotte-Mecklenburg Planning Commission |
| REQUEST | Change from B-1 to R-6 |
| LOCATION | A 40 acre site on the southeastern corner of the intersection of Beatties Ford Road and Saint Paul Street |
| ACTION | The Planning Commission deferred action on this petition |

DATE November 20, 1986

PETITION NO 86-105

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Change from I-2 to R-6

LOCATION. A 33 acre site on the southeastern corner of the Vest Water Treatment Plant property, east of Beatties Ford Road and north of Patton Avenue

ACTION The Planning Commission deferred action on this petiton

DATE November 20, 1986

PETITION NO 86-106

PETITIONER(S) John W McDonald

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

LOCATION A 3 09 acre site located east of Beatties Ford Road between "A" Avenue and Wilson Avenue

ACTION The Planning Commission recommends that the petition be approved

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

Nays· None

(Commissioner Emory was not present when vote was taken )

REASONS

ISSUES

1 Beatties Ford Road Corridor. How would the approval of this request help to enhance the image of Beatties Ford Road in this area?

2 Site Plan What aspects of the conditional site plan are important to evaluate, especially with regard to the areas most closely associated with "A" Avenue?

BACKGROUND

1 Existing Zoning The property involved in this request is presently zoned a combination of B-1 and R-9 Property immediately south of Wilson Avenue is zoned B-1, although one parcel is zoned B-2 adjacent to the I-85 right-of-way Immediately north of the site is an area of B-2(CD) zoning and north of that on the easterly side of Beatties Ford Road is a strip of 0-9 zoning Across from the site is more office zoning, though the district is 0-15 Business zoning is located both north and south of the office area There is also a small area of I-2 zoning in the vicinity Otherwise the pattern is residential in nature with the R-9 district representing the single family classification for the area

2 Existing Land Use The subject property is the site of the McDonald's Cafeteria Other portions of the property are undeveloped at the present time South of the site between Wilson Avenue and I-85 are several uses including an ABC Store, funeral home and auto sales and auto garage businesses. The Health Department operates a facility across Beatties

Ford from the site and another automobile related (engine repair) business is immediately north of the subject property here Other small businesses are located just north of the site on the west side of Beatties Ford Road Some multi-family development is located in the area, but mostly residential development is in the form of single family homes South of I-85 both sides of Beatties Ford Road are used for business purposes and include a wide variety of uses

3 Site Plan The conditional site plan takes into account the existing McDonald's Cafeteria and banquet facility That building is located immediately at the corner of Wilson Avenue and Beatties Ford Road A new McDonald's Hotel containing 106 rooms would tie into the existing cafeteria building The remaining area of the property would be used for parking and circulation areas although all access would be restricted to Wilson Avenue Parking areas adjacent to residentially zoned areas will be screened by way of a six-foot high redwood fence.

GENERAL FINDINGS

1 2005 Plan The 2005 Plan land use map indicates a community commercial center surrounded by developing employment land uses in the area northeast of the intersection of I-85 and Beatties Ford Road Strategies for the area include the widening of Beatties Ford Road, the widening of I-85, streetscape improvements along Beatties Ford Road, and water and sewer line extensions from Beatties Ford Road east towards Statesville Road

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

3 Pre-Hearing Departmental Comments (Summary)

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

2 Fire Department An additional fire hydrant will be needed to be installed

3 Building Standards Department No comments were available as of the preparation of this material, but are expected by the time the public hearing on this matter is held

4 Engineering Department The Engineering Department indicates that Beatties Ford Road is classified as a major thoroughfare and would warrant a 100 foot minimum right-of-way It is also noted that some parking appears presently in the existing right-of-way and should be relocated within the site to accommodate the future expansion of Beatties Ford Road

5 C-DOT This site on Beatties Ford Road generates 500 to 600 trips per day as currently zoned and under the conditional zoning proposed could generate 1600 to 1700 trips per day The developer is encouraged to donate 12 additional feet of right-of-way for future use along Beatties Ford Road C-DOT is also concerned that the Wilson

Avenue driveway is too wide and should be redesigned for proper traffic flow in and out of the driveway

4 Neighborhood Context The property is located in the Northwood neighborhood

DETAILED FINDINGS

1 The property in question encompasses about 3 1 acres at the intersection of Wilson Avenue and Beatties Ford Road Current zoning is R-9 and B-1 and the petitioner is seeking B-1(CD)

2 Presently portions of the site are developed with McDonald's Cafeteria, but the petitioner is planning to construct an hotel as well The hotel will contain a total of 106 rooms

3 The site lies at the intersection/interchange of Beatties Ford Road and I-85 Zoning at this intersection is non-residential in nature

4 It is believed that the development as proposed here does have the advantage of helping to enhance the Beatties Ford Road Corridor

5 Although the property lies outside the study boundaries of the Beatties Ford Road Small Area Plan, it should be noted that the plan seeks to upgrade and stabilize the area This is particularly true south of I-85 where the plan concentrates on residential areas But in those areas where commercial development is appropriate, as in this place, the proposed development can help become part of a gateway into the Beatties Ford community from the Interstate corridor

6 Originally, staff had no problems except for a comment regarding "A" Avenue concerning greater attention to the street in terms of screening and landscaping The plan, however, has only two extra parking spaces above the minimum and that goal could not be achieved Staff and Planning Commission, though, was comfortable enough with the plan to accept it as is without further adjustment The plan is responsive to adjoining residential areas by providing for a six-foot high wooden fence to provide for a solid screening barrier where parking lots adjoin the residential zoning

7 Based upon the above circumstances, the petition is recommended for approval by the Planning Commission The approval represents a positive shot in the arm for Beatties Ford Road development

