AGENDA

Meeting Type:	Z
Date:	02-17-1986
SUBJECT	

City of Charlotte, City Clerk's Office

Charlotte

FILE COPY

2/17/86

council agenda

Charlotte

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

Meetings in February '86

THE WEEK OF FEBRUARY 2 - FEBRUARY 8

3	Monday, 4 00 p m	CITIZENS CABLE ADVISORY COMMITTEE/Subcommittee On Finance & Technical Review - Central Piedmont Community College, Terrell Administration Bldg , Board Room
4	Tuesday 4 00 p m	CITIZENS CABLE ADVISORY COMMITTEE/Subcommittee on Needs Assessment - Cameron-Brown Bldg , Engineering Department
	Tuesday, 6 00 p m	CHARLOTTE PARKS ADVISORY COMMITTEE - Albemarle Road Recreation Center, 5027 Idlewild Road North
	Tuesday, 7 30 p m	PLANNING COMMISSION - Cameron-Brown Bldg , 1st Floor Conference Room
5	Wednesday, 7 45 a m	PRIVATE INDUSTRY COUNCIL - Chamber of Commerce, Action Room A
	Wednesday, 9 00 a m	CIVIL SERVICE BOARD (Hearing) - City Hall, Council Chamber
	Wednesday, 6 30 p m	YOUTH INVOLVEMENT COUNCIL - City Hall, Council Chamber
	Wednesda , 7 30 p m	PUBLIC MEETING ON DELTA ROAD EXTENSION - Albemarle Road Junior High School, 6900 Democracy Drive
6	Thursday, 4 00 p m	CITY COUNCIL UPDATE ON NEW COLISEUM - Charlotte Coliseum, 2700 E Independence Blvd
7	Friday, 7 30 a m	PLANNING COMMISSION/Planning Liaison Committee Cameron-Brown Bldg , 1st Floor Conference Room

THE WEEK OF FEBRUARY 9 - FEBRUARY 15

10	Monday, 12 Noon	PLANNING COMMISSION (Work Session) - Cameron- Brown Bldg , 1st Floor Conference Room
	Monday, 7 00 p m	CITIZENS HEARING - Thomasboro Elementary School, 538 Bradford Drive
	Monday, 7 30 p m	CITY COUNCIL MEETING - Thomasboro Elementary School, 538 Bradford Drive
11	Tuesday, 9 00 a m	HISTORIC DISTRICT COMMISSION - Edwin Towers Conference Room, 201 W Tenth Street
12	Wednesday, 8 30 a m	CIVIL SERVICE BOARD - City Hall, 3rd Floor Conference Room
	Wednesday, 6 30 p m	YOUTH INVOLVEMENT COUNCIL - City Hall, Council Chamber
	Wednesday, 7 30 p m	HISTORIC PROPERTIES COMMISSION - City Hall, 2nd Floor Conference Room

-Continued On Back

THE WEEK OF FEBRUARY 16 - FEBRUARY 22

17	Monday, 5 00 p m	COUNCIL/MANAGER DINNER Education Center, Rooms 237-239
	Monday, 6 00 p m	CITY COUNCIL MEETING (Zoning Hearings) - Education Center, Board Room
18	Tuesday, 10 30 a m	AUDITORIUM COLISEUM-CONVENTION CENTER AUTHORITY - Convention Center, Conference Room
	Tuesday 2 00 p m	HOUSING AUTHORITY Administrative Offices 1301 South Blvd
19	Wednesday, 7 30 a m	CITY COUNCIL BREAKFAST (Liability Insurance Proposal Meeting) - Convention Center VIP - B
	Wednesday, 2 00 p m	TECHNICAL COORDINATING COMMITTEE City Hall Annex, Department of Transportation Conference Room
	Wednesday, 7 30 p.m.	PUBLIC MEETING ON CARMEL/FAIRVIEW ROADS INTERSECTION IMPROVEMENTS - St John's Episcopal Church, 1623 Carmel Road
20	Thursday, 8 00 a m	CLEAN CITY COMMITTEE - Cameron-Brown Bldg , 5th Floor Conference Room
	Thursday, 2 00 p m	MINOR SPECIAL USE PERMIT HEARING - Cameron Brown Bldg , 1st Floor Conference Room
	Thursday, 4 00 p m	PLANNING COMMISSION (Deferred Rezoning) Cameron-Brown Bldg , 1st Floor Conference Room
	Thursday, 4 00 p m	CITIZENS CABLE ADVISORY COMMITTEE - Central Piedmont Community College, Terrell Administration Bldg , 3rd Floor Board Room
	Thursday, 7 30 p m	CHARLOTTE TREE COMMISSION Park Operations, Conference Room, 701 Tuckaseegee Road

FEBRUARY 23 - FEBRUARY 28

24	Monday, 2 00 p m	CITIZENS HEARING - City Hall, Council Chamber
	Monday, 3 00 p m	CITY COUNCIL MEETING City Hall, Council Chamber
	Monday, 4 00 p m.	PLANNING COMMISSION/Executive Committee - Cameron-Brown Bldg , 1st Floor Conference Room
	Monday, 7 00 p m	CITIZENS CABLE ADVISORY COMMITTEE/Public Hearing - Education Center, Board Room
25	Tuesday 3 00 p m	COMMUNITY FACILITIES COMMITTEE - Charlotte Mecklenburg Utility Dept , 5100 Brookshire Blvd
	Tuesday 4 30 p m	MUNICIPAL INFORMATION ADVISORY BOARD - Cameron Brown Bldg , 3rd Floor Conference Room
26	Wednesday, 6 30 p m	YOUTH INVOLVEMENT COUNCIL - City Hall, Council Chamber

These bodies will <u>not</u> meet in February

- Advisory Energy Commission
- Advisory Board For Citizens with Disabilities
- Business Opportunity Network
- Citizens Advisory Council For Hazardous Chemicals
- Community Relations Committee
- Insurance & Risk Management Agency
- Metropolitan Planning Organization
- Specialized Transportation Advisory Committee
- Stormwater Management Agency

FAGOREMNADLA

Charlotte

IN MEETING FEBRUARY 17, 1986

5:00 p.m. - COUNCIL/PLANNING COMMISSION
Dinner - Rooms 237 and 239
(No Dinner Presentation)

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

ITEM NO.

1. Invocation

PUBLIC HEARINGS

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

This hearing was deferred at the January 21, 1986 meeting.

Attachment No. 1

3. Hearing on Petition No. 86-21 by George C. Covington for a change in zoning from O-6 to R-12MF for .45 acre site located at 1529 East Morehead Street (corner of Bromley Road and East Morehead).

Attachment No. 2-A

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

Attachment No. 2-B

council agenda

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

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

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

Attachment No. 2-C

6. Hearing on Petition No. 86-24 by F. & J Corporation for a change in zoning from R-12 to B-2(CD) for a portion of an 11.92 acre site located in the 6600 Block of North Tryon Street.

Attachment No. 2-D

7. Hearing on Petition No. 85-51 by Charlotte-Mecklenburg Planning Commission for consideration of a text amendment to the City of Charlotte Zoning Ordinance, Section 1102, 3000, 3100, and 3300 relating to demolition landfills.

Petition No. 85-51 was on City Council's January 21 agenda for a decision. It is the opinion and recommendation of the City Attorney that this petition be readvertised and the subject of another public hearing prior to any Council decision.

Attachment No. 3

BUSINESS AGENDA

8. Recommend adoption of the floodway maps affected by the July 16, 1984 annexation of the Raintree and Providence Plantation areas, and the December 12, 1983 annexation of Lancaster Boulevard.

POLICY AGENDA

9. Decision on Petition No. 85-64 by Nalley, Garrett & Gray for a site plan amendment to an already existing B-1SCD, for a 5.4 acre site located east of Delta Road and south of Lawyers Road.

The Planning Commission recommends that the petition be approved.

Attachment No. 4-E

10. Decision on Petition No. 85-89 by P.E.A. for Mariott Corporation for a change in zoning from R-15 to B-1(CD) for a 5.696 acre site on the north side of Fairview Road, east of Sharon Road.

The Planning Commission recommends that the petition be denied.

Attachment No. 4-F

11. Decision no Petition No. 86-1 by Zoy A. Kokenes for a change in zoning from R-6MF to O-6 for a .18 acre site located at 604 Hawthorne Lane.

The Planning Commission recommends that the petition be denied.

Attachment No. 4-G

12. Decision on Petition No. 86-2 by Carolina Conference Association, Inc. of Seventh Day Adventists for a Site Plan Amendment for a 4 acre site located at 6000 Conference Drive, already zoned B-1(CD).

The Planning Commission recommends that the petition be denied.

Attachment No. 4-H

13. Decision on Petition No. 86-3 by Daly Seven, Inc. for a change in zoning from O-6 to B-1 for a 1.95 acre site located at 305 Archdale Drive.

The Planning Commission recommends that the petition be denied.

Attachment No. 4-I

14. Decision on Petition No. 86-4 by Richard E. Atkinson for a change in zoning from R-9 to O-6(CD) for a .69 acre site located on Sharon Amity Road, adjacent to 2501 Sharon Amity Road

The Planning Commission recommends that the petition be denied.

Attachment No. 4-J

15. Decision on Petition No. 86-6 by Martin Development Group, Inc. for a change in zoning from R-15 to R-20MF for a 11.379 acre site located at 5828 and 5900 Sharon View Road.

The Planning Commission recommends that the petition be approved.

Attachment No. 4-K

16. Recommend adoption of a resolution calling for a joint public hearing on Monday, March 17, 1986, at 6:00 p.m., Board Room of Education Center, of City Council and the Historic Properties Commission to consider designation of the "Belk Facade" (at the 100 block of East Trade Street) as historic property.

17. Recommend adoption of a resolution calling for a joint public hearing on Monday, March 17, 1986, at 6:00 p.m., Board Room, Education Center, of City Council and the Historic Properties Commission to consider designation of the "Old Good Samaritan Hospital" (411 West Hill Street) as historic property.

18. Recommend adoption of a resolution calling for a joint public hearing on Monday, March 17, 1986, at 6:00 p.m., Board Room of Education Center, of City Council and the Historic Properties Commission to consider designation of the "Excelsior Club" (at 921 Beatties Ford Road) as historic property.

19 Recommend adoption of a resolution calling for public hearings on Monday, March 17, 1986, at 6:00 p.m. in the Board Room of the Education Center, on Petition Nos. 86-25 through 86-34 for zoning changes.

- SCHEDULE OF MEETINGS -
February 17 - 21, 1986

Monday, February 17	Council/Planning Commission Dinner Rooms 237 and 239	5:00 p. m.
Wednesday, February 19	City Council Breakfast - Liability Insurance Proposal Convention Center, VIP B	7:30 a. m.

1a

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

February 11, 1986

Members, City Council

Charlotte-Mecklenburg Planning Commission

O M I S S I O N

Inadvertently City Petition No 86-8, by H C Gabler, Inc , was omitted from the packet of pre-hearing information which was sent to you earlier This petition is scheduled for public hearing on February 17, 1986

We apologize for any inconvenience this has caused you

Sincerely,

Robert G Young
Land Development Manager

RGY oj

Attachment

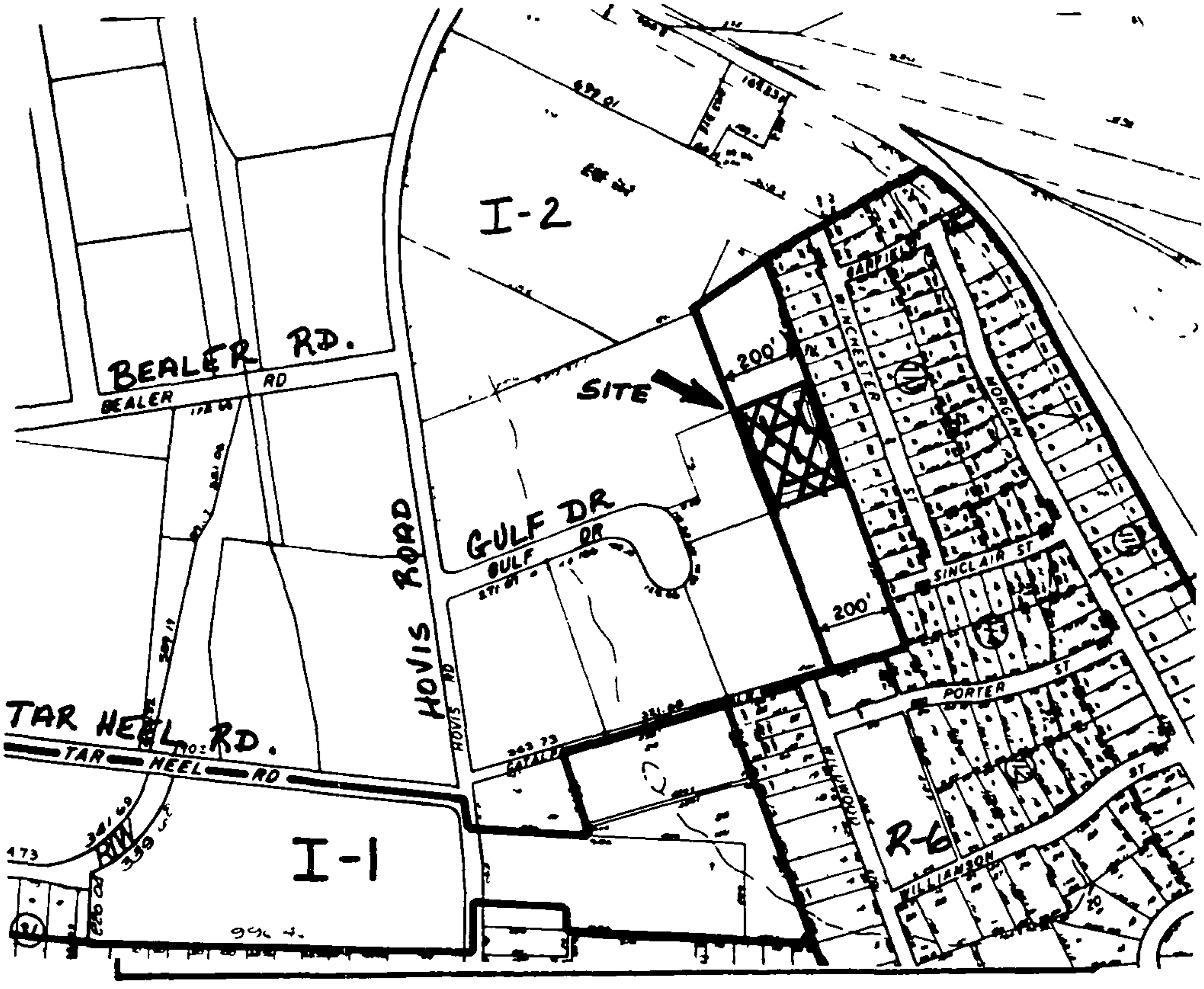
Cameron Brown Building • 301 South McDowell Street • Charlotte North Carolina 28204 • (704) 336 2205

PETITIONER H. C. Gabler

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

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

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



ZONING MAP NO. 80 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 86-8
Date Filed 12 2-85
Received By CL
OFFICE USE ONLY

Ownership Information

Property Owner H. C. Gabler, Inc.

Owner's Address P. O. Box 220, Chambersburg, PA 17201

Date Property Acquired (4418-843) April 1, 1981 (4777-174) January 16, 1984

Deed Reference 4418-843, 4777-174 Tax Parcel Number 063-114-44

Location Of Property (address or description) 550 Gulf Drive, Charlotte, NC 28208

Description Of Property

Size (Sq Ft-Acres) 2.28 acres Street Frontage (ft) 118' on Gulf Drive

Current Land Use Truck Terminal

Zoning Request

Existing Zoning I-1 Requested Zoning I-2(CD)

Purpose of zoning change To permit a minor expansion of an existing trucking facility.

Fred E. Bryant, Planner
Name of Agent

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

333-1680
Telephone Number

H. C. Gabler, Inc.
Name of Petitioner(s)

P. O. Box 220, Chambersburg, PA 17201
Address of Petitioner(s)

(717) 264-4184
Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

1 b

SANDERS, LONDON & EDWARDS
ATTORNEYS AND COUNSELLORS AT LAW
900 LAW BUILDING
CHARLOTTE N C 28202

ROBERT G SANDERS
ALVIN A LONDON
HAROLD M EDWARDS
J ANDREW PORTER

TELEPHONE
333 6661
AREA CODE 704

January 20, 1986

TO: Mayor Harvey Gantt and Members of the City Council

Re: Petition No. 86-8 for Change in Zoning Classification

Dear Mayor Gantt and Members of the Council:

I have recently been requested to assist with the Petition originally filed on behalf of H. C. Gabler, Inc.. as owner, to rezone certain property located on Gulf Drive in the City of Charlotte from I-1 to I-2 conditional.

The public hearing before the Charlotte City Council and Mecklenburg Planning Commission is scheduled for Tuesday, January 21, 1986, at 6 p.m.