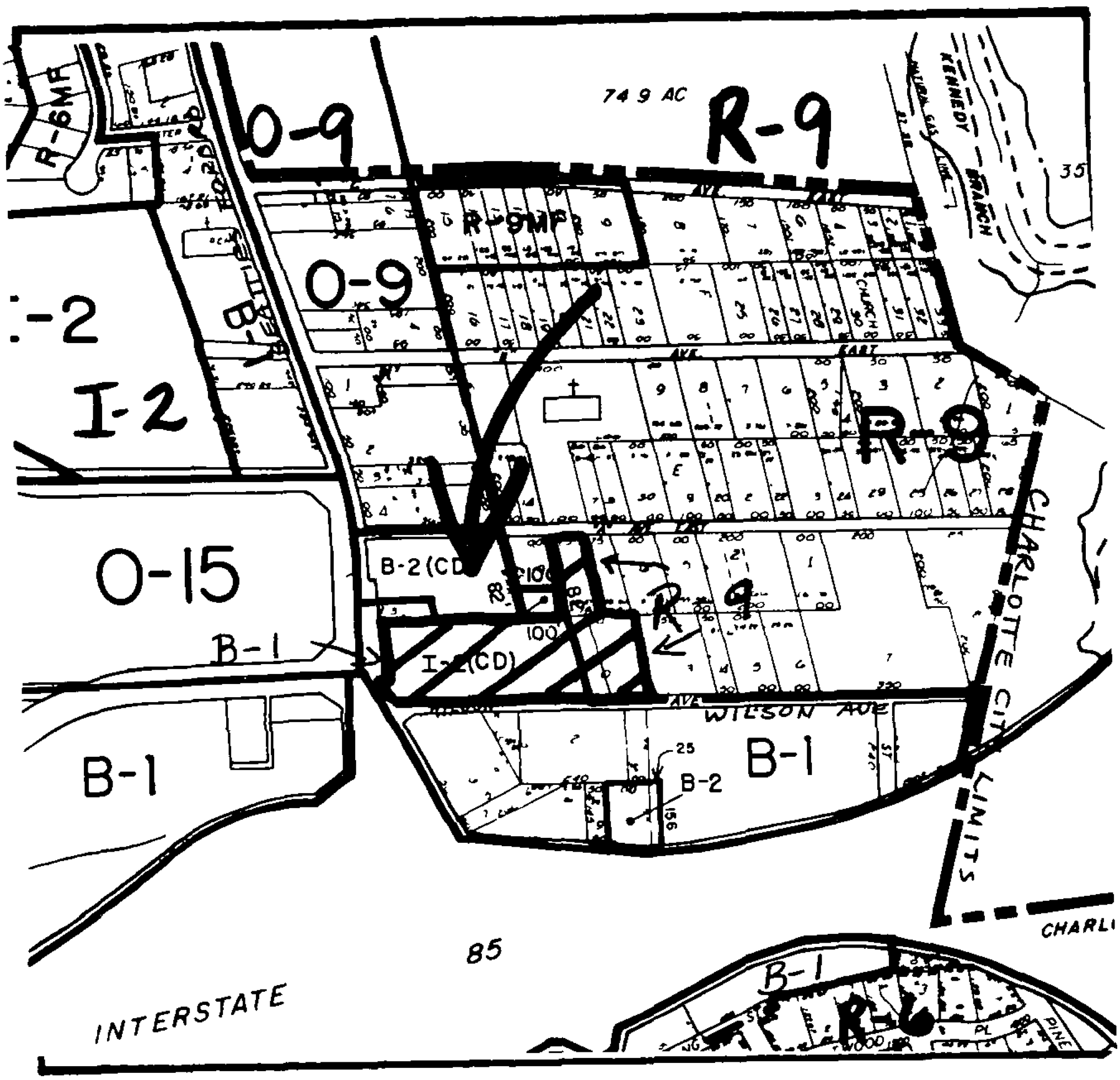
Staff Opinion
The staff agreed with Planning Commission

PETITIONER John W. McDonald

PETITION NO. 86-106 HEARING DATE 11/17/86

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

LOCATION A 3.092 acre site located east of Beatties Ford Road between "A" Avenue East and Wilson Avenue




ZONING MAP NO. 79 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE November 20, 1986

PETITION NO 86-107

PETITIONER(S) Dr Mark A Goodson

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

LOCATION A 3157 acre parcel located on the northeast corner of the intersection of Central Avenue and Lansdale Drive

ACTION The Planning Commission recommends that the petition be denied

VOTE Yeas· Clodfelter, Griffin, Lawing, Lewis, Lowery, Smith and Wheeler

Nays. Curry

(Commissioner Emory was not present when vote was taken )

REASONS

ISSUES

1 Neighborhood Impacts What impacts, if any, would result to the integrity of the neighborhood if this rezoning application were approved?

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

3 Future Effect If this petition were approved, what potential effect might it have on other zoning and land use decisions in this area in the future?