At that meeting, I intend to request the council, pursuant to Section 1303 of the Charlotte Zoning Ordinance, for a 30-day delay for the public hearing.

The reason this request will be made is due to the fact that the person who originally prepared the Petition was not completely knowledgeable with regard to the detail required in the site plan. As a result, the Planning Commission's staff expressed strong concern about the insufficient detail in the site plan. Since receiving a copy of the prehearing staff analysis, I have endeavored to obtain information with regard to what could be done to make the site plan more suitable.

I have consulted Mr. Fred Bryant who is of the opinion that the detail of the site plan needs to be reconsidered and that it can be made acceptable.

There was not sufficient time under the new rules of the Council and Planning Commission to submit one week prior to the scheduled public hearing modified plans.

A one month delay in the hearing will give the owner sufficient time to prepare an amended detailed site plan, so that the Petition may be given fair consideration by the City Council.

Respectfully submitted,

Alvin A. London

AAL:wls
cc: Mr. Robert Young
Charlotte Planning Commission
Charlotte, North Carolina

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 86-8

Petitioner:	H C. Gabler
Location	A portion of a 4 acre site located at 550 Gulf Drive off Hovis Road
Request·	Change from I-1 to I-2(CD). I-1 = light industrial development. I-2(CD) = heavy industrial development with a conditional plan.

ISSUES:

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

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

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

BACKGROUND

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

2 Existing Land Use The rezoning site represents a portion of a tract of land which is already developed as a truck terminal The site is graded at the present time and is probably used for some truck circulation and truck parking Backing up to the site are the rear yards of several single family homes which front on Winchester Street These homes are part of a larger subdivision The development orientation along Hovis Road is one of heavy industrial development including several industrial parks and several large individual industrial uses

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

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

GENERAL FINDINGS

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

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

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

4 Departmental Comments (Summary)

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

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

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

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

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

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

DETAILED FINDINGS

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

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

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

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

5. Elements of the site plan when evaluated by staff have raised questions regarding the reasonableness of this proposal The plan is severely lacking in desirable detail dealing with the so called "earth barrier" at the rear of the site which would separate the truck terminal from the adjoining residential areas There is also very little in terms of geographic separation between the rear lot line and the truck terminal activity. Staff feels that these two are critical elements of the plan, but any meaningful detail or appreciation of that problem is omitted

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

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

8 Based upon the above circumstances, staff is very concerned about this petition and does not recommend it The site plan is insufficiently detailed to address very serious relationship problems between the industrial use and residential uses And there is also a very serious question of the appropriateness of intruding into the I-1 transitional district

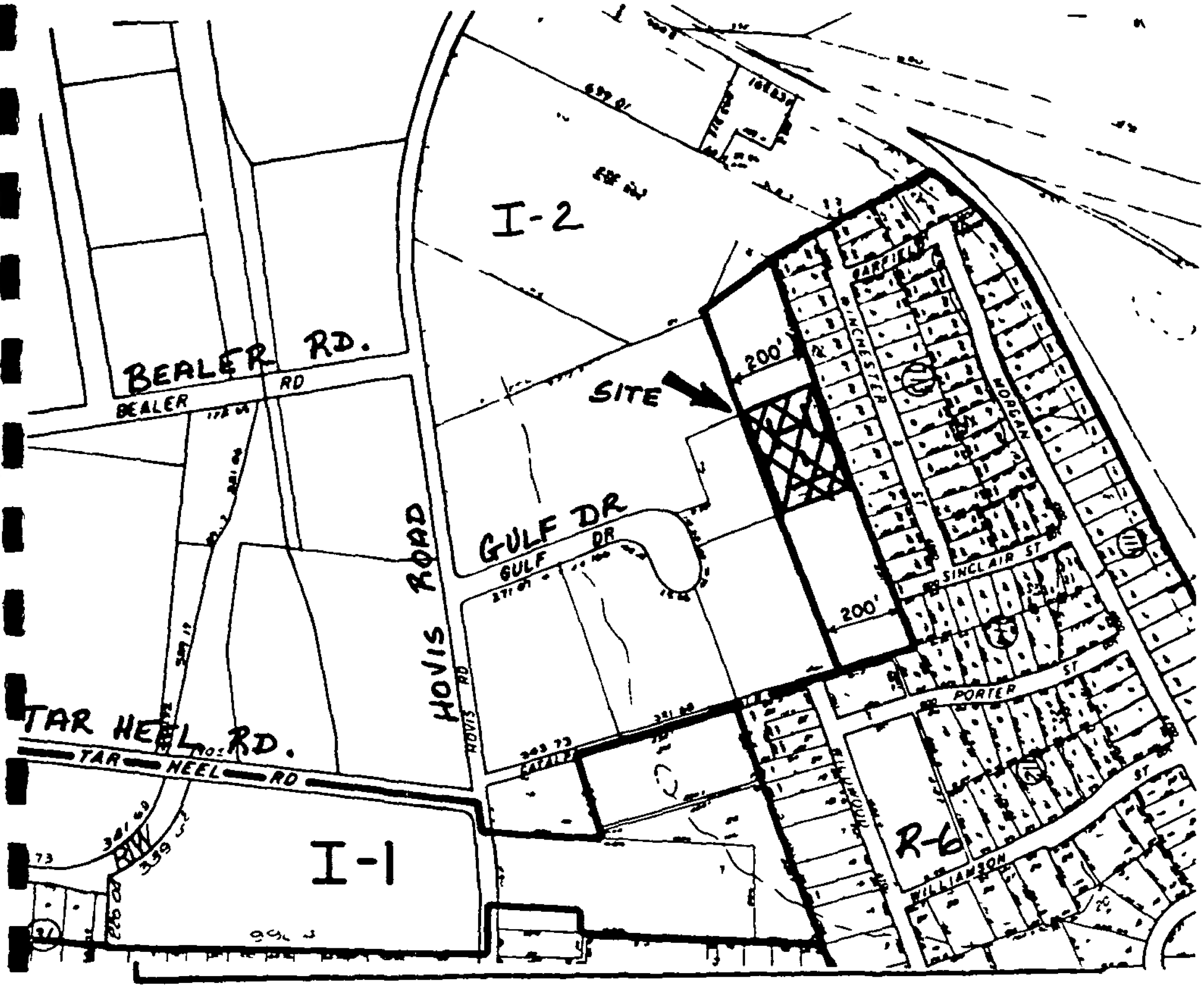
*Subject to further refinement following public hearing.

PETITIONER H. C. Gabler

PETITION NO. 86-8 HEARING DATE 01/21/86

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

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



ZONING MAP NO. 80 SCALE 1" = 400'

#2

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

January 14, 1986

Mayor and City Council·

RE Rezoning Petitions to be Heard in February, 1986

Attached you will find appropriate maps and copies of each petition, for rezoning petitions scheduled for public hearing on February 17, 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

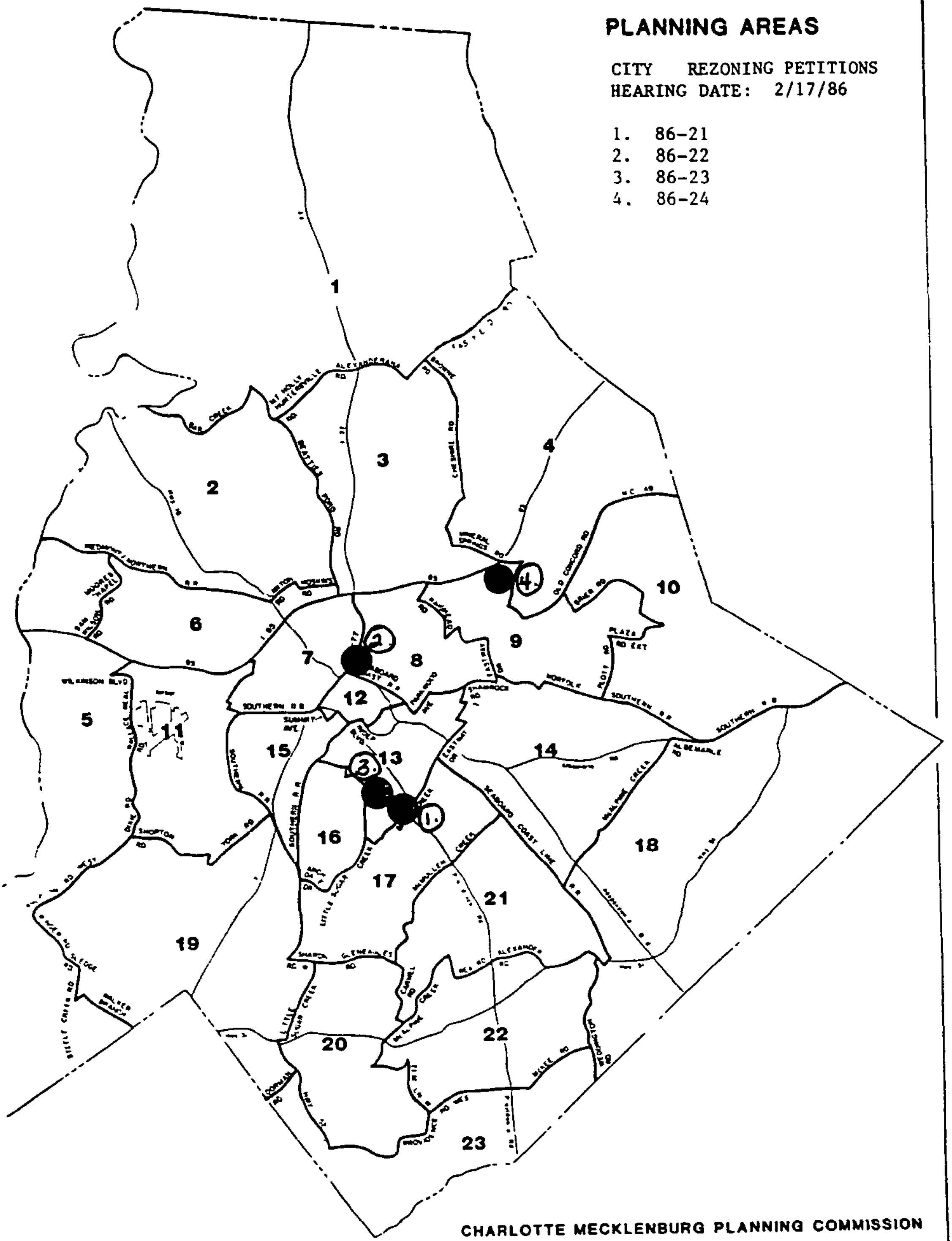
Sincerely,

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: 2/17/86

1. 86-21
2. 86-22
3. 86-23
4. 86-24

CHARLOTTE MECKLENBURG PLANNING COMMISSION

April 1983

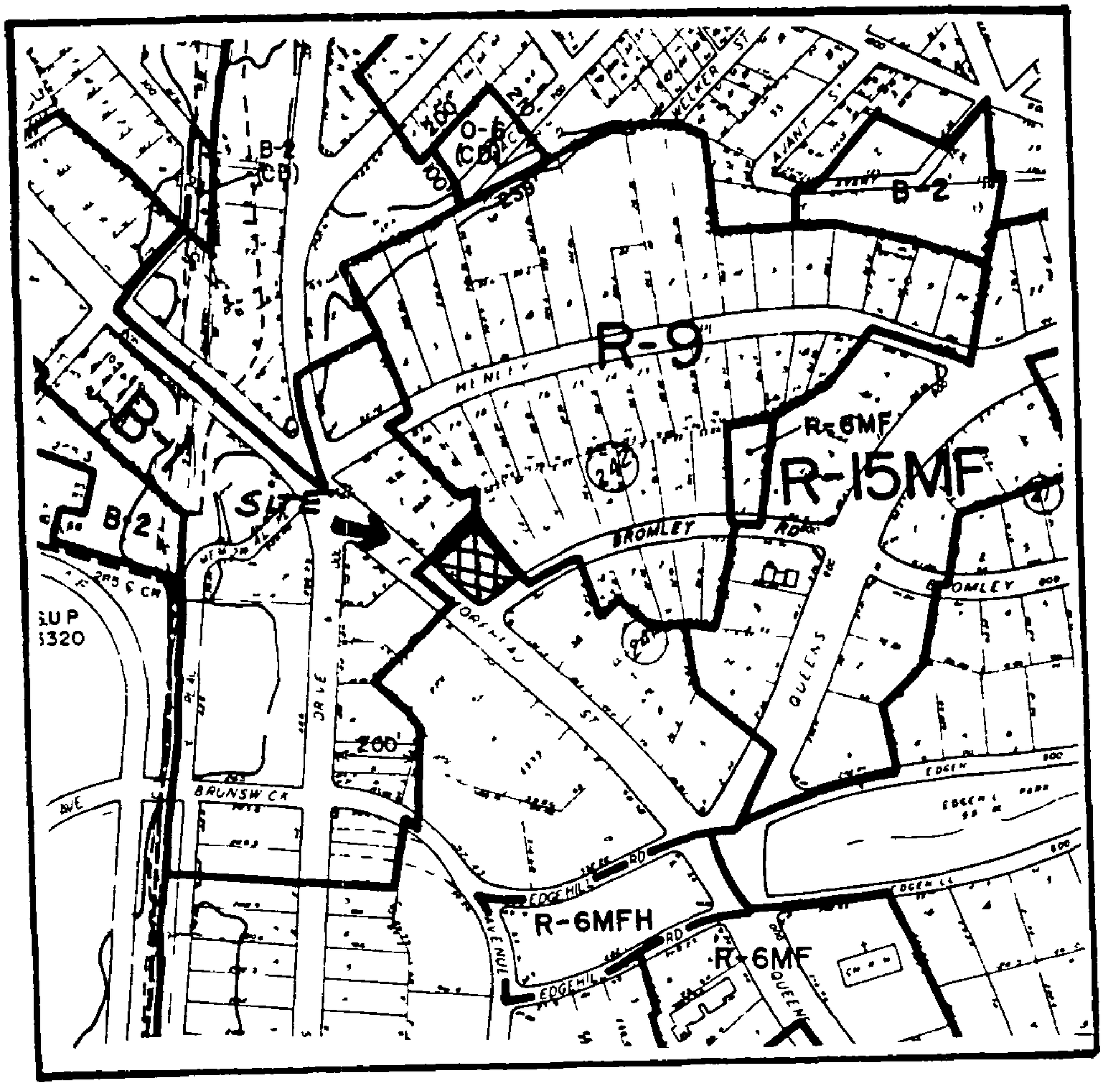
PETITIONER George C. Covington

PETITION NO. 86-21 HEARING DATE 02/17/86

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

LOCATION A .45 acre site located at 1529 East Morehead

(corner of Bromley Road and East Morehead)



ZONING MAP NO. 111 SCALE 1" = 400'

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 86-21
Date Filed 1-2 86
Received By CL
OFFICE USE ONLY

Ownership Information

Property Owner Quinella Partners, Inc. and Wrentree Enterprises, Inc.

Owner s Address 1200 East Morehead Street, Suite 130
Charlotte, North Carolina 28204

Date Property Acquired July 11, 1985

Deed Reference Book 5046 Page 999 Tax Parcel Number 125-242-04

Location Of Property (address or description)

1529 East Morehead (corner of Bromley Road and East Morehead)

Description Of Property

Size (Sq Ft -Acres) .45 acre Street Frontage (ft)

Current Land Use Vacant subsequent to demolition of residence

Zoning Request

Existing Zoning 0-6 Requested Zoning R-12 MF

Purpose of zoning change To conform zoning to adjacent residential uses and to minimize adverse impact on adjacent single family development

Name of Agent

Agent s Address

Telephone Number

George C. Covington
Name of Petitioner(s)

934 Bromley Rd.
Address of Petitioner(s)

704 - 377-6000
Telephone Number

George C. Covington
Signature

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 86-21

Petitioner	George Covington
Location	An approximately 45 acre site located at the corner of Bromley Road and East Morehead
Request	Change from O-6 to R-12MF

ISSUES

1 Neighborhood Interests Versus Property Owner Interests Considering the fact that this petition has been initiated by someone other than the property owner, what issues relating to the interests of the neighborhood as well as the property owner should be kept in mind?

2 Issuance of Building Permit The building permit for a project on this property has recently been issued What bearing does that have on the ability to develop the property regardless of the outcome of this petition?

BACKGROUND

1 Existing Zoning The rezoning site is presently zoned O-6 An adjoining lot on Bromley Road is zoned R-9 and the R-9 pattern extends through portions of Bromley and nearby Henley Place The corner lot opposite Bromley from the rezoning site and other parcels nearby on Morehead are also zoned O-6 whereas other properties generally oriented along Kings Drive are zoned for commercial purposes, including an adjoining parcel the the rezoning site Otherwise land in the general vicinity is zoned a combination of various multi-family classifications

2 Existing Land Use The property within the petition is vacant A structure that previously was developed on the site has been recently removed The development pattern along Morehead Street reflects mostly office and some commercial development Other commercial development is concentrated along both sides of Kings Drive near the property as well as some portions of Morehead Street Otherwise Bromley Road, Henley Place and other streets in the area are a mixture of single family as well as some multi-family development

GENERAL FINDINGS

1 2005 Plan The 2005 Plan stresses the importance of the value of inner-city neighborhoods Their value will increase due to the proximity to amenities and services and because of their preservation as unique identifiable neighborhoods Strategies include the preparation of a central area district plan which will identify the key issues for the area These will be used to set priorities for individual small area plans

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

3 Neighborhood Context. The property in the petition is located in the Myers Park neighborhood As noted above the petition is a neighborhood initiated request

4 Pre-Hearing Departmental Comments (Summary)

Departmental comments were not received due to the fact that the request is not conditional in nature However, a memorandum was received from C-DOT which commented on the petition The site is currently zoned to generate 400-450 trips per day while under the proposed rezoning it could generate 60-100 trips per day This volume of traffic would have no significant impact on traffic conditions in this area Bromley Road has had a through traffic problem in the past and this has led to restrict right turns from Bromley onto Morehead and left turns from Morehead onto Bromley The residents in this area have sent petitions to cul-de-sac Bromley Road

5 Issuance of Building Permit It is staff's understanding that a building permit for a proposed project for this site was issued on or about January 30, 1986 The issuance of the building permit vests the property owner to accomplish plans approved under the building permit

DETAILED FINDINGS

1 The petition involves a corner tract of land at Bromley Road and East Morehead Street The current zoning is 0-6 and the request seeks R-12MF

2 The petitioner is a resident of Bromley Road near the rezoning site The petition is neighborhood initiated The petition application indicates that the purpose of the zoning change is to conform zoning to adjacent residential uses and to minimize adverse impact on adjacent single family development

3 As in similar rezoning petitions, one of the issues that is normally considered in a case like this is the interest of the property owner versus the interest of the neighborhood Apparantly the developer for this tract of land is planning a multi-family residential complex which would include 12 units for the site Under current zoning about 15 units could be built, but under the requested R-12MF zoning only four units could be built The property's location is such that one side of the site is more directly oriented to residential development whereas the other side is more closely identified with non-residential development along Morehead Obviously from the prespective of the neighborhood they are concerned about potential impacts derived under the existing zoning whether it be office development or high density residential development

4 Despite the above mentioned issues it appears that the public hearing regarding the zoning change has become a moot point The building permit for the proposed project has been issued and that would enable the development to proceed despite the acceptance or the rejection of the rezoning petition It should be pointed out that the proposed project involves only one building and in a case like that there is no requirement for the administrative planned multi-family review So long as the developer meets normal development requirements a building permit can be issued Therefore, rezoning the property to R-12MF will only result in making the project non-conforming from a density perspective

5 It would have been staff's preference that the review of a site plan could have been accomplished, but as mentioned above that was not an option that was available Considering the circumstances that have been outlined above the petition should be rejected

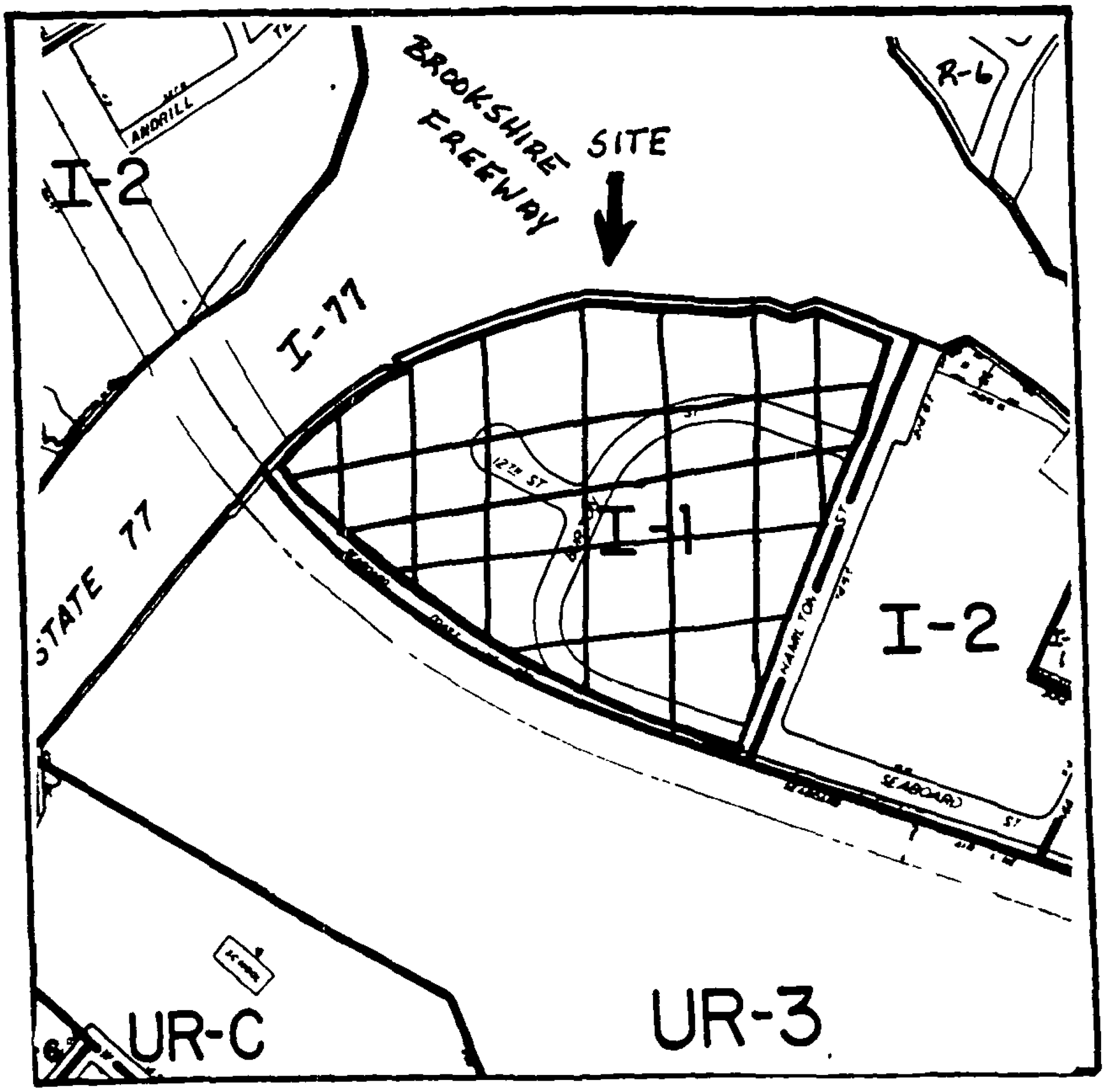
*Subject to further refinement following public hearing

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

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

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

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



ZONING MAP NO. 88 SCALE 1" = 400'

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 86-22
Date Filed 1·2·86
Received By CL
OFFICE USE ONLY

Ownership Information

Property Owner City of Charlotte

Owner's Address 301 South McDowell Street, Suite 510, Charlotte, North Carolina

Date Property Acquired Property acquired under Greenville Urban Renewal Program - Approved by the City on October 13, 1969.

Deed Reference _____ Tax Parcel Number 078-341-01

Location Of Property (address or description) Hamilton Street -

Also borders on I-77 and Seaboard Coastline Right-of-Way - See Legal Description attached.

Description Of Property

Size (Sq Ft.-Acres) 21.257 Acres Street Frontage (ft.) 939.77

Current Land Use Vacant land

Zoning Request

Existing Zoning I-1 Requested Zoning I-2 (CD)

Purpose of zoning change To allow the petitioner to construct an industrial park consisting of warehousing, manufacturing and administrative facilities.

David R. Cannon
Name of Agent

212 South Tryon Street, Suite 1700
Charlotte, North Carolina 28281
Agent's Address

(704) 373-0751
Telephone Number

R. M. INDUSTRIAL PRODUCTS COMPANY, INC.
Name of Petitioner(s)

P. O. Box 5205
Charleston, South Carolina 29406
Address of Petitioner(s)

(803) 744-6261
Telephone Number

Signature
Senior Vice President and Treasurer
Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 86-22

Petitioner	R. M Industrial Products Company, Inc
Location	A 21 2 acre site on Hamilton Street, also bordering on I-77 and Seaboard Coastline right-of-way
Request	Change from I-1 to I-2(CD)

ISSUES

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

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

BACKGROUND

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

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

3 Site Plan The conditional site plan outlines an industrial development for the property Specifically the maximum building square footage for all buildings on the site will be 350,000 square feet Interior landscaping within the project will be provided and a 25 foot buffer zone will be observed around the entire site preimeter except for one area which is specifically delineated as phase one Development of this site will also comply with Greenville Urban Renewal controls which are applicable at the time of development including those regulating parking and signage

GENERAL FINDINGS

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

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

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

4 Pre-Hearing Departmental Comments (Summary)

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

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

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

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

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

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

DETAILED FINDINGS

1 The property involved in this request is a 21 2 acre site on Hamilton Street between I-77 and the Seaboard Coastline Railroad right-of-way Current zoning is I-1 and the petitioner is seeking I-2(CD)

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

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

4 The property is located within the Greenville Urban Redevelopment Plan The property is under contract for sale in the Community Development

Department on behalf of the City It joins in with the petitioner in requesting the rezoning

5. Based upon existing development conditions and zoning patterns the I-2(CD) appears very reasonable Industrial development is already occuring in the area and the change to the general industrial classification is consistent with areawide patterns Due to the property's configuration and the fact that it is surrounded by street rights-of-way and separated from nearby residential areas, the change would have no direct bearing on any of those residential areas The only potential concern that staff has at this point is the need for more specificity regarding the types of uses that will be developed on the site If that can be achieved then no problems can be associated with the request

6 Based upon the above circumstances, the petition is encouraged for approval

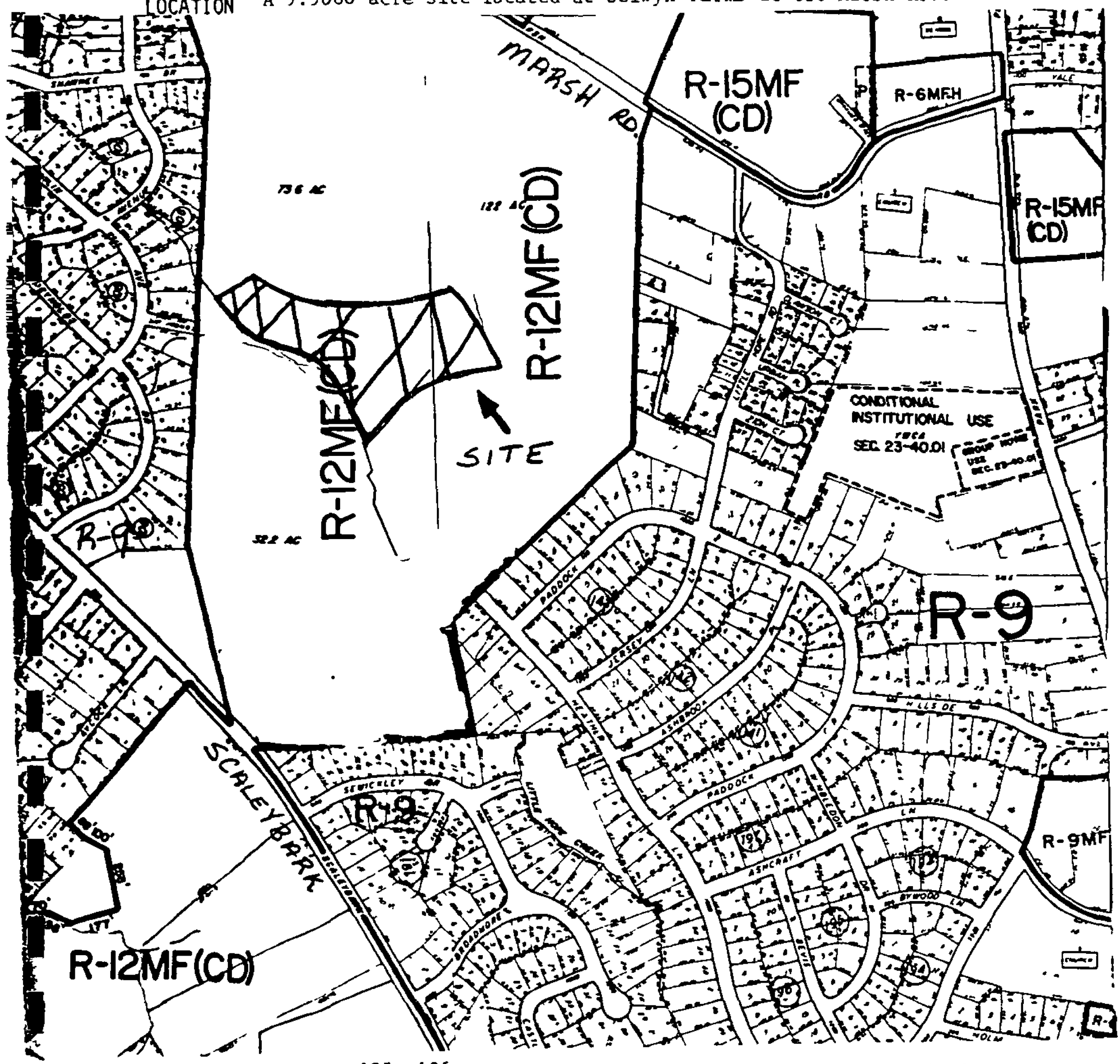
*Subject to further refinement following public hearing

PETITIONER Browning Properties

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

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

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



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

PROPERTY PROPOSED FOR CHANGE

This map has been

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 86-23
Date Filed 1-2 86
Received By CL
OFFICE USE ONLY

Ownership Information

Property Owner Selwyn Farms Limited Partnership

Owner's Address 112 South Tryon Street, Suite 1500
Charlotte, N. C. 28284

Date Property Acquired January 1, 1983

Deed Reference 4680-686 Tax Parcel Number Portion of 149-121-02

Location Of Property (address or description) Selwyn Farms

830 Marsh Road, Charlotte, N. C. 28209

Description Of Property

Size (Sq Ft Acres) 9.9080 Street Frontage (ft) 1049.41 feet

Current Land Use Abandoned Farmland

Zoning Request

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

Purpose of zoning change To adapt to present market conditions and to be able to have a single family product for sale at Selwyn Farms.

EDWARD D. STONE JR. & ASSOCIATES
Name of Agent

P.O. Box 837, Wilmington, NC 28401
Agent's Address

(919) 343-1515
Telephone Number

BROWNING PROPERTIES, INC.
Name of Petitioner(s)

112 S. Tryon St., Ste. 1500
Charlotte, NC 28284
Address of Petitioner(s)

(704) 376-5012
Telephone Number

John B Trotter
Signature

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 86-23

Petitioner	Browning Properties, Inc
Location	A 9 9 acre site located in the Selwyn Farms development
Request	Change from R-12MF(CD) to R-6(CD)

ISSUES

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

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

BACKGROUND

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

2 Existing Land Use The subject property is vacant Other portions of the Selwyn Farms development have been developed with attached housing projects along with one single family development across Marsh Road A concentration of single family development borders the site including new single family development which has occurred as a result of the original Selwyn Farms rezoning Other multi-family housing including one public housing project is also in the general vicinity Sedgefield Elementary School is just north of the site on Marsh Road and other institutional uses including churches, day care centers and the YWCA are located along Park Road

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

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

the proposed 50 foot buffer where the property adjoins new lots on Heather Lane

GENERAL FINDINGS

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

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

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

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

5 Pre-Hearing Departmental Comments (Summary)

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

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

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

4 Planning No comments.

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

DETAILED FINDINGS

1 The property in this request is a 9 9 acre site located on Selwyn Farms Lane within the developing Selwyn Farms neighborhood. Current zoning is R-12MF(CD) and the petitioner is seeking R-6(CD).