BACKGROUND

1 Existing Zoning The property which is the subject of this petition is presently zoned R-9 Properties adjoining it in the neighborhood are likewise zoned as are other single family lots nearby Across Central Avenue from the property is an area of multi-family zoning, R-6MF An area to the east is zoned for business purposes at the intersection of Central Avenue and Rosehaven Drive and there is another business area to the west extending along Central Avenue from Kilborne Drive The B-1 district ends there at a parcel which is zoned R-6MFH, which immediately adjoins a lot at the corner of Lansdale and Central Avenue Other multi-family areas are located nearby, including a large area to the northwest of the site

2 Existing Land Use The subject property is principally used as a single family residence, but the petitioner does operate a chiropractic practice

here as a customary home occupation Other lots in the neighborhood are used exclusively for single family residential purposes The Darby Terrace Apartments front on Central Avenue nearby as do the Oaks Condominiums which are located across from the site along with the Eastland Garden Apartments A series of small neighborhood business uses are located on Central just to the east of the subject property and are generally centered around the Central Avenue and Rosehaven Drive intersection Another shopping center is located just to the west with frontage on Central Avenue, also

3 Site Plan The conditional site plan proposes using the structure here for office purposes The existing structure would be retained with only very minimal changes Existing trees on the lot would be retained. Most parking areas are shown to the rear of the structure and would be screened by a six-foot high wooden fence Signage is also restrictive to a maximum of 10 square feet

GENERAL FINDINGS

1 2005 Plan The 2005 land use map indicates existing employment land uses in the area No strategies are identified for the general area. The basic theme for the East Mecklenburg area is to conserve the established residential areas while accommodating strong growth pressures.

2 Central Avenue/Sharon Amity Intersection Improvement At the present time improvements are being made to the Central Avenue/Sharon Amity intersection This intersection has been identified in the past as a high congestion, high air quality problem intersection The improvements provide for additional left turn lanes

3 Pre-Hearing Staff Input Staff met with the petitioner prior to the submission of the application Staff indicated some concerns about the potential zoning and land use change here Staff cautioned that such a change might have some negative impacts to the existing residential neighborhood and could possibly lead to other zone changes Staff did encourage a conditional approach here The CD plan could address some of the neighborhood issues

4 Pre-Hearing Departmental Comments (Summary)

1 C-MUD Water and sewer services are available to this site

2 Fire Department No comment

3 Engineering No comment except for those normally associated with typical development

4 C-DOT Under the current zoning the site could generate 10 to 12 trips per day while under the proposed zoning the trips could jump to 80 to 90 trips per day This increase would have a minor impact on traffic conditions in the area Further, C-DOT had several technical

comments dealing with such things as the width and location of driveway points, parking spaces and circulation

5 Neighborhood Context The site is located in the Robinhood Woods/Windsor Park neighborhood Staff has received a few calls regarding this matter

DETAILED FINDINGS

1 The subject property in this case is a 31 acre parcel located at the corner of Central Avenue and Lansdale Drive Current zoning is R-9 and the petitioner is seeking O-6(CD)

2 The petitioner has filed a conditional site plan to utilize the structure for office purposes (For further details refer to Background #3 )

3 Lansdale Drive serves as the entrance into a single family neighborhood Only a few lots zoned for and used for single family development are located along Central Avenue at this location Otherwise the pattern is one of non-residential zoning and development as well as multi-family

4 A petition for B-1 zoning for a lot across Lansdale from this site was resoundingly defeated a few years ago based upon the fact that such a rezoning was felt to be inconsistent with efforts to preserve the integrity of the neighborhood

5 Although the petition in this case is also non-residential, the requested district is office rather than business and the application is conditional in nature Many of the conditions associated with the site plan are very restrictive ones, especially those dealing with the preservation of the structure, retention of significant trees around the perimeter of the site and parking to the rear surrounded by a six-foot high wooden fence

6 Planning Commission felt, however, that approval of this petition had the same potential for negatively impacting the neighborhood

7 Approval of the request was inconsistent with neighborhood conservation The homes in the area are well maintained and represesnt a solid residential setting

8 Also, approval here would lead to other similar requests, which would further detoriate the neighborhood

9 Planning Commission also felt that the residential life of this lot and the other corner lot at the neighborhood entrance had not expired and should be continued as a residential use

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

Staff Opinion
The staff disagreed with Planning Commission Although the petition generated considerable staff discussion, in the end staff felt comfortable recommending

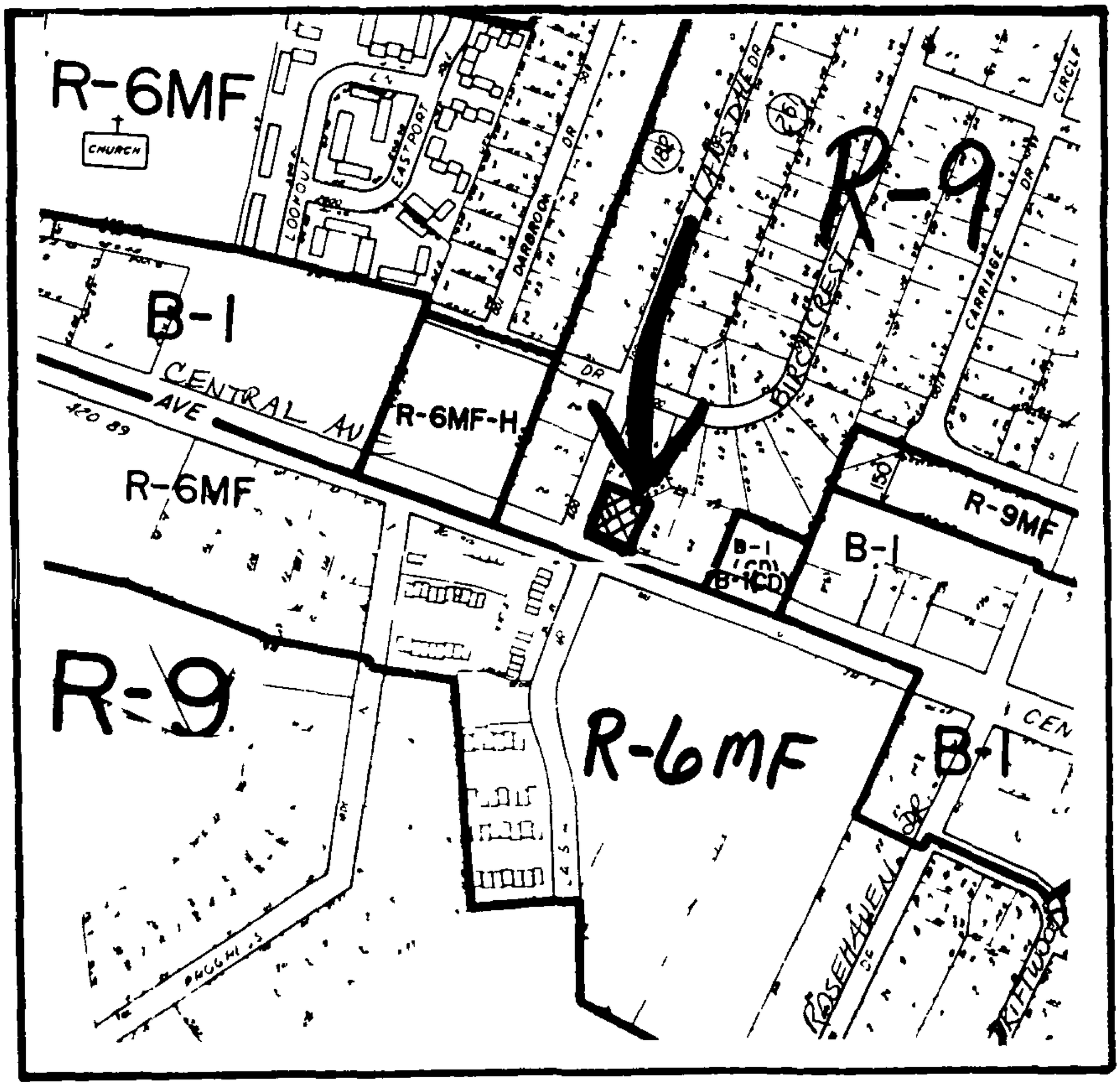
the request based on the restrictive nature of the CD plan The use will not be detrimental to the neighborhood Given the location and zoning pattern (mixture of non-residential and residential zoning along Central Avenue) this request was reasonable and offered the opportunity for continued, alternative use

PETITIONER Dr. Mark A. Goodson

PETITION NO. 86-107 HEARING DATE 11/17/86

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

LOCATION A .3157 acre parcel located on the northeast corner of the intersection of Central Avenue and Lansdale Drive




ZONING MAP NO. 100 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE November 20, 1986

PETITION NO 86-108

PETITIONER(S) Byrel M Triggs

REQUEST Change from R-15 to B-1

LOCATION A 9 3908 acre site located on the east side of Carmel Road between Dovewood Drive and English Gardens Drive

ACTION The Planning Commission recommends that the petition be denied

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

Nays None

(Commissioner Emory was not present when vote was taken.)

REASONS.

ISSUES.

1 Zoning Pattern Would the approval of this request be compatible and consistent with existing and anticipated zoning patterns in this area?

2 Proposed Use/Impacts What is the proposed use of the property in this case? Why has it come forward to public hearing? What impacts might be associated with the use of the property if the zoning change is approved?

BACKGROUND

1 Existing Zoning The subject property in this case is zoned R-15 All of the surrounding property is likewise zoned and in fact the R-15 district represents the general zoning category for the area

2 Existing Land Use The petitioned property is presently developed as a single family home In conjunction with the home is a bed and breakfast inn The pattern of development in this area is solidly single family development which is contained either in subdivisions or located on individual lots fronting on Carmel Road The closest development pattern which is not single family is located at the Carmel/Quail Hollow intersection where a small neighborhood shopping center is located as well as several multi-family projects

GENERAL FINDINGS

1 2005 Plan The 2005 Plan indicates existing residential land uses in the area The plan proposes the Colony Road Extension east of the subject property to provide a connection between Colony Road near SouthPark and Rea Road to the south of the subject property.

2 Thoroughfare Plan The Thoroughfare Plan proposes the extension of Colony Road as described above

3 Pre-Hearing Departmental Comments (Summary)

Due to the fact that the request is not conditional in nature, some departments which normally report did not do so However, comments were received from C-DOT and the Fire Department C-DOT indicates that there is no available data to determine the trip generation in relation to the bed and breakfast facility on the site However, under the current R-15 zoning a maximum of 28 dwelling units could be placed on the site which would generate between 300 and 400 trips per day. Under the B-1 zoning the site could accommodate a maximum of 100,000 square feet of retail space and such a shopping area could generate 8400 to 8500 trips per day This would have a negative impact on traffic conditions in the area. The Fire Department indicates that the change would require a fire hydrant to be installed so that the existing building will not be greater than 500 feet from a fire hydrant.

4 Pre-Hearing Staff Input Staff met briefly with the petitioner's agent prior to the filing of the application Staff did not encourage the petition. The possibility of a conditional district approach was discussed at that time, although once again staff did not encourage that

5 Neighborhood Context The site is located in the Carmel neighborhood From time to time staff has received a number of calls about this piece of property and the functions which have occurred there

DETAILED FINDINGS

1 The application in this case involves a 9 4 acre tract of land located on Carmel Road just opposite the intersection of Kingswood Road The present zoning is R-15 and the petitioner is seeking to rezone the site to B-1 R-15 is single family development while B-1 is neighborhood retail

2 A single family residence is constructed on the site, but there is also a bed and breakfast facility on the property as well It is that facility which is the purpose of the request to rezone to B-1

3 The general land use pattern in the area is single family development No multi-family or non-residential zoning is located in the immediate vicinity of this site