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

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

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

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

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

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

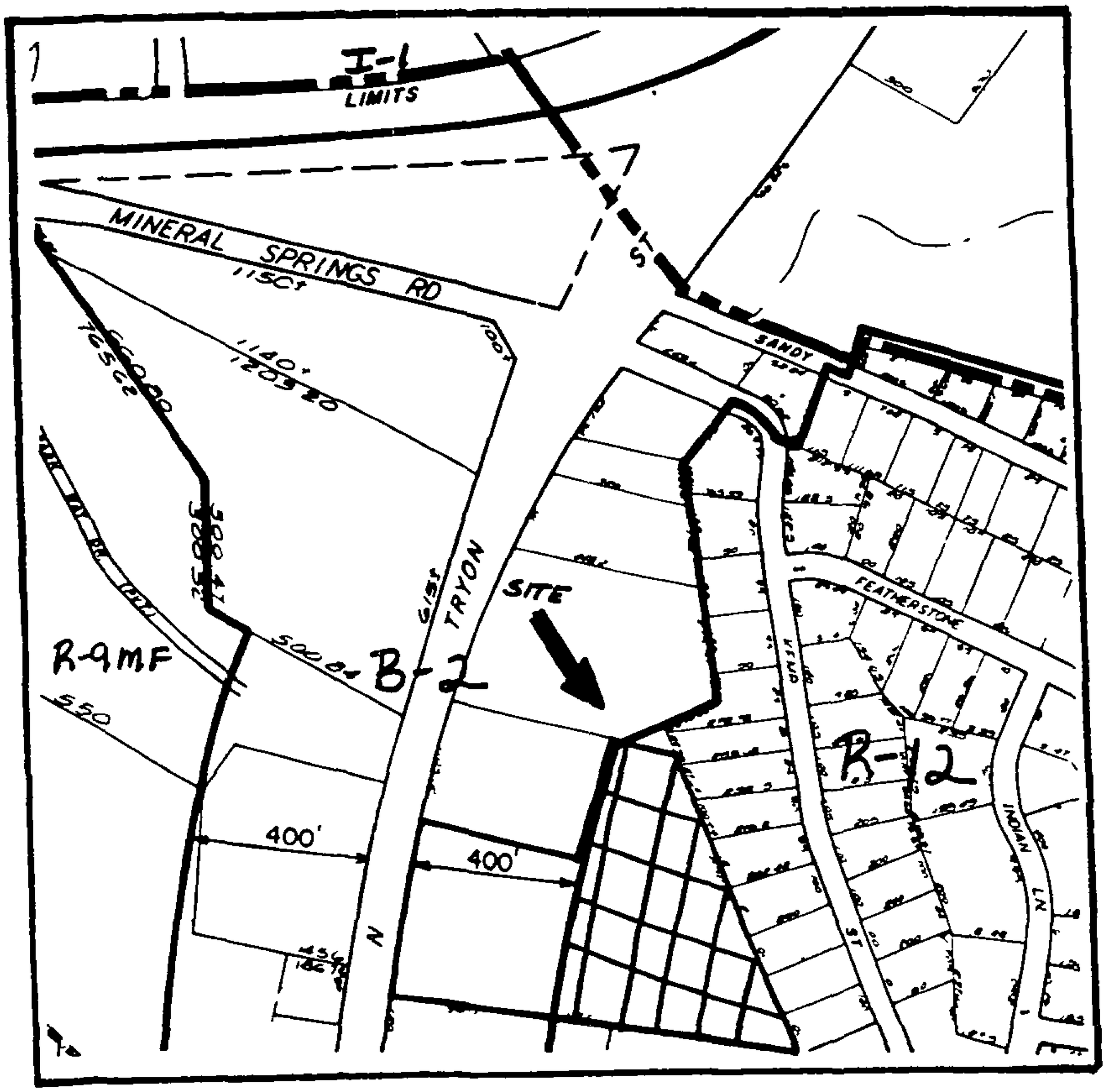
*Subject to further refinement following public hearing

PETITIONER F & J Corporation

PETITION NO. 86-24 HEARING DATE 02/17/86

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

LOCATION A portion of an 11.92 acre site located in the 6600 block of N. Tryon St.



ZONING MAP NO. 71 SCALE 1" = 400'

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 86-24
Date Filed 1-2 86
Received By CL
OFFICE USE ONLY

Ownership Information

Property Owner F & J Corporation

Owner's Address 1300 Reece Road, Unit 305
Charlotte, North Carolina 28209

Date Property Acquired 8/18/81

Deed Reference 4108-779 Tax Parcel Number 049-081-03

Location Of Property (address or description) 6600 Block of North Tryon Street, Charlotte, NC

Description Of Property

Size (Sq. Ft.-Acres) A portion of an 11.92 acre site Street Frontage (ft.) 707.1

Current Land Use Vacant land

Zoning Request

Existing Zoning R-12 Requested Zoning B-2 CD

Purpose of zoning change US Post Office has 7.7 acres of 11.92 acre tract under option The use of the proposed rezoning of the back part of the tract is to park trucks.

Sara Watkins
Name of Agent
9308 University City Blvd., Charlotte, NC
Agent's Address
704-596-4909
lephone Number

F. & J Corporation
Name of Petitioner(s)
1300 Reece Road, Unit 305
Address of Petitioner(s) Charlotte, NC
704-527-8512
Telephone Number
L. Frank Griffin, Pres
Signature

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 86-24

Petitioner	F & J Corporation
Location	A portion of an 11 2 acre site located in the 6600 block of North Tryon Street
Request	Change from R-12 to B-2(CD)

ISSUES·

1 Proposed Use/Site Plan What is the proposed use for the property? How does the area of the conditional zoning relate to the development of the entire tax parcel? What aspects of the proposed rezoning site plan are important to evaluate?

2 North Tryon Objectives How does this proposal relate to overall zoning patterns as well as development objectives for the North Tryon Street corridor?

BACKGROUND

1 Existing Zoning The rezoning site is presently zoned R-12 The site is the rear portion of a larger tax parcel which fronts on North Tryon Street and is currently zoned B-2 The B-2 district generally extends along both sides of North Tryon Street in the immediate vicinity R-12 single family zoning adjoins the site on two sides There is also an area of R-9MF zoning across North Tryon to the rear of the B-2 zoning strip

2 Existing Land Use The rezoning site is vacant Adjoining it is an area of single family development and there are several single family homes which directly abut the rezoning site itself Parcels along North Tryon Street have todate been developed with a mixture of uses including multi-family development, an occasional single family structure as well as a concentration of business and retail uses along and near the Tom Hunter intersection, which is somewhat south of the rezoning site Farther north on Tryon Street the zoning pattern is also non-residential and includes uses that are mostly industrial, warehouse or distribution oriented

3 Site Plan The area lying within the CD site plan involves only parking and circulation for the new location of the Derita Branch of the U S Post Office It should be noted that the bulk of the Post Office development will be located on property which is already zoned B-2 and not the subject of rezoning The rezoning site is merely the rear area where immediate parking and circulation will occur as well as future parking The remainder of the area is to be left unused including a 140 foot minimum undisturbed buffer where the site adjoins single family lots

GENERAL FINDINGS

1 2005 Plan The 2005 Plan indicates this area as one of existing residential development to the east with existing or developing development along Highway 49 and U S 29 Strategies for the area include the widening of I-85 to the northwest as well as the consideration of reinvestment strategies for North Tryon which would implement streetscape plans along the North Tryon corridor

2 North Tryon Corridor Special Project This project will study land use strategies along this corridor as well as to develop streetscape guidelines The project is nearing completion and will soon be discussed by the Planning Commission.

3 N C 49/U S 29 Improvements Staff has identified a problem associated with the convergence of N C 49 and U S 29 Some difficulty is now encountered as motorists weave through this area No plans for improvements have been proposed.

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

5 Neighborhood Context The site lies within the area defined as the Newell community

6 Pre-Hearing Departmental Comments (Ssummary)

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

2 C-DOT Under current zoning this site could generate 430-560 trips per day C-DOT comments on the fact that the rezoning only is to be used as part of a parking lot and that therefore no additional trips are expected to be generated from the site

3 Building Standards Comments related only to parking and screening

4 C-MUD Water is directly available to service this site and sewer is nearby

5 Planning The Planning staff only had minor technical comments to facilitate the administration of the plan

DETAILED FINDINGS·

1 This rezoning involves the rear portion of an 11 2 acre site which fronts on North Tryon Street. The rezoning site is presently zoned R-12 and the petitioner is seeking B-2(CD)

2 The tax parcel in question will be developed as the new site of the Derita Post Office The actual property involved in the rezoning is merely for

additional parking in conjunction with that new use to be located at the rear of the structure. Substantially all of the area in the rezoning, however, will not be used

3 The conditional site plan provides for an unusually large separation between the use and adjoining single family lots The plan indicates that a minimum of 140 feet will be left undisturbed and there is that much distance or more to the actual parking lot itself Therefore, such a separation should not cause any adverse impacts to those adjoining single family lots

4 Obviously the proposed use will introduce a needed service to citizens of the area The Post Office needs a larger facility and the approval of this rezoning will facilitate their needs as well as to service the general public

5 As was mentioned above the bulk of this site is already zoned B-2 on which most of the actual branch and parking will be located The area does lie within a study which is developing streetscape strategies along this corridor Staff has suggested some ideas for landscaping and streetscape appearances along 29 as part of the discussions of this rezoning although that area of the site is not within the rezoning boundaries

6 Overall staff has no problem with the rezoning request It should be pointed out, though, that staff offered the suggestion that since so little of the rezoning site was actually going to be used that perhaps an alternative would be to rezone only that area which is going to be used along with an adequate buffer and leave the remaining property as is However it appears that that is not acceptable to the petitioner In any event the rear of the Post Office is substantially removed from the rear of single family homes which adjoin on Kemp Street and therefore creates no adverse impact Staff would encourage the approval of the request

*Subject to further refinement following public hearing

#3

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No. 85-51

Date Filed June 3, 1985

Received By Kenneth S. Davis

OFFICE USE ONLY

ection No 1102, 3000, 3100, 3300 (Various Sites)

(Title)

urpose of Change

Adopt amendments to define and regulate demolition landfills. This amendment defines on site and off site demolition landfills and prescribes performance and permitting standards for each type.

Charlotte-Mecklenburg Planning Commission

ame of Agent

Name of Petitioner(s)

gent's Address

Address of Petitioner(s)

e phone Number

Telephone Number

Signature

DATE: December 3, 1985

PETITION NO.: 85-51

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Consideration of a text amendment to the Zoning Ordinance to regulate Demolition Landfills

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

VOTE. Yeas: Clodfelter, Emory, Lowery, S. Smith and Wheeler.

Nays. Curry, Griffin, Lawing and M. Smith.

REASONS

The topic of demolition landfills has been of considerable interest in the last several months due in part to increased development activity, but due also to the realization that this type of land use, while essential to the growth of the community, needed to be more closely regualted

At the public hearing on the proposed text amendment in July, concern was raised over the impact that these regulations would have on existing facilities and on the siting of new facilities While recognizing that these uses should be allowed in any district, concerns were expressed that the proposal was to limiting on off-site landfills which may be needed for only a short time In addition, concern was expressed about the limitations that these regulations may impose on certain large land users with their own on-site facilities

The Planning Commission instructed the staff to address these concerns and to develop an alternative which would allow but closely regulate such short-term uses The modified text makes provision for these uses by establishing a number of conditions under which they mav exist still keeping the option for a minor special use permit for a longer term use In addition the text was modified to recognize certain circumstances where an on-site facility could be established in non-residential zoning districts Minor adjustments were also made to the language of the Findings of Fact for the issuance of a minor special use permit for a demolition landfill Lastly, a schedule of amortization for existing facilities is established for properly permitted uses already in existance They must comply with these regulations within one to four years, depending on their size It is felt that these modifications adequately address the concerns expressed at the public hearing and provide a proper framework for the regulation of these uses

The Planning Commission, therefore, recommends that this ordinance, as modified, be approved

Staff Opinion
The staff agreed with the Planning Commission

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 1102 Definitions by adding the following new terms in proper alphabetical order.

   Demolition landfill. A sanitary landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth or other solid wastes meeting the standards of the State of North Carolina. A clean fill operation which is conducted to improve or recontour land using only soil is not construed to be such a landfill

   .1 On-site demolition landfill A demolition landfill which is located within the confines of property being developed or in use, and used only for the disposal of acceptable materials which are generated on the property being developed or used as an accessory use to the development activity.

   2 Off-site demolition landfill. A demolition landfill established as a principal use to receive acceptable materials generated elsewhere than on the site, or any on-site demolition landfill that receives acceptable materials from any location other than the site on which it is located.

2. Amend Section 3003 by adding the following new uses.

   29 Demolition landfill, on site, in accordance with the standards of Section 3140, and off site in accordance with the standards of Section 3141

   30 Demolition landfill as a principal use with a Minor Special Use Permit in accordance with Section 3335

3. Amend Section 3013 by adding the following new uses

   31. Demolition landfill, on site, in accordance with the standards of Section 3140, and off site in accordance with the standards of Section 3141

   32. Demolition landfill as a principal use with a Minor Special Use Permit in accordance with Section 3335

4. Amend Section 3023 by adding the following new uses.

8. Demolition landfill, on site, in accordance with the standards of Section 3140, and off site in accordance with the standards of Section 3141.

9. Demolition landfill as a principal use with a Minor Special Use Permit in accordance with Section 3335.

5. Amend Section 3033 by adding the following new uses.

40. Demolition landfill, on site, in accordance with the standards of Section 3140, and off site in accordance with the standards of Section 3141.

41. Demolition landfill as a principal use with a Minor Special Use Permit in accordance with Section 3335.

6. Amend Section 3043 by adding the following new uses.

27. Demolition landfill, on site, in accordance with the standards of Section 3140, and off site in accordance with the standards of Section 3141.

28 Demolition landfill as a principal use with a Minor Special Use Permit in accordance with Section 3335

7. Amend Section 3063 by adding the following new uses

106 Demolition landfill, on site, in accordance with the standards of Section 3140, and off site in accordance with the standards of Section 3141.

107. Demolition landfill as a principal use with a Minor Special Use Permit in accordance with Section 3335.

8 Amend Section 3073 by adding the following new uses.

26 Demolition landfill, on site, in accordance with the standards of Section 3140, and off site in accordance with the standards of Section 3141

27. Demolition landfill as a principal use with a Minor Special Use Permit in accordance with Section 3335

9. Amend Section 3100 by adding a new Section 3140 as follows.

3140. <u>On Site Demolition Landfill.</u>

On-site demolition landfill is permitted in any district subject to the following provisions

.1 Any on-site demolition landfill must have a permit from and comply with the standards of the Mecklenburg County Environmental Health Department.

.2 Any such landfill may not be operated for more than six months, after which time it must be closed in an approved fashion.

.3 The location of any such landfill must be indicated on any required final subdivision plat. Further, any parcel or lot which contains any part of any such landfill must have notification of the existance and extent of the landfill recorded as part of the deed for the lot or parcel.

.4 Any such landfill must be located away from any exterior property lines a distance equal to at least two times the depth of any excavation for the landfill.

.5 Any on-site demolition landfill which is located in an industrial district is exempt from the six month requirement provided that no portion of the landfill is located within 500 feet of any residentially zoned land.

10. Amend Section 3300 by adding a new Section 3335 as follows.

3141. Off Site Demolition Landfill

An off site Demolition Landfill may be established in any district subject to the following specific conditions.

1 Any off site demolition landfill must have a permit from and comply with the standards of the Mecklenburg County Environmental Health Department and the State of North Carolina

.2 Any such facility may not be operated for a period exceeding 12 months from the time that any activity begins on the site

3 Any such facility must be located away from any exterior property line by a distance equal to two times the depth of the excavation at the point of measurement.

.4 The actual fill area must be located at least 500' from any existing residential structure and at least 300' away from any existing or former demolition landfill site.

.5 Access to the site must not be from a residential local or residential collector street.

6 Access to the site must be controlled and must be closed during hours when filling activities are not under way.

7 Use of the site for any purpose is limited to the hours of 7 00 a m to 6 00 p m Monday through Saturday

.8 The area of the site which is to be actively used to accommodate fill material is limited to 10 acres.

.9 No filling of any type is allowed in any portion of an regulatory flood plain, including both the floodway and the floodway fringe area.

.10 A natural buffer of existing trees at least 100' in depth along the street frontage and at least 75' in depth along all other property lines must be maintained. If trees do not exist within the buffer area, then some form of screening as prescribed in Section 1601 must be provided to protect adjoining properties and the public from the landfill operations.

.11 The operator of the facility is responsible for removing any and all debris, dirt or other materials which may fall from trucks entering or leaving the landfill from the adjoining streets on at least a weekly basis. Failure to comply with this requirement constitutes a violation of this ordinance and may constitute grounds for revocation of the operating permit. This requirement applies within 500' from all entrances to the site.

12 All driveways which serve the site must be wide enough to accommodate two way traffic at all times and an area on the site must be provided to accommodate vehicles entering the site so that no traffic waiting to enter the site will be backed up on any public right-of-way.

.13 A surety bond or irrevocable letter of credit in the amount of $1,000 00 per acre or portion of an acre of the area to be filled must be provided to insure that the facility will be closed out in an approved fashion.

14 A site plan showing how all of the above standards will be met must be submitted to the Charlotte-Mecklenburg Planning Commission staff for review and approval prior to the issuance of a zoning permit for the proposed landfill. The Planning Staff will consult with the Department of Environmental Health to assure that all applicable standards to protect public health, safety, and welfare are met

15 Any and all additional permits which may be required, such as grading permits, must be applied for and secured in accordance with applicable standards.

16 Any demolition landfill which would be larger or operate for a longer period of time than this section permits must secure a Minor Special Use Permit under Section 3335

17 Any demolition landfill which was properly permitted prior to the adoption of this section, but which does not comply with the standards of this section must be brought into compliance with those standards according to the following schedule

Size of area presently permitted	Compliance required within this time after adoption
0-10 acres	1 year
over 10 acres	2 years
over 20 acres	3 years
over 30 acres	4 years

The process for the issuance of a minor special use permit must be completed, not simply begun, prior to the expiration of the time period listed above.