4 The bed and breakfast facility associated with this property has been operated beyond the restrictions of the zoning ordinance Although no such term exists in the zoning ordinance, it has been interpreted that these types of facilities, which are becoming increasingly popular can accommodate four guests The property in this case has been used for bed and breakfast style accommodations for apparently more than four guests as well as the fact that many other activities such as weddings, receptions, corporate meetings, parties and dinners have also taken place on the property and have been advertised for such

5 Neighbors in the area have complained of such activities and the property owners have received notices from the Building Standards Department outlining their zoning violations To continue the use of the property requires the zone change and therefore the request by the petitioner to do just that

6 Approval of this petition is clearly inconsistent and incompatible with zoning and land use patterns in the area The area is solidly planned for single family development and no non-residential zoning is anticipated for the general area Clearly this petition is "out of sync" with plans for the area and its merit is based solely on the individual desire of the petitioner The public interest and welfare would not be served by the approval of this request

7 Further, the unconditioned B-1 would allow a further intensification of the uses on the site and might even lead to the sale and redevelopment of the property for a wide variety of commercial purposes, including a shopping center of up to 100,000 square feet Again, clearly the use of the property under that scenario is not envisioned The Department of Transportation has commented that such development would negatively impact traffic conditions in the area

8 Even though a conditional plan has not been proposed, it is staff's belief that a CD approach would not be acceptable

9 In summary, this petition should be denied Approval of this will recognize what has become an intensive use of the property and would only be legitimized through the rezoning process As noted earlier, the bed and breakfast facilities have become very popular and without strict adherence to zoning regulations could become a very serious problem in other residential settings Approval of this petition would also be a false indicator that other commercial rezonings would be viewed similarly, which is not the case

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

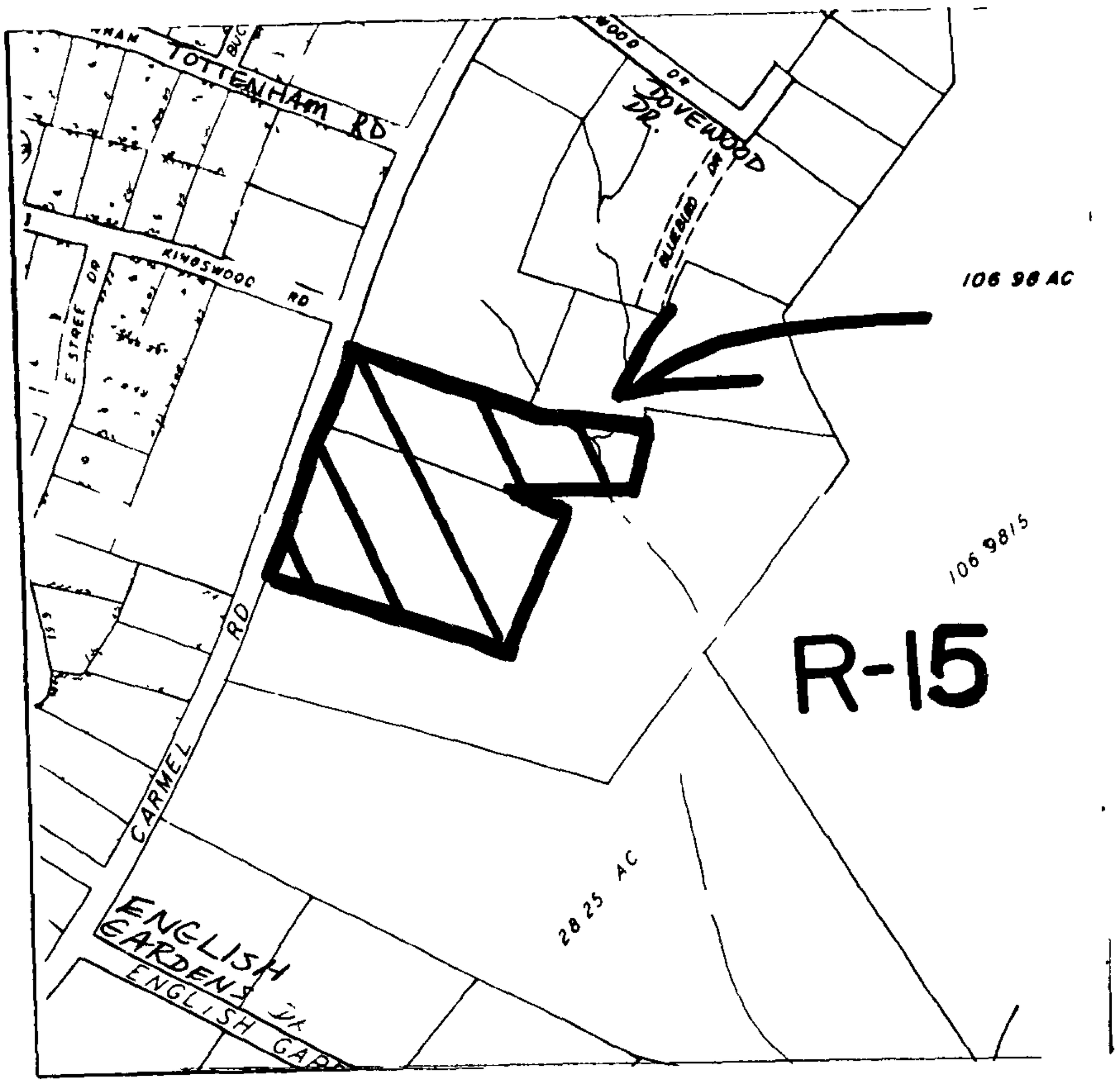
<u>Staff Opinion</u>
The staff agreed with Planning Commission.

PETITIONER Byrel M. Triggs

PETITION NO. 86-108 HEARING DATE 11/17/86

ZONING CLASSIFICATION, EXISTING R-15 REQUESTED B-1

LOCATION A 9.3908 acre site located on the east side of Carmel Road between Dovewood Drive and English Gardens Drive




ZONING MAP NO. 146 & 159 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE November 20, 1986

PETITION NO 86-109

PETITIONER(S) Mammoth Oaks Homeowners Association

REQUEST Change from R-15MF to R-15

LOCATION Approximately 7 acres bounded by Providence Road, Sardis Road and Mammoth Oaks Drive

ACTION The Planning Commission recommends that portions of the petition be approved and others denied (See map and Detailed Finding #7 )

VOTE SEE DETAILED FINDING #7

REASONS

ISSUES·

1 Neighborhood Preservation How would the approval of this petition enhance the stability and preservation of the single family character of this area?

2 Appropriateness of Entire Area for Rezoning Considering the configuration and location of some of this multi-family development, is it appropriate that those portions be left zoned R-15MF? If so, why?

BACKGROUND

1 Existing Zoning The property involved in the petitioned area is presently zoned R-15MF Other R-15MF zoning is contiguous to this site towards the Fairview Road/Sardis Road intersection That intersection is generally associated with multi-family development with the exception of an area zoned 0-15(CD) on the northeast corner In addition, two parcels of land immediately north of the office zoned area are zoned B-1(CD) on either side of Providence Road Otherwise the general zoning pattern reflects the R-15 single family district

2 Existing Land Use The subject property is presently a combination of vacant land, single family development and one area which is used in conjunction with the Essex Condominiums The vacant tract fronts on Sardis Road whereas the single family area is associated along Mammoth Oaks Drive Mammoth Oaks and other nearby streets are developed with single family homes The intersection of Providence and Sardis/Fairview is a combination of several multi-family projects and one small bank In addition, just north of the bank are two convenience stores which are located on either side of Providence Road.

GENERAL FINDINGS

1 2005 Plan The 2005 Plan indicates existing residential land uses in the area Strategies for the general area include the extension of water lines along Providence Road from Sharon Amity to Sardis Road and the establishment of the County Greenway System along McMullen Creek north of the area.

2 Transportation Improvement Program The TIP proposes intersection improvements to the Providence/Fairview intersection, but the project is not funded

3 Pre-Hearing Departmental Comments (Summary).

Due to the fact that this petition is not conditional in nature, most departments which normally report did not However, the Charlotte Department of Transportation indicates that the site could generate 600 to 700 trips as currently zoned, but under the proposed zoning would drop to 200 to 300 trips per day

4 Pre-Hearing Staff Input Staff advised the petitioners as to application requirements.

5 Neighborhood Context The property is located in the Randolph/Sardis neighborhood

DETAILED FINDINGS

1 The property involved in this petition comprises approximately 7 acres and includes several different pieces of property The petitioner in this case is the Mammoth Oaks Homeowners Association which has filed the property in order "to preserve the character of the neighborhood"

2 Several of the property owners affected by this petition have signed a letter concurring with the zoning change, but it appears that three property owners did not Those property owners include the Essex Condominiums, a property owner with frontage on Sardis Road and another property owner at the corner of Mammoth Oaks and Providence Road

3 It is very reasonable to rezone the areas which have been supported by the actual property owners In those cases the multi-family zoning represents the back half of their lots which front on Mammoth Oaks and which are developed with single family homes The rezoning there would indeed help preserve the character of the area for single family Please note, though, that a four foot offset at the rear of the Paige property is not favored for the zoning change The Paiges have sold that strip to the Essex Condominiums and was used by the Essex to construct an additional dwelling unit (a storage/utility area was remolded for dwelling unit purposes) Including this area in the rezoning will make the condo project non-conforming from a density standpoint

4 However, the lot which fronts on Sardis Road should be retained for multi-family zoning This is due to the fact that the property is oriented to a major thoroughfare and is adjacent to the Essex on one side and across from the Strawberry Hill Apartments on the other It seems given those factors that multi-family development here is appropriate The property owner objected to the change

5 Further, a portion of the tax parcel upon which the Essex Condominiums is located does have frontage on Mammoth Oaks Drive However, that area is needed by the condominiums in order to remain conforming as far as density is concerned If the zoning were approved for single family then the condominiums would become non-conforming It is felt that that one area should remain multi-family. The area which fronts on Mammoth Oaks Drive is not used for building or access purposes, but rather is simply open space and is a manicured lawn area Buildings sit well back from the road and have no visual impact on the neighborhood

6 Finally, the lot located at the intersection of Mammoth Oaks Drive and Providence Road is developed as a duplex Rezoning the property to single family will mean that the property will still be conforming The property owner objected to the zone change Planning Commission felt this lot was directly related to multi-family zoning and uses and the zoning should not be changed

7 The Planning Commission voted on this petition in four parts The votes are listed below.

a Everette property (on Sardis Road) The Planning Commission voted not to change the zoning (See Detailed Finding #4 )

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

Nays None

(Commissioner Lewis abstained from voting )

b Six lots at the rear of Mammoth Oaks Drive homes The Planning Commission voted to change, except the four foot strip at the rear of the Paige residence (See Detailed Finding #3 )

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

Nays None

c Essex Condo property (on Mammoth Oaks Drive) The Planning Commission voted not to change the zoning (See Detailed Finding #5 )

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

Nays None

d Corner lot at Providence Road/Mammoth Oaks The Planning Commission voted not to change the zoning (See Detailed Finding #6 )