11. Amend Section 3300 by adding a new Section 3335 as follows.

3335. Off-Site Demolition Landfill

3335.1. Special Use Requirements. Off-site demolition landfills may be established as a minor special use within any district subject to the pertinent provisions of this ordinance. Additional property shall not be acquired to extend the life of a specific site initially approved under these provisions.

3335.2. Application. Applications for a minor special use permit for demolition landfills must be submitted and reviewed in accordance with Section 3300. In addition, the following information must be provided.

.1 The method(s) of landfilling proposed.

.2 The method(s) proposed to control vectors.

3335.3. Findings. As a prerequisite to approval of an application for this minor special use, the Special Use Permit Board must find that the evidence presented at the hearing establishes.

.1 That the landfill will secure and maintain a permit from and comply with the standards of the Mecklenburg County Environmental Health Department during the time that it is in operation

.2 That there is a plan for the reclaimation of the property upon the cessation of landfilling activities

.3 That the siting and design of the proposed use are in compliance with the "Siting and Design Requirements for Disposal Sites of the North Carolina Solid Waste Management Rules" in effect at the time of the review of the application (presently 10 NCAC 10G.0503).

.4 That the proposed use of the site complies with all of the site and location standards for off-site demolition landfills found in Section 3141 except for the 10 acre and 1 year requirements.

.5 That the proposed use will not endanger the public health or safety

3335.4. Zoning Map Designation. Following Special Use Permit Board approval of a minor special use permit application, the property for which approval was granted will be labeled "S.U.P. 3335" on the Official Zoning Map.

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

#4

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

January 31, 1986

Mayor Harvey Gantt
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members

Attached are recommendations of the Charlotte-Mecklenburg Planning Commission on petitions for rezoning which have been heard and referred to the Planning Commission for consideration The recommendations as reflected herein were arrived at in a meeting of the Planning Commission on January 23, 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 February 10, 1986 This will then permit these matters to be placed on your agenda for consideration on Feburary 17, 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: January 23, 1986

PETITION NO.: 85-64

PETITIONER(S). Nalley, Garrett and Grey

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

LOCATION: A 5 4 acre site located east of Delta Road and south of Lawyers Road

ACTION The Planning Commission recommends that the petition be approved

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

Nays Lewis

(Commissioner Wheeler abstained from voting)

REASONS

ISSUES

1 New Site Plan Versus Existing Site Plan How does the site plan in this case relate to the existing site plan now approved for this property?

2 Recent Rezoning Petition How does the request in this case relate to a recently proposed site plan amendment petition for property immediately adjoining this site?

BACKGROUND

1 Existing Zoning The property involved in this petition is currently zoned B-1SCD B-1SCD zoning is also located immediately south of the site as well as across the street on Delta Road. Generaly speaking, B-2 zoning exists at the Delta Road and Albemarle Road intersection and extends somewhat easterly from that intersection 0-15 zoning adjoins the easterly side of the site and other areas of 0-15 zoning are located along both sides of Albemarle Road west of the Delta Road intersection. One tract of land zoned B-D(CD) is also on Delta Road north of Albemarle Road. Otherwise, the residential zoning pattern reflects various multi-family districts nearby.

2 Existing Land Use The rezoning site is presently developed with a Food Lion grocery store and Revco Drug Store Property to the south is vacant To the east is a small medical office complex Across Delta Road from the site is a restaurant and roller skating rink as well as other commercial uses generally at the Albemarle and Delta Road intersection Various institutional uses are in the vicinity which include churches, day care

centers, and schools. Multi-family development in the form of several apartment and condominimum projects are also generally associated with the immediate vicinity.

3. Proposed Site Plan. The proposed site plan for this property outlines a retail complex which totals a maximum building area of 52,665 square feet. An existing building on the site totals 29,970 and an addition to it represents another 13,770 square feet. A new building, which is to be located near Delta Road, will comprise some 8,925 square feet Access to the center will come by way of one driveway from Delta Road and two driveways off Lawyers Road A curb shall be established along the southerly border of the site which will physically separate it from a planned new shopping facility

4 Existing Site Plan An existing site plan for this site as well as for other land immediately south is approved for a shopping center totalling 103,000 square feet

5 Recent Petition A recent petition has been heard at public hearing and recommended for approval by the Planning Commission for a tract of land south of the rezoning site That plan proposed a B-1SCD plan amendment, also In effect, the existing B-1SCD plan is being divided because two separate tax parcels have been created and therefore two separate B-1SCD plans are now being proposed

GENERAL FINDINGS

1 Comprehensive Plan 1995 (Adopted 1976) The plan indicates commercial development at the immediate vicinity of Delta Road and Albemarle Road as well as residential development at an overall density of 10-20 dwelling units per acre in this vicinity This plan is being updated at the present time

2 Albemarle Road Small Area Plan This site is located just outside the study area of the Albemarle Road Small Area Plan This plan concludes with a look beyond the study area It is recommended a study be conducted to identify both housing and employment options for this area.

3. Newell-Hickory Grove/Delta Road Widening This project would widen Newell-Hickory Grove Road between Albemarle Road and the Plaza to a multi-lane facility The Harris Boulevard East Extension would connect with this project This project would improve traffic flow and accessibility to the northeast Charlotte area and would complete a portion of a multi-lane circumferential facility from I-77 to U S. 74.

4 Pre-Hearing Staff Input Staff had no prehearing meetings with regard to the application in this case Staff was made aware that an application would be pending as a result of discussions involving a petition by Mr Jesse Waller on property immediately adjoining this one (That petition has been approved)

5. Neighborhood Context This site is located within the area generally known as the Albemarle Road neighborhood.

DETAILED FINDINGS:

1. This petition involves a tract of land which is currently zoned B-1SCD. The site is approximately 5½ acres in size and the petitioner is seeking a site plan amendment.

2 The property is located with frontage on Delta Road and Lawyers Road. This immediate vicinity is devoted to business purposes, both B-2 and B-1SCD are located at the intersection

3 It should be noted that a tract of land immediately south of the rezoning site has recently been approved for a B-1SCD site plan amendment, also

4 As a result of that plan change, the plan change in this case has been submitted An existing B-1SCD for the two tracts will be supplanted by the recently approved plan as well as this plan Two separate tax parcels have been created and thus the necessity to replace one overall plan with two new plans

5 Staff in this case has no problem with the amendment as proposed for the most part There is already an existing grocery store and drug store for this site and that building is being planned for an expansion The plan also includes one new building to be located near Delta Road Thus, for the most part, the existing commercial usage already here is being accommodated by way of some new expansion

6 The matter has been deferred for some time to allow the petitioner to make some additional changes to the plan which are needed both from a design perspective as well as from the view of planned improvements to Delta Road

7 Planning Commission had hoped to secure a right-of-way dedication along Delta Road The petitioner does show a reservation and dedication is possible in the future if the tenants and the mortgage holder can agree to such a dedication Also, Planning Commission wanted to provide for a vehicular connection between the two shopping centers, earlier plans had precluded that. Once again a connection is possible if the two centers agree to that Both of these conditions are "iffy", but represent an effort by the petitioner to respond

8 Planning Commission was willing to accept these responses as the best the petitioner could offer They realized it was a better plan and since some retail already exists denying the petitioner would make little sense

9 Based upon the above circumstances, Planning Commission recommends approval of the petition This approval, along with the one to the south, now means that this long standing B-1SCD can now be finished and built out in accordance with two new updated plans

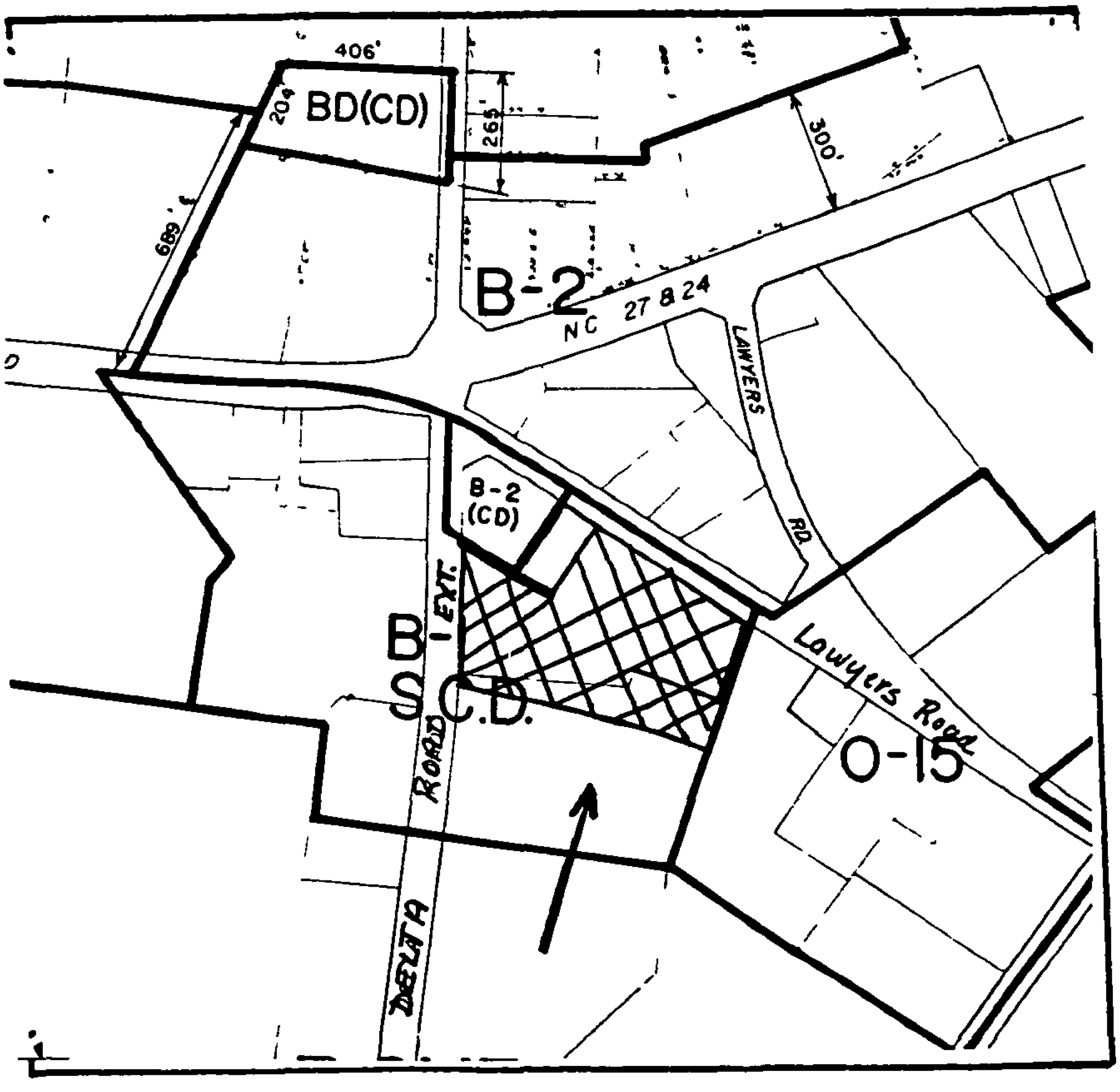
Staff Opinion
The staff agreed with Planning Commission

PETITIONER Nalley, Garrett and Gray

PETITION NO. 85-64 HEARING DATE September 16, 1985

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

LOCATION A 5.4 acre site located east of Delta Road and south of Lawyers Road.



ZONING MAP NO. 114 SCALE 1" = 400'

DATE: January 23, 1986

PETITION NO.. 85-83

PETITIONER(S)· Sturnbridge Homeowners Association

REQUEST. Change from O-15 to R-15MF.

LOCATION· A 39 acre site on Carmel Road nest to the Sturnbridge Subdivision, 1/4 mile north of Highway 51

ACTION The Planning Commission deferred action for 30 days pending additional study and receipt of information from the property owner

DATE: January 23, 1986

PETITION NO.: 85-87

PETITIONER(S): Jessie E. Oxendine

REQUEST· Change from R-12MF to O-15

LOCATION A 2 24 acre site south of the Sardis Road North, Monroe Road intersection

ACTION The Planning Commission deferred action for 30 days in order for the petitioner to continue work on a proposed site plan

DATE: January 23, 1986

PETITION NO.. 85-89

PETITIONER(S): P E.A for Marriott Corp.

REQUEST· Change from R-15 to B-1(CD).

LOCATION· A 5.6 acre site on the north side of Fairview Road just east of the Sharon Road intersection

ACTION The Planning Commission recommends that the petition be denied

VOTE Yeas Clodfelter, Griffin, Lewis, Lowery, M Smith, S Smith and Wheeler

Nays Curry and Emory

REASONS

ISSUES·

1 SouthPark Policy Study Would the request in this case conform to the 1978 SouthPark Study which was adopted to provide land use and zoning guidelines in the area?

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

3 Traffic What traffic considerations are important to keep in mind for the area in general and as it relates to traffic which would be generated from this site?

4 Future Development Potential for the Area What likely future development proposals will be forthcoming? How would such proposals bear on the merit of the petition in this case?

BACKGROUND

1 Existing Zoning The site involved in this petition is currently zoned R-15 The R-15 classification generally extends to the north and east of the site and is also found directly across Fairview from the property, also A portion of the westerly boundary of the site adjoins an 0-6(CD) tract of land Property which is generally oriented to the Fairview Road and Sharon Road intersection is zoned for non-residential purposes. The zoning classifications at the intersection include 0-6 and B-1 as well as a large area of B-1SCD There are also multi-family classifications in the vicinity which include an R-20MF area on the south side of Fairview

just to the east of the site and an R-15MF(CD) tract of land south of Fairview Road off of Savings Place.

2 Existing Land Use The subject property is vacant. A large area located generally to the northeast of the site between Fairview and Sharon Road is also vacant whereas most of the immediate vicinity is quite intensely developed. Apartment projects are located along the southerly side of Fairview just to the east of the site while office condominiums adjoin the property to the west A small portion of the site also adjoins single family development which fronts on Coltsgate Road Several gasoline service stations are at the Sharon Road/Fairview Road intersection along with banks and a fast food restaurant. The Sharon Shopping Center is nearby and of course there is the SouthPark Shopping Mall. A large concentration of office development is located to the west of the rezoning site on Fairview Road across from SouthPark Mall

3 Site Plan The conditional site plan proposes a hotel for the site. The number of rooms will be 146 with a total building area of 78,660 square feet. The hotel is arranged in a courtyard fashion with the guest room wings being three stories in height. The site has frontage on Fairview Road but will gain access by way of a private drive off of Fairview Road.

GENERAL FINDINGS

1 Comprehensive Plan 1995 (Adopted 1976) The plan indicates a variety of uses in the vicinity of the petition including residential densities at 0-6 dwelling units per acre and 10-20 dwelling units per acre along with a regional shopping center and other commercial uses. This plan is being replaced by the 2005 Plan

2 SouthPark Policy Study. This report was adopted in 1978 and proposed land use and zoning policies for the SouthPark area The site is included in this study and proposes residential development of the property in this case.

3 Carmel/Fairview Road Intersection Improvements. This project will provide dual left turn lanes off Fairview onto Carmel Carmel would be widened and restriped to provide two southbound lanes and the second lane would be dropped as a turn lane on Sharon View Road.

4 Fairview Road Improvements This project will widen Fairview between Park Road and Barkley Downs Drive to provide an unbalanced six lane section comprised of three eastbound, two westbound and a sixth lane for turns

5 Pre-Hearing Staff Input Staff met with the petitioner to discuss the matter prior to the submission of the application, but did not encourage the application. Staff also advised the petitioner and provided advice and technical resources regarding the application and the district which is being requested

6 Neighborhood Context The site is located in the Foxcroft neighborhood and several calls regarding the petition have been received

DETAILED FINDINGS:

1 The property involved in this petition is located on Fairview Road just east of the Sharon Road intersection. The property is 5.6 acres in size and the current zoning is R-15. The petitioner is seeking B-1(CD).