VOTE Yeas Clodfelter, Curry, Emory, Griffin, Lawing, Lewis, Lowery and Wheeler

Nays Smith

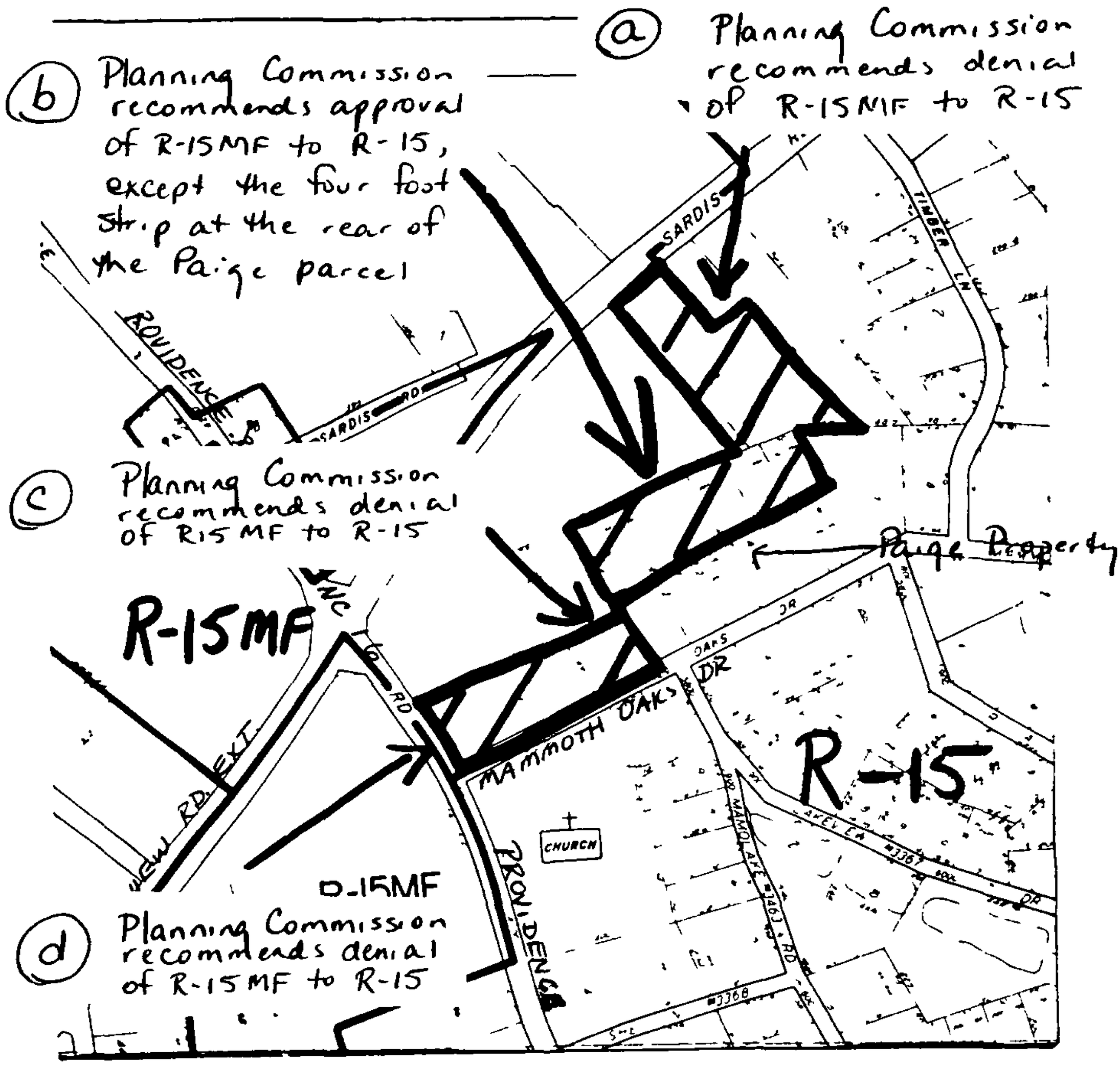
Staff Opinion
The staff agreed with Planning Commission except for vote (d) listed above

PETITIONER Mammoth Oaks Homeowners Association

PETITION NO. 86-109 HEARING DATE 11/17/86

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

LOCATION Approximately 7 acres bounded by Providence Road, Sardis Road and Mammoth Oaks Drive




ZONING MAP NO. 136 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE November 20, 1986

PETITION NO 86-110

PETITIONER(S) University Research Park

REQUEST Amend the City of Charlotte Zoning Ordinance Section 2108 2 to change the standards for on-site signage in Research Districts, Section 3024 by adding satellite dishes and towers as permitted accessory uses in the Research Districts, Section 3025 to increase the side yard requirements on corner lots in the Research Districts, and by adding new Sections 3026 3 to establish standards for satellite dishes and towers in the Research Districts, Section 3026.4 to establish standards for maintenance of on-site vegetation and interior parking lot landscaping in the Research Districts, and Section 3028 to create additional standards for parking lot locations in the Research Districts

ACTION The Planning Commission recommends that the text amendment be approved

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

Nays· None

REASONS

This text amendment is proposed by the University Research Park as a private initiative to modify the standards of the Research 1 and 2 districts It deals generally with minor adjustments in the placement of certain accessory uses, an increase in the side yard on corner lots, standards for preservation of natural vegetation and screening, and changes to the type of permitted signs All of these proposed changes are in keeping with the already high standards of these two districts and with the expectations of the community for the types of uses that can be expected to locate in the districts The staff worked for several months with the petitioner's representatives to develop this proposal The staff asked the petitioner to revise one section which lacked specificity and that revision is included at 3026 4 1 It is being sponsored by the Research Park because the Park felt that these issues were resolvable without waiting for the overall ordinance rewrite

Therefore, the Planning Commission recommends that the text amendment be approved

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:

A. Amend portions of the Research District as follows

1. Add to Section 3024, Accessory Uses, a new Item "7." as follows:

"7. Satellite dishes and towers. See Section 3026 3 "

2. Add a new subsection ".3" to Section 3026 Development Standards for Various Uses

".3 The following standards apply to satellite dishes and towers in the RE-1 and RE-2 districts.

1 Satellite dishes and towers are permitted only when they are a necessary part of a permitted use utilizing such equipment as part of its normal operation

.2 Such dishes and towers may not be located within the setback area of any lot or within the street side yard of a corner lot

.3 Screening shall be installed on the exterior sides of such dishes and towers in accordance with Section 1601 If walls are chosen for this screening, materials must be compatible with the exterior of other buildings on the site."

3. Add a new standard to Section 3025, Area, Yard and Height Regulation as follows

"Minimum side yards on corner lots--for exterior side yards on lots greater than 10 acres--100 feet; on lots 4 to 10 acres--75 feet "

4. Add a new subsection ".4" to Section 3026, Development Standards for Various Uses, as follows

" 4 The following standards apply to all uses in the RE-1 and RE-2 districts

1 At least one-half of the exterior depth of the setback, side and rear yards, except where driveway access or utility easements are required, must be maintained with existing vegetation and natural features Under certain circumstances the retention of existing vegetation or natural features may be inappropriate or ineffective. In such cases an alternative landscaping and screening plan may be submitted to the Planning Director for consideration and approval. These plans must contain sufficient information to indicate why maintenance of existing conditons would be inappropriate or ineffective due to site design, topography, unique relationships to other prperties, natural vegetation or other special considerations. Details of the proposed landscaping treatment shall indicate topographic changes as well as number, type and size of plan material Within 20 days the Planning Director shall advise the applicant of the disposition of the alternate proposal If no specific alternative plan can be approved the maintenance of existing features must be observed It should be understood that the alternative plan procedure is strictly voluntary and that requirements other than those normally associated with the screening section (1601) of this Ordinance may be imposed in order to insure that the intent of this section is met

.2 As a minimum the requirements of Section 1601, Screening shall be enforced for all uses

3 An area equal to at least 10% of the paved surface of any parking area containing more than 20 spaces must be landscaped with plantings and trees This requirement is in addition to any perimeter screening requirements for the parking areas and must be placed in the interior of the lot The minimum width of landscaped islands or planting strips where provided shall be 8 feet. If a sidewalk is included in the planting strip, the landscaped area may be reduced to 6 feet "

5 Amend the first sentence of Section 3028.1 to read as follows

"Parking of motor vehicles is not permitted in any required setback or in the front one half of any required exterior side yard of a corner lot or within 20 feet of any interior lot line, except that on through lots adjacent to an Interstate Highway parking is permitted in the setback to within 50 feet of the Interstate right-of-way."

6. Amend Section 2108 2 (Research District Signs) by rewriting the portion on "Permitted Number of Signs" as follows

| | |
|---|---|
| "Permitted Number of Signs | Identification-Attached 1 per building except on lots having frontage on 2 or more streets in which case 2 signs per building are permitted (1 for each street front) In the event more than 1 building is located on a lot, buildings permitted to have 2 signs are limited to those having either front and rear or front and side yards adjacent to streets. |

Identification-Detached 1 per building except on lots having frontage on 2 or more streets in which case 2 signs per building are permitted (1 for each street front). In the event more than 1 building is located on a lot, buildings permitted to have 2 signs are limited to those having either front and rear or front and side yards adjacent to streets. No limit on number of signs not exceeding 4 square feet in area giving information concerning the location or use of accessory off-street parking facilities or loading or unloading facilities."

7. Amend Section 2108.2.1 (Research District Signs) by adding to the portion on "Permitted Illumination" after " light source) " the following

"(Except as provided in Section 3027)"

8. Amend Section 3027 (Signs - Research District) by adding after " 2100" the following

"and in accordance with those standards below.

.1 Signs in the Research District may be luminous.

.2 Signs lighted internally must be contained within an opaque background with only letters, numbers and symbols being translucent. The intent of this requirement is to provide for signs which consist of lighted letters, numbers and symbols on an opaque background "

Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form

_____
City Attorney

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

_____
Pat Sharkey, City Clerk

DATE November 20, 1986

PETITION NO 86-111

PETITIONER(S) Hope Haven, Incorporated

REQUEST· Consideration of a text amendment to the City of Charlotte Zoning Ordinance Section 3032 to allow group homes for up to 10 clients as a permitted use in the Institutional District

ACTION The Planning Commission recommends that the text amendment be approved.

VOTE Yeas Clodfelter, Griffin, Lawing, Lowery, Smith and Wheeler

Nays. Curry, Emory and Lewis

REASONS

This is a privately initiated petition to add "group homes for 7 to 10 clients" to the Institutional District The petitioner did not want to wait for the overall ordinance rewrite process for this matter to be considered Discussion at the hearing somewhat clouded the issue represented by this request with discussion of a particular situation, a potential future rezoning, and the expectations of what "would or wouldn't" be acceptable to a neighborhood organization The issue, however, is the appropriateness of this use in the Institutional District and the Planning Commission believes that it is Indeed, many of the uses in the Institutional District are similar in nature to a group home and many have even more potential impact

The Planning Commission, therefore recommends that this petition be approved

Staff Opinion
The staff agreed with Planning Commission

86-111

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 3032 Institutional District - Permitted Uses by adding a new item:

   "16. Group home for up to 10 clients."

Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:

_____
City Attorney

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

_____
Pat Sharkey, City Clerk