2 The proposed use for the site is a Marriott Hotel which would utilize a courtyard type design. (For further details refer to Background #3)

3. The site is generally located in the area of the SouthPark Mall, which is rather intensely developed Concern for the rapid development of this area prompted a study in 1978 which was adopted that provided for development guidelines for the area That study stressed that strip commercial zoning along Fairview Road (which at that time had just recently been opened) was contrary to public needs for the area The site in question was included in the study and was recommended for residential development It is believed that certainly that part of the SouthPark study involved in the specific site here is still quite valid

4 It should be noted that that policy has already been violated once with the approval of an O-6(CD) classification to the west of the site which provided for the development of The Colony on Fairview office condominiums However other zoning decisions affecting the study have been generally adheared to, including a recent denial of an office rezoning across Fairview Road from this site

5 One technical note regarding the rezoning application should be observed Although hotel development is permitted in office districts the setback and yard requirements are quite stringent when adjoining residential areas and that is the case here Therefore the petitioner was forced to apply for a B-1 classification with an associated site plan instead B-1 standards are not as restrictive

6 Obviously from a zoning point of view the request for business zoning here is illogical The business zoning for the area is located to the west at the Sharon/Fairview intersection and then begins a transition of office zoning Though the reasons for the business request were stated above it is nonetheless an ill advised move to once again begin the creation of business zoning here which might very well spur other similar requests to extend along Fairview Road Other vacant land is located across Fairview as well and approval of this petition could very well influence development there with more non-residential zoning Clearly this is not advised

7. The Charlotte Department of Transportation is also concerned about the request The Fairview Road and Sharon Road intersection is severely congested at morning and afternoon peak hours. The approval of this petition will compound that problem Further, a median opening was created in 1984 along Fairview which would service both sides of the street It was intended that a private drive which now exists along this site would eventually be upgraded to public street standards to provide access to adjoining undeveloped property The site plan in this case does not provide for that type of improvement to the private drive

8. An analysis in this case would be incomplete without some mention of the large land holdings of the Harris family. Approximately 100± acres are vacant which lies between Sharon Road and Fairview Road. Although the 1978 SouthPark Study recognized only residential development for the 100± acres which are yet to be developed, it is anticipated that at some time in the future some form of a mixed use type of development which would include office, perhaps some retail and various forms of housing will be proposed for that property Obviously such a project of that magnitude will have development impacts which will have to be carefully addressed

9 The only positive thing that Planning Commission had to say about the proposal is that it was a good use and probably needed in the area, but was definitely in the wrong location

10 In summary, when first advised of this request staff was quick to point out to the petitioner that such a request would not be received favorably The application was filed anyway and for the reasons cited above staff and Planning Commission are very much concerned and opposed to the request. It is therefore recommended that this petition be denied by the Planning Commission

Minority Opinion
The minority opinion expressed the viewpoint that this was the best use for the property

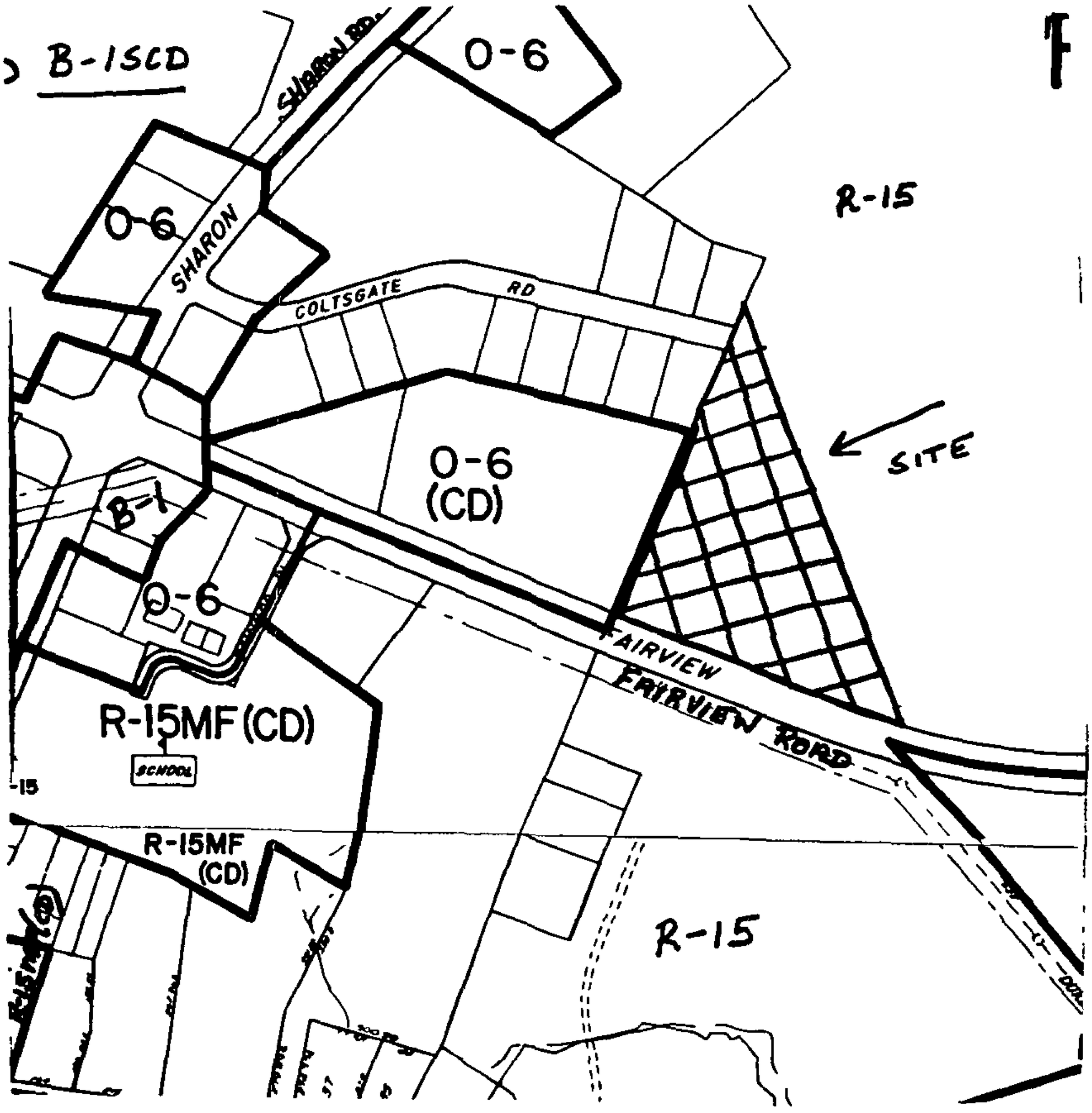
Staff Opinion
The staff agree with Planning Commission

PETITIONER P.E.A. for Marriott Corp.

PETITION NO. 85-89 HEARING DATE December 16, 1985

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

LOCATION A 5.696 acre site on the north side of Fairview Road, east of Sharon Road.



ZONING MAP NO. 135 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: January 23, 1986

PETITION NO.: 86-1

PETITIONER(S): Zoy A. Kokenes

REQUEST: Change from R-6MF to 0-6.

LOCATION A 18 acre site located at 604 Hawthorne Lane.

ACTION The Planning Commission recommends that the petition be denied

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

Nays Lewis

(Commissioner Lowery was not present when vote was taken)

REASONS

ISSUES

1 Land Use/Zoning Patterns How does this request relate to existing as well as anticipated zoning and land use patterns for this area?

2 Elizabeth Neighborhood/Plan How does the proposal to rezone the property relate to the Elizabeth neighborhood as well as to guidelines contained in the Elizabeth Plan?

BACKGROUND

1 Existing Zoning The rezoning site is presently zoned R-6MF and is bounded on the sides and the rear by the same district Much of the area south of Independence Boulevard is zoned either R-6MF or R-6 Along Independence Boulevard itself is mostly business zoning in the form of B-1 though there is some I-2 and one lot zoned B-2(CD) at the Hawthorne and Independence Boulevard intersection Directly across Hawthorne Lane from the site is one lot which is zoned 0-6

2 Existing Land Use The property involved in this request presently has a residential structure on it Much of the area is devoted to residential development Land usage along Independence Boulevard, however, is made up of commmercial and service uses for the most part One tract of land across Hawthorne Lane is used for office purposes and the Hawthorne Lane United Methodist Church is also nearby

GENERAL FINDINGS

1. 2005 Plan. The land use map indicates the site is located in an existing residential area with existing employment areas to the north and west. The strategies map for 2005 indicated that the site is located at the edge of a development enterprise area. The site is also close to a proposed light rail station and light rail corridor.

2. Elizabeth Plan. The property involved in the petition is located in an area where a proposed historic district is indicated.

3 Transportation Improvement Plan (U.S. 74 Freeway/Expressway/Busway) This project proposes a six lane freeway from I-277 to Briarcreek Road and an eight lane expressway from Briarcreek to Albemarle Road. This includes a two-way busway for the entire length of the project

4 Hawthorne Lane Improvement Study. This study will look at improvements for Hawthorne Lane from Central Avenue to Fourth Street

5 Pre-Hearing Staff Input. Staff provided advice and guidance regarding application requirements, bud did not encourage the petition

6 Neighborhood Context. The site is located within the Elizabeth neighborhood

7. Pre-Hearing Departmental Comments (Summary) Departments which normally provide written comments on rezoning petitions did not do so on this case since it is not conditional in nature

DETAILED FINDINGS

1 The property involved in this request is a small parcel of land which fronts on Hawthorne Lane just south of Independence Boulevard The property is zoned R-6MF and the petitioner is seeking O-6

2 The site is currently occupied with a residential structure Except for the immediate intersection of Hawthorne and Independence the remaining Hawthorne Lane frontage to East Seventh Street is devoted to residential and institutional usage Other streets in the vicinity are also part of the Elizabeth neighborhood and developed with various forms of housing types There is one parcel of land across from the site which has been converted to office usage.

3 The Elizabeth neighborhood has been the focus of a recently adopted plan That plan envisions the area within the site as a key one in terms of neighborhood preservation by proposing an historic district for the area

4 Rezoning the site to the proposed use will remove valuable housing stock from the market Such housing stock is vital to the maintenance of the neighborhood integrity.

5. Rezoning the property also is not consistent with existing or anticipated zoning and land use patterns. Clearly it is vital to retain the Elizabeth neighborhood and the residential zoning associated with it. Changes to non-residential classifications are not anticipated. It is also important to deny the rezoning in order to preclude any other potential rezoning applications which might follow.

6 Finally, it is especially critical to preserve and protect this edge of Elizabeth as the improvements to Independence Boulevard draw nearer. There will be pressures on the neighborhood as Independence Boulevard is upgraded, but still there is no need to change the zoning as is proposed here

7 Based upon the above circumstances, the petition is not encouraged for approval by the Planning Commission It runs contrary to publicly adopted plans for the area, which involved extensive amounts of time on the part of the neighborhood and the public sector

Minority Opinion
The minority opinion expressed the viewpoint that the case represented a hardship

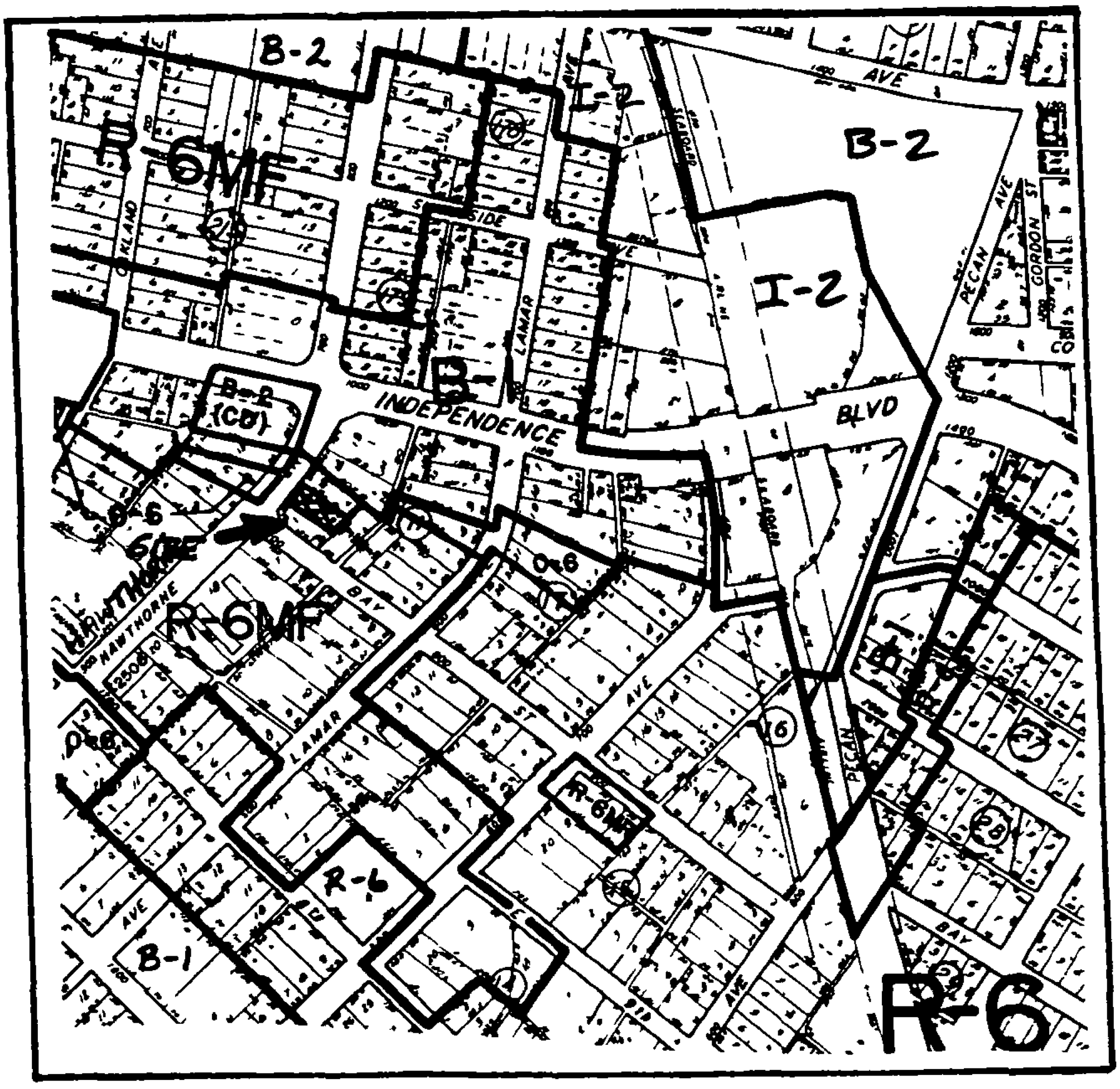
Staff Opinion
The staff agreed with Planning Commission.

PETITIONER Zoy A. Kokenes

PETITION NO. 86-1 HEARING DATE 01/21/86

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

LOCATION A .18 acre site located at 604 Hawthorne Lane



ZONING MAP NO. 101 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: January 23, 1986

PETITION NO.: 86-2

PETITIONER(S): Carolina Conference Association

REQUEST: Change from B-1(CD) to B-1(CD) Site Plan Amendment.

LOCATION A 4 acre site at 6000 Conference Drive

ACTION The Planning Commission recommends that the petition be denied

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

Nays None

(Commissioner Lowery was not present when vote was taken)

REASONS

ISSUES

1 Site Plan Amendment Is the request to amend this site plan consistent with the original goals and objectives of the B-1(CD) as it was originally envisioned and changed?

BACKGROUND

1 Existing Zoning The property involved in this request is presently zoned B-1(CD) A strip of land which adjoins the rear of the site is zoned O-15 and there is also an area of O-6 zoning which extends along the southerly side of Margaret Wallace Road from the site to Independence Boulevard. Both sides of Indepencence Boulevard in the vicinity are zoned B-2 Across Conference Drive from the site and extending northward along Monroe Road is an area of R-9MF zoning Generally the remaining zoning pattern in the area south of the site reflects the R-12 classification.

2 Existing Land Use The rezoning site is presently the Carolina's headquarters for the Seventh Day Adventist Church East Mecklenburg High School is across Monroe Road from the property and there is also a church across Margaret Wallace Road from the site Some office development has recently occurred to the rear of the site and then the remaining property towards Indepencence Boulevard is used for general business and retail usage Apartment development is located across Conference Drive and extends northerly along the easterly side of Monroe Road to Rama Road There is also another apartment complex nearby on the south side of Margaret Wallace Road Otherwise the residential development pattern in the area is devoted to single family residences

3. Conditional Site Plan. The conditional site plan proposes to amend the existing B-1(CD) site plan by the addition of a new building on the property. The building would house the retail sales of religious literature, religious records, tapes and visual aids, and the retail sale of health food items.

GENERAL FINDINGS

1. 2005 Plan The 2005 land use plan indicates that the area is one of both existing residential development as well as existing employment 2005 strategies include road improvements such as the widening of Indepencence Boulevard and Monroe Road and the extension of water lines along with a proposed light rail corridor

2 Monroe Road Widening This project would widen Monroe Road between Old Post Road and Village Lake to four lanes with left turn lanes at major intersections

3 Rama Road Widening This project would widen Rama Road to four lanes between Sardis and Idlewild

4 Pre-Hearing Staff Input Staff provided guidance and advice regarding the submission of the application Staff indicated that a plan amendment was necessary and would require a public hearing

5 Neighborhood Context The site is located in the areas known as East Mecklenburg and Parkview East

6 Pre-Hearing Departmental Comments (Summary)

1 Engineering Department The Engineering Department indicates that no additional right-of-way is required, however there are plans for intersection improvements at Conference and Monroe Road and any such street improvements accomplished as part of that should be evaluated and made a part of this rezoning

2 Fire Department The Fire Department indicates that the proposed retail sales building location exceeds the maximum permitted distance to a fire hydrant The Fire Department indicates that either a new city or private fire hydrant should be installed to achieve compliance.

3 C-DOT Comments from the Charlotte Department of Transportation were unavailable

4 Building Standards Building Standards made no comments except to indicate that plans should be double checked with Engineering as far as street improvements as well as to insure compliance with the screening ordinance

5 Planning The Planning staff indicated serveral technical comments regarding the proposed square footage of the new building, parking requirements, information dealing with signage, etc

DETAILED FINDINGS:

1. The property involved in this request is located at the intersection of Conference Drive and Monroe Road. The property is presently zoned B-1(CD) and the petitioner is seeking a site plan amendment to that existing approved conditional plan.

2. The petitioner is seeking the amendment in order to relocate on the site the sale of religious literature, religious records and tapes, sale of health food items, etc A new building is planned, which will free up more office space in the existing building on the site

3 This site was rezoned from an office classification to B-1(CD) in April of 1984 At that time Planning staff expressed concern about that rezoning and the fact that the potential existed for the increase of activity here and the potential for other similar rezoning requests The Planning Commission recommended approval of the request and the application was approved by the City Council Staff still maintains concern about business development of this property, even though it is a specialized form of retail sales The site in terms of the overall development pattern is not one which is suitable for intensification of zoning or the development activity for the property

4 The rezoning in 1984 came about due to some illegal sales of religious material that had been ongoing for some time Having had those sale activities legitimatized through zoning the petitioner is attempting to intensify the activity on this site by amending the plan

5 As far as the plan amendment is concerned, Planning Commission is not in favor Planning Commission recalled that the petitioner was seeking help before to relieve their zoning problems and that, in effect, if the 1984 rezoning were granted then no more proposals would be forthcoming Obviously, just the opposite has happened

6 Planning Commission now believes that still further activity may occur leading to a point where the retail is no longer accessory to the site, but becomes the principal activity. Planning Commission does not believe this to be a suitable retail site

7 It should be noted that C-DOT re-calculated their trip generation data and does not believe there will be a significant change as far as traffic to the site is concerned (Relocation to a separate building might create more visibility and, thus, a few more trips, however)

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

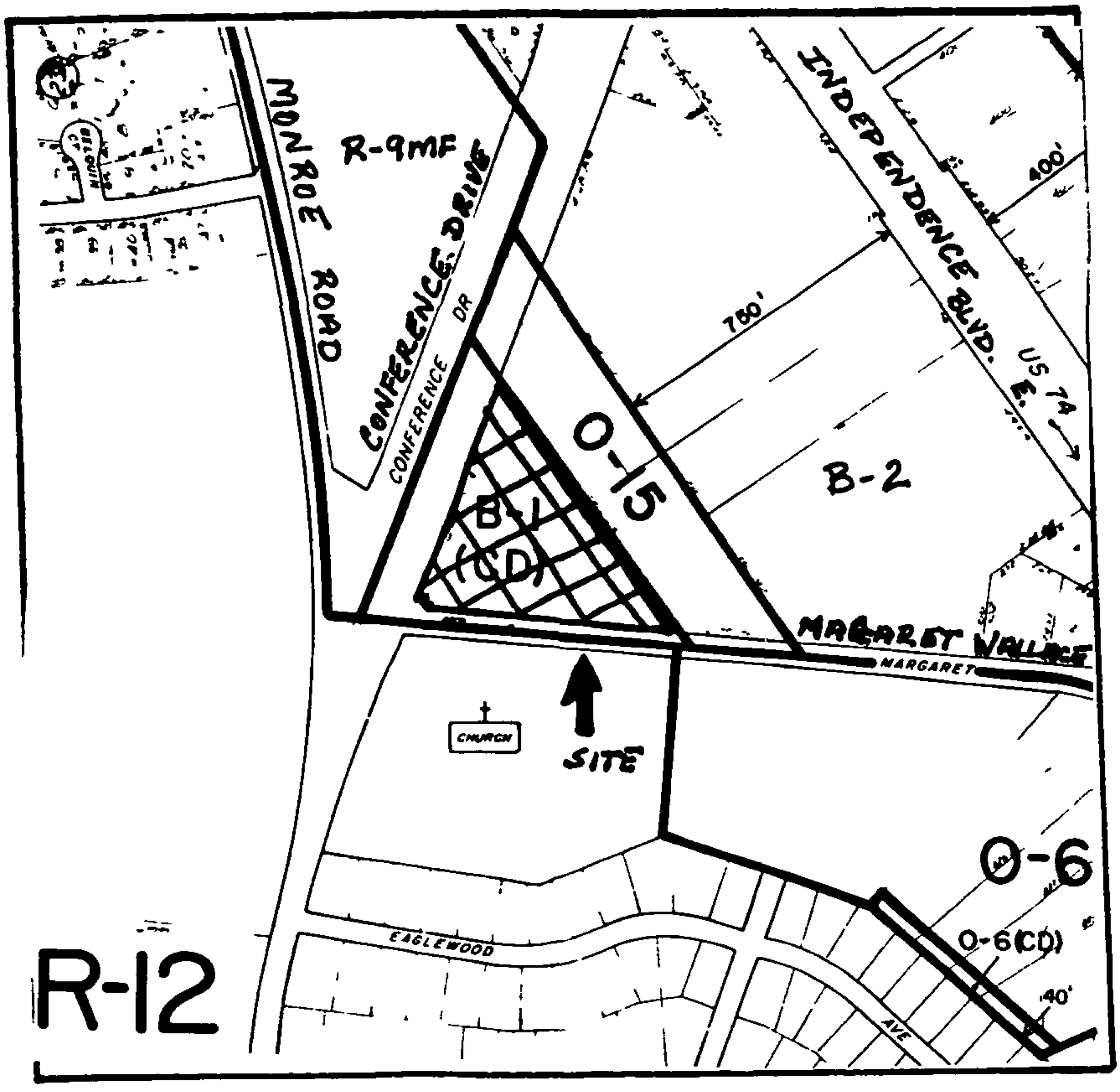
Staff Opinion
The staff agreed with Planning Commission

PETITIONER Carolina Conference Assoc.

PETITION NO. 86-2 HEARING DATE 01/21/86

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

LOCATION A 4 acre site at 6000 Conference Drive



ZONING MAP NO. 123 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: January 23, 1986

PETITION NO.: 86-3

PETITIONER(S): Daly Seven, Inc.

REQUEST: Change from O-6 to B-1.

LOCATION: A 1.95 acre site at 305 Archdale Drive.

ACTION The Planning Commission recommends that the petition be denied

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

Nays None

(Commissioner Lowery was not present when vote was taken)

REASONS

ISSUES

1 Zoning/Land Use Pattern Is it reasonable to rezone this property as requested based upon existing zoning and land use patterns, expecially in light of the fact that the property is already developed with a motel?

2 Development Potential of Lot if Rezoned Though the property is developed with a motel, some portions of the site near Archdale Drive are somewhat undeveloped Would rezoning the property to B-1 invite development here or in the area in general?

3. Signs What would the zoning change allow by way of a larger sign?

BACKGROUND

1 Existing Zoning The property involved in the petition is currently zoned O-6 The property immediately adjoining the site to the north is likewise zoned whereas land across Archdale from the property is generally zoned O-15 One exception to this is a small tract at the intersection of High Meadow Lane and Archdale which is zoned B-1 South of the site extending to the intersection of Archdale and I-77 property is zoned B-1 and there is also B-2 zoning in the vicinity of Nations Ford and I-77

2 Existing Land Use The subject property is developed with a motel Across the street is a convenience store Another motel adjoins the property and there is also a Shoney's restaurant on Archdale at I-77 Office development extends along both sides of Archdale immediately north

of the property and there is also a concentration of multi-family development in the area including the Treetop condominium project. Other motels are located in association with the Nations Ford and I-77 interchange including one which is in the early stages of construction.

GENERAL FINDINGS

1 2005 Plan. The land use map indicates the location of this site as being in an area of existing residential with areas to the west being that of existing employment. Community commercial centers are located to the northeast Strategies for the area indicate the widening of Arrowood Road to provide better access to employment areas

2 Thoroughfare Plan The Thoroughfare Plan indicates the extension of Archdale to Nations Ford Road north of I-77

3 I-77/Arrowood Road Interchange Improvement This project consists of the upgrading of this interchange

4 Pre-Hearing Staff Input Staff provided advice and guidance with the submission of the application

5 Neighborhood Context The site is located in the Montclair South neighborhood

6. Pre-Hearing Departmental Comments (Summary)

1 No comments from normally reporting departments were received due to the fact that the petition is not conditional in nature

DETAILED FINDINGS

1 The property involved in this petition is currently zoned O-6 and the petitioner is seeking B-1 The property is located along Archdale Drive near the interchange with Nations Ford Road and I-77

2 The petitioner states that the purpose of the rezoning is to combine all of the petitioner's property here under one single zoning classification

3 The rezoning site has on it at the present time a motel, which is permitted in an office district

4 Although a motel is developed there does appear to be some additional space near the front portions of the site which could possibly support some additional development.

5. This immediate area is one which is plagued by traffic congestion due to not only the development pattern, but also because of the unusual configuration of the Archdale/Nations Ford/I-77 intersection

6. Rezoning the property would only tend to intensify the development potential which in turn could create additional traffic

7. It is not believed that the petitioner's reason is a valid enough one to support the rezoning. Further, there is still yet to be developed property in the immediate vicinity and such an approval could be a signal or precedent that other business zoning at this interchange is feasible, when in fact that is strongly advised against Consider the fact that at public hearing a representative of the owner of vacant property across the street appeared to speak in favor of the rezoning

8. It should be noted that just over two years ago this same property was the subject of a similar rezoning when the property was vacant. That request was also denied and the property has subsequently been built upon A reasonable use of the property has been derived under the existing zoning and there is no need to intensify it

9 Finally, the petitioner at public hearing spoke of the need to rezone the site solely to allow for a larger identification sign Again that is not a justifiable reason to support the rezoning In fact a recent petition nearby at Nations Ford and Greenwood Drive for a motel and restaurant enployed restrictive sign conditions because of concern about the proliferation of signs in the area The petitioners knew of the sign restrictions when the property was purchased (No other relief is available except rezoning to allow for an increase in signage)

10 Based upon the above circumstances, the petition is not recommended for approval by the Planning Commission

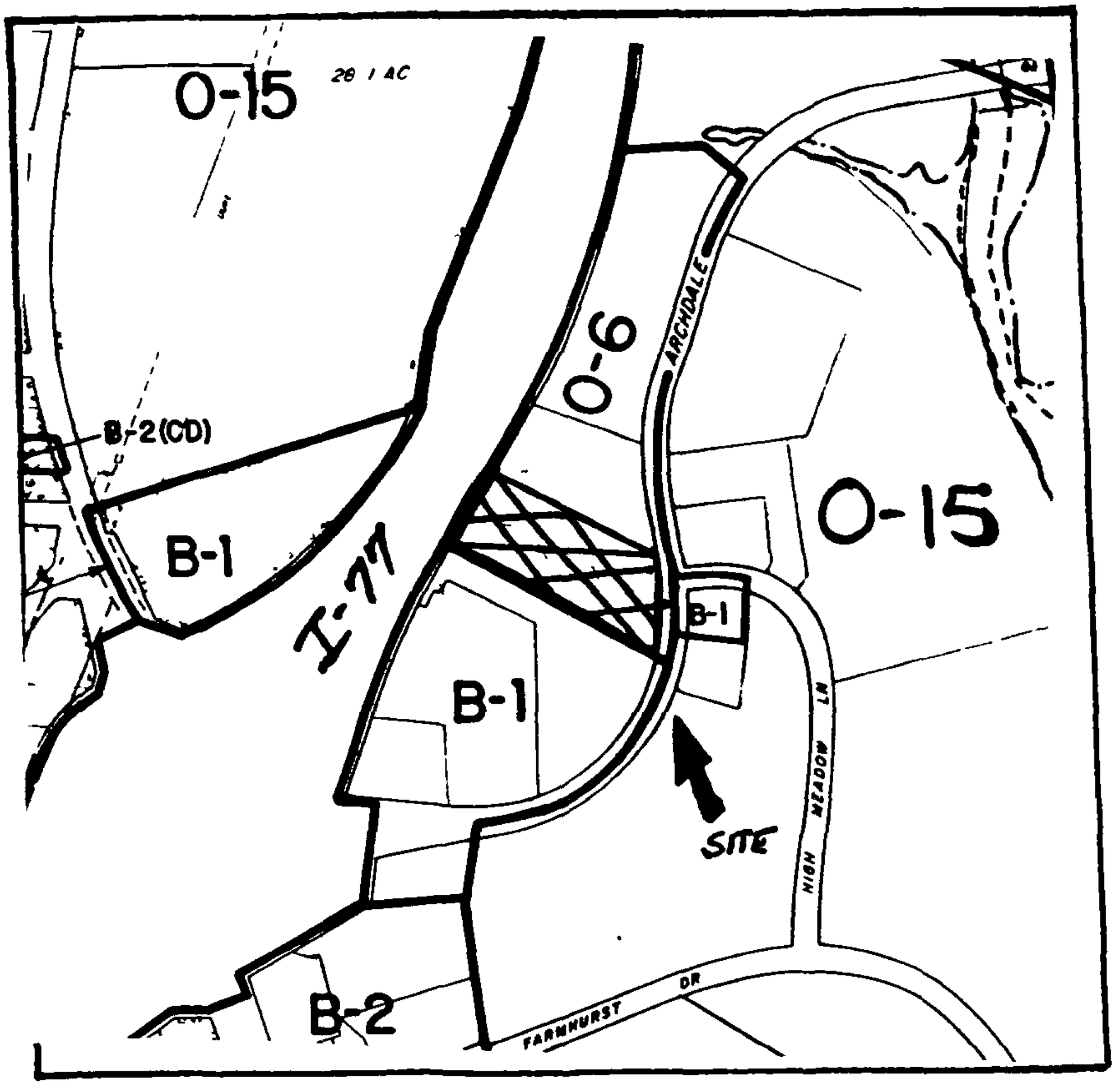
<u>Staff Opinion</u>
The staff agreed with Planning Commission

PETITIONER Daly Seven, Inc.

PETITION NO. 86-3 HEARING DATE 01/21/86

ZONING CLASSIFICATION, EXISTING O-6 REQUESTED B-1

LOCATION A 1.95 acre site at 305 Archdale Drive



ZONING MAP NO. 134 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: January 23, 1986

PETITION NO.: 86-4

PETITIONER(S): Richard Atkinson

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

LOCATION: A .69 acre site located on Sharon Amity Road between Buena Vista Avenue and Unaka Avenue.

ACTION The Planning Commission recommends that the petition be denied.

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

Nays Griffin

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

REASONS

ISSUES

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

2 Zoning/Land Use Pattern How does this rezoning relate to existing as well as anticipated zoning and land use patterns for this thoroughfare?

3 Future Effect If this petition were to be approved, what potential effect on zoning and land use decisions might it have?

BACKGROUND.

1 Existing Zoning The rezoning property is presently zoned R-9 It is surrounded on three sides by the same zoning and this R-9 pattern extends throughout the general vicinity along minor residential streets Across Sharon Amity from the property is an area of R-6 zoning as well as some O-6 zoning which extends in the direction of Independence Boulevard. Near Independence Boulevard the zoning pattern changes to B-2 along both sides of that major thoroughfare There is also an area of R-9MF zoning beginning just south of the rezoning site.

2. Existing Land Use. The rezoning site is vacant A single family residence adjoins the property on the north side and other single family residences are located in the area, both those which front on Sharon Amity extending towards Independence Boulevard as well as those which are located on minor

residential streets. Two sides of the rezoning site adjoin a small apartment project. Across the street from the property is a small church and an office condominium project. An extensive amount of major retail and other service oriented uses are located along Independence Boulevard. There is also other apartment development just south of the property on Sharon Amity.

3. Conditional Site Plan. The conditional site plan proposes an office development One office building is proposed which would contain 6,000 square feet. One driveway entrance to Sharon Amity is shown. Screening around the perimeter of the site to conform to ordinance requirements is also shown. The proposed building will be two stories in height The building will also observe the minimum 20 foot setback from a new Sharon Amity Road right-of-way which is proposed (An additional 20 foot of right-of-way)

GENERAL FINDINGS

1 2005 Plan The land use map indicates the site is located within an existing residential setting along with employment areas adjacent to Independence Boulevard and Monroe Road Community commercial centers are located east and west of the site along Independence Boulevard Strategies contained in the 2005 Plan propose the widening of Independence Boulevard and Monroe Road, extension of water lines and proposed light rail corridors with areas of concentrated development and stations southwest of the site

2 Independence Boulevard Improvements. This project would upgrade Independence Boulevard to six lanes from I-277 to Briarcreek Road and eight lanes from Briarcreek to Albermarle Road.

3. Pre-Hearing Staff Input Staff provided guidance and advice regarding the submission of the application, but in general did not encourage it

4. Neighborhood Context The property is located in the Amity Gardens neighborhood

5. Pre-Hearing Departmental Comments (Summary).

1. C-DOT. The Charlotte Department of Transportation comments were unavailable as of the preparation of this material

2 Engineering The Engineering Department indicated that an additional 20 feet of right-of-way should be dedicated. Other than that comment normal Engineering requirements would be required

3 Building Standards Building Standards provided no comments except to say that additional screening beyond what was shown on the site plan would be required That screening is necessary in the front of the building

4. Fire Department. The Fire Department indicated that the location of the proposed office building exceeds the maximum permitted distance to a fire hydrant. Either a city owned and maintained fire hydrant or a privately owned fire hydrant will be needed to be installed to achieve compliance. The Fire Department suggested that a note be added to the plan with regard to the fire hydrant installation.

5. Utility Department. Water and sewer are available to service the property

6 Planning No comments except to question a designated one-way entrance as well as to insure proper screening around the perimeter

DETAILED FINDINGS

1 The property involved in this petition involves two parcels of land with frontage on Sharon Amity Road Current zoning on this property is R-9 and the petitioner is seeking O-6(CD)

2 The petitioner is seeking to develop the property with an office building (For further details refer to Background #3)

3 The property is surrounded on three sides by residential zoning and residential uses Three tax parcels separate the rezoning site from the nearest office zoning on the same side of Sharon Amity Road Thus the approval of this rezoning would establish an area of office zoning which is separated from other office zoning and set up the very real possibility that the lots in between would be subject to rezoning pressures

4 Such changes as referenced just above would not be in the best interest of the area The rezoning involved in this case as well as any others would only serve to increase traffic along this busy thoroughfare as well as remove valuable housing stock

5 It should be noted that the property does not qualify for storm water detention methods Storm water run-off problems in the area were cited at public hearing. C-DOT also reviewed with staff their comment relating to the fact that approval of the petition would have minimal traffic effect since the Sharon Amity/Independence intersection already functions at Level of Service "F" By that they simply meant that so many cars are currently traveling through and turning through the intersection that the increase here is insignificant Were the intersection operating at "B" or "C" then the circumstances (far fewer cars) would be different and probably result in a different response

6 Sharon Amity is a thoroughfare which often receives inquiries by staff concerning rezoning potential Staff has always discouraged such requests fearing the potential that the approval of any one would lead to others With so many requests staff believes that is a very real possiblility and the approval of any one could spur on others who have previously been discouraged

7. Although the current zoning is R-9 and the property is vacant some mention should be made of the likelihood of the property actually developing for single family purposes It is staff's belief that it is somewhat remote that new single family detached residences would be constructed on this thoroughfare, but does believe that some form of residential which would include in all likelihood some kind of multi-family development can be an appropriate use for this vacant piece of property. Such residential usage would continue to foster the residential environment.

8. Based upon the above circumstances, the petition is recommended for denial by the Planning Commission

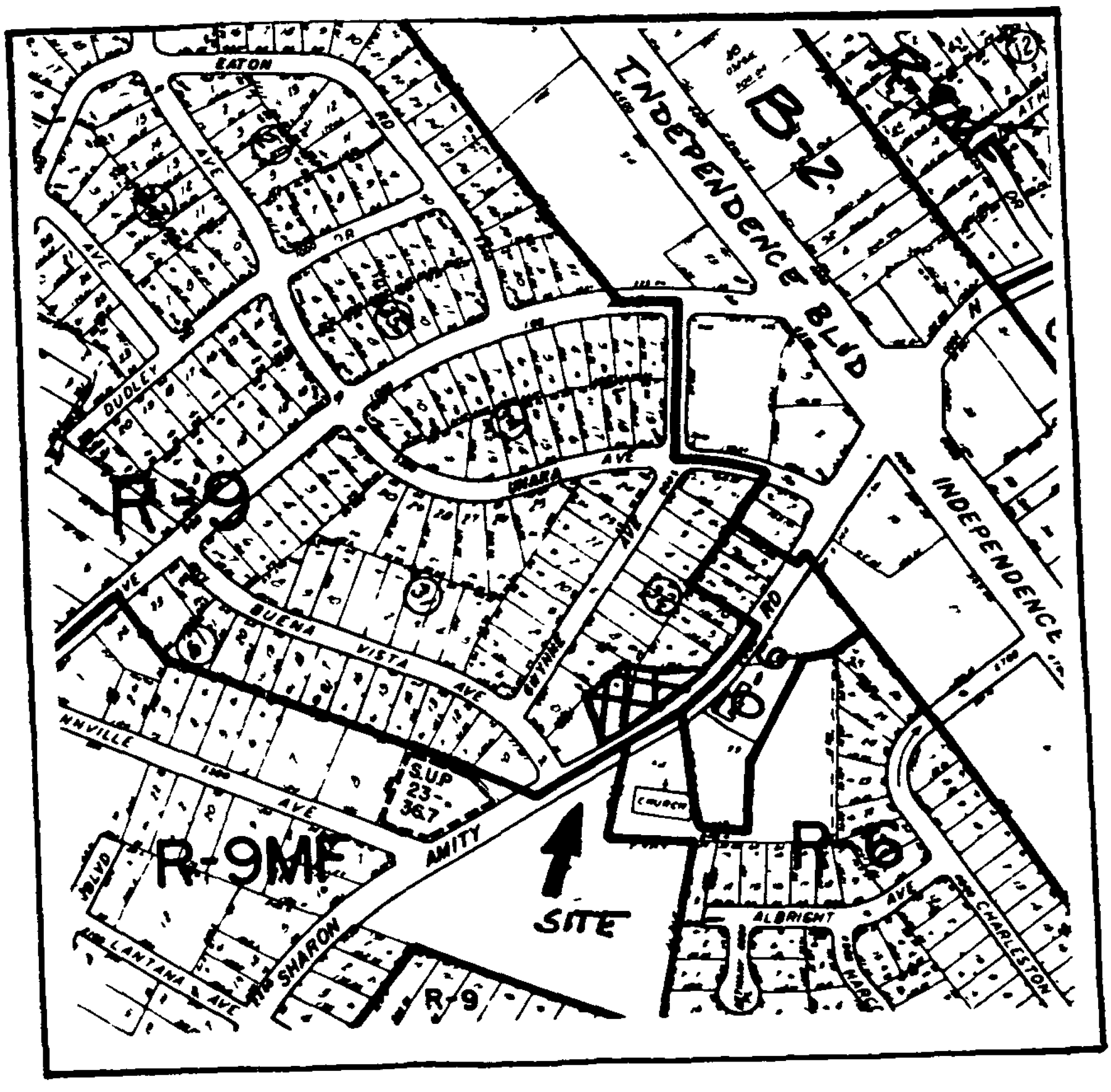
Staff Opinion
The staff agreed with Planning Commission

PETITIONER Richard Atkinson

PETITION NO. 86-4 HEARING DATE 01/21/86

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

LOCATION A .69 acre site located on Sharon Amity Rd. adjacent to 2501 Sharon Amity Rd.



ZONING MAP NO. 113 SCALE 1" = 400'

DATE: January 23, 1986

PETITION NO.: 86-6

PETITIONER(S): Martin Development Group

REQUEST: Change from R-15 to R-20MF.

LOCATION: An 11.3 acre site along the southerly side of Sharon View Road between McAlpine Creek and Old Providence Road

ACTION The Planning Commission recommends that the petition be approved

VOTE Yeas: Clodfelter, Curry, Emory, Griffin, M Smith and Wheeler

Nays Lewis

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

REASONS

ISSUES

1. Innovative Housing/Site Plan. What aspects of the conditional site plan are important to evaluate, especially in light of the fact that the request involves an innovative housing project?

2 Project Relationship to Neighborhood How does the project as proposed relate to adjoining land uses as well as to the overall neighborhood development pattern?

BACKGROUND:

1 Existing Zoning. The property involved in this petition is presently zoned R-15 The R-15 district is generally the residential classification throughout the general vicinity There is, however, an R-20MF district which adjoins the site along the westerly edge There is also one small area zoned R-12 across Sharon View Road from the property Finally, there is an area of R-PUD zoning which extends between Old Providence Road and Providence Road along McAlpine Creek.

2 Existing Land Use. The property involved is presently developed with two single family homes Single family residential development is the predominant land use characteristic of the area The Old Providence Racquet and Swim Club adjoins one side of the property to the south whereas the Sharon View Townhouses are located across McAlpine Creek from the property One small new subdivision is under construction across Sharon View Road from the townhouse project and other subdivision activity is occurring along Sharon View Road.

3. Site Plan. The conditional site plan proposes a small lot single family detached subdivision which will utilize the innovative development provisions allowed under the R-20MF district. A total of 34 units will be constructed at an overall density of 3 units per acre. A new public street will provide access to the units from Sharon View Road. The plan also includes typical building elevations. The individual lots in this project will have a minimum of 5,000 square feet and the houses will have a minimum five foot front yard setback, 15 foot rear yard and a zero side yard on one side and a five foot side yard on the other side In any event the buildings shall have a minimum separation of 14 feet.

GENERAL FINDINGS

1 2005 Plan. The land use map indicates existing residential in the area with the site adjoining a major recreation and open space facility 2005 Plan strategies for the area will promote planned residential growth in the area as well as the widening and construction of key roads such as Highway 51 and the Southern Outer Belt

2. Pre-Hearing Staff Input Staff met with the petitioner prior to the submission of the application and discussed the feasibility of this project and the rezoning Staff provided input as to what would be expected in light of the innovative development request and indicated that the proposal appeared to have merit so long as the site plan was judged to be acceptable

3 Neighborhood Context The site lies within the area generally defined as the Carmel and Carmel-Providence neighborhoods

4. Pre-Hearing Departmental Comments (Summary).

1 Building Standards Building Standards did not provide their normal review since the project is innovative in nature and does not have minimum standards upon which projects would normally be reviewed under

2 Engineering Department The Engineering Department indicates that an additional five feet of right-of-way should be dedicated along Sharon View Road It was also noted that a sign cannot be placed in the median of a public street as proposed under this plan

3 Fire Department The Fire Department indicated that the main entrance is of insufficient width to accommodate convenient access for fire apparatus The Fire Department also expressed concerns about on-street parking as well as the location of fire hydrants which would be in association with this project.

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

5 Planning The Planning staff had no comments with regard to the site plan. Staff review of it found the plan and design elements to be acceptable

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

DETAILED FINDINGS:

1. The property involved in this petition is comprised of two parcels of land which total 11.3 acres in size. The site has frontage on Sharon View Road between McAlpine Creek and the intersection of Old Providence Road. Current zoning is R-15 and the petitioner is seeking R-20MF.

2 In seeking the rezoning the petitioner has filed a conditional plan The project proposes single family development, but will utilize the innovative development provisions as contained under R-20MF (For further details regarding the site plan refer to Background #3)

3 The form of housing proposed in this case is one which has now been utilized on a number of different occasions It is anticipated that this type of development will become more standard and routine and is likely to be incorporated into updated zoning ordinance provisions such that it is no longer considered "innovative"

4 The zoning and land use requested here is compatible with the neighborhood The type of housing is single family, which is also the representative form of housing for the area It is important to note, however, that a townhouse for sale project is directly across McAlpine Creek from this property and the zoning requested for that is R-20MF also

5 The density for the project envisioned here is only three units per acre That combined with the relationship to McAlpine Creek on one side, the Old Providence Racquet and Swim Club on the remaining side and an adequate relationship to Sharon View Road make the proposal to locate the cluster homes here a very reasonable one.

6 A comment at public hearing regarding the Fire Department's concerns were followed-up by staff With changes to the plan, per their comments, Fire no longer has concerns about access and street entrance design

7 Based upon the above circumstances, the rezoning is recommended for approval. The housing form is representative of the type that is generally throughout the area The relationship to adjoining properties is acceptable and the site plan elements are also considered acceptable

Minority Opinion
The minority opinion expressed the viewpoint that approval of the plan was in conflict to a stated goal in the 2005 Plan which discourages development of floodplain areas (Seven of thirty-four proposed homes would utilize flood-plain land)

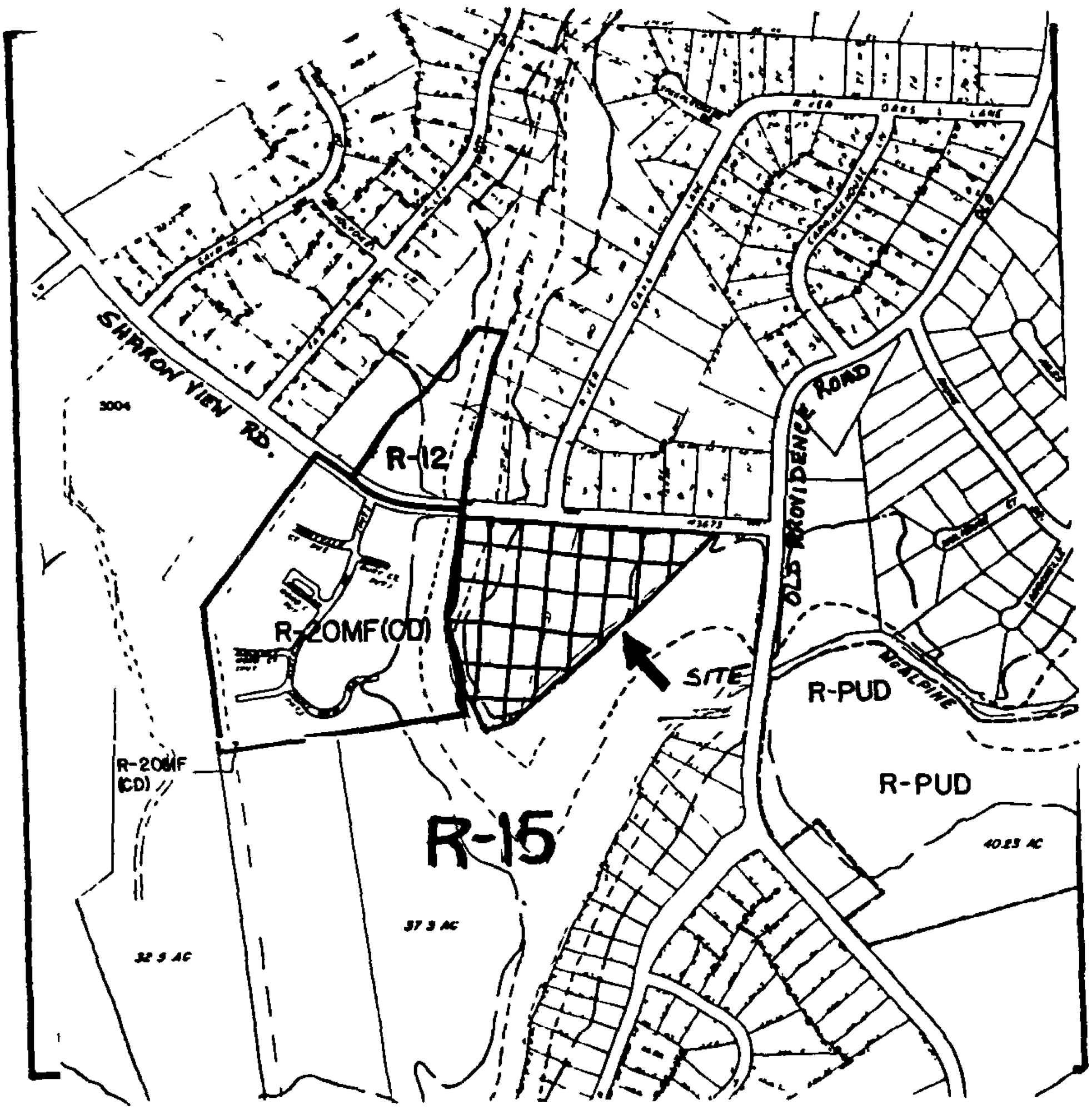
Staff Opinion
The staff agreed with Planning Commission.

PETITIONER Martin Development Group

PETITION NO. 86-6 HEARING DATE 01/21/86

ZONING CLASSIFICATION, EXISTING R-15 REQUESTED R-20MF(CD)

LOCATION A 11.379 acre site at 5828 and 5900 Sharon View Rd.



ZONING MAP NO. 146 SCALE 1" = ~~400'~~

PROPERTY PROPOSED FOR CHANGE map has been reduced

DATE: January 23, 1986

PETITION NO.: 86-9

PETITIONER(S). Charlotte-Mecklenburg Planning Commission

REQUEST Consideration of a text amendment to the City of Charlotte Zoning Ordinance, including but not limited to amendments of Sections 3101 1 and 3101 10 to clarify administrative approval authority for planned multi-family developments.

ACTION The Planning Commission deferred action until their February 10 meeting

DATE: January 23, 1986

PETITION NO.: SUB 86-1

PETITIONER(S). Charlotte-Mecklenburg Planning Commission

REQUEST Consideration of a text amendment to the City of Charlotte Subdivision Ordinance, including but not limited to amendments of Sections 20-3, 20-9 and 20-11 to clarify administrative approval authority for subdivisions

ACTION The Planning Commission deferred action until their February 10 meeting